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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

SENATE—Friday, July 30, 2010

The Senate met at 10 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who gives life to the world, who breathed Your spirit into humanity, infuse the Members of this body with the spirit of Your wisdom. May this wisdom lead them to serve others with an awareness of their accountability to You. Help them to make it their primary goal to please You, using their talents for the good of others.

Lord, be with those Senators who are experiencing ill health. Enable them to feel Your healing touch. May Your goodness and mercy follow us all the days of our lives.

We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 30, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to a period of morning business. Senators will be permitted to speak for up to 10 minutes each.

There will be no rollcall votes during today's session. The next vote will occur Monday evening.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AIRLINE SAFETY AND FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. DORGAN. Mr. President, soon I am going to ask unanimous consent that the Senate proceed to the consideration of H.R. 5900. First, I want to make a couple of comments.

H.R. 5900 is a piece of legislation sent to us by the House of Representatives that will extend for 2 months the FAA

reauthorization act. I regret that we have another extension. It is extension after extension after extension. It is so symbolic of the way this place works these days.

The reason there is an urgency to get the FAA reauthorization act done is that it includes so many significant issues that deal with the safety of the air traveling public, with the airport improvement funds, with substantial investments in air traffic control modernization—a wide range of issues that are very important. Despite the fact that everybody understands the urgency, the FAA reauthorization bill is stuck in the morass of difficulties that now afflict the Senate and House these days. It is very difficult to get anything done.

The question will be, Will we now—extending this for 2 more months—at the end of this year adjourn sine die once again without having approved an FAA reauthorization bill?

The Europeans are moving very aggressively on air traffic control modernization. I have met with Europeans on these issues. We should be doing the same, and yet it is held hostage by not passing an FAA reauthorization bill.

The issue of safety is another very important issue. I have held hearing after hearing on the issue of safety. The question is, Do we have one standard of safety on airplanes these days as between major carriers and regional carriers? When you step onto an airplane that is 32-passenger or 50-passenger—a regional carrier—do you have the same level of safety as is applied with respect to the crew, the training, and all the other issues as exists with the major carriers? The law requires that; FAA requires that.

Does it exist? Well, we explored in great detail the crash of Colgan Air. We saw, with respect to Colgan Air, one flight on one night—one tragic night—where 45 passengers got on a Bombardier Dash 8 at La Guardia to fly to Buffalo, NY. Flying through the ice that evening, they had their wings iced up and they went into a dive and crashed, killing all of the passengers on board—a flight attendant, two pilots, and one person on the ground as well.

When we dissected what happened that evening, it was unbelievable. It may be that this is one circumstance that has occurred only in that situation—I doubt it. Neither pilot had slept in a bed the night before. One traveled across the United States from Seattle, WA, to Newark, just to reach her duty station to go to work. Think of that, traveling all night because it is your commute to your job, from Seattle to Newark, and then getting in an airplane and flying. That was the copilot who flew the right seat—a person who, a report said, was paid \$20,000 or \$22,000 a year and had to have a second job to make ends meet, and who previously lived with her parents because of the low salaries paid to pilots on commuter airlines.

The pilot in the left seat had not slept the night before either. Evidence was that he was only in the crew lounge where there are no beds. He commuted from Florida, I believe—one of the Florida cities—to Newark to his work station.

It is also the case that, as we looked at the transcript of the cockpit recording, we found all kinds of very difficult circumstances that existed—a discussion by the copilot that she had very little training flying in icing. This is someone in a cockpit flying a commercial airline saying: I have had very little experience flying in icing. We took a look at the records of the pilot and discovered that the pilot had failed, on multiple occasions, some key exams, and sufficient so that had the airline known, they said: “We would not have hired that pilot had we known of those failures.” Except the pilot’s records were not transparent to the airlines. And the list goes on. It is about the training regime, stick shakers, stick pushers in the cockpit dealing with the circumstances that evening.

The question is: Was this an isolated incident or have we learned something that ought to be very concerning to all of us about safety in the skies? We included a number of recommendations in the FAA reauthorization bill dealing with safety. Some of those recommendations have been sent to us by the House of Representatives today in the 2-month extension. We will go ahead and adopt those and they will become law.

It does not represent all of the safety issues we have included in the Senate FAA reauthorization bill. It represents significant and important safety recommendations. It deals with FAA pilot records database and access to that database, the number of hours that are required for a pilot getting in a cockpit—1,500 hours as opposed to the 250 hours. The 1,500 represents what is required by the ATP, and that standard is applied in the House bill and also in the discussions we have had leading up to this point with the House negotiators.

We include issues such as the pilot training issues, safety inspectors, flight crew member mentoring, development, and leadership—a range of things that are very important.

The FAA is also involved separately on issues dealing with fatigue. They are not at this point, I believe, dealing with commuting, but I think commuting is an issue and has to be dealt with.

The point is that the FAA reauthorization bill is not now going to be passed. We will pass a 60-day extension to the end of September. The extension will include the safety provisions I have just described.

I want to mention as well the families of the victims of the Colgan air crash who, in my judgment, need to receive a lot of credit for pushing these issues and making certain that those loved ones they lost in that crash—I guess whose memory they labor in to try to make these kinds of changes and push the Congress to do what is necessary to improve safety. I believe the families have done very substantial work and very important work.

At every hearing I have held on the issue of safety, those family members have been present. They wear on their lapels and on their suit jackets photographs of their loved ones. They are doing that because they want to make sure this does not happen again. My heart goes out to them. I also say thanks to them for doing the kind of work they have done to make sure these issues do not fall by the wayside.

Let me make one final point. We have now from the period of perhaps 3 or 4 weeks in September and then a few weeks in a lame-duck session to get the FAA reauthorization bill done, and if it does not get done, then we will have once again failed. I am pretty familiar with that kind of failure. I have watched time and time again.

Without being disrespectful to any of my colleagues, I know there are a number of issues that are of concern and of controversy. They deal with the issue of the perimeter rule at Washington National Airport—DC National—and also the slot provisions at DC National. There are differences of opinion in this Chamber. I believe we must resolve them. Those issues are not that significant. There has been discussion of 16 conversions that would not result in additional flights out of DC National. It is not a case of somebody saying: Let’s have more flights.

I hope that all of those who are involved in this discussion will find a way to reach a compromise. This place does not work without compromise. If we have a dozen people digging in their heels telling us the way to resolve this issue is my way and if you do not like my way, I do not intend to do anything to allow anybody else to get anything, then this place does not work.

Frankly, we are close to not working very well. In the first instance, last

evening we had another cloture vote. I know the majority leader felt strongly we probably would have the opportunity to get that vote. It is symbolic, I guess, of this Chamber these days. All year long, we have had votes on motions to proceed on noncontroversial bills—cloture votes that require a cloture motion to be filed and then wait for 2 days and then have a cloture vote on a motion to proceed to a noncontroversial issue. Then in addition to being required to file a cloture motion to shut off debate on something noncontroversial, once we get cloture with an overwhelming number of votes, we have to wait 30 hours to take action. That is not legislating. That is stalling. That is obstruction. We have seen way too much of it in this Chamber.

At any rate, I feel of two minds at the moment. No. 1, I am very disappointed that we have to have another extension. It is over and over again, nothing much changes, extend, extend, extend, rather than do the kind of legislating we should do. We will do this extension to the end of September on the FAA reauthorization bill. It relates to safety in the skies. It relates to jobs. It relates to investment in airport infrastructure in America. It relates to air traffic control modernization—all of those important issues, all of them again put on hold for another couple of months.

That is a profound disappointment, as far as I am concerned. Even as disappointed as I am about that, let me say the safety provisions that we will now proceed to enact, sent to us in the bill by the House of Representatives, are a significant step forward. I am pleased we are going to be able to do at the minimum this amount of work. More will be done even on safety when the Senate bill, if the Senate bill, is ever able to be passed in the Senate and become law.

Having said that, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5900, the Airline Safety and Federal Aviation Administration Extension Act of 2010, received from the House and is now at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5900) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. MCCASKILL. Mr. President, I rise today to speak on the extension of the Federal Aviation Administration authorization, which includes a number of critical policy reforms that will make our skies safer for millions of Americans and their families.

On the evening of February 12, 2009, Continental flight 3407, operated by Colgan Air, departed from Newark International Airport for Buffalo, NY. The 45 passengers and five crewmembers were just miles from the Buffalo airport when a series of events resulted in the death of all aboard as well as a father on the ground whose home was the unfortunate final resting place of flight 3407.

Over this last year and a half, I have gotten to know many of the families of the victims. They are a constant presence here in Washington, DC, working to improve safety conditions so that others are spared the same loss they have had to endure.

Sitting in my office last spring, as the NTSB began to release information on the crash, I discussed with the families the tremendous value of their advocacy. For decades the system has been slow to change and in the mean time innocent lives have been lost. We discussed the possibility of seizing on this very legislation as a vehicle for change—to bring accountability and transparency to the system—to strengthen the training requirements and push forward to achieving—not just “one level of safety”—but a “higher level of safety.”

As I speak to you today many of those family members are with us here in Washington. It is because of their tireless efforts—their unwavering pursuit for justice—that we are in a position today to take some of the most significant steps in improving the safety of the nation's aviation system in years.

The measures we are considering in this extension are the result of bipartisan efforts in both the Senate and the House yielding a number of provisions that I have worked to advance—and that aim to bring increased oversight and accountability to the system that force the FAA to respond to the growing concerns over crewmember fatigue and commuting—that strengthen the training requirements for our commercial pilots to ensure that those who are trusted with the lives of so many have the critical experience needed to safely operate an aircraft and respond accordingly in the event of an emergency.

I want to recognize my colleagues, Chairman DORGAN and Chairman ROCKEFELLER, who have been working around the clock on trying to bring the FAA reauthorization bill to the floor. We still have work to do, and I look forward to joining them after the summer work period to see the larger legislative package, which is long overdue, sent to President's desk.

It is my sincere hope, that these good people who have suffered such sorrow at the loss of mothers and fathers, sisters and brothers, sons and daughters, husbands, wives that they can return home, their heads held high, knowing that they turned their loss into action,

and that their efforts might spare others the same pain that they themselves have endured.

I thank the families for their strength. I thank them for their steadfast advocacy. The American people owe them a debt of gratitude for the work they have done over these many months.

Mr. DORGAN. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating to the measure be printed in the RECORD, without further intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 5900) was ordered to a third reading, was read the third time, and passed.

Mr. DORGAN. Mr. President, let me finally say that while I have mixed feelings about having done this—one regret and the other a strong feeling of accomplishment on the safety issues—I intend to come back to the floor in September, and if we have not made progress to resolve the FAA bill—I do not shout very much, but I said yesterday I have had a bellyful of this sort of thing—I am going to come to the floor and act very unlike a Lutheran Norwegian. You can count on that.

THE CALENDAR

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the following postal-naming bills en bloc: Calendar Nos. 489, 490, and 491—S. 3567, H.R. 5278, and H.R. 5395.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc; that the motions to reconsider be laid upon the table en bloc, with no intervening action or debate; and that any statements relating to the bills be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NAVY CORPSMAN JEFFREY L. WIENER POST OFFICE BUILDING

The bill (S. 3567) to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the “Navy Corpsman Jeffrey L. Wiener Post Office Building”, was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAVY CORPSMAN JEFFREY L. WIENER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, shall be known and designated as the “Navy Corpsman Jeffrey L. Wiener Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Navy Corpsman Jeffrey L. Wiener Post Office Building”.

PRESIDENT RONALD W. REAGAN POST OFFICE BUILDING

The bill (H.R. 5278) to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the “President Ronald W. Reagan Post Office Building,” was ordered to a third reading, read the third time, and passed.

PAULA HAWKINS POST OFFICE BUILDING

The bill (H.R. 5395) to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the “Paula Hawkins Post Office Building,” was ordered to a third reading, read the third time, and passed.

NATIONAL INFANT MORTALITY AWARENESS MONTH

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 602, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will read the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 602) expressing support for the goals and ideals of National Infant Mortality Awareness Month 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. Mr. President, I rise today to discuss a resolution I have submitted supporting the goals and ideals of National Infant Mortality Awareness Month. I am joined by my colleague from North Carolina, Senator BURR, in drawing attention to this important health issue.

Infant mortality is an important indicator of the health of a nation, and since 2000, the infant mortality rate in the United States has remained stagnant, generating concern among researchers and policymakers. The United States ranks 29th among industrialized countries in the rate of infant mortality, with 6.8 deaths per 1,000 live births in 2007, according to the National Center for Health Statistics.

The primary reason for the United States' higher infant mortality rate is the higher percentage of preterm births, that is, babies born before 37

weeks of gestation. In 2004, one in eight infants born in the United States was preterm, compared with one in 18 in Ireland and Finland. Among reported European countries, only Austria has a comparable preterm birth rate; the other countries, including England, Sweden, and France, have far lower rates. Preterm infants have much higher rates of death or disability than infants born at full term. In fact, if the United States had the same gestational age distribution of births as Sweden, with fewer preterm births, the U.S. infant mortality rate would decrease by about 30 percent. These data from the National Center for Health Statistics suggest that preterm birth prevention is crucial to lowering the U.S. infant mortality rate.

The rate of preterm births in the United States rose by one-third between 1984 and 2006, and in 2004, the National Center for Health Statistics reported that 36.5 percent of all infant deaths in the U.S. were related to premature birth. This accounts for 12.5 percent of babies born in the United States. In addition to contributing to a higher infant mortality rate, this high rate of premature births constitutes a public health concern that costs society more than \$26 billion a year, according to a 2006 Institute of Medicine report.

There are indications that the situation is improving. Following a long period of steady increase, the U.S. preterm birth rate declined for the second straight year in 2008 to 12.3 percent, from 12.8 percent in 2006, marking the first two-year decline in the preterm birth rate in nearly three decades.

We have seen similar trends in my own state of Maryland, where the infant mortality rate decreased by ten percent from 2008 to 2009, improving from 8 infant deaths per 1,000 live births to 7.2 infant deaths per 1,000 live births.

The Centers for Disease Control and Prevention reports that despite these positive trends, significant racial disparities in infant mortality rates persist. In 2006, the infant mortality rate for African-American infants in the U.S. was more than twice the rate for non-Hispanic White infants, at 13.4 deaths per 1,000 live births for African-Americans compared to 5.6 for non-Hispanic Whites. In American Indian and Alaska Native populations, the death rate is 50 percent higher than in non-Hispanic Whites, and the sudden infant death syndrome, SIDS, mortality rate for this population is also twice as high as the SIDS mortality rate for non-Hispanic Whites. The Puerto Rican population also experiences significant disparity in this area, with an infant mortality rate 40 percent higher than that for non-Hispanic Whites.

Disparities in prenatal care also contribute to higher infant mortality

among minority populations. Nationwide, African-American mothers were 2.5 times more likely than white mothers to receive late or no prenatal care. This trend is also evident in Maryland, where in 2009, the number of babies born to all mothers receiving late or no prenatal care was 4.7 per 1,000 live births, but the number of babies born to African-American mothers lacking prenatal care increased from 6.3 per 1,000 live births in 2008 to 7 in 2009. A lack of prenatal care can contribute to low birth weight and increased risk for birth defects, which can cause higher infant mortality rates. So, despite the progress we are making in reducing infant mortality, evidence of the progress is not being seen equally everywhere.

To combat these disparities, the HHS Office of Minority Health, OMH, began the "A Healthy Baby Begins with You" campaign in 2007. This is a nationwide effort to raise awareness about infant mortality with an emphasis on African Americans. The goals of this campaign include reaching the college-age Black population with targeted health messages emphasizing preconception health and health care. The campaign trains college students to be health ambassadors and reaches out to historically Black colleges and universities and other minority-serving institutions.

Based on the success of that campaign, OMH developed the Preconception Peer Educators Program, launched in 2008. This program addresses the need to emphasize preconception health as an important factor influencing outcomes for maternal and infant health. The program enlists college students as peer educators on college campuses and in communities to disseminate essential health messages that may seem irrelevant to students who are not seeking to start a family. Because more than 50 percent of pregnancies are unplanned, good preconception health is essential. This program has held trainings across the country over the past year, and there will be a national training for the PPE program this September during National Infant Mortality Awareness Month.

I also commend the work of the Maternal and Child Health Bureau at the Health Resources and Services Administration for providing national leadership on the issue of infant mortality. Their efforts provide critical insight into the Nation's progress toward ensuring quality of care, eliminating barriers and health disparities, and improving the health infrastructure and systems of care for women and children. All of these areas influence the infant mortality rate, and the work of the Maternal and Child Health Bureau will help target our resources efficiently to decrease the number of infant deaths nationwide.

Although some indications are that the U.S. infant mortality rate is de-

creasing, there is room for substantial improvement. In some pockets of the country, including Baltimore, Memphis, and Washington, DC, the rate is more than twice the national average, and evidence of racial disparities in this area cannot be ignored. We must continue to research the causes and contributing factors to infant mortality and to support effective education and awareness campaigns so that mothers get the prenatal care that they need to have healthy babies. I thank my colleagues who have agreed to support this resolution drawing attention to National Infant Mortality Awareness Month in September and to support Federal efforts to decrease our national infant mortality rate.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 602) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 602

Whereas "infant mortality" refers to the death of a baby before the baby's first birthday;

Whereas the United States ranks 29th among industrialized countries in the rate of infant mortality;

Whereas premature birth, low birth weight, and shorter gestation periods account for more than 60 percent of infant deaths in the United States;

Whereas high rates of infant mortality are especially prevalent in communities with large minority populations, high rates of unemployment and poverty, and limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality and, according to the Institute of Medicine of the National Academies, costs the United States more than \$26,000,000,000 annually;

Whereas infant mortality can be substantially reduced through community-based services such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality can result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low birth weight;

Whereas the Department of Health and Human Services, through the Office of Minority Health, has implemented the "A Healthy Baby Begins With You" campaign;

Whereas the Maternal and Child Health Bureau of the Health Resources and Services Administration has provided national leadership on the issue of infant mortality;

Whereas public awareness and education campaigns on infant mortality are held during the month of September each year; and

Whereas September 2010 has been designated as "National Infant Mortality Awareness Month": Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Infant Mortality Awareness Month 2010;

(2) supports efforts to educate people in the United States about infant mortality and the contributing factors to infant mortality;

(3) supports efforts to reduce infant deaths, low birth weight, pre-term births, and disparities in perinatal outcomes;

(4) recognizes the critical importance of including efforts to reduce infant mortality and the contributing factors to infant mortality as part of prevention and wellness strategies; and

(5) calls upon the people of the United States to observe National Infant Mortality Awareness Month with appropriate programs and activities.

Mr. DORGAN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY AND NATIONAL SECURITY

Mr. VOINOVICH. Mr. President, I come to the floor today to support the Oil Spill Response Improvement Act of 2010. It is a bill that seeks to directly deal with one of the most serious issues facing our country today in the aftermath of the Deepwater Horizon incident and how the Federal Government responds to what will likely turn out to be one of the worst ecological disasters that have taken place off our Nation's shores.

The bill is a targeted piece of legislation that supports jobs in the gulf coast region, prevents our Nation from relying further on foreign nations for our energy needs, and protects the American taxpayer from being placed on the hook should, God forbid, a future incident ever occur. Specifically, the bill gives the President the ability to raise caps on economic damages done by oil companies. It creates a Price-Anderson model where all entities operating in the gulf would share the risk, as we do with the 104 nuclear powerplants. I don't think the public is aware of the fact that they all have the same insurance policy, and if something were to go wrong with one nuclear powerplant, all the others' insurance would be called upon. So there is no question about liability; they just take care of the problem. We need to do the same thing in terms of these oil rigs.

The legislation maintains the integrity of the Oil Spill Liability Trust Fund. It provides States an additional funding system to be used to protect the ecosystem. It accelerates the lifting of the deepwater moratorium in the

Gulf of Mexico. It creates a bipartisan spill commission with subpoena power to investigate causes of the Deepwater Horizon explosion. These are good ideas that I think will address the crisis at hand. They are good ideas that will help get people back to work in the gulf.

I know Senator REID has proposed an alternative piece of legislation. I understand that it maintains the current moratorium on deepwater drilling off the Outer Continental Shelf, creates a liability regime that will likely limit production in the Gulf of Mexico to only the largest of oil companies, and raises the Oil Spill Liability Trust Fund to pay for untested efficiency programs.

I welcome a robust debate, but looking at the schedule next week, my understanding is that the majority leader will likely fill the tree and not allow any amendments. So what we are probably going to see is a Republican-Democratic side-by-side taken care of in 1 day. To be candid, this is a much too serious issue to cram into 1 day with just side-by-side proposals. And I think that gives rise, for those watching what we are doing here in the Senate, to some feeling that what we are doing here is not genuine, is disingenuous and, quite frankly, if we do this next week, I think what it will do is further cause the public to think less of the institution of the Senate.

Regardless of whether you are a Republican or a Democrat, you ought to be concerned about the fact that since polling has been done regarding the approval of the Senate, the numbers today are the worst we have ever seen. So something is going on out there, and they are watching what we are doing and they are saying: These people seem to be more interested in partisan politics or who is going to win the next election in terms of how many new Senators or who is going to control the House of Representatives instead of really looking at the problems confronting our country. They are asking: Can't you people work together on a bipartisan basis to solve the problems we have? There is a fear and uncertainty today in this country that I have never seen anything like, and I think all of us should be concerned about how the people in this country feel about what we are doing here.

Whether you are a Democrat or a Republican, environmental advocate, oil industry employee, I think all should agree that Congress needs to respond intelligently to the situation with action that balances environmental risks with our Nation's energy requirements.

Much of the responsibility for this spill should lie on the shoulders of a few bad actors in the private sector, and they are primarily with BP. I have to say, from my looking at this, there is gross negligence. It is amazing what they knew about and didn't do, and I

think that will all come out, although I imagine there is going to be enough blame to go around once we have had a chance to step back and see just what happened.

I must also say that I think the decisions this administration has made, not only in reacting to the spill but also in its general attitude toward domestic oil and gas production, have been disastrous for the gulf region.

Last year, I sat down in my office with Secretary Ken Salazar to talk about domestic oil and gas production and our Nation's energy strategy. In that meeting, I conveyed to him that I have always believed one of the most pressing challenges America faces today is reducing our reliance on foreign sources of energy. I called it the second declaration of independence—finding more oil and using less. I told Secretary Salazar that I was concerned about the administration's actions that were limiting energy production in the United States.

He disagreed with me. Secretary Salazar said the Department was in the process of restructuring and undergoing a thorough review to ensure proper oversight of the oil and gas industry was being provided. He pointed out that the Department was moving forward with lease sales in the Atlantic and that, in his opinion, things were just fine. I took him at his word and waited but didn't see any change in the Department's attitude.

I sent a letter to the Secretary on April 19, 2010—April 19—reiterating my concern that his Department was ignoring its obligations to oversee domestic oil and gas development and focusing too much of its attention and resources on renewed efforts to promote renewable energy projects that make good photo-ops but would have little effect in meeting our Nation's long-term energy needs.

I expressed further concern that efforts to lease areas of the Outer Continental Shelf for oil and gas production were being restricted. For example, in November of 2009, the Department of the Interior acted to shorten the lease terms for a specific sale of leases in the Gulf of Mexico. The shortening of the lease terms will likely do nothing to guarantee more discoveries but, rather, serve to increase risk as companies are rushed to complete production before the expiration of their lease.

Three months later, I have yet to receive an answer to my letter. And this is particularly disappointing to me because I consider Secretary Salazar—a former colleague—a friend, and I have always respected him.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter I sent to Secretary Salazar.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, April 29, 2010.

Hon. KEN SALAZAR,
Secretary, U.S. Department of the Interior,
Washington, DC.

DEAR SECRETARY SALAZAR: I believe one of the most pressing challenges America faces today is reducing our reliance on foreign energy sources and crafting a comprehensive national energy policy for the United States that makes use of every energy resource at our disposal. It is critical that we improve our energy security to increase our competitiveness in this growing global marketplace and improve our national security.

As the Secretary of the Interior, you play an instrumental role in implementing energy policy. And your department should be applauded for its work in managing the nearly 8,000 active onshore leases and the over 55,000 active offshore leases, for its successful lease sales in 2009, and for scheduling additional Federal oil and gas lease sales for 2010.

I am concerned however, by your comments that the Department of Interior is moving adequately to promote domestic production of oil and natural gas, and your efforts to "balance" the federal government's procedures dealing with the leasing of federal lands for energy production. I know that you are sincere when you say that you are trying to find an approach to managing the nation's natural resources that provides the protection necessary to ensure that we are not sacrificing irreplaceable natural treasures while allowing for the safe and responsible production needed to address future energy needs. But from what I have witnessed and from what I have gathered from accounts conveyed me, I am troubled that DOI is coming across as being more concerned with catering to the political whims of the environmental community.

Some have argued that unlike the attention being paid to renewable energy projects, government action that would promote increased domestic oil and natural gas production is getting neglected. I am of the opinion that there is no silver bullet when it comes to meeting future energy needs. We are going to need a wide portfolio of energy options that include different sets of technologies and solutions. As such, no particular energy option should receive preferential treatment on the basis of its constituencies. But neither should the domestic production of a reliable and abundant energy source, such as oil, natural gas, or coal, be curtailed for the same reasons.

I was encouraged by the President's announcement to consider expanding oil and gas production on the U.S. Outer Continental Shelf. This is a good first step, but there are still large areas both in Pacific and Atlantic that would remain off-limits to exploration. Further, much of the Eastern Gulf of Mexico remains under a congressional moratorium until 2022.

While steps are being taken to expand domestic offshore oil and gas production, I must tell you I have concerns that as DOI works to schedule lease sales in the select areas that have been released from moratoria, progress could very easily be stalled completely by external roadblocks such as lawsuits from the environmental community. This is a strategy that groups have successfully utilized to halt the construction of coal fired power plants. I hope the Administration and with your leadership at DOI will follow through with this proposal and expand our domestic oil and gas resources.

Additionally, your department is taking unilateral action that could be construed as

making more difficult for oil gas production to take place domestically. For example, last November DOI acted to shorten the lease terms of an upcoming Central Gulf of Mexico lease sale. Industry argues that the shortening of the lease terms does nothing to guarantee more discoveries but rather takes away from companies the flexibility necessary to operate in an extremely challenging and risky environment.

I continue to value our friendship and will work with you as we both seek to achieve energy security, the creation of jobs, and the rebuilding of our economy. I am optimistic that we can bridge any differences as we strive to make the United States more energy independent from oil rich foreign countries who do not share our interests.

Sincerely,

GEORGE V. VOINOVICH,
United States Senator.

Mr. VOINOVICH. Meanwhile, the Gulf of Mexico is now under a revised moratorium on deepwater offshore drilling imposed by President Obama and the Department of Interior. This moratorium jeopardizes 30 percent of this Nation's domestic oil production and 13 percent of our natural gas production.

There are 33 drilling platforms currently idle in the Gulf of Mexico. That doesn't sound like a large number, but keep in mind that these rigs are really the size of factories. Each platform supports as many as 1,400 direct and indirect jobs, which means that as many as 46,200 jobs could be lost in the short term because of this moratorium. As these are good-paying jobs, this could amount to as much as \$10 million in lost wages per month, per platform.

Further, the moratorium threatens the livelihood of more than 300,000 oil and gas workers in the region. The loss of revenue will be in the billions. A 6-month moratorium could result in a \$147 billion loss in local, State, and Federal revenue over the next 10 years. Oil and gas production in the Gulf of Mexico is a significant revenue stream for the Federal Government. A moratorium on production that lasts 6 months could cost the Federal Government between \$120 million and \$150 million in lost royalties and a \$300 million to \$500 million decline in government revenue in just 2011. That is next year.

This is sure to have a devastating effect on our Nation's long-term national security. I have said over and over that Americans are hurting from our addiction to oil. I am not sure they fully realize the extent to which our national security, and indeed our very way of life, is threatened—threatened—by our reliance on foreign oil.

Every year, we send billions of dollars overseas for oil and pad the coffers of many nations that do not have our best interests at heart, such as Venezuela, whose leader has threatened to cut off his oil exports. Today, over 80 percent of the world's oil reserves are in the hands of governments and their respective national oil companies, and 16 of the world's 20 largest oil compa-

nies are state owned. Russia has proven it has no qualms about using energy as a weapon. In Venezuela, Hugo Chavez has forcefully consolidated the nation's vast oil reserves under the control of their state-owned oil company. He frequently uses the company as political leverage in his region.

With the rise in national oil companies around the world and the apparent weaponization of the globe's energy resources, U.S. domestic oil production has been on a decline. We now import nearly 60 percent of our oil, and as a consequence we are sending billions of dollars overseas and putting our faith in the hands of regimes that do not have our best interests at heart. For example, in 2007, we spent \$327 billion to import crude oil and refined petroleum products. In 2008, the amount we shipped overseas spiked to more than \$700 billion. In other words, we take American money and send it overseas. And 55 percent of that money, or nearly \$400 billion, went to oil-exporting OPEC nations. Today, oil amounts for over half our trade deficit.

Our dependence on foreign oil is even made more troubling when you consider our Nation's financial situation. The national debt stands at \$13.3 trillion—more than double the \$5.6 trillion that existed when I came to the Senate in 1999. By the end of 2010, the national debt is expected to have grown to over \$14 trillion. Last year, we borrowed \$1.4 trillion.

The best way I can explain the soup we are in is that last year, for every dollar the Federal Government spent, we borrowed 41 cents. Most people, when I tell them that, just can't believe it. But that is the situation. This year, we are going to borrow \$1.5 trillion or another year where we will borrow 41 or 42 cents for every dollar we spend. Over half the privately owned national debt is being held by foreign creditors, mostly foreign central banks. In fact, foreign creditors have provided more than 60 percent of the private funds the U.S. Treasury has borrowed since 2001, according to the Department of Treasury.

Who are the creditors? According to the Treasury Department, the three largest foreign holders of U.S. debt are China, Japan, and the OPEC nations.

These concerns led me to introduce the National Energy Security Act last year with Senator BYRON DORGAN. The bill expands development of domestic oil and natural gas by streamlining the inventory and permitting of the most promising areas of the Outer Continental Shelf. By the way, the group that is supporting this is a group of former admirals and generals who basically said we have to do something; because of the fact of too much reliance on foreign oil we are in terrible shape. We are on thin ice, in terms of our national security.

In addition, the bill provides \$50 billion in Federal loan guarantee authority for low-carbon electricity, including nuclear and advanced coal. It promotes the electrification of the transportation fleet to reduce dependence on foreign oil, supports building the crucial infrastructure necessary to create a robust, reliable national grid, and strengthens electricity transmission, including giving FERC the power to site transmission lines.

Americans today demand action and they demand we come together in a bipartisan fashion to solve not only this crisis in the gulf but our larger energy crisis. For 10 years, I have been a member of the Environment and Public Works Committee and for 10 years I have tried to coax Congress into harmonizing our energy, our economy, and our environment. Congress has refused and now the chickens have come home to roost and we are paying the price because we were not able to get together.

I believe the best message we can send the world is that we get it. We must demonstrate that we can safely and responsibly produce oil off our shores, while also promising ourselves that we are going to use less by undertaking a renewed effort to make the United States of America the most oil-independent nation in the world. I envision an America 10 years from now where we can have enough oil to take care of our needs. I imagine an America that is the least reliant country in the world on oil, an America where our economy is not threatened by our reliance on foreign energy sources. It will be an America that has created hundreds of thousands of jobs through responsible development of our Nation's resources and through the creation of new industries in the field of alternative energy.

Wouldn't it be great for our children and grandchildren to one day celebrate the time America put aside its differences and came together to announce what I refer to as a second "Declaration of Independence"—to find more and use less? I believe, with this attitude, we can rekindle the American spirit of self-reliance, innovation, and creativity to usher in a new era of prosperity.

The first step is to pass the Oil Spill Improvement Act to get people back to work in the gulf and to give the Department of Interior the tools it needs to provide proper oversight of the oil and gas industry. Second, Congress needs to do its job—make the passing of a comprehensive energy bill a priority and provide certainty as to how our Nation will supply energy to its economy in the future.

I reiterate and call upon my colleagues, the majority leader, the minority leader, for us next week to put out the Republican proposal and the Democratic proposal, and to have back-to-back votes will do nothing but in-

crease the cynicism that is out there among the American people about what we are doing in the Senate. Next week, we should finish the small business bill—get on with that. We ought to get on with consideration of the Kagan nomination by the President and we should come together and say let's get serious, let's work during the August break to see if we cannot come together on a compromise between the two back-to-back bills so maybe when we get back in September we can have something we can all agree on and get passed and reassure the American people we are serious about dealing with their problems and maybe even give consideration—I know this would be difficult—to look at what many of us have suggested, to look at the bill that JEFF BINGAMAN and the Senate Energy and Natural Resources Committee put together on a bipartisan basis.

Perhaps we could look at a bill Senator ROCKEFELLER and I have worked on for over a year that deals with capturing and sequestering carbon; to look at a title that deals with nuclear energy that I worked with with Senator LIEBERMAN and others—and get something done. It may not be satisfactory to a lot of the environmental groups, but at least we would move the ball down the field this year so people know we are serious about becoming less reliant on foreign sources of energy and also that we are genuinely concerned about reducing greenhouse gas emissions.

As I said, I have been around here, this is the 12th year on Environment and Public Works. For years, we wanted to do something about NO_x, SO_x, and carbon, bring down the caps. The environmental groups said: No, we won't agree with that, we have to include greenhouse gas emissions, so we did nothing.

I will never forget the Secretary of State, when she was a Senator from New York, and she wanted a compromise on emissions because the Adirondack Council and the folks from the Smoky Mountains agreed if we did the Ps, reduce SO_x, NO_x, and mercury, we could move along, and then the environmental groups came along and they gave her the "Villain of the Month Award." Hillary Clinton gets the "Villain of the Month Award" because she is trying to work on a compromise to move us down the road.

We have some time left. I know it is going to be difficult because we have the backdrop of the election facing us. I hope once that is over we have a robust lameduck session so we can deal with some of the things that are on the minds of the American people and, hopefully, perhaps this Commission that you and I wanted to see done on the floor of the Senate, that the President finally had to do through Executive action, could come back here with some positive suggestions on how we

can deal with our debt and these budgets that are not going to be balanced as far as the eye can see.

I yield the floor.

TRIBUTE TO ELIZABETH GORE, CHIEF OF STAFF

Mr. DORGAN. Mr. President, for the past 10 years I have had the privilege of working with Elizabeth Gore, the chief of staff of my U.S. Senate office.

Today, as Elizabeth leaves her job to pursue other career opportunities, I want to pay tribute to her extraordinary work. Elizabeth Gore has made important contributions not only to the effective management of my Senate office, but also to the creation of good public policy for our country.

Elizabeth joined my staff 10 years ago following a career that included work in both the U.S. House of Representatives and for the White House. She possesses that wide range of skills that is always necessary for success. She is smart, tough, honest, and has demonstrated an uncanny sense of good judgment.

I know the American people view the U.S. Senate through the lives of those of us who are elected to serve here. But, frankly, every U.S. Senator will admit that a substantial amount of the credit for their accomplishments in the Senate belong to some very talented staff. That has been especially true of Elizabeth in my office. She has directed a complicated set of issues in an office full of activity with great skill.

The term "regular hours" would not fit any job description in most Senate offices. Long hours, family sacrifices, and devotion to getting the job done describes everything about the commitment Elizabeth made to me, my staff, and the people of North Dakota over the past decade.

I know Elizabeth will now add another chapter to what is already an illustrious career and others will discover the joy of working with her.

I join all of my staff members in saying thank you to Elizabeth Gore for having spent the past decade working in my office. All of us owe her a great debt of gratitude.

NATIONAL COUNCIL ON INTERNATIONAL VISITORS

Mr. SPECTER. Mr. President, I wish to speak to a resolution honoring the National Council for International Visitors, NCIV, on the occasion of its 50th anniversary. The United States has the responsibility of protecting its citizens by ensuring peace, and I believe that citizen diplomacy as practiced by the NCIV is a crucial tool to achieving that end.

With the goal of promoting "excellence in civilian diplomacy," the NCIV promotes the idea that individual citizens have the right and responsibility

to promote peaceful and cooperative foreign relations. NCIV champions the belief that "citizen diplomacy has the power to shape American perceptions of foreign cultures and international perceptions of the United States, effectively shattering stereotypes, illuminating differences, underscoring common human values, and developing the web of human connections needed to achieve more peaceful relations between nations."

In a partnership with the Department of State, the NCIV cosponsors the International Visitor Leadership Program, IVLP, which brings distinguished foreign leaders to the United States for short-term professional programs. Since 1961, the NCIV has organized people-to-people exchanges for more than 190,000 foreign leaders participating in the IVLP, and of these participants, 285 went on to lead their respective countries. The IVLP's distinguished alumni include Tony Blair, Margaret Thatcher, Anwar Sadat, Indira Gandhi, and Nicolas Sarkozy, among others.

Throughout my tenure in the Senate, I have sought to engage leaders of friendly and adversarial nations alike, as I recognize the potential for dialogue to yield positive results where few prospects for progress were at first seen. Refusing to negotiate with adversarial countries exacerbates relations with these nations, and the resulting mutual lack of understanding strengthens anti-American sentiments.

It is my personal experience that meeting with leaders whose policies are in conflict with those of the United States can yield positive results. I cite my interactions with former President Hafiz al-Asad of Syria, President Fidel Castro of Cuba, and President Hugo Chavez of Venezuela as examples. Achievements resulting in some small part from this personal diplomacy included expansion of emigration rights in Syria and cooperation with Cuba and Venezuela on counter-narcotics policy. By investing in diplomacy, the United States can foster international relationships that facilitate peaceful resolutions to conflict.

The NCIV promotes these relationships on an individual basis, "[bridging] cultures and [building] mutually beneficial relationships through international exchanges." I nominated the NCIV network of citizen diplomats for the 2001 Nobel Prize believing they "have done . . . the best work for fraternity between nations." On the occasion of the NCIV's 50th anniversary, I hope that my colleagues join me in honoring their work.

ADDITIONAL STATEMENTS

REMEMBERING JOE "THE OLD MASTER" GANS

• Mr. CARDIN. Mr. President, I encourage my colleagues to join me in

marking the 100th anniversary of the passing of Joe "The Old Master" Gans, a great American who inspired millions with his feats in the boxing ring. At a time of pervasive racial discrimination and inequality, Gans provided the country with a glimpse of the true potential of African Americans by rising to the top of what was then the most popular sport in America.

Gans had the humblest of beginnings. He was born in Baltimore, MD, in 1874, and orphaned 4 years later. Then, he was raised by a foster mother in a segregated world in which the future seemed to hold no more for him than the same menial labor he performed at the Baltimore harbor in his teenage years. In an ironic twist of fate, the racist conditions that hemmed in his world eventually lifted him out of it. His incredible talent for boxing was first discovered when he emerged victorious in a Battle Royale, a cruel sporting event in which white gamblers bet on which of 10 black youths thrown together in a ring would be the last standing.

In the years that followed, Gans honed his skills and accumulated success after success as a lightweight boxer, becoming famous for his perceptive, impregnable defensive tactics and devastating counterpunch. With an easy one-punch knockout victory in 1902, Gans first earned the world lightweight title, at the time the greatest athletic achievement made by an African American. Four years later, he solidified his hold on the title, which he would keep until 1908, with his victory over Matthew "Battling" Nelson on Labor Day, 1906, in Goldfield, NV.

The Goldfield fight, held outdoors under a blazing Sun, drew an audience of 8,000 people. The purse was \$30,000. Gans's foster mother, Maria Grant, sent him a telegram urging him to "bring home the bacon," a phrase that caught on in the media accounts when Gans won what was dubbed "the fight of the century" after 42 grueling rounds. It was the longest gloved championship match recorded under Marquis of Queensbury rules.

Despite winning the fight, Gans received much less prize money than his white opponent who lost. But the winnings were enough for Gans to found the Goldfield Hotel, a leading incubator of Black culture where, among others, the great jazz pianist Eubie Blake first attracted notice. Gans' achievements became a beacon of hope for the African-American community. The prominent preacher and civil rights leader Francis J. Grimke once remarked that the great Booker T. Washington had done much for African Americans, but he "never did one-tenth to place the black man in the front rank as a gentleman as has been done by Joe Gans."

Gans was one of the first practitioners of scientific gloved boxing, fol-

lowing the era of bare-knuckles fights. Nat Fleischer described his footwork as "beautiful side-stepping, and legwork" in "Black Dynamite." The San Francisco Chronicle reported that Gans "was in and away or inside as it suited him best, with will-o-the-wisp elusiveness." Jack Johnson said, "Joe moved around like he was on wheels." All in all, he fought in three divisions—featherweight, lightweight, and welterweight—for 18 years, compiling over 150 career wins and over 100 knockouts.

The remarkable life of Joe Gans was cut short at age 34 when he succumbed to tuberculosis. I ask my colleagues to join me, a century after his death, in recognizing the inspiring accomplishments of an American hero whom the great Baltimore writer H.L. Mencken called "probably the greatest boxer who ever lived."•

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3040. An act to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes.

H.R. 5900. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 3372. An act to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels.

At 11:25 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5981. An act to increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single family housing mortgage insurance, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6901. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Black Sea Bass Fishery; 2010 Black Sea Bass Specifications; Emergency Rule Extension" (RIN0648-XT99) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6902. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Vessels Participating in the Rockfish Entry Level Trawl Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XX35) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6903. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XX55) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6904. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; American Samoa Pelagic Longline Limited Entry Program" (RIN0648-XX41) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6905. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XX49) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6906. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Catcher Vessels Participating in the Limited Access Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XX35) received in the Office of the President of the Senate on July 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6907. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Foreign Direct Products of U.S. Technology" (RIN0694-AE27) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6908. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "The Jurisdictional Scope of Commodity Classification Determinations and Advisory Opinions Issued by the Bureau of Industry and Security" (RIN0694-AE94) received in the Office of the President of the Senate on July 27, 2010; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-136. A resolution adopted by the Legislature of the State of Minnesota expressing its strong opposition to the creation of a federal insurance charter as proposed in S. 40/H.R. 3200 and any other such federal legislation that would threaten the power of the state legislatures, governors, insurance commissioners, and attorneys general to oversee, regulate, and investigate the business of insurance, and to protect consumers; to the Committee on Banking, Housing, and Urban Affairs.

RESOLUTION NO. 3

Whereas, the current financial crisis facing the United States and the world is causing Congress and the Administration to review the current regulatory structure presently in force with the object of revising it; and

Whereas, the Federal Reserve Board of Governors, Comptroller of the Currency, Securities and Exchange Commission, and other federal regulatory institutions failed their responsibility, causing great harm to the financial system of the United States; and

Whereas, the prime example of the failure of the federal regulatory institutions to exercise their responsibility is AIG; and

Whereas, the failure of AIG has been caused by the actions and activities of its holding company, the regulation of which is the sole responsibility of the federal government; and

Whereas, the regulation of AIG's insurance company subsidiaries has been the responsibility of the state regulators who have fulfilled their responsibilities, which is demonstrated by the fact that none of the approximately 170 insurance subsidiaries has failed; and

Whereas, regulation, oversight, and consumer protection have traditionally and historically been powers reserved to state governments under the McCarron-Ferguson Act of 1945; and

Whereas, state legislatures are more responsive to the needs of their constituents and the need for insurance products and regulation to meet their state's unique market demands; and

Whereas, many states, including Minnesota, have recently enacted and amended state insurance laws to modernize market regulation and provide insurers with greater ability to respond to changes in market conditions; and

Whereas, state legislatures, the National Conference of Insurance Legislators (NCOIL), the National Association of Insurance Commissioners (NAIC), and the National Conference of State Legislators (NCSL) continue to address uniformity issues between states by the adoption of model laws that address market conduct,

product approval, agent and company licensing, and rate deregulation; and

Whereas, new federal legislation to create a national insurance charter is expected to be introduced in 2009 that will have the potential to fundamentally alter the role of state governments in the insurance industry, thereby creating an unwieldy and unnecessary federal bureaucracy proposed without consumer and constituent demand; and

Whereas, such initiatives as S. 40/H.R. 3200—the National Insurance Act of 2007—proposed optional federal charter legislation may bifurcate insurance regulation and result in a labyrinth of federal and state directives that would promote ambiguity and confusion among consumers; and

Whereas, bills such as S. 40/H.R. 3200 would allow insurance companies choosing a federal charter to avoid state insurance regulatory oversight and evade important state consumer protections; and

Whereas, the mechanism that would have been set up under S. 40/H.R. 3200 cannot respond to the unique insurance market dynamics and local constituent concerns present in each of the 50 states as state regulation does; and

Whereas, bills such as S. 40/H.R. 3200 have the potential to compromise state guaranty fund coverage, and employers could end up absorbing losses otherwise covered by these safety nets for businesses affected by insolvencies; and

Whereas, bills such as S. 40/H.R. 3200 would ultimately impose the costs of a new and needless federal bureaucracy upon businesses and the public; and

Whereas, many state governments derive general revenue dollars from the regulation of the business of insurance, including nearly \$14 billion in premium taxes and \$2.7 billion in fees and assessments generated in 2006—of which the state of Minnesota generated over \$346 million; and

Whereas, bills such as S. 40/H.R. 3200 threaten the loss of over \$10 million in state revenues from insurance fees and assessments, thereby putting at risk the funding of a wide array of essential state services; now, therefore, be it

Resolved, by the Legislature of the State of Minnesota, That it joins the National Conference of Insurance Legislators in expressing its strong opposition to creation of a federal insurance charter as proposed in S. 40/H.R. 3200 and any other such federal legislation that would threaten the power of state legislatures, governors, insurance commissioners, and attorneys general to oversee, regulate, and investigate the business of insurance, and to protect consumers; and be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the chair and members of the United States Senate Committee on Banking, Housing, and Urban Affairs, the chair and members of the United States House of Representatives Committee on Financial Services, and Minnesota's Senators and Representatives in Congress.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself and Mr. DORGAN):

S. 3679. A bill to establish a grant program in the Department of Transportation to improve the traffic safety of teen drivers; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 3680. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent who has a serious health condition; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 3681. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN (for himself and Mr. BURR):

S. Res. 602. A resolution expressing support for the goals and ideals of National Infant Mortality Awareness Month 2010; considered and agreed to.

By Mr. SPECTER (for himself, Mr. LUGAR, Mr. LEAHY, Mr. BURR, Mr. BAYH, Mr. PRYOR, Mr. BURRIS, Mrs. LINCOLN, Mr. DORGAN, Mrs. GILLIBRAND, Mr. DURBIN, Mr. BOND, Mrs. MCCASKILL, Mr. BENNETT, Mr. CASEY, Mr. COCHRAN, Mr. UDALL of New Mexico, Ms. KLOBUCHAR, Mrs. MURRAY, Ms. CANTWELL, Mrs. HAGAN, Mrs. HUTCHISON, Mr. ISAKSON, and Mr. COBURN):

S. Res. 603. A resolution commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as "Citizen Diplomacy Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 1643

At the request of Ms. SNOWE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1643, a bill to amend the Internal Revenue Code of 1986 to allow a credit for the conversion of heating using oil fuel to using natural gas or biomass feedstocks, and for other purposes.

S. 3034

At the request of Mr. SCHUMER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3669

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a co-

sponsor of S. 3669, a bill to increase criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

S. RES. 579

At the request of Mr. BROWNBACK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 579, a resolution honoring the life of Manute Bol and expressing the condolences of the Senate on his passing.

AMENDMENT NO. 4567

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 4567 proposed to H.R. 1586, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 3680. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent who has a serious health condition; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce the Family and Medical Leave Inclusion Act. This is a bill—previously introduced in the House of Representatives on a bipartisan basis—that would extend the important protections of the Family and Medical Leave Act to same-sex couples in America. Under current law, it is impossible for many employees to be with their partners during times of medical need.

The late Senator Edward Kennedy once said, "It is wrong for our civil laws to deny any American the basic right to be part of a family, to have loved ones with whom to build a future and share life's joys and tears, and to be free from the stain of bigotry and discrimination."

America has a rich history of embracing those once discriminated against and making them part of our nation's family. All Americans—regardless of their background—are deserving of dignity and respect.

In 1993, Congress passed the Family and Medical Leave Act to, among other things, protect American workers facing either a personal health crisis, or that of a close family member.

Thanks to the FMLA, those people in the workforce who suffer a serious illness or significant injury are able to take time to heal, recover, follow their doctors' orders, and return to their jobs strong, healthy, and ready to be pro-

ductive again. Most importantly, they know that they will still have jobs to return to, because those are protected by the law.

Likewise, workers who learn the terrible news that a child, a parent, or a spouse is sick or injured, and in need of help from a loved one, can provide that care and support knowing that their jobs are not in jeopardy for doing so.

In passing the FMLA, Congress followed the lead of many large and small businesses which had already recognized and addressed this need. These companies had put in place systems that gave their employees time to heal themselves or their family members, and ensured that those employees would return to work as soon as they could. In standing by their employees in a time of need, these companies accomplished three laudable goals: they eased the burden of those employees in crisis, they reassured the rest of their employees that they too would be covered should they find themselves in need of that protection, and they ensured the return of these skilled and trusted employees, sparing business the expense and effort of recruiting and training new people. It was a win-win strategy.

The FMLA took that model and its benefits and brought the majority of the American workforce under the same protections.

Today, once again, we have the opportunity to learn from a number of forward-thinking, pioneering businesses—big and small and across the United States—who have taken it upon themselves to improve on the protections provided by law. While respecting the spirit and purpose of the FMLA, these companies have simply recognized the changing nature of the modern American family.

According to the Human Rights Campaign—a leading civil rights organization that strongly supports the Family and Medical Leave Inclusion Act—461 major American corporations, nine states, and the District of Columbia now extend FMLA benefits to include leave on behalf of a same-sex partner.

In 1993, the FMLA was narrowly tailored to apply only to those caring for a very close family member. The idea was to capture that inner circle of people, where the family member assuming the caretaker role would be one of very few, if not the only person, who could do so. That idea is still valid, and that idea has not changed.

What has changed are the people who might be in that inner circle. The nuclear American family has grown—sometimes by design, and sometimes by necessity. More and more, that inner circle of close family might include a grandparent or grandchild, siblings, or same-sex domestic partners in loving and committed relationships.

As the law stands right now, too many of these people are left outside of the protections of the FMLA.

Earlier this summer, the U.S. Department of Labor issued guidance clarifying that an individual serving as a parent, but who may not have a legal or biological relationship to a child, is eligible to take FMLA leave to care for that child or attend to a birth or adoption. As Labor Secretary Hilda Solis noted, "No one who intends to raise a child should be denied the opportunity to be present when that child is born simply because the state or an employer fails to recognize his or her relationship with the biological parent. . . . The Labor Department's action today sends a clear message to workers and employers alike: All families, including LGBT families, are protected by the FMLA."

I applaud the Labor Department and the Obama Administration for sending this important message, but unfortunately, the FMLA statute still does not allow an employee to take leave to care for a same-sex partner. We must act to truly make these important protections available to all families.

At times like these, when we as a nation are experiencing a difficult employment market, those with good jobs know the value of those jobs and are working as hard as they can to keep them. Those people should never have to weigh the value of their employment security against family duties to care for a loved one.

But even in the best of economic times, this bill makes sense. Injury or illness can come at any time, and families are rocked by the needs and decisions that come along with that reality.

There are many who would understandably question what this kind of change in the law would cost the business community. I would remind those people that the FMLA is already a very good law; it is in place and it is working. It provides unpaid leave when the need arises, and it only applies to businesses that have enough employees on hand to handle the absence of a single worker without too great a burden.

We have also seen that 90 percent of the leave time that has been taken under the FMLA has been so that employees can care for themselves or for a child in their care, and those situations are already covered under the law as it stands. What the Family and Medical Leave Inclusion Act would do is provide a little more flexibility, and recognize that there are a few more people in that inner circle of family who we might call upon, or who might call upon us. It will not make a big difference to the companies involved, but it will make all the difference in the world to those protected by it.

We often hear calls from some of our colleagues who feel that the Government tries to do too much, and that we try to force government to do for us what we should be doing for ourselves or for each other. That is exactly why

this should be a law that we can all agree upon. Certainly we can all agree that family is the first and best safety net in times of personal crisis. Families need to be given the realistic ability to provide that assistance. What the Family and Medical Leave Inclusion Act does is give those family members the ability to help their loved ones in ways that only they can, without fear of losing their jobs in the process.

The Family and Medical Leave Inclusion Act takes a very good law and makes it even better. It contains reasonable changes that merely reflect the modern American family. It is the right thing to do, and I hope we can join together on a bipartisan basis to pass it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family and Medical Leave Inclusion Act".

SEC. 2. LEAVE TO CARE FOR A SAME-SEX SPOUSE, DOMESTIC PARTNER, PARENT-IN-LAW, ADULT CHILD, SIBLING, OR GRANDPARENT.

(a) DEFINITIONS.—

(1) INCLUSION OF ADULT CHILDREN AND CHILDREN OF A DOMESTIC PARTNER.—Section 101(12) of such Act (29 U.S.C. 2611(12)) is amended—

(A) by inserting "a child of an individual's domestic partner," after "a legal ward,"; and

(B) by striking "who is—" and all that follows and inserting "and includes an adult child,".

(2) INCLUSION OF SAME-SEX SPOUSES.—Section 101(13) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(13)) is amended by inserting "and includes a same-sex spouse as determined under applicable State law" before the period.

(3) INCLUSION OF GRANDPARENTS, PARENTS-IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.—Section 101 of such Act (29 U.S.C. 2611) is further amended by adding at the end the following:

"(20) DOMESTIC PARTNER.—The term 'domestic partner', used with respect to an employee, means—

"(A) the person recognized as the domestic partner of the employee under any domestic partner registry or civil union law of the State or political subdivision of a State where the employee resides; or

"(B) in the case of an unmarried employee who lives in a State where a person cannot marry a person of the same sex under the laws of the State, a single, unmarried adult person of the same sex as the employee who is in a committed, personal (as defined in regulations issued by the Secretary) relationship with the employee, who is not a domestic partner to any other person, and who is designated to the employer by such employee as that employee's domestic partner.

"(21) GRANDCHILD.—The term 'grandchild', used with respect to an employee, means any person who is a son or daughter of a son or daughter of the employee.

"(22) GRANDPARENT.—The term 'grandparent', used with respect to an employee, means a parent of a parent of the employee.

"(23) PARENT-IN-LAW.—The term 'parent-in-law', used with respect to an employee, means a parent of the spouse or domestic partner of the employee.

"(24) SIBLING.—The term 'sibling', used with respect to an employee, means any person who is a son or daughter of the employee's parent.

"(25) SON-IN-LAW OR DAUGHTER-IN-LAW.—The term 'son-in-law or daughter-in-law', used with respect to an employee, means any person who is a spouse or domestic partner of a son or daughter of the employee."

(b) LEAVE REQUIREMENT.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking "spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent" and inserting "spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling,"; and

(B) in subparagraph (E), by striking "spouse, or a son, daughter, or parent" and inserting "spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling,";

(2) in subsection (a)(3), by striking "spouse, son, daughter, parent," and inserting "spouse or domestic partner, son, daughter, parent, son-in-law or daughter-in-law, grandchild, sibling,"; and

(3) in subsection (e)—

(A) in paragraph (2)(A), by striking "spouse, parent," and inserting "spouse, domestic partner, parent, parent-in-law, grandparent, sibling,"; and

(B) in paragraph (3), by striking "spouse, or a son, daughter, or parent," and inserting "spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling,".

(c) CERTIFICATION.—Section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) is amended—

(1) in subsection (a), by striking "spouse, or parent" and inserting "spouse, domestic partner, parent, parent-in-law, grandparent, or sibling"; and

(2) in subsection (b)—

(A) in paragraph (4)(A), by striking "spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent" and inserting "spouse, domestic partner, parent, parent-in-law, grandparent, or sibling and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, domestic partner, parent, parent-in-law, grandparent, or sibling"; and

(B) in paragraph (7), by striking "parent, or spouse" and inserting "spouse, domestic partner, parent, parent-in-law, grandparent, or sibling".

(d) EMPLOYMENT AND BENEFITS PROTECTION.—Section 104(c)(3) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(c)(3)) is amended—

(1) in subparagraph (A)(i), by striking "spouse, or parent" and inserting "spouse, domestic partner, parent, parent-in-law, grandparent, or sibling"; and

(2) in subparagraph (C)(ii), by striking "spouse, or parent" and inserting "spouse, domestic partner, parent, parent-in-law, grandparent, or sibling".

SEC. 3. FEDERAL EMPLOYEES.**(a) DEFINITIONS.—**

(1) **INCLUSION OF ADULT CHILDREN AND CHILDREN OF A DOMESTIC PARTNER.**—Section 6381(6) of title 5, United States Code, is amended—

(A) by inserting “a child of an individual’s domestic partner,” after “a legal ward,”; and

(B) by striking “who is—” and all that follows and inserting “and includes an adult child.”.

(2) **INCLUSION OF GRANDPARENTS, PARENTS-IN-LAW, SIBLINGS, AND DOMESTIC PARTNERS.**—Section 6381 of such title is further amended—

(A) in paragraph (11)(B), by striking “; and” and inserting a semicolon;

(B) by striking “who is—” and all that follows and inserting a semicolon; and

(C) by adding at the end the following:

“(13) the term ‘domestic partner’, used with respect to an employee, means—

“(A) the person recognized as the domestic partner of the employee under any domestic partner registry or civil union law of the State or political subdivision of a State where the employee resides; or

“(B) in the case of an unmarried employee who lives in a State where a person cannot marry a person of the same sex under the laws of the State, a single, unmarried adult person of the same sex as the employee who is in a committed, personal (as defined in regulations issued by the Secretary) relationship with the employee, who is not a domestic partner to any other person, and who is designated to the employer by such employee as that employee’s domestic partner;

“(14) the term ‘grandchild’, used with respect to an employee, means any person who is a son or daughter of a son or daughter of the employee;

“(15) the term ‘grandparent’, used with respect to an employee, means a parent of a parent of the employee;

“(16) the term ‘parent-in-law’, used with respect to an employee, means a parent of the spouse or domestic partner of the employee;

“(17) the term ‘sibling’, used with respect to an employee, means any person who is a son or daughter of the employee’s parent;

“(18) the term ‘son-in-law or daughter-in-law’, used with respect to an employee, means any person who is a spouse or domestic partner of a son or daughter of the employee; and

“(19) the term ‘spouse’, used with respect to an employee, includes a same-sex spouse as determined under applicable State law.”.

(b) **LEAVE REQUIREMENT.**—Section 6382 of title 5, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking “spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent” and inserting “spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling, of the employee, if such spouse, domestic partner, son, daughter, parent, parent-in-law, grandparent, or sibling”; and

(B) in subparagraph (E), by striking “spouse, or a son, daughter, or parent” and inserting “spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling”; and

(2) in subsection (a)(3), by striking “spouse, son, daughter, parent,” and inserting “spouse or domestic partner, son, daughter, parent, son-in-law or daughter-in-law, grandchild, sibling,”; and

(3) in subsection (e)—

(A) in paragraph (2)(A), by striking “spouse, parent” and inserting “spouse, do-

mestic partner, parent, parent-in-law, grandparent, sibling”; and

(B) in paragraph (3), by striking “spouse, or a son, daughter, or parent,” and inserting “spouse or domestic partner, or a son, daughter, parent, parent-in-law, grandparent, or sibling.”.

(c) **CERTIFICATION.**—Section 6383 of title 5, United States Code, is amended—

(1) in subsection (a), by striking “spouse, or parent” and inserting “spouse, domestic partner, parent, parent-in-law, grandparent, or sibling”; and

(2) in subsection (b)(4)(A), by striking “spouse, or parent, and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, or parent” and inserting “spouse, domestic partner, parent, parent-in-law, grandparent, or sibling and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, domestic partner, parent, parent-in-law, grandparent, or sibling”.

By Mr. FEINGOLD:

S. 3681. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I will reintroduce a bill to repair and strengthen the presidential public financing system. The Presidential Funding Act of 2010 will ensure that this system will continue to fulfill its promise in the 21st century. The bill will take effect in January 2011, so it will first apply in the 2012 presidential election.

It is important to note that the cost of this bill is completely offset by reforms to the federal irrigation subsidy program. Friends of the Earth in its 2003 Green Scissors report estimated that these provisions would save at least \$4.4 billion over 10 years, which is more than sufficient to cover the estimated cost of this bill—\$1.1 billion over 4 years.

The presidential public financing system was put into place in the wake of the Watergate scandals as part of the Federal Election Campaign Act of 1974. It was held to be constitutional by the Supreme Court in *Buckley v. Valeo*. The system, of course, is voluntary, as the Supreme Court required in *Buckley*. Until the 2008 election, every major party nominee for President since 1976 had participated in the system for the general election and, prior to 2000, every major party nominee had participated in the system for the primary election as well.

In the 2004 election, President Bush and two Democratic candidates, Howard Dean and the eventual nominee, JOHN KERRY, opted out of the system for the presidential primaries. President Bush and Senator KERRY elected to take the taxpayer-funded grant in the general election. President Bush also opted out of the system for the Republican primaries in 2000 but accepted the general election grant.

In 2008, several of the leading candidates for President, including Presi-

dent Obama, Secretary Clinton, Senator McCain and Governors Huckabee and Romney, did not participate in the primary system. While Senator McCain accepted the public grant for the general election, President Obama became the first major party candidate not to participate in the general election public funding system.

It is unfortunate that the matching funds system for the primaries has become less practicable. The system protects the integrity of the electoral process by allowing candidates to run viable campaigns without becoming overly dependent on private donors. The system has worked well in the past, and it is worth repairing so that it can work in the future. If we don’t repair it, the pressures on candidates to opt out will increase until the system collapses from disuse.

In the post-Citizens United world, the likelihood of general election candidates participating in the system if it is not changed is greatly reduced as well. The current system completely prohibits private fundraising, requiring candidates to fund their campaigns solely with the general election grant, which was \$84.1 million in 2008. Senator McCain, who accepted the grant, raised approximately \$220 million for the primaries in 2008. President Obama, who did not participate in either the primary or general election public funding system, raised a total of approximately \$746 million for the entire 2008 campaign. The public funding system is clearly not keeping pace with the current cost of campaigns or the ability of candidates to raise private money.

This bill makes changes to both the primary and general election public financing system to address the weaknesses and problems that have been identified by participants in the system, experts on the presidential election financing process, and an electorate that is increasingly dismayed by the influence of money in politics. First and most important, it eliminates all spending limits in the law for both the primary and the general elections. This should make the system much more viable for serious candidates facing opponents who are capable of raising significant sums outside the system. The bill also makes available substantially more public money for participating candidates. It increases the match of small contributions from 1:1 to 4:1 and provides up to \$100 million in matching funds for a participating candidate in the primaries and \$200 million in total grants for the general election.

In exchange for the much more generous public grants provided by the bill, participating candidates are required to focus their fundraising on small donors. First, they must agree to accept contributions of only up to \$1,000 in the primaries. The current individual contribution limit, established

by the Bipartisan Campaign Reform Act of 2002, is \$2,400. In addition, only contributors of \$200 or less can have their contributions matched. Since each \$200 contribution will yield \$800 in matching funds, there will be a great incentive for candidates to seek out small donors. The 2008 campaign saw an explosion of small donations to the campaigns of both parties. This bill should help promote and extend this trend, which is a positive development for our democracy.

Under the bill, for the first time, matching funds will also be part of the general election system. In addition to a \$50 million grant, general election candidates can receive up to \$150 million in matching funds, again based on a 4:1 match of contributions of \$200 or less. General election candidates can also raise contributions of up to \$500 from other donors whose contributions will not be matched. General election candidates, therefore, will be able to spend up to \$200 million in public funds plus whatever they can raise in contributions of \$500 or less. Even in light of the specter of corporate spending permitted by Citizens United, these should be adequate resources for a campaign that lasts only a few months.

One very important provision of the bill ties the primary and general election systems together and requires candidates to make a single decision on whether to participate. Candidates who opt out of the primary system and decide to rely solely on private money cannot return to the system for the general election. And candidates must commit to participate in the system in the general election if they want to receive Federal matching funds in the primaries.

This bill also addresses what some have called the “gap” between the primary and general election seasons. Presumptive presidential nominees have emerged earlier in the election year over the life of the public financing system. This has led to some nominees being essentially out of money between the time that they nail down the nomination and the convention where they are formally nominated and become eligible for the general election grant. For a few cycles, soft money raised by the parties filled in that gap, but the Bipartisan Campaign Reform Act of 2002 fortunately has now closed that loophole. By eliminating spending limits in the primaries, the bill makes sure that candidates can continue raising and spending the money they need to remain competitive. In addition, the political parties will be permitted to spend up to \$50 million coordinated with their candidates, an increase from the current limit of \$15 million.

Obviously, these changes make this a more generous system. So the bill also makes the requirement for qualifying more difficult. To be eligible for matching funds, a candidate must raise

\$25,000 in matchable contributions—up to \$200 for each donor—in at least 20 States. That is five times the threshold under current law.

The bill also makes a number of changes in the system to reflect the changes in our presidential races over the past several decades. For one thing, it makes matching funds available starting six months before the date of the first primary or caucus, which is approximately 6 months earlier than is currently the case. For another, it sets a single date for release of the public grants for the general election—the Friday before Labor Day. This addresses an inequity in the current system, under which the general election grants are released after each nominating convention, which can be several weeks apart.

The bill also prohibits Federal elected officials and candidates from soliciting soft money for use in funding the party conventions and requires presidential candidates to disclose bundled contributions. The bundling provision builds on a provision contained in ethics and lobbying reform legislation enacted in 2007. It requires presidential candidates to disclose all bundlers of \$50,000 or more.

Additional provisions, and those I have discussed in summary form here, are explained in a section-by-section analysis of the bill that I will ask to be printed in the RECORD, following my statement.

The purpose of this bill is to improve the campaign finance system, not to advance one party's interests. The current President raised and spent more money than any other candidate in history. But he has a history of supporting the presidential public funding system, and he recognizes the importance of reforming and updating the current system. I am optimistic that he will endorse this bill, and will participate in the system if he runs for reelection.

Fixing the presidential public financing system will cost money. The total cost of the system, based on data from the 2008 elections, is projected to be around \$1.1 billion over the 4-year election cycle. Though this is a large number, it is actually a very small investment to make to protect our democracy and preserve the integrity of our presidential elections. The American people do not want to see a return to the pre-Watergate days of candidates entirely beholden to private donors. We must act to ensure the fairness of our elections and the confidence of our citizens in the process by repairing the cornerstone of the Watergate reforms.

Mr. President, I ask unanimous consent that a section by section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

PRESIDENTIAL FUNDING ACT OF 2010 SECTION BY SECTION ANALYSIS

SECTION 1: SHORT TITLE; TABLE OF CONTENTS TITLE I—PRIMARY ELECTIONS

Section 101: Increase in and modifications to matching payments—Current law provides for a 1-to-1 match, where up to \$250 of each individual's contributions for the primaries is matched with \$250 in public funds. Under the new matching system, individual contributions of up to \$200 from each individual will be matched at a 4-to-1 ratio, so a \$200 individual contribution can be matched with \$800 from public funds. Contributions are “matchable contributions,” however, only if the donor has made \$200 or less in aggregate contributions to the candidate, and the candidate certifies that he or she will not accept more than \$200 from that donor. In addition, “matchable contributions” may not be bundled by anyone other than an individual.

A participating candidate can receive up to \$100 million in matching funds.

“Contribution” is defined as “a gift of money made by a written instrument which identifies the person making the contribution by full name and mailing address.”

Section 102: Eligibility requirements for matching payments—Current law requires candidates to raise \$5,000 in matchable contributions (currently \$250 or less) in 20 states. To be eligible for matching funds under this bill, a candidate must raise \$25,000 of matchable contributions (up to \$200 per individual donor) in at least 20 states.

In addition, to be eligible for matching funds, candidates must agree not to accept more than \$1,000 in aggregate contributions from a single donor. That amount will be indexed for inflation. Participating candidates must also agree to not accept contributions either made by or bundled by lobbyists and PACs.

Finally, to receive matching funds in the primary, candidates must also pledge to apply for and accept public money in the general election if nominated.

Section 103: Inflation adjustment for contribution limitations and matching contributions—Contribution limits will be indexed for inflation, with 2012 as the base year.

Section 104: Repeal of expenditure limitations—Under current law, participating candidates cannot spend in excess of the primary spending limit, which was \$54 million in 2008. The bill eliminates that spending limit.

Section 105: Period of availability of matching payments—Current law makes matching funds available on January 1 of a presidential election year. The bill makes such funds available six months prior to the first state caucus or primary. That date for the 2008 elections would have been July 3, 2007.

Section 106: Examination and audits of matchable contributions—Current law requires that the Commission conduct an audit of the qualified campaign expenses of candidates and authorized committees that received payments under section 9037. This Section would require the Commission to also audit matchable contributions accepted by candidates and authorized committees.

Section 107: Modification to limitation on contributions for presidential primary candidates—Under current law, all elections held in a calendar year for President are considered to be a single election for purposes of the contribution limits. This Section addresses the possibility that a primary or caucus might be actually held the year before the general election by changing “calendar year” to “four year election cycle.”

TITLE II—GENERAL ELECTIONS

Section 201: Modification of eligibility requirements for public financing—Currently, candidates can participate in either the primary or the general election public financing system, or both. Under the bill, a candidate must participate in the primary matching system in order to be eligible to receive public funds in the general election.

Furthermore, the candidate must agree to (1) furnish the Commission with evidence of qualified campaign expenses, if requested; (2) agree to keep any records, books and other information the Commission may request; and (3) agree to an audit by the Commission and pay any amounts required to be paid as a result of that audit.

To receive public funding in the general election, candidates must certify that they will not (1) accept contributions or bundled contributions from lobbyists or contributions from a political committee other than a political party; (2) solicit funds for a joint fundraising committee that includes a political party after June 1 of the election year; and (3) solicit funds for any political party committee after they have received their general election grant.

Section 202: Repeal of expenditure limitations and use of qualified campaign contributions—Currently, candidates who receive public funds are prohibited from raising any private funds for general election campaign expenses. Under the bill, such candidates may continue to raise “qualified contributions” for the general election. Qualified contributions are defined as contributions of no more than \$500 in the aggregate that are received after June 1 of the election year. To accept a qualified contribution, candidates must certify that the donor has not contributed more than \$500 in the aggregate to the candidate for the general election, and the candidate will not accept additional contributions from that donor once \$500 has been received from that donor.

Section 203: Matching payments and other modifications to payment amounts—The major party candidates for President will be entitled to equal payments of \$50 million, plus matching funds of up to \$150 million for a maximum total of \$200 million in public funding. Individual contributions raised after June 1 of the election year of up to \$200 will be matched at a 4-to-1 ratio. Contributions are “matchable contributions,” however, only if the candidate certifies that the donor has made contributions of \$200 or less in aggregate for the general election, the candidate will not accept more than \$200 from that donor, and the contribution has not been bundled or forwarded by anyone other than an individual fundraiser.

Minor party candidates can receive grants and matching funds for the general election after the fact, based on the percentage of votes received by those candidates in the election. If a minor party fielded a candidate in the previous election, general election funds can be received by that party’s candidate based on the performance of the candidate in the previous election. These rules mirror current law on the availability of general election funding for minor party candidates.

Section 204: Inflation adjustment for payment amounts and qualified contributions—The general election grant amount, (\$50 million in 2012), general election matching fund maximum amount (\$150 million in 2012), and qualified contribution limit for the general election (\$500 in 2012) will be indexed for inflation.

Section 205: Increase in limit on coordinated party expenditures—Current law pro-

vides a single coordinated spending limit for national party committees. In 2008, that limit was about \$15 million. The bill increases the limit to \$50 million. This will allow the party to support the presumptive nominee during the so-called “gap” between the end of the primaries and the conventions. The entire cost of a coordinated party communication is subject to the limit if any portion of that communication has to do with the presidential election. Party spending limits will be indexed for inflation.

Section 205: Establishment of uniform date for release of payments—Under current law, candidates participating in the system for the general election receive their grants of public money immediately after receiving the nomination of their party, meaning that the two major parties receive their grants on different dates. Under the bill, all candidates eligible to receive public money in the general election would receive their grants and whatever matching funds they are entitled to at that time on the Friday before Labor Day, or 24 hours after both major party candidates have been nominated, whichever is later.

Section 206: Amounts in presidential election campaign fund—Under current law, in January of an election year if the Treasury Department determines that there are insufficient funds in the PEF to make the required payments to participating primary candidates, the party conventions, and the general election candidates, it must reduce the payments available to participating primary candidates and it cannot make up the shortfall from any other source until those funds come in. Under the bill, in making that determination the Department can include an estimate of the amount that will be received by the PEF during that election year, but the estimate cannot exceed the past three years’ average contribution to the fund. This will allow primary candidates to receive their full payments as long as a reasonable estimate of the funds that will come into the PEF that year will cover the general election candidate payments. The bill also allows the Secretary of the Treasury to borrow the funds necessary to carry out the purposes of the fund during the first campaign cycle in which the bill is in effect.

Section 207: Use of general election payments for general election legal and accounting compliance—Current FEC regulations permit general election candidates to raise money for a separate fund to pay their legal and accounting expenses (so-called “GELAC funds”). The bill specifies that all such expenses will now be considered general election expenses and must be paid for out of their general election funds.

TITLE III—POLITICAL CONVENTIONS

Section 301: Repeal of public financing of party conventions—This section eliminates the public financing of party conventions.

Section 302: Contributions for political conventions—This section allows the national political parties to establish a separate account to receive contributions that can only be used to fund their party conventions. Individuals may contribute up to \$25,000 in a four year election cycle to that account. The aggregate annual contribution limit applicable to an individual who contributes to a political convention account will be increased by the amount of such contributions, meaning that the contributions essentially will not count toward the aggregate limit.

Section 303: Prohibition on use of soft money—Federal candidates and officeholders and national parties and their officers are

prohibited from raising or spending soft money in connection with a nominating convention of any political party, including funds for a host committee, civic committee, or municipality.

TITLE IV—OTHER PROVISIONS

Section 401: Revisions to designation of income tax payments by individual taxpayers—The tax check-off is increased from \$3 (individual) and \$6 (couple) to \$10 and \$20. The amount will be adjusted for inflation, and rounded to the nearest dollar, beginning in 2010.

The IRS shall require by regulation that electronic tax preparation software does not automatically accept or decline the tax checkoff. The FEC is required to inform and educate the public about the purpose of the Presidential Election Campaign Fund (“PECF”) and how to make a contribution. Funding for this program of up to \$10 million in a four year presidential election cycle, will come from the PECF. These provisions will take effect immediately upon enactment of this bill.

Section 402: Regulations with respect to best efforts for identifying persons making contributions—Within six months of enactment, the FEC must promulgate new regulations on what constitutes “best efforts” for determining the identity of persons making contributions, including persons making contributions over the Internet or by credit card. The regulations must require the entity receiving the contribution to verify that the name on the credit card matches the name of the donor.

Section 403: Prohibition on joint fundraising committees—Federal candidates are prohibited from forming a joint fundraising committee with any political committee other than an authorized candidate committee.

Section 404: Disclosure of bundled contributions to presidential campaigns—This section builds on the bundling disclosure provision of the Honest Leadership and Open Government Act of 2007 (“HLOGA”) to require presidential campaigns to disclose the name, address, and employer of all individuals or groups that bundle contributions totaling more than \$50,000 in the four year election cycle. Individuals who are registered lobbyists would have to be separately identified. HLOGA’s definition of bundling would apply to bundling disclosure by the presidential candidates, and no change is made to the requirements of HLOGA with respect to congressional campaigns.

Section 405: Judicial review of actions related to campaign finance laws—Current law provides four separate judicial review provisions: (1) Section 403 of the Bipartisan Campaign Reform Act (“BCRA”), which applies to actions challenging the constitutionality of any provision of that Act; (2) 2 U.S.C. §437h, which applies to actions challenging the constitutionality of any other provision of the Federal Election Campaign Act (“FECA”); (3) 26 U.S.C. §9011, which applies to certifications or other actions taken by the FEC in connection with the general election public financing program; and (4) 26 U.S.C. §9041, which applies to certifications and other actions by the FEC in connection with the primary public funding system.

The bill replaces all four of those provisions with a single judicial review provision. All actions shall be filed in the U.S. District Court for the District of Columbia, with an appeal permitted to the Court of Appeals for the District of Columbia Circuit and then to the Supreme Court. All courts are required to expedite any such actions to the greatest

extent possible, and Members of Congress are granted the right to intervene as of right in any case challenging the constitutionality of any provision of FECA or the public financing provisions in the Internal Revenue Code. Members of Congress may themselves bring such a case.

TITLE V—OFFSETS

Section 501: Offsets—This section would reform a federal irrigation subsidy program by closing a loophole in the 1982 Reclamation Reform Act to require a means test to qualify for federal irrigation subsidies. This would ensure that small family farmers, not huge agribusinesses, benefit from federal water pricing policies intended to help small entities struggling to survive. This new approach limits the amount of subsidized irrigation water delivered to any operation in excess of the 960 acre limit that claimed \$500,000 or more in gross income. Friends of the Earth in its 2003 Green Scissors report estimated that these provisions would save at least \$4.4 billion over 10 years, which is more than sufficient to cover the estimated cost of this bill—\$1.1 billion over 4 years.

TITLE VI—SEVERABILITY AND EFFECTIVE DATE

Section 601: Severability—If any provision of the bill is held unconstitutional, the remainder of the bill will not be affected.

Section 602: Effective date—The amendments contained in this bill will apply to presidential elections occurring after January 1, 2010.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 602—EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF NATIONAL INFANT MORTALITY AWARENESS MONTH 2010

Mr. CARDIN (for himself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 602

Whereas “infant mortality” refers to the death of a baby before the baby’s first birthday;

Whereas the United States ranks 29th among industrialized countries in the rate of infant mortality;

Whereas premature birth, low birth weight, and shorter gestation periods account for more than 60 percent of infant deaths in the United States;

Whereas high rates of infant mortality are especially prevalent in communities with large minority populations, high rates of unemployment and poverty, and limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality and, according to the Institute of Medicine of the National Academies, costs the United States more than \$26,000,000,000 annually;

Whereas infant mortality can be substantially reduced through community-based services such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality can result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low birth weight;

Whereas the Department of Health and Human Services, through the Office of Minority Health, has implemented the “A Healthy Baby Begins With You” campaign;

Whereas the Maternal and Child Health Bureau of the Health Resources and Services Administration has provided national leadership on the issue of infant mortality;

Whereas public awareness and education campaigns on infant mortality are held during the month of September each year; and

Whereas September 2010 has been designated as “National Infant Mortality Awareness Month”: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Infant Mortality Awareness Month 2010;

(2) supports efforts to educate people in the United States about infant mortality and the contributing factors to infant mortality;

(3) supports efforts to reduce infant deaths, low birth weight, pre-term births, and disparities in perinatal outcomes;

(4) recognizes the critical importance of including efforts to reduce infant mortality and the contributing factors to infant mortality as part of prevention and wellness strategies; and

(5) calls upon the people of the United States to observe National Infant Mortality Awareness Month with appropriate programs and activities.

SENATE RESOLUTION 603—COMMEMORATING THE 50TH ANNIVERSARY OF THE NATIONAL COUNCIL FOR INTERNATIONAL VISITORS, AND DESIGNATING FEBRUARY 16, 2011, AS “CITIZEN DIPLOMACY DAY”

Mr. SPECTER (for himself, Mr. LUGAR, Mr. LEAHY, Mr. BURR, Mr. BAYH, Mr. PRYOR, Mr. BURRIS, Mrs. LINCOLN, Mr. DORGAN, Mrs. GILLIBRAND, Mr. DURBIN, Mr. BOND, Mrs. MCCASKILL, Mr. BENNETT, Mr. CASEY, Mr. COCHRAN, Mr. UDALL of New Mexico, Ms. KLOBUCHAR, Mrs. MURRAY, Ms. CANTWELL, Mrs. HAGAN, Mrs. HUTCHISON, Mr. ISAKSON, and Mr. COBURN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 603

Whereas the year 2011 marks the 50th Anniversary of the National Council for International Visitors (referred to in this preamble as the “NCIV”), originally founded as the National Council for Community Services to International Visitors (commonly referred to as “COSERV”) in 1961;

Whereas the mission of NCIV is to promote excellence in citizen diplomacy—the concept that the individual citizen has the right and responsibility to help develop constructive United States foreign relations “one handshake at a time”;

Whereas citizen diplomacy has the power to shape perceptions in the United States of foreign cultures and international perceptions of the United States, effectively shattering stereotypes, illuminating differences, underscoring common human aspirations, and developing the web of human connections needed to achieve more peaceful relations between countries;

Whereas NCIV is the private sector partner of the United States Department of State International Visitor Leadership Program

(referred to in this preamble as the “IVLP”), a public diplomacy initiative that brings distinguished foreign leaders to the United States for short-term professional programs under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.; also referred to as the “Fulbright-Hays Act”);

Whereas the NCIV network comprises individuals, program agencies, and 92 community organizations throughout the United States, including approximately 80,000 volunteers who are involved in NCIV member activities each year as host families, professional resources, volunteer programmers, board members, and other supporters;

Whereas the network of citizen diplomats in NCIV has organized professional programs, cultural activities, and home visits for more than 190,000 foreign leaders participating in the IVLP, 285 of whom went on to become chiefs of state or heads of government in their countries;

Whereas the NCIV network has hosted and strengthened the relationships of the United States with notable foreign leaders who are alumni of the IVLP, including: Abdullah Gul, President of Turkey, Nicolas Sarkozy, President of France, Manmohan Singh, Prime Minister of India, Morgan Tsvangirai, Prime Minister of Zimbabwe, and Alvaro Uribe Velez, President of Colombia, as well as Willy Brandt, former Chancellor of the Federal Republic of Germany, Kim Dae-Jung, Former President of South Korea, Frederik W. de Klerk, former President of South Africa, Indira Gandhi, former Prime Minister of India, Anwar Sadat, former President of Egypt, and many others;

Whereas United States ambassadors have in repeated surveys ranked the NCIV network-facilitated IVLP first among 63 United States public diplomacy programs;

Whereas in 2001, Senator Arlen Specter nominated the NCIV network of citizen diplomats to receive the Nobel Peace Prize, stating that they “have done . . . the best work for fraternity between nations”;

Whereas all Federal funding for the citizen diplomacy of the NCIV network is spent in the United States, where it has leveraged \$6 in local economic impact for every Federal dollar expended;

Whereas NCIV member organizations provide invaluable opportunities for United States students to develop global perspectives and vividly experience the diversity of the world by bringing foreign leaders into local schools, loaning teachers cultural artifacts, and developing internationally focused curricula;

Whereas participation of United States communities, businesses, and universities in the international exchange programs implemented by the NCIV network strengthens the ability of the United States to produce a globally literate and competitive workforce;

Whereas NCIV celebrates excellence in citizen diplomacy and has honored 7 individuals—Senator J. William Fulbright in 1987, the Honorable John Richardson in 1990, Maya Angelou in 1993, Richard Stanley in 2000, Keith Reinhard in 2007, Garth Fagan in 2008, and Rick Steves in 2009—with the NCIV Citizen Diplomat Award for their exemplary work towards transcending barriers between the peoples of the world in visionary ways;

Whereas NCIV provides leadership at the national level having convened leaders of sister organizations for 2 national Summits on Citizen Diplomacy and providing funding to its member organizations for Summits on

Citizen Diplomacy in communities throughout the United States, giving those organizations the opportunity to foster internationally focused dialogue and to cultivate lasting partnerships with like-minded organizations in their own communities; and

Whereas NCIV member organizations serve as international gateways, sharing their communities with the world and the world with their communities—welcoming strangers and sending home friends: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 50th anniversary of the National Council for International Visitors and its extraordinary efforts to promote excellence in citizen diplomacy;

(2) commends the achievements of the thousands of citizen diplomats who have worked for generations to share the best of the United States with foreign leaders, specialists, and scholars;

(3) thanks the National Council for International Visitors citizen diplomats for their service to their communities, our country, and the world; and

(4) designates February 16, 2011, as “Citizen Diplomacy Day”.

NOTICE OF HEARING

IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR.

Mrs. McCASKILL. Mr. President, I wish to announce that the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr. will meet on Wednesday, August 4, 2010, at 1 p.m., to conduct a hearing.

For further information regarding this meeting, please contact Erin Johnson at 202-228-4133.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1586

Mr. REID. Mr. President, I now ask unanimous consent that the cloture vote on the motion to concur in the House amendment to the Senate amendment to H.R. 1586 with amendment No. 4567 occur at 5:45 p.m., Monday, August 2, with the time from 5:15 p.m. to 5:45 p.m. equally divided and controlled between the majority and minority leaders or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open today until 1 p.m. for the introduction of legislation, submission of statements, and cosponsorships.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR MONDAY, AUGUST 2, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, August 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning

business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of the House message on H.R. 1586.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. So, Mr. President, at approximately a quarter to 6 on Monday, the Senate will proceed to a cloture vote on the motion to concur with respect to H.R. 1586, the legislative vehicle for FMAP and teacher funding. Next week we have a lot of work to accomplish. In addition to the FMAP and education funding, we need to consider an energy bill, the nomination of Elena Kagan to be an Associate Justice of the Supreme Court, and there are other matters we are going to try to clear for action on the legislative and Executive Calendars. We feel hopeful we can complete business on the Small Business Administration legislation we have spent so much time on early next week.

ADJOURNMENT UNTIL MONDAY, AUGUST 2, 2010, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 11:46 a.m., adjourned until Monday, August 2, 2010, at 2 p.m.

HOUSE OF REPRESENTATIVES—Friday, July 30, 2010

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:
O God, at times it seems You have rejected us. Our defenses have broken down, and we feel vulnerable. Come and renew us with Your spirit.

You have rocked the whole country, and it is split open. You have let some of our people suffer hardships. Others seem drunken on fine wine.

But, You have warned those who fear You, there is no escape before the judgment falls.

Deliver those who are dear to You. Save them with Your powerful right hand. Answer with the word spoken from Your holy sanctuary.

The memorials built on the past speak of Your victories. Now, You need the cooperation of Your people. So once again with Your help, they may do valiantly. And You, our God, will prove victorious and receive the glory, both now and forever.
Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland (Mr. KRATOVIL) come forward and lead the House in the Pledge of Allegiance.

Mr. KRATOVIL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

HONORING SALISBURY ALUMNI CHAPTER OF KAPPA ALPHA PSI FRATERNITY

(Mr. KRATOVIL asked and was given permission to address the House for 1 minute.)

Mr. KRATOVIL. Madam Speaker, today I ask my colleagues to join me in celebrating the accomplishments of the Salisbury Alumni Chapter of Kappa Alpha Psi Fraternity for their outstanding service to the community. This year marks 20 years of dedication to the youth of Salisbury, Maryland, by providing them with a positive outlet through their summer basketball league.

The co-directors are Bruce Wharton and Tom Vanlandingham. With support from friends, they created a program that keeps children off the streets when schools are closed. The league started for kids on the west side of Salisbury and over the years has shown numerous children what possibilities life has to offer.

While basketball is the hook, Kappa Alpha Psi brothers also strive to show kids the positive side of life by surrounding them with examples of positive male and female role models. Bruce and Tom plan seminars on everything from avoiding the temptations of joining a gang to good eating habits.

Their league is free to all children and includes children from ages 10 to 18. They play Monday through Thursday evenings, four games per night. A recent expansion has allowed students from nearby cities and States to form teams and play in the league as well.

Kappa Alpha Psi Fraternity is a prime example of how to give kids the support guidance they need through sports. I commend them on this milestone anniversary.

EXTEND TAX CUTS FOR JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Wednesday I highlighted the significant tax increases that are heading toward hardworking Americans at the beginning of next year. Families, married couples, and parents are going to be paying more taxes. Washington liberals are planning to reinstate the marriage penalties and cut the child tax credit in half.

Cutting the child tax credit in half from \$1,000 to \$500 per child will cost the average American family around \$1,033 in higher taxes in 2011.

Reinstating the marriage penalty will cost an average of \$595 for each family in 2011. In these tough economic times, raising taxes will eliminate jobs. It is time for Washington liberals

to stop passing policies that penalize families and start passing incentives that promote job creation.

In conclusion, God bless our troops, and we will never forget September the 11th in the Global War on Terrorism.

AMERICAN BUSINESS COMPETITIVENESS ACT

(Mr. MAFFEI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAFFEI. Mr. Speaker, our current Tax Code is riddled with loopholes for big multinational corporations. Many industries, especially those with high-paid lobbyists, get special tax breaks, many of which actually reward companies for sending jobs overseas.

The Syracuse Post-Standard pointed out these breaks cost us up to \$123 billion a year. Now, most businesses employ hardworking citizens and keep the economy afloat. Where are the tax breaks for them? Instead, they pay one of the highest tax rates, 35 percent, simply because they are American businesses.

We are putting our entire business community at a competitive disadvantage in the worldwide market while rewarding corporations that build factories in China and Mexico.

Mr. Speaker, the bill that I have introduced this week will eliminate the irresponsible tax loopholes that move our jobs overseas and use the money saved from that to lower the corporate tax rate by a third. That would help create millions of manufacturing jobs and other jobs here in America.

SPECIAL TREATMENT FOR SPECIAL PEOPLE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Federal Government has decided some people are more special than others. The administration thinks the Wall Street elites are special. The big banks and the big auto industries, well, they are really special and too big to fail, but the administration has decided the blue-collar workers who do the rough work on the oil rigs and provide American energy—just aren't special.

The blue-collar guys don't want handouts like the special interest big shots got. They just want their jobs back.

But the administration not only won't treat these workers special, the

administration just took their jobs away because of the offshore drilling moratorium. Now these American jobs are headed to Brazil, Libya and to Egypt.

The drilling moratorium is not based on science, it's arbitrary. Two courts have so ruled. Five Americans are killed on highways every hour. I don't see anyone wanting to close all the roads down.

The deep-water moratorium should end. The offshore workers should get their jobs back, but that's not going to happen any time soon because it's only special treatment for special folks, and they are just not that special.

And that's just the way it is.

SOCIAL SECURITY

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today to join all of America in celebrating 75 years of a bedrock promise to our seniors, to our retirees, of Social Security. That's right, 75 years of Social Security, a promise from one generation to the next generation.

In this country, 6 in 10 seniors rely on Social Security for more than half of their income. Over 6 million children, nearly 1 in 10, receive part of their income from Social Security.

I was one of those young people when my father was disabled. I and my siblings received Social Security to help us continue to support our family in a real time of need. It really is one promise from one generation to the next.

Now, there are some on the other side of the aisle who want to privatize Social Security. They would put Social Security into the stock market, and maybe we would face a year like we have faced in the last couple of years, and retirees would lose a third or more of their income.

But that's not the promise that we make from one generation to another. So this summer I and my colleagues are going to be talking about Social Security. I will be doing it this weekend at a senior forum out in Prince George's County, Maryland. A promise from one generation to the next generation, it's a promise that Democrats plan to honor. It's a promise that we make to the American people, and we will keep that promise no matter what our Republican colleagues try to do.

□ 0910

DEMOCRATIC AGENDA IS TO SCARE SENIORS

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, once again this morning my Democratic col-

leagues are trying to scare this country. The facts of the case are that, as a result of the economic downturn of this country because of high taxes and more rules and regulations, more people are unemployed in America today than since the Great Depression. That is what will kill Social Security.

Republicans are not interested in killing Social Security. They are interested in America having a vibrant economic output. They are interested in people being employed and being able to take care of their families. And so perhaps the Democratic message will be to scare seniors and scare people about what Republicans would do to Social Security. Let's get it right: Republicans want to make sure that we have a vibrant economy. We are for Social Security. We support Social Security. I am disappointed that the Democratic agenda is going to be—that we heard about today—to scare seniors about their future.

SOCIAL SECURITY

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, some of my friends on the other side of the aisle are always warning the young people of this country that Social Security won't be there for them, so we should just scrap it now, raise the retirement age, and privatize Social Security. They are wrong.

Social Security is critical for those who depend on it. It is essential for the family who has a loved one who needs disability insurance. It's essential for our senior citizens who paid their whole lives into a system so they would have a safety net when they need it most. However, Social Security is not just a retirement benefit; it's also an insurance program. If a spouse or parent of a child dies, Social Security is there for his or her widow, widower or child. This is not just a retirement program for seniors. It's a social safety net for all of us.

The young people of this country need to know Social Security is there for them and that it can be there in the future, just as it was for generations and for our seniors today. However, we must fiercely defend Social Security from some Republican efforts to privatize funds and gamble it on Wall Street. We must protect and strengthen Social Security, not dismantle it.

PROVIDING FOR CONSIDERATION OF H.R. 3534, CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010; AND PROVIDING FOR CONSIDERATION OF H.R. 5851, OFFSHORE OIL AND GAS WORKER WHISTLEBLOWER PROTECTION ACT OF 2010

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on

Rules, I call up House Resolution 1574 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1574

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and amendments specified in this section and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Natural Resources or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House

the bill (H.R. 5851) to provide whistleblower protections to certain workers in the offshore oil and gas industry. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in part C of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor; and (2) one motion to recommit with or without instructions.

SEC. 4. (a) In the engrossment of H.R. 3534, the Clerk shall—

(1) add the text of H.R. 5851, as passed by the House, as new matter at the end of H.R. 3534;

(2) assign appropriate designations to provisions within the engrossment; and

(3) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 5851 to the engrossment of H.R. 3534, H.R. 5851 shall be laid on the table.

The SPEAKER pro tempore (Mr. CUELLAR). The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1574 provides for consideration of H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2010, under a structured rule; and H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010, under a closed rule.

Mr. Speaker, April 20, 2010, became a day that will live in history as one of the worst environmental disasters in decades. When explosion and fire ripped through the Deepwater Horizon, the first priority was saving the lives of the crew. Sadly, for 11 men it was too late.

□ 0920

As the oil flowed out of the well and as BP unsuccessfully tried to stop it, the Nation watched, captivated by the story and by the untold damage to gulf coast communities. We learned a new

language, the language of the offshore oil and gas industry. Terms like “blow-out preventer” and “top kill” became common words to the American people, to news shows and on the House floor. The evening news was soon filled with pictures of oil-coated beaches, dead pelicans, and fishermen who were afraid that their way of life was slipping away.

Today, as we debate these two very important bills, I wonder why it has taken us, Congress, so many years to act on the issues we are taking up today. The problems and challenges facing the management of our resources, like offshore oil and gas, are not new. In 2007, before I was elected to this body, Chairman RAHALL recognized that we needed to reform the dysfunctional system that allowed BP to run the Deepwater Horizon rig without regard to the safety of their workers or to the health of the environment. Additionally, the ideas behind the CLEAR Act are not new. They are common-sense reforms that should have happened years ago. Maybe, if they had happened, the workers on the Deepwater Horizon would still be alive and the gulf would not be soaked in oil.

Mr. Speaker, we need to continue responding to the disaster in the gulf and not forget that catastrophic environmental damage has been done. We need to clean up and repair the gulf, to hold BP accountable for its oil spill, to enact stronger environmental, technological, and spill response standards, to conserve our natural resources, and to invest in an American clean energy future.

We must also remember that, in addition to cleaning up the mess, repairing the damage, and cracking down on big oil companies, we also have to get serious about ending our dependence on oil and creating new sources of clean energy. If we had a clean energy economy, powered by wind and solar and tidal power, we probably wouldn't be here having this discussion today.

Frankly, it is almost impossible for me to imagine what would have happened if my State, the State of Maine, had experienced a massive oil spill that had polluted the Gulf of Maine. It is almost impossible for me to imagine the devastation to our fishing families, to our tourism, and to our beautiful coastline if millions of gallons of crude oil were to begin washing offshore, but it is possible for me to imagine the same Gulf of Maine dotted with floating offshore wind turbines, wind turbines which would create good-paying jobs and provide an endless source of clean energy without the risk of environmental disaster.

Today, we are considering two bills that will help address some of our most egregious problems. This bill will provide protection for whistleblowers who alert the government to dangerous violations of Federal law. Nobody should

be forced to choose between his or her job and reporting unsafe conditions. It will also improve the leasing process, making sure all companies follow the environmental and safety rules, and it will ensure royalties are paid on all oil drilled or spilled.

The CLEAR Act reorganizes the Department of the Interior to provide better management of the Nation's energy resources located on Federal lands and water. The act eliminates conflicts that arise when the same agency which is in charge of the environmental reviews of leases, of issuing leases, and of making sure the leaseholders and rig operators are in compliance with safety and environmental laws, then turns around and collects royalties from these same companies.

The disaster in the gulf makes it clear that we should be working to transition our economy to a clean energy future. Investments in clean energy will help in the recovery of our economy, and supporting renewable energy projects, like offshore wind, will strengthen the economy and help create good jobs that can't be shipped overseas.

I am glad that language is included in the bill that will reform royalty collection. I am proud of the work that we have done on this issue, and I thank Chairman RAHALL for working with me on language included in this manager's amendment that will guarantee that BP pays royalties on every drop of oil spilled in the gulf.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank the gentlewoman for yielding time to me, and I yield myself such time as I may consume.

Here we are, Mr. Speaker, today, a brand new day. It is the 35th time this Congress that I have handled a rule. Once again, it is another closed rule. In fact, as we aim for our 6-week recess, we recognize how important it is for Members of this body to go back home and to receive feedback about what a great job we are doing here in Congress, to have the American people be very supportive of increasing taxes and of more rules and regulations. Today, we are sticking it to the consumer again at the gas pump because we are going to take it out on energy companies. It is going to be a very interesting recess.

Mr. Speaker, as I talk about this being my 35th time during this session to handle a closed rule, in fact, the Democratic majority has not allowed one open rule, not for me and not for my colleagues. There has not been one open rule this entire Congress. Yet, this week, we are passing two appropriations bills, which, under normal rules and regulations, at least before the Democrats took over, would have been open to all Members to have come in and to have not only openly debated but to have shown up on the floor and

to have offered their ideas about appropriations bills.

I just don't believe that closing down debate, limiting Members' abilities to come talk, having limited amendments, and really shutting out Republicans and Democrats—that is, unless you are in the leadership of the Democratic Party—is really the way that we should run this ship. Once again, during the break, I think the American people are going to have a chance to provide some feedback to Members. It is my hope that we will listen.

Today, we are discussing two bills that are reactions to the gulf oil spill crisis. While reforms are clearly needed to make the American offshore drilling safer and cleaner, today's legislation requires new blanket regulations without a good sense of, I think, what the problem was and what the facts say. The investigation of events should be completed so that Congress can act intelligently and correctly. The focus should be on permanently stopping the leak, on cleaning up the oil, on assisting gulf coast communities, on holding BP accountable, and on finding the cause of the disaster. We ought to wait until we get that.

What we are doing is trying to put through a bill here where we already assume that we understand what the problem is, and, of course, if you are in Washington, you understand these energy companies just need to be taxed more. We need to raise taxes on them to discourage the drilling in the gulf.

There was a comment made a few minutes ago that the Democrat majority wants to save jobs from going overseas. In fact, that is exactly what this will do. It will keep America continually reliant on energy from other nations around the globe, nations that not only do not like America but, perhaps, even worse than that, will use those resources that we give them against America. It is a bad deal. Anybody who listens to this debate can figure out in half a heartbeat that using American resources, keeping American jobs and more fully working with the industry instead of trying to punish the industry would be what any rational American would do.

Once again, we are not rational in this town. It is about punishing people. It's just like President Obama, who wants to pick a fight with everybody in town in order to go and ruin the free enterprise system. Well, that is what we are doing again today. We are on record. We are going to have the vote today. We are going to lose thousands of jobs.

Yesterday, the gentleman Mr. SCALISE from Louisiana and the gentleman Mr. CASSIDY from Louisiana came forward to the Rules Committee. They talked about this moratorium in the gulf and that, if it continues, thousands of jobs will be lost in their home State. Thousands of middle class Amer-

icans who need to have work, once again, will be in trouble.

The Obama moratorium on deep-water drilling has already cost tens of thousands of jobs. This bill will eliminate even more American energy jobs, making it harder and more expensive to produce both energy on- and offshore. Additionally, this legislation will only further enhance our economic troubles in the gulf region and throughout the Nation because it will create a diminished supply of energy which will be available at a higher cost, and the American consumers will be the people who will be paying for this—I'm sorry—the taxpayers, also, because they will be the people who will be unemployed.

□ 0930

Mr. Speaker, my good friends on that side of the aisle are using H.R. 3534 to exploit this oil spill tragedy as a political opportunity to rush to Washington and put energy items on their agenda.

The underlying bill imposes job-killing changes and higher taxes. This underlying bill imposes job-killing charges and higher taxes for both on-shore natural gas and oil production and offshore. The bill creates over \$30 billion in new mandatory spending, \$30 billion in new mandatory spending for two new government bureaucracies that have absolutely nothing to do with the oil spill. It raises taxes over \$22 billion in 10 years. This is a direct tax on natural gas and oil that will raise energy prices for American families, businesses, hurt domestic job creation, and increase our dependence on foreign oil. But don't worry, I'm sure we can blame George Bush for the passage of this bill and the outcome that will come from that.

Additionally, H.R. 3534 requires a Federal takeover of State authority to permit in State waters which reverses 60 years of precedence of law in this country. Why are we rewarding the mismanagement, corruption and oversight failures of the Federal Government and giving them expanded authority now? They were a joint partner down in the gulf, and they failed too. We should not empower them even more.

The bill includes unlimited spill liability for offshore operators, which could effectively eliminate all independent producers from offshore drilling if they cannot obtain insurance policies to cover their operations. However, this does not mean that drilling up and down our coasts will stop. Nope. Countries like China and Russia are in the process of negotiating with Cuba for access to these same oil fields right now, which means that others will come and reap the benefits, sell it to us at an exorbitant price, and we will be shipping American jobs overseas.

According to an independent study from IHS Global Insight: "By 2020, an

exclusion of the independents from the Gulf of Mexico would eliminate 300,000 jobs and result in a loss of \$147 billion in Federal, State and local taxes from the gulf region over 10 years."

The gulf region has suffered enough, Mr. Speaker. Our consumers and businesses need an adequate supply of natural gas and energy. What this Congress does is only going to diminish jobs, lower local revenue in areas, and cause our businesses to be noncompetitive because we will pay more for the energy to supply the needs to business.

Week after week, Mr. Speaker, I come down to this floor to debate the importance of economic growth and job opportunities, and my friends on the other side of the aisle continue this same agenda, the same agenda that does not work. And then they question, Why don't you Republicans—at least one of you—come vote for this? Well, the answer is, We're not going to vote for what's not going to work. And what does not work, Mr. Speaker, is the taxing, the borrowing, the spending policies that week after week after week diminish jobs and push our economy into further debt.

Unemployment is the highest it's been. More people are unemployed in this country than since the time of the Great Depression and for a longer period of time. That is not a record of success, Mr. Speaker. It's one that I would be embarrassed about. Americans want solutions. They want Congress to produce results, and this bill does not do that. It's my hope that when we go home for the August break once again that the American people say what's on their mind, and I think it's up to us, as Members of Congress, to listen.

Additionally, in the Natural Resources Committee, Congressman CASSIDY from Louisiana offered an amendment that passed the committee without any objections for Congress to establish a bipartisan independent commission to investigate the oil spill, yet it has been stripped from the bill, and that amendment was not made in order last night in the Rules Committee. This Democrat majority continues to use their power to shut out bipartisan solutions to everyday issues that are here on the floor.

Under this rule, we're also providing consideration for H.R. 5749, the Offshore Whistleblower Protection Act. While providing whistleblower protections for offshore workers is essential to the safety of those workers and others, I remain concerned that H.R. 5749, which was just introduced on Monday evening of this week, should have gone through regular order review, allowing Members the appropriate time not only to read the bill—I'm sorry, did I say read the bill? Yes, Members need to be able to read the bill, understand the content, have some dialogue, and then it would allow them an opportunity to

provide feedback. Of course, I know and you know, Mr. Speaker, that in the Rules Committee, anything that deals with common sense, bipartisanship, or that might be a position taken by some part of the free enterprise system is shut out of the Rules Committee week after week, day after day.

So with the current fiscal crisis our government faces and record unemployment, why do we have this bill on the floor today? To make unemployment even worse—in particular, in Louisiana and Mississippi—increase taxes, further implode the debt and the deficit. Mr. Speaker, it makes no sense why week after week this Democrat majority does that. We should be doing job-saving and job-creation bills, not job-killing bills. But once again, this is the agenda of the Democratic Party.

Mr. Speaker, the voices of the American public have been clear. Americans need this Congress to get it. We need pro-growth solutions that will encourage job creation and keep America competitive with the world. This legislation further diminishes private sector jobs while adding billions to our national debt.

So I don't know when my friends on the other side of the aisle are going to catch on; but it is my hope that at the August break, they will have an opportunity to hear from Americans who are unemployed, seeking an opportunity to find a job who look to this Congress to do something about the jobs.

Mr. Speaker, the question once again today, Where are the jobs? Where is the agenda on this floor that will be about saving jobs? And, Mr. Speaker, perhaps more pointedly, when will we quit killing jobs in this country with an agenda by the Democratic Party that the Democratic Members vote for that diminishes America's ability to compete?

Mr. Speaker, I urge a "no" vote on the rule.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I very happily yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), my colleague on the Rules Committee.

Mr. MCGOVERN. I thank the gentleman for yielding to me and for her leadership on this issue.

Mr. Speaker, I rise in strong support of the rule, and I rise in strong support of the underlying bill. And to my friend from Texas who talks about listening to our constituents, let me assure him, I listen to my constituents every week when I go home. And what I hear from them is that they are sick and they are tired of my friends on the other side of the aisle continuing to rise on this floor to be apologists for Big Oil. What my constituents want and I think what the American people want is smart regulation, better safety standards, whistleblower protection. They want to make sure that a repeat of what we just saw in the gulf never happens again.

My friend talks about jobs. How many jobs have been lost because of this oil spill? How many fishermen are out of business? How many hotels and restaurants have lost business because of this terrible crisis? You know, this crisis has had such a negative impact on jobs that I can't even begin to quantify. So my friend talks about jobs, it is because of the recklessness and the lack of oversight by the Bush administration that got us here, and we don't want to see this repeated again and again and again.

So this is a good bill, and it's a smart bill. If you want to apologize for Big Oil, go right ahead. But the American people are not on your side on this one.

Mr. Speaker, I also rise to express my strong support for the Land and Water Conservation Fund program and particularly for the Stateside program. The Stateside program provides matching Federal grants to States and local communities to develop outdoor recreation facilities and parks and conserves brilliant natural spaces throughout the country. Since the creation of the Land and Water Conservation Fund program in the 1960s, funding levels for the Stateside program have fluctuated widely.

□ 0940

This is especially evident over the past decade. Between fiscal years 2002 and 2005, between \$91 million and \$140 million per year was appropriated for the Stateside program. Unfortunately, in sharp contrast, only \$19 million to \$40 million has been appropriated between fiscal years 2006 and 2007, representing less than 10 percent of the total land and water conservation funding per year. The Stateside program is a good program that benefits communities across the country. It is a good, strong program that deserves adequate funding.

Now, Mr. Speaker, I would like to enter into a colloquy with the chairman of the Natural Resources Committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. Chairman, as you know, I have serious concerns about the funding levels for the Stateside LWCF program. I am pleased that that the CLEAR Act provides for permanent funding for the entire LWCF program, but I remain concerned that there is no statutory program supporting equitable funding for the Stateside program.

As you know, unfortunately, the Stateside program has been chronically underfunded. I think we can all agree that these programs positively contribute to the vibrancy of our communities, and actually create jobs. Stateside funding has widespread support, and I seek your assurance that we can find a way to provide increased funding for the Stateside LWCF program.

I yield to the gentleman from West Virginia.

Mr. RAHALL. I appreciate the gentleman from Massachusetts yielding.

The Stateside LWCF program does provide vital support for States and local communities for access to outdoor recreation. My home State of West Virginia, for example, has benefited greatly from these formula-driven matching grants, and I am pleased that the CLEAR Act will provide stable, permanent funding for the Stateside program.

I agree with the gentleman that the funding levels for Stateside in recent years have been completely inadequate, and I look forward to working with you, our colleagues on the Appropriations Committee, the administration, and others who support this critical program to ensure it receives adequate and equitable funding going forward.

Mr. MCGOVERN. Mr. Speaker, I have a letter from Interior Secretary Salazar that acknowledges the Stateside program needs additional funding to carry out its work.

U.S. DEPT. OF THE INTERIOR,
SECRETARY OF THE INTERIOR,
Washington, DC, July 29, 2010.

Hon. JAMES P. MCGOVERN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MCGOVERN: Thank you for your interest and support for the Stateside Assistance portion of the Land and Water Conservation Fund (LWCF). President Obama has committed to fully fund LWCF by 2014 through the budget process. If Congress decides to include a full funding provision in the CLEAR Act and full funding occurs in 2014 or earlier, there will be excellent opportunities to develop a vibrant Stateside Assistance program that will help us to meet the conservation needs of the 21st century.

As the Executive Director of the Colorado Department of Natural Resources and as a U.S. Senator from Colorado, I have demonstrated my commitment to local and state parks and the State-side program. While in the U.S. Senate, I was a principal sponsor of the Gulf of Mexico Energy Security Act of 2006, which created additional funding for State-side LWCF programs.

The Department of the Interior is committed to finding the best ways to improve and strategically invest LWCF funds. I also understand that States need additional funding in order to expand outdoor recreational opportunities and to conserve important places. If we are to accomplish these goals and achieve the full potential of the Stateside LWCF program in challenging economic times we must work together.

We have an opportunity with the growth of LWCF funds to build a program that will address these needs. Through the President's America's Great Outdoors Initiative, we are hearing from state and local governments, recreation advocates, nonprofit organizations, and other supporters about ways to enhance the State-side Grant program. In addition to the great projects now funded by the State-side program, there is strong support for investments in (1) the creation and expansion of urban parks and river greenways close to where people live, (2) providing rural communities with better recreational opportunities, and (3) connecting our local and state public recreation lands with Federal lands throughout the Country.

It's important that we chose our projects carefully to ensure that these funds make a big difference in our states and communities. We need to remind the American people of the value that outdoor recreation and land conservation offers everyone and how it makes our society a richer place in which to live and raise our families.

As we do this, I look forward to working with you on the best ways to protect our treasured landscapes.

Sincerely,

KEN SALAZAR.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. PINGREE of Maine. I yield the gentleman 1 additional minute.

Mr. MCGOVERN. I want to thank Chairman RAHALL for allowing me the opportunity to address my concerns, and for working with me toward ensuring the Stateside program receives the funding it deserves.

Again, I want to thank the gentlelady from Maine for the time. I will close by urging my colleagues to support the rule, support the CLEAR Act, and let this Congress go on record as standing with the people of this country and not standing with Big Oil.

Mr. SESSIONS. Mr. Speaker, I am delighted to hear back from my colleagues about how this change is doing such a great job for their constituents back home. Robust, I am sure, economic times in Massachusetts to where they don't have to worry about an adequate supply of energy or the costs associated with that.

But, Mr. Speaker, today I received a copy of a Key Vote Alert from the U.S. Chamber. The U.S. Chamber represents employers and employees all across this country. They have some things to say about this bill, too, which every single Member of Congress has a chance to receive. That doesn't mean they agree with it or want to read it.

But it says this: "There's a bright line between increasing safety and creating a regulatory environment so unfit for business that oil and gas companies that operate in the United States will take their business elsewhere. That line is crossed repeatedly throughout H.R. 3534."

I continue from this Key Alert, U.S. Chamber. "At this time, it is premature for Congress to legislate prescriptive solutions when the causes of the well blowout and any associated failures that led to the catastrophe have not yet been conclusively determined."

Mr. Speaker, once again it's a ready, aim, fire by our friends the Democrats, who bring bills to the floor, once again a mundane bill that really nobody knew was going to be here on the floor, and here it is. I continue, "The bill would make it economically nonviable to lease or explore offshore for energy resources, and the offshore energy industry would be driven largely out of U.S. waters. This outcome would increase U.S. dependence on foreign oil

at higher costs in the short-and long-term, and could cripple the gulf coast economy by jeopardizing the 46,000 jobs"—they should say that remain—"the 46,000 jobs that the oil and natural gas industry supports in the gulf coast region."

Mr. Speaker, they've got it right. They've got it exactly right what this bill does. What they fail to talk about is the reason why. The reason why is it's an assault on the free enterprise system. It's a continued assault on people who are workers in this country, a continued assault to raise the price at the pump and to raise the price of heating and fuel that fuel our businesses.

Mr. Speaker, as we already understand, and we know this, the cost of energy now exceeds the cost of employees. And if we keep this dangerous trend up, rather than providing reliable sources of energy at a cost-effective price, it means that America will continue to be noncompetitive. Once again, a direct result of this Congress, a direct result of the votes that take place in this body.

The facts of the case are the Chamber also strongly opposes new energy taxes, which will cost consumers \$25 billion at the pump and in their homes. It's a continued assault on America. And I am disappointed. The Chamber nailed it. They got it right, Mr. Speaker.

CONGRESSIONAL AND PUBLIC AFFAIRS,

U.S. CHAMBER OF COMMERCE,

Washington, DC, July 29, 2010.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly opposes H.R. 3534, the "Consolidated Land, Energy, and Aquatic Resources Act of 2010," in its current form. There is a bright line between increasing safety and creating a regulatory environment so unfit for business that oil and gas companies that operate in the United States will take their business elsewhere. That line is crossed repeatedly throughout H.R. 3534.

As the Chamber has stated in prior communications, Congress should resist the rush to act on legislation in the midst of the ongoing catastrophe in the Gulf; priority number one must remain permanently sealing the well and mitigating the extensive environmental damage. At this time, it is premature for Congress to legislate prescriptive solutions when the causes of the well blowout and any associated failures that led to the catastrophe have not yet been conclusively determined. The Obama Administration's National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling has not yet reported its findings, and the Chamber believes that an independent commission, similar to the one included in bipartisan legislation reported by the Senate Energy and Natural Resources Committee, would inform the legislative process by providing important data, technical analysis, and expertise.

H.R. 3534 would have serious and negative impacts on U.S. energy and economic security. The bill would make it economically nonviable to lease or explore offshore for en-

ergy resources, and the offshore energy industry would be driven largely out of U.S. waters. This outcome would increase U.S. dependence on foreign oil at higher costs in the short- and long-term, and could cripple the Gulf Coast economy by jeopardizing the 46,000 jobs that the oil and natural gas industry supports in the Gulf Coast region.

Provisions eliminating the cap on liability provided in the Oil Pollution Act of 1990 could discourage major integrated oil companies as well as independent producers from exploring in domestic waters, as they would be unable to afford adequate insurance to cover the potential liability risk, if they could obtain insurance coverage at all. Independent producers, which hold approximately 90 percent of Gulf leases and produce approximately 30 percent of the oil and 60 percent of natural gas in the Gulf, would be particularly hard hit. Moreover, the retroactive application of the liability cap raises serious constitutional issues that may, if stricken down by the courts, force Congress to readdress the issue in the future.

H.R. 3534 would force the CEOs of energy companies to attest personally that their systems will never, ever fail and that their companies are in strict compliance with all environmental and natural resource laws. Violations would subject CEOs to civil penalties, through citizen suits and enforcement actions, and criminal liability, which could include imprisonment. In practice, these provisions in H.R. 3534 are unworkable, and few—if any—companies could meet them. The intent of this provision appears to be political demagoguery of energy company CEOs. However, the real impact of these provisions would be severe; few domestic or foreign energy companies would be willing to explore for energy in U.S. waters.

The Chamber strongly opposes the new energy taxes included in H.R. 3534, which Congressional Budget Office analysis indicates would ultimately cost consumers \$25 billion. Termed a "conservation tax," it would do nothing of the sort; all monies raised by this tax would go directly to the federal treasury for Congress to appropriate. Congress should not exploit the tragedy in the Gulf as a rationale to levy excessive new energy taxes on American consumers and producers. The nascent economic recovery cannot afford additional extreme taxes on domestically produced commodities that the entire United States depends on every day. Ultimately, such new taxes could encourage American operators to move investments elsewhere. Excessive taxes levied exclusively on domestically produced energy would also increase U.S. dependence on imported energy as it did in the 1980s, further increasing the risks to U.S. energy security.

The Environmental Diligence provisions, purportedly intended to ban BP leases, would set conditions so that virtually no firm could develop Gulf energy resources. H.R. 3534 would create a "doomed to fail" policy, making certain isolated violations of safety, health and environmental statutes punishable by a ban on leasing or exploration on federal land. When viewed in conjunction with the CEO liability provisions, the Environmental Diligence provisions would create, in essence, a system whereby making even one mistake could bar future access to leasing. Rather than enduring the hostile and risky relationship with federal regulators that this legislation would force upon both regulators and the regulated community, firms would likely forgo further investments in U.S. waters.

H.R. 3534 would expand dramatically the reach and scope of federal environmental law

by imposing unnecessary layers of duplicative environmental reviews, prolonging decisions on permits, and changing the criteria agencies must consider when issuing a lease or permit. Furthermore, the legislation would minimize the ability of federal regulators to consider the economic benefits of energy exploration projects. As a result, the economic growth of communities along the Gulf Coast and U.S. energy security would become much less relevant to federal regulators under H.R. 3534.

The provisions of H.R. 3534 that would expand the scope of the Outer Continental Shelf (OCS) Lands Act and establish a massive new regulatory framework for shallow water energy exploration would essentially eliminate this industry in its current form. Shallow water drilling does not present the same risks as deepwater exploration and has operated with an exceedingly high level of environmental performance for more than 50 years.

Even in the area of renewable energy, H.R. 3534 would pose new challenges to domestic energy security. By expanding the scope of the OCS Lands Act to offshore renewables, H.R. 3534 would subject the deployment of new offshore technologies to the same plethora of unworkable requirements for oil and gas exploration. As a result, not only would oil and gas energy production be forced from American waters, but renewables would not necessarily be erected in their place.

The Chamber opposes the "Build America" provisions in the bill, which would require that offshore facilities be built in the United States with only limited exceptions. Similar Build and Buy American provisions have been proven to be counterproductive. Not only would such provisions harm United States' global standing, it could inhibit the ability of companies to adopt the best technology from around the world. Moreover, the U.S. shipbuilding industry does not have the domestic capacity to build large mobile drilling rigs. Ultimately, this provision would increase costs and be very difficult to implement given the complexity of offshore platform supply chains.

The Chamber strongly opposes H.R. 3534 in its current form because of its negative impact on energy and economic security. The Chamber urges Congress to take the time necessary to understand the causes of the Gulf spill before proceeding with legislation to purportedly "fix" the problem. The Chamber may include votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I inquire if my colleague has any remaining speakers. I am the last speaker for my side, and I am going to reserve my time until the gentleman has closed.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentlewoman for letting me know that she is through with her speakers.

Mr. Speaker, here we are on the floor talking about raising energy prices, diminishment of jobs, further debt, a Federal Government that's going to be empowered to do more in the gulf with regulation, and yet we haven't even taken time to find out what really happened, what needs to be corrected, and how that needs to take place.

Secondly, we learned very clearly that a bipartisan idea about us making sure that we do look into this, to give the American people the confidence that we can work together in Washington that went through the Natural Resources Committee without objection on a bipartisan basis, goes up to the Rules Committee, rejected. Rejected straight up.

We learned again today, no open rule in this entire Congress. My 35th time to come to the floor leading the charge for Republicans on a rule, not an open rule. Today we had an opportunity just a minute ago to provide the information from the U.S. Chamber. What's the impact of this bill? Diminishment of American jobs. More taxation on consumers at the pump. And perhaps worst of all, people who will lose their jobs. Tremendous job loss.

And in the long run, we learned that what happens is that it's not an unintended consequence when these jobs move overseas; it is a direct result of the pressure, the taxation, the rules, the regulations, the absolute meaning of the bill to diminish American jobs and to push our reliance on foreign oil and jobs overseas. That is the agenda of the Democratic Party: higher taxes, higher spending, more debt, pushing jobs overseas. We don't need those jobs here. Higher prices for consumers and incredible unemployment and debt.

You would think, Mr. Speaker, that instead of us being on the floor to diminish and kill jobs, which is what this Democratic majority does, we should be enhancing jobs. I am disappointed to know that, as the gentleman from Louisiana came to talk about people who they represent, those ideas were tossed out of hand. It's a real shame.

We do not have a body that's interested in encouraging economic development, investment, or the creation of jobs. In fact, what we are for is a political agenda that we are working through now, about two-tenths through this agenda, that will net lose 10 million American jobs, the continued assault against employers and certainly the workers of this country.

□ 0950

Mr. Speaker, I think it's, once again, another sad day. I know it's another new day in Washington, but a sad way to look at this.

Mr. Speaker, I have a letter from the National Association of Manufacturers, and what they say is, "While we appreciate efforts made earlier this week to improve H.R. 3534," meaning their members lobbied, I assume, Speaker PELOSI, "NAM members continue to oppose this bill, as it would, in its current form," the form that we have here on the floor, "drive up energy costs, create uncertainties in the availability of supply and adversity affect U.S. jobs."

Once again, these are people that are job creators and people that are trying

to hang on at a time of continued assault against the American worker by the Democratic Party. I think Mr. Jay Timmons, executive vice president of the National Association of Manufacturers, has it right. They are asking all Members of Congress, regardless of party, please oppose this job-killing, tax-increasing, consumer-higher-payments-at-the-pump bill that will result in more unemployment, higher costs.

NATIONAL ASSOCIATION OF

MANUFACTURERS,

Washington, DC, July 29, 2010.

HOUSE OF REPRESENTATIVES,

Washington, DC.

DEAR REPRESENTATIVES: The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges you to oppose H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2010.

Our nation continues to face a setback in energy security and independence every day the drilling moratorium remains in place. Thousands of jobs in the oil and gas industry have been lost. Companies that make and supply equipment, services, engines, boats and materials such as steel and concrete will soon feel massive economic consequences from the moratorium.

Manufacturers believe it is critically important to understand the causes of the Gulf of Mexico accident and its long-term environmental impacts before enacting policies that could make a serious problem much worse. While we appreciate efforts made earlier this week to improve H.R. 3534, NAM members continue to oppose the bill, as it would, in its current form, drive up energy costs, create uncertainties in the availability of supply and adversely affect U.S. jobs.

While there appears widespread agreement in the industry and on Capitol Hill that the \$75 million liability cap needs to be updated, requiring an unattainable level of insurance coverage for domestic energy producers on the Outer Continental Shelf is not the solution. By eliminating the cap, H.R. 3534 would effectively retain the moratorium on offshore drilling for all but a handful of the world's largest international companies, forcing the vast majority of American companies out of U.S. waters.

NAM members support energy policies that: (1) expand domestic supplies in an environmentally safe way; and (2) lower costs for U.S. consumers and for manufacturers, which use one-third of our nation's energy. Access to competitively priced energy helps U.S. companies compete in the global economy and preserves high-paying jobs here at home.

The NAM's Key Vote Advisory Committee has indicated that votes related to H.R. 3534, including votes on procedural motions, may be considered for designation as Key Manufacturing Votes in the 111th Congress. Thank you for your consideration.

Sincerely,

JAY TIMMONS,

Executive Vice President.

Mr. Speaker, Republicans continue to offer commonsense solutions to rein in the current spending spree, and the best way to do it is not to tax and not to lose jobs. The creation of jobs is how you go about turning this economy around.

There was talk about Social Security earlier. It is the Democratic Party that is losing the jobs in this country, and that is why Social Security is in trouble. I think blaming someone else is a sad way to go through life.

Republicans, like the American people, would like some transparency and accountability. They should expect it. American people should expect it from their leaders, Members of Congress, and I don't think they're getting it. Democrats are using the oil spill as an excuse to raise \$22 billion worth of new taxes and over \$300 billion in new, unrelated mandatory Federal spending.

I don't see a lot of people down here who are exactly worried about this on the Democratic side. I hear people who are down here talking about that it's the right thing to do, and that is what the Democratic majority will get credit for with this bill: more taxing, more spending, more rules and regulations, more unemployment, more high debt, pushing jobs offshore.

Mr. Speaker, reforms are needed to make America more competitive. The reforms should be about making sure that the drilling that takes place in the gulf or anywhere else is done safely and that we do follow best practices and rules and regulations. It should be done to encourage the government to work successfully with business, with industry, with the American worker, but that's not what we have here. What we have is a bill designed to kill the industry, to diminish its effectiveness, to increase costs for consumers, and to make pump costs and costs on natural gas more expensive.

I think that this economic plan by the Democratic majority they should get full credit for: higher taxes, more spending, assault on the free enterprise system, more unemployment, more debt, more things that are not working.

I'm going to give the Democratic majority credit today. Good for you. Now we know what that is. I know you're two-tenths through this agenda of killing 10 million American jobs, but you need to know this. You're going to get credit for this, and I hope the American people, in just a few days, when we go home, talk to their Members of Congress about changing that, because we ought to have a jobs bill on this floor to create jobs, not kill jobs.

The Republican Party is for the creation of jobs. We are for balancing the budget. We are for stopping the assault on employers, and we're for empowering the American people to have a brighter future, not one that simply empowers Washington, DC.

Mr. Speaker, the numbers are stunning. Over the time that President Obama has been in office, we have lost 2.5 million free enterprise system jobs, and yet 500,000 Federal Government jobs have been added in that period of time. The assault on the common man

of this country is unrelenting by the Democratic majority.

For that reason, I encourage a "no" vote on the previous question to bring some fiscal sanity and sense and restraint to this body, and I'm going to offer a "no" vote on the rule.

Mr. Speaker, the facts of the case are simple. The American people have got it. It is time for a real change.

I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, throughout the spring and summer, the public outrage has been palpable—in Washington, among the pundits and talking heads, in my own State of Maine and, truly, everywhere in this country.

In Maine, we have a special understanding about the impact the BP oil spill is having on the people of the gulf coast. Just like them, our lives and livelihoods are closely linked to the ocean. Off the Maine coast, there is an amazing renewable resource—strong winds and tides that can power our economy and create good-paying jobs and reduce greenhouse gas pollution. I think it's time for us to start using it.

As someone from a community who relies on its working waterfront, I am asking that we stand with the hard-working men and women of the gulf coast in their time of need and make sure that those responsible are the ones that pay for the spill and that we strive to ensure that a spill like this never happens again.

I urge my fellow Members to vote for the rule and the underlying bill. I urge a "yes" vote on the previous question and on the rule.

Mr. HOLT. Mr. Speaker, I rise today in support of the rule for the CLEAR Act which would, among other provisions, provide full and dedicated funding for the Land and Water Conservation Fund.

Congress created LWCF in 1965 on the principle that some funds from the sale and extraction of oil and gas from federal lands be used for the protection of important lands and waters; so they remain available for the enjoyment of all Americans. Only once in 45 years has LWCF received its full funding.

My colleagues on the other side of the aisle say that the \$2.00 per barrel conservation fee will be an undue burden on consumers. One fourth of a cent per gallon at the pump, 2 cents per tank, is well worth it for preserving Yellowstone, the Everglades, a battlefield, or building a local park in Shrewsbury or a playground in Lawrence Township.

This bill ensures that \$900 million will be provided annually for LWCF without appropriation and achieve a long-awaited, much-needed balance between resource extraction and resource conservation. I urge my colleagues to support it.

Mr. POMEROY. Mr. Speaker, I rise today in opposition to the rule allowing for consideration of H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2010.

Congress has a responsibility to take action to respond to the terrible tragedy in the Gulf region and work to ensure that such an event

never happens again. However, in doing so, we must also be careful to only advance legislation that is narrowly focused on responding to the root causes of the Gulf Oil Spill. Unfortunately, that is not the case with H.R. 3534, which I believe is overreaching and will have negative effects on domestic onshore production and on independent oil producers' ability to continue operating offshore. Among my concerns is subjecting oil and gas wells to new and unnecessary Environmental Protection Agency, EPA, storm water discharge permitting requirements. A report from the Department of Energy has shown that should the storm water provisions pass, it could result in the loss of up to 10 percent of domestic oil and gas production.

My colleagues, Congressman HARRY TEAGUE and Congressman JASON ALTMIRE, offered amendment to this legislation in the Rules Committee to remove these problematic provisions. However, it was not made in order. I believe that the inclusion of this amendment would have improved this bill by helping to more limit its scope towards responding to the oil spill and not place new unnecessary burdens on onshore development. Without this amendment, and because of my concerns about the impact these provisions will have on North Dakota's growing energy sector, I am voting against this rule.

Ms. PINGREE of Maine. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1000

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

INCREASING FLEXIBILITY IN AMOUNT OF PREMIUMS CHARGED FOR FHA SINGLE FAMILY HOUSING MORTGAGE INSURANCE

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5981) to increase the flexibility of the Secretary of Housing and Urban Development with

respect to the amount of premiums charged for FHA single family housing mortgage insurance, and for other purposes.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 5981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MORTGAGE INSURANCE PREMIUMS.

(a) FLEXIBILITY.—Subparagraph (B) of section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)(B)) is amended—

(1) in the matter preceding clause (i)—

(A) by striking “shall” and inserting “may”; and

(B) by striking “0.50 percent” and inserting “1.5 percent”; and

(2) in clause (ii), by striking “shall be in an amount not exceeding 0.55 percent” and inserting “may be in an amount not exceeding 1.55 percent”.

(b) IMPLEMENTATION.—The Secretary may adjust the amount of any initial or annual premium charged pursuant to subsection (a) through notice published in the Federal Register or mortgagee letter. Such notice or mortgagee letter shall establish the effective date of any premium adjustment therein.

SEC. 2. CONGRESSIONAL TESTIMONY.

The Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner shall appear before the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives within 270 days after the enactment of this Act to discuss the finances, including premiums, of the Federal Housing Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

We have for these couple of years now had a bipartisan effort that began in the Bush administration and has been continued in the Obama administration—and it's been bipartisan on the Committee of Financial Services—to make sure that the FHA is both an effective and an efficient means for housing finance. Having a reliable way to provide the funding needed for housing finance in its various aspects is important both for the citizens who benefit from it and for the economy.

The FHA had not been in a great shape. We have a package of measures and we have had administrations—and as I say it's been bipartisan on the two administrations in our committee—to improve the FHA's capacity, but also to provide that it will be done in a reasonable way.

This House passed earlier this year overwhelmingly, by a bipartisan vote, a comprehensive reform of the FHA. It may shock the Members to know, Mr. Speaker, that the United States Senate

has not acted expeditiously on this noncontroversial measure, and there are a couple of pieces of it that cannot wait.

It is my intention—and I want to assure the gentlewoman from West Virginia, the ranking member of the subcommittee who put a lot of good work in this bill and who was responsible for some of its most important provisions and safeguards—that we do not intend to let those die. We will continue to press the Senate for the rest of this bill; and we will also, in accordance with what we have said, have the administrator of the FHA before us to talk about how this is being done.

But what we need to do now is to take the authority we gave the FHA to raise the fees—this is a bill when it had the CBO certification they say doesn't result in any direct spending. In fact, it will save money. It will price the FHA appropriately. People have been worried about the FHA's fiscal solvency. This helps it.

So it's a bill—and I will say finally, it's taken from the larger bill we have passed. We are reenacting today a small piece of a comprehensive bill because while I am still fully committed and I know others are to the comprehensive bill, it's important we do this now. We're about to be without legislative capacity for 6 weeks.

So I urge that the House pass the bill.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I'm rising today in support of this bill, H.R. 5981, and as our chairman said, we have been working diligently, I think, to bring forth solid FHA reform. We passed that bill almost unanimously—I think it was 406–4—probably about a month ago, and so the majority, the large majority of this House is in agreement with a lot of the provisions in that bill.

One of the provisions, as he said, is raising the annual premium on FHA, and I think this is right and proper; and I think it's something we need to do because, as we know and as has been brought forth in our committee, the capital reserve fund has fallen, I believe, dangerously low. And what we're trying to avoid is a situation where we may be asked to bail or at least to help the FHA in some sort of infusion of dollars from the Treasury.

So I wholeheartedly will support this bill, but I do want to reemphasize, as the chairman said, we had a whole host of reforms in our original bill. We cannot forget the other important reforms that were in the original H.R. 5072, and we need to move forward with those after our district work period and recess. We need to move forward with this as expeditiously as we did before we left.

One thing in the short bill we're considering today, it does say that the

commissioner has to come before the committee within 270 days. I would like to ask the chairman if we could have a hearing in September on this very topic so that we can see what the status, at least interim status, of the fund is.

Mr. FRANK of Massachusetts. Will the gentlewoman yield?

Mrs. CAPITO. I yield to the gentleman.

Mr. FRANK of Massachusetts. My answer is absolutely, we will have the commissioner. I have to say HUD, the Secretary and the commissioner have been very cooperative, and we will have such a hearing in September.

Mrs. CAPITO. I thank the chairman for that.

I have no requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material with regard to this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 5981.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1025

PARLIAMENTARY INQUIRY

Mr. CAMP. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CAMP. Is the House in session at this time?

The SPEAKER pro tempore. The House is in session. Does the gentleman have an inquiry?

Mr. CAMP. Thank you.

Is it in order to ask the Speaker the next order of business?

The SPEAKER pro tempore. The gentleman can consult with the leadership.

Mr. CAMP. Does the Speaker have an agenda with the next order of business before him?

The SPEAKER pro tempore. That is a matter of scheduling. The gentleman can consult with the leadership.

Mr. CAMP. I understand there will be a suspension under the committee of jurisdiction of which I am ranking

member. I have no information on that.

Does the Chair have any information on that?

The SPEAKER pro tempore. The Chair cannot speak to matters of scheduling.

Mr. CAMP. We understand that the measure may involve tax implications, which are, of course, of great importance to the American people.

Does this legislation have a bill number?

The SPEAKER pro tempore. Again, the Chair cannot speak to matters of scheduling.

Mr. CAMP. I am not asking about a matter of scheduling, Mr. Speaker. I am asking about a bill number for tax legislation of great importance to the American people which I understand may be up momentarily. However, we have no information on this side about that. And as the minority, I do believe we are entitled to some notice and understanding of the business that will be coming before the House.

The SPEAKER pro tempore. The gentleman may speak with the clerks at the hopper—

Mr. CAMP. I'm sorry. Could the Speaker repeat that?

The SPEAKER pro tempore: The gentleman may speak to the bill clerk regarding a particular bill's number.

Mr. CAMP. Is the Speaker aware that the clerks have a bill number that I could speak to and obtain?

The SPEAKER pro tempore. The gentleman may consult with the bill clerk at the hopper.

Mr. CAMP. I understand there is no bill number for the clerks to give me. Is there text available on the legislation?

The SPEAKER pro tempore. Again, matters of scheduling are not within the purview of the Chair.

Mr. CAMP. Well, Mr. Speaker, I am not asking about a scheduling matter. I am asking, is the text of the bill available at the desk at which you are standing?

The SPEAKER pro tempore. The Chair is preparing to entertain a motion from the gentleman from Michigan. (Mr. LEVIN).

Mr. CAMP. Well, I am asking a parliamentary inquiry, Mr. Speaker. My inquiries are, I think, a fairly basic one for the American people, and that is, as we conduct the people's business in what used to be the people's House, is there text of the legislation we may consider at the desk at which you are standing?

The SPEAKER pro tempore. The Chair is ready to entertain a motion.

Mr. CAMP. I have another parliamentary inquiry, Mr. Speaker. I didn't receive an answer to my last question. I think that's regrettable.

But I would ask, is any legislative text posted online? Has any legislative text for the bill we are about to con-

sider been put online in bill form for the American people to read?

The SPEAKER pro tempore. The gentleman will suspend.

The Chair will receive a message.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and concurrent resolution of the House of the following titles:

H.R. 5874. An act making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

H. Con. Res. 308. Concurrent resolution providing for a conditional adjournment of the House of Representatives.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1454. An act to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 258. An act to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors.

SMALL BUSINESS TAX RELIEF ACT OF 2010

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5982) to amend the Internal Revenue Code of 1986 to repeal the expansion of certain information reporting requirements to corporations and to payments for property, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Small Business Tax Relief Act of 2010”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—REPEAL OF CERTAIN INFORMATION REPORTING REQUIREMENTS

Sec. 101. Repeal of expansion of certain information reporting requirements to corporations and to payments for property.

TITLE II—REVENUE PROVISIONS

Subtitle A—Foreign Provisions

Sec. 201. Rules to prevent splitting foreign tax credits from the income to which they relate.

Sec. 202. Denial of foreign tax credit with respect to foreign income not subject to United States taxation by reason of covered asset acquisitions.

Sec. 203. Separate application of foreign tax credit limitation, etc., to items resourced under treaties.

Sec. 204. Limitation on the amount of foreign taxes deemed paid with respect to section 956 inclusions.

Sec. 205. Special rule with respect to certain redemptions by foreign subsidiaries.

Sec. 206. Modification of affiliation rules for purposes of rules allocating interest expense.

Sec. 207. Termination of special rules for interest and dividends received from persons meeting the 80-percent foreign business requirements.

Sec. 208. Source rules for income on guarantees.

Sec. 209. Limitation on extension of statute of limitations for failure to notify Secretary of certain foreign transfers.

Subtitle B—Other Revenue Provisions

Sec. 211. Required minimum 10-year term, etc., for grantor retained annuity trusts.

Sec. 212. Crude oil ineligible for cellulosic biofuel producer credit.

Sec. 213. Increase in information return penalties.

Sec. 214. Treatment of securities of a controlled corporation exchanged for assets in certain reorganizations.

TITLE III—PAYGO COMPLIANCE

Sec. 301. Paygo compliance.

TITLE I—REPEAL OF CERTAIN INFORMATION REPORTING REQUIREMENTS

SEC. 101. REPEAL OF EXPANSION OF CERTAIN INFORMATION REPORTING REQUIREMENTS TO CORPORATIONS AND TO PAYMENTS FOR PROPERTY.

Section 9006 of the Patient Protection and Affordable Care Act is repealed. Each provision of law amended by such section is amended to read as such provision would read if such section had never been enacted.

TITLE II—REVENUE PROVISIONS

Subtitle A—Foreign Provisions

SEC. 201. RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE.

(a) IN GENERAL.—Subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new section:

“SEC. 909. SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.

“(a) IN GENERAL.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

“(b) SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

“(1) for purposes of section 902 or 960, or

“(2) for purposes of determining earnings and profits under section 964(a),

before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

“(c) SPECIAL RULES.—For purposes of this section—

“(1) APPLICATION TO PARTNERSHIPS, ETC.—In the case of a partnership, subsections (a) and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

“(2) TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such subsection (other than for purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

“(d) DEFINITIONS.—For purposes of this section—

“(1) FOREIGN TAX CREDIT SPLITTING EVENT.—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

“(2) FOREIGN INCOME TAX.—The term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(3) RELATED INCOME.—The term ‘related income’ means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

“(4) COVERED PERSON.—The term ‘covered person’ means, with respect to any person who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the ‘payor’)—

“(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

“(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

“(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

“(D) any other person specified by the Secretary for purposes of this paragraph.

“(5) SECTION 902 CORPORATION.—The term ‘section 902 corporation’ means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

“(e) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

“(1) appropriate exceptions from the provisions of this section, and

“(2) for the proper application of this section with respect to hybrid instruments.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

“Sec. 909. Suspension of taxes and credits until related income taken into account.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) foreign income taxes (as defined in section 909(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued after December 31, 2010; and

(2) foreign income taxes (as so defined) paid or accrued by a section 902 corporation (as so defined) on or before such date (and not deemed paid under section 902(a) or 960 of such Code on or before such date), but only for purposes of applying sections 902 and 960 with respect to periods after such date.

Section 909(b)(2) of the Internal Revenue Code of 1986, as added by this section, shall not apply to foreign income taxes described in paragraph (2).

SEC. 202. DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.—

“(1) IN GENERAL.—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

“(A) shall not be taken into account in determining the credit allowed under subsection (a), and

“(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

“(2) COVERED ASSET ACQUISITION.—For purposes of this section, the term ‘covered asset acquisition’ means—

“(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

“(B) any transaction which—

“(i) is treated as an acquisition of assets for purposes of this chapter, and

“(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

“(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

“(D) to the extent provided by the Secretary, any other similar transaction.

“(3) DISQUALIFIED PORTION.—For purposes of this section—

“(A) IN GENERAL.—The term ‘disqualified portion’ means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

“(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

“(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of the Secretary, such income shall be deter-

mined by dividing the amount of such foreign income tax by the highest marginal tax rate applicable to such income in the relevant jurisdiction).

“(B) ALLOCATION OF BASIS DIFFERENCE.—For purposes of subparagraph (A)(i)—

“(i) IN GENERAL.—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

“(ii) SPECIAL RULE FOR DISPOSITION OF ASSETS.—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

“(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

“(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

“(C) BASIS DIFFERENCE.—

“(i) IN GENERAL.—The term ‘basis difference’ means, with respect to any relevant foreign asset, the excess of—

“(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

“(II) the adjusted basis of such asset immediately before the covered asset acquisition.

“(ii) BUILT-IN LOSS ASSETS.—In the case of a relevant foreign asset with respect to which the amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

“(iii) SPECIAL RULE FOR SECTION 338 ELECTIONS.—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

“(4) RELEVANT FOREIGN ASSETS.—For purposes of this section, the term ‘relevant foreign asset’ means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

“(5) FOREIGN INCOME TAX.—For purposes of this section, the term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(6) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

“(7) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acquisitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after December 31, 2010.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any

covered asset acquisition (as so defined) with respect to which the transferor and the transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) **RELATED PERSONS.**—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

SEC. 203. SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES.

(a) **IN GENERAL.**—Subsection (d) of section 904 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

“(6) **SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.**—

“(A) **IN GENERAL.**—If—

“(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States,

“(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

“(iii) the taxpayer chooses the benefits of such treaty obligation,

subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

“(B) **COORDINATION WITH OTHER PROVISIONS.**—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

“(C) **REGULATIONS.**—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 204. LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS.

(a) **IN GENERAL.**—Section 960 is amended by adding at the end the following new subsection:

“(c) **LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.**—

“(1) **IN GENERAL.**—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation, the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in gross income were distributed as a series of

distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

“(2) **AUTHORITY TO PREVENT ABUSE.**—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation's foreign income taxes not deemed paid by reason of paragraph (1).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to acquisitions of United States property (as defined in section 956(c) of the Internal Revenue Code of 1986) after December 31, 2010.

SEC. 205. SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES.

(a) **IN GENERAL.**—Paragraph (5) of section 304(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) **SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.**—In the case of any acquisition to which subsection (a) applies in which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would neither—

“(i) be subject to tax under this chapter for the taxable year in which the dividends arise, nor

“(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined in section 957 and without regard to section 953(c)).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to acquisitions after December 31, 2010.

SEC. 206. MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOCATING INTEREST EXPENSE.

(a) **IN GENERAL.**—Subparagraph (A) of section 864(e)(5) is amended by adding at the end the following: “Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

“(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

“(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 207. TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.

(a) **IN GENERAL.**—Paragraph (1) of section 861(a) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) **GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.**—

(1) **IN GENERAL.**—Subparagraph (B) of section 871(i)(2) is amended to read as follows:

“(B) The active foreign business percentage of—

“(i) any dividend paid by an existing 80/20 company, and

“(ii) any interest paid by an existing 80/20 company.”.

(2) **DEFINITIONS AND SPECIAL RULES.**—Section 871 is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

“(1) **RULES RELATING TO EXISTING 80/20 COMPANIES.**—For purposes of this subsection and subsection (i)(2)(B)—

“(1) **EXISTING 80/20 COMPANY.**—

“(A) **IN GENERAL.**—The term ‘existing 80/20 company’ means any corporation if—

“(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the date of the enactment of this subsection) for such corporation's last taxable year beginning before January 1, 2011,

“(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

“(iii) there has not been an addition of a substantial line of business with respect to such corporation after the date of the enactment of this subsection.

“(B) **FOREIGN BUSINESS REQUIREMENTS.**—

“(i) **IN GENERAL.**—Except as provided in clause (iv), a corporation meets the 80-percent foreign business requirements of this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

“(ii) **ACTIVE FOREIGN BUSINESS INCOME.**—For purposes of clause (i), the term ‘active foreign business income’ means gross income which—

“(I) is derived from sources outside the United States (as determined under this subchapter), and

“(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

“(iii) **TESTING PERIOD.**—For purposes of this subsection, the term ‘testing period’ means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

“(iv) **TRANSITION RULE.**—In the case of a taxable year for which the testing period includes 1 or more taxable years beginning before January 1, 2011—

“(I) a corporation meets the 80-percent foreign business requirements of this subparagraph if and only if the weighted average of—

“(aa) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in subparagraph (B) of section 861(c)(1) (as in effect before the date of the enactment of this subsection)) for the portion of the testing period that includes taxable years beginning before January 1, 2011, and

“(bb) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in clause (i) of this subparagraph) for the portion of

the testing period, if any, that includes taxable years beginning on or after January 1, 2011.

is at least 80 percent, and

“(II) the active foreign business percentage for such taxable year shall equal the weighted average percentage determined under subclause (I).

“(2) ACTIVE FOREIGN BUSINESS PERCENTAGE.—Except as provided in paragraph (1)(B)(iv), the term ‘active foreign business percentage’ means, with respect to any existing 80/20 company, the percentage which—

“(A) the active foreign business income of such company for the testing period, is of

“(B) the gross income of such company for the testing period from all sources.

“(3) AGGREGATION RULES.—For purposes of applying paragraph (1) (other than subparagraphs (A)(i) and (B)(iv) thereof) and paragraph (2)—

“(A) IN GENERAL.—The corporation referred to in paragraph (1)(A) and all of such corporation’s subsidiaries shall be treated as one corporation.

“(B) SUBSIDIARIES.—For purposes of subparagraph (A), the term ‘subsidiary’ means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting ‘50 percent’ for ‘80 percent’ each place it appears and without regard to section 1504(b)(3)).

“(4) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 861 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) is amended to read as follows:

“(9) TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.—In the case of any dividend treated as not from sources within the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.”.

(3) Subsection (c) of section 2104 is amended in the last sentence by striking “or to a debt obligation of a domestic corporation” and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

SEC. 208. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 is

amended by adding at the end the following new paragraph:

“(9) GUARANTEES.—Amounts received, directly or indirectly, from—

“(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

“(B) any foreign person for the provision of a guarantee of any indebtedness of such person, if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.”.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 is amended by striking “and” at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “; and”, and by adding at the end the following new paragraph:

“(9) amounts received, directly or indirectly, from a foreign person for the provision of a guarantee of indebtedness of such person other than amounts which are derived from sources within the United States as provided in section 861(a)(9).”.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) is amended by striking “dividends or interest” and inserting “dividends, interest, or amounts received for the provision of guarantees of indebtedness”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

SEC. 209. LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS.

(a) IN GENERAL.—Paragraph (8) of section 6501(c) is amended—

(1) by striking “In the case of any information” and inserting the following:

“(A) IN GENERAL.—In the case of any information”; and

(2) by adding at the end the following:

“(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 513 of the Hiring Incentives to Restore Employment Act.

Subtitle B—Other Revenue Provisions

SEC. 211. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) IN GENERAL.—Subsection (b) of section 2702 is amended—

(1) by redesignating paragraphs (1), (2) and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right,

(2) by striking “For purposes of” and inserting the following:

“(1) IN GENERAL.—For purposes of”, and

(3) by striking “paragraph (1) or (2)” in paragraph (1)(C) (as so redesignated) and inserting “subparagraph (A) or (B)”, and

(4) by adding at the end the following new paragraph:

“(2) ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

“(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

“(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

“(C) the remainder interest has a value greater than zero determined as of the time of the transfer.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

SEC. 212. CRUDE TALL OIL INELIGIBLE FOR CELLULOSE BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Clause (iii) of section 40(b)(6)(E) is amended—

(1) by striking “or” at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting “, or”,

(3) by adding at the end the following new subclause:

“(III) such fuel has an acid number greater than 25.”, and

(4) by striking “UNPROCESSED” in the heading and inserting “CERTAIN”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 213. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking “\$50” and inserting “\$100”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking “\$250,000” and inserting “\$1,500,000”.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking “\$15” and inserting “\$30”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking “\$75,000” and inserting “\$250,000”.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking “\$30” and inserting “\$60”.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking “\$150,000” and inserting “\$500,000”.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.—

(1) IN GENERAL.—Paragraph (1) of section 6721(d) is amended—

(A) by striking “\$100,000” in subparagraph (A) and inserting “\$500,000”,

(B) by striking “\$25,000” in subparagraph (B) and inserting “\$75,000”, and

(C) by striking “\$50,000” in subparagraph (C) and inserting “\$200,000”.

(2) TECHNICAL AMENDMENT.—Paragraph (1) of section 6721(d) is amended by striking “such taxable year” and inserting “such calendar year”.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking “\$100” and inserting “\$250”.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 is amended by adding at the end the following new subsection:

“(f) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—In the case of any calendar year beginning after 2014, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ADDITIONAL ADJUSTMENTS MADE ONLY EVERY FIFTH YEAR.—Notwithstanding paragraph (1), in the case of any calendar year beginning after 2015 (other than every fifth calendar after 2015), each increase determined under paragraph (1) shall not exceed the amount of such increase determined for the preceding year.

“(3) ROUNDING.—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”

(g) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—Section 6722 is amended to read as follows:

“SEC. 6722. FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.

“(a) IMPOSITION OF PENALTY.—

“(1) GENERAL RULE.—In the case of each failure described in paragraph (2) by any person with respect to a payee statement, such person shall pay a penalty of \$100 for each statement with respect to which such a failure occurs, but the total amount imposed on such person for all such failures during any calendar year shall not exceed \$1,500,000.

“(2) FAILURES SUBJECT TO PENALTY.—For purposes of paragraph (1), the failures described in this paragraph are—

“(A) any failure to furnish a payee statement on or before the date prescribed therefor to the person to whom such statement is required to be furnished, and

“(B) any failure to include all of the information required to be shown on a payee statement or the inclusion of incorrect information.

“(b) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

“(1) CORRECTION WITHIN 30 DAYS.—If any failure described in subsection (a)(2) is corrected on or before the day 30 days after the required filing date—

“(A) the penalty imposed by subsection (a) shall be \$30 in lieu of \$100, and

“(B) the total amount imposed on the person for all such failures during any calendar year which are so corrected shall not exceed \$250,000.

“(2) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—If any failure described in subsection (a)(2) is corrected after the 30th day referred to in paragraph (1) but on or before August 1 of the calendar year in which the required filing date occurs—

“(A) the penalty imposed by subsection (a) shall be \$60 in lieu of \$100, and

“(B) the total amount imposed on the person for all such failures during the calendar year which are so corrected shall not exceed \$500,000.

“(c) EXCEPTION FOR DE MINIMIS FAILURES.—

“(1) IN GENERAL.—If—

“(A) a payee statement is furnished to the person to whom such statement is required to be furnished,

“(B) there is a failure described in subsection (a)(2)(B) (determined after the appli-

cation of section 6724(a)) with respect to such statement, and

“(C) such failure is corrected on or before August 1 of the calendar year in which the required filing date occurs,

for purposes of this section, such statement shall be treated as having been furnished with all of the correct required information.

“(2) LIMITATION.—The number of payee statements to which paragraph (1) applies for any calendar year shall not exceed the greater of—

“(A) 10, or

“(B) one-half of 1 percent of the total number of payee statements required to be filed by the person during the calendar year.

“(d) LOWER LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.—

“(1) IN GENERAL.—If any person meets the gross receipts test of paragraph (2) with respect to any calendar year, with respect to failures during such calendar year—

“(A) subsection (a)(1) shall be applied by substituting ‘\$500,000’ for ‘\$1,500,000’,

“(B) subsection (b)(1)(B) shall be applied by substituting ‘\$75,000’ for ‘\$250,000’, and

“(C) subsection (b)(2)(B) shall be applied by substituting ‘\$200,000’ for ‘\$500,000’.

“(2) GROSS RECEIPTS TEST.—A person meets the gross receipts test of this paragraph if such person meets the gross receipts test of section 6721(d)(2).

“(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—If 1 or more failures to which subsection (a) applies are due to intentional disregard of the requirement to furnish a payee statement (or the correct information reporting requirement), then, with respect to each such failure—

“(1) subsections (b), (c), and (d) shall not apply,

“(2) the penalty imposed under subsection (a)(1) shall be \$250, or, if greater—

“(A) in the case of a payee statement other than a statement required under section 6045(b), 6041A(e) (in respect of a return required under section 6041A(b)), 6050H(d), 6050J(e), 6050K(b), or 6050L(c), 10 percent of the aggregate amount of the items required to be reported correctly, or

“(B) in the case of a payee statement required under section 6045(b), 6050K(b), or 6050L(c), 5 percent of the aggregate amount of the items required to be reported correctly, and

“(3) in the case of any penalty determined under paragraph (2)—

“(A) the \$1,500,000 limitation under subsection (a) shall not apply, and

“(B) such penalty shall not be taken into account in applying such limitation to penalties not determined under paragraph (2).

“(f) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—In the case of any calendar year beginning after 2014, each of the dollar amounts under subsections (a), (b), (d)(1), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ADDITIONAL ADJUSTMENTS MADE ONLY EVERY FIFTH YEAR.—Notwithstanding paragraph (1), in the case of any calendar year beginning after 2015 (other than every fifth calendar after 2015), each increase determined under paragraph (1) shall not exceed the amount of such increase determined for the preceding year.

“(3) ROUNDING.—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 214. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.

(a) IN GENERAL.—Section 361 is amended by adding at the end the following new subsection:

“(d) SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 355 DISTRIBUTIONS.—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355—

“(1) this section shall be applied by substituting ‘stock other than nonqualified preferred stock (as defined in section 351(g)(2))’ for ‘stock or securities’ in subsections (a) and (b)(1), and

“(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the amount of the liabilities assumed (within the meaning of section 357(c))).”

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to an agreement which was binding on March 15, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

TITLE III—PAYGO COMPLIANCE

SEC. 301. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

□ 1030

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

PARLIAMENTARY INQUIRY

Mr. CAMP. Mr. Speaker, parliamentary inquiry.

As this bill was just introduced seconds ago, is it in order to ask that the bill be read for the American people and for Members who are going to be required to understand and vote on this legislation in a short time?

The SPEAKER pro tempore. Under the rule, the Clerk reports the title of the bill.

Mr. CAMP. And so is it in order for me to make a motion to ask that the bill be read for understanding by the American people?

The SPEAKER pro tempore. That would not be a proper motion.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I urge all Members to support this legislation that indeed has been posted online.

The SPEAKER pro tempore. The gentleman will suspend.

Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

Again, the Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, again I urge all Members to support this legislation, which has indeed been posted online. This bill would eliminate a reporting requirement which has been identified as a potentially onerous burden for small businesses. The provision itself is not currently in place—it does not take effect until 2012—but recent studies have indicated that it could pose challenges for small businesses throughout this country.

The Independent Taxpayer Advocate recently stated the provision, “may present significant administrative challenges to taxpayers and the IRS.” The advocate is concerned that the reporting requirement for small businesses—and again I quote—“may turn out to be disproportionate as compared with any resulting improvement in tax compliance.”

So here we are today to provide this House with an up-or-down vote on eliminating this requirement. This bill is fiscally responsible, covering the cost by reducing tax incentives that encourage companies to ship jobs overseas. This is a win-win for American jobs.

This bill both provides relief to small businesses and reduces incentives for some large, multinational corporations to ship jobs overseas. It also closes an egregious loophole in the gift tax, the Grantor Retained Annuity Trust, that is only available for extremely wealthy individuals.

So in a few words, all Members on both sides of the aisle have a choice today—to stand up for millions of American small businesses and their workers, or keep a tax loophole and side with those companies that ship jobs overseas.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in my 20 years in Congress, I don’t think I have seen a more disappointing time for this House. I had great hopes when my colleague from Michigan, SANDER LEVIN, assumed the chairmanship of the Ways and Means Committee after the ethical charges against a man I worked closely with, Mr. RANGEL, who was the chairman. I know it’s difficult to come into a leadership position partway through a Congress, but I have to say to a fellow colleague from Michigan, the lack of consultation, the lack of discussion, the lack of attempts to bring things to this Congress in a bipartisan way, which I believe has more balance than bills written alone, in secret by the Democratic Party late at night than are brought to this floor with maybe moments notice—I think this bill was given to us less than 10 minutes ago. I think that is regrettable. I think it is unfortunate. I don’t think it needed to be that way. We have always had a great working relationship. Many delegation meetings over the years in working on behalf of issues common to Michigan, now I had hoped we would work together on behalf of issues important to America.

It is unfortunate that the leaders of this Congress on the Democrat side have really taken control and not given the chairman the latitude he needs to really draft bills in a bipartisan way. I think it’s unfortunate that control has been ceded to the leaders in such a way that make it impossible for us to work together on issues that I think the American people are crying out for to be worked on in a bipartisan manner.

This was supposed to be the most open, the most transparent, the most ethical Congress. I think we have seen events of this week prove that otherwise. And I don’t mean just the publicity events. I mean events on the way these bills are brought to the floor without any discussions or consultation.

We have great staffs on both sides in the Ways and Means Committee. Our staffs do tremendous work. They are capable of working together if given the opportunity. And I think we could resolve these issues in a way that would benefit all Americans.

Last night, I intended to offer a motion to recommit that we gave full notice to the other side about—unlike what we are seeing today—that would have eliminated the new onerous job-killing 1099 requirement that’s in the health care law. In addition to helping small business, the motion to recommit would have better protected taxpayers from erroneously paying too much in health insurance subsidies. And the motion would have cut taxes, cut spending, protected taxpayers, and reduced the deficit. But as we saw last

night, because Democrat leaders were too afraid to let their Members vote on a pro-jobs, pro-small business, pro-taxpayer, pro-deficit reduction bill, they canceled the vote and pulled the bill from consideration by the House.

Instead, we are here today, as we have been so often under the heavy-handed tactics of the majority, voting on a bill that has not been reviewed by committee, that has not been posted online for 72 hours, has not been reviewed by the employers this bill will affect, and most importantly, has not been reviewed by the American public in any way. The result? The Democrats have created a bill that pits American employers against other American employers, worker against worker, neighbor against neighbor. With unemployment stuck at nearly 10 percent, Democrats are again playing politics with American jobs. This is not the time for politics; this is a time to get serious about the economy and helping businesses create jobs. Frankly, it didn’t have to be this way, and it should not have been this way. There is a way to pay for the repeal of the 1099 requirement without punishing job providers and their workers and their families.

Additionally, we would have protected taxpayers by cracking down on fraud and abuse. And if someone received an erroneous or excessive benefit that they were not entitled to, they would have been required to repay it. The bill before us leaves that very important flaw in place. I have in my hands a way to do this without raising taxes and killing jobs: It is the motion to recommit I intended to offer last night but was not given the opportunity to do so. I will have it inserted into the CONGRESSIONAL RECORD so that everyone can see that we can save jobs without raising taxes.

Small businesses supported the measure, Republicans supported the measure, and it’s clear that rank-and-file Democrats would have supported the measure. Somehow, Democrat leaders are so opposed to helping small businesses—the real job creators in this country—that they wouldn’t even allow a vote on a full repeal of the 1099 requirement that also didn’t include a massive job-killing tax increase.

Why are Democrats so afraid to work with Republicans to help America’s job creators? Why don’t Democrats allow Republicans to offer amendments on behalf of small businesses? And why are they so bent on raising taxes?

□ 1040

Isn’t \$670 billion alone in tax increases in this Congress enough? Why?

It is because Democrats are more interested in protecting their \$1 trillion health care law than solving legitimate problems being expressed by the American people and American employers. So, while it is clear that Democrats have admitted that the burden imposed

by their health care law is a job killer, they are offering no solution today, because the bill before us will undoubtedly have the effect of killing jobs.

Frankly, this is a missed opportunity. It is a missed opportunity to fix a fundamental flaw in the health care law, and it is a missed opportunity to truly help American employers in the jobs they provide. A job is a job is a job.

I urge my colleagues to stand up for job providers by demanding a full repeal of the 1099 requirement that does not impose other job-killing tax increases.

MOTION TO RECOMMIT WITH INSTRUCTIONS

OFFERED BY MR. CAMP OF MICHIGAN

Mr. Camp moves to recommit the bill H.R. 5893 to the Committee on Ways and Means

with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. INCREASE IN AMOUNT OF OVERPAYMENT OF HEALTH CARE CREDIT WHICH CAN BE RECAPTURED.

(a) IN GENERAL.—Clause (i) of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “\$400 (\$250)” and inserting “\$2,000 (\$1,000)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after December 31, 2013.

SEC. 2. REPEAL OF EXPANSION OF CERTAIN INFORMATION REPORTING REQUIREMENTS TO CORPORATIONS AND TO PAYMENTS FOR PROPERTY.

Section 9006 of the Patient Protection and Affordable Care Act is repealed. Each provision of law amended by such section is

amended to read as such provision would read if such section had never been enacted.

SEC. 3. BUDGETARY PROVISIONS.

(a) TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.—The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 7.25 percentage points.

(b) PAYGO COMPLIANCE.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Estimated Changes in Revenues and Direct Spending
Motion to Recommit H.R. 5893, The Investing in American Jobs and Closing Tax Loopholes Act of 2010
(As received on July 29, 2010 -- F:\M11\CAMP\CAMP_023.XML)

(Millions of dollars, by fiscal year)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2015	2010-2020
CHANGES IN REVENUES													
TOTAL CHANGES IN REVENUES ^a	0	0	-324	-3,097	-1,568	3,281	-5,099	-446	-367	-332	-310	-1,709	-8,263
CHANGES IN DIRECT SPENDING													
TOTAL CHANGES IN DIRECT SPENDING													
Budget Authority	0	0	0	0	-610	-1,297	-2,167	-2,639	-2,893	-3,081	-3,283	-1,907	-15,970
Estimated Outlays	0	0	0	0	-610	-1,297	-2,167	-2,639	-2,893	-3,081	-3,283	-1,907	-15,970
NET INCREASE OR DECREASE (-) IN DEFICITS FROM REVENUES AND DIRECT SPENDING													
NET CHANGES IN DEFICITS ^{b, c}	0	0	324	3,097	958	-4,578	2,932	-2,193	-2,526	-2,749	-2,973	-198	-7,707

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Notes:

Components may not sum to totals because of rounding.

a. Negative numbers denote a decrease in federal revenues; positive numbers denote an increase in revenues.

b. Positive numbers denote an increase in the budget deficit; negative numbers denote a decrease in the deficit.

c. All effects are on-budget.

July 29, 2010

Note: Components may not sum to totals because of rounding.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Number one, you received more notice about this than we did about your motion to recommit.

Mr. CAMP. Will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Michigan.

Mr. CAMP. That is just simply an untrue statement, and it is beneath the dignity of the chairman of the Ways and Means Committee to assert that.

Mr. LEVIN. Mr. Speaker, I reclaim my time.

Mr. CAMP, you may not like the bill—

The SPEAKER pro tempore. All Members will suspend.

The gentleman from Michigan (Mr. LEVIN) controls the time.

Mr. LEVIN. Mr. CAMP, abide by the rules of the House. I did not yield to you to rant and rave.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentlemen will direct all remarks to the Chair.

Mr. LEVIN. We received a couple-minutes' notice of the motion to recommit.

Mr. BOUSTANY. Will the gentleman yield?

Mr. LEVIN. I will continue and then I will yield.

Mr. BOUSTANY. Thank you.

Mr. LEVIN. It was handed to us as it was being submitted. So, if there is an effort for bipartisanship, then a motion to recommit can be submitted early on, without any effort to surprise, and we can see if we can work it out. That's the fact.

Number two, in terms of worker against worker, what you don't like about our proposal is that we protect and safeguard the workers of the United States of America, and we make sure that jobs are not shipped overseas that may help workers in other countries but not workers in the United States of America. That is what our bill provides.

Number three, in terms of added taxes, the taxes on the very wealthy, closing the loophole is something that should be done. You are not protecting the typical taxpayers in this country. They don't use these annuity provisions. They don't try to escape gift taxes through this device. The administration has pleaded with this Congress to close this loophole, and you, today, are essentially saying you don't want to vote for this bill because it addresses outsourcing and because it addresses a tax loophole. You don't like that. All right. Then vote "no."

We find a way to eliminate the 1099 requirement and pay for it by making sure companies don't have an inducement to ship jobs overseas and the very, very wealthy to escape gift taxation. So that is really what this is all

about. Everybody here has a choice: eliminate the 1099 and not use a hammer on millions of families in this country and eliminate it in a way that saves jobs in this country.

Mr. BOUSTANY. Will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Louisiana.

Mr. BOUSTANY. I thank the gentleman.

Mr. Speaker, as a member of the committee and as the ranking member on Oversight, I was sitting in my office. This debate began, and the bill was not even in electronic form for us to review.

Mr. LEVIN. Okay. I reclaim my time.

I told you that it was placed on the Internet, number one. Number two, every provision in this bill in terms of the pay-for has been before this Congress before—every single provision. So don't say you're surprised by these provisions.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Again, Members are reminded that all remarks must be addressed to the Chair.

Mr. CAMP. I yield myself such time as I may consume.

Mr. Speaker, to correct the RECORD, I would just say the motion to recommit that I tried to offer last night was available for several hours to the majority. They pulled the bill and didn't allow me to ultimately offer it. That's why I introduced it in the RECORD today.

At this time, I yield such time as he may consume to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, again, I am in my office. This debate begins, and we can't find the actual bill language in electronic form. I understand it is now available, but to have the debate begin I don't think is very fair to Members of this House, and it is not what the American people would expect of us.

I think it is entirely regrettable that—we are dealing with an issue of national importance. This body can act. This body can act in the national interest if we work together, but these kinds of trust-destroying measures are not in the interest of this body or in the interest of the American people.

My objection to the bill still stands. Even though there is a move to incorporate the repeal of the 1099 provisions, I still have a significant objection because we are talking about some very complicated international tax provisions for which we really have not had the kind of hearings necessary to understand the consequences. We should not be doing this type of ad hoc tax tinkering.

We ought to be taking a more comprehensive approach in understanding

the economic consequences. These tax provisions, from what I am hearing from those who are trying to engage in international business to create American jobs, will be a job killer. They will destroy American jobs. What we need to do is look at this in a more comprehensive way.

Now, if we haven't had the kind of hearings to vet this, to explore this, how can we expect the American people to understand the complexity of the nature of these tax provisions?

What we ought to be doing is creating jobs. What we ought to be doing is promoting American competitiveness. What we ought to be doing is promoting economic growth and private sector job growth. That is the problem with the bill.

Now, if you have U.S. companies that are trying to compete against foreign-owned companies in a very complex economic environment and if U.S. companies are subject to double taxation, you can call it a loophole. I call it hurting American competitiveness.

The bottom line is we want a Tax Code that promotes private sector job growth. We want a Tax Code that promotes American corporations and businesses that are going to be competitive worldwide to create jobs at the highest standards possible, and we want to see economic growth, which we know will lead to private sector job growth.

□ 1050

So my objection to the bill still stands based on the policy. But I am deeply, deeply regretful and distressed at the way this bill has been taken to the floor of the House this morning.

Mr. LEVIN. I now yield 3 minutes to the distinguished gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Speaker, I rise today supporting House bill 5982, the Small Business Tax Relief Act of 2010. This bill is incredibly important for us to pass. As I travel around my district in upstate New York, I hear consistently, all the time from my small business owners that they need regulatory relief, and they need support if they're going to invest and expand our economic recovery that we have going on.

As somebody who has been a small business owner, who has started small businesses and has been building them up all of my life, I know what a burden regulatory hurdles can be for small businesses. This bill is going to repeal what could potentially be a huge hassle for a lot of small businesses. This 1099 reporting was a well-intentioned provision to try to catch people who were cheating on their taxes; but it has some unintended consequences, in my opinion, that will create a lot of extra work and hassle for our small businesses.

This is something I hear about every day when I travel my district. I am

sure that our colleagues across the aisle hear this from their small business owners as well. And everyone in this body who knows what's going on with our economy will know how important it is to stimulate activity and to get people back to work. The best way we do that is to support our small businesses. They're the ones who create new jobs. Sixty to 80 percent of the new jobs are created by small businesses—in particular, new small businesses. That's where the economic activity comes from in our country. That's who we have got to be supporting. This bill does a great job of doing that.

I know that many of my colleagues on the other side know that this hurdle that we have out there, with this 1099 reporting, needs to be repealed. They've been talking about it. We've been talking about it. There's bipartisan consensus there, but this bill does something else that's very valuable for the American public as well. It closes some foreign tax loopholes. Some of these are very egregious. Companies are getting the United States Government to refund foreign tax credits they're paying on income that they had never reported in the United States. This is something that should be fixed. We need to make sure our corporations have incentives to invest here, not incentives to invest overseas based on complex tax schemes that keep them from paying taxes.

I want to be building stuff in America. I want to be making stuff in America. I want our tax policy to encourage corporations to make stuff here in America. That's what I hear from big companies. They want to build it here, but our tax rules make it so that it's better for them to build it somewhere else. This is how we solve that. This will bring American jobs back here. It will bring American investment back from American corporations, and it will help our small businesses get some regulatory relief. This is a win on both sides. This is a bipartisan kind of solution because we're helping our small businesses by getting government out of the way. We're fixing our Tax Code to make it so that American companies will have incentives to invest here in America, not in China and not anywhere else around the world.

This is the kind of policy that will help get our economy moving. This will put Americans back to work. This will help our middle class folks who are struggling all over this country, looking for good jobs. This is the way that we do that. I think this is a great piece of legislation. I expect we'll have good bipartisan support for it.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I would just say I agree with a portion of what the previous speaker said. I agree, there is a serious flaw in this health care bill. This is one of many,

and this serious flaw is a job-killer. So I commend the majority for their recognition of these serious flaws in the health care bill and that there are job-killing provisions in it that many of us warned them about before the bill came to the floor but weren't really allowed to be part of the process to try to correct those before they came. And, frankly, not many people here were able to do that either, as it was just rolled out.

But the answer isn't to hurt other job providers. We're in a recession. Unemployment isn't getting better. We know the stimulus didn't work. We're still at a national rate of about 10 percent. But let's look at what job providers say about the way that they pay for this fix. The fix we're for—and we had a legitimate way to do it, as I said, without raising taxes, without hurting other job providers, and by actually helping to prevent the potentially fraudulent way this provision was drafted.

And let me just tell you what an association of employers that promotes America's Competitive Edge Group said. They represent more than 63 million American jobs, and they say the \$12 billion imposed in the proposed international tax increases would further disadvantage U.S. companies, harming their competitiveness. We are competing around the world, like it or not, and that would reduce U.S. earnings. That would reduce U.S. earnings and thereby reduce investment in U.S. plant and equipment research and expanding U.S. payrolls.

Let me read to you what the National Association of Manufacturers says about the way they pay for this bill. Why not use the anti-fraud corrections that we had in the motion to recommit last night? They represent about 22 million people in the United States, U.S. workers. Manufacturers feel strongly that imposing this \$11.5 billion tax increase on these companies will jeopardize the jobs of American manufacturers. We've already lost 700,000 American manufacturing jobs. Why impose a greater burden on them? It's not necessary, and it would stifle our fragile economy.

The United States Chamber of Commerce, they represent more than 3 million businesses and millions more U.S. employees. They say this legislation would impose Draconian tax increases on American worldwide companies, would hinder job creation, decrease the competitiveness of American businesses, and deter economic growth. If there's one thing this country needs, it's economic growth and the jobs that provides.

I don't know why they're so bent on increasing taxes when we could fix this flaw in the health care bill—which I commend my colleagues on the other side for recognizing the flaw in the health care bill, and there are others

that we need to fix as well—but it is not a fix when we have these reputable employers and businesses say that this is going to hurt our recovery, hurt job creation; and, frankly, the record on job creation in the last year has not been a good one. We need to do better. We can do better, and I would urge a “no” vote.

With that, I yield 1 minute to my distinguished colleague from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I thank my friend, the ranking member of the full committee.

I want to respond to a couple of things the gentleman from New York brought up. This 1099 provision, we agree on it. It's an egregious issue. It needs to be repealed. We need to do it in the right way, along with many of these other issues in the health care bill.

But with regard to small businesses, the President himself has said that he wants to double exports in 5 years, and the best way to do that is to expand export opportunities. And if we're going to do that for small businesses and mid-sized companies, we have to do this in a way that allows them to partner with large corporations and have the infrastructure. These tax provisions in the bill will subject our companies, who are doing this type of work, to double taxation, making us less competitive, inhibiting economic growth, and reducing our ability to export. It's clear.

Secondly, we haven't had the hearings to actually flesh all this out. I think it's critical that we really look at this if we're going to promote American competitiveness. My fear is that, yes, we might double exports in 5 years, but it will be the export of American jobs.

Mr. LEVIN. I now yield 3 minutes to a very distinguished colleague of ours from New York (Mr. OWENS).

Mr. OWENS. I thank the gentleman from Michigan, Chairman LEVIN.

I rise today in support of H.R. 5982, the Small Business Tax Relief Act. This legislation repeals the new 1099 reporting requirements that impose a flood of new tax paperwork on small businesses. This bill evidences our commitment to listening to our constituents and acting to resolve their legitimate concerns. We, on our side of the aisle, are listening. We are acting.

I have heard from numerous constituents, farmers, manufacturers and other small businesses, about this issue. Repealing these requirements is critical to protecting small businesses and family farms from having to mail hundreds of forms to vendors each year. H.R. 5982 is fully paid for by eliminating \$11.6 billion in tax breaks for companies that ship jobs overseas.

□ 1100

We hear constantly about the need for regulatory reform. This bill provides regulatory relief. Foreign tax

credits do not incentivize production or manufacturing in the United States, as my colleague, Mr. MURPHY, amply and adequately pointed out. We need to focus on incentivizing U.S.-based production by focusing on appropriate tax incentives and reduction in regulatory activity by the government.

We have an opportunity today to continue to improve on the health reform law by passing this bill, by helping to create U.S. jobs, and focusing and incentivizing companies to grow the American economy.

I urge my colleagues to support H.R. 5982.

Mr. LEVIN. I yield 2 minutes to the very vigorous gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Give America a chance and America will outcompete the world. Give American business a chance, and it will outcompete China and the world. Give American workers a chance, a level playing field, and we will outcompete the world. We can build things, make things, and grow things better in this country than anywhere in the world if we give a level playing field. We have a chance once again today to level that playing field and let America win again.

We can do that by closing this outsourcing loophole that rewards companies for sending jobs overseas. And we can do it in a way that also provides relief to our small business owners, who are trying to work hard and play by the rules. Well-intentioned efforts to make sure people were not cheating on their taxes, to make sure people were paying their burden, can also be done in a way that doesn't cost those who have been working hard and playing by the rules.

We have a chance to do two great things today. We have a chance to level that playing field so that America can win in manufacturing, in agriculture, in forestry, in farming. These are things we can do better than anyone when we don't have the trade deals and the tax code that rewards all the worst things of sending those much-needed American jobs overseas. And we can do so at the same time by reducing that regulatory pressure on small business.

We worked hard this year to support our small businesses, with the Small Business Lending Fund that is dying in the Senate, with tax credits for small business, too many of which have died in the Senate. Here is a chance today to provide relief to small business, and most importantly, to level that playing field so that we can make it in America again, so that we can have those good jobs that make the middle class and working class in this country thrive, that reward entrepreneurship and innovation, that reward people who work hard and play by the rules. This is an opportunity today that is beyond Democrat and Republican. It's just about common sense and making a difference in the economy.

Washington should have the same sense of urgency I feel back home every weekend when we talk to small business owners. This is a chance for us to come together, to do good things to let America win again. This is important for American business, for American workers, and for American families.

I urge all of my colleagues on both sides of the aisle to be part of the solution.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Madam Speaker, this bill never went through committee, never was marked up in committee. And you know what, it's awfully good to hear the other side finally admit that they messed up in the health care bill, that it is going to have a tremendous impact on small businesses. You know, you can't raise taxes on small businesses in the health care bill, use that revenue to say ObamaCare will reduce the deficit, and then turn around and remove those same business tax increases and tell small businesses that you are doing them a favor. That's known as a shell game in a carnival. That's shameful. You know what, you are not doing them a favor.

Representative LUNGREN introduced the Small Business Paperwork Mandate Elimination Act to remove that huge burden on entrepreneurs that was found in the health care bill. That language was here yesterday, and it was not allowed to be voted on. Rather, the majority pulled the bill so that we could not have that very meaningful vote. This morning it was turned around and added to language that raises taxes elsewhere. And ironically, it's called the Small Business Tax Relief bill. And Members are going to be forced to vote on that. This is totally unacceptable.

The majority first needs to make up its mind whether or not it really wants to help small businesses. Then I think that the majority needs to be honest about that decision. There is a reason, Madam Speaker, why Members on the opposite side of the aisle are afraid to go home and face election, and it's exactly this kind of chicanery that causes that fear.

Mr. LEVIN. Madam Speaker, could you please give us the time remaining on both sides?

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). Mr. LEVIN of Michigan has 7 minutes remaining, and Mr. CAMP of Michigan has 3½ minutes.

Mr. LEVIN. I now yield 1 minute to the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Madam Speaker, this bill is very simple. It

does two things. There has been a lot of talk here to confuse people, but it's very simple. One, it provides regulatory reform to our small businesses so they can get busy putting Americans back to work. And two, very important, it closes a tax loophole that encourages businesses to invest overseas. The other side is claiming somehow that's a bad thing. It's exactly what we should do.

I want the tax code to be set up to encourage businesses to invest in America. Because if we do that, we will see more investment in America. We will see American workers back to work. We will see our middle class back to work and feeling their incomes rising, and we will see the greatness that has made this country, the innovation, the forward thinking. It comes from doing our manufacturing, our agriculture, our mining here in the United States. But we've let our tax code incent businesses to go away. So this does two things. One, it helps our small businesses with relief. Two, it turns our tax code in the right direction so that businesses have incentives to be here.

Mr. CAMP. I reserve the balance of my time.

Mr. LEVIN. It is now my pleasure to yield 2 minutes to a very distinguished member of our committee, Mr. XAVIER BECERRA from California.

Mr. BECERRA. I thank the gentleman for yielding.

My friends, when was the last time you picked up a product that you just purchased at a store, turned it over, and took a look at where it was made? When was the last time you saw that product say "Made in America"? Well, this legislation is all about making sure the next time you buy something in a store in America that product will have been made in America. Because guess what? Not only do we have to face unfair competition by some of our very fierce competitors who are using tactics that are unreasonable to somehow defeat American business and American workers, but we even have things in our tax code that encourage American companies to ship jobs abroad and get paid by the taxpayers through tax credits for doing so.

This legislation is all about getting rid of that unfair competition for America's workers so we can make it in America. That's what this is all about. This is also about making sure that small businesses have a chance to compete without bureaucratic regulation. And so there is bipartisan agreement on removing the burden under 1099 tax return filings that would make it difficult for small businesses to compete. And that's in this bill as well.

What is not in this bill is the process, is the frustration that American workers are feeling. Some people it sounds like in this Chamber would like you to vote "no" on a good bill because they

are complaining about a process. The only folks in America who have a right to complain about process right now are Americans who are trying to pay their mortgage and keep their jobs. And they are sick and tired of a process where people say “no” to good legislation. It is time for us to say “yes” to good legislation.

Let us once again make things in America and make them by Americans. Pass H.R. 5982 and make sure that we can tell Americans when they turn over that product that they just bought it was made in America.

□ 1110

GENERAL LEAVE

Mr. LEVIN. I ask that all Members have leave to enter extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Madam Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. ROSKAM), a distinguished member of the Ways and Means Committee.

Mr. ROSKAM. I thank the gentleman for yielding.

If you're Peyton Manning, the football great for the Indianapolis Colts, and you come to the line of scrimmage, you have the right to do an audible call at the line of scrimmage. I mean, Peyton's a champion. Time and time and time again he's come out, he sees the play, he recognizes that the play has to change, he shouts out the play to the team, and they score and they're famous and they're successful.

Unfortunately, Madam Speaker, we don't have any Peyton Manning's on the other side of the aisle who are driving this process. In other words, there is nobody that has the breadth and the depth and the comprehensive understanding—there's, frankly, nobody in this Chamber that has that—to come in and say, You know what? New plan. We're going to do something completely different.

Last night, ironically, the chairman of the Ways and Means Committee was on this very floor in that very seat and said, There are no excuses to vote against this bill. He said that once or twice or three times. I jotted it down. And I reminded him of that during the debate last night, and yet, ironically, within that very short period of time, it's my understanding that the chairman, himself, found that there was a reason to vote against the very bill that moments before he was arguing for.

And why is that? Because the Founders have a process in place that is a process of deliberation. The Founders understood that this process is one that is made better by robust participation.

Now, the majority has known about this 1099 requirement since November

of last year, and what have they done? They have stifled the minority. They have said, No, no, no, no. We've got this all figured out. You Republicans, you just continue to press your nose up against the glass and look in and mouth suggestions, but we're really not interested in what you have to say. All right.

Then there's a revelation. The public gets to see this 1099 requirement, and they recognize this is a disaster. We had friends on the other side of the aisle minutes ago recounting about how bad this is going to be for farmers and small businesses. And you know what? They're right.

The 1099 requirement is absurd. The 1099 requirement, I would submit to you, is the result of line of scrimmage audible calls by the majority.

Now, it doesn't have to be this way. Mr. CAMP laid out a very articulate process moments ago about how best to improve this. And this is an under-performance. The chairman said that we shouldn't be surprised by things that are in this bill. And, frankly, I'm not surprised by anything the majority does. I've seen the majority run roughshod over process in the name of a better product, and time and again, it has fallen short.

So here we are basically with an admission that ObamaCare is fundamentally flawed in this sense, a mandate on business. I promise you there will be efforts in the future to revisit other parts of ObamaCare—the individual mandate, the employer mandate, health savings account taxes, and on and on and on, all things that the American public has been speaking out—they're even calling right now, they're so upset about it.

Madam Speaker, the reason Republicans are opposed to this is process, but, fundamentally, bad process yields a bad product. This is a bad product. It creates a Hobson's choice. It says we're going to remove the 1099 requirement and, instead, we're going to jeopardize job producers in exchange. We should vote “no.”

Mr. LEVIN. First, I yield 30 seconds to the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. I just wanted to add one thing that didn't come out in the debate yet. There's a lot of talk about this being a bill from our side, and the Republicans seem to disagree that it's going to be helpful for business. The National Federation of Independent Business has endorsed this bill and is asking people to vote in favor of it. I wanted to make sure all the Members knew that.

PARLIAMENTARY INQUIRIES

Mr. DANIEL E. LUNGREN of California. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. DANIEL E. LUNGREN of California. Is there any rule, under the

House, that requires notice being given to the author of a bill when it is being brought up without any notice whatsoever, since I am the author of the 1099 repeal bill and have had it before this House since April of this year and given no notice? Is there any requirement under the rules that we at least be notified that this bill is going to come up?

The SPEAKER pro tempore. The Chair notes that the motion before the House is a motion to suspend the rules.

Mr. DANIEL E. LUNGREN of California. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. DANIEL E. LUNGREN of California. The Speaker has just told us that because this is a bill being brought up under suspension of the rules that all rules are, therefore, suspended. My parliamentary inquiry is under regular rules, is there any requirement that the author of a bill be at least given notice that that bill is to be brought up to the floor for consideration before it is considered?

The SPEAKER pro tempore. There is no such rule.

The gentleman from Michigan is recognized.

Mr. LEVIN. Madam Speaker, there's obvious discomfort on the side of the minority. There's a claim about procedure.

What I said before about our notice to motion on the motion to recommit is exactly correct. Now, you say we should act on elimination of 1099? That's exactly what we're doing, exactly what we're doing. Then you say you don't like the pay-fors. You act as if this is a new issue. We have debated these provisions time and time and time and time again, and you know it.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield on that?

Mr. LEVIN. No. I'm going to finish my statement.

The outsourcing provision has been before us a number of times.

And you keep talking about workers. We talk about having workers in the United States having work. That's what this is all about. And essentially what the provision does in the Tax Code is to help those companies that ship jobs overseas, and what we're saying is that that should be prevented, period. We've been saying it time and time and time again.

We've also discussed another loophole that's here that you don't seem to discuss, and that is for a relatively few very wealthy people taking a loophole in the Code and setting up a gift to others in the family, taking back the money, hoping that there will be an increase and no gift tax paid. That is a grievous loophole that should be closed, and we provide payment for this bill by closing it.

Now, I want to finish about outsourcing.

We have lost so many jobs in this country. If it comes through competition that's fair, so be it. If it comes, however, from companies using a provision that says you get a foreign tax credit on income, you're supposed to bring that income back here and not use the foreign tax credit to avoid taxation.

□ 1120

It's not an issue of double taxation. It is an issue of companies avoiding any taxation.

So essentially everybody who comes to the floor to vote on this has the opportunity to eliminate the 1099 provision and to close loopholes and to stop some of the outsourcing of American jobs. There could not be stronger reasons to vote for a bill.

So I close: Vote for it.

Madam Speaker, I and Ways and Means Committee Ranking Member CAMP have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of H.R. 5982, the "Small Business Tax Relief Act of 2010". This technical explanation provides information on the Committee's understanding and legislative intent behind the legislation. It is available on the Joint Committee's website at www.jct.gov and is listed under document number JCX-43-10.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of the Small Business Tax Relief Act of 2010, and I commend my colleagues Representative SCOTT MURPHY and Representative BILL OWENS for bringing it to the floor today.

Simply put, this bill does two things: It provides information reporting relief to small businesses—and it closes loopholes in current law that encourage U.S. multinationals to invest overseas.

The question members must ask themselves is this: Do we want jobs in America, or do we want a tax code that rewards companies for shipping jobs overseas?

For every small business seeking to expand and create jobs, and for every American looking for work, I urge a yes vote.

Mr. LEVIN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 5982.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEVIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H. Res. 1574, by the yeas and nays;
H. Res. 1558, by the yeas and nays;
H.R. 5901, by the yeas and nays;
H. Res. 1566, by the yeas and nays;
H.R. 5414, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 3534, CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010; AND PROVIDING FOR CONSIDERATION OF H.R. 5851, OFFSHORE OIL AND GAS WORKER WHISTLEBLOWER PROTECTION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1574, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 194, not voting 18, as follows:

[Roll No. 500]
YEAS—220

Ackerman	Dahlkemper	Holden
Andrews	Davis (AL)	Holt
Arcuri	Davis (CA)	Honda
Baca	Davis (IL)	Hoyer
Baird	DeFazio	Inslee
Baldwin	DeGette	Israel
Barrow	Delahunt	Jackson (IL)
Bean	DeLauro	Jackson Lee
Becerra	Deutch	(TX)
Berkley	Dicks	Johnson (GA)
Berman	Dingell	Johnson, E. B.
Bishop (NY)	Doggett	Kagen
Blumenauer	Doyle	Kanjorski
Boccieri	Driehaus	Kaptur
Boswell	Edwards (MD)	Kennedy
Boucher	Edwards (TX)	Kildee
Brady (PA)	Ellison	Kilroy
Braley (IA)	Engel	Kind
Brown, Corrine	Eshoo	Kissell
Butterfield	Etheridge	Klein (FL)
Capps	Farr	Kosmas
Capuano	Fattah	Kratovil
Cardoza	Filner	Kucinich
Carnahan	Foster	Langevin
Carson (IN)	Frank (MA)	Larsen (WA)
Castor (FL)	Fudge	Larson (CT)
Chandler	Garamendi	Lee (CA)
Childers	Gonzalez	Levin
Chu	Gordon (TN)	Lewis (GA)
Clarke	Grayson	Lipinski
Clay	Green, Al	Loeback
Cleaver	Grijalva	Lofgren, Zoe
Clyburn	Gutierrez	Lowey
Cohen	Hall (NY)	Lujan
Connolly (VA)	Halvorson	Lynch
Conyers	Hare	Maffei
Cooper	Harman	Maloney
Costello	Hastings (FL)	Markey (CO)
Courtney	Heinrich	Markey (MA)
Critz	Higgins	Matsui
Crowley	Hinchee	McCarthy (NY)
Cuellar	Hirono	McCollum
Cummings	Hodes	McDermott

McGovern	Pingree (ME)	Smith (WA)
McIntyre	Polis (CO)	Snyder
McMahon	Price (NC)	Speier
McNerney	Quigley	Spratt
Meek (FL)	Rahall	Stark
Meeks (NY)	Rangel	Stupak
Melancon	Reyes	Sutton
Michaud	Richardson	Tanner
Miller (NC)	Rodriguez	Taylor
Miller, George	Rothman (NJ)	Thompson (CA)
Mollohan	Roybal-Allard	Thompson (MS)
Moore (KS)	Ruppersberger	Tierney
Moore (WI)	Rush	Titus
Moran (VA)	Ryan (OH)	Tonko
Murphy (CT)	Sánchez, Linda	Towns
Murphy (NY)	T.	Tsongas
Murphy, Patrick	Sanchez, Loretta	Van Hollen
Nadler (NY)	Sarbanes	Velázquez
Napolitano	Schakowsky	Visclosky
Neal (MA)	Schauer	Walz
Oberstar	Schiff	Wasserman
Obey	Schrader	Schultz
Olver	Schwartz	Waters
Ortiz	Scott (GA)	Watt
Owens	Scott (VA)	Waxman
Pallone	Serrano	Weiner
Pascarella	Sestak	Welch
Pastor (AZ)	Shea-Porter	Woolsey
Payne	Sherman	Wu
Perlmutter	Sires	Yarmuth
Petriello	Skelton	
Peters	Slaughter	

NAYS—194

Aderholt	Ellsworth	Matheson
Adler (NJ)	Emerson	McCaul
Alexander	Fallin	McClintock
Altmire	Flake	McCotter
Austria	Fleming	McHenry
Bachmann	Forbes	McKeon
Bachus	Fortenberry	McMorris
Barrett (SC)	Fox	Rodgers
Bartlett	Franks (AZ)	Mica
Barton (TX)	Frelinghuysen	Miller (FL)
Berry	Gallely	Miller (MI)
Biggert	Garrett (NJ)	Miller, Gary
Blibray	Gerlach	Minnick
Bilirakis	Giffords	Mitchell
Bishop (GA)	Gingrey (GA)	Murphy, Tim
Bishop (UT)	Gohmert	Myrick
Blackburn	Goodlatte	Neugebauer
Blunt	Granger	Nunes
Boehner	Graves (GA)	Nye
Bonner	Graves (MO)	Olson
Bono Mack	Green, Gene	Paul
Boozman	Guthrie	Paulsen
Boren	Hall (TX)	Pence
Boustany	Harper	Peterson
Boyd	Hastings (WA)	Petri
Brady (TX)	Heller	Pitts
Bright	Hensarling	Platts
Broun (GA)	Herger	Poe (TX)
Brown (SC)	Herseth Sandlin	Pomeroy
Brown-Waite,	Hill	Posey
Ginny	Hunter	Price (GA)
Buchanan	Inglis	Putnam
Burgess	Issa	Rehberg
Burton (IN)	Jenkins	Reichert
Calvert	Johnson (IL)	Roe (TN)
Camp	Johnson, Sam	Rogers (AL)
Campbell	Jones	Rogers (KY)
Cantor	Jordan (OH)	Rohrabacher
Cao	King (IA)	Rooney
Capito	King (NY)	Ros-Lehtinen
Carter	Kingston	Roskam
Cassidy	Kirk	Ross
Castle	Kirkpatrick (AZ)	Royce
Chaffetz	Kline (MN)	Ryan (WI)
Coble	Lamborn	Salazar
Coffman (CO)	Lance	Scalise
Cole	Latham	Schmidt
Conaway	LaTourette	Schock
Costa	Latta	Sensenbrenner
Crenshaw	Lee (NY)	Sessions
Culberson	Lewis (CA)	Shimkus
Davis (KY)	LoBiondo	Shuler
Davis (TN)	Lucas	Shuster
Dent	Luetkemeyer	Simpson
Diaz-Balart, L.	Lummis	Smith (NE)
Diaz-Balart, M.	Lungren, Daniel	Smith (NJ)
Djou	E.	Smith (TX)
Donnelly (IN)	Mack	Space
Dreier	Manzullo	Stearns
Duncan	Marchant	Sullivan
Ehlers	Marshall	Teague

Terry	Upton	Wilson (SC)
Thompson (PA)	Walden	Wittman
Thornberry	Westmoreland	Wolf
Tiberi	Whitfield	Young (AK)
Turner	Wilson (OH)	

NOT VOTING—18

Akin	Hoekstra	Rogers (MI)
Buyer	Kilpatrick (MI)	Shadegg
Carney	Linder	Tiahrt
Griffith	McCarthy (CA)	Wamp
Himes	Moran (KS)	Watson
Hinojosa	Radanovich	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1151

Messrs. ALTMIRE, BARRETT of South Carolina, BOYD, BERRY, MARSHALL, GOHMERT, AUSTRIA and CULBERSON changed their vote from “yea” to “nay.”

Mr. RANGEL changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HINOJOSA. Madam Speaker, on rollcall No. 500, had I been present, I would have voted “yes.”

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 5278. An act to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the “President Ronald W. Reagan Post Office Building”.

H.R. 5395. An act to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the “Paula Hawkins Post Office Building”.

H.R. 5900. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3567. An act to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the “Navy Corpsman Jeffrey L. Wiener Post Office Building”.

GROWN IN AMERICA ACT

The SPEAKER pro tempore. Without objection, 5-minute voting will resume. There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to

the resolution (H.Res 1558) expressing the sense of the House of Representatives that fruit and vegetable and commodity producers are encouraged to display the American flag on labels of products grown in the United States, reminding us all to take pride in the healthy bounty produced by American farmers and workers, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and agree to the resolution, H. Res. 1558.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 1, not voting 28, as follows:

[Roll No. 501]

YEAS—403

Ackerman	Castle	Foxx
Aderholt	Castor (FL)	Frank (MA)
Adler (NJ)	Chaffetz	Franks (AZ)
Alexander	Chandler	Frelinghuysen
Altmire	Childers	Fudge
Andrews	Chu	Gallegly
Arcuri	Clarke	Garamendi
Austria	Clay	Garrett (NJ)
Baca	Cleaver	Gerlach
Bachus	Clyburn	Giffords
Baird	Coble	Gingrey (GA)
Baldwin	Coffman (CO)	Gohmert
Barrett (SC)	Cohen	Gonzalez
Barrow	Cole	Goodlatte
Bartlett	Connolly (VA)	Gordon (TN)
Barton (TX)	Cooper	Granger
Bean	Costa	Graves (GA)
Berkley	Costello	Graves (MO)
Berman	Courtney	Grayson
Berry	Crenshaw	Green, Al
Biggert	Critz	Green, Gene
Bilbray	Crowley	Grjalva
Bilirakis	Cuellar	Guthrie
Bishop (GA)	Culberson	Gutierrez
Bishop (NY)	Cummings	Hall (NY)
Bishop (UT)	Dahlkemper	Hall (TX)
Blumburn	Davis (AL)	Halvorson
Blumenauer	Davis (CA)	Hare
Blunt	Davis (IL)	Harman
Bocieri	Davis (KY)	Harper
Boehner	Davis (TN)	Hastings (FL)
Bonner	DeFazio	Hastings (WA)
Bono Mack	DeGette	Heinrich
Boozman	DeLauro	Heller
Boren	Dent	Hensarling
Boswell	Deutch	Herger
Boucher	Diaz-Balart, L.	Hereth Sandlin
Boustany	Diaz-Balart, M.	Higgins
Boyd	Dicks	Hill
Brady (PA)	Dingell	Hinchey
Brady (TX)	Djou	Hinojosa
Braley (IA)	Doggett	Hirono
Bright	Donnelly (IN)	Hodes
Broun (GA)	Doyle	Holden
Brown (SC)	Dreier	Holt
Brown, Corrine	Driedhaus	Honda
Brown-Waite,	Duncan	Hoyer
Ginny	Edwards (MD)	Hunter
Buchanan	Ehlers	Inglis
Burgess	Ellison	Inslee
Burton (IN)	Ellsworth	Israel
Calvert	Emerson	Issa
Camp	Engel	Jackson (IL)
Campbell	Eshoo	Jackson Lee
Cantor	Etheridge	(TX)
Cao	Fallin	Jenkins
Capito	Farr	Johnson (GA)
Capps	Fattah	Johnson (IL)
Capuano	Filner	Johnson, E. B.
Cardoza	Flake	Johnson, Sam
Carnahan	Fleming	Jones
Carson (IN)	Forbes	Jordan (OH)
Carter	Fortenberry	Kagen
Cassidy	Foster	Kanjorski

Kaptur	Minnick	Schiff
Kildee	Mitchell	Schmidt
Kilroy	Mollohan	Schock
Kind	Moore (KS)	Schrader
King (IA)	Moore (WI)	Schwartz
King (NY)	Moran (VA)	Scott (GA)
Kingston	Murphy (CT)	Scott (VA)
Kirk	Murphy (NY)	Sensenbrenner
Kirkpatrick (AZ)	Murphy, Patrick	Serrano
Kissell	Murphy, Tim	Sessions
Klein (FL)	Myrick	Sestak
Kline (MN)	Nadler (NY)	Shea-Porter
Kosmas	Napolitano	Sherman
Kratovil	Neal (MA)	Shimkus
Kucinich	Neugebauer	Shuler
Lamborn	Nunes	Shuster
Lance	Nye	Simpson
Langevin	Oberstar	Sires
Larsen (WA)	Obey	Skelton
Larson (CT)	Olson	Slaughter
Latham	Olver	Smith (NE)
LaTourette	Ortiz	Smith (NJ)
Latta	Owens	Smith (TX)
Lee (CA)	Pallone	Smith (WA)
Lee (NY)	Pascarell	Snyder
Levin	Pastor (AZ)	Space
Lewis (CA)	Paulsen	Speier
Lewis (GA)	Payne	Spratt
Lipinski	Pence	Stark
LoBiondo	Perlmutter	Stearns
Loeback	Perriello	Stupak
Lofgren, Zoe	Peters	Sullivan
Lowey	Petri	Sutton
Lucas	Pingree (ME)	Tanner
Luetkemeyer	Pitts	Taylor
Lummis	Platts	Teague
Lungren, Daniel	Poe (TX)	Terry
E.	Polis (CO)	Thompson (CA)
Lynch	Pomeroy	Thompson (MS)
Mack	Posey	Thompson (PA)
Maffei	Price (GA)	Thornberry
Maloney	Price (NC)	Tiberi
Manzullo	Putnam	Tierney
Marchant	Quigley	Titus
Markey (CO)	Rahall	Tonko
Markey (MA)	Rangel	Towns
Marshall	Rehberg	Tsongas
Matheson	Reichert	Turner
Matsui	Reyes	Upton
McCarthy (NY)	Richardson	Van Hollen
McCaul	Roe (TN)	Velázquez
McClintock	Rogers (AL)	Visclosky
McCollum	Rogers (KY)	Walden
McCotter	Rohrabacher	Walz
McDermott	Rooney	Wasserman
McGovern	Ros-Lehtinen	Schultz
McHenry	Roskam	Waters
McIntyre	Ross	Watt
McKeon	Rothman (NJ)	Waxman
McMahon	Roybal-Allard	Weiner
McMorris	Royce	Welch
Rodgers	Ruppersberger	Westmoreland
McNerney	Rush	Whitfield
Meek (FL)	Ryan (OH)	Wilson (OH)
Meeks (NY)	Ryan (WI)	Wilson (SC)
Melancon	Salazar	Wittman
Mica	Sánchez, Linda	Wolf
Michaud	T.	Woolsey
Miller (FL)	Sanchez, Loretta	Wu
Miller (MI)	Sarbanes	Yarmuth
Miller (NC)	Scalise	Young (AK)
Miller, Gary	Schakowsky	
Miller, George	Schauer	

NAYS—1

Paul

NOT VOTING—28

Akin	Griffith	Radanovich
Bachmann	Himes	Rodriguez
Becerra	Hoekstra	Rogers (MI)
Butterfield	Kennedy	Shadegg
Buyer	Kilpatrick (MI)	Tiahrt
Carney	Linder	Wamp
Conaway	Luján	Watson
Conyers	McCarthy (CA)	Young (FL)
Delahunt	Moran (KS)	
Edwards (TX)	Peterson	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1159

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REAL ESTATE JOBS AND INVESTMENT ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5901) to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investment in United States real property interests, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 11, not voting 19, as follows:

[Roll No. 502]

YEAS—402

Ackerman	Burgess	DeLauro
Aderholt	Burton (IN)	Dent
Adler (NJ)	Butterfield	Deutch
Alexander	Calvert	Diaz-Balart, L.
Altmire	Camp	Diaz-Balart, M.
Andrews	Cantor	Dicks
Arcuri	Cao	Dingell
Austria	Capito	Djou
Baca	Capps	Doggett
Bachmann	Capuano	Donnelly (IN)
Bachus	Cardoza	Doyle
Baird	Carnahan	Dreier
Baldwin	Carson (IN)	Driehaus
Barrett (SC)	Carter	Edwards (MD)
Barrow	Cassidy	Edwards (TX)
Bartlett	Castle	Ehlers
Barton (TX)	Castor (FL)	Ellison
Bean	Chaffetz	Ellsworth
Becerra	Chandler	Emerson
Berkley	Childers	Engel
Berman	Chu	Eshoo
Berry	Clarke	Etheridge
Biggert	Clay	Fallin
Bilbray	Cleaver	Farr
Bilirakis	Clyburn	Fattah
Bishop (GA)	Coble	Filner
Bishop (NY)	Coffman (CO)	Fleming
Bishop (UT)	Cohen	Forbes
Blackburn	Cole	Fortenberry
Blumenauer	Conaway	Foster
Blunt	Connolly (VA)	Fox
Boccieri	Conyers	Frank (MA)
Boehner	Cooper	Franks (AZ)
Bonner	Costa	Frelinghuysen
Bono Mack	Costello	Fudge
Boozman	Courtney	Galleghy
Boren	Crenshaw	Garamendi
Boswell	Critz	Gerlach
Boucher	Crowley	Giffords
Boustany	Cuellar	Gingrey (GA)
Boyd	Culberson	Gohmert
Brady (PA)	Cummings	Gonzalez
Brady (TX)	Dahlkemper	Goodlatte
Braley (IA)	Davis (AL)	Gordon (TN)
Bright	Davis (CA)	Granger
Brown (SC)	Davis (IL)	Graves (GA)
Brown, Corrine	Davis (KY)	Graves (MO)
Brown-Waite,	Davis (TN)	Grayson
Ginny	DeFazio	Green, Al
Buchanan	DeGette	Green, Gene

Grijalva	Maloney	Roskam
Guthrie	Manzullo	Ross
Gutierrez	Marchant	Rothman (NJ)
Hall (NY)	Markey (CO)	Roybal-Allard
Hall (TX)	Markey (MA)	Ruppersberger
Halvorson	Marshall	Rush
Hare	Matheson	Ryan (OH)
Harman	Matsui	Ryan (WI)
Harper	McCarthy (NY)	Salazar
Hastings (FL)	McCaul	Sanchez, Linda
Hastings (WA)	McCollum	T.
Heinrich	McCotter	Sanchez, Loretta
Heller	McDermott	Sarbanes
Hensarling	McGovern	Scalise
Herger	McHenry	Schakowsky
Herseht Sandlin	McIntyre	Schauer
Higgins	McKeon	Schiff
Hirono	McMahon	Schmidt
Hinchey	McMorris	Schock
Hinojosa	Rodgers	Schrader
Hirono	McNerney	Schwartz
Hodes	Meek (FL)	Scott (GA)
Holden	Meeks (NY)	Scott (VA)
Holt	Mica	Sensenbrenner
Honda	Michaud	Serrano
Hoyer	Miller (FL)	Sessions
Hunter	Miller (MI)	Sestak
Inglis	Miller (NC)	Shea-Porter
Inslee	Miller, Gary	Sherman
Israel	Miller, George	Shimkus
Issa	Minnick	Shuler
Jackson (IL)	Mitchell	Shuster
Jackson Lee	Mollohan	Simpson
(TX)	Moore (KS)	Sires
Jenkins	Moore (WI)	Skelton
Johnson (GA)	Moran (VA)	Slaughter
Johnson (IL)	Murphy (CT)	Smith (NE)
Johnson, E. B.	Murphy (NY)	Smith (NJ)
Johnson, Sam	Murphy, Patrick	Smith (TX)
Jones	Murphy, Tim	Smith (WA)
Jordan (OH)	Myrick	Snyder
Kagen	Nadler (NY)	Space
Kanjorski	Napolitano	Speier
Kaptur	Neal (MA)	Spratt
Kennedy	Neugebauer	Stark
Kildee	Nunes	Stearns
Kilroy	Nye	Stupak
Kind	Oberstar	Sullivan
King (IA)	Obey	Sutton
King (NY)	Olson	Tanner
Kingston	Olver	Teague
Kirk	Ortiz	Terry
Kirkpatrick (AZ)	Owens	Thompson (CA)
Kissell	Pallone	Thompson (MS)
Klein (FL)	Pascarell	Thompson (PA)
Kline (MN)	Pastor (AZ)	Thornberry
Kosmas	Paulsen	Tiberi
Kratovil	Payne	Tierney
Kucinich	Pence	Titus
Lamborn	Perlmutter	Tonko
Lance	Perriello	Towns
Langevin	Peters	Tsongas
Larsen (WA)	Peterson	Turner
Larson (CT)	Pingree (ME)	Upton
Latham	Pitts	Van Hollen
LaTourette	Platts	Velázquez
Latta	Poe (TX)	Visclosky
Lee (CA)	Polis (CO)	Walden
Lee (NY)	Pomeroy	Walz
Levin	Posey	Wasserman
Lewis (CA)	Price (GA)	Schultz
Lewis (GA)	Price (NC)	Waters
Lipinski	Putnam	Watt
LoBiondo	Quigley	Waxman
Loeb sack	Rahall	Weiner
Lofgren, Zoe	Rangel	Welch
Lowe	Rehberg	Westmoreland
Lucas	Reichert	Whitfield
Luetkemeyer	Reyes	Wilson (OH)
Lujan	Richardson	Wilson (SC)
Lummis	Rodriguez	Wittman
Lungren, Daniel	Roe (TN)	Wolf
E.	Rogers (AL)	Woolsey
Lynch	Rogers (KY)	Wu
Mack	Rooney	Yarmuth
Maffei	Ros-Lehtinen	Young (AK)

NAYS—11

Broun (GA)	Garrett (NJ)	Rohrabacher
Campbell	McClintock	Royce
Duncan	Paul	Taylor
Flake	Petri	

NOT VOTING—19

Akin	Kilpatrick (MI)	Shadegg
Buyer	Linder	Tiahrt
Carney	McCarthy (CA)	Wamp
Delahunt	Melancon	Watson
Griffith	Moran (KS)	Young (FL)
Himes	Radanovich	
Hoekstra	Rogers (MI)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1209

Messrs. MCCLINTOCK, BROUN of Georgia, and ROHRABACHER changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MELANCON. Madam Speaker, on roll-call No. 502, had I been present, I would have voted “yes.”

RECOGNIZING 50TH ANNIVERSARY OF STUDENT NONVIOLENT COORDINATING COMMITTEE AND THE NATIONAL SIT-IN MOVEMENT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1566) recognizing the 50th anniversary of the Student Nonviolent Coordinating Committee (SNCC) and the pioneering of college students whose determination and nonviolent resistance led to the desegregation of lunch counters and places of public accommodation over a 5-year period, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 503]

YEAS—410

Ackerman	Bean	Bono Mack
Aderholt	Becerra	Boozman
Adler (NJ)	Berkley	Boren
Alexander	Berman	Boswell
Altmire	Berry	Boucher
Andrews	Biggert	Boustany
Arcuri	Bilbray	Boyd
Austria	Bilirakis	Brady (PA)
Baca	Bishop (GA)	Brady (TX)
Bachmann	Bishop (NY)	Braley (IA)
Bachus	Bishop (UT)	Bright
Baird	Blackburn	Broun (GA)
Baldwin	Blumenauer	Brown (SC)
Barrett (SC)	Blunt	Brown, Corrine
Barrow	Boccieri	Brown-Waite,
Bartlett	Boehner	Ginny
Barton (TX)	Bonner	Buchanan

Burgess	Gordon (TN)	Markey (MA)	Sanchez, Loretta	Smith (NJ)	Turner	Bishop (GA)	Engel	Latham
Burton (IN)	Granger	Marshall	Sarbanes	Smith (TX)	Upton	Bishop (NY)	Eshoo	Latta
Butterfield	Graves (GA)	Matheson	Scalise	Smith (WA)	Van Hollen	Bishop (UT)	Etheridge	Lee (CA)
Calvert	Graves (MO)	Matsui	Schakowsky	Snyder	Velázquez	Blackburn	Fallin	Lee (NY)
Camp	Grayson	McCarthy (NY)	Schauer	Space	Visclosky	Blumenauer	Farr	Levin
Campbell	Green, Al	McCaul	Schiff	Speier	Walden	Blunt	Fattah	Lewis (CA)
Cantor	Green, Gene	McClintock	Schmidt	Spratt	Walz	Bocieri	Filner	Lewis (GA)
Cao	Grijalva	McCollum	Schock	Stark	Wasserman	Boehner	Flake	Lipinski
Capito	Guthrie	McCotter	Schrader	Stearns	Schultz	Bonner	Fleming	LoBiondo
Capps	Gutierrez	McDermott	Schwartz	Stupak	Waters	Bono Mack	Forbes	Loeb sack
Capuano	Hall (NY)	McGovern	Scott (GA)	Sullivan	Watt	Boozman	Fortenberry	Lofgren, Zoe
Cardoza	Hall (TX)	McHenry	Scott (VA)	Sutton	Waxman	Boren	Foster	Lowe y
Carnahan	Halvorson	McIntyre	Sensenbrenner	Tanner	Weiner	Boswell	Fox x	Lucas
Carson (IN)	Hare	McKeon	Serrano	Taylor	Welch	Boucher	Frank (MA)	Luetkemeyer
Carter	Harman	McMahon	Sessions	Teague	Westmoreland	Boustany	Franks (AZ)	Luján
Cassidy	Harper	McNerney	Sestak	Terry	Whitfield	Boyd	Frelinghuysen	Lummis
Castle	Hastings (FL)	Meek (FL)	Shea-Porter	Thompson (CA)	Wilson (OH)	Brady (PA)	Fudge	Lungren, Daniel
Castor (FL)	Hastings (WA)	Meeks (NY)	Sherman	Thompson (MS)	Wilson (SC)	Brady (TX)	Galle gley	E.
Chaffetz	Heinrich	Melancon	Shimkus	Thompson (PA)	Wittman	Braley (IA)	Garamendi	Lynch
Chandler	Heller	Mica	Shuler	Thornberry	Wolf	Bright	Garrett (NJ)	Maffei
Childers	Hensarling	Michaud	Shuster	Tiberi	Woolsey	Brown (GA)	Gerlach	Maloney
Chu	Herger	Miller (FL)	Simpson	Tierney	Wu	Brown (SC)	Giffords	Manzullo
Clarke	Herse th Sandlin	Miller (MI)	Sires	Titus	Yarmuth	Brown, Corrine	Gingrey (GA)	Marchant
Clay	Higgins	Miller (NC)	Skelton	Tonko	Young (AK)	Gonzalez	Goodlatte	Markey (CO)
Cleaver	Hill	Miller, Gary	Slaughter	Towns		Ginny	Goodlatte	Markey (MA)
Clyburn	Hinche y	Miller, George	Smith (NE)	Tsongas		Buchanan	Gordon (TN)	Marshall
Coble	Hinojosa	Minnick				Burgess	Granger	Matheson
Coffman (CO)	Hirono	Mitchell				Burton (IN)	Graves (GA)	Matsui
Cohen	Hodes	Mollohan				Butterfield	Graves (MO)	McCarthy (NY)
Cole	Holden	Moore (KS)				Calvert	Grayson	McCaul
Conaway	Holt	Moore (WI)				Camp	Green, Al	McClintock
Connolly (VA)	Honda	Moran (VA)				Campbell	Green, Gene	McCollum
Conyers	Hoyer	Murphy (CT)				Cantor	Grijalva	McCotter
Cooper	Hunter	Murphy (NY)				Cao	Guthrie	McDermott
Costa	Inslee	Murphy, Patrick				Capito	Gutierrez	McGovern
Costello	Israel	Murphy, Tim				Capps	Hall (NY)	McHenry
Courtney	Issa	Myrick				Capuano	Hall (TX)	McIntyre
Crenshaw	Jackson (IL)	Nadler (NY)				Cardoza	Halvorson	McKeon
Critz	Jackson Lee	Napolitano				Carnahan	Hare	McMahon
Crowley	(TX)	Neal (MA)				Carson (IN)	Harman	McMorris
Cuellar	Jenkins	Neugebauer				Carter	Harper	Rodgers
Culberson	Johnson (GA)	Nunes				Cassidy	Hastings (FL)	McNerney
Cummings	Johnson (IL)	Nye				Castle	Hastings (WA)	Meek (FL)
Dahlkemper	Johnson, E. B.	Oberstar				Castor (FL)	Heinrich	Meeks (NY)
Davis (AL)	Johnson, Sam	Obey				Chaffetz	Heller	Melancon
Davis (CA)	Jones	Olson				Chandler	Hensarling	Mica
Davis (IL)	Jordan (OH)	Olver				Childers	Herger	Michaud
Davis (KY)	Kagen	Ortiz				Chu	Herse th Sandlin	Miller (FL)
Davis (TN)	Kanjorski	Owens				Clarke	Higgins	Miller (MI)
DeFazio	Kaptur	Pallone				Clay	Hill	Miller, Gary
DeGette	Kennedy	Pascarell				Cleaver	Hinche y	Miller, George
DeLauro	Kildee	Pastor (AZ)				Clyburn	Hinojosa	Minnick
Dent	Kilroy	Paul				Coble	Hirono	Mitchell
Deutch	Kind	Paulsen				Coffman (CO)	Hodes	Mollohan
Diaz-Balart, L.	King (IA)	Payne				Cohen	Holden	Moore (KS)
Diaz-Balart, M.	King (NY)	Pence				Cole	Holt	Moore (WI)
Dicks	Kingston	Perlmutter				Conaway	Honda	Moran (VA)
Dingell	Kirk	Perriello				Connolly (VA)	Hoyer	Murphy (CT)
Djou	Kirkpatrick (AZ)	Peters				Conyers	Hunter	Murphy (NY)
Doggett	Kissell	Peterson				Cooper	Inglis	Murphy, Patrick
Donnelly (IN)	Klein (FL)	Petri				Costa	Inslee	Murphy, Tim
Doyle	Kline (MN)	Pingree (ME)				Costello	Israel	Myrick
Dreier	Kosmas	Pitts				Courtney	Issa	Nadler (NY)
Driehaus	Kratovil	Platts				Crenshaw	Jackson (IL)	Napolitano
Duncan	Kucinich	Poe (TX)				Critz	Jackson Lee	Neal (MA)
Edwards (MD)	Lamborn	Polis (CO)				Crowley	(TX)	Neugebauer
Edwards (TX)	Lance	Pomeroy				Cuellar	Jenkins	Nunes
Ehlers	Langevin	Posey				Culberson	Johnson (GA)	Nye
Ellison	Larsen (WA)	Price (NC)				Cummings	Johnson (IL)	Oberstar
Ellsworth	Larson (CT)	Putnam				Dahlkemper	Johnson, E. B.	Obey
Emerson	Latham	Quigley				Davis (AL)	Johnson, Sam	Olson
Engel	LaTourette	Rahall				Davis (CA)	Jones	Olver
Eshoo	Latta	Rangel				Davis (IL)	Jordan (OH)	Ortiz
Etheridge	Lee (CA)	Rehberg				Davis (KY)	Kagen	Owens
Fallin	Lee (NY)	Reichert				Davis (TN)	Kanjorski	Pallone
Farr	Levin	Reyes				DeFazio	Kaptur	Pascarell
Fattah	Lewis (CA)	Richardson				DeGette	Kennedy	Pastor (AZ)
Filner	Lewis (GA)	Rodriguez				DeLauro	Kildee	Paul
Flake	Lipinski	Roe (TN)				Dent	Kilroy	Paulsen
Fleming	LoBiondo	Rogers (AL)				Deutch	Kind	Payne
Forbes	Loeb sack	Rogers (KY)				Diaz-Balart, L.	King (IA)	Pence
Fortenberry	Lofgren, Zoe	Rohrabacher				Diaz-Balart, M.	King (NY)	Perlmutter
Foster	Lowe y	Rooney				Dicks	Kingston	Perriello
Fox x	Lucas	Ros-Lehtinen				Dingell	Kirk	Peters
Frank (MA)	Luetkemeyer	Roskam				Djou	Kirkpatrick (AZ)	Peterson
Franks (AZ)	Luján	Ross				Doggett	Kissell	Petri
Frelinghuysen	Lummis	Rothman (NJ)				Donnelly (IN)	Klein (FL)	Pingree (ME)
Fudge	Lungren, Daniel	Roybal-Allard				Doyle	Kline (MN)	Pitts
Galle gley	E.	Royce				Dreier	Kosmas	Platts
Garamendi	Lynch	Ruppersberger				Driehaus	Kratovil	Poe (TX)
Garrett (NJ)	Mack	Rush				Duncan	Kucinich	Polis (CO)
Gerlach	Maffei	Ryan (OH)				Edwards (MD)	Lamborn	Pomeroy
Giffords	Maloney	Ryan (WI)				Edwards (TX)	Lance	Posey
Gingrey (GA)	Manzullo	Salazar				Ehlers	Langevin	Price (GA)
Gonzalez	Marchant	Sánchez, Linda				Ellsworth	Larsen (WA)	Price (NC)
Goodlatte	Markey (CO)	T.				Emerson	Larson (CT)	Putnam

NOT VOTING—22

Akin
Buyer
Carney
Delahunt
Gohmert
Griffith
Himes
Hoekstra
Inglis
Kilpatrick (MI)
Linder
McCarthy (CA)
McMorris
Rodgers
Moran (KS)
Price (GA)
Radanovich
Rogers (MI)
Shadegg
Tiahrt
Wamp
Watson
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Mr. JACKSON of Illinois) (during the vote). Two minutes remain in this vote.

□ 1216

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FRANCIS MARION NATIONAL FOREST LAND CONVEYANCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5414) to provide for the conveyance of a small parcel of National Forest System land in the Francis Marion National Forest in South Carolina, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

[Roll No. 504]

YEAS—408

Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis

Quigley	Schrader	Thompson (CA)
Rahall	Schwartz	Thompson (MS)
Rangel	Scott (GA)	Thompson (PA)
Rehberg	Scott (VA)	Thornberry
Reichert	Sensenbrenner	Tiberi
Reyes	Serrano	Tierney
Richardson	Sessions	Titus
Rodriguez	Sestak	Tonko
Roe (TN)	Shea-Porter	Towns
Rogers (AL)	Sherman	Tsongas
Rogers (KY)	Shimkus	Turner
Rohrabacher	Shuler	Upton
Rooney	Shuster	Van Hollen
Ros-Lehtinen	Simpson	Velázquez
Roskam	Sires	Visclosky
Ross	Skelton	Walden
Rothman (NJ)	Slaughter	Walz
Roybal-Allard	Smith (NE)	Wasserman
Royce	Smith (NJ)	Schultz
Ruppersberger	Smith (TX)	Waters
Rush	Smith (WA)	Watt
Ryan (OH)	Snyder	Waxman
Ryan (WI)	Space	Weiner
Salazar	Speier	Welch
Sánchez, Linda	Spratt	Westmoreland
T.	Stark	Whitfield
Sanchez, Loretta	Stearns	Wilson (OH)
Sarbanes	Stupak	Wilson (SC)
Scalise	Sullivan	Wittman
Schakowsky	Sutton	Wolf
Schauer	Tanner	Woolsey
Schiff	Taylor	Wu
Schmidt	Teague	Yarmuth
Schock	Terry	Young (AK)

NOT VOTING—24

Ackerman	Himes	Moran (KS)
Akin	Hoekstra	Radanovich
Buyer	Kilpatrick (MI)	Rogers (MI)
Carney	LaTourette	Shadegg
Delahunt	Linder	Tiahrt
Ellison	Mack	Wamp
Gohmert	McCarthy (CA)	Watson
Griffith	Miller (NC)	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1223

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on July 30, 2010, I was absent from the House and missed rollcall votes 500, 501, 502, 503 and 504.

Had I been present, I would have voted "no" on rollcall 500, "yes" on rollcall 501, "yes" on rollcall 502, "yes" on rollcall 503 and "yes" on rollcall 504.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5081

Mr. CARTER. Mr. Speaker, I request that my name be removed as a cosponsor on H.R. 5081.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

OFFSHORE OIL AND GAS WORKER WHISTLEBLOWER PROTECTION ACT OF 2010

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Reso-

lution 1574, I call up the bill (H.R. 5851) to provide whistleblower protections to certain workers in the offshore oil and gas industry, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1574, the amendment printed in part C of House Report 111-582 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Offshore Oil and Gas Worker Whistleblower Protection Act of 2010".

SEC. 2. WHISTLEBLOWER PROTECTIONS; EMPLOYEE PROTECTION FROM OTHER RETALIATION.

(a) PROHIBITION AGAINST RETALIATION.—

(1) IN GENERAL.—No employer may discharge or otherwise discriminate against a covered employee because the covered employee, whether at the covered employee's initiative or in the ordinary course of the covered employee's duties—

(A) provided, caused to be provided, or is about to provide or cause to be provided to the employer or to a Federal or State Government official, information relating to any violation of, or any act or omission the covered employee reasonably believes to be a violation of, any provision of the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.), or any order, rule, regulation, standard, or prohibition under that Act, or exercised any rights provided to employees under that Act;

(B) testified or is about to testify in a proceeding concerning such violation;

(C) assisted or participated or is about to assist or participate in such a proceeding;

(D) testified or is about to testify before Congress on any matter covered by such Act;

(E) objected to, or refused to participate in any activity, policy, practice, or assigned task that the covered employee reasonably believed to be in violation of any provision of such Act, or any order, rule, regulation, standard, or ban under such Act;

(F) reported to the employer or a State or Federal Government official any of the following related to the employer's activities described in section 3(1): an illness, injury, unsafe condition, or information regarding the adequacy of any oil spill response plan required by law; or

(G) refused to perform the covered employee's duties, or exercised top work authority, related to the employer's activities described in section 3(1) if the covered employee had a good faith belief that performing such duties could result in injury to or impairment of the health of the covered employee or other employees, or cause an oil spill to the environment.

(2) GOOD FAITH BELIEF.—For purposes of paragraph (1)(E), the circumstances causing the covered employee's good faith belief that performing such duties would pose a health and safety hazard shall be of such a nature that a reasonable person under circumstances confronting the covered employee would conclude there is such a hazard.

(b) PROCESS.—

(1) IN GENERAL.—A covered employee who believes that he or she has been discharged

or otherwise discriminated against (hereafter referred to as the "complainant") by any employer in violation of subsection (a)(1) may, not later than 180 days after the date on which such alleged violation occurs or the date on which the covered employee knows or should reasonably have known that such alleged violation occurred, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor (referred to in this section as the "Secretary") alleging such discharge or discrimination and identifying employer or employers responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the employer or employers named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

(2) INVESTIGATION.—

(A) IN GENERAL.—Not later than 90 days after the date of receipt of a complaint filed under paragraph (1) the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complainant has merit and notify, in writing, the complainant and the employer or employers alleged to have committed a violation of subsection (a)(1) of the Secretary's findings. The Secretary shall, during such investigation afford the complainant and the employer or employers named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses. The complainant shall be provided with an opportunity to review the information and evidence provided by employer or employers to the Secretary, and to review any response or rebuttal by such the complainant, as part of such investigation.

(B) REASONABLE CAUSE FOUND; PRELIMINARY ORDER.—If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a)(1) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, the employer or employers alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record before an administrative law judge of the Department of Labor. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review. The Secretary of Labor is authorized to enforce preliminary reinstatement orders in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia.

(C) DISMISSAL OF COMPLAINT.—

(i) STANDARD FOR COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in subparagraphs (A) through (F) of subsection (a)(1) was a contributing factor in the adverse action alleged in the complaint.

(ii) STANDARD FOR EMPLOYER.—Notwithstanding a finding by the Secretary that the

complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same adverse action in the absence of that behavior.

(iii) VIOLATION STANDARD.—The Secretary may determine that a violation of subsection (a)(1) has occurred only if the complainant demonstrates that any behavior described in subparagraphs (A) through (F) of such subsection was a contributing factor in the adverse action alleged in the complaint.

(iv) RELIEF STANDARD.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same adverse action in the absence of that behavior.

(3) ORDERS.—

(A) IN GENERAL.—Not later than 90 days after the receipt of a request for a hearing under subsection (b)(2)(B), the administrative law judge shall issue findings of fact and order the relief provided under this paragraph or deny the complaint. At any time before issuance of an order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation. Such a settlement may not be agreed by such parties if it contains conditions which conflict with rights protected under this Act, are contrary to public policy, or include a restriction on a complainant's right to future employment with employers other than the specific employers named in the complaint.

(B) CONTENT OF ORDER.—If, in response to a complaint filed under paragraph (1), the administrative law judge determines that a violation of subsection (a)(1) has occurred, the administrative law judge shall order the employer or employers who committed such violation—

(i) to take affirmative action to abate the violation;

(ii) to reinstate the complainant to his or her former position together with compensation (including back pay and prejudgment interest) and restore the terms, conditions, and privileges associated with his or her employment; and

(iii) to provide compensatory and consequential damages, and, as appropriate, exemplary damages to the complainant.

(C) ATTORNEY FEES.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the employer or employers a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued at the conclusion of any stage of the proceeding.

(D) BAD FAITH CLAIM.—If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer reasonable attorneys' fees, not exceeding \$1,000, to be paid by the complainant.

(E) ADMINISTRATIVE APPEAL.—Not later than 30 days after the receipt of findings of fact or an order under subparagraph (B), the employer or employers alleged to have committed the violation or the complainant may file, with objections, an administrative appeal with the Secretary, who may designate such appeal to a review board. In reviewing a decision and order of the administrative

law judge, the Secretary shall affirm the decision and order if it is determined that the factual findings set forth therein are supported by substantial evidence and the decision and order are made in accordance with applicable law. The Secretary shall issue a final decision and order affirming, or reversing, in whole or in part, the decision under review within 90 days after receipt of the administrative appeal under this subparagraph. If it is determined that a violation of subsection (a)(1) has occurred, the Secretary shall order relief provided under subparagraphs (B) and (C). Such decision shall constitute a final agency action with respect to the matter appealed.

(4) ACTION IN COURT.—

(A) IN GENERAL.—If the Secretary has not issued a final decision within 300 days after the filing of the complaint, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States, which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(C).

(B) RELIEF.—The court may award all appropriate relief including injunctive relief, compensatory and consequential damages, including—

(i) reinstatement with the same seniority status that the covered employee would have had, but for the discharge or discrimination;

(ii) the amount of back pay sufficient to make the covered employee whole, with prejudgment interest;

(iii) exemplary damages, as appropriate; and

(iv) litigation costs, including reasonable attorney fees and expert witness fees.

(5) REVIEW.—

(A) IN GENERAL.—Any person aggrieved by a final order issued under paragraph (3) or a judgment or order under paragraph (4) may obtain review of the order in the appropriate United States Court of Appeals. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall be accordance with chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

(B) NO OTHER JUDICIAL REVIEW.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any other proceeding.

(6) FAILURE TO COMPLY WITH ORDER.—Whenever any employer has failed to comply with an order issued under paragraph (3), the Secretary may obtain in a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

(7) CIVIL ACTION TO REQUIRE COMPLIANCE.—

(A) IN GENERAL.—Whenever an employer has failed to comply with an order issued under paragraph (3), the complainant on whose behalf the order was issued may obtain in a civil action in an appropriate United States district court against the employer to whom the order was issued, all appropriate relief.

(B) AWARD.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party when-

ever the court determines such award is appropriate.

(c) CONSTRUCTION.—

(1) EFFECT ON OTHER LAWS.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

(2) RIGHTS OF EMPLOYEES.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

(d) ENFORCEMENT OF NONDISCRETIONARY DUTIES.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

(e) POSTING OF NOTICE AND TRAINING.—All employers shall post a notice which has been approved as to form and content by the Secretary of Labor in a conspicuous location in the place of employment where covered employees frequent which explains employee rights and remedies under this section. Each employer shall provide training to covered employees of their rights under this section within 30 days of employment, and at not less than once every 12 months thereafter, and provide covered employees with a card which contains a toll free telephone number at the Department of Labor which covered employees can call to get information or file a complaint under this section.

(f) DESIGNATION BY THE SECRETARY.—The Secretary of Labor shall, within 30 days of the date of enactment of this Act, designate by order the appropriate agency officials to receive, investigate, and adjudicate complaints of violations of subsection (a)(1).

SEC. 3. DEFINITIONS.

As used in this Act the following definitions apply:

(1) The term "covered employee"—

(A) means an individual performing services on behalf of an employer that is engaged in activities on or in waters above the Outer Continental Shelf related to—

(i) supporting, or carrying out exploration, development, production, processing, or transportation of oil or gas; or

(ii) oil spill cleanup, emergency response, environmental surveillance, protection, or restoration, or other oil spill activities related to occupational safety and health; and

(B) includes an applicant for such employment.

(2) The term "employer" means one or more individuals, partnerships, associations, corporations, trusts, unincorporated organizations, nongovernmental organizations, or trustees, and includes any agent, contractor, subcontractor, grantee or consultant of such employer.

(3) The term "Outer Continental Shelf" has the meaning that the term "outer continental shelf" has in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent

that Members have 5 legislative days in which to revise and extend their remarks and submit extraneous material for the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, the legislation before the House today closes a loophole in current law regarding the rights of workers to blow the whistle over unsafe conditions on offshore oil rigs.

As the Obama administration told Congress, individuals working on the Outer Continental Shelf, like on the Deepwater Horizon, shockingly have zero whistleblower protections. This is unconscionable. There is no good policy reason for treating onshore and offshore workers differently. This is because the whistleblower may be the only thing that's standing between a safe workplace and a catastrophe.

H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act, will fix this glaring omission. Whether it is refineries, underground coal mines, or oil drilling rigs, our enforcement agencies cannot be at all workplaces at all times. That's why it's up to workers to be the eyes and the ears when these agencies can't.

While the precise cause of the British Petroleum Deepwater Horizon tragedy is still under investigation, two things are clear from the media reports and from the congressional hearings. First, workers on the rig had safety concerns prior to the tragedy. And second, workers believed that they would lose their job if they raised these safety concerns with management.

Not long before the Deepwater Horizon explosion, rig worker Jason Anderson told his wife that working conditions on the rig were not safe. He talked to her about getting his will and getting his affairs in order. But he wouldn't talk about his safety concerns when he was on the rig. He once told his wife he couldn't talk about the safety concerns because "the walls are too thin." Jason did not survive the explosion. He perished, along with 10 others. He left behind a wife and two young children.

No worker should ever have to choose between his or her life and their livelihood, but that's a decision these workers face. As Deepwater Horizon worker Daniel Barron said, safety is only convenient for employers when they needed it. There was a lot of rhetoric that everybody had the right to call a timeout for safety, but when push comes to shove, if you called that timeout, Daniel Barron said, you're going to get fired.

Mr. Speaker, this bill is narrowly tailored and will protect offshore workers who call for a timeout for safety. It simply extends the whistleblower protections to workers engaged in oil and

gas exploration, drilling, production, and oil spill cleanup on the Outer Continental Shelf. It mirrors other recently enacted whistleblower laws contained in the Consumer Product Safety Improvement Act and the Federal Railroad Safety Act.

Specifically, H.R. 5851 will prohibit discrimination against employees who report violations of the Outer Continental Shelf Lands Act. It protects workers who report injuries or unsafe conditions to an employer or the government, and protects workers who refuse to perform on the assigned task when there is a reasonable belief of injury or spill. The bill will also require employers to post notice and provide training that explains these rights.

Finally, like other modern whistleblowing statutes, the bill provides for a fair process for resolving whistleblower complaints at the Department of Labor or through the courts if necessary. The Education and Labor Committee recently approved strong mine safety and OSHA reform bills that include nearly identical whistleblower protections.

I want to thank my colleague, Congressman MARKEY, and his staff for their work on this legislation, and Mr. CONYERS and the Judiciary Committee for their constructive advice and suggestions.

I again want to thank Mr. MARKEY. He offered very similar whistleblower language in the Energy and Commerce Committee, and they reported that language out as part of a larger oil spill response bill 48-0.

□ 1230

I urge my colleagues to support the closing of this dangerous loophole and provide the protections for these workers. Workers in the oil and gas industry deserve a voice on safety issues regardless of whether or not they work onshore or offshore.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 29, 2010.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor,
U.S. House of Representatives, Washington,
DC.

DEAR CHAIRMAN MILLER: This is to advise you that, as a result of your having consulted with us on provisions in H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to waive seeking a formal referral of the bill, in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 5851 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate

conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the CONGRESSIONAL RECORD during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.
Chairman.

COMMITTEE ON EDUCATION & LABOR,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 29, 2010.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, U.S.
House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: I am writing in response to your letter of July 29, 2010, concerning the Committee on the Judiciary's jurisdictional interest in H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010.

Acknowledging your jurisdictional interest in matters being considered in H.R. 5851, we have consulted with your Committee on several provisions and appreciate the contributions you have made in crafting the legislation. Thank you for your willingness to allow the bill to proceed to the floor expeditiously by waiving any referral.

We will continue to appropriately consult and involve your Committee as the bill moves forward and will support your request to have Judiciary conferees appointed during any House-Senate conference. I will submit a copy of your July 29, 2010, letter and this response to the CONGRESSIONAL RECORD during floor consideration.

Thank you for your cooperation in this matter.

Sincerely,

GEORGE MILLER,
Chairman.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, whistleblower protections are a longstanding part of our Federal safety and health laws. Simply put, they protect workers' ability to speak freely about dangers in the workplace. They allow working men and women to protect themselves and their coworkers. The ultimate goals of our worker safety laws should be that no worker ever needs to blow the whistle. We need a culture of safety in our workplaces, a system in which employers have the information and resources they need to comply with the law and avoid unnecessary risks to workers' health and safety.

But in those rare instances where employers are not following the law and workers' safety is at risk, we offer protections to those individuals who speak up. These protections are widely available to workers and enforced by the Whistleblower Protection Program at the Occupational Safety and Health Administration.

However, we recently became aware that a gap may exist in those protections. Safety on offshore oil rigs is overseen by the Coast Guard and the Bureau of Ocean Energy Management,

unlike most workplaces where safety is overseen by OSHA. As a result, it is not clear whether these workers are covered by the OSH Act's whistleblower protections or any of the 17 other statutes enforced by OSHA's Whistleblower Protection Program. Some might argue oil rig workers are covered by the Maritime Transportation and Security Act, while others point to a 1983 agreement in which OSHA retained whistleblower authority for these workers.

In the few days since this legislation was introduced, we have found confusion and conflicting information. This confusion was illustrated in recent news accounts detailing the experiences of workers on the Deepwater Horizon who were concerned about safety practices on the rig but were afraid to voice those concerns. If workers themselves believe they can be fired or otherwise retaliated against for identifying safety concerns, we must create or restate those protections. It is as simple as that. Yet the bill before us is not so simple.

H.R. 5851 creates a brand-new whistleblower framework for any individual directly or indirectly involved with a company that drills on the Outer Continental Shelf. We all agree on the need to clarify protections for workers on the rigs, but what about other workers, those who are already covered by other law?

H.R. 5851 adds a new layer of legal processes, deadlines, and remedies for workers who are already covered. It creates legal confusion, particularly for those workers who would now be covered by parallel and possibly conflicting statutes.

I'm also troubled by the differences between these new whistleblower protections and those existing under current law. This bill seems to prioritize resolution by the Federal courts, adding costs and delaying results for workers who simply want to remain on the job.

These are the types of questions normally addressed through hearings and committee votes. Members weigh the opinions of Federal regulatory officials, legal experts, industry personnel, and workers themselves. We evaluate which agency would be best suited to enforce protections and remedies under the law, and we prevent duplication and confusion by clearly defining which workers are covered.

Unfortunately, we did not use that process for H.R. 5851. It was never given a committee hearing. It was never given a committee vote. Last month, the committee held a hearing to examine broad jurisdictional questions about which Federal agency is ultimately responsible for worker safety on offshore oil rigs. We heard from the Coast Guard, the National Institute for Occupational Safety and Health, OSHA, and the Bureau of Ocean Energy

Management. Those agencies told us they did not know which Federal whistleblower laws, if any, applied to workers on oil rigs on the Outer Continental Shelf. There was confusion.

Since that time, the committee has heard no further testimony, received no further information, and considered no legislation. Yet, on Monday of this week, the majority introduced H.R. 5851 and promptly announced Members of the full House would be asked to cast a vote on whether these are the best protections for workers on oil rigs. And, as has become all too common, we are here under a closed rule with no amendments being considered.

Mr. Speaker, this is a serious issue and it deserves a serious process, one it has not been given.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 4 minutes to the gentlewoman from California (Ms. WOOLSEY), the subcommittee chair on the Education and Labor Committee.

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010.

Chairman MILLER, I want to thank you and commend you for the commitment to the health and safety of American workers. And Ranking Member KLINE, thank you very much for outlining exactly the confusion that we are faced with regarding employee safety, particularly on our oil rigs.

Now, following the Gulf of Mexico disaster, it is clearer than ever that providing strong protections to offshore oil and gas workers would be a positive step in encouraging workers to speak out about work safety and health issues at the worksite. Obviously, inspectors cannot be at all workplaces at all times, and so the system relies on willingness of employees to come forward, because these employees, these workers, know their worksite better than anyone else. Yet too many workers fear doing so because they fear repercussions. They don't fear imagined repercussions; they fear real ones.

We heard this from the families of the 29 miners who were killed at the Upper Big Branch Mine in West Virginia and from the families of those miners who died at the Crandall Canyon, Darby, Sago, and Aracoma mines. We've heard this in the wake of other workplace disasters as well.

And now we have discovered that before the BP disaster in the gulf which took the lives of 11 workers, workers did not come forward about safety hazards because they were afraid they would lose their jobs. Sadly, their fears were well-founded. Those brave souls who blow the whistle often do lose their jobs and suffer other indignities such as harassment, intimidation, and blacklisting. In this situation of the BP disaster, they lost their lives.

In May of 2007, my Subcommittee on Workforce Protections held a hearing on the adequacy of whistleblower protections. The now famous whistleblower Jeffrey Wigand, who "blew the whistle" on Big Tobacco, testified at that hearing. He was not protected by any antiretaliation law when he lost his job. He was not protected when he was threatened, harassed, and intimidated for his actions.

Like Mr. Wigand, offshore gas and oil workers have no whistleblower protections. This is absolutely unacceptable, and we know it.

In crafting H.R. 5851, we ensure workers are actually encouraged to come forward to report unsafe conditions by providing a meaningful process to adjudicate complaints that also comports with due process, and by providing sufficient remedies to whistleblowers, including temporary reinstatement, backpay, and other damages.

H.R. 5851's provisions are similar to the whistleblower provisions in the Protecting America's Workers Act, which brings the Occupational Safety and Health Act into the 21st century. H.R. 5851 also emulates other modern whistleblower statutes, such as the Consumer Product Safety Improvement Act.

I'm proud to be an original cosponsor of the Offshore Oil and Gas Worker Whistleblower Protection Act, and I urge my colleagues to vote to protect all vulnerable workers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to not traffic the well when other Members are under recognition.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield such time as he may consume to the ranking member on the Health Subcommittee, the gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. Mr. Speaker, I thank my friend, Colonel KLINE, for the wonderful leadership that he has provided on our committee and the focus that he's given to this issue.

Mr. Speaker, never let a crisis go to waste. It's the defining principle of how this administration and how this Congress govern.

□ 1240

We're facing a devastating crisis right now, an oil spill which has ravaged the Gulf of Mexico both economically and environmentally. Out of this crisis there have been reports raising the issue of worker safety on oil rigs. Now, such reports raise very serious questions, which should be dealt with in a very serious manner, matters that require probing and oversight by Congress so that workers are adequately protected and free to report safety concerns.

However, what we've gotten from this majority is an unserious response, a political response more interested in

taking advantage of the latest crisis. Remember, never let a crisis go to waste.

The bill before us today was introduced just this week. There's been no hearing on it, no committee consideration, no input from members of the committee, certainly on our side. Another rush to the floor, don't read the bill, don't read the bill, don't worry about it. Remember, never let a crisis go to waste.

And so what's the result? Confusion. With little time to review, we don't know what if any existing Federal whistleblower laws already apply to workers on offshore oil rigs and other employees in these companies. We don't know which agency is best equipped to enforce these new whistleblower protections. These are things that would normally, Mr. Speaker, in the course of activity come out during a committee hearing, during a normal open committee process. But no committee hearing, no committee hearing here. Remember, never let a crisis go to waste.

With this Congress, all the serious policy issues are secondary to the politics. Instead, what we get is a bill that establishes a whole new bureaucracy, a whole new whistleblower framework for a specific class of workers. It's an expansive set of protections that applies to health and safety and environmental and any other standards under the OCS Land Act; and yet it's untested, without an explicit description of which agency would even enforce the program.

Digging into the language a little deeper, it appears to favor resolution of complaints in Federal court, adding costs and inviting litigation. Remember, never let a crisis go to waste.

The Department of Labor only had 300 days to issue a final decision on a complaint or it gets kicked to the U.S. district court. Perhaps this wouldn't be a problem but there's an incentive to stretch out cases. Why, Mr. Speaker? Because bad-faith claims are not deterred. Employers can only recoup \$1,000 total in attorneys' fees, which for some law firms—I know this won't come as any surprise to the Speaker—for some law firms less than a day's work; and even if the Department of Labor decides on a complaint before that deadline and defines it to be non-meritorious, the case could still move on to court, creating a Federal right to sue. Remember, never let a crisis go to waste.

Now, later, Mr. Speaker, Republicans are going to offer a motion to recommit which is a better solution. Our positive solution gets to the heart of the issue, ensuring that workers are adequately protected and free to report safety concerns. It's not simply taking advantage of the latest crisis or rewarding plaintiff's trial lawyers for their support of the Democrat Party.

So, Mr. Speaker, I urge my colleagues to support the positive appropriate solution, the Republican motion to recommit, and defeat the partisan bill now before us.

Mr. GEORGE MILLER of California. I yield 6 minutes to the gentleman from Massachusetts (Mr. MARKEY), a coauthor of this legislation and the author of the whistleblower protection provisions of the Energy and Commerce bill.

Mr. MARKEY of Massachusetts. I thank the gentleman, and I thank GEORGE MILLER for his decades of work in ensuring that whistleblower protections are built into the laws of our country in order to ensure that workers are not living in terror, that they stand up for safety.

During the last 3 months, Congress has conducted a vigorous investigation into the causes and response of the BP Deepwater Horizon disaster. What we've found was that BP was woefully unprepared for this kind of a spill. From the beginning, BP has been making it up as they go along. BP said the rig could not sink. It did. They said they could handle an *Exxon Valdez* size spill every day. They couldn't.

Early on in the disaster, BP was talking about using a junk shot where they shoot golf balls into the well. Well, when we heard that they were bringing in the best minds and that they were working on this problem, we thought they meant MIT, not the PGA.

BP also talked in the first 3 weeks about deploying nylons and hair to soak up the oil. The American people expected a response on the par with the Apollo Project, not "Project Runway."

And from the start, BP has been more interested in protecting its own liability than preserving the livability of the Gulf of Mexico. BP started by saying this spill was 1,000 barrels a day. It wasn't. They knew it. They said it was 5,000 barrels per day; they knew that it was not. And by now, we know it was much, much larger, upwards of 60,000 barrels a day.

Our investigation uncovered that no major oil company would have been able to respond to this type of spill any better than BP. In fact, the Gulf of Mexico oil spill response plans from Exxon Mobil, Chevron, ConocoPhillips and Shell were 90 percent identical to BP's. They were such dead ringers for each other that they listed the phone number for the same long-deceased expert as the person to call. The response plans also included plans to evacuate walrus from the Gulf of Mexico, even though walrus haven't called the Gulf of Mexico home for 3 million years. It seems that the only spill response technology that the oil industry had invested in is a Xerox machine. No oil company took this responsibility seriously.

The legislation that we will vote on today will ensure that there will be ac-

countability, stronger regulations, and a requirement that before oil companies drill ultra-deep that they have the technology necessary to make it ultra-safe and can respond to a spill ultra-fast.

We need whistleblowers to make sure that we never again see what has happened in the Gulf of Mexico, and that is the important piece of legislation that we are debating right now: whistleblower protection. In this legislation, we are putting into place state-of-the-art protections for oil and gas workers who are retaliated against because they report safety concerns or they report a failure on the part of their employer to have a good blowout response plan.

We know from our investigation both into this disaster and another BP rig operating in the gulf, the Atlantis rig, that BP has cut corners on safety, even if it meant risking workers' lives and environmental calamity. For example, an employee working on the BP Atlantis rig warned in 2009 that BP was failing to meet its requirement to maintain accurate engineering drawings aboard the rig which would enable an effective response to an accident. The whistleblower was fired after making his disclosure. BP continues to deny this problem on the Atlantis rig exists, even though former Federal district court judge Stanley Sporkin who was hired by BP to serve as an independent ombudsman has confirmed that the whistleblower's allegations are true.

And on the BP Deepwater Horizon, workers were also fearful of the extent of the problems aboard the Deepwater Horizon. Jason Anderson told his wife that he couldn't discuss his concerns because, quote, the walls are too thin. Mr. Anderson died in the April explosion.

This bill will ensure that all workers who report safety or blowout response plan concerns who are then fired, demoted or otherwise retaliated against by their employers will be protected. These workers will be entitled to due process at the Department of Labor; and if the Department of Labor fails to act, they will be entitled to a jury trial. They will also be entitled to receive appropriate damages to ensure that they are made whole.

□ 1250

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman 2 additional minutes.

Mr. MARKEY of Massachusetts. I thank the gentleman.

In the wake of the Deepwater Horizon catastrophe, we have heard that the workers aboard the rig had safety concerns. But in the end, they were powerless to stop the cascading string of bad decisions by BP that led to the

disaster. They clearly feared for the loss of their jobs and of their livelihoods.

Our legislation will protect these brave Paul Reveres in the oil industry who sound alarms in the future. I thank Chairman MILLER for his historic work on this legislation. I thank all of the Members who are focusing on this issue, so that people who stand up to protect the safety of workers do not have to lose their jobs.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. MARKEY of Massachusetts. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I know how hard you worked to try to get the accurate figures of what the blowout meant in terms of volume of oil going into the gulf.

I just wonder, if we had had whistleblower protections and one of the employees at BP who knew what the real volume was as opposed to what the executives were telling the American people and the rest of the world, we might have had information sooner which would have allowed us to respond in a different fashion than we did when we had bad information because of the concealment of the accuracy of which we found when you finally got the cameras turned on.

Mr. MARKEY of Massachusetts. The gentleman put his finger right on it. There would be a completely different response if the spill were not 1,000 barrels or 5,000 barrels per day but, rather, 30,000 to 60,000 barrels per day. It delayed the response. Much more harm has been done to the people in the Gulf of Mexico. There was a greater delay in bringing in all of the skimmers, all of the new technologies to be able to deal with this spill. If a whistleblower knew that it was not 1,000, knew that it was not 5,000, they should not have to fear that they would lose their job if they wanted to protect the oceans of America and the workers in the Gulf of Mexico rather than being afraid that they would lose their own job and their own family's livelihood. That is why this legislation is so important.

Mr. GEORGE MILLER of California. I thank the gentleman.

Mr. KLINE of Minnesota. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the chairman for yielding to me, and I rise in strong support of H.R. 5851.

A couple of speakers before me, the gentleman from Georgia on the other side of the aisle kept repeating the mantra of "never let a crisis go to waste," and he was deriding this side because apparently he thinks that we should always forget a crisis and we should not take into account what we've learned because of the crisis.

You know, it is because of this crisis that we really need to redouble our ef-

forts to protect people who live all around the Gulf of Mexico, to protect the workers, to protect the public from companies that really couldn't care less about them; and this Whistleblower Protection Act is going to do exactly that.

Now I'm on the Energy and Commerce Committee. I sat through every hearing that we had with oil officials and with the BP officials. And I'll tell you the truth; it was insulting the way Mr. Hayward came and wouldn't tell us anything because he was obviously told by his lawyers not to tell us, and the arrogance dripping from his mouth where he just seemed to not care at all about the havoc that BP had put forward in the gulf and even with the people who were killed.

So today we are passing this Whistleblower Protection Act which will protect, as the gentleman from Massachusetts (Mr. MARKEY) said, people who come forward and say, "Hey, you know what? What's going on isn't right, and it needs to stop, and I don't want my job to be in jeopardy because I'm telling the truth."

We're also going to vote on the CLEAR Act as well. And I want to remind my colleagues that we desperately also need comprehensive clean energy and climate legislation after this. The BP explosion in the gulf has been disastrous. It has led to 11 deaths, devastated the gulf economy, and just polluted the environment.

We heard testimony in the Energy and Commerce Committee from Tony Hayward. We asked him serious questions, and he refused to answer our questions. BP has not been truthful at all about what has been happening in the gulf from the very beginning. They've used and abused the system, and we cannot allow that. We have to work to ensure that oil companies like BP are not permitted to treat the environment as their own private playground, or put at risk the livelihoods of thousands upon thousands of hard-working Americans.

I want to be perfectly clear here—this is BP's spill and BP should pay for it. There should be no taxpayer money spent on cleanup. But BP had the gall to announce this week that they're looking to cut their losses at the expense of the American people by claiming tax benefits for costs associated with this oil spill. That is shameful, and that's wrong, and it ought to be stopped.

That is why today I am introducing the Denial of Tax Benefits to Offending Oil Polluters Act of 2010. This legislation would prohibit oil polluters from receiving tax benefits for costs associated with an oil spill.

I look forward to passing this legislation today, H.R. 5851, and debating my bill in the future to be sure that we hold bad actors like BP accountable for their irresponsible decisions and their devastating actions.

I thank the chairman for his strong leadership in this regard.

Mr. GEORGE MILLER of California. I thank the gentleman.

Mr. KLINE of Minnesota. I continue to reserve.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished chairman and I thank you for your constant forward thinking on the workers of America.

Coming from the gulf region, I don't know if any of you have ever seen an oil rig, particularly one as large as Deepwater Horizon. It is the home of the workers. It is their home away from home. They eat there, they sleep there, they work very hard there, and they recreate there. They're there 24 hours a day. Some may be a cook. Someone may be a sophisticated engineer. Some may be a seaman and that is their profession. But they're working there; and, therefore, they are looking to ensure that their home away from home is safe.

As I've listened to administration officials who are now all about the gulf, I can tell you that the workers who love their industry and love their jobs are excited about the call for transparency and protection and increased safety for this industry. They're excited about what is going on as it relates to those who would engage in telling the truth. If you look at the facts in some of the hearings that we've been in, you will know that there have been a lot of conversations with subordinates trying to talk to supervisors. Something was awry, but no one listened. We may have even heard that some companies left the rig early on because they were disturbed. Or as my colleague mentioned, the young man by the name of Jason who even told his wife, "Prepare my will." And so it is important today that we stand up for the workers.

This is a concise, articulate, whistleblower language and legislation, prohibiting an employer from discharging or otherwise discriminating against anyone who talks to State or Federal officials or anyone else; telling the truth, saving lives. As well, it protects them if they prepare or testify in front of any governmental entity talking about unsafe conditions. Imagine how many lives that could save in any other industry as well.

The bill establishes a process for an employee to appeal, giving them the justice of the Constitution that does not deny you benefits without due process. Is that a problem? They live there. This is their home. It makes an aggrieved employee eligible for reinstatement and back pay. Some of these jobs are the only jobs these men or women can secure to protect and provide for their family. We live in the

gulf. We're shrimpers and fishermen and oystermen; and yes, we work in this industry. It requires employers to post a notice that explains employee rights and remedies under the act.

I look forward to working with the chairman as we look at other ways of helping these employees who are under stress, providing mental health services and counseling after this terrible devastation. It may have to continue even after BP finishes their work. But this is the right direction to go. This speaks well of this Congress who will stand alongside of workers and make a difference in their lives and the lives of their families.

I ask you to vote for this legislation.

Today, I rise in support of H.R. 5851—the Offshore Oil and Gas Worker Whistleblower Protection Act. We are all well aware of the disaster that occurred when the Deepwater Horizon rig exploded, but it might have been prevented if we had listened to voices expressing concern. The men and woman who bravely come out and expose the injustices and violations that take place at their place of work are the eyes and ears for the American public. These people should be able to speak out freely with no fear of unfair repercussion.

In the aftermath of the disaster, it became clear that workers on the Deepwater Horizon rig harbored safety concerns prior to the explosion, but chose not to vocalize them over fear of retribution. Take, for example, Jason Anderson, who told both his wife and father that working conditions were not safe on the Deepwater Horizon. According to his wife Shelley's testimony before the Senate's Commerce, Science and Transportation committee, Jason was reluctant to talk about these concerns while on the rig and told her: "I can't talk about it now. The walls are too thin." Another worker, Dewey Revette, reportedly had concerns with BP's plans to begin shutting down the well on the day it exploded. He continued to work despite his reluctance and lost his life hours later.

Workers on oil rigs, like the Deepwater Horizon, risk losing their jobs if they report dangerous workplace conditions. The workers performing clean-up activities on the Outer Continental Shelf similarly have no protections against employer retaliation for raising health and safety concerns. It is essential that workers be protected when they raise concerns about unsafe working conditions, and they must have the right to stop working if they fear they could be injured or killed. All workers, especially those in dangerous jobs, are in the best position to discover safety hazards. You can't have inspectors at all facilities at all times—these workers are enforcement agencies' eyes and ears when it comes to safety compliance.

Currently, there is no Federal law that protects offshore workers for blowing the whistle on workplace health and safety problems. This bill extends whistleblower protections to workers regarding Outer Continental Shelf oil and gas exploration, drilling, production, or clean-up, whose employers are engaged in those activities.

Federal whistleblowers have attempted to expose government actions that violate the

law or harm the environment for decades. Their disclosures have helped the Federal Government improve environmental protection, nuclear safety, and national security, and their claims have helped safeguard the welfare of American citizens. Whistleblowers have gained credibility in recent years thanks in great part to organizations like the National Whistleblower Center (NWC), the Liberty Coalition, and the Government Accountability Project. The NWC is a non-profit, tax exempt educational and advocacy organization dedicated to helping whistleblowers make their case to lawmakers and other government leaders—a modern day safe haven for those who are willing to put their careers on the line to improve their government.

The bill is modeled after other modern whistleblower statutes and would prohibit an employer from discharging or otherwise discriminating against an employee who reports to the employer, or a Federal or State Government official that he or she reasonably believes the employer is violating the Outer Continental Shelf Lands Act (OCSLA). The legislation would also protect covered employees who prepare and/or testify about the alleged violation, report injuries or unsafe conditions related to the offshore work, refuse to work based on a good faith belief that the offshore work could cause injury or impairment or a spill, or refuse to perform in a manner that they believe violates the OCSLA.

Mr. Speaker, it is essential to protect workers with the courage to speak out when they see life-threatening safety-hazards or short-cuts. If we do not, we risk dire consequences. Whistleblowers are often forced to choose between remaining silent about a dangerous or illegal situation and risking their careers by telling the truth. We must reverse this unacceptable and unsustainable choice by passing this legislation.

□ 1300

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the best way to keep our workers and our workplaces safe is through compliance. We write workplace safety laws for a reason, and we expect employers to follow those laws. This is true for factories and family-run businesses, and it is true for offshore oil rigs.

We never want to see a workplace where laws are not followed and worker safety and health is put at risk. But if that happens, workers must be able to report those risks without fear of being discriminated against or losing their job. This is where whistleblower protections come.

The Occupational Safety and Health Administration enforces 18 separate Federal whistleblower statutes for workers who report violations of worker safety, airline, commercial motor carrier, consumer product, environmental, health care reform, nuclear energy, pipeline, public transportation agency, railroad and securities laws.

Yet somehow, in this maze of whistleblower protections, it seems that

workers on offshore oil rigs may not be fully protected. When we asked the agencies responsible for overseeing rigs on the Outer Continental Shelf, they told us they did not know which statute might apply. This is unacceptable.

I fully support the effort to ensure workers on offshore oil rigs have access to whistleblower protections. But I have concerns and questions about how H.R. 5851 approaches this goal, and I have serious objections to the manner in which this legislation was brought floor.

There has been no hearing, no mark-up, no committee report. There has, quite simply, been no legislative process, and it's no way to treat the oil rig workers we are supposed to be protecting.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, I hope that all of our colleagues on both sides of the aisle will support this Whistleblower Protection Act.

I hope that they understand that many, many thousands, millions of American workers work in work sites where every day they pose an inherent danger to those workers. The question of whether or not those workers will be safe or not very often is decided by the employer, who decides how they will structure the work site, what the work rules will be, and how the work and the process will proceed.

But very often those employers sometimes shortchange safety. They choose to pick production over the safety of their workers. They choose to pick cost cutting over safety of their workers.

They choose to pick hurrying up the job over the safety of their workers. They choose to pick getting certain parts of the job done and get them off-site over the safety of their workers.

In today's economy, and in every economy, for many of these workers, it's a terrible choice to think about if I raise my hand on behalf of safety, will I lose my job? If I raise a question about the process that we are about to engage in here and how dangerous it is, will I lose my job?

I represent a district where people work in these industries, in the chemical industry and the refining industry. You know what? We lose workers in those jobs all too often, and all too often we find out the mistakes that were made and we wonder. And even those workers, who are covered by whistleblower protection, know the trade-off.

Because, don't forget, all whistleblower protection does is give you a right to try to proceed to get your job back. Many times that's delayed and workers go months and months without pay because they had the courage to invoke their rights.

This Whistleblower Protection Act is consistent with the other Federal protections for workers throughout this

country, but these workers today on the Outer Continental Shelf have no protection at all with respect to their personal safety, and we are simply filling that gap and making sure that they will have that right.

Now, many companies—and I have talked to the CEOs of some of these companies—say, you know, we give you the right at any time to pull the switch, to shut down the job, to stop it, if you think it's unsafe. One company gives out a card. You get a card and you put the card down. It's sort of like in the World Cup—you get a time-out.

Do you know what the supervisors tell the employees that card is? A get-fired card. Play that card, get fired. So the company says play this card any time you want, but the supervisors make it clear what the pressure is.

That's why we need this whistleblower protection for the workers on the Outer Continental Shelf. I have to believe, given the concerns that are documented in the hearings of this Congress, that had these workers had that kind of protection, there would have been a far greater chance that they would have said, wait a minute, because they had concerns about the procedure as they started to withdraw from this drill site. They had concerns about the condition of the rig. They had concerns about the overriding of safety alarms. Yet we saw the explosion and the tragedy and the loss of life of these workers.

Let's do something in their memory that will protect their colleagues on the Outer Continental Shelf. Let's pass this bill with large bipartisan support.

In the name of these workers, these workers who fell into a gap in the protection laws of this Nation, let's fill that gap. Let's provide them the protection, and let's make their death not be in vain with respect to their coworkers.

I ask for support of this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). All time for debate has expired.

Pursuant to House Resolution 1574, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 5851 is postponed.

□ 1310

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3534.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

POINT OF ORDER

Mr. HASTINGS of Washington. Mr. Speaker, I raise a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. HASTINGS of Washington. Mr. Speaker, I raise a point of order against consideration of H.R. 3534 because it does not comply with clause 9(a) of rule XXI, because the committee report to accompany the measure does not contain a statement that this bill contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

I would point the Speaker to page 125 of the accompanying report. The report contains a statement that H.R. 3435 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits. That is not the proposition that we are considering today. Today we are considering H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2009. However, the proposition identified in the committee report is H.R. 3435, a bill making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save program. As it happens, that measure was signed into law on August 7, 2009, and is Public Law 111-47. So it cannot be the proposition that we are considering today.

Clause 9(a) of rule XXI prohibits the consideration of "a bill or joint resolution reported by a committee unless the report includes a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits." The rule specifies "the" proposition, not "a" proposition. Thus the statement in the committee report fails to meet the test because it describes a proposition rather than the one which is the subject of the report.

Normally, clause 9(d) would preclude the Chair from even entertaining this point of order. However, it also specifies "the" proposition and not "a" proposition and thus is inapplicable in this case.

I would also note that the rule providing for consideration of H.R. 3534 specifically exempts clause 9 of rule XXI from the waiver of all points of order against consideration of the bill; so the bill is exposed to this point of order.

Accordingly, Mr. Speaker, I insist on my point of order.

The SPEAKER pro tempore. Does the gentleman from West Virginia seek to argue the point of order?

Mr. RAHALL. No, Mr. Speaker.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from Washington makes a point of order that the bill

violates clause 9(a) of rule XXI. Under clause 9(a) of rule XXI it is not in order to consider a bill or a joint resolution unless the committee report on the measure includes a list of congressional earmarks, limited tax benefits, or limited tariff benefits contained in the measure, or a statement that the measure contains no such earmarks or benefits.

The Chair has examined the relevant committee report, House Report 111-575, and finds that it contains on page 125 a statement with regard to another measure, H.R. 3435, but not a statement with regard to this bill, H.R. 3534.

Accordingly, the point of order is sustained. Consideration of the bill is not in order.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING PROCEEDINGS TODAY

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that during proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OBEY). A supplemental report on H.R. 3534 has just been filed pursuant to the authority granted by clause 3(a)(2) of rule XIII. This supplemental report contains a statement regarding congressional earmarks, limited tax benefits, or limited tariff benefits with regard to H.R. 3534 that now satisfies clause 9 of rule XXI.

CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1574 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3534.

□ 1315

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating

administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes. The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand the typographical error made by somebody has been corrected in the supplemental report just filed and we are now on line for consideration of this bill.

Today the House is considering H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2010, better known as the CLEAR Act. This legislation is aimed at shedding light on longstanding inadequacies in the management of our Federal oil and gas resources and to address the lessons learned in the aftermath of the Deepwater Horizon disaster.

On the afternoon of January 29, 1969, an environmental nightmare began in Santa Barbara, California. A Union Oil platform stationed 6 miles off the coast suffered a blowout. For 11 days, oil workers struggled to cap the rupture. During that time, around 5,000 barrels of crude oil bubbled to the surface and was spread into an 800-square-mile slick by winds and swells. Incoming tides brought thick tar to beaches, marring 35 miles of coastline. At the time, it was the worst environmental disaster this country had experienced and heralded the beginning of the environmental movement, but that paled in comparison to the events in the aftermath of the tragic explosion that occurred in the Gulf of Mexico on the evening of April 20, 2010.

□ 1320

The explosion of the Deepwater Horizon took the lives of 11 brave workers, unleashed up to 5 million barrels of oil over nearly 100 days, wreaking havoc on the gulf. It soiled over 600 miles of pristine gulf coast shoreline, and enforced the largest fishery closure in

history. The souls of those 11 men cannot be recouped, but we, in part, can redeem them by taking action on this legislation.

Prior to this incident, I led the Committee on Natural Resources in the vigorous oversight of America's flawed oil and gas program. We uncovered billions of dollars that were never paid to the American people, countless examples of agency regulators sleeping around with, instead of keeping an eye on, the oil and gas industry, and the flagrant mismanagement of America's public energy resources. We had amassed a mountain of evidence that something was wrong. The American people were being cheated. The environment was being degraded, and Big Oil was writing their own rules.

As a result of a decade of investigations by the inspector general and the GAO, as well as holding countless oversight hearings held by my committee, we crafted a comprehensive package to completely overhaul and reform America's oil and gas leasing program. The CLEAR Act was introduced last September, and it seeks to make several important changes to current law in an effort to create greater efficiencies, transparency, and accountability in the development of our Federal energy resources.

Since April 20, our Committee on Natural Resources has led congressional efforts to investigate this tragedy, which was clearly a game changer for the way we manage our public energy resources. Through the work of the Natural Resources Committee and other committees, it became obvious that additional reasonable reforms were necessary to protect and prevent against such a catastrophe in the future.

While we may not know the exact cause of the incident at this time, we clearly know what contributed to it—a culture of cozy relationships that had regulators interviewing for jobs on the same rigs they were supposed to be inspecting, drilling plans that were rubber-stamped in a matter of minutes with only the most cursory environmental reviews, a “trust but don't verify” attitude towards safety standards, and an agency in charge that was spending too much time on the sidelines as the oil and gas industry wrote their own rules.

The CLEAR Act addresses these issues. It directly responds to the Deepwater Horizon disaster while also looking forward and attempting to prevent the next catastrophe. It will create strong new safety standards for offshore drilling and the revolving door between government and industry. It will require real environmental reviews, hold BP accountable, help restore the gulf coast, and ensure that the American people get the best bang for their buck for the use of their resources.

The CLEAR Act will dismantle and reorganize a dysfunctional Minerals Management Service so that conflicts of interest between leasing, policing, and review collecting are permanently abolished. It establishes a new training academy for Federal oil and gas inspectors who will be required to adhere to strict new ethical guidelines. Thanks to Chairman OBERSTAR and his Transportation and Infrastructure Committee, the bill before us today also ensures that oil companies are held fully accountable and that drilling rigs meet strict U.S. safety standards.

Finally, the CLEAR Act fulfills a 45-year-old promise to the Land and Water Conservation Fund, which was based on the premise that money obtained from the sale of the public's resources should be used to protect and conserve our natural, historical, and recreational resources. The bill establishes a new Ocean Restoration and Conservation Assistance Fund, known as ORCA, so that funds raised from drilling in our oceans will also go toward protecting and improving our oceans. We take so much from our oceans, Mr. Chairman, that it is about time we gave something back.

We will, undoubtedly, hear horror stories today from the oil and gas industry about what they allege this bill will do to them. It happens every time, but this is sheer hyperventilation from an industry that has had its way with the public lands for 8 years. The industry should take a look at the spill in the gulf to see how an overly permissive attitude can turn into a real horror story for the entire industry and for the American people.

The Deepwater Horizon explosion and the subsequent damage that has occurred over the past 102 days is, indeed, a game changer. It is time that we act to protect America's families, America's workers and businesses, to rebuild the gulf coast, to hold oil companies accountable, to work to ensure that a spill of this kind never happens again, and to secure our domestic energy resources.

In this day and age, in this America, whether it is a coal mine in the congressional district that I am honored to represent or an oil rig deep in the Gulf of Mexico, there is no room for an environment where working men and women leave their homes in the morning and do not know if they will return in the evening. This is what this legislation is about.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, this bill is being sold as the response to the ongoing gulf oil crisis. Though what has not been mentioned until right now is that it is stuffed with page after page of provisions that are totally unrelated to the spill. This legislation, if passed, will

kill jobs. It will raise taxes, and it will increase Federal spending and cause even greater economic pain to the gulf coast and their families and communities.

Republicans believe the Federal Government should be focused on permanently stopping the leak, cleaning up the oil, holding BP and those responsible for the spill fully accountable, and then finding out, Mr. Chairman, what went wrong. Republicans believe educated reforms are needed to make American deepwater energy production the safest in the world, but these reforms must be based on the full facts of what caused and contributed to this tragedy.

Here in Washington, though, Democrats are exploiting the oil spill as an excuse to impose a job-killing combination of tax increases, government spending, and greater bureaucratic regulations. Democrats are pushing ahead of the facts to enact unrelated policies that wouldn't stand on their own merits if they weren't hitched to this vehicle and to this tragedy. They are not even waiting for the results of the many ongoing investigations, including the President's own hand-picked commission on this matter. This tragic oil spill and the President's arbitrary deepwater drilling moratorium have already cost thousands of jobs in the gulf and across the Nation.

Congress should not be passing a law that will inflict deeper economic and unemployment pain. The unlimited liability in this bill will devastate small operators and lead to, it is estimated, 300,000 lost jobs. The budgets of States and the Federal Government, because of this action, could face a \$147 billion deficit in their budgets from lost revenue. The new \$22 billion energy tax in this bill will not only cause more lost jobs; it will raise energy and gas prices on American families and businesses.

Mr. Chairman, this is what is very interesting:

This tax is imposed on just American oil and gas from Federal leases. Foreign countries won't pay this tax. So the argument can be made that this tax actually hurts American workers and gives advantages to foreign competitors.

Now, if what I have detailed is not bad enough, this bill includes over \$30 billion in new mandatory spending—spending on programs totally unrelated to the oil spill. To make matters worse, Democrat leaders have inserted specific language in the bill allowing every single dollar to be earmarked. This makes this bill a giant earmark ATM that automatically hands out over \$1 billion a year from now until the year 2040.

□ 1330

This bill is supposed to be about the gulf oil spill, yet it goes far, far beyond offshore drilling. It imposes taxes and

restrictions for onshore energy production. But the impact is not just on natural gas and oil onshore. It also affects renewable energy like wind, solar and geothermal; and I will say, it affects it in a negative way.

But it doesn't stop there. In response to the Federal Government's failure to regulate Deepwater Horizon in Federal waters, this bill requires a Federal takeover of permitting in State waters. In what bizarre world, Mr. Chairman, does this make sense? It is a gross violation, in my view, of the Tenth Amendment and is opposed by an association of 38 States who regulate energy production on their land and waters.

Now let's take two steps back and consider what the Democrats are doing with this bill. I believe, and I think all Americans believe, that BP is responsible for the gulf oil spill, and they should be held 100 percent accountable for paying the costs of the cleanup and repairing the damages. I believe that Chairman RAHALL agrees with that. I believe everyone in the House agrees that it is BP's responsibility to pay for this and not the taxpayers.

So, Mr. Chairman, why does this supposed "oil spill response bill" impose a \$22 billion energy tax on Americans and increase unrelated spending by over \$30 billion? BP is supposed to pay, not the taxpayers. There shouldn't be a new energy tax or billions in new spending in this bill. The fact is, the Democrats are using this oil spill tragedy as an excuse for unrelated tax and spending increases.

While this bill will cost billions in new taxes and higher spending, Mr. Chairman, the real toll is the potential lost jobs because of the actions of this bill. American jobs will be lost, and many will be sent overseas because of this bill. Why is this being done, I wonder, to the people of the gulf coast? The gulf coast has already taken a terrible economic hit. By what measures, Mr. Chairman, do they deserve this Democrat Congress taking action on a bill that will inflict even greater economic pain and suffering?

So, Mr. Chairman, I urge my colleagues to oppose the CLEAR Act and insist on a bill which we can all agree on regarding the safety and soundness of drilling in the gulf.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 4 minutes.

I rise in strong support of the amendment in the nature of a substitute to the Consolidated Land, Energy, and Aquatic Resources Act of 2010, and I want to congratulate my good friend and Transportation Committee colleague, Mr. RAHALL, the chairman of the Natural Resources Committee, for the splendid work that his committee

has done, for the bill that he, personally, has championed, and the hours of work put into this legislation in crafting a true comprehensive response to the oil spill in the gulf, the causes of that failure and the cleanup that is necessary.

I was going to be rather brief; but after listening to the gentleman from Washington, I didn't recognize the bill that is before us. I have never considered cleanup responsibilities to be a tax. I don't know where that confection has been created, but it is certainly not in my vocabulary.

The blowout from the mobile offshore drilling unit, the Deepwater Horizon, killed 11 people on the crew—at least none of them have been found. They are all presumed dead. There were 116 people injured in one way or another. Millions of gallons, millions of barrels of oil spilling from a source that is unknowable, a resource whose volume is unknown, and it continued relentlessly until just a few days ago. Our committee held three hearings to investigate the causes of this disaster, and I particularly appreciate the splendid work done by subcommittee Chairman ELIJAH CUMMINGS, the chair of the Coast Guard and Maritime Subcommittee.

While the causes of that disaster are still under investigation, there are some elements that are clearly known and that we must and can deal with and that we do deal with in this legislation that emerge also from our hearings. We received extensive testimony on how the Deepwater Horizon was built in South Korea, registered in that great maritime nation of the Republic of the Marshall Islands, and the registry is held by a foreign entity maintained in Reston, Virginia. No accountability, no oversight, no responsibility, and no rigorous laws of the country of registry to govern the MODU, the drilling unit. And the vessel itself, because it was registered in the Marshall Islands, was not subject to the rigorous safety inspection standards of the U.S. Coast Guard that a U.S. flagged vessel would be subject to.

We also learned that shortcuts were taken in the development, approval, and implementation of the oil spill response plans for the Deepwater Horizon drilling operation. Those response plans were totally inadequate to address the worst-case scenario. We also learned that in May of 2008, the Minerals Management Service of the previous administration exempted BP from filing an oil spill response plan—exempted because they're a big worldwide multibillion-dollar corporation with experience in deep-water drilling. In their permit, they filed a 52-page document that said: In the unlikely event of a surface or subsurface spill, we are capable of handling with existing industry technology up to 175,000 barrels a day. They couldn't handle

what came out of that, and they couldn't measure what came out of that oil reservoir. That gulf has been seriously injured and damaged for generations because of that failure.

It also demonstrated the inadequacy of the limits of liability, including financial responsibility for the responsible parties, inadequate, insufficient to address a worst-case scenario for a release of oil in an offshore operation. The expected cost will be in the tens of billions. And even though BP agreed to set aside \$20 billion in an agreement with President Obama as an escrow to cover potential costs, the \$75 million cap that exists in current law is grossly, grossly inadequate and must be repealed; and it is repealed in our version of this legislation.

We also investigated the unprecedented use of 1.5 million gallons of chemical dispersants. Our witnesses called into question the potential short-term and long-term impacts that increased use of these dispersants, such as COREXIT, would have on the waters, the water column and the aquatic creatures and the plants in the Gulf of Mexico. Dr. Sylvia Earle, a world-renowned ocean biologist who spent 50 years of her career studying and evaluating and understanding the Gulf of Mexico, said, There never was any testing of COREXIT on underwater creatures in the water column, that COREXIT itself was determined to be toxic to the human respiratory system. It had adverse effects on the kidney and lungs and heart, and yet it was used extensively, well over a million gallons of it, as a dispersant in the response to the oil spill. We will have the burden of decades to understand what the effect of this chemical is on the water column and on the creatures whose livelihood depends on this water.

Our bill has several provisions to address liability, financial responsibility, improvements in safety, increased oversight of oil spill responses, improvements in environmental protection. We repeal or adjust existing liability limitations for offshore facilities to ensure that the responsible party or parties will be responsible for 100 percent of the cleanup costs and damage to third parties and will extend the provisions of OPA '90, the Oil Pollution Act of 1990, which has very rigorous provisions in it, to protect even the migratory waterfowl which come from northern regions, from Canada and from northern Minnesota and other northern-tier States and winter in the gulf.

□ 1340

Our State bird, the loon, winters in those marshes that are now oil-infested. And I want to be sure that BP pays for every oiled loon, which are the joy of Minnesotans in the summer as we recreate outside and enjoy our great outdoors.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, before I yield to the gentleman from California, I would just like to tell my friend, the chairman of the Transportation Committee, that the taxes that I referred to are on page 224 of the bill.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Before we add more bureaucracies to the equation, shouldn't we be asking how did the existing ones do? This administration ignored the oil spill contingency plan that NOAA's former response coordinator says could have burned off 95 percent of the oil spill from day one. It took them 8 days just to do a test burn.

In the 2 weeks after the spill, 13 countries offered the assistance of their surface oil skimmers. The administration told them, "Thanks, but no thanks." As the oil approached shore, the administration shut down oil skimming barges for lack of life jackets. Apparently, it never occurred to them to simply bring out more life jackets. Skimmers that could have removed 95 percent of the surface oil were blocked by the EPA for a month because they didn't remove 99.9985 percent. For more than a month, the governors of the States begged the administration for permission to take emergency action to protect their shorelines, to no avail. And now we want more bureaucrats?

The problem is not a lack of bureaucracy. The problem is a tangled mess of rigid regulations, political posturing, contradictory edicts, and administrative incompetence that produced an emergency response worthy of the Keystone Kops. More of the same is not the answer.

My advice to this administration and its congressional majority is this: If you can't lead and won't follow, then get out of the way.

Mr. MICA. Mr. Chairman, I inquire as to how much time is remaining on each side of the aisle.

The CHAIR. The gentleman from Florida has 10 minutes remaining. The gentleman from Washington has 12 minutes remaining. The gentleman from West Virginia has 12½ minutes remaining. The gentleman from Minnesota has 2½ minutes remaining.

Mr. MICA. I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I rise in opposition to this bill. Obviously, I am not opposed to improving safety and regulation in the OCS. But I do want OCS drilling to continue.

I want to thank Chairman WAXMAN and Subcommittee Chairman MARKEY. The Energy and Commerce bill that was reported out, I believe 48-0, did improve safety, but it did allow drilling to continue domestically. In my opin-

ion, with the taxes in this bill, with the punitive nature of this bill, if it were to pass and become law we would not have OCS drilling, and it would lessen the ability to develop our domestic resources, would increase costs to the American consumer, and make us more dependent, not less dependent, on foreign oil.

There are some good things in the bill. Some of the safety provisions from the Energy and Commerce bill that are included on CEO certification and things of this sort are worthwhile. But overall, it is a bad bill, and I would ask for a "no" vote.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the distinguished chairman of the Energy and Commerce Committee, a gentleman with whom we have worked very closely in the development of this legislation, and who has conducted a number of investigations and hearings on his own, Mr. WAXMAN.

Mr. WAXMAN. I thank the gentleman for yielding.

Just over 3 months ago, the Macondo well exploded in the Gulf of Mexico, causing the largest environmental disaster in U.S. history. Eleven workers on the oil rig died.

The Energy and Commerce Committee has held nine hearings into the chain of events that caused the blowout of BP's well and its impact on the gulf coast. These hearings revealed that BP and its partners made a series of risky decisions that undermined well safety. Our committee then passed the Blowout Prevention Act, H.R. 5626, 48-0, to strengthen Federal drilling regulations. This bill before us today contains key provisions from our legislation. I want to thank Natural Resources Committee Chairman RAHALL for working with us to include these provisions.

BP chose a risky well design on the Macondo well that provided minimal barriers to prevent dangerous gases from flowing to the wellhead. They ignored their contractors' urgent warnings about how to cement the well safely. This legislation will ban these dangerous practices. It's too late to stop the explosion, but this legislation can hold the appropriate parties accountable and make sure this type of catastrophic blowout never happens again.

Just over three months ago, BP's Macondo well exploded in the Gulf of Mexico, causing the largest environmental disaster in U.S. history. Eleven workers on the oil rig died. The well poured thousands upon thousands of barrels of oil into the Gulf of Mexico, threatening an entire way of life along the Gulf Coast. While BP has capped the well, the well has still not been permanently sealed.

The Committee on Energy and Commerce has held nine hearings into the chain of events that caused the blowout of BP's Macondo well and its impacts on the Gulf Coast. The hearings revealed that BP and its partners made a series of risky decisions that undermined well safety. These decisions

saved time and money for BP, but increased the risks of a catastrophic blowout.

And based on what we found in our investigation, it is time for Congress to act. Investigations are ongoing and will continue to provide more details about the causes of this accident. But we know enough already about the weaknesses in the regulatory regime to craft commonsense legislative solutions.

Building on our oversight, the Energy and Commerce Committee developed the Blowout Prevention Act of 2010 to establish new federal regulatory requirements to prevent future spills from oil and gas wells. The Committee reported this bill by a bipartisan vote of 48 to 0. ED MARKEY and I worked with the Ranking Member of our Committee, JOE BARTON, as well as FRED UPTON, GENE GREEN, CHARLIE MELANCON, and other members to craft the Energy and Commerce bill. I want to thank them for their constructive suggestions.

Key elements of the Energy and Commerce Committee bill have been incorporated into the legislation we are considering today. I want to thank Natural Resources Committee Chairman RAHALL for working with us to include these provisions.

When BP's CEO Tony Hayward appeared before our Committee, we asked him to explain BP's risky decisions. He tried to dodge responsibility, telling us repeatedly that he was not involved in the critical decisions. And he tried to shift blame to others. It was clear that Mr. Hayward and other top BP officials paid virtually no attention to the risks the company was taking. To ensure greater accountability, this legislation requires oil company CEOs to certify that their well designs and blowout preventers are safe and that the company can promptly control and stop a blowout if these well control measures fail.

BP chose a risky well design on the Macondo well that provided minimal barriers to prevent dangerous gases from flowing to the wellhead. They ignored their contractor's advice about how to properly cement the well. They failed to conduct a critical cement test. And they failed to properly circulate well fluids.

The legislation we are considering today will set strict new requirements to ensure that these basic well control practices cannot be ignored at offshore wells.

BP says it relied on the well's blowout preventer as the last line of defense. But we know blowout preventers are not foolproof—not even close. To increase the reliability of this essential safety device, this legislation sets minimum standards for blowout preventers, including the requirement that blowout preventers have two sets of blind shear rams and redundant emergency backup control systems that can activate when communications from the rig are severed.

We were careful to provide regulatory flexibility so that the minimum requirements can evolve as the technology improves.

To ensure compliance with these new requirements, the legislation requires that blowout preventers, well designs, and cementing programs and procedures be certified as safe by independent, third-party inspectors selected by the federal regulator, not the oil companies. But the costs of these independent certifications will be paid for by the oil companies.

BP also took advantage of a lack of resources and a failure in the regulatory culture

at the Minerals Management Service. This legislation puts an end to this culture of complacency. It requires the Department of the Interior to set tough standards and creates a committee of independent experts to check their work and make sure they do their jobs. This independent committee will review available technologies, assess industry practices and regulations, and provide the best, most up-to-date technical and regulatory advice so that we have the best possible set of rules for drilling offshore wells.

It is too late to stop the explosion and blowout on the Deepwater Horizon. But, with this legislation, we can hold the appropriate parties accountable and make sure that this type of catastrophic blowout never happens again.

Mr. HASTINGS of Washington. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. LAMBORN), a member of the committee.

Mr. LAMBORN. I thank the gentleman from Washington.

There are many things about having more safety and environmental protection in the gulf that we can all agree on. Unfortunately, this bill goes way beyond those agreement type of provisions. There is a \$2-a-barrel tax increase in this bill. And there is a proportional tax increase on natural gas production as well. And as was pointed out earlier, it's not just on offshore oil and gas production, but on onshore Federal lands. So it goes way beyond the discussion we are having about the gulf.

It's going to add up to \$22 billion. And this is not the time to be raising taxes on energy. We're trying to come out of a recession. Many of us are asking, Where are the jobs? And taxing energy and making the consumer and industry pay more for energy, it's just not the right time to do that. And we're putting this, if the bill takes effect, on existing oil and gas production. That's blatantly unconstitutional. The nonpartisan Congressional Budget Office says that we as the Federal Government will have to refund about two-thirds of that \$22 billion, or \$14 billion, the proportion that applies to existing oil and gas production, back to the producers because it's unconstitutional. It's an impairment of contracts to come in the middle of a contract and say, by the way, we are adding a big tax increase to your energy production.

So why are we taxing industry and the consumer when we're trying to come out of a recession? This bill doesn't make sense, and I urge a "no" vote.

Mr. OBERSTAR. I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I am very honored to yield 1 minute to the distinguished Speaker of the House, Speaker PELOSI.

Ms. PELOSI. Mr. Chairman, I rise in support of the updated Consolidated Land, Energy, and Aquatic Resources Act, the CLEAR Act, and thank the gentleman for yielding time on this

important subject. I am very proud of it and other legislation to ensure a continued strong response to the BP oil spill in the Gulf of Mexico.

In passing these bills today, we will uphold our commitment to America's families and businesses to rebuild the Gulf Coast and make families whole, and to ensure that the size of this spill and the scope of it never happen again.

The CLEAR Act responds to the BP oil spill not simply with criticism. In fact, we waited an amount of time so we could get the facts, make the judgment, and write legislation that is responsible and targeted.

Visionary that he is, Mr. RAHALL 1 year ago began work on this legislation. We have benefited from the work that his committee, that of Energy and Commerce and the leadership of Chairman WAXMAN, and Transportation and Infrastructure under Mr. OBERSTAR, have done in preparation for this, as well as the work of Mr. MILLER on Education and Labor.

□ 1350

This legislation is about safety, about establishing new safety standards—safety for the workers on the rigs, safety for those in the cleanup have been a priority for us in all of the legislation that has come to the floor in response to the spill.

It's about integrity. Integrity of the representations made by BP, whether it's about the effectiveness of the drilling, whether it's about the prevention of a blowout, or whether it's about the integrity of their representations about the integrity of the cleanup, what would happen if such a spill were to occur and do we have the technology to clean up. It's also about the integrity of the infrastructure, that the infrastructure would do what it was designed to do: drill, prevent blowouts, and, of course, respond to it.

So there's been a lack of integrity on both parts in terms of representations that were made and the integrity of infrastructure. This legislation addresses that.

It's about accountability. Reforming the Minerals Management Service is really a very important part of this legislation. Some of this was addressed by President Obama in having an Executive order to this effect or administrative policy to this effect. Now it is in statute. Very, very important. Because that accountability about who sets the standards, who makes sure that those standards are met is very, very important to us honoring our responsibility to the American people.

And it's about the families. And this always comes down to people who have suffered so much, by removing the cap on economic damages paid by oil companies to residents and small businesses affected by the oil spills.

The CLEAR Act is good for families, our environment, and the health of our

natural resources in many ways. This week, we were informed that it was also good for our budget, saving taxpayers more than \$5 billion over the next 5 years, according to the Congressional Budget Office, and up to \$50 billion over the next 25 years, according to the Government Accounting Office.

This measure is just one component of a broader package of actions we are taking to hold BP accountable, support the families and businesses of the gulf coast, and prevent and prepare for future disasters, hopefully avoiding them.

Today, we will vote on the Offshore Oil and Gas Worker Whistleblower Protection Act, which was debated earlier, managed by Mr. MILLER, to protect workers who put the people's interests first, speak up and inform State and Federal authorities of violations and practices that endanger the public and the workers.

In recent weeks, we have passed the Oil Pollution Research and Development Program Reauthorization Act to develop new methods and technologies to clean up oil spills. That was under the leadership of Chairman BART GORDON of the Science and Technology Committee. He also presented the Safer Oil and Natural Gas Drilling Technology Research and Development Program to develop safer drilling technologies and prevent future oil spill disasters. One of them was the Gordon Act and one was the Woolsey Act.

The Spill Act. The Spill Act was one we passed maybe a month ago amending the Death on the High Seas Act to ensure fair compensation for the families of those killed or injured in the BP spill.

Many of us were humbled and honored to receive the families of those who lost their lives at the time of this explosion, at the time of this disaster. They came here. They talked about their family members that they had lost. They are the backbone of America. They worked hard. They played by the rules. They came here, really, using their suffering—and I say that in the best possible way—to help others. Their generosity of spirit insists that we turn this into the law but also to help those families and other families.

We passed legislation to give subpoena power to the President's Oil Spill Commission and permit the Coast Guard to obtain needed resources from the Oil Spill Liability Trust Fund to help with cleanup costs. Thank you, Mr. CUMMINGS.

I would like, again, to acknowledge Chairman NICK RAHALL, JIM OBERSTAR, HENRY WAXMAN, ED MARKEY, and GEORGE MILLER for their leadership on this package of bills that we have before us today, and Mr. GORDON, BART GORDON, for what he had done before.

In the wake of the BP oil spill, Members from both parties should agree that the current system is not working

for the American people. As their representatives and their leaders, we must change course. We must do what we can to help the gulf recover and rebuild.

I urge all of my colleagues to vote "aye" on this critical oil spill response legislation.

Mr. MICA. Mr. Chair, I yield 2 minutes to a leader and member of the Transportation and Infrastructure Committee, which had part of this bill, one of the leaders of crafting our particular portion, the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. I thank the gentleman for yielding.

Mr. Chair, just this morning, in an article entitled, "Stop Spending, Start Cutting," columnist Cheri Jacobus wrote in *The Hill* newspaper, "While it's one thing for Americans to be livid at their elected officials over of out-of-control spending and unthinkable levels of debt that will be passed down to children yet to be born, we now have reason to be not only angry, but very, very afraid."

The Congressional Budget Office just told us the painful, unvarnished, frightening truth this week that unless Federal spending is reined in dramatically and/or revenues increased, we are headed for certain sudden economic catastrophe that would make this current economic crisis seem like a day at the beach.

Now we are about to pass a bill that has \$30 billion in just land purchases. Then there are all the new taxes. This bill creates a new tax on all existing and new Federal onshore and offshore leases. The Congressional Budget Office estimates that this tax on oil and a new tax on natural gas will total \$22 billion in 10 years, and eventually these taxes will climb to \$3 billion per year. And the CBO also estimates that the new energy taxes will create another \$14 billion in litigation costs alone. All of these costs, both direct and indirect, will eventually be passed on to the American consumers of energy—small businesses, families, and farmers.

Of course, this new tax applies only to American energy, giving a distinct advantage to foreign oil and gas and jeopardizing American energy jobs. A professor at LSU said this in testimony in front of the Natural Resources Committee, These provisions are simply job killers for a large number of oil and gas employees along the gulf. He said, Unfortunately, the proposed bill under consideration today would eliminate even emerging opportunities and shut down tens of thousands of jobs for Louisiana oil and gas workers.

Dennis Stover, executive vice president of Uranium One, testified before the committee that this bill will decrease U.S. exploration and development. And he said, "By introducing great uncertainty regarding the lands

ultimately available for uranium exploration and development, a leasing system will only serve to increase the United States' reliance on foreign sources of uranium."

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished chair of the subcommittee, the gentle lady from Texas (Ms. EDDIE BERNICE JOHNSON).

□ 1400

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much, Mr. Chairman.

I rise to speak strongly in support of H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2010. While this legislation cannot stem the oil that continues to gush into the Gulf of Mexico, it takes solid strides forward to preventing such an event from occurring in the future.

As a Congress, it is our duty to look forward and ensure we have protections in place for future similar spills in these deepwater areas. We also need to review the current oil and gas regulations and ensure that we have safety and environmental protections in place for all types of onshore and offshore operations and facilities.

This legislation will help to make sure we are better prepared going forward, and I ask my colleagues to join me in supporting this legislation.

I am pleased that Title VII of this legislation, the "Oil Spill Accountability and Environmental Protection Act of 2010," was largely taken from the bill that the Committee on Transportation and Infrastructure passed out of committee. This title covers a number of areas of critical concern: liability provisions; safety measures; and provisions to protect the environment.

The legislation makes much-needed changes to the liability caps for both offshore oil facilities, as well as vessels. With regard to oil facilities, liability caps for economic damages are removed. This is as it should be.

This provision eliminates future incentives for oil companies to ignore the true impacts of their activities and engage in riskier behavior than they otherwise would. As a Congress, we should not enable or subsidize risky behavior on the part of companies simply because they want to do something.

This legislation also includes a number of other important safety and environmental provisions.

It requires that, going forward, there is one individual in true control of the safety of the vessel—and conflicting lines of authority will not result in mishaps, as with the Deepwater Horizon.

This legislation also forces EPA to take a much more rigorous look at oil spill dispersants than has been the case in the past. It is my view that there is a time and a place for the use of some dispersants.

However, it is altogether disturbing that such large volumes of dispersants have been used at the Deepwater site (1,843,786 gallons to date), while so little is known about their impacts to human health, water quality, and marine life.

As a result, we are requiring that EPA study the potential impacts of given dispersants to human health and the environment, get independent verification of effectiveness and toxicity, and then allow for the public disclosure of the chemical ingredients for any product that is "pre-approved" for use. Finally, EPA approval will be required for any use of a dispersant in relation to a future oil spill.

I urge all Members of the House to join with me in supporting this well-considered legislation.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentlelady from Wyoming (Mrs. LUMMIS), a member of the committee.

Mrs. LUMMIS. Mr. Chairman, Americans want the spill cleaned up, BP to pay for it, jobs to be restored, and the Federal Government to do a better job of inspecting for worker safety and environmental safety. To my colleagues in the majority party, we agree. Take "yes" for an answer.

But what does this bill do? It raises taxes, it removes the BLM land managers from doing land management and over the objection of the Director of the Bureau of Land Management. Only Congress would view this bill as a response to what Americans want.

No wonder Congress has an approval rating of 11 percent. This is nuts, Mr. Chairman. This is nuts.

The CHAIR. The gentleman from Washington State (Mr. HASTINGS) has 9½ minutes remaining. The gentleman from Florida (Mr. MICA) has 7 minutes remaining. The gentleman from Minnesota (Mr. OBERSTAR) has 1½ minutes remaining. The gentleman from West Virginia (Mr. RAHALL) has 10½ minutes remaining.

Mr. RAHALL. Mr. Chairman, I yield myself 15 seconds.

The other side is cherry-picking the letter from the Congressional Budget Office. The gentleman from Tennessee was giving quotes from it, as far as what this conservation fee does, et cetera, and also nothing to do in this legislation. We jettisoned the part related to uranium leasing.

But the bottom line is that CBO estimates that enacting H.R. 3534 would reduce future deficits by \$5.3 billion.

I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chair, the huge human and environmental catastrophe has brought to light glaring deficiencies in the way we oversee, regulate, and hold accountable those who produce oil and gas on our public lands.

This bill will accomplish several good things such as imposing safety standards on drilling and strengthening the Land and Water Conservation Fund thanks to Chairman RAHALL. It is important that it will also clarify and improve liability laws thanks to Mr. OBERSTAR.

Under the current law, BP is responsible for the removal costs of the spill.

They are liable only for \$75 million, however, for economic and natural resource damages. For a spill of this magnitude, a limit as low as \$75 million is laughable.

After the spill began, I led 85 of my colleagues in introducing the Big Oil Bailout Prevention Act, which would raise the liability cap now and retroactively. Of course the polluters should pay. The escrow account created by the administration and BP will have a short-term fix, but the CLEAR Act will ensure that BP is legally liable for all economic and natural resource damages it has caused. The public will know the buck stops with the oil companies, that the costs will not spill over to taxpayers.

I urge my colleagues to support this. The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. STUPAK) assumed the chair.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5874. An act making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 5900. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010

The Committee resumed its sitting.

Mr. MICA. I am pleased to yield at this time 2 minutes to the gentleman from North Carolina (Mr. COBLE), another one of our leaders in the T&I Committee.

Mr. COBLE. I want to thank the gentleman from Florida for yielding.

Mr. Chairman, the Deepwater Horizon oil spill is a horrific tragedy, as we all know; and I want to make certain the responsible parties are held accountable. I also want to ensure that we understand what went wrong to prevent future tragedies. Although I support domestic energy exploration, we need legislation that is focused and implements lessons learned, and the CLEAR Act, in my opinion, does not meet these principles.

Specifically, it adds yet another task to the Coast Guard mission without providing the tools necessary to get the job done. I firmly believe the Coast Guard can do its part, but it is our re-

sponsibility to make sure that they have the personnel, command structure, and resources to meet its multifaceted mission.

The bill also diminishes intellectual property rights. Its mandatory publication requirements for chemical dispersants will eviscerate a number of trade secrets and undermine competitiveness in the chemical industry, it seems to me. It makes no sense to discard trade secrets in the name of protecting the public when the EPA already has such authority and jurisdiction to test, inspect, and approve these products.

Finally, this legislation will create new impediments for tapping into our domestic energy supply, make us more reliant upon foreign sources of energy, and compromise jobs.

Mr. Chairman, I reiterate, we must address this catastrophe. The CLEAR Act, however, is the wrong approach for the gulf coast, our economy, and my constituents' wallets.

I thank the gentleman from Florida again for yielding.

Mr. HASTINGS of Washington. Mr. Chairman, I'm pleased to yield 1 minute to the gentleman from Louisiana (Mr. FLEMING), a member of the Natural Resources Committee.

Mr. FLEMING. I thank the gentleman.

Mr. Chairman, on the CLEAR Act, in my opinion, this is a textbook case on how to kill jobs and raise energy prices.

Reforms are needed to ensure American offshore drilling will be the safest in the world, but this bill is extremely premature. The investigations are still ongoing, and we do not have the answers to the question, what went wrong?

I am greatly concerned, too, that this will further harm Louisiana. The State of Louisiana has estimated that a moratorium like the one currently imposed could result in a loss of more than 20,000 Louisiana jobs. Rigs are already leaving the gulf for countries like Egypt and the Congo. Yet today's bill imposes a permanent de facto moratorium by including provisions to delay or block offshore drilling and imposing taxes that will raise energy costs. Killing jobs and raising energy prices are the wrong direction.

I urge my colleagues to vote against the CLEAR Act.

Mr. RAHALL. Mr. Chairman, it is my honor to yield 1 minute to the gentlelady from California (Mrs. CAPPS), who has been so instrumental in development of this legislation and a valued member of our Natural Resources Committee.

Mrs. CAPPS. Mr. Chairman, I rise in strong support of the CLEAR Act, and I say this as the Representative of the Santa Barbara channel which Chairman RAHALL referred to as the scene of the big blowout of platform A in 1969.

BP's oil spill is an unprecedented human, economic, and environmental disaster. BP must do everything possible to clean up its damage and make the people of the gulf whole. But this catastrophe is also a sobering reminder of the serious risks from drilling. We can't stop drilling overnight, but we can do everything in our power to ensure that such a disaster never happens again.

That's why we must pass the CLEAR Act. It breaks up the scandal-ridden MMS, increases penalties for polluters, places new safety and environmental standards on oil companies, pays down the deficit by closing loopholes that allow oil companies to drill on the public's land without paying royalties, creates a new trust fund to protect and improve our oceans, provides the Presidential commission looking into the accident with subpoena power.

Once again, this Congress is acting to protect America's families and businesses, rebuild the gulf coast, hold BP accountable. Let's vote to ensure that a spill of this kind never happens again. Vote "yes" on the CLEAR Act.

BP's oil spill is an unprecedented environmental disaster that has tragically resulted in the loss of human life and great economic harm.

BP must do everything possible to clean up the damage and make the people of the Gulf whole.

But the catastrophe is also a sobering reminder of the serious risks from oil drilling.

We need a safer, cleaner, more economical approach to energy development, one that shifts us away from oil and toward renewable sources that can't destroy our coasts.

While we can't stop drilling overnight, we can do everything in our power to ensure that such a disaster never happens again.

This Democratic-led Congress has vigorously investigated BP's spill and offshore drilling.

We've exposed our broken regulatory system.

Always a dysfunctional agency, MMS management reached new lows during the Bush Administration.

An Inspector General report, for example, raised serious concerns about the, "ease with which safety inspectors move between industry and government."

Oil companies were allowed to cut corners on safety and environmental protection.

And virtually no effort was put into preventing accidents and improving spill response technologies.

Basically, offshore drilling decisions were being made by the oil companies for their benefit instead of the public's.

Sadly, the people in the Gulf are now paying the price.

That's why it's time to pass the CLEAR Act.

The CLEAR Act breaks up the scandal-ridden MMS, increases penalties for polluters, and places new standards on oil companies to prevent another blowout.

It also pays down the deficit by closing loopholes that allow oil companies to drill on the public's land without paying royalties.

It creates a new trust fund to protect and improve our ocean and coastal areas.

And it gives the Presidential Commission investigating the BP spill subpoena power to make sure it can get to the bottom of what actually happened.

Mr. Chairman, there are lots of reasons for us to pass this bill.

But my greatest hope is that some good can come out of this tragedy.

Finally freeing ourselves from our costly oil addiction is the only fitting tribute to the terrible tragedy being borne by the people of the Gulf.

Vote "yes" on the CLEAR Act.

□ 1410

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. OLSON), another one of our distinguished members from T&I.

Mr. OLSON. I thank my colleague from Florida for giving me a couple of minutes to talk about the problems with this energy bill.

Mr. Chairman, there are parts of this bill that are well-intentioned, but they miss the mark—particularly the language in this bill regarding the moratorium on offshore drilling. Thirty-three rigs were affected by this moratorium when it was imposed shortly after the explosion on the Deepwater Horizon rig. Since that time, these rigs have been incurring somewhere upwards of \$500,000 a day in expenses just while they're not doing any production. There are very few companies, very few entities in our economy, that can incur over \$90 million in expenses if this moratorium runs out for the 6-month period that it's supposed to run. And there's no guarantee that it's going to end within 6 months.

Predictably—and I've been banging this drum for almost 2 months now—these rigs are going to move overseas and it's starting to happen. The first rig went to Egypt. It was a rig from Diamond Offshore.

Let me read a quote from their CEO, Larry Dickerson, as he talked about why they were moving this rig overseas. Mr. Dickerson said, "As a result of the uncertainties surrounding the offshore drilling moratorium, we are actively seeking opportunities to keep our rigs fully employed internationally. We greatly regret the loss of U.S. jobs that will result from this rig relocation."

Again let me read that last sentence: "We greatly regret the loss of U.S. jobs that will result from this rig relocation."

Mr. Chairman, this is not what the American economy needs right now. We need to ensure we're independent from foreign oil. We can't be exporting jobs overseas. This is a job-killing bill that's coming before this House and I oppose it.

Another problem I have with the bill that has been introduced here is the

change in liability limits. By changing the liability limits, this bill will effectively squeeze out all the small and medium operators in the gulf, resulting in the loss of thousands of jobs.

If you like Big Oil, this bill is your bill. I am strongly opposed to that. We need to create American jobs. Not ending this moratorium and this changing liability limits is not in America's best interests.

Mr. OBERSTAR. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. NADLER).

The CHAIR. The gentleman is recognized for 1½ minutes.

Mr. NADLER of New York. Mr. Chairman, I rise in support of the CLEAR Act of 2010 to respond to the BP oil spill in the Gulf of Mexico.

Mr. Chairman, one of the many important provisions of this bill requires the EPA to do a new rulemaking procedure to establish baseline levels of toxicity and effectiveness that takes into account a study of the acute and chronic risks posed by the use of toxic dispersants. Quite simply, the EPA must determine whether or not it's safe to use these dispersants. Not just which dispersant is the safest, but whether or not they're safe at all.

I offered an amendment in the Transportation Committee to ban the use of these toxic dispersants until the rulemaking and study in the bill determine they are safe. I am very pleased that my amendment is included in the final bill before us today and I thank Chairman OBERSTAR for his support.

The fact is that nobody today can guarantee that dispersants are safe. The only thing dispersants seem to do is push the oil below the surface, making it harder to see the damage and determine liability and making it harder to boom and skim the oil off the surface. The only benefit seems to be for PR purposes.

Dispersants simply shift the oil to another part of the ecosystem while increasing the toxins in the gulf harming marine life and contaminating the water column. In fact, researchers have recently found evidence of dispersants in blue crab larvae from Louisiana to Florida, indicating the dispersants have already made their way into the food chain.

Let us never again perform a large uncontrolled experiment with a huge population of people and an entire ocean as the experimental test vehicle. Let us be sure that the dispersants are safe before we subject the marine life and the human population to them.

Mr. Chair, I rise in support of the Consolidated Land, Energy and Aquatic Resources (CLEAR) Act of 2010 to respond to the BP oil spill in the Gulf of Mexico.

There are many important provisions in this bill, such as the increased safety regulations for offshore oil rigs, the elimination of the liability cap and the inclusion of damages for

human health in the Oil Pollution Act. In the interest of time, I want to focus my comments on the provisions dealing with the controversial use of toxic dispersants.

This bill requires the EPA to do a new rule-making procedure to establish baseline levels of toxicity and effectiveness that takes into account a study of the acute and chronic risks posed by the use of dispersants. Quite simply, the EPA should determine whether or not it's safe to use these dispersants. And not just which one is the safest, but whether or not they're safe at all. This is what should have been done in the first place, and it is important that we make sure it is done moving forward.

I offered an amendment to the bill in the Transportation Committee to impose a moratorium on the use of these toxic dispersants until the rulemaking and study in the bill are complete. I am very pleased that my amendment is included in the final bill before us today, and I thank Chairman OBERSTAR for his support and willingness to advance this critical public health and environmental protection.

The fact is there is no scientific evidence that dispersants can be effective in an oil spill of this magnitude, and nobody can guarantee they are safe. I have heard experts and agency officials argue the contrary. Well, if these dispersants really are safe, then there should be no problem proving so under the terms of the bill. In the meantime, we should not presume these toxic dispersants are safe, and we should not use the Gulf or anywhere else that suffers an oil spill as an experimental laboratory.

The only thing dispersants seem to do is push the oil below the surface making it harder to see the damage and determine liability, and making it harder to boom and skim the oil off the surface. The only benefit seems to be for PR purposes.

Dispersants simply shift the oil to another part of the ecosystem, while increasing the toxins in the Gulf, harming marine life, and contaminating the water column. In fact, researchers from Tulane and the University of Southern Mississippi have found evidence of dispersants in blue crab larvae from Louisiana to Florida indicating that it has already made its way into the food chain.

So far, over 1.8 million gallons of dispersant have been used in the Gulf, and people are getting sick—from the dispersants, from the oil, or from some mixture of the two. There is already a name for the illness that plagues many of these people—toxicant-induced loss of tolerance, or TILT—in which you can no longer tolerate exposures to household chemical products, medication or even food. There are numerous reports of people being hospitalized, and several health experts are concerned that this is just the beginning. A group of fishermen has filed a class action lawsuit against BP and the dispersant manufacturer, and another personal injury lawsuit was just filed by Gulf Coast residents who have suffered adverse health effects from exposure to these toxins.

As many of you know, I have been greatly concerned that we are repeating the same mistakes of 9/11 where thousands of responders and area residents are now sick after the failure of the Federal Government to provide adequate oversight or enforcement to prevent

exposure to toxic chemicals. Luckily, in the case of the Gulf Oil Spill, BP is the clearly responsible party. However, it is up to us to ensure that BP and the dispersant makers are not allowed to evade liability or shift the cost to the taxpayers for any potential health effects. But more importantly, we must do everything we can to prevent people from getting sick in the first place.

This bill makes significant progress to protect the safety and wellbeing of public health and the environment. I thank Chairman OBERSTAR and Chairman RAHALL for their hard work and commitment to these issues. I urge all my colleagues to support the bill.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Louisiana (Mr. CASSIDY), a member of the Natural Resources Committee.

Mr. CASSIDY. Mr. Chairman, supposedly today we unite to bring relief to gulf coast families. But I tell you, if you vote for this bill, there is no unity with gulf coast families. This bill actually prolongs the misery of the gulf coast. It kills jobs.

How does it do so? It raises taxes on domestic oil and gas but not on foreign. We're going to prejudice towards a foreign product. It's a reverse tariff. Call it a jobs program for OPEC.

Now the \$22 billion that we raise, by the way, isn't to benefit the gulf. It's to buy parkland across the United States. So when everybody says we're going to raise \$22 billion for the gulf, they're raising \$22 billion for parklands across the United States.

And now we're going to raise the liability caps because we're going to stick it to Big Oil. We're not sticking it to Big Oil. What we're doing is we're sticking it to small and medium size independent producers who control 90 percent of the leases and, by the way, create 300,000 jobs. This bill kills jobs.

And what is most egregious is the "Buy American" provision. We're not only helping the gulf; we're patriotic. Oh, my gosh. But let's look at it.

We haven't built a deepwater rig from beginning to end in over 10 years in the United States. By June of 2011, we've got to create the infrastructure and put out the rigs in order to drill. Now what we do do here is the high value-added, high-tech buildup on top of the hull type job. Those are gone because we don't have the capability to build the hull.

This bill is supposed to help the Louisiana gulf coast. The Louisiana gulf coast says, "Keep your help. We would rather have our jobs."

Mr. RAHALL. May I have the time on all sides, please, Mr. Chairman, and who has the right to close.

The CHAIR. The gentleman from West Virginia has 8¼ minutes remaining and the right to close. The gentleman from Florida has 3½ minutes remaining. The gentleman from Washington has 7 minutes remaining.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Wis-

consin (Mr. KIND), a valued member of our Committee on Natural Resources and very helpful in our efforts to preserve the Land and Water Conservation Fund.

Mr. KIND. Mr. Chairman, our vote today is a very simple choice. It's a choice of whether we're going to stand with the workers of the oil and gas industry, with the families of the gulf region, with the taxpayers of this country, or whether we choose to stand with the powerful special interests known as Big Oil. I choose to stand with the American people. And here is why.

This legislation is going to increase safety standards to protect workers. It's going to increase the liability limits so that those responsible pay. It's going to reform the ethics standards to end the revolving door between industry and oversight functions. And it's also going to live up to the promise of funding the Land and Water Conservation Fund so that those companies extracting resources on our public lands help conserve and protect our natural resources.

In a little bit, I and others will offer an amendment under the Land and Water Conservation Fund so that a dedicated portion of that increases access for hunters, fishermen and outdoor recreationists to the 35 million acres that are currently cut off and isolated from our use.

This is a good bill. It's necessary in the shadow of the worst oil disaster in our Nation's history. I encourage my colleagues to support it and the amendment that I will be offering.

□ 1420

Mr. MICA. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Louisiana (Mr. SCALISE), a member of the Energy and Commerce Committee.

Mr. SCALISE. Mr. Speaker, I want to thank the gentleman from Washington for yielding.

I rise in opposition to the CLEAR Act, and the only thing clear about this legislation is that it's going to raise \$22 billion in new taxes on American families and run more jobs overseas.

If you look at the bill, first of all, when you talk about their \$22 billion tax, which, by the way, is yet one more violation of President Obama's pledge that he won't tax American families that make below \$250,000, because they are going to pay the bulk of their new tax. It also discriminates by only applying it to American energy producers.

As people's heating bills are going to be going up in the winter, and their gas bills are going to be going up all throughout the year, they are going to be wondering, what is this liberal leadership running Congress doing? They

are raising taxes on American families and running off more jobs when the provisions in this bill actually make it harder for our domestic energy producers to continue operating because the bill preserves Big Oil's ability to bid on future leases. But it eliminates 70 percent of their competition, the small domestic guys who are out there doing the same kind of drilling in a safe and environmentally friendly way. It's bad for jobs. It raises \$22 billion in new taxes. This isn't the answer to help the gulf. It only helps OPEC.

Mr. RAHALL. I reserve the balance of my time.

Mr. MICA. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank the gentleman for yielding.

Mr. Chairman, we in Louisiana have seen this tragedy firsthand, and we know about it more than anybody else in this Chamber.

I will say this, there is an even bigger tragedy, it's the moratorium that's in place today which is leading to a hemorrhage of jobs. Just a couple of days ago, 300 jobs in my hometown gone, 300, and each day it's ratcheting up to a thousand jobs a day.

This is a tragedy. It's a man-made tragedy. It's awful policy. I will tell you, this bill, on top of that tragedy, is going to add to more woe on the gulf coast, running up the cost of American energy production, killing more jobs.

Let me just say this: the President said he wanted to double exports in 5 years. Well, his policies and the policies of our friends across the aisle are going to basically export American jobs.

Mr. RAHALL. Mr. Chairman, I am very honored to yield 30 seconds to the chairman of the Education and Labor Committee in honor of the Whistleblower Act, a member of our Natural Resources Committee, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the chairman for this legislation, and I am very happy that this legislation includes a responsible bidder so that the American people will know that those companies that bid on the Outer Continental Shelf, those lands that belong to all Americans, that the companies will be responsible, that we will check their safety records.

We will not once again have a company like BP, which is out there with hundreds and hundreds of violations, while so many of the other companies that operate on the Outer Continental Shelf have minimal violations, one and two, and this company is completely out of control. We've got to make sure that the American taxpayer, that the American environment and the American Outer Continental Shelf are protected by responsible bidders.

Mr. MICA. Mr. Chairman, I yield 30 seconds to the gentleman from Louisiana (Mr. CAO).

Mr. HASTINGS of Washington. Mr. Chairman, I yield 1½ minutes to the gentleman.

The CHAIR. The gentleman from Louisiana is recognized for 2 minutes.

Mr. CAO. Mr. Chairman, for the past 3 months I have lived with my people down there in the gulf coast. I have cried with them, I have sat with them as they filed their claims. I went out in boats with them as they were cleaning up the oil, so I fully understand what my people need.

I appreciate the congressional leadership trying to address a bill that will help my people, but H.R. 3534 does not do it. This bill doesn't create jobs, it destroys them. This bill doesn't clean up our shorelines, it creates task forces and layers of bureaucracy that will talk about them.

This bill does not preserve our livelihood, it will devastate our way of life. This bill maintains a moratorium that is killing thousands of jobs in Louisiana.

Where is the short-term and long-term funding to protect our coastline and to restore the oyster beds in fishing areas? Where are the comprehensive short-term and long-term job transition plans for displaced workers? Where is the long-term plan to address the mental and public health crisis, including the compound effect of multiple crises?

Where are the jobs?

My colleagues and I tried to amend this bill to address these issues and make sure that these three critical areas, environmental, economic and health, were addressed in this bill. This bill does not protect the people of the gulf coast. It is fundamentally disingenuous to tout any bill not addressing these three areas as a comprehensive oil spill response bill.

My gulf coast colleagues and I will continue to fight for the needs of my people directly in harm's way.

Mr. RAHALL. I yield 1 minute to the gentleman from Maryland, a valued member of our Natural Resources Committee, Mr. SARBANES.

Mr. SARBANES. Mr. Chairman, I want to thank Chairman RAHALL for his leadership on this critical legislation. I was pleased to work with the chairman to ensure that CEOs of oil companies are held accountable for the safety of their company's drilling operations.

We developed language included in the legislation that requires oil company CEOs to certify their drilling and spill response plan capabilities before receiving a permit to proceed. That language has been further strengthened by adding a provision to impose civil penalties on any CEO that files a false certification.

Penalties of consequence will force CEOs to take this process seriously and

make it significantly less likely that companies submit inferior or faulty plans. The best CEOs will take this requirement in stride, recognizing it is a fair expectation of them. This provision will ensure accountability and make it less likely that a spill of this consequence will happen in the first place.

I rise today in strong support of the Consolidated Land, Energy and Aquatic Resources Act (H.R. 3534). The legislation includes significant and wide-ranging reforms to ensure that oil and gas development on federal lands and waters is only done when it can be transparent and safe.

The BP Deepwater Horizon Oil Spill has reinforced my very serious concerns about the effect of offshore drilling on coastal communities and maritime ecosystems. The tragedy in the Gulf of Mexico, which claimed the life of 11 people and released millions of gallons of crude oil into a fragile marine ecosystem, is a sad reminder of the inherent safety, environmental, and economic risks associated with offshore drilling. Oil drilling operations, no matter how expensive or technologically advanced, can never completely eliminate the risk of a major disaster. Like other accidents in the past, the long-term impact of this spill on the Gulf coast's fragile wetlands and local fishing communities will be devastating and long lasting.

BP actually had a response plan to deal with the Gulf of Mexico oil spill. Unfortunately, it was a farce. The plan listed a wildlife expert that had been deceased since 2005 and said that sensitive biological resources in the Gulf included walrus, sea otters, sea lions and seals, none of which actually live there. BP also stated that it could handle a worst case oil discharge scenario 10 times the size of the Deepwater Horizon disaster. They clearly did not take this important responsibility seriously. Even when these glaring inaccuracies were made public, no single official at BP was responsible for the plan.

As this legislation was considered in the Committee on Natural Resources, I worked with Chairman RAHALL to include language making the CEO at each oil company directly responsible for certifying the safety and adequacy of their drilling and spill response plans. I also offered an amendment today, included in the manager's amendment, which would subject the CEO to civil penalties if he or she files a false certification or their company fails to develop or maintain the capabilities included in their response plans. This requirement and the potential penalties should result in self-correcting behavior, forcing CEOs to take this process seriously and making it significantly less likely that companies submit inferior or faulty plans.

It is imperative that there be clear consequences for substandard response plans or we could have a repeat of the disaster that unfolded in the Gulf of Mexico this summer. Adding this amendment ensures there is accountability when a CEO certifies a faulty plan and makes it much more likely that companies will appropriately scrutinize those plans. I believe that responsible CEOs will recognize this new requirement for what it is—a very basic standard that should be a best practice for responsible companies anyway. But for those

who try to cut corners, this framework will certainly give them pause because there are real consequences for irresponsible behavior.

I also strongly support the funding included in this bill for conservation of natural, historic and cultural sites around the Nation. The legislation allocates a small portion of offshore drilling fees to the Land and Water Conservation Fund for the preservation of vital land and water resources throughout the Nation. First envisioned by President Eisenhower, we have neglected this fund for far too long. Today this legislation delivers on past promises and supports the conservation of environmentally sensitive lands and critical habitat, especially shoreline areas such as those on the Chesapeake Bay. It also allows for conservation of rivers, lakes, recreational areas, and trails, as well as state and local parks for biking, hunting, fishing, and wildlife watching. Finally, the legislation provides resources for the Historic Preservation Fund to maintain our national historic sites that add so much to the character and culture of our Nation.

I strongly support this much needed legislation and I would encourage my fellow Members to support this bill.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, this bill is a thinly disguised roadblock, a permanent roadblock to American energy.

It will drive American companies out of the gulf, delay future drilling, increase dependence on foreign oil, kill 300,000 good-paying U.S. energy jobs and levy a new \$22 billion tax on American energy, but not on foreign oil. It includes a protectionist measure that the White House itself is troubled about that invites retaliation, will kill U.S. jobs and prevent repairs from occurring in U.S. shipyards.

This is a choice between American energy workers and foreign oil. No Texas lawmaker, no gulf State lawmaker can support this bill and say they truly care about energy workers' jobs in America.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I rise to thank Chairwoman SLAUGHTER and Chairman RAHALL for accepting my amendment reaffirming the permanent ban on oil and gas drilling in and under the Great Lakes.

I also want to thank Chairman MILLER for joining with me in adding protections from bad actors that pollute the environment, endanger worker safety and threaten the health and welfare of the public.

This legislation prevents these bad corporate actors from being awarded Federal leases and drilling permits. Whether it's BP in the Gulf of Mexico or Enbridge pipeline in Michigan, we need to give Federal regulators the flexibility to prevent oil companies with poor safety and environmental

records from accessing our natural resources in reckless disregard for safety and our environment.

□ 1430

As chair of the Energy and Commerce Oversight Investigation Subcommittee, I have held four hearings on the Deepwater Horizon spill and uncovered serious problems of how BP cut corners to save money that led to the gulf oil spill. This legislation begins to correct these problems, and I urge my colleagues to vote for this legislation.

The CHAIR. The gentleman from West Virginia has 4¾ minutes remaining. The gentleman from Florida has 3 minutes remaining. The gentleman from Washington State has 2½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. I want to thank my colleague from Washington State for allowing me 1 minute.

Mr. Chairman, I rise in strong opposition to H.R. 3534, the CLEAR Act, because it will kill jobs, increase our reliance on foreign oil, and has become a vehicle for controversial and extraneous provisions that do not address the issues at hand—the safety of our offshore oil production.

I am proud to represent a district that does everything energy, from constituents who work offshore, to service companies, to refineries, to chemical plants downstream. I strongly support making production safer and cleaner, whether it's offshore, on land, or in our industrial facilities.

No one questions unlimited liability on the responsible party for all environmental cleanup costs, but this bill goes so far that it would make it unlimited also for whatever economic damage. What is going to happen is it will put at serious risk competitive investment in the Gulf of Mexico and potentially precipitate a future energy affordability crisis. Effective legislation can be achieved that will ensure the continued development of the gulf resources in a responsible and safe manner while preserving the ability of our independent oil and gas exploration and production companies to operate offshore.

This legislation will instead make it impossible for these producers, most of which are small businesses, to get insurance to drill and drive hundreds of production and servicing companies out of business.

This is the last thing the Gulf Coast and our recovering economy needs.

If you want to eliminate jobs and hundreds of small businesses, vote for this bill.

Secondly, this bill contains several extraneous provisions that have nothing to do with ensuring the safety of our offshore production. In football, we call this piling on.

Section 728 of the bill subjects oil and gas construction activities to storm water discharge

permits—a regulatory requirement inappropriate for oil and gas operations, which could place entire projects and significant capital at risk and has nothing to do with safety.

This provision mischaracterizes the issue, placing preparatory steps for oil and gas production in the same category as building construction. These are two very different things.

The Department of Energy estimates that such regulation could result in the loss of future production up to ten percent of both current U.S. oil production and current U.S. natural gas production. Again, if you want to kill U.S. jobs, vote for this bill.

Section 802 of the bill imposes a conservation fee of \$2 per barrel of oil, or 20 cents per million BTU of natural gas, for production from all new and existing federal onshore and offshore leases, a cost that will eventually be passed on to consumers.

While I am a member of the Sportsman's Caucus and a strong support of the Land and Water Conservation Fund, this fee targets onshore production, which has no place in a bill responding to the BP oil spill.

Section 241 compels companies to renegotiate their 1996–2000 deepwater royalty relief leases or else be ineligible to bid on new leases.

This has nothing to do with responding to the BP oil spill.

For these reasons and others, I strongly encourage my colleagues to vote against this bill.

This bill will kill jobs, hurt our domestic production, and has become a vehicle for controversial and extraneous provisions that do not address the issue at hand.

Mr. RAHALL. Mr. Chairman, I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I am pleased to yield 1 minute to another gentleman from Texas affected by this, the distinguished gentleman, Mr. GOHMERT.

Mr. GOHMERT. Mr. Chairman, at a time when we're billions of dollars behind on what we need to spend to keep up our parks and the Federal land that's owned right now, this bill irresponsibly adds \$900 million per year for 30 years. It's not enough that we're going to put children in debt for generations; now we're going to keep spending money they don't want spent. They want us to stop the bleeding so the body can get healthy again.

One thing about this CLEAR Act is clear: It's going to cause more people to lose jobs, it's going to hurt more State and local governments by buying more land the Federal Government can't take care of, but takes that land off the rolls. Please, for goodness sake, let's stop the bleeding—and in this case the gushing forth of this Nation's blood and its tax dollars—and vote this down.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE), another member of our Natural Resources Committee.

Mr. INSLEE. Mr. Chairman, Republicans and Democrats mourned the losses in the gulf, and it is very disappointing that my Republican friends

will not stand to try to prevent this tragedy.

The fact is, oil is killing the oceans in many ways—in one way, in a small way, by this giant oil slick, but in a large way because of carbon pollution. I just think we can't have this debate without recognizing this. In fact, every oil well that we drill puts carbon pollution in the atmosphere when we burn that oil. That carbon pollution then goes into the oceans, into solution, and that carbon pollution makes carbonic acid. The oceans today are 30 percent more acidic because of the oil we burn.

Let me show you what this has done to the bottom of the food chain. This is a picture of plankton, what happens when you expose it to ocean water that is as acidic as it will be at the end of the century; plankton dissolve in the water.

This bill is not too much; if anything, it is too little. Our Nation needs an energy policy so we stop carbon pollution. That is America's destiny.

The CHAIR. The gentleman from West Virginia has 3¾ minutes remaining. The gentleman from Florida has 2 minutes remaining. The gentleman from Washington State has 2½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I am glad to yield 30 seconds to the distinguished chairman of the Defense Appropriations Subcommittee, Mr. DICKS.

Mr. DICKS. Mr. Chairman, I rise in very strong support of this legislation.

My colleague, Congressman INSLEE from Washington State, talked about ocean acidification. This is one of the most serious issues that the planet faces. This legislation also will free up money, make it mandatory, and land and water conservation does preserve the right of the appropriations committee to appropriate that money, but we'll get those dollars that we haven't been getting before. We also have a provision in here for the oceans.

So this is a great bill. I urge all my colleagues to vote for it today.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

Mr. Chairman, this is about keeping faith with the American public. It's not the end, but it's an important beginning.

Large oil companies pay some of the lowest fees to American taxpayers compared to what oil companies pay anywhere in the world while enjoying unnecessarily expensive, outmoded tax breaks. And some, by bookkeeping errors, pay no royalties at all while they

extract oil. Under this legislation, they will have to choose between continuing this rip-off or getting future leases.

It will make the Land and Water Conservation Fund properly funded, making an impact on communities all across the country, and it leverages new resources. It does all this, as the chairman says, with a net benefit of deficit reduction of \$5.3 billion over the next 5 years.

Protect the taxpayer, protect the environment, and improve our communities by approving this legislation.

Mr. MICA. Mr. Chairman, I yield myself the balance of my time to close for the T&I Committee.

The CHAIR. The gentleman is recognized for 2 minutes.

Mr. MICA. Mr. Chairman, I was hoping we could have come here in a bipartisan effort to pass legislation that would have made certain that the tragic spill, the loss of life, be prevented, that we never see that happen off America's shores again. We do need domestic oil production. We don't want to be beholden to foreign fossil fuels.

□ 1440

Unfortunately, this bill misses the mark. Unfortunately, this bill is the typical Democrat solution. It imposes huge taxes—\$22 billion in taxes. It overregulates.

Yes, we want proper regulation. We saw where the mark was missed. We saw where the law did not keep up with technology. Though let me say we missed the mark, too, in holding people responsible. We must hold people responsible, and that is whether it is BP or anyone who had anything to do with this or whether it is the administration officials who stamped the permit allowing the drilling to proceed in deep water, as they did, without the proper protections of the environment.

Only 27 deepwater wells off the coast—only 27—have exploration, have production. This administration missed the mark. We want these people held responsible, and we also want it in law. You know, the guy who issued that permit, that one-page permit with a flawed backup cleanup for oil spills, is still on the job. He is in charge of the moratorium, which is another overreach that put people out of work, instead of being in charge of going down and making certain that the production and that those exploration wells were doing well.

They missed the mark. That is a shame for the American people, and it is a shame for the future of containing the tragedy we have seen here.

I yield back the balance of my time. Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, this debate has been very interesting because most of the talk on the other side of the aisle has been on the oil spill. Most of the talk on this side of the aisle has been on the

increased taxes and on the increased spending.

There is broad agreement that we have to respond in a responsible way to what happened, to the tragedy in the gulf. Nobody argues with that. There is broad support on this side. What we object to—and we have said this over and over and over again—is the extraneous material that is added to this bill.

I didn't hear anybody, for example, on the other side defend the huge tax increases that are embodied in this bill. I didn't hear anybody on the other side of the aisle defend the \$30 billion entitlement that is embodied in this bill. That is what our concern is because that is in this bill. As a matter of fact, in my opening remarks, I made reference to the tax increases, and my good friend, the chairman of the Transportation Committee, wondered about the tax increases. I pointed them out to him. They're on page 224. To his credit, he came up here and said, You're right. I appreciate that very much because that really is what the issue is.

If you want to get bipartisan approval dealing with the gulf coast oil crisis, we can do that in a bipartisan way, but don't add extraneous material. That is our objection to this bill, because extraneous material is increased taxes, more spending, resulting in a loss of jobs.

I urge my colleagues to vote "no" on this bill, and I yield back the balance of my time.

The CHAIR. The gentleman from West Virginia has the right to close and has 2¼ minutes remaining.

Mr. RAHALL. Mr. Chairman, the Republicans are at it again—apologizing for Big Oil against the interests of the American people.

The fact of the matter is that House Republicans were for a conservation fee before they were against it, and now they're coming to the floor today and accusing the majority of all of these huge tax increases, but they are opposed to the CLEAR Act. House Republicans voted for a \$9 conservation fee in energy legislation sponsored by the former Republican Congressman, now Governor of Louisiana, Bobby Jindal. That vote was on June 29, 2006. I have it here: 192 Republicans voted "yes" for a \$9 conservation fee, and 155 Democrats voted against it.

What is the difference between then and now? I'll tell you the difference. The Democrats' fee is smaller and Big Oil is richer. That is the difference. The House has passed similar conservation fees with Republican support four different times since 2007, and I could list them.

The fact of the matter is the conservation fee will have no impact on the prices at the pump. As we all know, the prices at the pump are determined by the world market. The \$2 per barrel fee will be paid for by Big Oil, not by

the American consumer. So I respond by saying the Republicans' raising this conservation fee as a tax increase is simply not true.

The Republicans will also say that we are proposing \$30 billion in mandatory spending that is unrelated to the oil spill. We just heard my dear friend and ranking member say that. Not true. There they go again—apologizing for Big Oil.

The fact is that the Land and Water Conservation Fund was visualized by Dwight Eisenhower, proposed by John Kennedy, signed into law by Lyndon Johnson, and is financed by royalties from offshore oil and gas drilling. The dollars raised from depleting one of our natural resources goes toward protecting another. The LWCS is a decades-old promise to the American people that, if we allow energy companies to deplete public resources off our shores, we will require them to dedicate that back in order to help our people and to help our coastlines. That's what this bill is all about.

I urge support.

Mr. HASTINGS of Washington. Mr. Chair, I submit the following:

OFFICE OF THE GOVERNOR,
Cheyenne, WY, July 27, 2010.

Hon. NANCY PELOSI,
Speaker of the House, Office of the Speaker,
U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: The State of Wyoming has deep concerns at the haste with which Congress is attempting to legislate new oil and gas regulatory processes under H.R. 5626. Provisions which have been added to this bill would affect onshore leasing and energy production and rob the States of their traditional role of overseeing energy production within the States. I urge you to delay action until more definitive information can be obtained and provided to Members of Congress.

Based on the hearings and focus that Congress to date has brought to bear on the tragedy in the Gulf, an expansion of the intended reach of any legislation to respond to this offshore spill and precipitously cover onshore energy production would be a mistake. The State of Wyoming has had effective regulation of the oil and natural gas industry through a variety of programs designed to gather and share information, technology and best regulatory methods for several decades.

The implications of the bill's encroachment to onshore energy leasing and production are ominous as it represents a takeover of state regulation of well construction and permitting and gives it to the Federal government at the expense of long-established State authority. Such preemption would occur whenever the Department of the Interior determines that a state is not adequately regulating oil and gas, or because of citizen lawsuit. This is overreach of the first order.

The State of Wyoming has a proven history of oversight of the energy industry and has effectively overseen industry activity without federal oversight for decades. Regulatory requirements and inspections of well sites are important components of our state program and the prevention of accidents and environmental protection are among our highest priorities.

It is my view that the federal government lacks both the justification and the expertise to effectively oversee oil and natural gas production in the State of Wyoming and I urge you to reject the preemption of Wyoming's and other State's authority to perform this important function.

Sincerely,

DAVE FREUDENTHAL,
Governor.

JULY 29, 2010.

DEAR TEXAS CONGRESSIONAL DELEGATION: We write to express our strong disagreement with provisions in pending legislation that threaten the rights of states to regulate oil and gas exploration and production on state lands and waters. We call on you to reject any proposal that interferes with state regulation of oil and gas safety, exploration and production on non-federal land and waters.

The Deepwater Horizon disaster and the subsequent impacts on the Gulf Coast states occurred on the federal government's watch. The Macondo well is located in a federal offshore lease area. The federal Minerals Management Service and the U.S. Department of the Interior failed to properly evaluate, oversee and regulate drilling in federal waters. It is the federal government that is managing the containment and cleanup effort. It is agencies of the federal government that are engaged in unjustified efforts to impose indiscriminate and illegal drilling moratoria, adding economic insult to injury.

In light of these federal failures, it is incomprehensible that the United States Congress is entertaining proposals that expand federal authority over oil and gas drilling in state waters and lands long regulated by states. Several bills and amendments to be considered this week, for the first time in the history of our nation, attack successful state laws and agencies regulating oil and gas exploration and production on state or private lands and waters. Furthermore, some of these proposals grant unilateral discretion to an unelected federal bureaucrat as to whether or not to allow states to continue regulatory systems established by duly elected state officials, and even create the possibility that such authority would be given to an official recently found by the federal courts to have engaged in arbitrary and capricious decisionmaking on this very topic.

While Congress has every right to consider whatever regulation it deems appropriate on activities in federal lands and waters, it is not permitted to force states to submit their successful state regulations and laws to a federal agency for approval and allow that agency to unilaterally dictate changes. As you well know, the 10th Amendment to the United States Constitution states, "powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." Laws like the one you are considering are unfounded and dangerously destructive of state sovereignty.

We request that Congress respect our state safety and energy laws. Federal laws and regulations failed to stop the Deepwater Horizon disaster. Given the track record, putting the federal government in charge of energy production on state lands and waters not only breaks years of successful precedent and threatens the 10th Amendment to the United States Constitution, but it also undermines common sense and threatens the environmental and economic security of our state's citizens.

Sincerely,

Rick Perry, Governor; David Dewhurst,
Lieutenant Governor; Joe Straus,

Speaker of the House. Greg Abbott, Attorney General; Jerry Patterson, Land Commissioner; Victor G. Carrillo, Chair, Railroad Commission of Texas; Elizabeth Ames Jones, Commissioner, Railroad Commission of Texas; Michael L. Williams, Commissioner, Railroad Commission of Texas; Troy Fraser, Chair, Senate Committee on Natural Resources; James L. "Jim" Keffer, Chair, House Committee on Energy Resources.

ALLIANT,
Houston, TX, May 10, 2010.

Hon. ROBERT MENENDEZ,
U.S. Senator, Senate Hart Office Building,
Washington, DC.

DEAR SENATOR MENENDEZ: We are retail insurance brokers. Among our clients are offshore contractors, operators and non-operators, both small and large market cap independent entities, with interests in the US Gulf of Mexico. Our clients are involved in almost every aspect of offshore exploration and development work. We have been asked to comment upon the amount of insurance that is available from the commercial insurance market for third party pollution liability for operators and non-operators before and after the Macondo well incident. Prior to the incident, we estimate the maximum working capacity available in the commercial insurance market (i.e., the limit which could be purchased) was \$1.5 billion (for 100% interest—i.e., the limit to be shared between operators and non-operators in any common endeavor). Subsequent to the Macondo incident, we believe the available working capacity has reduced by 15% and the cost involved in procuring this capacity is and will be significantly higher than the pricing prior to the incident.

If, as we understand, there is legislation under consideration which would materially increase the liability cap for economic damages from its current level of \$75 million, based on our experience operators and non-operators in the US Gulf of Mexico will be unable to obtain adequate protection from insurance. The increase of the liability cap will impact the economic structure of Gulf of Mexico operations. If the liability cap is increased to the levels we understand are under consideration, the fact that adequate insurance protection is not available will dramatically limit the participants in ongoing exploration and production activities—in our view only major oil companies and NOCs (National Oil Companies) will be financially strong enough to continue current exploration and development efforts.

Yours very truly,

BENJAMIN D. WILCOX,
Executive Vice President and
Director, Marine and Energy.

NATIONAL OCEAN
INDUSTRIES ASSOCIATION,
Washington, DC, June 8, 2010.

Hon. BARBARA BOXER,
Chair, Senate Environment & Public Works
Committee, Dirksen Senate Office Building,
Washington, DC.

Hon. JAMES M. INHOFE,
Ranking Member, Senate Environment & Public
Works Committee, Dirksen Senate Office
Building, Washington, DC.

DEAR SENATORS BOXER AND INHOFE: Tomorrow, the Environment & Public Works Committee will be conducting a legislative hearing on S. 3305, the "Big Oil Bailout Prevention Liability Act of 2010." The National Ocean Industries Association opposes this legislation in its current form.

In the wake of the immense economic and environmental impacts still developing in the Gulf, we understand the desire of some in Congress to take immediate action, whether it be to re-impose outright drilling bans or raise liability caps on the offshore industry. As Congress and the Administration continue to investigate the Deepwater Horizon accident, it is very apparent that until we firmly understand what went wrong, it is premature to dictate broad and possibly counter-productive solutions.

There are numerous hearings and investigations underway to delve into the root causes of the tragic explosion on the Deepwater Horizon and resulting loss of well control. This week alone, various Committees in Congress are conducting nine separate hearings. Clearly, new information is pouring in.

In the meantime, an unprecedented response and cleanup effort is underway involving over 17,000 people and thousands of private and government vessels. The offshore industry is participating fully and is also hard at work to stem the flow of oil and protect the shorelines and natural resources of the Gulf of Mexico. NOIA member companies are assisting BP in its response efforts, and stand ready to cooperate in hearings and investigations.

In addition, the Administration has initiated investigations through several avenues, which should allow the federal government and the American people to put all the pieces of the puzzle together for a complete picture. Once complete, this picture will provide valuable information on strategic, targeted measures for possible reforms in planning, permitting, inspections, regulatory and statutory regimes.

The companies involved in the Deepwater Horizon tragedy have indicated their intent to pay for damages and economic impacts beyond the current liability cap of \$75 million, so calls for limitless liability may be a solution in search of a real problem. One thing that is clear is that raising the liability caps as high as \$10 billion or beyond will drive most non-international producers out of the Gulf of Mexico. This means less domestic energy production and more imports of oil from politically unstable regions, along with increased transportation of oil. The resulting concentration of domestic offshore energy production will be in the hands of a few multinational or nationalized companies.

In addition, I encourage our policy makers to remember that, despite this tragedy, America's need for domestic energy has not changed and OCS development remains a vital part of our overall national energy picture. Nearly a third of our domestic oil comes from the Gulf of Mexico. No one can argue the fact that demand for energy will only continue to increase for the foreseeable future.

We should resist the impulse toward knee jerk reactions and proceed carefully when making decisions that affect the future of our nation's energy supply.

Sincerely,

BURT ADAMS,
Chairman, National Ocean Industries
Association.

[From the Hill, June 23, 2010.]

REASONED DEBATE NEEDED TO AMEND
ENERGY LEGISLATION

(By Senator James Inhofe)

As oil continues to leak into the Gulf, President Barack Obama and the Democratic leadership face a critical test: Will they seek prudent measures to directly address the BP

disaster or will they exploit the tragedy by advancing extraneous measures that drastically reduce domestic energy production, or even enact new energy taxes on consumers and small businesses?

My sincere hope is that President Obama exhibits the leadership necessary to engage in a reasoned debate—one that produces the same outcome following the Exxon Valdez disaster in 1989. After a year-long debate and bipartisan negotiation, Congress unanimously passed the Oil Pollution Act in 1990. The OPA has largely been untested, and some of my colleagues believe it should be updated to account for new realities produced by the BP spill. I couldn't agree more.

Yet the leading proposal to amend the OPA could severely curtail domestic energy production in the Gulf. The "Big Oil Bailout Prevention Act," introduced by Sen. Robert Menendez (D-N.J.), is ostensibly motivated by the desire to make BP, not the taxpayers, pay for the tragedy it unleashed. No one disagrees with that. And no one disagrees that BP must fairly and expeditiously compensate the various business owners now out of work because of BP's actions. But if the Menendez bill becomes law, more than BP could pay: The estimated 150,000 workers connected to the offshore oil and natural gas industry could pay with their jobs and their livelihoods.

As Federal District Court Judge Martin Feldman wrote in his decision yesterday overturning the Obama administration's wrong-headed moratorium on deepwater production, "Oil and gas production is quite simply elemental to Gulf communities." This, and the other elemental fact that Gulf energy production is essential to America's economy, is the principal reason Congress should deliberate carefully on Gulf spill legislation.

I have objected four times to attempts to circumvent the committee process and pass the Menendez bill in the Senate. Emotions are no doubt running high, but we must resist the urge to let emotion dictate the course of deliberations. The legal and regulatory issues involved in legislating on this issue are intricate and complex and therefore should compel us to think carefully about how to proceed.

I take pause on Menendez because of what the experts are telling us. The bill could make exploration and production so costly that only Big Oil companies such as BP, and state-owned firms, such as China's National Offshore Oil Corporation, could afford to operate in the Gulf. Consider INDECS insurance, which said of the Menendez bill: "If we have understood the proposals correctly, then it would appear to us that the proposed bill will not act as 'Big Oil Bailout Prevention Liability Act of 2010', rather making it impossible for anyone other than 'Big Oil' to operate."

For a time, the Obama administration shared this view. Just after the Menendez bill was introduced, Interior Secretary Ken Salazar told the Senate Energy Committee that, "It is important that we be thoughtful relative to that, what that cap will be, because you don't want only the BP's of the world essentially be the ones that are involved in these efforts, that there are companies of lesser economic robustness." That the view of the administration then rashly changed to endorse Menendez raises a question: what changed?

One can only speculate; I regret that partisanship may have intervened. Whatever the reason, we need a workable solution that balances the important values of energy pro-

duction, environmental protection, safety and fairness for affected parties. The Senate Committee on Environment and Public Works, on which I serve as Ranking Member, plans to markup the Menendez bill next week. I hope before then the committee, and then the full Senate, can agree to a bipartisan solution that achieves appropriate balance.

That balance certainly won't be achieved if Democratic leaders insist on attaching energy taxes and other unrelated provisions to the eventual spill bill. And it certainly won't be achieved if they insist on enacting a political agenda animated by aversion to domestic energy production. Nevertheless, I will continue work with my colleagues to craft legislation that holds oil companies accountable without putting jobs and America's energy security at risk.

LOUISIANA OIL & GAS ASSOCIATION,

Baton Rouge, LA, June 30, 2010.

DEAR MEMBERS OF THE EPW COMMITTEE: We have just received a copy of Chairwoman Boxer's second amendment to S. 3305. This poison pill amendment seeks to end offshore drilling by mandating truly unachievable regulations on the offshore oil industry.

We write you today to state our adamant opposition to this amendment as it amounts to a permanent moratorium on deepwater drilling in the United States. We strongly believe we must learn from the mistakes of the Deepwater Horizon incident to ensure safe and effective offshore drilling. However, offshore jobs are critical to the economic success of Louisiana, the Gulf Coast and the energy independence of America.

Senator Boxer's second amendment would impose a permanent moratorium on deepwater drilling in the United States and kill tens of thousands of jobs.

The language imposes unachievable mandates because the mandates are undefined. The uncertainty associated with these undefined mandates, and the amendment in its entirety, present insurmountable obstacles for the oil industry to operate.

We strongly urge you to vote against this permanent moratorium and pursue more reasonable legislation that promotes safe and effective drilling practices.

Sincerely,

DON G. BRIGGS,
President.

Mr. BISHOP of Utah. Mr. Chair, I submit the following:

LOCKTON COMPANIES, LLC.,
Houston, TX, May 13, 2010.

Hon. ROBERT MENENDEZ,
U.S. Senator, Senate Hart Office Building,
Washington, DC.

DEAR SENATOR MENENDEZ: Lockton Companies is the largest privately owned insurance broker in the world, and through Lockton Marine & Energy in Houston, we service the insurance needs of many energy companies operating in the Gulf of Mexico. Specifically, we specialize in the small to midsize independent exploration and production companies that are very active in drilling wells in the shallow and deepwater Gulf of Mexico. In fact, two of our clients are in the top 10 largest lease holders and/or most active drillers in the Gulf of Mexico; however, they are relatively small companies. Exploration and production companies are supported by thousands of workers all along the Gulf Coast from their own employees to many small to mid-sized service companies' employees. The Bureau of Labor and Statistics reported that there were well over 100,000 petroleum-related workers and greater than \$12 billion in

total wages earned in the Gulf Coast Region alone.

Insurance is critical to our clients and all small to mid-sized energy companies operating in the Gulf of Mexico. All of the companies operating in the Gulf of Mexico essentially go to the same insurance market to purchase their liability insurance coverage. The insurance market for offshore operations is relatively small, and prior to the Macondo well incident, we estimated the total market capacity for third-party pollution liability to be \$1.3 billion to \$1.6 billion. Following the Macondo well event, we estimate the capacity has dropped to \$1 billion to \$1.2 billion. Furthermore, the cost for the insurance coverage has increased substantially.

The market for Oil Pollution Act (OPA) coverage is an even smaller market, with total capacity of \$200 to \$300 million. While large exploration and production companies are able to certify on the basis of their balance sheet, most small and mid-sized companies are dependent on purchasing OPA coverage in the commercial insurance market.

We understand there is legislation under consideration which could significantly increase the liability cap for economic damages from the current level of \$75 million. Given the limited capacity in the energy insurance market, a material increase in the cap will eliminate insurance as an option for many exploration and production companies. Without insurance, many of the active exploration and production companies would be unable to operate in the Gulf of Mexico. This decision will affect thousands of people, their families and their local economies.

We respectfully request you give this issue careful consideration, and we are more than happy to provide supporting information on the energy insurance market providing insurance for the Gulf of Mexico.

Sincerely,

JOHN A. RATHMELL, JR.

INSURANCE INFORMATION INSTITUTE,
New York, NY, July 19, 2010.

Hon. JIM OBERSTAR,

Chairman, House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you once again for the opportunity to testify before the House Committee on Transportation and Infrastructure's June 9, 2010, hearing on the "Liability and Financial Responsibility for Oil Spills under the Oil Pollution Act of 1990 and Related Statutes."

It has recently come to my attention that my testimony may have been misinterpreted and that this misinterpretation may have influenced language in the drafting of H.R. 5629, the "Oil Spill Accountability and Environmental Protection Act of 2010." Specifically, in Section 3 of the June 29 draft, the Act would increase the minimum level of proof of financial responsibility for an offshore facility to \$1.5 billion.

The rationale for the increase to \$1.5 billion figure has been upon occasion traced back to my testimony in which I discuss the current insurable limits of liability for offshore operators. However, the \$1.5 billion figure from my testimony is a maximum available limit for third-party liability coverage for the largest of operators, not a suggested limit for certificates of financial responsibility (COFR).

On page 6 of my written testimony I state the following about limits of third-party liability coverage:

"In terms of capacity, the typical third-party liability limit purchased by large operators is approximately \$1 billion."

On page 12, I reaffirm my prior statement: "As discussed earlier in this testimony, the typical maximum available limit of third-party liability coverage in the offshore energy market today is approximately \$1 billion and with perhaps as much as \$1.2 billion to \$1.5 billion available under some circumstances."

My statement is clearly distinct from any comment on the appropriate limits for a COFR. Consequently, the use of the \$1.5 billion figure in the draft legislation is inappropriate. Indeed, there are several problems associated with adopting a \$1.5 billion proof of financial responsibility in the legislation current under consideration:

1. The \$1.5 billion figure in my testimony is for total per incident third-party liability coverage available in the private insurance market for large offshore operators. Such a figure therefore should not and cannot be construed as the necessary or available COFR limit for operators of all size;

2. Such limits are not available (or affordable) to smaller operators;

3. There is not sufficient capacity within the offshore energy insurance industry to provide \$1.5 billion in coverage limits to all operators;

4. The size of the COFR requirement should reflect the size and nature of the drilling operation, rather than applying a uniform COFR across all operators;

To summarize, imposing a \$1.5 billion proof of financial responsibility requirement on all offshore operators is not feasible. There simply does not exist anywhere near enough capacity in the insurance sector to meet such a requirement.

It has been my pleasure to provide input on this very important issue. Consequently, I hope that the clarification of my testimony provided above is of use to the Committee as it continues to consider the details of this legislation.

If you or your staff have any questions or comments, please do not hesitate to give me a call at (212) 346-5520 or to send me an email at bobh@iii.org.

Sincerely,

ROBERT P. HARTWIG,

Mr. SMITH of Nebraska. Mr. Chair, I submit the following:

LLOYD & PARTNERS LIMITED,
London, England, May 10, 2010.

Re Deepwater Horizon/Macondo Well Incident.

To Whom it May Concern:

ABOUT LLOYD & PARTNERS

Lloyd & Partners is a London and Bermuda based Major Account (complex risk) insurance broker specialising in onshore and offshore energy insurance with premiums placed annually in excess of USD1.5bn. Overall Lloyd & Partners employs over 200 people and our 40 plus strong Energy team is one of the largest and most respected teams in the London market. We arrange both Property and Liability Insurance for a wide range of Energy insureds including integrated oil companies, exploration & production companies and drilling/service contractors.

Available Liability Insurance Capacity under normal Insurance conditions (policies with normal terms and conditions)

Prior to the recent Gulf of Mexico drilling incident, worldwide third party pollution liability capacity for offshore energy operations was in excess of USD1.5bn for each insured on a 100% basis (meaning the limits scaled to an individual insured working interest in a project).

Whilst the insurance market previously attempted to limit their "clash" exposures

(where they could pick up a loss from more than one insured from the same loss) by scaling their limits to an operating group company's working interest, in the main they had previously thought of clashes between operators and contractors as the Joint Operating Agreement would have given them some comfort that only the operator would be liable for a pollution loss, the concern now is that a loss of the nature we are witnessing may result in attempts to hold all the parties responsible regardless of the provisions of the JOA.

We have therefore already seen in the market a realisation that if every party involved in the loss (operating group, drilling contractor, other service contractors—such as mud or cementing contractors—and blowout preventor manufactures) are successfully sued then the market will be exposed to a degree much larger than anticipated when committing capacity to individual insureds. This has already resulted in at least one major London energy liability insurance leader advising us that they are capping back their maximum capacity for individual insureds by a third.

At this stage it is really impossible to accurately predict what the exact impact of this loss will have on available capacity but we think it could result in a reduction of such capacity of around 15% to 30%.

Available Liability Insurance Capacity under OPA "certificates"

Where insurers are asked to provide full coverage under OPA (being strict liability with direct access to insurers and no defence of normal insurance policy terms and conditions) capacity is much more restricted than normal third party liability and we estimate available capacity would be no more than USD150mm—USD200mm.

PRICING

Prior to the recent incident the market was in a "soft" phase where rates were low as a result of oversupply of capacity, as not many insureds purchased the full available capacity (typically offshore E&P companies would have purchased on average somewhere around USD 250mm to USD 500mm in limits.)

There is not likely to be pressure from both sides of the supply and demand equation, as capacity shrinks and demand for higher limits materialises (as the recent loss highlights the potential to insureds for a loss of a magnitude higher than most are protected for) which coupled with the fact the market will be looking to recoup the loss they will have to pay out from this latest incident, is likely to result in a significant increase in offshore liability insurance premiums.

PROPOSED CHANGES TO LEGISLATION

Currently OPA provides operators of offshore facilities a limitation of USD 75mm for "Economic Claims" (loss of earnings rather than clean-up costs or property damage caused by pollution). Any significant increases in this limit will cause insureds operations in US Waters to face the prospect of significant self insurance, since (depending on the amount) the insurance market will not have sufficient capacity to provide cover for this in addition clean-up costs and third party properties damage suits).

Your sincerely,

JOHN LLOYD,
Chairman and CEO.

INDEPENDENT PETROLEUM
ASSOCIATION OF AMERICA,
Washington, DC, June 7, 2010.

Hon. BARBARA BOXER,
Chair, Environment and Public Works Com-
mittee, Dirksen Senate Building, Wash-
ington, DC.

Hon. JIM INHOFE,
Ranking Member, Environment and Public
Works Committee, Dirksen Senate Building,
Washington, DC.

DEAR SENATORS BOXER AND INHOFE: This Wednesday, the Environment and Public Works Committee will hold a hearing on S. 3305, the "Big Oil Bailout Prevention Liability Act," in response to the current oil spill crisis in the Gulf of Mexico (GOM). The Independent Petroleum Association of America (IPAA) is opposed to the proposal in its current form.

It is important to note that the tragic events surrounding the Deepwater Horizon incident in the GOM will have a significant impact on American offshore oil and gas exploration and production for years to come. Our thoughts and prayers go out to the families and communities affected by the tragedy in the Gulf of Mexico and we stand ready to help them as we move forward.

Independent producers have operated responsibly in the GOM for decades and hold roughly 90 percent of the leases, producing about 30 percent of GOM oil and more than 60 percent of GOM natural gas. GOM production represents a significant amount of energy supply for consumers all across America, and it remains an essential component of America's energy portfolio. The entire industry is dedicated to working together to protect the environment and to contain the damage from the spill. Many of our member companies have offered supplies and services; others are directly helping with the clean-up efforts.

Controlling the well and protecting the environment are the main priority of the industry today. We support President Obama's independent commission investigating the Deepwater Horizon incident. It is important that a thoughtful, thorough and timely investigation and analysis of the incident is conducted to fully understand what caused the accident and to ensure the proper, improved safety measures are identified and put into practice to prevent incidents in the future. IPAA supports the following principles to address this important issue:

1. Any company operating offshore or onshore should be fully responsible (financial and otherwise) for all clean-up efforts.
2. There must be a fund to ensure that those affected by such incidents (i.e., fishermen, tourism, local businesses, etc.) will be able to fairly recoup lost costs without being caught in fierce litigation with large corporations.
3. The oil industry, collectively, should contribute to this fund and ensure its long-term viability.

These principles are already a part of federal law in the Oil Pollution Act of 1990 (OPA 90) and the Oil Spill Liability Trust Fund (OSLTF). Changes may be needed to update out-of-date OSLTF limits with additional industry funding. However, we are strongly opposed to S. 3305 and other legislative proposals being discussed in Congress that would have negative consequences for independent producers. These changes include increasing offshore liability limits to unrealistic levels that will preclude nearly every company operating in the U.S. offshore from getting insurance to cover their operations. Without the proper insurance coverage,

there will not be independent producers with offshore exploration and production—it is that simple. These consequences are not justified based on the performance of independent producers operating in the offshore, who have an outstanding safety and environmental record.

The Congress should not make hasty decisions and advocate legislative and regulatory initiatives that will result in severe limitations to offshore drilling in the United States—consequences that can further harm the Gulf Coast economy. IPAA looks forward to working with the Committee and the entire Congress to find solutions that will allow American producers to continue to operate in the U.S. offshore and explore for the oil and natural gas that is vital to our nation's energy security.

A significant aspect of OPA 90 was the creation of a trust fund filled by crude oil taxes that is intended to be used by injured parties to compensate them for economic damages instead of requiring lengthy litigation. We support the expansion of this industry-wide fund to ensure that future costs and claims are covered and urge the Committee to work within the framework of OPA 90 before taking other actions that will impact American energy production.

The Obama Administration also recently announced a six month moratorium on any offshore drilling in water depths greater than 500 feet. The moratorium includes wellbore sidetracks and bypasses; spudding of any new deepwater wells and is designed to allow the presidential commission investigating the spill to prepare its recommendations. While we understand that many Americans are rightfully concerned about the environmental risks and the safety of offshore drilling, the federal government should methodically review this matter and follow the facts in the incident before taking actions that could impact oil and natural gas production from the offshore for years to come.

A recent analysis conducted by Wood MacKenzie predicted that the moratorium and new regulations will push back into later years 80,000 barrels a day of production scheduled for 2011. The impact of the spill becomes harder to ignore further into the decade. By 2015, Wood MacKenzie predicts stiffer federal offshore permitting and safety regulations will result in more than 350,000 barrels a day of production forecast for that year to be delayed. It is important to note, however, that these predictions assume available capacity for production in the GOM after the current moratorium is lifted. That is an issue that could be in serious jeopardy if rigs currently in the GOM are sent to various parts of the world to begin operations on other projects, and then are not available to return once the moratorium is lifted.

Congress must continue to recognize the importance of energy development in the United States. Rather than enacting legislation such as S. 3305 that will destroy the ability of independent, American oil and gas companies from exploring for energy resources in our nation's offshore areas, we need Congress to create a forward-looking, balanced energy policy that recognizes the role oil and natural gas will continue to play in our nation for years to come. Offshore oil and natural gas production creates jobs, revenues and helps stabilize energy prices for American consumers and helps reduce our reliance on energy supplies from unstable regimes across the globe.

As the facts and information surrounding the Deepwater Horizon incident come for-

ward, our nation must develop a reasonable regulatory program that will allow further offshore oil and gas exploration and production in the United States. Offshore oil and gas production must continue to be an integral part of America's energy portfolio and IPAA is dedicated to finding answers that will help us achieve that goal.

Unfortunately, the implementation of S. 3305 into law would dramatically hinder American production of oil and gas. Thank you for your attention to this matter.

Sincerely,

BRUCE VINCENT,
Chairman.

Mr. LAMBORN. Mr. Chair, I submit the following.

INDECS,
May 12, 2010.

Re Proposal to amend the Oil Pollution Act 1990 (OPA 90) and the Internal Revenue Code of 1986.

Hon. ROBERT MENENDEZ,
U.S. Senator, Senate Hart Office Building,
Washington, DC.

DEAR SIR:

EXECUTIVE SUMMARY

The energy insurance market has limited financial capacity for pollution. What protection it can offer, sees many terms and conditions contained in the language of the policies issued. These limitations can range from whether a policy covers pollution originating from a reservoir, the absence of a definition for environmental damage, the sharing of limits with other heads of claims, to whether there is negligence on the part of the entity making the claim.

Insurers' ability to issue an insurance certificate to provide a company with its evidence of financial responsibility under OPA 90 is similarly limited. Our current estimates point to a maximum insurance financial capacity of approximately US\$250 million for this exposure, with a further US\$1.5 billion subject to the exclusions mentioned above.

We detail below many of the areas that need to be considered carefully in this assessment. It is quite clear to us that the ability to transfer any increased risk to the insurance market is very constrained. The extent to which oil companies, other than the super majors, will be able to provide alternative security, must be questionable.

ABOUT INDECS

INDECS is an independent insurance consultancy with over 20 years' experience working across more than thirty countries including the USA. We assist global businesses to achieve a more effective insurance and risk management strategy. INDECS does not sell insurance, we are not a broker, but provide independent advice to our clients on their insurance and risk management needs.

THE PROPOSED BILL

We understand that two bills have been drafted, in the wake of the Deepwater Horizon catastrophe:

1. To amend the limits of liability for offshore facilities under OPA 90 from US\$75 million to US\$10 billion
2. To remove the limit of US\$1 billion expenditures from the Oil Spill Liability Trust Fund, and to permit advances to be made to the Fund

CURRENT INSURANCE PROTECTION

Under OPA 90, holders of leases or permits for offshore facilities are liable for up to US\$75 million per spill plus removal costs.

Under Section 1016 the holder was initially required to provide evidence of financial responsibility of between US\$10 million and

US\$35 million depending on whether the facility is located seaward or landward of the seaward boundary of the State. This has subsequently increased to the maximum allowed by the act of US\$150 million.

There are various methods of evidencing financial responsibility including surety bonds, guarantees, letters of credit and self insurance, but the most common and the one that is most commercially available to all is by means of an insurance certificate. The certificate issued must identify a limit not less than that required under Section 1016.

While there are certain defences under OPA 90, insurers are put in the position of being a guarantor and may not have the ability to rely on the normal general conditions of the policy. Some insurers may also consider that it imposes a more "strict liability" on the insured, and, moreover, enables claims to be made directly against the insurer in certain circumstances. They therefore treat OPA certification distinctly from other insurance that may be available for this type of risk. The potential capacity for this type of insurance, which is the broadest available specifically focusing on OPA obligations and liabilities, is approximately US\$150 to US\$250 million.

Outside the realms of strict liability and OPA, an insured will be able to obtain coverage for sudden and accidental seepage and pollution by way of its Operators Extra Expense (OEE) and Excess Liability insurances. OEE coverage provides a combined single limit for well control, well redrilling and sudden and accidental seepage and pollution and clean-up. Therefore pollution liability and clean-up cost is subject to the apportionment of this combined single limit over respective risks. In practice the limit would be made available first for control measures (i.e. hiring in specialist well control experts and, if necessary, relief well drilling), with any balance of the limit then being reserved for redrilling and pollution. It is possible to prioritise the use of the limit for compliance with OPA Financial Responsibility provisions, but this would be impractical in relation to the urgency by which oil companies will need to address the well control situation.

We consider that the OEE policy provides the widest cover and is most "user friendly" to oil companies. The pollution element of the cover responds to costs which the insured company is obligated to pay by law or under the terms of the lease/license for the cost of remedial measures or as damages in compensation for third party property damage and third party injury claims. In respect of clean-up and containment, or attempt thereof, the policy pays such costs, including where incurred to divert pollution from shore, and is not on a "liability" basis. It should be noted that there is no definition of environmental damage—claims are recoverable to the extent of damages for third party bodily injury and loss of or damage to, or loss of use of tangible property. This coverage can therefore respond on a "strict liability" basis, where the law or license agreement specifies that such remedial costs or compensation is payable if emanating from the insured's facilities, irrespective of negligence. This contrasts starkly with the coverage available under most Excess Liability policies.

Excess Liability insurance responds to all legal liabilities incurred. Sudden and accidental pollution would be included in any limit provided. In respect of pollution from wells the limit available under these policies sits excess of the OEE policy referred to

above (but is subject to its own policy form insuring conditions which are not as wide as OEE policies). In respect of pollution from hydrocarbons stored or being produced from or through facilities such as fixed and floating platforms and pipelines, the limit is from "the ground-up", or in excess of a specific local general liability policy.

Excess Liability Policy forms vary but the market "standard" coverage offers quite limited pollution cover. Some actually specifically exclude pollution from wells. Basically pollution liabilities are excluded from all policies, but within the exclusion is a limited "buy-back", which requires that the pollution event is sudden, accidental and unintended and subject to strict discovery and reporting requirements. However, and significantly, the cover excludes "... actual or alleged liability to evaluate, monitor, control, remove, nullify and/or clean-up seeping, polluting or contaminating substances to the extent such liability arises solely from any obligations imposed by any statute, rule, ordinance, regulation or imposed by contract".

We regard this wording as too draconian and would always counsel oil companies to include a specific "pollution endorsement" that overrides this phrasing and would provide legal and statutory liability coverage, including costs incurred under lease block obligations for removal. We think this distinction in cover is important as it will impact capacity. Our figure below of US\$1 to US\$ 1.5 billion is based upon insurers subscribing to the standard market cover. If an alternative wording is utilised, or the pollution endorsement used, it could have the effect of reducing capacity by about 25 to 35%.

As with the OEE policy, the coverage is geared to damages for compensation in respect of third party bodily injury and third party property loss or damage or loss of use. There is similarly no concept of "environmental damage" expressed in the policy.

INSURANCE CAPACITY

The immediate effect of the Deepwater Horizon loss is that capacity will, for a time, be fluid. Most insurers had not factored in to their risk aggregations that the net is spread very wide indeed in respect of responsible parties under OPA. They are now seeing the implications of multi party actions against operators, drilling contractors, cementing engineers and their various sub-contractors arising out of a single incident such as the "Deepwater Horizon" loss. This is because the insurance limits are available to each separate party, so will stack up if three different entities are sued.

In this context the lease block holders constitute one entity (their insurance policies may be separate covering their respective equity interests, but the capacity available is assessed upon 100% interest).

Inevitably the recent loss has increased the demand for higher limits, and has consequently affected the overall aggregate exposures to insurers. This will likely reduce the available limits in the immediate future. At least one insurer has let it be known that its capacity has reduced. Others are reviewing their positions and it is most likely that June renewals will be subject to some reduction in overall capacity. This could be between 25 and 30% reduction, affecting all above policies, except Protection and Indemnity entries. INDECS has close relationships with the Energy Insurance Market including its insurers and brokers. Based on our knowledge and these relationships we would opine that the following represents the maximum per occurrence capacity in this market currently:

OPERATORS' EXTRA EXPENSE (OEE)

The available global market capacity for the OEE cover is between US\$500 million and US\$750 million per event on 100% basis. This means that the total limit purchased is shared out between the co-owners of the lease block (the licensees) according to their equity interest in the venture (as per the Joint Operating Agreement).

In addition to this capacity, oil companies who are members of the mutual, Oil Insurance Ltd (OIL), Bermuda, (which includes a number of US based E&P companies) can claim up to a further US\$ 250 million for each companies' equity interest, limited to US\$ 750 million per event, but this limit is also applied on a combined single limit basis, inclusive not only of control of well cost and redrilling, but also property damage and wreck removal.

EXCESS LIABILITIES

The global commercial market limits available are between US\$1 billion and US\$1.5 billion per event on 100% basis (meaning that the limit is effectively reduced to reflect each of the oil companies' equity interests). This would include capacity available under any specific local general liability policy (normally limited to USD50m per event). This total would be inclusive of capacity from the Bermuda reinsurance market and specifically from Oil Casualty Insurance Ltd (OCIL), which is a sister organisation to OIL. This limit operates on an Ultimate Nett Loss basis, meaning that it must also respond to injuries and fatalities to third parties (but not employees) and to third party property damage and consequential financial loss.

One final issue to consider for the commercial market is that in the event that the pollution arises from a named hurricane there would be a sub-limit agreed in the policy, which may not be more than US\$200 million per oil company, and this would be inclusive of all insurable exposures (i.e. property damage, control of well, redrilling, wreck removal and pollution).

PROTECTION AND INDEMNITY CLUBS (P&I)

One further area that merits comment is P&I, which provides cover in respect of pollution from mobile drilling units, heavy-lift vessels, pipelaying vessels and, to the extent that they may ultimately be more widely used in the Gulf of Mexico, Floating Production, Storage and Offtake units (FPSOs).

The limit purchased is generally between US\$300 million and US\$ 500 million, but US\$ 1 billion per event is theoretically available. However, most US drilling contractors are not insured by the P and I Clubs. US drilling contractors generally rely upon commercial marine liability insurers, whose capacity would be limited to between US\$ 500 million and US\$ 750 million per event referred to above.

EFFECTS OF INCREASING THE OPA 90 LIMITS

In conclusion, if the intention is to increase the limit required under OPA90 to US\$10 billion and also the required evidence of financial responsibility to something similar, then quite simply the energy insurance market will no longer be an option. Its capacity lies far below this limit and even then has a number of restrictions contained in it which we have discussed above.

Companies, with the exception of super majors and foreign state owned companies, operating in the United States are highly unlikely to be able to provide any alternative method of financial responsibility such as bonds and lines of credit. The cost of these methods or ability to self insure these risks

will far exceed their capabilities, preventing their management from fulfilling their fiduciary liability and presenting a barrier to acquiring new or even servicing existing permits in the future.

If we have understood the proposals correctly, then it would appear to us that the proposed Bill will not act as “Big Oil Bailout Prevention Liability Act of 2010”, rather making it impossible for anyone other than “Big Oil” to operate.

Yours sincerely,

PAUL KING,
Director.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise to speak on H.R. 3534, the Consolidated Land, Energy and Aquatic Resources (CLEAR) Act.

I would like to recount the facts of April 30th, 2010 for this House and the American people. First, let us remember the names of the eleven brave men who tragically lost their lives in the Deepwater Horizon explosion:

1. Jason Anderson, 35;
2. Aaron Dale Burkeen, 37;
3. Donald Clark, 34;
4. Stephen Curtis, 39;
5. Gordon Jones, 28;
6. Roy Wyatt Kemp, 27;
7. Karl Klepping, 38;
8. Blair Manuel, 56;
9. Dewey Revette, 48;
10. Shane Roshto, 22; and
11. Adam Weise, 24.

What the eleven names do not reveal is that there are families with children, widows, and many other family members who are still mourning the loss of their loved ones. I believe we have a moral obligation to remember all of the lives affected by the loss of these eleven dedicated oil rig workers. They were tough workers, but also gentle fathers, brothers, husbands, as well as friends to many. Congress must always consider how to best protect American lives, and in doing so protect the safety of the American oil industry worker. In addition to the lives lost, every individual, business and community adversely affected by the oil spill must be taken into account as we consider legislative responses. Unfortunately, now with more than 92 million estimated gallons of oil spilled and the fishing, tourism, boating, shrimping industries, and the oil industry itself brought to a grinding halt, we can anticipate other losses.

This tragedy begs the American people to act to promote safety, spur technology, and to protect people in the Gulf Region. We owe it to them to provide the kind of protection and legal framework that will ease their minds, and help them receive what they are entitled to through the claims process. Unfortunately, the original claims system was an abomination with numerous claims unresolved, unpaid and ignored. BP has received many claims and has issued many statements and reports, but the fact of the matter is they have not delivered on those early promises. We must make sure that they do what is right, and meet their financial obligations to the many claimants still waiting to reconstruct their lives and livelihoods.

The urgency of the energy situation in our country calls for immediate action by Congress in developing a national energy policy. I would have fully supported targeting the cul-

prits in the Gulf oil spill and getting the Gulf region back on track, as long as we also develop effective policies to ensure that we set a high bar of expectations for these companies in a system based on culpability. The people in the Gulf region need to be assured that we will preserve their way of life, while ensuring that their best interests are taken to heart. Their jobs must be restored and preserved for future generations who may want a livelihood in the oil and gas industry. I do not believe you can graft a broader national energy policy for the future onto a bill meant primarily to address the myriad of complex issues currently facing the energy industry.

Regarding the Remedies Act, on July 1, 2010, I introduced a bill to address some of the larger issues raised by oil spill related developments in the Gulf of Mexico. Although a pronouncement of the issue, I believe it captures the most substantive matters. I have tried to adapt some of the provisions of that bill as amendments to the CLEAR Act, to try and make a weak bill better.

I introduced an amendment under which applicants for permits to drill in the Gulf of Mexico will be required to have spill prevention, mitigation, and recovery plans that are vetted by impartial experts, rather than rubber stamped by industry friendly regulators; the amendment would also require that there be legitimate, effective back-up plans in case the first response is ineffective. Another of my amendments would allow the Secretary of Homeland Security to establish, immediately, an independent claims process for those whose property and livelihoods have been damaged by oil spills much like the process only now being set up under Special Master Feinberg. Finally, I am proud to cosponsor Representative TEAGUE'S (NM-2D) amendment, introduced the same Amendment which will allow several small companies working together in joint venture and partnerships to pool their financial resources for the necessary Certificate of Oil Field Responsibility, the price of admission to work in the Gulf. Without the option of pooling their resources, or joint insurance, independent oil companies will be driven from the Gulf, leaving it the province of only three or four massive, multinational oil companies. If we can not preserve the independent oil companies, responsible for 80 percent of the drilling in the Gulf and 30 percent of the oil, then we are likely to doom an industry that is one of the most prolific job generators in the nation, particularly at a time when job creation in most American industries is stagnant or minimal at best.

We must also take into consideration the importance of the environment as it relates to our national energy policy and the quality of life in the Gulf and the rest of the country, not to mention the rest of the globe. We have no idea what the long-term impact of the Gulf oil spill will be, as we are just beginning to understand the issues of connectivity related to the environment and ecological system. When birds nest in polluted wetlands and migrate to other parts of the U.S. and the globe, what impact might their exposure to oil have on the environmental quality of the environment in that part of the world?

There are many complicated questions that we must answer before we proclaim that we

have a solution to protecting the environment to massive oil spill in one bill. It is impossible to accomplish, and at best any environmental strategy is merely a band-aid approach rather than the comprehensive environmentally policy we need to consider. For example we really need a major direct clean-up fund, and we have to provide for environmental inspections. I urge a sense of immediacy as it relates to the environment and to protect the people of the Gulf from the long-term health consequences of the spill.

As a person who has lived in, worked in, and knows the Gulf region well, I see the vibrant mixture of businesses there, from fishermen to oil workers, who represent the quintessential hardworking American. These Americans deserve applause for their contribution to our productivity. We owe it to them to demand of the oil companies the same high level of excellence that these hardworking men and women have demonstrated. We must provide for appropriate penalties for safety violations and breaches of compliance, while recognizing the importance of the industry to job creation and job growth. As we did in this tragic incident, we must come down hard on BP, but not eliminate them from the picture, lest the whole industry be penalized.

There are some good things in this bill, although some of my ideas were not adopted as part of the manager's amendment. For example, one amendment would have required that businesses applying for permits to drill and produce crude oil in the Gulf of Mexico submit detailed spill mitigation and recovery plans as part of the permitting process. Not only must they have recovery plans, but they will be required to have backup plans, in case their first response fails. Additionally, those plans must be vetted by impartial experts, rather than rubber-stamped by insufficiently vigilant regulators.

Most important Representative TEAGUE'S amendment, which I cosponsored, will prevent small, independent oil companies from being driven out of the Gulf of Mexico. The problem with the current requirements for the Certificate of Oil Field Responsibility (COFR) is that smaller operators will be unable to establish the \$300 million necessary COFR to even begin exploration and development. By allowing smaller companies—who frequently work together in joint ventures—to pool their resources for COFR purposes, we will prevent the Gulf from becoming the exclusive province of companies big enough to self-insure, and allow the small businesses of the Gulf Coast communities to continue to provide jobs and drive our economy.

Again, Mr. Chair, my central concern is that we promote job creation, ensure long term investment and fiscal discipline, guarantee safety, focus on the industry and accountability as we work to craft an effective energy policy, and utilize energy related to fossil fuels in a more responsible way, while we continue to make investments in research and development, rather than pitting industries against each other.

We just witnessed the development of a prescriptive policy related to the coal industry, as a result of a tragedy with the mines in West Virginia. That legislative business model is a useful example of how we can develop energy

policy related to oil. We must also continue to promote new forms of green energy, while we keep our promise to the American people to protect jobs in the oil and gas industry.

Unfortunately, our job is made very difficult when we see major global energy companies and domestic industry excluded from a sensible national energy policy. We must promote a strong process that will help us deliver on these promises, both to the stakeholders and to the American people. Everyone needs to buy-in to a national energy policy in order for it to be successful.

Let me say that we must establish a seamless energy policy that all sectors of the energy industry can support, cementing the United States in the energy industry as the most independent producer globally, while making it the world's leader in green energy.

Mr. Chair, I look forward to working with my Colleagues on this approach to America's energy future. In addition, I strongly support the Buy America Provision in the bill and the American Worker Provision. As the CLEAR Act moves to the Senate, we must remember the interests of the communities of the Gulf Coast, and of all those affected by the devastation of the oil spill. We must remain committed to protecting lives, protecting jobs and protecting the environment.

Mr. MCNERNEY. Mr. Chair, I rise to express my support for H.R. 3534. The spill in the Gulf is a tragedy, and this important bill will help prevent future disasters. H.R. 3534 improves safety, prevents ethical misconduct at federal agencies, and closes royalty loopholes enjoyed by the oil and gas industry.

Some important provisions of H.R. 5626, the Blowout Prevention Act, are also included in H.R. 3534. I am disappointed, however, that the legislation before us today does not include a section of H.R. 5626 that authorizes the creation of expert review panels to provide technical advice on regulatory decisions. During committee consideration of H.R. 5626, I offered an amendment to clarify that experts serving on such panels can be drawn from diverse backgrounds, including industry, national laboratories, and academia.

I would like to note the particular importance of utilizing the expertise available at America's national laboratories. I am familiar with the work of the labs and the talents of lab employees through my personal experience working as a contractor at Sandia National Laboratories. Northern California is also the location of three national laboratories that employ a number of my constituents.

Following the tragic explosion of the Deepwater Horizon, employees of the national laboratories were quickly deployed to the Gulf. The Department of Energy estimates that more than 200 lab employees have been involved in crisis response operations. The labs have provided an array of services such as developing pressure measurements and radiographic imaging of the blowout preventer. Lab employees have also provided technical services such as conducting flow and resistance calculations, evaluating pressure data, and providing independent analysis of BP's plans.

The national labs have a tremendous amount of technical expertise that can help our country prevent future spills and better respond if an unfortunate incident occurs. I look

forward to working with members of both parties to incorporate the labs into future legislation.

Mr. VAN HOLLEN. Mr. Chair, I rise in strong support of today's oil spill response legislation, and I commend Chairmen RAHALL, MILLER, WAXMAN, OBERSTAR and CONYERS for bringing this package to the floor today.

The Consolidated Land, Energy and Aquatic Resources (CLEAR) Act corrects a number of major defects in current law that have come to light in the Deepwater Horizon disaster. First, and most importantly, it ensures BP—not the taxpayer—is held responsible for the full cost of the cleanup. Second, it strengthens offshore drilling standards and requires independent certification of critical safety equipment. Third, it provides desperately needed reform to the scandal ridden Mineral Management Service by separating its permitting, inspection and collection functions. Fourth, it eliminates royalty loopholes that allow oil companies to shortchange taxpayers when extracting resources from public lands. And finally, it makes good on a 45 year old promise to fully fund the Land Water and Conservation Fund so that Americans can enjoy our Nation's natural, historical and recreational resources for generations to come.

The Offshore Oil and Gas Worker Whistleblower Act (H.R. 5851) complements today's package by extending whistleblower protections to oil rig workers on the Outer Continental Shelf. Specifically, employers would be prohibited from discharging or otherwise discriminating against employees who report injuries, unsafe working conditions or alleged violations of the Outer Continental Shelf Lands Act. Had these protections been in place, the Deepwater Horizon workers with serious safety concerns about the operation of their rig could have had more confidence about coming forward prior to the explosion.

Mr. Chair, today's legislation is an important and necessary part of our Nation's response to the Deepwater Horizon disaster. I urge a yes vote and yield back the balance of my time.

Mr. MORAN of Virginia. Mr. Chair, I rise in support of the Consolidated Land, Energy and Aquatic Resources or "CLEAR" Act (H.R. 3534).

This measure will impose long overdue reforms in the way the federal government regulates oil and gas drilling operations off our coast.

Something the industry and their allies in Congress have long opposed.

The explosion of Deepwater Horizon and the uncontrolled flow of oil into the Gulf of Mexico render this opposition moot.

The American public has witnessed an ecological and economic catastrophe the likes of which this country has never seen nor should ever have to see again.

It has seen a company in the interest of boosting profits cut corners and take shortcuts that resulted in the death of 11 workers, a Gulf community in dire economic straights and untold loss of marine and animal life.

It has seen a weak regulatory system rubber stamp drilling permits, approving most in less than twenty-four hours and never reading or realizing the response plans to a blowout were fiction.

How else could it accept plans to save walrus in the Louisiana bayous and Alabama beaches?

More than 300 million gallons of crude oil have spilled into the Gulf of Mexico before the wellhead was finally capped.

Even if the cap holds and relief wells secure and permanently plug the well, the region will still have to deal with the millions of gallons of oil spread throughout the Gulf and along hundreds of miles of shoreline as the peak hurricane season approaches.

It will take decades for the region to recover.

It was a disaster waiting to happen and one we may now finally have the tools to prevent from occurring again.

Reforms that were once thought impossible are now before this House today.

This bill revamps the oil and gas royalty collection program, repeals liability limits on economic damages, separates the apparent conflict of interest between the federal government's royalty collection, leasing and enforcement offices, imposes new procedures for use of chemical dispersants, and mandates that the oil and gas industry include a worst-case scenario for oil spill response plans.

But now some claim this bill is "overreach," that it goes beyond what is needed to address the failures of the industry and the regulatory agency.

In addition to reform of our offshore oil and gas leasing program, this bill breathes new life into a commitment proposed by John F. Kennedy and signed into law by Lyndon Johnson to take a share from a diminishing public resource, our offshore oil and gas reserves, and use the funds to conserve and protect natural resources onshore.

LWCF was a good idea then and remains a good and popular idea today.

Since its inception, millions of acres of land has been conserved and are in use today by the public. They are portions of our national parks, wildlife refuges, national forests and state and local parks and recreation areas.

They are responsible for saving endangered species from extinction, protecting fresh sources of drinking water for millions of Americans, and protecting valuable historic properties and landscapes from destruction.

Unfortunately, the federal commitment has fallen short of the goal.

In recent years, we have underfunded our commitment to the Land and Water Conservation Fund.

Over the past ten years, its funding level has been erratic, \$672 million in fiscal 2001 and \$253 million in fiscal 2007, but never at its authorized level of \$900 million.

This bill imposes a \$2 per barrel fee on oil extracted from the public's waters to allow us to fully fund the Land and Water Conservation Fund and not add to the federal budget deficit.

It would then ensure that the program is funded at \$900 million annually. The additional funds this legislation will release will:

1. Ensure that areas protected by Congress can be more effectively and efficiently managed. LWCF provides for inholdings with high biological, historical or recreational values. These lands are available for a limited time before they're developed. Sufficient LWCF funding ensures agencies can take advantage

of these opportunities. Real estate prices are lower now, ensuring more land can be purchased with each dollar invested.

2. Improve management by reducing fire danger and through other means. It allows access to these areas to perform important wildlife habitat management and facilitate public recreation. Fire danger, public safety and other threats are reduced, and hunting, fishing, wildlife watching and other recreation is improved and protected.

3. Ensure public access and quality recreation that has a substantial economic impact. The Outdoor Industry Association estimates that active outdoor recreation contributes \$730 billion annually to the U.S. economy, supports nearly 6.5 million jobs across the U.S., generates \$49 billion in annual national tax revenue, and produces \$289 billion annually in retail sales and services.

4. Ensure efficient management and cost savings. 80 percent of lands acquired with LWCF funds lie within the existing boundaries of federal parks, refuges, forests, or recreation areas. When land management agencies purchase inholdings, internal boundary line surveying is reduced, as well as right-of-way conflicts and special use permits. Agencies generally tend to avoid acquisitions with burdensome infrastructure improvements that require significant capital investments. An added parcel generally does not increase management presence; rather, management is usually just absorbed within existing stewardship costs.

A recent national bipartisan poll shows strong support for the continued use of oil and gas fees for land and water protection and for fully funding the LWCF at \$900 million annually.

An overwhelming majority of voters—86 percent—support committing funds from offshore drilling fees to LWCF (up 5 percent from June 2009). (Poll conducted by Public Opinion Strategies and FM3)

Many local communities are strong supporters of federal LWCF expenditures due to the economic benefits that accrue through recreational tourism and the additional visitation that occurs with improved public access and recreation opportunities.

LWCF protects places where people love to go, from famed national parks to historic sites, to local parks that ensure recreation. LWCF supports recreational access such as trailheads and river put-ins—that allow hunters, fishermen, mountain bikers, hikers and boaters to access America's recreation lands.

LWCF enjoys broad congressional support. LWCF has benefited every state and every congressional district. LWCF has enjoyed longstanding, widespread support not just among conservation champions but also among fiscal conservatives and many minority members. Over the past five years, letters urging the Appropriations Committee to provide major increases to LWCF have been signed by a total of 36 Blue Dogs and 43 Republicans.

This is a way to fulfill the vision first stated by President Eisenhower and what our constituents still support today.

Support the CLEAR Act.

Mr. QUIGLEY. Mr. Chair, I rise today in support of the CLEAR Act, one of the most important measures we will pass this week, and perhaps, this Congress.

It has been said that with great adversity comes great opportunity—today, we are presented with great opportunity.

We are presented with the opportunity to ensure that what happened in the Gulf never happens again.

We are presented with the opportunity to ensure that we have the tools and the means to clean the Gulf Coast and make whole those whose very livelihoods are threatened by this disaster.

We are presented with the opportunity to ensure that our children are able to enjoy the great lands and waters of our lifetime.

I offered two amendments to the CLEAR Act that sought to shift our OCS policy from a presumption of oil and gas extraction, to focus on protection of the environment as our primary concern.

Additionally, the amendments required the Secretary to consider geographical, geological, and ecological characteristics of OCS areas before drilling, not after.

Ultimately, this bill does move us toward that goal—from an emphasis on the bottom line to a clear focus on our future.

I urge my colleagues to support the CLEAR Act.

Mr. LEVIN. Mr. Chair, I rise in strong support of the Consolidated Land, Energy and Aquatic Resources Act.

It is often said that experience is the best teacher. Unfortunately, it often seems that experience is the only teacher when it comes to developing common sense safeguards to prevent oil spills. As I speak, at least 800,000 gallons of oil has spilled from a pipeline into the Kalamazoo River in my home state of Michigan. We are just a few days into this crisis, but surely this accident could have been prevented.

In 1989, the *Exxon Valdez* ran aground in Alaska and spilled 11 million gallons of crude oil into Prince William Sound, fouling hundreds of miles of pristine coastline. In the months that followed, Congress responded by approving the Oil Pollution Act that strengthened the Federal Government's role in oil spill response and cleanup in the case of oil tankers. Among its many provisions, the Act required vessels carrying oil and operating in U.S. waters to have double hulls to prevent further accidents of this type. The law has been a success, but the damage to Alaska's environment was done.

We are more than 100 days into the oil spill crisis in the Gulf of Mexico. To date, between 90 million and 180 million gallons of oil has been released into the environment. The BP Deepwater Horizon spill might have been prevented if there had been some basic drilling safety standards in place, and if there had been effective oversight of BP's actions as it was drilling the well. We are creating these standards today with this bill.

The CLEAR Act before the House establishes new safety standards for offshore oil drilling. The legislation reforms the Federal Government's oversight of offshore drilling operations, holds BP and other oil companies accountable, and ensures that polluters pay the full cost of damage caused by the spills they create.

Experience is, indeed, the best teacher. But when it comes to preventing future oil spills,

an ounce of prevention is worth a pound of cure. I urge passage of the CLEAR Act.

Mr. LANGEVIN. Mr. Chair, I rise in strong support of H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources (CLEAR) Act and H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act. Over 100 days ago, millions of gallons of oil began spilling into the Gulf Mexico after an explosion on a BP deepwater drilling rig, which tragically killed eleven workers. In the months since this accident, the Committees of jurisdiction in the House of Representatives have held numerous hearings to determine what went wrong and how to prevent similar disasters in the future. I believe both the CLEAR Act and Whistleblower Protection Act take critical steps to properly reform our oil and gas drilling policies, as well as to protect the safety of oil and gas workers.

This comprehensive legislation will end years of misaligned priorities at the Minerals Management Service (MMS) at the Department of the Interior (DOI) by dividing its responsibilities into three different departments: the Bureau of Energy and Resource Management to manage leasing and permitting; the Bureau of Safety and Environmental Enforcement to police health and safety regulations; and the Office of Natural Resource Revenue to collect the American people's energy revenues earned on public lands. The bill further addresses misconduct by the MMS by implementing strong "revolving door" provisions that would ban MMS employees from accepting employment with oil and gas companies for two years.

The CLEAR Act imposes strong new safety standards for offshore drilling, including increased inspections, stricter penalties for safety violations, and independent certifications of critical equipment. I am also pleased that this comprehensive legislation includes many provisions of legislation which I cosponsored after the spill; including the elimination of the liability limit on oil companies, subpoena power to enable the President's bipartisan Commission to fully investigate the Deepwater Horizon spill, and the establishment of a Gulf of Mexico Restoration Program.

Additionally, this bill will use the revenues received from energy development to provide full funding to the Land and Water Conservation Fund (LWCF) and the Historic Preservation Fund (HPF), both of which contribute greatly to conservation efforts and open space preservation in Rhode Island.

In addition to the modifications included in the CLEAR Act, it is vitally important to the workers in our country to ensure that they have access to safe working conditions, and when they do not, have the opportunity to report their concerns without fear of retribution. The Offshore Oil and Gas Worker Whistleblower Protection Act would strengthen whistleblower protections for oil and gas workers by prohibiting an employer from discriminating against an employee who reports a violation or testifies about an alleged violation. It also establishes a process for an employee to appeal an employer's retaliation by filing a complaint with the Secretary of Labor.

I have long said that our nation cannot drill its way out of our energy crisis. We can no longer sit idly by as greenhouse gas emissions increase, our ecosystem is harmed, and

our public health deteriorates from increased pollution. It is long past time that our nation moves away from our reliance on fossil fuels, both foreign and domestic, and invests in renewable energy and energy efficient technologies. While I do not believe we needed any more evidence to move in this direction, it is my hope that we will learn from this tragedy and seek better and safer solutions that will preserve our ecosystem and protect the health and lives of our citizens by passing a comprehensive clean energy jobs bill, such as the American Clean Energy and Security (ACES) Act. But as we continue to move towards clean energy, I urge my colleagues to support both H.R. 3534 and H.R. 5851 to make vast improvements to our nation's domestic energy development and protect workers who put safety first.

Mr. FARR. Mr. Chair, BP's Deepwater Horizon oil disaster is the worst environmental catastrophe in United States history.

Change must be made for the future of our ocean, and they must be made now. Today, by voting yes to CLEAR, we can at last revolutionize our approach to how we use our ocean and coastal resources.

I am a fifth generation Californian who represents one of the most majestic meetings of land to sea in the world. My district encompasses the Monterey Bay National Marine Sanctuary, which spans of 276 miles of shoreline and is the largest marine sanctuary in the system. It is home to one of Earth's most diverse marine ecosystems, making it a nationally recognized center for marine science. For these reasons and many more, I have been entrenched in ocean policy reform since I served in the California State Legislature over two decades ago.

The National Oceans Conference, which took place in Monterey in 1998, kick-started a nationwide movement to review the status of our ocean resources. I helped pass the Oceans Act of 2000 to establish the U.S. Commission on Ocean Policy and formed the House Oceans Caucus to promote ocean issues and advance recommendations by the commission.

Since the 108th Congress I have introduced the Ocean Conservation, Education, and National Strategy for the 21st Century Act (Oceans-21) to establish a comprehensive National Ocean Policy, create a regional ocean governance structure, and setup a trust fund for the ocean. In addition, since the president established his Interagency Ocean Policy Task Force over a year ago, I have pressed the Administration to come forth with a strong National Ocean Policy. As you know, a few weeks ago President Obama demonstrated his commitment to the ocean health by signing an executive order that establishes a comprehensive, integrated National Policy for the stewardship of our ocean and coasts.

Today, my hard work on behalf of the ocean and its resources culminates in this oil spill response package. I am proud to say the Act sets forth both a regional ocean governance structure and an ocean trust fund that are central components of my Oceans-21 legislation. The CLEAR Act makes the necessary reforms needed for the health and sustainability of our ocean and it, coupled with the President's recent executive order, realizes the policies and principles of Oceans-21.

In short, with the passage of CLEAR, our ocean is better positioned for future sustainable management, protection, conservation and resiliency than ever before.

It is important to take a moment to note just how monumental it is that CLEAR contains a provision that will create a new trust fund for the ocean. A fund for the ocean has been recommended for years by leading voices in ocean management, including the U.S. Commission on Ocean Policy, the Pew Oceans Commission and my Oceans-21 legislation. Finally, funds raised from drilling in our ocean will go toward protecting and improving our ocean. We generate a great deal of revenue and benefits from the ocean and coasts; however, we reinvest only a fraction of the benefits we receive back into those resources.

We devalue our ocean and coasts each day that we continue to fail to invest in them, and today we can change that.

I am proud that my many years of hard work for the ocean are producing real results. It is high time we step up to protect ocean health just as we have done in the past for clean air and clean water. Today we must support the president and his recently enacted National Ocean Policy by enacting strong policies and regulations for our ocean.

As I said, leadership is about getting results, and the only way to get results for the ocean today is to vote aye to H.R. 3534.

Mr. LARSEN of Washington. Mr. Chair, I rise today to speak in support of H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources (CLEAR) Act.

The Deepwater Horizon oil spill is the worst environmental catastrophe that our nation has ever faced. Unfortunately, this human and environmental catastrophe revealed many shortcomings in our current oil spill pollution and response laws.

Today's vote on the CLEAR Act is an important step towards strengthening our nation's oil spill response and prevention laws. The CLEAR Act contains three critical provisions for which I have advocated.

First, this legislation ensures that oil companies will be responsible for 100% of the cost of cleaning up their mess, and every penny of the damages they cause to Americans. The current liability cap of \$75 million has proven to be grossly inadequate to cover the damage caused by a major offshore oil spill.

Second, immediately following the spill, President Obama and Secretary Salazar took immediate steps to reform the troubled Minerals Management Service (MMS). This legislation codifies those changes to prevent conflicts of interest.

Third, the bill puts in place safety regulations to reduce the risk of catastrophic spills. It requires new regulations on well designs, including blowout preventers, and requires a third party to certify safety plans.

I have concerns, however, regarding the bill's "Requirement of Certification for Responsible Stewardship," which makes the issuance of new Outer Continental Shelf leases contingent on a company avoiding citations from the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA). I strongly support efforts to protect worker safety in our nation's oil and gas industry and have cosponsored the Pro-

tect America's Workers Act to give OSHA the tools it needs to enforce rigorous worker safety laws. I believe that strengthening OSHA and EPA authorities is a more effective way to improve worker safety than threatening oil companies with the loss of revenue from OCS drilling, and I am committed to working with my colleagues in the House to strengthen worker safety in the oil and gas industry.

As a representative from the Puget Sound, I understand how devastating an oil spill would be to a coastal region. I want to do everything possible to prevent an oil spill from occurring in Puget Sound and other areas of the country.

I am committed to continuing to investigate the impacts of this massive environmental disaster and examining the best ways to ensure any future offshore drilling will live up to oil companies' claims of safety and reliability.

Mr. RAHALL. Mr. Chair, I submit an exchange of letters between the Committee on Natural Resources and the Committee on Ways and Means concerning H.R. 3534.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 13, 2010.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

DEAR NICK RAHALL: I am writing to you concerning the jurisdictional interest of the Committee on Ways and Means in your amendment in the nature of a substitute to H.R. 3534, the "Consolidated Land, Energy, and Aquatic Resources Act of 2010."

Rule X of the Rules of the House of Representatives provides that the Committee on Ways and Means has jurisdiction over "revenue measures generally." Section 802 of H.R. 3534, as amended, raises revenue by imposing a fee of \$2 per barrel of oil and 20 cents per million BTU of natural gas produced on Federal onshore and offshore lands. As a result, Section 802 of H.R. 3534, as amended, is within the jurisdiction of the Committee on Ways and Means.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of H.R. 3534, as amended. However, I agree to waive consideration of this bill with the understanding that this does not in any way prejudice the Committee on Ways and Means and its jurisdictional prerogatives on H.R. 3534 or similar legislation.

Further, the Ways and Means Committee reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Ways and Means for the appointment of conferees on H.R. 3534 or similar legislation. I also ask that a copy of this letter and your response be included in the Congressional Record during consideration of this bill by the House.

Thank you for your consideration in this matter.

Sincerely,

SANDER M. LEVIN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, September 15, 2010.

Hon. SANDER M. LEVIN,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter indicating the Committee on Ways and Means' jurisdictional interests in certain provisions of the amendment in the nature of a substitute to H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2010.

I acknowledge your jurisdictional interests in the bill. I appreciate your willingness to forego seeking a sequential referral of the legislation and understand that this action will in no way waive your Committee's jurisdictional interests or serve as a precedent for future referrals. I also understand that you reserve the right to seek to have conferees named from the Committee on Ways and Means on these provisions, and would support such a request if it were made.

A copy of our respective letters regarding H.R. 3534 will be entered into the Congressional Record.

Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am
Sincerely,

NICK J. RAHALL II,
Chairman, Committee on Natural Resources.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute printed in part A of House Report 111-582. The amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 3534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Consolidated Land, Energy, and Aquatic Resources Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—CREATION OF NEW DEPARTMENT OF THE INTERIOR AGENCIES

Sec. 101. Bureau of Energy and Resource Management.
Sec. 102. Bureau of Safety and Environmental Enforcement.
Sec. 103. Office of Natural Resources Revenue.
Sec. 104. Ethics.
Sec. 105. References.
Sec. 106. Abolishment of Minerals Management Service.
Sec. 107. Conforming amendment.
Sec. 108. Outer Continental Shelf Safety and Environmental Advisory Board.

TITLE II—FEDERAL OIL AND GAS DEVELOPMENT

Subtitle A—Safety, Environmental, and Financial Reform of the Outer Continental Shelf Lands Act

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. National policy for the Outer Continental Shelf.
Sec. 204. Jurisdiction of laws on the Outer Continental Shelf.
Sec. 205. Outer Continental Shelf leasing standard.
Sec. 206. Leases, easements, and rights-of-way.
Sec. 207. Disposition of revenues.
Sec. 208. Exploration plans.
Sec. 209. Outer Continental Shelf leasing program.
Sec. 210. Environmental studies.
Sec. 211. Safety regulations.
Sec. 212. Enforcement of safety and environmental regulations.
Sec. 213. Judicial review.
Sec. 214. Remedies and penalties.
Sec. 215. Uniform planning for Outer Continental Shelf.
Sec. 216. Oil and gas information program.
Sec. 217. Limitation on royalty-in-kind program.
Sec. 218. Restrictions on employment.
Sec. 219. Repeal of royalty relief provisions.
Sec. 220. Manning and buy- and build-American requirements.
Sec. 221. National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.
Sec. 222. Coordination and consultation with affected State and local governments.
Sec. 223. Implementation.

Subtitle B—Royalty Relief for American Consumers

Sec. 241. Short title.
Sec. 242. Eligibility for new leases and the transfer of leases.
Sec. 243. Price thresholds for royalty suspension provisions.

TITLE III—OIL AND GAS ROYALTY REFORM

Sec. 301. Amendments to definitions.
Sec. 302. Compliance reviews.
Sec. 303. Clarification of liability for royalty payments.
Sec. 304. Required recordkeeping.
Sec. 305. Fines and penalties.
Sec. 306. Interest on overpayments.
Sec. 307. Adjustments and refunds.
Sec. 308. Conforming amendment.
Sec. 309. Obligation period.
Sec. 310. Notice regarding tolling agreements and subpoenas.
Sec. 311. Appeals and final agency action.
Sec. 312. Assessments.
Sec. 313. Collection and production accountability.
Sec. 314. Natural gas reporting.
Sec. 315. Penalty for late or incorrect reporting of data.
Sec. 316. Required recordkeeping.
Sec. 317. Shared civil penalties.
Sec. 318. Applicability to other minerals.
Sec. 319. Entitlements.
Sec. 320. Limitation on royalty in-kind program.

TITLE IV—FULL FUNDING FOR THE LAND AND WATER CONSERVATION AND HISTORIC PRESERVATION FUNDS

Subtitle A—Land and Water Conservation Fund

Sec. 401. Amendments to the Land and Water Conservation Fund Act of 1965.

Sec. 402. Extension of the Land and Water Conservation Fund.

Sec. 403. Permanent funding.

Subtitle B—National Historic Preservation Fund

Sec. 411. Permanent funding.

TITLE V—GULF OF MEXICO RESTORATION

Sec. 501. Gulf of Mexico restoration program.
Sec. 502. Gulf of Mexico long-term environmental monitoring and research program.
Sec. 503. Gulf of Mexico emergency migratory species alternative habitat program.

TITLE VI—COORDINATION AND PLANNING

Sec. 601. Regional coordination.
Sec. 602. Regional Coordination Councils.
Sec. 603. Regional strategic plans.
Sec. 604. Regulations and savings clause.
Sec. 605. Ocean Resources Conservation and Assistance Fund.
Sec. 606. Waiver.

TITLE VII—OIL SPILL ACCOUNTABILITY AND ENVIRONMENTAL PROTECTION

Sec. 701. Short title.
Sec. 702. Repeal of and adjustments to limitation on liability.
Sec. 703. Evidence of financial responsibility for offshore facilities.
Sec. 704. Damages to human health.
Sec. 705. Clarification of liability for discharges from mobile offshore drilling units.
Sec. 706. Standard of review for damage assessment.
Sec. 707. Information on claims.
Sec. 708. Additional amendments and clarifications to Oil Pollution Act of 1990.
Sec. 709. Americanization of offshore operations in the Exclusive Economic Zone.
Sec. 710. Safety management systems for mobile offshore drilling units.
Sec. 711. Safety standards for mobile offshore drilling units.
Sec. 712. Operational control of mobile offshore drilling units.
Sec. 713. Single-hull tankers.
Sec. 714. Repeal of response plan waiver.
Sec. 715. National Contingency Plan.
Sec. 716. Tracking Database.
Sec. 717. Evaluation and approval of response plans; maximum penalties.
Sec. 718. Oil and hazardous substance clean-up technologies.
Sec. 719. Implementation of oil spill prevention and response authorities.
Sec. 720. Impacts to Indian Tribes and public service damages.
Sec. 721. Federal enforcement actions.
Sec. 722. Time required before electing to proceed with judicial claim or against the Fund.
Sec. 723. Authorized level of Coast Guard personnel.
Sec. 724. Clarification of memorandums of understanding.
Sec. 725. Build America requirement for offshore facilities.
Sec. 726. Oil spill response vessel database.
Sec. 727. Offshore sensing and monitoring systems.
Sec. 728. Oil and gas exploration and production.
Sec. 729. Leave retention authority.
Sec. 730. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Repeal of certain taxpayer subsidized royalty relief for the oil and gas industry.

Sec. 802. Conservation fee.
 Sec. 803. Leasing on Indian lands.
 Sec. 804. Outer Continental Shelf State boundaries.
 Sec. 805. Liability for damages to national wildlife refuges.
 Sec. 806. Strengthening coastal State oil spill planning and response.
 Sec. 807. Information sharing.
 Sec. 808. Limitation on use of funds.
 Sec. 809. Environmental review.
 Sec. 810. Federal response to State proposals to protect State lands and waters.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) **AFFECTED INDIAN TRIBE.**—The term “affected Indian tribe” means an Indian tribe that has federally reserved rights that are affirmed by treaty, statute, Executive order, Federal court order, or other Federal law in the area at issue.

(2) **COASTAL STATE.**—The term “coastal State” has the same meaning given the term “coastal state” in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) **DEPARTMENT.**—The term “Department” means the Department of the Interior, except as the context indicates otherwise.

(4) **FUNCTION.**—The term “function”, with respect to a function of an officer, employee, or agent of the Federal Government, or of a Department, agency, office, or other instrumentality of the Federal Government, includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, and responsibilities.

(5) **IMPORTANT ECOLOGICAL AREA.**—The term “important ecological area” means an area that contributes significantly to local or larger marine ecosystem health or is an especially unique or sensitive marine ecosystem.

(6) **INDIAN LAND.**—The term “Indian land” has the meaning given the term in section 502(a) of title V of Public Law 109–58 (25 U.S.C. 3501(2)).

(7) **INDIAN TRIBE.**—The term “Indian tribe” has the same meaning given the term “Indian tribe” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) **MARINE ECOSYSTEM HEALTH.**—The term “marine ecosystem health” means the ability of an ecosystem in ocean and coastal waters to support and maintain patterns, important processes, and productive, sustainable, and resilient communities of organisms, having a species composition, diversity, and functional organization resulting from the natural habitat of the region, such that it is capable of supporting a variety of activities and providing a complete range of ecological benefits. Such an ecosystem would be characterized by a variety of factors, including—

(A) a complete diversity of native species and habitat wherein each native species is able to maintain an abundance, population structure, and distribution supporting its ecological and evolutionary functions, patterns, and processes; and

(B) a physical, chemical, geological, and microbial environment that is necessary to achieve such diversity.

(9) **MINERAL.**—The term “mineral” has the same meaning that the term “minerals” has in section 2(q) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(q)).

(10) **NONRENEWABLE ENERGY RESOURCE.**—The term “nonrenewable energy resource” means oil and natural gas.

(11) **OPERATOR.**—The term “operator” means—

(A) the lessee; or

(B) a person designated by the lessee as having control or management of operations on the leased area or a portion thereof, who is—

(i) approved by the Secretary, acting through the Bureau of Energy and Resource Management; or

(ii) the holder of operating rights under an assignment of operating rights that is approved by the Secretary, acting through the Bureau of Energy and Resource Management.

(12) **OUTER CONTINENTAL SHELF.**—The term “Outer Continental Shelf” has the same meaning given the term “outer Continental Shelf” in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(13) **REGIONAL OCEAN PARTNERSHIP.**—The term “Regional Ocean Partnership” means voluntary, collaborative management initiatives developed and entered into by the Governors of two or more coastal States or created by an interstate compact for the purpose of addressing more than one ocean, coastal, or Great Lakes issue and to implement policies and activities identified under special area management plans under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) or other agreements developed and signed by the Governors.

(14) **RENEWABLE ENERGY RESOURCE.**—The term “renewable energy resource” means each of the following:

(A) Wind energy.

(B) Solar energy.

(C) Geothermal energy.

(D) Biomass or landfill gas.

(E) Marine and hydrokinetic renewable energy, as that term is defined in section 632 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17211).

(15) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Commerce.

(16) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, except as otherwise provided in this Act.

(17) **TERMS DEFINED IN OTHER LAW.**—Each of the terms “Federal land”, “lease”, and “mineral leasing law” has the same meaning given the term under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.), except that such terms shall also apply to all minerals and renewable energy resources in addition to oil and gas.

TITLE I—CREATION OF NEW DEPARTMENT OF THE INTERIOR AGENCIES

SEC. 101. BUREAU OF ENERGY AND RESOURCE MANAGEMENT.

(a) **ESTABLISHMENT.**—There is established in the Department of the Interior a Bureau of Energy and Resource Management (referred to in this section as the “Bureau”) to be headed by a Director of Energy and Resource Management (referred to in this section as the “Director”).

(b) **DIRECTOR.**—

(1) **APPOINTMENT.**—The Director shall be appointed by the President, by and with the advice and consent of the Senate, on the basis of—

(A) professional background, demonstrated competence, and ability; and

(B) capacity to—

(i) administer the provisions of this Act; and

(ii) ensure that the fiduciary duties of the United States Government on behalf of the people of the United States, as they relate to development of nonrenewable and renewable energy and mineral resources, are duly met.

(2) **COMPENSATION.**—The Director shall be compensated at the rate provided for Level V

of the Executive Schedule under section 5316 of title 5, United States Code.

(c) DUTIES.—

(1) **IN GENERAL.**—Except as provided in paragraph (4), the Secretary shall carry out through the Bureau all functions, powers, and duties vested in the Secretary relating to the administration of a comprehensive program of nonrenewable and renewable energy and mineral resources management—

(A) on the Outer Continental Shelf, pursuant to the Outer Continental Shelf Lands Act as amended by this Act (43 U.S.C. 1331 et seq.);

(B) on Federal public lands, pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(C) on acquired Federal lands, pursuant to the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(D) in the National Petroleum Reserve in Alaska, pursuant to the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.);

(E) on any Federal land pursuant to any mineral leasing law; and

(F) pursuant to this Act and all other applicable Federal laws, including the administration and approval of all instruments and agreements required to ensure orderly, safe, and environmentally responsible nonrenewable and renewable energy and mineral resources development activities.

(2) **SPECIFIC AUTHORITIES.**—The Director shall promulgate and implement regulations for the proper issuance of leases for the exploration, development, and production of nonrenewable and renewable energy and mineral resources, and for the issuance of permits under such leases, on the Outer Continental Shelf and for nonrenewable and renewable energy and mineral resources managed by the Bureau of Land Management on the date of enactment of this Act, or any other Federal land management agency, including regulations relating to resource identification, access, evaluation, and utilization.

(3) INDEPENDENT ENVIRONMENTAL SCIENCE.—

(A) **IN GENERAL.**—The Secretary shall create an independent office within the Bureau that—

(i) shall report to the Director;

(ii) shall be programmatically separate and distinct from the leasing and permitting activities of the Bureau; and

(iii) shall—

(I) carry out the environmental studies program under section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346);

(II) conduct any environmental analyses necessary for the programs administered by the Bureau; and

(III) carry out other functions as deemed necessary by the Secretary.

(B) **CONSULTATION.**—Studies and analyses carried out by the office created under subparagraph (A) shall be conducted in appropriate and timely consultation with other relevant Federal agencies, including—

(i) the Bureau of Safety and Environmental Enforcement;

(ii) the United States Fish and Wildlife Service;

(iii) the United States Geological Survey; and

(iv) the National Oceanic and Atmospheric Administration.

(4) **LIMITATION.**—The Secretary shall not carry out through the Bureau any function, power, or duty that is—

(A) required by section 102 to be carried out through Bureau of Safety and Environmental Enforcement; or

(B) required by section 103 to be carried out through the Office of Natural Resources Revenue.

(d) COMPREHENSIVE DATA AND ANALYSES ON OUTER CONTINENTAL SHELF RESOURCES.—

(1) IN GENERAL.—

(A) PROGRAMS.—The Director shall develop and carry out programs for the collection, evaluation, assembly, analysis, and dissemination of data and information that is relevant to carrying out the duties of the Bureau, including studies under section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346).

(B) USE OF DATA AND INFORMATION.—The Director shall, in carrying out functions pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), consider data and information referred to in subparagraph (A) which shall inform the management functions of the Bureau, and shall contribute to a broader coordination of development activities within the contexts of the best available science and marine spatial planning.

(2) INTERAGENCY COOPERATION.—In carrying out programs under this subsection, the Bureau shall—

(A) utilize the authorities of subsection (g) and (h) of section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344);

(B) cooperate with appropriate offices in the Department and in other Federal agencies;

(C) use existing inventories and mapping of marine resources previously undertaken by the Minerals Management Service, mapping undertaken by the United States Geological Survey and the National Oceanographic and Atmospheric Administration, and information provided by the Department of Defense and other Federal and State agencies possessing relevant data; and

(D) use any available data regarding renewable energy potential, navigation uses, fisheries, aquaculture uses, recreational uses, habitat, conservation, and military uses of the Outer Continental Shelf.

(e) RESPONSIBILITIES OF LAND MANAGEMENT AGENCIES.—Nothing in this section shall affect the authorities of the Bureau of Land Management under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or of the Forest Service under the National Forest Management Act of 1976 (Public Law 94-588).

SEC. 102. BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT.

(a) ESTABLISHMENT.—There is established in the Department a Bureau of Safety and Environmental Enforcement (referred to in this section as the “Bureau”) to be headed by a Director of Safety and Environmental Enforcement (referred to in this section as the “Director”).

(b) DIRECTOR.—

(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, on the basis of—

(A) professional background, demonstrated competence, and ability; and

(B) capacity to administer the provisions of this Act.

(2) COMPENSATION.—The Director shall be compensated at the rate provided for Level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) DUTIES.—

(1) IN GENERAL.—The Secretary shall carry out through the Bureau all functions, powers, and duties vested in the Secretary relat-

ing to the administration of safety and environmental enforcement activities related to nonrenewable and renewable energy and mineral resources—

(A) on the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(B) on Federal public lands, pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(C) on acquired Federal lands, pursuant to the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(D) in the National Petroleum Reserve in Alaska, pursuant to the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.); and

(E) pursuant to—

(i) the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.);

(ii) the Energy Policy Act of 2005 (Public Law 109-58);

(iii) the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (Public Law 104-185);

(iv) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(v) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(vi) this Act; and

(vii) all other applicable Federal laws, including the authority to develop, promulgate, and enforce regulations to ensure the safe and environmentally sound exploration, development, and production of nonrenewable and renewable energy and mineral resources on the Outer Continental Shelf and onshore federally managed lands.

(d) AUTHORITIES.—In carrying out the duties under this section, the Secretary's authorities shall include—

(1) performing necessary oversight activities to ensure the proper application of environmental reviews, including those conducted pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the Bureau of Energy and Resource Management in the performance of its duties under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(2) suspending or prohibiting, on a temporary basis, any operation or activity, including production—

(A) on leases held on the Outer Continental Shelf, in accordance with section 5(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(1)); or

(B) on leases or rights-of-way held on Federal lands under any other minerals or energy leasing statute, in accordance with section 302(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(3) cancelling any lease, permit, or right-of-way—

(A) on the Outer Continental Shelf, in accordance with section 5(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2)); or

(B) on onshore Federal lands, in accordance with section 302(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(c));

(4) compelling compliance with applicable worker safety and environmental laws and regulations;

(5) requiring comprehensive safety and environmental management programs for persons engaged in activities connected with the exploration, development, and production of energy or mineral resources;

(6) developing and implementing regulations for Federal employees to carry out any inspection or investigation to ascertain compliance with applicable regulations, including health, safety, or environmental regulations;

(7) collecting, evaluating, assembling, analyzing, and publicly disseminating electronically data and information that is relevant to inspections, failures, or accidents involving equipment and systems used for exploration and production of energy and mineral resources, including human factors associated therewith;

(8) implementing the Offshore Technology Research and Risk Assessment Program under section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347);

(9) summoning witnesses and directing the production of evidence;

(10) levying fines and penalties and disqualifying operators; and

(11) carrying out any safety, response, and removal preparedness functions.

(e) EMPLOYEES.—

(1) IN GENERAL.—The Secretary shall ensure that the inspection force of the Bureau consists of qualified, trained employees who meet qualification requirements and adhere to the highest professional and ethical standards.

(2) QUALIFICATIONS.—The qualification requirements referred to in paragraph (1)—

(A) shall be determined by the Secretary, subject to subparagraph (B); and

(B) shall include—

(i) three years of practical experience in oil and gas exploration, development, or production; or

(ii) a degree in an appropriate field of engineering from an accredited institution of higher learning.

(3) ASSIGNMENT.—In assigning oil and gas inspectors to the inspection and investigation of individual operations, the Secretary shall give due consideration to the extent possible to their previous experience in the particular type of oil and gas operation in which such inspections are to be made.

(4) TRAINING ACADEMY.—

(A) IN GENERAL.—The Secretary shall establish and maintain a National Oil and Gas Health and Safety Academy (referred to in this paragraph as the “Academy”) as an agency of the Department of the Interior.

(B) FUNCTIONS OF ACADEMY.—The Secretary, through the Academy, shall be responsible for—

(i) the initial and continued training of both newly hired and experienced oil and gas inspectors in all aspects of health, safety, environmental, and operational inspections;

(ii) the training of technical support personnel of the Bureau;

(iii) any other training programs for oil and gas inspectors, Bureau personnel, Department personnel, or other persons as the Secretary shall designate; and

(iv) certification of the successful completion of training programs for newly hired and experienced oil and gas inspectors.

(C) COOPERATIVE AGREEMENTS.—

(i) IN GENERAL.—In performing functions under this paragraph, and subject to clause (ii), the Secretary may enter into cooperative educational and training agreements with educational institutions, related Federal academies, other Federal agencies, State governments, labor organizations, and oil and gas operators and related industries.

(ii) TRAINING REQUIREMENT.—Such training shall be conducted by the Academy in accordance with curriculum needs and assignment of instructional personnel established by the Secretary.

(D) **USE OF DEPARTMENTAL PERSONNEL.**—In performing functions under this subsection, the Secretary shall use, to the extent practicable, the facilities and personnel of the Department of the Interior. The Secretary may appoint or assign to the Academy such officers and employees as the Secretary considers necessary for the performance of the duties and functions of the Academy.

(5) **ADDITIONAL TRAINING PROGRAMS.**—

(A) **IN GENERAL.**—The Secretary shall work with appropriate educational institutions, operators, and representatives of oil and gas workers to develop and maintain adequate programs with educational institutions and oil and gas operators, that are designed—

(i) to enable persons to qualify for positions in the administration of this Act; and

(ii) to provide for the continuing education of inspectors or other appropriate Departmental personnel.

(B) **FINANCIAL AND TECHNICAL ASSISTANCE.**—The Secretary may provide financial and technical assistance to educational institutions in carrying out this paragraph.

SEC. 103. OFFICE OF NATURAL RESOURCES REVENUE.

(a) **ESTABLISHMENT.**—There is established in the Department an Office of Natural Resources Revenue (referred to in this section as the “Office”) to be headed by a Director of Natural Resources Revenue (referred to in this section as the “Director”).

(b) **APPOINTMENT AND COMPENSATION.**—

(1) **IN GENERAL.**—The Director shall be appointed by the President, by and with the advice and consent of the Senate, on the basis of—

(A) professional competence; and

(B) capacity to—

(i) administer the provisions of this Act; and

(ii) ensure that the fiduciary duties of the United States Government on behalf of the American people, as they relate to development of nonrenewable and renewable energy and mineral resources, are duly met.

(2) **COMPENSATION.**—The Director shall be compensated at the rate provided for Level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) **DUTIES.**—

(1) **IN GENERAL.**—The Secretary shall carry out, through the Office—

(A) all functions, powers, and duties vested in the Secretary and relating to the administration of the royalty and revenue management functions pursuant to—

(i) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(ii) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(iii) the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.);

(iv) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(v) the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.);

(vi) the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.);

(vii) the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (Public Law 104-185);

(viii) the Energy Policy Act of 2005 (Public Law 109-58);

(ix) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(x) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(xi) this Act and all other applicable Federal laws; and

(B) all functions, powers, and duties previously assigned to the Minerals Manage-

ment Service (including the authority to develop, promulgate, and enforce regulations) regarding—

(i) royalty and revenue collection;

(ii) royalty and revenue distribution;

(iii) auditing and compliance;

(iv) investigation and enforcement of royalty and revenue regulations; and

(v) asset management for onshore and offshore activities.

(d) **OVERSIGHT.**—In order to provide transparency and ensure strong oversight over the revenue program, the Secretary shall—

(1) create within the Office an independent audit and oversight program responsible for monitoring the performance of the Office with respect to the duties and functions under subsection (c), and conducting internal control audits of the operations of the Office;

(2) facilitate the participation of those Indian tribes and States operating pursuant to cooperative agreements or delegations under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) on all of the management teams, committees, councils, and other entities created by the Office; and

(3) assure prior consultation with those Indian tribes and States referred to in paragraph (2) in the formulation all policies, procedures, guidance, standards, and rules relating to the functions referred to in subsection (c).

SEC. 104. ETHICS.

(a) **CERTIFICATION.**—The Secretary shall certify annually that all Department of the Interior officers and employees having regular, direct contact with lessees and operators as a function of their official duties are in full compliance with all Federal employee ethics laws and regulations under the Ethics in Government Act of 1978 (5 U.S.C. App.) and part 2635 of title 5, Code of Federal Regulations, and all guidance issued under subsection (b).

(b) **GUIDANCE.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue supplementary ethics guidance for the employees for which certification is required under subsection (a).

SEC. 105. REFERENCES.

(a) **BUREAU OF ENERGY AND RESOURCE MANAGEMENT.**—Any reference in any law, rule, regulation, directive, instruction, certificate, or other official document, in force immediately before the enactment of this Act—

(1) to the Minerals Management Service that pertains to any of the duties and authorities referred to in section 101 is deemed to refer and apply to the Bureau of Energy and Resource Management established by section 101;

(2) to the Director of the Minerals Management Service that pertains to any of the duties and authorities referred to in section 101 is deemed to refer and apply to the Director of the Bureau of Energy and Resource Management;

(3) to any other position in the Minerals Management Service that pertains to any of the duties and authorities referred to in section 101 is deemed to refer and apply to that same or equivalent position in the Bureau of Energy and Resource Management;

(4) to the Bureau of Land Management that pertains to any of the duties and authorities referred to in section 101 is deemed to refer and apply to the Bureau of Energy and Resource Management;

(5) to the Director of the Bureau of Land Management that pertains to any of the duties and authorities referred to in section 101 is deemed to refer and apply to the Director of the Bureau of Energy and Resource Management; and

(6) to any other position in the Bureau of Land Management that pertains to any of the duties and authorities referred to in section 101 is deemed to refer and apply to that same or equivalent position in the Bureau of Energy and Resource Management.

(b) **BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT.**—Any reference in any law, rule, regulation, directive, instruction, certificate, or other official document in force immediately before the enactment of this Act—

(1) to the Minerals Management Service that pertains to any of the duties and authorities referred to in section 102 is deemed to refer and apply to the Bureau of Safety and Environmental Enforcement established by section 102;

(2) to the Director of the Minerals Management Service that pertains to any of the duties and authorities referred to in section 102 is deemed to refer and apply to the Director of the Bureau of Safety and Environmental Enforcement;

(3) to any other position in the Minerals Management Service that pertains to any of the duties and authorities referred to in section 102 is deemed to refer and apply to that same or equivalent position in the Bureau of Safety and Environmental Enforcement;

(4) to the Bureau of Land Management that pertains to any of the duties and authorities referred to in section 102 is deemed to refer and apply to the Bureau of Safety and Environmental Enforcement;

(5) to the Director of the Bureau of Land Management that pertains to any of the duties and authorities referred to in section 102 is deemed to refer and apply to the Director of the Bureau of Safety and Environmental Enforcement; and

(6) to any other position in the Bureau of Land Management that pertains to any of the duties and authorities referred to in section 102 is deemed to refer and apply to that same or equivalent position in the Bureau of Safety and Environmental Enforcement.

(c) **OFFICE OF NATURAL RESOURCES REVENUE.**—Any reference in any law, rule, regulation, directive, or instruction, or certificate or other official document, in force immediately prior to enactment—

(1) to the Minerals Management Service that pertains to any of the duties and authorities referred to in section 103 is deemed to refer and apply to the Office of Natural Resources Revenue established by section 103;

(2) to the Director of the Minerals Management Service that pertains to any of the duties and authorities referred to in section 103 is deemed to refer and apply to the Director of Natural Resources Revenue; and

(3) to any other position in the Minerals Management Service that pertains to any of the duties and authorities referred to in section 103 is deemed to refer and apply to that same or equivalent position in the Office of Natural Resources Revenue.

SEC. 106. ABOLISHMENT OF MINERALS MANAGEMENT SERVICE.

(a) **ABOLISHMENT.**—The Minerals Management Service (in this section referred to as the “Service”) is abolished.

(b) **COMPLETED ADMINISTRATIVE ACTIONS.**—

(1) **IN GENERAL.**—Completed administrative actions of the Service shall not be affected by the enactment of this Act, but shall continue in effect according to their terms until amended, modified, superseded, terminated, set aside, or revoked in accordance with law by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(2) COMPLETED ADMINISTRATIVE ACTION DEFINED.—For purposes of paragraph (1), the term “completed administrative action” includes orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, registrations, and privileges.

(c) PENDING PROCEEDINGS.—Subject to the authority of the Secretary of the Interior and the officers of the Department of the Interior under this Act—

(1) pending proceedings in the Service, including notices of proposed rulemaking, and applications for licenses, permits, certificates, grants, and financial assistance, shall continue, notwithstanding the enactment of this Act or the vesting of functions of the Service in another agency, unless discontinued or modified under the same terms and conditions and to the same extent that such discontinuance or modification could have occurred if this Act had not been enacted; and

(2) orders issued in such proceedings, and appeals therefrom, and payments made pursuant to such orders, shall issue in the same manner and on the same terms as if this Act had not been enacted, and any such orders shall continue in effect until amended, modified, superseded, terminated, set aside, or revoked by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(d) PENDING CIVIL ACTIONS.—Subject to the authority of the Secretary of the Interior or any officer of the Department of the Interior under this Act, pending civil actions shall continue notwithstanding the enactment of this Act, and in such civil actions, proceedings shall be had, appeals taken, and judgments rendered and enforced in the same manner and with the same effect as if such enactment had not occurred.

(e) REFERENCES.—References relating to the Service in statutes, Executive orders, rules, regulations, directives, or delegations of authority that precede the effective date of this Act are deemed to refer, as appropriate, to the Department, to its officers, employees, or agents, or to its corresponding organizational units or functions. Statutory reporting requirements that applied in relation to the Service immediately before the effective date of this Act shall continue to apply.

SEC. 107. CONFORMING AMENDMENT.

Section 5316 of title 5, United States Code, is amended by striking “Director, Bureau of Mines, Department of the Interior.” and inserting the following new items:

“Director, Bureau of Energy and Resource Management, Department of the Interior.

“Director, Bureau of Safety and Environmental Enforcement, Department of the Interior.

“Director, Office of Natural Resources Revenue, Department of the Interior.”.

SEC. 108. OUTER CONTINENTAL SHELF SAFETY AND ENVIRONMENTAL ADVISORY BOARD.

(a) ESTABLISHMENT.—The Secretary shall establish, under the Federal Advisory Committee Act, an Outer Continental Shelf Safety and Environmental Advisory Board (referred to in this section as the “Board”), to provide the Secretary and the Directors of the bureaus established by this title with independent scientific and technical advice on safe and environmentally compliant non-renewable and renewable energy and mineral resource exploration, development, and production activities.

(b) MEMBERSHIP.—

(1) SIZE.—The Board shall consist of not more than 12 members, chosen to reflect a

range of expertise in scientific, engineering, management, environmental, and other disciplines related to safe and environmentally compliant renewable and nonrenewable energy and mineral resource exploration, development, and production activities. The Secretary shall consult with the National Academy of Sciences and the National Academy of Engineering to identify potential candidates for the Board.

(2) TERM.—The Secretary shall appoint Board members to staggered terms of not more than 4 years, and shall not appoint a member for more than 2 consecutive terms.

(3) BALANCE.—In appointing members to the Board, the Secretary shall ensure a balanced representation of industry- and non-industry-related interests.

(c) CHAIR.—The Secretary shall appoint the Chair for the Board.

(d) MEETINGS.—The Board shall meet not less than 3 times per year and, at least once per year, shall host a public forum to review and assess the overall safety and environmental performance of Outer Continental Shelf nonrenewable and renewable energy and mineral resource activities.

(e) OFFSHORE DRILLING SAFETY ASSESSMENTS AND RECOMMENDATIONS.—As part of its duties under this section, the Board shall, by not later than 180 days after the date of enactment of this section and every 5 years thereafter, submit to the Secretary a report that—

(1) assesses offshore oil and gas well control technologies, practices, voluntary standards, and regulations in the United States and elsewhere;

(2) assesses whether existing well control regulations issued by the Secretary under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) adequately protect public health and safety and the environment; and

(3) as appropriate, recommends modifications to the regulations issued under this Act to ensure adequate protection of public health and safety and the environment.

(f) REPORTS.—Reports of the Board shall be submitted to the Congress and made available to the public in electronically accessible form.

(g) TRAVEL EXPENSES.—Members of the Board, other than full-time employees of the Federal Government, while attending meeting of the Board or while otherwise serving at the request of the Secretary or the Director while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

TITLE II—FEDERAL OIL AND GAS DEVELOPMENT

Subtitle A—Safety, Environmental, and Financial Reform of the Outer Continental Shelf Lands Act

SEC. 201. SHORT TITLE.

This subtitle may be cited as the “Outer Continental Shelf Lands Act Amendments of 2010”.

SEC. 202. DEFINITIONS.

Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended by adding at the end the following:

“(r) The term ‘safety case’ means a body of evidence that provides a basis for determining whether a system is adequately safe for a given application in a given operating environment.”.

SEC. 203. NATIONAL POLICY FOR THE OUTER CONTINENTAL SHELF.

Section 3 of the Outer Continental Shelf Lands Act (43 U.S.C. 1332) is amended—

(1) by striking paragraph (3) and inserting the following:

“(3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, that should be managed in a manner that—

“(A) recognizes the need of the United States for domestic sources of energy, food, minerals, and other resources;

“(B) minimizes the potential impacts of development of those resources on the marine and coastal environment and on human health and safety; and

“(C) acknowledges the long-term economic value to the United States of the balanced and orderly management of those resources that safeguards the environment and respects the multiple values and uses of the outer Continental Shelf.”;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon;

(3) in paragraph (5), by striking “should be” and inserting “shall be”, and striking “; and” and inserting a semicolon;

(4) by redesignating paragraph (6) as paragraph (7);

(5) by inserting after paragraph (5) the following:

“(6) exploration, development, and production of energy and minerals on the outer Continental Shelf should be allowed only when those activities can be accomplished in a manner that minimizes—

“(A) harmful impacts to life (including fish and other aquatic life) and health;

“(B) damage to the marine, coastal, and human environments and to property; and

“(C) harm to other users of the waters, seabed, or subsoil; and”;

(6) in paragraph (7) (as so redesignated), by—

(A) striking “should be” and inserting “shall be”;

(B) inserting “best available” after “using”; and

(C) striking “or minimize”.

SEC. 204. JURISDICTION OF LAWS ON THE OUTER CONTINENTAL SHELF.

Section 4(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(1)) is amended by—

(1) inserting “or producing or supporting production of energy from sources other than oil and gas” after “therefrom”;

(2) inserting “or transmitting such energy” after “transporting such resources”; and

(3) inserting “and other energy” after “That mineral”.

SEC. 205. OUTER CONTINENTAL SHELF LEASING STANDARD.

(a) IN GENERAL.—Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended—

(1) in subsection (a), by striking “The Secretary may at any time” and inserting “The Secretary shall”;

(2) in the second sentence of subsection (a), by adding after “provide for” the following: “operational safety, the protection of the marine and coastal environment, and”;

(3) in subsection (a), by inserting “and the Secretary of Commerce with respect to matters that may affect the marine and coastal environment” after “which may affect competition”;

(4) in clause (ii) of subsection (a)(2)(A), by striking “a reasonable period of time” and inserting “30 days”;

(5) in subsection (a)(7), by inserting “in a manner that minimizes harmful impacts to the marine and coastal environment” after “lease area”;

(6) in subsection (a), by striking “and” after the semicolon at the end of paragraph

(7), redesignating paragraph (8) as paragraph (13), and inserting after paragraph (7) the following:

“(8) for independent third-party certification requirements of safety systems related to well control, such as blowout preventers;

“(9) for performance requirements for blowout preventers, including quantitative risk assessment standards, subsea testing, and secondary activation methods;

“(10) for independent third-party certification requirements of well casing and cementing programs and procedures;

“(11) for the establishment of mandatory safety and environmental management systems by operators on the Outer Continental Shelf;

“(12) for procedures and technologies to be used during drilling operations to minimize the risk of ignition and explosion of hydrocarbons;”;

(7) in subsection (a), by striking the period at the end of paragraph (13), as so redesignated, and inserting “; and”, and by adding at the end the following:

“(14) ensuring compliance with other applicable environmental and natural resource conservation laws.”; and

(8) by adding at the end the following new subsections:

“(k) DOCUMENTS INCORPORATED BY REFERENCE.—Any documents incorporated by reference in regulations promulgated by the Secretary pursuant to this Act shall be made available to the public, free of charge, on a website maintained by the Secretary.

“(l) REGULATORY STANDARDS FOR BLOWOUT PREVENTERS, WELL DESIGN, AND CEMENTING.—

“(1) IN GENERAL.—In promulgating regulations under this Act related to blowout preventers, well design, and cementing, the Secretary shall ensure that such regulations include the minimum standards included in paragraphs (2), (3), and (4), unless, after notice and an opportunity for public comment, the Secretary determines that a standard required under this subsection would be less effective in ensuring safe operations than an available alternative technology or practice. Such regulations shall require independent third-party certification, pursuant to paragraph (5), of blowout preventers, well design, and cementing programs and procedures prior to the commencement of drilling operations. Such regulations shall also require re-certification by an independent third-party certifier, pursuant to paragraph (5), of a blowout preventer upon any material modification to the blowout preventer or well design and of a well design upon any material modification to the well design.

“(2) BLOWOUT PREVENTERS.—Subject to paragraph (1), regulations issued under this Act for blowout preventers shall include at a minimum the following requirements:

“(A) Two sets of blind shear rams appropriately spaced to prevent blowout preventer failure if a drill pipe joint or drill tool is across one set of blind shear rams during a situation that threatens loss of well control.

“(B) Redundant emergency backup control systems capable of activating the relevant components of a blowout preventer, including when the communications link or other critical links between the drilling rig and the blowout preventer are destroyed or inoperable.

“(C) Regular testing of the emergency backup control systems, including testing during deployment of the blowout preventer.

“(D) As appropriate, remotely operated vehicle intervention capabilities for secondary

control of all subsea blowout preventer functions, including adequate hydraulic capacity to activate blind shear rams, casing shear rams, and other critical blowout preventer components.

“(3) WELL DESIGN.—Subject to paragraph (1), regulations issued under this Act for well design standards shall include at a minimum the following requirements:

“(A) In connection with the installation of the final casing string, the installation of at least two independent, tested mechanical barriers, in addition to a cement barrier, across each flow path between hydrocarbon bearing formations and the blowout preventer.

“(B) That wells shall be designed so that a failure of one barrier does not significantly increase the likelihood of another barrier's failure.

“(C) That the casing design is appropriate for the purpose for which it is intended under reasonably expected wellbore conditions.

“(D) The installation and verification with a pressure test of a lockdown device at the time the casing is installed in the wellhead.

“(4) CEMENTING.—Subject to paragraph (1), regulations issued under this Act for cementing standards shall include at a minimum the following requirements:

“(A) Adequate centralization of the casing to ensure proper distribution of cement.

“(B) A full circulation of drilling fluids prior to cementing.

“(C) The use of an adequate volume of cement to prevent any unintended flow of hydrocarbons between any hydrocarbon-bearing formation zone and the wellhead.

“(D) Cement bond logs for all cementing jobs intended to provide a barrier to hydrocarbon flow.

“(E) Cement bond logs or such other integrity tests as the Secretary may prescribe for cement jobs other than those identified in subparagraph (D).

“(5) INDEPENDENT THIRD-PARTY CERTIFIERS.—The Secretary shall establish appropriate standards for the approval of independent third-party certifiers capable of exercising certification functions for blowout preventers, well design, and cementing. For any certification required for regulations related to blowout preventers, well design, or cementing, the operator shall use a qualified independent third-party certifier chosen by the Secretary. The costs of any certification shall be borne by the operator.

“(6) APPLICATION TO INSHORE WATERS; STATE IMPLEMENTATION.—

“(A) IN GENERAL.—Requirements established under this subsection shall apply, as provided in subparagraph (B), to offshore drilling operations that take place on lands that are landward of the outer Continental Shelf and seaward of the line of mean high tide, and that the Secretary determines, based on criteria established by rule, could, in the event of a blowout, lead to extensive and widespread harm to public health and safety or the environment.

“(B) SUBMISSION OF STATE REGULATORY REGIME.—Any State may submit to the Secretary a plan demonstrating that the State's regulatory regime for wells identified in subparagraph (A) establishes requirements for such wells that are comparable to, or alternative requirements providing an equal or greater level of safety than, those established under this section for wells on the outer Continental Shelf. The Secretary shall promptly determine, after notice and an opportunity for public comment, whether a State's regulatory regime meets the standard set forth in the preceding sentence. If the

Secretary determines that a State's regulatory regime does not meet such standard, the Secretary shall identify the deficiencies that are the basis for such determination and provide a reasonable period of time for the State to remedy the deficiencies. If the State does not do so within such reasonable period of time, the Secretary shall apply the requirements established under this section to offshore drilling operations described in subparagraph (A) that are located in such State, until such time as the Secretary determines that the deficiencies have been remedied.

“(m) RULEMAKING DOCKETS.—

“(1) ESTABLISHMENT.—Not later than the date of proposal of any regulation under this Act, the Secretary shall establish a publicly available rulemaking docket for such regulation.

“(2) DOCUMENTS TO BE INCLUDED.—The Secretary shall include in the docket—

“(A) all written comments and documentary information on the proposed rule received from any person in the comment period for the rulemaking, promptly upon receipt by the Secretary;

“(B) the transcript of each public hearing, if any, on the proposed rule, promptly upon receipt from the person who transcribed such hearing; and

“(C) all documents that become available after the proposed rule is published and that the Secretary determines are of central relevance to the rulemaking, by as soon as possible after their availability.

“(3) PROPOSED AND DRAFT FINAL RULE AND ASSOCIATED MATERIAL.—The Secretary shall include in the docket—

“(A) each draft proposed rule submitted by the Secretary to the Office of Management and Budget for any interagency review process prior to proposal of such rule, all documents accompanying such draft, all written comments thereon by other agencies, and all written responses to such written comments by the Secretary, by no later than the date of proposal of the rule; and

“(B) each draft final rule submitted by the Secretary for such review process before issuance of the final rule, all such written comments thereon, all documents accompanying such draft, and all written responses thereto, by no later than the date of issuance of the final rule.”.

(b) CONFORMING AMENDMENT.—Subsection (g) of section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351), as redesignated by section 215(4) of this Act, is further amended by striking “paragraph (8) of section 5(a) of this Act” each place it appears and inserting “paragraph (13) of section 5(a) of this Act”.

SEC. 206. LEASES, EASEMENTS, AND RIGHTS-OF-WAY.

(a) FINANCIAL ASSURANCE AND FISCAL RESPONSIBILITY.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

“(q) REVIEW OF BOND AND SURETY AMOUNTS.—Not later than May 1, 2011, and every 5 years thereafter, the Secretary shall review the minimum financial responsibility requirements for leases issued under this section and shall ensure that any bonds or surety required are adequate to comply with the requirements of this Act or the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

“(r) PERIODIC FISCAL REVIEW AND REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 3 years thereafter, the Secretary shall carry out a review and prepare a report setting forth—

“(A)(i) the royalty and rental rates included in new offshore oil and gas leases; and
 “(ii) the rationale for the rates;

“(B) whether, in the view of the Secretary, the royalty and rental rates described in subparagraph (A) will yield a fair return to the public while promoting the production of oil and gas resources in a timely manner;

“(C)(i) the minimum bond or surety amounts required pursuant to offshore oil and gas leases; and

“(ii) the rationale for the minimum amounts;

“(D) whether the bond or surety amounts described in subparagraph (C) are adequate to comply with subsection (q); and

“(E) whether the Secretary intends to modify the royalty or rental rates, or bond or surety amounts, based on the review.

“(2) PUBLIC PARTICIPATION.—In carrying out a review and preparing a report under paragraph (1), the Secretary shall provide to the public an opportunity to participate.

“(3) REPORT DEADLINE.—Not later than 30 days after the date on which the Secretary completes a report under paragraph (1), the Secretary shall transmit copies of the report to—

“(A) the Committee on Energy and Natural Resources of the Senate; and

“(B) the Committee on Natural Resources of the House of Representatives.

“(s) COMPARATIVE REVIEW OF FISCAL SYSTEM.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection and every 5 years thereafter, the Secretary shall carry out a comprehensive review of all components of the Federal offshore oil and gas fiscal system, including requirements for—

“(A) bonus bids;

“(B) rental rates; and

“(C) royalties.

“(2) REQUIREMENTS.—

“(A) CONTENTS; SCOPE.—A review under paragraph (1) shall include—

“(i) the information and analyses necessary to compare the offshore bonus bids, rents, and royalties of the Federal Government to the offshore bonus bids, rents, and royalties of other resource owners, including States and foreign countries; and

“(ii) an assessment of the overall offshore oil and gas fiscal system in the United States, as compared to foreign countries.

“(B) INDEPENDENT ADVISORY COMMITTEE.—In carrying out a review under paragraph (1), the Secretary shall convene and seek the advice of an independent advisory committee comprised of oil and gas and fiscal experts from States, Indian tribes, academia, the energy industry, and appropriate nongovernmental organizations.

“(3) REPORT.—

“(A) IN GENERAL.—The Secretary shall prepare a report that contains—

“(i) the contents and results of the review carried out under paragraph (1) for the period covered by the report; and

“(ii) any recommendations of the Secretary based on the contents and results of the review.

“(B) REPORT DEADLINE.—Not later than 30 days after the date on which the Secretary completes a report under paragraph (1), the Secretary shall transmit copies of the report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.”

(b) ENVIRONMENTAL DILIGENCE.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking subsection (d) and inserting the following:

“(d) REQUIREMENT FOR CERTIFICATION OF RESPONSIBLE STEWARDSHIP.—

“(1) CERTIFICATION REQUIREMENT.—No bid or request for a lease, easement, or right-of-way under this section, or for a permit to drill under section 11(d), may be submitted by any person unless the person certifies to the Secretary that the person (including any related person and any predecessor of such person or related person) meets each of the following requirements:

“(A) The person is meeting due diligence, safety, and environmental requirements on other leases, easements, and rights-of-way.

“(B) In the case of a person that is a responsible party for a vessel or a facility from which oil is discharged, for purposes of section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702), the person has met all of its obligations under that Act to provide compensation for covered removal costs and damages.

“(C) In the 7-year period ending on the date of certification, the person, in connection with activities in the oil industry (including exploration, development, production, transportation by pipeline, and refining)—

“(i) was not found to have committed willful or repeated violations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) (including State plans approved under section 18(c) of such Act (29 U.S.C. 667(c))) at a rate that is higher than five times the rate determined by the Secretary to be the oil industry average for such violations for such period;

“(ii) was not convicted of a criminal violation for death or serious bodily injury;

“(iii) did not have more than 10 fatalities at its exploration, development, and production facilities and refineries as a result of violations of Federal or State health, safety, or environmental laws;

“(iv) was not assessed, did not enter into an agreement to pay, and was not otherwise required to pay, civil penalties and criminal fines for violations the person was found to have committed under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (including State programs approved under sections 402 and 404 of such Act (33 U.S.C. 1342 and 1344)) in a total amount that is equal to more than \$10,000,000; and

“(v) was not assessed, did not enter into an agreement to pay, and was not otherwise required to pay, civil penalties and criminal fines for violations the person was found to have committed under the Clean Air Act (42 U.S.C. 7401 et seq.) (including State plans approved under section 110 of such Act (42 U.S.C. 7410)) in a total amount that is equal to more than \$10,000,000.

“(2) ENFORCEMENT.—If the Secretary determines that a certification made under paragraph (1) is false, the Secretary shall cancel any lease, easement, or right of way and shall revoke any permit with respect to which the certification was required under such paragraph.

“(3) DEFINITION OF RELATED PERSON.—For purposes of this subsection, the term ‘related person’ includes a parent, subsidiary, affiliate, member of the same controlled group, contractor, subcontractor, a person holding a controlling interest or in which a controlling interest is held, and a person with substantially the same board members, senior officers, or investors.”

(c) ALTERNATIVE ENERGY DEVELOPMENT.—

(1) CLARIFICATION RELATING TO ALTERNATIVE ENERGY DEVELOPMENT.—Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “or” after “1501 et seq.”, and by striking “or other applicable law,”; and

(ii) by amending subparagraph (D) to read as follows:

“(D) use, for energy-related purposes, facilities currently or previously used for activities authorized under this Act, except that any oil and gas energy-related uses shall not be authorized in areas in which oil and gas preleasing, leasing, and related activities are prohibited by a moratorium.”; and

(B) in paragraph (4)—

(i) in subparagraph (E), by striking “coordination” and inserting “in consultation”; and

(ii) in subparagraph (J)(ii), by inserting “a potential site for an alternative energy facility,” after “deepwater port.”

(2) NONCOMPETITIVE ALTERNATIVE ENERGY LEASE OPTIONS.—Section 8(p)(3) of such Act (43 U.S.C. 1337(p)(3)) is amended to read as follows:

“(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Any lease, easement, right-of-way, or other authorization granted under paragraph (1) shall be issued on a competitive basis, unless—

“(A) the lease, easement, right-of-way, or other authorization relates to a project that meets the criteria established under section 388(d) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109-58);

“(B) the lease, easement, right-of-way, or other authorization—

“(i) is for the placement and operation of a meteorological or marine data collection facility; and

“(ii) has a term of not more than 5 years; or

“(C) the Secretary determines, after providing public notice of a proposed lease, easement, right-of-way, or other authorization, that no competitive interest exists.”

(d) REVIEW OF IMPACTS OF LEASE SALES ON THE MARINE AND COASTAL ENVIRONMENT BY SECRETARY.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end of subsection (a) the following:

“(9) At least 60 days prior to any lease sale, the Secretary shall request a review by the Secretary of Commerce of the proposed sale with respect to impacts on the marine and coastal environment. The Secretary of Commerce shall complete and submit in writing the results of that review within 60 days after receipt of the Secretary of the Interior’s request. If the Secretary of Commerce makes specific recommendations related to a proposed lease sale to reduce impacts on the marine and coastal environment, and the Secretary rejects or modifies such recommendations, the Secretary shall provide in writing justification for rejecting or modifying such recommendations.”

(e) LIMITATION ON LEASE TRACT SIZE.—Section 8(b)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(b)(1)) is amended by striking “, unless the Secretary finds that a larger area is necessary to comprise a reasonable economic production unit”.

(f) SULPHUR LEASES.—Section 8(i) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(i)) is amended by striking “meet the urgent need” and inserting “allow”.

(g) TERMS AND PROVISIONS.—Section 8(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(b)) is amended by striking “An oil and gas lease issued pursuant to this section shall” and inserting “An oil and gas

lease may be issued pursuant to this section only if the Secretary determines that activities under the lease are not likely to result in any condition described in section 5(a)(2)(A)(i), and shall”.

SEC. 207. DISPOSITION OF REVENUES.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended to read as follows:

“SEC. 9. DISPOSITION OF REVENUES.

“(a) GENERAL.—Except as provided in subsections (b), (c), and (d), all rentals, royalties, and other sums paid to the Secretary or the Secretary of the Navy under any lease on the outer Continental Shelf for the period from June 5, 1950, to date, and thereafter shall be deposited in the Treasury of the United States and credited to miscellaneous receipts.

“(b) LAND AND WATER CONSERVATION FUND.—Effective for fiscal year 2011 and each fiscal year thereafter, \$900,000,000 of the amounts referred to in subsection (a) shall be deposited in the Treasury of the United States and credited to the Land and Water Conservation Fund. These sums shall be available to the Secretary, without further appropriation or fiscal year limitation, for carrying out the purposes of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.).

“(c) HISTORIC PRESERVATION FUND.—Effective for fiscal year 2011 and each fiscal year thereafter, \$150,000,000 of the amounts referred to in subsection (a) shall be deposited in the Treasury of the United States and credited to the Historic Preservation Fund. These sums shall be available to the Secretary, without further appropriation or fiscal year limitation, for carrying out the purposes of the National Historic Preservation Fund Act of 1966 (16 U.S.C. 470 et seq.).

“(d) OCEAN RESOURCES CONSERVATION AND ASSISTANCE FUND.—Effective for each fiscal year 2011 and thereafter, 10 percent of the amounts referred to in subsection (a) shall be deposited in the Treasury of the United States and credited to the Ocean Resources Conservation and Assistance Fund established by the Consolidated Land, Energy, and Aquatic Resources Act of 2010. These sums shall be available to the Secretary, subject to appropriation, for carrying out the purposes of section 605 of the Consolidated Land, Energy, and Aquatic Resources Act of 2010.

“(e) SAVINGS PROVISION.—Nothing in this section shall decrease the amount any State shall receive pursuant to section 8(g) of this Act or section 105 of the Gulf of Mexico Energy Security Act (43 U.S.C. 1331 note).”.

SEC. 208. EXPLORATION PLANS.

(a) LIMITATION ON HARM FROM AGENCY EXPLORATION.—Section 11(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(a)(1)) is amended by striking “, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this Act, and which are not unduly harmful to aquatic life in such area” and inserting “if a permit authorizing such activity is issued by the Secretary under subsection (g)”.

(b) EXPLORATION PLAN REVIEW.—Section 11(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(c)), is amended—

(1) by inserting “(A)” before the first sentence;

(2) in paragraph (1)(A), as designated by the amendment made by paragraph (1) of this subsection—

(A) by striking “and the provisions of such lease” and inserting “the provisions of such lease, and other applicable environmental and natural resource conservation laws”; and

(B) by striking the fourth sentence and inserting the following:

“(B) The Secretary shall approve such plan, as submitted or modified, within 90 days after its submission and it is made publicly accessible by the Secretary, or within such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews, if the Secretary determines that—

“(i) any proposed activity under such plan is not likely to result in any condition described in section 5(a)(2)(A)(i);

“(ii) the plan complies with other applicable environmental or natural resource conservation laws;

“(iii) in the case of geophysical surveys, the applicant will use the best available technologies and methods to minimize impacts on marine life; and

“(iv) the applicant has demonstrated the capability and technology to respond immediately and effectively to a worst-case oil spill in real-world conditions in the area of the proposed activity.”; and

(3) by adding at the end the following:

“(5) If the Secretary requires greater than 90 days to review an exploration plan submitted pursuant to any oil and gas lease issued or maintained under this Act, then the Secretary may provide for a suspension of that lease pursuant to section 5 until the review of the exploration plan is completed.”.

(c) REQUIREMENTS.—Section 11(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(c)), is amended by amending paragraph (3) to read as follows:

“(3) An exploration plan submitted under this subsection shall include, in the degree of detail that the Secretary may by regulation require—

“(A) a schedule of anticipated exploration activities to be undertaken;

“(B) a detailed and accurate description of equipment to be used for such activities, including—

“(i) a description of each drilling unit;

“(ii) a statement of the design and condition of major safety-related pieces of equipment, including independent third party certification of such equipment; and

“(iii) a description of any new technology to be used;

“(C) a map showing the location of each well to be drilled;

“(D) a scenario for the potential blowout of the well involving the highest potential volume of liquid hydrocarbons, along with a complete description of a response plan to both control the blowout and manage the accompanying discharge of hydrocarbons, including the likelihood for surface intervention to stop the blowout, the availability of a rig to drill a relief well, an estimate of the time it would take to drill a relief well, a description of other technology that may be used to regain control of the well or capture escaping hydrocarbons and the potential timeline for using that technology for its intended purpose, and the strategy, organization, and resources necessary to avoid harm to the environment and human health from hydrocarbons;

“(E) an analysis of the potential impacts of the worst-case-scenario discharge of hydrocarbons on the marine, coastal, and human environments for activities conducted pursuant to the proposed exploration plan; and

“(F) such other information deemed pertinent by the Secretary.”.

(d) DRILLING PERMITS.—Section 11(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(d)) is amended to read as follows:

“(d) DRILLING PERMITS.—

“(1) IN GENERAL.—The Secretary shall, by regulation, require that any lessee operating under an approved exploration plan obtain a permit prior to drilling any well in accordance with such plan, and prior to any significant modification of the well design as originally approved by the Secretary.

“(2) ENGINEERING REVIEW REQUIRED.—The Secretary may not grant any drilling permit or modification of the permit prior to completion of a full engineering review of the well system, including a determination that critical safety systems, including blowout prevention, will utilize best available technology and that blowout prevention systems will include redundancy and remote triggering capability.

“(3) OPERATOR SAFETY AND ENVIRONMENTAL MANAGEMENT REQUIRED.—The Secretary shall not grant any drilling permit or modification of the permit prior to completion of a safety and environmental management plan to be utilized by the operator during all well operations.”.

(e) EXPLORATION PERMIT REQUIREMENTS.—Section 11(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(g)) is amended by—

(1) striking “shall be issued” and inserting “may be issued”;

(2) inserting “and after consultation with the Secretary of Commerce,” after “in accordance with regulations issued by the Secretary”;

(3) striking the “and” at the end of paragraph (2);

(4) in paragraph (3) striking “will not be unduly harmful to” and inserting “is not likely to harm”;

(5) striking the period at the end of paragraph (3) and inserting a semicolon; and

(6) adding at the end the following:

“(4) the exploration will be conducted in accordance with other applicable environmental and natural resource conservation laws;

“(5) in the case of geophysical surveys, the applicant will use the best available technologies and methods to minimize impacts on marine life; and

“(6) in the case of drilling operations, the applicant has available oil spill response and clean-up equipment and technology that has been demonstrated to be capable of effectively remediating a worst-case release of oil.”.

(f) ENVIRONMENTAL REVIEW OF PLANS; DEEPWATER PLAN; PLAN DISAPPROVAL.—Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended by adding at the end the following:

“(i) ENVIRONMENTAL REVIEW OF PLANS.—The Secretary shall treat the approval of an exploration plan, or a significant revision of such a plan, as an agency action requiring preparation of an environmental assessment or environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and shall require that such plan—

“(1) be based on the best available technology to ensure safety in carrying out both the drilling of the well and any oil spill response; and

“(2) contain a technical systems analysis of the safety of the proposed activity, the blowout prevention technology, and the blowout and spill response plans.

“(j) DISAPPROVAL OF PLAN.—

“(1) IN GENERAL.—The Secretary shall disapprove the plan if the Secretary determines, because of exceptional geological conditions in the lease areas, exceptional resource values in the marine or coastal environment, or other exceptional circumstances, that—

“(A) implementation of the plan would probably cause serious harm or damage to life (including fish and other aquatic life), to property, to any mineral deposits (in areas leased or not leased), to the national security or defense, or to the marine, coastal, or human environments;

“(B) the threat of harm or damage will not disappear or decrease to an acceptable extent within a reasonable period of time; and

“(C) the advantages of disapproving the plan outweigh the advantages of exploration.

“(2) CANCELLATION OF LEASE FOR DISAPPROVAL OF PLAN.—If a plan is disapproved under this subsection, the Secretary may cancel such lease in accordance with subsection (c)(1) of this section.”.

SEC. 209. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a) in the second sentence by striking “meet national energy needs” and inserting “balance national energy needs and the protection of the marine and coastal environment and all the resources in that environment.”;

(2) in subsection (a)(1), by striking “considerers” and inserting “gives equal consideration to”;

(3) in subsection (a)(2)(A)—

(A) by striking “existing” and inserting “the best available scientific”; and

(B) by inserting “, including at least three consecutive years of data” after “information”;

(4) in subsection (a)(2)(D), by inserting “potential and existing sites of renewable energy installations,” after “deepwater ports,”;

(5) in subsection (a)(2)(H), by inserting “including the availability of infrastructure to support oil spill response” before the period;

(6) in subsection (a)(3), by—

(A) striking “to the maximum extent practicable,”;

(B) striking “obtain a proper balance between” and inserting “minimize”; and

(C) striking “damage,” and all that follows through the period and inserting “damage and adverse impacts on the marine, coastal, and human environments, and enhancing the potential for the discovery of oil and gas.”;

(7) in subsection (b)(1), by inserting “environmental, marine, and energy” after “obtain”;

(8) in subsection (b)(2), by inserting “environmental, marine, and” after “interpret the”;

(9) in subsection (b)(3), by striking “and” after the semicolon at the end;

(10) by striking the period at the end of subsection (b)(4) and inserting a semicolon;

(11) by adding at the end of subsection (b) the following:

“(5) provide technical review and oversight of exploration plans and a systems review of the safety of well designs and other operational decisions;

“(6) conduct regular and thorough safety reviews and inspections; and

“(7) enforce all applicable laws and regulations.”;

(12) in the first sentence of subsection (c)(1), by inserting “the National Oceanic and Atmospheric Administration and” after “including”;

(13) in subsection (c)(2)—

(A) by inserting after the first sentence the following: “The Secretary shall also submit a copy of such proposed program to the head of each Federal agency referred to in, or that otherwise provided suggestions under, paragraph (1).”;

(B) in the third sentence, by inserting “or head of a Federal agency” after “such Governor”; and

(C) in the fourth sentence, by inserting “or between the Secretary and the head of a Federal agency,” after “affected State.”;

(14) by redesignating subsection (c)(3) as subsection (c)(4) and by inserting before subsection (c)(4) (as so redesignated) the following:

“(3) At least 60 days prior to the publication of a proposed leasing program under this section, the Secretary shall request a review by the Secretary of Commerce of the proposed leasing program with respect to impacts on the marine and coastal environments. If the Secretary rejects or modifies any of the recommendations made by the Secretary of Commerce concerning the location, timing, or conduct of leasing activities under the proposed leasing program, the Secretary shall provide in writing justification for rejecting or modifying such recommendations.”.

(15) in the second sentence of subsection (d)(2), by inserting “, the head of a Federal agency,” after “Attorney General”;

(16) in subsection (g), by inserting after the first sentence the following: “Such information may include existing inventories and mapping of marine resources previously undertaken by the Department of the Interior and the National Oceanic and Atmospheric Administration, information provided by the Department of Defense, and other available data regarding energy or mineral resource potential, navigation uses, fisheries, aquaculture uses, recreational uses, habitat, conservation, and military uses on the outer Continental Shelf.”; and

(17) by adding at the end the following new subsection:

“(i) RESEARCH AND DEVELOPMENT.—The Secretary shall carry out a program of research and development to ensure the continued improvement of methodologies for characterizing resources of the outer Continental Shelf and conditions that may affect the ability to develop and use those resources in a safe, sound, and environmentally responsible manner. Such research and development activities may include activities to provide accurate estimates of energy and mineral reserves and potential on the Outer Continental Shelf and any activities that may assist in filling gaps in environmental data needed to develop each leasing program under this section.”.

SEC. 210. ENVIRONMENTAL STUDIES.

(a) INFORMATION NEEDED FOR ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL IMPACTS.—Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended by striking so much as precedes “of any area” in subsection (a)(1) and inserting the following:

“SEC. 20. ENVIRONMENTAL STUDIES.

“(a)(1) The Secretary, in cooperation with the Secretary of Commerce, shall conduct a study no less than once every three years”.

(b) IMPACTS OF DEEP WATER SPILLS.—Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended by—

(1) redesignating subsections (c) through (f) as (d) through (g); and

(2) inserting after subsection (b) the following new subsection:

“(c) The Secretary shall conduct research to identify and reduce data gaps related to impacts of deepwater hydrocarbon spills, including—

“(1) effects to benthic substrate communities and species;

“(2) water column habitats and species;

“(3) surface and coastal impacts from spills originating in deep waters; and

“(4) the use of dispersants.”.

SEC. 211. SAFETY REGULATIONS.

Section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347) is amended—

(1) in subsection (a), by striking “Upon the date of enactment of this section,” and inserting “Within 6 months after the date of enactment of the Outer Continental Shelf Lands Act Amendments of 2010 and every three years thereafter,”;

(2) in subsection (b) by—

(A) striking “for the artificial islands, installations, and other devices referred to in section 4(a)(1) of” and inserting “under”;

(B) striking “which the Secretary determines to be economically feasible”; and

(C) adding at the end “Not later than 6 months after the date of enactment of the Outer Continental Shelf Lands Act Amendments of 2010 and every 3 years thereafter, the Secretary shall, in consultation with the Outer Continental Shelf Safety and Environmental Advisory Board established under title I of the Consolidated Land, Energy, and Aquatic Resources Act of 2010, identify and publish an updated list of (1) the best available technologies for key areas of well design and operation, including blowout prevention and blowout and oil spill response and (2) technology needs for which the Secretary intends to identify best available technologies in the future.”; and

(3) by adding at the end the following:

“(g) SAFETY CASE.—Not later than 6 months after the date of enactment of the Outer Continental Shelf Lands Act Amendments of 2010, the Secretary shall promulgate regulations requiring a safety case be submitted along with each new application for a permit to drill on the outer Continental Shelf. Not later than 5 years after the date final regulations promulgated under this subsection go into effect, and not less than every 5 years thereafter, the Secretary shall enter into an arrangement with the National Academy of Engineering to conduct a study to assess the effectiveness of these regulations and to recommend improvements in their administration.

“(h) OFFSHORE TECHNOLOGY RESEARCH AND RISK ASSESSMENT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a program of research, development, and risk assessment to address technology and development issues associated with exploration for, and development and production of, energy and mineral resources on the outer Continental Shelf, with the primary purpose of informing its role relating to safety, environmental protection, and spill response.

“(2) SPECIFIC FOCUS AREAS.—The program under this subsection shall include research and development related to—

“(A) risk assessment, using all available data from safety and compliance records both within the United States and internationally;

“(B) analysis of industry trends in technology, investment, and frontier areas;

“(C) reviews of best available technologies, including those associated with pipelines, blowout preventer mechanisms, casing, well design, and other associated infrastructure related to offshore energy development;

“(D) oil spill response and mitigation;

“(E) risk associated with human factors;

“(F) technologies and methods to reduce the impact of geophysical exploration activities on marine life; and

“(G) renewable energy operations.”.

SEC. 212. ENFORCEMENT OF SAFETY AND ENVIRONMENTAL REGULATIONS.

(a) IN GENERAL.—Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended—

(1) by amending subsection (c) to read as follows:

“(c) INSPECTIONS.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall individually, or jointly if they so agree, promulgate regulations to provide for—

“(1) scheduled onsite inspection, at least once a year, of each facility on the outer Continental Shelf which is subject to any environmental or safety regulation promulgated pursuant to this Act, which inspection shall include all safety equipment designed to prevent or ameliorate blowouts, fires, spillages, or other major accidents;

“(2) scheduled onsite inspection, at least once a month, of each facility on the outer Continental Shelf engaged in drilling operations and which is subject to any environmental or safety regulation promulgated pursuant to this Act, which inspection shall include validation of the safety case required for the facility under section 21(g) and identifications of deviations from the safety case, and shall include all safety equipment designed to prevent or ameliorate blowouts, fires, spillages, or other major accidents;

“(3) periodic onsite inspection without advance notice to the operator of such facility to assure compliance with such environmental or safety regulations; and

“(4) periodic audits of each required safety and environmental management plan, and any associated safety case, both with respect to their implementation at each facility on the outer Continental Shelf for which such a plan or safety case is required and with respect to onshore management support for activities at such a facility.”;

(2) in subsection (d)(1)—

(A) by striking “each major fire and each major oil spillage” and inserting “each major fire, each major oil spillage, each loss of well control, and any other accident that presented a serious risk to human or environmental safety”; and

(B) by inserting before the period at the end the following: “, as a condition of the lease or permit”;

(3) in subsection (d)(2), by inserting before the period at the end the following: “as a condition of the lease or permit”;

(4) in subsection (e), by adding at the end the following: “Any such allegation from any employee of the lessee or any subcontractor of the lessee shall be investigated by the Secretary.”;

(5) in subsection (b)(1), by striking “recognized” and inserting “uncontrolled”; and

(6) by adding at the end the following:

“(g) INFORMATION ON CAUSES AND CORRECTIVE ACTIONS.—For any incident investigated under this section, the Secretary shall promptly make available to all lessees and the public technical information about the causes and corrective actions taken. All data and reports related to any such incident shall be maintained in a data base available to the public.

“(h) OPERATOR’S ANNUAL CERTIFICATION.—

“(1) The Secretary, in cooperation with the Secretary of the department in which the Coast Guard is operating, shall require all

operators of all new and existing drilling and production operations to annually certify that their operations are being conducted in accordance with applicable law and regulations.

“(2) Each certification shall include, but, not be limited to, statements that verify the operator has—

“(A) examined all well control system equipment (both surface and subsea) being used to ensure that it has been properly maintained and is capable of shutting in the well during emergency operations;

“(B) examined and conducted tests to ensure that the emergency equipment has been function-tested and is capable of addressing emergency situations;

“(C) reviewed all rig drilling, casing, cementing, well abandonment (temporary and permanent), completion, and workover practices to ensure that well control is not compromised at any point while emergency equipment is installed on the wellhead;

“(D) reviewed all emergency shutdown and dynamic positioning procedures that interface with emergency well control operations; and

“(E) taken the necessary steps to ensure that all personnel involved in well operations are properly trained and capable of performing their tasks under both normal drilling and emergency well control operations.

“(i) CEO STATEMENT.—The Secretary shall not approve any application for a permit to drill a well under this Act unless such application is accompanied by a statement in which the chief executive officer of the applicant attests, in writing, that—

“(1) the applicant is in compliance with all applicable environmental and natural resource conservation laws;

“(2) the applicant has the capability and technology to respond immediately and effectively to a worst-case oil spill in real-world conditions in the area of the proposed activity under the permit;

“(3) the applicant has an oil spill response plan that ensures that the applicant has the capacity to promptly control and stop a blowout in the event that well control measures fail;

“(4) the blowout preventer to be used during the drilling of the well has redundant systems to prevent or stop a blowout for all foreseeable blowout scenarios and failure modes;

“(5) the well design is safe; and

“(6) the applicant has the capability to expeditiously begin and complete a relief well if necessary in the event of a blowout.

“(j) THIRD PARTY CERTIFICATION.—All operators that modify or upgrade any emergency equipment placed on any operation to prevent blow-outs or other well control events, shall have an independent third party conduct a detailed physical inspection and design review of such equipment within 30 days of its installation. The independent third party shall certify that the equipment will operate as originally designed and any modifications or upgrades conducted after delivery have not compromised the design, performance, or functionality of the equipment. Failure to comply with this subsection shall result in suspension of the lease.”.

(b) APPLICATION.—Section 22(i) of the Outer Continental Shelf Lands Act, as added by the amendments made by subsection (a), shall apply to approvals of applications for a permit to drill that are submitted after the end of the 6-month period beginning on the date of enactment of this Act.

SEC. 213. JUDICIAL REVIEW.

Section 23(c)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1349(c)(3)) is amended by striking “sixty” and inserting “90”.

SEC. 214. REMEDIES AND PENALTIES.

(a) CIVIL PENALTY, GENERALLY.—Section 24(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1350(b)) is amended to read as follows:

“(b)(1) Except as provided in paragraph (2), any person who fails to comply with any provision of this Act, or any term of a lease, license, or permit issued pursuant to this Act, or any regulation or order issued under this Act, shall be liable for a civil administrative penalty of not more than \$75,000 for each day of the continuance of such failure. The Secretary may assess, collect, and compromise any such penalty. No penalty shall be assessed until the person charged with a violation has been given an opportunity for a hearing. The Secretary shall, by regulation at least every 3 years, adjust the penalty specified in this paragraph to reflect any increases in the Consumer Price Index (all items, United States city average) as prepared by the Department of Labor.

“(2) If a failure described in paragraph (1) constitutes or constituted a threat of harm or damage to life (including fish and other aquatic life), property, any mineral deposit, or the marine, coastal, or human environment, a civil penalty of not more than \$150,000 shall be assessed for each day of the continuance of the failure.”.

(b) KNOWING AND WILLFUL VIOLATIONS.—Section 24(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1350(c)) is amended in paragraph (4) by striking “\$100,000” and inserting “\$10,000,000”.

(c) OFFICERS AND AGENTS OF CORPORATIONS.—Section 24(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1350(d)) is amended by inserting “, or with willful disregard,” after “knowingly and willfully”.

SEC. 215. UNIFORM PLANNING FOR OUTER CONTINENTAL SHELF.

Section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351) is amended—

(1) by striking “other than the Gulf of Mexico,” in each place it appears;

(2) in subsection (c), by striking “and” after the semicolon at the end of paragraph (5), redesignating paragraph (6) as paragraph (11), and inserting after paragraph (5) the following new paragraphs:

“(6) a detailed and accurate description of equipment to be used for the drilling of wells pursuant to activities included in the development and production plan, including—

“(A) a description of the drilling unit or units;

“(B) a statement of the design and condition of major safety-related pieces of equipment, including independent third-party certification of such equipment; and

“(C) a description of any new technology to be used;

“(7) a scenario for the potential blowout of each well to be drilled as part of the plan involving the highest potential volume of liquid hydrocarbons, along with a complete description of a response plan to both control the blowout and manage the accompanying discharge of hydrocarbons, including the likelihood for surface intervention to stop the blowout, the availability of a rig to drill a relief well, an estimate of the time it would take to drill a relief well, a description of other technology that may be used to regain control of the well or capture escaping hydrocarbons and the potential timeline for using that technology for its intended

purpose, and the strategy, organization, and resources necessary to avoid harm to the environment and human health from hydrocarbons;

“(8) an analysis of the potential impacts of the worst-case-scenario discharge on the marine and coastal environments for activities conducted pursuant to the proposed development and production plan;

“(9) a comprehensive survey and characterization of the coastal or marine environment within the area of operation, including bathymetry, currents and circulation patterns within the water column, and descriptions of benthic and pelagic environments;

“(10) a description of the technologies to be deployed on the facilities to routinely observe and monitor in real time the marine environment throughout the duration of operations, and a description of the process by which such observation data and information will be made available to Federal regulators and to the System established under section 12304 of Public Law 111–11 (33 U.S.C. 3603); and”;

(3) in subsection (e), by striking so much as precedes paragraph (2) and inserting the following:

“(e)(1) The Secretary shall treat the approval of a development and production plan, or a significant revision of a development and production plan, as an agency action requiring preparation of an environmental assessment or environmental impact statement, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);”;

(4) by striking subsections (g) and (l), and redesignating subsections (h) through (k) as subsections (g) through (j); and

(5) in subsection (g), as so redesignated, by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and inserting after paragraph (1) the following:

“(2) The Secretary shall not approve a development and production plan, or a significant revision to such a plan, unless—

“(A) the plan is in compliance with all other applicable environmental and natural resource conservation laws; and

“(B) the applicant has available oil spill response and clean-up equipment and technology that has been demonstrated to be capable of effectively remediating the projected worst-case release of oil from activities conducted pursuant to the development and production plan.”.

SEC. 216. OIL AND GAS INFORMATION PROGRAM.

Section 26(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1352(a)(1)) is amended by—

(1) striking the period at the end of subparagraph (A) and inserting, “, provided that such data shall be transmitted in electronic format either in real-time or as quickly as practicable following the generation of such data.”; and

(2) striking subparagraph (C) and inserting the following:

“(C) Lessees engaged in drilling operations shall provide to the Secretary—

“(i) all daily reports generated by the lessee, or any daily reports generated by contractors or subcontractors engaged in or supporting drilling operations on the lessee's lease, no more than 24 hours after the end of the day for which they should have been generated;

“(ii) documentation of blowout preventer maintenance and repair, and any changes to design specifications of the blowout preventer, within 24 hours after such activity; and

“(iii) prompt or real-time transmission of the electronic log from a blowout preventer control system.”.

SEC. 217. LIMITATION ON ROYALTY-IN-KIND PROGRAM.

Section 27(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(a)) is amended by striking the period at the end of paragraph (1) and inserting “, except that the Secretary shall not conduct a regular program to take oil and gas lease royalties in oil or gas.”.

SEC. 218. RESTRICTIONS ON EMPLOYMENT.

Section 29 of the Outer Continental Shelf Lands Act (43 U.S.C. 1355) is amended—

(1) in the matter preceding paragraph (1)—
(A) by striking “SEC. 29” and all that follows through “No full-time” and inserting the following:

“SEC. 29. RESTRICTIONS ON EMPLOYMENT.

“(a) IN GENERAL.—No full-time”; and

(B) by striking “, and who was at any time during the twelve months preceding the termination of his employment with the Department compensated under the Executive Schedule or compensated at or above the annual rate of basic pay for grade GS–16 of the General Schedule”;

(2) in paragraph (1)—

(A) in subparagraph (A), by inserting “or advise” after “represent”;

(B) in subparagraph (B), by striking “with the intent to influence, make” and inserting “act with the intent to influence, directly or indirectly, or make”; and

(C) in the matter following subparagraph (C)—

(i) by inserting “inspection or enforcement action,” before “or other particular matter”; and

(ii) by striking “or” at the end;

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting “or advise” after “represent”;

(B) in subparagraph (B), by striking “with the intent to influence, make” and inserting “act with the intent to influence, directly or indirectly, or make”; and

(C) by striking the period at the end and inserting “; or”;

(4) by adding at the end the following:

“(3) during the 2-year period beginning on the date on which the employment of the officer or employee ceased at the Department, accept employment or compensation from any party that has a direct and substantial interest—

“(A) that was pending under the official responsibility of the officer or employee as an officer at any point during the 2-year period preceding the date of termination of the responsibility; or

“(B) in which the officer or employee participated personally and substantially as an officer or employee of the Department.

“(b) PRIOR DEALINGS.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharged duties or responsibilities under this Act shall participate personally and substantially as a Federal officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, inspection, enforcement action, or other particular matter in which, to the knowledge of the officer or employee—

“(1) the officer or employee or the spouse, minor child, or general partner of the officer or employee has a financial interest;

“(2) any organization in which the officer or employee is serving as an officer, director,

trustee, general partner, or employee has a financial interest;

“(3) any person or organization with whom the officer or employee is negotiating or has any arrangement concerning prospective employment has a financial interest; or

“(4) any person or organization in which the officer or employee has, within the preceding 1-year period, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee.

“(c) GIFTS FROM OUTSIDE SOURCES.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall, directly or indirectly, solicit or accept any gift in violation of subpart B of part 2635 of title 5, Code of Federal Regulations (or successor regulations).

“(d) PENALTY.—Any person that violates subsection (a) or (b) shall be punished in accordance with section 216 of title 18, United States Code.”.

SEC. 219. REPEAL OF ROYALTY RELIEF PROVISIONS.

(a) REPEAL OF PROVISIONS OF ENERGY POLICY ACT OF 2005.—The following provisions of the Energy Policy Act of 2005 (Public Law 109–58) are repealed:

(1) Section 344 (42 U.S.C. 15904; relating to incentives for natural gas production from deep wells in shallow waters of the Gulf of Mexico).

(2) Section 345 (42 U.S.C. 15905; relating to royalty relief for deep water production in the Gulf of Mexico).

(b) REPEAL OF PROVISIONS RELATING TO PLANNING AREAS OFFSHORE ALASKA.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking “and in the Planning Areas offshore Alaska”.

SEC. 220. MANNING AND BUY- AND BUILD-AMERICAN REQUIREMENTS.

Section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356) is amended—

(1) in subsection (a), by striking “shall issue regulations which” and inserting “shall issue regulations that shall be supplemental to and complementary with and under no circumstances a substitution for the provisions of the Constitution and laws of the United States extended to the subsoil and seabed of the outer Continental Shelf pursuant to section 4(a)(1) of this Act, except insofar as such laws would otherwise apply to individuals who have extraordinary ability in the sciences, arts, education, or business, which has been demonstrated by sustained national or international acclaim, and that”; and

(2) by adding at the end the following:

“(d) BUY AND BUILD AMERICAN.—It is the intention of the Congress that this Act, among other things, result in a healthy and growing American industrial, manufacturing, transportation, and service sector employing the vast talents of America's workforce to assist in the development of energy from the outer Continental Shelf. Moreover, the Congress intends to monitor the deployment of personnel and material on the outer Continental Shelf to encourage the development of American technology and manufacturing to enable United States workers to benefit from this Act by good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American resources.”.

SEC. 221. NATIONAL COMMISSION ON THE BP DEEPWATER HORIZON OIL SPILL AND OFFSHORE DRILLING.

(a) TECHNICAL EXPERTISE.—

(1) NATIONAL ACADEMY OF ENGINEERING AND NATIONAL RESEARCH COUNCIL.—The National

Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling established under Executive Order No. 13543 of May 21, 2010 (referred to in this section as the "Commission") shall consult regularly, and in any event no less frequently than once per month, with the engineering and technology experts who are conducting the "Analysis of Causes of the Deepwater Horizon Explosion, Fire, and Oil Spill to Identify Measures to Prevent Similar Accidents in the Future" for the National Academy of Engineering and the National Research Council.

(2) **OTHER TECHNICAL EXPERTS.**—The Commission also shall consult with other United States citizens with experience and expertise in such areas as—

- (A) engineering;
- (B) environmental compliance;
- (C) health and safety law (particularly oil spill legislation);
- (D) oil spill insurance policies;
- (E) public administration;
- (F) oil and gas exploration and production;
- (G) environmental cleanup;
- (H) fisheries and wildlife management;
- (I) marine safety; and
- (J) human factors affecting safety.

(3) **COMMISSION STAFF AND TECHNICAL EXPERTISE.**—The Commission shall retain, as either a full-time employee or a contractor, one or more science and technology expert-advisors with experience and expertise in petroleum engineering, rig safety, or drilling.

(b) **SUBPOENAS.**—

(1) **SUBPOENA POWER.**—The Commission may issue subpoenas in accordance with this subsection to compel the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, and other documents.

(2) **ISSUANCE.**—

(A) **AUTHORIZATION.**—A subpoena may be issued under this subsection only by—

- (i) agreement of the Co-Chairs of the Commission; or
- (ii) the affirmative vote of a majority of the members of the Commission.

(B) **JUSTICE DEPARTMENT COORDINATION.**—

(i) **NOTIFICATION.**—The Commission shall notify the Attorney General or the Attorney General's designee of the Commission's intent to issue a subpoena under this subsection, the identity of the recipient, and the nature of the testimony, documents, or other evidence (described in subparagraph (A)) sought before issuing such a subpoena. The form and content of such notice shall be set forth in the guidelines issued under clause (iv).

(ii) **CONDITIONS FOR OBJECTION TO ISSUANCE.**—The Commission may not issue a subpoena under authority of this Act if the Attorney General objects to the issuance of the subpoena on the basis that the subpoena is likely to interfere with any—

- (I) Federal or State criminal investigation or prosecution;
- (II) pending investigation under sections 3729 through 3732 of title 31, United States Code (commonly known as the "Civil False Claims Act");
- (III) pending investigation under any other Federal statute providing for civil remedies; or
- (IV) civil litigation to which the United States or any of its agencies is or is likely to be a party.

(iii) **NOTIFICATION OF OBJECTION.**—The Attorney General or relevant United States Attorney shall notify the Commission of an objection raised under this subparagraph without unnecessary delay and as set forth in the guidelines issued under clause (iv).

(iv) **GUIDELINES.**—As soon as practicable, but no later than 30 days after the date of the enactment of this Act, the Attorney General, after consultation with the Commission, shall issue guidelines to carry out this paragraph.

(C) **SIGNATURE AND SERVICE.**—A subpoena issued under this subsection may be—

(i) issued under the signature of either Co-Chair of the Commission or any member designated by a majority of the Commission; and

(ii) served by any person designated by the Co-Chairs or a member designated by a majority of the Commission.

(3) **ENFORCEMENT.**—

(A) **REQUIRED PROCEDURES.**—In the case of contumacy of any person issued a subpoena under this subsection or refusal by such person to comply with the subpoena, the Commission may request the Attorney General to seek enforcement of the subpoena. Upon such request, the Attorney General may seek enforcement of the subpoena in a court described in subparagraph (B). The court in which the Attorney General seeks enforcement of the subpoena may issue an order requiring the subpoenaed person to appear at any designated place to testify or to produce documentary or other evidence described in subparagraph (A) of paragraph (2), and may punish any failure to obey the order as a contempt of that court.

(B) **JURISDICTION FOR ENFORCEMENT.**—Any United States district court for a judicial district in which a person issued a subpoena under this subsection resides, is served, or may be found, or where the subpoena is returnable, upon application of the Attorney General, shall have jurisdiction to enforce the subpoena as provided in subparagraph (A).

(c) **RECOMMENDATIONS AND PURPOSES.**—

(1) **IN GENERAL.**—The Commission shall develop recommendations for—

(A) improvements to Federal laws, regulations, and industry practices applicable to offshore drilling that would—

- (i) ensure the effective oversight, inspection, monitoring, and response capabilities; and
- (ii) protect the environment and natural resources; and

(B) organizational or other reforms of Federal agencies or processes, including the creation of new agencies, as necessary, to ensure that the improvements described in paragraph (1) are implemented and maintained.

(2) **GOALS.**—In developing recommendations under paragraph (1), the Commission shall ensure that the following goals are met:

(A) Ensuring the safe operation and maintenance of offshore drilling platforms or vessels.

(B) Protecting the overall environment and natural resources surrounding ongoing and potential offshore drilling sites.

(C) Developing and maintaining Federal agency expertise on the safe and effective use of offshore drilling technologies, including technologies to minimize the risk of release of oil from offshore drilling platforms or vessels.

(D) Encouraging the development and implementation of efficient and effective oil spill response techniques and technologies that minimize or eliminate any adverse effects on natural resources or the environment that result from response activities.

(E) Ensuring that the Federal agencies regulating offshore drilling are staffed with, and managed by, career professionals, who are—

(i) permitted to exercise independent professional judgments and make safety the highest priority in carrying out their responsibilities;

(ii) not subject to undue influence from regulated interests or political appointees; and

(iii) subject to strict regulation to prevent improper relationships with regulated interests and to eliminate real or perceived conflicts of interests.

(3) **REPORT TO CONGRESS.**—In coordination with its final public report to the President, the Commission shall submit to Congress a report containing the recommendations developed under paragraph (1).

SEC. 222. COORDINATION AND CONSULTATION WITH AFFECTED STATE AND LOCAL GOVERNMENTS.

Section 19 of the Outer Continental Shelf Lands Act (43 U.S.C. 1345) is amended—

(1) by inserting "exploration plan or" before "development and production plan" in each place it appears; and

(2) by amending subsection (c) to read as follows:

“(c) **ACCEPTANCE OR REJECTION OF RECOMMENDATIONS.**—The Secretary shall accept recommendations of the Governor and may accept recommendations of the executive of any affected local government if the Secretary determines, after having provided the opportunity for consultation, that they provide for a reasonable balance between the national interest and the well-being of the citizens of the affected State. For purposes of this subsection, a determination of the national interest shall be based on the desirability of obtaining oil and gas supplies in a balanced manner and on protecting coastal and marine ecosystems and the economies dependent on those ecosystems. The Secretary shall provide an explanation to the Governor, in writing, of the reasons for his determination to accept or reject such Governor's recommendations, or to implement any alternative identified in consultation with the Governor.”

SEC. 223. IMPLEMENTATION.

(a) **NEW LEASES.**—The provisions of this title and title VII shall apply to any lease that is issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) after the effective date of this Act.

(b) **EXISTING LEASES.**—For all leases that were issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) that are in effect on the effective date of this Act, the Secretary shall take action, consistent with the terms of those leases, to apply the requirements of this title and title VII to those leases. Such action may include, but is not limited to, promulgating regulations, renegotiating such existing leases, conditioning future leases on bringing such existing leases into full or partial compliance with this title and title VII, or taking any other actions authorized by law.

Subtitle B—Royalty Relief for American Consumers

SEC. 241. SHORT TITLE.

This subtitle may be cited as the "Royalty Relief for American Consumers Act of 2010".

SEC. 242. ELIGIBILITY FOR NEW LEASES AND THE TRANSFER OF LEASES.

(a) **ISSUANCE OF NEW LEASES.**—

(1) **IN GENERAL.**—The Secretary shall not issue any new lease that authorizes the production of oil or natural gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to a person described in paragraph (2) unless the person has renegotiated each covered lease with respect to which the person

is a lessee, to modify the payment responsibilities of the person to require the payment of royalties if the price of oil and natural gas is greater than or equal to the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) **PERSONS DESCRIBED.**—A person referred to in paragraph (1) is a person that—

(A) is a lessee that—

(i) holds a covered lease on the date on which the Secretary considers the issuance of the new lease; or

(ii) was issued a covered lease before the date of enactment of this Act, but transferred the covered lease to another person or entity (including a subsidiary or affiliate of the lessee) after the date of enactment of this Act; or

(B) any other person that has any direct or indirect interest in, or that derives any benefit from, a covered lease.

(3) **MULTIPLE LESSEES.**—

(A) **IN GENERAL.**—For purposes of paragraph (1), if there are multiple lessees that own a share of a covered lease, the Secretary may implement separate agreements with any lessee with a share of the covered lease that modifies the payment responsibilities with respect to the share of the lessee to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(B) **TREATMENT OF SHARE AS COVERED LEASE.**—Beginning on the effective date of an agreement under subparagraph (A), any share subject to the agreement shall not constitute a covered lease with respect to any lessees that entered into the agreement.

(b) **TRANSFERS.**—A lessee or any other person who has any direct or indirect interest in, or who derives a benefit from, a lease shall not be eligible to obtain by sale or other transfer (including through a swap, spinoff, servicing, or other agreement) any covered lease, the economic benefit of any covered lease, or any other lease for the production of oil or natural gas in the Gulf of Mexico under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), unless the lessee or other person has—

(1) renegotiated each covered lease with respect to which the lessee or person is a lessee, to modify the payment responsibilities of the lessee or person to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(2) entered into an agreement with the Secretary to modify the terms of all covered leases of the lessee or other person to include limitations on royalty relief based on market prices that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(c) **USE OF AMOUNTS FOR DEFICIT REDUCTION.**—Notwithstanding any other provision of law, any amounts received by the United States as rentals or royalties under covered leases shall be deposited in the Treasury and used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

(d) **DEFINITIONS.**—In this section—

(1) **COVERED LEASE.**—The term “covered lease” means a lease for oil or gas production in the Gulf of Mexico that is—

(A) in existence on the date of enactment of this Act;

(B) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104-58); and

(C) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) **LESSEE.**—The term “lessee” includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 243. PRICE THRESHOLDS FOR ROYALTY SUSPENSION PROVISIONS.

The Secretary of the Interior shall agree to a request by any lessee to amend any lease issued for any Central and Western Gulf of Mexico tract in the period of January 1, 1996, through November 28, 2000, to incorporate price thresholds applicable to royalty suspension provisions, that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)). Any amended lease shall impose the new or revised price thresholds effective October 1, 2010. Existing lease provisions shall prevail through September 30, 2010.

TITLE III—OIL AND GAS ROYALTY REFORM

SEC. 301. AMENDMENTS TO DEFINITIONS.

Section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702) is amended—

(1) in paragraph (8), by striking the semicolon and inserting “including but not limited to the Act of October 20, 1914 (38 Stat. 741); the Act of February 25, 1920 (41 Stat. 437); the Act of April 17, 1926 (44 Stat. 301); the Act of February 7, 1927 (44 Stat. 1057); and all Acts heretofore or hereafter enacted that are amendatory of or supplementary to any of the foregoing Acts;”;

(2) in paragraph (20)(A), by striking “: *Provided, That*” and all that follows through “subject of the judicial proceeding”;

(3) in paragraph (20)(B), by striking “(with written notice to the lessee who designated the designee)”;

(4) in paragraph (23)(A), by striking “(with written notice to the lessee who designated the designee)”;

(5) by striking paragraph (24) and inserting the following:

“(24) ‘designee’ means a person who pays, offsets, or credits monies, makes adjustments, requests and receives refunds, or submits reports with respect to payments a lessee must make pursuant to section 102(a);”;

(6) in paragraph (25)(B)—

(A) by striking “(subject to the provisions of section 102(a) of this Act)”;

(B) in clause (ii) by striking the matter after subclause (IV) and inserting the following:

“that arises from or relates to any lease, easement, right-of-way, permit, or other agreement regardless of form administered by the Secretary for, or any mineral leasing law related to, the exploration, production, and development of oil and gas or other energy resource on Federal lands or the Outer Continental Shelf;”.

(7) in paragraph (29), by inserting “or permit” after “lease”; and

(8) by striking “and” after the semicolon at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting a semicolon, and by adding at the end the following new paragraphs:

“(34) ‘compliance review’ means a full-scope or a limited-scope examination of a lessee’s lease accounts to compare one or all elements of the royalty equation (volume, value, royalty rate, and allowances) against anticipated elements of the royalty equation to test for variances; and

“(35) ‘marketing affiliate’ means an affiliate of a lessee whose function is to acquire the lessee’s production and to market that production.”.

SEC. 302. COMPLIANCE REVIEWS.

Section 101 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1711) is amended by adding at the end the following new subsection:

“(d) The Secretary may, as an adjunct to audits of accounts for leases, utilize compliance reviews of accounts. Such reviews shall not constitute nor substitute for audits of lease accounts. Any disparity uncovered in such a compliance review shall be immediately referred to a program auditor. The Secretary shall, before completion of a compliance review, provide notice of the review to designees whose obligations are the subject of the review.”.

SEC. 303. CLARIFICATION OF LIABILITY FOR ROYALTY PAYMENTS.

Section 102(a) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1712(a)) is amended to read as follows:

“(a) In order to increase receipts and achieve effective collections of royalty and other payments, a lessee who is required to make any royalty or other payment under a lease, easement, right-of-way, permit, or other agreement, regardless of form, or under the mineral leasing laws, shall make such payment in the time and manner as may be specified by the Secretary or the applicable delegated State. Any person who pays, offsets, or credits monies, makes adjustments, requests and receives refunds, or submits reports with respect to payments the lessee must make is the lessee’s designee under this Act. Notwithstanding any other provision of this Act to the contrary, a designee shall be liable for any payment obligation of any lessee on whose behalf the designee pays royalty under the lease. The person owning operating rights in a lease and a person owning legal record title in a lease shall be liable for that person’s pro rata share of payment obligations under the lease.”.

SEC. 304. REQUIRED RECORDKEEPING.

Section 103(b) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1712(a)) is amended by striking “6” and inserting “7”.

SEC. 305. FINES AND PENALTIES.

Section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1719) is amended—

(1) in subsection (a) in the matter following paragraph (2), by striking “\$500” and inserting “\$1,000”;

(2) in subsection (a)(2)(B), by inserting “(i)” after “such person”, and by striking the period at the end and inserting “; and (ii) has not received notice, pursuant to paragraph (1), of more than two prior violations in the current calendar year.”;

(3) in subsection (b), by striking “\$5,000” and inserting “\$10,000”;

(4) in subsection (c)—

(A) in paragraph (2), by striking “; or” and inserting “, including any failure or refusal to promptly tender requested documents;”;

(B) in the text following paragraph (3)—

(i) by striking “\$10,000” and inserting “\$20,000”; and

(ii) by striking the comma at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(4) knowingly or willfully fails to make any royalty payment in the amount or value as specified by statute, regulation, order, or terms of the lease; or

“(5) fails to correctly report and timely provide operations or financial records necessary for the Secretary or any authorized designee of the Secretary to accomplish lease management responsibilities.”;

(5) in subsection (d), by striking “\$25,000” and inserting “\$50,000”;

(6) in subsection (h), by striking “by registered mail” and inserting “a common carrier that provides proof of delivery”; and

(7) by adding at the end the following subsection:

“(m)(1) Any determination by the Secretary or a designee of the Secretary that a person has committed a violation under subsection (a), (c), or (d)(1) shall toll any applicable statute of limitations for all oil and gas leases held or operated by such person, until the later of—

“(A) the date on which the person corrects the violation and certifies that all violations of a like nature have been corrected for all of the oil and gas leases held or operated by such person; or

“(B) the date a final, nonappealable order has been issued by the Secretary or a court of competent jurisdiction.

“(2) A person determined by the Secretary or a designee of the Secretary to have violated subsection (a), (c), or (d)(1) shall maintain all records with respect to the person’s oil and gas leases until the later of—

“(A) the date the Secretary releases the person from the obligation to maintain such records; and

“(B) the expiration of the period during which the records must be maintained under section 103(b).”.

SEC. 306. INTEREST ON OVERPAYMENTS.

Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended—

(1) by amending subsections (h) and (i) to read as follows:

“(h) Interest shall not be allowed nor paid nor credited on any overpayment, and no interest shall accrue from the date such overpayment was made.

“(i) A lessee or its designee may make a payment for the approximate amount of royalties (hereinafter in this subsection referred to as the ‘estimated payment’) that would otherwise be due for such lease by the date royalties are due for that lease. When an estimated payment is made, actual royalties are payable at the end of the month following the month in which the estimated payment is made. If the estimated payment was less than the amount of actual royalties due, interest is owed on the underpaid amount. If the lessee or its designee makes a payment for such actual royalties, the lessee or its designee may apply the estimated payment to future royalties. Any estimated payment may be adjusted, recouped, or reinstated by the lessee or its designee provided such adjustment, recoupment, or reinstatement is made within the limitation period for which the date royalties were due for that lease.”;

(2) by striking subsection (j); and

(3) in subsection (k)(4)—

(A) by striking “or overpaid royalties and associated interest”; and

(B) by striking “, refunded, or credited”.

SEC. 307. ADJUSTMENTS AND REFUNDS.

Section 111A of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721a) is amended—

(1) in subsection (a)(3), by inserting “(A)” after “(3)”, and by striking the last sentence and inserting the following:

“(B) Except as provided in subparagraph (C), no adjustment may be made with respect to an obligation that is the subject of an audit or compliance review after completion of the audit or compliance review, respectively, unless such adjustment is approved by the Secretary or the applicable delegated State, as appropriate.

“(C) If an overpayment is identified during an audit, the Secretary shall allow a credit in the amount of the overpayment.”;

(2) in subsection (a)(4)—

(A) by striking “six” and inserting “four”; and

(B) by striking “shall” the second place it appears and inserting “may”; and

(3) in subsection (b)(1) by striking “and” after the semicolon at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “; and”, and by adding at the end the following:

“(E) is made within the adjustment period for that obligation.”.

SEC. 308. CONFORMING AMENDMENT.

Section 114 of the Federal Oil and Gas Royalty Management Act of 1982 is repealed.

SEC. 309. OBLIGATION PERIOD.

Section 115(c) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(c)) is amended by adding at the end the following new paragraph:

“(3) ADJUSTMENTS.—In the case of an adjustment under section 111A(a) in which a recoupment by the lessee results in an underpayment of an obligation, for purposes of this Act the obligation becomes due on the date the lessee or its designee makes the adjustment.”.

SEC. 310. NOTICE REGARDING TOLLING AGREEMENTS AND SUBPOENAS.

(a) TOLLING AGREEMENTS.—Section 115(d)(1) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(d)(1)) is amended by striking “(with notice to the lessee who designated the designee)”.

(b) SUBPOENAS.—Section 115(d)(2)(A) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(d)(2)(A)) is amended by striking “(with notice to the lessee who designated the designee, which notice shall not constitute a subpoena to the lessee)”.

SEC. 311. APPEALS AND FINAL AGENCY ACTION.

Paragraphs (1) and (2) of section 115(h) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(h)) are amended by striking “33” each place it appears and inserting “48”.

SEC. 312. ASSESSMENTS.

Section 116 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724) is repealed.

SEC. 313. COLLECTION AND PRODUCTION ACCOUNTABILITY.

(a) PILOT PROJECT.—Within two years after the date of enactment of this Act, the Secretary shall complete a pilot project with willing operators of oil and gas leases on the Outer Continental Shelf that assesses the costs and benefits of automatic transmission of oil and gas volume and quality data produced under Federal leases on the Outer Continental Shelf in order to improve the production verification systems used to ensure accurate royalty collection and audit.

(b) REPORT.—The Secretary shall submit to Congress a report on findings and recommendations of the pilot project within 3 years after the date of enactment of this Act.

SEC. 314. NATURAL GAS REPORTING.

The Secretary shall, within 180 days after the date of enactment of this Act, implement the steps necessary to ensure accurate determination and reporting of BTU values of natural gas from all Federal oil and gas leases to ensure accurate royalty payments to the United States. Such steps shall include, but not be limited to—

(1) establishment of consistent guidelines for onshore and offshore BTU information from gas producers;

(2) development of a procedure to determine the potential BTU variability of produced natural gas on a by-reservoir or by-lease basis;

(3) development of a procedure to adjust BTU frequency requirements for sampling and reporting on a case-by-case basis;

(4) systematic and regular verification of BTU information; and

(5) revision of the “MMS-2014” reporting form to record, in addition to other information already required, the natural gas BTU values that form the basis for the required royalty payments.

SEC. 315. PENALTY FOR LATE OR INCORRECT REPORTING OF DATA.

(a) IN GENERAL.—The Secretary shall issue regulations by not later than 1 year after the date of enactment of this Act that establish a civil penalty for late or incorrect reporting of data under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.).

(b) AMOUNT.—The amount of the civil penalty shall be—

(1) an amount (subject to paragraph (2)) that the Secretary determines is sufficient to ensure filing of data in accordance with that Act; and

(2) not less than \$10 for each failure to file correct data in accordance with that Act.

(c) CONTENT OF REGULATIONS.—Except as provided in subsection (b), the regulations issued under this section shall be substantially similar to part 216.40 of title 30, Code of Federal Regulations, as most recently in effect before the date of enactment of this Act.

SEC. 316. REQUIRED RECORDKEEPING.

Within 1 year after the date of enactment of this Act, the Secretary shall publish final regulations concerning required recordkeeping of natural gas measurement data as set forth in part 250.1203 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), to include operators and other persons involved in the transporting, purchasing, or selling of gas under the requirements of that rule, under the authority provided in section 103 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1713).

SEC. 317. SHARED CIVIL PENALTIES.

Section 206 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1736) is amended by striking “Such amount shall be deducted from any compensation due such State or Indian Tribe under section 202 or section 205 or such State under section 205.”.

SEC. 318. APPLICABILITY TO OTHER MINERALS.

Section 304 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1753) is amended by adding at the end the following new subsection:

“(e) APPLICABILITY TO OTHER MINERALS.—

“(1) Notwithstanding any other provision of law, sections 107, 109, and 110 of this Act

and the regulations duly promulgated with respect thereto shall apply to any lease authorizing the development of coal or any other solid mineral on any Federal lands or Indian lands, to the same extent as if such lease were an oil and gas lease, on the same terms and conditions as those authorized for oil and gas leases.

“(2) Notwithstanding any other provision of law, sections 107, 109, and 110 of this Act and the regulations duly promulgated with respect thereto shall apply with respect to any lease, easement, right-of-way, or other agreement, regardless of form (including any royalty, rent, or other payment due thereunder)—

“(A) under section 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)); or

“(B) under the Geothermal Steam Act (30 U.S.C. 1001 et seq.), to the same extent as if such lease, easement, right-of-way, or other agreement were an oil and gas lease on the same terms and conditions as those authorized for oil and gas leases.

“(3) For the purposes of this subsection, the term ‘solid mineral’ means any mineral other than oil, gas, and geo-pressured-geothermal resources, that is authorized by an Act of Congress to be produced from public lands (as that term is defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).”.

SEC. 319. ENTITLEMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall publish final regulations prescribing when a Federal lessee or designee must report and pay royalties on the volume of oil and gas it takes under either a Federal or Indian lease or on the volume to which it is entitled to based upon its ownership interest in the Federal or Indian lease. The Secretary shall give consideration to requiring 100 percent entitlement reporting and paying based upon the lease ownership.

SEC. 320. LIMITATION ON ROYALTY IN-KIND PROGRAM.

Section 36 of the Mineral Leasing Act (30 U.S.C. 192) is amended by inserting before the period at the end of the first sentence the following: “, except that the Secretary shall not conduct a regular program to take oil and gas lease royalties in oil or gas”.

TITLE IV—FULL FUNDING FOR THE LAND AND WATER CONSERVATION AND HISTORIC PRESERVATION FUNDS

Subtitle A—Land and Water Conservation Fund

SEC. 401. AMENDMENTS TO THE LAND AND WATER CONSERVATION FUND ACT OF 1965.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.).

SEC. 402. EXTENSION OF THE LAND AND WATER CONSERVATION FUND.

Section 2 (16 U.S.C. 4601–5) is amended by striking “September 30, 2015” both places it appears and inserting “September 30, 2040”.

SEC. 403. PERMANENT FUNDING.

(a) IN GENERAL.—The text of section 3 (16 U.S.C. 4601–6) is amended to read as follows:

“(a) PERMANENT FUNDING.—Of the moneys covered into the fund, \$900,000,000 shall be available each fiscal year for expenditure for the purposes of this Act without further appropriation.

“(b) ALLOCATION AUTHORITY.—The Committees on Appropriations of the House of Representatives and the Senate may provide by law for the allocation of moneys in the fund to eligible activities under this Act.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2) (16 U.S.C. 4601–5(c)(2)) is amended by striking “: Provided” and all that follows through the end of the sentence and inserting a period.

(2) Section 7(a) (16 U.S.C. 4601–9) is amended to read as follows: “Moneys from the fund for Federal purposes shall, unless allocated pursuant to section 3(b) of this Act, be allotted by the President to the following purposes and subpurposes:”.

Subtitle B—National Historic Preservation Fund

SEC. 411. PERMANENT FUNDING.

The text of section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended to read as follows:

“(a) PERMANENT FUNDING.—To carry out the provisions of this Act, there is hereby established the Historic Preservation Fund (hereinafter referred to as the ‘fund’) in the Treasury of the United States. There shall be covered into the fund \$150,000,000 for each of fiscal years 1982 through 2040 from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended (43 U.S.C. 1338) and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act and shall be available for expenditure without further appropriation.

“(b) ALLOCATION AUTHORITY.—The Committees on Appropriations of the House of Representatives and the Senate may provide by law for the allocation of moneys in the fund to eligible activities under this Act.”.

TITLE V—GULF OF MEXICO RESTORATION

SEC. 501. GULF OF MEXICO RESTORATION PROGRAM.

(a) PROGRAM.—There is established a Gulf of Mexico Restoration Program for the purposes of coordinating Federal, State, and local restoration programs and projects to maximize efforts in restoring biological integrity, productivity and ecosystem functions in the Gulf of Mexico.

(b) GULF OF MEXICO RESTORATION TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the Gulf of Mexico Restoration Task Force (in this section referred to as the “Restoration Task Force”).

(2) MEMBERSHIP.—The Restoration Task Force shall consist of the Governors of each of the Gulf Coast States and the heads of appropriate Federal agencies selected by the President. The chairperson of the Restoration Task Force (in this subsection referred to as the “Chair”) shall be appointed by the President. The Chair shall be a person who, as the result of experience and training, is exceptionally well-qualified to manage the work of the Restoration Task Force. The Chair shall serve in the Executive Office of the President.

(3) ADVISORY COMMITTEES.—The Restoration Task Force may establish advisory committees and working groups as necessary to carry out its duties under this Act.

(c) GULF OF MEXICO RESTORATION PLAN.—

(1) IN GENERAL.—Not later than nine months after the date of enactment of this Act, the Restoration Task Force shall issue a proposed comprehensive, multi-jurisdic-

tional plan for long-term restoration of the Gulf of Mexico that incorporates, to the greatest extent possible, existing restoration plans. Not later than 12 months after the date of enactment and after notice and opportunity for public comment, the Restoration Task Force shall publish a final plan. The Plan shall be updated every five years in the same manner.

(2) ELEMENTS OF RESTORATION PLAN.—The Plan shall—

(A) identify processes and strategies for coordinating Federal, State, and local restoration programs and projects to maximize efforts in restoring biological integrity, productivity and ecosystem functions in the Gulf of Mexico region;

(B) identify mechanisms for scientific review and input to evaluate the benefits and long-term effectiveness of restoration programs and projects;

(C) identify, using the best science available, strategies for implementing restoration programs and projects for natural resources including—

(i) restoring species population and habitat including oyster reefs, sea grass beds, coral reefs, tidal marshes and other coastal wetlands and barrier islands and beaches;

(ii) restoring fish passage and improving migratory pathways for wildlife;

(iii) research that directly supports restoration programs and projects;

(iv) restoring the biological productivity and ecosystem function in the Gulf of Mexico region;

(v) improving the resilience of natural resources to withstand the impacts of climate change and ocean acidification to ensure the long-term effectiveness of the restoration program; and

(vi) restoring fisheries resources in the Gulf of Mexico that benefit the commercial and recreational fishing industries and seafood processing industries throughout the United States.

(3) REPORT.—The Task Force shall annually provide a report to Congress about the progress in implementing the Plan.

(d) DEFINITIONS.—For purposes of this section, the term—

(1) “Gulf Coast State” means each of the States of Texas, Louisiana, Mississippi, Alabama, and Florida; and

(2) “restoration programs and projects” means activities that support the restoration, rehabilitation, replacement, or acquisition of the equivalent, of injured or lost natural resources including the ecological services and benefits provided by such resources.

(e) RELATIONSHIP TO OTHER LAW.—Nothing in this section affects the ability or authority of the Federal Government to recover costs of removal or damages from a person determined to be a responsible party pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) or other law.

SEC. 502. GULF OF MEXICO LONG-TERM ENVIRONMENTAL MONITORING AND RESEARCH PROGRAM.

(a) IN GENERAL.—To ensure that the Federal Government has independent, peer-reviewed scientific data and information to assess long-term direct and indirect impacts on trust resources located in the Gulf of Mexico and Southeast region resulting from the *Deepwater Horizon* oil spill, the Secretary, through the National Oceanic and Atmospheric Administration, shall establish as soon as practicable after the date of enactment of this Act, a long-term, comprehensive marine environmental monitoring and research program for the marine and coastal environment of the Gulf of Mexico. The program shall remain in effect for a minimum

of 10 years, and the Secretary may extend the program beyond this initial period based upon a determination that additional monitoring and research is warranted.

(b) **SCOPE OF PROGRAM.**—The program established under subsection (a) shall at a minimum include monitoring and research of the physical, chemical, and biological characteristics of the affected marine, coastal, and estuarine areas of the Gulf of Mexico and other regions of the exclusive economic zone of the United States affected by the *Deepwater Horizon* oil spill, and shall include specifically the following elements:

(1) The fate, transport, and persistence of oil released during the spill and spatial distribution throughout the water column.

(2) The fate, transport, and persistence of chemical dispersants applied in-situ or on surface waters.

(3) Identification of lethal and sub-lethal impacts to fish and wildlife resources that utilize habitats located within the affected region.

(4) Impacts to regional, State, and local economies that depend on the natural resources of the affected area, including commercial and recreational fisheries, and other wildlife-dependent recreation.

(5) Other elements considered necessary by the Secretary to ensure a comprehensive marine research and monitoring program to comprehend and understand the implications to trust resources caused by the *Deepwater Horizon* oil spill.

(c) **COOPERATION AND CONSULTATION.**—In developing the research and monitoring program established under subsection (a), the Secretary shall cooperate with the United States Geological Survey, and shall consult with—

(1) the Council authorized under subtitle E of title II of Public Law 104-201;

(2) appropriate representatives from the Gulf Coast States;

(3) academic institutions and other research organizations; and

(4) other experts with expertise in long-term environmental monitoring and research of the marine environment.

(d) **AVAILABILITY OF DATA.**—Data and information generated through the program established under subsection (a) shall be managed and archived to ensure that it is accessible and available to governmental and non-governmental personnel and to the general public for their use and information.

(e) **REPORT.**—No later than one year after the establishment of the program under subsection (a), and biennially thereafter, the Secretary shall forward to the Congress a comprehensive report summarizing the activities and findings of the program and detailing areas and issues requiring future monitoring and research.

(f) **DEFINITIONS.**—For the purposes of this section, the term—

(1) “trust resources” means the living and nonliving natural resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States, any State, an Indian tribe, or a local government;

(2) “Gulf coast State” means each of the states of Texas, Louisiana, Mississippi, Alabama and Florida; and

(3) “Secretary” means the Secretary of Commerce.

SEC. 503. GULF OF MEXICO EMERGENCY MIGRATORY SPECIES ALTERNATIVE HABITAT PROGRAM.

(a) **IN GENERAL.**—In order to reduce the injury or death of many populations of migratory species of fish and wildlife, including

threatened and endangered species and other species of critical conservation concern, that utilize estuarine, coastal, and marine habitats of the Gulf of Mexico that have been impacted, or are likely to be impacted, by the *Deepwater Horizon* oil spill, and to ensure that migratory species upon their annual return to the Gulf of Mexico find viable, healthy, and environmentally-safe habitats to utilize for resting, feeding, nesting and roosting, and breeding, the Secretary of the Interior shall establish as soon as practicable after date of enactment of this Act, an emergency migratory species alternative habitat program.

(b) **SCOPE OF PROGRAM.**—The program established under subsection (a) shall at a minimum support projects along the Northern coast of the Gulf of Mexico to—

(1) improve wetland water quality and forage;

(2) restore and refurbish diked impoundments;

(3) improve riparian habitats to increase fish passage and breeding habitat;

(4) encourage conversion of agricultural lands to provide alternative migratory habitat for water fowl and other migratory birds;

(5) transplant, relocate, or rehabilitate fish and wildlife; and

(6) conduct other activities considered necessary by the Secretary to ensure that migratory species have alternative habitat available for their use outside of habitat impacted by the oil spill.

(c) **NATIONAL FISH AND WILDLIFE FOUNDATION.**—In implementing this section the Secretary may enter into an agreement with the National Fish and Wildlife Foundation to administer the program.

TITLE VI—COORDINATION AND PLANNING **SEC. 601. REGIONAL COORDINATION.**

(a) **IN GENERAL.**—The purpose of this title is to promote—

(1) better coordination, communication, and collaboration between Federal agencies with authorities for ocean, coastal, and Great Lakes management; and

(2) coordinated and collaborative regional planning efforts using the best available science, and to ensure the protection and maintenance of marine ecosystem health, in decisions affecting the sustainable development and use of Federal renewable and non-renewable resources on, in, or above the ocean (including the Outer Continental Shelf) and the Great Lakes for the long-term economic and environmental benefit of the United States.

(b) **OBJECTIVES OF REGIONAL EFFORTS.**—Such regional efforts shall achieve the following objectives:

(1) Greater systematic communication and coordination among Federal, coastal State, and affected tribal governments concerned with the conservation of and the sustainable development and use of Federal renewable and nonrenewable resources of the oceans, coasts, and Great Lakes.

(2) Greater reliance on a multiobjective, science- and ecosystem-based, spatially explicit management approach that integrates regional economic, ecological, affected tribal, and social objectives into ocean, coastal, and Great Lakes management decisions.

(3) Identification and prioritization of shared State and Federal ocean, coastal, and Great Lakes management issues.

(4) Identification of data and information needed by the Regional Coordination Councils established under section 602.

(c) **REGIONS.**—There are hereby designated the following Coordination Regions:

(1) **PACIFIC REGION.**—The Pacific Coordination Region, which shall consist of the coast-

al waters and Exclusive Economic Zone adjacent to the States of Washington, Oregon, and California.

(2) **GULF OF MEXICO REGION.**—The Gulf of Mexico Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to the States of Texas, Louisiana, Mississippi, and Alabama, and the west coast of Florida.

(3) **NORTH ATLANTIC REGION.**—The North Atlantic Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut.

(4) **MID ATLANTIC REGION.**—The Mid Atlantic Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia.

(5) **SOUTH ATLANTIC REGION.**—The South Atlantic Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to the States of North Carolina, South Carolina, Georgia, the east coast of Florida, and the Straits of Florida Planning Area.

(6) **ALASKA REGION.**—The Alaska Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to the State of Alaska.

(7) **PACIFIC ISLANDS REGION.**—The Pacific Islands Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to the State of Hawaii, the Commonwealth of the Northern Mariana Islands, American Samoa, and Guam.

(8) **CARIBBEAN REGION.**—The Caribbean Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to Puerto Rico and the United States Virgin Islands.

(9) **GREAT LAKES REGION.**—The Great Lakes Coordination Region, which shall consist of waters of the Great Lakes in the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

SEC. 602. REGIONAL COORDINATION COUNCILS.

(a) **IN GENERAL.**—Within 180 days after the date of enactment of this Act, the Chairman of the Council on Environmental Quality, in consultation with the affected coastal States and affected Indian tribes, shall establish or designate a Regional Coordination Council for each of the Coordination Regions designated by section 601(c).

(b) **MEMBERSHIP.**—

(1) **FEDERAL REPRESENTATIVES.**—Within 90 days after the date of enactment of this Act, the Chairman of the Council on Environmental Quality shall publish the titles of the officials of each Federal agency and department that shall participate in each Council. The Councils shall include representatives of each Federal agency and department that has authorities related to the development of ocean, coastal, or Great Lakes policies or engages in planning, management, or scientific activities that significantly affect or inform the use of ocean, coastal, or Great Lakes resources. The Chairman of the Council on Environmental Quality shall determine which Federal agency representative shall serve as the chairperson of each Council.

(2) **COASTAL STATE REPRESENTATIVES.**—

(A) **NOTICE OF INTENT TO PARTICIPATE.**—The Governor of each coastal State within each Coordination Region designated by section 601(c) shall within 3 months after the date of enactment of this Act, inform the Chairman of the Council on Environmental Quality

whether or not the State intends to participate in the Regional Coordination Council for the Region.

(B) **APPOINTMENT OF RESPONSIBLE STATE OFFICIAL.**—If a coastal State intends to participate in such Council, the Governor of the coastal State shall appoint an officer or employee of the coastal State agency with primary responsibility for overseeing ocean and coastal policy or resource management to that Council.

(C) **ALASKA REGIONAL COORDINATION COUNCIL.**—The Regional Coordination Council for the Alaska Coordination Region shall include representation from each of the States of Alaska, Washington, and Oregon, if appointed by the Governor of that State in accordance with this paragraph.

(3) **REGIONAL FISHERY MANAGEMENT COUNCIL REPRESENTATION.**—A representative of each Regional Fishery Management Council with jurisdiction in the Coordination Region of a Regional Coordination Council (who is selected by the Regional Fishery Management Council) and the executive director of the interstate marine fisheries commission with jurisdiction in the Coordination Region of a Regional Coordination Council shall each serve as a member of the Council.

(4) **REGIONAL OCEAN PARTNERSHIP REPRESENTATION.**—A representative of any Regional Ocean Partnership that has been established for any part of the Coordination Region of a Regional Coordination Council may appoint a representative to serve on the Council in addition to any Federal or State appointments.

(5) **TRIBAL REPRESENTATION.**—An appropriate tribal official selected by affected Indian tribes situated in the affected Coordination Region may elect to appoint a representative of such tribes collectively to serve as a member of the Regional Coordination Council for that Region.

(6) **LOCAL REPRESENTATION.**—The Chairman of the Council on Environmental Quality shall, in consultation with the Governors of the coastal States within each Coordination Region, identify and appoint representatives of county and local governments, as appropriate, to serve as members of the Regional Coordination Council for that Region.

(c) **ADVISORY COMMITTEE.**—Each Regional Coordination Council shall establish advisory committees for the purposes of public and stakeholder input and scientific advice, made up of a balanced representation from the energy, shipping, transportation, commercial and recreational fishing, and recreation industries, from marine environmental nongovernmental organizations, and from scientific and educational authorities with expertise in the conservation and management of ocean, coastal, and Great Lakes resources to advise the Council during the development of Regional Assessments and Regional Strategic Plans and in its other activities.

(d) **COORDINATION WITH EXISTING PROGRAMS.**—Each Regional Coordination Council shall build upon and complement current State, multistate, and regional capacity and governance and institutional mechanisms to manage and protect ocean waters, coastal waters, and ocean resources.

SEC. 603. REGIONAL STRATEGIC PLANS.

(a) **INITIAL REGIONAL ASSESSMENT.**—

(1) **IN GENERAL.**—Each Regional Coordination Council, shall, within one year after the date of enactment of this Act, prepare an initial assessment of its Coordination Region that shall identify deficiencies in data and information necessary to informed decision-making by Federal, State, and affected trib-

al governments concerned with the conservation of and management of the oceans, coasts, and Great Lakes. Each initial assessment shall to the extent feasible—

(A) identify the Coordination Region's renewable and non renewable resources, including current and potential energy resources;

(B) identify and include a spatially and temporally explicit inventory of existing and potential uses of the Coordination Region, including fishing and fish habitat, recreation, and energy development;

(C) document the health and relative environmental sensitivity of the marine ecosystem within the Coordination Region, including a comprehensive survey and status assessment of species, habitats, and indicators of ecosystem health;

(D) identify marine habitat types and important ecological areas within the Coordination Region;

(E) assess the Coordination Region's marine economy and cultural attributes and include regionally-specific ecological and socio-economic baseline data;

(F) identify and prioritize additional scientific and economic data necessary to inform the development of Strategic Plans; and

(G) include other information to improve decision making as determined by the Regional Coordination Council.

(2) **DATA.**—Each initial assessment shall—

(A) use the best available data;

(B) collect and provide data in a spatially explicit manner wherever practicable and provide such data to the interagency comprehensive digital mapping initiative as described in section 2 of Public Law 109-58 (42 U.S.C. 15801); and

(C) make publicly available any such data that is not classified information.

(3) **PUBLIC PARTICIPATION.**—Each Regional Coordination Council shall provide adequate opportunity for review and input by stakeholders and the general public during the preparation of the initial assessment and any revised assessments.

(b) **REGIONAL STRATEGIC PLANS.**—

(1) **REQUIREMENT.**—Each Regional Coordination Council shall, within 3 years after the completion of the initial regional assessment, prepare and submit to the Chairman of the Council on Environmental Quality a multiobjective, science- and ecosystem-based, spatially explicit, integrated Strategic Plan in accordance with this subsection for the Council's Coordination Region.

(2) **OBJECTIVE AND GOALS.**—The objective of the Strategic Plans under this subsection shall be to foster comprehensive, integrated, and sustainable development and use of ocean, coastal, and Great Lakes resources, while protecting marine ecosystem health and sustaining the long-term economic and ecosystem values of the oceans, coasts, and Great Lakes.

(3) **CONTENTS.**—Each Strategic Plan prepared by a Regional Coordination Council shall—

(A) be based on the initial regional assessment and updates for the Coordination Region under subsections (a) and (c), respectively;

(B) foster the sustainable and integrated development and use of ocean, coastal, and Great Lakes resources in a manner that protects the health of marine ecosystems;

(C) identify areas with potential for siting and developing renewable and nonrenewable energy resources in the Coordination Region covered by the Strategic Plan;

(D) identify other current and potential uses of the ocean and coastal resources in the Coordination Region;

(E) identify and recommend long-term monitoring needs for ecosystem health and socioeconomic variables within the Coordination Region covered by the Strategic Plan;

(F) identify existing State and Federal regulating authorities within the Coordination Region covered by the Strategic Plan and measures to assist those authorities in carrying out their responsibilities;

(G) identify best available technologies to minimize adverse environmental impacts and use conflicts in the development of ocean and coastal resources in the Coordination Region;

(H) identify additional research, information, and data needed to carry out the Strategic Plan;

(I) identify performance measures and benchmarks for purposes of fulfilling the responsibilities under this section to be used to evaluate the Strategic Plan's effectiveness;

(J) define responsibilities and include an analysis of the gaps in authority, coordination, and resources, including funding, that must be filled in order to fully achieve those performance measures and benchmarks; and

(K) include such other information at the Chairman of the Council on Environmental Quality determines is appropriate.

(4) **PUBLIC PARTICIPATION.**—Each Regional Coordination Council shall provide adequate opportunities for review and input by stakeholders and the general public during the development of the Strategic Plan and any Strategic Plan revisions.

(c) **UPDATED REGIONAL ASSESSMENTS.**—Each Regional Coordination Council shall update the initial regional assessment prepared under subsection (a) in coordination with each Strategic Plan revision under subsection (e), to provide more detailed information regarding the required elements of the assessment and to include any relevant new information that has become available in the interim.

(d) **REVIEW AND APPROVAL.**—

(1) **COMMENCEMENT OF REVIEW.**—Within 10 days after receipt of a Strategic Plan under this section, or any revision to such a Strategic Plan, from a Regional Coordination Council, the Chairman of the Council on Environmental Quality shall commence a review of the Strategic Plan or the revised Strategic Plan, respectively.

(2) **PUBLIC NOTICE AND COMMENT.**—Immediately after receipt of such a Strategic Plan or revision, the Chairman of the Council on Environmental Quality shall publish the Strategic Plan or revision in the Federal Register and provide an opportunity for the submission of public comment for a 90-day period beginning on the date of such publication.

(3) **REQUIREMENTS FOR APPROVAL.**—Before approving a Strategic Plan, or any revision to a Strategic Plan, the Chairman of the Council on Environmental Quality must find that the Strategic Plan or revision—

(A) is consistent with the Outer Continental Shelf Lands Act;

(B) complies with subsection (b); and

(C) complies with the purposes of this title as identified in section 601(a) and the objectives identified in section 601(b).

(4) **DEADLINE FOR COMPLETION.**—Within 180 days after the receipt of a Strategic Plan, or a revision to a Strategic Plan, the Chairman of the Council on Environmental Quality shall approve or disapprove the Strategic Plan or revision. If the Chairman disapproves the Strategic Plan or revision, the

Chairman shall transmit to the Regional Coordination Council that submitted the Strategic Plan or revision, an identification of the deficiencies and recommendations to improve it. The Council shall submit a revised Strategic Plan or revision to such plan with 180 days after receiving the recommendations from the Chairman.

(e) **PLAN REVISION.**—Each Strategic Plan shall be reviewed and revised by the relevant Regional Coordination Council at least once every 5 years. Such review and revision shall be based on the most recently updated regional assessment. Any proposed revisions to the Strategic Plan shall be submitted to the Chairman of the Council on Environmental Quality for review and approval pursuant to this section.

SEC. 604. REGULATIONS AND SAVINGS CLAUSE.

(a) **REGULATIONS.**—The Chairman of the Council on Environmental Quality may issue such regulations as the Chairman considers necessary to implement sections 601 through 603.

(b) **SAVINGS CLAUSE.**—Nothing in this title shall be construed to affect existing authorities under Federal law.

SEC. 605. OCEAN RESOURCES CONSERVATION AND ASSISTANCE FUND.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established in the Treasury of the United States a separate account to be known as the Ocean Resources Conservation and Assistance Fund.

(2) **CREDITS.**—The ORCA Fund shall be credited with amounts as specified in section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), as amended by section 207 of this Act.

(3) **ALLOCATION OF THE ORCA FUND.**—Of the amounts appropriated from the ORCA Fund each fiscal year—

(A) 70 percent shall be allocated to the Secretary, of which—

(i) 1/2 shall be used to make grants to coastal States and affected Indian tribes under subsection (b); and

(ii) 1/2 shall be used for the ocean, coastal, and Great Lakes grants program established by subsection (c);

(B) 20 percent shall be allocated to the Secretary to carry out the purposes of subsection (e); and

(C) 10 percent shall be allocated to the Secretary to make grants to Regional Ocean Partnerships under subsection (d) and the Regional Coordination Councils established under section 602.

(4) **PROCEDURES.**—The Secretary shall establish application, review, oversight, financial accountability, and performance accountability procedures for each grant program for which funds are allocated under this subsection.

(b) **GRANTS TO COASTAL STATES.**—

(1) **GRANT AUTHORITY.**—The Secretary may use amounts allocated under subsection (a)(3)(A)(i)(I) to make grants to—

(A) coastal States pursuant to the formula established under section 306(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(c)); and

(B) affected Indian tribes based on and proportional to any specific coastal and ocean management authority granted to an affected tribe pursuant to affirmation of a Federal reserved right.

(2) **ELIGIBILITY.**—To be eligible to receive a grant under this subsection, a coastal State or affected Indian tribe must prepare and revise a 5-year plan and annual work plans that—

(A) demonstrate that activities for which the coastal State or affected Indian tribe

will use the funds are consistent with the eligible uses of the Fund described in subsection (f); and

(B) provide mechanisms to ensure that funding is made available to government, nongovernment, and academic entities to carry out eligible activities at the county and local level.

(3) **APPROVAL OF STATE AND AFFECTED TRIBAL PLANS.**—

(A) **IN GENERAL.**—Plans required under paragraph (2) must be submitted to and approved by the Secretary.

(B) **PUBLIC INPUT AND COMMENT.**—In determining whether to approve such plans, the Secretary shall provide opportunity for, and take into consideration, public input and comment on the plans from stakeholders and the general public.

(5) **ENERGY PLANNING GRANTS.**—For each of the fiscal years 2011 through 2015, the Secretary may use funds allocated for grants under this subsection to make grants to coastal States and affected tribes under section 320 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), as amended by this Act.

(6) **USE OF FUNDS.**—Any amounts provided as a grant under this subsection, other than as a grants under paragraph (5), may only be used for activities described in subsection (f).

(c) **OCEAN AND COASTAL COMPETITIVE GRANTS PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary shall use amounts allocated under subsection (a)(3)(A)(i)(II) to make competitive grants for conservation and management of ocean, coastal, and Great Lakes ecosystems and marine resources.

(2) **OCEAN, COASTAL, AND GREAT LAKES REVIEW PANEL.**—

(A) **IN GENERAL.**—The Secretary shall establish an Ocean, Coastal, and Great Lakes Review Panel (in this subsection referred to as the “Panel”), which shall consist of 12 members appointed by the Secretary with expertise in the conservation and management of ocean, coastal, and Great Lakes ecosystems and marine resources. In appointing members to the Council, the Secretary shall include a balanced diversity of representatives of relevant Federal agencies, the private sector, nonprofit organizations, and academia.

(B) **FUNCTIONS.**—The Panel shall—

(i) review, in accordance with the procedures and criteria established under paragraph (3), grant applications under this subsection;

(ii) make recommendations to the Secretary regarding which grant applications should be funded and the amount of each grant; and

(iii) establish any specific requirements, conditions, or limitations on a grant application recommended for funding.

(3) **PROCEDURES AND ELIGIBILITY CRITERIA FOR GRANTS.**—

(A) **IN GENERAL.**—The Secretary shall establish—

(i) procedures for applying for a grant under this subsection and criteria for evaluating applications for such grants; and

(ii) criteria, in consultation with the Panel, to determine what persons are eligible for grants under the program.

(B) **ELIGIBLE PERSONS.**—Persons eligible under the criteria under subparagraph (A)(ii) shall include Federal, State, affected tribal, and local agencies, fishery or wildlife management organizations, nonprofit organizations, and academic institutions.

(4) **APPROVAL OF GRANTS.**—In making grants under this subsection the Secretary

shall give the highest priority to the recommendations of the Panel. If the Secretary disapproves a grant recommended by the Panel, the Secretary shall explain that disapproval in writing.

(5) **USE OF GRANT FUNDS.**—Any amounts provided as a grant under this subsection may only be used for activities described in subsection (f).

(d) **GRANTS TO REGIONAL OCEAN PARTNERSHIPS.**—

(1) **GRANT AUTHORITY.**—The Secretary may use amounts allocated under subsection (a)(3)(A)(iii) to make grants to Regional Ocean Partnerships.

(2) **ELIGIBILITY.**—In order to be eligible to receive a grant, a Regional Ocean Partnership must prepare and annually revise a plan that—

(A) identifies regional science and information needs, regional goals and priorities, and mechanisms for facilitating coordinated and collaborative responses to regional issues;

(B) establishes a process for coordinating and collaborating with the Regional Coordination Councils established under section 602 to address regional issues and information needs and achieve regional goals and priorities; and

(C) demonstrates that activities to be carried out with such funds are eligible uses of the funds identified in subsection (f).

(3) **APPROVAL BY SECRETARY.**—Such plans must be submitted to and approved by the Secretary.

(4) **PUBLIC INPUT AND COMMENT.**—In determining whether to approve such plans, the Secretary shall provide opportunity for, and take into consideration, input and comment on the plans from stakeholders and the general public.

(5) **USE OF FUNDS.**—Any amounts provided as a grant under this subsection may only be used for activities described in subsection (f).

(e) **LONG-TERM OCEAN AND COASTAL OBSERVATIONS.**—

(1) **IN GENERAL.**—The Secretary shall use the amounts allocated under subsection (a)(3)(A)(ii) to build, operate, and maintain the system established under section 12304 of Public Law 111–11 (33 U.S.C. 3603), in accordance with the purposes and policies for which the system was established.

(2) **ADMINISTRATION OF FUNDS.**—The Secretary shall administer and distribute funds under this subsection based upon comprehensive system budgets adopted by the Council referred to in section 12304(c)(1)(A) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(c)(1)(A)).

(f) **ELIGIBLE USE OF FUNDS.**—Any funds made available under this section may only be used for activities that contribute to the conservation, protection, maintenance, and restoration of ocean, coastal, and Great Lakes ecosystems in a manner that is consistent with Federal environmental laws and that avoids environmental degradation, including—

(1) activities to conserve, protect, maintain, and restore coastal, marine, and Great Lakes ecosystem health;

(2) activities to protect marine biodiversity and living marine and coastal resources and their habitats, including fish populations;

(3) the development and implementation of multiobjective, science- and ecosystem-based plans for monitoring and managing the wide variety of uses affecting ocean, coastal, and Great Lakes ecosystems and resources that consider cumulative impacts and are spatially explicit where appropriate;

(4) activities to improve the resiliency of those ecosystems;

(5) activities to improve the ability of those ecosystems to become more resilient, and to adapt to and withstand the impacts of climate change and ocean acidification;

(6) planning for and managing coastal development to minimize the loss of life and property associated with sea level rise and the coastal hazards resulting from it;

(7) research, education, assessment, monitoring, and dissemination of information that contributes to the achievement of these purposes;

(8) research of, protection of, enhancement to, and activities to improve the resiliency of culturally significant areas and resources; and

(9) activities designed to rescue, rehabilitate, and recover injured marine mammals, marine birds, and sea turtles.

(g) **DEFINITIONS.**—In this section:

(1) **ORCA FUND.**—The term “ORCA Fund” means the Ocean Resources Conservation and Assistance Fund established by this section

(2) **SECRETARY.**—Notwithstanding section 3, the term “Secretary” means the Secretary of Commerce.

SEC. 606. WAIVER.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Regional Coordination Councils established under section 602.

TITLE VII—OIL SPILL ACCOUNTABILITY AND ENVIRONMENTAL PROTECTION

SEC. 701. SHORT TITLE.

This title may be cited as the “Oil Spill Accountability and Environmental Protection Act of 2010”.

SEC. 702. REPEAL OF AND ADJUSTMENTS TO LIMITATION ON LIABILITY.

(a) **IN GENERAL.**—Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking “\$800,000,” and inserting “\$800,000.”; and

(ii) by adding “and” after the semicolon at the end;

(B) by striking paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3);

(2) in subsection (b)(2) by striking the second sentence; and

(3) by striking subsection (d)(4) and inserting the following:

“(4) **ADJUSTMENT OF LIMITS ON LIABILITY.**—Not later than 3 years after the date of enactment of the Oil Spill Accountability and Environmental Protection Act of 2010, and at least once every 3 years thereafter, the President shall review the limits on liability specified in subsection (a) and shall by regulation revise such limits upward to reflect either the amount of liability that the President determines is commensurate with the risk of discharge of oil presented by a particular category of vessel, facility, or port or any increase in the Consumer Price Index, whichever is greater.”.

(b) **APPLICABILITY.**—The amendments made by this section apply to—

(1) any claim arising from an event occurring after the date of enactment of this Act; and

(2) any claim arising from an event occurring before such date of enactment, if the claim is brought within the limitations period applicable to the claim.

SEC. 703. EVIDENCE OF FINANCIAL RESPONSIBILITY FOR OFFSHORE FACILITIES.

Section 1016 of the Oil Pollution Act of 1990 (33 U.S.C. 2716) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (B) by striking “subparagraph (A) is” and all that follows before the period and inserting “subparagraph (A) is \$300,000,000”; and

(B) by striking subparagraph (C) and inserting the following:

“(C) **ALTERNATE AMOUNT.**—

“(i) **SPECIFIC FACILITIES.**—

“(I) **IN GENERAL.**—If the President determines that an amount of financial responsibility for a responsible party that is less than the amount required by subparagraph (B) is justified based on the criteria established under clause (ii), the evidence of financial responsibility required shall be for an amount determined by the President.

“(II) **MINIMUM AMOUNTS.**—In no case shall the evidence of financial responsibility required under this section be less than—

“(aa) \$105,000,000 for an offshore facility located seaward of the seaward boundary of a State; or

“(bb) \$30,000,000 for an offshore facility located landward of the seaward boundary of a State.

“(iii) **CRITERIA FOR DETERMINATION OF FINANCIAL RESPONSIBILITY.**—The President shall prescribe the amount of financial responsibility required under clause (i)(I) based on the following:

“(I) The market capacity of the insurance industry to issue such instruments.

“(II) The operational risk of a discharge and the effects of that discharge on the environment and the region.

“(III) The quantity and location of the oil and gas that is explored for, drilled for, produced, or transported by the responsible party.

“(IV) The asset value of the owner of the offshore facility, including the combined asset value of all partners that own the facility.

“(V) The cost of all removal costs and damages for which the owner may be liable under this Act based on a worst-case-scenario.

“(VI) The safety history of the owner of the offshore facility.

“(VII) Any other factors that the President considers appropriate.

“(iii) **ADJUSTMENT FOR ALL OFFSHORE FACILITIES.**—

“(I) **IN GENERAL.**—Not later than 3 years after the date of enactment of the Oil Spill Accountability and Environmental Protection Act of 2010, and at least once every 3 years thereafter, the President shall review the levels of financial responsibility specified in this subsection and the limit on liability specified in subsection (f)(4) and may by regulation revise such levels and limit upward to the levels and limit that the President determines are justified based on the relative operational, environmental, and other risks posed by the quantity, quality, or location of oil that is explored for, drilled for, produced, or transported by the responsible party.

“(II) **NOTICE TO CONGRESS.**—Upon completion of a review specified in subclause (I), the President shall notify Congress as to whether the President will revise the levels of financial responsibility and limit on liability referred to in subclause (I) and the factors used in making such determination.”; and

(2) in subsection (f)—

(A) in paragraph (1) by striking “Subject” and inserting “Except as provided in paragraph (4) and subject”; and

(B) by adding at the end the following:

“(4) **MAXIMUM LIABILITY.**—The maximum liability of a guarantor of an offshore facility under this subsection is \$300,000,000.”.

SEC. 704. DAMAGES TO HUMAN HEALTH.

(a) **IN GENERAL.**—Section 1002(b)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)) is amended by adding at the end the following:

“(G) **HUMAN HEALTH.**—

“(i) **IN GENERAL.**—Damages to human health, including fatal injuries, which shall be recoverable by any claimant who has a demonstrable, adverse impact to human health or, in the case of a fatal injury to an individual, a claimant filing a claim on behalf of such individual.

“(ii) **INCLUSION.**—For purposes of clause (i), the term ‘human health’ includes mental health.”.

(b) **APPLICABILITY.**—The amendments made by this section apply to—

(1) any claim arising from an event occurring after the date of enactment of this Act; and

(2) any claim arising from an event occurring before such date of enactment, if the claim is brought within the limitations period applicable to the claim.

SEC. 705. CLARIFICATION OF LIABILITY FOR DISCHARGES FROM MOBILE OFFSHORE DRILLING UNITS.

(a) **IN GENERAL.**—Section 1004(b)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(b)(2)) is amended—

(1) by striking “from any incident described in paragraph (1)” and inserting “from any discharge of oil, or substantial threat of a discharge of oil, into or upon the water”; and

(2) by striking “liable” and inserting “liable as described in paragraph (1)”.

(b) **APPLICABILITY.**—The amendments made by this section shall apply to—

(1) any claim arising from an event occurring after the date of enactment of this Act; and

(2) any claim arising from an event occurring before such date of enactment, if the claim is brought within the limitations period applicable to the claim.

SEC. 706. STANDARD OF REVIEW FOR DAMAGE ASSESSMENT.

Section 1006(e)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2706(e)(2)) is amended—

(1) in the heading by striking “REBUTTABLE PRESUMPTION” and inserting “JUDICIAL REVIEW OF ASSESSMENTS”; and

(2) by striking “have the force and effect” and all that follows before the period and inserting the following: “be subject to judicial review under subchapter II of chapter 5 of title 5, United States Code (commonly known as the Administrative Procedure Act), on the basis of the administrative record developed by the lead Federal trustee as provided in such regulations”.

SEC. 707. INFORMATION ON CLAIMS.

(a) **IN GENERAL.**—Title I of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is amended by inserting after section 1013 the following:

“SEC. 1013A. INFORMATION ON CLAIMS.

“In the event of a spill of national significance, the President may require a responsible party or a guarantor of a source designated under section 1014(a) to provide to the President any information on or related to claims, either individually, in the aggregate, or both, that the President requests, including—

“(1) the transaction date or dates of such claims, including processing times; and

“(2) any other data pertaining to such claims necessary to ensure the performance of the responsible party or the guarantor with regard to the processing and adjudication of such claims.”.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 2 of such Act is amended by inserting after the item relating to section 1013 the following:

“Sec. 1013A. Information on claims.”.

(c) APPLICABILITY.—The amendments made by this section apply to—

(1) any claim arising from an event occurring after the date of enactment of this Act; and

(2) any claim arising from an event occurring before such date of enactment, if the claim is brought within the limitations period applicable to the claim.

SEC. 708. ADDITIONAL AMENDMENTS AND CLARIFICATIONS TO OIL POLLUTION ACT OF 1990.

(a) DEFINITIONS.—

(1) REMOVAL COSTS.—Section 1001(31) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(31)) is amended by inserting before the semicolon the following: “and includes all costs of Federal enforcement activities related thereto”.

(2) RESPONSIBLE PARTY.—Section 1001(32)(B) of such Act (33 U.S.C. 2701(32)(B)) is amended by inserting before “, except a” the following: “any person who owns or who has a leasehold interest or other property interest in the land or in the minerals beneath the land on which the facility is located, and any person who is the assignor of a property interest in the land or in the minerals beneath the land on which the facility is located.”.

(b) ELEMENTS OF LIABILITY.—Section 1002(b)(1)(A) of such Act (33 U.S.C. 2702(b)(1)(A)) is amended by inserting before the semicolon the following: “, including all costs of Federal enforcement activities related thereto”.

(c) SUBROGATION.—Section 1015(c) of such Act (33 U.S.C. 2715(c)) is amended by adding at the end the following: “In such actions, the Fund shall recover all costs and damages paid from the Fund unless the decision to make the payment is found to be arbitrary or capricious.”.

(d) FINANCIAL RESPONSIBILITY.—Section 1016(f)(1) of such Act (33 U.S.C. 2717(f)(1)) is amended—

(1) by inserting “and” at the end of subparagraph (A); and

(2) by striking “; and” at the end of subparagraph (B) and inserting a period; and

(3) by striking subparagraph (C).

(e) APPLICABILITY.—The amendments made by this section apply to—

(1) any claim arising from an event occurring after the date of enactment of this Act; and

(2) any claim arising from an event occurring before such date of enactment, if the claim is brought within the limitations period applicable to the claim.

SEC. 709. AMERICANIZATION OF OFFSHORE OPERATIONS IN THE EXCLUSIVE ECONOMIC ZONE.

(a) REGISTRY ENDORSEMENT REQUIRED.—

(1) IN GENERAL.—Section 12111 of title 46, United States Code, is amended by adding at the end the following:

“(e) RESOURCE ACTIVITIES IN THE EEZ.—Except for activities requiring an endorsement under sections 12112 or 12113, only a vessel for which a certificate of documentation with a registry endorsement is issued and that is owned by a citizen of the United States (as determined under section 50501(d)) may engage in support of exploration, development, or production of resources in, on, above, or below the exclusive economic zone or any other activity in the exclusive economic zone to the extent that the regulation of such activity is not prohibited under customary international law.”.

(2) APPLICABILITY.—The amendment made by paragraph (1) applies only with respect to exploration, development, production, and support activities that commence on or after July 1, 2011.

(b) LEGAL AUTHORITY.—Section 2301 of title 46, United States Code, is amended—

(1) by striking “chapter” and inserting “title”; and

(2) by inserting after “1988” the following: “and the exclusive economic zone to the extent that the regulation of such operation is not prohibited under customary international law”.

(c) TRAINING FOR COAST GUARD PERSONNEL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish a program to provide Coast Guard personnel with the training necessary for the implementation of the amendments made by this section.

SEC. 710. SAFETY MANAGEMENT SYSTEMS FOR MOBILE OFFSHORE DRILLING UNITS.

Section 3203 of title 46, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b) MOBILE OFFSHORE DRILLING UNITS.—The safety management system described in subsection (a) for a mobile offshore drilling unit operating in waters subject to the jurisdiction of the United States (including the exclusive economic zone) shall include processes, procedures, and policies related to the safe operation and maintenance of the machinery and systems on board the vessel that may affect the seaworthiness of the vessel in a worst-case event.”.

SEC. 711. SAFETY STANDARDS FOR MOBILE OFFSHORE DRILLING UNITS.

Section 3306 of title 46, United States Code, is amended by adding at the end the following:

“(k) In prescribing regulations for mobile offshore drilling units, the Secretary shall develop standards to address a worst-case event on the vessel.”.

SEC. 712. OPERATIONAL CONTROL OF MOBILE OFFSHORE DRILLING UNITS.

(a) LICENSES FOR MASTERS OF MOBILE OFFSHORE DRILLING UNITS.—

(1) IN GENERAL.—Chapter 71 of title 46, United States Code, is amended by redesignating sections 7104 through 7114 as sections 7105 through 7115, respectively, and by inserting after section 7103 the following:

“§ 7104. Licenses for masters of mobile offshore drilling units

“A license as master of a mobile offshore drilling unit may be issued only to an applicant who has been issued a license as master under section 7101(c)(1) and has demonstrated the knowledge, understanding, proficiency, and sea service for all industrial business or functions of a mobile offshore drilling unit.”.

(2) CONFORMING AMENDMENT.—Section 7109 of such title, as so redesignated, is amended by striking “section 7106 or 7107” and inserting “section 7107 or 7108”.

(3) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by striking the items relating to sections 7104 through 7114 and inserting the following:

“7104. Licenses for masters of mobile offshore drilling units.

“7105. Certificates for medical doctors and nurses.

“7106. Oaths.

“7107. Duration of licenses.

“7108. Duration of certificates of registry.

“7109. Termination of licenses and certificates of registry.

“7110. Review of criminal records.

“7111. Exhibiting licenses.

“7112. Oral examinations for licenses.

“7113. Licenses of masters or mates as pilots.

“7114. Exemption from draft.

“7115. Fees.”.

(b) REQUIREMENT FOR CERTIFICATE OF INSPECTION.—Section 8101(a)(2) of title 46, United States Code, is amended by inserting before the semicolon the following: “and shall at all times be under the command of a master licensed under section 7104”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 6 months after the date of enactment of this Act.

SEC. 713. SINGLE-HULL TANKERS.

(a) APPLICATION OF TANK VESSEL CONSTRUCTION STANDARDS.—Section 3703a(b) of title 46, United States Code, is amended by striking paragraph (3), and redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2011.

SEC. 714. REPEAL OF RESPONSE PLAN WAIVER.

Section 311(j)(5)(G) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)(G)) is amended—

(1) by striking “a tank vessel, nontank vessel, offshore facility, or onshore facility” and inserting “a nontank vessel”; and

(2) by striking “tank vessel, nontank vessel, or facility” and inserting “nontank vessel”; and

(3) by adding at the end the following: “A mobile offshore drilling unit, as such term is defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701), is not eligible to operate without a response plan approved under this section.”.

SEC. 715. NATIONAL CONTINGENCY PLAN.

(a) GUIDELINES FOR CONTAINMENT BOOMS.—Section 311(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(d)(2)) is amended by adding at the end the following:

“(N) Guidelines regarding the use of containment booms to contain a discharge of oil or a hazardous substance, including identification of quantities of containment booms likely to be needed, available sources of containment booms, and best practices for containment boom placement, monitoring, and maintenance.”.

(b) SCHEDULE, CRITERIA, AND FEES.—Section 311(d) of the Federal Water Pollution Control Act (33 U.S.C. 1321(d)) is amended by adding at the end the following:

“(5) SCHEDULE FOR USE OF DISPERSANTS, OTHER CHEMICALS, AND OTHER SPILL MITIGATING DEVICES AND SUBSTANCES.—

“(A) RULEMAKING.—Not later than 2 years after the date of enactment of this paragraph, the President, acting through the Administrator, after providing notice and an opportunity for public comment, shall issue a revised regulation for the development of the schedule for the use of dispersants, other chemicals, and other spill mitigating devices and substances developed under paragraph (2)(G) in a manner that is consistent with the requirements of this paragraph and shall modify the existing schedule to take into account the requirements of the revised regulation.

“(B) SCHEDULE LISTING REQUIREMENTS.—In issuing the regulation under subparagraph (A), the Administrator shall—

“(i) with respect to dispersants, other chemicals, and other spill mitigating substances included or proposed to be included on the schedule under paragraph (2)(G)—

“(I) establish minimum toxicity and efficacy testing criteria, taking into account the results of the study carried out under subparagraph (D);

“(II) provide for testing or other verification (independent from the information provided by an applicant seeking the inclusion of such dispersant, chemical, or substance on the schedule) related to the toxicity and effectiveness of such dispersant, chemical, or substance;

“(III) establish a framework for the application of any such dispersant, chemical, or substance, including—

“(aa) application conditions;

“(bb) the quantity thresholds for which approval by the Administrator is required;

“(cc) the criteria to be used to develop the appropriate maximum quantity of any such dispersant, chemical, or substance that the Administrator determines may be used, both on a daily and cumulative basis; and

“(dd) a ranking, by geographic area, of any such dispersant, chemical, or substance based on a combination of its effectiveness for each type of oil and its level of toxicity;

“(IV) establish a requirement that the volume of oil or hazardous substance discharged, and the volume and location of any such dispersant, chemical, or substance used, be measured and made publicly available, including on the Internet;

“(V) require the public disclosure of the specific chemical identity, including the chemical and common name of any ingredients contained in, and specific chemical formulas or mixtures of, any such dispersant, chemical, or substance; and

“(VI) in addition to existing authority, expressly provide a mechanism for the delisting of any such dispersant, chemical, or substance that the Administrator determines poses a significant risk or impact to water quality, the environment, or any other factor the Administrator determines appropriate;

“(ii) with respect to a dispersant, other chemical, and other spill mitigating substance not specifically identified on the schedule, and prior to the use of such dispersant, chemical, or substance in accordance with paragraph (2)(G)—

“(I) establish the minimum toxicity and efficacy levels for such dispersant, chemical, or substance;

“(II) require the public disclosure of the specific chemical identity of (including the chemical and common name of any ingredients contained in and the specific chemical formula or mixture of) any such dispersant, chemical, or substance; and

“(III) require the provision of such additional information as the Administrator determines necessary; and

“(iii) with respect to other spill mitigating devices included or proposed to be included on the schedule under paragraph (2)(G)—

“(I) require the manufacturer of such device to carry out a study of the risks and effectiveness of the device according to guidelines developed and published by the Administrator; and

“(II) in addition to existing authority, expressly provide a mechanism for the delisting of any such device based on any information made available to the Administrator that demonstrates that such device poses a significant risk or impact to water quality, the environment, or any other factor the Administrator determines appropriate.

“(C) DELISTING.—In carrying out subparagraphs (B)(i)(VI) and (B)(iii)(II), the Administrator, after posting a notice in the Federal Register and providing an opportunity for public comment, shall initiate a formal review of the potential risks and impacts associated with a dispersant, chemical, substance, or device prior to delisting the dispersant, chemical, substance, or device.

“(D) STUDY.—

“(I) IN GENERAL.—Not later than 3 months after the date of enactment of this paragraph, the Administrator shall initiate a study of the potential risks and impacts to water quality, the environment, or any other factor the Administrator determines appropriate, including acute and chronic risks, from the use of dispersants, other chemicals, and other spill mitigating substances, if any, that may be used to carry out the National Contingency Plan, including an assessment of such risks and impacts—

“(I) on a representative sample of biota and types of oil from locations where such dispersants, chemicals, or substances may potentially be used; and

“(II) that result from any by-products created from the use of such dispersants, chemicals, or substances.

“(ii) INFORMATION FROM MANUFACTURERS.—

“(I) IN GENERAL.—In conjunction with the study authorized by clause (i), the Administrator shall determine the requirements for manufacturers of dispersants, chemicals, or substances to evaluate the potential risks and impacts to water quality, the environment, or any other factor the Administrator determines appropriate, including acute and chronic risks, associated with the use of the dispersants, chemicals, or substances and any byproducts generated by such use and to provide the details of such evaluation as a condition for listing on the schedule, or approving for use under this section, according to guidelines developed and published by the Administrator.

“(II) MINIMUM REQUIREMENTS FOR EVALUATION.—In carrying out this clause, the Administrator shall require a manufacturer to include—

“(aa) information on the oils and locations where such dispersants, chemicals, or substances may potentially be used; and

“(bb) if appropriate, an assessment of application and impacts from subsea use of the dispersant, chemical, or substance, including the potential long term effects of such use on water quality and the environment.

“(E) PERIODIC REVISIONS.—

“(I) IN GENERAL.—Not later than 5 years after the date of the issuance of the regulation under this paragraph, and on an ongoing basis thereafter (and at least once every 5 years), the Administrator shall review the schedule for the use of dispersants, other chemicals, and other spill mitigating devices and substances that may be used to carry out the National Contingency Plan and update or revise the schedule, as necessary, to ensure the protection of water quality, the environment, and any other factor the Administrator determines appropriate.

“(ii) EFFECTIVENESS.—The Administrator shall ensure, to the maximum extent practicable, that each update or revision to the schedule increases the minimum effectiveness value necessary for listing a dispersant, other chemical, or other spill mitigating device or substance on the schedule.

“(F) APPROVAL OF USE AND APPLICATION OF DISPERSANTS.—

“(i) IN GENERAL.—In issuing the regulation under subparagraph (A), the Administrator shall require the approval of the Federal On-

Scene Coordinator, in coordination with the Administrator, for all uses of a dispersant, other chemical, or other spill mitigating substance in any removal action, including—

“(I) any such dispersant, chemical, or substance that is included on the schedule developed pursuant to this subsection; or

“(II) any dispersant, chemical, or other substance that is included as part of an approved area contingency plan or response plan developed under this section.

“(ii) REPEAL.—Any part of section 300.910 of title 40, Code of Federal Regulations, that is inconsistent with this paragraph is hereby repealed.

“(G) TOXICITY DEFINITION.—In this section, the term ‘toxicity’ is used in reference to the potential impacts of a dispersant, substance, or device on water quality or the environment.

“(6) REVIEW OF AND DEVELOPMENT OF CRITERIA FOR EVALUATING RESPONSE PLANS.—

“(A) REVIEW.—Not later than 6 months after the date of enactment of this paragraph, the President shall review the procedures and standards developed under paragraph (2)(J) to determine their sufficiency in ceasing and removing a worst case discharge of oil or hazardous substances, and for mitigating or preventing a substantial threat of such a discharge.

“(B) RULEMAKING.—Not later than 2 years after the date of enactment of this paragraph, the President, after providing notice and an opportunity for public comment, shall issue a final rule to—

“(i) revise the procedures and standards for ceasing and removing a worst case discharge of oil or hazardous substances, and for mitigating or preventing a substantial threat of such a discharge; and

“(ii) develop a metric for evaluating the National Contingency Plan, Area Contingency Plans, and tank vessel, nontank vessel, and facility response plans consistent with the procedures and standards developed pursuant to this paragraph.

“(7) FEES.—

“(A) GENERAL AUTHORITY AND FEES.—Subject to subparagraph (B), the Administrator shall establish a schedule of fees to be collected from the manufacturer of a dispersant, chemical, or spill mitigating substance or device to offset the costs of the Administrator associated with evaluating the use of the dispersant, chemical, substance, or device in accordance with this subsection and listing the dispersant, chemical, substance, or device on the schedule under paragraph (2)(G).

“(B) LIMITATION ON COLLECTION.—No fee may be collected under this subsection unless the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

“(C) FEES CREDITED AS OFFSETTING COLLECTIONS.—

“(i) IN GENERAL.—Notwithstanding section 3302 of title 31, United States Code, any fee authorized to be collected under this paragraph shall—

“(I) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

“(II) be available for expenditure only to pay the costs of activities and services for which the fee is imposed, including all costs associated with collecting such fees; and

“(III) remain available until expended.

“(ii) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for

the Environmental Protection Agency is provided under an Act providing continuing appropriations in lieu of the Administration's regular appropriations.

“(iii) ADJUSTMENTS.—The Administrator shall adjust the fees established by subparagraph (A) periodically to ensure that each of the fees required by subparagraph (A) is reasonably related to the Administration's costs, as determined by the Administrator, of performing the activity for which the fee is imposed.”

(c) TEMPORARY MORATORIUM ON APPROVAL OF USE OF DISPERSANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator of the Environmental Protection Agency may not approve the use of a dispersant under section 311(d) of the Oil Pollution Act of 1990 (33 U.S.C. 1321(d)), and shall withdraw any approval of such use made before the date of enactment of this Act, until the date on which the rulemaking and study required by subparagraphs (A) and (D) of section 311(d)(5) of such Act (as added by subsection (b) of this section) are complete.

(2) CONDITIONAL APPROVAL.—The Administrator may approve the use of a dispersant under section 311(d) of such Act (33 U.S.C. 1321(d)) for the period of time before the date on which the rulemaking and study required by subparagraphs (A) and (D) of section 311(d)(5) of such Act (as added by subsection (b) of this section) are complete if the Administrator determines that such use will not have a negative impact on water quality, the environment, or any other factor the Administrator determines appropriate.

(3) INFORMATION.—In approving the use of a dispersant under paragraph (2), the Administrator may require the manufacturer of the dispersant to provide such information as the Administrator determines necessary to satisfy the requirements of that paragraph.

(d) INCLUSION OF CONTAINMENT BOOMS IN AREA CONTINGENCY PLANS.—Section 311(j)(4)(C)(iv) of such Act (33 U.S.C. 1321(j)(4)(C)(iv)) is amended by striking “(including firefighting equipment)” and inserting “(including firefighting equipment and containment booms)”.

SEC. 716. TRACKING DATABASE.

Section 311(b) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)) is amended by adding at the end the following:

“(13) TRACKING DATABASE.—

“(A) IN GENERAL.—The President shall create a database to track all discharges of oil or hazardous substances—

“(i) into the waters of the United States, onto adjoining shorelines, or into or upon the waters of the contiguous zone;

“(ii) in connection with activities under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.); or

“(iii) which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.)).

“(B) REQUIREMENTS.—The database shall—

“(i) include—

“(I) the name of the vessel or facility;

“(II) the name of the owner, operator, or person in charge of the vessel or facility;

“(III) the date of the discharge;

“(IV) the volume of the discharge;

“(V) the location of the discharge, including an identification of any receiving waters that are or could be affected by the discharge;

“(VI) the type, volume, and location of the use of any dispersant, other chemical, or

other spill mitigating substance used in any removal action;

“(VII) a record of any determination of a violation of this section or liability under section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702);

“(VIII) a record of any enforcement action taken against the owner, operator, or person in charge; and

“(IX) any additional information that the President determines necessary;

“(ii) use data provided by the Environmental Protection Agency, the Coast Guard, and other appropriate Federal agencies;

“(iii) use data protocols developed and managed by the Environmental Protection Agency; and

“(iv) be publicly accessible, including by electronic means.”

SEC. 717. EVALUATION AND APPROVAL OF RESPONSE PLANS; MAXIMUM PENALTIES.

(a) AGENCY REVIEW OF RESPONSE PLANS.—

(1) LEAD FEDERAL AGENCY FOR REVIEW OF RESPONSE PLANS.—Section 311(j)(5)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)(A)) is amended by adding at the end the following:

“(iii) In issuing the regulations under this paragraph, the President shall ensure that—

“(I) the owner, operator, or person in charge of a tank vessel, nontank vessel, or offshore facility described in subparagraph (C) will not be considered to have complied with this paragraph until the owner, operator, or person in charge submits a plan under clause (i) or (ii), as appropriate, to the Secretary of the department in which the Coast Guard is operating, the Secretary of the Interior, or the Administrator, with respect to such offshore facilities as the President may designate, and the Secretary or Administrator, as appropriate, determines and notifies the owner, operator, or person in charge that the plan, if implemented, will provide an adequate response to a worst case discharge of oil or a hazardous substance or a substantial threat of such a discharge; and

“(II) the owner, operator, or person in charge of an onshore facility described in subparagraph (C)(iv) will not be considered to have complied with this paragraph until the owner, operator, or person in charge submits a plan under clause (i) either to the Secretary of Transportation, with respect to transportation-related onshore facilities, or the Administrator, with respect to all other onshore facilities, and the Secretary or Administrator, as appropriate, determines and notifies the owner, operator, or person in charge that the plan, if implemented, will provide an adequate response to a worst-case discharge of oil or a hazardous substance or a substantial threat of such a discharge.

“(iv)(I) The Secretary of the department in which the Coast Guard is operating, the Secretary of the Interior, the Secretary of Transportation, or the Administrator, as appropriate, shall require that a plan submitted to the Secretary or Administrator for a vessel or facility under clause (iii)(I) or (iii)(II) by an owner, operator, or person in charge—

“(aa) contain a probabilistic risk analysis for all critical engineered systems of the vessel or facility; and

“(bb) adequately address all risks identified in the risk analysis.

“(II) The Secretary or Administrator, as appropriate, shall require that a risk analysis developed under subclause (I) include, at a minimum, the following:

“(aa) An analysis of human factors risks, including both organizational and management failure risks.

“(bb) An analysis of technical failure risks, including both component technologies and integrated systems risks.

“(cc) An analysis of interactions between humans and critical engineered systems.

“(dd) Quantification of the likelihood of modes of failure and potential consequences.

“(ee) A description of methods for reducing known risks.

“(III) The Secretary or Administrator, as appropriate, shall require an owner, operator, or person in charge that develops a risk analysis under subclause (I) to make the risk analysis available to the public.”

(2) REVIEW AND APPROVAL OF RESPONSE PLANS.—Section 311(j)(5)(E) of such Act (33 U.S.C. 1321(j)(5)(E)) is amended to read as follows:

“(E) With respect to any response plan submitted under this paragraph for an onshore facility that, because of its location, could reasonably be expected to cause significant and substantial harm to the environment by discharging into or on the navigable waters or adjoining shorelines or the exclusive economic zone, and with respect to each response plan submitted under this paragraph for a tank vessel, nontank vessel, or offshore facility, the President shall—

“(i) promptly review the response plan;

“(ii) verify that the response plan complies with subparagraph (A)(iv), relating to risk analyses;

“(iii) with respect to a plan for an offshore or onshore facility or a tank vessel that carries liquefied natural gas, provide an opportunity for public notice and comment on the response plan;

“(iv) taking into consideration any public comments received and other appropriate factors, as determined by the President, require revisions to the response plan;

“(v) approve, approve with revisions, or disapprove the response plan;

“(vi) review the response plan periodically thereafter, and if applicable requirements are not met, acting through the head of the appropriate Federal department or agency—

“(I) issue administrative orders directing the owner, operator, or person in charge to comply with the response plan or any regulation issued under this section; or

“(II) assess civil penalties or conduct other appropriate enforcement actions in accordance with subsections (b)(6), (b)(7), and (b)(8) for failure to develop, submit, receive approval of, adhere to, or maintain the capability to implement the response plan, or failure to comply with any other requirement of this section;

“(vii) acting through the head of the appropriate Federal department or agency, conduct, at a minimum, biennial inspections of the tank vessel, nontank vessel, or facility to ensure compliance with the response plan or identify deficiencies in such plan;

“(viii) acting through the head of the appropriate Federal department or agency, make the response plan available to the public, including on the Internet; and

“(ix) in the case of a plan for a nontank vessel, consider any applicable State-mandated response plan in effect on the date of enactment of the Coast Guard and Maritime Transportation Act of 2004 and ensure consistency to the extent practicable.”

(3) BIENNIAL REPORT.—Section 311(j)(5) of such Act (33 U.S.C. 1321(j)(5)) is amended by adding at the end the following:

“(J) Not later than 2 years after the date of enactment of this subparagraph, and biennially thereafter, the President, acting through the Administrator, the Secretary of the department in which the Coast Guard is

operating, and the Secretary of Transportation, shall submit to Congress a report containing the following information for each owner, operator, or person in charge that submitted a response plan for a tank vessel, nontank vessel, or facility under this paragraph:

“(i) The number of response plans approved, disapproved, or approved with revisions under subparagraph (E) annually for tank vessels, nontank vessels, and facilities of the owner, operator, or person in charge.

“(ii) The number of inspections conducted under subparagraph (E) annually for tank vessels, nontank vessels, and facilities of the owner, operator, or person in charge.

“(iii) A summary of each administrative or enforcement action concluded with respect to each tank vessel, nontank vessel, and facility of the owner, operator, or person in charge, including a description of the violation, the date of violation, the amount of each penalty proposed, and the final assessment of each penalty and an explanation for any reduction in a penalty.”.

(4) ADMINISTRATIVE PROVISIONS FOR FACILITIES.—Section 311(m)(2) of such Act (33 U.S.C. 1321(m)(2)) is amended in each of subparagraphs (A) and (B) by inserting “, the Secretary of Transportation,” before “or the Secretary of the department in which the Coast Guard is operating”.

(b) PENALTIES.—

(1) ADMINISTRATIVE PENALTIES.—

(A) AUTHORITY OF SECRETARY OF TRANSPORTATION TO ASSESS PENALTIES.—Section 311(b)(6)(A) of such Act (33 U.S.C. 1321(b)(6)(A)) is amended by inserting “, the Secretary of Transportation,” before “or the Administrator”.

(B) ADMINISTRATIVE PENALTIES FOR FAILURE TO PROVIDE NOTICE.—Section 311(b)(6)(A) of such Act (33 U.S.C. 1321(b)(6)(A)) is further amended—

(i) in clause (i) by striking “paragraph (3), or” and inserting “paragraph (3),”;

(ii) in clause (ii) by striking “any regulation issued under subsection (j)” and inserting “any order or action required by the President under subsection (c) or (e) or any regulation issued under subsection (d) or (j)”;

(iii) by redesignating clause (ii) as clause (iii);

(iv) by inserting after clause (i) the following:

“(ii) who fails to provide notice to the appropriate Federal agency pursuant to paragraph (5), or”;

(v) by adding at the end the following: “Whenever the President delegates the authority to issue regulations under subsection (j), the head of the agency who issues regulations pursuant to that authority shall have the authority to assess a civil penalty in accordance with this section for violations of such regulations.”.

(C) PENALTY AMOUNTS.—Section 311(b)(6)(B) of such Act (33 U.S.C. 1321(b)(6)(B)) is amended—

(i) in clause (i)—

(I) by striking “\$10,000” and inserting “\$100,000”; and

(II) by striking “\$25,000” and inserting “\$250,000”; and

(ii) in clause (ii)—

(I) by striking “\$10,000” and inserting “\$100,000”; and

(II) by striking “\$125,000” and inserting “\$1,000,000”.

(2) CIVIL PENALTIES.—Section 311(b)(7) of such Act (33 U.S.C. 1321(b)(7)) is amended—

(A) in subparagraph (A)—

(i) by striking “\$25,000” and inserting “\$100,000”; and

(ii) by striking “\$1,000” and inserting “\$2,500”;

(B) in subparagraph (B)—

(i) by striking “described in subparagraph (A)”;

(ii) in clause (i) by striking “carry out removal of the discharge under an order of the President pursuant to subsection (c); or” and inserting “comply with any order or action required by the President pursuant to subsection (c),”;

(iii) in clause (ii) by striking “(1)(B)”;

(iv) by redesignating clause (ii) as clause (iii);

(v) by inserting after clause (i) the following:

“(ii) fails to provide notice to the appropriate Federal agency pursuant to paragraph (5), or”;

(vi) by striking “\$25,000” and inserting “\$100,000”;

(C) in subparagraph (C)—

(i) by striking “(j)” and inserting “(d) or (j)”;

(ii) by striking “\$25,000” and inserting “\$100,000”; and

(iii) by adding at the end the following:

“Whenever the President delegates the authority to issue regulations under subsection (j), the head of the agency who issues regulations pursuant to that authority shall have the authority to seek injunctive relief or assess a civil penalty in accordance with this section for violations of such regulations and the authority to refer the matter to the Attorney General for action under subparagraph (E).”;

(D) in subparagraph (D)—

(i) by striking “\$100,000” and inserting “\$300,000”; and

(ii) by striking “\$3,000” and inserting “\$7,500”; and

(E) in subparagraph (E) by adding at the end the following: “The court may award appropriate relief, including a temporary or permanent injunction, civil penalties, and punitive damages.”.

(3) APPLICABILITY.—The amendments made by this subsection apply to—

(A) any claim arising from an event occurring after the date of enactment of this Act; and

(B) any claim arising from an event occurring before such date of enactment, if the claim is brought within the limitations period applicable to the claim.

(c) CLARIFICATION OF FEDERAL REMOVAL AUTHORITY.—Section 311(c)(1)(B)(ii) of such Act (33 U.S.C. 1321(c)(1)(B)(ii)) is amended by striking “direct” and inserting “direct, including through the use of an administrative order.”.

SEC. 718. OIL AND HAZARDOUS SUBSTANCE CLEANUP TECHNOLOGIES.

Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

“(9) OIL AND HAZARDOUS SUBSTANCE CLEANUP TECHNOLOGIES.—The President, acting through the Secretary of the department in which the Coast Guard is operating, shall—

“(A) in coordination with the Secretary of the Interior and the heads of other appropriate Federal agencies, establish a process for—

“(i) quickly and effectively soliciting, assessing, and deploying offshore oil and hazardous substance cleanup technologies in the event of a discharge or substantial threat of a discharge of oil or a hazardous substance; and

“(ii) effectively coordinating with other appropriate agencies, industry, academia, small businesses, and others to ensure the

best technology available is implemented in the event of such a discharge or threat; and

“(B) in coordination with the Secretary of the Interior and the heads of other appropriate Federal agencies, maintain a database on best available oil and hazardous substance cleanup technologies in the event of a discharge or substantial threat of a discharge of oil or a hazardous substance.”.

SEC. 719. IMPLEMENTATION OF OIL SPILL PREVENTION AND RESPONSE AUTHORITIES.

Section 311(l) of the Federal Water Pollution Control Act (33 U.S.C. 1321(l)) is amended—

(1) by striking “(l) The President” and inserting the following:

“(1) DELEGATION AND IMPLEMENTATION.—

“(1) DELEGATION.—The President”; and

(2) by adding at the end the following:

“(2) ENVIRONMENTAL PROTECTION AGENCY.—

“(A) IN GENERAL.—The President shall delegate the responsibilities under subparagraph (B) to the Administrator.

“(B) RESPONSIBILITIES.—With respect to onshore facilities (other than transportation-related facilities) and such offshore facilities as the President may designate, the Administrator shall ensure that Environmental Protection Agency personnel develop and maintain operational capability—

“(i) for effective inspection, monitoring, prevention, preparedness, and response authorities related to the discharge or substantial threat of a discharge of oil or a hazardous substance;

“(ii) to protect water quality and the environment from impacts of a discharge or substantial threat of a discharge of oil or a hazardous substance; and

“(iii) to review and approve of, disapprove of, or require revisions (if necessary) to facility response plans and to carry out all other responsibilities under subsection (j)(5)(E).

“(3) COAST GUARD.—

“(A) IN GENERAL.—The President shall delegate the responsibilities under subparagraph (B) to the Secretary of the department in which the Coast Guard is operating.

“(B) RESPONSIBILITIES.—The Secretary shall ensure that Coast Guard personnel develop and maintain operational capability—

“(i) to establish and enforce regulations and standards for procedures, methods, equipment, and other requirements to prevent and to contain a discharge of oil or a hazardous substance from a tank vessel or nontank vessel or such an offshore facility as the President may designate;

“(ii) to establish and enforce regulations, and to carry out all other responsibilities, under subsection (j)(5) with respect to such vessels and offshore facilities as the President may designate; and

“(iii) to protect the environment and natural resources from impacts of a discharge or substantial threat of a discharge of oil or a hazardous substance from such vessels and offshore facilities as the President may designate.

“(C) ROLE AS FIRST RESPONDER.—

“(i) IN GENERAL.—The responsibilities delegated to the Secretary under subparagraph (B) shall be sufficient to allow the Coast Guard to act as a first responder to a discharge or substantial threat of a discharge of oil or a hazardous substance from a tank vessel, nontank vessel, or offshore facility.

“(ii) CAPABILITIES.—The President shall ensure that the Coast Guard has sufficient personnel and resources to act as a first responder as described in clause (i), including the resources necessary for on-going training

of personnel, acquisition of equipment (including containment booms, dispersants, and skimmers), and prepositioning of equipment.

“(D) CONTRACTS.—The Secretary may enter into contracts with private and nonprofit organizations for personnel and equipment in carrying out the responsibilities delegated to the Secretary under subparagraph (B).

“(4) DEPARTMENT OF TRANSPORTATION.—

“(A) IN GENERAL.—The President shall delegate the responsibilities under subparagraph (B) to the Secretary of Transportation.

“(B) RESPONSIBILITIES.—The Secretary of Transportation shall—

“(i) establish and enforce regulations and standards for procedures, methods, equipment, and other requirements to prevent and to contain discharges of oil and hazardous substances from transportation-related onshore facilities;

“(ii) have the authority to review and approve of, disapprove of, or require revisions (if necessary) to transportation-related onshore facility response plans and to carry out all other responsibilities under subsection (j)(5)(E); and

“(iii) ensure that Department of Transportation personnel develop and maintain operational capability—

“(I) for effective inspection, monitoring, prevention, preparedness, and response authorities related to the discharge or substantial threat of a discharge of oil or a hazardous substance from a transportation-related onshore facility; and

“(II) to protect the environment and natural resources from the impacts of a discharge or substantial threat of a discharge of oil or a hazardous substance from a transportation-related onshore facility.

“(5) DEPARTMENT OF THE INTERIOR.—

“(A) IN GENERAL.—The President shall delegate the responsibilities under subparagraph (B) to the Secretary of the Interior.

“(B) RESPONSIBILITIES.—The Secretary of the Interior shall—

“(i) establish and enforce regulations and standards for procedures, methods, equipment, and other requirements to prevent and to contain discharges of oil and hazardous substances from such offshore facilities as the President may designate;

“(ii) establish and enforce regulations to carry out all other responsibilities under subsection (j)(5) for such offshore facilities as the President may designate;

“(iii) have the authority to review and approve of, disapprove of, or require revisions (if necessary) to offshore facility response plans under subsection (j)(5) for such offshore facilities as the President may designate; and

“(iv) ensure that Department of the Interior personnel develop and maintain operational capability for effective inspection, monitoring, prevention, and preparedness authorities related to the discharge or a substantial threat of a discharge of oil or hazardous material from such offshore facilities as the President may designate.”.

SEC. 720. IMPACTS TO INDIAN TRIBES AND PUBLIC SERVICE DAMAGES.

(a) IN GENERAL.—Section 1002(b)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)) is amended—

(1) in subparagraph (D) by striking “or a political subdivision thereof” and inserting “a political subdivision of a State, or an Indian tribe”; and

(2) in subparagraph (F) by striking “by a State” and all that follows before the period and inserting “the United States, a State, a political subdivision of a State, or an Indian tribe”.

(b) APPLICABILITY.—The amendments made by this section apply to—

(1) any claim arising from an event occurring after the date of enactment of this Act; and

(2) any claim arising from an event occurring before such date of enactment, if the claim is brought within the limitations period applicable to the claim.

SEC. 721. FEDERAL ENFORCEMENT ACTIONS.

Section 309(g)(6)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1319(g)(6)(A)) is amended by striking “or section 311(b)”.

SEC. 722. TIME REQUIRED BEFORE ELECTING TO PROCEED WITH JUDICIAL CLAIM OR AGAINST THE FUND.

Paragraph (2) of section 1013(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2713(c)) is amended by striking “90” and inserting “45”.

SEC. 723. AUTHORIZED LEVEL OF COAST GUARD PERSONNEL.

The authorized end-of-year strength for active duty personnel of the Coast Guard for fiscal year 2011 is hereby increased by 300 personnel, above any other level authorized by law, for implementing the activities of the Coast Guard under this title, including the amendments made by this title.

SEC. 724. CLARIFICATION OF MEMORANDUMS OF UNDERSTANDING.

Not later than September 30, 2011, the President (acting through the head of the appropriate Federal department or agency) shall implement or revise, as appropriate, memorandums of understanding to clarify the roles and jurisdictional responsibilities of the Environmental Protection Agency, the Coast Guard, the Department of the Interior, the Department of Transportation, and other Federal agencies relating to the prevention of oil discharges from tank vessels, nontank vessels, and facilities subject to the Oil Pollution Act of 1990.

SEC. 725. BUILD AMERICA REQUIREMENT FOR OFFSHORE FACILITIES.

(a) IN GENERAL.—Title VI of the Oil Pollution Act of 1990 (33 U.S.C. 2751 et seq.) is amended by adding at the end the following:

“SEC. 6005. BUILD AMERICA REQUIREMENT FOR OFFSHORE FACILITIES.

“(a) BUILD AMERICA REQUIREMENT.—Except as provided by subsection (b), a person may not use an offshore facility to engage in support of exploration, development, or production of oil or natural gas in, on, above, or below the exclusive economic zone unless the facility was built in the United States, including construction of any major component of the hull or superstructure of the facility.

“(b) WAIVER AUTHORITY.—A person seeking to charter an offshore facility in the exclusive economic zone may seek a waiver of subsection (a). The Secretary may waive subsection (a) if the Secretary, in consultation with the Secretary of the Interior and the Secretary of Transportation, finds that—

“(1) the offshore facility was built in a foreign country and is under contract, on the date of enactment of this section, in support of exploration, development, or production of oil or natural gas in, on, above, or below the exclusive economic zone;

“(2) an offshore facility built in the United States is not available within a reasonable period of time, as defined in subsection (e), or of sufficient quality to perform drilling operations required under a contract; or

“(3) an emergency requires the use of an offshore facility built in a foreign country.

“(c) WRITTEN JUSTIFICATION AND PUBLIC NOTICE OF NONAVAILABILITY WAIVER.—When issuing a waiver based on a determination under subsection (b)(2), the Secretary shall

issue a detailed written justification as to why the waiver meets the requirement of such subsection. The Secretary shall publish the justification in the Federal Register and provide the public with 45 days for notice and comment.

“(d) FINAL DECISION.—The Secretary shall approve or deny any waiver request submitted under subsection (b) not later than 90 days after the date of receipt of the request.

“(e) REASONABLE PERIOD OF TIME DEFINED.—For purposes of subsection (b)(2), the term ‘reasonable period of time’ means the time needed for a person seeking to charter an offshore facility in the exclusive economic zone to meet the requirements in the primary term of the person’s lease.”.

(b) CLERICAL AMENDMENT.—The table of contents contained in section 2 of such Act is amended by inserting after the item relating to section 6004 the following:

“Sec. 6005. Build America requirement for offshore facilities.”.

SEC. 726. OIL SPILL RESPONSE VESSEL DATABASE.

(a) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall complete an inventory of all vessels operating in the waters of the United States that are capable of meeting oil spill response needs designated in the National Contingency Plan authorized by section 311(d) of the Federal Water Pollution Control Act (33 U.S.C. 1321(d)).

(b) CATEGORIZATION.—The inventory required under subsection (a) shall categorize such vessels by capabilities, type, function, and location.

(c) MAINTENANCE OF DATABASE.—The Commandant shall maintain a database containing the results of the inventory required under subsection (a) and update the information in the database on no less than a quarterly basis.

(d) AVAILABILITY.—The Commandant may make information regarding the location and capabilities of oil spill response vessels available to a Federal On-Scene Coordinator designated under section 311 of such Act (33 U.S.C. 1321) to assist in the response to an oil spill or other incident in the waters of the United States.

SEC. 727. OFFSHORE SENSING AND MONITORING SYSTEMS.

(a) REQUIREMENT.—Subtitle A of title IV of the Oil Pollution Act of 1990 is amended by adding at the end the following new section:

“SEC. 4119. OFFSHORE SENSING AND MONITORING SYSTEMS.

“(a) IN GENERAL.—The equipment required to be available under section 311(j)(5)(D)(iii) of the Federal Water Pollution Control Act for facilities listed in section 311(j)(5)(C)(iii) of such Act and located in more than 500 feet of water includes sensing and monitoring systems that meet the requirements of this section.

“(b) SYSTEMS REQUIREMENTS.—Sensing and monitoring systems required under subsection (a) shall—

“(1) use an integrated, modular, expandable, multi-sensor, open-architecture design and technology with interoperable capability;

“(2) be capable of—

“(A) operating for at least 25 years;

“(B) real-time physical, biological, geological, and environmental monitoring;

“(C) providing alerts in the event of anomalous circumstances;

“(D) providing docking bases to accommodate spatial sensors for remote inspection and monitoring; and

“(E) collecting chemical boundary condition data for drift and flow modeling; and

“(3) include—

“(A) an uninterruptible power source;

“(B) a spatial sensor;

“(C) secure Internet access to real-time physical, biological, geological, and environmental monitoring data gathered by the system sensors; and

“(D) a process by which such observation data and information will be made available to Federal Regulators and to the system established under section 12304 of Public Law 111–11 (33 U.S.C. 3603).”.

(b) **REQUEST FOR INFORMATION.**—Within 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue a request for information to determine the most capable and efficient domestic systems that meet the requirements under section 4119 of the Oil Pollution Act of 1990, as amended by this section.

(c) **IMPLEMENTING REGULATIONS.**—Within 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue regulations to implement section 4119 of the Oil Pollution Act of 1990 as amended by this section.

(d) **CLERICAL AMENDMENT.**—The table of contents in section 2 of the Oil Pollution Act of 1990 is amended by adding at the end of the items relating to such subtitle the following new item:

“Sec. 4119. Offshore sensing and monitoring systems.”.

SEC. 728. OIL AND GAS EXPLORATION AND PRODUCTION.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended—

(1) by striking paragraph (24); and

(2) by redesignating paragraph (25) as paragraph (24).

SEC. 729. LEAVE RETENTION AUTHORITY.

(a) **IN GENERAL.**—Chapter 11 of title 14, United States Code, is amended by inserting after section 425 the following:

“§ 426. Emergency leave retention authority

“(a) **IN GENERAL.**—A duty assignment for an active duty member of the Coast Guard in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or in response to a spill of national significance shall be treated, for the purpose of section 701(f)(2) of title 10, as a duty assignment in support of a contingency operation.

“(b) **DEFINITIONS.**—In this section:

“(1) **SPILL OF NATIONAL SIGNIFICANCE.**—The term ‘spill of national significance’ means a discharge of oil or a hazardous substance that is declared by the Commandant to be a spill of national significance.

“(2) **DISCHARGE.**—The term ‘discharge’ has the meaning given that term in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).”.

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by inserting after the item relating to section 425 the following:

“426. Emergency leave retention authority.”.

SEC. 730. AUTHORIZATION OF APPROPRIATIONS.

(a) **COAST GUARD.**—In addition to amounts made available pursuant to section 1012(a)(5)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)(A)), there is authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating from the Oil Spill Liability Trust Fund established by section 9509 of the Inter-

nal Revenue Code of 1986 (26 U.S.C. 9509) to carry out the purposes of this title and the amendments made by this title the following:

(1) For fiscal year 2011, \$30,000,000.

(2) For each of fiscal years 2012 through 2015, \$32,000,000.

(b) **ENVIRONMENTAL PROTECTION AGENCY.**—In addition to amounts made available pursuant to section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712), there is authorized to be appropriated to the Administrator of the Environmental Protection Agency from the Oil Spill Liability Trust Fund to implement this title and the amendments made by this title \$10,000,000 for each of fiscal years 2011 through 2015.

(c) **DEPARTMENT OF TRANSPORTATION.**—In addition to amounts made available pursuant to section 60125 of title 49, United States Code, there is authorized to be appropriated to the Secretary of Transportation from the Oil Spill Liability Trust Fund to carry out the purposes of this title and the amendments made by this title the following:

(1) For each of fiscal years 2011 through 2013, \$7,000,000.

(2) For each of fiscal years 2014 and 2015, \$6,000,000.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. REPEAL OF CERTAIN TAXPAYER SUBSIDIZED ROYALTY RELIEF FOR THE OIL AND GAS INDUSTRY.

(a) **PROVISIONS RELATING TO PLANNING AREAS OFFSHORE ALASKA.**—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking “and in the Planning Areas offshore Alaska” after “West longitude”.

(b) **PROVISIONS RELATING TO NAVAL PETROLEUM RESERVE IN ALASKA.**—Section 107 of the Naval Petroleum Reserves Production Act of 1976 (as transferred, redesignated, moved, and amended by section 347 of the Energy Policy Act of 2005 (119 Stat. 704)) is amended—

(1) in subsection (i) by striking paragraphs (2) through (6); and

(2) by striking subsection (k).

SEC. 802. CONSERVATION FEE.

(a) **ESTABLISHMENT.**—The Secretary shall, within 180 days after the date of enactment of this Act, issue regulations to establish an annual conservation fee for all oil and gas leases on Federal onshore and offshore lands.

(b) **AMOUNT.**—The amount of the fee shall be, for each barrel or barrel equivalent produced from land that is subject to a lease from which oil or natural gas is produced in a calendar year, \$2 per barrel of oil and 20 cents per million BTU of natural gas in 2010 dollars.

(c) **ASSESSMENT AND COLLECTION.**—The Secretary shall assess and collect the fee established under this section.

(d) **REGULATIONS.**—The Secretary may issue regulations to prevent evasion of the fee under this section.

(e) **SUNSET.**—This section and the fee established under this section shall expire on December 31, 2021.

SEC. 803. LEASING ON INDIAN LANDS.

Nothing in this Act modifies, amends, or affects leasing on Indian lands as currently carried out by the Bureau of Indian Affairs.

SEC. 804. OUTER CONTINENTAL SHELF STATE BOUNDARIES.

(a) **GENERAL.**—Not later than 2 years after the date of enactment of this Act, the President, acting through the Secretary of the Interior, shall publish a final determination under section 4(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2))

of the boundaries of coastal States projected seaward to the outer margin of the Outer Continental Shelf.

(b) **NOTICE AND COMMENT.**—In determining the projected boundaries specified in subsection (a), the Secretary shall comply with the notice and comment requirements under chapter 5 of title 5, United States Code.

(c) **SAVINGS CLAUSE.**—The determination and publication of projected boundaries under subsection (a) shall not be construed to alter, limit, or modify the jurisdiction, control, or any other authority of the United States over the Outer Continental Shelf.

SEC. 805. LIABILITY FOR DAMAGES TO NATIONAL WILDLIFE REFUGES.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following new subsection:

“(p) **DESTRUCTION OR LOSS OF, OR INJURY TO, REFUGE RESOURCES.**—

“(1) **LIABILITY.**—

“(A) **LIABILITY TO UNITED STATES.**—Any person who destroys, causes the loss of, or injures any refuge resource is liable to the United States for an amount equal to the sum of—

“(i) the amount of the response costs and damages resulting from the destruction, loss, or injury; and

“(ii) interest on that amount calculated in the manner described under section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

“(B) **LIABILITY IN REM.**—Any instrumentality, including a vessel, vehicle, aircraft, or other equipment, that destroys, causes the loss of, or injures any refuge resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury to the same extent as a person is liable under subparagraph (A).

“(C) **DEFENSES.**—A person is not liable under this paragraph if that person establishes that—

“(i) the destruction or loss of, or injury to, the refuge resource was caused solely by an act of God, an act of war, or an act or omission of a third party, and the person acted with due care;

“(ii) the destruction, loss, or injury was caused by an activity authorized by Federal or State law; or

“(iii) the destruction, loss, or injury was negligible.

“(D) **LIMITS TO LIABILITY.**—Nothing in sections 30501 to 30512 or section 30706 of title 46, United States Code, shall limit the liability of any person under this section.

“(2) **RESPONSE ACTIONS.**—The Secretary may undertake or authorize all necessary actions to prevent or minimize the destruction or loss of, or injury to, refuge resources, or to minimize the imminent risk of such destruction, loss, or injury.

“(3) **CIVIL ACTIONS FOR RESPONSE COSTS AND DAMAGES.**—

“(A) **IN GENERAL.**—The Attorney General, upon request of the Secretary, may commence a civil action against any person or instrumentality who may be liable under paragraph (1) for response costs and damages. The Secretary, acting as trustee for refuge resources for the United States, shall submit a request for such an action to the Attorney General whenever a person may be liable for such costs or damages.

“(B) **JURISDICTION AND VENUE.**—An action under this subsection may be brought in the United States district court for any district in which—

“(i) the defendant is located, resides, or is doing business, in the case of an action against a person;

“(ii) the instrumentality is located, in the case of an action against an instrumentality; or

“(iii) the destruction of, loss of, or injury to a refuge resource occurred.

“(4) **USE OF RECOVERED AMOUNTS.**—Response costs and damages recovered by the Secretary under this subsection shall be retained by the Secretary in the manner provided for in section 107(f)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(1)) and used as follows:

“(A) **RESPONSE COSTS.**—Amounts recovered by the United States for costs of response actions and damage assessments under this subsection shall be used, as the Secretary considers appropriate—

“(i) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

“(ii) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any refuge resource.

“(B) **OTHER AMOUNTS.**—All other amounts recovered shall be used, in order of priority—

“(i) to restore, replace, or acquire the equivalent of the refuge resources that were the subject of the action, including the costs of monitoring the refuge resources;

“(ii) to restore degraded refuge resources of the refuge that was the subject of the action, giving priority to refuge resources that are comparable to the refuge resources that were the subject of the action; and

“(iii) to restore degraded refuge resources of other refuges.

“(5) **DEFINITIONS.**—In this subsection, the term—

“(A) ‘damages’ includes—

“(i) compensation for—

“(I)(aa) the cost of replacing, restoring, or acquiring the equivalent of a refuge resource; and

“(bb) the value of the lost use of a refuge resource pending its restoration or replacement or the acquisition of an equivalent refuge resource; or

“(II) the value of a refuge resource if the refuge resource cannot be restored or replaced or if the equivalent of such resource cannot be acquired;

“(ii) the cost of conducting damage assessments;

“(iii) the reasonable cost of monitoring appropriate to the injured, restored, or replaced refuge resource; and

“(iv) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a refuge resource;

“(B) ‘response costs’ means the costs of actions taken or authorized by the Secretary to minimize destruction or loss of, or injury to, refuge resources, or to minimize the imminent risks of such destruction, loss, or injury, including costs related to seizure, forfeiture, storage, or disposal arising from liability, or to monitor ongoing effects of incidents causing such destruction, loss, or injury under this subsection; and

“(C) ‘refuge resource’ means any living or nonliving resource of a refuge that contributes to the conservation, management, and restoration mission of the System, including living or nonliving resources of a marine national monument that may be managed as a unit of the System.”.

SEC. 806. STRENGTHENING COASTAL STATE OIL SPILL PLANNING AND RESPONSE.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended adding at the end the following new section:

“SEC. 320. STRENGTHENING COASTAL STATE OIL SPILL RESPONSE AND PLANNING.

“(a) **GRANTS TO STATES.**—The Secretary may make grants to eligible coastal states—

“(1) to revise management programs approved under section 306 (16 U.S.C. 1455) to identify and implement new enforceable policies and procedures to ensure sufficient response capabilities at the state level to address the environmental, economic, and social impacts of oil spills or other accidents resulting from Outer Continental Shelf energy activities with the potential to affect any land or water use or natural resource of the coastal zone; and

“(2) to review and revise where necessary applicable enforceable policies within approved state management programs affecting coastal energy activities and energy to ensure that these policies are consistent with—

“(A) other emergency response plans and policies developed under Federal or State law; and

“(B) new policies and procedures developed under paragraph (1); and

“(3) after a State has adopted new or revised enforceable policies and procedures under paragraphs (1) and (2)—

“(A) the State shall submit the policies and procedures to the Secretary; and

“(B) the Secretary shall notify the State whether the Secretary approves or disapproves the incorporation of the policies and procedures into the State’s management program pursuant to section 306(e).

“(b) **ELEMENTS.**—New enforceable policies and procedures developed by coastal states with grants awarded under this section shall consider, but not be limited to—

“(1) other existing emergency response plans, procedures and enforceable policies developed under other Federal or State law that affect the coastal zone;

“(2) identification of critical infrastructure essential to facilitate spill or accident response activities;

“(3) identification of coordination, logistics and communication networks between Federal and State government agencies, and between State agencies and affected local communities, to ensure the efficient and timely dissemination of data and other information;

“(4) inventories of shore locations and infrastructure and equipment necessary to respond to oil spills or other accidents resulting from Outer Continental Shelf energy activities;

“(5) identification and characterization of significant or sensitive marine ecosystems or other areas possessing important conservation, recreational, ecological, historic, or aesthetic values;

“(6) inventories and surveys of shore locations and infrastructure capable of supporting alternative energy development; and

“(7) other information or actions as may be necessary.

“(c) **GUIDELINES.**—The Secretary shall, within 180 days after the date of enactment of this section and after consultation with the coastal states, publish guidelines for the application for and use of grants under this section.

“(d) **PARTICIPATION.**—A coastal state shall provide opportunity for public participation in developing new enforceable policies and procedures under this section pursuant to sections 306(d)(1) and 306(e), especially by relevant Federal agencies, other coastal state agencies, local governments, regional organizations, port authorities, and other interested parties and stakeholders, public and

private, that are related to, or affected by Outer Continental Shelf energy activities.

“(e) **ANNUAL GRANTS.**—

“(1) **IN GENERAL.**—For each of fiscal years 2011 through 2015, the Secretary may make a grant to a coastal state to develop new enforceable policies and procedures as required under this section.

“(2) **GRANT AMOUNTS AND LIMIT ON AWARDS.**—The amount of any grant to any one coastal State under this section shall not exceed \$750,000 for any fiscal year. No coastal state may receive more than two grants under this section.

“(3) **NO STATE MATCHING CONTRIBUTION REQUIRED.**—As it is in the national interest to be able to respond efficiently and effectively at all levels of government to oil spills and other accidents resulting from Outer Continental Shelf energy activities, a coastal state shall not be required to contribute any portion of the cost of a grant awarded under this section.

“(4) **SECRETARIAL REVIEW AND LIMIT ON AWARDS.**—After an initial grant is made to a coastal state under this section, no subsequent grant may be made to that coastal state under this section unless the Secretary finds that the coastal state is satisfactorily developing revisions to address offshore energy impacts. No coastal state is eligible to receive grants under this section for more than 2 fiscal years.

“(f) **APPLICABILITY.**—The requirements of this section shall only apply if appropriations are provided to the Secretary to make grants under this section. This section shall not be construed to convey any new authority to any coastal state, or repeal or supersede any existing authority of any coastal state, to regulate the siting, licensing, leasing, or permitting of energy facilities in areas of the Outer Continental Shelf under the administration of the Federal Government. Nothing in this section repeals or supersedes any existing coastal state authority.

“(g) **ASSISTANCE BY THE SECRETARY.**—The Secretary as authorized under section 310(a) and to the extent practicable, shall make available to coastal states the resources and capabilities of the National Oceanic and Atmospheric Administration to provide technical assistance to the coastal states to prepare revisions to approved management programs to meet the requirements under this section.”.

SEC. 807. INFORMATION SHARING.

Section 388(b) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note) is amended by adding at the end the following:

“(4) **AVAILABILITY OF DATA AND INFORMATION.**—All heads of departments and agencies of the Federal Government shall, upon request of the Secretary, provide to the Secretary all data and information that the Secretary deems necessary for the purpose of including such data and information in the mapping initiative, except that no department or agency of the Federal Government shall be required to provide any data or information that is privileged or proprietary.”.

SEC. 808. LIMITATION ON USE OF FUNDS.

None of the funds authorized or made available by this Act may be used to carry out any activity or pay any costs for removal or damages for which a responsible party (as such term is defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) is liable under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) or other law.

SEC. 809. ENVIRONMENTAL REVIEW.

Section 390 of the Energy Policy Act of 2005 (Public Law 109-58; 42 U.S.C. 15942) is repealed.

SEC. 810. FEDERAL RESPONSE TO STATE PROPOSALS TO PROTECT STATE LANDS AND WATERS.

Any State shall be entitled to timely decisions regarding permit applications or other approvals from any Federal official, including the Secretary of the Interior or the Secretary of Commerce, for any State or local government response activity to protect State lands and waters that is directly related to the discharge of oil determined to be a spill of national significance. Within 48 hours of the receipt of the State application or request for approval, the Federal official shall provide a clear determination on the permit application or approval request to the State, or provide a definite date by which the determination shall be made to the State. If the Federal official fails to meet either of these deadlines, the permit application is presumed to be approved or other approval granted.

The CHAIR. No amendment to that amendment in the nature of a substitute is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111-582.

Mr. RAHALL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 150, strike lines 15 and 16 (and redesignate the subsequent subparagraphs accordingly).

Page 37, line 7, strike "public health and".

Page 37, line 11, strike "public health and".

Page 39, line 8, strike "human health and".

Page 47, line 15, strike "public health and".

Page 66, line 11, strike "and human health".

Page 87, line 15, strike "and human health".

Page 180, strike lines 17 through 23 and insert the following:

"(V) require the public disclosure of all ingredients, including the chemical and common name of such ingredients, contained in any such dispersant, chemical, or substance; and

Page 181, strike lines 17 through 23 and insert the following:

"(II) require the public disclosure of all ingredients, including the chemical and common name of such ingredients, contained in any such dispersant, chemical, or substance; and

Page 169, line 18, insert "PROCEDURES FOR CLAIMS AGAINST FUND;" before "INFORMATION ON CLAIMS" (and conform the table of contents accordingly).

Page 169, after line 18, insert the following: (a) PROCEDURES FOR CLAIMS AGAINST FUND.—Section 1013(e) of the Oil Pollution Act of 1990 (33 U.S.C. 2713(e)) is amended by adding at the end the following: "In the event of a spill of national significance, the

President may exercise the authorities under this section to ensure that the presentation, filing, processing, settlement, and adjudication of claims occurs within the States and local governments affected by such spill to the greatest extent practicable."

Page 169, line 19, strike "(a) IN GENERAL.—" and insert "(b) INFORMATION ON CLAIMS.—".

Page 170, line 10, strike "(b)" and insert "(c)".

Page 170, line 14, strike "(c)" and insert "(d)".

Add at the end of title VII the following:

SEC. 731. CLARIFICATION OF LIABILITY UNDER OIL POLLUTION ACT OF 1990.

The Oil Pollution Act of 1990 is amended— (1) in section 1013 (33 U.S.C. 2713), by inserting after subsection (d) the following:

"(e) LIMITATION ON RELEASE OF LIABILITY.—No release of liability in connection with compensation received by a claimant under this Act shall apply to liability for any type of harm unless—

"(1) the claimant presented a claim under subsection (a) with respect to such type of harm; and

"(2) the claimant received compensation for such type of harm, from the responsible party or from guarantor of the source designated under section 1014(a), in connection with such release."; and

(2) in section 1018 (33 U.S.C. 2718), by—

(A) striking "or" at the end of paragraph (1);

(B) striking the period at the end of paragraph (2) and inserting "; and"; and

(C) inserting after paragraph (2) the following:

"(3) with respect to a claim described in section 1013(e), affect, or be construed or interpreted to affect or modify in any way, the obligations or liabilities of any person under other Federal law."

Page 223, after line 13, insert the following (and conform the table of contents of the bill accordingly):

SEC. 732. SALVAGE ACTIVITIES.

Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (a)(2)(D) by inserting "or salvage activities" after "removal"; and

(2) in subsection (c)(4)(A) by inserting "or conducting salvage activities" after "advice".

Page 23, line 4, insert "safety training firms," after "labor organizations."

Page 8, line 7, strike "Biomass or landfill" and insert "Landfill".

Page 238, after line 19, insert the following:

SEC. 811. GOVERNMENT ACCOUNTABILITY OFFICE EVALUATION.

(a) EVALUATION.—The Comptroller General shall conduct an evaluation of the Department of the Interior to determine—

(1) whether the reforms carried out under this Act and the amendments made by this Act address concerns of the Government Accountability Office and the Inspector General expressed before the date of enactment of this Act;

(2) whether the increased hiring authority given to the Secretary of the Interior under this Act and the amendments made by this Act has resulted in the Department of the Interior being more effective in addressing its oversight missions; and

(3) whether there has been a sufficient reduction in the conflict between mission and interest within the Department of the Interior.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the evaluation conducted under subsection (a).

Page 24, after line 12, insert the following:

(6) ROLE OF OIL OR GAS OPERATORS AND RELATED INDUSTRIES.—The Secretary shall ensure that any cooperative agreement or other collaboration with a representative of an oil or gas operator or related industry in relation to a training program established under paragraph (4) or paragraph (5) is limited to consultation regarding curricula and does not extend to the provision of instructional personnel.

Page 238, after line 19, insert the following new section:

SEC. 812. STUDY ON RELIEF WELLS.

Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Engineering under which the Academy shall, not later than 1 year after such arrangement is entered into, submit to the Secretary and to Congress a report that assesses the economic, safety, and environmental impacts of requiring that 1 or more relief wells be drilled in tandem with the drilling of some or all wells subject to the requirements of this Act and the amendments made by this Act.

Page 223, after line 13, insert the following (and conform the table of contents accordingly):

SEC. 733. REQUIREMENT FOR REDUNDANCY IN RESPONSE PLANS.

(a) REQUIREMENT.—Section 311(j)(5)(D) of the Federal Water Pollution Control Act (33 U.S.C. 1331(j)(5)(D)) is amended by redesignating clauses (v) and (vi) as clauses (vii) and (viii), and by inserting after clause (iv) the following new clauses:

"(v) include redundancies that specify response actions that will be taken if other response actions specified in the plan fail;

"(vi) be vetted by impartial experts;"

(b) CONDITION OF PERMIT.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following new section:

"SEC. 32. RESPONSE PLAN REQUIRED FOR PERMIT OR LICENSE AUTHORIZING DRILLING FOR OIL AND GAS.

"The Secretary may not issue any license or permit authorizing drilling for oil and gas on the Outer Continental Shelf unless the applicant for the license or permit has a response plan approved under section 311(j)(5)(D) of the Federal Water Pollution Control Act (33 U.S.C. 1331(j)(5)(D)) for the vessel or facility that will be used to conduct such drilling."

Add at the end the following new title:

TITLE —STUDY OF ACTIONS TO IMPROVE THE ACCURACY OF COLLECTION OF ROYALTIES**SEC. 1. SHORT TITLE.**

This title may be cited as the "Study of Ways to Improve the Accuracy of the Collection of Federal Oil, Condensate, and Natural Gas Royalties Act of 2010".

SEC. 2. STUDY OF ACTIONS TO IMPROVE THE ACCURACY OF COLLECTION OF FEDERAL OIL, CONDENSATE, AND NATURAL GAS ROYALTIES.

The Secretary of the Interior shall seek to enter into an arrangement with the National Academy of Engineering under which the Academy, by not later than six months after the date of the enactment of this Act, shall study and report to the Secretary regarding whether the accuracy of collection of royalties on production of oil, condensate, and natural gas under leases of Federal lands (including submerged and deep water lands) and Indian lands would be improved by any of the following:

(1) Requiring the installation of digital meters, calibrated at least monthly to an absolute zero value, for all lands from which

natural gas (including condensate) is produced under such leases.

(2) Requiring that—

(A) the size of every orifice plate on each natural gas well operated under such leases be inspected at least quarterly by the Secretary; and

(B) chipped orifice plates and wrong-sized orifice plates be replaced immediately after those inspections and reported to the Secretary for retroactive volume measurement corrections and royalty payments with interest of 8 percent compounded monthly.

(3) Requiring that any plug valves that are in natural gas gathering lines be removed and replaced with ball valves.

(4) Requiring that—

(A) all meter runs should be opened for inspection by the Secretary and the producer at all times; and

(B) any welding or closing of the meter runs leading to the orifice plates should be prohibited unless authorized by the Secretary.

(5) Requiring the installation of straightening vanes approximately 10 feet before natural gas enters each orifice meter, including each master meter and each sales meter.

(6) Requiring that all master meters be inspected and the results of such inspections be made available to the Secretary and the producers immediately.

(7) Requiring that—

(A) all sampling of natural gas for heating content analysis be performed monthly upstream of each natural gas meter, including upstream of each master meter;

(B) records of such sampling and heating content analysis be maintained by the purchaser and made available to the Secretary and to the producer monthly;

(C) probes for such upstream sampling be installed upstream within three feet of each natural gas meter;

(D) any oil and natural gas lease for which heat content analysis is falsified shall be subject to cancellation;

(E) natural gas sampling probes be located—

(i) upstream of the natural gas meter at all times;

(ii) within a few feet of the natural gas meter; and

(iii) after the natural gas goes through a Welker or Y-Z vanishing chamber; and

(F) temperature probes and testing probes be located between the natural gas sampling probe and the orifice of the natural gas meter.

(8) Prohibiting the dilution of natural gas with inert nitrogen or inert carbon dioxide gas for royalty determination, sale, or resale at any point.

(9) Requiring that both the measurement of the volume of natural gas and the heating content analyses be reported only on the basis of 14.73 PSI and 60 degrees Fahrenheit, regardless of the elevation above sea level of such volume measurement and heating content analysis, for both purchases and sales of natural gas.

(10) Prohibiting the construction of bypass pipes that go around the natural gas meter, and imposing criminal penalties for any such construction or subsequent removal including, but not limited to, automatic cancellation of the lease.

(11) Requiring that all natural gas sold to consumers have a minimum BTU content of 960 at an atmospheric pressure of 14.73 PSI and be at a temperature of 60 degrees Fahrenheit, as required by the State of Wyoming Public Utilities Commission.

(12) Requiring that all natural gas sold in the USA will be on a MMBTU basis with the

BTU content adjusted for elevation above sea level in higher altitudes. Thus all natural gas meters must correct for BTU content in higher elevations (altitudes).

(13) Issuance by the Secretary of rules for the measurement at the wellhead of the standard volume of natural gas produced, based on independent industry standards such as those suggested by the American Society of Testing Materials (ASTM).

(14) Requiring use of the fundamental orifice meter mass flow equation, as revised in 1990, for calculating the standard volume of natural gas produced.

(15) Requiring the use of Fpv in standard volume measurement computations as described in the 1992 American Gas Association Report No. 8 entitled Compressibility Factor of Natural Gas and Other Related Hydrocarbon Gases.

(16) Requiring that gathering lines must be constructed so as to have as few angles and turns as possible, with a maximum of three angles, before they connect with the natural gas meter.

(17) Requiring that for purposes of reporting the royalty value of natural gas, condensate, oil, and associated natural gases, such royalty value must be based upon the natural gas' condensate's, oil's, and associated natural gases' arm's length, independent market value, as reported in independent, respected market reports such as Platts or Bloomburghs, and not based upon industry controlled posted prices, such as Koch's.

(18) Requiring that royalties be paid on all the condensate recovered through purging gathering lines and pipelines with a cone-shaped device to push out condensate (popularly referred to as a pig) and on condensate recovered from separators, dehydrators, and processing plants.

(19) Requiring that all royalty deductions for dehydration, treating, natural gas gathering, compression, transportation, marketing, removal of impurities such as carbon dioxide (CO₂), nitrogen (N₂), hydrogen sulphide (H₂S), mercaptan (HS), helium (He), and other similar charges on natural gas, condensate, and oil produced under such leases that are now in existence be eliminated.

(20) Requiring that at all times—

(A) the quantity, quality, and value obtained for natural gas liquids (condensate) be reported to the Secretary; and

(B) such reported value be based on fair independent arm's length market value.

(21) Issuance by the Secretary of regulations that prohibit venting or flaring (or both) of natural gas in cases for which technology exists to reasonably prevent it, strict enforcement of such prohibitions, and cancellation of leases for violations.

(22) Requiring lessees to pay full royalties on any natural gas that is vented, flared, or otherwise avoidably lost.

(23)(A) Requiring payment of royalties on carbon dioxide at the wellhead used for tertiary oil recovery from depleted oil fields on the basis of 5 percent of the West Texas Intermediate crude oil fair market price to be used for one MCF (1,000 cubic feet) of carbon dioxide gas.

(B) Requiring that—

(i) carbon dioxide used for edible purposes should be subjected to a royalty per thousand cubic feet (MCF) on the basis of the sales price at the downstream delivery point without deducting for removal of impurities, processing, transportation, and marketing costs;

(ii) such price to apply with respect to gaseous forms, liquid forms, and solid (dry ice)

forms of carbon dioxide converted to equivalent MCF; and

(iii) such royalty to apply with respect to both a direct producer of carbon dioxide and purchases of carbon dioxide from another person that is either affiliated or not affiliated with the purchaser.

(24) Requiring that—

(A) royalties be paid on the fair market value of nitrogen extracted from such leases that is used industrially for well stimulation, helium recovery, or other uses; and

(B) royalties be paid on the fair market value of ultimately processed helium recovered from such leases.

(25) Allowing only 5 percent of the value of the elemental sulfur recovered during processing of hydrogen sulfide gas from such leases to be deducted for processing costs in determining royalty payments.

(26) Requiring that all heating content analysis of natural gas be conducted to a minimum level of C₁₅.

(27) Eliminating artificial conversion from dry BTU to wet BTU, and requiring that natural gas be analyzed and royalties paid for at all times on the basis of dry BTU only.

(28) Requiring that natural gas sampling be performed at all times with a floating piston cylinder container at the same pressure intake as the pressure of the natural gas gathering line.

(29) Requiring use of natural gas filters with a minimum of 10 microns, and preferably 15 microns, both in the intake to natural gas sampling containers and in the exit from the natural gas sampling containers into the chromatograph.

(30) Mandate the use of a Quad Unit for both portable and stationary chromatographs in order to correct for the presence of nitrogen and oxygen, if any, in certain natural gas streams.

(31) Require the calibration of all chromatograph equipment every three months and the use of only American Gas Association-approved standard comparison containers for such calibration.

(32) Requiring payment of royalties on any such natural gas stored on Federal or Indian lands on the basis of corresponding storage charges for the use of Federal or Indian lands, respectively, for such storage service.

(33) Imposing penalties for the intentional nonpayment of royalties for natural gas liquids recovered—

(A) from purging of natural gas gathering lines and natural gas pipelines; or

(B) from field separators, dehydrators, and processing plants, including cancellation of oil and natural gas leases and criminal penalties.

(34) Requiring that the separator, dehydrator, and natural gas meter be located within 100 feet of each natural gas wellhead.

(35) Requiring that BTU heating content analysis be performed when the natural gas is at a temperature of 140 to 150 degrees Fahrenheit at all times, as required by the American Gas Association (AGA) regulations.

(36) Requiring that heating content analysis and volume measurements are identical at the sales point to what they are at the purchase point, after allowing for a small volume for leakage in old pipes, but with no allowance for heating content discrepancy.

(37) Verification by the Secretary that the specific gravity of natural gas produced under such leases, as measured at the meter run, corresponds to the heating content analysis data for such natural gas, in accordance with the Natural Gas Processors Association Publication 2145-71(1), entitled

"Physical Constants Of Paraffin Hydrocarbons And Other Components Of Natural Gas", and reporting of all discrepancies immediately.

(38) Prohibiting all deductions on royalty payments for marketing of natural gas, condensate, and oil by an affiliate or agent.

(39) Requiring that all standards of the American Petroleum Institute, the American Gas Association, the Gas Processors Association, and the American Society of Testing Materials, Minerals Management Service Order No. 5, and all other Minerals Management Service orders be faithfully observed and applied, and willful misconduct of such standards and orders be subject to oil and gas lease cancellation.

SEC. 3. DEFINITIONS.

In this title:

(1) COVERED LANDS.—The term "covered lands" means—

(A) all Federal onshore lands and offshore lands that are under the administrative jurisdiction of the Department of the Interior for purposes of oil and gas leasing; and

(B) Indian onshore lands.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

At the end of subtitle A of title II, add the following new section:

SEC. 224. REPORT ON ENVIRONMENTAL BASELINE STUDIES.

The Secretary of the Interior shall report to Congress within 6 months after the date of enactment of this Act on the costs of baseline environmental studies to gather, analyze, and characterize resource data necessary to implement the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.). The Secretary shall include in the report proposals of fees or other ways to recoup such costs from persons engaging or seeking to engage in activities on the Outer Continental Shelf to which that Act applies.

At the end of title III add the following new section:

SEC. 321. APPLICATION OF ROYALTY TO OIL THAT IS SAVED, REMOVED, SOLD, OR DISCHARGED UNDER OFFSHORE OIL AND GAS LEASES.

Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is further amended by adding at the end the following new paragraph:

"(10)(A) Any royalty under a lease under this section shall apply to all oil that is saved, removed, sold, or discharged, without regard to whether any of the oil is unavoidably lost or used on, or for the benefit of, the lease.

"(B) In this paragraph the term 'discharged' means any emission (other than natural seepage), intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping."

Page 82, line 24, before "The Secretary" insert the following:

(1) IN GENERAL.—

Page 83, line 4, strike "(1)" and insert "(A)".

Page 83, line 7, strike "(2)" and insert "(B)".

Page 83, line 11, strike "(3)" and insert "(C)".

Page 83, line 15, strike "(4)" and insert "(D)".

Page 83, line 19, strike "(5)" and insert "(E)".

Page 83, line 20, strike "(6)" and insert "(F)".

Page 83, after line 22, insert the following:

"(2) CIVIL PENALTY.—Any chief executive officer who makes a false certification under

paragraph (1) shall be liable for a civil penalty under section 24.

Page 129, after line 19, insert the following:

(4) CITIZEN ADVISORY COUNCIL.—

(A) IN GENERAL.—The Gulf Coast Restoration Task Force shall create a Citizen Advisory Council made up of individuals who—

(i) are local residents of the Gulf of Mexico region;

(ii) are stakeholders who are not from the oil and gas industry or scientific community;

(iii) include business owners, homeowners, and local decisionmakers; and

(iv) are a balanced representation geographically and in diversity among the interests of its members.

(B) FUNCTION.—The Council shall provide recommendations to the Task Force regarding its work.

At the end of subtitle A of title II add the following new section:

SEC. 225. CUMULATIVE IMPACTS ON MARINE MAMMAL SPECIES AND STOCKS AND SUBSISTENCE USE.

Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is further amended by adding at the end the following:

"(h) CUMULATIVE IMPACTS ON MARINE MAMMAL SPECIES AND STOCKS AND SUBSISTENCE USE.—In determining, pursuant to subparagraphs (A)(i) and (D)(i) of section 101(a)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(5)), whether takings from specified activities administered under this title will have a negligible impact on a marine mammal species or stock, and not have an unmitigable adverse impact on the availability of such species or stock for taking for subsistence uses, the Secretary of Commerce or Interior shall incorporate any takings of such species or stock from any other reasonably foreseeable activities administered under this Act."

Page 145, line 3, insert " , except for the assessment for the Great Lakes Coordination Region, for which the Regional Coordination Council for such Coordination Region shall only identify the Great Lakes Coordination Region's renewable energy resources, including current and potential renewable energy resources" after "potential energy resources".

Page 147, line 23, insert " , except for the Strategic Plan for the Great Lakes Coordination Region which shall identify only areas with potential for siting and developing renewable energy resources in the Great Lakes Coordination Region" after "Strategic Plan".

The CHAIR. Pursuant to House Resolution 1574, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. I yield myself such time as I may consume.

Mr. Chairman, the amendment incorporates a number of constructive proposals from my colleagues which I believe significantly improve the CLEAR Act. Some of these proposals affect the provisions of the bill under our Natural Resources Committee's jurisdiction while others address the title of the bill that was added by Chairman OBERSTAR's T&I Committee.

In addition to a number of technical changes, this amendment also contains language that will improve the management of the new training academy

for oil and gas inspectors that has been established in this bill. It holds CEOs more accountable for the actions of their companies. It ensures that, even when you spill the public's oil, you still pay the royalties that are due to the American people, and it also leads to a more accurate collection of royalties for natural gas. This amendment also studies the issue of potentially requiring relief wells to be drilled at the same time as the primary well. These are noncontroversial, good government, and good policy provisions. I urge my colleagues to support them.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman is recognized for 10 minutes.

Mr. HASTINGS of Washington. I yield myself 3 minutes.

Mr. Chairman, this amendment consolidates 17 Democrat amendments and one Republican amendment. Inside this lengthy amendment are a number of significant changes to oil and gas policies, royalties, collections, and studies. That might be fine, but I am not aware that any of these provisions have been subject to hearings in our Committee on Natural Resources, and I think that we should certainly have a better understanding of the impacts before we pass this on the House floor.

□ 1450

I want to point out two provisions in this amendment. There is one provision stripping biomass from the regulation from the bureau. Now this, I think, is a fine amendment, but I think it would have been better accomplished if we had simply made in order the Lummis amendment. The gentlelady from Wyoming had an amendment to take out all of the language on onshore activity. That would have been a much, much better way to do it, especially in light of the fact that the administration in this regard says that, and I quote, It would be most effective if this reorganization focused exclusively on the OCS at this time, end quote. But, of course, that wasn't done. So this is, I suppose, a small victory.

The second, however, is a much more insidious amendment that includes a cumulative impact of oil and gas on marine mammals. Now I don't know exactly—and I don't think anybody really knows—how to measure what those impacts are, plus or minus, good or bad. I think it would be good for us, from the standpoint of making policy, to know the full impact of that. And, really, the only way you can know the full impact of that is to have hearings on this subject. To my knowledge, we have not had any hearings on that.

So all in all, I would say, Mr. Chairman, this seems to be a pattern that we see on a regular basis on this floor where there are amendments—we saw

this earlier today. We saw a whole bill, for example, brought to the floor today that was introduced literally minutes before it was debated. That is not the way the American people think we ought to do business here. We ought to look at these things in a way that we can make the proper decisions. And these two issues that I highlight in this manager's amendment, in my view, fall within that category. So I am disappointed in the way this is being done, probably more than what is the content of the manager's amendment. Therefore, I am left only to oppose the manager's amendment.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentlelady from Wisconsin, Ms. GWEN MOORE, who has been very helpful to us in drafting this bill.

Ms. MOORE of Wisconsin. Mr. Chair, I want to thank Chairman RAHALL for yielding and including in his manager's amendment a provision I authored that would ensure that citizens living in the gulf coast region will be able to have input into the work of the Gulf Coast Restoration Task Force. The Citizens Advisory Board, called for in my amendment, would not be filled with energy industry representatives and scientists but, rather, with individuals, such as the fishermen who have been put out of business, the hotel owner along the beach which now has more tar balls than tourists, and citizens in Alabama, Mississippi, Louisiana, Florida who simply want to have their beaches, wetlands, waters back to support their livelihoods, their health, and their enjoyment.

Restoring the environmental and natural resources in the gulf will be a long and arduous task. My amendment simply makes it clear that the input of those most impacted by this disaster, the residents of the States and the region, should be a priority.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. GRAVES), one of the newer Members of our House and a very valuable member of our Republican Conference.

Mr. GRAVES of Georgia. Mr. Chairman, 46 days ago, I was sworn in right down here before the House, and since that time, constituents have asked, What has been the biggest surprise since your time being sworn in? And I will tell you what it is. I have seen it here today. I have seen it over the past several weeks, and that is the fear and the lack of trust in this leadership to allow their own Members to vote on amendments.

It is clear that there is bipartisan opposition to this measure. In fact, 88 amendments were offered. Only nine were accepted. No Republicans from the gulf coast region had an accepted amendment, and only two Democrats from the region had amendments accepted. Only 14 percent of the Demo-

crat amendments offered were accepted, meaning a large, large portion were not; and only 4 percent of Republican amendments were accepted to even be voted on here today. That means that over 50 million American voices did not get their representation right here today because the amendments of more than 80 Members of Congress were ignored by this Democrat majority. There has got to be a better way, and maybe in about 6 months we will find out.

Mr. RAHALL. Mr. Chairman, I am very happy to yield 2½ minutes at this point to the gentleman from Maryland, Mr. ELIJAH CUMMINGS, the chairman of the Subcommittee on the Coast Guard of our Transportation and Infrastructure Committee, a gentleman who has been so instrumental in helping to bring this legislation to the floor.

Mr. CUMMINGS. Thank you very much.

I rise in strong support of the manager's amendment. I express strong support for the underlying text, including the extensive provisions authored by the Transportation Committee to correct regulatory failures that contributed to the Deepwater Horizon accident and to strengthen the role of the Coast Guard in oil spill response planning and safety management.

The manager's amendment includes a number of provisions that improve the underlying text. For example, it imposes civil penalties on chief executive officers who certify information that misrepresents a company's ability to respond to or contain an oil spill. BP wrote in its exploration plan for the Mississippi Canyon 252 site that "in the event of an anticipated blowout resulting in an oil spill, it is unlikely to have an impact based on the industry-wide standards for using proven equipment and technology for such responses, implementation of BP's Regional Oil Spill Response Plan which address available equipment and personnel, techniques for containment and recovery and removal of oil spill."

Obviously that was a false statement. There were no proven equipment or technologies to respond to the kind of oil spill that occurred in the gulf.

The manager's amendment also requires redundancy in accident and spill response plans, something critically needed, given our current lack of proven response equipment and technologies. Further, the amendment authorizes a study of economic, safety and environmental impacts of requiring a relief well to be drilled in tandem with the drilling of some or all wells.

The manager's amendment clarifies the liability provisions in the Oil Pollution Act to protect claimants from signing broad liability releases. This will help protect the rights of those in the gulf who have been so devastated by the spill. The manager's amendment also includes a provision that I offered

that would exempt discharges resulting from salvage activities from liability, consistent with the National Contingency Plan or as directed by the President.

I applaud Chairman RAHALL and I applaud Chairman OBERSTAR for their excellent work on the CLEAR Act, and I urge the adoption of the manager's amendment.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. GOHMERT), a member of the Natural Resources Committee.

Mr. GOHMERT. Mr. Chair, you know, at a time when 42 cents out of every dollar we are spending, we are allocating here in this body is having to be borrowed and someday paid back by children and the children's children, some of whom may be watching right now, it is absolutely critical we do it right.

Here we have got all of these amendments lumped into one so we can't debate them, and we can't take one thing out. That's not right. And when I heard my friend from West Virginia saying, There they go again, apologizing for BP, I will challenge anybody to find any comment by anybody on this side of the aisle in this debate today who has apologized for, to, or about BP. Some of us think they ought to be strung up when we find out who's most responsible.

So I know my friend from West Virginia would never intentionally misrepresent the facts, but whoever prepared that statement that he read sure did.

Mr. RAHALL. I yield 2 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. I thank Chairman RAHALL for offering this manager's amendment and giving me time to speak.

Mr. Chairman, in this manager's amendment, there's a provision that is very important to the folks in the district I represent in northwest Florida. Ladies and gentlemen, our local economy has been significantly impacted by the BP oil spill. Many of our people are out of work as a result of this man-made disaster that they had no hand in creating. Fortunately, we have been successful in setting up the BP Oil Spill Victims Compensation Fund which will help speed relief to the victims of this tragedy and help respond to one of the gulf coast's greatest needs.

This amendment that is being offered by Chairman RAHALL will ensure that gulf residents will have the right of first refusal for the job opportunities processing the claims filed for the oil spill.

□ 1500

It emphasizes the importance of gulf residents serving their neighbors by processing these claims and ensuring

that they receive the consideration for the ramifications of this spill.

I have already spoken with Mr. Ken Feinberg, the administrator of the BP Deepwater Horizon Victims Fund, about employing local residents to process claims, and he agrees with me that there is no one better suited to perform this essential task. In fact, I told him that in north Florida we have a ready and willing workforce ready to go. These workers, who unfortunately are looking for work as a result of their corporations' closing their facility, have the skill and the talent that directly align with the skills needed to process oil spill claims. They should be considered first in line to beef up the newly established claims fund and ensure a high quality response for fellow gulf coast residents.

I recommend a "yes" vote on the chairman's manager's amendment.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. RAHALL. I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you, Chairman RAHALL, for yielding.

Mother Earth, wake up. Today's the day that Congress is going to show some leadership. Leadership is about getting results. And last week, the President of the United States enacted, by Executive order, a government oceans plan, a governance plan to look at our oceans in totality. Today, Congress is going to enact the ability to govern the oceans and to think about the totality of how this Earth survives with 73 percent of the Earth being covered by oceans.

Too bad that so many people get up and talk about, in a crisis, oh, if it was just a little bit better we could support half the bill, we could support a little bit of this, something's wrong. That's not leadership. Leadership's about getting results. And the only way you get results today is to vote "aye." It solves a lot of problems. Voting "no" solves nothing. Nothing. The planet can't stand nothing.

For too long there has not been leadership. That side is the side that gave us James Watt, "Drill, baby drill," gave us Richard Pombo, chair of the Resources Committee, the Darth Vader of environmental legislation. Nothing ever came out of that committee. And today what do they want? We don't want this bill because it's not perfect.

Ladies and gentlemen, today's the day that we respect Mother Earth and give her a chance to help our dying oceans stop dying. And the only way to do that is to vote "aye."

Mr. RAHALL. Madam Chair, I yield the remainder of my time to the gentleman from Massachusetts (Mr. MARKEY), who has been so instrumental in this legislation as well on this issue.

The Acting CHAIR (Ms. JACKSON LEE of Texas). The gentleman from Massachusetts is recognized for 2 minutes.

Mr. MARKEY of Massachusetts. I thank Mr. RAHALL for his great leadership working with Chairman WAXMAN and Chairman STUPAK and I on the Energy and Commerce Committee to include new safety procedures.

This bill takes lessons learned and will turn them into laws. That's what we need to do. Included in this bill is a provision which is going to collect \$53 billion from the oil industry, where they are drilling in American waters without paying any royalties to the American people. And in this bill we reclaim those \$53 billion from the oil companies, and we will reduce the Federal deficit by \$53 billion. That's in this bill. And it is going to be the dues which the oil companies should be paying to the American people for using American waters.

At \$80 a barrel, for the American people to be subsidizing Big Oil to drill, it would be like subsidizing a fish to swim or a bird to fly, to subsidize the oil industry to drill for oil at \$80 a barrel. You just don't have to do it.

So with this bill we cut the deficit and we stop Big Oil from cutting corners on safety. This is BP's spill, but it is America's ocean. That's what this bill is all about. That's what this vote is on today. Are we going to reclaim the oceans of America so that they are not polluted, so that BP and the oil companies pay the royalties that they owe to our people and not avoid them, that we reduce the Federal deficit and we make sure that we never again see a day where the American people for 100 days have to watch oil flow into our oceans?

Vote "aye" on this very important legislation.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Madam Chairman, the last speaker made an interesting point when he was talking about the oceans and how this bill is going to save the oceans. I don't think there is anybody in this body that doesn't want to make sure that our oceans are in a healthy, robust way. But it begs the question why are there restrictions, if this is an oceans bill, and if it's a gulf oil bill, why does this bill deal with onshore oil and gas regulation and restrictions? That question, honestly, has not come up once in the debate even though that reference has been made many times by Members on this side of the aisle.

This amendment, of course, is on the manager's amendment. As I mentioned, it is 17 Democrat amendments and one Republican amendment. There may be some good things involved with this amendment. In fact, there are. But why is there always this tendency to throw so much more into these amendments when many of the subjects that are covered in them have not been fully

vetted throughout the committee process? That's the concern. And it's a pattern that we see over and over and over again. And frankly, it's a pattern that I think the American people see and respond to when asked about how they feel this body is in a favorable or unfavorable way. Because this body has very low favorable ratings. I think this is part—not the only thing—but this is certainly part of that.

So I urge my colleagues to vote against the manager's amendment. I am certainly going to ask them to vote against the underlying bill because the underlying bill, while it's purported to be in response to the gulf oil spill, we saw it was expanded just a moment ago, at least in remarks by the gentleman from Massachusetts, to all of the oceans. In fact, the gentleman from California said the same thing come to think of it.

But yet what this bill really is all about, when you look at the substance and how it affects the American people, is another gigantic tax increase, and an addition of mandatory spending on top of the mandatory spending we have within our government right now. We all know, all of us in this body knows that the mandatory spending in this Congress and our Federal Government is unsustainable over time. And yet here we are, albeit on a small level, adding to mandatory spending.

I urge my colleagues to oppose the Rahall amendment and the underlying bill.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise in support of the manager's amendment to H.R. 3534, "The Consolidated Land, Energy and Aquatic Resources (CLEAR) Act." The manager's amendment provides a number of provisions that will ensure that there is greater chance of preventing an incident such as the April 30, 2010 Deepwater Horizon explosion and oil spill.

The Manager's amendment includes my amendment which requires redundancy in accident and spill response plans as part of the permitting process under the Outer Continental Shelf Lands Act.

Specifically, my amendment will require that businesses applying for permits to drill and produce crude oil in the Gulf of Mexico submit detailed spill mitigation and recovery plans as part of the permitting process. Not only must they have recovery plans, but they will be required to have backup plans, in case their first response fails. Additionally, those plans must be vetted by impartial experts, rather than rubber-stamped by insufficiently vigilant regulators. With this additional layer of response planning, there is a better chance that we will be better prepared to respond to future incidents like the Gulf oil spill.

The Manager's amendment also includes provisions that do the following:

Clarifies that the Secretary of the Interior may enter into cooperative education and training agreements with safety training firms in establishing the National Oil and Gas Health and Safety Academy.

Clarifies that the Secretary is permitted to consult with industry representatives regarding

training program curricula, but is not authorized to utilize industry representatives as instructional personnel for the trainings.

Imposes civil penalties on CEO's who certify to false information about a company's capability to prevent or contain an oil spill.

Establishes a Citizen's Advisory Committee composed of non-energy industry individuals to assist the Gulf Coast Restoration Task Force in its work.

Clarifies that the Regional Assessment and Regional Strategic Plan created by the Great Lakes Regional Coordination Council shall include only renewable and not non-renewable energy resources.

Ensures that Gulf residents would have the right of first refusal for processing the claims filed due to the oil spill.

Replaces the requirement for dispersant manufacturers to disclose their product's chemical formula with a requirement to disclose dispersant products' ingredients.

Provides that discharges resulting from salvage activities consistent with the National Contingency Plan or as directed by the President are exempt from liability under the Federal Water Pollution Control Act.

Authorizes a study of the economic, safety, and environmental impacts of requiring a relief well be drilled in tandem with the drilling of some or all wells.

Requires the GAO to complete a study to determine whether the reforms to the Department of the Interior mandated in this legislation have increased oversight and decreased conflicts of interest within the department.

Includes in the Environmental Study an analysis of the cumulative impact of drilling on the Outer Continental Shelf.

Requires oil and gas companies to pay royalties on all oil that is discharged from a well, including spilled oil.

Directs GAO to study the impact of assessing a fee on the processing of oil and gas leases and using the proceeds to fund the gathering of baseline environmental data necessary for the permitting process.

Directs the Secretary of the Interior to arrange with the National Academy of Engineering to study and report to the Secretary regarding whether the accuracy of collection of royalties on production of oil, condensate, and natural gas under leases of federal lands would be improved by implementing certain prescribed measures; and

Amends the liability provisions in the Oil Pollution Act to protect claimants from signing broad liability releases, and to clarify that the new cause of action under OPA for damages to human health does not supersede remedies under other federal law.

Mr. Chair, I support this manager's amendment which includes my amendment that will require redundancy in accident and spill response plans as part of the permitting process under the Outer Continental Shelf Lands Act. I urge my colleagues to support this amendment.

Mr. HASTINGS of Washington. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CASTLE

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 111-582.

Mr. CASTLE. Mr. Chairman, I seek recognition to present amendment No. 2.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I add the following new section:

SEC. ____ . LIMITATION ON EFFECT ON DEVELOPMENT OF OCEAN RENEWABLE ENERGY RESOURCE FACILITIES.

Nothing in this title shall delay development of ocean renewable energy resource facilities including—

- (1) promotion of offshore wind development;
- (2) planning, leasing, licensing, and fee and royalty collection for such development of ocean renewable energy resource facilities; and
- (3) developing and administering an efficient leasing and licensing process for ocean renewable energy resource facilities.

The CHAIR. Pursuant to House Resolution 1574, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. I yield myself such time as I may consume.

I rise today to urge support for amendment No. 2 to the CLEAR Act, which will help ensure that there is no delay in the development of ocean renewable energy resources, including offshore wind, under the MMS reorganization called for under title I.

The actions to reform MMS following the devastating oil spill are necessary and commendable.

□ 1510

While the new bureaus and office are focused on the critical task of transforming the agency into a more effective, transparent agency, this will require significant organizational and cultural alterations. Under this restructuring, it would be a great disappointment to lose ground in our efforts to prepare a workable comprehensive offshore energy plan for our Nation.

If we are serious about advancing new clean sources of power, which I sincerely hope we are, an important goal of the MMS reorganization must continue to facilitate, not hinder, the development of offshore renewable energy development in the waters of the United States.

For offshore renewable energy projects already underway, like the wind project off the coast of Delaware,

progress must continue. While I continue to believe there is value in establishing a separate office for ocean renewable energy development, which we can perhaps continue to work on in our discussions with the Senate, this amendment would, at a minimum, ensure appropriate attention is paid to advancing ocean renewable energy development and protecting against bottlenecks that could result in unnecessary delays.

Offshore wind farms alone present a significant and rapidly growing source of emissions-free electrical power for our constituents. And recent Department of the Interior-U.S. Department of Energy reports confirm that winds off the coast of the United States are a promising source of clean, renewable electrical power.

My amendment is simple and calls attention to the need to ensure that targeted efforts to support offshore wind and renewable energy development continue without delay. I hope my colleagues on both sides of the aisle will support its adoption.

Mr. RAHALL. Will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from West Virginia.

Mr. RAHALL. We are prepared to accept the gentleman from Delaware's amendment on this act and commend him for bringing it to us.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. We are more than happy to accept it on our side.

Mr. CASTLE. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. KIND

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 111-582.

Mr. KIND. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 127, line 6, strike the closing quotation marks and the final period.

Page 127, after line 6, insert the following: "(c) RECREATIONAL ACCESS FUNDING.—Notwithstanding subsection (b), not less than 1.5 percent of the amounts made available under subsection (a) for each fiscal year shall be made available for projects that secure recreational public access to Federal land under the jurisdiction of the Secretary of the Interior for hunting, fishing, and other recreational purposes through easements, rights-of-way, or fee title acquisitions, from willing sellers."

The CHAIR. Pursuant to House Resolution 1574, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. KIND. I yield myself 1 minute.

This is a very simple amendment. One of the strengths of the CLEAR Act is that it asks public companies that are extracting resources from our public lands to contribute to a fund, a fund called the Land and Water Conservation Fund that was established in the mid-1960s to help preserve and conserve the vital natural resources that we have throughout the United States. But the problem is that so much of the public lands that are available are inaccessible. They're not accessible for the hunters, the fisherman, the outdoor recreationists, those who enjoy shooting sports to gain access to the lands.

In fact, a recent study showed that close to 35 million acres that currently exist in public lands are inaccessible to hunters and fishermen throughout the country. This amendment would direct just 1½ percent out of the Land and Water Conservation Fund that would be used in order to purchase easements or right-of-ways from willing, voluntary sellers so that the hunters and fishermen have access to these public lands.

The inaccessibility is one of the contributing causes of why so many people are not hunting or not involved in shooting sports. This amendment would go a long way to addressing that, and it's consistent with the underlying philosophy of the Land and Water Conservation Fund. I'd ask my colleagues to support it.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to claim the time in opposition, though I'm not opposed to the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes. There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, our main purpose here today is supposed to be, as I've said several times, to be addressing the gulf oil spill and ensuring that offshore drilling is the safest in the world. Unfortunately, as I have mentioned again many times, the Democrats have used this vehicle to put extraneous material on this particular bill.

One of the most glaring unrelated items that I had mentioned several times, also, is the \$30 billion in new mandatory spending. An oil spill is not an excuse to spend more money, especially when the money is going towards provisions that are completely unrelated to the gulf oil spill. Regardless of your views of the Land and Water Conservation Fund and the Historic Preservation Fund—and I know I would probably disagree if it were my friend from Wisconsin on that—everyone should agree that that bill has no business being here in this particular bill.

However, I fully support our Nation's sportsmen and would like to see more of our public land open for a variety of purposes such as hunting, fishing, recreation, and economic development. Given that the Democrat majority and the Obama administration continually are looking for ways to lock up our land and block public access, it's encouraging to me to see some of my colleagues across the aisle supporting increased access, and I thank the gentleman for that. I hope that we will work with this in the future to ensure that all Americans, including sportsmen, have greater access to public lands.

However, as I had mentioned, this bill is not the appropriate vehicle to address this issue. I think we can do it in a much more ordered way if we take this up on its own, because there is some merit to the gentleman's proposal. But I will not stand in the way of this amendment.

I yield back the balance of my time.

Mr. KIND. Mr. Chairman, at this time, I would like to yield 1 minute to a very strong supporter of the hunting and fishing community, the gentleman from Maryland (Mr. KRATOVIL).

Mr. KRATOVIL. Thank you, Mr. KIND, for your leadership on this amendment.

I rise in strong support of the amendment so that we can increase, as was said, access to federally protected lands for hunters and anglers through the Land and Water Conservation Fund. Our amendment will simply refocus a very small portion of the Land and Water Conservation Fund to enhance access to existing public lands, specifically for easements or right-of-ways that open access to Federal land which is currently inaccessible or significantly restricted.

Specifically, the amendment directs the Secretary to dedicate no less than 1.5 percent of the funds to increase recreational public access to existing lands for hunting, fishing, or other recreational purposes. Our amendment stays very true to the very intent of the fund, which is stated in the statute, to assist in preserving, developing, and assuring accessibility to outdoor recreational resources.

I urge my colleagues to support the amendment on behalf of the sportsmen and -women throughout the country and communities that rely on these activities to generate and create jobs.

Mr. KIND. Mr. Chairman, at this time I would like to yield 1 minute to a real champion of recreational sportsmen and -women throughout the country, the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Mr. Chairman, as an avid hunter and sportsman, I am very proud to cosponsor this recreational access funding amendment. Too many families, sportsmen, outdoor enthusiasts across our Nation continue to be

locked out of public lands because of lack of legal access. New Mexico's Sabinoso Wilderness is an example. I've personally spent hours on horseback riding through Sabinoso's high mesas and deep canyons.

But without permission from adjacent private landowners, which usually requires an escort from the Bureau of Land Management, legal access to the Sabinoso is not available.

This amendment would dedicate a small percentage of the Land and Water Conservation Fund to acquire those rights-of-way for the public from willing sellers. Public lands like the Sabinoso belong to every American, and this amendment will help ensure that future generations of Americans can hunt and fish, hike and camp on these lands.

I urge my colleagues to support this amendment and to support the underlying legislation.

Mr. KIND. Mr. Chairman, I yield 1 minute to a champion of outdoor recreationists throughout the country and in the State of Nevada, the gentlelady from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Chairman, I rise in strong support of this amendment to enhance access to public lands by acquiring right-of-ways from willing sellers.

The Federal Government owns more than 85 percent of the land in my State of Nevada, which includes some of the most spectacular landscapes in the Nation. Outdoor recreation supports nearly 20,000 jobs in Nevada, and it generates \$116 million in annual State taxes. By increasing public access to these Federal lands for hunting, fishing, camping, hiking, and other recreational purposes, we would be doing something that would not only help our economy but would be welcomed by enthusiasts throughout the State.

Mr. KIND. At this time, I would like to yield 1 minute to the gentleman from Virginia, a champion for hunting and fishermen in Virginia and throughout the country, Mr. PERRIELLO.

□ 1520

Mr. PERRIELLO. I rise in strong support of this amendment to give 1.5 percent in the Land and Water Conservation Fund for recreational public access, including hunting and fishing. Thirteen million hunters in the United States generate \$67 billion in economic activity every year and account for 1 million jobs. But beyond the dollars and cents, this is about a way of life, about heritage, and about time with families spent together.

So for our sportsmen, it's not enough just to ensure their rights, but to ensure there's a place to exercise those rights; and this is a huge step forward to make sure that those recreational activities have a place for us across the United States.

Mr. KIND. Mr. Chairman, I yield 15 seconds to the chairman of the Natural Resources Committee, Mr. RAHALL.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from Wisconsin for yielding and certainly support his amendment. I commend him for his leadership and for his efforts and discussions that have been held long and on many occasions in regard to his amendment and support his bill.

Mr. KIND. I yield myself the remainder of the time.

Mr. Chairman, I also want to thank, who wrote a letter in support of this amendment, the American Wildlife Conservation Partners. It's a group of 45 outdoor recreational organizations from hunting to fishing to shooting sports to conservation groups throughout the country. They see the value of increased access to our public lands.

But, Mr. Chairman, this is also an amendment about jobs because outdoor recreation, hunting, fishing, shooting sports, they contribute over \$730 billion to the national economy every year. They support 6.5 million jobs. Almost one of every 20 jobs is associated with some outdoor recreational activity. And they stimulate close to 8 to 9 percent of all consumer spending in this country. So increasing access so more people have the opportunity to get to the public lands to do this is going to create jobs and strengthen our economy.

I encourage my colleagues to support the amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. KIND. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 4 OFFERED BY
MS. SHEA-PORTER

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111-582.

Ms. SHEA-PORTER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 28, line 16, insert at the end the following new sentence: "The Secretary shall update the supplementary ethics guidance not less than once every three years thereafter."

Page 78, strike line 16, and insert the following:

"(D) oil spill response and mitigation, including reviews of the best available technology for oil spill response and mitigation and the availability and accessibility of such technology in each region where leasing is taking place;"

Page 82, line 18, strike "and".

Page 82, line 23, strike the period and insert "; and".

Page 82, after line 23, add the following:

"(F) updated the operator's response plan required under section 25(c)(7) and explo-

ration plans required under section 11(c)(3) to reflect the best available technology, including the availability of such technology.

The CHAIR. Pursuant to House Resolution 1574, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

Ms. SHEA-PORTER. First, I would like to thank Chairman RAHALL and his staff for this very good piece of legislation before us today. It is a product of months of hard work. I believe it is a transformative bill that will go a long way to ensuring responsible energy development and better environmental protection.

The tragedy in the Gulf of Mexico has reminded us of what can happen if we are not vigilant and constantly improving our safety and environmental protection. It has also reminded us that when we put our lands and oceans at risk for energy development in one area, we should be putting land aside and protecting it in another area.

The underlying bill makes good on a promise to fully fund the Land and Water Conservation Fund. That program has protected more than 5 million acres of land across this country. Fully funding LWCF is long overdue, and I thank the chairman for his leadership on this issue.

Mr. Chair, among other things, the bill before us makes needed improvements to the way that our offshore energy leasing is carried out. During my time on the Natural Resources Committee, I have been particularly troubled by the reports of unethical behavior at the government agency that was previously overseeing energy leasing. That outrageous conduct must never be allowed to happen again in any agency. This bill puts in place strong ethics requirements and training. My amendment take this a step further by requiring that the ethics guidelines developed by the Interior Secretary be updated every 3 years.

Mr. Chair, another lesson we've learned over the past 3 years is that oil companies do not necessarily use the best available technology and that they are not fully prepared for a spill. Immediately after the spill, BP turned to solutions that had been around for 20 years, solutions from the *Exxon Valdez* disaster. It was painfully clear that they had not spent time or money to develop new technologies to clean up a spill. The bill before us creates an offshore technology research and risk assessment program to conduct research and development of new drilling and spill response technologies. My amendment adds language to ensure that we study the best available spill response technology and its availability in regions where drilling is taking place. This is to make certain that we have in place the best technology and equip-

ment needed to respond when there is an accident.

Finally, Mr. Chair, it's also critical that this new technology we're developing be integrated into exploration and response plans. My amendment requires companies to certify as part of their annual certification for offshore drilling that those plans include the best available technology. When the BP executives testified before the Natural Resources Committee, it was clear to me they were more concerned with cutting corners and shaving costs than making sure they had the safest operation with the best technology. Requiring these companies to take into account the best available technology and its availability just makes sense.

Again, Mr. Chair, this is a very strong bill we are considering today, and I thank Chairman RAHALL for all his hard work. I urge my colleagues to support this amendment and the underlying bill.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, I ask unanimous consent to claim time in opposition to the amendment, although I do not intend to oppose it.

The Acting CHAIR (Mr. OBEY). Without objection, the gentleman from Colorado is recognized for 5 minutes.

There was no objection.

Mr. LAMBORN. I yield myself such time as I may consume.

Mr. Chairman, updating the supplemental guidelines on ethics every 3 years will help the Department of the Interior keep current with new issues as they arise and will focus the government employees' attention on appropriate ethical behavior as they deal with the private sector.

The Horizon disaster has focused everyone's attention on the lack of any contingency plan that could be implemented expeditiously to address a blowout in deepwater conditions. We basically watched a 3-month ongoing experiment with various devices being fabricated to cap the well or capture the oil as it's spewing out. We also found out that we didn't have enough boom in place to protect the shoreline and that new boom had to be manufactured to meet the requirements in the State oil spill response plans. And we discovered that some of the plans underestimated how much boom might be required to protect the shoreline from a major spill.

Using the best available technology is crucial in keeping the public's trust going forward with offshore oil and gas development. Both Republicans and Democrats have broad agreement on the need to protect and improve offshore production safety and environmental protection. This amendment is an example of our agreement, and I urge my colleagues to support it.

What I don't agree with is going beyond the gulf to encompass all energy production in the entire United States

in order to raise energy taxes by \$22 billion. Raising energy taxes in a recession will kill jobs.

Mr. Chairman, I reserve the balance of my time.

Ms. SHEA-PORTER. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HALL), a leading environmentalist.

Mr. HALL of New York. Mr. Chairman, I thank the gentlelady and the chairman.

I rise today in support of this amendment, as well as the underlying bill.

The Deepwater Horizon explosion on April 20 cost our Nation tens of billions of dollars in economic damages and caused widespread devastation of our natural resources. It did not have to happen. This was a disaster that was preventable.

Over the last few months, we have learned that BP consistently made choices to sacrifice safety for profit. They testified that they did not use vital safety technology like acoustic sensing devices because U.S. law did not require it. It is time for us to change that.

I recently introduced legislation to require oil companies to use the best available technology, and I'm proud to support this amendment which also requires oil companies to include the best available technology in their exploration and spill response plans.

Mr. Chairman, the cost of using state-of-the-art technology is much less than the cost of cleanup and the tragic loss of life.

I urge my colleagues to support this amendment and the underlying bill.

Mr. LAMBORN. I continue to reserve the balance of my time.

Ms. SHEA-PORTER. I yield 1 minute to the chairman, Mr. RAHALL.

□ 1530

Mr. RAHALL. I thank the gentlelady for yielding, and I certainly do support her amendment. I commend her for her leadership on our Committee on Natural Resources in helping to develop this legislation. It is a commonsense amendment that deserves the support of every Member of this body, and it certainly makes the bill better. I appreciate her effort.

Mr. LAMBORN. Mr. Chairman, I yield back the balance of my time.

Ms. SHEA-PORTER. Mr. Chair, again I urge my colleagues to support this amendment and the bill, and I yield back the balance of my time.

The Acting CHAIR (Mr. OBEY). The question is on the amendment offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. TEAGUE

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 111-582.

Mr. TEAGUE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 167, line 2, strike "and".

Page 167, after line 2, insert the following: (2) in subsection (e) by striking "self-insurer," and inserting "self-insurer, participation in cooperative arrangements such as pooling or joint insurance,"; and Page 167, line 3, strike "(2)" and insert "(3)".

The Acting CHAIR. Pursuant to House Resolution 1574, the gentleman from New Mexico (Mr. TEAGUE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. TEAGUE. Mr. Chairman, I rise today to offer a simple but important amendment.

My amendment would add another means by which facilities may demonstrate compliance with the financial responsibility provisions of the Oil Pollution Act of 1990.

The amendment enables two or more companies to meet individual financial responsibility requirements by pooling resources or obtaining joint insurance coverage. Such arrangements would avoid redundant coverage, reduce insurance costs, and enhance access to insurance.

In the event of a liability incident, any party to such an arrangement would have access to the full coverage amount. Provisions would be made in a joint insurance plan for automatic reinstatement, by the parties, of the original coverage amount.

This amendment does not substitute or change current provisions for meeting financial responsibility. Rather, it simply adds another method for meeting financial responsibility requirements. There is no reduction in protection of the public interest, and no reduction in protection for the environment.

Mr. Chairman, ever since I arrived in Congress, I made it my mission to fight for the little guys—the companies whose names you don't see in television commercials, but that provide jobs for millions of Americans and produce so much of our Nation's domestic energy. You find a lot of those companies around my hometown of Hobbs, New Mexico, and you find a lot of those hardworking companies operating in the Gulf of Mexico.

Having independent oil and gas producers providing American energy in the Gulf of Mexico is critical to moving away from foreign oil. The big oil companies are generally interested in producing only the biggest plays with the biggest potential payoffs. It's the independent companies that are going in and producing American energy that would not get produced otherwise.

According to a recent report, independent oil and natural gas companies currently account for about half of the

nearly 400,000 jobs and \$20 billion in Federal, State and local revenues generated by the industry in 2009.

This amendment simply allows smaller independent companies the flexibility they need to meet financial responsibility requirements. I ask for broad, bipartisan support of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, I ask unanimous consent to claim time in opposition to this amendment, although I don't intend to oppose it.

The CHAIR. Without objection, the gentleman from Colorado is recognized for 5 minutes.

There was no objection.

Mr. LAMBORN. I yield myself such time as I may consume.

Mr. Chairman, Republicans have no problem with this amendment. The fact that the bill will force small companies to now band together simply to meet threshold requirement activities in the offshore is a sad statement on the rest of the bill.

Although this provision may help small companies meet their certificate of financial responsibility requirements, nothing in this amendment solves the liability problem and nothing in this amendment solves the \$22 billion tax increase in this bill. Unlimited liability will cripple domestic production by removing all but the largest companies from offshore drilling. There should be reasonable liability, but unlimited or infinite liability goes too far. It will kill jobs. Republicans support this amendment, but it's simply like putting a Band-Aid on a broken leg. I suppose it doesn't hurt anything, but it doesn't cure the underlying problem; and it might even lull someone into thinking we're doing something.

Anyone who votes for the Teague amendment and the underlying bill together is putting the people they are purporting to help out of business. The Teague amendment does absolutely nothing to cure unlimited liability.

Mr. Chairman, I would now like to yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding.

I rise in support of the amendment. The underlying amendment in the nature of a substitute would raise from the current \$150 million to \$300 million the amount of financial responsibility that offshore facilities must demonstrate. This is a significant increase.

I strongly believe that this increased level of financial responsibility is appropriate, given the risks associated with offshore energy production—risks that the Deepwater Horizon spill have made so clear.

Importantly, however, the President can lower the amount of financial responsibility offshore facilities must

demonstrate if certain criteria are met, albeit the level for offshore facilities seaward of a State boundary cannot be below \$105 million.

I strongly support the amendment.

Mr. TEAGUE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman from New Mexico and I thank him for working together with me on this amendment and for his leadership. I offered a similar amendment and was very pleased to join this amendment as the Teague-Jackson Lee amendment. It is important to note that this is a fair amendment that does something. It really does do something for the small, independent companies. This amendment would allow the financial responsibility required to operate in the gulf to be pooled among companies working together. It means that we give them the opportunity because of the \$300 million necessary COFR to be able to do business in the gulf and not go out of business. What it really means is preserving thousands of jobs.

First of all, the U.S. independent operators in the gulf because of their operations, they have a major contribution to energy security and energy supply providing reasonably priced fuels for our families and economy. Eighty-one percent of oil producing in the gulf is in the independent leases and 46 percent of the gulf's producing deepwater leases as well. Independents have drilled 1,298 wells in the deepwater and safely. Independents operate an average of 70 percent of the farmed-out acreage that originally were in the hands of the majors over the past 10 years. Almost 3 billion barrels of oil equivalent in reserves that were originally found by the majors are now operated by independents; small companies that create a lot of jobs. This is an amendment that will allow them to work together, pool their resources, and do the right thing, not put the burden on the taxpayers.

Let me also acknowledge that I am glad my requirement to have redundancies in actions and fuel resources plans was also included in the manager's amendment.

I thank the gentleman from New Mexico for his leadership. It's my pleasure to be able to work with you for an amendment that is doing something, is helping the independents stay in business and create jobs, and it is helping them do the work that will allow for the American people to have quality oil for cheap prices.

I rise to speak in support of the Teague/Jackson Lee Amendment to H.R. 3534, The Consolidated Land, Energy and Aquatic Resources (CLEAR Act). The Jackson Lee Amendment would allow the financial responsibility required to operate in the Gulf of Mexico to be pooled among the companies working together.

With the potential of unlimited liability looming large over the smaller independent compa-

nies, this amendment will prevent small, independent oil companies from being driven out of business and out of the Gulf of Mexico. The problem with the current requirements for the Certificate of Oil Field Responsibility (COFR) is that smaller operators will be unable to establish the \$300 million necessary COFR to even begin exploration and development. By allowing smaller companies—who frequently work together in joint ventures—to pool their resources for COFR purposes, we will prevent the Gulf from becoming the exclusive province of companies big enough to self-insure, and allow the small businesses of the Gulf Coast Community to continue to provide jobs and drive our economy.

I urge my colleagues to vote for this amendment and vote for small businesses, saving jobs, and the American people.

The CHAIR. The gentleman from New Mexico has 30 seconds remaining. The gentleman from Colorado has 2½ minutes remaining and has the right to close.

Mr. TEAGUE. I have no further requests for time, and I yield back the balance of my time.

Mr. LAMBORN. Mr. Chairman, I would just reiterate that we have no objection to this amendment. I wish it really accomplished something, because the deeper things that are problems in this bill are going to kill offshore production in large part; and we don't need to be killing jobs and raising taxes in the time of a recession.

We have no objection to the amendment because it doesn't do any harm.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. CUMMINGS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

□ 1540

AMENDMENT NO. 6 OFFERED BY MR. OBERSTAR

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 111-582.

Mr. OBERSTAR. Mr. Chairman, as the designee of the gentleman from Connecticut (Mr. HIMES), I offer amendment No. 6.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 172, after line 8, insert the following:

(e) CONSIDERATIONS OF TRUSTEES.—Section 1006(d) of such Act (33 U.S.C. 2706(d)) is amended by adding at the end the following:

“(4) CONSIDERATIONS OF TRUSTEES.—

“(A) EQUAL AND FULL CONSIDERATION.—Trustees shall—

“(i) give equal and full consideration to restoration, rehabilitation, replacement, and the acquisition of the equivalent of the natural resources under their trusteeship; and

“(ii) consider restoration, rehabilitation, replacement, and the acquisition of the equivalent of the natural resources under their trusteeship in a holistic ecosystem context and using, where available, eco-regional or natural resource plans.

“(B) SPECIAL RULE ON ACQUISITION.—Acquisition shall only be given full and equal consideration under subparagraph (A) if it provides a substantially greater likelihood of improving the resilience of the lost or damaged resource and supports local ecological processes.”.

Page 172, line 9, strike “(e)” and insert “(f)”.

The CHAIR. Pursuant to House Resolution 1574, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

The amendment addresses two important issues on restoration of natural resources damaged as a result of release or threatened release of oil under OPA, the Oil Pollution Act.

The first issue is acquisition of additional natural resources as part of a potential remedy for damages in instances where the existing resource cannot be or is unlikely to be successfully restored. In OPA, section 1006, provides that damages to natural resources can be addressed either through restoration, rehabilitation, replacement or acquisition of equivalent resources, where other measures are unlikely or impossible to be implemented.

The Himes amendment, which I offer on his behalf, emphasizes that acquisition of a natural equivalent resource can be an acceptable alternative to restoration or rehabilitation. Consistent with current law, the acquisition of an equivalent natural resource should be used only when restoration is likely to be unsuccessful or the acquisition provides a substantially greater likelihood of improving resilience of the lost or damaged resource and supports local ecological processes.

The second part of the amendment will ensure that natural resource damage assessments and implementation emphasize restoring the entire damaged ecosystem rather than dealing simply with specific, discrete segments thereof. The gulf coast is such a unique resource with countless species of fish, shellfish, marine life, wildlife, all integrated, and it really needs to be treated as an overall cohesive ecosystem.

This amendment addresses two important issues related to the restoration of any natural resources damaged as a result of the release or threatened of oil under the Oil Pollution Act, OPA.

The first issue deals with the acquisition of additional natural resources as part of a potential remedy for damages, in those instances where the existing resource cannot, or is unlikely to be, successfully restored. Section 1006 of OPA provides that damages to natural resources can be addressed either through

restoration, rehabilitation, replacement, or the acquisition of the equivalent resources where other measures are unlikely or impossible to be successfully implemented.

The Himes amendment emphasizes that acquisition of an equivalent natural resource can be an acceptable alternative to restoration or rehabilitation; however, consistent with current law, the acquisition of an equivalent natural resource should be utilized only when restoration or rehabilitation of the existing, damaged resource is likely to be unsuccessful, and the acquisition provides a "substantially greater likelihood of improving the resilience of the lost or damaged resource and supports local ecological processes."

The second portion of the Himes amendment will ensure that natural resource damage assessments and implementation emphasize restoring the entire damage ecosystem, rather than dealing with individual, specific locations. The Gulf of Mexico is unique in that it serves as a focal point for countless species of fish, shellfish, marine life, and wildlife.

The Gulf of Mexico coastal area contains more than half of the coastal wetlands within the lower 48 states, as well as numerous recreational opportunities in the States of Texas, Louisiana, Mississippi, Alabama, and Florida. According to the National Oceanic and Atmospheric Administration, NOAA, 97 percent of the commercial fish and shellfish landings come from the Gulf, and depend on the estuaries and their wetlands at some point in their life cycle. The Gulf also serves as vital habitat to many species of breeding, wintering, and migrating waterfowl, songbirds, and other marine mammals and reptiles. According to the U.S. Fish and Wildlife Service, the Gulf supports a "disproportionately high number of beach-nesting bird species" that rely on the beaches, barrier islands, and similar habitats as part of their annual breeding cycle.

I applaud the gentleman's amendment because it stresses the importance of addressing damaged natural resources in a holistic ecosystem approach. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let's be pretty specific on what this particular fund is all about, and I will explain why I think it is a very, very bad idea.

The fundamental goal of the Natural Resources Damages Act, that's the fund we are talking about, is to ensure the protection and restoration of all resources on Federal lands, water and land. This includes restoration of damages caused by fires, invasive species, oil spills, ship groundings and vandalism.

What this amendment attempts to do is to shift funds from the restoration of our national parks and national wildlife refuges to the purchase of non-impacted land.

Now, Mr. Chairman, I just find this amendment ironic. Since the legisla-

tion, the underlying legislation that we are debating, already mandates—let me emphasize that, Mr. Chairman, mandates—up to \$30 billion, with a "B," dollars to spend on land acquisition for the next 30 years, why do we need this amendment?

Why, for goodness sakes, will we take a fund, the Natural Resources Damages Fund, if you will, and say, okay, now you can use that for land acquisition.

Is \$30 billion not enough? Is \$30 billion not enough?

Let me put it in a different way, Mr. Chairman. One of the issues that we have in our country with public lands is a maintenance backlog. This is analogous to maintenance backlog.

We talk about we haven't got enough money to maintain our natural resources. In fact, that figure, last I heard it, was \$9 billion. Here is a fund that is, in part, part of the restoration and one could say maintenance of our Federal lands, and we want to take money away from that and acquire more land.

What is the goal here? Is the goal here to increase the \$9 billion to 10, 11? Who knows how high we can't maintain.

Is there not enough? This amendment, in my view, ought to be defeated. It's not well intentioned at all. It has taken another tragedy, using the tragedy of the Gulf of Mexico and simply saying, aha, another opportunity to take a fund and buy more Federal land.

This doesn't make any sense at all to me, Mr. Chairman. I urge my colleagues to vote "no."

I reserve the balance of my time.

Mr. OBERSTAR. I yield 1 minute to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, I rise today in support of the Himes amendment and on behalf of its sponsor, as he has been called away for a short time to attend the funeral of a fallen firefighter. Our hearts are with those who are grieving today with my colleague, Mr. HIMES.

Mr. HIMES' amendment builds upon other lessons learned from the *Exxon Valdez* spill. The Himes amendment improves an existing environmental restoration provision that authorizes a program to protect wildlife habitats similar to those ruined by a spill and have the responsible party cover the cost of purchasing or preserving such areas.

I would also like to thank the Natural Resources Committee and Transportation Committee for working with me and incorporating provisions that address a number of my priorities in the manager's amendment; namely, including language that will better ensure that the Department of the Interior follows the law as it is supposed to.

Mr. Chairman, I rise in strong support of the Himes amendment and the

underlying bill. The CLEAR Act is good and desperately needed policy to help prevent taxpayer bailouts for Big Oil's failures.

The CLEAR Act is a model of transparency, fiscal responsibility and good stewardship. I call upon my colleagues to join me in supporting the Himes amendment and the underlying bill.

Mr. HASTINGS of Washington. I understand I have the right to close, Mr. Chairman?

The CHAIR. The gentleman from Washington has the right to close.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. OBERSTAR. I yield myself the balance of my time.

The CHAIR. The gentleman from Minnesota is recognized for 2 minutes.

Mr. OBERSTAR. The gentleman from Washington is mistaken in his understanding or his reading of the amendment that I offer.

It's an amendment to OPA. It is not an amendment to the dollar amounts and does not reference dollar amounts. Under OPA, of which I was a coauthor in 1990, quote, the State and local officials designated under this subsection shall develop and implement a plan for the restoration, rehabilitation, replacement or acquisition of the equivalent of the natural resources under their trusteeship.

The language of OPA does not clearly enough refer to the level of replacement resources that may be damaged. What we do with this language is clarify the ability to restore those resources that have been damaged with an equivalent resource. That's all it does. It does not have a dollar amount in it.

I yield to the gentleman if he has a question.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

In due respect, you acknowledged that this could be used to buy additional land with a damage fund, is that correct?

Mr. OBERSTAR. Well, it is to replace what has been destroyed. It's really just clarifying what is already available under OPA, but making it clear that the funds can be used for those resources that have been damaged so badly they can't be restored.

Mr. HASTINGS of Washington. Yes, it clarifies, but it adds a very important part. It allows land acquisition.

□ 1550

Mr. OBERSTAR. Reclaiming my time, it does not add. That is current law. That is available under OPA.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIR. The gentleman has 2½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

I yield to the gentleman from Minnesota to finish his remark.

Mr. OBERSTAR. Again, the acquisition of replacement land is available and authorized under OPA 90. What this amendment does is clarify that in that replacement you can replace that part of the ecosystem that has been irresponsibly damaged with better land. It doesn't add new acquisition authority.

Mr. HASTINGS of Washington. Reclaiming my time, I appreciate the gentleman's trying to clarify that.

I have to say, in my reading of this, that this will lend itself to more acquisition, and I will simply say this, reading the language here, "provides a substantially greater likelihood of improving the resilience of whatever is lost." Now, having said that, let me put this analogous to at least my part of the country as it relates to refuges. If a refuge burns in my area and it might damage something, the way I envision the interpretation of this is the refuge manager can say, boy, this is irreparably lost and there might be some private land right next door, I think I will buy that private land.

Now, in due respect, that is the way I interpret it. Listen, I hope I'm wrong and I hope you're right, but I have a very strong wariness of any attempt—especially in a bill, I say to my friend, the Transportation chairman, especially when we are authorizing \$30 billion of land acquisition. Surely, surely there must be a way to massage that to satisfy at least what the gentleman's amendment purports to do. But I have to say, for this Member, I am always weary when I see we are taking another fund and using that to acquire even an extension of Federal lands.

Mr. OBERSTAR. Will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I appreciate the gentleman yielding.

I, too, have natural resources—national forests, national parks, wildlife refuges. When fire, as it does regularly, strikes the national forest, that land regenerates. The oil destroys. It likely cannot be restored by itself or by human intervention, but replacing it with other land—and the language is tailored very narrowly limited to that purpose of replacing what cannot be replaced.

Mr. HASTINGS of Washington. Reclaiming my time, which I don't have, I appreciate the gentleman's trying to help me through this. I still urge my colleagues to vote "no."

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. CONNOLLY
OF VIRGINIA

The CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 111-582.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VII add the following new section:

SEC. ____ . EXTENSION OF LIABILITY TO PERSONS
HAVING OWNERSHIP INTERESTS IN
RESPONSIBLE PARTIES.

(a) DEFINITION OF RESPONSIBLE PARTY.—Section 1001(32) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)) is amended by adding at the end the following:

"(G) PERSON HAVING OWNERSHIP INTEREST.—Any person, other than an individual, having an ownership interest (directly or indirectly) in any entity described in any of subparagraphs (A) through (F) of more than 25 percent, in the aggregate, of the total ownership interests in such entity, if the assets of such entity are insufficient to pay the claims owed by such entity as a responsible party under this Act."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to an incident occurring on or after January 1, 2010.

The CHAIR. Pursuant to House Resolution 1574, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. I want to thank Chairman RAHALL and Chairman OBERSTAR, in particular, for their hard work on this bill and for their collaboration on this amendment.

I am joined by Congressman HOLT and Congressman WELCH, who co-introduced this amendment to ensure that oil companies cannot shift oil cleanup costs onto taxpayers by allowing subsidiary companies to go bankrupt.

Under current law, if an oil subsidiary is responsible for a spill, it can declare bankruptcy and not sell its assets, in which case the parent company would not inherit cleanup liabilities. A profit-maximizing parent company would allow a subsidiary to go bankrupt and not sell liabilities if the value of cleanup and liability costs exceed the value of the subsidiary's assets. This is a realistic scenario given the high cost of the cleanup of oil spills. Even a well capitalized company worth several billions could be responsible for an oil spill costing tens of billions. The *Exxon Valdez* spill cost more than \$2 billion to clean up, and that was just 10.9 million gallons of oil. The Deepwater Horizon spill already has cost \$3 billion, with total cleanup cost in the tens of billions at the very least. Through this act, oil companies could be responsible for much greater costs.

The fishing industry in the gulf is worth \$5.5 billion annually. Losing 50 percent of western Florida's tourism would cost that State \$10 billion. If Congress eliminates the private liability cap under OPA, then an oil company responsible for a spill could be liable for tens of billions to reimburse property owners and workers for lost property and wages.

Given the extraordinarily high cleanup and private liability costs of oil spills, we must close this loophole. Our amendment would ensure that BP and other oil companies are not able to escape their cleanup responsibilities. Without passage of this amendment, BP and other oil companies could avoid paying for cleanup costs entirely.

I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have no problem with this amendment. From the beginning we have said that the first priority is stopping the leak, cleaning up the gulf, and making the communities and the people of the gulf States whole, and BP needs to be held accountable for this disaster. Having said that, we need to be cognizant that our actions taken here or the actions of the administration do not in and of themselves jeopardize American jobs and domestic energy production.

Part of holding BP accountable in this case, should BP America file for bankruptcy, is to ensure that the parent company that shares in the profits cover whatever debts that may not be covered by BP America. That is what this amendment does, and I am pleased to join my support for this.

Mr. Chairman, I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield 1 minute to my colleague from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman from Virginia and join with him in our concern for the workers, the restaurateurs, the small business owners, all those who depend on the Gulf of Mexico for their livelihoods. This gives us ample motivation to close this loophole which allows oil companies to shift the cost for cleanup from the oil company to the taxpayers. Current law would allow an oil company subsidiary that is responsible for an oil spill to declare bankruptcy.

We must not depend just on the good word of the oil companies. We have been given ample reason to question that good word. Even today, the new

CEO of BP says he's entertaining the idea of scaling back the cleanup in the gulf. We must close every loophole. This amendment of Mr. CONNOLLY, Mr. WELCH and I, and others, would ensure that companies like BP pay every last cent that they are liable for, that the spill not spill over to the taxpayer.

Mr. CONNOLLY of Virginia. I yield 1 minute to my colleague from the great State of Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding.

This amendment states that any entity—other than an individual person—with an ownership interest in a vessel, offshore or onshore facility, deepwater port, or pipeline of more than 25 percent is a responsible party under the Oil Pollution Act if the assets of the vessel or facility are insufficient to pay claims arising from oil spilled by the vessel or facility. I applaud Mr. CONNOLLY, Mr. HOLT, and Mr. WELCH, and I support this amendment, which will ensure that parent companies with ownership stakes in subsidiaries to offshore facility ventures bear the costs owed by these subsidiaries for spills from the facilities if the facilities lack adequate assets to pay the claims. This will prevent such costs from being shifted to the Oil Spill Liability Trust Fund. I urge my colleagues to support the amendment.

□ 1600

Mr. CONNOLLY of Virginia. Mr. Chairman, I want to thank my colleagues.

I also want to thank the following staff for their assistance on this amendment: Dave Heymsfeld, Stacie Soumbeniotis, Ryan Seiger, Navis Bermudez, Susan Jensen, George Slover, and David Lachman.

We want to ensure that this amendment only affects the relationship of parent and subsidiary companies.

With that, Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. MELANCON

The CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 111-582.

Mr. MELANCON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title II add the following:

Subtitle C—Limitation on Moratorium

SEC. 231. LIMITATION OF MORATORIUM ON CERTAIN PERMITTING AND DRILLING ACTIVITIES.

(a) IN GENERAL.—The moratorium set forth in the decision memorandum of the Secretary of the Interior entitled "Decision memorandum regarding the suspension of certain offshore permitting and drilling activities on the Outer Continental Shelf" and

dated July 12, 2010, and any suspension of operations issued in connection with the moratorium, shall not apply to an application for a permit to drill submitted on or after the effective date of this Act if the Secretary determines that the applicant—

(1) has complied with the notice entitled "National Notice to Lessees and Operators of Federal Oil and Gas Leases, Outer Continental Shelf (OCS)" dated June 8, 2010 (NTL No. 2010-N05) and the notice entitled "National Notice to Lessees and Operators of Federal Oil and Gas Leases, Outer Continental Shelf (OCS)" dated June 18, 2010 (NTL No. 2010-N06);

(2) has complied with additional safety measures recommended by the Secretary as of the date of the enactment of this Act; and

(3) has completed all required safety inspections.

(b) DETERMINATION ON PERMIT.—Not later than 30 days after the date on which the Secretary makes a determination that an applicant has complied with paragraphs (1), (2), and (3) of subsection (a), the Secretary shall make a determination on whether to issue the permit.

(c) NO SUSPENSION OF CONSIDERATION.—No Federal entity shall suspend the active consideration of, or preparatory work for, permits required to resume or advance activities suspended in connection with the moratorium.

(e) REPORT TO CONGRESS.—Not later than October 31, 2010, the Secretary shall report to the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources on the status of (1) the collection and analysis of evidence regarding the potential causes of the April 20, 2010 explosion and sinking of the Deepwater Horizon offshore drilling rig, including information collected by the Presidential Commission and other investigations (2) implementation of safety reforms described in the May 27, 2010, Departmental report entitled "Increased Safety Measures for Energy Development on the Outer Continental Shelf," (3) the ability of operators in the Gulf of Mexico to respond effectively to an oil spill in light of the Deepwater Horizon incident; and (4) industry and government efforts to engineer, design, construct and assemble wild well intervention and blowout containment resources necessary to contain an uncontrolled release of hydrocarbons in deep water should another blowout occur.

(f) SAVINGS CLAUSE.—Nothing herein affects the Secretary's authority to suspend offshore drilling permitting and drilling operations based on the threat of significant, irreparable or immediate harm or damage to life, property, or the marine, coastal or human environment pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 133 et. seq.).

Mr. BOUSTANY. Mr. Chairman, I ask unanimous consent that we extend the time of debate equally between the two sides for a total of 30 minutes on this very important issue affecting our State and other States on the gulf coast. We are really talking about jobs, and I think having this extra time of debate will be very important.

The CHAIR. Is there an objection to the request?

Mr. RAHALL. I reserve the right to object.

Mr. Chairman, I know a lot of Members are under time pressures because of airline schedules, et cetera. I feel compelled to object.

The CHAIR. Objection is heard.

Mr. RAHALL. Plus, if the gentleman would yield further, I am prepared to accept the amendment.

The CHAIR. Objection is heard.

Mr. BOUSTANY. We would like to extend the debate. We ask unanimous consent to extend it for 20 minutes, equally divided.

The CHAIR. Is there objection?

Mr. MELANCON. In light of the concern of the chairman of the committee and the whole of the bill, which is his jurisdiction, I respectfully yield to his opinion on how he wants that handled.

The CHAIR. Is there an objection to the request of the gentleman to extend the time of the debate?

Mr. MELANCON. I would accept the time.

The CHAIR. Is the gentleman objecting to the extension of the debate?

Mr. RAHALL. It is 20 minutes; is that correct?

Mr. BOUSTANY. Ten minutes on each side.

Mr. RAHALL. I still have to object.

The CHAIR. The gentleman's objection is heard.

Pursuant to House Resolution 1574, the gentleman from Louisiana (Mr. MELANCON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. MELANCON. I would like to thank my colleague from West Virginia for his help on this amendment.

Mr. Chairman, I urge my colleagues to support this amendment to lift the deepwater moratorium for companies that meet the new safety requirements and guidelines recently set in place by Secretary Salazar.

Make no mistake, BP was a bad player. As we have discovered through numerous congressional hearings, this company took dangerous shortcuts to save money. They ignored warning signs and the advice of their own workers who were concerned about the stability of the well, and they continued to drill even when they knew that the safety mechanisms in place to prevent a blowout were not working properly. Eleven good men died because of their greed.

The tragedy on Deepwater opened our eyes to the need for tougher safety regulations for offshore drilling, to the need to strengthen the enforcement of both new and existing laws, and to the need to protect workers who report their companies' dangerous and even illegal practices to regulators so that we can stop another accident before it happens.

Yet an indiscriminate blanket moratorium punishes the innocent along with the guilty for the actions and the poor judgment of one reckless company. If a rig meets all of the tough new safety requirements issued by the Department of the Interior, if it has been fully inspected and deemed safe,

why should it sit idle? The workers of that rig, why should they go jobless until the arbitrary 6-month period is over?

People in Louisiana understand that it doesn't make any sense. Louisianans, more than any other people, want to prevent another disaster from happening in our waters, but the irresponsible decisions and the dangerous actions of one company shouldn't shut down an entire sector of our economy, sending thousands of workers to the unemployment line. We need to fix the problems that led to this disaster in the gulf without paralyzing America's domestic energy industry in the process.

That is what my amendment does. Instead of a blanket moratorium, my amendment would allow drilling permits to be approved for those rigs that meet the new tougher safety requirements issued by the Department of the Interior in the wake of the explosion. Those 31 stalled drilling rigs directly employ some 1,400 workers. Hundreds of small businesses in Louisiana service those rigs or are, in some way, supported by the offshore oil and gas industry.

According to research by Dr. Joseph Mason of Louisiana State University, under the current 6-month moratorium, the gulf coast region will lose more than 8,000 jobs, nearly \$500 million in wages and over \$2.1 billion in economic activity, as well as nearly \$100 million in State and local tax revenue—and that's only if the drilling will start back immediately in 6 months.

You don't need to be an economist to see the impact of the moratorium on south Louisiana. You just need to drive through coastal parishes like Lafourche, Terrebonne, or Grand Isle, Louisiana. Talk to people like Shelly Landry, who owns and operates a family grocery store there on Grand Isle. She told me, with tears in her eyes, that the moratorium was shutting down the coast and that it was hurting her business more than the actual oil spill. People like Ms. Landry are still learning to cope with the impact of the oil disaster, and now they feel they are being dealt a second blow—this time by their own government.

Louisiana has a working coast where people make good paychecks producing domestic energy that drives our Nation. They want to get back to work doing the jobs they love, the jobs that provide good lives for their families.

The Childers-Melancon amendment will lift the moratorium in a responsible way and allow our workers to continue producing energy. It will still hold companies accountable for higher safety standards so that we never again experience a disaster such as that like Deepwater.

On behalf of the workers of the gulf coast, on behalf of the small busi-

nesses, and on behalf of all of the people of my State who thought they had made it through the worst part of this disaster, I urge my colleagues to vote for this amendment to lift this administration's offshore drilling moratorium to make life better and as normal as possible for an area that has been devastated several times over the last several years.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 4 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I appreciate the gentleman from Washington for yielding time.

Mr. Chairman, I share in many of the comments that were expressed by my colleague from Louisiana, Mr. MELANCON.

In fact, when you talk to people on the ground in Louisiana, most will tell you that this moratorium that was arbitrarily issued by the President has actually got the potential to do more long-term damage to our State than the oil spill, itself. Unfortunately, we are already seeing the consequences in terms of lost jobs.

If you look at what would happen, not if this would go 6 months—as Secretary Salazar wants to go—but if this just goes another few weeks, we will lose up to 40,000 high-paying jobs that will go overseas. If anybody is wondering whether or not that is just talk, you can look at what is already happening.

Just 2 days ago, Baker Hughes, a big oilfield service company, sent 300 jobs overseas. It laid off 300 Louisiana workers. These are jobs that have gone overseas because of this moratorium. It is already having a devastating impact. That is why it is so important that we pass an amendment that actually ends this current moratorium.

If you look at the language in the amendment, there are a number of components that I do agree with, and I think the intent was there to actually address those problems; but if you go to page 2, there are a few sections that got added in. In fact, I am a cosponsor with my colleague from Louisiana on an amendment that would actually end the moratorium in its current form. Unfortunately, there was some language added in that allows the Secretary to have statutory authority that he does not have today that actually extends his ability to issue more moratoriums even if this current one is stopped.

So what the industry is dealing with today is this kind of uncertainty. That is why you are already seeing rigs leave. In fact, three rigs have already

left. One is going to Egypt. These are all going to foreign countries. So we have got to get this right.

□ 1610

In fact, later today we're going to have a motion to recommit that will actually encompass those things that are necessary to be done to end the moratorium without the damaging language that's in this bill that gives the Secretary even more authority, in fact, even if a company complies with all of the safety requirements, as they should, and they should comply with all the safety recommendations. But even if they do, under this language, the Secretary is given power to decide whether or not to issue that permit. That shouldn't be arbitrary once a company meets all the safety recommendations. BP didn't meet them all. But if a company does, the Secretary can't continue to keep this job-killing moratorium going on. So we have to fix that language. And, in fact, our motion to recommit does that.

If you look, our Louisiana Oil and Gas Association, which is not a representative of the Big Oil companies—in fact, it's a lot of the mom and pop of the independent oil and gas companies throughout Louisiana. They have strong concerns. In fact, they say, We have concerns that this may codify—they're talking about this extra language and power that's given to the Secretary to deny permits—they say, We have concerns that this may codify the Secretary's authority to suspend offshore drilling permitting and drilling operations.

It is our position that the Secretary does not have the right to do so; and, in fact, a Federal judge has agreed with that by trying to stop this moratorium. Unfortunately, the administration ignored that. And they further go on to say, It is our position that applicants who apply for a permit and meet the proper safety requirements should be issued the permit. The Secretary shouldn't be able to decide arbitrarily if he wants to continue to shut down domestic oil production in this country, as we're seeing today. And we're seeing the consequences of it.

As I said earlier this week, we already lost 300 jobs. And this wasn't the first time; and, unfortunately, it won't be the last. Many companies you talk to are already having conversations about moving jobs overseas, if they haven't already. And as I mentioned, three of the rigs have already decided they have got to leave the country because of this moratorium. That is why it is so important that we get it right. We can't just pass something that sounds good but ultimately ends up giving the Secretary more authority to keep the moratorium going and run more jobs out of our country. So hopefully we will pass the motion to recommit later but not give the Secretary more authority. This does.

Mr. MELANCON. I yield 30 seconds to the gentleman from West Virginia, Chairman RAHALL.

Mr. RAHALL. I appreciate the gentleman from Louisiana's yielding, and I commend him for his commonsense amendment here.

This, of course, would end the moratorium on drilling in the gulf on rigs that have met the safety requirements prescribed in two notices to lessees issued by the DOI as well as other safety standards described by enactment of this legislation. This legislation is about safety on these rigs, and we do put in some new language that does certify and verify that there is necessary safety in place. I urge support.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Chairman, I am very, very pleased to yield the balance of my time to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chair, I appreciate the efforts on the part of my colleague from Louisiana (Mr. MELANCON). But what we have seen is, we have a current moratorium on deepwater drilling and a de facto moratorium on shallow water drilling. And I'm afraid that this amendment doesn't fully address the issue. It doesn't address the current moratorium, whereby we are hemorrhaging jobs. The 300 jobs my colleague over here, Mr. SCALISE, just referenced were from Baker Hughes in my district, and those don't count the shallow water jobs that we are losing daily from companies I have been hearing about each day.

So the problem we have is with the section on page 2, which continues to allow the Secretary this wide latitude beyond the normal permitting process. So we have a real problem with this. We think our motion to recommit that we are going to offer later will actually give a clean break on getting rid of this moratorium, which is killing American energy production jobs, making us more dependent on foreign oil. It's not the kind of policy that we need. I know my colleague from Louisiana (Mr. MELANCON) wants to solve this problem, but we have concerns about this specific language.

Mr. CHILDERS. Mr. Chair, I rise today in support of the amendment I introduced with my friend and colleague from Louisiana, Mr. MELANCON. The amendment would lift the moratorium on deepwater drilling for the responsible actors who meet strict safety requirements for their drilling operations. The Deepwater Horizon oil spill has been a tragedy for the Gulf Coast, one we can ill afford as our nation works toward economic recovery. However, in the state of Mississippi, thousands of workers are employed by the deepwater drilling industry. Because of the moratorium these hard-working Americans will struggle to make ends meet in an already difficult economic environment. The Gulf Coast, from Florida to Texas, is suffering from this disaster

and in Mississippi we cannot afford to lose even more jobs due to this tragedy. The path to recovery from the Deepwater Horizon disaster will be long; we should not stand in the way of safe and responsible employers and the families they support.

I applaud the reorganization of the ethics plagued Minerals Management Service by the Department of the Interior in the underlying bill. It is my hope that the new regulatory structure will be an effective tool for ensuring safe drilling practices so that lives are not lost and moratoriums are not needed. Deepwater drilling is not only a source of American jobs but also an important source of domestic energy production in our fight for energy independence.

I ask my colleagues to join me today in supporting this amendment to save jobs and help the entire Gulf Coast region to recover.

The CHAIR. All time has expired.

PARLIAMENTARY INQUIRY

Mr. MELANCON. Parliamentary inquiry.

The CHAIR. The gentleman from Louisiana is recognized for a parliamentary inquiry.

Mr. MELANCON. I would like to thank my colleagues and ask for unanimous consent to consider a revised amendment which addresses the issues they are concerned about.

Mr. HASTINGS of Washington. Mr. Chairman, I object.

The CHAIR. Objection is heard.

The question is on the amendment offered by the gentleman from Louisiana (Mr. MELANCON).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. MELANCON

The CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 111-582.

Mr. MELANCON. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title V, add the following new section (and conform the table of contents accordingly):

SEC. 504. GULF OF MEXICO RESTORATION ACCOUNT.

(a) ESTABLISHMENT OF SPECIAL ACCOUNT.—There is established in the Treasury of the United States a separate account to be known as the "Gulf of Mexico Restoration Account".

(b) FUNDING.—The Gulf of Mexico Restoration Account shall consist of such amounts as may be appropriated or credited to such Account by section 311A of the Federal Water Pollution Control Act.

(c) EXPENDITURES.—Amounts in the Gulf of Mexico Restoration Account shall be available, as provided in appropriations Acts, to carry out projects, programs, and activities

as recommended by the Gulf of Mexico Restoration Task Force established in this title.

(d) AMENDMENT TO THE FEDERAL WATER POLLUTION CONTROL ACT.—

(1) IN GENERAL.—Title III of the Federal Water Pollution Control Act is amended by inserting after section 311 the following:

"SEC. 311A. ADDITIONAL PENALTIES FOR LARGE SPILLS IN THE GULF OF MEXICO.

"(a) IN GENERAL.—In the case of an offshore facility from which more than 1,000,000 barrels of oil or a hazardous substance is discharged into the Gulf of Mexico in violation of section 311(b)(3), any person who is the owner or operator of the facility shall be subject to a civil penalty of \$200,000,000 for each 1,000,000 barrels discharged.

"(b) RELATIONSHIP TO OTHER PENALTIES.—The civil penalty under subsection (a) shall be in addition to any other penalties to which the owner or operator of the facility is subject, including those under section 311."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on April 1, 2010.

The CHAIR. Pursuant to House Resolution 1574, the gentleman from Louisiana (Mr. MELANCON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. MELANCON. Mr. Chair, I urge my colleagues to support the Gulf Coast Restoration Amendment for one simple reason: responsible oil-spill response legislation must include funding to address the rapid deterioration of our crumbling coast.

Coastal erosion has chipped away at our barrier islands, beaches and marshes for decades. Louisiana alone loses a football field of coast every 38 minutes and is set to lose another 500 square miles by 2050. But the BP oil spill will accelerate land loss as our marshes die from exposure to oil and chemicals from the cleanup. This disaster has effectively hit the fast forward button on an already terrible problem.

BP will foot the bill for the cleanup effort. We will hold them to their responsibility and their word, but they are not legally bound to address the accelerated land loss as a result of the spill. My amendment will make certain they don't simply clean the water and walk away from the long-term damage to our coast and marshes.

My amendment would create a new civil penalty on gulf coast spills of more than 1 million barrels. The owner or operator of the rig would be responsible for paying \$200 million per 1 million barrels spilled to fund environmental restoration projects to save the gulf coast. Restoration projects would be spread across the Gulf Coast States and would be overseen by the Gulf Coast Coordination Council, a task force of Federal, State and local stakeholders, created by this bill. My amendment is deficit-neutral and comes at no cost to taxpayers or to the Federal Government.

Survival of the gulf coast's fragile ecosystem and the fishing and tourism industries that rely on them hinges

upon successful restoration of our wetlands. Without them, many gulf communities will vanish, and the rest of the country will lose access to the seafood and recreation they have enjoyed for decades.

The gulf coast is America's working coast. We contribute \$3 trillion annually to the economy. Seven of our country's top 10 ports are located in the gulf, and 40 percent of our Nation's seafood is harvested from its waters. President Obama has charged the oil spill response team with finding long-term solutions for repairing our coast. Our families back home are depending on Congress to restore their livelihoods, and we have that opportunity today.

Earlier this month, just after news broke that BP had finally capped their well, Bob Marshall of The Times-Picayune wrote a lengthy column about the long road ahead for south Louisiana and this cleanup. He wrote: "We need to remember this is a temporary problem on top of a permanent disaster. Long after BP's oil is gone, we'll still be fighting for survival against a much more serious enemy—our sinking, crumbling delta. Our coast is like a cancer patient who has come down with pneumonia. That's serious, but curable. After the fever breaks, he'll still have cancer. Our officials' focus should remain on stopping the activities that continue to destroy our marshes and getting national support for projects that can protect what we have left." He's right. And make no mistake, this is that time.

Five years after Hurricanes Katrina and Rita, our country is again focused on a tragedy in south Louisiana. For the past 102 days, every time you opened your paper or turned on the evening news, you saw the well, our oiled marshes and wildlife, and our people, struggling to get through the day and unable to imagine a better tomorrow.

We are staring at a cleanup that will take a decade or more to complete. We will only get there if we address our disappearing coasts. Mr. Chair, I urge my colleagues to support my Gulf Coast Restoration Amendment. This is that time, and we can't wait another day.

I reserve the balance of my time.

□ 1620

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I don't intend to oppose the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes. There was no objection.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would establish a new fine on spills

larger than 1 million barrels, and has a retroactive date of April 1, 2010. Now, I won't debate the fact that making this fine retroactive means that it will likely face a constitutional challenge.

But I will debate the fact that once fines are paid by violators to the Federal Government, that money becomes taxpayer money. If we then spend that money on gulf restoration to clean up the mess caused by BP, we would be spending taxpayer dollars to clean up the BP spill.

Mr. Chairman, the taxpayers should not be on the hook for the cleanup of the BP disaster. If there are projects in the gulf that demand restoration because of damage from the spill, then BP must be held accountable. If the gentleman has projects that demand greater attention, then I offer to work with him, just as I am working with other members of our committee from Louisiana, to ensure that the Federal oversight gets the gulf cleaned up and the gulf made whole. But I reject the premise that we must use taxpayer dollars to clean up the mess made by BP. I reserve the balance of my time.

Mr. MELANCON. I yield 1 minute to Mr. OBERSTAR.

Mr. OBERSTAR. I thank the gentleman for yielding.

I have worked with the gentleman and our committee staff to craft this language. It's important to note that these are not taxpayer dollars paying for restoration, but rather proceeds from a penalty provided in this provision that is very clearly spelled out, and which revenue goes into the Gulf of Mexico restoration account, and then is further subject to appropriations. So that keeps the Congress in control of the outlay of funds. Rather than just imposing a civil penalty and allowing those funds to go into an agency, there will be very clear control.

So the proceeds are used from the penalty for a legitimate public purpose to pay for the projects, programs, and activities out of the restoration fund to clean up the destruction from oil spilled.

To paraphrase previous speakers on the other side of the aisle, the explosion and blow-out of the BP drilling operation in the Gulf is a "textbook case" on killing jobs and wildlife and destruction of the marine environment; putting 300,000 jobs at risk in travel, tourism, fishing, commercial and recreational fishing, catching, harvesting, processing fish and shellfish, jobs destroyed by the uncontrolled oil spill.

The safety provisions of our bill will protect those jobs in the future. The liability provisions will assure that there will be compensation for those who lose jobs and livelihood because of an oil spill. The penalties imposed in this Melancon amendment will assure that damage to the natural resources of the Gulf will have the money needed to restore more resources.

A penalty whose proceeds will be used for a legitimate public purpose—to pay for projects, programs, and activities out of the GM Restoration Fund.

Mr. HASTINGS of Washington. Could I inquire how much time I have?

The CHAIR. The gentleman has 4 minutes remaining.

Mr. HASTINGS of Washington. I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Washington for yielding.

I rise in support of this amendment by my colleague from Louisiana (Mr. MELANCON). As we all know, this is an unprecedented disaster. It's already extracted a human toll, it's extracting an environmental toll, and of course now with the moratorium it's extracting an economic toll.

So when you look at what this amendment does, it says if somebody breaks the law, if they actually have a spill that's at this level, a million barrels or more, then they actually get hit with heavier penalties. And those penalties would be dedicated to restoring our coast. Because as we can all see, people all across the country who have expressed so much appreciation and support for what we're doing to try to battle this disaster, they also understand just how fragile this ecosystem is. And they've seen the destruction to our ecosystem.

And of course it hasn't just started. Our coast has been eroding for years. In fact, we lose a football field of land along the gulf coast of Louisiana every 37 minutes. So just in the time we have been debating this legislation, the Gulf Coast of Louisiana has lost a football field of land. And this goes on every single day.

So by dedicating these funds that are only generated if somebody spills a million barrels or more into our gulf to this fund to restore our coast, I think it's the right thing to do. It helps us battle this environmental disaster, and then hopefully we can continue to move forward so that we can stop the economic disaster that's also occurring. I appreciate the gentleman from Louisiana for bringing this amendment.

Mr. MELANCON. I yield 30 seconds to the chairman.

Mr. RAHALL. Just to clarify for my colleague from Washington, my ranking member, if his concern was about the taxpayer ending up paying for something that BP should be liable for under the gentleman from Louisiana's amendment, we do have a catch-all provision in the legislation that applies to not only the entire legislation, but would apply to the gentleman from Louisiana's amendment as well that says none of the funds that are authorized or made available by this act may be used to carry out any activity or pay any cost for removal or damages for which a responsible party, BP, is liable under the OPA.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I simply make the point that, yes, I understand these dollars come from the

affected party. But if it gets into the Federal Government Treasury, then the Federal Government is the government of the people, it becomes taxpayer dollars. That's the only point I am making.

I support the amendment. I think it makes perfectly good sense. It has broad support of those Members that are affected by this spill. But I just wanted to simply make that point, probably more to emphasize than anything else that BP is truly responsible for this, and we all recognize that.

I urge support of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. MELANCON).

The amendment was agreed to.

Mr. RAHALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OBEY) having assumed the chair, Mr. JACKSON of Illinois, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF INSPECTOR GENERAL

The SPEAKER pro tempore. Pursuant to clause 6(b) of rule II, and the order of the House of January 6, 2009, the Chair announces that the Speaker, majority leader and minority leader jointly appoint Ms. Theresa M. Grafenstine, Manassas, Virginia, to the position of Inspector General for the U.S. House of Representatives effective July 30, 2010.

OFFSHORE OIL AND GAS WORKER WHISTLEBLOWER PROTECTION ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will resume on the bill (H.R. 5851) to provide whistleblower protections to certain workers in the offshore oil and gas industry.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. KLINE of Minnesota. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KLINE of Minnesota. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kline of Minnesota moves to recommit the bill, H.R. 5851, to the Committee on Education and Labor with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Whistleblower Parity Act".

SEC. 2. WHISTLEBLOWER PROTECTION FOR CERTAIN OFFSHORE WORKERS.

(a) PROHIBITION ON RETALIATION.—No person shall discharge or in any manner discriminate against any covered employee because such covered employee has filed any complaint or instituted or caused to be instituted any proceeding related to any workplace safety and health regulation issued pursuant to section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347) or has testified or is about to testify in any such proceeding or because of the exercise by such covered employee on behalf of himself or herself or others of any right afforded by such Act.

(b) COMPLAINT PROCEDURE.—Any covered employee who believes that he or she has been discharged or otherwise discriminated against by any person in violation of this section may, within 30 days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as the Secretary determines appropriate. If upon such investigation, the Secretary determines that the provisions of this section have been violated, the Secretary shall bring an action in any appropriate United States district court against such person. In any such action the United States district courts shall have jurisdiction, for cause shown to restrain violations of subsection (a) of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to his or her former position with back pay.

(c) NOTIFICATION.—Within 90 days of the receipt of a complaint filed under this section the Secretary shall notify the complainant of the Secretary's determination under subsection (b) of this section.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "covered employee" means an individual engaged in activities on or in waters above the Outer Continental Shelf related to supporting or carrying out exploration, development, production, processing, or transportation of oil on behalf of an employer;

(2) the term "employer" has the meaning given such term in section 3 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652);

(3) the term "Outer Continental Shelf" has the meaning that the term "outer Continental Shelf" has in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331); and

(4) the term "Secretary" means the Secretary of Labor.

SEC. 4. CONSTRUCTION.

Nothing in this Act shall be construed to affect any rights, protections, or remedies available to covered employees under section 2114 of title 46, United States Code.

Mr. KLINE of Minnesota (during the reading). Mr. Speaker, I ask unanimous

consent that the motion to recommit be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. KLINE of Minnesota. Mr. Speaker, like every Member of Congress, I am deeply concerned for the safety of offshore oil rig workers. No worker who sees a hazard to health and safety in violation of the law should fear reporting the violation to the proper authorities. Effective workplace safety starts with compliance, and is enhanced by alert workers who help ensure appropriate safety rules are being followed. That is why I am asking all my colleagues to support this motion to recommit.

This proposal extends the whistleblower protections in the Occupational Safety and Health Act to workers on offshore oil rigs. As I noted earlier, there are a number of concerns with the Democrats' proposal. It creates an entirely new whistleblower protection framework for workers directly or indirectly involved with offshore oil drilling, departing from the long-standing protections in existing health and safety laws.

The majority also fails to focus on oil rig workers, extending their untested form of whistleblower protections to various workers on land who are already protected by existing, and possibly conflicting, statutes.

□ 1630

Legal confusion and uncertainty are never good when it comes to workplace safety. Last month, the Education and Labor Committee heard from Federal officials who could not answer whether offshore oil rig workers have access to basic whistleblower protections. To date, the committee has not received a response to a request for clarification. Virtually every American worker enjoys these important protections, yet Federal officials did not know whether maritime law, Federal safety and health law, or some other law was fully protecting oil rig workers.

Despite this confusion, not a single followup hearing was heard in the Education and Labor Committee. Certainly there was no committee vote on this legislation. Just last night, the House Rules Committee held the first and only hearing this legislation has ever received. In fact, Members of Congress and the public have had less than a week to examine the bill and determine what effect it may have on the safety of oil rig workers or to what extent it may even be necessary.

If the majority is determined to rush this bill through Congress without examining the full consequences and context of the issue, I would, instead, suggest a straightforward approach that more fully relies on current law.

We believe offshore oil rig workers deserve whistleblower protections and the OSH Act offers us an opportunity to extend those protections immediately. The OSH Act has been the law of the land since 1978, more than 30 years. It has improved over time through congressional and administrative action. And by incorporating oil rig workers into existing protections, they will automatically be included into any future changes of the law.

In short, the Republican motion to recommit provides parity in whistleblower protections. The Democrats' bill creates confusion. Our approach gives certainty. The Democrats' bill creates legal conflict. Our approach has established case law. The Democrats' bill will take time to implement and understand. Our approach will provide immediate protections in a manner Federal authorities and workers already know and understand.

I strongly urge my colleagues to support this motion.

I yield back the balance of my time.
Mr. GEORGE MILLER of California.
I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California.
Mr. Speaker, Members of the House, I would strongly urge you to reject the Republican motion to recommit. What we have before us today in the legislation that I am offering along with Mr. MARKEY, is an effort to provide the level of protection that these offshore oil workers on the rigs on the Outer Continental Shelf of the United States of America are entitled to. What the Republicans are suggesting is that a law that was written in 1970 is good enough for these workers.

Let's understand the environment in which these workers are working. They're working on the most expensive oil rigs in the history of the world. They're making the most complex drills in the history of the world. They're using the most complex technology in the history of the world, and they're doing it in constant motion on top of the seas as they drill for these resources.

Now, why shouldn't they have the same protection that railroad workers have? that transport workers have? that nuclear workers have? that pipeline workers have? Because they all have a modern whistleblower statute. But those men and women who go out on those rigs today do not have any protection, much less a modern protection, but the Republicans are telling you they should take second-class protection.

Now, as we saw the case of a whistleblower, Mr. Abbott, who called BP, an engineer, and said the designs are wrong, the drawings are flawed, he would not be covered under this statute. The court found his claim to be valid that he passed on serious infor-

mation to BP that they rejected. Now, let's understand this is about one worker with knowledge and understanding of the drilling processes and procedures making a decision that something's about to go very wrong. So that worker has the courage to say, "I think we better stop and check it out" in a very complex process, in this case, of withdrawing from the well and capping that well.

They're telling that worker, "This rig is a half a million dollars a day. We're going to get it off our books. We're going to get it out of here. Just keep going," and then the tragedy happens.

Let's talk about who that worker's talking to. They're talking to a company that's drilling on the Outer Continental Shelf, British Petroleum, on American soil, under American laws, who violates willfully and egregiously those laws 807 times; who, in 2005, violated those laws hundreds of times and blew up a refinery in Texas, killed 15 workers and injured another 180; promised to fix those violations, and 4 years later, they hadn't fixed 700 of those violations and were fined \$87 million. Apparently, they think it's cheaper to pay fines than it is to protect the workers of this country.

I don't know if you've been around oil rigs. I don't know if you've watched people in this business, but this is a choreography that takes place among those workers on those rigs that is unbelievable, and it can be lethal. I've seen it because I know what you have to do on those rigs. This is how workers put themselves in jeopardy every day. It's whether a pipe falls on you, whether a chain snaps, whether a pipe breaks, whether the fluids blow out, whether you get hit from the overhead. This is a very dangerous profession.

Companies work hard, some companies, but are we going to really tell a worker that they're going to go up against BP when BP is so fully prepared to violate the laws, the health and safety laws of this Nation?

I think we ought to understand we owe American workers a much better deal on the American Outer Continental Shelf, and that's why this motion to recommit should be rejected. It should be rejected because that's our obligation. They're entitled to a modern whistleblower law just like the other workers that I named to you.

We can do no less for these workers. We can do no less for those workers who tried to come forward and stop the dangers on this rig and lost their lives because they weren't listened to. The workers who told their wives, "Get my papers and my wills and my business in order." Imagine a worker going to work and saying, "Get my affairs in order. Let's check my will." That's what people do when they go to war. They shouldn't have to do it when they go to work on an American rig in the American Outer Continental Shelf.

Give these workers what they're entitled to. Give them a decent, honest, modern whistleblower law with real protections.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KLINE of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 171, nays 234, not voting 27, as follows:

[Roll No. 505]

YEAS—171

Aderholt	Franks (AZ)	Miller (FL)
Alexander	Frelinghuysen	Miller (MI)
Austria	Gallegly	Miller, Gary
Bachus	Garrett (NJ)	Minnick
Barrett (SC)	Gerlach	Murphy, Tim
Bartlett	Gingrey (GA)	Myrick
Barton (TX)	Gohmert	Neugebauer
Biggert	Goodlatte	Nye
Bilbray	Granger	Olson
Bilirakis	Graves (GA)	Paul
Bishop (UT)	Graves (MO)	Paulsen
Blackburn	Guthrie	Pence
Blunt	Hall (TX)	Petri
Boehner	Harper	Pitts
Bonner	Hastings (WA)	Platts
Bono Mack	Heller	Poe (TX)
Boozman	Hensarling	Posey
Boren	Herger	Price (GA)
Boustany	Hunter	Putnam
Brady (TX)	Inglis	Rehberg
Bright	Issa	Reichert
Brown (GA)	Jenkins	Roe (TN)
Brown-Waite,	Johnson (IL)	Rogers (AL)
Ginny	Johnson, Sam	Rogers (KY)
Buchanan	Jones	Rohrabacher
Burgess	Jordan (OH)	Rooney
Burton (IN)	King (IA)	Ros-Lehtinen
Calvert	King (NY)	Roskam
Camp	Kingston	Royce
Campbell	Kirk	Ryan (WI)
Cantor	Kirkpatrick (AZ)	Scalise
Cao	Kline (MN)	Schmidt
Capito	Lamborn	Schock
Carter	Lance	Sensenbrenner
Cassidy	Latham	Sessions
Castle	LaTourette	Sestak
Chaffetz	Latta	Shimkus
Childers	Lee (NY)	Shuster
Coble	Lewis (CA)	Simpson
Coffman (CO)	LoBiondo	Smith (NE)
Cole	Lucas	Smith (NJ)
Conaway	Luetkemeyer	Smith (TX)
Crenshaw	Lummis	Stearns
Culberson	Lungren, Daniel	Sullivan
Davis (KY)	E.	Taylor
Dent	Mack	Terry
Diaz-Balart, L.	Manzullo	Thompson (PA)
Diaz-Balart, M.	Marchant	Thornberry
Djou	Marshall	Tiberi
Dreier	McCaul	Turner
Duncan	McClintock	Upton
Ehlers	McCotter	Walden
Emerson	McHenry	Westmoreland
Fallin	McIntyre	Whitfield
Flake	McKeon	Wilson (SC)
Fleming	McMorris	Wittman
Forbes	Rodgers	Wolf
Fortenberry	Mica	Young (AK)

NAYS—234

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Hersteth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCormack
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shulster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—27

Akin
Bachmann
Baird
Berry
Brown (SC)
Buyer
Carney
Delahunt
Foxy
Griffith
Himes
Hoekstra
Johnson (GA)
Kilpatrick (MI)
Linder
McCarthy (CA)
Moran (KS)
Nunes
Radanovich
Rogers (MI)
Shadegg
Slaughter
Tiahrt
Wamp
Watson
Wu
Young (FL)

□ 1704

Messrs. BRADY of Pennsylvania, CLYBURN, CARNAHAN, CARDOZA, CUELLAR, Ms. WASSERMAN SCHULTZ and Mr. CLEAVER changed their vote from “yea” to “nay.”

Mr. SULLIVAN changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SLAUGHTER. Mr. Chairman, on rollcall No. 505, had I been present, I would have voted “no.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 315, nays 93, not voting 25, as follows:

[Roll No. 506]

YEAS—315

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Butterfield
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Hersteth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas

Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Luetkemeyer
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCormack
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—93

Aderholt
Alexander
Barrett (SC)
Bartlett
Barton (TX)
Bishop (UT)
Boehner
Bonner
Brady (TX)
Bright
Broun (GA)
Burton (IN)
Calvert
Campbell
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Duncan
Fallin
Flake
Fleming
Foxy
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Lucas
Lummis
Lungren, Daniel
E.
Mack
Manzullo
McCauley
McClintock
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Olson
Paul
Pence
Pitts
Poe (TX)
Price (GA)
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shuster
Smith (NE)
Smith (TX)
Sullivan
Thompson (PA)
Thornberry
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—25

Akin
Bachmann
Berry
Brown (SC)
Buyer
Carney
Davis (KY)
Delahunt
Griffith
Himes
Hoekstra
Kilpatrick (MI)
Marchant
McCarthy (CA)

Moran (KS) Shadegg
Nunes Tiahrt
Radanovich Wamp
Rogers (MI) Watson

Watt
Young (FL)

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 250, noes 161, answered “present” 1, not voting 26, as follows:

[Roll No. 507]

AYES—250

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Beane
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gerlach

Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell

Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz

Wasserman
Schultz
Waters
Watt
Waxman
Weiner

Welch
Wilson (OH)
Woolsey
Yarmuth

NOES—161

Aderholt
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Blibray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Critz
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Edwards (TX)
Emerson
Fallin
Flake
Fleming
Forbes

Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hinojosa
Holden
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Matheson
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers

Mica
Miller (FL)
Miller (MI)
Murphy, Tim
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Peterson
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sessions
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)

ANSWERED “PRESENT”—1

Miller, Gary

NOT VOTING—26

Akin
Bachmann
Berry
Brown (SC)
Buyer
Carney
Christensen
Davis (KY)
Delahunt

Faleomavaega
Griffith
Himes
Hoekstra
Kilpatrick (MI)
Linder
McCarthy (CA)
Moran (KS)
Nunes

ANNOUNCEMENT BY THE CHAIR
The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1729

Messrs. CHILDERS, ROHRABACHER and POSEY changed their vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. KIND

The CHAIR. The unfinished business is the demand for a recorded vote on

CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1574 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3534.

□ 1712

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, amendment No. 9 printed in part B of House Report 111-578 offered by the gentleman from Louisiana (Mr. MELANCON) had been disposed of.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-578 on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part B by Mr. RAHALL of West Virginia.

Amendment No. 3 printed in part B by Mr. KIND of Wisconsin.

Amendment No. 5 printed in part B by Mr. TEAGUE of New Mexico.

Amendment No. 6 printed in part B by Mr. OBERSTAR of Minnesota.

Amendment No. 8 printed in part B by Mr. MELANCON of Louisiana.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

the amendment offered by the gentleman from Wisconsin (Mr. KIND) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 404, noes 1, not voting 33, as follows:

[Roll No. 508]

AYES—404

Ackerman	Clarke	Giffords
Aderholt	Clay	Gingrey (GA)
Adler (NJ)	Cleaver	Gohmert
Alexander	Clyburn	Gonzalez
Altmire	Coble	Goodlatte
Andrews	Coffman (CO)	Gordon (TN)
Arcuri	Cohen	Granger
Austria	Cole	Graves (GA)
Baca	Conaway	Graves (MO)
Bachus	Connolly (VA)	Grayson
Baird	Conyers	Green, Al
Baldwin	Cooper	Green, Gene
Barrett (SC)	Costa	Grijalva
Barrow	Costello	Guthrie
Bartlett	Courtney	Gutierrez
Barton (TX)	Crenshaw	Hall (NY)
Bean	Critz	Hall (TX)
Becerra	Crowley	Halvorson
Berkley	Cuellar	Hare
Berman	Culberson	Harman
Biggert	Cummings	Harper
Bilbray	Dahlkemper	Hastings (FL)
Bilirakis	Davis (AL)	Hastings (WA)
Bishop (GA)	Davis (CA)	Heinrich
Bishop (NY)	Davis (IL)	Heller
Bishop (UT)	Davis (TN)	Hensarling
Blackburn	DeFazio	Herger
Blumenauer	DeGette	Herseth Sandlin
Blunt	DeLauro	Higgins
Boccheri	Dent	Hill
Bonner	Deutch	Hinche
Bono Mack	Diaz-Balart, L.	Hinojosa
Boozman	Diaz-Balart, M.	Hirono
Bordallo	Dicks	Hodes
Boren	Dingell	Holden
Boswell	Djou	Holt
Boucher	Doggett	Honda
Boustany	Donnelly (IN)	Hoyer
Boyd	Doyle	Hunter
Brady (PA)	Dreier	Inglis
Brady (TX)	Drieaus	Inslee
Braley (IA)	Duncan	Israel
Bright	Edwards (MD)	Jackson (IL)
Broun (GA)	Edwards (TX)	Jackson Lee
Brown, Corrine	Ehlers	(TX)
Brown-Waite,	Ellison	Jenkins
Ginny	Ellsworth	Johnson (GA)
Buchanan	Emerson	Johnson (IL)
Burgess	Engel	Johnson, E. B.
Burton (IN)	Eshoo	Johnson, Sam
Butterfield	Etheridge	Jones
Calvert	Fallin	Jordan (OH)
Camp	Farr	Kagen
Cantor	Fattah	Kanjorski
Cao	Filner	Kaptur
Capito	Flake	Kennedy
Capps	Fleming	Kildee
Capuano	Forbes	Kilroy
Cardoza	Fortenberry	Kind
Carnahan	Foster	King (IA)
Carson (IN)	Fox	King (NY)
Carter	Frank (MA)	Kingston
Cassidy	Franks (AZ)	Kirk
Castle	Frelinghuysen	Kirkpatrick (AZ)
Castor (FL)	Fudge	Kissell
Chaffetz	Gallely	Klein (FL)
Chandler	Garamendi	Kline (MN)
Childers	Garrett (NJ)	Kosmas
Chu	Gerlach	Kratovil

Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel E.

Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim

Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascarelli
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perrillo
Peters
Peterson
Petri
Pierluisi
Pierree (ME)

Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock

NOES—1

Lummis

NOT VOTING—33

Akin
Bachmann
Berry
Boehner
Brown (SC)
Buyer
Campbell
Carney
Christensen
Davis (KY)
Delahunt
Faleomavaega
Griffith
Himes
Hoekstra
Issa
Kilpatrick (MI)
Latham
Linder
McCarthy (CA)
Moran (KS)
Nunes

Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velazquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

tleman from New Mexico (Mr. TEAGUE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 399, noes 8, not voting 31, as follows:

[Roll No. 509]

AYES—399

Ackerman	Clyburn	Granger
Aderholt	Coble	Graves (GA)
Adler (NJ)	Coffman (CO)	Graves (MO)
Alexander	Cohen	Grayson
Altmire	Cole	Green, Al
Andrews	Conaway	Green, Gene
Arcuri	Connolly (VA)	Grijalva
Austria	Conyers	Guthrie
Baca	Cooper	Gutierrez
Bachus	Costa	Hall (NY)
Baird	Costello	Halvorson
Baldwin	Courtney	Hare
Barrett (SC)	Crenshaw	Harman
Barrow	Critz	Harper
Bartlett	Crowley	Hastings (FL)
Barton (TX)	Cuellar	Hastings (WA)
Bean	Culberson	Heinrich
Becerra	Cummings	Heller
Berkley	Dahlkemper	Hensarling
Berman	Davis (AL)	Herger
Biggert	Davis (CA)	Herseth Sandlin
Bilbray	Davis (IL)	Higgins
Bilirakis	Davis (TN)	Hill
Bishop (GA)	DeFazio	Hinche
Bishop (NY)	DeGette	Hinojosa
Bishop (UT)	DeLauro	Hirono
Dent	Hodes	Hodes
Blumenauer	Deutch	Holden
Blunt	Diaz-Balart, L.	Holt
Boccheri	Diaz-Balart, M.	Honda
Bonner	Dicks	Hoyer
Bono Mack	Dingell	Hunter
Boozman	Djou	Inglis
Bordallo	Doggett	Inslee
Boren	Donnelly (IN)	Israel
Boswell	Doyle	Issa
Boucher	Dreier	Jackson (IL)
Boustany	Drieaus	Jackson Lee
Boyd	Duncan	(TX)
Brady (PA)	Edwards (MD)	Jenkins
Brady (TX)	Edwards (TX)	Johnson (GA)
Braley (IA)	Ehlers	Johnson (IL)
Bright	Ellison	Johnson, E. B.
Broun (GA)	Ellsworth	Jones
Brown, Corrine	Emerson	Jordan (OH)
Brown-Waite,	Engel	Kagen
Ginny	Eshoo	Kanjorski
Buchanan	Etheridge	Kaptur
Burgess	Fallin	Kennedy
Burton (IN)	Farr	Kildee
Butterfield	Fattah	Kilroy
Calvert	Filner	Kind
Camp	Flake	King (IA)
Cantor	Fleming	King (NY)
Cao	Forbes	Kingston
Capito	Fortenberry	Kirk
Capps	Foster	Kirkpatrick (AZ)
Capuano	Fox	Kissell
Carnahan	Frank (MA)	Klein (FL)
Carson (IN)	Frelinghuysen	Kline (MN)
Carter	Fudge	Kosmas
Cassidy	Gallely	Kratovil
Castle	Garrett (NJ)	Kucinich
Chaffetz	Gerlach	Lance
Chandler	Giffords	Langevin
Childers	Gingrey (GA)	Larsen (WA)
Chu	Gohmert	Larson (CT)
Clarke	Gonzalez	Latham
Clay	Goodlatte	LaTourette
Cleaver	Gordon (TN)	Latta

□ 1733

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. TEAGUE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gen-

Lee (CA) Neugebauer
 Lee (NY) Norton
 Levin Oberstar
 Lewis (CA) Obey
 Lewis (GA) Olson
 Lipinski Oliver
 LoBiondo Ortiz
 Loeb sack Owens
 Lofgren, Zoe Pallone
 Lowey Pascarell
 Lucas Pastor (AZ)
 Luetkemeyer Paul
 Luján Paulsen
 Lummis Payne
 Lungren, Daniel Pence
 E. Perriello
 Lynch Peters
 Mack Peterson
 Maffei Petri
 Maloney Pierluisi
 Manzullo Pingree (ME)
 Marchant Pitts
 Markey (CO) Platts
 Markey (MA) Poe (TX)
 Marshall Polis (CO)
 Matheson Pomeroy
 Matsui Posey
 McCarthy (NY) Price (GA)
 McCaul Price (NC)
 McClintock Putnam
 McCollum Quigley
 McCotter Rahall
 McDermott Rangel
 McGovern Rehberg
 McHenry Reichert
 McIntyre Reyes
 McKeon Richardson
 McMahon Rodriguez
 McMorris Roe (TN)
 Rodgers Rogers (AL)
 McNerney Rogers (KY)
 Meek (FL) Rohrabacher
 Meeks (NY) Rooney
 Melancon Ros-Lehtinen
 Mica Roskam
 Michaud Ross
 Miller (FL) Rothman (NJ)
 Miller (MI) Roybal-Allard
 Miller (NC) Royce
 Miller, Gary Ruppertsberger
 Miller, George Rush
 Minnick Ryan (OH)
 Mitchell Sablan
 Mollohan Salazar
 Moore (KS) Sanchez, Linda
 Moore (WI) T.
 Moran (VA) Sanchez, Loretta
 Murphy (CT) Sarbanes
 Murphy (NY) Scalise
 Murphy, Patrick Schakowsky
 Murphy, Tim Schauer
 Myrick Schiff
 Nadler (NY) Schmidt
 Napolitano Schock
 Neal (MA) Schrader

NOES—8

Castor (FL) Hall (TX)
 Franks (AZ) Johnson, Sam
 Garamendi Nye

NOT VOTING—31

Akin Delahunt
 Bachmann Faleomavaega
 Berry Griffith
 Boehner Himes
 Brown (SC) Hoekstra
 Buyer Kilpatrick (MI)
 Campbell Lamborn
 Cardoza Linder
 Carney McCarthy (CA)
 Christensen Moran (KS)
 Davis (KY) Nunes

□ 1737

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. OBERSTAR

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR)

on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 258, noes 149, not voting 31, as follows:

[Roll No. 510]

AYES—258

Ackerman Ellison
 Adler (NJ) Ellsworth
 Altmiere Engel
 Andrews Eshoo
 Arcuri Etheridge
 Baca Farr
 Baird Fattah
 Baldwin Filner
 Barrow Portenberry
 Bean Foster
 Becerra Frank (MA)
 Berkley Fudge
 Berman Garamendi
 Bishop (GA) Gerlach
 Bishop (NY) Giffords
 Blumenauer Gonzalez
 Boccieri Gordon (TN)
 Bordallo Grayson
 Boswell Green, Al
 Boucher Green, Gene
 Boyd Grijalva
 Brady (PA) Gutierrez
 Braley (IA) Hall (NY)
 Bright Hare
 Brown, Corrine Harman
 Butterfield Heinrich
 Cao Hereth Sandlin
 Capps Higgins
 Capuano Hill
 Cardoza Hinchey
 Carnahan Hinojosa
 Carson (IN) Hirono
 Castle Hodes
 Castor (FL) Holden
 Chandler Holt
 Childers Honda
 Chu Hoyer
 Clarke Inslee
 Clay Israel
 Cleaver Jackson (IL)
 Clyburn Jackson Lee
 Cohen (TX)
 Connolly (VA) Johnson (GA)
 Conyers Johnson (IL)
 Cooper Johnson, E. B.
 Costello Kagen
 Courtney Kanjorski
 Critz Kaptur
 Crowley Kennedy
 Cuellar Kildee
 Cummings Kilroy
 Dahlkemper Kind
 Davis (AL) Kirk
 Davis (CA) Kirkpatrick (AZ)
 Davis (IL) Kissell
 Davis (TN) Klein (FL)
 DeFazio Kosmas
 DeGette Kratochvil
 DeLauro Kucinich
 Dent Langevin
 Deutch Larsen (WA)
 Dicks Larson (CT)
 Dingell Lee (CA)
 Djou Levin
 Doggett Lewis (GA)
 Donnelly (IN) Lipinski
 Doyle LoBiondo
 Driehaus Loeb sack
 Edwards (MD) Lofgren, Zoe
 Edwards (TX) Lowey
 Ehlers Luján

Schakowsky
 Schauer
 Schiff
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Shea-Porter
 Sherman
 Shuler
 Sires
 Skelton
 Slaughter
 Smith (NJ)
 Smith (WA)

Snyder
 Space
 Speler
 Spratt
 Stark
 Stupak
 Sutton
 Tanner
 Taylor
 Teague
 Thompson (CA)
 Thompson (MS)
 Tierney
 Titus
 Tonko
 Towns

Tsongas
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walz
 Wasserman
 Schultz
 Waters
 Watt
 Waxman
 Weiner
 Welch
 Wilson (OH)
 Woolsey
 Yarmuth

NOES—149

Aderholt Frelinghuysen
 Alexander Gallegly
 Austria Garrett (NJ)
 Bachus Gingrey (GA)
 Barrett (SC) Gohmert
 Bartlett Goodlatte
 Barton (TX) Granger
 Biggert Graves (GA)
 Bilbray Graves (MO)
 Bilirakis Guthrie
 Bishop (UT) Hall (TX)
 Blackburn Halvorson
 Blunt Harper
 Boehner Hastings (WA)
 Bonner Heller
 Bono Mack Hensarling
 Boozman Herger
 Boren Hunter
 Boustany Inglis
 Brady (TX) Issa
 Broun (GA) Jenkins
 Brown-Waite, John, Sam
 Ginny Jones
 Buchanan Jordan (OH)
 Burgess King (IA)
 Burton (IN) King (NY)
 Calvert Kingston
 Camp Kline (MN)
 Cantor Lamborn
 Capito Lance
 Carter Latham
 Cassidy LaTourette
 Chaffetz Latta
 Coble Lee (NY)
 Coffman (CO) Lewis (CA)
 Cole Lucas
 Conaway Luetkemeyer
 Costa Lummis
 Crenshaw Lungren, Daniel
 Culberson E.
 Diaz-Balart, L. Mack
 Diaz-Balart, M. Manzullo
 Dreier Marchant
 Duncan Matheson
 Emerson McCaul
 Fallon McClintock
 Flake McCotter
 Fleming McHenry
 Forbes McKeon
 Foxx McMorris
 Franks (AZ) Rodgers

NOT VOTING—31

Akin Griffith
 Bachmann Hastings (FL)
 Berry Himes
 Brown (SC) Hoekstra
 Buyer Kilpatrick (MI)
 Campbell Linder
 Carney McCarthy (CA)
 Christensen Moran (KS)
 Davis (KY) Nunes
 Delahunt Perlmutter
 Faleomavaega Radanovich

□ 1740

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. MELANCON

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. MELANCON) on which further proceedings were

postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 195, answered “present” 1, not voting 27, as follows:

[Roll No. 511]

AYES—216

Ackerman	Fudge	Murphy (CT)
Adler (NJ)	Garamendi	Murphy (NY)
Altmire	Giffords	Murphy, Patrick
Andrews	Gonzalez	Nadler (NY)
Arcuri	Gordon (TN)	Neal (MA)
Baca	Green, Al	Norton
Baldwin	Green, Gene	Nye
Barrow	Halvorson	Oberstar
Becerra	Hare	Obey
Berkley	Harman	Olver
Berman	Hastings (FL)	Ortiz
Bishop (GA)	Heinrich	Owens
Bishop (NY)	Herseth Sandlin	Pascarell
Blumenauer	Higgins	Payne
Boccheri	Hill	Pelosi
Bordallo	Hinchev	Perriello
Boren	Hinojosa	Peters
Boswell	Hirono	Peterson
Boucher	Holden	Pierluisi
Boyd	Honda	Pingree (ME)
Brady (PA)	Hoyer	Polis (CO)
Braley (IA)	Inslee	Pomeroy
Bright	Israel	Price (NC)
Brown, Corrine	Jackson (IL)	Putnam
Butterfield	Jackson Lee	Rahall
Capps	(TX)	Rangel
Capuano	Johnson (GA)	Reyes
Cardoza	Johnson, E. B.	Richardson
Carnahan	Jones	Rodriguez
Carson (IN)	Kagen	Ross
Chandler	Kanjorski	Rothman (NJ)
Childers	Kaptur	Rush
Clarke	Kennedy	Ryan (OH)
Cleaver	Kildee	Sablan
Clyburn	Kilroy	Sánchez, Linda
Connolly (VA)	Kind	T.
Conyers	Kirk	Sanchez, Loretta
Cooper	Kirkpatrick (AZ)	Sarbanes
Costa	Kissell	Schauer
Costello	Kosmas	Schiff
Courtney	Kratovil	Schrader
Critz	Larsen (WA)	Schwartz
Crowley	Larson (CT)	Scott (GA)
Cuellar	Lee (CA)	Serrano
Cummings	Levin	Sestak
Dahlkemper	Lewis (GA)	Shuler
Davis (AL)	Loeb sack	Sires
Davis (CA)	Lofgren, Zoe	Skelton
Davis (IL)	Lowey	Slaughter
Davis (TN)	Maloney	Smith (WA)
DeFazio	Markey (CO)	Snyder
DeGette	Markey (MA)	Space
DeLauro	Marshall	Spratt
Dicks	Matheson	Stark
Dingell	Matsui	Stupak
Doggett	McCarthy (NY)	Sutton
Donnelly (IN)	McCollum	Tanner
Doyle	McDermott	Taylor
Driehaus	McGovern	Teague
Edwards (MD)	McIntyre	Thompson (CA)
Edwards (TX)	McMahon	Thompson (MS)
Ellison	McNerney	Tierney
Ellsworth	Meeks (NY)	Titus
Engel	Melancon	Tonko
Eshoo	Michaud	Towns
Etheridge	Miller (NC)	Tsongas
Farr	Miller, George	Van Hollen
Fattah	Mitchell	Visclosky
Finer	Mollohan	Walz
Foster	Moore (KS)	Watt
Frank (MA)	Moran (VA)	

Waxman
Weiner

Wilson (OH)
Woolsey

Wu
Yarmuth

NOES—195

Aderholt	Gohmert	Napolitano
Alexander	Goodlatte	Neugebauer
Austria	Granger	Olson
Bachus	Graves (GA)	Pallone
Baird	Graves (MO)	Pastor (AZ)
Barrett (SC)	Grayson	Paul
Bartlett	Grijalva	Paulsen
Barton (TX)	Guthrie	Pence
Bean	Gutierrez	Petri
Biggert	Hall (NY)	Pitts
Bilbray	Hall (TX)	Platts
Bilirakis	Harper	Poe (TX)
Bishop (UT)	Hastings (WA)	Posey
Blackburn	Heller	Price (GA)
Blunt	Hensarling	Quigley
Boehner	Herger	Rehberg
Bonner	Hodes	Reichert
Bono Mack	Holt	Roe (TN)
Boozman	Hunter	Rogers (AL)
Boustany	Inglis	Rogers (KY)
Brady (TX)	Issa	Rohrabacher
Broun (GA)	Jenkins	Rooney
Brown-Waite,	Johnson (IL)	Ros-Lehtinen
Ginny	Johnson, Sam	Roskam
Buchanan	Jordan (OH)	Roybal-Allard
Burgess	King (IA)	Royce
Burton (IN)	King (NY)	Ruppersberger
Calvert	Kingston	Ryan (WI)
Camp	Klein (FL)	Salazar
Cantor	Kline (MN)	Scalise
Cao	Kucinich	Schakowsky
Capito	Lamborn	Schmidt
Carter	Lance	Schock
Cassidy	Langevin	Scott (VA)
Castle	Latham	Sensenbrenner
Castor (FL)	LaTourette	Sessions
Chaffetz	Latta	Shea-Porter
Chu	Lee (NY)	Sherman
Clay	Lewis (CA)	Lipinski
Coble	Lipinski	Shimkus
Coffman (CO)	LoBiondo	Shuster
Cohen	Lucas	Simpson
Cole	Luetkemeyer	Smith (NE)
Conaway	Lujan	Smith (NJ)
Crenshaw	Lummis	Smith (TX)
Culberson	Lungren, Daniel	Speier
Dent	E.	Stearns
Deutch	Lynch	Sullivan
Diaz-Balart, L.	Mack	Terry
Diaz-Balart, M.	Maffei	Thompson (PA)
Djou	Manzullo	Thornberry
Dreier	Marchant	Tiberi
Duncan	McCauley	Turner
Ehlers	McClintock	Upton
Emerson	McCotter	Velázquez
Fallin	McHenry	Walden
Flake	McKeon	Wasserman
Fleming	McMorris	Schultz
Forbes	Rodgers	Waters
Fortenberry	Meek (FL)	Welch
Fox	Mica	Westmoreland
Franks (AZ)	Miller (FL)	Whitfield
Frelinghuysen	Miller (MI)	Wilson (SC)
Galleghy	Minnick	Wittman
Garrett (NJ)	Moore (WI)	Wolf
Gerlach	Murphy, Tim	Young (AK)
Gingrey (GA)	Myrick	

ANSWERED “PRESENT”—1

Miller, Gary

NOT VOTING—27

Akin	Delahunt	Nunes
Bachmann	Faleomavaega	Perlmutter
Berry	Griffith	Radanovich
Brown (SC)	Himes	Rogers (MI)
Buyer	Hoekstra	Shadegg
Campbell	Kilpatrick (MI)	Tiahrt
Carney	Linder	Wamp
Christensen	McCarthy (CA)	Watson
Davis (KY)	Moran (KS)	Young (FL)

□ 1745

Ms. WATERS, Messrs. DEUTCH and PASTOR of Arizona, Ms. WASSERMAN SCHULTZ, Messrs. HALL of New York and KUCINICH changed their vote from “aye” to “no.”

Messrs. JACKSON of Illinois and MILLER of North Carolina changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. JACKSON of Illinois, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes, and, pursuant to House Resolution H. Res. 1574, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CASSIDY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CASSIDY. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Cassidy moves to recommit the bill H.R. 3534 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Strike section 231 and insert the following:

SEC. 231.—TERMINATION OF MORATORIA ON OFFSHORE DRILLING.

Notwithstanding, any other provision of this Act, the moratorium set forth in the Minerals Management Service Notice to Lessees No. 2010-N04, dated May 30, 2010, the decision memorandum from the Secretary of the Interior to the Director of the Bureau of Ocean Energy Management, Regulation, and Enforcement regarding the suspension of certain offshore permitting and drilling activities on the Outer Continental Shelf, dated July 12, 2010, and any suspension of operations issued in connection with the moratorium or the decision memorandum, shall have no force or effect.

Mr. RAHALL (during the reading). Mr. Speaker, I ask unanimous consent the reading of the motion be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana is recognized for 5 minutes in support of his motion.

Mr. CASSIDY. I yield to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, with millions of American families out of work, Republicans will fight for American energy workers and their jobs. The question is will Democrats fight alongside us?

The drilling moratorium is killing American energy jobs now. It needs to end now. The rigs are already leaving overseas. So are the jobs, equipment, and the capital. Workers are being laid off, small businesses are struggling to survive, and they won't. The Melancon amendment doesn't save these jobs, these families, these small businesses whose livelihoods are at risk. It does not end the current moratorium that's devastating us now. The Republican motion to recommit will.

It is the only vote on this floor where each lawmaker can stand up and fight for these American energy workers right now.

Mr. CASSIDY. Mr. Speaker, the gulf oil spill has been terrible for the gulf coast. But as bad as it has been, the Federal Government's moratorium on deepwater drilling can be worse. And the tragedy of it is that it actually is not going to measurably improve safety.

Now, it's not me saying that, it's the entity, the National Academy of Engineering, eight of them, the President appointed them and asked them to approve and to look at his plan. They issued a statement after the blanket moratorium. These are the petroleum engineers. "A blanket moratorium is not the answer. It will not measurably reduce risk. The tragedy has very specific causes. The blanket moratorium will have the indirect effect of harming thousands of workers and further impact State and local economies. We would in effect be punishing a large swath of people who were and are acting responsibly in providing a product the Nation needs. Overcome emotion with fact."

□ 1750

What does that mean? Overcome emotion with fact. We're all angry. Everybody in here is angry at BP. Everybody in here in some way wants to punish those responsible.

On the other hand, it's not Big Oil being punished. It's not BP. It is the workers. It is the blue collar welders, roustabouts. It is the service industry. It is the caterers. They are the ones who are going to be punished.

And, by the way, the BP fund to recompense them is only \$100 million. Estimated wages lost are \$700 million. It is not going to come close to covering it. These people don't want an unemployment check. They want a paycheck.

In case you think I overestimate, these are the most conservative estimates of the economic impact. Over 8,000 jobs lost in the gulf coast, 12,000 nationwide, \$700 million in lost wages, \$2.1 billion in lost economic activity in the gulf coast, and nearly \$2.7 billion lost nationwide.

Now, it's not just the President's engineers; it's also the President's co-chairs of his Presidential commission. Bob Graham said—former Senator from Florida—There is a disconnect between Washington and the gulf coast in the sense of urgency needed in winding down the moratorium.

Bill Reilly said, Questions were raised by witnesses. Unanimously, they opposed the moratorium, even among the fishermen.

Now, the other Reilly quote was, It is not clear to me why it should take so long to reassure oneself about safety considerations in those rigs.

So we have the engineers. We have the cochairmen of the Presidential commission. We also have a Federal judge. When the Federal judge threw out the first moratorium, he said, The administration simply cannot justify the immeasurable effect on the plaintiffs, the local economy, the gulf region.

So we've heard from engineers. We've heard from the cochair. We've heard from a Federal judge. Most importantly, let's hear from the families.

CHARLIE MELANCON earlier spoke movingly of families in his district who fear they will lose it all because of this moratorium. There are people who have walked up to me and said, Hey, I would be with you but my concern is my district won't understand. These people don't fear a district. They fear dissolution of their financial health. Think about it. These are blue-collar people who made decisions about buying a house, about buying a car. They're going to have a 6-month interruption in income. Can any one of those families tolerate 6 months of lost wages?

I ask you to overcome emotion with fact. Agree with the engineers, agree with the cochair, agree with the Federal judge, but, most importantly, agree with the families. End this moratorium now.

I yield back the balance of my time. Mr. RAHALL. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. As the gentleman from Louisiana knows from our debate and work in committee on this, this gen-

tleman from West Virginia is not against lifting moratoria when it comes to the production of domestic energy resources. What I care about is safety; the safety of our most valuable resource, which is the worker him- or herself. That's what I care about, whether it's oil and gas or whether it's coal mining.

Mr. CASSIDY. Will the gentleman yield?

Mr. RAHALL. I will yield to the gentleman from Louisiana whose amendment just passed that does lift the moratorium when it comes to the protection and safety of our workers. His amendment passed with votes from your side of the aisle. Mr. MELANCON cares about the fishermen, the jobs of everyone along his coast, and I yield to him at this point.

Mr. MELANCON. Thank you, Mr. RAHALL.

I thank the 216 people that stood by me to try and protect what is best and loved by the people of south Louisiana and the entire State. Yes, 80 percent of the people in Louisiana believe that they are directly or indirectly affected by this moratorium, directly and indirectly affected by the spill. So what do we do?

If we have it the way of the other side, we will send rigs back out, not inspect them, the hell with it. Next thing we know, we're back where we started.

My amendment provides for safety inspection in accordance with a rolling stock, to get people back to work, to make sure that America has energy, to make sure the people of my district and the State of Louisiana have jobs, good jobs, and we can continue the prosperity that we have had in the past.

Mr. RAHALL. I yield to the chairman of the Education and Labor Committee, Mr. MILLER of California.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, if we accept this moratorium, it's to suggest that we as a Congress of the United States of America have learned nothing since the Deepwater Horizon blew up in a tragic accident. We have learned nothing in the last hundred days to simply say we're going to go back to business as usual. Mr. MELANCON has given us a way to lift the moratorium, but to do it because the things that we have learned in our congressional investigations, that the Coast Guard has learned and others.

This is to suggest that we would not redesign the levees around Louisiana; we would just give them the money. Because we did that for 30 years, we have to take lessons learned. In every tragedy, the lessons are learned. And you have businesspeople all along the gulf who are losing millions of dollars in business. You have fishers who are losing their livelihood, and the question is will they ever get to come back. And if we do it right in lifting the moratorium, yes, they will get to come

back. We will have energy development, and we will have a cleaner gulf than we have today because we learned something.

You take this vote home to your constituents and you're telling them you have learned nothing in the last hundred days about the operation.

We're talking about an oil company that blew up a rig that killed 15 people in Texas City, refused to fix it afterwards, and paid \$87 million in fines. We're talking about a company that disregarded their workers. We have got to change those laws so this doesn't happen again. And we're on our way, thanks to Mr. MELANCON and others.

Mr. RAHALL. Mr. Speaker, what we have seen in the gulf is just plain wrong. We don't know what was the final cause of this explosion and this tragedy, but we know that something went wrong and we know that there are other scenarios that exist today where something may yet go wrong again. We hope not. We pray to God it does not.

But the fact is we need new safety requirements, and we cannot lift any moratoria in any domestic production of energy without ensuring that the new safety requirements are met. In this pending legislation, we do that. We don't just trust what the industry gives the oil rig safety inspectors. We say you have to verify. The safety inspectors have to verify what previously had just been given to them by the industry to submit as a final safety report.

So what we're doing in this legislation is not only providing ethics requirements for safety inspectors, proper training for safety inspectors, but we're also saying let's do a better job than we have in the past. And that's what this whole effort is about in the CLEAR Act.

I would urge my colleagues to reject this moratoria MTR because of what we have already adopted again in a bipartisan fashion. We've adopted the gentleman from Louisiana's amendment to lift the moratorium as long as safety requirements are met.

So if you support lifting the moratoria to protect oil workers' jobs, which everybody says they do, I hope that we'll do it and ensure that jobs are safe, and we do that by rejecting this MTR and passing this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CASSIDY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX,

this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 3534, if ordered, and the motion to suspend the rules and pass H.R. 5892.

The vote was taken by electronic device, and there were—ayes 166, noes 239, answered “present” 1, not voting 26, as follows:

[Roll No. 512]

AYES—166

Aderholt	Frelinghuysen	Myrick
Alexander	Gallely	Neugebauer
Austria	Garrett (NJ)	Olson
Bachus	Gerlach	Ortiz
Barrett (SC)	Gingrey (GA)	Paul
Bartlett	Gohmert	Paulsen
Barton (TX)	Goodlatte	Pence
Biggert	Granger	Petri
Bilbray	Graves (GA)	Pitts
Bishop (UT)	Graves (MO)	Platts
Blackburn	Green, Gene	Poe (TX)
Blunt	Guthrie	Pomeroy
Boehner	Hall (TX)	Posey
Bonner	Harper	Price (GA)
Bono Mack	Hastings (WA)	Rehberg
Boozman	Heller	Reichert
Boren	Hensarling	Rodriguez
Boucher	Herger	Roe (TN)
Boustany	Hunter	Rogers (AL)
Brady (TX)	Inglis	Rogers (KY)
Broun (GA)	Issa	Rohrabacher
Brown-Waite,	Jenkins	Rooney
Ginny	Johnson, Sam	Roskam
Burgess	Jones	Ross
Burton (IN)	Jordan (OH)	Royce
Calvert	King (IA)	Ryan (WI)
Camp	King (NY)	Salazar
Cantor	Kingston	Scalise
Cao	Kline (MN)	Schmidt
Capito	Lamborn	Schock
Carter	Lance	Sensenbrenner
Cassidy	Latham	Sessions
Chaffetz	LaTourette	Shimkus
Coble	LatTA	Shuster
Coffman (CO)	Lee (NY)	Simpson
Cole	Lewis (CA)	Smith (NE)
Conaway	LoBlundo	Smith (NJ)
Costa	Lucas	Smith (TX)
Cuellar	Luetkemeyer	Space
Culberson	Lummis	Stearns
Dent	Lungren, Daniel	Sullivan
Diaz-Balart, L.	E.	Teague
Diaz-Balart, M.	Manzullo	Terry
Donnelly (IN)	Marchant	Thompson (PA)
Dreier	Marshall	Thornberry
Duncan	McCaul	Tiberi
Edwards (TX)	McClintock	Turner
Ehlers	McCotter	Upton
Ellsworth	McHenry	Walden
Emerson	McKeon	Westmoreland
Fallin	McMorris	Whitfield
Flake	Rodgers	Wilson (SC)
Fleming	Mica	Wittman
Forbes	Miller (MI)	Wolf
Fortenberry	Miller, Gary	Young (AK)
Fox	Mitchell	
Franks (AZ)	Murphy, Tim	

NOES—239

Ackerman	Bright	Costello
Adler (NJ)	Brown, Corrine	Courtney
Altmire	Buchanan	Crenshaw
Andrews	Butterfield	Critz
Arcuri	Capps	Crowley
Baca	Capuano	Cummings
Baird	Cardoza	Dahlkemper
Baldwin	Carnahan	Davis (AL)
Barrow	Carson (IN)	Davis (CA)
Bean	Castle	Davis (IL)
Becerra	Castor (FL)	Davis (TN)
Berkley	Chandler	DeFazio
Berman	Childers	DeGette
Bilirakis	Chu	DeLauro
Bishop (GA)	Clarke	Deutch
Bishop (NY)	Clay	Dicks
Blumenauer	Cleaver	Dingell
Boccieri	Clyburn	Djou
Boswell	Cohen	Doggett
Boyd	Connolly (VA)	Doyle
Brady (PA)	Conyers	Driebehaus
Braley (IA)	Cooper	Ellison

Engel	Levin	Reyes
Eshoo	Lewis (GA)	Richardson
Etheridge	Lipinski	Ros-Lehtinen
Farr	Loebach	Rothman (NJ)
Fattah	Lofgren, Zoe	Roybal-Allard
Filner	Lowey	Ruppersberger
Frank (MA)	Lujan	Rush
Fudge	Lynch	Ryan (OH)
Garamendi	Mack	Sanchez, Linda
Giffords	Maffei	T.
Gonzalez	Maloney	Sanchez, Loretta
Gordon (TN)	Markey (CO)	Sarbanes
Grayson	Markey (MA)	Schakowsky
Green, Al	Matheson	Schauer
Grijalva	Matsui	Schiff
Gutierrez	McCarthy (NY)	Schrader
Hall (NY)	McCollum	Schwartz
Halvorson	McDermott	Scott (GA)
Hare	McGovern	Scott (VA)
Harman	McIntyre	Serrano
Hastings (FL)	McMahon	Sestak
Heinrich	McNerney	Shea-Porter
Hereth Sandlin	Meek (FL)	Sherman
Higgins	Meeks (NY)	Shuler
Hill	Melancon	Sires
Hinchee	Michaud	Skelton
Hinojosa	Miller (FL)	Slaughter
Hirono	Miller (NC)	Smith (WA)
Hodes	Miller, George	Snyder
Holden	Minnick	Speier
Holt	Mollohan	Spratt
Honda	Moore (KS)	Stark
Hoyer	Moore (WI)	Stupak
Inlee	Moran (VA)	Sutton
Israel	Murphy (CT)	Tanner
Jackson (IL)	Murphy (NY)	Taylor
Jackson Lee	Murphy, Patrick	Thompson (CA)
(TX)	Nadler (NY)	Thompson (MS)
Johnson (GA)	Napolitano	Tierney
Johnson (IL)	Neal (MA)	Titus
Johnson, E. B.	Nye	Tonko
Kagen	Oberstar	Towns
Kanjorski	Obey	Tsongas
Kaptur	Oliver	Van Hollen
Kennedy	Owens	Velázquez
Kildee	Pallone	Visclosky
Kilroy	Pascarell	Walz
Kind	Pastor (AZ)	Wasserman
Kirk	Payne	Schultz
Kirkpatrick (AZ)	Perriello	Waters
Kissell	Petersen	Watt
Klein (FL)	Pingree (ME)	Waxman
Kosmas	Polis (CO)	Weiner
Kratovil	Price (NC)	Welch
Kucinich	Putnam	Wilson (OH)
Langevin	Quigley	Woolsey
Larsen (WA)	Rahall	Wu
Larson (CT)	Rangel	Yarmuth
Lee (CA)		

ANSWERED “PRESENT”—1

Edwards (MD)

NOT VOTING—26

Akin	Foster	Perlmutter
Bachmann	Griffith	Radanovich
Berry	Himes	Rogers (MI)
Brown (SC)	Hoekstra	Shadegg
Buyer	Kilpatrick (MI)	Tiahrt
Campbell	Linder	Wamp
Carney	McCarthy (CA)	Watson
Davis (KY)	Moran (KS)	Young (FL)
Delahunt	Nunes	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining on this vote.

□ 1816

Messrs. PASTOR, BILIRAKIS and ALTMIRE changed their vote from “aye” to “no.”

Mr. SALAZAR changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FOSTER. Mr. Speaker, during rollcall vote No. 512 on H.R. 3534 (motion to recommend), I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 209, nays 193, answered "present" 1, not voting 30, as follows:

[Roll No. 513]

YEAS—209

Ackerman	Gordon (TN)	Moore (WI)
Adler (NJ)	Grayson	Moran (VA)
Altmire	Green, Al	Murphy (CT)
Andrews	Grijalva	Murphy (NY)
Arcuri	Gutierrez	Murphy, Patrick
Baca	Hall (NY)	Nadler (NY)
Baird	Hare	Napolitano
Baldwin	Harman	Neal (MA)
Barrow	Hastings (FL)	Oberstar
Bean	Heinrich	Olver
Becerra	Higgins	Owens
Berkley	Hill	Pallone
Berman	Hinchey	Pascarell
Bishop (GA)	Hirono	Pastor (AZ)
Bishop (NY)	Hodes	Payne
Blumenauer	Holt	Pelosi
Boswell	Honda	Peters
Boyd	Hoyer	Pingree (ME)
Brady (PA)	Inslee	Polis (CO)
Braley (IA)	Israel	Price (NC)
Brown, Corrine	Jackson (IL)	Quigley
Butterfield	Johnson (GA)	Rahall
Capps	Johnson (IL)	Rangel
Capuano	Johnson, E. B.	Richardson
Cardoza	Kagen	Richardson (NJ)
Carnahan	Kanjorski	Roybal-Allard
Carson (IN)	Kaptur	Ruppersberger
Castor (FL)	Kennedy	Rush
Chandler	Kildee	Ryan (OH)
Chu	Kilroy	Sánchez, Linda
Clarke	Kind	T.
Clay	Kissell	Sanchez, Loretta
Cleaver	Klein (FL)	Sarbanes
Clyburn	Kosmas	Schakowsky
Cohen	Kratovil	Schauer
Connolly (VA)	Kucinich	Schiff
Conyers	Langevin	Schrader
Costello	Larsen (WA)	Schwartz
Courtney	Larson (CT)	Scott (GA)
Critz	Lee (CA)	Scott (VA)
Crowley	Levin	Serrano
Cummings	Lewis (GA)	Sestak
Dahlkemper	Lipinski	Shea-Porter
Davis (CA)	Loeb sack	Sherman
Davis (IL)	Lofgren, Zoe	Shuler
DeFazio	Lowey	Sires
DeGette	Lujan	Slaughter
DeLauro	Lynch	Smith (WA)
Deutch	Maffei	Snyder
Dicks	Maloney	Speier
Dingell	Markey (CO)	Spratt
Doggett	Markey (MA)	Stark
Doyle	Matsui	Stupak
Driehaus	McCarthy (NY)	Sutton
Edwards (MD)	McCollum	Taylor
Ehlers	McDermott	Thompson (CA)
Ellison	McGovern	Thompson (MS)
Engel	McIntyre	Tierney
Eshoo	McNerney	Tonko
Etheridge	Meek (FL)	Towns
Farr	Meeks (NY)	Tsongas
Fattah	Melancon	Van Hollen
Filner	Michaud	Velázquez
Foster	Miller (NC)	Visclosky
Frank (MA)	Miller, George	Walz
Fudge	Minnick	Wasserman
Garamendi	Mollohan	Schultz
Giffords	Moore (KS)	Waters

Watt
Waxman
Weiner

Welch
Woolsey
Wu

Yarmuth

NAYS—193

Aderholt	Frelinghuysen	Murphy, Tim
Alexander	Gallegly	Myrick
Austria	Garrett (NJ)	Neugebauer
Bachmann	Gerlach	Nye
Bachus	Gingrey (GA)	Olson
Bartlett	Gohmert	Ortiz
Barton (TX)	Gonzalez	Paul
Biggart	Goodlatte	Paulsen
Bilbray	Granger	Pence
Bilirakis	Graves (GA)	Perriello
Bishop (UT)	Graves (MO)	Peterson
Blackburn	Green, Gene	Petri
Boccieri	Guthrie	Pitts
Boehner	Hall (TX)	Platts
Bonner	Halvorson	Poe (TX)
Bono Mack	Harper	Pomeroy
Boozman	Hastings (WA)	Posey
Boren	Heller	Price (GA)
Boucher	Hensarling	Putnam
Boustany	Herger	Rehberg
Brady (TX)	Hersteth Sandlin	Reichert
Bright	Hinojosa	Rodriguez
Broun (GA)	Holden	Roe (TN)
Brown-Waite,	Hunter	Rogers (AL)
Ginny	Inglis	Rogers (KY)
Buchanan	Issa	Rohrabacher
Burgess	Jackson Lee	Rooney
Burton (IN)	(TX)	Ros-Lehtinen
Calvert	Jenkins	Roskam
Camp	Jones	Ross
Cantor	Jordan (OH)	Royce
Cao	King (IA)	Ryan (WI)
Capito	King (NY)	Salazar
Carter	Kingston	Scalise
Cassidy	Kirk	Schmidt
Castle	Kirkpatrick (AZ)	Schock
Chaffetz	Kline (MN)	Sensenbrenner
Childers	Lamborn	Sessions
Coble	Lance	Shimkus
Coffman (CO)	Latham	Shuster
Cole	LaTourette	Simpson
Conaway	Latita	Skelton
Cooper	Lee (NY)	Smith (NE)
Costa	Lewis (CA)	Smith (NJ)
Crenshaw	LoBlundo	Smith (TX)
Cuellar	Lucas	Space
Culberson	Luetkemeyer	Stearns
Davis (AL)	Lummis	Sullivan
Davis (TN)	Lungren, Daniel	Tanner
Dent	E.	Teague
Diaz-Balart, L.	Mack	Terry
Diaz-Balart, M.	Manzullo	Thompson (PA)
Djou	Marchant	Thornberry
Donnelly (IN)	Marshall	Tiberi
Dreier	Matheson	Titus
Duncan	McCaul	Turner
Edwards (TX)	McClintock	Upton
Ellsworth	McCotter	Walden
Emerson	McHenry	Westmoreland
Fallin	McMahon	Whitfield
Flake	McMorris	Wilson (OH)
Fleming	Rodgers	Wilson (SC)
Forbes	Mica	Wittman
Fortenberry	Miller (FL)	Wolf
Fox	Miller (MI)	Young (AK)
Franks (AZ)	Mitchell	

ANSWERED "PRESENT"—1

Miller, Gary

NOT VOTING—30

Akin	Griffith	Obey
Barrett (SC)	Himes	Perlmutter
Berry	Hoekstra	Radanovich
Blunt	Johnson, Sam	Reyes
Brown (SC)	Kilpatrick (MI)	Rogers (MI)
Buyer	Linder	Shadegg
Campbell	McCarthy (CA)	Tiahrt
Carney	McKeon	Wamp
Davis (KY)	Moran (KS)	Watson
Delahunt	Nunes	Young (FL)

□ 1823

So the bill was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SMALL BUSINESS TAX RELIEF
ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5982) to amend the Internal Revenue Code of 1986 to repeal the expansion of certain information reporting requirements to corporations and to payments for property, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 154, not voting 37, as follows:

[Roll No. 514]

YEAS—241

Ackerman	Donnelly (IN)	Langevin
Adler (NJ)	Doyle	Larsen (WA)
Altmire	Driehaus	Larson (CT)
Andrews	Edwards (MD)	Lee (CA)
Arcuri	Edwards (TX)	Levin
Baca	Ellison	Lewis (GA)
Baird	Ellsworth	Lipinski
Baldwin	Engel	Loeb sack
Barrow	Eshoo	Lofgren, Zoe
Bean	Etheridge	Lowey
Becerra	Fattah	Lujan
Berkley	Filner	Lynch
Berman	Foster	Maffei
Bishop (GA)	Frank (MA)	Maloney
Bishop (NY)	Fudge	Markey (CO)
Blumenauer	Garamendi	Markey (MA)
Boccieri	Giffords	Marshall
Boren	Gonzalez	Matheson
Boswell	Gordon (TN)	Matsui
Boucher	Grayson	McCarthy (NY)
Boyd	Green, Al	McCollum
Brady (PA)	Green, Gene	McDermott
Braley (IA)	Grijalva	McGovern
Bright	Gutierrez	McIntyre
Brown, Corrine	Hall (NY)	McMahon
Butterfield	Halvorson	McNerney
Cao	Hare	Meek (FL)
Capps	Hastings (FL)	Meeks (NY)
Capuano	Heinrich	Melancon
Cardoza	Hersteth Sandlin	Michaud
Carnahan	Higgins	Miller (NC)
Carson (IN)	Hill	Miller, George
Castor (FL)	Hinchey	Mitchell
Chu	Hinojosa	Mollohan
Clarke	Hirono	Moore (KS)
Clay	Hodes	Moore (WI)
Cleaver	Holden	Moran (VA)
Clyburn	Holt	Murphy (CT)
Cohen	Honda	Murphy (NY)
Connolly (VA)	Hoyer	Murphy, Patrick
Conyers	Inslee	Nadler (NY)
Cooper	Israel	Napolitano
Costa	Jackson (IL)	Neal (MA)
Costello	Jackson Lee	Nye
Courtney	(TX)	Oberstar
Critz	Johnson (GA)	Olver
Crowley	Johnson, E. B.	Ortiz
Cuellar	Jones	Owens
Cummings	Kagen	Pallone
Dahlkemper	Kanjorski	Pascarell
Davis (AL)	Kaptur	Pastor (AZ)
Davis (CA)	Kennedy	Payne
Davis (IL)	Kildee	Perriello
Davis (TN)	Kilroy	Peters
DeFazio	Kind	Peterson
DeGette	Kirkpatrick (AZ)	Pingree (ME)
DeLauro	Kissell	Polis (CO)
Deutch	Klein (FL)	Pomeroy
Dicks	Kosmas	Price (NC)
Dingell	Kratovil	Quigley
Doggett	Kucinich	Rahall

Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)

Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney

Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—154

Aderholt
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggart
Blibray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Castle
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen

NOT VOTING—37

Akin
Barrett (SC)
Berry
Blunt
Brown (SC)
Buyer
Campbell
Carney
Chaffetz
Chandler
Childers
Davis (KY)
Delahunt

Farr
Griffith
Harman
Himes
Hoekstra
Johnson, Sam
Kilpatrick (MI)
Linder
Luetkemeyer
McCarthy (CA)
McKeon
Moran (KS)
Nunes

Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1830

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was unable to attend several votes today, July 30, 2010. Had I been present, I would have voted “aye” on H. Res. 1574; “aye” on H. Res. 1558; “aye” on H.R. 5901; “aye” on H. Res. 1566; “aye” on H.R. 5414; “nay” on H.R. 5851, the motion to recommit; “aye” on final passage of H.R. 5851; on the Rahall Manager’s Amendment; “aye” on the Kind Amendment; “aye” on the Teague Amendment; “aye” on the Oberstar Amendment; “aye” on the Melancon Amendment; “nay” on the motion to recommit H.R. 3534; “aye” on final passage of H.R. 3534; and “aye” on final passage of H.R. 5982.

PERSONAL EXPLANATION

Mr. HIMES. Mr. Speaker, the tragic death of two brave firemen from Bridgeport, CT, did not permit me to vote today on the House floor, but I wish to share my position on the votes taken Friday, July 30, 2010.

On H. Res. 1574, the rule providing for consideration of H.R. 3534, Consolidated Land, Energy and Aquatic Resources Act and H.R. 5851, Offshore Oil and Gas Worker Whistleblower Protection Act, I would have voted “yes.”

On H. Res. 1558, the resolution expressing the sense of the House of Representatives that fruit and vegetable and commodity producers are encouraged to display the American flag on labels of products grown in the United States, reminding us all to take pride in the healthy bounty produced by American farmers and workers, I would have voted “yes.”

On H.R. 5901, the Real Estate Jobs and Investment Act, I would have voted “yes.”

On H. Res. 1566, the resolution recognizing the commemorating The Fiftieth Anniversary of the Student Nonviolent Coordinating Committee (SNCC) and the National Sit-In Movement, I would have voted “yes.”

On the motion to recommit to H.R. 5851, I would have voted “yes.”

On the final passage of H.R. 585, Offshore Oil and Gas Worker Whistleblower Protection Act, I would have voted “yes.”

On the amendments to H.R. 3534:

On The Rahall manager’s amendment, I would have voted “yes.”

On The Kind Kratochvil/Heinrich/Perriello/Titus/Kissel/Arcuri amendment, I would have voted “yes.”

On the Teague/Jackson Lee (TX) amendment, I would have voted “yes.”

On the Oberstar/Himes amendment, I would have voted “yes.”

On the Melancon/Childers amendment, I would have voted “no.”

On the motion to recommit on H.R. 3534, I would have voted “no.”

On the final passage of H.R. 3534, Consolidated Land, Energy and Aquatic Resources Act, I would have voted “yes.”

On H.R. 5982, Small Business Tax Relief Act (Representatives Levin/Murphy (NY)/Owens), I would have voted “yes.”

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on July 30, 2010, I was absent from the House and missed rollcall votes 505, 506, 507, 508, 509, 510, 511, 512, 513, and 514.

Had I been present, I would have voted “yes” on rollcall 505, “no” on rollcall 506, “no” on rollcall 507, “yes” on rollcall 508, “yes” on rollcall 509, “no” on rollcall 510, “no” on rollcall 511, “yes” on rollcall 512, “no” on rollcall 513, and “no” on rollcall 514.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Speaker, on Friday, July 30, 2010, I was unable to participate in all of the day’s votes due to a family emergency. Had I been present I would have voted:

On rollcall No. 506—“no”—H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Act.

On rollcall No. 507—“no”—Rahall Amendment.

On rollcall No. 508—“yes”—Kind Amendment.

On rollcall No. 509—“yes”—Teague Amendment.

On rollcall No. 510—“no”—Oberstar/Himes Amendment.

On rollcall No. 511—“no”—Melancon Amendment No. 8.

On rollcall No. 512—“yes”—Republican Motion to Recommit on H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act.

On rollcall No. 513—“no”—H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act.

On rollcall No. 514—“no”—H.R. 5982, the Small Business Tax Relief Act.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5851, OFFSHORE OIL AND GAS WORKER WHISTLEBLOWER PROTECTION ACT OF 2010

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5851, to include corrections in spelling, punctuation, page and line numbering, section numbering and cross-referencing, and insertion of the appropriate headings.

The SPEAKER pro tempore (Ms. TITUS). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3534, CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3534, to include corrections in spelling, punctuation, section numbering, cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT AS MEMBERS TO CONGRESSIONAL AWARD BOARD

The SPEAKER pro tempore. Pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following members to the Congressional Award Board:

Mr. Nicholas Scott Cannon, Los Angeles, California, for the remainder of the term ending September 25, 2011 and in addition,

Mr. Jimmie Lee Solomon, Washington, D.C.

RECOGNIZING CECELIA STEINBERG

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today with a heavy heart to remember Cecelia Steinberg, a woman who spent her extraordinary life as a dedicated mother and grandmother, loving wife and life partner, and selfless activist for her community.

Cecelia—or Ceil to her friends—was born in Philadelphia and later joined the south Florida community in 1951. For many years, Ceil and her late husband, Irving, offered their hearts and their time in service to the Jewish and veteran communities in south Florida.

As the President of the Ladies National Auxiliary of the Jewish War Veterans of the United States, Ceil worked tirelessly to combat the powers of bigotry and hatred. She honored the service and sacrifice of so many Jewish men and women who pledged their allegiance and their lives to the United States.

Ceil is survived by her two daughters, Debra and Anita, four grandchildren and four great-grandchildren. Our thoughts and prayers go out to Bill Kling, Ceil's life partner for the past 11 years, as well as all of Ceil's family and loved ones during this trying time. I will personally miss her very much.

THE NEW YORK FUND

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, the last 2 days we have seen some extraordinary things on this floor. There was a bill, well intentioned, to help those not only first responders, but anybody who may have suffered from inhaling what happened on 9/11.

September 12 was an amazing day when people came together all over the country, and we were Americans together. Our hearts went out to the New Yorkers, and in fact people stood in line in my hometown for hours to give blood. We gave generously, we continue to give. And never mind that there's no concern about first responders around the country, we'll continue to want to help New Yorkers.

But when the pay-for is going to cost thousands and thousands of jobs around this country to pay for that fund, have a little sympathy. People shouldn't have to lose their jobs to pay for the New York fund. We will continue to be generous. Don't ask for us to continue to give up jobs to do so.

HONORING BISHOP WALLACE EDWARD LOCKETT

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, June 30, 2010 will mark a significant date in the history of our country. On that date, in Mobile, Alabama, the Honorable W. Edward Lockett became the 57th Bishop of the CME Church.

Bishop Lockett has been a longtime stalwart in the Houston area. He has demonstrated what being one's keeper is all about. He has been his brother's keeper. And I am honored to say that I have had a flag flown over the Capitol of the United States of America to celebrate this great historic occasion for the CME Church for many of my constituents.

I will close with this: Bishop Lockett, we thank you for what you have done not only for the Houston community, but for what you have done in the United States of America. I hope and pray that you will continue to do God's work.

It is my honor to recognize and pay tribute to Bishop Wallace Edward Lockett of Houston, Texas on his election as the 57th Bishop of the Christian Methodist Episcopal (CME) Church at their 36th Quadrennial Session and the 37th General Conference of the Christian Methodist Episcopal Church on June 30, 2010 in Mobile, Alabama.

The CME is a 139-year old historically African American Christian denomination with more than 1.2 million members across the United States. CME also has missions and sister churches in Haiti, Jamaica, Ghana, Liberia, Nigeria and the Democratic Republic of

the Congo, Sudan/Egypt, Kenya, Tanzania, Uganda, Rwanda and Burundi.

The quintessential public servant, Bishop Lockett has been a strong advocate for those without a voice, strengthening the family and working to better the condition of those in need, both here at home and abroad.

A pioneer in Houston's economic development community-based corporation, Bishop Lockett previously presided over the Board of Directors of a successful community-based development corporation, Sunnyside-Up, Incorporated, specializing in substantial rehabilitation of both single and multi-family housing.

Under his leadership the organization managed an inventory of more than one hundred homes in the organization's signature "lease-purchase program." Additionally, over 600 units of multi-family housing were purchased, rehabilitated and joint managed.

For the past four years, Bishop Lockett and his business partner, Dr. Gideon Adjei (a native Ghanaian), have been involved in developing Crystal Horizon Investment (Ghana) Ltd. This project supports the development and security of 35,000 acres of land for farming, affordable housing, health care facilities, and schools in the Volta River area known as Ocosenbou of West Africa.

Prior to his recent election, Bishop Lockett served as the pastor of the 1,500-member CME Metropolitan Church in Houston for over 25 years.

During his tenure, more than 45 ministries have been developed, including a charter school middle for males. Bishop Lockett was also instrumental in leading Metropolitan CME Church in directing the construction of a new 49,000 square foot building which houses many of its ministries.

While actively involved in church, community, and for profit enterprises, Bishop Lockett also finds time for civic and political involvement. He serves on the Texas College Board of Trustees, (Tyler, Texas). He has served as a member of the Ministers Advisory Council to each mayor of Houston since 1985. Past positions held include President of the Texas State Legal Services Support Center (Austin, Texas), Board Member of the Deep East Texas Council of Government (DETCOG), and President of the Lufkin Branch of the NAACP, Lufkin, Texas.

Bishop Lockett also served his country honorably as a member of the United States Air Force working as a team member with the Intercontinental Ballistic Missile System.

Bishop Lockett attended Florida A&M University, Ohio University State University, and holds a Masters Degree in Business Management and International Marketing from the University of Phoenix. He is a candidate for Master of Theological Studies at Trinity Theological Seminary.

Lockett is married to Lillie B. and is the father of three children, Dwayne Demetrius, Vernon Dale and Nicole Tonita. He is the proud grandfather of five grandchildren.

A faithful shepherd and servant, Houston and Texas will miss Bishop Lockett. It is truly an honor to pay tribute to Rev. Lockett's distinguished life and a privilege to enter these words into the CONGRESSIONAL RECORD of the United States House of Representatives.

I ask that my colleagues join me in congratulating Bishop Wallace Edward Lockett as

the 57th C.M.E Bishop and Presiding Prelate for the Fifth Episcopal District overseeing Alabama and Florida in the 140-year history of the Christian Methodist Episcopal (CME) Church.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WIKILEAKS DOCUMENTS ADD TO MOUNTING EVIDENCE AGAINST AFGHAN WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the documents released to the news media this past weekend by WikiLeaks add to the mounting evidence that the war in Afghanistan remains fiscally unsustainable and morally unjustifiable. The New York Times puts it bluntly. They say, "The documents illustrate why, after the United States has spent almost \$300 billion on the war in Afghanistan, the Taliban are stronger than at any time since 2001."

Madam Speaker, I don't know how we can possibly reach any other conclusion: This war is not worth the huge investment in blood and treasure which the American people have been asked to make for nearly a decade.

WikiLeaks uncovers much that has been missing from the official accounts of the situation on the ground in Afghanistan. To give just one important example, they reveal that the Taliban gained access to sophisticated heat-seeking missiles, which they used to kill U.S. and NATO troops.

Afghan security forces do not enjoy any trust or legitimacy in the eyes of Afghan citizens. They are not just incapable, according to specific WikiLeaks reports, they are often brutally cruel and corrupt. Petty bribery; a police chief selling ammunition on the black market; commanders stealing their underlings' salaries—this is just the least of it, Madam Speaker. In one account, a police commander takes advantage of a teenage girl and then shoots his own bodyguard when the bodyguard refuses to open fire on a civilian complaining about the rape. Most shockingly of all, perhaps, is the revelation that the Government of Pakistan, our purported ally, is actively assisting the very militants we are fighting in Afghanistan.

Pakistan is a country that we lavish with foreign aid, one that U.S. officials repeatedly praise as an important partner in the struggle against terrorism, and it appears they're using our money to support our enemy.

We are not just talking about the passive enabling of terrorism. There

are reports of Pakistani intelligence officials recruiting and training suicide bombers and helping to plan major Taliban offensives.

Perhaps most galling of all is the collective shrug from many in the foreign policy community about the WikiLeaks reports. We have known about this stuff all along, they say. This is nothing new.

Well, first of all, Madam Speaker, I am willing to bet a good percentage of the American people didn't know that their tax dollars are helping Pakistan fight against our interests.

Second, I think it is important to ask everyone who has responsibility for prosecuting this war: If you knew about these things, what are you doing about them?

As if I needed any more persuasion, the WikiLeaks revelations left me with no other choice earlier this week than to vote against the supplemental, Madam Speaker. How could I, in good conscience, endorse continued financial support for an unwinnable war, one that does violence to our values and is undermining our national security objectives?

There is only one option, Madam Speaker: End this war and bring our troops home.

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2010 AND 2011

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 422(a) of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, as revised by H. Res. 1493, providing for budget enforcement for fiscal year 2011, I hereby submit for printing in the CONGRESSIONAL RECORD revised 302(a) allocations for the Committee on Appropriations for fiscal years 2010 and 2011 and revised budget aggregates for 2010.

Section (a)(1)(A) of H. Res. 1493 provides for adjustments to discretionary spending limits for certain Program Integrity Initiatives when these initiatives are included in an appropriations bill. The House amendments to the Senate amendments to H.R. 4899 (Making supplemental appropriations for fiscal year 2010), as passed the House on July 1, 2010, included an appropriation for such initiatives in accordance with S. Con. Res. 13. At that time, I submitted an adjustment accordingly. However, the House receded from its amendments and concurred in the Senate amendments to H.R. 4899 on July 27, 2010. The Senate amendments did not include an appropriation for such initiatives. Therefore I am adjusting the allocations and aggregates accordingly to reflect the absence of these initiatives in the enacted measure. Corresponding tables are attached.

These adjustments are filed for the purposes of sections 311 and 302 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional Budget Act, this adjusted allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS COMMITTEE 302(a) ALLOCATIONS (In millions of dollars)

	BA	OT
Allocation for 2010		
Current allocation under S. Con. Res. 13	1,221,430	1,377,314
Change to remove program integrity provided on July 1, 2010, to reflect removal of funding in cleared Supplemental Appropriations (H.R. 4899)	-538	-35
Revised allocation	1,220,892	1,377,279
Allocation for 2011		
Allocation included in H. Res. 1493 ¹	1,121,000	1,314,469
Change to remove program integrity provided on July 1, 2010, to reflect removal of funding in cleared Supplemental Appropriations (H.R. 4899)	0	-469
Revised allocation	1,121,000	1,314,000

¹ Includes emergency funding incorporated in CBO's March baseline.

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

	Fiscal year 2010	Fiscal years 2010–2014
Current Aggregates: ¹		
Budget Authority	2,892,317	n.a.
Outlays	3,004,412	n.a.
Revenues	1,651,218	10,588,269
Change for final Supplemental Appropriations (H.R. 4899):		
Budget Authority	-538	n.a.
Outlays	-35	n.a.
Revenues	0	0
Further Revised Aggregates:		
Budget Authority	2,891,779	n.a.
Outlays	3,004,377	n.a.
Revenues	1,651,218	10,588,269

n.a. = Not applicable because FY10 budget resolution, following precedent, did not provide an allocation for Appropriations beyond 2010.

¹ Current aggregates do not include the disaster allowance assumed in the budget resolution. The budgetary impact of items with emergency designations is excluded from current level (section 423(b)).

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

March 26, 2010:

H.R. 4938. An Act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

March 30, 2010:

H.R. 4872. An Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

March 31, 2010:

H.R. 4957. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

April 7, 2010:

H.J. Res. 80. A joint resolution recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

H.R. 4621. An Act to protect the integrity of the constitutionally mandated United

States census and prohibit deceptive mail practices that attempt to exploit the decennial census.

April 15, 2010:

H.R. 4851. An Act to provide a temporary extension of certain programs, and for other purposes.

April 26, 2010:

H.R. 4573. An Act to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

H.R. 4887. An Act to amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage.

April 30, 2010:

H.R. 5147. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

May 7, 2010:

H.R. 4360. An Act to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the "Major Charles Robert Soltis, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center".

May 14, 2010:

H.R. 5146. An Act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

May 17, 2010:

H.R. 3714. An Act to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, and for other purposes.

May 24, 2010:

H.R. 1121. An Act to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes.

H.R. 1442. An Act to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909.

H.R. 2802. An Act to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes.

H.R. 5148. An Act to amend title 39, United States Code, to clarify the instances in which the term "census" may appear on mailable matter.

H.R. 5160. An Act to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes.

May 27, 2010:

H.R. 5014. An Act to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

June 8, 2010:

H.R. 5128. An Act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the "Stewart Lee Udall Department of the Interior Building".

H.R. 5139. An Act to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

June 9, 2010:

H.R. 2711. An Act to amend title 5, United States Code, to provide for the transportation and moving expenses for the immediate family of certain Federal employees who die in the performance of their duties.

H.R. 3250. An Act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building".

H.R. 3634. An Act to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the "George Kell Post Office".

H.R. 3892. An Act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office".

H.R. 4017. An Act to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the "Ann Marie Blute Post Office".

H.R. 4095. An Act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building".

H.R. 4139. An Act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the "Sergeant Matthew L. Ingram Post Office".

H.R. 4214. An Act to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the "Roy Wilson Post Office".

H.R. 4238. An Act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building".

H.R. 4425. An Act to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the "Martin G. 'Marty' Mahar Post Office".

H.R. 4547. An Act to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the "Captain Luther H. Smith, U.S. Army Air Forces Post Office".

H.R. 4628. An Act to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the "Sergeant Christopher R. Hrbek Post Office Building".

H.R. 5330. An Act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

June 25, 2010:

H.R. 3962. An Act to provide a physician payment update, to provide pension funding relief, and for other purposes.

June 28, 2010:

H.R. 3951. An Act to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building".

July 1, 2010:

H.R. 2194. An Act to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

July 2, 2010:

H.R. 5569. An Act to extend the National Flood Insurance Program until September 30, 2010.

H.R. 5611. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 5623. An Act to amend the Internal Revenue Code of 1986 to extend the home-buyer tax credit for the purchase of a principal residence before October 1, 2010, in the case of a written binding contract entered into with respect to such principal residence before May 1, 2010, and for other purposes.

July 21, 2010:

H.R. 4173. An Act to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

July 22, 2010:

H.R. 4213. An Act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

July 27, 2010:

H.J. Res. 83. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

H.R. 689. An Act to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management, and for other purposes.

H.R. 3360. An Act to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

H.R. 4840. An Act to designate the facility of the United States Postal Service located at 1981 Cleveland Avenue in Columbus, Ohio, as the "Clarence D. Lumpkin Post Office".

H.R. 5502. An Act to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions (of the Senate) of the following titles:

March 26, 2010:

S. 3186. An Act to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes.

April 26, 2010:

S.J. Res. 25. A joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

April 30, 2010:

S. 3253. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

May 5, 2010:

S. 1963. An Act to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

May 24, 2010:

S. 1067. An Act to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

May 27, 2010:

S. 1782. An Act to provide improvements for the operations of the Federal courts, and for other purposes.

S. 3333. An Act to extend the statutory license for secondary transmissions under title 17, United States Code, and for other purposes.

June 15, 2010:

S. 3473. An Act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

June 30, 2010:

S.J. Res. 33. A joint resolution to provide for the reconsideration and revision of the proposed constitution of the United States Virgin Islands to correct provisions inconsistent with the Constitution and Federal law.

July 7, 2010:

S. 1660. An Act to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 2865. An Act to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

S.J. Res. 32. A joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

July 13, 2010:

S. 3104. An Act to permanently authorize Radio Free Asia, and for other purposes.

July 22, 2010:

S. 1508. An Act to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BROWN of South Carolina (at the request of Mr. BOEHNER) for today after 2:30 p.m. on account of family reasons.

Mr. ROGERS of Michigan (at the request of Mr. BOEHNER) for today on account of attending his father's wedding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. AL GREEN of Texas, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's

table and, under the rule, referred as follows:

S. 258. An act to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary; in addition, to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 3567. An act to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building"; to the Committee on Oversight and Government Reform.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 3372. An act to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels.

ADJOURNMENT

Ms. WOOLSEY. Madam Speaker, pursuant to House Concurrent Resolution 308, 111th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p.m.), the House adjourned until Tuesday, September 14, 2010, at 2 p.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5982, the Small Business Tax Relief Act of 2010, for printing in the CONGRESSIONAL RECORD:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR THE SMALL BUSINESS TAX RELIEF ACT OF 2010 AS TRANSMITTED TO CBO ON JULY 30, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	–1,230	–1,305	1,427	236	38	70	125	121	146	222	–833	–149

Note: Components may not sum to totals because of rounding.

Source: Congressional Budget Office and the Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8652. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Publication of Notification of Bundling of Contracts of the Department of Defense (DFARS Case 2009-D033) received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8653. A letter from the Chief Counsel, Department of Homeland Security, transmit-

ting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1081] received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8654. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Disclosures for Non-Federally Insured Depository Institutions Under the Federal Deposit Insurance Corporation Improvement Act (FDICIA) (RIN: 3084-AA99) July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8655. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the De-

partment's final rule — Amendment to Prohibited Transaction Exemption (PTE) 84-14 for Plan Asset Transactions Determined by Independent Qualified Professional Asset Managers [Application Number D-11270] (ZRIN: 1210-ZA07) received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8656. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's "Major" final rule — Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Internal Claims and Appeals and External Review Process Under the Patient Protection and Affordable Care Act (RIN: 1210-AB45) received July 27, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Education and Labor.

8657. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Bismuth Citrate; Confirmation of Effective Date [Docket No.: FDA-2008-C-0098] received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8658. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District and South Coast Air Quality Management District [EPA-R09-OAR-2010-0514; FRL-9172-3] received July 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8659. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No.: 03-123] received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8660. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Structure and Practices of the Video Relay Service Program [CG Docket No.: 10-51] received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8661. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Quality Assurance Program Requirements for Research and Test Reactors, Regulatory Guide 2.5, Revision 1, received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8662. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-44; Small Entity Compliance Guide [Docket: FAR 2010-0077, Sequence 6] received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8663. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule — Administrative Remedy Program: Exception to Initial Filing Procedures [BOP-11591] (RIN: 1120-AB59) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8664. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Martinez 4th of July Fireworks, Martinez, CA [Docket No.: USCG-2010-0371] (RIN: 1625-AA00) received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8665. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pierce County, Washington, Department of Emergency Management, Regional Water Exercise [Docket No.: USCG-2010-0475] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8666. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Alligator River, NC [Docket No.: USCG-2010-0091] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8667. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wilson Bay, Jacksonville, NC [Docket No.: USCG-2010-0158] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8668. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30727; Amtd. No. 3376] received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8669. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2011 [CMS-1338-NC] (RIN: 0938-AP87) received July 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8670. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2011 [CMS-1344-N] (RIN: 0938-AP89) received July 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8671. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Hospice Wage Index for Fiscal Year 2011 [CMS-1523-NC] (RIN: 0938-AP84) received July 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. Supplemental report on H.R. 3534. A bill to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes (Rept. 111-575, Pt. 2). Committed to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5711. A bill to provide for the furnishing of statues by the territories of the United States for display in Statuary Hall in the United States Capitol (Rept. 111-583). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FRANK of Massachusetts:

H.R. 5981. A bill to increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single family housing mortgage insurance, and for other purposes; to the Committee on Financial Services; considered and passed.

By Mr. LEVIN (for himself, Mr. OWENS,

Mr. MURPHY of New York, Mr. STARK, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. PASCARELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. DAVIS of Illinois, Mr. ARCURI, Mr. BARROW, Mr. GARAMENDI, Ms. GIFFORDS, Mr. HILL, Mr. KRATOVIL, Mr. PERRIELLO, Mr. KIND, Mr. ISRAEL, Ms. CHU, and Ms. KOSMAS):

H.R. 5982. A bill to amend the Internal Revenue Code of 1986 to repeal the expansion of certain information reporting requirements to corporations and to payments for property, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself and Mr. BILBRAY):

H.R. 5983. A bill to revise the Javits-Wagner-O'Day Act; to the Committee on Oversight and Government Reform.

By Ms. RICHARDSON (for herself and Mr. DAVIS of Illinois):

H.R. 5984. A bill to establish a pilot program to provide training and certification in the culinary arts for Federal inmates to be utilized during the normal inmate meals process and to be accredited for future employment and educational opportunities, and for other purposes; to the Committee on the Judiciary.

By Mrs. KIRKPATRICK of Arizona:

H.R. 5985. A bill to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960; to the Committee on Natural Resources.

By Mr. JOHNSON of Georgia (for him-

self, Mr. GENE GREEN of Texas, Mrs. CHRISTENSEN, Mr. WAXMAN, Mr. CONYERS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. BUTTERFIELD, Mr. GRIJALVA, Mr. GINGREY of Georgia, Mr. PAYNE, Ms. RICHARDSON, and Ms. LEE of California):

H.R. 5986. A bill to require the submission of a report to the Congress on parasitic disease among poor Americans; to the Committee on Energy and Commerce.

By Mr. POMEROY (for himself, Ms.

TITUS, Mr. KLEIN of Florida, Ms. GIFFORDS, Ms. SHEA-PORTER, Mr. BRIGHT, Ms. SUTTON, Ms. KOSMAS, Mr. CRITZ, Mr. DEUTCH, Mr. ARCURI, Mr. BECERRA, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BOREN, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Ms. CASTOR of Florida, Ms. CLARKE, Mr. CLAY, Mr. COSTA, Mr. COSTELLO, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAHLKEMPER, Mr. DAVIS

of Illinois, Mr. DEFAZIO, Ms. DELAURO, Mr. DRIEHAUS, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FILNER, Ms. FUDGE, Mr. GARAMENDI, Mr. GORDON of Tennessee, Mr. GRAYSON, Mr. GRIJALVA, Mr. HALL of New York, Mr. HARE, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. ISRAEL, Mr. KAGEN, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mrs. KIRKPATRICK of Arizona, Mr. KISSELL, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOEBACK, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Ms. MATSUI, Mr. MCINTYRE, Mr. MICHAUD, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. ORTIZ, Mr. PERRIELLO, Mr. PETERS, Mr. RAHALL, Mr. RANGEL, Ms. RICHARDSON, Mr. RODRIGUEZ, Mr. ROTHMAN of New Jersey, Mr. SABLAN, Ms. SCHAKOWSKY, Mr. SCHAUER, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. STARK, Mr. TOWNS, Ms. TSONGAS, Mr. WALZ, Mr. WILSON of Ohio, Mr. YARMUTH, and Mr. MEEK of Florida):

H.R. 5987. A bill to ensure that seniors, veterans, and people with disabilities who receive Social Security and certain other Federal benefits receive a one-time \$250 payment in the event that no cost-of-living adjustment is payable in 2011; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON:

H.R. 5988. A bill to amend title 31, United States Code, to require each agency Chief Financial Officer to submit to the Office of Management and Budget a report on and recommendations concerning the adjustment or reduction of fees imposed by the agency for services and things of value it provides; to the Committee on Oversight and Government Reform.

By Mr. POLIS:

H.R. 5989. A bill to amend the Elementary and Secondary Education Act to enhance the credit program for charter schools through green initiatives, and for other purposes; to the Committee on Education and Labor.

By Mr. KIND (for himself and Mr. HERGER):

H.R. 5990. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for investments in rural microbusinesses; to the Committee on Ways and Means.

By Mr. MURPHY of Connecticut (for himself and Mr. RYAN of Ohio):

H.R. 5991. A bill to establish small metal-working business financial assistance programs, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. BISHOP of Utah, Mr. CHAFFETZ, and Mr. JONES):

H.R. 5992. A bill to amend the Federal Water Pollution Control Act to eliminate the authority of the Administrator of the Environmental Protection Agency to deny or restrict the use of a defined area as a dredged or fill material disposal site, and for other

purposes; to the Committee on Transportation and Infrastructure.

By Mrs. HALVORSON (for herself, Mr. FILNER, Mr. HALL of New York, and Ms. PINGREE of Maine):

H.R. 5993. A bill to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers' Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WELCH (for himself, Mr. CONNOLLY of Virginia, and Ms. LEE of California):

H.R. 5994. A bill to amend the Internal Revenue Code of 1986 to disallow deductions for the payment of punitive damages, and for other purposes; to the Committee on Ways and Means.

By Mr. GRIJALVA:

H.R. 5995. A bill to amend the Internal Revenue Code of 1986 to deny the trade or business expense deduction for damages paid pursuant to the Oil Pollution Act of 1990; to the Committee on Ways and Means.

By Mr. STEARNS (for himself and Mr. LEWIS of Georgia):

H.R. 5996. A bill to direct the Secretary of Veterans Affairs to improve the prevention, diagnosis, and treatment of veterans with chronic obstructive pulmonary disease; to the Committee on Veterans' Affairs.

By Mr. TURNER (for himself and Mr. REICHERT):

H.R. 5997. A bill to amend the Rules of the House of Representatives and the Congressional Budget and Impoundment Control Act of 1974 to require that public hearings be held on all earmark requests in the district of the Member, Delegate, or Resident Commissioner making the request, and to further increase earmark transparency and accountability; to the Committee on Standards of Official Conduct, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING:

H.R. 5998. A bill to repeal the enhanced compensation structure reporting requirement of the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Financial Services.

By Mr. HENSARLING:

H.R. 5999. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to repeal the Office of Financial Research; to the Committee on Financial Services.

By Mr. GRAYSON:

H.R. 6000. A bill to provide for criminal liability for the denial of health care coverage of a treatment or an individual, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS:

H.R. 6001. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of tax-free COBRA premium payment accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. COSTELLO:

H.R. 6002. A bill to amend title II of the Social Security Act to provide that the waiting period for disability insurance benefits shall not be applicable in the case of a disabled in-

dividual suffering from a terminal illness; to the Committee on Ways and Means.

By Mr. FOSTER:

H.R. 6003. A bill to provide for the establishment of the National Fab Lab Network to build out a network of community based, networked Fabrication Laboratories across the United States to foster a new generation with scientific and engineering skills and to provide a work force capable of producing world class individualized and traditional manufactured goods; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER:

H.R. 6004. A bill to amend the Elementary and Secondary Education Act of 1965 to modify certain provisions concerning charter schools; to the Committee on Education and Labor.

By Mr. BURGESS (for himself, Mr. STEARNS, and Mrs. BLACKBURN):

H.R. 6005. A bill to amend titles XVIII and XIX of the Social Security Act to provide for the temporary treatment of certain electronic health records as certified EHR technology for purposes of health information technology payment incentives under the Medicare and Medicaid Programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH:

H.R. 6006. A bill to affirm that waters of the Great Lakes Basin are impressed with a public trust and managed consistent with public trust principles and other standards to protect the navigational, conservation, and public interests in such waters, to provide for enforcement, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CRITZ (for himself, Ms. LINDA T. SANCHEZ of California, and Mr. BOCCIERI):

H.R. 6007. A bill to amend section 310 of the Trade Act of 1974 to strengthen provisions relating to the identification of United States trade expansion priorities; to the Committee on Ways and Means.

By Mr. SCHAUER (for himself, Ms. CORRINE BROWN of Florida, Mr. EHLERS, Mr. WALZ, Mr. UPTON, Mr. PETERS, Mrs. MILLER of Michigan, Mr. SMITH of Washington, Mr. KILDEE, Mr. CONYERS, Ms. KAPTUR, Mrs. HALVORSON, and Mr. LIPINSKI):

H.R. 6008. A bill to amend title 49, United States Code, to ensure telephonic notice of certain incidents, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California (for himself, Mr. HARPER, Mrs. BACHMANN, Mr. DANIEL E. LUNGREN of California, and Mr. MCKEON):

H.R. 6009. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to require the Secretary of Defense to provide expedited delivery of marked absentee ballots of absent overseas uniformed services voters to the appropriate election officials

when such ballots are collected on or before the last Friday before the election, and for other purposes; to the Committee on House Administration.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. FILNER, Mr. GRIJALVA, Mr. STARK, Mr. ELLISON, and Mr. JACKSON of Illinois):

H.R. 6010. A bill to prohibit the extrajudicial killing of United States citizens, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on the Judiciary, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF:

H.R. 6011. A bill to direct the Attorney General to design and implement a procedure to permit enhanced searches of the National DNA Index System; to the Committee on the Judiciary.

By Mr. SPACE (for himself, Mr. TERRY, Ms. DEGETTE, and Mr. CASTLE):

H.R. 6012. A bill to direct the Secretary of Health and Human Services to review uptake and utilization of diabetes screening benefits and establish an outreach program with respect to such benefits, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ADLER of New Jersey (for himself, Mr. ANDREWS, and Mr. ROTHMAN of New Jersey):

H.R. 6013. A bill to amend title 38, United States Code, to increase plot allowances for certain veterans buried in Department of Veterans Affairs cemeteries or State cemeteries and to direct the Secretary of Veterans Affairs to provide a plot allowance for spouses and children of certain veterans who are buried in State cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BOOZMAN (for himself, Mr. BERRY, Mr. ROSS, and Mr. SNYDER):

H.R. 6014. A bill to designate the facility of the United States Postal Service located at 212 Main Street in Hartman, Arkansas, as the "M.R. 'Bucky' Walters Post Office"; to the Committee on Oversight and Government Reform.

By Ms. BORDALLO (for herself, Mr. BROWN of South Carolina, Mr. FALOMAVAEGA, Mrs. CHRISTENSEN, Mr. PIERLUISI, Mr. SERRANO, Mr. AL GREEN of Texas, Ms. HIRONO, and Mr. HONDA):

H.R. 6015. A bill to require the Director of the Bureau of Economic Analysis of the Department of Commerce to publish certain economic data regarding territories and Freely Associated States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas:

H.R. 6016. A bill to provide for a GAO investigation and audit of the operations of the fund created by BP to compensate persons affected by the Gulf oil spill; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS:

H.R. 6017. A bill to amend the Public Health Service Act to ensure that the Federal Government has independent, peer-reviewed scientific data and information to as-

sess short-term and long-term direct and indirect impacts on the health of oil spill clean-up workers and vulnerable residents resulting from the Deepwater Horizon oil spill, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself and Mr. DENT):

H.R. 6018. A bill to amend the Immigration and Nationality Act with respect to a country that denies or unreasonably delays accepting the country's nationals upon the request of the Secretary of Homeland Security; to the Committee on the Judiciary.

By Mr. CASTLE (for himself and Mr. PLATTS):

H.R. 6019. A bill to amend title 18, United States Code, to extend the post-employment restrictions on certain executive and legislative branch officers and employees, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. RANGEL, and Ms. LEE of California):

H.R. 6020. A bill to amend title 11 of the United States Code with respect to the sale by the trustee of property that is subject to a lease; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. BERMAN, Ms. LEE of California, Ms. WATSON, Ms. WATERS, Mr. LEWIS of Georgia, Ms. NORTON, Ms. RICHARDSON, Mr. RUSH, Ms. SCHAKOWSKY, Ms. JACKSON LEE of Texas, Mrs. CHRISTENSEN, Mr. STARK, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Ms. CLARKE, and Mr. JACKSON of Illinois):

H.R. 6021. A bill to authorize appropriations for fiscal years 2010 through 2014 to promote long-term, sustainable rebuilding and development in Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Mr. COURTNEY:

H.R. 6022. A bill to improve the Federal contracting process with respect to veterans, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself and Mr. LIPINSKI):

H.R. 6023. A bill to deauthorize a portion of the project for navigation, Chicago Harbor, Illinois, under the jurisdiction of the Corps of Engineers; to the Committee on Transportation and Infrastructure.

By Ms. DELAURO (for herself, Ms. SCHAKOWSKY, Mr. McDERMOTT, Mrs. LOWEY, Mr. GRIJALVA, Ms. LEE of California, Mr. MEEKS of New York, and Ms. RICHARDSON):

H.R. 6024. A bill to amend the Federal Meat Inspection Act to develop an effective sampling and testing program to test for E. coli in boneless beef manufacturing trimmings and other raw ground beef components, and for other purposes; to the Committee on Agriculture.

By Ms. DELAURO (for herself, Mr. RYAN of Ohio, Mr. MANZULLO, Mr. PERRIELLO, Ms. SUTTON, and Mr. CARNAHAN):

H.R. 6025. A bill to amend the Internal Revenue Code of 1986 to allow manufacturing businesses to establish tax-free manufac-

turing reinvestment accounts to assist them in providing for new equipment and facilities and workforce training; to the Committee on Ways and Means.

By Mr. DRIEHAUS (for himself, Mr. TOWNS, and Mr. CLAY):

H.R. 6026. A bill to require the Director of the Office of Management and Budget to establish and maintain a single website accessible to the public that allows the public to obtain electronic copies of congressionally mandated reports; to the Committee on Oversight and Government Reform.

By Mr. EDWARDS of Texas (for himself, Mr. SMITH of Texas, Mr. DANIEL E. LUNGREN of California, and Mr. RODRIGUEZ):

H.R. 6027. A bill to amend title 18, United States Code, to protect youth from exploitation by adults using the Internet, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS of Texas:

H.R. 6028. A bill to amend the Endangered Species Act of 1973 to prohibit treatment of the Gray Wolf as an endangered species or threatened species; to the Committee on Natural Resources.

By Mr. ELLISON (for himself and Mr. SCOTT of Virginia):

H.R. 6029. A bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mr. SHERMAN, Mrs. MCCARTHY of New York, Mr. MORAN of Virginia, Mr. SIREN, and Mr. GUTIERREZ):

H.R. 6030. A bill to protect the Nation's law enforcement officers by banning the Five-seveN Pistol and 5.7 x 28mm SS190, SS192, SS195LF, SS196, and SS197 cartridges, testing handguns and ammunition for capability to penetrate body armor, and prohibiting the manufacture, importation, sale, or purchase of such handguns or ammunition by civilians; to the Committee on the Judiciary.

By Mr. ENGEL:

H.R. 6031. A bill to amend the Internal Revenue Code of 1986 to deny certain tax benefits to persons responsible for an oil spill if such person commits certain additional violations; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas (for himself and Mr. TERRY):

H.R. 6032. A bill to amend the Public Health Service Act to authorize appointment of Doctors of Chiropractic to regular and reserve corps of the Public Health Service Commissioned Corps, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HALL of New York:

H.R. 6033. A bill to amend the Internal Revenue Code of 1986 to consolidate education tax benefits into one credit against income tax for higher education expenses; to the Committee on Ways and Means.

By Mr. HALL of New York (for himself, Mr. SMITH of New Jersey, Mr. OWENS, Ms. BORDALLO, and Ms. RICHARDSON):

H.R. 6034. A bill to amend title 36, United States Code, to designate the musical piece commonly known as "Taps" as the National Song of Remembrance, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLDEN:

H.R. 6035. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit to promote the conversion of United States coal and domestic carbonaceous feedstocks into synthetic fuels and synthetic gas; to the Committee on Ways and Means.

By Mr. HOLT (for himself and Mr. TONKO):

H.R. 6036. A bill to improve foreign language instruction; to the Committee on Education and Labor.

By Mr. HUNTER (for himself, Mr. WHITFIELD, Mr. LAMBORN, Mr. MILLER of Florida, and Mr. ROONEY):

H.R. 6037. A bill to amend title 18, United States Code, to provide for an exception to the prohibition against mailing tobacco products for products mailed to members of the Armed Forces serving in a combat zone; to the Committee on the Judiciary.

By Mr. ISSA (for himself, Mr. TOWNS, and Mr. BACHUS):

H.R. 6038. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to increase financial industry transparency, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KAGEN (for himself, Mr. PETRI, Mr. KIND, and Ms. BALDWIN):

H.R. 6039. A bill to establish the Fox-Wisconsin Heritage Parkway National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Ms. KAPTUR:

H.R. 6040. A bill to establish the Maumee Valley National Heritage Area in Ohio and Indiana, and for other purposes; to the Committee on Natural Resources.

By Mr. KIRK:

H.R. 6041. A bill to amend the Internal Revenue Code of 1986 to exclude income attributable to certain empowerment zone real property from gross income; to the Committee on Ways and Means.

By Mr. KLEIN of Florida (for himself and Ms. BERKLEY):

H.R. 6042. A bill to amend title 38, United States Code, to expand burial benefits for certain homeless veterans; to the Committee on Veterans' Affairs.

By Mr. KLEIN of Florida (for himself, Mr. KIRK, Mr. ROTHMAN of New Jersey, Mr. DEUTCH, Mr. MCMAHON, Ms. BERKLEY, Ms. WASSERMAN SCHULTZ, and Mr. ENGEL):

H.R. 6043. A bill to restrict participation in offshore oil and gas leasing by a person who engages in any activity for which sanctions may be imposed under section 5 of the Iran Sanctions Act of 1996, to require the lessee under an offshore oil and gas lease to disclose any participation by the lessee in certain energy-related joint ventures, investments, or partnerships located outside Iran, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATTA (for himself, Mr. FORTENBERRY, Mr. BURTON of Indiana, and Mr. MANZULLO):

H.R. 6044. A bill to amend the Foreign Assistance Act of 1961 to prohibit the United

States Agency for International Development from procuring manufactured articles to provide disaster relief assistance or emergency relief assistance in a foreign country unless the articles are manufactured in such foreign country or in certain circumstances in the United States or third countries; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Ms. PINGREE of Maine, Mr. FILNER, Ms. SPEIER, Ms. WOOLSEY, Ms. WATERS, Mr. GEORGE MILLER of California, Ms. EDWARDS of Maryland, Mr. CONYERS, Ms. JACKSON LEE of Texas, Mr. PAUL, Mrs. MALONEY, Mr. ELLISON, Mr. LEWIS of Georgia, Mr. HONDA, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. WELCH, Mr. FRANK of Massachusetts, Mr. PAYNE, and Mr. JONES):

H.R. 6045. A bill to provide that funds for operations of the Armed Forces in Afghanistan shall be obligated and expended only for purposes of providing for the safe and orderly withdrawal from Afghanistan of all members of the Armed Forces and Department of Defense contractor personnel who are in Afghanistan; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEE of New York:

H.R. 6046. A bill to require the GAO to evaluate the propriety of assistance provided to General Motors Corporation under the Troubled Asset Relief Program, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Financial Services, the Judiciary, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 6047. A bill to improve airport screening and security; to the Committee on Homeland Security.

By Mrs. LOWEY:

H.R. 6048. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that certain tenants are able to return to affordable housing after a major disaster; to the Committee on Transportation and Infrastructure.

By Ms. MARKEY of Colorado:

H.R. 6049. A bill to authorize the Secretary of the Interior, in cooperation with Kiowa County, Colorado, to restore the Murdock Building in Eads, Colorado, for use as the visitor center for the Sand Creek Massacre National Historic Site; to the Committee on Natural Resources.

By Ms. MARKEY of Colorado:

H.R. 6050. A bill to authorize the Secretary of the Interior, and, in cooperation with the Koshare Indian Museum, to assist in the expansion of the Museum's storage facility in La Junta, Colorado, to house the collection of Bent's Old Fort National Historic Site and collections from other National Park Service units; to the Committee on Natural Resources.

By Mr. MARKEY of Massachusetts (for himself, Mr. HINCHEY, Mrs. CAPPS, Mr. INSLEE, and Mr. WELCH):

H.R. 6051. A bill to prohibit the Secretary of the Interior from issuing any new lease that authorizes the production of oil or natural gas under the Outer Continental Shelf Lands Act to a person that does not renegotiate existing leases held by the person to in-

corporate limitations on royalty relief based on market price that are equal to or less than price thresholds that apply to other leases under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. MCHENRY:

H.R. 6052. A bill to require the Director of the Office of Management and Budget to establish and maintain a website to track the expenditure of Government funds; to the Committee on Oversight and Government Reform.

By Mr. MEEK of Florida:

H.R. 6053. A bill to amend the Oil Pollution Act of 1990 to provide for timely consideration of claims submitted by States and political subdivisions for reimbursement of removal costs; to the Committee on Transportation and Infrastructure.

By Mr. MELANCON:

H.R. 6054. A bill to amend title 38, United States Code, to increase and to provide for an annual adjustment of the amounts of assistance payable by the Secretary of Veterans Affairs for veterans' funeral and burial expenses; to the Committee on Veterans' Affairs.

By Mr. MURPHY of Connecticut (for himself and Mr. RYAN of Ohio):

H.R. 6055. A bill to support and strengthen small businesses manufacturing in America, and for other purposes; to the Committee on Financial Services.

By Mr. NEAL of Massachusetts:

H.R. 6056. A bill to amend the Internal Revenue Code of 1986 to treat certain employee-funded pensions created before June 25, 1959, in the same manner as qualified trusts for purposes of unrelated debt-financed income derived from real property, and to increase the limitation on elective deferrals to such employee-funded pensions; to the Committee on Ways and Means.

By Mr. OWENS (for himself and Mr. COURTNEY):

H.R. 6057. A bill to amend the Consolidated Farm and Rural Development Act to expand eligibility for Farm Service Agency loans; to the Committee on Agriculture.

By Mr. PAULSEN (for himself and Mr. MINNICK):

H.R. 6058. A bill to ensure that the housing assistance programs of the Department of Housing and Urban Development and the Department of Veterans Affairs are available to veterans and members of the Armed Forces who have service-connected injuries and to survivors and dependents of veterans and members of the Armed Forces; to the Committee on Financial Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PIERLUISI (for himself, Ms. JACKSON LEE of Texas, Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. COHEN, Ms. WOOLSEY, Ms. DEGETTE, Mr. MCGOVERN, Mr. POLIS, Mr. BACA, Mr. GRIJALVA, Mr. GRAYSON, Mr. NADLER of New York, and Mr. FARR):

H.R. 6059. A bill to amend title 18, United States Code, to provide for deferred sentencing and the possibility of dismissal for drug offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. PRICE of North Carolina:

H.R. 6060. A bill to support innovation and research in the United States textile and fiber products industry; to the Committee on Science and Technology.

By Mr. PRICE of North Carolina (for himself, Mr. CASTLE, Mr. VAN HOLLEN, and Mr. PLATT):

H.R. 6061. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROONEY:

H.R. 6062. A bill to identify and remove criminal aliens incarcerated in correctional facilities in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTHMAN of New Jersey:

H.R. 6063. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the safety of elementary schools and secondary schools; to the Committee on the Judiciary.

By Mr. RUPPERSBERGER:

H.R. 6064. A bill to provide certain rights to commuters who ride public transportation; to the Committee on Transportation and Infrastructure.

By Mr. RUPPERSBERGER:

H.R. 6065. A bill to provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SANCHEZ of California:

H.R. 6066. A bill to amend title II of the Social Security Act to provide appropriate safeguards for applicants for disability insurance benefits and other benefits based on disability under such title against inappropriate offsets of such benefits against benefits otherwise provided under private disability insurance coverage; to the Committee on Ways and Means.

By Ms. LINDA T. SANCHEZ of California:

H.R. 6067. A bill to increase by \$25 million the funding available for individual development accounts for each of fiscal years 2011 and 2012, and to amend the Internal Revenue Code of 1986 to eliminate the domestic production deduction for coal and other hard mineral fossil fuels; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California (for herself and Mr. HALL of Texas):

H.R. 6068. A bill to amend title 44, United States Code, to require each agency to include contact information for the agency in its collection of information; to the Committee on Oversight and Government Reform.

By Mr. SARBANES:

H.R. 6069. A bill to ensure adequate funding for foreclosure mitigation counseling activities of the Neighborhood Reinvestment Corporation in connection with the Home Affordable Modification Program of the Secretary of the Treasury; to the Committee on Financial Services.

By Mr. SCHRADER:

H.R. 6070. A bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes; to the Committee on Natural Resources.

By Mr. SHERMAN (for himself, Ms. ROS-LEHTINEN, Mr. KAGEN, Mr. JONES, Ms. SHEA-PORTER, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. DEFAZIO):

H.R. 6071. A bill to withdraw normal trade relations treatment from the products of the People's Republic of China, to provide for a balanced trade relationship between that country and the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE (for himself, Mr. STARK, Mr. PALLONE, Mr. LEVIN, Mr. WAXMAN, Mr. DINGELL, Mr. BURGESS, Mr. ENGEL, Mrs. BLACKBURN, Mr. BOUCHER, Mr. BUTTERFIELD, Mrs. CAPPS, Ms. CASTOR of Florida, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DOGGETT, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. HIGGINS, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MEEK of Florida, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mr. POMEROY, Mr. RANGEL, Ms. SCHWARTZ, Ms. SUTTON, Mr. THOMPSON of California, Mr. VAN HOLLEN, and Mr. WEINER):

H.R. 6072. A bill to amend titles XVIII and XIX of the Social Security Act to clarify the application of EHR payment incentives in cases of multi-campus hospitals; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER (for herself, Mrs. BIGGERT, Mr. BACA, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE of California, Mr. LATOURETTE, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. STARK, Mr. KILDEE, Mr. HINCHEY, Ms. HARMAN, Mr. HOLT, Ms. ESHOO, Mr. CONNOLLY of Virginia, Mrs. DAVIS of California, Mr. ELLISON, Mrs. HALVORSON, Mr. KUCINICH, Mrs. MALONEY, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. SCHIFF, Ms. SCHWARTZ, Ms. TITUS, Ms. TSONGAS, Ms. SUTTON, Mrs. NAPOLITANO, Ms. JACKSON LEE of Texas, Mr. CARSON of Indiana, Mrs. EMERSON, Ms. WASSERMAN SCHULTZ, Ms. MATSUI, Mrs. CAPPS, Ms. MCCOLLUM, Mr. SHERMAN, Mr. THOMPSON of California, and Mr. MCDERMOTT):

H.R. 6073. A bill to award a Congressional Gold Medal to Dr. Balazs "Ernie" Bodai in recognition of his many outstanding contributions to the Nation, including a tireless commitment to breast cancer research; to the Committee on Financial Services.

By Mr. STUPAK:

H.R. 6074. A bill to amend titles XVIII and XIX of the Social Security Act to enhance quality under the Medicaid Program through nursing facility survey system improvements; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself, Mr. FRANK of Massachusetts, Mr. KUCINICH, Mr. DELAHUNT, Mr. JONES, and Mr. COURTNEY):

H.R. 6075. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to require payment of costs, fees, and expenses incurred by certain prevailing parties in proceedings under such Act from sums received as fines, penalties, and forfeitures, and for other purposes; to the Committee on Natural Resources.

By Mr. WEINER (for himself, Mr. ACKERMAN, Mr. CROWLEY, Mr. BISHOP of New York, Ms. CLARKE, Ms. DEGETTE, Mr. ENGEL, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mr. KING of New York, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCMAHON, Mr. MEEKS of New York, Mr. MURPHY of New York, Mr. NADLER of New York, Mr. OWENS, Mr. RANGEL, Mr. SERRANO, Mr. TONKO, Mr. TOWNS, Mr. ARCURI, Ms. VELÁZQUEZ, and Ms. SLAUGHTER):

H.R. 6076. A bill to provide for the award of a gold medal on behalf of Congress posthumously to Father Mychal Judge, O.F.M., beloved Chaplain of the Fire Department of New York who passed away as the first recorded victim of the September 11, 2001, attacks in recognition of his example to the Nation of selfless dedication to duty and compassion for one's fellow citizens; to the Committee on Financial Services.

By Mr. WHITFIELD:

H.R. 6077. A bill to amend the Energy Policy Act of 2005 to clarify policies regarding ownership of pore space; to the Committee on Natural Resources.

By Ms. WOOLSEY (for herself, Ms. RICHARDSON, Ms. HIRONO, Ms. WATSON, Mr. GRIJALVA, Mr. HINOJOSA, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. LINDA T. SANCHEZ of California, Ms. FUDGE, Mr. HINCHEY, Mr. HOLT, Mr. SCOTT of Virginia, Mr. POLIS, Mr. LOEBACK, Ms. BORDALLO, Mr. DAVIS of Illinois, Ms. JACKSON LEE of Texas, Ms. WASSERMAN SCHULTZ, Ms. NORTON, and Ms. LEE of California):

H.R. 6078. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies to encourage girls and underrepresented minorities to pursue studies and careers in science, mathematics, engineering, and technology; to the Committee on Education and Labor.

By Mr. MINNICK (for himself, Mr. CULBERSON, Mr. CUELLAR, and Mr. BISHOP of Utah):

H.J. Res. 95. A joint resolution proposing an amendment to the Constitution of the United States allowing the States to call a limited convention solely for the purposes of considering whether to propose a specific amendment to the Constitution; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas (for himself, Mr. UPTON, Mr. BACA, Mr. BARROW, Mrs. BLACKBURN, Mr. BLUNT, Mrs. BONO MACK, Mr. BOWWELL, Mr. BOREN, Mr. BRIGHT, Mr. BURGESS, Mr. BUTTERFIELD, Mr. BUYER, Mr. CHILDERS, Mr. COSTA, Mr. CUELLAR, Mr. DAVIS of Tennessee, Mr. GINGREY of Georgia, Mr. GRIFFITH, Mr. HALL of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATTA, Mr. MEEKS of New York, Mr. MOORE of Kansas, Mr. TIM MURPHY of Pennsylvania, Mrs. MYRICK, Mr. ORTIZ, Mr. PASTOR of Arizona, Mr. PITTS, Mr. RADANOVICH, Mr. RAHALL,

Mr. ROGERS of Michigan, Ms. LORETTA SANCHEZ of California, Mr. SCALISE, Mr. SHADEGG, Mr. SHIMKUS, Mr. SIRE, Mr. STEARNS, Mr. SULLIVAN, Mr. TERRY, Mr. WALDEN, Mr. WHITFIELD, Mr. BARTON of Texas, Mr. SPACE, Mr. HASTINGS of Florida, Mr. CLAY, Mr. WILSON of Ohio, Mr. NYE, Mr. SCOTT of Georgia, and Mr. HINOJOSA):

H. Con. Res. 311. Concurrent resolution to express the sense of Congress that it is the responsibility of Congress to determine the regulatory authority of the Federal Communications Commission with respect to broadband Internet services; to the Committee on Energy and Commerce.

By Mr. BROUN of Georgia (for himself, Mr. KINGSTON, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, Mr. GINGREY of Georgia, Mr. PRICE of Georgia, Mr. BARROW, Mr. BISHOP of Georgia, and Mr. MARSHALL):

H. Con. Res. 312. Concurrent resolution recognizing Springfield Baptist Church as the first African-American church established in the City of Greensboro, Georgia, following the Emancipation Proclamation and, therefore, the oldest in Greene County, on the occasion of its placement as a permanent marker by the Georgia Historical Society; to the Committee on Oversight and Government Reform.

By Mr. BAIRD (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. CAO, Mr. DAVIS of Tennessee, and Mr. SCALISE):

H. Con. Res. 313. Concurrent resolution expressing thanks to the people of Qatar for their assistance to the victims of Hurricane Katrina; to the Committee on Foreign Affairs.

By Ms. ESHOO (for herself, Mr. BACA, Mr. BECERRA, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTELLO, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. FARR, Mr. FILNER, Mr. GARAMENDI, Mr. GRAYSON, Ms. JACKSON LEE of Texas, Mr. KENNEDY, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. MARKEY of Massachusetts, Ms. MATSUI, Mr. MCNERNEY, Mr. NADLER of New York, Mr. OBEY, Mr. PALLONE, Mr. PERLMUTTER, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Ms. SHEA-PORTER, Ms. SLAUGHTER, Ms. SPEIER, Mr. THOMPSON of California, Mr. WAXMAN, Mr. WELCH, and Ms. WOOLSEY):

H. Con. Res. 314. Concurrent resolution expressing the sense of Congress on the closure of the main entrance to the Supreme Court; to the Committee on the Judiciary.

By Mr. BOUSTANY (for himself, Mr. SCALISE, Mr. CAO, Mr. MELANCON, Mr. ALEXANDER, Mr. CASSIDY, and Mr. FLEMING):

H. Res. 1583. A resolution observing the fifth anniversary of the date on which Hurricane Rita devastated the coasts of Louisiana and Texas, remembering those lost in the storm and in the process of evacuation, recovery, and rebuilding; saluting the dedication of the volunteers who offered assistance in support of those affected by the storm, recognizing the progress of efforts to rebuild the affected Gulf Coast region, commending the persistence of the people of the States of Louisiana and Texas following the second major hurricane to hit Louisiana that season, and reaffirming Congress' commitment to restore and renew the Gulf Coast region;

to the Committee on Transportation and Infrastructure.

By Mr. CHAFFETZ (for himself, Mr. BISHOP of Utah, and Mr. MATHESON):

H. Res. 1584. A resolution honoring the members of the Utah National Guard; to the Committee on Armed Services.

By Mr. GARAMENDI (for himself, Mrs. NAPOLITANO, Mr. GEORGE MILLER of California, Ms. SHEA-PORTER, Ms. GIFFORDS, Ms. BORDALLO, Mr. RAHALL, Mr. HERGER, Ms. ESHOO, Ms. FALLIN, Mr. BACA, Ms. HARMAN, and Mr. MCNERNEY):

H. Res. 1585. A resolution honoring and recognizing the exemplary service and sacrifice of the 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing civilians and families serving at Travis Air Force Base, California; to the Committee on Armed Services.

By Mr. ALTMIRE:

H. Res. 1586. A resolution expressing support for designation of the first week of August as "National Family Business Week"; to the Committee on Oversight and Government Reform.

By Mr. BISHOP of Utah (for himself, Mrs. BLACKBURN, Mr. CULBERSON, Mr. LAMBORN, Mr. GARRETT of New Jersey, Mr. CHAFFETZ, Mr. MCCLINTOCK, Mrs. LUMMIS, Mr. NEUGEBAUER, Mr. CONAWAY, Mr. PENCE, Mr. PRICE of Georgia, Mr. HENSARLING, Mr. PITTS, Mr. LATTI, Mr. BARTLETT, Mr. COFFMAN of Colorado, Mr. TIAHRT, Mr. CASSIDY, Mr. GRAVES of Georgia, Mr. GINGREY of Georgia, and Mrs. MCMORRIS RODGERS):

H. Res. 1587. A resolution recognizing that the cause of liberty demands that government should be made accountable again to the consent of the governed, and calling for the real decentralization of power through the restoration of American federalism; to the Committee on the Judiciary.

By Mr. CAPUANO (for himself, Mr. MCCAUL, Mr. PAYNE, Mr. SMITH of New Jersey, and Mr. WOLF):

H. Res. 1588. A resolution expressing the sense of the House of Representatives on the importance of the full implementation of the Comprehensive Peace Agreement to help ensure peace and stability in Sudan during and after mandated referendum; to the Committee on Foreign Affairs.

By Ms. DELAURO (for herself, Ms. PINGREE of Maine, Ms. BALDWIN, Mr. HINCHAY, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, Mr. CONYERS, Mrs. CAPPS, Ms. NORTON, Ms. LEE of California, Mrs. CHRISTENSEN, Mr. COHEN, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. RYAN of Ohio, and Ms. WOOLSEY):

H. Res. 1589. A resolution commending the Women's Bureau of the U.S. Department of Labor on its 90th anniversary; to the Committee on Education and Labor.

By Ms. GIFFORDS (for herself, Mr. LAMBORN, Mr. BISHOP of Georgia, Mr. BONNER, Ms. WASSERMAN SCHULTZ, Mr. BARROW, Mrs. DAVIS of California, Mr. JONES, Mr. SABLON, Mr. THORNBERRY, Mr. OWENS, Mrs. MYRICK, Mr. KISSELL, Mr. MICHAUD, Mr. GARAMENDI, Mr. ADERHOLT, Ms. KILPATRICK of Michigan, Mr. SPRATT, Mr. DUNCAN, Mr. WITTMAN, Mr. TURNER, Ms. SHEA-PORTER, and Mr. HEINRICH):

H. Res. 1590. A resolution recognizing the 150th anniversary of the Army Signal Corps; to the Committee on Armed Services.

By Mr. HASTINGS of Florida (for himself, Ms. CORRINE BROWN of Florida, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. RICHARDSON, Mrs. CHRISTENSEN, Mr. RUSH, Mr. THOMPSON of Mississippi, Ms. EDWARDS of Maryland, Mr. JOHNSON of Georgia, Mr. CUMMINGS, Mr. TOWNS, Mr. MEEK of Florida, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Ms. NORTON, and Mr. CLAY):

H. Res. 1591. A resolution recognizing the Black Barbershop Health Outreach Program's contribution to the national fight against health disparities through education, community involvement, research, and culturally relevant strategies that seek to improve health outcomes in Black communities across the country; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida:

H. Res. 1592. A resolution recognizing persons of African descent in Europe; to the Committee on Foreign Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. ORTIZ, Mr. HINOJOSA, Mr. REYES, and Mr. GENE GREEN of Texas):

H. Res. 1593. A resolution supporting academically-based social studies curriculum standards for the Nation's elementary and secondary education public school textbooks; to the Committee on Education and Labor.

By Mr. KINGSTON:

H. Res. 1594. A resolution celebrating the 69th anniversary of the first combat action of the American Volunteer Group and recognizing the contribution of the American Volunteer Group and the 23rd Fighter Group known as the "Flying Tigers" to the victory of the United States in World War II; to the Committee on Armed Services.

By Mr. LEVIN (for himself, Mr. CAMP, Mr. STARK, Mr. HERGER, Mr. LEWIS of Georgia, Mr. SAM JOHNSON of Texas, Mr. NEAL of Massachusetts, Mr. BRADY of Texas, Mr. TANNER, Mr. CANTOR, Mr. POMEROY, Mr. LINDER, Mr. BLUMENAUER, Mr. TIBERI, Mr. KIND, Mr. DAVIS of Kentucky, Mr. PASCRELL, Mr. REICHERT, Ms. BERKLEY, Mr. BOUSTANY, Mr. CROWLEY, Mr. HELLER, Mr. VAN HOLLEN, Mr. ROSKAM, Ms. SCHWARTZ, Mr. DAVIS of Illinois, and Ms. LINDA T. SANCHEZ of California):

H. Res. 1595. A resolution recognizing the 50th anniversary of the passage of legislation that created real estate investment trusts (REITs) and gave millions of Americans new investment opportunities that helped them build a solid foundation for retirement security and has contributed to the overall strength of our economy; to the Committee on Ways and Means.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. ROHR-ABACHER, Mr. WOLF, and Mr. SMITH of New Jersey):

H. Res. 1596. A resolution condemning al Shabaab for its practice of child conscription in the Horn of Africa; to the Committee on Foreign Affairs.

By Mr. MAFFEI (for himself, Mr. LEE of New York, and Mr. MCMAHON):

H. Res. 1597. A resolution encouraging the United Kingdom to investigate British Petroleum (BP) for foreign corrupt practices; to the Committee on Foreign Affairs.

By Mrs. MCCARTHY of New York (for herself and Mr. PLATTS):

H. Res. 1598. A resolution expressing support for the designation of the month of October as National Work and Family Month; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself and Mrs. MYRICK):

H. Res. 1599. A resolution reaffirming support for Israel as a longtime friend, ally, and strategic partner of the United States and Israel's right to defend itself; to the Committee on Foreign Affairs.

By Ms. MCCOLLUM (for herself and Mr. TERRY):

H. Res. 1600. A resolution supporting the critical role of the physician assistant profession and supporting the goals and ideals of National Physician Assistant Week; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H. Res. 1601. A resolution recognizing that the religious freedom and human rights violations of Kashmiri Pandits has been ongoing since 1989; to the Committee on Foreign Affairs.

By Mr. POMEROY:

H. Res. 1602. A resolution honoring North Dakota's colleges and universities for their efforts in serving members of the United States Armed Forces, veterans, and their families; to the Committee on Education and Labor.

By Mr. ROSS:

H. Res. 1603. A resolution expressing support for designation of September 2010 as National Craniofacial Acceptance Month; to the Committee on Oversight and Government Reform.

By Ms. ROYBAL-ALLARD (for herself, Mr. SERRANO, Mr. HINOJOSA, Mr. SABLON, Mr. ORTIZ, Ms. RICHARDSON, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. PASTOR of Arizona, Mr. CUELLAR, and Mr. BERMAN):

H. Res. 1604. A resolution honoring the bi-centennial anniversary of Mexican independence and the centennial anniversary of the beginning of the Mexican Revolution; to the Committee on Foreign Affairs.

By Mr. THOMPSON of California (for himself, Mr. SKELTON, Mr. MCKEON, Mr. SPRATT, Mr. BARTLETT, Mr. ORTIZ, Mr. TAYLOR, Mr. REYES, Mr. SNYDER, Mr. SMITH of Washington, Mr. ANDREWS, Mrs. DAVIS of California, Mr. LARSEN of Washington, Mr. ELLSWORTH, Mr. COURTNEY, Ms. GIFFORDS, Mr. KISSELL, Mr. HEINRICH, Mrs. NAPOLITANO, Mr. THORNBERRY, Mr. JONES, Mr. FORBES, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. LOBIONDO, Mr. KLINE of Minnesota, Ms. FALLIN, Mr. ROONEY, Mr. DJOU, Mr. CARTER, Ms. GRANGER, Mr. HARE, Mr. GINGREY of Georgia, Mr. GEORGE MILLER of California, Ms. ESHOO, Ms. ROYBAL-ALLARD, Ms. MATSUI, Ms. SPEIER, Mr. BILIRAKIS, Mrs. MYRICK, Mr. BLUMENAUER, Mr. HUNTER, and Mr. BACA):

H. Res. 1605. A resolution recognizing the service of the medical and air crews in helping our wounded warriors make the expeditious and safe trip home to the United States and commending the personnel of the Air Force for their commitment to the well-being of all our service men and women; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Ms. SCHAKOWSKY.

H.R. 197: Mr. MCINTYRE, Mr. POMEROY, Mr. COSTELLO, and Mr. NYE.

H.R. 208: Mrs. MILLER of Michigan and Mr. EDWARDS of Texas.

H.R. 223: Mr. STUPAK and Mr. CLAY.

H.R. 227: Mr. GARY G. MILLER of California.

H.R. 231: Mrs. LOWEY.

H.R. 333: Mr. REICHERT and Mr. AUSTRIA.

H.R. 442: Ms. ROS-LEHTINEN, Mr. MATHE-SON, and Mr. PETERS.

H.R. 483: Mr. REICHERT.

H.R. 507: Mr. NUNES.

H.R. 557: Mr. ROSKAM.

H.R. 678: Mr. GARAMENDI.

H.R. 775: Mr. AUSTRIA.

H.R. 963: Ms. WOOLSEY.

H.R. 982: Mr. GARY G. MILLER of California.

H.R. 1020: Mr. MOLLOHAN.

H.R. 1074: Ms. ROS-LEHTINEN, Mr. MATHE-SON, and Mr. COSTELLO.

H.R. 1086: Mr. CASTLE.

H.R. 1124: Mr. POLIS, Mr. CONYERS, Ms. CHU, Mrs. LOWEY, Mr. WU, and Ms. FUDGE.

H.R. 1126: Mr. MICHAUD and Mr. KENNEDY.

H.R. 1159: Mr. KLEIN of Florida.

H.R. 1193: Mr. LARSON of Connecticut.

H.R. 1205: Ms. PINGREE of Maine, Mr. LOEBSACK, Mr. GONZALEZ, Mr. WALZ, and Mr. JONES.

H.R. 1206: Mr. CALVERT.

H.R. 1351: Mrs. CAPPS and Ms. BALDWIN.

H.R. 1507: Mr. ROTHMAN of New Jersey.

H.R. 1545: Mr. KIND.

H.R. 1546: Mr. HASTINGS of Florida.

H.R. 1549: Mr. TONKO and Ms. BALDWIN.

H.R. 1569: Mr. GUTIERREZ and Ms. ROYBAL-ALLARD.

H.R. 1597: Mr. PETERS.

H.R. 1646: Mr. CALVERT.

H.R. 1826: Ms. GIFFORDS and Mr. KRATOVIL.

H.R. 1829: Mr. HEINRICH.

H.R. 1923: Mr. GENE GREEN of Texas.

H.R. 1929: Mr. STUPAK, Mr. DEFazio, and Mr. CONYERS.

H.R. 1961: Mr. DAVIS of Illinois.

H.R. 1995: Mr. MCGOVERN.

H.R. 2000: Mr. RANGEL, Mr. BACHUS, Mrs. BONO MACK, Mr. CANTOR, Mr. DAVIS of Kentucky, Mr. DJOU, Mr. DUNCAN, Mr. EHLERS, Mr. MACK, Mr. ROGERS of Alabama, Ms. KILROY, Mr. ROSKAM, Mr. JONES, Mr. UPTON, and Mr. Harper.

H.R. 2030: Ms. BALDWIN and Mr. CARNAHAN.

H.R. 2057: Mr. NADLER of New York.

H.R. 2061: Mr. WILSON of South Carolina.

H.R. 2103: Mr. MILLER of North Carolina and Mr. SHERMAN.

H.R. 2107: Ms. ZOE LOFGREN of California.

H.R. 2109: Mr. HEINRICH and Mr. CRITZ.

H.R. 2110: Mr. HEINRICH.

H.R. 2145: Ms. NORTON.

H.R. 2149: Mr. WALDEN.

H.R. 2177: Ms. WOOLSEY and Mr. ROTHMAN of New Jersey.

H.R. 2222: Mr. PRICE of North Carolina.

H.R. 2243: Mr. MCNERNEY.

H.R. 2262: Mr. GARAMENDI and Mr. CLAY.

H.R. 2275: Mr. WAMP, Mr. CLAY, Mr. HARE, Ms. ESHOO, Mr. AL GREEN of Texas, Mr. NEAL of Massachusetts, Mr. FILNER, and Mr. ENGEL.

H.R. 2277: Mr. DAVIS of Illinois.

H.R. 2287: Mr. GARRETT of New Jersey and Mr. BOREN.

H.R. 2293: Ms. LEE of California.

H.R. 2296: Mr. MCINTYRE, Mr. RODRIGUEZ, Mr. POMEROY, and Mr. NYE.

H.R. 2308: Ms. CASTOR of Florida.

H.R. 2358: Mr. MILLER of North Carolina.

H.R. 2381: Mr. MILLER of North Carolina.

H.R. 2408: Mr. WALDEN.

H.R. 2429: Ms. CHU.

H.R. 2521: Mr. BOSWELL.

H.R. 2568: Ms. KAPTUR.

H.R. 2575: Ms. ZOE LOFGREN of California and Mr. MILLER of North Carolina.

H.R. 2648: Ms. SPEIER.

H.R. 2746: Mr. AL GREEN of Texas, Mr. LANCE, Mr. SMITH of New Jersey, Mrs. BIGGERT, and Mr. KING of New York.

H.R. 2853: Mr. FOSTER.

H.R. 2866: Mr. TIERNEY.

H.R. 2906: Mr. SCOTT of Virginia and Mr. GUTIERREZ.

H.R. 2987: Mr. HINCHEY and Mr. KILDEE.

H.R. 3006: Mr. GUTIERREZ and Ms. ROYBAL-ALLARD.

H.R. 3043: Mr. WU and Mr. LOEBSACK.

H.R. 3077: Mr. MILLER of North Carolina.

H.R. 3108: Mr. MILLER of North Carolina and Mr. ROTHMAN of New Jersey.

H.R. 3202: Ms. BALDWIN.

H.R. 3249: Mr. GUTIERREZ.

H.R. 3251: Mr. KLINE of Minnesota.

H.R. 3299: Mr. KUCINICH.

H.R. 3301: Mr. KING of Iowa and Mr. SPACE.

H.R. 3328: Mr. SHERMAN.

H.R. 3402: Mr. REICHERT.

H.R. 3408: Mr. PALLONE, Mr. DELAHUNT, Mr. VISCLOSKEY, Mr. ANDREWS, Mr. OLVER, Mr. MICHAUD, Mr. JACKSON of Illinois, and Mr. FRANK of Massachusetts.

H.R. 3421: Mr. KILDEE and Mr. BURGESS.

H.R. 3452: Mr. STUPAK.

H.R. 3463: Mr. GARY G. MILLER of California.

H.R. 3464: Ms. DELAURO, Mr. MURPHY of Connecticut, Mr. HODES, Mr. OWENS, and Mr. HEINRICH.

H.R. 3525: Mr. WU.

H.R. 3536: Ms. TSONGAS and Ms. KAPTUR.

H.R. 3564: Mr. ROTHMAN of New Jersey.

H.R. 3586: Mr. ROSKAM.

H.R. 3641: Mr. OWENS.

H.R. 3668: Mr. LOEBSACK.

H.R. 3716: Mr. CRITZ.

H.R. 3720: Mr. POMEROY.

H.R. 3721: Ms. SCHAKOWSKY.

H.R. 3742: Mr. BLUMENAUER.

H.R. 3745: Mr. LEWIS of Georgia.

H.R. 3765: Mr. ROYCE.

H.R. 3786: Ms. DELAURO.

H.R. 3858: Mr. DEFazio.

H.R. 3943: Mr. HODES.

H.R. 3974: Mr. BACA and Mr. BISHOP of New York.

H.R. 4116: Mr. REICHERT, Mr. GONZALEZ, Ms. MARKEY of Colorado, Mr. SIRES, and Mr. TONKO.

H.R. 4181: Mr. GUTIERREZ and Mr. SIRES.

H.R. 4195: Mr. DEFazio.

H.R. 4202: Mr. GARAMENDI, Ms. HIRONO, and Mr. MCGOVERN.

H.R. 4229: Mr. LEE of New York.

H.R. 4278: Mr. KILDEE, Mr. KRATOVIL, Mr. RUPPERSBERGER, and Mr. LEE of New York.

H.R. 4306: Mr. MILLER of Florida and Mr. HELLER.

H.R. 4316: Mr. LARSEN of Washington.

H.R. 4364: Mr. DOYLE.

H.R. 4403: Mr. DEFazio.

H.R. 4427: Mr. REICHERT and Mr. COFFMAN of Colorado.

H.R. 4429: Mr. CRITZ.

H.R. 4436: Mr. CALVERT.

H.R. 4443: Mr. HODES.

H.R. 4455: Mrs. BIGGERT.

H.R. 4544: Mr. SCOTT of Virginia and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 4555: Mr. MEEK of Florida.

H.R. 4557: Mr. CARNAHAN.

H.R. 4662: Mr. SMITH of New Jersey, Mr. WALZ, and Mr. LEE of New York.

H.R. 4689: Mr. HINCHEY, Mr. COURTNEY, Mr. FORTENBERRY, and Ms. GIFFORDS.

H.R. 4693: Ms. SCHAKOWSKY, Mr. EDWARDS of Texas, and Mr. KAGEN.

- H.R. 4709: Mr. WU.
H.R. 4722: Mr. ROTHMAN of New Jersey and Mr. MILLER of North Carolina.
H.R. 4746: Mr. LANCE, Mr. BROWN of Georgia, Mr. ROE of Tennessee, Mr. SULLIVAN, Mr. BILBRAY, and Mr. SENSENBRENNER.
H.R. 4764: Mr. TIBERI and Mrs. MILLER of Michigan.
H.R. 4771: Mr. PERRIELLO.
H.R. 4772: Mr. DRIEHAUS.
H.R. 4806: Mr. POLIS.
H.R. 4808: Ms. SCHAKOWSKY, Mr. ARCURI, Mr. MAFFEI, Ms. MATSUI, Mr. JACKSON of Illinois, and Ms. LINDA T. SANCHEZ of California.
H.R. 4830: Mr. KILDEE, Mr. SIREs, and Mr. CLAY.
H.R. 4836: Mr. MARKEY of Massachusetts, Ms. ESHOO, Ms. LINDA T. SANCHEZ of California, Ms. KILROY, Ms. BORDALLO, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON LEE of Texas, Ms. DELAURO, Mr. HOLT, Mr. ANDREWS, Mr. KILDEE, Ms. DEGETTE, Ms. CASTOR of Florida, Mr. HASTINGS of Florida, Ms. SLAUGHTER, and Mr. GARAMENDI.
H.R. 4844: Mr. WALDEN.
H.R. 4871: Mrs. HALVORSON.
H.R. 4879: Mr. PRICE of North Carolina.
H.R. 4914: Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, Mr. KLEIN of Florida, Ms. SUTTON, and Mr. KUCINICH.
H.R. 4925: Ms. ROYBAL-ALLARD.
H.R. 4926: Mr. BISHOP of New York and Mr. CASTLE.
H.R. 4952: Mr. MILLER of Florida and Mrs. McMORRIS RODGERS.
H.R. 4954: Ms. BALDWIN.
H.R. 4958: Mrs. LOWEY.
H.R. 4959: Mr. HOLT.
H.R. 4971: Mr. BERMAN, Mr. LARSON of Connecticut, Ms. LORETTA SANCHEZ of California, Mr. DINGELL, Ms. BERKLEY, Mr. CONNOLLY of Virginia, Mr. HIGGINS, Mr. CROWLEY, Mr. DAVIS of Tennessee, Mr. COHEN, Ms. MATSUI, Mr. BERRY, Mr. PALLONE, Ms. SCHAKOWSKY, Ms. BALDWIN, Ms. SHEA-PORTER, and Mr. SIREs.
H.R. 4972: Ms. ROS-LEHTINEN.
H.R. 4985: Mr. PRICE of Georgia and Mr. GARY G. MILLER of California.
H.R. 4986: Ms. LORETTA SANCHEZ of California and Mr. LAMBORN.
H.R. 4993: Mr. HEINRICH, Mr. THOMPSON of California, Mr. ROTHMAN of New Jersey, Mr. MILLER of North Carolina, Mr. PETERSON, Mr. MCMAHON, and Mr. CRITZ.
H.R. 5008: Mr. WALZ.
H.R. 5015: Mr. KILDEE.
H.R. 5016: Mr. ROGERS of Michigan.
H.R. 5033: Ms. WATERS.
H.R. 5034: Mr. HOLDEN.
H.R. 5037: Mr. KUCINICH.
H.R. 5040: Mr. LATHAM and Ms. SUTTON.
H.R. 5042: Ms. NORTON.
H.R. 5043: Mr. WATT, Mr. DELAHUNT, and Mr. STARK.
H.R. 5044: Mr. BLUMENAUER.
H.R. 5058: Mr. SCALISE, Ms. GRANGER, and Mr. KLEIN of Florida.
H.R. 5064: Ms. HERSETH SANDLIN.
H.R. 5065: Mr. TIAHRT, Mr. GOHMERT, and Mr. ALEXANDER.
H.R. 5081: Mr. HINOJOSA, Mr. MOLLOHAN, Mr. TIM MURPHY of Pennsylvania, and Mr. DENT.
H.R. 5107: Mr. LIPINSKI, Mr. COURTNEY, and Ms. SCHAKOWSKY.
H.R. 5117: Mr. HARE, Mr. MILLER of North Carolina, Mr. FRANK of Massachusetts, and Mr. DAVIS of Illinois.
H.R. 5124: Mr. KUCINICH.
H.R. 5137: Mr. LINCOLN DIAZ-BALART of Florida and Mr. MILLER of North Carolina.
H.R. 5141: Mr. HELLER, Mr. PERRIELLO, Mr. COLE, Mr. CRENSHAW, Mr. ROGERS of Alabama, Mr. SESSIONS, Mr. SHUSTER, Mr. RYAN of Wisconsin, Mr. ROHRABACHER, Mr. DREIER, Mr. HARPER, Mr. BRADY of Texas, Mr. KIRK, Mr. SULLIVAN, and Mr. REICHERT.
H.R. 5162: Mr. MCINTYRE, Mr. POMEROY, Mr. SULLIVAN, Mr. BROWN of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. PETERSON, Mr. CRENSHAW, Mr. LEE of New York, Mr. STEARNS, Ms. ROS-LEHTINEN, Mr. MATHESON, Mr. BROWN of South Carolina, and Mr. NYE.
H.R. 5207: Mr. PETERSON.
H.R. 5234: Mr. BISHOP of New York.
H.R. 5235: Mr. BISHOP of New York and Mr. LIPINSKI.
H.R. 5244: Mr. CLEAVER.
H.R. 5257: Mr. DUNCAN.
H.R. 5276: Mr. GARRETT of New Jersey.
H.R. 5285: Mr. DOYLE.
H.R. 5288: Mr. BACA.
H.R. 5291: Mr. WALZ.
H.R. 5238: Ms. SLAUGHTER.
H.R. 5351: Mr. YOUNG of Florida, Mr. KLINE of Minnesota, Mr. PRICE of Georgia, Mr. BLUNT, Mr. CALVERT, Mr. BUYER, and Mr. GARY G. MILLER of California.
H.R. 5355: Ms. NORTON.
H.R. 5393: Mr. THOMPSON of Mississippi.
H.R. 5409: Mr. NYE.
H.R. 5418: Ms. MOORE of Wisconsin.
H.R. 5421: Mr. GARY G. MILLER of California.
H.R. 5422: Mrs. LOWEY.
H.R. 5424: Mr. CASTLE.
H.R. 5426: Mr. DONNELLY of Indiana.
H.R. 5434: Mr. POLIS, Ms. HERSETH SANDLIN, and Mr. CAMPBELL.
H.R. 5440: Mr. CAPUANO.
H.R. 5447: Mr. FRANK of Massachusetts.
H.R. 5457: Mr. BOUCHER and Mr. ARCURI.
H.R. 5475: Ms. WOOLSEY.
H.R. 5476: Mr. MCCOTTER and Ms. SUTTON.
H.R. 5477: Mr. HEINRICH.
H.R. 5504: Ms. MATSUI and Mr. FILNER.
H.R. 5527: Mr. DRIEHAUS.
H.R. 5533: Mr. MILLER of North Carolina.
H.R. 5539: Mr. LEE of New York.
H.R. 5549: Ms. HERSETH SANDLIN.
H.R. 5554: Mr. TIBERI.
H.R. 5567: Mr. SCOTT of Virginia.
H.R. 5568: Mrs. DAHLKEMPER, Mr. WALZ, and Mrs. HALVORSON.
H.R. 5572: Mr. KLEIN of Florida.
H.R. 5575: Mr. MCGOVERN.
H.R. 5577: Ms. NORTON.
H.R. 5578: Ms. NORTON.
H.R. 5588: Mr. KILDEE and Mr. KUCINICH.
H.R. 5597: Mr. COHEN, Mr. BUTTERFIELD, Mr. ROTHMAN of New Jersey, and Ms. RICHARDSON.
H.R. 5599: Mr. HELLER.
H.R. 5600: Ms. BALDWIN and Mr. BARRETT of South Carolina.
H.R. 5625: Ms. BALDWIN.
H.R. 5627: Mr. MICA.
H.R. 5636: Ms. SUTTON.
H.R. 5643: Ms. LEE of California, Ms. ZOE LOFGREN of California, and Mr. ROTHMAN of New Jersey.
H.R. 5645: Mr. WALDEN.
H.R. 5652: Mr. BLUMENAUER.
H.R. 5671: Mr. RANGEL.
H.R. 5690: Mr. SCHOCK.
H.R. 5696: Mr. KAGEN.
H.R. 5718: Ms. ROYBAL-ALLARD.
H.R. 5726: Mr. TIERNEY and Mr. DRIEHAUS.
H.R. 5729: Mr. SNYDER and Ms. GRANGER.
H.R. 5737: Ms. BALDWIN.
H.R. 5743: Ms. KAPTUR.
H.R. 5746: Mr. MICHAUD, Mrs. DAVIS of California, Mr. RYAN of Ohio, Mr. HINCHEY, Mr. CLEAVER, and Mr. INSLEE.
H.R. 5753: Mr. SCOTT of Virginia.
H.R. 5766: Mrs. LOWEY and Ms. ROYBAL-ALLARD.
H.R. 5769: Mr. PASTOR of Arizona.
H.R. 5773: Mr. BARTLETT, Ms. EDWARDS of Maryland, Mr. SARBANES, Mr. VAN HOLLEN, Mr. KRATOVIL, Mr. LEVIN, and Mr. POMEROY.
H.R. 5778: Mr. LEE of New York, Mr. ROGERS of Michigan, and Mr. PETRI.
H.R. 5783: Mr. KUCINICH.
H.R. 5786: Mr. FRANK of Massachusetts.
H.R. 5787: Ms. SUTTON.
H.R. 5793: Mr. HEINRICH.
H.R. 5797: Mr. KIND, Mr. SMITH of Washington, Mr. INSLEE, Mr. McDERMOTT, Mr. CROWLEY, and Mr. CARNAHAN.
H.R. 5806: Mr. STARK, Ms. MATSUI, Ms. MOORE of Wisconsin, and Mr. SABLAN.
H.R. 5818: Mr. BROWN of South Carolina, Mr. GRAVES of Georgia, Mr. ISSA, Mr. PRICE of Georgia, Mr. GINGREY of Georgia, Mr. LAMBORN, Mr. GOHMERT, Mr. HALL of Texas, Mr. FRANKS of Arizona, Mr. BISHOP of Utah, Mr. PITTS, Mr. PENCE, Mr. HENSARLING, Mr. LATTA, Mr. BRADY of Texas, and Mr. BARTLETT.
H.R. 5840: Mr. COFFMAN of Colorado.
H.R. 5842: Mr. LUCAS.
H.R. 5843: Mr. SCOTT of Virginia.
H.R. 5853: Mr. GINGREY of Georgia, Mr. WESTMORELAND, and Mr. KLINE of Minnesota.
H.R. 5856: Mrs. HALVORSON.
H.R. 5858: Mr. BACA, Mr. COURTNEY, Ms. ROYBAL-ALLARD, and Mr. SABLAN.
H.R. 5861: Mrs. MALONEY and Mr. CAPUANO.
H.R. 5898: Ms. SUTTON and Mr. LIPINSKI.
H.R. 5899: Mr. SCHOCK and Mr. BROWN of Georgia.
H.R. 5902: Ms. MOORE of Wisconsin and Mr. KILDEE.
H.R. 5905: Mr. TONKO and Mr. KLEIN of Florida.
H.R. 5915: Mr. MARIO DIAZ-BALART of Florida.
H.R. 5917: Mr. PETERSON.
H.R. 5923: Mr. PITTS and Mr. KLINE of Minnesota.
H.R. 5926: Mr. KAGEN.
H.R. 5928: Ms. TITUS.
H.R. 5929: Mr. MARKEY of Massachusetts.
H.R. 5939: Ms. JENKINS, Mr. LEE of New York, Mr. REHBERG, Mr. GRAVES of Georgia, Mr. PAUL, and Mr. WILSON of Ohio.
H.R. 5940: Mr. JONES, Mr. COBLE, Mr. ROGERS of Alabama, and Mr. DAVIS of Alabama.
H.R. 5942: Mr. MEEKS of New York and Mr. RUSH.
H.R. 5954: Mr. DRIEHAUS.
H.R. 5956: Mr. CLAY.
H.R. 5967: Mr. ADLER of New Jersey, Ms. SCHAKOWSKY, Mr. ARCURI, Mr. KUCINICH, Ms. WATERS, Ms. ROYBAL-ALLARD, Mr. RANGEL, and Mr. MEEK of Florida.
H.R. 5971: Mr. LEWIS of Georgia, Mr. FATTAH, Ms. FUDGE, and Ms. NORTON.
H.R. 5972: Mr. LEE of New York, Mrs. MILLER of Michigan, and Mr. JONES.
H.R. 5973: Mr. BOUSTANY and Mr. MELANCON.
H.R. 5974: Ms. DEGETTE.
H.R. 5978: Mr. WITTMAN and Mrs. LOWEY.
H.R. 5980: Mr. FORBES.
H.J. Res. 78: Mrs. KIRKPATRICK of Arizona and Mrs. HALVORSON.
H.J. Res. 79: Mr. KINGSTON.
H. Con. Res. 198: Mr. PLATTS.
H. Con. Res. 259: Mr. GALLEGLY.
H. Con. Res. 274: Mr. BUCHANAN.
H. Con. Res. 281: Mr. HENSARLING.
H. Con. Res. 310: Ms. FALLIN, Mr. THORNBERRY, Mrs. McMORRIS RODGERS, Mr. SESSIONS, Mr. BUYER, Mr. HOEKSTRA, and Mr. FLEMING.
H. Res. 263: Mr. BISHOP of New York.
H. Res. 709: Mr. LEWIS of Georgia.
H. Res. 762: Mr. ISRAEL, Mr. MEEKS of New York, Mr. CROWLEY, Ms. NORTON, Ms. LINDA

T. SÁNCHEZ of California, and Mr. MORAN of Virginia.

H. Res. 849: Mr. GERLACH.

H. Res. 850: Mr. GERLACH.

H. Res. 899: Mr. GARAMENDI, Mr. OWENS, and Ms. BORDALLO.

H. Res. 1016: Mr. STARK and Mr. FILNER.

H. Res. 1019: Ms. SCHAKOWSKY.

H. Res. 1110: Mr. GARAMENDI.

H. Res. 1129: Mr. LUETKEMEYER.

H. Res. 1217: Mr. WITTMAN and Ms. FALLIN.

H. Res. 1264: Mr. BACHUS and Mr. BLUMENAUER.

H. Res. 1309: Mrs. LOWEY.

H. Res. 1314: Mrs. LOWEY.

H. Res. 1355: Mr. SMITH of New Jersey.

H. Res. 1431: Mr. AL GREEN of Texas, Mr. BRADY of Pennsylvania, Ms. SCHAKOWSKY, Mr. DICKS, Mr. SIREs, Mr. JOHNSON of Illinois, and Mr. GORDON of Tennessee.

H. Res. 1433: Mr. ROTHMAN of New Jersey, Ms. HARMAN, Mr. UPTON, Mr. DOYLE, Ms. BALDWIN, Mr. MARKEY of Massachusetts, Mr. SHIMKUS, Mrs. BLACKBURN, Mr. PITTS, Mrs. MYRICK, Mr. MACK, Mrs. BONO Mack, Mr. WALDEN, Mr. MATHESON, Mr. BARRETT of South Carolina, Mr. STEARNS, Mr. DUNCAN, Mr. HOLDEN, Mr. STUPAK, and Mr. GINGREY of Georgia.

H. Res. 1442: Mr. LIPINSKI, Mrs. McMORRIS RODGERS, and Mr. STEARNS.

H. Res. 1444: Mr. ENGEL, Mr. BUTTERFIELD, Mr. INSLEE, Mr. GRIJALVA, Ms. BALDWIN, Ms. LEE of California, Mr. MATHESON, Mr. ROSS, Ms. ESHOO, Mr. WAXMAN, and Mr. GINGREY of Georgia.

H. Res. 1445: Mr. NEUGEBAUER.

H. Res. 1454: Mr. KUCINICH.

H. Res. 1461: Mr. LANCE and Ms. RICHARDSON.

H. Res. 1485: Mr. SHERMAN, Mr. POSEY, and Mr. PRICE of North Carolina.

H. Res. 1488: Mr. BACHUS, Mr. PERLMUTTER, Mr. GONZALEZ, and Mr. WALDEN.

H. Res. 1494: Mr. CARDOZA, Mr. MCGOVERN, Ms. LINDA T. SÁNCHEZ of California, Mr. KUCINICH, Mr. BRALEY of Iowa, Ms. MATSUI, Mr. WEINER, Ms. NORTON, Mrs. MILLER of Michigan, and Mr. DOYLE.

H. Res. 1497: Mr. LANCE, Mr. LATTA, Mr. BURTON of Indiana, and Mrs. BACHMANN.

H. Res. 1501: Mrs. BLACKBURN, Mr. CALVERT, Mr. PENCE, Mrs. CHRISTENSEN, Mr. COLE, Mr. CONAWAY, Mr. BLUNT, Mr. LUETKEMEYER, Mr. ALEXANDER, Mr. GINGREY of Georgia, Mr. PETERSON, Mr. KENNEDY, Mr. INGLIS, Mr. DONNELLY of Indiana, Mr. ROGERS of Kentucky, Mr. LOEBBACH, Mr. GRAVES of Missouri, Mr. TAYLOR, Ms. GIFFORDS, Ms. CORRINE BROWN of Florida, Mr. POSEY, and Mr. LEE of New York.

H. Res. 1503: Mr. CASTLE, Mr. HOLDEN, and Ms. SHEA-PORTER.

H. Res. 1518: Ms. NORTON, Mr. POLIS, Ms. ROYBAL-ALLARD, Mr. SCHOCK, and Mr. KENNEDY.

H. Res. 1522: Mr. CAPUANO, Mr. SKELTON, Mr. OBERSTAR, Mrs. SCHMIDT, Mr. MCCOTTER, Mr. BILIRAKIS, Mrs. LOWEY, Mr. THOMPSON of California, Ms. MCCOLLUM, Mr. ARCURI, Ms. SCHAKOWSKY, Mr. ROTHMAN of New Jersey, Mr. ALEXANDER, Mr. BERMAN, Mr. DRIEHAUS, Mr. LIPINSKI, Mrs. NAPOLITANO, Mr. KIRK, Mr. RUPPERSBERGER, Mr. MANZULLO, Mr. EHLERS, Ms. SUTTON, Mr. COURTNEY, and Mr. JONES.

H. Res. 1524: Ms. ROYBAL-ALLARD.

H. Res. 1528: Mr. FILNER, Ms. LEE of California, Mrs. NAPOLITANO, and Ms. HARMAN.

H. Res. 1529: Mr. LEE of New York.

H. Res. 1532: Mr. CROWLEY, Mr. SIREs, Mr. NADLER of New York, and Ms. SCHWARTZ.

H. Res. 1535: Mr. GARAMENDI.

H. Res. 1536: Mr. HARPER, Mr. WILSON of South Carolina, Mr. CAO, Mr. BLUNT, Mr. SHUSTER, Mr. NEUGEBAUER, Mr. PETERSON, Mr. POSEY, Mr. LUETKEMEYER, Mr. SCHOCK, Mr. PLATTS, Mr. TERRY, Mrs. LUMMIS, Mr.

KILDEE, Mr. NUNES, Mr. HENSARLING, Mr. ROE of Tennessee, Mr. ROONEY, Mr. DJOU, Mr. GUTHRIE, Mr. GOHMERT, Mr. COFFMAN of Colorado, Mr. AUSTRIA, Mr. BURTON of Indiana, Mr. LANCE, Mr. CASSIDY, Mr. HUNTER, Mr. LEE of New York, Mr. EHLERS, Ms. JENKINS, Mr. DOYLE, Ms. LORETTA SANCHEZ of California, Mr. KANJORSKI, and Mr. COLE.

H. Res. 1540: Mr. WALDEN.

H. Res. 1546: Ms. ESHOO.

H. Res. 1554: Mr. REICHERT and Mr. RUPPERSBERGER.

H. Res. 1570: Mr. WITTMAN.

H. Res. 1572: Mr. ROYCE and Ms. LORETTA SANCHEZ of California.

H. Res. 1578: Mr. WAMP.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5081: Mr. CARTER.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 11 by Mr. KING of Iowa on H.R. 4972: Thomas E. Petri, Doc Hastings, Don Young, Ginny Brown-Waite, Patrick J. Tiberi, Mike Rogers of Michigan, Joe Barton, Adam H. Putnam, Dave Camp, Steven C. Latourette, Dean Heller, Peter T. King, Mario Diaz-Balart, Lincoln Diaz-Balart, Ileana Ros-Lehtinen, Tim Murphy, and Charles W. Dent.

EXTENSIONS OF REMARKS

RECOGNIZING FRIENDSHIP MISSIONARY BAPTIST CHURCH'S 50TH ANNIVERSARY OF SERVICE TO THE PONTIAC COMMUNITY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. PETERS. Madam Speaker, I rise today to recognize the Friendship Missionary Baptist Church on the occasion of its 50th Anniversary of service to the Pontiac community. As a Member of Congress, it is my privilege to honor the Church, its leadership and its congregation on achieving this most impressive milestone.

Friendship Missionary Baptist Church began its service to the community as a house of fellowship, joining the community together to affirm the goodness of spirituality under the vision of Reverend Alvin Hawkins, the Church's first Pastor. Under Rev. Hawkins' leadership, the congregation of Friendship flourished, creating a Sunday School, nurses' guild, and a music ministry. Furthermore, to forever enshrine and guide them in their greater service to the community, the congregation adopted a covenant and the Articles of Faith.

After seven years of service to the community through piety, charity and faith, Rev. Hawkins was called to a new journey, and leadership of the Church was entrusted to Rev. Eddie McDonald. Rev. McDonald, another man of vision and action, guided Friendship in its spiritual journey, creating an outreach ministry and a young women's group. During the prosperity of Rev. McDonald's strong stewardship, the Church paid off the mortgage on its first home on Williams Street and expanded its congregation, eventually seeking a larger space on Michigan Street, its current home.

It was with great sadness that the congregation of Friendship Baptist Church said farewell to Rev. McDonald after 32 years, but with hope for the future, they welcomed in Rev. William Dulaney. Rev. Dulaney has continued upon the steadfast and strong leadership of his predecessors and established the Learning Lab and youth department to further expand the service of the Church to the community. Under his leadership, the congregation of Friendship continues to grow strong.

Madam Speaker, I ask my colleagues to join me, and the congregation of Friendship Missionary Baptist Church in celebrating their 50th Anniversary of fellowship in spirituality and service. I wish the congregants and leadership of Friendship Missionary Baptist Church many more years of prosperity to come.

HONORING THE MILITARY SERVICE OF LANCE CORPORAL ANTHONY ROBERTSON

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LIPINSKI. Madam Speaker, I rise today to honor Lance Corporal Anthony Robertson of the United States Marine Corps.

Lance Corporal Robertson grew up in Justice, Illinois and currently lives in neighboring Willow Springs. After joining the Marines, he was deployed to Afghanistan. While there, he was severely injured by a roadside bomb. It was an honor to personally congratulate and thank Lance Corporal Robertson, and his wife, Sheri Robertson for his brave service when we met on July 26th at a welcome home celebration conducted by the Village of Justice. His sacrifice will rightfully be honored with a Purple Heart—our Nation's oldest actively used military medal.

It is a privilege to welcome home to his family and community someone who has given so much. As Lance Corporal Robertson prepares to enter the ranks of almost 600,000 living veterans who have received the Purple Heart Medal, I ask you to join me in honoring his service, and the work of all men and women in uniform who have shed blood in the service of our country.

HONORING MR. ALVARO BOTERO

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, this week Colombia celebrates 200 years as a sovereign nation. As we congratulate our democratic ally and friend on its Bicentennial, it is fitting that we also honor some of Colombia's finest, and among them, is Alvaro Botero.

Alvaro is a respected journalist, author and writer. He is a strong advocate for freedom of the press. He knows that many around the world are censored and prohibited from speaking the truth, so he values his ability to write and report in a free and democratic society. Alvaro is committed to keeping the connection between his native Colombia and his home of 23 years, South Florida. He works hard to ensure that the Colombian American community in the United States is informed and in tune with what is happening in Colombia, South Florida and around the world.

For more than 16 years, Alvaro has published "El Notiloco de Botero" a satirical news magazine and in recent years launched a corresponding news site. He started his career in

Colombia studying journalism and public relations. His work has appeared in publications throughout Latin America and the United States and he has published several books, earning recognitions at the Feria Internacional de Libro, International Book Fair. Alvaro has served as a correspondent for Colombian news network RCN, RCN Radio and RCN Miami, and was instrumental in the creation of Radio Caracol, South Florida's Colombian Radio Station, with daily programming in the United States and Colombia.

Alvaro works to promote democracy and speak out for those who cannot express themselves freely as he can, and he continues to humor us each day through his writing. After 23 years of living in Miami, he is still as passionate about his native Colombia as he is about his home, the United States.

I ask that you join me in honoring Alvaro Botero, a fine journalist, friend and the voice of South Florida's Colombian American community.

HONORING MACCULLOCH HALL

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor Macculloch Hall, in Morristown, New Jersey, which is celebrating its 200th anniversary, as well as the 60th anniversary of the Macculloch Hall Historical Museum.

The cornerstone of Morristown's National Historic District, Macculloch Hall Historical Museum preserves the history of the Macculloch-Miller families and the Morris area, and the legacy of its founder, the Honorable W. Parsons Todd through its historic site, collections, exhibits, educational and cultural programs.

George Macculloch emigrated with his family to America from London and in 1810 built the Federal-style brick mansion in Morristown. Macculloch is best known as the "father" of the Morris Canal, an international engineering marvel. Mrs. Macculloch was instrumental in establishing St. Peter's Episcopal Church and the Female Charitable Society, today Family Service of Morris County. The family and their descendants influenced education, economics, politics and culture.

In 1949, Morristown philanthropist and former mayor, W. Parsons Todd, purchased and restored Macculloch Hall to house his collections of American and English decorative and fine arts as well as a major collection of original works by Thomas Nast, America's leading 19th century political cartoonist. Nast once lived across the avenue and created the Republican Elephant, the Democratic Donkey, and popularized America's image of Santa Claus.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

With the Morristown Garden Club, Todd restored Macculloch Hall's gardens—the oldest in Morris County. Three acres of original plantings and landscape features include more than 40 varieties of heirloom roses; the first documented tomato grown in New Jersey is said to have been grown here. The garden is a popular retreat and is open to the public from dusk to dawn.

Through the efforts of its Trustees, staff, members and volunteers, Macculloch Hall Historical Museum continues to serve thousands of annual visitors from the greater Morristown, New Jersey community and throughout the United States, who come to the site to enjoy the beauty and history portrayed by its collections, engage with compelling political history in the works of Thomas Nast, and experience the tranquility of the historic gardens.

Madam Speaker, I ask you and my colleagues to join me in congratulating Macculloch Hall as they celebrate these milestones.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. EHLERS. Madam Speaker, on rollcall Nos. 480, 481, and 482, I was absent due to a commitment to speak to a large group in the Cannon Caucus Room, and could not leave them in mid-meeting.

Had I been present, I would have voted 480: "yes"; 481: "no"; 482: "yes."

SUPPORTING OF JUNIPERO SERRA HIGH SCHOOL

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Ms. WATERS. Madam Speaker, I rise today to celebrate the accomplishments of Junipero Serra High School which is located in Gardena, California in my district. Serra High has become the first in California state history to win a state football championship and a state basketball championship in the same school year. Even more remarkable and more important is the fact that for three years running, 100% of Serra High School's graduating seniors were accepted to college.

Junipero Serra High School is operated by the Department of Catholic Schools of the Archdiocese of Los Angeles. Serra High School was founded in 1950 and graduated its first class in 1953. Over the years, the school has played a very important role in the life of the community, graduating over six thousand students in the South Bay area.

Serra's recent achievements add immensely to its already strong legacy. In December, the Cavaliers became the California Interscholastic Federation's Division III state champions in football with a victory that was "as much a triumph of athletic skill as one of perseverance from year to year and play to play,"

as local newspaper the Daily Breeze stated. Against Marin Catholic High School, the Cavaliers won 24–20, establishing themselves as a dominant force in the very competitive California high school football climate.

In March, Serra High School captured the Division III basketball championship with a 63–59 overtime victory over Oakland's Bishop O'Dowd completing the historic double victory. Not Santa Ana's Mater Dei, not Concord's De La Salle, not Los Angeles' Crenshaw High, not Long Beach Poly—no athletic powerhouse, private or public in California, had completed such a feat until Serra High did it. At the end of the 2009–10 school year, Serra's athletic program was rated by ESPN as the fourth best all-around high school athletic program in the USA and the number one program in California. I also understand the Cavalier Track team came within two points of being state champions and that the Girls Basketball and Track teams have also excelled.

I congratulate President Erick Rubalcava, Principal Michael Wagner, Athletic Director Ted Dunlap, Head Football Coach Scott Altenberg, Head Basketball Coach Dwan Hurt, their assistant coaches, the entire school staff and all of the amazing faculty and students at Serra for their excellence both in academics and athletics.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. NEUGEBAUER. Madam Speaker, I was detained from votes due to a meeting on July 28, 2010. Had I been present, I would have voted as follows: rollcall 477, "nay" rollcall 478; "yea" rollcall 479, "yea."

HONORING MR. RICARDO TRIBIN

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, this week Colombia celebrates 200 years as a sovereign nation. As we congratulate our democratic ally and friend on its Bicentennial, it is fitting that we also honor some of Colombia's finest, and among them is Ricardo Tribin.

As former President of the Colombian American Chamber of Commerce and current Board Member, Ricardo continues to be a leader for small businesses in South Florida. He has created opportunities for Colombian Americans to become successful business men and women, immerse themselves in the world of trade and commerce, and expand their businesses. As a consultant and businessman himself, Ricardo has been able to use his knowledge and experience to help others, and does so with humility and professionalism. He has successfully authored and published a number of self-help books in the United States and Colombia, encouraging oth-

ers to move past life's most difficult challenges and find strength to achieve success in both personal and professional settings.

Ricardo is also fully engaged in ensuring that the needs of his community are met and actively participates in the democratic process. He understands the need for a Free Trade Agreement between the United States and Colombia and the positive impact it would have on the South Florida economy by creating jobs. As such, he has been a leading voice in urging passage of the deal. Ricardo is also a firm believer in the principles of liberty and freedom and works to ensure that his native Colombia continues to be Latin America's leading democracy.

I ask that you join me in honoring and thanking my good friend Ricardo Tribin for his hard work, service and dedication to free enterprise, empowering others, and seeing his community flourish.

RECOGNIZING THOMAS G. DENOMME

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. PETERS. Madam Speaker, I ask my colleagues to join me in recognizing Mr. Thomas Denomme, the 2010 recipient of the Community Service Award given by the Birmingham Community House, located in Birmingham, Michigan. Since it was established in 1923, the Birmingham Community House has been a community institution and hub of civic life in our area.

Mr. Denomme's recognition is well-deserved. His personal and professional accomplishments and contributions have made the Birmingham community, and indeed, Southeast Michigan, a better place to live, raise our children and do business.

Mr. Denomme's career began in southeast Michigan after obtaining his marketing degree from the University of Detroit in 1961. He embarked on a career in the automotive world at Ford Motor Company and spent 20 years there before moving to the Chrysler Corporation in 1980. He was a leader at Chrysler, serving as a Vice-Chairman and the Chief Administrative Officer during the 1990s.

While working in a key industry in Michigan, Tom remained committed to civic activism in a variety of arenas. He served his alma mater, the University of Detroit, as a tireless advocate and by serving on its Board of Trustees for a number of years. He lent his time, energy and expertise to a number of major community efforts and organizations including the Michigan Thanksgiving Parade Foundation, the Michigan Gaming Commission, the Detroit Investment Fund, and the Congressional Economic Leadership Initiative.

Currently, Mr. Denomme serves as Chairman of the Board for William Beaumont Hospital, a nationally renowned and respected health institution that is centered in my Congressional District. His service to that institution and the surrounding community was recognized recently when he received the Michigan Health and Hospital Association Keystone

Center for Patient Safety and Quality Leadership Award.

Madam Speaker, I am honored today to recognize Thomas Denomme for his years of service to the people and institutions of Birmingham, Michigan and all of Southeast Michigan. We live in a better community due to his selfless commitment to civic service and he serves as an example to us all. I thank the Birmingham Community House for honoring Mr. Tom Denomme this year with its 2010 Community Service Award.

HONORING DR. JOYCE HEDLUND,
PHD

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Joyce Hedlund.

The former president of Eastern Maine Community College in Bangor, Joyce is now the president of Washington County Community College in Calais.

A native of Fort Kent, Joyce has dedicated herself to education for the past 36 years, having started her career in higher education administration at the University of Maine at Fort Kent, then at the University of Maine, Husson University, and finally at Eastern Maine Community College in 1987 as president for sixteen years. Joyce has been credited as a visionary leader and an integral member of her community. She is a member of the Maine Higher Education Council, the state committee for Employer Support of the Guard and Reserve, Secretary/Treasurer for the Maine Compact for Higher Education, a member of the College Board's New England Community College Advisory Committee, a Commissioner on the ACE Commission on Lifelong Learning and board member for Eastern Maine Healthcare Systems and the Eastern Maine Development Corporation.

An accomplished academic, Joyce holds a PhD from the University of Maine, where she also received her master's and bachelor's degrees in personnel services and counselor education. She is a graduate of the Delta Class of Leadership Maine and is the recipient of the 1998 Kenneth M. Curtis Leadership Award, granted by the Alumni of Leadership Maine.

Joyce is recognized as one of New England's most outstanding college leaders; I am confident she will continue her track record of excellence in her new role with the Washington County community college system. Joyce has left a lasting mark on Eastern Maine Community College and surrounding areas. On behalf of the people of Maine, it is with pride that I congratulate Joyce for her excellent work; I would also like to offer my continued support and best wishes.

Madam Speaker, please join me in honoring Dr. Joyce Hedlund for her continued commitment to the education of Maine's students.

STRIDE, STRIDE BY STRIDE: SGT KENDRA COLEMAN, 173RD SPECIAL TROOPS BATTALION, AIRBORNE, THE UNITED STATES ARMY

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. MARSHALL. Madam Speaker, I rise today to honor one of Georgia's finest! On May 11, 2010 in Charkh Afghanistan, an American Hero named Sergeant Kendra Coleman of The 173rd Special Troops Battalion Airborne, United States Army almost lost her life in an IED explosion. Clinging to life, and losing her leg she had a choice to make, give up or get up! She chose to get up and begin her run to recovery! In just a few short months she traveled so far and so fast in her recovery. The strides she has made, have taught us all so much, and will continue to bless us all. She is a shining example of the type of women and men who serve our Nation in The United States Armed Forces, and their families quiet courage who help them to recover. Kendra and her husband Brandon, are rebuilding their life at record pace, and they make us all proud to be Americans. I ask that this poem penned in honor of them by Albert Caswell be placed in the RECORD.

STRIDE, STRIDE BY STRIDE

Stride,
Stride by Stride!
Step, Step by Step!
All within a fine heart resides. . . .
All in what, a heart of honor so exceeds. . . .
So exceeds, so deep down inside!
This gift from God!
That which so brings tears, to even the Angel's eyes. . . .
Our Nation blesses, with all of your most selfless sacrifice so yes this. . . .
As yes you Kendra, are but where courage lies. . . . where Courage Crest's!
A Hero who goes off to war. . . .
All for our God and Country Tis of Thee, as was your burden bore!
When, all in the midst of most evil war. . . .
A hero lies bleeding, clinging to life. . . . As Such Strength In Honor. . . .
Faith In Heart's, she is so needing!
As when you looked down, and saw what this war had found!
As when, your most courageous heart began to pound. . . .
With only one leg now!
As you hit the ground running, for nothing was going to hold you down!
Wiping those tears from your most beautiful eyes, and as you began to stride!
Step by Step! Stride by Stride, as defeat you would not except! RISE!
Going The Distance, When Courage Crests!
To Teach Us! To So Beseech Us! To All Hearts, To So Reach Us!
Running To Recovery, upon wings of courage you now so glide!
Because, your Army Strong! Because, The Title Hero. . . . upon you so belongs!
Mothers! Fathers! Teach your daughters about this great American Love Song!
And The Steps We Take, The Strides We Must Make! All to live a great life!
Kendra, at such a great pace. . . . your fine heart so runs this night!
Oh how you Shine, 'Oh how you bring your light!

In life, What Steps do take?
What strides must we so make?
To Heaven rise!
Hooah! Kendra. . . .
Oh how you touch our hearts inside!
With each new Stride!
Stride By Stride!

HERO DAJA WANGCHUK MESTON

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. WOLF. Madam Speaker, I want to share with our colleagues the untimely passing of a brave and heroic man who made the cause of fighting for the people of Tibet his life's calling.

Daja Wangchuk Meston served as my guide when I traveled to Tibet in 1997. Accompanied only by my late chief of staff Charlie White and Daja, I was at the time just the second sitting member of the U. S. House of Representatives to visit Tibet since the Chinese occupation began in 1959. We traveled with U.S. passports and on tourist visas issued by the government of China. At no time did anyone ask nor did I make known that I was a member of Congress. Had I done so, I am sure that my visit would not have been approved, just as other members of Congress requesting permission to visit Tibet have been turned down.

I couldn't have made the trip without Daja. He knew the Tibetan people and their struggles against iron-fisted Chinese rule. He opened the doors for my meetings with persecuted monks, men and women on the street and others who risked their personal safety and well-being to steal a few moments alone with me to reveal the unspeakable conditions in Tibet and to petition help and support from the West. He later paid the price for his heroism when he returned to Tibet to investigate the Chinese government's population resettlement program underwritten by the World Bank. He was subsequently captured, tortured and imprisoned by Chinese authorities, and badly injured when he tried to escape by jumping from a window. He endured a harrowing experience before his release.

In our search for modern-day heroes, Daja Wangchuk Meston is a true hero. I am thankful that I had the opportunity to know him. I submit for the RECORD a moving account of Daja's life written by Linda Anna Mancini, coordinator of the Boston Tibet Network, who worked closely with Daja. The Boston Tibet Network links various Tibetan support groups, local individuals, national and international organizations, and the Tibetan Association of Boston.

Daja Wangchuk Meston was beautiful in his modesty, strength and honesty. Powerful in his choices. This hero would not be called by that title when he was with us, but now that he has left us, I feel compelled to name him the hero that he was. Brave in the face of danger, with strength above tragedy, Wangchuk was a hero. It was my honor to know him. Such a beautiful man.

With so much sadness at his death, I look at his brave life for comfort. While remembering his work, I can treasure his dignity and all that he achieved. May the memory of

his beauty and achievements sustain his family and all who loved him and cherish him still.

Certainly His Holiness the Dalai Lama is the most significant treasure to Tibetans and Tibet supporters. He is a great leader. And, as he knows, the actions of many others also shed a light—Wangchuk was one, a bright light. We are all indebted to him. The moment of his capture in Amdo in 1999 galvanized the Tibetan struggle into the unified grass roots movement that has held strong since that time.

The Tibetan issue in itself is truly an ocean of suffering. Each person's story is distinctive, whether born in Tibet, or India, or the states—or, in Wangchuk's case, an American raised as a Tibetan. Wangchuk was born in Switzerland, child of Americans who traveled to Nepal where his mother placed him with a Tibetan family and later, when he was 6, into the monastery. His mother lived as a nun in India, while his father returned to California burdened with great personal challenges. At 17 Wangchuk left the monastery and came to the states. After a few years, he attended Brandeis. How valiant he was when he first arrived, young teenager alone, wearing jeans, not maroon robes. Looking for his birth family, an education and his American self. He found his dear wife—they understood too well both tragedy and exile. They courageously trusted each other, shared love and pain and family, and the struggle for human rights in Tibet.

It was the spring of 1999 when I met Wangchuk. He was impressive, knowledgeable. We were just a group of people interested in Tibet who gathered to share ideas. We formed an alliance, the Boston Tibet Network (BTN) to share information and be able to act on it. Present were Tibetan Buddhists, folks from Amnesty, a scholar archivist of Tibetan Buddhist texts, a Harvard professor, those interested in Tibet, in Buddhism, in social justice. All concerned about the well being of Tibetans in Tibet and those in exile, about human rights and non-violent action. The network still exists, we now know each other well and continue to work toward the same goals.

A few months after our first meetings, Wangchuk went to Tibet. He went in August to investigate, see what was happening to the nomads in Amdo at the hands of the Chinese. He was outstandingly brave to do this. He knew there was danger. The Tibetan movement had learned that the World Bank, contrary to their own mandate, had financed Chinese population resettlement. Tibet supporters worldwide protested loudly with marches and more. Bowing to international pressure, the Chinese government said all were welcome to visit and explore their nomad resettlement project which they claimed was beneficial; yet the pattern was set—the Chinese were perpetually hard about all things Tibetan. Wangchuk was one of those who decided to take them at their word and go and see their project.

Once there Wangchuk was quickly captured by the Chinese, questioned and tortured. Despairing of ever being released, he jumped from a window trying to escape. He was seriously injured and held in a nearby hospital by the Chinese.

For BTN our first group action was to announce the terrible news that Wangchuk was imprisoned. We begged the Chinese government to release him and lobbied our own government to assist in freeing him. The Chinese made his release difficult, so Wangchuk's wife Phuntsok and their friend, Carl, went to China to get him. A harrowing

experience but finally they returned to the states and he was admitted to Brigham and Womens' Hospital for a long stay.

August of 1999, Wangchuk's imprisonment, his subsequent injuries and release, world protests—all this was a pivotal moment for the Tibetan movement. The World Bank relented to demands and stopped the funding to the Chinese for nomad resettlement in Amdo. The Tibetan movement was energized and Tibet supporters became a strongly united grass roots movement that has continued to grow powerful all these years since.

Wangchuk was heroic to go to Amdo. He was brave when he endured the endless surgeries needed to rebuild his shattered feet. He was generous to write his autobiography "Comes the Peace" and share his personal life, thoughts and feelings. He was happy with his wife and their boutique "Karma" where they shared workdays and he told stories to friends and shoppers, and enjoyed his Newton Center community.

Yes, it hurts that he is not with us anymore, and that he chose to leave us. But I am so grateful to have known Wangchuk, he was a hero. Such an honest man, he took my breath away. He is remembered well.

PERSONAL EXPLANATION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 2010

Mr. LEWIS of Georgia. Madam Speaker, on July 28, 2010 I was unable to cast rollcall votes 476 through 482. Had I been here I would have cast the following votes: on rollcall No. 476, I would have voted "yes"; on rollcall No. 477, I would have voted "yes"; on rollcall No. 478, I would have voted "yes"; on rollcall No. 479, I would have voted "no"; on rollcall No. 480, I would have voted "no"; on rollcall No. 481, I would have voted "no"; on rollcall No. 482, I would have voted "yes."

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. AKIN. Madam Speaker, on July 29, 2010, I was absent from the House and missed rollcall votes 491, 492, 493, 494, 495, 496, 497, 498, and 499.

Had I been present, I would have voted "no" on rollcall No. 491, "yes" on rollcall No. 492, "yes" on rollcall No. 493, "yes" on rollcall No. 494, "yes" on rollcall No. 495, "yes" on rollcall No. 496, "yes" on rollcall No. 497, "yes" on rollcall No. 498, and "no" on rollcall No. 499.

RECOGNIZING THE SALEM UNITED CHURCH OF CHRIST

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SHIMKUS. Madam Speaker, I rise today to honor the Salem United Church of Christ in

Alhambra, Illinois for their 150th Anniversary of ministry.

The origins of the church date back to 1860 when German immigrants settled in and around Alhambra and formed a congregation with a small church that was without a tower or steeple. In 1877, the congregation decided to build a new Gothic style church. The congregation has since added a parish hall for a gathering place for young and old alike for many activities. Since they built their first church with timbers cut in a steam-powered mill, the members of the Salem United Church of Christ have been diligent in care of their sanctuary.

While the congregation takes pride in their sanctuary and other buildings, it is not the property, but the worship and all the activities of the congregation that are the heart of the church. This anniversary is the celebration of 150 years of steadfast worship where there have been 2,189 Baptisms, 1,640 Confirmations, 690 Marriages and 1,514 Funerals recorded since 1860.

Descendents of families who first organized the church are among those who continue to welcome new members to worship. Together all the members of the Salem United Church of Christ honor the past as well as look to the future of their church.

TRIBUTE TO U.S. ARMY SPC. 1ST CLASS DAMON SHONTELL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. BONNER. Madam Speaker, I rise in solemn tribute to the memory of a patriotic young man from South Alabama who recently passed away while honorably serving our Nation.

On July 5, 2010, U.S. Army Spc. 1st Class Damon Shontell, age 22 of Grand Bay, Alabama, died at Fort Jackson, South Carolina.

A graduate of Alma Bryant High School in Irvington, Alabama, Spc. Shontell joined the Army after receiving his diploma. He was known for his deep and abiding patriotism and his determination to serve his country. He planned to pursue a degree in engineering upon completion of his military service.

After entering the Army, Damon attended Military Police Training at Fort Leonard Wood, Missouri in June 2006. After completion of his training, he was transferred to Fort Hood, Texas, where he was stationed with the 64th Military Police Company. In May 2007, Spc. Shontell deployed with the 64th MP Company to Iraq where he bravely defended his comrades in gun battles with the enemy. In July 2008, he returned to Fort Hood for another 12 months before transferring to the 17th Military Police Detachment at Fort Jackson in July 2009. He continued to serve at Fort Jackson as a Military Policeman, and was awarded the Army Commendation Medal (1 OLC), Army Achievement Medal, Overseas Service Ribbon, Global War on Terrorism Medal, National Defense Service Medal, and the Iraq Campaign Medal.

He was a devoted soldier who witnessed the hardship and sacrifice of war, but he never faltered in his dedication to duty.

Madam Speaker, we owe so much to those who wear the uniform of our country and put themselves in harm's way to ensure our safety and security.

Even more than the loss of a hero, there is no greater loss than the loss of a child. Spc. Damon Shontell's father, David, personally wrote me a touching letter about the tremendous void that has been created in his life through the passing of his only child, who was also his best friend.

Mr. Shontell also asked me to express his gratitude to those personnel at Fort Jackson who treated him with "love, respect, trust and brotherhood" and who so honored his son. In keeping with his request, I bring to the attention of the U.S. House those officers who deserve special recognition for their compassion: Sgt. Terry Horn, Sgt. Kevin Lasonde, Sgt. William Crews, Sgt. David Beaton, Sgt. Stacy Case, Cpt. Tara Mahoney, Col. James Love, Sgt. Ken Lucas; and, at Fort Rucker, Alabama, Sgt. Michelle Flores.

Madam Speaker, on behalf of the people of Alabama, I wish to extend my heartfelt condolences to Spc. 1st Class Shontell's father, David, and his family and friends for their profound personal loss. We all mourn the passing of this very special young man who was taken away from all of us in the prime of his youth. Damon Shontell loved his father, his country, and his God. He will never be forgotten. May he rest in peace.

WOMEN OF THE MUSIC CITY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mrs. BLACKBURN. Madam Speaker, I rise today to mark the accomplishments of the women of Music City. "Let's Hear It For The Girls," the 2010 Source Awards, celebrates the women who helped found the Nashville music industry. Celia Froehlig, Carol Phillips, Sherytha Scaife, Elizabeth Thiels, Ruth Bland White and Jo Walker Meador Lifetime Achievement Award recipient Frances Williams Preston will be honored at the 8th annual event. "In the long run, you make your own luck—good, bad, or indifferent." Loretta Lynn's words many triumphs ago speak still for the women of today's victories who blaze the musical trail of their own luck.

Nashville's music industry has a dazzled history of women pioneers. Mother Maybelle Carter created the Carter scratch. Kitty Wells was the first female artist to have her own LP. Patsy Cline paved the way for women to sell records as well as men. And Loretta Lynn was the first woman in country music to have 50 Top 10 hits. Paving the way for Dolly Parton's songwriting strengths, Tammy Wynette's sultry vocals, and Reba McEntire's awarded success, the women on whose shoulders today's stars stand are a present part of Nashville's legacy.

The call of women to the varying notes of the music industry is just as strong today as when Sarah "Minnie Pearl" Cannon first graced the Grand Old Opry in 1942. Women have come a long way in the music business,

and Nashville continues to celebrate their success in paving the way for tomorrow's high notes. Founded in 1991, Source began the work to unify women executives and professionals that work and succeed in all facets of Nashville's music industry.

With backgrounds as singers, songwriters, pianists, producers, publishers, mothers, wives, sisters, and performers, the honored at the 2010 Source Awards are tied together by the love of music and the stories Nashville tells in the notes she plays. I ask my colleagues to join me in celebrating the accomplishments, vision, and success of the women of Nashville's music industry.

HONORING THE CITY OF FEDERAL WAY, WASHINGTON FOR HOSTING THE 2012 U.S. OLYMPIC DIVING TRIALS

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor the City of Federal Way, Washington for being selected to host the 2012 U.S. Olympic Diving Trials.

It was recently announced that the USA Diving and the United States Olympic Committee selected Federal Way to hold the 2012 U.S. Olympic Diving Trials. This prestigious event will be made possible through the partnership with the Seattle Sports Commission, the City of Federal Way, and King County Parks and Recreation with USA Diving and the United States Olympic Committee. Federal Way also hosted the diving trials in 2000, in advance of the Summer Olympic Games held in Sydney, Australia.

The 2012 U.S. Olympic Diving Trials will highlight our country's 100 best divers as they compete to advance to the 2012 Summer Olympic Games in London, England. Taking place from June 18 to 24, 2012, the trials will be broadcast by NBC from the Weyerhaeuser King County Athletic Center, a world-class facility that was first constructed for the swimming and diving events of the 1990 Goodwill Games and hosts more than 50 competitions annually.

In addition to bringing many of our nation's top athletes together in preparation for the 2012 Summer Games, the Diving Trials are also expected to bring increased tourism to the region and will spotlight the City of Federal Way and the greater Puget Sound Region. In total, USA Diving expects the U.S. Olympic Diving Trials to have an economic impact of \$3.5 million on the Federal Way area.

Madam Speaker, please join me in congratulating the City of Federal Way, Washington on this impressive opportunity, and to wish our athletes the best as they prepare for this competition.

IN TRIBUTE TO THE BREEZY POINT COOPERATIVE CELEBRATING THEIR 50TH ANNIVERSARY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. WEINER. Madam Speaker, I rise to recognize the Breezy Point Cooperative for 50 years of service to the Breezy Point, Roxbury and Rockaway Point communities, which are located on the Rockaway peninsula in Queens, New York, the most populous barrier island in the country.

Though these beachside communities were founded in the late 19th century, it wasn't until 1960 that residents banded together to save the peninsula from being sold out to developers. On November 17 of that year, the Breezy Point Cooperative was organized and a few months later purchased the land that currently comprises Breezy Point. Members of the community sometimes refer to it as "Cois Farraige", Gaelic for "By the Sea."

The Cooperative fought tirelessly with and alongside the federal government and the National Park Service to preserve the breathtaking and resplendent scenes of nature that surrounded the area, and the Gateway National Recreation area was developed around Breezy Point, where Gateway continues to be one of the greatest treasures Queens County has to offer.

There are several civic groups in Breezy that also deserve recognition at the time of this anniversary. The Roxbury People's Association, headed by Katherine Sebale, the Point Breeze Association, headed by Christopher Stokes, and the Rockaway Point Association, headed by Tom MacLellan, are all organizations that work tirelessly to better their community and strengthen the heart and soul of Breezy Point.

The story of the Breezy Point Cooperative is a story of a community that relies on the strength of its leaders and citizens, and I would like to memorialize this great milestone of 50 years of service and dedication to bettering the community and its neighbors. I wish the residents of Breezy, as well as the General Manager of the cooperative, Arthur Lighthall, the other members of the cooperative's management Denise Neibel, Patricia Kirby, Dennis Dier, Edward Ammirati, and the Board of Directors of the cooperative, Joseph Lynch, Kerry Schreiner-Cardaio, Barney Cassidy, George Donley, Brendan Gallagher, Martin Ingram, Joseph Kerrigan, Robert Pierson, Matthew Regan, Arthur J. Smith, Thomas Sullivan, Donatina Trotter, John Tully, Thomas Wipf and Robert Lee, congratulations on this important milestone and wish them many happy returns on this happy occasion.

TRIBUTE TO MARION STRICKLER
ADAMS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. BONNER. Madam Speaker, I rise to honor the memory of a much beloved Mobile businessman and friend, Mr. Marion Strickler Adams Jr., who passed away at age 78 on July 26, 2010, after a courageous battle against lung cancer.

Ma'on, as he was known by his family and many friends, exemplified honor and leadership throughout his endless accomplishments and in everyday life.

While studying at Vanderbilt University, his future leadership skills became apparent with his role as commander of "A" Company in the Naval Reserve.

After graduating Cum Laude, he was commissioned in the United States Navy as an Ensign and served on active duty for two years. He continued as an active member of the Naval Reserve for several years following his discharge, attaining the rank of full lieutenant, along with being a member of the Mobile Council of the Navy League.

Ma'on joined his father's family owned business, Mobile Glass Company, where he served as president until his retirement.

An active member of the community, he was a Rotary Club Paul Harris Fellow and a member of numerous civic and mystic societies.

As a lifelong, faithful member of Government Street Presbyterian Church, Ma'on served in numerous leadership roles on both local church levels and in Presbytery and General Assembly capacities. His faith was the foundation of his life.

His love for family and the outdoors was nurtured during countless summers at Point Clear, and later on at his beloved Mount Pleasant where he enjoyed fishing, hunting, and being surrounded by his adoring children and grandchildren.

A friend to everyone and a devoted family man, he brought great joy to his loved ones.

Ma'on was deeply loved by his wife of 50 years, Ann Greer Adams, his three children, Marion S. Adams III, Sumner Greer Adams, and Monnie Adams Caine, as well as his eight loving grandchildren, Strickler IV, Glenn, Robin, Sumner, Laura, Winston, Marion, and Elliott. He also leaves behind a sister, many nieces and nephews and 17 first cousins who continue to congregate at the Adam's home place in Beersheba Springs, Tennessee, along with countless numbers of friends all over Alabama.

On behalf of everyone who knew and loved Ma'on, I offer my deepest condolences to his family. Marion Adams lived a truly remarkable life and will always be remembered.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Monday, July 26, 2010.

Had I been present I would have voted "no" on rollcall vote No. 467 (on motion to suspend the rules and agree to H.R. 1320), "aye" on rollcall vote No. 468 (on motion to suspend the rules and agree to H. Res. 1504), "aye" on rollcall vote No. 469 (on motion to suspend the rules and agree to H.R. 3101).

HONORING VALERIE HENRY

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. WALDEN. Madam Speaker, I rise today to pay tribute and express sincere gratitude to Valerie Henry, who after 13 years of work on Capitol Hill, including seven years of service to the people of Oregon's Second Congressional District, is departing this institution today to become, as she puts it, full-time CEO of her household as she continues to raise her two wonderful children.

Valerie has become very well-respected in the Congress as a sharp-as-a-tack policy aide in health care, education, taxes, budget issues, and telecommunications. But don't just take my word for it. In 2005, the National Rural Health Association bestowed on her the NRHA Legislative Staff Award in recognition of her ongoing commitments to improving the health care of rural Americans.

Valerie was born and raised just across the Potomac River in Alexandria, Virginia. She learned the value of representative democracy from her mom (Virginia Franco) who served for 30 years as the deputy registrar of voters for the city of Alexandria and oversaw the administration of hundreds of local, State and Federal elections.

After graduating from her beloved Virginia Tech in 1997, she began her career on Capitol Hill as an intern for her home State senator and quintessential statesman, Senator John Warner. That internship eventually translated into a full-time job. She worked for Senator Warner through the historic impeachment proceedings of President Bill Clinton.

While in Senator Warner's office, she also met her future husband, Patrick Henry, who worked for Senator Warner in his committee office. Pat remains a dedicated public servant, serving now as Special Agent in the U.S. Secret Service, and is one heck of a good guy.

In 1999, Valerie joined the staff of Idaho Senator MIKE CRAPO shortly after he was sworn in as United States Senator. It was there, Madam Speaker, that Valerie says she developed her love for policy analysis and an appreciation for the impact that the Federal government has on the lives of individuals.

A brief stint downtown with a health law and lobbying firm confirmed for Valerie that Capitol

Hill was where her talents could best be put to use. So in April 2003, Valerie returned to the Hill as a legislative assistant in my Washington, D.C. office, where she faithfully served the people of Oregon's Second Congressional District for the next seven years.

Through those years, Madam Speaker, Valerie provided essential guidance to me on several historic legislative measures, including the Medicare Modernization Act and the Patient Protection and Affordable Care Act.

I and my staff celebrated when Valerie and Pat welcomed their first child in 2005—a daughter, Carlson "Carly" Jean Henry, named after Valerie, and again in 2009 when their son, Patrick "Trip" Timothy Henry III, was born. Carly and Trip are great kids, and fortunate to have such loving parents.

Madam Speaker, it is these precious legacies that have lured Valerie away from our beloved House on Capitol Hill to her home in Falls Church, Virginia.

I speak for all of Oregon's Second District, and this historic institution, when I say "thank you" to Valerie Henry for her selfless and valuable service over these years.

Madam Speaker, I will greatly miss Valerie's highly informed counsel and wonderfully infectious personality. And I know the staff will miss the camaraderie that Valerie brought to the office every single day. While we might prefer not to lose her invaluable professional contributions, we are comforted knowing that our friend will never be that far away.

HONORING REAR ADMIRAL LEROY
COLLINS, JR.

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. BILIRAKIS. Madam Speaker, I rise today to honor the life of Rear Admiral Leroy Collins, Jr., who was taken from this world after a tragic accident in South Tampa.

A graduate of the U.S. Naval Academy, Admiral Collins continued to serve our country first on active duty and then in the Naval Reserves for 34 years. He continued his dedication to country as an advocate for veterans' health and economic well being in his role as Executive Director of the Florida Department of Veterans' Affairs.

At 75, Admiral Collins was still an active member of the community. In addition to maintaining a rigorous athletic schedule, he served on the boards of Tampa General Hospital, Collins Center for Public Policy, S.S. American Victory, and the Armed Forces Financial Network.

I know that his wife, children, and grandchildren played an enormous role in his life and brought him great joy. It is with great sympathy that I extend my condolences to his family. I am honored to have known Admiral Collins. He has truly served our community, State, and country well and will be missed.

HONORING THE MEMORY OF REV.
HAROLD BLACKBURN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. BONNER. Madam Speaker, I rise to pay homage to the memory of a much beloved servant of the Lord—and good friend to many in South Alabama—who recently passed away at the age of 93.

For some, a career of nearly two decades working for the phone company would be the foundation of their life, yet for Harold Blackburn, a native of Citronelle, Alabama, it was just a warm-up. He was destined for a higher calling.

After 19 years at South Central Bell, Mr. Blackburn traded his business clothes for the cloth, becoming a minister of the Lord.

For the next 36 years, Reverend Blackburn—or Brother Harold as he was affectionately known—embarked upon a grand journey that took him from the pulpit to the field, first serving as pastor for a number of Southern Baptist churches all across Alabama.

From the church sanctuary, Reverend Blackburn turned his message to outreach, becoming Director of Missions, serving churches in Clarke and Chambers counties for 23 years, and then leading Baldwin County church missions programs for another 13 years.

Reverend Blackburn loved nature and was also an avid hunter. In his retirement years in Silverhill, Alabama, he was well known for his interest in taxidermy.

Without question, this man of incredible faith lived a long and remarkable life with a legacy of dear friends that literally stretches from one end of the state to the other.

In this time of deep personal loss, I offer my condolences to his wife and childhood sweetheart, Miriam, their two daughters, Carol Ann and Deborah Kay, their six grandchildren, and 19 great grandchildren.

Make no mistake: he loved his family, his friends, his country and his God, and not necessarily in that order.

Rev. Blackburn's life was an inspiration to everyone he met and his memory will long linger in our hearts. May he rest in peace.

IN HONOR OF STEPHEN J.
BRAVERMAN'S EIGHTEEN YEARS
OF SERVICE FOR THE PUBLIC
GOOD OF THE COMMONWEALTH
OF MASSACHUSETTS

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. LYNCH. Madam Speaker, I rise today in honor of Stephen J. Braverman, in recognition of his outstanding contributions to senior citizens in the Commonwealth of Massachusetts and to commend him for eighteen years of service to Hebrew SeniorLife and the Institute for Aging Research.

During his tenure, Steve provided rigorous medical research of new models and stand-

ards by which to enhance long-term care for the aging community. Steve has worked to maximize the strength, vigor, and physical well-being, and preserve the cognitive and functional capabilities of senior citizens as they age.

I would also like to acknowledge his continued commitment to developing and managing two of the largest capital campaigns for senior care, housing, and research throughout the country, which enhance the resources for age-related disease and disability. In addition, he has actively sought and secured endowed chairs for research in Quality and Health Care Standards and Aging Brain Research.

Most importantly, Steve has been a consistent leader in his community, and a strong mentor and friend to his colleagues.

Madam Speaker, it is my distinct honor to take the floor of the House today to join with his family, friends and contemporaries to thank Steve for his remarkable service to the Institute for Aging Research and the people of Massachusetts. I urge my colleagues to join me in recognizing Stephen J. Braverman's efforts and dedicated service to others.

PERSONAL EXPLANATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. BRADY of Texas. Madam Speaker, on Monday, July 26, 2010, I was unable to cast my vote in support of the Twenty-first Century Communications and Video Accessibility Act.

I am in support of this legislation and its passage.

CELEBRATING THE 65TH WEDDING
ANNIVERSARY OF FRED AND
BETTY WILLIAMS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. MARCHANT. Madam Speaker, I rise today to celebrate the 65th anniversary of the marriage of Fred and Betty Williams. Fred and Betty embody all that marriage should be: fidelity, loyalty, and a strong bond formed by love. They, and all that they have done to help their communities throughout their lives, are typical of the hard-working Americans we represent across our great Nation.

I have known Fred and Betty for almost 40 years, beginning when I attended college with their son Larry at Southern Nazarene University. Married in Longview, Texas, on August 30, 1945, they worked for years at Sears—Fred for 33, and Betty for 8, after a career at JC Penney. After retirement, they moved to Carrollton, Texas, where they embarked on an active retirement in politics, as church volunteers, and as donors to those less fortunate than themselves.

Since moving to Carrollton, the Williams' dedication to the town and area has been unmatched. Fred has served two terms as the

Denton County Grand Juror and two terms on the Denton County Appraisal Review Board. Additionally, both Betty and Fred have served as polling place election judges and assistants for over a decade throughout north Texas; including Dallas, Carrollton, Denton County, Farmers Branch Independent School District, and Lewisville Independent School District.

Fred and Betty have been involved in the Church of Nazarene for 60 years. Both have taught Sunday School, sang in the choir, worked with children and youth, and held official positions within the church—Fred as church treasurer and Betty as missionary society president. Furthermore, they have helped clean the church for 10 years, and conducted various duties for the benefit of missionaries, pastors, evangelists, and college students.

Fred and Betty embody the best of the American spirit of hard work and dedication to neighbors and community. They have raised three great children in addition to everything else they have done to improve the environment in which they live. It is with recognition of these accomplishments that I ask all of my distinguished colleagues to join me in honoring and thanking the Williams for their lifetime of service and congratulating them on 65 years of marriage.

TRIBUTE TO COMMERCIAL BANK

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to recognize the 100th anniversary of Commercial Bank in West Liberty, Kentucky. Founded in January 1910, Commercial Bank has grown to serve Morgan, Wolfe, Magoffin and Elliott Counties, many of which are located in the 5th congressional district of eastern Kentucky.

The citizens of Morgan County have been served by Commercial Bank's one location in downtown West Liberty since the bank's founding 100 years ago. Like the other locally-owned banks across my district, Commercial Bank has a conservative lending approach that provides stability and security for the community. The bank is owned by 25 local investors in partnership with the employees of the institution.

Commercial Bank is dedicated to the local community and supports numerous activities that make West Liberty and Morgan County such a special place. The bank and its employees have been longtime supporters of civic clubs, youth sports, the local school system, and the annual Morgan County Sorghum Festival.

Commercial Bank is led today by Hank Allen who serves as president and chief executive officer. He is joined on the Board of Directors by a distinguished group of business and civic leaders which include Morris L. Peyton, Howard B. Elam, Jr., Bob Hutchison, Tommy Phipps, Earl May, Jr., Frank Oldfield, Kent Nickell, Robert Henderson, David Osborne, Joe S. Wells, Edward C. Keeton, Jr., William Holbrook, Jerry Murphy, Tommy Hill, Barrett Frederick, Tim Keller, William S. Wells,

Robert Wells, Jimmy V. Hill, Proctor Blair, Henry L. Allen, Paul D. Kidd, Stanley Franklin, and Jeff Bailey.

Madam Speaker, the people of West Liberty and Morgan County will gather in early August at West Liberty's Old Mill Park to celebrate Commercial Bank's 100th anniversary. I am proud to serve the people of Morgan County here in Congress and wish to extend congratulations to Commercial Bank on its 100 years of service to West Liberty.

TRIBUTE TO CAPTAIN FRANK
ROBERTS (RET.)

HON. GLENN C. NYE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. NYE. Madam Speaker, I rise today in tribute to Captain Frank Roberts (ret.), a longtime resident of Virginia Beach and a lifelong public servant, on the occasion of his retirement from the Hampton Roads Military and Federal Facilities Alliance.

Frank Roberts is a 1969 graduate of the U.S. Naval Academy and had a distinguished 27-year active duty career with the U.S. Navy, retiring with rank of Captain. One of only 300 aviators ever to surpass 1000 carrier arrested landings, Frank is a graduate of the "Topgun" Navy Fighter Weapons School and the Naval War College. He has always welcomed professional challenges and never declined an opportunity to serve his country. The list of Frank's active duty assignments is long and many Naval personnel, both uniformed and civilian, count themselves fortunate for the opportunity to have served with, and learned from, Frank Roberts.

Upon his retirement from the U.S. Navy in 1996, Frank was employed by OC, Incorporated and provided military analytical support to the Joint Warfighting Center. From 1997 to 2003, Frank served as the Vice President and Director of Hampton Roads operations for Battlespace, Inc., where he supported joint unmanned aerial vehicle (UAV) experimentation at U.S. Joint Forces Command (USJFCOM). From 2003 to 2006, Frank was employed by Old Dominion University Research Foundation and was assigned to USJFCOM to lead the Joint Operational Test Bed System UAV experimentation program focused on transforming intelligence, surveillance and reconnaissance capabilities.

The Hampton Roads area was fortunate when Frank Roberts stepped in as the first Executive Director of the Hampton Roads Military and Federal Facilities Alliance in 2006. The communities that comprise the Alliance—Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Isle of Wight, James City and York—selected Frank to lead the Alliance because of his expertise, his experience, his work ethic, and his dedication. Hampton Roads has played a critical role in America's national and homeland defense for generations. In Frank, the Alliance found an effective and tireless advocate on behalf of the region's unique capabilities and the Commonwealth's contributions to protecting our na-

tion. During a time of great change and uncertainty due in part to the Base Realignment and Closure Commission, Frank's tenure as the head of HRMFFA will be remembered for his steadfast leadership as he navigated the Alliance through choppy waters to calmer seas.

Frank has been buoyed in his professional career by a loving family at home—his wife Joan, his son Jim, his late daughter Andrea and his grandchildren, Reagan and Lucas, have been a source of love and support. On behalf of the Second Congressional District, I would like to thank Frank Roberts and the Roberts family for his many years of public service to Virginia and to our nation. Frank Roberts is someone who answered the call to serve his country, and his service has made a difference. We wish you well, Frank, and hope you know how deeply grateful we are for your contributions.

HONORING THE SERVICE AND
DEDICATION OF RUSSELL T.
VOUGHT

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. HENSARLING. Madam Speaker, I rise to honor Russell T. Vought's service to the United States Congress, our nation and the cause of individual liberty.

Russ began his service to the Congress immediately following his graduation from Wheaton College (Illinois) in 1998. After working briefly for retiring Senator Dan Coats, Russ joined the staff of Texas' senior senator and my political mentor, Senator Phil Gramm. During the four years Russ served on Senator Gramm's policy staff, he became a student of legislative procedure and mastered federal budget policy.

Russ joined my staff as Policy Director shortly after I was sworn into office in 2003. He served as my top advisor on budget issues and worked tirelessly to help me develop the Family Budget Protection Act, which was heralded by pro-taxpayer organizations as the "Gold Standard" of budget enforcement legislation. For several years, Russ provided invaluable counsel to me on tax, entitlement and spending policy and worked with me to author three federal fiscal year budgets.

When I was elected Chairman of the Republican Study Committee for the 110th Congress, I asked Russ to become the committee's Executive Director. Russ worked with me and the 100-plus members of the committee with integrity and an unwavering devotion to the conservative principles that we share.

At the beginning of the 111th Congress, my friend Chairman MIKE PENCE asked Russ to serve the House Republican Conference as his Policy Director. In addition to managing the Conference's policy staff, which is the main hub of information and analysis for all Republican House Members and their staff, he serves as its principal advisor on a broad range of issues, specializing in budget, appropriations, Social Security, legislative procedure, and entitlements.

As Russ' work with me and my colleagues comes to a close, I reflect most fondly upon

the unpopular and lonely legislative battles that we faced together. As a wise person once said, "True friendship isn't about being there when it's convenient; it's about being there when it's not."

I take heart knowing that Russ's service to the cause of liberty will continue in whichever path he chooses for his life. He personifies the conservative movement and his devotion to the constitutional, limited government principles is second-to-none.

Madam Speaker, I wish my conservative brother and, most importantly, my friend Russ Vought, best wishes for the future.

HONORING THE COMMISSIONING
OF THE USS "MISSOURI"

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. AKIN. Madam Speaker, today I rise to commemorate the commissioning of the USS *Missouri* to take place tomorrow, the 31st of July, and to congratulate the crew of the newest addition to the United States naval fleet.

USS *Missouri* is the nation's newest and most advanced nuclear-powered attack submarine. This vessel was designed to not require refueling during the life of the ship—a feature that will reduce lifecycle costs while increasing underway time.

The *Missouri* is 377 feet long and 34 feet wide, and is capable of traveling in both shallow and deep waters. Specially designed for undersea warfare, she can dive deeper than 800 feet and is capable of operating speeds exceeding 25 knots while submerged.

Weighing 7,800 tons, *Missouri* is a Virginia-class submarine engineered to excel in anti-submarine and anti-surface warfare, special operations missions, strike, intelligence, surveillance and reconnaissance, carrier and expeditionary strike group support, and mine warfare missions.

The soon-to-be-commissioned submarine embodies five of the six Navy maritime strategy core capabilities including sea control, power projection, forward presence, maritime security, and deterrence.

The seventh of the Virginia-class of submarines to join the U.S. Navy, the *Missouri* was built under a teaming arrangement by General Dynamics Electric Boat and Northrop Grumman Shipbuilding-Newport News.

She is scheduled to be commissioned on July 31st at Naval Submarine Base New London in Groton, CT, and will join Submarine Squadron 4 under the leadership of Commander Timothy Rexrode with a crew totalling 134 officers and enlisted personnel.

Following the commissioning of the *Missouri* on Saturday, she will be the fifth Navy ship to bear the name honoring the "Show Me State." The fourth such ship was the famous battleship which served in World War II, the Korean War, and the Persian Gulf War. It was aboard this predecessor of the *Missouri* that the United States and Allied officers, among them Fleet Adm. Chester Nimitz and Gen. Douglas MacArthur, accepted the unconditional surrender of Japanese forces marking the end of World War II on September 2, 1945.

The people of the great state of Missouri are proud to have a fantastic new ship bearing our state's name. It honors our state and the many men and women from Missouri who proudly serve in the United States Armed Forces.

We expect great accomplishments and a life of unwavering loyalty and service from the newest USS *Missouri*. It is with great honor that I welcome the USS *Missouri* to our nation's fleet, the best submarine in the strongest navy in the world.

INTRODUCTION OF A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS ON THE CLOSURE OF THE MAIN ENTRANCE OF THE SUPREME COURT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Ms. ESHOO. Madam Speaker, I rise today to introduce a Resolution expressing the sense of Congress, and, I believe, of the American people, that every American have the opportunity to enter the Supreme Court through its main entrance, as they have been permitted to do since the building first opened.

Our founders vested the Supreme Court with the judicial power of our nation, and gave it the charge to dispense justice. Since 1935, visitors have climbed the marble steps of the Supreme Court and entered the nation's temple of justice through its main entrance, under the words "Equal Justice Under Law." Chief Justice John Roberts, during his confirmation hearing, described the "lump in his throat" that formed every time he walked up those marble steps and through that main entrance.

Millions of Americans and visitors from around the world have stepped through those doors to watch the Court work in openness, and to pay tribute to a nation not of men, but of laws.

On May 3, 2010, Chief Justice Roberts announced that the Supreme Court would no longer allow visitors to enter through the main doors of the Supreme Court, closing the main entrance for the first time in nearly 75 years.

Justice Stephen Breyer, joined by Justice Ginsberg, expressed his concern about the closure, stating, "To many members of the public, this Court's main entrance and front steps are not only a means to, but also a metaphor for, access to the Court itself."

I encourage all of my colleagues to join me in sending a clear message that access to this most vital symbol of transparency and openness should not be restricted.

RECOGNIZING THE BICENTENNIAL OF SOUTH MIDDLETON TOWNSHIP, PENNSYLVANIA

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. PLATTS. Madam Speaker, I rise to recognize South Middleton Township, Pennsylvania on its 200th Birthday.

Established in 1810, South Middleton Township is comprised of approximately 52 square miles and has a population of almost 14,500. A wonderful community in which to live, work, and play, the Township is bordered on the north by Carlisle Borough, North Middleton Township, and Middlesex Township. To the east is Monroe Township and to the south are York and Adams Counties. Dickinson Township borders South Middleton to the west. The Township is predominantly a rural farming community and forested area. Approximately 75 percent of the land is used for farming, forest, or woodland. South Middleton Township was created when the area known as Middleton was divided into North Middleton and South Middleton. The governing body consists of five elected supervisors and an appointed township manager.

Madam Speaker, the observance of the 200th Birthday of South Middleton Township provides a special opportunity to pay tribute to the citizens of the township, past and present, who have contributed immeasurably to the township's wonderful quality of life. South Middleton Township will be celebrating the Bicentennial all summer long with parades, picnics, and events at local venues. Over Memorial Day the Township had floats accompanied by veterans in both the Boiling Springs and Carlisle Memorial Day parades. Labor Day will conclude the official Bicentennial celebrations and will include a fireworks display. I encourage all of my constituents, whether South Middleton residents or visitors, to attend these gatherings and commemorate the Township's birth. It is with heartfelt wishes that I recognize South Middletown Township on its 200th Birthday.

BARRY BASICS MODULAR MEDICAL APPAREL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. WILSON of South Carolina. Madam Speaker, Lt. Col. Albert Barry, USMC, Retired (1936–2007) served his country honorably for almost a half-century before battling Glioblastoma, an aggressive brain cancer. Al Barry's wish to make patients receiving medical treatment more comfortable during illness recovery is now being carried out by his wife, Liz Taylor-Barry, through the Al Barry Foundation.

The Al Barry Foundation created Barry Basics, a modular medical apparel line, to provide patients with a product that emphasizes convenience, range of motion, and comfort.

The medical apparel offers upper and lower body garments that encourage movement with their flexible snap closures and various removable pieces. Barry Basics carries a women's line, men's line, children's line, and a breast cancer line. They also produce almost all apparel in the USA and work with Clemson Apparel Research, CAR.

I know firsthand of her extraordinary compassion because on Wednesday at Bethesda National Naval Medical Center, she visited with Marine Lance Corporal Bradley Christian Fite. Brad is a Wounded Warrior Hero of America and a former Washington staff member of the south congressional district of South Carolina.

Liz Taylor-Barry sends the proceeds from Barry Basics to Wounded Warriors, veterans, and cancer patients.

I want to thank the Barry family and all those involved in the Al Barry Foundation for their selfless contributions in South Carolina and across the globe.

HONORING LISA KINOSHITA FOR WINNING THE GREATER TACOMA COMMUNITY FOUNDATION'S THIRD ANNUAL FOUNDATION OF ART AWARD

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SMITH of Washington. Madam Speaker, I rise to honor Tacoma artist Lisa Kinoshita for being awarded the 2010 Foundation of Art Award by the Greater Tacoma Community Foundation. This impressive achievement speaks to her individual talents, as well as those of the entire art community in the greater Tacoma, Washington region.

The Greater Tacoma Community Foundation has long fostered the arts as a necessary component to a vibrant and successful community. The foundation established the annual Foundation of Art Award to honor professional artists living and creating in Pierce County. The award honors artists' talents and recognizes the community's creative culture.

In addition to being recognized for her work by the Community Foundation, Lisa Kinoshita's art has also been the focus in many widely read publications, including *Seattle Magazine*, *Elle Magazine*, and the *New York Times*. She founded Mineral, an art gallery and studio in Tacoma, which features many works that blend art and fashion through jewelry, visual art, photography, and mixed media.

In addition to the Foundation of Art Award, the Greater Tacoma Community Foundation will commission an original piece of art by Lisa Kinoshita, which will be unveiled in the autumn of 2010.

Madam Speaker, I congratulate Lisa Kinoshita on this impressive achievement, and celebrate her talent, creativity, community involvement, and contribution to the arts and culture of the Tacoma community and Washington State.

**TOLEDO FACILITY PROUD TO
SPEARHEAD KRAFT FOODS EF-
FORTS TO DOUBLE WHOLE
GRAIN IN CRACKER PRODUCTS**

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Ms. KAPTUR. Madam Speaker, this week, Kraft Foods announced plans to significantly increase the whole grain content in its leading Nabisco cracker brands, more than doubling the amount of whole grain currently used.

I am privileged to share this announcement which has been made possible through thousands of hours of research and testing, investment in innovation and capital at the company's Toledo Mill. The tireless work of the Toledo Mill employees who make the quality whole grain flours that will be important ingredients in many of these products.

As the largest flour mill east of the Mississippi and the largest soft wheat mill in North America, the Toledo Mill employs nearly 100 workers who labor tirelessly to produce 3.1 million pounds of flour daily.

Kraft Foods has spent four years and invested millions of dollars in its flour milling technology, recipe development and testing to find ways to add more whole grain to its popular cracker brands which culminated in a multimillion dollar investment at the Toledo Mill.

The whole grain flours produced in Toledo will double the amount of whole grain in Original Wheat Thins from 11g to 22g per serving; more than triple the amount in Wheat Thins Toasted Chips from 5g to 17g per serving; and quadruple the amount in Honey Maid Original Graham Crackers from 5g to 20g per serving. Whole grain will also be added to Premium and Ritz crackers.

This week's announcement by Kraft highlights a commitment to ensure that by 2013, the company expects Nabisco crackers will contribute more than 9 billion servings of whole grain to American diets each year.

Kraft's commitment comes at a time when the American people and Congress are examining our diets and attempting to address an alarming increase in obesity rates.

The Institute of Medicine has recommended that at least half of the grains we consume should be rich in whole grains and, based on today's announcement, the Toledo mill will serve as a cornerstone in our regions effort to remain the center of a national network feeding our people.

The nutrition benefits of whole grains include fiber, B vitamins, and minerals. Eating whole grains at recommended levels as part of a healthy diet can also help reduce risk of heart disease, may help with weight maintenance and may lower risk for other chronic diseases. Today, most Americans only get about one serving (16g) of whole grain a day, compared with the recommended minimum three servings (at least 48g) per day.

Americans are increasingly conscious of the quality of their diet. They want and deserve healthful products that taste good and are good for them. The men and women who work at the Toledo Mill are proud of this important contribution to increasing the range of healthful products available to all of us.

I offer my heartiest congratulations to Kraft Foods, and my appreciation to Kraft's Toledo Mill employees.

**KRAFT FOODS ANNOUNCES PLANS TO DOUBLE
THE AMOUNT OF WHOLE GRAIN IN NABISCO
CRACKERS**

9 BILLION SERVINGS OF WHOLE GRAIN EXPECTED
ANNUALLY BY 2013

NORTHFIELD, IL (July 26, 2010).—Kraft Foods announced plans today to significantly increase the whole grain content in its leading Nabisco cracker brands, more than doubling the amount of whole grain currently used across the Nabisco portfolio. Over the next three years, some of America's favorite cracker brands, including Wheat Thins, Honey Maid, Premium and Ritz will include more whole grain. By 2013, the company expects Nabisco crackers will contribute more than 9 billion servings of whole grain to American diets each year.

"Nine out of ten Americans eat less than the recommended daily amount of whole grains," said Rhonda Jordan, President, Global Health & Wellness, Kraft Foods. "And a growing number of consumers are trying to increase their consumption of whole grains. By significantly increasing the amount of whole grain in our crackers, we're giving them an easy, delicious way to get the whole grain they need in the foods they already enjoy."

Kraft Foods began to transform its cracker portfolio in August 2009 when it increased the whole grain content of Original and Reduced-Fat Wheat Thins from 5g to 11g per 31g serving. In continuing this effort, the company plans to increase whole grain in more than 100 products over the next three years, including:

Doubling the amount of whole grain in Original Wheat Thins from 11g to 22g per serving;

More than tripling the amount in Wheat Thins Toasted Chips from 5g to 17g per serving;

Quadrupling the amount in Honey Maid Original Graham Crackers from 5g to 20g per serving; and

Adding whole grain to Premium and Ritz crackers.

With these improvements, a number of products, including Original Wheat Thins and Honey Maid Original Graham Crackers, will be made with 100% whole grain.

Most Americans only get about one serving (16g) of whole grain a day, compared with the recommended minimum three servings (at least 48g) per day, which means they could be missing the important nutrition benefits that whole grain offers. Eating a variety of foods to reach the recommended amount of three or more servings of whole grains can help consumers get fiber, B vitamins, and minerals like iron and magnesium.

**COMBINING THE GOODNESS OF WHOLE GRAIN
WITH THE TASTE CONSUMERS LOVE**

Kraft Foods has spent four years and invested significant resources in its flour milling technology, recipe development and testing to find ways to add more whole grain to its popular cracker brands. The company will be using whole grain wheat flour to increase the whole grain content of these products. Whole grain wheat flour is milled using the entire wheat kernel (bran, endosperm and germ) to offer the benefits of whole grain.

"It was critical for us to get the recipe right to deliver the benefits of whole grain without sacrificing the taste consumers expect from their favorite crackers," said Carlos Abrams Rivera, Vice President for Na-

bisco crackers. "Just adding whole grain can change a product's flavor and, in the case of crackers, can make them denser and grittier. But the combination of the right recipe and ingredients can help us maintain delicious taste and texture while adding significant levels of whole grain."

**ACCELERATING HEALTH AND WELLNESS
EFFORTS**

Today's announcement is a continuing demonstration of Kraft Foods' commitment to health and wellness. Earlier this year, the company announced plans to reduce sodium by an average of 10% across its North American portfolio of products, including crackers. And over the past five years, Kraft Foods has reformulated about one in four products in the United States to make them better for consumers.

"We're accelerating our efforts in health and wellness because it's good for consumers and good for business," said Jordan. "Whether it's adding more whole grain, reducing sodium or removing calories from our products, we're making the foods consumers love even better."

ABOUT KRAFT FOODS

With annual revenues of approximately \$48 billion, Kraft Foods is a global powerhouse in snacks, confectionery and quick meals. The company is the world's second largest food company, making delicious products for billions of consumers in more than 160 countries. The portfolio includes 11 iconic brands with revenues exceeding \$1 billion—Oreo, Nabisco and LU biscuits; Milka and Cadbury chocolates; Trident gum; Jacobs and Maxwell House coffees; Philadelphia cream cheeses; Kraft cheeses, dinners and dressings; and Oscar Mayer meats. Approximately 70 brands generate annual revenues of more than \$100 million. Kraft Foods (www.kraftfoodscompany.com; NYSE: KFT) is a member of the Dow Jones Industrial Average, Standard & Poor's 500, Dow Jones Sustainability Index and Ethibel Sustainability Index.

NATIONAL HEALTH CENTER WEEK

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mrs. BLACKBURN. Madam Speaker, across the country partnerships built of people, governments, and communities are coming together offering health services to local patients. Health care centers serve 20 million people nationally and improve access to care for millions of Americans. I rise today in support of National Health Center Week and two centers, Three Rivers Community Health Center and Perry County Medical Center, who are celebrating accordingly.

Built by community initiative, health care centers are community-driven and patient-centered. In 23 centers, over 300,000 patients are treated throughout the great state of Tennessee. Regardless of insurance status or ability to pay, patients receive preventative and accessible care when healthcare is needed but scarce. The Three Rivers and Perry County Centers focus on high-need areas identified by elevated poverty, higher than average infant mortality, and few physicians in residence.

By reducing costly emergency, hospital, and specialty care, Community Health Centers save the health care system \$24 billion a year. During National Health Center Week, we celebrate the care offered to the nation's most vulnerable populations. I ask my colleagues to join me in thanking the Three Rivers Community Health and Perry County Medical Centers for providing access to affordable, high quality, and cost-effective health care to the citizens of the 7th District.

H.R. 4173, THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT CLARIFICATION OF INTENT WITH RESPECT TO TITLE V

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. MOORE of Kansas. Madam Speaker, as a House conferee and the chief sponsor of H.R. 2571, the Nonadmitted and Reinsurance Reform Act, that was included in the conference report for H.R. 4173, the Dodd-Frank Wall Street Reform and Consumer Protection Act, I want to make several important clarifications of intent on the final language. The President signed the Dodd-Frank Act into law last week (P.L. 111-203).

With respect to Sec. 533(5) of the Dodd-Frank Act, the definition of "reinsurer" is not to be construed narrowly, thereby limiting or avoiding the intent of Congress with respect to Title V, Subtitle B, Part II.

Additionally, Sections 531 and 532 of the Dodd-Frank Act entitled "Regulation of Credit for Reinsurance and Reinsurance Agreements" and "Regulation of Reinsurer Solvency", respectively, are also not to be construed narrowly so as to limit or avoid the intent of Congress with respect to Title V, Subtitle B, Part II. Furthermore, the clear intent of Section 532 in the manner it is written and should be understood is that the regulation of reinsurer solvency, pursuant to the Dodd-Frank Act, includes the NAIC Financial Regulation Standards and Accreditation Program's laws and regulations.

Finally, in order to ensure the States are appropriately implementing the Nonadmitted and Reinsurance Reform Act, it is the intent of Congress that the Study and Report on Regulation of Insurance required pursuant to Title V, Subtitle A, Sec. 502 of the Dodd-Frank Act include an evaluation of each State's compliance with Title V, Subtitle B.

RECOGNIZING N. PATRICK RANGE,
SR.

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. MEEK of Florida. Madam Speaker, today I rise to recognize and congratulate Mr. N. Patrick Range, Sr., a friend as well as a constituent in my Congressional district and

recipient of this year's Robert H. Miller Professional of the Year Award. He will be honored by the National Funeral Directors and Mortician's Association during its 2010 convention in Fort Lauderdale, Florida. Mr. Range is the third Floridian nominated for the award, named after Mr. Miller, the first NFDMA executive director. It is because of his outstanding service and commitment that he undoubtedly deserves this great honor for his many years of devotion to the South Florida community.

"He's had a significant role in supporting colleagues and in serving the community in a comparable manner," said Henry Postell, president of the Florida Mortician Association. "Professionalism is there regardless of the families' financial situation."

Mr. Range is the current owner of Range Funeral Homes of Greater Miami, founded in 1953. He has been in the funeral industry as a licensed funeral director and embalmer for over 50 years. He obtained his license in 1965 after matriculating at the New England Institute of Anatomy following the death of his father and founder of Range Funeral Homes, Oscar L. Range, Sr., in 1960.

After obtaining his license, Mr. Range returned to Miami to partner with "my mentor, my guide, my inspiration, my mom," M. Athalie Range, in a relationship that would last 45 years in the family-owned funeral home. After his mother's death in 2006, Mr. Range continued his parents' legacy as the principal of Range Funeral Homes.

A member of the Epsilon Nu Delta Mortuary Fraternity, Mr. Range also serves on the advisory board of the Miami-Dade College Department of Funeral Service Education. An active member in a host of other professional organizations, Mr. Range was most recently recognized by his peers as the "Mortician of the Year" in 2006 by both the First Regional District of Florida and the State of Florida Mortician's Association. He has done an abundant of fundraising work for mortuary science scholarships and career-related organizations, such as 100 Black Women in Funeral Service.

Madam Speaker, Mr. N. Patrick Range, Sr. is an inspiration not only to the South Florida community, but to the nation at large. Morticians provide a service like no other. The care and dedication you provide our loved ones before their homegoing services stay in our hearts and minds forever. Please join me in applauding the achievements of Mr. Range.

EXPLANATION REGARDING SUBMISSION OF AMENDMENTS TO COMMITTEES

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SHERMAN. Madam Speaker, I should note that I sometimes submit amendments to committees so that they are available for discussion. I do not necessarily support any amendment drafted by myself and my staff unless I formally offer the amendment. Accordingly, no conclusion can be drawn from the process of simply providing the text of a possible amendment to the clerk of any committee.

HONORING JOSEPH H. HAMILTON

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. COOPER. Madam Speaker, to a boy from Louisiana, the building blocks of life are food, faith, and a healthy dose of Southern hospitality. Joseph Hamilton, grew up to learn that our world is not so simple.

By January 2010 Hamilton had played a crucial role in an astounding discovery. He helped find something that no one knew existed. His work was critical in forming a multinational research team, and carrying out the discovery of Element 117—Ununseptium—the newest addition to the Periodic Table of Elements.

Hamilton's life started like that of any southern boy. Born in the humble town of Ferriday, Louisiana, he stayed true to his Baptist upbringing. He attended Christian Mississippi College, where God's calling led him to be a physicist. Hamilton then took his studies to Indiana University, where he studied nuclear physics and the elements. Their tiny atoms and their nuclei are invisible except to a select group of scientists with very advanced equipment. For everyone outside this elite group, the existence of atoms and their nuclei is purely a matter of faith. The only way to observe individual atoms of elements is through their impact on the world.

A skeptic may say that Christianity and physics, the two most important parts of Hamilton's life, cannot coexist, but Hamilton disagrees. He has pursued his passion without abandoning his beliefs, and has found that the two go gracefully hand in hand. As a professor at Vanderbilt University in Nashville, Tennessee, he and his wife have coauthored more than twenty papers on the harmony of physics and religion.

Professor Hamilton has dedicated himself to the growth of his students. Recognizing that they will soon take his place in research, Hamilton has supervised over 60 PhD dissertations and over 100 post-doctoral fellows at Vanderbilt. He includes his students in almost everything he does. One of his few regrets in his storied career is that he did not intimately involve his students in the discovery of Element 117.

Hamilton's research career at Vanderbilt over the last fifty-two years has taken him around the world. Russia, China, Sweden, and Germany have been but a few stops on his journeys. The creation of Element 117 in Dubna, Russia, just north of Moscow, was the result of a multinational project that Hamilton helped create. He believes that scientific discovery is a global effort, not a local one. Collaboration is key because science is one of the few things that unite us all in peaceful ways. Scientific principles apply around the world, regardless of race, creed, and nationality.

The first collaborative project that Hamilton initiated, the University Isotope Separator, has been a key operation at the Oak Ridge National Laboratory for more than forty years. This began as a collaboration of 11 Southeastern universities, ORNL and the State of

Tennessee. Hamilton is also a founder of the Joint Institute for Heavy Ion Research, a co-operation of Vanderbilt, the University of Tennessee, and Oak Ridge National Laboratory. This Institute has become a world-class scientific resource. Moreover, this Institute opened doors that helped transform ORNL through the development of three major new joint institutes.

By January 2010, Hamilton's critical role in a joint Russian-American project came to fruition in the creation of six atoms of Element 117. While this new radioactive element has a half-life of only 78 milliseconds faster than the blink of an eye—its discovery points towards a fascinating possibility. Its half-life is longer than that of other recently discovered super heavy elements, and suggests that we may be on the path towards finding new, more stable, super heavy elements.

Hamilton and his coworkers' discovery will be forever emblazoned on the walls of chemistry and physics labs worldwide as the newest member of the Periodic Table of Elements. Generations of scientists will discover Element 117's properties, but no matter what is learned about Element 117, this Southern gentleman will always know that his work added to the building blocks of our world.

CONGRATULATING MAJOR GENERAL ROBERT WILLIAMS ON HIS RETIREMENT

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. PLATTS. Madam Speaker, I rise today to recognize Major General Robert Williams, 47th Commandant of the United States Army War College. Just last month, Major General Williams retired after serving our nation admirably for 36 years.

Major General Williams is a highly decorated officer who served in a number of combat and non-combat assignments. His assignments included: Tank Company Commander in the 4th Battalion, 63d Armor at Fort Riley, Kansas; Executive Officer of the 3d Battalion, 67th Armor at Fort Hood, Texas; Assistant Division Commander (Support) for the 1st Infantry Division in Schweinfurt, Germany; Deputy Chief of Staff, G3/Operations, HQ Allied Command Europe, Rapid Reaction Corps, Moenchengladbach, Germany; and Commanding General of the United States Armor Center at Fort Knox, Kentucky. He was also deployed to Baghdad, Iraq, in support of Operation Iraqi Freedom as the C3 for CJTF-7.

In January 2008, Major General Williams was assigned as the 47th Commandant of the United States Army War College in Carlisle, Pennsylvania. I had the distinct privilege to interact regularly with Major General Williams during his tenure at the War College and witnessed first-hand his exemplary leadership. Major General Williams' candor and passion for the Professional Military Education (PME) system helped to strengthen the critically important mission of the War College and thereby enhance the strategic leadership qualities of the College's graduates.

It is with great admiration that I congratulate Major General Williams on his well-deserved retirement and express my heartfelt gratitude for his patriotic service to our nation. I and all Americans are forever indebted to him.

TRIBUTE TO DR. EVIE GARRETT DENNIS

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Ms. DeGETTE. Madam Speaker, I rise today to honor the extraordinary life and exceptional accomplishments of Dr. Evie Garrett Dennis. On August 13, 2010, Dr. Dennis will be honored by the dedication of the Evie Garrett Dennis Campus of the Denver Public Schools. Dr. Dennis served as Superintendent of Denver Public Schools from 1990-1994. She was the first and to date the only African American and woman to hold this position.

Dr. Dennis was born on September 9, 1924, in Canton, Mississippi, the eighth of nine children born to Mrs. Ola Brown Garrett and Rev. Eugene Garrett. A graduate of Cameron Street High School, she married in 1950 and her daughter Pia was born in 1951. After earning her bachelor's degree in Biology from St. Louis University, she worked as a research assistant and associate. In 1958, Dr. Dennis and her daughter moved to Denver, Colorado, where she worked as a researcher and specialist in childhood asthma at the Children's Asthma Research Institute and Hospital, the Jewish National Home for Asthmatic Children, and other medical institutions in the area.

In 1966, Dr. Dennis began her tenure with the Denver Public Schools (DPS) as a math teacher. After earning a Master's degree in education from the University of Colorado in 1971, she worked in the DPS administration. In 1974, she successfully implemented and monitored the U.S. District Court ordered school busing plan. In 1976, she earned a doctorate in education from Nova University. From 1977 to 1989, she served as administrative assistant to the Superintendent of Schools. She was appointed to the position of Deputy Superintendent of DPS in 1989.

In 1990, Dr. Evie Dennis became Superintendent of the DPS. Under her leadership, four innovative educational programs were launched in the district's schools: Expeditionary Learning in partnership with the Upward Bound Program; the Denver School of the Arts; the K-5 International Baccalaureate Program; and the International Studies Program at West High School. She implemented site-based management practices in the system's schools and started the district's educational advisory councils; the Denver Energy, Engineering and Education Program (DEEP); and, the American Israel Student Exchange Program.

Dr. Dennis is also known for the contributions she has made to Denver and the broader world. In 1986 and 1988, Denver Mayor Federico appointed her to the Denver Private Industry Council and the Mayor's Black Advisory Council. In 1994, she received the Nation Builder Award from the National Black Caucus

of State Legislators. She received the Russell T. Tutt Award for Excellence in Leadership for Outstanding Leadership in Colorado's non-profit community in 1999 from the El Pomar Foundation.

Dr. Dennis is a multifaceted, dedicated, and talented woman whose contributions to amateur athletics and the International Olympics are recognized internationally. In 1962, she helped to form the Denver All-Stars which became the Mile High Denver Track Club, in order for her daughter to have opportunities to compete in an era before the existence of a girls' high school track program.

The team was a member of the Amateur Athletic Union, which later became the United States Amateur Athletic Union. Dr. Dennis was a member of the Rocky Mountain Association of the Amateur Athletic Union in 1975. In 1978, she was elected the first female vice-president of the national association. Dr. Dennis served USA Track and Field, Inc. for more than four decades in numerous capacities, including as its first acting president. She has served as a member of the board of Trustees for the U.S. Sports Academy and the USA Track and Field, Inc., and delegate to the International Association of Athletics Federations.

She was the first woman vice president of the United States Olympic Organizing Committee (USOOC) and has been involved with every U.S. Olympics team since 1972. She became a manager of the U.S. Women's Track and Field team for the Montreal Olympics in 1976. She served on the United States Olympic Committee's Task Force on Doping and chaired the Women's and Diversity and Leadership committees. She remains a member of the Governing Bodies Council and became a member of the International Olympic Committee in 1992.

In 1977, as a member of the USOOC, she presented the successful motion to move the headquarters from New York to Colorado Springs, Colorado, which was accomplished in 1978. In 1980, she received the Congressional Gold Medal along with the U.S. Olympic Team. She served as Chef de Mission for the U.S. delegation at the 1998 Summer Olympic Games in Seoul, South Korea. In 1992, she received the Olympic Order for outstanding service to the Olympic cause. In 2004, she was inducted in to the United States Olympic Track and Field Hall of Fame.

Dr. Dennis has authored several papers and articles on public education and childhood asthma. She is a staunch supporter of Title IX, ensuring access to sports for young women. She has been recognized for her many volunteer contributions to various committees, associations, organizations, foundations, and other groups that focus on the advancement of education and the value of sports in our society.

She is a lifetime member of Alpha Kappa Alpha Sorority. Dr. Dennis served as president of the Epsilon Nu Omega chapter in Denver and was instrumental in hosting the sorority's national convention in the city in 1972.

Having been inducted into the Colorado Sportswomen Hall of Fame in 1998, Dr. Dennis was then inducted into the Colorado Women's Hall of Fame in 2008 as one who exemplifies the best qualities of the people who have built and sustained Colorado.

Please join me in paying tribute to Dr. Evie Garrett Dennis for her life's work as a distinguished educator, remarkable sportswoman, and global community servant.

IN HONOR OF AND RECOGNITION
OF THE BOLZAN FAMILY'S 6TH
REUNION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the Bolzan Family's 6th reunion, which will be held in Cleveland, Ohio from July 31 to August 6, 2010 and to acknowledge the family bonds that span generations and continents.

Over 100 descendants of Benvenuto Antonio and Mathilde De Lorenzi Bolzan will gather from around the world in Cleveland, Ohio to celebrate their unbreakable bonds and unwavering support for each other. In a time of widespread use of cell phones, email, and video communication via the internet, it is important to recognize a family that prioritizes in-person interaction with family members.

Of the six original siblings in this family, one remained in Italy while the others emigrated to Argentina, Luxembourg, France, and the United States. As a result, previous family reunions have taken place across Europe, including Italy during World War II, in France, and in Luxembourg. Many family members have chosen to extend their stays to include visits to other locations around the United States. In addition to sharing their fondest memories and exchanging news and other current events, the family has several tours planned during their visit, including those that will showcase Cleveland's cultural and artistic locations. I would like to particularly recognize Robert Milluzzi of Brecksville, Ohio, who is in charge of all of the arrangements for this memorable event.

Madam Speaker and colleagues, please join me in celebrating the Bolzan Family on the occasion of their reunion. May they continue this tradition that celebrates family, love, and commitment to each other for years.

HONORING THE SERVICE AND
DEDICATION OF TED CANTER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor the service and dedication of Ted Canter, a member of my staff who is leaving my office to pursue a law degree at Emory University.

Ted grew up in Maryland and graduated cum laude from Vanderbilt University with a degree in English. After getting his start on the Hill with the office of Senator Tim Johnson, Ted joined my office as a Legislative Correspondent last fall and was soon promoted to Legislative Assistant. Ted was a welcome ad-

dition to the office from the start. He handled his legislative work skillfully and was good-natured to professional contacts, constituents and coworkers alike. His unflappably good manners on the phone were renowned among our staff.

As a Legislative Assistant for education, housing, agriculture and other vital domestic issues, Ted has been a valuable resource to me and to constituents with concerns in these areas. He transitioned easily to the position, quickly grasped the intricacies of the issues, and speaks to the legislative process with the confidence of a veteran staffer. Ted's dedication and enthusiasm for the job helped me to advance my legislative priorities and better serve my constituents.

Madam Speaker, I am certain the qualities that made Ted a fine staffer will make him an equally fine fellow lawyer, and I wish him all the best in the future.

STAFF SERGEANT TONY WINTERS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. POE of Texas. Madam Speaker, it is with great pride and a heavy heart that I honor a fallen Son of Texas today. Staff Sergeant Leston Michael Winters—known to his friends and family as Tony—gave his life in Afghanistan in defense of freedom.

Tony was killed July 15th when an IED exploded near his dismounted patrol. Tony was in the Zhari District of the Kandahar Province. The IED is the weapon of cowards who hide in the shadows. These cowards are too afraid to stand and fight.

Staff Sergeant Tony Winters was all American. He graduated from Hardin-Jefferson High School in 1998. He joined the Army and served as a combat medic.

Medic! Medic! Those are the words that ring out when warriors are injured in battle. And it is the rare breed of medical man who runs to their aid in the heat of the battle. Through the dust and sand and heat of the desert sun, the medic in Afghanistan saves lives.

A combat medic is the bravest kind of warrior—running into the battle to aid the fallen soldier.

Tony was safe and snug serving at a state-side hospital in Fort Leonard Wood, Missouri. But last Christmas he decided to transfer to a base that would go into combat.

He wanted to serve on the front lines.

Tony knew full well what that decision meant. You see, he had already served three tours overseas, one in Kosovo and two in Iraq.

Tony knew where his skills would be best used fighting the terrorists who attacked America on September 11th. Tony knew the importance of his job to the war effort. He was a saver of lives in the combat arena. An Army combat medic.

General Douglas MacArthur was speaking of real men like Tony when he spoke those immortal words: Duty, honor, country. Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be.

Tony understood duty and personal sacrifice. He went to Afghanistan to save help save the lives of his warrior brothers and sisters.

Tony is survived by his wife, Elizabeth, sons, Remington and Jonathon, daughter Emma, his parents Kenneth and Cheryl Spivey of Sour Lake, Texas, his sister Alisha Martin of Port Arthur, and brother Cory Hunt also of Sour Lake.

Staff Sergeant Tony Winters will be laid to rest in Arlington National Cemetery in August.

As the early American poet Joseph Drake said, "And they who for their country die shall fill an honored grave, for glory lights the soldier's tomb, and beauty weeps the brave."

It is my honor to offer a grateful nation's thanks and prayers. We are grateful that a man like Staff Sergeant Tony Winters lived and loved America.

It was once said that what we do for ourselves dies with us—but what we do for the others and the world remains and is immortal. Tony's life was dedicated to saving the lives of others.

All give some in Afghanistan, but Staff Sergeant Tony Winters gave all. He is an American hero.

I offer my heartfelt condolences to Tony's wife and children and to his friends and family.

Today we honor this great American warrior's life and are humbled by his greatest of sacrifices.

And that's just the way it is.

HONORING GREENE COUNTY
SHERIFF'S DEPUTY JON WILLIS

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. BUTTERFIELD. Madam Speaker, I rise today to call my colleagues' attention to the tragic slaying of a 30-year-old Sheriff's Deputy in my home state of North Carolina.

Greene County Deputy Jon Willis died in the direct line of duty on July 28, 2010 while responding to a domestic disturbance call. During the call, Deputy Willis was shot and killed before the shooter ended his own life.

I have expressed my condolences to Greene County Sheriff Lemmie Smith, and I know that the department and the entire community are shocked and deeply saddened by this tragic event. Flags at the Greene County Courthouse were flown half-staff yesterday as the community paid tribute to Deputy Willis.

The father of two children, Deputy Willis joined the Greene County Sheriffs Office in December 2001, but left for a job at the Winterville Police Department. He returned to the Greene County Sheriff's Office in April 2009.

Deputy Willis' death marks the second time the Greene County Sheriff's Office has lost a deputy in the line of duty. Deputy Ernest Martin Hull died in a vehicle crash on Jan. 2, 2000.

Deputy Willis is also the second area officer to lose his life in the line of duty in the past 15 months. Lenoir County Deputy Allen Pearson was shot and killed in April 2009 near Grifton, N.C.

On average, a law enforcement officer is killed in America every other day. Since 1792, when recordkeeping started, more than 20,000 officers have lost their lives in service to their communities. And sadly, 101 officers have already been killed in the line of duty across the country this year.

This event reminds us of the mortal dangers that our officers face each day in the line of duty.

Madam Speaker, it is with both sadness and pride that I share with you the death of Deputy Jon Willis. I ask my colleagues to join me in wishing his loved ones the strength they require to overcome their loss. God bless Deputy Jon Willis. His bravery, courage, and goodness will never be forgotten by his community or his state.

IDA PROTECTION ACT OF 2010

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, today I am introducing the "IDA Protection Act of 2010." This bill will help the Individual Development Account program weather a tough economic climate, so it can continue to help lower income Americans to go to college, buy a home, or start a small business.

IDA accounts are designed to help low income individuals pull themselves out of poverty and learn how to manage their family's finances. Through a partnership between local government, non-profits, and businesses, each dollar someone saves in an IDA account is matched at a one or even two to one ratio.

To participate in this program, an individual must agree to take classes on financial literacy and agree to use the proceeds to buy a home, start a small business, or pay college tuition. Since the program's inception in 1999, more than 86,000 people have opened IDAs, many of them opening bank accounts for the first time. These individuals have sacrificed to save and thus, increased the standard of living for their family.

Unfortunately, the recent recession has threatened the future of this important program. Congress annually appropriates \$24 million for IDA Accounts, and local non-profits must find private sector matches in order to receive a portion of these federal funds. Since Wall Street's meltdown shook our economy, the usual corporate partners have not maintained their traditional level of IDA donations, and as a result much of this \$24 million for this year remains unspent.

This bill would create a bridge for the IDA program to better times. It more than doubles the program's funding in 2011 and 2012 and waives the private match requirement during those two years. Private participation in the IDA program is important, and this bill is meant in no way to incentivize private business to take its money elsewhere.

The sad reality though, is that private donors just aren't coming through right now. A number of states have eliminated or cut their IDA programs in response to this financial cri-

sis. In California, the United Way of Los Angeles was recently forced to shutter its successful IDA program, and if Congress does not act now, more closures are sure to follow.

Giving these low-income families a chance to pull themselves out of poverty will benefit us all. Their businesses will employ our neighbors; their children will be our doctors and lawyers. I urge my colleagues to support this important legislation.

HONORING HAZEL ROCHELLE BAYLOR

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor a young lady on her initiative and academic accomplishments. Hazel Rochelle Baylor is to be commended on her efforts to fulfill her dreams of pursuing a career in the field of space and aviation.

A graduate of A. Maceo Smith High School, Hazel will soon begin classes at Embry Riddle Aeronautical University majoring in aerospace engineering and minoring in aviation and business. Facing many challenges early in life, Hazel has not let her past define her future.

Her early interest in aviation was augmented by a meeting with Donald Elder, an original Tuskegee Airman. Mr. Elder inspired Hazel to follow her dreams in this field.

Hazel's desire and personality have driven her success. During an aviation presentation with the NJROTC program, Hazel met Mr. Monte Ford of American Airlines. He was so impressed with her enthusiasm that it led to an internship with American Airlines.

Hazel has many role models in aviation, but cites her strongest inspiration has come from Donald Elder, and astronaut, Dr. Mae Jamison. Hazel wants to follow into the footsteps of her idol Dr. Jamison and not just be a pilot but to become an astronaut as well.

I commend Hazel on all of her work and wish her the best on what I know will be a successful future.

HONORING KIM EBERT-COLELLA FOR RECEIVING THE 2010 GREATER TACOMA PEACE PRIZE

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor Kim Ebert-Colella for promoting peace and understanding in her local and global communities.

On the evening of May 22, Ms. Ebert-Colella received the 2010 Greater Tacoma Peace Prize at Pacific Lutheran University for her life long commitment toward peace and the wellbeing of others.

The Tacoma News Tribune has called Ms. Ebert-Colella a "walking, working proof of what kindness can mean." Following the

Catholic teachings of social justice, Ms. Ebert-Colella joined the Jesuit Volunteer Corps after graduating from the College of St. Benedict. Over the next few years, she served in the L'Arche communities working with developmentally disabled people. When she turned 30, Ms. Ebert-Colella decided to volunteer at the L'Arche home in Calcutta where she worked directly under Mother Teresa. After her return to the United States, she worked as a youth minister at St. Nicholas Catholic Church in Gig Harbor, married Niko Colella, and had their son, Sam Colella, who attends Bryant Montessori School.

Ms. Ebert-Colella followed her son to Bryant Montessori where she is a volunteer adviser for the school's Peace Committee, which encourages philanthropy and awareness of indigent areas of the world, and provides students a chance to work toward peace in their daily lives while they revitalize their local communities.

Under Ms. Ebert-Colella's leadership, students from Bryant Montessori School choose an annual theme to implement projects dedicated to peace. For example, during the 2009-2010 school year, students decided to focus on water. Under Ebert-Colella's oversight, students raised money to buy four rain barrels to collect water to use on the school's garden. They also have a goal of raising \$6,000 to give a clean water system to Las Maratos, a small town in Bolivia.

Ms. Ebert-Colella motivates students to complete philanthropic projects and fundraisers, which have since become known as peace projects. Through these peace projects, Ms. Ebert-Colella emphasizes the importance of working toward peace while living peacefully in one's everyday life. The Peace Committee also instituted a kindness campaign at the Bryant Montessori School in which the students report and recognize other students for doing kind and selfless acts.

Ms. Ebert-Colella has led several other philanthropic projects such as designating the school as an international peace site and organizing a Disco for Peace dance, which raised over \$9,000 to build a school in Pakistan.

The Greater Tacoma Peace Prize was created as a gift from the Norwegian-American community to the people of the region in 2005 on the 100th year anniversary of Norway's peaceful separation from Sweden. The prize is award to an individual, group, or organization each year to recognize, honor, and encourage peace building, education, and awareness in the Tacoma community and beyond. Ms. Ebert-Colella has made an impression on several people in the region by working for good and touching the lives of numerous families and individuals.

Madam Speaker, I ask that my colleagues in the House of Representatives please join me in congratulating Kim Ebert-Colella and her outstanding work to promote peaceful understandings throughout the Tacoma community and throughout the world.

HONORING PAT PLUMMER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Pat Plummer upon his retirement as the Varsity Head Football Coach of Hoover High School in Fresno, California and his induction into the Hoover Hall of Fame. Coach Plummer will be inducted into the Hoover Hall Fame on Saturday, July 31, 2010.

Coach Pat Plummer was born in Glendale, California. At a young age, his family moved to northern California, where he graduated from Del Oro High School. Upon graduating from high school, Coach Plummer attended Sierra Junior College in Rocklin, California. In 1970, he transferred to California State University, Fresno, on a football scholarship. In 1972, Coach Plummer was named to the All-Pacific Coast Athletic Association team as an offensive guard. Coach Plummer graduated from CSU Fresno with a Bachelor of Arts Degree in Physical Education and a minor in Geography; in 1974, he earned a teaching credential.

Upon obtaining his credential, Coach Plummer began teaching and coaching football at Tulare Western Union High School in Tulare, California. He was the defensive coordinator for two years before being named the head varsity coach. Coach Plummer remained at Tulare Western for eight years. In 1985, he was offered the position of Head Varsity Football Coach at Hoover High School. Since taking that job, Coach Plummer has compiled a record of 132 wins, 116 losses and 3 ties. He led his teams to six Fresno City Championships (1987, 1988, 1991, 1992, 1993, and 1994) and two North Yosemite League Championships (1997 and 1999).

In 2005 and 2006, Coach Plummer took a hiatus from coaching varsity football so that he and his wife, Micki, would have more time to watch his son, Shawn, play varsity football at a rival school. For those two years, Coach Plummer was the head freshman football coach at Hoover. In 2007, Coach Plummer returned to the Head Varsity Coach position. In his 25 years as the head varsity coach, he has coached several All-Star games including the Tulare-Kings All Star Game in 1985, the Fresno City-County All-Star game in 1989, 1993, and 1999, and the North-South All-Star game in 2003 and 2007.

Madam Speaker, I rise today to commend and congratulate Pat Plummer upon his retirement from Hoover High School and induction into the Hoover Hall of Fame. I invite my colleagues to join me in wishing Coach Plummer many years of continued success.

NASHVILLE RISING CONCERT

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mrs. BLACKBURN. Madam Speaker, I rise today and ask my colleagues to join me in

recognizing those artists and actors who recently participated in "Nashville Rising: A Benefit Concert for Flood Recovery" to aide those affected by the catastrophic flooding in Tennessee.

Just a few months ago, historic flooding—a 1,000 year flood—affected 46 counties in Tennessee. The flood waters left damaged homes and hearts. With rain-soaked hands, volunteers offered what they could, and Tennessee lived up to its name as the Volunteer State. I want to thank the many who supported Tennessee's flood relief efforts.

Led by Faith Hill and Tim McGraw, artists—Amy Grant, Billy Ray Cyrus, Blake Shelton, Carrie Underwood, Jason Aldean, Julie Roberts, LeAnn Rimes, Luke Bryan, Lynyrd Skynyrd, Martina McBride, Michael W. Smith, Miley Cyrus, Miranda Lambert, Montgomery Gentry, Taylor Swift, Toby Keith, and ZZ Top—performed, and with messages from Reese Witherspoon, Matthew McConaughey, Craig Ferguson, and Dolly Parton—all joined together to help raise over \$2.2 million for flood relief efforts.

Music has the hope to heal what the flooding left behind. I ask my colleagues to stand with me in thanking those who offered their time and talents to the Nashville Rising Concert, and all who have helped their neighbors during this time of need.

HONORING WILSON COUNTY
MAYOR ROBERT DEDMAN ON HIS
RETIREMENT**HON. BART GORDON**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor Robert Dedman, who is retiring after twelve years of service as Wilson County Mayor and a lifetime of public service.

A lifelong resident of Lebanon, Tennessee, Bob served a tour of duty with the Army in the 1950s, followed by a time with the American Legion. After serving his country, he served his community as Lebanon's Purchasing Agent in 1972. He went on to join the Tennessee Secretary of State's Personal Property and Inventory Division until 1984, when he successfully ran for Wilson County Property Assessor. After deciding not to seek re-election to the office, he spent a term with the 100th General Assembly as Senate Sergeant-At-Arms.

In 1998, Bob was elected Wilson County Mayor, and during his time in office, Wilson County has become the fastest growing county in the state. For twelve years, he has been a dedicated servant to the people of Wilson County. He has always been true to his promise to listen to the people he serves, accessible and welcoming to county residents.

Recently, Progressive Farmer magazine ranked Wilson County as one of the top ten "Most Livable Small Communities." This accolade is in large part due to Bob's leadership and the collective vision of the Wilson County Commission, over which he has presided.

For decades, Bob has been committed to his community. He has served on the boards

of the Four Lakes Development District, Greater Nashville Regional Council of Governments, University Medical Center, and the Regional Transportation Authority. This list of memberships is only a small sample of Bob's commitment to his community.

Thank you, Bob, for a job well done. I hope you enjoy a long and happy retirement with your wife Lois, your children and grandchildren.

HONORING THE BOY SCOUTS OF
AMERICA**HON. JEB HENSARLING**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. HENSARLING. Madam Speaker, as one of more than twenty Eagle Scouts serving in Congress, I would like to honor the Boy Scouts of America and welcome them to our nation's Capitol to celebrate 100 years of excellence.

Over the past 100 years, the Boy Scouts of America have positively impacted millions of young men, not only providing them with knowledge of the outdoors, but building character and leadership traits that serves them, their communities, and their nation.

This week over 46,000 Boy Scouts, leaders, staff and volunteers from around the world are attending the 2010 National Scout Jamboree at Fort A.P. Hill, Virginia. Many of these Scouts visited our nation's capital and participated in the Boy Scouts of America Grand Centennial Parade held this past weekend on the National Mall. I had the privilege of attending the Jamboree in 1973, and it was the height of my Scouting career.

On Tuesday I had the privilege of meeting with Troop 67 from Mesquite and Troop 339 from Forney along with many others from the 5th Congressional District who are participating in this year's events and continuing the tradition of Scouting. I am pleased to see that after 100 years, the Boy Scouts of America continues to educate and prepare young men with such success. Their visit lifted me up, and gave me great hope for our nation's future.

Scouting is an important part of the American character because it teaches countless young men about service to their community, patriotism, dedication, hard work, and reverence to God. In addition to teaching good citizenship, Scouting builds leadership skills by teaching self-reliance, setting goals and "learning by doing." Scouts know to "Be Prepared."

Since 1910 the Boy Scouts of America have served over 114 million of our nation's youth, including many of the members of this body. Currently there are 211 Members of Congress who have been involved in Scouting as a youth, earned rank of Eagle Scout, or participated as adult volunteer. I am proud to be one of the 22 Eagle Scouts currently serving in this body.

For me, Scouting was great fun. Scouting is about wonderful memories and a love of the outdoors. It is about useful knowledge that still comes in handy today. But far more important than those, to me Scouting is a way of life. Although I did not realize it at the time, everything a young man needs to know about life

he learns in Boy Scouts. It is contained within the Scout Oath and the 12 Points of the Scout Law. So Scouting is not just an achievement of a destination, it is a way of life. If young men will allow Scouting to be their moral compass, it will guide them successfully through the hazards, temptations and pitfalls of life. We should all celebrate Scouting and recognize its great value to our nation.

Madam Speaker, I am honored to be an Eagle Scout. On behalf of the Fifth District of Texas, I thank the Boy Scouts of America for 100 years of devotion to service, leadership, and citizenship.

CELEBRATING THE 45TH ANNIVERSARY OF THE BILL SIGNING OF MEDICARE AND MEDICAID LEGISLATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. TOWNS. Madam Speaker, today I rise to speak on acknowledgement of the 45th Anniversary of the signing of the Medicare and Medicaid legislation.

In 1965, the United States Congress made a commitment to our nation's most vulnerable citizens when it passed into law legislation that created Medicare and Medicaid as part of the Social Security Act. We as a nation decided that the elderly, poor children, the blind, and the disabled would never be denied proper medical care because of their inability to pay. When President Lyndon Johnson signed the bill and made it law on July 30, 1965, millions of elderly and poor people were spared needless worry and suffering. It was one of our nation's finest moments. We displayed the compassion and will that makes this country great. Access to adequate health care is a right not a privilege.

Please join me today in commemoration of the 45th anniversary of the bill signing for Medicare and Medicaid.

HONORING CHIEF JUDGE DANNY DAVIS FOR HIS TWENTY-SIX YEARS OF SERVICE

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SHULER. Madam Speaker, I rise today to honor Chief Judge Danny Davis for his twenty six years of service as the Chief District Court Judge of the 30th Judicial District in Western North Carolina. During his thirty one years of experience in the courtroom Judge Davis distinguished himself as a superior legal mind, as well as a patient, restrained, and fair jurist.

In the eyes of Judge Davis, an effective judge must listen to both sides of an argument and form a sound legal opinion based on fact, while also maintaining a courteous and respectful demeanor. Holding true to his words, Judge Davis is best known for his fairness and sound reasoning.

Judge Davis has always strived to improve society, leaving his community better than he found it. Throughout his career, Davis has exemplified the highest standard of legal excellence, maintaining the strongest sense of character while reaching a consensus.

Madam Speaker, I congratulate Judge Davis on his retirement. He has exemplified real leadership in his ability to ensure that the utmost fairness is in our nation's judicial system. It is truly an honor to recognize him for his many years of service and dedication to Western North Carolina, and I urge my colleagues to support this remarkable jurist.

REVITALIZING CITIES AND TOWNS BY BRINGING BUSINESS BACK

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. KIRK. Madam Speaker, today I introduce a bill to help our commercial neighborhoods to recover the economic activity they have lost during the Great Recession. When the economy tumbled and unemployment rose to the highest level seen in a generation, businesses were forced to close their doors, transforming once-thriving commercial streets into quiet avenues with "For Rent" signs.

My bill encourages private investors to develop land and vacant properties that have had no substantial economic activity for at least two years by exempting them from taxes for up to ten years.

Proper tax incentives can ignite an economic renaissance in our cities and towns by nurturing private investment and enterprise. This is the best government stimulus I know.

CONGRATULATING THE JEFFERSON DEMOCRATIC CLUB OF FLUSHING ON THEIR 100TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. ACKERMAN. Madam Speaker, I rise today in recognition of the 100th anniversary of the Jefferson Democratic Club of Flushing, Inc. Representing Part A of the 26th Assembly District of New York, the Jefferson Democratic Club has fiercely and tirelessly advocated on every level for the interests of the Queens and greater New York City communities.

Speaker Tip O'Neil once observed that "all politics is local." Organizations like the Jefferson Democratic Club are local politics' driving force. Without the hard work, enthusiasm, and dedication of the men and women of political organizations like the Jefferson Democratic Club, the gears of our democracy would grind to a halt.

Founded on June 14th, 1910 during the Republican Administration of William Howard Taft, the Jefferson Dems have been championing democratic values at the grassroots level for generations. Serving the areas of

Auburndale, Bay Terrace, Bayside, Douglaston, Floral Park, Flushing, Little Neck, New Hyde Park, North Shore Towers, and Whitestone, they are a staple of the community and an invaluable asset to the people they represent. In recent years, the Club has participated in annual gift drives benefiting hospitalized war veterans; toy and clothing drives to assist hospitalized and needy children and the children of troops currently serving overseas; and many other important community programs.

I am proud to recognize such a prestigious organization and congratulate current District Leaders Joseph Bechtold and Ann-Margaret Carrozza; incoming District Leaders, Michael Sais and Carol Gresser; President, David Fisher; and all the members of the Jefferson Democratic Club of Flushing for their one hundred years of service to the people of Queens County, New York City, and New York State. I hope to see the good work continue for one hundred more. I ask that my colleagues in the House to join me and rise in recognition of the Jefferson Democratic Club of Flushing's centennial anniversary.

HONORING THE MEMORY OF CEIL STEINBERG

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. KLEIN of Florida. Madam Speaker, we rise today to honor the life and memory of an extraordinary member of our South Florida community.

Ceil Steinberg passed away this week at the age of 82, leaving behind a legacy of service and strength.

Throughout Ceil's remarkable life, she maintained a steadfast commitment to serving our Nation's veterans. She served as President of the Ladies National Auxiliary of the Jewish War Veterans, and continued to be active in our local veterans community into her 80s.

Ceil's two wonderful daughters, Circuit Court Judge Debra Nelson and her sister Anita Kahn, who has taught in South Florida public schools for over 30 years, blessed their mom with 4 grandchildren and 4 great-grandchildren, who Ceil adored.

When we think of public service, we think of Ceil, and her determination to give back, especially to those who have served our Nation in uniform.

We want to express our deep personal condolences to all of Ceil's family, and her beloved partner Bill Kling, who is also a fixture in our local veterans' community.

We will miss seeing Ceil, but the light of her legacy will continue to burn brightly well into the future.

100,000 HOMES CAMPAIGN AND
THANKING COMMON GROUND
AND PINE STREET INN FOR
THEIR EFFORTS ON THIS INITIA-
TIVE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 30, 2010

Mr. CAPUANO. Madam Speaker, I rise today to recognize the "100,000 Homes Campaign", an effort to address homelessness in America by providing permanent shelter for 100,000 homeless persons over the next three years. In Boston, the Pine Street Inn, a non-profit organization in my district that has been fighting homelessness for over 40 years, is acting as the lead local agency for this national initiative. Rosanne Haggerty, President and Founder of the New York based nonprofit Common Ground, launched the campaign in Washington, D.C. on July 12th at the Annual Conference of the National Alliance to End Homelessness. So far 34 communities have signed on to participate. In just the short time since the campaign's start, over 5,000 people nationwide have received housing assistance.

The Pine Street Inn was founded in 1969 and provides low-cost permanent housing for homeless individuals. The organization also assists over 10,000 homeless individuals annually by offering emergency shelter, food and health care related services. Mental health and substance abuse counseling are also available through the Pine Street Inn.

Too many Americans are struggling with homelessness and this initiative will help reduce the ranks of the homeless throughout the country. I commend the Pine Street Inn and Common Ground for their tireless efforts and their compassion. Their combined work and the efforts of so many dedicated organizations throughout the country will help make the "100,000 Homes Campaign" a success.

WHERE ARE THE JOBS?

HON. JEB HENSARLING

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 30, 2010

Mr. HENSARLING. Madam Speaker, the American people want to know: where are the jobs?

I do not understand why the Obama Administration and Congressional Democrats have pursued jobs-killing policies such as a government take-over of health care, a national energy tax, a financial regulatory bill that enshrines us as a bailout nation; and are doing nothing to stop the largest tax increase in American history scheduled for the end of this year. These policies have injected uncertainty into the economy, causing nearly \$2 trillion in private capital to stay on the sidelines.

We just learned this morning that in the 2nd quarter this year, GDP grew at 2.4%. While this is better than no growth, it is down from the 3.7% in the first quarter. This recovery defies conventional wisdom, which is the deeper the recession, the stronger the recovery.

The Obama Administration and Washington Democrats have declared their stimulus bill and other economic policies a success. However, the American people have declared them a failure.

RECOGNIZING CLENET INTER-
NATIONAL, LLC FOR RECEIVING
THE MINORITY GLOBAL TECH-
NOLOGY FIRM OF THE YEAR
AWARD

HON. PETER J. ROSKAM

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 30, 2010

Mr. ROSKAM. Madam Speaker, I rise today to honor and congratulate CleNET International, LLC for being selected by the U.S. Department of Commerce's Minority Business Development Agency to receive the Minority Global Technology Firm of the Year Award.

Headquartered in Oakbrook, Illinois, CleNET Technologies is one of the top technical service providers in the area of globally sourced consulting, software development, testing and system integration. They have become a leading global delivery partner with clients from all over the world.

This particular award was created to recognize minority entrepreneurs who have exemplified leadership in their industry, success as a business and who have had a positive impact on their communities.

CleNET has played an integral role in creating jobs and sustaining the local economy. I would like to recognize the admirable work of owners Jeff Fang and Michael Yuan who have built this business to be as successful as it is today, employing over 1,100 people worldwide.

Madam Speaker and Distinguished Colleagues, please join me on this special occasion in paying tribute to CleNET International, LLC for their superior achievements.

CONGRESSIONAL DELEGATION TO
NATO PARLIAMENTARY ASSEM-
BLY MEETINGS IN LATVIA AND
BILATERAL VISIT TO MONTE-
NEGRO

HON. JOHN S. TANNER

OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Friday, July 30, 2010

Mr. TANNER. Madam Speaker, from May 28–June 3, I led a House delegation to NATO Parliamentary Assembly (NATO PA) meetings in Riga, Latvia, and to additional bilateral meetings in Podgorica, Montenegro. The U.S. delegation to the NATO PA had a highly successful trip during which we examined a range of political, economic, and security issues currently confronting the Alliance, as well as NATO and U.S. policy in Montenegro and the Western Balkans.

The NATO Parliamentary Assembly consists of members of parliament from the 28 NATO states, as well as members of parliament from candidate state Macedonia (or Former Yugo-

slav Republic of Macedonia, FYROM), and other associated states such as Russia, Georgia, and Ukraine. I currently have the honor of serving as President of the Assembly. In this capacity, I preside over meetings during which delegates discuss and debate a range of issues of importance to the Alliance. During the NATO PA's two annual plenary sessions, delegates also have the opportunity to listen to presentations by specialists on NATO affairs and to offer guidance to NATO leadership in Brussels. An additional element of the meetings is the opportunity to meet and develop relationships with members of parliament who play important foreign policy roles in their own countries. These responsibilities can include setting defense budgets and determining the operational restrictions placed on deployed forces. Some of the acquaintances made through the NATO PA can last the duration of a career, and are invaluable for gaining insight into developments in allied states.

Discussions during the NATO PA's annual spring meeting focused on the key issues currently facing the Alliance. These include: the drafting of a new Strategic Concept for NATO; NATO's ongoing stabilization mission in Afghanistan; NATO's evolving relations with Russia; and the effects of the global economic downturn on national security and allied commitments to NATO. More specific issues such as the Alliance's nuclear weapons posture, missile defense, and emerging security challenges such as piracy and cyber and energy security were also discussed by the delegates.

At NATO's 60th anniversary summit in April 2009, the leaders of NATO's 28 member states tasked the NATO Secretary General with producing a new Strategic Concept for the Alliance. The re-writing of the Strategic Concept, which was last updated in 1999, offers NATO a chance to lay out a clarified vision of its role in the 21st century security environment. Heads of state from the NATO member states are expected to approve a new Strategic Concept at their November 2010 summit in Lisbon. In April 2010, NATO PA representatives presented NATO Secretary General Anders Fogh Rasmussen with the Assembly's recommendations for a new Strategic Concept. There is broad agreement within the NATO PA that the new Strategic Concept should re-affirm NATO's primary role as a military alliance devoted to ensuring the collective defense and security of its members. In this regard, Article 5 of NATO's founding North Atlantic Treaty—which states that an attack on one is an attack on all—remains NATO's core principle. Our delegation emphasized that in the face of new and emerging security challenges, the Alliance must also continue to broaden the traditional Cold War concept of collective defense to include security threats such as terrorism, proliferation of weapons of mass destruction, cyber-security, and energy security. In this regard, territorial defense can no longer be separated from "out-of-area" security concerns. Members of our delegation also highlighted the importance of developing and maintaining the capabilities necessary to achieve NATO's stated objectives.

The key issue facing the Alliance continues to be NATO's effort to bring security and stability to Afghanistan. Approximately 120,000 troops from 46 countries currently serve in

NATO's International Security Assistance Force (ISAF) in Afghanistan, with NATO members providing the core of the force. Close to 80,000 U.S. troops are under ISAF command. NATO allies have generally welcomed the renewed U.S. focus on Afghanistan and have voiced their support of the Administration's new strategy in the region and the associated U.S. troop increases. In April, NATO Foreign Ministers reiterated previous commitments to shift ISAF's emphasis toward transferring responsibility in the country—first and foremost in the security sector—to the Afghan government. Our delegation made an effort to urge our counterparts from NATO parliaments to continue to support ISAF and to contribute the forces and resources necessary to stabilize Afghanistan. Our delegation also emphasized that success in Afghanistan will depend on more than just military efforts, and called on the Alliance to develop a more comprehensive political strategy for the region.

Since NATO-Russia relations reached a low point in the wake of the August 2008 Russia-Georgia conflict, NATO and Russia have sought to improve ties and boost cooperation. Meetings of the NATO-Russia Council resumed in mid-2009 but while cooperation in some areas has resumed, disagreement persists on some issues. Officials from some member states within the Alliance express concern that NATO has not taken a strong enough stance against assertive Russian behavior. Others have attempted to view Russia as a "strategic partner" and call for more pragmatic cooperation and engagement. Our delegation contributed to a number of forceful discussions, including with our Russian counterparts, on the future of NATO-Russia relations. We emphasized that NATO should by no means recognize Russian spheres of influence outside Russian territory or tolerate Russian behavior that threatens the territorial integrity of independent nations. At the same time, we pointed out the importance of developing a unified approach toward Russia within the framework of a broader Alliance policy toward the east.

During the four-day NATO PA session, our delegation participated in day-long meetings of the Assembly's five committees, in a meeting of the NATO-Russia Parliamentary Committee, and in a final plenary session attended by NATO Secretary General Rasmussen. During each NATO PA committee meeting, members of parliament from NATO member states present reports on a range of issues confronting the Alliance. Committee members discuss and debate the issues raised by the reports and are given the opportunity to make counter-arguments or recommend that amendments be made to the reports. Members of the U.S. delegation were present and active participants in all committee meetings.

The NATO PA's Political Committee received three interesting and informative presentations from government officials and outside experts, as well as presentations from members of parliament on three committee reports. Alvis Ronis, Latvia's Minister of Foreign Affairs, gave an engaging briefing on Latvia's foreign and security policy priorities. Despite facing a severe economic downturn that has forced sharp budget cuts, Latvia remains committed to NATO operations, including in Af-

ghanistan, where it has deployed 170 troops. The committee also heard from U.S. Assistant Secretary of Defense for International Security Affairs, Alexander Vershbow, who shared a U.S. perspective on lessons learned from the NATO mission in Afghanistan. A third presentation, given by Alain Delétroz, Vice President of the International Crisis Group, focused on Central Asia and current U.S., European, Chinese, and Russian policy in the region. The three committee reports presented included a report on security in the Persian Gulf region and on the Arabian peninsula written by our colleague, Rep. MIKE ROSS. Unfortunately, Mr. ROSS was unable to attend the meeting. Italian Senator Sergio Di Gregorio graciously agreed to present Mr. Ross's report, which was well received by the committee. Other reports debated by the Political Committee included a report on Alliance cohesion and a report on NATO's relations with so-called "Contact Countries," countries outside the Euro-Atlantic region that are not formal NATO partners.

Members of the Science and Technology Committee heard presentations from a former Latvian president and a senior political advisor at NATO headquarters and debated issues raised in three committee reports. Former Latvian President Vaira Vike-Freiberga shared valuable insights on the Baltic states' relations with Russia. Michael Ruehle, Senior Political Advisor in the NATO Secretary General's Policy Planning Unit, gave a comprehensive assessment of efforts to strengthen the global nuclear non-proliferation regime. The most discussed of the three committee reports presented during the session was Rep. DAVID SCOTT's report entitled, "Nuclear/WMD proliferation and Missile Defense: Forging a New Partnership with Russia." Rep. SCOTT gave a lively and forceful presentation on this timely subject, outlining a broad range of perspectives on NATO, U.S., and European cooperation with Russia on non-proliferation issues, including efforts to counter Iran's nuclear program, and on missile defense. Additional discussions during the committee meeting centered on possible security challenges posed by climate change and on the appropriate role for NATO in energy security issues.

The NATO PA's Defense and Security Committee discussed a range of security issues facing the Alliance, including NATO's engagement in Afghanistan and the role of non-strategic nuclear weapons in maintaining Alliance security. On Afghanistan, delegates heard sobering accounts of ongoing NATO efforts to develop and partner with the Afghan National Security Forces, and on measuring success in Afghanistan. During subsequent debate, delegates reaffirmed the importance of the mission in Afghanistan but acknowledged the significant challenges the Alliance is facing. In response to a report on U.S./NATO non-strategic nuclear weapons in Europe, Rep. DAVID SCOTT made a well-received intervention emphasizing that any decision on the Alliance's nuclear weapons posture must be made by the Alliance as a whole. Rep. SCOTT highlighted the vital role that non-strategic nuclear weapons have played in affirming the allied commitment to collective defense and invited continued talks with Russia on global nuclear non-proliferation efforts.

The meeting of the Committee on the Civil Dimension of Security focused on several issues of increasing importance to Alliance security, chief among them the role of governance and regional politics in ensuring long-term stability in Afghanistan. Delegates debated a committee report outlining a range of governance challenges in Afghanistan and agreed that the Afghan mission's success will hinge largely on the success of international efforts to improve Afghan governance. Additional reports presented to the committee focused on NATO's role in maritime security and on achievements and future prospects in the Western Balkans. On the Balkans, delegates emphasized the importance of outlining paths to eventual NATO membership for the countries of the region, but agreed that significant progress must be made before membership becomes a reality.

Members of the NATO PA's Economics and Security Committee discussed various aspects of the global financial crisis and the associated global economic downturn. This included an in-depth presentation by the Governor of the Bank of Latvia on the Latvian economy and an assessment of the Greek financial crisis and its global implications by a professor from the London School of Economics. The reports presented by committee members focused on the impact of the financial crisis on Central and Eastern Europe, the impact of the global recession on the developing world, and a possible long-term shift in global economic power.

On Monday, May 31, our delegation participated in a meeting of the NATO-Russia Parliamentary Committee. As President of the NATO PA, I chaired this meeting, which consists of members of the NATO PA's Standing Committee and members of the Russian parliament. The committee heard candid and insightful presentations on NATO-Russia relations from Professor Alexei Pushkov, Director of the Institute of Contemporary International Studies at the Diplomatic Academy of the Russian Ministry of Foreign Affairs, and from Alexander Vershbow, U.S. Assistant Secretary of Defense and former U.S. Ambassador to Russia. Arguing that "all military alliances are directed against something or somebody," Professor Pushkov asserted that the Russian government continues to view NATO's possible enlargement eastward as a security threat. Despite continued disagreement between NATO and Russia on this and some other core issues, Professor Pushkov maintained that the two sides can minimize the points of contention in their relationship by enhancing cooperation in areas ranging from counter-narcotics trafficking and counterterrorism to maritime security and nuclear non-proliferation. Assistant Secretary Vershbow expressed concern that the Russian government continues to view NATO as a security threat but reiterated the Obama Administration's fundamental commitment to enhancing NATO-Russia ties. He emphasized that NATO and Russia have common interests and could each benefit from cooperation on many of today's most serious global challenges. As Monday was Memorial Day, the delegation visited Riga's Brethren Cemetery to commemorate Latvian soldiers who were killed during the First World War and Latvia's war of independence with Russia.

On Tuesday, June 1, I chaired the closing plenary session of the NATO PA meeting. During the session, the Assembly had the opportunity to hear from NATO Secretary General Rasmussen, Latvian Prime Minister Valdis Dombrovskis, Afghan Defense Minister Abdul Rahim Wardack, the Commander of Allied Joint Force Command, General Egon Ramms, and the Speaker of the Latvian parliament, Gundars Daudze. Secretary General Rasmussen used his address to the Assembly to outline some key principles for NATO's new Strategic Concept and to urge delegates to remain committed to the mission in Afghanistan. On the new Strategic Concept, Secretary General Rasmussen emphasized the importance of adopting a document that explains in clear terms how the Alliance is enhancing security in the 21st century. He argued that NATO must remain committed to deterrence and collective defense, that the Alliance must cooperate with non-NATO member states such as Russia, and that NATO's approach to security must be comprehensive and must complement actions taken by other international organizations such as the European Union and the United Nations. The Secretary General added that in order to realize the strategic goals agreed by the Alliance, NATO headquarters must function efficiently and that NATO member states must develop more flexible and deployable military forces and capabilities.

In sum, Madam Speaker, the 2010 spring session of the NATO Parliamentary session in Riga, Latvia was a great success. As President of the Assembly, I took pride in the deliberations and the informed engagement of the delegates from all NATO member states and our associate and observer members. For Members of the House and Senate interested in reading the committee reports or transcripts of the presentations mentioned in this statement, they are available on the NATO PA website at www.nato-pa.int. I would also like to take this opportunity to thank our Ambassador to Latvia, Judith Garber, and her staff for the excellent job they did assisting the delegation during our stay in Riga.

On Tuesday, June 1, after the conclusion of the NATO PA meeting, our delegation travelled to Podgorica, Montenegro, on the invitation of Montenegrin Prime Minister Milo Djukanović. Since achieving its independence in 2006, Montenegro's key foreign policy goals have been European Union (EU) and NATO integration. Montenegro has moved quickly to advance its NATO membership candidacy and in December 2009, the Alliance invited Montenegro to join the Membership Action Plan (MAP), a critical step on the road to possible NATO membership. The United States strongly supported Montenegro's effort to gain independence from Serbia and continues to support its efforts to gain membership in NATO and the European Union. During one-and-a-half days of meetings in Montenegro, our delegation observed first hand the steps being taken by the Montenegrin government to advance its NATO membership prospects and to ensure that membership will lead to a stronger Alliance and enhance stability in the Western Balkan region. We also took the opportunity to urge the Montenegrin leadership to continue to advance reforms in the area of democratic governance, to combat corruption, and to enhance the rule of law in the country.

Over the course of our visit, the delegation met with numerous Montenegrin government officials, including Prime Minister Djukanović and President Filip Vujanović, and had the opportunity to observe Montenegrin troops as they trained in preparation for upcoming deployment to Afghanistan. We were also fortunate to meet with representatives of non-governmental organizations and media outlets, including several outspoken critics of the current Montenegrin government. Shortly after our arrival in Podgorica, we received a comprehensive briefing on U.S.-Montenegrin relations from our Ambassador to Montenegro, Roderick Moore, and his excellent staff. Ambassador Moore highlighted the record of strong U.S. support for Montenegro and emphasized the work he and his staff are currently doing to enhance democratic governance in the country. Our meetings with Prime Minister Djukanović, President Vujanović, Foreign Minister Milan Rocen, and Speaker of the Montenegrin Parliament Ranko Krivokapić focused primarily on the country's prospects for NATO and EU membership and on the government's democratic reform efforts, particularly in the rule of law area. The Montenegrin leadership stressed the importance of Euro-Atlantic integration not only for the country but for the Western Balkan region. Each of our interlocutors believes strongly that NATO and EU integration represent the best hope to bring lasting peace and stability to the region.

Our delegation also had the opportunity to observe first hand the advances being made by the Montenegrin armed forces. Since gaining independence, Montenegro has had to create a military virtually from the ground up. The size and capabilities of the Montenegrin armed forces remain limited, but the government has made some notable strides in modernizing the military and creating more deployable units. Our delegation was especially impressed to learn of Montenegro's contribution to NATO's International Security Assistance Force (ISAF) in Afghanistan. In March of this year, Montenegro deployed a 31-man infantry unit and a medical team to Afghanistan. One of the highlights of our trip was being able to meet with Montenegrin soldiers preparing to deploy to Afghanistan and to express to them our sincere appreciation for their efforts.

In conclusion, I would like to acknowledge the hard work and dedication of Ambassador Roderick Moore and his staff, who went out of their way to organize an excellent visit for the delegation. The embassy team in Podgorica deserves high praise for the work they have done advancing U.S. policy in Montenegro and the Western Balkan region. As always, members of the United States military also contributed greatly to the success of this NATO PA trip. The logistics of such a trip, compressed into a tight time frame, are complicated and require lengthy and detailed preparation. Our military escorts were from the Air Force Legislative Liaison Office and the aircrew was from the 201st Airlift Squadron at Joint Base Andrews, MD. They did an outstanding job and I thank them for their hard work and dedication to duty.

RECOGNIZING THE IMPORTANT CONTRIBUTIONS OF JAMES R. LEAMAN

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize James R. Leaman, retiring President of the Virginia AFL-CIO, for his leadership and service to union members and working families across the Commonwealth.

Throughout his distinguished career, Jim Leaman has strived to protect the health, safety, and quality of life for all of Virginia's workers. Whether they were white collar or blue collar, industrial or agricultural, public sector or private sector workers, Jim Leaman fought for them all.

Jim Leaman dedicated his life to ensuring Virginia's working men and women received a fair wage, had access to affordable health care, and worked in a safe environment.

He carried the banner of Virginia's working families to the halls of Virginia's General Assembly, the U.S. Congress, to the counties, cities and towns of the Commonwealth, and within Virginia's Democratic Party.

Throughout his many years of service to the AFL-CIO and Virginia's workers, Jim Leaman never wavered from his principles. He was, and is, a steadfast advocate for fairness, equality, and justice for all Virginians.

Jim Leaman was a true public policy advocate. Along with his work to protect the interests of Virginia workers, he also pushed broader issues that affected the lives of all Virginians, such as opposition to the usurious rates charged by payday lenders to those who could least afford such costs.

As a result of his efforts and leadership on non-partisan voter registration campaigns, thousands of Virginians became voters and participated in our democratic process.

Prior to his four-year tenure as President, Jim Leaman served as Secretary-Treasurer of the Virginia AFL-CIO from 1990 to his election as President in 2006. He was a proud 35-year member of the Communications Workers of America and is currently a member of the Iron Workers. Jim has advised several Virginia governors and other elected leaders and has served on boards and commissions dealing with labor and employment issues in the Commonwealth.

Madam Speaker, I ask my colleagues to join me in acknowledging the accomplishments and distinguished career of my friend and one of Virginia's great labor leaders, Jim Leaman. I thank him for his service and wish him the best in all of his future endeavors.

IN RECOGNITION OF THE LATE CARL HAYNES, PAST PRESIDENT OF TEAMSTERS LOCAL 237

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mrs. MALONEY. Madam Speaker, I rise to honor the late Carl Haynes, former President

of the Teamsters Local 237 City Employees Union, former Vice President of the International Brotherhood of Teamsters, and beloved husband and father. A lifelong advocate for working men and women, Mr. Haynes passed away in April.

Carl Haynes was born Carroll Edwin Haynes in West Virginia on June 2, 1933, the second of three children. He attended West Virginia State College and married his sweetheart Janice in the campus chapel two days after graduation. The newlyweds moved to New York City to begin a long and fruitful life together.

Haynes began working in the city's youth services industry in 1956 at Youth House in the Bronx. In 1960, he assumed a position as a Housing Assistant in the New York City Housing Authority (NYCHA). In 1967, as chairman of the 600-member housing assistants' local union chapter, he mobilized his co-workers in a strike against NYCHA for better pay and working conditions. The three-day job action led to the agreement by NYCHA officials to the strikers' demands. Haynes later spoke proudly of his role in the strike, the only one in NYCHA's long history. In 1968, Haynes joined the Teamsters' Union Local 237 staff full-time as a business agent and was subsequently promoted to Assistant Director and later Director of the Housing Division. He became a Trustee in 1978, was elected Vice President in 1983, and ascended to the presidency in 1993, succeeding Barry Feinstein. For 14 years, Haynes proved a dynamic leader guided above all by a "members first" philosophy. After truly leaving his mark on the organization, Haynes stepped down as President in 2007 and oversaw the smooth transition of his successor, his friend and colleague Gregory Floyd.

Carl Haynes continued to serve as a Vice President of the International Brotherhood of Teamsters while heading its Public Employees Division until 2009. He sat on the executive boards of the New York State AFL-CIO, the New York City Central Labor Council, and the Municipal Labor Committee, and served as national AFL-CIO Vice President and on the boards of directors of Emblem Health Care System and United Way of New York City. He was a beloved leader adored by his members and admired by all who worked with him.

In memorializing Haynes, Gregory Floyd recalled his "calm demeanor in the face of adversity and his patience at the negotiating table. When it looked like there was no hope in sight, he kept a positive outlook. . . He was a kind and giving man who dedicated his career to helping working men and women." Teamsters national President, Jim Hoffa, said of him, "Under Carl's leadership, the Public Services Division grew tremendously and we are grateful for his dedicated service to our union."

Carl Haynes is survived by his wife, Janice; a son, Jay, of San Antonio; a daughter, Liane, of Los Angeles; and three grandchildren.

Madam Speaker, in recognition of his decades of service to the labor movement and to our nation, I request that my distinguished colleagues join me in paying tribute to Carl Haynes, a proven leader who dedicated his life in service to others.

HONORING PAT BELLAMY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to commend Pat Bellamy. Patrick Bellamy was the Chairman of the Houston Ship Patrick also served as a member of the Houston-Harris County Homeland Security Advisory Council and is the retiring Director of the Southwest Public Safety Technology Center at the University of Houston (SWRC). In these roles Mr. Bellamy planned with federal, state and local government entities relative to Homeland Security and related issues.

Mr. Bellamy has been involved with government, information technology, communications infrastructure deployment and first response for over forty years and has completed AAS, BS and MA degrees. Prior to his retirement from what is now AT&T, Mr. Bellamy was Regional Vice President and Executive Director responsible for Technology Planning, Market Development, Technical Sales/Support, Program Management and Technology Certifications/Assurance.

In his various roles, Mr. Bellamy has deployed a variety of "firsts" as part of planning the St. Louis, San Antonio, Tulsa, Houston, Paris, Chilean and other complex networking and defense systems. He was also involved in a variety of government and industry emergency response teams and in the development of related process-oriented efforts. Mr. Bellamy's organizations also coordinated the implementation and ongoing management of complex technologies for international, national and other industry systems. Similarly, his organization coordinated sensitive government-oriented systems plus implementations for the Economic Summit (G7), the Republican National Convention and other strategic events. He also wrote the technology planning document for the 2012 Olympic Game effort.

While a member of the U.S. Air Force, Mr. Bellamy was educated at Chanute AFB as an electrical-electronics engineer and assisted in the planning, design, implementation, testing, first response and maintenance of guidance and control systems, nuclear payloads, addressing systems, networking systems, first response systems and other functions associated with the strategic Minuteman Inter-continental Ballistic Missile defense system.

Among his community involvement efforts, Patrick Bellamy was the Founder of the UH Cullen College of Engineering's Houston InfoComm Technology Initiative and co-Founder of the Houston Area Technology Advancement Center. Similarly, Mr. Bellamy has been a board member of the Houston READ Commission and has also served as the Chairman of the Executive Board for the Gulf Coast Alliance for Minorities in Engineering. Mr. Bellamy currently serves on a number of public/private advisory boards. Along these lines, Mr. Bellamy played a leading role in the creation and development of the Houston Ship Channel Security of District. And, with the assistance of HSC2, local governments, the Houston Ship Channel Security District Board, Houston Ship

Channel Industry Participants (including EHCMA), HSC2, the Port of Houston Authority, the USCG and other key players, led the transition process associated with the evolution of this "first-of-its-kind" key Homeland Security-oriented effort.

And so it is with great pleasure that I recognize and congratulate my long time friend, Pat Bellamy.

HONORING FREDERIK E. VAZQUEZ

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. QUIGLEY. Madam Speaker, I rise today with a heavy heart to honor the service and mourn the death of Marine Lance Corporal Frederik E. Vazquez, of Melrose Park, IL. He was killed Saturday in Helmand Province in Afghanistan while supporting combat operations. He was just 20 years old.

Erik to his family and Freddy to his friends, Frederik Vazquez was born in Los Angeles, spent his childhood in Northlake and moved to Melrose Park just a few years ago, where he attended Proviso West High School before graduating from West Leyden in 2008.

Erik had wanted to be a Marine since childhood, and enlisted following graduation. His parents remembered a quiet young man who returned from Marine boot camp more reflective and responsible, with an eye toward college after the Marines. I join with those who knew Erik best in mourning the life he lost, and that which could have been.

I extend my heartfelt condolences to Erik's friends, family, and everyone who will miss this young Marine. On behalf of this Congress and the 5th District of Illinois I thank him for his bravery. His country will never forget his service.

WYNONNA JUDD

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mrs. BLACKBURN. Madam Speaker, the Music City family is known the world over for reaching out and helping up. One of our shining stars, five time GRAMMY award winning artist Wynonna Judd will be awarded the Cecil Scaife Visionary Award for her countless contributions to the Nashville community, and to future generations who wish to pursue a career in the music industry. I rise with friends, artists, and fellow musicians who are gathered to celebrate the many contributions of Wynonna Judd.

I rise also today to thank all those who offer their devotion to the Cecil Scaife Music Business Scholarship. The Cecil Scaife Business Scholarship Endowment provides for an educational scholarship. Named for Arkansas native Cecil Scaife, the award honors Scaife's love of the music industry and his vision to see the formation of an educational program to produce successful musicians, artists, and

music business leaders. Working with the great artists of our collective legacy, Charlie Rich, Jerry Lee Lewis, Carl Perkins, and Johnny Cash, Scafe pioneered the way for future legends of the music business.

Calling Nashville home in 1979, Wynonna continues to leave an indelible mark on the Middle Tennessee community, as well as causes around the world. Devoted to a wide range of needs from children in crisis, to the United Way, and to the men and women who defend our precious freedom, Wynonna participates in assisting over 100 charities per year.

Following consistently her instincts, Wynonna sings the songs of the familiar, the comfortable and the faithful. Her inspirations come from rock, her passions from blues, and her notes from great men and women of music. Her idol list reads like the who's who of the music business. Seven studio albums later, she is still making opposing musical choices the binding notes of her story. Like the icons of country past, Wynonna has not been afraid to shy from the controversial, leading us all to higher growth.

Wynonna's successes are vast: holding multiple gold, platinum, and multi-platinum certificates from RIAA, took her place on the New York Times bestseller list, written with John Rich, covered Elvis, sang for Lilo and Stich, and having seen her notes executed with perfection by figure skating champion Brian Boitano. Awards and causes too many to mention, but championed all with great strength, this Top Female Vocalist of the Year crafts her art with the grace of a prophet and the resilience of a saint. I ask my colleagues to join with me in celebrating Wynonna Judd on receiving the Cecil Scafe Visionary Award as she continues to bring the best of hope to all who listen and dream.

HONORING MAJOR GENERAL
DOUGLAS BURNETT

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. PUTNAM. Madam Speaker, today I rise to honor Florida Air National Guard Major General Douglas Burnett. General Burnett's hard work helped rise through the ranks over the years earning a number of awards over his illustrious career.

Retiring from the Air Force, General Burnett capped his 47 years and 4 month long career as Florida's Adjutant General. Taking the position in November 3, 2001, General Burnett was the first Air Guard officer to preside over Florida's 12,000 member National Guard.

In his opening remarks that November, General Burnett stated, "Let us, as we respond to the national crisis before our nation, seize this opportunity to re-calibrate our priorities and realize that freedom is the common bond among America's diverse culture . . . something that must always be protected . . . something that those who come to America's shores value highest."

General Burnett presided over the Florida National Guard's response to some of region's

most severe natural disasters. A record four hurricanes in one year hit Florida in 2004, including Hurricanes Charley, Frances, Ivan, and Jeanne. The following year, General Burnett led the response to Hurricanes Dennis, Wilma, and Katrina. More recently, he set in motion the Florida National Guard's part of bringing aid to earthquake stricken Haiti. After his long years of service, General Burnett earned the respect and admiration from the military and civilian side in efforts to make Florida the best National Guard state in the nation.

The leadership General Burnett demonstrated in these responses was forged over a long career of impressive accomplishments. General Burnett has received the Legion of Merit award with one oak leaf cluster. General Burnett has also received the Air Force Commendation Medal, the Air Force Achievement Medal, and the Combat Readiness Medal with two oak leaf clusters. The Air Force began commending this award in 1958. Locally, he has received the Florida Cross, the Florida Distinguished Service Medal and the Florida Commendation Medal.

Such a noteworthy career began in his hometown of Jacksonville, Florida. After spending some time in military service, he then went on to graduate from the University of Southern Mississippi with a Bachelor's of Science in Business Administration. After many years in the service, General Burnett later capped off his education by completing work at the Command and General Staff College and the Air War College.

After high school, General Burnett began his military career at Lackland Air Force Base in Texas and Kessler Air Force Base in Mississippi under the Florida Air National Guard. He then started what became a lifelong flying career in 1969 by enrolling in the Undergraduate Pilot Training program at Randolph Air Force Base in Texas. Earning dual qualifications in military and transport aircraft, he took his first assignment as an Alert Pilot in the North American Aerospace Defense Command.

General Burnett also flew commercially for Pan America World Airways and United Airlines until 1996. During his extensive time as a military and commercial pilot, he logged over 20,000 flying hours over 22 years in the F-102, F-106, C-26, C-131, C-13011, Boeing 727, and McDonnell-Douglas DC-10.

General Burnett served on a number of posts. He was the Chairman of the National Guard Bureau's Domestic Operations Advisory Board. He sat on the Reserve Forces Policy Board and is actively involved with the National Guard Association of the United States where he previously served two terms on the Executive Council. He was elected the President of the National Guard Officers Association of Florida in 1993. Finally, General Burnett also served on the Florida Council of 100.

On behalf of the 12th Congressional District and all of Florida, I want to thank General Burnett for his long years of service as a proud member of the Florida Air National Guard. I congratulate him on his successful completion of a 47 years career with the Florida Air National Guard and wish him well in his retirement.

HONORING U.S. AIR FORCE RESERVIST ADAM TOREM AS THE 2010 HOWARD O. SCOTT CITIZEN-SOLDIER OF THE YEAR

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor U.S. Air Force Reservist Adam Torem, whom the Tacoma-Pierce County Chamber of Commerce has honored as the 2010 Howard O. Scott Citizen-Soldier of the Year. I ask that my colleagues join me in honoring Mr. Torem for this commendable recognition.

Madam Speaker, the Air Force Reserves of the United States Armed Forces have long played an important role in the defense of our country. Originally conceived as a standby force for emergencies, the U.S. Air Force Reserves has been a Major Command of the United States Air Force since 1997. The 67,000-member force has evolved into the Air Force's Wingman, performing the same missions as the Air Force and working side-by-side on the same equipment.

Currently, thousands of reservists are risking their lives in Iraq and Afghanistan, and their service should be acknowledged with gratitude and immense respect. In many instances, Air Force Reservists maintain full-time professional positions while serving their country as active citizen-soldiers. It is laudable when reservists' contribute to their communities further through additional volunteerism and public service. Unfortunately, reservists' contributions to their communities are often overlooked.

Adam Torem, a U.S. Air Force reservist from University Place, Washington, has successfully balanced his career, his commitment to the Air Force Reserves, and considerable community service. His admirable community involvements have included mentoring young people at his synagogue and coaching young, future engineers in the FIRST LEGO League Challenge.

In addition to his work in shaping future generations, Mr. Torem advocates for service men and women in his community. As a former Chair to the Washington State Bar Association's Legal Assistance to Military Personnel Section, Mr. Torem volunteers for programs that provide free legal advice and counseling on housing and other issues to other members of the Reserve and National Guard. Mr. Torem also uses his experience as an attorney to assist in state legislation, advocating for Washington State's active duty service members. When not on military duty, Mr. Torem serves as an Administrative Law Judge for the Washington Utilities & Transportation Commission.

The 2010 Howard O. Scott Citizen-Soldier of the Year award was presented in partnership by the Tacoma-Pierce County Chamber of Commerce's Military Affairs Committee and the Kiwanis Club of Tacoma.

Madam Speaker, I congratulate Adam Torem on his many remarkable achievements, his venerable service to his country and community, and the recognition of his many efforts

as the 2010 Howard O. Scott Citizen-Soldier of the Year.

INTRODUCING A RESOLUTION RECOGNIZING THE BLACK BARBERSHOP HEALTH OUTREACH PROGRAM'S CONTRIBUTION TO THE NATIONAL FIGHT AGAINST HEALTH DISPARITIES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution that recognizes the Black Barbershop Health Outreach Program, a unique initiative that seeks to improve health outcomes in black communities across the country through education, community involvement, research, and culturally relevant strategies.

African American men are especially vulnerable to the impacts of racial health disparities, with the lowest average life expectancy of any group in the United States. Due to various factors, including inadequate access to quality health care services, African American men suffer from disproportionately high rates of hypertension, diabetes, and other health conditions that are largely preventable and manageable. While a lack of trust, culture, and access to routine primary care has prevented many black men from significantly benefiting from interventions and treatments for these conditions, black-owned barbershops have served as cultural institutions in the black community for generations and provide health advocates with an opportunity to empower and educate black men about their health in a trusted and familiar space.

In 2007, the Black Barbershop Health Outreach Program was launched by the Diabetic Amputation Prevention Foundation in an effort to increase public awareness about cardiovascular disease, diabetes, and hypertension among black men. By partnering with black-owned barbershops, as well as local leaders, facilities, and organizations, the Black Barbershop Health Outreach Program provides culturally specific education and health services to black men. These include screening for hypertension and diabetes; disseminating information on early detection, management, and prevention; conducting research; and referring men to facilities that can address additional health and medical needs.

Since its founding, the Black Barbershop Health Outreach Program has expanded its initial focus on hypertension, diabetes, and heart disease to include prostate cancer, and continues to build upon its success. To date, it has screened over 10,000 men in 230 black-owned barbershops for diabetes, hypertension, and prostate cancer across the country. The project's organizers plan to screen 20,000 men in 2010 and 500,000 men by 2012. Furthermore, the Black Barbershop Health Program will also target black-owned beauty shops to reach black women, and take a holistic approach to diagnosing, preventing, and managing cardiovascular disease, hypertension, and diabetes in the black community.

My resolution commends the Black Barbershop Health Outreach Program for its valuable contribution to community health and the national fight against racial health disparities. In addition, my resolution expresses a commitment to supporting organizations, programs, and initiatives like the Black Barbershop Health Outreach Program that empower individuals to become informed health advocates in their communities.

Madam Speaker, culturally competent health education and delivery methods are essential to preventing and combating racial health disparities, and to maximizing the effectiveness of interventions and treatments that seek to achieve and support better health at the community level. I commend the Black Barbershop Health Outreach Program for the important work it does and remain committed to supporting community-oriented approaches to health reform in health legislation and initiatives arising at both the state and federal levels.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,246,508,860,572.07.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,608,083,114,278.27 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

CELEBRATING THE 60TH WEDDING ANNIVERSARY OF FRANCIS AND HOBART MARCHANT

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. MARCHANT. Madam Speaker, I rise today to celebrate the 60th anniversary of the marriage of Francis Helen Marchant and Hobart Clay Marchant. Francis and Hobart embody everything a couple should and have created a legacy in their commitment to one another that their 5 children carry on in their own lives. As one of those five, I know this very well. Throughout their lives, they have dedicated themselves to the betterment of those with whom they meet and know.

Francis Helen Jones was born in Cooper, Texas on January 14, 1930. Hobart Clay Marchant was born in Hilger, Texas on October 23, 1920. They were married on August 18, 1950, after Hobart served 5 years in the U.S. Army Air Corps during World War II and returned home. Hobart and Francis were both raised by farming parents in Northeast Texas

but married in Grand Prairie, Texas, where both worked.

Early in their marriage Hobart worked as a carpenter. Soon after they wed, Hobart completed barber school in Fort Worth and worked as a small businessman while he and Francis raised 5 children. Francis stayed at home to raise the children, and sold Highlights Magazines, babysat, and ironed clothes to help make ends meet.

Later in life, when their kids were grown, both Francis and Hobart Marchant worked in real estate. Hobart worked in the construction of residential homes and Francis sold homes for her husband and sons. Francis and Hobart raised their children in Dallas, moving to Carrollton in 1963 where they have lived ever since. They began attending the Church of the Nazarene over 50 years ago, and raised their children in the church. They currently attend Carrollton Church of the Nazarene, where they are still actively involved.

Their children have grown up and blessed them with 15 grandchildren and 5 great-grandchildren. All of the siblings still live in the area close to their parents. Francis and Hobart Marchant have created a legacy of enduring love and commitment to family, church, and service to their community. It is with recognition of these accomplishments that I ask all of my distinguished colleagues to join me in honoring Francis and Hobart Marchant and congratulating them on 60 years of marriage.

HONORING ASSISTANT CHIEF BORDER PATROL AGENT WILLIE BARBER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. CUELLAR. Madam Speaker, I rise today to recognize the retirement of Assistant Chief Border Patrol Agent Willie Barber of the Laredo, Texas Sector Border Patrol. Mr. Barber has recently retired with a total of 31 years of government service to our great Nation.

Willie Barber was born and raised in El Paso, Texas. He has spent his career in 6 cities, driven by his devotion to service to our country. Agent Barber and his wife, Maria L. De La Rosa, have two children, Willie III and Renee DeLu.

He began his career by serving 8½ years in the United States Air Force. He joined the U.S. Border Patrol in 1988 and worked 7½ years in the station of Rio Grande City, Texas. He was later stationed in Brownsville, Texas, where he served as a Supervisory Border Patrol Agent. Following that, Agent Barber worked in Douglas, Arizona, as a Field Operations Supervisor. Afterwards, he traveled to El Paso, Texas, where he worked as Special Operations Supervisor. Barber then worked in Washington, DC, as an Assistant Chief in the Office of Border Patrol. Most recently, Agent Barber served as Assistant Chief Patrol Agent of the Laredo, Texas Sector Border Patrol.

Agent Barber is a 2008 distinguished graduate of Harvard University's "Senior Executive Fellows" program and a 2004 graduate of the University of Texas at El Paso.

Madam Speaker, I am honored to have had the time to recognize the dedication, commitment and leadership of Assistant Chief Border Patrol Agent Willie Barber.

REGARDING JED WUNDERLICH

HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. CHAFFETZ. Madam Speaker, I come before the House of Representatives to honor an extraordinary young man, Jed Wunderlich, from the heart of Utah's third congressional district, Milford, Utah.

Jed was born with hydrocephalus, and has undergone numerous surgeries for his condition. Jed has experienced more physical pain in his short life than many of us will ever experience throughout our lifetimes. Yet through his many surgeries and hospitalizations, he has remained positive and serves as an inspiration for his Milford All South Cal Ripkin summer all-star baseball team.

Although Jed has never been on a baseball team before, he has proven himself to be an important member of Milford's team. Despite having no experience pitching, Jed's coach, Jacob Ihde, recently put Jed in as pitcher. Jed proceeded to strike out three batters.

Jed is an inspiration to his classmates, the people of Utah, and those who suffer from hydrocephalus. I am proud to honor his accomplishments and hope to see many more from this motivating young man.

[From the Deseret News, July 22, 2010.]

MILFORD BOY INSPIRES TEAM, COMMUNITY (By Cynthia Kimball Humphreys)

Milford, Beaver County.—Jed Wunderlich's positive attitude is probably why he wasn't cut from Milford's All South Cal Ripkin summer all-star baseball team even though he'd never been on a team before.

And perhaps it was why coach Jacob Ihde, after noticing the 11-year-old seemed down after sitting on the bench for the first four innings of a recent game, asked him if he wanted to pitch. There was just one small problem. Jed had never pitched before.

For a split second, Jed looked at his coach in disbelief. Then he bolted to the mound as though he knew what he was doing.

"I was afraid for him," said Jed's mother, Trish Wunderlich. "But I trusted the coaches knew what they were doing."

Three strikeouts later, Jed was flying high, smiling incessantly.

The crowd went wild standing and cheering on their feet, moved to tears.

"I just bawled," said Milford coach Gary Mayer.

Even umpire Merlin Figgins took off his mask to wipe away tears.

Trish Wunderlich couldn't contain herself. After all, she'd seen her boy in pain and held him so many times when it was unbearable—especially in 2006 when he had what she calls "the big surgery" at Primary Children's Medical Center where he had his whole face moved forward. An incision was made from ear to ear, skull bone was cut then made bigger and eventually put back together again in an 11-hour surgery.

A mid-face distracter was inserted behind his right ear that Jed's parents would have to turn twice daily to help his skull grow.

The pain was excruciating for Jed and for his parents, who not only had to turn the distracter, but also had to watch and hear Jed scream and cry out in agony.

Jed was born with hydrocephalus (water on the brain) and had undergone 60 surgeries by the time he turned 11, the first when he was just 8 months old after his parents wondered why his head was so large at 2 weeks old. By age 7, he would be diagnosed with Crusins Syndrome, a genetic disorder characteristic of swelling on the brain. Most of his many surgeries were shunt surgeries, where fluid is drained from the brain. The Wunderlichs know Primary Children's Medical Center all too well, often staying there with Jed for 30 days at a time.

Even so, when his mother asks him, "How come you smile so much?" He simply and matter-of-factly replies, "Because I'm happy."

"He just draws people to him wherever he goes," she said.

"I've had a couple of complete strangers come up to us and say they get some kind of vibe off of him," added his father, Ryan Wunderlich. "They don't even know his name or circumstances."

"How did you feel when you were pitching?" Trish Wunderlich later asked her son. "Excited and happy," is all he said.

"None of his teammates say, 'Why are you putting Jed in?'" said grandmother Susan Nettle proudly.

Milford Elementary School Principal Ben Dalton, who has known Jed for five years, spoke of how Jed was in and out of school for several years, but worked hard to keep up with his studies, never complaining, so that he kept on track with his class.

"He never asks to be treated differently," he said.

"The other kids in school really like him. He has a lot of friends. He looks out for them, and they look out for him even though Jed's been described as socially backward, uncoordinated and quite shy," Trish Wunderlich said. "In addition, he's been self-conscious of his surgeries and the medical equipment."

When asked how he likes playing on the baseball team, Jed said, "I'm having a lot of fun," unaware of the positive impact he has on others.

"He's always smiling, always happy, always pumped up," Ihde said. "There aren't even words to describe what he means to our team. We appreciate what he does. . . . It makes us closer."

Asked to describe Jed in one word, 12-year-old teammate Garreth Mayer quickly replied, "Inspirational. We're happy he's on our team. He's the heart of our team."

"There's a lot more to coaching young kids than wins and losses," said tournament director Greg Excel.

And with determination and opportunity, anything is possible.

Even three strikeouts from a boy who never pitched a day in his life.

EPA WATER QUALITY REGULATION ON FLORIDA'S ECONOMY

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. PUTNAM. Madam Speaker, on October 15th, the EPA will finalize the first phase of an unprecedented statewide water quality regula-

tion which will have significant impacts on Florida's economy. While these regulations only apply to Florida, it could have a regional impact if our State's taxpayers are held accountable for the quality of water flowing from neighboring States. My colleagues should take note of this as these regulations are likely to arrive in your States and districts soon without your input and without a debate on this floor.

Last year, the Obama administration and the EPA entered into a legally binding agreement with environmental activists seeking to impose stringent numeric nutrient criteria for water bodies in the State of Florida. It was lawyers in a courtroom and not scientists in a lab who set the standard and timeline on what will be a costly endeavor that has not been backed up by science.

These regulations could not come at a worse time as they pose a significant threat to Florida's already weakened economy. A joint Florida Department of Agriculture and Consumer Services and University of Florida study indicates these regulations could cost Florida over 14,500 jobs and \$902 million to \$1.6 billion annually, with additional indirect economic impacts to the State of over \$1 billion annually.

Even worse, there is significant debate in the environmental community as to whether these federal regulations will even benefit the environment. The comments expressed by the State and local agencies charged with protecting Florida's waters raise serious concerns about the methodology EPA used to develop these regulations. Our State Department of Environmental Protection says that "compliance will force an investment of billions of dollars without environmental benefit." The scientists at DEP further claim that "EPA proposed criteria do not reflect a true relationship between nutrient enrichment and the biological health of Florida's surface waters."

The South Florida Water Management District—the lead State agency charged with the restoration of the Everglades—calls the current proposed implementation timeline "unrealistic" and that the proposed methodology has real potential to disrupt Everglades restoration.

It is also questionable as to whether the technology even exists for our local governments and private industries to meet the standards proposed by EPA. Even if it does, the costs imposed will flow to the consumer in the form of higher utility bills.

But despite all the legitimate science based concerns, EPA marches forward bound by a consent decree they did not have to sign in the first place. When members of the Florida delegation met with EPA administrator Lisa Jackson, she promised to review the rigor of their science. The problem is, she did not have the flexibility in time to review their own science without getting permission from the ones who sued them. Will this be the EPA's standard business practice for water quality regulations in the future?

When Congress passed the Clean Water Act, its intent was to create a collaborative approach with the Federal Government partnering with the States to clean our Nation's waters. It was not intended to promote a heavy handed Washington-knows-best agenda.

Of course, Floridians want cleaner water—which is why our State has invested millions

collecting data on the effects of nutrients. Over the past three decades, Floridians have successfully committed to substantial reductions in phosphorous levels through an EPA-approved Total Maximum Daily Load, TMDL, program. We are seeing the positive results of these programs in water bodies across the State.

I was pleased to learn that EPA would submit the part of its proposed rule which would apply to estuaries, coastal waters, and flowing waters in South Florida to their internal Science Advisory Board. When EPA made this announcement in June, their own press release quoted the assistant administrator for EPA's Office of Water as saying:

An independent scientific peer review by the SAB will ensure that the best available science is our guide in developing clean water standards for Florida's coast.

Shouldn't the best available science be afforded to north and central Florida as well?

Florida is one the most diverse States in terms of its aquatic ecosystems, from the rare coastal dune lakes in the panhandle to the mangroves, swamps, and spring-fed lakes and rivers throughout central Florida. An SAB review of only South Florida waters ignores this diversity in the rest of the State.

I urge EPA to conduct a full SAB review of this proposed rule for all Florida waters and to modify its rulemaking in accordance with SAB's analysis so that Floridians can continue to enjoy clean water, protected by a standard that is achievable and supported by the best available science.

HISTORY OF THE RADAR SITES OF ICELAND

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. WILSON of South Carolina. Madam Speaker, during the Cold War, Iceland served as a listening station with four radar sites that were manned by America's brave men and women in uniform to deter a Soviet bomber nuclear attack on America. An organization in Chapin, South Carolina, called the Iceland Reunion at www.usradarsitesiceland.com, is dedicated to the memory of all of the men and women who served on these U.S. radar sites. The mission of this organization, chaired by Retired Air Force Master Sergeant William A. Chick, is to preserve and document the history of the air defense of Iceland and the North Atlantic passage to the United States and the Free World.

Mr. Chick encourages those interested in preserving Cold War history to visit their informational website and also read, "The History of the radar sites of Iceland" by Gerald H. Tonnell which is the unofficial history of fifty years of the strategic radar sites which successfully preserved peace and promoted freedom in the struggle between democracy and communism with the ultimate victory over communism.

I thank Mr. Chick and other members who are working hard to preserve the memory and the mission of those military surveillance oper-

ators who served our great nation. America will always cherish the service of these patriots and the hosting by the people of our long-time NATO ally Iceland.

A TRIBUTE TO MR. JOSEPH A. FRICK

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to congratulate my friend, Joseph A. Frick, President and Chief Executive Officer of Independence Blue Cross, on receiving the National Multiple Sclerosis Society's Hope Award. Mr. Frick's work to improve Philadelphia exemplifies his upstanding character and worthiness of receiving the Hope Award.

A graduate of the University of Notre Dame and Loyola College, Mr. Frick has a long and impressive career of working for the people of Philadelphia. For several years, Mr. Frick worked at Philadelphia Newspapers Incorporated, the company that publishes the Philadelphia Inquirer and the Daily News, eventually being promoted to the Vice President of Human Resources. Currently, Mr. Frick is Chairman of the Board of Directors for Leadership Incorporated, a program preparing Philadelphia leaders like Mr. Frick himself, for influential roles in the community. He also has served on the Board of Directors for Blue Cross Blue Shield Association, the Greater Philadelphia Chamber of Commerce, LaSalle University, the Penjerdel Council, the Philadelphia Orchestra, and the Philadelphia Workforce Investment Board.

On October 22nd, Mr. Frick will be acknowledged by more than 600 attendees at the Greater Delaware Valley Chapter of the National MS Society's Reception in Philadelphia. The Hope Award is the National Multiple Sclerosis Society's highest honor and is only bestowed upon an individual who has taken the initiative to affect the community through philanthropic service and community leadership. Mr. Frick's philanthropic work has benefitted more than 13,000 people in the Greater Delaware Valley who live with MS, and he is greatly deserving of this honor.

Mr. Frick's impressive career proves a long-standing commitment to the people of Philadelphia. Madam Speaker, I ask that you and my other distinguished colleagues join me in honoring my friend, Joseph A. Frick, for his work in Philadelphia and congratulate him on receiving the Hope Award.

ST. CECILIA ACADEMY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mrs. BLACKBURN. Madam Speaker, 150 years ago, four women from Somerset, Ohio arrived in Nashville, Tennessee to establish an Academy for the higher education of young

women in the Diocese of Nashville. Run by the Congregation of St. Cecilia, Tennessee's only Motherhouse of Dominican Sisters, St. Cecilia's Academy boasts 2,500 alumnae from the oldest continuously operated school in Nashville. I rise today with gratitude for the hard work and dedication by the Sisters of St. Cecilia, and the faculty and staff of St. Cecilia's Academy.

St. Cecilia's Academy, the only all-girls, Catholic high school in Middle Tennessee, first opened its doors in October of 1860 in North Nashville. Borrowing lanterns from local rail yards to light the grounds, the first commencement exercises were held in June of 1862. Two young women of St. Cecilia's Academy celebrated their graduation that day, along with a thousand guests, all in the throws of the Civil War. Despite the financial toll of the War, St. Cecilia's remained operational, and indeed flourished in the years to follow. Additions to the school on the hill came in 1880, 1888, and 1904. Following the westward expansion of Nashville, 92 acres of land was purchased in West Nashville in 1923 and the site of the current campus was established on the feast of St. Cecilia, 1956.

What began with as a small boarding school is now the academic home for over 250 witnesses to the school's belief in the dignity of the individual, made in the image of the Almighty. Grounded in rich academic traditions, St. Cecilia's Academy has four times been recognized by the Acton Institute as one of the top catholic high schools in America. I ask my colleagues to join me in celebrating the sesquicentennial founding of St. Cecilia's Academy as we look with great hope to the next 150 years of excellence in education.

HONORING THE WORK OF THE NORTHWEST PHYSICIANS NETWORK FOR RECEIVING THE PIERCE COUNTY HEALTH CARE CHAMPIONS 2010 BUSINESS AWARD

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor the Northwest Physicians Network for receiving the Health Care Champions 2010 Business Award for providing excellent health care and treatment for patients.

In 1995, a group of physicians came together under the common goal of providing better and more coordinated health care for their community. With this goal in mind, they created the Northwest Physicians Network. Since its founding, the network has since grown to include over 500 independent physicians and numerous practices rooted in communities throughout the Pacific Northwest. The network strives to offer the best health care possible, starting with building lasting physician-patient relationships.

On May 25, 2010, the Health Care Champions program, a partnership between the Business Examiner and the Pierce County Medical Society, presented the Northwest Physicians Network with the 2010 Business

Award. The Health Care Champions recognize the Northwest Physicians Network's Fit Futures Employee Wellness Program and the organization's dedication, exceptional service, and professionalism in medical practice. The award was presented at the Pierce County Health Care Champions annual awards ceremony held at the Tacoma Museum of Glass in downtown Tacoma, Washington.

Madam Speaker, I congratulate the Northwest Physicians Network on receiving the Pierce County Health Care Champions 2010 Business Award and the outstanding work of the entire Northwest Physicians Network staff.

INTRODUCING A BILL TO IMPROVE DIABETES SCREENING FOR MEDICARE BENEFICIARIES

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. TERRY. Madam Speaker, I rise today with my colleagues, Representatives SPACE, CASTLE and DEGETTE, to introduce a bill that will improve diabetes screening for Medicare beneficiaries. The bill we are introducing will direct the Secretary of HHS to review utilization of screening programs and establish an outreach program to improve screening awareness.

According to the American Diabetes Association, a sizeable 32 percent of Americans over the age of 65 have diabetes and of that group, 46 percent remain undiagnosed. In my district alone, 41,000 seniors are living with diabetes. CMS data reflects that only 11.5 percent of Medicare beneficiaries take advantage of diabetes screening benefits. Awareness of screening benefits, diagnosis and early treatment are key components to ensuring that our seniors are healthy and helping to reduce overall costs to health care.

I encourage my colleagues to take a close look at this bill and consider becoming a cosponsor.

HONORING THE WINNERS AND PARTICIPANTS OF THE 2010 CROSSFIT GAMES

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SULLIVAN. Madam Speaker, it is with great pleasure that I rise today to honor the winners and participants of the 2010 CrossFit Games held in Carson, California from July 16 to July 18, 2010.

CrossFit was created in the mid-80s by former gymnast Greg Glassman. When it was first introduced, it was a completely different form of physical training that was developed to enhance an individual's competency at all physical tasks and functional movements in everyday life. Greg Glassman moved to Santa Cruz, California, in 1995, and he and wife Lauren Glassman opened the first independent CrossFit gym there in 1999. Since

then, CrossFit has expanded to about 1,900 affiliated gyms worldwide, with each operating as its own independent small business.

While at first, the concepts and training associated with CrossFit seem to be aimed for the elite athlete, military special operations units, police academies and tactical operations teams, the fact that it has grown so much so quickly is a testament to CrossFit's ideology that the needs of the average person, like myself, and the Olympic athlete differ by degree not kind. This is especially important today, when my state of Oklahoma and our nation faces an obesity epidemic that is not only straining our health care system, but causing chronic health conditions like diabetes, heart disease and cancer. The medical benefits, increased self confidence, and stress reduction that can come from athletic activity help contribute to a healthier, more productive Oklahoma and nation.

There is no better test of all around fitness, not focusing on one single type of event, than the CrossFit Games, where multiple and varied workouts are held each day over a three day competition. The workouts over the duration of each day are not announced until a few hours before each event which means that the athletes are training for a competition whose format is almost completely a mystery. One of the workouts in this year's Games was the following:

Event 2a—For time (22 min cap): run 1,200 meters, 63 kettlebell swings (55/36 lbs.), 36 pull-ups, run 800 meters, 42 kettlebell swings (55/36 lbs.), 24 pull-ups, run 400 meters, 21 kettlebell swings (55/36 lbs.), and 12 pull-ups.

Event 2b—Within 90 seconds of completing Event 2a: 1 rep max Shoulder-to-Overhead.

Approximately 4000 men and women initially entered the preliminary events earlier this year to not only competing for a spot in the Games but to challenge oneself. The large number of contenders eventually narrowed down to 45 men and 41 women competing for the claim as the fittest in the world. Every single individual competitor, masters athlete and affiliate team earned the right to compete through old-fashioned hard work and dedication to physical fitness.

I want to congratulate the winners of the individual competition, who can now say they are among the fittest athletes in the world, Graham Holmberg from New Albany, Ohio and Kristan Clever from Sherman Oaks, California. Both athletes not only exhibited great skill, but gut-wrenching effort that ultimately put them on top. They are an inspiration to all that hard work pays off in the end.

I would also like to congratulate the affiliate team winner of the Games, CrossFit Fort Vancouver, as well as the masters category individual competition winners Laurie Carver and Brian Curley.

Finally, I would like to congratulate my hometown gym in Tulsa, Oklahoma, CrossFit Sky, that competed in the affiliate completion and finished 30th. I witnessed firsthand all the hard work and dedication that ultimately granted them a spot in the Games. The members of CrossFit Sky's affiliate team are Amy Quimby, Hollace Fugate, Mandy Malloy, Sean Malloy, Brian Head, Tom Sharp, Aaron Fugate and Mike Quimby.

The CrossFit Games are only a small part of CrossFit as a whole which is ultimately

spreading the desire to make oneself live a healthier and more productive lifestyle. It is available to everyone, not just elite athletes. The same concepts behind CrossFit used to train elite athletes can be used for people of all ages to help them reach their fitness goals. Tony Budding from CrossFit headquarters couldn't have said it any better, "CrossFit is really about helping others achieve their goals. For even the top athletes, their achievements are temporary, whereas the impact we make on others is lasting."

I rise today not only to honor these great athletes who have not only achieved the ultimate success of being named among the fittest in the world, but to celebrate the sport of fitness in general. In an era when we are faced with less time for physical activity and the temptation and convenience of unhealthy food, it is important for all Americans to take simple steps to live long and better lives, especially considering the obesity epidemic facing my state of Oklahoma and our Nation. I believe CrossFit is helping in this fight against obesity and I challenge all Americans to challenge themselves to live a healthier lifestyle.

IN HONOR OF THE 50TH ANNIVERSARY OF HARRIS RF COMMUNICATIONS IN ROCHESTER, NY

HON. LOUISE MCINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Ms. SLAUGHTER. Madam Speaker, I rise today in order to express my sincere congratulations to Harris RF Communications on celebrating its 50th anniversary.

The division is a shining example of how a sense of entrepreneurship and perseverance can leave a lasting impression on an industry and a community.

Started by Bill Stolze, Elmer Schwittek, Roger Bettin and Herbert VandenBrul in 1960, the outfit has transformed itself from a basement operation in Rochester, NY to a \$2 billion dollar business in international company producing cutting edge technology.

It is especially fitting that we celebrate this achievement as this radio is used and sought after by every branch of the U.S. Department of Defense as well as several of our ally nations. Today, their radios are seen not only as meeting industry standards, but surpassing them with their forward looking technology. Their products contain next-generation communications capabilities that are designed to be compatible with existing communications systems. Moreover, they can be upgraded in the future to grow as new software and encryption technology advances.

It is this superior design and production, which was recognized by the U.S. Army as one of 2007's greatest inventions that leaves me confident that our troops and those of our allies are in good hands while using Harris RF Communications products.

The company, which has given so much to the industry, should also be commended on their dedication to the community. Their mark has not only been felt through their donations to local educational institutions, but by participating in mentoring youth in engineering such

as the newly established Harris Scholars Program for economically disadvantaged young girls.

However, no achievement is won alone, so I would also like to recognize all of Harris' local employees for the critical work they perform every day in support of our soldiers. Their care and dedication assure me that there are many more years of innovative products to come.

INTER-LOCAL PENSION FUND BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. NEAL. Madam Speaker, I rise today to introduce legislation to improve the retirement savings of hard-working union members. Specifically, members of the Inter-Local Pension Fund of the Graphic Communications Conference of the International Brotherhood of Teamsters do not have access to some of the same retirement provisions that other workers do. And I think it simply makes no sense.

The Fund, formed in 1950, is a 501(c)(18) pension trust that provides benefits to 12,500 active and 20,000 retired union members. Sixty-eight local affiliated unions participate in the Fund, and benefits are financed entirely by employee contributions and the earnings thereon. Section 501(c)(18) provides a tax exemption for a pension trust created before June 25, 1959 and funded solely by employee contributions. Further, the pension plan of which the trust is part must satisfy certain non-discrimination tests. The Fund appears to be the sole remaining section 501(c)(18) pension trust in existence.

Madam Speaker, my legislation would simply apply the same cap to annual contributions to 501(c)(18) pension trusts that applies to annual elective deferrals in 401(k) plans. Those caps for workers in 401(k) plans are also adjusted for inflation. Without such parity the Fund's pension value will continue to decline. These workers deserve to be on equal ground as 401(k) participants.

Additionally, the legislation makes available to the Fund the same exception from the debt-financed real property rules currently available to section 401 pension trusts allowing for better diversification of assets.

In closing, Madam Speaker, these provisions will allow the Fund to better serve its union members and do so in sync with its tax exempt purpose of providing self-funded employee benefits. I urge my colleagues to join me in supporting this legislation.

TRIBUTE TO MRS. MABLE A. WATKINS-CASS ON THE OCCASION OF HER 75TH BIRTHDAY

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. RUSH. Madam Speaker, I rise today to pay tribute to and honor a distinguished con-

stituent, community leader, humanitarian, and family woman, Mrs. Mable A. Watkins-Cass, on the occasion of her 75th birthday. A native of Holly Springs, Mississippi, Mrs. Watkins-Cass and her parents moved to Chicago in her early teens. She graduated from the Chicago Public Schools and attended Wilson Junior College in Chicago.

A retired employee of the Chicago Public Schools, Mrs. Watkins-Cass remains active in the Morgan Park community of my congressional district. She is the mother of four adult children, a grandmother and great-grandmother and is a dedicated member of the Vernon Park Church of God on the southside of Chicago.

Mrs. Watkins-Cass continues a lifelong commitment towards making a difference in the lives of other people. She is a shining example of how God can use even the ordinary to accomplish the extraordinary. She has endeavored to share the wisdom and knowledge that God has granted her with others to enable them to prosper in knowledge and wisdom. Indeed, many who have had the privilege of knowing and associating with her have come to recognize that they are much better the person as a result.

Madam Speaker, it is my great honor to pay tribute to and congratulate my constituent and friend, Mrs. Mable A. Watkins-Cass on the occasion of her 75th birthday. I want to encourage her to continue to let her light so shine that men and women will see her good works and give glory to God in Heaven. I am privileged to enter these words into the CONGRESSIONAL RECORD of the United States House of Representatives.

STATEMENT HONORING THE ACCOMPLISHMENTS OF CONTINENTAL STRUCTURAL PLASTICS (CSP), LLC—SAREPTA, LOUISIANA

HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. FLEMING. Madam Speaker, I rise today to honor the hard work and dedication of a local Louisiana manufacturer. The manufacturer that I am recognizing has demonstrated innovation in manufacturing operations and business growth, as well as a commitment to community involvement.

Continental Structural Plastics (CSP), LLC—Sarepta, located within my district in Louisiana, has been providing innovative and technical solutions to Louisiana manufacturers since 1997. The economic impact that CSP—Sarepta brings to North Louisiana is significant. The facility employs more than 1180 people with an annual payroll of \$5 million. This local manufacturer has made noteworthy advances in productivity throughout their organization resulting in substantial growth. Because of these accomplishments, CSP—Sarepta will be honored by the Manufacturing Extension Partnership of Louisiana (MEPOL), with the Fifth annual Platinum Award for Continued Excellence, PACE Award.

MEPOL, a non-profit business resource based at the University of Louisiana at Lafayette, serves to provide business and technical assistance to emerging and established manufacturing firms throughout the State of Louisiana. Since 1997, MEPOL, based on a philosophy of education, encouragement, and empowerment, has worked with manufacturers such as CSP—Sarepta to increase their productivity and profitability.

HONORING SAVAGE PRECISION FABRICATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. HALL of Texas. Madam Speaker, I rise today to honor Savage Precision Fabrication for being named the Small Business Subcontractor of the Year.

Savage Precision Fabrication, and its owner W.T. Gardner, represent the very best of the American entrepreneurial spirit. The company is a Native American and Veteran owned business, founded by W.T. Gardner and his business partner and wife, JoAnn. The company started as a one man shop fabricating sheet metal components with only \$2,000 worth of tools and equipment, and now boasts over \$4 million in annual sales, and is a preferred manufacturer in the aerospace and defense industry.

I am proud to have a company like Savage Precision in my district. Small businesses like this are what make America great, and I would again like to congratulate Savage Precision for their accomplishments and service to our country.

HONORING THE ACHIEVEMENT OF LIEUTENANT GOVERNOR BRAD OWEN, RECIPIENT OF THE 2010 GEORGE FRANCIS TRAIN INTERNATIONAL BUSINESS MEMORATIVE AWARD

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor Lieutenant Governor Brad Owen for his contribution to the growth of international trade in Washington State.

Brad Owen has served as Washington State's 15th Lieutenant Governor, first elected to the position in 1996. Since taking office, Lieutenant Governor Owen has been a leader on trade, conducting many foreign trade missions and advocating for stronger economic and international ties for Washington State.

The Tacoma-Pierce County Chamber of Commerce presented Lieutenant Governor Brad Owen with the 2010 George Francis Train International Business Commemorative Award on June 2, 2010. Given at the annual Tacoma Globe Awards Dinner, hosted by the World Trade Center Tacoma, this award is presented annually to honor businesses' and

individuals' contributions to the region's strong international economy.

Madam Speaker, I ask my colleagues to join me in congratulating Lieutenant Governor Brad Owen on this impressive achievement, and celebrate his many contributions to growth of international trade in Washington State.

THE KINGDOM OF MOROCCO: FRIEND OR FOE?

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. WOLF. Madam Speaker, I would like to draw the attention of my colleagues to a letter I recently sent to Secretary of State Hillary Clinton as well as reports from nongovernmental organizations, NGOs, regarding human rights and religious freedom in Morocco and the Moroccan occupied territory of Western Sahara.

Since March, dozens of U.S. citizens and foreign nationals have been expelled from Morocco without due process on charges of proselytism. In the wake of this action, I have repeatedly called on the board of the Millennium Challenge Corporation to suspend the \$697.5 million compact with the government of Morocco. As Americans deal with tough economic times, it is unacceptable for U.S. taxpayer dollars to continue to flow into a country which flagrantly disregards the rights of U.S. citizens.

I am continuing to press the MCC to act decisively to suspend the compact with Morocco until the government of Morocco agrees to the return of all United States citizens affected by the expulsions, thereby sending a clear message that these actions by a purported ally will not be tolerated.

Morocco's recent actions may seem surprising to many, but to those who have followed events in the Moroccan occupied territory of the Western Sahara, this is business as usual for the Moroccan government.

Yet the Obama administration has remained notably silent on these issues despite repeated calls from within the Congress to address these grave injustices. Just yesterday, the Senate Appropriations Committee passed its version of the FY 2011 State and Foreign Operations Appropriations measures which "directed the Secretary of State to submit a report not later than 45 days after the enactment of this act, detailing steps taken by the Government of Morocco in the previous 12 months on human rights, including deportation of U.S. citizens in Morocco without due process of law, and whether it is allowing all persons to advocate freely their views regarding the status and future of the Western Sahara through the exercise of their rights to peaceful expression and association, and to document violations of human rights in the territory without harassment."

I submit for the RECORD my letter to Secretary Clinton as well as reports by highly respected NGOs clearly illustrate Morocco's disregard for the basic principles of human rights and religious freedom as outlined in the Universal Declaration of Human Rights.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 28, 2010.

Hon. HILLARY RODHAM CLINTON,
Secretary of State,
Washington DC.

DEAR SECRETARY CLINTON: I write today to express my continued concern about the situation involving Americans in Morocco and urge you to issue a strong statement in support of the American citizens whose lives have been uprooted by the Moroccan government's recent actions. I ask that either you or President Obama call on the Moroccan government to unconditionally allow all those expelled or denied reentry to return to Morocco.

Just yesterday, yet another U.S. citizen, Mike Hutchinson, was denied reentry into Morocco. This came after repeated assurances by the Moroccan government to the U.S. Embassy in Rabat that the expulsion order issued to Mr. Hutchinson last month had been suspended and he was free to reenter the country at a time of his choosing.

Meanwhile, the U.S. Embassy in Rabat remained blissfully unaware of the events unfolding at the airport. It is my understanding the U.S. Embassy had been contacted and was fully aware of Mr. Hutchinson's intentions to reenter Morocco and had in its possession the details of his flight itinerary. However, embassy officials failed to communicate Mr. Hutchinson's planned reentry to the Moroccan government to ensure his passage into the country.

The U.S. Embassy in Rabat has an obligation to defend and protect American interests in Morocco. This instance demonstrates a clear failure by U.S. government officials to carry out their basic duties. An American embassy should be an island of freedom which vigorously represents the interests of the United States and its citizens. These events clearly reflect that the U.S. Embassy in Rabat is falling short of its obligations.

Despite all this, U.S. taxpayer dollars continue to pour into Morocco through the Millennium Challenge Corporation (MCC). The stated purpose of the MCC is to form "partnerships with some of the world's poorest countries, but only those committed to: good governance, economic freedom, and investments in their citizens." As a precondition to receiving MCC funds, the government of Morocco was evaluated on 17 key indicators of eligibility.

A recent report by the Government Accountability Office (GAO) on the Millennium Challenge Corporation found that on the 17 key indicators "Morocco met MCC's eligibility criteria in 2005 and 2006 but has failed each year since." The failure of the government of Morocco to meet the criteria for four consecutive years shows a clear unwillingness to live up to the pledges made when awarded the MCC compact. The recent expulsion and denial of reentry to U.S. citizens engaged in work which provided humanitarian services to the people of Morocco should erase any doubt about Morocco's commitment to the core principles of the MCC.

It is unacceptable for U.S. taxpayer dollars to continue to flow into Morocco under these circumstances. By failing to suspend the MCC compact with Morocco, the United States sends a message to the world that we are willing to turn a blind eye to injustice, even when the interests of our own citizens are at stake.

Thank you for your attention to this important matter and I look forward to your response.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

[From the Economist, July 29, 2010]

STOP PREACHING OR GET OUT

Evangelical Christians in the poor world are rarely accused of undermining public order. All the more surprising, then, that in recent months around a hundred have been deported from Morocco for just that. The Christians, mostly from the United States and Europe, have been accused of trying to convert Muslims to Christianity, a crime punishable by imprisonment under Moroccan law, which protects the freedom to practise one's faith but forbids any attempt to convert others.

Rules against proselytising are quite common in Muslim countries but Morocco has long enjoyed a reputation as a bastion of religious tolerance in the region. Almost all the country's 32m citizens are Sunni Muslims but churches and synagogues exist, alongside mosques, to cater for the 1% of the people who are Christian or Jewish.

Such open-mindedness presumably appealed to the Christian missionaries who ran the "Village of Hope" home for children 80km (50 miles) south of Fez, a former capital known for religion and scholarship. The 16 aid-workers had cared for abandoned children for over a decade when, in March, the Moroccan authorities sent inspectors to the orphanage, then gave the workers a few days' notice to leave the country. Witnesses reported distraught farewells between the Moroccan children and the foreigners who had acted as foster parents.

Morocco's communications minister, Khaled Naciri, said the missionaries "took advantage of the poverty of some families and targeted their young children". The aid-workers deny pumping the children with Christianity. But sympathisers say that even if they did, a few hours of preaching was a small price to pay for education and pastoral care. There have been further expulsions since then, most recently of an evangelical Spanish teacher.

Local residents are quick to point out that it is not only Christians who have been targeted; last year a similar campaign was waged against Morocco's even smaller population of Shia Muslims. But the motivation for the crackdowns is probably political more than religious. Morocco's constitution is based on the hereditary position of the king as "commander of the faithful". Any drift of Muhammad VI's subjects away from the dominant stream of moderate Sunni Islam might, his advisers fear, diminish his authority.

The American branch of an evangelical organisation, Open Doors, which speaks up for persecuted Christians across the world, is backing a campaign by a Republican congressman, Frank Wolf, to press the Moroccans to be kinder to the evangelicals. Seeing that Morocco is one of America's closest Arab allies, the American administration has been notably silent.

[From the Star Tribune, July 24, 2010]

IS OUR MAN IN MOROCCO UP TO THE JOB?

(By Katherine Kersten)

Minneapolis lawyer Sam Kaplan—a DFL fundraiser extraordinaire—was a member of Barack Obama's national campaign-finance committee. In 2009, Obama rewarded him by naming him ambassador to Morocco.

The exotic posting must have seemed a plum job. Morocco has been known as an oasis among Arab nations—largely free of the repression that mars so many other Muslim countries. It's "the opportunity of a lifetime for a guy from Minnesota," Kaplan enthused to the Star Tribune in April.

But since Kaplan's arrival, Morocco has turned from a diplomatic dream job to a depressing despotism reality. Since March, it has expelled about 100 foreigners, including 50 U.S. citizens. Among the deportees were foster parents at an orphanage, businesspeople and aid workers who taught the poor to grow their own food.

Their crime? Christian "proselytizing"—against the law in this Muslim monarchy.

On June 17, some deportees told their heart-wrenching stories at a hearing convened by Rep. Frank Wolf, R-Va, cochairman of Congress's Human Rights Commission.

Witnesses included Eddie and Lynn Padilla, foster parents at Village of Hope orphanage. The orphanage—which has both Christian and Muslim staff—cared for 33 abandoned children and had operated for 10 years with official approval. But in March, the police moved in and swept through children's bedrooms while they slept, searching for Christian literature.

After three days of grilling, the Padillas and others were given two hours to clear out, as their children sobbed in anguish. Though no evidence was presented, their assets were seized and their bank accounts frozen. Since their departure, there is evidence that some children have been beaten or drugged.

Witness Michael Cloud, also a Christian, founded 12 centers that treat Moroccan children with cerebral palsy. Cloud testified that authorities barred his reentry as he tried to return from Egypt (where his wife was being treated for cancer). He was held for 13 hours and deported with no explanation. The "hard work" of 14 years was lost, he stated.

So how's our man Sam Kaplan doing defending American citizens from these egregious human-rights violations?

The Padillas testified that the U.S. Embassy had no time for them during their ordeal: "They just told us, 'Do what they are telling you to do.' They offered no help . . . [or] any kind of counsel, just pack and go." Cloud testified that when he sought help, the embassy just gave him a list of lawyers.

At the hearing, international-law expert Sandra Bunn-Livingstone stated that despite victims' pleas, Kaplan refused to release a Moroccan government diplomatic note with a list of deportees, citing protocol. As a result, "Americans who would like to appeal under Moroccan law . . . have been refused that right" since they lack written proof of expulsion, she said. The British and Canadian governments did hand over such notes, she added.

Perhaps Kaplan had other priorities. "A few weeks ago," Cloud testified, "the American embassy in Rabat brought Moroccans to Washington, D.C., and fed them and housed them to help them brainstorm on how to build businesses in the Muslim world."

That would make sense. According to the embassy website, Kaplan's goal as ambassador is "to help fulfill President Obama's vision of a new beginning for U.S. relations with the Muslim world based on mutual respect and . . . mutual interest."

In April, Kaplan responded to critics. He told the Star Tribune he had released a statement saying that the embassy was "distressed" by the expulsions. "We hope to see meaningful improvements in the application of due process," he wrote.

What's Kaplan hoped to alleviate distress and promote due process?

A top priority seems to be to impress the Moroccan media, which complained that his statement had "stepped over the diplomatic line," according to the Star Tribune. "When your press has been almost unanimously

positive for 5½ months, the change is something that is different," Kaplan explained.

Cozy relations with the Moroccan monarchy are another priority. According to the Star Tribune, "Kaplan noted that King Mohammed has spoken about judicial reform in the past."

"We're not speaking out in contrast to what the government has said," Kaplan told the paper. "We're simply joining with His Majesty and saying if we can be helpful, we'd like to do that."

Wolf rejects this. "An American embassy should be an island of freedom" in the country where it's located, vigorously advocating for its citizens, he says. "Every ambassador has to decide whether to represent Americans' interests in the country they're in or whether to represent the country they're in to America."

Looks like Kaplan has made his choice.

[From Freedom House]

FREEDOM IN THE WORLD—WESTERN SAHARA (2010)

Talks between the Moroccan government and the pro-independence Polisario Front continued in 2009, but the two sides remained at odds over whether to allow a referendum on independence. Pro-independence activists continued to be detained and harassed, and the conditions on the ground for most Sahrawis remained poor.

Western Sahara was ruled by Spain for nearly a century until Spanish troops withdrew in 1976, following a bloody guerrilla conflict with the pro-independence Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (Polisario Front). Mauritania and Morocco both ignored Sahrawi aspirations and claimed the resource-rich region for themselves, agreeing to a partition in which Morocco received the northern two-thirds. However, the Polisario Front proclaimed an independent Sahrawi Arab Democratic Republic and continued its guerrilla campaign. Mauritania renounced its claim to the region in 1979, and Morocco filled the vacuum by annexing the entire territory.

Moroccan and Polisario forces engaged in a low-intensity armed conflict until the United Nations brokered a ceasefire in 1991. The agreement called for residents of Western Sahara to vote in a referendum on independence the following year, to be supervised by the newly established UN Mission for a Referendum in Western Sahara (MINURSO). However, the vote never took place, with the two sides failing to agree on voter eligibility.

Morocco tried to bolster its annexation by offering financial incentives for Moroccans to move to Western Sahara and for Sahrawis to move to Morocco. Morocco also used more coercive measures to assert its control, engaging in forced resettlements of Sahrawis and long-term detention and "disappearances" of pro-independence activists.

In 2004, the Polisario Front accepted the UN Security Council's Baker II plan (named after former UN special envoy and U.S. secretary of state James Baker), which called for up to five years of autonomy followed by a referendum on the territory's status. However, Morocco rejected the plan, as it could lead to independence, and in 2007 offered its own autonomy plan.

Because the Polisario Front remained committed to an eventual referendum on independence, the two sides failed to make meaningful progress in several rounds of talks that started in 2007 and continued through 2009. Also in 2009, some UN Security Council members expressed concern about

the human rights situation and proposed that the council consider expanding MINURSO's mandate.

POLITICAL RIGHTS AND CIVIL LIBERTIES

As the occupying force in Western Sahara, Morocco controls local elections and works to ensure that independence-minded leaders are excluded from both the local political process and the Moroccan Parliament.

Western Sahara is not listed separately on Transparency International's Corruption Perceptions Index, but corruption is believed to be at least as much of a problem as it is in Morocco.

According to the Moroccan constitution, the press is free, but this is not the case in practice. There is little in the way of independent Sahrawi media. Moroccan authorities are sensitive to any reporting that is not in line with the state's official position on Western Sahara, and they continue to expel or detain Sahrawi, Moroccan, and foreign reporters who write critically on the issue. Human Rights Watch (HRW) reported that in October 2009, plainclothes police told two Morocco-based Spanish journalists to leave the El-Aaiun home of Sidi Mohamed Dadach, who heads the Committee to Support Self-Determination in Western Sahara (CODAPSO). Online media and independent satellite broadcasts are largely unavailable to the impoverished population.

Nearly all Sahrawis are Sunni Muslims, as are most Moroccans, and Moroccan authorities generally do not interfere with their freedom of worship. There are no major universities or institutions of higher learning in Western Sahara.

Sahrawis are not permitted to form independent political or nongovernmental organizations, and their freedom of assembly is severely restricted. As in previous years, activists supporting independence and their suspected foreign sympathizers were subject to harassment in 2009. HRW, which has documented several violations, reported that Moroccan authorities referred seven Sahrawi activists to a military court in October after charging them with harming state security; there were no verdicts at year's end. Moroccan officials appear to be particularly wary of Sahrawis who travel abroad to highlight the plight of their people and argue for independence. According to HRW, police in October 2009 began breaking up visits by foreign reporters and human rights activists to the homes of Sahrawi activists, rather than simply monitoring them; the police said the visits required clearance from Moroccan authorities.

Among Sahrawi activists themselves, HRW documented the case of Naama Asfari of the Paris-based Committee for the Respect of Freedoms and Human Rights in Western Sahara (CORELSO), who has been detained and harassed on numerous occasions over the years. In August 2009, he was sentenced to four months in jail after an argument with a police officer over the Sahrawi flag that Asfari had on his keychain. Asfari's cousin, who was with him during the encounter, was also sentenced to jail time. In another high-profile case, activist Aminatou Haidar, head of the Collective of Sahrawi Human Rights Defenders (CODESA), returned in November to Western Sahara from the United States, where she had received a human rights award. She indicated on her reentry paperwork that she lived in Western Sahara, and when she refused to change the document to indicate Morocco, she was detained and eventually deported without a passport to Spain's Canary Islands. Haidar was able to return home in December 2009 after a month-

long hunger strike and considerable diplomatic pressure, but the authorities continued to monitor her and restrict her movements.

Sahrawis are technically subject to Moroccan labor laws, but there is little organized labor activity in the resource-rich but poverty-stricken territory.

International human rights groups have criticized Morocco's record in Western Sahara for decades. A highly critical September 2006 report by the UN High Commissioner for Human Rights—intended to be distributed only to Algeria, Morocco, and the Polisario Front—was leaked to the press that October. The human rights situation in the territory tends to worsen during periods of increased demonstrations against Moroccan rule. The Polisario Front has also been accused of disregarding human rights.

Morocco and the Polisario Front both restrict free movement in potential conflict areas. Morocco has been accused of using force and financial incentives to alter the composition of Western Sahara's population.

Sahrawi women face much of the same cultural and legal discrimination as Moroccan women. Conditions are generally worse for women living in rural areas, where poverty and illiteracy rates are higher.

5TH ANNIVERSARY OF HURRICANE KATRINA

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. CAO. Madam Speaker, August 29th of this year will mark five years since the day Hurricane Katrina made landfall along the Gulf Coast. Tragically, 1,822 lives were lost in the states of Louisiana, Mississippi, Florida, Georgia, and Alabama.

As a result of what was one of the greatest disasters this nation has ever seen, more than 1.2 million people were under some type of evacuation order, 3 million were left without electricity for weeks, and hundreds of thousands were left jobless.

Yesterday, with the support of the members from the Louisiana delegation, I introduced a resolution observing the fifth anniversary of Hurricane Katrina's landfall.

This resolution honors and remembers the lives lost on that fateful day. It also salutes the dedication of those who responded in our darkest hour and those who have stood by our sides during our recovering and rebuilding. We simply could not have done it without the thousands who answered the call and recognized our need. Our rebuilding continues and we take each new challenge one day at a time. We are strong, and we will recover.

On behalf of my constituents in Orleans and Jefferson Parishes and all those across Louisiana and the Gulf Coast, I thank the American people for their generosity and support.

HONORING THE 90TH ANNIVERSARY OF THE 19TH AMENDMENT

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, next month the United States celebrates the 90th anniversary of women's suffrage. On August 26, 1920, the 19th Amendment gave women in the United States the right to vote, and for 90 years, women have been actively participating in the democratic process.

The battle for women's suffrage was not an easy one. It took the courage and steadfast leadership of trailblazers like Elizabeth Cady Stanton, Lucretia Mott, and all the women who gathered at Seneca Falls so many decades ago and began advocating for the right to express their views and let their voices be heard at the ballot box.

As we celebrate this important anniversary, I urge women across our great nation to continue taking an active role in the democratic process and politics, and to exercise their right to vote, as they have for so many years.

In March, the House celebrated Women's History Month and remembered the accomplishments of women in our nation and around the world. August 26th allows us yet another opportunity to celebrate the history of American women and their accomplishments. Today women everywhere are breaking barriers and reaching new heights not only in the political arena, but also the business world, the fields of medicine and journalism, and in advocacy and human rights. Their contributions shape our society and make a difference every day.

It is unfortunate that in some areas of the world, women continue to struggle for equality and for their right to vote. It is my hope that the lives and work of American women can serve as inspiration to those who continue their struggle for basic rights around the world.

Madam Speaker, I ask that you join me in celebrating the 90th anniversary of the 19th Amendment, and thanking women across the United States for their activism and commitment to keeping the democratic process alive.

HONORING CHERYL O'BRIEN, RECIPIENT OF THE TACOMA-PIERCE COUNTY ASSOCIATION OF REALTORS' 2009 REALTOR OF THE YEAR AWARD

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor Cheryl O'Brien, the recipient of the Tacoma-Pierce County Association of Realtors' 2009 Realtor of the Year Award.

For 55 years, the Realtor of the Year Award has been the highest honor given to members of the Tacoma-Pierce County Association of Realtors, given in recognition of exceptional performance in the service of the local, state,

and national associations of realtors. In earning this award, Ms. O'Brien demonstrated excellent professionalism as well as a commitment to the Realtors' Code of Ethics.

Having worked in real estate for over 20 years, Cheryl O'Brien's success and credibility in the industry were made possible by her honesty, professionalism, and commitment to quality service. In addition to the Tacoma-Pierce County Association of Realtors naming her 2009 Realtor of the Year, Ms. O'Brien has also received the President's Emerald & Silver Awards and the Honor Society Award for Outstanding Service. In providing superior customer service, Ms. O'Brien is guided by important ethical standards and a strong commitment to providing her best to her clients and to the Tacoma-Pierce County region.

The 9th District of Washington is proud to count Ms. O'Brien as a member of our community.

Madam Speaker, I congratulate Cheryl O'Brien on her remarkable achievement.

COURAGE COMES SFC RICHARD G. McDOUGLE 901ST MINIMAL CARE DETACHMENT COMBAT MEDIC OF THE UNITED STATES ARMY

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. CRITZ. Madam Speaker, I rise today to honor a real American Hero, SFC Richard McDougle from Connellsville, Pennsylvania, of the 901st Minimal Care Detachment Combat Medic of the United States Army. Richard has served in the Army for over 16 years, he is a Medic, an Angel On The Battlefield. Over in Iraq he contracted renal cell cancer, and even though it is in 4th stage, he fights on! With the aid of his wonderful wife Donna, a former Medic herself, he continues his battle each day. Who knows, what child may come from someone he has saved fields of honor. . . . who might one day save the world! His quiet courage and unrelenting faith is an inspiration to us all, and especially to his brothers in arms over at Walter Reed Medical Hospital. We can all learn something from Richard, as he never surrenders! Our prayers are with him and his family. I ask that this poem penned in honor of him and his family, by Albert Caswell, be placed in the RECORD.

COURAGE COMES

Amen!
 Courage Comes. . . .
 Comes in all shapes and sizes. . . .
 All in our fine men and women in uniform,
 who death defies this. . . .
 Who go off to war, as no one denies this. . . .
 who all in the midst of hell, upon each
 other so relies this. . . .
 All for Brothers In Arms, for them will die
 this. . . . For there are all kinds of
 courage, so why this?
 How does such Strength In Honor, one find
 this? From deep inside of ones heart,
 arises!
 From Angels on The Battlefield, are so high
 this!
 Arises, such splendid splendor. . . .
 To such hearts of faith so rendered!
 As Mac, you are such splendor. . . .

For you went so bravely off to war. . . .
 All for your Country Tis of Thee, bore. . . .
 And now that you've come home. . . .
 As a new battle, a new fight you must
 own. . . .
 All part of the cost of war. . . .
 As now Richard, your courageous fight must
 begin. . . .
 Step by Step, Day by Day. . . as your brave
 heart will not give in. . . .
 Will not give way. . . as for such fine heroes
 we all now so pray. . . .
 All in your quiet courage, your heart so cries
 out let this war begin!
 For a heart of faith and courage, can against
 all odds so victory so win!
 With head held high, as Mac you so wiped all
 of those tears from your brilliant
 eyes. . . .
 With the kind of courage, that up in Heaven
 so makes even The Angels sing and cry!
 Fight on America's Heroic Son, as we watch
 in great awe. . . all to what heights
 your heart can run. . . .
 As you us touch with your splendid grace, as
 your heart of courage brings us to tears
 and smiles upon our face!
 For Heaven so holds a place, for such ones!
 When, Courage Comes!
 Amen!

MS. KAZIAH HANCOCK AND
 PROJECT COMPASSION

HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. CHAFFETZ. Madam Speaker, I rise today to thank and to honor Ms. Kaziah Hancock, a true American patriot serving her country in a very unique and special way.

America's heroes come from all walks of life. Many of them, perhaps most, remain unsung heroes as they go quietly about, offering their service out of love for their country and countrymen with little or no fanfare or recognition.

One such hero is Ms. Hancock. From the bedroom studio of her little goat ranch at the base of Utah's mountains she expresses, through her love of painting, her love and respect for the men and women who have given their lives while serving in uniform. She refers to this effort as Project Compassion.

"It is our view that every fallen hero deserves to be honored and remembered and we will make every effort to that end," Ms. Hancock says on Project Compassion's Web site, herpaintings.com. She and her volunteer team of artists have sent over 1,750 painted portraits of fallen service members to grieving parents and families who live in nearly every state. They're currently seeking to complete at least 3,000 more.

Ms. Hancock asks no price for this touching gift, and won't accept payments offered. She considers her time, time which might have been spent on other paintings she could sell for thousands of dollars, a small sacrifice compared to the sacrifice made by these service members and their families. For those who have already paid the ultimate price, she feels it is the least she can offer. "There is nothing that I'll ever paint, that will be more appreciated than that," she says.

The American Legion Auxiliary, the largest patriotic women's service organization in the world with over 900,000 members, noted in awarding Project Compassion its 2007 Public Service Award: "Project Compassion struck a chord with us: healing through art."

Ms. Kaziah Hancock has struck a chord with me as well. I am honored to have her as a constituent in Utah's Third District, and grateful to join with her in expressing our love and support for the men and women serving in the United States Armed Forces.

HONORING FLORIDA SOUTHERN
 COLLEGE

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. PUTNAM. Madam Speaker, today I rise to honor Florida Southern College for celebrating its 125th anniversary. Florida Southern is rapidly rising among the Nation's best private colleges under the leadership of its 17th president, Dr. Anne Kerr.

The Lakeland College enrolls 1832 full-time residential undergraduate students from 44 states and 31 countries. To further its focus on engaged learning, it guarantees every student an internship and study abroad experience. The college also has distinguished graduate programs in business, nursing, and education. Ninety-four percent of students report landing a job in their respective field or furthering their studies at another institution within 3 months of graduation.

The Princeton Review has given Florida Southern its "Best Southeastern College" and "Best Value College" awards in addition to including it on its "Best 366 Colleges" list.

Rounding out its pedigree, the Florida Southern Moccasins have brought home 26 NCAA Division II championships, including 11 in men's golf, 4 in women's golf, and 9 in baseball. The golf program has been successfully turned several players into members of the PGA Tour, including Rocco Mediate, Lee Janzen, and Jeff Klauk.

Florida Southern has overcome many a hardship to keep its educational dream alive. Since its inception in 1852 when it was founded by the Methodist Conference at the Florida Seminary in Micanopy, Florida Southern has moved four more times before settling into its present location in Lakeland, Florida.

Florida Southern won its charter after moving to Leesburg and awarding its first college degree. At the time, the university went under the name of the Florida Conference College and moved from Leesburg to Sutherland to Clearwater and finally to Lakeland due to devastating freezes hurricanes, a fire and a flu epidemic.

The campus itself is an international treasure, having been designated as a National Historic District due to having the largest collection of Frank Lloyd Wright architecture in the world. Wright's relationship with the college began when Florida Southern's 1938 president Dr. Ludd Spivey invited the internationally-renowned architect to design "a great education temple in Florida." Wright de-

signed 18 structures for the campus, 12 coming into fruition.

In his over 500 completed works, Wright promoted a style he called organic architecture—which aimed to harmonize the building with the natural world around it. In first tour of the Lakeland area, he reportedly envisioned buildings rising "out of the ground, into the light and into the sun." These beautiful and unique buildings have helped make Florida Southern College a top destination for education.

On behalf of Florida's 12th Congressional District, I wish to congratulate President Kerr and the Board of Trustees for leading Florida Southern to such tremendous success. Florida Southern College is well on its way to another stellar 125 years.

PERSONAL EXPLANATION

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. YARMUTH. Madam Speaker, I was unable to cast the recorded votes for rollcall 488, 489, and 490. Had I been present, I would have voted "no" for these measures: H.R. 5850, on agreeing to the Boehner Amendment; H.R. 5850, on agreeing to the Latham Amendment; and H.R. 5850, on agreeing to the Culberson Amendment.

HONORING THE CHILDREN'S
 MUSEUM IN OAK LAWN

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. LIPINSKI. Madam Speaker, I rise today to honor the Children's Museum in Oak Lawn, as its staff and volunteers celebrate the first-year anniversary of the Museum's expansion to a new building.

Since it was first established in 2003, the Museum has become a well-known and much-loved institution in my District. Drawing 10,000 visitors when it first opened its doors, the Museum attracted over 85,000 visitors from over 36 states in the first year at its new location. The Museum gives children and their families an important place for fun and relaxation, while also actively immersing children in the joyful world of learning. The Museum's staff has taken care to align the exhibits with the Illinois Learning Standards required of schools. As a result, over 150 schools have reached out to the Museum to enrich their curricula and take their students on field trips. At a time when evidence increasingly demonstrates that learning environments and enrichment activities in early childhood profoundly affect later life outcomes, the importance of the Museum's work becomes increasingly clear.

From the Museum's beginnings in a small space of 900 square feet, it has grown into an institution that stands as a pillar of Oak Lawn, Illinois' 3rd District, and beyond. I look forward to continuing to work with the Museum's staff,

volunteers, and supporters to strengthen the Museum for many years to come. I ask you to join me in congratulating the Children's Museum in Oak Lawn on its work and the first-year anniversary of its new facilities, as well as to wish it many more years of success.

INTRODUCTION OF THE MAKING
HOME AFFORDABLE ACTS OF 2010

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SARBANES. Madam Speaker, I rise to introduce the Making Home Affordable Improvements Act of 2010. For the last eighteen months, the Obama Administration has tried very hard to make mortgage modifications available to struggling homeowners but the program has largely failed to have the impact we had hoped.

Average homeowners around the country are paying the price for an inflated housing market and a bursting real estate bubble—this is being felt acutely throughout Central Maryland. For every borrower who defaults, there are many others on the brink of default who are looking for a way forward.

And this isn't a problem that will go away quickly—an estimated 10 to 15 million Americans own homes that are worth less than they owe on their mortgages. These are homeowners with a strong financial incentive to default on their mortgages, irrespective of their ability to pay.

In a market in which the values of homes have fallen out of step with mortgage debt, I strongly believe that the best solution for homeowners is a structured bankruptcy process, including a judicial mortgage modification or "cramdown." This is the process by which a bankruptcy judge reduces the value of a mortgage attached to a home, thereby reducing the monthly payment owed by the homeowner and allowing families to stay in their homes.

This would be only available to homeowners who elect to file bankruptcy, a lengthy and costly process with long-term consequences for individuals and their families—an avenue of last resort for struggling homeowners, not a new means for speculators to "game the system." The House of Representatives passed legislation to provide bankruptcy judges with this authority, only to watch it die in the Senate. The political reality today is such that judicial mortgage modification may never become an available option for struggling homeowners, leading policy makers to search for an alternative.

Absent judicial modification, I believe that voluntary mortgage modification holds the promise of a better way forward for homeowners, but, as it stands today, it has failed to offer real relief to the millions of homeowners who are in desperate need of assistance. This can be attributed to a widespread unwillingness by banks to do right by their borrowers—the same borrowers who are acting against their financial self-interest by continuing to pay their mortgages each month.

The effort is also hampered, in part, by a bureaucratic and unwieldy modification proc-

ess—one that is often overwhelming and unmanageable for the average homeowner. But working within the voluntary mortgage modification structure created by the White House as part of the Making Home Affordable Initiative, there are thousands of experts across the country who are counseling homeowners on how to navigate this process.

These expert counselors are too often the last line of defense between a struggling homeowner and a lender seeking to foreclose and cast families out of their homes. Sadly, they do not have the resources they need to help the staggering number homeowners in crisis—a number projected to rise significantly in the coming months.

That is why I am introducing the Making Home Affordable Improvements Act—legislation that will direct funding designated for the big banks, as part of the Home Affordable Modification Program (HAMP), to the National Foreclosure Mitigation Counseling Program.

Federal foreclosure mitigation funding has enabled housing and mortgage experts to work with homeowners to avoid foreclosure, offering counsel on budgeting and planning as well as offering assistance in negotiating mortgage modifications with servicers. With this new funding, comes more stringent demands on banks, financial servicers and counselors.

The Making Home Affordable Improvements Act seeks to achieve two goals. First, for counselors working with borrowers struggling to stay in their homes, this legislation provides a small, lump-sum payment for each temporary trial modification arranged. But the ultimate goal must be either a permanent modification of the terms of their mortgage or an orderly, foreclosure-free exit from their homes. Unfortunately, there has been a substantial disconnect between the number of temporary agreements made between borrowers and servicers and the number of homeowners that ultimately receive permanent relief. That is why this legislation places a priority on permanent modification by providing counselors with a greater incentive to see these borrowers through to the end.

Because we have struggled to get access to meaningful data on the mortgage modifications performed by financial servicers, this legislation also requires regular, public disclosures by participating servicers.

Madam Speaker, this is not a perfect solution and I hope we will continue to look for ways to restore the authority for judges to modify mortgages through the bankruptcy process. But, in the meantime, lenders and servicers can and must do more to help struggling homeowners stay in their homes. By providing additional resources for mortgage modification counselors, we can provide expert assistance to struggling homeowners who are seeking an equitable agreement with their lender.

CONGRATULATING THE UNIVERSITY OF GEORGIA'S MAJORETTES ON WINNING THE 2010 NATIONAL COLLEGIATE CHAMPIONSHIP

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. BROWN of Georgia. Madam Speaker, I, along with Congressman JACK KINGSTON rise today to congratulate the Majorettes from our Alma Mater, the University of Georgia on winning the 2010 National Collegiate Championship.

It is often stated in Athens that "there is nothing finer in the land, than the Georgia Redcoat Marching Band" and the fact that our Majorettes have brought home yet another championship make that statement all the more true.

At every football game, whether home or away, these thirteen young women perform alongside the band, contributing to the pride and spirit of everyone who wears the Red and Black. They can also be seen at community events, pep rallies, and various sporting venues.

Their commitment to excellence and success is indicative of what the University as a whole strives for, to provide an avenue for young people to reach their fullest potential. We, along with the rest of the Bulldawg Nation, commend these young ladies on their achievement and wish them well in all their future endeavors.

Go Dawgs!

HONORING THE 120TH ANNIVERSARY OF THE FEDERAL DEPOSITORY LIBRARY AT THE HOYT LIBRARY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. KILDEE. Madam Speaker, on August 12th the Hoyt Library in Saginaw, Michigan will celebrate their 120th anniversary as a Federal Depository Library. One of the oldest Federal Depository Libraries in the United States, the Hoyt Library is the only Federal Depository Library in Saginaw County and one of three Depository Libraries in Michigan's 5th Congressional District. The Hoyt Library is one of five branches in the Saginaw Public Library system.

Saginaw native, Congressman Aaron T. Bliss, initiated the designation and the first publications started to arrive from the Government Printing Office during the summer in anticipation of the Library's opening on November 1, 1890. Congressman Bliss's correspondence regarding the designation is available for viewing at the Library. Harriet Ames was the first Head Librarian and the first Government Documents Librarian. A representative of the Government Printing Office will attend the open house to celebrate their 120 year partnership.

The Library has copies of documents from all three branches of government: the legislative, the executive and the judicial. Copies of the CONGRESSIONAL RECORD, federal statutes, federal court decisions, Department publications and the documents of independent agencies can be found at the Library. For the past 120 years, the Hoyt Library has provided the public with the opportunity to view and read historical documents. The Hoyt Library contains some of the oldest documents available at a Federal Depository Library.

Madam Speaker, Hoyt Library has continuously provided service to the residents of Saginaw since 1890. Under the leadership of current Head Librarian, Trish Burns, and Anne Birkam, Depository Librarian, library patrons are able to read about the proceedings of Congress, and Supreme Court decisions, and obtain information, and forms for government programs. The Federal Depository at the Hoyt Library is a valuable community asset and I ask the House of Representatives to join me in applauding their work of the past 120 years.

HONORING JAMES W. CONSIDINE,
JR.

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor James W. Considine, Jr., a devoted husband, father, grandfather, son, brother and uncle and to mourn him upon his passing at the age of 72.

Born on May 3, 1938, James Considine, Jr. spent his life in Michigan residing in Detroit and West Bloomfield before making his home in Milford. James lived a devoutly faithful life and genuinely loved serving the Lord and the Catholic church.

On July 29, 2010, James Considine, Jr. passed from this earthly world to his eternal reward. James will be deeply missed by his wife of 49 years, Frances "Claire". He will long be remembered as a father devoted to his beloved daughters, Lisa and Linda and his treasured son James III. James leaves a legacy in his 8 grandchildren and his sisters, Carrie, Catherine, Jane and Linda. He is survived by several nieces, nephews and many dear friends. James was a wonderful man, kind to all he encountered. He will be truly and sorrowfully missed.

Madam Speaker, during his lifetime, James Considine, Jr. enriched the lives of everyone around him. There is no doubt that James was a beacon of joy, hope and inspiration to those who knew him. As we bid farewell to this exceptional man, I ask my colleagues to join me in mourning his passing and honoring his life.

RECOGNIZING EXECUTIVE DIRECTOR NEEL PARIKH AS THE RECIPIENT OF THE AMERICAN LIBRARY ASSOCIATION'S 2010 SULLIVAN AWARD

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to recognize the contributions of Pierce County Library System Executive Director Neel Parikh, who the American Library Association has named the recipient of the 2010 Sullivan Award. I ask that my colleagues join me in honoring Ms. Parikh.

The American Library Association's Sullivan Award for Public Library Administrators Supporting Services to Children is presented annually to an individual who demonstrates an extraordinary capacity to support and enrich children through public library services. The Award highlights individuals who demonstrate exceptional understanding and support of public library service for children and produce the best projects and partnerships that help public libraries provide for young learners.

It is a privilege to commend Neel Parikh, Executive Director of the Pierce County Library System, as the recipient of the 2010 Sullivan Award. Ms. Parikh originally studied to become a South Asia specialist, while simultaneously working as a children's librarian at the Berkeley Public Library in Berkeley, California. However, after finding her true passion with the public library, Ms. Parikh changed her educational focus to library science and has since been serving as a librarian and administrator in Pierce County.

Ms. Parikh has become a leader in providing early learning, training, and support for families, childcare providers, and library staff both locally and across the state. While Parikh believes that early learning is a critical service for all public libraries, she maintains that teen services are equally important. She supported Pierce County Library System in becoming one of the first Libraries of Promise, which seeks to encourage people to build the character and competence of children by providing them access to additional educational outlets.

Ms. Parikh's leadership as a strong community collaborator is a testament to her success for advancing early learning forward throughout Pierce County. She has collaborated with social service organizations, schools, and community leaders to build services for young learners.

Ms. Parikh is a founding member and chair of the Early Learning Public Library Partnership, a consortium created with the vision that public libraries are full, essential partners in the early learning movement in Washington State. The consortium puts public libraries at the table with other early learning organizations. Under her leadership, the partnership has grown to include 27 public libraries across the state.

In addition to her library responsibilities, Ms. Parikh has been active in the Association for Library Service to Children, served on the Public Library Association Board of Directors, and held a seat on the Executive Committee of the Washington Library Association.

Parikh is the seventh winner of this award, provided by former American Library Association President Peggy Sullivan.

Madam Speaker, I congratulate Neel Parikh on this impressive achievement, and celebrate her commitment to furthering children's education through positive library experiences.

DOD AND DEBT/DEFICIT

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. QUIGLEY. Madam Speaker, I rise today because we can no longer afford to ignore defense spending as our deficit rises.

The unprecedented federal stimulus package and two wars in Iraq and Afghanistan have put the FY 2009 federal deficit at 10 percent of GDP, its highest level since 1945.

As the federal deficit grows and we look for places to cut, we must be able to scrutinize every part of the federal budget—including defense spending.

Defense spending has more than doubled since September 11, 2001, and at \$719 billion, the current defense budget, is the highest it has been since World War II.

Our discretionary spending has also grown by \$583 billion since 2001, and defense spending accounts for 65 percent of that growth.

Accounting for close to 20 percent of the federal budget, defense spending simply cannot be ignored as we look for places to cut.

For too long we have followed policies that assume more spending automatically means more safety and more power.

But new critics of this unquestioned defense spending argue cuts to the defense budget can and should be made; and these cuts can be done without compromising our safety.

A new report by the Sustainable Defense Task Force, comprising security experts from across the country, finds that we could save up to \$960 billion over the next ten years, without jeopardizing our national security.

The report outlines a whole menu of reform options ranging from reducing our oversized nuclear stockpiles to cutting our bloated force structure in Europe and Asia—all of which are possible due to the U.S.'s current security posture: We no longer face the traditional opponents we once did.

We still operate as if we are at war with an opponent as powerful as the former Soviet Union; but today the U.S. does not face a threat that even remotely compares to the Soviet Union.

Not even China, which spends barely one-fifth as much on military as the U.S., can compete.

The U.S. spends more on research and development than Russia does on its whole military.

Today, the U.S. spends more than two and half times as much on its military as the group of potential opponents, including Russia and China.

In other words, the U.S. could cut its defense spending in half and we would still be spending more than our current and potential adversaries.

As the Task Force points out in its report, our military strength far out-weighs any threat from our adversaries, and can easily be reduced while still maintaining our military superiority.

However, while we are building up our capacity to fight traditional opponents, such as China, we are failing to build a defense force capable of combating nontraditional opponents such as Al Qaeda.

We have spent \$1 trillion and lost 5,500 American lives on large-scale military operations in Iraq and Afghanistan with little progress to show for it.

As Benjamin Friedman, of the Cato Institute, points out, our principal enemy Al Qaeda “has no army, no air force and no navy.”

And the military assets most useful for counterterrorism are relatively inexpensive such as surveillance technologies, special operations forces and drones.

As the threats to America evolve, so too must our military structure.

But over the years, rather than realigning our military to meet current threats, we have simply added more requirements to our military, growing our defense budget by 9 percent on average every year.

There has never been a better time to reinvent our defense budget.

We are facing a growing deficit, forcing us to make cuts, and we have a defense budget ripe for reform.

Now all we need is the political will to make tough choices.

With limited resources we must choose, because the real ramification of overspending on defense is not simply that we will have too many unnecessary ships, aircrafts or missiles—but that we won’t have enough resources to support vital domestic investments such as health care, education, and infrastructure needed to remain a superpower.

Military power is not simply about spending more than our adversaries.

Real military power, argues Kori Schake, a top foreign policy advisor for John McCain, is “fundamentally premised on the solvency of the American government and the vibrancy of the U.S. economy.”

But in order to maintain that vibrancy we must get our fiscal house in order, and in doing so reexamine our defense spending and make cuts and reforms where necessary.

Secretary Gates said it best while paraphrasing President Eisenhower, “The United States should spend as much as necessary on national defense, but not one penny more.”

Let’s hold him to his word. Let’s reinvent the defense budget.

CELEBRATING NATIONAL DANCE DAY ON JULY 31

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Ms. NORTON. Madam Speaker, I rise today to ask the House of Representatives to join me in celebrating National Dance Day on July 31.

National Dance Day, in the Nation’s Capital and throughout the United States, will cele-

brate dance as an artistic form and will promote the health benefits of dance. Here in the Nation’s Capital, I will be joined by “So You Think You Can Dance” co-creator, executive producer, and judge Nigel Lythgoe, by Dominique Dawes, the well-known U.S. Olympic gymnast and a member of the President’s Council on Fitness, Sports & Nutrition, and by the Dizzy Feet Foundation to promote dance as an avenue for physical fitness. Our partners, in addition to the President’s Council, and Dizzy Feet, include the Kennedy Center, the Smithsonian Institution, the National Endowment for the Arts, the National Dance Association, and the National Council of Negro Women.

In addition to being an art form, dance can be an aerobic activity that helps to improve heart health, strengthen muscles, increase flexibility, and burn calories. Our country has a national adult and childhood overweight and obesity epidemic. Keeping with the spirit of the First Lady’s “Let’s Move!” initiative to combat childhood obesity and the work of the President’s Council on Fitness, Sports & Nutrition, we will promote physical activity among children and adults, and have fun dancing, the exercise that many of us most enjoy!

On July 31, we will gather on the National Mall from 3 to 7 p.m. to watch, learn and dance, and to recognize dance expression, with “Flash Dance” instructors, Fluria Flamenco, Step Afrika, Beat Ya Feet Kings, Capitol Movement Project, DCypher, Banneker Ball Room Dancing Club, and many more. We will encourage physically active lifestyles by promoting all forms of dance for physical fitness.

Madam Speaker, I ask the House of Representatives to join me in celebrating National Dance Day on July 31.

INTRODUCTION OF H.R. 5987, THE SENIORS PROTECTION ACT OF 2010

HON. EARL POMEROY

OF NORTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Friday, July 30, 2010

Mr. POMEROY. Madam Speaker, I rise to introduce the Seniors Protection Act of 2010, H.R. 5987. I am honored to be joined by many of my colleagues who have heard from senior citizens back home about the pressing need for Congress to provide this relief in light of the widely held expectation that there will be no increase in Social Security benefits for a second year in a row. The legislation would ensure that seniors, veterans and people with disabilities who receive Social Security and similar federal benefits receive a one-time \$250 payment in the event that no cost-of-living-adjustment (COLA) is announced this fall.

Seniors did not cause the near meltdown of the economy that occurred in the last days of the prior Administration, yet too many are still feeling the brunt of its fallout. This bill would help seniors across the country who face the likely possibility that on October 15th, the Social Security Administration will announce for the first time ever—as a result of a long-standing statutory formula—that there will not be a COLA in Social Security benefits in back-to-back years.

The failed economic policies of the prior Administration left the nation in such a deep recession that, for the first time since automatic COLAs began in 1975, recipients of Social Security, Supplemental Security Income, Veterans Administration Pension and Disability Compensation, and Railroad Retirement benefits did not receive a COLA in January of this year.

Social Security benefit levels are quite modest—only \$14,000 a year for the average retiree. Yet, the median income for senior households is a mere \$24,000, reflecting just how much Social Security means to most elderly Americans. Six in ten seniors rely on Social Security for more than half of their income. About a third of retirees have little other than Social Security to live on.

Although economy-wide measures of inflation have shown no net increase since the last COLA, which reflected price levels in the third quarter of 2008, Medicare premiums and health care costs have continued to rise. Moreover, seniors’ other sources of income have weakened as a result of the economic downturn: the financial collapse reduced the value of their IRAs; interest rates are low, reducing income from seniors’ savings; and the housing crash reduced seniors’ home equity. The one-time \$250 payment for retirees and other beneficiaries would represent less than two percent of the average annual Social Security benefit.

Seniors who depend on their very modest Social Security benefits worry about meeting their basic day-to-day expenses. I have heard these concerns from seniors in my district and from Members of Congress who are hearing these same worries from their seniors. I am pleased those Members are joining me in introducing the Seniors Protection Act of 2010. Democrats are honoring America’s commitment to protect the purchasing power of seniors’ Social Security benefits.

For 75 years, and through 13 recessions, Social Security has been a steady and reliable source of income—never a day late nor a dollar short. And since 1975, when Congress implemented automatic COLAs, recipients of Social Security have been able to maintain purchasing power over time. Social Security is often the only source of retirement income that is fully protected against the corrosive effects of inflation.

This bill is responsive to seniors and responsible to taxpayers. My colleagues and I are committed to fiscal responsibility and will ensure that the Seniors Protection Act of 2010 shall not cause an increase in the federal deficit. When the bill comes to the House floor it will include the necessary offsets to comply with the PAYGO law.

The legislation is supported by seniors. With regard to this legislation, our former colleague Barbara Kennelly, President of the National Committee to Protect Social Security and Medicare said:

For the millions of seniors who rely upon Social Security as their only source of income, and millions more who rely upon it for at least half of their income, a one-time payment to make up for the lack of a COLA is not a luxury, it’s a necessity. I applaud the Members of the Congress who understand that helping seniors maintain their purchasing power for necessities like health

care, fuel and food, not only improves their quality of life but also helps the local economy.

AARP Senior Vice President Drew Nannis offered the following statement:

For over three decades, millions of Americans have counted on annual increases in their Social Security checks to help make ends meet. This year, 41 million older Americans did not receive a Social Security COLA, the first time since automatic Social Security adjustments went into effect in 1975.

This relief will put money in the pockets of millions of older Americans struggling to make ends meet—money likely to be injected directly into our fragile economy.

Edward F. Coyle, Executive Director of the Alliance for Retired Americans said:

Seniors are struggling to get by. \$250 may not seem like much on Wall Street, but to retirees on Main Street it could be what allows them to pay their electric bill or buy groceries. We must make sure Social Security meets today's basic needs.

I urge my colleagues to stand up for seniors and support the Senior Protection Act of 2010.

MS. BARBARA YARBOUGH'S 50TH
YEAR OF SERVICE AT MIDLAND
INDEPENDENT SCHOOL DISTRICT

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. CONAWAY. Madam Speaker, I always enjoy being able to share stories about the great people of District 11 with my colleagues. Today, I would like to share the story of Barbara Yarbrough, a treasured citizen of Midland, Texas, who I am privileged to represent in this House.

Barbara grew up in what many of us would consider difficult circumstances. Orphaned at the age of eight, she and her younger brother spent four years homeless until an Aunt took them in. Her Aunt encouraged her to go to college, telling her that if she graduated, she could do anything.

I do not know if Barbara's Aunt knew then how right she would be, but I am proud to say that Barbara has accomplished everything one individual could hope to in a life devoted to serving the communities she has called home.

In Midland, Barbara is a living legend. For almost forty years, she taught two generations of Midlanders, serving as an advisor, a confidant, a cheerleader, a mentor, and a friend to every student who sat in her classroom. After retiring from teaching, Barbara tackled new challenges, and now works as a parent liaison in the Midland school district. Through this office, she works with parents and families, offering counseling, advice, parenting classes, health information, and support for parents when they have needed it the most.

I expect that most every community has someone like Barbara; someone who works nearly as hard or touches almost as many lives. I imagine that every member of Congress I serve with can think of someone that might compare. But, I know that I represent the one and only Barbara Yarbrough. She is a singular individual, a truly unique soul, who my

community is blessed to be able to call our own. She is also a near and dear friend to me, who I am honored to be able to brag on here today.

This August, Barbara celebrates 50 years of serving the students, parents, and employees of the Midland Independent School District. I would like to offer my humblest gratitude to her for her five decades of service and her genuine, unwavering, and unflinching concern for the people of Midland. She has been and will continue to be a friend to many and a servant to all.

May God bless her as she has blessed us.

U.S. DEPARTMENT OF EDUCATION NOTICE OF PROPOSED RULE- MAKING REGARDING "GAINFUL EMPLOYMENT"

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. HASTINGS. Madam Speaker, I rise today to express serious concerns regarding the Department of Education's recent Notice of Proposed Rulemaking regarding "gainful employment."

As it is currently proposed, the Department's approach will lead to serious educational capacity cutbacks in critically important fields such as nursing and education and will disproportionately affect low-income and minority students.

Today, 2.8 million students attend career colleges. Seventy-six percent of these students live independently, without parental support. Sixty-three percent are 24 years old or older. Fifty-four percent delayed postsecondary education after high school. Forty-seven percent have dependent children, and almost one-third of these students are single parents.

The Department's suggested approach will disproportionately harm these nontraditional and lower-income students who have no choice but to rely on student loans to pursue a postsecondary education and need the flexibility career colleges provide.

On May 18, I along with thirteen of my colleagues were assured during a meeting with Secretary Duncan that our concerns would be taken into account, but thus far, I have difficulty believing that that was anything more than a facade. The proposal does not reflect our previously stated concerns and recent discussions indicate that rather than a productive dialogue with the administration, Members will receive little more than a formal response once the rule is set in stone.

The "gainful employment" provision has been in statute since 1965, why is there this sudden rush to get this done by a drop dead certain date? We all agree that both tax payer funds and students' best interests should be protected, but rushing into a blanket approach that will limit student access to higher education and fails to adequately address problem institutions, is irresponsible.

Throughout this process, I have been trying to gain a better understanding of what exactly it is that the Department wants to address.

If it is unreasonable amounts of student debt, well, I agree that is a concern. Let's then have a frank conversation on student debt, but it is not only the institutions that are responsible. Students, lenders, policy makers, as well as institutions must be part of this process and must be held accountable.

However, what student debt has to do with "gainful employment" is beyond me. Let's not kid ourselves; there is no connection between debt and future income and "gainful employment." As any young Capitol Hill staffer will tell you, salary is no indication of the quality of their job.

I agree with the existing statute and the Department of Education that certificate and vocational programs should lead students to better employment. It is therefore shocking that there is no mention of job placement, professional certification passing rates, employer verification, or anything else job-related in determining an institution's effectiveness.

Madam Speaker, I encourage Secretary Duncan and the individuals in the Department of Education who are writing these regulations to visit some of the schools in my District to see for themselves the commendable job they are doing at providing professional opportunities to students who would otherwise not have them.

Higher education needs more competition and more capacity to expand access, improve quality, and prepare the 21st century workforce, not less. The Department's suggested approach detracts from the ability of deserving Americans to compete in the global economy.

I strongly urge the Department of Education to abandon this foolish proposal and go back to the drawing board. Members of Congress such as myself are ready and willing to work with the Department and other interested parties to ensure that we better protect our students and improve the quality and accessibility of educational opportunities across all sectors of our educational system.

HONORING THE 60TH ANNIVERSARY OF THE KOREAN WAR

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Ms. MCCOLLUM. Madam Speaker, I rise today to recognize America's Korean War Veterans and their service to the United States on the 60th anniversary of the Korean War.

On June 24th, 2010 the Department of Defense marked the beginning of a three year observance period for the 60th anniversary of the Korean War. I commend the Secretary of Defense for choosing to honor the sacrifices of our Korean War veterans. The American men and women who served in the Korean Theater sacrificed at great cost to protect our national security by preventing the expansion of communism on the Korean Peninsula. The legacy of their efforts is the democratic freedom enjoyed by the people of South Korea. The collective cost to the United States was terribly high, including more than 36,000 killed, 92,000 wounded, 7,000 taken prisoner of war, and 8,000 missing in action.

Our country owes all veterans of this conflict a great debt for their service.

H.R. 5962, THE AMERICAN
BUSINESS COMPETITIVENESS ACT

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. MAFFEI. Madam Speaker, no one likes to pay taxes. The people in my district and all throughout our country work hard to make a living, and especially in tough economic times, it is difficult to give up a portion of that hard-earned money. But, most citizens also appreciate that our taxes allow us to have the country we do—our taxes allow us to send our children to school, to keep our country safe, to provide Social Security, and to maintain our way of life.

In the words of Franklin Delano Roosevelt, “Taxes, after all, are dues that we pay for the privileges of membership in an organized society.”

Yet, while many of our hard-working citizens understand this fact, they do not understand why our current tax code is riddled with loopholes. They don’t like that certain people and certain industries—especially those with high-paid lobbyists and heavy influence in Washington—get special breaks. They do not understand why some people and some companies get out of paying their fair share of taxes, or why we reward companies with tax breaks for sending jobs overseas.

The worst of these special breaks allow companies to take advantage of U.S. tax deductions on income they make overseas. It actually rewards companies for taking business—and jobs—out of our country and sending them to China or India or elsewhere. Under current law, corporations can defer taxes on business income they earn through foreign companies while they take deductions related to that income when they pay U.S. taxes. In effect, we are encouraging corporations to ship jobs overseas—and then telling the American taxpayer to give them a special tax break! Not only is this provision unfair to taxpayers, it is unfair to companies that keep their operations in the U.S. and try to preserve American jobs.

Those are the businesses that employ our hard-working citizens and keep our economy afloat. Those businesses look at our complicated tax code and cannot understand why their competitors that ship jobs overseas are favored with special breaks. And they don’t understand why the United States has a higher corporate tax rate than most other industrialized nations—which brings me to my second point. At the same time we’re creating loopholes for some, we’re putting our entire business community at a competitive disadvantage in the worldwide market.

China’s corporate tax rate is 25%.

The United Kingdom’s corporate tax rate is 28%.

Japan’s corporate tax rate is 30%.

The United States’ top marginal corporate tax rate? 35%.

The bill I’m proposing today aims to fix both of these problems. First, it will eliminate the ir-

responsible tax loopholes that only benefit certain sectors of certain industries. One loophole my bill closes, for instance, currently allows foreign corporations to avoid paying taxes on income they earn in the United States by funneling the money through different countries where we have tax treaties. This misuse must stop. We must strive to make our tax system fairer.

And secondly, I do not believe that the revenue raised by closing these loopholes should just be thrown back into the federal budget. Instead, I think we should use this revenue to help boost the competitiveness of our entire business community, by sharply reducing our corporate tax rate, to 23%. This is a major tax cut that would allow companies from upstate New York and around the country to better compete in the global economy—and it would ensure that all companies benefit, not just those with good lobbyists. Between revenue raised by closing these egregious tax loopholes and added economic stimulus of lower corporate tax rates, this legislation provides a good balance.

This competitive tax rate will give us back an edge—an edge over China and other countries whose tax laws have attracted corporations to move American jobs overseas in the first place. Our taxpayers, our businesses and our country deserve better, and this bill is a crucial first step toward making our tax system fairer for everyone.

A BILL TO ENSURE BETTER ECONOMIC DATA IS COLLECTED FOR THE TERRITORIES AND FOR OTHER PURPOSES

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Ms. BORDALLO. Madam Speaker, today I have introduced a bill to require the Director of the Bureau of Economic Analysis of the Department of Commerce to publish certain economic data regarding territories and freely associated States, and for other purposes. This bill is timely and important to the economic growth of our insular areas. I want to thank the ranking member of my subcommittee, Mr. BROWN of South Carolina, for being an original co-sponsor. Additionally, I would like to thank my colleagues Mr. FALEOMAVAEGA of American Samoa, Mrs. CHRISTENSEN of the U.S. Virgin Islands, Mr. PIERLUISI of Puerto Rico, Mr. HONDA of California, Mr. SERRANO of New York, Mr. AL GREEN of Texas, and Ms. HIRONO of Hawaii have joined on as original co-sponsors.

The first section of this bill requires the Bureau of Economic Analysis (BEA) to publish annual reports on the gross domestic product (GDP) for the U.S. Territories of American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the United States Virgin Islands (USVI), as well as for the three Freely Associated States (FAS) for which the United States has entered into a Compact of Free Association. The three FAS are the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI),

and the Republic of Palau (ROP). The economic data that the BEA promulgates and publishes are important for states and our country. These statistics are used by federal, state, and local governments for budget development and projections; by the Federal Reserve for monetary policy; by the private sector for planning and investment; and by the American public to follow and understand the performance of the national economy.

Historically, the BEA has not encompassed the U.S. Territories in its Regional Economic Accounts or as part of its annual State GDP reports. Until last year, a formalized, uniform and federal framework for estimating the GDP in the U.S. Territories did not exist. In March 2009, the BEA and the Office of Insular Affairs (OIA) at the U.S. Department of the Interior entered into a formal agreement to develop such a framework and federally assist the U.S. territories in developing and producing annual (GDP) statistics for their respective jurisdictions. The agreement established these efforts as the “Statistical Improvement Program” (SIP) and OIA financed it under its discretionary budget at \$1.6 million over a period of 18 months (March 2009–September 2010). The results were unveiled this year, and the bill I have introduced today would direct BEA to permanently continue its efforts in estimating the GDP for these jurisdictions as part of its existing program and resources so that this important work continues.

The second section of this bill amends the Consolidated Natural Resources Act of 2008 (CNRA), Public Law 110–229, for the purpose of implementation of the new Guam-CNMI Visa Waiver Program and other provisions. The interim final rule issued by the U.S. Department of Homeland Security last year limited the full administration of the new Guam-CNMI Visa Waiver program and it did not fulfill the Congressional intent, established under the law. Secretary Napolitano used her discretionary parole authority to allow travel of certain visitors only to the CNMI. While this was an important action to preserve the CNMI economy, it did not fulfill the intent of a new joint visa waiver program.

Given that the U.S. Department of Homeland Security is in the process of issuing a final rule regarding the joint Guam-Visa Waiver Program, this bill is timely and essential in preserving the regional economy of Guam and the CNMI. Most importantly the bill requires the Secretary of DHS to “provide for an alternative procedure” to achieve the benefits that formal inclusion of countries determined to have had significant economic benefit in the CNMI would otherwise bring under the Guam-Northern Mariana Islands Visa Waiver Program. The bill does not specify or give definition to a scope of possible “alternative procedures;” it leaves it to the discretion of the Secretary of DHS. This is important to the economy of the Western Pacific, as tourism remains our largest industry.

I look forward to working with my colleagues as this bill moves forward in the legislative process.

HONORING THE WORK OF THE
NISQUALLY LAND TRUST

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor the Nisqually Land Trust and their exceptional efforts to address the Northwest's continuously challenging coastal issues.

The Coastal America Partnership awarded the Nisqually Land Trust and its Red Salmon Restoration Team partners with the 13th Annual 2010 Coastal America Spirit Award. This national award was given in recognition of the Red Salmon Restoration Team's restoration of salmon and migratory bird habitat located in the Land Trust's Red Salmon Creek Management Unit in the Nisqually River Delta.

In partnership with the U.S. Fish and Wildlife Service, Nisqually Tribe, Washington Department of Fish and Wildlife, Veterans Conservation Corps, Nisqually Stream Stewards, Pierce County Stream Team, Intel Corporation, and various school groups, the Nisqually Land Trust has provided superior leadership in protecting, preserving, and restoring the region's coastal resources and ecosystems.

Established in 1992, the Coastal America Partnership is a coalition of Federal agencies, State and local governments, and private organizations that work to protect, preserve, and restore the nation's coasts. Coastal America regional teams have initiated more than 700 restoration protection projects in 26 states, restoring thousands of acres of wetlands and protecting critical habitats.

Continuing the tradition of preserving the region's coasts and wetlands, the Nisqually Land Trust manages and protects over 2700 acres of land and habitat within the Nisqually Watershed. In addition, the Land Trust and its partners have been successful in permanently protecting 71 percent of the river's salmon-producing shoreline. As these efforts have helped to ensure the continued health and sustainable population of the Pacific Northwest Native Wild Salmon, it is clear why Coastal America selected this effort for its Spirit Award.

Madam Speaker, I congratulate the Nisqually Land Trust on its excellent work to protect and manage the critical wildlife and habitat areas of the Nisqually River Delta.

RECOGNIZING SCHERTZ TALES
MAGAZINE

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. CUELLAR. Madam Speaker, I rise today to recognize Schertz Tales Magazine, the monthly publication of the City of Schertz, which was recently honored with four international 'Awards of Distinction' at the 2010 Communicator Awards announced by the International Academy of the Visual Arts in New York City, New York.

Schertz's award-winning entries consisted of the July 2008 Magazine Cover; billboard design for the 2008 Festival of Angels event; poster ad for Artz '09; and overall design for the Artz exhibit.

Schertz' newsletter, founded in the mid-1980's, has evolved over the years into the popular monthly Schertz Tales Magazine format. Patterned after successful travel magazines and Texas-centric human interest publications, Schertz Tales Magazine's design reflects its namesake city's acclaimed quality-of-life and can-do spirit. Publisher Brad E. Bailey and his team have shaped the publication to offer important city news and business information while sharing interesting character profiles and local stories.

Schertz Tales Magazine serves a vibrant, fast-growing community that does not have the tradition of a local newspaper, radio station or other source of news and, yet, fills that void effectively. In fact, Schertz Tales Magazine's transformation from newsletter to an internationally acclaimed metropolitan magazine mirrors the emergence of Schertz from a small town founded by German immigrants to one of the premier communities in the State of Texas. Backed by the creative genius of Graphic Designer Alexis Souza, the magazine continues to evolve and grow.

With thousands of entries received from across the U.S. and around the world, the Communicator Awards program is the largest and most competitive awards event honoring creative excellence for communications professionals. Current International Academy of the Visual Arts membership represents a "Who's Who" of acclaimed media, advertising, and marketing firms.

Current and past staff members involved in the award-winning Schertz Tales Magazine include: Leslie Hernandez, Advertising Sales Manager; Mary A. Spence, Business Manager; Jessica Robinson, Event Coordinator; Chuck McCollough, Editor and Writer; and Chris Matzenbacher, Advertising Sales Director. City of Schertz City Manager Don Taylor, Assistant City Managers David J. Harris and John Bierschwale and the entire City Staff can be proud of the recognition bestowed through the IAVA.

Madam Speaker, I am honored to have had this time to recognize the Schertz Tales Magazine, a valued and recently awarded news source.

LOCAL COLLEGE TAKES NATIONAL
BOWLING CHAMPIONSHIP

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. PUTNAM. Madam Speaker, today I rise to honor the women's bowling team of a college located in my district, Webber International University. In their inaugural year as a team, the Lady Warriors took home the 2010 United States Bowling Congress Intercollegiate Bowling National Championship.

The United States Bowling Congress Intercollegiate Bowling National Championship was held this year in El Paso, Texas on April 15

through April 17. The tournament pitted together teams from NCAA Division I, II, III, and NAIA colleges.

I want to acknowledge what an accomplishment it is for the Lady Warriors to bring home the championship title on their first year in competition. This feat has not been done since 1975. To reach this, the Webber team first defeated a team from Robert Morris College twice in the semifinals. Advancing from there, the Lady Warriors claimed the championship over the team from McKendree University. The final round ended in a 2-1 victory in a best out of three series.

The team's anchor, Hayley Beavis, was later named the National Tournament MVP. This victory is extra sweet for her because she sprained her ankle a week before the tournament in training and was unsure if she was even going to compete. Teammate Ashley Galante was named as a National Collegiate Bowling Coaches Association Honorable Mention All-American for the season. They were both backed by the strong contributions from fellow teammates Yoselin Leon Garcia, Stephanie Martins, Jessica Santiago, Katie Thornton, and Brittney Mari. The team was coached by Head Coach Randy Stoughton and assistant coaches Joe Slowinski and Del Warren.

The same team later received the Polk County Female Collegiate Team of the Year Award. This is the first team from Webber International University to receive such an award. The Polk County All Sports Award is meant to honor the areas best high school, college, and professional athletes.

Established in 1927, Webber International University hosts just over 600 undergraduate and postgraduate students. Supported by 45 faculty members, this Babson Park institution not only achieves excellence in sport, but their long tradition of superb education.

On behalf of Florida's 12th Congressional District, I wish to congratulate Hayley Beavis, Ashley Galante, and the whole Lady Warriors team.

HONORING MICHELLE STAUFFER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Michelle Stauffer upon her retirement from Wawona School.

Mrs. Michelle Stauffer has spent the past 29 years serving as a teaching principal at Wawona School; a kindergarten through sixth grade, one-room elementary school in Yosemite National Park. Wawona School has been serving the children that live in the park since the late 1800's. Park rangers, firefighters and other National Park Service employees rely on this community school, and Mrs. Stauffer, to educate and nurture their children. During its existence, the school has educated the children of many Yosemite pioneer families, including the Washburn, Bruce and Gordon families.

Mrs. Stauffer is dedicated to providing a solid education for the students. Field trips to

Washington D.C., museums, live theater and the San Francisco Opera are part of the curriculum at Wawona School. Mrs. Stauffer believes these field trips are an important part of exposing her students to life outside of the park.

Mrs. Stauffer is an extraordinary person and educator. She is dedicated to the Yosemite community and especially to her students. She is committed to providing her students with the very best education in the most nurturing environment possible.

Madam Speaker, I rise today to honor Michelle Stauffer for her dedicated service to the student of Wawona School. I invite my colleagues to join me in wishing Mrs. Stauffer many years of continued success.

PREVENTING SOCIAL SECURITY FRAUD ACT OF 2010

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce the "Preventing Social Security Fraud Act of 2010." This bill will reduce the Social Security Disability backlog by punishing insurance companies that force policyholders to fraudulently apply for disability benefits.

The initial application backlog for Social Security Disability will be more than 1 million applicants by October. The disability hearing backlog sits at an average of 446 days with 718,000 people waiting for a hearing.

Despite these staggering numbers, a handful of bad actors in the insurance industry force individuals who are capable of working to apply for disability benefits, and when denied, forces them to appeal the decision again and again.

These companies do this because it benefits them financially. Each application in the disability process lowers the company's cash reserve requirement. The companies also know that if one of their policyholders happens to hit the jackpot and receive Social Security benefits, then the insurer can lower its monthly payout to the policyholder by that amount.

Nevermind that these individual policyholders must certify under threat of fine or imprisonment when applying for benefits that their claim is legitimate. The policyholder is forced to take all the risk, while the insurer wins either way.

The legislation I am introducing today requires insurers to certify to the Social Security Administration that a claim is legitimate when it forces a policyholder to apply for Social Security Disability. It is important that we protect the right of all Americans to apply for these benefits and appeal legitimate claims.

This bill in no way threatens that system. For those who apply for disability on their own, nothing changes. For those who are forced by their insurers, I merely ask that the insurer take the same oath required of their policyholder and stand by the claim.

I urge my colleagues to support this important legislation.

SUPPORT FOR THE REUNIFICATION OF CYPRUS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SHERMAN. Madam Speaker, I wish to speak today about an injustice that has been taking place in Cyprus for the last 36 years.

In 1974, when hostilities broke out on the small island, Turkey began its military occupation of more than one-third of Cypriot land.

Nearly ten years later, the Turks declared this land to be the "Turkish Republic of Northern Cyprus". To this day, the only country to recognize this declaration is Turkey, which still illegally occupies the northern part of Cyprus.

Currently there are about 36,000 Turkish troops occupying the North of Cyprus. They stand as a physical manifestation of the barrier Turkey is putting up against Cypriot reunification.

Turkey has made other efforts to discourage reunification. According to the Council of Europe Parliamentary Assembly, Turkey has deliberately and continuously modified the demographics of the island, and they have enacted a system of "naturalization" that encourages mainland Turks to move to Cyprus.

This occupation is made all the more tragic by its needlessness. Thirteen million Turkish-Cypriots and Greek-Cypriots have crossed into each others communities without incident. They seek to live together as neighbors in countries to which they have emigrated. There is no reason for these peoples to be divided.

We have reason to be hopeful—Turkish and Greek Cypriot leaders have been engaged in UN-sponsored negotiations since September 2008 to reunify the island.

The United States has an important role to play in the reunification of Cyprus. We must ensure that we are doing all we can to make the island unified once more by working with the European Union, Turkey, and all citizens of Cyprus toward a peaceful and fair resolution of this decades-old conflict.

HONORING ERICA CHALKLEY

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. WALDEN. Madam Speaker, I rise today to pay tribute and express gratitude to Erica Chalkley, who dedicated herself in my Washington, D.C. office to serving the people of Oregon's Second Congressional District for nearly three years. In that time, she distinguished herself as a talented young woman who dedicates herself unswervingly to her career, colleagues, and family.

Madam Speaker, it's tough enough to lose the only other Duck in my Washington, D.C. office. But much more than that, Erica brought an enthusiasm and positive attitude every day that will be sorely missed. Countless Oregonians have walked through the doors of my Washington, D.C. office and been greeted first by Erica, who made them feel at home during

their visit. I received many exuberant "thank you" notes over the past few years that specifically mentioned how grateful they were for Erica's hospitality and charm.

In a sense, what they were really saying is that Erica made their experience in our nation's capital even better. That's no small feat. In a city with so many memorable museums, landmarks, and attractions, it says quite a bit that her service left such a lasting impression during what for many is a very special and personally fulfilling trip to Washington, D.C.

My colleagues on the Energy and Commerce Committee would certainly appreciate this example of Erica's hard work and dedication to the team. When the health care bill was brought up for a markup in the committee last summer, my senior policy advisor on health care issues was out of the office on maternity leave. So Erica stepped in to pinch hit for, essentially, her first Major League at-bat.

Madam Speaker, that marathon markup on the 2,032-page bill was Erica's very first hands-on experience in the committee process. Without missing a beat, she dove head-first into the complicated new policy implications of this massive piece of legislation. Put in a similar position, many others might have been intimidated by the pressure and greatly elevated stakes. She held more than her own, even helping me successfully attach several amendments important to rural Oregon to the committee version of the bill.

As I'm sure you can imagine, Madam Speaker, it is bittersweet to lose a member of the team like Erica. On the one hand, it is never easy to replace someone who brings to the table an outgoing personality, strong work ethic, and commitment to public service. But on the other hand, it's impossible not to be happy for her as she enters what will no doubt be a very exciting stage of her life.

While Erica is leaving Capitol Hill, she is entering a private professional organization where she will continue to remain deeply involved in public policy work, something that I know is a priority for Erica.

Beyond her professional growth, Erica recently became engaged to Danny Fernandez, a fellow Oregonian and former staffer for Senator Gordon Smith. They plan to marry next year, and I couldn't be any happier for the both of them—even if Danny hails from the wrong side of Oregon's Civil War. In all seriousness, they are two wonderfully talented individuals, and I wish them the very best as they go down the very exciting path before them.

Erica also became an aunt for the first time just a couple of short weeks ago. It must have been near torture for Erica to wait a week before heading down to Georgia to see the new addition to her family, but her pride in her sister and baby Seth has been evident ever since she announced the happy news.

Madam Speaker, I've already noted how constituents have showered praise upon Erica for her work. Just as importantly, I'd wager that if you polled my staff and the professionals who regularly come and go through my office, they would tell you that having the privilege to interact with Erica makes every day that much better. The world could always use a few more people like that. I can't think of many higher compliments.

HONORING THE LIFE OF MR.
ARDILL WRIGHT, JR.

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to honor Pearl Harbor survivor and influential community member, Ardill Wright, Jr., for his life of service to his community and country.

Mr. Wright enlisted in the U.S. Navy in Wichita Falls, Texas on February 14, 1940. On the morning of December 7, 1941, while stationed in Hawaii, Ardill Wright's peaceful morning was suddenly disrupted by the Japanese surprise attack on Pearl Harbor. While on the deck of the USS *Raleigh*, Mr. Wright narrowly survived a Japanese attack on his

ship. Overcoming the chaos and disaster of that morning, Mr. Wright valiantly and courageously saved several of his fellow service members, most notably rescuing multiple sailors trapped in the USS *Utah* by cutting a hole in the ship's keel. Following the attack, Mr. Wright resumed his service aboard the *Raleigh* until the conclusion of World War II.

Following his discharge from the Navy in 1946, Mr. Wright moved to Washington State and became a member of the American Legion, Kent Post 15. Consistent with the American Legion's objectives to benefit and serve the community through the organization of local programs for veterans and their families, Mr. Wright co-founded the highly successful Kent American Legion baseball program in 1961. Additionally, Mr. Wright contributed to the Kent community by serving as team manager well into the 1990s, and ran concessions at Kent Memorial Park until 2004.

In honor of his tireless service to his community, the main diamond at Kent Memorial Park was renamed Art Wright Field in 2003. Additionally, that same year, Mr. Wright was presented with the Kent Kiwanis Citizen of the Year award.

Ardill Wright, Jr. passed away on May 25, 2010, in his Kent home. Mr. Wright is survived by his three sons: Joe, Ardill III, and Shannon, as well as his grandchildren and great-grandchildren. His life profoundly reflected selfless commitment to others, and his admirable citizenship and character continue to live on in the Kent community today.

Madam Speaker, I ask my colleagues to join me in honoring Ardill Wright, Jr., for his selfless commitment to others, his military service and heroism, and his dedication to his community and country.

SENATE—Monday, August 2, 2010

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, center of our hope, You have given us this day for our use. From the rising of the Sun until the setting of the same, Your Name deserves our praise.

Today, bless our lawmakers with Your guidance and peace. Give them hope and purpose as they labor on Capitol Hill, reminding them that their steps are ordered by You and that You won't withhold from them any good thing. Show them that righteousness is the true measure of national greatness and that sin will destroy any nation or people. Lord, encourage them to wisely use their time to contribute to the quality of life in our Nation and in our world.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 2, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business until 3 p.m. with Senators permitted to speak for up to 10 minutes each.

Following morning business, the Senate will resume consideration of the motion to concur to H.R. 1586, which is the legislative vehicle for FMAP and education funding. The time from 5:15 p.m. to 5:45 p.m. will be controlled between the leaders or their designees, with the majority leader controlling the final 15 minutes. At 5:45 p.m., the Senate will proceed to a rollcall vote on that matter.

I have completed a meeting with the Republican leader and we are working to find a way to complete our work this week. We are going to have that vote tonight. There will be a consent agreement to move to take care of the Cobell, Pigford funding matter. That will be after we vote tonight.

We are going to start the Kagan nomination in the morning. I haven't had the chance to call the chairman of the Judiciary Committee, Senator LEAHY, and I am sure Senator MCCONNELL hasn't had a chance to call Senator SESSIONS because we just completed our meeting, but we should be ready to start that early in the morning.

Interspersed between that debate, we have other things we want to accomplish. We are going to have competing energy bills that we will set up a time to have debate on, and we will have competing cloture votes on those two measures—the Democratic and Republican energy issues that we have put into bills for a vote prior to the recess.

There is a consent agreement that the Republicans are looking at dealing with child nutrition. It is my understanding that both Senator LINCOLN and Ranking Member CHAMBLISS have signed off on that agreement.

We also have to work on the Defense authorization bill. We are trying to see a path forward on that so debate can start on that as soon as we get back in September. But we want a path for that to be accomplished. We have a number of nominations at which we are also looking.

So I think I have covered about everything we have to work on this week, which is quite a bit. But with each of them, I think we have a way forward to get this done.

On the small business matter, we are pretty close to having an agreement. The Republican leader has to check with his people on a number of issues. I have to check with mine. But I think we are headed so that we can have a

number of votes and complete that matter before we leave.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

RESPONSE TO THE RECESSION

Mr. MCCONNELL. Mr. President, the American people have run out of patience with Washington's response to the recession. The first response was a so-called stimulus bill that was meant to keep unemployment under 8 percent. But after borrowing \$1 trillion, unemployment is stuck well above 9 percent—some would argue closer to 10 percent. Now Democrats in Washington want to do it again.

Later on today, our friends on the other side will vote for a summer sequel to the original stimulus. A year and a half after the first stimulus, the seemingly unlimited spending continues.

You will recall the original stimulus was meant to be timely, targeted, and temporary. Yet here we are again, a year and a half later, and they are already coming back for more. The \$100 billion they got for teachers the first time wasn't enough.

Forget about the fact that more than a third of the original \$100 billion hasn't even been spent and that none of the extra money they are asking for has to be used to retain teachers. Our friends on the other side are now in the business of paying for States to hire more workers even if they can't afford it on their own. Why? Why? Because it creates a permanent need for future State bailouts, at a time when we can least afford it.

The same with health care spending: The original stimulus included about \$90 billion in additional Medicaid spending—funds that were said to be timely, targeted, and temporary. Yet here we are, a year and a half later, and they want billions more.

Let's be clear: This bill is a brazen attempt to funnel more money to public employee unions before an election at a moment of record deficits and debt, and to set the stage for a massive tax hike before the end of the year. It is time Democrats in Congress stop funneling billions of dollars to their favorite constituencies and asking the American people to pay for it with higher taxes. It is time they actually do something to address the jobs crisis in this country rather than using this

and every other crisis as an opportunity to advance their vision of government without bounds.

Enough is enough. Democrats can say these bills are a response to the job crisis all they want, but the American people have already issued their verdict. The American people have seen the bitter results of the Democrats' so-called economic agenda. Every bill they pass only adds more burden on the people we need to get us out of this economic ditch. Whether it is the health care bill or financial regulation, every bill they pass seems to have as a prerequisite that it kill more jobs. If a bill doesn't kill jobs or make it harder to create them, they are not particularly interested.

When the centerpiece of your jobs agenda is to pass a bill that adds another \$34 billion to the national debt to get checks to millions of chronically unemployed Americans who can't find work in the climate you have created, then it is time for a different approach. The approach of the past year and a half isn't working. Unemployment has now been above 9 percent for more than a year. Yet Democrats can't seem to come up with anything other than to expand the size of government, transfer more Federal dollars to the States.

Americans are tired of their tax dollars being spent on more government, more regulations, more taxes, and more burden. They want new solutions that actually enable businesses to recover. Those are the kinds of solutions Republicans are offering and that Americans want.

IRAQ

Mr. McCONNELL. Mr. President, the President today announced his plans to transition the mission of our military in Iraq from combat to an advisory and assistance mission. For context, it is worth remembering that prior to the full deployment of this force, some Democrats were already declaring the surge the President is referring to today as a complete failure.

But thanks to the vision and the determination of General Petraeus, General McChrystal, and Ambassador Crocker, the counterinsurgency strategy was allowed to take root and to succeed. The population was protected, al-Qaida in Iraq was weakened, and, crucially, our political relationship with the Maliki government grew stronger.

None of this was easy. Between that brave decision to execute a counterinsurgency strategy, the surge, and the Anbar awakening, we had to prevail on many votes on timelines for withdrawal and fights over whether we would ever fund ongoing combat operations—all of which allowed for the strategic framework agreement and the security agreement between the U.S. and Iraqi Governments—by the

way, executed in the previous administration—that outlined drawdown of forces and the transition of mission the President announced today. Of course, the Iraqis must work through the formation of the next government and continue to combat insurgents.

There are valuable lessons in all of this as General Petraeus works to build the Afghan security forces and defeat the Taliban. The surge in Iraq helped create the conditions that resulted in the security agreement between our two countries, which took a lot of hard work, and back in 2007, some—including the current President and Vice President—thought it could not be achieved. The credit, of course, goes to General Petraeus, General Odierno, our fighting forces, Ambassador Crocker, and our Iraqi partners. It is their sacrifice we should remember today.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

THE ECONOMY

Mr. REID. Mr. President, I know we are all eager to return to our States next week to talk to our constituents. We have 1 more week to go. We hope to complete everything this week. I just outlined to the Chair and the Members listening about the heavy workload we have that we need to finish. We should be able to finish this week. That is what we all want, and we are going to do our utmost to do that. There are some matters we have to complete this week. We have an extremely important list of unfinished business.

Democrats have dedicated this work period, as in every work period, to jobs, putting the unemployed back to work, helping small businesses grow and saving jobs hanging in the balance. I am disappointed in my friend, the Republican leader, who has denigrated the work we have done and tried to do. Remember, because of the policies of the prior administration, 8 million jobs were lost. There is no dispute about that. In the last 6 months George Bush was President, we lost 3 million jobs. The economic recovery package—or the stimulus bill, as it is known—has created or saved at least 3 million jobs. That doesn't make up for the 8 million that were lost, but it is a step in the right direction.

Talk to anyone in the State of Nevada or any other State about the money in this recovery act that helped teachers. The reason there weren't huge layoffs last year is because of that bill. FMAP is the reason why there weren't more layoffs than there were—as a result of that money that went to States.

We have taken historic steps to clean up Wall Street.

We have made progress on an energy plan that will create hundreds of thousands of green jobs, lower consumers'

utility bills, make sure BP pays the price for its disaster, and end our dangerous addiction to oil. It is not everything we wanted to do. It wasn't our first choice, but it is our first step, because we could not get any Republican support for an energy bill.

After a shamefully long fight, we finally extended unemployment insurance to the hardest hit victims of the recession. I have said it before, and I will say it again. Mark Zandi, JOHN MCCAIN's chief economic adviser, has said that for every \$1 of unemployment money we send to the States, it creates \$1.61.

We passed other good bills too—for example, the HIRE Act. That was very good for business. I saw the fruits of that legislation in Nevada a week ago last Saturday. I went to a restaurant. All 24 people working there took advantage of the HIRE Act. What part of that bill did they take advantage of? They hired everyone who had been out of work for at least 60 days. They hired them for at least 30 hours a week, and they didn't have to pay the money for withholding. At the end of the year, they will get a \$1,000 tax credit for every one of those employees. They will get \$24,000 in tax credits for that small business.

The HIRE Act did other things. It extended the highway bill for a year, saving 1 million jobs. It also allowed those small businesses to write off purchases up to \$250,000 that they previously had to depreciate. It added money to the Build America Bonds, which has worked so well across the country.

I wish we could have done more. I wish our small business jobs bill, which we are working on now, could have passed when we brought it up the first time. It would create a lot of jobs. The Presiding Officer is one of those who have worked hard on that legislation. I think we see the light at the end of the tunnel. We should be able to get that done this year.

Having said all that, we have a lot more to do, and we acknowledge that. Unfortunately, most of what we have accomplished has taken longer than it should have. The minority has made it clear it will say no, no matter the question, no matter who suffers, and no matter how much of the American people's time they waste. These procedural votes we have gone through have been unnecessary. They have been only to kill time. At every turn, we have met more unprecedented and unnecessary delays from our friends on the other side.

Nowhere was that more painfully plain than the refusal to work with us last month on a bill that would have put half a million more hard-working Americans to work in small businesses. It would have helped those businesses get capital and get tax cuts and would have allowed them to hire and to grow. Karen Mills, the head of the Small

Business Administration, has been traveling the country the last 2 weeks, alerting small businesses that we need to pass this bill so she can do some things to help small businesses. Right now, there is no money to do that.

I am very sad to report that this has not been the most bipartisan work period in Senate history. Quite the contrary. But it is still our responsibility to do right by our constituents. We still need to do that, and we still have time to do that, and I hope we can start today.

I hope we can come together and show the country that all Senators have at least one basic belief: we have to do all we can to make sure our children have teachers in the classrooms and police officers and firefighters on the streets. That is what the vote tonight at quarter to 6 is all about. We will vote in a few hours on that amendment that will keep teachers, firefighters, and policemen from being laid off, and it does that in a fiscally responsible way. It protects jobs while cutting spending elsewhere. Every penny spent with the vote at 5:45 will be paid for.

First, let's talk about teachers. The stimulus we passed last year kept hundreds of thousands of educators from losing their jobs. But as States continue to sacrifice education funding, school districts in Nevada and all across the country face the very real prospect of having to lay off thousands of teachers just weeks before the school year begins. Twelve hundred jobs are at risk in Nevada. Nearly twice as many teachers are at risk in Kentucky. In Kentucky, as many as 3,000 could lose their jobs as teachers. In California and Texas, those highly populated States, the number of jobs reaches over 10,000 for sure. All told, as many as 140,000 teachers could lose their jobs across our country. That would be tragic, especially considering we have the ability to prevent it.

Today's amendment would essentially extend the Recovery Act support that has worked so well—for teachers and for FMAP. States such as Nevada would get more than \$80 million to help keep teachers in the classroom, and every penny would be offset by cutting spending elsewhere. It is fully paid for and doesn't interfere at all with the Department of Education programs—for example, Race to the Top—or funding for charter schools or ongoing education reform.

But what is at stake today is not just teachers. They are not the only ones who lose out when they lose their jobs. We also need to think about the scores of students they teach, mentor, help, and inspire. When we vote to save teachers' jobs, we are also voting to save our students' future.

Second, let's talk about public safety. The Medicaid Program ensures that the poorest of the poor in our commu-

nities can afford to see a doctor when they are sick. We know how States have been hammered with people moving into the need for Medicaid—people losing their jobs. It has been so necessary that these Medicaid Programs include more people. But the program does a lot more than just that. It benefits everyone by stimulating the economy. It is a source of money that is spent all over a community—in doctors' offices, hospitals, and other places. When the States get this money, it is fungible and they can use it for other things.

But just as we see in education, cash-strapped States are looking for places to save money. If they don't get the help they are counting on, if States don't get the money for which they budgeted, they are going to cut critical services such as police officers and teachers and firefighters. Nevada stands to lose as much as \$80 million. Again, Kentucky stands to lose twice as much, and California and New York stand to lose \$2 billion each. Across the country, \$16 billion is at stake.

That is what is in this simple legislation before us—simple but extremely important. But let's be clear. This vote, like the principle behind it, is simple. It is about saving jobs—not just to keep unemployment from growing but because of how important those jobs are in our society. When our children go back to school at the end of this summer, there should be a teacher standing in front of the classroom. Without this bill, there might not be. Our teachers strengthen our future, and the least we can do is secure theirs.

Another thing: This money is not going to go to a State unless the Governor asks for the money. That is what the legislation says.

When a crime is committed in our communities or a fire breaks out in a family's home, we all expect enough police officers and firefighters to be on call. Without this bill, they might not even be on the job. They always look out for us. The least we can do is look out for them.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Arizona.

IMMIGRATION REFORM

Mr. KYL. Mr. President, I would like to speak for a few moments about a

memorandum that was received in the offices of Senator CHARLES GRASSLEY, pursuant to a request of the Department of Homeland Security, which has, unfortunately, raised a lot of questions about the administration's commitment to enforcing congressional law. It is undated, but the memorandum is 11 pages. It is on the stationery of U.S. Citizenship and Immigration Services. It is a memorandum to Alejandro N. Mayorkas, the Director, from four individuals within the USCIS. The subject matter is described as "Administrative Alternatives to Comprehensive Immigration Reform."

After reading these 11 pages, I have to ask the question whether this administration, frustrated by the fact that Congress has not acted to pass comprehensive immigration reform, is now considering an end-around the Congress by administrative action through reinterpretations, definitions, rules, and regulations, changing guidelines and the like—in other words, administrative actions to accomplish what cannot be accomplished because Congress is in no mood right now to adopt comprehensive immigration reform—in effect, to use the phrase in the memorandum, a "nonlegislative version of amnesty."

I hope this memorandum, which is designated a "draft," will be thoroughly explained by the administration and will be disavowed in terms of an intention to do an end run around Congress. I am hopeful that some hearings can be held so the authors of the memorandum, or the Director, can explain why this memorandum would be written in the first place and what they intend to do about it.

The purpose of the memorandum is described as follows:

This memorandum offers administrative relief options—

To, among other things—

reduce the threat of removal for certain individuals present in the United States without authorization.

In other words, illegal aliens.

The summary of the memo reads:

In the absence of comprehensive Immigration Reform, USCIS can extend benefits and/or protections to many individuals and groups by issuing new guidance and regulations, exercising discretion with regard to parole-in-place, deferred action and the issuance of Notices to Appear and adopting significant process improvements.

Then they go on to summarize a variety of changes by which they can accomplish these purposes. Just to quote a few here: "USCIS could reinterpret two 1990 General Counsel Opinions. . . ." They could change the definition of "dual intent." They could modify removal procedures in the public interest—strategically, they note. They could "issue guidance or a regulation lessening the 'extreme hardship' standard."

I quote from the "Options" part of the memo:

The following options—used alone or in combination—have the potential to result in meaningful immigration reform absent legislative action.

Indeed, they do. This would be a way for the bureaucrats within the administration to change Congress's intent by redefining terms, issuing guidelines, rules and regulations, and practices which would result in the same thing they would like to achieve in the form of comprehensive immigration reform, including, among other things, amnesty for illegal immigrants. But they could do all of this without Congress ever having passed a single law.

Just to go through some of the other things they talk about here, they could allow certain TPS applicants who entered without inspection—that means they entered the country illegally—to adjust their status. They could expand the meaning of “urgent humanitarian reasons.” One of the things they could—and I will quote it here:

To address these issues, OP&S is currently examining the feasibility of policy options so that individuals would not be deemed to have triggered the bar upon departure with prior authorization from DHS. These options include possibilities reexamining past interpretation of terms such as ‘departure,’ and ‘seeking admission again.’”

I know these are terms we can find in the dictionary, but these creative bureaucrats are in effect saying: We can define these terms in a more creative way and therefore allow a lot more illegal immigrants to stay in the country indefinitely.

They say:

To increase the number of individuals applying for waivers and improve their chances of receiving them, CIS could issue guidance or regulation specifying a lower evidentiary standard for extreme hardship.

If you don't like the law, you simply lower the bar. We could do that, they say, and allow more people to stay here.

They do note a couple of problems in doing these things. On page 10, they say:

While it's theoretically possible to grant deferred action to an unrestricted number of unlawfully present individuals, doing so would likely be controversial, not to mention expensive.

Well, they are right about that; it would be controversial indeed. One of the reasons they note is in the final page of the memorandum, when they say—and I am quoting again:

Rather than making deferred action widely available to hundreds of thousands and as a nonlegislative version of amnesty, USCIS could tailor the use of this discretionary option for particular groups such as individuals who would be eligible for relief under the Dream Act, an estimated 50,000; or under section 249 of the act, registry, who have resided in the U.S. since 1996; or, as of a different date, designed to move forward the registry provision now limited to entries before January 1, 1972.

In other words, pick a date and say that everyone after that date can stay

in the United States legally even though they gained entry illegally.

Mr. President, this is highly disturbing. Because what you have is the administration explaining that well, A, this is only a draft; and, B, we have not adopted any of these recommendations yet; and, C, we probably would not do it for everyone who is here illegally.

Well, I would hope not, but I would hope the administration would be a little more forthcoming about its intentions. This is what fosters suspicion among the American people that the administration is not serious about enforcing our laws and that they want to try to accomplish an end run around the Congress by administrative fiat.

It is the kind of situation that fosters a lack of confidence in the transparency of this administration, which was supposed to be the most transparent in history, when we have to find out only through a process of a member of the Judiciary Committee literally forcing them to cough up this memo of what they are thinking about.

It is obvious from the language of the memo that a great deal of thought has been put into this, and it has gone throughout the Department of Homeland Security, when they talk about different groups having studied different options. This is the kind of thing that causes people to wonder about the administration's commitment to enforcing the law.

Finally, it is one of those things which ironically—or paradoxically—has caused people to back away from the notion of comprehensive immigration reform, because of the notion that the administration has been less than anxious to secure the border and enforce the law and, as was told to me on one occasion, the theory being that if we ever secure the border, then there will be less impetus to pass comprehensive immigration reform.

If your goal is comprehensive immigration reform and amnesty or you call it whatever term you want to there, letting people stay in this country who came here illegally, if that is your goal, and it does not appear the Congress is going to act on that anytime soon, then you resort to the tactics that are employed here by these employees at DHS. Let's figure out ways by reinterpreting commonly used phrases, by issuing new guidelines, by changing 1990 legal opinions, by other means that can be accomplished administratively, we will accomplish, in their words, a nonlegislative version of amnesty for at least specific groups of people, depending upon what date you want to use or what specific phraseology you want to use. This is why the American people do not trust Washington in general and why they have grave reservations about this administration's commitment to enforcing the law relating to illegal immigration.

A final point I would like to make is the decision that was rendered by the

Federal district judge in Arizona on the now infamous Arizona law. I was troubled by one of the aspects of it because it reflected an argument the U.S. lawyers presented in court, which, in effect, was Arizona has no business trying to help the Federal Government enforce our immigration laws, among other reasons, because the Federal Government has decided—bear in mind, this is the executive branch of the Federal Government, not Congress, but this administration has decided to enforce the law selectively; that is to say, using its discretion; that is to say, not always enforcing it.

What would be some of the reasons you would not enforce it? Well, one of the main arguments they used—and the judge referred to this—is that we have to keep in mind the sensitivities of other governments—what do they think about our enforcement of our law; that there are legitimate foreign policy reasons why the administration might not want to enforce a congressionally enacted statute.

I find this to be remarkable. Of course, in dealings with foreign nations, every State Department, every President has to be careful to try to win friends and influence people. But I do not think that you make a deliberate decision not to enforce a law that Congress has passed, which the American people clearly want enforced, simply because people in the Government of Mexico are unhappy if the law is enforced. That is obviously the country we are talking about because the Mexican Government itself intervened in the litigation to make exactly that point.

So, again, is it any wonder the American people wonder about this administration's commitment to enforcing the law, when one of the key arguments it raises in the litigation is that we do not want to have to be under a standard of complete enforcement of the law because we have some other considerations we need to take into account.

The judge says: I will agree with that and therefore say that the State of Arizona cannot insist on complete enforcement of the law because the Federal Government may have reasons not to totally enforce it. That is a troubling proposition to me, among other things, because Congress has not interpreted the law in any way other than we wrote it; namely, enforce it.

That brings up the final point. Congress passed, as part of our immigration laws, a requirement that the Department of Homeland Security respond to inquiries by Federal, State, and local officials who call in about the status of individuals whom they have stopped, for example, at a traffic stop or who they may have reason to believe are in the country illegally, and they respond to about 1 million of those inquiries a year. They have 152 employees to do it.

The Federal Government actually argued in the case, believe it or not, that the reason Arizona had to butt out and not try to help the Federal Government enforce the law was because it would result in a lot more inquiries about the legal status of people and they could not handle anymore inquiries; their capacity was only 1½ million a year; they are up to 1 million; and they only have 152 people in this unit responding to these inquiries, so they could not possibly accept this burden.

As a result, the judge ruled that the U.S. Government would be harmed in such a way that she had to grant an injunction. It would be irreparably harmed as a result of Arizona enforcing the statute. The question, obviously, occurred to me: Well, why do we not hire a few more people to answer these inquiries? I calculated it might cost about \$15 million to double the number of people, and certainly this law is not going to double the number of inquiries. But say you doubled the number of people to 300 instead of 150. That solves that problem.

In other words, people in the U.S. Government, under this administration, seem to be looking for reasons not to enforce a law. That is wrong. We take an oath to uphold the law. When Congress passes a law, we intend it to be enforced. Yet you have this administration, this Justice Department, making arguments as to why the law cannot or should not be completely enforced. Is it any wonder my fellow citizens in Arizona and others around the country want someone to do what they can to try to enforce the law? If the U.S. Government will not do it, then maybe we should start to get our States involved. I agree, it is better to have the U.S. Government do it. It should be our obligation.

But if our own administration is not willing to do it to the letter of the law, and if they are willing to abide by employees who spend their time writing memos such as this, to show how to get around the law, to grant a "non-legislative version of amnesty," then clearly something is wrong, and I think Congress has to speak up.

If you reward illegality, you are going to get more of it. When this administration tries to find ways to keep people in the country who came here illegally by virtue of redefinitions and guidelines and changing opinions that go back to 1990, it suggests to me we are simply inviting more illegality, and we should not do that.

So I am going to join my colleagues on the Judiciary Committee in asking for hearings on this matter, to find out why this is being done; hopefully, to confirm that they do not intend to move forward with this but, in any event, to try to reestablish with the American people that their government in Washington does represent them, it does want to carry out their

intent expressed in properly enacted legislative laws, and that, once and for all, we can make a commitment in this country that the American people have been asking for for a long time now that when it comes to our immigration laws, the Federal Government is committed to enforcing them.

Until that is done, we are not going to make progress on all the other issues relating to immigration reform that so many people have asked for. As a result, we would do well to examine this issue carefully and then reach the appropriate conclusions. If we need more money, if we need more personnel, \$15 to \$20 million is a drop in the bucket of this administration's \$3 trillion budget. We can clearly afford to hire a few more people to do the job, if that is the government's real concern about the immigration laws; otherwise, we should have these employees come and explain why they think it is within their purview to get around the law, in the absence of congressional action.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent to speak for 15 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY POLICY

Mr. DORGAN. Mr. President, I wished to talk for a moment on the subject of energy policy.

This week is our last week prior to the August break, and it is a very important week. We will likely see on the floor of the Senate the Clean Energy Jobs and Oil Company Accountability Act that was brought to the floor by the majority leader, Senator REID.

I wish to commend him for what he has proposed. He has proposed a piece of legislation that includes a number of very important issues, including issues that deal with the oil spill and oil companies' accountability for the Deepwater Horizon spill, issues that will enhance the use of natural gas in our truck fleet in this country, provisions for electric vehicles and infrastructure, provisions that will provide substantial consumer savings in the HOME Star Program, and provisions to protect the environment and create substantial new jobs.

But I wished to also say that this is but a first chapter of the book of energy changes that are essential to this

country's future. I wished to chat about why it is important this week to start a process that I hope will last through September, and perhaps through the lame duck session as well. I hope there will be opportunities that will allow us to achieve the objectives we sought beginning last year, when we spent 12 weeks in the Senate Energy Committee trying to write an energy bill and finally reported out a bipartisan energy bill from that committee.

That committee product includes a lot of very important things. First and foremost, people might say: Well, what is the urgency?

Why are we concerned about energy?

We have people exploring the globe trying to figure out where they can punch a hole in the planet and suck oil and gas out. We have been pretty successful in doing that. Each day we take about 85 million barrels of oil out of the Earth. Each day about one-fourth needs to come to the United States because that is our prodigious appetite for oil. Some call it an addiction. Whatever it is found around the globe, one-fourth of all the oil that is extracted every day has to be delivered to this little place called the United States. Seventy percent of all the oil we use, from foreign oil to domestically produced oil, is used in the transportation fleet.

It is pretty clear we have a very substantial dependence on foreign oil. Over 60 percent of the oil we use in this country comes from outside the country. Some of it comes from areas of the world that don't like us very much, areas that are unstable. If we go to bed tonight and, God forbid, tomorrow morning we wake up and discover that in one way or another concerted acts of terrorism have cut the pipeline of oil into our economy, very quickly this American economy would be flat on its back.

What do we do about that? We talk about it. We talk about it every decade, about how we are going to reduce our dependence on foreign oil. We speak really well. We do a lot better job talking than we do enacting policy. That is for sure. We are going to make us less dependent on foreign oil, we say. Meanwhile, for a couple of decades we are more and more dependent on foreign oil. That potentially holds our country's future and the economy hostage to oil coming from other countries over which, in many cases, we have very little long-term control.

Should we do something about that? I think we should. I believe it is urgent. There is an assumption—not just about oil but about everything that represents our country, its strength and the opportunities we have always provided. There is a notion that here in America, what always was will always be in the future. That is not necessarily the case. It was the case when I was a child. I always knew we were

the biggest, the strongest, and the best, and we would produce opportunities that other countries could not for the masses of people to expand job opportunity, to expand income, to allow them to climb the economic ladder. It is the case that we were very successful in doing that for a long time. But polls now show that the majority of the American people believe their children will not have it quite as well as they did. That is the first time that we have ever seen that. Most people believe the future is going to be less advantageous to their children than it was to them.

Part of that reason is because they look at policies and say: Are you making the right choices for the future? Are you making hard choices? Are you doing the right thing to make decisions that will help promote a better economic future?

One of those decisions deals with the question of energy. The fact is, we live on energy. It is central to our daily lives. Yet none of us think much about it. We get up in the morning, and when we get up, we shut off an electric alarm. We turn on a light. We start a coffee maker. We put some toast in the toaster that is electric. We get in our car and turn a key where we use oil.

The fact is, we use so much energy even before we get to work, never even giving it a second thought. The dilemma is, in the mix of energy in this country, we are far too dependent on foreign oil.

At the same intersection of concern about that dependency, that vulnerability, now comes climate change. There is something happening to our global climate which leads us to ask how do we use energy, particularly fossil fuels. In the future while we put out less carbon into the atmosphere, how do we address these two things together? Both are very important.

I tell all of that because we wrote the Energy bill, the American Clean Energy Leadership Act. It took us 10 or 12 weeks in the Energy Committee, 13 months ago. We don't yet have that Energy bill on the floor of the Senate. There are a lot of complicated reasons for that. But first let me describe what was in that bill.

No. 1, we do, in fact, reduce our dependence on foreign energy and increase domestic production. This bill would do the things that give us the opportunity to maximize the production of renewable energy, where the wind blows and the Sun shines. There is no reason for us not to collect energy in one place and ship it to where it is needed in the load centers. We do that in this bill.

We establish a first ever national renewable electricity standard, what is called an RES. It says: Here is where we are headed. We want X percent of our electricity to be produced from renewable sources. That is the way we get to a desired destination, by decid-

ing where we are headed. If we don't care where we are going, we will never be lost. But we will never get to where we want to head if we believe the country needs to achieve a certain direction.

That is very important. If we are going to have our country less dependent on foreign oil, we have to produce more at home. I believe in responsibly producing more oil and gas at home, but I also believe in producing more electricity from renewable sources.

It also creates a transmission superhighway. We built an interstate highway over which we can drive. One of the interstate highways goes through my State. It connects New York to Seattle. It is a wonderful thing. It is also the case that we have not built a strong, interstate transmission system, an interstate highway of transmission lines to allow us to collect the energy where the wind blows. My State is the windiest State in the Nation. My State is called the Saudi Arabia of wind, but we don't need more electricity in our State. We produce far more than we need or can use.

So the question is, How do we produce it where the wind blows and put it on a wire and move it to a load center where they can transmit the electricity? We do that by creating a transmission superhighway which we don't have. We need to build it. That itself will allow us to maximize the production of renewable energy and make us less dependent on foreign oil.

The bill electrifies and diversifies our vehicle fleet. The fact is, we will make ourselves less dependent on foreign oil by moving toward an electric vehicle fleet. That makes a lot of sense as well and is a responsible step to take. The Senate Energy Committee just passed legislation I wrote, along with my colleagues Senators ALEXANDER and MERKLEY, called the Promoting Electric Vehicles Act.

What we are trying to do is move the country in this direction by providing the right policies and incentives. It makes a lot of sense. If we build an electric system for peak load when people are air-conditioning and heating their homes during the day, and then at night that load requirement goes way down. But we still have the capability to produce all this energy, and we are just not using it. If we are able to plug in our cars in the garage at night to use energy that we have already developed an infrastructure to create, we make maximum use and opportunity of energy resources that currently exist.

That is what we do with respect to the electrification and diversification of the vehicle fleet. Energy efficiency is the lowest hanging opportunity in the country. We can achieve that through appliance standards, new technology, and building retrofits. We expand clean energy technology. All this

means substantial job creation opportunities, and we train the energy workforce of tomorrow.

It is the case that the bills we will consider on the Senate floor, a piece of legislation that Senator REID has decided to bring to the floor includes some pieces of what I have just described and apparently another competing piece of legislation and perhaps cloture votes on these issues—they are steps in the right direction but very short, in my judgment, of what we could and should do before the end of this session to say to the American people: We understand your concern about the future of this country. We understand about the vulnerability you know exists when we send \$1 billion a day, every day, 7 days a week to other people around the world to pay for their oil.

We understand that makes our country vulnerable, and we will do something about it. We are not going to take baby steps. We are going to take big steps in the right direction to fix the vulnerability that exists.

We have had some in this Chamber who have held up the Energy bill from the Senate Energy Committee because they said we shouldn't do this unless we also take up a climate bill. I believe we should put a cap on greenhouse gas emissions. Something is happening to our climate. We would be fools not to take a series of no-regrets steps so that 50 or 100 years from now, when we look in the rearview mirror, we decide to take commonsense steps. We would be fools not to have done some important things in the meantime that would help address these issues just in case.

I believe the consensus of scientists is that there is something happening to the climate. But those who have insisted that this Congress in this year address climate change have said: If you are not going to address climate change, you can't do the bill from the Energy Committee.

If we brought a bill to the floor of the Senate that established all kinds of benchmarks on CO₂ emissions, how would we then limit CO₂? We would go back and do these very things I have just described. We would maximize the production of wind and solar energy, the biofuels, a whole series of things that represent what we have done in the Energy Committee. It has never made much sense to me that we would hold up or block the opportunity to do this bill. If we brought this bill to the Senate floor in September or in a lame-duck session, it would be wide open for amendments to offer a climate title.

I have said I will support limiting carbon. I will also support a mechanism to price carbon. I have also said—clearly, many times—that doesn't include cap and trade because I have no interest in the trade piece by creating a \$1 trillion carbon securities market on Wall Street. The reason for my concern about that is, I have watched in

the last several years what has happened with respect to various kinds of speculative excesses in other markets. I am not someone who wants to sign up the cost of our energy future to carbon securities traders.

There is an opportunity between now and the end of this year. I hope we don't miss it. It is easy for us to minimize our actions. It is easy to take small steps. It is much harder to take bold steps in the right direction. But I am mindful, as is everyone involved in the political system, that the American people are plenty upset about a lot of things. We have just been through the deepest recession since the 1930s, and we are not out of it yet. There is some improvement, to be sure, but we are not out of this. There are a whole lot of folks out of work, feeling hopeless and helpless. Some have looked for jobs for a year, 2, 2½ years, and can't find them. They are concerned about pension benefits, concerned about Social Security, about whether grandpa and grandma will have decent health care, and concerned about quality schools among other national issues.

They are concerned about whether they live in safe neighborhoods. They are concerned about whether they can find a job or whether they have a job and job security. They are concerned about a lot of things. This is one of them, however, the issue of energy. They worry that if we are not smart and if we don't take action that is bold and decisive in the right direction, we will miss the opportunity to address some very important issues in the future.

The most important issue to me with respect to energy is our unbelievable dependence and vulnerability of having to get so much of our energy outside of our country, especially from areas that are in troubled parts of the world. We can do a lot better.

We hear a lot of people talking about wanting to hear "made in America" again. I want to hear that about a lot of products. I want to see a vibrant manufacturing industry and sector built once again. But "made in America" can also mean produced in America. We can use our resources—yes, even our fossil energy—if we use them differently.

One final point is the question about the use of hydraulic fracturing for oil and natural gas production. I know this is very technical. In my State, we produce a lot of oil at the moment, and it increases all the time. It is the largest reservoir or largest reserve of technically recoverable oil ever assessed in the history of the lower 48 States. It is called the Bakken shale. That oil shale formation is 10,000 feet underground.

In recent years, we been able to access it with great success. We go down 2 miles, 10,000 feet, with a drill, and then we make a big curve with the same drill and go out 2 miles. So we

can go 4 miles, including a curve in the middle, with one drilling rig. Then with a water solution, we initiate hydraulic fracturing to crack open the shale rock to release the oil. I understand that is 2 miles below the surface. It is 100 feet thick. They drill for the middle third of a 100-foot seam 2 miles below the surface. That is how sophisticated it is.

The oil can only be extracted from that deposit by using hydraulic fracturing techniques. The U.S. has been using hydraulic fracturing for 50 years. Some people have raised concerns about what that does to the water table when producing oil or natural gas. There is like chance of doing anything to the water table 10,000 feet below. Hydraulic fracturing has been used for a long time in a way that has not affected the water table. I am very concerned about carefully vetting issues from who have concerns about hydraulic fracturing. I don't want to shut down a substantial portion of that which can be produced in America to support our country's need for home-grown energy in the future. I will have more to say about that at some point when the bill comes to the floor, but I did want to mention that issue because I think it, too, is very important as we discuss energy issues.

All of us want the same thing for our country. We want stability, economic opportunity, and environmental protection. We want to give our kids hope that the future for them is going to be better than the future for their parents. We all want those things. But the only way we will achieve those things is if we at last, at long, long last make some big and bold decisions on a wide range of issues. Yes, fiscal policy on energy policy and on a wide range of other issues, we need to make some big and bold decisions, some of which may not be popular in the short term but are essential for this country's well-being in the long term.

We need to do that now, not later, not next year. We need to take those steps this year. That is why I wanted to talk about the opportunities that still can be achieved well beyond the size of the legislation we are going to consider this week on the oil spill and energy. There is an expanded capability on energy legislation that took us 12 weeks to write. It was passed on a bipartisan basis and represents a menu of things we could and should do in order to address both our vulnerability and dependence on foreign energy as well as to begin to address the issue of climate change.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STEM EDUCATION

Mr. KAUFMAN. Mr. President, there is no doubt we stand at a critical moment in history. I am honored to be a Senator at this time in our history but even more so to be an engineer Senator. I believe the key to the future of our country and the world rests on the ability of the United States to use STEM—science, technology, engineering, and math—to solve the major problems we face.

You can work on an issue in the shadows for decades and then suddenly the Sun breaks through and it is shining on you and it is shining very brightly. This is one of those moments for engineers, in particular for the promotion of STEM education.

Today, America's engineers have a central role to play in developing the innovative technologies that will help our economy recover and promote real job growth. In particular, as the global economy turns increasingly competitive, many nations are investing heavily in training their future scientists and engineers. We have to do the same.

We do not know from where the next generation of innovation will come. That is the very nature of innovation. But we do know the problems we face. We do know our central economic challenge. When we get through this crisis—and we will—when this recession has passed, we need to create new jobs. It is not enough to try to win back the jobs we have lost. To keep pace with our population and to keep the sacred promise to our children and grandchildren, we need to create a whole new generation of jobs.

As former President Bill Clinton has said, in recent years, we were creating jobs in three areas: housing, finance, and the consumer economy. All three of those benefited from loose credit and easy money to build up a bubble. All three of those have suffered in this economy.

I am very sorry to say that many of those jobs are not going to be coming back. We cannot look forward to the day where carpenters are scarce because we built more houses than people could afford to buy. We do not need a revitalized legion of clever bankers any more than we need another Starbucks 1 block closer.

So where will tomorrow's jobs come from? I believe the answer lies in science, technology, engineering, and mathematics. STEM jobs will be, and must be, the jobs of the future. Whether it is energy independence, global health, homeland security or infrastructure challenges, STEM professionals will be at the forefront of the most important issues of our time.

In 2008, the National Academy of Engineering convened a panel of technology and engineering leaders to create a list of "Grand Challenges for Engineering." The group included innovators from the private, public,

and academic sectors with a wide range of expertise and experience. Eighteen committee members, including such well-known names as Google founder Larry Page and Segway inventor Dean Kamen, set to work to identify engineering challenges—both problems and opportunities—facing those born at the dawn of the 21st century.

After considering ideas and input from experts and the broader general public, 14 Grand Challenges were identified, some of which include: making solar energy economical, providing energy from fusion, providing access to clean water, restoring and improving urban infrastructure, engineering better medicines, preventing nuclear terror, and securing cyberspace.

Clearly, we will need STEM-educated professionals to address these Grand Challenges. In fact, according to a new study released by Georgetown University's Center on Education and the Workforce, by 2018, STEM occupations are projected to provide 2.8 million new hires. This includes over 500,000 engineering-related jobs.

So where will these STEM jobs be? What kind of work will be taking place in these jobs? The answer encompasses a myriad of locations, opportunities, skills, and subject knowledge. The following are just a few examples of what these jobs might look like.

STEM graduates can go into the biomedical fields. In the United States alone, nearly 1 out of 25 people has a history of cancer and 1 out of 13 people has diabetes. Finding scientific solutions to make health care more efficient, both in treatment and in cost, is essential for the health of our people and our economy.

This entails creating personalized medicines tailored to a patient's genetic makeup, processes to quickly and cheaply screen for diseases, materials and techniques to make surgeries and treatments less invasive, biomaterials to aid in the repair of damaged body tissues, and new strategies to overcome multiple drug resistances. Biomedical and materials engineers, as well as scientists with skills in chemistry and genetics, will be needed to tackle these issues.

STEM graduates can pursue jobs in clean energy fields, such as solar energy. Currently, solar energy's share of the total energy market is small—below 1 percent of total energy consumption. It is estimated by 2030, however, that solar electricity has the potential to satisfy the electricity needs of almost 14 percent of the world's population.

To get there, scientists and engineers will need to help us overcome the various practical and economic barriers to widespread solar power usage. This will require new technologies to capture the Sun's energy, to convert it to useful forms, and to store it for use when sunlight is unavailable. Electrical and

computer engineers will be needed to lead the way and, indeed, in Delaware, my home State, they already are.

A consortium lead by engineers from the University of Delaware achieved a recordbreaking solar cell efficiency of 42.8 percent. Solar cells, as you know, convert the Sun's energy into electricity. This is a major achievement in the development of low-cost solar systems, and we will need many more of its kind.

STEM graduates can find jobs updating our Nation's infrastructure. Last year, the American Society of Civil Engineers rated the U.S. infrastructure as a D. This is unacceptable, unsustainable, and unsafe.

We need chemical and civil engineers to design, construct, and maintain streets, sidewalks, public transit, water supply networks, sewers, street lighting, waste management, public parks, and bicycle paths, just to name a few.

Professionals working on our Nation's infrastructure will also need skills in physics, electrical engineering, and urban planning. This is no small feat and will require the dedication of many new engineers. In fact, among engineering fields, civil engineering is expected to see the largest growth through 2018.

STEM graduates can help protect us from security threats. Plutonium or highly enriched uranium is used to build nuclear weapons. Vast quantities of this fissile material exists in the world today, some of it still unaccounted for, even though 260 tons of it has been secured over the last two decades under the Nunn-Lugar program. It takes less than 10 kilograms of plutonium or around 25 kilograms of highly enriched uranium to build a nuclear weapon, and several terrorist organizations have demonstrated interest in acquiring a nuclear weapon.

Consequently, we need nuclear engineers to determine how to secure these dangerous materials, detect nuclear threats at a distance, disarm potential devices, and respond and clean up after any explosion. Technical skills, in addition to various engineering skills, will be necessary to solve each of these dilemmas.

These are just a handful of the exciting and important job profiles that will be available to our Nation's STEM graduates. We will also need environmental engineers to provide access to clean water, mechanical and aerospace engineers to update our transportation methods, agricultural engineers to help tackle world hunger, and much more. All the surveys today say that young people want to "make a difference" with their lives, and certainly these STEM jobs will. But beyond the opportunity to make a difference, STEM graduates will also earn high salaries postgraduation. During our current economic times, this is no small incentive.

According to a recent survey by the National Association of Colleges and Employers, STEM majors account for the top five highest earning bachelor's degrees of those graduating in 2010. Specifically, engineering degrees accounted for four of the five most highly paid bachelor's degrees. Starting salaries for these graduates are between \$60,000 and \$75,000 per year.

Yet despite the various incentives, we are already behind in the number of scientists and engineers we will need to educate in order to fill the jobs of the future.

Between 1985 and 2007, the number of individuals receiving engineering bachelor's degrees fell by nearly 10,000. This precipitous decline occurred at the same time that the total number of undergraduate degrees rose by one-half million.

Moreover, employers are having a difficult time filling available engineering positions. Raytheon CEO William Swanson recently told the Greater Boston Chamber of Commerce that he plans to hire 4,500 engineers this year, but he finds it harder and harder to find them.

This trend must be reversed. Fortunately, organizations such as the American Society of Mechanical Engineers and the American Society for Engineering Education are working to "prime the pump" for the next generation of STEM professionals. To promote and improve K-12 STEM education, the American Society of Mechanical Engineers is fostering partnerships with educational groups such as the First Robotics Competition, the Junior Engineering Technical Society, Project Lead the Way, and the Girl Scouts and Boy Scouts. The American Society for Engineering Education has a publication called "Engineering, Go For It," aimed at inspiring students, particularly girls and underrepresented minorities, to pursue an engineering career. They also administer a number of undergraduate and graduate fellowship and internship programs, including several sponsored by the National Science Foundation and the Department of Defense.

This type of organizational support is critical to ensuring that students across the country have access to quality STEM opportunities in K-12 education and beyond.

In my remaining time in the Senate, I will continue to encourage my colleagues in Washington to invest in STEM education. It is true we have our partisan problems in Washington these days, but I believe there is bipartisan consensus on the value of promoting STEM education.

Support for STEM education is essential for our economic growth and recovery. It is the future of our workforce. It is our children's and our grandchildren's future.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 1586, which the clerk will report.

The assistant legislative clerk read as follows:

House message on H.R. 1586, motion to concur in the House amendment to the Senate amendment to H.R. 1586 with an amendment, an act to modernize the air traffic control system, and so forth and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid (for Murray) amendment No. 4567 (to the House amendment to the Senate amendment to the bill), in the nature of a substitute.

Reid amendment No. 4568 (to amendment No. 4567), to change the enactment date.

Reid motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, Reid amendment No. 4569 (the instructions on motion to refer), to provide for a study.

Reid amendment No. 4570 (to the instructions (amendment No. 4569), of the motion to refer), of a perfecting nature.

Reid amendment No. 4571 (to amendment No. 4570), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, would the Chair let me know when I have consumed 9 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Thank you very much.

The Presiding Officer is a distinguished former Governor, and I am a former Governor. I suggested during the health care debate that anyone who voted for the new health care law ought to be sentenced to go home and serve as Governor for 8 years under the new law and try to make it work. People thought I was kidding. I was serious. The vote we are about to have this afternoon is another symptom of the same problem.

Here is what the vote today, which is characterized as being about teachers and Medicaid, actually does. It is a \$10 billion bailout to help States pay teachers, but it ties the Governors' hands so a Governor can't change education funding levels if their State budgets are in trouble, which almost every State is.

Second, there is \$16 billion for States to pay for Medicaid—the Federal program that is a combination of Federal money and State money—but, again, this ties the Governors' hands so Governors can't adjust the State Medicaid programs in a way that will make it possible for them to afford to continue to run the program. In other words, if you are the Governor of Tennessee, because of receiving this money or the stimulus money earlier, your ability to change benefits is limited and, in some cases, taken away.

Third, what we are about to vote on this afternoon raises taxes by about \$10 billion to help pay for these proposals. This \$10 billion in permanent tax hikes is on American multinational companies. That sounds like: Well, let's stick it to the company. But these are companies which employ 22 million Americans, according to the National Association of Manufacturers. This makes it harder for those companies to continue to employ people in the United States and it gives them more incentive to send jobs overseas.

Then there is the additional offset to this bill of \$3 billion in military and veterans funding cuts and, as the Senator from Kentucky has pointed out, these are very broad cuts, and there is nothing to keep these cuts from being made from the operation and maintenance of the fighting men and women in Iraq and Afghanistan.

Then the fourth problem with this vote this afternoon is it adds to the debt nearly \$5 billion.

The fifth problem is we are already spending—41 cents out of every dollar we spend today is borrowed from someone, creating a serious deficit problem. There is sometimes back and forth about who caused the problem, but the solution to a boat with a hole in it is not to shoot another hole in the boat and have two holes or three holes, and that is what we would be doing with this bill.

We would be extending the so-called fiscal cliff in the States by tying the Governors' hands so they don't do what they normally would do in down times such as this, which is reduce spending so they can make their way through it. We are raising taxes on companies in a way that could send jobs overseas. We are adding to the debt. Those are all the things we are being asked to vote on this afternoon.

One might say that is a partisan comment I am making in describing the situation. I don't think so. I think it is the comment of someone with a

background as Governor of a State who has consistently struggled with Washington's irresistible impulse to impose on States rules from Washington that may not fit States.

For example, the education money—the \$10 billion—has five strings on it. No. 1, we have to keep spending on K-12 education at least as high as last year's money.

Again, that sounds good, but if you are a State that is reducing and has less revenue, you have to reduce costs or you will have fiscal cliff after fiscal cliff. The same with Medicaid—\$16 billion more for Medicaid but, again, with restrictions on what States can do to change benefits. So, as a result, Governors and legislatures that have less State revenues continue to increase their spending on Medicaid. But guess what. Not on other programs such as public colleges and universities.

I am absolutely convinced the health care law and the new costs being tacked onto States to pay for an expansion of Medicaid is going to irreparably damage our public colleges and universities. It is going to hurt their quality because the money that should be going to colleges and universities is going to go to help pay for Medicaid requirements imposed from Washington.

Who else is going to be hurt? The students. I am sure the students protesting at the University of California the over 32 percent tuition hikes have no idea the reason they are having the hikes is because Washington keeps imposing new costs on State Medicaid Programs, causing Governor Schwarzenegger and the California Legislature to take money that otherwise most likely would have gone to the University of California and spend it instead on Medicaid.

Let me give a bipartisan twist to what I just said. There was a Wall Street editorial, written by Richard Ravitch in January of this year. He is the Democratic Lieutenant Governor of New York State. This is the way he describes this scenario we are being asked to vote on this year:

The Federal stimulus has provided significant budget relief to the states—

Mr. President, that was the money that was passed in the beginning of 2009 to try to create new jobs, which apparently hasn't worked so well since unemployment is still very high. He says:

But this relief is temporary and makes it harder for states to cut expenditures.

Just as this vote this afternoon will do so.

In major areas, such as transportation, education, and health care, stimulus funds come with strings attached. These strings prevent states from substituting federal money for state funds, require states to spend minimum amounts of their own funds, and prevent states from tightening eligibility standards for benefits.

The Lieutenant Governor of New York continues:

Because of these requirements, states, instead of cutting spending in transportation, education, and health care, have been forced to keep most of their expenditures at previous levels and use federal funds only as supplements. The net result is this: The federal stimulus has led states to increase overall spending in these core areas, which in effect has only raised the height of the cliff from which state spending will fall if stimulus funds evaporate.

If we do it again this afternoon—the same thing done with the stimulus fund—we will be extending this fiscal cliff for New York, Tennessee, and States all over the country and making it more difficult for them to make the cuts they need to make the innovations they need to make, to try the different things they need to do, so they can afford their education programs, so they can afford their Medicaid Program.

I ask unanimous consent to have printed in the RECORD Lieutenant Governor Richard Ravitch's column in the Wall Street Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

WASHINGTON AND THE FISCAL CRISIS OF THE STATES

(By Richard Ravitch)

As one whose interest in public service stems largely from the conviction that government can make a positive difference in people's lives, I have found the past year a paradox. From the financial crisis to health-care reform, the federal government has taken on challenges that urgently need to be addressed. Yet despite these actions—and sometimes because of them—the states, which provide most of the services that touch citizens' lives, are in their deepest crisis since the Great Depression. The state crisis has become acute enough to belong on the federal agenda.

New York State faces a budget deficit that could climb to \$8 billion or \$9 billion in fiscal year 2010–11 and the state could face another deficit in 2011–12 of about \$14 billion to \$15 billion. The causes of the larger deficits down the road include a drop off in federal stimulus funds, an increase in Medicaid costs, and the planned expiration of a state income tax surcharge, as well as the state's underlying structural deficit.

New York is in a tough spot, but few other states are immune from large and growing deficits. According to the Center on Budget and Policy Priorities, the states have faced and will face combined budget shortfalls estimated at \$350 billion in fiscal years 2010 and 2011. Past experience suggests that these deficits will continue even if a national economic recovery takes hold. Moreover, we do not know how robust the recovery will be or what shape it will take. We know only that it will not spare the states the necessity of making acutely painful fiscal choices. New York and other states face draconian cuts in public services, higher taxes, or, more likely, a combination of both.

The federal stimulus has provided significant budget relief to the states, but this relief is temporary and makes it harder for states to cut expenditures. In major areas such as transportation, education, and health care, stimulus funds come with strings attached. These strings prevent

states from substituting federal money for state funds, require states to spend minimum amounts of their own funds, and prevent states from tightening eligibility standards for benefits.

Because of these requirements, states, instead of cutting spending in transportation, education, and health care, have been forced to keep most of their expenditures at previous levels and use federal funds only as supplements. The net result is this: The federal stimulus has led states to increase overall spending in these core areas, which in effect has only raised the height of the cliff from which state spending will fall if stimulus funds evaporate.

Until recently, some people predicted that the stimulus funds would not evaporate—that instead the federal government would rescue the states once more with another stimulus bill. But the prospect of this kind of help looks doubtful as an increasing number of lawmakers in Washington worry about the federal deficit and seem intent on taking serious steps to rein it in.

If those steps include neglecting the fiscal situation facing the states, the country could be headed for fiscal problems that are larger than the ones we face now. We are in a time of extraordinary economic change and Washington is struggling with the sometimes-conflicting demands of the federal deficit and the unemployment rate. But the states' growing deficits present their own urgent national problem that the federal government must place in the balance.

Federal policy makers do not have the option of assuming that the state fiscal crisis is temporary or will cure itself without further involvement by Washington. This crisis reflects the growing long-term pressures on the states from the health-care needs of an aging population and the maintenance needs of an aging infrastructure. Moreover, the \$3 trillion municipal bond markets have begun to notice the states' deficits: Moody's recently downgraded the bond ratings of Arizona and Illinois because of the deficits those states face. The rating agency says it is waiting to see whether New York will reduce its budget gaps and has warned the state against trying to do so solely through one-time actions.

It seems almost inevitable now that the states' fiscal problems will have further effects on capital markets, possibly as soon as next spring and summer. If more cracks appear in the capital markets that handle municipal bonds, the U.S. Treasury and the Federal Reserve will be faced with an unattractive set of options: They can allow those markets to deteriorate or use federal tax dollars to shore them up and thereby increase the federal deficit.

It is safe to say that one way or another events will force federal policy makers to spend money in response to state deficits. Federal officials shouldn't wait for an emergency to begin to address two questions: Which services should the federal government provide and which should the states provide? And how should the costs of these services be split among federal, state, and local tax bases?

For example, Medicare, not Medicaid, is the primary payor of health-care costs for the elderly and disabled. About 17% of Medicare beneficiaries are low-income and, thus, also receive varying levels of state Medicaid benefits. These "dual eligible" beneficiaries account for some 40% of state Medicaid spending.

For these beneficiaries, the current system is a nightmare: They disproportionately suf-

fer from chronic diseases but must navigate two separate bureaucracies and sets of rules in order to receive care. For the states, this system is a costly burden. From the perspective of a rational health policy, the system is an anachronism. It developed when Medicare did not provide income-based aid and did not have income-based information about those it served. Medicare now provides such aid and has the information and capacity to provide these benefits more effectively, with more potential for cost containment, than the current system.

A federal takeover of services to dual eligibles would cost about \$70 billion per year. For many states, a share of this amount would be the difference between chronic fiscal crisis and a chance at structural budget balance. After the Troubled Asset Relief Program and health-care reform—with the cost of the latter estimated by the Congressional Budget Office at almost \$900 billion from now through 2019 and \$1.8 trillion in the 10 years from 2014 through 2023—the bill for such a takeover does not seem huge or disproportionate to the relief it would provide to state budgets.

Those of us responsible for the states' budgets have the unpleasant duty of imposing greater burdens on our citizens before we can reach legitimate balance between revenues and expenditures. It is not unreasonable for us to hope that federal policy makers will treat our state deficit problems with the same seriousness with which they are now preparing to address the national deficit.

Mr. ALEXANDER. Not long ago, the State of Tennessee was one of two winners in the race to the top in education funding. I was very proud of the State. This was not my doing. This was their doing—the teachers, the Governor, and the legislature. Both parties worked hard. I came to the Senate floor last week and praised President Obama and his Secretary of Education, Arne Duncan, for their courage and vision on their K–12 education agenda, pushing for the holy grail of education, which is finding ways to award outstanding teaching and tying it to students' effectiveness and charter schools and higher standards, even common standards, and the race to the top itself, in terms of encouraging excellence. These are not easy things to do.

President Obama is not the first Democrat, or even the first Democratic President, who has pushed these changes. But he is the first President of either party who may have a chance to actually get them done. It may just be easier for a Democratic President to do this than a Republican President. When he does these things, it is important for Republican Senators to give him credit for it. I genuinely do.

Mr. President, it does not help for us now to come along and say, OK, we are going to make it harder to be the Governor of Tennessee and Virginia and Michigan and California and all these States because we are going to give them money, with more strings attached, and say when they take the money and spend it, they have to keep the same level of spending they had before. Just as Governor Ravitch says, it stops States from doing what they already need to do.

Mr. President, I wish every State had done what Tennessee has done. We have a Democratic Governor, Phil Bredesen, who is completing his time. This is what he said in his State address in 2009:

Please let me make it clear that no proposed version of the stimulus is any panacea or silver bullet; substantial cuts are still needed under any circumstances.

He meant in the State budget.

Furthermore, it is vital to remember that this stimulus money is one-time funds.

The Governor is saying we are going to have to cut the budget. In fact, our State has little debt. It has among the lowest taxes in the country. It has a solid pension fund that has survived this as well as anybody. But when we say to any Governor that here is some money, and here are some rules to keep you from doing what you need to do, I think we are doing no service there.

I wanted to say that before we have this vote today, and to say that there are four or five reasons I hope we don't go forward with it. The first reason, both in terms of education and Medicaid, is it ties the Governors' hands to keep them from doing what they should be doing. The next reason is there is \$10 billion in permanent taxes on multinational corporations which will make it more likely that American jobs would go overseas. Another reason is there is \$3 billion in spending cuts in defense that likely could come out of the operation and maintenance budget of soldiers fighting in Iraq and Afghanistan. The next reason is it adds to the debt \$5 billion at a time when we don't have the money any more than the States do. We are spending 41 cents out of every dollar, which is borrowed.

Mr. President, I am going to oppose this measure this afternoon. I will support efforts to rein in spending, to give States more freedom to do what they need to do, to try to create a more limited government, to try to create less debt, and to try to create an economy that can focus its attention for the foreseeable future on a progrowth environment that creates jobs in the private sector, which is the real challenge for our country today.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BEGICH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. BEGICH. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING ALASKA AIRMEN

Mr. BEGICH. Mr. President, I rise to honor four members of Alaska's mili-

tary family who lost their lives in a tragic airplane accident in Anchorage last week.

MAJ Michael Freyholtz and MAJ Aaron Malone were pilots assigned to the Alaska Air National Guard's 249th Airlift Squadron.

CAPT Jeffrey Hill was a pilot assigned to Elmendorf Air Force Base's 517th Airlift Squadron.

And SMSgt Thomas Cicardo was a loadmaster with the Alaska Air National Guard's 249th Airlift Squadron.

Last Wednesday evening, these airmen were honing their skills in a C-17 aircraft when it went down in the woods not far from downtown Anchorage.

Every Alaskan has been touched by this loss. It is a terrible tragedy for our State, where we consider Alaska's military installations extensions of our communities.

Service members are part of our extended Alaskan family.

Today in a large Elmendorf airplane hangar, thousands of Alaskans are gathering to mourn the loss of these brave airmen.

Each of the airmen who perished on July 28th played a pivotal role in standing up C-17 operations and training in Alaska.

They contributed to our Nation's defense and to the State of Alaska.

Major Malone was a C-17 pilot on leave from Alaska Airlines, his place of employment, to help stand up the 249th Airlift Squadron in Alaska.

Alaska was Major Malone's home State. In 2008, he transferred to the Alaska National Guard.

As a highly regarded airman, he became a C-17 instructor pilot. He proudly served his country for more than 12 years in the Air National Guard.

During his time of service, Major Malone flew the F-16 in defense of our airspace after 9/11, deployed to the Korean Peninsula, and flew missions in support of Operation Iraqi Freedom and Operation Enduring Freedom.

MAJ Michael Freyholtz was a member of the Alaska Air National Guard since 2007, when he left active duty.

During his time of service, he flew more than 600 hours of combat service in support of Iraqi Freedom and Operation Enduring Freedom.

He was recognized for his distinction as a pilot; he was awarded the Air Medal for his service.

Originally from Minnesota, Major Freyholtz was the first non-Alaskan pilot to help stand up the 249th Airlift Squadron.

A C-17 pilot since obtaining his wings from the Air Force in 2000 and a superior airman, he most recently flew with the Air Force Thunderbirds.

According to his loved ones, CAPT Jeffrey Hill cherished being a part of Alaska's 3rd Wing, to which he was assigned in 2007.

With his humor and positive attitude, he was an inspiration to his fel-

low airmen in the 517th Airlift Squadron as the Operations Flight commander and instructor in the tactical airlift mission.

He encouraged his fellow airmen to stay fit. He was a mentor to his fellow comrades.

A fitness buff and an outdoorsman, Captain Hill took advantage of all Alaska had to offer—hunting, fishing, camping and hiking.

With over 28 years in the Armed Forces, SMSgt Thomas Cicardo was handpicked to be part of the initial personnel to stand up the 249th Airlift Squadron.

He was a highly decorated combat veteran with more than 30 awards and decorations.

His hometown was Anchorage, and he contributed greatly to the State of Alaska with his service.

Sergeant Cicardo was a home-grown hero. During the 11 years he spent in search and rescue, he is credited with saving more than 66 lives in Alaska.

Helping to stand up the 249th Airlift Squadron, SMSgt Cicardo formulated training and evaluation functions in the squadron. Due to his efforts, the squadron received an outstanding rating during the last inspection.

Every Alaskan is deeply saddened by the loss of these airmen. They are sons, they are fathers, and they are brothers. Today, I very much wanted to be with the families of these brave Alaskans in person. I am honored to offer my tribute and condolences to them and Alaska's entire military community on the floor of the Senate.

I ask my colleagues to join me in a moment of silence in honor of the memories of Major Freyholtz, Major Malone, Captain Hill, and Senior Master Sergeant Cicardo.

Let us pay tribute to their selfless service and sacrifice to our Nation and to Alaska.

(Moment of silence.)

Their service to our country and service in Alaska as Arctic Warriors will always be remembered.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STOLEN INTELLIGENCE DOCUMENTS

Mr. NELSON of Florida. Mr. President, last weekend, a Web page called WikiLeaks posted what they titled the "Afghan War Diary." It involved the collection of 91,000 operational and intelligence documents about information that was collected in Afghanistan,

and it was, they said, stolen from U.S. military networks.

These documents contain sensitive information on military tactics, techniques and procedures and it revealed the names of critical intelligence sources. Very sensitive information is now in the hands of adversaries, and I wish to express my outrage over this incident.

I am sad to say, this is what is breaking right now in Newsweek: "Taliban Seeks Vengeance in Wake of Wiki-Leaks. Leaked U.S. Intel documents listed the names and villages of Afghan collaborators—and the Taliban is starting to retaliate." That is the headline in Newsweek that has just broken.

I have the privilege of serving on the Senate Armed Services Committee and the Senate Intelligence Committee. I can tell you what has happened is very disturbing, and I agree with the Chairman of the Joint Chiefs of Staff, who has stated that the release of these documents has endangered lives—both the lives of our American service men and women and the lives of Afghan people who happen to give us important information to help us protect our Americans.

It has been just over a week since the release of these classified documents, and the media reports indicate, as that Newsweek article indicates that has just been published, that the retaliation has begun.

Last week, when the New York Times reported on this subject, they said a search of the leaked documents "gave the names or other identifying features of dozens of Afghan informants, potential defectors and others who were cooperating with American and NATO troops." That is the New York Times article.

Also, last week, in response to the listing of these names, a Taliban spokesman stated this:

We are studying the report. . . . We will investigate through our own secret service whether the people mentioned are really spies working for the US. If they are . . . spies, then we know how to punish them.

Well, we have the indications that the Taliban is following through with their plan to punish, so-called punish. According to this Newsweek article, death threats have begun arriving at the homes of key tribal leaders in southern Afghanistan, and over the past weekend one tribal leader was taken from his home and executed.

One of these death threats was shared with a reporter, and this is what the death threat states:

We have made a decision for your death. You have five days to leave Afghan soil. If you don't, you don't have the right to complain.

Obviously, something very serious has happened, and there are a bunch of us who are extremely concerned about the damage this incident has caused to our operations in Afghanistan and to our national security as a whole.

There are a bunch of questions we have to answer. How could we have allowed the names of those who cooperate with us to be posted on an open-source Web page or was this surreptitiously taken away? Another question: What kind of impact will this leak have on our ability to gain the trust of local populations in the future?

This security breach is absolutely astonishing, and it represents a systematic breakdown in our national security procedures. I simply find it hard to believe that somebody could have downloaded tens of thousands of documents from our classified military networks without them being detected. So it brings us back to suspecting they have been leaked, and if it had never appeared, would we have known they were stolen from our classified networks?

Another question: How many people were actually involved in this incident? Do we have a way to determine whether additional documents have been or are being stolen in the same manner?

These are serious questions that I am sure the Department of Defense is examining as we speak. I applaud Secretary Gates for taking swift action to aggressively investigate who was responsible. But it is just as important to find out how our security practices failed to prevent the leak and to identify what must be done to prevent another security breach of this magnitude. The investigation is underway. We need to know the scope of the investigation. We need to be informed on what immediate steps have to be taken to address the network security breach.

When you start dealing with people's lives, you simply cannot fool around with this kind of laxity or someone betraying the country, and we have to get to the bottom of it.

SMALL BUSINESSES

Mr. President, I know this week we are going to be voting on the small business bill. My colleague from Louisiana is here, with whom I have had a number of colloquies on the floor. It is inexplicable to me how, because of procedure, Members on the other side of the aisle can keep voting no, not to bring up this small business assistance that so many political allies and political opponents all unanimously embrace.

Once we get through with this bill—and I hope we get it passed and do not have to wait around until September to do it—there are other things we can do. I filed a bill to give our businesses all along the gulf an amendment to the IRS Code that would allow them to take their losses and to carry back those losses 5 years instead of the standard practice of a 2-year carryback. In essence, that would allow them in this particular year to take the losses, which are going to be severe

to so many businesses, especially small businesses along the gulf, and to carry back and amend previous tax returns where they had an income tax consequence because they had income. Therefore, they could deduct those losses going back 5 years instead of just 2 years.

The interesting thing about it is, the revenue consequence over 10 years is \$119 million. This is not the huge amounts we have been talking about in dealing with this gulf crisis of billions and billions of dollars. So in comparative terms, the revenue consequence is minor. Therefore, it is something else we can do for the people who have suffered so much, especially the small businesses along the gulf.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

SMALL BUSINESS LENDING FUND ACT

Ms. LANDRIEU. Mr. President, I understand we are not in any particular order. I wish to speak for about 15 minutes, and then I understand there will be leadership time prior to the vote scheduled for 5:45.

I wish to take a minute to refocus the Senate on the issue we were debating when we left on Friday. We took some time over the weekend—many of us worked through parts of the weekend—to see if we could try to bring a very important debate to a close. It looks as though, from conversations through the weekend and this morning with the leadership, we are making progress, so I am encouraged at this point. However, of course, until the motions are made and the votes are in, we are not 100 percent certain. But it feels as though the debate last week really moved many Senators, both Democrats and Republicans, to understand how important it is to focus our efforts—particularly in this last week before we leave for the August recess—on Main Street, on small business, on getting directed help and support, through a variety of different avenues, to Main Street. That is what we spoke at great length about last week.

Before I speak about a few pieces of the bill and parts of the bill, I would like to follow up on what my colleague from Florida, Senator BILL NELSON, just said regarding a provision we had hoped could have potentially been in this bill, but there is a possibility it could be included in an extenders package or some other tax bill that comes along either before we leave for August or when we come back in September.

I most certainly support his bill and what he outlined. He said it clearly, but just to restate, there are businesses along the gulf coast that are having an extremely difficult time not just with the major oilspill but now with the moratorium that has been put in place. Regardless of how one feels about the moratorium, it is having a very significant negative economic impact on

businesses—not just big oil, which can usually find a way to take care of itself, but it is the smaller service companies and the machine operators. It is the helicopter pilots. It is the divers. It is the businesses that service the gulf that are having such a difficult time. I don't have the details here at my desk, but it is mounting every day—millions and millions of dollars in losses. The backdrop of this devastation in the gulf, of course, is the fifth anniversary of Katrina this August. This is August 2. The anniversary of Hurricane Katrina is August 29.

So the Senator from Florida is absolutely correct. There are businesses reeling along the gulf coast, having just recovered from a terrible spat of storms, including Wilma, Katrina, Rita, Gustav, and Ike, and now the same area is being hit with the effects of the spill and the moratorium. So the Senator from Florida is absolutely correct. If we could provide some relief, which we have done—not routinely, but it is not unprecedented—as suggested by the Senator from Florida, I hope we can get that done.

I made mention—it is not in the small business bill, but it is an amendment I had filed earlier to this bill, and unfortunately I don't think we will be able to get it on this bill, but we will continue to work on it. It is sort of a companion bill to the bill of the Senator from Florida, and that is to provide interest relief to gulf coast businesses that have outstanding business disaster loans. Again, they are trying to get specific, targeted help to an area of the country that has been extremely hard hit. They have been affected not just by the national recession, but they have been book-ended by the national recession and the slams from Katrina and Rita and now the slamming from the oilspill and the moratorium, and the middle part is that we got hit by the recession. So we just need some special help and support.

I thank the Senator from Florida for coming down. I thank all of the gulf coast Senators who have been working so hard, unified, across party lines, to bring the kind of help and support we need for the gulf coast.

That will be debated on other bills to come. But I am looking forward to an opportunity to offer that amendment with my good friend, the Senator from Mississippi, Mr. COCHRAN, to again waive interest charges of up to \$15,000 for all the outstanding business disaster loans on the gulf coast. That will give them a little reprieve, a little break at a time when they most certainly could use the reprieve and use the break. It only costs about \$100 million. We have a way to pay for it. The money has actually already been set aside in another provision. We are going to use \$100 million of a portion of money that is remaining in an account so that it does not add to the deficit.

The Senator from Florida—I am not sure what his offset is, but, again, \$100 million in the scheme of things is not an exorbitant amount of money by Washington standards, and we can most certainly find a way to pay for this special help to gulf coast businesses.

There are many Main Streets in the gulf coast. Whether it is the strip, as we call it—not just Las Vegas has a strip, but we have a strip running down through the panhandle of Florida; whether it is other Main Streets in resort towns; whether it is in Alabama or in Mississippi; whether it is Biloxi or Gulfport or Pensacola Beach—and I could go on and on; whether it is the Main Street down Grand Isle or through Morgan City, these businesses on Main Street are hurting.

So I have spent a good bit of time in the last week as chair of the Small Business Committee talking about the fact that we have seen significant job losses in this country from small business. This, again, is the monthly national employment report from Automatic Data Processing, so this is the government's official data: U.S. jobs lost by firm size for the last 2 years, from 2008 to 2010. We can see that 81 percent of the jobs being lost are being lost by small businesses, and these are defined as businesses with fewer than 500 people. If one would do the data based on businesses with fewer than 100 people or fewer than 50 people, I don't know what it would show, but I would venture to guess that the lion's share of business loss has come from the smaller businesses. So it goes without saying that when we want to replace the jobs, the fastest way to get them replaced is to give those same businesses the help they need to rehire.

If we could give those small businesses an opportunity to rehire, which is what this small business bill does, we might be able to have a job-filled recovery instead of a jobless recovery. People have called it that because it is showing signs of being just that. Many companies have been making profits. Wall Street has had a little bit of a good run lately. Big banks have been doing pretty well. So while the economy seems to stabilize, Americans, at least in my hometown of New Orleans and around Baton Rouge and Lafayette and Shreveport and New Iberia and other places, say: But Senator—and, of course, our situation is compounded even more than this—they say: We are losing jobs. Jobs are disappearing. Small businesses are laying off.

So whether we are talking about Louisiana or Michigan or Florida or Maine or South Dakota or Missouri or other places, if we want to see jobs created, we should be focusing some time and effort on helping small businesses to create those jobs. There are some things small businesses need.

I wish to spend a minute talking about the base of the bill again, of

which we are very proud. This bill was built through the Small Business Committee and the Finance Committee.

This is a description of the small business access to credit. The top item is one of the important provisions of this bill. I wish to stress—because several Members have come to talk to me about credit unions—that credit unions and banks are included in this top provision. Credit unions and banks can use the programs of the SBA, and these programs will be expanded from \$200 million to \$500 million—the 7(a) Loan Program, which is basically the loans that small businesses make for capital and for investments. The 504 loans are traditionally real estate loans. Right now, they are capped at \$1.5 million. We know lots of businesses out there that—I mean, \$1.5 million sounds like a lot of money, but, of course, when you are in the real estate business, it doesn't go that far these days. So raising that to \$5.5 million will go a long way.

In fact, I received a letter from a businessperson in the real estate business, and I wish to read a paragraph about what he said over the weekend about real estate loans, and then I will read the other part of his letter later. This is Mr. Gipson, Bryan Gipson, Sr., from Mississippi. He said:

Senator Landrieu: I am a commercial real estate broker. My company sells hotels throughout the southeastern United States. We have not completed a transaction in almost 2 years. There is no third party commercial financing for commercial real estate in the United States today. Our industry has been battered because of this. Hotels are closing throughout this country. Workers are being laid off. These workers make beds, they clean rooms, they work as wait staff, accountants, reservationists, and front desk personnel. Thousands of these hard-working Americans have been laid off. It is time for Congress to do something to put Americans back to work, back into jobs.

He is actually exactly correct. That is one of the main focuses of this. This is a Landrieu-Snowe provision on which we got almost unanimous consent out of the Small Business Committee to do. We did this in the stimulus act that was done earlier in the year, but it expired. So why are we doing it again? Because it worked the last time we did it. The documents are in, the review is in, and it was a roaring success. So we know it was successful. It expired, and we are now making it available for the next year. We know this program will get loans and capital out to businesses, much like Mr. Gipson from Mississippi. He could potentially borrow some of this money to keep one or more of his hotels open.

The small business trade and export promotion—this, again, was a bill from Senator SNOWE and myself. Of course, we had a tremendous amount of input from other Senators, but we learned something very—well, I learned something quite troubling. I didn't realize this until this year.

I am going to get the chart to show it. Big businesses in America do a lot of exporting. Of course, that makes sense. They have big law firms. They have special tax counsel. They even have probably people who can do advance work in other countries to introduce them to all the right people. So big business has access to that. But small businesses don't get a lot of help from the Federal Government. They need help to try to open markets across the world for them.

It is interesting to think about what the greatest potential growth for small business in America is. It is not just the market in the United States, it is the market around the world. According to population, not buying power, 94 percent of the market isn't even in the United States; 94 percent of the market is somewhere else in the world. So if we can help our small businesses export, which is what this chart shows—small business is only at 1 percent. Think about that. Only 1 percent of small businesses export and 42 percent of large businesses export. They know what these companies should know: The markets are elsewhere, as well as here.

But if you have a good product, if you have the ways and the means to sell that product or service, there are people with a lot of money or with some money around the country who can buy that product. One way, as chair of the Small Business Committee, that I looked at strengthening small business just in sort of a conceptual way in America is if we could focus on helping them export. Look at the potential for growth. That is what we are looking for, potential for growth, because every small business that grows and one or two or three jobs are created and American products are sold around the world, we can kick this recession once and for all. Senator SNOWE and I worked together on this export provision. Then we were joined by Senators KLOBUCHAR and LEMIEUX, who I think both serve on the Commerce Committee. Commerce, besides the SBA, has a significant role to play. We basically enhanced our underlying provision with a Klobuchar-LeMieux amendment, and now we have, we think, a very strong provision to help businesses export. Just in a portion of it, we believe it could create 40,000 to 50,000 jobs in the next year. This is a very important component.

Small business contracting. Again, this was done by Landrieu-Crapo-Risch, Landrieu-Snowe, and Snowe-Merkley. It was a combination of what we could to have the Federal Government do a better job of contracting with small business. The Federal Government is so big and spends so much money and it has such large contracts that sometimes it is hard for small businesses—whether it is a printer in Delaware or a small manufacturer in

Delaware or in Louisiana—to get any Federal business. The Federal Government has been getting better at helping small business, but it has been a focus of this Committee now for several years. We have improved this contracting provision. We believe, just this provision, without spending any more Federal dollars, using those Federal dollars that we are spending contracting with small business when they get those contracts—the best thing about them is they can take a Federal Government contract, particularly, and go to a bank and say to their banker: I just got a contract to provide 50,000 apples to the Federal Government, and I now have a contract for 5 years to do that; can I borrow some money from your bank? Because Federal accounts are looked at as a pretty good thing to have in your hand, they will then lend that small apple picker that amount of money, and they can go ahead and hire the workers to pick the apples and deliver them to the Federal Government. That is the idea. This works thousands and tens of thousands of ways for different products and services.

The Federal Government itself should be doing everything it can to help small business, and that is in our bill. Again, it is a bipartisan effort.

We then went to small business management and counseling. This might be considered soft to some people, but I think it is extremely significant in this time. It is not just the women business centers and the minority business centers, but it is also things such as the SCORE chapter, which used to stand for Service Corps of Retired Executives. Now it is expanded beyond senior executives. It is a large nonprofit organization, broad-based, that reaches out to a small business that has seen their market evaporate or their product not being in demand anymore. They are good in business, but they need new and fresh ideas and a fresh approach.

That is what we do behind the scenes to support them in thousands of places throughout this country—in universities, women business owner centers, nonprofit organizations that can step up and, at no charge to the taxpayers, say: Why don't you try this or that? We have tremendous stories of success. This was something Senator SNOWE and I felt strongly about. That is in the bill.

These were estimates that were done not by our office but by those responsible for making such estimates, which said that maybe 10,000 jobs could be created. Who knows. If the counselors work hard and the economy starts picking up, thousands of jobs could be created because somebody was counseled through a difficult period, got a new idea, retooled their product or their shop, and they managed to survive the recession.

The small business disaster loan improvements was an important issue to

Louisiana. I am happy I was able to include this. It is important to Florida also and potentially Alaska, which has a lot of aquaculture. In the past, for some reason, these particular businesses were not given any ability to apply for Federal disaster assistance, so many crawfish farmers and fishing and other aquatic businesses were left out in the cold after a disaster. We noticed that after Katrina, and we fixed it. We are extending it and extending help to aquaculture businesses.

Let me show this chart. This is to describe the importance of the small business bill, how many things it does focusing on small business, which is where I think the focus should be, and how bipartisan the underlying provisions are.

This is something that was worked on with Senators KERRY and SNOWE. It is the 100-percent exclusion of capital gains tax. It is interesting, and it came out of the Finance Committee. They said: Why don't we jump-start things by saying to anybody who has a little money or a lot: If you invest in a small business and hold that investment—invest in any small business, I think below \$50 million in capital, any small business—you make that investment and you hold it for 5 years—let's say you quadruple your money—you don't pay a penny of tax on that capital gain. That is what I call an incentive—zero capital gains if you invest in a small business in America in the next period of time. We have a difference of opinion about what that time should be with the House. It will either be 6 months or a year. I am hoping for a year. It is a little more expensive to do it that way, but I think that would be a tremendous incentive to people sitting on some cash and looking around for what to do with it. You can invest in a good small business in your community. If you hold that for 5 years and make a quadruple—or 400 percent—return on your money, you can keep it all. You don't have to pay tax back to the Federal Government. We are serious about jump-starting small business.

The other is to increase deductions for startup expenditures. That is Merkley and Alexander. It is bipartisan.

Another one is tax equity for the self-employed. Senator BINGAMAN worked on this provision for years. He literally has led this fight, with Senator DURBIN and others, myself included, to try to get tax equity for the self-employed. There are 20 million self-employed people in America. The vast majority of small businesses in America are self-employed individuals. So we want to give them an opportunity to write off their health care costs, just like big corporations do. This is their No. 1 request. They have worked on it for 10 years. We couldn't find the money in the health care bill or any other bill, but we found the

money in this bill to do it for them. I thank the Finance Committee and Senator BINGAMAN for leading that effort and Senator GRASSLEY as well. That provision is in the bill. It is a \$2 billion tax cut for the self-employed.

Again, we have an extension of bonus depreciation. That was very successful in the Stimulus Act. Some people get on the floor and don't read the details of anything, and they want to talk about how bad the stimulus package was. The fact is, that is not true. There were pieces of it that were extremely positive and we know it because we have the data and it was so good we want to repeat it here. So, yes, there were some things in the stimulus provision that were very good. One of them was the bonus depreciation to small business. You can immediately write off 50 percent of the cost of capital expenditures for 1 additional year for new property purchased and placed into service by 2010. This is an expensive provision; it is \$5.5 billion. But we know it works, and we believe this incentive will go a long way.

It is a little bit of a stretch, but this came to mind and I am going to say it. Incentives work. Recently, in Washington, DC, the DC City Council passed an incentive, if you will, that when you go to the grocery store—which I do with my family—if you bring your own bags, you don't have to pay the bag charge. They just decided they don't want to have plastic bags floating in the Potomac. I thought it was odd when I first went to the store and came across that provision. I thought, nobody is going to pay much attention to having to pay 5 cents for a bag. But I can tell you, it is working. How do I know? Because I observe 80 percent of the people who come into the grocery store walk in with their own bags. For 5 cents a bag—I thought you would have to make the charge more than that to get people to do it. But it works out that a little incentive, placed in the right way, actually changes behavior. I am now bringing my own bags to the grocery store. When they ask: "Do you want to pay 5 cents for a bag," I say, "No, I have my own." So this can work. We know it works. I gave a small example. This is a more complicated and bigger example, but that is what we believe a good bill, drafted correctly, thought through carefully, can do to incentivize people to take actions they would not necessarily have taken. You are not going to pay people for doing it anyway. But if you can incentivize a business in the right way, they might say: I was going to hold off buying X, but because the Federal Government is giving me a 50-percent writeoff, I am going to buy it now. That is what we want. We want them to buy "it" now, because when they buy it now, the people making the "it" have to make more of them and it goes on and on and on.

The small business penalty relief is a bipartisan provision, again. This all came out of Finance. These get down into a little bit of minutia, but the point is there are small incentives that can provide credits to businesses, and they were done in a bipartisan fashion. Here is Kerry and Ensign. Here is Snowe and here is Grassley. This is Baucus-Grassley-Brownback. Here is Inhofe-Johanns-Menendez. It has been a real bipartisan effort. I am proud of that.

There are some differences of opinion about some portions of the bill. We have had a debate. The lending program is something that not everybody supports but 60 of us do. We got a strong vote on that lending fund. That is now added to the bill. So we have the LeMieux-Landrieu lending fund added by 60 votes. We have Senator NELSON, and Senator MURRAY was the lead designer of this—Senators MURRAY and CANTWELL.

I am grateful for this \$30 billion lending fund that will go to small banks, not big banks. You have to be below \$10 billion. So if you are greater than \$10 billion, go look for another program; this is not for you. But if you are a small bank—and most of your community banks are below \$10 billion, so most of my banks in my State qualify, except for two or three. I don't know about Delaware or New York or other States, but I assume that would hold true. Probably 90 percent of all banks in every State, at least, would be eligible, but not every bank would because it is not for the big banks, just the smaller banks. We want them to get to this loan program. It is completely voluntary—completely voluntary. If they lend to small business and increase their lending to small business in their neighborhood—to people they know, to people they trust, businesses they believe in—then they have to pay less money back to the Federal Government. But even doing that, we think the score is so significant that the Federal Government will actually make \$1 billion. That is what the official CBO score says, that we will make \$1 billion over 10 years.

Then we have an anti-Medicare and Medicaid fraud provision which Senator LEMIEUX came up with. I think he has some good ideas, and we have structured it in such a way that we do believe we can save the Federal Government a significant amount of money by including this. That money just comes back to the Treasury for deficit prevention. We haven't used a score against this, so this will go to deficit prevention.

Then the final part of the LeMieux-Landrieu amendment was expanding the export promotion. Again, this is done in a bipartisan fashion.

I know we are getting to the 5:30 mark. I don't see anyone else on the Senate floor, so I will speak for just a

minute or so more because we are going to a vote on a different subject. But I would like to just put up the Main Street sign again to reiterate how important this is for Main Street and for small business.

I am not sure what is going to happen on the 5:45 vote which was supposed to be taken regarding funding for health care and education. But at some point right after that action at 5:45, I think the leaders will come to the floor of the Senate, and I hope I will hear them say we have reached an agreement on one, two, or three amendments on the small business Main Street bill so we can vote on those amendments either later tonight or tomorrow and then vote for final passage.

Again, I want to thank the list of sponsors and cosponsors. I think we have over 70 organizations, and maybe now it is over 100—the National Bankers Association, the American Bankers Association, the Independent Bankers of America.

So for those who say banks are not supportive, that they think it is like another program that is not popular, I don't believe the bankers would be supportive of this if they weren't for it. We have received very strong letters from America's Community Bankers and then the individual chapters, such as the chapter from Alabama, which has written us; the chapter from Georgia; the chapters from Illinois, Kansas, Ohio, and Iowa, as well as the Financial Services Roundtable, which is made up of some of the larger businesses. But their letter was very telling.

In it they say to me: Senator, even though a lot of our specific members may not benefit directly from this bill, we will all benefit indirectly because when small business is stronger in America, big business is stronger in America.

I am very happy to have received that letter. The Maine Association of Community Banks, Marine Retailers Association of America, Maryland Bankers Association—and I might say that Senator CARDIN particularly, as a member of the Small Business Committee, has been very helpful to us in crafting this bill—the National Association of Manufacturers, the National Automobile Dealers, the National Council of Textile Organizations, and the National Restaurant Association, just to name a few.

So from Tennessee to New York, from California to South Dakota, all the way down to New Mexico and Arizona, the support is very widespread, and let me just read a few things in closing that some of the national organizations have sent.

This is from the National Small Business Association:

Unlike last year's TARP program, the SBLF would only advantage banks actually making small business loans. The National

Small Business Association has advocated for the creation of such a fund to improve small business owners' access to capital since 2009. [We] urge quick action on the proposal, as America's small business owners can afford [no] further delay.

Again, from the Independent Community Bankers:

The Nation's 8,000-strong community banks are well positioned to leverage the fund and have established relationships with small businesses in their communities to get credit flowing. The \$30 billion in capital provided by the fund could be leveraged by community banks to support as much as \$300 billion in additional small business lending. We applaud the new program focused on getting funds to Main Street small businesses using Main Street community banks.

So whether it is from the Small Business Majority, the National Small Business Association, or the bankers that know our small businesses best, the word is, pass the bill and get Main Street moving again.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the motion to refer and the cloture motion be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, as everyone here knows, we have been working on a small business jobs bill for the past several weeks. Republicans had said they would work with us to pass a bill if they were able to offer three amendments. Unfortunately, when I made this offer last week, they rejected it. During the course of the discussions, it became apparent they were more concerned about preventing votes on Democratic amendments rather than getting any votes on Republican amendments.

In an effort to accommodate their concerns and break the impasse on the small business jobs bill, I decided to set up a stand-alone vote on education and public safety. These jobs are so important. I did that so we can move ahead on small business jobs. We drafted a bill that provided the \$26 billion necessary for education jobs and public safety jobs, as well as the offsets to pay for that package. I offered that amendment late last Thursday and intended to have a vote on it today.

Earlier today—a few hours ago, actually—CBO informed us that the score did not turn out as we intended. Basically, without going into a lot of detail, we used the same numbers the House did. Because of the intervening time, the numbers changed because this would not be completed until after

we got back in September, so certain spending cuts did not produce the savings we needed. Therefore, I will ask unanimous consent to modify the amendment so it, indeed, will be budget neutral. I expect my Republican colleagues to object to that request. If they do, I will move to table the pending motion to concur and offer an amendment. That amendment will fund hundreds of thousands of jobs and will be fully paid for, according to CBO. We already have the signoff now. They wouldn't give us the score until today.

This amendment should address concerns I had about the previous version. I am hopeful everyone here will be able to support it.

I now move to table the motion to concur, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from New Hampshire (Mr. GREGG), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Alaska (Ms. MURKOWSKI) would have voted "yea."

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—95

Akaka	Enzi	McConnell
Alexander	Feingold	Menendez
Barrasso	Feinstein	Merkley
Baucus	Franken	Mikulski
Bayh	Gillibrand	Murray
Begich	Goodwin	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Hatch	Risch
Brown (MA)	Hutchison	Roberts
Brown (OH)	Inhofe	Rockefeller
Brownback	Inouye	Sanders
Bunning	Isakson	Schumer
Burr	Johanns	Sessions
Burriss	Johnson	Shaheen
Cantwell	Kaufman	Shelby
Cardin	Kerry	Snowe
Carper	Klobuchar	Specter
Casey	Kohl	Stabenow
Cochran	Kyl	Tester
Collins	Landrieu	Thune
Conrad	Lautenberg	Udall (CO)
Corker	Leahy	Udall (NM)
Cornyn	LeMieux	Voinovich
Crapo	Levin	Warner
DeMint	Lieberman	Webb
Dodd	Lincoln	Whitehouse
Dorgan	Lugar	Wicker
Durbin	McCain	Wyden
Ensign	McCaskill	

NOT VOTING—5

Chambliss	Gregg	Vitter
Coburn	Murkowski	

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I am sorry we had to go through all this procedural stuff. It would have been easier just to have a consent agreement and we would wind up doing this anyway, but there was an objection to this by my friends on the other side of the aisle.

Basically, what happened today is the Congressional Budget Office, at the last minute, gave us a different number. As a result, we wanted to make sure everything was budget neutral, and it was not. So we are going to offer an amendment now that will show everything budget neutral. That is where we are.

MOTION TO CONCUR WITH AMENDMENT NO. 4575

I move to concur in the House amendment to the Senate amendment to H.R. 1586 with an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment with amendment No. 4575.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of amendments.")

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4576 TO AMENDMENT NO. 4575

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4576 to amendment No. 4575.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 5 days after enactment.

CLOTURE MOTION

Mr. REID. I have a cloture motion on the motion to concur at the desk, and I ask that it be stated.

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1586, the Aviation Safety and Investment Act of 2010, with amendment No. 4575.

Harry Reid, Patty Murray, Max Baucus, Richard J. Durbin, Robert Menendez, Daniel K. Inouye, Christopher J. Dodd, Carl Levin, Dianne Feinstein, Al Franken, Jack Reed, Sheldon Whitehouse, Frank R. Lautenberg, Roland W. Burris, Tom Harkin, Ron Wyden, Charles E. Schumer.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO REFER WITH AMENDMENT NO. 4577

Mr. REID. I have a motion to refer with instructions at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Senate Committee on Appropriations with instructions to report back with the following amendment No. 4577.

The amendment is as follows:

At the end insert the following:

The Appropriations Committee is requested to study the impact of any delay in providing funding to educators across the country.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4578

Mr. REID. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4578 to the instructions of 4577 of the motion to refer.

The amendment is as follows:

At the end, insert the following:

“and include any data on the impact on local school districts”

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4579 TO AMENDMENT NO. 4578

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4579 to amendment No. 4578.

The amendment is as follows:

At the end, insert the following:

“and the impact on the local community”

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Madam President, I announce to the Senate, as I did earlier today, that in the morning, we hope at 9:30, Senators LEAHY and SESSIONS will be here to move to the Kagan nomination to the Supreme Court of the United States.

Mr. BENNET. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senate is in morning business.

The Senator is recognized.

Mr. BROWN of Ohio. Thank you, Madam President.

5-YEAR ANNIVERSARY OF CAFTA

Mr. BROWN of Ohio. Madam President, today is a historic day, in some sense. Five years ago today, President Bush signed the Central American Free Trade Agreement, on August 2, 2005.

A month earlier—I was a Member of the House of Representatives then—the majority leader, Tom DeLay, a Republican from Texas, held the 15-minute typical vote—a rollcall vote in the House of Representatives is normally held open for 15, 20 minutes, at the most—he held the 15-minute vote open for more than an hour while last-minute deals were made. The U.S. Trade Representative was camped just off the House floor. He was a former Member of Congress.

According to news reports, after this hour delay, arms were “twisted into a thousand pieces.” Republicans who were opposed or undecided were courted during hurried meetings in Capitol hallways, on the House floor, and at the White House. Republican leaders told rank-and-file, reluctant Republicans, who really did not want to vote for this deal, that now is time to ask, that deals could be cut.

Members took advantage of the opportunity by requesting such things as

fundraising appearances by the Vice President and the restoration of money the White House had tried to cut from agricultural programs. That is how they passed it.

People, even Republican House Members, who were generally enthralled to corporate interests, who normally would go with the drug companies, the insurance companies, the large financial institutions, who would almost always vote for them, even many of them wanted to vote no, but because of this, as the paper said, arm twisting “into a thousand pieces” on the House floor, enough of them voted for it to pass the bill.

When the 15-minutes had expired, the vote was 175 “yes,” 180 “no.” So in order to pass it, they had to keep the rollcall open for about another hour to twist these arms and finally pass the legislation, if I recall, by 1 vote.

We know what has happened. The Central American Free Trade Agreement has not worked any better than other trade agreements. We know that job loss in the last 10 years—because of PNTR with China, passed by the Senate 10 years ago this fall—we know, in Ohio alone, we have seen job loss to the Dominican Republic from the Central American Free Trade Agreement, the CAFTA. We have seen job loss from a company in Marysville, a company in Miamisburg, a company in Hudson, OH. We have seen job loss all over the country. We have seen it with the North American Free Trade Agreement. We have seen it with the PNTR with China. And we have seen it with the Central American Free Trade Agreement.

I was at a plant today in Parma, OH, a suburb of Cleveland, the corporate headquarters of GraphTech. It is a company that used to be part of Union Carbide and is actually the plant where the Eveready battery originated. They specialize in graphite for major industrial concerns such as the steel industry. They also make graphite for solar, for all kinds of things, for flat screen TVs, for electronic equipment. They, as so many other companies, are doing well. They have actually hired 60 people in the last year. They are looking to hire more. I spoke to about 150 workers today. Most of them do not do production in this facility. But they have production in Lakewood, right nearby, a few miles away in another suburb of Cleveland.

But this company is always under threat from China gaming the system. When I was talking to workers and management, I was talking about how China, because of its currency—this competition from China has been so difficult for American companies because they do not play fair.

I was speaking to an expert who deals a lot with China. I said: Because of this huge trade deficit we have with China—we buy a lot more from China

than we export to them—do they laugh at us?

He said: No, they don't laugh at us. They just think we are a declining power.

It breaks my heart to think China thinks that, but it breaks my heart even more when I see what is happening to our manufacturing base.

This company, GraphTech, is so important for our economic future, but so is getting these trade agreements right.

The Obama administration, fortunately, has just this week launched an action to announce that the United States will file a case against Guatemala under the Dominican Republic-Central America-United States Free Trade Agreement—the CAFTA—for apparent violations of obligations on labor rights. It is the first time a President has done that. That is good news. That salvages some of the damage done by the Central American Free Trade Agreement, CAFTA, because for decades our government has negotiated trade agreements which give lip service to protecting workers while looking the other way when there were clear violations of labor rights. We are willing to protect intellectual property in Hollywood films, but we are not so willing to protect workers in the environment.

This action by the Obama administration, again, is a good thing, but we need to do much, much more. We have all kinds of petitions filed, and requests, from industries and workers in this country who have been wronged, cheated, gamed by the trade agreements that have passed, and we clearly need the Obama administration on our side fighting for American workers, fighting for American jobs. It did not happen in the previous administration, to the tune of millions of jobs lost, millions of manufacturing jobs lost in the 8 years of the Bush administration, with their Trade Representative who always seemed to side with large corporations in this country that outsourced jobs to China but did not side with American workers and small manufacturers in places such as Lima and Zanesville and Mansfield, OH.

So as we commemorate today, the 5-year anniversary of President Bush's signing of the Central American Free Trade Agreement, I hope we have learned some lessons. I hope, as we observe this 5-year anniversary, as we observe the 10-year anniversary of allowing China, under permanent normal trade relations, into the World Trade Organization—and how they do not play fair as a member of that body, and how we are not willing to stand up to them as a country and force them to play fair—I hope we are learning these lessons, as we have lost too many manufacturing jobs. We were losing manufacturing jobs when our economy was going much better 4, 5, 6, 7, 8 years ago,

in part because the Bush administration did not enforce any of the trade laws that could benefit us. But we are, obviously, doing even worse now with this economy. That is why President Obama's actions on some of the CAFTA enforcement of labor rights is so very important. But it does not obviate the need for us to look at these trade laws again to figure out what works and what does not work.

We know what does not work. We know more trade agreements only dig us deeper into a hole. That does not serve American workers. It does not serve those American companies that cannot compete when China games the system on currency and other things, and it does not serve those communities where these businesses are located.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, I rise today to speak on behalf of Rhode Islanders who are fed up with our inaction to address climate change and to reform our Nation's energy policy.

In the media and in this very Chamber, we have all seen the tactics of deception and delay intended to convince the American public that the overwhelming body of climate science is inconclusive, that there is some doubt about whether our planet is experiencing unnatural changes in its climate. They argue that the American people are not concerned about warming temperatures, rising sea levels, and shrinking glaciers. They imply that business as usual is our best option, that job-creating, clean energy technologies built right here in America aren't worth the trouble or the investment. These voices of deception and delay are simply wrong.

During my time representing Rhode Island in the Senate, I have received thousands of letters and phone calls urging that this Chamber take bold action to price carbon and create clean energy jobs that will fuel our economy for generations to come. Contrary to what detractors would have us think, the vast majority of my constituents know that continuing to fiddle as the world warms is irresponsible, dangerous, and harmful to our Nation's interests.

Some of the most poignant letters I have received are from students, Boy Scouts, and other young people who are concerned about the future of the planet they will inherit from us. In December, a high school student from Wakefield named Kristin shared her concerns, writing to me:

As a teenager with my whole life ahead of me, I am concerned about the dire consequences of climate change and the impact it will have not only upon Rhode Island, but the whole world.

Kristin says she hopes to stay in Rhode Island for the long term, but she is worried about the impacts rising ocean temperatures may have on the vitality of the fishing industry—a critical economic driver for the Ocean State that she calls home. By continuing to delay climate legislation, we not only damage the Earth for Kristin's generation, we also force her and her peers to be participants in an economy based on unchecked carbon emissions, unwilling contributors to the damage of their planet.

Rhode Islanders also believe they will benefit from comprehensive climate legislation because energy efficiency and renewable energy technologies will be the foundation of a vibrant new clean energy economy.

Doug from Newport recently started a small business designing and installing residential solar panels. He hears from many of his potential customers that they want to reduce their dependence on fossil fuels, especially in light of the BP oilspill down in the gulf. Doug does everything he can to make his product affordable. He helps his customers investigate loan options and tax credits, and he offers prices significantly lower than many of his competitors. Doug's business is a promising one, and he is undaunted by challenges, but at this point he has difficulty competing with dirty fuels such as coal that are allowed to pollute our environment for free, regardless of the costs they impose on the rest of society. Putting a price on carbon pollution would help Doug compete on a level playing field with other fuel sources.

Doug, like other clean energy supporters, has our country's best interests at heart. Doug says he wants to "get it right" by purchasing many of the solar panels from manufacturers in the United States, creating jobs here in America and keeping our energy dollars from flowing overseas. Nonetheless, he says American-made products are often more expensive or even sometimes unavailable. That is because other countries such as China and India are outpacing the United States in the advancement of wind and solar technology while we continue to subsidize coal and oil. We are deliberately losing this race at this point. It is long past due to make coal and oil start paying for the pollution they create in our environment and to begin investing in clean energy policies that will promote American businesses like Doug's.

Another constituent, Gary from Wakefield, wrote in after hearing that a wind farm in Texas was being built with turbines manufactured in China. He was understandably frustrated that

the American economy didn't benefit from the jobs that made-in-America turbines would have generated. Gary demanded to know: "What are we waiting for?"

Rhode Islanders overwhelmingly support energy reform that will create jobs and make polluters pay. Construction workers, small business owners, biodiesel producers, and renewable energy manufacturers wait anxiously for America to start catching up with our competitors around the globe. Schoolchildren want to know that the natural world and all its beauty and diversity will be preserved for their enjoyment and exploration well into the future. Consumers want to reap the benefits of energy efficiency technology that will let them keep money in their pockets that we are now sending overseas to fuel our oil addiction. Faith-based groups want to be good stewards of God's Earth, as they believe mankind is charged to be. Grandparents want to share the world as they have known it with their grandchildren and great-grandchildren.

As we move ever closer to the close of the 111st Congress, the question Gary asked rings even louder: What are we waiting for?

I wish to refer to an article in the Wall Street Journal from July 29, 2010, reporting a new assessment that concludes that the Earth has been getting warmer over the past 50 years and the past decade was the warmest on record. It describes the "State of the Climate 2009" report published Wednesday in a special supplement to the Bulletin of the American Meteorological Society. It was compiled by 300 scientists from 48 countries, and it drew on 10 climate indicators.

Seven of the indicators were rising: air temperature over land, sea-surface temperature, sea level, ocean heat, humidity—all going up. Three indicators were declining: Arctic sea ice, glaciers, spring snow cover in the northern hemisphere. Those are all declining.

"Each indicator is changing as we'd expect in a warming world," said Peter Thorne, the senior researcher at the Cooperative Institute for Climate and Satellites. The report concluded:

Global average surface and lower-troposphere temperatures during the last three decades have been progressively warmer than all earlier decades, and the 2000s (2000–09) was the warmest decade in the instrumental record.

The scientists reported they were surprised to find Greenland's glaciers were losing ice at an accelerating rate. They concluded that 90 percent of the additional warmth over the past 50 years has ended up in the oceans. They can only absorb so much, and then it begins to affect us directly.

"A comprehensive review of key climate indicators confirms the world is warming and the past decade was the warmest on record," the annual state of the climate report declares.

The amount of increase each decade—about a fifth of a degree Fahrenheit—may seem small. . . . but the temperature increase of about 1 degree Fahrenheit experienced during the past 50 years has already altered the planet, the report said. Glaciers and sea ice are melting, heavy rainfall is intensifying, and heat waves are becoming more common and more intense.

I ask unanimous consent to have these two articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 29, 2010]

STUDY SAYS PLANET WARMED IN 2000s

(By Gautam Naik)

A new assessment concludes that the Earth has been getting warmer over the past 50 years and the past decade was the warmest on record.

The State of the Climate 2009 report, published Wednesday as a special supplement to the Bulletin of the American Meteorological Society, was compiled by 300 scientists from 48 countries and drew on measures of 10 crucial climate indicators.

Seven of the indicators were rising, including air temperature over land, sea-surface temperature, sea level, ocean heat and humidity. Three indicators were declining, including Arctic sea ice, glaciers and spring snow cover in the Northern Hemisphere. "Each indicator is changing as we'd expect in a warming world," said Peter Thorne, senior researcher at the Cooperative Institute for Climate and Satellites, a research consortium based in College Park, Md., who was involved in compiling the report.

The report's conclusions broadly match those of the Intergovernmental Panel on Climate Change, a United Nations body, which published its last set of findings in 2007. The IPCC report contained some errors, which further stoked the debate about the existence, causes and effects of global warming.

The new report incorporates data from the past few years that weren't included in the last IPCC assessment. While the IPCC report concluded that evidence for human-caused global warming was "unequivocal" and was linked to emissions of greenhouse gases, the latest report didn't seek to address the issue.

The report "doesn't try to make the link" between climate change and what might be causing it, said Tom Karl, an official at the National Oceanic and Atmospheric Administration involved in the new assessment.

The report said that "Global average surface and lower-troposphere temperatures during the last three decades have been progressively warmer than all earlier decades, and the 2000s (2000–09) was the warmest decade in the instrumental record." The troposphere is the lowest layer of the atmosphere.

The scientists reported that they were surprised to find Greenland's glaciers were losing ice at an accelerating rate. They also concluded that 90 percent of the additional warmth over the past 50 years has ended up in the oceans. Most of it accumulated in near-surface layers, home to phytoplankton, tiny plants crucial to virtually all life in the sea.

A new study has found that rising sea temperature may have had a harmful effect on global concentrations of phytoplankton over the past century.

[From the Boston Globe, July 29, 2010]

SCIENTISTS SAY PLANET CONTINUES TO WARM

(By Associated Press)

WASHINGTON.—Scientists from around the world are providing more evidence of global warming, one day after President Obama renewed his call for climate legislation.

"A comprehensive review of key climate indicators confirms the world is warming and the past decade was the warmest on record," the annual State of the Climate report declares.

Compiled by more than 300 scientists from 48 countries, the report said its analysis of 10 indicators that are "clearly and directly related to surface temperatures, all tell the same story: Global warming is undeniable."

Concern has been growing in recent years as atmospheric scientists report rising temperatures associated with greenhouse gases released into the air by industrial and other human processes. At the same time, some skeptics have questioned the conclusions. The new report, the 20th in a series, focuses only on global warming and does not specify a cause.

"The evidence in this report would say 'unequivocally, yes, there is no doubt' that the Earth is warming, said Tom Karl, the transitional director of the new climate service of the National Oceanic and Atmospheric Administration.

The new report said continued warming is a growing threat.

"The amount of increase each decade—about a fifth of a degree Fahrenheit—may seem small. . . . But the temperature increase of about 1 degree Fahrenheit experienced during the past 50 years has already altered the planet," the report said. "Glaciers and sea ice are melting, heavy rainfall is intensifying, and heat waves are becoming more common and more intense."

Mr. WHITEHOUSE. I will conclude by saying it is obviously not going to be easy to address real climate legislation, real clean energy jobs legislation here in this body. The big special interests have their way here far too often. They have spent years salting the fields of public opinion with their propaganda. Their power in this Chamber is immense. We may not have the luxury of waiting to take this on until it is easy. We may have to take this on while it is hard, while it is a fight against the entrenched interests, while it is a fight against the big polluters, while it is a fight against the propaganda and dissimulation and deceit and delay that are their stock-in-trade on this issue. But the one thing I think that can reassure us is that the public is with us, that the facts honestly looked at are clear, that the stakes by any standard are high, and that history's judgment of our failure will be a stern one.

I hope we can pull ourselves together to take on this issue so that the Rhode Islanders who communicate to me so often about this and the people from across this country who see clearly, without the fog of special interest money and influence, what is happening to our country and our world, that their voices are heard more than the big money and the big special interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

FIGHTING FOR OUR CHILDREN

Mr. CASEY. Madam President, I rise tonight to speak about a topic we speak to on a regular basis, but, frankly, we don't speak about it enough in terms of the priority we should place upon it. That, of course, is the issue and the priority we place upon the children of America. We talk, as we often do in Washington, about how important our children are, but we don't speak about or act in a concerted effort to address some of the most urgent needs of our children, especially in a time of recession.

Fortunately, we are recovering. We have a very high unemployment rate. We have 15 million Americans out of work. In my home State of Pennsylvania, there are more than 591,000 people out of work. But we are recovering. Within a recession, in a time of horrific nightmare, really, for a lot of families, the ones who pay the price in a very severe and substantial way are the children of America. We speak tonight about how they are getting through this recession, how we get them through the shadows of this recession so that we can do everything we can to make sure they are healthy, safe, and ready to learn.

I believe—and I think this is true of most Americans—that every child born in America is born with a light inside them. For some children, because of their circumstances—their family background or other advantages they have—that light inside them is boundless, blinding. You can't even see the reach of it. They have all of the gifts and all of the ability anyone would want, all of the advantages anyone would want. For other children, that light is more limited, more circumscribed. It is limited through no fault of their own, through no fault of that child. When that is the case, as is the case for many American children, it is the duty of every public official—every Federal official, every State official, every county and local official—to use every opportunity they have—and some have more opportunity and more power to impact our children than others, but whatever opportunity you have as a public official, you have an obligation to do everything you can to help children along the way. Whether you are in office for 1 year or 1 month or 10 years or 20 years or longer, every public official has an abiding obligation—I think it is actually a sacred duty—to do everything possible to ensure that the light inside every child burns as brightly as the reach of its potential.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

I think there are at least four areas where every child in America should have the opportunity to have the full measure of our attention and our action. Certainly, health care—I will talk a little bit about health care tonight—and, obviously, nutrition, and preventing hunger is a huge priority; third, early learning, which I will speak of tonight as well; fourth, just basic safety.

If every child has at least those four, no matter what their circumstances, they will have a much better chance of succeeding and contributing to our economy than they would without our help. We can't do everything, but America can do a lot more than it is doing now as it relates to our children. As it confronts us as a challenge—what happens to our children—there are at least two sets of updates. One is the bad news—the numbers we see right now in the midst of a recession. The other side of the ledger is some good news, in terms of actions that have been taken and strategies that are in place to help our kids.

First of all, the bad news. Child poverty is on the rise, in large measure because of the recession. We know that a new study about the foundation of child development, released in June of this year, found that the poverty rate among children is 21 percent, up from 17 percent from before the recession in 2006. In just 3 years, going from a 17-percent child poverty rate to 21 percent—a stunning and disturbing increase in child poverty. This means 15.6 million children will be living in poverty in 2010. I come from a State where the population is roughly 12.4 million. That means this child poverty rate in America is bigger than the population of Pennsylvania, bigger than the population of New Jersey or Massachusetts. You could go on and on and add a State to that list. Very few States have double figure millions in terms of population. Yet we have a double figure million number for child poverty—15.6 million children.

That rate places the United States among the highest of its peer nations—the highest in the United States in 20 years. For those who say we don't need to keep going to get this recovery in full bloom and to have our economy fully recover, I would cite the child poverty rate as one example or one piece of evidence that tells us we have to keep going and recovering, and we have to keep pushing the economy out of the ditch so our poverty rate among children can come down. Half these children will be living in “extreme poverty,” defined as below 50 percent of the poverty line.

The recession is not some remote set of numbers on child poverty or unemployment or any of the other numbers we use to measure or describe the re-

cession. There are some better ways to talk about it. Dr. Mariana Chilton, a professor at Drexel University in Philadelphia, PA—someone who I know to be a leader on child hunger issues and a real advocate and expert and passionate advocate for children—has said, among many things she has written and has said about our kids:

As to the children, the recession is in their bodies and in their brains.

Meaning, of course, that a bad economy has an impact on poor children that is physical in nature. It is not just some condition that is remote; it physically injures a poor child more than a child who is not poor. That is what the recession means to a child. Unfortunately, that is not the end of it. Even while the recession is injuring children physically, it is also limiting their potential, their brain development, which, of course, stays with them for the rest of their lives. So it is indeed a recession that injures them physically, their bodies, but also has an adverse impact on their brains, which stays with them forever.

Recent studies indicate child poverty can have these lingering effects. The Urban Institute found that 49 percent of children born into poverty go on to spend at least half their childhood in poverty. Children raised in poverty have worse outcomes than their counterparts in higher income families. Some of this is self-evident, I know. Some of it seems like the same analysis we have been hearing for years. But just imagine that. If you are born into poverty, chances are very high that you will spend at least half your childhood in poverty. The effects of that, the lingering, substantial effects of that will stay with you for the rest of your life.

The recession, for a lot of people, isn't just a set of numbers, it is a set of misery indicators, and a set of disturbing outcomes that will adversely impact our children for years and decades, unfortunately. That is some of the bad news as it relates to our children—poverty, lingering effect of the recession and a harmful and disturbing impact of the recession on our kids.

Is there any good news? Well, there is some. It doesn't balance completely the set of bad news as a set of adverse indicators. But one piece of legislative good news, as it relates to our kids, is the American Recovery and Reinvestment Act, which was passed what seems like a long time ago, in the early part of 2009. Throughout the recession, the Recovery Act has had a positive impact in a number of ways. Let me, just by way of background, walk through a couple data points.

According to a June of 2010 report by First Focus, one of our great advocacy groups in America for our children, we spend less than a dime out of \$1 on children in any given Federal budget year. That is our Federal budget year

after year. When you overlay what we spend on our kids, it is less than a dime out of \$1. That is not something any of us should be proud about or satisfied with. We have to do a lot better than a dime out of \$1 for our kids—or a lot better than less than a dime out of \$1 for our kids. The Recovery Act, though, was more than twice as large as the children's share of the Federal budget. So spending on children was substituting for adding to what States were not or could not spend for children in the midst of the recession.

I wanted to go through the Recovery Act and highlight things as it relates to children and the impact on our families. I wish to mention quickly some other pieces of good news, which we will develop later. One is the Children's Health Insurance Program, which, we know, was reauthorized in 2009. When the reauthorization is fully implemented, in a matter of 2 or 3 years now, we will have 14 million children covered by the Children's Health Insurance Program—a substantial achievement, no doubt. We would not be covering 14 million children with health care without that program. It was enacted when President Clinton was in office, enacted with bipartisan support. It hasn't always gotten bipartisan support from our colleagues on the other side of the aisle, but on most days we have had a lot of support in both parties. Unfortunately, we have had to fight through Presidential vetoes in the last administration to get it reauthorized.

That is a piece of good news.

The Affordable Care Act—the health care bill—we tend to forget the positive impact that will have on children by making sure children's health insurance is protected, that we didn't go the way of, frankly, some people in both parties who wanted us to take a stand-alone, successful program, such as children's health insurance, and put it in the exchange. We didn't do that. It would have been a mistake, in my judgment, to put it in the exchange. That was good news. We didn't do that.

Even the expansion and improvements we made relating to Medicaid coverage of even adults obviously has an impact on children because a healthy adult will mean that our children are in better shape, in most instances.

The Child Nutrition Act I will mention briefly. Each of us in this Chamber gave a speech on how important it is to reauthorize the Child Nutrition Act. I and others will speak about this later in the week. That is a substantial piece of good news, if we can get it through the Senate and get it enacted, to extend the great protections of that legislation to our children.

Let me go back to the Recovery Act. Here are some basic facts that are important. The Recovery Act has created or saved 3.5 million jobs, based upon an

analysis by the Council of Economic Advisers. The act will meet the goal of creating or saving at least 3.5 million jobs. The jobs created will be in a range of industries, from clean energy to health care, with over 90 percent in the private sector. When we have that much of a positive development as it relates to jobs, that has a tremendous impact on our children. Job creation and economic recovery has a direct and significant impact on our kids. So the job creation number is very important for our kids.

Second, nearly 40 percent of the Recovery Act provides direct relief to working and middle-class families. The act includes about \$230 billion in tax cuts for families, including a Making Work Pay tax credit for 95 percent of workers and their families. Obviously, when you provide that kind of a tax break for a middle-income family, that has a positive impact on children.

The vast majority of the remainder of the act is provided in State fiscal relief and investments that also benefit working families. For instance, the Recovery Act provided direct support to children and families in the form of tax credits and increased Federal payments for a variety of programs, such as the Child Care Development Block Grant Program, which we all know by one of the many acronyms we use here, CCDBG, and Head Start.

The Recovery Act, I argue—and I think the proof is irrefutable—has positively impacted children in creating millions of jobs; it positively impacted children as it relates to tax cuts for middle-income families; and, thirdly, in a direct way when it comes to child care and Head Start. There was tremendous support for both of those in the Recovery Act.

To give an example of what this means to real people in States such as Pennsylvania, people can now access programs to help families through this very difficult economic time. Families who have participated in Pennsylvania's Child Care Works program have benefited from Federal funding. I have one example of a single mother of two, Sarah Obringer, who is from Churchill, PA, Allegheny County. She was receiving assistance for her son to attend a quality child care setting while she was working. When her second child, a daughter, came along, there were no funds available, and her daughter was placed on the waiting list. So in this instance, you have one child in a quality setting and then another child, Sarah's daughter, was in another location. She had to drive to two separate locations in order to get her children the care she wanted for them. This was difficult because of the cost of gas, and she was unhappy her daughter's provider was not a high-quality provider such as her son's was. She was just hanging on, when she was told there was assistance available to place her

daughter in the same program her son was in because of Recovery Act funding. Sarah said the following:

It truly is a relief to have both of them in the same safe, quality center. As a mom, it gives me piece of mind to be able to go off to work knowing my children are well cared for at the same place until I can pick them up together at the end of the day. It is easier on them because they are together, and it is easier on me.

So that is an example of where the Recovery Act for one mother and one family has had a positive impact, because of direct support that helps a State childcare program—in this case in the Commonwealth of Pennsylvania.

The Recovery Act funding for States to sustain and expand their Head Start in Early Head Start programs has also made a difference. Head Start, as many here know, is a national program that promotes school readiness for low-income children, financing their social, cognitive, and academic skills and finding nutritional and health services for children who need them. Early Head Start begins with prenatal services for pregnant women and continues working with the family until children are eligible for Head Start, usually at the age of 3.

Here is an example from Pennsylvania. Annette Jones' grandson attends an Early Head Start program—the Keystone Babies classroom. That is at the Franklin Child Development Center. Annette writes:

This program has been a true blessing to our whole family. Landon is learning so much. He interacts with other children and learns how to get along, through different activities and experiences. Landon's classroom offers so much more than traditional "baby-sitting." Landon has grown so much. The teachers in the classroom are loving and kind. They know what each child needs. He has been referred to early intervention services, based on information gathered by his teachers. These services will provide extra support for Landon to be successful. I am very thankful for the Keystone Babies classroom, and I ask for continued funding and support for this much needed program.

So there is another example—in this case Annette Jones and her grandson Landon—of how one family is benefiting from not just Head Start itself and not just Early Head Start as a program but because of the increases to both programs in the Recovery Act.

As I mentioned before, health care reform itself has been very helpful for our kids. As I mentioned before, when we are providing access to health care to more than 30 million Americans—many of them women and many of them of childbearing age—you don't have to be a public policy expert or even a health care or child development expert to know that will have a substantial disproportionately positive impact on children.

I mentioned the Children's Health Insurance Program before and how the

reauthorization of that—really the extension of that—will have a tremendous impact on our kids. We know insurers will also be prohibited under the new health care law from discriminating against children with preexisting conditions. That protection will go into effect for the first time in American history in September of this year.

For those who have talked about repealing the act, well, if you repeal the act, you are repealing that protection for our kids. So I think if you are advocating that, you should think a little bit longer, talk to your constituents about whether they want protection for children with preexisting conditions to go into effect and then to be repealed. I don't think there are many people in America who support that—Democrat, Republican, or Independent.

The Affordable Care Act will also include funding for evidence-based home visitation programs that provide new moms with the resources they need to raise healthy children and provide a stable home environment. We know President Obama has been a real leader when it comes to promoting not just the value of protecting our kids but also increasing Federal investment in this area. He has asked for investments in our kids that far surpass anything in recent history.

I was also gratified, as so many were last week, when the Appropriations Committee reported out a Labor, Health and Education bill that for fiscal year 2011 includes an increase of \$1 billion for that program. I mentioned before the child care and development block grant; an increase of nearly \$1 billion for Head Start—the program I mentioned before as well.

So getting those kinds of billion-dollar or so increases for Head Start and child care development block grants is critically important. And \$300 million has been asked for by the administration for the Early Learning Challenge Fund, which is a program that would help provide competitive grants to States to raise the bar for early childhood programs. It will encourage States to coordinate quality improvement activities across early learning stages, including childcare, Head Start, and prekindergarten programs. It will expand the number of low-income kids at high-quality programs and ensure that more kids enter kindergarten ready to learn and ready to succeed. States such as Pennsylvania, which have very good systems in place, will be rewarded for those initiatives over time.

When I speak about the appropriations bill, I want to note the great leadership of Senator TOM HARKIN and his work as an appropriator and for his constant effort to help our kids. I know when we talk about these investments—as I mentioned at the beginning of my remarks tonight—there is a

belief that I and many people in both parties have that we have an obligation to do everything we can to make sure the bright light inside every child reaches the full measure of its potential. So even if a child has limitations, even if a child is born with a disadvantage, even if a child comes from a family who can't provide the kind of early learning or early care and education opportunities we would expect and hope every child could have, that collectively and in concert we have the systems in place, both public sector and private sector, to make sure the light inside every child, no matter where they live in America, is given the full measure of support and services that we can.

I believe it is a sacred duty, not just a set of programs that we support. It is critically important that the light inside every child reaches the full measure of its potential. I can't say we are there yet. I can't say we are there yet on early learning. We are making progress. I can't say we are there yet in terms of combating hunger and providing good nutrition, but we are making progress. I can't say that even on health care—even with all the great advancements on the Affordable Care Act for the country at large or the Children's Health Insurance Program. Even when we have full implementation, for example, of children's health insurance, there may be millions of children still without health care coverage.

I guess, finally, it would be safety. If there is a fourth area, it would be whether we are protecting our children from abuse and neglect. We have a long way to go there as well.

So it is important for us to point out the bad news, the challenges, the difficulties, and the nightmares, but it is also important to remind ourselves when we are making progress on early care and education and a whole range of issues that relate to children.

I have to say we have had a number of leaders over many years in the Senate from both parties, but there are very few who have contributed in the way the chairman of our Banking Committee has—someone I have served with both on that committee as well as one of the leaders on our Health, Education, Labor and Pensions Committee. I commend Senator DODD, who is here on the Senate floor tonight with us, for his work for three decades in standing up for children in good times, when the economy was booming, and in bad times, as we are living through now when the unemployment rate is high and the recession is crippling the ability of families to provide for their kids and difficult times for State governments to provide for our kids.

No matter whether it is a good economy or a bad economy, Senator DODD has been fighting these battles year after year—literally, now, decade after decade. We are going to miss his voice,

his leadership, his passion, and his effectiveness in getting legislation passed. But as I have noted for the public record and have told him personally, we will need him to come back and help us once in a while, even when he is not an incumbent Member of the Senate. We are grateful for his leadership. We take inspiration from that leadership, and I know his inspiration and his guidance will help us keep that bright light inside every child.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Connecticut.

Mr. DODD. Mr. President, I came to the Senate floor to express some comments on a different subject matter, but I would be remiss if I didn't express my gratitude to my friend for those very generous comments about our work on behalf of one out of four Americans who are under the age of 18—our children.

As I have said to my friend from Pennsylvania, a relatively new Member of this body, although I will no longer be a Member come next January, after three decades—30 years—in the Senate, I take great comfort in knowing that he and the Senator from Oregon, the Presiding Officer, who is also a member of this committee, have expressed such tremendous interest in this subject matter since the very first days they arrived in the Senate.

Like anyone else, I watched a number of people who were leaving as I was coming in three decades ago; people such as Hubert Humphrey, George McGovern, Bob Dole, Fritz Mondale—Vice President but also a Member of this body—and of course Ted Kennedy during our years together here, do tremendous work over the years on behalf of children and working families in our country. So I take a great deal of comfort in knowing that as I walk out of this Chamber there are people such as JEFF MERKLEY and BOB CASEY who are going to continue this effort on behalf of those one in four Americans who don't vote, who don't have lobbyists, who don't make campaign contributions, and who don't have any of the traditional trappings that constituencies have to bring their case before the Congress of the United States. America's children will continue to have champions who are going to insist that children be at the forefront in the debates about resources and how we can provide for their needs.

So I thank the Senator immensely for his work on this subject matter and look forward to watching with a great deal of pride as he continues those efforts. Just know that the Senator will have a cheerleader outside who will be doing everything he can to encourage his efforts. So I thank him very much for his comments.

PUBLIC SAFETY EMPLOYER-
EMPLOYEE COOPERATION ACT

Mr. DODD. Mr. President, I am deeply concerned because this is a matter that, unlike an awful lot of the subject matters that we bring up and engage in, has bipartisan support in this Chamber; that is, the ability of our first responders to be able to collectively bargain in the workplace. These are our firefighters, our police officers, and our emergency personnel.

This is a bill that was championed by Senator Kennedy before he left us—a bill that has been introduced by our good friend and colleague from New Hampshire, JUDD GREGG, along with five other the Republican Members of this Chamber, along with many Democrats. In fact, it goes back over a decade, this issue of seeing to it that these, the most celebrated, the most highly endorsed and supported of public employees, would have the right to collectively bargain.

This is not something guaranteed in all States. Many States do it, but many do not. So I am terribly disappointed that once again, just days away from the adjournment of this Congress, these individuals who consistently enjoy the outspoken praise of public officials for their work, when it comes down to actually doing something on their behalf we find the Congress missing the opportunity to step up.

I hope I am wrong about this. We have a lot of issues to grapple with in the coming days, I know. But my hope is that the Public Safety Employer-Employee Cooperation Act will be an item we can pass before the adjournment of this Congress. As I mentioned, Mr. President, this is a bipartisan measure that would guarantee our Nation's firefighters, our law enforcement officers, and our emergency medical personnel the right to bargain collectively with their employers.

Again, I thank Senator GREGG, who is a champion of this proposal, for his longstanding commitment to this critically important piece of legislation, which was originally championed in the Senate by our good friend, Ted Kennedy. We ask our Nation's first responders to put their lives on the line each and every day in our country. What they do is more than a job. I think most of us appreciate that it is a calling. It is a vocation. Throughout my career in public service, I have had the privilege to meet and work with, as I know most of my colleagues have, countless first responders—police, firefighters, emergency medical personnel. They do exceptional work under the most difficult of circumstances, and the American public appreciates their service more than they do any other people in public life.

In particular, I have come to appreciate the unique and multi-faceted challenges faced by firefighters.

We have all felt our chests tighten and our pulses quicken with anxiety at the sound of a fire engine screaming through town.

We have seen the determination on the faces of the people on those rigs. For them, all the commotion is just another day at the office.

When the unthinkable happens—a devastating hurricane, industrial accident, terrorist attack, or three-alarm fire—these brave men and women are the first on the scene, hurtling into danger, to save lives.

Just this past year firefighters in my home State of Connecticut have been faced with many serious challenges—and have met them every time.

In February, when a massive natural gas explosion at a power plant under construction in Middletown, CT, killed six people and injured more than two dozen others, firefighters from eight surrounding towns rushed to the scene.

They remained for hours and days afterwards, searching for victims and working to ensure that all the plant workers were accounted for.

When massive flooding hit several parts of my State, local firefighters worked around the clock responding to calls from panicked residents. They dealt with hazardous materials and even helped to pump out flooded basements.

They are committed to keeping our communities safe, even when that means putting their own lives at risk for the sake of protecting ours.

In the abstract, this can be hard to keep in perspective.

But unfortunately, the community of Bridgeport, CT, was recently reminded just what this commitment means.

A week ago, two firefighters, Lieutenant Steven Velasquez and Michel 'Mitch' Baik, were killed while fighting a fire in a home in that community. Three of their colleagues were also injured.

All of these individuals were incredibly brave—they entered a burning building to search for survivors and try to prevent the emergency from spreading.

This tragedy highlights just how selfless and courageous these people are each and every day.

And it should remind us all that, just as they have made a solemn commitment to us, so too must we affirm our commitment to them.

Part of our commitment is to ensure that they never, ever, put their lives at risk on our behalf without the proper equipment and training.

I have worked tirelessly over the years to ensure that this commitment is kept.

That is why I authored the Firefighter Investment and Response Enhancement—FIRE—Act back in 2000. This legislation created the first competitive grant program to assist local fire departments in addressing a wide

range of equipment, training, and other fire prevention needs. Senator John Warner, the chairman of the Armed Services Committee, was my partner in that effort, making it possible for it to become law.

To date this program has provided more than \$5.2 billion directly to fire departments.

And these grants have not just gone to the largest metropolitan areas. Fire departments in small and medium-sized communities across the country have received funds through the program—including departments in 150 of the 169 towns in my home State of Connecticut.

In 2003, we built on the success of the FIRE program by passing the Staffing for Adequate Fire and Emergency Response Firefighters—SAFER—bill, which I also authored.

This program provides funds to ensure that fire departments are adequately staffed. Too many of these rigs go out with only two or three people on them when a minimum of four is required to make sure that they are safe doing their jobs. Since the program began, more than \$1.1 billion has helped to put over 75,000 additional firefighters in our Nation's firehouses.

I am extremely proud to have been able to work with my colleagues on both sides of the aisle to get these important programs enacted.

But our commitment to our public safety community is still not complete.

As the Presiding Officer knows, the bipartisan Public Safety Employer-Employee Cooperation Act is a critical next step towards fulfilling our commitment to the men and women who keep us safe.

As we know, firefighters, police, and emergency medical personnel have a special place in the workforce and in society. They are respected for what they do. But they are also respected for doing it no matter what they face.

Once they get the call, they don't get to decide whether to take it or not—they just go.

We depend on them every day, and they respond with unquestioned dedication.

They are looking out for our well-being. Do we not owe it to them to look out for theirs?

In many States these brave men and women are deprived one of the most basic rights that workers in America have—to bargain collectively with their employers.

The right to collectively bargain has been proven over time to improve cooperation between employers and employees.

This cooperation leads to better, fairer compensation and benefits. It contributes to improved work conditions and safety. And it makes the quality of services better and more efficient for everyone.

Quality and efficiency is vitally important in the field of public safety. It can be the difference between an emergency and a tragedy.

I know that improving public safety is a goal that I share with every single Member of this body.

The Public Safety Employer-Employee Cooperation Act is a carefully crafted bill that grants these rights to all first responders, without disrupting their vital role in emergency response.

While it requires that all States provide public safety workers with the most basic of collective bargaining rights, it also gives States the flexibility to implement plans that work best for them.

These include the right to form and join unions, and to collectively bargain over wages, hours and working conditions—rights that many States, including my State of Connecticut, already provide to these workers.

The bill also allows States with right-to-work laws—which prohibit contracts requiring union membership for employment—to continue to enforce those laws.

Importantly, the bill explicitly provides for safeguards against the disruption of emergency services. It does this with strong language explicitly prohibiting any strikes, lockouts, or other work stoppages.

Of course this legislation is about more than negotiating wages, hours, and benefits. For our Nation's first responders, this cooperation means so much more.

It means that the men and women who risk their lives every day keeping us safe can sit down and relate their real life experiences to their employers.

It also means that their on-the-ground expertise will be used to help public safety agencies improve services in the community.

When tragedies have struck us, from the September 11 attacks to Hurricane Katrina, to the house fire in Bridgeport, CT, just last week, these workers were the first on the scene and the last to leave.

We owe them everything, and all they ask in return is the dignity and respect in the workplace that all workers deserve.

The legislation before us is important to them; therefore, it should be important to us, regardless of party and ideology.

As I say, this legislation already has strong bipartisan support in this Chamber. All we are looking for is the opportunity to bring it up and vote yes or no. After almost 20 years, with a well-crafted bill that protects against work stoppages and strikes and respects so-called right-to-work States—can we not guarantee this basic right of collective bargaining?

I hope before we adjourn that, after 20 years and at a unique opportunity,

after all the speeches that have been given in praise and gratitude for the service of these men and women, we can give something back to them. This is the one thing that our first responders—our police, our emergency medical personnel and our firefighters—have asked of us. They appreciate all the wonderful speeches, all the great remarks, all the accolades, all the commendations. But what they would like to have, more than anything else, is for us to recognize their right to collectively bargain. That is something we ought to be able to give these fine men and women who serve our country every single day.

I urge my colleagues to give us one chance to vote on this legislation and decide whether we want to say to them how much we appreciate what they do. That is what we are asking for before we adjourn in this Congress.

I yield the floor.

REMEMBERING SENATOR ROBERT C. BYRD

Mr. CORNYN. Mr. President, I join my colleagues in appreciation and admiration of Senator Robert Byrd.

By the time I took my seat in this Chamber, Senator Byrd had already held his for more than four decades. He had already held numerous leadership positions, including Senate majority leader and President pro tempore. He had already become a master of parliamentary procedure. He had already championed many Federal projects that still bear his name in his home State of West Virginia.

Senator Byrd won the admiration of all his colleagues for his study of the history of this body. He delivered hundreds of addresses on Senate history and procedure, as well as the debt we owe to the original Senate that governed Ancient Rome for centuries. For such work, Senator Byrd has earned the gratitude of all future generations of Americans.

Texans especially appreciate Senator Byrd's attention to the contributions of our Senators to the history of this body. Senator Sam Houston, the original occupant of the seat I hold, was described by Senator Byrd in this way:

The flamboyant Sam Houston of Texas used to stride into the old Senate chamber wearing such eye-catching accessories as a leopard-skin waist-coat, a bright red vest, or a Mexican sombrero. . . . He would while away the time in the old chamber by whittling, creating a pile of shavings beneath his desk, and pages would bring him his pine blocks and then clean up the shavings.

Senator Byrd also devoted several speeches of his history to the tenure of Senator Lyndon B. Johnson, which were all collected into a single chapter upon publication. In personal interviews with then-current and former Senators, Senator Byrd documents a remarkably personal account of Sen-

ator Johnson's leadership style and his influence over landmark legislation, including the Civil Rights Act of 1957.

During his discussion of Senator Johnson's use of the quorum call, Senator Byrd was asked to yield by his friend, Senator Russell Long of Louisiana, who wished to clarify his own recollection of the matter. Senator Long then continued with a fitting tribute to the Senator from West Virginia:

I have no doubt that in years to come, his will be the most authoritative text anyone will be able to find to say what did happen and what did not happen in the Senate, both while the Senator from West Virginia was a member and in the years prior thereto.

I can offer no better epitaph to Senator Byrd than that offered by his former colleague more than two decades ago. He and his beloved Erma have now been reunited, and we offer our condolences to their children, grandchildren, great-grandchildren, and all who miss him most.

SAVING WEAK BANKS

Ms. SNOWE. Mr. President, I ask unanimous consent that the article titled, SPIN METER: Program risks \$30B to save weak banks," published on August 1 by the Associated Press, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Associated Press, Aug. 1, 2010]
SPIN METER: PROGRAM RISKS \$30B TO SAVE WEAK BANKS

(By Daniel Wagner)

WASHINGTON.—People are fed up with bank bailouts that risk taxpayer billions. The government's apparent solution: call them something else.

Congress is at work on a new program that would send \$30 billion to struggling community banks, in a process similar to the huge federal bailouts of big banks during the financial crisis. This time, money is more likely to disappear as a result of bank failures or fraud.

Two weeks ago, President Barack Obama declared an end to taxpayer bailouts when he signed a sweeping overhaul of financial rules. In his weekly radio and Internet address on Saturday, he described the new bailout program as "a common-sense" plan that would give badly needed lending help to small-business owners to expand and hire.

At its core, the program is another bank rescue. Some lenders need the bailouts to survive. Others could take the bailouts and crumble anyway. That's what happens when banks run out of capital—the money they must keep in case of unexpected losses. Banks with too little capital can be shuttered to protect the taxpayer-insured deposits they hold.

Or, under this proposal, many could get bailouts. The new money would be available to banks that are short on cash. It's supposedly reserved for banks deemed "viable." But regulators won't consider whether banks are viable now. They'll envision how strong a bank would be after receiving a fresh infusion cash from taxpayers and private investors. If the bank would become viable because of the bailout, the government can make it happen.

"This is a below-the-radar bailout for community banks," said Mark Williams, formerly a bank examiner with the Federal Reserve. "What we lack here is oversight and true accountability." He said the potential costs are far greater than the program's impact on small businesses. The change for them would barely be noticed, he said.

Small banks are struggling partly because the economy is so weak. For banks in the hardest-hit areas, it can be nearly impossible to recover once too many loans sour.

Yet the bill would require that banks be protected against "discrimination based on geography." It says the money must be available to lenders in areas with high unemployment.

Such banks are "only as strong as the loans they make in their communities," said Williams, now a finance professor at Boston University.

Also, the government knows far less about these lenders than about Wall Street megabanks. Many community banks are overseen by state regulators struggling under budget cuts and limited expertise. Many are ill-equipped to monitor banks during a crisis, Williams said.

The administration says the bill is not a bailout, but a way to spur lending to small businesses and bolster the shaky economic recovery. The idea is that businesses want bank loans, but banks don't have enough money to lend. And they say the program has to include riskier banks in order to work.

"When banking groups have advocated for measures that were about saving or bailing out struggling banks and not spurring small business lending, we have strongly opposed those proposals," said Gene Sperling, a senior counselor to Treasury Secretary Tim Geithner who has met with community bank lobbyists on the issue.

Sperling said Treasury rejected proposals to further lower the bar for which banks are considered "viable" or to let banks delay accounting for commercial real estate losses.

Some banks will have an easier time granting loans after receiving bailouts. But Federal Reserve Chairman Ben Bernanke and others have questioned whether the problem is lack of capital, or if there simply aren't enough creditworthy borrowers.

The administration's haziness about whom the program benefits has fueled comparisons to the \$700 billion bailout known as the Troubled Asset Relief Program, or TARP. A few important differences make this bailout riskier.

The bailouts that started in 2008 were subject to oversight by a special watchdog. Neil Barofsky, who heads that inspector general's office, recently saved taxpayers \$553 million by stopping the Treasury from mailing a check to a failing bank accused of fraud.

Under the new law, it's not clear the money would have been saved. The new bailouts have the same investment structure, size limits and approval process as the old ones. Yet they aren't subject to Barofsky's oversight. His office has staff and procedures in place to monitor banks for bailout fraud—resources that cost taxpayers millions.

The new law creates an office that duplicates those efforts, and Barofsky's supporters say that's an effort to silence one of Treasury's loudest critics.

There's another reason banks want to join the new program: It will save them money.

Assuming they increase lending modestly, the banks will pay lower quarterly fees to Treasury. If lending falls, their fees will rise. But the banks still will pay less than they would to private investors, experts said.

Banks that were short on cash weren't even eligible for money from the \$700 billion financial bailout passed in 2008. Yet limiting it to healthy banks was no guarantee the money would be safe.

A few bailed-out banks have failed. One-sixth of them were behind on their quarterly payments to Treasury at the end of May, according to an analysis by University of Louisiana finance professor Linus Wilson.

"The problem is, they're not really picking healthy banks," Wilson said.

Legislation to put the new program in place ran into a roadblock in the Senate last week. Further action isn't expected until September, after lawmakers' summer break.

The measure has been the subject of a months long lobbying push by small bankers. Disclosures show that community bank bailouts have been the most common topic of Treasury's bailout meetings with lobbyists over the past 10 months.

The trade groups insist that smaller banks are not necessarily riskier because they weren't behind the speculation that nearly toppled Wall Street.

History suggests that's not true. Most of the 268 banks that have failed since 2008 were community banks.

The proposal has drawn little notice from a public weary of bailouts for Wall Street, auto makers, insurers and homebuyers.

Wilson said that shows how well it's been sold.

"If you put small business in the name, people will like it, and if you put banks in the name no one will like it—but the money is going to banks, not small businesses," he said.

UGANDA

Mr. FEINGOLD. Mr. President, I want to discuss the important relationship that our country has with the East African nation of Uganda. Last month, Uganda was targeted by horrific bombings that killed 76 people and wounded scores more. We all continue to mourn for the victims of this cowardly attack and sympathize with the people and government of Uganda. The Somali terrorist group, al Shebaab, whose leaders have links to al-Qaida, has claimed responsibility and likely targeted Uganda because of its role in AMISOM, the African Union peace-keeping force in Somalia. Uganda has contributed a large part of the troops for this difficult but important mission, and its commitment has not yielded in the aftermath of this attack.

The United States has long had a strong friendship and partnership with Uganda that has deepened in recent years, especially as Uganda has become more of a regional leader. We have worked closely with Uganda to address the crisis in Somalia, through bolstering AMISOM and supporting the fragile transitional government in Mogadishu. We have also supported the Ugandan army's operations across central Africa to dismantle the Lord's Resistance Army and end their horrific atrocities. Meanwhile, as a nonpermanent member of the U.N. Security Council since 2009, Uganda has worked with us on many important initiatives.

And finally, we have long provided support for the Ugandan government's efforts to combat HIV/AIDS, improve access to education, and more.

This has been a fruitful relationship for both countries and it is in both of our interests to continue to collaborate in order to address pressing regional and domestic challenges. That is why I believe we must encourage and work with Uganda's leaders to ensure that their elections next February are peaceful, fair and free. Uganda's past elections have been marred by reports of fraud, intimidation, and politically motivated prosecutions of opposition candidates, causing international outcry. If these upcoming elections follow that same pattern or worse, it will put the United States and our relationship with Kampala in a very difficult position. We might have to consider restrictions to our assistance and limiting our engagement with Uganda's security forces.

Unfortunately, initial signs are worrying. In his annual testimony to Congress in February, the then-Director of National Intelligence said that the Ugandan government "is not undertaking democratic reforms in advance of the elections scheduled for 2011." Also, the State Department reported to Congress in April that the Ugandan government had taken no actions to further the independence of the Electoral Commission or to establish an accurate and verifiable voter registry. In that same report, State noted that the government continues to restrict opposition parties' freedom of movement and assembly and to impose restrictions on local media. Credible experts and human rights organizations have documented the government's efforts to stifle free and independent political journalism, especially in rural areas.

These developments are disturbing not only in terms of Uganda's political space and democratic institutions, but also when we consider the country's stability. Riots in Buganda last September showed that regional and ethnic divisions remain strong in many parts of the country and that violence can erupt suddenly. Since Uganda gained independence in 1962, political leaders have pitted groups against one another and used force to access and control power. This legacy endures, even though Uganda transitioned to a multiparty democracy 5 years ago. Until there is a genuine effort to address these divisions, achieve national reconciliation and consolidate democracy, Uganda continues to be at risk of instability—a risk that will be heightened during the electoral period.

In the aftermath of the July 11 bombings, the Ugandan government will understandably need to address security issues, and we should offer our assistance in this regard. But at the same time, it is equally important that the government reinvigorate its efforts to

promote national unity and reconciliation. Divisions and upheaval surrounding this February's elections could undermine the country's unity and potentially its stability. It could also weaken the government's international reputation and partnerships. Therefore, it is critical that the government take steps now to build public trust in the election process and the country's democratic institutions. As a true friend to the Ugandan government and people, we should press them to take these steps and provide support as appropriate. The stakes are too high to ignore these issues.

ADDITIONAL STATEMENTS

THE COLORADO TRUST

• Mr. BENNET. Mr. President, today I recognize and congratulate the Colorado Trust, as this year marks the 25th anniversary of the Trust's opening.

With the complex goal of advancing the health and well-being of all Coloradans, the Colorado Trust has strived to assure affordable, superior, and easily accessible health care to Coloradans of all ages. From its inception in 1985 the Trust has addressed a variety of community needs by giving more than \$300 million in grants to an array of individuals and groups.

By developing an understanding of the State's most difficult health care concerns, the Trust has been able to bring the many diverse voices on health care reform together to work towards a solution that improves the lives of all Coloradans. Their shared goal is to achieve access to health care for all Coloradans by 2018, and they are well on their way. Recently, to give one example, the Trust was able to bring 911 emergency medical assistance to 38 of Colorado's counties.

As a result of last year's Colorado Healthcare Affordability Act and Federal health care reform, more than 100,000 uninsured Coloradans will have coverage. But rather than simply ensuring that these Coloradans are covered, the Colorado Trust is ensuring that the care they receive is truly affordable while still top notch and accessible. The Colorado Trust serves as the exemplar to all of us, demonstrating that by working together with a strong commitment to the betterment of others, we can tackle the most complex and pressing situations.●

RECOGNIZING ARKANSAS COMMUNITIES

• Mrs. LINCOLN. Mr. President, today I recognize two Arkansas communities that were recently recognized for their low-cost of living and quality of life.

Kiplinger.Com named Fort Smith as the "least expensive" city for living in the United States. Also on the list was

Conway, with the sixth lowest cost of living.

The rankings were determined through criteria examining relative price levels for housing, utilities, transportation, grocery items, health care and miscellaneous goods and services.

I congratulate the residents of both communities for this significant recognition. I also commend Fort Smith and Conway community leaders for their tireless efforts to build and maintain a safe, economical, and desirable place to live for local citizens. Our local leaders represent the best of our State, and I am proud of their accomplishments.

Mr. President, I salute both Fort Smith and Conway, and I join all Arkansans to express my pride in these communities and our great State as a whole. ●

REMEMBERING ELLEN TURNER CARPENTER

• Mrs. LINCOLN. Mr. President, today my home State of Arkansas mourns the loss of Ellen Turner Carpenter, 93, a noted educator and community leader who helped shape Arkansas history through her work. Her life and legacy will be celebrated today during a funeral service at Mount Zion Baptist Church in Little Rock. I extend my deepest sympathies to Mrs. Carpenter's relatives and loved ones, who have lost a cherished member of their family.

Mrs. Carpenter's service to the city of Little Rock and the entire State helped inspire countless Arkansans to pursue their dreams and achieve their goals, despite the obstacles they may have faced. A staunch civil rights supporter, she encouraged students to work hard and always strive for the best.

Mrs. Carpenter was born July 30, 1916, in Little Rock as the youngest of eight children. She graduated from Dunbar High School in 1934 and married Rueben Alvin Carpenter in 1935. They had 10 children.

She received a bachelor's degree in education from Philander Smith College in the early 1950s and was a special education teacher for decades, beginning at Booker T. Washington Elementary School in Little Rock. She later received her master's degree from the University of Central Arkansas.

A lifelong member of Mount Zion Baptist Church in Little Rock, Mrs. Carpenter was proud of her faith and heritage. Her Christian principles guided her service and work for others.

She was most known for her role in the preservation of the Mosaic Templars of America headquarters building. In 1992, she became president of the Mosaic Templars Building Preservation Society, which worked to preserve the Mosaic Templars building in Little Rock to create a museum for

black history in Arkansas. Today, the museum is dedicated to collecting, preserving, interpreting, and celebrating African-American history, culture and community in Arkansas from 1870 to the present. Mrs. Carpenter served as president of the society until her death and was also appointed by former Governor Mike Huckabee to the advisory board, where she served as chairman.

In 1975, Mrs. Carpenter founded the Meadowbrook Neighborhood Association of South Little Rock and served as its president until 2005.

Mrs. Carpenter's legacy will live on through the Ellen T. Carpenter Scholarship Fund at Mt. Zion Baptist Church, in addition to a State scholarship created in 2008 in her honor. She will also have a conference room named in her honor at the Mosaic Templars building. She received many honors throughout her life, including the CareLink Senator David Pryor Award in 2006.

Along with all Arkansans, I celebrate the work, life, and contributions of our beloved community member, Ellen Turner Carpenter. Our State has lost one of its finest citizens, and we all mourn her loss.●

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on July 30, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker has signed the following enrolled bills:

S. 3372. An act to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels.

H.R. 5874. An act making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 5900. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes.

Under the authority of the order of the Senate of January 6, 2009, the enrolled bills were signed on July 30, 2010, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on today, August 2, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker has signed the following enrolled bills:

H.R. 5278. An act to designate the facility of the United States Postal Service located

at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building".

H.R. 5395. An act to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland Florida, as the "Paula Hawkins Post Office Building".

The enrolled bills were subsequently signed during the session of the Senate by the President pro tempore (Mr. INOUE).

MESSAGE FROM THE HOUSE

At 3:33 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2476. An act to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

H.R. 5320. An act to amend the Safe Drinking Water Act to increase assistance for States, water systems, and disadvantaged communities; to encourage good financial and environmental management of water systems; to strengthen the Environmental Protection Agency's ability to enforce the requirements of the Act; to reduce lead in drinking water; to strengthen the endocrine disruptor screening program; and for other purposes.

H.R. 5414. An act to provide for the conveyance of a small parcel of National Forest System land in the Francis Marion National Forest in South Carolina, and for other purposes.

H.R. 5850. An act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

H.R. 5901. An act to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investment in United States real property interests, and for other purposes.

H.J. Res. 90. Joint resolution expressing support for designation of September 2010 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

The message further announced that pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)), and the order of the House of January 6, 2009, the Speaker appoints the following members to the Congressional Award Board: Mr. Nicholas Scott Cannon of Los Angeles, CA, for the remainder of the term ending September 25,

2011 and in addition, Mr. Jimmie Lee Solomon of Washington, D.C.

The message also announced that pursuant to section 2(b) of rule VI, and the order of the House of January 6, 2009, the Speaker, Majority Leader and Minority Leader jointly appoint the following member for the House of Representatives to the position of Inspector General effective July 30, 2010: Ms. Theresa M. Grafenstine of Manassas, Virginia.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5872. An act to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5981. An act to increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single family housing mortgage insurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5850. An act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5901. An act to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investment in United States real property interests, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 30, 2010, she had presented to the President of the United States the following enrolled bill:

S. 3372. An act to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 3196. A bill to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligi-

ble candidates before the general election (Rept. No. 111-239).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3386. A bill to protect consumers from certain aggressive sales tactics on the Internet (Rept. No. 111-240).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1311. A bill to amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico (Rept. No. 111-241).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

S. 3515. A bill to authorize and enhance the programs of the Department of the Interior relating to the detection of, response to, and mitigation and cleanup of oil spills on Federal land managed by the Department, and for other purposes (Rept. No. 111-242).

By Mr. HARKIN, from the Committee on Appropriations, without amendment:

S. 3686. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2011, and for other purposes (Rept. No. 111-243).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3978. A bill to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL:

S. 3682. A bill to establish the Fox-Wisconsin Heritage Parkway National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of New Mexico:

S. 3683. A bill to support and encourage the health and well-being of elementary school and secondary school students by enhancing school physical education and health education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 3684. A bill to establish the Cavernous Angioma CARE Center (Clinical Care, Advocacy, Research and Education) at the University of New Mexico, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR (for himself, Mrs. BOXER, and Mr. ROCKEFELLER):

S. 3685. A bill to provide the Federal Trade Commission with oversight authority over insurance issuers; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN:

S. 3686. An original bill making appropriations for the Departments of Labor, Health

and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2011, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. NELSON of Florida:

S. 3687. A bill to provide royalty relief, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 3688. A bill to establish an international professional exchange program, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself and Mr. SESSIONS):

S. 3689. A bill to clarify, improve, and correct the laws relating to copyrights; considered and passed.

By Mr. CARDIN (for himself, Mr. BROWNBACK, Mr. WHITEHOUSE, and Mrs. SHAHEEN):

S.J. Res. 37. A joint resolution calling upon the President to issue a proclamation recognizing the 35th anniversary of the Helsinki Final Act; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself, Mr. CASEY, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. SPECTER, and Mrs. FEINSTEIN):

S. Res. 604. A resolution urging the Government of the Islamic Republic of Iran to immediately and unconditionally release Sarah Shourd, Joshua Fattal, and Shane Bauer on humanitarian grounds; considered and agreed to.

ADDITIONAL COSPONSORS

S. 369

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 369, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 752

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team,

United States Army, in recognition of their dedicated service during World War II.

S. 1235

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1235, a bill to amend the Public Health Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1275

At the request of Mr. WARNER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1275, a bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 3241

At the request of Mr. BROWN of Ohio, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3241, a bill to provide for a safe, accountable, fair, and efficient banking system, and for other purposes.

S. 3397

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3397, a bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

S. 3411

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3411, a bill to provide for the adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3474

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3474, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 3543

At the request of Mrs. HAGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S.

3543, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 3594

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3594, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to mitigate the economic impact of the transition to sustainable fisheries on fishing communities, and for other purposes.

S. 3642

At the request of Mrs. BOXER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3642, a bill to ensure that the underwriting standards of Fannie Mae and Freddie Mac facilitate the use of property assessed clean energy programs to finance the installation of renewable energy and energy efficiency improvements.

S. 3656

At the request of Mrs. LINCOLN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Mississippi (Mr. COCHRAN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. LEAHY) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 3656, a bill to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

S. 3661

At the request of Mr. LAUTENBERG, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3661, a bill to amend the Federal Water Pollution Control Act to ensure the safe and proper use of dispersants in the event of an oil spill or release of hazardous substances, and for other purposes.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

S. RES. 597

At the request of Mr. SESSIONS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was withdrawn as a cosponsor of S. Res. 597, a resolution designating September 2010 as "National Prostate Cancer Awareness Month".

At the request of Mr. SESSIONS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 597, supra.

AMENDMENT NO. 4567

At the request of Mr. REID, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 4567 proposed to

H.R. 1586, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mr. BROWNBACK, Mr. WHITEHOUSE, and Mrs. SHAHEEN):

S.J. Res. 37. A joint resolution calling upon the President to issue a proclamation recognizing the 35th anniversary of the Helsinki Final Act; to the Committee on Foreign Relations.

Mr. CARDIN. Mr. President, as Chairman of the Commission on Security and Cooperation in Europe, I am pleased today to introduce, together with fellow Senate Commissioners BROWNBACK, WHITEHOUSE and SHAHEEN, a resolution marking the historic Helsinki Final Act, signed by President Ford and the leaders of thirty-four other nations on August 1, 1975. The Final Act provides a comprehensive framework for advancing security in all its aspects through the military security, economic and human dimensions.

For more than three decades, the Final Act and the process it set in motion, have served as an important vehicle for advancing U.S. interests in the expansive OSCE region and beyond. In a very real sense, the Helsinki process was a catalyst that helped usher historic changes in the late 1980s and early 1990s. In his Berlin speech as candidate, President Obama emphasized that we are heirs to a struggle for freedom—a struggle in which freedom eventually prevailed in bringing down the walls of a divided city, country and continent. The years following the fall of the Berlin Wall have witnessed stunning successes as well as serious setbacks, notably the genocidal war that raged through the Balkans, including the massacre at Srebrenica.

The principles reflected in the Final Act have withstood the test of time and proven their enduring value as we seek to address lingering and new challenges. A survey of developments in the OSCE, now comprising 56 participating States, is a reminder of the scale of work that remains: from simmering tensions throughout the Caucasus region and so-called frozen conflicts elsewhere to violations of fundamental freedoms. There are a number of troubling trends in the human dimension: from the harassment, persecution and physical attacks on journalists and human rights defenders to the adoption of restrictive laws aimed at reigning in freedom of religion and other fundamental freedoms, including freedom of expression and assembly. Other long-

standing concerns include the plight of national minorities and Roma as well as other manifestations of discrimination and intolerance, particularly anti-Semitism.

The OSCE is uniquely positioned to contribute to efforts to address these and other issues in the military security, economic and human dimensions. Indeed, a large body of common commitments has been agreed to over the years, beginning with the Helsinki Final Act. The challenge remains to translate these words on paper into meaningful action. As parliamentarians, we have a unique role to play in advancing the aims of the Helsinki Final Act and security in all of its aspects, including efforts to promote democracy, human rights and the rule of law. This was evident at the just concluded OSCE Parliamentary Assembly meeting in Norway, where many human rights and other concerns were voiced by the U.S. delegation and others. Among several initiatives we undertook at the Oslo meeting was a resolution on investigative journalists I introduced as a follow up to a recent Helsinki Commission hearing on “Threats to Free Media in the OSCE Region.”

As one who has been active in the Helsinki Process for many years and as Commission chairman, I want to underscore the vital role played by NGOs in advancing the aims of the Helsinki Accords. For over three decades the Helsinki Commission has worked closely with NGOs focused on a wide-range of human rights concerns.

In closing, I recall the remarks by Soviet human rights defender Dr. Andrei Sakharov made while he and his wife were living in internal banishment in the early 1980's as punishment for standing up to the authorities in defense of fundamental freedoms: “The Helsinki Accords, like detente as a whole, have meaning only if they are observed fully and by all parties. No country should evade a discussion on its own domestic problems. . . . Nor should a country ignore violations in other participating states. The whole point of the Helsinki Accords is mutual monitoring, not mutual evasion of difficult problems.” At the Helsinki Commission we take seriously our mandate to uphold the principles enshrined in the Final Act, especially respect for human rights and fundamental freedoms. Thirty-five years after its signing, the Helsinki Final Act remains an enduring charter for European security in all its aspects.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 37

Whereas August 1, 2010, is the 35th anniversary of the Final Act of the Conference on

Security and Cooperation in Europe (CSCE), renamed the Organization for Security and Cooperation in Europe (OSCE) in January 1995 (hereafter in this resolution referred to as the “Helsinki Final Act”);

Whereas the Helsinki Final Act provides a comprehensive concept of security encompassing the military security, economic and human dimensions rooted in the “Declaration on Principles Guiding Relations between Participating States”;

Whereas the Helsinki Final Act was the first international agreement to accord human rights the status of a fundamental principle regulating international relations;

Whereas, during the Communist era, members of nongovernmental organizations, such as the Helsinki Monitoring Groups in Russia, Ukraine, Lithuania, Georgia, and Armenia and similar groups in Czechoslovakia and Poland, sacrificed their personal freedom and even their lives in their courageous and vocal support for the principles enshrined in the Helsinki Final Act;

Whereas Congress contributed to advancing the aims of the Helsinki Final Act by creating the Commission on Security and Cooperation in Europe to monitor and encourage compliance with provisions of the Helsinki Final Act;

Whereas, in the 1990 Charter of Paris for a New Europe, the participating States in the OSCE (hereafter in this resolution referred to as the “participating States”) declared that “[h]uman rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law” and that “[t]heir protection and promotion is the first responsibility of government”;

Whereas, in the 1990 Charter of Paris for a New Europe, the participating States committed themselves “to build, consolidate, and strengthen democracy as the only system of government of our nations”;

Whereas, in the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension, the participating States committed “to build democratic societies based on free elections” and recognized “that vigorous democracy depends on the existence as an integral part of national life of democratic values and practices as well as an extensive range of democratic institutions”, including nongovernmental organizations and independent media;

Whereas, in the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension, the participating States “categorically and irrevocably declare[d] that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”;

Whereas the OSCE and the participating States have undertaken a series of measures aimed at combating anti-Semitism, racism, xenophobia, and discrimination including through the convening of related high-level conferences and the appointment of Personal Representatives of the Chairman-in-Office;

Whereas the 1999 Istanbul OSCE Charter for European Security and the Istanbul Summit Declaration note the particular challenges of ending violence against women and children as well as sexual exploitation and all forms of trafficking in human beings, and commit the participating States to strengthen efforts to combat corruption, eradicate torture, and end discrimination against Roma;

Whereas the OSCE maintains important relations with countries beyond the OSCE

region, including the Mediterranean Partners for Cooperation countries of Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia, and, since the early 1990s, the Asian Partners for Co-operation countries of Afghanistan, Australia, Japan, the Republic of Korea, Mongolia, and Thailand;

Whereas OSCE institutions, such as the OSCE Parliamentary Assembly, the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities, and the OSCE Representative on Freedom of the Media are important instruments for advancing democracy, human rights, and the rule of law as well as preventing conflicts;

Whereas field missions deployed by the OSCE in several participating States have contributed directly to regional security and cooperation in particular by deterring the spill over effects of conflict, assisting with post-conflict recovery, providing expertise on democracy-building, and monitoring closely the situation of vulnerable or threatened communities of people;

Whereas the main challenge facing the participating States remains the implementation of the principles and provisions contained in the Helsinki Final Act and other OSCE documents adopted on the basis of consensus;

Whereas the participating States have recognized that economic liberty, social justice, and environmental responsibility are indispensable to prosperity;

Whereas the participating States have committed themselves to promoting economic reforms through enhanced transparency for economic activity, with the aim of advancing the principles of market economies;

Whereas the participating States have stressed the importance of respect for the rule of law and vigorous efforts to fight organized crime and corruption, which constitute a great threat to economic reform and prosperity;

Whereas OSCE has expanded the scope and substance of its efforts, undertaking a variety of preventive diplomacy initiatives designed to prevent, manage, and resolve conflict within and among the participating States;

Whereas the politico-military aspects of security remain vital to the interests of the participating States and constitute a core element of OSCE's concept of comprehensive security;

Whereas the OSCE has played an active role in civilian police-related activities, including training, as an integral part of OSCE's efforts in conflict prevention, crisis management, and post-conflict rehabilitation; and

Whereas the participating States bear primary responsibility for raising awareness of violations of commitments contained in the Helsinki Final Act and other OSCE documents: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress calls upon the President—

(1) to issue a proclamation—

(A) recognizing the 35th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe;

(B) reasserting the commitment of the United States to full implementation of the Helsinki Final Act;

(C) urging all participating States to abide by their commitments under the Helsinki Final Act and subsequent OSCE documents adopted by consensus; and

(D) encouraging the people of the United States to join the President and Congress in observance of this anniversary with appropriate programs, ceremonies, and activities; and

(2) to convey to all signatories of the Helsinki Final Act that respect for human rights and fundamental freedoms, democratic principles, economic liberty, and the implementation of related commitments continue to be vital elements in promoting a new era of democracy, peace, and unity in the region covered by the Organization for Security and Cooperation in Europe.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 604—URGING THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN TO IMMEDIATELY AND UNCONDITIONALLY RELEASE SARAH SHOURD, JOSHUA FATTAL, AND SHANE BAUER ON HUMANITARIAN GROUNDS

Mrs. BOXER (for herself, Mr. CASEY, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. SPECTER, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 604

Whereas on July 31, 2009, Sarah Shourd, Joshua Fattal, and Shane Bauer were taken into custody by Iranian officials after they may have inadvertently crossed the poorly marked Iranian border while hiking in the Kurdistan region of the Republic of Iraq;

Whereas Sarah, Josh, and Shane have since been held in Evin prison in Tehran, Iran;

Whereas the amount of time that Sarah, Josh, and Shane have spent in prison is unjustified in relation to their alleged offense of illegal entry into Iran;

Whereas during their detention, Sarah, Josh, and Shane have only been afforded the opportunity to see their families during a brief visit in May;

Whereas according to their families, Sarah and Shane may be suffering from potentially serious health problems;

Whereas the families of Sarah, Josh, and Shane have suffered greatly in the absence of their loved ones; and

Whereas July 31, 2010, will mark the 1-year anniversary of their detention: Now, therefore, be it

Resolved, That Congress—

(1) recognizes that Sarah Shourd, Joshua Fattal, and Shane Bauer have been held in custody in Iran for 1 year; and

(2) urges the Government of Iran to immediately and unconditionally release Sarah Shourd, Joshua Fattal, and Shane Bauer on humanitarian grounds and allow them to reunite with their families in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4573. Mr. REED submitted an amendment intended to be proposed to amendment SA 4567 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic

control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 4574. Mr. REED submitted an amendment intended to be proposed to amendment SA 4567 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 4575. Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) proposed an amendment to the bill H.R. 1586, supra.

SA 4576. Mr. REID proposed an amendment to amendment SA 4575 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, supra.

SA 4577. Mr. REID proposed an amendment to the bill H.R. 1586, supra.

SA 4578. Mr. REID proposed an amendment to amendment SA 4577 proposed by Mr. REID to the bill H.R. 1586, supra.

SA 4579. Mr. REID proposed an amendment to amendment SA 4578 proposed by Mr. REID to the amendment SA 4577 proposed by Mr. REID to the bill H.R. 1586, supra.

SA 4580. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 4581. Mr. DODD (for Mrs. BOXER) proposed an amendment to the bill S. 1055, to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

TEXT OF AMENDMENTS

SA 4573. Mr. REED submitted an amendment intended to be proposed to amendment SA 4567 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—ECONOMIC DEVELOPMENT ASSISTANCE

SEC. 501. ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.

In chapter 2 of title I of the Act entitled “An Act making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes”, strike the matter under the heading “ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS” under the heading “ECONOMIC DEVELOPMENT ADMINISTRATION” under the heading “DEPARTMENT OF COMMERCE” and insert the following:

“Pursuant to section 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3233), for an additional amount for “Economic Development Assistance Programs”, for necessary expenses relating to disaster relief, long-term recovery, and restoration of infrastructure in areas affected by flooding for which the President

declared a major disaster during the period beginning on March 29, 2010, and ending on May 7, 2010, which included individual assistance for an entire State or not fewer than 45 counties within a State under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), \$49,000,000, to remain available until expended: *Provided*, That not more than 50 percent of the amount provided under this heading shall be allocated to any State.”.

SA 4574. Mr. REED submitted an amendment intended to be proposed to amendment SA 4567 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 24, insert the following:

Subtitle C—Community Development Funds
SEC. 221. COMMUNITY DEVELOPMENT FUNDS.

Chapter 11 of title I of the Supplemental Appropriations Act, 2010, is amended by striking the heading “Community Development Fund” and all the matter that follows through the ninth proviso under such heading and inserting the following:

“COMMUNITY DEVELOPMENT FUND

“For an additional amount for the ‘Community Development Fund’, for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by flooding for which the President declared a major disaster between March 29, 2010, and May 7, 2010, which included Individual Assistance for an entire State or not fewer than 45 counties within a State under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, \$100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): *Provided*, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under

this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act: *Provided further*, That not more than 50 percent of the funding provided under this heading shall be allocated to any State (including units of general local government).”.

SA 4575. Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) proposed an amendment to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the “_____ Act of _____”.

TITLE I

EDUCATION JOBS FUND

EDUCATION JOBS FUNDS

SEC. 101. There are authorized to be appropriated and there are appropriated out of any money in the Treasury not otherwise obligated for necessary expenses for an Education Jobs Fund, \$10,000,000,000: *Provided*, That the amount under this heading shall be administered under the terms and conditions of sections 14001 through 14013 and title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) except as follows:

(1) ALLOCATION OF FUNDS.—

(A) Funds appropriated under this heading shall be available only for allocation by the Secretary of Education (in this heading referred to as the Secretary) in accordance with subsections (a), (b), (d), (e), and (f) of section 14001 of division A of Public Law 111-5 and subparagraph (B) of this paragraph, except that the amount reserved under such subsection (b) shall not exceed \$1,000,000 and such subsection (f) shall be applied by substituting one year for two years.

(B) Prior to allocating funds to States under section 14001(d) of division A of Public Law 111-5, the Secretary shall allocate 0.5 percent to the Secretary of the Interior for schools operated or funded by the Bureau of

Indian Affairs on the basis of the schools’ respective needs for activities consistent with this heading under such terms and conditions as the Secretary of the Interior may determine.

(2) RESERVATION.—A State that receives an allocation of funds appropriated under this heading may reserve not more than 2 percent for the administrative costs of carrying out its responsibilities with respect to those funds.

(3) AWARDS TO LOCAL EDUCATIONAL AGENCIES.—

(A) Except as specified in paragraph (2), an allocation of funds to a State shall be used only for awards to local educational agencies for the support of elementary and secondary education in accordance with paragraph (5) for the 2010-2011 school year (or, in the case of reallocations made under section 14001(f) of division A of Public Law 111-5, for the 2010-2011 or the 2011-2012 school year).

(B) Funds used to support elementary and secondary education shall be distributed through a State’s primary elementary and secondary funding formulae or based on local educational agencies’ relative shares of funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent fiscal year for which data are available.

(C) Subsections (a) and (b) of section 14002 of division A of Public Law 111-5 shall not apply to funds appropriated under this heading.

(4) COMPLIANCE WITH EDUCATION REFORM ASSURANCES.—For purposes of awarding funds appropriated under this heading, any State that has an approved application for Phase II of the State Fiscal Stabilization Fund that was submitted in accordance with the application notice published in the Federal Register on November 17, 2009 (74 Fed. Reg. 59142) shall be deemed to be in compliance with subsection (b) and paragraphs (2) through (5) of subsection (d) of section 14005 of division A of Public Law 111-5.

(5) REQUIREMENT TO USE FUNDS TO RETAIN OR CREATE EDUCATION JOBS.—Notwithstanding section 14003(a) of division A of Public Law 111-5, funds awarded to local educational agencies under paragraph (3)—

(A) may be used only for compensation and benefits and other expenses, such as support services, necessary to retain existing employees, to recall or rehire former employees, and to hire new employees, in order to provide early childhood, elementary, or secondary educational and related services; and

(B) may not be used for general administrative expenses or for other support services expenditures as those terms were defined by the National Center for Education Statistics in its Common Core of Data as of the date of enactment of this Act.

(6) PROHIBITION ON USE OF FUNDS FOR RAINY-DAY FUNDS OR DEBT RETIREMENT.—A State that receives an allocation may not use such funds, directly or indirectly, to—

(A) establish, restore, or supplement a rainy-day fund;

(B) supplant State funds in a manner that has the effect of establishing, restoring, or supplementing a rainy-day fund;

(C) reduce or retire debt obligations incurred by the State; or

(D) supplant State funds in a manner that has the effect of reducing or retiring debt obligations incurred by the State.

(7) DEADLINE FOR AWARD.—The Secretary shall award funds appropriated under this heading not later than 45 days after the date of the enactment of this Act to States that have submitted applications meeting the requirements applicable to funds under this

heading. The Secretary shall not require information in applications beyond what is necessary to determine compliance with applicable provisions of law.

(8) **ALTERNATE DISTRIBUTION OF FUNDS.**—If, within 30 days after the date of the enactment of this Act, a Governor has not submitted an approvable application, the Secretary shall provide for funds allocated to that State to be distributed to another entity or other entities in the State (notwithstanding section 14001(e) of division A of Public Law 111-5) for support of elementary and secondary education, under such terms and conditions as the Secretary may establish, provided that all terms and conditions that apply to funds appropriated under this heading shall apply to such funds distributed to such entity or entities. No distribution shall be made to a State under this paragraph, however, unless the Secretary has determined (on the basis of such information as may be available) that the requirements of clauses (i), (ii), or (iii) of paragraph 10(A) are likely to be met, notwithstanding the lack of an application from the Governor of that State.

(9) **LOCAL EDUCATIONAL AGENCY APPLICATION.**—Section 442 of the General Education Provisions Act shall not apply to a local educational agency that has previously submitted an application to the State under title XIV of division A of Public Law 111-5. The assurances provided under that application shall continue to apply to funds awarded under this heading.

(10) **MAINTENANCE OF EFFORT.**—

(A) Except as provided in paragraph (8), the Secretary shall not allocate funds to a State under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that—

(i) for State fiscal year 2011, the State will maintain State support for elementary and secondary education (in the aggregate or on the basis of expenditures per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories, respectively, for State fiscal year 2009;

(ii) for State fiscal year 2011, the State will maintain State support for elementary and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for each of the two categories, respectively, for State fiscal year 2010; or

(iii) in the case of a State in which State tax collections for calendar year 2009 were less than State tax collections for calendar year 2006, for State fiscal year 2011 the State will maintain State support for elementary and secondary education (in the aggregate) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students)—

(I) at not less than the level of such support for each of the two categories, respectively, for State fiscal year 2006; or

(II) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for each of the two categories, respectively, for State fiscal year 2006.

(B) Section 14005(d)(1) and subsections (a) through (c) of section 14012 of division A of Public Law 111-5 shall not apply to funds appropriated under this heading.

(11) **ADDITIONAL REQUIREMENTS FOR THE STATE OF TEXAS.**—The following requirements shall apply to the State of Texas:

(A) Notwithstanding paragraph (3)(B), funds used to support elementary and secondary education shall be distributed based on local educational agencies' relative shares of funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent fiscal year which data are available. Funds distributed pursuant to this paragraph shall be used to supplement and not supplant State formula funding that is distributed on a similar basis to part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(B) The Secretary shall not allocate funds to the State of Texas under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that the State will for fiscal years 2011, 2012, and 2013 maintain State support for elementary and secondary education at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for such purpose for fiscal year 2011 prior to the enactment of this Act.

(C) Notwithstanding paragraph (8), no distribution shall be made to the State of Texas or local education agencies therein unless the Governor of Texas makes an assurance to the Secretary that the requirements in paragraphs (11)(A) and (11)(B) will be met, notwithstanding the lack of an application from the Governor of Texas.

TITLE II—STATE FISCAL RELIEF AND OTHER PROVISIONS; REVENUE OFFSETS

Subtitle A—State Fiscal Relief and Other Provisions

EXTENSION OF ARRA INCREASE IN FMAP

SEC. 201.

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(3), by striking “first calendar quarter” and inserting “first 3 calendar quarters”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(B) by adding at the end the following:

“(3) **PHASE-DOWN OF GENERAL INCREASE.**—

“(A) **SECOND QUARTER OF FISCAL YEAR 2011.**—For each State, for the second quarter of fiscal year 2011, the FMAP percentage increase for the State under paragraph (1) or (2) (as applicable) shall be 3.2 percentage points.

“(B) **THIRD QUARTER OF FISCAL YEAR 2011.**—For each State, for the third quarter of fiscal year 2011, the FMAP percentage increase for the State under paragraph (1) or (2) (as applicable) shall be 1.2 percentage points.”;

(3) in subsection (c)—

(A) in paragraph (2)(B), by striking “July 1, 2010” and inserting “January 1, 2011”;

(B) in paragraph (3)(B)(i), by striking “July 1, 2010” and inserting “January 1, 2011” each place it appears; and

(C) in paragraph (4)(C)(ii), by striking “the 3-consecutive-month period beginning with January 2010” and inserting “any 3-consecutive-month period that begins after December 2009 and ends before January 2011”;

(4) in subsection (e), by adding at the end the following:

“Notwithstanding paragraph (5), effective for payments made on or after January 1, 2010, the increases in the FMAP for a State under this section shall apply to payments under title XIX of such Act that are attributable to expenditures for medical assistance provided

to nonpregnant childless adults made eligible under a State plan under such title (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) who would have been eligible for child health assistance or other health benefits under eligibility standards in effect as of December 31, 2009, of a waiver of the State child health plan under the title XXI of such Act.”;

(5) in subsection (g)—

(A) in paragraph (1), by striking “September 30, 2011” and inserting “March 31, 2012”;

(B) in paragraph (2), by inserting “of such Act” after “1923”; and

(C) by adding at the end the following:

“(3) **CERTIFICATION BY CHIEF EXECUTIVE OFFICER.**—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the period beginning on January 1, 2011, and ending on June 30, 2011, unless, not later than 45 days after the date of enactment of this paragraph, the chief executive officer of the State certifies that the State will request and use such additional Federal funds.”; and

(6) in subsection (h)(3), by striking “December 31, 2010” and inserting “June 30, 2011”.

TREATMENT OF CERTAIN DRUGS FOR COMPUTATION OF MEDICAID AMP

SEC. 202.

Effective as if included in the enactment of Public Law 111-148, section 1927(k)(1)(B)(i)(IV) of the Social Security Act (42 U.S.C. 1396r-8(k)(1)(B)(i)(IV)), as amended by section 2503(a)(2)(B) of Public Law 111-148 and section 1101(c)(2) of Public Law 111-152, is amended by adding at the end the following: “, unless the drug is an inhalation, infusion, instilled, implanted, or injectable drug that is not generally dispensed through a retail community pharmacy; and”.

SUNSET OF TEMPORARY INCREASE IN BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

SEC. 203.

Section 101(a) of title I of division A of Public Law 111-5 (123 Stat. 120), as amended by section 4262 of this Act, is amended by striking paragraph (2) and inserting the following:

“(2) **TERMINATION.**—The authority provided by this subsection shall terminate after March 31, 2014.”.

Subtitle B—Revenue Offsets

RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE

SEC. 211.

(a) **IN GENERAL.**—Subpart A of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 909. SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.

“(a) **IN GENERAL.**—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

“(b) **SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.**—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

“(1) for purposes of section 902 or 960, or
“(2) for purposes of determining earnings and profits under section 964(a),

before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

“(c) SPECIAL RULES.—For purposes of this section—

“(1) APPLICATION TO PARTNERSHIPS, ETC.—In the case of a partnership, subsections (a) and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

“(2) TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such subsection (other than for purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

“(d) DEFINITIONS.—For purposes of this section—

“(1) FOREIGN TAX CREDIT SPLITTING EVENT.—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

“(2) FOREIGN INCOME TAX.—The term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(3) RELATED INCOME.—The term ‘related income’ means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

“(4) COVERED PERSON.—The term ‘covered person’ means, with respect to any person who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the ‘payor’)—

“(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

“(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

“(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

“(D) any other person specified by the Secretary for purposes of this paragraph.

“(5) SECTION 902 CORPORATION.—The term ‘section 902 corporation’ means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

“(e) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

“(1) appropriate exceptions from the provisions of this section, and

“(2) for the proper application of this section with respect to hybrid instruments.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 909. Suspension of taxes and credits until related income taken into account.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) foreign income taxes (as defined in section 909(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued in taxable years beginning after December 31, 2010; and

(2) foreign income taxes (as so defined) paid or accrued by a section 902 corporation (as so defined) in taxable years beginning on or before such date (and not deemed paid under section 902(a) or 960 of such Code on or before such date), but only for purposes of applying sections 902 and 960 with respect to periods after such date.

Section 909(b)(2) of the Internal Revenue Code of 1986, as added by this section, shall not apply to foreign income taxes described in paragraph (2).

DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS

SEC. 212.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.—

“(1) IN GENERAL.—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

“(A) shall not be taken into account in determining the credit allowed under subsection (a), and

“(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

“(2) COVERED ASSET ACQUISITION.—For purposes of this section, the term ‘covered asset acquisition’ means—

“(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

“(B) any transaction which—

“(i) is treated as an acquisition of assets for purposes of this chapter, and

“(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

“(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

“(D) to the extent provided by the Secretary, any other similar transaction.

“(3) DISQUALIFIED PORTION.—For purposes of this section—

“(A) IN GENERAL.—The term ‘disqualified portion’ means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

“(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

“(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of the Secretary, such income shall be determined by dividing the amount of such foreign income tax by the highest marginal tax

rate applicable to such income in the relevant jurisdiction).

“(B) ALLOCATION OF BASIS DIFFERENCE.—For purposes of subparagraph (A)(i)—

“(i) IN GENERAL.—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

“(ii) SPECIAL RULE FOR DISPOSITION OF ASSETS.—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

“(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

“(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

“(C) BASIS DIFFERENCE.—

“(i) IN GENERAL.—The term ‘basis difference’ means, with respect to any relevant foreign asset, the excess of—

“(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

“(II) the adjusted basis of such asset immediately before the covered asset acquisition.

“(ii) BUILT-IN LOSS ASSETS.—In the case of a relevant foreign asset with respect to which the amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

“(iii) SPECIAL RULE FOR SECTION 338 ELECTIONS.—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

“(4) RELEVANT FOREIGN ASSETS.—For purposes of this section, the term ‘relevant foreign asset’ means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

“(5) FOREIGN INCOME TAX.—For purposes of this section, the term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(6) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

“(7) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acquisitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after December 31, 2010.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any covered asset acquisition (as so defined) with respect to which the transferor and the

transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on January 1, 2011, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before July 29, 2010, or

(C) described on or before January 1, 2011, in a public announcement or in a filing with the Securities and Exchange Commission.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES

SEC. 213.

(a) IN GENERAL.—Subsection (d) of section 904 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

“(6) SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.—

“(A) IN GENERAL.—If—

“(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States,

“(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

“(iii) the taxpayer chooses the benefits of such treaty obligation,

subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

“(B) COORDINATION WITH OTHER PROVISIONS.—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

“(C) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS

SEC. 214.

(a) IN GENERAL.—Section 960 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(c) LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.—

“(1) IN GENERAL.—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation, the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in

gross income were distributed as a series of distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

“(2) AUTHORITY TO PREVENT ABUSE.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation's foreign income taxes not deemed paid by reason of paragraph (1).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to acquisitions of United States property (as defined in section 956(c) of the Internal Revenue Code of 1986) after December 31, 2010.

SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES

SEC. 215.

(a) IN GENERAL.—Paragraph (5) of section 304(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.—In the case of any acquisition to which subsection (a) applies in which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would neither—

“(i) be subject to tax under this chapter for the taxable year in which the dividends arise, nor

“(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined in section 957 and without regard to section 953(c)).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to acquisitions after the date of the enactment of this Act.

MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOCATING INTEREST EXPENSE

SEC. 216.

(a) IN GENERAL.—Subparagraph (A) of section 864(e)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

“(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

“(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS

SEC. 217.

(a) IN GENERAL.—Paragraph (1) of section 861(a) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 871(i)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) The active foreign business percentage of—

“(i) any dividend paid by an existing 80/20 company, and

“(ii) any interest paid by an existing 80/20 company.”.

(2) DEFINITIONS AND SPECIAL RULES.—Section 871 of such Code is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

“(l) RULES RELATING TO EXISTING 80/20 COMPANIES.—For purposes of this subsection and subsection (i)(2)(B)—

“(1) EXISTING 80/20 COMPANY.—

“(A) IN GENERAL.—The term ‘existing 80/20 company’ means any corporation if—

“(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the date of the enactment of this subsection) for such corporation's last taxable year beginning before January 1, 2011,

“(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

“(iii) there has not been an addition of a substantial line of business with respect to such corporation after the date of the enactment of this subsection.

“(B) FOREIGN BUSINESS REQUIREMENTS.—

“(i) IN GENERAL.—Except as provided in clause (iv), a corporation meets the 80-percent foreign business requirements of this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

“(ii) ACTIVE FOREIGN BUSINESS INCOME.—For purposes of clause (i), the term ‘active foreign business income’ means gross income which—

“(I) is derived from sources outside the United States (as determined under this subchapter), and

“(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

“(iii) TESTING PERIOD.—For purposes of this subsection, the term ‘testing period’ means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

“(iv) TRANSITION RULE.—In the case of a taxable year for which the testing period includes 1 or more taxable years beginning before January 1, 2011—

“(I) a corporation meets the 80-percent foreign business requirements of this subparagraph if and only if the weighted average of—

“(aa) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in subparagraph (B) of section 861(c)(1) (as in effect before the date of the enactment of this subsection)) for the portion of the testing period that includes taxable years beginning before January 1, 2011, and

“(bb) the percentage of the corporation’s gross income from all sources that is active foreign business income (as defined in clause (ii) of this subparagraph) for the portion of the testing period, if any, that includes taxable years beginning on or after January 1, 2011,

is at least 80 percent, and

“(II) the active foreign business percentage for such taxable year shall equal the weighted average percentage determined under subclause (I).

“(2) ACTIVE FOREIGN BUSINESS PERCENTAGE.—Except as provided in paragraph (1)(B)(iv), the term ‘active foreign business percentage’ means, with respect to any existing 80/20 company, the percentage which—

“(A) the active foreign business income of such company for the testing period, is of

“(B) the gross income of such company for the testing period from all sources.

“(3) AGGREGATION RULES.—For purposes of applying paragraph (1) (other than subparagraphs (A)(i) and (B)(iv) thereof) and paragraph (2)—

“(A) IN GENERAL.—The corporation referred to in paragraph (1)(A) and all of such corporation’s subsidiaries shall be treated as one corporation.

“(B) SUBSIDIARIES.—For purposes of subparagraph (A), the term ‘subsidiary’ means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting ‘50 percent’ for ‘80 percent’ each place it appears and without regard to section 1504(b)(3)).

“(4) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).”.

(c) CONFORMING AMENDMENTS.—

(1) Section 861 of the Internal Revenue Code of 1986 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) of such Code is amended to read as follows:

“(9) TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.—In the case of any dividend treated as not from sources within the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.”.

(3) Subsection (c) of section 2104 of such Code is amended in the last sentence by striking “or to a debt obligation of a domestic corporation” and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms

of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS

SEC. 218.

(a) IN GENERAL.—Paragraph (8) of section 6501(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking “In the case of any information” and inserting the following:

“(A) IN GENERAL.—In the case of any information”; and

(2) by adding at the end the following:

“(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 513 of the Hiring Incentives to Restore Employment Act.

ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT

SEC. 219.

(a) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are repealed:

(1) Section 3507.

(2) Subsection (g) of section 32.

(3) Paragraph (7) of section 6051(a).

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) of the Internal Revenue Code of 1986 is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 of such Code is amended by striking subsection (i).

(3) The table of sections for chapter 25 of such Code is amended by striking the item relating to section 3507.

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

TITLE III RESCISSIONS

SEC. 301. There is rescinded from accounts under the heading “Department of Agriculture—Rural Development”, \$122,000,000, to be derived from the unobligated balances of funds that were provided for such accounts in prior appropriation Acts (other than Public Law 111-5) and that were designated by the Congress in such Acts as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 302. Of the funds made available for “Department of Commerce—National Telecommunications and Information Administration—Broadband Technology Opportunities Program” in title II of division A of Public Law 111-5, \$302,000,000 are rescinded.

SEC. 303. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are rescinded from the following accounts in the specified amounts:

“Aircraft Procurement, Army, 2008/2010”, \$21,000,000;

“Procurement of Weapons and Tracked Combat Vehicles, Army, 2008/2010”, \$21,000,000;

“Procurement of Ammunition, Army, 2008/2010”, \$17,000,000;

“Other Procurement, Army, 2008/2010”, \$75,000,000;

“Weapons Procurement, Navy, 2008/2010”, \$26,000,000;

“Other Procurement, Navy, 2008/2010”, \$42,000,000;

“Procurement, Marine Corps, 2008/2010”, \$13,000,000;

“Aircraft Procurement, Air Force, 2008/2010”, \$102,000,000;

“Missile Procurement, Air Force, 2008/2010”, \$28,000,000;

“Procurement of Ammunition, Air Force, 2008/2010”, \$7,000,000;

“Other Procurement, Air Force, 2008/2010”, \$130,000,000;

“Procurement, Defense-Wide, 2008/2010”, \$33,000,000;

“Research, Development, Test and Evaluation, Army, 2009/2010”, \$76,000,000;

“Research, Development, Test and Evaluation, Air Force, 2009/2010”, \$164,000,000;

“Research, Development, Test and Evaluation, Defense-Wide, 2009/2010”, \$137,000,000;

“Operation, Test and Evaluation, Defense, 2009/2010”, \$1,000,000;

“Operation and Maintenance, Army, 2010”, \$154,000,000;

“Operation and Maintenance, Navy, 2010”, \$155,000,000;

“Operation and Maintenance, Marine Corps, 2010”, \$25,000,000;

“Operation and Maintenance, Air Force, 2010”, \$155,000,000;

“Operation and Maintenance, Defense-Wide, 2010”, \$126,000,000;

“Operation and Maintenance, Army Reserve, 2010”, \$12,000,000;

“Operation and Maintenance, Navy Reserve, 2010”, \$6,000,000;

“Operation and Maintenance, Marine Corps Reserve, 2010”, \$1,000,000;

“Operation and Maintenance, Air Force Reserve, 2010”, \$14,000,000;

“Operation and Maintenance, Army National Guard, 2010”, \$28,000,000; and

“Operation and Maintenance, Air National Guard, 2010”, \$27,000,000.

SEC. 304. (a) Of the funds appropriated in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), the following funds are rescinded from the following accounts in the specified amounts:

“Operation and Maintenance, Army, 2009/2010”, \$113,500,000;

“Operation and Maintenance, Navy, 2009/2010”, \$34,000,000;

“Operation and Maintenance, Marine Corps, 2009/2010”, \$7,000,000;

“Operation and Maintenance, Air Force, 2009/2010”, \$61,000,000;

“Operation and Maintenance, Army Reserve, 2009/2010”, \$3,500,000;

“Operation and Maintenance, Navy Reserve, 2009/2010”, \$8,000,000;

“Operation and Maintenance, Marine Corps Reserve, 2009/2010”, \$1,000,000;

“Operation and Maintenance, Air Force Reserve, 2009/2010”, \$2,000,000;

“Operation and Maintenance, Army National Guard, 2009/2010”, \$1,000,000;

“Operation and Maintenance, Air National Guard, 2009/2010”, \$2,500,000; and

“Defense Health Program, 2009/2010”, \$27,000,000.

(b) Of the funds appropriated in the Supplemental Appropriations Act, 2008 (Public Law 110-252), the following funds are rescinded from the following account in the specified amount:

“Procurement, Marine Corps, 2009/2011”, \$122,000,000.

SEC. 305. (a) Of the funds appropriated for “Procurement of Weapons and Tracked Combat Vehicles, Army” in title III of division A of public Law 111-118, \$116,000,000 are rescinded.

(b) Of the funds appropriated for “Other Procurement, Army” in title III of division C of Public Law 110-329, \$87,000,000 are rescinded.

SEC. 306. There are rescinded the following amounts from the specified accounts:

(1) \$20,000,000, to be derived from unobligated balances of funds made available in prior appropriations Acts under the heading "Department of Energy—Nuclear Energy".

SEC. 307. Of the unobligated balances of funds provided under the heading "Nuclear Regulatory Commission" in prior appropriations Acts, \$18,000,000 is permanently rescinded.

SEC. 308. Of the funds made available for "Department of Energy—Title 17—Innovative Technology Loan Guarantee Program" in title III of division A of Public Law 111-5, \$1,500,000,000 are rescinded.

SEC. 309. There are permanently rescinded from "General Services Administration—Real Property Activities—Federal Building Fund", \$75,000,000 from Rental of Space and \$25,000,000 from Building Operations, to be derived from unobligated balances that were provided in previous appropriations Acts.

SEC. 310. Of the funds made available for "Bureau of Indian Affairs—Indian Guaranteed Loan Program Account" in title VII of division A of Public Law 111-5, \$6,820,000 are rescinded.

SEC. 311. Of the funds made available for "Environmental Protection Agency—Hazardous Substance Superfund" in title VII of division A of Public Law 111-5, \$2,600,000 are rescinded.

SEC. 312. Of the funds made available for "Environmental Protection Agency—Leaking Underground Storage Tank Trust Fund Program" in title VII of division A of Public Law 111-5, \$9,200,000 are rescinded.

SEC. 313. Of the funds made available for transfer in title VII of division A of Public Law 111-5, "Environmental Protection Agency—Environmental Programs and Management", \$10,000,000 are rescinded.

SEC. 314. Of the funds made available for "National Park Service—Construction" in chapter 7 of division B of Public Law 108-324, \$4,800,000 are rescinded.

SEC. 315. Of the funds made available for "National Park Service—Construction" in chapter 5 of title II of Public Law 109-234, \$6,400,000 are rescinded.

SEC. 316. Of the funds made available for "Fish and Wildlife Service—Construction" in chapter 6 of title I of division B of Public Law 110-329, \$3,000,000 are rescinded.

SEC. 317. The unobligated balance of funds appropriated in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995 (Public Law 103-333; 108 Stat. 2574) under the heading "Public Health and Social Services Emergency Fund" is rescinded.

SEC. 318. Of the funds appropriated for the Commissioner of Social Security under section 2201(e)(2)(B) in title II of division B of Public Law 111-5, \$47,000,000 are rescinded.

SEC. 319. Of the funds appropriated in part VI of subtitle I of title II of division B of Public Law 111-5, \$110,000,000 are rescinded, to be derived only from the amount provided under section 1899K(b) of such title.

SEC. 320. Of the funds appropriated for "Department of Education—Education for the Disadvantaged" in division D of Public Law 111-117, \$50,000,000 are rescinded, to be derived only from the amount provided for a comprehensive literacy development and education program under section 1502 of the Elementary and Secondary Education Act of 1965.

SEC. 321. Of the funds appropriated for "Department of Education—Student Aid Administration" in division D of Public Law 111-117, \$82,000,000 are rescinded.

SEC. 322. Of the funds appropriated for "Department of Education—Innovation and Improvement" in division D of Public Law 111-117, \$10,700,000 are rescinded, to be derived only from the amount provided to carry out subpart 8 of part D of title V of the Elementary and Secondary Education Act of 1965.

SEC. 323. Of the unobligated balances available under "Department of Defense, Military Construction, Army" from prior appropriations Acts, \$340,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 324. Of the unobligated balances available under "Department of Defense, Military Construction, Navy and Marine Corps" from prior appropriations Acts, \$110,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 325. Of the unobligated balances available under "Department of Defense, Military Construction, Air Force" from prior appropriations Acts, \$50,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 326. Of the funds made available for the General Operating Expenses account of the Department of Veterans Affairs in section 2201(e)(4)(A)(ii) of division B of Public Law 111-5 (123 Stat. 454; 26 U.S.C. 6428 note), \$6,100,000 are rescinded.

SEC. 327. Of the amount appropriated or otherwise made available by title X of division A of Public Law 111-5, the American Recovery and Reinvestment Act of 2009, under the heading "Departmental Administration, Information Technology Systems" \$5,000,000 is hereby rescinded.

SEC. 328. (a) MILLENNIUM CHALLENGE CORPORATION.—Of the unobligated balances available under the heading "Millennium Challenge Corporation" in title III of division H of Public Law 111-8 and under such heading in prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$50,000,000 are rescinded.

(b) CIVILIAN STABILIZATION INITIATIVE.—(1) DEPARTMENT OF STATE.—Of the unobligated balances available under the heading "Department of State—Administration of Foreign Affairs—Civilian Stabilization Initiative" in prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$40,000,000 are rescinded.

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Of the unobligated balances available under the heading "United States Agency for International Development—Funds Appropriated to the President—Civilian Stabilization Initiative" in prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$30,000,000 are rescinded.

SEC. 329. There are rescinded the following amounts from the specified accounts:

(1) "Department of Transportation—Federal Aviation Administration—Facilities and Equipment", \$2,182,544, to be derived from unobligated balances made available under this heading in Public Law 108-324.

(2) "Department of Transportation—Federal Aviation Administration—Facilities and Equipment", \$5,705,750, to be derived from unobligated balances made available under this heading in Public Law 109-148.

SEC. 330. Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, \$2,200,000,000 are permanently rescinded: *Provided*, That such rescission shall be distributed among the States in the same proportion as the funds subject to such rescission were apportioned to the States for fiscal year 2009: *Provided further*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109-59; and the first sentence of section 133(d)(3)(A) of such title: *Provided further*, That notwithstanding section 1132 of Public Law 110-140, in administering the rescission required under this heading, the Secretary of Transportation shall allow each State to determine the amount of the required rescission to be drawn from the programs to which the rescission applies.

TITLE IV

BUDGETARY PROVISIONS

BUDGETARY PROVISIONS

SEC. 401. The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

SA 4576. Mr. REID proposed an amendment to amendment SA 4575 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 5 days after enactment.

SA 4577. Mr. REID proposed an amendment to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end insert the following:

The Appropriations Committee is requested to study the impact of any delay in

providing funding to educators across the country.

SA 4578. Mr. REID proposed an amendment to amendment SA 4577 proposed by Mr. REID to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end, insert the following:
 “and include any data on the impact on local school districts.”

SA 4579. Mr. REID proposed an amendment to amendment SA 4578 proposed by Mr. REID to the amendment SA 4577 proposed by Mr. REID to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; as follows:

At the end, insert the following:
 “and the impact on the local community.”

SA 4580. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 104 the following:

SEC. 105. Section 902 of chapter 9 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) is repealed.

SA 4581. Mr. DODD (for Mrs. BOXER) proposed an amendment to the bill S. 1055, to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II; as follows:

On page 4, after line 24, insert the following:

(17) The Military Intelligence Service (in this Act referred to as the “MIS”) was made up of about 6,000 Japanese American soldiers who conducted highly classified intelligence operations that proved to be vital to United States military successes in the Pacific Theatre.

(18) As they were discharged from the Army, MIS soldiers were told not to discuss their wartime work, due to its sensitive nature, and their contributions were not known until passage of the Freedom of Information Act in 1974.

(19) MIS soldiers were attached individually or in small groups to United States and Allied combat units, where they intercepted radio transmissions, translated enemy documents, interrogated enemy prisoners of war, volunteered for reconnaissance and covert intelligence missions, and persuaded enemy combatants to surrender.

(20) Their contributions continued during the Allied postwar occupation of Japan, and

MIS linguistic skills and understanding of Japanese customs were invaluable to occupation forces as they assisted Japan in a peaceful transition to a new, democratic form of government.

On page 5, line 6, strike “and” and insert a comma.

On page 5, line 7, insert “and the Military Intelligence Service,” before “United States”.

On page 5, line 19, strike “and” and insert a comma.

On page 5, line 19, insert “and the Military Intelligence Service,” before “United”.

On page 6, line 3, strike “and” and insert a comma.

On page 6, line 4, insert “and the Military Intelligence Service,” before “United States”.

On page 6, line 6, strike “Under” and all that follows through “Secretary” on line 7 and insert “The Secretary”.

On page 6, strike lines 15 through 17 and insert the following:

“SEC. 5. AUTHORITY TO USE FUNDS; PROCEEDS OF SALE.

“(a) AUTHORITY TO USE FUNDS.—There is”.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Thursday, August 5, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DODD. Mr. President, as in executive session, I ask unanimous consent that at 9:30 a.m., Tuesday, August 3, immediately after the opening of the Senate, the Senate proceed to executive session to consider Calendar No. 1001, the nomination of Elena Kagan to be an Associate Justice of the Supreme Court, and that during Tuesday's session, the time be divided as follows: Chairman LEAHY, first 30 minutes; Senator SESSIONS, second 30 minutes; with the time from 10:30 to 11 equally divided and controlled between the leaders or their designees; the time from 11 to 12:30 equally divided and controlled, with the majority controlling the first 45 minutes; the time from 2:15 to 8:15 p.m. divided in 1 hour alternating blocks, with the majority controlling the first block, with any additional time beyond 8:15 p.m. continuing to be divided in 1 hour alternating blocks of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRANTING THE CONGRESSIONAL GOLD MEDAL

Mr. DODD. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1055 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 1055) to grant the Congressional Gold Medal collectively to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Mr. President, I ask unanimous consent that a Boxer amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4581) was agreed to, as follows:

(Purpose: To include members of the Military Intelligence Service, and for other purposes)

On page 4, after line 24, insert the following:

(17) The Military Intelligence Service (in this Act referred to as the “MIS”) was made up of about 6,000 Japanese American soldiers who conducted highly classified intelligence operations that proved to be vital to United States military successes in the Pacific Theatre.

(18) As they were discharged from the Army, MIS soldiers were told not to discuss their wartime work, due to its sensitive nature, and their contributions were not known until passage of the Freedom of Information Act in 1974.

(19) MIS soldiers were attached individually or in small groups to United States and Allied combat units, where they intercepted radio transmissions, translated enemy documents, interrogated enemy prisoners of war, volunteered for reconnaissance and covert intelligence missions, and persuaded enemy combatants to surrender.

(20) Their contributions continued during the Allied postwar occupation of Japan, and MIS linguistic skills and understanding of Japanese customs were invaluable to occupation forces as they assisted Japan in a peaceful transition to a new, democratic form of government.

On page 5, line 6, strike “and” and insert a comma.

On page 5, line 7, insert “and the Military Intelligence Service,” before “United States”.

On page 5, line 19, strike “and” and insert a comma.

On page 5, line 19, insert “and the Military Intelligence Service,” before “United”.

On page 6, line 3, strike “and” and insert a comma.

On page 6, line 4, insert “and the Military Intelligence Service,” before “United States”.

On page 6, line 6, strike "Under" and all that follows through "Secretary" on line 7 and insert "The Secretary".

On page 6, strike lines 15 through 17 and insert the following:

"SEC. 5. AUTHORITY TO USE FUNDS; PROCEEDS OF SALE.

"(a) AUTHORITY TO USE FUNDS.—There is".

The bill (S. 1055), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) On January 19, 1942, 6 weeks after the December 7, 1941, attack on Pearl Harbor by the Japanese Navy, the United States Army discharged all Japanese-Americans in the Reserve Officers Training Corps and changed their draft status to "4C"—the status of "enemy alien" which is ineligible for the draft.

(2) On January 23, 1942, Japanese-Americans in the military on the mainland were segregated out of their units.

(3) Further, on May 3, 1942, General John L. DeWitt issued Civilian Exclusion Order No. 346, ordering all people of Japanese ancestry, whether citizens or noncitizens, to report to assembly centers, where they would live until being moved to permanent relocation centers.

(4) On June 5, 1942, 1,432 predominantly Nisei (second generation Americans of Japanese ancestry) members of the Hawaii Provisional Infantry Battalion were shipped from the Hawaiian Islands to Oakland, CA, where the 100th Infantry Battalion was activated on June 12, 1942, and then shipped to train at Camp McCoy, Wisconsin.

(5) The excellent training record of the 100th Infantry Battalion and petitions from prominent civilian and military personnel helped convince President Roosevelt and the War Department to reopen military service to Nisei volunteers who were incorporated into the 442nd Regimental Combat Team after it was activated in February of 1943.

(6) In that same month, the 100th Infantry Battalion was transferred to Camp Shelby, Mississippi, where it continued to train, and even though the battalion was ready to deploy shortly thereafter, the battalion was refused by General Eisenhower, due to concerns over the loyalty and patriotism of the Nisei.

(7) The 442nd Regimental Combat Team later trained with the 100th Infantry Battalion at Camp Shelby in May of 1943.

(8) Eventually, the 100th Infantry Battalion was deployed to the Mediterranean and entered combat in Italy on September 26, 1943.

(9) Due to their bravery and valor, members of the Battalion were honored with 6 awards of the Distinguished Service Cross in the first 8 weeks of combat.

(10) The 100th Battalion fought at Cassino, Italy in January 1944, and later accompanied the 34th Infantry Division to Anzio, Italy.

(11) The 442nd Regimental Combat Team arrived in Civitavecchia, Italy on June 7, 1944, and on June 15 of the following week, the 100th Infantry Battalion was formally made an integral part of the 442nd Regimental Combat Team, and fought for the last 11 months of the war with distinction in Italy, southern France, and Germany.

(12) The battalion was awarded the Presidential Unit Citation for its actions in battle on June 26–27, 1944.

(13) The 442nd Regimental became the most decorated unit in United States military history for its size and length of service.

(14) The 100th Battalion and the 442nd Regimental Combat Team, received 7 Presidential Unit Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 22 Legion of Merit Medals, 15 Soldier's Medals, and over 4,000 Purple Hearts, among numerous additional distinctions.

(15) The United States remains forever indebted to the bravery, valor, and dedication to country these men faced while fighting a 2-fronted battle of discrimination at home and fascism abroad.

(16) Their commitment and sacrifice demonstrates a highly uncommon and commendable sense of patriotism and honor.

(17) The Military Intelligence Service (in this Act referred to as the "MIS") was made up of about 6,000 Japanese American soldiers who conducted highly classified intelligence operations that proved to be vital to United States military successes in the Pacific Theatre.

(18) As they were discharged from the Army, MIS soldiers were told not to discuss their wartime work, due to its sensitive nature, and their contributions were not known until passage of the Freedom of Information Act in 1974.

(19) MIS soldiers were attached individually or in small groups to United States and Allied combat units, where they intercepted radio transmissions, translated enemy documents, interrogated enemy prisoners of war, volunteered for reconnaissance and covert intelligence missions, and persuaded enemy combatants to surrender.

(20) Their contributions continued during the Allied postwar occupation of Japan, and MIS linguistic skills and understanding of Japanese customs were invaluable to occupation forces as they assisted Japan in a peaceful transition to a new, democratic form of government.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design to the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, collectively, in recognition of their dedicated service during World War II.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army, under subsection (a), the gold medal shall be given to the Smithsonian Institution, where it will be displayed as appropriate and made available for research.

(2) SENSE OF CONGRESS.—It is the sense of the Congress that the Smithsonian Institution should make the gold medal received under paragraph (1) available for display elsewhere, particularly at other appropriate

locations associated with the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service, United States Army.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORITY TO USE FUNDS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUNDS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, an amount not to exceed \$30,000 to pay for the cost of the medal authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

STAR-SPANGLED BANNER BICENTENNIAL COMMEMORATIVE COIN ACT

Mr. DODD. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2097 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2097) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2097) was ordered to a third reading, was read the third time, and passed.

COPYRIGHT CLEANUP, CLARIFICATION, AND CORRECTIONS ACT OF 2010

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3689, introduced earlier today by Senators LEAHY and SESSIONS.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3689) to clarify, improve, and correct the laws relating to copyrights.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, today, the Senate considers bipartisan legislation to make a number of improvements in the way the Copyright Office functions. This bill will also clarify certain areas of copyright law to provide certainty, and make technical corrections to the Code. The Copyright Office has done a terrific job, as it always does, assisting Congress in finding inefficiencies in the law and recommending appropriate changes. I appreciate the Senate acting swiftly to pass this bill.

This bill is another bipartisan effort to improve the copyright laws. Similar to the Trademark Technical and Conforming Amendments Act, today's legislation makes commonsense improvements to the copyright system that will make it more efficient. Congress should work in a bipartisan fashion to find inefficiencies and correct them. We are doing that today.

The provisions of the bill fall into three categories: those designed to make the Office's operations more efficient; those designed to clarify issues of copyright law made unclear either by recent court decisions or by ambiguities in the statute; and those that are technical.

In the first category, the Copyright Office has requested two statutory changes that will facilitate their transition to digital files and record keeping. These changes will also make it easier for filers to submit documents electronically.

In the second category, the bill clarifies, for instance, that the exclusive licensee of a work may further license the work in the absence of an agreement to the contrary. There are inefficiencies that arise from a lack of clarity in the statute, particularly as circuit splits arise. The bill makes other clarifications, such as that the distribution of a phonorecord prior to 1978 shall not constitute a publication of a dramatic and literary work included in it. Congress made this clarification with respect to musical works in 1997, and we do so with respect to other works today.

In the third category, the bill includes numerous technical corrections. Finally, this legislation fulfills a commitment I made to the chairman and ranking member of the House of Representatives Committee on the Judiciary just before the House passed the Trademark Technical and Conforming Amendments Act. The chairman and ranking member suggested that we strike the words "by corporations" from section 4 of that law. I agreed, and offered to include such an amendment in subsequent legislation. That change is included in this bill.

I am pleased to be joined by the Judiciary Committee ranking member, Senator SESSIONS, in sponsoring this legislation. This is a bipartisan effort.

Just as we acted quickly to pass the Trademark Technical and Conforming Amendments Act earlier this year, I hope Congress will come together to promptly send this legislation to the President to be signed into law.

Mr. DODD. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3689) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Cleanup, Clarification, and Corrections Act of 2010".

SEC. 2. COPYRIGHT OFFICE PROCEDURES.

Title 17, United States Code, is amended—

(1) in section 512(c)(2), in the matter following subparagraph (B), by striking "in both electronic and hard copy formats"; and

(2) in section 205(a), by adding at the end the following: "A sworn or official certification may be submitted to the Copyright Office electronically, pursuant to regulations established by the Register of Copyrights."

SEC. 3. REPEAL OF EXPIRED PROVISIONS.

(a) TECHNICAL AMENDMENTS RELATED TO CHAPTER 6.—

(1) The heading for chapter 6 of title 17, United States Code, is amended to read as follows:

"CHAPTER 6—IMPORTATION AND EXPORTATION."

(2) The item relating to chapter 6 in the table of chapters for title 17, United States Code, is amended to read as follows:

"6. Importation and Exportation 601."

(b) REPEAL.—Section 601 of title 17, United States Code, is hereby repealed and reserved.

(c) CONFORMING AMENDMENTS.—

(1) Section 409 of title 17, United States Code, is amended—

(A) in paragraph (9), by insert "and" after the semicolon;

(B) by striking paragraph (10); and

(C) by redesignating paragraph (11) as paragraph (10).

(2) The first sentence of section 602(b) of title 17, United States Code, is amended by striking "unless the provisions of section 601 are applicable"

SEC. 4. CLARIFICATIONS.

(a) TRANSFER OF OWNERSHIP.—The second sentence of section 201(d)(2), of title 17, United States Code, is amended by adding before the period the following: "including the right to transfer or license the exclusive right to another person in the absence of a written agreement to the contrary".

(b) CERTAIN DISTRIBUTIONS OF PHONORECORDS.—Section 303(b) of title 17, United States Code, is amended by striking "the musical work" and inserting "any musical work, dramatic work, or literary work".

(c) PROCEEDINGS OF COPYRIGHT ROYALTY JUDGES.—Section 803(b)(6)(A) of title 17, United States Code, is amended by striking

the second sentence and inserting: "All regulations issued by the Copyright Royalty Judges are subject to the approval of the Librarian of Congress and are subject to judicial review pursuant to Chapter 7 of title 5, United States Code, except as set forth in subsection (d)."

(d) LICENSES FOR CERTAIN NONEXEMPT TRANSMISSIONS.—Section 114(f)(2)(C) of title 17, United States Code, is amended by striking "preexisting subscription digital audio transmission services or preexisting satellite digital radio audio services" and inserting "eligible nonsubscription services and new subscription services".

SEC. 5. TECHNICAL CORRECTIONS.

(a) Title 17, United States Code, is amended—

(1) in section 101—

(A) by moving the definition of "Copyright Royalty Judges" to follow the definition of "Copyright owner";

(B) by moving the definition of "motion picture exhibition facility" to follow the definition of "Literary works"; and

(C) by moving the definition of "food service or drinking establishment" to follow the definition of "fixed";

(2) in section 114(f)(2)(B), in the fourth sentence in the matter preceding clause (i), by striking "Judges shall base its decision" and inserting "Judges shall base their decision";

(3) in section 119(g)(4)(B)(vi), by striking "the examinations" and inserting "an examination";

(4) in section 503(a)(1)(B), by striking "copies of phonorecords" and inserting "copies or phonorecords"; and

(5) in section 704(e), in the second sentence, by striking "section 708(a)(10)" and inserting "section 708(a)".

(b) Section 209(a)(3)(A) of Public Law 110-403, is amended by striking "by striking 'and 509'" and inserting "by striking 'and section 509'".

(c) Section 4(a)(1) of Public Law 111-146 is amended by striking "by corporations attempting" and inserting "the purpose of which is".

(d) Section 2318(e)(6) of title 18, United States Code, is amended by striking "under section" and inserting "under this section".

SEC. 6. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

URGING IRAN TO RELEASE CERTAIN INDIVIDUALS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 604 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 604) urging the Government of the Islamic Republic of Iran to immediately and unconditionally release Saram Shourd, Joshua Fattal, and Shane Bauer on humanitarian grounds.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 604) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 604

Whereas on July 31, 2009, Sarah Shourd, Joshua Fattal, and Shane Bauer were taken into custody by Iranian officials after they may have inadvertently crossed the poorly marked Iranian border while hiking in the Kurdistan region of the Republic of Iraq;

Whereas Sarah, Josh, and Shane have since been held in Evin prison in Tehran, Iran;

Whereas the amount of time that Sarah, Josh, and Shane have spent in prison is unjustified in relation to their alleged offense of illegal entry into Iran;

Whereas during their detention, Sarah, Josh, and Shane have only been afforded the opportunity to see their families during a brief visit in May;

Whereas according to their families, Sarah and Shane may be suffering from potentially serious health problems;

Whereas the families of Sarah, Josh, and Shane have suffered greatly in the absence of their loved ones; and

Whereas July 31, 2010, will mark the 1-year anniversary of their detention: Now, therefore, be it

Resolved, That Congress—

(1) recognizes that Sarah Shourd, Joshua Fattal, and Shane Bauer have been held in custody in Iran for 1 year; and

(2) urges the Government of Iran to immediately and unconditionally release Sarah Shourd, Joshua Fattal, and Shane Bauer on humanitarian grounds and allow them to reunite with their families in the United States.

MEASURE READ THE FIRST
TIME—H.R. 5901

Mr. DODD. Mr. President, I understand that H.R. 5901 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5901) to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investment in United States real property interests, and for other purposes.

Mr. DODD. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR TUESDAY, AUGUST 3,
2010

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate

completes its business today, it adjourn until 9:30 a.m. on Tuesday, August 3; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to executive session to consider the nomination of Elena Kagan to be an Associate Justice of the United States, as provided for under the previous order; and that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DODD. Tomorrow we will begin debate on the Kagan nomination. Debate will be controlled in alternating blocks of time.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. DODD. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:46 p.m., adjourned until Tuesday, August 3, 2010, at 9:30 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, August 3, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 4

9 a.m.

Foreign Relations

Business meeting to consider S. 2982, to combat international violence against women and girls, and Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111-05).

S-116, Capitol

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine promoting agricultural exports, focusing on United States agricultural trade policy and the farm bill's trade title.

SR-328A

10 a.m.

Environment and Public Works

Oversight Subcommittee

To hold a joint oversight hearing on the use of oil dispersants in the Deepwater Horizon Oil Spill.

SD-406

Health, Education, Labor, and Pensions

To hold hearings to examine for-profit schools, focusing on the student recruitment experience.

SD-106

Armed Services

SeaPower Subcommittee

Strategic Forces Subcommittee

To receive a briefing on the Navy's plans for the next generation Ohio class ballistic missile submarine.

SVC-217

Judiciary

Terrorism and Homeland Security Subcommittee

To hold hearings to examine government preparedness and response to a terrorist attack using weapons of mass destruction.

SD-226

1 p.m.

Impeachment Trial Committee (Porteous)

To hold hearing on arguments on pretrial motions in the Impeachment Trial on the Articles Against Judge G. Thomas Porteous, Jr.

SR-301

2:30 p.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine social security disability fraud, focusing on case studies in Federal employees and commercial drivers licenses.

SD-342

AUGUST 5

9:30 a.m.

Armed Services

To receive a closed briefing on Russian force structure in support of the treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111-05).

SVC-217

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD-366

Veterans' Affairs

Business meeting to consider S. 3107, to amend title 38, United States Code, to provide for an increase, effective December 1, 2010, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, S. 3234, to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, S. 3325, to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, S. 3447, to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, S. 3517, to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, S. 3609, to extend the temporary authority for performance of medical disability examinations by contract physicians for the Department of Veterans Affairs, and an original bill to amend title 38, United States Code, to improve Servicemembers' Group Life Insurance

and Veterans' Group Life Insurance and to modify the provision of compensation and pension to surviving spouses of veterans in the months of the deaths of the veterans.

SR-418

10 a.m.

Foreign Relations

To hold hearings to examine the nominations of Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic, Duane E. Woerth, of Nebraska, to be Representative of the United States of America on the Council of the International Civil Aviation Organization, and Alexander A. Arvizu, of Virginia, to be Ambassador to the Republic of Albania, all of the Department of State.

SD-419

Judiciary

Business meeting to consider S. 2925, to establish a grant program to benefit victims of sex trafficking, S. 518, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, and the nominations of Mary Helen Murguia, of Arizona, to be United States Circuit Judge for the Ninth Circuit, Edmond E-Min Chang, to be United States District Judge for the Northern District of Illinois, Leslie E. Kobayashi, to be United States District Judge for the District of Hawaii, Denise Jefferson Casper, to be United States District Judge for the District of Massachusetts, Carlton W. Reeves, to be United States District Judge for the Southern District of Mississippi, and Donald Martin O'Keefe, to be United States Marshal for the Northern District of California, Craig Ellis Thayer, to be United States Marshal for the Eastern District of Washington, Joseph Anthony Papili, to be United States Marshal for the District of Delaware, and James Alfred Thompson, to be United States Marshal for the District of Utah, all of the Department of Justice.

SD-226

10:30 a.m.

Banking, Housing, and Urban Affairs

Economic Policy Subcommittee

To hold hearings to examine the Obama Administration Manufacturing Agenda.

SD-538

2:30 p.m.

Intelligence

To hold closed hearings to consider certain intelligence matters.

SH-219

AUGUST 6

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for July 2010.

SD-106

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

15000		EXTENSIONS OF REMARKS, Vol. 156, Pt. 11		August 2, 2010	
SEPTEMBER 15		ters at the Department of Homeland Security.		SEPTEMBER 23	
2:30 p.m.	Homeland Security and Governmental Affairs		SD-342	9:30 a.m.	Veterans' Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee		SEPTEMBER 22		To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decisionmaking.	
10 a.m.	Veterans' Affairs	To hold hearings to examine a legislative presentation focusing on the American Legion.		SDG-50	
To hold hearings to examine implementation, improvement, and sustainability, focusing on management mat-		345, Cannon Building			

SENATE—Tuesday, August 3, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Eternal Lord God, who comforts us in all our troubles, be near to our law-makers today. When they feel tired or unappreciated, remind them that You keep a record of their labors and will reward them for their faithfulness. May the realization that You are close beside them keep them from becoming weary in their efforts to keep America strong. As they remember that pleasing You should be their first priority, fill them with a peace the world can't give or take away. Lord, lead them into a future of faith, love, and peace. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CARTE P. GOODWIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 3, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. GOODWIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF ELENA KAGAN TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Elena Kagan, of Massachusetts, to be Associate Justice of the Supreme Court.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, while we continue working this week to create jobs and finish the unfinished business of this work period, we will also turn to the nomination of Supreme Court nominee Elena Kagan.

Giving the President the Senate's advice and consent, as prescribed by the Constitution for a lifetime appointment to the highest Court in the country, is one of this body's most solemn obligations.

Chairman LEAHY and Ranking Member SESSIONS oversaw, through the lengthy process, very thorough and respectful confirmation hearings. All of them were fair and I think were probative. I thank them both for their leadership.

Several Senators have already made known how they will vote on Ms. Kagan's nomination. Those Senators and many others will come to the floor in the next few days to explain their positions. I will be one of them speaking in support of this exceptional nominee. I will certainly give her my vote.

As the debate moves to the Senate floor and as we move toward a final vote, I look forward to a continuation of the passionate but civil discussion we have seen in the committee thus far. In this respect, perhaps we can draw inspiration from Ms. Kagan herself. In her confirmation hearing last year for the position she currently holds—as our Nation's Solicitor General, that is our Government's lawyer in cases that come before the U.S. Supreme Court—Ms. Kagan testified that one of the attributes she would bring to the job was an “understanding of how to separate the truly important from spurious.”

In the final days of this process, I suggest we keep those words in mind. I hope my fellow Senators will bring to this debate the same appreciation for what is critical to the Court and to our

country, that will keep it separate from what is not.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

MEASURE PLACED ON CALENDAR—H.R. 5901

Mr. LEAHY. Mr. President, I understand that H.R. 5901 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 5901) to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investment in United States real property interests, and for other purposes.

Mr. LEAHY. I object to any further proceedings on this measure at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. LEAHY. Mr. President, what is the order?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Vermont, Senator LEAHY, will control the first 30 minutes, and the Senator from Alabama, Senator SESSIONS, will control the second 30 minutes.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, more than 12 weeks ago, President Obama nominated Elena Kagan to succeed Justice John Paul Stevens as an Associate Justice of the Supreme Court of the United States. When the President announced his choice on May 10, he talked about her legal mind, her intellect, her record of achievement, her temperament and her fair-mindedness.

Having heard from Solicitor General Kagan at her confirmation hearing 5 weeks ago, I believe the American people have a sense of her impressive knowledge of the law, her good humor, and her judicial philosophy. In her testimony, she made clear that she will base her approach to deciding cases on the law and the Constitution, not on politics, not on an ideological agenda. She indicated that she will not be the kind of Justice who will substitute her personal preferences, and overrule the efforts of Congress to protect hard-working Americans pursuant to our constitutional role. Solicitor General Kagan made one pledge to those of us who were at that hearing: that she will do her “best to consider every case impartially, modestly, with commitment to principle, and in accordance with law.”

Incidentally, I might say, at the outset, I compliment Republicans and Democrats alike for the amount of time Senators spent at the hearing. I certainly compliment the ranking member, Senator SESSIONS. We may have disagreed on the outcome and on the vote, but I think Senators worked very hard to get questions asked, to make sure that the American people knew who Elena Kagan was. I note that Senator SESSIONS and I set the times for witnesses and all. We were constrained somewhat by the distinguished Presiding Officer's predecessor, who died that week, and we were trying to arrange time for many of us to go to the funeral. I wanted to publicly thank Senator SESSIONS for his help in working out that schedule.

No one can question the intelligence or achievements of this woman. No one should question her character either. Elena Kagan was the first woman to be the Dean of the prestigious Harvard Law School and the first woman in our Nation's history to serve as Solicitor General, a position often referred to as the "Tenth Justice." As a student, she excelled at Princeton, Oxford and Harvard Law School. She worked in private practice and briefly for then-Senator JOE BIDEN on the Judiciary Committee. She taught law at two of the Nation's most respected law schools, and counseled President Clinton on a wide variety of issues. She clerked for two leading judicial figures, Judge Abner Mikva on the Court of Appeals for the District of Columbia Circuit, and then for Supreme Court Justice Thurgood Marshall, on one of the most extraordinary lawyers in American history.

I have been here since the time of President Gerald Ford, and I have long urged Presidents from both political parties to look outside what they call the "judicial monastery," and not feel restricted to considering only Federal appellate judges to fill vacancies on the Supreme Court. This, of course, is what Presidents used to do. With his second nomination to the Court, President Obama has done just this; he has gone outside the judicial monastery. When confirmed, Elena Kagan will be the first non-sitting judge to be confirmed to the Supreme Court in almost 40 years, since the appointments of Lewis Powell and William Rehnquist.

I know there was criticism by some Republicans that this nominee lacks judicial experience. Of course, that ignores one key fact. President Clinton nominated her to the DC Circuit Court in 1999. The Senate was controlled by Republicans at the time and it was Senate Republicans who refused to consider her nomination. She was pocket filibustered. Had the Republicans not done so, Elena Kagan would have been confirmed and would have had more than 10 years judicial experience. To give you some idea of her abilities, in-

stead, when she was not allowed to have a vote for the DC Circuit Court, she went on to become an outstanding law professor, the first woman Dean of Harvard Law School—one of the most prestigious law schools in the country, actually the world—and the first woman to serve as the Solicitor General of the United States. Her nomination to the Supreme Court received the highest possible rating from the American Bar Association's Standing Committee on the Federal Judiciary. Her credentials and legal abilities have been extolled by many across the political spectrum. Two of these individuals were Justice Sandra Day O'Connor and Justice Antonin Scalia. In addition, Michael McConnell, Kenneth Starr and Miguel Estrada have given praise to this nomination. Like Justices Hugo Black, Robert Jackson, Earl Warren, William Rehnquist and so many others, Solicitor General Kagan's experience outside the judicial monastery will be valuable to her when she is confirmed. No one can question the intelligence or achievements of this woman. I hope nobody would question her character either.

From the moment her nomination was announced, Solicitor General Kagan has spoken about the importance of upholding the rule of law and enabling all Americans to have a fair hearing. She said that "law matters; because it keeps us safe, because it protects our most fundamental . . . freedoms; and because it is the foundation of our democracy." Like her, I believe the law does matter in people's lives. That is why I went to law school. That is why I practiced law and then became a prosecutor. That is why I ran for the Senate. I believe that the law matters in people's lives, because the Constitution is this amazing fabric of our Nation; it is our protection. She understands this, as did her mentor, Justice Thurgood Marshall.

In her contribution to the 1993 tribute to Justice Marshall by the Texas Law Review, Elena Kagan recalled how Justice Marshall's law clerks had tried to get him to rely on general notions of fairness, rather than a strict reading of the law, so they could allow an appeal to proceed on a discrimination claim. She wrote that the then 80-year-old Justice referred to his years trying civil rights cases and said: All you could hope for was that a court would not rule against you for illegitimate reasons. You could not expect that a court would bend the rules in your favor. That is the rule of law. Just as Sir Thomas More reminded his son-in-law in that famous passage from "A Man for All Seasons," that the law is our protection, Justice Marshall reminded his law clerks that the existence of rules and the rule of law is the best protection for all, including the least powerful. Elena Kagan concluded, as I do, that Justice Marshall "believed

devoutly . . . in the rule of law." He was a man of the law in the highest sense. He understood the Constitution's promise of equality.

I was disappointed to see the manner in which his legacy was treated by some during the recent confirmation hearing, and to read that there are Republican Senators, currently serving, who recently said they would vote against Thurgood Marshall's confirmation to the Supreme Court if he were up now. He was a giant, and I would hope that if he were here again, those Senators would reconsider whether they would vote for him.

With this nomination, Elena Kagan follows in the footsteps of Justice Marshall, who was also nominated to the Supreme Court from the position of Solicitor General. She broke a glass ceiling when she was appointed as the first woman to serve as Solicitor General of the United States and when she served as the first woman dean of the Harvard Law School. When the Supreme Court next convenes, for the first time in our history, I predict there will be three women serving together among the nine Justices.

The stakes at the Nation's highest court could not be higher. One need look no further than the Lilly Ledbetter case to understand the impact that each Supreme Court appointment has on the lives and freedoms of countless Americans. In the Ledbetter case, five Justices of the Supreme Court struck a severe blow to the rights of working families across our country. Congress acted to protect women and others against discrimination in the workplace more than 40 years ago, but we still struggle to ensure that all Americans—women and men—receive equal pay for equal work. It took a new Congress, joined by our new President, to reverse the activist conservative majority in the Supreme Court by passing the Lilly Ledbetter Act, striking down the immunity the Supreme Court had given to employers who discriminate against their employees and successfully hid their wrongdoing. The Ledbetter case said, in a decision I still find shocking, that they could pay men a higher rate than women for the same work. As long as they kept it hidden, it was OK.

Recently in the Citizens United case, just one vote on the Supreme Court determined that corporate money can drown out the voice of Americans in elections that decide the direction of our democracy. They said that if British Petroleum wanted to spend hundreds of millions of dollars to defeat people who want to tighten the controls on our offshore drilling, or want to tighten the kind of inspections required for offshore drilling, British Petroleum, according to the Supreme Court, could spend hundreds of millions of dollars to defeat these people.

I had hoped that Senate Republicans would join our effort to respond to the

conservative activist majority of the Supreme Court, who wrongly decided to override its own precedent and 100 years of legal development in *Citizens United*. Unfortunately, last week they filibustered the DISCLOSE Act and gave their endorsement to unfettered corporate influence in American elections.

For all the talk about “judicial modesty” and “judicial restraint,” from the nominees of a Republican President at their confirmation hearings, we have seen a Supreme Court in the last 5 years that has been anything but modest and restrained. What we have seen all too often in these last years is the activist conservative members of the Supreme Court substituting their own judgment for that of the American people’s elected representatives.

I have always championed judicial independence. I think it is important that judicial nominees understand that, as judges, they are not members of an administration—any administration, Democratic or Republican, but they are judicial officers. They should not be political partisans, but judges who uphold the Constitution and the rule of law for all Americans. That is what Justice Stevens did in *Hamdan*, which held the Bush administration’s military tribunals unconstitutional, and what he tried to do in *Citizens United*. That is why intervention by an activist conservative majority in the 2000 Presidential election in *Bush v. Gore* was so jarring and wrong. Mr. Gore had gotten the majority of votes throughout the country, but there was just one vote on the Supreme Court that he didn’t get—the one vote that decided the election. That one vote was given to President Bush.

During her confirmation hearings, Solicitor General Kagan reflected an understanding of the judicial role and the traditional view of deference to Congress and judicial precedent. This is the mainstream view and one once embraced by conservatives. She indicated she would not be the kind of Justice who would substitute her personal preferences and overrule congressional efforts designed to protect hard-working Americans pursuant to our constitutional role. In fact, it is precisely because of Solicitor General Kagan’s independence that many Republicans have announced their opposition to her nomination. They oppose her not because she would be a judicial activist as they claim, but rather because she would not overrule Congress as much as they would like. They seem not to like the fact that she is genuinely committed to judicial restraint rather than furthering a conservative ideological agenda.

Some who oppose this nomination do so because they seek to make this nomination a continuation of the fight over health care. They seek to transform this policy dispute they lost in

Congress into a constitutional one that goes against 100 years of law and Supreme Court precedents. They would turn back the clock by resurrecting long-discredited legal doctrines wisely rejected nearly a century ago. They oppose Solicitor General Kagan because she will not commit to a narrow and outmoded legal view that would undermine the constitutionality of health insurance reform.

Congress has enacted and the President has signed into law the landmark Patient Protection and Affordable Care Act. I believe Congress was right to do so in order to address our health care crisis and ensure that Americans who work hard their entire lives are not robbed of their family’s security because health care is too expensive. We were right to make sure that hard-working Americans do not risk bankruptcy with every illness. Many Republican Senators disagreed, as is their right, and voted against the law. But many of those who opposed this law now seek to do in the courts what they could not do by obstruction in Congress. They are so adamant in seeking this result, that they would turn back the clock by resurrecting long-discredited legal doctrines wisely rejected a nearly a century ago.

In framing their opposition to health insurance reform as a constitutional attack, these critics would also undermine the constitutional basis of laws against child labor and those setting a minimum wage or the Social Security Act, Medicare, the Clean Water Act, the Clean Air Act, and the landmark Civil Rights Acts. All are constitutional because of Congress’s authority to legislate pursuant to the core powers vested in Congress by article I, section 8 of the Constitution, including the general welfare clause, the commerce clause, and the necessary and proper clause. The radical consequences of a narrow-minded agenda would be to erode the Supreme Court’s time-honored interpretation of these enumerated powers that give Congress the ability to promote the general welfare of the American people.

These critics wish to return to the conservative judicial activism of the early 1900s, a period known by reference to one of its most notorious cases, the 1905 *Lochner* decision in which the Supreme Court struck down a New York State law protecting the health of bakers by regulating the number of hours they could work.

During this period of unbridled conservative judicial activism, the Supreme Court substituted their own views of property for those of the elected branches in order to strike down nearly 200 laws, including laws outlawing child labor—something we take for granted today—and laws protecting Americans from sick chickens—something that created a huge health hazard. They envisioned their principal

role as the defender of business’s profits—profits they made with child labor—and the protector of unrestrained ability to perform contracts, however onerous or one-sided. The American people suffered. Their rights went unprotected. Congress was unable to provide assistance. That is not a time anyone should want to return to because it was based on artificial legal restraints that shackled the people’s elected representatives in Congress.

Millions of Americans rely on Social Security, Medicare, unemployment benefits, minimum wage laws, and other programs to protect Americans in tough economic times. This radical conservative agenda is a threat to Federal disaster relief and environmental regulations and even laws responding to the reckless and fraudulent behavior that wrecked our economy.

Progressive opponents of these artificial legal restraints ultimately succeeded, with the support of the American people, in establishing Social Security, minimum wage laws, and anti-discrimination laws to protect the American people. The programs of the New Deal that helped Americans through the Great Depression would be unconstitutional if radical conservative critics had their way. Radical conservatives who seek to again impose artificial legal restraints on Congress and the American people would abandon the New Deal programs of the 1930s such as social security and the Great Society programs of the 1960s such as Medicare to the detriment of the American people. These are the programs that for the last 75 years have helped the United States become a world leader, with the economic security of our citizens leading our economy to grow to lead the world.

Millions of Americans rely on Social Security, Medicare, unemployment benefits, minimum wage laws and other programs that protect American families in tough economic times such as these. This is no academic discussion. This radical conservative agenda is a threat to Federal disaster relief, environmental regulations, and even laws responding to the reckless and fraudulent behavior that wrecked the economy. America’s great safety net for those in need would be left in tatters if this outmoded legal doctrine were to take root.

Ask our fellow Americans in the gulf, those who have lost their jobs in the recession and those who have lost their homes, whether the Court should adopt this radical view of the limits of Congress’s power to help them. Ask them if they want to roll back the clock and overturn laws passed by Congress to protect hard-working Americans. The conservative agenda to restore the *Lochner* era would leave hard-working Americans without the protection their lifetimes of hard work have earned them.

The fact that Elena Kagan will not state that she shares the views of those who opposed helping hard-working Americans obtain access to affordable health care does not mean she is outside the mainstream—far from it. The fact that some Republican critics opposed health care reform does not make it unconstitutional.

The Constitution in fact provides a clear basis for Congress' authority to enact health care insurance reform. Our Constitution begins with a preamble that sets forth the purposes for which "We the People of the United States" ordained and established it. Among the purposes set forth by the Founders was that the Constitution was established to "promote the general Welfare." It is hard to imagine an issue more fundamental to the general welfare of all Americans than their health. The authority and responsibility for taking actions to further this purpose is vested in Congress by article I of the Constitution. As I stated earlier, article I, section 8, sets forth several of the core powers of Congress, including the general welfare clause, the commerce clause and the necessary and proper clause. These clauses form the basis for Congress's power.

Any serious questions about congressional power to take comprehensive action to build and secure the social safety net have been settled over the past century. As noted by Tom Schaller, enforcing the individual mandate requirement by a tax penalty is far from unprecedented, despite the claims of critics. Individuals pay for Social Security and Medicare, for example, by payroll taxes collected under the Federal Insurance Contributions Act, FICA. These FICA payments are typically collected as deductions and noted on Americans' paychecks every month. Professor Schaller wrote:

These are the two biggest government-sponsored insurance programs administered by the [Federal Government], and two of the largest line items in the federal budget. These paycheck deductions are not optional, and for all but the self-employed they are taken out immediately.

The individual mandate requirement in the Patient Protection and Affordable Care Act is hardly revolutionary when viewed against the background of Social Security and Medicare that have long required individual payments.

Congress has woven America's social safety net over the last threescore and 13 years, beginning before I was born. Congress's authority to use its judgment to promote the general welfare cannot now be in doubt. America and all Americans are the better for it. Growing old no longer means growing poor. Being older or poor no longer means being without medical care. These developments are all due in part to congressional action.

The Supreme Court settled the debate on the constitutionality of Social

Security more than 70 years ago in three 1937 decisions. In one of those decisions, *Helvering v. Davis*, Justice Cardozo wrote that the discretion to determine whether a matter impacts the general welfare falls "within the wide range of discretion permitted to the Congress." Turning then to the "nation-wide calamity that began in 1929" of unemployment spreading from state to state throughout the Nation, Justice Cardozo wrote of the Social Security Act: "The hope behind this statute is to save men and women from the rigors of the poor house as well as from the haunting fear that such a lot awaits them when journey's end is near." In the Supreme Court's decision upholding the constitutionality of Social Security, Justice Benjamin Cardozo, one of our greatest jurists, explained that it is the people's elected representatives in Congress that consider the general welfare of the country and laws to secure it. He recognized that it was the people's wisdom as enacted through their representatives that was to be respected, not the personal preference of a small elite group of judges.

The Supreme Court reached its decisions upholding Social Security after the first Justice Roberts—Justice Owen Roberts—in the exercise of good judgment and judicial restraint began voting to uphold key New Deal legislation. He was not alone. It was Chief Justice Hughes who wrote the Supreme Court's opinion in *West Coast Hotel v. Parrish* upholding minimum wage requirements as reasonable regulation. The Supreme Court also upheld a Federal farm bankruptcy law, railroad labor legislation, and the Wagner Act on labor relations. In so doing, the Supreme Court abandoned its judicially created veto over congressional action with which it disagreed on policy grounds and rightfully deferred to Congress's constitutional authority.

The opponents of health care insurance reform are now opposing the nomination of Elena Kagan and now going to the extreme to attempt to call into question the constitutionality of America's established social safety net. They would turn back the clock to the hardships of the Great Depression, and thrust modern America back into the conditions of a Charles Dickens novel. That path should be rejected again now, just as it was when Americans confronted great economic challenges more than 70 years ago. To attempt to strike down principles that have been settled for nearly three-quarters of a century is wrong, damaging to the Nation, and would stand the Constitution on its head.

Due to Republican obstruction, it took an extraordinary majority of 60 Senators, not a simple majority of 51, for the Senate's will to be done. The fact that Senate Republicans disagree with the effort to help hardworking

Americans obtain access to affordable health care does not make it unconstitutional. As Justice Cardozo wrote for the Supreme Court 73 years ago in upholding Social Security:

[W]hether wisdom or unwisdom resides in the scheme of benefits set forth . . . it is not for us to say. The answer to such inquiries must come from Congress, not the courts.

Justice Cardozo understood the separation of powers enshrined in the Constitution and the powers entrusted by our Constitution to Congress. This is true judicial modesty reflecting the understanding of the respective roles of Congress and the courts. Surely when Congress acts to provide for the general welfare of all Americans it does so pursuant to its constitutional authority.

I believe that Congress was right when it decided that the lack of affordable health care and health insurance and the rising health care costs that burden the American people are problems, "plainly national in area and dimensions." Those were the words Justice Cardozo used to describe the widespread crisis of unemployment and insecurity during the Great Depression. I believe that it was right for Congress to determine that it is in the general welfare of the Nation to ensure that all Americans have access to affordable quality health care. Whether other Senators agree or disagree, I would hope that none would contend that we should turn back the clock to the Great Depression when conservative activist judges prevented Congress from exercising its powers, making its legislative determinations and helping the American people through tough economic times. Sadly, some are making precisely that argument and contend that this settled meaning of the Constitution should be upended.

The dark days of unbridled conservative judicial activism in which Congress's hands were tied from outlawing child labor and enacting a minimum wage and social security are long gone and better left behind. The Constitution, Supreme Court precedent, our history and the interests of the American people all stand on the side of Congress's authority to enact health care insurance reform legislation.

Under article I, section 8, Congress has the power "to regulate Commerce . . . among the several States." Since at least the time of the Great Depression and the New Deal, Congress has been understood and acknowledged by the Supreme Court to have power pursuant to the commerce clause to regulate matters with a substantial effect on interstate commerce. That is consistent with Elena Kagan's testimony.

In Solicitor General Kagan's responses to questions about the commerce clause I heard an echo of Justice Cardozo's explanation for why Social Security is constitutional and of Justice Oliver Wendell Holmes's famous

dissent in *Lochner*. In particular, I recall Solicitor General Kagan's response to a question from Senator COBURN that he later admitted was intended to get her to signal how she would decide a constitutional challenge to health care insurance reform. He asked Solicitor General Kagan what she thought of a hypothetical law requiring Americans to eat three vegetables a day. She went on to explain:

I think the question of whether it's a dumb law is different from . . . the question of whether it's constitutional, and . . . I think that courts would be wrong to strike down laws that they think . . . are senseless just because they're senseless.

The Supreme Court long ago upheld laws like the Fair Labor Standards Act against legal challenges, overruling its decision barring Congress from outlawing child labor and establishing basic working conditions such as a minimum wage. The days when women and children could not be protected are gone. The time when the public could not be protected from sick chickens infecting them are gone. The years when farmers could not be protected from market failures or natural disasters are gone. The era of conservative activist judges voiding regulation that did not guarantee profits to corporations should be gone. The reach of Congress's commerce clause authority has been long established and well-settled. Solicitor General Kagan's answer to Senator COBURN's question reflects not only this well-settled understanding, but also the understanding of the proper roles of each of the branches that was restored when the Supreme Court rejected the misguided conservative activism of the *Lochner* era.

Since the great Chief Justice Marshall's interpretation of the commerce clause in 1824, Congress has been understood and acknowledged by the Supreme Court to have the power "to prescribe rules" to govern commerce that "concerns more than one State." It was this same understanding that Justice Cardozo followed in upholding the Social Security Act and that Justice Felix Frankfurter later praised as Chief Justice Marshall's extraordinary achievement of capturing, for all time, the essential meaning of the commerce clause. Pursuant to this understanding of its power under the commerce clause, Congress enacted not only Federal disaster relief from the 18th century but also the 1964 Civil Rights Act prohibiting racial discrimination by public accommodations and the landmark Clean Air and Clean Water Acts, both of which President Nixon signed into law. Would conservative activists now argue that these acts, the Civil Rights Act, the Clean Air Act and the Clean Water Act, should suddenly be declared unconstitutional as beyond Congress's power?

Even recent decisions by a Supreme Court dominated by Republican-ap-

pointed justices have affirmed this rule of law. In 2005, the Supreme Court ruled in *Gonzales v. Raich* that Congress had the power under the commerce clause to prohibit the use of medical marijuana. This was upheld even though the marijuana was grown and consumed at home. It was upheld on the same rationale as *Wickard v. Filburn* in 1942, because of its impact on the national market for marijuana. Yet Republican Senators and conservative ideologues contend that *Wickard* should be discarded. Would they also demand that Federal laws against drugs be declared unconstitutional?

Justice Anthony Kennedy and Justice Sandra O'Connor, both conservative Justices appointed by Republican Presidents, astutely noted in their 1995 concurrence in *United States v. Lopez*:

[T]he Court as an institution and the legal system as a whole have an immense stake in the stability of our Commerce Clause jurisprudence as it has evolved to this point. [That] fundamental restraint on our power forecloses us from reverting to an understanding of commerce that would serve only an 18th-century economy . . . and mandates against returning to the time when congressional authority to regulate undoubted commercial activities was limited by a judicial determination that those matters had an insufficient connection to an interstate system.

They are right as a matter of law and right when it comes to the interests of the American people.

The Constitution also provides in article I, section 8, that Congress has the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by his Constitution in the United States." The Supreme Court settled the meaning of the necessary and proper clause almost 200 years ago in Justice Marshall's landmark decision for the Supreme Court in *McCulloch v. Maryland*, during the dispute over the National Bank. Justice Marshall wrote that "the clause is placed among the powers of Congress, not among the limitations on those powers."

He continued:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adopted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

He concluded by declaring, in accordance with a proper understanding of the necessary and proper clause, that Congress should not be deprived "of the capacity to avail itself of experience, to exercise its reason, and to accommodate its legislation to human affairs" by judicial fiat. Chief Justice Marshall understood the Constitution, knew its text and knew the Framers. He rejected the constraints on Congress that conservative activists now propose in order to empower conservative judicial activism.

The necessary and proper clause goes hand in hand with the commerce clause to ensure congressional authority to regulate activity with economic impact. Just this year the Supreme Court upheld provisions of the Adam Walsh Child Protection and Safety Act, a law we passed to allow for the civil commitment of sexually dangerous Federal prisoners, which was based on the commerce clause and the necessary and proper clause of the Constitution. As Justice Breyer wrote for seven Justices, including Chief Justice Roberts:

[T]he Necessary and Proper Clause makes clear that the Constitution's grants of specific federal legislative authority are accompanied by broad power to enact laws that are "convenient, or useful" or "conducive" to the authority's "beneficial exercise."

Congress passes laws like the Adam Walsh Act every year to protect the American people. Would those who want to redraft and limit the Constitution really want to declare the Adam Walsh Act and its provisions against pedophiles unconstitutional?

Solicitor General Kagan's testimony shows that she both understands and recognizes, in accordance with the longstanding judgments of both Congress and the Supreme Court, that Congress's power to legislate under the commerce clause power and the necessary and proper clause is broad but not unlimited. Indeed, she agreed with the Senator from Texas that the Supreme Court's decisions in *Lopez* and *Morrison* limit Congress's power to legislate "when the activity that's being regulated is not itself economic in nature and is activity that's traditionally been regulated by the States." But, she noted that "to the extent that Congress regulates the channels of commerce, the instrumentalities of commerce, and . . . things that substantially affect interstate commerce, there the Court has given Congress broad discretion." She is right as a matter of law. The American people are able to act through their elected representatives in Congress to secure the blessings of liberty because of this meaning of our Constitution.

Through Social Security, Medicare, and Medicaid, Congress established some of the cornerstones of American economic security. And comprehensive health insurance reform has now joined them. Congress has acted within its constitutional authority to legislate for the general welfare of all Americans, whether they are from Vermont or West Virginia or Alabama or anywhere else. No conservative activist court should overstep the judiciary's role by seeking to turn back the clock and deny a century of progress.

Those who would corrupt the Constitution by trying to revive the *Lochner* era are intent on a results-oriented litmus test. This litmus test would lead them now not just to vote

against this nomination and the confirmation of Justice Thurgood Marshall as they have said, but also against Senate confirmation of Justice Sandra Day O'Connor, Justice David Souter, Justice John Paul Stevens, and Justice Anthony Kennedy—four Justices appointed by conservative Republican Presidents, all nominations I voted to confirm.

It is interesting. I was here when John Paul Stevens' nomination came up. He was seen as a conservative from Illinois. He was nominated by a conservative President, Gerald Ford. He nominated him, and 2½ weeks later, the Senate, which was overwhelmingly Democratic, voted unanimously to confirm Justice John Paul Stevens. I have not always agreed with every decision of his, but, boy, I have agreed with my vote for his confirmation.

With this litmus test I mentioned, it is not just Chief Justice Earl Warren, and Justice William Brennan and Justice Thurgood Marshall whose jurisprudence they are rejecting. Using these results-oriented litmus tests would require us to reject the vast majority of Justices who have served honorably on the U.S. Supreme Court, including Justice Benjamin Cardozo, Justice Oliver Wendell Holmes, Jr., Justice Harlan Fiske Stone, and Justice Charles Evans Hughes. I assume they would, as well, reject the greatest judge not to have been appointed to the Supreme Court, the Second Circuit's Judge Learned Hand, because he had been an outspoken critic of the so-called economic due process doctrine that allowed activist conservatives to substitute their views for those of Congress. Indeed, if they were to be consistent, they would have to rethink their support for the current Chief Justice, John Roberts, who testified at his confirmation hearing that during the *Lochner* era, when the Supreme Court was striking down economic regulations in the late 1800s to the early 1930s, to quote John Roberts, "it's quite clear that they [were] not interpreting the law, they [were] making the law." I agree with him. I will say parenthetically that I wish he had stayed consistent to that principle since he became Chief Justice. The demand by critics that Solicitor General Kagan adhere to legal views that would put her at odds with so many great Justices as the price of their vote is a strong reminder of how far many are seeking to stray from basic constitutional principles and traditions.

We do not need judges or Justices to pass a litmus test from either the right or the left. In fact, I have urged Senators—they have heard me say this many times—do not listen to the single issue or special issue groups on either the right or the left when it comes to the Supreme Court. We have 300 million Americans in this great country. Most of the Justices we vote on will be here long after any one of us leaves

this Chamber. There are only 100 Americans who actually get to vote on them. There are actually 101 people who are involved in this choice—first, the President, who nominates the person, but he cannot appoint the person unless we advise and consent. So we have 101 people with this awesome duty to pick somebody and to vote on somebody who is going to be there to protect the justice and the rights of all 300 million Americans. It is an awesome responsibility.

I tell groups of either the right or the left—and I have heard from many of them over the years on all these nominees on whom I voted—I am going to make up my own mind. I am going to bring my own Vermont principles, my own sense of Vermont fairness, my own experience, my own judgment to bear, and then I will make up my mind. I urge all Senators to do that. Ignore the special interest groups on the right or the left. Make up your own mind.

As I said, we do not need judges or Justices who would pass a litmus test from the right or the left. We need judges and Justices who will respect the laws as passed by Congress and appreciate that adherence to precedence is a foundation of public confidence in our courts.

(Mrs. SHAHEEN assumed the chair.)

Mr. LEAHY. It is important that we restore public confidence in our courts. They do protect our rights. They do protect the Constitution. But we have to make sure we respect what they do. We need judges and Justices who will fairly apply the law and use common sense, Justices and judges who appreciate the proper role of the courts in our democracy and make decisions in light of the fundamental purposes of the law. This is the standard I applied when reviewing this nomination. It is the same standard I applied to every Supreme Court nomination, including six Justices nominated by Republican Presidents for whom I have voted. It is a standard I believe Solicitor General Kagan has met.

Solicitor General Kagan not only has the necessary qualifications to be a Supreme Court Justice but has also demonstrated her respect for the rule of law, her appreciation for the separation of powers, and understands the meaning of our Constitution. Some may not want our country to move forward, to make progress, to move toward a more perfect union. But the issue squarely before this body is whether Solicitor General Kagan has the necessary qualifications, respect for the rule of law, and judicial independence to be confirmed by the Senate to serve on our Nation's highest court. I believe she does. This Vermonter will vote for Elena Kagan to be a Supreme Court Justice, and I will do it proudly.

Madam President—the Chair having changed during this speech, first pre-

sided over by the distinguished Senator from West Virginia, and now my distinguished neighbor, the State of New Hampshire—the distinguished Senator from New Hampshire presides. With that, I will close.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I see the distinguished Senator from Alabama on the floor. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I appreciate Chairman LEAHY. He is a strong and effective leader of our committee. We agree a lot of times. I try to work with him, and sometimes we disagree. One thing we will soon be doing that I look forward to very much is going to the White House—maybe in 30 minutes or so—to participate in the signing of a bill to eliminate the vast disparity between crack and powder cocaine sentences. The sentencing mechanism under the guidelines I think was unfair and needed to be corrected. I have been working on that issue for some time, and so has Chairman LEAHY. We certainly agree on a lot of issues and get some things done, but we do not agree on this nomination.

The office of Justice of the U.S. Supreme Court is one of the most important positions in our National Government. Justices are granted a degree of independence unequalled anywhere in the United States. Justices hold lifetime terms, subject only to impeachment, and Congress may not even reduce their pay. Why did the Founders take such a step? They wanted our courts to be impartial, doing justice to the poor and the rich under the Constitution and laws of the United States, as their oath says, and they did not want them subject to political or other pressures that might affect their objectivity. They wanted judges who could do the right thing year after year, day after day.

Presidents get to nominate, but the Senate must confirm. This advise-and-consent power the Constitution gives is a confirmation process; it is not a coronation. Here, five Justices on the Supreme Court can hold—and four of them recently voted to, not the five necessary to render a majority opinion—that a company cannot publish a book or a pamphlet that criticizes a politician before an election. Five justices can hold that the government can allow States and cities to deny Americans the personal right to keep and bear arms, a right clearly stated in the Constitution.

The American people have no direct control over these Justices. All they have and what they have a right to expect is that our Justices exercise self-control year after year, decade after decade. If this young nominee, Elena Kagan, were to serve to the age of the individual she seeks to replace, she would serve 38 years on the Supreme Court.

Well, I am not able to support Elena Kagan for this office. I believe she does not have the gifts and the qualities of mind or temperament one must have to be a Justice. Worse still, she possesses a judicial philosophy that does not properly value discipline, restraint, and rigorous intellectual honesty. Instead, she seems to admire the view, and has as her judicial heroes, judges who favor expansive readings of what they call the living Constitution; whereby, judges seek—and in President Obama's words, who certainly shares this view—to advance “a broader vision of what America should be.”

Well, I don't believe that is a responsibility or a power given to judges—to advance visions of what America should be. Whose vision is it they would advance, I would ask. It would be the judge's vision. But they weren't appointed for that purpose. They were appointed to adjudicate cases.

President Obama's judicial philosophy, I think, is flawed, and I certainly think Ms. Kagan shares his philosophy. The President basically said so when he appointed her. Her friends say it is so. Her critics say so. Her record of public action says so, and the style and manner of her testimony at the hearing evidenced such an approach to judging. I don't think it is a secret. I think this is pretty well known, that this is not a nominee committed to restraint or objectivity but one who believes in the power of judges to expand and advance the law and visions of what the judge may think is best for America.

Ms. Kagan has been described as collegial, engaging, a consensus builder. These are fine qualities in many circumstances, and I am sure she possesses them. She seems to. But as to personal discipline, clarity of mind, the ability to come quickly to the heart of a matter, objectivity or impartiality, and scrupulous intellectual honesty—characteristics essential for a judge—not so much has been said. Perhaps this is so because many liberal activists in America have lost faith in the idea of objectivity, which means they have lost faith in the reality of objective truth, the finding of which—the finding of truth—has been the goal, the central focus of the American legal system since its creation.

Our modern law school minds and some false intellectuals far removed from real trials—and I have had the honor and privilege to have spent 15 years trying cases before Federal

judges and so I have a sense of this, I truly believe—are removed from these trials and from the necessity of rules for civil order. They think, many of them do—these professors and theoreticians—that laws are just tools for the powerful to control the powerless and that words can't have fixed meanings. Things change. We can't consult 16th century dictionaries to find out what the Founding Fathers meant when they wrote our Constitution. Indeed, Justice Sotomayor recently confirmed this when she quoted, with approval, the line: “There is no objectivity, just a series of perspectives.”

Americans are sick of political spin by politicians, and they do not want it from judges. They reject judges who rely on their empathy, as the President said a judge must have and that is what he looks for in a judge. The American people don't believe judges should rely on their empathy to decide legal cases or seek to advance their vision of what America should be. They know Justices are not above the law. They know Justices should be neutral umpires, not taking sides in the game. Above all, they know judges—especially Supreme Court Justices—should not legislate from the bench.

I do not desire that the Supreme Court advance my political views. It is enough, day after day, that the Court follows the law deciding cases honestly. No more should ever be asked of them. I might not agree one day with this case or that one, but we have a right to expect those judges would be objective and not promote agendas. A recent commentator once said: “We liberals have gotten to the point where we want the court to do for us that which we can no longer win at the ballot box.”

Well, this nominee, I think, in my honest evaluation, comes from that mold. Yes, she is young, but her philosophy is not. It is an old, bankrupt judicial activism—a philosophy the American people correctly reject. In her writings, her judicial heroes, her extensive political activities, her actions at Harvard to unlawfully restrict the military, her hostility to congressional actions against terrorism in a letter she wrote, her efforts to block restrictions on partial-birth abortion while in the Clinton White House, her arguments before the Supreme Court last year that Congress can ban pamphlets criticizing politicians and, perhaps the most disturbing to me as someone who spent 15 years in the Department of Justice, her actions as Solicitor General of the United States, whereby she failed to defend the don't ask, don't tell congressional law—not military policy, a law she had openly, deeply opposed but promised to vigorously defend were she to be confirmed as Solicitor General—leave no doubt what kind of judge she would be: an activist, liberal, progressive, politically minded

judge who will not be happy simply to decide cases but will seek to advance her causes under the guise of judging.

In addition, her defense of these positions at her hearings, her testimony, in my opinion, lacked clarity, accuracy, and the kind of intellectual honesty you look for in someone who would sit on such a high and important Court. Indeed, her testimony was curious. She failed to convey to the committee, in my opinion, a recognition of the gravity of the issues with which she had been dealing and the nature of her role in dealing with some of these issues that she was involved with in her career. She seemed to suggest that things happened around her and she did all things right and no one should get upset about it.

Some of these concerns, I think, could have been overcome, had we seen the superb quality of testimony at her hearing as given by that of Justices Roberts and Alito at their hearings. But, alas, that we did not see, not even close. Glib, at times humorous, conversant on many issues but not impressive on any in a more serious way, in my view. Based on so little serious legal practice—only 2 years, right out of law school in a law firm and 14 months as Solicitor General—this perhaps should not be surprising. The power of the testimony of Roberts and Alito did not spring fully formed from their minds either, though both seemed to be naturally gifted in the skills needed for superior judges, and I fear Elena Kagan is not so blessed.

While she is truly intelligent, the exceptional qualities of her mind may be better suited to dealing with students and unruly faculty than with the daily hard work of deciding tough cases before the Supreme Court. But Roberts and Alito, on the other hand, were steeped in the law over many years as lawyers and judges. That is who they were. That is their skill. That was their craft. That was their business. They understood it. It showed. Ms. Kagan did not show that. I believe that lack of experience was part of the reason her testimony was unconvincing.

I think a real lawyer or experienced judge who had seen the courtroom and the practice of law would not have tried, as she did, to float their way through the hearing in the manner she did. Her testimony failed to evidence an understanding of the gravity of the issues with which she was dealing and the important nature of her role in them. She seemed to suggest these events just happened around her, none of which was her responsibility. Several times in the course of her testimony she inaccurately described the circumstances and the nature of the matters in which she had been engaged, to a significant degree. Her testimony was more consistent with the spin the White House was putting out than the truth. I was surprised and disappointed

that she was not more candid and did not, through accurate testimony, dispel some of the false spin that had been put out in her favor.

So now we are at the beginning of the discussion of the Kagan nomination. While I have been firm in my criticisms of the nominee, I have given considerable thought to the criticism that I have made and tried not to be inaccurate in them. I believe they are correct. But if I am in error, I will be pleased to admit and correct that error. No nominee should have their record unfairly sullied in this great Senate. That would be wrong. I, therefore, ask and challenge the supporters of the nominee to point out any errors in my remarks as we go forth so we can, above all, get the facts straight.

The matters I will set forth today and later are serious. There is disagreement, I believe, between what the record, the facts, and the testimony show and the White House spin and even the Kagan spin—and I use that word carefully. So let us, therefore, begin this debate in all seriousness. Let us get to the bottom of these matters. There is a truth. We can ascertain what happened. Let us find out what happened in these matters. Let us get to the bottom of it.

Some raise the question of how many Republicans will vote for the nominee. Another question to ask is: How many Democrats will vote against the nominee? I call on every Senator to study the record and make an informed and independent decision. We are not lemmings. We have a constitutional duty to make an independent decision. So I urge my Democratic colleagues to not just be a rubberstamp, to not allow political pressures to influence your decisions but conduct an independent and fair analysis of the nominee. I believe if Senators strongly advocate and believe judges should follow the law, not make it; that they should serve under the Constitution and not above it; that they should be impartial and objective—if Senators believe in that—they should have very serious trouble with this nomination.

At this moment I am going to briefly mention a few of the serious concerns that were raised in the committee. I will in greater detail go through each of them in the next several days. I am sure other Senators will talk about them also. I will attempt to do so honestly and fairly, and at the end I will be listening to see if somehow I have misjudged the nominee on these matters and whether I should change my views. But I am very serious when I say the actions of this nominee over the entirety of her career indicate an approach to judging that is inconsistent with the classic American view of a judge as one who shows restraint, who follows the law, who adjudicates the matters before the court, and who is objective and fair.

One of the more serious issues that has been discussed quite a bit is the nominee's handling of the U.S. military while she was dean at Harvard. She reversed Harvard's policy and banned the military from the campus recruiting office. During that period of time a protest against the military was held. She spoke to that protest crowd while in the building next door a military recruiter was attempting to recruit Harvard students for the U.S. military.

She participated in the writing of a brief to oppose the don't ask, don't tell policy which she deeply opposed.

The U.S. military did not have a policy called don't ask, don't tell. That was a law passed by the U.S. Congress and signed by President Clinton. It was the law of the land and it was not their choice. They followed, saluted, and did their duty. Yet Ms. Kagan barred them from the campus at Harvard. On four different occasions this Congress passed laws to try to ensure that our military men and women, during a time of two wars, were not discriminated against on college campuses in this country. One of them was a few months before, finally, it was written in a way they could not figure out a way to get around it. That was shortly before she barred them from the campus, subjecting Harvard to loss of Federal funds, which resulted in the military, when they finally realized that she had reversed this policy and found out they had been stonewalled and the front door of the university had been closed to them, appealed to the president of Harvard University and he reversed her position. It was not justified. It was wrong. It should not have been done.

She did not seem to complain about the policy when she worked for President Clinton, who signed the law. But she punished the men and women who were prepared to serve and defend our country, and Harvard's freedom to carry on whatever these silly activities they want to carry on. So this is not a little bitty matter.

When she was nominated for Solicitor General, this was raised and she was asked what if this don't ask, don't tell law is challenged in the Court? We know you oppose it. We know you have steadfastly opposed it. Will you defend it? It is the law of the land. You will be Solicitor General. You represent the U.S. Government before the Supreme Court. Will you defend it?

She flat out said that she would defend the laws passed by Congress and specifically promised to defend don't ask, don't tell. This is a matter of some importance. I asked her about it, gave her opportunity to respond. She took 10 minutes—I did not interrupt her—with her explanation of why she did not assert an appeal to the Ninth Circuit ruling that seriously undermined don't ask, don't tell, because we know

President Obama opposes it and we know she opposed it. We know the ACLU opposed it. They were the litigants in this case. She met with the ACLU.

The ACLU did not want the Ninth Circuit case to go up to the Supreme Court. Why? The reason is they expected the Supreme Court would affirm the law. So what did Elena Kagan do? Did she vigorously defend the law? Did she take the opportunity to take this case to the Supreme Court and seek its affirmation by the Supreme Court? No, she allowed the case to be sent back—without appealing it—to a lower court to go through a long, prolonged process of discovery and trial that is disconnected to the plain fact of the legality of the policy. She did not properly defend the laws of the United States and she did not defend the law in this matter.

The Solicitor General has that duty whether they like the law or not. Congressional actions, when challenged, should be defended, particularly one so easily defended, in my opinion, as this one. I believe that is a serious matter, so serious that if my analysis is correct, that she failed to defend that action after explicitly having promised to do so, then this is disqualifying in itself. She would have allowed her personal views, political pressures from perhaps her appointing officer, President Obama, to influence her decision in a way that went against her duty as Solicitor General. We are going to talk about that in great detail as we go along.

As Solicitor General in the 14 months that she was there, she approved a filing of a brief calling on the Supreme Court to review and overturn a ruling by the Ninth Circuit Court of Appeals that had affirmed an Arizona law that said Arizona businesses that failed to use E-Verify or otherwise hire people who are illegally in the country would lose their business license. There is a Federal statute that explicitly says States can revoke licenses of businesses that violate our immigration laws.

This is quite a bit stronger case than the other Arizona case that I think is improvidently being challenged, also by the Obama Department of Justice. But she approved this and again the trial court had ruled the law was good. The Ninth Circuit, the most liberal activist circuit in the country, approved it unanimously, and now it is before the Supreme Court and now she asked that the Supreme Court take it and reverse that.

I think this was bad judgment legally, and I believe it is another example of her personal policy views influencing the decisions she made as a government official—not the kind of thing you want in a Supreme Court Justice.

Then there was the time she was in the Clinton White House and became

involved in the great debate we had in the Senate, that went on for a period of years, over the partial-birth abortion issue, where unborn babies are partially removed from the mother and there are techniques used to remove the child's brain. It is a horrible procedure. The physicians group, the American College of Obstetricians and Gynecologists, ACOG, had issued a finding that there was never any medical necessity for this horrible procedure that Senator Daniel Patrick Moynihan referred to as so terribly close to infanticide.

President Clinton apparently was prepared to support a ban on this procedure. But Ms. Kagan, as a member of his staff, advised that it might be unconstitutional. In her notes from her time at the Clinton White House, she said the groups, that is, the pro-abortion groups—the groups will go crazy. She even got ACOG to issue a new statement and was able to influence President Clinton to oppose the legislation. Six or 8 years went by before we finally passed a law banning the procedure.

When I raised this at her hearing, she tried to make it seem like she had nothing much to do with it, like she just happened to be in the White House. She said, "at all times trying to ensure that President Clinton's views and objectives were carried forward." That is all I was doing.

She was asked about that: If that was your view, say so.

Well, I was just doing whatever the President wanted me to do.

I do not think that was an accurate analysis of it. Sometime after it became clear that ACOG had reversed its position—it caused quite a bit of national controversy. She was right at the center of that, contacting the leaders of ACOG and prompting them to change the wording of their statement without talking to the professionals on the committee that had issued the original analysis. There was never any need for this kind of procedure to take place. This was concerning to a lot of members of the committee. Her testimony is relevant to that.

With regard to the second amendment, she used the same language in her testimony to give the impression that she understood that the *Heller* and the *McDonald* cases, recently out of Chicago, were settled law and implied that if she were on the Court, she would vote to uphold the right to keep and bear arms, which is plainly in the Constitution. I went back and asked her again. Settled law became mere precedent. That precedent is the 5-to-4 decision in two cases, *Heller* and *McDonald*, where by one vote the Supreme Court is upholding the right to keep and bear arms. If one vote were to switch, the Court could rule 5 to 4 that any city and any State in America could ban completely the right to keep

and bear arms, violating what I would say are the plain words of the Constitution. Her actions, both as a law clerk and in the Clinton White House, indicate she has a hostile view to gun ownership. She grew up on the upper west side of New York. It is pretty clear she is one of a group who sees the NRA as a bad group and does not believe in gun ownership as a constitutional right. This is a serious matter because it is such a narrowly decided Court.

Who is this nominee? We will learn more about it as the days go by. I believe her actions, her background, and her approach to judging is unhealthy. It is not the kind of thing we need on the Supreme Court. It evidences a tendency to promote her political agenda rather than being objective. Who is she? Vice President BIDEN's chief of staff, Ron Klain, a lawyer with whom she worked closely in the Clinton administration and a longtime friend, said of her not long ago:

Elena is clearly a legal progressive . . . I think Elena is someone who comes from the progressive side of the spectrum. She clerked for judge Mikva

A renowned Federal activist judge—clerked for Justice Marshall—

One of the most activist Justices on the Supreme Court—

worked in the Clinton administration, worked in the Obama administration. I don't think there's any mystery to the fact that she is, as I said, more of the progressive role than not.

What does that mean, a legal progressive? In the early 20th century, progressives thought that intellectuals and the elites in this country knew more than the great unwashed, and they were seeking to advance political agendas that went beyond what a lot of people thought was appropriate and constitutional. The progressives saw the Constitution as an impediment, not as a protector of our liberties, of our freedom, of our prosperity, of our property. They saw it as an impediment to getting done what they would like to do. It is a dangerous philosophy.

Ultimately, all our liberties depend on faithful adherence to the Constitution—the free speech, free press, the right to a trial by jury. All those things that are so important to our rights are in that document.

This nominee is indeed of that background. She is not sufficiently respectful of the plain words of the Constitution. She will be the kind of activist judge who seeks to advance her vision of what America should be. That is not an appropriate approach for a Justice on the Supreme Court to take. That is why I will be opposing the nomination.

I suggest the absence of a quorum and ask unanimous consent that time under the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I will proceed on leader time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader is recognized.

FMAP

Madam President, the American people are getting a good reminder this week of why they have lost faith in Washington Democrats. Not only is one of the last things Democrats plan to vote on here before the August recess another bailout, it is also just the kind of bloated, slapdash affair Americans have come to expect and to loathe from Democrats in Washington. Basically what we are seeing here this week is the final act in Washington's guide for responding to a recession.

On Thursday they threw together a bill without even knowing how much it would cost the taxpayers, expecting us to vote on it yesterday. When they found out last night it cost more than they thought it would, they threw another bill together and expect us to vote on that one tomorrow—just before Senators head out of town. This is precisely the kind of rushed and reckless approach to lawmaking that has most Americans thinking congressional Democrats can't go on their August recess fast enough. If it means one less bailout cobbled together without regard for details or its impact on the taxpayers or its impact on the debt, taxpayers would probably be glad to help book Democrats' plane tickets out of here.

Americans are fed up. They have had enough. The trillion-dollar stimulus bill was supposed to be timely, targeted and temporary. Yet here we are, a year and a half later, and they are already coming back for more. The \$100 billion they got for State education budgets the first time wasn't enough, even though more than a third of the original \$100 billion hasn't even been spent yet, and none of the extra money they are asking for will necessarily be used to save teachers' jobs. The purpose of this bill is clear: it is to create a permanent need for future State bailouts, at a time when we can least afford it.

Same goes for health care spending. The original stimulus included about \$90 billion in additional Federal Medicaid spending. That too was supposed to be temporary. Yet here we are, a year and a half later, and they want more.

So, as I said, the purpose of this bill is clear. It is a last-minute effort by Democrats in Washington to funnel more money to the public employee

unions before an election and to set the stage for the massive tax hike that the administration plans to spring on America's small business owners on January 1 of next year. Once again, Democrats are showering money on their favored constituencies and asking the American people to pay for it with higher taxes, more government, and fewer private sector jobs.

It is time our friends on the other side actually do something to address the jobs crisis in this country. As it is, virtually every bill they pass adds more burdens on the very people we need to get us out of the recession and create jobs. If a bill doesn't kill jobs or make it harder to create them, they are not interested. It is time for a different approach. The approach of the past year and a half just is not working.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Madam President, let me start by first expressing my appreciation to Senator LEAHY and Senator SESSIONS. I have the honor of serving on the Judiciary Committee, and I think our leadership—our chairman, Senator LEAHY, and our ranking Republican member, Senator SESSIONS—conducted the confirmation process in the best tradition of the Senate.

We had 4 days of hearings before the Judiciary Committee. Every member of the committee was afforded ample opportunity to question Solicitor General Kagan on a far range of issues, and we got complete responses. We had chances for followup questions. We even had a third round of questioning. We had outside witnesses who were before our committee. We had a chance to ask them questions as third-party validators. We also went through tens of thousands of pages of documents.

This was a very thorough confirmation process, a very open confirmation process, and a very fair confirmation process. I do thank Senator SESSIONS, the ranking Republican member, for the way he cooperated with Senator LEAHY to make sure the Senate did its business in getting a full record before voting to confirm Elena Kagan to be an Associate Justice of the Supreme Court of the United States.

Solicitor General Elena Kagan has the experience, the intelligence, the integrity, and the temperament to serve as an Associate Justice of the Supreme Court of the United States. As to her experience, she was the first woman Solicitor General in the history of our Nation. She was the first woman to be dean at the Harvard Law School. Her

intelligence has been acknowledged by all as to her being a person who is very capable to be the next Associate Justice of the Supreme Court.

Previous Solicitor Generals, including Charles Fried, Ken Starr, Ted Olson, and Paul Clement—Democrats and Republicans—stated that Elena Kagan would “bring to the Supreme Court a breadth of experience and a history of great accomplishment in the law.” They are Democratic and Republican former Solicitors General.

She has the integrity. We have seen third-party validators—Democrats and Republicans—testify to her integrity and legal career. She certainly has the temperament. She put up with the Senators' interrogations with a calm demeanor and good humor, which I think will serve her well on the Supreme Court of the United States.

She brings to this position experience from being a clerk for Justice Thurgood Marshall. I heard his name mentioned many times during this confirmation process. We in Maryland are particularly proud of Thurgood Marshall. He comes from the State of Maryland. He comes from Baltimore. He was one of the great leaders on the Supreme Court, one of the great lawyers of our time. I think we all are very proud of what America is today thanks to Justice Thurgood Marshall. I think it only adds to the qualifications of Solicitor General Elena Kagan to have clerked for Justice Thurgood Marshall.

I heard my colleague talk about her commitment to our military. Let me point this out: This was a very difficult issue for Harvard Law School in regard to their policies. But let me quote, if I might, from a letter from Iraqi war veterans:

During her time as dean, she has created an environment that is highly supportive of students who have served in the military. . . . Under her leadership, Harvard Law School has also gone out of its way to highlight our military service. . . .

Students have complimented the way she acted as dean to support our veterans. She comes from a military family. In fact, during the time in question, the number of Harvard Law School students who were recruited into military service went up. So I think you have to look at the record. She has been extremely supportive of our veterans, extremely supportive of those who serve our Nation in military service.

As a last point, let me quote from Miguel Estrada. I think most people know Miguel Estrada. He was nominated to the DC Circuit Court of Appeals and considered to be one of the conservative nominees. He said:

If such a person, who has demonstrated great intellect, high accomplishments and an upright life, is not easily confirmable, I fear we will have reached a point where no capable person will readily accept a nomination for judicial service.

So I would hope we all could agree that Solicitor General Elena Kagan is well qualified to serve as an Associate Justice on the Supreme Court of the United States.

What we want from an Associate Justice is a judge who will follow legal precedent, giving due deference to Congress, following the best traditions of the Supreme Court in protecting the rights of Americans against the abuses of power. To me, that is judicial restraint, to stay within the mainstream of American values.

I believe Solicitor General Kagan represents that best tradition of following legal precedent, giving due deference to Congress, standing for ordinary Americans against the abuse of power. For those reasons, I will vote to confirm her to be the next Associate Justice of the Supreme Court of the United States.

During the confirmation hearings, I used that opportunity to explain to my constituents, indeed, to the people of this Nation, that Supreme Court decisions have real consequences on the lives of our constituents. If you are a woman, if you are a consumer, if you are a worker, if you are a voter, if you care about the air you breathe or the water you drink, you should be very concerned about Supreme Court decisions. It affects your life.

I am very concerned, and I think my constituents are concerned, about recent 5-to-4 decisions where the majority, the so-called conservative Justices, legislated from the bench on the side of powerful corporate interests over protecting ordinary citizens.

During the confirmation process, I raised these issues and questioned Solicitor General Kagan on these cases in which there were 5-to-4 decisions, which reversed precedents. In my view, they were cases where they were legislating from the bench and they were restricting the rights of ordinary Americans.

I mentioned the Ledbetter case. I know the Presiding Officer is very familiar with the Ledbetter case, in which a 5-to-4 decision from the Supreme Court effectively told the women of our Nation they would have no effective rights to bring wage discrimination cases based upon gender. The Supreme Court basically said the statute of limitations would run even if you did not have knowledge of the discriminatory act. Lilly Ledbetter was denied her claim as a result of that decision.

I think it is going to be healthy for America to have more women on the Supreme Court of the United States. When Elena Kagan is confirmed, she will, for the first time in America's history, be the third woman out of nine on the Supreme Court of the United States. I think that is going to give us more commonsense justice in this Nation and certainly one that reflects the diversity of our country.

It was not just the Ledbetter case. There have been other cases in which workers have found the Supreme Court has ruled on the side of special interest corporate America over the rights of ordinary workers. In the Gross case, the Supreme Court reversed precedent, here again by a 5-to-4 decision, and ruled that we would use a different test for age discrimination, effectively denying claims by those who were discriminated against because of their age. This is another example where the so-called conservative Justices on the Supreme Court reversed precedent, reversed the clear intent of Congress, and ruled against workers in favor of corporate America.

It is not just limited to worker cases or wage cases. In the Citizens United case—this is a case we have talked about a great deal on the floor—the Supreme Court not only ruled against Congress, because we had legislated the McCain-Feingold bill, but ruled against prior Supreme Court decisions to reverse the rights of ordinary Americans in their election process. What the Citizens United case said is corporate America could spend more on elections—not already spending enough, but they could spend more. Even though Congress had passed bipartisan laws to rein in the amount of special interest corporate money and even though other cases were upheld by the Supreme Court, the Supreme Court went out of its way, by a 5-to-4 decision, to rule on the side of corporate America against ordinary Americans.

Here, if I might, let me quote from Justice Stevens in his dissent. Justice Stevens said:

Essentially, five Justices were unhappy with the limited nature of case before us, so they changed the case to give themselves an opportunity to change the law . . . there were principled, narrower paths that a Court that was serious about judicial restraint could have taken.

I agree with Justice Stevens. We all talk about wanting to see judicial restraint. We all talk about wanting to see a Supreme Court that will give due respect to the actions of Congress. We talk about following judicial precedent. We talk about following the tradition to protect your constitutional rights. Well, this Supreme Court, too many times, by 5-to-4 decisions by the so-called conservative Justices, has been the most activist Court on ruling on the side of corporate America over ordinary Americans.

It is also true in environmental cases—the Rapanos case. I have the honor of chairing the Water Subcommittee on the Environment and Public Works Committee. We work very hard, Congress has worked very hard, to protect our environment. It is not easy to get legislation passed in the Congress. I know all of us are frustrated that we cannot get more legislation passed. But we have gotten some

very important bills passed to protect our environment, such as the Clean Water Act, and we have protected our waterways. The courts have upheld our power to do that.

But in the Rapanos case, the Court ruled, again, by the narrowest of margins, on the side of corporate America against protecting our environment, against congressional intent, against prior decisions of the Supreme Court, ruling on the side of corporate America over protecting our environment for future generations.

That was also true very recently in the Exxon v. Baker case. This was particularly important because it took over a decade for those who were damaged by the Exxon Valdez oilspill, by the episode in Alaska, to be able to get their claims brought through the courts. The Supreme Court, again, by the narrowest margin, reduced the claims of those who were damaged as a result of the Exxon Valdez spill.

I know all of us are very concerned about what is happening in the Gulf of Mexico. We want to make sure BP is held fully accountable for all the damage it has caused. We in Congress need to do our work to make sure that is done. I expect we will get it done. But we also need the Supreme Court of the United States to uphold the power of Congress to pass laws. We are the legislative branch of government, and too often this so-called conservative majority of the Supreme Court has ruled the other way.

I believe Solicitor General Elena Kagan will follow in the best traditions of the Supreme Court. She will follow legal precedent, allowing Congress to legislate. I say that, in part, because of her testimony before our committee. I questioned Solicitor General Kagan as to our environmental statutes and the role Congress plays.

She replied:

Congress certainly has broad authority under the Constitution to enact legislation involving the protection of our environment. When Congress enacts such legislation, the job of the Court is to construe it consistent with Congressional intent.

That is the type of Justice I want on the Supreme Court in order to protect our air and protect our water, while yielding to Congress to pass the statutes rather than legislating from the bench. Basically, I want to make sure the next Associate Justice of the Supreme Court is on the side of ordinary Americans.

Once again, let me quote from Solicitor General Kagan from her opening statement to the Judiciary Committee. When she was talking about equal justice under the law she said:

It means that everyone who comes before the Court—regardless of wealth or power or station—receives the same process and protections . . . What it promises is nothing less than a fair shake for every American.

That, again, is what I would like to see from the Supreme Court. I want

them to be on the side of ordinary Americans, giving them a fair shake, protecting them from the abuses of power, whether those abuses come from the halls of government or from corporate America. In too many cases, this Supreme Court, by narrow margins through the more conservative Justices, has not been on the side of ordinary Americans. I believe Solicitor General Kagan, as Associate Justice Kagan, will give Americans a fair shake and will continue in the best traditions of the Supreme Court in advancing Americans' rights against the abuses of power. For that reason, I intend to vote for the confirmation of Elena Kagan to be the next Associate Justice of the Supreme Court of the United States.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, while speaking in support of Solicitor General Elena Kagan, I quoted from a letter received from former Solicitors General in support of Solicitor General Kagan for the position of Associate Justice of the Supreme Court. It is dated June 22, 2010, signed by former Solicitors General in support of the confirmation of Elena Kagan.

I also spoke about the endorsement received from Miguel Estrada. He wrote an extraordinary letter that speaks to the qualifications of Solicitor General Elena Kagan for Associate Justice of the Supreme Court. It is addressed to the chairman of the committee, PATRICK LEAHY, and the ranking member, JEFF SESSIONS, dated May 14, 2010.

I ask unanimous consent these two letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 22, 2010.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR SESSIONS: We write to support the nomination of Elena Kagan to be the next Associate Justice of the Supreme Court of the United States. We have served as Solicitors General in the administrations of Presidents Ronald Reagan, George H. W. Bush, William Clinton, and George W. Bush. We support the Kagan nomination in the same spirit of fairness and bipartisanship, and deference to presidential appointments of well-qualified individuals to

serve on the Supreme Court, that was also due the nominations of then-Judges John G. Roberts, Jr. and Samuel A. Alito, Jr. to serve on the Supreme Court.

Elena Kagan would bring to the Supreme Court a breadth of experience and a history of great accomplishment in the law. In addition to her most recent service as Solicitor General, at various points of her career she has served as a law clerk to Supreme Court Justice Thurgood Marshall, she has been in private practice at one of America's leading law firms, she has served in the office of the Counsel to the President, she has been a policy advisor to the President, she has served as a law professor at two of the nation's leading law schools, Harvard and Chicago, and she has served as Dean of the Harvard Law School.

During the past year, Kagan has honored the finest traditions of the Office of the Solicitor General and has served the government well before the Supreme Court. The job of Solicitor General provides an opportunity to grapple with almost the full gamut of issues that come before the Supreme Court and requires an understanding of the Court's approach to numerous issues from the criteria for certiorari review to the Justices' approach to oral argument. The constant interaction with the Supreme Court that comes with being the most-frequent litigator before the Court also ensures an appreciation for the rhythms and traditions of the Court and its workload. Moreover, as Solicitor General, Kagan had the opportunity to work with the immensely talented career lawyers in the Office of the Solicitor General, who have a deep understanding of and appreciation for the Court. Kagan's most recent experience as Solicitor General will serve her well as she wrestles with the difficult questions that come before the Court.

The Constitution gives the President broad leeway in fulfilling the enormously important responsibility of determining who to nominate for seat on the Supreme Court of the United States. In that spirit, we support the nomination of Elena Kagan to be Associate Justice and believe that, if confirmed, she will serve on the Court with distinction, as have prior Solicitor Generals who have had that great honor.

Respectfully,

WALTER DELLINGER;
THEODORE B. OLSEN

On behalf of:

CHARLES FRIED,
Solicitor General, 1985–1989;
KENNETH W. STARR,
Solicitor General, 1989–1993;
DREW S. DAYS III,
Solicitor General, 1993–1996;
WALTER DELLINGER,
Acting Solicitor General, 1996–1997;
SETH P. WAXMAN,
Solicitor General, 1997–2001;
THEODORE B. OLSON,
Solicitor General, 2001–2004;
PAUL CLEMENT,
Solicitor General, 2004–2008;
GREGORY G. GARRE,
Solicitor General, 2008–2009.

GIBSON, DUNN & CRUTCHER LLP,
Washington, DC, May 14, 2010.

Hon. PATRICK LEAHY,
Chairman, Senate Committee on the Judiciary,
U.S. Senate, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Senate Committee on the Judiciary,
U.S. Senate, Washington, DC.
Re: Nomination of Elena Kagan.

DEAR CHAIRMAN LEAHY AND SENATOR SESSIONS: I write in support of Elena Kagan's confirmation as an Associate Justice of the Supreme Court of the United States. I have known Elena for 27 years. We met as first-year law students at Harvard, where we were assigned seats next to each other for our classes. We were later colleagues as editors of the Law Review and as law clerks to different Supreme Court Justices; and we have been friends since.

Elena possesses a formidable intellect, an exemplary temperament and a rare ability to disagree with others without being disagreeable. She is calm under fire and mature and deliberate in her judgments. Elena would also bring to the Court a wealth of experience at the highest levels of our government and of academia, including teaching at the University of Chicago, serving as the Dean of the Harvard Law School and experience at the White House and as the current Solicitor General of the United States. If such a person, who has demonstrated great intellect, high accomplishments and an upright life, is not easily confirmable, I fear we will have reached a point where no capable person will readily accept a nomination for judicial service.

I appreciate that considerations of this type are frequently extolled but rarely honored by one side or the other when the opposing party holds the White House. I was dismayed to watch the confirmation hearings for then-Judge Alito, at the time one of our most distinguished appellate judges, and find that they ranged from the anodyne and uninformative to the utterly disgraceful. And one could readily identify members of the current Senate majority, including several who serve on the Judiciary Committee, who, when they previously assessed the judicial nominees of the other party, earnestly articulated many of the same objections that doubtless will be raised against Elena (such as a lack of judicial experience, a perceived absence of a "paper trail," or whether the nominee's views truly are in the legal mainstream). I respectfully submit that it brings no credit to our government, and risks affirmative harm to our courts, when our elected representatives simply swap talking points—emphasizing the same considerations they previously minimized or derided—only to revert to their former arguments as soon as electoral fortunes turn.

Lest my endorsement of Elena's nomination erode the support she should receive from her own party, I should make clear that I believe her views on the subjects that are relevant to her pending nomination—including the scope of the judicial role, interpretive approaches to the procedural and substantive law, and the balance of powers among the various institutions of government—are as firmly center-left as my own are center-right. If Elena is confirmed, I would expect her rulings to fall well within the mainstream of current legal thought, although on the side of what is popularly conceived of as "progressive." This should come as a surprise to exactly no one: One of the prerogatives of the President under our Constitution is to nominate high federal officers, including judges, who share his (or her) gov-

erning philosophies. As has often been said, though rarely by senators whose party did not control the White House at the time, elections have consequences.

Elena Kagan is an impeccably qualified nominee. Like Louis Brandeis, Felix Frankfurter, Robert Jackson, Byron White, Lewis Powell and William Rehnquist—none of whom arrived at the Court with prior judicial service—she could become one of our great Justices. I strongly urge you to confirm her nomination without delay.

Very truly yours,

MIGUEL A. ESTRADA.

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of the nomination of Elena Kagan to be an Associate Justice on the Supreme Court.

Having served on the Senate Judiciary Committee now for 17 years, I have seen the impact that new Justices have on the Court, and I strongly believe these votes are among the most important we cast in this Chamber.

There is no question that the confirmation process has become heated in recent years. Outside interest groups and the 24-hour news cycle have placed far too much emphasis on sound bites, half truths, and hyperbole. But none of this should obscure the fact that these are, in fact, important votes because the stakes are high.

A Supreme Court Justice, once confirmed, will serve a life appointment on a Court that is truly foundational to our democratic system.

For over 200 years, our independent judiciary has served as a model to the world. We have watched as other countries have struggled with courts that have become beholden to political pressures or fallen subject to corruption.

I think of Pakistan, where in 2007 President Musharraf proclaimed a state of emergency and used it to suspend the country's constitution and remove justices from the supreme court; or Mexico, where corruption is so bad that in 2008 President Calderon called for a fundamental redesign of the entire judicial system.

In the United States we have guarded our judiciary, and it has served us well. Our Supreme Court has acted as a true check on government abuses, as a reliable and impartial tribunal for the resolution of private disputes, and as a final arbiter where the American people can come to seek protection of their fundamental constitutional rights.

As Justice Breyer said in a recent public address, the virtue is that "a

country of 300 million very diverse people will resolve their differences under law and not with guns on the street or through riots.”

In the context of world history, this is most impressive.

When it comes to the Supreme Court, nominations merit careful attention as well because any one Justice can have a substantial effect on the Court’s rulings.

The cases that reach the Supreme Court are not easy ones. When the law is clear, a case is settled by the parties or resolved by the district courts or the courts of appeal. It is when the law is open to multiple interpretations or when constitutional values must be weighed against each other that a case is likely to reach the Supreme Court.

In these cases, decisions are not automatic. Instead, each of the nine Justices must examine the facts, study the law, and reach his or her best conclusion about what the law requires. The Court’s rulings stand not just as abstract statements for the law books but binding decisions with lasting impact on the lives of the American people.

There are examples in the newspaper every day. In 2005, the Justices held that a school district in Seattle had violated the equal protection clause by using race as one of a series of factors in assigning students to schools within that district. The real impact of this will be to make it far more difficult for school administrators to maintain racial diversity in our public schools.

Another example: In a recent anti-trust case—*Leegin Creative Leather Products v. PSKS*—the Justices put forth a new interpretation of the law that will allow manufacturers to set minimum prices for certain products. What this means for Americans is, when they go to the store, they may find that a particular electronic device or even a shampoo has the same price at every store and can never be put on sale. Legislation to overturn this decision is still pending before the Senate.

In each of these cases, Justices were divided on the law. Five Justices agreed on the Court’s ruling, but the remaining four Justices dissented and explained in vehement terms why they disagreed with their colleagues’ reasoning and result. The decisions, in other words, were not formulaic.

So when I undertake my constitutional role of providing advice and consent, I do so with the understanding that every nominee to the Court is not the same, and each and every one could have a lasting impact on the future of our country.

With this in mind, I am very pleased to support the nomination of Elena Kagan to be the next Associate Justice of the United States Supreme Court.

Look at her professional record. Summa cum laude and Phi Beta Kappa from Princeton; a master’s degree in

philosophy from Oxford University; magna cum laude from Harvard Law School; a supervising editor of the *Harvard Law Review*; legal clerkships with U.S. Circuit Court Judge Abner Mikva and Supreme Court Justice Thurgood Marshall; two years at the law firm of Williams and Connolly; a professor of constitutional and administrative law at the University of Chicago; a special counsel to the Senate Judiciary Committee for the nomination of Justice Ruth Bader Ginsburg; an associate White House counsel to President Clinton; the deputy director of President Clinton’s Domestic Policy Council; a professor at Harvard Law School; the first woman dean of Harvard Law School; the first woman to ever serve as the Solicitor General of the United States.

That is an amazing background. You would think she is 106 instead of a very young woman.

It is easy to see why her name has so often appeared on short lists for the Supreme Court. She is a woman of repeated firsts. If confirmed, she will be the fourth—not the first—woman to sit on the Supreme Court.

Frankly, I have been surprised to hear some of my colleagues question Elena Kagan’s credentials for the Court.

Let me start with the argument made by some that her record is somehow inadequate because she lacks prior judicial experience.

It is true that all nine Justices on the current Supreme Court come directly from the U.S. Court of Appeals. But that is a historic anomaly. It has never happened before. In fact, in the history of the Court, approximately one-third of our Justices have come to the bench with no prior experience as a judge.

When the President announced this nominee, Justice Scalia, for one, said he was happy to see that she is not a Federal judge and not a judge at all. Justice Felix Frankfurter went much further, stating in a speech in 1957:

One is entitled to say, without qualification, that the correlation between prior judicial experience and fitness for the functions of a Supreme Court is zero. The significance of the greatest among the justices who have had such experience, Holmes and Cardozo, derived not from that judicial experience, but from the fact they were Holmes and Cardozo.

In my own view, judicial experience is a useful background, but it is only one of many, and it is a background that is well represented on the Court today. As a matter of fact, it is entirely represented on the Court today.

The point is this: When we examine Elena Kagan’s records, we should not allow the characteristics of the current Court to make us shortsighted. In the course of American history, the Senate has confirmed Justices with a broad variety of backgrounds—Justices who were law professors, such as Felix

Frankfurter; attorneys in private practice, such as Warren Burger; elected officials, such as John McKinley, Earl Warren, and James Byrnes; and over 10 percent of our Justices have—like Elena Kagan—come directly from the executive branch, with no judicial experience in between. These include Chief Justice William Rehnquist, who was Assistant Attorney General; Justice Byron White, who was Deputy Attorney General; Justice Robert Jackson and Chief Justice Harlan Fiske Stone, who were both the Attorney General of the United States; and Chief Justice John Marshall, who was the Secretary of State.

Again, these are Justices who distinguished themselves on the Court, who came directly from the political experience. In my mind, the President has made a wise choice with this nomination because, in addition to this woman’s impressive brain power—and I sat there and listened to her hour after hour keep her calm, show humor, and display an impressive ability to cite cases, and even footnotes of those cases—she brings the valuable attribute of having first-hand working knowledge of all three branches of government. If confirmed, she, Justice Breyer, and Justice Thomas, will be the only Justices to share that distinction.

Take her experience with the Supreme Court itself. As a “27-year-old pipsqueak,” as she said before the committee, Elena Kagan had the privilege of working as a law clerk on the Supreme Court to Justice Thurgood Marshall. The job itself is prestigious, and it is impressive that Kagan was selected. The real value, however, was in giving Kagan an inside view of the Court through the eyes of one of our great Justices, the lawyer who argued *Brown v. Board of Education*, the first African-American Justice on the Supreme Court, and a man who brought to life the Court’s most basic promise of “equal justice under law.” She had that experience.

As Elena Kagan said at her confirmation hearing, through Justice Marshall, she learned that our courts are “special as compared with other branches of government. In other words, that it is the courts’ role to make sure that even when people have no place else to go, they can come to the courts and the courts will hear their claim fairly. That is a valuable lesson indeed for both a young lawyer and a new Supreme Court Associate Justice.”

Today, Kagan has an equally unique perspective on the Court. As the Solicitor General, she sometimes is referred to as the “tenth justice,” because there is no other lawyer who interacts as frequently with the Justices. In her time as Solicitor General, she has filed hundreds of briefs and argued six cases before the Supreme Court itself. If confirmed, she will be one of only five sitting Justices who have appeared on the

advocate's side of the Supreme Court bench.

Solicitor General Kagan also brings practical experience with the legislative branch. She worked in the halls of the Senate as a special counsel to the Senate Judiciary Committee for the Ginsburg nomination, and during the Clinton administration, she bore responsibility for advancing President Clinton's domestic policy agenda as the Deputy Director of the Domestic Policy Council. She served, for example, as the administration's chief negotiator for tobacco reform legislation. So she knows the ins and outs of the legislative process.

This position enabled her to experience firsthand the hard work, negotiation, collaboration, and navigation of procedural obstacles that are required to move a difficult bill through Congress.

When the Justices are called upon to interpret a statute, or determine its constitutionality, it is essential that they have some appreciation for the process by which that law came to be and the intent of Congress in writing and shaping that law. Elena Kagan knows the legislative process, and I believe that will serve our Nation well.

Finally, Elena Kagan also brings experience as a participant in the executive branch. As the Solicitor General, she has represented the U.S. Government before the Supreme Court; as an associate White House counsel, she had to advise President Clinton on the scope of Presidential powers and privileges; and as a Deputy Director of the Domestic Policy Council, she supervised the President's policy initiatives not only by advancing legislation in Congress but also in cooperation with Federal agencies.

Already, the debate has begun among legal commentators about whether Kagan's work on the executive branch will skew her rulings in key cases—we heard this earlier this morning—dealing with the scope of the President's powers with respect to indefinite detention, warrantless surveillance, or the use of force outside of a declaration of war.

The lessons of history again provide perspective here. I think of Justice Robert Jackson, a former Attorney General of the United States, who wrote an opinion that now stands as the cornerstone for all analysis—and I mean that—of limits on executive power. We have heard this quoted by virtually every nominee before the Judiciary Committee when a question of executive power is levied.

In the famous *Youngstown* case, in 1952, the Court was called upon to decide whether the President's authority as Commander in Chief allowed him to seize the Nation's steel mills in order to ensure sufficient wartime production to meet the Defense Department's needs for the Korean war.

In his prior role as the Attorney General of the United States, Robert Jackson had vigorously defended the President's prerogative to take steps necessary to advance the Nation's war effort. But as Justice Jackson, he took a different tack. He agreed with the majority that the President did not have the authority to seize the private steel mills, but in doing so, he set forth a compromise framework, stating that the President's power was greatest when he acted pursuant to an act of Congress, in a zone of "twilight" when the Congress has not spoken, and at its lowest ebb, when he acted contrary to the stated will of the Congress.

When a colleague pointed out that Justice Jackson's compromise framework differed from the position he had taken as Attorney General, he replied that a Justice does not "bind present judicial judgment by earlier partisan advocacy." That is a very profound statement from a great Justice, who wrote an opinion that has stood the test of time.

I tell this story to make this point: Elena Kagan's clerkship for Justice Marshall, her work with the Congress in the 1990s, and the positions she takes now as Solicitor General cannot forecast, with any certainty, what results she will reach in cases before the Court. I think Justice Jackson is living proof of that. However, they do provide important assurance that she will appreciate the core principles and perspectives that undergird the work of each and every branch of this government. Like Justice Jackson, this has the potential to make her a very persuasive and impressive Justice.

In sum, I believe Elena Kagan's professional background makes her superbly qualified to sit on the Supreme Court.

An excellent professional background is, of course, a necessary qualification, but a nominee must also show that he or she has the appropriate judicial temperament, has a commitment to follow the law, and brings a judicial philosophy that will not pull the Court outside of the mainstream. And I have confidence in her in each of these areas.

The Senate Judiciary Committee has received over 170,000 pages of documents spanning Kagan's entire career. She testified before us for 18 hours over a space of 3 days. She has answered over 200 additional questions for the record, and scores of letters have been sent to us regarding her qualifications. What repeatedly emerges from all of this is that Elena Kagan is a pragmatist, a problem-solver, and a conciliator.

Her time as dean of Harvard Law School—misinterpreted often—paints a vivid picture. Elena Kagan arrived at Harvard in 1999. She was selected to be dean only 4 years later. She was the first woman ever named so—a significant accomplishment in itself.

What is most important, however, is that during her time at Harvard, she developed a reputation as a steady leader who would bring all sides to the table and work to solve a problem. As described in a letter from 69 former deans supporting her nomination, she had a unique "willingness to listen to diverse viewpoints and give them all serious consideration. She revealed a strong and consistent aptitude for forging coalitions that achieved smart and sensible solutions, often in the face of seemingly insoluble conflict." Quite a statement from 69 deans of law schools.

She brought conservative faculty, such as Bush administration lawyer Jack Goldsmith, to the school and rallied the faculty to come together to support them. Former Solicitor General Charles Fried described her effect this way: "The place is like it's never been before." She "managed to calm the factionalism, so it's completely disappeared." That is according to former Solicitor General Charles Fried. The *Boston Globe* stated it more simply, saying that she "thawed Harvard law."

This same knack for the pragmatic and drive toward consensus echoes throughout her career.

A liberal scholar from the University of Chicago has characterized her academic work this way:

She is much more of a lawyer than a partisan. She is more interested as a scholar in thinking through hard issues than advocating particular ideological or political perspectives.

Former Clinton Chief of Staff John Podesta has written that during the Clinton administration, Kagan "distinguished herself as deeply loyal to the Constitution and the law" and said that "on issues ranging from adoption to religious freedom to tobacco regulation, [she] eschewed ideology in favor of practical solutions."

Her friends, her admirers, her colleagues repeatedly describe her in those terms: a problem-solver, a conciliator, someone who brings people together even when they have very different views.

What really impresses me, though, is what we have heard from conservatives. Let me note that the very fact we have heard from these conservatives is impressive. In today's political atmosphere, lawyers take a risk when they cross party lines to support Supreme Court nominees. Key people have done so for Kagan.

Former Bush appointee to the Tenth Circuit and current Stanford law professor Michael McConnell sent us an 8-page letter outlining the reasons for his strong support for Kagan's nomination. Elena Kagan, he said, shows "respect for opposing argument, fair-mindedness, and willingness to reach across ideologic divides, independence, and courage to buck the norm." "No one," he said, "can foresee the future,

but I would not be surprised to find that Elena Kagan, as a Justice, serves more as a bridge between the factions of the Court than as a reliably progressive vote."

Senator GRAHAM, my colleague on the committee, has pointed to the words of Miguel Estrada, a deeply conservative lawyer who has known Kagan for 27 years. He describes her as having "a formidable intellect, an exemplary temperament, and a rare ability to disagree with others without being disagreeable. She is calm under fire and mature and deliberate in her judgments."

Today, we have a divided Court—a Court in which the Justices are repeatedly split five to four on major rulings of the day. These rulings determine what kinds of gun laws legislatures can pass to protect the public safety in our cities, how much money will be spent in Federal elections, what school districts can and cannot do to maintain racial diversity in our schools, what remedy our older and women workers have when their employers discriminate against them, what the appropriate role for religion is in our public life, or how much a company can be required to pay for causing significant harm to our environment. And these Justices are split down the middle on these major questions. They cannot find compromise or agreement. Major questions of the day are adjudicated on a bare majority.

We badly need a Justice who can drive this Court toward consensus, and I have high hopes Elena Kagan will be just such a Justice.

Her record also gives me confidence that she will follow the law and put aside any personal policy preference when deciding cases on the Court. In the course of her career, whether working on policy or on law, law has always come first. And as Solicitor General, she has proven quite clearly that she can put her personal views aside, filing, for example, a brief that defended the constitutionality of don't ask, don't tell. Although she is known to strongly disagree with that policy, she defended it and stated that the Court should let stand a First Circuit decision that upheld the policy because it properly deferred to the reasoned military judgment of the executive and legislative branches.

Finally, I believe she has set forth an appropriate judicial philosophy. In 3 days of hearings before our committee, she has revealed herself as a person who believes that judges should follow precedent, *stare decisis*, and exercise restraint in their rulings. She said:

[N]o judge should look at a case and say, "Oh, I would have decided it differently; I'm going to decide it differently." [A] judge should view prior decisions with a great deal of humility and deference.

She told us:

The time I spent in the other branches of government remind me that [the role of the

Court] must also be a modest one—properly deferential to the decisions of the American people and their elected representatives.

Hers will be a welcome voice on the Court.

I wish to take one last moment, if I may, to address questions about her actions related to military recruiting at Harvard Law School because I believe, to some extent, they have been inaccurately depicted. While each Member will have to draw his or her own conclusions about whether Dean Kagan took the wisest course, I believe it is essential that we get the facts straight.

As dean, Elena Kagan never barred military recruiters from the Harvard Law School campus. For one semester, after the U.S. Court of Appeals for the Third Circuit held that the Solomon amendment was unconstitutional, Kagan reverted to an earlier school policy that had been used for many years before she became dean. That is fact. Under that policy, the military recruited through the Harvard Law School Veterans Association but was excluded from the Office of Career Services. At all times, the military had access to students. In fact, military recruitment levels at Harvard remained steady and even increased at times during Kagan's tenure as dean.

But what is most striking to me in reviewing all of this is that although the judiciary has heard from servicemembers on both sides of this issue, every report we have received from a veteran or servicemember who actually attended Harvard at the time has been in strong support of Kagan's nomination to the Court.

Marine Corps CPT Bob Merrill graduated from Harvard Law School in 2008. He is currently serving in Afghanistan. He writes:

Kagan's positions never affected the services' ability to recruit at Harvard. Behind the scenes the dean assured that our tiny Harvard Law School Veterans Association never lacked for funds or access to facilities.

She treated the veterans at Harvard like VIPs, and she was a fervent advocate of our veterans association.

First Lieutenant David Tressler graduated from Harvard Law School in 2007 and is currently serving in Afghanistan with the U.S. Army Reserves. He wrote that "while Dean of Harvard Law School, [Kagan] adequately proved her support for those who had served, were currently serving, and all those who felt called to serve."

Navy Judge Advocate General Corps LT Zachary Prager graduated in 2006 and wrote that "Dean Kagan set a standard at Harvard of respect for military servicemembers" and that without Kagan's "leadership and evenhandedness as Dean," he would not have joined the military.

Like Admiral Mike Mullen, Secretary of Defense Robert Gates, Secretary of the Navy Ray Mabus, retired General Colin Powell, myself, and many others in this Chamber, Kagan

has said she personally disagrees with the don't ask, don't tell policy. And she is not alone.

At certain dark moments in our history, institutions of higher education have shown a hostility in this sense, but those contexts should not be confused.

To oppose the exclusionary policy of don't ask, don't tell is not to oppose or show hostility toward the military; it is instead to say that the time has come for all willing and able Americans to be able to serve. Like Elena Kagan, I strongly believe the criteria for military service in our country should be competence, courage, and a willingness to serve, not race, gender, or sexual orientation.

Members should draw their own conclusions about whether Kagan made the right choice as dean in returning to Harvard's old recruiting policy in 2005, but I want to be clear that nothing in her record shows any hostility toward the military or the men and women who serve our country. In fact, servicemen and women who were there at the time have come forward, and the evidence is to the contrary.

In sum, and in conclusion, I believe Elena Kagan will be a fine Justice on the U.S. Supreme Court, and I look forward to the day soon when she takes her seat as the fourth woman in history to serve on that Court. I am very proud to support her nomination.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, Elena Kagan is intelligent, well spoken, personable, and schooled in the law. She is skilled in the art of argument, perhaps to a fault. Ignoring her own advice in the now famous University of Chicago Law Review article, she did not testify meaningfully before the Judiciary Committee, concealing and disguising her views and playing the same game of "hide the ball" as some who went before her, albeit with more skill. Probably because she criticized the practice so directly, many expected her to set a different standard.

Others have asked whether Judiciary Committee hearings have been rendered largely free of substance and what, if anything, can be done about it. The former Judiciary Committee chairman, ARLEN SPECTER, who lamented that Ms. Kagan, during her testimony, had not "answered much of anything," went on to say this:

It would be my hope that we could find some place between voting no and having some sort of substantive answers. But I think we are searching for a way how Senators can succeed in getting substantive answers, as you advocated in the Chicago Law Review, short of voting no.

I confess that, similar to Senator SPECTER, I don't know how we can force nominees to be forthcoming except through our votes.

To be clear, my threshold for supporting a nominee does not require answering how one would vote on issues sure to come before the Court, nor necessarily expressing agreement or disagreement with decisions or Court opinions. It is possible to learn much about a nominee's approach to judging without committing one to a specific position in future cases. What we should expect, however, is candor and a willingness to honestly discuss background and general constitutional principles, approaches to judging and writings and matters within the nominee's background that bear on the nominee's suitability for the bench.

In explaining why I could not vote for now-Justice Sotomayor, I said I thought she was disingenuous with the Judiciary Committee. Obviously, reaching such a conclusion precludes support, notwithstanding other qualifications for the position. Reluctantly, after analysis of her testimony, weighed with her past writings, statements, and actions, I have reached the same conclusion regarding Elena Kagan.

Exhibit A is her insistence on redefining her position on military recruiting on Harvard campus. Her "separate but equal" defense and attempt to downplay the steps she took to undermine the legal policy of don't ask, don't tell were, ultimately, unbelievable. It is almost unfathomable, for example, that someone with Ms. Kagan's considerable legal acumen could have, as she asserted, always thought we were acting in compliance with the Solomon amendment.

Ms. Kagan tried to convince the Judiciary Committee that her actions against the military were a justifiable response to a policy she viewed as discriminating against homosexuals. But as Senator SESSIONS noted, her stand against homosexual discrimination was not universal. She did not speak out, for example, when Harvard accepted \$20 million from a member of the Saudi royal family to establish a center for the study of Sharia law, even though under Sharia law "sexual activity between two persons of the same gender is punishable by death or flogging." Her decision to punish the military for a policy adopted by Congress is especially perplexing, given her failure to express concern over or take action against the establishment of a center to promote a legal system linked to the abuse of homosexuals, women, and others.

Exhibit B is her astonishing legal definition of what she meant in her effusive praise for Justice Marshall's vision of the role of the Court, presumably to avoid the obvious conclusion that she agreed with his activist approach to judging. Justice Marshall had an enormous influence on our jurisprudence, starting with his advocacy before—and most especially with—

Brown v. Board of Education. But no serious student would argue that he didn't try to push the law as far as he could in furtherance of his philosophy.

Indeed, consider the comments of another former Marshall clerk, liberal law professor Cass Sunstein, who now serves in the Obama administration, who has said this:

A serious commitment to Marshall's vision of constitutional liberty would entail an extraordinary judicial role, one for which courts are quite ill suited.

He has also acknowledged:

Even if the best substantive theory calls for something like Marshall's vision, institutional considerations would argue powerfully against it.

Ms. Kagan's attempt to define Justice Marshall's philosophy as meaning only that he wanted everyone to have equal access to the courts is—there is no other word for it—disingenuous.

Because Ms. Kagan apparently embraces his philosophy but feared public acknowledgment of that would confirm the concern that she would be a results-oriented judge, she fudged. In doing so, she confirmed the suspicion and compounded the problem with deceptive testimony.

Exhibit C is the explanation of several of her bench memos to Justice Marshall, insisting they did not contain her views but were merely a channeling of his. Ms. Kagan offered this explanation of her memo categorizing litigants as "good guys" and "bad guys," another memo stating that the government was "for once on the side of the angels," and a memo expressing fear that the Court might "create some very bad law on abortion and/or prisoners' rights." Reading these memos, one gets the sense that Ms. Kagan was not simply channeling her boss but was instead expressing her own personal policy views on matters before the Court and that they had as much to do with who the litigants were as what the issues were.

Ms. Kagan also attempted to recast her praise of Israeli Supreme Court Justice Aharon Barak, who, in the words of the Associated Press, is widely acknowledged as someone who took an activist approach to judging. Well, that is exhibit D. Judge Richard Posner described Judge Barak's history on the Israeli Supreme Court as "creating a degree of judicial power undreamed of even by our most aggressive Supreme Court justices."

Under his leadership, the Israeli Supreme Court aggrandized its own power far beyond what even many of those on the left would view as acceptable in America. To cite one example of Justice Barak's judicial philosophy, he wrote a judge's role "is not restricted to adjudicating disputes in which parties claim that their personal rights have been violated" but rather "to bridge the gap between law and society."

Well, bridging gaps, clearly, and using the law to address societal problems is not the job of the courts. That is a political approach.

Ms. Kagan claimed, during her hearing, that her praise for Justice Barak had nothing to do with his leftwing judicial philosophy. But an examination of her statements tells a different story. In 2002, Ms. Kagan praised Aharon Barak for "presiding over the development of one of the most principled legal systems in the world."

In 2006, she again heaped professional praise on Justice Barak, calling him her "judicial hero." Ed Whelan, who is a noted legal commentator, summarized this event well:

Kagan begins by referring to the portraits of four "great justices" with whom Harvard Law School has been associated—Brandeis, Holmes, Brennan, and Frankfurter. But, she says, "the Harvard Law School association of which I'm most proud"—more proud, that is, than of the associations with Brandeis, Holmes, Brennan, or Frankfurter—"is the one we have with President Barak of the Israeli Supreme Court.

And then she continued:

I told President Barak, and I want to repeat in public, that he is my judicial hero. He is the judge or justice in my lifetime whom [sic], I think, best represents and has best advanced the values of democracy and human rights, of the rule of law and of justice.

During her confirmation hearing, Ms. Kagan, under oath, testified that she admired Justice Barak for his role in:

... creating an independent judiciary for Israel. . . . not for his particular judicial philosophy, not for any of his particular decisions.

That testimony cannot be squared with her public declaration that Justice Barak "is the judge or justice in my lifetime whom [sic], I think, best represents and has best advanced the values of democracy and human rights, of the rule of law and of justice."

Exhibit E is Ms. Kagan's answer to whether she is a legal progressive. Her statements, again, were designed to cloud her views. Vice President BIDEN's Chief of Staff, Ron Klain—who served as chief counsel of the Senate Judiciary Committee, Chief of Staff to Attorney General Reno, and Chief of Staff to Vice President Gore—has known Ms. Kagan as far back as 1993, when they worked together on the Ginsburg hearings. At Ms. Kagan's hearing, Senator SESSIONS pointed out that after Ms. Kagan was nominated, Mr. Klain said:

Elena [Kagan] is clearly a legal progressive. I think Elena is someone who comes from the progressive side of the spectrum. She clerked for Judge Mikva, clerked for Justice Marshall, worked in the Clinton administration, worked in the Obama administration. I don't think there's any mystery of the fact that she is, as I said, of more of the progressive role than not.

Senator SESSIONS then asked Ms. Kagan:

Do you agree with the characterization that you're a legal progressive?

She replied:

I honestly don't know what that label means.

So Senator SESSIONS pressed Ms. Kagan:

I'm asking about his firm statement that you are a legal progressive, which means something. I think he knew what he was talking about. He's a skilled lawyer who's been in the midst of the great debates of this country about law and politics, just as you have. And so I ask you again: Do you think that is a fair characterization of your views? Certainly, you don't think he was attempting to embarrass you or hurt you in that process.

She again dodged with an answer that strains credulity.

I love my good friend, Ron Klain, but I guess I think that people should be allowed to label themselves. And that's—you know, I don't know what that label means and so I guess I'm not going to characterize it one way or the other.

So a nominee to the highest Court in the land and a former dean of one of the Nation's most prestigious law schools insists that she doesn't know what the term "legal progressive" means.

But later in the hearing, Senator GRAHAM mentioned that Greg Craig, President Obama's first White House Counsel, had praised Ms. Kagan. Mr. Craig said:

[Elena Kagan] is largely a progressive in the mold of Obama himself.

So Senator GRAHAM asked:

Would you consider them, your political views, progressive?

Then Ms. Kagan acknowledged that, yes, her "political views are generally progressive."

It is hard to believe Ms. Kagan knows what a political progressive is but not a legal progressive.

Exhibit F: Her attempt to redefine her views in the letter sent to Judiciary Committee on November 14, 2005, in which she objected to the Graham-Kyl-Cornyn amendment dealing with treatment of enemy detainees. Her characterization of our approach as being similar to the "fundamentally lawless" actions of "dictatorships" was clearly, I believe, injudicious and revealed the fervor of her position, much like her characterization of the don't ask, don't tell policy as "a moral injustice of the first order," and it could suggest a viewpoint that she would have a hard time laying aside if similar questions ever came before her as a Supreme Court Justice.

Her attempt to distance herself from the obvious application of her views to places other than Gitmo—obvious because her letter bemoaned the "serious and disturbing reports of the abuse of prisoners in Guantanamo, Iraq and Afghanistan"—and issues other than conviction and sentencing—even though her letter stated that our amendment "unfortunately" would "prohibit challenges to detention practices, treat-

ment of prisoners, adjudications of their guilt and their punishment"—suggests either that she was uncomfortable defending her position or she wanted to preserve her right to sit on such cases in the future or both. The attempt to obscure positions she had previously stated was, I believe, an attempt to run away from those positions and mislead the committee.

Exhibit G: Ms. Kagan's doublespeak on the question of same-sex marriage. Prior to her confirmation as Solicitor General, when she was not restricted, as judicial nominees are, in her ability to comment on issues that may come before the courts, Senator CORNYN asked Ms. Kagan a direct question about her personal views:

Do you believe that there is a fundamental constitutional right to same-sex marriage?

Her answer then seemed clear. She wrote:

There is no Federal constitutional right to same-sex marriage.

But at the hearing, when I asked Ms. Kagan to confirm her views on this subject, she distorted both Senator CORNYN's question and her answer. She told me Senator CORNYN had asked whether she could "perform the role of the Solicitor General" and vigorously defend DOMA, given her opposition to don't ask, don't tell. When I pointed out that Senator CORNYN's question was about a constitutional right to same-sex marriage, not DOMA, Ms. Kagan then asserted that her answer to Senator CORNYN—that "there is no Federal constitutional right to same-sex marriage"—intended to convey that she "understood the state of the law and accepted the state of the law." Having reinterpreted her previous answer, she then told me that, as a Supreme Court nominee, it would not be "appropriate" for her to share her personal views on the subject, since such a case may come before the Court.

It strikes me that Ms. Kagan was, at the time of her nomination to be Solicitor General, trying to create an impression—apparently a false one—that she did not personally believe the Constitution could be read to include a right to same-sex marriage.

That leads to Exhibit H: her involvement, while serving as Solicitor General, in a case concerning the constitutionality of the Defense of Marriage Act, DOMA.

When nominated for the job of Solicitor General, Ms. Kagan emphasized in her opening statement the "critical responsibilities" that the Solicitor General owes to Congress, "most notably the vigorous defense of the statutes of this country against constitutional attack." Later, Ms. Kagan reiterated that she could represent the interests of the United States "with vigor, even when they conflict with my own opinions. I believe deeply that specific roles carry with them specific responsibilities and that the ethical performance

of a role demands carrying out these responsibilities as well and completely as possible."

Ms. Kagan even cited former Solicitor General Ted Olson's defense of the campaign finance laws as an example of the way a Solicitor General should approach the job. She said, "I know that Ted Olson would not have voted for the McCain-Feingold bill, but he . . . did an extraordinary job of defending that piece of legislation. . . . And that's what a solicitor general does."

Yet, there is substantial reason to doubt that Ms. Kagan genuinely carried out her obligation to "vigorously defend" a Federal statute in district court, the Defense of Marriage Act. In response to questions at her Supreme Court hearing, Ms. Kagan acknowledged that she was involved in two district court cases involving DOMA. Her personal involvement in these cases was itself unusual as she admitted in response to written questions: "In the normal course, the [Solicitor General's] Office does not participate in district court litigation."

Her involvement would not have necessarily raised concerns were it not for the position that the government advocated in the cases. In the first case, *Smelt v. United States*, the Department of Justice filed a brief that, as part of its so-called "defense" of the DOMA statute, admitted to the court that "this Administration does not support DOMA as matter of policy, believes that it is discriminatory, and supports its repeal." How can a lawyer mount a "vigorous" defense of a statute while declaring the statute to be discriminatory? But it gets worse. The Justice Department's brief also asked the court to ignore one of the strongest arguments in support of DOMA—namely that traditional marriage serves as a valuable vehicle for encouraging responsible procreation and childbearing. The brief asserted that the government "does not believe that DOMA is rationally related to any legitimate government interests in procreation and child-rearing."

It is clear that the Justice Department's brief, which was supposed to be filed in support of the DOMA statute, in fact undercut the law's constitutionality. As one legal scholar and proponent of same-sex marriage said about the Justice Department's argument:

This new position is a gift to the gay-marriage movement, since it was not necessary to support the government's position. It will be cited by litigants in state and federal litigation, and will no doubt make its way into judicial opinions. Indeed, some state court decisions have relied very heavily on procreation and child-rearing rationales to reject SSM [same-sex marriage] claims. The DOJ is helping knock out a leg from under the opposition to gay marriage.

The *Smelt* case was later dismissed by the district court for other reasons. And that brings us to the second DOMA case in which Ms. Kagan was involved—*Gill v. Office of Personnel*

Management. In *Gill*, the Justice Department again offered the same half-hearted defense of DOMA and repudiated its strongest legal arguments. This time, however, the district court seized on the Justice Department's rejection of the procreation and child-bearing rationales and found that DOMA was unconstitutional. Ed Whelan, the noted legal commentator and a former principal deputy of the Office of Legal Counsel, has explained that the decision in *Gill* "would be ridiculous but for DOJ's abandonment of Congress's stated justifications for DOMA. Under proper application of the very deferential 'rational basis' review, for example, it would be enough to recognize that it would have been reasonable for Congress in 1996 to regard traditional marriage as a valuable vehicle for encouraging responsible procreation and childbearing."

Although Ms. Kagan admitted being involved in both *Smelt* and *Gill*, she refused to tell us her role in the deliberations. In response to written questions, Ms. Kagan did admit that her participation in *Smelt* was "sufficiently substantial" that she would recuse herself should the case come before the Supreme Court. But this promise itself was disingenuous because the *Smelt* case had already been dismissed, so there was no chance that it would come before the Supreme Court. On the other hand, the *Gill* case may very well make its way to the Supreme Court, but Ms. Kagan did not promise to recuse herself from participating in it, despite her involvement in formulating the Justice Department's flawed defense of DOMA in the case.

We will likely never know what Ms. Kagan's advice was in these cases. What we do know is that Ms. Kagan has a history of ignoring the law when it conflicts with the gay rights agenda. We also know that she took the unusual step of getting involved in these district court cases challenging DOMA. And we know that the Justice Department went out of its way to abandon one of the fundamental rationales for the DOMA statute, which resulted in a court, for the first time ever, ruling that DOMA was unconstitutional. On the basis of these facts, I believe that any reasonable observer would question whether Ms. Kagan kept her promise to us that she would "vigorously defend" Federal statute as Solicitor General.

Exhibit I is her dubious explanation of why, in another case that she handled as Solicitor General, she declined to appeal the Ninth Circuit's adverse ruling in *Witt v. Department of the Air Force*, a case challenging the constitutionality of the government's don't ask, don't tell statute. At her hearing, Ms. Kagan claimed that allowing the Ninth Circuit decision to stand, and accepting a remand and trial in district court, would provide the Supreme

Court with a "fuller record" and would help the government "show what the Ninth Circuit was demanding that the government do" to defend don't ask, don't tell.

But a review of the Ninth Circuit opinion and the record in the case shows that Ms. Kagan's explanation was disingenuous. The Ninth Circuit itself had already said what the government would need to prove for the Federal law to survive—there was no need to develop a "fuller record" or seek further clarification from the courts.

Ms. Kagan's decision to let the case return to the district court ensured that members of the military would be subjected to invasive and humiliating trials in the *Witt* case and in all other challenges against don't ask, don't tell—trials in which soldiers would be compelled to testify against their comrades, discuss their views of a fellow soldier's sexual practices, and watch as the unit's personnel files become fodder for lawyers trying to condemn what is supposed to be a military-wide policy. The government rightly argued before the trial court that such trials are guaranteed to destroy unit cohesion—the very thing that Congress sought to protect when it passed the don't ask, don't tell statute. And the trial court records show that Kagan knew in advance that the trial process would harm the military's interests. But she decided to thrust the government into exactly the position the military's lawyers most wanted to avoid, perhaps to keep in place, and insulate from Supreme Court review, a Ninth Circuit ruling that places don't ask, don't tell policy in jeopardy.

In addition to my concerns that Ms. Kagan was less than candid with the Judiciary Committee, I am also concerned about her leftist ideology and the potential it will influence her judging. I will discuss three areas of concern.

First, is her defense of the brief filed in *Chamber of Commerce v. Candelaria*. It takes a clever lawyer to argue that the Court should take this immigration case, but not *Lopez-Rodriguez v. Holder* on the traditional reasons for granting certiorari. In *Candelaria*, she asked the Supreme Court to strike down an Arizona law that permits the State to suspend or revoke the business licenses of companies that knowingly employ illegal aliens. She did this even though Federal law expressly authorizes States to enforce immigration laws "through licensing" and even though the courts that have considered the issue have determined that States could do precisely what Arizona did. Yet, in *Lopez-Rodriguez*, another immigration case, she refused to appeal a decision by the Ninth Circuit that permits ordinary deportation hearings to be bogged down by long legal fights over the admissibility of clear evidence

that a person is illegally here. Unlike *Candelaria*, the Ninth Circuit's decision in *Lopez-Rodriguez* was in conflict with the decisions of other courts—including the Supreme Court—involved a significant constitutional issue. It is difficult not to conclude that Ms. Kagan's actions in these two cases were driven less by the law, and more by political expediency.

My second concern about ideology is that Ms. Kagan has shown she may hold a limited reading of the second amendment, even after the *Heller* and *McDonald* cases. When asked whether the right to bear arms was a "fundamental right," Ms. Kagan said, "I think that that's what the court held in *McDonald*." She also said that the holding was "[g]ood precedent going forward." Of course, there is a record of nominees describing the holding of a case and proclaiming that it is "good precedent," only to vote to overturn or distinguish that precedent once they ascend to the bench. Justice Sotomayor did just that on this issue.

But we need not rely on cynicism to demonstrate that Ms. Kagan may not view the recent second amendment precedents as settling the question of whether gun ownership is a "fundamental right."

Generally speaking, when a constitutional right is "fundamental," any government restriction of that right is subject to "strict scrutiny" by the courts. But at her hearing, Ms. Kagan left open the possibility that some other, lesser standard of scrutiny should apply to second amendment restrictions. She said that "going forward the Supreme Court will need to decide what level of constitutional scrutiny to apply to gun regulations." This does not sound like a commitment to the principle that the second amendment guarantees a fundamental right. When weighed with her well-documented work in the Clinton administration to advance gun control legislation, I believe there is a justifiable concern that Ms. Kagan would vote to construe *Heller* and *McDonald* as narrowly as possible.

Third, I am concerned that Ms. Kagan sees few, if any, limitations on Congress's authority to regulate behavior, or interstate commerce. In a remarkable exchange, Senator Coburn asked Ms. Kagan whether it would be constitutional for Congress to pass a law requiring Americans "to eat three vegetables and three fruits every day." Although Ms. Kagan said that such a law sounded "dumb," she refused to say that such a law would be unconstitutional. In fact, during the course of the exchange, Ms. Kagan repeatedly emphasized that a court analyzing such a statute should "read the [commerce] clause broadly" and give "real deference" to Congress.

I agree that the commerce clause gives the Congress substantial authority, but it does not give Congress unlimited authority. That Ms. Kagan was unwilling to say a law requiring the consumption of produce is beyond Congress's authority suggests she would vote to uphold statutes that exceed the boundaries of the commerce clause. Stretching the commerce clause gives too much power to Congress.

Finally, it is worth noting that Ms. Kagan came to the Senate with a lack of legal and judicial experience, especially when compared to other recent nominees. Some have reached back 40 years to compare Ms. Kagan's experience to that of Chief Justice Rehnquist, the last nominee without prior judicial experience confirmed to the Supreme Court in 1972. William Rehnquist, however, spent 16 years as a practicing litigator in my home State of Arizona and 2 more years as Assistant Attorney General, Office of Legal Counsel, a position that was later held Justice Scalia 1974-1977 and that, according to the Department of Justice, "typically deal[s] with legal issues of particular complexity" and "provides authoritative legal advice to the President and all the executive branch agencies." In contrast, Ms. Kagan's law practice is confined to two years in private practice shortly after law school and 1 year as the Solicitor General.

Her limited experience is not by itself disqualifying, but it did increase the importance of her hearing. Had she answered questions in an honest and straightforward manner, we might have a better basis to know what kind of judge she would be. But instead, Ms. Kagan either dodged questions or gave what were clearly disingenuous answers intended to mask her views. She also failed to make the case that her political ideology would not influence her judging. For all of the reasons I have discussed, I cannot support her nomination.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I certainly could not improve upon the statements and arguments that have been made by my good friend from Arizona. I come from a little different perspective. There are six things I think any one of which would seriously make us consider voting against her.

I want to say this, first, though. Back when she was first nominated I was the first one to say I was opposed to her. The main reason was these things came up, most of them, when she was up to be confirmed for Solicitor General. At that time I objected to her being in that position.

I have a policy—I think it is good; people in Oklahoma know it—and that is, if you oppose someone's confirmation for a position and then they come back later for a higher position, it is

automatic because the bar should be higher.

Anyway, today I want to reemphasize a couple of things that were mentioned by my friend from Arizona. One objection to the Kagan nomination is that she undeniably lacks the experience.

I think Senator KYL said it very well. People say there have been others in history that didn't have any judicial experience, but in those cases, they averaged 21 years of practicing law. They had that experience. This would be the first time in history we have someone with less than 2 years' experience and no judicial experience. That would be reason enough, but that is not my major objection.

My major objection is her disdain for the U.S. military. While dean at Harvard, Kagan banned the military during a time of war from recruiting on campus due to her objection over the don't ask, don't tell policy. That was the policy put together during the Clinton administration while she was in the administration. She did not object to it at that time, but she objects to it now.

There has been much made by her supporters about her role in this incident, but the truth is that in November of 2004, after the Third Circuit Court of Appeals struck down the Solomon amendment—I was there when the Solomon amendment was passed in the House—Kagan affirmatively disallowed the military from recruiting at the school's office of career services. Subsequently, she joined 40 other schools in filing an amicus brief with the Supreme Court in the case opposing the Solomon amendment which was then overwhelmingly opposed and reversed by the Supreme Court unanimously. She was taking advantage of that opportunity when she didn't allow recruiters at the university. We have seen this happen around the country, not only Harvard but in California. This is something that is definitely in opposition to the law that is still in place, referred to as the Solomon amendment.

Equally alarming to these actions is her misrepresentation of the facts before the Judiciary Committee. I wasn't aware of this, certainly not back when she was up for Solicitor General. She testified that military recruiters had "full and good access" to Harvard's campus. Military recruiters clearly did not have full and good access, as they had to work through the school's veterans group as opposed to being allowed to go through the office of career services, a part of the university.

Internal Pentagon documents reveal that under her deanship "The Army was stonewalled at Harvard." Furthermore, Kagan told the committee that in banning recruiters she "always thought we were acting in compliance" with Federal law. Yet in her own e-mail to Harvard students and faculty,

she wrote that she had "hope" that the government "would choose not to enforce" the law.

I am alarmed that Kagan would not only ban military recruiters on campus in a time of war but that she would do it to advance her own liberal and social agenda, then mislead the committee with her statements.

During her tenure as dean of Harvard, Kagan sent a letter with three other law school deans to the Senate in 2005 opposing legislation that sought to prevent terrorists convicted in military tribunals from appealing their convictions in Federal courts. She compared this legislation to the "fundamentally flawless" actions of a "dictatorship" that has "passed laws stripping courts of power to review executive detention or punishment of prisoners." That is not what I said. That is what Ms. Kagan said.

We have the best judicial system in the world. Equating our laws relating to the war on terror to that of a dictatorship would be laughable, were it not so pervasive in liberal academia.

Kagan has a history of misrepresenting facts to push her liberal agenda, including her efforts while working in the Clinton administration to change statements of two medical associations to withhold the truth about partial-birth abortion. This is interesting. Both groups had a firm position, and she influenced a change in that position. During the debate over the Partial Birth Abortion Ban Act, Kagan wrote a memo to President Clinton in December 1996 objecting to the release of the American College of Obstetricians and Gynecologists—ACOG—proposed statement that partial-birth abortion is never medically necessary. This is what their position was. They came out and said that it was never necessary.

"The release of the statement would, of course, be a disaster." Those are her words, talking at that time to the Clinton administration. We have evidence from Kagan's handwritten notes that she advocated a change in the statement to reflect that partial-birth abortion may be medically necessary. One month later, ACOG released a statement with language nearly identical to Kagan's language that such abortions may be medically necessary to save the life and preserve the health of the mother. In addition to seeking to change ACOG's position, Kagan also sought to alter the American Medical Association position on partial-birth abortion. She once again tried to alter the facts and encourage AMA to change its medical policy on partial-birth abortion.

What is perhaps more concerning about Kagan's efforts to manipulate the medical policy of ACOG and AMA is that these medical policy statements were then used, sometimes successfully, in Federal courts to invalidate

State laws and the Partial Birth Abortion Ban Act. She manipulated medical facts to advance a barbaric practice and push a political agenda.

We are talking about two highly respected medical associations that said partial-birth abortion was not something that was necessary, changing their positions. Then that was later used in court cases. Moreover, Kagan criticized the Supreme Court decision of *Rust v. Sullivan* which upheld the Department of Health and Human Services regulations prohibiting title X family planning funds from being directed toward programs where abortion is a method of family planning.

Additionally, while clerking for Justice Marshall, she authored a memo arguing that all religious organizations should be off limits from receiving Federal funds for programs authorized by the Adolescent Family Life Act such as pregnancy testing, prenatal/postnatal care, adoption counseling, and childcare, because these programs are so close to the central concerns of religion.

I also seriously question Kagan's willingness to honor and defend the second amendment, getting into an area that is probably more sensitive to a lot of my friends, including my son and members of the family, who are active and strong believers in second amendment rights. While clerking for Justice Marshall, Kagan wrote a memo about a case challenging Washington, DC's strict gun control laws. In only four sentences she was dismissive of the case, writing that she was "not sympathetic" to an individual-rights view of the second amendment. As everyone knows, the Supreme Court has since upheld the individual right to keep and bear arms. Kagan also used her position with the Clinton administration to advocate various anti-second amendment initiatives. Documents from the Clinton library illustrate that she supported background checks for secondary market gun purchases as well as municipal liability suits against gun manufacturers.

She helped develop an executive order banning the importation of certain types of semiautomatic weapons that were not covered by the 1994 assaults weapons ban. She also sought to permit law enforcement to retain Brady background checks information on lawful gun sales.

Finally, in an internal document regarding the Volunteer Protection Act, she described the NRA as "a bad guy organization."

She might get by with that in this Chamber, but she wouldn't get by with it in Oklahoma. We read the Constitution. We know what it says. She has no respect for the second amendment.

I am also gravely concerned, based on Kagan's writings and statements, that she would be a judicial activist who would seek to legislate from the bench.

In her 1998 masters thesis at Oxford she wrote:

As participants in American life, judges will have opinions, prejudices, and values. Perhaps more important, judges will have goals. And because this is so, judges will often try to mold and steer the law in order to promote certain ethical values and achieve social ends. Such activity is not necessarily wrong or invalid.

She is stating, not just from today but going all the way back to her Oxford days, that judicial activism is appropriate. Rather than affirm the role of judges as the faithful interpreters of the law, Kagan voiced her support for judges who seek to serve as legislators, who develop their own empathy standards and apply the law in a matter they personally see fit. Her self-acknowledged judicial hero, Aharon Barak, perfectly fits this mold. In her testimony before the committee, she even affirmed that she would consider foreign law when she decides cases. She said:

I guess I'm in favor of good ideas from wherever they come.

We are talking about referring to other countries that have a different judicial system and saying maybe they are right and maybe we are wrong. I simply cannot support a nominee who looks to other judicial systems or judicial philosophies or evolving standards of decency rather than the text of the Constitution to interpret law.

I have thoroughly reviewed the record of Elena Kagan and have come to the firm conclusion that she lacks the qualification and experience to be a Supreme Court Justice.

I have named six things. Any one of these six should be disqualifying. One is, she wants to consider foreign judiciaries. Two, she has no judicial or trial experience. Third, she is a judicial activist. Four, she is extreme in her philosophy on abortion and anti-second amendment views, and she is anti-military.

I think of all the things I have mentioned, probably the part that concerns me most is her position that if we are trying someone in a military trial, maybe a terrorist or an activist, that they would be given the right to appeal to our court system and inherit all the benefits any citizen of the United States has.

I can only say what I said several months ago when she was first nominated. In my opinion, as 1 of 100 Senators, if she is not qualified to be Solicitor General, she is certainly not qualified for the higher job of Justice of the U.S. Supreme Court.

HYDRAULIC FRACTURING

I also wish to discuss one of the problems that is going to come up tomorrow, and that is with the Democratic and Republican energy bills. I am very concerned about a process that has been successful in extracting oil and primarily gas out of tight formations,

known as hydraulic fracturing. Hydraulic fracturing started in Oklahoma in 1949. We have used hydraulic fracturing to get at these tight formations for 60 years, and there has never been one case of any kind of contamination of water.

There are people who want to do away with our ability to run this machine called America. They don't want oil, gas, coal, or nuclear. That kind of gives an idea of what might be behind this.

Some say: No, we are not against hydraulic fracturing. This bill merely says we want the Federal Government to know what chemicals are used.

This is already being done on a State-by-State basis. Things aren't the same in Oklahoma as they are in New York. In Oklahoma, we have very strict rules. They know exactly what chemicals are used. By the way, 99 percent of what is used on these formations is water and sand.

I am looking forward to talking in more detail with my good friend Senator CASEY. He is kind of the author of this portion of the bill. Yet his State of Pennsylvania has huge opportunities for natural gas. I think we need to talk about that. We have enough natural gas that if we would take away all the inhibitions we have and keep hydraulic fracturing as a process to be used, we could run the country for 100 years. I think it is our job to make sure we protect that.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:29 p.m., the Senate recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

NOMINATION OF ELENA KAGAN TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES—Continued

The PRESIDING OFFICER. Under the previous order, the time until 8:15 p.m. will be divided in alternating 1-hour blocks, with the majority controlling the first block.

The Senator from Wisconsin.

Mr. KOHL. Mr. President, I join my colleagues today in congratulating Chairman LEAHY and Senator SESSIONS for conducting fair and impartial hearings for Solicitor General Kagan. I am here today to support General Kagan's nomination to the Supreme Court. Her confirmation will be a milestone that we can all be proud of. For the first time in history, three women will be serving on the Supreme Court at one time.

General Kagan came before the Judiciary Committee with an impressive resume that had all the trappings of an

accomplished lawyer worthy of appointment to the Supreme Court. During her hearings, she proved herself to be very well qualified for the job.

She impressed us with her sharp and keen mind, her intellect, and comprehensive knowledge of the Constitution and the law. She pledged to consider each case with an open mind and to impartially uphold the rule of law. She appeared mindful of the need for judicial modesty and fidelity to precedent, but not when it stands in the way of ending injustice or guaranteeing our fundamental rights.

At times during the hearings, Solicitor General Kagan seemed to be somewhat more candid than previous nominees. She disavowed a purely originalist interpretation of the Constitution, recognizing that such a limited approach will not always solve our 21st-century problems. I was pleased she unequivocally expressed her support for opening the Supreme Court to cameras. So I believe with General Kagan's confirmation, the American people will be one step closer to seeing for themselves the Supreme Court debate our most pressing legal and constitutional issues.

But despite the strength of her qualifications, like so many nominees before her, General Kagan often retreated to the generalities and platitudes she once criticized. I am pleased she rejected the analogy that Supreme Court Justices are like umpires, simply calling balls and strikes. Instead, she acknowledges that each Justice's legal judgment determines the outcome of close cases. But at times her answers gave us too little insight into what informs her unique legal judgment and how it will impact those close cases.

As I have said before, the confirmation process demands more than that. This was the public's only opportunity to hear from General Kagan. In my opinion, she made small inroads, but we still have a long way to go in meeting the high standard to which we should hold Supreme Court nominees during their confirmation hearings.

In sum, I am voting for General Kagan because she is unquestionably well qualified, has a record of being a principled, consensus-building lawyer, and because I believe her judicial philosophy is within the mainstream of our country's legal thought. I am confident she will make a superb Supreme Court Justice and is a worthy nominee to carry on Justice Stevens' long legacy of exemplary public service to our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, above the entrance of the U.S. Supreme Court are four words, and four words only: "Equal Justice Under Law."

I rise today to support the nomination of Solicitor General Elena Kagan

to be an Associate Justice of the U.S. Supreme Court. But I also rise today to put General Kagan's nomination in the context of the history of the Supreme Court and how that Court has affected the lives, the jobs, and the safety of working Americans.

I want to ask if working Americans are actually getting equal justice under law in the highest Court of our land. And I do not want to talk about the Court's impact on working Americans in terms of stare decisis or deference to the political branches or judicial modesty. I want to talk about this in terms of the real things that are happening to real people—real working people—right here in the United States.

In 2003, a 54-year-old man named Jack Gross was working for an insurance company in Iowa. A few years earlier, his company had chosen him to rewrite all of their policies in 1 year. And he did it. In fact, he was one of the company's top employees. His 13 years of performance reviews placed him in the top 3 to 5 percent of the company.

But when his company merged with another company, Jack Gross got demoted. In fact, so did all of the other Iowa employees who were 50 or older. So Mr. Gross sued for age discrimination under a Federal law called the Age Discrimination in Employment Act. He went to trial before a jury of his peers, and he won.

The Roberts Court overturned that verdict. They said the Age Discrimination in Employment Act did not ban all kinds of age discrimination, only age discrimination where age was the single determinative reason for a firing or a demotion.

The funny thing is that before the Roberts Court decided this, no one had made that argument—not Gross, not the company, not Congress, no one. The Court just pulled it out of thin air in favor of the company.

Is that equal justice under law?

In 1979, Lilly Ledbetter went to work at a Goodyear tire plant in Gadsden, AL. She was also very good at her job. She even earned the company's top performance award. Being one of just a few women at the plant, she endured harassment that her male colleagues never faced.

But one day, after 19 years on the job, she found a note in her locker which told her she was making much less than her male coworkers. So she went to court and tried to get Goodyear to pay her the same thing they had paid the men who had her same job. She went to trial before a jury of her peers, and she won. The jury awarded Ms. Ledbetter \$3 million.

But the Roberts Court struck down the award. Why? Because Lilly Ledbetter had not gone to court within 180 days of her first discriminatory paycheck decades earlier, even though she had no way of knowing what her

male coworkers were making back then, even though the company continued to discriminate against her for decades after that, even though the Congress did not write the law that way.

Is that equal justice under law?

In February 1989, a man named Joe Banta was preparing for the herring fishing season in his hometown of Cordova, AK. For three generations, the Banta family had made their living fishing herring—as the Presiding Officer well knows this story—and digging for clams in Prince William Sound.

All of that ended on March 24, 1989, when the Exxon Valdez—the oil tanker—crashed into a reef and spilled hundreds of thousands of barrels of crude oil into the sound in the Presiding Officer's home State.

Shortly before leaving port, the captain of the Valdez had downed not one, not two, but five double Vodka shots. There was proof that Exxon knew full well about his alcohol problem. To this day we can find oil from the Exxon Valdez in the waters of Prince William Sound. To this day the herring in Prince William Sound have not come back. To this day generations of fishermen such as Joe Banta are out of work.

With the help of a Minnesota attorney, Brian O'Neill, the fishermen of Prince William Sound took Exxon to court. They took Exxon before a jury of their peers, and they won. The jury awarded them \$5 billion. That is a fraction of Exxon's \$45 billion in profit in 2008. But the Roberts Court slashed the verdict to one-tenth of its original size. Five million dollars is, of course, a lot of money, but it had to be divided among 32,000 people.

Here is the other thing: There was not a rule that called for this. There is no statute or precedent that said the Court had to cap the fishermen's damages. So the Roberts Court just made one up. They made up a cap for what the fishermen could recover—after the fishermen sued and got a verdict from a jury of their peers.

When the Court needed to justify that cap, it said jury verdicts were too unpredictable for companies and that even a "bad man" deserves reasonably predictable jury verdicts. This is the standard that will soon be applied to the fishermen of the gulf coast.

Is this equal justice under law?

Jack Gross, Lilly Ledbetter, and Joe Banta are not alone.

Since 2005, the Roberts Court has also struck down a century-old precedent that protected small business owners from price fixing. It has made it harder for investors to sue the firms that knowingly participated in a scheme to defraud them. In fact, it has made it harder for everyone to get their day in court, especially individual employees and investors.

It has removed half of the Nation's largest known polluters from coverage under the Clean Water Act. It has

found that corporations—corporations—have the same free speech rights in our elections as human beings.

When the Roberts Court chooses between corporate America and working Americans, it goes with corporate America almost every time, even when the citizens of this country, sitting in a duly appointed jury, have decided it the other way.

That is not right. It is not equal justice under the law.

Today we consider the nomination of Solicitor General Elena Kagan to a Court that has made those words an empty promise to most working Americans. It is fitting that General Kagan has been nominated for Justice Stevens' seat because the last three Justices to occupy this seat—Justice Stevens, Justice Douglas, and Justice Brandeis—were all deeply skeptical of corporate power. All three Justices rejected the idea that the Constitution cannot tell the difference between corporations and human beings.

Justice Louis Brandeis argued throughout his career that the massive wealth held by corporations was dangerous to democracy; that corporate interests could wield far too much influence, not because of the strength of their arguments but because of the size of their bank accounts. In fact, he wrote a book about this. It is called "Other People's Money—and How Bankers Use It." In that book, Brandeis catalogued example after example of how Wall Street bankers took advantage of their position to enrich themselves at the expense of the American people. Does this sound familiar? And it was in this book that he famously stated that "sunlight is said to be the best of disinfectants"—that you have to train an unwavering spotlight on the schemes and machinations of corporate America.

After he joined the Supreme Court, Justice Brandeis wrote in a dissent in a 1933 case that our Nation's Founders understood the "insidious menace inherent in large aggregations of capital, particularly when held by corporations," and that this "difference in power between corporations and natural persons is ample basis"—ample basis—for treating them differently under the law.

Justice William Douglas joined the Supreme Court upon Justice Brandeis's retirement. Before joining the Court, Justice Douglas was Chairman of the SEC, where he crusaded for investor protections and led investigations into unethical corporations. While Chairman of the SEC, in an address to the Fordham University Alumni Association, Douglas warned that "one aspect of modern life which has gone far to stifle men is the rapid growth of the tremendous corporation" and that in these conglomerates, "service to human beings becomes subordinate to profits."

In a 1949 case, Justice Douglas wrote that if Americans "want corporations to be treated as humans are treated, if they want to grant corporations this large degree of emancipation from state regulation, they should say so. [. . .] We should not do it for them through the guise of interpretation." Justice Douglas understood that corporations are not people, don't have the same rights as people, and that our laws are critical in keeping their power in check.

Justice Stevens continued this tradition. In *Ledbetter*, in *Gross*, in *Exxon*, in *Stoneridge*, in *Rapanos*, and in *Citizens United*, Justice Stevens fought the empowerment of big business at the expense of working Americans. In fact, in most of these cases, Justice Stevens led the dissent. He is the Justice who said in no uncertain terms that "corporations are not a part of 'We, the People,' by whom and for whom our Constitution was established."

I have said it before—General Kagan has big shoes to fill. But after months of learning more about General Kagan and a week of confirmation hearings, I think it is safe to say there is no question she can do it.

Some have criticized General Kagan because she lacks experience as a judge, even though 40 out of the 111 Justices in the Supreme Court's history had not been judges before they served on the High Court and even though Justice Scalia said only this January in a speech in Jackson, MS, that the Court needs Justices who haven't been judges.

It seems to me that Senators have been going to absurd lengths to discount General Kagan's qualifications. We even had a Senator in the hearings who acknowledged that, yes, there has been a long history of Justices who have never served previously as judges but that those Justices averaged more than 20 years of private practice experience, whereas General Kagan only worked for 2 years in a law firm. To me, this has a tortured ring of someone arguing that every southpaw Cy Young winner in the American League since the advent of the designated hitter has had a lower ERA in away games on AstroTurf than any right-hander.

To people making these kinds of arguments, I wish to say this: You only have one life. I think that in her 50 years, General Kagan has amassed an incredible record of service and accomplishment. She has been a clerk for a Justice of the U.S. Supreme Court; special counsel to the Senate Judiciary Committee; a top adviser to the 42nd President of the United States; the first woman dean of Harvard Law School; and the first woman to be Solicitor General in the history of the United States. So is she qualified for the job? Of course. Of course she is. But General Kagan has done more than show she is qualified for the job; she

has also shown she understands it. She has shown she understands the obligation of the Supreme Court to the American people and to the Congress that represents them.

For years, conservatives have warned that we should beware of activist judges who overreach their powers, that we should beware of judges who legislate from the bench. Now that the Roberts Court is in power, suddenly these same conservatives are saying there is really no such thing as judicial activism, it is all in the eye of the beholder, and that an activist judge is just a judge who issues decisions you don't like. But General Kagan hasn't taken the bait. General Kagan said there is such a thing as activism. She said it herself: An activist judge is a judge who doesn't defer to the policy decisions of the political branches, who doesn't respect precedent, and who doesn't decide cases narrowly, avoiding constitutional questions when possible. And when she said that, I think most people sitting in the committee room at her confirmation hearing liked that definition.

When you apply that definition to the Roberts Court—to the cases upon cases where the Roberts Court has limited the rights of workers or pensioners or investors or small business owners or voters—you find there is no question, no question whatsoever that this is an activist Court. It is a Court that has replaced Congress's policy judgments with its own perspective, with its own prejudices, a Court that has legislated from the bench.

But, as I said, in her confirmation hearings, General Kagan didn't just define activism, she didn't just acknowledge its existence, she also said clearly and repeatedly that she would avoid it. If she is confirmed and if we have a Justice Kagan, as I am certain we will, she will continue a long tradition of protecting and serving the American people. She will serve them with equal justice under law.

I urge all of my colleagues to support her nomination.

Thank you, Mr. President. I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

MR. DURBIN. Mr. President, I wish to thank the Senator from Minnesota. I certainly concur with his conclusion. We serve on the Judiciary Committee together. We both heard the testimony of Elena Kagan as well as had a chance to ask her questions and listen to her responses to other Senators. She is an extraordinarily talented woman who could bring to the Supreme Court a wealth of experience. I couldn't agree with the Senator from Minnesota more that the fact that she has not worn a judicial robe before does not in any way disqualify her. She has an exemplary resume.

I thank the Senator for noting the most important element here is that

many of the arguments that have been used against judicial nominees in the past have evaporated on the other side of the aisle because the Roberts Court is in the midst of an activist phase—something they promised would never happen, and it has happened, but it has happened to the satisfaction of one part of the political spectrum, where there are fewer critics as a result.

I thank the Senator from Minnesota for his eloquent remarks in relation to Elena Kagan.

CREDIT CARD REFORM

Mr. President, this morning I took a look at the Wall Street Journal Web site, and there was an article entitled "The New Credit Card Tricks." I thought to myself, I hope my wife doesn't get a chance to see this because ever since last year when we reformed credit cards in America, I come home on the weekends to Springfield, IL, and my wife hands me a new envelope she has opened.

Guess what they are doing, Mr. Senator.

In that envelope will be the latest changes in our credit cards from these companies. I have to say we pay off our credit cards. We do our best and almost always pay them off on a monthly basis. We have a pretty good credit rating—maybe not the best but a pretty good one. Yet we have been receiving notices for the last year from these credit card companies about changes and to read the contract. I wear these glasses, but I need a magnifying glass to read the contract, and I am a lawyer. Trying to understand what they are doing to me is very hard. But then in bold print you will see an interest rate number that has just gone up or a charge that has just gone up.

My wife said to me: What is this all about? I thought you reformed credit cards.

This morning's Wall Street Journal, in an article entitled "The New Credit Card Tricks," tells the story about what has been happening since 2009 when we decided to reform credit cards. Well, as one man said, whose name is Victor Stango and who is an associate economist with the Federal Reserve Bank of Chicago—he has been analyzing the Credit Card Reform Act, and he said it is a race between regulators writing ever more complex laws and credit card companies setting up ever-more complex fees.

Just to give an idea of what we are talking about, the article says:

So the banks are getting aggressive. According to a July 22 report from Pew Charitable Trust, a nonpartisan research group, the industry's median annual fee on bank credit cards jumped 18 percent to \$59 between July of 2009 and March of this year, 2010.

Credit unions, which are often viewed as the hometown, smalltown mom-and-pop, closest to the people, your best friends when it comes to banking—listen to this:

At credit unions, annual fees soared 67 percent in that same period to \$25. During the same period, the median cash-advance and balance-transfer fees jumped by 33 percent.

So it isn't just a matter of raising fees; it turns out they are raising them at a gallop, at a fast rate, trying to get ahead of the credit card reform bill.

They have also dreamed up a dozen different ways to beat the law. Give us a year, they said, so we can change our books and get everything ready for the new credit card reform. They spent their year with their lawyers and accountants dreaming up new ways to avoid the law. We should have known it. We shouldn't have given them all this time.

They have dreamed up something called professional cards. These are like corporate cards but carry the same terms as consumer cards and they aren't covered under the new law. They are reinventing the credit card with a new name and a higher fee and a higher interest rate, and they skirt around the laws we passed.

We said in the law—incidentally, we stipulate that late-payment fees shouldn't be triggered on a Sunday or a holiday because you couldn't put anything in the mail. Well, here is a man, whom they talk about in this article, by the name of Alan Condon of Woodstock, GA. He ended up facing one of these penalty fees, and he noticed that the day it was triggered was a Sunday. He has read the new Credit CARD Act. That is not supposed to happen. You can imagine what it took for Mr. Condon to challenge the Discover Card, which eventually, after all of his protests, waived the late fee they charged him. How many people have that kind of determination to stick with it, as he did?

They have new cards such as a rebate card which, if you don't read it carefully, sounds like a great deal on a credit card and ends up taking money away from you.

I could go on and on.

Mr. President, I ask unanimous consent that this article be printed in its entirety in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the WSJ.com, Aug. 3, 2010]

(By Jessica Silver-Greenberg)

Whomever President Barack Obama taps to head the new Bureau of Consumer Financial Protection could find it difficult to keep ahead of the credit-card industry.

The Credit Card Accountability Responsibility and Disclosure Act of 2009, known as the Card Act, was intended to reshape the contours of consumer finance. Among other things, it forces card issuers to give customers more notice about interest-rate increases and restricts certain controversial billing practices such as inactivity fees.

Yet some of the biggest card issuers in the U.S., including Citigroup Inc., J.P. Morgan Chase & Co. and Discover Financial Services,

are already rolling out a slew of fees designed to recapture some of their lost income, in part by skirting the new rules. Some banks may even be violating the law outright, say consumer advocates.

"Card companies are figuring out how to replace old fees with new ones," says Victor Stango, an associate economist with the Federal Reserve Bank of Chicago and a professor at the University of California, Davis, who has been analyzing how the Card Act will affect consumer banking. "It's a race between regulators writing ever-more-complex laws and credit-card companies setting up ever-more-complex fees."

The banks have a big gap to fill. The Card Act is expected to wipe out about \$390 million a year in fee revenue, according to David Robertson, the publisher of industry newsletter Nilson Report. On July 16, during its second-quarter earnings call with analysts, Bank of America Corp. Chief Financial Officer Charles Noski warned that the Card Act and other regulatory changes would prompt the bank, the nation's largest in assets, to write off up to \$10 billion in the third quarter.

"If you have every major issuer saying that we are losing our shirt, then that speaks volumes," Mr. Robertson says. "Proportionately, these fees should be understood as almost inconsequential compared to the losses."

So the banks are getting aggressive. According to a July 22 report from Pew Charitable Trusts, a nonpartisan research group, the industry's median annual fee on bank credit cards jumped 18% to \$59 between July 2009 and March 2010. At credit unions, annual fees soared 67% to \$25. During the same period, the median cash-advance and balance-transfer fees jumped by 33%.

All of these increases are perfectly legal, of course. Banks and other issuers would have a difficult time extending credit to consumers, even at high interest rates, if they couldn't augment those revenues with fee income. "We're coming out of a deep recession that issuers are still working through," says Peter Garuccio, a spokesman for the American Bankers Association.

But some banks may be going too far. In a July 7 letter to the Office of the Comptroller of the Currency, which regulates many of the biggest U.S. banks, a coalition of consumer groups including the National Consumer Law Center, the Consumer Federation of America and Consumer Action flagged several "potential violations of the Credit Card Act."

Other banks are ramping up their marketing of so-called professional cards. These are like corporate cards but can carry the same terms as consumer cards—and aren't covered under the new law. In the first quarter of this year, issuers sent out 47 million professional-card offers to U.S. households, up from 13.2 million in the corresponding period last year, according to research firm Synovate.

"This can be a very easy way around the Card Act," says Josh Frank, a senior researcher at the Center for Responsible Lending, a consumer group.

The upshot: Borrowers must be more vigilant than ever—even before they make their first charge on a new credit card.

SADDLED WITH LATE FEES

Alan Condon of Woodstock, Ga., says he carefully reviews his card statements each month, and even read the Card Act—all 33 pages—after it was passed in May 2009.

Among other things, the Card Act stipulates that late-payment fees shouldn't be triggered on a Sunday or holiday, when there is no mail delivery.

The rule "is clearly meant to offer cardholders some semblance of relief so that they don't get saddled with late fees for making a reasonable payment on the next business day," says Chi Chi Wu, a consumer credit lawyer at the National Consumer Law Center.

Mr. Condon says he was shocked when he opened his credit-card statement dated June 18 and saw that Discover had charged him \$39 for a late payment—and had upped his interest rate on future purchases from 17% to 24.99%. He says the company considered him late because he paid on June 14, instead of June 13, a Sunday.

"I just got mad," says the 56-year-old computer-software developer, who says he had never before been late on a Discover payment.

"We were in compliance with the Card Act," says Discover spokesman Matthew Towson. "The law states that if a creditor does not receive or accept payments on weekends or holidays, then the date is extended. But we accept payments seven days a week."

Nevertheless, Discover reviewed Mr. Condon's account at The Wall Street Journal's request and decided to waive the late fee and reduce Mr. Condon's interest rate to its earlier level.

The Card Act also stipulates that issuers can't jack up rates on existing balances unless a cardholder is at least 60 days late. But there is a creative maneuver around that: the so-called rebate card.

Citibank rolled out rebate-card offers to some of its customers last fall, offering to refund up to 70% of finance charges when customers pay on time. The problem: Rebate offers aren't governed by the Card Act, and an issuer can revoke them suddenly and hit cardholders with high charges.

The net result is the same as raising rates—and because it is perfectly legal, customers have little recourse. "Rebates on finance payments may seem like a good deal, but you could end up with a very high interest rate suddenly," says Mr. Frank, of the Center for Responsible Lending.

"The rebate offer is clear, transparent, and we believe fully within the spirit of the Card Act," says Citigroup spokesman Samuel Wang.

Shortening the billing cycle is another new tactic some banks may be using. The Card Act requires companies to provide a window of at least 21 days from when a statement is mailed and when payment is due.

Yet the National Consumer Law Center and Consumer Action say they have received complaints from borrowers who allege that their billing cycles have been shortened to fewer than 21 days.

"Since the passage of the act, we've heard from numerous borrowers alleging that they are shortchanged on billing cycle time," says Joe Ridout, a consumer-services manager at Consumer Action.

INACTIVITY FEES RETURN

As expected, issuers also are raising basic fees in the wake of the Card Act, in some cases significantly. Many credit-card companies, for example, are increasing their balance-transfer charges sharply. "We are seeing an increase across the board in fees because card companies are sensitive about their ability to price for risk," says Mr. Robertson of the Nilson Report.

Last June, for example, J.P. Morgan's Chase unit alerted customers that its maximum balance-transfer fee was rising to 5% from 2% on a wide range of its cards.

"In a higher-loss environment, it's important that we are prudent with our balance-

transfer offers," says Stephanie Jacobson, a spokeswoman for the bank. She adds that "We often do have lower rates in a competitive marketplace."

Companies are raising their minimum finance charges, too. Before the Card Act, the average minimum monthly finance charge was about 50 cents, according to Nick Bourke, director of the Safe Credit Card Project at Pew. Now, he says, those fees can reach \$1.50.

That difference might not seem like a lot, but it adds up. Borrowers pay \$430 million a year in minimum-finance charges alone, according to the Center for Responsible Lending.

The Card Act's provisions are being implemented in stages, with the last phase taking effect on Aug. 22. After that, issuers will no longer be able to charge "inactivity fees," or extra charges for people who don't spend a certain amount each year.

So companies are dressing them up in other ways.

Citigroup, for example, has started charging some of its customers an annual fee, which can be waived if a customer's card activity exceeds \$2,400 a year.

Tristan Denyer of San Francisco says he was surprised when he got a notice that Citigroup was instituting a \$60 annual fee on his card. Mr. Denyer, 37, a senior Web designer, says he rarely carried a balance on his card, and refused to rack up the \$2,400 in charges necessary to erase the fee.

"I figured this was just a tactic to get me to spend more and give them more money," Mr. Denyer says. He says he decided to close his account.

Citigroup's Mr. Wang acknowledges that Card Act rules forbid the waiving of annual fees based on "a customer's annual spending on the card." He adds, however, that "the rules will not prohibit cash-back rewards or similar incentives that encourage account usage."

Another potential trap: low-credit-limit cards, which are popular among college students.

The Card Act says a card's total annual fees can't exceed 25% of a borrower's credit line. But some issuers may be evading the fee restrictions by charging an upfront processing fee that doesn't fall under the 25% cap.

First Premier Bank, headquartered in Sioux Falls, S.D., offers several low-credit-limit cards. Its Centennial card comes with a \$300 limit and a \$95 upfront processing fee.

Melinda Robinson of Lorena, Texas, learned firsthand how rapidly fees could eat into her credit limit. After receiving a card with a \$250 credit limit from First Premier, she says, she was immediately charged \$170 in combined fees. When she tried to use the card for the first time, she exceeded her credit limit, triggering more fees.

"When they first send you the card, they automatically charge you fees that eat up half of it," says Ms. Robinson.

First Premier Bank's president and chief executive, Miles Beacom, says the \$95 processing fee doesn't violate the Card Act because it is assessed before the account is opened. He adds that the fee offsets the risk associated with offering these cards to "high-risk individuals."

Foreign-transaction fees are on the march as well. The average fee for foreign transactions has jumped to 3% of the transaction from roughly 2% in 2008, according to Ben Woolsey, director of marketing and consumer research at Creditcards.com.

Some card holders are finding they don't even need to leave their living room to get

hit with a foreign-transaction fee. Ruth Ann Sando, a small-business owner in Washington, says she has been burned repeatedly on her Visa card issued by Pentagon Federal Credit Union, the third-largest credit union in the U.S.

Ms. Sando used to do a lot of business with AbeBooks, an online retailer. But she found that she was getting hit with foreign-transaction fees even though her purchases were in dollars. That is because while the seller and shipper were based in the U.S., Abe, headquartered in Canada, provides the forum for book sellers and collects a portion of the proceeds from all sales.

So late last year, Ms. Sando says, she decided to stop buying from the site altogether. "Not buying books is the only way I can protest the fee," she says.

"The fee is legal, but all these fees circumvent the [Card Act's] goal of clear and straightforward pricing," Mr. Woolsey says.

Pentagon Federal Credit Union says some of its cards carry a foreign-transaction fee of 2% of the U.S. dollar amount of the transaction.

FIGHTING BACK

While the credit-card landscape may seem littered with landmines, there are ways to guard against some of the worst pitfalls. The first and simplest: Make your card payments on time.

Second, say consumer advocates, people should dispute fees directly with the issuer when they believe something is amiss.

"Cardholders would be surprised at how much they can raise hell and get a change," says Mr. Condon, who says he immediately contacted Discover after the late charge appeared on his statement.

They might have to make repeated calls, however.

"While the Credit Card Act did make great strides in protecting consumers, it in no way closed all avenues for cardholders to get hit with fees," says Ms. Wu, from the National Consumer Law Center. "It's a first step."

Mr. DURBIN. Mr. President, I say to those who will be critical of the remarks I am about to make, this is not from some French Socialist journal; this is not from some left-leaning magazine; this is a news story in the Wall Street Journal this morning which is talking about what the credit card companies are doing.

So the obvious question one would ask if you live in Illinois or any other place, for that matter, and which we should ask ourselves is, Are we powerless to stop this? Are we powerless to stop these banks, credit unions, and credit card companies from basically ignoring reform in the law, from finding ways to skirt the law and charge even more?

Well, the answer is we are not. I will tell you why. Because last week President Obama signed into law the strongest consumer financial protections in the history of the United States. The bill, which was authored by Senator CHRIS DODD, chairman of the Senate Banking Committee, and Congressman BARNEY FRANK, his counterpart in the House, the Wall Street Reform and Consumer Protection Act included many provisions that will help consumers immediately—especially regarding mortgages and credit cards.

Make no mistake, as this article tells us, the big banks on Wall Street are working overtime already to dream up ways to avoid this new law as well. The law will never keep up with their lawyers and accountants. They will always find a way around it.

That is why the bill included something we have never had before in the United States: a Bureau of Consumer Financial Protection.

This bureau has one responsibility: to make consumer financial markets work for American families, not just for the banks. The bureau will ensure that sellers of mortgages, credit cards, private student loans, pay-day lenders, and other types of financial products must compete for customers based on the quality of their products, rather than the number of tricks and traps they can hide in the fine print they stick behind your monthly statement.

Here is the thing. This agency is only going to be as effective as the people who run it and work for it. That is even more true for a brandnew agency such as this one. The person who is chosen as the first leader will set the tone for the regulators for years to come, even decades.

It is critical that the Bureau of Consumer Financial Protection be put in place with a director who is aggressive, intelligent, and understands the challenge they will face; a director who is fair, one who believes in the power of the marketplace but understands that markets work better if everybody participating in those markets benefits; a director who will listen to what bankers are saying but can see through them when they try to slant lending markets too far in their favor; a director who thinks, first and foremost, about how American families can thrive in today's complicated economy.

Fortunately, there is a person who can fill that job effectively. Her name is Elizabeth Warren.

Professor Elizabeth Warren first proposed the creation of an independent financial regulator to look out for consumers 3 years ago, in 2007. In 2008, she helped me draft a bill based on her idea. We called it the Consumer Credit Safety Commission back then.

In the spring of last year, she worked to change the bill, and we renamed it the Financial Product Safety Commission.

Last summer, when the Obama administration released its plan for reforming Wall Street, our idea was rechristened as the Consumer Financial Protection Agency.

It is now officially called the Bureau of Consumer Financial Protection, and it is now the law of the land. Whatever the name, Professor Elizabeth Warren of Harvard Law School, more than any person in this country, was the driving force behind the creation of this agency.

Years ago, Professor Warren made a name for herself when she wrote a book

called "The Two-Income Trap," in which she described how hard it is for working families to get by in today's economy. She taught a popular course at Harvard on bankruptcy and has written extensively on how difficult it is for many families to start over when their lives take a turn for the worse.

She has most recently last served as a watchdog, a chairwoman of the congressional oversight panel for the Troubled Asset Relief Program, otherwise known as TARP. She has taken a look at the money—the taxpayer dollars—given to these banks to make sure we weren't cheated and to blow the whistle on banks that didn't do the right thing.

She has done that and done it extremely well. For the past 3 years, she has advocated tirelessly for the creation of this agency. The purpose of this agency is to empower every single one of us, as consumers, to get the right information and not be tricked or deceived, so we can do the right thing for ourselves and our families and our small businesses.

Throughout her work, a common theme has emerged: Government should work for the American people and not the other way around. Elizabeth Warren is the right person to head this new agency.

Much has been written—some of it critical—on the prospect of Professor Warren being nominated as Director of this new consumer bureau. Wall Street banks anonymously argue to the media—and even to Senators—that she would restrict access to credit. Nonsense. The only types of credit she would restrict are predatory loans. That is just a smokescreen for saying the banks are going to face their responsibilities and perhaps not take all the profit they want at the expense of consumers who are deceived.

Professor Warren has said publicly—and I believe her—that she doesn't begrudge banks making profits; they are in business. She would prefer—as I and I think most Americans would—that banks make money by providing American families with good products, good credit cards, good mortgages, and good student loans.

The banks also argue she doesn't understand their business well enough to regulate it. They are afraid of her. They know how smart she is and that she would not be teaching at Harvard Law School successfully and leading so many efforts forward for this country if she didn't have the skill and intelligence it takes.

Professor Warren will bring to the bureau passion and compassion, a big-picture vision and nuts-and-bolts knowledge. She is the right person for the most important job in the country.

I say to my wife and to anybody who read the Wall Street Journal this morning, with the right person at this new Consumer Financial Protection

Bureau, help is on the way. We need to put into place someone who will blow the whistle on those who break the law, abuse the law, and engage in practices that deceive Americans and American families. We need somebody at that agency who empowers us, as consumers, to make the right decisions for our families. Elizabeth Warren, professor of Harvard Law School, is the right person.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak in support of the nomination of our Solicitor General, Elena Kagan, as Associate Justice of the Supreme Court of the United States.

The power the Constitution gives the Senate to advise and consent to Presidential nominations is a very important one but never more significant than when we are called upon to respond to a President's nomination of a Justice to the U.S. Supreme Court because this nomination is for a lifetime to the Court, from which there is no appeal. It is the final arbiter of justice in our system of justice, in our system of government. So these are important moments, when we are called upon to respond to a President's nomination to the Supreme Court.

I remember once, early on, after I came to the Senate, during a controversial nomination to the Supreme Court, and our late and truly great colleague, Robert C. Byrd of West Virginia, said something I will never forget. He said that, normally, when we consider whether to advise and consent to a President's nomination to a Federal position, we give, understandably, the benefit of the doubt to the nominee, the person whom the President has nominated; when it comes to the Supreme Court—Senator Byrd said and counseled—the benefit of the doubt should go to the Supreme Court because of the lifetime tenure of Justices of the Supreme Court and their beyond-appeal role in our system of government.

I have that in mind by way of saying, beyond any doubt, I feel certain Elena Kagan, Solicitor General, will serve the cause of justice and our Nation very well as an Associate Justice of the U.S. Supreme Court.

Those either in the galleries or watching the debate on C-SPAN may wonder, occasionally, when they hear us refer to the nominee as "general"—General Kagan. It reminds me of when I was privileged to be elected attorney general of Connecticut. I went to an orientation for new attorneys general and I walked in and somebody said, "Hello, General." I turned around, thinking somebody was behind me. It was the first time I had been addressed that way. Solicitors General are referred to as "general" as well.

So establishing the standard as I have, I would say General Elena Kagan

possesses impressive academic and professional qualifications, with her broad range of experiences as a clerk for a Supreme Court Justice, a lawyer in private practice, a legal and policy adviser to President Clinton, a law professor at the University of Chicago, and then at Harvard, where she ultimately became dean, and most recently as Solicitor General of the United States, which will enable her to serve our Nation and the cause of justice well if—and I hope when—she is confirmed as an Associate Justice of the Supreme Court.

General Kagan showed, on the day the President nominated her, that she understands the importance and unique importance of the Supreme Court. She said:

The Court is an extraordinary institution in the work it does and in the work it can do for the American people by advancing the tenets of our Constitution, by upholding the rule of law, and by enabling all Americans, regardless of their background or their beliefs, to get a fair hearing and an equal chance at justice.

General Kagan then continued by complimenting retiring Justice John Paul Stevens, whose seat she will fill if confirmed to this position, for the “distinguished and exemplary role” Justice Stevens has played on the Supreme Court for the last 35 years.

I wish to say that, in my opinion, the most significant thing about Justice Stevens’ service has been his independence of mind, his single-minded focus and commitment to the cause of justice because this is the branch of our government that must be beyond politics and even rigid ideology.

The Founders, in all their genius, when they put together the form of the American Government, coming from England as so many of them did, worried about the autocratic power of the King, wanted to create a democracy and yet wanted to make sure there were checks and balances. The Supreme Court was set up as one of the three branches of our government that was not accountable to the people; its accountability was solely to the Constitution. I think Justice Stevens, whether you agreed with every decision he wrote or not—and I agreed with some but not others—always demonstrated an ability to transcend politics and ideology and put the requirements of justice and the law, as he saw them, above all else.

I am confident General Kagan, as a Supreme Court Justice, will follow Justice Stevens’ example. I predict today that, in the years ahead, if and when confirmed, Justice Kagan will surprise many people, including Senators who on this vote will vote for her and those who will vote against her. She will not be predictable. That is one of the best things I think we can say about a Supreme Court nominee. She will be judicial and independent-minded. She will serve the Constitution and the national

interest, not any party or people or rigid ideology.

I must say I have been encouraged in this view by the way in which General Kagan has carried out her duties as Solicitor General of the United States. She has consistently demonstrated her commitment to upholding the Constitution, as well as her understanding of and respect for the appropriate roles of Congress, the executive branch, and the courts. She has not shied away from difficult cases or taking difficult positions when she has come to the conclusion that those positions were demanded by the Nation’s needs and by the law’s requirements.

I wish to cite one powerful example, to me, which I discussed with her when I met her on her rounds in the Senate; that is, her case before the U.S. Court of Appeals for the District of Columbia, in the case of *Al Maqaleh v. Gates*. It was a Federal district court judgment, where the court ruled it had jurisdiction to consider the habeas petitions of prisoners of war being held by the U.S. military at Bagram Air Force Base in Afghanistan. In other words, the court said that if we captured an enemy terrorist or soldier in Afghanistan and put them in the U.S. prison facility or detention facility at Bagram Air Force Base in Afghanistan, that individual could file a habeas petition before the Supreme Court of the United States in Washington to have his or her detention reviewed by our highest Court. To me it is an unbelievable decision and a harmful decision.

The Solicitor General typically represents our government only in cases before the U.S. Supreme Court. I asked General Kagan why she got involved in this case. She told me that she felt so strongly about how harmful the District Court decision would be to our Nation’s ability to succeed in the wars against radical Islamist extremism we are involved in now that she made this case the exception in which she felt it appropriate and necessary for her as Solicitor General to argue on behalf of the United States in the Court of Appeals, not just in the U.S. Supreme Court.

I could not agree more with General Kagan’s assessment of the importance of the case and wrongness of the District Court decision. I agree with her assessment of the merits of the case. I appreciate that she chose to get involved. And I was extremely pleased when the DC Court of Appeals agreed with the position argued by General Kagan and reversed the decision of the District Court. That, I think, tells us a lot about the independence of mind and commitment to the higher national interests of General Elena Kagan.

In reviewing the respective backgrounds of Justice Stevens and General Kagan as his proposed replacement, I was pleased to see some similarities in their careers. I suppose it is true of

many nominated to the Supreme Court. They both have impeccable academic credentials. They both clerked for Supreme Court Justices at the beginning of their legal careers. They both then served in private practice, followed by times in academia and then the government.

The important point I am making and what I believe would be a similarity between these two great Americans is that General Kagan, like the jurist she will be replacing, will be viewed at the end of her career as a Justice who put partisanship, politics, and ideology aside and put justice first.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator has consumed 10 minutes.

Mr. LIEBERMAN. I, therefore, say in conclusion that I support Elena Kagan. I urge my colleagues to give her a strong vote of confirmation to be our next Associate Justice of the Supreme Court.

I yield the floor. I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I have also come to support the nomination of Elena Kagan. She has an impressive background. I was very pleased with her nomination by the President for a lifetime term on the Supreme Court.

I had the opportunity to meet with her in my office, and I found her engaging and interesting, with a lively sense of humor. I found her to be a very interesting person. I had the opportunity to interview and talk with a number of folks who have been nominated to the Supreme Court. She stands out to me.

She has a very impressive background: bachelor’s degree in history from Princeton; master of philosophy from Oxford; a law degree from Harvard. She has done a lot of things—associate White House counsel for President Clinton. She was a professor at Harvard Law School and then dean of the Harvard Law School. She was confirmed by the Senate as Solicitor General on March 19 of last year. I voted for that confirmation. I think she will make an excellent Justice of the Supreme Court.

I want to say that some of the criticism of Elena Kagan has been that she does not have judicial experience. In other words, she has not been a judge. That is true, in fact. Forty of the 111 Supreme Court Justices, including Justices John Marshall, Louis Brandeis, Felix Frankfurter, and the previous Supreme Court Chief Justice William Rehnquist, had no judicial experience either. In many ways, that was considered a significant asset.

My colleagues who now criticize Elena Kagan for not having judicial experience extolled the virtue of that very thing when the Senate was considering the nomination of William Rehnquist who similarly had no judicial experience.

I find it a significant asset for Elena Kagan. She brings different kinds of experiences to the Federal bench, and I think she will make an exceptional Supreme Court Justice.

I might say, every Solicitor General, the position Elena Kagan now occupies, since 1985, including Kenneth Starr and Ted Olson, have said that Kagan "would bring to the Supreme Court a breadth of experience and a history of great accomplishment in the law . . . We support the nomination of Elena Kagan . . . and believe that, if confirmed, she will serve on the Court with distinction." That is from every former Solicitor General going back to the mid-1980s. That is, in my judgment, some support.

The determination of who sits on the Supreme Court in this Nation is one of the most important decisions the Senate makes. It is a judgment by the President, first of all, to send a nomination to the Senate, and then the advise-and-consent responsibility of the Senate is to make a judgment about that nomination.

The decisions the Court makes have a profound impact on the lives of the American people, have an impact on the questions of what kind of freedoms exist in this country. We have at this moment one of the most conservative courts we have had in a long time in this country, perhaps in this country's history the most conservative court.

A recent study by Richard Posner, who sits on the Seventh Court of Appeals, and William Landes, University of Chicago law professors, ranked all 43 Supreme Court Justices who have served since 1937 on their ideology and their decisions. Their conclusion was that four of the five most conservative Justices since Franklin Roosevelt sit on this Supreme Court right now.

I do not think we ought to be thinking of this in terms of conservative versus liberal. I only use that category because so many of my colleagues said it is very important to have a conservative Justice. What I want on the Supreme Court is a Justice who will use common sense in interpreting the Constitution and do so without an understanding that they are on one team or another.

Frankly, it is disappointing not just to me but most Americans to see that the Supreme Court has become a court of nine Justices who break into teams: Our side, your side; five on one side, four on the other. That is not what we would expect of the Supreme Court.

My hope would be that the Supreme Court would take a look at issues not as conservatives or liberals, but as Su-

preme Court Justices who have studied the law and who would make a commonsense judgment about what the Constitution of this country means.

So often I find that the Supreme Court stands logic on its head. The recent decision in *Citizens United* is an unbelievable decision to me: that corporations should be treated as individuals for the purpose of campaign financing without any precedent or plain text basis. They overturned a statute by Congress because they said corporations are people.

Oh, really? Most of us understand corporations are artificial people created by the State for the purpose of allowing an entity to be created, to sue and be sued, contract and be contracted with. But no one ever suggested corporations represent a real person. If so, I assume one of these days we will have corporations running for office, perhaps a corporate candidate for the Senate. We can have General Motors running against IBM. Get your money together because it is going to be expensive. Which desk in the Senate chamber will belong to which corporation?

If corporations are, in fact, real people, as the Supreme Court has ruled, then it will not be long before we have that kind of political race in our country. It is an absurd decision.

The 5-to-4 decision in the Court in *Ledbetter v. Goodyear* is another shocking example of standing common sense and a commonsense reading of the Constitution on its head. Lilly Ledbetter worked 19 years at Goodyear and had consistently gotten sterling, very high performance evaluations by her supervisors. Once she learned she had been paid much less than other workers who happened to be male—she learned this after 19 years, by the way. For 19 years, she worked hard, got paid, and then discovered all of those years she had been paid much less than the male counterparts doing exactly the same job.

She finally sued, and the Federal courts said: You are right; Goodyear, you have to make back payments. The appeals court then overturned it, and the Supreme Court ruled that this woman had to have taken action within 180 days of the discrimination beginning.

The fact is, she could not have done that in the first 180 days. She did not have the foggiest idea they were mistreating her, saying: If you are a man, you get this salary, and if you are a woman, you get this salary for doing the same thing, working side by side. She did not discover they were mistreating her for 19 years.

The Supreme Court did not care about that. They just said that if she did not pick it up in 180 days, sorry, out of luck, tough luck. It stands logic on its head once again.

The fact is, the Supreme Court has a profound impact in terms of the way

they interpret the Constitution of the United States. What I have seen recently and certainly in the case of *Citizens United*—and I believe it is the case in *Ledbetter v. Goodyear*—the Supreme Court too often these days divides into teams. By the way, the team that seems to be winning is the team on the side of the powerful, the team on the side of the big interests, the team on the side of the corporate interests. That ought not be the way the Supreme Court operates.

I came to support the Kagan nomination because I think she is someone with a facile, interesting mind who is going to bring a new spark to the debate among Justices about what this Constitution means. I do not know if she is a liberal or a conservative. I don't care very much. What I care is that we put some people on the Supreme Court we believe have the capability to make good decisions—decisions that will make life in this country better, that will reflect accurately the interpretation of the U.S. Constitution.

I hope very much when the dust settles and the vote is taken that we will have a very strong vote in support of Elena Kagan to become the next Supreme Court Justice. I think her background, her skill, her capability will make her an outstanding Supreme Court Justice. I will be proud to vote for her nomination when we have that vote this week.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, Solicitor General Elena Kagan has been nominated to fill the upcoming Supreme court vacancy left by the retirement of Justice John Paul Stevens.

I know of few, if any, responsibilities of the Senate that are more important than the confirmation process providing, in the terms of the Constitution, "Advice and Consent" to the nomination of an individual to serve for life on the U.S. Supreme Court.

There are two constitutional responsibilities that are invoked every time a nominee is chosen. One is by the President of the United States. It is his prerogative to choose whomsoever he wishes. But that is not the end of it. The second constitutional duty that is invoked anytime a vacancy occurs and a nomination is made is that of the Senate to provide, again in the terms of the Constitution, "Advice and Consent" on the nomination. That is what we are engaged in doing now—in deciding whether that advice and consent should be, yes, she shall serve, she shall be confirmed or, no, she should not be confirmed.

We know judges are different. In the words of the high school civics class, we are called the three branches of government, and all three serve different functions. But the role of the judge is

entirely different from the role of a Senator or the role of the President because they are nominated and appointed to serve for life and protected from having to run for office and seek election. They are given a limited but very important role in our government; that is, to render impartial justice, to make decisions based on the law, not based on perhaps their own political or ideological preference or a political agenda.

I think it is very important that this process be fair and dignified, and I commend not just the chairman of the Judiciary Committee, Senator LEAHY, but the ranking member, Senator SESSIONS of Alabama, who is in the Chamber, for making sure this nominee got the kind of confirmation hearing in the Judiciary Committee that, frankly, she deserves and that every nominee deserves whether or not they are confirmed. But at the same time, we need to make sure in addition to a dignified and fair process that it is thorough and it is careful and it is comprehensive.

It is vital, in my view, to recall the core principles that should guide the Senate in carrying out its constitutional duty because I think today there is more of a sense than there has been at any other time in my adult life that the Federal Government simply does not recognize any constraints imposed upon its authority under the Constitution. Frankly, I think there is a widespread feeling across the country that the Federal Government—the National Government—believes it is, in effect, the only government in our country anymore and that the States and local governments are just the servants of the National Government.

But that isn't, of course, how our Framers of the Constitution conceived of this unique form of government known as federalism, where the Federal Government, under our Constitution, is a government of delegated—or sometimes it is called enumerated—powers, and all rights—or all power—not given to the Federal Government are reserved, under the terms of the tenth amendment of the Constitution, to the people and to the States.

I am afraid that Washington, DC, and particularly this Congress at this particular time, seem to have that turned around. Unfortunately, I worry that a Supreme Court Justice who does not recognize the limited nature of the authority given to the Federal Government, and who isn't willing to enforce it, is not qualified to serve on the U.S. Supreme Court.

As the Federalist Papers remind us in Federalist 78:

The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body.

That is a little archaic—that kind of language, of course, going back a cou-

ple of centuries—but, basically, it means the people who are responsible for making policy are those who are elected and who have to stand before the people and ask for their vote; namely, the Members of Congress or the Chief Executive, the President, and not judges who are completely insulated from any political accountability for their decisions.

The only reason the Constitution gives that sort of lifetime tenure and protection from the voters is because under the Constitution judges are not supposed to be making policy but merely enforcing the law that is made by the Congress and the President. It is very important that the power to make new laws belongs to the people—we the people—and not to unelected judges.

When the Supreme Court presumes to create new rights, the Justices take away the power of the people to govern themselves through their elected representatives. It is completely turning democracy on its head—this idea of saying judges ought to be making policy even though unelected and serving with lifetime tenure and substituting their view for the views of the people and their elected representatives. That is not the way our democracy is supposed to work.

Some have disagreed over the years and embraced this concept of judicial activism. According to those who subscribe to this view, the Constitution is somehow not a written document that we can read and understand what is in it, but it has become a “living document,” which has changed over time, even though the words on the paper remain the same. Unfortunately, this notion of a living document often is an excuse for judges to reach a desired outcome or a result in a lawsuit. This activist view takes the power to make and change the law away from we the people and gives that power to unelected judges who are insulated from any kind of accountability for their decisions, and it lets the Supreme Court decide what rights we have and what rights we don't have, which is the opposite of what the Framers thought they were doing when they wrote our constitution and when the States ratified it.

The question raised by every Supreme Court nomination is whether the nominee believes in this activist vision for judges or whether, in contrast, they believe in a traditional role for judges. The question is, Will the nominee enforce a written constitution and laws passed by Congress or will they presume to be able to invent new rights according to their subjective view of the law? Will the nominee enforce a written constitution or will he or she see that it is their job to change the Constitution to match their policy preferences when they do not like the outcome?

To be confirmed, I believe a nominee must establish that he or she should

embrace the role of a traditional vision of a judge. I believe that is absolutely critical because someone who presumes to say: After I get confirmed, I am going to call cases the way I see them; and if I don't like the way the Constitution calls for those cases to be decided, or the way Congress has written the law, I am going to substitute my opinion for that and I am going to twist the law to reach a particular result—in my view, a judge who presumes to be a lawmaker by twisting the law to accomplish a particular result, in effect, becomes a lawbreaker. A judge who presumes to be a lawmaker, I believe, is a lawbreaker.

Elena Kagan, our nominee, is obviously enormously bright. She has excellent academic credentials and has had an accomplished career. Her testimony before the committee, however, did not persuade me that she agrees with this traditional role for a judge. In fact, her testimony about judicial philosophy is open to multiple interpretations and was intentionally vague. In her own responses following the hearing, for example, Solicitor General Kagan indicated that she would decide cases based on not the written Constitution, not the laws passed by Congress, but based on her “constitutional values.” But she acknowledged that her constitutional values can point in different directions at different times and claimed that she would exercise prudence and judgment in resolving the tension between them.

Well, that all sounds pretty fine and well, but what that means is she would not agree that her decisions should be confined to the written Constitution that has been ratified by we the people and the laws passed by the elected representatives of the American people, for which we are electorally accountable every election. She presumes, it seems to me, by her vague and subjective language, to suggest that her constitutional values—which point in different directions depending on the case—and the fact that she says she would exercise prudence and judgment in resolving tensions is somehow a substitute for taking an oath to uphold the Constitution and laws of the United States. That is simply unacceptable.

In voting on a Supreme Court nominee, I think we need more certainty than the simple assurance that a nominee would exercise their judgment. Of course, we expect for the nominee to exercise judgment, but that is not sufficient. We need a Justice who will follow the law, someone who will follow and enforce the Constitution of the United States. You know what. If we don't like the Constitution as written, and we think it needs to be amended, well, under article V of the Constitution there is a process to do that. And you know what. If we don't like the law Congress makes, well, Congress, of

course, is free to change it. But if we the people still don't like the way Congress writes the law, and they refuse to respond to the will of the people, we have a right to replace Members of Congress. That is the way a democracy is run, not by a judge dictating to us what he or she thinks is good for us.

In voting on a nominee, I think we need more assurance from the nominee than she will simply exercise her judgment and she will exercise prudence in resolving tensions in the constitutional values.

Solicitor General Kagan also testified the Constitution is written in general terms that enable the courts to change the law in response to "new conditions and new circumstances"—changes that she testified occur "all the time."

She says that because the Constitution is written in general terms, the courts are empowered to change the law in response to new conditions and new circumstances—changes that she testified "occur all the time."

Well, I have an alternative suggestion. Rather than ceding to an unelected Supreme Court or a Federal judiciary, why isn't it that we the people have the right to petition Congress to change the law? That is the way democracies are supposed to work. It is the job of a judge to enforce that law, and if we don't like the way the Constitution is written, well, we have passed 27 amendments during the course of our history amending the Constitution. But that reserves the right to we the people and does not cede that authority to any unelected, lifetime-tenured judge.

I was also troubled by a couple of other specific areas and her interpretation of the law—one that has to do with the power of the Federal Government. I mentioned that a moment ago. Under the commerce clause of the Constitution, the Supreme Court has previously basically given the Federal Government almost limitless powers.

We have seen that at play in the debate over the individual mandate in the health insurance bill that was recently passed, with an unprecedented reach of Federal power into your living rooms, where we are sitting on our couches, and which says: You know what. The Federal Government demands that you purchase a government-approved health insurance policy. If you don't, we are going to penalize you.

That power is unprecedented. That is why it is being litigated now.

But Solicitor General Kagan did not seem to recognize that the Federal Government's powers are one of enumerated powers, delegated by the States and by the people, and all rights not delegated were reserved to the people and to the States.

I was also troubled by her testimony with regard to the second amend-

ment—the right to keep and bear arms. She did say the recent decisions in *Heller* and *McDonald* are "settled law," but I worry that her interpretation of settled law means until there are five new Justices who take a look at that settled law and just decide to change it.

Unfortunately, we saw the same sleight of hand with Justice Sotomayor's testimony regarding the second amendment. Last year, she testified that *Heller* was settled law. But last month, she joined in a dissenting opinion in *McDonald* urging it be overturned, saying she did not believe the second amendment conferred a fundamental individual right to keep and bear arms. I think the second amendment, and all of the amendments of the Constitution, in the entire Constitution, are too important to leave to such an empty promise.

Madam President, I see my friend and colleague from Utah here to speak. Let me just say that the last thing I wanted to address—and I will plan on coming back, assuming we have enough time to talk about it—is, frankly, the stigma that Ms. Kagan and the folks at Harvard imposed on our men and women of the military by banning them from the Career Services Office at Harvard Law School and, in effect, stigmatizing them and causing people to disrespect them, even though they were merely applying the law that Congress passed and over which they had no control.

I am very troubled by that, and I will come back to talk about that more as time permits. But for these reasons I have given, and others I will expand upon later, I oppose the nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I compliment the distinguished Senator from Texas. There is hardly anybody in this body who can equal the expertise and experience he has, not only as an attorney general in his State but also as a justice on the Texas Supreme Court. With that experience, he is someone we should all listen to. I thank the distinguished Senator for his comments.

I rise today to discuss the appointment of Elena Kagan to be Associate Justice of the U.S. Supreme Court. The Senate's role of advice and consent is a check on the President's power to appoint—not a substitute for it. At the same time, the Senate's role must be more than an empty formality or a mere rubberstamp.

I have examined Ms. Kagan's record. I participated in her entire hearing before the Judiciary Committee, and I have listened to supporters and opponents both in Utah and across the country.

I can say this: I lectured at Harvard when she was dean at Harvard. I appre-

ciated the way I was treated while I was there. It was clear she probably did not agree with some of the things I was saying, but she was courteous and decent. I like her personally. But if I apply the standard I have consistently used for judicial nominees, that standard leads me to conclude that I just cannot support her appointment.

Qualifications for judicial service include both legal experience, which summarizes the past, and judicial philosophy, which describes the future. Two categories of legal experience stand out among the 111 men and women who have served on the U.S. Supreme Court. Two-thirds of them, including every current Justice and the Justice Ms. Kagan has been nominated to replace, had previously been a judge. The 39 previous Justices who lacked judicial experience had an average of 21 years of legal practice. In other words, Supreme Court Justices have had experience behind the bench as a judge, before the bench as a lawyer, or both.

Ms. Kagan has neither. She was a junior associate in a large law firm for only 2 years. She has never tried a case, never argued before any appellate court before becoming Solicitor General just last year. I am sure the reason they made her Solicitor General was to give her some experience so they could do what they have now done and nominate her to the Supreme Court. Although Harvard law students must contribute at least 40 hours of law-related pro bono service as a condition of graduation, Harvard's former Dean Kagan appears to have done none at all.

Ms. Kagan's experience is, instead, academic and political. One of my Democratic colleagues said here on the floor that Ms. Kagan's best qualifications for the Supreme Court are her experience making policy and her ability to build consensus. I, for one, believe that the line between the political and the judicial is already too blurred. While the political or policy mindset focuses on achieving desirable results, judges must focus on following the right process.

Without any real experience or grounding in the actual practice of law, Ms. Kagan's experience makes me more, not less, skeptical of her suitability for the Supreme Court. It puts even more emphasis on her judicial philosophy, which is the second and more important qualification for judicial service.

As I said at the confirmation hearing for Justice Ruth Bader Ginsburg in 1993, there must be clear and convincing evidence that a nominee understands the proper role of the judiciary in our system of government. What is the proper role of judges in our system of government? One of my predecessors as Senator from Utah, George Sutherland, served on the Supreme Court for 16 years. He distinguished between interpreting the Constitution and amending it in the guise of interpretation.

Confusing the two, he wrote, converts “what was intended as inescapable and enduring mandates into mere moral reflections.” These are fundamentally different judicial philosophies that identify inherently different relationships between the judge and the law.

The central confirmation question before us today is what kind of a Justice Ms. Kagan would be. The answer begins with the President who nominated Ms. Kagan. When he was a Senator, President Obama said judges decide cases based on their deepest values, their core concerns, and what is in their heart. As a Presidential candidate, he said he would appoint judges who have empathy for certain groups. As President, he has nominated judges who believe they may find the Constitution’s meaning in such things as social practices, evolving norms, practical consequences, and even foreign law. President Obama has clearly taken sides in the judicial philosophy debate.

Ms. Kagan has identified a general and a specific source of evidence for us to examine. She told the Judiciary Committee generally that “you can look to my whole life for indications of what kind of judge or justice I would be.” And she told one of my Judiciary Committee colleagues specifically that we can learn a lot about her “by seeing how I did when I worked at the White House.”

In graduate school, Ms. Kagan wrote that the Supreme Court may overturn previous decisions because, as she put it, “new times and circumstances demand a different interpretation of the Constitution.” She wrote that judges may “mold and steer the law in order to promote certain ethical values and achieve certain social ends.” Ms. Kagan was describing a judicial philosophy guided by moral reflections rather than by enduring mandates.

When asked about this thesis at her hearing, Ms. Kagan said, “Let us just throw that piece of work in the trash, why don’t we?” I cannot do that. While every piece of a nominee’s record must be viewed in its proper context, I cannot simply ignore whatever may raise questions or doubts about Ms. Kagan’s judicial philosophy. It was Ms. Kagan, after all, who told us to examine her whole life for evidence of the kind of Justice she would be. This obviously includes writings such as her Oxford graduate thesis.

Writing as a law professor several years later, Ms. Kagan agreed that in most cases that come before the Supreme Court, the Justice’s own experience and values are the most important elements in the decision. If that is too results-oriented, Ms. Kagan wrote, so be it. Well, to be candid about it, it is indeed too results-oriented and echoes the same activist approach Ms. Kagan embraced in her graduate thesis.

While Ms. Kagan has not herself been a judge, she has singled out for par-

ticular praise judges who share this activist judicial philosophy. In a tribute she wrote for her mentor, Justice Thurgood Marshall, for example, she described his belief that the Supreme Court today has a mission to “safeguard the interests of people who had no other champion.” Ms. Kagan did more than simply describe Justice Marshall’s judicial philosophy but wrote: “And however much some recent Justices have sniped at that vision, it remains a thing of glory.”

Justice Marshall was a pioneering leader in the civil rights movement. He blazed trails, he empowered generations, he led crusades. But he was also an activist Supreme Court Justice. He proudly took the activist side in the judicial philosophy debate. Some on the other side have suggested that honestly identifying Justice Marshall’s judicial philosophy for what it is somehow disparages Justice Marshall himself. I assume that this ridiculous and offensive notion is their way of changing the subject because they cannot defend an activist, politicized role for judges.

In 2006, when she was dean of the Harvard Law School, Ms. Kagan praised as her judicial hero Aharon Barak, who served for many years on the Supreme Court of Israel. Aharon Barak has been described by U.S. circuit judge Richard Posner, one of the leading lights on the judiciary in this country, as an aggressively interventionist judge who has “created a degree of judicial power undreamt of by our most aggressive Supreme Court Justices” and for whom “the judiciary is a law unto itself.” Ms. Kagan did not simply describe Justice Barak’s judicial philosophy or praise him as a person; she called him “the judge or justice in my lifetime whom I think best represents and has best advanced the values of democracy and human rights, of the rule of law, and of justice.”

My friends on the other side of the aisle try to spin away Ms. Kagan’s praise of Justice Barak by noting that Justice Antonin Scalia once warmly introduced him. But while Justice Scalia said he had “respect for the man,” he made clear that he and Justice Barak had “fundamental philosophical, legal and constitutional disagreements.” Ms. Kagan, in contrast, said that Justice Barak was her judicial hero and represented the rule of law better than any other judge. It appears that the very first time she distanced herself from his judicial philosophy was at her confirmation hearing.

When she was dean, Ms. Kagan had opportunities to choose between her personal views and the law. Federal law, known as the Solomon Amendment, requires that military recruiters have equal access to students as other employers. Harvard protested the don’t ask, don’t tell law regarding military

service by homosexuals by allowing military recruiters access not through its Office of Career Services but through the Harvard Law School Veterans Association, a private group with no office, no staff, and no budget. The Defense Department told Harvard in 2002 that this policy did not comply with the Solomon Amendment.

Ms. Kagan, who had very publicly denounced the military service law, joined a lawsuit challenging the Solomon Amendment. Within 24 hours of the decision of the U.S. Court of Appeals for the Third Circuit enjoining it, she again banned military recruiters from the career office even though the ruling did not apply to Harvard, which is in the First Circuit. In other words, she reinstated a policy that she knew violated Federal law and even kept that policy in place when the Third Circuit stayed its own injunction. Ms. Kagan could have opposed the law in various ways but chose to do so in a way that undermined the military and defied Federal law. Her personal views drove her legal views.

Ms. Kagan also told us to examine her service in the Clinton administration, a period during which she has said she acted as a policy adviser rather than as a lawyer. She was, for example, a key player behind the Clinton administration’s extreme abortion policy, including its defense of the barbaric practice of partial-birth abortion. In a 1996 legislative strategy memo, she labeled as a disaster a proposed statement by a key medical group that there exists no circumstances in which partial-birth abortion is the only option for doctors to take. That was the organization representing the obstetricians and gynecologists. She drafted and persuaded that group to adopt language with a much different political spin. At her hearing, Ms. Kagan offered the implausible claim that she was merely trying to ensure that the medical group accurately expressed its own medical opinion. In other words, the disaster she identified was a PR disaster for the medical group, not a political disaster for the Clinton administration. That is too hard to believe, especially in light of evidence that Ms. Kagan also sought to persuade the American Medical Association to change its similar conclusion that partial-birth abortion is not medically necessary. Political objectives appear to have trumped medical science.

Let’s understand what partial-birth abortion is, this barbaric practice. It is where they turn the child around, even a child capable of living on its own outside the womb, until its head is coming first. Then they ram scissors or some other sharp instrument into the back of the skull, suck out the brains, then pull the baby out and say it is not a human being. I don’t know anybody who should not consider that tremendously offensive and barbaric.

In May 1997, after President Clinton had vetoed the Partial Birth Abortion Ban Act, Ms. Kagan wrote a memo recommending that he support a sham ban offered by Democratic Senators. Everybody here knew it was a sham. She argued that this step might attract votes from Senators who otherwise would vote to override President Clinton's veto. Since the substitutes would not pass—she knew they would not—partial-birth abortion would remain legal. Whether you are for or against abortion, most people find that practice barbaric.

Significantly, however, Ms. Kagan noted that the Office of Legal Counsel had concluded that these substitute bans were unconstitutional under the Supreme Court's *Roe v. Wade* decision. There is no indication that she disagreed with this conclusion. The point is that Ms. Kagan urged a purely political position on abortion that was at odds with what the Clinton administration then believed the Constitution required. That is something that really bothered me and I do not think she was forthcoming about it at the hearing. It especially bothered me because it looked once again like politics trumped the law.

Ms. Kagan's hearing did nothing to temper the activist picture that emerges from her record. She chose an approach to answering questions that was far different from what she once argued was necessary for the Senate properly to evaluate nominees and educate the public. I asked three times, for example, if she had written the 1996 memo I discussed a minute ago. Mind you, the memo has her name on it and includes a page of her own handwritten notes. After three tries, Ms. Kagan would say only that it was in her handwriting which I suppose leaves open the possibility that it was forged. It was certainly her prerogative not to give Senators anything meaningful during her hearing, but it leaves the rest of her record as the basis for determining what kind of Justice she would be.

Other Senators will discuss in more depth additional troubling issues raised by her record. These certainly include positions she has taken and arguments she has made that signal a sweeping, unprecedented view of Federal Government power. At the hearing, for example, I questioned her about the troubling position she took before the Supreme Court in the *Citizens United v. FEC* case. She argued that the first amendment allows the Federal Government to determine who may say what, when, and in what manner about political candidates. She argued that the government may ban certain print or electronic books, movies, and pamphlets that mention candidates close to an election. Political speech is the speech perhaps most protected by the Constitution. Yet she argued that the government may silence unions, for-

profit corporations, nonprofit groups and even tiny mom-and-pop businesses, if they organize legally as a corporation. Thankfully the Supreme Court sided with freedom of speech.

As if that breathtaking degree of Federal power were not bad enough, Ms. Kagan also worked in the Clinton administration to weaken and limit other individual rights such as the second amendment right to keep and bear arms. In her hearing, Ms. Kagan refused to acknowledge any real limits on the Federal Government's power, which the Supreme Court has already expanded far beyond anything America's Founders intended, to regulate everything imaginable in the name of interstate commerce.

I will summarize. Ms. Kagan's academic and primarily political experience make critical the need for clear and convincing evidence that she is committed to the proper role of judges in our system of government. The critical confirmation question is the kind of Justice Ms. Kagan would be. Will the Constitution control her, or does she believe she may control the Constitution? Looking where she directed me to look, I believe the evidence shows she embraces an essentially activist view of judicial power.

This is a grave decision and it is about more than simply one person. The liberty we enjoy in America requires that the people govern themselves and that, in turn, depends upon the kind of Justices who sit on the highest Court in the land.

George Washington said in his Farewell Address:

The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.

Judges who bend the Constitution to their own values, who use the Constitution to pursue their own vision for society, take this right away from the people and undermine liberty itself.

As my colleagues can see, I am very worried about this nomination. I never voted against a Supreme Court nominee before when I voted against now Justice Sonia Sotomayor but I think I have been proven right in a number of instances. Let me mention one. She basically said that the *Heller* case on the right to keep and bear arms was settled law. Yet within a year or so, she voted that the right to keep and bear arms is not a fundamental right.

I hope that soon-to-be Justice Kagan proves me wrong. I hope that she will use her legal mind and the abilities she has to uphold rather than tear down the Constitution. I hope she will do what the Founding Fathers expected all Justices on the Court to do. But like Justice Sotomayor, I think the evidence about her judicial philosophy shows that I am right.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to speak on the nomination of Solicitor General Elena Kagan to be an Associate Justice of the U.S. Supreme Court. I will not support General Kagan's nomination. I did not come to this decision lightly. As I said last August during the debate on Justice Sotomayor, the role of the Senate in the nomination of a Supreme Court Justice is to give its advice and consent on the President's nomination, with the Senate to judge whether an individual is qualified based on a number of factors. Among these factors are the nominee's education, legal experience, prior judicial experience, written record, judicial temperament, commitment to the rule of law, and overall contributions to the law. Based on my review of Elena Kagan's record and using these factors, I have determined General Kagan at this time does not meet the criteria for membership on our Nation's highest Court.

The President deserves deference in his nominations and, of course, Presidential elections have a direct impact on the makeup of our judiciary; that is to say, elections do have consequences. But Senate confirmation should not be a simple mechanical affirmation of the President's selection, especially when the nominee will enjoy a lifetime appointment. A Senator is duty bound to conscientiously review the qualifications of the President's nominee and make an independent assessment of the nominee's qualifications.

General Kagan is well educated, intelligent, bright, and engaging, and advanced quite rapidly in her career of teaching and law school administration. But one must ask, is that enough? I believe it is not. I believe a judicial nominee must have substantial experience in the law, especially when the nominee is seeking a lifetime appointment to the highest Court in the land.

After reviewing her background, I believe General Kagan does not have that relevant experience. General Kagan is the first nominee to the Supreme Court with no prior judicial experience since 1971, almost 40 years ago. While I do not believe a lack of judicial experience should bar one from serving on the Supreme Court, I note that reviewing prior judicial service is obviously the easiest way to assess a nominee's fitness for the Court. This lack of judicial experience does not prevent her nomination, but in my opinion it does shift the burden to the nominee to demonstrate her relevant experience.

For example, when the Senate considered Justice Sotomayor's nomination, there were over 1,000 prior opinions one could review to decide if she was ready for the job. With General Kagan, there are none. When I asked her to name opinions she worked on

with Justice Marshall with which she disagreed, she stated she could not remember any individual opinion she worked on, much less whether she disagreed with Justice Marshall on any of them. She could not remember.

During our meeting, General Kagan noted her service as Solicitor General, another job I did not think she was qualified to hold, and said it was relevant because she was the Solicitor General. I agree it is relevant, but her time as Solicitor General has been too short. Since President Kennedy's Solicitor General, Archibald Cox, only one confirmed Solicitor General has served for a shorter period of time than General Kagan.

General Kagan argued her first case before the Supreme Court less than a year ago, and now we are going to confirm her as a member of that Court?

If we base her qualifications on her earlier legal experience, her experience is particularly limited. General Kagan worked for 2 years as a practicing attorney. Justices Rehnquist and Powell, the last two Supreme Court nominees without prior judicial experience, each spent many years in the active practice of law. Justice Rehnquist practiced in Arizona for over 16 years. Justice Powell was a partner in a major Virginia law firm for over 25 years and in practice for 38 years. General Kagan has 2 years of experience in private practice and 1 as Solicitor General.

I also think it is worth noting that the independent Congressional Research Service has found that, on average, the 39 Justices who lacked prior judicial experience had over 20 years of experience in the practice of law. General Kagan's experience pales in comparison.

During Justice Sotomayor's confirmation, I spoke about how President Obama's standard for selecting judicial nominees based on what was in their heart flew in the face of meritocracy—flew in the face of meritocracy. We, as a nation, aspire to hire people for jobs based on their skill, not on where they are from or who they know. Justice Sotomayor, in addition to her 17 years of total service on the trial and appellate benches, was in private practice for 8 years and was a district attorney for 4 years. Justice Sotomayor's experience as a lawyer and a judge, her judicial temperament, and the fact that her opinions were within the judicial mainstream gave me confidence that she had the relevant experience to sit on the Supreme Court.

Because there is such a limited record with General Kagan and because she has gone out of her way, quite frankly, not to answer questions, I have no idea what she will do on the bench and whether she will be able to suppress her own values to apply the law. The fact is, we really do not know much about her views.

Frankly, I have been surprised by some of my colleagues who attempt to

compare her to the famous Justice Brandeis, another Justice with no prior judicial experience. Justice Brandeis practiced the law for almost 30 years before his nomination, much of his practice being pro bono in his later years. Furthermore, Justice Brandeis is widely regarded as one of the great legal minds of not just his time but of American history, having developed numerous areas of modern law from scratch. Yet, again, General Kagan pales in comparison.

In my meeting with General Kagan, I asked her about how little writing she had published, and she responded that she had more academic writing than other members of the Supreme Court. This is factually incorrect and misleading. First, this is incorrect. Justice Scalia is widely published with numerous articles and books. Justice Ginsburg went so far as to learn Swedish to coauthor a book on Swedish judicial procedure. And Justice Breyer was one of the most foremost authorities on administrative law, with many books and articles to his name before joining the Court. Second, it is misleading because each Justice publishes hundreds of pages a year in the form of opinions, greatly eclipsing General Kagan's academic production.

There are over 800 Federal judges, many of whom clearly have the experience, intelligence, and legal skill to serve on our Supreme Court. Additionally, if one believes, which I do not, that the Federal judiciary is somehow out of touch with our society, thousands, if not tens of thousands, of State court judges are out there with lengthy judicial records, many ready to serve on the Supreme Court. I think back to Justice Sandra Day O'Connor, who was on the supreme court of the State of Arizona for 8 years before she became a member of the Supreme Court.

As an aside, only a former law professor would think that the dean of a law school is somehow more in touch with everyday people than a judge. Every day, a judge is presented with the facts of everyday life and must apply them to the law. A dean at a law school, surrounded by professors earning hundreds of thousands of dollars a year and donors worth millions and students soon to enter into a professional career, never gets to see everyday life and is never faced with the factory worker, the farmer, or any other hardworking blue-collar Americans. How is a law school dean more in touch—more in touch—with everyday people?

Some of my colleagues would like to have had a less liberal person nominated by the President. My position is, the President will surely nominate a liberal. The most important question is, Is that liberal nominee qualified to be a member of the Supreme Court? I would argue that General Kagan has been nominated based on her friend-

ships and personal attachments with President Obama and others at the White House, not based on objective qualities that would indicate she is qualified to be a member of the U.S. Supreme Court.

In closing, lack of judicial experience should not be an absolute bar to serving on the Supreme Court. However, Solicitor General Kagan not only lacks judicial experience but has limited experience as a practicing attorney with only the last year as Solicitor General and 2 years as a junior associate making up her entire practice.

Additionally, General Kagan has had an extremely limited written record—I mean limited written record—which should make all of us unsure as to what sort of Justice General Kagan will be.

For these reasons, I cannot in good conscience support the nomination of General Kagan to be a member of the U.S. Supreme Court.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, a number of comments have been made about Ms. Elena Kagan's actions at Harvard in barring the military from utilizing or having access to the Career Services Office and asking the veterans group—that was not able, as they said—to somehow fill that role.

I will take a few minutes, as we have a few minutes left, to deal with one of the arguments I have heard my colleagues repeat; that, well, she did not reduce recruiting, therefore, no harm, no foul. I do not agree. There was a foul and there was a harm. But even if there had not been a harm, there was a foul.

It was very wrong to blame the U.S. military for the don't ask, don't tell policy, and very, very, very wrong to blame some young officer who was there to recruit people to serve in the JAG Corps of the U.S. military, perhaps having just returned from combat duty in Iraq or Afghanistan, and to be told: You can't come in the front door of the building. You can't use the recruiting services because we don't like your policy.

But it was not the military's policy; it was the Congress's policy. It was President Clinton's policy. He signed the bill. I do not believe that Ms. Kagan complained to President Clinton when she was on his staff for 5 years and he signed the bill. Was there any protest to him? No. Her protest was lodged, and the discrimination was directed against the men and women in

uniform who defend our country, who had nothing to do with the policy.

That is a fact, and I do not think it is a matter that should be lightly dismissed. "Oh, the recruiting didn't go down," they say. Well, let's just talk about that. They said she merely reinstated Harvard Law's pre-2002 policy, which forced the military to work through this veterans association, and recruiting did not suffer. But that is not true.

Harvard's pre-2002 policy—before she became dean—had obstructed military recruiting. As an internal memorandum authored by the recruiting chief of the Air Force JAG Corps in 2002 states—this is what the chief of recruiting for the Air Force JAG said:

Career Services Offices are the epicenter for all employer hiring activities at a law school. . . . Without the support of the Career Services Office, we are relegated to wandering the halls in hopes that someone will stop and talk to us. . . . [D]enying access to the Career Services Office is tantamount to chaining and locking the front door of the law school—as it has the same impact on our recruiting efforts.

The military's "after action reports" from pre-2002 recruiting efforts organized through the veterans association on campus show mixed results, but recruiting clearly improved after her predecessor, Dean Clark, granted the military equal access through the Career Services Office. This is what the Air Force said:

Since Harvard's policy change, the Air Force has . . . had very positive responses from a number of students. . . . [I]n the 16 months since Harvard's change in policy, we have attracted at least four Harvard students, when in the prior twelve years, we recruited a total of only nine.

That is while the discrimination was in effect.

The statistics reveal that our recruiting efforts have greatly improved since the change in policy by Harvard to comply with the Solomon Amendment. We only assessed 2 Harvard Law students in the 1990s.

This is not accurate, what we have been hearing. Then she reversed that policy and went back to the policy of discrimination. The reports show it obstructed their recruiting efforts. The chief of recruiting for the Air Force JAG Corps was repeatedly blocked from participating in Harvard's spring 2005 recruiting season, after Ms. Kagan changed the policy, saying this:

Harvard is playing games and won't give us an OCI [On-Campus Interviewing] date; their official window for employer registration has closed. Their recruiting manager told me today that she's still "waiting to hear" whether they'll allow us.

The chief of Air Force JAG recruiting also recounted a conversation with Harvard's dean of career services after the close of the recruiting season, when you are supposed to be recruiting—they missed the whole season—this is what he says, talking about the dean.

The PRESIDING OFFICER. The 1-hour time of the minority has expired.

Mr. SESSIONS. Mr. President, I don't see anyone here—I ask unanimous consent to speak for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. The dean of career services told the Air Force JAG:

He stated that the faculty had still not decided whether to allow us to participate in on-campus interviews. . . . I asked him if I could at least post a job posting via their office and he said no.

The Army was blunt in their afteraction report:

The Army was stonewalled at Harvard. Phone calls and e-mails went unanswered and the standard response was—"We're waiting to hear from our higher authority."

That certainly would appear to be Dean Kagan, who had reversed the policy, personally.

This is what the veterans group said when Dean Kagan reversed the policy and said: We want you to help take care of the military. We are not going to let them in our office. They are not worthy to be in our office. This is what they wrote and sent an e-mail to all the students:

Given our tiny membership, meager budget, and lack of office space, we possess neither the time nor the resources to routinely schedule campus rooms or advertise extensively for outside organizations as is the norm for most recruiting events. . . . [Our effort] falls short of duplicating the excellent assistance provided by the HLS Office of Career Services.

To claim that 2005 had increased recruiting is inaccurate. The 2005 class at Harvard would have been recruited during the time the military enjoyed full access of the career services office before she reversed the policy, not in the spring of 2005, a mere 3 months before graduation. They were counting the graduates, not people who signed up. The recruiting has not been shown to increase after this effort.

Finally, I would note: What was the purpose of all this? Why did they have this policy? It was to harm and hamper the U.S. military in their effort to recruit on campus. Apparently, it was effective in reducing their ability. They had a direct intent to punish the military for a policy the military did not establish but Congress and President Clinton established and it was wrong then and it is wrong now.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am so honored to come to the floor with a number of women Senators to discuss the President's nomination of Solicitor General Elena Kagan to be the Associate Justice on the U.S. Supreme Court.

As is the Presiding Officer, I am a member of the Senate Judiciary Com-

mittee, and we both had the opportunity to question Elena Kagan and to listen to her brilliant and insightful responses. Everyone heard her, and no matter how anyone is voting on this nomination—although it is hard for me to understand how they could oppose her—I think there was very much consensus on this idea that she knew what she was doing, that she has done every job that she has had very well, that she has confronted very difficult situations, and that she has always been a leader and someone who can bring consensus. She consistently demonstrated the quality that some of us had already seen in her records; that is, of pragmatism and reasonableness and a consensus builder.

So I will save my remarks until later because I have been joined by the Senator from New York, Mrs. GILLIBRAND, who is from Elena Kagan's home State. While she may have worked in Massachusetts for quite a while, she actually came from New York. It is an honor to have Senator GILLIBRAND, who is also an attorney, joining us today.

I yield for Senator GILLIBRAND.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I thank the Senator from Minnesota for her leadership, for her guidance, for her distinguished career, and for her service on the Judiciary Committee. It is so meaningful to all of us to have her ability to review these candidates in such depth.

I am so proud to stand in support of Solicitor General Kagan's nomination to the U.S. Supreme Court. With his decision, President Obama has chosen an individual of the highest caliber, a woman with an enormous history of achievement, a history of service and, perhaps most importantly, a history of bridge building.

Elena Kagan is widely regarded as one of the Nation's leading legal scholars. She is a stalwart defender of the Constitution, and through her sharp intellect, steadfast integrity, sensible judgment, and extraordinary work ethic, Elena Kagan has made it clear she is eminently qualified to serve as a U.S. Supreme Court Justice.

Dean of Harvard Law School, magna cum laude from Harvard Law, editor of the Harvard Law Review, and summa cum laude from Princeton, these are just some of the many accolades she obtained during her vast and distinguished career.

Throughout the course of this nomination process, it has been made abundantly clear that Solicitor General Elena Kagan has a profound and exceptional understanding of the Constitution and our system of law. Unfortunately, it appears that some of my colleagues are determined to criticize Elena Kagan regardless of these facts. They can no longer find partisan or ideological fodder by which to create a

straw man of opposition, so they are now questioning her intellect, her clarity of mind, and her temperament. It is deeply concerning to me that my colleagues would dismiss the judgment of every Solicitor General of the past 25 years and dismiss the views of law professors from all across the United States and even sitting Supreme Court Justices who have suggested that Elena Kagan is eminently qualified to sit on the Court.

These distinguished legal experts from across the country and across the ideological spectrum say Elena Kagan is not only an intellectual giant, but she is as qualified to serve on the Nation's highest Court as any of her other predecessors. Every Solicitor General over the last quarter century—Democrats and Republicans—wrote a letter of support for her nomination as Solicitor General, noting her brilliant intellect, her candor, and the “high regard in which she is held by persons of a wide variety of political and social views.”

The support of Miguel Estrada, Ken Starr, and Ted Olson, along with the support of some of my Republican colleagues such as Senator LINDSEY GRAHAM, all speak to her ability to build bridges and to find common ground. These are the traits we need in a Justice when so many decisions right now are narrowly being decided at the 5-to-4 margin.

An attorney with over two decades of experience working in all three branches of the Federal Government, Kagan's breadth of experience will bring diversity to a Court consisting entirely of former judges. Many of the Justices on both sides of the aisle are quite fond of Elena Kagan from her time as Solicitor General and have commented on how her distinct professional background is a welcome contribution to the Court.

Based on her record of achievement, it is clear Elena Kagan possesses the temperament that will distinguish her as a consensus builder on a deeply divided Court.

Narrow 5-to-4 decisions by a conservative majority have become the hallmark of the Roberts Court. These decisions have often been overreaching in scope and have repeatedly ignored settled law and congressional intent. For example, in the *Citizens United* case, the Court not only disregarded the extensive record compiled by Congress but abandoned established precedent. Solicitor General Kagan's unique ability to build coalitions will be very helpful in bridging this very serious divide.

Since the announcement of her nomination, I know more than a few of my colleagues have struggled to find a viable reason to object to her nomination. The bottom line remains that there has yet to be a credible reason to oppose this outstanding confirmation.

I look forward to enthusiastically casting my vote in support of General Kagan's nomination and confirmation to the Supreme Court of the United States. I urge my colleagues to join me and support her nomination as well.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from New York for that enthusiastic endorsement. I like how she took on some of these criticisms that have been lodged against Solicitor General Kagan. I also understand that at least one of my colleagues who spoke out in opposition has stated that, in his words: “I believe she does not have the gifts and qualities of mind or temperament that one must have to be a Justice.” Well, anyone who sat through those hearings or watched them on TV, as Senator GILLIBRAND has pointed out, would have to disagree. Anyone would have seen an incredibly smart, intellectually engaged person who answered Senators' questions astutely and whose energy never seemed to flag. Neither did her sense of humor, I will add. She had immediate recall about every single case or constitutional doctrine that she was asked about, and to say she doesn't have the gift or quality of mind is simply ridiculous.

This is a woman who is a trailblazer: the first woman dean of Harvard Law School, first woman Solicitor General. To say she does not have the gifts or the qualities of mind to be a Justice is nothing short of ridiculous.

I next will yield for someone who knows something about having a good temperament and a good quality of mind, the Senator from New Hampshire, who is also a trailblazer in her own right: the first woman to serve as both a Governor and a Senator, Mrs. JEANNE SHAHEEN of New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Thank you very much, to my colleague, Senator KLOBUCHAR, and a special thanks for bringing us together this afternoon to speak on this important nomination.

I am very pleased to once again be able to come to the floor and speak in support of the confirmation of Elena Kagan to be the next Justice of the U.S. Supreme Court. I am happy to join Senators KLOBUCHAR, GILLIBRAND, MIKULSKI, and HAGAN to support this excellent candidate for the High Court.

The members of the Senate Judiciary Committee did a thorough job in vetting Ms. Kagan, and I thank them all for their hard work. I think the hearings they held on her nomination revealed three things; first, that Elena Kagan is a person of good character; second, that she is someone who understands and respects the rule of law and the role of courts in our democracy; third, that she is indeed qualified to be a Supreme Court Justice. I believe the

President chose wisely when he nominated her.

Back in June, after the nomination, I spoke about Ms. Kagan's impressive list of professional accomplishments, so I am not going to repeat them this afternoon. It is clear Elena Kagan has thrived in a number of settings and that she will bring a diverse set of experiences and abilities to the Court. In her rise to the top of the legal profession, Ms. Kagan gained practical experience that forced her to evaluate the impact of laws on people. She also has a track record of building bridges across the ideological spectrum, something I saw firsthand when I was the director of the Institute of Politics at the Kennedy School at Harvard and she was dean of the Harvard Law School. She had that reputation on campus as someone who could work with everyone. These are critical skills for a Justice, and I am glad we have a Supreme Court nominee before us who has a variety of real-world experiences and has not been isolated only within the judicial system.

Perhaps most impressively, in her latest role as Solicitor General, Ms. Kagan has served as the representative of the American people before the Supreme Court. She has represented us forcefully in complex cases, including ones that dealt with major issues, such as our ability to conduct the war on terror and the amount of influence that big businesses should have in our elections. As is the case for every attorney who regularly appears in court, she won some and she lost some.

But above all, Ms. Kagan has shown she is capable of analyzing the law at the level required by the Nation's highest Court. She has the talent and the intellect to join the Court as a Justice. I think that is something on which most of us can agree. Unfortunately, the politics that have come to surround judicial confirmations in modern times mean that Ms. Kagan's qualifications to serve on the Court are just one piece of this debate. I wish this weren't the case.

These proceedings should force us to take a hard look at the role our Founders intended for the Senate in the confirmation process. When we provide advice and consent on judicial nominations, Senators are not supposed to be substituting their individual political judgments for those of the President. We are collectively supposed to be checking that a nominee is qualified, that a nominee falls somewhere in the mainstream of legal philosophy, and that a nominee respects the rule of law and understands that judges are not meant to be politicians.

A few weeks ago, Senator LINDSEY GRAHAM, as my colleague from New York, Senator GILLIBRAND, alluded to earlier, gave a powerful reminder of this when he spoke at the Judiciary Committee's final hearing on Ms.

Kagan. I appreciated especially his reference to Alexander Hamilton's words in Federalist Paper No. 76: The Senate should have a "special and strong reason for the denial of confirmation." We should remain focused on that standard, keep politics to a minimum, and really strive to conduct an evenhanded review of nominees.

Prior to joining the Senate, I had the privilege of serving as Governor of the State of New Hampshire. New Hampshire is one of those States where judges are not elected but appointed by the Governor. Once appointed, they can serve until age 70. So having been in the position of appointing judges, I fully understand that making lifetime appointments to our courts is a very solemn responsibility.

Knowing that, I believe the President has made an excellent selection. In Elena Kagan, we have been presented with a nominee who is a loyal American, an upstanding individual, and a supremely talented lawyer. Lawyers are, by definition, legal advocates for others. It is to be expected that, as a lawyer, Elena Kagan may have advocated certain positions with which we may not agree. That, however, does not disqualify her from being a judge. It almost goes without saying that her record presents no "special and strong reason" to vote against confirmation. These facts have been recognized by conservatives both in this body and outside of it who are willing to drop political rhetoric and speak candidly. This includes Senator GRAHAM as well as my own senior Senator from New Hampshire, JUDD GREGG. I hope more of my colleagues from across the aisle will follow their lead.

I intend to proudly cast my vote in favor of Elena Kagan's confirmation, and I am confident that, as a Justice, she will serve this country with honor and distinction.

I yield back to my colleague from Minnesota.

THE PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from New Hampshire, my neighbor in the Chamber. I thank her for her fine remarks.

I was listening when she talked about Senator GRAHAM's comments. I truly believe that was a moment of leadership, where basically he said he had spent a lot of time in the last 2 years trying to elect a different person for President, but President Obama won and he respected his nominee and that his job was to look to see if that person was qualified to be on the Supreme Court. Despite political differences—and he didn't agree with everything she said—he said his job was to see if she was qualified. He said at the hearing, which I will never forget, that he was proud to be supporting her.

I imagine the Senator from New Hampshire has had similar experiences

in her State with having to grapple with those kinds of things when appointing judges.

Mrs. SHAHEEN. That is correct. Like the Senator from Minnesota, I am certainly pleased to see people who have been willing to come out and take a leadership position and say: Even though we understand the nominee may not be one who is supported by all of the Members of our party, we still believe she is qualified, and we will support her.

Ms. KLOBUCHAR. One thing about Elena Kagan: When you look at her series of jobs, you realize she has been in the arena as a manager, a teacher, an adviser, a consensus builder, and a lawyer. In every job, she has worked very hard and has done very well.

Her work on the front lines tells me she has the practical experience in thinking about the impact of the law and policies on ordinary people, and I think sometimes that is missing in some of these decisions. There is a case I dwell on involving prosecutions and what kind of evidence can come before the court when you are dealing with some of the DNA tests, and I disagree with the recent Court decision that actually wasn't decided on ideological grounds but I believe was decided in an impractical way. I believe Solicitor General Kagan will bring that kind of practicality to the Court. When you are involved in considering the nitty-gritty details of different policies, when you are actually in the game as a decisionmaker, as she has been, you have to figure out when to compromise and when to hold firm. You have to know what the consequences of your recommendations will be.

As a law school dean, Elena Kagan was widely credited with bringing together a faculty that was rife with division. Whether she was helping recruit talented professors from across the political spectrum or later, when she was working with Senators from both parties on tobacco legislation, she forged coalitions and found resolution between seemingly intractable parties.

It strikes me that it takes a pretty extraordinary person who, after working in the Clinton administration, still gets a standing ovation from the conservative Federalist Society; who inspires a group of 600 law students, who can be a bit cynical, to show up for a rally wearing "I love Elena" T-shirts; someone who earned the respect of the law professors she worked with, regardless of their ideology, a group that I would say, as I said in the hearing, can be somewhat fearless in the face of supervision.

In sum, she has had a lot of practical experience reaching out to people who hold very different beliefs, and that is increasingly important on a very divided Supreme Court. I believe that is why, when you look at the past, all the previous Solicitor Generals from the

past 25 years, under Democratic and Republican administrations, support Elena Kagan's confirmation. This practical experience is also why she has the support of the National District Attorneys Association, which I used to belong to in my previous job. They actually wrote about her, saying that the National District Attorneys Association believes Solicitor General Kagan's diverse and impressive life experiences will be a welcome addition to the Court in fashioning theory that will work in practice.

One of the things that I think show the practicality of her and how she responded to our questions is when I asked her about the metaphor Chief Justice Roberts made famous at his confirmation hearing. I asked what she thought about the idea that judges were like umpires who just need to "call balls and strikes" and whether that was a useful metaphor. She gave an interesting and insightful response. She said the metaphor is useful in some respects but maybe not in others. It is useful because judges have to be fair and neutral like umpires and judges have to be aware that they have a powerful but limited role—that they can't legislate from the bench, they aren't elected officials. But she also said the metaphor has its limits if it suggests that judging is some kind of "robotic enterprise," if it makes people think judging is an easy, automatic kind of thing because issues are always clear-cut. That isn't right, and it definitely isn't right at Supreme Court level.

Cases that come before the Supreme Court, I say, are by their very nature not clear-cut or they would not have ended up there. What is necessary is good judgment. We have to look for nominees who are going to bring that kind of good judgment to the Court.

I see I have been joined by the Senator from North Carolina, **Mrs. HAGAN**, which rhymes with the name of our nominee, Solicitor General Kagan. We are pleased to be joined by Senator HAGAN.

We have now had four women Senators here today in support of Solicitor General Kagan's nomination. We are also well aware that if she is confirmed, we will have three women on the Supreme Court when the Court goes into session in the fall—something that has never happened in the history of the United States.

THE PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I am here today to speak in support of Solicitor General Elena Kagan's nomination to be an Associate Justice of the Supreme Court of the United States. Solicitor General Kagan's background demonstrates that she is an extremely well-qualified nominee and has a brilliant legal mind. She has the utmost respect for precedent and believes in fidelity to the law. I believe she will

make our Nation proud as a Justice on the Supreme Court.

I have always said I do not believe there should be any one litmus test for judicial nominees. We have to look at a nominee's record in its entirety. Solicitor General Kagan's record is nothing short of remarkable. With over 20 years of legal experience and government service, she has distinguished herself throughout her career with the highest integrity and sound judgment.

In the 220-year history of the Supreme Court, 111 Justices have served on the bench. Yet only three have been women. It took almost two centuries—close to 200 years—before the first woman, Justice Sandra Day O'Connor, was confirmed to the Supreme Court.

Solicitor General Kagan's professional achievements are clear. Let me highlight a few of her triumphs that hold historical significance as well as personal significance for me and many women across America. She was the first woman to serve as dean of Harvard Law School. She was the first woman to be appointed as U.S. Solicitor General. When confirmed, she will become, as Senator KLOBUCHAR just said, the fourth woman to serve as an Associate Justice on the U.S. Supreme Court. For the first time in history, the Supreme Court will have three women serving at the same time. Women in America can take pride in Solicitor General Kagan's achievements, learn from them, and set their goals just as high.

Elena Kagan has a compelling personal story. She was born into a family of Russian-Jewish immigrants. Her mother was a public school teacher, and her father was a tenants' lawyer. She inherited a strong work ethic and a focus on education. She graduated *summa cum laude* from Princeton University and received a master's degree in philosophy from Oxford University's Worcester College and a law degree from Harvard Law School, where she was supervising editor of the Harvard Law Review.

She went on to clerk for Judge Abner Mikva on the U.S. Court of Appeals for the District of Columbia and then for Justice Thurgood Marshall on the Supreme Court. She also became active in her community, demonstrating her strong desire to serve others.

In the years following her time as a clerk, Solicitor General Kagan practiced law and began her long career in academia as a professor of law and later as a dean. In addition, she worked under two Presidents—first under President Clinton as an Associate Counsel and as a Deputy Assistant for Domestic Policy and now under President Obama as Solicitor General of the United States.

Her confirmation hearings were a testament to her overwhelming qualifications to serve on the Supreme Court. I believe members of the Judici-

ary Committee saw in Solicitor General Kagan the same qualities President Obama saw: fairness of mind, supreme intellect, and an unsurpassed devotion to the law and to our system of government.

Some opponents have sought to stir up controversy by quoting Solicitor General Kagan out of context, trying to suggest she will not be impartial. However, she has made it clear that her background does not influence her interpretation of the law.

If Senators are not persuaded by her statements to the Judiciary Committee, then they should be by her remarkable, impartial, 24-year legal career.

As Solicitor General Elena Kagan has said:

I think a judge should try, to the greatest extent possible, to separate constitutional interpretation from his or her own values and beliefs. In order to accomplish this result, the judge should look to constitutional text, history, structure, and precedent.

With respect to the military, let me say I am proud to represent the most military-friendly State in the Nation, and I have the fullest confidence in Solicitor General Kagan's respect and admiration for our men and women in uniform.

She has said that she respects and, indeed, reveres the military. Her father was a veteran. One of the great privileges of her time at Harvard Law School was dealing with the wonderful students there who had served in the military and students who wanted to go into the military. She always tried to make sure she conveyed her honor for the military, and she always tried to make sure the military had excellent access to their students.

Veterans at Harvard Law wrote:

Kagan has created an environment that is highly supportive of students who have served in the military . . . and under her leadership, Harvard Law School has gone out of its way to highlight our military service.

Solicitor General Kagan's sensible attitude toward following the law and her ability to objectively evaluate all angles of the Constitution has resulted in high ratings and endorsements by numerous organizations. The American Bar Association unanimously found Solicitor General Kagan to be well qualified, which is the highest rating the ABA gives to judicial nominees.

Solicitor General Kagan has an impressive list of law organization endorsements and supporters, including the National Association of Women Judges, the Women's Bar Association of the District of Columbia, the National Minority Law Group, the Constitutional Accountability Center, the Hispanic National Bar Association, the Leadership Conference on Civil and Human Rights, and the National Association for the Advancement of Colored People.

Solicitor General Kagan has also been endorsed by a group of law school deans, who stated:

Her knowledge of law and skills in legal analysis are first rate. Her writings in constitutional and administrative law are highly respected and widely cited. She is an incisive and astute analyst of law; with a deep understanding of both doctrine and policy . . . Elena Kagan has, over the course of her career, consistently exhibited patience, a willingness to listen, and an ability to lead, alongside enormous intelligence.

Former Solicitors General recently wrote a letter, including North Carolinian Walter Dellinger. In it they said:

Elena Kagan would bring to the Supreme Court a breadth of experience and a history of great accomplishment in the law . . . The Constitution gives the President broad leeway in fulfilling the enormously important responsibility of determining who to nominate for a seat on the Supreme Court of the United States. In that spirit, we support the nomination of Elena Kagan to be Associate Justice and believe that, if confirmed, she will serve on the Court with the distinction.

I thank and congratulate the members of the Judiciary Committee for holding an extraordinarily civil and open Supreme Court nomination process. I commend President Obama for selecting an extremely well-qualified nominee who will serve this country with distinction. Based on my conversations with the nominee, her statements at her confirmation hearings, and my review of her record, I intend to support her confirmation when it is voted on, hopefully later this week. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from North Carolina for her comments. I like how she pointed out how Solicitor General Kagan has received support from so many people on both sides of the aisle, and then also Solicitor General Kagan's support for the military.

I remember one of the most touching points of the hearing—that long and laborious hearing—was when Elena Kagan spoke about reading a letter from a student who had been at her law school in which, after she was nominated, he actually wrote a letter to the newspaper. He served in Iraq, and he wrote a letter about how fair she was to him and her strong support for him as a soldier. She said it was the only moment during the whole leadup to the hearing, with all those things that happen, that she said she shed some tears. I will never forget that moment in the hearing.

As we consider this nomination, I want to reflect on how far we have come.

I see I have been joined by the dean of the women Senators, Senator MIKULSKI from Maryland.

When Sandra Day O'Connor graduated from law school more than 50 years ago, as the Senator from Maryland knows, the only offer she got back then after she graduated high up in her class from Stanford Law School, the

only offer she got at a law firm was as a secretary. Justice Ginsburg faced similar obstacles. When she entered Harvard, she was only one of nine women in a class of more than 500. One professor actually asked her to justify taking that place in that law school class from a man.

I know we learned during the hearing that Solicitor General Kagan is well aware of the strides women have made. In a 2005 speech, quoting Justice Ginsburg, she described a student resolution at the University of Pennsylvania Law School. This resolution would have introduced a 25-cent per week penalty on all students without mustaches.

The women who came before Elena Kagan to be considered by the Judiciary Committee helped blaze that trail for Elena Kagan—people such as Justice Ginsburg, Sandra Day O'Connor, and Sonia Sotomayor. Although Elena Kagan's record stands on her own, she is also, to borrow a line from Isaac Newton, "standing on the shoulders of giants."

All the women Senators I know—both Democratic and Republican—always feel they are standing on the shoulders of giants, maybe somewhat short giants, when they see the dean of the women Senators, Senator MIKULSKI from Maryland, who has entered the Senate Chamber.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Minnesota for her kind words but also her leadership in terms of a leadership roll on the Judiciary Committee in the usual due diligent way she went about looking at Ms. Kagan's record, becoming an advocate for her and now urging us on the floor to speak on her behalf.

Also on behalf of myself and the people of Maryland, we extend our condolences to her on the passing of her mother. It is a tribute to Senator KLOBUCHAR that she is here today doing her duty. But from what I have heard about her mother, that is exactly where she would want her to be and exactly with those of us who are speaking today.

I come today in strong support of Elena Kagan. I am of the generation when a woman on the Court was going to be viewed as a novelty. I remember very well when Ronald Reagan nominated Sandra Day O'Connor and the world and the United States of America was abuzz: Wow, a woman is going to go on the Court. She went to the Court, and I think history, legal scholars, and the American people think she did a great job.

Then came Ginsburg, Sotomayor, and now Kagan. We are at the point now where women are being taken seriously—they are being put forth for high positions in government—and are no longer viewed as a novelty. We

never wanted to be novelties. We want to do the job we are either elected to do or we are being recommended to do.

I can tell my colleagues that Elena Kagan brings that right stuff of the women who are currently on the Court, and Sandra Day O'Connor. She wants to be known and respected for what she will bring to the Court.

For us women, the reason we are advocating for her is not about gender but about the legal agenda before this Supreme Court. We want to have a Justice on that Court who is extremely qualified but brings a strong commitment to civil rights, to equal justice—someone who brings not only legal scholarship but an independent voice.

Ms. Kagan is extremely qualified in these areas. Her record demonstrates an understanding of how the Court affects the lives of ordinary Americans. She clerked for Justice Thurgood Marshall, another distinguished Marylander, someone who served on the Court, a trailblazer in civil rights and a trailblazer on the Court.

Much was made during the Judiciary Committee hearings about her clerking for Marshall and somehow or another that was not a good thing. I thought it was a fantastic thing for us in Maryland who revere Thurgood Marshall for his brilliance, his tell-it-like-it-is legal style, who brought scholarship and yet street corner savvy out from some of the meanest streets in Baltimore to the Court. We thought it was great. We think Justice Thurgood Marshall was a great member of the Supreme Court. And they think it is great Kagan mentored and learned under him.

During her tenure as dean of Harvard Law School, she, again, not only developed the best faculty but made sure there were legal clinics to help the poor, the left out, the marginalized, but she also wanted to make sure that Harvard was to ensure a more diverse student body.

In the face of this current Court that increasingly is on the side of big corporations rather than with the little guy or the little gal, we need a Justice such as Kagan who will understand what is going on in our communities.

I take my advise-and-consent responsibilities very seriously. It is one of the most important jobs we have as Senators, and it is one I approach with thorough deliberation.

I look at three criteria for the Supreme Court: absolute integrity, judicial competence and temperament, and a commitment to core constitutional principles. I want someone who is committed to the whole Constitution, the entire Constitution, the basic body of the Constitution and every single one of its amendments. There is a whole crowd in the Senate who only seems to like the second amendment. I like all of them, and I am particularly devoted to the first one and the 14th one.

Every day, the Supreme Court will make decisions that transcend genera-

tions. But today we have a Court that has an increasing willingness to favor corporate interests over the voice of people at the community level.

We also have a Court that seems to be increasingly out of touch with the American people. We want to be able to reassure that we have a member of the Court who understands this.

During this current Court's deliberations, I was appalled by the famous Lilly Ledbetter case, the wonderful woman who worked at Goodyear for 19 years and was a victim of pay discrimination. She sued Goodyear, and the case made it all the way to the Supreme Court. In appeal after appeal, she won. But, oh, the big guys with the big guns and the big bucks kept appealing, but she persisted. And then before the Court she was turned down. It was so appalling that Justice Ginsburg from the bench asked Congress to take action. We did. But we should not be the Congress to overturn Supreme Court decisions because they trample on the rights of people, because they trampled on the rights of a woman to get equal pay for equal work, trampled on the rights of a woman not to face retaliation in sexual harassment and humiliation when she tried to speak up for herself on the floor of the factory or on the courtroom floor.

I believe we need someone on the bench who understands the needs of the people but, most of all, understands the laws of the United States of America and loves this Constitution—the entire Constitution of the United States of America.

I am here today because of the Constitution. The first amendment enabled me to speak up and organize and be able to make it here. There was another amendment of the Constitution that enabled the direct election of the Senate. There is this whole other crowd out there in the community that wants to overturn that. I am here because the American people insisted in a constitutional amendment that women have the right to vote. Another constitutional amendment took it away from the State legislature and put it in the hands of the American people.

I love the Constitution. I love every single amendment of the Constitution. And I want somebody on the Supreme Court who feels the way I do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from Maryland for her fine words. She is someone who knew the Court before there were any women on that Court. She has seen many changes. I thank her for her work.

To break the glass ceiling, we have now been joined by one of our male colleagues, after hearing from five female colleagues. But we are going to let him

speak. We have been joined by the senior Senator from the State of New Mexico. We are honored to have Senator BINGAMAN here to speak about Solicitor General Kagan.

Mr. BINGAMAN. Mr. President, I yield myself 5 minutes off the Democratic time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me first just commend all my colleagues for their eloquent statements in support of Solicitor General Elena Kagan's nomination, and I join them in that support of her nomination to be an Associate Justice of the U.S. Supreme Court.

I strongly believe Solicitor General Kagan has the skill set, the intellect, and the experience necessary to be an exceptional Justice. She has a diverse legal background, with a distinguished career in government and academia, and she has served as our Nation's top lawyer before the Court. After reviewing her record, as Senator KLOBUCHAR pointed out, I believe Senator HAGAN also—and others have pointed out in their comments as well—the American Bar Association unanimously voted that she was “well qualified” to serve on the Court, which is the highest ranking the American Bar Association bestows.

I have also met with Ms. Kagan and closely followed her confirmation hearings before the Senate Judiciary Committee. She clearly demonstrated that she has the right temperament for this position and that her legal views are well within the mainstream of judicial thought in this country. Ms. Kagan also affirmed her commitment to interpret the law with fidelity and demonstrated that she understands how the decisions of this High Court have a very real impact on the lives and liberties of Americans.

Ms. Kagan's wide range of experience will serve the country well. She has served as a faculty member at the University of Chicago Law School, as a former dean of the Harvard Law School, as a clerk to former Justice Thurgood Marshall, as a White House aide to former President Bill Clinton, and in her current position as Solicitor General of the United States. In her current position as Solicitor General, she has filed approximately 100 briefs and argued six cases before the Supreme Court. Ms. Kagan has demonstrated sound judgment and has exhibited great skill in the cases she has handled before the Supreme Court.

She has been lauded by individuals across the political spectrum for her ability to build consensus and for her respect for those with differing views. For example, she has received support from eight former Solicitors General from both parties, including Kenneth Starr and Ted Olsen. At Harvard she worked to hire a faculty representing

diverse political views, including conservative faculty members in order to ensure that students received a broad perspective on the issues they were studying.

While Ms. Kagan has a great deal of legal experience, much has been said about her lack of judicial experience. Although she has not served as a judge, Ms. Kagan is widely respected in the legal community. She will bring needed diversity to the bench with respect to her legal background. It is important to note that about 40 of the 111 previous Supreme Court Justices who have served did not have judicial experience prior to serving on the Supreme Court, including, I would point out, former Chief Justice William Rehnquist.

I strongly believe Ms. Kagan has the qualifications necessary to be an excellent Justice of the Supreme Court. I urge my colleagues to support her nomination.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, we have now been joined by the Senator from Delaware, and we are pleased to have him here as well as we continue our discussion about the fine qualities of Solicitor General Kagan for the job of Justice of the Supreme Court.

Senator CARPER.

Mr. CARPER. I thank the Senator, and I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Madam President, I rise today in support of Solicitor General Elena Kagan's confirmation to the U.S. Supreme Court. I am confident that in the years to come, she will make proud the President who has nominated her as well as those of us who vote to confirm her.

I would like to begin today, if I may, first by explaining why I am supporting the nomination, and after I have done that I will outline why I believe a number of our Republican colleagues shouldn't just consider supporting that nomination but should support her nomination along with the rest of us.

This is my fourth opportunity to vote on a nomination to the Supreme Court. As do each of my colleagues, I take seriously our constitutional obligation to provide advice and consent to determine whether a President's judicial nominees truly merit a lifetime appointment. I realize a number of considerations are weighed not just by me but by each of us who serve here when making a decision that is as important as this one is for our Nation.

Before coming to the Senate, I was privileged to have served as Governor of Delaware, and in that role I nominated, over the course of 8 years, dozens, maybe scores, of men and women

to serve as judges in our State courts. The qualities I sought then in judicial nominees included unimpeachable integrity, a keen intellect, a thorough understanding of the law, sound judicial temperament, a willingness to listen and to consider both sides of an argument, and a strong work ethic. These qualities are also the ones that guide me today as I decide how to vote on the judicial nominees that come before us in the Senate, whether that President is Barack Obama or George W. Bush.

In applying each of these standards to Elena Kagan, it has become clear to me while examining her record that she meets or exceeds all of them. First, if you will, just consider with me—I know others have touched on this, but I will do it again—her life and experience.

As others have reminded us, she graduated summa cum laude from Princeton University. She received a scholarship to pursue her graduate studies at Oxford University, and after that she earned her law degree magna cum laude from Harvard Law School.

Following law school, she clerked for DC Circuit Court and then for U.S. Supreme Court Justice Thurgood Marshall. Starting in 1989, Ms. Kagan spent 2 years in private practice before taking on a position as professor of law at the University of Chicago. Then in 1995, she went to work in the White House and she rose there to the position of Deputy Assistant to the President for Domestic Policy. In 2001, with the change in administrations, Ms. Kagan returned to the study of law as a professor first, and then as Dean of the Harvard Law School. I believe she is the first woman to achieve that.

More recently, in 2009, Elena Kagan was confirmed by the Senate, with the support of seven or eight of our Republican colleagues, to serve as the first female Solicitor General of the United States.

Ms. Kagan is widely recognized as one of our Nation's leading legal minds and has been hailed as a preeminent scholar of administrative law. The American Bar Association has bestowed upon her their highest rating of “well qualified” in assessing her record and in evaluating her judicial temperament.

I realize some have criticized Elena Kagan for not having previously served on the bench. I take a different view. As a nominee from outside the judicial monastery, I believe Ms. Kagan's background and experience will actually bring a valuable perspective and a breath of fresh air to the Supreme Court. As my colleagues consider her nomination, I hope they take into account the fact that in our Nation's history—listen to this—more than one-third of our Supreme Court Justices have had no prior experience on the bench, either in Federal Government or outside of Federal Government.

Others have objected to Ms. Kagan's nomination on the grounds that while serving as the dean of the Harvard Law School, she allegedly limited military recruiters access to students. This charge of my opponents on Ms. Kagan's nomination was one I took very seriously as I considered her nomination to serve on our highest Court.

As some of my colleagues know, I attended Ohio State University as a Navy ROTC midshipman and went on to serve 5 years as a naval flight officer during a hot war in Southeast Asia and for another 18 years as a ready reservist until the end of the Cold War. I deeply appreciate all that the military has done for me, and I believe our military recruiters should be allowed to have access to college campuses and to the students there.

Having examined this issue in some detail, I can say with confidence that I believe Elena Kagan honors and reveres the men and women who serve our country in its Armed Forces, as do I. The fact is, military recruiters did continue to have access to students throughout her tenure, and in some years recruitment actually rose rather than diminished.

Last month, I had the privilege of meeting personally with Elena Kagan, as a lot of my colleagues have as well. We spoke about many matters. We spoke about her life, her work, her views of the law. It was a revealing conversation for me and actually quite an encouraging one in no small part because I walked away feeling that Elena Kagan is not just uncommonly bright and a scholar of the law. Perhaps just as important, she has the potential to become, over time, the kind of consensus-builder that the Supreme Court needs at this time in our Nation's history.

Given the plethora of closely decided 5-to-4 decisions emanating from the Supreme Court in recent years, it is clear, at least to me, that they could use another Justice there who has the experience and the ability to help them find common ground and work toward sound, reasonable, commonsense solutions and opinions. Come to think of it, we could use a few more people like that here in the legislative branch of our government and on both sides of the aisle.

Fortunately, among her colleagues and in the legal community, Elena Kagan is known as a consensus builder. Even those who may have a different judicial philosophy than Ms. Kagan nonetheless respect her judgment and her abilities.

One of them is Michael McConnell. He is a constitutional law scholar who was nominated by President George W. Bush to serve as a U.S. circuit court judge on the Tenth Circuit. He had this to say about her:

Publicly and privately, in her scholarly work and in her arguments on behalf of the

United States, Elena Kagan has demonstrated a fidelity to legal principle even when it means crossing her political and ideological allies. I urge you to confirm Elena Kagan to be an Associate Justice of the Supreme Court.

We thank Mr. McConnell for that advice.

It is clear to me, and I believe to many others on both sides of the aisle, that if confirmed, a "Justice Kagan" would base her approach to deciding cases solely on the law and our constitution, and not on any ideological agenda or on the politics of a case.

Let me close, if I may, by expressing my appreciation to the handful of Republican Senators who have announced publicly in recent days that they intend to support Ms. Kagan's nomination. I am sure it was not an easy decision. I do believe, however, it is the right decision for our country, and I hope those men and women will be joined by a number of other Republican Senators when the final vote is taken later this week.

Many of us remember when, in 1986, President Reagan nominated William Rehnquist to serve as Chief Justice of the United States, and his subsequent confirmation by the Senate with the support of 16 Democratic Senators. However, not many recall that in 1971, when William Rehnquist was nominated to serve as an Associate Justice on the Court, he had no prior experience on the bench. Even so, in 1971, some 29 Democratic Senators joined their Republican colleagues in supporting his confirmation. As you know, Justice Rehnquist went on to have a long and distinguished career on the Supreme Court.

The fact that Chief Justice Rehnquist's nomination was supported by a large number of Democratic Senators not just once but twice is an important testament to the strength of our democratic process and our ability to work across party lines. I hope we can make a similar statement later this week with the confirmation of Ms. Kagan to the Supreme Court with the support of Senators from both sides of the aisle, including the Senator sitting across this Chamber today from the State of South Carolina who I think sets, in this instance, a particularly good example for us all.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I think this concludes our very broad discussion about all of the fine qualifications of Elena Kagan for this job and, again, refuting the words of one of our colleagues—unfortunate words—in which he said, I believe, that she doesn't have the gifts and the qualities of mind and the temperament one must have to be a Justice.

Look at the words of so many people across this country, along so many dif-

ferent ideological lines—69 law school deans who wrote about her knowledge of the law and skills in legal analysis as being "first-rate." They say:

Her writings in constitutional law and administrative law are highly respected and widely cited. She is an incisive and astute analyst of law, with a deep understanding of both doctrine and policy.

Listen at what the National Association of Women Judges has said:

We recognize the essential qualifications that a justice of our highest court must have: superior intellectual capacity as well as an intimate knowledge and a deep understanding of constitutional law. It cannot be seriously disputed that General Kagan brings these qualifications with her in abundance.

From the Women's Bar Association:

Solicitor General Kagan's intellect and legal acumen have been recognized by those across the political spectrum.

Of course, I already read into the RECORD the words of the National District Attorneys Association.

So many people have written in support of Solicitor General Kagan. But I would say that no words meant more to me than the words of our colleague, Senator GRAHAM, who is here across the aisle. He had the courage to stand up and explain why he made the decision to support her nomination.

He made very clear that he didn't agree with every position she had ever taken or would agree with every decision that she would ever make. But he talked about our role as Members of the Senate to not be political arbiters in terms of who the judge should be but to have the role of oversight and to figure out what the qualifications are and does this person meet the qualifications and does the person have the judgment to make decisions in very difficult cases. And, as Senator GRAHAM so eloquently stated that day during the hearing, Solicitor General Kagan—

The PRESIDING OFFICER. The time controlled by the majority has expired.

Ms. KLOBUCHAR. Makes the grade.

With that, I yield to my colleague from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I appreciate the kind comments of the Senator from Minnesota. I have enjoyed working with her on the committee and hope to be able to work with her on a lot of different topics, including confirming judges.

My view of Elena Kagan is quite simple. I found her to be a good, decent person; well qualified in terms of her legal background to sit on the Court. The people who know her the best, who worked with her, have nothing but good things to say about her. She is not someone a Republican President would have picked—she is definitely in the liberal camp when it comes to judging—but I think within the mainstream of the left wing of the Court.

The Court has two wings to it. A lot of decisions are—not a lot, some decisions are 5-4. But you know who the conservatives on the Court are and you know who the liberals are. The one thing they have in common is that they are highly qualified, great Americans who happen to view the law a bit differently in terms of philosophy. But they have brought honor to the Court.

Justice Ginsburg is definitely in the left wing of the Court. Justice Scalia is definitely in the right wing of the Court. From what I have been told, they have a deep personal friendship; that Justices Scalia and Ginsburg have become fast friends and admire each other even though they often cancel out each other's vote and they have some real good give and take in their opinions. In that regard I think they represent the best in judging and the best in our democracy, and that is two different philosophies competing on the battlefield of ideas but understanding that neither one of them is the enemy. They have a lot of respect for each other.

What brought me to the conclusion to vote for Solicitor General Kagan? I believe the advise and consent clause of the Constitution had a very distinct purpose. Under our Constitution, article 2, it allows the President of the United States to appoint Supreme Court Justices and judges to the Federal bench in general. That is an authority and a privilege given to him by the Constitution. You have to earn that by getting elected President.

After having watched Senator McCain literally about kill himself to try to be President, I have a lot of admiration for those who will seek that office. It is very difficult to go through the process of getting nominated and winning the office. I daresay that Senator McCain would indicate it is one of the highlights of his life to be nominated by his party and to go out and fight for the vote of the American people.

Senator Obama was a Member of this body before being elected President. I can only imagine what he went through, going through the primary process, beating some very qualified, high-profile Democrats to get the nomination of his party. When it was all said and done, after about \$1 billion and a lot of sweat and probably sleepless nights, he was elected by the people of the United States to be our President. I want to honor elections.

My job, as I see it—and I am just speaking for me—each Senator has to determine what they believe the advise and consent clause requires. From my point of view I will tell you what I think my job is in this process. No. 1, it is not to be a rubberstamp. Why would you even have the Senate involved if the President could pick whomever he or she chose? So there is a collaboration that goes on here.

There is a check and balance in the Constitution where we have to advise and consent. So I do not expect myself or any other Senator to feel once the election is over, you have to vote for whomever they pick. You do not. There may be a time when I vote “no” to a President Obama nominee.

But my view of things is sort of defined by the Federalist Paper No. 76, Alexander Hamilton, who was one of our great minds of this country's history. He said, “The Senate should have special and strong reasons for denial of confirmation.”

I think his comment to us is that, yes, you can say no, but you need to have a special and strong reason because the Constitution confers upon the President the right to pick. What would those strong and special reasons be? Whatever you want it to be. That is the fact of politics. Those strong and special reasons can literally be whatever you want it to be as a Senator. But here is what Alexander Hamilton had in mind as to strong and special reasons. He continued:

To what purpose, then, require the co-operation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation.

I think that powerful and silent operation is meant to be a firm but not overly political check and balance; not a continuation of the campaign. Because the campaign is a loud experience. It is 50 plus 1, rah-rah-rah, build yourself up, tear your opponent down. So when Alexander Hamilton indicated to the Senate his view of the advise and consent clause, that it would be powerful, though in general a silent operation, I think he is telling us: The campaign is over. Now is the time to govern. So when this nominee comes your way from the person the Constitution confers the ability to pick and choose, you should have in mind a powerful but silent operation.

“It would be an excellent check upon a spirit of favoritism. . . .” I think that is pretty self-evident, that one of the things we do not want to have with our judiciary is it becomes an award or prize for somebody who helped in the campaign, picking somebody who is close to you personally, related to you, so that the job of Federal judge becomes sort of political patronage. The Senate could be a good check and balance for that. I think that is one of the reasons we are involved in the process, to make sure that once the election is over, the President himself does not continue the campaign. The campaign is over and we have a silent operation in terms of how we deliver our advice and consent. So he is telling the President through the Senate that once the campaign is over, you should not pick someone who will help you politically or return a favor; you should pick someone who will be a good judge.

It “would tend greatly to prevent the appointment of unfit characters from State prejudice.” That is another view that Alexander Hamilton had, as to how the Senate should use its advise and consent duties, to make sure that unfit characters do not go on the Court. I can imagine that has probably been used in the past.

“From family connection,” that one is obviously self-evident. You don't want to pick someone from your family unless there is a good reason to do so. “[F]rom personal attachment or from a view to popularity.”

When I add up all these things, I am looking at the necessity of their concurrence with a: “powerful, though, in general, silent operation. It would be an excellent check upon the spirit of favoritism . . . to prevent the appointment of unfit characters . . . from family connection, from personal attachment, or from a view to popularity.”

In other words, we are trying to make sure the President, he or she, picks a good, qualified judge, not some unfit character, some person tied to him or her personally, not someone who would be a popular choice but would be a lousy judge.

When I apply that standard to Elena Kagan, I cannot find anything about her that makes her an unfit character to me. Frankly, what I know about her from listening to her for a couple of days and having people tell me about her is I think she is a very fine person with stellar character.

The letter that moved me the most about Elena Kagan the person, I wish to share with the Senate and read, if I may. This comes from Miguel Estrada. For those of you who may not remember, Miguel Estrada was chosen by President Bush to be on the court of appeals. For a variety of reasons—there is no use retrying the past—he never got a vote by the Senate. He never got out of committee. All I can say from my point of view is, it was one of the great mistakes. I am sure there have been times when Republicans have done the same thing or something like it to a well-qualified Democratic selection. But I happened to be here when Miguel Estrada was chosen by President Bush. So he had a very unpleasant experience when it came to getting confirmed as a judge. But here is what he wrote about Elena Kagan, a Republican conservative lawyer chosen by President Bush to be on the court of appeals, writing for Elena Kagan:

I write in support of Elena Kagan's confirmation as an Associate Justice of the Supreme Court of the United States. I have known Elena for 27 years. We met as first year law students at Harvard, where we were assigned seats next to each other for our classes. We were later colleagues as editors of the Law Review and as law clerks to different Supreme Court Justices; and we have been friends since.

Elena possesses a formidable intellect, an exemplary temperament, and a rare ability

to disagree with others without being disagreeable. She is calm under fire and mature and deliberate in her judgments. Elena would also bring to the Court a wealth of experience at the highest level of our Government and of academia, including teaching at the University of Chicago, serving as the Dean of the Harvard Law School and experience at the White House and as the current Solicitor General of the United States. If such a person, who has demonstrated great intellect, high accomplishments and an upright life, is not easily confirmable, I fear we will have reached a point where no capable person will readily accept a nomination for judicial service.

I appreciate that considerations of this type are frequently extolled but rarely honored by one side or the other when the opposing party holds the White House. I was dismayed to watch the confirmation hearings for then-Judge Alito, at the time one of our most distinguished appellate judges, and find that they range from the—

Well, I am not going to read it all.

... one could readily identify the members of the current Senate majority, including several who serve on the Judiciary Committee [and their partisan views].

Lest my endorsement of Elena's nomination erode the support she would see from her own party, I should make it clear that I believe her views on the subjects that are relevant to her pending nomination—including the scope of judicial role, interpretive approaches to the procedure and substantive law, and the balance of powers among the various institutions of government—are as firmly center-left as my own are center-right. If Elena is confirmed, I would expect her rulings to fall well within the mainstream of current legal thought, although on the side of what is popularly conceived as "progressive." This should come as a surprise to exactly no one: One of the prerogatives of the President under our Constitution is to nominate high federal officers, including judges, who share his (or her) governing philosophies. As has often been said, though rarely by Senators whose party did not control the White House at the time, elections have consequences.

Elena Kagan is an impeccably qualified nominee. Like Louis Brandeis, Felix Frankfurter, Robert Jackson, Byron White, Lewis Powell and William Rehnquist—none of whom arrived at the Court with prior judicial service—she could become one of our great Justices. I strongly urge you to confirm her nomination without delay.

I think that says a lot of Elena Kagan. I think it says a lot about Miguel Estrada. She wrote a letter basically—I asked her to—to tell me what she thought about Miguel Estrada. I will read that in a minute. But at the end of the day, those of us in the Senate have to understand that every branch of government includes human beings and there is a rule that stood the test of time. I didn't make this one up. It was somebody far wiser than I am, somebody far more gifted than I ever hope to be, somebody I put a lot of trust in.

It is called the Golden Rule. "Do unto others as you would have them do unto you." That is probably one of the most powerful statements ever made. It is divine in its orientation, and it is probably something that would serve

us all well if we thought about it at moments such as this.

I am going to vote for Elena Kagan because I believe constitutionally she meets the test the Framers envisioned for someone to serve on the Court. I don't think the Framers ever envisioned LINDSEY GRAHAM from South Carolina voting no because President Obama picked someone who is clearly different than I would have chosen. Because if that were the case, the campaign never ended. It would undercut the President's ability to pick someone of like philosophy. My job is to make sure the person he chose is qualified, of fit character, not chosen for favoritism or close connection but chosen based on merit.

I have no problem with Elena Kagan as a person. I have no problem with her academic background. I have no problem with her experience as a lawyer. Even though she has worked for Justices whom I would not have ruled like, even though she has taken up political causes I oppose, that is part of democracy.

Her time as Solicitor General, where she represents the United States before the Supreme Court, was reassuring to me. She has had frontline experience in the war on terror. She has argued before the Supreme Court that terrorist suspects should be viewed under the law of war. She supports the idea that someone who joins al-Qaida has not committed a crime. They have taken up arms against the United States, and they can be held indefinitely without trial if, under proper procedures, they have been found to be part of the enemy force. She understands detainees held at Bagram Airfield in Afghanistan should not be subject to judicial review in the United States because they are prisoners of war in an active theater of combat. If she gets on the Court—and I am certain she will—she will be able to bring to the Court some frontline, real-world experience in the war on terror. She has had an opportunity to represent the United States before the Supreme Court, arguing that this Nation is at war, and the people who attacked us on 9/11 and who continue to join al-Qaida are not some common criminals but people subject to the law of armed conflict. Her testimony when she was confirmed as Solicitor General was reassuring to me that she understood that very important concept.

How she rules, I don't know. I expect she will be more similar to Justice Stevens in the way she decides cases. The person she is replacing is one of the giants of the Court from the progressive side. I expect she will follow his lead most of the time. I do believe she is an independent-minded person. When it comes to war on terror issues, she will be a valuable member of the Court and may provide a perspective other judges would not possess. That is my hope.

I don't vote for her expecting her to do anything other than what she thinks is right, ruling with the Court most of the time in a way a Republican nominee would not have ruled. It gets back to my point of a minute ago. If I can't vote for her, then how can I ask someone on the other side to vote for that conservative lawyer, maybe judge, who has lived their life on the conservative side of the aisle, fighting for conservative causes, fighting for the pro-life movement, standing for the conservative causes I believe in, a strong advocate of a second amendment right for every American? That day will come. I hope sooner. But one day that day will come. What I hope we can do from this experience is remember that when that day does come, the Constitution has not changed at all. The only thing changed was the American people chose a conservative Republican President. I ask my colleagues to honor that choice, when that conservative President, whoever he or she may be, picks someone whom my colleagues on the other side would not have chosen. But that has been the way it has been for a couple hundred years now.

Justice Ginsburg, the ACLU general counsel, got 96 votes. Justice Scalia got 96 or 97 votes. Senator Thurmond, my predecessor, voted for Justice Ginsburg. There is no way on God's green Earth Strom Thurmond would have voted for Justice Ginsburg if he believed his job was to pick the nominee. There is no way many of my colleagues on the other side would have ever voted for Justice Scalia if they thought it was their job or they had the ability to make a selection in line with their philosophy. No one could have been more polar opposite than Ginsburg and Scalia. But not that long ago, in the 1990s, this body, without a whole lot of fussing and fighting, was able to put on the Court two people who could not be more different but chose to be good friends.

The history of confirming nominees to the Supreme Court is being lost. Madam President, 73 of the 123 Justices who served on the Supreme Court were confirmed without even having a roll-call vote. Something is going on. It is on the left, and it is on the right. I hope this body will understand one thing: The judiciary is the most fragile branch of government. They can't go on cable TV and argue with us as to why they are qualified. They cannot send out mailings advocating their positions. They have no army. All they have is the force of the Constitution, the respect of the other branches and, hopefully, the support of the American people.

Having gone to Iraq and Afghanistan many times, the one thing I can tell my colleagues that is missing in most countries that are having difficult times is the rule of law. What is it? To me, the rule of law is a simple but powerful concept. If you ever find yourself

in a courtroom or before a magistrate or a judge, you will be judged based not on what tribe you came from. You will be judged based on what you did, not who you are.

The one thing we don't want to lose in this country is an independent judiciary. We are putting the men and women who are willing to serve in these jobs sometimes through hell. Judge Alito was poorly treated. I am very proud of what Senator SESSIONS was able to do as ranking member. We had a good, spirited contest with Sotomayor and Kagan. I thought the minority performed their role in an admirable fashion. I appreciate what Senator LEAHY did working with Senator SESSIONS. I thought these two hearings were conducted in the best traditions of the Senate.

The votes will be in soon. She is going to get a handful of votes on our side. I have chosen to be one of those handful. From a conservative point of view, there are 100 things one can find at fault in terms of philosophy and judicial viewpoint with Elena Kagan. I have chosen not to go down that road. I have chosen to go down a different path, a path that was cleared and marked for me long before I got here, a path that has a very strong lineage, a path that I believe leads back to the Constitution, where the advice and consent clause is used in a way not to extend the election that is now over but as a reasonable, powerful but silent check on a President who chose a judge for all the wrong reasons. Choosing a liberal lawyer from a President who campaigned and governs from the left is not a wrong reason. Choosing a conservative lawyer or judge once you campaign for the job running right of center, in my view, is not the wrong reason. The wrong reason would be if the person you chose was not worthy of the job, did not have the background or the moral character to administer justice. I cannot find fault with Elena Kagan using that standard.

I will vote for her. I will say to anybody in South Carolina and throughout the country who is listening: She is not someone I would have chosen, but it is not my job to choose. It is President's Obama's job. He earned that right. I have no problem with Elena Kagan as a person. I think she will do a good job, consistent with her judicial philosophy. I hope and pray that the body over time will get back to the way we used to do business. If we don't watch it, we are going to wake one day, and we will politicize the judiciary to the point that good men and women, such as Sam Alito, Justice Roberts, and Elena Kagan, will not want to come before this body and be a judge. If that ever happened, it would be a great loss to this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, there has been some suggestion in the course of the discussion of Elena Kagan's nomination that her decision to bar the military from access to Harvard's recruiting office was a principled one and had no impact on the lives of Harvard law students in the military. I think that is not a fair way to describe it. Her decision relegated the military to second-class status at Harvard Law School. Military recruiters were, as she indicated in one statement, "alienating" to some students and were not welcome, and students who made public their interest in the military service otherwise might be ostracized in that climate. But she wanted the student veterans to quietly help the classmates who might be interested in military service to overcome the obstacles there.

Well, let me just say it this way: Ms. Kagan protested against don't ask, don't tell in reality by obstructing the mission of the junior military officers who had at that point in their career been assigned the duty of recruitment at law schools around the country, recruiting JAG officers for the military. But these junior officers had no control whatsoever over this law. We often refer to it as a military policy, but it is not a policy, it is law passed by the Congress of the United States.

So her effort to make a political point at the expense of the U.S. military and in defiance of clear Federal law passed by this Congress calls into question, really, her willingness to be governed by that law because she was punishing the military, really demeaning them, not allowing them equal access like any other law firm, presumably, in America and demeaning them in that fashion. So I really think this issue is not a little one. It is a very big one. It says something very significant about her ability and her objectivity. So for that reason, I think it calls into question her ability to serve on the bench as an objective person in justice.

I see the majority leader. He just appears out of the blue. I know he is busy, so I will yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I want my friend from Alabama to know that when I see him on the floor, I do not run to the floor. It just happens to work out a lot of times. So I appreciate his yielding.

I am going to send a cloture motion to the desk dealing with the Kagan nomination. I want the ranking member to understand that I have spoken to the Republican leader.

Could I have the attention of the Senator from Alabama? I want the Senator from Alabama to hear this. I am filing a cloture motion on the Kagan nomination. I have spoken to the Republican leader. This is in no way to cut off debate. We have had 20 Senators who have spoken today. I want Senators to have the ability to speak in whatever means they feel appropriate, but I just do not want a renegade Senator to stop us from being able to complete this nomination.

Mr. SESSIONS. If the Senator will yield?

Mr. REID. I will just say this: If it comes time for the cloture vote and more time is needed, everyone over here will be happy to make sure people have ample time. We will postpone the cloture vote as long as necessary to make sure people will have the opportunity to speak.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I will just say to the leader, I am a bit hurt. I do not think this is a necessary step, that the leader has indicated we will move forward in maybe 3 days and finish this debate. And to file a cloture motion—if it in any way suggests there is a deliberate attempt on this side to block an up-or-down vote, I will just say I have tried to make clear that I have a high standard before I would attempt to block an up-or-down vote, and I have not suggested and I think very few on this side have suggested—a vote at the time that is right should go forward. I would expect that it would.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I stated on the floor earlier today that I think the conduct of the chairman and ranking member on this nomination has been exemplary. I said that already. But if my friend from Alabama would listen just for a minute, I have so many things I am trying to work through procedurally so we can leave here at a reasonable time this week. I just do not want someone who gets mad because I have done something they do not like saying: I am not going to let you have a vote on this judge until I get what I want.

I want to make sure everyone who wants to has the opportunity to speak on Kagan. No one on the Republican side has even suggested a filibuster. OK. And I understand that. But this is to make sure one Senator in this body—not on the nomination of Kagan but on anything—they get their dander up a little bit, and he or she can cause the whole Senate to come to a standstill.

So I repeat, if there is more time needed, there will be ample time. When the time for voting comes up, I will give whatever time is necessary. What I have been trying to get—and I am sure it is too early to have done that—

is a time certain to vote on Elena Kagan. But I think my friends on the other side of the aisle have told me it is too early to do that. But I say to my friend, there is no direction to prevent anyone from speaking on this nomination for however long they want.

Mr. SESSIONS. Well, I just do not want somebody to come back and say in the future that we had to file cloture to get a vote on this nomination, and you filibustered this nomination. I feel pretty strongly about that and am a bit uneasy that the leader has felt he needed to do this.

I thank the Chair.

Mr. REID. I will just repeat what I said before. Any one Senator, as we have learned—those of us who have served in the Senate and those who have not been around here a long time—any one Senator can really throw things into a turmoil, on your side or on my side. And the purpose of this is to make sure we finish the Kagan nomination before we leave.

Mr. MCCONNELL. Will the majority leader yield for an observation?

Mr. REID. I am happy to.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. We had this conversation earlier today on the telephone. I think filing a cloture motion is completely unnecessary and—

Mr. REID. Let me just interrupt my friend. If my two friends feel this way—my concern is that we get locked into the 30-hour time. But I guess I could still do it on Thursday. So I know everyone—

Mr. MCCONNELL. I cannot imagine what incentive anyone would have to create the scenario under which the majority leader is concerned with.

Mr. REID. The Republican leader and I know the many things we are trying to complete in the next few days. And because I do not do something, as I have had happen before—that somebody on either side of the aisle gets disturbed because of something I did or did not do—they say: I am not going to let you have a vote on Kagan now. That could be on my side or on your side.

So here is what I will do: I have not filed this motion yet. Based on the statement of my friend from Alabama and my friend the Republican leader, I will just hold this in abeyance. I just know what is coming tomorrow. If we get stuck in a 30-hour time period, realistically, it would take consent to even allow the debate to go forward on Kagan. I would certainly not stand in the way of that. And during the time of the 30 hours pending, as I understand the rules, I cannot file another cloture motion.

But recognizing that everyone wants to operate in the best way, what I would do is ask my two friends here, the ranking member of the Judiciary Committee and my friend the Repub-

lican leader—would the Republican leader consider allowing, if we get stuck in some procedural thing tomorrow, which is Wednesday—we have to complete this by Friday, I would think—would my friend consider a unanimous consent request to allow me to file tomorrow? Because if we are postcloture with 30 hours, I cannot file cloture tomorrow.

Mr. MCCONNELL. Yes. I would say to my friend the majority leader, I would be willing to consider that. The point I am trying to make here and the Senator from Alabama has tried to make is we are unaware of anybody on our side who does not expect a vote on Kagan on Thursday. As you and I have discussed on and off the floor, the thought was that we would have the Kagan vote. That would be the last vote prior to the August recess. That is the scenario under which we have been operating, and I am perplexed as to why my friend the majority leader feels this is a step he needs to take.

Mr. REID. The only thing I cannot do is guarantee that will be the last vote. There may be something else that comes up. But I will do my best to cooperate, as I know you will. So I will see if this is necessary some other time.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, I appreciate the majority leader withholding. We can continue to discuss this, even tonight if he would like, the two of us, privately.

Mr. REID. We will wait until the vote takes place tomorrow and find out what, if anything, we need to do.

Mr. MCCONNELL. Fair enough.

Mr. REID. I am not filing the motion at this time, and I appreciate very much the sincerity of my friend from Alabama, as usual, and, of course, my friend from Kentucky. He and I have worked together on a lot of things over the years, and I appreciate him being so candid today.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Madam President, this is the second time since I have become a U.S. Senator that I have been asked to provide the President advice and consent on a Supreme Court nominee. Last year, almost to the day, I spoke on the Senate floor on the nomination of Judge Sonia Sotomayor to be on the Supreme Court. So I come to the floor today to speak on the nomination of Solicitor General Elena Kagan.

During the debate in the Senate on Judge Sotomayor's nomination, I laid out the three criteria I use in evaluating an individual to fulfill the responsibilities of filling a vacancy on the Supreme Court. First, of course, we want to select the best candidate. Second, the Justice must be impartial and allow the facts and the Constitution to

speak. And, third, a Justice has a responsibility to apply the law, not to write the law. Those are the criteria I have used in evaluating Elena Kagan's nomination.

I met with Solicitor General Kagan following her appearance before the Senate Judiciary Committee. She is personable and she is bright. Her career as an attorney has been exceptional. Although she has limited trial experience, she does understand the important role the judiciary plays in America. It is the second criteria that causes me concern: Solicitor General Kagan's ability to remain impartial. In particular, her actions and judgment as dean of the Harvard Law School as it related to military recruitment is, to me, a serious problem.

Military recruitment on college campuses is protected by what is commonly referred to as the Solomon Amendment. The Solomon Amendment is legislation that Congress passed in the mid-1990s. The Solomon Amendment directs that institutions of higher learning shall not be eligible for Federal funding if they refuse to follow Federal law. Funding shall be denied—if it is determined that the school, as a policy or a practice, either prohibits or, in effect, prevents ROTC access to campus or military recruiting on campus.

In the late 1970s, Harvard Law School adopted a policy that barred organizations that discriminated against any group from recruiting on campuses. The ban applied to military recruiters. Other universities adopted similar policies. But following the passage of the Solomon Amendment, many institutions, including Harvard, adjusted their policies.

Ms. Kagan became dean of Harvard Law School in the year 2003. In 2003, America was fighting two wars. American men and women were voluntarily joining the military to serve and to defend our country. At a time when military recruiters were being allowed on campuses across the country, Dean Kagan was looking for ways to make it difficult for military recruiters to do their job at Harvard Law School. She wrote at the time:

I abhor the military's discriminatory recruitment policy. . . . This is a profound wrong—a moral injustice of the first order.

Well, eventually, a legal challenge to the Solomon Amendment was initiated. On two occasions, Dean Kagan signed court briefs opposing the Solomon Amendment. In 2004, when a lower court rejected the Solomon Amendment, Dean Kagan immediately denied military recruiters the same access afforded to other recruiters on campus. She took this action even though the court making the ruling did not have jurisdiction over Harvard Law School. Harvard Law School is located in the First Circuit. The court that made the ruling was the Third Circuit.

The Pentagon notified Harvard that the restrictions on military recruiters violated the law. In 2006, the U.S. Supreme Court ruled on the challenge to the Solomon Amendment. The U.S. Supreme Court rejected the lawsuit as well as the arguments that were put forth in the brief signed by Dean Kagan, and it did so unanimously. All of the Justices on the Supreme Court, both conservative and liberal—all of them—agreed the Solomon Amendment did not violate the rights of law schools. The law was unanimously upheld, and that is an extremely rare occurrence from a Court usually divided.

For America's judicial system to work, judges must always remain impartial. I do believe that as dean of one of America's most prestigious law schools, Solicitor General Kagan allowed her personal biases to interfere with her judgment. Solicitor General Kagan had very strong opinions about military policies, including President Clinton's don't ask, don't tell policy. Like every American, she is entitled to her personal beliefs and the right to express those views. As the dean of Harvard Law School, she is also responsible to know the law and to not disregard it.

So, then, how can one explain the actions of Elena Kagan while dean of the Harvard Law School? No. 1, she didn't know the law; No. 2, she didn't understand the law; or No. 3, she simply chose to ignore the law because of her strongly held personal beliefs.

Many Americans may be able to get away with these explanations. Such explanations don't work for an individual seeking to become a Justice on the U.S. Supreme Court.

Elena Kagan has been nominated for a lifetime appointment to the Supreme Court. If confirmed, she will be entrusted to make decisions that will impact America for a long time. The decisions she will be asked to make on this Court must be based on the law not influenced by personal experiences or personal convictions.

In the case involving the Solomon Amendment, Dean Kagan failed to meet that standard. I believe Dean Kagan knew the law. I have no doubt she understood the law and wanted to find ways to get around the law.

I will not be supporting Solicitor General Kagan's nomination to the Supreme Court. I believe she allowed her personal beliefs to guide her. As a private citizen, that may be acceptable. As a member of the U.S. Supreme Court, it is not.

Thank you, Mr. President. I yield the floor and I suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I wish to add my support to the many voices calling for the confirmation of Solicitor General Elena Kagan to the position of Associate Justice of the Supreme Court.

At a time when the discussion of our legal system is so often dominated by ideological labels, Elena Kagan would bring years of practical, pragmatic experience to our highest Court. She is extraordinarily well qualified and will bring a valuable new perspective to the Court.

The highlights of Solicitor General Kagan's career are well known. Most recently, in 2009, she was the first woman to be nominated by a President and confirmed by the Senate to serve as Solicitor General of the United States. In this position in which she represents the interests of the U.S. Government before the Supreme Court, she has received numerous accolades from a broad range of observers. For example, Professor Michael McConnell, director of the Constitutional Law Center at Stanford Law School and former circuit court judge nominated by George W. Bush, in urging her confirmation said the following:

Publicly and privately, in her scholarly work and in her arguments on behalf of the United States, Elena Kagan has demonstrated a fidelity to legal principle even when it means crossing her political and ideological allies.

Miguel Estrada, Assistant Solicitor General in the George H.W. Bush administration, said Solicitor General Kagan:

... possesses a formidable intellect, an exemplary temperament and a rare ability to disagree with others without being disagreeable. She is calm under fire and mature and deliberate in her judgments ... If [she] is confirmed, I would expect her rulings to fall well within the mainstream of current legal thought. ...

Ten former Solicitors General, representing both parties, have praised her "breadth of experience and a history of great accomplishment in the law" and said further that her "most recent experience as Solicitor General will serve her well as she wrestles with the difficult questions that come before the Court."

Among those former Solicitors General were Kenneth Starr and Drew S. Days.

In 2003, Elena Kagan was named dean of the Harvard Law School, the first woman to hold that title. Throughout her distinguished career, she has shown a remarkable knack for reaching out to people across the ideological spectrum. As Harvard Law School's dean, she broadened the school's diversity of legal points of view, strengthened the academic program, and improved qual-

ity of life for students and faculty alike.

Elena Kagan will bring a different perspective to the Court, and we should welcome that. Justice Antonin Scalia put it this way:

Currently, there is nobody on the Court who has not served as a judge—indeed, as a Federal judge—all nine of us. I am happy to see that this latest nominee is not a Federal judge—and not a judge at all.

Elena Kagan's sense of fairness, problem-solving ability, and balance is illustrated by one of the episodes in her career that some have inaccurately criticized her for. During her time as dean of Harvard Law School, that school, similar to many around the country, had a policy to not use the campus to promote discriminatory activities, such as don't ask, don't tell.

Some have sought to portray Elena Kagan's actions throughout this episode as antimilitary. I find nothing in her words or actions that constitutes hostility to the military. Quite the opposite. But don't take my word for it. Take the words of former students of hers—for instance, one who when he received his promotion to captain in the Massachusetts National Guard asked Elena Kagan to pin on his captain's bars at his promotion ceremony—hardly an honor for a soldier to bestow on someone who is antimilitary.

CPT Robert Merrill, who wrote an op-ed in the Washington Post, put it this way:

She treated the veterans at Harvard like VIPs, and she was a fervent advocate of our veterans association. She was decidedly against "don't ask, don't tell," but that never affected her treatment of those who had served.

Listen to 1LT David Tressler, who wrote:

During the brief period when recruiters were not given access to students officially through the law school's Office of Career Services, they still had access to students on campus through other means ... Kagan's positions on the issue were not antimilitary and did not discriminate against members or potential recruiters of the military. ... She always expressed her support for those who serve in the military and encouraged students to consider military service.

Finally, you can take the word of veterans who attended Harvard Law School who said that "Elena Kagan has created an environment that is highly supportive of students who have served in the military."

Elena Kagan is smart, she is experienced, she is learned, and she is fair. She has the support of a host of organizations, a broad cross-section of organizations, including the National District Attorneys Association, as well as a broad range of prominent scholars. She will make an excellent Justice of the Supreme Court. I hope she is overwhelmingly confirmed.

Mrs. MURRAY. Mr. President, I am proud to support the nomination of Solicitor General Elena Kagan as the

next Associate Justice of the U.S. Supreme Court. The Senate has few responsibilities more important than our constitutional obligation to advise and consent on the President's Supreme Court nominees. Supreme Court Justices are appointed for life, and the decisions they make affect the lives and livelihoods of every single family across the country. From the laws governing the role of corporations and special interests in our electoral process, to the rights of women over their own reproductive health—we have seen clearly over the years the impact of this Nation's highest court.

So I am very glad that President Obama nominated Elena Kagan to fill this critical position. I met with Solicitor General Kagan and talked to her about how she envisioned her role on the Court. I asked her about her judicial philosophy, and what she felt the Court's role was in protecting ordinary Americans. I followed her testimony before the Senate Judiciary Committee. I was extremely impressed with what she had to say. Elena Kagan has proven herself to be someone who understands the importance of a fair and independent approach to rendering justice. She is committed to making sure the voices of families across the country are represented in the chambers of the Supreme Court. And she possesses an evenhanded view of our justice system that gives me every assurance that any individual or group from Washington State could stand before her and receive fair treatment.

Solicitor General Kagan also has a strong legal background and is without a doubt a highly qualified choice for the Supreme Court. Following her graduation from Harvard Law School she served as a law clerk for Judge Abner Mikva on the U.S. Court of Appeals, before moving on to clerk for Supreme Court Justice Thurgood Marshall. After spending some time in private practice, Elena Kagan went back into public service to work for President Clinton on the Domestic Policy Council. She then went back to Harvard Law School to teach and ultimately became the first woman to serve as dean of the school, where she cemented her reputation as a fair-minded leader who reaches out to all sides and builds consensus. When President Obama was elected he called Elena Kagan back into public service to serve as Solicitor General. In this new role as the so-called 10th Justice, she argued before the Court on a broad range of issues, including a vigorous defense of the government's right to limit the influence of corporations and special interests in the electoral process.

When I hear some of my colleagues on the other side of the aisle say that Elena Kagan lacks the experience to sit on the Supreme Court because she has never been a judge, I find that a little

hard to believe. Forty-one Justices have served on the Nation's highest court without having any prior judicial experience. Democrats and Republicans alike have expressed the notion that prior judicial experience is not a prerequisite for serving on the Supreme Court. In fact, for most of the Court's history there was a diversity of career experiences represented on the bench. Most recently, Chief Justice Rehnquist, who never served as a judge before he was nominated to the highest court. Neither did Justice Powell or Justice White. Nor did Justices Black, Warren, Jackson, or Marshall. So I find it interesting that the standard was changed with this nomination.

Elena Kagan is clearly qualified, and she is going to make an outstanding Supreme Court Justice. Her nomination is also another step forward toward making sure that we have a Supreme Court that is reflective of the country whose laws it safeguards. We are now on the verge of having the most women to serve together on the court at any one time. While we still have work to do to achieve a court that is truly representative of the full diversity of American experiences, I am proud that we are taking this strong step forward toward that goal.

After meeting with Solicitor General Kagan, hearing her testimony, and examining her record, I am confident that she has the judgment and impartiality to serve our Nation honorably on the Supreme Court. She is thoughtful and fairminded in her approach to some of the most pressing legal issues we face as a nation. She understands the struggles working families face and the role of the Supreme Court in protecting them. And she is committed to protecting the rights and liberties of all Americans.

I am proud to represent families from my home State of Washington and I am proud to join with my Democratic and Republican colleagues to cast my vote to confirm Elena Kagan as the next Associate Justice of the U.S. Supreme Court.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I have come to the floor to speak for a few moments about the Kagan nomination, and I believe we have about 20 minutes of time on our side. If somebody wishes to come and speak, I would gladly yield the floor, since I have had the chance to speak on her nomination as a member of the Judiciary Committee. But in the absence of somebody

who has not had that chance, I wanted to go ahead and say a few words because I have been listening off and on throughout the day to the debate that has taken place on the Senate floor regarding her nomination and I have heard over and over concerns expressed—particularly from the other side of the aisle—about this terrible spectre of judicial activism, the judicial activism that looms over the Court and looms over the Kagan nomination.

I know it is a familiar tune from the other side. I think most of them could sing it in their sleep, frankly. But if you actually look at where the activism is coming from, the surprising conclusion that I think objective people would have no choice but to reach is that it is the rightwing of the Supreme Court—the rightwing; the Roberts wing of the Court—that is in fact engaged in all of the activism.

I think to a certain extent activism is a term of general criticism and that it applies to decisions you don't like. So if it is a decision that goes a way you don't like, it is an activist decision. If it is a decision that goes your way, no matter how much it changes the law, then that is not activism because I agree with it. So I think the discussion about activism is a little bit flavored by the question of point of view.

Trying to set that point of view question aside, I thought a bit about what might the objective indicators of an activist Court—or in our case an activist bare majority on the Court—look like. What would the telltales be that you had an activist Court doing its thing? Well, I think there are a few, and they seem to be ones that are actually pretty germane to this activist bloc on the Supreme Court.

For instance, if you were an activist Court, or an activist bloc on the Court, you would issue a lot of 5-to-4 decisions, and you would issue 5-to-4 decisions in major cases. The reason you would do that is because the Court is constantly presented with the choice to reach far with a bare majority or dial its aspirations back and achieve a broader consensus on the Court. So every decision presents, to one degree or another, this choice. When you see recurring 5-to-4 decisions, you see a majority of five that would appear to want to go to a particular place, even if they can't bring the other four judges with them, and who have deliberately chosen not to write a narrower decision, a more modest decision, a more conservative—small “c”—decision that could have attracted six or seven or eight, or even perhaps all nine members of the Court.

That is a flag that would fly over an activist Court—a penchant for 5-to-4 decisions. Sure enough, the Roberts Court is notorious for 5-to-4 decisions, particularly in major cases, and particularly in cases that change the

law—that change the interpretation of the Constitution. So there is one flag, and they seem to be flying that warning flag right now.

If you were an activist Court, you would probably tend to break the informal rules of appellate decisionmaking. Because the rules might constrain you from getting where you want to go, and they would be a nuisance because you had a purpose—you had a place you wanted to get with your decision, and so that the rules would be less of a hindrance for you, because you would want to get beyond them, you would set them aside.

One of the dangers of the Supreme Court is that it is the court of final appeal. They have only their own self-restraint that prevents them from going anywhere. They stand above the checks and balances of our government in that respect. So these rules the Court tends to impose on itself to keep itself within proper bounds are important rules.

One of them is that appellate courts do not engage in factfinding. It is not their province. Factfinding is done by juries and it is done by trial judges. Those facts are established at the trial court level. Once you get up above that and into the appellate courts you should be looking just at questions of law. The courts should not be engaging in factfinding at those upper levels, certainly not at the Supreme Court level. The exception to that principle is where the fact is so obvious that the Court can take what they call judicial notice of it. The Court can take judicial notice that San Francisco is west of Denver. It is an indisputable fact. It is no big deal. But other than that, factfinding is discouraged. So another little telltale would be is where the Court is running over those principles that are principles of self-restraint.

Sure enough, you see the Roberts Court doing just that. Indeed, in one of its biggest leaps in which it knocked out enormous amounts of precedent, in which it knocked out enormous amounts of legislative practice and made a huge doctrinal shift, was the case of *Citizens United*. In that case, the Court made a finding of fact. It made a finding of fact that was critical to getting where it wanted to go in that decision. The finding of fact was the following—the finding of fact was that corporate money, the independent expenditure of corporate money in elections, cannot contribute to the corruption of those elections. Corporate money, independently spent in an American election, cannot possibly tend to corrupt that election.

It is an interesting finding of fact because I think, as anybody who has been through a contested election would understand, it is a finding of fact that is in fact wrong. It is untrue. Yet they made it as a finding of fact. It is also a finding of fact that ran contrary to the vast legislative record that had

been built up in Congress on this question when it had come up in previous matters before the Court. But because of the peculiar manner in which they got to this question in *Citizens United*—it was not a question presented by the parties; they added the question themselves, the Court did, and asked the parties to brief it in, so there had not been a record on this.

They put themselves in a position where they could ignore the previous record of fact and then they created their own finding of fact notwithstanding that findings of fact are not something an appellate court is supposed to do, and in doing so they found a fact that was in fact not true. It is a false claim to assert that. It is not a fact.

When you look at that, another flag goes up. That is the kind of thing an activist Court would be doing. They would be trespassing over the self-imposed rules of judicial restraint when necessary to get to the point they wish to achieve. Again, it was 5-4, so you have a “two-fer” on that decision.

If you are an activist Court, you would probably want to keep doing what you are doing so you would start advancing theories that allowed you to look at the precedents of the Court, the history of its decisions, and selectively knock down precedent you did not like. Nothing could give a Court more power and more room for activism than to be free of the constraint of precedent, of the previous decisions of the Court.

The only way you can get yourself free of precedent—because it is there. The previous courts made those decisions. It is in the records. You go to the *United States Supreme Court Reporter* and you can look them up. So what you have to do is you have to knock it down if you do not like it. In order to do that, if that was your intention, you would want to come up with a theory that allowed you to do that. Sure enough, in *Citizens United*, in his concurring opinion, the Chief Justice of the *United States* did that. He came up with a theory that says if a precedent is hotly contested, then over time it clearly will be deemed not as valid as other precedent and ultimately it can be replaced with precedent that is not hotly contested.

Who gets to decide on the Supreme Court whether a precedent is hotly contested? Obviously, the Justices themselves. So you can create a self-fulfilling prophecy in which Chief Justice Roberts and his bloc of four other conservative voters who make up the group of five that is always steering the Court to the right, can hotly contest any precedent they please. They can hotly contest it, and hotly contest it, until they undermine it more and more and finally they knock it down. Despite all the things they said about respect for precedent and judicial modesty when they went through their

hearings before the Senate, what they have actually done is create an analytical tool, a device for selectively undermining precedent they do not like, hotly contesting it, disabling it, and taking it out. They can reshape the precedent of the Court to their liking using this doctrine.

There is another flag that goes up. Why would you create a doctrine such as that, that allows you to selectively disrespect, hotly contest, and knock out the precedent of the Courts past if you did not have an intention to try to shift the precedent to support a particular direction? If you are an activist Court, you would give Congress very little deference. And this is a Court that gives Congress very little deference. Jeffrey Toobin, who writes on the Supreme Court frequently, in an article entitled “No More Mr. Nice Guy, The Supreme Court’s Stealth Hard-Liner,” an article about Chief Justice Roberts, back in May of a year ago—so this is a little bit dated, May 25, 2009—said that:

In every major case since he became the Nation’s seventeenth Chief Justice, Roberts has sided with the prosecution over the defendant, the State over the condemned, the executive branch over legislative, and the corporate defendant over the individual plaintiff. Even more than Justice Scalia has embodied judicial conservatism during a generation of service on the Supreme Court, Roberts has served the interests, and reflected the values, of the contemporary Republican Party.

“Served the interests and reflected the values of the contemporary Republican Party”—by, in every major case, siding with the executive branch over the legislative.

That is just one piece of it. The other is the disrespect for laws that have been passed by Congress and their intent. Lilly Ledbetter is the perfect case. Congress wanted to protect women from discrimination in the workplace, on what they are paid. Rather than read the statute to protect Lilly Ledbetter’s right to a judgment, they came down with a finding that for so long as the company was successfully able to prevent her from finding out that she had been discriminated against, they were able to get away with it. That is not a finding this body ever would have accepted. But it was what the Court came down with. And it gave Congress no deference—again, a tradition in these Roberts Court decisions. Why would you want to defer to Congress if you have a point of view that you want to bring to the Court? You wouldn’t want Congress’s point of view involved, you would want your point of view, and therefore deferring to Congress would not be part of your goal.

So the lack of deference, a striking pattern in the Roberts Court, is again consistent with what you would expect from an activist Court. Most of all, if you were an activist Court, a pattern

would begin to emerge to those decisions as the Court issued them, particularly those 5-4 decisions. On the Roberts Court, one pattern is striking, the clear pattern of corporate victories at the Roberts Court. It reaches across many fields—across arbitration, anti-trust, employment discrimination, campaign finance, legal pleading standards, and many others. Over and over on this current Supreme Court, the Roberts bloc guiding it has consistently, repeatedly rewritten our law in the favor of corporations versus ordinary Americans. That is one of the reasons why Jeffrey Toobin, in his article, was able to say:

In every major case since he became the nation's seventeenth Chief Justice, Roberts has sided with the corporate defendant over the individual plaintiff.

Again, that was only effective May 25 of 2009, so it is a dated statistic. But certainly as of May 25 that was the record when corporations came before this Court.

A recent article—not May 25 of 2009; this one is July 24, 2010—was written by Adam Liptak. The headline was “Court Under Roberts Has Become Most Conservative in Decades.” It was published in the New York Times. Here are some of the findings:

In the 5 years [of the Roberts Court], the court not only moved to the right but also became the most conservative one in living memory, based on analysis of four sets of political science data.

The ideological direction of the court's activism has undergone a marked change toward conservative results.

Another quote from the article.

The first term of the Roberts court was a sharp jolt to the right.

Another quote from the article.

[F]ive years of data are now available, and they point almost uniformly in one direction: to the right.

That was another quote from the article.

A more human reaction was of Justice Sandra Day O'Connor:

“Gosh,” Justice Sandra Day O'Connor said in the law school forum in January a few days after the Supreme Court undid one of her major achievements by reversing a decision on campaign spending limits. “I step away for a couple of years and there's no telling what's going to happen.”

That was the reaction of Sandra Day O'Connor, a Republican appointee.

They turn things very quickly when they have the chance.

In 2000, the Court struck down a Nebraska law banning an abortion procedure by vote of 5 to 4, with Justice O'Connor in the majority—

making it a 5-to-4 striking down of that statute.

Seven years later, the court upheld a similar federal law, the Partial-Birth Abortion Act, by the same vote. “The key to the case was not in the difference in wording between the Federal law and the Nebraska act,” Erwin Chemerinsky wrote in 2007 in *The Green Bag*, a law journal. “It was Justice Alito having replaced Justice O'Connor.

A new person on the Court, almost identical set of facts, complete reversal of decision, 5-4 to 5-4.

Similarly, in 2003, Justice O'Connor wrote the majority opinion in a 5-4 opinion to allow public universities to take account of race in university admissions decisions. A month before her retirement in 2006, a similar decision came up, and because that decision was there on the books, that opinion, the Court refused to hear a case challenging the use of race to achieve integration in public schools.

Almost as soon as she left, the article says, the Court reversed course. A 2007 decision limited the use of race for such a purpose, also on a 5-4 vote. So I suppose you could add another flag to the list of signs of an activist Court and that would be that they change very recent decisions as soon as the majority changes so they control the votes, the way we might here in the legislature. It is very appropriate in the Senate when the majority shifts.

I see the distinguished ranking member of the Finance Committee. If he were to be the chairman of the Finance Committee, I am sure the focus of the Finance Committee would change from that under Democratic leadership, and that is part of majority control, but it is not supposed to be that way on the Supreme Court. The Supreme Court is supposed to be not dealing with partisan questions, not going for a simple majority, but answering to the Constitution.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate resume legislation session and proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each; that upon the conclusion of the so-called wrap-up period, the Senate then resume executive session and continue the debate on the Kagan nomination as provided for under a previous order and in the specified hour blocks; that upon the conclusion of the debate previously specified in the hour blocks, the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

UNANIMOUS-CONSENT AGREEMENT—H.R. 1586

Mr. WHITEHOUSE. I ask unanimous consent that on Wednesday, August 4, after any remarks of the leaders, the Senate resume consideration of the House message to accompany H.R. 1586, with an hour of debate prior to a vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 1586, with amendment No. 4575, with

the time equally divided and controlled between the leaders or their designees, with Senator MURRAY designated to control the time of the majority leader; that upon the use or yielding back of the time, the Senate proceed to vote on the motion to invoke cloture on the motion to concur.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

PETTY OFFICER SECOND CLASS JUSTIN MCNELEY

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of PO2 Justin McNeley. Petty Officer McNeley, a member of Assault Craft Unit One, ACU-1, based in San Diego, died from wounds sustained during a firefight that occurred on July 23, 2010. Petty Officer McNeley was serving in support of Operation Enduring Freedom in Logar Province, Afghanistan. He was 30 years old.

A native of Wheat Ridge, CO, Petty Officer McNeley enlisted in the Navy in 2001, following in his father's footsteps. Although his initial term of service had already finished, Petty Officer McNeley decided to stay in the Navy and continue to serve his country.

During over 9 years of service, Petty Officer McNeley distinguished himself through his courage, dedication to duty, and willingness to take on any challenge—no matter how dangerous. Commanders recognized his extraordinary bravery and talent. They described him with the words “hard-working” and “dedicated,” and noted that he regularly volunteered for hazardous duty.

Petty Officer McNeley worked on the front lines of battle, serving in the most dangerous areas of Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His family remembers him as a dedicated father, who loved to serve his country. Friends and neighbors remember him as a motorcycle enthusiast with undeniable charisma. He even traded pen pal letters with students from an elementary school in Arizona, where he used to live.

Mark Twain once said, “The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.” Petty Officer McNeley's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Petty Officer

McNeley will forever be remembered as one of our country's bravest.

To Petty Officer McNeley's entire family, I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Justin's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

PRESIDENT CALVIN COOLIDGE MUSEUM AND EDUCATION CENTER

Mr. LEAHY. Mr. President, I take this opportunity to call the Senate's attention to the imminent opening of the new President Calvin Coolidge Museum and Education Center, a wonderful year-round tribute to President Coolidge, located in the graceful and historic setting of the President's home town of Plymouth Notch, VT. The center's formal opening and dedication ceremony will take place next weekend, on August 7.

Calvin Coolidge, our 30th President, remains the only President born, sworn into office and buried in the State of Vermont. President Coolidge was originally elected to the Vice Presidency in 1920, winning that election alongside Warren G. Harding.

Three years into President Harding's first term, then-Vice President Coolidge received an unexpected messenger one evening while he was vacationing at his family's home in Plymouth Notch. The messenger informed him of President Harding's sudden and untimely death. It was at 2:47 the next morning that Calvin Coolidge was sworn in as President, in the parlor of his family home, alongside his wife Grace Coolidge, a capable and respected First Lady and a leading Vermonter in her own right. The oath of office was administered by President Coolidge's father, a State notary public official, by the light of a kerosene lamp. The new President left for Washington the next morning to assume the burdens of his new office.

President Coolidge was always known as a man of few words—the inspiration for his famous nickname, Silent Cal. Stoic in the New England tradition, President Coolidge also was an eloquent speaker who felt an obligation to communicate often with the American people to explain his policies.

Today, the Calvin Coolidge Memorial Foundation is dedicated to preserving the Nation's memory of Calvin Coolidge. Founded in 1960, the foundation is now celebrating its 50th year. By working closely with the Vermont Division for Historic Preservation, the Coolidge Foundation collects and preserves artifacts and resources related to the President. Many of the buildings within the village have become State-owned historical properties, and Plymouth Notch has been named the best-preserved Presidential site in the Na-

tion. The development of the new museum and education center—solid and useful in the Yankee tradition—will expand the accessibility of these archives to the public, while providing a venue for students to learn about their country's history.

We Vermonters take pride in our history and heritage, and we feel the obligations of stewardship in these things. The Calvin Coolidge Memorial Foundation is faithfully tending to the preservation and dissemination of this part of Vermont's legacy and our country's history. It is my pleasure to congratulate the Calvin Coolidge Memorial Foundation, in partnership with the State of Vermont, on the occasion of the commemoration and dedication of the President Calvin Coolidge Museum and Education Center.

RECOGNIZING MIKOLE BEDE

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Mikole Bede for her hard work as an intern in my Sheridan office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Mikole is a native of Wyoming and graduated from Sheridan High School. She currently attends the University of Wyoming, where she is majoring in history and minoring in American politics and German. Throughout her internship, she has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Mikole for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.

RECOGNIZING LESLIE BRAZIL

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Leslie Brazil for her hard work as an intern in my Casper office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Leslie is a native of Wyoming and graduated from Kelly Walsh High School. She currently attends the University of Wyoming, where she is majoring in sociology and criminal justice and minoring in Russian. Throughout her internship, she has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Leslie for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will

have continued success with all of her future endeavors. I wish her all my best on her next journey.

RECOGNIZING ANDREW CRAWFORD

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Andrew Crawford for his hard work as an intern in my Indian Affairs Committee office in Washington, DC. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Andrew graduated from McLean High School. He currently attends Wake Forest University, where he is majoring in history and minoring in environmental studies and political science. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Andrew for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

RECOGNIZING JASON DESPAIN

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Jason Despain for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Jason is a native of Wyoming and graduated from Kelly Walsh High School. He currently attends Brigham Young University, where he is majoring in economics. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Jason for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

RECOGNIZING EMILY ELLIOTT

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Emily Elliott for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Emily is a native of Wyoming and graduated from Natrona County High School. She currently attends Saint

Michael's College, where she is majoring in political science and minoring in global studies. Throughout her internship, she has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Emily for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.

RECOGNIZING CAMERON LEACH

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Cameron Leach for his hard work as an intern in my Rock Springs office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Cameron graduated from Richland High School. He attended Western Wyoming Community College for his associate's degree in science and will attend the University of Wyoming to receive his bachelor's degree. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Cameron for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

RECOGNIZING KELSEY MONTGOMERY

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Kelsey Montgomery for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office as well as to the State of Wyoming.

Kelsey is a native of Wyoming and graduated from Cheyenne Central High School. She currently attends Grinnell College, where she is majoring in political science. Throughout her internship, she has demonstrated a strong work ethic which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I thank Kelsey for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey.

RECOGNIZING SAMUEL (S.J.) TILDEN

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Samuel (S.J.) Tilden for his hard work as an intern in my Indian Affairs Committee office in Washington, DC. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Samuel is a native of Wyoming and graduated from St. George's School. He currently attends George Washington University, where he is majoring in international studies and politics and minoring in francophone studies. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Samuel for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

RECOGNIZING CHARLES WESTERMAN

Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Charles Westerman for his hard work as an intern in my Cheyenne office. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Charles is a native of Wyoming and graduated from Wheatland High School. He currently attends Washington State University, where he is majoring in journalism and minoring in humanities. Throughout his internship, he has demonstrated a strong work ethic which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I thank Charles for the dedication he has shown while working for me and my staff. It was a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his next journey.

FREMONT COUNTY, WYOMING

Mr. BARRASSO. Mr. President, a good measure of the strength of a community is how they come together in a crisis. From June 4 to June 18, 2010, Fremont County, WY, experienced a 100-year flood. The spring runoff from the snowpack in the Wind River Mountains was heavier than usual, causing the Big Wind, Little Wind and Popo Agie Rivers to reach flood stages. Just when the citizens didn't think it could

get worse, a cold front passed through, with rain and hail in lower elevations, and three to 6 feet of snow in the mountains. Lander, Riverton, Hudson, and the Wind River Indian Reservation were all threatened.

As the flood waters rose, the Fremont County commissioners led by Chairman Doug Thompson and Vice Chairman Pat Hickerson along with the Joint Tribal Councils chaired by Ivan Posey and Harvey Spoonhunter came together to request a disaster designation from Wyoming's Governor Dave Freudenthal.

As the 32 square miles of Fremont County were threatened by flood, the citizens rolled up their sleeves and worked together to protect life, livestock, and property. Under the steady guidance of incident commander, Craig Haslam, along with Joe Moore from Wyoming Homeland Security, 52 local, county, State and Federal agencies coordinated flood mitigation efforts. According to Fremont County resident Bill Sniffin, it was the biggest disaster effort of its type in Wyoming's history.

It was inspiring to see Wyoming's National Guard working side-by-side with the Fremont County folks. The 400 soldiers, under the command of General Edward Wright and Colonel Luke Reiner, bagged sand, transported folks from houses, and were at the ready for whatever the community needed. Christian Venhuizen, at the Wyoming National Guard Public Affairs, served as information officer keeping the public and media informed throughout the entire flood.

Kathi Metzler, director of Fremont County Emergency Management, and her assistant Vonda Huish opened a temporary office so they could manage the logistics that is part and parcel with coordinating so many different agencies. It was comforting having Kathi and Vonda close by to orchestrate the flurry of activity.

We can only estimate the number of hours volunteers devoted to keeping the flood waters at bay. Some estimate 35,000 hours, others say it might be up to 50,000 hours. Almost a half million sandbags were filled. Folks donated their pickups and trailers to haul property and livestock to higher ground. This is quite an investment for a county with only 36,000 people.

While the help of the government agencies was so important, neighbors helping neighbors kept damage to a minimum. Jim Buline and his son Robert, Lee Hansen and his son Jace, Travis Becker and his son Lars are a few of the many neighbors and friends who helped Charlie and Linda Griffin save their home on their historic ranch. Students from Wyoming Catholic College devoted all their time to help anyone in need. Jeri Trebelock and her staff from the Popo Agie Conservation District organized and worked with volunteers for bank stabilization to

protect the Hunhke and Guschewsky homes as well as a mobile home park. In addition, all the Popo Estates landowners came together helping each other with sandbagging to protect their homes. These are just a few examples of the community spirit demonstrated by the folks in Fremont County.

On Thursday, August 5, 2010, folks from Fremont County will gather at Mr. D's Grocery Store for a "We Survived the Flood of 2010" party. I ask my colleagues to join me in congratulating the citizens of Fremont County and the 52 local, State, and Federal agencies for a job well done.

ADDITIONAL STATEMENTS

REMEMBERING JOE REBER

• Mr. BAUCUS. Mr. President, today I pay tribute to a great Montanan who led a remarkable life. Joe Reber was deeply involved in public service and the communities he called home in Montana; he passed away on July 23 at the age of 91. Joe lived life to the fullest and I feel lucky to have had him as a dear friend for so long.

Joe was born in Butte in 1919. He grew up in a working class family and is a great symbol of the Montana spirit of hard work and overcoming adversity. His first job as a youngster was selling newspapers on the street in Butte to help support his family. Although Joe never finished high school or went to college, he was a successful businessman and community leader whose experiences gave him many stories to tell over his 91 colorful years.

Joe served his country honorably during World War II. He volunteered in the Merchant Marine and the Coast Guard, serving as a staff officer in the Pacific theater.

Despite his humble upbringing in the Mining City, Joe became a successful entrepreneur. He started his own plumbing company in Helena, which he later expanded into electrical and general construction. He then went on to form the Reber Realty and Development Company and the Capitol Wholesale Plumbing Supply Company, among other businesses he owned. Even with all this success Joe never forgot his working class roots, growing up the son of a miner in Butte.

Joe was very active in public service on a local and national level. He served as treasurer for the Montana Democratic Party, was a State senator, was chairman of the Montana Board of Natural Resources, served on the State Board of Investments, and was a delegate to a United Nations World Food Program conference. One of his proudest accomplishments was passing legislation in the State legislature that created a vocational education program. Joe recognized the importance of edu-

cation and knew how vital the program would be for economic development and to provide meaningful opportunities for young people across Montana.

Over the years Joe got to know and befriend some very important folks. He hosted John F. Kennedy at his Helena home during the 1960 Presidential campaign. He also accompanied Ted Kennedy at the Eastern Montana Fair in Miles City in 1960 where Ted took his famous ride on a bronc. He met many other Presidents, dignitaries, and celebrities along the way. These and many other stories are recounted in Joe's autobiography, "The Paperboy," which he published in 2007.

Joe shared his experiences with his wife of 37 years, Rosalyn, who passed away in May. Today I send my heartfelt condolences to Joe's children—Joe, Bobbie, Dianna, Bryant, and Susie—and the entire Reber family for their loss. They can truly be proud of the life their father lived and take comfort in knowing that he helped so many others along the way.

I have always enjoyed visiting with Joe over the years and working with him on issues important to Montana. I will miss his friendship as will folks all across Big Sky country.●

TRIBUTE TO DR. ROBERT A. CARTLIDGE

• Mr. BURRIS. Mr. President, every so often, in the pantheon of scientific achievement, there comes an individual with both the intellect and the drive to further the course of scientific thought, an individual of extraordinary abilities, a truly original mind, which not only contributes to the work of modern science, but steps to the forefront and blazes a trail for others to follow.

I wish to recognize and honor the contributions of one such person, one of the select fine minds who possesses the drive, determination, and the extraordinary ability to continually explore and challenge the limits of scientific knowledge.

Today I am proud to recognize the important work and achievements of Dr. Robert A. Cartlidge.

Dr. Cartlidge is a leader in the fields of biology, biochemistry, and genetics. He is a brilliant scholar, laboratory researcher, and educator.

But most important, he has dedicated himself to the advancement and education of others in his field, and he continues to pave the way for future innovators in biological science to carry the torch even further.

Dr. Cartlidge was educated at one of the most prestigious and well-respected institutions in the world, the University of Cambridge. Following his undergraduate work, which was marked by academic achievement, he was invited by the university's academic administration to receive an honorary master's degree in Natural Sciences, joining

ranks with some of the greatest minds in science.

Robert Cartlidge was then singled out by the Wellcome Trust, a global charity dedicated to supporting the brightest minds in biomedical research and the medical humanities, to receive a significant and nationally recognized academic award in Scotland: the prestigious Wellcome Trust PhD Programme.

From there, he embarked on a career dedicated to cancer research to focus on unlocking the complexities of this deadly and indiscriminate disease.

Dr. Cartlidge's innovative findings have been published in leading international scientific and academic journals and have been the basis for scientists who have come after him, learning from his publications, building upon his work, and advancing the causes of science ever further.

The scientific research tools Dr. Cartlidge has created have since been developed into commercial products, and his novel cell system continues to find use in laboratories and universities across the United States and Canada.

By themselves, any of these accomplishments would be worthy of recognition. But Dr. Cartlidge, for all of his extraordinary ability, was not content merely to shut himself in the laboratory and seek advances on his own. Instead, he devoted himself to education and collaboration, working with students and institutions all over the world to broaden his field of his expertise.

Across the reaches of three continents, he has taught, judged, lectured, assessed performance, or designed courses for innumerable fellow scientists, peers, educators, and medical students.

And in so doing, Dr. Cartlidge has broadened America's scientific influence, encouraged ingenuity across the globe, and reaffirmed the innovative spirit that will lead our country to a prosperous future.

Dr. Cartlidge seized upon the opportunity to join his natural intellect with a world-class education and quickly distinguished himself as a singular figure in modern science.

His is an extraordinary ability, the likes of which are rarely seen in this or any other field. We are all grateful that he has dedicated himself to such a selfless career in this, most dynamic and innovative of nations.

I commend Dr. Cartlidge for his extraordinary contributions to science. I celebrate his role in expanding scientific knowledge across the globe. And I thank him for his selfless commitment to the education of other professionals in his field, both in the United States and across the world.●

FAITH, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Faith, SD. Founded in 1910,

Faith will celebrate its 100th anniversary this year.

Located in Meade County, Faith possesses the strong sense of community that makes South Dakota an outstanding place to live and work. The president of the Milwaukee Railroad named the city at the proposed end of the line after his daughter Faith. Faith has continued to be a strong reflection of South Dakota's greatest values and traditions. The community of Faith has much to be proud of and I am confident that Faith's success will continue well into the future.

Faith will commemorate the centennial anniversary of its founding with celebrations held from August 10 through August 15, featuring events such as a wagon train, parade, rodeo, and an all-school reunion. I would like to offer my congratulations to the citizens of Faith on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:40 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3534. An act to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5730. An act to rescind earmarks for certain surface transportation projects; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5901. An act to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investment in United States real property interests, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3534. An act to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes.

The following joint resolution was read the first time:

S.J. Res. 38. Joint resolution proposing a balanced budget amendment to the Constitution of the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6909. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Monterey, CA" ((RIN2120-AA66)(Docket No. FAA-2009-1030)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6910. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Paynesville, MN" ((RIN2120-AA66)(Docket No. FAA-2010-0399)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6911. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Syracuse, KS" ((RIN2120-AA66)(Docket No. FAA-2010-0400)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6912. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kemmerer, WV" ((RIN2120-AA66)(Docket No. FAA-2009-1190)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6913. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Bozeman, MT" ((RIN2120-AA66)(Docket No. FAA-2009-1220)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6914. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Mount Airy, NC" ((RIN2120-AA66)(Docket No. FAA-2010-0070)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6915. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Clemson, SC and Establishment of Class E Airspace; Pickens, SC" ((RIN2120-AA66)(Docket No. FAA-2010-00752)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6916. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Goldsboro, NC" ((RIN2120-AA66)(Docket No. FAA-2010-0095)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6917. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and E Airspace; Everett, WA" ((RIN2120-AA66)(Docket No. FAA-2009-1105)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6918. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class D and E Airspace; Panama City, FL" ((RIN2120-AA66)(Docket No. FAA-2010-0001)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6919. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Monterey, CA" ((RIN2120-AA66)(Docket No. FAA-2010-0633)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6920. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (20); Amdt. No. 3383" ((RIN2120-AA65)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6921. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (86); Amdt. No. 3382"

(RIN2120-AA65) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6922. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safe, Efficient Use and Preservation of the Navigable Airspace" (RIN2120-AH31) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6923. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; San Marcos, TX" ((RIN2120-AA66)(Docket No. FAA-2010-0406)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6924. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of VOR Federal Airways V-82, V-175, V-191, and V-430 in the Vicinity of Bemidji, MN" ((RIN2120-AA66)(Docket No. FAA-2010-0241)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6925. A communication from the Attorney-Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Certification of Enforcement of the Heavy Vehicle Use Tax" (RIN2125-AF32) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6926. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Restricted Area R3404; Crane, IN" ((RIN2120-AA66)(FAA Docket No. 2007-28632)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6927. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (97); Amendment No. 488" (RIN2120-AA63) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6928. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Thielert Aircraft Engines GmbH Model TAE 125-01 Reciprocating Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0308)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6929. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McCauley Propeller Systems Model 4HFR34C653/L106FA Propellers" ((RIN2120-AA64)(Docket No. FAA-2007-29176)) received in the Office of the President of the Senate

on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6930. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Airplanes and Model A340-200, -300, -500, and -600 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0790)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6931. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 757 Airplanes, Model 767 Airplanes, and Model 777-200 and -300 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0274)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6932. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0229)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6933. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0383)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6934. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0174)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6935. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and A340-200, -300, -500, and -600 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0003)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6936. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc. PA-28, PA-32, PA-34, and PA-44 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1015)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6937. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0733)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6938. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0173)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6939. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Zaklad Szybowcowy 'Jezow' Henryk Mynarski Model PW-6U Sailplanes" ((RIN2120-AA64)(Docket No. FAA-2010-0729)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6940. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (ECF) Model EC255LP Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0721)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6941. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 767-200, -300, and -300F Series Airplanes Powered by General Electric or Pratt and Whitney Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0671)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6942. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aircraft Industries a.s. Model L23 Super Blanik Gliders" ((RIN2120-AA64)(Docket No. FAA-2010-0457)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6943. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2011" (RIN0938-AP89) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Finance.

EC-6944. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems for

Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Fiscal Year 2011 Rates; Effective Date of Provider Agreements and Supplier Approvals; and Hospital Conditions of Participation for Rehabilitation and Respiratory Care" (RIN0938-AP80 and RIN0938-AQ03) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Finance.

EC-6945. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Zone Academy Bonds; Obligations of States and Political Subdivisions" ((RIN1545-BC61)(TD 9495)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Finance.

EC-6946. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Xilinx, Inc. v. Commissioner, 598 F. 3d 1191 (9th Cir, 2010), aff'g 125 T.C. 37 (2005)" (AOD 2010-33) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Finance.

EC-6947. A communication from the Program Manager, Office of Consumer Information and Insurance Oversight, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Pre-Existing Condition Insurance Plan Program" (RIN0991-AB71) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2781. A bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability (Rept. No. 111-244).

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 1448. A bill to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land (Rept. No. 111-245).

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

S. 2906. A bill to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes (Rept. No. 111-246).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3304. A bill to increase the access of persons with disabilities to modern communications, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Robert M. Orr, of Florida, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

*Richard M. Lobo, of Florida, to be Director of the International Broadcasting Bureau, Broadcasting Board of Governors.

*Mimi E. Alemayehou, of the District of Columbia, to be Executive Vice President of the Overseas Private Investment Corporation.

*Mark Feierstein, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

*Nisha Desai Biswal, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

*Rose M. Likins, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

Nominee: Rose M. Likins

Post: Lima, Peru

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: James M. Likins and Kelly Ault, none; Kevin M. Likins, none.

4. Parents: Eugene A. McCartney, deceased; Merlyn Houghland, deceased.

5. Grandparents: Hoover and Henrietta Houghland, deceased; Robert and Marie McCartney, deceased.

6. Brothers and Spouses: Sean M. and Bonnie McCartney: \$2300.00, 2008, John McCain; Terence E. and Julia McCartney: \$75, 2005, NRA; \$50, 2005, RNC; \$2000, 2005, Hillary Clinton; \$500, 2008, RNC.

7. Sisters and Spouses: Kathleen and George Deshazor, none; Patricia Fretz, none.

*Luis E. Arreaga-Rodas, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Nominee: Luis E. Arreaga-Rodas.

Post: U.S. Ambassador to Iceland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: None.

4. Parents: None.

5. Grandparents: None.

6. Brothers and Spouses: None.

7. Sisters and Spouses: None.

*Phillip Carter III, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.

Nominee: Phillip Carter III.

Post: Cote d' Ivoire.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$250, 5/7/08, Barack Obama; \$250, 10/8/08, Barack Obama.

2. Spouse: Amanda J. Carter: None.

3. Children and Spouses: Justin M. Carter, None; Andrew N. Carter, None.

4. Parents: Phillip Carter Jr., Deceased; Hortencia Carter, None.

5. Grandparents: Phillip Carter Sr., Deceased; Frances Carter, Deceased; Ramon P. Cano, Deceased; Rafaela Cano, Deceased.

6. Brothers and Spouses: David R. Carter, None; Nicole Carter, None.

7. Sisters and Spouses: Melissa A. Carter, None.

*Gerald M. Feierstein, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

Nominee: Gerald M. Feierstein.

Post: U.S. Embassy Sana'a Yemen.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$100, 06/2006, James Webb.

2. Spouse: \$100, 06/2008, Barack Obama; \$100, 08/2008, Barack Obama.

3. Children and Spouses: Adam J. Feierstein, none; Anne E. Feierstein, none; and Sara P. Feierstein, none.

4. Parents: Lester H. Feierstein, deceased; Rose T. Feierstein, \$50, 2006, Democratic National Committee; \$50, 2007, Democratic National Committee; \$50, 2008, Democratic National Committee; \$50, 2008, Hillary Clinton; \$50, 2008, Al Franken; \$50, 2008, Al Franken; \$50, 2009, Democratic National Committee.

5. Grandparents: Adam S. Feierstein, deceased; Sarah Feierstein, deceased; Abraham Thaler, deceased; Rebekah Thaler, deceased.

6. Brothers and Spouses: not applicable.

7. Sisters and Spouses: Robert & Cicely McCracken, \$50, 2008, Barack Obama.

*Peter Michael McKinley, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

Nominee: Peter Michael McKinley

Post: Colombia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: Peter Michael McKinley, None.

2. Spouse: Fatima McKinley, None.

3. Children: Claire, Peter, Sarah, None.

4. Parents: Peter M. McKinley, \$100-\$150, 2004, RNC Committee; Enriqueta McKinley (d.2001), \$50-\$100, 2008, RNC Committee.

5. Grandparents: (all deceased before 1990).

6. Brothers and Spouses: Brian Matthew McKinley, None. Rocio McKinley (spouse) None.

7. Sisters and Spouses: Margaret McKinley Clarke, \$75-\$100, 2006, DNC Committee; Hyde Clarke (spouse), \$50-\$100, 2008, DNC Committee.

*Helen Patricia Reed-Rowe, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Palau.

Nominee: Helen Patricia Reed-Rowe.

Post: Republic of Palau.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$75.00, 03/03/8, Obama 4 America; \$50.00, 08/01/89, Obama 4 America; \$10.00, 12/28/09, DNC BarackObama.com.

2. Spouse: N/A.

3. Children and Spouses: Nikkia T Rowe: \$10.00, 2008, Obama 4 America; Kevin A. Rowe: \$0.

4. Parents: John W. Reed Sr., and Gladys R. are both deceased.

5. Grandparents: Jasper Reed, Wilton Penn and Helen Reed Penn are all deceased; Milton and Lizzie Laws are both deceased.

6. Brothers and Spouses: John W. Reed, Jr. is deceased; Alvin and Louise Reed: \$0.

7. Sisters and Spouses: N/A.

*Patrick S. Moon, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

Nominee: Patrick S. Moon.

Post: Sarajevo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Marisa Moon (age 21, unmarried)—None; Natalie Moon (age 4)—None; Anya—Moon None.

4. Parents: Milton R. Moon (Deceased); Margaret J. Moon (Deceased).

5. Grandparents: Arthur Pearson (Deceased); Lacy Pearson (Deceased); Robert Moon (Deceased); Minnie Moon (Deceased).

6. Brothers and Spouses: Raymond E. Moon—None; Rassa Moon, spouse—None.

7. Sisters and Spouses: None.

*Christopher W. Murray, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

Nominee: Christopher W. Murray.

Post: Ambassador Designate U.S. Embassy Brazzaville.

(The following is a list of all members of immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$250.00, 03/02/2008, Obama for America; *To the best of my recollection, \$100.00, 08/2008*, Obama for America.

2. Spouse: none.

3. Children and Spouses: David Murray (Son), \$25.00, 08/02/2008, Obama for America.

4. Parents: David G. Murray (Father), \$250.00, 10/08/2008, Obama for America; \$500.00, 01/04/2008, Obama for America; Judith Sayles (Step-Mother), \$270.00, 08/28/2008, Friends of Hillary Clinton; \$500.00, 02/07/2008, Hillary Clinton—President; \$500.00, 02/21/2008, Hillary Clinton—President; \$500.00, 02/29/2008, Hillary Clinton—President; \$229.00, 03/07/2008, Hillary Clinton—President; \$270.00, 03/07/2008, Hillary Clinton—President; \$500.00, 09/08/2007, Hillary Clinton—President; Lee M. Murray (Mother), \$50.00, 02/08/2008, Obama for President; \$50.00, 04/10/2008, Obama for President; \$50.00, 07/03/2008, Obama for President; \$100.00, 09/23/2008, Obama for President.

5. Brothers and Spouses: James A. Murray (Brother), \$100.00, 08/12/2008, Obama for America.

*Mark Charles Storella, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Nominee: Mark C. Storella.

Post: Ambassador to the Republic of Zambia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Anne Marie Huvos—None.

3. Children: Zachary H. Storella and Theo H. Storella—None.

4. Parents: John A. Storella (Father)—None, Marianne V. Storella (Mother)—None, deceased.

5. Grandparents: Alfonse Storella, Tomasina Storella, Calogero Amico and Gaspara Amico—None, deceased.

6. Elder Brother: John R. Storella, \$100, 2010, Brown, Scott (MA Senate Campaign); \$25, 2009, Harmer, David (CA Congress Race); \$250, 05/26/2008, Wiviott, Don (NM Congressional Race); \$250, 05/21/2008, ACTBLUE (For Wiviott Campaign); \$900, 03/31/2008, California 2009 GOP Delegation; \$1,000, 01/30/2008, McCain, John S. (President); \$500, 09/05/2007, McCain, John S. (President); \$50, 2007, Republican Senate Committee.

Sister-in-law: Lisa Aliferis, \$500, 03/30/2008, Clinton, Hillary (President); \$100, 08/2008, Woods, Anthony (CA Congress).

7. Sister: Janet M. Storella, \$2,500, 04/17/2009, Van Hollen, Christopher (MD Congress), \$2,300, 05/10/2008, Van Hollen, Christopher (MD Congress); \$1,000, 05/10/2008, Democratic Cong. Campaign Comm.; \$500, 02/1/2005, American College of Radiology Assn PAC.

Brother-in-law: Andrew Karron, \$500, 09/18/2009, ACTBLUE (Owens NY Cong. Campaign); \$300, 09/16/2009, Arnold and Porter LLP PAC; \$500, 09/1/2009, Owens, William (NY Congress); \$300, 06/12/2009, Arnold and Porter LLP PAC; \$300, 04/27/2009, Arnold and Porter LLP PAC; \$300, 01/16/2009, Arnold and Porter LLP PAC; \$300, 09/19/2008, Arnold and Porter LLP PAC; \$2,300, 08/31/2008, Obama, Barack (President); \$300, 06/12/2008, Arnold and Porter LLP PAC; \$1,000, 05/10/2008, Democratic Congressional Camp.; \$2,300, 05/10/2008, Van Hollen, Christopher (MD Congress); \$900, 04/10/2008, Arnold

and Porter LLP PAC; \$350, 01/16/2008, Arnold and Porter LLP PAC; \$350, 09/27/2008, Arnold and Porter LLP PAC; \$350, 01/19/2007, Arnold and Porter LLP PAC; \$350, 04/04/2007, Arnold and Porter LLP PAC; \$2,300, 03/05/2007, Obama, Barack (President); \$1,000, 06/02/2006, Forward Together PAC; \$500, 06/27/2006, Cardin, Benjamin (MD Senate); \$500, 2009 or 2010, Bennet, Michael (CO Senate); \$500 (est.), 2007, 2008, Democratic National Comm. and 2009.

8. Younger Brother: James D. Storella—None.

*J. Thomas Dougherty, of Wyoming, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Nominee: John Thomas Dougherty.

Post: Ouagadougou, Burkina Faso.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Peter Dougherty: None; Celeste Dougherty: None.

4. Parents: J.T. Dougherty (Deceased): None; Mary Ann Dougherty: None.

5. Grandparents: Anton & Celestina Grosso (Deceased): None; Frank & Lily Dougherty (Deceased): None.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Leslie Dougherty Hutchinson: 30.00 USD, 10/02/2009, Democratic Nat'l Committee; Atman Hutchinson: 30.00 USD, 10/02/2009, Democratic Nat'l Committee; Sandra Dougherty Lamberton: None; William J. Lamberton III: None; Robin Dougherty Tivy: None; Stephen V. Tivy: None.

*Eric D. Benjaminson, of Oregon, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe.

Nominee: Eric D. Benjaminson.

Post: Gabon/Sao Tome.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions and amount:

1. Self \$0.

2. Spouse \$0.

3. Children and Spouses: \$0.

4. Parents: \$0.

5. Grandparents: \$0.

6. Brothers and Spouses: \$0.

7. Sisters and Spouses: \$0.

*Maura Connelly, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Nominee: Maura Connelly.

Post: U.S. Ambassador, Lebanon.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: 0.
2. Spouse: N/A.
3. Children and Spouses: N/A.
4. Parents: Raymond Connelly: 0; Catherine Connelly (deceased).
5. Grandparents: John Connelly (deceased); Edna Walsh Connelly (deceased); Thomas McCann (deceased); Mary McCafferty McCann (deceased).
6. Brothers and Spouses: N/A.
7. Sisters and Spouses Names: Megan Connelly Accardi: \$50, 2/9/06, Democratic National Committee; \$20, 6/19/06, Kennedy for Senate; \$15, 3/26/07, John Edwards for President; \$6.10, 6/1/07, John Edwards for President; \$50, 8/6/07, Democratic National Committee; \$25, 8/29/08, Obama for America; Joseph Accardi (Megan's spouse): 0; Meave Connelly: 0; Kevin Kelly (Meave's spouse): 0.

*Daniel Bennett Smith, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Nominee: Daniel Bennett Smith.

Post: Athens, Greece.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: \$15, 2007, VA Democratic Party.
3. Children and Spouses: Andrew B. Smith: None. Erik G. Smith: None. Troy D. Smith: None.
4. Parents: Daniel M. Smith (Father)—Deceased; Carolyn A. Smith (Mother): \$50, 2008, Barack Obama for President; \$50, 2008, John Edwards for President.
5. Grandparents: Benjamin Brown—Deceased; Caroline Brown—Deceased; Daniel M. Smith—Deceased; Alma Smith—Deceased.
6. Brothers and Spouses: Gregory Smith, \$150, 2009, Move on.Org PAC; \$35, 2009, Act Blue (Betsy Markey for Congress); \$50, 2009, Hillary Clinton Committee; \$25, 2009, Al Franken Committee; \$150, 2009, Human Rights Campaign; \$300, 2008, Obama for America; \$100, 2008, Obama On Line Backup; \$200, 2008, Hillary Clinton for President; \$150, 2008, Al Franken for Senate; \$300, 2008, Democratic Senatorial Campaign Committee; \$275, 2008, Democratic Congressional Campaign Committee; \$100, 2008, Friends of Mary Landrieu; \$125, 2008, Move On.Org; \$310, 2008, Democracy Engine; \$200, 2008, Move On Pac Bundling; \$150, 2008, Human Rights Campaign Web; \$500, 2006, Democratic Congressional Campaign; \$500, 2006, Democratic Senatorial Campaign; \$200, 2006, CA Democratic Party; \$100, 2006, Jerry McEnerney For Congress.
7. Sisters and Spouses: Stephanie Smith-Hult: None.

*James Frederick Entwistle, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

Nominee: James F. Entwistle.

Post: Kinshasa.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Pamela G. Schmoll: none.
3. Children and Spouses: Jennifer B.S. Entwistle (Daughter): None; Jeffrey W.S. Entwistle (Son): None.
4. Parents: Barbara G. Entwistle (Mother): none; Oliver H. Entwistle, Jr. (Father)—deceased.
5. Grandparents: Geraldine Gaskill—deceased; Loren B. Gaskill—deceased; Emily G. Entwistle—deceased; Oliver H. Entwistle—deceased.
6. Brothers and Spouses: Steven D. Entwistle: none; Sharon B. Entwistle: none.
7. Sisters and Spouses: N/A.

*Laurence D. Wohlers, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Nominee: Laurence D. Wohlers.

Post: Bangui.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Ann: none.
3. Children and Spouses: Christopher, none; Marion, none; Sophie, none.
4. Parents: Lester—deceased, none; Barbara, none.
5. Grandparents: (deceased for many years).
6. Brothers and Spouses: Paul Wohlers, none; Mary Jo Wohlers, none; Douglas Wohlers, none; Kazuko Wohlers, none.
7. Sisters and Spouses: none.

*Judith R. Fergin, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Timor-Leste.

Nominee: Judith Ryan Fergin.

Post: Dili, Timor Leste.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$300.00, May 2004, American Foreign Service Assoc. (AFSA) PAC; \$200.00, April 2005, AFSA PAC; \$200.00, Oct 2005, AFSA PAC; \$200.00, Aug 2006, AFSA PAC; \$100.00, Nov 2006, AFSA Legislative Action Fund; \$200.00, April 2007, AFSA PAC; \$200.00, Oct 2007, AFSA Legislative Action Fund; \$200.00, June 2008, AFSA PAC; \$200.00, Oct 2008, AFSA Legislative Action Fund.
2. Spouse: Gregory G. Fergin: \$150.00, May 1995, AFSA Legislative Action; \$150.00, Dec 1995, AFSA Legislative Action; \$150.00, Dec 1996, AFSA Legislative Action; \$150.00, Nov 1998, AFSA Legislative Action; \$150.00, Sep

2000, AFSA Legislative Action; \$150.00, May 2001, AFSA Legislative Action; \$200.00, Dec 2001, AFSA Legislative Action; \$200.00, Dec 2002, AFSA Legislative Action; \$250.00, Dec 2003, AFSA PAC; \$250.00, Dec 2004, AFSA Legislative Action; \$200.00, Apr 2005, AFSA PAC; \$200.00, Dec 2005, AFSA Legislative Action; \$150.00, Dec 2006, AFSA PAC; \$150.00, Dec 2006, AFSA Legislative Action; \$100.00, Dec 2007, AFSA PAC; \$150.00, Dec 2007, AFSA Legislative Action.

3. Children and Spouses: William L. Fergin: none. Amalia C. Fergin: none.

4. Parents: Harwood E. Ryan, Jr., deceased; Dorothy S. Ryan: none.

5. Grandparents: Harwood E. Ryan, Sr.: deceased; Ethel J. Ryan: deceased; Irvin A. Sims: deceased; Dorothy H. Sims: deceased.

6. Brothers and Spouses: n/a.

7. Sister and Spouse: Anne R. Wood: none; Robert E. Wood: \$25.00, July 2008, Republican Nat'l Committee (RNC); \$25.00, Sept 2008, RNC; \$50.00, 2008, Harry Taylor for Congress (defeated) (Democrat, NC).

*Michael S. Owen, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

Nominee: Michael S. Owen.

Post: Freetown.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$150, 10/2008, DSCC.
2. Spouse: None.
3. Children and Spouses: None.
4. Parents: None.
5. Grandparents: None.
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

*Robert Porter Jackson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

Nominee: Robert Porter Jackson.

Post: Ambassador to Cameroon.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: N/A.
4. Parents: Francis Marion Jackson, Jr.: Deceased. Barbara Buchanan Jackson: None.
5. Grandparents: Arthur Perry Buchanan: Deceased. A. Vaughn Porter Buchanan: Deceased.
6. Brothers and Spouses: Francis M. Jackson III, Brother: \$2,300, 09/09/2008, To Thomas H. Allen (D) for Senate; \$2,000, 11/04/2008, To Barack "Obama for America"; \$200, 7/25/2009, To Democratic National Committee.

Ellen M. R. Jackson, Sister-in-law: \$2,300, 09/09/2008, To Thomas H. Allen (D) for Senate; \$2,000, 11/04/2008, To Barack "Obama for America".

7. Sisters and Spouses:

Nancy Vaughan: Jackson Gronbeck, Deceased.

David Gronbeck, Brother-in-law: None.

*James Franklin Jeffrey, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

Nominee: James Franklin Jeffrey.—

Post: Baghdad.

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Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: Julia S. Jeffrey, none; Jahn F. Jeffrey, none.
4. Parents: Herbert F. Jeffrey, deceased; Helen G. Jeffrey, deceased.
5. Grandparents: Herbert Jeffrey, deceased; Grace Jeffrey, deceased; Margaret O'Neill, deceased; Joseph O'Neill, deceased.
6. Brothers and Spouses: Edward Jeffrey, none; Linda Jeffrey, none.

*Alejandro Daniel Wolff, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chile.

Nominee: Alejandro Wolff.

Post: Chile.

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Contributions, amount, date, donee:

1. Self: none.
2. Spouse: Alexandra Wolff, none.
3. Children and Spouses: Philip Wolff, none; Michael Wolff, none.
4. Parents: Gerard and Toni Wolff, none.
5. Grandparents: N/A.
6. Brothers and Spouses: Richard and Susan Wolff, none; Claudio and Sarah Wolff, none.
7. Sisters and Spouses: N/A.

*Scot Alan Marciel, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Nominee: Scot Alan Marciel.

Post: Jakarta.

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Contributions, amount, date, donee:

1. Self: \$50, 2008, Obama.
2. Spouse: none.
3. Children and Spouses: Lauren Marciel, none; Natalie Marciel, none.
4. Parents: Ronald Marciel, none; Grace Marciel (stepmom), none.
5. Grandparents: Steven Marciel, deceased; Louise Lundy, deceased.
6. Brothers and Spouses: Michael Marciel, none; Deborah Marciel, none.

7. Sisters and Spouses: Rhonda Donhowe, none.

*Terence Patrick McCulley, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Nominee: Terence P. McCulley.

Post: Nigeria.

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Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: none.
3. Children and Spouses: Sean P. McCulley (17): none. Liam T. McCulley (13): none.
4. Parents: William M. McCulley (deceased, 2007): none; Doris J. McCulley: none.
5. Grandparents: Roy Millage (deceased, 1961): none; Grace Millage Smith (deceased 1997): none; Elzie McCulley (deceased 1985): none; Jessie McCulley (deceased 1990): none.
6. Brothers and Spouses: Larry A. McCulley: none; Karen McCulley (sister-in-law): none; Stephen W. McCulley: none; Christine McCulley (sister-in-law): none.
7. Sisters and Spouses: None.

*Pamela E. Bridgewater Awkard, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Nominee: Pamela E. Bridgewater Awkard.

Post: Jamaica.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$300, 2008, Barack H. Obama.
2. Spouse: Alfred Russell Awkard: \$350, 2004, Anne Northup.
3. Children and Spouses: n/a.
4. Parents: Mary H. Bridgewater (deceased): \$100, 2008, Barack H. Obama; Joseph N. Bridgewater (Deceased): none.
5. Grandparents: Blanche A. Hester (deceased): none; B.H. Hester (deceased): none; Ethel Bridgewater (deceased): none.
6. Brothers and Spouses: none.
7. Sisters and Spouses: none.

*Michele Thoren Bond, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Nominee: Michele Thoren Bond.

Post: Lesotho.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: 0.
2. Spouse: Clifford G. Bond: 0.
3. Children: Robert C. Bond, Elisabeth W. Bond, Lillian C. Bond, Matthew M. Bond: 0.

4. Parents (Deceased): 0.

5. Grandparents (Deceased): 0.

6. Brothers and Spouses: Peter and Lisa Thoren: \$2,400, 2010, Gillibrand for Senate; \$250, 2010, Blumenthal for Connecticut; \$250, 2009, Evan Bayh Committee; \$1,000, 2008, Lyondell Chemical Co. PAC; \$2,500, 2007, All America PAC (Evan Bayh); \$2,500, 2006, All America PAC (Evan Bayh). Stephen and Kristiina Thoren: 0.

*Paul W. Jones, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

Nominee: Paul Wayne Jones.

Post: Malaysia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Catherine C.G. Jones: none.
3. Children and Spouses: Aleksandra Jones: none. Hale Jones: none.
4. Parents: Evelyn Jones: none. John Jones, deceased.
5. Grandparents: Paul Jones, deceased. Gladys Jones, deceased. John Hale-White, deceased. Hetty Hale-White, deceased.
6. Brothers and Spouses: none.
7. Sisters and Spouses: Catherine Johnsen: none. Sigurd Johnsen: none. Margaret Jones: none.

*Phyllis Marie Powers, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

Nominee: Phyllis Marie Powers.

Post: Panama.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: No contributions.
2. Spouse: None.
3. Children and Spouses: None.
4. Parents: Deceased.
5. Grandparents: Deceased.
6. Brothers and Spouses: None.
7. Sisters and Spouses: Pamela and Donald Curley, \$200, August 2008, Brett Green, Campaign for District Judge in Wilkesboro, NC; Patricia and Charles Miller, No contributions.

*Francis Joseph Ricciardone, Jr., of Massachusetts, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

Nominee: Francis Joseph Ricciardone, Jr.,

Post: Ankara.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: Francesca Mara Ricciardone and Micah White: None. Chiara Teresa Ricciardone: None.
4. Parents: Francis J. Ricciardone, Sr.: \$100, 2008, Republican National Committee. (Mother deceased).
5. Grandparents: Deceased.
6. Brothers and Spouses: Michael and Elizabeth Ricciardone: None. James and Lisa Ricciardone: None. David and Beverly Ricciardone: None.
7. Sisters and Spouses: Theresa Ricciardone and Peter Thayer: None. Marguerite Ricciardone and David R. Stone: \$100, 2010, Ellen Gibbs (D), Selectman, Wellesley, MA.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nominations beginning with Karen S. Sliter and ending with Elia P. Vanechanos, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2010.

*Foreign Service nominations beginning with James K. Chambers and ending with Cameron Munter, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2010.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNET:

S. 3690. A bill to provide for additional quality control of drugs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WEBB:

S. 3691. A bill to establish rules to assist consumers to compare airfares and other costs applicable to tickets for air transportation, to amend the Internal Revenue Code of 1986 to provide that fees charged for carry-on and checked baggage on passenger aircraft are subject to the excise tax imposed on transportation of persons by air, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. CRAPO):

S. 3692. A bill to amend the Internal Revenue Code of 1986 to permanently extend the deductibility of mortgage insurance premiums; to the Committee on Finance.

By Mr. GRASSLEY:

S. 3693. A bill to provide funding for the settlement of lawsuits against the Federal Government for discrimination against Black Farmers; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. CANTWELL (for herself, Ms. COLLINS, and Mr. SANDERS):

S. 3694. A bill to prohibit the conducting of invasive research on great apes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MENENDEZ (for himself, Mrs. GILLIBRAND, and Mr. LAUTENBERG):

S. 3695. A bill to fight criminal gangs; to the Committee on Finance.

By Mr. CASEY:

S. 3696. A bill to amend the Fair Labor Standards Act with regard to certain exemptions under that Act for direct care workers and to improve the systems for the collection and reporting of data relating to the direct care workforce, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT:

S.J. Res. 38. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Nebraska (for himself and Mr. INHOFE):

S. Res. 605. A resolution designating September 13, 2010, as "National Celiac Disease Awareness Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 571

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 571, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from West Virginia (Mr. GOODWIN) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Or-

ganization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1703

At the request of Mr. DORGAN, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1703, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

S. 3036

At the request of Mr. BAYH, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3211

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3211, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certain certified diabetes educators as certified providers for purposes of outpatient diabetes self-management training services under part B of the Medicare Program.

S. 3381

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 3381, a bill to amend the Clean Air Act to modify certain definitions of the term "renewable biomass", and for other purposes.

S. 3397

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3397, a bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

S. 3402

At the request of Mr. LEMIEUX, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3402, a bill to encourage residential use of renewable energy systems by minimizing upfront costs and providing immediate utility cost savings to consumers through leasing of such systems to homeowners, and for other purposes.

S. 3447

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3466

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3466, a bill to require restitution for

victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3486

At the request of Mr. BROWN of Ohio, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3486, a bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes.

S. 3510

At the request of Mr. CONRAD, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3510, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 3517

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3517, a bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes.

S. 3572

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3578

At the request of Mr. JOHANNIS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 3578, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. 3581

At the request of Mr. LUGAR, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3581, a bill to implement certain defense trade treaties.

S. 3585

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 3585, a bill to amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes.

S. 3622

At the request of Mr. JOHANNIS, the name of the Senator from Idaho (Mr.

CRAPO) was added as a cosponsor of S. 3622, a bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes.

S. 3624

At the request of Mr. DEMINT, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 3624, a bill to encourage continued investment and innovation in communications networks by establishing a new, competition analysis-based regulatory framework for the Federal Communications Commission.

S. 3643

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 3643, a bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, to improve oil spill compensation, to terminate the moratorium on deep-water drilling, and for other purposes.

S. 3645

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3645, a bill to direct the Secretary of Education to establish and administer an awards program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 3653

At the request of Mr. CORNYN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3653, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 3654

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3654, a bill to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate.

S. 3667

At the request of Mr. KERRY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3667, a bill to amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr.

HATCH) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

AMENDMENT NO. 4531

At the request of Mr. JOHANNIS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 4531 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. CANTWELL (for herself, Ms. COLLINS, and Mr. SANDERS):
S. 3694. A bill to prohibit the conducting of invasive research on great apes, and for other purposes; to the Committee on Environment and Public Works.

Ms. CANTWELL. Mr. President, I rise today to introduce legislation to end the use of Great Apes in invasive research and urge my Senate colleagues to support the Great Ape Protection Act.

The Great Ape Protection Act would prohibit invasive research on all Great Apes, including chimpanzees—the only Great Ape used in invasive research today. The bill would require the retirement of 500 federally-owned chimpanzees to appropriate sanctuaries.

Today about 1,000 chimpanzees—half of them federally owned—languish at great taxpayer expense in 6 research laboratories across the nation.

These chimpanzees are being held or used for invasive biomedical research, research that may cause death, bodily injury, pain, distress, fear, and trauma. Invasive research practices include techniques such as injecting a chimpanzee with a drug that would be detrimental to its health, infecting a chimp with a disease, cutting a chimp or removing body parts, and isolation or social deprivation.

The vast majority of these animals—between 80 and 90 percent—aren't actually being used in research, but instead are warehoused, simply wasting away in these facilities. For example, approximately half of the government-owned chimpanzees have been held for the past 9 years in a facility in New Mexico where no research is being conducted.

Some chimpanzees have been in labs for more than 50 years, confined in steel cages for most of their lives and enduring sometimes painful and distressing experimental procedures.

The fact that the vast majority of federally-owned chimpanzees are not being used in active research, but instead are warehoused in labs at the taxpayer expense, underlines the futility of their continued confinement.

Chimpanzees are poor research models for human illness, and they have been of limited use in the study of human disease. Despite how similar they are to us, significant differences in their immunology and disease progression make them ineffective models for human diseases like HIV, cancer and heart disease research.

For example, research published in the *Journal of Medical Primatology* in 2009 on Hepatitis C indicates that use of chimpanzees has produced poor results. And the National Center for Research Resources under the National Institutes of Health has prohibited breeding of government-owned and supported chimpanzees for research.

Significant genetic and physiological differences between nonhuman Great Apes and humans also make chimpanzees a poor research model for human diseases. We have spent millions of dollars over several decades on chimpanzee-based HIV and Hepatitis C research with no resulting vaccines for those diseases. Chimpanzees largely failed as a model for HIV because the virus does not cause illness in chimpanzees as it does to humans.

These are very social, highly intelligent animals—with the ability, for example, to learn American Sign Language. Their intelligence and ability to experience emotions so similar to humans underscore how chimpanzees suffer intensely under laboratory conditions.

Their psychological suffering in laboratories produces human-like symptoms of stress, depression and post-traumatic stress disorder after decades of living in isolation in small cages.

Given their social nature and capacity for suffering and boredom due to lack of stimulation, the 500 privately-owned chimpanzees and 500 federally-owned chimpanzees being held in research laboratories would be significantly better off in sanctuaries. And by doing so we would save more than \$170 million taxpayer dollars throughout the chimpanzees' lifetimes. This is because the cost of caring for a chim-

panzee in a sanctuary is a fraction of the cost of their housing and maintenance in a laboratory. And many in the scientific community believe this money could be allocated to more effective research.

In my home State of Washington, I am proud that we have Chimpanzee Sanctuary Northwest. Chimpanzee-Sanctuary Northwest provides sustainable sanctuary for seven chimpanzees retired in 2008 from decades in research facilities.

The United States is currently behind the rest of the world in outlawing this sad practice.

Australia, Austria, Belgium, Japan, the Netherlands, New Zealand, Sweden, and the United Kingdom have all banned or severely limited experiments on Great Apes. And several other countries and the European Union are considering similar bans as well.

We are the only country—besides Gabon in West Africa—that is still holding or using chimpanzees for invasive research. It's past time for the United States to catch up with the rest of the world by ending this antiquated use of this endangered species.

We are lagging behind in action, but the desire to end invasive research on Great Apes has been present for more than a decade. In 1997, the National Research Council concluded that there should be a moratorium on further chimpanzee breeding. And the National Institutes of Health, NIH, has already announced an end to funding for the breeding of federally-owned and supported chimpanzees for research, but this should be codified.

Government needs to take action to make invasive research on chimpanzees illegal.

That is why today I am introducing the Bipartisan Great Ape Protection Act, along with my colleagues Senators SUSAN COLLINS of Maine and BERNIE SANDERS of Vermont.

The Great Ape Protection Act is a common-sense policy reform to protect our closest living relatives in the animal kingdom from physical and psychological harm, and to help reduce government spending and our federal deficit.

Specifically, this bill will phase out the use of chimpanzees in invasive research over a three-year period, require permanent retirement to suitable sanctuaries for the 500 federally-owned chimpanzees currently being warehoused in research laboratories, and codifies the current administrative ban on breeding of Government-owned and supported chimpanzees.

We have been delaying this action for too long. It is time to get this done and end this type of harmful research and end this wasteful Government spending.

By Mr. CASEY:

S. 3696. A bill to amend the Fair Labor Standards Act with regard to

certain exemptions under that Act for direct care workers and to improve the systems for the collection and reporting of data relating to the direct care workforce, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President, today I am introducing the Direct Care Workforce Empowerment Act.

Next year the baby boom generation will start turning 65 and by 2030, all 78 million will have reached that age. We must ensure this generation that fought in our wars, worked in our factories, taught our children and who gave us life and love are cared for. This will require an investment in the health care workforce that was begun under health care reform and must continue into the coming decades.

It is the direct care worker that provides most of this care to our loved ones. Unfortunately, they are often not given the respect they deserve for the work they do. Direct care workers help more than 250,000 Pennsylvanians and their families every day. This is also one of the fastest growing professions, according to the Bureau of Labor Statistics. It is now our responsibility to make sure these jobs, while often personally rewarding, provide opportunity for advancement and economic stability for the workers.

This bill will do three key things.

The bill will ensure that home care workers receive the Federal minimum wage and overtime protections of the Fair Labor Standards Act; improve Federal and State data collection and oversight with respect to the direct care workforce; and establish a grant program to help states improve direct care worker recruitment, retention, and training.

I hope my colleagues join me in supporting this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 605—DESIGNATING SEPTEMBER 13, 2010, AS "NATIONAL CELIAC DISEASE AWARENESS DAY"

Mr. NELSON of Nebraska (for himself and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 605

Whereas celiac disease affects approximately 1 in every 130 people in the United States, for a total of 3,000,000 people;

Whereas the majority of people with celiac disease have yet to be diagnosed;

Whereas celiac disease is a chronic inflammatory disorder that is classified as both an autoimmune condition and a genetic condition;

Whereas celiac disease causes damage to the lining of the small intestine, which results in overall malnutrition;

Whereas when a person with celiac disease consumes foods that contain certain protein

fractions, that person suffers a cell-mediated immune response that damages the villi of the small intestine, interfering with the absorption of nutrients in food and the effectiveness of medications;

Whereas such problematic protein fractions are found in wheat, barley, rye, and oats, which are used to produce many foods, medications, and vitamins;

Whereas because celiac disease is a genetic disease, there is an increased incidence of celiac disease in families with a known history of celiac disease;

Whereas celiac disease is underdiagnosed because the symptoms can be attributed to other conditions and are easily overlooked by doctors and patients;

Whereas as recently as 2000, the average person with celiac disease waited 11 years for a correct diagnosis;

Whereas 1/2 of all people with celiac disease do not show symptoms of the disease;

Whereas celiac disease is diagnosed by tests that measure the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies;

Whereas celiac disease can be treated only by implementing a diet free of wheat, barley, rye, and oats, often called a "gluten-free diet";

Whereas a delay in the diagnosis of celiac disease can result in damage to the small intestine, which leads to an increased risk for malnutrition, anemia, lymphoma, adenocarcinoma, osteoporosis, miscarriage, congenital malformation, short stature, and disorders of skin and other organs;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjogren's syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who wrote, "if the patient can be cured at all, it must be by means of diet";

Whereas Dr. Samuel Gee was born on September 13, 1839; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of celiac disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 13, 2010, as "National Celiac Disease Awareness Day";

(2) recognizes that all people of the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe National Celiac Disease Awareness Day with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society, and the Celiac Disease Foundation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4582. Mr. KYL (for himself and Mr. McCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 4583. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for

other purposes; which was ordered to lie on the table.

SA 4584. Mr. REED submitted an amendment intended to be proposed to amendment SA 4575 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 4585. Mr. REED submitted an amendment intended to be proposed to amendment SA 4575 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 4586. Mr. HARKIN (for himself, Mr. LUGAR, Mr. BURRIS, Mr. JOHNSON, Ms. KLOBUCHAR, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4582. Mr. KYL (for himself and Mr. McCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 13, strike "\$30,000,000" and all that follows through line 16 and insert "\$50,000,000 to remain available until September 30, 2012, for law enforcement activities targeted at reducing the threat of violence along the Southwest Border of the United States, of which \$20,000,000 shall be made available for fiscal year 2011 for 150 additional law enforcement specialists for work at the Law Enforcement Support Center (LESC), administered by U.S. Immigration and Customs Enforcement."

SA 4583. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . POINT OF ORDER AGAINST CLIMATE CHANGE LEGISLATION.

(a) POINT OF ORDER.—Subject to subsection (b), it shall not be in order in the Senate to consider any conference report or other legislation that originates in the House of Representatives as a message, bill, amendment, or motion, or any Senate bill or related conference report to which the House of Representatives added a provision, that addresses climate change through the inclusion of a cap-and-trade program if the Senate has not considered and approved a bill addressing climate change that included such a cap-and-trade program.

(b) WAIVER AND APPEAL.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of 2/3 of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of 2/3 of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 4584. Mr. REED submitted an amendment intended to be proposed to amendment SA 4575 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE V—ECONOMIC DEVELOPMENT ASSISTANCE

SEC. 501. ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS.

In chapter 2 of title I of the Act entitled "An Act making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes", strike the matter under the heading "ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS" under the heading "ECONOMIC DEVELOPMENT ADMINISTRATION" under the heading "DEPARTMENT OF COMMERCE" and insert the following:

"Pursuant to section 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3233), for an additional amount for "Economic Development Assistance Programs", for necessary expenses relating to disaster relief, long-term recovery, and restoration of infrastructure in areas affected by flooding for which the President declared a major disaster during the period beginning on March 29, 2010, and ending on May 7, 2010, which included individual assistance for an entire State or not fewer than 45 counties within a State under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), \$49,000,000, to remain available until expended: *Provided*, That not more than 50 percent of the amount provided under this heading shall be allocated to any State."

SA 4585. Mr. REED submitted an amendment intended to be proposed to amendment SA 4575 proposed by Mr. REID (for Mrs. MURRAY (for herself, Mr. HARKIN, Mr. REID, and Mr. SCHUMER)) to the bill H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, after line 21, insert the following:

Subtitle C—Community Development Funds SEC. 221. COMMUNITY DEVELOPMENT FUNDS.

Chapter 11 of title I of the Supplemental Appropriations Act, 2010, is amended by striking the heading "Community Development Fund" and all the matter that follows through the ninth proviso under such heading and inserting the following:

“COMMUNITY DEVELOPMENT FUND

“For an additional amount for the ‘Community Development Fund’, for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by flooding for which the President declared a major disaster between March 29, 2010, and May 7, 2010, which included Individual Assistance for an entire State or not fewer than 45 counties within a State under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, \$100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): *Provided*, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act: *Provided further*, That not more than 50 percent of the funding provided under this heading shall be allocated to any State (including units of general local government).”.

SA 4586. Mr. HARKIN (for himself, Mr. LUGAR, Mr. BURRIS, Mr. JOHNSON, Ms. KLOBUCHAR, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3663, to promote clean energy jobs and oil company accountability, and for other

purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE XXII—BIOFUELS MARKET EXPANSION

SEC. 2201. ENSURING THE AVAILABILITY OF DUAL FUELED AUTOMOBILES AND LIGHT DUTY TRUCKS.

(a) IN GENERAL.—Chapter 329 of title 49, United States Code, is amended by inserting after section 32902 the following:

“§32902A. Requirement to manufacture dual fueled automobiles and light duty trucks

“(a) IN GENERAL.—For each model year listed in the following table, each manufacturer shall ensure that the percentage of automobiles and light duty trucks manufactured by the manufacturer for sale in the United States that are dual fueled automobiles and light duty trucks is not less than the percentage set forth for that model year in the following table:

Model Year	Percentage
Model years 2013 and 2014 ..	50 percent
Model year 2015 and each subsequent model year. . .	90 percent

“(b) EXCEPTION.—Subsection (a) shall not apply to automobiles or light duty trucks that operate only on electricity.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 329 of title 49, United States Code, is amended by inserting after the item relating to section 32902 the following:

“32902A. Requirement to manufacture dual fueled automobiles and light duty trucks.”.

(c) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall prescribe regulations to carry out the amendments made by this Act.

SEC. 2202. BLENDER PUMP PROMOTION.

(a) BLENDER PUMP GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) BLENDER PUMP.—The term “blender pump” means an automotive fuel dispensing pump capable of dispensing at least 3 different blends of gasoline and ethanol, as selected by the pump operator, including blends ranging from 0 percent ethanol to 85 percent denatured ethanol, as determined by the Secretary.

(B) E-85 FUEL.—The term “E-85 fuel” means a blend of gasoline approximately 85 percent of the content of which is ethanol.

(C) ETHANOL FUEL BLEND.—The term “ethanol fuel blend” means a blend of gasoline and ethanol, with a minimum of 0 percent and maximum of 85 percent of the content of which is denatured ethanol.

(D) MAJOR FUEL DISTRIBUTOR.—

(i) IN GENERAL.—The term “major fuel distributor” means any person that owns a refinery or directly markets the output of a refinery.

(ii) EXCLUSION.—The term “major fuel distributor” does not include any person that owns or directly markets through less than 50 retail fueling stations.

(E) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(2) GRANTS.—The Secretary shall make grants under this subsection to eligible facilities (as determined by the Secretary) to pay the Federal share of—

(A) installing blender pump fuel infrastructure, including infrastructure necessary for the direct retail sale of ethanol fuel blends (including E-85 fuel), including blender pumps and storage tanks; and

(B) providing subgrants to direct retailers of ethanol fuel blends (including E-85 fuel)

for the purpose of installing fuel infrastructure for the direct retail sale of ethanol fuel blends (including E-85 fuel), including blender pumps and storage tanks.

(3) LIMITATION.—A major fuel distributor shall not be eligible for a grant or subgrant under this subsection.

(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this subsection shall be 50 percent of the total cost of the project.

(5) REVERSION.—If an eligible facility or retailer that receives a grant or subgrant under this subsection does not offer ethanol fuel blends for sale for at least 2 years during the 4-year period beginning on the date of installation of the blender pump, the eligible facility or retailer shall be required to repay to the Secretary an amount determined to be appropriate by the Secretary, but not more than the amount of the grant provided to the eligible facility or retailer under this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection, to remain available until expended—

- (A) \$50,000,000 for fiscal year 2011;
- (B) \$100,000,000 for fiscal year 2012;
- (C) \$200,000,000 for fiscal year 2013;
- (D) \$300,000,000 for fiscal year 2014; and
- (E) \$350,000,000 for fiscal year 2015.

(b) INSTALLATION OF BLENDER PUMPS BY MAJOR FUEL DISTRIBUTORS AT OWNED STATIONS AND BRANDED STATIONS.—Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding at the end the following:

“(13) INSTALLATION OF BLENDER PUMPS BY MAJOR FUEL DISTRIBUTORS AT OWNED STATIONS AND BRANDED STATIONS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) E-85 FUEL.—The term ‘E-85 fuel’ means a blend of gasoline approximately 85 percent of the content of which is ethanol.

“(ii) ETHANOL FUEL BLEND.—The term ‘ethanol fuel blend’ means a blend of gasoline and ethanol, with a minimum of 0 percent and maximum of 85 percent of the content of which is denatured ethanol.

“(iii) MAJOR FUEL DISTRIBUTOR.—

“(I) IN GENERAL.—The term ‘major fuel distributor’ means any person that owns a refinery or directly markets the output of a refinery.

“(II) EXCLUSION.—The term ‘major fuel distributor’ does not include any person that owns or directly markets through less than 50 retail fueling stations.

“(iv) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy, acting in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Agriculture.

“(B) REGULATIONS.—The Secretary shall promulgate regulations to ensure that each major fuel distributor that sells or introduces gasoline into commerce in the United States through majority-owned stations or branded stations installs or otherwise makes available 1 or more blender pumps that dispense E-85 fuel and ethanol fuel blends (including any other equipment necessary, such as tanks, to ensure that the pumps function properly) for a period of not less than 5 years at not less than the applicable percentage of the majority-owned stations and the branded stations of the major fuel distributor specified in subparagraph (C).

“(C) APPLICABLE PERCENTAGE.—For the purpose of subparagraph (B), the applicable percentage of the majority-owned stations and the branded stations shall be determined in accordance with the following table:

“Applicable percentage of majority-owned stations and branded stations

Calendar year:	Percent:
2013	10
2015	20
2017	35
2019 and each calendar year thereafter	50.

“(D) GEOGRAPHIC DISTRIBUTION.—

“(i) IN GENERAL.—Subject to clause (ii), in promulgating regulations under subparagraph (B), the Secretary shall ensure that each major fuel distributor described in that subparagraph installs or otherwise makes available 1 or more blender pumps that dispense E-85 fuel and ethanol fuel blends at not less than a minimum percentage (specified in the regulations) of the majority-owned stations and the branded stations of the major fuel distributors in each State.

“(ii) REQUIREMENT.—In specifying the minimum percentage under clause (i), the Secretary shall ensure that each major fuel distributor installs or otherwise makes available 1 or more blender pumps described in that clause in each State in which the major fuel distributor operates.

“(E) FINANCIAL RESPONSIBILITY.—In promulgating regulations under subparagraph (B), the Secretary shall ensure that each major fuel distributor described in that subparagraph assumes full financial responsibility for the costs of installing or otherwise making available the blender pumps described in that subparagraph and any other equipment necessary (including tanks) to ensure that the pumps function properly.

“(F) PRODUCTION CREDITS FOR EXCEEDING BLENDER PUMPS INSTALLATION REQUIREMENT.—

“(i) EARNING AND PERIOD FOR APPLYING CREDITS.—If the percentage of the majority-owned stations and the branded stations of a major fuel distributor at which the major fuel distributor installs blender pumps in a particular calendar year exceeds the percentage required under subparagraph (C), the major fuel distributor shall earn credits under this paragraph, which may be applied to any of the 3 consecutive calendar years immediately after the calendar year for which the credits are earned.

“(ii) TRADING CREDITS.—Subject to clause (iii), a major fuel distributor that has earned credits under clause (i) may sell the credits to another major fuel distributor to enable the purchaser to meet the requirement under subparagraph (C).

“(iii) EXCEPTION.—A major fuel distributor may not use credits purchased under clause (ii) to fulfill the geographic distribution requirement in subparagraph (D).”

SEC. 2203. LOAN GUARANTEES FOR PROJECTS TO CONSTRUCT RENEWABLE FUEL PIPELINES.

(a) DEFINITIONS.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended by adding at the end the following:

“(6) RENEWABLE FUEL.—The term ‘renewable fuel’ has the meaning given the term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), except that the term includes ethanol and biodiesel.

“(7) RENEWABLE FUEL PIPELINE.—The term ‘renewable fuel pipeline’ means a pipeline for transporting renewable fuel.”

(b) AMOUNT.—Section 1702(c) of the Energy Policy Act of 2005 (42 U.S.C. 16512(c)) is amended—

(1) by striking “(c) AMOUNT.—” and inserting the following:

“(c) AMOUNT.—

“(1) IN GENERAL.—Unless”; and

(2) by adding at the end the following:

“(2) RENEWABLE FUEL PIPELINES.—A guarantee for a project described in section 1703(b)(11) shall be in an amount equal to 80 percent of the project cost of the renewable fuel pipeline that is the subject of the guarantee, as estimated at the time at which the guarantee is issued.”

(c) RENEWABLE FUEL PIPELINE ELIGIBILITY.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

“(11) Renewable fuel pipelines.”

(d) RAPID DEPLOYMENT OF RENEWABLE FUEL PIPELINES.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

“(4) Installation of sufficient infrastructure to allow for the cost-effective deployment of clean energy technologies appropriate to each region of the United States, including the deployment of renewable fuel pipelines through loan guarantees in an amount equal to 80 percent of the cost.”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on August 3, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on August 3, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on August 3, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on August 3, 2010, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on August 3, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Administrative Over-

sight and the Courts, be authorized to meet during the session of the Senate on August 3, 2010, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Protecting the Public Interest: Understanding the Threat of Agency Capture.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN’S HEALTH

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Subcommittee on Children’s Health of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on August 3, 2010, at 10 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Federal Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on August 3, 2010, at 2:30 p.m. to conduct a hearing entitled “Transforming Government Through Innovative Tools and Technology.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that Amy diRusso, an APSA legislative fellow in my office from the CIA, be accorded floor privileges during the debate on Elena Kagan to be a Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I ask unanimous consent that Doug Wilson and Romy Ganschow, two fellows in my office, be granted floor privileges for the duration of the debate on General Kagan’s nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Rachel Fleischer, Marcus Lucero, and Megan Fenton of Senator BINGAMAN’s office be given the privilege of the floor for this day, August 3, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that three law clerks with Senator CORNYN’s staff—Amanda DeVuono, Suzanne Brangan, and Walker Hanson—be granted the privileges of the floor for the remainder of this week.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Jessica Waters and Aaron Smith of my Finance Committee staff and Carolyn Coda and

Thomas Ryan of my Judiciary Committee staff be granted the privileges of the floor during the 111th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Elizabeth Bina:									
Switzerland	Franc		2,647.00						2,647.70
United States	Dollar				1,129.00				1,129.00
Total			2,647.00		1,129.00				3,776.70

SENATOR BLANCHE L. LINCOLN,
Chairman, Committee on Agriculture, Nutrition and Forestry, July 26, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Alycia Farrell:									
Germany	Euro		1,044.00						1,044.00
Poland	Zloty		147.00						147.00
Israel	Shekel		1,744.00		200.00				1,944.00
United States	Dollar				9,988.49				9,988.49
Dennis Balkham:									
Israel	Shekel		1,744.00		200.00				1,944.00
United States	Dollar				7,193.00				7,193.00
Senator Thad Cochran:									
Hungary	Forint		262.00						262.00
Russia	Ruble		483.00		207.00				690.00
Germany	Euro		168.00						168.00
Norway	Krone		470.00						470.00
Kay Webber:									
Hungary	Forint		262.00						262.00
Russia	Ruble		483.00		207.00				690.00
Germany	Euro		168.00						168.00
Norway	Krone		470.00						470.00
Senator Byron Dorgan:									
Hungary	Forint		262.00						262.00
Russia	Ruble		483.00		207.00				690.00
Germany	Euro		168.00						168.00
Norway	Krone		470.00						470.00
Brian Moran:									
Hungary	Forint		262.00						262.00
Russia	Ruble		483.00		207.00				690.00
Germany	Euro		168.00						168.00
Norway	Krone		470.00						470.00
Senator Judd Gregg:									
Hungary	Forint		262.00						262.00
Russia	Ruble		483.00		207.00				690.00
Germany	Euro		168.00						168.00
Norway	Krone		470.00						470.00
Paul Grove:									
Hungary	Forint		262.00						262.00
Russia	Ruble		483.00		207.00				690.00
Germany	Euro		168.00						168.00
Norway	Krone		470.00						470.00
Michele Wymer:									
Zimbabwe	Dollar		317.00						317.00
South Africa	Rand		1,415.00						1,415.00
Lesotho	Maloti		179.00						179.00
United States	Dollar				10,954.50				10,954.50
Janet Stormes:									
Zimbabwe	Dollar		317.00						317.00
South Africa	Rand		1,415.00						1,415.00
Lesotho	Maloti		179.00						179.00
United States	Dollar				10,954.50		35.00		10,989.50
Senator Mary Landrieu:									
Haiti	Dollar				100.00				100.00
Tim Rieser:									
Haiti	Dollar		257.21		794.80		45.00		1,097.01
Senator George Voinovich:									
Italy	Euro		224.00						224.00
Cote d'Ivoire	Franc		161.00						161.00
Ethiopia	Birr		153.00						153.00
Kuwait	Dinar		159.00						159.00
Joseph Lai:									
Italy	Euro		224.00						224.00
Cote d'Ivoire	Franc		161.00						161.00
Ethiopia	Birr		153.00						153.00
Kuwait	Dinar		159.00						159.00
Ellen Beares:									
Ireland	Euro		866.00						866.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM APR. 1, TO JUNE 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Brussels	Euro		700.00						700.00
Czech Republic	Koruna		939.42						939.42
United States	Dollar				8,201.10				8,201.10
Senator Judd Gregg:									
United Kingdom	Pound		417.00						417.00
Kate Kaufer:									
Mexico	Peso		190.00						190.00
Colombia	Peso		1,080.00						1,080.00
United States	Dollar				3,227.68		85.00		3,312.68
Total			22,642.63		53,056.07		165.00		75,863.70

SENATOR DANIEL K. INOUE,
Chairman, Committee on Appropriations, July 23, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.O. 95-384—22
U.S.C. 1756(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Daniel A. Lerner:					4,018.09				4,018.09
United States	Dollar								
Israel	New Shekel		1,443.00						1,443.00
Roosevelt Barfield:					7,253.30				7,253.30
United States	Dollar								
Germany	Euro		768.00			502.10			1,270.10
Djibouti	Franc		174.00			393.00			567.00
Ethiopia	Birr		153.00			278.18			431.18
Kenya	Shilling		160.71						160.71
Nathan Davern:					7,253.30				7,253.30
United States	Dollar								
Germany	Euro		768.00			502.10			1,270.10
Djibouti	Franc		174.00			393.00			567.00
Ethiopia	Birr		153.00			278.18			431.18
Kenya	Shilling		160.71						160.71
Senator Jack Reed:					3,592.10				3,592.10
United States	Dollar								
Pakistan	Dollar		8.00						8.00
Afghanistan	Dollar		13.00						13.00
Carolyn Chuhta:					3,592.10				3,592.10
United States	Dollar								
Pakistan	Dollar		8.00						8.00
Afghanistan	Dollar		5.00						5.00
Senator Roland W. Burris:					7,253.30				7,253.30
United States	Dollar								
Germany	Euro		568.00			502.10			1,070.10
Djibouti	Franc		174.00			393.00			567.00
Ethiopia	Birr		78.00			278.18			356.18
Kenya	Shilling		60.71						60.71
Adam J. Barker:					2,313.70				2,313.70
United States	Dollar								
Honduras	Dollar		176.00						176.00
Senator Kay R. Hagan:					3,592.10				3,592.10
United States	Dollar								
Pakistan	Dollar		8.00						8.00
Afghanistan	Dollar		8.00						8.00
Roger Pena:					3,592.10				3,592.10
United States	Dollar								
Pakistan	Dollar		8.00						8.00
Afghanistan	Dollar		5.00						5.00
Senator Susan M. Collins:									
Qatar	Riyal		328.00						328.00
Austria	Euro		211.00						211.00
France	Euro		228.00						228.00
United Kingdom	Pound		194.00						194.00
Netherlands	Euro		212.00						212.00
Robert L. Strayer II:									
Qatar	Riyal		328.00						328.00
Austria	Euro		211.00						211.00
France	Euro		228.00						228.00
United Kingdom	Pound		194.00						194.00
Netherlands	Euro		212.00						212.00
Michael V. Kostiw:					4,817.69				4,817.69
United States	Dollar								
Israel	New Shekel		1,443.00						1,443.00
Germany	Euro		2,242.00						2,242.00
Michael J. Kuiken:					2,208.00				2,208.00
United States	Dollar								
Honduras	Limpira		556.00						556.00
Senator Lindsey Graham:									
Qatar	Dollar		328.00						328.00
Dana W. White:					6,705.80				6,705.80
United States	Dollar								
Belgium	Euro		468.87						468.87
Senator James M. Inhofe:									
Cote d'Ivoire	Franc		25.00						25.00
Ethiopia	Birr		94.28						94.28
Kuwait	Dinar		7.75						7.75
Italy	Euro		163.96						163.96
Anthony Lazarski:									
Cote d'Ivoire	Franc		82.05						82.05
Ethiopia	Birr		102.30						102.30
Kuwait	Dinar		61.35						61.35
Italy	Euro		123.01		100.68				223.69

August 3, 2010

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.O. 95—384—22
U.S.C. 1756(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mark Powers:									
Cote d'Ivoire	Franc		28.00						28.00
Ethiopia	Birr		97.28						97.28
Kuwait	Dinar		11.75						11.75
Italy	Euro		162.28						162.28
Ryan Thompson:									
Cote d'Ivoire	Franc		62.01						62.01
Ethiopia	Birr		106.28						106.28
Kuwait	Dinar		7.75						7.75
Italy	Euro		147.28						147.28
William G.P. Monahan:									
Belgium	Euro		260.00						260.00
United States	Dollar				6,705.80				6,705.80
Senator Kay R. Hagan:									
China	Dollar		509.00						509.00
Michael Harney:									
China	Dollar		250.00						250.00
Senator Mark Udall:									
China	Dollar		128.73				188.85		317.58
Michael Sozan:									
China	Dollar		183.05						183.05
Christian D. Brose:									
Syria	Dollar		723.00						723.00
Turkey	Dollar		665.00						665.00
Total			16,459.11		62,998.06		3,708.69		83,165.86

SENATOR CARL LEVIN,
Chairman, Committee on Armed Services, July 15, 2010.CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22
U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher J. Dodd:									
Brazil	Real		340.00						340.00
Argentina	Peso		510.00						510.00
Chile	Peso		174.00						174.00
United States	Dollar				8,808.20				8,808.20
Ryan C. Drajewicz:									
Brazil	Real		320.00						320.00
Argentina	Peso		490.00						490.00
Chile	Peso		154.00						154.00
United States	Dollar				10,366.20				10,366.20
Joshua Blumenfeld:									
Brazil	Real		290.00						290.00
Argentina	Peso		510.00						510.00
Chile	Peso		124.00						124.00
United States	Dollar				9,498.51				9,498.51
Senator Christopher J. Dodd:									
Colombia	Peso		362.00						362.00
Ecuador	Dollar		179.00						179.00
Peru	Soles		493.00						493.00
United States	Dollar				511.70				511.70
Joshua Blumenfeld:									
Colombia	Peso		292.00						292.00
Ecuador	Dollar		179.00						179.00
Peru	Soles		403.00						403.00
United States	Dollar				511.70				511.70
Senator Mark Warner:									
Colombia	Peso		362.00						362.00
Ecuador	Dollar		179.00						179.00
Peru	Soles		493.00						493.00
United States	Dollar				511.70				511.70
Mark Brunner:									
Colombia	Peso		362.00						362.00
Ecuador	Dollar		179.00						179.00
Peru	Soles		493.00						493.00
United States	Dollar				511.70				511.70
Total			6,888.00		30,719.71				37,607.71

SENATOR CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing, and Urban Affairs,
July 14, 2010.CONSOLIDATED REPORT OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22
U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Udall:									
United States	Dollar				11,199.10				11,199.10
United Arab Emirates	Dirham		536.00						536.00
Afghanistan	Afghani		78.00						78.00
Pakistan	Rupee		950.10						950.10

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Collins:									
United States	Dollar				11,199.10				11,199.10
United Arab Emirates	Dirham		536.00						536.00
Afghanistan	Afghani		78.00						78.00
Pakistan	Rupee		950.10						950.10
Bob King:									
United States	Dollar				3,069.40				3,069.40
Morocco	Dirham		1,210.00						1,210.00
Total			4,338.20		25,467.60				29,805.80

SENATOR JOHN D. ROCKEFELLER IV.
Chairman, Committee on Commerce, Science and Transportation,
July 28, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Bingaman:									
United States	Dollar				12,327.00				12,327.00
China	Yuan		1,737.79						1,737.79
Robert M. Simon:									
United States	Dollar				12,327.00				12,327.00
China	Yuan		1,819.05						1,819.05
Tara Billingsley:									
United States	Dollar				11,143.70				11,143.70
China	Yuan		1,824.79						1,824.79
Derek Dorn:									
United States	Dollar				11,257.00				11,257.00
China	Yuan		1,840.79						1,840.79
Allen Stayman:									
United States	Dollar				4,998.23				4,998.23
United States	Dollar		223.66						223.66
Micronesia	Dollar		579.84						579.84
Marshall Islands	Dollar				2,187.24				2,187.24
Marshall Islands	Dollar		517.84						517.84
Isaac Edwards:									
United States	Dollar				4,998.23				4,998.23
United States	Dollar		223.66						223.66
Micronesia	Dollar				10.00				10.00
Micronesia	Dollar		544.18						544.18
Marshall Islands	Dollar				2,198.24				2,198.24
Marshall Islands	Dollar		458.96						458.96
Total			9,770.56		61,446.64		0.00		71,217.20

SENATOR JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, June 10, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lauri Hettinger:									
United States	Dollar				8,236.10				8,236.10
Ireland	Euro		766.00						766.00
Belgium	Euro		513.50		13.85				527.35
Czech Republic	Crown		1,223.80		325.42				1,549.22
Total			2,503.30		8,575.37				11,078.67

SENATOR BARBARA BOXER,
Chairman, Committee on Environment and Public Works, July 23, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
United Arab Emirates	Dirham		252.03						252.03
Pakistan	Rupee		268.68						268.68
United States	Dollar				9,637.10				9,637.10
Chelsea Thomas:									
United Arab Emirates	Dirham		313.86						313.86
Pakistan	Rupee		283.92						283.92
United States	Dollar				9,637.10				9,637.10
Andrew Person:									
United Arab Emirates	Dirham		279.03						279.03

August 3, 2010

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Pakistan	Rupee		275.06						275.06
United States	Dollar				9,672.10				9,672.10
*Delegation Expenses:									
Pakistan	Rupee						1,368.02		1,368.02
William Dauster:									
Israel	New Shekel		1,758.20						1,758.20
United States	Dollar				4,040.69				4,040.69
Rory Murphy:									
Israel	New Shekel		1,501.58						1,501.58
United States	Dollar				4,040.69				4,040.69
*Delegation Expenses:									
Israel	New Shekel						288.40		288.40
Amber Cottle:									
Vietnam	Dong		991.44						991.44
Singapore	Dollar		776.07						776.07
United States	Dollar				12,871.90				12,871.90
Michael Smart:									
Vietnam	Dong		890.62						890.62
Singapore	Dollar		772.08						772.08
United States	Dollar				12,844.90				12,844.90
Chelsea Thomas:									
Vietnam	Dong		996.17						996.17
Singapore	Dollar		813.50						813.50
United States	Dollar				12,156.90				12,156.90
Jeffrey Phan:									
Vietnam	Dong		798.20						798.20
Singapore	Dollar		718.77						718.77
United States	Dollar				12,140.20				12,140.20
Nick Christiansen:									
Vietnam	Dong		963.83						963.83
Singapore	Dollar		790.47						790.47
United States	Dollar				14,414.90				14,414.90
Jayne White:									
Vietnam	Dong		870.80						870.80
Singapore	Dollar		829.63						829.63
United States	Dollar				12,871.90				12,871.90
Peter Kaldes:									
Vietnam	Dong		862.67						862.67
Singapore	Dollar		802.19						802.19
United States	Dollar				6,292.90				6,292.90
Jack M. Campbell:									
Vietnam	Dong		941.52						941.52
Singapore	Dollar		887.39						887.39
United States	Dollar				14,414.90				14,414.90
Amy Overton:									
Vietnam	Dong		846.41						846.41
Singapore	Dollar		770.92						770.92
United States	Dollar				12,871.90				12,871.90
Christopher Campbell:									
Vietnam	Dong		921.01						921.01
Singapore	Dollar		902.42						902.42
United States	Dollar				12,871.90				12,871.90
William Castle:									
Vietnam	Dong		776.46						776.46
Singapore	Dollar		741.80						741.80
United States	Dollar				12,871.90				12,871.90
James Catella:									
Vietnam	Dong		926.52						926.52
Singapore	Dollar		713.71						713.71
United States	Dollar				5,180.90				5,180.90
Staci Lancaster:									
Vietnam	Dong		836.47						836.47
Singapore	Dollar		717.53						717.53
United States	Dollar				12,871.90				12,871.90
Michael Seyfert:									
Vietnam	Dong		890.62						890.62
Singapore	Dollar		493.25						493.25
United States	Dollar				12,844.90				12,844.90
David Kavanaugh:									
Vietnam	Dong		774.38						774.38
Singapore	Dollar		1,060.58						1,060.58
United States	Dollar				14,414.90				14,414.90
Travis Jordan:									
Vietnam	Dong		970.00						970.00
United States	Dollar				12,475.90				12,475.90
Andrew Siracuse:									
Vietnam	Dong		913.85						913.85
Singapore	Dollar		755.40						755.40
United States	Dollar				14,414.90				14,414.90
Ayesha Khanna:									
Vietnam	Dong		972.38						972.38
Japan	Yen		655.89						655.89
United States	Dollar				10,854.40				10,854.40
*Delegation Expenses:									
Vietnam	Dong				2,164.57				2,164.57
*Delegation Expenses:									
Singapore	Dollar				1,009.09				1,009.09
Deidra Henry-Spires:									
Belgium	Euro		167.41						167.41
United States	Dollar				1,040.70				1,040.70
Senator Debbie Stabenow:									
China	Renminbi		54.83						54.83
United States	Dollar				2,282.90				2,282.90
Peter Kaldes:									
China	Renminbi		254.83						254.83
United States	Dollar				2,282.90				2,282.90
Total			34,754.38		265,489.84		1,656.42		301,900.64

SENATOR MAX BAUCUS,
Chairman, Committee on Finance, July 29, 2010.

* Delegation expenses include interpretation, transportation, security, embassy overtime and official functions, as well as other official expenses in accordance with the responsibilities of the host country.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Corker:									
Lebanon	Pound		10.00						10.00
Syria	Pound		20.00						20.00
Greece	Euro		10.00						10.00
United States	Dollar				9,949.20				9,949.20
Senator John Kerry:									
Syria	Pound		72.00						72.00
Italy	Euro		211.00						211.00
Israel	Shekel		249.98						249.98
United States	Dollar				4,196.72				4,196.72
Senator Jim Webb:									
Korea	Won		390.00						390.00
Thailand	Baht		586.00						586.00
United States	Dollar				16,774.00				16,774.00
Fulton Armstrong:									
Nicaragua	Cordoba		214.00						214.00
Honduras	Lempira		325.00						325.00
United States	Dollar				2,356.70				2,356.70
Haiti	Dollar		326.00						326.00
United States	Dollar				794.80				794.80
Jason Bruder:									
Turkey	Lira		1,489.00						1,489.00
Israel	Shekel		362.00						362.00
United States	Dollar				6,337.09				6,337.09
Perry Cammack:									
Israel	Shekel		314.00						314.00
United States	Dollar				4,196.72				4,196.72
Steve Feldstein:									
Haiti	Dollar		280.00						280.00
United States	Dollar				794.80				794.80
Pakistan	Rupee		833.00						833.00
United States	Dollar				10,339.60				10,339.60
Douglas Frantz:									
United Arab Emirates	Dirham		535.00						535.00
Afghanistan	Afghani		66.00						66.00
Pakistan	Rupee		183.00						183.00
United States	Dollar				9,740.40				9,740.40
Frank Jannuzi:									
Philippines	Peso		1,722.00						1,722.00
Singapore	Dollar		410.00						410.00
United States	Dollar				10,981.90				10,981.90
Garrett Johnson:									
Dominican Republic	Dollar		600.00						600.00
United States	Dollar				1,372.28				1,372.28
Andrew Keller:									
Uganda	Shilling		1,838.27						1,838.27
United States	Dollar				3,863.80				3,863.80
Robin Lerner:									
Burma	Kyat		155.00						155.00
Bangladesh	Daka		150.00						150.00
United States	Dollar				13,035.50				13,035.50
Frank Lowenstein:									
Syria	Pound		179.00						179.00
Italy	Euro		183.00						183.00
Israel	Shekel		314.00						314.00
United States	Dollar				4,196.72				4,196.72
Michael Mattler:									
Uganda	Shilling		1,914.36						1,914.36
United States	Dollar				8,652.10				8,652.10
Marta McLellan-Ross:									
Korea	Won		210.00						210.00
Thailand	Baht		346.00						346.00
United States	Dollar				16,774.00				16,774.00
Carl Meacham:									
Mexico	Peso		1,050.00						1,050.00
United States	Dollar				2,402.17				2,402.17
Dominican Republic	Peso		600.00						600.00
United States	Dollar				1,372.28				1,372.28
Stacie Oliver:									
Lebanon	Pound		50.00						50.00
Syria	Pound		150.00						150.00
Greece	Euro		77.00						77.00
United States	Dollar				10,397.80				10,397.80
Nilmini Rubin:									
Tanzania	Shilling		1,125.00						1,125.00
United States	Dollar				12,521.90				12,521.90
Dorothy Shea:									
Syria	Pound		257.00						257.00
Saudi Arabia	Riyal		308.00						308.00
United States	Dollar				8,637.40				8,637.40
Shannon Smith:									
Tanzania	Shilling		529.00						529.00
United States	Dollar				13,065.60				13,065.60
Joel Starr:									
Côte d'Ivoire	Franc		44.01						44.01
Ethiopia	Birr		94.28						94.28
Kuwait	Dinar		7.75						7.75
Italy	Euro		94.04						94.04
Fatema Sumar:									
Pakistan	Rupee		833.00						833.00
United States	Dollar				10,339.60				10,339.60
Atman Trivedi:									
Philippines	Peso		1,722.00						1,722.00
Singapore	Dollar		410.00						410.00
United States	Dollar				11,658.90				11,658.90
Laura Winthrop:									
United Arab Emirates	Dirham		572.00						572.00
Afghanistan	Afghani		28.00						28.00
Pakistan	Rupee		120.00						120.00

August 3, 2010

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CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				11,674.40				11,674.40
Haiti	Dollar		300.00						300.00
United States	Dollar				794.80				794.80
Total			22,868.69		207,221.18				230,089.87

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, July 23, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin: Republic of Haiti	Gourde				12.57				12.57
Rosemary Gutierrez: Republic of Haiti	Gourde				12.57				12.57
Total					25.14				25.14

SENATOR TOM HARKIN,
Chairman, Committee on Health, Education, Labor, and Pensions,
June 3, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS, AMENDED, FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Wendy R. Anderson: United States	Dollar				2,228.85				2,228.85
Netherlands	Euro		629.34						629.34
Germany	Euro		826.10		5,210.00				6,036.10
Saudi Arabia	Riyal		105.00						105.00
Yemen	Riyal		650.00						650.00
Bradford D. Belzak: United States	Dollar				4,047.40				4,047.40
Netherlands	Euro		620.14						620.14
Germany	Euro		821.50		5,210.00				6,031.50
Saudi Arabia	Riyal		129.00						129.00
Yemen	Riyal		648.00						648.00
Thomas A. Bishop: United States	Dollar				3,992.80				3,992.80
Netherlands	Euro		570.41						570.41
Germany	Euro		708.50		5,210.00				5,918.50
Saudi Arabia	Riyal		130.50						130.50
Yemen	Riyal		213.00						213.00
Seamus A. Hughes: United States	Dollar				2,228.85				2,228.85
Netherlands	Euro		698.00						698.00
Germany	Euro		938.00		5,210.00				6,148.00
Saudi Arabia	Riyal		459.00						459.00
Yemen	Riyal		726.00						726.00
Tara L. Shaw: United States	Dollar				3,992.80				3,992.80
Netherlands	Euro		575.53						575.53
Germany	Euro		770.21						770.21
Saudi Arabia	Riyal		129.79						129.79
Yemen	Riyal		216.06						216.06
Margaret E. Daum: Afghanistan	Afghani		28.00						28.00
Pakistan	Rupee		222.10						222.10
India	Rupee		144.40		3,043.90				3,188.30
Belgium	Euro		103.97						103.97
Kuwait	Dinar		413.41						413.41
Angela L. Youngen: United States	Dollar				8,398.80				8,398.80
Slovenia	Euro		190.00						190.00
Croatia	Kuna		61.00						61.00
Bosnia-Herzegovina	Convertible Mark		96.00						96.00
Serbia	Dinar		216.00						216.00
Senator Susan M. Collins: United States	Dollar				10,691.00				10,691.00
Switzerland	Franc		334.00						334.00
Benjamin Billings: United States	Dollar				4,928.30				4,928.30
Japan	Yen		1,628.00		140.73				1,768.73
*Delegation Expenses: Kuwait	Dinar						2,113.02		2,113.02
Pakistan	Rupee						2,015.84		2,015.84
Total			14,000.96		64,533.43		4,128.86		82,663.25

SENATOR JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs,
May 14, 2010.

*Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res 179 agreed to May 25, 1977.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lisa Powell:									
United States	Dollar				4,573.25				4,573.25
New Zealand	Dollar		33.96						33.96
Samoa	Tala		663.48						663.48
Sean Stiff:									
United States	Dollar				4,552.99				4,552.99
New Zealand	Dollar		16.20						16.20
Samoa	Tala		579.02		70.10				649.12
Jessica Nagasako:									
United States	Dollar				4,573.25				4,573.25
New Zealand	Dollar		34.17						34.17
Samoa	Tala		622.71						622.71
Benjamin Billings:									
United States	Dollar				4,573.25				4,573.25
Samoa	Tala		688.00						688.00
David Andrew Olson:									
United States	Dollar				4,538.15				4,538.15
Samoa	Tala		898.00						898.00
Ryan Tully:									
United States	Dollar				8,214.00				8,214.00
United Arab Emirates	Dirham		56.37						56.37
Pakistan	Rupee		37.31		2,498.67				2,535.98
Senator John Ensign:									
United States	Dollar				8,214.10				8,214.10
United Arab Emirates	Dirham		39.88						39.88
Pakistan	Rupee		27.31		2,498.67				2,525.98
Senator Thomas R. Carper:									
United States	Dollar				8,214.10				8,214.10
Afghanistan	Afghani		7.00						7.00
Pakistan	Rupee				2,498.67				2,498.67
Wendy R. Anderson:									
United States	Dollar				8,214.10				8,214.10
United Arab Emirates	Dirham		103.00						103.00
Afghanistan	Afghani		7.00						7.00
Pakistan	Rupee		120.00		2,498.67				2,618.67
Seamus Hughes:									
United States	Dollar				4,463.59				4,463.59
Denmark	Kronin		210.00						210.00
Germany	Euro		957.99						957.99
London	Pound		922.00						922.00
Israel	Shekel		361.99						361.99
Bradford D. Belzak:									
United States	Dollar				4,463.59				4,463.59
Denmark	Kronin		210.00						210.00
Germany	Euro		958.00						958.00
United Kingdom	Pound		922.00						922.00
Israel	Shekel		300.00						300.00
Vance Serchuk:									
United States	Dollar				5,987.40				5,987.40
Singapore	Dollar		1,195.00						1,195.00
Total			7,580.39		83,036.65				90,617.04

SENATOR JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs,
July 28, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESSES AND ENTREPRENEURSHIP FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Donald Cravins:									
United States	Dollar				8,434.90				8,434.90
Switzerland	Euro		820.03						820.03
France	Euro		1,863.00		133.34				1,996.34
Brian van Hook:									
United States	Dollar				8,335.90				8,335.90
Switzerland	Euro		820.02						820.02
France	Euro		1,863.00		133.33				1,996.33
John High:									
United States	Dollar				8,434.90				8,434.90
Switzerland	Euro		820.03						820.03
France	Euro		1,863.00		133.33				1,996.33
Wallace Hsueh:									
United States	Dollar				8,434.90				8,434.90
Switzerland	Euro		820.02						820.02
France	Euro		1,863.00		133.34				1,996.34
Matthew Walker:									
United States	Dollar				8,434.90				8,434.90
Switzerland	Euro		820.02						820.02
France	Euro		1,863.00		133.33				1,996.33
Meredith West:									
United States	Dollar				8,434.90				8,434.90
Switzerland	Euro		820.02						820.02
France	Euro		1,863.00		133.33				1,996.33
*Delegation Expenses:									
United States	Dollar					657.00			657.00
Switzerland	Euro					5,847.77			5,847.77
France	Euro					3,000.00			3,000.00

Total	16,098.14	51,310.40	9,504.77	76,913.31
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SENATOR MARY L. LANDRIEU,
Chairman, Committee on Small Business and Entrepreneurship,
July 22, 2010.

* Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, S. Res. 179 agreed to May 25, 1977.

**CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010**

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Louis Tucker	Dollar		2,238.00		11,533.40				2,238.00
David Koger	Dollar		2,238.00		11,452.40				11,533.40
Senator Christopher S. Bond	Dollar		1,116.00		12,022.00		433.37		2,238.00
Richard Girven	Dollar		1,086.00		7,776.50				11,452.40
Michael DuBois	Dollar		1,116.00		10,823.50				1,116.00
Andrew Grotto	Dollar		961.00		8,162.70				12,455.37
Eric Chapman	Dollar		957.00		8,162.70				1,086.00
John Maguire	Dollar		917.00		8,127.70				7,776.50
Andrew Kerr	Dollar		1,325.40		12,231.60				1,116.00
Michael Buchwald	Dollar		1,055.51		12,321.00				10,823.50
James Smythers	Dollar		1,332.40		12,231.60				961.00
Clete Johnson	Dollar		835.00		9,637.10				8,162.70
Randall Bookout	Dollar		2,121.00		11,945.30				957.00
John Dickas	Dollar		1,435.00		11,945.30				8,162.70
Jacqueline Russell	Dollar		1,096.00		9,318.50				917.00
Jennifer Wagner	Dollar		1,096.00		9,318.50				8,127.70
Kathleen Rice	Dollar		1,096.00		9,318.50				1,325.40
James Smythers	Dollar		1,171.00		9,318.50				12,231.60
Senator Dianne Feinstein	Dollar		2,573.76		10,196.18		5,714.03		1,055.51
Michael Buchwald	Dollar		1,875.60		10,674.80				12,321.00
Matthew Nelson	Dollar		2,077.76		11,282.00				12,231.60
Total			29,719.43		217,799.78		6,147.40		253,666.61

SENATOR DIANNE FEINSTEIN,
Chairman, Committee on Intelligence, July 28, 2010.

**CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE—AMENDED FIRST QUARTER REPORT FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2010**

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Carolyn B. Maloney: United States	Dollar				3,788.10				3,788.10
Total					3,788.10				3,788.10

HON. CAROLYN B. MALONEY,
Chairman, Joint Economic Committee, May 3, 2010.

**CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), CONGRESSIONAL-EXECUTIVE COMMITTEE ON CHINA FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010**

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Abigail Story: Hong Kong	Dollar		1,160.00				2,300.00		3,460.00
United States	Dollar				1,270.00				1,270.00
Anka Lee: Hong Kong	Dollar		1,746.00				2,368.30		4,114.30
United States	Dollar				1,268.20				1,268.20
Sharon Mann: Hong Kong	Dollar		1,746.00				2,547.00		4,293.00
United States	Dollar				1,268.20				1,268.20
Charlotte Old. Bowman: China	Yuan		1,812.00						1,812.00
United States	Dollar				2,707.30				2,707.30
Douglas Grob: China	Yuan		3,094.00						3,094.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), CONGRESSIONAL-EXECUTIVE COMMITTEE ON CHINA FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				3,964.70				3,964.70
Kara Abramson:									
China	Yuan		3,094.00						3,094.00
United States	Dollar				3,964.70				3,964.70
Total			12,652.00		14,443.10		7,215.00		34,310.10

SENATOR BYRON L. DORGAN,
Chairman, Congressional-Executive Committee on China, July 27, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Winsome Packer:									
Austria	Euro		31,299.99						31,299.99
United States	Dollar				5,459.20				5,459.20
Erika Schlager:									
Spain	Euro		657.00						657.00
Slovak Republic	Euro		216.00						216.00
Hungary	Forint		133.00						133.00
Czech Republic	Koruna		680.00						680.00
United States	Dollar				6,179.60				6,179.60
Austria	Euro		892.00						892.00
United States	Dollar				1,246.00				1,246.00
Shelly Han:									
Turkmenistan	Manat		300.00						300.00
United States	Dollar				8,945.30				8,945.30
Janice Helwig:									
Austria	Euro		483.00						483.00
United States	Dollar				5,459.60				5,459.60
Turkmenistan	Manat		2,064.00						2,064.00
United States	Dollar				8,887.90				8,887.90
Kyle Parker:									
Poland	Zloty		798.97						798.97
United States	Dollar				8,038.20				8,038.20
Josh Shapiro:									
Czech Republic	Koruna		1,248.00						1,248.00
United States	Dollar				3,034.70				3,034.70
Cynthia Efird:									
Sweden	Krona		1,322.77						1,322.77
United States	Dollar				1,118.80				1,118.80
Austria	Euro		1,938.10						1,938.10
United States	Dollar				1,246.00				1,246.00
Orest Deychakiwsky:									
Denmark	Krone		647.00						647.00
United States	Dollar				4,023.20				4,023.20
Fred Turner:									
Kazakhstan	Tenge		459.00						459.00
United States	Dollar				8,607.00				8,607.00
Alex Johnson:									
Kazakhstan	Tenge		459.00						459.00
Republic of Korea	Won		510.00						510.00
United States	Dollar				9,509.40				9,509.40
Total			44,107.83		71,754.90				115,862.72

SENATOR BENJAMIN L. CARDIN,
Chairman, Commission on Security and Cooperation in Europe, July 22, 2010.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), FOR THE REPUBLICAN LEADER FOR TRAVEL FROM APR. 1 TO JUNE 30, 2010

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tom Hawkins:									
Turkey	Dollar		546.00						546.00
Syria	Pound		138.00						138.00
Total			684.00						684.00

SENATOR MITCH MCCONNELL,
Republican Leader, June 30, 2010.

SECURE AND RESPONSIBLE DRUG
DISPOSAL ACT OF 2010

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to the

immediate consideration of Calendar No. 495, S. 3397.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3397) to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which

had been reported from the Committee on the Judiciary, with amendments, as follows:

[Omit the part in boldface brackets and insert the part printed in *italic*.]

S. 3397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secure and Responsible Drug Disposal Act of 2010".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The nonmedical use of prescription drugs is a growing problem in the United States, particularly among teenagers.

(2) According to the Department of Justice's 2009 National Prescription Drug Threat Assessment—

(A) the number of deaths and treatment admissions for controlled prescription drugs (CPDs) has increased significantly in recent years;

(B) unintentional overdose deaths involving prescription opioids, for example, increased 114 percent from 2001 to 2005, and the number of treatment admissions for prescription opioids increased 74 percent from 2002 to 2006; and

(C) violent crime and property crime associated with abuse and diversion of CPDs has increased in all regions of the United States over the past 5 years.

(3) According to the Office of National Drug Control Policy's 2008 Report "Prescription for Danger", prescription drug abuse is especially on the rise for teens—

(A) one-third of all new abusers of prescription drugs in 2006 were 12- to 17-year-olds;

(B) teens abuse prescription drugs more than any illicit drug except marijuana—more than cocaine, heroin, and methamphetamine combined; and

(C) responsible adults are in a unique position to reduce teen access to prescription drugs because the drugs often are found in the home.

(4)(A) Many State and local law enforcement agencies have established drug disposal programs (often called "take-back" programs) to facilitate the collection and destruction of unused, unwanted, or expired medications. These programs help get outdated or unused medications off household shelves and out of the reach of children and teenagers.

(B) However, take-back programs often cannot dispose of the most dangerous pharmaceutical drugs—controlled substance medications—because Federal law does not permit take-back programs to accept controlled substances unless they get specific permission from the Drug Enforcement Administration and arrange for full-time law enforcement officers to receive the controlled substances directly from the member of the public who seeks to dispose of them.

(C) Individuals seeking to reduce the amount of unwanted controlled substances in their household consequently have few disposal options beyond discarding or flushing the substances, which may not be appropriate means of disposing of the substances.

(D) Long-term care facilities face a distinct set of obstacles to the safe disposal of controlled substances due to the increased volume of controlled substances they handle.

(5) This Act gives the Attorney General authority to promulgate new regulations, within the framework of the Controlled Substances Act, that will allow patients to deliver unused pharmaceutical controlled sub-

stances to appropriate entities for disposal in a safe and effective manner consistent with effective controls against diversion.

(6) The goal of this Act is to encourage the Attorney General to set controlled substance diversion prevention parameters that will allow public and private entities to develop a variety of methods of collection and disposal of controlled substances in a secure and responsible manner.

SEC. 3. DELIVERY OF CONTROLLED SUBSTANCES BY ULTIMATE USERS FOR DISPOSAL.

(a) REGULATORY AUTHORITY.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:

"(g)(1) An ultimate user who has lawfully obtained a controlled substance in accordance with this title may, without being registered, deliver the controlled substance to another person for the purpose of disposal of the controlled substance if—

"(A) the person receiving the controlled substance is authorized under this title to engage in such activity; and

"(B) the disposal takes place in accordance with regulations issued by the Attorney General to prevent diversion of controlled substances.

"(2) *In developing regulations under this subsection, the Attorney General shall take into consideration the public health and safety, as well as the ease and cost of program implementation and participation by various communities. Such regulations may not require any entity to establish or operate a delivery or disposal program.*

"[(2)](3) The Attorney General may, by regulation, authorize long-term care facilities, as defined by the Attorney General by regulation, to dispose of controlled substances on behalf of ultimate users *who reside, or have resided, at such long-term care facilities in a manner that the Attorney General determines will provide effective controls against diversion and be consistent with the public health and safety.*

"(4) *If a person dies while lawfully in possession of a controlled substance for personal use, any person lawfully entitled to dispose of the decedent's property may deliver the controlled substance to another person for the purpose of disposal under the same conditions as provided in paragraph (1) for an ultimate user.*"

(b) CONFORMING AMENDMENT.—Section 308(b) of the Controlled Substances Act (21 U.S.C. 828(b)) is amended—

(1) by striking the period at the end of paragraph (2) and inserting "; or"; and

(2) by adding at the end the following:

"(3) the delivery of such a substance for the purpose of disposal by an ultimate user or long-term care facility acting in accordance with section 302(g) of this title."

SEC. 4. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements to ensure that the guidelines and policy statements provide an appropriate penalty increase of up to 2 offense levels above the sentence otherwise applicable in Part D of the Guidelines Manual if a person is convicted of a drug offense resulting from the authorization of that person to receive scheduled substances from an ultimate user or long-term care facility as set forth in the amendments made by section 3.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to; the bill, as amended, be read a third

time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Committee amendments were agreed to.

The bill (S. 3397), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL OVARIAN CANCER AWARENESS MONTH

Mr. WHITEHOUSE. I ask unanimous consent the Health, Education, Labor and Pensions Committee be discharged from further consideration of S. Res. 555, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 555) supporting the goals and ideals of National Ovarian Cancer Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 555) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 555

Whereas ovarian cancer is the deadliest of all gynecologic cancers;

Whereas ovarian cancer is the 5th leading cause of cancer deaths among women in the United States;

Whereas more than 22,000 women will be diagnosed with ovarian cancer this year, and more than 15,000 will die from it;

Whereas these deaths are those of our mothers, sisters, daughters, family members, and community leaders;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the "War on Cancer" was declared, nearly 40 years ago;

Whereas all women are at risk for ovarian cancer, and 90 percent of women diagnosed with ovarian cancer do not have a family history that puts them at higher risk;

Whereas the Pap test is sensitive and specific to the early detection of cervical cancer, but not to ovarian cancer;

Whereas there is currently no reliable early detection test for ovarian cancer;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas in June 2007, the first national consensus statement on ovarian cancer symptoms was developed to provide consistency in describing symptoms to make it easier for women to learn and remember them;

Whereas, due to the lack of a reliable early detection test, 75 percent of cases of ovarian cancer are detected at an advanced stage, making the overall 5-year survival rate only 45 percent;

Whereas there are factors that are known to reduce the risk for ovarian cancer and that play an important role in the prevention of the disease;

Whereas awareness of the symptoms of ovarian cancer by women and health care providers can lead to a quicker diagnosis;

Whereas, each year during the month of September, the Ovarian Cancer National Alliance and its partner members holds a number of events to increase public awareness of ovarian cancer; and

Whereas September 2010 should be designated as "National Ovarian Cancer Awareness Month" to increase the awareness of the public regarding the cancer: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Ovarian Cancer Awareness Month.

NATIONAL ESTUARIES DAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res 596, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res 596) to designate September 25, 2010, as "National Estuaries Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 596) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 596

Whereas the estuary regions of the United States comprise a significant share of the national economy, with 43 percent of the population, 40 percent of the employment, and 49 percent of the economic output of the United States located in the estuary regions of the United States;

Whereas coasts and estuaries contribute more than \$800,000,000,000 annually in trade and commerce to the United States economy;

Whereas more than 43 percent of all adults in the United States visit a sea coast or estuary at least once a year to participate in

some form of recreation, generating \$8,000,000,000 to \$12,000,000,000 in revenue annually;

Whereas more than 28,000,000 jobs in the United States are supported by commercial and recreational fishing, boating, tourism, and other coastal industries that rely on healthy estuaries;

Whereas estuaries provide vital habitat for countless species of fish and wildlife, including many that are listed as threatened or endangered;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including water filtration, flood control, shoreline stabilization and erosion prevention, and the protection of coastal communities during extreme weather events;

Whereas 55,000,000 acres of estuarine habitat have been destroyed during the 100 years preceding the date of agreement to this resolution;

Whereas bays once filled with fish and oysters have become dead zones filled with excess nutrients, chemical wastes, harmful algae, and marine debris;

Whereas sea level rise is accelerating the degradation of estuaries by—

- (1) submerging low-lying land;
- (2) eroding beaches;
- (3) converting wetland to open water;
- (4) exacerbating coastal flooding; and
- (5) increasing the salinity of estuaries and freshwater aquifers;

Whereas the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) declares that it is the national policy to preserve, protect, develop, and if possible, to restore or enhance, the resources of the coastal zone of the United States, including estuaries, for current and future generations;

Whereas scientific study leads to better understanding of the benefits of estuaries to human and ecological communities;

Whereas Federal, State, local, and tribal governments, national and community organizations, and individuals work together to effectively manage the estuaries of the United States;

Whereas estuary restoration efforts restore natural infrastructure in local communities in a cost effective manner, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits; and

Whereas September 25, 2010, has been designated as "National Estuaries Day" to increase awareness among all people of the United States, including Federal, State and local government officials, about the importance of healthy estuaries and the need to protect and restore estuaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 25, 2010, as "National Estuaries Day";

(2) supports the goals and ideals of National Estuaries Day;

(3) acknowledges the importance of estuaries to the economic well-being and productivity of the United States;

(4) recognizes that persistent threats undermine the health of the estuaries of the United States;

(5) applauds the work of national and community organizations and public partners that promote public awareness, understanding, protection, and restoration of estuaries;

(6) reaffirms the support of the Senate for estuaries, including the scientific study, preservation, protection, and restoration of estuaries; and

(7) expresses the intent of the Senate to continue working to understand, protect,

and restore the estuaries of the United States.

NATIONAL CELIAC DISEASE AWARENESS DAY

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 605 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 605) designating September 13, 2010, as "National Celiac Disease Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 605) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 605

Whereas celiac disease affects approximately 1 in every 130 people in the United States, for a total of 3,000,000 people;

Whereas the majority of people with celiac disease have yet to be diagnosed;

Whereas celiac disease is a chronic inflammatory disorder that is classified as both an autoimmune condition and a genetic condition;

Whereas celiac disease causes damage to the lining of the small intestine, which results in overall malnutrition;

Whereas when a person with celiac disease consumes foods that contain certain protein fractions, that person suffers a cell-mediated immune response that damages the villi of the small intestine, interfering with the absorption of nutrients in food and the effectiveness of medications;

Whereas such problematic protein fractions are found in wheat, barley, rye, and oats, which are used to produce many foods, medications, and vitamins;

Whereas because celiac disease is a genetic disease, there is an increased incidence of celiac disease in families with a known history of celiac disease;

Whereas celiac disease is underdiagnosed because the symptoms can be attributed to other conditions and are easily overlooked by doctors and patients;

Whereas as recently as 2000, the average person with celiac disease waited 11 years for a correct diagnosis;

Whereas 1/2 of all people with celiac disease do not show symptoms of the disease;

Whereas celiac disease is diagnosed by tests that measure the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies;

Whereas celiac disease can be treated only by implementing a diet free of wheat, barley, rye, and oats, often called a "gluten-free diet";

Whereas a delay in the diagnosis of celiac disease can result in damage to the small intestine, which leads to an increased risk for malnutrition, anemia, lymphoma, adenocarcinoma, osteoporosis, miscarriage, congenital malformation, short stature, and disorders of skin and other organs;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjogren's syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who wrote, "if the patient can be cured at all, it must be by means of diet";

Whereas Dr. Samuel Gee was born on September 13, 1839; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of celiac disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 13, 2010, as "National Celiac Disease Awareness Day";

(2) recognizes that all people of the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe National Celiac Disease Awareness Day with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society, and the Celiac Disease Foundation.

MEASURE READ THE FIRST TIME—H.R. 3534

Mr. WHITEHOUSE. I understand that H.R. 3534 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes.

Mr. WHITEHOUSE. I ask now for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, AUGUST 4, 2010

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, August 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader

remarks, the Senate resume consideration of the House message to accompany H.R. 1586, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Tomorrow, there will be 1 hour for debate prior to a cloture vote on the motion to concur with an amendment with respect to H.R. 1586. The amendment to the motion relates to FMAP and teacher funding. Senators should expect the vote to occur around 10:40 a.m.

ORDER FOR ADJOURNMENT

Mr. WHITEHOUSE. Finally, I ask unanimous consent that following the remarks of Senators GRASSLEY and LEMIEUX, the Senate adjourn under the previous order. I thank the distinguished Senator from Iowa for his courtesy in allowing us to go through the closing script in this fashion.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ELENA KAGAN TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session to hear the Kagan nomination.

The Senator from Iowa.

Mr. GRASSLEY. I thank the Senator from Rhode Island. He is always very courteous to me.

Mr. President, I rise to take a few minutes to discuss the reasons why I am voting against Elena Kagan to be Associate Justice. An appointment to the Supreme Court is one of the most important positions an individual can hold under our Constitution. It is a lifetime position on the highest Court of the land. I take very seriously my constitutional role of advice and consent. The Senate's job is not only to provide advice and consent by confirming nominees who are intelligent and accomplished. Our job is to confirm nominees who will be fair and impartial judges, individuals who truly understand the proper role of a Justice in our system of government. Our job, then, is to confirm nominees who will faithfully interpret the law and the Constitution without personal bias or prejudice.

When the Senate makes its determination, we must carefully assess the nominee's legal experiences, record of impartiality, and commitment to the Constitution and rule of law. We need to assess whether the nominee will be

able to exercise what we call judicial restraint. We have to determine if the nominee can resist the siren call to overstep his or her bounds and encroach upon the duties of the legislative and executive branches. Fundamental to the U.S. Constitution are the concepts of these checks and balances and the principle of separation of powers. The preservation of our individual freedoms actually depends on restricting the role of policymaking to legislatures rather than allowing unelected judges with lifetime appointments to craft law and social policy from the judicial bench. The Constitution constrains the judiciary as much as it constrains the legislative branch and the executive branch under the President.

When President Obama spoke about the criteria by which he would select his judicial nominees, he placed a very high premium on a judge's ability to have, in his words, "empathy when deciding the hard cases." This empathy standard glorifies the use of a judge's heart and broader vision of what America should be in the judicial process. He said that individuals he would nominate to the Federal judiciary would have "a keen understanding of how the law affects the daily lives of American people." So when President Obama nominated Elena Kagan to the Supreme Court, we have to assume he believed she met his "empathy" standard.

This empathy standard is a radical departure from our American tradition of blind, impartial justice. That is because empathy necessarily connotes a standard of partiality. A judge's impartiality is absolutely critical to his or her duty as an officer of an independent judiciary, so much so that it is actually mentioned three times in the oath of office that judges take.

Empathetic judges who choose to embrace their personal biases cannot uphold their sworn oath under our Constitution. Rather, judges must reject that standard and decide cases before them as the Constitution and the law requires, even if it compels a result that is at odds with their own political or ideological beliefs.

Justice is not an automatic or a mechanical process. Yet it should not be a process that permits inconsistent outcomes determined by a judge's personal predilections rather than from the Constitution and the law. An empathy standard set by the President that encourages a judge to pick winners and losers based on that judge's personal or political beliefs is contrary to the American tradition of justice.

That is why we should be very cautious in deferring to President Obama's choices for the judicial branch. He set that standard; we did not. We should carefully evaluate these nominees' ability to be faithful to the Constitution. Nominees should not pledge allegiance to the goals of a particular political party or outside interest groups

that hope to implement their political and social agendas from the bench rather than getting it done through the legislative branch.

When she was nominated to the Supreme Court, meaning Ms. Elena Kagan, Vice President BIDEN's Chief of Staff, Ron Klain, assured the leftwing groups that they had nothing to worry about in Elena Kagan because she is, in his words, "clearly a legal progressive." So it is pretty safe to say that President Obama was true to his promise to pick an individual who likely would rule in accordance with these groups' wishes. A Justice should not be a member of someone's team working to achieve a preferred policy result on the Supreme Court. The only team a Justice of the Supreme Court should be on is the team of the Constitution and the law.

I have said on prior occasions that I do not believe judicial experience is an absolute prerequisite for serving as a judge. There have been dozens of people, maybe close to 40, who have been appointed to the Supreme Court who have not had that experience. Solicitor General Kagan, however, has no judicial experience and has very limited experience as a practicing attorney.

Unlike with a judge or even a practicing lawyer, we do not have any concrete examples of her judicial method in action. Thus, the Senate's job of advice and consent is much more difficult. We do not have any clear substantive evidence to demonstrate Solicitor General Kagan's ability to transition from a legal academic and political operative to a fair and impartial jurist.

Solicitor General Kagan's record and her Judiciary Committee testimony failed to persuade me that she would be capable of making this crucial transformation. Her experience has primarily been in politics and academia. As has been pointed out, working in politics does not disqualify an individual from being a Justice. However, what does disqualify an individual is an inability to put politics aside in order to rule based upon the Constitution and the law. In my opinion, General Kagan did not demonstrate that she could do that during her committee testimony. Moreover, throughout her hearings, she refused to provide us with details on her views on constitutional issues.

It was very unfortunate we were unable to elicit forthcoming answers to many of our questions in an attempt to assess her ability to wear the judicial robe. She was not forthright in discussing her views on basic principles of constitutional law, her opinions of important Supreme Court cases or personal beliefs on a number of legal issues. This was extremely disappointing.

Candid answers to our questions were essential for us as Senators to be able

to ascertain whether she possesses the proper judicial philosophy for the Supreme Court. In fact, her unwillingness to directly answer questions about her judicial philosophy indicated a political approach throughout the hearing. I was left with no evidence that General Kagan would not advance her own political ideas if she is confirmed to the Federal bench.

General Kagan's refusal to engage in meaningful discussion with us was particularly disappointing because of her position in a 1995 *Law Review* Article entitled "Confirmation Messes, Old and New." In that article she wrote—and she was then Chicago Law Professor Kagan—that it was imperative that the Senate ask about, and the Supreme Court nominees discuss, their judicial philosophy and substantive views on issues of constitutional law. Specifically, then-Professor Kagan wrote:

When the Senate ceases to engage nominees in meaningful discussion of legal issues, the confirmation process takes on an air of vacuity and farce, and the Senate becomes incapable of either properly evaluating nominees or appropriately educating the public.

That is in Professor Kagan's own words.

Bottom line, General Kagan did not live up to her own standard. She was nonresponsive to many of our questions. She backed away from prior positions and statements. She refused to discuss the judicial philosophy of sitting judges.

When asked about her opinions on constitutional issues or Supreme Court decisions, she either declined to answer or engaged in an overview of the status of the law rather than a discussion of her own personal views. Because of her shallow record on the issues, this approach to the hearing was extremely troubling.

At her confirmation hearing, General Kagan told us to "look to [her] whole life for indications of what kind of judge or Justice [she] would be." Well, General Kagan's record has not been a model of impartiality, as we looked at her record and her life just as she asked us to. There is no question that throughout her career she has shown a strong commitment to far-left ideological beliefs. Solicitor General Kagan's upbringing steeped her in deeply held liberal principles that at one point she stated she had "retained . . . fairly intact to this date." Her jobs have generally never required her to put aside her political beliefs, and she has never seen fit to do so. Her first instinct and the instincts she has relied upon throughout her career are her liberal, progressive political instincts put to work for liberal, progressive political goals. I have no evidence that if Solicitor General Kagan were confirmed to the Supreme Court she would change her political ways or check her political instincts or goals at the courthouse door.

In fact, General Kagan gained her legal expertise by working in politics. She started out by working on Congresswoman Liz Holtzman's Senate campaign, hoping for, in her words, a "more leftist left." She also worked as a volunteer in Michael Dukakis's Presidential run. The Dukakis campaign wisely put her to work at a task that is political to the core—opposition research. There she found a place where she was encouraged to use her political savvy and make decisions based upon her liberal, progressive ideology.

Moreover, while clerking for Justice Marshall, General Kagan's liberal personal convictions—rather than the Constitution and the law—seemed to be her ultimate guide when analyzing cases. General Kagan consistently relied on her political instincts when advising Justice Marshall, channeling and ultimately completely embracing his philosophy of "do[ing] what you think is right and let[ting] the law catch up." Her Marshall memos clearly indicate a liberal and outcome-based approach to her legal analysis.

In several of her memos, it is apparent she had a difficult time separating her deeply held liberal views and political beliefs from the law. For example, in one case she advised Justice Marshall to deny certiorari because the Court might make "some very bad law on abortion." In another case, she was "not sympathetic" that an individual's constitutional right to keep and bear arms had been violated. In essence, her judicial philosophy was a very political one.

During her tenure at the White House, Solicitor General Kagan worked on a number of highly controversial issues, such as abortion, gun rights, campaign finance reform, and the Whitewater and Paula Jones scandals. She herself described her work for President Clinton as being primarily political in nature.

In a 2007 speech, she said:

During most of the time I spent at the White House, I did not serve as an attorney, I was instead a policy adviser. . . . It was part of my job not to give legal advice, but to choose when and how to ask for it.

Her documents from the Clinton Library prove just that. She forcefully promoted far-left positions and offered analyses and recommendations that were far more political than legal in nature. For example, during the Clinton administration, General Kagan was instrumental in leading the fight to keep partial-birth abortion on the books. Documents show that she boldly inserted her own political beliefs in the place of science. Specifically, she re-drafted language for a nonpartisan medical group to override scientific findings against partial-birth abortion in favor of her own extreme views. Despite the lack of scientific studies showing that partial-birth abortion was never necessary and her own

knowledge that “there aren’t many [cases] where use of the partial-birth abortion is the least risky, let alone the ‘necessary,’ approach.” Solicitor General Kagan had no problem intervening with the American College of Obstetricians and Gynecologists to change their own policy statement.

After her intervention, this doctor group’s statement no longer accurately reflected the medically supported position of the obstetricians and gynecologists. Rather, the group’s statement now said that partial-birth abortions should be available if the procedure might affect the mother’s physical, emotional or psychological well-being. The reality is that General Kagan’s change was not a mere clarification. It was, in fact, a complete reversal of the medical community’s original statement.

Other documents show that Solicitor General Kagan also lobbied the American Medical Association to change a statement it had issued on partial-birth abortion. These documents demonstrated her “willingness to manipulate medical science to fit the Democratic Party’s political agenda on a hot button issue of abortion.”

During her hearing, General Kagan refused to admit she participated in the decisionmaking process of what language the gynecologists would use in their statement on partial-birth abortion. The documents present a very different picture. Although she stated that there was “no way she could have intervened with the ACOG,” she did exactly that. Instead of responding to a legitimate inquiry in an open and honest manner, she deflected the question and gave, at best, non-responsive answers.

In addition, Solicitor General Kagan worked on a number of initiatives to undermine second amendment rights. She was front and center of the Clinton administration’s anti-second amendment agenda. She collaborated closely with Jose Cerda on the administration’s plan to ban guns by “taking the law and bending it as far as we can to capture a whole new class of guns.” After the Supreme Court in *Printz v. U.S.* found parts of the Brady antigun law to be unconstitutional, she endeavored to find legislative and executive branch responses to deny citizens’ second amendment rights.

Even in academia, Solicitor General Kagan took steps and positions that were based on her strongly held personal beliefs rather than an evenhanded reading of the law. As dean of Harvard Law School, she actively defied Federal law by banning military recruiters from campus while the Nation was at war. Prior to her appointment as dean, the Department of Defense had made clear to Harvard that the school’s previous recruitment policy was not in compliance with the Solomon Amendment, so Harvard did what

Harvard should have done: changed its policy to abide by the Federal law. But when the Third Circuit, which does not include Massachusetts, ruled on the issue, then-Dean Kagan immediately reinstituted the policy barring the military from the Harvard campus. She took this position because she personally believed the military’s longstanding policy of don’t ask, don’t tell, in her words, was “a profound wrong—a moral injustice of the first order.” She claimed her policy was equal treatment. However, the Air Force believed the policy was playing games with its ability to recruit. The Army believed the policy resulted in it being stonewalled. Then-Dean Kagan was entitled to her opinion, but—no different than anybody else in this country—she was not free to ignore the law. The Solomon Amendment required that military recruiters be allowed equal access to the university as any other recruiter.

The bottom line is that then-Dean Kagan refused to follow the law and instead interpreted that law in accordance with her personal beliefs. The Supreme Court unanimously rejected her legal position on the Solomon Amendment and upheld our military.

I am concerned that Solicitor General Kagan will continue to use her personal politics and ideology to drive her legal philosophy if she is confirmed to the Supreme Court, particularly since her record shows she has worked to bend the law to fit her political wishes.

Further, I am concerned with the praise Solicitor General Kagan has lavished on liberal jurors who promote activist philosophies such as those of Israeli Judge Aharon Barak. Judge Barak is a major proponent of judicial activism who believes judges should “bridge the gap between law and society.” He also went on to say that we ought to use international law to advance a social and political agenda on the bench.

At a Harvard law event attended by then-Dean Kagan, Judge Barak noted with approval cases in which “a judge carries out his role properly by ignoring the prevalent social consensus and becoming a flag bearer of new social consensus.” When I asked General Kagan if she endorsed such an activist judicial philosophy, she replied that Judge Barak’s philosophy was something “so different from any that we would use or want to use in the United States.” But that contradicts her previous statement about Judge Barak that he is a “great, great judge” who “presided over the development of one of the most principled legal systems in the world.” I am not able to ascertain if Solicitor General Kagan agrees with Judge Barak or if she rebukes his positions, so I am left to believe she endorses the judicial method of what she calls her “judicial hero” and his views

on judicial restraint or lack thereof. I cannot support a Supreme Court nominee whose judicial philosophy endorses judicial activism as opposed to judicial restraint.

With respect to the second amendment, General Kagan testified that the Heller and McDonald cases were binding precedent for the lower courts and due all the respect of precedent. However, I worry that, if confirmed, her deeply engrained personal belief will cause her to overturn this precedent because she does not personally agree with those decisions or the constitutional right to bear arms. At the hearing, Solicitor General Kagan was unwilling to discuss her personal views on the second amendment or whether she believes the right to bear arms is what it is today—a fundamental right. When I asked her about her thoughts on the issue, she simply replied that she “had never thought about it before.” I also asked her whether she believed self-defense was at the core of the second amendment. She could only respond: “I have never had the occasion to look into the history of the matter.” As a former constitutional law professor both at Chicago and Harvard, Solicitor General Kagan’s response ought to be troubling to anybody who heard it.

A key theme in the U.S. Constitution reflects the important mandate of the Declaration of Independence. It is the recognition that the ultimate authority of a legitimate government depends on the consent of a free people, the “consent of the governed.” As Thomas Jefferson wrote:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men deriving their just powers from the consent of the governed.

As former Attorney General Edwin Meese explains:

That all men are created equal means that they are equally endowed with unalienable rights. . . . Fundamental rights exist by nature, prior to government and conventional laws. It is because these individual rights are left unsecured that governments are instituted among men.

So I am concerned that Elena Kagan refused to agree with my comments about the Declaration of Independence—that there are such things as inalienable rights and if government does not give, government cannot take away.

Similarly, Senator COBURN asked General Kagan if she agreed with William Blackstone’s assessment about the right to bear arms and use those arms in self-defense. She replied:

I don’t have a view on what are natural rights, independent of the Constitution.

If you don’t have a view about rights that existed before the Constitution was ever written, do you have the knowledge to be a Supreme Court Justice?

So this is concerning to me because, as one commentator stated:

A legal scholar with no take on such a fundamental constitutional topic [of which individual rights qualify as natural or inalien in character] seems at best disingenuous and at worst, frightening. How can one effectively analyze and apply the Constitution without a firm grip on what basic freedoms underlie our founding documents and national social compact? How can one effectively understand the original intent of the Framers without any opinion on the essential place of certain liberties within the American legal framework?

Bottom line: The fact that General Kagan refused to answer our questions about her personal opinions on the right to bear arms leads me to conclude that she does not believe people have a natural right of self-preservation, unrelated to the Constitution.

I am concerned about Solicitor General Kagan's views on our constitutional right to bear arms not only because of her anti-second amendment work during the Clinton administration but also in light of her memo in the *Sandridge* case when she clerked for Justice Marshall. In her memo, she summarily dismissed the petitioner's contention that the District of Columbia's firearm statute violated his second amendment right to keep and bear arms. Instead of providing a serious basis for her recommendation to deny the certiorari, her entire legal analysis of this fundamental right consisted of one sentence: "I am not sympathetic."

A further basis for my concerns about whether she will protect or undermine the second amendment if she is confirmed is the decision of the Office of Solicitor General under her leadership not to even submit a brief in the second amendment *McDonald* case. Solicitor General Kagan's record clearly shows she is a supporter of restrictive gun laws and has worked on numerous initiatives to undercut second amendment fundamental rights. So, not surprisingly, as Solicitor General, she could not find a compelling Federal interest for the United States to submit a brief in a case that dealt with fundamental rights and the second amendment of the Constitution. This was a case that everyone knew would have far-reaching effects. It is apparent that political calculations and personal beliefs played a role in Solicitor General Kagan's decision not to file a brief in this landmark case to ensure that constitutional rights of American citizens were protected before the Supreme Court.

With respect to the Constitution's commerce clause, Solicitor General Kagan was asked whether she believed there are any limits to the power of the Federal Government over the individual rights of American citizens.

Unfortunately, her response didn't assure me that, if confirmed, she would ensure that any law Congress creates does not infringe on the constitutional

rights of our citizens. Specifically, Senator COBURN asked her whether she believed a law requiring individuals to eat three vegetables and three fruits a day violated the commerce clause. Though pressed on this and other lines of questioning on the commerce clause, she was unwilling to comment on what would represent appropriate limits on Federal power under the Constitution—and probably the commerce clause has been used more than any specific power of Congress for greater control of the Federal Government over State and local governments or over the economy and probably depriving individual rights in the process.

I am not sure Solicitor General Kagan understands that ours—meaning our government—is a limited government and that the restraints on the Federal Government's power are provided by the Constitution and the concept of federalism upon which our Nation is founded. The powers of the Federal Government are explicitly enumerated in article I, section 8 of the Constitution. Further, the 10th amendment provides that the powers not expressly given to the Federal Government in the Constitution are reserved to the States.

The Founding Fathers envisioned that our government would be constitutionally limited in protecting the fundamental rights of life, liberty, and property and that the laws and policies created by the government would be subject to the limits established by the Constitution. As James Madison wrote in *Federalist* No. 45, "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State government are numerous and indefinite."

I am not convinced the Solicitor General appreciates that there are express limits the Constitution places on the ability of Congress to pass laws. I am not persuaded by her nonanswers to our commerce clause questions that she won't be a rubberstamp for unconstitutional laws that threaten an individual's personal freedoms.

With respect to the institution of marriage, I am concerned with Solicitor General Kagan's ability to disregard her own personal beliefs in order to defend the Defense of Marriage Act. Under her supervision, the United States filed a brief stating that "the Administration does not support DOMA as a matter of policy, believes that it is discriminatory, and supports its repeal." At the hearing, she refused to say whether this was an appropriate statement to make considering that it is the duty of the Solicitor General to vigorously defend the laws of the United States. How are we to believe she will uphold a law as a Supreme Court Justice when she disagrees with that law? When she was tasked as the government's lawyer to vigorously de-

fend the law, clearly she put her personal politics and beliefs first. It is obvious that supporting the repeal of a law is not vigorously defending that law.

There are other occasions where General Kagan's personal beliefs rather than the law appear to have guided her decisions as Solicitor General. For example, with respect to her handling of the lawsuits attempting to overturn the don't ask, don't tell policy, she didn't file an appeal in the *Witt v. Department of the Air Force* case to uphold the constitutionality of the law, even though there was a split in the circuit courts on this issue. I have already discussed Solicitor General Kagan's actions at Harvard Law and how she thwarted our military's recruitment efforts because of her deeply held views against the don't ask, don't tell policy. I cannot imagine that her personal opinions on this matter did not play a role in decisionmaking at the Solicitor General's Office with respect to the *Witt* case.

I am also concerned about Solicitor General Kagan's views on property rights. The fifth amendment states that the government "shall not take private property rights for public use without just compensation." In 2004, the Supreme Court took an expansive view of the words "public use" in *Kelo v. City of New London*, allowing the government to take private property so that it could be transferred to another person promoting economic development. At the hearing, Solicitor General Kagan refused to comment on whether she believed the Court had correctly interpreted the text of the Constitution in the *Kelo* case. She also did not elaborate on any limits to the government's ability to take private property. I am concerned that she does not agree that the ruling in *Kelo* undermines citizens' property rights contained in the Constitution.

Solicitor General Kagan's view of the role of international law is disturbing. At the hearing, she stated that a Justice could look to international law to find "good ideas" when interpreting the U.S. Constitution and our laws. However, when I pressed her on which countries a Justice should look to in order to find those "good ideas," she refused to answer.

I am unaware of how international law can help us better understand our great Constitution. That is because international law should not be used to interpret our Constitution. When we begin to look to international law to interpret our own Constitution, we are at a point then where the meaning of the U.S. Constitution is no longer determined by the consent of the governed.

The importance Solicitor General Kagan places on international law is made abundantly clear by her actions as dean of Harvard, when she implemented a curriculum mandating that

all first-year law students take international law. She said that the first year of law school is the “foundation of legal education,” forming lawyers’ “sense of what the law is, its scopes, its limits, and its possibilities.” Yet, U.S. constitutional law, the class that teaches the founding document of our legal system—a class that almost every other law school in the country believes first-year students should have—is not a mandatory first-year course at Harvard Law.

I don’t disagree that it is helpful for students to understand international law, but I question why it should be a first-year requirement and thus mandatory to graduate—especially when U.S. constitutional law is not required to graduate from Harvard Law School at all—yes, hard to believe; a student can graduate from Harvard Law without having to take a single constitutional law class.

When General Kagan was asked about this, she answered:

Constitutional law should primarily be kept in the upper years, where students can deal with it in a much more sophisticated and in-depth way.

This may seem reasonable, but it does not address why a student is never required to take a constitutional law class to graduate. Because, as dean, she never saw the need to make constitutional law a requirement to graduate, then I am led to believe Solicitor General Kagan believes international law is more important than U.S. constitutional law. This is remarkable—or maybe I should say it is shocking—considering that the Constitution of the United States is our most fundamental law.

I am deeply concerned then that if confirmed to the Supreme Court, General Kagan will put her own strongly held personal views above that of the Constitution and the law.

Throughout her life, Solicitor General Kagan’s background has allowed her to work without having to check her political and ideological views. Her experiences throughout her life have allowed her to indulge, reinforce, and ultimately submit her deeply ingrained liberal beliefs. In my opinion, her record strongly suggests she will not be able to act in an unbiased manner as a Justice.

Her answers and evasions to our questions at the Judiciary Committee hearing also raise serious concern about her ability to set aside her personal political goals when interpreting the Constitution. I am convinced that once confirmed to the Court, her “finely tuned political antenna” and her “political heart” will drive her judicial method, rather than judicial restraint.

At the hearing, General Kagan tried to distance herself from her Oxford thesis, where she embraced judicial activism. In that thesis, she wrote that “it is not necessarily wrong or invalid” for

judges to try to “mold and steer the law in order to promote certain ethical values and achieve certain social ends.” Our great American tradition and the U.S. Constitution soundly reject the notion of judges overstepping their constitutional role by implementing their personal, political, and social goals from the bench. I am not convinced that, if confirmed, General Kagan will actually be able to resist the temptation to do that. That is because I believe her judicial philosophy is really nothing more than a political philosophy. This being the case, I am not at all convinced she will be able to apply the law impartially and not be a rubberstamp for the President or the leftwing interest groups’ political and social agenda.

Solicitor General Kagan acknowledged that it is “difficult to take off the advocate’s hat and put on the judge’s hat.” Yet she could not show us that she had the ability to make the transition from an academic and political operative to what we believe ought to be a fair and impartial jurist. Her testimony did not disprove her far-left record or demonstrate she would not let her political views dominate her approach to the law. I am not persuaded Solicitor General Kagan will be able to overcome that difficulty and transition into an unbiased judge, so I will vote no on her confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

MEASURE READ THE FIRST TIME—S.J. RES. 38

Mr. LEMIEUX. Mr. President, as in legislative session, I understand there is a joint resolution at the desk. I ask for its first reading.

The PRESIDING OFFICER. Without objection, the clerk will state the title of the joint resolution for the first time.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 38) proposing a balanced budget amendment to the Constitution of the United States.

Mr. LEMIEUX. Mr. President, I ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

Mr. LEMIEUX. Mr. President, I rise to speak on the President’s nomination of Elena Kagan to serve as an Associate Justice on the U.S. Supreme Court.

First, I congratulate my colleague from Iowa for his tremendous remarks this evening, as he went through the reasons he will not be supporting Elena Kagan. I congratulate him on such a reasoned and persuasive oration this evening.

Ms. Kagan has been nominated to fill the seat of Justice Stevens. I had the

opportunity, in 2004, to appear before the Court in the position as deputy attorney general of Florida. During that time, because Chief Justice Rehnquist was ill, Justice Stevens presided.

I think before I go into an evaluation of Solicitor General Kagan, it is important to note what a historic figure Justice Stevens is to the American bench and the bar.

Even before he began his 35 years of service on the Supreme Court, he built a stellar reputation as a member of the bar as a lawyer and a careful jurist. He graduated from Northwestern School of Law. He served as a clerk to Supreme Court Justice Wiley Rutledge. Then he spent nearly 20 years, from 1949 to 1969, as a practitioner of law and one of the country’s foremost experts on antitrust law. He taught courses at the University of Chicago, he served on a Department of Justice commission, and he authored various papers on antitrust issues.

It was in 1970 that President Nixon appointed Justice Stevens to the U.S. Court of Appeals for the Seventh Circuit. After 5 years of service there, he was elevated to the Supreme Court.

His service to this country should be remembered, and he gets our thanks. On behalf of a grateful nation, I send my gratitude to him for his unique and important service to this country.

In evaluating a nominee to the U.S. Supreme Court, we in the Senate exercise a solemn obligation. It is a rare time in our constitutional democracy when the three branches come together in one proceeding. One of those is the unfortunate proceeding of impeachment. Thankfully, that is not why we are here. But the other is this proceeding—a proceeding when the President submits for consideration a judicial nominee who is then evaluated by this body under the advice and consent clause of article II, section 2, clause 2 of the U.S. Constitution.

That clause reads, in part:

[The President] shall have Power, by and with Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States.

While we do have that advice-and-consent role on a normal occasion for those other officers, for judges of the lower courts, for ministers and the like, it is a rare occurrence when this body has the honor and opportunity to evaluate a Supreme Court nominee. Because it is a rare occurrence and because this is a lifetime appointment to the head of one of the branches of our coequal government, we have a solemn responsibility to do our job and understand what our job is.

In preparing for this responsibility of providing advice and consent and in being a lawyer who wanted to do a good job and be lawyerly about this work, I took the opportunity to try to

study up on what our opportunity and responsibility is in this confirmation of a Supreme Court Justice.

What do these terms “advice and consent” mean and what is our responsibility and how do we undergo that responsibility to fulfill our constitutional obligation? Certainly, in order to fulfill it, we must understand it.

What does advice and consent mean? Advice certainly means to provide information, counseling, and to give some feedback to the President of the United States as to a nominee. It seems to be more of the role of a counselor than anything else. But of the two words, it is not the most weighty.

The most weighty of the two is consent. In fact, the advice-and-consent function is not found within the enumerated legislative powers. Article I of the Constitution holds those responsibilities. Advice and consent is found in article II, which enumerates the powers of the executive branch, of the President. Advice and consent is shown as a limitation on the President's power. The President cannot just put whomever he or she wishes on a court. He can only do so with the advice and consent of this body. In fact, our Founders did not place this responsibility in both the House and the Senate. They solely put that responsibility among the Members of this body. “Consent” being the operative and, in my mind, meaningful term because without our consent, the nominee is not confirmed.

Our responsibility is not trivial, and we are certainly not here to be a mere rubberstamp on the President's nomination. It is our obligation to thoroughly evaluate and provide that consent because, but for our consent, the nominee will not be seated.

How do we execute that responsibility? What does it mean to provide consent and how should we do it?

Certainly, we have to look at the nominee and the applicant. We have to see that the person will be a person of integrity, that they are thoughtful, that they have experience, and that they will uphold the obligations of a Supreme Court Justice.

Last May, when I started my work of trying to evaluate how I would fulfill my constitutional obligation and started to do some reading of prior confirmation proceedings, the writings of Senators who have come before me, I came upon what I believe is a four-part criteria to evaluate a nominee to the Nation's highest Court.

It should be stressed how important a position this is. There are only nine Justices who sit atop the judicial branch, and they are appointed for life. There is no other portion of government where this is true, to be head of a coequal branch for life—Justice Stevens serving 35 years on the U.S. Supreme Court.

What criteria should we use? I propose the following: One, a nominee

should present a robust body of work. Why? Because there needs to be something for us to evaluate. We need to have the ability, in providing our consent function, to look at a body of work so we can properly execute our responsibility.

This does not mean, nor do I believe, that it is required for a nominee to the U.S. Supreme Court that they have been a judge. In fact, our Constitution provides no requirements for a judge to serve on the U.S. Supreme Court. This is unlike what we see in the Congress. There are specific requirements of how old you have to be to be in the House, to be in the Senate, how many years you must be a resident of this country. The same requirements apply to the President. There are no requirements for a judge as it is stated in the Constitution, for a Justice of the Supreme Court.

In evaluating that there are no requirements, we certainly need to know what the Justice stands for and how the Justice will fulfill his or her obligations on the Court. Without a body of work, that is very difficult to evaluate. While there is no requirement that one be even, in fact, a lawyer, although every person who has been confirmed has been a lawyer, and there is no requirement that you be a judge, if you are not a judge, you do not have a robust body of work for us to evaluate. That makes it more difficult on our part to make a decision of whether we should give our consent and, I suggest, it provides an additional burden to the nominee to be forthcoming when answering questions. Since we do not have a body of work to evaluate, since we cannot look at prior decisions that a judge has handed down, to know how a judge ruled in the past and, therefore, glean how the judge will rule in the future, that nominee must be forthcoming so we can hear how he or she will do his or her job as a Justice.

Second, the nominee must demonstrate an unflinching fidelity to the text of the Constitution and proper restraint against the temptation to expand judicial power. Why do we find this important? I will talk about this more in a minute. It is because we have a separation of powers and checks and balances that were imbued in our Constitution by our Founders. They intended for our government to be counterbalanced by each branch—the legislative, the judicial, and the executive.

It is the beauty of the Constitution that no branch will exert too much authority because it will be checked by the other, each branch having checks on the other. Furthermore, sometimes forgotten, is that the Federal Government is part of a federalist society. We are a Republic, and the Federal Government is only one piece of the governmental structure. The rest are the governments of the States and the

powers and rights which are left to the people under our Constitution. Our Founders sought checks and balances between the Federal Government and the State governments and the people as well.

A nominee must understand that the judiciary cannot expand its role beyond the confines our Founders intended. In fact, we know our Founders intended for the judiciary not to serve as a legislative branch because in article II, the legislative power is vested solely in the Congress.

For a judge or Justice to take on a legislative role, to not have a firm adherence to the law as written, violates the separation of powers, violates the rights and responsibilities of the Congress.

Third, the nominee must make determinations about the meaning of Federal law and the Constitution and apply the law as written, again, because of that separation of powers.

Fourth, the nominee must understand the Court's role in stopping unconstitutional intrusions by the elected branches. Our Founders knew each branch of government would seek to expand the scope of its power. That is the beauty of the checks and balances system—to keep each body in check. They did not want a strong executive. They worried about the tyranny of the executive. But they also worried about the tyranny of the legislative. Nor did they hope the judiciary would become too strong.

Alexander Hamilton wrote in *Federalist* No. 78 that “it is the courts that will serve as the bulwarks of limiting Constitution against legislative encroachment.”

Our Founders designed this intricate system of checks and balances to keep all the governmental bodies and institutions in check, to not expand to the detriment of another body, to not expand to the detriments of our rights and the rights of the States.

In evaluating Solicitor General Kagan—and I note also in comparing her to Justice Stevens—I find she does not have the experience that gives us the opportunity to evaluate her work, to determine what kind of judge or Justice she would be.

In preparing for this decision, I went back and I read a book that was written by one of our predecessors, Senator Paul Simon. It was a book he published in 1992. The book is called “Advice and Consent.” The book concerns the confirmation hearings of Justice Bork and Justice Thomas.

Interestingly, in this book—and it is a very fine book and I commend anyone who is interested in this topic to read it—there is a foreword in the book by Laurence Tribe, the famous constitutional scholar, at the time the Tyler Scholar of Constitutional Law at Harvard University, with whom I believe Solicitor General Kagan served

when she was the dean of Harvard Law School.

In this foreward, I think that Professor Tribe provides a very cogent and focused analysis of the problem we experience in the modern confirmation setting where nominees fail to provide sufficient answers to questions.

Why this is so troubling with Solicitor General Kagan is because we do not have the body of work to evaluate. It has been the course, in the past 20 years, that it seems all the nominees to the Supreme Court give these sort of vapid answers. That is not my phrase. That is, in fact, her phrase. We will talk about that in a moment—vapid answers that come from questions from the Senators on the Judiciary Committee, failing to articulate what your position is on a particular point of law, all the more concerned when we have no record to evaluate.

Here is what Professor Tribe said:

The Court and the Nation cannot afford any more “stealth” nominees who steadfastly decline to answer substantive questions the Senate might pose on the oft-invoked ground that the matter might come before the Court during their possible tenure. This easy refrain does not provide a valid excuse for stonewalling, no matter how frequently it is repeated . . .

On the contrary, the adversary system works best when all concerned, and not just those who nominated the judge, know what there is to be known about the judge’s starting predispositions on a pending issue. And let’s stop pretending that such predispositions do not exist. It hardly fosters fairness to claim that a mind is completely neutral when in fact a lifetime of experiences has unavoidably inclined it one way or another and to other, and to equate an open mind with a blank one insults the intelligence of all concerned.

He goes on to say:

A nominee whose record is too pale to read with the naked eye or whose views are shrouded in fog too dense for anything but the klieg lights of national television to pierce is probably ill-suited for a lifetime seat on the Supreme Court in any event.

Let me repeat:

A nominee whose record is too pale to read with the naked eye or whose views are shrouded in fog too dense . . . is probably ill-suited for a lifetime seat on the Supreme Court.

Mr. President, unfortunately, that describes Solicitor General Kagan. She is an extremely bright and articulate woman. She has a tremendous academic background. I commend her for her public service—of serving in a Presidential administration. I commend her for serving as dean of a law school. That too is public service. But our job is to evaluate these nominees, and we cannot evaluate them if they have no record of how they would rule or how they have ruled, and they provide no sufficient information when they come before the Judiciary Committee of this body. Without that information, how can we faithfully provide our consent?

There is a notion in the law of consent needing to be informed. In fact, it

can’t really be consent in the law if it is not informed. Yet Solicitor General Kagan, without a judicial record and a failure to directly and clearly answer questions, as Professor Tribe writes, fails to give us the information to allow us to give consent in an informed way.

We need to look no further than her own words when she wrote, in a spring 1995 Law Review article. It was a comment on a book that was talking about the confirmation mess, and then-Professor Kagan, also bemoaning the state of confirmation hearings, said:

When the Senate ceases to engage nominees in meaningful discussion of legal issues, the confirmation process takes on an air of vacuity and farce, and the Senate becomes incapable of either properly evaluating nominees or appropriately educating the public.

She described the process before the Judiciary Committee as becoming vapid, and, unfortunately, even though she should know more than anyone else—because those were her words, the charade that she condemned in her article in the 1990s—she engaged in the same charade when she appeared before the Judiciary Committee.

“A nominee whose record is too pale to read with the naked eye or whose views are too shrouded in fog . . . is probably ill-suited for a lifetime appointment,” said Professor Tribe.

Ms. Kagan also has very little practical experience. Unlike Justice Stevens, who practiced law for 20 years, Ms. Kagan practiced law for 2. Never having served before as a judge, we don’t know her record. She said that the confirmation proceedings in the past had an “air of vacuity and farce,” a “vapid and hollow charade.” Instead of following her own admonishment, she participated in that charade. She engaged in the same vapid exercise that she condemned.

The burden was on Ms. Kagan to demonstrate how she would rule as a judge. With no record for us to evaluate, she could not engage in the same charade that she had previously condemned and leave us with nothing to know as to how she would act in a lifetime appointment—an appointment, if Justice Stevens’ record is any sort of indication of how long a “Justice Kagan” might serve, for 35 years.

I have an obligation, Mr. President, under article 2, section 2 to provide advice and consent, and I cannot do so where the nominee cannot or does not provide a record that my colleagues and I can evaluate. We are left without a solid basis upon which to judge how she would judge.

During the Judiciary Committee proceedings, she said she would give binding precedent all the respect of binding precedent. That is meaningless. It gives us no indication of how she might make her decisions, how she might rule.

So I am left with these serious concerns. I am left with the serious concerns about her commitment to uphold the constitutional principle of a limited government, the fundamental protections of the second amendment, and placing law ahead of her personal and political views.

I spoke before about one of these criteria being the fidelity to the Constitution and the principle of a limited Federal Government. “Thomas Jefferson warned us that our written constitution can help secure liberty only if it is not made a blank paper by construction.”

Ms. Kagan testified that her whole life provided indications of what kind of judge or Justice she would be. And in that statement I agree.

As mentioned earlier, before law school, when she was writing a thesis at Oxford, she stated that “new times and circumstances demand a different interpretation of the Constitution,” and that judges may “mold and steer the law in order to promote certain ethical values and achieve certain social ends.” That is not what the Founders intended for a Justice of the Supreme Court.

In that same thesis, she wrote:

The judge’s own experience and values become the most important element in the decision. If that is too results oriented, so be it.

Mr. President, that is a violation of the constitutional requirement that all power legislative be vested in this Congress.

I was concerned about the colloquy that she had with Senator COBURN. In fact, it was something I discussed with her in person prior to her testimony before the Judiciary Committee. This colloquy was about the commerce clause and whether or not it was limited. Remember that our Founders intended for the Federal Government to be limited in its powers. That is why there are enumerated powers in article 1. They are not plenary; they are limited by their number.

Senator COBURN asked her about sponsoring a bill, about requiring Americans to eat their fruits and vegetables, and it got a response from Solicitor General Kagan that it “sounds like a dumb law.” But Senator COBURN asked whether or not it would be constitutional and she failed to provide an answer.

Senator COBURN then put the meat on the bones and asked:

What if I said that eating three fruits and three vegetables would cut health care costs by 20 percent? Now we’re into commerce. And since the government says that 65 percent of all the health care costs [are because of health care], why isn’t that constitutional?

No real meaningful answer to give clarity of how Solicitor General Kagan as Justice Kagan would rule.

Mr. President, the Federal Government has expanded its powers beyond

what our Framers intended—far beyond what our Framers intended. James Madison, in *Federalist* 45, said:

The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite.

But that is not how our constitution is modernly interpreted. We are away from what our Founders intended. We are away from the clear meaning of the words of the Constitution. And Solicitor General Kagan doesn't tell us that the commerce clause has a limit, in her view. And it is through the commerce clause that this Congress and Congresses in the past have sought to enter and to invade every portion of life in this country—things in which our Founders never intended the Federal Government to be involved.

It appears Ms. Kagan has this same view of an expansive Federal Government—a Federal Government that makes States its dependents and apparatuses thereto, a Federal Government that has no limits, a Federal Government that can invade every portion of our lives, a Federal Government that is too vast, too expensive and beyond what our Founders intended.

I am also concerned about Solicitor General Kagan's views on the right to bear arms enumerated in the second amendment. I think she has too little regard for some of our Constitution's most fundamental protections. As a law clerk, she was dismissive of the second amendment, saying she was not sympathetic to the amendment.

During the Clinton administration, she developed numerous anti-second amendment initiatives. In her confirmation process for Solicitor General, she declined to comment on second amendment rights.

There was a discussion earlier of my friend and colleague from Iowa talking about natural rights. I think it is important for us to remember the setting upon which our Framers brought this constitution to bear. There were the Articles of Confederation—a loose arrangement between the States where there was no central government. The Founders took it upon themselves to seek to enact a stronger Federal system but a system that, as the 9th amendment, the 10th amendment and other provisions of the Constitution show, leaves rights to the States and to people; that enumerates specific powers of the Federal Government.

Remember, initially, there were not even the first 10 amendments. Remember, there was a confirmation battle as to whether the States individually would ratify the Constitution. There were anti-Federalists who thought the constitution had gone too far and given too much authority to the Federal Government, and our Founders Hamilton, Madison and Jay, in writing the *Federalist* Papers, had to make the

case of some form of central government. But they gave the assurances that most of the obligations to govern would be left to the people and the States. Ms. Kagan doesn't have that view, it appears.

Finally, I am concerned about the way that then-Dean Kagan treated the military as the dean of Harvard Law School. I think it is outrageous that the U.S. military was not allowed to recruit on campus while she was the dean of the law school. And this idea that the military could go through another part of the school—the Veterans Association but not the Career Services Office—is outrageous. The Veterans Association had no funding, no office. It was not set up to allow law students to interview with the military.

Some have called this the same as “separate but equal.” It was not even equal. It is outrageous. It is outrageous beyond the fact that Harvard received Federal dollars. It is outrageous that a premier institution such as Harvard University, one of our first institutions of higher learning, known throughout the world as being an exceptional school, would not allow the military the benefit of its students to serve by being interviewed on campus, in a regular on-campus process in which every law firm or other agency of government is allowed to participate. And that is a decision that she presided over. That is an error of judgment.

But I also believe that it was an error of law. In 1996, Congress passed the Solomon Amendment allowing the Secretary of Defense to deny Federal grants to institutions of higher education if they prohibited ROTC or military recruitment on campus. Under the Harvard Law School antidiscrimination policy, the military was banned from utilizing its services, and it was concluded that, therefore, those Federal funds would be suspended.

Ms. Kagan refused to abide by that Solomon Amendment when she was the dean. In 2002, Harvard was informed by the Department of Defense its practice of letting military recruiters contact students through the Harvard Law School Veterans Association, but not the Office of Career Services, violated the Federal law. In response, Dean Kagan filed a brief challenging the constitutionality of the Solomon Amendment, which is her right—not a good decision but her right.

The Court of Appeals for the Third Circuit enjoined the law. And Ms. Kagan reinstated Harvard's, in my view, discriminatory policy.

Now, you might say: Well, the court ruled; therefore, it was appropriate for her, if she so chose, to go back to the previous policy because that had been enjoined. However, Massachusetts is not in the Third Circuit, it is in the First. An appellate decision in the Third Circuit is not binding on the

First Circuit. If Dean Kagan wanted to go to court again and seek to have it applied, that would have been one thing. What she did instead is unilaterally follow a decision that had no effect upon her and, in my view, violates the law.

Again, I think Solicitor General Kagan is an extremely intelligent person, an articulate person. I think that she has a commendable career of public service. But she has failed to meet the burden that is required of someone with no judicial record. She has failed to inform us of how she would judge as a member of the U.S. Supreme Court. With no record to read, there is heightened scrutiny on the nominee, and we did not have the opportunity to have full and forthcoming answers from Ms. Kagan. Instead, what we had was the same vapid and vacuous answers that she condemned in her law review article in the mid-1990s, the same type of charade Lawrence Tribe said makes somebody ill-suited for a lifetime appointment, with such a thin record.

If perhaps she would have been more forthcoming, I would have been able to come to a different conclusion. But when you take the lack of her record, her inability to provide clear responses to questions to give us indication of how she would rule, and the concerns about the second amendment, about how she treated the military at Harvard, and her views about the activism of the Court—in light of all those reasons, I will be voting no on Ms. Kagan's confirmation.

I yield the floor.

ADJOURNMENT UNTIL 9:30 TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 8:42 p.m., adjourned until Wednesday, August 4, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE TREASURY

TIMOTHY CHARLES SCHEVE, OF PENNSYLVANIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2010. VICE NANCY KILLEFER, TERM EXPIRED.

TIMOTHY CHARLES SCHEVE, OF PENNSYLVANIA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2015. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHRISTOPHER J. BENCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES M. KOWALSKI

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. ARTHUR W. HINAMAN

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. BENJAMIN F. ADAMS III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL DOUGLAS P. ANSON
BRIGADIER GENERAL ROBERT G. CATALANOTTI
BRIGADIER GENERAL GREGORY E. COUCH
BRIGADIER GENERAL DAVID S. ELMO
BRIGADIER GENERAL JEFFERY E. PHILLIPS
BRIGADIER GENERAL ROBERT P. STALL
BRIGADIER GENERAL WILLIAM D. WAFF

To be brigadier general

COLONEL DANIEL R. AMMERMAN
COLONEL EDWARD G. BURLLEY
COLONEL JODY J. DANIELS
COLONEL WILLIAM F. DUFFY
COLONEL PATRICK J. REINERT
COLONEL DOUGLAS R. SATTERFIELD
COLONEL JOHN H. TURNER III
COLONEL HUGH C. VANROOSEN II
COLONEL RICKY L. WADDELL

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 5044 AND 601:

To be general

LT. GEN. JOSEPH F. DUNFORD, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS D. WALDHAUSER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT B. NELLER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 4333(B) AND 4336(A):

To be lieutenant colonel

ROBERT H. KEWLEY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 4333(B) AND 4336(A):

To be lieutenant colonel

WILEY C. THOMPSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 4333(B) AND 4336(A):

To be colonel

RAYMOND C. NELSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 4333(B) AND 4336(A):

To be colonel

BERNARD B. BANKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 4333(B) AND 4336(A):

To be colonel

DAVID A. WALLACE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MELISSA R. COVOLESKY
TIMOTHY D. LITKA
JOHN H. STEPHENSON II

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JONATHAN J. MCCOLUMN

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

DANIEL E. BANKS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

LATANYA A. POPE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

NED W. ROBERTS, JR.

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JOHN W. PAUL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ERIC S. ALFORD
PAUL J. CISAR
MICHAEL K. HANIFAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GEORGE W. MELELEU
AARON L. POLSTON

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

DEAN P. SUANICO

DAVID A. THOMPSON

To be major

ELIZABETH R. OATES

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

BRIAN F. LANE

To be major

PATRICK J. CONTINO
KIMBERLY D. KUMER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

DUSTIN C. FRAZIER

To be major

ROGER E. JONES
COURTNEY T. TRIPP

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

DONALD P. BANDY

To be major

KEITH J. WILSON

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

STANLEY GREEN
DAVID K. HOWE

To be major

CHRISTOPHER T. BIAIS
JEFFREY P. CHAMBERLAIN
LEVIE J. CONWAY
LAURA JEFFERIES
STEPHEN A. MARSH
CRAIG F. MITCHELL
AMANDA K. PARKHURST
JON B. TIPTON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TIMOTHY J. RINGO

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

WILLIAM A. BROWN, JR.
LESLIE H. TRIPPE
PAUL J. WISNIEWSKI

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

JAIME E. RODRIGUEZ

To be lieutenant commander

KIM P. EUBANKS
ROY FOO
VINCENT M. PERONTI

SENATE—Wednesday, August 4, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, we praise You for Your act of love that comes to us as gifts each day. Thank You for life and health, for strength and wisdom, for hope and joy. Thank You for our lawmakers who work each day to keep us living in the land of the free and the home of the brave. Bless our Senators as they work, providing them with wisdom and courage for the living of these days. May Your everlasting grace and compassion encompass them as You empower them to be faithful in their tasks this and every day. We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 4, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will

resume consideration of the motion to concur with respect to the House message on H.R. 1586, with an amendment dealing with FMAP and teacher funding.

There will be an hour of debate, equally divided, with Senator MURRAY controlling the majority time.

Upon the use or yielding back of time, the Senate will proceed to a roll-call vote on the motion to invoke cloture on the motion to concur. That should occur at around 10:30, 10:45.

MEASURES PLACED ON CALENDAR—H.R. 3534 AND S.J. RES. 38

Mr. REID. Mr. President, I understand there are two items at the desk due for a second reading.

The PRESIDING OFFICER. The majority leader is correct.

The clerk will state the titles of the bills for a second time.

The assistant legislative clerk read as follows:

A bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes.

A joint resolution (S.J. Res. 38) proposing a balanced budget amendment to the Constitution of the United States.

Mr. REID. Mr. President, I object to any further proceedings with respect to these two bills.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar under rule XIV.

Mr. REID. Mr. President, would the Chair announce the business for the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 1586, which the clerk will report.

The assistant legislative clerk read as follows:

House Message on H.R. 1586, motion to concur in the House amendment to the Senate amendment to H.R. 1586, an act to modernize

the air traffic control system and so forth and for other purposes, with an amendment.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid amendment No. 4575 (to the House amendment to the Senate amendment to the bill), in the nature of a substitute.

Reid amendment No. 4576 (to amendment No. 4575), to change the enactment date.

Reid motion to refer the House message on the bill to the Committee on Appropriations, with instructions, Reid amendment No. 4577 (the instructions on motion to refer), to provide for a study.

Reid amendment No. 4578 (to the instructions (amendment No. 4577), of the motion to refer), of a perfecting nature.

Reid amendment No. 4579 (to amendment No. 4578), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 1 hour of debate, with the time equally divided and controlled between the two leaders or their designees, with the Senator from Washington, Mrs. MURRAY, controlling the time of the majority.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak on the time allotted to Senator MURRAY, which I understand is 30 minutes of the hour before the vote; is that true?

The ACTING PRESIDENT pro tempore. That is correct. Without objection, the Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, summer is ending and the school year is going to begin in a few weeks in many States. But as students prepare for the school year, many wonder what the school and classroom will look like. Parents are reading news reports about budget cuts and wonder how that will affect the schools their kids attend—whether art, music, foreign language offerings will be cut and whether some teachers will be gone and how many students will be crowded into one classroom. These worries are justified.

The recession we are now working our way through has crippled many local and State budgets. In Illinois, the fiscal year 2011 budget has a \$13 billion deficit. As a result, the Governor has proposed serious cuts to public education. It has been projected that, in Illinois, come this new school year, we will have as many as 17,000 fewer teachers. Our State is not alone.

States across the country, looking to balance their budgets, are faced with these same hard choices. Through the American Recovery and Reinvestment Act, the stimulus package President Obama brought forward when he was

elected, we acted to save schools, and our investment worked. The State fiscal stabilization fund helped save or create more than 300,000 education jobs across the country. We bought a year, in the hopes that this recession would have turned around. Well, it is moving in the right direction, but we are still suffering from many aspects of it.

Unfortunately, the funding of that bill is expiring and State economies have not fully recovered and, according to recent projections, nearly 150,000 educators have received or will receive pink slips for the next school year.

More than 80 percent of school districts across America have had to lay off teachers. The measure we are considering today and will vote upon in a little more than 45 minutes would create a \$10 billion education jobs fund that will save more than 100,000 jobs in schools across America.

The education jobs fund would save a projected 4,836 education jobs in my home State. That means, roughly, that we are going to save one out of four of the teachers who were going to lose their jobs. I wish it were more, but it is going to help. Adding thousands of workers to the unemployment rolls would be bad for our economy in Illinois, bad for the families of these teachers who lose their jobs, and bad for students. The negative effect will be felt by students for a long time.

Chicago's public schools currently face a \$600 million deficit for the next fiscal year. To close it, they are going to have to cut 2,700 teachers and 300 school-based staffers. Class sizes will be increased to 35 students a room. Nonvarsity sports will be eliminated. Magnet and gifted programs will be reduced. Full-day kindergarten programs will be reduced. Afterschool programs will be reduced. The budget for charter schools will be cut by 11 percent.

Similar hard choices are faced by school districts across Illinois and across the Nation. Elgin School District is planning to cut more than 1,000 jobs, including 732 teachers. That district faces a \$44 million deficit. The Neuqua Valley High School in Naperville may lose its music program. I wish to add that this is a music program that has won two Grammys. It is such an outstanding program in Naperville. They run the risk of closing.

So the students will be hurt and families will suffer. Teachers will lose their jobs. How do you make up for that year of education that has been shortchanged? We do it by voting to help. That is what this does.

The spending in this measure is fully offset and paid for totally. So any argument that is being made about this adding to the deficit, it doesn't. It is a conscious decision to move resources from other parts of the budget, where they are not as high a priority, into the priority of keeping teachers in the classroom.

There is no reason to vote against this. I don't understand how my friends on the other side of the aisle who have argued that they are deficit hawks can ignore the obvious. We pay for this program. We pay to help these teachers. It doesn't add to the deficit. If it is your son or daughter or your grandson or granddaughter who is shortchanged one school year, does it make a difference? Of course, it does. Being shortchanged one school year and then another could put a child in a spiral decline that could affect their lives and their futures immeasurably.

Secretary Arne Duncan has urged Congress to act, saying we need to "keep our teachers teaching, our students learning, and keep our economy growing." I agree with Secretary Duncan.

I urge my colleagues to put politics aside; don't try to focus on who is going to claim a victory when it is all over—Democratic or Republican. The victories we want are for the kids in the classroom and for teachers to stay on the job. That is nonpartisan. It has nothing to do with political party and neither should this vote.

I encourage my colleagues to support this effort. I particularly thank Senator PATTY MURRAY from Washington who is leading our effort to pass this measure.

I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 23 minutes 54 seconds.

Mrs. MURRAY. Thank you. Mr. President, recently we have had the opportunity to consider several bills in the Senate to help ease the burdens for our middle-class families and small business owners that they are facing in this recession.

In late June, we brought a bill to the floor that would provide key targeted tax breaks, including a sales tax deductibility for families in my home State, as well as tax breaks to end our dependence on foreign oil.

In July, we introduced a Wall Street reform bill that included the strongest protections for consumers ever enacted and a guarantee that taxpayers would never be on the hook for bailing out Wall Street again.

A few short weeks ago, we worked to extend unemployment benefits to help stimulate economic growth and those who are in desperate need.

Last week, we introduced a bill that would have provided a new small business lending fund to help the backbone of our economy, our small businesses, grow and hire.

It would have jump-started community bank lending and small businesses, while saving taxpayers \$1 billion.

All those bills had broad across-the-board support. In fact, outside the Senate, they had a lot of support. The conservative-leaning National Federation of Independent Business voiced their support for the small business lending funds.

Hometown community bankers in my State stood to support Wall Street reform. Economists of all political stripes got behind the long-proven benefits of extending unemployment, and so many others around the country found common cause with the benefits of those critical bills.

These bills would help create jobs, put money back in the pockets of taxpayers and small business owners and ease the difficult choices struggling Americans face every day.

But at every turn in the Senate, we have been opposed by those on the other side of the aisle who seem to have long ago made their own choice about anything and everything that comes to the floor. It was a choice that favored politics over people, Wall Street over Main Street, and the status quo over the struggles our families are facing.

It was a choice to say no, no matter what, no matter when, no matter who was hurt.

I go home to Washington State every weekend and I talk to the people I represent. I try to explain what we are working on.

To be honest, it is hard to understand why, when big banks and Wall Street were on the brink of failure and threatening to blow up our entire economy, Republicans immediately came together to help us step back from the brink then. But now that Wall Street is fine and regular families and communities are struggling, those same Republicans are nowhere to be found. I don't have an answer for our families. Quite honestly, I don't understand it myself.

Today, as we prepare for a final week of votes before we go home to face our constituents, those on the other side of the aisle have one last opportunity to show this is not just a political calculation and that we in this Senate can put people first.

The amendment I have offered, and which we will soon vote on, saves jobs and makes sure our kids are not paying the price for this recession. It avoids painful cuts to critical services. And, very importantly, it is fully paid for. For every dollar this amendment invests in saving teacher jobs, reducing class sizes, and avoiding cuts to State

programs, we have found targeted spending cuts.

This amendment includes help for our States in every corner of this country and will help make sure that our most precious resource—our education system—is protected.

Every day brings more reports about the continuing wave of layoffs affecting our school districts across the country. According to recent estimates, over 130,000 teacher jobs will be lost this fall alone. In my home State, there are nearly 3,000 at risk. That means 3,000 teachers in Washington State who are right now in limbo, who are spending this summer not knowing if they are going to be able to return to a classroom or face a pink slip in the fall.

We have to remember that every time we lose a teacher, it is not only the teacher and economy that suffers, it is the kids in every one of our States.

I received a letter recently from a special education teacher named Connie Compton in Kent, WA, who told the story of recently having to say goodbye to a young, talented, energetic music teacher because of budget cutbacks. She told me how this was just one of six teachers in her school alone who have had to be let go.

In her letter she talked about how it is the kids who only get one shot at a music class or an afterschool program or arts or sports or even subjects such as social studies or history who lose out.

She also talked about whether it is through larger class sizes they are seeing, scaled down services, fewer subjects being offered, or even shortened school weeks in some of our communities, too often it is our most vulnerable who are paying the price for this recession.

My amendment is a fiscally responsible way to make sure our States' schoolchildren and the hard-working teachers who get up every day to improve their lives are not the victims of struggling State budgets.

My amendment provides \$10 billion to school districts throughout the country to save the over 130,000 teacher jobs that are at risk, and it does so without adding to the deficit, and with a prohibition on the use of this funding for general expenses.

It is a very targeted and responsible way to help make sure that as our kids head back to school, our teachers are not entering the ranks of the unemployed. It is also a way to make sure we are not paying a lot more in the long run for adults who have been failed by school systems with too few teachers and too many cuts to services.

It is August. Our kids are about to go back to school. We cannot afford for them to go back to huge class sizes where they cannot learn, with fewer subjects being taught, and we certainly

cannot afford to wait to address this very immediate problem.

Another immediate problem facing States such as mine is the huge State budget hole left by Federal Medicaid payments promised to States but never delivered. Without this critical Federal funding, these States are now faced with the difficult decision of whether they slash thousands of jobs, raise people's taxes, or stall economic recovery.

The amendment we are about to vote on includes a fully offset \$16.1 billion investment to help our States avoid job losses and cuts to Medicaid and tax increases. In my own State, it will help avoid a costly emergency session of our State legislature or across-the-board cuts to jobs and State services and health care for so many who have lost it when they lost their jobs. In fact, according to the Community Health Care Network in my State, without this extension, health care services for tens of thousands of people in my State will be under threat.

Failure to adopt this amendment could also mean layoffs to corrections officers, health care workers, cuts to end-of-life care for low-income people, cuts to State-supported financial aid programs that will deny up to 5,800 full-time students in my State alone an opportunity to go to college and universities next year. It will increase the risk of a double-dip recession and result in reduced consumer spending at a time we can least afford it.

Ultimately, failure to adopt this amendment will lead to more spending, not less, because of an increased demand for unemployment benefits and subsidized health care and food stamps.

The bottom line is that without this amendment, much of the progress States have been making to get back on the right economic track will be endangered. This is no time to risk our recovery by playing politics with help for our hard-working families.

This amendment that we will vote on shortly is the last best chance for teachers and the economic stability of so many of our States. Over the last several weeks, we have tried to work with the other side on every concern they have brought to the table, on every bill we have brought to the floor. We have compromised and we compromised again and then again. Today's amendment is another compromise. It may not include all we would have wanted on this side to save jobs and services in States across our country, but it does include enough to avoid jeopardizing our recovery. We have done all that we can.

Ultimately, this is about where our priorities lie. Are our priorities with hard-working families who every day have to grapple with tough choices about how to afford the things they need? Are they with our home States that are faced with laying off workers or raising taxes? Are they with our

teachers who have been left with no choice but to find a new job without this help? Are priorities based on political choices—choices guided by polling or party doctrine, choices made long ago to say no, no matter what?

This amendment, which is critically important, is focused on what we can still do for our constituents and our States, not what we cannot or will not. It is about solving the big problems that are still threatening our recovery. And it is about showing the American people that when commonsense legislation does come before us, we can make commonsense choices.

I urge all of our colleagues to put our families, to put our communities, and our States above partisan politics and work with us to adopt this critical amendment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, the distinguished Senator from New Hampshire and I are going to engage in a discussion about the vote we are going to have at 10:40 a.m. But the Republican leader is on his way to the floor in a few minutes. When he comes, we are going to step aside and let him make his remarks, and then we will resume.

The vote we are having at 10:40 a.m. has the following problems with it: No. 1, it is \$10 billion for the State to pay for teachers. That sounds pretty good except that it ties the hands of the Governors and the legislatures so they cannot change education funding levels if their State budgets are in trouble.

No. 2, there is \$16 billion for States to pay for Medicaid. That sounds pretty good, too, except that it ties the hands of the States and the Governors so they cannot adjust their State Medicaid Program and continue to face a funding cliff.

I heard the distinguished Senator from Washington State talk about college students. The reason California students are facing a 32-percent increase in tuition is largely caused by California's expenses for Medicaid, the State program that is funded also by the Federal Government that has so many Federal rules that it keeps going up in cost. And the money that would be going to the University of California or the University of Tennessee or the University of New Hampshire instead goes for Medicaid. Then there is not money for the university, and then what happens? The tuition goes up.

Finally, part of the way this bill is paid for is by almost \$10 billion of permanent tax increases on multinational corporations that would have the effect of driving jobs overseas—just one more action by the Democratic majority and this administration in the middle of a recession or a time of near 10-percent unemployment that makes it harder to create new jobs in the United States.

Mr. President, I ask unanimous consent that the Senator from New Hampshire and I may engage in a colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask my friend from New Hampshire, the senior member of the Budget Committee and a former Governor of his State, what about the idea of sending money to States and then requiring them, in effect, to spend more money at a time when most States are cutting State budgets so they can balance their budgets?

Mr. GREGG. Mr. President, I thank the Senator from Tennessee, who is not only a former Governor but also a former Secretary of Education. The Senator has framed the question adequately and very accurately, and that is this: Why should the Federal Government be saying to the States: We are going to give you some money, but we are going to attach to this money a whole lot of strings? And the basic strings are these: Unless you spend a heck of a lot more money, you are not going to get this money.

It does appear that it is focused on a special interest group, does it not, the teachers unions? It appears this is more or less a commitment to take care of this constituency out there at the expense, ironically, of a lot of people who are employed in those States.

We use the term "multinational corporation" around here as if that is some sort of evil empire. I have a few multinational corporations in New Hampshire—I suspect the Senator does in Tennessee—and they employ people. If you raise their taxes by \$10 billion, they are going to employ a lot less or they are going to send them overseas. We used to hear around here constantly about outsourcing—outsourcing jobs. This bill is a job outsourcer.

Mr. ALEXANDER. The Senator is exactly right. The National Association of Manufacturers says there are 22 million Americans who are hired by companies that do business not only in the United States but overseas.

I say to the Senator from New Hampshire, I think we want companies that are principally in the United States that do business overseas because what is the alternative? The alternative is they are in Singapore or they are in Great Britain or they are in other countries around the world and they are not in our country. They are not paying taxes here, and they are not hiring people here.

I see the distinguished Senator from Kentucky has arrived. The Senator from New Hampshire and I are in the midst of a fascinating discussion, but we think we will step down while he makes his remarks.

Mr. MCCONNELL. Mr. President, I say to the Senators, go ahead and finish the fascinating discussion.

Mr. GREGG. Mr. President, I want to get back to the essence of what the Senator from Tennessee is saying. It goes to this point.

People look at this and say: Oh, my goodness, there is a whole bunch of money coming to this State. What is it coming for and who it is paying? This money does not grow on trees and gets picked up in the morning by trucks that drive by and drop it off. This money is taken from somebody else to be used for this purpose. When you go to the essence of what this bill is about, it is to pay off education unions. That is what this is about. Let's not be coy about what is happening around here. The education unions were the single biggest interest group represented at the Democratic National Convention. I think 26 percent of the delegates at the Democratic National Convention were teachers, members of teachers unions. They probably were not teachers; they probably were administrators.

What is happening here? A lot of States are trying to reorganize their budgets because they are in hard times. Most States are not able to print money—none are—the way the Federal Government does. So they actually have to be fiscally disciplined.

What they are saying to all the different categories within their States is: We are going to adjust here. They are actually going through a very aggressive—I know it is happening in New Hampshire, I know it is happening in Tennessee, and I suspect it is happening in most States—they are going through a very aggressive process of ordering priorities and making tough decisions so they can get their house in order relative to such things as the cost of education. But that has upset the teachers unions.

Now we get a bill on the floor of the Senate to basically put the States in a position where they will have to maintain the teachers union status relative to employees and actually add to it at the expense of the employers in those States and the people who go to work in those States, at the expense of the companies that are deemed "multinationals."

In New Hampshire, we have a lot of companies that are multinational. We are quite proud of that. We are proud of the fact we are an export-oriented State, that a lot of our major employers—in fact, I suspect our top five major employers are all deemed multinationals. They are not going to be able to hire as many people in New Hampshire because of the fact that they are going to get hit with this huge tax bill, the purpose of which is not actually to improve the situation—the States are working on that—the purpose of which is to take care of a constituency group that happens to have a significant amount of influence. It is called a special interest, unless it hap-

pens to be a liberal group and then they are called concerned citizens or something. But in this case it is a special interest group, and this bill is nothing more than a payoff to a special interest group at the expense of another group who happens to employ people and have workers in New Hampshire.

Mr. ALEXANDER. The Senator has been talking about education. There is another important part of the bill—\$16 billion to Medicaid. This is the Federal program to which, now with the new health care law, more than 70 million people will belong in 2014. But here is what the bill also does. According to a Wall Street Journal article on May 20, because of this bill—and as a result of this bill, if it should pass—States will be limited in their ability to make changes in the Medicaid Program to save money.

So what does that mean?

Mr. GREGG. If the Senator will yield for a question, is the Senator saying the Federal Government is going to say: If you want this money, you can't improve the program?

Mr. ALEXANDER. It is not just me saying it. The Lieutenant Governor of New York, Richard Ravitch, wrote an article in the Wall Street Journal on June 7 where he said he greatly appreciated the stimulus money—and this is the same problem—but because of these requirements that prohibit Governors and legislatures from making changes in the law to save money, he says the net result is the Federal stimulus—and this bill is just the son of stimulus or the daughter of stimulus—has led States to increase overall spending in these core areas, to increase spending.

So the point of what we are doing is to cause States to increase spending, said the Lieutenant Governor of New York, which in effect has only raised the height of the cliff from which State spending will fall if stimulus funds evaporate.

Mr. MCCONNELL. Would the Senator from Tennessee yield for a question?

Mr. ALEXANDER. Of course.

Mr. MCCONNELL. I was not here for the beginning of the discussion between the Senator from New Hampshire and the Senator from Tennessee, but I recently had an opportunity to speak to the National State Legislators convention, which happened to have been in my hometown of Louisville. Speaker PELOSI was there as well. My staff, in doing research and putting together my remarks, discovered that currently the single biggest source of revenue for State governments is to borrow money that is coming down from Washington. They are getting more from us than their sales taxes, their income taxes, and their property taxes. The States are simply becoming completely dependent upon us.

As I have heard both of my colleagues point out, we are sending this

borrowed money down essentially so they do not have to make the tough decisions they would otherwise have to make. So I would ask my friends: When does it end? When does this dependency come to an end? I thought last year it was supposed to be timely, temporary, and targeted.

Mr. GREGG. The Senator's point is very important because 41 cents of every dollar we are sending back to the States—and as the Senator says, the majority of State money is now Federal money that we are sending down, as the Senator outlined—is borrowed from China or from the Middle East. Our people are going to have to pay all this back. We don't have that money to be sending to the States.

In this bill, at least there is an attempt to pay for it. But the way they pay for it is by penalizing job creators and forcing people to outsource jobs which, again, comes back to harm us for no purpose that seems to be practical other than to have the Federal Government step in and try to control the manner in which these various programs are run in the States and to reward constituencies who happen to be very supportive of the other party.

Mr. ALEXANDER. If I may say in response to the question and comment from the Senator from Kentucky, this country was created by States, and now has created a central government of limited powers. The central government makes the States the wards of the central government.

In the State of Tennessee this year—I believe for the first time—more than half the dollars in the State budget come from the Federal Government. In addition to the dollars coming from Washington, the rules are coming from Washington. So the Governor of Kentucky or New Hampshire or Tennessee is trying to say: Medicaid spending is out of control. It is ruining our public colleges and universities because we have no money left for them, so we want to change the eligibility.

That has been the case during the last 10 years. We have had Medicaid spending going up in the States by 70 or 80 percent over a 7- or 8-year period of time, and funding for public universities at a low level with tuitions, therefore, going way up. So the Governor is saying: Whoa, let's do something about Medicaid. Then we passed a bill and said to the Governors: Don't you change Medicaid. You are not allowed, if you take this money, to save any money in Medicaid.

So spending for Medicaid goes up because we require it to go up, and that means tuitions in Kentucky, New Hampshire, Tennessee, California, and all across this country are going to be higher because of legislation like we are considering today.

Mr. MCCONNELL. Mr. President, I thank my friends from Tennessee and New Hampshire. I was going to make

some opening comments, but I would also add that my opening comments are somewhat related to the colloquy my colleagues were just having about the bill we will be voting on shortly.

We also heard an expression from the voters of Missouri yesterday who voted on a referendum on the issue of whether it is a good idea for the Federal Government to require individuals to retain health insurance, and 70 percent in Missouri, just yesterday, expressed their opposition to the notion. I know that is in court being litigated right now, as to whether it is appropriate for the Federal Government or constitutional for the Federal Government to require everyone to have a government-prescribed health care policy, but we had an expression of the people from Missouri yesterday as well on that aspect of what the Federal Government has been doing in the last year and a half. I thank my colleagues for their enlightened comments.

As I was just indicating, this morning's paper carried an important message for us in Washington—a message that many of us have been trying to get across for more than a year. If there was any doubt that Americans are tired of being told their views are irrelevant by the people they elected to represent them in Washington, last night's vote in Missouri should dispel it.

All throughout the health care debate, Democratic leaders in Washington told themselves they could do what they wanted and then persuade Americans after the fact that it was OK. Last night, the voters in Missouri overwhelmingly rejected that notion. The people of Missouri have sent a message to Washington: Enough is enough.

They rejected the apparent belief by the current administration and Democratic leaders in Congress that they know best—that distant bureaucrats and lawmakers inside the beltway have a better grasp of what ails people in places such as St. Louis than they do, and that lawmakers here have a right to impose their prescriptions on the people out there whether those people like it or not.

More specifically, the voters of Missouri sent a clear message that the Federal Government has no business forcing people to buy health insurance against their will. I applaud them for it. Throughout the health care debate, Republicans heard the concerns of our constituents and insisted on the kind of commonsense solutions they were asking for—solutions that would actually do something to lower the cost of care. Democrats preferred to do their own thing.

They said: Let's raise taxes and cut Medicare to expand government and then try to convince people it is in their best interest.

Well, the voters of Missouri showed us last night that Americans will not

allow this blatant power grab to stand without a fight. They don't think bureaucrats in Washington have a right to force them to buy government-designed health insurance, and they don't think States should be forced to put millions of new people into Medicaid—as our colleagues from New Hampshire and Tennessee were just discussing—any more than they think we should bail out the States again this week with billions more in spending at a time when neither we nor the States can afford it.

Washington needs to take care of its own fiscal mess, not deepen it by bailing out the States. We need to start listening to the concerns of the American people rather than trying to force them to go along with far-reaching laws they do not want, either through unpopular legislation or misleading PR campaigns like the one we saw earlier this week in which the administration sought to convince seniors their health care plan wouldn't do what we all know it will do.

Americans weren't kidding when they said they opposed the health care bill, and they are not going away. This is just the beginning. Some of us have been saying it for more than a year. The American people will be heard. Whether it is the failed stimulus, the health care bill, or the financial regulatory bill, Americans are more intent than ever on reversing the trend of centralizing more and more power in Washington. They are alarmed at the fact the Federal Government is now, for the first time in our history, the single largest source of revenue for the States. For the first time in our history, the Federal Government is the single largest source of revenue for the States. They know that with more power in Washington comes less accountability, and they are fighting back.

The lesson is clear: Americans expect the people they elect to put their interests and the interests of the country first. It is time to follow through on the kinds of changes Americans actually want to see. It is about solving the crisis in front of us instead of using them to force a vision of America that Americans don't share.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Is the Senator from Washington ready? May I go forward on a point of order?

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. The Senate is not in a quorum call.

Mr. GREGG. I thought I put us into a quorum call.

Mr. President, at this time I intend to make a point of order. Actually, there are two points of order pending against this bill dealing with the budget. The budget is violated. It is not my budget—I didn't vote for the budget. The Democratic budget is violated two times by this bill.

I am not going to make both because it would be redundant to have a vote on both. It wouldn't be redundant, actually. There are two different points of order, and they are both fairly significant. So I will just make one because I do think we should be on record.

If this Congress is going to pass a budget, which it did in the last session—it has not done one in this session; it should—we should maintain the discipline of that budget. That is why we did the budget. And it is not my budget; it is your budget. So I am just suggesting that you follow your budget, if you are Members of the Democratic Party.

So with that point, I would make a point of order that section 404(a) of the 2010 budget resolution makes it out of order to consider legislation that increases the deficit by more than \$10 billion in the Senate for any fiscal year covered by the most recently agreed to congressional budget resolution, S. Con. Res. 13.

The pending amendment would increase the short-term deficit in excess of \$10 billion in the following year: 2011. Therefore, I raise a point of order under section 404(a) of S. Con. Res. 13 against the pending amendment.

I would note that this exceeds the budget resolution by, I believe, about \$10 billion. That is how much it is out of kilter relative to what we said we would spend.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I move to waive the applicable budget order, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The ACTING PRESIDENT pro tempore. There remains 12 minutes 39 seconds on the majority side and 12 minutes 53 seconds on the minority side.

Mrs. MURRAY. Mr. President, we have several Senators coming to the floor, if the Senator from New Hampshire wishes to continue speaking at this time.

Mr. President, I will make a few comments then. We do have several Senators on their way at this time.

I listened with interest to our colleagues on the other side of the aisle

come to oppose the amendment that is being offered, and it is surprising to me because, as everyone knows, we are in a very tough economic recovery right now. All of our States, all of our communities, all of our families are struggling to get back on their feet. We have been working for some time now to help get our economy back on track.

As I outlined earlier, we have come forward to the Senate floor a number of times with small business bills and other bills to try to move the economy forward, and we have been blocked every time.

On this amendment, where we have been trying to make sure that 130,000 teachers are not lost—and it is not about the teachers unions; it is about kids in the classroom. This is about the future of the United States of America. Are we going to punish these students and give them less of an education because of the economic time they happen to be in in the first grade or the fifth grade or the eighth grade? That doesn't make sense to me as a mom or as a former teacher or as a Senator. This is about making sure our kids are not hurt in this tough economic recession. It is at a time when the States are struggling with their budgets, and it is at a time when we have told them we are trying to help them fill the gap, a gap they have in Medicaid spending.

We went to our colleagues. They blocked the bills when we brought them because they said they were too big. We made them smaller. They said they were not paid for. We went back and worked hard and brought pay-fors now. Yet with all of this compromise, our Republican colleagues have come to the floor today to say that now they have a new idea why they are opposing it—that we have not allowed States to have flexibility within their funding.

I remind all of us that Medicaid funding for a lengthy amount of time has had strings attached. I would suggest to all of our colleagues that if we just had open-ended funding out to our States, we would not be hearing: Oh, you are sending money to States with strings attached; we would be hearing the opposite: Oh, you are sending our States money without any strings attached.

So I say enough is enough with the politics. Enough is enough with finding excuses. This is about people in our States who are struggling today to get back on their feet. This is a basic measure that we can pass, fully paid for, at a time when our States—not just our States but our children, our families, and our communities need it the most.

I urge our colleagues to work with us, to do what a legislative body does. When you compromise and you compromise and you compromise and you have reached an agreement that makes a difference for people, let's move it forward and start to help our families

get back on their feet. That is what this amendment is about, and I hope we get to the 60 votes and then can move, before we all go home for an August recess, to make sure people are breathing a little bit easier—the kids who are going to go off to school and the parents who are worried they are not getting the right kind of education; in our States, the many communities of people who are worried, who are in poverty, who are going to lose their health care; state employees who work in our jails or provide very important functions for our States that we count on. They are invisible. We don't see them all the time. But they make sure our lives are safe, that we can go to work and be cared for. That is what this amendment provides our States with the ability to do.

We all want our economy back on track. We all wish we were not here having to do this. But we are naive if we think our States are at a point where this Federal Government, our United States, can start ignoring them. That is what this amendment is about, and I urge our colleagues to vote yes.

I see my colleague from New York has arrived, and I yield him the remainder of the time.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I very much thank my colleague from Washington, who has been such a leader on this issue and on so many issues involving our economy, jobs, and the middle class. I thank her for her leadership on this issue as on so many others.

Today, I rise in ardent support of the legislation before us. Let me be clear. This critical funding bill is about one thing and one thing only; that is, saving American jobs. Congress should be focused like a laser on fighting unemployment and getting the economy humming on all cylinders again. This bill is part of that ongoing effort.

Our economy is starting to show signs of life again, but we have a long, long way to go. We are on the road to recovery, but it is a rocky and uncertain one. Too many American families are still suffering from the immeasurable hardship and heartache wrought by the worst recession since the 1930s. We all know the unemployment rate is unacceptably high. What we cannot forget is that high unemployment is not a blue State problem or a red State problem; it is a national problem, and it demands immediate bipartisan attention. If there is only one issue on which we can find common ground this year, it should be jobs. Yet the minority party has blocked this bill at every turn.

There is no doubt about it, if we fail to pass this bill, hundreds of thousands of teachers and firefighters will lose their jobs. Nationwide, 140,000 teachers

will be kicked out of the classroom if this bill does not become law. In my home State of New York, there are 7,100 teacher jobs on the line. From Watertown to Buffalo, from Oneida to Queens, every school district will have to make painful cuts. Will those cuts hurt only the teachers? Of course not. Our kids—their education is our future. They will have vital programs cut, their education will decrease, and we all know that a child who loses something in the third grade or the sixth grade or the ninth grade doesn't gain it back. How can you look a kid in the eye and explain that their beloved teacher, Mrs. Ross or Mr. O'Malley, is no longer able to teach this year? We must pass this bill for the good of our Nation's schoolchildren.

From coast to coast State budgets are bleeding. Many States have made tough, responsible choices—cutting important programs and making necessary revenue adjustments. We cannot afford to kick them while they are down by denying them the FMAP and teacher funding.

We are fighting hard to create private sector jobs, and we should. But to then allow so many public sector layoffs robs Peter to pay Paul. We will not be able to reduce unemployment unless both the public and private sectors are healthy.

The bill directly injects money into our economy, and the best thing about it is it saves jobs without adding a dime to the deficit. I say to my colleagues on the other side, again, it saves jobs without adding a dime to the deficit. We cut in other places to help save the jobs of firefighters and teachers. This bill is fully offset. It closes tax loopholes multinational companies use to dodge taxes abroad. We should do that on its own, but the fact that now we have that as the offset, to do something so necessary and so good, is important.

I ask my colleagues to think of this not in terms of macronumbers but in terms of individuals—individuals who have worked hard their whole lives and are now about to be laid off; kids in classrooms who, again, will not be able to have their teacher teach them. Maybe it is that special science class. Some schools are cutting football. Some people think that is frivolous. I think that is an important part of school life.

The greatness of this country depends on us overcoming our problems. Unemployment is a huge problem. The lack of having the best education in the world is a problem. Keeping our streets safe from fire and crime is a problem. We are running away from it here to hide behind ideological barriers.

Let me repeat, this bill saves hundreds of thousands of jobs, provides vital help to the States, and reduces the deficit. For the good of the coun-

try, I implore my colleagues on the other side of the aisle to support this sensible and important bill. It is the right thing to do. Maybe just this once, in a bipartisan way, we will rise to the occasion.

Mr. FEINGOLD. Mr. President, I am voting to end a filibuster that is blocking critical funding for Wisconsin. Passage of this bill, as amended, would help prevent major cuts to education and health care funding as my State, and other States, continue to struggle to make up budget shortfalls due to the biggest recession since the Great Depression. While I do not agree with all of the offsets in the bill, I am pleased that it is fully offset. In fact, according to the Congressional Budget Office, the bill will reduce the budget deficit by \$1.4 billion over the next decade. Supporting this fiscally responsible funding is the right thing to do for our children and for the many Wisconsinites who depend on BadgerCare.

Mr. CARDIN. Mr. President, I rise today in support of a package that would provide critical relief to school districts across the Nation. The proposed amendment would provide \$10 billion in additional support to local school districts to prevent imminent layoffs.

It is estimated that this fund will help keep nearly 140,000 educators employed during the upcoming school year.

The American Reinvestment and Recovery Act has been credited with saving 300,000 education jobs and has mitigated that impact of the recession.

As that funding comes to an end, however, massive job cuts once again threaten to stall economic recovery and damage our educational system.

Thus far, almost 80 percent of school districts across the Nation have had to lay off educators. My home State of Maryland, which is No. 1 in education according to Education Week for the second year in a row, is not immune. One Maryland county has seen 800 jobs cut, 355 of those classroom positions.

These job losses have an economic ripple effect. The Economic Policy Institute projects that every 100,000 education jobs lost causes an additional loss of 30,000 private sector jobs in local communities.

This can take a devastating toll on families and on whole communities.

As our children prepare to go back to school, let's think for a moment about what these job cuts will mean for them.

For some, the bus route has changed since there are fewer drivers so it takes a bit longer to get to school.

When students get to class, it will be a little more crowded as the class size grows to accommodate more students and fewer teachers.

The lunch lines might be longer because there are fewer cafeteria workers to serve the students.

Art, music, and even social studies programs have been cut and teachers dismissed.

Get sick at your own risk because a school nurse will no longer be available to assist with treatment.

So, the remaining teachers, in addition to performing their traditional roles, now also become nurses, counselors, and custodians to even more students.

Larger class sizes, cutting programs, and cutting support personnel such as school nurses, counselors, bus drivers, and custodians, are just a few of the ways school districts are dealing with budgeting shortfalls.

Other options include unpaid furlough days and shortened school weeks.

All of these are detrimental to the educational experience and fly in the face of what we are trying to achieve with educational reform.

There are many theories about education reform. But to put it quite simply, there can be no educational reform if there are no teachers!

The \$10 billion that this package puts into the States will provide immediate relief to school districts across the Nation.

In Maryland, it could mean an estimated allocation of \$178 million for Maryland, translating to 2,200 jobs.

Yet it does not add 1 cent to the deficit. The education jobs funding is fully offset, including \$8.4 billion in rescissions. This is not without sacrifice. I am particularly disappointed by the rescission of \$10.7 million in Department of Education innovation and improvement funds for public television's "Ready to Teach" program.

However, I am respectful of the difficult choices that must be made in these times of economic crisis. We need to make choices about spending. And I choose to support putting teachers to work and giving students the best chance to learn.

I urge my colleagues to think of the mixed messages we would send to our children by not making this investment and passing this amendment.

We say to our children that they should work hard to get the best out of education but then we are not willing to work to put the best into it?

We say that our children are our future but we are not willing to invest in them?

We expect teachers to equip our children with the knowledge they need to succeed but are not willing to equip our teachers with the resources they need to succeed?

It is time to stand up for our students and teachers.

I urge my colleagues to join me in standing up for education by voting yes on the proposed amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. There remains 2½ minutes on the majority side and 12 minutes 53 seconds on the minority side.

Mrs. MURRAY. I reserve 1 minute of our time and ask that the quorum call be equally divided between both sides and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent to have printed in the RECORD two letters dated August 4, 2010, from Joseph Conaly.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPARTMENT OF
EDUCATION, OFFICE OF ELEMENTARY
AND SECONDARY EDUCATION,
Washington, DC, August 4, 2010.

Hon. JAMES WEBB,
United States Senate,
Washington, DC.

DEAR SENATOR WEBB: Your office has expressed concerns about whether Virginia would meet the maintenance-of-effort requirement in the Education Jobs Fund legislation that is currently being considered by the U.S. Senate. This letter is in response to those concerns.

In its applications for phase one and phase two funding under the State Fiscal Stabilization Fund (SFSF) program, Virginia provided data on the levels of State support for elementary and secondary education and public institutions of higher education for fiscal years 2006, 2009, 2010, and 2011. Under the Education Jobs Fund legislation, a State may demonstrate that it is maintaining effort if, among other things, its State tax collections for calendar year 2009 were less than State tax collections for calendar year 2006, and State support for elementary and secondary education and for public institutions of higher education for State fiscal year 2011 is not less than the level of such support for each of the two categories, respectively, for State fiscal year 2006.

Based on our review of the data that Virginia submitted in its SFSF applications and the data on State tax collections from the U.S. Census Bureau, we have every confidence that Virginia will meet the maintenance-of-effort requirements in and be eligible for funding under the Education Jobs Fund legislation.

Sincerely,

JOSEPH C. CONATY,
Director,
State Fiscal Stabilization Program.

UNITED STATES DEPARTMENT OF
EDUCATION, OFFICE OF ELEMENTARY
AND SECONDARY EDUCATION,
Washington, DC, August 4, 2010.

Hon. MARK WARNER,
United States Senate,
Washington, DC.

DEAR SENATOR WARNER: Your office has expressed concerns about whether Virginia would meet the maintenance-of-effort requirement in the Education Jobs Fund legislation that is currently being considered by the U.S. Senate. This letter is in response to those concerns.

In its applications for phase one and phase two funding under the State Fiscal Stabilization Fund (SFSF) program, Virginia provided data on the levels of State support for elementary and secondary education and public institutions of higher education for fiscal years 2006, 2009, 2010, and 2011. Under the Education Jobs Fund legislation, a State may demonstrate that it is maintaining effort if, among other things, its State tax collections for calendar year 2009 were less than State tax collections for calendar year 2006, and State support for elementary and secondary education and for public institutions of higher education for State fiscal year 2011 is not less than the level of such support for each of the two categories, respectively, for State fiscal year 2006.

Based on our review of the data that Virginia submitted in its SFSF applications and the data on State tax collections from the U.S. Census Bureau, we have every confidence that Virginia will meet the maintenance-of-effort requirements in and be eligible for funding under the Education Jobs Fund legislation.

Sincerely,

JOSEPH C. CONATY,
Director,
State Fiscal Stabilization Program.

Mr. REID. Mr. President, I have spoken with both Senators JIM WEBB and MARK WARNER about the need for further clarification on what is used to define eligibility under the maintenance-of-effort requirements in the Education Jobs Fund legislation.

I have assured them that we will work together, and ensure that the Commonwealth of Virginia meets the maintenance-of-effort requirements. I have entered into the RECORD two letters from the Department of Education clarifying that Virginia would meet the maintenance-of-efforts requirements.

I look forward to continue to work with them to ensure the language is clear.

CLOTURE MOTION

Mr. President, has all time expired?

The ACTING PRESIDENT pro tempore. All time has expired. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1586, the Aviation Safety and Investment Act of 2010, with amendment No. 4575.

Harry Reid, Patty Murray, Max Baucus, Richard J. Durbin, Robert Menendez, Daniel K. Inouye, Christopher J. Dodd, Carl Levin, Dianne Feinstein, Al Franken, Jack Reed, Sheldon Whitehouse, Frank R. Lautenberg, Roland W. Burris, Tom Harkin, Ron Wyden, Charles E. Schumer.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that the debate on the motion to concur with amendment No. 4575 in the House amendment to the Senate amendment to H.R. 1586, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—61

Akaka	Gillibrand	Nelson (NE)
Baucus	Goodwin	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NAYS—38

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Voinovich
Corker	Johanns	Wicker
Cornyn	Kyl	

NOT VOTING—1

Vitter

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that there now be 2 minutes of debate prior to a vote on the Murray motion to waive the applicable budget points of order, with the time equally divided and controlled between Senator GREGG and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I further ask unanimous consent that if the vote on the motion to waive is successful, then the Senate proceed to Executive Session to resume consideration of the Kagan nomination and that the time until 12 noon be equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that beginning at 12 noon, there be 1 hour blocks of alternating time until 8 p.m. tonight, with the majority controlling the first hour block; with all time consumed on the Kagan nomination counting postcloture.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Chair announces that the invocation of cloture renders the motion to refer out of order.

The majority leader.

Mr. REID. Mr. President, can we have order in the Senate? Senator GREGG wishes to be heard.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I made a point of order dealing with the budget and the fact that this bill violates the budget, so I find myself once again rising with enthusiasm to defend the Democratic budget because that is what this bill violates. It is the Democratic budget that is violated in this bill. It increases the deficit in 2011 by \$22 billion. That is not small change anywhere in this country. So \$22 billion is what the budget deficit increase is next year as a result of this bill. That is why it violates the Democratic budget.

I congratulate my colleagues on the other side of the aisle for putting in place this point of order. I presume they would want to defend their own budget and defend this point of order because they do not want to run up the deficit by \$22 billion in 2011.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, my good friend, the senior Senator from the State of New Hampshire, whom I admire so much, had to be smiling when he said that. I think he was part of the time. This is paid for. He objects to how it is paid for. That is a new one here. So I ask that we overwhelmingly support the motion to waive by Senator MURRAY.

Mr. GREGG. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Hampshire will state it.

Mr. REID. Mr. President, the time is up. Time for a vote.

Mr. GREGG. Mr. President, a parliamentary inquiry is in order, isn't it?

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. GREGG. Did not the point of order lie? Is not the bill in violation of the Budget Act?

The PRESIDING OFFICER. The point of order would lie.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—61

Akaka	Gillibrand	Nelson (NE)
Baucus	Goodwin	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burr	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NAYS—38

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Voinovich
Corker	Johanns	Wicker
Cornyn	Kyl	

NOT VOTING—1

Vitter

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 38. Three fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I supported cloture this morning on the bill to extend and phase out increases in the Medicaid funding for States, including Connecticut, and to provide additional money to help local school districts in Connecticut keep teachers in the classroom during the upcoming school year. This funding, which was

fully offset, is necessary as we continue to recover from the recession that began in 2007.

However, I do have concerns with some of the rescissions from the Department of Defense budget that were used to pay for this funding, and I plan to work with Senator REID and others to ensure that, as this bill moves forward, none of the offsets affects the ability of our men and women fighting in Iraq and Afghanistan from carrying out their mission.

EXECUTIVE SESSION

NOMINATION OF ELENA KAGAN TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Elena Kagan, of Massachusetts, to be Associate Justice of the Supreme Court.

The PRESIDING OFFICER (Mr. DURBIN). The Chair announces that the time between now and 12 noon will be equally divided between the chairman of the Senate Judiciary Committee and the ranking Republican.

The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, over the last few weeks, many Americans have watched Supreme Court confirmation hearings that took place before the Senate Judiciary Committee. At times, the atmosphere was tense, but my colleagues on both sides of the aisle performed their solemn duty under the Constitution. They subjected the President's nominee to rigorous questioning and took a hard look at her qualifications.

At every turn, the nominee offered thoughtful testimony and proved herself to be a woman of powerful intellect and sound judgment.

Earlier this week I met with Solicitor General Elena Kagan in my office. I congratulated her on her nomination to the highest Court in the land. Then I asked her some tough questions of my own.

The power to advise and consent is not one this Senate should ever take lightly. As a trained lawyer and former attorney general of Illinois, I have a deep understanding of the Court's enormous impact on the lives of ordinary Americans. These nine individuals have the power to set binding precedent. They are trusted to navigate difficult legal ground, and in every case, they hand down rulings that carry the full weight of law.

There are no armies to back them up. There is no threat of violence; just a quiet force of a written opinion. That

is what makes this country so remarkable. We are a nation of laws. We have dedicated ourselves to the principle of self-government. Although our legal landscape is consistently evolving, the Founders of this great Republic created a strong judiciary charged with interpretation of these laws and upholding the Constitution. So when this body considers a nomination to the Federal bench, it is a duty my colleagues and I take very seriously.

After speaking with Solicitor General Kagan on Tuesday, I am confident she will be a worthy addition to the Supreme Court. General Kagan's legal training is second to none, and her diverse experience will bring added depth to the highest Court in the land.

As a former law clerk, a private practice attorney, a professor, and dean of Harvard Law School, Elena Kagan has proven herself to be a world-class legal mind. As the current U.S. Solicitor General and as a former associate White House counsel, she possesses a keen understanding of current issues and a strong commitment to the values of public service.

As I take the floor today, she is poised to become the fourth female Justice ever to serve on the U.S. Supreme Court. More important, she will be the first Justice in many years who was not elevated to the Court from a lower court. I believe this will lend fresh perspective to the highest judicial body in our land that will bring new diversity to the Supreme Court and help to build debate rather than consensus.

It is our constitutional duty to shape a high Court that is inclusive of all considerations and points of view. Each ruling is grounded in tested reasoning and bound by the weight of precedent. If Elena Kagan is confirmed, I am confident she will help do just that. She will be a new, independent voice standing on the side of fairness and reason.

I urge my friends on both sides of the aisle to join me in supporting her timely confirmation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise today to speak about the consequential vote the Senate is getting ready to take, probably tomorrow, on the nomination of Solicitor General Elena Kagan to the U.S. Supreme Court.

Without question, the advise-and-consent role of the Senate on Supreme Court appointments is very important. It is one of our most important constitutional duties. Like elections, Supreme Court appointments have consequences.

Nearly a year ago, this body considered the record, the judicial philosophy, and the statements of Justice Sonia Sotomayor. At the time, I vocalized my serious concerns about her sec-

ond amendment views and her correlating judicial record on the Second Circuit Court.

When Ms. Sotomayor was questioned about these views during her confirmation hearing, she said:

I understand the individual right fully that the Supreme Court recognized in *Heller*.

Which was the previous case that stated the second amendment is an individual right to keep and bear arms.

Because of her record in the Second Circuit on this issue, I was not convinced that she would uphold the Framers' intent that the right to keep and bear arms is, indeed, a fundamental individual right, and largely on her record on this issue I opposed her nomination.

Just last month, Justice Sotomayor voted with the minority on the *McDonald v. City of Chicago* case to uphold Chicago's gun ban. This minority opinion stated:

I can find nothing in the Second Amendment's text, history, or underlying rationale that could warrant characterizing it as "fundamental" to protect the keeping and bearing of arms for private self-defense purposes.

That was a disappointment, but it was not a surprise. It reaffirms why we must thoroughly scrutinize the nominee's judicial philosophy and demonstrated adherence to the Constitution as we determine whether to support a nomination.

We have been faced with a somewhat unique confirmation process for Ms. Kagan. She has primarily worked in politics and academia rather than in the actual practice or adjudication of law. It is not a negative to me that she has not been a judge. I do think having a new perspective of a practicing lawyer or someone who has clearly stated and written extensively on their Constitutional views could be a good thing. But it also means that if you have someone who has not actually practiced law, there is not very much evidence on her methodology or viewpoints on major constitutional issues. We have to use the information we have to make a judgment.

I turn to the biggest incident in my mind that causes me to have great concerns about her nomination. It was Ms. Kagan's decision to ban military recruiters from Harvard's Office of Career Services when she was dean of the Harvard Law School. When my distinguished colleagues on the Judiciary Committee pressed her on this issue during her confirmation hearing, Ms. Kagan claimed that "don't ask, don't tell" violated Harvard's antidiscrimination policy. Thus, she denied our military equal access to some of the brightest new legal minds in the Nation, and she did so in a time of war.

This snub demeaned our military and defied Federal law. The U.S. Supreme Court unanimously disagreed with her actions in its 9-to-0 ruling on the *Stonewall* Amendment.

In the Senate, we must strongly consider how Ms. Kagan's personal political views guided this and other decisions she has made while holding positions of authority. I am deeply concerned that Ms. Kagan will not exercise the impartiality that must be expected of any nominee seeking a lifetime appointment to our Nation's highest Court.

Another factor that troubles me is her apparent indifference to private property rights. During the confirmation hearings, my colleague from Iowa, Senator GRASSLEY, asked Ms. Kagan her view on the 2005 ruling on the eminent domain case *Kelo v. the City of New London*. Ms. Kagan evaded the constitutionality of private property rights and suggested that the goal of *Kelo* was to leave the issue to the States.

I do not believe the Supreme Court decision in *Kelo* did that. It actually empowered a local entity to trample private property rights that I believe are protected under the Constitution.

As I have already mentioned, we have less of a record to examine Ms. Kagan's qualifications because she has not been a judge. All Justices currently on the bench served as judges before their Supreme Court appointments. I do believe there is merit to bringing the perspectives of other sectors of the legal field to the Supreme Court. It is not a point against her at all that she was not a Federal judge.

However, Ms. Kagan also has had limited experience in actual legal practice, which provides us a very thin record on which to evaluate her judicial philosophy. Indeed, one statement she made that might give us a glimpse into her philosophy is from her Oxford graduate thesis in which she stated: "It is not necessarily wrong or invalid" for judges "to mold and steer the law in order to promote certain ethical values and achieve certain social ends."

She was a student when she wrote this, so I give her some leeway because she might have changed her views since then. But she did not say she changed her views when she had the opportunity to before the Judiciary Committee during her confirmation hearings. She has not disavowed judicial activism, which makes me think then perhaps that is a guiding principle in her thinking.

The experience we have to look at, specifically her tenure as dean of Harvard Law School, gives evidence of her personal views instructing her professional decisions in order to promote a social agenda.

I simply cannot reconcile Ms. Kagan's sparse record and my concerns about whether she can be an impartial arbiter of the law. I will say I think Ms. Kagan's academic record is excellent, and that is a major qualification we would expect of a Supreme Court nominee. She has certainly done good

things with her life. But the areas where I am concerned, which would be the protection of the second amendment as an individual right, which was clearly the intent of the Framers of our Constitution and which the Supreme Court has already held to be the doctrine of our country, I don't believe she is going to agree with that position from what she has said in her record, as thin as it is.

I have to say that I am very concerned about her position on the military, the respect for the military, the importance of the military in our great country, and the protection of freedom our military provides. To disallow military recruiters on the Harvard campus at the same location where everyone else offers their recruitment opportunities weighs heavily on me. In addition, her views on private property rights and the Supreme Court Kelo decision are directly opposite from mine and from what I believe are inherent Constitutional protections. I think the Supreme Court was wrong. Even people I have voted to confirm as a Senator on the Supreme Court, in my opinion, were wrong on the Kelo decision. I do think private property rights are part of the success of America and one of the strongest provisions in the Constitution that provides for our free enterprise system, as well as the rights of individuals.

I am not going to support Ms. Kagan's appointment.

Last but not least, I will say in weighing my responsibility as a Senator and looking at Supreme Court appointments and any Federal judicial appointment, but certainly for appointments to the highest Court in our land, Justices are there simply to be arbiters of the law. They are not elected and therefore have no real accountability to the people of our country. It is elected officials who make and implement the laws whom people always have had the ability to reject. That is part of the balance in our system. Our President is elected. Our Congress is elected. Congress makes the laws and the President signs or does not sign a law. The Supreme Court is a lifetime appointment. Because it is a lifetime appointment, the founders in their wisdom knew the Court should not be responsible for making law because they have not been elected by the people of our country and they will not have to face the electorate of our country. They need to have a judicial temperament and a view of the Constitution that says they are going to try to determine the intent, not try to change the intent, just because it differs from their particular views. Therefore, I am always very studied in my approach to Federal appointments that have a lifetime tenure because I think when they will not have to face any future electorate, when the people of our country will not have an opportunity to hold them ac-

countable for what they have done, the Senate's advise and consent role is even more important. So I have to say that while I respect her as a person and as an academic, I cannot support her nomination to be a member of the U.S. Supreme Court.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to comment on the reasons for my vote for the nomination of Solicitor General Elena Kagan to the Supreme Court and to comment more broadly on the status of the Court and the nomination process, which I have seen during my tenure in the Senate, where some 14 nominees have been submitted by Presidents.

I have sought 1 hour, which is the longest I can recollect asking to speak, because of the wide scope of issues which the Senate faces in its constitutional responsibility for the confirmation of Supreme Court Justices.

Early on, as I observed the nominees, I came to the conclusion that nominees would answer only about as many questions as they thought they had to be confirmed. The nomination process during my tenure reached the most extreme point of nonanswers during the confirmation in 1986 of Justice Scalia.

Justice Scalia stated in advance that he would not talk about ideology or philosophy. I saw Justice Scalia at the 90th birthday party of a distinguished American, former Secretary of Transportation, Bill Coleman, and in a group of people I joked a little and I said: Mr. Justice Scalia, even prisoners of war have to give name, rank, and serial number. When your nomination was up you would only give your name and rank—which was in a light spirit, and he took it that way. But virtually no answers were given during the course of that proceeding, and he was confirmed unanimously, 98 to nothing.

At that time, Senator DeConcini and I were considering a resolution to establish standards for the Senate to require responses by nominees. But then, in 1987, the confirmation proceeding of Judge Bork occurred. In that proceeding Judge Bork answered many questions which, in fact, he had to because he had such an extensive so-called paper trail. He had written a very famous Law Review article in 1971 in the University of Indiana Law Review on the doctrine of original intent. If we look to original intent, for example, when the 14th amendment was adopted, equal protection, the galleries in this Chamber were segregated. That

was hardly a standard that could be applied in an era of *Brown v. Board of Education*, and it was not. We have a Constitution which evolves in accordance with the changing values of our society, and Judge Bork was compelled to answer a great many questions.

So Senator DeConcini and I shelved our idea to try to find some standards, but then in the intervening nominations we had nominees revert to form, answering only as many questions as they thought they had to in order to be confirmed and not to have any significant disclosures on ideology or philosophy. I thought, when we had the nomination of Elena Kagan, that there would be an opportunity for greater insights because she had written a now famous Law Review article for the University of Chicago, in 1995, sharply criticizing Supreme Court nominees by name and sharply criticizing the Senate. She said in that article that Justice Ginsburg and Justice Breyer had stonewalled, had not given any meaningful answers. She criticized the Senate for, in effect, letting them get away with that.

But during the confirmation proceedings of Ms. Kagan, it was a repeat performance, and the issue was brought and I shall illustrate it with one line of questioning which I asked her. It was about what was the requisite record that Congress had to have to uphold the constitutionality of legislation it passes. The standard had been, for decades, that if there was a rational basis for the legislation, it would be upheld. That was the standard in the *Wirtz* case in 1968, articulated by Justice Harlan.

Then, in a sharp departure, in 1997 in a case captioned *City of Boerne*, the Supreme Court plucked out of thin air a new standard for the adequacy of a record. They said the standard had to be proportionate and congruent. Justice Scalia later criticized that standard as being a "flabby test," which enabled the Court to in effect legislate. They decided it however their predictions would call for. In two cases under the Americans with Disabilities Act—in the case of *Tennessee v. Lane* and in the case of *Alabama v. Garrett*—the Supreme Court came to opposite conclusions, interpreting two sections of that same act which had a very voluminous record, which illustrates the vagueness of the standard and further illustrates the words of Justice Scalia that it was a "flabby standard" which enabled the Court to, in effect, legislate.

So the question which I asked Ms. Kagan was, What is the standard? In her Law Review article she had been explicit in saying that standards involving how you decide a case were well within the ambit of appropriate senatorial inquiry in a confirmation proceeding. I asked her the question, and she declined to answer, as she did

repeatedly not just for my questions but for questions of other Senators.

I raised the issue in those confirmation proceedings as to whether we could find some way to get reasonable answers short of voting no.

I noted Senator KYL in his presentation yesterday cited that question, which is on his mind as well.

In the final analysis, as I stated during the course of the Judiciary Committee deliberations, I have decided to vote for Ms. Kagan because she was following an accepted pattern. That is what nominees have been doing, and it has been accepted by the Senate. I did not think it appropriate to cast a protest vote for her testimony. There were facets about her nomination which I found very appealing. I found it very important that she cited Thurgood Marshall as a role model. With that in mind, and with the fact that she was replacing a Justice on the liberal wing, it seemed to me that her confirmation would maintain the current balance.

I am also impressed with the President's nominating another woman. I think that is very salutary. When I came to the Senate, prior to the 1980 election, we only had one woman Senator, Senator Nancy Landon Kassebaum. Now our body is much improved with the 17 women we now have in this body. I thought that was a desirable trait. I also thought it was good to have somebody on the Court who had not been on the circuit court of appeals. All of the other eight Justices come from the circuit courts of appeals, and I have urged Presidents in the past to nominate somebody with a broader background, broader diversity of experience. I think Ms. Kagan represents that quality and that attribute.

I have been asked about the distinction I make between my negative vote for Solicitor General contrasted with my affirmative vote for Supreme Court. It is based on the fact that I thought for the Solicitor General we were entitled to answers. In that proceeding in the Judiciary Committee she refused to answer questions which I thought were requisite.

I asked her what her position would be on the case involving an appeal by Holocaust victims to the Supreme Court of the United States. The Court looks to the Solicitor General for the position of the government. It seemed to me that case should have been heard by the Supreme Court. The argument was made that the courts ought to be foreclosed from deciding it because it ought to be governed by an international pact between governments. It seems to me the Holocaust victims were entitled to their day in court.

Ms. Kagan would not answer the question.

I similarly raised what position she would take as Solicitor General on an appeal taken by the survivors of victims of 9/11. The Court of Appeals for

the Second Circuit had said there was not State-sponsored terrorism involved because Saudi Arabia was not on the list. This is in the face of voluminous evidence that Saudi princes and Saudi charities had financed the terrorists on 9/11. There is nothing in tort exception to the Foreign Sovereign Immunities Act which requires a country to be on the list of state sponsors of terrorists.

The Solicitor General said the Second Circuit was wrong but used the reason, well, the acts occurred outside the United States, which seemed to be insufficient when the consequences were devastating within the United States, with airplanes being flown into skyscrapers in New York City. Her refusal to answer those questions led to my negative vote in that situation.

The nominations which I have seen, especially the last four nominations, bring into very sharp focus two major problems which confront Senators in seeking to exercise our constitutional responsibility on confirmation. As I have already commented to some extent, one is the difficulty of getting answers to get some significant idea of the nominee's ideology or philosophy. The second problem is the factor that when nominees have testified in response to questions—as Justice Alito and Chief Justice Roberts did—on issues such as deferral to congressional factfinding and to stare decisis, what recourse do we have when the nominees, once seated, do a 180-degree reversal.

I believe there is an approach we can undertake on that, and that is to inform the public as to what is going on and to have a public understanding of those positions as a factor, which I think, realistically viewed, could influence Justices to stand by, at least in a respectable way, their testimony at the confirmation hearing.

The difficulty with the recent trend in the Supreme Court decisions, as I see it, is that there has been an abrogation of the fundamental doctrine, constitutional doctrine of separation of powers. When the Constitution was formulated, as is well known, there were three branches of government—article I, the Congress; article 2, the executive; and article 3, the court system.

The separation of powers was viewed as an indispensable element in appropriate governance, providing for the checks and balances.

But we have seen in recent decades that the decisions of the Court have taken a great deal of power from the Congress and a great deal of power has been shifted to the Court. There have been very significant cases where the Court has declined to act where significant power has shifted to the executive branch.

I will be very specific. In *United States v. Lopez*, decided in 1995, the Supreme Court altered 60 years of uniform interpretation of the commerce

clause which has been the basis from the 1930s for declaring New Deal legislation unconstitutional. In the face of a Court packing plan President Roosevelt was articulating to raise the number of Justices to 15, the Court had given broader latitude to congressional authority under the commerce clause, and that was abruptly changed in the *Lopez* case.

The case of *United States v. Morrison* involved a further abrogation of congressional authority. That case involved legislation protecting women against violence. There, the Supreme Court of the United States, in the face of a mountain of evidence, as specified in the dissent by Justice Souter, ruled that the act was unconstitutional. The reason for the ruling, according to the opinion of the Court, written by Chief Justice Rehnquist, was the congressional "method of reasoning." When I saw that in the opinion, I wondered what transformation there was on method of reasoning when a nominee stepped outside of the Senate hearing room on a nomination to walk across Constitution Avenue and sit on the Supreme Court. I wondered what was the method of reasoning which distinguishes what goes on in this Chamber from what happens a few hundred yards to the east in the Supreme Court of the United States. But that is what the Supreme Court decided—it was our method of reasoning which was faulty. Method of reasoning. Another way of saying: You are stupid. Method of reasoning. Another way of saying: You don't know what you are doing. Well, the Congress's power, under the Constitution, is to legislate, and it has been regarded for decades—really, centuries—that when Congress has a rational basis for what we do, it is upheld by the Supreme Court of the United States.

A few minutes ago, I referred to the cases of *Tennessee v. Lane* and *Alabama v. Garrett*, two cases which were decided under the Americans with Disabilities Act. Once again, there were hearings held in many States, enormous records, but the Supreme Court of the United States decided in *Tennessee v. Lane*, which involved access to public facilities—a paraplegic was unable to get to an elevated floor in a Tennessee courtroom. They had no elevator. The Supreme Court said that was a violation of the Americans with Disabilities Act under the standard of congruence and proportionality. Then in *Alabama v. Garrett*—same act, same kinds of voluminous hearings—which raised the issue of employment discrimination, the Supreme Court of the United States decided by five to four that it was unconstitutional.

It was in the *Lane* case that Justice Scalia articulated his now often quoted comment that congruence and proportionality is a "flabby test" which calls upon the Supreme Court to check the

homework of the Congress. That is the way he put it. What we do over here requires someone else to check on our homework, as a parent would on a fifth grader, and Justice Scalia commented that was not the way to treat a branch of coordinate authority as the Constitution requires.

The Supreme Court in those cases has taken power to themselves to disagree with our factfinding and to declare acts unconstitutional under this standard which is not understandable on any rational basis, proved by the Court itself on those two cases, Garrett and Lane.

The Court has further significantly affected the balance of power and the separation of power by deciding not to decide certain cases. In exercising their discretion not to take cases, they have let rulings stand which have given an enormous amount of what is legitimately, in my opinion, congressional authority to the executive branch of government.

I cite first the situation involving the terrorist surveillance program—warrantless wiretaps put into effect after 9/11—contrasted with congressional authority under the Foreign Intelligence Surveillance Act, which establishes, by act of Congress, that the exclusive means to invade privacy on a wiretap is by going to a court, having an affidavit stating probable cause, having judicial review and the judge deciding that the requirements of the fourth amendment prohibiting unreasonable search and seizures are satisfied. Well, the Supreme Court of the United States has declined to hear that case.

A Federal judge in Detroit declared the terrorist surveillance program unconstitutional. The case went on appeal to the Court of Appeals for the Sixth Circuit. The defense was interposed of lack of standing, and in a split decision—two to one—the Sixth Circuit decided that there was not the requisite standing. Well, standing is a very fluid doctrine, and it is used from time to time to avoid deciding an issue. Common parlance would say that is a good way to duck a case. The dissent in that case was powerful, I think by any fair reading, had much more legal authority behind it than there was standing to raise this issue.

Certiorari was sought from the Supreme Court of the United States, and they denied cert. As is the custom, they didn't say why. That inaction by the Supreme Court—and the Supreme Court has tremendous impact by its inaction, contrasted with cases it does decide—that leaves the President with the power which the President asserts under article II of the Constitution as Commander in Chief, contrasted with the authority of Congress under article I to legislate with the Foreign Intelligence Surveillance Act. That is a case which we really ought to have an an-

swer to one way or another. The Court ought to make a decision in a case such as that.

Another case which illustrates the concession of legislative authority to the executive branch by inaction of the Court involves the lawsuit brought by survivors of the victims of 9/11 where the Government of Saudi Arabia was sued, as were Saudi princes, as was a Saudi charity, for financing the 19 Saudis who were among the 20 terrorists directing the planes which crashed into the Trade Centers in New York and in Somerset County in my State, Pennsylvania, and into the Pentagon in Virginia. And the evidence there was overwhelming.

Recently, the Judiciary Committee held a hearing, which I chaired, on legislation to cure the problems that were articulated by the Second Circuit and by the Solicitor General. But in that case, the Court declined to take jurisdiction, denied cert. So here you have the Congress of the United States, in a very important piece of legislation—the Foreign Sovereign Immunities Act—saying that foreign states were not immune for tortuous conduct, like crashing into a building.

As I had alluded to very briefly earlier, the Second Circuit found against the survivors of the victims on the grounds that Saudi Arabia was not a state which had been designated by the State Department as a terrorist state. Well, there is nothing in the legislative enactment which requires a state to be on the terrorist list in order to establish liability.

The Solicitor General said the Second Circuit was wrong but in opposing a grant of certiorari, came up with a different theory, and that was that the acts occurred outside of the United States in financing the terrorists. Well, how much more direct impact could conduct have than financing terrorists coming to the United States to hijack planes and to do what the 9/11 terrorists did? Well, that case remains unresolved, and we are looking for a legislative change to deal with that case. But here is another illustration where the Court, by not deciding a case, shifted a tremendous amount of authority to the Federal Government to decide as a matter of foreign policy not to anger the Saudis, under the great proposition, under the great legal holding of oil, oil, oil. But there we are—more power in the executive, less power in the Congress.

So these are issues which we really need to understand and get answers from nominees if we are to maintain the balance in the separation of powers, which is a very fundamental point in our system of constitutional governance.

In considering the nomination of Elena Kagan, as I said, concerned with maintaining the balance on the Court—and the Court has really become an

ideological battleground. Chief Justice Roberts, in an interview with C-SPAN, recently said: We are not a political branch of government. We are not a political branch of government. I will return to that in some greater detail in a few moments.

Richard Posner, Judge Richard Posner, a distinguished judge on the Court of Appeals for the Seventh Circuit, in a very noted book on the judiciary, devoted an entire chapter, chapter 10—which the title is: The Supreme Court Is a Political Court. The Court decides political issues. The Court decides political governance, political values, political rights, and political power.

The status of an ideological battleground is illustrated by the decision of the Supreme Court of the United States in a case captioned Citizens United, which upset 100 years of precedents in permitting corporations to pay for political advertising. This is a case which came to the Court on a grant of certiorari to examine the McCain-Feingold Act to decide whether the application of that act was constitutional as it applies to a movie about Hillary Clinton. Well, that was under the standard of “as applied.”

The case was argued in the Supreme Court. Then, *sua sponte*—the Latin expression which means “on the court's own authority”—after the case was argued, the parties were then notified that the Court was going to consider the constitutionality of McCain-Feingold facially, which means whether it would be unconstitutional in any context. But that is an unusual reach by the Court.

Then, in a 5-to-4 decision, the Supreme Court decided to overrule a relatively recent case, the Austin case, and to overrule certain portions of *McConnell v. the Federal Election Commission*. The case was noteworthy in two respects. One is, the Court disregarded a 100,000-page record, which had been amassed in congressional hearings, showing the undesirable consequences of money in politics, how it raises the skepticism of the American people about the integrity of government and raises issues of corruption in government and the collateral issue of the appearance of corruption in government.

The case was especially problematic from the point of view that Chief Justice Roberts and Justice Alito had testified at great length about deference to Congress on congressional findings, and all that was ignored in the Court's decision. Chief Justice Roberts and Justice Alito had testified extensively. Twenty-eight minutes of my first round of 30 minutes of the Roberts confirmation hearing was addressed to the issue of *stare decisis*. Chief Justice Roberts, as a nominee, was emphatic about respect for *stare decisis*, observing precedents, as was Justice Alito,

and the stability of the law and, as Chief Justice Roberts said, not jolting the system but to have modest decisions.

In a concurring opinion—only Chief Justice Roberts and Justice Alito signed the concurring opinion; the other three Justices in the majority did not—but in that concurring opinion was a 180-degree reversal as to what both nominees had testified to during their confirmation proceedings.

I have said in discussing this issue in the past that I appreciate the difference between answers in a nomination proceeding and what a sitting Justice has a responsibility to do on the bench and in deciding cases and I do not, in any way, impugn the good faith of Chief Justice Roberts and Justice Alito. But from the perspective of a Senator asking questions about how nominees are going to approach judicial philosophy and judicial ideology, there ought to be some approach which would give some greater consideration to that testimony and those commitments made to Senators who then vote for their confirmation.

This issue was taken up by circuit judge Richard Posner, whom I quoted earlier on the proposition that the Supreme Court is, in fact, a political body and makes political decisions, makes decisions on political governance and political values and political rights and political power. This is what Judge Posner had to say about the decisions of Chief Justice Roberts. The Chief Justice has “demonstrated by his judicial votes and opinions that he aspires to remake significant areas of constitutional law.” The “tension” between what he had said at his confirmation hearing and “what he is doing as a Justice is a blow to Roberts’ reputation. . . .”

The issue of who understands what happens in complex cases such as *Citizens United*—it has a very limited impact. For those who study the confirmation testimony closely and for those who study the opinions closely, there is an issue raised as to reputation, and I do believe it is a fact that Justices, similar to all the rest of us, are concerned about their reputations.

So the issue then is, What can be done to acquaint the public with what happens in the Supreme Court of the United States? What is going on with the balance of power and the separation of power? What is happening with the constitutional responsibility of Senators to ask questions, to use that as a basis for confirmation?

I believe one step which can be taken of real significance would be the televising of the Supreme Court. Is it an absolute answer? Well, of course not. But Justice Brandeis, in a very famous article written in 1913, said that sunlight was the best disinfectant, and he analogized the disinfectant quality of sunlight with publicity on solving social problems and social ills.

There was an article by Stuart Taylor which appeared in the *Washington Post*, captioned “Why the justices play politics.” This, I think, is very weighty in the observation of an astute commentator on the Supreme Court and what is happening on the precise issues which I am raising today about the Court taking over congressional power and the Court acting in a political way on the Court’s decisions. This is what Stuart Taylor, Jr., had to say:

The key is for the justices to prevent judicial review from degenerating into judicial usurpation. And the only way to do that is to have a healthy sense of their own fallibility and to defer far more often to the elected branches in the many cases in which original meaning is elusive.

Then, Mr. Taylor comments about nominee Kagan:

Elena Kagan professed such a modest approach in her confirmation testimony. Yet so did the eight current justices, and once on the court, all eight have voted repeatedly to expand their own powers and to impose policies that they like in the name of constitutional interpretation.

So that is in line with the title of this article: “Why the justices play politics.”

Mr. Taylor goes on to say this:

Why so modest?

That is, why is the Court so modest?

Perhaps because the justices know that as long as they stop short of infuriating the public, they can continue to enjoy better approval ratings than Congress and the president even as they usurp those branches’ powers.

This is an interesting test—more even than interesting, it is intriguing—the test of infuriating the public. There have been substantial efforts made to acquaint the public with the gridlock in the Congress of the United States, that we are failing to act on matters of enormous importance because of raw, partisan politics. There is an effort in the *New Yorker* magazine, current edition, about what is happening in the Congress, which would infuriate anybody who reads it, and we are waiting for more of the mainstream press to tell the American people how raw the politics are here, how partisan it is, and the gigantic wall which separates the two parties here. We call it an aisle. Well, it would more accurately be called a wall, taller and tougher than the Berlin Wall. That wall has come down.

But we are undertaking enormous delays on extending unemployment compensation, in an economy where people cannot find jobs, and it is a matter of being sustained, avoiding eviction from their houses, buying groceries for their families. But I think what we have here, realistically viewed, is a test of infuriating the public before you get some response. But that is a pretty tough job to do, to infuriate the public.

Chief Justice Roberts was interviewed recently by C-SPAN and had

this to say in elaboration on his contention of the Court is not a political body. On that point, Chief Justice Roberts may be right, or Chief Justice Roberts may be wrong. Judge Richard Posner and Stuart Taylor may be right in specifying political activity in the Court, and the observation of many of us is that it is an ideological battleground, a political ideological battleground. But this is what Chief Justice Roberts had to say on a C-SPAN interview a few months ago:

I think the most important thing for the public to understand is that we are not a political branch of government. They didn’t elect us. If they don’t like what we’re doing, it’s more or less just too bad.

Well, it is true that “they didn’t elect us” and that they don’t have standing to legislate. That is up to the Congress. But I am not prepared to accept the statement “if they don’t like what we’re doing, it’s more or less just too bad.” I am not prepared to accept that in a democracy. I am not prepared to accept that when we have the learning of Justice Brandeis and know from our own practical experience that sunlight is the best disinfectant. Publicity has a tremendous effect on the way government operates on all levels, including, I submit, the Supreme Court of the United States.

They made a drastic departure in the New Deal legislation in the 1930s in the face of overwhelming public opinion. When we have observers such as Judge Posner commenting about the impact on the reputations of Justices, I think if there were a general understanding as to what goes on, there could be an effect on that. We could get more out of nominees in the confirmation process, and we could have a greater likelihood of having Justices, once confirmed, follow what they have said during their confirmation hearings.

I have pressed this idea of televising the Court for a long time—more than a decade. I have introduced legislation calling for the Court to be televised unless in a specific case there is cause showing why, in that one case, there should not be television. The bill has been reported out of the Judiciary Committee on a number of occasions and is now on the agenda. I have reason to believe we will have a chance to vote on the Senate amendment. I have talked to the leadership in the House of Representatives and have gotten favorable responses there. The Judiciary Committee voted it out recently 13 to 6, so that is more than the 2 to 1. I believe there is adequate legal basis for the legislation.

Congress cannot tell the Court how to decide cases, but the Congress does have the authority to establish administrative matters in the Court. For example, the Congress has the authority to decide how many Justices will be on the Court. In response to the restrictive interpretations of the Supreme

Court in the 1930s, President Roosevelt floated a court-packing plan to raise the number of Justices to 15. That was defeated, and I think wisely so.

I think the principle of judicial independence is the hallmark of our society governed as a rule of law, and I think we have to maintain that judicial independence within the existing framework. But I think televising the Court would still respect that.

Just as Congress has the authority to determine how many Justices there will be, Congress has the authority to decide what a quorum of the Court is, how many members must be present for the Court to act. We set that number at six. The Congress sets the date when the Court will start its session—on the first Monday in October. The Congress has established time limits on judicial decisions. Habeas corpus has been delayed tremendously; Congress has that authority. Congress has the authority to tell the Court what cases to hear—not how they decide them but what cases to hear—illustratively, on McCain-Feingold, part of the legislation on the flag burning case. The Congress has the authority to establish the jurisdiction of the Supreme Court on discretionary matters.

The Justices are frequently televised. Quite a number of them appear on television, on “60 Minutes.”

I ask unanimous consent to have printed in the RECORD a listing of situations where Justices have appeared on television.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXAMPLES OF TELEVISED PUBLIC APPEARANCES BY JUSTICES

Justice Scalia appeared on the CBS news program “60 Minutes” on April 27, 2008, for the entire program.

Justice Thomas appeared on the CBS news program “60 Minutes” on September 30, 2007.

Justice Thomas appeared in a series of interviews with ABC News over four days between October 1 and 4, 2007.

Justices Breyer and Scalia have engaged in several televised debates, including a debate on December 5, 2006, sponsored by the American Constitution Society.

Justices O'Connor and Stephen Breyer appeared on ABC News's “This Week” on July 6, 2003.

All of the Justices have sat for television interviews conducted by C-SPAN: J. Alito: Sept. 2, 2009; J. Breyer: June 17, 2009; J. Ginsburg: July 1, 2009; J. Kennedy: June 25, 2009; C.J. Roberts: June 19, 2009; J. Stevens: June 24, 2009; J. Scalia: June 19, 2009; J. Sotomayor: Sept. 16, 2009; J. Thomas: July 29, 2009.

Mr. SPECTER. Mr. President, there has been an objection by the Court on grounds that it would interfere with the collegial dynamics of the Court, that somebody might be reaching for a 30-second sound bite. Well, I think that, in the first place, is unlikely and wouldn't be very well received and wouldn't be repeated. Even so, the objections which have been raised to tele-

vising the Court are minimal, de minimis, contrasted with the advantages to televising the Court.

If the Court were televised, there would also be an understanding of the limited docket of the Court, and the Court could undertake the decision in more cases if the public understood how few cases they hear. In 1886, the Supreme Court decided 451 cases. In 1987, a little more than two decades ago, the Court issued 146 opinions. In 2006, that number was down to 78; in 2007, 67; 2008, 75; 2009, 73. When Chief Justice Roberts testified, he said the Court could undertake more decisions. He has been the Chief for 5 years and the number is at 73.

The Court, in its discretionary authority, leaves many circuit splits undecided. Most people don't have the foggiest notion of what a circuit split is, so for the few people who are watching on C-SPAN 2, a very brief explanation. The country is divided up into circuits, different courts of appeals. The Third Circuit, for example, has jurisdiction over my State, Pennsylvania, as well as New Jersey and Delaware. The Second Circuit has jurisdiction over New York and, I believe, Vermont. Frequently, the Third Circuit will differ from the Second Circuit. A matter arises in Philadelphia governed by different law than arises in New York City. An issue arises in the Sixth Circuit in Detroit, there is no definitive resolution. People there don't know what the law is. The Supreme Court could undertake those decisions. They have sufficient time.

These are matters of very substantial importance. For example, the circuit splits are left unresolved by the Court when a Federal agency may withhold information in response to a request under the Freedom of Information Act on the grounds that it would disclose the agency's “internal deliberations.” The Court has left undecided when a civil lawsuit must be dismissed or may be dismissed as involving a state secret. Left undecided circuit splits, should national community standards or local community standards be applied to Internet obscenity cases; left undecided circuit splits, does a constitutional decision regarding the exclusionary rule apply retroactively to evidence obtained from illegal searches undertaken prior to that constitutional decision.

I ask unanimous consent that a fuller list be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, the authority which we are exercising in confirming Solicitor General Elena Kagan is a very important constitutional authority, and we take it very seriously. During my tenure on the 14 nominations which the President has made, we

have found a pattern which has become the accepted standard of answering about as many questions as nominees believe they have to answer in order to be confirmed. If you can't get someone like Elena Kagan to answer questions after her forceful statement from the University of Chicago Law Review criticizing Justice Ginsburg and Justice Breyer for stonewalling and criticizing the Senate for not getting information, I think that is the standard which is going to prevail. And where you have nominees coming into the nominating process and testifying under oath about important philosophical underpinnings, ideological underpinnings of congressional authority on factfinding and stare decisis, and then doing a 180-degree turn, we need to look for some response.

I do not believe requiring the Court to be televised is a denigration of their authority. I think that is within the authority of Congress, as I have delineated on so many administrative matters such as the size of the Court, the quorum, when they convene, and what cases they must hear.

I approach the Court with more than respect. I approach the Court with reverence. I have had the privilege of arguing in that Court. I am the first to acknowledge—there is no one faster on acknowledging—the importance of the Court as the final arbiter under *Marbury v. Madison* and the importance of judicial independence.

I do not think this idea is on a level with what the Court had to say about Congress in the *Morrison* case, declaring the act protecting women against violence as unconstitutional because of our method of reasoning. As I said earlier, another polite way of calling us stupid or saying we don't know what we are doing—no polite way really to say that on method of reasoning. What wisdom accrues from walking across Constitution Avenue from the hearing room in the Judiciary Committee or what great wisdom lies across the green a few hundred yards to the east of this Chamber.

I do believe television would be a step in the right direction. Would it be a cure? No. But when we have someone such as circuit judge Richard Posner criticizing a named Chief Justice on reputation, I think that would have an ameliorating effect.

I thank the Chair and yield the floor.

EXHIBIT 1

INTERESTING CIRCUIT SPLITS

Can the Attorney General of the United States bypass the notice and comment period requirement of the Administrative Procedure Act in applying the Sex Offender Registration and Notification Act retroactively?

Do federal district courts have ancillary jurisdiction over expungement of criminal records?

May jurors consult the Bible during their deliberations in a criminal case and, if so, under what circumstances?

Must a civil lawsuit predicated on a “state secret” be dismissed?

May a federal court “toll” the statute of limitations in a suit brought against the federal government under the Federal Tort Claims Act if the plaintiff establishes that the government withheld information on which his claim is based?

Is a defendant convicted of drug trafficking with a gun subject to additional prison time under a penalty-enhancing statute, or is his sentence limited to the period of time provided for in the federal drug-trafficking law?

When may a federal agency withhold information in response to a FOIA request or court subpoena on the ground that it would disclose the agency’s “internal deliberations”?

Should national community standards or local community standards be applied in internet obscenity cases?

Which party has the burden of proof at a competency hearing?

Does state or federal law governs the inquiry into the enforceability of a forum selection clause when a federal court exercises diversity jurisdiction?

Does a constitutional decision regarding the exclusionary rule apply retroactively to evidence obtained from illegal searches undertaken prior to that constitutional decision?

Is pre-litigation notice and opportunity to cure necessary in cases alleging unequal provision of athletic opportunities in violation of Title IX?

Is a non-violent walkaway escape a violent felony for purposes of the Armed Career Criminal Act?

Does a defendant’s robbery conviction count as a crime of violence, thus classifying the defendant as a career offender under the Sentencing Guidelines?

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise today to address the nomination of Solicitor General Elena Kagan to the Supreme Court of the United States.

The nomination of Ms. Kagan has stirred up an old debate in our country. There are some that say that our Constitution is outdated and the intent of our Founders when drafting it no longer relevant.

However, I am of the belief that the U.S. Constitution is the very foundation of our country and its words and the written intent of our Fathers are the cornerstone of our freedoms, our liberty, and our protection from radical actions and ideas.

Alexander Hamilton addressed this very issue when he said that, “Our founders clearly revealed their central purpose was defending Americans’ rights and liberties against encroachment, particularly by an overbearing national government. The Supreme Court’s major purpose is preventing such overstepping. That requires following the Constitution as the highest law of the land in fact as well as on paper, because as George Mason put it, ‘no free government, or the blessings of liberty, can be preserved to any people but by frequent . . . recurrence to fundamental principles.’ If we are to be true to our heritage, the coming Supreme Court nomination debate must focus on those principles.”

It is with these words from Alexander Hamilton that I have thoroughly considered Ms. Kagan’s qualifications and fitness to serve as the next Supreme Court justice. And specifically, whether Ms. Kagan will uphold the written word of the U.S. Constitution and the intent of our Founding Fathers or twist it to fit a favored political outcome.

I had the privilege of meeting with Solicitor General Kagan a few weeks ago and I, like most who met with her, was impressed by her intelligence and poise. There is no question that she has a vast knowledge of the law which stems from years of working as a Supreme Court law clerk, an adviser to President Clinton, dean of Harvard Law School, and through her current position as Solicitor General.

When I had the opportunity to ask Ms. Kagan about her views on the Founders’ intent of the second amendment, she informed me that although she had read much analysis regarding the second amendment, she had never studied its history or origin. Certainly, this statement was surprising to me, especially given her documented history of hostility toward the second amendment.

This hostility became apparent for the first time as a law clerk for Justice Thurgood Marshall when she said, “I’m not sympathetic” to an individual’s argument that the DC handgun ban violated his second amendment rights.

I have been rather vocal on this issue and I have advocated strongly against the District of Columbia’s denial of this fundamental right for law-abiding citizens.

The case that Ms. Kagan was “unsympathetic” toward involved Lee Sandidge, an African-American business owner who was arrested and convicted in DC for possessing ammunition and an unregistered pistol without a license. He faced up to 10 years in prison, but received a suspended sentence of probation and \$150 fine. Mr. Sandidge’s second amendment claim that Ms. Kagan cared little for challenged the same restrictive DC gun control law that was struck down by the Supreme Court in the 2007 *Heller* decision.

In this instance, I believe that Ms. Kagan allowed for her personal beliefs and emotions to cloud the meaning of the U.S. Constitution, since she apparently did not care to look to the Founders’ intent or cite legal precedent.

Her lack of sympathy for gun owners and gun rights was again apparent during her years at the Clinton White House where she coauthored two policy memos in 1998 that advocated for White House events and policy announcements on various gun proposals, including “legislation requiring background checks for all secondary market gun purchases,” a “gun tracing ini-

tiative,” and a call for a new gun design “that can only be shot by authorized adults.”

Ms. Kagan also played a role in an executive order that required all Federal law enforcement officers to install locks on their weapons.

When it comes to the second amendment, I believe that Ms. Kagan shows a blatant disregard for the U.S. Constitution, and a feigned ignorance for the intent of our founders when crafting this amendment—however, this has not deterred her from providing advice to her superiors on an issue that she goes to great lengths to nullify.

Unlike Ms. Kagan, my colleagues and I, along with millions of Americans have studied the intent of our founders in regards to the second amendment.

The Founders looked to the writings of prominent philosophers when debating the importance of the right to keep and bear arms to protect the people of this country from tyranny and from a governing class that had a history of shown propensity for oppression. The second amendment was drafted to address an issue of trust, protection, and most of all, to establish individual rights over the government.

James Madison wrote in *Federalist* paper 46 that the Constitution, “preserves the advantage of being armed which Americans possess over people of almost every other nation . . . where the governments are afraid to trust people with arms.”

St. George Tucker, the first commentator on the Constitution, wrote in 1803, that the second amendment was “the true palladium of liberty” and that, “the right to self-defence is the first law of nature: in most governments it has been the study of rulers to confine the right within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any colour or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction.”

Ms. Kagan has stated, when asked whether she personally believes that there was a preexisting right to self-defense before the Constitution, she said she “didn’t have a view of what are natural rights independent of the Constitution.”

Ms. Kagan’s shocking admission upholds my conclusion that she does not believe the second amendment codifies with the beliefs of our Founders who fervently believed the right to keep and bear arms was a natural right.

Ms. Kagan’s failure to study the history surrounding the second amendment is in stark contrast to her emphasis on the importance of students studying international law at Harvard Law School. As dean, she mandated the study of international law, but made the study of the constitution optional. As an American, I find this thoroughly insulting.

When asked “What specific subjects or legal trends would you like [Harvard] to reflect?” Kagan responded: “First and foremost international law . . . we should be making clear to our students the great importance of knowledge about other legal systems throughout the world. For 21st century law schools, the future lies in international and comparative law, and this is what law schools today ought to be focusing on.”

Her decision to not educate American law students on the cornerstone of American freedom, the U.S. Constitution, allows Harvard law students to graduate without ever taking a course in constitutional law. This I feel demonstrates her willingness to set aside the core principles of our democracy in favor of “good ideas” for an outcome favorable to her political beliefs.

In fact, Ms. Kagan need look no farther than the Declaration of Independence to understand our founders intent in regards to our second amendment when they wrote, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.”

I am of the belief that our Constitution is what helps to make this country the best in the world and it's what stands between the United States of America and every other country on Earth.

Ms. Kagan's penchant for political activism was showcased in her treatment of military recruiting during her tenure as dean of the Harvard Law School and her decision to ban military recruiters from campus over objections to the don't ask, don't tell policy.

As dean of the Harvard Law School, Ms. Kagan barred the military from the campus recruiting office, even as our troops risked their lives in two wars overseas that stemmed from the deadliest terror attack on American soil, September 11, 2001. She did so in defiance of a Federal law, the Solomon Amendment, which requires that the military receive “access . . . at least equal” to that of other employers. In fact, Solomon's explicit equal access clause passed this Chamber unanimously in 2004, 1 month before Ms. Kagan began blocking recruiters.

Despite a clear record on this issue, Ms. Kagan testified during her hearing that the military had “full,” “excellent,” and even “complete” access during her tenure as dean. Documents from the Pentagon, however, demonstrate that recruiters were “stonewalled,” and that banning them from the recruitment office was “tantamount to chaining and locking the front door of the law school.” During this contentious period, she filed briefs, spoke at protests, and sent campus-wide e-mails attacking the governmental policy.

Given Ms. Kagan's fierce opposition to the don't ask don't tell law, in her hearing for Solicitor General, she was specifically asked whether she would be able to set aside her personal political views and defend that law. She testified that she would defend the law with vigor. However, a review of her record reveals something different.

As Solicitor General, she chose not to challenge a Ninth Circuit ruling that significantly damaged and undermined don't ask don't tell. It is my belief that by neglecting to do this, she failed in her duty as Solicitor General and violated the pledge that she made to the U.S. Senate.

I wish I could say that her history of activism ended here, but we need only look back to her work as an advisor to the Clinton administration to see a demonstrated proclivity to inject progressive views and an activist agenda into all her work, a trait that I am afraid she is unlikely to abandon if confirmed.

Ms. Kagan's proclivity toward judicial activism is best highlighted in her inability to express a limit on the Federal Government's power.

At her hearing, she was unable to identify a single meaningful limit on Federal Government power under the commerce clause. As the Federal Government continues to expand both in scope and size, we need Justices who recognize and are willing to enforce the limitations the Constitution places on the Federal Government. Given that Ms. Kagan apparently does not recognize those limitations, it is clear that she would not enforce them.

As a Supreme Court Justice, Ms. Kagan is likely to rule in favor of the government as opposed to enforcing the vital role that the Supreme Court plays in keeping the overreaching arm of the government in check.

After thoroughly studying Ms. Kagan's record and after questioning her on my many concerns, I feel that I must remind Ms. Kagan on the intent of our Founding Fathers when establishing the United States as the world's leading democracy and symbol of freedom throughout the world:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

If confirmed as a Supreme Court Justice, I fear that Elena Kagan will be unable to set aside her personal beliefs and uphold even these most basic tenets of the United States of America. I believe her reign as a Supreme Court Justice will lead to the interpretation of international law over the U.S. Constitution, will lead to a great assault on the second amendment, and will be marred by precedent of court cases rather than intent of Framers of the constitution. As the highest Court in the land, the Supreme Court plays this

vital role in keeping the overreaching arm of the Federal Government in check.

That said, anyone nominated to sit on the bench of this Court must be willing to do the same—set aside personal politics and views and defer to the Constitution for the good of the country.

While I am impressed with her intellect and accomplishments, my meeting with Ms. Kagan and a review of her record did little to dispel my concerns as to whether she will adhere to the Framers' intent of the Constitution.

Ms. Kagan's lack of support for the U.S. military, demonstrated hostility toward the second amendment, and her propensity toward political activism signaled to me that her role on the Court will be one of liberal judicial activism.

For these reasons, I will respectfully oppose her nomination to the U.S. Supreme Court.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). Who seeks recognition? The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, on July 2, following the conclusion of the hearings on Elena Kagan's nomination to serve as an Associate Justice of the U.S. Supreme Court, I informed my colleagues and my constituents in the State of Alaska that I could not support her nomination. I decided to express my views at the time in summary form, knowing I would get many questions about Ms. Kagan in the course of my travels during the Independence Day recess, when I was up in the State.

Many of the Alaskans I encountered during that trip and in subsequent visits around Alaska indicated their concerns about Ms. Kagan's qualifications to serve and indicated they shared those same concerns. That said, Alaskans are certainly a diverse and an independent people who are accustomed to speaking their minds. It is fair to say I have also heard from those who strongly support Solicitor General Kagan's nomination. I respect both viewpoints. But I am required by our Constitution to make an up-or-down decision.

I regard a Senator's vote to confirm or not to confirm a Supreme Court nominee as one of the most important responsibilities bestowed on this body by the U.S. Constitution. I believe it is a Senator's responsibility to evaluate each nominee on his or her merits, consider the record with great reflection, and explain her conclusions to the body and to her constituents.

I come to the floor to expand the thoughts I expressed earlier about the Kagan nomination, as well as to offer some observations about the composition of the Court as we go forward.

As I observed in early July, there is no doubt—no doubt in my mind—that Elena Kagan is a gifted teacher of the

law. Watching the confirmation hearings, I was impressed with her command of the Supreme Court's precedents and her ability to explain those precedents in a language nonlawyers can understand.

In the course of those hearings, Elena Kagan vowed to respect Supreme Court precedent. But she offered little insight into the circumstances that might lead her to overturn established precedent and even less insight into how she would approach those cases when precedent was not clearly established.

Most troubling, Ms. Kagan's responses to the questions posed to her in the Judiciary Committee indicated gaps in her understanding of the Constitution. Indeed, the most glaring of these gaps involved the right to keep and bear arms, guaranteed to law-abiding Americans under the second amendment. This is a matter of great significance to my constituents in Alaska. So I find myself compelled to discuss it at some length.

There was a colloquy between our colleague, Senator GRASSLEY, and Solicitor General Kagan that sticks very clearly in my mind. Senator GRASSLEY began his question by observing that the Supreme Court in the *Heller* case concluded that the second amendment involved an individual right to possess firearms, not a collective right conditioned by participants in a militia.

Senator GRASSLEY further noted that the Supreme Court ruled in *McDonald* that the individual right recognized in *Heller* is applied to the States through the doctrine of incorporation via the 14th amendment.

Senator GRASSLEY then went on to ask Ms. Kagan whether she personally believes that the second amendment includes an individual right to possess a firearm.

Elena Kagan did not answer the question. Her response was:

I have not had myself the occasion to delve into the history that the courts dealt with in *Heller*.

Senator GRASSLEY went back again. He asked straight on:

Do you believe the second amendment conveys an individual right?

Once again, Ms. Kagan ducked the question. She said that she lacked the wherewithal to grade *Heller* because the case is based so much on history she never had an occasion to look at. This is very similar to the comments she expressed to my colleague from Nevada who spoke before me.

I find it difficult to accept that an individual who occupied the role of dean of Harvard Law School and Solicitor General of the United States would never have had occasion to look at the history underlying the second amendment.

My constituents in Alaska have long understood this right to be fundamental, personal in nature, and binding on both the Federal Government and

the States, just as the courts in *Heller* and *McDonald* have held. I view our second amendment rights in the same way. Yet Elena Kagan evidently has not thought much about the question.

One has to wonder: Is this just a lack of preparation or does Ms. Kagan think the second amendment right is insignificant? Again, one has to wonder.

Ms. Kagan had fair and sufficient warning that she would be questioned vigorously about her views on the second amendment. Justice Sotomayor had very intense questioning on the same subject just a year ago.

I doubt Dean Kagan would accept an answer: Sorry, I am not prepared to answer the question, from one of her Harvard law students if posed the same question Senator GRASSLEY asked.

With all due respect for the nominee, I am not prepared to accept this kind of answer from a prospective Justice of the U.S. Supreme Court. To put it perhaps a bit more bluntly, I would have expected that a constitutional law expert of Ms. Kagan's stature would have devoted some serious intellectual attention to that question at some point in her career. Truthfully, I cannot be sure she does not hold strong personal views about the second amendment—views that she is unwilling to express because they might pose an impediment to her confirmation. This is, by no means, mere speculation.

While serving as a law clerk to Justice Thurgood Marshall in 1987, Ms. Kagan had an opportunity to comment on a petition for certiorari filed by a District of Columbia resident who was charged with the possession of an unregistered firearm. The petitioner asked the Supreme Court whether the DC gun control law violated his second amendment rights.

Ms. Kagan dismissed his argument. In a note devoid of any legal analysis, she simply told Justice Marshall: "I am not sympathetic." Not sympathetic suggests some knowledge of the second amendment. If Ms. Kagan were uncertain whether she knew enough about the second amendment to make such a recommendation to Justice Marshall, perhaps she might have done more research.

One is also left to wonder whether Solicitor General Kagan was unsympathetic to the view that the second amendment applies to the States when the Justice Department decided it would not file a brief in the *McDonald* case. We may never know the answer to this question because the deliberations of the Solicitor General's Office are privileged.

The conclusion I draw from all this is that Ms. Kagan is, at best, uninterested in the second amendment at this point in her career. At worst, she is unsympathetic to the millions of Americans who, similar to this Senator, believe the second amendment is one of the most important of our constitutional

liberties. On this basis alone, I cannot support her lifetime appointment to the highest Court in the land.

But this is not the only basis on which I find I must vote against the nominee. If confirmed to serve on the Supreme Court, Elena Kagan will be one of the least experienced Supreme Court Justices in our Nation's history. It is often observed that one need not have judging experience to sit on the Supreme Court. But all the Supreme Court Justices who did not have judging experience had extensive courtroom litigation experience, and Elena Kagan has neither. While it is true she spent a brief period of time as a junior associate in a prestigious Washington law firm, she has spent most of her professional career as a law professor, a university administrator, and as a political appointee focused on matters of public policy.

Ms. Kagan's extensive experience as a policy adviser, when compared with her sparse experience as a litigator, should concern all of us.

During her confirmation hearings, Ms. Kagan was asked repeatedly whether she could set aside her interest and experience in matters of public policy and refrain from legislating from the bench. She said she could. Time will tell whether the benefit of the doubt is justified. However, Ms. Kagan's answer to questions concerning her willingness to defer to unelected bureaucrats on questions of environmental law is quite troubling to me. History demonstrates that agencies at times are quite activist in interpreting the gaps Congress intended them to fill through regulations. It is well known throughout this body that I do not believe Congress ever intended for the EPA to set climate policy through Clean Air Act regulations.

On two occasions before the Judiciary Committee, Ms. Kagan expressed the view that it is legitimate for courts to give great deference to Federal agencies as they interpret congressional mandates.

I understand it is settled precedent for Federal courts to defer to administrative agencies in appropriate cases. However, I also think this administration's activism demands a more skeptical look at agency rulemaking exercises. Ms. Kagan, on the other hand, enthusiastically endorsed the position that the decisions of unelected bureaucrats deserve great deference because Federal agencies have expertise and are accountable to the elected Executive. I think this approach will continue to diminish the role of Congress in lawmaking and will result in less accountability to the electorate, not more, as Ms. Kagan suggests.

I am also concerned about the deference that a Justice Kagan might give to international law in interpreting the Constitution and the laws of the

United States. Perhaps there is a limited role for the consideration of international or foreign law when the issues posed in the case unavoidably turn on the interpretation of a treaty or a foreign law. But unlike Ms. Kagan, I would not think that a Federal judge at any level should cite foreign and international law in their decision simply because the judge is open to "good ideas wherever they may come from."

When the Senate inquires as to whether a nominee is qualified for the Court, it is asking a very specific question: Does the nominee understand and is she prepared to assume the role of an impartial judge in our constitutional system?

I have reluctantly come to the conclusion that Elena Kagan does not rise to this standard. During her confirmation hearings, Ms. Kagan exhibited charm and wit, even as she weaved her way through the serious questions that were put before her. I would have preferred a bit less cleverness and a lot more serious reflection.

As I reflect back upon the record before me, as I think about the way Ms. Kagan answered the second amendment questions posed to her, her lack of substantive legal experience, her comfort with the judgments of unelected bureaucrats, her acceptance of the use of international law as persuasive authority in U.S. court decisions, I am not comfortable with this nominee.

I understand others of my colleagues may not share this view and that conventional wisdom holds that Elena Kagan will be confirmed to the Supreme Court. I would like to close with a few observations about the composition of the Court going forward.

Ms. Kagan, similar to this administration's last nominee, Justice Sotomayor, is a native of New York City. Although she spent a portion of her career in Chicago, most of her career has been spent inside the beltway of Washington, DC, and Cambridge, MA.

If Elena Kagan is confirmed, six of the nine Supreme Court Justices will be from the Northeast United States, and only 3 law schools of the 199 law schools accredited by the American Bar Association will be represented on the High Court.

Our colleague, Senator FEINGOLD, took note of this during the confirmation hearings. He made reference to a question he received from one of his constituents in a townhall meeting. That constituent asked why nominees to the Supreme Court always seem to be from the east coast when we have plenty of fine candidates in the Midwest. Senator FEINGOLD followed up by asking Ms. Kagan this question:

How will you strive to understand the effects of the Supreme Court's decisions on the lives of millions of Americans who don't live on the east coast or in our biggest cities?

That same question is on my mind today, as it was last summer when I

spoke on the nomination of Justice Sotomayor. I welcome the fact that this administration has substantially increased the representation of women on the High Court. Yet it is of greater significance to me that the administration has not increased the representation of people from the West or from rural backgrounds on the Court. I would suggest that given the composition of the Supreme Court at this point in our history, it is important for the Justices to venture beyond the bench and the beltway. It is important that they get to know how Americans with different backgrounds than theirs think about their country. And I might suggest that they come and visit us in Alaska.

If Elena Kagan is confirmed to the Supreme Court, as I understand she likely will be, I wish her well in the discharge of her crucial duties. The liberties we treasure dearly will depend on her wise and thoughtful judgments.

With that, Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today to discuss the pending nomination of Solicitor General Elena Kagan to be an Associate Justice on the U.S. Supreme Court.

The constitutional role of the Senate in the confirmation process of Federal judicial nominees is to provide for "advice and consent," and it is up to each individual Senator to determine what he believes that phrase means. As I have had an opportunity to participate in this process on several occasions, I have discovered this is more of an art than a science.

I believe there should be some level of deference granted to the President's nominees. Elections do matter, and the President has the constitutional duty to put forward nominees whom he would like to serve on the Federal judiciary. However, when the President nominates an individual whose record, in the eyes of some Senators, proves to be disqualifying, then it is incumbent upon those Senators to oppose that nominee.

Several weeks ago, Ms. Kagan was granted an opportunity to sit before the Judiciary Committee and respond to her critics and clarify her seemingly controversial positions. Years before she herself would face the requisite questioning of a confirmation hearing, Ms. Kagan criticized the confirmation process as lacking "seriousness and substance." This is a criticism based on the notion that recent court nominees believe the surest path to confirmation is by providing milquetoast, evasive answers to any question involving a controversial topic. In this instance, Ms. Kagan chose to emulate those whom she had once criticized.

Through many hours of questioning regarding her past statements, posi-

tions, and actions, her answers proved evasive and unhelpful, and with many portions of her record having not been adequately addressed, I am left with far too many doubts to simply presume the President's nominee should be confirmed.

There is little doubt Ms. Kagan is intelligent and accomplished. She has excelled in both professional and academic pursuits. However, it is important to consider that many of her accomplishments have taken place in overtly political arenas and have involved extremely controversial issues. Many of the controversial positions she advocated in the past will almost certainly be litigated before the Supreme Court. It is, therefore, incumbent upon her to show us she will leave her role as an activist and advocate behind when assuming a position on the bench. Again, this is an area where her responses before the Judiciary Committee were found lacking.

I believe any judge who sits on the Nation's highest Court must understand that the correct venue for making policy is here in the legislative branch. After a thorough review of her record, I am simply not convinced Ms. Kagan will exercise that requisite restraint. While there are numerous issues I find troublesome in her record, there are a few I would like to focus on today.

I am especially concerned about her discriminatory actions against military recruiters—in clear violation of Federal law and which was ruled against unanimously by the Supreme Court—while she was the dean of Harvard Law School. This was an act of defiance designed to protest the military's don't ask, don't tell policy. It has been argued that this was simply a misunderstanding or that Ms. Kagan made a good-faith attempt to apply the law as she saw fit. I believe her actions show a dangerous hostility toward the military and a troubling disregard for duly-enacted statutes with which she disagrees.

Another issue where I remain concerned is on the topic of abortion. While not having a litmus test here and while I never anticipated this President would nominate someone who shares my pro-life views, I could not imagine him nominating someone with the extreme views Ms. Kagan's record indicates. This is not just a pro-life versus pro-choice dilemma for me. There is substantial evidence from her time clerking for Justice Thurgood Marshall and from her time in the Clinton White House that demonstrates an alarming agenda she has on the issue of abortion.

While clerking for the Supreme Court, Ms. Kagan was tasked with reviewing a lower court ruling that had found that prison inmates have a constitutional right to taxpayer-funded abortions. While she concluded that

the lower court ruling had gone “too far,” she also described the decision as “well-intentioned.” While there may be substantial political disagreement on the topic of abortion, it is hard for me to reason that any effort to further the idea of taxpayer-funded abortions, particularly for prisoners, is “well-intentioned.”

Further, when she served as senior advisor to then-President Bill Clinton, she was a key player in the White House efforts to keep partial-birth abortion—an abhorrent practice that was finally banned in 2003—from being outlawed by the Congress. Documents seem to show extensive efforts to prevent any restrictions being placed upon the procedure. In fact, it appears Ms. Kagan actually went so far as to participate in the redrafting of a report from a medical group—the American College of Obstetricians and Gynecologists—on the practice that served to dilute the findings of the report and bolster her position of not restricting the procedure. These efforts appear to show a position on life-related issues that is well outside the view of mainstream Americans and mainstream legal thought.

Such views are not limited to the topic of abortion. She has demonstrated hostility toward the second amendment and gun rights during her past tenures in the judicial and executive branches.

Again while serving as a Supreme Court clerk, she was tasked with writing a memo on the case of a man who had petitioned the Court, claiming the District of Columbia’s handgun ban was unconstitutional because it deprived him of his second amendment right. Striking an interestingly personal note, Ms. Kagan wrote: “I am not sympathetic.” It is common knowledge that a similar challenge to the District’s handgun ban was successfully considered by the Supreme Court in 2008. What we do not know is why Ms. Kagan did not believe a similar challenge brought in 1987 was worthy of consideration before the Court.

Documents made available from the Clinton Library show she was a key player in that administration’s gun control efforts. She was a key advocate for multiple gun control proposals and even authored multiple Executive orders that placed restrictions on gun owner rights.

Ms. Kagan is a unique nominee for the Supreme Court, as she has no judicial experience. The last time we confirmed a Justice to sit on the Court without earlier having served as a judge was nearly 40 years ago.

While a lack of judicial experience should not be disqualifying for a Supreme Court nominee, it does increase the necessity for that nominee to be forthcoming and open during their confirmation hearings. With no prior judicial record to view, Senators are left

with little guidance as to how a nominee will act once they become a Supreme Court Justice. This is where we would hope the nominee could fill in the gaps. Instead, in Ms. Kagan’s case, we are left to look to the past and at her records, and we are forced to make an overwhelmingly important decision with significant questions unanswered.

I remain concerned that Ms. Kagan will carry the political agenda that is evident in her past to the Supreme Court. Many of her views are clearly outside those of mainstream America, and therefore I will vote against her nomination to the Supreme Court.

I will close by saying that all of us, as Members of this body, receive input from our constituents, and anytime there is a significant or controversial issue before the Senate, the volume of those statements from our constituents increases. In the case of Ms. Kagan, it has been extremely unusual and extremely interesting. I have had one phone call and four e-mails from Georgians in support of Ms. Kagan. I have had thousands of phone calls and e-mails in opposition to her nomination. That is very unusual, and it is an indication of why the polls nationwide are showing that her approval for a Supreme Court nominee is so low.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I rise today to speak about Solicitor General Elena Kagan’s nomination to the Supreme Court of the United States.

As Members of this body are well aware, there is no other matter considered by the Senate which has such a profound impact on the constitutional landscape of our country than a lifetime appointment to the Supreme Court of the United States. When reviewing any nomination, I believe the Senate should be thorough, fair, and extensively cover a nominee’s background, record, and ability to apply the Constitution and other laws as written.

To quote then-Senator Obama:

There are some that believe that the President, having won the election, should have complete authority to appoint his nominee and the Senate should only examine whether the Justice is intellectually capable and an all-round good guy; that once you get beyond intellect and personal character, there should be no further question as to whether the judge should be confirmed.

He went on to say:

I disagree with this view. I believe firmly that the Constitution calls for the Senate to advise and consent. I believe it calls for meaningful advice and consent, and that includes an examination of a judge’s philosophy, ideology, and record.

I also believe the Senate’s constitutional duty of advice and consent plays one of the most important rules in protecting the Constitution and an individual’s constitutional rights. While nominees should not be rejected based

on their personal or political ideology, the Senate must determine whether they are prepared to put those things aside when they assume the bench. Our country deserves a Supreme Court nominee who will judge cases on the constitutional bedrock rule of law, not on their own personal feelings or a desire to legislate from the bench.

After reviewing Ms. Kagan’s record, her testimony at the confirmation hearings, and having met with her personally, I am unable to support her confirmation.

As many in this body have already noted, Ms. Kagan has no judicial experience and virtually no experience with the practice of law. Before being nominated by President Obama to be Associate Justice on the U.S. Supreme Court, Ms. Kagan had never tried a case to verdict or argued an appellate case. While judicial experience is not a prerequisite for serving on the Supreme Court, a record on the bench can provide important evidence that an individual understands that the role of a judge is to impartially apply the law.

Justices who have not previously served as a judge typically have deep experience in the courtroom as practical lawyers. That type of experience can also inform how an individual might approach serving on the bench. Ms. Kagan’s resume and experience offer no such evidence. She has spent almost her entire career either in partisan staff positions or in academia.

Throughout, she seems to have been a forceful advocate for liberal positions. This consistently liberal world view started early. She once wrote: “Where I grew up—on Manhattan’s Upper West Side—nobody ever admitted to voting for Republicans.” And when referring to the politicians in her neighborhood, she wrote they were “real Democrats, not the closet Republicans that one sees so often these days, but men and women committed to liberal principles and motivated by the ideal of an affirmative and compassionate government.”

At Princeton, Ms. Kagan wrote a thesis lamenting the decline of the socialist movement in America and later at Oxford, in another paper, supported the activist Warren Court who “time and time again . . . asserted its right to do no less than lead the nation.”

Her non-academic career is filled with purely partisan staff positions: the Michael Dukakis Presidential campaign, special counsel to Senate Judiciary Committee Democrats, and domestic policy aide to President Clinton.

Even both of her clerkships were for strongly liberal judges: Judge Abner Mikva of the DC Circuit Court of Appeals and Justice Thurgood Marshall.

There is nothing wrong, of course, about having strong political views. The question before the Senate is whether Ms. Kagan is the type of person who can set aside those views when she puts on the black robe of a judge.

Unfortunately, her record shows that when she has found an objective reading of the law, or even medical science, that conflicted with her political goals, Ms. Kagan would choose her political goals.

A good example of this was when she led efforts to keep the brutal practice of partial-birth abortion legal, while serving as an adviser to President Clinton.

While there are many different opinions on abortion policy, an overwhelming majority of Americans believe that the gruesome procedure is one that is not acceptable and in fact federal law bans this practice with the exception of saving the mother's life.

After President Clinton vetoed Congress's first attempt at a ban and Congress was again debating the procedure, Ms. Kagan urged the President to support an alternative she believed was unconstitutional.

Additionally, when she was confronted with a draft scientific statement from a medical association that would undermine her preferred policy, she decided to rewrite the statement so that it aligned more with her preferred policy goals, as opposed to the association's medical judgment.

At her hearing Ms. Kagan confirmed she had no medical training when she rewrote their statement, but said she was merely helping the medical association more accurately state its own medical views.

Unfortunately, medical experts disagree with her assertion.

Former Surgeon General C. Everett Koop has said that "no published medical data supported her amendment in 1997, and none supports it today."

Further, he believes Ms. Kagan's rewriting of the opinion was in fact "unethical, and it is disgraceful, especially for one who would be tasked with being a measured and fair minded judge."

Ms. Kagan has even been unable to separate her partisan political viewpoint from her time in academia, most notably her time as dean of the Harvard Law School when dealing with military recruiters.

While dean, Ms. Kagan was confronted with the Federal law requiring schools receiving Federal funds to give equal access to military recruiters.

Instead of requiring Harvard Law School to comply with the plain reading of the law, she continued to deny the military access to Harvard's on-campus recruiting program, while accepting Federal funds.

She even signed on to an amicus brief to the Supreme Court which argued that noncompliance was in fact compliance.

This argument was so flawed, and based purely on her personal opposition to the law enacted by President Clinton and a Democratic Congress, that the Supreme Court unanimously rejected it and said her construction was "clearly not what Congress intended."

As Solicitor General, when faced with the proposition of defending the federally enacted don't ask, don't tell policy after the liberal Ninth Circuit Court of Appeals issued a decision against the policy and required a costly trial, Ms. Kagan again chose to follow her personal beliefs and allowed for the trial, which is unfavorable to the military and current law, to go forward.

At her confirmation hearings, when asked about this decision, she said she allowed the trial to go forward because it would allow for the development of a fuller record in support of the government's best interest.

The problem is that the district court records clearly contradict this position.

According to the plaintiff's lawyers in this case, Ms. Kagan herself told them "loud and clear" that further discovery would be bad for the government's interests.

It is clear to me that Ms. Kagan considers herself a "real Democrat" committed to liberal principles and has, at no time, shown an ability to separate her personal beliefs from the job at hand.

Again, practical judicial and courtroom experience is not necessary, but what is critical is the ability to serve with impartiality.

Unfortunately, I have nothing but Ms. Kagan's word to indicate that she will be able to do so, nothing to show that she can apply the law to the facts and not her ideology to the law.

At this time in our Nation's history, when the size of government has exploded and spending is out of control, we need more than her word.

We need concrete evidence that she will be more than a politically motivated ideologue on our highest Court.

We need a Supreme Court Justice that is willing to apply the constitutional principles of a limited government with limited powers.

We need a Supreme Court Justice that does not believe Congress has the right to pass overreaching laws requiring Americans to eat three fruits and three vegetables a day, something she suggested at her hearing Congress has the power to do.

When pushed on the outer limits of federal power, Ms. Kagan said "I would go back, I think, to Oliver Wendell Holmes on this. He . . . hated a lot of the legislation that was being enacted during those years, but insisted that, if the people wanted it, it was their right to go hang themselves."

For our system of government to work as intended by the Framers, each branch of government must do its job.

It is the job of the courts to apply the law, including the constitutional limitations on Federal power.

When Ms. Kagan says that the people have "the right to go hang themselves," she is suggesting that the Su-

preme Court should not do its job, that it should let Congress claim whatever power it wants.

That is not what the Constitution says and it is not what is in our Nation's ultimate interest.

Freedom and limited government must endure; they must not be cast aside because a temporary electoral majority finds them inconvenient.

Our Founders intended for our Supreme Court Justices to be more than a rubberstamp to a particular ideology, administration, or political party.

I cannot trust that Ms. Kagan will be more than this, and consequently am left with no other choice than to oppose her confirmation.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, as the Senate considers the nomination of Solicitor General Elena Kagan to be an Associate Justice on the United States Supreme Court, I want to thank Senators LEAHY and SESSIONS for their work in the Judiciary Committee on this nomination. The hearings were informative and respectful, and they produced a hearing record that gives all Senators a better understanding of the nominee's background.

She graduated with academic honors from Princeton University and Harvard Law School. She clerked for Supreme Court Justice Thurgood Marshall, served as a White House policy advisor for the Clinton administration, and as dean of Harvard Law School. Last year, on March 19, she was confirmed by the Senate as U.S. Solicitor General.

She has not had much experience as a practicing lawyer, and she has had no experience as a judge. Her lack of legal and judicial experience is not a disqualification, but it does make our job of evaluating this nominee a bit different. We should ask ourselves whether Elena Kagan will perform the duties of a Supreme Court Justice with the requisite fairness, restraint, and respect for settled precedent under the laws and constitution of the United States.

After reviewing the record and her testimony, I believe serious questions about her respect for precedent have not been answered. General Kagan has a history of political advocacy, and she has not shown that she appreciates the critical distinction between political advocacy and neutral judicial decision-making.

As an example, General Kagan's prior work suggests that she would not protect an individual's constitutional right to bear arms. As a policy advisor to President Clinton, Kagan promoted several gun control proposals, including background checks for all gun purchases in the secondary market, a gun tracing initiative, and giving law enforcement the ability to retain background check information from lawful

gun sales. She also drafted executive orders to restrict the importation of semiautomatic rifles and to require all Federal law enforcement officers to install locks on their weapons.

More recently, as Solicitor General, Ms. Kagan refused to submit a brief to the Supreme Court in support of the petitioner in the *McDonald v. Chicago* case. In June of this year, the Supreme Court ruled in favor of the *McDonald* petitioner, holding that the second amendment right to bear arms is binding on the States. Notably, *McDonald* was a 5-to-4 decision. It is the second Supreme Court decision in recent years to affirm the right to bear arms by a narrow, 5-to-4 majority. When asked whether she agrees with the four dissenting Justices in these two cases, General Kagan repeatedly declined to answer the question.

I am concerned that General Kagan is not committed to observing binding precedent in the area of second amendment rights. If she is confirmed to the Supreme Court, she could overturn the closely decided holdings of these recent cases.

General Kagan's record on military recruiting at Harvard Law School also is troubling to me. As dean of Harvard Law School, she disallowed military recruiting on campus during a time of war. Her actions were in violation of Federal law that requires schools accepting Federal funds to allow military recruiters access to campus. As justification for her actions, she referred to the military's "don't ask, don't tell" policy as a "moral injustice of the first order," and she reaffirmed those views during her confirmation hearings. When she openly defied Federal law, she emailed the Harvard Law community to say she "hoped" the Federal Government "would choose not to enforce" the law. The Supreme Court later ruled unanimously that Harvard was, in fact, in violation of Federal law.

What is even more troubling is that Kagan was not candid about this incident during her recent confirmation hearings. When asked about this issue, she claimed that Harvard Law School was "never out of compliance with the law." That is a quote from the record—"never out of compliance with the law." She also said that the military had "equally effective substitute" methods for recruiting students from Harvard and had "full and good access" to students during this time.

Her assertions are belied by several contemporaneous documents from military recruiters, showing that they encountered severe impediments to recruiting Harvard students. Internal Pentagon documents indicate that under Dean Kagan, "[t]he Army was stonewalled at Harvard." The chief of recruiting for the Air Force's Judge Advocate General Corps wrote that "Harvard is playing games." That's in

quotes: "Harvard playing games." And an Air Force recruiter wrote to Pentagon officials saying that, "[w]ithout the support of the Career Services Office [at Harvard], we are relegated to wandering the halls in hopes that someone will stop and talk to us."

I believe that the nominee's discriminatory treatment of military recruiters was both contrary to law and a disservice to the military during a time that America was at war. Her recent testimony that she acted within the law and that the military had equal access to students is less than candid and is directly contradicted by a unanimous Supreme Court ruling.

It is the responsibility of the Senate to make certain that those who are confirmed to the Supreme Court are not only qualified by reason of experience and training, but also are fully committed to upholding the rule of law. I cannot support Ms. Kagan's nomination to a lifetime appointment on the Supreme Court, based on the facts I have just described.

Ms. Kagan has a history of openly defying established Federal law and of being hostile to certain individual rights guaranteed by our constitution. Her recent hearing testimony did not show that she is prepared to relinquish the role of political advocate and to take seriously the oath to "faithfully and impartially" uphold the constitution and laws of the United States.

For these reasons, I cannot support her nomination.

The PRESIDING OFFICER (Mr. BEGICH.) The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to discuss the nomination of Elena Kagan to be an Associate Justice of the U.S. Supreme Court. The responsibilities of a Supreme Court Justice are weighty indeed. It is his or her task to interpret the Constitution, to protect our cherished rights, and to enforce the laws passed by Congress.

Justices entrusted with lifetime appointments also must avoid the temptation to usurp the legislative authority of the Congress or the executive authority of the President. As Chief Justice John Marshall famously wrote in the 1803 decision, *Marbury v. Madison*, the Court must "say what the law is." That is, after all, the appropriate role of the judiciary. For a judge to do more would undermine the constitutional foundation of the separate branches of government.

Given this backdrop, disputes regarding the scope of the Senate's power of advice and consent are not uncommon, nor unexpected whenever a President puts forward a Supreme Court nominee for our consideration. More than 215 years after the Senate rejected President George Washington's nomination of John Rutledge to serve on the Supreme Court, Senators continue to grapple with the criteria to use to evaluate Supreme Court nominees and

the degree of deference to accord the President.

The Constitution, after all, pronounces no specific qualifications for Supreme Court Justices. It does not require that a Justice possess judicial experience nor even be an attorney. The absence of such requirements in the Constitution allows the Court to be comprised of people from different backgrounds, but in carrying out our advice and consent role, the Senate must ensure that judicial nominees have qualities befitting the post.

Senators must examine each nominee's competence and expertise in the law, judicial temperament, and integrity as demonstrated throughout his or her professional career. Determining a nominee's fitness to serve a lifetime appointment to the Nation's highest Court is one of the most critical and consequential responsibilities any Senator faces.

In considering judicial nominees, I carefully weigh their qualifications, competence, professional integrity, judicial temperament, and philosophy. I believe it is also critical for nominees to have a judicial philosophy that is devoid of prejudgment, partisanship, and preference. Only then will the decisions handed down from the bench be impartial and consistent with legal precedents and the constitutional foundations of our democratic system.

I have applied these standards to Elena Kagan. Having analyzed her record, questioned her personally, and reviewed the Judiciary Committee's hearings, I have concluded that Ms. Kagan should be confirmed to our Nation's highest Court.

The American Bar Association's Standing Committee on the Federal Judiciary has unanimously rated Ms. Kagan as "well qualified." Ms. Kagan's remarkable legal and academic career demonstrates amply her intellectual capacity to serve on the Court. Her writings, testimony, and my discussions with her all demonstrate not only a sweeping knowledge of the law, but also a love for the law, a passion for judicial reasoning.

Ms. Kagan reflected the judicial temperament and philosophy I am seeking in nominees when she said during her testimony, "I will listen hard to every party before the court and to each of my colleagues. . . . And I will do my best to consider every case impartially, modestly, with commitment to principle and in accordance with law."

In writing in support of Ms. Kagan, former court of appeals nominee Miguel Estrada said the following:

Elena possesses a formidable intellect, an exemplary temperament and a rare ability to disagree with others without being disagreeable. She is calm under fire and mature and deliberate in her judgments. Elena would also bring to the Court a wealth of experience at the highest levels of our government and of academia. If such a person who has demonstrated great intellect, high accomplishments and an upright life, is not easily

confirmable, I fear we will have reached a point where no capable person will readily accept a nomination for judicial service.

As many of my colleagues will recall, Mr. Estrada's own nomination to the U.S. Court of Appeals for the District of Columbia was the first appellate court nomination in history to be successfully derailed by a filibuster, even though a majority of Senators, including myself, supported his nomination. That was truly unfair.

With that experience as a guide, I take Mr. Estrada's endorsement of Ms. Kagan to heart, and I agree that the Senate must put aside partisanship, must avoid political considerations, and must evaluate Court nominees with great care and with great fairness. We must not do to Ms. Kagan what, unfortunately, many Members on the other side of the aisle did to Mr. Estrada, despite his qualifications.

To be clear, in her previous posts, Ms. Kagan has taken positions with which I disagree. It appears that her personal opinion on gun rights is at odds with my own. But, nevertheless, Ms. Kagan indicated in her testimony before the Judiciary Committee that she would follow the precedent established in the *Heller* and the *McDonald* cases, describing those decisions as settled law. These cases clearly establish that the right to bear arms is an individual right guaranteed by the Constitution.

I believe Ms. Kagan will respect the precedent established in these two important cases. Ms. Kagan's responses on several issues indicate that she appears to understand and embrace judicial restraint and the limits of when courts should and should not intercede in matters.

She rightly deferred on several issues as policy questions more appropriately resolved by Congress and the executive. Based on my review of Ms. Kagan's record, my assessment of her character, and my belief in her promise to adhere to precedent, Ms. Kagan warrants confirmation to our Nation's highest Court. She possesses the intellect, experience, temperament, integrity, and philosophy to serve our country honorably as an Associate Justice of the U.S. Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am very pleased to be here to speak in favor of Elena Kagan's nomination to the Supreme Court. Over the course of our Nation's history there have been 111 Justices of the U.S. Supreme Court. Only three of those have been women. They are outstanding women: Sandra Day O'Connor, Ruth Bader Ginsberg, and Sonia Sotomayor. There have never been more than two women serving on the Supreme Court at the same time.

But this week, Elena Kagan is poised to rewrite that history and set a new

highwater mark for our country. My meeting with her is one that I will always remember. I will also remember my meeting with Justice Sotomayor.

We covered a lot of ground. Of course, it was generalized conversation because I cannot really ask how an individual will vote on a certain case. I asked her about privacy rights. I asked her about individual rights. I asked her how she felt about stare decisis.

I believe she was very strong in her view that there are precedents that have been set, that she would not use any type of agenda other than the Constitution of the United States to decide the cases that will come before her. When she is confirmed, we will have three incredibly talented women serving on the Supreme Court at the same time for the very first time in our country's history.

Why is that important? Of course, the most important thing is to have the best legal minds. But it is also important to have the diversity that reflects our Nation, and we know more than half our people are women, and the reach of the Court is enormous. It reaches to every citizen. I think it is important we begin to see more women on the Court who, of course, are as qualified as Elena Kagan.

She has broken barriers throughout her career. She was the first female dean of Harvard Law School. She is our Nation's first female Solicitor General. We are so fortunate to have a nominee who is as bright and respected and as committed to equality and justice for all Americans as Elena Kagan. I congratulate the President for this nomination, and I thank at least five of my Republican colleagues who have already stated they are going to vote for her. I hope there will be more.

Elena Kagan was born into a family with a deep and abiding commitment to public service. Her mother was a public schoolteacher. Her dad was a tenant's lawyer. She followed in both her parents' footsteps, serving both as a teacher and a lawyer.

She brings a depth and richness of legal experience that will serve her well on the Supreme Court. She served as a law clerk for legendary Justice Thurgood Marshall. She has been an attorney in private practice. She has been a White House lawyer, a law school professor, a dean, and now she is the Nation's top lawyer. So when I hear a few of my colleagues come to the floor and say she is not qualified for this position, I wish to repeat her experiences: law clerk for legendary Justice Thurgood Marshall, an attorney in private practice, a White House lawyer, a law school professor, a dean of a law school, and the Nation's top lawyer before the Supreme Court.

I think that résumé speaks for itself. She has been in the real world in some of these jobs—practically all of them—and that is important. We want to

make sure we have Justices who understand what life is all about.

As Solicitor General, the country's top lawyer before the Court, she has filed hundreds of briefs and successfully argued a broad range of cases, including defending Congress's ability to protect our children from pedophiles and protecting our Nation's ability to prosecute those who provide material support to terror groups. That is why she has the support of so many former Solicitors General, and that is why she received the highest rating from the American Bar Association: unanimously "well qualified."

She is widely respected for her exceptional intellect, her deep knowledge of constitutional and administrative law and she has a proven ability to build consensus. How important is that in today's world where there is too much shouting and not enough conversation. Her qualities are qualities that are critical for the Court at this time.

Let's hear what Elena Kagan's peers and colleagues in the legal profession say about her. There is a letter signed by eight former Solicitors General who served in both Democratic and Republican administrations. This is what they wrote:

Elena Kagan would bring to the Supreme Court a breadth of experience and a history of great accomplishment in the law.

Then, there is a joint letter from former Deputy Solicitors General and Assistants to the Solicitor General. They write about her:

[Her] intellectual ability, integrity and independence, personal skills, and broad experience promise to make her an outstanding Supreme Court Justice.

The National Association of Women Judges wrote:

General Kagan's rich and varied legal career—as a private attorney, a White House lawyer, a professor, Dean and as the country's top lawyer—provides her with a unique constellation of experiences that will bring fresh ideas to the Court.

Sixty-nine law school deans wrote a letter on her behalf, and they wrote:

She is an incisive and astute analyst of the law, with a deep understanding of both doctrine and policy.

The National District Attorneys Association wrote that they believe that "Solicitor General Kagan's diverse and impressive life experiences will be a welcome addition to the Court."

So if you look at these letters, what you see is a broad swath of support for this nominee, from Republicans and Democrats and Independents, from people who practice law to prosecutors. It is a very broad range of support.

So I think this is an important day for all Americans who believe every branch of our government—the Congress, the administration, and the judiciary—should reflect the diversity of our great country.

Justice Sandra Day O'Connor said in an interview last year:

About half of all law graduates today are women, and we have a tremendous number of qualified women in the country who are serving as lawyers. So they ought to be represented on the Court.

I have had the extreme honor of speaking with the Honorable Sandra Day O'Connor, the former Justice of the Supreme Court, many times, and she always made the point to me, over and over, about how crucial it was in the Court to have a woman's voice. In a body of nine, it seems right that we move toward equal numbers, and we are doing that today. Again, the most important thing is, you have to get the best on the Court. Of course, that is No. 1. But as Sandra Day O'Connor has said clearly, since "half of all law [school] graduates today are women, we have a tremendous number of qualified women . . . [s]o they ought to be represented on the Court." I am sure she is—I do not want to speak for her, but I am sure she is very pleased to see we are moving toward full equality in this country.

Elena Kagan is a role model for so many women entering the legal profession today. Her intellect, her broad range of legal experience, her sense of fairness, her profound respect for the law make her well qualified to serve as an Associate Justice of the Court.

I will be so honored to vote in favor of her nomination, and I hope we will have more than five Republicans, and I hope the one Democrat who said no might rethink it. We will see what happens. But I think, at the end of the day, this country will be better served because we will have a new Justice and her name will be Elena Kagan.

I yield the floor.

Mr. UDALL of Colorado. Mr. President, I rise today to speak on the nomination of Solicitor General Elena Kagan to be Associate Justice of the U.S. Supreme Court. As Senators, we have few responsibilities that have greater lasting impact on our country than providing advice and consent on the confirmation of nominees to serve on the high Court. In my 10 years in the House of Representatives, I witnessed the Senate consider just two Supreme Court confirmations, and now after serving only 19 months in the Senate, I have already had the distinct honor of considering two nominations. The historic importance of these appointments has not been lost on me, as we now consider confirming General Kagan to become the third female Justice on the current court, and only the fourth woman ever to serve on a court that was exclusively male for almost 200 years.

I take my advice and consent responsibilities seriously, and as I consider each Supreme Court nominee, I focus on their judicial temperament, experience, pragmatism and demonstrated ability to view the law in ways that go beyond ideology. When I met with So-

licitor General Kagan 2 months ago, I was impressed with her thoughtfulness and her knowledge of constitutional law. After reviewing her testimony before the Judiciary Committee, studying her record and hearing from a wide range of Coloradans, I am convinced that General Kagan possesses the qualities and attributes of a nominee who is eminently qualified and will be an effective member of the highest Court in our land. I am confident that she is not a rigid ideologue and that her judicial approach will serve our country well.

I have not come to this decision lightly. I know that the judgments made by the Supreme Court have a real impact on the lives of Coloradans. From the right to equal pay to the freedom to keep and bear arms to so many other issues, the Supreme Court makes decisions that profoundly impact our rights and freedoms every year. I believe that General Kagan will provide a voice on the Court that will ensure fairness and adherence to judicial restraint and the rule of law.

As I told General Kagan when I met with her, I am particularly interested in ensuring that the Justices understand the weight and impact of issues uniquely important in the West, including water rights, natural resources and Federal lands. And I am convinced that she understands the complexity and unique importance of these issues to Colorado.

While I am comfortable with General Kagan's sensitivity to Western issues, I would be remiss if I did not add that I hope that after this confirmation process is complete, the White House will seriously consider the importance of geographic and educational diversity on the Supreme Court. Many of my colleagues have talked in the past about how a judge's personal background can help shape his or her understanding of the practical side of the issues that come before them. Similarly, I believe that the Court would be enhanced by the addition of Justices who come from west of the Mississippi.

But today we are considering the nominee that the President chose, and she is an excellent choice. This week, I plan to cast my vote to confirm Solicitor General Kagan to be the next Associate Justice of the Supreme Court, and I would encourage my colleagues to support her confirmation as well.

Mr. JOHNSON. Mr. President, I have often said that few decisions have a more lasting effect on our democracy than that of approving an individual's nomination to the Supreme Court. As you know, Supreme Court Justices enjoy lifetime tenure and answer some of the toughest questions facing our great Nation. For this reason, I take my constitutional duty of advice and consent very seriously.

This will be the fourth time that I have provided advice and consent for a

Supreme Court nominee. My votes have reflected the belief that, while the Senate should not act as a rubber stamp for the President, it should afford him due deference for his judicial nominees. Accordingly, I was proud to support the nomination of Chief Justice Roberts, Justice Alito, and Justice Sotomayor—all of whom have served our country with candor and dignity. While these Justices differ in some aspects of their judicial philosophy, they are alike in several respects: each has an unwavering commitment to justice and the rule of law, a thorough understanding of American jurisprudence, and views that are within the broad mainstream of contemporary legal thought. I am confident that Ms. Kagan shares these characteristics, which are crucial for service on the high Court.

Ms. Kagan's distinguished career is a testament to her hard work, integrity, and intelligence. As her confirmation hearings made clear, Ms. Kagan is extremely well-respected in the legal community; her colleagues have spoken extensively of her keen legal sense and abilities as a consensus-builder. These are skills that will serve her well should she be confirmed by this body. Additionally, Ms. Kagan has exhibited a devotion to precedent and an understanding that, if confirmed, she will interpret, and not enact, the law. Importantly, Ms. Kagan received the highest rating possible from the American Bar Association. It is clear that she has an accomplished resume.

Earlier this summer, I had the privilege of meeting with Ms. Kagan to learn more about her judicial philosophy. I was impressed by her brilliant legal mind and her commitment to justice and the rule of law. Ms. Kagan assured me that she will strictly adhere to precedent and remain a neutral arbiter should she be confirmed to the Supreme Court. I reviewed her record and found nothing to deter me from that belief. I had the opportunity to ask Ms. Kagan about her treatment of military recruiters while dean of Harvard Law School. This issue is particularly important to me because my son Brooks is a military recruiter for the Massachusetts National Guard. Ms. Kagan assured me that military recruiters had full access to Harvard law students for the entire duration of her deanship. I was very satisfied with Ms. Kagan's responses to my questions, and believe her to have the utmost respect and gratitude for military service.

During our meeting, I asked Ms. Kagan about her understanding of tribal sovereignty. She told me that—while she has only a basic understanding of Native American legal issues—she would welcome the opportunity to visit Indian Country and learn more about tribal government. Upon reviewing her record, I was happy to learn that Ms. Kagan is an advisory board member of

the American Indian Empowerment Fund, an organization that seeks to empower Native American children and families. After speaking with Ms. Kagan, I am confident that she will respect the right to tribal sovereignty. I look forward to her eventual visit to Indian Country.

I believe that Elena Kagan would make a tremendous addition to the Court. Her distinguished record and commitment to justice and the Constitution make her a well-qualified candidate. It is my hope that she receives the bipartisan support that she deserves.

The PRESIDING OFFICER. The Senator from Arkansas.

HEALTHY, HUNGER-FREE KIDS ACT

Mrs. LINCOLN. Mr. President, I come to the floor for the second week to continue to urge and compel my colleagues to pass the child nutrition reauthorization legislation before our child nutrition programs expire on September 30.

I know we have much to do. We are coming to the end of our work period before we go home to our States during August. But we all know when we come back in September our time will also be limited, and doing something now is critically important.

The bipartisan Healthy, Hunger-Free Kids Act will put our country on a path to significantly improving the health of the next generation of Americans. Congress has the opportunity to make a historic investment—the biggest investment in the history of our program—in our most precious gift and the future of this country: our children—all our children.

We are circulating a consent request right now that will require no more than 3 hours, at a maximum, of Senators' time to do this. Three hours is all we are asking of this body to be able to make a historic effort on behalf of our children.

Last week, I spoke multiple times on the floor about this bill. I talked about the very real threat of hunger and obesity in this country and how our bill works to address both these critical issues.

I talked about the cost of action. This bill is completely paid for and will not add one cent to the deficit. In fact, in my opinion, we have operated in this bill exactly how the American people want to see us operate. We have gone through the regular order of the committee. We have worked in a bipartisan way. We have worked in a fiscally responsible way to pay for this bill out of the actual areas in agriculture and in the Ag Committee where we could pay for this bill. It is completely paid for, as I said before, so adding to the debt is not an issue.

I also talked about the cost of inaction, about what it will mean to our States, to our schools, to our hard-working families, and to those families

who, unfortunately, due to no fault of their own, have been caught in these economic crisis times, who are without work but whose children still go to school and still need to be fed.

Certainly, I have talked about the cost to the most important category; that is, our children—the fact that if we do not move on this bill, it is yet 1 more year in a child's life that is not going to see the evidence of good nutrition, its availability in schools through programs that we both have and we expand, and those programs which we can actually create more for in terms of afterschool meals instead of afterschool snacks. Another school year will start without nutritional standards for meals served in schools, meaning we will miss yet another important cycle in a child's life to instill good eating habits.

I think about not just younger children but older children, as my kids are moving into high school and starting football practice. I think about the ability to be able to see even those older children in afterschool programs, to be able to receive a full meal at the end of that day instead of just a simple snack.

Schools will lose out on the first increase in the reimbursement rate to school feeding programs since 1973.

I say to the Presiding Officer, think about where you were in 1973. I think about where I was in 1973. I think about what 1973 dollars purchased and what 2010 costs are today. How far do those 1973 dollars go when we go to the grocery store and pay 2010 prices? Think about what our school services are up against in using those 1973 dollars.

Our afterschool feeding programs will suffer, meaning Congress will fail to recognize that hunger does not end when the school bell rings and our children are done with their studies.

I simply do not think it is too much to ask. We can sacrifice 3 hours of our time for our children, for all our children in this great country, because they will be there as a workforce, as leaders, as teachers, as soldiers. They will be there for us as they grow up and become the next generation.

Yet we have an opportunity here, and if we let it pass us by, it will be certainly no one's fault but our own. We continue to spend a lot of time debating bills on the floor this week without seeing much in the way of actual results. This bill represents a real opportunity for us to actually get something done and to breathe some fresh, new, bipartisan air into this Chamber for a change.

I think the American people are looking for us to do that. I think they are thirsty for results. They want us to roll up our sleeves, make the tough decisions, and get things done, which is what we were elected to do. They do not want to see us wasting precious time, putting each other's respective

political parties in difficult positions. They want to see us spending our time wisely and seizing the opportunities where we have come together in a bipartisan manner to solve real problems.

Hunger and childhood obesity are real problems in the lives of our children today, and it is unfortunate. These are diseases for which we have a cure. It is simply that we must put that cure into place.

We are elected in this body to work together to pass legislation that addresses the very real issues our families all across this Nation face together in each and every one of our States. Although our rates for hunger or obesity may fluctuate and be different State to State, it is still a very real problem in all of our States.

This legislation allows us to do that. It allows us to address the very real issues that families are facing today and tomorrow and in the months ahead.

On Monday of this week, First Lady Michelle Obama wrote an op-ed that was published in the Washington Post that reminded us about the historic opportunity we have in front of us—an opportunity to make our schools and our children healthier by passing this bill. I happen to have a copy of the First Lady's op-ed with me right now, and I ask unanimous consent that the full text be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. LINCOLN. Thank you, Mr. President. One clear call to action in the First Lady's article was her statement about how important it is for Congress to pass this bill as soon as possible. She recognizes that we are poised to do something truly historic, and I could not agree with her more. I applaud her for her initiative and for her passion about this issue, her willingness to elevate it every opportunity she has, and to focus on, again, our greatest resource—our children.

We also saw yesterday in the New York Times an op-ed published by our own Senator DICK LUGAR who has been working so diligently in his time here in the Senate to bring a tremendous focus on hunger which exists in this country and globally. Very few people can match his dedication and his passion to this issue, and I am grateful for his comments. I ask unanimous consent that his op-ed be printed in the RECORD following my remarks as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mrs. LINCOLN. Mr. President, I know we have a lot on our plate this week and certainly in the weeks to come, but I am determined to see this bill come up for a vote. I think people in this body have a great opportunity—

and they know it—to make a difference not just in their children's lives but in the lives of their neighbors' children, or people whom they don't even know, but they do know that those parents love and care for their children as much as each one of us loves and cares for our own children. They know those parents want every opportunity for other children across this globe, but certainly across this Nation, to be able to reach their potential.

If you visit our schools, particularly in low-income areas, and you look in the eyes of those children, you know that one of the barriers for them in terms of reaching their potential unfortunately happens to be that they are hungry, that they are living in food insecurity, that they are struggling with obesity because of unfortunate cultural or poor eating habits. If there is anything we can solve that is a barrier to our children reaching their potential, it is something such as this which we know we have the cure for, we know we have the solutions for, and we have an opportunity this week to begin that process and make it happen through legislation we can pass here in the Senate. We can do it and we should.

I am going to continue to come to the floor or to my colleagues to bring up this issue and to talk about it. It is a bill that I think can make a difference. I am going to continue to talk about the real children and the real families out there across this Nation who would benefit from this legislation and who are depending on us to do the right thing. I am going to continue to hassle and press my colleagues, as I have been known to do, so we can get this very important bill done in a timely way.

I say to my colleagues, to this Nation, and to the opportunity that exists before us: Let's do it. In the words of the First Lady: Let's move. Let's get it going. Let's get it done. Let's not let this historic opportunity to change the lives of our children in this Nation—all of our children and, therefore, our future—let us not allow it to pass us by.

EXHIBIT 1

[From the Washington Post, Aug. 2, 2010]

A FOOD BILL WE NEED

(By Michelle Obama)

Last spring, a class of fifth-grade students from Bancroft Elementary School in the District descended on the South Lawn of the White House to help us dig, mulch, water and plant our very first kitchen garden. In the months that followed, those same students came back to check on the garden's progress and taste the fruits (and vegetables) of their labor. Together, they helped us spark a national conversation about the role that food plays in helping us all live healthy lives.

For years our nation has been struggling with an epidemic of childhood obesity. We've all heard the statistics: how one in three children in this country are either overweight or obese, with even higher rates among African Americans, Hispanics and Native Americans. We know that one in three

kids will suffer from diabetes at some point in their lives. We've seen the cost to our economy—how we're spending almost \$150 billion every year to treat obesity-related conditions. And we know that if we don't act now, those costs will just keep rising.

None of us wants that future for our children or our country. That's the idea behind "Let's Move!"—a nationwide campaign started this year with a single and very ambitious goal: solving the problem of childhood obesity in a generation, so kids born today can reach adulthood at a healthy weight.

"Let's Move!" is helping parents get the tools they need to keep their families healthy and fit. It's helping grocery stores serve communities that don't have access to fresh foods. And it's finding new ways to help America's children stay physically active.

But even if we all work to help our kids lead healthy lives at home, they also need to stay healthy and active at school. The last thing parents need or want is to see the progress they're making at home lost during the school day.

Right now, our country has a major opportunity to make our schools and our children healthier. It's an opportunity we haven't seen in years, and one that is too important to let pass by.

The Child Nutrition Bill working its way through Congress has support from both Democrats and Republicans. This groundbreaking legislation will bring fundamental change to schools and improve the food options available to our children.

To start, the bill will make it easier for the tens of millions of children who participate in the National School Lunch Program and the School Breakfast Program—and many others who are eligible but not enrolled—to get the nutritious meals they need to do their best. It will set higher nutritional standards for school meals by requiring more fruits, vegetables and whole grains while reducing fat and salt. It will offer rewards to schools that meet those standards. And it will help eliminate junk food from vending machines and a la carte lines—a major step that is supported by parents, health-experts, and many in the food and beverage industry.

Over the past year, I have met with community leaders and stakeholders from across the country—parents and teachers, school board members and principals, suppliers and food service workers—about the importance of making sure every child in America has access to nutritious meals at school. They all want what's best for our children, and they all know how critical it is that we keep making progress.

That's why it is so important that Congress pass this bill as soon as possible. We owe it to the children who aren't reaching their potential because they're not getting the nutrition they need during the day. We owe it to the parents who are working to keep their families healthy and looking for a little support along the way. We owe it to the schools that are trying to make progress but don't have the resources they need. And we owe it to our country—because our prosperity depends on the health and vitality of the next generation.

Changes like these are just the beginning, and we've got a long way to go to reach our goals. But if we work together and each do our part, I'm confident that we can give our children the opportunities they need to succeed—and the energy, strength and endurance to seize those opportunities.

EXHIBIT 2

[From the New York Times, Aug. 3, 2010]

THE SENATE'S IMPORTANT LUNCH DATE

(By Richard G. Lugar)

With federal child nutrition programs due to expire Sept. 30, the Senate should approve reauthorization legislation this week, before the monthlong Congressional recess.

The bill was unanimously approved by the Senate Agriculture, Nutrition and Forestry Committee in March, and it has no significant opposition. It has simply been a victim of the crowded calendar of the Senate. But if we don't pass the bill immediately, we will imperil programs that have proved vital to our youth, families and schools for decades, and that are especially important during this time of economic stress.

Since the recession began in late 2007, the use of federal free and reduced-price school lunches has increased by 13.7 percent. Twenty-one million children—roughly two-thirds of the students eating school lunches—benefit from the program.

For many of these children, school lunches represent the bulk of the nutrition they receive during the day, and it is imperative that there are no gaps in providing these meals. The bill would also cut out a lot of red tape in the filing process, ensuring that more families and schools can participate. And it would increase the scope of the after-school meal program that currently operates in only 13 states.

Research shows that food insecurity and hunger rise during the summer, when children don't have regular access to school meals. The bill would continue to enlarge programs, operated through organizations like local recreation departments, that help feed young people when schools aren't in session.

Year-round child nutrition programs, on top of improving children's health and teaching them to eat better, are critical to academic success. The school breakfast program has been directly linked to gains in math and reading scores, attendance and behavior, and speed and memory on cognitive tests.

By passing the legislation, we would expand access to the supplemental nutrition program that makes certain that low-income women, infants and children are provided healthy foods, information on eating well and referrals to health care. The supplemental program already helps almost half of all infants and about one-quarter of all children ages 1 to 4 in the United States; this legislation would provide millions of dollars worth of further support.

The new bill would also make great strides in reducing junk food in schools and improving the nutritional quality of meals. Nearly one-third of our children are either overweight or obese, which is telling evidence of greater social problems. Indeed, it's become a national security issue—27 percent of 17-to-24-year-olds weigh too much to enlist in the military, according to a recent study by a group of retired generals and admirals. This cannot continue.

I have been through many battles on child nutrition, from my days on the Indianapolis Board of School Commissioners to my time as the chairman of the Agriculture Committee. We have debated local and state control, nutritional mandates, the scope of the lunch programs and the unhealthy food choices in school vending machines.

This bill, though, is as close to a moment of consensus as can be achieved. There is bipartisan agreement, thanks to the efforts of the Agriculture Committee's Democratic

chairwoman, Blanche Lincoln of Arkansas, and its ranking Republican member, Saxby Chambliss of Georgia. Our only hurdle is the Senate schedule, which we would do well to surmount this week.

Given our economic climate and tradition of bipartisan support for child nutrition, we should pass this meritorious bill now. It would be a success that both parties can claim.

Mrs. LINCOLN. Thank you, Mr. President. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I rise today in opposition to the nomination of Solicitor General Elena Kagan to the U.S. Supreme Court.

Upon President Obama's nomination of Ms. Kagan, I stated that I would base my decision on what I could ascertain about her judicial philosophy from other components of her record, in light of her lack of judicial experience. What little information she offered during her confirmation hearings did not accrue to her credit, in my judgment.

I am unconvinced that the hostility Ms. Kagan demonstrated toward the second amendment as clerk to Justice Marshall, counsel for the Clinton administration, and as Solicitor General under President Obama has changed or would not drive her legal opinions on the matter.

Ms. Kagan has spent her career implementing antigun initiatives and evidence of her antagonistic attitude towards the second amendment can be found from the beginning of her legal career.

As a U.S. Supreme Court law clerk in 1987, Ms. Kagan stated she was "not sympathetic" toward a man who contended that his constitutional rights were violated when he was convicted for carrying an unlicensed gun. Think about that.

In a memorandum to Justice Marshall regarding *Sandridge v. United States*, Ms. Kagan wrote that Mr. Sandridge's "sole contention is that the District of Columbia's firearm statutes violate his constitutional rights to keep and bear arms." I'm not sympathetic." She recommended that the Supreme Court not even hear the case, thereby allowing Mr. Sandridge's conviction to stand.

When Ms. Kagan served as a political adviser to President Clinton, she played a key role in the gun control efforts that were a trademark of the Clinton administration. Ms. Kagan took a lead role in a series of efforts to respond to the Supreme Court's 1997 ruling in *Printz v. United States*,

which struck down parts of the 1993 Brady handgun law.

Ms. Kagan drafted proposals that would have effectively prohibited the sale of guns without action by a "chief law enforcement officer." She authored a draft executive order requiring "all federal law enforcement officers to install locks on their weapons" and one to restrict the importation of certain semiautomatic rifles. Ms. Kagan drafted two memorandums in 1998 that advocated for policy announcements on various gun control proposals, including "legislation requiring background checks for all secondary market gun purchases," and a "gun tracing initiative."

As Solicitor General for President Obama, Ms. Kagan failed to find a Federal interest in the *McDonald v. Chicago* case and did not even file a brief in the case.

Assaults on the second amendment will not end with the *McDonald v. Chicago* ruling. Therefore, the overarching question remains will Ms. Kagan's attitude as a Supreme Court Justice radically change from her clear and extensive anti-second amendment record?

I firmly believe the right to bear arms is a fundamental right. This has been enunciated through the courts. I do not believe Ms. Kagan's political record and prejudiced background in opposition to the second amendment shows that she is prepared to uphold this core constitutional guarantee as a Supreme Court Justice.

In fact, Ms. Kagan's record has demonstrated a disregard for those laws and constitutional rights she disagrees with. This is also clearly evidenced in her affront to our men and women in the military. I will explain.

As a vocal critic of the military's don't ask, don't tell policy, Ms. Kagan barred military recruiters from Harvard's campus during her time as dean of Harvard Law School. She made her personal feelings unmistakable by repeatedly stating that she abhorred the military's don't ask, don't tell policy, calling it a "moral injustice of the first order."

By barring recruiters, Ms. Kagan's actions violated the Solomon Amendment, which requires that the military receive equal access to that of other employers on campus or jeopardize their Federal funding. Ms. Kagan joined a brief before the Supreme Court arguing that Harvard should be able to keep military recruiters off campus but still receive Federal funds—although that was in violation of the law.

She refused to permit ordinary campus access to military recruiters during a time of war, yet still wanted to cash in on Federal funding.

This position was unanimously rejected in 2006, with the Supreme Court stating that this was clearly not what Congress intended.

I find it ironic that we are asked to replace the only Justice with wartime experience with a nominee who willingly obstructed our military during a time of war.

It is unacceptable to limit the ability of our Armed Forces to recruit on campus at a time when the United States is fighting two wars.

I have serious concerns about her actions against the military and her willingness to prevent access to potential recruits during a time of war.

This incident illustrated her liberal agenda superseding her professional judgment.

I have highlighted only two issues of many that exemplify Ms. Kagan's well-defined political record. Put simply, she is a political activist, not a jurist.

Throughout her confirmation hearings, she failed to explain where her political philosophy ends and her judicial philosophy begins.

Mr. President, we need a legal mind on the Supreme Court, not a political one.

We need an impartial arbiter, not a partisan political operative.

Therefore, I firmly oppose Ms. Kagan's nomination to be an Associate Justice on the Supreme Court.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

LIMA COMPANY BATTALION, 25TH MARINES

Mr. BROWN of Ohio. Mr. President, I rise today to honor some 30 members of the Armed Forces who were killed in action serving our country. Five years ago this week, 19 marines from the 3rd Battalion, 25th Marine Regiment lost their lives while serving in Iraq. It was one of the most catastrophic IED attacks on our forces up until that time in the war. Eleven of those marines were from the Lima Company, an Infantry Reserve company with marines from Cincinnati, Chillicothe, Tallmage, Willoughby, Delaware, and Grove City, OH.

Headquartered in Brook Part, OH, the 3rd Battalion, 25th Marine Regiment, known as the 3/25, deployed to Iraq on February 28, 2005. Upon arriving in Iraq, they were indispensable. They trained Iraqi security forces. They conducted critical stability and security operations in and around the cities of Iraq's Al Anbar Province.

From May to August of that year, 5 years ago, they tracked down insurgents, disrupted enemy transportation routes, and seized weapons caches.

They participated in Operation Matador to eliminate an insurgent sanctuary north of the Euphrates River. In doing so, they disrupted a major insurgent smuggling route and gained valuable intelligence.

During Operation New Market, the Lima Company of 3/25 swept a hostile area near Haditha, Iraq.

In June of 2005, during Operation Spear, they helped clear the city of Karabila and recovered Iraqi hostages and destroyed several weapons caches.

From August 1 to 3, 2005, the Lima Company participated in the Battle of Haditha, a code-named Operation Quick Strike. This operation was launched after a marine unit of the 3/25 was attacked and killed by a large group of insurgents on August 1, 2005.

On August 3, 2005, the 3/25 were en route to the initial attack when their amphibious assault vehicle hit a pair of double-stacked antitank mines. The vehicle was completely destroyed in the explosion, and 15 of the 16 marines inside the vehicle died. All of the marines killed were assigned to the 3/25; 11 belonged to the Lima Company. At the time, the Lima Company was one of the hardest hit marine units in the war. In the span of 72 hours—from August 1 to August 3, 2005—19 marines with the 3/25 were killed by insurgents or insurgent-made IEDs.

Yet in the wake of losing their fellow marines, the Lima Company continued to carry out their mission to disrupt the militant presence in the surrounding areas.

Returning from Iraq, the Lima Company was welcomed by family members, friends, and communities. Many families, however, tragically were unable to welcome home their son, husband, father, or loved one.

Over the course of their 7-month deployment, the marines of the 3/25 participated in 15 regimental and battalion operations; 33 of them were killed in action.

We should again honor these heroes. I have met the families of many of these men—they were all men—many of these marines who were killed in action. I spent time talking with many of them about their sons or their husbands or their fathers or their loved ones.

Five years after the Lima Company's single greatest loss, we remember the marines who lost their lives early in those days of August 2005. I wish to share the names with my colleagues in the Senate:

Cpl Jeffrey A. Boskovitch, 25, of Seven Hills, OH;

Sgt David Coullard, 32, of Glastonbury, CT;

LCpl Daniel Deyarmin, Jr. 22, of Tallmadge, OH;

LCpl Brian Montgomery, 26, of Willoughby, OH;

Sgt Nathaniel Rock, 26, of Toronto, OH;

LCpl Christopher Jenkins Dyer, 19, of Cincinnati, OH;

LCpl William Brett Wightman, 22, of Sabina, OH;

LCpl Edward August "Augie" Schroeder II, 23, of Columbus, OH. His parents live in Cleveland.

LCpl Aaron Reed, 21, of Chillicothe, OH;

Cpl David Stewart, 24, of Bogalusa, LA;

Cpl David Kenneth Kreuter, 26, of Cincinnati, OH;

Sgt Justin Hoffman, 27, of Delaware, OH;

LCpl Eric Bernholtz, 23, of Grove City, OH;

LCpl Timothy Bell, Jr., 22, of West Chester, OH;

LCpl Michael Cifuentes, 25, of Fairfield, OH.

The families and communities of the Lima Company, 3rd Battalion, 25th Marine Corps Regiment have since banded together to immortalize the lives of their fallen heroes.

Two years ago, a set of eight life-size paintings was unveiled at the Ohio Statehouse in Columbus, with each marine's boots and an eternal flame placed below his likeness. The memorial is currently on display at the Museum of the Marine Corps just outside Washington, DC, in Quantico, VA. These men are remembered and they are honored through a standing granite memorial at Lima Company's headquarters at Rickenbacker Air National Guard Base just outside of Columbus.

Most notably, these fallen men are immortalized in the hearts, minds, and lives of their families and fellow marines.

When I talk still with family members, they are so interested in our continuing to memorialize and remember in our hearts and our minds and in public displays, such as this when possible, the sacrifice of their relatives.

Today we remember and we honor these courageous men. Their sacrifice has not gone unnoticed by the people of a proud State and a grateful nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator BROWN for his important comments, and I join him in expressing my sympathy for their loss and my appreciation of the courage and dedication of our men and women in uniform.

I rise to speak of my concerns over Ms. Elena Kagan's refusal as Solicitor General of the United States to defend Federal laws—laws with which she clearly did not agree and with which her President, President Obama, did not agree. Her handling of this matter alone, in my opinion, as one who spent 15 years in the Department of Justice, who loves the Department of Justice, who believes in the rule of law in America, is a disqualifying act by her and should disqualify her from serving on the Supreme Court.

I laid out my concerns at her confirmation hearings and asked her to respond. I gave her at the hearing almost 10 minutes to do so. It was the only time I noticed she actually used notes. Her explanation was not satisfactory.

It is well known by anyone who followed the process that Ms. Kagan has personally opposed the don't ask, don't tell law—a law passed by a Democratic Congress and signed into law by President Clinton. It was not merely a military policy but a Federal law. She served 5 years in the administration of President Clinton in the White House. I am not aware that she ever protested to him about signing that law.

The law says, in effect, that openly homosexual persons may not serve in the U.S. military—don't ask, don't tell. Ms. Kagan was a fierce critic of that law when she was dean of Harvard Law School. She justified her decision while at Harvard to ban military recruiters from the campus Career Services Office—in clear defiance of subsequent Federal law, the Solomon Amendment—on the basis of her opposition to don't ask, don't tell. The Congress passed four separate Solomon Amendments to make sure people such as Dean Kagan were not treating our military on campus as second-class citizens, which is how they were being treated.

She argued while at Harvard that don't ask, don't tell was a "moral injustice of the first order." I accept that as her opinion. I do not agree with it, but I accept that as a legitimate opinion. But I do not accept her actions blocking military recruiting as legitimate.

Given her strong personal opposition to don't ask, don't tell, she was specifically asked when she appeared before the Senate Judiciary Committee on her nomination to be Solicitor General of the United States—the position in the Department of Justice that defends Federal law before the Supreme Court of the United States, the greatest lawyer job in the world, some say—whether she would be able to fulfill her duty as Solicitor General by defending this very law she had opposed.

She promised the committee under oath that she could and that she would defend the law. She said that her "role as Solicitor General . . . would be to advance not my own views, but the interests of the United States." That is absolutely correct. That is the duty of the Solicitor General. It is a duty, not a matter of discussion. She stated she was "fully convinced" that she could "represent all of these interests with vigor, even when they conflict with my own opinions."

She said she would "apply the usual strong presumption of constitutionality" to the don't ask, don't tell law as reinforced by "the doctrine of judicial deference to legislation involving military matters."

There was no doubt about what Ms. Kagan's duty was as Solicitor General if, as was expected, she would be confronted with legal challenges to the don't ask, don't tell law. She had a clear duty under the law and in her

duty as Solicitor General to defend this law of the United States. In addition, she had explicitly promised the Senate under oath that she would defend this specific law, even though she disagreed with it.

As it happened, Ms. Kagan was, indeed, faced with the opportunity to defend the don't ask, don't tell law immediately after she took office. Right after she took office, there it was.

In the months leading up to her confirmation, two Federal courts of appeals had decided cases challenging don't ask, don't tell. In one decision, the First Circuit—is in the Northeast of our country—upheld the law. They said it was lawful and constitutional. In the other case, called *Witt v. Department of Air Force*, the Ninth Circuit, on the west coast, considered to be the most liberal circuit in America, refused to uphold the law.

The Ninth Circuit's decision in the *Witt* case basically did two things. I hope my colleagues will pay attention to this because it is important. Did the Solicitor General, who now wants to be on the Supreme Court, fulfill her duty or did she not?

The Ninth Circuit ordered the military to go back down to the district court. This is the Court of Appeals, one step below the Supreme Court. They said: No, we want this case to go back to the district court to be decided after a trial, during wartime, I might add. The military would be required to justify the don't ask, don't tell law under a new legal standard that the court had invented out of whole cloth.

The Ninth Circuit said the government would not be allowed to defend the law as a rational, uniform policy that applies to all Armed Forces, as had been done in the First Circuit where the law was affirmed. The First Circuit affirmed it as a matter of law, without any big trial. Was this statute, this congressional action setting military policy, unconstitutional? The First Circuit said it was not. It was lawful. But the Ninth Circuit said the military would have to prove that the application of don't ask, don't tell "specifically to [this individual plaintiff—*Witt*] significantly furthers the government's interest and [that] less intrusive means would [not] achieve substantially the government's interest." That was a devastating standard. It was very problematic.

After that unprecedented decision in mid-2008, the Solicitor General's Office then in the Bush administration immediately recognized the seriousness of the decision and authorized an appeal to the full Ninth Circuit en banc and asked the full circuit to overrule this three-judge panel decision.

The court did not agree to take the case and overrule the panel. But there were strong objections from several judges of the Ninth Circuit who thought their colleagues had clearly

gotten the case wrong, as I truly believe they had.

At that point, the government was faced with a decision: Should they appeal the Ninth Circuit decision directly to the Supreme Court? By that time, the Obama administration had come into office and, Ms. Kagan, who believed this law was immoral and an injustice of the first order, had been confirmed as Solicitor General. It fell to her to decide whether to take the appeal to the Supreme Court. She refused.

Instead, she decided to let the Ninth Circuit decision stand and allow the case to go back down to the trial court for a prolonged trial. In so doing, she failed in her fundamental responsibility as Solicitor General and to her sworn promise to the Senate to defend the statutes of the United States regardless of her personal policy views.

I make that statement with care. I gave her 10 minutes, virtually uninterrupted, to explain why she made this decision, because it troubled me, as someone who understands the importance of the duties of the Solicitor General. If you do not fulfill your duties of Solicitor General, should you then be promoted to the U.S. Supreme Court, I ask? This was a very bad decision, in my view.

Her long answer I thought was hollow and at many points disingenuous. She gave three reasons why she acted the way she did.

First, she said she concluded it would be better to wait to appeal to the Supreme Court until after trial because a trial would build a "fuller record" of the case. Once the facts were better developed, she claimed, the government might be in a better position before the Supreme Court.

Second, she said that allowing the case to go back to the district court would help the government in a future appeal because it would be able to "show what the Ninth Circuit was demanding that the government do" in order to defend the don't ask, don't tell statute. Going through a disruptive trial, she said, would allow the government to tell the Supreme Court just how invasive and "strange" were the demands of the Ninth Circuit on the government. Well, they were invasive and strange. There is no doubt about that.

Third, she said, the appeal in the *Witt* case would have been "interlocutory"—that is an appeal in the middle of a case rather than at the end, after a final judgment—and the Supreme Court prefers not to hear these kinds of appeals.

None of her explanations are credible, in my view. If you analyze this fairly, I do not believe any one of those explanations can be sustained. Another explanation, however, can be sustained.

It is true that appellate courts, including the Supreme Court, prefer to

hear appeals at the end of a case rather than at the middle, but that is a decision the Court can make for itself and does make for itself. It is not something the Solicitor General should decide on the Court's behalf and not to take up a case when they have a good legal basis to take it up and to avoid an incredibly burdensome trial would undermine military policy in 40 percent of the country. The Ninth Circuit includes 40 percent of America under its jurisdiction.

At the very least there would have been no harm to the government in asking the Court to review the case early. No harm whatsoever. If the Court refused to take the case at that time—interlocutorily—the government could always take a later appeal. Any concerns about avoiding early appeals were clearly outweighed in this case. There already had been a split among the circuit courts of appeals. The Ninth Circuit ruling squarely conflicted with the First Circuit, and it was also at odds with the decisions from four other circuit courts on similar issues. The Ninth Circuit opinion presented clean questions of law: Should this matter be decided as a matter of law, as the First Circuit said, or should it be decided only after some prolonged trial, as the Ninth Circuit said? This was a critically important matter that I think the Supreme Court, recognizing we are a Nation at war, recognizing this is an important Defense Department policy, would have agreed to hear.

Ms. Kagan's second explanation—that letting the case go to trial would allow the government to just show how painful a trial would be—makes no sense. The Ninth Circuit made it very clear in their opinion that the government was going to have to justify the application of don't ask, don't tell to this specific plaintiff—Ms. *Witt*—to prove that this specific plaintiff was going to harm the military if she were to be allowed to remain in the Air Force. It was also obvious that such a trial was going to be disruptive to the military and that it would harm the "unit cohesion" that Congress had set out to protect when it passed don't ask, don't tell.

Ms. Kagan's predecessors in the Department of Justice and in the Solicitor General's Office immediately recognized the damage that would result from allowing the Ninth Circuit decision to stand. That is why they asked for a rehearing immediately. At that time, this is what they said:

[The Ninth Circuit decision] creates an inter-circuit split . . . a conflict with Supreme Court precedent, and an unworkable rule that cannot be implemented without disrupting the military.

I think they were exactly right on that. The Ninth Circuit decision, they went on to say, made the constitutionality of a Federal law setting military policy for the entire Nation

“depend[] on case-by-case surveys, taken by lawyers, of the troops in a particular plaintiff’s unit.” And that is true. Immediate review, they insisted, was “needed now to prevent this unprecedented and disruptive process.”

Most importantly, Ms. Kagan’s first explanation to the Judiciary Committee for her decision to send this case back to trial—that she thought the government’s case would benefit from a fuller factual development of the case—was simply false. The records of this case on remand to the District Court show that Ms. Kagan knew—knew—at the time she decided to let the case go back to trial that such a trial was going to be massively disruptive.

I have studied the record in the case as it headed for trial, where lower ranking lawyers in the Department of Justice are now trying to defend the case at trial. These lawyers have been fighting desperately to avoid or to limit this open discovery process. According to these career attorneys, the discovery process is “threatening” and “jeopardizing the unit morale and cohesion.”

Remember, Ms. Kagan told us—the members of the Judiciary Committee, during her confirmation testimony—that building a factual record would be good for the government’s case. But here the career lawyers who are defending the case are contending that building this factual record is bad for the government, and these lawyers are right.

The plaintiff in this case has asked for and received, by virtue of the Ninth Circuit order—and this was plainly predictable from reading that order—access to the personnel records of the entire military unit of the plaintiff. They have demanded depositions of other soldiers who served with the plaintiff before she was separated from the military. They have demanded the right to interview soldiers about their private lives, their personal views of their former colleague, and their private thoughts about sexuality.

As I have said before, this is not just a case in which Ms. Kagan showed bad legal judgment. She did not send her client, the U.S. Air Force, down this path by mistake, it seems to me. She knew this was going to happen, and I believe she had reasons other than a strategic plan to defend the law as her reasons in making this decision.

We know Ms. Kagan realized a trial would harm the military’s interests because she said so to the lawyers on the other side of the case in the weeks before she made the final decision not to appeal. Once the case was back in this trial court, in this district court, the plaintiff’s lawyers in one of the hearings made this statement to the trial judge there:

[T]he government just doesn’t want any discovery. I have heard that message from

the government clearly—loud and clear. [We] were asked to meet with the Solicitor General of the United States in April, and we heard that message loud and clear that discovery is a big problem.

So they had been asked, these lawyers, to go to Washington to meet with the Solicitor General to discuss the case and were told at that meeting that discovery was bad. Yet she testified in our hearing just a few weeks ago that she thought it was good for the government.

In May of 2009, as Solicitor General, she made a decision to block an appeal to the Supreme Court. Before she made that decision, she had already met with these opposing counsel. And who were these lawyers? They were lawyers from the ACLU who were committed to the defeat and the elimination of this don’t ask, don’t tell law. She told them “loud and clear” that developing a factual record would be bad for the government. Yet she told us just a few weeks ago that it was good; that it was going to help the government’s case.

It appears to me that the most plausible—almost the only—conclusion that one can reach is that Ms. Kagan and the Obama administration generally were trying to keep the Supreme Court from deciding the constitutionality of don’t ask, don’t tell. Ms. Kagan, like the President, is personally opposed to don’t ask, don’t tell. The President has asked Congress to repeal don’t ask, don’t tell, and there is legislation pending now in the Senate that would repeal that law.

But given the record of the Supreme Court on questions of military personnel policy, I am confident that the Ninth Circuit’s radical decision would have been overturned had the Solicitor General taken the appeal. And given the timing of the case, we would likely have been reading a few weeks ago of a Supreme Court opinion holding that don’t ask, don’t tell was a constitutionally legitimate exercise of Congress’s power over military affairs. If you think about it, you can see why such a ruling—upholding the constitutionality of a law that the administration wants to repeal—might not be politically helpful to them in that process.

As I said earlier, there was another case dealing with don’t ask, don’t tell where the First Circuit had upheld the law. Of the 12 plaintiffs involved in that First Circuit case, 11 of them decided to abandon their case and not appeal. In other words, they lost, they could have appealed to the Supreme Court, but they abandoned their appeal and accepted the loss.

Why would they do that? Why would their lawyers allow them to do that? Because, it appears to me, those defendants and their lawyers—and included among some of those lawyers were Ms. Kagan’s former colleagues from Harvard Law School—knew that

the Supreme Court would likely uphold don’t ask, don’t tell if they took an appeal. That is what they did not want.

Only one of the plaintiffs insisted on appealing to the Supreme Court—1 of the 12—in the face of much resistance from his legal advisers who, as you can see, were less interested in vindicating the right of those specific defendants than they were trying to create the best possible strategy to undermine or to defeat don’t ask, don’t tell. Interestingly, Ms. Kagan, again, did what the lawyers attacking the law wanted.

One of the defendants wanted to appeal the First Circuit case. She could have allowed that appeal to go forward and gotten a definitive Supreme Court ruling. But she wrote the Supreme Court that they should not hear the appeal of the First Circuit; they should not accept that case for Supreme Court review. By urging the Court not to hear an appeal from that decision she denied the government a definitive decision from the Supreme Court, which I think was within their grasp.

Actually, one of the reasons she urged the Supreme Court not to take the appeal in the First Circuit case was because she said the Ninth Circuit case would be a better case for the Court to review. Then, when the Ninth Circuit case was ripe, she did not appeal it. In effect, Ms. Kagan prevented the Supreme Court from ruling on the constitutionality of this law—a law she so strongly opposed.

So I think it is clear. It would seem to me to be clear. If I am wrong about this, I would like to see my colleagues explain it. I offer them an opportunity. I don’t think I am wrong. I have tried a lot more cases than Elena Kagan ever tried—since she has never tried one. I think it is clear her strategy was to avoid a Supreme Court ruling—because she thought the Supreme Court would uphold don’t ask, don’t tell—and to drag out the proceedings in the lower court in hopes that maybe the administration would be able to convince Congress to repeal the law before the Supreme Court ruled. The record shows she was willing to do so, even if it meant this military unit would be turned upside-down by the lawyers from the ACLU.

Remember, in each case—even in the First Circuit case, where they had lost—the ACLU lawyers did not want that case to go on appeal. And in the Ninth Circuit case they did not want the case to go on appeal to the Supreme Court. Why? To me, that is the final argument. Why did the Solicitor General acquiesce and adopt the very policy the ACLU lawyers wanted—not to appeal to the Supreme Court—other than that she did not want a definitive ruling and agreed with them it was likely the Supreme Court would affirm the law? I think that is what we are talking about.

I hate to say that. That is why, in an unprecedented way—I don’t think it

has ever happened since I have been in the Senate, certainly for a Supreme Court nominee, that they were given a full 10 minutes to answer uninterrupted why they made that decision.

Her answer was unsatisfactory for the Solicitor General, the lawyer for the United States of America, whose duty and explicit promise was to defend don't ask, don't tell, even though she and her President did not agree with it.

I have expressed my concern in this process, that Ms. Kagan's background and her record is more that of a political lawyer than a real lawyer. She certainly has never been a judge. She has never been, for any real period of time, a real lawyer. She went right out of law school, had 2 years in a private law firm and 14 months as Solicitor General.

These political lawyers, sometimes they do not grasp the responsibility and duty and the power and the beauty and the majesty of the American legal system. They think it is all politics. They have not been before judges as I have been, as have many other lawyers by the hundreds of thousands in America, and seen justice rendered day after day—and sometimes seen injustice rendered—and know how to admire and appreciate justice and objectivity and legal acumen.

Ms. Kagan's willingness to advance a political agenda without regard for her duty strikes at the very root of the rule of law in America, our greatest strength. As the hymn says, our liberty is in law. A person who cannot constrain herself to her proper role, to fulfill her duty to defend law, even when it runs contrary to her personal views, is no more likely to follow a law she dislikes if she is elevated to the Supreme Court. I suggest that is a threat to justice in America.

I do think this is another incident—there are others in the record of this nominee—that indicates this is a political lawyer, an agenda-driven lawyer, someone who has never served as a judge and never truly practiced law. The horrendous decision in not pursuing the opportunity to get a final decision from the Supreme Court on don't ask, don't tell, I believe, was made for reasons other than faithfully fulfilling her responsibilities as Solicitor General to defend these laws. And I believe it is disqualifying for one who seeks to serve on the highest Court in the land.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I rise to discuss Solicitor General Elena Kagan's nomination to the U.S. Supreme Court. During my time in Congress, I have had the honor to vote in support for the nominations of several Associate Justices put forward by both Democratic and Republican Presidents. Presidents are due a great amount of deference in the evaluation of his or her nominees to be members of the highest Court in the land, and elections, I understand very well, do have consequences. However, in this case I am not able to provide such deference to President Obama's nominee who has shown such a public unwillingness to follow the law.

When Ms. Kagan was dean of the Harvard Law School, she unmistakably discouraged Harvard students from considering a career in the military by denying military recruiters the same access to Harvard students that was granted to the Nation's top law firms. She barred military recruiters because she believed the Federal Government's don't ask, don't tell policy to be "a profound wrong—a moral injustice of the first order."

Ms. Kagan is entitled to her opinion of whether the policy is wrong. She is not entitled to ignore the law that required universities to allow military recruiters on campus or forgo Federal funds.

The chief of recruiting for the Air Force Judge Advocate General Corps was repeatedly blocked from participating in Harvard's spring 2005 recruiting season and wrote to Pentagon leaders: "Harvard is playing games and won't give us an on-campus interviewing date."

The Army's report from the 2005 recruiting season was even more blunt, stating: "The Army was stonewalled at Harvard."

Ms. Kagan sought a compromise by asking the law school's Veterans Association to host military recruiters, but the association responded: "Given our tiny membership, meager budget, and lack of any office space, we possess neither the time nor the resources . . . of duplicating the excellent assistance provided by the Harvard Law School Office of Career Services."

The association was right and an Air Force Judge Advocate General recruiter wrote Pentagon officials, and I quote from his letter: "Without the support of the Career Services Office, we are relegated to wandering the halls in hopes that someone will stop and talk to us."

That was a remarkable statement from a military recruiter. According to the Solomon Amendment, any institution that barred recruiters from their campus would therefore not be eligible for Federal funds. Ms. Kagan and Harvard University, in general, and the law school in particular, were, according to this Air Force officer, doing

that. "Without the support of the Career Services Office we are relegated to wandering the halls in hopes that someone will stop and talk to us."

The university that portrays itself as the premier institution in America relegated our officers and recruiters for honorable service in the military of the United States of America to "wandering the halls in hopes that someone will stop and talk to us."

Ms. Kagan had a direct role in seeing that military recruiters were "relegated to wandering the halls in hopes that someone will stop and talk" to them. Ms. Kagan's claim that she was bound by Harvard's antidiscrimination policy is belied by the fact that her predecessor allowed military recruiters full official access, a policy Ms. Kagan changed.

While Ms. Kagan barred military recruiters access to the school, Harvard continued to receive millions of dollars in Federal aid. I will not go into my opinion of Harvard University's behavior throughout this whole issue of whether recruiters should be allowed on their campus. There are members of the ROTC who are still condemned to go to a neighboring institution for their training. But we are speaking of Ms. Kagan.

During her confirmation hearing last month, Ms. Kagan asserted that Harvard law school was "never out of compliance with the law . . . in fact, the veterans' association did a fabulous job of letting all our students know that the military recruiters were going to be at Harvard. . . ."

She went on to state: "The military at all times during my deanship had full and good access."

Absolutely false statement. Facts show that these statements are false, and recruitment for our Nation's military suffered due to her actions.

Well, I strongly disagree with Ms. Kagan. I take no issue in terms of her nomination with her opposition to President Clinton's don't ask, don't tell policy. She is free to have her own ownership. Ms. Kagan was not free to ignore the Solomon Amendment's requirement to provide military recruiters equal access because she opposed don't ask, don't tell. In short, she interpreted her duties as dean of Harvard to be consistent with what she wished the law to be, not with what the law was as written.

In the end, Ms. Kagan's interpretation of the Solomon Amendment was soundly rejected by the U.S. Supreme Court. By changing the policy she inherited and restricting military recruiter access when the prevailing law was to the contrary, Ms. Kagan stepped beyond public advocacy in opposition to a policy and into the realm of usurping the prerogative of the Congress and the President to make law and the courts to interpret it. It is precisely for this reason that I cannot support her nomination.

I have previously stated that I do not believe judges should stray beyond their constitutional role and act as if they have greater insight into the meaning of the broad principles of our Constitution than representatives who are elected by the people. These activist judges assume the judiciary is a superlegislature of moral philosophers. It demonstrates a lack of respect for the popular will that is fundamental to our republican system of government.

Regardless of one's success in academic and government service, an individual who does not appreciate the commonsense limitations on judicial power in our democratic system of government ultimately lacks a key qualification for a lifetime appointment to the bench. For Ms. Kagan, given the choice to uphold the law that was unpopular with her peers and students or interpret the law to achieve her own political objectives, she chose the latter.

I cannot support her nomination to the Supreme Court, where, based on her prior actions, she is unlikely to exercise judicial restraint and respect the roles of the coequal branches of government.

I am sure my colleague from Alabama, who has done so much work on this issue, probably recalls that during her confirmation process, Peter Hegseth, who is the executive director of Vets for Freedom, a veteran of the Iraq war, and currently an infantry captain in the Massachusetts Army National Guard, testified: "I have serious concern about Elena Kagan's actions toward the military and her willingness to myopically focus on preventing the military from having institutional and equal access to top-notch recruits at a time of war."

He went on to say: "I find her actions toward military recruiters at Harvard unbecoming a civic leader and unbefitting a nominee to the U.S. Supreme Court."

Another veteran, Flagg Youngblood, ROTC graduate from Princeton, testified at the same hearing: To defend the barriers Dean Kagan erected by saying military recruiting did not suffer misses the point. Just imagine how many more among Harvard Law's 1,900 young adults would have answered the Defense Department's call.

Lastly, retired Air Force COL Thomas Moe, a veteran with 33 years of service to our Nation, testified: "Ms. Kagan knowingly defied a particular law and treated military recruiters as second-class citizens. How can our warriors look at such people when they are poised at the tip of the sword, ready to sacrifice everything for their country, while a cloistered clique in ivory towers eats away at their institution for the sake of narrow ideological interests."

I know the Senator from Alabama was present at these hearings. I ask

unanimous consent to engage in a short colloquy with the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, Ms. Kagan stated that she—I understand her words were "reveres the military;" is that correct?

Mr. SESSIONS. She did use that word.

Mr. McCAIN. Is it a bit contradictory that you would want to treat the military as "separate but equal," condemning them—the Air Force Judge Advocate General military person said they were condemned to wandering the halls of Harvard Law School in hopes that someone would stop and talk to them. Is that, I wonder, in keeping with the actions of someone who claims they revere the military?

Mr. SESSIONS. I certainly do not believe it is. As the Senator has noted repeatedly—and we serve on the Armed Services Committee together—this was not a military policy; this was a law passed by this Congress and signed by President Clinton, with whom she worked for 5 years. But she was punishing these young officers, many of them, demeaning them, making them be treated in a second-class way because she did not agree with that policy.

Mr. McCAIN. May I ask the Senator, is there any doubt in your mind, given the testimony of other witnesses, including letters such as from the Air Force Judge Advocate General recruiters and others, that Ms. Kagan—then Dean Kagan—did take these actions restricting the access of recruiters to the Harvard Law School?

Mr. SESSIONS. There is absolutely no doubt about it. She openly sent an e-mail to all students and said she considered this policy that Congress adopted a moral injustice of the first order.

On one occasion a military recruiter was apparently working in one building, and she spoke to a protest rally outside the next-door building, creating a climate that was certainly hostile to the good efforts of that military officer.

Mr. McCAIN. But at the same time, then-Dean Kagan never asked to return the Federal funds that were flowing into the university?

Mr. SESSIONS. No. In fact, it took the president of Harvard, Larry Summers—now President Obama's chief financial economic adviser; he was then president of Harvard—he had to reverse her decision when he was faced with the loss of Federal funds. The entire recruiting season, however, was lost before the military realized they were systematically being blocked. And they protested to the university, and finally she was overruled by the president.

Mr. McCAIN. So then-Dean Kagan's actions, which she believed—and I re-

spect her views that it was a moral imperative, and basically she chose what she viewed as a moral imperative—i.e., her opposition to the don't ask, don't tell law—as overriding compliance with the law, which then brings into question her qualifications and what her future actions will be as a member of the U.S. Supreme Court.

Mr. SESSIONS. Absolutely. I think that is the essence of what happened. She eventually acknowledged that at no time was the Solomon Amendment not in force at Harvard when she was there.

I know Senator McCAIN remembers that we passed four versions of the Solomon Amendment because every time one was passed, these law schools or others figured out a way to get around it. We finally wrote one they couldn't get around. This was systematic obstruction by universities that I think does not speak well of them.

She also filed a brief with the Supreme Court attacking the law, and, as the Senator noted earlier, the Supreme Court rejected that brief 8 to 0.

Mr. McCAIN. So we are not discussing the merits or demerits of a law that was passed by Congress; we are discussing then-Dean Kagan's actions in opposition to this law which were absolutely in contradiction to the law.

Mr. SESSIONS. Absolutely. Harvard had agreed to follow this law. Her predecessor as dean, Dean Clark, had agreed to do so. She seized upon an opportunity, without legal authority, to cease to comply with that law, denied the military full access to the campus as the law required, and eventually had to be reversed by the president of Harvard.

Mr. McCAIN. Could I finally ask my colleague from Alabama, do you ever think the day will come when we have a nominee for the U.S. Supreme Court who didn't go to Harvard Law School? Maybe that might be healthy for America.

Mr. SESSIONS. Well, you know, I think it might. If they have good judgment and are good people, I am not so worried where they come from. But when you have five people on the Supreme Court—and we will have that if she is confirmed—all from one of the boroughs of New York and most of them from Harvard or Yale, then I think it does raise questions about it. Maybe someone from Arizona could handle that job.

Mr. McCAIN. Or perhaps Alabama.

Mr. SESSIONS. Perhaps so.

With regard to those young officers who were on the Harvard campus, my understanding of the military—and the Senator's experience is far greater than mine—is that many of those officers may well have just returned from Iraq or Afghanistan. You don't just serve all your career as a recruiter. I mean, they may have been combat officers or helicopter pilots or convoy leaders putting

their lives at risk. I wonder how the Senator thinks they felt when they faced this kind of discrimination.

Mr. MCCAIN. Frankly, I would say to my colleague from Alabama, obviously it is not related to Dean Kagan, but treatment at these elite institutions in the Ivy League, going all the way back to the Vietnam war—you know, they are entitled to their views and their opinions and their opposition, but to treat people who were designated by the President of the United States to be recruiters, to motivate other young men and women to join what I believe is a very honorable profession, most honorable, to put impediments in their way and intentionally block their ability to do so is something that I guess they will have to answer for in the future.

I thank my colleague from Alabama for his leadership on this issue on the Judiciary Committee. He has worked tirelessly, night and day, on this issue for a long period of time now. I thank the Senator from Alabama for his outstanding work and leadership. I appreciate it. I know Americans do too.

Mr. SESSIONS. I thank the Senator. I would note that one of the arguments that has been made—and my time is about up—has been that: Well, nothing was really done at Harvard. We asked a veterans group, a veterans organization to take care of all of these things we were refusing to allow the military to have through the Career Services Office.

And this is what the veterans group said at the time. They sent an e-mail to everybody on campus because it offended them that they were being asked to do a job that should have been done through the Career Services Office. They sent this e-mail:

Given our tiny membership, meager budget, and lack of any office space, we possess neither the time nor the resources to routinely schedule campus rooms or advertise extensively for outside organizations, as is the norm for most recruiting events. . . . [Our effort] falls short of duplicating the excellent assistance provided by the Office of Career Services.

So this argument has been repeatedly made: Don't worry about it; the veterans groups were taking care of all of this. It is bogus. It is incorrect. And she repeated that. I am not surprised to get that kind of statement from the White House spin doctors, but a nominee under oath—

The PRESIDING OFFICER. The Republican time has expired.

Mr. SESSIONS. Should not have made the statement she did in that regard.

I yield the floor.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, on July 1 of this year, the Judiciary Committee received a letter from LT Zachary W. Prager. He serves in the U.S. Navy Judge Advocate General's Corps. He writes:

I was a student at Harvard Law School under Ms. Kagan and commissioned into the Navy. . . . I am grateful to Dean Kagan for her leadership on military recruiting, as well as the myriad of other positive impacts that she had on my law school experience. I would not be serving today—

Referring to the military—

without it. She has earned my most heartfelt support for her nomination.

This is a member of the military who felt Dean Kagan helped greatly with him joining the military.

As the dean of Harvard Law School, Elena Kagan worked hard to find ways to both enforce the school's non-discrimination policy and allow the military to recruit Harvard students.

Mr. President, I ask unanimous consent that Lieutenant Prager's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN LEAHY: I write in support of Solicitor General Elena Kagan's nomination to the United States Supreme Court. I am a lieutenant in the U.S. Navy Judge Advocate General's Corps. I was a student at Harvard Law School under Ms. Kagan and commissioned into the Navy upon graduation in 2007. Without Ms. Kagan's leadership and evenhandedness as Dean, I would not have joined the military.

Dean Kagan set a standard at Harvard of respect for military servicemembers, while still expressing her opposition to the Don't Ask, Don't Tell policy. She made it clear that Harvard Law School would fight the policy, but never impugn the soldiers, sailors and airmen who came to Harvard to recruit. Her guidance on this issue permeated throughout her administration, from the Dean of Student's Office to the Office of Career Services. Like many students, I was reticent to join an institution that practices overt discrimination. The environment they established opened the door for me to consider the military as a career path. Their example helped clear my reservations.

My decision to join the Navy was welcomed by Dean Kagan's administration. Military service was valued the same as any other public interest job. At a dinner to honor those of us entering public service, I dined next to public defenders, federal prosecutors and human rights activists. Notably, I now serve in the Navy alongside another classmate, and alumni from my class serve in the Marine Corps and Army Judge Advocate General's Corps.

I am proud to serve in the Navy and I love my job. I completed a deployment to Iraq and leave soon for my next tour overseas in Japan. I am grateful to Dean Kagan for her

leadership on military recruiting, as well as the myriad of other positive impacts that she had on my law school experience. I would not be serving today without it. She has earned my most heartfelt support for her nomination.

Very Respectfully,

ZACHARY PRAGER.

Mr. LEAHY. Mr. President, on that subject, I would like to note a letter of support the Judiciary Committee received from 1LT David Tressler. He was at Harvard Law School when Solicitor General Kagan served there as dean. He is currently serving in harm's way in Afghanistan, and he strongly supports Solicitor General Kagan for this nomination.

Here is what the lieutenant writes:

I believe that, while dean of Harvard Law School, [Elena Kagan] adequately proved her support for those who had served, were currently serving, and all those who felt called to serve, including those like me who joined upon graduation as well as those patriots who were not permitted to do so under the policy of "Don't Ask, Don't Tell."

Mr. President, I ask unanimous consent that Lieutenant Tressler's letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 30, 2010.

Re: Nomination of Elena Kagan.

Hon. PATRICK LEAHY,
Chairman, Senate Committee on the Judiciary,
Dirksen Senate Office Bldg., Washington,
DC.

Hon. JEFF SESSIONS,
Ranking Member, Senate Committee on the Judiciary,
Dirksen Senate Office Bldg., Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR SESSIONS: From Afghanistan I have read about the criticism being leveled at Elena Kagan during the confirmation hearings for her nomination as an Associate Justice of the Supreme Court over her decisions and positions while dean of Harvard Law School with regard to military recruiters on campus and the military's "Don't Ask, Don't Tell" (DADT) policy. Senator Sessions issued a statement that Kagan "stood in the way of devoted, hardworking military recruiters," and Senator Jon Kyl said that "[h]er tenure . . . was marred, in my view, by her decision to punish the military and would-be recruits for a policy—'don't ask, don't tell' and the Solomon Amendment. . . ." I am one of those recruits and write to share with the Committee my experience as a law student at Harvard between 2004 and 2006 when the controversy over military recruiters on campus unfolded. Shortly after my 2006 graduation I enlisted in the Army Reserve and I am currently serving as a civil affairs officer at a remote combat outpost in eastern Afghanistan.

I am focused on my mission here, but as a citizen, lawyer, and military officer who swore to defend the Constitution, I care also about the integrity of the Supreme Court selection process and disagree with efforts to paint Elena Kagan as unsupportive of the military.

Like most Americans I want to see a nomination process focused on Kagan's qualifications and judicial philosophy, not on empty political theater. The details and chronology of her decisions with regard to military recruiters on campus have been well-reported

by the media and described again by Ms. Kagan, but I will recount them briefly from my experience as a student who was there at the time considering enlistment in the military. I remember her decisions and the tenor of her messages about the military, DADT, and military recruiting.

There was a legitimate legal debate taking place in the courts over the Solomon Amendment, and when court decisions allowed it in 2004, Kagan made a decision to uphold the school's anti-discrimination policy. Military recruiters were never barred from campus. During the brief period when recruiters were not given access to students officially through the law school's Office of Career Services, they still had access to students on campus through other means. Immediately following this period, in 2005 more graduating students joined the military than any year this decade, according to the Director of the Law School's Office of Career Services.

Kagan's positions on the issue were not anti-military and did not discriminate against members or potential recruits of the military. Nor do I believe that they denied the military much-needed recruits in a time of war. There are only a few of us each year who joined the military while attending, or after graduation from, Harvard Law. Kagan's decision to uphold the school's anti-discrimination policy for a brief period of time and express disagreement with DADT did not prevent us from talking with recruiters and joining.

I heard Kagan speak several times about this issue. She always expressed her support for those who serve in the military and encouraged students to consider military service. It was clear she was trying to balance the institution's values underlying its anti-discrimination policy with her genuine support for those who serve or were considering service in the military. Indeed, her sense of DADT's injustice seemed to grow out of her belief in the importance and value of military service. I remember that she repeatedly said as much while dean. More recently while speaking to cadets at West Point, she explained that, "I personally believe that the exclusion of gays and lesbians from the military is both unjust and unwise. I wish devoutly that these Americans too could join this noblest of all professions and serve their country in this most important of all ways."

I believe she was right. But Senator Sessions recently suggested, referring to Ms. Kagan's positions, that "to some in the elite, progressive circles of academia, it is acceptable to discriminate against the patriots who fight and die for our freedoms." With due respect, as a Soldier who serves side by side in a hostile combat zone with patriots who are subjected to the discrimination imposed by DADT policy, I see it differently.

Like most servicemembers serving in a combat theater, when we go outside the wire, I care more about the fitness, experience, and tactical proficiency of the Soldiers around me than who they might want to date or marry when they get home. Out here on the ground in Afghanistan, when we are attacked—which happens often at and around my outpost—it does not matter who is straight or gay any more than it matters who is white or black or who among us can drink legally and who is still underage. We come under fire together. And when it's over, we pick ourselves up and continue on with the mission together. Yet contrary to the military's code of leaving no comrade behind, DADT continues to selectively discriminate against some of these

servicemembers who put their lives at risk for this country.

Nevertheless, reasonable, well-intentioned and equally honorable people disagree about the wisdom of DADT. To attack Ms. Kagan for a principled position she took as a law school dean that had no practical effect on military recruitment looks, from where I stand, like a political distraction. What the country deserves instead is a substantive debate over Elena Kagan's judicial philosophy and her qualifications to interpret the Constitution and decide cases as a member of this nation's highest court.

I urge you to maintain that focus for the remainder of the hearings and refrain from further hyperbole questioning Ms. Kagan's support for the men and women of the U.S. military. I believe that, while dean of Harvard Law School, she adequately proved her support for those who had served, were currently serving, and all those who felt called to serve, including those like me who joined upon graduation as well as those patriots who were not permitted to do so under the policy of "Don't Ask, Don't Tell."

Respectfully,

DAVID M. TRESSLER,
*First Lieutenant, Civil
Affairs, United
States Army Reserve,
Khost Province, Af-
ghanistan.*

Mr. LEAHY. I might say what a red herring this question is of where a recruiter's office is. If you have people who want to serve in the military, they can usually find them.

Our youngest son joined the U.S. Marine Corps directly out of high school—a brilliant young man who wanted to serve his country. So I asked him again the other day, just to be sure.

I said: Mark, now, was that recruiter at the high school or on campus?

He said: Oh, no, Dad. We didn't have anything like that.

I said: How did you find it?

He said: Well, I got out the telephone book. I looked up the address: downtown Burlington. He told me exactly where it was. I know the area. I walked down there and joined the U.S. Marine Corps.

Frankly, and obviously, my wife and I are very proud of him. He served honorably. I cannot help but think for just about everybody I know who joined the military, if you asked them: How did you do this, they would say: Oh, I checked where the recruiter was and went and joined or I was at an event somewhere where somebody was speaking, and I heard about it and joined.

So this is probably the biggest red herring. I have been here for debates and votes on every single member currently serving on the Supreme Court and some who have since retired from the Supreme Court. I have heard a few red herrings over the years, never one like this.

Mr. President, during the 3 months that this nomination has been pending, Senators have made many statements about Solicitor General Elena Kagan. I wish to commend the statements made yesterday and today by the majority leader, Senator CARDIN, Senator

FEINSTEIN, Senator KOHL, Senator FRANKEN, Senator DURBIN, Senator LIEBERMAN, Senator DORGAN, Senator GILLIBRAND, Senator SHAHEEN, Senator KLOBUCHAR, Senator HAGAN, Senator MIKULSKI, Senator BINGAMAN, Senator CARPER, Senator LEVIN, Senator WHITEHOUSE, Senator GRAHAM, Senator BURRIS, Senator SPECTER, Senator COLLINS, and Senator BOXER. They were outstanding in describing the qualifications of a nominee who should be confirmed with a strong bipartisan majority.

If I might, seeing the distinguished Presiding Officer, I wish to acknowledge the extraordinary contributions of his colleague, Senator KLOBUCHAR. She spoke eloquently. She organized a group of Senators, and she persevered, despite the personal loss she suffered this week.

When President Obama set out to find a well-qualified nominee to replace retiring Justice John Paul Stevens, he said he would "seek someone who understands that justice isn't about some abstract legal theory or footnote in a casebook. It's also about how laws affect the daily realities of people's lives—whether they can make a living and care for their families, whether they feel safe in their homes and welcome in our nation." In introducing Solicitor General Kagan as his Supreme Court nominee, President Obama, whose 49th birthday is today, praised her "understanding of the law, not as an intellectual exercise or words on a page, but as it affects the lives of ordinary people."

President Obama is not alone in recognizing the value of judges and Justices who are aware that their duties require them to understand how the law works and the effects it has in the real world. Within the last few months, two Republican appointees to the Supreme Court have made the same point. Justice Anthony Kennedy told a joint meeting of the Palm Beach and Palm Beach County Bar Associations that, as a Justice, "You certainly can't formulate principles without being aware of where those principles will take you, what their consequences will be. Law is a human exercise and if it ceases to be that it does not deserve the name law."

In addition, Justice David Souter, who retired last year and was succeeded by Justice Sotomayor, delivered a thoughtful commencement address at Harvard University. He spoke about judging, and explained why thoughtful judging requires grappling with the complexity of constitutional questions in a way that takes the entire Constitution into account. He spoke about the need to "keep the constitutional promises our nation has made." Justice Souter concluded:

If we cannot share every intellectual assumption that formed the minds of those who framed that charter, we can still address

the constitutional uncertainties the way they must have envisioned, by relying on reason, by respecting all the words the Framers wrote, by facing facts, and by seeking to understand their meaning for living people.

Justice Souter understood the real world impact of the Supreme Court's decisions, as I believe does his successor, Justice Sotomayor. Across a range of fields including bankruptcy, the fourth amendment, statutory construction, and campaign finance, Justice Sotomayor has written and joined opinions that have paid close attention to the significance of the facts in the record, to the considered and long-standing judgments of the Congress, to the arguments on each side, and to Supreme Court precedent. In doing this she has shown an adherence to the rule of law and an appreciation for the real world ramifications of the Supreme Court's decisions.

Given America's social and technological development since we were a young nation, interpreting the Constitution's broad language requires judges and Justices to exercise judgment. In the real world, there are complex cases with no easy answers. In some instances, as Justice Souter pointed out in his recent commencement address, different aspects of the Constitution point in different directions, toward different results, and they need to be reconciled. Acknowledging these inherent tensions is not only mainstream, it is as old as the Constitution, and it has been evident throughout American history, from Chief Justice John Marshall in the landmark case of *McCulloch v. Maryland* to Justice Breyer this past June in *United States v. Comstock*.

Chief Justice John Marshall wrote for a unanimous Supreme Court in the landmark case of *McCulloch v. Maryland* in 1819, writing that for the Constitution to contain detailed delineation of its meaning "would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind." He understood, as someone who served with Washington, Jefferson, Adams and Madison, that its terms provide "only its great outlines" and that its application in various circumstances would need to be deduced. The necessary and proper clause of the Constitution entrusts to Congress the legislative power "to make all laws which shall be necessary and proper for carrying into execution" the enumerated legislative powers of article I, section 8, of our Constitution as well as "all other powers vested by this Constitution in the Government of the United States." In construing it, Chief Justice Marshall explained that the expansion clause "is in a constitution, intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs." He went on to declare how, in accordance with a proper understanding of the necessary

and proper clause and the Constitution, Congress should not by judicial fiat be deprived "of the capacity to avail itself of experience, to exercise its reason, and to accommodate its legislation to human affairs" by judicial fiat. Chief Justice Marshall understood the Constitution, knew its text and knew the Framers. He rejected stagnant construction of the Constitution.

McCulloch v. Maryland was the Supreme Court's first interpretation of the necessary and proper clause. The most recent was this past June, in *United States v. Comstock*. That case upheld the power of Congress to enact the Adam Walsh Child Protection and Safety Act, which included provisions authorizing civil commitment of sexually dangerous Federal prisoners who had engaged in sexually violent conduct or child molestation and were mentally ill. Quoting Chief Justice Marshall's language from *McCulloch*, Justice Breyer wrote in an opinion joined by a majority of the Supreme Court, including Chief Justice Roberts, about the "foresight" of the Framers who drafted a Constitution capable of resilience and adaptable to new developments and conditions.

Justice Breyer's judicial philosophy is well known. A few years ago, he authored *Active Liberty* in which he discussed how the Constitution and constitutional decisionmaking protects our freedoms and, in particular, the role of the American people in our democratic government. When he writes about how our constitutional values apply to new subjects "with which the framers were not familiar," he looks to be faithful to the purposes of the Constitution and aware of the consequences of various decisions.

During the Civil War, in its 1863 Prize Cases decision, the Supreme Court upheld the constitutionality of President Lincoln's decision to blockade southern ports before a formal congressional declaration of war against the Confederacy. Justice Grier explained that it was no less a war because it was a rebellion against the lawful authority of the United States. Noting that Great Britain and other European nations had declared their neutrality in the conflict, he wrote that the Court should not be asked "to affect a technical ignorance of the existence of a war, which all the world acknowledges to be the greatest civil war known in the history of the human race." That, too, was judging in the real world.

In the same way, the Supreme Court decided more recently in *Rasul v. Bush*, that there was jurisdiction to decide claims under the Great Writ securing our freedom, the writ of habeas corpus, from those in U.S. custody being held in Guantanamo. Justice Stevens, a veteran of World War II recognized that the United States exercised full and exclusive authority at Guantanamo if not ultimate, territorial sovereignty. The

ploy by which the Bush administration had attempted to circumvent all judicial review of its actions was rejected, recognizing that ours is a government of checks and balances.

Examples of real world judging abound in the Supreme Court's decisions upholding our individual freedoms.

Real world judging is precisely what the Supreme Court did in its most famous and admired modern decision in *Brown v. Board of Education*—a landmark decision that ended the scourge and the shame of segregation in this country. I recently saw the marvelous production of the George Stevens, Jr., one-man play, "Thurgood," starring Laurence Fishburne. It was an extraordinary evening that focused on one of the great legal giants of America. In fact, at one point, Justice Marshall—the actor playing Justice Marshall—reads a few lines from the unanimous decision of the Supreme Court in 1954 that declared racial discrimination in education unconstitutional. Chief Justice Warren had written:

In approaching this problem, we cannot turn the clock back to 1868, when the [Fourteenth] Amendment was adopted or even to 1896 when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

Understanding the facts in context, the entire Court helped to end a discriminatory chapter in our history, and they did it unanimously, the Court, made up of people such as a former Senator from Alabama who had been a member of the Ku Klux Klan, to Earl Warren, a former Attorney General and Governor, and just about every other possible permeation in between.

The Supreme Court did not limit itself to the Constitution as it was written in 1787. At that point in our early history, "We the People" did not include Native Americans or African-American slaves, and our laws failed to accord half the population equality or the right to vote because they were women. Do any one of us want to go back to 1787 and say this should be the rules of the game?

Real world judging takes into account that the world and our Constitution have changed from 1788, beginning with the Bill of Rights. It takes into account not only the Civil War but the Civil War amendments to the Constitution, adopted between 1865 and 1870, and every amendment adopted since then.

Would anyone today, even Justice Scalia, read the eighth amendment's limitation against cruel and unusual punishment to allow the cutting off of ears, a practice employed in colonial times? Of course not, because the

standard of what is cruel and unusual punishment was not frozen for all time in 1788. Does anyone dispute that most of the Bill of Rights is correctly applied today to the States through the due process clause of the 14th amendment? Our Bill of Rights freedoms were expressed only as limitations on the authority of Congress. Does anyone think the equal protection clause of the 14th amendment cannot be read to prohibit gender discrimination? Remember, when it was written, the drafters obviously did not have women in mind. But does anybody think this does not make it very clear that our laws should apply equally to men and women today?

The Constitution mentions our Armed Forces, but there was no Air Force when the Constitution was written. Does anyone doubt that our Air Force is encompassed by the Constitution, even though no Framers had them in mind when the Constitution was being ratified? Of course not.

Likewise, in its interpretation of the commerce clause and the intellectual property provisions providing copyright and patent protection for writings and discoveries, the Supreme Court has sensibly applied our constitutional principles to the inventions, creations, and conditions of the 21st century. Thomas Jefferson and James Madison may have mastered the quill pen, but they did not envision modern computers or phones or smart phones or satellites.

The first amendment expressly protects freedom of speech and the press, but the Supreme Court has applied it, without controversy, to things that did not exist when the first amendment was written, such as television, radio, and the Internet. Our Constitution was written before Americans had ventured into cyberspace or outer space. It was written before automobiles or airplanes or even steamboats. Yet the language and principles of the Constitution remain the same as it is applied to new developments. Our privacy protection from the fourth amendment has been tested, but it has survived because the Supreme Court did not limit our freedom to tangible things and physical intrusions but decided to ensure privacy consistent with the principles embodied in the Constitution.

There are unfortunately occasions in which the current conservative activist majority on the Supreme Court departs from the clear meaning or purpose of the law and even its own precedents. One such case, the *Ledbetter* case, would have perpetuated unequal pay for women, by using a rigid, cramped reading of a statute which defied congressional intent. We corrected that decision by statute. Now there is the *Gross* case that would make age discrimination virtually impossible to prove. That erroneous decision, which disregarded the court's own precedent, should also be corrected.

And, of course, the *Citizens United* case wrongly reversed 100 years of legal developments to unleash corporate influence in elections. A number of us are trying to correct some of the excesses of that decision with the DISCLOSE Act, but Republicans have filibustered that effort, and will not allow the Senate to consider corrective legislation to add transparency to corporate electioneering.

Frankly, I am left to wonder whether some of the current members of the conservative activist majority on the Supreme Court would have supported the decision in *Brown v. Board of Education* had they been members of the Supreme Court in 1954. They turned that decision upside down with their decision just a few years ago in the Seattle school desegregation case. Theirs was an ideological decision not based on that magnificent precedent, but undermining it.

It took a Supreme Court that, in 1954, understood the real world to see that the seemingly fair-sounding doctrine of "separate but equal" was in reality a straightjacket of inequality and offensive to the Constitution. All Americans have come to respect the Supreme Court's unanimous rejection of racial discrimination and inequality in *Brown v. Board of Education*. That was a case about the real world impact of a legal doctrine.

But just 3 years ago, in the Seattle school desegregation case, we saw a narrowly divided Supreme Court undercut the heart of the landmark *Brown v. Board* decision. The Seattle school district valued racial diversity, and was voluntarily trying to maintain diversity in its schools. By a 5-4 vote of conservative activists on the Supreme Court, this voluntary program was prohibited. That decision broke with more than a half century of equal protection jurisprudence and set back the long struggle for equality.

Justice Stevens wrote in dissent that the Chief Justice's opinion twisted *Brown v. Board* in a "cruelly ironic" way. Most Americans recognize that there is a crucial difference between a community that does its best to ensure that its schools include children of all races, and one that prevents children of some races from attending certain schools. Experience in the real world tells us that. Justice Breyer's dissent criticized the Chief Justice's opinion as applying an "overly theoretical approach to case law, an approach that emphasizes rigid distinctions . . . in a way that serves to mask the radical nature of today's decision. Law is not an exercise in mathematical logic."

Chief Justice Warren, a Justice who came to the Supreme Court with real world experience as a State attorney general and Governor, recognized the power of a unanimous decision in *Brown v. Board*. The Roberts Court, in its narrow desegregation decision 2

years ago, ignored the real world experience of millions of Americans, and showed that it would depart from even the most hallowed precedents of the Supreme Court.

Considering how the law matters to people is a lesson that Elena Kagan learned early in her legal career when she clerked for Justice Thurgood Marshall. In her 1993 remarks upon the death of Justice Marshall, she observed: "Above all, he had the great lawyer's talent . . . for pinpointing a case's critical fact or core issue. That trait, I think, resulted from his understanding of the pragmatic—of the way in which the law acted on people's lives."

If confirmed, Elena Kagan will be the third member of the current Supreme Court to have had experience working in all three branches of the government prior to being nominated. Some criticize her work during the Clinton administration as political. I suggest that a fair reading of her papers indicates that she has the ability to take many factors into account in analyzing legal problems and that her skills include practicality, principle, and pragmatism. These were all used in their service to the American people by Justice O'Connor, Justice Souter, and Justice Stevens—each one nominated by a Republican President, each one being Justices I voted for. There is more to serving the country as a Supreme Court Justice.

I reject the ideological litmus test that Senate Republicans would apply to Supreme Court nominees. Unlike those on the right who drove President Bush to withdraw his nomination of Harriet Miers and those who opposed Justice Sotomayor, I do not require every Supreme Court nominee to swear fealty to the judicial approach and outcomes ordained by adhering to the narrow views of Justice Scalia and Justice Thomas. I expect judges and Justices to faithfully interpret the Constitution and apply the law, and also to look to the legislative intent of our laws and to consider the consequences of their decisions. I hope that judges and Justices will respect the will of the people, as reflected in the actions of their democratically elected representatives in Congress, and serve as a check on an overreaching Executive.

It seems some want the assurance that a nominee to the Supreme Court will rule the way they want, so they will get the end results they want in cases before the Supreme Court. Lack of such assurances was why they vetoed President Bush's nomination of Harriet Miers, only the third woman to be nominated to the Supreme Court, and the only one not to be confirmed. They forced Ms. Miers to withdraw even while Democrats were preparing to proceed with her hearing. They do not want an independent judiciary. They demand Justices who will guarantee the results they want. That is

their ideological litmus test. As critics level complaints against Elena Kagan, I suspect the real basis of that discontent is that the nominee will not guarantee a desired litigation outcome. That is not what I want. I want an independent judiciary. I do not want a judiciary that will tell me way in advance exactly how they will rule. I want them independent.

Of course, that is not judging. That is not even umpiring. That is fixing the game, and that is wrong. It is conservative activism plain and simple. It is only recently that some Republican Senators conceded that judicial philosophy matters. I hope this means that they will abandon the false premise that all a Justice does is mechanically apply obvious legal dictates to reach preordained outcomes. Solicitor General Kagan was right to reject that as "robotic."

It is the kind of conservative activism we saw when the Supreme Court in the *Ledbetter* case disregarded the plain language and purpose of title VII. It is the kind of activism we saw when, this past January, a conservative activist majority turned its back on the Supreme Court's own precedents, the considered judgment of Congress, the interests of the American people and our long history of limiting corporate influence in elections in their *Citizens United* decision.

We can do better than that. In fact, we always have done better than that. In reality, we can expect Justices who are committed to doing the hard work of judging required of the Supreme Court. In practice, this means we want Justices who pay close attention to the facts in every case that comes before them, to the arguments on both sides, to the particular language and purposes of the statutes they are charged with interpreting, to their own precedents, and to the traditions and longstanding historical practices of this Nation.

Applying these factors would reflect an appreciation for the real world ramifications of their decisions. Judging is not just textual and it is not just automatic. If it were, we could have a computer do the judging. If it were, important decisions would not be made 5 to 4. A Supreme Court Justice is required to exercise judgment but should appreciate the proper role of the courts in our democracy.

The resilience of the Constitution is that its great concepts, these wonderful phrases in the Constitution, are not self-executing. There are constitutional values that need to be applied. Cases often involve competing constitutional values. So when the hard cases come before the Court in the real world, we want—and we actually need—Justices who have the good sense to appreciate the significance of the facts of the case in front of them as well as the ramifications of their deci-

sions in human and institutional terms.

I expect in close cases that hard-working and honest Justices will sometimes disagree about results. I don't expect to agree with every decision of every Justice. I understand that. I support judicial independence. I noted I voted for Justice Stevens and Justice O'Connor and Justice Souter, who were all nominees of Republican Presidents. I knew I would not agree with all of their decisions but I respected their approach to the law and their independence.

A few days before Independence Day, the Senate Judiciary Committee was able to complete its hearing on the nomination of Elena Kagan to be an Associate Justice of the Supreme Court of the United States. After opening statements on Monday afternoon, June 28, we were able to complete the questioning of the nominee on Tuesday, June 29, and Wednesday, June 30. We proceeded for 10 hours on Tuesday, and were able to complete most of the first round. We returned on Wednesday to complete the remainder of the first round, a second round, and a third round for those who requested additional time to question Solicitor General Kagan. We also held the traditional closed session and held the hearing record open for members of the committee to submit additional questions to Solicitor General Kagan.

Out of respect for the Senate observances honoring Senator Byrd, we reconvened at 4 p.m. on Thursday, July 1. We heard testimony from representatives of the American Bar Association, and 14 members of the public invited by the Republican minority and 10 invited by the majority. I especially thank Senators CARDIN, KAUFMAN, and SCHUMER for sharing the duty of chairing our proceedings on Thursday, which extended past 8 p.m., long after the last Senate vote of the week.

In my opening statement at the hearing, I urged the nominee to engage with the Senators and she was, in fact, engaging. I also urged Solicitor General Kagan to answer our questions about her judicial philosophy. I think that she was more responsive than other recent nominees, and that she provided more information than was shared at other Supreme Court hearings in which I have participated. Of course, some of the questions attempted to solicit indications as to how she would rule in cases likely to come before the Supreme Court. Solicitor General Kagan appropriately avoided such attempts but displayed a keen understanding of the complex set of legal issues that come before our highest Court.

I was disappointed that one line of attack against Elena Kagan was to disparage Thurgood Marshall. I appreciated the statements of Senators CARDIN and DURBIN in defense of this

towering figure of American law. I commend the columns written by Stephanie Jones, the daughter of Judge Nathan Jones; Frank Rich; Dana Millbank; Margaret Carlson; Carol Steiker; and, of course, Thurgood Marshall, Jr. In addition, editorial pages, blogs and reports rejected this ill-advised efforts. It is a strength and a blessing that Elena Kagan clerked for Justice Thurgood Marshall.

I remember Justice Marshall. The caricature of him by some at the Kagan confirmation hearing was wrong. Knowing him, I suspect that when he told his clerks that his philosophy was to do the right thing and let the law catch up, he was most likely referring to his precedent-setting career as the leading advocate of the time and not strictly defining a judicial philosophy or approach. To the contrary, in Elena Kagan's tribute to Justice Marshall in 1993 in the *Texas Law Review*, she recalled his commitment to the rule of law. She described, as did Carol Steiker in her column in *The National Law Journal*, how Justice Marshall's law clerks had tried to get him to rely on notions of fairness rather than the strict reading of the law to allow an appeal to proceed on a discrimination claim. She wrote that the 80-year-old Justice referred to his years trying civil rights cases and said: "All you could hope for was that a court would not rule against you for illegitimate reasons. You could not expect that a court would bend the rules in your favor. That is the rule of law."

Just as Sir Thomas More reminded his son-in-law in that famous passage from "A Man for All Seasons" that the law is our protection, Justice Marshall reminded his clerks that the existence of rules and the rule of law is the best protection for all, including the least powerful. Justice Thurgood Marshall was a man of the law in the highest sense. He understood the Constitution's promise of equality to his core. He relied on the law and the American justice system to overcome racial discrimination.

So I was deeply disappointed to see the manner in which his legacy was treated by some during the recent confirmation hearing and to read that there are Republican Senators currently serving who recently said that they would vote against Thurgood Marshall's confirmation to the Supreme Court. He was disparaged at his confirmation hearing to the Supreme Court. His confirmation to the United States Court of Appeals to the Second Circuit, to be Solicitor General, and to the U.S. Supreme Court were delayed and made difficult at the time, but I had hoped and thought those dark days were behind us.

The attacks on Justice Marshall during Elena Kagan's confirmation hearing were particularly striking. On the first day of the hearings Republican

members of the Judiciary Committee mentioned Justice Marshall 35 times. They did not do so to praise him or his contributions to America's historic effort to overcome racial discrimination. Rather, they pilloried him as if someone who functioned outside the mainstream of American constitutional law. In fact, he did as much as any American in the last century to make sure America lived up to its promise. He moved America forward, toward a more perfect union. On that day, however, they were trying to penalize Elena Kagan because as a young lawyer she clerked for him on the U.S. Supreme Court.

Two current Justices also clerked for Supreme Court Justices—Chief Justice John Roberts and Justice Stephen Breyer. That Chief Justice Roberts clerked for then-Justice Rehnquist was viewed by Republicans as a credential and a positive just a few years ago. Judge Douglas Ginsburg of the DC Circuit and Judge Ralph Winter of the Second Circuit each clerked for Justice Marshall as young lawyers. They were not criticized during their confirmation hearings for having done so; far from it.

Thurgood Marshall was perhaps the most influential lawyer of the 20th century. He dedicated his life to the rule of law. He, and the dedicated and talented team of lawyers with whom he worked at the NAACP, did not engage in violent protests but sought to ensure the full equality of all Americans by appeal to American justice and our Constitution. They brilliantly and courageously argued their claims on behalf of their clients. They bettered America's soul. Beginning in the late 1930s, their cases eventually led to the overturning of the misguided 1896 decision in *Plessy v. Ferguson* and the dismantling of State-mandated segregation of the races in public facilities. When the Supreme Court unanimously agreed with Thurgood Marshall's argument in the landmark case of *Brown v. Board of Education* that State-mandated segregation of the races in public school violated the Constitution, it was vindication of the rule of law. *Brown* was one of the 29 cases that Thurgood Marshall won out of the 32 cases that he argued as a Supreme Court advocate. Justice Marshall's record of advocacy before the Supreme is unsurpassed and not likely to ever be matched.

Thurgood Marshall's life was lived in the law, not outside it. As a Justice, he was the embodiment of what the rule of law can achieve. He was a giant in the law. For good and enduring reason, Thurgood Marshall is a hero not just to Solicitor General Kagan, but to countless American lawyers, judges, Presidents, and hardworking Americans. He should be a hero to us all.

I am concerned that the younger Americans who waited in line to attend our confirmation hearings or who

tuned in to watch them may not understand what the mischaracterization of Justice Marshall by some at our hearing how important it was four decades ago for President Lyndon Johnson to nominate then-Solicitor General Marshall, to the Supreme Court. As President Johnson said at the time, "He is the best qualified by training and by valuable service to the country. I believe it is the right thing to do, the right time to do it, the right place."

Justices Sandra Day O'Connor, Antonin Scalia, and Clarence Thomas, all Republican appointees, have acknowledged Justice Marshall's greatness as a lawyer and judge. Shortly after Justice Marshall's passing, Justice O'Connor, who had served on the Court with him, wrote:

His was the eye of a lawyer who had seen the deepest wounds in the social fabric and used law to help heal them. His was the ear of the counselor who understood the vulnerabilities of the accused and established safeguards for their protection. His was the mouth of a man who knew the anguish of the silenced and gave them voice.

Justice Scalia remarked that Justice Marshall "could be . . . a persuasive force just sitting there. . . . He was always in the conference a visible representation of a past that we wanted to get away from and you knew that, as a private lawyer, he had done so much to undo racism or at least its manifestation in and through government." During his own confirmation proceedings, Justice Thomas praised Justice Marshall, as "one of the greatest architects of the legal battles to open doors that seemed so hopelessly and permanently sealed and to knock down barriers that seemed so insurmountable to those of us in Pin Point, Georgia." These Justices recognize and respect Justice Thurgood Marshall and his enduring impact on American law. He made this a stronger and more inclusive Nation.

At least two Republican members of the Senate Judiciary Committee recently said that they are not sure whether, if given the chance, they would vote to confirm Thurgood Marshall as a Justice on the Supreme Court. Though he had to face humiliating questioning during his own confirmation hearings for the Court, he was confirmed by a vote of 69 to 11 in 1967. I would have hoped that as a nation we would have progressed to acknowledge Thurgood Marshall's fitness to serve on the Supreme Court but I am sad to acknowledge that is not so. If there are Republicans who would now vote against the nomination of Thurgood Marshall to the Supreme Court, it is a sign of just how far the former party of Lincoln has changed and just how much some would like to undo the progress made over the last century.

We 100 men and women in this body are the ones who are charged with giving our advice and consent on Supreme Court nominations. We 100 stand in the

shoes of 300 million Americans, and we should consider whether those nominees have the skills and the temperament and the good sense to independently assess in every case the significance of the facts and how the law applies to those facts. I believe Elena Kagan does meet that test.

The more judges appreciate the real world impact their decisions have on hard-working Americans, I believe the more confidence the American people have in their courts, and I think it is important for the American people in a democracy to have confidence in their courts. I have been in the Senate now with seven Presidents. I have urged Presidents, both Democratic and Republican, to nominate people from outside the judicial monastery because I think real world experience is helpful to the process. The American people live not in an abstract ivory tower world but a real world with great challenges.

We have a guiding charter that provides all Americans great promise. The Supreme Court functions in the real world that affects all Americans. Judicial nominees need to appreciate that simple, undeniable fact, and they must promise to uphold the law that Americans rely on every day for their continued safety and prosperity.

Mr. President, I see the distinguished Senator from Rhode Island, Mr. REED, on the Senate floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, we are debating the President's nomination to succeed Justice John Paul Stevens, who has served this country admirably and with great distinction. I rise in wholehearted support of Solicitor General Elena Kagan's nomination to be our next Supreme Court Justice. She has had an illustrious legal career that includes clerking for Judge Abner Mikva on the U.S. Court of Appeals for the D.C. Circuit and Justice Thurgood Marshall on the U.S. Supreme Court; obtaining tenure at two of the top law schools in the country, the University of Chicago and Harvard; serving as an associate counsel in the Clinton administration; becoming Dean of Harvard Law School; and now serving as Solicitor General of the United States. Casting a vote on a nominee to the Supreme Court is one of the most consequential votes we face as Senators because no court can review the decisions of the Supreme Court. They are the ultimate arbiters of the law and the Constitution in this country.

The Constitution includes the Senate as an active partner, along with the President, in this process of confirming Justices to the Supreme Court. As stated in article II, section 2, clause 2 of the Constitution, nominees to the Supreme Court shall only be confirmed "by and with the Advice and Consent

of the Senate." This confirmation process and the Senate's role in it serves as a vital democratic check on America's judiciary, particularly in a case where a Supreme Court Justice will serve for a life term.

Indeed, one of the Senate's greatest opportunities and responsibilities to support and defend the Constitution of the United States is achieved through upholding our duty as Senators to give advice and consent on the nominations of the President to the Federal bench.

As I have stated before, my test for a nominee is simple and is drawn from the text, the history, and the principles of the Constitution. A nominee's intellectual gifts, experience, judgment, maturity, and temperament are all important, but these alone are not enough. I need to be convinced that a nominee to the U.S. Supreme Court will live up to both the letter and the spirit of the Constitution. The nominee needs to be committed not only to enforcing laws, but also to doing justice. The nominee needs to be able to make the principles of the Constitution come alive—equality before the law, due process, full and equal participation in the civic and social life of America for all Americans; freedom of conscience, individual responsibility, and the expansion of opportunity. The nominee also needs to see the unique role the Court plays in helping balance the often conflicting forces in a democracy between individual autonomy and the obligations of community, between the will of the majority and the rights of the minority. A nominee for the Supreme Court needs to be able to look forward to the future not just backwards. The nominee needs to make the Constitution resonate in a world that is changing with great rapidity.

Elena Kagan passes this test. She is extraordinarily qualified on the basis of her intellectual gifts. But what is most striking about Solicitor General Kagan, in both her academic work and her life work, is her commitment to the Constitution.

In a speech she gave in October 2007 at my alma mater, West Point, well before she was considered for Solicitor General or for the Supreme Court, she stated that our Nation is most extraordinary because we, in her words, "live in a government of laws, not of men or women." She used as a touchstone for her speech a place on the West Point campus called Constitution Corner, which was a gift from the West Point class of 1943, who not only served our Nation but defended the Constitution through the rigors of World War II and beyond.

There are five plaques at this sight. One of the plaques is titled "Loyalty to the Constitution," one of the principal tenets by which every professional soldier must abide. It basically states what those who serve in the military are keenly aware of and points to the

fact that the United States broke with an ancient tradition when it was created. Instead of swearing loyalty to a military leader, the American military swears loyalty to the Constitution. Interestingly enough, although Elena Kagan never wore the uniform of the United States, she has demonstrated this same loyalty to the Constitution throughout her life.

I am confident she will continue to uphold and defend our Constitution as she assumes her next role as a Justice of the Supreme Court. During her confirmation hearings, on the role of a judge, she said:

As a judge, you are on nobody's team. As a judge, you are an independent actor, and your job is simply to evaluate the law and evaluate the facts and apply one to the other as best, as prudently and wisely as you can. You know, the greatness of our judicial system lies in its independence, and that means when you are on the bench, when you put on the robe, your only master is the rule of law.

Supreme Court Justices matter, and their impact on the lives of Americans from all walks of life can be profound. We only need to look at a couple of the recent Supreme Court decisions to understand how profound that impact can be.

More than four decades ago, Congress passed laws to protect women and others against workplace discrimination. However, five Justices in the case of *Ledbetter v. Goodyear Tire* gave immunity to employers who secretly discriminate against their workers. Thankfully, we passed the Lilly Ledbetter Fair Pay Act of 2009, which I cosponsored and President Obama signed into law, to ensure equal pay for equal work and to effectively and properly overturn this immunity granted by these five Justices.

This year, five Justices in *Citizens United v. Federal Election Commission* favored big corporations by ignoring precedent to bestow upon corporations the same power as any individual citizen to influence elections—in fact, some might argue much greater power through much greater spending. In his dissent, Justice Stevens, who is retiring and who will, I hope, be replaced by Solicitor General Elena Kagan, warned that the "Court's ruling threatens to undermine the integrity of elected institutions across the Nation. The path it has taken to reach its outcome will, I fear, do damage to this institution."

On this point, the words of Lilly Ledbetter are particularly relevant. The plaintiff in the famous case said:

We need Justices who understand that law must serve regular people who are just trying to work hard, do right, and make a good life for their families . . . This isn't a game. Real people's lives are at stake. We need Supreme Court Justices who understand that.

Elena Kagan understands this point, and she will bring this understanding to the U.S. Supreme Court.

In addition, I am confident that Solicitor General Kagan's tenure as Dean

of Harvard Law School will serve her well as she works with her colleagues on the Court. As Dean, she drew acclaim as a pragmatic problem solver who could bridge ideological divides among the faculty. Indeed, her success in leading and bringing together one of the most contentious legal faculties in the Nation is a testament to her interpersonal, oratory, and analytical skills—all of her skills. As someone who had the privilege of graduating from Harvard Law School, I can indeed confirm that it is one of the most intellectually contentious places in the country, as it should be, because it is there where the ideas of law, of Constitution, and of our relationships with one another in this democracy, are vigorously debated.

The fact that she has garnered wide bipartisan support is further evidence of her great standing. She has received the endorsement of eight former Solicitors General from both parties, including Ken Starr and Ted Olson; 54 former Deputy and Assistant Solicitors General of both parties; 69 law school deans; and more than 850 law school professors from across the country and across the political spectrum.

Just to give an example of how well regarded she is, here is what Professor Jack Goldsmith, former Assistant Attorney General during the George W. Bush administration, had to say:

[Elena] Kagan possesses an extraordinary knowledge of the legal issues before the Supreme Court. Whatever else may be said about being a law professor, it is the profession that requires one to know legal subjects comprehensively enough to teach them . . . What I do know is that Kagan will be open-minded and tough minded; that she will treat all advocates fairly and will press them all about the weak points in their arguments; that she will be independent and highly analytical; and that she will seek to render decisions that reflect fidelity to the Constitution and the laws.

Clearly, she is not only well qualified, but she also has wide bipartisan support.

Before I conclude, I wish to make one final point regarding Elena Kagan's respect and admiration for the military. She has won praise from students who have served our country in uniform for creating a highly supportive environment for students who served in the Armed Forces of the United States and who were attending Harvard Law School. In my view, her respect and admiration for the military is sincere and proven.

America's courtrooms are staffed with judges not machines because justice requires human judgments. This is particularly so on the Supreme Court. Of all the hundreds of thousands of cases filed in American Federal courts each year, only a small percentage reach the Supreme Court. These are the hardest of cases—cases that have divided the country's lower courts. These are cases where one constitutional clause may be in conflict with

another, where one statute may influence the interpretation of another, and where one core national value may interfere with another. These cases often divide the Justices of the Court by close margins.

Surely, the Justices on both sides of a 5-to-4 case can claim to be following the judicial process and respecting the precedents of the Court. What divides their opinions is the set of constitutional values they bring to the case. Elena Kagan, in my view, brings the set of constitutional values that, to quote the words of Lilly Ledbetter again, will make her a Supreme Court Justice “who understand[s] that law must serve regular people who are just trying to work hard, do right, and make a good life for their families.” As Elena Kagan herself put it, she will do her “best to consider every case impartially, modestly, with commitment to principle and in accordance with the law.”

It is with great pleasure that I support the nomination of Elena Kagan to the highest Court in the land, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise to speak in support of Solicitor General Elena Kagan to be an Associate Justice on the U.S. Supreme Court.

I am confident that Solicitor General Kagan is highly qualified for this prestigious position. She has worked hard and earned a place at the top of the legal profession.

During her career, she has held various positions across the Federal Government that have prepared her well for this new position.

As Solicitor General since 2009, she worked on many issues currently before the Court.

She has argued a broad range of issues—from defending Congress’s ability to protect kids from child predators—to the United States’ ability to go after those supporting terrorist organizations.

Through several different assignments in the Clinton White House, Elena Kagan worked for the President on the challenges facing our Nation.

She also has experience in the judicial branch, including clerkships in the U.S. Supreme Court as well as the U.S. Court of Appeals for the DC Circuit.

Solicitor General Kagan also spent many years as a professor of law at the University of Chicago Law School and Harvard Law School.

As dean of Harvard Law School, she worked with the student body to improve the quality of student life and encourage a spirit of public service.

She also worked as a lawyer in private practice. In all, she has spent years studying complex legal theories and debating issues.

Some of the most difficult issues end up at the Supreme Court and each Jus-

tice needs a thorough understanding of the law.

Elena Kagan has demonstrated her knowledge of the law and I believe she will be a successful jurist.

Her nomination to our Nation’s Highest Court is something our entire country can be proud of.

In recent years, we have taken many positive steps to make our government a better reflection of the American people.

Solicitor General Kagan’s confirmation as associate justice will continue that progress and mark the first time the U.S. will have three women on the Supreme Court at the same time. This is a wonderful milestone for our country.

I was very impressed with Elena Kagan when we met earlier this year.

We talked about Hawaii and the importance of reconciliation with Native Hawaiians.

I was impressed with her history of building consensus and bringing people together—as well as her knowledge of the law. I know that she will do a tremendous job upholding our Constitution as an Associate Justice on the U.S. Supreme Court.

After receiving many letters of support for Solicitor General Kagan’s nomination—and seeing for myself her character, her intelligence, and her legal expertise—I am pleased to support her nomination—and urge my colleagues to do the same.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent to speak as in morning business for up to 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING SETTLEMENT FUNDING

Mr. WARNER. Mr. President, I rise today, as this Chamber debates the nomination of Elena Kagan—someone I am looking forward to supporting when we vote—to raise another issue of ensuring justice in our country, an issue the Presiding Officer, I know, has been concerned about as well, and that is urging this Chamber to take action and approve funding for the settlement of racial discrimination claims made by thousands of African-American farmers.

This is an issue with which I have dealt for years, first as Governor of Virginia, now as a Senator. This issue was first brought to my attention by John Boyd, who is a fourth generation African-American farmer from Southside, VA. He founded the National Black Farmers Association in 1995.

He and a group of other African-American farmers brought forward a series of claims that were finally addressed in a lawsuit named *Pigford v. Glickman*. That lawsuit concerned allegations that the U.S. Department of Agriculture had denied farm loans and other services to African-American farmers between 1983 and 1997, although I think history will show those acts of discrimination long preceded 1983.

That case was settled in 1999. But due to very tight deadlines, thousands of farmers missed the deadline to file their complaints.

An estimated 74,000 Black farmers now await approval of funding by this body, following the announcement of a settlement of these additional claims by the USDA in February of this year. The USDA has acknowledged these claims. They have agreed to a settlement. These funds have been appropriated. This funding has been paid for.

According to Mr. Boyd, this effort, if we can get this funding approved, will mark the seventh time the Senate has tried to act on providing the Black farmers settlement money.

I have to say that as we debate the nomination of a very talented individual to serve on the Supreme Court and we hear folks on both sides of the aisle talk about American justice and American jurisprudence, it is a varnish on that record and, to a certain degree, on this body that we in the Senate have not acted to make sure that close to \$1 billion in these settlement claims—again, that have been authorized by USDA—that those funds are not fully appropriated and approved by this Senate body for these farmers, many of whom have been struggling for decades, some who struggle due to the discrimination that has been acknowledged by our own Department of Agriculture. We have not acted. Senate procedure has gotten in the way of authorizing payment of these funds.

Now it is the time to act. This week the Senate has the opportunity to finally authorize funding of the settlement costs and turn the page on past discriminatory practices.

As I stated earlier, this legislation is fully paid for and there does not appear to be any substantive opposition to honoring the terms of this settlement.

I know we are all anxious to vote on Elena Kagan. I know many of us are anxious to vote on the small business legislation. I know we are all anxious, as well, for the August recess to start. As we go through this process on a matter that reflects on the integrity of this body, reflects on the value of our jurisprudence system, as we think through trying to get out of town and getting home, I hope our leaders can come together and act to make sure that these Black farmers, many times waiting literally for decades for the appropriate compensation that everyone

throughout the judicial system has said is owed to them, that in this rush to get out and get back home, the Senate can finally take action in the Pigford case and these farmers can receive their appropriate compensation.

I again thank those involved in this action. I particularly thank Mr. John Boyd, as I mentioned, from Southside, VA, who has been a passionate and tireless leader on this issue for more than two decades.

I see my good friend, the Senator from Delaware, is here to speak on behalf of Elena Kagan. I know he and the Presiding Officer have also raised this issue making sure these Black farmers get—not their day in court; they have had their day in court, but they are waiting for the Senate to act on a non-controversial issue so they can receive the funding that is long overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I associate myself with the remarks of the Senator from Virginia. He is right on point. This is not about a trial. This is about people getting what they justly deserve. It is time we do it. I thank him for coming to the floor and making that argument.

I wish to speak tonight in support of the nomination of Solicitor General Elena Kagan to be an Associate Justice on the Supreme Court.

On July 13, I first came to the floor and gave my reasons for supporting this outstanding nominee. She has a superior intellect, broad experience, superb judgment, and unquestioned integrity. Throughout her career, she has consistently demonstrated a first-rate intellect and an intensely pragmatic approach to identifying and solving problems—two traits that are indispensable in any great judge, and she will be a great judge. I support her nomination with enthusiasm and without reservation.

I am here today not to repeat the basis for my support but to note briefly two aspects of this debate that I find particularly troubling.

First, I have heard some of my colleagues attack this nominee based on arguments she made and positions she took in her role as Solicitor General in a particular case when she made this argument on behalf of her client, the United States of America. That causes me great concern because I think these kinds of attacks—think about it for a minute now. She is not in a public forum. She is not giving a speech. She is not writing an article. What she is basically doing in court is representing the United States of America, making the argument that she thinks is the best argument to carry for the United States of America. And people pull that out on the Senate floor and read it and are critical of it.

I can understand why one disagrees with the Solicitor General on an argu-

ment they make. I can understand why one disagrees with the Supreme Court. But to pull that out and use that against a nominee is very troubling because it gets to the basic question of what is the job of a litigator, of a lawyer, of a solicitor in making the argument for their client.

Solicitors General are responsible for representing the United States before the Supreme Court. They should be free to make all appropriate arguments on their client's behalf without fear that those arguments might someday be held against them if they happen to be considered for another office.

The Solicitor General's role in selecting cases in which she must represent the government is very limited, particularly in the many cases in which the government is the respondent. We want lawyers representing the United States in any court to do so zealously, well within the bounds of the law. We should not give them reason to hesitate about doing so by later treating those arguments as reflecting their own personal, private beliefs, which they do not do.

I am reminded of the attacks we too often see on lawyers who represent unpopular clients, with the suggestion being that the lawyer's legal arguments must also reflect that lawyer's personal views. Think about that. A lawyer gets on a case, a lawyer is doing pro bono work, a lawyer has been assigned by a judge and makes an argument in court for their client, trying to get their client cleared, and we bring it back as if the lawyer is making that argument about themselves. I have heard it too often on this floor and in committee.

Let's not forget that the American tradition of representing unpopular clients is older than our Nation, dating at least as far back as John Adams' representation of British soldiers charged in the Boston Massacre. John Adams defended the British soldiers involved in the Boston Massacre. Would it be fair to bring that up on the floor of this body to say that he was in favor of the British soldiers and use that against him if, in fact, he had been nominated to a position?

The vigorous defense of the United States requires that we not limit its advocates to making only those legal arguments with which they personally agree. I am surprised I even have to make that statement on the floor.

More broadly, our adversarial system depends on advocates making all proper arguments that are in the interest of their clients. I feel as though I am in a lawyer 101 class. Why do I have to be saying this? It is simply wrong to assume a lawyer's arguments reflect his or her personal convictions. Again, lawyer 101. It is, therefore, also wrong to oppose a nominee based upon proper arguments that a nominee has made as a lawyer, regardless of whether an indi-

vidual Senator regards those arguments to be legally correct.

My second concern relates to the repeated and unjustified comments by many of my colleagues regarding the word "empathy," which they seem to regard as a trait deserving of recrimination. Empathy, empathy, empathy.

I commend to my colleagues a superb commentary on this point by Joel Goldstein, distributed by the History News Service. I ask unanimous consent to have this commentary printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From History News Service]

HOW EMPATHY MAKES SUPERIOR JUDGES—AND JUSTICE

Critics ridiculed President Obama's statement that judges should be empathetic. But as the Senate prepares to vote on the Supreme Court nomination of Elena Kagan, legal historian Joel Goldstein argues that senators should be looking for that very quality.

In voting on President Obama's nomination of Elena Kagan for the Supreme Court this week, senators should consider her legal ability and constitutional vision, but also her capacity to be an empathetic justice.

Republicans mocked President Obama when he suggested that empathy was an important ingredient in a justice. In fact, the president was simply repeating the insight Theodore Roosevelt uttered more than a century ago when he explained to his close friend, Sen. Henry Cabot Lodge, why he was inclined to nominate Judge Oliver Wendell Holmes Jr. to the Supreme Court.

T.R. recognized that those who become judges invariably have had close association with wealthy and powerful people. Those relationships dispose them to understand perspectives of the successful classes. But would they give a fair shake to the less fortunate who were outside the professional or social circles that shaped and reflected their attitudes?

Roosevelt thought it "eminently desirable" that the Supreme Court show its "entire sympathy with all proper effort to secure the most favorable personal consideration for the men who most need that consideration." He appreciated Holmes, who could "preserve his aloofness of mind so as to keep his broad humanity of feeling and his sympathy for the class from which he has not drawn his clients."

If anything, Obama's comment was more neutral than Roosevelt's. Roosevelt twice used "sympathy" which connotes identification with, or bias toward, another. "Empathy," Obama's misconstrued word, simply implies an understanding of, and sensitivity to, the feelings or experiences of another, not any predisposition in favor.

In context Roosevelt and Obama were making the same point, that effective judging requires sensitivity to a wide range of experiences. It is relatively easy for judges, like other human beings, to relate to experiences and perspectives they have shared. What's difficult, for judges and for the rest of us, is to comprehend those to which we have not been exposed.

That reality sometimes inclines judges to favor those whose positions and circumstances are familiar. The bias may be unconscious but that does not make it any less real or decisive or unfair.

The Republican Roosevelt and the Democratic Obama recognized that empathy was an important corrective to these hidden preferences. Far from conferring favoritism or setting law aside, as Obama's critics contend, T.R. and Obama understood that empathy is often a prerequisite for impartiality.

Justice Holmes's great colleague, Justice Louis D. Brandeis, captured the Roosevelt-Obama insight when he wrote that "knowledge is essential to understanding, and understanding should precede judging." A judge cannot fairly assess something he or she does not understand and they cannot understand that which is unfamiliar if they do not make a real effort to relate to it.

Whether Kagan is empathetic may determine how she will act when the court faces the watershed cases that often define the jurisprudence of a generation.

The quality of empathy, which Obama's critics ridicule, was critical in decisions which all now celebrate. *Brown v. Board of Education* declared racially segregated education a violation of the Equal Protection Clause because it created in African-American children a "feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." By viewing the world from the perspective of black children, the court identified the moral wrong in segregation even while some strict constructionists saw the decision as lawless.

And imagine the national embarrassment America would have been spared in *Korematsu v. United States*, the case that sanctioned internment of loyal American citizens of Japanese descent during World War II, had the court followed Justice Robert Jackson's empathetic dissent, which, unlike the majority opinion, tried to understand the impact of imposing a racially motivated penalty on innocent Americans.

Although Roosevelt was a great Republican president of the 20th century and a hero to modern Republican luminaries such as George W. Bush, John McCain, Karl Rove and others, the idea's pedigree has not protected Obama from partisan caricature of his commonsense observation.

That's too bad. It has led some to distort as inconsistent with impartiality a quality that is really designed to help achieve it.

To their credit, Theodore Roosevelt and Obama recognized that a judge must make special efforts to understand the thoughts and perspectives of those whose experiences she has not shared. It's time for Obama's critics to stop distorting his statement and pretending that this sensible insight is subversive to the law or judging.

Let's hope that senators of both parties include this bipartisan criterion as a desirable trait in a justice when they debate and vote on the Kagan nomination this week.

Mr. KAUFMAN. Mr. President, as Professor Goldstein points out, President Obama's interest in empathy in Supreme Court nominees follows in the path of President Theodore Roosevelt who chose to nominate Oliver Wendell Holmes in 1902 based in part on Holmes' capacity for empathy.

Roosevelt said it was "eminently desirable" that the Supreme Court make "all proper effort to secure the most favorable personal consideration for the man who most needs that consideration."

I can understand concern about sympathy. I do not have it, but I under-

stand sympathy. But empathy? President Theodore Roosevelt was not suggesting that Justices should somehow favor or advantage the downtrodden; that is not what he was saying and that is not what President Obama was saying when he was a Senator, only that they make every effort to understand the position of the litigants from walks of life different from their own.

Likewise, President Obama's promotion of empathy is not, as his critics suggest, the advocacy of bias. "Empathy," as a quick look at the dictionary will confirm, is not the same as "sympathy." "Empathy" means understanding the experiences of another, not identification with or bias toward another. Let me repeat that. "Empathy" means understanding the experiences of another, not identification with or bias toward another. Words have meanings, and we should not make arguments that depend on misconstruing those meanings.

Let me quote several insightful paragraphs from Professor Goldstein's article about why empathy is important in judging. I quote Professor Goldstein:

In context, Roosevelt and Obama were making the same point, that effective judging requires sensitivity to a wide range of experiences. It is relatively easy for judges, like other human beings, to relate to the experiences and perspectives they have shared.

All of us can do that. We can relate to the people we know around us. We can relate to our experience. We can relate to people with whom we went to school. We can relate to all those things.

What's difficult, for judges and the rest of us, is to comprehend those to which we have not been exposed.

That reality sometimes inclines judges to favor those whose positions and circumstances are familiar.

We all know that. There but for the grace of God go I, reasons why juries will let someone go free.

The bias may be unconscious but that does not make it any less real or decisive or unfair.

To continue the quote:

The Republican Roosevelt and the Democratic Obama recognized that empathy was an important corrective to these hidden preferences. Far from conferring favoritism or setting law aside, as Obama's critics contend, T.R. and Obama understood that empathy is often a prerequisite for impartiality.

The quality of empathy, which Obama's critics parody, was critical in decisions which all now celebrate. *Brown v. Board of Education* declared racially segregated education a violation of the equal protection clause because it created in African-American children a "feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone."

The PRESIDING OFFICER. The hour controlled by the majority has expired.

Mr. KAUFMAN. Mr. President, I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. I thank the Chair.

By viewing the world from the perspective of black children, the Court identified the wrong in segregation even while some strict constructionists saw the decision as lawless.

I happen to think Elena Kagan is an outstanding nominee. I respect the fact that others disagree. I truly do. I hope that as this debate continues, we take care to make arguments that are fair expressions of our very real disagreements and avoid arguments that chill legitimate advocacy or deliberately misconstrue the words of others.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am here to talk about the nominee, Ms. Kagan, for the Supreme Court, but I thought I would put it in the context of how I view what we are doing.

As a physician, a father, and a grandfather taking a look at where we are as a nation, it is very worrisome to me. The 62 years I have lived have been fraught with great opportunity, great challenges, but never with a fear that what we have in this country may not last. I have to admit to my colleagues that I have that fear now. And it is not an unfounded fear. You see, this year we will borrow almost \$1.6 trillion from our grandchildren. We will borrow in excess of \$4 billion a day—money we don't have. At this moment, we owe \$13.35 trillion. No question, we are the biggest economy in the world, being fast caught by other large economies.

The uniqueness of the American experiment could have been predicted by those who studied republics because freedom and liberty were the basis for such an explosion in growth and wealth and freedom and standard of living. The poor in our country live far in excess of half of the world's populations because of the great republic we are.

I believe we have a short period of time to right the ship for our country. We have large disagreements in this body on how we do that, and others' ideas have as much value as mine. But it is not debatable the kind of trouble we are in as a nation. It is indisputable. We have a mountain of debt, and we are going to have interest costs that are going to chew up our freedom and chew up our children's prosperity and opportunity over the years that lie ahead of us.

So we have great responsibility as we place somebody on the Supreme Court. Our constitutional responsibility is to advise and either give consent or not give consent. I have no doubts that my speech on the floor this afternoon will change any Senator's mind. It won't. But what I hope to do is to lay out the questions, as we put Ms. Kagan on the Court, of where we will be with the basis of her philosophy. I have served on the Judiciary Committee for almost 6 years. I have been through four Supreme Court Justice hearings. I have

met with four—actually, more than four—prospective nominees to the Supreme Court, and the responsibility is heavy.

Elections do have consequences. They give the President of the United States the right to appoint, with advice and consent, all the judges in this country, as well as numerous other officials. But none is greater and none is more important than a Supreme Court Justice.

My concern with Ms. Kagan is whether she really believes in what our Constitution says, and by her own words she fails to meet that test. So I think it is time for an extra parameter to be considered in light of the difficulties we face when we give consent for somebody who is going to be in a lifetime position who will, I believe, have negative consequences for our future. And I am going to spell out why I believe that.

Ms. Kagan is a highly qualified woman who has attained much in her young life. She is highly intelligent, highly articulate, and quite pleasant. I believe she did the best job of at least letting us get to see some of what she thinks of any of the Supreme Court nominees we have heard, and I give her credit for that. But what I saw causes me to shake in my boots, and let me tell you why.

Ms. Kagan made two critical statements. She believes Supreme Court precedent trumps the original intent of our Founders. Think about that for a minute. We just heard the Senator from Delaware mention *Brown v. Board of Education*. Under that philosophy, reaching back to our Declaration of Independence and our Constitution, *Brown v. Board of Education* would never have happened. We would have had “separate but equal” had we relied on Supreme Court precedent and not the underlying body of our Constitution.

As I was reading recently, I came across something written by Calvin Coolidge. He is not very often quoted in this body, and for some of that I understand why.

But one of the other things Nominee Kagan did was she refused to embrace natural rights in her testimony before the committee. You see, the whole foundation for our country is based on the fact that the rights we have are not given to us by the Congress of the United States or the Government of the United States; they are inherently ours. They are inalienable rights—the right of life, the right of liberty, the right to pursue happiness. We have a government to be a caretaker, to ensure our rights are not infringed upon. So lacking that understanding—and it wasn’t just once that she was asked that; she was asked that in terms of Blackstone’s principles on the right of an individual to defend

their life. She does not embrace that concept. It was not only evident in her plain words that she spoke but in her answers indirectly to other questions.

So we have a Supreme Court nominee who believes that the wisdom of men today, outside of the Constitution, based on precedent, trumps the wisdom that was brought forth by our forefathers in both the Declaration of Independence and the Constitution of the United States. And there are other proofs for this that I will go through during my speech to explain.

Listen to what Calvin Coolidge had to say:

About the Declaration there is a finality that is exceedingly restful. It is often asserted that the world has made a great deal of progress since 1776; that we have had new thoughts and new experiences which have given us a great advance over the people of that day, and that we may therefore very well discard their conclusions for something more modern. But that reasoning cannot be applied to this great charter.

Or the Constitution that followed it.

If all men are created equal, that is final.

It can’t be improved upon. It can only be lessened.

If all men are endowed with inalienable rights, that is final.

It cannot be improved upon. It can only be lessened.

If governments derive their just powers from the consent of the governed, that is final.

The power of the U.S. Government comes from the power we loan to the government as people and citizens of the United States.

No advance, no progress can be made beyond these propositions. If anyone wishes to deny their truth or their soundness, the only direction in which he can proceed historically is not forward, but backward toward the time when there was no equality, no rights of the individual, no rule of the people. Those who wish to proceed in that direction cannot lay claim to progress. They are reactionary. Their ideas are not more modern, but more ancient, than those of the Revolutionary fathers.

Well said, Calvin Coolidge. Well said.

So we have before us a judge who said the following to me during our hearing:

To be honest with you, I don’t have a view of what are natural rights, independent of the Constitution.

Oh, really? So we are going to have a Supreme Court Justice who has no view of what our inalienable rights are other than what the Constitution says? Where can that take us? It can take us anywhere she wants to go, outside the bounds of the very liberties we loan to the government to have a civil society.

If you look at the Declaration of Independence, it says:

We hold these truths to be self-evident—

Why aren’t they self-evident to her? Why doesn’t she hold an opinion on them—

that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are

Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among men deriving their just powers from the consent of the governed . . .

We have inalienable rights. We have natural rights. Yet we are about to put a Justice on the Supreme Court for life who, by her own words, does not have a view of what are natural rights. I don’t know anybody who is an adult in this country who doesn’t have a view of what they think are their natural rights.

This is a quote from Elena Kagan:

In some cases original intent is unlikely to solve the question, and that might be because the original intent is unknowable or might be because we live in a world that’s very different from the world in which the framers lived. In many circumstances, precedent is the most important thing.

No, that is just the opposite of what Coolidge had to say about the Declaration of Independence, just exactly the opposite. More modern, we got it right. Natural rights do not matter. Our wisdom, our intellect, our arrogance—of a government and the governing body—has more import, has more value, has more to do with what we do today than the wisdom of those inalienable rights and the Constitution that came out of it.

Do you realize that in the Constitution, for every time it gives us a responsibility, it says four or five times what we can’t do? Because the Framers were interested, and knowing the condition of men, that we would abandon—our tendency would be to allow the concentration of power to abandon those very principles they put into the Constitution.

What did Madison have to say, just on the general welfare clause of the Constitution? He anticipated the Elena Kagens of this world. He said:

With respect to the words general welfare, I have always regarded them as qualified by the detail of powers connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creators.

You see, that is how we have gotten into trouble as a country. That is why our economic future is not secure—because the Congress has exceeded its authority under a limited Constitution and the courts have failed to rein us in. They have failed to recognize their obligation.

So we are going to have someone who believes that the precedent and wisdom of modern men is much more important than the original intent of our Founders to keep us free, to secure our liberty, to provide our inalienable rights to the pursuit of life, liberty, and the pursuit of happiness.

Here is another area. If we read the Constitution and we read where they have set up our judicial system, what they reference, they say:

The judicial power shall extend to all cases, in law and equity, arising under this

Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority. . . .

They gave no wiggle room for the utilization of foreign law in interpreting the U.S. Constitution—none. Here is Elena Kagan:

It may be proper for judges to consider foreign law sources in ruling on constitutional questions.

Here is what the Constitution says. Here is what the nominee to the Supreme Court says—exactly opposite of what the Constitution says. In other words, it is OK to use any source of law you want, not the source that the Constitution says you will be bound by in your oath.

Let's take it a step further, same quote: "Judges can get" good ideas "on how to approach legal issues from a decision of a foreign court. It may be proper for judges to consider foreign law sources in ruling on Constitutional questions."

Here is their oath:

I do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a justice under the Constitution and laws of the United States. So help me God.

"Under the laws and the Constitution of the United States" is not foreign law. That is the U.S. Constitution and our statutes. So as soon as she takes the oath, her very philosophy violates it because she honestly testified that it is fine to use foreign law to interpret our laws and our Constitution.

Again, how did we get in the trouble that we are in today? How did we get that 20 years from now every man, woman, and child in this country is going to be responsible for over \$1 million worth of debt? How did we get to the point where \$350 billion of waste, fraud, and duplication occurs every year in the Federal Government? How did we get to the point that we can take people's rights away because we deem so in the Congress, in our smart, modern wisdom that lessens liberty and freedom throughout this land?

We do it because we do not use the book, and we don't follow the oath that we are sworn to uphold; that is, the U.S. Constitution and the laws of this land.

Then it comes to the commerce clause. Elena Kagan:

The commerce clause has been interpreted broadly. It's been interpreted to apply to . . . anything that would substantially affect interstate commerce.

When asked if a Federal law requiring Americans to eat three fruits and three vegetables every day would be unconstitutional, Ms. Kagan avoided the question by simply saying, "That would be a dumb law."

Madison had something different to say:

Ambition must be made to counteract ambition.

He is talking about us.

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.

We have had this vast expansion since the late 1940s in this country in the commerce clause. It started with *Wickard v. Filburn*. A farmer raising chickens was raising his own wheat. But the Government didn't want him raising his own wheat because they had allotted limits during the 1930s, the Great Depression—limits to what you could grow. So he owns his own land, he has his own chickens, but the Supreme Court said: You can't raise your own feed. You have to buy it from somebody.

So here we started with the Supreme Court ruling and moving in to take away the freedom of an individual farmer to raise his own feed for his own chickens for a greater good—supposedly to control the price and availability of wheat.

What has happened to us since then? Look at the expansion of the commerce clause and how it is moving power away from those who are governed without their consent to a central government in Washington. What does Ms. Kagan complain about during the hearing? That she thinks the Supreme Court may be moving to reverse that—of which she adamantly disagrees. When asked about the *Seminole* case and the *Lopez* case, she worried that it moves us back to individual freedom and a more restrictive commerce clause, a commerce clause that says our rights are more important than those of the government.

That goes back to the basis that she doesn't believe we have natural rights. The fundamental question of whether an individual, free in a country, can walk on to the Supreme Court and disavow inalienable rights and natural rights, that is a very dangerous concept because if you don't believe in natural rights, you don't worry about taking them from those who are governed. You don't worry about the Congress taking them from those of the governed.

We are about to move to a point where we are going to put somebody in a lifetime position on the U.S. Supreme Court who believes in foreign law utilization to interpret the issues before it; who believes that precedent trumps original intent of the Founders—in other words, the arrogance is we are much smarter than they were, our wisdom is much better, we are more modern, therefore things have changed, therefore we have to ignore what they have said; that the commerce clause is boundless; even if Congress passes stupid laws, they have the right to do it

and there is no obligation on the Court to look at the Constitution and the documents behind it and what our Founding Fathers had to say about the authority and what they intended and meant as they wrote that clause into the Constitution.

Then, finally, one last point. She does not believe in the individual natural right that you have as a person to defend yourself. She wouldn't embrace that—which implies, very rightly so, that the second amendment, even though we now have precedent, is at risk under Elena Kagan as a Supreme Court Justice.

So, summing up, we are going to put somebody on the Court that I see will further the problems we have versus starting to reembrace the principles that made this country great. Are we going to embrace what has gotten us into trouble? Are we going to embrace the \$13.34 trillion worth of debt growing at \$1.4 trillion to \$1.6 trillion today, that is stealing the opportunity of the future? We are. We are going to put her on there, and her wisdom and her vision is very different from our Founders, our Constitution, and our natural rights.

This will be a huge mistake for this country if we want to solve the problems in front of us. As I said, I don't expect anybody to change their vote on the basis of my viewpoint. I will congratulate her for being more honest and open on her testimony than others would because normally we would not find out these things about judges.

With a worried heart, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I am always reluctant to find out that I am following the Senator from Oklahoma on the floor of the Senate. He is always prepared and always eloquent. I commend the Senator on his speech.

But I want to commend him on his questioning in the hearing because he allowed us to gain, and Ms. Kagan to express, important points, important opinions, important judgments, and important statements for everybody in this body to make up their minds. That is really what this Senate is all about, and it is Senators like the Senator from Oklahoma who help us all to do our job, and I commend him very much for his work.

I also commend him for covering so many facts. My speech will be very brief. I announced about 4 weeks ago that I would not vote for the confirmation of Ms. Elena Kagan and expressed at that time the reasons. But I wanted to memorialize that on the Senate floor because it is a serious responsibility that we have to advise and consent on the nomination of the President of the United States.

In response to that, the advice and consent should always be thoughtful

and should always be thorough, and mine is generally based entirely on the Constitution when it comes to the Supreme Court and the appointments the Presidents of the United States make because I am well aware my position, the President's position, and the position of all of us in this was a creation of those of our Founding Fathers who wrote the Constitution that created the government, that is the United States of America and the three branches of that government that will govern us as a nation: the executive, the legislative, and the judicial. Executive, as in the President; legislative, as in us; and the judicial, as the jury—the jury not of who is right and wrong but is the Constitution right, is the law right that we passed in relation to the Constitution that created us.

Two things in Ms. Kagan's past concern me greatly in terms of the direction she would go as a Justice on the U.S. Supreme Court. One is the Solomon rule application when she was dean of the Harvard Law School.

When I helped write, along with a lot of other Members in this body, *No Child Left Behind*, we made sure we covered this issue of military access on campuses of secondary schools and postsecondary schools.

The Solomon Amendment is a simple amendment that says: If you accept Federal funds as a public institution or as a private institution, in terms of Harvard through research or funds such as that, that U.S. military representatives will have access to the campus.

Ms. Kagan made the conscious decision as dean of the law school that that access would not be available at Harvard and, even after direction otherwise, continued in that position until she eventually withdrew. Well, if someone is going to the Supreme Court of the United States of America to be a judge of our Constitution and its application to our legislative and judicial branches, you must remember the first responsibility designated to this Congress and to this government is to protect and defend the domestic tranquility of the people of the United States of America and to constitute an army and a navy to do that.

You cannot draw on that army and navy if you cannot draw on the people in your country. At a time today, a contemporary time such as 2010, where everyone who serves—everyone, not a one is conscripted, every single one is a volunteer—the information about the opportunities, the availability and the promise of a career in the military or a period of service should not be denied anyone who goes to an institution that receives funds from the United States of America and from this Congress.

Secondly, you know there has been a lot of talk about the *Citizens United* case, and there have been a lot of political arguments about the *Citizens United* case. But it is a first amend-

ment case. I do not think anybody argues about that.

In listening to the testimony in the Judiciary Committee and reading the record on the *Citizens United* case, it is obvious, in her expression and her arguments before the Supreme Court, Ms. Kagan felt that even though you had a first amendment, through either printing or writing or video or audio, the government could restrict political speech.

Well, the first amendment is the guarantee of free speech. To argue a case that, notwithstanding the first amendment, political speech could be run by the government and judged by the government and its timing and its accessibility, to me, flies in the face of the very first amendment, of the first 10 amendments that finally allowed us to pass a Constitution and come together as a nation.

So there are a lot of other issues. The Senators who preceded me have raised a lot of those issues. I commend Ms. Kagan, too, on her complete congeniality and her complete candor before the committee. But in terms of this Senator, in terms of my vote, in terms of my judgment, it is the case and the opinions on the first amendment in *Citizens United*, and the actions contrary to the Solomon Amendment, and military access that, to me, deliver a temperament that I do not think is appropriate of a Justice of the Supreme Court at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, we are here to discuss Solicitor General Elena Kagan's qualifications for the Supreme Court. We have heard a number of conversations from our colleagues who are themselves lawyers, who have sat in on the Judiciary Committee, and who have gone through the record with great detail.

As I have said before, I am unburdened with a legal education. I have great respect for those who have been taught to think like that and talk like that and who go into that kind of detail. But I view this from a slightly different point of view, and I hope it is a commonsense point of view. I would like to share it with my colleagues this afternoon.

I go back, not to start with Ms. Kagan but to start with an incident that occurred when we were discussing the possibility of John Roberts going to the Supreme Court as the Chief Justice. In that period of discussion, there was a particular case that was raised in the press where John Roberts had issued a ruling that, according to the newspapers and the reporters, was an egregious ruling.

Here are the facts of the case: There was a young woman riding the Metro who ate a french fry, not a lot of french fries—just one french fry. She had the

misfortune—she was 12 years old—she had the misfortune to do that in the presence of one of the security officers of the Metro who arrested her for violating the publicly advertized zero-tolerance, no-eating policy in a Washington Metro station.

She was not just detained, she was arrested, searched, handcuffed, driven to police headquarters, booked, and fingerprinted. Three hours later, her mother showed up at the police station and she was released to her mother. The mother sued, alleging that her daughter was treated improperly, that an adult would have only received a citation, and that this was a terrible thing that had been done to her.

The law says children who violate this policy have to be detained until their parents can arrive. Well Justice Roberts, the case finally came to him on the circuit court, ruled that the Metro police had acted properly. In an attempt to derail his confirmation to Chief Justice, there was a dust-up in the newspapers and the media: This is a man, we want to put him as Chief Justice of the United States, and he will tolerate this kind of treatment of a young woman who does nothing more than eat a single french fry in a Metro station? Is that the kind of man we want on the Court?

I remember those kinds of editorials and denunciations that were made of Mr. Roberts. Then, the facts came out as they got into what happened. What I have said are, indeed, the facts. But this is what Justice Roberts said when he handed down his opinion. He said: No one is very happy about the events that led to this litigation. He said it was a stupid law. He did not say it in those kind of terms. He said it in appropriate legal terms. But basically the burden of what he said was it was a stupid law.

But he said: The question before us is not whether these policies were a bad idea but whether they violated the fourth and fifth amendments of the Constitution. And, as Judge Roberts concluded, they did not.

Interestingly, the city council, in response to this case, had changed the law. So he made it clear: I do not agree with this law. I think it is a bad law, but that is not my responsibility. My responsibility is to determine whether it violates the Constitution.

This is reminiscent of Justice Potter Stewart's dissent in *Griswold v. Connecticut*. He said: We are not asked in this case to say whether we think this law is unwise or even asinine. We are asked to hold that it violates the U.S. Constitution, and that I cannot do.

What does that have to do with Elena Kagan? She was faced with a similar situation. She was not a judge. But she was in a position of authority, and she was faced with a law that she decided was a bad law. This was the Solomon Amendment, having to do with the

question of military recruiters on college campuses. She was in a position as the dean of the law school at Harvard, to prevent military recruiters from coming on campus.

The Solomon Amendment basically said: You cannot do that, Dean Kagan. You may disagree with the military's policy with respect to don't ask, don't tell, and you can do that. But you cannot accept federal funds and prevent military recruiters from coming on campus. You can even express your disagreement in a legal fashion, and she did. She openly opposed it. She joined other faculty to sign an amicus brief in support of a constitutional challenge of the Solomon Amendment.

I do not object to that. She has every right, as an American citizen, to challenge something she thinks is inappropriate in the law. But she does not have the right to flout the law, and to say: No, we choose not to do it. When she became the dean at Harvard, she did that.

She refused to allow the recruiters to come on at the Harvard Law School. She says she did not. She says: The military had full access at all times. By the way, she was wrong on the law, as far as the Solomon Amendment is concerned, because the Supreme Court decided unanimously that the Solomon amendment was constitutional and that the military had the right to equal access to students at institutions receiving Federal funding.

So she should have waited for the Supreme Court to rule, but she did not. She said: I will comply with the law. This is what the recruiters said. She says they had full access. All right. If they had full access, I would think they would confirm that they had full access. But this is what they had to say. The Army's report from Spring 2005 said: The Army was stonewalled at Harvard. Phone calls and e-mails went unanswered and the standard response was: We are waiting to hear from our higher authority.

There is a Defense Department memo stating: Denying access to the Career Service Office is tantamount to chaining and locking the front door of the law school, as it has the same impact on our recruiting efforts.

The chief of recruiting for the Air Force JAG Corps was repeatedly blocked from participating in Harvard's 2005 recruiting session. He reported: Harvard is playing games and will not give us an on-campus interviewing date.

Three different recruiters give a different view of what was done with respect to Harvard. Yet General Kagan says: No. No. They all had full access at all times. If they did, then they are lying. If they did not, then she is giving us false information. She denies the entire incident.

I think she should have stated her opposition in the Judiciary hearings.

The proper approach should be to say: I hate the Solomon Amendment. I think it is the wrong thing to do. But just as Judge Roberts upheld the action with respect to a 12-year-old girl that was clearly not appropriate, because it was the law, I have a responsibility, as a lawyer, and lawyers are officers of the court, I have a responsibility as a lawyer at Harvard, even as I am voicing my objection, to say: The Solomon Amendment is in place, and I am going to respect it.

She did not respect it. She denies that she did not respect it, in the face of testimony to the contrary from at least three different sources who were directly involved in the case. I do not find that the kind of behavior, regardless of my ideological difference with her, the kind I think a Justice of the Supreme Court should have.

She has had much the same attitude with respect to the second amendment. She has taken a position of being above the law. She refused to declare support for the second amendment and when she was questioned about it, she simply dismisses it as "settled law." Going back to the Solomon Amendment, wasn't that settled law? When she had an opportunity to act against it, she took that opportunity, feeling correctly that she would not be disciplined for it at Harvard. But now I do not think she can appropriately say she should not be questioned about it as she is being proposed for the Supreme Court.

When clerking for Justice Thurgood Marshall in 1987, Kagan was faced with a challenge to the District of Columbia gun ban. With respect to a plaintiff's contention with respect to the District of Columbia's firearms status—as he said, the District of Columbia violated his constitutional right to keep and bear arms—She wrote: I am not sympathetic, and she recommended that the Court not even consider the case. The Court recently considered the case and has ruled otherwise in the Heller decision.

So she is going to go to the Court—I assume she will be confirmed—with at least two circumstances where she has taken firm positions in opposition to the Court she intends to join. In one case it was a unanimous decision that overturned her; it was not a 5-to-4 decision.

My concern about her is that she has never shown any inclination toward impartiality. I do not mind people of strong opinions. This Chamber is filled with them. I do not mind judges who have strong opinions as long as they do not let those strong opinions get in the way of what the law says. I am afraid in her case she is one who will let her strong opinions get in the way of what the law says. For that reason, I intend to vote against her nomination.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I rise in opposition to the confirmation of Ms. Kagan to the Supreme Court, and I would like to put this opposition in context with what is going on all around the country.

All of us know, and we have seen on the news—and many of us have seen in person—that people are upset with what is happening in Washington. They are angry. They are fearful. They are frustrated at all the spending, the borrowing, the debt, the government takeovers. I keep hearing from people: What can we do? How can we stop it? Why is it happening?

That is a question we need to keep asking here: Why is it happening? Why has this country, this Congress, and many Congresses before spent this country to the edge of bankruptcy—and continue to spend week after week? Even though the President and the majority are talking every week about the unsustainable debt, almost every week we are adding to that debt, adding new programs. It makes no sense.

Our Founders believed it very important that every Member of Congress—the House and the Senate—the President, the Supreme Court, and the military officers all take an oath of office to protect and defend the Constitution. That may seem perfunctory, just something we do as a part of history. But that was not its intent because the Constitution is a document that limits what the Federal Government can do. If anyone reads it seriously, it is pretty clear its primary purpose is to limit what the Federal Government can do. It specifies a few things, such as protecting our Nation, making sure there is justice, making sure we have the rule of law and the enforcement of those laws across all of our States.

But it says a lot about what we cannot do. The whole Bill of Rights says much about what the government cannot do to take our freedoms. The 10th amendment itself says whatever is not specified in the Constitution is left to the States and the people.

Even though all of us take that oath of office, it seems to me, after being here a number of years, that just about everyone here sets aside that Bible when they put their hands down and completely forgets they have just taken an oath to protect and defend a constitution that limits what we can do.

Last year, when we passed this health care bill, Obamacare, a reporter asked Speaker NANCY PELOSI where in the Constitution did she find the authority to require people to buy a government-approved health insurance policy. All she could say is, "Are you serious?" In fact, if you talk about a limited constitutional government, as I often do in the Senate, you are considered a radical, even though all of us take that oath of office.

What we have turned into here—and the President has used this phrase a lot—is a “yes, we can” Congress. It does not matter what it is, what problem comes up all across the country, we can do it, we can fix it. Government has a solution to almost anything because we do not pay any attention to the Constitution.

The Constitution is a constitution of no, of what we cannot do. That is to protect us and to avoid where we are today, which is approaching a \$14 trillion debt which is about to destroy our whole country.

Think about this: In the world's great bastion of freedom that we call America, our Federal Government owns the largest auto companies. It owns the largest insurance company. It owns the largest mortgage companies. It controls our education system. It just took over our health care system. It controls the whole energy sector and our transportation sector. The rules and regulations and taxes that we put on businesses pretty much means mostly it controls all the business activity in our country.

When Congressman PETE STARK was asked last week—in an interview we have seen all over the Internet—is there anything that the Federal Government cannot do, he said no because he had forgotten the constitutional oath of office.

What is the Court's rule, as we think about Ms. Kagan, the Supreme Court, the confirmation process? What is the role of the Court? The intent is pretty clear that it is to watch over Congress, the executive branch, to make sure we do not get outside the bounds of the Constitution. If we do, the Court is supposed to say: No, you can't; that is unconstitutional. But the Court, over the years, has pretty much thrown that responsibility out the window.

Back during FDR's days, in their interpretation of the commerce clause, it had essentially given Congress and the White House unlimited ability to do almost anything that comes up, any whim that we have. That is how we ended up with over \$13 trillion in debt. I know this overactive government is really important. This idea of a limited government is very important.

When Ms. Kagan was in my office and I asked: Does the Constitution limit us from doing anything, she really could not come up with a good answer. It is pretty similar to her hearings, when Senator TOM COBURN asked her: If the Congress passed a law, and the President signed it, that every American had to eat their fruits and vegetables every day, would that be constitutional? And she said: It would be a dumb law. But she would not say that is unconstitutional.

Friends, if this government can tell us what we have to eat, it can tell us anything. We cannot claim to have any freedoms if this government can tell us

what we have to eat. It is essentially the same thing as telling us we have to buy a government-approved health insurance policy. We cannot say no. But the Constitution is intended to make sure we do.

Ms. Kagan talked a lot about precedents, which are just previous court rulings, not much about the Constitution being our standard. The problem with that is a precedent is a lot like what we used to call the gossip game. Some people call it the telephone game, where you have a bunch of people sitting around a table, and the person at the head of the table whispers a phrase to the person next to them. They whisper it to the person next to them, and it goes all around the room. The whole funny part of the game is, by the time it gets back to the person who started it, you cannot even recognize the phrase. It has nothing to do with what was originally said.

That is exactly how precedent works. Once you throw the standard out, then the whole idea of a constitutional standard is out the window, if we have judges today who are making decisions by picking and choosing the precedent that agrees with their opinion rather than basing their decisions on true constitutional standards.

I oppose Ms. Kagan's nomination because she, in my opinion, does not believe in constitutional limited government. She does not believe in the original intent of the Constitution but more of President Obama's belief of a more living Constitution. As President Obama said before he was elected, he sees the Constitution as a document of negative liberties because it tells the government what it cannot do. But it does not tell us what we have to do.

It was never supposed to tell us what we have to do. But the progressives in power in Washington and many of our judges believe they need, through court rulings, to change that Constitution. What has resulted in that is the government controlling more and more of our lives, spending and borrowing money we do not have, and bringing our country to the brink of economic disaster.

We cannot afford more “yes, we can” judges in our country. We cannot afford more “yes, we can” Senators or Congressmen. And we certainly cannot afford another “yes, we can” President. The decisions that have been made about our economy over the last couple of years have brought our economy to its knees. This is no longer something we can blame on President Bush. In fact, the Democrats have been in control of policymaking, economic policy spending for 4 years now. This is not Bush's recession. This is the result of Democratic economic policies.

This nomination will continue our move in the wrong direction because it will put another person on the Court who does not see their role as limiting

what we can do in Congress, and this Congress desperately needs a Supreme Court that tells Congress no when we step outside the bounds of the Constitution.

Mr. President, I believe America is looking at Congress closer than they ever have before. They expect us to make the hard decisions, to stop the spending, to stop the waste, to stop the borrowing, to stop the debt, to stop the government takeovers, and to stop our courts from taking our freedoms away. That is why I am opposing Ms. Kagan to be a Supreme Court Justice, and I encourage my colleagues to consider their vote and to vote no.

Mr. President, I yield back.

THE PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, we are not in a quorum call at this time. I am told there is a brief pause. I ask unanimous consent that I be allowed to speak as in morning business for 5 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COORDINATION OF WIND AND FLOOD PERILS ACT

Mr. WICKER. Mr. President, during this brief pause in the debate on the Supreme Court nominee, I rise to call to the attention of Senate Members my introduction of S. 3672, the Coordination of Wind and Flood Perils Act of 2010.

This month is, of course, the fifth anniversary of Hurricane Katrina. We are still rebuilding on the coast, and we are still rebuilding in many areas of the gulf, in the South, as depicted on this map.

Two weeks ago, I attended the opening of a municipal complex and library in the historic town of Pass Christian. The fact that we are just getting the money and just getting this library and city all rebuilt after 5 years is testimony to the extent of the destruction and the difficulty of funding projects like that. This is true in the public sector, and it is also true in the private sector.

But one of the greatest impediments to rebuilding, and one of the main reasons Katrina is still not over for the people of Mississippi and other areas of the gulf is the lack of affordable insurance. This is true in Mississippi, and it is also true from Texas all the way through the gulf, south, down to the tip of Florida, and on up through the New England coastal States. Anywhere there is coastal exposure there is a problem with affordability and availability of insurance.

I have had quite a number of visits to the coast in recent weeks, particularly in the last 100 days because of the oil spill. The recovery there is going to be a challenge.

There will be speeches later on this month commemorating the anniversary and discussing the heroism and the resilience and the determination of

the people of the coast. All of this will be appreciated and necessary, but the truth is one of the best things that could be done for the gulf coast area—not just my State of Mississippi but in the entire area—is to resolve the issue of wind insurance versus flood insurance, and that is what S. 3672 is all about: coordinating the coverage between wind and flood perils coverage.

Of course, for people in this area, for people in my State of Mississippi, you need hazard insurance, you need fire insurance, as does everyone, you need wind insurance, and you need flood insurance. Back in 1968, that was the year of Hurricane Camille. It also was the year it became apparent to this Congress that something needed to be done at the Federal level to cover water damage. Hence, the National Flood Insurance Program was established in 1968. Since that time, Americans have been able to get flood insurance through the NFIP. Actually, in 1973, this Congress in its wisdom made such coverage mandatory for people mortgaging property in flood zones.

Let's fast forward to 2005, the year of Hurricane Katrina. Many victims who needed it didn't have flood insurance. One of the reasons they didn't have flood insurance is that the flood zone maps were wrong. I hope to a large extent this has been corrected. It is supposed to have been corrected now, and people in flood zones who have mortgages are required to have it. Oftentimes they cancel those policies, and that is something we need to attend to also, but that insurance is available.

The problem is wind insurance. The private insurance coverage for wind damage has pretty much left the coastal areas of many of our States in the eastern part of the United States. So we have this situation now where a homeowner needs flood insurance through the National Flood Insurance Program. They need their own hazard insurance that they get through their local broker. Then, they probably have to resort to the State wind pool, a State program, because private wind insurance is not available to them.

Another problem we had in 2005 after Katrina is that many homeowners found themselves caught in the middle between the issue of whether it was water damage in connection with the hurricane that caused their property loss or whether it was flood damage in connection with the hurricane that caused the loss. After hurricanes such as Katrina, if a homeowner has wind and flood insurance, the homeowner often has to prove in court whether it was wind or water that caused the damage. This is unacceptable. Let me emphasize this: Individuals who had all the appropriate insurance—wind and water—were, in many instances, caught in the middle and forced to go to court to watch the insurance carriers fight among themselves. My legis-

lation would remove the burden of determining flood or wind loss allocation from the property owner and put it where it belongs—a decision to be made between the insurers.

If my bill becomes law, insurance companies, including State-run wind pools and the National Flood Insurance Program, would have to pay a claim as soon as possible after the hurricane. If there is a dispute, each would pay 50 percent. The homeowner would be paid for the loss while the parties responsible for paying the claim would work out the details.

My legislation—and again, it is S. 3672, the Coordination of Wind and Flood Perils Act of 2010—would prevent homeowners from having to go to court to determine what portion of the damages were caused by wind and what portion by water. This should not be part of the duties of the homeowner. Under my legislation, if there is a dispute between the parties responsible for paying the claim, the insured would be compensated immediately and the dispute between the insurers would be resolved by arbitration.

This is only a small step. It doesn't answer the whole problem. I still support the concept of putting wind coverage under the National Flood Insurance Program on a voluntary basis, as my amendment would have done in 2008. It is an amendment that has passed the House of Representatives and it is known as the multi-peril concept. That did not get majority support in the Senate and is, frankly, unlikely to get that support in short order. They are having trouble with that concept in the House of Representatives, but I wish to emphasize that I still support the multi-peril concept. This is a step. It puts us on the right track and it removes the wind and water debate.

I would suggest that my friends in the Senate look at this bill. I invite them to become cosponsors, and I hope we will be able to add this simple amendment to the law in short order.

I thank the Presiding Officer and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I have been in the Senate a long time. This is my 25th year of service. This is one of the most exciting moments I have seen here. Today we have an opportunity to fulfill a great responsibility and an honor, to be able to stand in this Chamber to declare our support for the President's selection of an outstanding nominee: Solicitor General Elena Kagan to be a Justice of the Supreme Court of the United States.

Everyone is aware that she brings an intellect, experience, and knowledge of the law that places her among the few in this country so perfectly qualified to serve on this most important body of jurisprudence in the entire world.

Upon the entrance to the Federal courthouse in Newark, NJ, there is an

inscription that reads: "The true measure of a democracy is its dispensation of justice." I was the author of that statement and I labored over it, short as it is, to reflect my view that reflects a fundamental principle of our democracy and the values on which the U.S. Constitution was founded. These values pervade throughout our government and legal system, and especially in the decisions of our Nation's highest Court.

I met with Solicitor General Kagan to hear her views and her personal history, and I watched the testimony before the Senate Judiciary Committee. I have no doubt that, if approved, Solicitor General Kagan will be an outstanding defender of our Constitution in the dispensation of justice entrusted to a Supreme Court member. That is why I hope that with this historic opportunity, the Senate will stand up for what is right, to confirm Ms. Kagan's appointment to become a member of the highest Court in our country because of her outstanding qualifications.

When I met with her, I told her the people of New Jersey were excited about her nomination not only because of her outstanding educational achievements—by the way, graduating from Princeton, NJ, *summa cum laude*, and contributing so much in her life through her commitment to public service. The excitement is generated because Ms. Kagan is a trailblazer who has paved the way to the top of the legal profession that has helped open doors to women as well as men. She was the first woman chosen to be dean of Harvard Law School. She is the first woman ever to have served as Solicitor General of the United States, a post many call the "tenth Justice" of the Supreme Court. We must remember what that job is, what that task is, and that is to appear on behalf of the United States as an advocate, having tested abilities to bring the case to the Court, defending our country, and experience second to none in that courtroom.

Let us not forget that in the last year she has amassed an impressive record as Solicitor General. She has filed more than 3,500 pages of merit briefs before the Court, and she has argued cases on a broad range of issues from protecting children from pedophiles to protecting Americans from terrorists. If she is confirmed, of nine members of the Court, the proportion of women will be at its highest level in history, with women holding three seats.

She is the granddaughter of immigrants, and that experience shaped the world in which she grew up. Similarly, I came from parents brought to America by my grandparents, who had the common experience of so many of the struggle to learn a new language, adopt new skills to get by, mustering the determination to help their children rise above their circumstances in this new

world. Though my parents worked very hard, they were never able to accumulate valuables. Instead, the heritage they left my sister and me was a set of values and a love for America with its freedom and opportunities and appreciation for what this country gives us all. They often reminded us that there were those far worse off than we and we had an obligation to contribute if we could to give something back to our community.

These same values are inherent in Ms. Kagan's views as she expressed them to me. Her father was a housing lawyer. Her mother was a public schoolteacher for 20 years, and she carries the heritage of their public service dedication. Solicitor General Kagan's career has confirmed her own commitment to public service, protecting rights and individual freedoms.

She served as a clerk to Justice Thurgood Marshall whom she, as many other Americans, greatly admired. Frankly, it is sad to see that some on this floor during her confirmation hearings attempted to discredit Solicitor General Kagan's reputation because of her association with Justice Thurgood Marshall. Justice Marshall was an icon who expanded respect and tolerance in America as few others have in our history. He argued *Brown v. The Board of Education*. He was the first African American to serve as Solicitor General of the United States, at which he excelled, amassing a remarkable record of Court victories. He was the first African-American Supreme Court Justice and distinguished himself as one of America's greatest jurists.

Some on the other side, in order to keep this appointment from being confirmed, have gone so far in their desperation to denigrate Ms. Kagan that they have labeled Justice Marshall as some radical on the bench and attempted to tear apart the years of brilliant contributions of this great man.

I want to be clear. The fight to end racial discrimination may have been radical to some, but it was the right fight and the right cause, and there will never be anything shameful about a person whose great mind and ferocious eloquence made him a giant in the civil rights movement. Shame on those who would denigrate those achievements.

Ms. Kagan's lifelong dedication has been to break down barriers and work for what is right, not simply popular. At Harvard Law School, one of her accomplishments as dean was to welcome different views among faculty members. She believed—and exercised that belief—that her students would not get the legal education they deserved if it was limited by one ideological perspective. She made it a point to add faculty members who came from different points along the political spectrum. No wonder Solicitor General Kagan's nomi-

ination has not only been endorsed by liberals but also by conservatives, including Ken Starr, Ted Olson, and Miguel Estrada.

Considering a Supreme Court nominee is one of the most important responsibilities we have. The Supreme Court makes decisions that determine the very underpinnings of our country's character. It has a direct say on the rights—or lack thereof—our children and grandchildren will have. The Court can decide whether big corporations and the rich and famous should have a stronger claim to justice than the average person. The Court sets the table for government power—whether it goes unchecked or is responsible to the people. The rulings of the Court affect everyday New Jerseyans and everyday Americans. There is no doubt in my mind that Ms. Kagan understands that.

After careful consideration, I am going to proudly vote yes to confirm a person who I believe will be one of the great Justices of the Supreme Court of the United States of America.

Mr. President, I hope there isn't this continuing attempt and process we have seen here where it is the objective of individuals in this room—typically on the other side of the aisle—to stop things from happening, to be obstructionists. There is no point in exercising that kind of foolishness. This is a time to step up and say we want the best we can get for our Supreme Court. President Obama has chosen carefully and wisely, and we want to see Ms. Kagan seated on the Supreme Court. I hope my colleagues will vote affirmatively to make sure that happens.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS

Ms. LANDRIEU. Mr. President, I understand we are in controlled time. I will speak for the next 10 minutes, and if someone else comes to the floor, I will be happy to yield.

I know the discussion today has primarily been on our new potential Supreme Court nominee, but that is not why I have come to the floor. I have come to the floor to talk about an issue I have spent a good bit of time talking about in the last several weeks—particularly the last week—and that is the issue most Americans have on their minds right now, and that is, when is this recession going to end? That is a good question. My answer to that is that this recession is going to end as soon as we can get Main Street moving again.

The First Lady has been so wonderful in her advocacy to help Americans understand the importance of activity and moving, with her campaign "Let's Move," to help us all get into better shape—particularly the young children of our country. I think we can really use almost that same slogan for Main Street—to get Main Street moving again, percolating again, and generating jobs, because that is the only way this recession is going to end. We can pass bill after bill up here regarding big bank bailouts, saving the big auto manufacturers. We can step up and send money to big, troubled banks. But until we figure out a way to get money to Main Street, this recession is going to be with us a long time.

I think that is really what is on people's minds, at least in Louisiana, my home State, the places with which I am very familiar. Our situation in Louisiana is even more complicated, and right now I am not going to take the opportunity—but I will before this session ends—to talk about the gulf coast disaster and the moratorium that has been placed on drilling in the gulf, which has exacerbated our problem. Suffice it to say that on Main Street all over America, people are wondering—we know that Supreme Court Justices are important, that health care is important, and we know that stabilizing the financial situation is important.

When is Congress going to focus on Main Street and small business? That is what our bill, the small business lending bill and particularly the small business lending fund, does.

I want to start the first few minutes of this discussion—there will be some Members coming down to the floor—by reading an e-mail I received in my office 2 days ago. This e-mail was so well written and so passionate and so encouraging to me that I was afraid it was not real. I actually had my staff call the man who wrote it to make sure before I came to the floor of the Senate, because I did not want to be fooled or embarrassed by someone sending some kind of form e-mail and not being sure it was correct.

I want my colleagues to know that we called Mr. Bryan Gipson, Sr. I am going to read his e-mail because I think this says better than I could what is at stake for those who have tried to obstruct this bill, unfortunately, for many of my friends on the other side:

Dear Senator Landrieu, I wanted to start this e-mail by telling you I am a life long Republican and a former member of your district. I currently reside in Ocean Springs, Mississippi, and I am a Commercial Real Estate Broker. I watched with great interest today as the Senate debated H.R. 5297, the Small Business Jobs Credit Act. I was very, very disappointed by the unjustified stonewalling of the Republicans. To think that a Bill, whose only purpose is to provide funding for small business, create jobs and

help the most battered segment of our economy recover from the worst recession of all time could be held up because one side had their feelings hurt because they don't have enough amendments is sickening.

Senator Landrieu, I am a commercial real estate broker. My company sells hotels, throughout the southeastern United States. We have not completed a transaction in almost two years. There is no third party commercial financing for commercial real [estate] in the United States today our industry has been battered because of this. Hotels are closing through out this country and workers are being laid off. These workers make beds and clean rooms. They work as wait staff, accountants, reservationists, and front desk personnel. Thousands of these hard working Americans have been laid off. It's time for Congress to do something to put Americans back to work on the jobs.

As I said, I am a life long Republican. I was sick to my stomach to see the leadership of the Republican Party do everything in their power to kill this bill. Please remind them they have lost my vote. I will do everything in my power to defeat my two Republican Senators when election time comes. It is plain to see the Senators of the Republican Party are holding the American economy and it's workers hostage for selfish, partisan politics, and the American voters are tired of it.

I will not read his last sentence because I do not think it is appropriate for the Senate.

Today I had the opportunity to speak with one of the region's most outstanding community bankers by phone. My phone call was prompted by a roundtable I held earlier this week—it was not yesterday but the day before—with some of the country's most outstanding entrepreneurs. I had several individuals from Louisiana—surprising to many people. You may be surprised to know that New Orleans, LA, has been on the front cover of Entrepreneurial magazine twice in the last year because after Katrina, some of the leaders, including myself, had the sense to say: We are not going to build back just what we had; we are going to build back better and stronger, and part of that is inspiring young people around the country to come and start new businesses in New Orleans and help us build a greater city and a better region.

We also had individuals from all parts of the United States. One of the two most interesting individuals who owns arguably the most famous small business in America today, Georgetown Cupcake, better known as DC Cupcakes, the reality show—Sophie and Katherine were in my committee 2 days ago. I want to tell you what they said, and nobody is going to believe it. There is a transcript of this record.

This is one of the most famous, most popular small businesses in America. They have their own reality show. They testified to my committee that they could not themselves get a business loan. They knocked on bank after bank until finally a community banker—the chairman of the bank is Ron Paul. I spoke with him today. It is

EagleBank right in this region. They finally gave them a loan which they paid back in 3 months. For 2 years they used every credit card they had. They used their entire savings. Even with a line 2 blocks long—if anyone in Washington, DC, doesn't know about it, they should know about it. I have not been there, but my children have been there. They ask me to take them there all the time. The line is 2 blocks long, I hear, every night.

If a small business not 10 minutes from the Capitol, with a line 2 blocks long, cannot get a loan from a bank and has to go through all this trouble—but they finally, thank goodness, found a community bank to lend them the money—do I have to say anymore about what we are trying to do?

Another young woman showed up in our committee. She graduated magna cum laude from Duke University. She received a scholarship from the Fulbright Scholarship Program. She went to Sri Lanka to work for a year under the Fulbright Scholarship Program. Her idea as a scholar was that maybe she could create a business using environmentally sensitive methods and practices designing very fashionable clothes that she could then sell to college students because our college students today are much more sensitive to the environment and to these sorts of things than we were when we were in college.

She had a very brilliant idea. She had a great market. She went to bank after bank with \$250,000 worth of purchase orders and could not get a loan and does not have one today.

If our young people who are graduating at the very top of their class, who have the most extraordinary ability to create jobs in America, cannot get money in their hands, we should close these doors and turn these lights off because it is never going to get fixed. That is what this bill tries to do.

It has been stopped by petty politics or slowed down considerably. We are still hoping we can get this done by the other side, which wants to pretend this is not important or that the Small Business Lending Program that got 60 votes on the floor of the Senate is somehow damaging to this bill. It is the heart of this bill.

I want to use fact versus fiction to clear up another point. I could go on and on about what these young entrepreneurs running small but extraordinarily exciting businesses said at that roundtable. This bill will help them, and we are going to continue to do more.

One of the things I want to speak about today is fact versus fiction about the one article that has criticized us. It was an AP article that was written 2 days ago and was circulated in defense of the opposition, so I want to take this issue by issue.

The article was written by Daniel Wagner of Associated Press. When we

called him, he admitted that he failed to call anyone from our office or the Small Business Committee to get any real information about the bill. He had not written in an updated way. He had gotten this information some months ago. He was frustrated. He couldn't get Treasury to respond, so he just wrote the article.

The problem is half of his article is completely factually wrong about this bill. I want to go point by point.

He comments in his article:

Federal Reserve Chairman Bernanke and others have questioned whether the problem is lack of capital or if there simply are not enough creditworthy borrowers.

I have given two examples in the last 2 or 3 minutes about creditworthy borrowers. I think every Member of Congress knows a dozen businesses that are good, solid businesses with good cashflow and a good product with a good record that are being told they cannot get funding. If you do not believe me or what you are hearing back in your States, the fact is our Chairman stated last month:

It seems clear that some creditworthy businesses, including some whose collateral has lost value but whose cash flow remains strong have had difficulty obtaining the credit they need to expand and, in some cases, even continuing to operate.

Part of the article, quoting the Chairman, is factually wrong. Chairman Bernanke did not say that. Chairman Bernanke said what I just quoted.

The second fiction he said was that Congress was at work on a new program to send \$30 billion to struggling community banks. No, that is not what our bill does. We do not send \$30 billion to struggling community banks. We allow healthy banks, not struggling banks, healthy community banks to apply, completely voluntary, for money from the Treasury so they can increase the capital they have to lend hopefully to wonderful young people such as the two young women who started Georgetown Cupcake, now better known nationally as DC Cupcake, and other small businesses that are hiring people and increasing their locations and starting to bring this recession to an end.

The facts are that you have to be a healthy bank to apply for this program.

The next thing Mr. Wagner said—and he has retracted this already. We appreciate him retracting this statement. He said:

Under the new program, the 775 banks on the government problem list can qualify for the bailout.

A, that is not true, it is not a bailout. And B, they are expressly prohibited in our bill. The 775 banks on the problem list would be ineligible to receive capital. Only the strongest banks, and they are registered as CAMELS 1, 2, and 3, not 4 and 5. Finally he said:

This time the money is more likely to disappear as a result of bank failure and fraud.

It is not the community banks we have to worry about failing. Their record has been extraordinary. In fact, there was not one bank in 2005, 2006, all the way up to 2007—there were less than a handful of community banks that failed. In 2009 and 2010, those numbers shot up because of the despicable and reckless policies perpetrated by many big banks and international lenders which put the whole economy at risk because of what they did, and then that had a ripple effect on our economy.

It is not going to be the small community banks that take this Nation down, I can promise my colleagues. It is going to be the small community banks and other nonbank lenders in places that have a hard time getting the capital they need to expand that are going to lead this country out of the recession.

So I wish to put this up—this “Party of No”—because, unfortunately, we have on the other side an unprecedented number of objections. This is the graph that I think Senator STABENOW has used for 246 objections. It is one thing, of course, politically, if you want to say no to the President. I don’t think it is great, but sometimes you have to, if you don’t believe the President is right. I understand that. But to say no to the small businesses of America, most of which have done absolutely nothing wrong but try to build their businesses and try to expand their businesses? To say no to them is one no gone too far.

I wish to put up the chart about the businesses that will create jobs, because if we would spend some time focused on passing this bill—and I hope this chart I am using is an effective visual for the share of net new jobs by firm—these are our own statistics for 1993 to 2009. So for the last 16 years, 65 percent of new jobs have come from small firms. This goes to show that if we can get this bill—and maybe there are others but this bill for certain because it was built with bipartisan support. It has \$12 billion of tax cuts targeted directly at small business. It is a \$30 billion small business, healthy bank partnership fund that will help spur investments on Main Street, and it is an increase of lending limits and loan guarantees through the Small Business Administration for their very tested and proven and successful lending programs. This bill could have a tremendous impact on Main Street throughout America.

We have only a few more days here. The leaders are still talking about what can be worked out. I would suggest we get this bill on the floor, we agree to one amendment on both sides, and get this bill passed for the American public. I know the Chair has been supportive, and I see Senator CANTWELL and others on the floor who have been arguing successfully and passion-

ately for this bill. When people say we need more amendments, this bill has been built with bipartisan amendments, section by section—I have said this over and over again—every section of this bill.

We call this chart our red-line, four-page outline of this bill. It is well known and has been well reviewed by not only Members here but staff and reporters as well who can see for themselves. This is a Snowe-Landrieu; Crapo-Landrieu-Risch; Snowe-Landrieu; Snowe-Merkley. I mean, every single section has been bipartisan, and we now have a strong bipartisan vote for the lending program. So all we need is for the leaders to agree on one amendment. It could be the 1099 amendment, which has generated a great deal of interest around here. Let’s make a decision about how we move forward with that provision. I think it needs to be adjusted or completely repealed, but that is worth debating. Let’s get that done and move this bill forward.

In addition, as I yield the floor for the Senator from Washington, we continue to receive more and more endorsements. Today, we got a letter from the United States Conference of Mayors:

On behalf of the Nation’s mayors, I am writing to thank you, Senator Landrieu, for supporting and sponsoring the Small Business Jobs Act. The U.S. Conference of Mayors firmly supports this legislation and urges all Senators to vote for its immediate passage.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, August 4, 2010.

Hon. MARY L. LANDRIEU,
Chairwoman, Committee on Small Business and Entrepreneurship, U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR LANDRIEU: On behalf of the nation’s mayors, I am writing to thank you for sponsoring the Small Business Jobs Act of 2010, H.R. 5297. The U.S. Conference of Mayors firmly supports this legislation and urges all Senators to vote for its immediate passage. Mayors believe it will create jobs to help put Americans back to work. It will do so by increasing small business access to credit. You and other supporters of the bill understand that even in these challenging economic times, many small businesses are ready to expand their operations but have not been able to borrow the money they need to move forward. This legislation would assist them by establishing a \$30 billion lending pool for small community banks that make loans to small businesses. It also calls for increasing the limits on Small Business Administration (SBA) loans available to small businesses.

Across our nation many local communities are suffering from double digit unemployment. Every day mayors hear from residents who have lost their jobs. They tell them they don’t want a hand out. They just want a de-

cent paying job that will enable them to support their families. Nationally and locally, small businesses provide the vast majority of jobs for local residents. By increasing small business access to credit, this legislation will help create hundreds of thousands of jobs for unemployed residents in local communities across our nation.

Again, thank you for your support. Mayors stand ready to work with you to ensure the immediate passage of this important legislation. Please feel free to contact me or Larry Jones of my staff if you have any questions.

Sincerely,

TOM COCHRAN,
CEO and Executive Director.

Ms. LANDRIEU. This recession is a national recession, but you feel it in every town, in every community, in every city where mayors and Governors out there—Democrats and Republicans—are fighting every day to bring vitality back to their communities. This bill has the potential to help them, to be some wind under their wings and to get this job done.

So I am proud to have the thousands of mayors in our country who have stepped up to support this legislation. I am also proud to have almost 28, if not 30, Governors who have written personally, sometimes numerous letters, to say they support this legislation.

I have used the time in conclusion to rebut the only article we know of that was a negative one. We have had many positive articles and editorials, and we are grateful because the bill is self-explanatory. The one reporter who wrote, I thought, a very misleading story has retracted portions of it, which he admitted were not accurate, and I have given the detail to rebut the other sections of his article. But we continue to pick up endorsements.

The bill is bipartisan. We have to get Main Street moving again. When we do—and only when we do—will this recession end and our constituents can go back to work or they can fulfill their dreams to build a business of their own that can employ them and bring security, prosperity, and happiness to their families. But this Congress should act and we should act now—in the next 24 hours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Chair, and I thank the chair of the Small Business Committee for her continued advocacy on this issue. It is so important for us to help small businesses; that is, if you believe they are the engine of economic growth for our economy, as I do, and as I think the chairwoman of the Small Business Committee does.

We know 75 percent of new job creation comes from small business. So we can continue to talk about the economy, we can continue to debate it or we can get down to the business of helping small business, as this bill does by outlining three principal programs: tax credits for small businesses on depreciation to make new investments;

an enhancement of the 7(a) and 504 loan programs, which are successful programs for lending to small businesses where their capital has fallen off because the program ended in June, so we basically have a lot less money for small businesses; and a small business lending program that could help small businesses grow and help our economy at this critical point in time.

We are here tonight because we only have a few days left, but the chair of the Small Business Committee is not giving up on this issue and neither am I. I am saying it is important enough for us to stay and make sure we get this legislation passed because we want to grow small businesses. I know my newspaper, the *Seattle Times*, had this to say: "Nothing should be more non-partisan than putting people back to work."

I think that says it all. If you are down to this, a program that could help grow small businesses, why would you be partisan at a time when our economy has huge unemployment and we have had such stagnant growth? Why would you continue being partisan instead of passing this legislation?

In fact, I haven't actually heard people on the other side say if we got through the cloture motion that they wouldn't support this legislation. No one has come to the floor and said: I will not support this legislation with this language in it. In fact, we have kind of had people indicate the opposite. So if that is the case, let's have the votes. Let's vote on this legislation and let's put people back to work.

One of the important things I wish to talk about is this small business bill is a lending program. As somebody said to me today: When you can't figure out how to stop something, then make up something that it isn't and claim that it is. That is exactly what has been going on, on the other side. They can't figure out a reason why they do not like this, but if they can pretend it is TARP-like, then maybe they have a chance of defeating it.

Well, this is not TARP-like. This is a small business lending fund, which is a voluntary program for small businesses, and it uses community banks as a conduit. So it is literally, if you will, similar to 7(a) and 504 programs in the sense that they are designed primarily to get capital to small business. Those two programs are direct lending programs that help with the partnership of banks, and this is a program we are creating—the Small Business Lending Fund—that helps, especially given that during this huge economic downturn, two-thirds of job losses in America since 2008, because of the implosion, have impacted small business the most. So when we look at all the job losses from 2008 to 2010, 81 percent of them are from small businesses.

So we can either design a program that is about helping to get capital to

small businesses and move our economy forward or we can go home for the August recess and say we took partisan votes. I am for trying to solve this problem.

What this is not is a TARP bill. I love the comparison people make, because I didn't support the TARP legislation. But just by comparison, TARP was an open-ended bailout of Wall Street firms. It basically was the U.S. Government buying toxic assets. That is what it was. I call it, at times, a blank check, and being able to say no strings attached to firms that were failing and then actually get assistance from the government. In fact, if you look at it more specifically, TARP was an open-ended bailout. It basically said: Here are the resources—targeted at Wall Street. It bought toxic assets. The banks weren't viable. They basically got the revenue because people were concerned they were failing. Today's estimates are—we don't know what tomorrow's estimates will be—that it basically cost the taxpayers \$100 billion.

So none of these things are what the Small Business Lending Fund is. The Small Business Lending Fund isn't a bailout, it isn't targeted at Wall Street, it doesn't buy toxic assets, it is not for banks that are not viable, and it doesn't cost the taxpayers any money.

So the other side is just trying to say this because they do not have anything else to say about this program. What they need to be able to do is to explain to their constituents why we have lost so many jobs with small businesses and we don't have a proposal on the table to help grow small businesses.

But I will tell you what this Small Business Lending Fund is: It is a program that is lending to small businesses, it is targeted at Main Street, it increases lending instead of buying toxic assets. TARP was just about buying toxic assets. This is about saying to banks: Show us a plan. If you have a plan on how you are going to increase lending to small businesses, then we will give you access to capital. So nothing could be further from the way TARP worked. TARP bought toxic assets and bailed out banks with no strings attached, and this is a lending program. The banks have to be healthy and viable. Nobody asked AIG or Citigroup or Goldman Sachs if they were viable. They just wrote a check. In fact, here you have to prove you are viable. This actually saves taxpayers money; that is, in essence, the Federal Government is going to be making loans available to small businesses and they will have to pay for that access to capital. That payment back to us is expected to generate over \$1 billion.

So nothing could be further from the truth in how these two programs work. The bottom line is back to that small business job loss and how we are going

to actually increase job growth for the future. I actually think this number is quite significant for our economy and that if we want to help small business, we will get them capital.

One banker from my State sent a message to me and said this:

We would absolutely use the funds for small business lending. Our bank has a backlog of \$50 million to \$70 million of loan requests, which is counter to statements of soft loan demand. We have reduced our lending to preserve capital as expected by the regulators.

They did that because that is what regulators expected. He went on to say:

This legislation would give us the capital to significantly increase lending.

That is a banker from my State. So that is what they are up against. They know this program will help them with the backlog of requests they have and the requirements they also have from regulators to keep capital and to have reserves. So this is about getting small business lending flowing.

When we think about the fact that this will generate, as some people say, an estimated \$300 billion of stimulus to our economy, it is critical we get this program going. We have experienced six straight quarters of decline in overall commercial and industrial lending, and the total cumulative decline in the fourth quarter from 2008 until 2010 of March of this year has been a 20-percent drop—over \$315 billion taken out of our economy.

So we can do something in the next couple days, if my colleagues will show the dedication of breaking partisan gridlock and also the commitment to stay here to get this legislation done. We can start to give hope to small businesses.

My colleague mentioned all the small business organizations that support this legislation. I would like to point out, some people say this might be about banks or it might be about community organizations. It is not. We are working with them because this program is designed to use them as a conduit, but we are tonight talking about this because we are talking about small businesses. We are talking about the gentleman from Mississippi who sent a letter to the chairwoman. We are talking about people who do not have a hired lobbyist back here representing them to go up and down the halls. They are depending on us.

We have heard these stories throughout America, of businesses not getting access to capital, of people having performing loans cut right out from under them, of people who had a bank that was basically providing small business capital who cut that access to capital and they had to do all sorts of things to keep their businesses going.

We can continue to have job loss in America or we can start creating jobs and do so by investing in small businesses. I hope we will get this legislation moving in the next 2 days; that we

will be able to basically overcome the partisan gridlock. As the *Seattle Times* said, "There is nothing that should be more nonpartisan than putting people back to work." I could not agree more. So I hope we get this legislation passed in the next 2 days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I understand the time controlled by the Democrats is coming quickly to an end. I ask for 2 more minutes, if that is OK, to wrap up.

The PRESIDING OFFICER. The Senator has 5 minutes.

Ms. LANDRIEU. Five minutes. That is great.

I thank the Senator from Washington, who has been a partner on this bill with me from day one. She is a member of the Small Business Committee, quite an expert in the field of small business financing having built her own small business successfully and helped many others to build others. She brings that expertise to the Senate. I appreciate her focus and commitment.

Together with some of our other colleagues we have worked the extra hours and time, and we are still hopeful that we can get this bill done before we leave for the August break to go home and work in our States through that time.

I want to read just another short paragraph into the record. This is going to appear, I understand, in the *Wall Street Journal* tomorrow. I received a copy of it today. It is going to be in response to a wrongheaded editorial by the *Wall Street Journal*. They entitled their editorial a couple of days ago, "Son Of TARP."

As Senator CANTWELL from Washington said, this doesn't look like TARP, it doesn't walk like TARP, it is not TARP. But there are a few critics out there who, because they cannot say anything bad about it, want to put a bad name on it and scare people away.

This gentleman, Mr. Richard Neiman, let me say, first, is a superintendent of banks for the State of New York. He knows something about them, and is a member of the TARP Congressional Oversight Panel. So he most certainly understands TARP since he is an overseer of TARP. I think he would know if this was TARP, but this is what he writes—"Small Business Lending Fund Will Help Recovery, Jobs."

Your editorial, "Son of TARP" [on] July 30 is unfortunately titled, and underestimates the potential of the proposed Small Business Lending Fund.

Small business growth is the only way out of this recession, yet our entrepreneurs are not being provided the credit they need, as the TARP Congressional Oversight Panel often hears from small business owners. Our recent report on the issue demonstrates that, during the crisis, lending to small busi-

ness fell by 9 percent at our Nation's largest banks. . . .

In other words, the Nation's big banks took the TARP money and cut lending to small businesses. That is what happened. This bill is to reverse that and to give small banks a fighting chance, and small businesses, to get a voluntary lending fund to start flowing capital to small business. He says:

Unlike TARP, the SBOF would incentivize banks to lend by lowering the dividend rate at which banks must repay the government if banks meet lending performance metrics. Further, the SBLF removes the TARP stigma that discouraged small banks from participating in government program. . . .

The SBLF is not a sequel to TARP,

It is not the son of TARP, it is not the daughter of TARP—

but it can be a segue toward a stronger future for our Nation's small businesses and their employees.

I could not have said that better myself. I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS LENDING FUND WILL HELP RECOVERY, JOBS

Your editorial, "Son of TARP" (July 30) is unfortunately titled, and underestimates the potential of the proposed Small Business Lending Fund (SBLF).

Small business growth is the only way out of this recession. Yet our entrepreneurs are not being provided the credit they need, as the TARP Congressional Oversight Panel often hears from small business owners. Our recent report on the issue demonstrates that, during the crisis, lending to small businesses fell by 9% at our nation's largest banks, and the bankruptcy of nonbank business lenders such as the CIT Group has further limited credit options.

The financial crisis and recession have created the lack of demand for credit that your editorial points out, but it is as important to point out the lack of supply. Small banks are reluctant to take on more risk when small businesses' customer base is weak. Breaking this stalemate requires old-fashioned underwriting to identify the good deals which are still waiting to be made.

The SBLF is intended to provide public-sector support to bring credit- and lending-worthy parties back to the table. Unlike TARP, the SBLF would incentivize banks to lend by lowering the dividend rate at which banks must repay the government if the banks meet lending performance metrics. Further, the SBLF removes the TARP stigma that discouraged small banks from participating in government programs that support lending. It is these banks that are the primary source of credit for small businesses which lack the same access to capital markets as large companies.

The SBLF is not a sequel to TARP, but it can be a segue toward a stronger future for our nation's small businesses and their employees.

RICHARD H. NEIMAN,
New York.

THE PIGFORD SETTLEMENT

Ms. LANDRIEU. In my final minute I would like to change subjects and speak about another subject that is very important to people in Louisiana,

particularly to some of my African-American farmers and the small communities that they primarily reside in throughout my State.

These are farmers who were blatantly discriminated against in the last several decades. We have a bill right here before us. It is referred to as the Pigford settlement. This group of farmers took their grievances to the courts. Before they could get a final judgment from the courts, the Justice Department stepped in and smartly attempted to settle this situation because the Federal Government is probably going to be very liable for past discriminations that were blatant and proven.

We came up with a fair way to solve this issue, to get money to many African-American farmers. We have acknowledged there were some wrong things done by the Department of Agriculture and by the Federal Government. We want to try to make amends. We cannot make everything right and everything perfect, but the Pigford settlement is a fair and just resolution to this issue. One thousand African-American farmers in Louisiana would be benefited by this settlement.

Again, this is being held up. I don't understand why, but I wanted to lend my voice to say that this settlement is not just about correcting past wrongs but about ensuring future prosperity. It is time for Congress to end the 12-year delay and approve this settlement as quickly as possible.

The PRESIDING OFFICER. The time of the Senator has expired.

LEGISLATIVE SESSION

Ms. LANDRIEU. I ask unanimous consent the Senate resume legislation session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. LANDRIEU. I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted for up to 10 minutes each; that upon the conclusion of the so-called wrap-up period the Senate then resume executive session and continue the debate on the Kagan nomination provided for under the previous order in the specific hour blocks.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING "CJ" WILLIAM S. RICHARDSON

Mr. INOUE. Mr. President, I rise today to honor the life of my friend, a consummate civil servant and respected legal mind, "CJ" William S. Richardson.

Bill Richardson was born into a working class family of mixed ethnic

heritage representative of Hawaii's community. He was part Native Hawaiian, part Chinese, and part Caucasian. From these humble beginnings, one of Hawaii's greatest figures emerged. Like many men in my generation, Bill fought in World War II, serving as a platoon leader for the U.S. Army; he would later be inducted into the Infantry Officer Candidate School Hall of Fame. This was just one of many achievements in a life filled with distinction: Bill served as chairman of Hawaii's Democratic Party from 1956 to 1962, providing strong advocacy for statehood, which Hawaii achieved in 1959. From 1962 to 1966, he served as the State's Lieutenant Governor. In 1966, Bill became the first Native Hawaiian to serve as Chief Justice of the Hawaii State Supreme Court. As "CJ," he deftly blended Hawaii's history and cultural practices with modern law, establishing a traditional Hawaiian understanding of water rights as the law of the land, and demanding public access to Hawaii's shoreline.

Yet his dedication to Hawaii did not stop at writing landmark legal opinions that redefined the State. It was Bill Richardson who recognized the need to build a law school in Hawaii. He was dedicated to creating more, and better, educational and professional opportunities for Hawaii. In keeping with his personal and legal opinions, he remained focused on the need for such opportunities within Hawaii's most disadvantaged communities. With this vision, and by his perseverance, Bill worked with Hawaii's legislature to open Hawaii's first, and only, law school in 1973. The school, appropriately named the William S. Richardson School of Law after its greatest champion, has committed itself to educating attorneys from places as close as Honolulu and as far away as Thailand, with a clear focus on educating the Pacific's traditionally disadvantaged groups. The school continues to follow Bill's vision: to promote justice, ethical responsibility and public service. The law school was, perhaps, Bill's best and most profound achievement.

Bill passed away on June 21, 2010, at the age of 90. Although I am saddened by my friend's passing, I am comforted by knowing that his legacy will live on through his family, his work, and the thousands of attorneys educated by the school bearing his name.

COSPONSORSHIP CORRECTION

Mr. SCHUMER. Mr. President, I would like to clarify, for the record, that Senator DIANNE FEINSTEIN was mistakenly added and then withdrawn as a cosponsor of S. 28 as a result of a clerical error. Let the record reflect that any notations regarding Senator FEINSTEIN's cosponsorship of this bill on June 24, 2010, or withdrawal on July 22, 2010, result solely from clerical

error and should not be construed to convey any views of Senator FEINSTEIN regarding the merits of this bill.

REMEMBERING THE CREW OF SITKA 43

Ms. MURKOWSKI. Mr. President, late last month I had the honor and the privilege to be in Sitka, AK, to honor the crew of a U.S. Coast Guard helicopter that went down in the waters off of the State of Washington. That helicopter was based at the Coast Guard Air Station Sitka.

On Monday, it was my sad duty to attend yet another memorial service. A service to honor the crew of the Air Force C-17 Globemaster that crashed on Thursday evening shortly after takeoff from Elmendorf Air Force Base. Quite coincidentally, that C-17 aircraft bore the call sign "Sitka 43."

The C-17 crash took the lives of four of Alaska's finest airmen. MAJ Aaron Malone, age 36, who went by the nickname "Zippy." MAJ Michael Freyholtz, age 34, CAPT Jeffrey Hill, age 31 and SMSgt Tom Cicardo, age 47.

Major Malone, Major Freyholtz and Senior Master Sergeant Cicardo were members of the 249th Airlift Squadron of the Alaska Air National Guard. Captain Hill was active duty Air Force. He served with the 517th Airlift Squadron at Elmendorf.

The C-17 mission at Elmendorf is operated as an active Air Force/Air National Guard association.

As our colleague Senator BEGICH noted on the floor, each was exemplary in his own right.

Zippy Malone was the unofficial morale officer. Michael Freyholtz began his career in the C-17 right out of pilot training. He was known as the best C-17 demonstration pilot around. But that is hardly his greatest accomplishment. Major Freyholtz flew 608 combat missions in Iraq and Afghanistan.

Jeffrey Hill began his career as an enlisted man at Elmendorf. He was known as a phenomenal airman and maintainer. He earned his commission in 2002 and was a top instructor pilot. Yet he never forgot from where he came. An inspiration to the enlisted airmen, he reinvigorated the booster club and motivated young airmen to get and stay fit.

Tom Cicardo gave more than 28 years in the service of his Nation. He was a soldier, a marine, and an airman. His peers described him as "old school." He was one of the Air Force's premier loadmasters. During his first 11 years in the Alaska Air Guard he was involved in 58 search and rescue missions in the State of Alaska where he was credited with saving 66 lives. He also flew combat search and rescue missions in Afghanistan and personnel recovery missions in the Horn of Africa.

And each of these exemplary servicemembers lived their lives in Alaska to

the fullest. Major Malone and Major Freyholtz coached Little League. Captain Hill was always traveling off-road, hunting and fishing, camping and hiking. They leave behind children, spouses, and loved ones.

Sitka 43 went down Thursday evening while on a training mission. They were preparing to participate in the Arctic Thunder air show—an open house at Elmendorf Air Force base that draws hundreds of thousands of Alaskans, which was scheduled for last weekend.

After consulting with the families, the Air Force decided that Arctic Thunder would go on as scheduled. Alaskans rewarded that decision with a recordbreaking turnout. About 200,000 Alaskans came out to the base. Many stopped to pay their respects to the crew of Sitka 43 at a makeshift memorial erected next to a static display of a C-17 aircraft.

They were guardsmen, airmen, wingmen, leaders, and warriors. But above all else that they were aviators. This fact was driven home to all of us at Monday's memorial service by a poster erected between the photos of our fallen airmen and the memorial wreathes. That poster read, "To most people the sky's the limit. To those who love aviation the sky is home."

On behalf of all of our Senate colleagues, I extend our Nation's gratitude to the crew of Sitka 43. To their loved ones and to their Air Force colleagues, we extend our deepest sympathies.

ADDITIONAL STATEMENTS

TRIBUTE TO SIMON "CY" V. AVARA

• Mr. CARDIN. Mr. President, today I pay special tribute to Simon "Cy" Avara on the occasion of the 50th anniversary of his business, the Avara International Academy of Hair Design and Technology.

Cy was born in Baltimore where his parents, Vincent and Mary, were working-class Italian Americans. Cy grew up watching his father work as a neighborhood barber. When Cy was 14 years old his father died in a tragic car accident. He decided to follow in his father's footsteps and, after a period of apprenticeship, he passed the Maryland State Board Barber's exam. At age 16, he opened up his own barbershop, charging 60 cents for a man's haircut.

He closed the barber shop for 2 years when he was drafted and served with the U.S. Army in Korea. After the war, Cy returned to Baltimore to establish an upscale salon to showcase his barbering talents. But his real satisfaction came from teaching others how to cut and style hair. He enjoyed helping others develop a skill that they could use throughout their lives to support

themselves and their families. In 1960, he opened the Avara International Academy of Hair Design and Technology in his southwest Baltimore neighborhood. His school was so successful that he was able to acquire another school in Dundalk, Baltimore County, 10 years later.

Cy has been recognized as a leader in his profession and he has used his knowledge of the industry to advocate for barbers and stylists. He has served in several posts over the course of his career, including secretary-treasurer of the International Barber School Association, national president of Barber Examiners, and founder and chairman of the Maryland Hair Designers Association. But most important, while the southwest Baltimore and Dundalk neighborhoods have fallen on hard times, the Avara International Academy of Hair Design and Technology has remained as a beacon of hope and opportunity.

As a child, Cy was raised to appreciate his blessings and to help others who were less fortunate. His father gave haircuts to people who wanted to make a good impression so they could get a job; his mother gave out food to those in need in their neighborhood. Cy never forgot these lessons in generosity. For more than 40 years, he has been deeply involved with St. Vincent's Center for Abused and Neglected Children, regularly sending his barber students to cut the children's hair. He has also been a major contributor to the Ed Block Courage Award Foundation, which was started by one of his former barber students, Sam Lamantia, to honor professional football players who have overcome adversity and contributed to the betterment of their community.

On August 29, 2010, Cy will hold a Cut-A-Thon fundraiser to celebrate his special anniversary. The proceeds from the event will benefit the Ed Block Courage Award Foundation which supports the St. Vincent Center for Abused and Neglected Children.

I urge my colleagues to join me today to salute Simon "Cy" Avara; his wife Rita; his sons Michael Thomas, and Lawrence; and his daughter Susan in celebration of their achievements as humanitarians and entrepreneurs on the occasion of the 50th anniversary of the founding the Avara International Academy of Hair Design and Technology.●

TRIBUTE TO KAY SIGGINS

● Mr. ENZI. Mr. President, I greatly appreciate having this opportunity to bring to the Senate's attention a remarkable citizen of Wyoming and the United States on the occasion of her 107th birthday. Her name is Kay Siggins, and she is a resident of Cody, WY.

Over the years, Kay has seen it all—the beginnings of aviation, the intro-

duction of the automobile to everyday life, the Great Depression, two World Wars, the birth of the computer, the advent of television, the evolution of radio, the start of the space program, the landing on the Moon, and so much more. In a very real sense, for all she has seen and done, she is a walking history book.

The great adventure of Kay's life began when she was born on August 12, 1903, in Medford, MA. After she had completed her school years, she took a job in the State's education system and soon became her school's acting principal, in charge of the education of about 3,000 students. It was right around then that she and a friend traveled west to stay as a guest at the Triangle X Dude Ranch in Wyoming. I believe that must have been the start of her great affection and regard for the West and Wyoming, for in the years to come she would often return there to visit and enjoy all that the West has to offer.

Then, with the 1940s, the winds of war began to blow. Kay decided to join the Navy. She became a commissioned officer and was soon placed in charge of the WAVES Boot Camp. Later, as a lieutenant, she was assigned to the Great Lakes Naval Training Center and placed in charge of the Center's WAVES barracks. She stayed on Active Duty for several years, after which she joined the Reserves. She continued to serve in that capacity until she retired with the rank of commander.

Anyone else would have been satisfied to call it a career at that point but not Kay. She was just getting started. Kay decided that the time had come to head West and see what life was like out there. Unfortunately, she must have had a problem with her compass for she wound up not in Wyoming but in Green Valley, AZ, where she made her home.

Actually, Green Valley was more of her home base as she pursued her goal of visiting all the States. It seemed that she was always on the road heading to points north, south, east, or west. She would get her motor home ready, hop aboard, and hit the highway. It wasn't long before she had seen every State that way but Hawaii. She eventually made it there too. She also headed up north to visit Alaska not once but twice, just to experience what life was like up there.

As the years continued to roll by, I have to think that the urge to come home to Wyoming and relive those days on the Dude ranch was just too strong. She was a young 70ish lady and full of adventure and a love of life. She caught the eye of Raymond Siggins, who lived there, and they were soon married.

A check of the records shows that Kay is now believed to be the oldest female military veteran in America, the senior statesman of our Armed Forces.

She may be the oldest veteran in terms of age, but she is the youngest in spirit—and she will always be so. That is why Kay has always been so successful. She has always led the best way—by example—at everything she did, and because that is the way she lived her life, she was able to blaze a trail and leave a path for others to follow.

There are always lessons we can learn from how someone else has lived their life. Kay has taught us all the wisdom of the old adage attributed to Abraham Lincoln: It is not the years in your life, it is the life in your years. For Kay, both have been extraordinary.

I have often said that there is something magical about living in Wyoming. The way I see it, although Kay is celebrating her 107th birthday, since she moved to Wyoming when she was in her seventies, she is only in her thirties in Wyoming years.

Happy Birthday, Kay. Wyoming couldn't be more proud of you. Because of you and your service for so many years of a very wonderful and productive life, our Nation is a much better place to live—from coast to coast. You have made a difference wherever you have been, and we hope you continue to enjoy every day of your life in Wyoming.●

RECOGNIZING ECCO, INC.

● Mr. JOHNSON. Mr. President, today I recognize ECCO, Inc., a wonderful organization based in Madison, SD, that provides support services for people with disabilities. ECCO has steadily grown in the last 35 years to become a thriving center for employment and housing assistance.

In its beginning, the organization was a day program serving four individuals; however, with hard work and a devotion to serving others, ECCO has grown dramatically. Currently it is able to provide a 24-hour support staff to individuals throughout the community. ECCO's 91 full-time and part-time employees work to see that all individuals are able to maintain their independence. Sixty-eight people receive services from ECCO, and half of those live in ECCO housing. With three group homes and an apartment building, ECCO strives to make sure all citizens are able to have their own lives.

To celebrate reaching its 35th anniversary, ECCO will have an open house August 6 with tours of the main building. I am proud to recognize this organization and all the people who have made it a success. The goals of ECCO are praiseworthy, and I am thankful we have such a wonderful organization serving the Madison area.●

REMEMBERING ROBERT HICKS

● Ms. LANDRIEU. Mr. President, it brings me great sadness that I come to the Senate floor today to reflect upon

the passing of Robert Hicks, a lion in the Louisiana civil rights movement whose legal victories helped topple segregation in Bogalusa and change discriminatory employment practices throughout the South, passed away Tuesday, April 13, in his home at the age of 81.

Born in Mississippi, but moved to Bogalusa at a young age, Robert Hicks was the youngest of three children born to Quitman and Maybell Hicks in 1929. He graduated from Central Memorial High School, where he played on the school's State champion football team. He later played offensive guard on The Bushmen, an all-Black semipro team.

Mr. Hicks began his civil rights work as a member of the local NAACP before working with the Voter and Civic League. He helped organize daily marches to protest racial discrimination by merchants and city government in a crusade that thrust Bogalusa into the national spotlight. The Hicks family opened their home to White civil rights workers and national figures. Because of this, the family was targeted by the Ku Klux Klan, which in turn motivated the formation of the Deacons for Defense and Justice, an armed band of African-American men who stood guard at the Hicks' home and protected civil rights workers in the city. The 2003 Showtime movie "Deacons of Defense" was loosely based on the group.

As fellow civil rights worker Peter Jan Honigsberg wrote in his memoir recalling his experience volunteering in Bogalusa in the summers of 1966 and 1967 about Hicks, "Even today I still think of him . . . He was determined to do what he had to do to change the South." Mr. Hicks filed a landmark lawsuit against the city and police department of Bogalusa, obtaining a Federal court order requiring the police to protect protest marchers, and a lawsuit that overturned officials' refusal to allow protest marchers. In 1967, Mr. Hicks filed a suit against the Secretary of the U.S. Department of Housing, which resulted in the prohibition of the construction of public housing in segregated neighborhoods in Bogalusa.

Mr. Hicks began working at Crown Zellerbach, the local paper mill, at a time when few Black people were employed there and eventually he served as president of the Brotherhood of Pulp, Sulphite and Paper Mill Workers. After fighting Crown Zellerbach for years in Federal court, Mr. Hicks became the company's first African-American supervisor, a position he held until his retirement.

Mr. Hicks and his wife Valeria had six children during their 62-year union. With his wife, Mr. Hicks traveled the country, spreading the word about the conditions for Black people in the South and encouraging people to travel to Bogalusa and other Southern cities

to campaign for civil rights. Besides his wife, thoughts and prayers go out to his survivors, including a daughter, Barbara Maria Hicks; three sons, Robert Lawrence, Gregory Vince, and Darryl Hicks; a sister, Grace Berry; 17 grandchildren; and 14 great-grandchildren. The work of Robert Hicks will be forever remembered by the Bogalusa community, which is renaming a street and holding a ceremony in his honor.●

2010 CAVE CITY WATERMELON FESTIVAL

● Mrs. LINCOLN. Mr. President, today I congratulate the residents of Cave City in my home State of Arkansas as they celebrate the annual Cave City Watermelon Festival, a time-honored tradition that commemorates watermelon growing and its importance to the local community.

Home to the "world's best watermelons," Cave City is a close-knit community located in Northern Arkansas. Since the 1930s, Cave City residents and other Arkansans have gathered to take part in the Watermelon Festival.

Sponsored by the Cave City Area Chamber of Commerce, this year's event will take place August 12-14 and will feature a variety of music, games, a parade, and a beauty pageant.

Mr. President, I salute the entire community of Cave City as they celebrate this annual event. I commend them for keeping the history and heritage of their community alive.●

2010 HOPE WATERMELON FESTIVAL

● Mrs. LINCOLN. Mr. President, today I congratulate the residents of Hope in my home State of Arkansas as they celebrate the annual Hope Watermelon Festival, a time-honored tradition that commemorates the history and technique of watermelon growing and its importance to the local community.

Home to the world's largest watermelon, Hope is a thriving community in southwest Arkansas. Since the 1920s, Hope residents and other Arkansans have gathered to take part in the Watermelon Festival.

According to event organizers, the early Watermelon Festivals bear little resemblance to those in recent years. During the 1920s era, citizens served ice-cold watermelon to passengers on the many trains that stopped in Hope. These early festivals brought upwards of 20,000 people in a day to Hope. The end to the first festivals came around 1931 when the city, suffering from the effects of the Depression, could no longer accommodate the crowds.

In 1975, the city of Hope celebrated its centennial anniversary, which prompted local residents to consider staging the Watermelon Festival once again. Since the 1970s, the festival has

continued to grow, attracting approximately 50,000 visitors to Hope over a 4-day period each year.

I am looking forward to attending this year's Watermelon Festival, which will take place August 12-14 at Fair Parkin Hope. Sponsored by the Hope-Hempstead County Chamber of Commerce, this year's event features southwest Arkansas's largest arts and crafts show, live music, a 5K run/walk, games and children's activities, food, an antique car show, and of course, ice-cold Hope watermelon by the slice.

Mr. President, I salute the entire community of Hope and Hempstead County as they celebrate this annual event and enjoy "a slice of the good life." I commend them for keeping the history and heritage of their community alive.●

HUMANE SOCIETY OF PULASKI COUNTY

● Mrs. LINCOLN. Mr. President, today I congratulate staff members and volunteers of the Humane Society of Pulaski County as they celebrate the 10-year anniversary of their current shelter. I commend them for reaching this milestone.

The mission of the Humane Society of Pulaski County is to rescue, care for and find homes for abandoned, abused, homeless and unwanted animals. The group provides access to healthy animals for people seeking to adopt pets. In 2009, the Humane Society of Pulaski County adopted out almost 1,000 animals.

The Humane Society of Pulaski County is supported solely by donations, fund-raisers, bequests and grants. The group has achieved a 4-star rating from Charity Navigator, which means the smallest percentage of donations is allocated for administrative costs.

As a part of the "Puppy Love" program, the Humane Society also works throughout the community, taking animals to visit residents of nursing homes, retirement centers, and women's shelters. Puppy Love makes approximately 40 visits to local facilities each year.

Mr. President, I again congratulate the staff and volunteers of the Humane Society of Pulaski County as they celebrate this anniversary. I wish them the best in the years to come.●

ARKANSAS SPORTSCASTERS AND SPORTSWRITERS HALL OF FAME

● Mrs. LINCOLN. Mr. President, today I congratulate this year's inductees to the Arkansas Sportscasters and Sportswriters Hall of Fame. These sports journalists represent the best in their field, and I commend them for this prestigious honor.

This year's inductees are:

Former Razorback place-kicker Pat Summerall, legendary sportscaster of CBS and FOX television.

Jerry McConnell of Greenwood, longtime Arkansas Gazette sportswriter who was instrumental in the creation of the Meet of Champions.

The Lifetime Achievement Award was presented to former Razorback coach Ken Hatfield for his lifelong service to college football throughout the Nation.

Along with all Arkansans, I thank these honorees for their countless contributions to Arkansas sports.●

RECOGNIZING THE LITTLE ROCK HI-NOON TOASTMASTERS

● Mrs. LINCOLN. Mr. President, today I congratulate members of the Hi-Noon Toastmasters Club of Little Rock as they celebrate the 50th anniversary of their founding. Each Friday, members gather to improve and hone their public speaking and professional skills.

Under the leadership of president William Porterfield, the Hi-Noon Toastmasters Club is one of the largest in the United States, with over 50 active members.

The club works to help its members develop and improve their communication, public speaking, and leadership skills. Over the years, the Hi-Noon Toastmasters Club has been regularly recognized by Toastmasters International as a Select Distinguished Club, Toastmasters' highest honor. This continuing excellence—unusual to find in any club—has come to be known as the "Hi-Noon Tradition" among its members.

Mr. President, I commend the Hi-Noon Toastmasters Club for their pursuit of excellence in public speaking and extend my congratulations as they celebrate their 50th anniversary.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill and joint resolution were read the second time, and placed on the calendar:

S.J. Res. 38. Joint resolution proposing a balanced budget amendment to the Constitution of the United States.

H.R. 3534. An act to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6948. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Halosulfuron-methyl; Pesticide Tolerances" (FRL No. 8835-8) received in the Office of the President of the Senate on July 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6949. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Castor Oil, Ethoxylated, Dioleate; Tolerance Exemption" (FRL No. 8835-3) received in the Office of the President of the Senate on July 29, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6950. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Kenneth W. Hunzeker, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6951. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6952. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on June 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6953. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendments to Form ADV" (RIN3235-A117) received in the Office of the President of the Senate on July 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-6954. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Report to Congress on the Progress of the Federal Government in Meeting the Renewable Energy Goals of the Energy Policy Act of 2005"; to the Committee on Energy and Natural Resources.

EC-6955. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL No. 9183-6) received in the Office of the President of the Senate on July 29, 2010; to the Committee on Environment and Public Works.

EC-6956. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Incorporation by Reference of State Hazardous Waste Management Program" (FRL No. 9178-8) received in the Office of the President of the Senate on July 29, 2010; to the Committee on Environment and Public Works.

EC-6957. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List; Deletion of the SMS Instruments, Inc. Superfund Site" (FRL No. 9183-2) received in the Office of the President of the Senate on July 29, 2010; to the Committee on Environment and Public Works.

EC-6958. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State-initiated Changes and Incorporation by Reference of Approved State Hazardous Waste Management Program" (FRL No. 9172-6) received in the Office of the President of the Senate on July 29, 2010; to the Committee on Environment and Public Works.

EC-6959. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment for PM10 for the Las Vegas Valley Nonattainment Area, Nevada" (FRL No. 9184-6) received in the Office of the President of the Senate on July 29, 2010; to the Committee on Environment and Public Works.

EC-6960. A communication from the Director of Congressional Affairs, Office of International Programs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Export and Import of Nuclear Equipment and Material; Updates and Clarifications" (RIN3450-A116) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Environment and Public Works.

EC-6961. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: NAC-MPC System, Revision 6" (RIN3150-A188) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Environment and Public Works.

EC-6962. A communication from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report relative to the transfer of funds from the Oil Spill Liability Trust Fund to the Emergency Fund, which is administered by the United States Coast Guard; to the Committee on Environment and Public Works.

EC-6963. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to unused water supply storage in Rend

Lake, Illinois; to the Committee on Environment and Public Works.

EC-6964. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are controlled under Category I of the United States Munitions List sold commercially under a contract in the amount of \$1,000,000 or more to Australia; to the Committee on Foreign Relations.

EC-6965. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Commodity Jurisdiction" (RIN1400-AC63) received in the Office of the President of the Senate on July 29, 2010; to the Committee on Foreign Relations.

EC-6966. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Mexico for the manufacture of military jet engine blades and vanes for various platforms in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6967. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Kuwait to support the delivery, operation and maintenance of three Sikorsky S-92A Search and Rescue Helicopters in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6968. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to the Republic of Korea for the manufacture, assembly, inspection, and test of F404-GE-102 aircraft engines for incorporation into T-50 aircraft in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-6969. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Canada, France, and the United Kingdom for the manufacture of F/A-18A-F and Derivative Aircraft Landing Gear Assemblies, Sub-Assemblies, Parts and Components in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-6970. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Mexico for the manufacture of Connectors and Cable Assemblies; to the Committee on Foreign Relations.

EC-6971. A communication from the Principal Deputy Assistant Secretary, Bureau of

Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to support the Proton launch of the Nimiq 6 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6972. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Singapore for the organizational and intermediate level support and depot level maintenance and overhaul of the F110-GE-129 family of military aircraft engines in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-6973. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Final Priorities, Requirements, Definition, and Selection Criteria—Smaller Learning Communities Program" (CFDA No. 84.215L) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-6974. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, a report entitled "Fiscal Year 2010 FAIR Act Inventory"; to the Committee on Homeland Security and Governmental Affairs.

EC-6975. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "2010 Report to Congress on the Benefits and Costs of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities"; to the Committee on Homeland Security and Governmental Affairs.

EC-6976. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, a report relative to the compliance of federal district courts with documentation submission requirements; to the Committee on the Judiciary.

EC-6977. A communication from the Attorney General, Department of Justice, transmitting a report entitled "The National Strategy for Child Exploitation Prevention and Interdiction"; to the Committee on the Judiciary.

EC-6978. A communication from the General Counsel of the National Tropical Botanical Garden, transmitting, pursuant to law, a report relative to an audit of the Garden for the period from January 1, 2009, through December 31, 2009; to the Committee on Rules and Administration.

EC-6979. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Black Stem Rust; Additions of Rust-Resistant Varieties" (Docket No. APHIS-2010-0035) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6980. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled "Acetamiprid, Mepiquat; Order Denying NRDC's Objections on Remand: Environmental Protection Agency" (FRL No. 8836-7) received in the Office of the President of the Senate on August 3, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6981. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pymetrozine; Regulation Denying NRDC's Objections on Remand" (FRL No. 8836-8) received in the Office of the President of the Senate on August 3, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6982. A communication from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Pennsylvania Regulatory Program" (PA-153-FOR) received in the Office of the President of the Senate on August 3, 2010; to the Committee on Energy and Natural Resources.

EC-6983. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedure for Microwave Ovens; Repeal of Active Mode Test Procedure Provisions" (RIN1904-AC25) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Energy and Natural Resources.

EC-6984. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Implementation Plan Revision; State of New Jersey" (FRL No. 9175-7) received in the Office of the President of the Senate on August 3, 2010; to the Committee on Environment and Public Works.

EC-6985. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Kentucky Portion of the Cincinnati-Hamilton 1997 8-Hour Ozone Nonattainment Area to Attainment" (FRL No. 9184-9) received in the Office of the President of the Senate on August 3, 2010; to the Committee on Environment and Public Works.

EC-6986. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Oil and Hazardous Substance Pollution Contingency Plan" (FRL No. 9185-4) received in the Office of the President of the Senate on August 3, 2010; to the Committee on Environment and Public Works.

EC-6987. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Adequacy Status of Motor Vehicle Emissions Budgets in Submitted Reasonable Further Progress and Attainment Demonstrations for New York Portions of New

York—Northern New Jersey—Long Island and Poughkeepsie 8-hour Ozone Nonattainment areas for Transportation Conformity Purposes; New York” (FRL No. 9183-9) received in the Office of the President of the Senate on August 3, 2010; to the Committee on Environment and Public Works.

EC-6988. A communication from the Program Manager, Information Sharing Environment, Office of the Director of National Intelligence, transmitting, pursuant to law, a report entitled, “Annual Report to the Congress on the Information Sharing Environment”; to the Select Committee on Intelligence.

EC-6989. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Mississippi River, Mile 840.0 to 839.8” ((RIN1625-AA00) (Docket No. USCG-2010-0552)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6990. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; He’eia Kea Small Boat Harbor, Kaneohe Bay, Oahu, Hawaii” ((RIN1625-AA00) (Docket No. USCG-2010-0458)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6991. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Illinois River, Mile 119.7 to 120.3” ((RIN1625-AA00) (Docket No. USCG-2010-0472)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6992. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; San Francisco Giants Baseball Game Promotion, San Francisco, CA” ((RIN1625-AA00) (Docket No. USCG-2010-0547)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6993. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Marine Events within the Captain of the Port Sector Long Island Sound Area of Responsibility, June through October” ((RIN1625-AA08 and RIN1625-AA00) (Docket No. USCG-2010-0427)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6994. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Macy’s Fourth of July Fireworks Display, Hudson River, NY, New York” ((RIN1625-AA00) (Docket No. USCG-2010-0492)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6995. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; San Diego POPS Fireworks,

San Diego, CA” ((RIN1625-AA00) (Docket No. USCG-2010-0523)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6996. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Fixed Mooring Balls, South of Barbers Pt Harbor Channel, Oahu, Hawaii” ((RIN1625-AA00) (Docket No. USCG-2010-0457)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6997. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Lights on the River Fireworks Display, Delaware River, New Hope, PA” ((RIN1625-AA00) (Docket No. USCG-2010-0443)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6998. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Vietnam Veterans of America Fireworks Display, Brookings, OR” ((RIN1625-AA00) (Docket No. USCG-2010-0602)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-6999. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Munising 4th of July Fireworks, South Bay, Lake Superior, Munising, MI” ((RIN1625-AA00) (Docket No. USCG-2010-0567)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7000. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; St. Ignace 4th of July Fireworks, East Moran Bay, Lake Huron, St. Ignace, MI” ((RIN1625-AA00) (Docket No. USCG-2010-0579)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7001. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Bay Swim III, Presque Isle Bay, Erie, PA” ((RIN1625-AA00) (Docket No. USCG-2010-0529)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7002. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; New Bern Air Show, Neuse River, NC” ((RIN1625-AA00) (Docket No. USCG-2010-0571)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7003. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Multiple Firework Displays in Captain

of the Port, Puget Sound Area of Responsibility, WA” ((RIN1625-AA00) (Docket No. USCG-2010-0591)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7004. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Lyme Community Days, Chaumont Bay, NY” ((RIN1625-AA00) (Docket No. USCG-2010-0652)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7005. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Fireworks Display, Potomac River, Charles County, MD” ((RIN1625-AA00) (Docket No. USCG-2010-0589)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7006. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Transformers 3 Movie Filming, Chicago River, Chicago, IL” ((RIN1625-AA00) (Docket No. USCG-2010-0646)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7007. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Annual Kennewick, Washington, Columbia Unlimited Hydroplane Races, Kennewick, WA” ((RIN1625-AA00) (Docket No. USCG-2010-0601)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7008. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska” (RIN0648-XX48) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7009. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department’s annual report on the administration of the Surface Transportation Project Delivery Pilot Program; to the Committee on Commerce, Science, and Transportation.

EC-7010. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Smithfield, NC” ((RIN2120-AA66) (Docket No. FAA-2010-0285)) received in the Office of the President of the Senate on July 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7011. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Amended Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL” ((RIN1625-AA00 and RIN1625-AA11) (Docket No. USCG-2009-1080)) received in the Office of the President of the

Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7012. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Shrewsbury River, NJ" ((RIN1625-AA09) (Docket No. USCG-2010-0461)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7013. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: Niantic Railroad Bridge Construction, Niantic, CT" ((RIN1625-AA11) (Docket No. USCG-2010-0220)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7014. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: Bars Along the Coasts of Oregon and Washington; Amendment" ((RIN1625-AA11) (Docket No. USCG-2008-1017)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7015. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area; Hudson River and Port of NY/NJ Agency" ((RIN1625-AA11) (Docket No. USCG-2009-1056)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7016. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Escorted U.S. Navy Submarines in Sector Honolulu Captain of the Port Zone" ((RIN1625-AA87) (USCG-2010-0409)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7017. A communication from the Legal Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Navy River Swim Special Local Regulation; Lower Mississippi River, Walls, MS" ((RIN1625-AA08) (Docket No. USCG-2010-0412)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7018. A communication from the Legal Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Detroit APBA Gold Cup, Detroit River, Detroit, MI" ((RIN1625-AA08) (Docket No. USCG-2010-0238)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7019. A communication from the Legal Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation for Marine Events; Mattaponi River, Wakema, VA" ((RIN1625-AA08) (Docket No. USCG-2010-0295)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7020. A communication from the Legal Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Macy's Fourth of July Fireworks Spectator Vessels Viewing Areas, Hudson River, New York, NY" ((RIN1625-AA08) (Docket No. USCG-2010-0114)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7021. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation, Fran Schnarr Open Water Championships, Huntington Bay, NY" ((RIN1625-AA08) (Docket No. USCG-2009-0520)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7022. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Harrison Township Grand Prix, Lake St. Clair, Harrison Township, MI" ((RIN1625-AA08) (Docket No. USCG-2010-0279)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7023. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Port Huron to Mackinac Island Sail Race" ((RIN1625-AA08) (Docket No. USCG-2010-0621)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-137. A resolution adopted by the House of Representatives of the State of Hawaii urging Congress to expedite the processing of all claims for payment, and the distribution of checks to Filipino veterans under ARRA; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 82

Whereas, during World War II, the Philippines was a United States commonwealth; and

Whereas, in 1941, 250,000 Filipino soldiers volunteered their services after being promised full veterans benefits to volunteer to fight for the United States against the potential threat of Japan; and

Whereas, on December 7, 1941, Japan attacked Pearl Harbor and on December 8, bombed the United States military bases in the Philippines; and

Whereas, tens of thousands of Filipino men and women risked their lives against the invading Japanese forces and assisted our nation in its efforts to liberate the Philippines; and

Whereas, on April 9, 1942, the United States retreated from the Philippines, and during the Bataan Death March, thousands of American and Filipino prisoners of war died as they traveled to Japanese prisoners of war camps; and

Whereas, on September 2, 1945, Japan surrendered the Philippines to America; and

Whereas, in February 1946, Congress enacted the Recession Act, denying World War II Filipino veterans rights to veterans benefits like healthcare, disability pensions, and burial expenses; and

Whereas, over the years, Congress has considered legislation to restore the benefits denied to Filipino veterans and even received encouraging words from Presidents George W. Bush and Bill Clinton to fulfill the broken promises made by the United States government; and

Whereas, more than 60 years later, in 2009, President Obama signed the American Recovery and Reinvestment Act (ARRA), and a provision tucked inside this stimulus bill finally called for releasing \$198,000,000 for lump sum payments to Filipino veterans in lieu of pensions; and

Whereas, one year later, although today only about 11,000 veterans now in their 80s and 90s are still alive to collect these payments, some Filipino veterans are still waiting for the promised checks; and

Whereas, in Hawaii, there are about 400 Filipino veterans qualified for payments under ARRA, and about 15 percent are still waiting for their checks and about 20 percent have claims that are still pending; and

Whereas, according to Senator Daniel Inouye, it is "a matter of honor" to correct this injustice to Filipino veterans who served our nation so courageously, so many of whom have died waiting for what was promised them: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, That the President of the United States and United States Congress are urged to expedite the processing of all claims for payment, and the distribution of checks to Filipino veterans under ARRA, which are already long overdue; and be it further

Resolved, That even payment of these claims does not correct the injustice and discrimination done 60 years ago but is a small step in making reparations; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, President pro tempore of the United States Senate, Speaker of the United States House of Representatives, each member of Hawaii's Congressional Delegation, the Director of the United States Department of Veterans Affairs, the Director of the Hawaii Office of Veterans Services, and the President of the Philippines.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Jonathan Woodson, of Massachusetts, to be an Assistant Secretary of Defense.

*Neile L. Miller, of Maryland, to be Principal Deputy Administrator, National Nuclear Security Administration.

*Anne M. Harrington, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

Air Force nomination of Col. Paul H. McGillicuddy, to be Brigadier General.

Air Force nomination of Col. Scott A. Vander Hamm, to be Brigadier General.

Air Force nomination of Maj. Gen. Stephen P. Mueller, to be Lieutenant General.

Air Force nomination of Maj. Gen. Robin Rand, to be Lieutenant General.

Air Force nomination of Maj. Gen. Douglas H. Owens, to be Lieutenant General.

Air Force nomination of Maj. Gen. Michael R. Moeller, to be Lieutenant General.

Air Force nominations beginning with Brigadier General Hugh T. Broomall and ending with Colonel Daniel C. VanWyk, which nominations were received by the Senate and appeared in the Congressional Record on June 28, 2010. (minus 2 nominees: Brigadier General William R. Burks; Colonel Arthur W. Hyatt, Jr.)

Army nomination of Lt. Gen. Joseph F. Fil, Jr., to be Lieutenant General.

Army nomination of Maj. Gen. William J. Troy, to be Lieutenant General.

Army nomination of Brig. Gen. Sanford E. Holman, to be Major General.

Army nomination of Col. Timothy E. Trainor, to be Brigadier General.

Army nomination of Col. David G. Fox, to be Brigadier General.

Army nominations beginning with Brig. Gen. Hugo E. Salazar and ending with Col. William L. Glasgow, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

Army nomination of Col. Steven W. Duff, to be Brigadier General.

Army nomination of Brig. Gen. James A. Hoyer, to be Major General.

Army nomination of Col. Walter T. Lord, to be Brigadier General.

Army nominations beginning with Brigadier General Frank E. Batts and ending with Colonel Charles W. Whittington, which nominations were received by the Senate and appeared in the Congressional Record on July 27, 2010.

Marine Corps nomination of Maj. Gen. Robert E. Schmidle, Jr., to be Lieutenant General.

Marine Corps nomination of Maj. Gen. John E. Wissler, to be Lieutenant General.

Marine Corps nomination of Gen. James N. Mattis, to be General.

Marine Corps nominations beginning with Col. William T. Collins and ending with Col. Marcela J. Monahan, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2010.

Navy nomination of Rear Adm. Charles J. Leidig, Jr., to be Vice Admiral.

Navy nomination of Rear Adm. William E. Landay III, to be Vice Admiral.

Navy nomination of Vice Adm. John M. Bird, to be Vice Admiral.

Navy nomination of Rear Adm. Daniel P. Holloway, to be Vice Admiral.

Navy nomination of Rear Adm. Walter M. Skinner, to be Vice Admiral.

Navy nomination of Vice Adm. Samuel J. Locklear III, to be Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Lori A. Adams and ending with Shannon G. Womble, which nominations were received by the Senate and appeared in the Congressional Record on April 21, 2010.

Air Force nominations beginning with Wilard B. Akins II and ending with Michael J.

Zuber, which nominations were received by the Senate and appeared in the Congressional Record on April 21, 2010.

Air Force nomination of Zennon A. Bochnak, to be Major.

Air Force nominations beginning with Fredrick D. Aldridge and ending with Scott D. Yackley, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010. (minus 1 nominee: David Jaurique)

Army nomination of Ralph L. Kauzlarich, to be Colonel.

Army nomination of Edward B. McKee, to be Colonel.

Army nomination of John D. Via, to be Lieutenant Colonel.

Army nomination of Kyu Lund, to be Major.

Army nomination of Matthew L. Y. Okuda, to be Major.

Army nomination of Alexander K. Brenner, to be Major.

Army nomination of Richard J. Gray, to be Lieutenant Colonel.

Army nominations beginning with Joseph B. Dore and ending with Courtney T. Tripp, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Army nominations beginning with Edward C. Camacho and ending with Jon B. Tipton, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Army nominations beginning with David Gonzalez and ending with Pamela H. Reynolds, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Army nominations beginning with Gregory C. Risk and ending with Victor Y. Yu, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Army nominations beginning with Mark M. Jackson and ending with Avinash Jadhav, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Army nominations beginning with Susan M. Cebula and ending with D070757, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2010.

Army nominations beginning with John S. Aita and ending with D010009, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2010.

Army nominations beginning with Ilse K. Alumbaugh and ending with Pamela M. Wulf, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2010.

Army nominations beginning with Derron A. Alves and ending with Samuel L. Yingst, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2010.

Army nominations beginning with Jennifer L. Anderson and ending with D006711, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2010.

Army nomination of Edward J. Benz III, to be Major.

Army nominations beginning with Paul W. Carden and ending with Sherry L. Womack, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2010.

Army nominations beginning with John P. Batson and ending with Tony K. Yoon, which

nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

Army nominations beginning with Christopher W. Abbott and ending with D005987, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

Army nominations beginning with Matthew C. Aboudara and ending with David J. Yoo, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

Army nominations beginning with Peter M. Abbruzzese and ending with G001388, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

Army nominations beginning with Jose C. Acostajavierre and ending with G010027, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

Navy nomination of Paul J. Joyce, to be Lieutenant Commander.

Navy nomination of Kerry J. Krause, to be Captain.

Navy nomination of Matthew D. Barker, to be Lieutenant Commander.

Navy nominations beginning with Christopher J. Klugewicz and ending with Brigham C. Willis, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Edgardo Montero and ending with Becky J. Watson, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with David B. Rodriguez and ending with Bradley J. Thom, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Robert C. Burton and ending with Robert A. Oliver, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Jerry D. Bingham and ending with Amin Mourad, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Ruby O. Anderson and ending with Lynn C. Omalley, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with John R. Capra and ending with Dillon L. Ross, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Patricia A. Fredrickson and ending with James M. Smith, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Frank M. Gupton and ending with Jaime A. Quejada, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Michael J. Battaglia II and ending with Kathleen G. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Roberto J. Atha, Jr. and ending with James A. McMullin III, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Thomas H. Cotton and ending with Kevin R. Stephens, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Marianne O. Balolong and ending with Jonathan J. Vorrath, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Franklin W. Bennett and ending with Edwin Santana, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Richard M. Archer and ending with Nagel B. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with William Arias and ending with James V. Walsh, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Nicholas E. Andrews and ending with William E. Wren, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Jamie W. Achee and ending with Daryk E. Zirkle, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Kevin L. Andersen and ending with Paul W. Wilkes, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Patrick L. Bennett and ending with Timothy L. Zane, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Brian M. Aker and ending with Brett A. Wise, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with David L. Aamodt and ending with Christopher M. Young, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2010.

Navy nominations beginning with Jason L. Rich and ending with Bruno A. Schmitz, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2010.

Navy nominations beginning with Wendy C. Gaza and ending with Patricia A. Limpert, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2010.

Navy nominations beginning with Jared A. Battani and ending with Robert D. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2010.

Navy nomination of Virginia Skiba, to be Lieutenant Commander.

Navy nomination of Barbara A. Munro, to be Lieutenant Commander.

Navy nominations beginning with Lisa M. Becoat and ending with Roscoe C. Porter, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

Navy nominations beginning with Steven R. Barstow and ending with Mark S. Winward, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

Navy nominations beginning with Michael J. Adams and ending with Heather A. Watts, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

Navy nominations beginning with Richard S. Adcock and ending with Jeffrey G. Zeller, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

Navy nominations beginning with Christopher F. Beaubien and ending with Jeffrey D. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

Navy nominations beginning with Domingo B. Alinio and ending with Mark A. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

Navy nominations beginning with Karen L. Alexander and ending with Marc T. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

Navy nominations beginning with Cristina Alberto and ending with Kim T. Zablan, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

Navy nominations beginning with Phillip M. Adriano and ending with Robert A. Zalewskizaragoza, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself, Mr.

BROWN of Ohio, and Mr. FRANKEN):

S. 3697. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Ms. MIKULSKI):

S. 3698. A bill to amend the Public Health Services Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 3699. A bill to prohibit the regulation of carbon dioxide emissions in the United States until China, India, and Russia implement similar reductions; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself and Mr. MENENDEZ):

S. 3700. A bill to increase the maximum mortgage amount limitations under the Federal Housing Administration mortgage insurance programs for multi-family housing projects with elevators and for extremely high-cost areas; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 3701. A bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SESSIONS:

S. 3702. A bill to provide for the adjustment of status for certain long-term conditional residents; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself and Mr. CRAPO):

S. 3703. A bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH (for himself and Mr. BROWN of Ohio):

S. 3704. A bill to improve the financial safety and soundness of the FHA mortgage insurance program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAPO (for himself, Ms. COLLINS, and Mr. KOHL):

S. 3705. A bill to amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. SCHUMER, Mr. CASEY, Mr. LEVIN, Mr. BROWN of Ohio, Mr. DODD, Mr. DURBIN, Mr. WHITEHOUSE, Mr. REED, and Mr. REID):

S. 3706. A bill to extend unemployment insurance benefits and cut taxes for businesses to create hiring incentives, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM:

S. 3707. A bill to provide for habeas corpus review for certain enemy belligerents engaged in hostilities against the United States, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURRIS:

S. Res. 606. A resolution designating August 29, 2010, as "Railroad Retirement Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 311

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 311, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 632

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the

payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 850

At the request of Mr. KERRY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 2814

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2814, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 2982

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3034

At the request of Mr. SCHUMER, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3201

At the request of Mr. UDALL of Colorado, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3201, a bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26.

S. 3304

At the request of Mr. PRYOR, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 3304, a bill to increase the access of persons with disabilities to modern communications, and for other purposes.

S. 3390

At the request of Mr. FRANKEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3390, a bill to end the discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 3474

At the request of Mr. FEINGOLD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3474, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 3493

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3493, a bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

S. 3501

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. RISCH), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3501, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 3502

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 3502, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 3510

At the request of Mr. CONRAD, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 3510, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3578

At the request of Mr. JOHANNIS, the names of the Senator from Massachu-

setts (Mr. BROWN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 3578, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. 3583

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3583, a bill to amend title 38, United States Code, to increase flexibility in payments for State veterans homes, and for other purposes.

S. 3621

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3621, a bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs.

S. 3622

At the request of Mr. JOHANNIS, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 3622, a bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes.

S. 3653

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3653, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 3656

At the request of Mrs. LINCOLN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from North Dakota (Mr. CONRAD), the Senator from Texas (Mr. CORNYN), the Senator from Indiana (Mr. LUGAR) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3656, a bill to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

S. 3667

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3667, a bill to amend part A of title IV of the Social Security Act to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes.

S. 3673

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr.

LEMIEUX) was added as a cosponsor of S. 3673, a bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on tax health care benefits.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

S. RES. 603

At the request of Mr. SPECTER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 603, a resolution commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as "Citizen Diplomacy Day".

AMENDMENT NO. 4575

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4575 proposed to H.R. 1586, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Ms. MIKULSKI):

S. 3698. A bill to amend the Public Health Services Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join my colleague from Maryland, Senator MIKULSKI, in introducing the Positive Aging Act, which will help to increase older Americans' access to quality mental health screening and treatment services in community-based care settings.

The legislation we are introducing today is particularly important for states like Maine that have a disproportionate number of older persons. Fifteen percent of Maine's population is 65 or older, and, with the highest median age, Maine is the "oldest" State in the nation. Moreover, our percentage of older adults is increasing, and, by 2036 more than 1 in 5 Mainers will be over the age of 65.

One of the most daunting public health challenges facing our nation today is how to increase access to quality mental health services for the more than 44 million Americans with severe, disabling mental disorders that can devastate their lives and the lives of the people around them.

What is often overlooked, however, is the prevalence of mental illness among our Nation's elderly. Studies have shown that more than 1 in 5 Americans aged 65 and older experience mental illness, and that as many as 80 percent of elderly persons in nursing homes suffer from some kind of mental impairment. Particularly disturbing is the fact that the mental health needs of older Americans are often overlooked or not recognized because of the mistaken belief that they are a normal part of aging and therefore cannot be treated.

While older Americans experience the full range of mental disorders, the most prevalent mental illness afflicting older people is depression. Ironically, while recent advances have made depression an eminently treatable disorder, only a minority of elderly depressed persons are receiving adequate treatment. Unfortunately, the vast majority of depressed elderly don't seek help. Many simply accept their feelings of profound sadness and do not realize that they are clinically depressed.

Moreover those who do seek help are often underdiagnosed or misdiagnosed, leading the National Institute of Mental Health to estimate that 60 percent of older Americans with depression are not receiving the mental health care that they need. Failure to treat this kind of disorder leads to poorer health outcomes for other medical conditions, higher rates of institutionalization, and increased health care costs.

Fortunately, important research is being done that is developing innovative approaches to improve the delivery of mental health care for older adults by integrating it into primary care settings. This research demonstrates that older adults are more likely to receive appropriate mental health care if there is a mental health professional on the primary care team, rather than simply referring them to a mental health specialist outside the primary care setting. Multiple appointments with multiple providers in multiple settings simply don't work for older patients who must also cope with concurrent chronic illnesses, mobility problems, and limited transportation options. The research also shows that there is less stigma associated with psychiatric services when they are integrated into general medical care.

The Positive Aging Act builds upon this research and authorizes funding for projects that integrate mental health screening and treatment services into community sites and primary care settings. Specifically, the Positive Aging Act of 2010 would authorize the Substance Abuse and Mental Health Services Administration to fund demonstration projects to support integration of mental health services in primary care settings. It would also support grants for community-based mental health treatment outreach teams to

improve older Americans' access to mental health services. To ensure that these geriatric mental health programs have proper attention and oversight, it would mandate the designation of a Deputy Director for Older Adult Mental Health Services in the Center for Mental Health Services, and it would also include representatives of older Americans or their families and geriatric mental health professionals on the Advisory Council for the Center for Mental Health Services. Finally, it would require state plans under Community Mental Health Services Block Grants to include descriptions of the states' outreach to and services for older individuals.

We are fortunate today to have a variety of effective treatments to address the mental health needs of American seniors. The Positive Aging Act will help to ensure that older Americans have access to these important services. I therefore urge my colleagues to sign on as cosponsors of the legislation, which has been endorsed by a number of mental health and senior organizations, including the Alzheimer's Association, the American Geriatrics Society, the American Psychiatric Association, the American Psychological Association, the American Association for Geriatric Psychiatry, and the National Alliance on Mental Illness.

By Mrs. MURRAY (for herself and Mr. CRAPO):

S. 3703. A bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, I am pleased to introduce the Pulmonary Fibrosis Research Enhancement Act. Even though pulmonary fibrosis, or PF, kills almost as many people as breast cancer every year, it has not received the attention it deserves.

Imagine being told by a doctor that you have a life-threatening disease with no known cure, no consistent standard of care, and no reliable prognosis. Though environmental factors, including occupational exposure to pollutants, are believed to play a role in its onset, PF has no strong demographic profile. In most cases, the doctor can't even tell you what has caused you to get sick. That is exactly the situation faced by the 48,000 people who are diagnosed with PF every year in the United States.

Pulmonary fibrosis attacks the lungs, causing them to stiffen, thicken, and scar. As the disease progresses, it becomes harder and harder for oxygen to enter the bloodstream to feed the brain and other vital organs. Currently, the median survival rate for a person with PF is only around three

years, and the disease kills roughly 40,000 people every year in the United States. That translates into someone with PF dying every 13 minutes.

Perhaps the core obstacle in the fight against PF is how shockingly little we know about the disease. Because the research on PF is still in its infancy and awareness of PF is less than it needs to be, more than half of the cases are initially misdiagnosed. The Pulmonary Fibrosis Research Enhancement Act will start shedding light on PF so that researchers and doctors can start to figure out how to treat it effectively. This bill will also make sure health care professionals have the information they need to make accurate diagnoses of their patients, catching PF in the early stages and allowing for earlier treatment.

The Pulmonary Fibrosis Research Enhancement Act will do two major things to bolster efforts against this disease.

First, the act will establish the National Pulmonary Fibrosis Advisory Board. The Advisory Board is charged with consulting with and advising the Director of the Centers for Disease Control to create a National Pulmonary Fibrosis Action Plan and with presenting the plan to Congress within one year of the bill's passage. Members of this Advisory Board will come from government agencies, volunteer health organizations, patients and patient advocates, and leading scientists.

Second, the act will create the first National PF Registry to gather the data about PF prevalence, risk factors, and development that will help scientists make progress against this disease. This registry will allow researchers to see where those diagnosed with PF are located, which can help determine if there clusters of cases and shed light on any environmental factors. This registry will also be made available to all researchers, including the National Institutes of Health and the Department of Veterans Affairs, and will allow researchers to build on each others' work to develop treatments in a more streamlined and well-informed manner.

PF attacks Americans in all walks of life it knows no boundaries and can affect anyone. The prevalence of PF has increased more than 150 percent since 2001, and is expected to continue rising as the population of the United States ages. With that in mind, it is clearly time for Congress to take this first, long overdue step in the battle against PF. I urge my colleagues to support this bill so we can begin to bring relief to the hundreds of thousands of Americans who suffer from PF.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 606—DESIGNATING AUGUST 29, 2010, AS "RAILROAD RETIREMENT DAY"

Mr. BURRIS submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 606

Whereas the Railroad Retirement Act of 1935 (49 Stat. 967, chapter 812) was signed into law by President Franklin D. Roosevelt 75 years ago on August 29, 1935, establishing the beginnings of a new social insurance system for the rail industry of the United States that today protects families against loss of income due to the retirement, disability, or death of a wage earner and assists in meeting the medical expenses of the elderly and long-term disabled;

Whereas the railroad retirement program was enacted before the Social Security Act (42 U.S.C. 301 et seq.) and continues to be one of the most successful social insurance programs in the history of the Nation;

Whereas, during the past 75 years, railroad retirement benefits of over \$281,000,000,000 have been paid by the Railroad Retirement Board to more than 5,000,000 retired workers and their spouses and survivors;

Whereas today more than 200,000 individuals work in railroad employment and pay railroad retirement taxes;

Whereas the railroad retirement system today provides comprehensive monthly benefits to over 500,000 individuals in the United States; and

Whereas the rail industry continues to be an integral part of the transportation system of the United States and is vital to the economy of the Nation: Now, therefore, be it Resolved, That the Senate—

(1) designates August 29, 2010, as "Railroad Retirement Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4587. Ms. LANDRIEU (for Mrs. GILLIBRAND (for herself, Mr. INHOFE, and Ms. LANDRIEU)) proposed an amendment to the bill H.R. 5283, to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

TEXT OF AMENDMENTS

SA 4587. Ms. LANDRIEU (for Mrs. GILLIBRAND (for herself, Mr. INHOFE, and Ms. LANDRIEU)) proposed an amendment to the bill H.R. 5283, to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as—

(1) the "Help Haitian Adoptees Immediately to Integrate Act of 2010"; or

(2) the "Help HAITI Act of 2010".

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN HAITIAN ORPHANS.

(a) IN GENERAL.—The Secretary of Homeland Security may adjust the status of an

alien to that of an alien lawfully admitted for permanent residence if the alien—

(1) was inspected and granted parole into the United States pursuant to the humanitarian parole policy for certain Haitian orphans announced by the Secretary of Homeland Security on January 18, 2010, and suspended as to new applications on April 15, 2010;

(2) is physically present in the United States;

(3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) files an application for an adjustment of status under this section not later than 3 years after the date of the enactment of this Act.

(b) NUMERICAL LIMITATION.—The number of aliens who are granted the status of an alien lawfully admitted for permanent residence under this section shall not exceed 1400.

(c) GROUNDS OF INADMISSIBILITY.—Section 212(a)(7)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(A)) shall not apply to an alien seeking an adjustment of status under this section.

(d) VISA AVAILABILITY.—The Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for any alien granted the status of having been lawfully admitted for permanent residence under this section.

(e) ALIENS DEEMED TO MEET DEFINITION OF CHILD.—An unmarried alien described in subsection (a) who is under the age of 18 years shall be deemed to satisfy the requirements applicable to adopted children under section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) if—

(1) the alien obtained adjustment of status under this section; and

(2) a citizen of the United States adopted the alien prior to, on, or after the date of the decision granting such adjustment of status.

(f) NO IMMIGRATION BENEFITS FOR BIRTH PARENTS.—No birth parent of an alien who obtains adjustment of status under this section shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this section or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering the following Motion to Commit H.R. 1586 with instructions:

Mr. DEMINT moves to commit H.R. 1586 to the Committee on Finance with instructions to report the same back to the Senate with changes to include a permanent extension of

the 2010 individual income tax rates, and to include provisions which decrease spending as appropriate to offset such permanent extension.

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering the following Motion to Commit with instructions H.R. 1586:

Mr. DEMINT moves to commit H.R. 1586 to the Committee on Finance with instructions to report the same back to the Senate with changes to include a permanent extension of current individual income tax rates on small businesses and provisions which decrease spending as appropriate to offset such permanent extension.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate, on August 4, 2010, at 9:30 a.m. in room 328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “For-Profit Schools: The Student Recruitment Experience” on August 4, 2010. The hearing will commence at 10 a.m. in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPEACHMENT TRIAL COMMITTEE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Impeach-

ment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr. be authorized to meet during the session of the Senate on August 4, at 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT AND THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Oversight and the Committee on Environment and Public Works be authorized to meet during the session of the Senate on August 4, 2010, at 10 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Seapower and the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on August 4, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on August 4, 2010, at 2:30 p.m., to conduct a hearing entitled “Social Security Disability Fraud: Case Studies in Federal Employees and Commercial Drivers Licenses.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Terrorism and Homeland Security, be authorized to meet during the session of the Senate, on August 4, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to con-

duct a hearing entitled “Government Preparedness and Response to a Terrorist Attack Using Weapons of Mass Destruction.”

The PRESIDING OFFICER. Without objection, it is so ordered.

HELP HAITI ACT OF 2010

Ms. LANDRIEU. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 5283, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5283) to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

There being no objection, the Senate proceeded to consider the bill.

Ms. LANDRIEU. I ask unanimous consent the Gillibrand substitute amendment at the desk be agreed to, the bill, as amended, be read a third time, and that a budgetary pay-go statement be considered read and printed in the RECORD and that the bill be passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statement related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. This is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 5283, as amended.

Total Budgetary Effects of H.R. 5283 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of H.R. 5283 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act.

The table follows:

By fiscal year, in millions of dollars—													
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (–) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 5283 would make it easier for certain Haitian children adopted by U.S. citizens to obtain permanent U.S. residence. This legislation would affect a small number of children, and CBO estimates that would have no significant effect on direct spending by the Department of Homeland Security.

The amendment (No. 4587), in the nature of a substitute, was agreed to, as follows:

(Purpose: In the nature of a substitute)
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as—
(1) the “Help Haitian Adoptees Immediately to Integrate Act of 2010”; or

(2) the “Help HAITI Act of 2010”.
SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN HAITIAN ORPHANS.

(a) IN GENERAL.—The Secretary of Homeland Security may adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

(1) was inspected and granted parole into the United States pursuant to the humanitarian parole policy for certain Haitian orphans announced by the Secretary of Home-

land Security on January 18, 2010, and suspended as to new applications on April 15, 2010;

(2) is physically present in the United States;

(3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) files an application for an adjustment of status under this section not later than 3

years after the date of the enactment of this Act.

(b) **NUMERICAL LIMITATION.**—The number of aliens who are granted the status of an alien lawfully admitted for permanent residence under this section shall not exceed 1400.

(c) **GROUND OF INADMISSIBILITY.**—Section 212(a)(7)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(A)) shall not apply to an alien seeking an adjustment of status under this section.

(d) **VISA AVAILABILITY.**—The Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for any alien granted the status of having been lawfully admitted for permanent residence under this section.

(e) **ALIENS DEEMED TO MEET DEFINITION OF CHILD.**—An unmarried alien described in subsection (a) who is under the age of 18 years shall be deemed to satisfy the requirements applicable to adopted children under section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) if—

(1) the alien obtained adjustment of status under this section; and

(2) a citizen of the United States adopted the alien prior to, on, or after the date of the decision granting such adjustment of status.

(f) **NO IMMIGRATION BENEFITS FOR BIRTH PARENTS.**—No birth parent of an alien who obtains adjustment of status under this section shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this section or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 5283), as amended, was read the third time and passed.

GENERAL AND SPECIAL RISK INSURANCE FUNDS AVAILABILITY ACT OF 2010

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 5872, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5872) to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development.

There being no objection, the Senate proceeded to consider the bill.

Ms. LANDRIEU. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be

laid upon the table, with no intervening action or debate, and any statement be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5872) was ordered to a third reading, was read the third time, and passed.

INCREASING FLEXIBILITY OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5981, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5981) to increase flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single family housing mortgage insurance, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. LANDRIEU. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statement related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5981) was ordered to a third reading, was read the third time, and passed.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 100-458, Section 114(b)(2)(c), reappoints William F. Winter, of Mississippi, to the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, for a term expiring 2012.

The Chair, on behalf of the Majority Leader pursuant to Public Law 100-458, Section 114(b)(2)(c), appoints the following individual to the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, for a term expiring 2014: Mike Moore of Mississippi, vice William Cresswell.

Ms. LANDRIEU. Mr. President, I yield the floor.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to executive session.

NOMINATION OF ELENA KAGAN TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT—Continued

Mr. BROWNBACK. Mr. President, I rise to discuss the nomination of Solicitor General Elena Kagan to the U.S. Supreme Court. Just over a year ago, the Senate considered the nomination of Judge Sonia Sotomayor to the Supreme Court and today we continue the debate on Solicitor General Kagan's. Then, as now, I think it is fully appropriate for us to discuss the judicial philosophy of the nominees being put forward because of the increasing intrusion of the Supreme Court into very contentious issues within the society. If that is the case, then I think judicial philosophy needs to be discussed, and I think that is one that we need to consider in this nominee in Solicitor General Kagan.

The debate and discussion of Solicitor General Kagan's nomination followed a different path from the Sotomayor nomination, but it has led me to the same result: I have too many questions about the nominee's judicial philosophy to permit me to support the nomination to a lifetime appointment to the Supreme Court of the United States.

As I said last year, a nominee's judicial philosophy is a key concern at the heart of the Supreme Court confirmation process. For me, the question is whether a nominee to the Court supports an activist judicial philosophy that would invite the judiciary into all sorts of areas of American life where it has not intruded before, or whether they hold a more deferential view of the Constitution that would limit the role of the courts. It is really that view, of what is the appropriate role of the courts under the Constitution that I think is key, given the more activist role the Court has taken in this society in recent years.

As I noted during the Sotomayor debate, in my view, democracy is wounded when Justices on the high Court, who are unelected, invent constitutional rights and alter the balance of governmental powers in ways that find no support in the text, structure, or history of the Constitution. Unfortunately, in recent years the courts have assumed a more aggressive political role.

In last year's confirmation debate, we talked a lot about whether a nominee's life story and experiences should be a significant factor in assessing that nominee. Whatever the merits of that debate, Judge Sotomayor was nominated as a Federal judge with a judicial background that offered some clues as to her judicial philosophy. With this nominee, we have comparatively little of written record to evaluate.

Solicitor General Kagan has no previous experience on the bench. If confirmed, she would be the first Supreme Court Justice without prior experience

on the bench in almost 40 years. In order to hire anyone for any job, an employer looks at an applicant's past employment history. That is true for private sector jobs and public sector jobs. It is true for the staffs we maintain in the Senate and it is certainly true for Supreme Court nominees. I think most Americans would agree that prior judicial experience would be a good thing for a nominee to the Supreme Court to have. It is not a prerequisite for confirmation. Certainly, we have had Justices in the past who did not have any prior judicial experience. But I would suggest that since Solicitor General Kagan lacks prior experience on the bench, we have an obligation to look even more closely at the professional experience she does have.

There is no question she has an outstanding résumé. Few people in America can say that they have her academic credentials, including an Ivy League law degree, as well as experience teaching at the University of Chicago and as the dean of Harvard Law School. And she has terrific political credentials, including working on the Dukakis for President campaign and as a policy adviser in the Clinton administration. Unfortunately, very little of her résumé pertains to formal legal practice, let alone time on the bench.

So Solicitor General Kagan's experience is not necessarily the experience we would prefer, but it is the experience that we have to go on. And as I look through this professional experience, I see plenty of reasons to be concerned about the philosophy that she would bring to the bench.

In particular, I want to highlight her experience as a policy adviser. From the Presidential campaign trail in 1988 to the Senate Judiciary Committee to the Clinton White House, she has spent a great deal of time working on tough, highly contentious issues. In each of those cases, I think it is clear that she favors the kind of judicial activism that has concerned me throughout my time in the Senate. Her views, and the policies she has supported, endorse a role for the courts that I find very troubling. And let me be clear, whether or not I agree with her views on any particular issue, I am most concerned about the way those views will shape her still-emerging judicial philosophy.

For example, let's take a look at the life issue. As an adviser in the Clinton White House, Ms. Kagan led efforts to preserve partial-birth abortion. Obviously, I disagree with that position, as do most Americans, but that is the role that advisers often play inside the White House. Unfortunately in this case, however, the evidence shows Ms. Kagan manipulated arguments about the need for a partial-birth abortion ban and whether such a ban is constitutional. When a draft scientific statement from a medical association threatened to undermine the policy she

supported, Ms. Kagan seems to have rewritten that statement in a way that did not reflect the considered medical judgment of the association but was more in line with the policy she supported. Her explanation that she was merely helping the association state its own views more accurately does not bear scrutiny. This should be a red flag for Senators considering confirmation of someone to the Supreme Court. Without a judicial track record to evaluate, I am concerned about how she would apply her personally held views on similar matters if she is confirmed.

To turn to another example, as many of my colleagues have pointed out, the scandal over military recruitment at Harvard also shows evidence of politically held views coloring the nominee's legal judgment. Ms. Kagan opposed military recruiting on campus as part of a protest against the military's don't ask, don't tell policy, even during a time of war, denying the military access to Harvard's on-campus recruiting program while the university was receiving Federal money. It was apparent at the time that she was openly defying the intent of the Solomon Amendment, but she felt comfortable defying the law in the "hope" that the Defense Department would simply fail to enforce it. Her argument that law schools could take such steps despite the plain intent of the Solomon Amendment was, again, primarily a political argument with very little, if any, legal standing. The Supreme Court unanimously disagreed with her.

Based on other statements she has made about issues ranging from military tribunals for detainees in the war on terrorism to political speech under the first amendment, there are numerous reasons to be concerned about how Solicitor General Kagan might apply the law as an Associate Justice of the Supreme Court.

It is worth asking whether the solicitor general has ever argued that the law should be applied contrary to her political views. Perhaps I would not have to ask that question if we could assess extensive legal writings or a history of judicial rulings. But since this nominee lacks such experience, I am left to question how Ms. Kagan would let her political views shape her judicial philosophy. The weight of the available evidence clearly suggests political motivations for her legal views.

I have long believed that the judicial branch helps itself through refraining from action on political questions. This concept was perhaps best expressed by Justice Felix Frankfurter, a steadfast Democrat appointed by President Franklin Roosevelt.

Justice Frankfurter said this:

Courts are not representative bodies. They are not designed to be a good reflex of a democratic society. Their judgment is best informed, and therefore most dependable,

within narrow limits. Their essential quality is detachment, founded on independence. History teaches that the independence of the judiciary is jeopardized when courts become embroiled in the passions of the day and assume primary responsibility in choosing between competing political, economic and social pressures. Primary responsibility for adjusting the interests which compete in the situation before us of necessity belongs to the Congress.

I would add, not to the court.

When the courts improperly assume the power to decide issues more political than legal in nature, the People naturally focus less on the law and more on the lawyers who are chosen to administer it. Some are keen to impose their policy agendas through the judicial process. Others want judges who will stick to interpreting the law, rather than making it. It is beyond dispute that the Constitution and its Framers intended for judges to satisfy the latter criteria.

I know that many of my colleagues on the other side of the aisle have underscored Ms. Kagan's strong intellect and outstanding academic background as evidence that she would rule fairly if confirmed to the Court. Perhaps they are right. But we ought not be operating in the realm of "perhaps" when it comes to a Supreme Court appointment. Advise and consent is a serious matter and we have to do better than "maybe." As I read about Ms. Kagan's experience and background and look for clues to her judicial philosophy, I believe it is far more likely than not that she will rely on a set of political views to guide her decisions rather than a strict construction of the Constitution. After many weeks of public debate, hearings and discussion, I cannot escape the conclusion that this nomination would only perpetuate judicial activism on the Nation's highest Court. I opposed the confirmation of Judge Sotomayor on that basis, and I will oppose Ms. Kagan's confirmation on those grounds also. I yield the floor.

THE PRESIDING OFFICER. The Senator from Idaho.

MR. CRAPO. Mr. President, I also rise to discuss President Obama's nomination of Elena Kagan, Solicitor General, to serve on the U.S. Supreme Court. I agree very strongly with the remarks made by my colleague who has just indicated there is a strong concern about the continuation of a pattern of increasing judicial activism in our country, which we definitely do not need to perpetuate on the highest Court of our land.

I appreciate the work that has been done by my colleagues on the Senate Judiciary Committee to examine this nomination and to hold thorough hearings. There is no doubt that Ms. Kagan's educational resume is impressive, with a degree from Princeton and from Harvard Law School. It is unfortunate that the Senate confirmation process has reached the point, though,

where nominees are no longer comfortable candidly discussing their judicial philosophy and views on key issues, especially when the nominee herself decries this development prior to being nominated.

To date, I have received more than 1,500 letters and e-mails and phone calls from my Idaho constituents, overwhelmingly in opposition to Elena Kagan's nomination. Many of the concerns raised in the correspondence I have received mirror concerns I also have about her nomination. It was my hope, through the committee hearings and questionnaires and in my own personal meeting with Ms. Kagan, that my concerns and those of my constituents could be resolved. As Ms. Kagan stated in her committee testimony, because she has not had prior experience as a judge, my Senate colleagues and I must assess her nomination based on her other career experiences. Therefore, we must evaluate a career that has been focused largely in her role as a policy advocate and political adviser and whether she would carry this political advocacy with her to the Court. I would like to discuss, in that context, some of my areas of concern—first of all, the broad area of judicial activism.

I am concerned about Ms. Kagan's background in political advocacy and activism and how her previous statements suggest her willingness to bring that activism to the bench. Rather than pursuing a path of judicial restraint, carrying out a limited role in interpreting the Constitution, Ms. Kagan's writings and testimony suggest that she sees the Supreme Court as a body that must lead the Nation and have the freedom to change the law in response to "new conditions and new circumstances."

As dean of the Harvard Law School, Ms. Kagan used her position to lead the school in a direction not based on the law but based on her own personal policy preferences when she denied military recruiters equal access to the students at Harvard Law School, complying with the law only when forced to do so by the Court.

It seems that Ms. Kagan has an extremely broad view of the powers of all branches of the Federal Government and does not seem to respect the traditional limits the Constitution places on each of those branches. If the Constitution requires that a certain outcome can only be achieved through the actions of the legislative branch and if the legislative branch fails to take those actions, it does not mean the executive or judicial branch can then have the opportunity to independently take those actions or achieve those policy objectives. I am not convinced Ms. Kagan respects that constitutional separation of power.

She has gone so far as to cite Israeli Chief Justice Aharon Barak as her "judicial hero," even though Judge Barak

is widely regarded as one of the most activist judges in the world.

The Framers of the Constitution wisely, clearly, and intentionally set limits on the powers of the Federal Government. The Framers also set forth a method with an appropriately high threshold for expanding or curtailing those powers. That method for expanding or curtailing the powers of the government is the constitutional amendment process. Judges must respect the limits placed on the government by our Constitution and must not try to circumvent the constitutional amendment process by seeking other opportunities to expand the powers of the Federal Government to meet their own personal policy preferences. I am not convinced Ms. Kagan respects that limit in our Constitution and the responsibility to have limited judicial activism and interpret our Constitution as it was intended.

I also have a very specific concern on a specific issue. In fact, this is the same concern I had when we were presented with the President's nomination of the last nominee, Sonia Sotomayor, to our Court; that is, the second amendment right to bear arms—a specific provision in the U.S. Constitution which has been a very controversial and debated provision in recent years in the United States.

On June 26, 2008, the Supreme Court of the United States affirmed, in the *District of Columbia v. Heller*, that the second amendment to the Constitution guaranteed an individual's right to keep and bear arms for self-defense purposes. This landmark ruling finally established that the right to bear arms in the second amendment is an individual right but left open the question of whether this right in the second amendment applies to the States rather than just to Federal enclaves such as the District of Columbia.

For those of us who believe in the right to law-abiding citizens to protect themselves, the Court's ruling in *Heller* marked a new beginning, especially for those who believe the second amendment to our Constitution gives Americans an individual right to bear arms. For too long, many law-abiding Americans were told by their elected representatives and by some courts that the Constitution did not necessarily guarantee an individual's right to own a firearm, denying citizens the right to protect themselves, their property, and their families.

Soon thereafter, though, a case entitled *McDonald v. Chicago* made its way through the court system, in which a Federal district court and a circuit court of appeals ruled that the very severe restrictions on second amendment rights in two Illinois municipalities were constitutional because *Heller* only applied to the rights of those living in Federal enclaves such as Washington, DC.

On June 28, 2010, the Supreme Court also overturned that decision, affirming that the 2nd amendment, like most of the provisions of the Bill of Rights, is applicable to the States via incorporation principles derived from the 14th amendment. The Court affirmed that individual rights established in *Heller* did not just apply to those living in Federal enclaves such as Washington, DC; they ruled they also apply to all law-abiding Americans who wish to keep and bear arms for self-defense. It is now firmly established by these two rulings from our highest Court that our Constitution guarantees an individual right to keep and bear arms for self-defense purposes no matter where you live.

All of this brings us to our nominee, Ms. Kagan, and the question before the Senate with regard to her nomination. Those of us who believe in an individual's right to keep and bear arms have a responsibility to ensure that hostility to the second amendment does not find home in the hands of the Supreme Court.

With no judicial record to review, Ms. Kagan invited Senators to glean what we can from the body of her work, her statements, her academic life, and the policies for which she has actively advocated during her career, including her Supreme Court clerkship and her later career in political activism.

We took her at her invitation to see how her past reflected her views on the issue of second amendment rights. After discussing this issue with her personally, fully reviewing her past actions in relation to the second amendment, and evaluating her statements before the Judiciary Committee, I am convinced she does not believe the second amendment reserves to all Americans a strong and broad right to bear arms.

To cite some well-known examples, as a Supreme Court law clerk, Ms. Kagan wrote that she was "not sympathetic" to a challenge to Washington, DC's, ban on firearms. After the Supreme Court struck down certain provisions of the Brady law in *Printz v. United States*, Ms. Kagan, who was then serving on President Clinton's staff, worked to reimpose those unconstitutional provisions by Executive order, without the approval of Congress and contrary to the ruling of the Court. When the *McDonald* case came before the Supreme Court, Ms. Kagan, who was then the Solicitor General of the United States, did not even see it necessary to file a brief in support of the second amendment.

When asked about her position, Ms. Kagan has stated that she accepts the *Heller* and *McDonald* cases as settled law. But she has also made it clear that in her opinion these two cases leave much of the detail as to what this right entails to future court interpretation. This is very similar to what

now Justice Sotomayor said when she was before the U.S. Senate for confirmation.

As a judge on the Second Circuit Court of Appeals, then-Judge Sotomayor ruled on a case that was very similar to and, in fact, was later incorporated into the Chicago case, *Maloney v. Cuomo*. In that ruling, then-Judge Sotomayor ruled that Heller only guaranteed an individual right to keep and bear arms for residents of Federal enclaves. Her explanation was that Heller answered “a different question” than *Maloney* and relied on a precedent from 1886 to do so.

Pressed about Heller at her Senate hearings, Judge Sotomayor stated that she accepted that Heller was now “settled law.” Yet when the McDonald case came before the Supreme Court, Justice Sotomayor voted against it, joining with the dissenting opinion, stating that “in sum, the framers did not write the Second Amendment in order to protect a private right of self defense.”

The Supreme Court’s decisions in Heller and McDonald were important milestones for establishing the second amendment right to bear arms, but they were long overdue. Countless law-abiding Americans were denied their constitutional rights to keep and bear arms for way too long. It is imperative that the next Supreme Court Justice fully understand and accept and support these rights. I am not convinced that Ms. Kagan does, and that causes me great concern.

Similar to now Justice Sotomayor, Ms. Kagan has stated that she accepts Heller and McDonald as settled law. But that does not mean she would not vote to overrule them if an opportunity presented itself. As she herself has said, that also does not define the scope and breadth of this right, which will fall to future Court decisions. A Supreme Court hostile to the Heller and McDonald decisions or a Supreme Court with a narrow view of the right to bear arms protected by the second amendment could severely limit or restrict that right. As I have said, I do not believe Ms. Kagan believes in the strong and broad right to bear arms that I do or that the majority of Idahoans do.

These concerns have also been expressed by our ranking member on the Senate Judiciary Committee, Senator SESSIONS, who noted:

Ms. Kagan’s record regarding the Second Amendment leaves little doubt that she will be hostile to the rights of law-abiding citizens to own and possess firearms.

For these reasons—her activist philosophy and her position that I expect we will see on the second amendment right to bear arms—I cannot vote to confirm her to the highest Court of our land.

Mr. President, I take the responsibility of confirming Supreme Court Justices very seriously, and my deci-

sion was not reached lightly. Judges take an oath to “administer justice without respect to persons, and do equal right to the poor and to the rich.”

My review of Ms. Kagan’s record gives me reason to question whether she will abide by that standard. Her statements, actions, and writings throughout her public life suggest a vision for the Court that is not restrained by the Constitution but that has a responsibility in being activist in reaching policy goals. As such, I must vote against her nomination to sit on the highest Court in our country.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Idaho for his comments. He is one of the most capable lawyers in the Senate. He is a practicing lawyer, clerked on the court of appeals, and is scholarly and careful in what he says. I believe he has raised some very troubling points about this nomination that should be considered.

I say to Senator CRAPO, I notice today that a single sitting Federal judge in California has just wiped out proposition 8 that was passed by a majority of the people in California. I guess there were millions voting on that, which simply said a marriage should be defined as being between a man and a woman.

This judge struck down proposition 8 and, obviously, at some point, this will get to the Supreme Court of the United States, as the Senator well knows. It will go first to the Ninth Circuit, on which the Senator clerked, and then it will go to the Supreme Court probably. We will have the nominee who is before us today who has already demonstrated at Harvard that her views about don’t ask, don’t tell and similar social and marriage issues involve such strong feelings on her part that she has not been able to follow the law. I am worried about that. I think the American people are worried about that, and I think they have a right to be.

Let me talk a little bit about today’s decision by a Federal judge in California that was replete, in my view, with results-oriented liberal judicial activism. I think that is what it is, as the court explained in substituting its judgment, the judge’s judgment and opinion, for the judgment of the people of California expressed in a full statewide referendum. Now this is a powerful thing.

Was there some clear statement in the Constitution or law that would invalidate the people’s expression of what a marriage should be in the State of California? I submit not. This is what the judge said.

[What remains of proponents’ case is an inference, amply supported by evidence in the record, that Proposition [8] was premised on the belief that same-sex couples simply

are not as good as opposite-sex couples. Whether that belief is based on moral disapproval of homosexuality, animus towards gays and lesbians or simply a belief that a relationship between a man and a woman is inherently better than a relationship between two men or two women, this belief is not a proper basis on which to legislate.

So the judge just declared that laws that are on the books in virtually every State in America—and certainly by referendum in California—are improper. States cannot legislate in this area. It is not “a proper basis” on which to legislate.

That is what activism is. It is a judge replacing the people’s views with his views.

President Obama has made similar statements. He said that judges should decide cases based on “one’s deepest values, one’s core concerns, one’s broader perspectives on how the world works, and the depth and breadth of one’s empathy.”

This was in a floor speech in the Senate delivered from right over there from his desk in which he opposed Chief Justice John Robert’s confirmation to the Supreme Court—one of the finest nominees ever to be brought before this body.

This is the kind of rationale, the kind of empowerment that many judges feel. Well, they can just use their broader perspective on how the world works or the depth and breadth of their empathy or their deepest values or core concerns. Whose core concerns? The judge’s core concerns. What does this have to do with law, I ask?

Indeed, I would suggest that this whole litany of matters raised by President Obama is not law. These are invitations for judges to allow their bias to influence how they decide cases, an encouragement for judges to use their power of defining the words of our laws and Constitution to promote their agenda. This is an unacceptable view. It is contrary to the great heritage of law this country is based on and should not be tolerated by the judiciary.

When Justice Stevens announced his retirement, whom Ms. Kagan would replace—he served 38 years; he served until age 88—if Ms. Kagan were to serve till that age, she would serve 38 years on the Supreme Court without ever having to answer once to the American people. She has never tried a case. We have no judicial history. She has never really practiced law in any serious way. She has been a political lawyer most of her life. She has been an advocate for a lot of leftwing views and that is all right.

You can have a view that the military’s don’t ask, don’t tell policy—law passed by Congress; it is a law not a policy—you can oppose that. That is fine. That should not disqualify you from serving on the bench. You can be against the death penalty and serve as a good judge if you understand that if the law requires the death penalty, you

should have to apply it. You cannot obstruct the law because you do not agree with it. This is basic to the understanding of the American jurisprudence system.

When Justice Stevens announced his retirement, President Obama rephrased his empathy standard that took a lot of criticism and, indeed, was renounced by Justice Sotomayor in her confirmation hearings last year. He said he wanted a nominee with a “keen understanding of how the law affects the daily lives of the American people.”

Well, I think that is what Congress is supposed to do. We are supposed to be monitoring how the laws affect the daily lives of the American people. If we do not think, as a matter of policy, it is doing it correctly, we should fix the law, change it, eliminate it, and do whatever is appropriate. That is not the judge's responsibility. The judge's responsibility is to enforce the law, to follow the law, or else he is a lawmaker instead of a judge.

When the President announced Elena Kagan's nomination, he said: “She has often referred to . . . Justice Thurgood Marshall, for whom she clerked, as her hero” and “credits him with reminding her that, as she put it, ‘behind law there are stories—stories of people's lives.’”

Well, there are stories, and a judge should certainly be very aware of the facts in a case. Judges should not deny relevant evidence. But in the end, the judge must find the true facts, and then apply that truly to the law as it is whether they like it or not. Activism arises when a judge allows their personal values, even deepest values, core concerns, broader perspectives on how the world works, and the depth and breadth of their empathy to influence decisions. Isn't that bias? Who knows what these judges believe—they have a lifetime appointment and they get to impose their core concerns on us? No. This is a serious matter.

I think the American people understand it because when you empower a judge to do these kinds of things, you have given him control over you. You have given him the power to redefine marriage when the people of the State don't want to. And you have no recourse. They have a lifetime appointment. Some people say nine judges can do that. Only five, really. It only takes five. They meet and have tea and they go to the great salons of Europe, and they get these ideas about how to make America a better place, and they want to come back and get itching to write it into some opinion somewhere.

I would say that no drafter of the Constitution or any of the provisions in it at any point that those amendments were adopted would ever have imagined a Federal judge in California would declare that the people of California's decision to define marriage as it has been since the founding of the

Republic as between a man and a woman is unconstitutional. Make no mistake. When a judge says something is unconstitutional, this is not a little bitty matter. The American people have no recourse, except to pass a constitutional amendment. It takes two-thirds of both the House and the Senate and three-fourths of the State. They make it so because they say it is so. There is nothing in the Constitution that defines marriage. If it is defined—the most logical argument is that when it was written, if they had wanted to change the definition of marriage, they would have put it in there, because every State in America at the time the Constitution was drafted and every amendment to it defined marriage as between a man and a woman.

That is what we get. Right now we have had battles over those kinds of issues. They are the cause celebre of the day, but they become further issues in the future. Do we think maybe in the future it comes down to whether a judge can require the State to raise taxes? Will it require a State to provide insurance to everyone or the Federal Government to do so because the Constitution somewhere said that everybody should have equal protection of the law? Does that mean everybody should have health insurance?

We have one nominee President Obama has submitted, Mr. Liu, who says everybody in America is entitled to constitutional welfare rights. Presumably, if you file a lawsuit in front of him, he would order the State to provide welfare to everybody, whether we can afford it or whether the legislature decided that is the right thing. This is what activism is. It is a serious matter.

I wanted to speak of a few additional points for discussion that relate to matters that have been raised in the last day or so about this nomination. I am trying to be correct in what I say. I want to be correct and fair. This nominee deserves fair treatment and accuracy, and we should try to achieve that in the Senate. If I have said anything before or say anything now that is in error, I hope my colleagues will call that to my attention and I will be pleased to admit that I made an error, if I have, and correct it. Likewise, I am beginning to wonder—I have said this before—since nobody has corrected any significant matter I have stated, they must be agreeing to it.

One of our Senators defended Ms. Kagan by insisting that any arguments she made as Solicitor General were made on behalf of her client, the United States, and should not be held against her. They suggest that her actions as Solicitor General should, therefore, be immune from criticism. In other words, she didn't necessarily do what she thought ought to be done, but she had a duty to defend the law.

It misses the point about the Witt case, the important case I talked about in which I criticized her decisions as Solicitor General. The problem with Ms. Kagan's actions in the Witt case is she did not make all appropriate arguments in defense of her client, the United States. She declined to effectively represent her client, the United States. I went into some length about that today. We are not saying that she must agree with every argument she made as Solicitor General in terms of policy. Solicitors General are required by their duty to defend the laws Congress passes. They don't have to agree with the law, but they have a duty to defend it if it is challenged as being unconstitutional or in some other fashion improper.

What is most important about this is that in the Witt case, it dealt with the military's don't ask, don't tell policy. People can disagree on that, as I indicated, but it was the law passed by Congress and signed by President Clinton. She spent 5 years in the Clinton White House. She never complained to him about the law, to my knowledge. She didn't protest or quit working for him. She goes to Harvard, however, and bars the military from being able to enter the Career Services Office and recruit students because she didn't like the law Congress passed and her former boss signed. She punished the military officers who were there on campus to recruit Harvard students to be JAG officers in the military. Maybe those officers just got back from Iraq and Afghanistan—we were in two wars at the time—yet they were treated as second-class citizens, not allowed to enter the career services office.

Oh, they could call the little veterans group on campus and they could ask them and they could help them. One officer wrote in a memo that was produced by the Defense Department: We were relegated to wandering the halls hoping somebody would stop and speak to us. They weren't able to recruit properly on the Harvard campus. Her suggestion that this was nothing she was doing and unimportant is not accurate. It was a misrepresentation of the grave circumstances that occurred at Harvard when she was dean. She led this effort. She personally led the effort to reverse Harvard's policy and deny the military the right to enter the Career Services Office. They said, Well, it is OK, they can call the veterans groups. They were offended by it. They sent out an e-mail and said we are not able to arrange for these kinds of meetings. We are law students here who happen to be veterans. We can't do what the career services can do to provide assistance to the military. It was plainly against the Solomon amendment which was in effect at all times when she reversed Harvard's policy and began to bar the military from coming on campus.

When she came up for confirmation last year to be Solicitor General of the United States and there were cases filed around the country challenging the constitutionality of don't ask, don't tell, it was clear it might fall to her duty to defend that law, and she was asked in committee about it. She was asked: Will you defend the law? She said: Absolutely, she would. She committed to it. Generally she would commit to defending all laws of the United States and, specifically, in answer to a written question, she committed to defending don't ask, don't tell.

What I wish to say is that my colleagues were in error in their statements about this because it wasn't that she made arguments to the Court that she didn't believe in and that somehow we are unfairly criticizing her for doing that. What I am saying is there were arguments she did not make that she was duty bound to make to defend the law and actions that she was duty bound to take.

It has been said by one of our colleagues that it is "Lawyer 101" that an attorney will take positions on behalf of the client even when the lawyer disagrees with it. Well, that is exactly right. An attorney does have an obligation to vigorously defend his or her client, but Ms. Kagan refused to do that. Her client was the United States of America. When the Solicitor General of the United States stands before the U.S. Supreme Court or any lawyer—as I had the privilege to do for 15 years—in the Department of Justice stands up in a Federal court, do you know what they say? The first thing they are asked is, Counsel, the judge will say, is the government ready? And the lawyer says, The United States is ready, Your Honor. The United States is ready. That is who the lawyer's client is: the United States of America. It is not her personal view of don't ask, don't tell. It is not President Obama's interests or idea of what should be don't ask, don't tell; not his views. It is the United States of America. And what is the position she was defending? The lawfully passed statutes of this Congress signed by her former boss, President Clinton, passing the law don't ask, don't tell that was being challenged.

I am of the view that in failing to properly defend that case, as I said earlier, she violated a direct, specific commitment she made to the Congress and violated her duty even if she hadn't made that commitment as Solicitor General to defend the laws of the United States.

One of my colleagues made reference to Justice Souter, saying:

Justice Souter pointed out in a recent commencement address recently [that] different aspects of the Constitution point in different directions toward different results, and they need to be reconciled.

Judges do have to do that.

Acknowledging these inherent tensions is not only Main Street, it is as old as the Constitution.

Well, there is some truth to that, but Justice Souter's speech and others in his philosophical mold are very troubling. In fact, Justice Souter's speech intellectually followed on to Justice Brennan's 1985 Georgetown speech which is clearly the playbook for judicial activism. In it, Justice Brennan, former Justice of the U.S. Supreme Court, stated:

For the genius of the Constitution rests not in any static meaning it might have had in a world now dead and gone, but in the adaptability of its great principles to cope with current problems and current needs. What the constitutional fundamentals meant to the wisdom of other times cannot be their measure to the vision of our time.

So if the Constitution's drafters decided that every American from time immemorial, unless the Constitution was specifically amended, had a right to keep and bear arms, Justice Brennan would say, Well, we can look at that. We need to see what the vision for our time is. Maybe we need to consult the Europeans as they did in this recent case, the dissenters in a 5-to-4 vote that narrowly upheld the right to keep and bear arms.

Allowing judges to determine the vision of our time is a recipe for legislating by unelected judges. What is the vision of our time is decidedly in the eye of the beholder. It is the job of the elected branches of government to make these calls in our constitutional system, not the unelected judiciary. The job of the judiciary is to interpret the law, not make the law. That is so basic. Don't we all know that?

As Professor John Baker of LSU put it:

The choice is between two distinct modes of decision-making.

Legislators make laws; they do not write opinions. Legislators can legitimately make laws to govern future conduct only. . . . Legitimate judging, on the other hand, concerns the existing law. Interpretation of the existing law, contrary to lawmaking, focuses on the past. Legitimate interpretation of existing law explains the result in a well-reasoned opinion.

I think that was nicely said. Judges are not empowered to amend laws, to promote their vision. They are not empowered to alter the meaning of the words of laws or the Constitution to promote their core values.

What is Ms. Kagan's view about that? She wrote a law review article entitled "Confirmation Messes, Old and New." It is kind of interesting. She has said nominees should be far more forthcoming when they testify. Most people think she failed to meet the standard in her own law review article. She also quoted Stephen Carter's book, with approval, saying:

In every exercise of interpretive judgment, there comes a crucial moment when the [judge's] own experience and values become the most important data.

The judge's own experience and values become the most important data? That is not law. I don't know what that is, but it is not law.

In a 2004 interview in Metropolitan Corporate Counsel, she said:

The attitudes and views that a person brings to the bench make a difference in how they reach those decisions.

Is that not biased? Is that not an affirmation that a judge can bring to the bench their attitudes and views, instead of being a neutral umpire, putting on that black robe to symbolize impartiality? I think it is. This is a philosophy of law that is afoot in many of our law schools. There is no doubt about it. It is out there. People advocate it. She wrote about and advocated it. Many judges are adhering to this, and it is wrong. They are not empowered to do these kinds of things.

In one interview in a magazine, in 2004, she said:

There should be a range of opinions on the [Supreme] Court; it should not just be about lawyerly qualifications.

The opinions we need on the Court are that a judge should identify the law and then follow it. That is what the view should be.

Mr. President, people are still asserting things about the Harvard issue that I don't think are quite accurate. I do not believe she handled the Harvard military question in any way that is defensible. I have looked at it very carefully. I have laid it out in some detail. And now I wish to respond to some of the statements that have been made.

One their efforts has been to point out and to assert that Elena Kagan treated veterans at Harvard Law School with great respect, hosting them for private dinners in her home, publicly recognizing them and thanking them for their service to our country. She has been praised by several law school veterans who have said Ms. Kagan is not antimilitary. Those things have some truth to them, and Senator LEAHY has introduced some letters.

But, for the most part, Dean Kagan's outreach to Harvard Law veterans began after all this brouhaha and the resistance to military recruiting occurred on campus and things got tense.

It was not such a pleasant time. The military veterans were not comfortable. She talked about other students being uncomfortable with the military on campus. She said that herself. So the annual veterans dinner I referred to began in 2006, after the university president, Larry Summers, had instructed the law school to restore equal access to military recruiters and after the Supreme Court had rejected her argument that the Solomon Amendment, which Congress passed to make sure these law schools either admitted the military or ceased getting Federal money—her argument that the Solomon amendment did not require

Harvard to give the military access to the career services office was rejected by the U.S. Supreme Court 8 to 0.

According to the military veterans who attended Harvard Law School during this period, 2004 to 2006, the dinners were actually initiated at the suggestion of the school—the university's dean of students, Ellen Cosgrove, to whom the military veterans had expressed their concerns about the hostile campus environment toward the military. In other words, they had gone to Dean Cosgrove and complained about the hostile environment on campus toward the military, and she started some of these dinners. It was only later that Dean Kagan—who was speaking at one time to a protest rally while the military recruiter was in the next building trying to recruit students—she was out there speaking to a protest rally about the military being on campus, saying how wrong she thought the military was.

Most law school veterans who have praised Dean Kagan were either not present at the law school during the height of the controversy or were not then even in the military. Almost all of them were more recent graduates or current students at Harvard, people who liked her outreach efforts at that time. But that was after she was forced to let the recruiters back on campus by the President of the school and by the Supreme Court. None of the individuals who have written and said positive things were members of the student veterans association that she tried to conscript to take care of the needs of the military recruiters. None of them wrote any such letter.

I wished to share a few of those thoughts and again challenge my colleagues to be as accurate as they can in what they say, either for or against this nominee. She is entitled to fair treatment, but these matters are very serious. The American people want judges who are committed to their oath, and their oath says they are to be impartial, that they are to do equal justice to the poor and the rich, and that they are to serve under the Constitution and laws of the United States, not above it. That is the commitment they must have.

We, the Senate, should never vote to confirm any judge—liberal activist or conservative activist—who, once they put on that robe, will not be impartial or provide equal justice but will allow personal biases, core beliefs, prejudices or politics to influence how they decide cases. That is a disqualifying factor.

We must know that any nominee is committed to the ideal of impartial justice. I don't believe this nominee has ever demonstrated that she would be unbiased in these situations, and, indeed, the record indicates she has consistently allowed her personal feelings to override the law and her duties. Therefore, I will oppose the nomination.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DREAM ACT

Mr. DURBIN. Mr. President, I rise to speak about S. 729, known as the DREAM Act. This is bipartisan immigration legislation that I have introduced with Republican Senator DICK LUGAR of Indiana.

Immigration is a controversial issue, but I hope there is one aspect of this debate that does not divide us: Innocent children should not be victims of our broken immigration system.

That is why I introduced the DREAM Act almost 10 years ago. The DREAM Act would give a select group of immigrant students the chance to earn legal status if they grew up in the United States, have good moral character, and attend college or enlist in the military of our country.

The DREAM Act has broad, bipartisan support. The last time the Senate considered the DREAM Act, it received 52 votes, including 11 Republicans, but we needed 60 votes under the Senate rules. It is clear, though, that a bipartisan majority in the Senate supports the DREAM Act.

Since then, support for the DREAM Act has only grown, and the bill now has 40 cosponsors. The DREAM Act also is the only immigration bill that the Obama administration has officially and publicly endorsed. Just this month, President Obama said:

We should stop punishing innocent young people for the actions of their parents by denying them the chance to stay here and earn an education and contribute their talents to build the country where they have grown up. The DREAM Act would do this, and that is why I supported this bill as a State legislator, as a U.S. Senator, and I continue to support it as President.

The DREAM Act is also supported by a broad coalition of education, labor, business, civil rights, and religious leaders, including the AFL-CIO, the American Jewish Committee, the Leadership Conference on Civil Rights, the National PTA, and the U.S. Conference of Catholic Bishops.

It also has the support of the CEOs of Fortune 500 companies, such as Microsoft and Pfizer, and dozens of colleges and universities.

The DREAM Act also has broad support from the American people. According to a recent poll by Opinion Re-

search Corporation, 70 percent of likely voters favored the DREAM Act, including 60 percent of the likely Republican voters.

Here is how it works. A student would have the chance to qualify only if he or she meets the following requirements: came to the United States as a child; has lived here for more than 5 years; has good moral character; has not engaged in criminal activity; does not pose any threat to national security; passes a thorough background check; and graduates from an American high school. If a student fulfills all of these requirements, he or she would receive temporary legal status. Next, they would be required to serve in the military or attend a college for at least 2 years. After 6 years, if this requirement is completed, the student could apply for permanent legal status. If this requirement is not completed, that student would lose their legal status and be subject to deportation.

Students who obtain conditional legal status under the DREAM Act would not be eligible for Pell grants. They also would be subject to tough criminal penalties for fraud. The DREAM Act would not allow what is known as chain migration. In fact, DREAM Act students would have very limited ability to sponsor family members for legal status.

Let me tell you why I first introduced the DREAM Act almost a decade ago. I was contacted in my office by a Korean woman living in Chicago. She told me she had several children. Her oldest daughter turned out to be an accomplished classical pianist. Her daughter finished high school and was accepted to the Juilliard music school in New York. It is amazing because so few are accepted there—several hundred each year. She was so proud of her daughter.

She said when they were completing the form for Juilliard, there was a question about her daughter's nationality or citizenship. Her daughter turned to her mother and said: American, right?

Her mom said: We brought you here at the age of 2, but we never filed any papers.

The girl said: What should we do?

The mother said: Let's call DURBIN.

They called my office. It is the first time I can ever recall ever facing something quite like this. My staff said: Let's look into it and find out what the legal situation is.

After telling the facts to the immigration agency of our government, we were informed that the girl's choice was obvious. She had to return to Korea, a place she had never been for 16 years, with a language she did not speak. The rest of her family—her mother, all of her siblings—were American citizens. She was not. Her parents failed to file the paperwork.

She had made a choice about her career and knew that she was ineligible

for a lot of the student assistance available to those who are legal residents of the United States.

I thought to myself: That is fundamentally unfair. I reflected on my own story. My mother was brought to this country at the age of 2 as an immigrant. Her mother came from Lithuania. She came in her mother's arms and arrived in 1911 with a brother and a sister. They made it to East St. Louis, IL, where other Lithuanians were waiting, as well as my grandfather. My mother did not have any vote in that family decision to get on the boat and come to America. I am glad she did because her son now gets to serve as a Senator from the State of Illinois, where they emigrated.

I thought of this poor little girl, 2 years of age, brought to this country from Korea, now being told at age 18: Go back to Korea.

That is what the laws of America say, and that is why I introduced the DREAM Act.

When I first introduced the DREAM Act, I started telling the story about the Korean girl, and I noticed something interesting was happening as I told the story: there would be young people waiting after the speech asking if they could speak to me privately. Many of them were Hispanic, some were Polish. They were from all over. They would take me aside, look around to make sure no one was there, and say: I was one of those kids. I was brought here illegally by my parents who were legal at the time, and I am illegal today. But this is the only country I have ever known, gone to school here, this is where my friends are, this is where my future is. Help me. That is what the DREAM Act is all about.

Over the years, these people who used to wait nervously in the shadows have started coming out of the shadows and telling their stories. They are student council presidents, they are valedictorians, they are junior ROTC leaders, star athletes. They are tomorrow's scientists, soldiers, and teachers in America. They were brought to the United States when they were so young that they did not understand what was going on. They grew up here. It is the only home they ever knew.

The fundamental premise of the DREAM Act is that we should not punish the children for the parents' actions. That is not what America is about. Instead, the DREAM Act says to these students: America will give you a chance with strict requirements, but we will give you a chance.

Nine years after I introduced this legislation, I have noticed the DREAM Act students are not whispering in the shadows anymore. Recently, I met with four young people who would qualify for the DREAM Act: Felipe Matos, Carlos Roa, Gaby Pacheco, and Carlos Rodriguez. These four students walked from Miami, FL, to Washington, DC—

1,500 miles—in order to build support for the DREAM Act. Along the way, they were joined by hundreds of supporters, young students and young people in the same situation they were in but other young people who understood the injustice that is being perpetrated on these people. They called this trip, this long 1,500-mile hike, “the trail of dreams.”

I also would like to update the Senate on two DREAM Act students about whom I have spoken in the past.

This is Tam Tran. Tam was born in Germany and was brought to the United States by her parents when she was 6 years old. Tam's parents are refugees who fled Vietnam as boat people at the end of the Vietnam war. They moved to Germany, and then they came to the United States to join relatives. An immigration court ruled that Tam and her family could not be deported to Vietnam because they would be persecuted by the Communist government. The German Government refused to accept them. Tam literally had nowhere else to go, so she grew up in America. She graduated with honors from UCLA with a degree in American literature and culture. She was studying for a Ph.D. in American civilization at Brown University. But 2 months ago, Tam was tragically killed in an automobile accident.

Three years ago, Tam was one of the first “dreamers”—that is what I call these students—to speak out when she testified before a House Judiciary Committee. This is what she said:

I was born in Germany, my parents are Vietnamese, but I have been American raised and educated for the past 18 years. . . . Without the DREAM Act, I have no prospect of overcoming my state of immigration limbo; I'll forever be a perpetual foreigner in a country where I've always considered myself an American.

Tam was sitting right up here in the gallery when the DREAM Act received 52 votes on the Senate floor. After the vote, I met with Tam and several other DREAM Act students. Tam was hopeful, even though we lost the vote. She knew we had 52 and realized we needed 60, but she would not give up hope. She talked about the need to pass the DREAM Act so she would have a chance to contribute more fully to this country—the country she loved so much.

I wish to use this moment to offer my condolences to Tam Tran's family and friends and assure them I will do everything I can to honor her memory by working to pass the DREAM Act.

Let me tell you about another DREAM Act student. This is Oscar Vasquez. Oscar was brought to Phoenix, AZ, by his parents when he was a small child. He spent his high school years in Junior ROTC and dreamed of enlisting in the military. But at the end of his junior year, a recruiting officer told Oscar he was ineligible for military service because he was undocumented.

Oscar found another outlet. He entered a robot competition sponsored by NASA. Oscar and three other DREAM Act students worked for months in a storage room in their high school. They were competing against students from MIT and other top universities, but Oscar's team won first place.

The story does not end there. Last year, Oscar graduated from Arizona State University with a degree in mechanical engineering. Oscar was one of only three Arizona State University students who were honored during President Obama's commencement address at that university.

Following his graduation, Oscar did an extraordinary thing: he voluntarily returned to Mexico, a country he had not lived in since he was a child. He has now applied to reenter the United States. Oscar said:

I decided to take a gamble and try to do the right thing.

But there is a problem. Unless Oscar is granted a waiver, he will not be able to enter the United States for at least 10 years, if not longer. In the meantime, he is going to be separated from his wife Karla, who is here in the United States, and their 2-year-old daughter Samantha, who are both American citizens.

This extraordinary young man—a mechanical engineer who won a national competition, a person who can add something to America, who has a wife and family here, who is doing the right thing by going back to the country of his origin even though he has little connection with it anymore—is being told: America doesn't need you. Wait for 10 years, separated from your family.

It is not fair.

There are so many other stories of young people who would be eligible for the DREAM Act. Every week—every single week—I receive calls, e-mails, and letters from these dreamers. Let me tell you about two others.

This is Benita Veliz. Benita Veliz was brought to the United States by her parents in 1993. She was 8 years old. Benita graduated valedictorian of her high school class at the age of 16. She received a full scholarship to St. Mary's University. She graduated from the honors program with a double major in biology and sociology. Benita's honors thesis was written about the DREAM Act.

Benita sent me a letter recently, and I am going to read into the RECORD what she said. Benita said:

I can't wait to be able to give back to the community that has given me so much. I was recently asked to sing the national anthems for both the U.S. and Mexico at Cinco de Mayo community assembly. Without missing a beat, I quickly belted out the Star Spangled Banner. I then realized that I had no idea how to sing the Mexican national anthem. I am American. My dream is American. It's time to make our dreams a reality. It's time to pass the DREAM Act.

Let me show one other. This is Minchul Suk. Minchul was brought to the United States from South Korea by his parents in 1991 when he was 9 years old. Minchul graduated from high school with a 4.2 GPA. He graduated from UCLA with a degree in microbiology, immunology, and molecular genetics. With support from the Korean American community, Minchul was able to graduate from dental school. He has passed the national boards and licensing exam to become a dentist, but he cannot obtain a license because he does not have legal status.

Minchul sent me a letter recently. Here is what he wrote:

After spending the majority of my life here, with all my friends and family here, I could not simply pack my things and go to a country I barely remember. I am willing to accept whatever punishment is deemed fitting for that crime; let me just stay and pay for it . . . I am begging for a chance to prove to everyone that I am not a waste of a human being, that I am not a criminal set on leeching off taxpayers' money. Please give me a chance to serve my community as a dentist.

The DREAM Act is not just the right thing to do, it is the right thing for America. Wouldn't America be a better place if someone such as Minchul Suk would be able to serve his community as a dentist? Couldn't our military use someone such as Oscar Vazquez, a mechanical engineer who has overcome so many obstacles in his young life? Wouldn't we all be better off if these talented young immigrants were able to contribute more fully to the country they love?

Michael Bloomberg, the mayor of New York City, knows something about economic development. He sent me a letter supporting the DREAM Act. Here is what he said:

Why shouldn't our economy benefit from the skills these young people have obtained here? It is senseless for us to chase out the home-grown talent that has the potential to contribute so significantly to our society. They're the ones who are going to start companies, invest in new technologies, pioneer medical advances.

Michael Bloomberg is right.

Our country would also benefit from thousands of highly qualified, well-educated young people who are eager to serve the United States of America in our armed services. I know. I have spoken with those who work at the Pentagon. Diversity is important in our military. There are not enough, primarily from Hispanic populations, currently enlisting. This is a good way to change that, to make sure the next generation of leadership in the military truly reflects the United States of America.

Immigrants have an outstanding tradition of military service. More than 65,000 immigrants are currently on Active Duty. The Center for Naval Analysis has concluded that "noncitizens have high rates of success while serv-

ing—they are far more likely, for example, to fulfill their enlistment obligations. . . ."

Many DREAM Act students come from a demographic group that is already predisposed toward military service. The RAND Corporation found that "Hispanic youth are more likely than any other groups to express a positive attitude toward the military" and "Hispanics consistently have higher retention and faster promotion speeds than their white counterparts."

The Army says high school graduation is "the best single predictor" of success in the military. However, in recent years, the Army has accepted more applicants who are high school dropouts, have low scores on the military aptitude test, and even some with criminal backgrounds. In contrast, under the DREAM Act, which I have introduced, all recruits would be well qualified as high school graduates with good moral character and no criminal record.

Since the Bush administration, we have worked closely with the Defense Department on the DREAM Act. Defense Department officials have said to me publicly and privately that it is a very appealing law. It would apply to the cream of the crop of students and be great for military readiness.

Military experts also support the DREAM Act. LTC Margaret Stock, a professor at West Point, wrote an article supporting the DREAM Act. She concluded:

Passage of the DREAM Act would be highly beneficial to the United States military. The DREAM Act promises to enlarge dramatically the pool of highly qualified recruits for the U.S. Armed Forces.

Mr. President, I am sorry I waited until late in the evening and held the staff here for this, but this means a lot to me and it means a lot to literally hundreds of thousands of young people across America. I have introduced a lot of bills in my career. Some of them have become law. Most of them haven't. Most of them aren't even noticed. This one is noticed by hundreds of thousands of young people who, when they hear the name DURBIN, ask the next question: When is he going to pass the DREAM Act? Our lives depend on it. I feel a special, personal obligation to these young people.

I want to take this story to my colleagues because I think they believe that America is a just and caring country, that these young people can bring talent and service to our great Nation and they deserve a chance. They should not be punished for any wrongdoing by their parents. They deserve a chance to prove themselves and to make this a better nation.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, I ask unanimous consent that on Thursday,

August 5, following the period of morning business, the Senate resume the House message to accompany H.R. 1586 and that all postcloture time be considered expired except for 20 minutes, with 10 minutes each under the control of Senators BAUCUS and DEMINT or their designees; that during this period, it be in order to consider the DeMint motions to suspend and they be debated within the parameters of the remaining time; that upon the use or yielding back of time, the Senate proceed to vote with respect to the DeMint motions to suspend in the order in which offered; that upon disposition of the motions, amendment No. 4576 be withdrawn, no further amendments or motions be in order except the pending motion to concur with amendment No. 4575, and without further intervening action or debate, the Senate proceed to vote on the motion to concur in the House amendment to the Senate amendment to H.R. 1586 with amendment No. 4575; that upon disposition of the House message, the Senate proceed to executive session and resume consideration of the Kagan nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, AUGUST 5, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, August 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees; that following morning business, the Senate resume consideration of the House message with respect to H.R. 1586, as provided for under the previous order, and that the time during any adjournment or period of morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, at approximately 11:20 a.m., Senators should expect a series of up to three rollcall votes. Those votes will be in relation to two DeMint motions to suspend the rules and on the motion to concur with the Murray amendment on FMAP and teacher funding with respect to H.R. 1586.

Tomorrow, the majority leader would like to reach agreements to consider the child nutrition bill and to vote on confirmation of the nomination of

Elena Kagan to be Associate Justice of the Supreme Court.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:34 p.m., adjourned until Thursday, August 5, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF JUSTICE

JEFFREY THOMAS HOLT, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE DAVID GLENN JOLLEY, TERM EXPIRED.

STEVEN CLAYTON STAFFORD, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE GEORGE W. VENABLES.

PAUL CHARLES THIELEN, OF SOUTH DAKOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE WARREN DOUGLAS ANDERSON, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT FOR APPOINTMENT ON THE RETIRED LIST OF THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER ARTICLE II, SECTION 2, CLAUSE 2 OF THE UNITED STATES CONSTITUTION:

To be general

MAJ. GEN. JOHN D. LAVELLE

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

PATRICK L. MALLETT
CHRISTOPHER R. REID
SCOTT H. SINKULAR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

LANNY J. ACOSTA, JR.
JAMES A. BAGWELL
BRIAN R. BATTLES
ROBERT D. BROUGHTON, JR.
THOMAS F. CRUMLEY
RICARDO J. DIAZ
JERRETT W. DUNLAP, JR.
JACQUELINE L. EMANUEL
TERRI J. ERISMAN
JANINE P. FELSMAN
JESSICA A. GOLEMBIEWSKI
LISA L. GUMBS
MICHELLE A. HANSEN
WILLIAM M. HELIXON
RICHARD J. HENRY
GARY T. JOHNSON
PETER KAGELEIRY
SAMUEL W. KAN
CHRISTOPHER A. KENNEBECK
EUGENE Y. KIM
JENNIFER L. KNIES
CHARLES A. KUHFALH, JR.
JAMES D. LEVINE II
JOHN M. MCCABE
MATTHEW J. MCDONALD
JEFFREY J. MULLINS
WILLIAM J. NELSON
MAY L. NICHOLSON
CHARLES L. PRITCHARD, JR.
STEPHANIE D. SANDERSON
ROBERT L. SHUCK
CARLA A. SIMMONS
JULIE A. SIMONI
DEREK C. STRATMAN
MARGARET F. THOMAS
JACKIE L. THOMPSON, JR.
MARY C. VERGONA
PATRICK L. VERGONA

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

ROBERT C. MOORE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEVEN D. SENEY
NICHOLAS A. SINNOCKRAK

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

ABBY L. O'DONNELL
WILLIAM M. PETERNEL
STELLA J. WEISS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PATRICK P. DAVIS
ANGELA M. EDWARDS
NAM H. HAN
TAEKO E. MCFADDEN
ANDREW H. TAM
JERRY Y. TZENG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ROBERT E. ATKINSON
ERIN M. CESCHINI
ROLAND E. CLARK
TRAVIS J. CLEM
DAVID B. COLBERT
SARAH L. HEIDT
HEATHER R. HORNICK
RUSSELL G. INGERSOLL
SCOTT A. IRETON
RACHEL J. LIPPERT
DAVID R. MARINO
RAMON P. MARTINEZ, JR.
MATTHEW PAWLENKO
MATTHIAS K. ROTH
JONATHAN A. SAVAGE
GEORGE Y. SUH
KEITH B. THOMPSON
GIANCARLO WAGHELSTEIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ANTHONY H. BEASTER
JOHNNY D. BOBO
DANIELE BRAHAM
DANA J. CHAPIN
PATRICK M. COPELAND
LIONEL P. DACPANO
ADAM J. DIAZ
SHANNON M. FITZPATRICK
DARREN H. GREENAMYER
DANIEL J. HARMON
KENNETH G. HARRIS
BRIAN M. HART
JASON M. JUERGENS
SHALETHA R. MORAN
JAMES D. PAFFENROTH
CINDY T. ROSE
RICHARD E. SCHMITT
JEFFREY M. SIRKIN
MARK C. WADSWORTH, JR.
JONATHAN C. WOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHARLES M. ABELL
BRIAN T. BADURA
KARIN R. BURZYNSKI
NATHAN J. CHRISTENSEN
JODIE K. CORNELL
JENNIFER L. CRAGG
CHARLES J. DREY
DONNELL EVANS
PATRICK L. EVANS
JOHN E. FAGE
ALANA F. GARAS
SARAH C. HIGGINS
ROBERT E. JOHNSON
DAVID A. LUCKETT
LESLEY F. LYKINS
FRANCISCO E. MAGALLON
STEVEN J. MCCLELLAND
SEAN B. ROBERTSON
CANDICE C. TRESCH
CATHERINE F. WALLACE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RANDY J. BERTI
TOMMIE G. CRAWFORD
JULIA M. CUNNINGHAM
MICHAEL Y. DAGDAGAN
ERIC W. EDGE
CHARLES T. ELLIOTT
CHRISTOPHER H. GRIMES
KAY E. GSCHWIND
DECLAN E. HARTNEY
JOHN M. HAVERCROFT
STEVEN M. HOLLAND
DAVID W. JACKSON, JR.
JOSEPH A. KAMARA
BRYAN K. KINYOUN
JEFFREY A. LAKE
JOHN D. LESEMANN, JR.
BRADFORD Q. MARONDE
DAPHNE A. MCGINNIS
JOSEPH A. MONTAGOT
ANDRES V. PICO
MICHAEL A. POLITO
JOSE A. RIEFKOHL
MURAT SARISEN
CHARLES J. SCARCELLO
BRIAN C. STORY
JOHN M. TIMOTHY
ROY TURNER
JESUS M. VELAZQUEZ
ROBERT H. VOHRER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KATIE M. ABDALLAH
CAREY Q. BAGLEY
DANIEL W. BERGER
KENNETH W. BOX
JASON J. BRANDT
NATHAN W. CONGER
FREDERICK L. CRAWFORD
DARIN D. DEBOW
MICHAEL A. FARIAS
PAUL F. FARRELL, JR.
WILLIAM H. GRANTHAM
TODD J. GRINSTEINER
JOSEPH A. HOUSER
JEREMY V. LIVINGSTON
SANTIAGO MARTINEZRODRIGUEZ
RESHONDA D. MCKEE
TONY R. NICHOLS
MATTHEW P. OHARA
ALBERTO O. PEREZ
MERZON J. QUIAZON
NEIL RAHAMAN
THOMAS P. RYAN
TODD J. SEHL
PHILLIP S. SMITH
STEPHANIE A. SMITH
RYAN C. TASHMA
DAMIAN R. TAYLOR
BRIAN K. TYLER
DANIELLE S. WILLIAMS
NATHAN J. WINTERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JEREMY S. BIEDIGER
JAMES M. CENA
WILLIAM B. CLEVELAND, JR.
CHRISTOPHER T. CLOTFELTER
TIMOTHY L. CRAFT
JOSEPH DARCY
DAVID C. DASKAM
BRIAN R. DECKER
ETHAN R. FIEDEL
JOSHUA M. FIELDS
ROSEMARY M. FREAS
MATTHEW C. FRYE
FRANKLIN J. GASPERETTI
JONATHAN S. GIBBS
SAMUEL H. HALLOCK
DAVID G. HANTHORN
SHAUN P. HAYES
BRIAN D. HEBERLEY
TODD D. HICKS
RICHARD L. HILL
JOSEPH E. KLOPPER
JOSEPH E. KRAMER
CLINTON T. LAWLER
BRUCE A. LAYNE
MATTHEW R. LEGLER
ANDREW F. MAURICE
MARK A. MINTON
VICTORIANO C. NAVAL, JR.
ANDREW B. NOZIK
BILLY J. NYTKO
ROBERT K. OSWALD
NORMAN E. OVERFIELD
BRIAN E. PHILLIPS
ELI A. SEWELL
LUIS F. SOCIAS
PAUL L. STENCE, JR.
IL H. SUH
HOANG N. TRAN
JASON D. TUTHILL

SCOTT E. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ADRIAN E. ARVIZO
DANE E. BERENSEN
SARAH R. BOUTWELL
GREGORY S. CARDWELL
JOHNNIE F. CAVER
HUBERT N. CLAPP
TREVOR A. DAY
BRIAN C. DEMBINSKI
SEAN M. DUBIEL
ANTONIO J. GARCIA
JENNIE H. GARVEY
DAVID M. GUTIERREZ
CHARLES H. HALL
JASON D. HANSER
PETER M. B. HARLEY
DEVIN L. HIBBITTS
SUZANNE T. HUBNER
STEPHEN M. KANTZ
PATRICK B. KISTNER
BRYAN W. LUALLLEN
JEREMY B. MARTIN
WILLIAM J. MCMILLON
DANIEL E. MELEASON
ALAN C. MENGWASSER
KENNETH D. MOATES
TAMARA L. MOORE
TORIANO A. MURPHY
MARK A. OWENS
HARVEY D. PRICE
ERIC F. RENNIE
CRAIG W. RUDY
MEREDITH K. SCHLEY
ANDREW A. SLACK
TROY A. SMITH
CHARLES D. SPERA, JR.
ROBERT J. SPROAT
PATRICK A. STAUB
JOHN F. TEVIS
PATRICK A. THOMPSON
ANTONIO VALLE
WILLIAM M. WILSON
LISA L. ZUMBRUNN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PHILIP T. ALCORN
MELISSA S. ANGARITA
CAMERON M. BALMA
KEVIN D. BARNARD
BRIAN M. BARRICK
KENNETH BERGER II
REUBEN BLOFSTEIN
JAMES M. CARTER
RAYMOND J. CASELLA
JACOB B. CATALOGNA
JEFFREY D. CLAGG
ANDREW J. CLARK
DAVID B. CLARK
CHRISTOPHER F. CLAUSEN
JAMES B. COLE
BART M. DANDELO
NICOLE K. DIRCKS
NATHAN A. DURIKA
DEVON L. EAKINS
TODD C. EICHORST
ARIA C. FATHY
DANIEL S. FISHER
RICARDO E. FOSTER
TAMMY K. GRIFFITHS
BRENTON E. HELBIG
DANIEL A. HOLLENDONER
ANGELA L. HUSS
SHANE P. JACOBS
SEAN M. JARVIS
BRIAN J. JOHNSON
DANIEL L. KWIATKOWSKI
JENNIFER L. LARISH
BRIAN K. LYSNE
RICHARD J. MACKINNON II
JENNIFER K. MEDEIROS
SIEGFRIED W. MELBOURNE
JOSEPH W. MICHAELS
MARK A. MICHEL
RENATA A. MILITELLO
RUDOLFO M. MUNOZ
TERRANCE P. MURPHY
MATTHEW K. MYERS
CHRISTOPHER D. NELSON
KENNETH N. OWINGS
CHRISTOPHER T. PETERSON
PATRICK W. PRAG
JEFFREY P. PRAGER
DIMITRI D. RANDALL
TIMOTHY L. RAYMIE
DUANE W. REINHARDT
MATEO E. ROBERTACCIO
DANIEL W. ROBISON
SCOTT T. ROPER
MAJOR E. SELLERS
SARAH A. SHERWOOD
DAVID SILVA
MARLENE Z. SILVA

MICHELLE L. SIMMONS
STEPHEN J. SLECHTA
JAMES K. SMITH
SABRINA M. STEDMAN
SALVATORE A. STTHOMAS
SUZANNE P. SURRATT
PETER J. TAMMINGA
COLIN B. TOLBERTSMITH
JESSICA E. D. VANDA
DANIEL P. VARDIMAN
JEFFREY P. WILLHITE
BENJAMIN A. WOODBURY
SCOTT D. ZIEGENHORN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ARMAND P. ABAD
DANIEL E. ADAMS
LEONARD L. ADAMS, JR.
BRIAN R. ALLEN
KENNETH G. ALLISON
KENNETH O. ALLISON, JR.
FREDDIE A. AMOS
BRAD S. ANDERSON
CHRISTOPHER A. ANDERSON
WILLIAM E. BAIN
WILLIAM W. BAKER
GEORGE D. BALDWIN
ALAN D. BEATY
BRYAN K. BEECHER
JAMES L. BELL
ISSAC L. BELTON
SAM BETHUNE
CHRISTOPHER BISHOP
JOYCE M. BOEHLER
IVAN R. BORJA
JAMES C. BRADLEY
PAUL A. BRADLEY
DWIGHT BRISBANE
CRAIG M. BROUSSARD
THOMAS A. BROUWER
JAMES A. BROWN
JOHN T. BROWN
TERRELL A. BURNETT
KYLE A. CALDWELL
BRIAN N. CARROLL
ROBERT D. CARTER, JR.
DANIEL E. CHARLTON
PATRICK R. CHELL
HARRY A. CHENG
MICHAEL J. CHURCH
JOHN F. CLARK
FREDIRICK R. CONNER
FRANK D. COON III
MARK A. CORREA
DELWYN A. COSBY
CHRISTOPHER K. CRIDER
ROBERT P. CROCETTA III
EARL W. CULLUM
ROBERT J. DAFOE
TRAVIS E. DAVIS
WILLIAM J. DAVIS
KENGE A. DEBOLD
DAVID M. DONSELAR
VICTORIO M. ENRIQUEZ
AARON C. ERICKSON
MEL S. ESTADILLA
GEORGE J. EZELL
DARRIN E. FALLER
CASSIUS A. FARRELL
ROBERT H. FINCH
STEPHEN A. FOLSOM
KEITH B. FOSTER
HENRY FUENTES
TAWANNA A. GALLASSERO
CHRISTOPHER M. GARCIA
CLEMENTE V. GATTANO
DANA S. GIBSON
DAN M. GLESENER
JOSEPH P. GONZALES
LELON V. GRAY
MICHAEL B. GREEN
HOPE D. HAIR
CURTIS W. HALL
KIRBY A. HALLAS
CHRISTOPHER M. HALSAN
ROBERT L. HARRIS
JAY C. HENSON
HARLAN C. HILL
THOMAS L. HINNANT III
RICHARD C. HIRN
CHAD A. HOLLINGER
JAMES J. HORNEF
GARY R. HORSEY
ANTHONY W. HUGHES
COREY D. HURD
ROBERT K. HUTCHINS
TRACY V. HUTCHISON
MARK J. KAUL
TIMOTHY J. KELLY
MARK A. KENNEDY
TERRY L. KERR
RICHARD B. KILLIAN
GEORGE H. KIPP
WILLIAM R. KUZMA
EVAN J. LAFRANCE
BLAINE A. LAURION
JOHN C. LEITNER
CHARLES D. LINNEMANN

RODERICK V. LITTLE
THOMAS L. LOOP
JOHN A. LYSINGER
CHARLES G. MANN
WAYNE E. MARK
MICHAEL T. MARTIN
JAMES S. MATHUS
ERNEST A. MATTA
DONOVAN A. MAXWELL
ROBERT J. MCCARTHY
JONATHAN M. MCCOMB
CHARLES G. MCDERMOTT
BRUCE A. MCDONALD
LAWRENCE B. MCLIN, JR.
SEAN P. MCMICHAEL
DONNIE W. MIZE
ALBERT L. MOORE
MICHAEL A. MORAN
DOUGLAS M. MORELAND
MERCER MORGAN III
JACK E. MORRIS
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CARL R. ORTMANN
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ANDREW J. PAIGE
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To be lieutenant commander

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THOMAS P. ABBOTT
RAFAEL E. ABREU
RAUL T. ACEVEDO
PATRICK T. ACKER
RICHARD A. ACKERMAN
CHADBURN G. ADAMS
GEORGE W. ADAMS
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DOMINICK ALBANO
WILLIAM H. ALBERT
RAYMOND I. ALCONCEL

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 JARED SEVERSON
 KEVIN L. SHACKELFORD
 WILLIAM A. SHAFER
 JEFFREY M. SHANAHAN
 MATTHEW R. SHELLOCK
 GEOFFREY D. SHEPPARD
 BRIAN P. SHERRIFF
 DANIEL L. SHORTER
 DONALD L. SHRADER
 GREGORY L. SILER
 ALEXANDER L. SIMMONS
 STEPHEN C. SIMMONS
 JARED M. SIMSIC
 EMIR A. SIRKER
 JEFFREY A. SIZEMORE
 NICHOLAS J. SKIRVIN
 STEPHEN R. SKODA
 JASON D. SLABAUGH
 JAMES G. SMITH
 JASON B. SMITH
 PATRICK D. SMITH
 PHILLIP T. SMITH
 RICHARD A. SMITH
 TIMOTHY D. SMITH
 WADE K. SMITH
 SHANE E. SNAKENBERG
 ELIZABETH G. SNELLING
 KEVIN K. SOLEM

HORST D. SOLLFRANK, JR.
 JAMES J. SORDI, JR.
 BRYAN D. SORY
 BRANDON E. SOULE
 CHRISTOPHER F. SOVICH
 KIRK A. SOWERS
 ERIC J. SPARKS
 FRANKLIN D. SPARKS
 JOSEPH M. SPINKS
 SHAWN P. SPOONER
 LAWRENCE E. SPURLIN
 AARON D. STANFORD
 WILLIAM C. STCLAIR
 STEPHEN D. STEACY
 CHRISTOPHER STEEL
 JAMES W. STEFFEN
 SETH A. STEGMAIER
 DOUGLAS G. STEIL
 KYLE T. STENTIFORD
 MATTHEW J. STETTNER
 SEAN C. STEVENS
 JEFFREY J. STGEORGE
 WILLIAM J. STICKNEY
 ANDREW D. STILES
 MICHAEL C. STJEAN
 DANIEL R. STOCK
 JOHN B. STOGDILL
 ANDREW J. STONE
 GREGORY C. STRAESSLE
 BRIAN P. STRZEMIENSKI
 MICHAEL P. SULLIVAN
 JON P. SUNDERLAND
 ERIKA SUTHERLAND
 LUKE J. SWAIN
 GREGG W. SWEENEY
 MATTHEW J. SWEENEY
 NICHOLAS J. SYLVESTER
 ANDREW M. SYLVIA
 PHILLIP SYLVIA
 JONATHAN E. TALBERT
 PATRICK A. TAMAKLOE
 TRENTON E. TANSKI
 GEDION T. TEKLEGIORGIS
 DOUGLAS M. TEMPEST
 JARED A. THARP
 JOHN E. THOE
 VIKKI M. THOMAS
 HENRY L. THOMASON
 DARREN E. THOMPSON
 JONATHAN M. THOMPSON
 KRISTIN L. THOMPSON
 ROBERT M. THOMPSON
 SHANNON M. THOMPSON
 AHREN O. THORNTON
 JENNIFER L. TIETZ
 JASON E. TIPPETT
 BRIAN J. TKACH
 BRIAN W. TOLLEFSON
 ALVIN D. TONEY, JR.
 TIMOTHY E. TOPPING
 DEXTER J. TRIPLETT
 KEVIN B. TRITCH
 CHAD J. TRUBILLA
 MICHAEL T. TRUDELL
 WESLEY A. TURBEVILLE
 JAMES M. UDALL
 RICHARD M. ULLOA
 ANTHONY R. UNIEWSKI, JR.
 CHAD K. UPRIGHT
 ALLYN G. UTTECHT
 JASON M. VALADAO
 TODD W. VALASCO
 DANNY B. VALDEZ
 SANTICO J. VALENZUELA
 JON W. VANBRAGT
 JONATHAN J. VANECKO

JUSTIN C. VANHOOSE
 WILLIAM D. VANN
 VALERIE A. VANZUMMEREN
 MONTELL J. VARNER
 HENRY S. VASQUEZ III
 MIGUEL VASQUEZ
 JEREMY J. VAUGHN
 NATHANIEL R. VELCIO
 CLAYTON D. VERNON
 RYAN G. VEST
 STEVEN E. VITRELLA
 DAVID WAGENBORG
 STEVEN J. WAGNER
 DEREK S. WAISANEN
 BENJAMIN D. WALBORN
 JASON M. WALBORN
 JOHN I. WALDEN III
 ADAM J. WALKER
 DANIEL E. WALKER
 JEFFERY A. WALKER
 BRADFORD D. WALLACE
 CECILY E. WALSH
 JOHN A. WALSH
 GREGORY A. WALTERS
 JASON O. WALTERS
 SCOTT M. WALTERS
 JIMMY K. WANG
 JUSTIN A. WARD
 JERROD E. WASHBURN
 JASON M. WATSON
 MATTHEW T. WEAVER
 ADAM B. WEINER
 MICHELLE D. WEISSINGER
 GORDEN S. WELLS
 NATHAN S. WEMETT
 CHRISTOPHER A. WERBER
 JAMES W. WESTBROOK
 KRISTOFER J. WESTPHAL
 DANNY F. WESTPHALL, JR.
 STEPHEN J. WEYDERT
 NEIL D. WHARTON
 DAVID C. WHITE
 MICHAEL A. WHITE
 BRADLEY R. WHITTINGTON
 STEPHEN A. WIEGEL
 ANDREW R. WIESE
 KATHRYN S. WIJNALDUM
 SCOTT T. WILBUR
 JOHN R. WILKINSON
 CHRISTOPHER S. WILLIAMS
 JACOB J. WILLIAMS
 JASON R. WILLIAMS
 TIMOTHY G. WILLIAMSON
 RICHARD M. WINSTEAD
 RUSSELL F. WISE
 NICHOLAS E. WISSEL
 MICHAEL K. WITT
 MADISON T. WOO III
 ROBERT D. WOODWARD
 JOHN B. WORL
 BRIAN J. WORTHINGTON
 HELEN W. WORTHINGTON
 JAMES P. WYMAN
 KASIM J. YARN
 STEPHEN V. YENIAS
 JOEL E. YODER
 JOHN L. YOUNG III
 ROBERT D. YOUNG
 SCOTT R. YOUNG
 TYSON M. YOUNG
 RONALD G. YOUNGBLOOD, JR.
 LEE ZALTSMAN
 RICHARD J. ZAMBERLAN
 DANIEL W. ZUCKSCHWERDT

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD

on Monday and Wednesday of each week.

Meetings scheduled for Thursday, August 5, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED AUGUST 6

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for July 2010.

SD-106

SEPTEMBER 15

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine implementation, improvement, and sustain-

ability, focusing on management matters at the Department of Homeland Security.

SD-342

SEPTEMBER 22

10 a.m.

Veterans' Affairs

To hold hearings to examine a legislative presentation focusing on the American Legion.

345, Cannon Building

SEPTEMBER 23

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.

SDG-50

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—Thursday, August 5, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in heaven, we give You thanks, for You alone are God, living and true, dwelling in light inaccessible from before time and forever.

Inspire our lawmakers this day to labor for peace and justice, to sacrifice for the needy, and to be faithful stewards of the gifts You have given them. Teach them to do Your will on Earth even as it is done in heaven. Lord, strengthen them to overcome evil with good, as You give them serenity amid the tensions of life.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 5, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, if any, there

will be a period of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees.

At 11 a.m., the Senate will resume consideration of the House message on H.R. 1586, which is the legislative vehicle for the FMAP and teacher funding amendment. There will be 20 minutes for debate, equally divided and controlled between Senators BAUCUS and DEMINT or their designees.

At approximately 11:20, the Senate will proceed to a series of up to three rollcall votes. Those votes will be in relation to two DeMint motions to suspend the rules and on a motion to concur with respect to H.R. 1586.

Upon disposition of the message on H.R. 1586, the Senate will resume debate on the nomination of Elena Kagan to be a Justice of the Supreme Court of the United States. I will work with the Republican leader, as we did yesterday, to set a time on the vote on the confirmation of the nomination and on other issues to come before the Senate today.

Will the Chair please announce the business of the Senate.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees.

Mr. REID. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IN PRAISE OF MICHAEL COPPS

Mr. KAUFMAN. Madam President, I rise once again to honor one of our Nation's great Federal employees.

The Federal employee I am recognizing this week—and this is my 89th

since last May, and here they are on the chart—has made a name for himself as an advocate for sensible regulation of the communications industry.

At the Federal Communications Commission, Michael Copps has been a tireless fighter for the public interest and a steadfast campaigner for localism in broadcasting. In his position as one of the five Commissioners appointed by the President and confirmed by the Senate to oversee the regulation of our communications industry, Mike must work with the other Commissioners to come to agreement on key issues affecting broadcasting, the Internet, and other media. Whether they agree with him or not, I know they have to respect and admire his passion and energy in advocating for what he believes to be the best way to serve the American people.

I did not choose to honor Mike only because he is one of the FCC's Commissioners; he has had a distinguished public service career for three decades. His service as Commissioner is just his latest role in the Federal Government. Mike is currently in his second term, having been appointed twice by President George W. Bush.

Before his appointment to the FCC, Mike served at the Department of Commerce as the Assistant Secretary for Trade Development and Deputy Assistant Secretary for Basic Industries.

Prior to his service with the Commerce Department, Mike spent 12 years here in the Senate as chief of staff to former Senator Fritz Hollings of South Carolina. That is how I got to know Mike, when I was chief of staff for now-Vice President and then-Senator JOE BIDEN. I can say from personal experience that, as a chief of staff, Mike was truly first class. He earned the respect and admiration of his colleagues across the Senate on both sides of the aisle. Smart, exercising good judgment, and a very good listener, Mike embodied the skills and values that make someone a great chief of staff.

Before coming to Washington in 1970, he spent time working in the private sector for a Fortune 500 company, and he also taught as a history professor for some years at Loyola University of the South, in New Orleans. He holds a bachelor's degree from Wofford College in South Carolina and a Ph.D. from the University of North Carolina at Chapel Hill.

In his current role, Mike has been an untiring advocate for the public and has worked to push the FCC back toward its core mission: enforcing the

regulations that maintain fair competition, protecting consumers, and ensuring that the communications industry serves the public interest. Particularly, he has been a crusader against control of the Internet by big corporations. His promotion of an open Internet is based on his belief that communications media should benefit all and foster the growth and development of communities.

Last week, I spoke from this desk about the dangers of regulatory capture. Over the past decade, many of our regulatory agencies have been caught up in a deregulatory mindset that viewed self-regulation as not only adequate but preferable. Michael Copps has long been a voice of reason against regulatory capture.

He is just one example of the many outstanding men and women at the Federal Communications Commission. They are all truly great Federal employees, and I hope my colleagues will join me in honoring their service to our Nation.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask that the time of the quorum call be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHANNIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF ELENA KAGAN

Mr. JOHANNIS. Madam President, a Senator has an enormous duty when it comes to evaluating a Supreme Court nominee. The duty demands that Senators examine whether the person nominated to the highest Court in the land will uphold and defend the principles contained in the Constitution, refrain from judicial activism, and respect the rule of law.

Some have characterized this duty as one of the most important and far-reaching decisions that a Senator will make, and it is one of the most important decisions in their entire time in the Senate.

As the nomination process for Ms. Kagan began, I went into it with an open mind and a steadfast resolve to evaluate the nominee's qualifications without looking through a partisan lens. In fact, having gone through the confirmation process myself before being sworn in as Secretary of Agriculture, I know what an important process this is.

Senators have a strong duty to take it seriously. Considering Supreme Court judgeships are lifetime appointments, these nominations require even closer scrutiny. Thus, Senators must carefully review any Supreme Court nominee's record and their judicial philosophy.

After this careful review and closely monitoring the hearings before the Judiciary Committee, I came to the conclusion that I could not support this nomination.

The Court is not a place to create laws, and I was not convinced that Ms. Kagan understands this fundamental premise. Additionally, her long career as a political adviser and academic insufficiently prepares her for a lifetime appointment to the country's highest Court.

For example, prior to her position as Solicitor General, Ms. Kagan had never taken a case to trial. I find that remarkable. Since her time as Solicitor General, Ms. Kagan has only argued six cases before the Supreme Court.

Beyond that lack of experience, there are several other areas that concern me about this nomination. Ms. Kagan's view of the second amendment is disturbing to me. As a law clerk for U.S. Supreme Court Justice Thurgood Marshall, she wrote that she was "not sympathetic"—"not sympathetic"—to the legal assertion that the DC gun ban violated citizens' constitutional right to bear arms.

Probably the most recent glimpse into Ms. Kagan's view of the second amendment is her failure to file a brief on behalf of the petitioner in the McDonald case regarding Chicago gun bans. The Supreme Court had already been clear on the DC gun ban, and Chicago's law clearly impacted a variety of Federal laws and programs.

Yet, as Solicitor General, she chose to sit quietly, tacitly casting aside a very important constitutional protection. Her not filing demonstrated the government's lack of interest or concern in protecting this important constitutional right.

Ms. Kagan's lack of action is viewed by many as a bias against the second amendment, as if she were picking and choosing which constitutional provisions she liked. Judges cannot selectively disregard the Constitution when it is convenient or in line with their point of view. So Ms. Kagan's record in this area is enormously troubling for someone who wants to sit on the Supreme Court.

Another very serious concern is her actions as an adviser to President Clinton were instrumental in keeping partial-birth abortion legal in the 1990s. During her time in the White House, the American College of Obstetricians and Gynecologists privately briefed Ms. Kagan on the partial-birth abortion procedure. Their opinion was clear and lacking equivocation.

According to a memo Ms. Kagan wrote, the medical group said:

In the vast majority of cases, selection of the partial birth procedure is not necessary to avert serious adverse consequences to a woman's health. There just aren't many circumstances where use of the partial-birth abortion is the least risky, let alone the necessary approach.

The group's public draft statement went on to say:

A select panel convened by ACOG could identify no circumstances under which the partial birth procedure would be the only option to save the life or preserve the health of the woman.

Upon hearing this news, Kagan wrote in a memo that the statement would be "a disaster." Then she edited the document and advised the medical group to include a much different sentence claiming partial-birth abortion "may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman."

The original sentence and Ms. Kagan's sentence are vastly different, almost complete opposites. Yet Ms. Kagan's language was copied verbatim into the medical organization's final statement.

While Ms. Kagan has no medical credentials whatsoever, she bullied her personal views into the opinion of these medical professionals.

Unfortunately, this assumed expert medical opinion was relied upon heavily in subsequent court cases, including the one that struck down Nebraska's partial-birth abortion ban—my State. U.S. District Court Judge Richard Kopf devoted more than 15 pages of his opinion to the policy statement that Kagan wrote.

Judge Kopf believed the statement was entitled to judicial deference because, "Before and during the task force meeting, neither ACOG nor the task force members conversed with other individuals or organizations," he wrote in his opinion.

It is beyond belief and beyond unfortunate that no one was aware of Ms. Kagan's extensive involvement in drafting the supposedly independent policy statement; otherwise, this horrific procedure may have been banned 10 years earlier.

This type of extreme political policy engineering should give us all great pause and solid reason to question whether Ms. Kagan could serve as a truly neutral umpire on the bench.

My concerns do not stop there. My concerns extend further to her role as

dean of the Harvard Law School. Ms. Kagan was confronted with the Solomon amendment, a Federal law that requires schools receiving Federal funds to give equal access to military recruiters. It was very straightforward. Yet she chose to ignore this law and denied military access to Harvard's on-campus recruiting program.

Even the Supreme Court unanimously ruled against Ms. Kagan in this matter. This is especially troubling that Ms. Kagan would openly defy Federal law, especially in a time of war.

Her judgment and her reading of the law was fundamentally flawed, and every one of her potential colleagues agreed she was wrong. That is not a good sign for things to come.

For these reasons and others, I do not have confidence that Ms. Kagan will be able to put aside her personal or political agenda before sitting on the bench.

As the National Right to Life Committee noted:

We anticipate that Ms. Kagan often will treat the U.S. Constitution not as a body of basic law that truly constrains both legislators and judges, but rather as a cookbook in which may be found legal recipes that will allow the imposition of the policies that Ms. Kagan deems to be justified or advisable, or that are so regarded by whatever groups she sees as the enlightened elites on a given subject.

A lifetime appointment to the highest Court in the land is far too important a decision to have so many concerns. When the Senate votes on the nomination of Ms. Kagan, I will vote no. Doing otherwise would ignore the integrity of our Constitution and it would not be in the best interest of this great country.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHANNES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHANNES. Madam President, I ask unanimous consent that the quorum calls during today's morning business be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHANNES. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERTS. I ask unanimous consent that the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERTS. I ask unanimous consent to speak up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERTS. Madam President, after careful consideration and assessment of the nominee's record and expressed views, I rise today to express my opposition to Solicitor General Elena Kagan's nomination to the U.S. Supreme Court.

In the nomination process, a telling and inciteful statement by another Senator is most applicable and pertinent. During the Senate's debate on the nomination of Chief Justice John Roberts, then Senator Barack Obama stated:

... that while adherence to legal precedent and rules of statutory or constitutional construction will dispose of 95 percent of the cases that come before the court, so that both a Scalia or Ginsburg will arrive at the same place most of the time on those 95 percent of the cases—what matters on the Supreme Court is those 5 percent of cases that are truly difficult.

In those cases, adherence to precedent and rules will only get you through the 25th mile of the marathon.

That last mile can only be determined on the basis of 1) one's deepest values, 2) one's core concerns, 3) one's broader perspectives on how the world works, and 4) the depth and breadth of one's empathy.

I respectfully disagree with this rationale and find it troubling. Our judges must decide all cases in adherence to legal precedent and rules of statutory or constitutional construction.

The role of a judge is not to rule based on his or her own personal judgments or comply with one's empathy, how they think the world really works, concerns and values—deep or shallow—all subject to personal views, ideology and the winds of time and political change. No, the role of a judge should adhere to the laws as they are written.

An appointment to serve on the Supreme Court of the United States is a lifetime term. It was crafted by our Founders to protect and insulate the highest Court of our land from personal concern, empathy, individual values or how one thinks the world really works at some point of time, not to mention the threat of any influence of politics.

Nominations to the highest bench should therefore not be considered lightly. It is one of the most important votes a Senator has the privilege to cast.

And I would submit compared to the standard of legal precedent, statutory rules, constitutional construction, again personal values, concerns, how the world allegedly works and one's personal criteria of empathy represents a lesser standard—sort of a standard lite.

The qualifications of the nominee must be carefully considered. As U.S. Senators, we have an obligation to ensure that our courts are filled with qualified, impartial judges.

In light of that I must ask—who is Elena Kagan?

In reviewing Ms. Kagan's qualifications, I find her lack of judicial experience striking.

While others note that serving as a judge is not a requirement for a Supreme Court nomination, it has also been noted that every nominee in nearly 40 years to the Supreme Court has had extensive judicial experience, whether from the bench or as a litigator in the courtroom.

Ms. Kagan's litigation experience is limited, with the majority of her arguments being made during her brief tenure as the U.S. Solicitor General.

Given her obvious lack of experience in the court room, one must ask if this is the best position to receive on-the-job-training? Will the "craft" of judging come innately to Ms. Kagan or is it a skill honed by years of practice and judicial experience?

Some have argued in defense of such a thin judicial resume that nominees can bring a "real world"—whatever that is—perspective to the bench. Nonetheless, much of the nominee's experience lies in the hallowed, Ivy League, halls of academia, indeed a world of its own.

While I do not question the merits of a strong university background, I question how that makes one more in tune with the "real world."

Additionally, the nominee's resume includes her positions as special counsel and policy advisor in the Clinton administration—a role in which she truly relished her job. During her tenure she advocated for policies involving the second amendment.

In response to a Supreme Court decision which struck down the Brady Act's requirement of background checks before gun sales, documents from the nominee's tenure suggested that the administration explore how to maneuver around the Court's decision by executive action.

The advice here goes beyond legal counsel and indicates a clear interest in achieving a policy goal by going around the Supreme Court's decision, while forgoing the jurisdiction of Congress.

When determining how Ms. Kagan may approach a seat on the Court, her position as a policy adviser is one of the few records available to review.

Does this type of maneuvering indicate how Ms. Kagan would use her position as a Supreme Court Justice to justify an agenda where a policy goal is the intended outcome?

I must also say that as dean of Harvard Law School, Ms. Kagan's effort to ban military recruiters from the main placement office on campus is deeply troubling.

The justification for violating the Solomon Amendment—named after Congressman Gerald Solomon—was to protest the military's don't ask, don't

tell policy. This action was also consistent with her own expressed views.

It must be noted, blocking access to military recruiters is counter to Federal law.

Only when threatened with the loss of Federal funding, did Harvard comply. Ms. Kagan then used a stayed decision by an appellate court, which determined the Solomon Amendment was unconstitutional, to reinstitute the ban. Shortly thereafter, the Supreme Court overturned the appellate court's decision by an 8-0 ruling.

According to Chief Justice John Roberts, "A military recruiter's mere presence on campus does not violate a law school's right to associate, regardless of how repugnant the law school considers the recruiter's message."

I must say, I don't know of any recruiter who would stand up and debate students in the circumstance of a policy judgment—more to the point, in regard to a policy that is as controversial as don't ask, don't tell. They are there to recruit individual students or to answer questions they may have.

U.S. servicemembers deserve our unfettered support, as they face unimaginable danger on the front line in defense of our Nation. Their willingness to sacrifice their time away from home and loved ones while serving in harsh and dangerous places under difficult circumstances should be honored.

It seems to me we dishonor their sacrifices and service by hollow justifications of policy agendas. These efforts are a clear indication to me, as well as my fellow Kansans, that Ms. Kagan's agenda is at odds with her role as a dean and a future Supreme Court Justice, and is clearly out of step with the average American no matter how deep her concern, empathy, values or the real world she believed she could change.

It is clear from her time as a policy adviser during the Clinton administration—a job she truly relished—that she supports methods of enacting policy changes through administrative means and around the jurisdiction of the legislative branch.

This type of disregard for the jurisdiction of the elected branch of government is concerning.

Ms. Kagan's zeal and enthusiasm as a political advisor and an academic does not qualify her for a lifetime appointment to our Nation's highest Court.

Not only does she lack experience on the bench, but her record clearly demonstrates a propensity towards pursuing an activist agenda.

In her own words, Ms. Kagan confessed difficulty in "taking off the advocate's hat [to] put on the judge's hat." This admission is at best worrisome; at worst, a clear indication of her intent to legislate from the bench.

We have a constitutional obligation to ensure that our judges are impartial and faithful to the law. During Chief

Justice John Roberts' confirmation hearing, he noted that "Judges and Justices are servants of the law, not the other way around. Judges are like umpires. Umpires don't make the rules, they apply them. The role of an umpire and judge is critical. They make sure everybody plays by the rules, but it is a limited role. Nobody ever went to a ball game to see the umpire." They may go to criticize the umpire, but they do not go to see him.

I am not convinced that Ms. Kagan will limit herself to merely applying the rules.

Given the limited judicial background and a lack of forthrightness in queries as to her judicial philosophy during the nomination hearings, I am fearful that this nomination will serve as another tool in what we have witnessed in further encroachment of government into the everyday lives of the American people.

Kansans have made clear to me that they do not want activist judges on the Court and they do not want additional government intrusion into their daily lives and pocketbooks, especially coming from the bench.

Unfortunately, I think appointing Ms. Kagan to the Court will result in more of both. Therefore, I must oppose her nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. BURR. The American people are worried about the direction of our country, and I absolutely share their concern. The public has witnessed Washington's growing disregard for the Constitution and its limits on government power. Too many of those powers see no limits to their authority, and that, to me, is frightening.

The size of government has exploded, spending is out of control, the national debt is soaring, and Congress has passed thousands of pages of legislation with little concern for the effects on the rights of everyday Americans and with no thought at all to the debt we saddle our children and our grandchildren with.

The Founding Fathers knew the dangers of expanding government power. The Founders knew what Barry Goldwater knew when he said: "A government strong enough to give you what you want is strong enough to take it away."

They established the judiciary branch in order to protect against an overly aggressive government. They envisioned it as a neutral arbiter of disputes based on the written law and as a check on government power grabs beyond the intended authority.

This is why the judiciary is so important and why the lifetime appointment of a Justice to the Supreme Court is one of the most serious actions any of us will consider. We must have judges who are committed to the job of hold-

ing us to the words of the Constitution and laws that are written.

We, in Congress, have proven again and again that we will not limit ourselves, and the executive branch continues to do the same. The American people knew this, and that is why they are concerned about President Obama's nomination of Elena Kagan to the U.S. Supreme Court. I am concerned that Ms. Kagan does not seem to recognize the limits the Constitution places on the Federal Government and does not understand or seem to understand the role of a Supreme Court Justice.

Ms. Kagan, of course, does not have a judicial record for us to base our decisions on. I do not think that alone should disqualify her, but it does make it difficult to discern how she will perform as a judge. Ms. Kagan has spent most of her career in political roles and in the academic world. I do not think it is appropriate to cast my vote based only on her politics, but I do think her record shows she has been unable to separate her politics from her legal advice, even in her purely legal role in clerking for the Supreme Court. This is incredibly problematic.

I am concerned Ms. Kagan will only further the rapid expansion of the Federal Government, that her actions, particularly on issues such as military recruiting, second amendment rights, and abortion, show that her first allegiance is to her own political views. Her record and her testimony demonstrate that she is likely to limit the powers of the Federal Government only based on her personal political views and not based on the enumerated powers of the Constitution.

Our Founding Fathers established a Federal Government of limited power. They enumerated those powers and intended the list to be exclusive. In the 10th amendment, they specifically state: Powers not expressly granted to the Federal Government in the Constitution are reserved for the States. Everything not specifically named in the list of congressional powers was intended to be beyond Federal Government reach.

Unfortunately, legal progressives have sought to stretch that list far beyond its breaking point. Often they have chosen as their tool the commerce clause, which gives Congress the authority to regulate commerce amongst the States. Over the years, Congress has relied on the commerce clause to pass laws well beyond the scope of what our Founding Fathers intended, laws regulating matters totally unrelated to interstate commerce, such as how much wheat a farmer can grow on his own land for his own use or where a person might possess a firearm.

The Framers intended the limited nature of Congress's power as a method to protect the freedom of individual Americans to go about their lives without undue interference from government, but the limits the Constitution

established matter only if our judges are willing to enforce them.

I am sad to say I do not believe Ms. Kagan will enforce those limitations. During her hearings, Senator COBURN asked Ms. Kagan a very basic question, but it is an important question that deserves a direct and straightforward answer. Senator COBURN asked this: "If I wanted to sponsor a bill and it said, Americans, you have to eat three vegetables and three fruits every day, and I got it through Congress, and it is now the law of the land, does that violate the commerce clause?"

While Ms. Kagan acknowledged this would be a dumb law, she repeatedly stated the Court should give great deference to the will of Congress. She said: "We can come up with sort of, you know, just ridiculous sounding laws and the principal protector against bad laws is the political branches themselves."

I can certainly see why the American people are afraid, if the task of protecting against bad laws is left solely up to the political branch. Ms. Kagan had extreme difficulty in recognizing any limit at all on Federal powers. She simply refused to acknowledge that the Federal Government cannot pass a law telling American citizens what to eat.

Of course, I can see why the Obama administration supports her. The recently passed health care legislation is an exercise of unprecedented government power. The new health care law mandates—mandates—that Americans purchase health insurance.

By forcing Americans to purchase government-regulated insurance and by threatening them with IRS tax sanctions, the Obama administration is forcing its way into American lives in a way this country has never witnessed. Never before has the Federal Government forced Americans, under threat, to purchase a particular good or service.

I strongly disagree and most Americans disagree with this expansive view of the Federal Government's powers. We need Justices on the Supreme Court who are ready and willing to stand and defend the Constitution. We need Justices who recognize that there are, in fact, limits to the Federal Government's powers.

Not only must Supreme Court Justices recognize and enforce the limitations of the Federal Government, but they cannot owe any allegiance to advancing the political agendas of the President who appointed them. I do not believe Ms. Kagan fully appreciates this critical point. To the contrary, I believe that, if confirmed, she will be tied more to her own political agenda than to the Constitution of this great country.

Ms. Kagan's record is truly disconcerting to me. Throughout her career, her record reveals that she put politics above the law. Such a philos-

ophy has no place in the Supreme Court. I oppose Ms. Kagan not because of her political views, I oppose her because she has not demonstrated an ability to leave those political views at the courthouse door. As such, she fails to meet the minimum requirement for any judicial appointment: impartial fidelity to the written law.

On military recruiting, Ms. Kagan has fought zealously to keep recruiters off our campuses during a time of war. As dean of Harvard Law School, she sent e-mails to the entire Harvard Law School community saying she abhors it, the military's don't ask, don't tell policy, and calling it a "profound wrong," a "moral injustice of the first order."

The Obama administration has defended her actions against military recruiters saying these claims were overblown because she ultimately continued the practice of her predecessor in allowing the military to recruit through the school's veterans organization, which was primarily a social organization with fewer than 20 members.

Yet even this paltry action was only a way to continue to receive Federal funding for the school. A Federal law, known as the Solomon Amendment, denies Federal funding to any institution of higher education that has a policy or practice that either prohibits or, in effect, prevents the military from gaining access to the campus or access to students on campus for the purpose of military recruiting in a manner that is at least equal in quality and scope to the access to campus and to students that is provided by any other employer.

Even then she explains that doing so caused great distress. Ms. Kagan did everything she could to fight the Solomon Amendment, even signing on to an amicus brief in the Supreme Court in the case of *Rumsfeld v. FAIR*, with about 40 other law professors opposing the amendment. The Supreme Court unanimously rejected their argument. Not one Justice found it convincing—not Souter, not Breyer, not Ginsburg, not Stevens.

Ms. Kagan has demonstrated similarly poor judgment on the second amendment. When she was clerking for Supreme Court Justice Thurgood Marshall, she had the opportunity to consider *Sandidge v. United States*, a DC firearms case remarkably similar to the 2008 DC *v. Heller* case, in which the Court ultimately struck down the DC gun ban. In evaluating the case for Justice Marshall, she recommended that the Court not even consider the case.

Ms. Kagan wrote that the petitioner's "sole contention is that the District of Columbia's firearms statutes violate his constitutional right to 'keep and bear arms,'" and then said, "I'm not sympathetic." That was her remark to Justice Thurgood Marshall.

Ms. Kagan also worked on several anti-second amendment initiatives in the Clinton administration. She worked on the Clinton administration's response to the Supreme Court's 1997 decision striking down parts of the Brady handbill law. The Court there said that Congress could not command State and local chief law enforcement officers to conduct Federal background checks on handgun purchasers. She considered such proposals as outlawing the sale of handguns where a chief law enforcement officer was unavailable or unwilling to conduct a background check, and also suggested that President Clinton issue an Executive Order to do the same.

She coauthored two policy memos advocating for events and gun control proposals, including legislation requiring background checks for all secondary market gun purchases, a "gun tracing initiative," a new law holding adults liable for giving children easy access to guns, and a call for a new gun design "that can be shot only by authorized adults."

She drafted an Executive Order restricting the importation of dozens of semiautomatic rifles that had been considered "sporting" and importable under the 1994 assault weapons ban. One of her colleagues in the White House described the plan by saying, "We are taking the law and bending it as far as we can to capture a whole new class of guns."

She also worked on an effort to allow background check information from lawful sales to be retained by law enforcement, and a member of her staff wrote, "the longer we are able to keep records—even days, weeks—the more useful [it] will be as an overall law enforcement tool."

This, of course, is exactly what the gunners don't want." "Gunnery," a new word.

As Solicitor General, Ms. Kagan notably declined to submit a brief in support of the petitioner in the McDonald case—probably the biggest second amendment case in decades.

In working on the Volunteer Protection Act, Ms. Kagan expressed concern to the Department of Justice that "Bad guy orgs" like the NRA and the KKK might be included in a "cumulative list" of nonprofits whose volunteers would qualify for liability protection from lawsuits. To lump the NRA in with such a despicable organization is an insult to gun owners across America.

On partial-birth abortion and on taxpayer-funded abortions, Ms. Kagan also has a history of far-left advocacy on abortion issues, skewing even her legal judgments based upon personal politics.

When she was working for Justice Marshall, she urged him to vote to deny review of a lower court decision holding that prison inmates had a constitutional right to taxpayer-funded

elective abortions, and even though she admitted that parts of the decision were “ludicrous” and that the facts showed no constitutional violations, she called it “well-intentioned.” She insisted the Court should deny review, and let this decision stand, because she was concerned that the Court might “create some very bad law on abortion.”

Memos and handwritten notes during her time in the Clinton White House demonstrate that she pushed even the Clinton administration further to the left on the issue. President Clinton at the time had expressed a desire to ban all elective partial-birth abortions, to which, as she wrote in a handwritten note to the White House Counsel at the time, “This is a problem. . . .” She was the lead person working on a strategy to ensure that elective partial-birth abortions remained available without real restrictions. In one memo, she lays out her plan to support a “ban” that includes a “general health exception” that would make the ban largely meaningless.

Even when she heard that the American College of Obstetricians and Gynecologists was prepared to issue a statement stating that they “could identify no circumstances under which [the partial-birth] procedure . . . would be the only option to save the life or preserve the health of the woman,” she continued her fight.

In an internal White House memo, she notes that the medical statement “would be a disaster” for the White House’s case against the partial-birth abortion ban. Documents show that she then drafted new language, hedging the original medical judgment, which the organization then published as their own, verbatim.

She then authored a memo to President Clinton arguing that his preferred approach, without the health exception, was unconstitutional, and that “the groups will go crazy.” Of course, in 2003, Congress passed, and President Bush signed, a law prohibiting partial-birth abortion, without such a health exception. The Supreme Court upheld that law.

Conclusion: I am afraid Ms. Kagan’s record demonstrates that she substitutes her own political viewpoints for legal judgment. If confirmed, I believe Ms. Kagan will add to Washington’s growing disregard for the Constitution of this country and its limits on government power, instead of protecting against intrusion and government actions, as the courts were designed to do.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. I am going to speak in support of Solicitor Elena Kagan for the Supreme Court in a minute, but just for a brief minute, I wish to speak about another very important issue,

the legislation we are about to vote on, the legislation that will help teachers and police officers and firefighters and other workers retain their jobs.

I wish to thank my colleagues from Maine, Senator OLYMPIA SNOWE and Senator SUSAN COLLINS, for their courageous support of this measure. I would like to take a moment to talk about the critically important component of the legislation we will be voting on shortly.

That component is called the local share language that will send critical aid directly to county governments in any State. The counties in my State are always worried. When we send the money to Albany, they never see it or they see it much later and Albany takes a cut. But legislation that I have been able to put into the bill says: If the local area pays for part of Medicaid, then they should be reimbursed directly.

Anyone who is familiar with New York knows we have some of the highest property taxes in the Nation, way too high.

In fact, residents in West Chester County have the unfortunate distinction of having paid the most in property taxes in the entire country. Nassau County residents follow quickly. On the list of the top 20 counties with the highest property taxes, 5 are in New York. This provision, which will send a total of \$530 million directly to local county governments, will have a tangible and important benefit for New Yorkers everywhere. Its No. 1 job is going to prevent counties from having to raise their already too high property taxes. County executives from one end of the State to the other—in Erie County, Nassau County, and others—have told me if they can get this money, this Medicaid relief—the Medicaid burden is so high—it will enable them to not raise property taxes. That is why I fought so hard to ensure this local share language was included in the first stimulus package and now in this bill. We know money sent to Albany far too often stays in Albany. The bill will not only provide property tax relief, it is an investment in our future. It will keep teachers in the classroom and cops on the beat and firefighters in the firehouses. A recession is no excuse to prevent the children from getting the best education they can get, no excuse for letting criminals get away from the dastardly crimes they commit.

Speaking of our children and their futures, I wish to mention one more important thing. We are making these investments without adding a dime to the Federal deficit. In fact, this bill, in addition to the benefits it contains, will reduce the deficit by over \$1 billion. Congress should be focused like a laser on fighting unemployment and getting the economy humming on all cylinders again. This bill is part of that

ongoing effort. For the good of the country, I implore my colleagues to support this sensible, important bill.

KAGAN NOMINATION

Madam President, later today, we will confirm an exceptionally well-qualified candidate to be an Associate Justice of the Supreme Court, and average Americans will be a step closer to once again having their voices heard in the highest Court in the land. This is because Solicitor General Elena Kagan brings both moderation and practical experience to a Court sorely in need of both.

Why, then, are so many fighting over General Kagan, a nominee who is mainstream through and through? Why are so many fighting? Our judicial system is at the tipping point. Of the six most conservative Justices in living memory, four are on the Court right now. Two of those four were confirmed within the last 5 years. It didn’t happen by accident. Many conservatives decry what they call liberal judicial activism, but what they want is judicial activism of the right. Make no mistake about that. There can be activists on the left and on the right. Both seek to impose their views rather than follow the law.

The supposedly staunch opposition to judicial activism on the right has shown its true colors in this debate over a truly moderate and mainstream candidate. They themselves want rightwing judicial activism to pull this country into the past.

I have always said the far right is using the only unelected branch of government to do what it cannot do through the two elected branches—turn back history to a time when corporations and large special interests had more say in our courts than ordinary people. The right has created a kind of judicial activism that is as pernicious as the activism on the left. But they do not see it that way. Activism is their very ideology.

When George Bush was President and conservative majorities in the House and Senate still couldn’t pull America back 100 years, they said: We need to do it by the Supreme Court. Hence, extremely conservative nominees were nominated and approved. As a result, our Court is on a collision course with precedent, with the other branches of government and, frankly, with the American people. General Kagan is exactly the antidote we need to put the Court back on the level, to put the bubble back on the plumb. General Kagan is a 6 or 7 on a scale of conservative to liberal, with 1 being the most conservative and the most liberal being 10. The President’s nominees were ones, with an occasional two. They were way over to the far right. That is what independent, objective, not Democratic, not Republican analyses show. Again, four of the five most conservative Justices are on the Court right now.

The American people are reaping the bitter harvest from new laws that have been made and old precedents that have been overturned. Put simply, in decision after decision, this conservative, activist Court has bent the law to suit an ideology. At the top of the list, of course, is the *Citizens United* case where an activist majority of the Court overturned a century of well-understood law that regulated the amount of money special interests could spend to elect their own candidates to public office.

In the *Ledbetter* case, the Court upheld decades of settled law and an agency interpretation to hold that a woman who received less pay than a male colleague is only discriminated against by the first paycheck, not by the last. There are many other examples, over and over—on the Clean Water Act, punitive damages against the Exxon Valdez, antitrust law where, again, favoring the special interests and turning back the law, this conservative majority has become the most activist Court certainly in decades. These truly activist decisions show little respect for Congress, for the executive branch, and for the well-settled understandings the American people commonly hold about our democracy. Yet somehow they label General Kagan as an activist, because she wants to follow precedent. That is not fair, and it is not true.

The record shows that General Kagan's record is replete with cases, articles, opinions, and discussion that shows and proves she is well within the judicial mainstream. First, in the course of her nomination hearing, she answered more than 700 questions. She answered them with a degree of candor and specificity we simply did not see when either Justices Alito or Roberts were before us, nominees who, I submit, actually had conservative agendas to hide from the American people, unlike General Kagan who has nothing to hide. When she was asked her views on interpreting the Constitution, she gave reasoned, detailed answers, the most reasoned, detailed answers I can remember from a nominee. She gave candid and detailed answers about her views of specific precedent governing the right to privacy, the commerce clause, freedom of the press, the second amendment, civil rights, cameras in the courtroom, even about her role as Solicitor General.

When Justice Alito was asked about his views of the takings clause, he gave an opaque answer about the value of owning private property, not even close to the specificity that General Kagan gave. But here we have Members on this side of the aisle saying they won't vote for Kagan because she is not specific enough, when they were in full support of Alito and Roberts who gave far less specific answers. Why? We know why. Again, the view on the right

that they want their own brand of activism, judicial activism of the right to pull the Court and the country away from the mainstream.

My colleagues' continuing insistence that General Kagan is hiding and outside the mainstream agenda says more about their agenda than hers. It appears to me the only way to explain some of my colleagues' opposition to General Kagan is, they will vote for only ones and maybe a few twos on the Supreme Court, people way over to the right side. And if one believes in judicial activism of the far right, that is exactly what one would do.

A second sort of evidence of General Kagan's moderation is her stunningly broad bipartisan support. Each of the Solicitors General to serve under Democratic and Republican Presidents for the last 25 years has endorsed her. While at Harvard she got a standing ovation from, of all people, the Federalist Society, the training grounds for many of President Bush's conservative judicial nominees. She bridged the wide ideological divide between conservative and liberal faculty members. She brought together a faculty that had been fighting with one another. They came together under her thoughtful, pragmatic, and moderate decisions. As a result, to a Harvard faculty generally regarded as liberal, she brought in many conservative appointments.

Why then does General Kagan not have more bipartisan support within this body? Why will she get fewer votes today than all but two Justices in the history of the Court, Justices Alito and Thomas? Again, one need look no further than the sheer amount of law that has been undone by the current Court in the last few years, law that protects ordinary Americans against special interests and corporate interests.

These are the wages of a war that the far right has mounted in order to remake the law. But General Kagan will not be a soldier in their fight and, hence, despite her moderation, does not get their vote.

Having studied the Court's decision in *Citizens United*, I am increasingly convinced that their war will not be won until we return to 1905, to what legal historians call the *Lochner* era of Supreme Court jurisprudence. In 1905, squarely in the age of the robber barons, big railroads and even bigger oil, a very conservative majority of Justices held that the people of New York, my State, could not pass laws that limited the legal workweek to 60 hours. This is because the Justices found, somewhere in the due process clause of the 14th amendment, that business had an inherent right to conduct itself without any government regulation, even if public safety was at stake. One hundred years later in *Citizens United*—same country, different setting, different rules—it does the same type of

thing. *Citizens United* will go down as the 21st century example of 20th century *Lochner*. Allowing corporate and special interests, now because they have so much money, to pour that money into our political system without even disclosure, without even knowing who they are or what they are saying or why they are saying it, they are taking politics away, government away from the average person because of the influence of such large amounts of dollars.

Fortunately for Americans, General Kagan will be confirmed today, and gears of the time machine that is set to 1905 will be substantially slowed down. She will be confirmed with some bipartisan support, and I praise my colleagues on the other side who had the courage to break from the hard right. It takes courage to break from the extremes of either side. It is not easy. We all know that, no matter which party we are in. They have had the courage to do it. I salute them. She will be confirmed because she is mainstream, because enough of my colleagues recognize that her practical, real world experience will be a valuable asset to our judicial system and to our country.

And about practical experience, she has it in very real and tangible ways. She is an accomplished lawyer, first female dean of the Harvard Law School, a public servant who worked in all three branches of government. Yet some on the other side call her inexperienced. It is hard to believe. In fact, General Kagan's experience does measure up to her colleagues and predecessors. Like Justice Thomas and the late Justice Rehnquist, General Kagan held high-level political jobs in the executive branch. Like William O. Douglas and Felix Frankfurter, she spent much of her career in academia. And like 38 other Supreme Court Justices before her, she does not have direct judicial experience, although like many of them, she clerked for a Supreme Court Justice.

Some of my colleagues have belittled General Kagan's experience as better suited to the backwaters of academia than a seat on the highest Court. I think this is wishful thinking on their part, perhaps because they know her real world experience will bring the Court back to the center.

And, in fact, it is clear that her experience at Harvard Law School demonstrates, rather than undermines, her qualifications.

Unlike every other current Justice on the Supreme Court, General Kagan ran a business. She understands much about how the real world functions that many of our current Justices simply do not.

She managed 500 employees and a budget of \$160 million annually. Plus, this real world management experience was forged in an environment that was ideologically charged when she arrived.

But it was much less so when she left. Jack Goldsmith, whom Elena Kagan hired and who had been head of President Bush's Office of Legal Counsel, wrote of her:

It might seem over the top to say that Kagan combines principle, pragmatism, and good judgment better than anyone I have ever met. But it is true.

General Kagan's skills as a consensus builder are sorely needed on a fractious Court that often struggles to find the moderate ground between its two wings. A recent study showed that last term, the Court issued "conservative" opinions 65 percent of the time—more than any term in living memory.

The fact that the pull to the right is so demonstrable suggests also that these decisions are often quite broad—as in the *Citizens United* case, where the issues that were decided had not initially been briefed. Someone as persuasive and perceptive as General Kagan could help to narrow these decisions, to put together 5 to 4 majorities that issue mainstream, modest opinions.

An important component of General Kagan's pragmatic experience is her gender. As difficult as managing an ideologically diverse law school faculty is for anyone, General Kagan did it as the first woman. I have heard it said that Ginger Rogers did everything Fred Astaire did, but backwards and in high heels.

The exact details obviously don't apply to General Kagan, but the sentiment does.

Serving as the first female dean of Harvard, and the first female Solicitor General, has surely broadened her views and deepened her understanding of how Americans work and relate to one another. Her role as a woman in each of these institutions enriches the practical experience that she will bring to the Court.

This is the candidate whom many of my colleagues have branded as an out-of-the-mainstream liberal activist.

At the end of the day, it is fine to disagree with General Kagan's views and ideology. But labeling such a mainstream candidate as a liberal ideologue sets a troubling precedent. It moves the center further and further to the right.

I am confident that General Kagan is the right candidate for the Supreme Court at the right time. I will proudly cast my vote for her.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of the House message to accompany H.R. 1586, which the clerk will report.

The legislative clerk read as follows:

House message on H.R. 1586, motion to concur in the House amendment to the Senate amendment to H.R. 1586, an act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes, with an amendment.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid amendment No. 4575 (to the House amendment to the Senate amendment to the bill), in the nature of a substitute.

Reid amendment No. 4576 (to amendment No. 4575), to change the enactment date.

The ACTING PRESIDENT pro tempore. Under the previous order, all postcloture time is considered expired, except there will be 20 minutes of debate equally divided and controlled between the Senator from Montana, Mr. BAUCUS, and the Senator from South Carolina, Mr. DEMINT, or their designees.

The Senator from South Carolina.

Mr. DEMINT. Madam President, how long do I have to speak?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. DEMINT. Thank you, Madam President. I think I can do it in that time.

It seems we have time to do almost anything, but what we need to do is address the economy and jobs in this country. Just about every economist, from all across the political spectrum, says one of the most important things we can do right now is not to raise taxes. Yet taxes are scheduled to go up in 5 months on almost every American, including the businesses that create the jobs.

Of the two amendments I will offer here today, one amendment will stop the increase in income tax rates, and the second will stop the tax increases on small businesses that file as individuals.

Clearly, it makes no sense in the middle of a recession to raise taxes on individuals. An individual in South Carolina making \$40,000 a year will pay \$400 more next year in taxes if we do not act. A married couple with a combined income of \$80,000 will see their taxes go up nearly \$2,200. A married couple earning \$160,000 combined could pay \$5,500 in additional taxes.

The same thing will happen to small businesses that create the jobs. We will be taking money out of their accounts and putting it in our accounts. At a time when they need to keep the money to grow our economy and to hire workers, we do not need the money to continue to waste it on what we have been doing.

Consider the stimulus bill. A couple of my colleagues this week came out with a report showing where a lot of this stimulus money went: \$62 million for a Pennsylvania tunnel that Governor Rendell said was a tragic mistake; \$193,000 for voter perception of the stimulus bill. I could go on and on. This is not money we need to spend right now.

What we need to do is assure businesses and individuals that the tax rate this year will be the same next year so they can make good decisions that will move our economy forward.

MOTIONS TO SUSPEND

Madam President, in accordance with rule V of the Standing Rules of the Senate, I move to suspend rule XXII for the purpose of proposing and considering the following motion to commit, with instructions, H.R. 1586: I move to commit H.R. 1586 to the Committee on Finance with instructions to report the same back to the Senate with changes to include a permanent extension of the 2010 individual income tax rates, and to include provisions which decrease spending as appropriate to offset such permanent extension.

And, Madam President, in accordance with rule V of the Standing Rules of the Senate, I move to suspend rule XXII for the purpose of proposing and considering the following motion to commit, with instructions, H.R. 1586: I move to commit H.R. 1586 to the Committee on Finance with instructions to report the same back to the Senate with changes to include a permanent extension of current individual income tax rates on small businesses and provisions which decreases spending as appropriate to offset such permanent extension.

With that, Madam President, I reserve the remainder of my time and yield the floor.

The ACTING PRESIDENT pro tempore. The motions are pending.

The Senator from Montana.

Mr. BAUCUS. Madam President, this is a stunt. It is a gimmick. It is not serious, and it is very sad. We are in very difficult times. The economy is in recession, going out of recession. We are facing the prospect of what to do about the so-called Bush tax cuts of 2001, 2003. Those are massive tax cuts that were put in place in 2001 and 2003. They expire at the end of this year. It is a big question: What should the Congress do, what should the country do about those tax cuts?

At the same time, we are facing terrific, unfortunately high deficits, very high deficits, almost as high as they were at the end of World War II—not quite but almost. The national debt now is approaching, as a percent of GDP, the levels that it was near the end of World War II—not quite. In fact, they were much higher at the end of World War II than they are today.

But the main point is, these are very serious questions. They require deliberate thought. They require Senators to work together to find solutions that help our country, help us decide: To what degree should these tax cuts be extended? Which ones make sense? Which ones do not?

We have several goals here. Clearly, people do not like paying taxes. But, clearly, Americans who are responsible know they must pay some taxes in order for our country to function. There are two extremes here. One is anarchy and the other States' outright total socialism. There is some balance in the middle for a civil society to function.

These questions are very big: How are we, as a society, going to properly function? To what degree should we begin and to what rate reduce the deficits and the debt? That is a very serious question. Other countries worldwide are facing these same questions, and we are interrelated, the United States, with other countries. That is a very serious question.

In addition, how much should the Bush tax cuts be extended? At what rate, what amount, et cetera? Should all rates be extended? Should some? Clearly, most Members of this body feel at least the so-called middle-income tax cuts should be extended permanently; that is, those whose incomes are \$200,000 or lower or families with \$250,000—at least. Then, there are other questions about what to do with the rest.

The motion offered by the junior Senator from South Carolina has this effect: He says all the tax cuts should be extended. First of all, we do not know what that means. Is that just individual rates? If it is, that is about \$1.1 trillion it is going to cost over 10 years. Does he also want to include the alternative minimum tax for 10 years or does he also want to include dividend cap gains extended? I don't know. He doesn't say. But I assume he does. That is going to be about a \$3 trillion cost—a \$3 trillion cost—over 10 years. He wants that all replaced with spending cuts. I ask you, is that serious? That is not serious. I ask, is that a stunt? Yes, that is a stunt. Is it a gimmick? Yes, it is a gimmick. Is it serious? No, it is not serious.

These are serious times—very serious times—and we should not be engaged or even give comment to this kind of a stunt. I hate saying that. I don't like saying that. But I have to be candid. I have to be honest. If I am faulted for anything—and I am faulted for a lot—it is for being honest and candid. This is a stunt. I urge my colleagues not to fall for this.

Now, the \$3 trillion—I asked: Where are we going to cut \$3 trillion? Our total receipts, Federal receipts for the year, are about \$2 trillion, a little over \$2 trillion. That is pretty good. Well,

OK, he wants to cut \$3 trillion over 10. Now, where in the world? It can't be done. It cannot be done. Impossible. He knows that, but still he stands on the floor making this grand political statement. Does he say anything about small business? He doesn't say anything about small business. What is small business? I have no idea. It is kind of veiled a little bit under the cover of the top rates. He doesn't define it. We don't know what it is. I mean, it is just sad.

We don't have much time left to deal with these tax cuts. We don't have many legislative days left. We have to just do what Senators are supposed to do, do what most people in our States want us to do—be reasonable, be thoughtful, take on the hard issues. And they will give us a lot of slack if they think we are basically doing the right thing, if we are doing our best—it may not be perfect but doing our best, and that is what we should do. This amendment is not our best. It should be resoundingly defeated.

Madam President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. There is 4 minutes remaining.

Mr. BAUCUS. I yield my 4 minutes to the Senator from Louisiana.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I appreciate the chairman yielding me just a few minutes. I wish to associate myself strongly with his remarks and urge our colleagues on this side to vote against the DeMint amendment. The Senator from Montana is absolutely correct. It is a stunt, and it is a very sad stunt.

If the Senator from South Carolina is trying to wave the flag of small business to try to convince anybody to vote for his amendment, I wanted to put some things in the RECORD that might convince them otherwise. This is a recent report that came out from the Tax Policy Center, the Urban Institute, and the Brookings Institution—very well respected. It is dated August 3, 2010.

I quote:

If the objective—

Which would be the extension of all the Bush tax cuts—

is to help small business, continuing the Bush tax cuts on high-income taxpayers isn't the way to go [because] it would miss 98 percent of small business owners . . .

It would miss 98 percent of small business owners.

So I beg my colleagues, if you want to have this debate over tax cuts, we can have it at a different time. Please don't wave small business out here.

What the Senator from South Carolina will do—the effect of his amendment, according to this very reputable report—would completely miss 98 percent of small businesses in America. They are desperate for help. His amendment misses them by a mile. If

we were in target practice today, he wouldn't pass. He wouldn't hit the target for a mile.

I have been on this floor for over 2 weeks with dozens of Members on this side begging the Republican Party on that side to do something before we leave to help small business. There is \$12 billion of tax cuts directly to them. The Senator from South Carolina voted no.

We have \$30 billion that will turn into a \$300 billion lending program directly to small businesses. Small businesses are the only people who could get it and community banks are the only people who could access it. Did the Senator from South Carolina vote yes or no? He voted no.

This is a stunt, and it is a sad stunt. I tell my colleagues, there is a lot at stake. I know my 4 minutes is over, but I wanted to come and strongly urge my colleagues to follow the lead of the chairman and vote no on this sad stunt.

Mr. DEMINT. Madam President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 55 seconds remaining.

Mr. DEMINT. Madam President, I think it is a sad day in the Senate when keeping current tax rates the same and stopping the largest tax increase in history is called a stunt.

Over the last few weeks, the Democrats have voted to raise taxes on dividends and capital gains, affecting many senior citizens, and raised the death tax to over half of what people leave to their families. Now, today, they want to raise the marginal income tax rates. If we left the tax rates the same, it would do more to help small businesses and jobs in America than any of the bailout or targeted programs my colleagues are talking about.

My Democratic colleagues have had 4 years to address the coming tax increase and have done nothing. It is very important, but it is sad that they will not address it. They will do every kind of government program that comes to mind, but they won't leave the money in the hands of the American people so we can grow our economy.

I encourage my colleagues but also the American people to look in on what is happening today.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BAUCUS. Madam President, I would just like to correct the statement made by the Senator from South Carolina. He is saying this side has not wanted to extend tax cuts. That is totally inaccurate. This side does want to extend tax cuts, and we will. Come September, the Senator from South Carolina is going to see that this side of the aisle very definitely wants to extend those Bush tax cuts, including the 2001 cuts, the 2003 cuts. The only question is

how much to do on AMT and how much to do on Federal estate tax. But we do want to extend them.

I see he is walking off the floor because I think he knows I am right and he doesn't want to have to hear it, but the fact is, we are going to extend. We will do our level best. The real question is whether we will have 60 votes to get that passed. That remains to be seen. I hope that happens. I don't see any Senators on that side of the aisle right now, but I hope there are a few—at least one—so hopefully we will get 60 votes in September. But we will make very strong recommendations to extend these tax cuts—maybe not all, entirely, but the vast bulk of them—in an effort to help the American people.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. DEMINT. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—42

Alexander	Crapo	Lincoln
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Nelson (NE)
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	LeMieux	Wicker

NAYS—58

Akaka	Gillibrand	Nelson (FL)
Baucus	Goodwin	Pryor
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burris	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Levin	Voinovich
Dodd	Lieberman	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 42, the nays are 58. Two-thirds of the Senators voting not having voted in the affirmative, the motion is rejected.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, I ask unanimous consent that the next two votes be 10 minutes in duration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. The question is on the second motion to suspend.

The Senator from South Carolina.

Mr. DEMINT. Madam President, I think all of us know—

The ACTING PRESIDENT pro tempore. All debate time has expired.

Mr. DEMINT. Madam President, may I have 1 minute to explain the amendment?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. Madam President, we all know the economic engine in this country is small businesses. Most of our jobs come from small businesses. It makes no sense in the middle of a recession for us to take more money from small businesses and bring it here.

This amendment simply keeps current tax rates the same for those who file individually as part of their small businesses. It is a simple idea. I think we all agree on it. It is important that we do it before the break and let small businesses know they can plan for next year. They can hire people. They can help grow our economy. I encourage my colleagues to support it.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Madam President, I ask for 1 minute.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I do not know anybody who can responsibly vote for this amendment because we do not know what it is. What is the definition of "small business"? It could be anything. I think it is a thinly veiled attempt to address the top rates. We are only talking about the top rates in effect.

The other amendment was totally irresponsible. It required a \$3 trillion cut in spending over 10 years; \$3 trillion—not a "b," a "t." This one is in the same vein.

Also, I think it is irresponsible because these are problems we must address seriously when we come back, not take this lightly with message amendments but seriously address when we come back in September what we do with the tax cuts and what we do on the deficits.

I strongly urge my colleagues to vote against this motion.

The PRESIDING OFFICER (Mrs. HAGAN). The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 42, nays 58, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—42

Alexander	Crapo	Lincoln
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Nelson (NE)
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	LeMieux	Wicker

NAYS—58

Akaka	Gillibrand	Nelson (FL)
Baucus	Goodwin	Pryor
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burris	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Levin	Voinovich
Dodd	Lieberman	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 58. Two-thirds of the Senators voting not having voted in the affirmative, the motion is rejected.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I understand there is a pay-go statement that needs to be read into the RECORD. I ask that be done at this point.

The PRESIDING OFFICER. The clerk will read the statement.

The legislative clerk read as follows:

Mr. Conrad submits this Statement of Budgetary Effects of PAYGO Legislation for H.R. 1586, as amended by Senate amendment No. 4575. Total Budgetary Effects of H.R. 1586 for the 5-year Statutory PAYGO Scorecard, net increase in the deficit of \$19.767 billion; Total Budgetary Effects of H.R. 1586 for the 10-year Statutory PAYGO Scorecard, net increase in the deficit of \$12.634 billion. Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional budgetary effects of this Act.

The table is as follows:

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR SENATE AMENDMENT 4575, CONTAINING PROPOSALS RELATED TO EDUCATION, STATE FISCAL RELIEF, THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, RESCISSIONS, AND REVENUE OFFSETS (AS INTRODUCED IN THE SENATE ON AUGUST 2, 2010—AEG10260)

(Millions of dollars, by fiscal year)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010– 2015	2010– 2020
Net Budgetary Impact	– 13	22,364	803	– 1,737	– 4,963	– 6,180	– 4,267	– 2,749	– 1,863	– 1,396	– 1,368	10,273	– 1,371
Less:													
Previously Designated as Emergency Requirements ¹	– 13	– 111	– 216	– 666	– 3,731	– 4,757	– 2,781	– 1,292	– 438	0	0	– 9,494	– 14,005
Statutory Pay-As-You-Go Impact	0	22,475	1,019	– 1,071	– 1,232	– 1,423	– 1,486	– 1,457	– 1,425	– 1,396	– 1,368	19,767	12,634

Note: Components may not sum to totals because of rounding.

¹ Savings in Titles II and III that would result from changes to programs and rescissions of funds previously designated as emergency.

Sources: Congressional Budget Office and Joint Committee on Taxation.

Mr. LEVIN. Madam President, there can be no doubt of the need for this bill, which includes an extension of enhanced Medicaid funding to States and funding to help keep teachers in the classroom and out of the unemployment line. Failure to enact this extension would place services to those most in need at terrible risk, and it would place many States, including my own, in an untenable budget situation.

Failure to enact the continued enhancement of Federal assistance for Medicaid and other health care programs would leave a hole more than \$300 million wide in the budget of my State. Other States would face similar shortfalls. Plugging that hole in the current economic environment would almost certainly require service cuts or tax increases above and beyond those suffered already by so many of our States.

There is also little doubt of the need for the funding included in this bill to preserve teaching jobs. In the current climate, we should be looking for ways to preserve jobs. But that is especially true when loss of the jobs at stake would harm not only workers and their families, but students depending on these teachers to help them prepare for the future. Failing to approve this funding would damage our nation now and in the future.

The excuses our colleagues on the Republican side of the aisle have used to prevent passage of important legislation in recent weeks do not apply here. This measure is fully paid for. I regret that some of the pay-fors are accomplished by borrowing from other important programs, and efforts are under way to correct that problem.

Mr. DURBIN. Madam President, I come to the Floor today to discuss something very important to Illinois and so many others states FMAP.

As part of the American Recovery and Reinvestment Act, we increased the Federal matching rate for Medicaid, FMAP.

This is smart policy in a recession, because not only does it help people in a time of need, it is also one of the most effective ways to stimulate the economy.

Temporarily increasing Medicaid costs allows States to sustain their programs, rather than cutting them when families need them most.

It also generates business activity, jobs and wages in States that they would not otherwise have seen.

But the temporary FMAP increase we passed is scheduled to end on December 31 right in the middle of most States' fiscal year.

For the 3rd consecutive year, States are facing vast revenue shortfalls. One estimate is that States will face deficits of over \$350 billion over the next 30 months.

As a result, at least 30 States are proposing cuts to their Medicaid programs for fiscal year 2011—cuts that will harm people right when they need help most.

These include cuts to eligibility, fewer benefits, more cost-sharing, and lower payments to the medical providers who see Medicaid patients.

The measure we are considering today would extend and phase out increases in the Medicaid matching rate for 6 months, through June 30, 2011.

It will provide \$16.1 billion to States to ensure that they continue to receive an increased FMAP rate through the end of most States' fiscal years.

Illinois would receive about \$550 million in Federal funding to help keep the State's Medicaid program afloat.

The spending in this measure is fully offset. It will not add a dime to the Federal deficit.

My home State of Illinois is facing a budget shortfall of \$13 billion in FY11.

This is at a time when the unemployment rate was 10.4 percent in June, and the State's revenues from sales tax and individual and corporate income taxes are down more than \$3 billion since the fiscal year 08 peak.

The State doesn't expect to return to fiscal year 08 revenue levels based on the current tax rates until fiscal year 15.

Because of this deficit the State has already started making hard choices.

Just last week, the Governor announced that to save \$18 million, 2,700 non-union State workers would be required to take 24 days off without pay.

That is just one measure to save money, and they will be forced to consider additional painful cuts if we do not extend the increased FMAP rate through the end of the State's fiscal year.

Today, the Medicaid program in Illinois covers 2.6 million low- and moderate-income people in the State, in-

cluding children, pregnant women and people with developmental disabilities and mental illness.

Illinois saw its FMAP rate increase from 50 percent to 62 percent as a result of the Economic Recovery spending.

The state of Illinois assumed a 6-month FMAP extension in its fiscal year 2011 budget.

Without an extension, the State will be short an additional \$750 million this year.

Illinois has reviewed its Medicaid program, and determined that without an extension of the increased Federal matching rate, it may be forced to consider eliminating services for: 168,000 children from families with incomes just above the Federal Poverty Level; 18,000 adults from families with incomes greater than 133 percent of the Federal Poverty level; 200,000 adults covered by Illinois Cares RX—a state program that helps low-income adults afford prescription drugs; 63,000 children covered by Allkids—a comprehensive State program to provide insurance to kids who would otherwise not have health insurance.

Illinois was not alone in planning for a 6-month FMAP extension in 2011.

In fact, 30 States assumed that an extension would be provided, and as of today, about half of those states do not yet have contingency plans for how to balance their budgets if an FMAP extension is not passed.

If Congress does not extend the funds, governors and legislatures will have to revisit those budgets and consider new cuts, which will hurt the Nation's most vulnerable residents and will affect a variety of services.

These will be on top of cuts that have already been made over the past few years.

The National Association of State Budget Officers estimates that even as the need for State-funded services rose, states cut funding for services by 4 percent for fiscal year 2009 and almost 5 percent for 2010.

That's why 47 governors—Democrats and Republicans alike—have signed a National Governor's Association letter urging Congress to extend the Recovery Act's additional Medicaid funding.

In these difficult economic times, we are trying to help Americans return to work AND take care of those who are between jobs.

These benefits include continued access to quality health care under the Medicaid program.

Extending and phasing down the increased FMAP rate for another 6 months is a win-win for all of us. It will protect the most vulnerable during this time of need and provide immediate relief to State and local economies.

MEDICAID PHARMACY REIMBURSEMENT

Mrs. LINCOLN. I ask to engage in a brief colloquy with the distinguished Senate majority leader and Senator MURRAY as it relates to the intent of a provision in this legislation regarding average manufacturer price—or AMP.

Do I understand that the provision in section 202 of this bill is solely intended to ensure that Medicaid rebates are collected from the manufacturers of the particular drugs specified in the bill, that is inhalation, infusion, instilled, implanted, or injectable drugs not generally sold at retail pharmacies?

Mr. REID. Yes, the intention of this provision is to ensure that rebate dollars are collected for those particular drugs. Drug rebate dollars have long helped support state Medicaid programs and the provision will ensure an accurate calculation of AMP for the purposes of these drug rebates.

Mrs. MURRAY. I thank the Senator for engaging in a colloquy with Senator LINCOLN and me and would also like to clarify that this provision is in no way intended to impact reimbursement to retail pharmacies participating in the Medicaid Program. Is that the Senator's understanding?

Mr. REID. The Senator is correct. The Secretary should direct drug manufacturers to calculate AMPs for these drugs to allow States to collect rebates. In order to maintain pharmacy reimbursement at appropriate levels for these drugs, the Secretary should use the discretion that is provided under the Patient Protection and Accountability Care Act to calculate a Federal upper limit, FUL, at an amount that is at least 175 percent of the weighted average AMP for those covered outpatient drugs.

Mrs. LINCOLN. We would like to thank the leader for his clarification and shared goal of protecting access to critical drug therapies for vulnerable populations at retail pharmacies.

Mrs. MURRAY. I agree.

Mr. REID. I agree with the Senators on the importance of protecting beneficiaries' access to these drug therapies and the retail pharmacies that faithfully serve them. I thank the Senators for their shared commitment to this goal.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask for the yeas on the motion to concur in the House amendment to the Senate amendment to H.R. 1586 with amendment No. 4575.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Amendment No. 4576 is withdrawn.

The question is on agreeing to the motion to concur in the House amendment to H.R. 1586, with amendment No. 4575.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—61

Akaka	Gillibrand	Nelson (NE)
Baucus	Goodwin	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burr	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NAYS—39

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Voinovich
Cornyn	Kyl	Wicker

The motion was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNET. Madam President, today I was proud to vote for final passage of the amendment offered by Senators MURRAY, HARKIN, SCHUMER and REID to the FAA authorization bill. This amendment brings long overdue good news to teachers and kids in Colorado and those worried about losing access to the health care they need. I was elated to see the Senate break through the usual gridlock and pass this important legislation.

The package will save thousands of jobs and protect health services for kids and vulnerable populations across Colorado and the country. During this savage economy that is hurting families all over our state and our country, as we work to get our ship righted, our kids and our schools should be at the top of our list of priorities.

If we are going to ensure that we leave more opportunity for our kids than we ourselves have had then we must remain committed to education—to set the table for our kids' futures; to

prepare them for the competitive world that awaits them; and to enrich their lives with a better education than the one that was offered to us.

I have tried to be a leader in the fight for the Medicaid Federal Medical Assistance Percentage, FMAP, funding and saving teachers' jobs. I was an original cosponsor of the Keep Our Educators Working Act of 2010, introduced by Senator TOM HARKIN. In February, I also led a group of 43 of my Senate colleagues in submitting a letter urging the majority leader to provide States with an additional 6-month FMAP extension.

The Medicaid FMAP extension passed today by the Senate was crucial in the effort to keep public servants at work across the country. Without it, States would be forced to layoff tens of thousands of more teachers and other public employees, cut education funding even further, and further reduce payments to health care providers. More than 900,000 public and private sector jobs could be lost.

Colorado alone would lose more than \$200 million if the FMAP extension fell victim to Washington politics. Cuts could include eliminating state aid for full-day kindergarten for 35,000 children, eliminating preschool aid for 21,000 children, and increasing overcrowding in juvenile detention facilities, according to the Center on Budget and Policy Priorities. The education jobs funding would prevent the loss of between 2,000 and 3,000 teacher jobs in Colorado alone.

I am glad to see this package is paid for. However, I was very concerned about the House package which paid for teacher jobs in part by cutting education reform programs. I joined 15 of my colleagues in signing a letter requesting that we find other offsets to pay for this important measure. I am very pleased that we were able to avert the cuts to critical education programs and save teachers' jobs—all without raising the deficit.

Additionally, while I strongly support the measure, in no small part because it is completely paid for and does not add one dime to our deficit, I would like to raise a strong concern with one of the pay-fors in this package. A rescission of \$1.5 billion from the Department of Energy's, DOE, renewable energy loan guarantee program was used to help offset this amendment.

In Colorado this important program has helped foster tremendous growth in the clean energy economy. Just last month, President Obama announced a conditional loan guarantee for a solar manufacturing facility in my home state and there are dozens of job creating renewable energy projects across the country waiting for approval from DOE.

This rescission places \$15 to \$20 billion of private investment in clean energy investment in jeopardy. While I

am constantly reminded that the Senate needs to make tough choices as we strive to be fiscally responsible, I am compelled to raise my objection to this offset. It is my sincere hope that, in the future, this Chamber, the House of Representatives and the administration will avoid tapping into what are already scarce clean energy investments to pay for what are admittedly important recession-stopping items such as the ones we approved today.

Mr. NELSON of Nebraska. Madam President, earlier today, I voted in favor of two motions designed to extend the 2001 and 2003 tax cuts. Let me be clear, I strongly support extending individual income tax rates. While I voted in favor of these motions to show my support for extending the tax cuts, I do not agree with the tactics being used to advance this goal. The repeated attempts to suspend rule XXII in order to make a motion to commit a bill back to committee are becoming part of an ongoing dilatory effort in the Senate. These tactics are not a serious attempt to come up with a legislative solution but are designed only to score political points and slow the progress of the underlying bill. The American taxpayers deserve more. I believe that instead of looking to score points both parties should work together on a serious effort to extend these expiring tax provisions, not waste time with procedural distractions.

INTELLIGENCE AUTHORIZATION
ACT FOR FISCAL YEAR 2010

Mrs. FEINSTEIN. Madam President, I ask unanimous consent the Senate proceed to immediate consideration of Calendar No. 467, S. 3611.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3611) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United

States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent the amendment at the desk be considered and agreed to, and the bill, as amended, be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4588) was agreed to, as follows:

(Purpose: To strike provisions enacted by the Supplemental Appropriations Act, 2010 and to improve the bill)

On page 12, strike lines 3 through 9 and insert the following:

SEC. 106. BUDGETARY PROVISIONS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Beginning on page 88, strike line 20 and all that follows through page 89, lines 16 and insert the following:

(1) CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, the Director of National Intelligence, in consultation with the Secretary of Defense, shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. The Director of National Intelligence may authorize redactions of the report and any associated materials submitted pursuant to this paragraph, if such redactions are consistent with the protection of sensitive intelligence sources and methods.

(2) CONGRESSIONAL JUDICIARY COMMITTEES.—To the extent that the report required by subsection (a) addresses an ele-

ment of the intelligence community within the Department of Justice, the Director of National Intelligence, in consultation with the Attorney General, shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. The Director of National Intelligence may authorize redactions of the report and any associated materials submitted pursuant to this paragraph, if such redactions are consistent with the protection of sensitive intelligence sources and methods.

Beginning on page 89, strike line 17 and all that follows through page 91, line 6.

Beginning on page 91, strike line 10 and all that follows through page 92, line 15.

On page 214, line 16, strike "committees" and insert "committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives".

The bill (S. 3611), as amended, was ordered to be engrossed for a third reading and was read the third time.

Mrs. FEINSTEIN. I now ask the pay-go letter from the Budget Committee be read, that upon its reading the bill, as amended, be passed, and the motion to reconsider be laid upon the table, with any statements relating thereto printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read as follows:

Mr. CONRAD. This is the Statement of Budgetary Effects of PAYGO Legislation for S. 3611.

Total Budgetary Effects of S. 3611 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of S. 3611 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act.

The table is as follows:

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR S. 3611, THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010, AS REPORTED BY THE SENATE SELECT COMMITTEE ON INTELLIGENCE ON JULY 19, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Statutory Pay-As-You-Go Impact ^a	0	0	0	0	0	0	0	0	0	0	0	0	0

^a The legislation would authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

The bill (S. 3611), as amended, was passed, as follows:

S. 3611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2010".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL
AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Restriction on conduct of intelligence activities.

Sec. 106. Budgetary provisions.

TITLE II—CENTRAL INTELLIGENCE
AGENCY RETIREMENT AND
DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

Sec. 202. Technical modification to mandatory retirement provision of the Central Intelligence Agency Retirement Act.

TITLE III—GENERAL INTELLIGENCE
COMMUNITY MATTERS

Subtitle A—Personnel Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Enhanced flexibility in nonreimbursable details to elements of the intelligence community.

Sec. 303. Pay authority for critical positions.

Sec. 304. Award of rank to members of the Senior National Intelligence Service.

Sec. 305. Annual personnel level assessments for the intelligence community.

Sec. 306. Temporary personnel authorizations for critical language training.

Sec. 307. Conflict of interest regulations for intelligence community employees.

Subtitle B—Education Programs

Sec. 311. Permanent authorization for the Pat Roberts Intelligence Scholars Program.

Sec. 312. Modifications to the Louis Stokes Educational Scholarship Program.

Sec. 313. Intelligence officer training program.

Sec. 314. Pilot program for intensive language instruction in African languages.

Subtitle C—Acquisition Matters

Sec. 321. Vulnerability assessments of major systems.

Sec. 322. Intelligence community business system transformation.

Sec. 323. Reports on the acquisition of major systems.

Sec. 324. Critical cost growth in major systems.

Sec. 325. Future budget projections.

Sec. 326. National Intelligence Program funded acquisitions.

Subtitle D—Congressional Oversight, Plans, and Reports

Sec. 331. Notification procedures.

Sec. 332. Certification of compliance with oversight requirements.

Sec. 333. Report on detention and interrogation activities.

Sec. 334. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 335. Report and strategic plan on biological weapons.

Sec. 336. Cybersecurity oversight.

Sec. 337. Report on foreign language proficiency in the intelligence community.

Sec. 338. Report on plans to increase diversity within the intelligence community.

Sec. 339. Report on intelligence community contractors.

Sec. 340. Study on electronic waste destruction practices of the intelligence community.

Sec. 341. Review of records relating to potential health risks among Desert Storm veterans.

Sec. 342. Review of Federal Bureau of Investigation exercise of enforcement jurisdiction in foreign nations.

Sec. 343. Public release of information on procedures used in narcotics airbridge denial program in Peru.

Sec. 344. Report on threat from dirty bombs.

Sec. 345. Report on creation of space intelligence office.

Sec. 346. Report on attempt to detonate explosive device on Northwest Airlines flight 253.

Sec. 347. Repeal or modification of certain reporting requirements.

Sec. 348. Incorporation of reporting requirements.

Sec. 349. Conforming amendments for report submission dates.

Subtitle E—Other Matters

Sec. 361. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.

Sec. 362. Modification of availability of funds for different intelligence activities.

Sec. 363. Protection of certain national security information.

Sec. 364. National Intelligence Program budget.

Sec. 365. Improving the review authority of the Public Interest Declassification Board.

Sec. 366. Authority to designate undercover operations to collect foreign intelligence or counterintelligence.

Sec. 367. Security clearances: reports; reciprocity.

Sec. 368. Correcting long-standing material weaknesses.

Sec. 369. Intelligence community financial improvement and audit readiness.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Accountability reviews by the Director of National Intelligence.

Sec. 402. Authorities for intelligence information sharing.

Sec. 403. Location of the Office of the Director of National Intelligence.

Sec. 404. Title and appointment of Chief Information Officer of the Intelligence Community.

Sec. 405. Inspector General of the Intelligence Community.

Sec. 406. Chief Financial Officer of the Intelligence Community.

Sec. 407. Leadership and location of certain offices and officials.

Sec. 408. Protection of certain files of the Office of the Director of National Intelligence.

Sec. 409. Counterintelligence initiatives for the intelligence community.

Sec. 410. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.

Sec. 411. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.

Sec. 412. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.

Sec. 413. Misuse of the Office of the Director of National Intelligence name, initials, or seal.

Sec. 414. Plan to implement recommendations of the data center energy efficiency reports.

Sec. 415. Director of National Intelligence support for reviews of International Traffic in Arms Regulations and Export Administration Regulations.

Subtitle B—Central Intelligence Agency

Sec. 421. Additional functions and authorities for protective personnel of the Central Intelligence Agency.

Sec. 422. Appeals from decisions involving contracts of the Central Intelligence Agency.

Sec. 423. Deputy Director of the Central Intelligence Agency.

Sec. 424. Authority to authorize travel on a common carrier.

Sec. 425. Inspector General for the Central Intelligence Agency.

Sec. 426. Budget of the Inspector General for the Central Intelligence Agency.

Sec. 427. Public availability of unclassified versions of certain intelligence products.

Subtitle C—Defense Intelligence Components

Sec. 431. Inspector general matters.

Sec. 432. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.

Sec. 433. Director of Compliance of the National Security Agency.

Subtitle D—Other Elements

Sec. 441. Codification of additional elements of the intelligence community.

Sec. 442. Authorization of appropriations for Coast Guard National Tactical Integration Office.

Sec. 443. Retention and relocation bonuses for the Federal Bureau of Investigation.

Sec. 444. Extension of the authority of the Federal Bureau of Investigation to waive mandatory retirement provisions.

Sec. 445. Report and assessments on transformation of the intelligence capabilities of the Federal Bureau of Investigation.

TITLE V—REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

Sec. 501. Reorganization of the Diplomatic Telecommunications Service Program Office.

TITLE VI—FOREIGN INTELLIGENCE AND INFORMATION COMMISSION ACT

Sec. 601. Short title.

Sec. 602. Definitions.

Sec. 603. Establishment and functions of the Commission.

Sec. 604. Members and staff of the Commission.

Sec. 605. Powers and duties of the Commission.

Sec. 606. Report of the Commission.

Sec. 607. Termination.

Sec. 608. Nonapplicability of Federal Advisory Committee Act.

Sec. 609. Authorization of appropriations.

TITLE VII—OTHER MATTERS

Sec. 701. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

Sec. 702. Classification review of executive branch materials in the possession of the congressional intelligence committees.

TITLE VIII—TECHNICAL AMENDMENTS

Sec. 801. Technical amendments to the Foreign Intelligence Surveillance Act of 1978.

Sec. 802. Technical amendments to the Central Intelligence Agency Act of 1949.

Sec. 803. Technical amendments to title 10, United States Code.

- Sec. 804. Technical amendments to the National Security Act of 1947.
- Sec. 805. Technical amendments relating to the multiyear National Intelligence Program.
- Sec. 806. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
- Sec. 807. Technical amendments to the Executive Schedule.
- Sec. 808. Technical amendments to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.
- Sec. 809. Technical amendments to section 602 of the Intelligence Authorization Act for Fiscal Year 1995.
- Sec. 810. Technical amendments to section 403 of the Intelligence Authorization Act, Fiscal Year 1992.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Office of the Director of National Intelligence.
- (2) The Central Intelligence Agency.
- (3) The Department of Defense.
- (4) The Defense Intelligence Agency.
- (5) The National Security Agency.
- (6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (7) The Coast Guard.
- (8) The Department of State.
- (9) The Department of the Treasury.
- (10) The Department of Energy.
- (11) The Department of Justice.
- (12) The Federal Bureau of Investigation.
- (13) The Drug Enforcement Administration.
- (14) The National Reconnaissance Office.
- (15) The National Geospatial-Intelligence Agency.
- (16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel levels (expressed as full-time equivalent positions) as of September 30, 2010, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill S. 3611 of the One Hundred Eleventh Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The

President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize the employment of civilian personnel in excess of the number of full-time equivalent positions for fiscal year 2010 authorized by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary for the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such section for such element.

(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACT PERSONNEL.—

(1) IN GENERAL.—In addition to the authority in subsection (a) and subject to paragraph (2), if the head of an element of the intelligence community makes a determination that activities currently being performed by contract personnel should be performed by employees of such element, the Director of National Intelligence, in order to reduce a comparable number of contract personnel, may authorize for that purpose employment of additional full-time equivalent personnel in such element equal to the number of full-time equivalent contract personnel performing such activities.

(2) CONCURRENCE AND APPROVAL.—The authority described in paragraph (1) may not be exercised unless the Director of National Intelligence concurs with the determination described in such paragraph.

(c) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment—

- (1) in a student program, trainee program, or similar program;
- (2) in a reserve corps or as a reemployed annuitant; or
- (3) in details, joint duty, or long-term, full-time training.

(d) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to the initial exercise of an authority described in subsection (a) or (b).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2010 the sum of \$710,612,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2011.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 822 full-time equivalent personnel as of September 30, 2010. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2010 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts made available for advanced research and development shall remain available until September 30, 2011.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2010, there are authorized such full-time equivalent personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 105. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 106. BUDGETARY PROVISIONS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2010 the sum of \$290,900,000.

SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Subparagraph (A) of section 235(b)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)) is amended by striking “receiving compensation under the Senior Intelligence Service pay schedule at the rate” and inserting “who is at the Senior Intelligence Service rank”.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. ENHANCED FLEXIBILITY IN NONREIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is

amended by inserting after section 113 the following new section:

“DETAIL OF OTHER PERSONNEL

“SEC. 113A. Except as provided in section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c(g)(2)) and section 113 of this Act, and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the National Intelligence Program from another element of the intelligence community or from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the head of the receiving element and the head of the detailing element, for a period not to exceed 2 years.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 113 the following new item:

“Sec. 113A. Detail of other personnel.”.

SEC. 303. PAY AUTHORITY FOR CRITICAL POSITIONS.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

“(s) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in coordination with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to the head of a department or agency to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

“(2) Authority under this subsection may be granted or exercised only—

“(A) with respect to a position that requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

“(B) to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

“(3) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

“(4) The head of a department or agency may not fix a rate of basic pay under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

“(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

“(6)(A) The Director of National Intelligence shall notify the congressional intel-

ligence committees not later than 30 days after the date on which the Director grants authority to the head of a department or agency under this subsection.

“(B) The head of a department or agency to which the Director of National Intelligence grants authority under this subsection shall notify the congressional intelligence committees and the Director of the exercise of such authority not later than 30 days after the date on which such head exercises such authority.”.

SEC. 304. AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 303 of this Act, is further amended by adding at the end the following new subsection:

“(t) AWARD OF RANK TO MEMBERS OF THE SENIOR NATIONAL INTELLIGENCE SERVICE.—(1) The President, based on the recommendation of the Director of National Intelligence, may award a rank to a member of the Senior National Intelligence Service or other intelligence community senior civilian officer not already covered by such a rank award program in the same manner in which a career appointee of an agency may be awarded a rank under section 4507 of title 5, United States Code.

“(2) The President may establish procedures to award a rank under paragraph (1) to a member of the Senior National Intelligence Service or a senior civilian officer of the intelligence community whose identity as such a member or officer is classified information (as defined in section 606(1)).”.

SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) ASSESSMENT.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

“ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY

“SEC. 506B. (a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of each element of the intelligence community, prepare an annual personnel level assessment for such element that assesses the personnel levels for such element for the fiscal year following the fiscal year in which the assessment is submitted.

“(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year at the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code.

“(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain the following information for the element of the intelligence community concerned:

“(1) The budget submission for personnel costs for the upcoming fiscal year.

“(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

“(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

“(4) The number of full-time equivalent positions that is the basis for which personnel funds are requested for the upcoming fiscal year.

“(5) The numerical and percentage increase or decrease of the number referred to

in paragraph (4) as compared to the number of full-time equivalent positions of the current fiscal year.

“(6) The numerical and percentage increase or decrease of the number referred to in paragraph (4) as compared to the number of full-time equivalent positions during the prior 5 fiscal years.

“(7) The best estimate of the number and costs of core contract personnel to be funded by the element for the upcoming fiscal year.

“(8) The numerical and percentage increase or decrease of such costs of core contract personnel as compared to the best estimate of the costs of core contract personnel of the current fiscal year.

“(9) The numerical and percentage increase or decrease of such number and such costs of core contract personnel as compared to the number and cost of core contract personnel during the prior 5 fiscal years.

“(10) A justification for the requested personnel and core contract personnel levels.

“(11) The best estimate of the number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

“(12) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

“(A) internal infrastructure to support the requested personnel and core contract personnel levels;

“(B) training resources to support the requested personnel levels; and

“(C) funding to support the administrative and operational activities of the requested personnel levels.”.

(b) APPLICABILITY DATE.—The first assessment required to be submitted under section 506B(b) of the National Security Act of 1947, as added by subsection (a), shall be submitted to the congressional intelligence committees at the time that the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section such Act, as amended by section 302 of this Act, is further amended by inserting after the item relating to section 506A the following new item:

“Sec. 506B. Annual personnel level assessments for the intelligence community.”.

SEC. 306. TEMPORARY PERSONNEL AUTHORIZATIONS FOR CRITICAL LANGUAGE TRAINING.

Section 102A(e) of the National Security Act of 1947 (50 U.S.C. 403–1(e)) is amended by—

(1) redesignating paragraph (3) as paragraph (4); and

(2) inserting after paragraph (2) the following new paragraph:

“(3)(A) In addition to the number of full-time equivalent positions authorized for the Office of the Director of National Intelligence for a fiscal year, there is authorized for such Office for each fiscal year an additional 100 full-time equivalent positions that may be used only for the purposes described in subparagraph (B).

“(B) Except as provided in subparagraph (C), the Director of National Intelligence may use a full-time equivalent position authorized under subparagraph (A) only for the purpose of providing a temporary transfer of personnel made in accordance with paragraph (2) to an element of the intelligence community to enable such element to increase the total number of personnel authorized for such element, on a temporary basis—

“(i) during a period in which a permanent employee of such element is absent to participate in critical language training; or

“(ii) to accept a permanent employee of another element of the intelligence community to provide language-capable services.

“(C) Paragraph (2)(B) shall not apply with respect to a transfer of personnel made under subparagraph (B).

“(D) The Director of National Intelligence shall submit to the congressional intelligence committees an annual report on the use of authorities under this paragraph. Each such report shall include a description of—

“(i) the number of transfers of personnel made by the Director pursuant to subparagraph (B), disaggregated by each element of the intelligence community;

“(ii) the critical language needs that were fulfilled or partially fulfilled through the use of such transfers; and

“(iii) the cost to carry out subparagraph (B).”

SEC. 307. CONFLICT OF INTEREST REGULATIONS FOR INTELLIGENCE COMMUNITY EMPLOYEES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1), as amended by section 304 of this Act, is further amended by adding at the end the following new subsection:

“(u) **CONFLICT OF INTEREST REGULATIONS.**—(1) The Director of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

“(2) The Director of National Intelligence shall annually submit to the congressional intelligence committees a report describing all outside employment for officers and employees of elements of the intelligence community that was authorized by the head of an element of the intelligence community during the preceding calendar year. Such report shall be submitted each year on the date provided in section 507.”

Subtitle B—Education Programs

SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROBERTS INTELLIGENCE SCHOLARS PROGRAM.

(a) **PERMANENT AUTHORIZATION.**—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.) is amended by adding at the end the following new section:

“PROGRAM ON RECRUITMENT AND TRAINING

“SEC. 1022. (a) **PROGRAM.**—(1) The Director of National Intelligence shall carry out a program to ensure that selected students or former students are provided funds to continue academic training, or are reimbursed for academic training previously obtained, in areas of specialization that the Director, in consultation with the other heads of the elements of the intelligence community, identifies as areas in which the current capabilities of the intelligence community are deficient or in which future capabilities of the intelligence community are likely to be deficient.

“(2) A student or former student selected for participation in the program shall commit to employment with an element of the intelligence community, following completion of appropriate academic training, under such terms and conditions as the Director considers appropriate.

“(3) The program shall be known as the Pat Roberts Intelligence Scholars Program.

“(b) **ELEMENTS.**—In carrying out the program under subsection (a), the Director shall—

“(1) establish such requirements relating to the academic training of participants as the Director considers appropriate to ensure that participants are prepared for employment as intelligence professionals; and

“(2) periodically review the areas of specialization of the elements of the intelligence community to determine the areas in which such elements are, or are likely to be, deficient in capabilities.

“(c) **USE OF FUNDS.**—Funds made available for the program under subsection (a) shall be used—

“(1) to provide a monthly stipend for each month that a student is pursuing a course of study;

“(2) to pay the full tuition of a student or former student for the completion of such course of study;

“(3) to pay for books and materials that the student or former student requires or required to complete such course of study;

“(4) to pay the expenses of the student or former student for travel requested by an element of the intelligence community in relation to such program; or

“(5) for such other purposes the Director considers reasonably appropriate to carry out such program.”

(b) CONFORMING AMENDMENTS.—

(1) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of such Act, as amended by section 305 of this Act, is further amended—

(A) by transferring the item relating to section 1002 so such item immediately follows the item relating to section 1001; and

(B) by inserting after the item relating to section 1021 the following new item:

“Sec. 1022. Program on recruitment and training.”

(2) REPEAL OF PILOT PROGRAM.—

(A) **AUTHORITY.**—Section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 441g note) is repealed.

(B) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in section 1 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 117 Stat. 2599) is amended by striking the item relating to section 318.

SEC. 312. MODIFICATIONS TO THE LOUIS STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.

(a) **EXPANSION OF THE LOUIS STOKES EDUCATIONAL SCHOLARSHIP PROGRAM TO GRADUATE STUDENTS.**—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subsection (a)—

(A) by inserting “and graduate” after “undergraduate”; and

(B) by striking “the baccalaureate” and inserting “a baccalaureate or graduate”;

(2) in subsection (b), by inserting “or graduate” after “undergraduate”;

(3) in subsection (e)(2), by inserting “and graduate” after “undergraduate”; and

(4) by adding at the end the following new subsection:

“(h) The undergraduate and graduate training program established under this section shall be known as the Louis Stokes Educational Scholarship Program.”

(b) **AUTHORITY FOR PARTICIPATION BY INDIVIDUALS WHO ARE NOT EMPLOYED BY THE UNITED STATES GOVERNMENT.—**

(1) **IN GENERAL.**—Subsection (b) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a)(2), is further amended by striking “civilian employees” and inserting “civilians who may or may not be employees”.

(2) **CONFORMING AMENDMENTS.**—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (a), is further amended—

(A) in subsection (c), by striking “employees” and inserting “program participants”; and

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), strike “an employee of the Agency,” and insert “a program participant,”;

(II) in subparagraph (A), by striking “employee” and inserting “program participant”;

(III) in subparagraph (C)—

(aa) by striking “employee” each place that term appears and inserting “program participant”; and

(bb) by striking “employee’s” each place that term appears and inserting “program participant’s”; and

(IV) in subparagraph (D)—

(aa) by striking “employee” each place that term appears and inserting “program participant”; and

(bb) by striking “employee’s” each place that term appears and inserting “program participant’s”; and

(i) in paragraph (3)(C)—

(I) by striking “employee” both places that term appears and inserting “program participant”; and

(II) by striking “employee’s” and inserting “program participant’s”.

(c) **TERMINATION OF PROGRAM PARTICIPANTS.**—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by subsection (b)(2)(B)(i)(III), is further amended by striking “terminated” and all that follows and inserting “terminated—

“(i) by the Agency due to misconduct by the program participant;

“(ii) by the program participant voluntarily; or

“(iii) by the Agency for the failure of the program participant to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the program participant under this subsection; and”.

(d) **AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.**—Subsection (e) of Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking “(1) When an employee” and all that follows through “(2) Agency efforts” and inserting “Agency efforts”.

(e) **AUTHORITY OF ELEMENTS OF THE INTELLIGENCE COMMUNITY TO ESTABLISH A STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.—**

(1) **AUTHORITY.**—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.), as amended by section 311 of this Act, is further amended by adding at the end the following new section:

“EDUCATIONAL SCHOLARSHIP PROGRAM

“SEC. 1023. The head of a department or agency containing an element of the intelligence community may establish an undergraduate or graduate training program with respect to civilian employees and prospective civilian employees of such element similar in purpose, conditions, content, and administration to the program that the Secretary of Defense is authorized to establish under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note).”

(2) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947, as amended by section 311 of this Act, is further amended by

inserting after the item relating to section 1022, as added by such section 311, the following new item:

“Sec. 1023. Educational scholarship program.”.

SEC. 313. INTELLIGENCE OFFICER TRAINING PROGRAM.

(a) PROGRAM.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.), as amended by section 312(e) of this Act, is further amended by adding at the end the following new section:

“INTELLIGENCE OFFICER TRAINING PROGRAM

“SEC. 1024. (a) PROGRAMS.—(1) The Director of National Intelligence may carry out grant programs in accordance with subsection (b) to enhance the recruitment and retention of an ethnically and culturally diverse intelligence community workforce with capabilities critical to the national security interests of the United States.

“(2) In carrying out paragraph (1), the Director shall identify the skills necessary to meet current or emergent needs of the intelligence community and the educational disciplines that will provide individuals with such skills.

“(b) INSTITUTIONAL GRANT PROGRAM.—(1) The Director may provide grants to institutions of higher education to support the establishment or continued development of programs of study in educational disciplines identified under subsection (a)(2).

“(2) A grant provided under paragraph (1) may, with respect to the educational disciplines identified under subsection (a)(2), be used for the following purposes:

“(A) Curriculum or program development.

“(B) Faculty development.

“(C) Laboratory equipment or improvements.

“(D) Faculty research.

“(c) APPLICATION.—An institution of higher education seeking a grant under this section shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

“(d) REPORTS.—An institution of higher education that receives a grant under this section shall submit to the Director regular reports regarding the use of such grant, including—

“(1) a description of the benefits to students who participate in the course of study funded by such grant;

“(2) a description of the results and accomplishments related to such course of study; and

“(3) any other information that the Director may require.

“(e) REGULATIONS.—The Director shall prescribe such regulations as may be necessary to carry out this section.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘Director’ means the Director of National Intelligence.

“(2) The term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

(b) REPEAL OF DUPLICATIVE PROVISIONS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Subsections (b) through (g) of section 319 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 403 note).

(B) Section 1003 of the National Security Act of 1947 (50 U.S.C. 441g-2).

(C) Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 50 U.S.C. 402 note).

(2) EXISTING AGREEMENTS.—Notwithstanding the repeals made by paragraph (1),

nothing in this subsection shall be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect in relation to the provisions repealed under paragraph (1) on the day prior to the date of the enactment of this Act.

(3) TECHNICAL AMENDMENT.—Section 319 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 50 U.S.C. 403 note) is amended by striking “(a) FINDINGS.—”.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 312 of this Act, is further amended by striking the item relating to section 1003 and inserting the following new item:

“Sec. 1024. Intelligence officer training program.”.

SEC. 314. PILOT PROGRAM FOR INTENSIVE LANGUAGE INSTRUCTION IN AFRICAN LANGUAGES.

(a) ESTABLISHMENT.—The Director of National Intelligence, in consultation with the National Security Education Board established under section 803(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(a)), may establish a pilot program for intensive language instruction in African languages.

(b) PROGRAM.—A pilot program established under subsection (a) shall provide scholarships for programs that provide intensive language instruction—

(1) in any of the five highest priority African languages for which scholarships are not offered under the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.), as determined by the Director of National Intelligence; and

(2) both in the United States and in a country in which the language is the native language of a significant portion of the population, as determined by the Director of National Intelligence.

(c) TERMINATION.—A pilot program established under subsection (a) shall terminate on the date that is five years after the date on which such pilot program is established.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$2,000,000.

(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until the termination of the pilot program in accordance with subsection (c).

Subtitle C—Acquisition Matters

SEC. 321. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 305 of this Act, is further amended by inserting after section 506B, as added by section 305(a), the following new section:

“VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

“SEC. 506C. (a) INITIAL VULNERABILITY ASSESSMENTS.—(1)(A) Except as provided in subparagraph (B), the Director of National Intelligence shall conduct and submit to the congressional intelligence committees an initial vulnerability assessment for each major system and its significant items of supply—

“(i) except as provided in clause (ii), prior to the completion of Milestone B or an equivalent acquisition decision for the major system; or

“(ii) prior to the date that is 1 year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 in the case of a major system for which Milestone B or an equivalent acquisition decision—

“(I) was completed prior to such date of enactment; or

“(II) is completed on a date during the 180-day period following such date of enactment.

“(B) The Director may submit to the congressional intelligence committees an initial vulnerability assessment required by clause (ii) of subparagraph (A) not later than 180 days after the date such assessment is required to be submitted under such clause if the Director notifies the congressional intelligence committees of the extension of the submission date under this subparagraph and provides a justification for such extension.

“(C) The initial vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach to—

“(i) identify vulnerabilities;

“(ii) define exploitation potential;

“(iii) examine the system’s potential effectiveness;

“(iv) determine overall vulnerability; and

“(v) make recommendations for risk reduction.

“(2) If an initial vulnerability assessment for a major system is not submitted to the congressional intelligence committees as required by paragraph (1), funds appropriated for the acquisition of the major system may not be obligated for a major contract related to the major system. Such prohibition on the obligation of funds for the acquisition of the major system shall cease to apply on the date on which the congressional intelligence committees receive the initial vulnerability assessment.

“(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall, periodically throughout the procurement of a major system or if the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment, conduct a subsequent vulnerability assessment of each major system and its significant items of supply within the National Intelligence Program.

“(2) Upon the request of a congressional intelligence committee, the Director of National Intelligence may, if appropriate, recertify the previous vulnerability assessment or may conduct a subsequent vulnerability assessment of a particular major system and its significant items of supply within the National Intelligence Program.

“(3) Any subsequent vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in clauses (i) through (v) of subsection (a)(1)(C).

“(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the National Intelligence Program budget.

“(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) or (b) not later than 10 days after the date of the completion of such assessment.

“(2) The Director of National Intelligence shall provide the congressional intelligence

committees with a proposed schedule for subsequent periodic vulnerability assessments of a major system under subsection (b)(1) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by paragraph (1).

“(e) DEFINITIONS.—In this section:

“(1) The term ‘item of supply’ has the meaning given that term in section 4(10) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(10)).

“(2) The term ‘major contract’ means each of the 6 largest prime, associate, or Government-furnished equipment contracts under a major system that is in excess of \$40,000,000 and that is not a firm, fixed price contract.

“(3) The term ‘major system’ has the meaning given that term in section 506A(e).

“(4) The term ‘Milestone B’ means a decision to enter into major system development and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

“(5) The term ‘vulnerability assessment’ means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 313 of this Act, is further amended by inserting after the item relating to section 506B, as added by section 305(c) of this Act, the following new item:

“Sec. 506C. Vulnerability assessments of major systems.”.

(b) DEFINITION OF MAJOR SYSTEM.—Paragraph (3) of section 506A(e) of the National Security Act of 1947 (50 U.S.C. 415a-1(e)) is amended by striking “(in current fiscal year dollars)” and inserting “(based on fiscal year 2010 constant dollars)”.

SEC. 322. INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.

(a) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 321 of this Act, is further amended by inserting after section 506C, as added by section 321(a), the following new section:

“INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION

“SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS.—(1) Subject to paragraph (3), no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system transformation that will have a total cost in excess of \$3,000,000 unless—

“(A) the Director of the Office of Business Transformation of the Office of the Director of National Intelligence makes a certification described in paragraph (2) with respect to such intelligence community business system transformation; and

“(B) such certification is approved by the board established under subsection (f).

“(2) The certification described in this paragraph for an intelligence community business system transformation is a certification made by the Director of the Office of Business Transformation of the Office of the Director of National Intelligence that the intelligence community business system transformation—

“(A) complies with the enterprise architecture under subsection (b) and such other policies and standards that the Director of National Intelligence considers appropriate; or

“(B) is necessary—

“(i) to achieve a critical national security capability or address a critical requirement; or

“(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration any alternative solutions for preventing such adverse effect.

“(3) With respect to a fiscal year after fiscal year 2010, the amount referred to in paragraph (1) in the matter preceding subparagraph (A) shall be equal to the sum of—

“(A) the amount in effect under such paragraph (1) for the preceding fiscal year (determined after application of this paragraph), plus

“(B) such amount multiplied by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of the previous fiscal year.

“(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall, acting through the board established under subsection (f), develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

“(2) The enterprise architecture under paragraph (1) shall include the following:

“(A) An information infrastructure that will enable the intelligence community to—

“(i) comply with all Federal accounting, financial management, and reporting requirements;

“(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

“(iii) integrate budget, accounting, and program information and systems; and

“(iv) provide for the measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

“(B) Policies, procedures, data standards, and system interface requirements that apply uniformly throughout the intelligence community.

“(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION.—The Director of National Intelligence shall be responsible for the entire life cycle of an intelligence community business system transformation, including review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of the business system transformation.

“(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Director of the Office of Business Transformation of the Office of the Director of National Intelligence shall establish and implement, not later than September 30, 2010, an investment review process for the intelligence community business systems for which the Director of the Office of Business Transformation is responsible.

“(2) The investment review process under paragraph (1) shall—

“(A) meet the requirements of section 11312 of title 40, United States Code; and

“(B) specifically set forth the responsibilities of the Director of the Office of Business Transformation under such review process.

“(3) The investment review process under paragraph (1) shall include the following elements:

“(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

“(B) Periodic review, but not less often than annually, of every intelligence community business system investment.

“(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

“(D) Procedures for making certifications in accordance with the requirements of subsection (a)(2).

“(e) BUDGET INFORMATION.—For each fiscal year after fiscal year 2011, the Director of National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, the following information:

“(1) An identification of each intelligence community business system for which funding is proposed in such budget.

“(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

“(A) funds for current services to operate and maintain such system;

“(B) funds for business systems modernization identified for each specific appropriation; and

“(C) funds for associated business process improvement or reengineering efforts.

“(3) The certification, if any, made under subsection (a)(2) with respect to each such system.

“(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEM TRANSFORMATION GOVERNANCE BOARD.—(1) The Director of National Intelligence shall establish a board within the intelligence community business system transformation governance structure (in this subsection referred to as the ‘Board’).

“(2) The Board shall—

“(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the intelligence community;

“(B) review and approve any major update of—

“(i) the enterprise architecture developed under subsection (b); and

“(ii) any plans for an intelligence community business systems modernization;

“(C) manage cross-domain integration consistent with such enterprise architecture;

“(D) coordinate initiatives for intelligence community business system transformation to maximize benefits and minimize costs for the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system transformation;

“(E) ensure that funds are obligated for intelligence community business system transformation in a manner consistent with subsection (a); and

“(F) carry out such other duties as the Director shall specify.

“(g) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

“(h) RELATIONSHIP TO DEFENSE BUSINESS ENTERPRISE ARCHITECTURE.—Nothing in this section shall be construed to exempt funds authorized to be appropriated to the Department of Defense from the requirements of section 2222 of title 10, United States Code, to the extent that such requirements are otherwise applicable.

“(i) RELATION TO CLINGER-COHEN ACT.—(1) Executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system transformation shall be exercised jointly by—

“(A) the Director of National Intelligence and the Chief Information Officer of the Intelligence Community; and

“(B) the head of the executive agency that contains the element of the intelligence community involved and the chief information officer of that executive agency.

“(2) The Director of National Intelligence and the head of the executive agency referred to in paragraph (1)(B) shall enter into a Memorandum of Understanding to carry out the requirements of this section in a manner that best meets the needs of the intelligence community and the executive agency.

“(j) REPORTS.—Not later than March 31 of each of the years 2011 through 2015, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

“(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

“(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

“(B) specific actions on the intelligence community business system transformations submitted for certification under such subsection;

“(2) identify the number of intelligence community business system transformations that received a certification described in subsection (a)(2); and

“(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems transformation efforts.

“(k) DEFINITIONS.—In this section:

“(1) The term ‘enterprise architecture’ has the meaning given that term in section 3601(4) of title 44, United States Code.

“(2) The terms ‘information system’ and ‘information technology’ have the meanings given those terms in section 11101 of title 40, United States Code.

“(3) The term ‘intelligence community business system’ means an information system, including a national security system, that is operated by, for, or on behalf of an element of the intelligence community, including a financial system, mixed system, financial data feeder system, and the business infrastructure capabilities shared by the systems of the business enterprise architecture, including people, process, and technology, that build upon the core infrastructure used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

“(4) The term ‘intelligence community business system transformation’ means—

“(A) the acquisition or development of a new intelligence community business system; or

“(B) any significant modification or enhancement of an existing intelligence com-

munity business system (other than necessary to maintain current services).

“(5) The term ‘national security system’ has the meaning given that term in section 3542 of title 44, United States Code.

“(6) The term ‘Office of Business Transformation of the Office of the Director of National Intelligence’ includes any successor office that assumes the functions of the Office of Business Transformation of the Office of the Director of National Intelligence as carried out by the Office of Business Transformation on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010.”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 321 of this Act, is further amended by inserting after the item relating to section 506C, as added by section 321(a)(2), the following new item:

“Sec. 506D. Intelligence community business system transformation.”.

(b) IMPLEMENTATION.—

(1) CERTAIN DUTIES.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall designate a chair and other members to serve on the board established under subsection (f) of such section 506D of the National Security Act of 1947 (as added by subsection (a)).

(2) ENTERPRISE ARCHITECTURE.—

(A) SCHEDULE FOR DEVELOPMENT.—The Director shall develop the enterprise architecture required by subsection (b) of such section 506D (as so added), including the initial Business Enterprise Architecture for business transformation, not later than September 30, 2010.

(B) REQUIREMENT FOR IMPLEMENTATION PLAN.—In developing such an enterprise architecture, the Director shall develop an implementation plan for such enterprise architecture that includes the following:

(i) An acquisition strategy for new systems that are expected to be needed to complete such enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(ii) An identification of the intelligence community business systems in operation or planned as of September 30, 2010, that will not be a part of such enterprise architecture, together with the schedule for the phased termination of the utilization of any such systems.

(iii) An identification of the intelligence community business systems in operation or planned as of September 30, 2010, that will be a part of such enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

(C) SUBMISSION OF ACQUISITION STRATEGY.—Based on the results of an enterprise process management review and the availability of funds, the Director shall submit the acquisition strategy described in subparagraph (B)(i) to the congressional intelligence committees not later than March 31, 2011.

SEC. 323. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) REPORTS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 322 of this Act, is further amended by inserting after section 506D, as added by section 322(a)(1), the following new section:

“REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

“SEC. 506E. (a) DEFINITIONS.—In this section:

“(1) The term ‘cost estimate’—

“(A) means an assessment and quantification of all costs and risks associated with the acquisition of a major system based upon reasonably available information at the time the Director establishes the 2010 adjusted total acquisition cost for such system pursuant to subsection (h) or restructures such system pursuant to section 506F(c); and

“(B) does not mean an ‘independent cost estimate’.

“(2) The term ‘critical cost growth threshold’ means a percentage increase in the total acquisition cost for a major system of at least 25 percent over the total acquisition cost for the major system as shown in the current Baseline Estimate for the major system.

“(3)(A) The term ‘current Baseline Estimate’ means the projected total acquisition cost of a major system that is—

“(i) approved by the Director, or a designee of the Director, at Milestone B or an equivalent acquisition decision for the development, procurement, and construction of such system;

“(ii) approved by the Director at the time such system is restructured pursuant to section 506F(c); or

“(iii) the 2010 adjusted total acquisition cost determined pursuant to subsection (h).

“(B) A current Baseline Estimate may be in the form of an independent cost estimate.

“(4) Except as otherwise specifically provided, the term ‘Director’ means the Director of National Intelligence.

“(5) The term ‘independent cost estimate’ has the meaning given that term in section 506A(e).

“(6) The term ‘major contract’ means each of the 6 largest prime, associate, or Government-furnished equipment contracts under a major system that is in excess of \$40,000,000 and that is not a firm, fixed price contract.

“(7) The term ‘major system’ has the meaning given that term in section 506A(e).

“(8) The term ‘Milestone B’ means a decision to enter into major system development and demonstration pursuant to guidance prescribed by the Director.

“(9) The term ‘program manager’ means—

“(A) the head of the element of the intelligence community that is responsible for the budget, cost, schedule, and performance of a major system; or

“(B) in the case of a major system within the Office of the Director of National Intelligence, the deputy who is responsible for the budget, cost, schedule, and performance of the major system.

“(10) The term ‘significant cost growth threshold’ means the percentage increase in the total acquisition cost for a major system of at least 15 percent over the total acquisition cost for such system as shown in the current Baseline Estimate for such system.

“(11) The term ‘total acquisition cost’ means the amount equal to the total cost for development and procurement of, and system-specific construction for, a major system.

“(b) MAJOR SYSTEM COST REPORTS.—(1) The program manager for a major system shall, on a quarterly basis, submit to the Director a major system cost report as described in paragraph (2).

“(2) A major system cost report shall include the following information (as of the last day of the quarter for which the report is made):

“(A) The total acquisition cost for the major system.

“(B) Any cost variance or schedule variance in a major contract for the major system since the contract was entered into.

“(C) Any changes from a major system schedule milestones or performances that are known, expected, or anticipated by the program manager.

“(D) Any significant changes in the total acquisition cost for development and procurement of any software component of the major system, schedule milestones for such software component of the major system, or expected performance of such software component of the major system that are known, expected, or anticipated by the program manager.

“(3) Each major system cost report required by paragraph (1) shall be submitted not more than 30 days after the end of the reporting quarter.

“(c) REPORTS FOR BREACH OF SIGNIFICANT OR CRITICAL COST GROWTH THRESHOLDS.—If the program manager of a major system for which a report has previously been submitted under subsection (b) determines at any time during a quarter that there is reasonable cause to believe that the total acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold and if a report indicating an increase of such percentage or more has not previously been submitted to the Director, then the program manager shall immediately submit to the Director a major system cost report containing the information, determined as of the date of the report, required under subsection (b).

“(d) NOTIFICATION TO CONGRESS OF COST GROWTH.—(1) Whenever a major system cost report is submitted to the Director, the Director shall determine whether the current acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold.

“(2) If the Director determines that the current total acquisition cost has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold, the Director shall submit to Congress a Major System Congressional Report pursuant to subsection (e).

“(e) REQUIREMENT FOR MAJOR SYSTEM CONGRESSIONAL REPORT.—(1) Whenever the Director determines under subsection (d) that the total acquisition cost of a major system has increased by a percentage equal to or greater than the significant cost growth threshold for the major system, a Major System Congressional Report shall be submitted to Congress not later than 45 days after the date on which the Director receives the major system cost report for such major system.

“(2) If the total acquisition cost of a major system (as determined by the Director under subsection (d)) increases by a percentage equal to or greater than the critical cost growth threshold for the program or subprogram, the Director shall take actions consistent with the requirements of section 506F.

“(f) MAJOR SYSTEM CONGRESSIONAL REPORT ELEMENTS.—(1) Except as provided in paragraph (2), each Major System Congressional Report shall include the following:

“(A) The name of the major system.

“(B) The date of the preparation of the report.

“(C) The program phase of the major system as of the date of the preparation of the report.

“(D) The estimate of the total acquisition cost for the major system expressed in constant base-year dollars and in current dollars.

“(E) The current Baseline Estimate for the major system in constant base-year dollars and in current dollars.

“(F) A statement of the reasons for any increase in total acquisition cost for the major system.

“(G) The completion status of the major system—

“(i) expressed as the percentage that the number of years for which funds have been appropriated for the major system is of the number of years for which it is planned that funds will be appropriated for the major system; and

“(ii) expressed as the percentage that the amount of funds that have been appropriated for the major system is of the total amount of funds which it is planned will be appropriated for the major system.

“(H) The fiscal year in which the major system was first authorized and in which funds for such system were first appropriated by Congress.

“(I) The current change and the total change, in dollars and expressed as a percentage, in the total acquisition cost for the major system, stated both in constant base-year dollars and in current dollars.

“(J) The quantity of end items to be acquired under the major system and the current change and total change, if any, in that quantity.

“(K) The identities of the officers responsible for management and cost control of the major system.

“(L) The action taken and proposed to be taken to control future cost growth of the major system.

“(M) Any changes made in the performance or schedule milestones of the major system and the extent to which such changes have contributed to the increase in total acquisition cost for the major system.

“(N) The following contract performance assessment information with respect to each major contract under the major system:

“(i) The name of the contractor.

“(ii) The phase that the contract is in at the time of the preparation of the report.

“(iii) The percentage of work under the contract that has been completed.

“(iv) Any current change and the total change, in dollars and expressed as a percentage, in the contract cost.

“(v) The percentage by which the contract is currently ahead of or behind schedule.

“(vi) A narrative providing a summary explanation of the most significant occurrences, including cost and schedule variances under major contracts of the major system, contributing to the changes identified and a discussion of the effect these occurrences will have on the future costs and schedule of the major system.

“(O) In any case in which one or more problems with a software component of the major system significantly contributed to the increase in costs of the major system, the action taken and proposed to be taken to solve such problems.

“(2) A Major System Congressional Report prepared for a major system for which the increase in the total acquisition cost is due to termination or cancellation of the entire major system shall include only—

“(A) the information described in subparagraphs (A) through (F) of paragraph (1); and

“(B) the total percentage change in total acquisition cost for such system.

“(g) PROHIBITION ON OBLIGATION OF FUNDS.—If a determination of an increase by

a percentage equal to or greater than the significant cost growth threshold is made by the Director under subsection (d) and a Major System Congressional Report containing the information described in subsection (f) is not submitted to Congress under subsection (e)(1), or if a determination of an increase by a percentage equal to or greater than the critical cost growth threshold is made by the Director under subsection (d) and the Major System Congressional Report containing the information described in subsection (f) and section 506F(b)(3) and the certification required by section 506F(b)(2) are not submitted to Congress under subsection (e)(2), funds appropriated for construction, research, development, test, evaluation, and procurement may not be obligated for a major contract under the major system. The prohibition on the obligation of funds for a major system shall cease to apply at the end of the 45-day period that begins on the date—

“(1) on which Congress receives the Major System Congressional Report under subsection (e)(1) with respect to that major system, in the case of a determination of an increase by a percentage equal to or greater than the significant cost growth threshold (as determined in subsection (d)); or

“(2) on which Congress receives both the Major System Congressional Report under subsection (e)(2) and the certification of the Director under section 506F(b)(2) with respect to that major system, in the case of an increase by a percentage equal to or greater than the critical cost growth threshold (as determined under subsection (d)).

“(h) TREATMENT OF COST INCREASES PRIOR TO ENACTMENT OF INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—(1) Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010, the Director—

“(A) shall, for each major system, determine if the total acquisition cost of such major system increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold prior to such date of enactment;

“(B) shall establish for each major system for which the total acquisition cost has increased by a percentage equal to or greater than the significant cost growth threshold or the critical cost growth threshold prior to such date of enactment a revised current Baseline Estimate based upon an updated cost estimate;

“(C) may, for a major system not described in subparagraph (B), establish a revised current Baseline Estimate based upon an updated cost estimate; and

“(D) shall submit to Congress a report describing—

“(i) each determination made under subparagraph (A);

“(ii) each revised current Baseline Estimate established for a major system under subparagraph (B); and

“(iii) each revised current Baseline Estimate established for a major system under subparagraph (C), including the percentage increase of the total acquisition cost of such major system that occurred prior to the date of the enactment of such Act.

“(2) The revised current Baseline Estimate established for a major system under subparagraph (B) or (C) of paragraph (1) shall be the 2010 adjusted total acquisition cost for the major system and may include the estimated cost of conducting any vulnerability assessments for such major system required under section 506C.

“(i) REQUIREMENTS TO USE BASE YEAR DOLLARS.—Any determination of a percentage

increase under this section shall be stated in terms of constant base year dollars.

“(j) FORM OF REPORT.—Any report required to be submitted under this section may be submitted in a classified form.”.

(2) APPLICABILITY DATE OF QUARTERLY REPORTS.—The first report required to be submitted under subsection (b) of section 506E of the National Security Act of 1947, as added by paragraph (1) of this subsection, shall be submitted with respect to the first fiscal quarter that begins on a date that is not less than 180 days after the date of the enactment of this Act.

(3) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 322 of this Act, is further amended by inserting after the item relating to section 506D, as added by section 322(a)(2), the following new item:

“Sec. 506E. Reports on the acquisition of major systems.”.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS.—Nothing in this section, section 324, or an amendment made by this section or section 324, shall be construed to exempt an acquisition program of the Department of Defense from the requirements of chapter 144 of title 10, United States Code or Department of Defense Directive 5000, to the extent that such requirements are otherwise applicable.

SEC. 324. CRITICAL COST GROWTH IN MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 323 of this Act, is further amended by inserting after section 506E, as added by section 323(a), the following new section:

“CRITICAL COST GROWTH IN MAJOR SYSTEMS

“SEC. 506F. (a) REASSESSMENT OF MAJOR SYSTEM.—If the Director of National Intelligence determines under section 506E(d) that the total acquisition cost of a major system has increased by a percentage equal to or greater than the critical cost growth threshold for the major system, the Director shall—

“(1) determine the root cause or causes of the critical cost growth, in accordance with applicable statutory requirements, policies, procedures, and guidance; and

“(2) carry out an assessment of—

“(A) the projected cost of completing the major system if current requirements are not modified;

“(B) the projected cost of completing the major system based on reasonable modification of such requirements;

“(C) the rough order of magnitude of the costs of any reasonable alternative system or capability; and

“(D) the need to reduce funding for other systems due to the growth in cost of the major system.

“(b) PRESUMPTION OF TERMINATION.—(1) After conducting the reassessment required by subsection (a) with respect to a major system, the Director shall terminate the major system unless the Director submits to Congress a Major System Congressional Report containing a certification in accordance with paragraph (2) and the information described in paragraph (3). The Director shall submit such Major System Congressional Report and certification not later than 90 days after the date the Director receives the relevant major system cost report under subsection (b) or (c) of section 506E.

“(2) A certification described by this paragraph with respect to a major system is a written certification that—

“(A) the continuation of the major system is essential to the national security;

“(B) there are no alternatives to the major system that will provide acceptable capability to meet the intelligence requirement at less cost;

“(C) the new estimates of the total acquisition cost have been determined by the Director to be reasonable;

“(D) the major system is a higher priority than other systems whose funding must be reduced to accommodate the growth in cost of the major system; and

“(E) the management structure for the major system is adequate to manage and control the total acquisition cost.

“(3) A Major System Congressional Report accompanying a written certification under paragraph (2) shall include, in addition to the requirements of section 506E(e), the root cause analysis and assessment carried out pursuant to subsection (a), the basis for each determination made in accordance with subparagraphs (A) through (E) of paragraph (2), and a description of all funding changes made as a result of the growth in the cost of the major system, including reductions made in funding for other systems to accommodate such cost growth, together with supporting documentation.

“(c) ACTIONS IF MAJOR SYSTEM NOT TERMINATED.—If the Director elects not to terminate a major system pursuant to subsection (b), the Director shall—

“(1) restructure the major system in a manner that addresses the root cause or causes of the critical cost growth, as identified pursuant to subsection (a), and ensures that the system has an appropriate management structure as set forth in the certification submitted pursuant to subsection (b)(2)(E);

“(2) rescind the most recent Milestone approval for the major system;

“(3) require a new Milestone approval for the major system before taking any action to enter a new contract, exercise an option under an existing contract, or otherwise extend the scope of an existing contract under the system, except to the extent determined necessary by the Milestone Decision Authority, on a nondelegable basis, to ensure that the system may be restructured as intended by the Director without unnecessarily wasting resources;

“(4) establish a revised current Baseline Estimate for the major system based upon an updated cost estimate; and

“(5) conduct regular reviews of the major system.

“(d) ACTIONS IF MAJOR SYSTEM TERMINATED.—If a major system is terminated pursuant to subsection (b), the Director shall submit to Congress a written report setting forth—

“(1) an explanation of the reasons for terminating the major system;

“(2) the alternatives considered to address any problems in the major system; and

“(3) the course the Director plans to pursue to meet any intelligence requirements otherwise intended to be met by the major system.

“(e) FORM OF REPORT.—Any report or certification required to be submitted under this section may be submitted in a classified form.

“(f) WAIVER.—(1) The Director may waive the requirements of subsections (d)(2), (e), and (g) of section 506E and subsections (a)(2), (b), (c), and (d) of this section with respect to a major system if the Director determines that at least 90 percent of the amount of the current Baseline Estimate for the major system has been expended.

“(2)(A) If the Director grants a waiver under paragraph (1) with respect to a major

system, the Director shall submit to the congressional intelligence committees written notice of the waiver that includes—

“(i) the information described in section 506E(f); and

“(ii) if the current total acquisition cost of the major system has increased by a percentage equal to or greater than the critical cost growth threshold—

“(I) a determination of the root cause or causes of the critical cost growth, as described in subsection (a)(1); and

“(II) a certification that includes the elements described in subparagraphs (A), (B), and (E) of subsection (b)(2).

“(B) The Director shall submit the written notice required by subparagraph (A) not later than 90 days after the date that the Director receives a major system cost report under subsection (b) or (c) of section 506E that indicates that the total acquisition cost for the major system has increased by a percentage equal to or greater than the significant cost growth threshold or critical cost growth threshold.

“(g) DEFINITIONS.—In this section, the terms ‘cost estimate’, ‘critical cost growth threshold’, ‘current Baseline Estimate’, ‘major system’, and ‘total acquisition cost’ have the meaning given those terms in section 506E(a).”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 323 of this Act, is further amended by inserting after the items relating to section 506E, as added by section 323(a)(3), the following new item:

“Sec. 506F. Critical cost growth in major systems.”.

SEC. 325. FUTURE BUDGET PROJECTIONS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 324 of this Act, is further amended by inserting after section 506F, as added by section 324(a), the following new section:

“FUTURE BUDGET PROJECTIONS

“SEC. 506G. (a) FUTURE YEAR INTELLIGENCE PLANS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Future Year Intelligence Plan, as described in paragraph (2), for—

“(A) each expenditure center in the National Intelligence Program; and

“(B) each major system in the National Intelligence Program.

“(2)(A) A Future Year Intelligence Plan submitted under this subsection shall include the year-by-year proposed funding for each center or system referred to in subparagraph (A) or (B) of paragraph (1), for the budget year for which the Plan is submitted and not less than the 4 subsequent fiscal years.

“(B) A Future Year Intelligence Plan submitted under subparagraph (B) of paragraph (1) for a major system shall include—

“(i) the estimated total life-cycle cost of such major system; and

“(ii) major milestones that have significant resource implications for such major system.

“(b) LONG-TERM BUDGET PROJECTIONS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Long-term Budget Projection for each element of the intelligence community funded under the National Intelligence Program acquiring a major system that includes the

budget for such element for the 5-year period that begins on the day after the end of the last fiscal year for which year-by-year proposed funding is included in a Future Year Intelligence Plan for such major system in accordance with subsection (a)(2)(A).

“(2) A Long-term Budget Projection submitted under paragraph (1) shall include—

“(A) projections for the appropriate element of the intelligence community for—

“(i) pay and benefits of officers and employees of such element;

“(ii) other operating and support costs and minor acquisitions of such element;

“(iii) research and technology required by such element;

“(iv) current and planned major system acquisitions for such element;

“(v) any future major system acquisitions for such element; and

“(vi) any additional funding projections that the Director of National Intelligence considers appropriate;

“(B) a budget projection based on effective cost and schedule execution of current or planned major system acquisitions and application of Office of Management and Budget inflation estimates to future major system acquisitions;

“(C) any additional assumptions and projections that the Director of National Intelligence considers appropriate; and

“(D) a description of whether, and to what extent, the total projection for each year exceeds the level that would result from applying the most recent Office of Management and Budget inflation estimate to the budget of that element of the intelligence community.

“(c) SUBMISSION TO CONGRESS.—The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall submit to the congressional intelligence committees each Future Year Intelligence Plan or Long-term Budget Projection required under subsection (a) or (b) for a fiscal year at the time that the President submits to Congress the budget for such fiscal year pursuant section 1105 of title 31, United States Code.

“(d) MAJOR SYSTEM AFFORDABILITY REPORT.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall prepare a report on the acquisition of a major system funded under the National Intelligence Program before the time that the President submits to Congress the budget for the first fiscal year in which appropriated funds are anticipated to be obligated for the development or procurement of such major system.

“(2) The report on such major system shall include an assessment of whether, and to what extent, such acquisition, if developed, procured, and operated, is projected to cause an increase in the most recent Future Year Intelligence Plan and Long-term Budget Projection submitted under section 506G for an element of the intelligence community.

“(3) The Director of National Intelligence shall update the report whenever an independent cost estimate must be updated pursuant to section 506A(a)(4).

“(4) The Director of National Intelligence shall submit each report required by this subsection at the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code.

“(e) DEFINITIONS.—In this section:

“(1) BUDGET YEAR.—The term ‘budget year’ means the next fiscal year for which the President is required to submit to Congress a

budget pursuant to section 1105 of title 31, United States Code.

“(2) INDEPENDENT COST ESTIMATE; MAJOR SYSTEM.—The terms ‘independent cost estimate’ and ‘major system’ have the meaning given those terms in section 506A(e).”

(b) APPLICABILITY DATE.—The first Future Year Intelligence Plan and Long-term Budget Projection required to be submitted under subsection (a) and (b) of section 506G of the National Security Act of 1947, as added by subsection (a), shall be submitted to the congressional intelligence committees at the time that the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code.

(c) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of that Act, as amended by section 324 of this Act, is further amended by inserting after the items relating to section 506F, as added by section 324(b), the following new item:

“Sec. 506G. Future budget projections.”

(2) REPEAL OF DUPLICATIVE PROVISION.—Section 8104 of the Department of Defense Appropriations Act, 2010 (50 U.S.C. 415a-3; Public Law 111-118; 123 Stat. 3451) is repealed.

SEC. 326. NATIONAL INTELLIGENCE PROGRAM FUNDED ACQUISITIONS.

Subsection (n) of section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended by adding at the end the following new paragraph:

“(4)(A) In addition to the authority referred to in paragraph (1), the Director of National Intelligence may authorize the head of an element of the intelligence community to exercise an acquisition authority referred to in section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)) for an acquisition by such element that is more than 50 percent funded under the National Intelligence Program.

“(B) The head of an element of the intelligence community may not exercise an authority referred to in subparagraph (A) until—

“(i) the head of such element (without delegation) submits to the Director of National Intelligence a written request that includes—

“(I) a description of such authority requested to be exercised;

“(II) an explanation of the need for such authority, including an explanation of the reasons that other authorities are insufficient; and

“(III) a certification that the mission of such element would be—

“(aa) impaired if such authority is not exercised; or

“(bb) significantly and measurably enhanced if such authority is exercised; and

“(ii) the Director of National Intelligence issues a written authorization that includes—

“(I) a description of the authority referred to in subparagraph (A) that is authorized to be exercised; and

“(II) a justification to support the exercise of such authority.

“(C) A request and authorization to exercise an authority referred to in subparagraph (A) may be made with respect to an individual acquisition or with respect to a specific class of acquisitions described in the request and authorization referred to in subparagraph (B).

“(D)(i) A request from a head of an element of the intelligence community located within one of the departments described in clause (i) to exercise an authority referred to in

subparagraph (A) shall be submitted to the Director of National Intelligence in accordance with any procedures established by the head of such department.

“(ii) The departments described in this clause are the Department of Defense, the Department of Energy, the Department of Homeland Security, the Department of Justice, the Department of State, and the Department of the Treasury.

“(E)(i) The head of an element of the intelligence community may not be authorized to utilize an authority referred to in subparagraph (A) for a class of acquisitions for a period of more than 3 years, except that the Director of National Intelligence (without delegation) may authorize the use of such an authority for not more than 6 years.

“(ii) Each authorization to utilize an authority referred to in subparagraph (A) may be extended in accordance with the requirements of subparagraph (B) for successive periods of not more than 3 years, except that the Director of National Intelligence (without delegation) may authorize an extension period of not more than 6 years.

“(F) Subject to clauses (i) and (ii) of subparagraph (E), the Director of National Intelligence may only delegate the authority of the Director under subparagraphs (A) through (E) to the Principal Deputy Director of National Intelligence or a Deputy Director of National Intelligence.

“(G) The Director of National Intelligence shall submit—

“(i) to the congressional intelligence committees a notification of an authorization to exercise an authority referred to in subparagraph (A) or an extension of such authorization that includes the written authorization referred to in subparagraph (B)(ii); and

“(ii) to the Director of the Office of Management and Budget a notification of an authorization to exercise an authority referred to in subparagraph (A) for an acquisition or class of acquisitions that will exceed \$50,000,000 annually.

“(H) Requests and authorizations to exercise an authority referred to in subparagraph (A) shall remain available within the Office of the Director of National Intelligence for a period of at least 6 years following the date of such request or authorization.

“(I) Nothing in this paragraph may be construed to alter or otherwise limit the authority of the Central Intelligence Agency to independently exercise an authority under section 3 or 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c and 403j(a)).”

Subtitle D—Congressional Oversight, Plans, and Reports

SEC. 331. NOTIFICATION PROCEDURES.

(a) PROCEDURES.—Section 501(c) of the National Security Act of 1947 (50 U.S.C. 413(c)) is amended by striking “such procedures” and inserting “such written procedures”.

(b) INTELLIGENCE ACTIVITIES.—Section 502(a)(2) of such Act (50 U.S.C. 413a(a)(2)) is amended by inserting “(including the legal basis under which the intelligence activity is being or was conducted)” after “concerning intelligence activities”.

(c) COVERT ACTIONS.—Section 503 of such Act (50 U.S.C. 413b) is amended—

(1) in subsection (b)(2), by inserting “(including the legal basis under which the covert action is being or was conducted)” after “concerning covert actions”;

(2) in subsection (c)—

(A) in paragraph (1), by inserting “in writing” after “be reported”;

(B) in paragraph (4), by striking “committee. When” and inserting the following: “committee.”

“(5) When”; and

(C) in paragraph (5), as designated by subparagraph (B)—

(i) by inserting “, or a notice provided under subsection (d)(1),” after “access to a finding”; and

(ii) by inserting “written” before “statement”;

(3) in subsection (d)—

(A) by striking “(d) The President” and inserting “(d)(1) The President”;

(B) in paragraph (1), as designated by subparagraph (A), by inserting “in writing” after “notified”; and

(C) by adding at the end the following new paragraph:

“(2) In determining whether an activity constitutes a significant undertaking for purposes of paragraph (1), the President shall consider whether the activity—

“(A) involves significant risk of loss of life;

“(B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;

“(C) results in the expenditure of significant funds or other resources;

“(D) requires notification under section 504;

“(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

“(F) presents a reasonably foreseeable risk of serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.”; and

(4) by adding at the end the following new subsection:

“(g) The President shall maintain—

“(1) a record of the Members of Congress to whom a finding is reported under subsection (c) or notice is provided under subsection (d)(1) and the date on which each Member of Congress receives such finding or notice; and

“(2) each written statement provided under subsection (c)(5).”.

SEC. 332. CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 325 of this Act, is further amended by adding at the end the following new section:

“CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS

“SEC. 508. The head of each element of the intelligence community shall annually submit to the congressional intelligence committees—

“(1) a certification that, to the best of the knowledge of the head of such element—

“(A) the head of such element is in full compliance with the requirements of this title; and

“(B) any information required to be submitted by the head of such element under this Act before the date of the submission of such certification has been properly submitted; or

“(2) if the head of such element is unable to submit a certification under paragraph (1), a statement—

“(A) of the reasons the head of such element is unable to submit such a certification;

“(B) describing any information required to be submitted by the head of such element under this Act before the date of the submission of such statement that has not been properly submitted; and

“(C) that the head of such element will submit such information as soon as possible after the submission of such statement.”.

(b) APPLICABILITY DATE.—The first certification or statement required to be submitted by the head of each element of the intel-

ligence community under section 508 of the National Security Act of 1947, as added by subsection (a), shall be submitted not later than 90 days after the date of the enactment of this Act.

(c) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 325 of this Act, is further amended by inserting after the item related to section 507 the following new item:

“Sec. 508. Certification of compliance with oversight requirements.”.

SEC. 333. REPORT ON DETENTION AND INTERROGATION ACTIVITIES.

(a) REQUIREMENT FOR REPORT.—Not later than December 1, 2010, the Director of National Intelligence, in coordination with the Attorney General and the Secretary of Defense, shall submit to the congressional intelligence committees a comprehensive report containing—

(1) the policies and procedures of the United States Government governing participation by an element of the intelligence community in the interrogation of individuals detained by the United States who are suspected of international terrorism with the objective, in whole or in part, of acquiring national intelligence, including such policies and procedures of each appropriate element of the intelligence community or interagency body established to carry out interrogation;

(2) the policies and procedures relating to any detention by the Central Intelligence Agency of such individuals in accordance with Executive Order 13491;

(3) the legal basis for the policies and procedures referred to in paragraphs (1) and (2);

(4) the training and research to support the policies and procedures referred to in paragraphs (1) and (2); and

(5) any action that has been taken to implement section 1004 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd-1).

(b) OTHER SUBMISSION OF REPORT.—

(1) CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, the Director of National Intelligence, in consultation with the Secretary of Defense, shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. The Director of National Intelligence may authorize redactions of the report and any associated materials submitted pursuant to this paragraph, if such redactions are consistent with the protection of sensitive intelligence sources and methods.

(2) CONGRESSIONAL JUDICIARY COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Justice, the Director of National Intelligence, in consultation with the Attorney General, shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. The Director of National Intelligence may authorize redactions of the report and any associated materials submitted pursuant to this paragraph, if such redactions are consistent with the protection of sensitive intelligence sources and methods.

(c) FORM OF SUBMISSIONS.—Any submission required under this section may be submitted in classified form.

SEC. 334. SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to recidivism of detainees currently or formerly held at the Naval Detention Facility at Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

SEC. 335. REPORT AND STRATEGIC PLAN ON BIOLOGICAL WEAPONS.

(a) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on—

(1) the intelligence collection efforts of the United States dedicated to assessing the threat from biological weapons from state, nonstate, or rogue actors, either foreign or domestic; and

(2) efforts to protect the biodefense knowledge and infrastructure of the United States.

(b) CONTENT.—The report required by subsection (a) shall include—

(1) an assessment of the intelligence collection efforts of the United States dedicated to detecting the development or use of biological weapons by state, nonstate, or rogue actors, either foreign or domestic;

(2) information on fiscal, human, technical, open-source, and other intelligence collection resources of the United States dedicated for use to detect or protect against the threat of biological weapons;

(3) an assessment of any problems that may reduce the overall effectiveness of United States intelligence collection and analysis to identify and protect biological weapons targets, including—

(A) intelligence collection gaps or inefficiencies;

(B) inadequate information sharing practices; or

(C) inadequate cooperation among departments or agencies of the United States;

(4) a strategic plan prepared by the Director of National Intelligence, in coordination with the Attorney General, the Secretary of Defense, and the Secretary of Homeland Security, that provides for actions for the appropriate elements of the intelligence community to close important intelligence gaps related to biological weapons;

(5) a description of appropriate goals, schedules, milestones, or metrics to measure the long-term effectiveness of actions implemented to carry out the plan described in paragraph (4); and

(6) any long-term resource and human capital issues related to the collection of intelligence regarding biological weapons, including any recommendations to address shortfalls of experienced and qualified staff possessing relevant scientific, language, and technical skills.

(c) IMPLEMENTATION OF STRATEGIC PLAN.—Not later than 30 days after the date on which the Director of National Intelligence submits the report required by subsection

(a), the Director shall begin implementation of the strategic plan referred to in subsection (b)(4).

SEC. 336. CYBERSECURITY OVERSIGHT.

(a) NOTIFICATION OF CYBERSECURITY PROGRAMS.—

(1) REQUIREMENT FOR NOTIFICATION.—

(A) EXISTING PROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a notification for each cybersecurity program in operation on such date that includes the documentation referred to in subparagraphs (A) through (F) of paragraph (2).

(B) NEW PROGRAMS.—Not later than 30 days after the date of the commencement of operations of a new cybersecurity program, the President shall submit to Congress a notification of such commencement that includes the documentation referred to in subparagraphs (A) through (F) of paragraph (2).

(2) DOCUMENTATION.—A notification required by paragraph (1) for a cybersecurity program shall include—

(A) the legal basis for the cybersecurity program;

(B) the certification, if any, made pursuant to section 2511(2)(a)(ii)(B) of title 18, United States Code, or other statutory certification of legality for the cybersecurity program;

(C) the concept for the operation of the cybersecurity program that is approved by the head of the appropriate department or agency of the United States;

(D) the assessment, if any, of the privacy impact of the cybersecurity program prepared by the privacy or civil liberties protection officer or comparable officer of such department or agency;

(E) the plan, if any, for independent audit or review of the cybersecurity program to be carried out by the head of such department or agency, in conjunction with the appropriate inspector general; and

(F) recommendations, if any, for legislation to improve the capabilities of the United States Government to protect the cybersecurity of the United States.

(b) PROGRAM REPORTS.—

(1) REQUIREMENT FOR REPORTS.—The head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification was submitted under subsection (a), in consultation with the inspector general for that department or agency, shall submit to Congress and the President a report on such cybersecurity program that includes—

(A) the results of any audit or review of the cybersecurity program carried out under the plan referred to in subsection (a)(2)(E), if any; and

(B) an assessment of whether the implementation of the cybersecurity program—

(i) is in compliance with—

(I) the legal basis referred to in subsection (a)(2)(A); and

(II) an assessment referred to in subsection (a)(2)(D), if any;

(ii) is adequately described by the concept of operation referred to in subsection (a)(2)(C); and

(iii) includes an adequate independent audit or review system and whether improvements to such independent audit or review system are necessary.

(2) SCHEDULE FOR SUBMISSION OF REPORTS.—

(A) EXISTING PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification is required to be submitted under subsection

(a)(1)(A) shall submit a report required under paragraph (1).

(B) NEW PROGRAMS.—Not later than 120 days after the date on which a certification is submitted under subsection (a)(1)(B), and annually thereafter, the head of a department or agency of the United States with responsibility for the cybersecurity program for which such certification is submitted shall submit a report required under paragraph (1).

(3) COOPERATION AND COORDINATION.—

(A) COOPERATION.—The head of each department or agency of the United States required to submit a report under paragraph (1) for a particular cybersecurity program, and the inspector general of each such department or agency, shall, to the extent practicable, work in conjunction with any other such head or inspector general required to submit such a report for such cybersecurity program.

(B) COORDINATION.—The heads of all of the departments and agencies of the United States required to submit a report under paragraph (1) for a particular cybersecurity program shall designate one such head to coordinate the conduct of the reports on such program.

(C) INFORMATION SHARING REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community shall jointly submit to Congress and the President a report on the status of the sharing of cyber-threat information, including—

(1) a description of how cyber-threat intelligence information, including classified information, is shared among the agencies and departments of the United States and with persons responsible for critical infrastructure;

(2) a description of the mechanisms by which classified cyber-threat information is distributed;

(3) an assessment of the effectiveness of cyber-threat information sharing and distribution; and

(4) any other matters identified by either Inspector General that would help to fully inform Congress or the President regarding the effectiveness and legality of cybersecurity programs.

(d) PERSONNEL DETAILS.—

(1) AUTHORITY TO DETAIL.—Notwithstanding any other provision of law, the head of an element of the intelligence community that is funded through the National Intelligence Program may detail an officer or employee of such element to the National Cyber Investigative Joint Task Force or to the Department of Homeland Security to assist the Task Force or the Department with cybersecurity, as jointly agreed by the head of such element and the Task Force or the Department.

(2) BASIS FOR DETAIL.—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than three years; and

(B) on a reimbursable or nonreimbursable basis.

(e) ADDITIONAL PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a plan for recruiting, retaining, and training a highly-qualified cybersecurity intelligence community workforce to secure the networks of the intelligence community. Such plan shall include—

(1) an assessment of the capabilities of the current workforce;

(2) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation;

(3) an assessment of the benefits of outreach and training with both private industry and academic institutions with respect to such workforce;

(4) an assessment of the impact of the establishment of the Department of Defense Cyber Command on such workforce;

(5) an examination of best practices for making the intelligence community workforce aware of cybersecurity best practices and principles; and

(6) strategies for addressing such other matters as the Director of National Intelligence considers necessary to the cybersecurity of the intelligence community.

(f) REPORT ON GUIDELINES AND LEGISLATION TO IMPROVE CYBERSECURITY OF THE UNITED STATES.—

(1) INITIAL.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Attorney General, the Director of the National Security Agency, the White House Cybersecurity Coordinator, and any other officials the Director of National Intelligence considers appropriate, shall submit to Congress a report containing guidelines or legislative recommendations, if appropriate, to improve the capabilities of the intelligence community and law enforcement agencies to protect the cybersecurity of the United States. Such report shall include guidelines or legislative recommendations on—

(A) improving the ability of the intelligence community to detect hostile actions and attribute attacks to specific parties;

(B) the need for data retention requirements to assist the intelligence community and law enforcement agencies;

(C) improving the ability of the intelligence community to anticipate nontraditional targets of foreign intelligence services; and

(D) the adequacy of existing criminal statutes to successfully deter cyber attacks, including statutes criminalizing the facilitation of criminal acts, the scope of laws for which a cyber crime constitutes a predicate offense, trespassing statutes, data breach notification requirements, and victim restitution statutes.

(2) SUBSEQUENT.—Not later than one year after the date on which the initial report is submitted under paragraph (1), and annually thereafter for two years, the Director of National Intelligence, in consultation with the Attorney General, the Director of the National Security Agency, the White House Cybersecurity Coordinator, and any other officials the Director of National Intelligence considers appropriate, shall submit to Congress an update of the report required under paragraph (1).

(g) SUNSET.—The requirements and authorities of subsections (a) through (e) shall terminate on December 31, 2013.

(h) DEFINITIONS.—In this section:

(1) CYBERSECURITY PROGRAM.—The term “cybersecurity program” means a class or collection of similar cybersecurity operations of a department or agency of the United States that involves personally identifiable data that is—

(A) screened by a cybersecurity system outside of the department or agency of the United States that was the intended recipient of the personally identifiable data;

(B) transferred, for the purpose of cybersecurity, outside the department or agency of

the United States that was the intended recipient of the personally identifiable data; or

(C) transferred, for the purpose of cybersecurity, to an element of the intelligence community.

(2) **NATIONAL CYBER INVESTIGATIVE JOINT TASK FORCE.**—The term “National Cyber Investigative Joint Task Force” means the multiagency cyber investigation coordination organization overseen by the Director of the Federal Bureau of Investigation known as the National Cyber Investigative Joint Task Force that coordinates, integrates, and provides pertinent information related to cybersecurity investigations.

(3) **CRITICAL INFRASTRUCTURE.**—The term “critical infrastructure” has the meaning given that term in section 1016 of the USA PATRIOT Act (42 U.S.C. 5195c).

SEC. 337. REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

(a) **REPORT.**—Not later than one year after the date of the enactment of this Act, and biennially thereafter for four years, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and, as appropriate, in foreign dialects, of each element of the intelligence community, including—

(1) the number of positions authorized for such element that require foreign language proficiency and a description of the level of proficiency required;

(2) an estimate of the number of such positions that such element will require during the five-year period beginning on the date of the submission of the report;

(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

- (A) military personnel; and
- (B) civilian personnel;

(4) the number of applicants for positions in such element in the preceding fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and a description of the proficiency level of such persons;

(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

(8) an assessment of methods and models for basic, advanced, and intensive foreign language training utilized by such element;

(9) for each foreign language and, as appropriate, dialect of a foreign language—

(A) the number of positions of such element that require proficiency in the foreign language or dialect;

(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

(I) the percentage of work requiring linguistic skills that is fulfilled by a foreign country, international organization, or other foreign entity; and

(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

(11) an identification of any critical gaps in foreign language proficiency with respect to such element and recommendations for eliminating such gaps;

(12) recommendations, if any, for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

(13) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the United States Government in Iraq or Afghanistan to meet the critical language needs of such element.

(b) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 338. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) **REQUIREMENT FOR REPORT.**—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the head of each element of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each such element to increase diversity within the intelligence community.

(b) **CONTENT.**—The report required by subsection (a) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 339. REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.

(a) **REQUIREMENT FOR REPORT.**—Not later than February 1, 2011, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report describing the use of personal services contracts across the intelligence community, the impact of the use of such contracts on the intelligence community workforce, plans for conversion of contractor employment into United States Government employment, and the accountability mechanisms that govern the performance of such personal services contracts.

(b) **CONTENT.**—

(1) **IN GENERAL.**—The report submitted under subsection (a) shall include—

(A) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community and in effect as of February 1, 2011, relating to minimum standards required regarding the hiring, training, security clearance, and assignment of contract personnel and how those standards may differ from those for United States Government employees performing substantially similar functions;

(B) an identification of contracts in effect during the preceding fiscal year under which the contractor is performing substantially similar functions to a United States Government employee;

(C) an assessment of costs incurred or savings achieved during the preceding fiscal year by awarding contracts for the performance of such functions referred to in subparagraph (B) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2);

(E) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2);

(F) a comparison of the compensation of contract employees and United States Government employees performing substantially similar functions during the preceding fiscal year;

(G) an analysis of the attrition of United States Government employees for contractor positions that provide substantially similar functions during the preceding fiscal year;

(H) a description of positions that have been or will be converted from contractor employment to United States Government employment during fiscal years 2011 and 2012;

(I) an analysis of the oversight and accountability mechanisms applicable to personal services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2009 and 2010;

(J) an analysis of procedures in use in the intelligence community as of February 1, 2011, for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(K) an identification of best practices for oversight and accountability mechanisms applicable to personal services contracts.

(2) **ACTIVITIES.**—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions, including rendition, detention, and interrogation activities.

SEC. 340. STUDY ON ELECTRONIC WASTE DESTRUCTION PRACTICES OF THE INTELLIGENCE COMMUNITY.

(a) **STUDY.**—The Inspector General of the Intelligence Community shall conduct a study on the electronic waste destruction practices of the intelligence community. Such study shall assess—

(1) the security of the electronic waste disposal practices of the intelligence community, including the potential for counterintelligence exploitation of destroyed, discarded, or recycled materials;

(2) the environmental impact of such disposal practices; and

(3) methods to improve the security and environmental impact of such disposal practices, including steps to prevent the forensic exploitation of electronic waste.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 341. REVIEW OF RECORDS RELATING TO POTENTIAL HEALTH RISKS AMONG DESERT STORM VETERANS.

(a) **REVIEW.**—The Director of the Central Intelligence Agency shall conduct a classification review of the records of the Agency that are relevant to the known or potential health effects suffered by veterans of Operation Desert Storm as described in the November 2008, report by the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans' Illnesses.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to Congress the results of the classification review conducted under subsection (a), including the total number of records of the Agency that are relevant.

(c) **FORM.**—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 342. REVIEW OF FEDERAL BUREAU OF INVESTIGATION EXERCISE OF ENFORCEMENT JURISDICTION IN FOREIGN NATIONS.

Not later than 120 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in consultation with the Secretary of State, shall submit to Congress a review of constraints under international law and the laws of foreign nations to the assertion of enforcement jurisdiction with respect to criminal investigations of terrorism offenses under the laws of the United States conducted by agents of the Federal Bureau of Investigation in foreign nations and using funds made available for the National Intelligence Program, including constraints identified in section 432 of the Restatement (Third) of the Foreign Relations Law of the United States.

SEC. 343. PUBLIC RELEASE OF INFORMATION ON PROCEDURES USED IN NARCOTICS AIRBRIDGE DENIAL PROGRAM IN PERU.

Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General of the Central Intelligence Agency entitled "Procedures Used in Narcotics Airbridge Denial Program in Peru, 1995–2001", dated August 25, 2008.

SEC. 344. REPORT ON THREAT FROM DIRTY BOMBS.

Not later than 180 days after the date of the enactment of this Act, the Director of

National Intelligence, in consultation with the Nuclear Regulatory Commission, shall submit to Congress a report summarizing intelligence related to the threat to the United States from weapons that use radiological materials, including highly dispersible substances such as cesium-137.

SEC. 345. REPORT ON CREATION OF SPACE INTELLIGENCE OFFICE.

Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the feasibility and advisability of creating a national space intelligence office to manage space-related intelligence assets and access to such assets.

SEC. 346. REPORT ON ATTEMPT TO DETONATE EXPLOSIVE DEVICE ON NORTHWEST AIRLINES FLIGHT 253.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines flight number 253 on December 25, 2009. Such report shall describe the failures, if any, to share or analyze intelligence or other information and the measures that the intelligence community has taken or will take to prevent such failures, including—

(1) a description of the roles and responsibilities of the counterterrorism analytic components of the intelligence community in synchronizing, correlating, and analyzing all sources of intelligence related to terrorism;

(2) an assessment of the technological capabilities of the United States Government to assess terrorist threats, including—

(A) a list of all databases used by counterterrorism analysts;

(B) a description of the steps taken by the intelligence community to integrate all relevant terrorist databases and allow for cross-database searches;

(C) a description of the steps taken by the intelligence community to correlate biographic information with terrorism-related intelligence; and

(D) a description of the improvements to information technology needed to enable the United States Government to better share information;

(3) any recommendations that the Director considers appropriate for legislation to improve the sharing of intelligence or information relating to terrorists;

(4) a description of the steps taken by the intelligence community to train analysts on watchlisting processes and procedures;

(5) a description of the manner in which watchlisting information is entered, reviewed, searched, analyzed, and acted upon by the relevant elements of the United States Government;

(6) a description of the steps the intelligence community is taking to enhance the rigor and raise the standard of tradecraft of intelligence analysis related to uncovering and preventing terrorist plots;

(7) a description of the processes and procedures by which the intelligence community prioritizes terrorism threat leads and the standards used by elements of the intelligence community to determine if follow-up action is appropriate;

(8) a description of the steps taken to enhance record information on possible terrorists in the Terrorist Identities Datamart Environment;

(9) an assessment of how to meet the challenge associated with exploiting the ever-increasing volume of information available to the intelligence community; and

(10) a description of the steps the intelligence community has taken or will take to respond to any findings and recommendations of the congressional intelligence committees, with respect to any such failures, that have been transmitted to the Director of National Intelligence.

SEC. 347. REPEAL OR MODIFICATION OF CERTAIN REPORTING REQUIREMENTS.

(a) **ANNUAL REPORT ON INTELLIGENCE.**—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(b) **ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.**—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) **ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.**—Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is repealed.

(d) **REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.**—Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(1) in the heading, by striking "SEMI-ANNUAL" and inserting "ANNUAL";

(2) in subsection (a)—

(A) in the heading, by striking "SEMI-ANNUAL" and inserting "ANNUAL";

(B) in the matter preceding paragraph (1)—

(i) by striking "semiannual basis" and inserting "annual basis"; and

(ii) by striking "preceding six-month period" and inserting "preceding one-year period";

(C) by striking paragraph (2); and

(D) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting "the Committee on Armed Services," after "the Committee on Appropriations,"; and

(B) in paragraph (2), by inserting "the Committee on Armed Services," after "the Committee on Appropriations,".

(e) **ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.**—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking "(1)"; and

(2) by striking paragraph (2).

(f) **REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.**—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(g) **ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.**—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 21 U.S.C. 873 note) is repealed.

(h) **BIENNIAL REPORT ON FOREIGN INDUSTRIAL ESPIONAGE.**—Subsection (b) of section 809 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. App. 2170b) is amended—

(1) in the heading, by striking "ANNUAL UPDATE" and inserting "BIENNIAL REPORT";

(2) by striking paragraphs (1) and (2) and inserting the following new paragraph:

"(1) **REQUIREMENT TO SUBMIT.**—Not later than February 1, 2011, and once every two years thereafter, the President shall submit to the congressional intelligence committees and congressional leadership a report updating the information referred to in subsection (a)(1)(D)."; and

(3) by redesignating paragraph (3) as paragraph (2).

(i) TABLE OF CONTENTS AMENDMENTS.—

(1) NATIONAL SECURITY ACT OF 1947.—The table of contents in the first section of the National Security Act of 1947, as amended by section 332 of this Act, is further amended—

(A) by striking the item relating to section 109;

(B) by striking the item relating to section 114A; and

(C) by striking the item relating to section 118 and inserting the following new item:

“Sec. 118. Annual report on financial intelligence on terrorist assets.”.

(2) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—The table of contents in the first section of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2383) is amended by striking the item relating to section 826.

SEC. 348. INCORPORATION OF REPORTING REQUIREMENTS.

Each requirement to submit a report to the congressional intelligence committees that is included in the classified annex to this Act is hereby incorporated into this Act and is hereby made a requirement in law.

SEC. 349. CONFORMING AMENDMENTS FOR REPORT SUBMISSION DATES.

Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A), (B), and (G);

(ii) by redesignating subparagraphs (C), (D), (E), (F), (H), (I), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), and (G), respectively; and

(iii) by adding at the end the following new subparagraphs:

“(H) The annual report on outside employment of employees of elements of the intelligence community required by section 102A(u)(2).

“(I) The annual report on financial intelligence on terrorist assets required by section 118.”; and

(B) in paragraph (2), by striking subparagraphs (C) and (D); and

(2) in subsection (b), by striking paragraph (6).

Subtitle E—Other Matters

SEC. 361. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

“(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

“(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

“(C) In this paragraph, the term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

SEC. 362. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

“(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and”.

SEC. 363. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking “ten years” and inserting “15 years”.

(2) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking “five years” and inserting “10 years”.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting “including an assessment of the need, if any, for modification of this title for the purpose of improving legal protections for covert agents,” after “measures to protect the identities of covert agents.”.

SEC. 364. NATIONAL INTELLIGENCE PROGRAM BUDGET.

Section 601 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c) is amended to read as follows:

“SEC. 601. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

“(a) BUDGET REQUEST.—At the time that the President submits to Congress the budget for a fiscal year pursuant to section 1105 of title 31, United States Code, the President shall disclose to the public the aggregate amount of appropriations requested for that fiscal year for the National Intelligence Program.

“(b) AMOUNTS APPROPRIATED EACH FISCAL YEAR.—Not later than 30 days after the end of each fiscal year, the Director of National Intelligence shall disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program for such fiscal year.

“(c) WAIVER.—

“(1) IN GENERAL.—The President may waive or postpone the disclosure required by subsection (a) or (b) for a fiscal year by submitting to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives—

“(A) a statement, in unclassified form, that the disclosure required in subsection (a) or (b) for that fiscal year would damage national security; and

“(B) a statement detailing the reasons for the waiver or postponement, which may be submitted in classified form.

“(2) SUBMISSION DATES.—The President shall submit the statements required under paragraph (1)—

“(A) in the case of a waiver or postponement of a disclosure required under subsection (a), at the time of the submission of the budget for the fiscal year for which such disclosure is waived or postponed; and

“(B) in the case of a waiver or postponement of a disclosure required under sub-

section (b), not later than 30 days after the date of the end of the fiscal year for which such disclosure is waived or postponed.

“(d) DEFINITION.—As used in this section, the term ‘National Intelligence Program’ has the meaning given the term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).”.

SEC. 365. IMPROVING THE REVIEW AUTHORITY OF THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Paragraph (5) of section 703(b) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) by striking “jurisdiction,” and inserting “jurisdiction or by a member of the committee of jurisdiction.”; and

(2) by inserting “, to evaluate the proper classification of certain records,” after “certain records”.

SEC. 366. AUTHORITY TO DESIGNATE UNDERCOVER OPERATIONS TO COLLECT FOREIGN INTELLIGENCE OR COUNTERINTELLIGENCE.

Paragraph (1) of section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (Public Law 102–395; 28 U.S.C. 533 note) is amended in the flush text following subparagraph (D) by striking “(or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Assistant Attorney General for National Security)” and inserting “(or a designee of the Director who is in a position not lower than Deputy Assistant Director in the National Security Branch or a similar successor position) and the Attorney General (or a designee of the Attorney General who is in the National Security Division in a position not lower than Deputy Assistant Attorney General or a similar successor position)”.

SEC. 367. SECURITY CLEARANCES: REPORTS; RECIPROCITY.

(a) REPORTS RELATING TO SECURITY CLEARANCES.—

(1) QUADRENNIAL AUDIT; SECURITY CLEARANCE DETERMINATIONS.—

(A) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 325 of this Act, is further amended by inserting after section 506G, as added by section 325(a), the following new section:

“REPORTS ON SECURITY CLEARANCES

“SEC. 506H. (a) QUADRENNIAL AUDIT OF POSITION REQUIREMENTS.—(1) The President shall every four years conduct an audit of the manner in which the executive branch determines whether a security clearance is required for a particular position in the United States Government.

“(2) Not later than 30 days after the completion of an audit conducted under paragraph (1), the President shall submit to Congress the results of such audit.

“(b) REPORT ON SECURITY CLEARANCE DETERMINATIONS.—(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

“(A) the number of employees of the United States Government who—

“(i) held a security clearance at such level as of October 1 of the preceding year; and

“(ii) were approved for a security clearance at such level during the preceding fiscal year;

“(B) the number of contractors to the United States Government who—

“(i) held a security clearance at such level as of October 1 of the preceding year; and

“(ii) were approved for a security clearance at such level during the preceding fiscal year; and

“(C) for each element of the intelligence community—

“(i) the total amount of time it took to process the security clearance determination for such level that—

“(I) was among the 80 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

“(II) took the longest amount of time to complete;

“(ii) the total amount of time it took to process the security clearance determination for such level that—

“(I) was among the 90 percent of security clearance determinations made during the preceding fiscal year that took the shortest amount of time to complete; and

“(II) took the longest amount of time to complete;

“(iii) the number of pending security clearance investigations for such level as of October 1 of the preceding year that have remained pending for—

“(I) 4 months or less;

“(II) between 4 months and 8 months;

“(III) between 8 months and one year; and

“(IV) more than one year;

“(iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;

“(v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;

“(vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and

“(vii) for security clearance determinations completed or pending during the preceding fiscal year that have taken longer than one year to complete—

“(I) the number of security clearance determinations for positions as employees of the United States Government that required more than one year to complete;

“(II) the number of security clearance determinations for contractors that required more than one year to complete;

“(III) the agencies that investigated and adjudicated such determinations; and

“(IV) the cause of significant delays in such determinations.

“(2) For purposes of paragraph (1), the President may consider—

“(A) security clearances at the level of confidential and secret as one security clearance level; and

“(B) security clearances at the level of top secret or higher as one security clearance level.

“(c) FORM.—The results required under subsection (a)(2) and the reports required under subsection (b)(1) shall be submitted in unclassified form, but may include a classified annex.”

(B) INITIAL AUDIT.—The first audit required to be conducted under section 506H(a)(1) of the National Security Act of 1947, as added by subparagraph (A) of this paragraph, shall be completed not later than February 1, 2011.

(C) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 348(i) of this Act, is further amended by inserting after the item relating to section 506G, as added by section 325 of this Act, the following new item:

“Sec. 506H. Reports on security clearances.”

(2) REPORT ON METRICS FOR ADJUDICATION QUALITY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on security clearance investigations and adjudications. Such report shall include—

(A) United States Government-wide adjudication guidelines and metrics for adjudication quality;

(B) a plan to improve the professional development of security clearance adjudicators;

(C) metrics to evaluate the effectiveness of interagency clearance reciprocity;

(D) United States Government-wide investigation standards and metrics for investigation quality; and

(E) the advisability, feasibility, counterintelligence risk, and cost effectiveness of—

(i) by not later than January 1, 2012, requiring the investigation and adjudication of security clearances to be conducted by not more than two Federal agencies; and

(ii) by not later than January 1, 2015, requiring the investigation and adjudication of security clearances to be conducted by not more than one Federal agency.

(b) SECURITY CLEARANCE RECIPROCITY.—

(1) AUDIT.—The Inspector General of the Intelligence Community shall conduct an audit of the reciprocity of security clearances among the elements of the intelligence community.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the audit conducted under paragraph (1). Such report shall include an assessment of the time required to obtain a reciprocal security clearance for—

(A) an employee of an element of the intelligence community detailed to another element of the intelligence community;

(B) an employee of an element of the intelligence community seeking permanent employment with another element of the intelligence community; and

(C) a contractor seeking permanent employment with an element of the intelligence community.

(3) FORM.—The report required under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 368. CORRECTING LONG-STANDING MATERIAL WEAKNESSES.

(a) DEFINITIONS.—In this section:

(1) COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term “covered element of the intelligence community” means—

(A) the Central Intelligence Agency;

(B) the Defense Intelligence Agency;

(C) the National Geospatial-Intelligence Agency;

(D) the National Reconnaissance Office; or

(E) the National Security Agency.

(2) INDEPENDENT AUDITOR.—The term “independent auditor” means an individual who—

(A)(i) is a Federal, State, or local government auditor who meets the independence standards included in generally accepted government auditing standards; or

(ii) is a public accountant who meets such independence standards; and

(B) is designated as an auditor by the Director of National Intelligence or the head of a covered element of the intelligence community, as appropriate.

(3) INDEPENDENT REVIEW.—The term “independent review” means an audit, attestation, or examination conducted by an independent auditor in accordance with generally accepted government auditing standards.

(4) LONG-STANDING, CORRECTABLE MATERIAL WEAKNESS.—The term “long-standing, correctable material weakness” means a material weakness—

(A) that was first reported in the annual financial report of a covered element of the intelligence community for a fiscal year prior to fiscal year 2007; and

(B) the correction of which is not substantially dependent on a business system that will not be implemented prior to the end of fiscal year 2010.

(5) MATERIAL WEAKNESS.—The term “material weakness” has the meaning given that term under the Office of Management and Budget Circular A-123, entitled “Management’s Responsibility for Internal Control,” revised December 21, 2004.

(6) SENIOR INTELLIGENCE MANAGEMENT OFFICIAL.—The term “senior intelligence management official” means an official within a covered element of the intelligence community who is—

(A)(i) compensated under the Senior Intelligence Service pay scale; or

(ii) the head of a covered element of the intelligence community; and

(B) compensated for employment with funds appropriated pursuant to an authorization of appropriations in this Act.

(b) IDENTIFICATION OF SENIOR INTELLIGENCE MANAGEMENT OFFICIALS.—

(1) REQUIREMENT TO IDENTIFY.—Not later than 30 days after the date of the enactment of this Act, the head of a covered element of the intelligence community shall designate a senior intelligence management official of such element to be responsible for correcting each long-standing, correctable material weakness of such element.

(2) HEAD OF A COVERED ELEMENT OF THE INTELLIGENCE COMMUNITY.—The head of a covered element of the intelligence community may designate himself or herself as the senior intelligence management official responsible for correcting a long-standing, correctable material weakness under paragraph (1).

(3) REQUIREMENT TO UPDATE DESIGNATION.—If the head of a covered element of the intelligence community determines that a senior intelligence management official designated under paragraph (1) is no longer responsible for correcting a long-standing, correctable material weakness, the head of such element shall designate the successor to such official not later than 10 days after the date of such determination.

(c) NOTIFICATION.—Not later than 10 days after the date on which the head of a covered element of the intelligence community has designated a senior intelligence management official pursuant to paragraph (1) or (3) of subsection (b), the head of such element shall provide written notification of such designation to the Director of National Intelligence and to such senior intelligence management official.

(d) CORRECTION OF LONG-STANDING, MATERIAL WEAKNESS.—

(1) DETERMINATION OF CORRECTION OF DEFICIENCY.—If a long-standing, correctable material weakness is corrected, the senior intelligence management official who is responsible for correcting such long-standing, correctable material weakness shall make and issue a determination of the correction.

(2) BASIS FOR DETERMINATION.—The determination of the senior intelligence management official under paragraph (1) shall be based on the findings of an independent review.

(3) NOTIFICATION AND SUBMISSION OF FINDINGS.—A senior intelligence management official who makes a determination under paragraph (1) shall—

(A) notify the head of the appropriate covered element of the intelligence community of such determination at the time the determination is made; and

(B) ensure that the independent auditor whose findings are the basis of a determination under paragraph (1) submits to the head of the covered element of the intelligence community and the Director of National Intelligence the findings that such determination is based on not later than 5 days after the date on which such determination is made.

(e) **CONGRESSIONAL OVERSIGHT.**—The head of a covered element of the intelligence community shall notify the congressional intelligence committees not later than 30 days after the date—

(1) on which a senior intelligence management official is designated under paragraph (1) or (3) of subsection (b) and notified under subsection (c); or

(2) of the correction of a long-standing, correctable material weakness, as verified by an independent auditor under subsection (d)(2).

SEC. 369. INTELLIGENCE COMMUNITY FINANCIAL IMPROVEMENT AND AUDIT READINESS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct a review of the status of the auditability compliance of each element of the intelligence community; and

(2) develop a plan and schedule to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (f) of section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following new paragraph:

“(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

“(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

“(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director’s recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

“(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

“(D) The requirements of this paragraph shall not be construed to limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.”.

SEC. 402. AUTHORITIES FOR INTELLIGENCE INFORMATION SHARING.

(a) **AUTHORITIES FOR INTERAGENCY FUNDING.**—Section 102A(d)(2) of the National Security Act of 1947 (50 U.S.C. 403-1(d)(2)) is amended by striking “Program to another such program.” and inserting “Program—

“(A) to another such program;

“(B) to other departments or agencies of the United States Government for the development and fielding of systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; or

“(C) to a program funded by appropriations not within the National Intelligence Program to address critical gaps in intelligence information sharing or access capabilities.”.

(b) **AUTHORITIES OF HEADS OF OTHER DEPARTMENTS AND AGENCIES.**—Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 102A(d)(2) of the National Security Act of 1947 (50 U.S.C. 403-1(d)(2)), as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to such department or agency.

SEC. 403. LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (e) of section 103 of the National Security Act of 1947 (50 U.S.C. 403-3) is amended to read as follows:

“(e) **LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.**—The headquarters of the Office of the Director of National Intelligence may be located in the Washington metropolitan region, as that term is defined in section 8301 of title 40, United States Code.”.

SEC. 404. TITLE AND APPOINTMENT OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403-3g) is amended—

(1) in subsection (a)—

(A) by inserting “of the Intelligence Community” after “Chief Information Officer”; and

(B) by striking “President,” and all that follows and inserting “President.”;

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(3) in subsection (b) (as so redesignated), by inserting “of the Intelligence Community” after “Chief Information Officer”; and

(4) in subsection (c) (as so redesignated), by inserting “of the Intelligence Community” before “may not”.

SEC. 405. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 348 of this Act, is further amended by inserting after section 103G the following new section:

“INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

“SEC. 103H. (a) **OFFICE OF INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.**—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

“(b) **PURPOSE.**—The purpose of the Office of the Inspector General of the Intelligence Community is—

“(1) to create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independent investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence;

“(2) to provide leadership and coordination and recommend policies for activities designed—

“(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and activities; and

“(B) to prevent and detect fraud and abuse in such programs and activities;

“(3) to provide a means for keeping the Director of National Intelligence fully and currently informed about—

“(A) problems and deficiencies relating to the administration of programs and activities within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions; and

“(4) in the manner prescribed by this section, to ensure that the congressional intelligence committees are kept similarly informed of—

“(A) significant problems and deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions.

“(c) **INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.**—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) The nomination of an individual for appointment as Inspector General shall be made—

“(A) without regard to political affiliation;

“(B) on the basis of integrity, compliance with security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

“(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or investigations.

“(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

“(4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.

“(d) **ASSISTANT INSPECTORS GENERAL.**—Subject to the policies of the Director of National Intelligence, the Inspector General of the Intelligence Community shall—

“(1) appoint an Assistant Inspector General for Audit who shall have the responsibility for supervising the performance of auditing activities relating to programs and activities within the responsibility and authority of the Director;

“(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance

of investigative activities relating to such programs and activities; and

“(3) appoint other Assistant Inspectors General that, in the judgment of the Inspector General, are necessary to carry out the duties of the Inspector General.

“(e) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General of the Intelligence Community—

“(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, audits, and reviews relating to programs and activities within the responsibility and authority of the Director of National Intelligence;

“(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, fraud, and other serious problems, abuses, and deficiencies relating to the programs and activities within the responsibility and authority of the Director, to recommend corrective action concerning such problems, and to report on the progress made in implementing such corrective action;

“(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

“(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing.

“(f) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, audit, or review if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

“(2) Not later than seven days after the date on which the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority.

“(3) The Director shall advise the Inspector General at the time a statement under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement.

“(4) The Inspector General may submit to the congressional intelligence committees any comments on the statement of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

“(g) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

“(2)(A) The Inspector General shall, subject to the limitations in subsection (f), make such investigations and reports relating to the administration of the programs and activities within the authorities and responsibilities of the Director as are, in the judgment of the Inspector General, necessary or desirable.

“(B) The Inspector General shall have access to any employee, or any employee of a

contractor, of any element of the intelligence community needed for the performance of the duties of the Inspector General.

“(C) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials that relate to the programs and activities with respect to which the Inspector General has responsibilities under this section.

“(D) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (C).

“(E) The Director, or on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative actions against an employee, or an employee of a contractor, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or the termination of an existing contractual relationship.

“(3) The Inspector General is authorized to receive and investigate, pursuant to subsection (h), complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the intelligence community—

“(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

“(B) no action constituting a reprisal, or threat of reprisal, for making such complaint or disclosing such information to the Inspector General may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

“(4) The Inspector General shall have the authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

“(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data in any medium (including electronically stored information, as well as any tangible thing) and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

“(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and

evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

“(C) The Inspector General may not issue a subpoena for, or on behalf of, any component of the Office of the Director of National Intelligence or any element of the intelligence community, including the Office of the Director of National Intelligence.

“(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

“(6) The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code.

“(7) The Inspector General may, to the extent and in such amounts as may be provided in appropriations, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

“(h) COORDINATION AMONG INSPECTORS GENERAL.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, audit, or review by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, audit, or review to avoid unnecessary duplication of the activities of the inspectors general.

“(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under paragraph (2). In the event of a dispute between an inspector general within a department or agency of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of such Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected department or agency for resolution.

“(2)(A) There is established the Intelligence Community Inspectors General Forum, which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element of the intelligence community.

“(B) The Inspector General of the Intelligence Community shall serve as the Chair of the Forum established under subparagraph (A). The Forum shall have no administrative authority over any inspector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of contract personnel, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

“(3) The inspector general conducting an investigation, inspection, audit, or review covered by paragraph (1) shall submit the results of such investigation, inspection, audit,

or review to any other inspector general, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, audit, or review who did not conduct such investigation, inspection, audit, or review.

“(i) COUNSEL TO THE INSPECTOR GENERAL.—(1) The Inspector General of the Intelligence Community shall—

“(A) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

“(B) obtain the services of a counsel appointed by and directly reporting to another inspector general or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

“(2) The counsel appointed or obtained under paragraph (1) shall perform such functions as the Inspector General may prescribe.

“(j) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

“(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

“(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

“(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

“(3) Consistent with budgetary and personnel resources allocated by the Director of National Intelligence, the Inspector General has final approval of—

“(A) the selection of internal and external candidates for employment with the Office of the Inspector General; and

“(B) all other personnel decisions concerning personnel permanently assigned to the Office of the Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of a component of the Office of the Director of National Intelligence.

“(4)(A) Subject to the concurrence of the Director of National Intelligence, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

“(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is

practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, such information or assistance.

“(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with that element's inspector general pursuant to subsection (h), conduct, as authorized by this section, an investigation, inspection, audit, or review of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

“(k) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

“(B) Each report under this paragraph shall include, at a minimum, the following:

“(i) A list of the title or subject of each investigation, inspection, audit, or review conducted during the period covered by such report.

“(ii) A description of significant problems, abuses, and deficiencies relating to the administration of programs and activities of the intelligence community within the responsibility and authority of the Director of National Intelligence, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

“(iii) A description of the recommendations for corrective action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

“(iv) A statement of whether or not corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

“(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

“(vi) A description of the exercise of the subpoena authority under subsection (g)(5) by the Inspector General during the period covered by such report.

“(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and activities within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such programs and activities.

“(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees

together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

“(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to programs and activities within the responsibility and authority of the Director of National Intelligence.

“(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

“(3)(A) In the event that—

“(i) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

“(ii) an investigation, inspection, audit, or review carried out by the Inspector General focuses on any current or former intelligence community official who—

“(I) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

“(II) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

“(III) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

“(iii) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in clause (ii);

“(iv) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in clause (ii); or

“(v) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, audit, or review, the Inspector General shall immediately notify, and submit a report to, the congressional intelligence committees on such matter.

“(B) The Inspector General shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves an investigation, inspection, audit, or review carried out by the Inspector General focused on any current or former official of a component of

such department simultaneously with submission of the report to the congressional intelligence committees.

“(4) The Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, audit, or review conducted by the office which has been requested by the Chairman or Vice Chairman or ranking minority member of either committee.

“(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

“(B) Not later than the end of the 14-calendar-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

“(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

“(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

“(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

“(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

“(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.

“(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under this subparagraph does so in that member or employee's official capacity as a member or employee of such committee.

“(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

“(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

“(G) In this paragraph, the term ‘urgent concern’ means any of the following:

“(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administra-

tion, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information, but does not include differences of opinions concerning public policy matters.

“(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

“(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (g)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

“(H) Nothing in this section shall be construed to limit the protections afforded to an employee under section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) or section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).

“(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall expeditiously report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

“(1) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (h), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other inspector general having duties and responsibilities relating to such element.

“(m) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of the Inspector General of the Intelligence Community.

“(n) BUDGET.—(1) For each fiscal year, the Inspector General of the Intelligence Community shall transmit a budget estimate and request to the Director of National Intelligence that specifies for such fiscal year—

“(A) the aggregate amount requested for the operations of the Inspector General;

“(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office of the Inspector General; and

“(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

“(2) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

“(A) the aggregate amount requested for the Inspector General of the Intelligence Community;

“(B) the amount requested for Inspector General training;

“(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

“(D) the comments of the Inspector General, if any, with respect to such proposed budget.

“(3) The Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives for each fiscal year—

“(A) a separate statement of the budget estimate transmitted pursuant to paragraph (1);

“(B) the amount requested by the Director for the Inspector General pursuant to paragraph (2)(A);

“(C) the amount requested by the Director for the training of personnel of the Office of the Inspector General pursuant to paragraph (2)(B);

“(D) the amount requested by the Director for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (2)(C); and

“(E) the comments of the Inspector General under paragraph (2)(D), if any, on the amounts requested pursuant to paragraph (2), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office of the Inspector General.”

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 348 of this Act, is further amended by inserting after the item relating to section 103G the following new item:

“Sec. 103H. Inspector General of the Intelligence Community.”

(b) PAY OF INSPECTOR GENERAL.—Subparagraph (A) of section 4(a)(3) of the Inspector General Reform Act of 2008 (Public Law 110-409; 5 U.S.C. App. note) is amended by inserting “the Inspector General of the Intelligence Community,” after “basic pay of”.

(c) CONSTRUCTION.—Nothing in the amendment made by subsection (a)(1) shall be construed to alter the duties and responsibilities of the General Counsel of the Office of the Director of National Intelligence.

(d) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) shall be repealed on the date that the President appoints, with the advice and consent of the Senate, the first individual to serve as Inspector General for the Intelligence Community pursuant to section 103H of the National Security Act of 1947, as added by subsection (a), and such individual assumes the duties of the Inspector General.

SEC. 406. CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 405 of this Act, is further amended by inserting after section 103H, as added by section 405(a)(1), the following new section:

“CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY

“SEC. 103I. (a) CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.—To assist the Director of National Intelligence in carrying out the responsibilities of the Director under this Act and other applicable provisions of law, there is within the Office of the Director of National Intelligence a Chief Financial Officer of the Intelligence Community who shall be appointed by the Director.

“(b) DUTIES AND RESPONSIBILITIES.—Subject to the direction of the Director of National Intelligence, the Chief Financial Officer of the Intelligence Community shall—

“(1) serve as the principal advisor to the Director of National Intelligence and the

Principal Deputy Director of National Intelligence on the management and allocation of intelligence community budgetary resources;

“(2) participate in overseeing a comprehensive and integrated strategic process for resource management within the intelligence community;

“(3) ensure that the strategic plan of the Director of National Intelligence—

“(A) is based on budgetary constraints as specified in the Future Year Intelligence Plans and Long-term Budget Projections required under section 506G; and

“(B) contains specific goals and objectives to support a performance-based budget;

“(4) prior to the obligation or expenditure of funds for the acquisition of any major system pursuant to a Milestone A or Milestone B decision, receive verification from appropriate authorities that the national requirements for meeting the strategic plan of the Director have been established, and that such requirements are prioritized based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections for such major system required under section 506G;

“(5) ensure that the collection architectures of the Director are based on budgetary constraints as specified in the Future Year Intelligence Plans and the Long-term Budget Projections required under section 506G;

“(6) coordinate or approve representations made to Congress by the intelligence community regarding National Intelligence Program budgetary resources;

“(7) participate in key mission requirements, acquisitions, or architectural boards formed within or by the Office of the Director of National Intelligence; and

“(8) perform such other duties as may be prescribed by the Director of National Intelligence.

“(c) OTHER LAW.—The Chief Financial Officer of the Intelligence Community shall serve as the Chief Financial Officer of the intelligence community and, to the extent applicable, shall have the duties, responsibilities, and authorities specified in chapter 9 of title 31, United States Code.

“(d) PROHIBITION ON SIMULTANEOUS SERVICE AS OTHER CHIEF FINANCIAL OFFICER.—An individual serving in the position of Chief Financial Officer of the Intelligence Community may not, while so serving, serve as the chief financial officer of any other department or agency, or component thereof, of the United States Government.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘major system’ has the meaning given that term in section 506A(e).

“(2) The term ‘Milestone A’ has the meaning given that term in section 506G(f).

“(3) The term ‘Milestone B’ has the meaning given that term in section 506C(e).”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 405(a), is further amended by inserting after the item relating to section 103H, as added by section 405(a)(2), the following new item:

“Sec. 103I. Chief Financial Officer of the Intelligence Community.”

SEC. 407. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 4040-1(a)) is amended—

(1) by striking “Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the” and inserting “(1) The”; and

(2) by adding at the end the following new paragraphs:

“(2) The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

“(3) The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.”

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403-3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (14); and

(2) by inserting after paragraph (8) the following new paragraphs:

“(9) The Chief Information Officer of the Intelligence Community.

“(10) The Inspector General of the Intelligence Community.

“(11) The Director of the National Counterterrorism Center.

“(12) The Director of the National Counter Proliferation Center.

“(13) The Chief Financial Officer of the Intelligence Community.”

SEC. 408. PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

“PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

“SEC. 706. (a) INAPPLICABILITY OF FOIA TO EXEMPTED OPERATIONAL FILES PROVIDED TO ODNI.—(1) Subject to paragraph (2), the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record shall not apply to a record provided to the Office of the Director of National Intelligence by an element of the intelligence community from the exempted operational files of such element.

“(2) Paragraph (1) shall not apply with respect to a record of the Office that—

“(A) contains information derived or disseminated from an exempted operational file, unless such record is created by the Office for the sole purpose of organizing such exempted operational file for use by the Office;

“(B) is disseminated by the Office to a person other than an officer, employee, or contractor of the Office; or

“(C) is no longer designated as an exempted operational file in accordance with this title.

“(b) EFFECT OF PROVIDING FILES TO ODNI.—Notwithstanding any other provision of this title, an exempted operational file that is provided to the Office by an element of the intelligence community shall not be subject to the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of a record solely because such element provides such exempted operational file to the Office.

“(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a) or (b), an exempted operational file shall continue to be subject to search and review for information concerning any of the following:

“(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

“(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

“(3) The specific subject matter of an investigation for any impropriety or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity by any of the following:

“(A) The Select Committee on Intelligence of the Senate.

“(B) The Permanent Select Committee on Intelligence of the House of Representatives.

“(C) The Intelligence Oversight Board.

“(D) The Department of Justice.

“(E) The Office of the Director of National Intelligence.

“(F) The Office of the Inspector General of the Intelligence Community.

“(d) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of National Intelligence shall review the exemptions in force under subsection (a) to determine whether such exemptions may be removed from any category of exempted files or any portion thereof.

“(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

“(3) A complainant that alleges that the Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

“(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2010 or before the expiration of the 10-year period beginning on the date of the most recent review.

“(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

“(e) SUPERSEDITION OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

“(f) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

“(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

“(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office, such information shall be examined ex parte, in camera by the court.

“(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

“(C)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office may meet the burden of the Office under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted files likely to contain responsive records are records provided to the Office by an element of the intelligence community from the exempted operational files of such element.

“(ii) The court may not order the Office to review the content of any exempted file in order to make the demonstration required under clause (i), unless the complainant disputes the Office’s showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

“(D) In proceedings under subparagraph (C), a party may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36 of the Federal Rules of Civil Procedure.

“(E) If the court finds under this subsection that the Office has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review each appropriate exempted file for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and such order shall be the exclusive remedy for failure to comply with this section.

“(F) If at any time following the filing of a complaint pursuant to this paragraph the Office agrees to search each appropriate exempted file for the requested records, the court shall dismiss the claim based upon such complaint.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘exempted operational file’ means a file of an element of the intelligence community that, in accordance with this title, is exempted from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure of such file.

“(2) Except as otherwise specifically provided, the term ‘Office’ means the Office of the Director of National Intelligence.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 406(b) of this Act, is further amended by inserting after the item relating to section 705 the following new item:

“Sec. 706. Protection of certain files of the Office of the Director of National Intelligence.”.

SEC. 409. COUNTERINTELLIGENCE INITIATIVES FOR THE INTELLIGENCE COMMUNITY.

Section 1102 of the National Security Act of 1947 (50 U.S.C. 442a) is amended—

- (1) in subsection (a)—
 - (A) by striking paragraph (2); and
 - (B) by striking “(1) In” and inserting “In”; and
- (2) in subsection (c)—
 - (A) by striking paragraph (2); and
 - (B) by striking “(1) The” and inserting “The”.

SEC. 410. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

- (1) in paragraph (1), by striking “or”;
- (2) in paragraph (2), by striking the period and inserting “; or”; and
- (3) by adding at the end the following new paragraph:

“(3) The Office of the Director of National Intelligence, if the Director of National Intelligence determines that for reasons of national security such advisory committee cannot comply with the requirements of this Act.”.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—The Director of National Intelligence and the Director of the Central Intelligence Agency shall each submit to the congressional intelligence committees an annual report on advisory committees created by each such Director. Each report shall include—

(A) a description of each such advisory committee, including the subject matter of the committee; and

(B) a list of members of each such advisory committee.

(2) REPORT ON REASONS FOR ODNI EXCLUSION OF ADVISORY COMMITTEE FROM FACA.—Each report submitted by the Director of National Intelligence in accordance with paragraph (1) shall include the reasons for a determination by the Director under section 4(b)(3) of the Federal Advisory Committee Act (5 U.S.C. App.), as added by subsection (a) of this section, that an advisory committee cannot comply with the requirements of such Act.

SEC. 411. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

“(F) The Director of National Intelligence, or the Director’s designee.”.

SEC. 412. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c) is amended—

- (1) by striking subsections (d), (h), (i), and (j);
- (2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and
- (3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking “subsection (f)” each place it appears in paragraphs (1) and (2) and inserting “subsection (e)”;

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking “subsection (e)(1)” and inserting “subsection (d)(1)”; and

(B) in paragraph (2), by striking “subsection (e)(2)” and inserting “subsection (d)(2)”.

SEC. 413. MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL.

(a) PROHIBITION.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is

amended by adding at the end the following new section:

“MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL

“SEC. 1103. (a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence, or a designee of the Director, knowingly use the words ‘Office of the Director of National Intelligence’, the initials ‘ODNI’, the seal of the Office of the Director of National Intelligence, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence.

“(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of such Act, as amended by section 408 of this Act, is further amended by inserting after the item relating to section 1102 the following new item:

“Sec. 1103. Misuse of the Office of the Director of National Intelligence name, initials, or seal.”.

SEC. 414. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER ENERGY EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the recommendations of the report submitted to Congress under section 1 of the Act entitled “An Act to study and promote the use of energy efficient computer servers in the United States” (Public Law 109-431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the plan developed under subsection (a).

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 415. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR REVIEWS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND EXPORT ADMINISTRATION REGULATIONS.

The Director of National Intelligence may provide support for any review conducted by a department or agency of the United States Government of the International Traffic in Arms Regulations or Export Administration Regulations, including a review of technologies and goods on the United States Munitions List and Commerce Control List that may warrant controls that are different or additional to the controls such technologies and goods are subject to at the time of such review.

Subtitle B—Central Intelligence Agency**SEC. 421. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.**

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by striking “and the protection” and inserting “the protection”; and

(2) by inserting before the semicolon the following: “, and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate”.

SEC. 422. APPEALS FROM DECISIONS INVOLVING CONTRACTS OF THE CENTRAL INTELLIGENCE AGENCY.

Section 8(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(d)) is amended by adding at the end “Notwithstanding any other provision of this section and any other provision of law, an appeal from a decision of a contracting officer of the Central Intelligence Agency relative to a contract made by that Agency may be filed with whichever of the Armed Services Board of Contract Appeals or the Civilian Board of Contract Appeals is specified by such contracting officer as the Board to which such an appeal may be made and such Board shall have jurisdiction to decide that appeal.”.

SEC. 423. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT AND DUTIES OF DEPUTY DIRECTOR OF THE CIA.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 406 of this Act, is further amended by inserting after section 104A the following new section:

“DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

“SEC. 104B. (a) DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President.

“(b) DUTIES.—The Deputy Director of the Central Intelligence Agency shall—

“(1) assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director of the Central Intelligence Agency; and

“(2) during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency, act for and exercise the powers of the Director of the Central Intelligence Agency.”.

(b) CONFORMING AMENDMENTS.—

(1) EXECUTIVE SCHEDULE III.—Section 5314 of title 5, United States Code, is amended by striking “Deputy Directors of Central Intelligence (2)” and inserting “Deputy Director of the Central Intelligence Agency”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 414 of this Act, is further amended by inserting after the item relating to section 104A the following new item:

“Sec. 104B. Deputy Director of the Central Intelligence Agency.”.

(c) APPLICABILITY.—The amendments made by this section shall apply on the earlier of—

(1) the date of the appointment by the President of an individual to serve as Deputy Director of the Central Intelligence Agency pursuant to section 104B of the National Security Act of 1947, as added by subsection (a), except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the

date of the enactment of this Act may continue to perform such duties until the individual appointed to the position of Deputy Director of the Central Intelligence Agency assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of the Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 424. AUTHORITY TO AUTHORIZE TRAVEL ON A COMMON CARRIER.

Subsection (b) of section 116 of the National Security Act of 1947 (50 U.S.C. 404k) is amended by striking the period at the end and inserting “, who may delegate such authority to other appropriate officials of the Central Intelligence Agency.”.

SEC. 425. INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

(a) APPOINTMENT AND QUALIFICATIONS OF THE INSPECTOR GENERAL.—Paragraph (1) of section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)) is amended by striking the second and third sentences and inserting “This appointment shall be made without regard to political affiliation and shall be on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation. Such appointment shall also be made on the basis of compliance with the security standards of the Agency and prior experience in the field of foreign intelligence.”.

(b) REMOVAL OF THE INSPECTOR GENERAL.—Paragraph (6) of section 17(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(b)) is amended—

(1) by striking “immediately”; and

(2) by striking the period at the end and inserting “not later than 30 days prior to the effective date of such removal. Nothing in this paragraph shall be construed to prohibit a personnel action otherwise authorized by law, other than transfer or removal.”.

(c) APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO REVIEW REPORTS.—Paragraph (1) of section 17(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)) is amended in the matter preceding subparagraph (A) by inserting “review,” after “investigation.”.

(d) PROTECTION AGAINST REPRISALS.—Subparagraph (B) of section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)) is amended by inserting “or providing such information” after “making such complaint”.

(e) INSPECTOR GENERAL SUBPOENA POWER.—Subparagraph (A) of section 17(e)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(5)) is amended by inserting “in any medium (including electronically stored information or any tangible thing)” after “other data”.

(f) OTHER ADMINISTRATIVE AUTHORITIES.—

(1) IN GENERAL.—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q), as amended by subsections (d) and (e) of this section, is further amended—

(A) by redesignating paragraph (8) as subparagraph (9);

(B) in paragraph (9), as so redesignated—

(i) by striking “Subject to the concurrence of the Director, the” and inserting “The”; and

(ii) by adding at the end the following: “Consistent with budgetary and personnel resources allocated by the Director, the Inspector General has final approval of—

“(A) the selection of internal and external candidates for employment with the Office of Inspector General; and

“(B) all other personnel decisions concerning personnel permanently assigned to the Office of Inspector General, including selection and appointment to the Senior Intelligence Service, but excluding all security-based determinations that are not within the authority of a head of other Central Intelligence Agency offices.”; and

(C) by inserting after paragraph (7) the following new paragraph:

“(8)(A) The Inspector General shall—

“(i) appoint a Counsel to the Inspector General who shall report to the Inspector General; or

“(ii) obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.

“(B) The counsel appointed or obtained under subparagraph (A) shall perform such functions as the Inspector General may prescribe.”.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1)(C) shall be construed to alter the duties and responsibilities of the General Counsel of the Central Intelligence Agency.

SEC. 426. BUDGET OF THE INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.

Subsection (f) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by inserting “(1)” before “Beginning”; and

(2) by adding at the end the following new paragraph:

“(2) For each fiscal year, the Inspector General shall transmit a budget estimate and request through the Director to the Director of National Intelligence that specifies for such fiscal year—

“(A) the aggregate amount requested for the operations of the Inspector General;

“(B) the amount requested for all training requirements of the Inspector General, including a certification from the Inspector General that the amount requested is sufficient to fund all training requirements for the Office; and

“(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency, including a justification for such amount.

“(3) In transmitting a proposed budget to the President for a fiscal year, the Director of National Intelligence shall include for such fiscal year—

“(A) the aggregate amount requested for the Inspector General of the Central Intelligence Agency;

“(B) the amount requested for Inspector General training;

“(C) the amount requested to support the Council of the Inspectors General on Integrity and Efficiency; and

“(D) the comments of the Inspector General, if any, with respect to such proposed budget.

“(4) The Director of National Intelligence shall submit to the Committee on Appropriations and the Select Committee on Intelligence of the Senate and the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives for each fiscal year—

“(A) a separate statement of the budget estimate transmitted pursuant to paragraph (2);

“(B) the amount requested by the Director of National Intelligence for the Inspector General pursuant to paragraph (3)(A);

“(C) the amount requested by the Director of National Intelligence for training of personnel of the Office of the Inspector General pursuant to paragraph (3)(B);

“(D) the amount requested by the Director of National Intelligence for support for the Council of the Inspectors General on Integrity and Efficiency pursuant to paragraph (3)(C); and

“(E) the comments of the Inspector General under paragraph (3)(D), if any, on the amounts requested pursuant to paragraph (3), including whether such amounts would substantially inhibit the Inspector General from performing the duties of the Office.”.

SEC. 427. PUBLIC AVAILABILITY OF UNCLASSIFIED VERSIONS OF CERTAIN INTELLIGENCE PRODUCTS.

The Director of the Central Intelligence Agency shall make publicly available an unclassified version of any memoranda or finished intelligence products assessing the—

(1) information gained from high-value detainee reporting; and

(2) dated April 3, 2003, July 15, 2004, March 2, 2005, and June 1, 2005.

Subtitle C—Defense Intelligence Components

SEC. 431. INSPECTOR GENERAL MATTERS.

(a) **COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.**—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting “the Defense Intelligence Agency,” after “the Corporation for Public Broadcasting,”;

(2) by inserting “the National Geospatial-Intelligence Agency,” after “the National Endowment for the Humanities,”; and

(3) by inserting “the National Reconnaissance Office, the National Security Agency,” after “the National Labor Relations Board,”.

(b) **CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.**—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new paragraph:

“(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.”.

(c) **POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.**—Subsection (d) of section 8G of such Act (5 U.S.C. App.) is amended—

(1) by inserting “(1)” after “(d)”;

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking “The head” and inserting “Except as provided in paragraph (2), the head”; and

(3) by adding at the end the following new paragraph:

“(2)(A) The Secretary of Defense, in consultation with the Director of National Intelligence, may prohibit the inspector general of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Secretary determines that the prohibition is necessary to protect vital national security interests of the United States.

“(B) If the Secretary exercises the authority under subparagraph (A), the Secretary shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of such authority not later than 7 days after the exercise of such authority.

“(C) At the same time the Secretary submits under subparagraph (B) a statement on

the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Secretary shall notify the inspector general of such element and, to the extent consistent with the protection of intelligence sources and methods, provide such inspector general with a copy of such statement. Such inspector general may submit to such committees of Congress any comments on a notice or statement received by the inspector general under this subparagraph that the inspector general considers appropriate.

“(D) The elements of the intelligence community specified in this subparagraph are as follows:

“(i) The Defense Intelligence Agency.

“(ii) The National Geospatial-Intelligence Agency.

“(iii) The National Reconnaissance Office.

“(iv) The National Security Agency.

“(E) The committees of Congress specified in this subparagraph are—

“(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

“(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.”.

SEC. 432. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

“(B) The authority provided by this paragraph does not include authority for the National Geospatial-Intelligence Agency to manage tasking of handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.”; and

(3) in paragraph (3), as so redesignated, by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”.

SEC. 433. DIRECTOR OF COMPLIANCE OF THE NATIONAL SECURITY AGENCY.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

“SEC. 2. There is a Director of Compliance of the National Security Agency, who shall be appointed by the Director of the National Security Agency and who shall be responsible for the programs of compliance over mission activities of the National Security Agency.”.

Subtitle D—Other Elements

SEC. 441. CODIFICATION OF ADDITIONAL ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting “the Coast Guard,” after “the Marine Corps,”; and

(B) by inserting “the Drug Enforcement Administration,” after “the Federal Bureau of Investigation,”; and

(2) in subparagraph (K), by striking “,” including the Office of Intelligence of the Coast Guard”.

SEC. 442. AUTHORIZATION OF APPROPRIATIONS FOR COAST GUARD NATIONAL TACTICAL INTEGRATION OFFICE.

Title 14, United States Code, is amended—

(1) in paragraph (4) of section 93(a), by striking “function” and inserting “function, including research, development, test, or evaluation related to intelligence systems and capabilities,”; and

(2) in paragraph (4) of section 662, by inserting “intelligence systems and capabilities or” after “related to”.

SEC. 443. RETENTION AND RELOCATION BONUSES FOR THE FEDERAL BUREAU OF INVESTIGATION.

Section 5759 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by striking “is transferred to a different geographic area with a higher cost of living” and inserting “is subject to a mobility agreement and is transferred to a position in a different geographical area in which there is a shortage of critical skills”;

(2) in subsection (b)(2), by striking the period at the end and inserting “, including requirements for a bonus recipient’s repayment of a bonus in circumstances determined by the Director of the Federal Bureau of Investigation.”;

(3) in subsection (c), by striking “basic pay.” and inserting “annual rate of basic pay. The bonus may be paid in a lump sum or installments linked to completion of periods of service.”; and

(4) in subsection (d), by striking “retention bonus” and inserting “bonus paid under this section”.

SEC. 444. EXTENSION OF THE AUTHORITY OF THE FEDERAL BUREAU OF INVESTIGATION TO WAIVE MANDATORY RETIREMENT PROVISIONS.

(a) **CIVIL SERVICE RETIREMENT SYSTEM.**—Subsection (b) of section 8335 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(a)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108-447; 118 Stat. 2868), by striking “2009” and inserting “2011”; and

(2) by striking the paragraph (2) enacted by section 2005(a)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3704).

(b) **FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.**—Subsection (b) of section 8425 of title 5, United States Code, is amended—

(1) in the paragraph (2) enacted by section 112(b)(2) of the Department of Justice Appropriations Act, 2005 (title I of division B of Public Law 108-447; 118 Stat. 2868), by striking “2009” and inserting “2011”; and

(2) by striking the paragraph (2) enacted by section 2005(b)(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3704).

SEC. 445. REPORT AND ASSESSMENTS ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) **REPORT.**—

(1) **REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in consultation with the Director of National Intelligence, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the

House of Representatives a report describing—

(A) a long-term vision for the intelligence capabilities of the National Security Branch of the Bureau;

(B) a strategic plan for the National Security Branch; and

(C) the progress made in advancing the capabilities of the National Security Branch.

(2) **CONTENT.**—The report required by paragraph (1) shall include—

(A) a description of the direction, strategy, and goals for improving the intelligence capabilities of the National Security Branch;

(B) a description of the intelligence and national security capabilities of the National Security Branch that will be fully functional within the five-year period beginning on the date on which the report is submitted;

(C) a description—

(i) of the internal reforms that were carried out at the National Security Branch during the two-year period ending on the date on which the report is submitted; and

(ii) of the manner in which such reforms have advanced the capabilities of the National Security Branch;

(D) an assessment of the effectiveness of the National Security Branch in performing tasks that are critical to the effective functioning of the National Security Branch as an intelligence agency, including—

(i) human intelligence collection, both within and outside the parameters of an existing case file or ongoing investigation, in a manner that protects civil liberties;

(ii) intelligence analysis, including the ability of the National Security Branch to produce, and provide policymakers with, information on national security threats to the United States;

(iii) management, including the ability of the National Security Branch to manage and develop human capital and implement an organizational structure that supports the objectives and strategies of the Branch;

(iv) integration of the National Security Branch into the intelligence community, including an ability to robustly share intelligence and effectively communicate and operate with appropriate Federal, State, local, and tribal partners;

(v) implementation of an infrastructure that supports the national security and intelligence missions of the National Security Branch, including proper information technology and facilities; and

(vi) reformation of the culture of the National Security Branch, including the integration by the Branch of intelligence analysts and other professional staff into intelligence collection operations and the success of the National Security Branch in ensuring that intelligence and threat information drive the operations of the Branch;

(E) performance metrics and specific annual timetables for advancing the performance of the tasks referred to in clauses (i) through (vi) of subparagraph (D) and a description of the activities being undertaken to ensure that the performance of the National Security Branch in carrying out such tasks improves; and

(F) an assessment of the effectiveness of the field office supervisory term limit policy of the Federal Bureau of Investigation that requires the mandatory reassignment of a supervisor of the Bureau after a specific term of years.

(b) **ANNUAL ASSESSMENTS.**—

(1) **REQUIREMENT FOR ASSESSMENTS.**—Not later than 180 days after the date on which the report required by subsection (a)(1) is

submitted, and annually thereafter for five years, the Director of National Intelligence, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives an assessment of the performance of the National Security Branch in carrying out the tasks referred to in clauses (i) through (vi) of subsection (a)(2)(D) in comparison to such performance during previous years.

(2) **CONSIDERATIONS.**—In conducting each assessment required by paragraph (1), the Director of National Intelligence—

(A) shall use the performance metrics and specific annual timetables for carrying out such tasks referred to in subsection (a)(2)(E); and

(B) may request the assistance of any expert that the Director considers appropriate, including an inspector general of an appropriate department or agency.

TITLE V—REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

SEC. 501. REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) **REORGANIZATION OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.**—

(1) **IN GENERAL.**—Subtitle B of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 22 U.S.C. 7301 et seq.) is amended by striking sections 321, 322, 323, and 324, and inserting the following new sections:

“SEC. 321. DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

“(a) **REORGANIZATION.**—The Diplomatic Telecommunications Service Program Office established pursuant to title V of Public Law 102-140 shall be reorganized in accordance with this subtitle.

“(b) **DUTIES.**—The duties of the DTS-PO include implementing a program for the establishment and maintenance of a DTS Network capable of providing multiple levels of service to meet the wide-ranging needs of all United States Government departments and agencies operating from diplomatic and consular facilities outside of the United States, including national security needs for secure, reliable, and robust communications capabilities.

“SEC. 322. ESTABLISHMENT OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE GOVERNANCE BOARD.

“(a) **GOVERNANCE BOARD.**—

“(1) **ESTABLISHMENT.**—There is established the Diplomatic Telecommunications Service Governance Board to direct and oversee the activities and performance of the DTS-PO.

“(2) **EXECUTIVE AGENT.**—

“(A) **DESIGNATION.**—The Director of the Office of Management and Budget shall designate, from among the departments and agencies of the United States Government that use the DTS Network, a department or agency as the DTS-PO Executive Agent.

“(B) **DUTIES.**—The Executive Agent designated under subparagraph (A) shall—

“(i) nominate a Director of the DTS-PO for approval by the Governance Board in accordance with subsection (e); and

“(ii) perform such other duties as established by the Governance Board in the determination of written implementing arrangements and other relevant and appropriate governance processes and procedures under paragraph (3).

“(3) **REQUIREMENT FOR IMPLEMENTING ARRANGEMENTS.**—Subject to the requirements

of this subtitle, the Governance Board shall determine the written implementing arrangements and other relevant and appropriate governance processes and procedures to manage, oversee, resource, or otherwise administer the DTS-PO.

“(b) **MEMBERSHIP.**—

“(1) **SELECTION.**—The Director of the Office of Management and Budget shall designate from among the departments and agencies that use the DTS Network—

“(A) four departments and agencies to each appoint one voting member of the Governance Board from the personnel of such departments and agencies; and

“(B) any other departments and agencies that the Director considers appropriate to each appoint one nonvoting member of the Governance Board from the personnel of such departments and agencies.

“(2) **VOTING AND NONVOTING MEMBERS.**—The Governance Board shall consist of voting members and nonvoting members as follows:

“(A) **VOTING MEMBERS.**—The voting members shall consist of a Chair, who shall be designated by the Director of the Office of Management and Budget, and the four members appointed by departments and agencies designated under paragraph (1)(A).

“(B) **NONVOTING MEMBERS.**—The nonvoting members shall consist of the members appointed by departments and agencies designated under paragraph (1)(B) and shall act in an advisory capacity.

“(c) **CHAIR DUTIES AND AUTHORITIES.**—The Chair of the Governance Board shall—

“(1) preside over all meetings and deliberations of the Governance Board;

“(2) provide the Secretariat functions of the Governance Board; and

“(3) propose bylaws governing the operation of the Governance Board.

“(d) **QUORUM, DECISIONS, MEETINGS.**—A quorum of the Governance Board shall consist of the presence of the Chair and four voting members. The decisions of the Governance Board shall require a majority of the voting membership. The Chair shall convene a meeting of the Governance Board not less than four times each year to carry out the functions of the Governance Board. The Chair or any voting member may convene a meeting of the Governance Board.

“(e) **GOVERNANCE BOARD DUTIES.**—The Governance Board shall have the following duties with respect to the DTS-PO:

“(1) To approve and monitor the plans, services, priorities, policies, and pricing methodology of the DTS-PO for bandwidth costs and projects carried out at the request of a department or agency that uses the DTS Network.

“(2) To provide to the DTS-PO Executive Agent the recommendation of the Governance Board with respect to the approval, disapproval, or modification of each annual budget request for the DTS-PO, prior to the submission of any such request by the Executive Agent.

“(3) To review the performance of the DTS-PO against plans approved under paragraph (1) and the management activities and internal controls of the DTS-PO.

“(4) To require from the DTS-PO any plans, reports, documents, and records the Governance Board considers necessary to perform its oversight responsibilities.

“(5) To conduct and evaluate independent audits of the DTS-PO.

“(6) To approve or disapprove the nomination of the Director of the DTS-PO by the Executive Agent with a majority vote of the Governance Board.

“(7) To recommend to the Executive Agent the replacement of the Director of the DTS-

PO with a majority vote of the Governance Board.

“(f) NATIONAL SECURITY INTERESTS.—The Governance Board shall ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization.

“SEC. 323. FUNDING OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the operations, maintenance, development, enhancement, modernization, and investment costs of the DTS Network and the DTS-PO. Funds appropriated for allocation to the DTS-PO shall remain available to the DTS-PO for a period of two fiscal years.

“(b) FEES.—The DTS-PO shall charge a department or agency that uses the DTS Network for only those bandwidth costs attributable to such department or agency and for specific projects carried out at the request of such department or agency, pursuant to the pricing methodology for such bandwidth costs and such projects approved under section 322(e)(1), for which amounts have not been appropriated for allocation to the DTS-PO. The DTS-PO is authorized to directly receive payments from departments or agencies that use the DTS Network and to invoice such departments or agencies for the fees under this section either in advance of, or upon or after, providing the bandwidth or performing such projects. Such funds received from such departments or agencies shall remain available to the DTS-PO for a period of two fiscal years.

“SEC. 324. DEFINITIONS.

“In this subtitle:

“(1) DTS NETWORK.—The term ‘DTS Network’ means the worldwide telecommunication network supporting all United States Government agencies and departments operating from diplomatic and consular facilities outside of the United States.

“(2) DTS-PO.—The term ‘DTS-PO’ means the Diplomatic Telecommunications Service Program Office.

“(3) GOVERNANCE BOARD.—The term ‘Governance Board’ means the Diplomatic Telecommunications Service Governance Board established under section 322(a)(1).”

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106-567; 114 Stat. 2831) is amended by striking the items relating to sections 321, 322, 323, and 324 and inserting the following new items:

“Sec. 321. Diplomatic Telecommunications Service Program Office.

“Sec. 322. Establishment of the Diplomatic Telecommunications Service Governance Board.

“Sec. 323. Funding of the Diplomatic Telecommunications Service.

“Sec. 324. Definitions.”

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUSPENSION OF REORGANIZATION.—

(A) REPEAL.—The Intelligence Authorization Act for Fiscal Year 2002 (Public Law 107-108; 22 U.S.C. 7301 note) is amended by striking section 311.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 311.

(2) REPEAL OF REFORM.—

(A) REPEAL.—The Admiral James W. Nance and Meg Donovan Foreign Relations Author-

ization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-405) is amended by striking section 305.

(B) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the item related to section 305.

(3) REPEAL OF REPORTING REQUIREMENTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)), as amended by section 351 of this Act, is further amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

TITLE VI—FOREIGN INTELLIGENCE AND INFORMATION COMMISSION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the “Foreign Intelligence and Information Commission Act”.

SEC. 602. DEFINITIONS.

In this title:

(1) COMMISSION.—The term “Commission” means the Foreign Intelligence and Information Commission established in section 603(a).

(2) FOREIGN INTELLIGENCE; INTELLIGENCE.—The terms “foreign intelligence” and “intelligence” have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(3) INFORMATION.—The term “information” includes information of relevance to the foreign policy of the United States collected and conveyed through diplomatic reporting and other reporting by personnel of the United States Government who are not employed by an element of the intelligence community, including public and open-source information.

SEC. 603. ESTABLISHMENT AND FUNCTIONS OF THE COMMISSION.

(a) ESTABLISHMENT.—There is established in the legislative branch a Foreign Intelligence and Information Commission.

(b) PURPOSE.—The purpose of the Commission is to evaluate systems and processes at the strategic, interagency level and provide recommendations accordingly, and not to seek to duplicate the functions of the Director of National Intelligence.

(c) FUNCTIONS.—The Commission shall—

(1) evaluate the current processes or systems for the strategic integration of the intelligence community, including the Open Source Center, and other elements of the United States Government, including the Department of State, with regard to the collection, reporting, and analysis of foreign intelligence and information;

(2) provide recommendations to improve or develop such processes or systems to integrate the intelligence community with other elements of the United States Government, potentially including the development of an interagency strategy that identifies—

(A) the collection, reporting, and analysis requirements of the United States Government;

(B) the elements of the United States Government best positioned to meet collection and reporting requirements, with regard to missions, comparative institutional advantages, and any other relevant factors; and

(C) interagency budget and resource allocations necessary to achieve such collection, reporting, and analytical requirements;

(3) evaluate the extent to which current intelligence collection, reporting, and analysis strategies are intended to provide global coverage and anticipate future threats, challenges, and crises;

(4) provide recommendations on how to incorporate into the interagency strategy the means to anticipate future threats, challenges, and crises, including by identifying and supporting collection, reporting, and analytical capabilities that are global in scope and directed at emerging, long-term, and strategic targets;

(5) provide recommendations on strategies for sustaining human and budgetary resources to effect the global collection and reporting missions identified in the interagency strategy, including the prepositioning of collection and reporting capabilities;

(6) provide recommendations for developing, clarifying, and, if necessary, bolstering current and future collection and reporting roles and capabilities of elements of the United States Government that are not elements of the intelligence community deployed in foreign countries;

(7) provide recommendations related to the role of individual country missions in contributing to the interagency strategy;

(8) evaluate the extent to which the establishment of new embassies and out-of-embassy posts are able to contribute to expanded global coverage and increased collection and reporting and provide recommendations related to the establishment of new embassies and out-of-embassy posts;

(9) provide recommendations on executive or legislative changes necessary to establish any new executive branch entity or to expand the authorities of any existing executive branch entity, as needed to improve the strategic integration referred to in paragraph (1) and develop and oversee the implementation of any interagency strategy;

(10) provide recommendations on processes for developing and presenting to Congress budget requests for each relevant element of the United States Government that reflect the allocations identified in the interagency strategy and for congressional oversight of the development and implementation of the strategy; and

(11) provide recommendations on any institutional reforms related to the collection and reporting roles of individual elements of the United States Government outside the intelligence community, as well as any budgetary, legislative, or other changes needed to achieve such reforms.

SEC. 604. MEMBERS AND STAFF OF THE COMMISSION.

(a) MEMBERS OF THE COMMISSION.—

(1) APPOINTMENT.—The Commission shall be composed of 10 members as follows:

(A) Two members appointed by the majority leader of the Senate.

(B) Two members appointed by the minority leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) Two members appointed by the minority leader of the House of Representatives.

(E) One nonvoting member appointed by the Director of National Intelligence.

(F) One nonvoting member appointed by the Secretary of State.

(2) SELECTION.—

(A) IN GENERAL.—Members of the Commission shall be individuals who—

(i) are not officers or employees of the United States Government or any State or local government; and

(ii) have knowledge and experience—

(I) in foreign information and intelligence collection, reporting, and analysis, including clandestine collection and classified analysis (such as experience in the intelligence community), diplomatic reporting and analysis,

and collection of public and open-source information;

(II) in issues related to the national security and foreign policy of the United States gained by serving as a senior official of the Department of State, a member of the Foreign Service, an employee or officer of an appropriate department or agency of the United States, or an independent organization with expertise in the field of international affairs; or

(III) with foreign policy decision-making.

(B) DIVERSITY OF EXPERIENCE.—The individuals appointed to the Commission should be selected with a view to establishing diversity of experience with regard to various geographic regions, functions, and issues.

(3) CONSULTATION.—The Speaker and the minority leader of the House of Representatives, the majority leader and the minority leader of the Senate, the Director of National Intelligence, and the Secretary of State shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be considered by the Commission in accordance with this title.

(4) TIME OF APPOINTMENT.—The appointments under subsection (a) shall be made—

(A) after the date on which funds are first appropriated for the Commission pursuant to section 609; and

(B) not later than 60 days after such date.

(5) TERM OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

(6) VACANCIES.—Any vacancy of the Commission shall not affect the powers of the Commission and shall be filled in the manner in which the original appointment was made.

(7) CHAIR.—The voting members of the Commission shall designate one of the voting members to serve as the chair of the Commission.

(8) QUORUM.—Five voting members of the Commission shall constitute a quorum for purposes of transacting the business of the Commission.

(9) MEETINGS.—The Commission shall meet at the call of the chair and shall meet regularly, not less than once every 3 months, during the life of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The chair of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of that title relating to classification of positions and General Schedule pay rates, appoint and terminate an executive director and, in consultation with the executive director, appoint and terminate such other additional personnel as may be necessary to enable the Commission to perform its duties. In addition to the executive director and one full-time support staff for the executive director, there shall be additional staff with relevant intelligence and foreign policy experience to support the work of the Commission.

(2) SELECTION OF THE EXECUTIVE DIRECTOR.—The executive director shall be selected with the approval of a majority of the voting members of the Commission.

(3) COMPENSATION.—

(A) EXECUTIVE DIRECTOR.—The executive director shall be compensated at the maximum annual rate payable for an employee of a standing committee of the Senate under section 105(e) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(e)), as adjusted by any order of the President pro tempore of the Senate.

(B) STAFF.—The chair of the Commission may fix the compensation of other personnel of the Commission without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the maximum annual rate payable for an employee of a standing committee of the Senate under section 105(e) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(e)), as adjusted by any order of the President pro tempore of the Senate.

(C) EXPERTS AND CONSULTANTS.—The Commission is authorized to procure temporary or intermittent services of experts and consultants as necessary to the extent authorized by section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable under section 5376 of such title.

(d) STAFF AND SERVICES OF OTHER AGENCIES OR DEPARTMENTS OF THE UNITED STATES.—Upon the request of the Commission, the head of a department or agency of the United States may detail, on a reimbursable or nonreimbursable basis, any of the personnel of that department or agency to the Commission to assist the Commission in carrying out this title. The detail of any such personnel shall be without interruption or loss of civil service or Foreign Service status or privilege.

(e) SECURITY CLEARANCE.—The appropriate departments or agencies of the United States shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(f) REPORTS UNDER ETHICS IN GOVERNMENT ACT OF 1978.—Notwithstanding any other provision of law, for purposes of title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), each member and staff of the Commission—

(1) shall be deemed to be an officer or employee of the Congress (as defined in section 109(13) of such title); and

(2) shall file any report required to be filed by such member or such staff (including by virtue of the application of paragraph (1)) under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) with the Secretary of the Senate.

SEC. 605. POWERS AND DUTIES OF THE COMMISSION.

(a) HEARINGS AND EVIDENCE.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any department or agency of the United States such information as the Commission considers necessary to carry out this title. Upon request of the chair of the Commission, the head of such department or agency shall furnish such information to the Commission, subject to applicable law.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as a department or agency of the United States.

(d) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a nonreimbursable basis) such administrative support services as the Commission may request to carry out this title.

(e) ADMINISTRATIVE PROCEDURES.—The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable the Commission to carry out this title.

(f) TRAVEL.—

(1) IN GENERAL.—The members and staff of the Commission may, with the approval of the Commission, conduct such travel as is necessary to carry out this title.

(2) EXPENSES.—Members of the Commission shall serve without pay but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(g) GIFTS.—No member or staff of the Commission may receive a gift or benefit by reason of the service of such member or staff to the Commission.

SEC. 606. REPORT OF THE COMMISSION.

(a) IN GENERAL.—

(1) INTERIM REPORT.—Not later than 300 days after the date on which all members of the Commission are appointed under section 604(a), the Commission shall submit to the congressional intelligence committees an interim report setting forth the preliminary evaluations and recommendations of the Commission described in section 603(c).

(2) FINAL REPORT.—Not later than 60 days after the date of the submission of the report required by paragraph (1), the Commission shall submit a final report setting forth the final evaluations and recommendations of the Commission described in section 603(c) to each of the following:

(A) The President.

(B) The Director of National Intelligence.

(C) The Secretary of State.

(D) The congressional intelligence committees.

(E) The Committee on Foreign Relations of the Senate.

(F) The Committee on Foreign Affairs of the House of Representatives.

(b) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include that member's individual or dissenting views in a report required by paragraph (1) or (2) of subsection (a).

(c) FORM OF REPORT.—The reports required by paragraphs (1) and (2) of subsection (a), including any finding or recommendation of such report, shall be submitted in unclassified form, but may include a classified annex.

SEC. 607. TERMINATION.

(a) IN GENERAL.—The Commission shall terminate on the date that is 60 days after the date of the submission of the report required by section 606(a)(2).

(b) TRANSFER OF RECORDS.—Upon the termination of the Commission under subsection (a), all records, files, documents, and other materials in the possession, custody, or control of the Commission shall be transferred to the Select Committee on Intelligence of the Senate and deemed to be records of such Committee.

SEC. 608. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Amounts made available to the Commission pursuant to subsection (a) shall remain available until expended.

TITLE VII—OTHER MATTERS

SEC. 701. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) EXTENSION.—

(1) IN GENERAL.—Effective on the date on which funds are first appropriated pursuant to subsection (b)(1) and subject to paragraph (3), subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 50 U.S.C. 401 note) is amended by striking “September 1, 2004,” and inserting “one year after the date on which all members of the Commission are appointed pursuant to section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010.”

(2) APPLICABILITY OF AMENDMENT.—The amendment made by paragraph (1) shall take effect as if included in the enactment of such section 1007.

(3) COMMISSION MEMBERSHIP.—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act (Public Law 107-306; 50 U.S.C. 401 note) (referred to in this section as the “Commission”) shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by subparagraph (B).

(4) CLARIFICATION OF DUTIES.—Section 1002(i) of such Act is amended in the matter preceding paragraph (1) by striking “including—” and inserting “including advanced research and development programs and activities. Such review shall include—”.

(b) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

(2) AVAILABILITY.—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

(3) REPEAL OF EXISTING FUNDING AUTHORITY.—Section 1010 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 50 U.S.C. 401 note) is repealed.

(c) TECHNICAL AMENDMENTS.—

(1) DIRECTOR OF CENTRAL INTELLIGENCE.—The Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306) is amended by striking “Director of Central Intelligence” each place it appears and inserting “Director of National Intelligence” in the following provisions:

- (A) Section 1002(h)(2).
- (B) Section 1003(d)(1).
- (C) Section 1006(a)(1).
- (D) Section 1006(b).
- (E) Section 1007(a).
- (F) Section 1008.

(2) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.—Paragraph (1) of section 1002(b) of such Act is amended by striking “The Deputy Director of Central Intelligence for Community Management.” and inserting “The Principal Deputy Director of National Intelligence.”.

SEC. 702. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH MATERIALS IN THE POSSESSION OF THE CONGRESSIONAL INTELLIGENCE COMMITTEES.

The Director of National Intelligence is authorized to conduct, at the request of one of the congressional intelligence committees

and in accordance with procedures established by that committee, a classification review of materials in the possession of that committee that—

- (1) are not less than 25 years old; and
- (2) were created, or provided to that committee, by an entity in the executive branch.

TITLE VIII—TECHNICAL AMENDMENTS

SEC. 801. TECHNICAL AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

- (1) in section 101—
 - (A) in subsection (a), by moving paragraph (7) two ems to the right; and
 - (B) by moving subsections (b) through (p) two ems to the right;
- (2) in section 103, by redesignating subsection (i) as subsection (h);
- (3) in section 109(a)—
 - (A) in paragraph (1), by striking “section 112.” and inserting “section 112.”; and
 - (B) in paragraph (2), by striking the second period;
- (4) in section 301(1), by striking “‘United States’” and all that follows through “‘and ‘State’” and inserting “‘United States’, ‘person’, ‘weapon of mass destruction’, and ‘State’”;
- (5) in section 304(b), by striking “subsection (a)(3)” and inserting “subsection (a)(2)”;
- (6) in section 502(a), by striking “a annual” and inserting “an annual”.

SEC. 802. TECHNICAL AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended—

- (1) in paragraph (1) of section 5(a), by striking “authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403-3(c)(7), (d), 403-4(a), (g), and 405)” and inserting “authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403-4a).”;
- (2) in section 17(d)(3)(B)—
 - (A) in clause (i), by striking “advise” and inserting “advice”;
 - (B) by amending clause (ii) to read as follows:
 - “(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—
 - “(I) Deputy Director;
 - “(II) Associate Deputy Director;
 - “(III) Director of the National Clandestine Service;
 - “(IV) Director of Intelligence;
 - “(V) Director of Support; or
 - “(VI) Director of Science and Technology.”.

“(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

- “(I) Deputy Director;
- “(II) Associate Deputy Director;
- “(III) Director of the National Clandestine Service;
- “(IV) Director of Intelligence;
- “(V) Director of Support; or
- “(VI) Director of Science and Technology.”.

SEC. 803. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.

Section 528(c) of title 10, United States Code, is amended—

- (1) in the heading, by striking “ASSOCIATE DIRECTOR OF CIA FOR MILITARY AFFAIRS” and inserting “ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA”; and
- (2) by striking “Associate Director of the Central Intelligence Agency for Military Affairs” and inserting “Associate Director of Military Affairs, Central Intelligence Agency, or any successor position”.

SEC. 804. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

- (1) in section 3(4)(L), by striking “other” the second place it appears;

(2) in section 102A—

(A) in subsection (c)(3)(A), by striking “annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities” and inserting “annual budget for the Military Intelligence Program or any successor program or programs”;

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking “Joint Military Intelligence Program” and inserting “Military Intelligence Program or any successor program or programs”;

(ii) in paragraph (3) in the matter preceding subparagraph (A), by striking “subparagraph (A)” and inserting “paragraph (1)(A)”;

(iii) in paragraph (5)—

(I) in subparagraph (A), by striking “or personnel” in the matter preceding clause (i); and

(II) in subparagraph (B), by striking “or agency involved” in the second sentence and inserting “involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)”;

(C) in subsection (1)(2)(B), by striking “section” and inserting “paragraph”;

(D) in subsection (n), by inserting “AND OTHER” after “ACQUISITION”;

(3) in section 103(b), by striking “, the National Security Act of 1947 (50 U.S.C. 401 et seq.)”;

(4) in section 104A(g)(1) in the matter preceding subparagraph (A), by striking “Directorate of Operations” and inserting “National Clandestine Service”;

(5) in section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking “subsection (h)” and inserting “subsection (i)”;

(6) in section 701(b)(1), by striking “Directorate of Operations” and inserting “National Clandestine Service”;

(7) in section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking “responsible” and inserting “responsive”;

(8) in section 1003(h)(2) in the matter preceding subparagraph (A), by striking “subsection (i)(2)(B)” and inserting “subsection (g)(2)(B)”.

SEC. 805. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking “FOREIGN”;

(2) by striking “foreign” each place it appears.

(b) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.—Such section 1403, as amended by subsection (a), is further amended—

(1) in subsections (a) and (c), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(2) in subsection (b), by inserting “of National Intelligence” after “Director”.

(c) FUTURE-YEARS DEFENSE PROGRAM.—Subsection (c) of such section 1403, as amended by subsection (b), is further amended by striking “multiyear defense program submitted pursuant to section 114a of title 10, United States Code” and inserting “future-years defense program submitted pursuant to section 221 of title 10, United States Code”.

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The heading of such section 1403 is amended to read as follows:

“SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.”

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1485) is amended by striking the item relating to section 1403 and inserting the following new item:

“Sec. 1403. Multiyear National Intelligence Program.”.

SEC. 806. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO THE NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458; 118 Stat. 3643) is amended—

(1) in subparagraph (B) of section 1016(e)(10) (6 U.S.C. 485(e)(10)), by striking “Attorney General” the second place it appears and inserting “Department of Justice”;

(2) in subsection (e) of section 1071, by striking “(1)”;

(3) in subsection (b) of section 1072, in the subsection heading by inserting “AGENCY” after “INTELLIGENCE”.

(b) OTHER AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3638) is amended—

(1) in section 2001 (28 U.S.C. 532 note)—

(A) in paragraph (1) of subsection (c)—

(i) by striking “shall,” and inserting “shall”;

(ii) by inserting “of” before “an institutional culture”;

(B) in paragraph (2) of subsection (e), by striking “the National Intelligence Director in a manner consistent with section 112(e)” and inserting “the Director of National Intelligence in a manner consistent with applicable law”;

(C) in subsection (f), by striking “shall,” in the matter preceding paragraph (1) and inserting “shall”;

(2) in section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking “the Federal” and inserting “Federal”;

(B) in paragraph (3), by striking “the specific” and inserting “specific”.

SEC. 807. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

“Director of the Central Intelligence Agency.”.

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

“General Counsel of the Office of the Director of National Intelligence.”.

SEC. 808. TECHNICAL AMENDMENTS TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(2) by inserting “or in section 313 of such title,” after “subsection (a))”.

SEC. 809. TECHNICAL AMENDMENTS TO SECTION 602 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995.

Section 602 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 403-2b) is amended—

(1) in subsection (a), in paragraph (2), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(ii) in subparagraph (B), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

(C) in paragraph (3), by striking “Director of Central Intelligence” and inserting “Director of the Central Intelligence Agency”.

SEC. 810. TECHNICAL AMENDMENTS TO SECTION 403 OF THE INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992.

(a) ROLE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Section 403 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 403-2) is amended by striking “The Director of Central Intelligence” and inserting the following:

“(a) IN GENERAL.—The Director of National Intelligence”.

(b) DEFINITION OF INTELLIGENCE COMMUNITY.—Section 403 of the Intelligence Authorization Act, Fiscal Year 1992, as amended by subsection (a), is further amended—

(1) by striking “Intelligence Community” and insert “intelligence community”;

(2) by striking the second sentence and inserting the following:

“(b) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

Mrs. FEINSTEIN. It is my understanding the bill is passed. I thank the Senate for passage of this bill.

This is a bill which the Senate Select Committee on Intelligence reported out by a unanimous 15-to-0 vote on July 19. This is the Senate’s second time approving an intelligence authorization bill for fiscal year 2010. The committee reported S. 1494 unanimously in July 2009, and the Senate passed it by unanimous consent in September 2009. The House passed its bill, its 2010 authorization bill, in February 2010.

The House and Senate Intelligence Committees then worked for months, together with the administration, to agree on a bill that would make a substantial contribution to national security and that would be able to pass both Chambers and become law with the President’s approval. S. 3611 is that agreement.

I thank the White House for their efforts to come to an agreement on the legislation, as well as the efforts of the vice chairman, Senator BOND, and his staff. This is his last bill and, as such, I thank him very much for his cooperation in this matter, for the ability to work with him over this period of time.

I would also like to acknowledge the leadership of the distinguished chairman of the House Intelligence Committee, Mr. REYES.

Broadly speaking, the bill advances the cause of effective oversight of the intelligence community and contributes significantly to the Director of National Intelligence’s ability to direct and lead the intelligence community as an integrated whole.

It is my understanding that the House will be back in session next week. I would urge them to take up this important legislation at that time.

Our committee filed a detailed report on S. 3611, which is available both in print and on our Web site to all Members of the Senate, our colleagues in the House, and the public as Senate Report 111-223.

The bill contains 106 sections divided into eight titles. Let me commend the reading of the bill and our report to all who may be interested in why it is essential that the Congress complete action on this needed and overdue legislation. In these remarks, I will only mention a few highlights.

This is the committee’s second report of an intelligence Authorization for fiscal year 2010. We reported S. 1494 unanimously in July 2009 and the Senate passed it by unanimous consent in September 2009. The House passed its fiscal year 2010 in February 2010.

The House and Senate Intelligence Committees then worked for months, together with the administration, to agree on a bill that would make a substantial contribution to national security and that would be able to pass both Chambers and become law with the President’s approval. S. 3611 is that agreement.

Broadly speaking, the bill advances the cause of effective oversight of the intelligence community and contributes significantly to the Director of National Intelligence’s ability to direct and lead the intelligence community as an integrated whole.

To illustrate, with respect to oversight, the bill will complete an effort that the Senate began in 2004 to create a strong and independent statutory inspector general for the intelligence community. A principal focus of that community-wide IG will be on progress and problems with the integration of the efforts of the 16 components of the intelligence community. The bill also strengthens the CIA inspector general and provides a statutory basis for IGs in the major intelligence elements within the Department of Defense.

This strengthened IG system within the intelligence community will provide greater visibility for the leaders of the IC, including the DNI, into management, information sharing and information security, and other problems within the intelligence community. The reports of their investigations and audits will also be, as IG reports have

been, an invaluable aid for congressional oversight.

Other parts of the bill will also directly aid congressional oversight. These include requirements that executive and legislative procedures on full and timely notifications to the intelligence committees be in writing and that written records of notifications to the intelligence committees of intelligence activities and covert actions also be in writing.

Importantly, the bill also requires that the head of each intelligence element certify annually on compliance with substantial congressional notification requirements that already exist in title V of the National Security Act.

The bill takes important steps to improve both executive and congressional oversight of intelligence community procurement and budget matters. In the coming years, all parts of the government will need to address the reality that appropriation levels will not rise as they have in the past. This means that controlling cost overruns and promoting sound long term budget planning is an essential part of national security. The bill takes important steps toward those objectives.

The bill grants to the Director of National Intelligence important authorities to manage the intelligence community. These include authorities concerning personnel management, acquisition authority, and information sharing. There may be more to accomplish in all of these respects and we have invited General Clapper, if he is confirmed as I hope and expect he will, not to be hesitant in asking for additional authority if he identifies a need for it.

As is detailed in the committee's report, there are 10 provisions in this legislation that enhance the DNI's authority and management flexibilities. Eight of those 10 provisions were requested by this administration or the prior one.

There is more in this broad ranging legislation, from large to small items. Indeed, the very length of the bill is testimony to the fact that we have gone 5 years without an intelligence authorization. From fiscal years 1979 to 2005, the Congress had enacted an authorization for every fiscal year. The fiscal year 2010 bill is an opportunity, which we must not lose, to get back on track.

I will briefly note the reasons for the managers' amendment that the distinguished vice chairman, Senator BOND, and I have propounded.

Three provisions of S. 3611 as reported by our committee on July 19, sections 106, 333(c.), and 334 of S. 3611, have been enacted into law by provisions of the Supplemental Appropriations Act, 2010, sections 301, 308, and 3011 of Public Law 111-212, which the President signed into law on July 29. Accordingly, the managers' amendment deletes those now enacted provisions from S. 3611.

The managers' amendment also addresses requests from the Budget and Judiciary Committees. As requested by the Budget Committee, the amendment adds a pay-go provision. I should note that the Congressional Budget Office table that will be printed in the RECORD indicates that the bill makes no changes in the government's direct spending. As requested by the Judiciary Committee, the amendment clarifies that reports provided to the Congress under several sections of the bill will be provided to the Judiciary Committee.

This legislation reflects the negotiations with the House committee, the intelligence community, and the White House. Provisions that our committee, and the Senate, passed last September had to be removed due to veto threats or objections from the House of Representatives. I look forward to addressing some of those issues in future legislation.

Beginning with our distinguished vice chairman, Senator BOND, and acknowledging also the leadership of the distinguished chairman of the House Intelligence Committee, Mr. REYES, I would like to thank all of my colleagues for their work in producing a bill that will take important strides in improving the authority and oversight of the intelligence community through this 2010 bill, even as we recognize that there is more to achieve in authorization legislation for fiscal years 2011 and beyond.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I thank the chair of our committee. I thank her, her staff, for all of the good work that has gone into this bill, repeatedly, as she pointed out.

For too many years Congress has failed to pass an intelligence authorization bill that could be signed into law. I am very pleased to join with Senator FEINSTEIN, the distinguished chair of the Senate Select Committee on Intelligence, in achieving passage of S. 3611, the Intelligence Authorization Act for Fiscal Year 2010.

Over the past several months, we worked closely with the House Permanent Select Committees on Intelligence and Administration to reach a compromise text that could serve as a conference report for this bill. The bill now before this Senate and having passed the Senate contains all of the elements of the compromise. It has been agreed to in advance by representatives of the administration. But, unfortunately, the House has thus far declined to move the process forward, bringing this bill formally to conference.

The chair and I agreed that we would be able to move this process forward by having the Senate pass the compromise text for the House to consider when it returns next week.

The intelligence authorization bill before us is a good bill. It will give the intelligence community the flexibility and authorities it needs to function effectively and will ensure appropriate intelligence oversight by this committee.

I have often said that in creating the Director of National Intelligence, we gave him an awful lot of responsibility without all the authority he needed. Well, our bill attempts to address that problem by giving the DNI clearer authority and greater flexibility in overseeing the intelligence community.

There are also a number of provisions in this bill that I believe are essential for promoting good government. Too often, we have seen programs or acquisitions of major systems balloon in cost and decrease in performance. That is unacceptable. We are in difficult economic times and the taxpayers are spending substantial sums of money to ensure that the intelligence community has the tools it needs to keep us safe. If we don't demand accountability for how these tools are operated or created, then we are failing the intelligence community, and, ultimately, we are failing the American people.

So, for the past several years, I have sponsored amendments that require the intelligence community to perform vulnerability assessments of major systems and to keep track of excessive cost growth of major systems. This latter provision is modeled on the Nunn-McCurdy provision which has guided Defense Department acquisitions for years. I am happy to say that these provisions are part of this year's bill, too. I believe that these, and other good-government provisions, will encourage earlier identification and solving of problems relating to the acquisition of major systems. Too often, such problems have not been identified until exorbitant sums of money have been spent—and, unfortunately, at that point, there is often reluctance to cancel the project.

Similarly, the intelligence community must get a handle on its personnel levels. In these tough economic times, it is more important than ever to make sure that the intelligence community is appropriately resourced to ensure that its personnel can effectively perform their respective national security missions.

However, I am concerned about the number of contractors used by the intelligence community to perform functions better left to government employees. There are some jobs that demand the use of contractors, for example, certain technical jobs or short-term functions, but too often, the quick fix is just to hire contractors, not long-term support. And so, our bill includes a provision calling for annual personnel level assessments for the intelligence community. These assessments will ensure that, before more

people are brought in, there are adequate resources to support them and enough work to keep them busy.

These are just a few of the provisions in this bill that I believe are important for the success of our intelligence collection efforts and equally important for ensuring sound oversight by the intelligence committee.

I commend Senator FEINSTEIN for her leadership in shepherding this bill through the committee and the Senate. I appreciate her willingness to work through the countless issues raised throughout this process. I also thank my colleagues for supporting this bill.

It is well-past time that Congress send an intelligence authorization bill to the President for his signature. Only by fulfilling our legislative function will we get back on track with performing effective and much-needed intelligence oversight.

I, again, extend and expand my thanks to the distinguished chair for making sure the Senate Intelligence Committee can work in a bipartisan manner, which we have done on this bill, and on lengthy oversight matters that we have undertaken out of view of public scrutiny, obviously, but spending many days, many hours in meetings, looking over the wide range of critical efforts that are needed by our intelligence community to keep our country safe.

Why does passing an authorization bill matter at this late date in the fiscal year? An annual intelligence authorization bill does more than just authorize funding for intelligence activities, funding that in many cases has already been appropriated and spent. But it is vital that the intelligence committees be able to provide direction for the expenditure of funds for the intelligence community. But by providing current and congressional guidance and statutory authority we can ensure that the intelligence community has the maximum flexibility, the capability it needs to function effectively, spend taxpayer funds wisely, and keep our Nation safe.

The Senate bill has the full support of the Senate. Senior administration has said they will recommend the President sign this compromise text into law. I urge, once again, the Speaker of the House of Representatives to bring up this bill and pass it when the House returns to session next week so we can get back on track with performing effective intelligence oversight.

Mr. LEAHY. Madam President, today the Senate passed a new version of the Intelligence Authorization Act for Fiscal Year 2010 (S. 3611) with a manager's amendment to address key concerns of the Judiciary Committee. I appreciate the commitment of Senator FEINSTEIN, the chair of the Senate Select Committee on Intelligence, to work with me to strengthen this important legis-

lation. The bill the Senate has approved recognizes the shared jurisdiction of the committee on the Judiciary and the Select Committee on Intelligence in several legislative areas.

Last fall, when an earlier version of this bill—S. 1494—was considered by the Senate, I recognized that several provisions in the bill fell under the jurisdiction of the Judiciary Committee. Senator FEINSTEIN and I engaged in serious negotiations concerning these provisions. We negotiated agreements regarding exemptions to the Freedom of Information Act, FOIA, as well as numerous reporting requirements, such as a significant, new requirement for the Federal Bureau of Investigation—FBI—an agency clearly under the jurisdiction of the Judiciary Committee, and an important new cybersecurity oversight provision.

Negotiations I undertook with Senator FEINSTEIN last fall on the earlier version of the bill narrowed the operational files FOIA exemption for information provided by intelligence agencies to the Office of the Director of National Intelligence, ODNI, and struck a FOIA (b)(3) exemption for terrorist identity information. Those agreements were preserved in the new version of the bill, S. 3611.

Senator FEINSTEIN has told me she is also committed to ensuring that the Judiciary Committee will receive reports required by the bill's section 337, Cybersecurity Oversight. I appreciate Senator FEINSTEIN's support for these improvements. The manager's amendment to the intelligence authorization bill agreed to today explicitly identifies the Judiciary Committee as a recipient of relevant reporting provisions.

The intelligence authorization bill includes several reporting requirements that involve areas of long-standing interest and jurisdiction of the Judiciary Committee. The new version of the bill, S. 3611, ensures that the Judiciary Committee is a recipient of those reports. Section 333 of the bill directs the Director of National Intelligence to provide a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by elements of the intelligence community to comply with the provisions of applicable law, international obligations, and executive orders relating to the detention and interrogation activities of the intelligence community. These include compliance with the Detainee Treatment Act of 2005; the Military Commissions Act of 2006; common Article 3 of the Geneva Conventions; the Convention Against Torture; Executive Order 13492, relating to lawful interrogations; and Executive Order 13493, relating to detention policy options.

The managers' amendment to the intelligence authorization bill modifies section 333 to ensure that to the extent

that the report addresses an element of the intelligence community within the Department of Justice, it shall be submitted, along with associated material, to the Judiciary Committees of the House and Senate. This reporting requirement is a cornerstone of the agreement I reached with Senator FEINSTEIN last year. I am pleased to see it retained in the bill we passed today.

I fought for years to obtain information about the Bush administration's detention and interrogation policies and practices, and the legal advice from that administration authorizing those policies and practices. The last administration refused to give this information to Congress, instead issuing secret legal advice that misconstrued our laws and international obligations with regard to the treatment of people in our custody. Years later we found out that the administration had sanctioned cruel interrogation techniques, including torture. It is imperative that the Judiciary Committee be fully informed of the extent to which the government is complying with our laws and international treaties relating to detention and interrogation in order to be able to conduct proper oversight and ensure that our government cannot shield policies that authorize practices in violation of our laws. The Judiciary Committee is an important partner in this oversight.

Section 405 of the bill establishes a new Office of Inspector General of the intelligence community to conduct independent investigations, inspections, audits and reviews on programs and activities conducted under the authority of the Director of National Intelligence. Under this new authority, the inspector general is required to submit a semiannual report to the Director of National Intelligence summarizing its activities. The amendment incorporated into S. 1494 last fall, and carried over to S. 3611, modifies the reporting provision to require the inspector general to submit reports that focus on government officials to the committees of the Senate and the House of Representatives with jurisdiction over the department that official represents.

Section 405 of the bill creates an entirely new inspector general with significant authority and responsibility in the intelligence community. That authority will implicate agencies within the jurisdiction of the Judiciary Committee, including the Department of Justice and components of the Department of Homeland Security. I believe this modification to the bill provides an important recognition of the Judiciary Committee's need to be involved in the investigations and activities of this new inspector general.

Another significant new provision is section 445 of the bill, Report and Assessment on Transformation of the Intelligence Capabilities of the Federal

Bureau of Investigation, which creates a broad new reporting requirement for the FBI. The Judiciary Committee has always had primary oversight over the FBI. As the FBI takes on more responsibility in the areas of intelligence and national security, its policies and practices in these areas must be subject to the oversight of Congress. The Intelligence Committees have particular expertise that make them an important partner in this oversight. However, it is the Judiciary Committee that has the primary legislative and oversight responsibilities over the FBI.

I am very pleased that the bill passed today contains several important improvements that I recommended to strengthen FOIA. I am particularly pleased that the bill, as amended, does not contain a broad and unnecessary exemption to FOIA's disclosure requirements for terrorist identity information. That provision was included in an earlier version of the bill, but I worked to ensure it was struck it prior to passage of S. 1494 last fall. It is not included in S. 3611, the successor to S. 1494.

No one would quibble with the notion that our government can—and should—keep some information secret to protect our national security. But, in the case of terrorist identity information, our government has successfully withheld this sensitive information under the existing FOIA exemptions for classified and law enforcement information. In addition, the many instances of mistaken identities and other errors on terrorist watchlists and “no-fly” lists make it clear that FOIA can be a valuable tool to help innocent Americans redress and correct mistakes on these lists.

Lastly, as a result of my negotiations with Senator FEINSTEIN last fall, S. 3611 narrows the exemption to FOIA's search requirements for operational files information that the Nation's intelligence agencies share with the ODNI. The bill makes it clear that operational files that are already exempt from these search requirements retain this exemption under circumstances where the files are disseminated to the ODNI. This carefully crafted compromise will help ensure both effective information sharing among our intelligence agencies and the free flow of information to the American public.

I believe that S. 3611 and the managers amendment passed today recognize the value and significance of the shared jurisdiction in many areas of national security between the Judiciary and Intelligence Committees. The Judiciary Committee has long engaged in oversight and legislative activity regarding cyber threats and cybersecurity. Senator FEINSTEIN and I have worked together in the Judiciary Committee for many years on these issues, and we both recognize the shared juris-

diction and responsibilities of the Judiciary and Intelligence Committees with regard to oversight of cyber matters and cybersecurity.

I appreciate Senator FEINSTEIN's cooperation in adopting these improvements. In a letter sent to me yesterday, August 3, 2010, Senator FEINSTEIN reiterated her commitment to work with the Judiciary Committee in the area of cyber matters. I ask unanimous consent to have her August 3, 2010 letter printed in the RECORD. I also ask unanimous consent to print in the RECORD an exchange of letters between Senator FEINSTEIN and myself dated September 15 and 16, 2009, that discussed Senate jurisdiction over the section in the bill that addresses cybersecurity oversight. In the earlier version of the bill, S. 1494, the section was numbered 340. In the new version of the bill, S. 3611, the cybersecurity oversight section is numbered 337.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. LEAHY. As Senator FEINSTEIN has described it, Section 337 of the bill is intended to provide a preliminary framework for executive and congressional oversight of cybersecurity programs, as defined in the section, to ensure that these programs are consistent with legal authorities, preserve reasonable expectations of privacy, and are subject to independent audit and review. Section 337 of S. 3611 creates several reporting requirements with regard to the executive and congressional oversight of cybersecurity programs. These include Presidential notifications to Congress, reports to Congress and the President from the head of a department or agency with responsibility for cybersecurity programs, in conjunction with the inspector general of that department or agency, and a joint report to Congress and the President from the inspector general of the Department of Homeland Security and the inspector general of the intelligence community on the status of the sharing of cyber threat information within 1 year. I look forward to continuing to work with Senator FEINSTEIN in the Judiciary Committee and in the Senate to ensure strong oversight and legislation with regard to cyber matters.

I am pleased the Senate today will pass the amended Intelligence Authorization Act for Fiscal Year 2010. The progress that Senator FEINSTEIN and I have made to improve this bill demonstrates the success we can have when we work together constructively.

EXHIBIT 1

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, September 15, 2009.
Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Dirksen
Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: As you know, our staffs have been in discussions since the be-

ginning of recess over various provisions of S. 1494, the Intelligence Authorization Act for Fiscal Year 2010, ordered reported from the Committee on July 22, 2009. Among the provisions at issue is Section 340, Cybersecurity Oversight.

Section 340 is intended to provide a preliminary framework for executive and congressional oversight of cybersecurity programs, as defined in the section, to ensure that these programs are consistent with legal authorities, preserve reasonable expectations of privacy, and are subject to independent audit and review.

Section 340 contains several reporting requirements. One requires the President to provide certain notifications to Congress. In addition, the head of a department or agency with responsibility for cybersecurity programs, in conjunction with the inspector general of that department or agency, is to submit to Congress and the President periodic reports on the program. Finally, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community are jointly to submit a report to Congress and the President on the status of the sharing of cyber threat information within one year.

Under the provision as reported, notifications and reports under the section are to be submitted “to the Congress.” Vice Chairman Bond and I have consulted with the Senate parliamentarian to convey our recommendations for how referrals of notifications and reports under the section should be made.

As we have discussed before, cybersecurity is a matter of interest to many of the committees of the Senate. Of note is the longstanding interest in, and jurisdiction over, cyber matters by the Judiciary Committee. This includes but is not necessarily limited to the cybersecurity of the Justice Department and other departments and agencies under the Committee's jurisdiction, privacy interests of the American people, and legal dimensions of the government's cyber activities. Given the Judiciary Committee's role in these matters and the expectation that reports under Section 340 will touch on one or more of the Committee's areas of jurisdiction, it is my strong belief that documents provided to the Congress should be provided to the Judiciary Committee.

In addition, should the Intelligence Committee receive reports under this section that are within the jurisdiction of the Judiciary Committee but that are not provided to the Judiciary Committee, I will ensure that access to those reports is provided to Judiciary Committee members and staff as appropriate.

Thank you for your cooperation over this issue, and other provisions of the intelligence legislation.

Sincerely,

DIANNE FEINSTEIN,
Chairman.

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, August 3, 2010.
Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Dirksen
Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: We exchanged letters last September about section 340 of S. 1494, the Intelligence Authorization Act for Fiscal Year 2010. As described in the report of the Select Committee on Intelligence, the purpose of section 340 is to establish a preliminary framework for executive and legislative oversight to ensure that the federal government's national cyber security mission is consistent with legal authorities and preserves reasonable expectations of privacy.

On September 16, 2009, you placed in the Congressional Record, at 155 Cong. Rec. S9451, my letter to you of September 15. Because section 340 provides for various reports or notifications to be submitted "to the Congress," I wrote to convey to you my recognition of the Judiciary Committee's longstanding interest in, and jurisdiction over, cyber matters, and my belief that documents provided to Congress under section 340 should be provided to the Judiciary Committee. I also stated my commitment that should the Intelligence Committee receive reports under section 340 that are within the jurisdiction of the Judiciary Committee but are not provided to it, then I will ensure your committee's member and staff access to those documents as appropriate.

The Intelligence Committee has now reported a second FY 2010 Intelligence Authorization, S. 3611, which is based on the work of the House and Senate Intelligence Committees and the Administration to reconcile S. 1494 and H.R. 2701, the House intelligence bill. Section 337 of S. 3611 is the direct descendant of section 340 of S. 1494. The legislative history of section 340 of S. 1494, including my letter to you of September 15, 2009, is part of the legislative history of section 337 of S. 3611.

The recognition I expressed of the role of the Judiciary Committee in cyber matters, my belief in the right of the Judiciary Committee to receive reports under section 337, and my commitment to provide to your committee access to such reports in the event they are provided to my committee but not to yours, apply as much to section 337 of S. 3611 as they applied to section 340 of S. 1494.

I look forward to working with your committee, and other interested committees of the Senate, in establishing a strong basis for cyber security oversight.

Sincerely,

DIANNE FEINSTEIN,
Chairman.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 16, 2009.

Hon. DIANNE FEINSTEIN,
Chairman, Senate Select Committee on Intelligence, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN FEINSTEIN: Thank you for your letter today regarding S. 1494, the Intelligence Authorization Act for Fiscal Year 2010. I was happy to work with you to reach agreement on the amendment you are offering to the bill to include the Judiciary Committee as a recipient of relevant reporting provisions and to strike a proposed FOIA exemption and modify another FOIA provision. I appreciate your support for those improvements.

I had my first opportunity to review this legislation when it was hotlined on August 5. As you noted, our staffs have been in discussions over various provisions of S. 1494 that involve the jurisdiction of the Judiciary Committee and issues on which it shares an interest with the Senate Select Committee on Intelligence.

Our understanding also includes the commitment in your letter to me today to ensure that the Judiciary Committee receives reports required by Section 340, Cybersecurity Oversight. As you know as a member and former chair of the Judiciary Committee Subcommittee on Terrorism and Homeland Security, the Judiciary Committee has long engaged in oversight and legislative activity regarding cyber threats and cybersecurity. You and I have long worked together in the

Judiciary Committee on these issues and I appreciate your recognition of the shared jurisdiction and responsibilities of the Judiciary and Intelligence Committees with regard to oversight of cyber matters and cybersecurity. I appreciate your commitment to ensure that the Judiciary Committee will receive reports received under the Cybersecurity Oversight provision.

As you have described it, Section 340 is intended to provide a preliminary framework for executive and congressional oversight of cybersecurity programs, as defined in the section, to ensure that these programs are consistent with legal authorities, preserve reasonable expectations of privacy, and are subject to independent audit and review. Section 340 creates several reporting requirement with regard to the executive and congressional oversight of cybersecurity programs. These include Presidential notifications to Congress, reports to Congress and the President from the head of a department or agency with responsibility for cybersecurity programs, in conjunction with the inspector general of that department or agency, and a joint report to Congress and the President from the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community on the status of the sharing of cyber threat information within one year.

According to the legislative language, reports under the section are to be submitted "to the Congress." As you noted in your letter, the Judiciary Committee has a "long-standing interest in, and jurisdiction over" cyber matters and cyber security. This includes criminal activities, cybersecurity matters handled by the Justice Department and other departments and agencies under the Judiciary Committee's jurisdiction, the privacy interests of the American people, and constitutional and legal dimensions of the Government's cyber activities, including all legal guidance. Thank you for your willingness to work together on this issue, and the other provisions of the intelligence legislation.

I look forward to continuing to work together with you in the Judiciary Committee and in the Senate to ensure strong oversight and legislation with regard to cyber matters.

Sincerely,

PATRICK LEAHY,
Chairman.

The PRESIDING OFFICER. The Senator from North Dakota.

COBELL SETTLEMENT

Mr. DORGAN. Madam President, as we conclude our work prior to the August break, we are working very hard to try to address the Cobell settlement and the Pigford settlement, these settlements are the result of lawsuits that were filed, negotiations that ensued, and eventually reaching agreement to settle these two cases.

I would like to talk briefly about the Cobell settlement. To start, I want to show a photograph, a picture of a woman named Mary Fish. I wonder how anyone serving in this Chamber or how anyone in this country would feel had they been Mary Fish. She was an Oklahoma Indian. She lived in a small, humble home, never had very much. But she had a piece of property, 40 acres, and she had six oil wells on her land—six oil wells on her land.

How she got "her land" dates back to 1887 when the Federal Government first divided up tribal lands and gave individual Indians separate parcels of land and then said to the Indians: You know what. We are going to give you separate parcels of land that will be yours. But, we are going to manage them for you. We will hold them in trust and provide income from your land to you.

So poor Mary Fish, an Oklahoma Indian, had six oil wells on her land and lived a humble life and died a few years ago waiting, waiting for justice, justice that she never received. The Federal Government never explained to Mary how much oil was being pumped from the wells on her land.

Even with all of the oil wells on her land, Mary made only a few dollars a year from six wells. At one point she got a check from the Federal Government for 6 cents. Another time she got a check from the Federal Government for \$3. One time she got a check for \$3,000. Another time, although oil was still being produced, one of the statements that Mary received showed a negative \$5 in her account.

She died waiting for the government to account for the royalties on her land, and for this legislation that would settle this matter. She died waiting for justice.

So what is the Cobell settlement, and what does it have to do with Mary Fish and all the oil produced from her land. The Cobell settlement is an agreement reached by the Secretary of the Interior and the all of the plaintiffs in the Cobell lawsuit—individual Indians like Mary. I am going to speak about the Cobell settlement, and a couple of colleagues are going to talk about the Pigford settlement. We are here today talking about settling both of these issues.

The Cobell settlement established deadlines for the Congress to act. The Court wants to see this matter resolved. The current deadline for Congress is August 6. We have already missed six deadlines established by the federal court. And if Congress does not act, the parties will return back to litigation, litigation that has gone on now for almost 15 years in the federal courts.

As I indicated, this situation in the Cobell case resulted from a century of mismanagement of Indian trust accounts. I want to show a photograph of the way trust records of the accounts for the individual Indians were kept on one Indian reservation—rat-infested warehouses with boxes laying all over. They would not be able to find a piece of paper in this pile to save their souls. And this is how the government kept records for individual Indian trust accounts. The result is, so many Indians were cheated. Yes, there have been circumstances in the last century in which Indians were systematically cheated and looted. Grand theft occurred, a substantial amount of money

was made off these lands. Someone else got it, the Indians did not. After all these years, it is long past the time for us to agree to settle these grievances.

The government has long known about the problem. In 1915, a government report identified "fraud, corruption and incompetence in the management of these Indian trust accounts." That was in 1915. In 1992, a House report compared the federal government's management of Indian trust accounts to "a bank that doesn't know how much money it has."

Finally, in 1994, Congress passed a law requiring that the government account for the money it was managing for American Indians, and then 2 years later, where there was still nothing being done and no progress, Elouise Cobell filed a case asking the government to follow the law.

Elouise Cobell is a member of the Blackfeet Nation of Montana. She is quite a remarkable woman. Like many American Indians, she grew up hearing stories of government checks and how the checks never made any sense. The checks arrived once in a while and were in amounts no one understood or could explain.

In 1996, she filed a lawsuit. Her lawsuit said: Give me an accounting of the money that you have collected from my lands, and do the same for every other American Indian. That was in 1996.

We are now in the year 2010, and finally agreement has been reached by the U.S. Department of the Interior and the U.S. Department of Justice to settle these accounts. It was 10 years ago when the court ruled against the Federal Government. The Federal Court said the Federal Government was wrong; they mismanaged these accounts, and violated the trust. Yes, there has been corruption, incompetence, and mismanagement.

So 10 years ago, the Federal court ruled against the Federal Government, saying the Federal Government had lost, damaged, destroyed trust records, and the Federal Government admitted it could not account for these trust moneys. After all of this, the government had the nerve to spend taxpayers' money to appeal the court's decision. So it goes on and on and on. Millions have been spent in endless litigation with no settlement in sight.

Finally, last December, and agreement was reached in settlement talks with the Interior Department and the Indians that resulted a settlement and this legislation to approve the settlement.

I want to just mention a couple of other brief points. I know a couple of colleagues wish to make some comments today.

The judge, when hearing of the settlement between the Federal Government and the Cobell plaintiffs, said the agreement was a win/win and that jus-

tice is on hold. That is what this is about. It is about providing the funding to settle the Cobell case and provide some amount of justice.

Others will talk about settling the Pigford case.

I will very briefly say again a lot of American Indians have died waiting for this moment. There are other stories I want to share.

This is Susie White Calf. She is a Blackfeet Indian from Montana. This picture was taken in 2001, the same year the courts found the Federal Government had broken its responsibility to Indians. Six years later, she passed away, in 2007. She will not get justice. But perhaps we can provide justice for tens of thousands of other Indians by doing the right thing.

I have other things to say, but I know some of my colleagues wish to say a few words. If I might, the Senator from Arkansas has to be away from the Chamber very briefly. She wanted to say a few words. Then I know that Senator KYL and some others wish to say some other words as well.

The PRESIDING OFFICER. The Senator from Arkansas.

PIGFORD II SETTLEMENT

Mrs. LINCOLN. Madam President, I want to say a special thanks to my colleague, Senator DORGAN, not only for yielding, but also, most importantly, for his incredible passion for justice. He has worked long and hard in this body and in the other, but certainly working hard for justice for those whose voices are often quieted. He does a tremendous job at it. I think we are all very grateful for that passion and for that plea for justice.

I come to the Senate floor today to urge with great passion my Senate colleagues to support another important piece of legislation; that is, to fund the racial discrimination settlement known as Pigford II between African-American farmers and the U.S. Department of Agriculture.

The time is long overdue to move beyond USDA's discriminatory past and begin to right the wrong of African-American producers and what they have experienced. We have a keen opportunity today to be able to move forward and to see, again, justice as has been described by Senator DORGAN in talking about moving forward and away from the past and the discrimination that occurred and putting an end to these settlements that have already been settled. We have spent the time and the energy and the resources to settle these arguments. Now we need to make sure those who have been wronged will be right.

Between 1981 and 1996, African-American farmers seeking farm loans and credit were discriminated against, denying them access to government programs and to capital. In some cases,

these farmers were discouraged from even applying for loans. They were told they were ineligible or that application forms were unavailable. In other instances, loan applications were intentionally delayed to miss deadlines, continuing to disadvantage those African-American farmers. As a result of the discrimination, many of these farmers were unable to run successful businesses and sustained severe damages to their credit histories.

Despite these challenges, despite all of what they were presented with and what they were dealing with, some of these farmers are still farming today, embodying the essence of resilience and the industrious characteristic of all American farmers. We should be proud they are still farming today, and we should honor that by making sure we move this settlement forward and make sure these awards are granted to those who have been wronged.

Another fallout faced by African-American farmers is their shaken faith in the USDA and, by extension, the U.S. Government. Who can blame them—to have been wronged and to be found they were in the right and yet still not to be made whole? Many farmers have spent more than 20 years seeking recognition of the discrimination they experienced. While no settlement can completely compensate them for the anxiety, the anguish, and, of course, the humiliation they experienced, finally funding this settlement is a critical first step in restoring the USDA's credibility among minority farmers.

I hope my colleagues will understand how critically important this is to the embodiment of who we are as a people and a government to move this forward. While it is understood that a legal settlement agreement is rarely perfect, funding this agreement will provide much needed reconciliation for African-American farmers. It is an opportunity to restore their faith in their government, by renouncing a past riddled with discrimination and rightfully honoring the settlement.

Time is of the essence, as many Pigford claimants have passed away waiting for closure on this matter, just as Senator DORGAN mentioned Native Americans who have passed away waiting for justice. We simply cannot afford to delay this process any further. We have seen multiple opportunities and efforts to try to move forward. I hope today is an opportunity none of us will deny to move the issue forward.

In my State of Arkansas, I have heard the stories of hard-working farm families who, despite years of neglect and discrimination from their own government, continue pushing ahead. I have heard from farmers such as Mr. Charlie Knott, a hard-working Arkansan who sought farm loans in the 1980s but was misled and mistreated in that process. Mr. Knott was refused timely

access to sufficient capital because of discrimination, limiting production and ultimately crippling his business.

When Mr. Knott fell ill, his children tried to take over the farm but were also met with resistance and neglect from their government, leading to destroyed credit ratings, a loss of 230 acres, as well as the family tractor and other farm equipment. After farming on the same land for over 100 years, the Knott family was forced to quit.

Adding insult to injury, the Knott children were once again denied access to the Pigford claim because of missed filing deadlines. The Knott children are determined to return to farming, to restore the family business and their dignity, and to uphold the legacy of their father, who fought for years not only to serve his family and community but to contribute to the strong legacy of American farming.

Farmers such as Mr. Knott deserve justice and gratitude from a nation that wouldn't be what it is today absent their sacrifices and contributions. Farmers such as Mr. Knott have suffered gross injustices. It is incumbent on the Members of Congress to demonstrate the leadership to correct this injustice and to pass this legislation. If not today, when? When will we do this? This action is long overdue. The time has come to take this step, to live up to our founding principles, to begin the healing process that is so needed, and to restore faith in our government. I urge my colleagues to support this measure today as we move forward and put it behind us, as we begin to heal and rebuild faith in our government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I thank the Senator from Arkansas for what she has said. It really is unfortunate that we cannot get this Pigford legislation passed.

I know the distinguished Presiding Officer, the junior Senator from North Carolina, has been working on this very hard as well. In fact, she and I have cosponsored a piece of legislation to give justice in this area as well.

Today, we have an opportunity to finally take care of this situation of bringing justice to Black farmers who have been waiting for decades to settle their discrimination claims against the Department of Agriculture. Earlier this year, Secretary Vilsack was able to reach a settlement agreement with the Pigford II claimants who were denied a determination on the merits of their claims against the USDA for no reason other than they had filed late.

The government has an obligation to fund the settlement, which is subject to court approval, and Congress must act to provide relief for these claimants and do it quickly. The Black farmers have been asking for stand-alone consideration of this bill. That is what I was hoping to get done today.

I have nothing against what my colleagues are doing on the Cobell settlement as well.

I think it is fair to say that such appropriation for the Pigford settlement ought to be offset.

There is an advocate for the Black farmers—John Boyd. I have been working with him for a long period. He was working hard on this a long time before I was. We should be getting this resolved for the benefit of the farmers but also for the advocates, those people who have been working so hard finding ways to get it done. We thought now was the opportunity to get it done.

The farm bill we passed last year does one thing right: it focuses a considerable amount of resources on new and beginning farmers and ranchers. Many of the Pigford claimants were in that same boat 20 years ago. We have an opportunity to rectify that misjustice. We know USDA has admitted the discrimination occurred. Now we are obligated to do our best getting relief to those who deserve it. It is time to make these claimants right and move forward into a new era of civil rights in the Department of Agriculture.

I look forward to the time we can get this done. I plead with my colleagues, as the Senator from Arkansas pleaded, to get this done right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I add my voice in support of coming to closure on this important issue. I thank Senator DORGAN and Senator LINCOLN for their extraordinary leadership for the Pigford and Cobell claimants. We are very close to settling a grave injustice that has gone on in two communities, one the Native-American community and the other the African-American community. I surely hope we can find a way forward in the next few hours, before we leave, to get this done; if not, that it would be one of the first orders of business when we return.

Explanations have been made beautifully on both sides. I represent 1,000 African-American farmers. I am going to fight for them and advocate for them and continue to bring their cases before this body until we get justice.

People in Louisiana generally, of many different races, understand systematic injustice. Talking about oil moneys not coming the way they should, there are many people in Louisiana right now shaking their heads in great sympathy with the stories the Senator from North Dakota shared with us about Native Americans.

I support the Pigford settlement. I support the Cobell settlement. I hope we can find the \$5 billion, approximately, so that it does not affect the deficit, paid for in a responsible way to end this discrimination and to provide some hope and support to these families.

I was proud to send Clarence Hawkins' name to run the USDA in Louisiana, the first African-American administrator to do so, former mayor of Bastrop. The President appointed him at my suggestion. We are making some headway in Louisiana to rectify past injustices.

Again, I thank Senators DORGAN and LINCOLN for their leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, Senator BARRASSO and I, as chairman and vice chairmen of the Indian Affairs Committee, have been working on this issue for a long while. Senator KYL, Senator BAUCUS—we have had discussions. Senator KYL had to leave the floor, but I believe he will return. He very much wants to find a way to resolve these issues, as do I and others.

This is not complicated. This is a case where the Federal Government said to American Indians in the late 1800s: We are going to break up these tribal lands and give you personal ownership of these lands. And then we will manage the lands for you and take care of it for you in trust, and the income that comes off those lands will be yours. We will manage your trust accounts.

The fact is, they took control of the lands and created trust accounts. And the Indians got bilked, looted. Grand theft occurred.

Let me show one more photograph. This fellow is still alive. His name is James Kennerly. He is a Blackfeet Indian, standing in front of his rather humble home. He is hoping that Congress will resolve this by approving the settlement. His father was a World War I veteran, wounded, disabled in combat. The family lives on land that has considerable oil and gas leases. Thousands of barrels a week were pumped off that land. Years later, the oil wells still continue to pump, but all the lease documents have disappeared. This family lives in a humble home despite having had oil interests on their property.

Another person waiting for justice, Johnson Martinez, a Navajo Indian in his seventies, lives in a rundown trailer house near Bloomfield, NM. He has no running water and no electricity. At night, he builds a fire to keep himself and his dogs warm. He lives yards away from where the gas pipelines cross his family's land. He lives off the right-of-way fees for the gas pipeline. One month, he got a check for \$80. Sometimes he gets a check for a few cents. A court-appointed investigator found that non-Indians were receiving 20 times more than Navajo Indians such as Johnson Martinez were receiving in the same circumstances.

And then there is Esther and Sam Valdez—Navajo Indians—they live 100 feet from natural gas wells. They have been producing natural gas for a long

while. Yet this family has trouble putting food on the table. They receive checks for \$6 and \$8. Sometimes the checks come, sometimes they don't. The Federal Government can never explain to them what happens to the money. This is grand theft.

For more than a century, American Indians were cheated. Yes, there is some incompetence here. That is the comfortable word. But there is also looting and theft involved in having these folks cheated.

The lawsuit was filed 15 years ago. Ten years ago, the Federal court said the Federal Government is completely without merit and violated its trust. The court found in favor of the plaintiffs, saying that they have been bilked. That was 10 years ago. But, the case continued in Federal court with more and more money spent on lawyers.

Finally, at long last, Interior Secretary Salazar and Attorney General Holder, and the plaintiffs in this case negotiated an agreement, and the Federal judge in the case said: This looks like justice to me. This settlement was sent to the Congress for approval and to provide the funding for this agreement.

I came to the floor to offer a unanimous consent request to see if at long last we might put the Cobell litigation behind us and do the fair thing. I understand a unanimous consent request would be objected to at this moment because of what is called the "pay-for." So we have a disagreement about that. But I also understand from discussions we have held that there is the possibility and the potential that this afternoon we might find a way to reach agreement on the "pay-for" portion of this and have the Senate finally approve the Cobell settlement, and also the Pigford settlement so that we can move beyond on this.

In the situation that led to the Cobell case, there are people who should hang their head in shame, many of them now departed, who have bilked the Indians out of so much money over so many years.

I would finally say this about the Cobell matter and the American Indians involved. This is a chart that shows the 10 poorest counties in America, the 10 counties with the most significant poverty in our country. Madam President, 8 of the 10 counties have Indian reservations in them—8 of them. We know that. We know what is going on.

Then I talk about these people, American Indians, who live in humble homes with no money, with six oil wells on their land. Somebody is getting the money, but the Indians are not. Who is cheating them? Who cheated them a decade ago, five decades ago, ten decades ago? Will we ever settle our account here? Will this country ever deal responsibly with what I call a shame?

Well, my colleague, Senator BARRASSO, and I have worked on this a long while. He has had some concern about certain aspects of the settlement, but I do not think there is a disagreement between us at all about the need to move forward to resolve this issue. My hope is we can do that very soon.

As I said, I was intending to seek a unanimous consent request, but I think I will stop short of that at this moment because there is the potential, perhaps later this afternoon, for us to reach agreement on the "pay-for" and a couple of other elements and get a unanimous consent request agreed to, which would be a very significant achievement in this body today.

I know Senator BARRASSO from Wyoming wishes to seek recognition. Let me yield the floor so that might happen.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I appreciate the hard work done by my colleague from North Dakota and his commitment as chairman of the Indian Affairs Committee to try to come to a solution in the Cobell settlement.

He is absolutely right. We still need to work on some policy issues, as well as some issues in terms of how this will be paid for. He and I both agree we need to settle the Cobell lawsuit. There has been much rhetoric. We both agree we need to settle the Cobell lawsuit.

At the President's insistence, and the House and the Senate majorities, they have repeatedly tried to get this bill enacted outside the regular process. This settlement has been inserted into various bills over the past several months that have absolutely nothing to do with American Indian issues. You ask yourself why. Well, perhaps folks wanted to avoid some scrutiny—scrutiny by Congress, by the press, and, most of all, by those who have been most affected, the stakeholders.

Two weeks ago, I came to the floor and offered an amendment to legislation that addressed some of the more egregious problems with the settlement. I am talking policy as well as pay-for issues. The majority leader dismissed my amendment, and he called it the "beat up the lawyers" amendment. Well, he called it that because one of the provisions in the amendment establishes a \$50 million cap on presettlement attorneys' fees—\$50 million. The settlement says it should be between \$50 million and \$100 million. My amendment said, let's keep it at that lower figure. Only in Washington, DC, would anyone ever call a \$50 million cap on attorneys' fees—\$50 million of attorneys' fees—as beating up the lawyers.

Well, because attorneys' fees were capped at \$50 million, the majority leader objected to both the Cobell and the Pigford settlements.

There was and still is a good reason for that cap. Every Member of this body should read a couple of op-eds on this Cobell settlement. One was in the August 1 edition of *The Hill*, the other in today's August 5th edition. The August 1 article: "Cobell settlement worth doing right, together." The one from today: "Unconscionable Cobell."

Mr. President, I ask unanimous consent that both these articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hill's Congress Blog, Aug. 2, 2010]

COBELL SETTLEMENT WORTH DOING RIGHT,
TOGETHER

(By Kimberly Craven)

Today, the Senate will be asked to approve by unanimous consent settlement of the proposed Cobell lawsuit (*Cobell v. Salazar*). Senators are not being advised that the proposed settlement is constitutionally dubious and greatly expands the original litigation. It authorizes a mandatory class of plaintiff with no regard to the due-process rights of individuals to opt. It creates a new class to settle land and natural resource mismanagement claims which were never part of the original litigation and not been part of the 14-year-long Cobell lawsuit which, we have been told, sought only an accounting of individual Indian money (IIM) accounts.

If Congress approves it, the settlement will consist of two classes: those of the historical accounting class and the new "un-litigated" class—the trust mismanagement class. The first class will receive \$1,000 and any traditional safe-guard of opting-out will be denied this class. The new second class will receive \$500 and a formula based on the top 10 sums that have filtered through a person's IIM account.

Creation of the new class has been disturbing to many tribes and American Indians. The government will be authorized to pay more than \$3.4 billion without even filing an Answer to the new Complaint of land mismanagement claims. What it means is that if you're a Native person whose land has been flooded or damaged, timber destroyed, mineral royalties underpaid, soil poisoned, grass lands over-grazed by your lessee or if you've just been the victim of trespass, your claims will be settled for \$500 and a formula amount that bears no resemblance to actual damages or loss.

Many American Indians think this entire settlement, although cloaked in righteous language, has been cobbled together for the primary purpose of permitting the Administration to fulfill a campaign promise. This settlement will permit the attorneys to claim as much as \$100 million in attorney fees with a side agreement they are not even required to document the time spent on the case for the first fourteen years. Personally, I find it disturbing that one of the plaintiff attorneys served on the Obama campaign, transition team, and posted pictures of himself on Facebook partying at the White House holiday party around the time the settlement was reached, and now is rumored to be up for 10th Circuit Court of Appeals nomination. The lead plaintiff has been very upfront that some Indians will get hundreds of thousands of dollars and is on record as saying, "Some people will be very, very rich." I think we know who some of those people might be. The litigation was filed in a Court of Equity where only an accounting (an equitable action) could be ordered and money

damages could not be awarded. The seven attorneys will share in \$100 million and the lead plaintiff will also be entitled to up to \$15 million in "reimbursements" for "repayable grants," surely an oxymoron even in Washington-speak, plus an undisclosed amount in "incentive fees for the four lead plaintiffs."

As I wrote this opinion piece, I researched elements of an unfair class action lawsuit and found this information at www.classactionlitigation.com/faq. Elements include "any settlement where the release being demanded as a condition of the settlement is extremely overbroad and encompasses claims that were neither pursued in the class complaint nor subject to true adversarial litigation prior to the settlement and virtual nonexistence of discovery by the class counsel who proposes a settlement." This surely meets those thresholds with no discovery, judicial record, or due process for the proposed second class.

Both the Affiliated Tribes of Northwest Indians and the Great Plains Tribal Chairmen's Association are on record as wanting changes to the settlement. Sen. John Barrasso (R-Wyo.) has recommended many of these changes to address the fairness, restoration, due process, and other infirmities in the settlement proposed today and many Indian people appreciate his efforts in his leadership role as Vice Chairman of the Senate Indian Affairs Committee. Having worked for a Republican Senator, Sen. Daniel J. Evans (R-Wash.), who also served in this capacity, I know firsthand that Indian issues are not partisan in nature. If this is worth doing to the tune of \$3.4 billion, then it's worth doing right together.

[From the The Hill's Congress Blog, Aug. 5, 2010]

UNCONSCIONABLE COBELL
(By Richard A. Monette)

A few facts about the Cobell settlement to be voted on in Senate today:

Number of published court opinions in the case: 80-plus;

Amount awarded to plaintiffs by courts at present: \$0;

Amount to attorneys under settlement: \$100 Million (through Dec. 7, 2009);

Amount to each account holder under settlement: \$1,000.00;

Number of accounts with less than \$15: 107,806;

Total amount of money in accounts with less than \$15 (small accounts): \$15,210.51;

Average balance in 107,806 small accounts: \$7.09;

Total to be paid under settlement to small accounts: \$107,806,000.

The Senate is asked today to give approval, sight-unseen and by unanimous consent, to a \$3.4 billion "settlement" of a 14-year-old lawsuit brought by five individuals on behalf of all American Indians who have money or land held in trust by the United States. \$2 billion of this amount will be earmarked to pre-fund an existing Bureau of Indian Affairs program for 10 years. The amount awarded by the courts to date after more than 10 trials is exactly zero dollars and zero cents. If approved by the Congress, and subsequently by the courts, the remainder of this money will be parceled out by formula in the form of reparations without regard to any individual's actual losses or damages.

The only individuals who will be permitted to present actual claims are the attorneys and the five named individual plaintiffs. The five named plaintiffs are authorized up to \$15

million as "reimbursements" for "repayable grants," plus an undisclosed amount as "incentive fee awards." The lawyers will be authorized to claim up to \$100 million off the top, plus their "normal hourly rates" for as long as it takes to settle up with some 300,000 individuals, more than 83,000 of whose whereabouts are unknown. Much smaller mass settlement awards have taken more than 10 years to close out.

More than 100,000 of these individuals have account balances of less than \$15. Each of them will receive a check for \$1,000, or an amount more than 6,600 percent of their current balance. Those individuals with more than \$1 million in their accounts will receive \$1,000 also, or less than one-tenth of 1 percent of their current balances. There is neither rhyme nor reason to this scheme.

The \$2 billion, pre-funded BIA program completely usurps the authority of the Appropriations Committees for 10 years. This settlement also confers jurisdiction on a federal district court that does not presently have it; rewrites the Federal Rules of Civil Procedure for this case to authorize the court to exercise the conferred jurisdiction; and presents the court not with a case or controversy as required by Article III of the Constitution, but with a pre-packaged financial program simply to administer. The sponsor of this measure in the Senate stated that no other committee (i.e., Judiciary) needs to review this measure before it is presented for a vote.

Proponents claim this settlement will "turn the page" on a dark chapter. Some who are familiar with the litigating history beyond this case of the lead counsel and lead plaintiff think this settlement is more likely only to fuel a war chest for subsequent, similarly entrepreneurial and extortionate litigation. No senator should think this settlement approximates "justice" that has somehow escaped the attention of the federal judges who have actually presided over the 14-year history of this case.

Mr. BARRASSO. So there are issues of policy dealing with transparency, dealing with the production of records by the attorneys who are involved in this. When you read one of these editorials, the one in today's Hill, "Unconscionable Cobell," written by a law professor at the University of Wisconsin-Madison:

Number of published court opinions in the case: 80-plus

Amount awarded to plaintiffs by courts at present: \$0

Amount to attorneys under settlement: \$100 Million. . . .

Amount to each account holder under [this] settlement:

We are talking now about those who have been affected by this—\$1,000.00

What an incredible disparity.

Well, if we were all to take the time to look through these two editorials, the changes to the settlement I have been proposing would not only seem reasonable, they would be absolutely necessary. They point out several real problems with the settlement, including the way the attorneys' fees are handled. I am continuing to work with my colleagues on dealing with that. These are the blunt facts.

So I agree with my colleague from North Dakota, the problems with the

Cobell settlement are by no means insurmountable. They can and they must be resolved. In fact, I do not think it would be difficult to resolve the differences we have regarding the Cobell settlement. We can sit down, and we plan to do that, to discuss the issues directly. I think we can get beyond this impasse, and that is what I am committed to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, as I indicated, I intend to withhold the unanimous consent request because it would clearly be objected to. There are some people who disagree with the method by which this settlement would be paid for.

But I also wish to mention that I have some hope that later today, finally at long last, we may be able to come to the floor of the Senate with an agreement that would be able to withstand the unanimous consent request. If we do that before we break, we would have resolved a very longstanding issue, not just 15 years of litigation, or a century of mismanagement, but also since last December, when this agreement was reached and the Congress was given time to approve it, but then that deadline had to be extended six times. At long last, perhaps we will be able to decide we can do this together.

I very much appreciate the work Senator BARRASSO is doing and Senator KYL and Senator BAUCUS and others. My hope is that later this afternoon I will be able to come to the floor with such a unanimous consent request.

Mr. CARDIN. Mr. President, I rise today to talk about the Pigford II settlement pending full action by the U.S. Senate.

We all know that farming is a difficult occupation. The hours are long, the weather is unpredictable, and the challenge of competing in a global marketplace is intense. Tens of thousands of Black farmers have had to face all those normal challenges. Tragically, they have also had to deal with a challenge that was unique to them based solely on race. The U.S. Department of Agriculture, USDA, was discriminating against them.

More than 12 years ago, Black farmers across America brought a class action suit against the USDA for racial discrimination. The history of that discrimination is a sad one, and it is well documented. Farmers, like all businesses, need access to loans. They need to borrow money for expensive equipment and they need funding to help them when droughts strike or when markets collapse. The Congress has recognized this need for decades, and we have established special loan programs in the USDA to support these special needs. But when it came to lending, tens of thousands of Black farmers were the victims of systemic

discrimination. During the 1980s and 1990s, the average processing time for a loan application by White farmers was 30 days; the average time for a loan application by Black farmers was 387 days. Black farmers had to wait 12 times as long to receive a loan. This discrimination earned the USDA the regrettable nickname “the Last Plan-tation.”

Black farmers finally sought justice through a class action lawsuit in 1997. More than 20,000 farmers initiated claims citing racial discrimination in the USDA farm loan programs. Two years after the action was initiated, the U.S. District Court for the District of Columbia entered a consent decree approving a class action settlement to compensate these farmers for years of racial discrimination by the USDA. Each farmer who could prove discrimination was entitled to damages. Out of the initial 20,000 farmers, 15,000 were meritorious in the claims they brought.

As the legal process continued, additional farmers began to join the class action and filed their own claims. Approximately 80,000 farmers eventually brought claims. Unfortunately, many of these farmers did not know about the class action suit, and by the time they learned of its existence, the filing deadline had passed.

In 2008, Congress recognizing the injustice of stopping 80 percent or more of the farmers who potentially suffered discrimination by our government—decided to take action and created a new cause of action for farmers previously denied access to justice. In the 2008 farm bill, with bipartisan support, Congress included \$100 million for payments and debt relief as a downpayment to satisfy the claims filed by deserving claimants denied participation in the original settlement because of timeliness issues.

After years of litigation and negotiation between the Department of Justice, which represented the USDA, and lawyers for the farmers, a settlement was finally reached in February 2010. The Pigford II settlement agreement will provide \$1.25 billion, which is contingent on appropriation by Congress, to African-American farmers who can show they suffered racial discrimination in USDA farm loan programs. Once the money is appropriated farmers can pursue their individual claims through the same nonjudicial process used in the first case.

To address this funding need, President Obama included \$1.15 billion in additional funding for his fiscal year 2010 and fiscal year 2011 budgets. Both Chambers of Congress have worked to pass appropriations to fulfill the settlement agreement since February. The House of Representatives has passed funding language for the Pigford case twice; once as part of the war supplemental and the other on a tax extend-

ers bill. But the Senate has not been able to do the same. Despite the majority leader's efforts in finding ways to pay for the legislation and move the legislation for full Senate consideration, we have been unable to proceed to a rollcall vote. This bill has come before the Senate a half dozen times. There are no known objections to the settlement, yet we have failed to pass the funding therefore denying the process for funding to these farmers who were discriminated against by our own government.

We must move to appropriate these funds. The settlement that was reached is only valid until August 18, 2010. Failure to appropriate the money by then could cause the agreement to be voided. William Gladstone once said that “justice delayed is justice denied.” Let us not be in the business of delaying and denying justice for African-American farmers. Let us be in the business of allowing the justice system to work and provide them with adequate redress. I urge my colleagues to support this funding.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I think my friends and colleagues on the other side have blocked out some time. If they would not mind, I would be very grateful if I could take 5 or 6 minutes to make some comments about the Kagan nomination. I see heads nodding affirmatively, so I appreciate it.

EXECUTIVE SESSION

NOMINATION OF ELENA KAGAN TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES—Resumed

The PRESIDING OFFICER. The Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Elena Kagan, of Massachusetts, to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I rise this afternoon to express my very strong support for the nomination of Solicitor General Elena Kagan to serve as an Associate Justice on the U.S. Supreme Court. I would like to thank Chairman LEAHY and Ranking Member SESSIONS for their work during the Judiciary Committee's recent hearings, as well as Majority Leader REID for moving Solicitor General Kagan's nomination through the Senate confirmation process as he has.

There are very few powers exercised by this body that are more important than its constitutionally mandated duty to give advice and consent on the President's judicial nominations. The

very essence of our Nation's government rests on the supremacy of the rule of law, and the Constitution is the highest embodiment of that principle. The men and women whom we confirm to this Court are more than just judges. As the chief interpreters of that seminal document, the Constitution, they are guardians of the supremacy of the rule of law, upon which the integrity of our entire system of justice has been built.

It is, therefore, no surprise that nominees to our Nation's highest Court are subjected to such an intense level of scrutiny during the Senate's confirmation process. Nevertheless, the Constitution does not lay out a precise roadmap for how to do this. Therefore, each Senator must decide for him or herself what criteria to use when evaluating the merits of an individual Supreme Court nominee.

For my part, I have used the same, simple three-part test for Supreme Court nominees since 1981, when I voted to confirm Sandra Day O'Connor as the Court's first female Justice. Indeed, this is the 13th Supreme Court nomination I have considered during my 30-year tenure in the Senate—from Justice O'Connor to Elena Kagan today.

First, does the nominee have the technical competence and legal experience to do the job of a Justice on the U.S. Supreme Court?

Second, does the nominee have the proper character and temperament to serve on the High Court?

Third, does the nominee's record demonstrate respect for and adherence to the principles underlying our legal system—that of equal justice under the law?

For anyone who has read about her life or watched her performance during the confirmation hearings held by the Judiciary Committee earlier this summer, I believe it is abundantly clear that Elena Kagan passes all three of these tests with flying colors.

On the question of Solicitor General Kagan's competency and experience, I think there is little doubt that we are dealing with a superbly qualified nominee.

Since her graduation from Harvard Law School in 1986, Elena Kagan has enjoyed an illustrious legal and academic career.

After her graduation, Solicitor General Kagan had the honor of clerking for two extremely distinguished and highly influential Federal judges: U.S. Court of Appeals for the District of Columbia circuit judge Abner Mikva, with whom I served in the House of Representatives, and has been a great friend of mine for many years; and Thurgood Marshall, the Nation's first African-American Supreme Court Justice.

Subsequently, after nearly a decade of legal work in the private sector, as

a professor at the University of Chicago Law School, and as an Associate Counsel in the White House under the administration of President Clinton, Ms. Kagan returned to her prestigious alma mater, serving first as a professor of law and then as dean of the Harvard Law School.

In an auspicious return to public service, Elena Kagan became the Federal Government's chief lawyer before the Supreme Court last year when she was confirmed by this body as our Nation's 45th Solicitor General—a position often referred to, I might add, as the Court's "10th Justice" because of the extensive legal knowledge and close working relationship with the Federal bench it requires.

I realize some of my colleagues have questioned Solicitor General Kagan's nomination because of her lack of judicial experience—that because Solicitor General Kagan has never been a judge in either a State or Federal court she cannot be an effective Supreme Court Justice.

I would, however, gently remind my colleagues that there is absolutely no constitutional requirement that a Supreme Court nominee have served previously as a judge. In fact, there is no requirement to be a lawyer to serve on the Supreme Court of the United States. Since our country's founding, well over one-third of the 111 individuals who have served on our Nation's highest Court never put on a judge's robe before their confirmation.

Indeed, William Rehnquist, who served as Chief Justice from 1986 until his death in 2005, had no prior work experience as a judge when he was first appointed to the Court by President Nixon in 1971.

Nor did Justice Robert Jackson, a very close and dear personal friend of my father who served with him at the Nuremberg Trials in 1945 and 1946. Robert Jackson served as U.S. Attorney General under Franklin Roosevelt before being appointed to the Supreme Court in 1941.

I would, therefore, submit to my colleagues that there are other important measures of the quality of a Supreme Court nominee besides the depth of his or her experience on the bench. Solicitor General Kagan's impressive list of career accomplishments and extensive base of legal knowledge will, I believe, hopefully put those unfounded doubts over her experience to rest.

Moving on to the two remaining parts of my test, Elena Kagan once again proves she would make an excellent addition to our Nation's highest Court.

As to her character, her graceful performance before the Judiciary Committee and extensive list of enthusiastic recommendations from Democrats, Republicans, and others across the entire spectrum reveal her to be a person of the utmost integrity, profes-

sionalism, and sound judgment. They also reveal, I think, a key aspect of her legal philosophy—a deep and abiding respect for the rule of law and our Nation's cherished principle of equality under the law.

As I said previously, Supreme Court Justices are not just judges, they are stalwarts of our Nation's democratic values, guardians of the idea that the rule of law should always transcend the rule of men. Each of the Federal judicial nominees confirmed in this body has the ability to shape every facet of the law and, in a larger sense, American society in general. As a result, it is absolutely critical, in my view, that we have members of the Supreme Court whose first obligation, above all else, is to safeguard those guiding constitutional principles that form the foundation of our democratic system of government and to fight for the principle of equal justice under law.

I firmly believe that, when confirmed, Solicitor General Kagan will hew closely to those critically important values and work to ensure they are protected.

Once again, I wish to thank Chairman LEAHY, our colleague Senator SESSIONS, the ranking minority member, and the members of the Judiciary Committee, who I think gave her a very fair, competent, and thorough hearing during the nomination process. I also wish to commend Majority Leader REID for his hard work during this process. I urge my colleagues to join those of us who believe this is a quality nominee who will serve our country well as an Associate Justice of the United States Supreme Court.

Mr. President, I thank my colleagues on the other side for giving me a few minutes to express my views on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent to participate in a colloquy with a number of my Senate colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we wish to enter into a discussion this afternoon about a very critical issue in this confirmation process, and that is the second amendment and the right to keep and bear arms as provided for in our Constitution; the threat that now exists to that right that is plainly stated in the Constitution, and why we think it is worthy of serious consideration.

I will say that most Americans are totally unaware, perhaps, that the second amendment and the power of the second amendment hangs by a mere thread. Two five-to-four decisions recently have affirmed the second amendment, but had that vote been different—one Justice voting a different

way—the second amendment would not apply to the District of Columbia. It would not be considered a right that would apply even to a Federal Government entity such as the District of Columbia as a result of the Heller case.

A more recent case in Chicago, *McDonald v. the City of Chicago*, dealt with whether the second amendment actually applies to the States and does it only apply to the Federal Government. That was a big deal. If it does not apply to the States, then any State in any city—and many cities are perfectly willing to do this—would have the power to ban firearms entirely, even though the Constitution plainly says you have the right to keep and bear arms. This was the effect of that decision.

I see my colleague Senator WICKER from Mississippi here. I wish to ask him if he would share with us: Does he believe Ms. Kagan's record would provide us any insight into her views on the second amendment? Because she would be one of the votes that would be critical as we go forward in the future as to whether that amendment still has power and force.

Mr. WICKER. I thank the ranking member for that question. I would answer: Yes, indeed, her record, taken together with her committee testimony, tells us a lot about Ms. Kagan's insight and feelings about the second amendment.

Let me agree with my colleague from Connecticut, however, and say I don't believe it is necessary for someone to have judicial experience to be an effective member of the Supreme Court. Clearly that is not called for in the Constitution. However, in a situation such as this, where the nominee has never written a judicial opinion of her own, where she has hardly any experience at all in the courtroom, I do think it is appropriate—and actually necessary—for us to examine her life experience and see what insights we can gain on her views on the second amendment.

I would also say this: The debate is drawing to a close. The issue is probably not in doubt, but I think we owe it to the RECORD, we owe it to our constituents, we owe it to the American people to outline our concerns with regard to the second amendment to the Constitution, to the second article in the Bill of Rights. So I ask my colleagues to indulge me by going through some of the life experiences this nominee has.

Ms. Kagan began her law career clerking for a very antigun judge, Abner Mikva, who later brought Ms. Kagan to the White House to serve as his deputy. Judge Mikva once likened the National Rifle Association to "a street crime lobby."

Next, Ms. Kagan's own hostility to the second amendment rights became evident during her time as a law clerk

for Justice Thurgood Marshall where as a clerk she wrote that she was "not sympathetic" to the argument that the DC handgun ban violated an individual's second amendment rights. This is disappointing and troubling. In this memo she didn't cite text, precedent, or analyze the law or look to the Constitution. Ms. Kagan inserted her personal beliefs and said: I am not sympathetic to this individual right argument.

The case that comment involved was *Lee Sandidge*. A business owner was arrested and convicted in the District of Columbia for possessing ammunition and an unregistered pistol without a license. The law provided up to 10 years in jail for this offense. Mr. Sandidge's second amendment claim—the one that Ms. Kagan was not sympathetic toward—challenged the very same DC total gun ban that was struck down later by the Supreme Court in the *Heller* decision. Ms. Kagan's lack of sympathy for Sandidge's claim demonstrates she failed to recognize that we have an individual right as citizens to bear arms. I am very pleased that the Supreme Court has now recognized this on two occasions, in *Heller* as well as this year, in 2010, in *McDonald*.

Then Ms. Kagan embarked on what can only be described as a quest against gun ownership and second amendment rights during her years in the Clinton White House. She worked extensively on gun issues during President Clinton's administration which was well known for such gun control efforts. The record leaves no doubt that Ms. Kagan was a key player in shaping Clinton White House restrictive gun policies. During those years, she coauthored policy memos that advocated increased restrictions on lawful gun owners, including legislation requiring background checks for all secondary market gun purchases, a gun tracing initiative, and a call for a new gun design "that can be shot only by authorized adults." According to the records of the Clinton Presidential Library, Ms. Kagan also drafted an Executive Order restricting the importation of certain semiautomatic rifles that were not covered by statute. In other words, she authored an Executive Order that went beyond the statute in her quest against gun ownership.

At the time of the import ban, a senior staffer who worked in the Clinton domestic policy shop that was run by Ms. Kagan, described the administration's plan as follows: "We are taking the law and bending it as far as it can to capture a whole new class of guns." This was the office our nominee ran during that administration.

In addition, Ms. Kagan appears to have been in charge of the Domestic Policy Council's effort to respond to the Supreme Court's 1997 ruling in *Printz v. the United States*. The *Printz* case struck down parts of the 1994

Brady handgun law on tenth amendment grounds. According to the Clinton Library, even after the Supreme Court had ruled, the Clinton administration, with Ms. Kagan involved, worked to preserve unconstitutional provisions considered in many legislative and executive branch responses to the Court's decision.

I would reiterate what my friend from Alabama has said. The right of every American—the individual right we have to keep and bear arms under the second amendment to the Constitution—hangs by a single vote, and I am concerned that personal sympathies and a strong record of opposition to the second amendment would influence the way this person would act as a judge.

But there is one other thing, and I wish to ask my friend from Nevada about this. During her testimony before the Judiciary Committee, Ms. Kagan stated she had never had an occasion to look at the history on which *Heller* is based, and, therefore, she could not say whether she believed there is a preexisting individual, fundamental right to keep and bear arms.

Here is a talented and intelligent and articulate and brilliant law student and law professor and staffer who worked extensively on the issue of second amendment rights for years, and she taught constitutional law at one of the most prestigious institutions in this country, yet she stated in her testimony that she had never had occasion to look at the history on which this was based and, therefore, she could not say whether there was a fundamental right to keep and bear arms. I think her credibility was quite damaged by that statement.

I ask my friend Senator ENSIGN whether he was surprised when Ms. Kagan made that statement based on her extensive experience and interaction involving this issue?

Mr. ENSIGN. As a matter of fact, I was surprised. I think she did a real disservice to her prior employers, Justice Marshall, President Clinton, by not studying the history of the second amendment before she provided them with legal advice. I also think she did a disservice to her students, one that a professor of constitutional law should understand.

Ms. Kagan confirmed the importance of studying founding documents when interpreting second amendment rights when she said during her Solicitor General hearing:

The individual rights view and the collective rights view present cogent and sometimes powerful arguments. And I have come away thinking that immersion in the primary sources, which I have never attempted, would be necessary to choose between them with any degree of confidence.

That is what she said. She confirmed this when I met with her as well. Yet the choice between the individual and collective rights view was crucial to

her work for Justice Marshall in the *Sandidge* case and was certainly important to her work during the Clinton administration.

Mr. THUNE. Would the Senator from Nevada yield for a question on that?

Mr. ENSIGN. Yes.

Mr. THUNE. I heard my colleague say—and I would be interested in having him confirm—didn't Ms. Kagan teach constitutional law and would it not have been appropriate at that time for her to have looked at the Founding Fathers' intent on the second amendment?

Mr. ENSIGN. As a matter of fact, she did teach constitutional law. I suspect that in the course of her career, she came to understand where the Founders included these words in the second amendment in the Bill of Rights:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

I don't think there was a lack of time or certainly a lack of ability to find this source material, but I suspect it may be more of her unwillingness to accept and ultimately admit that the Constitution and the second amendment run contrary to her political beliefs. I find this extremely troubling.

I also think it shows this nominee's tendency to rely on her own personal beliefs and to read these into her decisions instead of the intent of the Framers of the Constitution.

Mr. THUNE. Mr. President, I say to my friend from Nevada, it is troubling—very troubling, and maybe even telling—that the President would ask us to confirm an individual who admittedly has not reviewed the justification for the second amendment in the Bill of Rights.

Mr. ENSIGN. I think my friend from South Dakota makes an excellent observation. This admission of her failure to study the history surrounding the second amendment is also in stark contrast to her emphasis on the importance of students studying international law at Harvard Law School.

When Solicitor General Kagan became dean of the Harvard Law School, she spearheaded a sweeping overhaul of the academic curriculum to require law students to take an international and comparative law course during their first year.

When asked, "What specific subjects or legal trends would you like [Harvard] to reflect?" she responded:

First and foremost, international law. . . . we should be making clear to our students the great importance of knowledge about other legal systems throughout the world. For 21st century law schools, the future lies in international and comparative law, and this is what law schools today ought to be focusing on.

She also said:

Our goal, then, has been to . . . better equip graduates to be proactive and creative problem solvers . . . to work with a global

perspective, whether the particular problem involves a local contract dispute, or an international treaty.

Thanks to Dean Kagan, international law is a required course at Harvard Law School for first-year law students. However, constitutional law—U.S. constitutional law—is not only not a first-year requirement—in fact, somebody graduating from Harvard Law School can graduate without ever taking U.S. constitutional law.

Mr. SESSIONS. If the Senator will yield, this is a troubling thing. Justice Scalia has been a fierce critic of this, pointing out: What country do you pick? Do judges get to pick their own?

It seems to me, from what the Senator said, it is clear that the President's nominee to our highest Court in the United States has felt that the world of international law is more important than studying our own Constitution.

Mr. ENSIGN. That is the way it appears to me. This is another example of where her personal beliefs come in to affect the way she is going to be as a judicial activist.

Mr. SESSIONS. I agree. I think we must study what our Constitution says, what the people who wrote it meant, and what rights the people retained for themselves when they created it and gave certain limited rights to the Federal Government. I do believe the history of the second amendment is important. What is the history surrounding the founding of our country and the drafting of the second amendment?

Mr. ENSIGN. I am glad the Senator from Alabama asked that critical question. I think it is so important for Americans, people in this body, but especially our Supreme Court Justices, to understand.

We have to remember that the founding generation had just finished fighting the Revolution against a tyrannical government. They knew the true value of having an armed citizen population.

Thomas Paine wrote in "Thoughts on Defensive War" in 1775:

Arms discourage and keep the invader and plunderer in awe, and preserve order in the world, as well as property. . . . Horrid mischief would ensue were the law-abiding deprived of the use of them.

Thomas Jefferson once said in a 1787 letter to William Smith:

And what country can preserve its liberties, if its rulers are not warned from time to time that this people preserve the spirit of resistance? Let them take arms. . . .

Patrick Henry said:

Are we at last brought to such an humiliating and debasing degradation that we cannot be trusted with arms for our own defense? Where is the difference between having our arms under our own possession and under our own direction, and having them under the management of Congress? If our defense be the real object of having those arms, in whose hands can they be trusted

with more propriety, or equal safety to us, as in our own hands?

In fact, if you only take a cursory look at the 20th century, every single government that has perpetrated genocide has first disarmed its citizens. It is my understanding that every known dictator who has come to power has followed this course.

Mr. SESSIONS. Well, did our Founding Fathers actually know this? What was their intent with regard to preserving the right to keep and bear arms when this language went into the Constitution?

Mr. ENSIGN. I know that our Founders certainly looked at writings of prominent philosophers when debating the importance of the right to keep and bear arms.

William Blackstone, whom the Supreme Court has called the "pre-eminent authority on English law for the founding generation," cited the right to keep and bear arms as "one of the fundamental rights of Englishmen," calling it "the natural right of resistance and self-preservation—the right of having and using arms for self-preservation and defense."

Judge St. George Tucker, who wrote the first commentary on the Constitution in 1803, describes the second amendment as "the true palladium of liberty."

He continued:

The right to self-defence is the first law of nature: in most governments it has been the study of rulers to confine the right within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any colour or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction.

Judge Tucker also said:

If, for example, a law passed by congress, prohibiting the free exercise of religion . . . or abridging the freedom of speech, or of the press; or the right of the people to assemble peaceably, or to keep and bear arms; it would, in any of these cases be the province of the judiciary to pronounce whether any such act were constitutional. . . . The judiciary, therefore, is the department of the government to whom the protection of the rights of the individual is by the constitution especially, confided, interposing its shield between him and the sword of usurped authority, the darts of oppression, and the safety of faction and violence.

I would like to ask my colleague from Mississippi, what did Ms. Kagan say about this natural right of self-defense?

Mr. WICKER. I simply look to her own testimony. I think it is troubling—particularly for a law professor and somebody who dealt with the issue for decades—when asked at her hearing whether she personally believes there was a right to self-defense that existed before the Constitution, she said she "didn't have a view of what are natural independent of the Constitution."

Maybe Solicitor General Kagan was tired by that time. Maybe she had been

told by her handlers—the people at the Department of Justice—that it is best to simply not answer that. But I say to my colleagues, we are endowed by our Creator with certain inalienable rights. We don't get them from the Constitution. Those rights are there. Certain rights are enumerated, including the second amendment rights, in the Constitution. For a Justice of the Supreme Court not to understand that causes me problems, and it causes me to think that she just doesn't have a very well-founded view of the second amendment.

Mr. ENSIGN. Well, I think her statement was shocking. It also proves she doesn't believe the second amendment codifies the preexisting natural right to self-defense.

Her statement is in stark contrast with the belief of our Founders, who fervently believed that the right to keep and bear arms was a natural right. Our Founders discussed natural rights in one of the founding documents, the Declaration of Independence:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

Yet Ms. Kagan doesn't "have a view of what are natural rights independent of the Constitution." The failure to recognize the natural right to self-defense as articulated by our Founders and expressed in the Bill of Rights, I believe, is deeply disturbing.

The Constitution doesn't create these inalienable rights, as the Senator from Mississippi said. It recognizes and protects these rights that are considered bestowed upon us by our Creator.

Mr. WICKER. The Senator is correct. The phrase "a right of the people" is used two other times in the Constitution and the Bill of Rights—in the first amendment's assembly and petition clause, the fourth amendment's search and seizure clause, and a very similar phrase is used in the ninth amendment, where the Founders stated that "the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

In all three instances, the Framers were referring to individual rights and not to collective rights. Nowhere in the Constitution does a "right" attributed to "the people" refer to anything but an individual right. It is the same with the second amendment.

This has been affirmed in the Heller case. Judge Sotomayor, when testifying before us, said she thought that was settled law. The decision this year, in which she dissented, makes me wonder about that, and it gives me grave concern, with a 5-to-4 Court, about what might happen to precedent and what I believe now is settled law.

Let me ask the ranking member, during Ms. Kagan's hearing, she was questioned about her statement that she

believes precedent trumps original intent. What does this mean with regard to the second amendment rights, based on the pre-Heller precedent?

Mr. SESSIONS. It is a troubling statement. I think, clearly, it allows her to justify voting—if confirmed to the Supreme Court—to eviscerate the second amendment. There are some earlier cases before the 14th amendment was even passed, or before the first 10 amendments, the Bill of Rights, were applied to the States in any systematic way that you could rely on as precedent, which could indeed trump, in her words, the original intent of the Constitution.

What did the people ratify? They ratified the Constitution that, in fact, just before the Founders signed it, they said “we do ordain and establish this Constitution for the United States”—not some other judicial opinion 100 years later.

I think it raises troubling questions about where she stands on that. In the light of Heller and McDonald, which were razor-thin 5-to-4 decisions, made within the last 2½ years, we have to acknowledge that the Supreme Court is not, with clarity, committed to the plain application of the second amendment.

Mr. THUNE. If I might ask the Senator from Alabama this—because he is the ranking member on the Judiciary Committee. I know he has dealt with numerous nominees to the Supreme Court in the past, as well as probably hundreds of other judicial nominees. Does the Senator recall how often those nominees had a record on second amendment rights?

Mr. SESSIONS. Well, most nominees have not had a record on it, but it is interesting, and perhaps noteworthy, that President Obama, who himself has not been a strong supporter of the second amendment rights, and many of his supporters and Cabinet members are openly hostile to it, the two nominees for the Supreme Court he has submitted, Justice Sotomayor and Kagan, have had records that indicate a hostility to it. Even though Judge Sotomayor, in her testimony, indicated she considered this settled law—the Heller decision—her decision less than a year later in the Chicago McDonald case, on a similar but somewhat different issue, was not consistent with the belief that the Supreme Court had settled the question in Heller. So this was a troubling thing. I think the Attorney General of the United States, Eric Holder, has argued very vociferously to restrict gun rights.

This is the top law enforcement officer in the country. I do believe this is a matter of some concern, in fact, that we may be moving into a period in which the government, the big city in Washington, the elites who control this, who come out of an environment where they are not comfortable with

guns, are oblivious and insensitive to the right that I believe was critical to our Founders in ratifying the Constitution. They wanted to know that they had a right to keep and bear arms, and it was important to them that the right was in the Constitution.

I ask Senator THUNE, have any of the outside groups that are concerned about these issues spoken out about this nomination?

Mr. THUNE. They have. I simply say to my colleague from Alabama, in his remarks he noted the pattern we are starting to see that exists with regard to—the Senator from Alabama mentioned the Attorney General of this administration and their nominees to the Supreme Court. What that has done is galvanized those at the grassroots level who are very concerned about what they see happening and how it might threaten and put in danger the second amendment right that many of them have enjoyed and believe is something that ought to be protected in the future—it ought to be protected by the Supreme Court, it ought to be protected by the Congress, it ought to be protected by the President of the United States.

We see some of these grassroots people who are concerned about this issue give voice to their concerns through organizations such as the NRA, for example, and Gun Owners of America. I wish to point out, if I may, that both of these organizations have written letters in opposition to Ms. Kagan's nomination.

I ask unanimous consent to have printed in the RECORD these letters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RIFLE ASSOCIATION
OF AMERICA,
Fairfax, VA, July 1, 2010.

Hon. PATRICK LEAHY,
Chairman, Senate Committee on the Judiciary,
Dirksen Senate Office Building, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: We are writing to announce the National Rifle Association's position on the confirmation of Solicitor General Elena Kagan as Associate Justice of the United States Supreme Court.

Other than declaring war, neither house of Congress has a more solemn responsibility than the Senate's role in confirming justices to the U.S. Supreme Court. As the Senate considers the nomination of Solicitor General Kagan, Americans have been watching to see whether this nominee—if confirmed—would respect the Second Amendment or side with those who have declared war on the rights of America's 80 million gun owners.

During confirmation hearings, judicial nominees make carefully crafted statements regarding issues with which they do not personally agree. They often speak in terms of “settled law” or “I understand the right”. When those statements are contradicted by an entire body of work over a nominee's ca-

reer, however, it would be foolhardy to simply take them at face value. In Ms. Kagan's own words, “you can look to my whole life as to what kind of justice I would be.” We agree.

As she has no judicial record on which we can rely, we have only her political record to review. And throughout her political career, she has repeatedly demonstrated a clear hostility to the fundamental, individual right to keep and bear arms guaranteed under the U.S. Constitution.

As a clerk for Justice Thurgood Marshall, Ms. Kagan said she was “not sympathetic” to a challenge to Washington, D.C.'s ban on handguns and draconian registration requirements. As domestic policy advisor in the Clinton White House, a colleague described her as “immersed” in President Clinton's gun control policy efforts. For example, she was involved in an effort to ban more than 50 types of commonly-owned semi-automatic firearms—an effort that was described as: “taking the law and bending it as far as we can to capture a whole new class of guns.” And as U.S. Solicitor General, she chose not to file a brief last year in the landmark case McDonald v. Chicago, thus taking the position that incorporating the Second Amendment and applying it to the States was of no interest to the Obama Administration or the federal government. These are not the positions of a person who supports the Second Amendment.

During her confirmation hearings last year, Justice Sonia Sotomayor repeatedly stated that the Supreme Court's historic Heller decision was “settled law”. Even further, in response to a question from Chairman Leahy, she said “I understand the individual right fully that the Supreme Court recognized in Heller.” Yet last Monday in McDonald, she joined a dissenting opinion which stated: “I can find nothing in the Second Amendment's text, history, or underlying rationale that could warrant characterizing it as ‘fundamental’ insofar as it seeks to protect the keeping and bearing of arms for private self-defense purposes”.

We would also note that both Heller and McDonald were 5-4 decisions. The fact that four justices would effectively write the Second Amendment out of the Constitution is completely unacceptable. Ms. Kagan has repeatedly declined to say whether she agrees with the dissenting views of justices Stevens, Breyer, Ginsburg and Sotomayor, which leaves unanswered the very serious questions of whether she would vote to overturn Heller and McDonald or narrow their holdings to a practical nullity.

This nation was founded on a set of fundamental freedoms. Our Constitution does not give us those freedoms—it guarantees and protects them. The right to defend ourselves and our loved ones is one of those. The fundamental, individual right to keep and bear arms is another. These truths are what define us as Americans.

Any individual who does not believe that the Second Amendment guarantees a fundamental right and who does not respect our God-given right of self-defense should not serve on any court, much less receive a lifetime appointment to the highest court in the land. Justice Sotomayor's blatant reversal on this critical issue requires that we look beyond statements made during confirmation hearings and examine a nominee's entire body of work. Unfortunately, Ms. Kagan's record on the Second Amendment gives us no confidence that if confirmed to the Court, she will faithfully defend the fundamental, individual right to keep and bear arms of law-abiding Americans.

For these reasons, the National Rifle Association has no choice but to oppose the confirmation of Solicitor General Elena Kagan to the U.S. Supreme Court. Given the importance of this issue, this vote will be considered in NRA's future candidate evaluations.

Thank you for your attention to our concerns. Should you have any questions or wish to discuss further, please do not hesitate to call on us personally.

Sincerely,

WAYNE LAPIERRE,
Executive Vice President, NRA.

CHRIS COX,
Executive Director, NRA-ILA.

GUN OWNERS OF AMERICA,
Springfield, VA, August 5, 2010.

DEAR SENATOR: You will soon vote on the confirmation of Elena Kagan to the U.S. Supreme Court.

During her confirmation hearings, Kagan ducked and dodged questions about the Second Amendment and refused to declare whether she believes the Second Amendment protects an individual right.

Kagan insisted that the Supreme Court decisions in *Heller* and *McDonald* should be treated as precedent and "settled law," but this in no way precludes her from ruling that almost any gun law—including gun owner registration, purchasing limits, waiting periods, private sale background checks, and more—is consistent with the Constitution.

Recall the confirmation hearings of Sonia Sotomayor, the newest Supreme Court Justice. Sotomayor assured the Senate, and the American people, that she accepted the Court's ruling in *Heller* that the Second Amendment protects an individual right.

Yet, in the *McDonald* case, Sotomayor joined the dissent in writing that "I can find nothing in the Second Amendment's text, history, or underlying rationale that could warrant characterizing it as 'fundamental' insofar as it seeks to protect the keeping and bearing of arms for private self-defense purposes."

Ms. Kagan has made the same promises to the Senate, but the available evidence portrays her as a forceful advocate of restrictive gun laws and as a person driven by political considerations rather than the rule of law.

While Ms. Kagan does not have a record of judicial opinions, her views on the Second Amendment are no mystery. Some considerations that have come to light since her nomination include:

While serving in the Clinton administration, Ms. Kagan drafted an executive order to ban certain semi-automatic firearms;

Ms. Kagan suggested that the President could issue another executive order—bypassing Congress—to ban gun purchases without prior approval from the federal government;

As a law clerk, Elena Kagan advised against the Supreme Court considering *Sandridge v. United States* in a case that questioned the constitutionality of the D.C. gun ban, writing that she was "not sympathetic" to the gun owner's Second Amendment claims; and,

Kagan was part of the Clinton team that pushed the firearms industry to include gun locks with all gun purchases and was in the Clinton administration when the President pushed legislation that would close down gun shows.

Elena Kagan poses such a threat to the Second Amendment that it would be better for the Supreme Court to begin its 2010-2011 session with only eight Justices, than for this radical nominee to be confirmed.

On behalf of over 300,000 members of Gun Owners of America, I urge you to "NO" on this nominee's confirmation.

Sincerely,

JOHN VELLECO,
Director of Federal Affairs.

Mr. THUNE. Mr. President, I continue by saying that after reviewing Ms. Kagan's record of testimony at the confirmation hearing, Gun Owners of America concluded:

... the available evidence portrays her as a forceful advocate of restrictive gun laws and as a person driven by political considerations rather than the rule of law.

The NRA went on to write:

... Ms. Kagan's record on the Second Amendment gives us no confidence that if confirmed to the Court, she will faithfully defend the fundamental, individual right to keep and bear arms of law-abiding Americans.

For these reasons, the National Rifle Association has no choice but to oppose the confirmation of Solicitor General Elena Kagan to the U.S. Supreme Court. Given the importance of this issue, this vote will be considered in the NRA's future candidate evaluations.

Yes, the answer to the question of the Senator from Alabama is both the NRA and Gun Owners of America have opposed not only this nomination but also Justice Sotomayor's nomination.

Mr. President, I ask unanimous consent to have printed in the RECORD the NRA's letter in opposition to the Sotomayor nomination.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RIFLE ASSOCIATION
OF AMERICA,
Fairfax, VA, July 23, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate, The Capitol, Washington, DC.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate The Capitol, Washington, DC.

DEAR LEADER REID AND LEADER MCCONNELL: We are writing to express the National Rifle Association's opposition to the confirmation of Judge Sonia Sotomayor as Associate Justice of the United States Supreme Court.

From the outset, the National Rifle Association respected the confirmation process and hoped for mainstream answers to bedrock questions. Unfortunately, Judge Sotomayor's judicial record and testimony during the Senate Judiciary Committee hearings clearly demonstrate a hostile view of the Second Amendment and the fundamental right of self-defense guaranteed under the U.S. Constitution.

We are particularly dismayed about the U.S. Court of Appeals for the Second Circuit's recent decision in the case of *Maloney v. Cuomo*, in which Judge Sotomayor refused to follow Supreme Court precedent by conducting a proper incorporation analysis of the Second Amendment, concluding instead that the right to keep and bear arms does not protect all law-abiding Americans living in every corner of this nation.

In addition, Judge Sotomayor was a member of the panel in the case of *United States v. Sanchez-Villar*, where (in a summary opinion) the Second Circuit dismissed a Second Amendment challenge to New York State's

pistol licensing law. That panel, in a terse footnote, cited a previous Second Circuit case to claim, "the right to possess a gun is clearly not a fundamental right."

It is only by ignoring history that any judge can say that the Second Amendment is not a fundamental right and does not apply to the States. The one part of the Bill of Rights that Congress clearly intended to apply to all Americans in passing the Fourteenth Amendment was the Second Amendment. History and congressional debate are clear on this point.

We believe any individual who does not agree that the Second Amendment guarantees a fundamental right and who does not respect our God-given right of self-defense should not serve on any court, much less the highest court in the land. Given the importance of this issue, the vote on Judge Sotomayor's confirmation will be considered in NRA's future candidate evaluations.

Thank you for your attention to our concerns. Should you have any questions or wish to discuss further, please do not hesitate to call on us personally.

Sincerely,

WAYNE LAPIERRE,
Executive Vice President, NRA.

CHRIS COX,
Executive Director, NRA-ILA.

Mr. THUNE. Mr. President, the NRA wrote in that case:

... Judge Sotomayor's judicial record and testimony during the Senate Judiciary Committee hearings clearly demonstrate a hostile view of the Second Amendment and the fundamental right of self-defense guaranteed under the U.S. Constitution.

Mr. ENSIGN. Mr. President, I ask my friend from South Dakota, why is it so significant that both of these groups have opposed her nomination?

Mr. THUNE. I say to my colleague from Nevada, it comes down to their horrible record on gun rights. It made it impossible for these two organizations to conclude that they would be impartial constitutional judges on this issue even though they tried to convince Senators otherwise during their confirmation hearings.

These groups had their concerns about Justice Sotomayor validated on June 30, 2010, when she ruled again that the second amendment is not a fundamental right. Justice Sotomayor assured Senators during her hearing that she believed the second amendment guaranteed an individual right to keep and bear arms. But then in her first ruling on the second amendment as a Supreme Court Justice, she joined the minority opinion in *McDonald v. Chicago* and failed to protect this individual right, as confirmed by the majority of the Court, for citizens living in the 50 States.

Specifically, at Justice Sotomayor's hearing, she said that she "understood the individual right fully that the Supreme Court recognized in *Heller*" and "knew how important the right to bear arms is to many Americans," and that she did not consider the right "unfundamental."

This is in stark contrast to the opinion she signed onto in *McDonald* that I

said—this is a quote from the McDonald opinion:

I can find nothing in the Second Amendment's text, history, or underlying rationale that could warrant characterizing it as fundamental, insofar as it seeks to protect the keeping and bearing of arms for private self-defense purposes.

I know that many in this body, especially those who supported her confirmation, were surprised by what is seemingly a 180-degree turn.

While I had hoped we could trust her word, I was concerned that her record did not fit her statements at the hearing. I had concerns that her true feelings were much more hostile toward the second amendment right than what she was letting on.

Specifically, I had concerns with two different cases she decided as a circuit court judge, including one after the Supreme Court already recognized the second amendment was an individual right, where she held in that case that the second amendment was "clearly not a fundamental right" and did not apply to the States.

There were some Senators at the time who were not as concerned by this record as I was and some of the others of us in the Chamber were and went so far as to say—this is a quote from one of our colleagues:

I do not see how any fair observer could regard her testimony as hostile to the second amendment personal right to bear arms, a right she has embraced and recognized.

That is something said by one of our colleagues in the Senate during the Sotomayor confirmation.

While what Justice Sotomayor said during the hearing certainly gave the impression that she believed in the individual right to keep and bear arms, her prehearing record demonstrated her true beliefs.

I am here today to urge those Members who proclaim to strongly support the second amendment not to be fooled a second time. Ms. Kagan was asked about the second amendment on a number of occasions at her hearing, and each time her response was merely a mimic of Justice Sotomayor's statements on the second amendment at her hearing.

Ms. Kagan would go no further than to acknowledge that the important Supreme Court decisions in *Heller* and *McDonald* are "precedent" and "settled law entitled to all the weight the precedent usually gets."

I believe there is no question that Ms. Kagan will follow in the footsteps of Justice Sotomayor and revert to the beliefs demonstrated by her anti-second amendment record rather than her posturing during her confirmation hearing.

That is the reason the NRA and other groups that treasure the fundamental right to keep and bear arms, such as Gun Owners of America, oppose her nomination, just as they did Justice Sotomayor's.

The only question that remains for us in the Senate is whether pro-second amendment Senators who voted for Justice Sotomayor have learned their lesson and will vote against the Kagan nomination.

I say to my colleagues from Nevada and Alabama, as the old saying goes: Fool me once, shame on you; fool me twice, shame on me. For the sake of gun owners across the country, I hope they will not be fooled again.

I say to my colleagues from Nevada and Alabama, with all the unanswered questions that remain after the *Heller* and *McDonald* cases, are there not lots of reasons why those grassroots people across this country—those gun owners, those people who care profoundly about the right to keep and bear arms—ought to be concerned? For example, what is a sensitive place? Who needs to register? There are going to be registration laws that are put in place. How is the issue of microstamping and the mandates and requirements that might be associated with that going to impact this fundamental second amendment right?

Mr. ENSIGN. Mr. President, I ask the ranking member about the *McDonald* case, and maybe he can go into some details about the *McDonald* case and the significance of that when it comes to future decisions.

Mr. SESSIONS. The *McDonald* case was a hugely important case. It dealt for the first time in recent memory with the question of whether the second amendment, which had been held in *Heller* to apply to the Federal Government, whether it passed through the 14th amendment to apply to all the States—and cities are creatures of States, so whether it applied to cities.

This is a big deal because it is not generally so much the Federal Government that is willing to deny gun rights, but certain States and certain cities seem very aggressively willing to deny people's second amendment rights.

The question for the Court was: Is it a fundamental right in the Bill of Rights, a stated fundamental right, and if it is fundamental, it passes through the 14th amendment and all States must comply with it, just as States must comply with the right to free speech and other rights in the Constitution.

By a razor thin 5-to-4 majority, the Supreme Court in *McDonald* held that it is a fundamental right and does apply to the States, and no State, therefore, and no city can deny an individual right of an American citizen to keep and bear arms. This is a big, important case.

Justice Sotomayor—who suggested otherwise in her testimony—as Senator THUNE said, her record suggested she would rule that way, rule with the four that it did not apply to the States. It is a big deal.

Mr. ENSIGN. In the *McDonald* case, as I understand, there were several restrictions put on citizens when it came to their second amendment right: paying a \$100 processing fee and a \$15 fee for each gun registered; undergo and pass a firearms safety test which consists of 4 hours of training and 1 hour target range practice, which, by the way, costs about \$100 for each one of those activities; undergo and pass a vision test, if you do not have an Illinois driver's license; provide fingerprints; be at least 21 years of age or 18 years with parents' permission; wait 45-120 days for processing; own only one operational firearm; and reregister every 3 years.

I ask the ranking member, why are these restrictions necessary?

Mr. SESSIONS. The question becomes: Does it impact a fundamental right? At some point it does. We decided you cannot put a poll tax on people to say you have to pay money for your right to vote. People do not have to pay for the right to speak out about advocate beliefs because you have a right to free speech.

I do think these restrictions, as they increase, can reach a point of denial of people's individual right to keep and bear arms. We want to be sure that a judge not only recognizes it is a constitutional individual right but that the judge recognizes that some of these restrictions we accept and are legitimate go too far.

Mr. ENSIGN. I will add, concluding my remarks, that this issue is of critical importance. Without the second amendment, the rest of the Bill of Rights can go away. That is what our Founders recognized. Our colleagues, before they vote on Solicitor General Kagan, need to understand that. That is why this colloquy is so important today. We have brought out some very important points.

It was an honor to be with my colleagues to discuss Solicitor General Kagan's views on the second amendment and how that potentially could impact her decisions in the future.

Mr. THUNE. Mr. President, I close by saying as well, I think in all cases, you have to judge people not by what they say but by what they do. Clearly, the record would suggest, as it did with Justice Sotomayor, a certain hostility toward the second amendment right. Obviously, statements at the Judiciary Committee hearings suggesting an openness to this or acknowledging settled law or precedents or all those sorts of things were meaningless in regard to the *Chicago* case with regard to Justice Sotomayor.

If we look at the long history of Ms. Kagan with regard to this issue, I think we can conclude where she is going to end up.

It is a critical issue because these are 5-to-4 decisions. These are very narrow decisions that strike at the very heart

of a fundamental constitutional right that people in this country deserve to have their leaders, both elected leaders and people on the Court, protect. I am very concerned about where that is headed with this nominee.

I yield to the Senator from Alabama. Mr. SESSIONS. I thank my colleagues for this nice and valuable discussion. I will say that one of the unjustifiable actions of the judicial activist philosophy that is too much afoot in America today is their willingness to completely be oblivious to plain constitutional rights, things that are flatly stated, and then to create rights that do not exist.

For example, the Constitution gives the right to free press, but we had Solicitor General Kagan arguing before the Supreme Court in defense of this campaign finance bill that a corporation could be prohibited from producing a pamphlet before an election that might be critical of a politician. I mean, that is what the first amendment was about. It wasn't about pornography or flag burning, for heaven's sake. It was about political speech, plainly in the Constitution. Yet we had four members of the Supreme Court—a vote in an opinion recently—who said the government could ban the pamphlets. Actually, another lawyer for the government argued you could ban books.

The Supreme Court, by a 5-to-4 majority did, in fact, say that you could take a man's private drugstore—the government could—and give it to another man who had a competing drugstore; in other words, taking private property for private use. The Constitution says you can't take private property except for public use under condemnation. A plain violation, 5-to-4 approved.

By two 5-to-4 decisions—the narrowest of margins—we had the plain constitutional right that Americans have to keep and bear arms hang by one vote. We have another example of a judge in California yesterday declaring that the Constitution somewhere says a State must declare that a union between same-sex couples has to be defined in the same way and recognized in the same way as a marriage, even after California had a referendum in which millions of Californians voted differently. A single judge, with no clear constitutional authority at all—in fact, no real constitutional authority—declared that invalid and wiped it out.

So I would suggest that people who are using this court to promote their agendas need to be careful. Don't think you can play with the first amendment. Don't think you can play with the second amendment. Don't think you can play with the constitutional right to have your property not taken by the government except for public use. If you can start wiping those

rights out, what right next will the Court come and take? What right next will the central government come and take from you?

So if you love this Constitution and respect it and believe it is a great bulwark for freedom, prosperity, and liberty, I suggest there is only one way to handle it, Mr. President: enforce it as written whether you like it or not.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I want to address the nomination of Solicitor General Kagan to serve on the U.S. Supreme Court. Earlier this week, I discussed my opposition to the nomination, but at that time I didn't go into any depth about my concerns with regard to her participation in the military recruiting policy that banned the U.S. military from the Office of Career Services at Harvard Law School.

While this incident has been discussed a lot, I think it is very important to establish for the record exactly what happened. I believe a due respect for the men and women of our military and the gravity of this debate demand a full review of the facts behind what Elena Kagan did as dean of the Harvard Law School to exclude and stigmatize the U.S. military.

Harvard Law School adopted an anti-discrimination policy in 1979. This policy states that any employer that wished to use the Office of Career Services at the law school had to sign a statement affirming that it does not discriminate on various bases, including sexual orientation. The military—not just because of its policy but because of the policy of the Congress and the law that we passed—could not sign this statement because of the don't ask, don't tell policy adopted during the Clinton administration.

In 1993, when a Democratic Congress and the Clinton administration changed the military's outright ban on gays in the military to adopt this don't ask, don't tell policy, Harvard took the position that the military was still not in compliance with its antidiscrimination policy. As a result of Harvard's policy, from 1979 through 2002, the U.S. military was barred from recruiting individuals at the Harvard Law School's Office of Career Services, where everyone else who was recruiting on campus was allowed to conduct interviews and recruit potential candidates.

While this ban on the services of the Office of Career Services was in effect, the Harvard Law School Veterans Association essentially took the place of the Office of Career Services and established an off-campus interview forum for law students interested in serving their country in the U.S. military. So because they were banned from the Office of Career Services, the military had to look for an alternative venue or

forum provided by the Harvard Law School Veterans Association in order to conduct those interviews.

But then something very important happened. In 1995, Congress enacted another law, popularly known as the Solomon Amendment. The Solomon Amendment said you cannot receive Federal funds—if you are an educational institution—if you, in effect, prohibit military recruiting on your campus. In other words, they could have continued their policy of discrimination against the military, but they would have been denied Federal funds under the plain wording of the Solomon Amendment passed in 1995.

The Secretary of Defense, under the Solomon Amendment, has to make a finding that the school is not offering access to military recruiters that is “equal in quality and scope to the access that the school provides other employers.” That was the 1995 law. In 2002, the Secretary of Defense of the United States found that Harvard's exclusion of military recruiters from the Office of Career Services was not “equal access.”

In response to this Federal law and the finding by the Secretary of Defense, Ms. Kagan's predecessor, Robert Clark, essentially capitulated and gave the military access to the Office of Career Services in 2002. So Dean Robert Clark, Dean Kagan's predecessor, rather than be denied Federal funds to Harvard by violating the Solomon Amendment and denying access to military recruiters to the Office of Career Services, decided in 2002 to change Harvard's policy. Thus, when Ms. Kagan became dean of the law school in the spring of 2003, the military had full access to the Office of Career Services to recruit interested candidates for military service.

For a while, Dean Kagan maintained the military's access to the Office of Career Services in compliance with the Solomon Amendment. But it is clear that Dean Kagan did not like that because she voiced her political opposition to the don't ask, don't tell policy—in other words, the law enacted by Congress and to which the Department of Defense was accountable for enforcing—in an e-mail she sent to all of Harvard's law students saying that she “abhorred” the “don't ask, don't tell policy” and she considered it “a moral injustice of the first order.”

In January 2004, Dean Kagan joined 53 other members of the Harvard law faculty in filing a friend of the court brief supporting a challenge to the Solomon Amendment in the Third Circuit Court of Appeals. So even though she maintained access for a while, inherited that policy under her predecessor, in 2004, when a lawsuit was filed to challenge the Solomon Amendment, Dean Kagan and other Harvard Law School faculty joined in a friend of the court brief to try to strike down the Solomon Amendment.

In November of 2004, a split panel on the Third Circuit Court of Appeals actually held that the Solomon Amendment was reasonably likely to be unconstitutional and sent the case back to the district court with instructions to issue an injunction halting the Solomon Amendment's enforcement.

Now, this is very important because the Third Circuit is one of our circuit courts of appeal in the United States, but it is not the U.S. Supreme Court. By that I mean when it makes a decision, its decision only applies to the territory or that part of the United States that is within the Third Circuit. That is important because Harvard is not in the Third Circuit. Harvard is in the First Circuit. So in effect, the Third Circuit panel's decision had no legal effect on Harvard Law School.

Nevertheless, the very next day, after the Third Circuit issued its decision, Dean Kagan changed the Harvard Law School policy to once again bar the military from using the services of the Office of Career Services. In other words, she was not compelled to do so by law but exercising her discretion as dean, she chose to reinstate this policy of barring military recruiters from the Office of Career Services.

Then, in January of 2005, the Third Circuit issued an order staying its enforcement pending a decision by the U.S. Supreme Court. After this, of course, the Third Circuit ruling did not even have any effect even in the Third Circuit, much less in the jurisdiction in the circuit with jurisdiction over Harvard. But even after the order was stayed, Ms. Kagan continued the policy of barring military recruiters from the Office of Career Services.

While her policy barring military recruiters from the Office of Career Services was in effect, Dean Kagan approached the Harvard Law School Veterans Association and asked them to serve as an alternate channel for military recruiting at Harvard Law School. In 2005, the law school veterans declined, writing:

Given our tiny membership, meager budget, and lack of any office space, we possess neither the time nor the resources to routinely schedule campus rooms or advertise extensively for outside organizations, as is the norm for most recruiting events.

In short, the law school veterans told Dean Kagan that the separate access she wanted them to offer the military would not be equal because they didn't have the ability to match the resources of the Office of Career Services.

In May 2005, the Supreme Court of the United States then said they were going to hear an appeal of the Third Circuit's decision, and they granted the writ of certiorari to the Defense Department's appeal of that case to review their finding on the Solomon Amendment. Over the summer of 2005, the Defense Department notified Dean Kagan that it would rescind Harvard's

funding—in other words, it would deny Federal funding to Harvard pursuant to the Solomon Amendment—if she continued to deny the military access to the Office of Career Services.

Faced with this ultimatum, on September 20, 2005, Dean Kagan finally ended her 10-month unlawful denial of access and announced that pending the Supreme Court's decision she would lift the ban and give the military access to the Office of Career Services. But in the meantime, she filed another friend of the court brief, this time in the Supreme Court of the United States, arguing the Solomon Amendment should not apply to her actions barring the military from the Harvard Law School's Office of Career Services.

Ultimately, the Supreme Court unanimously rejected Dean Kagan's position and unanimously upheld the Solomon Amendment.

To recap: Dean Kagan's ban on military recruiters lasted for 10 months—from November of 2004 through September of 2005. During that entire span of time, the Department of Defense position was always—was always—that the ban violated the congressionally passed Solomon Amendment. Never in that span of time did the Supreme Court, the First Circuit, or any other court with jurisdiction over Harvard adopt Dean Kagan's view regarding the scope or enforceability of the Solomon Amendment. In that span of time, only a split panel of the Third Circuit held that the Solomon Amendment was unenforceable, and for all but 2 months of that time, the Third Circuit's order was stayed.

Despite all of this, Dean Kagan persisted in barring military recruiters from the Office of Career Services and insisted that the military could obtain separate but equal access to Harvard Law School through alternate routes. Dean Kagan held that the Supreme Court's position ran afoul of the Solomon Amendment, the findings of the Secretary of Defense, and ultimately the legal judgment of the entire Supreme Court. I believe these are the undisputed facts of the case.

So why do Ms. Kagan's actions matter? I would argue that they matter for two reasons. First is the message her actions sent about her lack of respect for the U.S. military at Harvard Law School during her deanship. Ms. Kagan claims she holds the military in the highest respect, but I have to ask you, this notion that you are going to provide separate but equal access to interviewing services is not one that shows respect. It is one that provides an unnecessary and really reprehensible stigma on the U.S. military, which had no control over a policy passed by Congress under the Solomon Amendment.

Of course, she did this at a time when hundreds of thousands of young men and women deployed to Iraq and Afghanistan were wearing the uniform of

their country to protect their fellow citizens and the rule of law. Dean Kagan's actions in taking every step legally possible to relegate the military to what she herself believed was separate but equal status placed an unmistakable stigma on the military during a time of war.

I believe her decision to stigmatize the military is reason enough to oppose her nomination to a lifetime seat on the U.S. Supreme Court, but her actions as dean are troubling for another reason as well. I believe her actions as dean indicate strong evidence that, as a Justice, someone sitting in judgment on the U.S. Supreme Court, she would tend to advance her political preferences rather than take a traditional approach of a judge in following the law.

Many of our colleagues have pointed out correctly that Ms. Kagan has never been a judge. While that is not a requirement to serve on the Supreme Court, this lack of judicial experience makes it difficult to tell whether Ms. Kagan would adopt a judicial activist philosophy if she takes a seat on the Court. Because she has never held the job of a judge—we don't have any record to judge her by—we must look to the jobs she has held and the actions she has taken to see how she is likely to perform her job as a member of the U.S. Supreme Court.

In the 10 months during which she banned the U.S. military from the Harvard Law School campus, I believe Dean Kagan showed a willingness to bend the law and facts to advance her own political goals of protesting the don't ask, don't tell policy and, as I said, stigmatizing the military in the process. Despite the lack of any binding authority, she adopted an interpretation of the Solomon Amendment so tenuous that it could not garner the vote of a single Justice on the U.S. Supreme Court, and she did so for the express purpose of advancing her objections to a policy she said she abhorred.

Bending the law and the facts to reach a preferred result is exactly what judicial activists do, and there is a pattern in Ms. Kagan's legal career of bending the law and facts to advance her preferred policy results. So while Ms. Kagan has never been a judge, she has established a disturbing pattern of doing what judicial activists do. Ms. Kagan's actions in her previous jobs showed she is very likely not to embrace the role of a judge who decides cases based on the Constitution as written and the law as passed by Congress that she is responsible for enforcing if they are, in fact, constitutional but, rather, she gives every indication of someone who believes it is within her role and prerogative as a Justice to basically make the law rather than to enforce the law as written. No Member of this Chamber should be surprised if, for the rest of her life as a Supreme

Court Justice, Ms. Kagan does not merely follow the law as written but, rather, bends the law to advance her progressive political agenda.

Our Constitution is too precious and the Supreme Court is too powerful for us to accept without question a President's nominee to the Supreme Court. The Framers of the Constitution recognized the importance of this appointment and the power given to a Supreme Court Justice, who serves for life without any political accountability to the electorate. That is why they gave us the responsibility to give our advice and consent.

The nomination and confirmation of a Supreme Court Justice is really a two-step process. First, the President makes his nomination. The President can nominate anyone the President wants who meets the qualifications of the Constitution. But then it is our responsibility to exercise our constitutional duty to provide advice and consent.

I believe Ms. Kagan has failed to embrace the traditional view of judging that I believe all judges must adhere to at the risk of, rather, them becoming a lawmaker, which is incompatible with the role of a Justice. I believe a judge who assumes a role of being a policymaker or a lawmaker is, in essence, a lawbreaker.

Indeed, Ms. Kagan's career up to this point shows a willingness to bend the law and the facts to advance her own beliefs, and I fear this trend will continue in an activist tenure on the Supreme Court. For these reasons, I oppose her nomination and will vote no.

Mr. BENNET. Mr. President, I rise in strong support of the President's nomination of Solicitor General Elena Kagan to be Associate Justice of the U.S. Supreme Court.

The Senate has no more important responsibility than to advise and consent on nominations to our Nation's highest Court. It will be an honor on behalf of the people of my State to cast my vote to confirm Elena Kagan.

Ms. Kagan is a distinguished lawyer with a remarkable legal background. She brings very diverse experiences to the Court that I believe will add to the important perspective of the high Court as it reviews cases of critical importance to the American people.

Throughout her career she has been a legal trailblazer and a role model. She will be the fourth woman to serve on the high Court, and for the first time in history, three women will be serving on the bench when oral arguments are heard this fall. Her nomination marks an historic milestone of progress for women in the legal profession and in serving as leaders for our Nation.

A graduate of Harvard Law School, Ms. Kagan began her career as a law clerk to former Supreme Court Justice Thurgood Marshall, who like her, served as Solicitor General prior to

being promoted to the high Court. Justice Marshall made history as the first African-American Solicitor General at the time and Ms. Kagan has followed suit as the first female Solicitor General.

Following her clerkship, Ms. Kagan worked in the private sector where she handled first amendment, commercial and criminal litigation. She then served in the highest ranks of academia as a law professor. This ultimately led to her becoming dean at the Harvard Law School, one of our nation's most prestigious institutions. Her ascension to dean marked the first time in Harvard Law School's 186-year history that a woman held this position. As dean, Ms. Kagan bridged ideological divides among faculty, recruiting professors from across the ideological spectrum, managing the largest and most prestigious law school in our nation and improving the quality of life for students.

Prior to becoming dean, Ms. Kagan served in high legal and policy positions in the Clinton administration, where she learned the operations of the executive and legislative branches of our government, which will help the Court better understand how policy judgments are made and the effect that the decisions of our government and courts have on the lives of everyday Americans.

Most recently, Ms. Kagan has dutifully served our Nation as the U.S. Solicitor General. The Solicitor General is often referred to as the 10th Justice because of the frequency that he or she appears before the Court on behalf of the United States. This experience exposed Ms. Kagan to nearly every case that has come before the current Court and she has had to weigh all of the same legal considerations as the current Justices prior to deciding the position of the U.S. Government. Few positions provide better preparation for the high Court.

While she has not previously served as a judge, though she was previously nominated to be one, I see her varied background as an asset. We need different life experiences on the Supreme Court. If confirmed, Ms. Kagan will be the first nonjudge since former Chief Justice William Rehnquist was nominated by former President Richard Nixon.

Her mix of professional experience will help ensure that we do not have a Court out of touch with the American people. Ms. Kagan has taught the law in the classroom, practiced in the public and private sector, worked in the judiciary as a clerk and crafted the policies of the executive branch. Everywhere she has worked, Ms. Kagan has excelled. Her experience is the kind of experience we should aspire for all of our justices to have before serving on the high Court.

The Supreme Court is too important to not hold our justices to high stand-

ards of intellect and achievement—a standard Ms. Kagan meets. It is our best and brightest who should serve in these important positions. We need Justices who respect precedent, hew closely to the text of the law and do not pursue an agenda from the bench.

We do not need activist judges whether they come from the right or left. The American people do not want an ideologically driven Supreme Court that is pursuing a political agenda. We want a Court that respects precedent and helps resolve the legal questions of our time as they affect our daily lives.

I would like to close by thanking outgoing Justice John Paul Stevens for his service to our country. Justice Stevens presided on the Court during a period of great change and accomplishment for our nation. He is a member of the Greatest Generation and is a true patriot for his service during World War II. Justice Stevens has been an intellectual heavyweight on the bench and provided a voice of reason even while we have seen the Court drift so heavily in favor of the most powerful interests. He has left large shoes to fill and will be missed.

President Obama has nominated someone who can fill these shoes. Because of the breadth and diversity of her experience, Elena Kagan has a profound understanding of the law and effect the Supreme Court has on the lives of all Americans. She is an intellectual heavyweight in her own right and will help the Court bridge the divides of recent years.

I am proud to commit my vote in favor of this nominee.

Mr. HARKIN. Mr. President, I am proud to support the confirmation of Solicitor General Elena Kagan as the next Associate Justice of the United States.

Solicitor General Kagan is eminently qualified to serve on our Nation's highest Court. As a student, she excelled at Princeton, Oxford and Harvard Law School. She has stellar legal credentials that have been recognized by liberal and conservative lawyers alike. And, throughout her career, including as a professor of law, as a key advisor to President Clinton, as dean of Harvard Law School, and as Solicitor General, she has demonstrated a great mind and intellect.

Moreover, Solicitor General Kagan will bring important diversity to the Court. First, when the Senate confirms her, she will be only the fourth woman to serve on the Court; and for the first time in history, three women will serve on the Supreme Court together.

Second, Solicitor General Kagan's experiences as someone who has worked in the legislative and executive branches will provide a vital perspective that is currently lacking among the Justices. In fact, for the first time in history, the current Court is comprised entirely of Justices who were

promoted directly from the lower Federal courts. While judicial experience is important, it is also important to recognize that some of our most consequential Justices—Louis Brandeis, Felix Frankfurter, Earl Warren, Robert Jackson and William Rehnquist, to name just a few—did not have prior judicial experience. I am glad the President recognized how crucial it is to have on the bench Justices with varied life experiences.

Mind you, I am hopeful that next time the President will look to one of the many qualified lawyers who did not graduate from Harvard or Yale, or one who resides east of the Appalachian Mountains. But nominating someone from outside the Federal courts is a refreshing change.

As I evaluate Solicitor General Kagan's qualifications, an additional factor is important for me: she clerked and learned from two judges for whom I have enormous respect—Judge Abner Mikva and Justice Thurgood Marshall. These two jurists exhibited a deep and abiding passion for justice, and each strived throughout his career to ensure that “equal justice under law” is more than an ideal chiseled on a marble facade, but a concrete reality for all our citizens.

In her opening statement before the Judiciary Committee, Solicitor General Kagan noted:

My first real exposure to the Court came almost a quarter century ago when I began my clerkship with Justice Thurgood Marshall. Justice Marshall revered the Court—and for a simple reason. In his life, in his great struggle for racial justice, the Supreme Court stood as the part of government that was most open to every American—and that most often fulfilled our Constitution's promise of treating all persons with equal respect, equal care, and equal attention.

In a 1993 law review article, she expressed a fondness for Justice Thurgood Marshall's vision of constitutional interpretation, which she described as “demand[ing] that the courts show a special solicitude for the despised and disadvantaged.” She described this vision as “a thing of glory.” I am hopeful that Solicitor General Kagan will follow in the best traditions of Judge Mikva and Justice Marshall and continue to strive to make our Nation's laws more just.

Considering her outstanding intellect and credentials, there simply is no doubt Solicitor General Kagan should be confirmed.

However, for me, there is another, equally important, consideration. I also believe that Solicitor General Kagan will be an important and needed voice on the Court to ensure that appropriate respect and deference is given to Congress, and proper effect is given to our most important statutes, such as the Americans with Disabilities Act, the Civil Rights Act, and the Age Discrimination in Employment Act, so all Americans receive the fullest protections of the law.

Too often debate regarding the Supreme Court seems to focus on a handful of divisive cultural issues. Indeed, many of my colleagues on the other side of the aisle have come to the floor to focus on gays in the military, abortion and guns. To be sure, these issues are important. But, what typically get overlooked in a debate like this are the many technical, statutory cases—often involving esoteric legal principles—that nonetheless have a tremendous impact on the everyday lives of ordinary Americans.

Unfortunately, the sad truth is that, in case after case, often in narrow 5-4 decisions, today's Court has too often slammed shut the courthouse door in the face of these ordinary Americans. The Court has used arcane legal doctrines and strained readings of Federal statutes to prevent citizens from vindicating their civil rights and consumer protections. The result is that many people who suffer grievous wrongs are not able to bring meritorious lawsuits, and to hold corporations and the government accountable.

In case after case, the Court has undermined vital protections and sided with the powerful against the powerless—for instance, in cases such as *Ledbetter v. Goodyear*, *Gross v. FBL Financial*, and *Riegel v. Medtronic*. In doing so, the Court has repeatedly ignored the clear intent of Congress in passing important laws.

In the “Sutton trilogy” the Court repeatedly misread the Americans with Disabilities Act and narrowed the scope of individuals deemed eligible for protection under that landmark statute. The result of these decisions was to eliminate protection for countless thousands of Americans with disabilities. These flawed, harmful decisions were reversed in the last Congress when we unanimously enacted the ADA Amendments Act.

Similarly, in June, 2009, the Supreme Court decided *Gross v. FBL Financial, Inc.* In a case involving an Iowan, Jack Gross, the Court made it harder for those with legitimate age discrimination claims to prevail under the Age Discrimination in Employment Act. In doing so, it reversed a well established, 20-year-old standard, consistent with that under title VII of the Civil Rights Act, that a plaintiff need only show that membership in a protected class was a “motivating factor” in an employer's action. Instead, the Court held that a plaintiff alleging age discrimination must prove that an employment action would not have been taken against him or her “but for” age. In other words, the plaintiff must now prove that age discrimination was not a cause or a motivating factor, but that it was the determinative cause of an adverse employment action. Proving “but for” cause is extremely difficult and will greatly limit potentially meritorious suits involving discrimination Congress sought to prevent.

In doing so, the Court did not even address the question on which it granted certiorari. As Justice Stevens noted in dissent, “I disagree not only with the Court's interpretation of the statute, but also with its decision to engage in unnecessary lawmaking. The Court is unconcerned that the question it chooses to answer has not been briefed by the parties or uninterested amici curie. Its failure to consider the views of the United States, which represents the agency charged with administering the [Age Discrimination in Employment Act], is especially irresponsible.”

In *University of Alabama v. Garrett*, a case whose oral arguments I personally attended, the Court limited the rights of people with disabilities. In doing so, it ignored numerous congressional hearings and a task force which collected evidence through 63 public forums around the country attended by more than 7,000 persons. In *United States v. Morrison* and *Kimel v. Florida Board of Regents*, the Court completely ignored extensive congressional fact-finding and struck down parts of the Violence Against Women's Act and the Age Discrimination in Employment Act, respectively.

The contrast with Solicitor General Kagan is stark. She repeatedly made clear her approach to judging: respect for congressional intent and for long standing precedent. She consistently made clear that a judge's personal views should play no role in interpreting a statute and “the only question is Congress's intent.” Unlike some current members of the Court, moreover, she made clear that where the text of a statute is ambiguous she will look to legislative history—“a judge should look to other sources, should look to the structure of the statute, should look to the history of the statute in order to determine Congress's will.” After her confirmation hearing and based on my personal meeting with her, I am convinced she will give full effect to our most important statutes.

Finally, as I listen to the debate surrounding Solicitor General Kagan's confirmation, I find it remarkable that conservatives continue to accuse every Democratic appointed nominee of being “activist.” It is a tired bumper sticker slogan that not only has no meaning but is divorced from reality.

In fact, what is clear from this debate is that it is the conservatives who want to use the courts to achieve a desired political result and to thwart the democratic will of the people, as expressed through their elected representatives.

For example, the ranking member of the Judiciary Committee, Senator SESSIONS, noted his concern that Solicitor General Kagan “will bring to the bench a progressive activist judicial philosophy which holds that unelected judges are empowered to set national policy from the bench.”

I find it ironic that this charge is bandied about by the same people most eager to have the courts strike down as unconstitutional the recently enacted health care reform bill. To strike down this law would require an unelected judge to ignore the clear language of the Constitution, reverse precedents that go back to John Marshall, disregard extensive fact-finding by Congress, and overturn a decision of a majority of both Houses of Congress and the President of the United States. That would be the height of judicial activism, the height of "making national policy from the bench."

The reality, is that, the Rehnquist and Roberts Courts have invalidated more laws than any previous Courts.

It is conservatives who not only want the Court to make national health care policy, but also to limit the ability of Congress to keep the corrupting influence of corporate spending out of our democracy, as the Court did in *Citizens United*.

It is conservatives who second guess decisions by Congress, including a unanimous Senate, to ensure the rights of all Americans to vote, as the Roberts Court suggested in Northwest Austin Municipal Utility District No. One v. Holder.

It is conservatives who want the judiciary to second guess decisions made by local sheriffs in keeping guns out of the hands of criminals.

It is conservatives who want the judiciary to second guess local zoning decisions, environmental and land use regulations.

It is conservatives who want the courts to invalidate efforts by Congress and local governments to eliminate racial discrimination.

Given the current Court's repeated disregard for Congress and for our efforts to expansively protect American citizens, I believe it is imperative that the next justice be someone who respects precedent, strives to apply congressional intent and purpose, and understands the importance of this nation's landmark civil rights protections. Based on her record and after meeting her, I am confident Solicitor General Kagan will be that type of jurist.

Solicitor General Kagan clearly has the intellect, experience and judgment to be an outstanding Justice. I am proud to support her nomination.

Mr. FEINGOLD. Mr. President, I want to speak briefly about the nomination of Elena Kagan to be an Associate Justice of the U.S. Supreme Court.

First, I commend the chairman of the Judiciary Committee and his staff for their efforts to make this confirmation process so thorough and transparent. The committee had the opportunity to review nearly 200,000 pages of internal memos and emails from Ms. Kagan's service as a law clerk to Justice

Thurgood Marshall and as a White House aide during the Clinton administration—making the examination of her record one of the most thorough and searching in history. I appreciate that President Obama and President Clinton did not raise claims of executive privilege to try to stop the release of documents, which was a refreshing change and a practice that I hope future Presidents will follow in years to come.

All but a tiny fraction of these documents were made available online, granting extraordinary access to the public. I said after last year's hearings for Justice Sotomayor that Chairman LEAHY had set a new standard for transparency and public access to Supreme Court nomination hearings, and in these proceedings he did it again. I commend him and his staff for their tremendous work over the past few months.

There is no question that Elena Kagan is eminently qualified for a position on the Supreme Court. She has an impressive education, she has worked at the highest levels of government, and she has served as dean of a top law school. During the hearings, she demonstrated a keen mind, thoughtful analysis, and a wide-ranging command of the law. She has developed a reputation as someone who can reach out to those with whom she may not agree and work together, and that skill should prove very valuable on the Court. I believe that because she has not previously been a judge, she will bring a different and important perspective to a Court that is otherwise entirely populated by former appellate judges.

I appreciated Solicitor General Kagan's efforts to improve the confirmation process by being forthcoming in her answers. Fifteen years ago she quite fairly criticized the process in an article, arguing that the American people deserved more substantive discussions of the law. While I can't say that she quite lived up to the high standard that she set for nominees in 1995, I do believe that she tried to answer our questions as openly and comprehensively as she could, given what the confirmation process has become.

I came away from the confirmation process convinced that Elena Kagan understands the appropriate relationship between the courts and Congress. As she explained at the Judiciary Committee hearing, her work with Congress during her time at the White House taught her a healthy respect for the political branches and how difficult it can be for Congress to pass legislation. I hope that she will keep this in mind before she votes to overturn a bill that Congress may have spent years drafting and debating.

But while this deference is important, Solicitor General Kagan also demonstrated that she recognizes the

critically important role of our judicial system in serving as a check on the other branches of government—in "policing constitutional boundaries," as she put it. She spoke eloquently about the early experiences of Justice Marshall and his efforts to eradicate Jim Crow laws and racial segregation. She explained that what was so incredible about his struggle for equality was that "the courts [took] seriously claims that were not taken seriously anywhere else. . . . In other words, it was the courts' role to make sure that even when people have no place else to go that they can come to the courts and the courts will hear their claims fairly." She said this was a miraculous thing about courts, and I agree with her. With regard to executive power, she emphasized that "no person, however grand, however powerful, is above the law." She also talked about "the importance of adhering to the law, no matter the temptations, no matter the pressures that one might be subject to in the course of one's career." These insights indicate that she will take seriously the Court's role in safeguarding individual rights and protecting the rule of law.

In addition to informing the committee about the nominee, the hearings also taught us more about the Supreme Court. We have heard a lot in recent years about "judicial activism." But I think the hearings helped underscore that activism is in the eye of the beholder. As Justice Souter explained in a recent speech, the truth is that the Supreme Court has to decide hard cases—cases in which a judge cannot simply read the words of the Constitution and objectively evaluate the facts. That is, a judge cannot simply act as an umpire. Judges often have to choose between positive values in the Constitution that are in tension with each other, he noted.

Justice Souter reminded us that facts may look very different in different historical contexts. The quintessential example of this is the Court's historic decision in *Brown v. Board of Education* to overturn *Plessy v. Ferguson*—a case that by current standards would surely qualify as judicial activism but that is one of the most revered in our nation's history. What this shows us is that judging is not a "robotic enterprise," as Solicitor General Kagan told the Senator from Minnesota, Ms. KLOBUCHAR. Judging is hard and it does, in fact, require judgment. But, Justice Souter explained, "we can still address the constitutional uncertainties the way [the Framers] must have envisioned, by relying on reason, by respecting all the words the Framers wrote, by facing facts, and by seeking to understand their meaning for living people." I believe Elena Kagan will fulfill that vision admirably.

So I will vote to confirm Elena Kagan to be an Associate Justice of the

U.S. Supreme Court. I look forward to her confirmation as only the fourth woman in history to serve on our Nation's highest Court, and I expect she will serve with distinction—and with good humor, which she demonstrated throughout this arduous process—for many years to come.

Mr. CONRAD. Mr. President, I rise today to express my support for the confirmation of Elena Kagan to serve as the next Associate Justice of the Supreme Court.

Having carefully examined her record, monitored her confirmation hearings, and personally met with her, Solicitor General Kagan is clearly qualified to serve on the Court. Given her tremendous educational accomplishments at Princeton, Oxford, and Harvard, as well as her success as a constitutional and administrative law scholar at Chicago and Harvard, there is little question that she is intellectually qualified for the job.

General Kagan has had an impressive career, having clerked for Supreme Court Justice Thurgood Marshall, worked as the first female dean of Harvard Law School, and served as the first female Solicitor General of the United States. During that time, she has impressed all with whom she has worked with both her character and her talent.

Some of my colleagues are concerned that previous Federal judicial experience is not among her list of accomplishments. Historically, however, large numbers of our Supreme Court nominees have not had prior judicial experience. The last Supreme Court nominee appointed without any such experience served was former Chief Justice William Rehnquist.

Indeed, the outgoing Court represents the first time in history when all nine Justices had Federal judicial experience. That is what prompted Justice Antonin Scalia to say that he was "happy to see that this latest nominee is not a federal judge." I share that view, and welcome the unique academic perspective that General Kagan will bring to the Court.

Others with concerns about General Kagan have pointed to her treatment of military recruiters as the dean of Harvard Law School or memos she wrote when she was an advisor in the Clinton administration. In addition to the explanations provided to me by General Kagan during our meeting, I am reassured about these controversies by the fact that she has received strong support from legal minds across the political spectrum.

General Kagan has earned high praise from conservatives like Jack Goldsmith and Miguel Estrada, as well as from every former Solicitor General since 1985, including Ted Olson and Ken Starr. These are not people who make such endorsements lightly. They would not speak well of someone who is outside the mainstream.

When considering my vote on nominees to the Supreme Court, my key test is whether or not the President's nominee is qualified to serve on the Court, not whether I agree with everything he or she have ever done. As Senators, we must examine the record, accomplishments, intellect, and character of each judicial nominee put before us, and determine whether each individual is worthy to serve on the bench. This is the standard I used when I voted to confirm Chief Justice John Roberts, Justice Samuel Alito, and Justice Sonia Sotomayor. And that is the standard I am using in voting to confirm Elena Kagan.

Mr. UDALL of New Mexico. Mr. President, I rise today to talk about Solicitor General Kagan's experience. Over the past few months, there has been a lot of talk from our friends across the aisle about whether Ms. Kagan is qualified to be our country's 112th Supreme Court Justice.

They say she has never been a judge. How conveniently they forget that some of the most well-respected Justices in the history of the Supreme Court also brought life experiences outside the "judicial monastery," which President Obama so ably encouraged us to look beyond. Former Chief Justice William Rehnquist is one example. Former Justice Lewis Powell, Jr., is another.

They also conveniently forget that just a few decades ago, most Justices had little or no judicial experience. In fact, it is General Kagan's diversity of life experiences that, in my opinion, make her exceptionally qualified for the High Court. President Obama said one of the primary reasons he nominated General Kagan was because of her "understanding of law—not as an intellectual exercise or words on a page—but as it affects the lives of ordinary people." I couldn't agree more.

The inscription that greets visitors to the Supreme Court building just across the street reads: "Equal Justice Under Law." That inscription is at the heart of the experience General Kagan would bring as the newest member of the High Court.

That experience includes a reputation as one of the Nation's foremost legal minds; as a legal advisor to two Presidents; as the first woman to serve as Dean of Harvard Law School; and as the Nation's first female solicitor general.

It also includes more personal experiences, many of which mirror the lives of the American people she has committed her own life to serve.

She is the child of immigrants. She is the daughter and sister of public schoolteachers, and she has been a teacher herself. She is an advocate for her students. And she is a proponent of discussion and debate that educates, respects and improves upon the lives of all it impacts.

It is because of all of these experiences—as President Obama said on the day he introduced her—that General Kagan will make the Nation's highest Court "more inclusive, more representative, more reflective of us as a people than ever before."

I am confident that Solicitor General Kagan has the experience that will make her a stellar Justice, and I look forward to casting my vote in favor of her confirmation to the Supreme Court.

Mrs. LINCOLN. Mr. President, I come here today to discuss one of the most important duties we exercise as Senators the confirmation of a United States Supreme Court Justice.

As a U.S. Senator, I have a responsibility under the Constitution to determine if nominees to the Supreme Court are qualified for the job. In making this determination, I consider a nominee's knowledge of the Constitution and the law as well as their ability to be deliberate and to hear every case that comes before them impartially and without personal bias.

I believe Ms. Kagan passes that test and that she is qualified to serve on the U.S. Supreme Court.

I have made this decision after carefully reviewing the Judiciary Committee record on her nomination and visiting with Ms. Kagan personally on two occasions to discuss her nomination. I was impressed with her knowledge, humility, and candor, and I believe she was as forthcoming in our conversations as any individual whose Supreme Court nomination I have considered.

As Solicitor General for the United States, Elena Kagan served as the Federal Government's lawyer in chief, representing all Americans, including Arkansans, before the U.S. Supreme Court.

A passion for public service and the law has been the driving force behind her career. Elena Kagan is the first woman to serve as Solicitor General, and the first woman to serve as the Dean of Harvard Law School. She previously worked in the Clinton White House as Deputy Assistant to the President for Domestic Policy and as Associate Counsel to the President. She spent several years in private practice after serving as a law clerk for the U.S. Court of Appeals for the District of Columbia, and for Justice Thurgood Marshall on the U.S. Supreme Court.

I believe the fact that Elena Kagan has not worked as a judge will benefit the Court. She will bring a fresh voice and unique perspective to the discussion on cases that come before the Court. There is already a persuasive precedent for a nominee with no judicial experience to serve on the U.S. Supreme Court. In fact, 41 Supreme Court justices, including Chief Justice William Rehnquist, had no experience serving on a lower federal or state

court. And many former justices who also did not previously work in the judicial branch have similar backgrounds to that of Solicitor General Kagan.

Since Ms. Kagan was nominated for this position in May, I have heard from many Arkansans both for and against her confirmation. In terms of the concerns that have been raised by those who oppose her confirmation, I have examined her record regarding those issues and have spoken to the nominee on two occasions to discuss those matters further. After careful thought and consideration in fulfilling my responsibility to judge her fitness for this position, I have found nothing that I believe disqualifies her from being confirmed.

There is no doubt Elena Kagan holds the Constitution and the Court's precedents in high regard. During her nomination hearings, Elena Kagan responded to numerous questions about a variety of issues. In response to one question regarding recent Supreme Court rulings involving the Second Amendment, she stated, "there is no question that the Second Amendment guarantees Americans the individual right to possess and carry weapons in case of confrontation." Further, General Kagan explicitly said that the recent *Heller* and *McDonald* decisions that secure a fundamental and individual right to own a firearm for self protection is "settled law." Ms. Kagan has personally assured me she has no desire or intention of working to overturn either decision.

It is true Ms. Kagan has not promised how she would decide future Second Amendment cases that may come before the Court. Neither Justice Roberts nor Justice Alito made any pledges or promises in that regard either during their confirmation hearings. To do so would betray one of the basic foundations of our system of government which is a fair minded and independent judiciary. Further, after reviewing the Judiciary Committee hearing record for Ms. Kagan, Justice Roberts and Justice Alito, in my view Ms. Kagan was as, if not more, forthcoming regarding her views on the Second Amendment than the two most recent nominees made by a Republican President.

One final comment General Kagan made to me during our last conversation about the Second Amendment was her desire to join Justice Scalia on one of his hunting trips to get better acquainted with her colleagues on the Court if she is confirmed. Sounds like a good idea to me.

Elena Kagan has also shared with me her deep respect and honor for the military and the men and women in uniform who risk their lives to defend our freedoms. Her father was a veteran, and she has taken with her the reverence for the military he instilled in her. In 2007, Elena Kagan was invited to

speak at West Point military academy, where she spoke to cadets about fidelity to the Constitution and the rule of law. General Kagan said she accepted this invitation, something she rarely does, as an opportunity to thank the senior cadets for their contributions and service to our country.

Both in our personal conversations and in her testimony before the Senate Judiciary Committee, Ms. Kagan has explained her actions as Dean of Harvard Law School regarding military recruiting.

The bottom line for me is that Elena Kagan never denied military recruiters access to students on campus and that she holds the men and women in uniform who fight to defend the freedoms we cherish as Americans in high regard. Evidence of this is supported by military veterans themselves associated with the law school who have spoken favorably of Ms. Kagan's treatment of students in the military and the military in general. A group of Harvard Law School Iraq War Veterans published a letter stating that Kagan, "has created an environment that is highly supportive of students who have served in the military."

It is also worth noting that Solicitor General Kagan is supported by a long and distinguished list of law associations, organizations, members of Republican and Democratic administrations, unions, advocates and professionals. The list of supporters even includes every former Solicitor General since 1985, including Ted Olsen and Ken Starr.

As I have said with previous Supreme Court nominees selected by two different Presidents, I won't agree with every decision that he or she makes. However, the standard for evaluating Supreme Court nominees should be whether he or she is qualified for the job and is prepared to place the law and the integrity of our Constitution ahead of any personal or political beliefs he or she may have. I believe Ms. Kagan meets that standard which is why I will support her confirmation.

Mr. WYDEN. Mr. President, I rise in support of the nomination of Solicitor General Elena Kagan to serve as Associate Justice of the United States Supreme Court. A lifetime appointment to the highest Court in the land is a serious matter, and confirming each Justice is one of the most solemn duties of any Senator.

When I sat down with her, I was struck by Ms. Kagan's obvious intelligence and candor. It was also obvious that her wealth of professional experience has given her a real reverence for our country's rule of law. As the confirmation process went on, I paid close attention to the answers Ms. Kagan gave to my colleagues on the Judiciary Committee in her hearing. What comes across loud and clear when one listens to Ms. Kagan is that she has a strong

belief in the Constitution and an understanding of its purpose to serve and protect the American people.

Throughout the arduous process of being a Supreme Court nominee, Ms. Kagan has impressed me at every turn with her intellect, integrity, and independence. These are fundamental traits our Nation needs in every member of the highest Court in the land.

But being a Supreme Court Justice requires more than surviving the confirmation process. If confirmed, Ms. Kagan would be ruling on the most important and urgent matters facing our Nation. Her voice would carry with it the rich and varied background of professional experience that would sound a note of true intellectual independence.

Although some have found fault with the fact that she has never served as a judge, I have never believed that lack of prior judicial experience should stop someone from serving with distinction on the Court. After all, some of our greatest jurists had no experience as a judge—Justices John Marshall, Louis Brandeis, Felix Frankfurter, and William Rehnquist among them. In place of that singular legal experience, Ms. Kagan brings expertise that she has earned in all three branches of government, as well as the private sector as an attorney in private practice and as the dean of Harvard Law School.

In talking with Ms. Kagan, I came away confident that she well understands the proper role of a judge and will not attempt to legislate from the bench. I discussed with Ms. Kagan her views and approach to some of the important issues the Court will address in upcoming years, such as national security, the limits of executive power, and the protection of civil liberties.

I also spoke with Ms. Kagan about an issue of particular concern to Oregonians one which they have endorsed twice at the ballot box—the right to control end-of-life decisions. Oregon voters twice approved death with dignity ballot measures. I have long believed that their decision should be respected by the courts, and I am pleased the Supreme Court has agreed with that view. While not taking a position on specific questions that could come before the Court, Ms. Kagan reassured me that she sees this as Oregonians do. She believes end-of-life decisions are protected by constitutional privacy rights, and she believes the Federal Government should not contravene State laws that protect individual rights on this issue.

Finally, I was also comfortable with the way Ms. Kagan explained her views on a frequently litigated constitutional issue, the limits of congressional power to act under the commerce clause. Ms. Kagan's answers assured me she has a very thorough and nuanced understanding of commerce clause jurisprudence and that she will rule on commerce authority cases with both deference and wisdom.

I am convinced, based on everything I have heard, that Ms. Kagan possesses the intellect, integrity, and independence to serve as an extraordinary Justice on the Supreme Court. With the retirement of Justice Stevens, Ms. Kagan certainly has large shoes to fill. But I have no doubt she is more than up to the task, and our country's laws will be safely guarded in her hands. That is why Elena Kagan has my support, and I will vote to confirm her as an Associate Justice of the Supreme Court.

Mr. BEGICH. Mr. President, I am pleased to support the nomination of Solicitor General Elena Kagan as Associate Justice on the U.S. Supreme Court. By any objective standard, Elena Kagan offers a well-rounded combination of academic legal expertise and real world application of law and public policy. The President has nominated Ms. Kagan to a job she may hold for three decades or more, and in which she will have the opportunity to touch the lives of Americans in countless ways. So just being an intelligent and hard-working public servant is not enough for this vital position. That is why I have taken my time and my responsibility seriously, to thoroughly review her record before deciding to support her.

Decisions by the Supreme Court have immediate impacts on the lives of everyday Americans when the rulings are handed down. These decisions may continue to play a role in the lives of Americans for generations. Considering my vote on a Supreme Court nominee, a task I will perform soon for the second time in my brief Senate career, is a duty I take very seriously.

I approach this decision from the perspective of a government chief executive. It is the constitutional role of the President to nominate Supreme Court justices. In the case of a nominee to the Federal courts, especially to the Supreme Court, this choice is not about a President's ability to carry out a stated agenda. Rather, justices on the highest court in the land are there to protect and interpret the Constitution, so the highest standards must be applied.

In my meeting with Solicitor General Kagan, I found her to be intelligent and engaging, and open to hearing my thoughts on what is important to Alaskans. I listened as Ms. Kagan described the way she approached legal issues, and heard from her an approach to the law and the Constitution that indicated she will not be an activist judge. I agree with my colleague from South Carolina, Senator LINDSAY GRAHAM, who said the job of a senator is not to second guess the President's judgment in selecting Supreme Court nominees, but to determine if the candidate is qualified, of good character and understands the difference between being a judge and a politician. Ms. Kagan is such a person.

For me as an Alaskan, there were some issues I needed to make front and center in our discussion, especially the rights we enjoy and which the Supreme Court has recently spoken to under the second amendment of the Constitution.

Alaskans take their second amendment rights very seriously. In a State where the daily life for many includes subsistence hunting, personal protection and basic survival, our right to keep and bear arms is not an academic question. It is a fundamental part of our lives. The State of Alaska has gone so far as to pass laws requiring firearms be kept in survival gear carried in private airplanes. Unlike much of the "Lower 48," the wilderness in Alaska is reachable within minutes from even our largest cities. Even in the greater Anchorage area encounters with wildlife are commonplace and serious injuries occur regularly. That is why firearm ownership and use in Alaska transcends the debates in Washington over what the second amendment means.

Much of the opposition to Ms. Kagan's nomination has focused on what some charged was her alleged lack of support for second amendment rights. Some oppose Ms. Kagan's nomination because she worked for Justice Thurgood Marshall and President Bill Clinton. When she was asked by Judiciary Chairman LEAHY if, after the Supreme Court's decisions in *Heller* and *McDonald* that the second amendment secures an individual's fundamental right to own a firearm and use it for self-defense, Ms. Kagan's response could not have been more clear: "There is no doubt, Senator LEAHY. That is binding precedent and entitled to all respect to binding precedent in any case. That is settled law." Instead of second-guessing or making assumptions about her views, I am taking Ms. Kagan at her word.

Even before the Court's decision in *McDonald* applied the reasoning of *Heller* beyond the District of Columbia, Ms. Kagan was clear about the fundamental nature of the rights protected by the Second Amendment. During her confirmation hearing to be Solicitor General, Ms. Kagan responded to a question about the meaning of *Heller* from Senator GRASSLEY: "There is no question, after *Heller*, that the second amendment guarantees Americans the individual right to possess and carry weapons in case of confrontation." In subsequent questioning, Ms. Kagan responded regarding *Heller* that she would give that decision and its reasoning "the full measure of respect that is due to all constitutional decisions of the Court."

What Elena Kagan said about the second amendment, especially in light of the *Heller* and *McDonald* decisions that I supported, cannot be considered anti-gun, or anti-second amendment.

In our meeting, I also asked Ms. Kagan about unique status of Alaska

Native people and issues. I pointed out that Alaska is home to nearly half the 562 federal recognized tribes in the United States and that Alaska Natives comprise nearly 20 percent of our State's population. Ms. Kagan admitted to being no expert in "Indian law," but expressed a willingness to learn about the challenges and opportunities facing Alaska Native people. She also expressed support for encouraging the courts to adopt procedures making it easier for people whose first language may not be English to understand court proceedings.

Another significant issue for Alaskans is the Supreme Court's decision in the *Exxon Valdez* case. Thousands of Alaskans were damaged by that oil spill, yet Exxon took every possible advantage in the U.S. court system to delay payment of damages as long as they could. As a result, an estimated 20 percent of those damaged by the spill died before they could collect any compensation. Ms. Kagan agreed with the tragedy of that case and expressed frustration with it dragging on so long.

Mr. President, because of what I have learned in looking at the career and record of Ms. Kagan, and reviewing her statements and testimony on matters that are important to the people of Alaska I am privileged to serve, I am pleased to confirm Elena Kagan as an Associate Justice on the U.S. Supreme Court.

Ms. SNOWE. Mr. President, I rise today to speak to the nomination of Solicitor General Elena Kagan to be the next Associate Justice of the Supreme Court of the United States. After a careful and considered review of her testimony before the Senate Judiciary Committee, her overall record, and my personal meeting with her in May, I have concluded that General Kagan should be confirmed as the next Associate Justice of the Supreme Court.

General Kagan would succeed Justice John Paul Stevens who has served our country as a decorated war veteran, a distinguished Federal appellate judge, and a Supreme Court Justice for nearly 35 years. I appreciate his service to our Nation, and believe that all of us in public service can learn from his dignified manner and sound advice to "understand before disagreeing."

As with the previous nominees to the Court that I have had the responsibility to review, I have not arrived at my decision lightly. It has been said that, of all the entities in government, the Supreme Court is the most closely identified with the Constitution—and that no other branch or agency has as great an opportunity to speak directly to the rational and moral side of the American character; to bring the power and moral authority of government to bear directly upon the citizenry.

The Supreme Court passes final legal judgment on the most profound social

issues of our time. The Court is uniquely designed to accept only those cases that present a substantial and compelling question of Federal law; cases for which the Court's ultimate resolution will not be applied merely to a single, isolated dispute—but, rather, will guide legislatures, executives, and all other courts in their broader development and interpretation of law and policy. Ours is a government of liberty and order, of State and Federal authority, and of checks and balances, and the remarkable challenge of calibrating these fundamental balance points is entrusted ultimately to the nine Justices.

To help meet this extraordinary challenge, any nominee for the Court must, as I stated for previous nominees under both Republican and Democrat administrations, have a powerful intellect, a principled understanding of the Court's role, and a sound commitment to judicial method. A nominee must have the capacity to engender respect among the other Justices in order to facilitate the consensus of a majority. And to warrant Senate confirmation, the nominee must have a keen understanding of, and a disciplined respect for, the great body of law that precedes her.

It is with these high standards that we should also evaluate the record of General Kagan to serve as the Court's 112th Justice. General Kagan is a distinguished graduate from Princeton, Harvard, and Oxford Universities where she earned several distinct honors. She served as a law clerk to two judges, United States Court of Appeals Judge Abner Mikva and United States Supreme Court Justice Thurgood Marshall. General Kagan then worked in private practice as an associate at a leading D.C. law firm and a law professor at two of the Nation's most regarded law schools.

General Kagan has also served as a special counsel for the Senate Judiciary Committee; a lawyer in the Office of the Counsel to a President; a policy advisor to a President; and dean of the Harvard Law School. Most importantly, she has served as the 45th Solicitor General of the United States where she has participated in six oral arguments and overseen briefs and certiorari petitions in approximately 100 cases.

For her work as Solicitor General, Ms. Kagan has won the support of every one of the 10 Solicitors General who have served since 1985, including 5 Republican appointees. She has also earned the support of over 50 deputy and assistant solicitors general who have served over the last 42 years.

As these highly skilled professionals have noted, the "job of Solicitor General provides an opportunity to grapple with almost the full gamut of issues that come before the Supreme Court and requires an understanding of the

Court's approach to numerous issues from the criteria for certiorari review to the Justices' approach to oral argument. The constant interaction with the Supreme Court that comes with being the most-frequent litigator before the Court also ensures an appreciation for the rhythms and traditions of the Court and its workload."

Prior to her 15 months as Solicitor General, Ms. Kagan had relatively little experience as an active practitioner. The American Bar Association's principle expectation for a Federal appellate nominee is "at least" 12 years experience actually practicing law, and even now she continues to fall short of that. This is due in part to the fact that she does not appear to have performed any amicus curiae or pro bono work while serving as a law professor.

Such practical experience often helps the Justices remain connected to the effect of their decisions on the lives of everyday people. All Supreme Court Justices, regardless of judicial philosophy, weigh the Constitution's text, history, context and precedents when deciding the landmark cases. Active practice of law experience helps with that process because, as prior Justices and distinguished scholars alike have observed, the Justices' decisions in landmark cases are inevitably "channeled and constrained by who [they] are and what they have lived through."

General Kagan has not given us the clearest insight into those experiences that she has "lived through" that will "channel and constrain" her sense of constitutional boundaries. At the same time, I find that her experience in working at the highest levels of all three branches of government will provide her with valuable insights as she approaches her work on the Court. I also accept her comments from our personal meeting that she did indeed have a "formative experience" as a young lawyer in learning that "behind legal questions are real people with real lives."

As regards General Kagan's lack of prior judicial service, I do not find that to be disqualifying. Nearly 40 Justices have served on the Court without prior judicial experience, including in more recent times Louis Brandeis, Hugo Black, Robert Jackson, Earl Warren, Lewis Powell, and William Rehnquist. Especially on the current Court where all of the existing members come from the Federal appellate courts, General Kagan should bring a new and different perspective.

This brings us to the additional factors we must consider when providing our consent on a President's nominee for Associate Justice—judicial temperament, methodology, integrity and philosophy. By their very nature, these attributes are often challenging to measure, but they can be assessed through a careful analysis of a nominee's complete record.

With regard to the first consideration, judicial temperament, we all agree that it is absolutely essential that a judge be fair, open-minded and respectful. Our citizens simply must have confidence that a judge who weighs their legal claims does so with an even temperament. A judge must be truly committed to providing a full and fair day in court, while projecting a sincere equanimity and respect for the law. When these attributes are not clearly present in our judges, the public justifiably begins to lose faith in the integrity of our courts.

By all accounts, whether from conservative former Solicitors General Ken Starr and Ted Olson, and Assistant Solicitor General Miguel Estrada, General Kagan has a clear reputation for a sound judicial temperament. She projected poise throughout this process, during her hearing and in our personal meeting. Likewise, she has testified and spoken about the necessity of courts to provide a "level playing field," of maintaining a fidelity to the law, and of the essential requirement not to prejudge any case, stating during her hearing that judging is about "what the law says, whether it's the Constitution or whether it's a statute . . . the question is always what the law says . . . it's what the text of the Constitution says . . . what the law says, not a judge's personal views."

Turning to the considerations of judicial methodology and integrity, General Kagan does not have a judicial service record to review. We can, however, examine her scholarship. Here, she has six scholarly articles, two scholarly book reviews and a variety of other commentaries. I have some concern that this collection is, by academia's standards, not especially prodigious, and that General Kagan did not continue her scholarship during her six years as Harvard's dean.

Her eight scholarly publications do, however, tackle the difficult subjects of Presidential power, the delegation doctrine, and hate speech. In particular, her Presidential Administration and Chevron's Non-delegation Doctrine article from 2001, as well as The Changing Faces of First Amendment Neutrality article from 1992, demonstrate both close attention to complicated legal detail and careful legal analysis—skills essential for the difficult work of the Court.

We can also review her approach to judicial methodology from her answer to my request to identify three of the Court's constitutional opinions—majority, concurring or dissenting—that in her view exemplify sound judicial methodology. First, General Kagan chose Justice Oliver Wendell Holmes' 1905 dissenting opinion in *Lochner v. New York*. In that case, the Court invalidated a State law prohibiting an employer from requiring a baker to work more than 60 hours per week. The

Court reasoned that the statute “necessarily interferes with the right of contract between the employer and employees,” a right that is “part of the liberty of the individual” protected by the 14th amendment.

General Kagan cited this opinion as a “concise and persuasive formulation of the proper role of the judiciary in relation to the political branches of government,” highlighting these passages:

I strongly believe that my agreement or disagreement [with the law] has nothing to do with the right of a majority to embody their opinions in law. . . . The Constitution is . . . made for people of fundamentally differing views, and the accident of our finding certain opinions natural and familiar, or novel, and even shocking, ought not to conclude our judgment upon the question whether statutes embodying them conflict with the Constitution of the United States. [Justices should not use their office] to prevent the natural outcome of a dominant opinion, unless it can be said that a rational and fair man necessarily would admit that the statute proposed would infringe fundamental principles as they have been understood by the traditions of our people and our law.

Next, General Kagan selected a 1927 concurring opinion in *Whitney v. California* where the Court unanimously upheld a conviction for conduct threatening to overthrow our government by unlawful means. Calling the concurrence an “inspiring example of a commitment to protecting constitutional rights” and a “stirring reminder of the value of freedom of speech in our society, including its importance to democratic self-governance,” General Kagan cited her admiration for this paragraph:

Those who won our independence believed that the final end of the state was to make men free to develop their faculties, and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government. They recognized the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies; and that the fitting remedy for evil counsels is good ones.

Finally, General Kagan identified a 1952 concurring opinion in *Youngstown Sheet & Tube Co. v. Sawyer*. There, the Court held that President Truman ex-

ceeded his constitutional authority when he ordered the Secretary of Commerce to take possession of most of the Nation’s steel mills in the face of a labor strike during the Korean war. Respecting a concurring opinion as the “definitive framework for evaluating the constitutionality of presidential action,” General Kagan observed that:

Two aspects of the opinion are notable. First, Justice [Robert] Jackson’s opinion is a classic formulation of the propositions that executive authority is not unlimited even in wartime and that the President is not above the law. That is all the more remarkable given that its author had served in the Executive Branch for much of his career, including as Solicitor General and Attorney General. Second, Justice Jackson refused to oversimplify constitutional analysis. . . . [H]is analysis depended in large measure on an assessment of relevant historical practices and political processes. That analysis was resolutely legal in its nature; it was not based on the Justice’s political preferences or personal views. But the analysis took into account the full complexities of constitutional interpretation in its relation to modern governance. That is what has given Justice Jackson’s concurrence its staying power and has made it the Court’s principal precedent on executive power.

These three replies by General Kagan are informative. Together they argue for a limited judicial role, and demonstrate her command of the philosophical underpinnings of core constitutional doctrine and her insight into the necessity of aligning those theories with the functional “complexities of modern governance.” They also convey an awareness of, and therefore perhaps a capacity for, judicial statesmanship. As Justice Felix Frankfurter once noted, “breadth of vision” and “capacity to transcend one’s own experience” are often the defining qualities that matter most in guiding a Justice’s work on landmark cases.

As regards her views on substantive subjects of law, conservative attorneys such as Charles Fried, Michael McConnell and Paul Clement have agreed that General Kagan is in the mainstream. For example, she has affirmed forcefully that *stare decisis* is a critical command for the Court. As she wrote to the committee, that command requires a careful inquiry into whether the precedent has “been found unworkable, whether subsequent legal developments have left the rule an anachronism, or whether premises of fact are so far different from those initially assumed as to render the rule irrelevant or unjustifiable.” Moreover, she testified that:

The entire idea of precedent is that you can think a decision is wrong. You can have decided it differently if you had been on the court when that decision was made. And nonetheless you are bound by that decision. That’s—if the doctrine of precedent enabled you to overturn every decision that you thought was wrong, it wouldn’t be much of a doctrine. . . . I think when the court looks as though it’s flipping around and changing sides just because the justices have changed,

that’s bad for the credibility of the institution and it’s bad for the system of law.

General Kagan has also stated that the Constitution protects a right of privacy and that *Roe v. Wade* is not only “settled law” but has been “doubly settled” by *Planned Parenthood v. Casey*. Likewise, she has stated that foreign law should not have precedential weight in “any but a very, very narrow set of circumstances,” such as limited cases involving “ambassadors” or the “law of war.” And finally, she has testified, as noted above, that *Youngstown Sheet & Tube* remains the “determinative” governing standard in assessing Presidential wartime powers.

With respect to the second amendment, in my view, as a long-time, ardent supporter of second amendment rights, I have carefully examined General Kagan’s work as the President’s attorney a decade ago on a variety of legislation affecting gun ownership rights. This is a fair question and, here, General Kagan testified as follows:

The work that I did in the Clinton White House was all work . . . before *Heller* was decided, and so we really . . . did not consider . . . regulations through the *Heller* prism . . . because *Heller* didn’t exist at that time. . . . What President Clinton was trying to do back in the 1990s and what I as his policy aide was trying to help him do, was to propose a set of regulations that had very strong support in the law enforcement community, that had actually bipartisan support here in Congress to keep guns out of the hands of criminals, to keep guns out of the hands of insane people. It was very much an anti-crime set of proposals that I worked on back then in the ‘90s.

A former White House colleague corroborated General Kagan’s testimony: “In all these cases, [President] Clinton had already settled views on these questions. Our job was to make sure the government’s policy reflected what he wanted. He’d already made up his mind on most of these contentious issues.”

As several members of the committee during General Kagan’s hearing noted, this same point—that a lawyer’s job is to represent the client’s views, and not the lawyer’s own views—was also made by Justices Roberts and Alito when they were asked during their confirmation hearings about advice they gave while serving as executive branch attorneys. Both nominees testified that their executive branch legal counsel reflected ways to advance their elected client’s, not their own personal, legal interests and policy preferences.

With respect to the fact that, more recently, General Kagan did not file a brief for the United States in *McDonald v. City of Chicago*—McDonald did present an important question regarding the interplay of the second and 14th amendments, and I joined an amicus brief in support of Mr. McDonald’s claim to incorporate the second amendment through the 14th amendment, so that the protections of the

second amendment would apply not just against Federal acts, but against the acts of State and local governments as well. Here, several observations are warranted.

First, McDonald presented only the question of whether the second amendment applied to State and local governments, and not what the scope of the protections of the amendment is. As a result, McDonald, unlike Heller, presented no implications for the constitutionality of Federal gun laws. Accordingly, the United States was not a party in the case.

Second, the issue of incorporation is by its very nature one of primarily State and local, and not Federal, concern. This explains the amicus brief signed by 38 States in this case. This also explains why the Solicitor General's Office has a tradition of not weighing in on incorporation cases. General Kagan wrote to the committee in response to a supplemental question that:

It has long been the practice of the Office of the Solicitor General not to file an amicus brief in cases concerning the application of a constitutional provision to the states (so-called incorporation cases). Although incorporation cases raise important issues of constitutional interpretation, and may matter greatly to individual citizens, those issues do not implicate the responsibilities and obligations of the federal government under the Constitution. Incorporation cases therefore do not fall within the category of cases in which the Office of the Solicitor General files amicus briefs: those where the federal government itself has a clear and specific interest in the resolution of the case.

This response is consistent with the reported statement of former Solicitor General Erwin Griswold, who was uniquely appointed by a Democratic President, President Johnson, and retained by his Republican successor, President Nixon. In 1970, General Griswold reportedly wrote that incorporation cases are rarely of direct interest to the Federal government because "fundamental considerations of federalism militate against executive intrusion" into issues of State and local law.

Further, although former Solicitor General Paul Clement did appear in Heller for the United States, under the Bush administration, Heller was not an incorporation case. Moreover, the broader question presented by Heller, unlike McDonald, did implicate the basic scheme of Federal firearms regulations.

Yet even then, General Clement argued in Heller for a somewhat narrower ruling regarding personal rights. He also argued for a somewhat higher level of judicial scrutiny of challenges to regulation of such rights in order to ensure that the longstanding existing Federal laws—like possession of machine guns, possession by convicted felons, or possession on Federal property—that his office is required to de-

fend were protected. A majority of the Court ultimately respected and accepted General Clement's concern in both Heller and McDonald. As Senator CORNYN noted at the hearing, Justice Alito wrote for the majority in McDonald that:

We made it clear in Heller that our holding did not cast doubt on such longstanding regulatory measures as 'prohibitions on the possession of firearms by felons and the mentally ill, . . . laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.' We repeat those assurances here; . . . incorporation does not imperil every law regulating firearms.

Perhaps most importantly, General Kagan testified repeatedly that both McDonald and Heller are settled law. As regards McDonald, General Kagan said, "I do think that . . . decision [McDonald] [is] settled law; entitled to all of the weight that any precedent of the Supreme Court has; [and] . . . can only be overturned if there is strong evidence the ruling [among all of the other stare decisis factors] is unworkable."

On Heller, she said: "I think that Heller is settled law and Heller has decided that the Second Amendment confers such an individual right to keep and bear arms. I have absolutely no reason to think that the court's analysis was incorrect in any way. I accept the court's analysis and will apply it going forward." She also said that Heller's finding that a personal right of possession is "deeply rooted in this Nation's history and traditions" is a "central part of the rationale" of Heller and, again, is "settled law."

Moreover, she testified that she has "never believed that the president had the power to prohibit [the sale of firearms] without legislative authorization. . . . In fact, that's one [issue] that Heller and McDonald don't effect, that the president didn't have that power before and doesn't have that power after." She also testified that "the Second Amendment question, as defined by Heller, was so peculiar to our own constitutional history and heritage that . . . foreign law didn't have any relevance."

Turning to another important issue, I also share the concern for how General Kagan approached the issue of military recruiting at Harvard Law School. Under the Solomon amendment, universities like Harvard that receive Federal funding are required to permit military recruiters on campus. Opposing the military's don't ask, don't tell policy, General Kagan was one of several deans to relegate military recruiters to a less preferred position by withholding Office of Career Services' sponsorship.

General Kagan also participated in a lawsuit challenging the Solomon amendment as unconstitutional. Had she prevailed in that suit, colleges and

universities across the country could have denied the military on-campus access to students across the country. Fortunately, the Supreme Court summarily and unanimously rejected this challenge in 2006 in *Rumsfeld v. F.A.I.R.*

General Kagan continues to defend her decision as a difficult mediation of competitive on-campus interests. But the prevailing recognition here is that the Nation was fully engaged in two wars designed to advance national security, and so I continue to be troubled that General Kagan chose to relegate the military rather than her institution's financial or policy interests.

Reviewing the final consideration of judicial philosophy, General Kagan has spoken directly to the important but appropriately limited role that the Court plays in our constitutional scheme of government. She recognizes that the Court is the "least accountable" of our governmental institutions and that the Court is not "self-starting." Citing Alexander Bickel and his 1961 seminal article, General Kagan stated in our personal meeting that the "passive virtue" of the Court rests in what it does not do, and that the Court should work hard "not do more than is called for" and "not go too far." Likewise, she said in her questionnaire that "I think it is a great deal better for the elected branches to take the lead in creating a more just society than for courts to do so."

We recently witnessed what happens when the Court does not adhere to such decision-making restraints. We are all familiar with *Citizens United v. F.E.C.* where the Court overruled a mere 7-year-old precedent to strike down the electioneering communications provision of the Bipartisan Campaign Finance Reform Act.

There, the majority effectively converted on its own motion an as-applied challenge into a facial challenge through its order for re-argument. According no deference to our 100,000-page factfinding record that took Congress over 10 years to assemble, and further dismissing the commands of stare decisis, the majority then rejected the relatively recent 1990 precedent of *Austin v. Michigan Chamber of Commerce* and the very recent 2003 precedent of *McConnell v. F.E.C.* Instead, the majority inflated the precedential value of the majority's very recent—only decided in 2006—and readily distinguishable *F.E.C. v. Wisconsin Right to Life* and eschewed arguments to decide the case on narrower statutory grounds. Consequently, and in striking contrast to claims of "judicial modesty," the majority then struck down the electioneering communications provision of BCRA on the broadest of grounds.

Even granting that General Kagan was an advocate in the case, I was pleased to hear her say in our personal meeting that the Citizens' majority

“did not respond in the right way. Congress had gone through an enormous record and the Court had ruled only a few years earlier. From where I sat, the Court was wrong.”

I also agree with Justice Stevens’ dissent in *Citizens* that the activist “path” taken by the *Citizens* majority will “do damage” to the Court itself. *Citizens* is not, of course, the only recent case in which Justices and scholars from across the political spectrum have viewed the Court’s majority as overreaching. Indeed, opinions in *Montejo v. Louisiana*, *Gross v. FBL Financial Services*, *Ashcroft v. Iqbal*, and related commentaries have all expressed the same concern.

Finally, I note that, if confirmed, General Kagan will become the fourth female Justice ever to serve on the Supreme Court. She will follow Sandra Day O’Connor and join Justices Ruth Bader Ginsburg and Sonia Sotomayor. General Kagan has already become the first woman to serve as Solicitor General of the United States, and the fact remains that it does make a difference who women and girls see at the pinnacles of government and industry. As Justice Ginsburg observed at the time of Justice Sotomayor’s nomination, “women belong in all places where decisions are being made.”

Ultimately, when the Framers accorded us the special role of confirming judicial nominees that we are exercising here today, having delegated the power of nomination to the Office of the President, and having recognized that elections to that office may affect the overall composition of the Court, the Framers expressly intended that we review judicial nominees not by their affiliations, but by their qualifications. This is why Alexander Hamilton wrote in *Federalist* 76 that the Senate should deprive a duly elected President of his or her nominee only for “special and strong reasons.”

In reviewing the record of General Kagan’s scholarship, the to, evidence of her reputation, and her responses to the committee and other Members throughout this process, I find in that General Kagan has a very capable intellect and a deep respect for the rule of law. She has a command of the important but limited role of the courts, and a demonstrated commitment to stability in the law. It is therefore my conclusion that Solicitor General Elena Kagan is qualified to serve as the next Associate Justice of the Supreme Court.

Ms. CANTWELL. Mr. President, it is with great pride that I express my strong support for the nomination of Solicitor General Elena Kagan to be the next Associate Justice of the United States Supreme Court. A trailblazer in many ways, Solicitor Kagan was the first female to serve as Solicitor General of the United States and the first female Dean of Harvard Law

School, one of the most prestigious legal educational institutions in our Nation. Her nomination as Solicitor General garnered the bipartisan support of every Solicitor General who served from 1985 to 2009, including Charles Fried, Ken Starr, Drew Days, Walter Dellinger, Seth Waxman, Ted Olson, Paul Clement, and Greg Garre, a testament to her ability to build bridges across partisan lines and her fidelity to law above politics.

Solicitor Kagan brings a wealth of historic legal experience to the position of Associate Justice, including serving as law clerk to Justice Thurgood Marshall, the first African-American to serve on the Supreme Court, working as an associate at the law firm of Williams & Connolly, teaching as a law professor at the University of Chicago and Harvard University, and acting as policy counsel to President Clinton and special counsel to the Senate Judiciary Committee. In these capacities she handled legal and policy issues ranging from public health, to education, to war crimes, to campaign finance and welfare.

Solicitor Kagan’s experience with different branches of government equips her with a unique perspective on the law and the challenges the Court will face in the coming years. Her confirmation honors the legacy of Justice John Paul Stevens, the outgoing Justice, who was well known for his service of dignity and intellect, without regard for partisan divides.

If we confirm her—and I am confident we will—Solicitor Kagan will be only the fourth woman in history to serve on the Supreme Court, and will be the third woman to sit on the current Court, the highest number of female justices to serve at one time.

Solicitor Kagan’s confirmation will be an inspiration for generations of female lawyers and legal scholars to come, and will make an indelible impression on this country’s legal landscape. Today, women comprise only 19.2 percent of federal district court judgeships, and 20 percent of federal appellate judgeships, highlighting the need for increased gender representation on our Nation’s highest courts. Solicitor Kagan’s confirmation is only a step towards reducing this gender disparity in our Nation’s judiciary.

I followed closely Solicitor Kagan’s hearings, and I am impressed by Solicitor Kagan’s commitment to respect the rule of law. The hearings for Solicitor Kagan, who testified for more than 17 hours and answered over 540 questions, were thorough and fair. In her opening statement, Solicitor Kagan observed that, “the Supreme Court’s role in our society is to act as a safeguard to the rule of law by maintaining a commitment to impartiality, principle, and restraint; and the role of a Supreme Court justice is to approach each case with even-handedness and

fair-mindedness, to ensure that everyone who comes before the Court receives a fair shake.”

Solicitor Kagan also expressed her admiration for Justice Thurgood Marshall; under whom she clerked, for his view of the Supreme Court as a means of access to justice for those left without redress after unfair treatment. Her expressed judicial philosophy of impartiality and fairness, to individuals of all classes, income levels, and interests, is a critical component to the High Court in a climate where we see increasing judicial activeness and partiality to special interests.

Solicitor Kagan’s experiences as a scholar and policy advisor unquestionably qualify her for a position on the Supreme Court. I find it disingenuous that several of my conservative colleagues have attacked Solicitor Kagan’s lack of judicial experience. The last two of the previous four chief justices of the Supreme Court, William Rehnquist and Earl Warren, had no judicial experience when first nominated to the Court. Nor did, Felix Frankfurter, Louis Brandeis, and John Marshall, known as the “Great Chief Justice.” Over one-third of the past 111 Supreme Court justices had no judicial experience when they were first nominated. Rather than being a product of the judicial monastery, Solicitor Kagan brings a real world perspective on the role of a justice, with a view to the practical contexts and implications of the Court’s decisions. Solicitor Kagan’s two decades of experience working in every branch of government exceptionally qualify her as an Associate Justice, and as one of the top legal thinkers in the country.

My conservative colleagues have also criticized Solicitor Kagan’s enforcement of Harvard Law School’s anti-discrimination policy. Solicitor Kagan did not assert her own personal agenda and oppose military recruitment on campus, as several of my colleagues have alleged. Instead, as Dean, Kagan was charged with enforcing an anti-discrimination policy in effect at Harvard since 1979 that prevented organizations discriminating against selected individuals from recruiting through the school’s office of career services. Kagan’s enforcement of this policy was consistent with her predecessors, Dean Robert Clark and Harvard President Larry Summers. However, Kagan ensured that military recruiters still had access to students. Kagan noted, “[M]ilitary recruiters had access to Harvard students every single day I was dean . . . I’m confident that the military had access to our students and our students had access to the military throughout my entire deanship.” Solicitor Kagan’s work to ensure student access demonstrates her support of our military and her encouragement of the brightest students’ involvement in our Armed Services.

Solicitor's Kagan's widespread support is a testament to her impact on not only her colleagues and peers, but also upon a large number of those in the legal profession. The American Bar Association, after conducting an investigation over several weeks that included peer reviews, concluded that Solicitor Kagan merited its highest rating of unanimously "well qualified." To merit the Committee's rating of "well qualified," a Supreme Court nominee must be a preeminent member of the legal profession, have outstanding legal ability and exceptional breadth of experience, and meet the very highest standards of integrity, professional competence, and judicial temperament.

In addition, Solicitor Kagan has received support from Democrats and Republicans and a range of civil rights, non-profit, and advocacy organizations, including the National Women's Law Center, the National Partnership for Women and Families, Earthjustice, the American Bar Association, the Alliance for Justice, the National Association for the Advancement of Colored People (NAACP) Legal Defense and Education Fund, the National Association of Women Judges, the Hispanic Bar Association, the Service Employees International Union (SEIU), and the Leadership Conference on Civil and Human Rights (LCCR). Solicitor Kagan is also endorsed by her colleagues in academia, and a group of over sixty-nine law school deans across the country expressed their written support for her nomination to the Senate Judiciary Committee in a June 15, 2010 letter. Her supporters also include her former students, including one, a former law clerk to Justice Antonin Scalia, who called Solicitor Kagan, "a person of utmost integrity, extraordinary legal talent and relentless generosity."

Solicitor Kagan's intellectual aptitude and commitment to justice was demonstrated early in her life. She was born in New York City, NY, the daughter of a school teacher and a public housing lawyer. She graduated from Princeton University, received a Masters in Philosophy from Worcester College of Oxford University, and received her law degree magna cum laude from Harvard Law School. She then clerked for Justice Thurgood Marshall, was an associate with Williams & Connolly, and then counsel to President Clinton, as Associate Counsel, Deputy Assistant to the President for Domestic Policy, and Deputy Director for the Domestic Policy Counsel. She led the Clinton administration's inter-agency effort to analyze all legal and regulatory aspects of the Attorney General's tobacco settlement and then participated actively in the development and congressional consideration of tobacco legislation. She also handled legislative issues involving constitutional issues, including separation of powers, govern-

mental privileges, freedom of expression, and church-state relations.

As Dean of Harvard Law School, she joined other deans in opposing an amendment to strip the courts of the power to review detention practices, treatment and adjudications of guilt and punishment for detainees at Guantanamo Bay, Cuba. This reflects a fair view, with an eye to checks and balances on different branches of government.

In her first case as Solicitor General, Solicitor Kagan argued before the Supreme Court on behalf of the government in the *Citizens United v. FEC* case. As Solicitor Kagan notes, however, her role as Solicitor General was to argue on behalf of the country, not to advance her personal beliefs.

In my meeting with her, Solicitor Kagan confirmed her commitment to protecting the right to privacy enshrined in our Constitution. I believe she will preserve that right.

Solicitor Kagan is uniquely qualified to serve as Associate Justice because she not only possesses an impressive intellectual capacity and commitment to fairness, but also because she is committed equal justice. As she remarked in her opening statement, "Equal Justice under the Law. It means that everyone who comes before the Court—regardless of wealth or power or station—receives the same process and the same protections . . ."

Solicitor Kagan demonstrates a readiness to serve on our Nation's Highest Court and I am confident that she will make a fine justice who will not only uphold the Constitution and legal precedent of the country, but continue to preserve one of the most treasured tenets of our legal system, equal access to justice for all Americans.

Mr. LEVIN. Mr. President, earlier this week I spoke on the Senate floor, calling for the confirmation of Solicitor General Elena Kagan to the position of Associate Justice of the Supreme Court. I added my voice to a chorus of bipartisan praise for her qualifications and abilities to be a Supreme Court Justice, joining supporters such as Miguel Estrada, Assistant Solicitor General in the George H.W. Bush administration; former Solicitors General Kenneth Starr and Drew S. Days and a number of my Republican colleagues, including Senator LINDSEY GRAHAM and Senator JUDD GREGG. These voices across the political spectrum recognize Elena Kagan's years of practical, pragmatic experience, and value, in the words of Professor Michael McConnell, director of the Constitutional Law Center at Stanford Law School, her "fidelity to legal principle even when it means crossing her political and ideological allies."

Despite her abilities and her tremendous legal career, Solicitor General Kagan continues to be the subject of baseless attacks. For instance, the Na-

tional Rifle Association, NRA, has taken out full page advertisements in multiple newspapers and has aired national television commercials claiming Elena Kagan is unfit for the Supreme Court because of her supposed opposition to the second amendment rights of Americans. The NRA's charges are unfounded and are refuted by the nominee's own words during her confirmation hearing before the Senate Judiciary Committee.

For example, in regard to the Supreme Court's 2008 *Heller* decision, which ruled that the second amendment protects an individual's right to possess a firearm for private self-defense purposes in a Federal enclave, and the Supreme Court's recent *McDonald* decision, which applied the *Heller* holding to the States, the NRA has said that Solicitor General Kagan has left unanswered "very serious questions of whether she would vote to overturn *Heller* and *McDonald*." Perhaps the NRA lobbyists were not watching her confirmation hearing when she replied to a question from Senator TOM COBURN saying, "I very much appreciate how deeply important the right to bear arms is to millions and millions of Americans. And I accept *Heller* which made clear that the second amendment conferred that right upon individuals, and not simply collectively." In addition, in response to a related question from Senator CHARLES GRASSLEY, Solicitor General Kagan said "those decisions are settled law . . . I will follow stare decisis with respect to *Heller* and *McDonald* as I would with any case."

It seems pretty clear, contrary to the NRA's claims, that Solicitor Kagan has answered questions concerning her position on the second amendment rights of Americans, and she will defend those rights.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that there now be 1 hour remaining for debate with respect to the Kagan nomination for the U.S. Supreme Court, with 15-minute blocks controlled as follows: Senator SESSIONS, Chairman LEAHY, Leader MCCONNELL, and Senator REID of Nevada; that upon the use of the allotted hour, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid on the table, the President be immediately notified of Senate's action, and the Senate then resume legislative session. Further, I ask

that when Members cast a vote on the nomination, they do so from their seats.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Will the Chair withhold please, Mr. President.

You have heard my request. What is the ruling of the Chair?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, at 3:30 today we will vote on the nomination of Elena Kagan to be an Associate Justice on the Supreme Court.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, in the midst of President Johnson's "Great Society," Ronald Reagan explained that our Nation had arrived at a crossroads, at a time for choosing.

The choice, Reagan explained, was "whether we believe in our capacity for self-government or whether we abandon the American Revolution and confess that a little intellectual elite in a far-distant capital can plan our lives for us better than we can plan it for ourselves."

Forty years later, our Nation once again finds itself at a crossroads. Government is getting larger and larger. Spending is out of control, and a little intellectual elite, in a far distant capital, is trying harder than ever to plan the lives of the American people. Even basic choices about how we care for our own health are now made by career bureaucrats whose names Americans will never hear and whose faces they will never see.

Our Nation has a choice to make. We either restore or relinquish our great heritage of limited constitutional government. Part of that choice will be made here today. Part of that choice will be made as we consider the nomination of Elena Kagan to the Supreme Court. In recent years, the progressive wing of the Supreme Court has offered opinions that would have denied Americans their right to keep and bear arms, and severely diminish the right to free speech during election time.

These same progressive Justices succeeded only a short time ago in ruling that a citizen's property could be seized by the State for private commercial development. These Justices are ignoring the text of our Constitution, the plain rights guaranteed by our Constitution, in order to advance what they think are better ideas, their vision, their political agendas, frankly.

This progressive, activist judicial philosophy strikes at the heart of our democracy and is a direct threat to our liberty. Judges are lifetime appointed. They are not accountable to the people. President Obama himself has said that judges must shed their neutral constitutional role and impose upon the nation "their broader vision of what America should be." That is how

he said he would pick judges, and this is certainly the kind of judge President Obama believes he has found in Ms. Kagan, someone who shares his progressive, elitist vision and is willing to advance it from the bench.

Indeed, throughout Ms. Kagan's career, she has been more deeply involved in politics than law, and has frequently put her politics above law. She has never been a judge, never argued even a case before a jury. She has practiced law for 3 years. She has less real legal experience than any nominee in the last half century.

The experience Ms. Kagan does have, however, is mostly that of a political lawyer and a policy advocate, and whenever her political views have clashed with her legal obligations, her vision of what America should be and not her duty have too often won the day.

As a Supreme Court clerk she pursued a progressive agenda without regard to the Constitution's text or history. She even wrote she was not sympathetic to an American's constitutional right to keep and bear arms. As a top aide to President Clinton she was closely involved in efforts to restrict private gun ownership, including a plan to block firearm importation into our country that one Clinton official admitted was "taking the law and bending it as far as we can."

She also worked aggressively to ensure the wide availability of partial-birth abortion. Instead of providing President Clinton with sound legal advice based on the best medical evidence, she pushed the President away from his moderate position, and away from his willingness to reach a compromise on this issue. She even helped revise a medical statement to imply a medical need for the gruesome partial-birth abortion procedure that did not exist, when the expert panel had indeed said it was never an appropriate procedure.

Next, as dean of Harvard Law, Ms. Kagan would once again sacrifice legal principle for political gain for advancement of an agenda she believed in. Ms. Kagan inherited a policy of equal and unfettered access for military recruiters on campus. That was the policy. But she reversed this policy, kicking the military out of the campus recruitment office as our troops at that very time were risking their lives overseas. She did this in clear, knowing violation of Federal law, the Solomon amendment. The Solomon amendment, passed by this Congress four times, requires unrestricted, equal access on campuses for military recruiters. Ms. Kagan knew what the law said, and as she herself admitted, knew that it was in force every single day she was dean. But she put her own views, her political ideas, her ideologies above the law and above the best interests of our soldiers, stripping the military of their official access availability on campus.

Ms. Kagan justified this conduct by saying she was objecting to don't ask, don't tell. That statute, however, was passed by Congress and implemented by President Clinton, her former boss. But instead of complaining to the politicians who made the rule, to those of us in Congress who were involved in passing it and maintaining it, working within the democratic system, Ms. Kagan took it upon herself to defy the law and to demean the people who were merely following the law, our noble men and women who serve our country.

Perhaps some of those on that campus recruiting had just come off the battlefield, having served their country, placing their lives at risk. For that there can be no justification.

After Harvard, Ms. Kagan assumed the post of Solicitor General of the United States. In that job it is her sworn duty to defend all Federal laws, including those she may personally oppose. These are the laws of Congress which the Solicitor General must defend. As every good lawyer knows, her job is to represent her clients, and the client of the Solicitor General is the United States of America.

Did she fulfill that duty? Did she faithfully represent her client? No, she did not. When the liberal Ninth Circuit issued a deeply flawed ruling against don't ask, don't tell, the law Ms. Kagan had so strongly opposed at Harvard, she did not appeal the ruling, despite great chances of success on appeal to the Supreme Court. Instead, she did exactly what the ACLU, the group who was leading the fight in representing the individual in that lawsuit, who opposed the statute and wanted it stricken, she did what they desired and let the ruling stand, and missed the opportunity to get a clear appeal. This was a test of Ms. Kagan's legal character, and she failed that test. I studied the case closely. I want to be fair to her about that.

The only explanation for her not appealing to the Supreme Court was that she did not want them to uphold the statute to win a victory for the United States. In short, she did not fulfill her duty. Her duty. Is that a word that is out of fashion today? And she did not live up to her explicit, sworn promise made to this Senate, to vigorously defend that very statute, when she was confirmed to be Solicitor General.

Given this record, it is not surprising that Ms. Kagan's judicial heroes are activists who reject and repudiate sometimes even the very idea of objectivity. But it is objectivity, the search for what is right and true, that makes our system of justice so extraordinary and so unique. The whole goal of our trials is to find the truth. These concerns were addressed during the hearing. Ms. Kagan was given every opportunity to respond. But she opted, I thought, for political spin at the expense of rigorous honesty and accuracy. In so doing, she

only further demonstrated she lacked the qualities necessary to sit on the Court. Other Senators have the same impression of that testimony.

Some have said that Senators are opposing this nomination for partisan reasons, that her qualifications are not in question. But what qualification is more essential for the Supreme Court than impartial fidelity to the law? This is not an ideological litmus test but a core bipartisan standard to which any nominee of any party ought to be held.

Senators can and will disagree on the question of how much deference a President is due in his nomination. But surely that deference cannot extend so far as to include a nominee who is unable to serve under the Constitution as they take an oath to do.

The American people will not easily forgive the Senate if we confirm Ms. Kagan to the Supreme Court. They will not forgive the Senate if we further expose our Constitution to revision and rewrite by judicial fiat, to advance what President Obama says is a broader vision of what America should be. That is the Congressional role, not the judicial role, to figure out what the vision and the policy of this country should be.

Now more than ever we need this Court to be an impartial defender of our constitutional liberty. As Vice President BIDEN's own chief of staff and close friend of Ms. Kagan emphatically said, "Ms. Kagan is clearly a legal progressive." If confirmed, I fear she will continue putting her politics above the law, as she has so often done before. So I invited those who supported this nomination to refute the record and the analysis I have stated over the several past weeks, but I do not think one error has been raised and identified by Ms. Kagan's supporters in what I have said.

So we are left with the same concern, that Ms. Kagan would ally herself not with the constitutional liberties of all Americans but with the big government agenda of the President who nominated her. In fact, at the hearing, Ms. Kagan was unable to identify any limits on the government's power to control America's economic decisions. What Ms. Kagan perhaps fails to realize is that the people should control their government, not the other way around.

That is why no Supreme Court Justice should simply rubberstamp any political agenda of a President or Congress, nor should any Senator. Our liberties are far more precious than any partisan allegiance.

After the Constitution was drafted, Benjamin Franklin was asked what kind of government had been created. Franklin replied: A republic, if you can keep it. Again, the choice is ours. Either we embrace our great, magnificent constitutional heritage that I love so much or we let it slip away to judges who believe they can allow their own

personal core beliefs and philosophies to help them decide how a case should go. Either we move forward more secure in our freedom or we fall back to the old bankrupt idea of big government—an idea that has failed at every place, every time it has been tried.

Let's take a step today in the right direction. Let's listen to the American people and strengthen our commitment to constitutional values. It is that commitment that impels me to vote against this nomination and why I urge my colleagues in both parties to do the same.

I see the chairman of the committee, Senator LEAHY. He and I don't agree on this nomination, but he is a proven professional chairman. He has gone through a host of these nominations. He is tough, but he is fair. He let us have our say. I thank the chairman for the privilege of working with him on this important constitutional effort.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the Senator from Alabama for his kind words. We both set out with the goal of making sure the United States had a chance to hear this nomination, to hear the debate on it, and to have Senators speak. We both decided before the debate that would happen, and it has. I thank the Senator from Alabama.

We are about to conclude debate on the nomination of Elena Kagan to be Associate Justice of the U.S. Supreme Court. This is the time when the 100 of us stand in the footsteps of 300 million Americans and make the decision whether she will be confirmed to a lifetime appointment. I predict right now she will be confirmed and I look forward to her bipartisan confirmation.

She has been nominated to succeed Justice John Paul Stevens, someone who served with integrity for so many years, a man I consider a friend. Her qualifications, intelligence, temperament, and judgment will make her a worthy successor to Justice John Paul Stevens.

When she is appointed by the President after we confirm her, three women will serve together on the Supreme Court of the United States for the first time in our Nation's history, three women on the nine-member Supreme Court. As I said 5½ weeks ago, when the Judiciary Committee began Solicitor General Kagan's confirmation hearing, we are a better country for the fact that the path of excellence Elena Kagan has taken in her career is one now open for both men and women. I look forward to the day when I see many more women on that Court.

Solicitor General Kagan's legal qualifications are unassailable. She earned her place at the top of the legal profession. No one gave it to her; she earned it. As a student, she excelled at Princeton, Oxford and Harvard Law

School. She was a law clerk to a giant in American justice and American law, Justice Thurgood Marshall. She worked for then-Chairman BIDEN on the Judiciary Committee. These experiences, combined with her work as an advisor to President Clinton, give her background in all three branches of our government. She also taught law at two of the Nation's most respected law schools. In the decade since the Republican Senate majority pocket-filibustered her nomination to the DC Circuit—remember, when people say she does not have judicial experience, of course, Republicans did block her from going on the court—Elena Kagan became the first woman dean of Harvard Law School and then the first woman Solicitor General of the United States, often referred to as the 10th Justice.

The 100 of us who serve in the U.S. Senate stand in the shoes of more than 300 million Americans as we discharge this constitutional duty to consider nominations to our Nation's Federal courts. We will conclude our consideration of this nomination after 12 weeks. If we can do that for a Supreme Court nomination, we ought to be able to consider the other judicial nominations that have been stalled for months after being favorably reported by the Judiciary Committee.

This is the 15th time since I have been in the Senate that I have been able to consider a Supreme Court nomination. I have applied the same standards to this nomination as I have to the ones that preceded it. I looked to see whether Solicitor General Kagan would fairly apply the law and use common sense. That is the same standard I used on the first Supreme Court Justice I voted on, a man from Chicago, Justice John Paul Stevens, nominated by a Republican President. I proudly voted for him. For Solicitor General Kagan, I looked to see whether, as a Justice, she would appreciate the proper role of the courts in our democracy. Would she be the kind of independent Justice who would keep faith with each of the words inscribed in Vermont marble over the front doors to the Supreme Court: "Equal justice under law." My answer to these questions, based on her record and testimony, is a resounding yes.

Solicitor General Kagan demonstrated an impressive knowledge of the law and fidelity to it. She spoke of judicial restraint and respect for our democratic institutions, her commitment to the Constitution and the rule of law. She made clear that she will base her approach to deciding cases on the law and the Constitution, not politics or an ideological agenda. So today I will cast my vote for Elena Kagan's confirmation.

I observed at the outset of this confirmation process that there was no one President Obama could nominate who would not be opposed by some.

Some Senators announced their opposition to Solicitor General Kagan's nomination even before a hearing took place. The opening statement of others at the Judiciary Committee hearings struck me more like prosecutors' closing arguments. Senators who last year disregarded Justice Sotomayor's years of judicial service to focus on a few phrases taken out of context from her speeches reversed their course this year to proclaim that an extensive judicial record is imperative. Standards shift almost every time. They then faulted Solicitor General Kagan for not having been a judge, while ignoring the fact that it was Senate Republicans who pocket-filibustered her judicial nomination more than 10 years ago.

Senators can make their own judgments, and they have. I ask of them only two things: Fairly consider Solicitor General Kagan's testimony and adhere to the standards of fairness and objectivity that you are demanding of her as a Justice. History will judge whether Senators have fairly considered the nomination of Solicitor General Kagan. I commend those Senators who have shown the independence to join the bipartisan confirmation of this nomination.

I also defend the right of every Senator to vote as he or she chooses. I understand that some statements made in opposition to this nomination were seen as insulting to the nominee and to others. I disagree with the many inferences, conclusions and judgments expressed in opposition, but I do not think Senators intended their remarks to be disparaging.

Five years ago, I followed the Democratic leader's statement in opposition to the nomination of John Roberts with my statement in favor of that nomination. That was my judgment based on the record and his testimony, including his pronouncements on judicial restraint, deference to Congress, and respect for precedent. At the time, Senators on the Democratic side of the aisle—a number of them—disagreed with me, including one Senator who disagreed with me but, nevertheless, came to the floor to defend my position. That Senator was the then-junior Senator from Illinois. Of course, he now serves as President of the United States. As I told President Obama the other day, his defense of me meant a lot then, and 5 years later, it still does.

In the course of our consideration of this nomination, I have spoken several times about the key role real world judging and judicial independence have played in furthering the Constitution's purpose of forming a more perfect union. It is essential that judicial nominees understand that, as judges, they are not members of any administration. I believe Solicitor General Kagan has that understanding. Courts are not subsidiaries of any political party or interest group, and our judges

should not be partisans. That is why the Supreme Court's intervention in the 2000 Presidential election in *Bush v. Gore* was so jarring and why the recent decision by five conservative activist Justices in *Citizens United* to throw out 100 years of legal developments in order to invite massive corporate spending on elections for the first time in 100 years was such a jolt to the system.

It is also essential that judges and Justices understand how the law affects Americans each and every day. I expect Elena Kagan learned early on in her legal career, when she clerked for Justice Marshall, that Justices ought to understand how their decisions affect real Americans. In the hard cases that come before the Supreme Court, in the real world, we want and need Justices who have the good sense to appreciate the real world ramifications of their decisions. The American people live in the real world of great challenges. The Supreme Court needs to function in that real world.

It took a Supreme Court that, in 1954, understood the real world to conclude in *Brown v. Board of Education* that the seemingly fair sounding doctrine of separate but equal was in reality a straitjacket of inequality and inconsistent with the constitutional guarantee of equality. It took a Supreme Court 75 years ago that understood the real world and the Great Depression to reject conservative judicial activism to accept the constitutional authority of Congress to outlaw child labor, to guarantee a minimum wage, and to establish a social safety net for all Americans. Through Social Security, Medicare and Medicaid, Congress ensured that growing old no longer means growing poor and that being older or poor no longer means being without medical care. That progress continues today with our efforts to pass laws to ensure protection from natural and manmade disasters, to encourage clean air and water, to provide health care for all Americans, to ensure safe food and drugs, to protect equal rights, to enforce safe workplaces and provide a safety net for seniors.

Vermont did not vote to join the Union until the year the Bill of Rights was ratified. Those of us from the Green Mountain State are protective of our fundamental liberties. Vermonters understand the importance the Constitution, including the Bill of Rights and the subsequent constitutional amendments have had in expanding individual liberties over the last 220 years. I believe Solicitor General Kagan shares this understanding. As she said in her opening statement at the hearing:

What the rule of law does is nothing less than to secure for each of us what our Constitution calls "the blessings of liberty"—those rights and freedoms, that promise of equality, that have defined this nation since its founding.

All of us are better for our historic progress to greater freedom, equality, and security.

Every February, the Senate hears President George Washington's Farewell Address. It is usually read by the Senate's most junior Member. In that pronouncement by our first President, George Washington warns against the danger of factions, partisanship, and what he called "the spirit of party," noting:

[T]he common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the Public Councils, and enfeeble the Public Administration. It agitates the Community with ill-founded jealousies and public alarms; kindles the animosity of one part against another, foment occasionally riot and insurrection.

That was George Washington, a long time ago. But today our Nation faces many challenges. It is a time when we should be pulling together and working together. Instead, we have seen too much obstruction, negativity, and devotion to the failure of the other party instead of the success of the country.

The nomination of Solicitor General Elena Kagan is a matter on which I expect the President had hoped we would come together. Her nomination really is one worthy of broad bipartisan support.

With Elena Kagan's confirmation, the Supreme Court will better reflect the diversity that has made our country so great. We will write another chapter in the history of our Nation's highest Court. And we will take another step forward in fulfilling the hopes and dreams of the trailblazers who set the path for Elena Kagan to follow.

I will proudly vote for her confirmation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to express my appreciation to my staff who worked tirelessly during these past few months on this nomination. They spent many long hours combing through and distilling information in hundreds of thousands of documents provided by Solicitor General Kagan, the Clinton Library and the Pentagon. On a short timeline, my staff worked around the clock to prepare for the hearing before the Judiciary Committee, which occurred merely 49 days after President Obama announced Solicitor General Kagan's nomination to the Supreme Court. Because of their hard work and dedication, our members were well-prepared

and well-informed, which allowed us to conduct a fair and thorough hearing.

Mr. President, I would like to thank my staff and Senator LEAHY's staff, the Judiciary Committee staff, for their fine work during this nomination process. It has gone on for a number of weeks, and it has been very stressful, with a lot of late nights, and people really have worked hard. I believe that has provided us with good and accurate information.

I particularly would like to express my appreciation to my staff director, Brian Benczkowski, on whom I have relied repeatedly through this process, for his good judgment and wise counsel, his integrity and experience as we have dealt with this difficult challenge. I would also note my chief counsel for nominations, Danielle Cutrona, who has also worked exceedingly hard, as well as my deputy staff director, Matt Miner.

I would like to acknowledge and thank the other hard-working and talented lawyers on my permanent staff who worked on this nomination, including William Smith, Ted Lehman, Bill Hall, Mark Patton, John Ellis, and Kimberly Kilpatrick.

I would also like to extend my appreciation to the talented lawyers who joined my staff as Special Counsels specifically to work on this nomination, including Ralph Johnson, Jason Tompkins, and Susanna Dokupil. And I would be remiss if I did not mention the efforts of our Law Clerks, two of whom dedicated their time while studying for the bar exam, including Amanda Lavis, Ed Liva, and Taylor-Lee Wickersham.

I would also like to acknowledge our dedicated support staff: Lauren Pastarnack, Sarah Thompson, Andrew Bennis, Allison Busbee, Kate Laborde, and Ivy Williams.

Finally, I cannot overstate the important work done by our press team. My Communications Director Stephen Boyd, Press Secretaries Sarah Haley and Stephen Miller, and Press Assistant Andrew Logan have worked tirelessly throughout this process.

All of these individuals shouldered the brunt of this enormous task, working late hours and through weekends and holidays. They deserve our recognition for their hard work, professionalism, and dedication to public service.

I would also like to thank the other talented lawyers on my staff who, among others I have just mentioned, handled the regular legislative business that came before the Judiciary Committee during this process: Joe Matal, Bradley Hayes, and Sam Ramer.

And let me express my gratitude to the Republican Leader and his staff, specifically John Abegg, Josh Holmes, and Webber Steinhoff; along with Republican Policy Committee Counsel Gregg Nunziata who provided invaluable assistance to my staff.

I'd also like to express my thanks to Chairman LEAHY for his work on this nomination. We didn't always agree on everything, but he was respectful of Republicans' rights during this process and he conducted a fair and thorough hearing. He would not have been able to do that without the help of his staff, including his Staff Director and Chief Counsel Bruce Cohen and his Chief Nominations Counsel Jeremy Paris.

Finally, I would like to thank the Judiciary Committee's Chief Clerk, Roslyne Turner and her assistant, Erin O'Neill.

Every one of these talented staff members contributed to this process, and their dedication and hard work helped us conduct a fair and thorough hearing. I extend my heartfelt thanks to each of them. We could not have fulfilled our Constitutional duty of Advice and Consent without them.

Mr. President, there are in the hearing nine letters in opposition to the nomination of Elena Kagan to be Associate Justice of the Supreme Court from Gonzalo Vergara, Lt. Col., USAF (Ret); the Judicial Action Group; National Right to Life Committee; Military Families United; the Liberty Counsel; The Ethics & Religious Liberty Commission of the Southern Baptist Convention; the American Association of Christian Schools; the Center for Military Readiness; and the National Rifle Association of America.

I ask unanimous consent to have printed in the RECORD four letters from the National Right to Work Committee; the American Conservative Union; C. Everett Koop, former U.S. Surgeon General, and the Ethics & Religious Liberty Commission of the Southern Baptist Convention.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RIGHT TO
WORK COMMITTEE,
Springfield, VA, July 1, 2010.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the over 2.6 million members of the National Right to Work Committee, I strongly urge you to vote against confirmation of Elena Kagan for a lifetime seat on the United States Supreme Court. Her record as an high-level White House advisor to President William Jefferson Clinton demonstrates that her views about the First Amendment and statutory rights of American workers are far outside the judicial mainstream.

In 1976, in *Abood v. Detroit Board of Education*, a case in which National Right to Work Legal Defense Foundation attorneys represented the plaintiff, public school teachers, the U.S. Supreme Court considered whether nonunion public employees can constitutionally be compelled as a condition of employment to subsidize their union monopoly bargaining agent's political activities. The Court, unanimously, held "that a State cannot constitutionally compel public employees to contribute to union political activities which they oppose."

The First Amendment right of workers not to be forced to subsidize union politics, first

recognized in *Abood*, has been reaffirmed by the Supreme Court in several subsequent cases brought to the Court for workers by National Right to Work Legal Defense Foundation attorneys, cases such as *Ellis v. Railway Clerks* (1984), *Teachers Local 1 v. Hudson* (1986), *Lehnert v. Ferris Faculty Ass'n* (1991), and *Davenport v. Washington Education Ass'n* (2007).

The Court's *Abood* ruling relied on the principle underlying the Supreme Court's 1976 decision about the Federal Election Campaign Act in *Buckley v. Valeo*, that "contributing to an organization for the purpose of spreading a political message is protected by the First Amendment." The Court has reiterated that principle repeatedly, and relied upon it again as recently as this year in *Citizens United v. Federal Election Commission*.

However, in 1996, when she was Associate Counsel to President Clinton, Ms. Kagan rejected this long, unbroken line of Supreme Court precedent that protects the First Amendment right of public employees—and of Americans generally—not to be compelled by government to subsidize political activities of private, voluntary associations.

In an e-mail message on October 31, 1996, to Paul J. Weinstein, Jr., Chief of Staff of the White House Domestic Policy Council, Ms. Kagan said (emphasis added):

It is unfortunately true that almost any meaningful campaign finance reform proposal raises constitutional issues. This is a result of the Supreme Court's view—which I believe to be mistaken in many cases—that money is speech and that attempts to limit the influence of money on our political system therefore raise First Amendment problems . . . I also think the Court should reexamine its premise that the freedom of speech guaranteed by the First Amendment entails a right to throw money at the political system.

In her Senate Judiciary Committee testimony on June 29, 2010, Ms. Kagan claimed in answer to a question from Senator Orrin Hatch that these were merely the Clinton Administration's, not her personal, views.

However, later, on October 31, 1996, Ms. Kagan was one of several White House staff members whose memorandum recommending how the White House should respond to questions about President Clinton's "Campaign Finance Reform Announcement" was transmitted to White House Chief of Staff Leon Panetta. That memo from Ms. Kagan and others incorporated Ms. Kagan's argument that the First Amendment does not protect the right to spend money for political activities. In short, in 1996 Ms. Kagan both suggested and endorsed that crabbed view of the First Amendment.

Thus, Ms. Kagan's testimony this week before the Senate Judiciary Committee clearly is disingenuous. It is reasonable to conclude from her record that, if confirmed, Ms. Kagan would be willing to overrule *Abood*'s well-established protection of the constitutional right of workers not to be forced to subsidize union politics.

This conclusion is supported by other documents the Clinton Presidential Library recently produced for the Senate Judiciary Committee in preparation for its hearings on Ms. Kagan's Supreme Court nomination.

On November 14, 1996, Ms. Kagan sent a memorandum on White House stationery to then White House Counsel Jack Quinn and then Deputy White House Counsel Kathleen Wallman about a draft "memo to the President on campaign finance." In her memo, Ms. Kagan said:

The memo does not address what seems to me the key issue in developing a strategy on campaign finance legislation: how to deal with Republican efforts to restrict labor union spending. I think the Republicans will insist on including in any campaign finance legislation a provision making it difficult for unions to use money from compulsory union dues in political campaigns. . . . We should start thinking now how we're going to deal with this Republican poison pill.

In 1988, of course, in *Communications Workers v. Beck*, yet another case in which National Right to Work Legal Defense Foundation attorneys represented the plaintiff workers, the Supreme Court had already held that the National Labor Relations Act—like the First Amendment—prohibits unions from using compulsory union dues of objecting workers in political campaigns. Thus, any provision that would make “it more difficult for unions to use money from compulsory union dues in political campaigns” would simply protect a constitutional and statutory right of workers recognized by the Court in the *Abood* line of cases and in *Beck*.

Ms. Kagan nonetheless subsequently recommended that President Clinton oppose any legislation protecting the right of workers not to be forced to subsidize union politics, despite the First Amendment's guarantee of that basic worker freedom of speech and association.

On February 12, 1997, Kathleen Wallman, then Deputy Assistant to the President for Economic Policy, circulated an 11:30 a.m. draft memorandum for the President on possible policy announcements of labor issues that the Vice President could make at a meeting of the AFL-CIO's Executive Committee later that month. The draft indicates that Ms. Kagan, by then Deputy Assistant to the President for Domestic Policy, was writing two sections of the memo that were not included in the draft. One of those sections that Ms. Kagan “agreed to draft” concerned the Administration's “[p]osition on Beck legislation aimed at limiting the use of union dues in political activity.”

Later that same day, Ms. Kagan e-mailed Ms. Wallman her recommendation about “legislation aimed at limiting the use of union dues in political activity” (italics added): John Hilley [Director of Legislative Affairs], Bruce Reed [Director of the Domestic Policy Council], and I all recommend that you state strong opposition to Beck legislation, no matter what it is attached to.”

In sum, as a high-level White House official Ms. Kagan both disagreed with the well-established legal principle that underlies the long line of Supreme Court decisions recognizing the constitutional right of workers not to be compelled to subsidize union political activities as a condition of employment and opposed any legislation designed to protect that fundamental right of free speech and free association. This puts her far outside the judicial mainstream and demonstrates a disdain for the rights of independent-minded American workers.

Consequently, on behalf of the National Right to Work Committee's over 2.6 million members, I strongly urge you to vote NO on confirmation of Ms. Kagan's nomination to the Supreme Court.

Respectfully,

MARK A. MIX.

DEAR SENATOR: On behalf of the American Conservative Union, I strongly urge you to vote “NO” on the confirmation of Elena Kagan to the U.S. Supreme Court.

Elena Kagan's entire career is more suited to that of a political activist than a legal

scholar, as she has been described by President Obama and as she described herself in her testimony. Kagan began public life as a political operative for the U.S. Senate campaign of Elizabeth Holtzman of New York in 1980. The documents produced for the Judiciary Committee show that, as a member of the Clinton Administration's Justice Department, Kagan's primary role was to develop political strategy in dealing with the Congress on legal issues. A good example of this is when the issue of partial birth abortion came before the Senate during the Clinton administration. At this time Kagan proceeded to negotiate changes to a statement by the American Council of Obstetricians and Gynecologists (ACOG) that said there were no serious medical reasons for conducting a partial birth abortion. Kagan's involvement made it more difficult for the Senate to pass a ban on partial birth abortion. This example clearly displays that Kagan is more of a political operative than a legal scholar.

Another serious impediment to Kagan's nomination is her deep involvement as the Obama Administration's Solicitor General on issues that will continue to come before the Supreme Court. This may mean that Kagan will or should have to recuse herself from key decisions of the court. As outlined in a letter from Republican members of the Committee on July 13 to Kagan, there is even a question as to whether recusal will be an issue when the constitutionality of the recently passed health care bill comes before the court.

Kagan has also shown herself willing to ignore the law for political purposes. As Dean of the Harvard Law School, Kagan banned military recruiters on campus in violation of the Solomon Act to satisfy campus activists. Her actions were voided by a unanimous 8-0 decision of the very court on which she has been nominated to serve.

Although through the mid-twentieth century, court appointments of politicians were sometimes made to satisfy political deals, such as the appointment of Earl Warren in the 1950s, in recent years judicial experience and legal background have been at the forefront of nominations. The nomination of Elena Kagan is more akin to President Lyndon Johnson's nomination of political crony Abe Fortas as Chief Justice, which had to be withdrawn.

It was President Obama, as a U.S. Senator, who changed the criteria for judges from minimum qualifications to judicial philosophy and more subjective criteria. The nomination of Elena Kagan is a blatant attempt to place on the court a political operative who will work as an advocate of Administration policies rather than look at rulings from an objective view of constitutionality. Please vote “NO” in the confirmation of Elena Kagan.

Sincerely,

LARRY HART,
Director of Government Relations,
The American Conservative Union.

AN OPEN LETTER TO THE AMERICAN PEOPLE: For many years, before, during and after my service as surgeon general of the United States, I've been known for presenting my unvarnished opinion on medical matters, regardless of the views of political parties or outside influences. The time has come for me to do so again.

I was deeply disturbed to learn that Elena Kagan, the nominee for Supreme Court scheduled for a Senate committee vote next week, manipulated the medical policy state-

ment on partial-birth abortion of a major medical organization, the American College of Obstetricians and Gynecologists (ACOG) in January 1997.

The problem for me, as a physician, is that she was willing to replace a medical statement with a political statement that was not supported by any existing medical data. During the partial-birth abortion debate in the 1990s, medical evidence was of paramount importance.

Ms. Kagan's amendment to the ACOG Policy Statement—that partial-birth abortion “may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman”—had no basis in published medical studies or data. No published medical data supported her amendment in 1997, and none supports it today.

Indeed, there was, and is, no reliable medical data that partial-birth abortion is safe or safer than alternative medical procedures.

There are other medical options.

In my many decades of service as a medical doctor, I have never known of a case where partial-birth abortion was necessary in place of a more humane and ethical alternative. Not only have I never seen such a case, but I have never known of any physician who had to do a partial-birth abortion—nor have I ever met a physician who knew of anyone who had to perform one out of medical necessity. In fact, partial-birth abortion has risks of its own, and could injure a woman.

Medical science should not have been twisted in 1997 for political or legislative gains.

Ms. Kagan's political language, a direct result of the amendment she made to ACOG's Policy Statement, made its way into American jurisprudence and misled federal courts for the next decade.

She misrepresented not only the science but also misrepresented her role in front of your elected representatives in the United States Senate.

This is unethical, and it is disgraceful, especially for one who would be tasked with being a measured and fair-minded judge.

Americans United for Life Action has released a thorough and comprehensive report on this matter, a report that provides substantive evidence of Ms. Kagan's actions in this matter. I ask that Senators and the American people give this report their most serious consideration. I urge the Senate to reject the politicization of medical science and vote no on the Kagan nomination.

Sincerely,

C. EVERETT KOOP, M.D.,
Sc.D.,
Surgeon General of the
United States Public
Health Service, 1981–
89.

THE ETHICS & RELIGIOUS LIBERTY
COMMISSION OF THE SOUTHERN
BAPTIST CONVENTION,
Washington, DC, July 20, 2010.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, U.S.
Senate, Washington, DC.

Hon. JEFF SESSIONS,
Ranking Member, Senate Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: On June 25, we sent you a letter expressing serious concerns about Elena Kagan's nomination as the next associate justice to the U.S. Supreme Court. As we stated, we have been alarmed about Kagan's lack of respect for the First Amendment's

right to free speech, her admiration for extreme judicial activists, and her role in advancing pro-abortion policies. We also expressed our distress about Kagan's attempts, while dean of Harvard Law School, to bar military recruiters from campus because of her own personal views in opposition to the military's "Don't Ask, Don't Tell" policy. Unfortunately, these concerns remain.

During the Judiciary Committee's confirmation hearings, Kagan failed to satisfactorily clarify her actions and opinions. Many of her answers were confusing and unclear. She refused to respond to several key questions in an open and honest manner. She also avoided many issues altogether. Since Kagan has had no judicial experience and possesses limited experience as a practicing attorney, we were interested in learning about her judicial philosophy. However, we learned little about her beliefs and judicial views during the confirmation hearings. Rather than providing answers to our concerns, Kagan's responses have only raised more serious questions.

After careful consideration, we believe Elena Kagan is not a suitable nominee for the Supreme Court. She has evaded too many questions and her record is too obscure to confirm her to this lifetime appointment. Consequently, we urge you to vote against Kagan's confirmation to the Supreme Court.

Sincerely,

RICHARD D. LAND.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me begin by thanking the chairman and ranking member of the Judiciary Committee, Senator LEAHY and Senator SESSIONS, on conducting a dignified and respectful hearing on the Kagan nomination.

Let me just add that, in my view, the way Republicans on the Judiciary Committee have conducted themselves in the minority over the past few years underscores that the kind of hyperbole and hysteria that has too often accompanied the Supreme Court nominations of Republican Presidents is hardly an essential part of the process. The committee hearings gave Senators and the American people a valuable opportunity to focus our attention on a woman whom President Obama would like to see deciding cases on some of the most important and consequential issues we face as a country. Ms. Kagan will be ruling on some of the most important legal questions that arise during President Obama's administration and long after he leaves office. It was vitally important that we have an opportunity to question her on her views about the law. What we learned from the hearing and what we were unable to learn from it form an important part of the record on her nomination.

But this, of course, is just a part of Ms. Kagan's record. Senators have spent weeks examining Ms. Kagan's experience and background in light of the awesome responsibility that comes with a lifetime appointment on our Nation's highest Court. As I have said previously, my own judgment is that Ms. Kagan is not suited to assume a lifetime position on our Nation's high-

est Court. Now I would like to explain why in more detail.

As we know, Ms. Kagan does not have the judicial or private practice experience most modern-day Supreme Court Justices have had—far from it. This is relevant not because one has to have prior judicial experience in order to be a good Supreme Court Justice—that is not my view now, and it never has been—but the absence of judicial experience makes it all the more important that we look more closely at the kind of experience Ms. Kagan has, in fact, had. A review of Ms. Kagan's experience reveals a woman who has spent much of her adult life not steeped in the practice of law but in the art of politics.

When we look at her resume, we find a woman who has worked fervently to advance the goals of the Democratic Party and liberal causes, usually at the expense of those with whom she disagrees politically or ideologically. In college, she spent one summer working 14 hours a day for a liberal Democratic candidate for the U.S. Senate from New York. When her candidate lost, Ms. Kagan wrote that it was her hope that one day a "more leftist left will once again come to the fore."

In fairness, few of us would want everything we said or wrote as college students put up on a billboard. But the trajectory of Ms. Kagan's career and the records from her time as a political advisor in the Clinton White House suggest someone, as one news story put it, who, long after college and even at the highest peaks of political influence, was "driven and opinionated, with a flair for political tactics. . . ."

What else do we find in Ms. Kagan's resume?

Well, 8 years after that first Senate race, she volunteered for the Dukakis Presidential campaign, working as an opposition researcher to defend the then-Governor of Massachusetts from attacks and to look for ways to attack the Republican opposition. I note her job as an opposition researcher because it is part of a pattern of partisan political activity and because Democrats themselves have strongly questioned the impartiality of Republicans who have held this type of job.

As a Supreme Court law clerk, Ms. Kagan often inserted her own personal views into her legal advice. In one case, for example, she was dismissive of a man's second amendment claim because it was something that, in her words, she did not find to be "sympathetic."

Later, as an aide to President Clinton, she did not serve as an attorney but as a policy advocate, seeking legal advice rather than giving it. It was in this role that she helped lead a task force on changing the Nation's campaign finance laws and gleefully noted when one specific proposal would disadvantage Republicans. She also went

out of her way to deter lawyers at the Justice Department from officially noting their serious constitutional concerns with a campaign finance proposal because it might complicate the pursuit of the Clinton administration's political goals.

It was also at the Clinton White House that she suggested turning a routine literacy event at a Maryland school into a chance to score political points against—you guessed it—Republicans. And it was there that she went to extraordinary lengths to prevent the enactment of a ban on partial-birth abortion, a procedure the vast majority of Americans strongly oppose.

From the Clinton administration, she went on to academia. She had strongly held views and acted upon them there as well. As dean of Harvard Law School, she refused to give our military, at all times, the full and good access to which they are entitled under Federal law. Indeed, she was so driven by her own personal views on this issue that she took a position in a case before the Supreme Court that was so legally dubious that not a single Justice agreed with it.

From Harvard, President Obama—her friend and former colleague at the University of Chicago Law School—selected her to be his Solicitor General. I, and the vast majority of my Republican colleagues, voted against her nomination to that position, given her lack of litigation experience. Indeed, Ms. Kagan made her first oral argument in any court, for any purpose, just last year in the *Citizens United* case. Having been in the courtroom myself that day, I heard her argue to an astonished Supreme Court that the power of the Federal Government is so vast it can ban political speech with which it disagrees, such as political pamphlets, despite the clear commands of the first amendment to the contrary.

So when we look at Elena Kagan's background, what we find again and again is someone who has worked tirelessly to advance a political agenda or ideology, often at the expense of the law.

Let's look for a moment at her relationship to the current administration.

We know the President and Ms. Kagan are former colleagues and friends. We know that the President views her as an important and loyal member of his team and that he was particularly pleased with her handling of the *Citizens United* case. And we know the President is confident that Ms. Kagan shares his view that judges should be judged especially on their ability to empathize with some over others—in other words, that she embraces the so-called empathy standard whereby judges act on, to quote the President, "their broader vision of what America should be," which may or may not be what the law says is required. All of which brings us to the

question of whether Ms. Kagan is suited to sit on the Supreme Court.

We do not have a judicial or private practice record to go to, but from the record we do have—that of a passionate policy advocate, a zealous political operative, and a loyal member of the Obama administration—the President picked precisely—precisely—the kind of judge he said he would. But is this the end of the inquiry? The President won the election. Ms. Kagan is bright. She has a good humor. Does the Constitution suggest that we therefore must assent to her nomination? Is that what the Founders envisioned?

Well, the Federalist Papers say two things that are particularly relevant here.

First, let's look at Federalist 76, which gives examples of specific disqualifiers for confirmation. The common theme for these disqualifiers is someone who is nominated not because of their objective qualifications but because of a personal connection to the Executive—be it friendship, family relationship, or a belief that they will exhibit a bias. It says the Senate's power to disapprove a nominee "would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity." That is Federalist 76.

Now let's look at Federalist 78, which talks about the role of the courts in our democracy and the proper philosophy for a judge. Here, Hamilton writes that courts may not "substitute their own pleasure to the constitutional intentions of the legislature." He adds that their job must be to "declare the sense of the law" and that if, instead, they should exercise their "WILL"—which he puts in all capital letters—"the consequence would be . . . the substitution of their pleasure to that of the legislative body." In other words, Hamilton was cautioning against judges so motivated by their own passions and sympathies that they would use their judicial power to implement, as President Obama puts it, "their broader vision of" what ought to be.

So while Hamilton, in Federalist 76, listed some of the reasons for disqualifying a nominee, this was clearly not an exhaustive list. Surely he did not lay out the critical qualification for a judge in Federalist 78 and then leave the Senate powerless to enforce it. Both papers must be read together, not in isolation, which brings us back to Ms. Kagan.

If you believe the role of a judge is to be an impartial arbiter, Ms. Kagan's background as a policy advocate and political lawyer—and oftentimes a very partisan one—cannot be ignored. Indeed, Members of both parties should appreciate the importance of confirming judges who are more interested

in what the law says than in how the law can be used to advantage any one side.

As the chairman of the Judiciary Committee once put it:

No one should vote for somebody that's going to be a political apparatchik for either the Democratic Party or the Republican Party.

If you believe the role of a judge is to be an impartial arbiter, Ms. Kagan's relationship to the President can't be ignored either. I think our friend, the senior Senator from Ohio, put his finger on what Federalist 76 was talking about in this regard. As he put it earlier this week:

I would argue that General Kagan has been nominated based on her friendships and her personal attachments with President Obama and others at the White House, not based on objective qualities that would indicate she is qualified to be a Supreme Court Justice.

As for the empathy standard, well, empathy may be a very good quality in general, but in a court of law it is only good if you are lucky enough to be the guy the judge empathizes with. It is only good enough if you happen to share the judge's "broader vision of what America ought to be," which is the exact opposite of what the author of Federalist 78 had in mind.

Let's say you are a pro-life group challenging a restriction on late-term abortion and you are appearing before a Justice Kagan. In light of the lengths she went to in order to arrive at her preferred result on the subject of partial-birth abortion, do you think you are going to get a fair shake?

Let's say you think the government is infringing upon your second amendment rights. Given that she dismissively said she is not sympathetic to this sort of challenge, do you think she is going to apply the law or her own broader vision of how America should be?

Let's say you are a conservative non-profit group that wants to publish a pamphlet or show a movie before an election. In other words, let's say you are a group such as Citizens United. Given her record of partisan advocacy, how do you think you are going to fare before her in that case?

Ms. Kagan has never made a secret of her professional aspirations. She has cultivated all the right friendships along the way, including the President of the United States. This is all well and good but, in my view, it strains credulity to think that Ms. Kagan's strong political views will be more constrained by the Constitution once she reaches her goal than they have been up until now.

Some of Ms. Kagan's supporters would like us to focus on her personality. They say she has a knack for making friends and getting along well with different kinds of people. Once again, these are all fine qualities. No one has any doubt that Ms. Kagan is

bright and personable and easy to get along with. But the Supreme Court is not a social club. If getting along in polite society were enough reason to put someone on the Supreme Court, then we wouldn't need a confirmation process at all.

The goal was not to determine whether we think someone is smart and easy going; it is whether someone can be expected to be a neutral and independent arbiter of the law rather than a rubberstamp for this administration or for any other.

Whether it is small claims court or the Supreme Court, Americans expect politics to end at the courtroom door. Nothing in Elena Kagan's record suggests that her politics will stop there.

Ms. Kagan's background as a political operative, her lengthy resume of zealous advocacy for political and ideological causes, often at the expense of the law and those whose views differ from her own, her attachment to the President and his political and ideological goals, including his belief in the extraconstitutional notion that judges should favor some over others, make her precisely the kind of nominee, in my view, the Founders were concerned about and that Senators should have reason to oppose.

For these reasons, I will vote against the nominee, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, the Republican leader and I recommend that Senators proceed to the Senate floor to cast their votes. We ask that Senators be seated when they cast their votes.

Decades before America's founding—when its direction was only roughly charted and its doctrines still in draft form—a lawyer from Massachusetts wrote that ours must be a nation of laws and not of men. That man, John Adams, knew that the rules and rights of a free land must withstand personal whims and political winds. It is a belief so basic Adams would later enshrine it in his State's constitution.

Today we will send to our highest Court another brilliant lawyer from Massachusetts, Elena Kagan, someone whose respect for the rule of law is matched only by her appreciation for those laws that concern the daily lives of the people they govern. The roots of General Kagan's respect for the rule of law are in her respect for our separation of powers. It is a reverence she developed during her service in all three branches of government, defending the first and second amendments, strengthening our national security, and protecting children's safety.

Wherever Elena Kagan has gone throughout her considerable career, she has succeeded. At Princeton and Oxford, at the law schools at Harvard and the University of Chicago and back

to Harvard once again, in the private sector and in the highest levels of government, she has brought together people of every ideological stripe.

In recent weeks, we have again seen how effectively she impresses and unites those she meets. Look at the incredibly diverse array of people and organizations speaking in unison in favor of her nomination, including every Solicitor General, no matter the party, over the last quarter century. Now she is poised to join a Court whose power she respects as well as its limits. She understands that the laws are made only on this side of the street and only interpreted on the other side of the street.

Our Supreme Court promises equal justice for all who come before its bench. We must also fulfill the promise of greater equality among those who sit behind the bench.

Although the Founders did not want ours to be a government of men, for a long time men were the only ones running it. The most qualified women were turned away—turned away—one after another. Justice O'Connor graduated third in her law school class at Stanford, one of the premier law schools in this country, while others her age were just finishing college. The only job offer she got after graduating third in her class was a job as a legal secretary.

Justice Ginsburg graduated first in her law school class at Columbia, another premier law school, but not a single law firm would hire her either. She was denied a clerkship not by one but two Supreme Court Justices because, as they readily admitted, she was a woman.

It took nearly 200 years before the Court welcomed Sandra Day O'Connor as its first woman and more than a decade longer before Ruth Bader Ginsburg would join her as its second. A year ago today, Ginsburg was the only woman Justice, but when it opens this fall, three women—a full third of the bench—will preside together for the first time. That is progress. It is not yet completely equitable in a nation where women represent more than one-half the population, but it certainly is progress.

That Sotomayor and Kagan can join the Court in such relatively rapid succession is a tribute to the path their predecessors cleared.

Justice Ginsburg said last year that “women belong in all places where decisions are being made.” The Supreme Court is certainly one of those places. Elena Kagan is certainly one of those women.

As the Senate votes for this nominee on her merits, we are also voting for the most inclusive Court in its long history. It will be even more inclusive when we confirm more Justices who don't come from Ivy League schools.

In the oath General Kagan will soon take—the same oath sworn by 111 Jus-

tices before her—she will pledge to “do equal right to the poor and to the rich.” That is a commitment her predecessor, Justice John Paul Stevens, always fulfilled. We are grateful for Stevens' long record of service as a decorated war veteran, a successful lawyer, and an impartial judge and Justice who summoned common sense in his opinions. He was always passionate but always a gentleman.

Stevens once wrote: “Corporations are not part of ‘We, the People’ by whom and for whom our Constitution was established.” General Kagan believes that too. It is the principle she defended in her first case as the first female Solicitor General; that is, our country's chief lawyer, when she fought to stop foreign and domestic corporations from drowning out American voters' voices. She knew it would not be an easy case, but she stood for fairness, transparency, and citizens' rights because that is what a nation of laws demands.

General Kagan learned from another trailblazing Justice and her personal hero, Thurgood Marshall, that behind the law lived real people. She knows the Court's rulings can affect working families as intimately as they do wealthy interests.

The American people deserve a Justice who understands that one litigant's case is no more justified simply because he has more money than his opponent. Elena Kagan will be that Justice.

We need a voice on the Supreme Court who remembers and reveres the rights of individuals, not because people are always right and corporations are always wrong but because the argument of even the poorest citizen should be heard just as loudly, with the same patience and deliberation and impartiality as that of the richest firm.

Elena Kagan has demonstrated, time and time again, that she understands that.

In fact, listening is one of her strong suits. Justice Stevens often said that openly debated differences benefit democracy and he promoted what he called “understanding before disagreeing.” The lawyer and teacher the President has chosen to succeed Justice Stevens believes the same.

When General Kagan spoke last year to graduates of Harvard Law School, where she was beloved by the students and faculty alike, she reminded them: “You only learn something when your ears are open, not when your mouth is open.” That shows wisdom. It takes a smart person to recognize that we make progress and make the right decisions when we approach each person and each problem with an open mind. It takes a smarter one to say as much.

So I hope each Senator will approach this vote the way General Kagan will approach each question that comes before the Court: with deference to the

facts, the evidence, and our shared national interests.

General Kagan is a public servant who has remained far above the political fray and will be the only Justice who comes from outside the judicial monastery. She is a student and teacher of the law who looks up from her books out into the real world. She knows that while we are a nation of laws and not of men, the former has a genuine and personal impact on the lives of the latter.

Because of her intellect and integrity; her reason, restraint, and respect for the rule of law; her unimpeachable character and unwavering fidelity to our Constitution, I am proud to cast my vote for Elena Kagan's confirmation to be a Justice of the U.S. Supreme Court.

We are going to wait until the hour of 3:30 arrives before we start to vote. Senator LEAHY, at that time, will have a request to make.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination of Elena Kagan to be an Associate Justice on the Supreme Court of the United States.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Elena Kagan, of Massachusetts, to be an Associate Justice of the United States Supreme Court?

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 229 Ex.]

YEAS—63

Akaka	Gillibrand	Merkley
Baucus	Goodwin	Mikulski
Bayh	Graham	Murray
Begich	Gregg	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Boxer	Inouye	Reid
Brown (OH)	Johnson	Rockefeller
Burris	Kaufman	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Shaheen
Carper	Kohl	Snowe
Casey	Landrieu	Specter
Collins	Lautenberg	Stabenow
Conrad	Leahy	Tester
Dodd	Levin	Udall (CO)
Dorgan	Lieberman	Udall (NM)
Durbin	Lincoln	Warner
Feingold	Lugar	Webb
Feinstein	McCaskill	Whitehouse
Franken	Menendez	Wyden

NAYS—37

Alexander	Crapo	McConnell
Barrasso	DeMint	Murkowski
Bennett	Ensign	Nelson (NE)
Bond	Enzi	Risch
Brown (MA)	Grassley	Roberts
Brownback	Hatch	Sessions
Bunning	Hutchison	Shelby
Burr	Inhofe	Thune
Chambliss	Isakson	Vitter
Coburn	Johanns	Voinovich
Cochran	Kyl	Wicker
Corker	LeMieux	
Cornyn	McCain	

The nomination was confirmed.

The PRESIDING OFFICER. A motion to reconsider this vote is considered made and laid on the table. The President shall be notified of the Senate's action.

Mr. LEAHY. Mr. President, the Senate has concluded our consideration of the nomination of Elena Kagan and confirmed her as an Associate Justice on the U.S. Supreme Court. For the second time in 2 years, we have considered a nomination for a lifetime appointment to the Supreme Court, one of our most consequential responsibilities. I am proud that process we followed in considering this nomination in the Judiciary Committee and in the Senate has garnered praise from many Senators for its fairness and thoroughness.

We could not have given this nomination the attention it deserved without the help of dedicated staff. For months, the staff of the Judiciary Committee has worked long hours dutifully to obtain and review extensive amounts of documents and information and help Senators in our review. I wish to thank the following members of the majority staff in particular, Jeremy Paris, Erica Chabot, Kristine Lucius, Shanna Singh Hughey, Maggie Whitney, Hasan Ali, John Amaya, Sarah Hackett, Sarah Hasazi, Michael Gerhardt, Elise Burditt, Noah Bookbinder, Anya McMurray, Liz Aloï, Tara Magner, Kelsey Kobelt, Juan Valdivieso, Matt Virkstis, Curtis LeGeyt, Roslyne Turner, Erin O'Neill, Julia Gagne, Brian Hockin, Joseph Thomas, Elizabeth Saxe, Katharine McFarland, Miles Clark, Christine Paquin, David Zayas, Lydia Griggsby, Adrienne Wojciechowski, Dan Taylor, Patrick Sheahan, Matt Smith, Scott Wilson, Kiera Flynn, Rachel Pelham, Bree Bang-Jensen, Chuck Papirmeister, and Bruce Cohen. I also thank my staff for their hard work on this nomination, in particular, Edward Pagano, David Carle, Laura Trainor, and Kevin McDonald. I would also like to thank Stacy Rich from Senator MURRAY's staff who helped manage the floor.

I commend and thank the hard-working staffs of the other Democratic members of the Judiciary Committee for their tremendous contributions to this effort.

I also commend and thank Senator SESSIONS, the committee's ranking Republican, and his staff, in particular, Brian Benczkowski, Danielle Cutrona, Ted Lehman, and Lauren Pastarnack, for their hard work and professionalism.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The PRESIDING OFFICER. The Senator from Michigan.

UNANIMOUS CONSENT REQUEST— S. 3454

Mr. LEVIN. Mr. President, it is obvious we are not going to be able to get to the Defense authorization bill this week. However, it is important we get to it as soon as possible after we return. In order to facilitate that, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 414, S. 3454, national defense authorization.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I do so with some reluctance, I remind my colleagues that last year we took up the consideration of the Defense authorization bill without warning. The distinguished chairman of the committee introduced a hate crimes bill which had no business on the Defense authorization bill, filled up the tree, and then, of course, we spent a great amount of time on hate crimes.

I have only been a member of this committee since 1987. I have never seen what the chairman of the committee did last year by bringing forth a totally irrelevant and very controversial issue and putting it on the Defense authorization bill. We spent weeks on that when we should have been spending time on defending this Nation. It was a betrayal of the men and women who are serving this country.

I am not going to allow us to move forward, and I will be discussing with my leaders and the 41 Members of this side of the aisle as to whether we are going to move forward with a bill that contains the don't ask, don't tell policy repeal before—before—a meaningful survey of the impact on battle effectiveness and morale of the men and women who are serving this Nation in uniform.

It is, again, the chairman of the committee and the majority leader and the other side moving forward with a social agenda on legislation that was intended to ensure this Nation's security.

Along with it, abortion now is going to be performed in military hospitals for the first time in a long time. There is going to be a transparency. The distinguished chairman and his staff, without informing me or anybody else, put in \$1 billion worth of porkbarrel projects instead of the \$1 billion the administration asked for us to aid Iraq as we are finally leaving.

It is a terrible piece of legislation, ramrodded through. My greatest concern, of course, is about repeal of don't ask, don't tell without any survey being done to find out the battle effectiveness and morale, which we were assured would take place before the repeal of don't ask, don't tell. It is purely a political promise on the part of the President of the United States and the Members on the other side of the aisle,

and it is disgraceful to have it on this legislation without a survey being done about our battle effectiveness and the morale of the men and women in the military from whom I am hearing all the time.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Michigan.

Mr. LEVIN. Mr. President, each of the items which the Senator from Arizona mentioned were voted on in committee. These are decisions that were made by the committee, and if we can get this bill to the floor, the decision will not be left up to the Armed Services Committee; it will be left up to the Senate. If anyone wishes to strike a provision that is in this bill—and the provisions which the Senator from Arizona talked about are all relevant provisions. It was a Senate Armed Services Committee bill which put into place don't ask, don't tell. The provision we have in there now which changes that policy makes it conditional upon that survey being completed and a certification from the military leaders that there is no negative impact on morale. So we have taken into consideration that survey.

The main point is that the place to debate these policies is on the floor of the Senate. The Senate will determine, if we can get this bill to the floor, whether we make that conditional change in the don't ask, don't tell policy or whether we do a number of other things, some of which I objected to in committee.

Some of the amendments of the Senator from Arizona that were adopted in committee I objected to and voted against. I am not going to deny the Senate the opportunity to take up a bill which is essential for the men and women in the military because I disagree with some provisions in that bill. I will then move to strike those provisions if I disagree that much, if we can get the bill to the floor. That is what the Senate debate is supposed to be about.

I am sorry there is an objection to this bill coming up. Obviously, we are going to try to get this bill up in September so we can debate the issues which the Senator from Arizona points to. They are legitimate issues for debate. We should debate them, but the only way we can debate them is if we get the bill to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will respond again. Last year, the Senator from Michigan did not allow exactly what he is espousing now. He brought up hate crimes and filled the tree so that even if the Senator from Arizona wanted to have an amendment on it, I could not do it. The hate crimes bill had nothing to do with national defense. It had everything to do with the

social agenda of the chairman of the committee.

What we have done is, we have eroded the confidence of Members on this side of the aisle as to what the agenda is going to be.

Perhaps the Senator from Michigan can tell me what hate crimes had to do with the defense of this Nation. It had everything to do with his social agenda. I object.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I will be happy to tell the Senator from Arizona what hate crimes has to do with the defense of this country. Men and women who defend this country defend this country for a lot of reasons. One of them is we try to act against hate in this country. That is one of the values we stand for; that we try to defeat hate. That was debated last year. It was voted on last year. The vote maybe did not come out the way the Senator from Arizona wanted.

If we want to debate last year, that is OK. Let's bring the bill to the floor so we can debate it. But the objection now makes it much more difficult to bring a bill to the floor so we can debate the very issues the Senator from Arizona wants to debate.

We should debate the don't ask, don't tell decision we made in the committee. It was debated there; it should be debated on the Senate floor. By the way, it is a conditional change in the don't ask, don't tell policy. The policy was put in place by the Pentagon and by the Armed Services Committee and by the Senate. It is perfectly appropriate that it be considered as part of this bill because it was our committee which put that policy in effect to begin with.

The debate is appropriate. But how do we have that debate unless we can get it to the floor of the Senate? How can we debate the amendments of the Senator from Arizona? There were two or three that he offered in committee that I objected to. How do we get to those debates unless we can get the bill to the floor?

I cannot get a guarantee from everybody that I will prevail in my effort to strike the amendments of the Senator from Arizona. I cannot get that guarantee in advance, nor should the Senator from Arizona seek a guarantee in advance as to what will be in the final bill or will not be in the final bill.

Mr. MCCAIN. Mr. President, I can guarantee that we would not fill up the tree the way the Senator from Michigan did last year and would probably do again this year in violation of what I believe is what the Senate should be all about—amending on different legislative proposals that are before the

Senate instead of filling up the tree and not allowing amending of the bill, despite what the chairman says had something to do with national defense.

Hate crimes? Really? Then that means that everything in the social agenda of the Senator from Michigan has to do with the men and women who are serving in the military. I object.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, it was the Senate which made a decision last year on hate crimes. It was not the Senator from Michigan, although I very much favored what the Senate of the United States did. But it was the Senate of the United States which acted in a way which the Senator from Arizona does not agree to—I don't know how many amendments we adopted last year, but it was a large number of amendments which were adopted. A large number of amendments were defeated. I don't know if that tree was filled up, as the Senator puts it, last year or not, or when it was filled up. But we had a huge number of amendments that were considered on this bill.

It is the intention, I hope and believe, of the leader, and it is surely my intention this year, that we have an amendment process which is traditional for the Defense authorization bill; that it be a very open process for amendments on this bill. That is my intention. It is the intention of the majority leader as well. I want to assure my friend from Arizona that will be the case again this year.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Arizona.

Mr. MCCAIN. Madam President, I won't repeat myself over and over. The fact is, last year, the Senator from Michigan brought up hate crimes, filled up the tree, and we spent almost all of the first 2 weeks debating hate crimes, which had nothing to do with the purpose and mission of the Senate Armed Services Committee. It is the first time I have ever seen such a thing happen. I am not going to let it happen again if I have anything to say about it.

As I have said to the Senator from Michigan, I will talk to our leadership and our caucus and all the Members over on this side of the aisle, and when we get back a decision will be made as to whether we will object to the motion to proceed. In the meantime, I object.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Is the Senator from Arizona suggesting we did not have a vote on hate crimes last year?

Mr. MCCAIN. The Senator from Arizona is saying that the Senator from

Michigan filled up the tree; did he not? Was the tree filled up? You are the chairman of the committee.

Mr. LEVIN. It is not my recollection, but that is not my question. My question is whether we had a vote on hate crimes.

Mr. MCCAIN. My response is did you prevent the tree from being filled?

Mr. LEVIN. We did not prevent a vote on hate crimes last year. That is my answer.

The PRESIDING OFFICER. The Senator from Arkansas.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

Mrs. LINCOLN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 363, S. 3307, the Healthy, Hunger-Free Kids Act of 2010.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3307) to reauthorize child nutrition programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. LINCOLN. Madam President, there is a Lincoln-Chambliss substitute amendment at the desk, and I ask that the amendment be considered and agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD, without intervening action or debate, and that the pay-go statement from Senator CONRAD be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4589) was agreed to.

(The amendment is printed in today's RECORD under "Text of amendments.")

The bill (S. 3307), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. CONRAD. Mr. President, this is the Statement of Budgetary Effects of PAYGO Legislation for S. 3307, as amended.

Total Budgetary Effects of S. 3307 for the 5-year Statutory PAYGO Scorecard: net increase in the deficit of \$814 million.

Total Budgetary Effects of S. 3307 for the 10-year Statutory PAYGO Scorecard: net increase in the deficit of \$2.189 billion.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act.

The table is as follows:

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO S. 3307, REAUTHORIZING CHILD NUTRITION PROGRAMS (AS TRANSMITTED ON AUGUST 5, 2010—WE110567)

(Millions of dollars, by fiscal year)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (–) in the On-Budget Deficit Relative to Current Law (as of August 5, 2010)													
Net Budgetary Impact	0	–51	–50	279	–5,108	–4,127	–2,484	–1,004	–165	265	259	–9,056	–12,184
Less:													
Previously Designated as Emergency Requirements ¹	0	0	0	0	–5,446	–4,424	–2,775	–1,290	–438	0	0	–9,870	–14,373
Statutory Pay-As-You-Go Impact	0	–51	–50	279	338	297	291	286	273	265	259	814	2,189
Net Increase or Decrease (–) in the On-Budget Deficit Relative to the Effects of H.R. 1586 as Amended by the Senate on August 5, 2010													
Net Budgetary Impact ²	0	–51	–50	279	–2,138	297	291	286	273	265	259	–1,662	–287
Less:													
Previously Designated as Emergency Requirements ¹	0	0	0	0	–2,476	0	0	0	0	0	0	–2,476	–2,476
Statutory Pay-As-You-Go Impact	0	–51	–50	279	338	297	291	286	273	265	259	814	2,189

Note: Components may not sum to totals because of rounding.

¹ Savings in Title IV that would result from a change to the Supplemental Nutrition Assistance Program that was previously designated as emergency.² If H.R. 1586 were to clear the Congress prior to this bill, the net deficit impact would change because some of the savings in Title IV of the child nutrition legislation that would result from a change to the Supplemental Nutrition Assistance Program are also included in H.R. 1586. Total savings would decline from \$14.4 billion to about \$2.5 billion over the 2010–2020 period. The net decrease in the deficit would be \$1.7 billion over the 2010–2015 period and \$287 million over the 2010–2020 period, if H.R. 1586 were to clear the Congress prior to this bill.

Source: Congressional Budget Office.

Mrs. LINCOLN. Madam President, for the past 2 weeks, I have come to the floor of the Senate to speak about the critical importance of passing child nutrition legislation before we adjourn for the August recess, and I want to say a very special thanks to all of my colleagues for their hard work on this initiative, their willingness to rise above partisan politics, regional differences, or anything else, to seize this opportunity. I am so pleased today to say we have seized this opportunity to make a historic investment in our children.

I started out my discussion here on the floor last week by saying all we would need to get this bill done was a mere 8 hours—a simple 8 hours to pass a bill that would improve the lives of millions of children across this country. With the assistance of my colleagues, we were able to accomplish this goal in much less time than that, and I want to thank my colleagues again for sending such a strong bipartisan message of support for child nutrition.

Before I go any further, I wish first to thank my good friend and the ranking member of our Agriculture Committee, Senator CHAMBLISS, for his tremendous assistance in crafting this legislation and bringing us to this vote today. He is a wonderful partner in the Senate Committee on Agriculture, Nutrition, and Forestry, and he has been a true partner in this effort. I greatly appreciate all his work on this bill. We could not have gotten to this point, nor could we have passed this, without him. So I am grateful to him. I also add my thanks to his staff—Martha Scott Poindexter and Kate Coler. And, of course, all my thanks go out to my staff on the Agriculture Committee—Robert Holifield, Brian Baenig, Dan Christenson, Hillary Caron, Courtney Rowe, and Julie Anna Potts. They are the absolute best.

I also need to thank the administration—the President and First Lady, as well as Secretary Vilsack—for their incredible leadership on childhood nutrition. Their hands-on involvement, particularly in the last few days, has en-

sured that we will be able to accomplish this goal. I know this is an issue they all care very deeply and passionately about, and that is reflected in the many shared priorities between the Congress and the administration that are included in this bill.

I must say the presence of the First Lady, her compassion, her diligence, her tenacity in wanting to see something happen on behalf of the children of this country that was productive, was progressive, and that moved us forward past the benchmarks we had been at since 1973 have been amazing, and I am certainly grateful to her for all she has done.

With the passage of this bill, I am pleased we are bringing some fresh bipartisan air into the Senate. It goes to show that when you are willing to roll up your sleeves, work across the aisle in a collective and bipartisan manner, you truly do see results. That is what the American people elected us to do. That is what they expect and that is what this bill represents.

Most importantly, this bill is about our children, and about doing what is right for them and for their families. It is about connecting more children with the child nutrition programs which their families depend upon to make ends meet. It is about making sure they get the nutritious meals they deserve so they can succeed in the classroom and learn better. It is about making sure our schools and classrooms, our childcare settings are all places that promote good health and wellness, because we know that children who are healthier learn better and they also grow up to be healthier adults, contributing more and more to our communities and our industries and businesses and families.

They say an ounce of prevention is worth a pound of cure, and that is certainly true with this bill, which makes huge leaps forward in the fight against childhood obesity and chronic disease. We know that better nutrition and more physical activity are at the heart of tackling the obesity epidemic in this country, and this bill promotes both. It provides the largest increase in the

child nutrition programs since their inception—nearly 10 times the amount we provided in the last authorization. It includes the first real increase in the reimbursement rate for the National School Lunch Program in almost 40 years. Madam President, 40 years. It is amazing to me—I believe I may have been 10 years old at the time—to see that finally, after 40 years, we are making the kind of investment in our reimbursement for school nutrition programs that we should. In exchange for that extra cash, children will receive healthier school meals. That is the deal, and it is a good deal. It is a good deal for us as a Congress and those who are stewards of the taxpayers' dollars, and it is good for our children too.

It also includes an historic agreement between schools, parents, public health and nutrition advocates, and the leaders in the food and beverage industry to establish national school nutrition standards throughout the school campus, not just in the lunchroom. This provision complements the commonsense steps we have already taken in my home State of Arkansas to ensure that our school environments are as healthy as possible for our children. With passage of this bill, we will be bringing some of that Arkansas wisdom to the rest of our country, and I am very proud of the hard work that has gone into our schools in Arkansas as well as our fight against childhood obesity. We are so incredibly proud of the steps we have taken and the successes we have already seen.

The bill also takes tremendous steps forward in the fight against childhood hunger in Arkansas and all across our country. It reduces the redtape that serves as a barrier to accessing child nutrition programs and will connect over 100,000 additional children per year with free school meals. In this day and age—and particularly in this economy—that is so critical for working families. It improves the way we feed hungry children during the out-of-school time. Because of this bill, an additional 29 million meals per year will be served through afterschool programs

so children don't have to go to bed hungry, they don't have to leave school hungry, they don't have to go home hungry.

I know there are many who wish to have seen us do more. I too would have liked to have gone further and made even bigger investments. But in this budget environment, with record deficits, we have been able to produce a bill that is fully paid for and will not add one dime to the deficit. It is the fiscally responsible and right thing to do by our children. At a time when families are scrimping and saving to make their own budgets work, we simply must pass this bill so their children can live longer, healthier, and more productive lives. And we will. We have.

Today, in this Chamber, we have taken a major step forward. We have made a strong commitment to our children and to improving the health of the next generation of Americans. With the passage of this bill we are ushering in a new era that will feed the minds and the bodies and the souls of millions of children across this country. I look forward to continuing to work with my colleagues to see this legislation signed into law as well as making sure we are implementing this as quickly as we can, as we know that schoolchildren will be starting back to school here in the next couple of weeks. We must work hard to see this legislation signed into law so we can make an investment in our children—our greatest blessings, our greatest resource—that will last them a lifetime.

Mr. CHAMBLISS. Mr. President, I am very pleased that the Senate has passed the Healthy, Hunger-Free Kids Act of 2010. I am supportive of the final product before us to reauthorize these important child nutrition programs.

The Senate Committee on Agriculture, Nutrition, and Forestry had three goals in mind as we drafted the Healthy, Hunger-Free Kids Act of 2010: expand access to existing programs to better reach children in need, improve the nutritional quality of meals, and simplify program rules to improve operations. I am extremely pleased that all three of these goals are met with this legislation.

The Healthy, Hunger-Free Kids Act of 2010 makes a significant investment of over \$3 billion to improve the nutritional quality of school meals. The performance-based increase to the reimbursement rate should entice more schools to meet higher standards faster than an across-the-board increase.

This legislation also gives USDA the authority to regulate all foods sold on school campuses, far beyond the existing authority to regulate only meals served through the National School Lunch Program. I have been impressed with industry efforts to work with schools to create consistent voluntary guidelines to reduce caloric intake of food and beverages sold on school cam-

puses. I urge the Secretary of Agriculture to look closely at the success of existing voluntary agreements and use them as a model for future regulations.

The Healthy, Hunger-Free Kids Act of 2010 also provides greater access to nutrition programs for low-income children across the country. By expanding afterschool meals, promoting direct certification, and expanding community eligibility for universal meal service, this legislation will ensure that more children who need nutrition assistance will be able to participate in the programs.

I would like to thank all the members of the Senate Agriculture Committee for their efforts and support of this legislation, as well as thank chairman LINCOLN for her leadership throughout the process.

Mr. WYDEN. Mr. President, today the Senate has passed legislation that will make a historic investment in our children by approving the first increase in real terms of the reimbursement rate for school lunches in 40 years.

Now 10,000 children a year will have new access to free school meals. Throughout the country, there are people working hard to make sure these kids have a least one healthy meal each day. In my State, one of the people who makes that happen is Betty Brain of the Blazers Boys and Girls Club in Portland. She is known as Chef Betty and every day she cooks meals for more than 200 underserved kids, dishing up healthy foods with fresh ingredients to keep them healthy and strong.

Chef Betty is not just a cook. She is an inspiration to the kids who come to the Boys and Girls Club every day. These kids are family to her, and she makes it her personal responsibility to make sure they get not only a good meal but also a kind word and a helping hand.

I can guarantee that there is a Chef Betty in every Boys and Girls Club in America—someone who understands how important it is to help a child in whatever way she can.

For all the Chef Bettys in America, we need to reauthorize these programs so they can keep those kids from being forced into eating not just any food but good food made by good people.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate just passed the Healthy, Hunger-Free Kids Act. This legislation makes historic investments in the health and nutrition of our Nation's children. In addition to increasing funding for a number of programs, without adding a penny to the deficit, it requires a long overdue update of the nutrition standards for the food in our schools. I commend the chairwoman of the Agriculture Committee, Senator LINCOLN, and its ranking member, Senator CHAMBLISS, and their staffs for their hard work on this important leg-

islation. I also thank our leadership for working to ensure this bill passed.

I am particularly glad the bill includes provisions based on legislation, the Student Breakfast and Education Improvement Act, Senator KOHL and I introduced last year to improve school breakfast programs. The Healthy, Hunger-Free Kids Act will help schools invest in their breakfast programs. Many of my colleagues know that school breakfast programs face hurdles that reduce participation. This bill will help schools start new breakfast programs, as well as expand or improve existing programs.

As I mentioned, this legislation also includes a provision to update school nutrition standards based on legislation introduced for the past several Congresses by Senator HARKIN that I have cosponsored. I am pleased that these standards will be updated and expanded to foods sold outside of the cafeteria.

I have long advocated programs and policies that ensure schools have access to fresh, local food. I worked with other Senators to ensure the 2008 farm bill removed barriers to local procurement and preference for our country's schools. Along those lines, I am glad that the Healthy, Hunger-Free Kids Act provides funding for farm-to-school programs which help connect farmers to schools and provide children with a new perspective on nutrition and food. Many Americans are now generations removed from the farm, and these programs can provide valuable knowledge of where food comes from and how it is grown. They can also provide farmers with a new marketing opportunity and allow them to collaborate directly with local schools.

The Healthy, Hunger-Free Kids Act also reauthorizes a number of important programs outside of schools, including the Special Supplemental Nutrition Program for Women, Infants, and Children, WIC, the Child and Adult Care Food Program, afterschool feeding programs and Summer Meals. These programs are all critical to ensuring that our children do not go hungry outside of the school environment as well.

I am also glad that the bill includes provisions to streamline our nutrition programs, such as direct certification, categorical eligibility, and community eligibility. It also includes funding for pilot programs to improve methods of providing healthy food to our children, which will allow local schools to try programs that work for them and will likely generate creative new ideas to national problems.

I commend Senators LINCOLN and CHAMBLISS for ensuring the full cost of this legislation is offset. Though I might have preferred different offsets, I am pleased that we are able to improve our child nutrition programs without passing the cost onto the very children these programs will help.

Mr. LEAHY. Mr. President, today the Senate has taken a lengthy stride toward improving the health of America's children and addressing two of the greatest threats to their wellbeing and security: hunger and obesity. By passing the bipartisan Healthy, Hunger-Free Kids Act to reauthorize Federal child nutrition programs, we will be making a historic investment in our children's future and in the Nation's future. With others in this body, I have pressed for action on this bill before the Senate completed its business this week. I am pleased that the Senate and our leaders made this bill the priority that our children deserve it to be.

I have heard from countless Vermont parents, teachers, school administrators, food service workers, community leaders, farmers and others about the importance of making sure every child in America has access to nutritious meals at school. They all want what's best for our children, and they all know how crucial it is that we have passed this legislation today.

In March of this year, more than 4 months ago, the Senate Agriculture, Nutrition, and Forestry Committee unanimously approved this bipartisan bill, upon which our Chairman and Ranking Member have worked so hard. Today's action has come just in time, as the September 30 deadline to reauthorize these programs is quickly approaching. Without action today, I have been concerned that we would have been forced into another long-term extension of these vital programs, sidelining the tremendous improvements that the Agriculture Committee has been working on for months.

I am grateful for Chairman LINCOLN and Ranking Member CHAMBLISS for all that they have done to ensure that we could pass this bipartisan bill. Our First Lady also deserves credit for the impetus that has helped propel our efforts forward. She has vigorously and ably taken up the cause of solving the problem of childhood obesity within a generation, so that kids born today can reach adulthood at healthy weights. The groundbreaking legislation that the Senate has passed today will bring fundamental changes to our schools and will improve the food options available to our children.

When the first national school lunch program was created in 1946, children in this country were plagued with malnutrition from not having enough of the proper nutrients for health, growth and development. At the time it was considered a matter of national security to safeguard the health and well being of our nation's children. That was a far different era in the health of our Nation, but the importance of these programs and the children they help has not diminished. Unfortunately, the health statistics for children in this country today are troubling; in fact one in five children in this country is considered obese.

Thankfully this bill will help to put those children on the road to healthier, more productive and longer lives. The Healthy, Hunger-Free Kids Act establishes for the first time, ever, national school nutrition standards to ensure our children have healthier options available throughout the entire school day. With this legislation, parents across the country will know that the snacks and foods offered to their children at school, even the vending machine and a la carte lunch line options, are based on national standards established by USDA to ensure healthier diets.

I believe that our school cafeterias should be treated as an extension of the classroom and as an opportunity for students to learn about nutrition, well-balanced meals, and where their food comes from. I thank the Chairman for including funding for the Farm to School program, which is a proven, common-sense, community-driven approach to improve the health and wellbeing of children while supporting our local farmers and economy. My goal in authoring the Farm to School program was the powerful logic of this "two-fer" an opportunity to get money into the hands of American farmers for their locally grown products, while supporting local economies and teaching kids about nutritious foods and where they come from. Vermont is leading the country in this effort, and I hope other States will be able to learn from our experiences as they incorporate more local and healthy foods into their cafeterias.

It is a sad reality that hunger is a regular part of life for far too many children in America today, and for many children, the meals they get at school are sometimes the only things they will eat all day. In Vermont one in ten people live in food insecurity, and many of these are our most vulnerable, our children. In addition to increasing reimbursement rates and streamlining the nutrition programs to make them easier for families to utilize, this legislation also improves summer and afterschool meal programs.

I again thank the chairman and ranking member of the Senate Agriculture Committee for doing a remarkable job with this legislation. Their hard work and dedication, and that of their staff, have resulted in bill that makes a historic investment in the future of this country.

Mr. BENNET. Madam President, I am thrilled that today the Senate has passed what must be a top Senate priority every day: the health and well being of our children.

The Healthy, Hunger-Free Kids Act reauthorizes child nutrition programs before they expire on September 30. This bipartisan, completely paid-for legislation will make the most historic investment in child nutrition programs

since their inception. And I am proud to support this bill.

At a time when childhood obesity rates are skyrocketing and child poverty is increasing, this bill couldn't be more important. For kids to be successful in the classroom they must be well nourished—kids who eat right, learn better.

More than 390,000 Colorado kids and millions more nationwide—rely on school meals, and this bill will make sure that those meals—and other foods kids have access to while at school—are nutritious and healthy. And that is just one example of the important investments this bill makes.

Coloradans know the value of healthy living—perhaps that is one reason why my State is the fittest State in the Union—but we too are struggling with rapidly increasing obesity rates, particularly among children.

Colorado is tackling the concurrent problems of child hunger and childhood obesity head-on with a State-led effort of ending childhood hunger by 2015 and a roadmap to do it. Simultaneously Colorado has school districts and communities that are leading the Nation in piloting innovative models that put healthy eating and active living at the top of their priority list.

I am thrilled that the bill we passed today builds on and supports the work that my State is already doing, while challenging Colorado and other States to go even further, to eliminate childhood hunger, to tackle childhood obesity, to emphasize wellness, and to build a healthy foundation for all kids.

Chairman LINCOLN, Ranking Member CHAMBLISS, thank you for your leadership and diligent work on this historic bill. Passage of the Healthy, Hunger-Free Kids Act is an example of the Senate doing exactly what it should—delivering for our kids.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREE TRADE AGREEMENTS

Mr. LEMIEUX. Madam President, I rise to speak this afternoon on the floor of the Senate about an issue that is very critically important to the people of this country, and that is our relationship with Latin America.

This weekend, the new President of Colombia will be sworn in—Juan Manuel Santos—and he follows a great leader in Colombia, President Uribe, who, in my mind, is the Abraham Lincoln of that country. He kept that country unified at a very difficult time, while it was wracked with what was then a civil war. Eight years ago, President Uribe brought the country

back together. He was able to fight the FARC, keep the country from falling into a narcoterrorist state, and has brought stability to Colombia. They are perhaps our best friend in Latin America.

Colombia is a vibrant, beautiful country, full of good people, with a democracy that now works. This last election is a tribute to President Uribe. On behalf of my State of Florida and the Senate, I rise to congratulate President Uribe and the great work he did on behalf of Colombia, as well as to welcome in President Santos.

Our relationship with Colombia is very important. They are a key trading partner to the United States and a key trading partner to my home State of Florida. When you are walking around and perhaps seeing some fresh flowers—there are some here in this Congress—but wherever you are in this country, there is a very good chance those flowers came from Colombia. Seventy percent of the flowers we have in this country that are purchased by local florists come from Colombia, and they come through Miami on their way to your local florists.

We have a great trading relationship. That is why, in 2006, we entered into a free trade agreement with Colombia. Unfortunately, we have not ratified that agreement. Along with the free trade agreements for Panama and South Korea, they have languished without approval. The President spoke about this in his State of the Union Address—the importance of passing these free trade agreements—yet we still don't have those agreements before us here in the Congress. For one reason or another, they have yet to be ratified.

There is a lot of talk in this Chamber about the creation of jobs, and that that should be our focus. Well, passing these free trade agreements would get Americans back to work. Right now those countries basically have free trade with us but we don't have free trade with them. Ninety percent of all Colombian products sold in the United States enter our country duty free. Yet American goods face tariffs of up to 35 percent when entering Colombia.

According to the Latin America Trade Coalition, in 2008, more than 6,000 small- and medium-sized American businesses exported to Colombia. If we were to pass the Colombia Free Trade Agreement, more than 80 percent of U.S. consumer and manufacturing products and most U.S. farm goods would immediately enter Colombia duty free.

Implementing this treaty could increase our gross domestic product by \$2.5 billion. I say to my friends in the majority, if they want to create jobs in this country—and that certainly should be what we are focused most on in this most troubling economy—let's pass these free-trade agreements. Let's

do it when we get back from the break; let's do it in September. We should have already done it.

When I met with President Uribe in January of this year and talked to him about a variety of issues, he looked at me painfully and said: Why is our friend, the United States of America, not ratifying this agreement?

Our greatest friend in the region, a bright spot of democracy, a President who has fought the narcoterrorists, stabilized this country as a bulwark against Venezuela and all the threats that posed to our region, and we can't ratify this agreement? It is a shame. It is something we need to do. We need to do it as well as ratify the agreement with Panama, as well as the one with South Korea.

REMEMBERING REAR ADMIRAL LEROY COLLINS, JR.

Mr. LEMIEUX. Madam President, I rise today to give special recognition to the life and work of a great Floridian who was tragically killed in Florida unexpectedly just a few weeks ago. RADM LeRoy Collins, Jr., is the son of our former Governor, Governor LeRoy Collins. He was an admiral in the Navy. He was the head of the Veterans Affairs Division in the State of Florida where I had the opportunity to personally work with him when I served the Governor. A native of Tallahassee, FL, he received his commission from the Naval Academy in June 1956 and began a long career in the Navy.

His first tour was aboard the amphibious transport USS *Calvert*, followed by the Submarine Officer's Basic Course in Groton, CT, and he later served abroad the U.S. submarine *Chivo*.

Through hard work, dedication and sacrifice, LeRoy earned the rank of rear admiral.

Admiral Collins served as an analyst for naval intelligence in Washington, DC, and as a ballistic missile weapons officer aboard the nuclear-powered ballistic missile submarine USS *James Madison*. After a brief tour working missile test operations at the Naval Ordnance Training Unit, in Cape Canaveral, he transferred to the Navy Reserve in 1966.

While a naval reservist, Admiral Collins served as commanding officer of the coastal minesweeper USS *Thrush* and later as commander of various Navy Reserve submarine units. During his time, he was the Navy's liaison to the Florida National Guard and also commanding officer of the Navy liaison unit at U.S. Readiness Command, headquartered at MacDill Air Force Base, FL.

The admiral served as Commander, Naval Reserve Readiness Command, Region 8 and later as Deputy Chief of Naval Operations (Reserve) for Logistics, Pentagon, until his retirement from the Navy Reserve as a two-star rear admiral in October, 1990.

Admiral Collins also had a career in business. He spent time with the Florida Power & Light Company and IBM. He was the founding president of Financial Transaction Systems, Inc., and president of Telecredit Service Center, Inc. In addition, he served as president of Dynamic Realty of Tampa, Inc., was chairman of Gateway Holdings, Inc., and served as president of the Armed Forces Financial Network.

He was a great Floridian. The Collins family is perhaps Florida's first family. Governor Collins is perhaps our greatest Governor. Admiral Collins upheld the tradition of his family that traces its roots all the way back to the founding of Florida. The property upon which our Governor's Mansion sits was given by the Collins family. Their home, The Grove, sits right next door.

Admiral Collins was in many ways everything you would expect of a great Floridian. He was genteel, he was kind, he was smart. Public service mattered to him.

On behalf of the people of Florida, on behalf of the Senate, I extend our condolences to his wife Jane and their family on the passing of a truly great Floridian. He and they are in our thoughts and prayers.

I yield the floor.

THE PRESIDING OFFICER. The Senator from North Carolina.

PIGFORD SETTLEMENT

Mrs. HAGAN. Madam President, I rise to associate myself with the remarks of the chair of the Agriculture Committee, Senator LINCOLN, as well as Senators GRASSLEY and LANDRIEU, concerning the importance of providing funding to pay the still pending claims of the Black farmers who were discriminated against by the U.S. Department of Agriculture. This case has North Carolina roots. Timothy Pigford, a Black farmer, was the focal point for this class action lawsuit. He grew up in Columbus County and had a farm in Bladen County, NC. He was first denied a Federal loan to buy a farm in 1976.

Mr. Pigford and others filed a lawsuit in the U.S. District Court for the District of Columbia against the U.S. Department of Agriculture, *Pigford v. Glickman*, alleging that the USDA maintained a pattern and practice of discrimination against Black farmers.

In 1999, the government settled the *Pigford v. Glickman* case, finding that thousands of African-American farmers were in fact discriminated against when applying for benefits that would help their farms.

Under the terms of the settlement, eligible farmers initially were required to submit completed claims packages by October 12, 1999. This deadline was subsequently extended by the court to September 15, 2000. Approximately 61,000 petitions were filed after the original October 1999 deadline but before the September 2000 late filing

deadline. Of these 61,000 petitions, only around 2,500 were permitted to proceed to a determination on the merits. Over 25,000 additional petitions were filed after the September 2000 late filing deadline and before the May 2008 enactment of the 2008 farm bill.

It is quite clear that inadequate notice was provided to those who had viable claims of discrimination against the USDA. Because of this inadequate notice, many farmers were denied participation in the Pigford claims resolution process as late filers.

The 2008 farm bill provided \$100 million to pay the outstanding claims of the so-called late filers. However, the amount of money that was set aside in the farm bill for the settlement is totally inadequate to satisfy the damages that more than 4,000 African-American farmers in North Carolina, and a total of 75,000 nationwide, could be eligible to receive.

Last February, Agricultural Secretary Tom Vilsack reached a settlement agreement with the farmers who filed claims after the deadline set by the court who were originally denied a determination of their Pigford claims. This settlement agreement provides, once and for all, sufficient awards for farmers who were the victims of discrimination at the hands of their own government, the U.S. Department of Agriculture.

The Federal Government has failed to live up to its obligations to our Black farmers, including more than 4,000 in my State of North Carolina.

Today the Senate has the opportunity to live up to its obligations and right this wrong. I believe it is imperative that we address this inequity for Black farmers across the country, including those in North Carolina, and I hope we are able to reach an agreement to resolve this issue today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Madam President, even though he has left the floor, I would like to thank the distinguished Senator from Wyoming for permitting me to proceed. I want to comment on what the distinguished Senator from North Carolina spoke on because that is my topic as well. We hope to be able to bring up this issue on the Senate floor and get some justice for the Black farmers.

I come to the floor today to speak about justice and the Department of Agriculture. Let me go back a few years.

Though civil rights legislation in the 1960s was supposed to have outlawed racial discrimination, at least on the Federal level, a 1982 report issued by

the Civil Rights Commission stated that the USDA was "a catalyst in the decline of the black farmer."

That year, African-American farmers received only 1 percent of all farm ownership loans, only 2.5 percent of all farm-operating loans, and only 1 percent of all soil and water conservation loans. That year, too, the Reagan administration closed the USDA's Civil Rights Office—the very arm that investigated discrimination complaints.

Adding insult to injury, when African-American and other minority farmers filed complaints, the USDA did little to address them. In 1983, President Reagan pushed through budget cuts that eliminated the USDA Office of Civil Rights—and officials admitted they "simply threw discrimination complaints in the trash without ever responding to or investigating them" until 1996, when President Clinton ordered the office re-opened.

Even when there were legal findings of discrimination at USDA, they often went unpaid—and those that did get paid, the money often came too late, since the farm had already been foreclosed.

In 1984 and 1985, the USDA lent \$1.3 billion to farmers nationwide to buy land. Of the almost 16,000 farmers who received those funds, only 209 were Black. By 1992, in North Carolina, the number of Black farms had fallen to 2,498, a 64 percent drop since 1978.

In Illinois, there are many similar stories. As a child growing up on the family farm in west central Illinois, Lloyd Johnson remembers cropland extending for miles around, all of it owned by African-Americans like himself. "For a stretch of four miles, it was black-owned land," the 66-year-old farmer recalls. "Now there's mighty few."

Today, Johnson's farm in Alton, IL, is one of just 59 run by African Americans across the State, down from 123 in 1997, according to revised figures from a 2002 census. As farming has become a big business, it has become one of the least diverse businesses around.

It was not always. In 1920, Illinois had 892 Black farmers, and African Americans owned 14 percent of the Nation's farmland. Now they hold less than 1 percent. The same pressure to consolidate that has reduced the ranks of farmers for the past century is making any turnaround unlikely, demographers say. The number of Black farmers in Illinois, currently less than one in 1,000, appears destined to eventually hit zero. Probably there will be none very shortly.

In 1990, The Minority Farmers Rights Act, created to address the injustices noted at USDA, and passed in this body by former Senator Wyche Fowler of Georgia, who sat on the Agriculture Committee, authorized \$10 million a year in technical assistance to minority farmers.

The new program was only able to garner \$2 to \$3 million a year under President Reagan, and was in danger of being de-funded altogether. As working capital and technical assistance was systematically denied to Black farmers across America, most rural African-American farmers did not have access to essential legal assistance and fell prey to land speculators and unscrupulous lawyers.

In 1994, the Land Loss Prevention Project filed a Freedom of Information Act lawsuit on behalf of Black farmers, turning key information over to Congress to investigate discriminatory practices by the USDA. Again, USDA released a report analyzing data from 1990 to 1995, and found that "minorities received less than their fair share of USDA money for crop payments, disaster payments, and loans."

In 1997, a USDA Civil Rights Team found the agency's system for handling civil rights complaints was still in shambles: the agency disorganized, the process for handling complaints about program benefits "a failure," and the process for handling employment discrimination claims was "untimely and unresponsive."

A follow-up report by the GAO in 1999 found that 44 percent of program discrimination cases, and 64 percent of employment discrimination cases, had been backlogged for over a year.

It was against this backdrop in 1997, that a group of Black farmers led by Tim Pigford of North Carolina filed a class action lawsuit against the USDA. In all, 22,000 farmers were granted access to the lawsuit, and in 1999, the government admitted wrongdoing and agreed to a \$2.3 billion settlement—the largest civil rights settlement in history.

However, African-American farmers had misgivings with the process of the Pigford settlement. Many farmers who joined the lawsuit were also denied payment. By one estimate, 9 out of 10 farmers who sought restitution under Pigford were denied. The Bush Department of Justice spent 56,000 office hours and 12 million contesting farmers' claims; and many farmers feel their cases were dismissed on technicalities.

I would like to remember what Congresswoman Eva Clayton, an African-American Democrat from North Carolina, said at a March 1999 Black farmers rally at the Federal Courthouse in Washington, DC: "There is reason to despair . . . There are several reasons why the number of black farmers is declining so rapidly. But the one that has been documented time and time again, is the discriminatory environment present in the Department of Agriculture . . . the very agency established to accommodate the special needs of farmers . . . Once land is lost, it is very difficult to recover . . . We stand here today in despair over this

history. Yet, we also stand here today in hope that justice will prevail, and that the record will be set right for those farmers who have been wronged”

Shortly after coming into office, President Obama's Secretary of Agriculture, Tom Vilsack, signaled a change in direction at USDA. The Secretary has declared “A New Civil Rights Era at USDA,” and stepped-up handling of civil rights claims in the agency.

This year, Secretary Vilsack responded to concerns over handling of the original Pigford case, agreeing to a historic second payment in April, known as Pigford II, that would expand the settlement to farmers who were excluded from the first case.

We are here today to help put an end to this long-standing injustice. Pigford II is before us and will help make right this history of discrimination by one of our own government agencies.

I want to thank Leader REID for his unceasing efforts in bringing the Pigford II and Cobell settlements before us, and I thank others who came before me and those of us here today, on both sides of the aisle, who have advanced the force of justice on this issue.

I urge my colleagues to consider carefully this important question today.

The PRESIDING OFFICER. The Senator from Wyoming.

SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor today, as I have week after week since the health care bill was signed into law, with a doctor's second opinion of the health care law. I do this as someone who has practiced medicine, taking care of the families in Wyoming as an orthopedic surgeon for 25 years; as someone who has been the medical director of the Wyoming Health Fairs, to give people low-cost blood screenings so they can have early detection of medical problems to help them find problems early. And early treatment following early detection is something that always works to keep down the cost of their medical care.

I wish to talk about the fact that we have seen again this week a new development, and the development this week is that the American people have spoken. They have done it in the Show Me State of Missouri. The Show Me State has shown Washington that they have rejected the President's takeover of the health care system in this country.

Like so many Americans, voters in Missouri are sick and tired of Washington forcing things upon them, telling them what they need to do, and now telling them what they need to buy—specifically in terms of the Federal mandate that people have health

insurance, that they must go out and buy that or face penalties, taxes, fines related to the fact that they make a choice to not buy health insurance.

I think the voters are also tired of being ignored by Washington. That is why 71 percent of the voters in Missouri on Tuesday—71 percent, over 7 out of 10—who went to the polls rejected the demand by Washington that they be forced to buy a product, to buy health insurance. It is part of the law. It is a mandate. They have to have health insurance, have to buy it.

So how did the White House respond to this rejection of what has now been forced down the throats of the American voters? Well, Robert Gibbs, the White House Press Secretary, was questioned on this during the White House press conference, and he was asked what it means that voters in Missouri would vote against this Federal mandate, and Gibbs said “nothing.” It means nothing. Well, to the voters of Missouri whom I have talked to, this is an insult. It does mean something. They expressed their opinion, and the White House said: Your opinion means nothing to us.

So instead of trying to address the concerns and fix the new law, right now the White House seems to be more focused on a slick public relations program. They have a whole campaign going.

It is interesting because the people of Missouri are not the only ones who are opposed to this law. Later this year, voters in a couple of other States will be voting as well on the impact and the mandate.

A new Rasmussen poll out just this past week says that 57 percent of Americans—I am talking about likely voters; that is how they polled this, likely voters—said this recently passed health care law, in their opinion, is bad for our country. So 57 percent of Americans feel the law that was forced down the throats of the American people, with the American people screaming: Do not pass this law—even today, 57 percent of Americans, as they learn more and more about what is in the law, believe it is bad for the country. That is actually the highest level of pessimism about this law since the law was passed in March.

Support for the law continues to erode. So what happens? Well, the White House comes out with a public relations campaign, and once again they are setting their sights on America's seniors. They did it with a very expensive glossy mailer that went out to the seniors on Medicare. It looked to me like a propaganda piece—very misleading. Once again, they are focused on the seniors. Why? Well, because the seniors are those who are most opposed to the new health care law, the one that takes \$500 billion away from Medicare, not to save Medicare, the health care program for our seniors, but to

start a whole new government program for someone else.

So this week, what happened? At the end of last week, the new director of Medicare and Medicaid, Dr. Berwick—and we have talked about him on the Senate floor. He is the one who had a recess appointment, the one who is in love with the British health care system, the new director who had the recess appointment who has never come to the Senate to share his answers with the American people. The American people have been denied the right to hear from him. He did not have time to share his views with the American people, but he did have time to introduce a slick new ad campaign to try to sell the new law to Medicare patients.

The health care law is out there now being promoted in a television ad for which the American taxpayer is going to have to pay the bill. The American taxpayers are going to pay the bill, and the ad stars Andy Griffith. During this ad—and we know Andy Griffith from Andy of Mayberry, the television show, and in later years, Matlock. He is used as the spokesman now to our seniors, telling seniors a number of things, making a number of promises. Let's go through them.

One is, he says seniors will have their “guaranteed benefits.” Well, only in Mayberry does a \$500 billion cut equal better care for American seniors. Even the administration's own actuaries and own specialists in Medicare took a look at this, and they don't even agree with the commercials. They say the cuts are unlikely to be sustainable over time. They say that one in six hospitals and doctors offices related to Medicare providers are going to become unprofitable within 10 years, and many may be forced to close. They say the new law is going to jeopardize patient access to medical care.

Well, then Mr. Griffith says: “Well, more good things are coming.” Well, what kinds of things for our seniors on Medicare? When you take a look at how the cuts are out there—there are cuts for home health, which is a lifeline for seniors who try to stay out of a nursing home. There are cuts to nursing homes for Medicare. There are cuts in physical therapy. There are cuts to hospice, where many people spend the last days of their lives. There are cuts across the board. I do not know how that can be related to “more good things are coming.”

The President's Medicare experts tell us that benefits aren't going to remain the same because things would happen with Medicare Advantage. One out of four people on Medicare is signed up for Medicare Advantage, and the reason they do it is because there are advantages of being on Medicare Advantage in terms of preventive care, in terms of coordinated care. There are good reasons people sign up for that. Yet there are going to be cuts there.

In the commercial, they also say the law will lower prescription costs, but the Congressional Budget Office estimates that is not true, that the cost of prescriptions will continue to go up.

There are people who look at ads, political ads, different kinds of ads. There is an organization called factcheck.org, and what they did is they said this commercial uses—their words are “weasel words,” they say, to avoid telling the truth. Well, that is the fundamental problem. As much as most Americans love to hear from Andy Griffith, we would prefer to hear the truth from President Obama. Instead of spending hundreds and hundreds of thousands of dollars of taxpayer money—taxpayer money—on a misleading ad, the President should put this money toward the \$500 billion that has been cut from our seniors on Medicare.

The White House continues to believe the American people do not understand what is in the health care law, and they say that is the reason it is unpopular. They say that if more people understood the law, well, then it would be more popular. But week after week, something else comes out, another broken promise that makes people realize this is not good for them. It is not good for them as patients; it is not good for the providers, the nurses and doctors who take care of the patients; and it is not good for the payers, the people who are paying for their health care, the taxpayers of America. Across the board, people realize, as they learn more and more about what is in this law, that it is not good for them.

When I go to senior centers and visit with seniors, I say: How many of you believe it is going cost you more for our health care? Every hand goes up.

Then I say: How many of you believe the quality of your care is going to go down? Every hand goes up.

You see the same thing if you go to a Kiwanis Club or a Lions Club or a Rotary Club, civic organizations, wherever you visit. Do you think the cost of your care is going to go up? Every hand goes up. Do you think the quality of your care is going to go down? The hands go up again. That is not what the American people want—paying more and getting less.

Well, I think the American people are really getting a good understanding of what is in this bill, and the people of Missouri have clearly reflected that Tuesday in the voting booth.

Earlier this week, I joined Senator COBURN, the other physician in the Senate—there are only two physicians who serve in this body—and other Members of the Senate in sending a letter to Secretary Sebelius, the Secretary of Health and Human Services. What we requested is that the Department stop running this ad, reimburse the U.S. Treasury for any taxpayer money spent on the ad, and explain

which one of the accounts in Health and Human Services paid for this advertisement.

Take a look at this. We as a nation are \$13 trillion in debt, and the White House’s ongoing propaganda campaign should not be funded by American taxpayers. And that is why, week after week, every week since this bill became law, I have come to the floor to give my second opinion about the health care law and to say that it should be repealed and replaced—replaced with something that is patient centered, not government centered, not insurance company centered, but patient centered. Allow people to buy insurance across State lines. That will help bring down the cost and will help more people to be insured. Give people who buy their own health insurance the opportunity to have the same tax breaks the big companies get. Give people who buy their own health insurance, and others, opportunities through nutrition and diet and exercise and taking responsibility for their own health care. Let them reap the benefits of that. Then, of course, we need to deal with lawsuit abuse and the expense of all of the unnecessary tests, the defensive medicine doctors all across the country will tell you they end up practicing.

Those are the things we need to do—and opportunities for small businesses to join together to bring down the cost of their care. With the individual mandate that is out there and the business mandate, we are seeing more businesses saying: You know, I am not going to want to provide health insurance under this new law. I will just pay the penalty and go on. That is going to make it harder for people.

Here we are with a huge national debt, high unemployment, and a health care law that, in my opinion, would best serve the country if it was repealed and replaced. That is why I come to the floor again today, the last day the Senate is in session, as Senators are heading out around the country to visit with those in their communities. I am hoping the American people continue to speak out and tell their elected representatives it is time to repeal and replace this health care law.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY BORDER SECURITY SUPPLEMENTAL APPROPRIATIONS ACT, 2010

Mr. SCHUMER. Madam President, I am going to ask unanimous consent for

a proposal on the border. First, I will speak for a minute and then ask consent. I know my colleague from Arizona will then speak and offer some amendments to it.

Today, I join my cosponsors—Senators REID, INOUE, MURRAY, FEINSTEIN, BINGAMAN, McCASKILL, CASEY, UDALL of Colorado, BEGICH, and BURRIS—to try to make our borders as secure as possible. We are asking unanimous consent to pass a smart and tough \$600 million emergency border security appropriations package that will provide immediate relief to the border.

Here is what our border security package will do: It will provide over \$250 million to hire 1,500 new agents to permanently patrol our southern border and ports of entry.

It will also create a strike force that will be deployed in different areas of the southwest border, depending on where the need is greatest at any particular moment.

It will provide funds to deploy unmanned drones to fly along our southern border and provide our patrol officers on the ground with real time information on unlawful border crossings. I believe there are seven working now. They have been very successful, and they should be expanded quickly and immediately.

It will provide funds to improve communications capabilities between Federal border enforcement and State and local officers along the border.

It will provide funds to construct forward operating bases for the Border Patrol to use that are actually located on the border instead of being hundreds of miles away.

It will provide funds for Immigration and Customs Enforcement to conduct investigations of drug runners, money launderers, and human traffickers along our border.

It will provide over \$200 million to increase the number of ATF, DEA, and FBI agents on our border because the focus on drug dealing and crime on our border is very important and has to be coordinated with immigration enforcement and bolster the number of prosecutors and court resources along our border so wrongdoers can be immediately brought to justice.

The best part of this border package is it is fully paid for and will not increase the deficit by a single penny. The emergency border funds will be paid for by assessing fees on foreign companies known as chop shops that outsource good, high-paying American technology jobs to lower wage, temporary immigrant workers from other countries. These are companies such as Infosys. But it will not affect the high-tech companies such as Intel or Microsoft that play by the rules and recruit workers in America.

This border package will, therefore, accomplish two important goals. It will

make our border far more secure extremely quickly, and it will level the playing field for American companies and American workers to compete against these foreign companies known in the industry as using “outsourcing visas.”

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5875, which is at the desk; that the Schumer substitute amendment, which is the text of S. 3721, a bill making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, be agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Madam President, reserving the right to object, I ask unanimous consent to engage in a short colloquy with my colleague from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, my understanding, I say to my colleague from New York, is this provides for 1,000 new Border Patrol agents; is that correct?

Mr. SCHUMER. Yes; 1,000 Border Patrol and 500 ICE and DEA.

Mr. MCCAIN. One-hundred ICE, \$39 million for Customs and Border Protection, 250 new Customs and Border Patrol agents you mentioned, communications equipment, money to deploy forward operating bases. I wish to go over it again with my colleague.

Mr. SCHUMER. So far, exactly right.

Mr. MCCAIN. A Federal law enforcement training center, additional funding for the Department of Justice.

Anyway, the reason I mention this is because I think these are significant. It comes to a total of about \$600 million; is that correct?

Mr. SCHUMER. Yes.

Mr. MCCAIN. I thank my colleague. I think this is significant legislation. I ask the Senator if he would amend his request to include the adoption of three amendments. Those amendments are Nos. 4590, 4591, and 4592. They are: \$200 million for Operation Streamline, which is a program that charges those individuals who have crossed the border illegally with a petty crime or misdemeanor with jail time. This has proved to be a great deterrent for repeat crossers; \$68 million additional for the Customs inspectors and the other third would be \$20 million for the Law Enforcement Support Center which helps the Federal Government, States, and localities identify those individuals who are here illegally and also determines their status regarding eligibility.

If I may mention to my colleague, I am not complaining about these provi-

sions. I would like to point out that Operation Streamline on the border has been a very effective tool as disincentives to repeat crossers. I hope that either in this legislation the Senator from New York would consider it and, of course, we need more Customs inspectors.

The Law Enforcement Support Center is to identify individuals because right now they are overtaxed, as we know, with the number of illegals, how to identify them and to determine their status.

These three amendments I would obviously pay for out of the stimulus package.

My question to my colleague from New York, I understand he is paying for them—maybe he can elaborate—for these provisions by increasing fees or taxes on companies that issue or need H-1B visas and those companies that have less than 50 percent of their employees as American citizens; is that correct?

Mr. SCHUMER. That is basically correct, yes.

Mr. MCCAIN. Would the Senator describe that.

Mr. SCHUMER. The bottom line is this. I like the H-1B program, and I think it does a lot of good for a lot of American companies. In fact, in the immigration proposal I made, along with Senator REID and Senator MENENDEZ, as well as the outline with Senator GRAHAM, we expand H-1B in a variety of ways.

There is a part of H-1B that is abused, and it is by companies that are not American companies or even companies that are making something. Rather, they are companies that take foreign folks, bring them here, and then they stay here for a few years, learn their expertise, and go back. We think we should increase the fees when they do that.

Mr. MCCAIN. I thank my colleague. Again, I ask if the Senator from New York would amend his request to include the adoption of those three Kyl-McCain amendments.

Mr. SCHUMER. Madam President, first, I appreciate the spirit in which the Senator from Arizona has talked about the proposal. Let me try to be in the same spirit. I always said I believe in comprehensive immigration reform. I know my colleague from Arizona has focused on this issue for at least as long as I have. I was involved in the original legislation back in the late eighties with a great deal of care, a great deal of concern, and a great deal of focus.

I hope, even though I cannot accept these amendments, that maybe we could come together on something that we could bring back in September because I do believe we have to secure the border. Even in the comprehensive proposal that we made, we said we have to secure the border and do other things

as well. It is my belief that securing the border alone will not solve our immigration problems; that until we have comprehensive reform, particularly in making sure employers do not hire illegal immigrants—which they now do, even though they do not know they are illegal immigrants because documents are so easily forged, that we have to do comprehensive. But we should do the border. To say we have to do comprehensive does not gainsay that we have to work on the border and work on it quickly and soon.

My problems with the amendments are as follows: First and foremost, taking funds from the stimulus is something I could not support. The reason is very simple. In my view—and it may be different than my colleague's—the stimulus creates jobs. I do not want to tell my constituents in Buffalo that they may be laid off or not have the opportunity for a job to work on a road, to be employed as a sheriff or firefighter or teacher because there are less stimulus dollars. I do not believe in robbing Peter to pay Paul.

I prefer our source, which is from these companies which are not, as I say—they are companies whose whole purpose is to bring people in on H-1B and the vast majority of them from other countries who go back to the other countries. That is a better funding source.

On the third amendment, I do believe we have that one, the \$21 million for the center. I believe that is in our bill, the Law Enforcement Support Center. I believe that is in our proposal.

As for the second amendment, which is probably the one where we have a substantive disagreement, Operation Streamline is, first, expensive. If you are going to immediately incarcerate everyone who is apprehended at the border, you pay for their medicine, you pay for their health care, you pay for their food. It is over \$100 a day. DHS has been using a different program. When they find someone crossing the border illegally, they bring them to the Mexican interior. Secretary Napolitano has shown some good documentation that works, and it is a lot cheaper.

Until proven otherwise, I think we ought to continue that program and maybe expand that program based on the agreement we have that there should be more people on the border so there are more apprehensions.

What we learned in a different area—asylum—is that building detention centers for all those who are caught creates problems.

In New York, we have a large number of asylees—and I support asylum in many justified cases—and it has proven to be very expensive. It has proven to be cumbersome, and oftentimes you don't have the supply of space to keep up with the demand.

So I would respectfully oppose the three amendments and urge that the original proposal be supported.

I yield to my colleague.

Mr. MCCAIN. I think my colleague may have been referring, when we are talking about the law enforcement support center provision that says U.S. Immigration Customs Enforcement salaries and expenses, maybe that is the area that he is referring to that falls under—

Mr. SCHUMER. I believe so, yes.

Mr. MCCAIN. The stimulus money. I would remind my colleague that just this morning he voted to use \$1.5 billion in stimulus funds for the DOE Loan Guarantee Program. But that is a subject of a different discussion.

Let me just say again about Operation Streamline that I would invite my colleague from New York to come and see one of these facilities and talk to our people down at the border. One of the problems, as you know, is we have had this catch and release, or even catch and take to another part of the United States and put them across the border. So we seem to have these repeat crossers. The experience that we have had, and the people down there will tell you about, is keeping these people incarcerated for a period of time—and it isn't just everybody who comes across, it is somebody who has committed a petty crime, a misdemeanor, et cetera—we have found those individuals do not return or are much less likely to do so.

So I say to the Senator from New York, there is no fence money in here, and we would have liked to have seen that. We need to complete and reinforce the fence. We want 3,000 officers down on the border, but the bill has 1,200, which is certainly a major step forward. And there is 1,000 Border Patrol. We think we need as many as 3,000, as I mentioned.

But I think this \$600 million is important. I think it is going to a lot of the right purposes. We will fight some more on these three additional amendments I am talking about. While I appreciate the addition of UAVs, we need more surveillance capability on the border and, obviously, in my view, we need to finish the fences. But this is a step forward, so I would ask unanimous consent on behalf of myself and Senator KYL to be added as cosponsors. This will move forward our 10-point plan we have put forward to get our border secured.

Mr. SCHUMER. I thank the Senator, and I am glad we were able to—

The PRESIDING OFFICER (Mr. Goodwin). Is there objection to the request made by the Senator from New York?

Mr. SESSIONS. Reserving the right to object, I think we are a little out of sync.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. SCHUMER. I yield to the Senator for a few thoughts.

Mr. SESSIONS. If the Senator from New York wishes, he can proceed to the

UC, which I will support, and then I would like to have a few moments to make some comments. That would be fine.

Mr. SCHUMER. I have been told they need to do some conferring in our cloakroom, so the Senator may speak and I will hold off for a minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate Senator SCHUMER's legislation, and I also would support it. It is clearly a step in the right direction, and it is one of the things we need to do.

I guess as we leave this Congress to go home and get ready to campaign, many of my colleagues may be able to say they did something that was helpful in eliminating illegal immigration—something other than suing the State of Arizona, where the Department of Justice is trying to block Arizona from participating effectively in reducing the amount of illegal immigration.

On June 11, the National Immigration and Customs Enforcement Council, acting on behalf of approximately 7,000 ICE officers and employees—Immigration and Customs Enforcement—cast a unanimous vote of “no confidence” in Mr. John Morton, the Director, saying that he is more interested in politics than in enforcing our immigration laws. So I am concerned about that.

Also, Senator MCCAIN was correct to say that we voted for 700 miles of double-layer fencing, and even appropriated money for its construction. Only 400 miles have been completed and of that, only about 40 miles are double layer. I am not aware that any other construction is ongoing. Why aren't we completing that? It multiplies dramatically the capability of an agent to be effective on a long border if there are barriers there. So I am not happy about our not completing that. It is very much a failure. This Congress committed to the American people more than one time to build that fence and we still have not done it.

This is typical of why the American people are not happy with us; why our approval rating is getting close to single digits. You can't get much lower than it is. After much debate, we agreed to build a 700-mile fence, yet we end up getting 400 and saying that is great.

Then we have this administration, immediately after taking office causing a big stir by investigating its own ICE agents. ICE agents raided a business in Washington State which was employing a whole bunch of illegal workers and do you know what Ms. Napolitano, the Secretary of Homeland Security says? She says: We are going to get to the bottom of it.

Did she mean we are going to get to the bottom of the people who were ille-

gally working and the company who was illegally hiring them? No. She wanted to get to the bottom of what it was this agent was doing trying to enforce the law.

She sent a signal throughout the entire Federal law enforcement community. What was that signal? Don't raid businesses. That is exactly what that did.

Operation Streamline does work. It absolutely works. CNN had a guy on; he was caught within hours, Senator MCCAIN. They took him down to the border and walked him to the middle of the bridge and let him go back, and he just came back the next day. So this Operation Streamline is really a dramatic improvement where it is in effect.

The 287(g) program ought to be expanded, which calls on and provides a mechanism for great partnership with local people. Instead, Secretary Napolitano narrowed the program and when the State of Arizona tries to help DHS, the Obama Administration say: No, that is not a good idea. We are going to sue you.

So, in my view, this bill is a good step. I salute my colleague from New York. I think we have some potential to work in the right direction. But there is a lot more to be done, and what is lacking is a firm commitment from this administration and this Congress to end the massive illegality at our border. It is within our grasp to do so. A lot of people think it is not possible—it is possible. We have done it on certain sectors of the border. We could complete that, and then we could begin to focus on what to do about the people who have been here for many years and how to handle that. But until we focus on ending the illegality, we can't get anywhere.

So I will be thankful for what we have. Senator MCCAIN would like to add 3,000 more agents, but 1,200 is a step in the right direction. But a number of other things, if done effectively, with the will to reduce the illegality, will work. It is not impossible.

The thing about Operation Streamline, and the reason it saves money instead of costing money, is that when it is utilized, the number of people entering illegally goes down because they know they are not just going to be taken back to the border the next day and released to then reenter. They actually get a misdemeanor conviction and maybe some sort of probation, and then they are released and are much, much, much less likely to come back because it would be a more serious offense the second time.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, we are waiting to see if there are other Members on our side who would like to

come and speak, so I would like to either yield time to the Senator from Rhode Island, who has been waiting on another subject, and then come back to this, or suggest the absence of a quorum, whichever would be OK with my colleague.

Mr. President, I temporarily yield the floor to my colleague from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I intend to speak for a few minutes on climate change and the need for a new energy strategy for this country.

I will just note that if any of my colleagues intend to seek the floor to conclude the business Senator SCHUMER and Senator MCCAIN were engaged in, they can just signal me and I will yield the floor to allow them to finish that business.

Mr. President, we are now at the end of this work period, and we will shortly be going back to our home States for our home work during the August recess from Washington. We are doing so without having done anything about our dependence on fossil fuels, the carbon pollution that we subsidize going into our atmosphere, the undisputed science of what is happening in our atmosphere as a result of that, and the consequences that are beginning to pile up on our planet as a result of our negligence in addressing this pressing issue.

It is easy when you are in Washington to think that this is the center of the universe and that the little fights and quarrels that happen here and the politics of this town are what is most important. In this Chamber, which is very often a hotbed of those politics, I think that problem is particularly severe. There are political situations where, if we don't get it resolved, then it just keeps going along and there is no real harm done. But nature doesn't give a darn about our politics. Nature doesn't give a hoot about our campaign contributions. Nature doesn't care about what motivates delay. Nature doesn't care whether you are lying or telling the truth. Nature just goes on about her business, driven by chemistry, biology, physics—the basic elemental forces of nature.

We are getting ourselves into a situation where by ignoring those forces we are beginning to imperil ourselves and future generations.

It is astonishingly irresponsible to be in the predicament we are in right now, with what is fair to describe as a looming global emergency that we can't get anything done on.

The big oil companies, the big coal companies, the big energy companies are able to drop into this particular Chamber their delay, their desire to have nothing happen on this subject,

and that trumps the interests of all the people of the United States, all the people of the planet, their children and grandchildren, off into our future.

I want to read into the RECORD a few things that have come out in the press in the last few weeks. Here is USA Today, in the middle of last month:

The world is hotter than ever. March, April, May and June set records, making 2010 the warmest year worldwide since record-keeping began in 1880. . . .

That is not some fringe group reporting this. That is the National Oceanic and Atmospheric Administration of the Government of the United States of America.

In my home State, back in Rhode Island, "July was more than 4 degrees above normal," quoting from the Providence Journal on August 2, "and the second hottest month on record for Providence; 4.2 degrees higher than normal."

Here is a newsclip about what effect these temperatures are having on our oceans:

The rising temperatures have been particularly hard on oceans, which have absorbed more than 90 percent of the heat trapped by greenhouse gases over the past 50 years.

This was another NOAA report.

Oceans are taking in increasingly more carbon. The report's analysis of global ocean uptake of carbon dioxide estimates that the seas stored 33 percent more anthropogenic [man made] carbon in 2008 than they did 14 years earlier. Oceans' absorption of CO₂ has caused rising acidity that is damaging the ability of shellfish, crustaceans, corals and plankton to build shells and skeletons.

You might ask, who cares about shellfish, crustaceans, corals, and plankton? Shellfish keep a lot of American fishermen busy and occupied and productive, and feed an awful lot of families. Ditto crustaceans—the Rhode Island lobster in particular. Corals are the nurseries of our tropic seas. When they die, it has a pronounced effect throughout the oceanic food chain. And phytoplankton—all plankton—are the base of the oceanic food chain. When you have a collapse in the phytoplankton, you have a potential collapse of the entire oceanic food chain.

There have been massive die-offs in the historic record of the ocean and we are trending toward having another one, with an ocean that is more acidic now than it has been in 8,000 centuries. We are getting to the point where the small animals that form the base of the ocean food chain are becoming soluble in the water that is their environment.

Lobsters in particular—again from the Providence Journal of July 29:

Meanwhile, the water off our coast has been unusually warm. Lobsters like cold water and in the colder waters east of Cape Cod, the heartland of the fishery, the crustaceans seem unaffected. No moratorium has been recommended there. The lobstermen explain a decline in the local stocks by saying there has been a general migration toward cooler waters.

So the warming of our waters is having a pronounced effect on Rhode Island businesses, on Rhode Island lobstermen. I was out the other day with Rhode Island lobstermen, hauling in pots, seeing what was down there, and the fishery has not been wiped out, but it is suffering, it is under pressure, and it relates to our warming planet and to climate change.

It is a global situation. According to the Wall Street Journal, there are 400 oxygen-depleted dead zones identified by scientists in our oceans—oxygen-depleted dead zones in our oceans, 400 of them, covering an area of nearly 100,000 square miles of dead ocean because there is not enough oxygen in it to support life, as though it is on some alien planet.

Now a very recent study, July 29, reported:

Researchers at Canada's Dalhousie University say the global population of phytoplankton—

Again, the basis of the oceanic food chain—

has fallen about 40 percent since 1950. That translates to an annual drop of about 1 percent of the average plankton population between 1899 and 2008. The scientists believe that rising sea surface temperatures are to blame.

There is another side to this story and, frankly, most of it is phony baloney science. It is bought-and-paid-for mercenary science. It is not the real deal. It masquerades as the real deal, it is designed to fool the public, and it is designed to prevent us from taking action. Regrettably, for a while it is working.

Here is what Paul Krugman wrote the other day, looking at the variety of evidence that supports the need for us to do something about that for the sake of our planet, our children, and our grandchildren.

Nor is this evidence tainted by scientific misbehavior. You probably heard about the accusations leveled against climate researchers—allegations of fabricated data, the supposedly damning e-mail messages of "Climategate," and so on. What you may not have heard, because it has received much less publicity, is that every one of these supposed scandals was eventually unmasked as a fraud concocted by opponents of climate action, then bought into by many in the news media.

This should be a win-win. This is an issue that is important to us as humans trying to live on this planet as dramatic changes begin to take place in our atmosphere and ecosystems. This should be a win for us economically as green jobs grow, as we compete with China and India, as we stop losing the race to China and India for this next economy, as we stop sending money overseas to people who do not care for us much, who fund our enemies, and who drain hundreds of millions of dollars a year out of our economy.

It should be a win on national security, protecting us from those circumstances. It should be a win across

the board. But the special interests will not let go, will not step into the future. They know they control enough votes in this place to make this not happen.

I promise my colleagues this is a day that the future will look back at and look at this Senate, and this will be our day of infamy. This will be the day when all of the evidence was before us, we had every chance in the world to do what was right, we in fact knew what was right, and we allowed lies and phony science, concocted evidence and the big money from big oil, from big coal, from the big polluters, to steer us away from our duty.

I hope when we come back in September we will take this back up, that we will take it up seriously. It is my strong belief that if we go at this with real diligence as a Senate—if we have the White House with us and behind us and fighting for us, if we have the environmental groups out there in the field doing their work, pushing this issue, and if we have the hundreds of thousands of Americans who work in green energy industries and who are green energy investors and who are going to grow into this green energy economy out there explaining the true economic value, and if we have our national security apparatus making the point as to how important this is, as all the national intelligence estimates have already said—we can push this over the top. Not the first time, because the lies and the money will trump the first time. But if we do it a second and a third and fourth time and force this issue, I think we can bring it home. I hope we will at least try. Some battles are worth the fight even if you are not sure you can win.

I yield the floor.

The PRESIDING OFFICER. Without objection the Senator is recognized.

CHILD NUTRITION

Mr. HARKIN. Mr. President, I thank the Senator from Pennsylvania for yielding me a few minutes to go in front of him even though he was here before me.

I want to say a couple of words in support of the child nutrition bill. I know the Senator from Pennsylvania also wants to speak about that, the child nutrition bill that was passed by unanimous consent here in the Senate this afternoon.

I thank Chairman LINCOLN, chairman of the Senate Agriculture Committee, for her tireless efforts to bring this bill to fruition. She has been a great advocate, a great champion of child nutrition and making the changes necessary to get better food for our kids in schools.

I also thank Senator CHAMBLISS, with whom I served on the Agriculture Committee for a number of years, either as ranking member or as chairman, working on agriculture bills.

I also particularly want to thank Senator MURKOWSKI of Alaska. She and

I have worked together as partners in this effort for several of the past years on trying to get this bill put together and get the provisions we have in the bill done. She has been a great champion of better food in our school lunch program, school breakfast program, afterschool meals.

I also thank our leader, Senator REID, and Minority Leader Senator MCCONNELL, for working together on both sides to get this bill to the point where we could actually get to a unanimous consent today.

There are many important components of this bill, many of which I had pushed for many years when I was chairman of the Agriculture Committee. I am particularly supportive of the provisions to increase reimbursement for school meals, expanded use of direct certification in the National School Lunch Program, the expansion of afterschool meals, a new and great focus on promoting breastfeeding, and the very real advances that that makes to health promotion in the early stages of childhood.

I want, however, to mention one provision I worked on for about 15 years, a provision that would require the adoption of school nutrition standards for all foods in all schools. Since the 1970s, the rates of childhood obesity have tripled among children and adolescents in the United States. Type 2 diabetes has increased dramatically. Current estimates suggest that among children born today, the lifetime risk of developing diabetes is 30 percent for boys, 40 percent for girls, and for African Americans and Latinos it is even higher.

Again these are complicated problems that will require multifaceted solutions. To improve the health of our children, all sectors of society must be involved—parents, the media, community organizations, corporate America, and of course our schools.

Again, I am well aware that schools are not the only places where our kids have access to sugary beverages and fried foods, candy, and high sodium foods. But schools can and should do more to provide healthy foods to our kids. What kids learn to eat at an early age they tend to develop habits and tastes for and eat those foods later on in life.

If you start feeding kids sugary soda and French fries for lunch, they tend to keep eating that as they grow older, with all of the health problems that brings on.

To that end, it is critically important that we establish strong nutrition standards for all the foods sold in school through vending machines, snack bars, a la carte lines in the schools. There are several reasons we need to set such standards. Existing USDA nutrition standards for the foods sold outside of school meals are outdated. They allow for the sale of foods that are low in nutrition and high in

fat, sugar, and salt. In addition, in recent years science has greatly increased our knowledge of how kids' diets affect their health. Yet we have done very little to adjust our nutrition standards to this new knowledge.

We have had a big loophole here and this is the way it is. The Secretary of Agriculture can set nutritional guidelines for all of the foods sold in the school lunch, in the school lunchroom—school breakfasts, school lunches, and can adopt those standards to follow the dietary guidelines. However, the Secretary has no authority to regulate the foods sold outside the lunchroom. So you have a big loophole here. Kids can eat lunch, they can have good food prepared according to dietary guidelines, but down the hall there are vending machines with candy bars and potato chips and sugary sodas and all kinds of things such as that, which undermines what we are trying to do to get better food for our kids in schools.

It undermines parental supervision. Parents think that if they send their kids to school, they are going to get good meals. Yet they can go down the hallway from the school lunchroom and buy all of those bad foods. So that is what this bill does. It provides that the Secretary of Agriculture now, for the first time, has the authority to regulate all of the foods in schools, even in the vending machines, snack bars, and a-la carte lines.

Again, I am proud this provision has had broad support on both sides of the aisle, among public groups and food and beverage companies. I particularly would like to thank the following groups for their help through all these years to bring this bill to this point: the Center for Science in the Public Interest, the American Heart Association, the American Dietetic Association, the American Diabetes Association, the American Public Health Association, the American Association of School Administrators, and the National PTA. They have all been wonderful in working together to get this bill put together and through the floor of the Senate. On the food and beverage side, I particularly wish to thank the American Beverage Association, Mars, Incorporated, the dairy industry, Pepsi, Coca-Cola, and many others who brought us to this point.

We cannot ignore the rising toll of diabetes, heart disease, and childhood obesity. By including the commonsense provisions to protect the nutrition environment in our schools, this bill makes a major step forward in efforts to protect our children and promote their health.

I sincerely thank my friend and colleague from Pennsylvania for allowing me to take this time even though he was next in line.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object—I will not object—I wish to thank the Senator from New York and those on the other side for taking a significant step forward. I believe we have a lot more to do, but this will contribute to our effort to get our border secured. And we will be continuing to fight for all of the provisions Senator KYL and I have put forward, but I thank my colleague for his cooperation in sending some \$60 million to help our border get secured, and at this time, it is not. But I think this is movement in the right direction. I thank my colleague.

Mr. SCHUMER. Mr. President, I wish to thank my colleague. As you know, our goal—most of us on this side—is comprehensive reform. We believe securing the border is part of that, and this bipartisan effort can help move us in that direction. I hope we can move forward in a bipartisan way on many other parts of immigration reform beyond the border in the future.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4593) was agreed to as follows:

Strike all after the enacting clause and insert the following: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$253,900,000, to remain available until September 30, 2011, of which \$39,000,000 shall be for costs to maintain U.S. Customs and Border Protection Officer staffing on the Southwest Border of the United States, \$29,000,000 shall be for hiring additional U.S. Customs and Border Protection Officers for deployment at ports of entry on the Southwest Border of the United States, \$175,900,000 shall be for hiring additional Border Patrol agents for deployment to the Southwest Border of the United States, and \$10,000,000 shall be to support integrity and background investigation programs.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For an additional amount for “Border Security Fencing, Infrastructure, and Technology”, \$14,000,000, to remain available until September 30, 2011, for costs of designing, building, and deploying tactical communications for support of enforcement activities on the Southwest Border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement”, \$32,000,000, to remain available until September 30, 2012, for costs of acquisition and deployment of unmanned aircraft systems.

CONSTRUCTION AND FACILITIES MANAGEMENT

For an additional amount for “Construction and Facilities Management”, \$6,000,000, to remain available until September 30, 2011, for costs to construct up to 2 forward operating bases for use by the Border Patrol to carry out enforcement activities on the Southwest Border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$80,000,000 to remain available until September 30, 2011, of which \$30,000,000 shall be for law enforcement activities targeted at reducing the threat of violence along the Southwest Border of the United States, and \$50,000,000 shall be for hiring of additional agents, investigators, intelligence analysts, and support personnel.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$8,100,000, to remain available until September 30, 2011, for costs to provide basic training for new U.S. Customs and Border Protection Officers, Border Patrol agents, and U.S. Immigration and Customs Enforcement personnel.

GENERAL PROVISIONS

(RESCISSION)

SEC. 101. From unobligated balances made available to U.S. Customs and Border Protection “Border Security Fencing, Infrastructure, and Technology”, \$100,000,000 are rescinded: *Provided*, That section 401 shall not apply to the amount in this section.

TITLE II

DEPARTMENT OF JUSTICE

SEC. 201. For an additional amount for the Department of Justice for necessary expenses for increased law enforcement activities related to Southwest Border enforcement, \$196,000,000, to remain available until September 30, 2011: *Provided*, That funds shall be distributed to the following accounts and in the following specified amounts:

- (1) “Administrative Review and Appeals”, \$2,118,000.
- (2) “Detention Trustee”, \$7,000,000.
- (3) “Legal Activities, Salaries and Expenses, General Legal Activities”, \$3,862,000.
- (4) “Legal Activities, Salaries and Expenses, United States Attorneys”, \$9,198,000.
- (5) “United States Marshals Service, Salaries and Expenses”, \$29,651,000.
- (6) “United States Marshals Service, Construction”, \$8,000,000.
- (7) “Interagency Law Enforcement, Interagency Crime and Drug Enforcement”, \$21,000,000.
- (8) “Federal Bureau of Investigation, Salaries and Expenses”, \$24,000,000.
- (9) “Drug Enforcement Administration, Salaries and Expenses”, \$33,671,000.
- (10) “Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses”, \$37,500,000.
- (11) “Federal Prison System, Salaries and Expenses”, \$20,000,000.

TITLE III

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$10,000,000, to remain available until September 30, 2011: *Provided*, That notwithstanding section 302 of division C of

Public Law 111-117, funding shall be available for transfer between Judiciary accounts to meet increased workload requirements resulting from immigration and other law enforcement initiatives.

TITLE IV

GENERAL PROVISIONS

SEC. 401. Each amount appropriated or otherwise made available under this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 402. (a) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2014, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) shall be increased by \$2,250 for applicants that employ 50 or more employees in the United States if more than 50 percent of the applicant's employees are nonimmigrants admitted pursuant to section 101(a)(15)(H)(i)(b) of such Act or section 101(a)(15)(L) of such Act.

(b) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2014, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) shall be increased by \$2,000 for applicants that employ 50 or more employees in the United States if more than 50 percent of the applicant's employees are such nonimmigrants or nonimmigrants described in section 101(a)(15)(L) of such Act.

(c) During the period beginning on the date of the enactment of this Act and ending on September 30, 2014, all amounts collected pursuant to the fee increases authorized under this section shall be deposited in the General Fund of the Treasury.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 5875) was read the third time and passed.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

Mr. CASEY. Mr. President, I rise this evening to speak about the bill we passed today, what is known as the child nutrition bill, but the actual title is the Healthy, Hunger-Free Kids Act of 2010. We passed it by unanimous consent, which means we have done something that happens all too rarely around here. We passed a major piece of legislation in a bipartisan way, we got consent from the whole Chamber, and we did not have to have a vote on it. That is a good development, to pass a big piece of legislation which will have a tremendously positive impact on our children, and passing it in that manner is encouraging.

I am grateful, as so many of us are, to our chairman, Senator LINCOLN, for her continued leadership to craft a child nutrition bill that protects and assists the most vulnerable of our society—pregnant women and children who are food insecure, especially in a time of economic difficulties for so many families and high unemployment in so many communities across the country.

In the Scriptures, they tell us that a faithful friend is a sturdy shelter, and he or she who has found a faithful friend has indeed found a treasure. I am paraphrasing a little bit, but I think that line from the Scriptures about a faithful friend being a sturdy shelter has application to this discussion we have had about the Child Nutrition Act and helping our children because so many elected officials around the country say they are a friend of children. That is a good sentiment. We like to hear that. But often we do not have the opportunity to demonstrate our friendship, our concern for children, and sometimes we don't take the opportunity even when it is presented to us. So in our efforts to show and demonstrate—sometimes in small ways, sometimes in more substantial ways here in the Senate or in other instances as well—we have a chance to demonstrate, to prove or to provide some proof that we are trying to be a friend to children.

The bill itself reauthorizes our Nation's major Federal child nutrition programs which are administered by the U.S. Department of Agriculture. As many people who watch these proceedings know, reauthorization means we want to do it again, we want to continue a policy and keep the policy moving in the right direction and fund it.

Under this program, the following are included: the National School Lunch Program and the School Breakfast Program; the Special Supplemental Nutrition Program for Women, Infants, and Children, known by the end of that program's name, WIC—women, infants, and children; the Child and Adult Care Food Program, which is not something we hear a lot about but is critically important; and the Summer Food Service Program.

The act itself—the Healthy, Hunger-Free Kids Act of 2010—provides \$4.5 billion in additional funding over the next 10 years, nearly 10 times the amount of money provided for the previous child nutrition bill and the largest new investment in child nutrition programs since the inception of these particular programs.

This historic new investment provided by the act could not come at a more important time, particularly given the incidence of hunger and the corresponding need for Federal nutrition assistance, which has increased in recent years. We know the economic realities. The numbers do not begin to tell the story, but the numbers are part of the story.

Throughout the country, more than 15 million people are out of work. In Pennsylvania, for example, a 9.2-percent unemployment rate equates to 591,000 Pennsylvanians out of work. I know some States are at 10 percent unemployment and 11 percent and 12 percent and some even over 13 percent. But in our State, having more than 591,000 people out of work is close to if not a record number of people.

I have always believed that when it comes to programs and policies that impact our children, whether it is a nutrition program or an education program, whether it is helping to protect our kids, I have always believed that what motivates us and what motivates people across this country to take steps to help children is a basic and fundamental belief that every child in America is born with a light inside them.

Some children, because of their circumstances, because of the family they are born into or because of other reasons, do not need a lot of help, and their light shines so brightly, it is blinding, it is boundless, it is assimilating—you can fill in lots of other words. Some children are born with a light inside them, but it does not burn as brightly because of limitations or because of adverse circumstances they are born into or because the family they are born into does not have some of the advantages many of us have had. They do not have a steady job. They do not have income. They do not have the ability to provide for their family.

I have always believed that it is the obligation of every public official, whether you are in the Senate or whether you are a State official or local official, but especially if you are elected, to do everything you can, to take every opportunity you can to help our children at a minimum with at least four things: nutrition and the prevention of hunger, early education, health care, and certainly basic safety and protection. This legislation takes a substantial step forward in at least one of those areas—the area I mentioned as it relates to preventing hunger and making sure kids are being given nutritious meals.

We know providing care at the beginning of a child's life is so important. That starts with that child's mother. Through the WIC Program, pregnant women and new mothers have access to nutritious foods and learn more about healthy eating—something we could all learn a thing or two about. The program encourages breastfeeding and supplies formula, food packages, and farmers market vouchers. The WIC Program is a strong investment in our future and serves more than half—more than half—of all infants in the United States. As babies grow into toddlers, they benefit from the nutritious meals and snacks provided by childcare homes and centers and Head Start Programs participating in that program.

I mentioned before that we don't hear a lot about the Child and Adult Care Food Program. That program allows children to develop, it prepares children to enter school ready to learn, and it helps working families to work.

In the vast majority of States, the Child and Adult Care Food Program—the afterschool program that it is—only provides reimbursement for a snack. The bill we passed today gives communities in all 50 States the ability to be reimbursed for a meal.

When toddlers grow into young children and arrive for their first day of school, many are able to enter the cafeteria and eat a healthy meal for breakfast and for lunch. These meals fuel them with the energy they need to grow into healthy adults. We know the numbers on these for children are so substantial. More than 10 million children receive a free or reduced-priced breakfast, and nearly 20 million children in the United States receive a lunch. In Pennsylvania, that translates into 1 million kids having the benefit of school lunch and just about a quarter of a million children getting the benefit of the School Breakfast Program.

Congress has taken a step now—at least the Senate has today—to ensure more eligible children receive meals, increasing the number of eligible children and increasing the nutritional value of meals. Hungry and malnourished children cannot fully participate in school. If a child can't, during school, have the benefit of a school lunch or a school breakfast or sometimes both, they can't learn. It is as simple as that. None of us could learn. None of us can function if we don't have enough to eat. I have always thought that if we invest in children, making sure they can learn at a very young age, they can learn more now and earn more later. We have to remain committed to these programs.

I have had a very strong interest in and have advocated for a long time for the so-called universal feeding concept because I believe the experience in a major urban school district—in this case, the city of Philadelphia—in that school district, that universal feeding concept as a model in one school district has reduced the stigma of poverty and increased participation in the School Lunch Program. Philadelphia schools are reimbursed for only the number of students who qualify for free or reduced-price meals but agree to offer free meals to all children. It covers everyone; it doesn't single children out for different treatment. Universal feeding enhances efficiency by dramatically reducing the administrative burdens of the program, and it maintains the integrity and congressional intent of the National School Lunch Program.

There is a lot more I could talk about with regard to the bill, but I wish to

move very quickly and then conclude by highlighting some photographs.

This first photograph was made available to us by a Dr. Mariane Chilton. Dr. Chilton is at Drexel University. I have met a lot of people who have been champions for our children, who have stood up for children in all circumstances, but if there is one person who I can think of in any university of the United States who has done so much for our children and has stood up for them, who has been even more than just a faithful friend—Dr. Chilton has been the person who, time and again, has reminded us about the moral gravity of making sure children are first on our list.

She developed a program called *Witnesses to Hunger*. This particular project began after consent was given by mothers across the city of Philadelphia who agreed to participate. More than 40 of them were given a camera. They took pictures of their lives, the lives of their children, their own life, what happens in their homes. They made these pictures available. They gave us a window into their own lives by their own consent. By providing that insight, they allowed us to see the real misery of hunger for children. They allowed us to see the horrific nightmare so many children and so many families were living through, even before this recession.

The first picture I have is a photograph of a young boy sitting at a table. Here is what his mother Melissa said about him:

My son, he's already on the small side and he needs every bit of food that he can get to make him healthy, keep him healthy. He has failure to thrive. He has a bone deficiency that doesn't allow him to grow. He's only 30 pounds. He has acid reflux. He had RSV, failure to thrive, chronic asthma.

This is one example of a child who doesn't have enough to eat, which leads to the obvious health problems that entails.

This next picture is a photograph of three children sitting at a table. They have beautiful smiles. They are wonderful children. The title of this picture is "Oodles of noodles." These children are eating lots and lots of noodles. Their mother says:

And the kids know my food stamps got cut off. Because when they came home from school today, they didn't have their snacks. So they know that I didn't go to the market. I really didn't tell them why or anything like that, because I don't think they understand. But it affected them.

When people make decisions about cutting programs or voting against programs, we know they have real consequences.

The last picture is a young boy holding bananas and giving the photographer a great smile. In this photo, Gale, his mother, captures her son's happiness as he holds up a bunch of bananas.

Some people tell us people choose to eat unhealthy foods. They use that as a

rationale, a pathetic and insulting rationale. But sometimes they make that argument. We know families want more access to fresh fruits and vegetables. But, frankly, in a lot of inner cities, they are not available, not at all. We have to recognize that, rather than denigrate or judge people who live in those communities. There are plenty of folks in Washington who are good at judging. They are not real good at responding to the needs of people.

There is so much in this bill. I will not go through more of it because we don't have time. I believe this bill does meet that basic obligation to do everything we can, at least in this program, at least with this opportunity, to make sure that light inside every child burns as brightly as the full measure of that child's potential, as brightly as we can possibly allow it to burn with our help. I believe this bill does one thing as well, going back to that reference to Scripture about a faithful friend being a sturdy shelter. This bill will not solve all the problems of the families who will be positively impacted. It will not eliminate hunger. It will not rescue a child from so many challenges in the life of a child who lives in a poor family. But this bill is one example of one way we can demonstrate what that scriptural reference tells us. It gives us a chance to demonstrate in a significant way that we are trying to do all we can to be that faithful friend to our children and to provide some measure of shelter when the storms of this recession hit that family and hit that child. We can take a step in proving that we are trying to be that faithful friend to children.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

SMALL BUSINESS LENDING FUND ACT

Ms. LANDRIEU. Mr. President, I rise to speak on an issue that is still pending before this body. Unfortunately, it looks as though we will not be able to wrap this up in the next few hours. It looks encouraging that we may be able to take it up immediately when we return in September.

Before I speak about that, I compliment Senators LINCOLN, CASEY, HARKIN, and others who have come to the floor in the last few hours but have been working for months, if not years, on the child nutrition bill. It is quite extraordinary that this Chamber at this late hour, because of the work of Senators LINCOLN, HARKIN, CASEY, and others, has decided by unanimous consent to pass a significant and major piece of legislation the Senator from Pennsylvania beautifully described. I compliment all of them for their work.

I wish we had been able to do the same thing for the small business bill we have been fighting for, the Small

Business Job Creation Act of 2010. We can't seem to get to a point where we can get unanimous consent. So we will have to fight this out a step at a time. We had some significant votes this last week by including a Republican amendment, including in the small business bill a \$30 billion lending program. We have potentially other aspects to strengthen it. But the bill is in extremely good shape.

I wish to put this up for a visual. I know people will find it hard to believe we could have literally over 100 organizations, extraordinarily strong and powerful bipartisan, conservative, moderate and liberal organizations, supporting small business. It may seem surprising that with all this support, we couldn't pass the bill before we leave. I wish to call out again just a few: The American Hotel and Lodging Association, the American International Automobile Dealers Association, the Associated Builders and Contractors of California, the California Bankers Association, Engineering Contractors, Hispanic Bankers of Texas, National Association of Self-Employed, National Restaurant Association, Recreation Vehicle Industry Association, the U.S. Hispanic Chamber of Commerce. I just listed one-half dozen or a dozen. Members can see we have hundreds of extraordinary organizations that have stepped up to say what I have been saying, what the Senator from Washington, Ms. CANTWELL, has been saying, what the senior Senator from Washington, Senator MURRAY, and Senators BOXER and MERKLEY are saying: We are not going to end this recession until we find a way to get capital and cash in the hands of small business. That will lead the way out of this recession. It is not going to be led by Wall Street. It is going to be led by Main Street.

I would like to put up our Main Street sign. Main Street is going to lead the way. There was a beautiful article written by Harold Meyerson. It was dated August 4 in the Washington Post. The article is entitled "Jobs in the Cards?" It reads, in part:

All things considered, American big business is doing just fine, thank you. Profits, productivity and exports are up. New hires, rehires and wage increases, as I have written, are nowhere to be seen. They're no longer part of the U.S. corporate business plan, in which higher profits are premised on having fewer employees. Sell abroad, cut costs at home—the global marketplace that American business has created is paying off big-time.

Not so for American small business, which inhabits those less rarified realms of the economy in which depressed domestic demand and bottled-up credit remain a mortal threat. The great private-sector trickle-down machine has largely stopped working for small business.

He is right. If we don't get small business started up again and focus on them and help them, this recession will never come to an end. Maybe that is

what some people on the other side of the aisle want. Maybe they put politics before progress. But this is dangerous, it is wrong, and it is painful. We have to figure out a way.

I ask unanimous consent to have the article from which I just quoted printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 4, 2010.]

JOBS IN THE CARDS?

(By Harold Meyerson)

All things considered, American big business is doing just fine, thank you. Profits, productivity and exports are up. New hires, rehires and wage increases, as I have written, are nowhere to be seen. They're no longer part of the U.S. corporate business plan, in which higher profits are premised on having fewer employees. Sell abroad, cut costs at home—the global marketplace that American business has created is paying off big-time.

Not so for American small business, which inhabits those less rarefied realms of the economy in which depressed domestic demand and bottled-up credit remain a mortal threat. The great private-sector trickle-down machine has largely stopped working for small businesses. A May report from the Congressional Oversight Panel on the TARP (chaired by consumer advocate Elizabeth Warren) found that bank lending to small businesses has plummeted, particularly among the big banks that taxpayers helped bail out. The Wall Street banks' lending portfolio declined 4 percent between 2008 and 2009, the report concludes, but their lending to small business declined 9 percent. Smaller banks—"strained by their exposure to commercial real estate and other liabilities"—have similarly reduced their lending.

As the corporate sector hums along without hiring, hope for a recovery increasingly depends on boosting consumer demand through public investment and jump-starting small-business expansion through tax credits and a reopened lending window. For the past half-year, the administration and congressional Democrats have been unable to overcome Republican senators' resistance to increasing public investment. Senate Republicans have also blocked their efforts to cut taxes and increase loans to small business—even though such policies have long been GOP priorities and small business has long been considered a key Republican constituency.

Late last week, the Senate's 41 Republicans united to block a bill that would have temporarily eliminated the capital gains tax on small businesses that issue stock, increased the tax deduction for start-ups, increased their depreciation allowance, and established a \$30 billion fund, offset by budget cuts elsewhere, dedicated to small-business lending by small banks. The bill was backed by generally pro-Republican business lobbies; to add a further note of absurdity to the GOP opposition, some of the bill was written by Republican senators. The Republicans' ostensible reason for opposing these motherhood-and-apple-pie provisions was that Democrats were limiting the number of amendments they could bring up. Their actual reason was to deny Democrats a legislative victory on the kind of stimulus package that still commands substantial public support and, just possibly, to forestall any economic uptick before November.

Republicans are certainly right that Democrats, for political and economic reasons, are focusing more on helping small business recover. A June survey from the firm of Democratic pollster Stan Greenberg argued that "Democrats can win the economic debate by making small business the center of their agenda."

But there's another way Democrats can assist small business besides continuing to press for their small-business stimulus. The president can choose a champion of small business to direct the newly created Consumer Financial Protection Agency. He can nominate Elizabeth Warren.

To date, we have heard chiefly that the big banks look askance, and then some, at the prospect of Warren heading the agency. She is among the nation's leading critics of the credit card rip-offs that big banks have long inflicted on cardholders as a matter of policy. Precisely for this reason, she stands out as a small-business hero, because in the absence of bank lending, small businesses increasingly are turning to credit cards as a source of funding or operating revenue. Fully 83 percent of small businesses, the Federal Reserve reported in May, use credit cards. Three-quarters of small businesses that apply for business credit cards secure them, according to a 2010 survey from the National Federation of Independent Business, while just 39 percent of bank-loan applicants obtain loans. A 2009 study from the National Small Business Association concluded that 59 percent of small businesses used cards to meet their capital needs.

Bank loans to small businesses have been increasingly supplanted by bank credit cards. And no one is more expert than Warren on how banks exploit their cardholders. She is, by common consent, one of the leading academic authorities on the topic as well as a passionate advocate for getting cardholders a fairer shake.

Enemy of Wall Street? When necessary, absolutely. Friend of Main Street? None better. If he nominates Warren and can get her confirmed, President Obama will have found one more way to aid American small business.

Ms. LANDRIEU. The bill we have put forward, supported by hundreds of organizations, has a way forward.

I wish to also include for the RECORD another editorial by Mr. Richard Neiman of the Wall Street Journal. I submit it again because it is so good. The Journal mistakenly editorialized against this bill, but there are people sending letters to the Wall Street Journal to take a second look. Richard Neiman is one of them.

He writes:

Unlike TARP, the SBLF would incentivize banks to loan by lowering the dividend rate at which banks must repay the government if the banks meet lending performance metrics. Further, the SBLF removes the TARP stigma that discouraged small banks from participating in government programs that support lending. It is these banks that are the primary source of credit for small businesses which lack the same access to capital markets as large companies.

The SBLF is not a sequel to TARP, but it can be a segue toward a stronger future for our nation's small businesses and their employees.

I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 5, 2010]

SMALL BUSINESS LENDING FUND WILL HELP

RECOVERY, JOBS

(By Richard Neiman)

Your editorial, "Son of TARP" (July 30) is unfortunately titled, and underestimates the potential of the proposed Small Business Lending Fund (SBLF).

Small business growth is the only way out of this recession. Yet our entrepreneurs are not being provided the credit they need, as the TARP Congressional Oversight Panel often hears from small business owners. Our recent report on the issue demonstrates that, during the crisis, lending to small businesses fell by 9 percent at our Nation's largest banks, and the bankruptcy of nonbank business lenders such as the CIT Group has further limited credit options.

The financial crisis and recession have created the lack of demand for credit that your editorial points out, but it is as important to point out the lack of supply. Small banks are reluctant to take on more risk when small businesses' customer base is weak. Breaking this stalemate requires old-fashioned underwriting to identify the good deals which are still waiting to be made.

The SBLF is intended to provide public-sector support to bring credit- and lending-worthy parties back to the table. Unlike TARP, the SBLF would incentivize banks to lend by lowering the dividend rate at which banks must repay the government if the banks meet lending performance metrics. Further, the SBLF removes the TARP stigma that discouraged small banks from participating in government programs that support lending. It is these banks that are the primary source of credit for small businesses which lack the same access to capital markets as large companies.

The SBLF is not a sequel to TARP, but it can be a segue toward a stronger future for our nation's small businesses and their employees.

Ms. LANDRIEU. I also ask unanimous consent to have printed in the RECORD another very nice article that appeared in the Wall Street Journal by Ruth Simon, one of their reporters, who outlines a particular story about Pinnacle Bank, which is basically in support of our bill. This is a story about a bank in Florida. It will be in the RECORD for Members to read.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 5, 2010]

SBA PROGRAM PROVES A HIT, BUT NOW IT IS IN LIMBO

(By Ruth Simon)

Pinnacle Bank made just two loans through the Small Business Administration in 2007 and 2008. So far this year, the Orange City, Fla., bank's total is nine, to borrowers from an auto dealer to a computer-equipment wholesaler to a bakery.

"The SBA program is the only way we can continue to lend right now," says David Bridgeman, president of Pinnacle, which has two branches and assets of \$213 million, including about 600 loans. For many of the \$3.4 million in loans Pinnacle made through the SBA in 2010, the bank has to set aside capital against only the 10% slice that isn't guaranteed by the U.S. government.

Across the nation, many banks have turned to the SBA's so-called 7(a) program to help unfreeze credit. Nearly 3,000 lenders

have made 7(a) loans in the current fiscal year, up 21% from 2008.

The 7(a) program, the SBA's largest loan program, is hardly a cure for the credit shortage affecting many borrowers. The agency is involved in less than 10% of all small-business loans, and some banks won't participate because of red tape. Lenders must follow the SBA's rules when making 7(a) loans, which can be used for working capital, fixed assets and other business expenses. The term of the loan can be as long as 25 years.

Last year, Congress temporarily sweetened the 7(a) program by increasing the SBA guarantee to 90% of any given loan from as little as 75% previously. Lawmakers waived fees costing borrowers as much as 3.5% of the loan amount, as well as costs charged in a separate SBA program providing structured financing for fixed assets.

But the sweetened program is now in limbo, drawing complaints from borrowers and lenders, as lawmakers haggle over broader small-business legislation.

Since the SBA program was sweetened, more than 1,300 lenders that hadn't made an SBA loan since at least 2007 have barreled in, while existing participants like Pinnacle have been pushing more borrowers through the agency's pipeline to take advantage of better terms.

About \$16.2 billion in 7(a) loans have been made under the more-attractive terms. By May, the program's loan volume had returned to before-the-credit-crunch levels.

"The extra 15% of guarantee helped us stretch a little more," says Vito Pantilione, president of Parke Bank, a unit of Parke Bancorp Inc. The five-branch Sewell, N.J., bank recently used the program to make loans to two printing companies looking to adapt to electronic publishing.

Since hiring a local banker with expertise in SBA loans in August 2009, Bank of Holland, a Holland, Mich., unit of Lake Michigan Financial Corp., has made more than two dozen loans through the federal agency.

"We do not have capital issues, but it's very difficult to find businesses that . . . have not lost money and suffered some weakening of their balance sheet," says Garth Deur, Bank of Holland's president.

Sweetened government backing makes it easier for banks to stomach the risks of lending to local businesses that hit bumps when the economy slowed or to finance entrepreneurs with a solid business plan but little track record, Mr. Deur says.

The SBA has repurchased 0.2% of the loans made with the higher guarantees. That rate, which reflects defaults, is in line with the program's historical levels.

Congress extended the higher guarantees three times, but the latest round of funding was exhausted in May, causing a decline in SBA loan volume. A provision included in the small-business job-creation bill now before the Senate would resuscitate the 90% guarantee through Dec. 31 and allow the SBA to increase the maximum loan amount to \$5 million from \$2 million. The bill already has passed the House, but the Senate is bogged down by disputes over the broader bill.

"On the financing side we're stuck" until Congress acts, says Mark DeHaan, who is hoping to get a 7(a) loan for \$1.6 million from the Bank of Holland to pay construction and start-up costs for an educational child-care center in Grand Rapids, Mich.

Pinnacle largely avoided the worst sins committed by banks throughout in Florida, such as lending on raw land being purchased for housing developments. Still, Pinnacle

had a net loss of \$1.8 million in 2009 as falling real-estate values and rising unemployment forced the bank to boost loan-loss reserves. Pinnacle has shed about a third of its troubled loans but is looking for additional capital.

Mr. Bridgeman, who started his banking career 28 years ago as a teller in Kentucky and took over as Pinnacle's president in 2003, says the bank decided to rev up its SBA lending after a tough regulatory exam forced it to halt most traditional lending in order to conserve capital.

Pinnacle made 11 SBA loans for \$3 million in 2009. The bank has generated fee income by selling some of its SBA loans on the secondary market.

Car dealer J. Brendan Hurley was rejected by four other banks before Pinnacle won approval in March for a \$560,000 loan through the SBA to help him add Dodge cars to his Chrysler franchise in DeLand, Fla. Since getting the loan, Mr. Hurley has hired six new employees, and service volume has doubled, he says.

"The fact that I had a commitment from Pinnacle sealed the deal to get the Dodge franchise," he adds. Mr. Hurley is seeking a second SBA loan from Pinnacle that would allow him to build a new facility designed to meet Chrysler Group LLC's requirements.

Ms. LANDRIEU. Finally, I have another article written by Barbra Barrett of the Miami Herald. It reads:

The U.S. Senate might leave town this week without finishing up what Democrats had hoped would be a significant political achievement . . .

On its face, the legislation would pour billions into a slate of programs to help small business obtain federal microloans, government contracts and export assistance.

I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Aug. 5, 2010]

SMALL BUSINESS BILL APPEARS TO BE STUCK IN SENATE

(By Barbra Barrett)

WASHINGTON.—The U.S. Senate might leave town this week without finishing up what Democrats had hoped would be a significant political achievement before the August recess: passing a multibillion-dollar swath of programs to help struggling small businesses.

On its face, the legislation would pour billions into a slate of programs to help small business obtain federal microloans, government contracts and export assistance. But the bill also is part of the political wrangling that's going on in Washington ahead of fall's midterm elections.

Republican senators unanimously blocked the legislation a week ago, preventing an up-or-down vote that could have given the Democratic majority a political victory going into the August recess. In response, President Barack Obama gave a speech Monday urging the Senate to pass the bill.

Senate Majority Leader Harry Reid has vowed to try again this week, but it's uncertain whether the vote will happen.

Observers say the legislation could have sweeping effects in North Carolina.

More than 85 percent of companies in the state have fewer than 100 employees, said Scott Daugherty, N.C. small-business commissioner and executive director of the Small Business and Technology Center.

"We are substantially a state of small companies," he said.

The Economic Policy Institute recently calculated that there are nearly five job seekers for every open job. The unemployment rate in North Carolina remains above 10 percent.

Failure to pass the bill would bring Democrats such as U.S. Sen. Kay Hagan, who supports the act, back to their states this weekend with one fewer success to show from their party.

And it would give Republican U.S. Sen. Richard Burr, who is running for reelection, another point of criticism against the Democratic majority and the Obama administration.

Burr declined to be interviewed for this story, but in a prepared statement, his spokesman, David Ward, turned blame for the struggle of small businesses on the Democrats.

"What (small businesses) really need is for Congress and the administration to stop overburdening them with federal mandates, excessive bureaucratic red tape, tax increases and high energy costs," Ward said.

Carter Wrenn, a Republican political consultant in Raleigh, said Burr should easily be able to defend his "no" vote to his Tar Heel constituents.

"He can explain that all the job programs haven't worked, and he can explain that this is just one more," Wrenn said.

He said the legislation is a spending bill dressed up as a bailout.

"The truth is there's a trillion dollars now in the banking industry now that's loanable that ain't being loaned," Wrenn said. "The real problem is everybody's so uncertain about the future that no one wants to loan money."

Burr's no vote last week on the procedural question on the bill drew immediate criticism from the Democratic Senatorial Campaign Committee, which supports his challenger, Elaine Marshall, in the upcoming Senate race.

"Again and again, Burr shows he's more loyal to Republican leaders in Washington than to North Carolina small businesses," Deirdre Murphy, DSCC spokeswoman, said in a statement.

And David Axelrod, Obama's senior adviser, said Tuesday that GOP senators can expect to hear questions from constituents about why the bill didn't move forward.

"Make no mistake: It will be an issue if politics intrudes on what we should be doing," Axelrod said. "I think if I was in the position of Senator Burr, I'd rather go home and say I did something constructive for the small businesses of my state."

Much of the bill includes bipartisan proposals. Among them are provisions that would increase amounts of Small Business Administration loans, leverage \$1 billion in export capital, offer tax breaks for investments and startup costs, and give temporary funding for rural exports.

At the bill's center is a \$30 billion program for community banks to extend loans to small businesses. Burr's opposition puts him at odds with the N.C. Bankers Association, which supports the legislation.

"We think it is imperative," said Thad Woodward, the group's president. "Our folks have emphasized this as a lubricant for small-business lending."

Ms. LANDRIEU. She is right. We have worked across the aisle as much as we could. But for some inexplicable reason, we can't seem to get unanimous consent to move such an important and extraordinary bill forward.

The small business bill, the Main Street bill, has \$12 billion in tax cuts for small business. Democrats are for tax cuts for small businesses that will help them to create the jobs we need. It is very targeted, very strategic, very thoughtful, very careful, and focused on reducing the deficit as well. All I hear from the other side is: Extend tax cuts permanently to everybody, to heck with the deficit. Who cares if we get to a balanced budget. We want to go back to the way things were.

Democrats don't want to go back to the way things were. We want to go forward in a new way—with sound fiscal policy, balanced budgets, focused on Main Street, focused on small business. That is what Democrats and a handful of our Republican colleagues want—unfortunately, not enough to get the job done. I do thank the great coalition of Senators who have helped.

I also wish to submit an article by Jeff Cox, of CNBC, "Four Things That Could Help Companies Start Hiring Again." He talks about positive momentum, loans to small business, and foreign demand.

One of the things he mentions is:

American consumers—even those with jobs and savings—are focused on paying down debt and not greasing the economic skids.

As such, job markets may have to rely on low export prices and consumers in robust developing economies to help generate demand.

He is correct. We are going to have to rely on markets outside the United States to sell our goods there and pull ourselves out of this recession. Do Members think small businesses get the least amount of help with exports? No, they don't. In our bill, we have extra support for the Department of Commerce and the Small Business Administration to help small businesses in Louisiana, in West Virginia, and around the world to reach out from our main streets to main streets in foreign countries to try to sell goods. It is going to be a Main Street-to-Main Street partnership around the world. With the Internet, this is possible. Before the Internet, it would be laughable to even suggest such a thing.

But with the Internet, with the global air transportation, with expanded trucking and train transportation, we literally can move goods from Main Street right here. I would not be surprised if Georgetown Cupcake, which I spoke about yesterday, ships their cupcakes to India or China because they are really good cupcakes and maybe they do not make them as well there. That may be a little exaggeration, but I think it makes the point that if we can help our small businesses, there is no telling where these cupcakes—and in my State, it would be King Cakes—can go to support businesses on Main Street.

So I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From CNBC, August 5, 2010]

FOUR THINGS THAT COULD HELP COMPANIES START HIRING AGAIN

(By Jeff Cox)

Job creation in 2010 has been slow but unsure, coming in a weak trickle that has left investors unsatisfied and asking what it will take to actually get employment moving in a meaningful way.

Thursday's weekly jobless claims report only reinforced what Wall Street already knew—that despite halting signs of improvement, 479,000 new filings for unemployment insurance was hardly indicative of a robust recovery.

As such, the stock market sold off and strategists and analysts were left to ponder how long it will take for things to turn accelerate off the weak growth that has taken place this year.

"The question is when is that going to pick up enough to meaningfully lower the unemployment rate and spark the virtuous cycle of upward momentum, to get employment, wages and aggregate demand higher," says Tom Higgins, chief economist at Payden & Rygel in Los Angeles. "That takes time. If you look back at the last two cycles, employment recoveries have been slow."

Economists and employment experts say four things will have to happen to get jobs moving:

1. POSITIVE MOMENTUM

Slowdowns are as much psychological phenomena as they are economic, with confidence the key as much as any other factor.

With the news mostly bad about the economy, companies are afraid to hire until a more positive tone comes about.

"Hiring has tended to be slow the last two cycles," Higgins says. "The trajectory coming out of this recession is even shallower. That likely means the trajectory of hiring is much shallower."

One of the main problems is an economic Catch-22: Companies won't hire until they see more strength from consumers, and consumer spending can't get stronger if people don't have jobs. That means corporate America will have to rely on "small positives" to keep building until confidence is established, says Kurt Karl, chief US economist at Swiss Re in New York.

"Businesses like to look at year-over-year growth in sales, and that just isn't that strong yet. But it should be better and better as we get deeper into the recovery," Karl says. "With these unemployment recoveries, you either get one extreme or the other. You're either booming, or it's crash and burn. But we're muddling in between."

2. LOANS TO SMALL BUSINESS

While the biggest companies sit on the lion's share of the \$1.8 trillion in cash on corporate balance sheets, small businesses are groping for funds.

That's not been made any easier by banks that have been loathe to lend as they meet capital requirements laid out in the new financial reform legislation. Without that access to capital, small businesses will be unlikely to add new employees.

"We need small businesses, which generate 60 percent of the jobs, to get more access to lending, to capital, so people can take risks," says John Challenger, CEO at job outplacement firm Challenger, Gary & Christmas. "Entrepreneurs rely on savings, but those savings have been depleted."

The ability to invest in companies and develop products will help spur the demand needed to create jobs, Challenger says.

Small businesses in the recessionary environment "don't have access to the savings they might normally have. On the front end, with small businesses not there to pick up the slack, that's a very important hindrance to getting this economic engine going," he says.

3. FOREIGN DEMAND

American consumers—even those with jobs and savings—are focused on paying down debt and not greasing the economic skids.

As such, the jobs market may have to rely on low export prices and consumers in robust developing economies to help generate demand.

"One thing we do know is exports are strong. Overseas economies are doing quite well," says Brian Gendreau, market strategist with Financial Network Investment, based in El Segundo, Calif. "For large-cap stocks, more and more revenues are going to come from abroad. That's where we're going to get the growth."

Of 250 companies in the Standard & Poor's 500, 46.6 percent of all sales came outside the US in 2009, actually a slight decrease from the previous year, according to S&P.

But Gendreau sees capital expenditures increasing in a way that seems to anticipate more spending coming soon.

"Companies seem to be spending a lot of money in anticipation of demand that doesn't look obvious it will show up," he says.

4. CAPITAL SPENDING

Indeed, one of the main precursors seen for employment growth is capital spending by companies on plants and equipment.

In fact, Deutsche Bank analysts say cap-ex spending this year is robust—growing 20 percent over the previous quarter—and the trend traditionally leads the jobs market by a full quarter. The movement in cap-ex, says Deutsche economist Joseph A. LaVorgna, suggest a strong jobs-creation move in the third quarter.

"Taken literally (the comparison between cap-ex and jobs) implies we will see several million jobs created over the next few quarters," LaVorgna said in a note to clients. "While we are not so bold to forecast such sizeable job gains, we wonder whether there is some upside risk to our slightly above consensus forecast for July private payrolls."

Deutsche is projecting Friday's nonfarm payrolls to show job gains of 110,000 in July, compared to the consensus of 90,000.

That would be some indication that Wall Street is putting cash to work.

"We all know companies are sitting on mounds and mounds of cash, possibly record amounts of cash," Gendreau says. "The question is, when are they going to start putting it to work?"

MORATORIUM IN THE GULF COAST

Ms. LANDRIEU. Mr. President, I know there are Senators who wish to speak, but I have one more subject to speak about before I yield the floor.

In addition to fighting for Main Street, I am going to come back here in September—and continue through the August recess with many hearings in my State and meetings in my State—to fight for justice for the gulf coast.

I have not spent a lot of time in the last week or two here on the floor on this issue because I have been handling this small business bill, but I have been spending an awful lot of time on the phone, in meetings, and in Louisiana and will continue around the country to talk about this tragedy that has occurred.

As shown on this chart I have in the Chamber, this is what the gulf coast looked like before the moratorium was put in place—this blanket moratorium, unnecessary moratorium—by the administration. We had 33 deepwater rigs in the Gulf of Mexico. As you can see, many of them were off the coast of New Orleans and Louisiana.

As shown on this other chart, this is what it looks like today. Nobody is working. There is one rig being drilled. It is the Deepwater Horizon current site of the relief well. Everybody else has been put out of business in the Gulf of Mexico. This represents, at a minimum, 40,000 direct jobs—40,000 direct jobs.

I want to show you a picture of the shallow water. This other one is of the deep water. That is what it looks like shut down. This one is of the shallow water. There is no moratorium in the shallow water. But before the moratorium, there were 55 wells in the shallow Gulf of Mexico. These wells—each one of them—represent hundreds of people supporting them and on the shore supporting them. We are down to 13. And I have to fight so hard to get one permit issued by MMS.

I am proud, very proud, that my colleague in the House of Representatives, CHARLIE MELANCON, did what I did not believe was even possible: he got the entire Democratic caucus on record asking the President basically to lift this moratorium. Yes, there was some language in there. I would have liked it to have been immediately. But the fact that we have now every Democrat and every Republican in the House of Representatives on record lifting this moratorium and helping us get back to work in the gulf is really extraordinary.

I am looking forward to coming back to lead the effort in the Senate to follow the lead of the Congressman from the district that is most affected, Mr. MELANCON, to get the gulf back to work. There are 25 idle rigs, there are 5 nondrilling operators, one Deepwater Horizon, and 2 wells being drilled. We have to get the gulf coast back to work.

So in addition to passing the small business bill that we have to pass for the whole country, we have work to do along the gulf coast. We have a liability issue to settle. We are working on a compromise. I have a justice for the gulf document I am going to submit, a bill I am going to ask to be filed right now so that we can work in earnest.

I hope that before we get back here, the President will administratively lift

this moratorium. That is what he should do. We have put new safety requirements in. BP is going to pay the fines, billions of dollars of fines. They put \$20 billion in escrow. Claims are being paid. That part is working fairly well. What is not working are the people in the gulf of Mexico. We do not want handouts. We do not want welfare. We do not want food stamps. We want to go back to work, and that is what we are going to work on.

So this Senate has some work to do. The House has done its job in this regard. I hope, Mr. President, you and your team and the Secretary of Interior will think very hard about the economic damage that is being done right now. I understand safety is at issue. I understand we want our oceans clean. Nobody wants them cleaner than those of us who swim in the gulf, live in the gulf, fish in the gulf, and have for decades and centuries. But enough is enough. We have to get back to work. There are things that can be done, and I submit the bill at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to address the Senate for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

Mr. BROWN of Ohio. Mr. President, I rise to express strong support and to echo the comments of the previous speaker before Senator LANDRIEU, Senator CASEY, for the Healthy, Hunger-Free Kids Act of 2010.

Chairwoman LINCOLN has led the reauthorization efforts—chairing hearings of the Agriculture Committee, on which I sit, and speaking eloquently in this Chamber about what is at stake in the Healthy, Hunger-Free Kids Act.

The health and well-being of our Nation's children, it goes without saying, has a direct effect on the health and well-being of our Nation. Our economic security depends on a strong and capable workforce. Our national security depends on a highly skilled and physically fit military. In fact, when President Truman signed the National School Lunch Act—laying the foundation for President Johnson to sign the Child Nutrition Act of 1966—he did so at the request of our military leaders, who saw firsthand the malnutrition plaguing so many of our soldiers—especially rural soldiers, White and Black alike—in World War II.

When Congress passed the National School Lunch Act in 1946, it said:

It is hereby declared to be the policy of the Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children.

Today, our military leaders once again support the Child Nutrition Act and have joined with hunger and nutrition advocates to urge Congress to pass this critical legislation.

So, too, are educators and business leaders and health care providers, who are worried about the costs of poor nutrition to our economy and our health care systems and the educational development of our children.

As Senator CASEY said so well, hungry children simply cannot learn. And my guess is, there are few, if any, in this Chamber who went to school so hungry as kids that they could not learn. But it certainly is proven, and we know that from observing kids, from talking to children, from watching their performance.

Study after study indicates that access to healthy, nutritious foods is critical, obviously, to our children's health and their ability to learn. Yet the stories behind these studies put a real face on the issue of childhood hunger.

Twenty percent of Ohio children under 18 years of age—570,000 children—think of that, 1 out of 5 children in a State, in a generally wealthy State, in a very wealthy country; 20 percent, 1 out of 5 children in my State under 18 years of age, more than 500,000 children—live in food-insecure homes. Those numbers are comparable in the Presiding Officer's State, in cities such as Huntington and Charleston and Morgantown and Beckley and all over his State.

Too many students nationwide—more than 1 million children—slip through the cracks and do not receive free or reduced-priced lunches for which they are eligible. In Ohio, about 700,000 children are eligible for reduced-priced or free breakfast or lunch. Every day, that number is significantly fewer as to those children who actually receive lunch and breakfast.

Understand, too, on weekends in the summer months, those numbers shrink dramatically. There are feeding programs in the summers, but only about 1 out of 10 children who are eligible actually gets those free breakfasts, free lunches, free snacks in those summer months. So the effects of poor nutrition reach beyond the boundaries of hunger. It also fuels childhood obesity, ironically. So it plagues communities across the Nation.

That is why this reauthorization is so important. Every 5 years, we have a chance to make the programs and resources available to our children better and more effective. This year we did that, and the Senate passed it today.

The bill will improve the quality of food in the National School Lunch Program and make sure children who need the help most are actually getting it. Each day, some 30 million schoolchildren across the country participate in the National School Lunch Program,

from cities as large as Cleveland and Cincinnati and Columbus to rural towns such as Gallipolis and Galion and Grafton.

Each school day, the number of schoolchildren receiving free or reduced-price meals increases as more families struggle with high unemployment and increased poverty. We know that during the extension of unemployment benefits, the number of families who lost their jobs, then lost their unemployment insurance, then lost their health care, then lost their cars in some cases and in far too many cases then lost their homes to foreclosure—that those families even more relied on the school breakfast and lunch program.

The reauthorization includes provisions from the Hunger Free Schools Act that Senator CASEY from Pennsylvania and Senator BENNET from Colorado and I introduced earlier this year.

This legislation would auto-enroll eligible children and eliminate duplicative paperwork that costs schools and families valuable time and, in too many kids' cases, access to healthy school meals. It would allow eligible schools in high-poverty areas to serve universal free school lunches and breakfasts. In Ohio, an estimated 432 schools enrolling more than 150,000 students could opt into this program. So making this part of the reauthorization absolutely matters to embrace more children in these programs.

This bill is about reaching the very children—the neediest and most vulnerable—we should have been reaching in the first place.

The reauthorization would also expand the Afterschool Meal Program and the Summer Food Service Program, which play critical roles in childhood development outside of the classroom. We know that for particularly young children, if they are not eating right, their development as sentient, strong, healthy, intelligent human beings is significantly arrested.

Less than 10 percent of Ohio's eligible schoolchildren receive summer nutrition assistance. As I said, in rural Appalachia, across the river from the Presiding Officer's State, the numbers are bleaker as meal locations are fewer and farther between. The numbers are not good enough in Cleveland. They are not good enough in Youngstown. They are even worse in Malta and McConnelssville, in Pomeroy, in Piketon, and especially in the even more rural areas such as Colton in Jackson County, Coolville in Athens County, and those small remote areas where meal locations are even harder to reach. By strengthening these summer programs, we ensure more children have a nutritious breakfast, lunch, or snack during the summer months. It is a key ingredient in keeping children healthy, educated, and active.

Steve Garland of the E.L. Hardy Center—a summer feeding site outside of

Columbus—tells a story of a single father with three sons who relies on the center for meals and mentoring. The father says that without the center, his young sons are at risk of falling behind in school and getting in trouble in the community.

It is not just keeping children fed. It also matters for their school work. It matters for keeping them out of trouble. It matters for their intellectual development.

Fifty children per day in past summers would show up for a healthy meal and recreational activities at the Hardy Center. This summer, because of enthusiastic and dedicated VISTA volunteers, attendance at the Hardy Center has ballooned to 300 children per day.

Now, get this: Typically, only about 1 out of 10 eligible children across the country—Ohio is actually slightly above the national average—only about 1 out of 10 children across the country who are eligible for free breakfast and free lunch is getting it during the school year. Only 1 out of 10 gets these breakfasts, lunches, or snacks in the summer—1 out of 10.

That is why what we did when Senator DORGAN and Senator KAUFMAN and all of us worked together in expanding national service—VISTA; Peace Corps; City Year, which two of my daughters have been part of as volunteers; AmeriCorps; all of those programs—more of those kids, more of those volunteers are now helping these summer feeding programs.

So instead of feeding 50 people at the Hardy Center, thanks to the VISTA volunteers, 300 children—all those 300 were eligible last summer; they just were not there because they did not know about it, they could not get there, whatever—now, because of these VISTA volunteers, 300 children are getting fed almost every day this summer. That is the good news. The bad news is that Steve Garland of the Hardy Center says there are still some 5,000 children in the surrounding communities who do not have a site in their area.

I said 5,000, and that is just Columbus. That is not the whole State. That is not the whole country. That is 5,000 children in Columbus who aren't getting fed who are eligible, who won't do as well in this life probably because they are not getting adequate nutrition as children.

When the President signs this bill into law, we will help countless other community leaders such as Steve provide more meals and activities to keep our children healthy.

The reauthorization dramatically reshapes and updates nutrition standards to help us reduce childhood obesity rates and put healthier food in school cafeterias.

Steve Grundy, director of Nutrition Services for Dayton Public Schools, faces the choice between doing what is

right—feeding our children healthy foods—and what is cost-effective—serving cheaper, less healthy foods.

Craig Hokenberry of Cincinnati Public Schools sees children with stunted growth because they have too little to eat. Without access to healthier fresh foods, families and schools look to the local food bank for afterschool or weekend meals. Because they are just getting these programs during the week, they are getting breakfast and lunch. Weekends, not so good; summers, not so good.

As Nora Nees of Ohio's Association of Second Harvest Foodbanks can attest to, these programs are in demand now more than ever.

Ginny Black in Columbus teaches children about healthy eating habits. Ms. Black has been a school nurse in Columbus for more than 20 years. She has seen firsthand how good nutrition contributes to higher academic achievement and better classroom behavior. According to her, reauthorizing the Child Nutrition Act means no more vending machines with junk food, no more having to rely on outside vendors for pizzas and burgers.

I was recently in Mansfield, my home town, about 50,000 people, visiting with community health workers at CHAP—women who travel across the country to provide prenatal care for underserved communities. CHAP is a facet of the social service safety net that is working to improve outcomes and reduce costs, but it is stretched thin.

By authorizing the Child Nutrition Act, we can help these workers and educators and parents do much more for our Nation's children. The more children who are healthy, the more we can lower rates of childhood obesity and diabetes. The more children who are not going hungry during school, the greater their chance to learn and succeed.

It is important we took this step today. This legislation means not just a lot for hungry children today; it means a lot for the future of this country, because children who in the past have not been so well served will have the opportunity to eat better, will have the opportunity to grow better, will have the opportunity to intellectually develop better, and will have the opportunity to be healthier. We owe that to our children. We took an important step.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Delaware.

MR. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

RESTORING MARKET CREDIBILITY

MR. KAUFMAN. Mr. President, I rise to discuss the need of the Securities

and Exchange Commission to take meaningful action to protect the credibility of our markets.

As my colleagues know, I believe deeply in the importance of our capital markets to America's future economic success and the ability of Americans to invest for their retirement years. I have said many times on this floor that democracy and our capital markets are the fundamental pillars that make America great. I have always maintained that if we do not have credible markets, our country will be in serious trouble. Credible capital markets are one of America's crown jewels and we should protect them as such.

I am deeply concerned about the state of our equity markets. Many rapid and dramatic developments have inextricably changed the way stocks are traded in today's marketplace. The markets have become fragmented and dominated by high-frequency trading.

These changes came to a head on May 6 when stock prices spiraled out of control, ultimately dropping and recovering over 500 points during a dizzying 20-minute time period.

It is clear we must rely more than ever on our regulators to protect the integrity and credibility of our capital markets. Without a doubt, the SEC—the Securities and Exchange Commission—along with the Commodity Futures Trading Commission—CFTC—has worked heroically to study the flash crash and put circuit breakers in place to prevent another event of the magnitude we witnessed on May 6 from occurring, or even more. But that is not anywhere—nowhere even close—to enough.

As Chairman Mary Schapiro has repeatedly stated, our markets exist to perform two principal functions: capital formation so that companies can raise capital and invest, create jobs and grow; and attracting and serving long-term investors to help facilitate that process. The May 6 flash crash revealed structural flaws in our market structure that must be addressed—must be addressed—in order to ensure our markets are performing their best and highest purposes.

There are many questions that remain unanswered and many solutions that I hope the SEC already has been exploring. More and more market participants and regulators are sharing their own concerns about the overall performance of our equity markets.

Michael Cembalest, the chief investment officer of J.P. Morgan's private banking division, wrote a commentary on July 13. This is J.P. Morgan. Mr. Cembalest outlined several areas of current market structure, including the market's increasing reliance on volume driven by high-frequency traders, which merit careful review.

In addition to supporting circuit breakers, Mr. Cembalest suggested that high-frequency traders should: "be re-

quired to register as broker-dealers . . . [and] act more like the floor specialists they're replacing."

Cembalest also noted that while high-frequency volume has ostensibly made trading cheaper by narrowing the spreads investors often pay to get their orders filled, there are other costs associated with trading that might be less obvious. One such cost, according to Cembalest, occurs when high-frequency traders "spray the tape" with thousands of quotes to "ferret out" the intentions of large investors, and then trade ahead of their order flow.

A draft report submitted by a British member of the European Parliament to the Committee on Economic and Monetary Affairs expresses similar concerns. The report, which could influence the European Union's ongoing review of market structure, states "limiting systemic risk must be prioritized." Accordingly, it proposes that all trading platforms should "stress-test their technology and surveillance systems." It also called for "an examination of the costs and benefits of high frequency trading on markets and its impact upon other market users. . . ." Finally, the report calls for "the regulation of firms that pursue high frequency trading strategies to ensure that they have robust systems and controls with ongoing regulatory reviews of the algorithms they use."

While I stated many of these concerns last August 21 in a letter to Chair Schapiro, it has taken almost a year later—and in large part due to the May 6 flash crash—that these ideas have finally gone mainstream and people are talking about it in all the different areas of the news media. Although the task before us is daunting, as even tweaking the market's structure is rife with potential unintended consequences, the SEC must act to protect investors and restore market credibility in the coming months. Navigating these issues will be difficult, particularly with so many business models based, or even dependent, on the existing regulatory framework.

Another challenge comes in the form of the recently enacted Dodd-Frank Wall Street Reform and Consumer Protection Act which places a raft of new responsibilities, including 95 rulemakings and 22 studies, on the Securities and Exchange Commission. Nevertheless, the SEC must triage its responsibilities and work expeditiously to adopt much needed reforms in the market structure area. There can be no back burner when it comes to resolving a broken market structure. There can be no delay when long-term investors are losing confidence. The time for action is now.

The direction the Commission takes in its bid to fulfill its mission will say much about the type of country in which we live. As difficult as it might be, regulators must stand apart from

the industries they regulate, listening and understanding industry's point of view, but doing so at arm's length and with a clear conviction that on balance, our capital markets exist for the greater good of all Americans.

This is a test of whether the Commission is just a "regulator by consensus," which only moves forward when it finds solutions favored by large constituencies on Wall Street, or if it indeed exists to serve a broader mission and therefore will act decisively to ensure the markets perform their two primary functions of facilitating capital formation and serving the interests of long-term investors.

A consensus regulator may tinker here and there on the margins, adopt patches when the markets spring a leak, and reach for low-hanging fruit when Wall Street itself reaches a consensus about permissible changes. In these times, however, the Commission must be bold and move forward. The American people deserve no less.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

UNANIMOUS-CONSENT REQUEST H.R. 4994

Mr. DORGAN. Mr. President, earlier today we had some suggestion on the floor of the Senate about the Cobell case—that is the settlement of the Cobell case—the Federal court case Cobell, et al. v. Salazar. A negotiation ensued late last year with an agreement in December of last year that would settle at last—at long, long last—a 15-year litigation in Federal court dealing with American Indians and the mismanagement of their trust accounts—literally stealing and looting trust accounts over the years and, in addition to that, a substantial amount of incompetence along the way.

I described today people who have had oil wells on their land and who have lived in poverty because somebody else got the money from their oil wells. They didn't get it, despite the fact that the government held their land in trust and promised to provide them their income from that land, whether it was from minerals, oil, grazing, agriculture, or another activity. For 140 years, American Indians have too often been cheated.

Well, a court case that has existed now for 15 years determined that the Federal Government had a responsibility and liability. Rather than have that court case continue for more years in the Federal courts, there was a negotiation late last year with Interior Secretary Ken Salazar and Cobell plaintiffs. They reached an agreement and the Federal judge gave Congress 30 days to provide the funding and approve the settlement. The Congress did not do that in 30 days. In fact, the

deadline for the settlement has been extended now six times during which the Congress has not acted.

We have tried very hard to find ways to satisfy everybody here, but apparently that is not capable of being done today. I am profoundly disappointed in that. I think my colleague from Wyoming wishes he were one of the negotiators. He was not, of course. It was the Interior Secretary who and the plaintiffs who negotiated. The Congress simply is an evaluator of whether it wishes to dispense the funding for the settlement that was done. I was not a negotiator. Nobody in Congress was a negotiator.

The question isn't, by the way, whether Indians were cheated or whether they are owed money as a result of mismanagement and fraud over these decades. The Federal court has already determined that was the case. They found in favor of the plaintiffs, and then the case was appealed further by the Federal Government.

The question is whether we have a responsibility here. We do. The Federal court has already found that to be the case. The question is whether we will meet our responsibility. This negotiation that ensued with Cobell v. Salazar, as far as I am concerned, represented a sound and reasonable approach, and I believe we should fund and approve it and move forward.

The unanimous-consent request that I am going to offer includes Cobell v. Salazar and the authorized settlement in that case, as well as the approval and funding for the final settlement of claims from the Black farmers discrimination litigation that has been discussed at some length on the floor as well.

Mr. President, having said that, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 4994, and that the Senate proceed to its consideration; that the substitute amendment at the desk, which authorizes the settlement of Cobell, et al., v. Ken Salazar, et al., and to provide an appropriation for final settlement claims from In re Black Farmers Discrimination Litigation, be considered and agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, reserving the right to object, I do support the Cobell lawsuit. I have great admiration for my colleague from North Dakota and the considerable work he has done as chairman of the committee. He has worked very effectively and passionately and he also worked with Secretary Salazar to get to a point where we can move forward. We are not quite there yet in terms of the policy or the payment issue. We are not quite there,

but I will offer the following alternative to the proposal the chairman has presented to the Senate. It is along the lines of things I have been discussing with Secretary Salazar and the administration.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3754, which was introduced earlier today; that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Mr. President, let me say again how extraordinarily disappointed I am. I have in my hand the proposal Senator BARRASSO offered to the Secretary of the Interior.

By the way, I don't accuse anybody of bad faith. The Senator from Wyoming is a friend of mine. I am enormously disappointed with him at this point. He has a right to be disappointed with me, if he wishes. Let me just say this. This negotiation ensued last November and December, resulting in a settlement. None of us here were part of that settlement—excuse me, we weren't a part of the negotiation that reached the settlement. That is not the role of the Senate, to be involved in a 100-person negotiation.

The lawsuit was a suit brought by plaintiffs against the Secretary of the Interior. The negotiations were negotiations with the Secretary of the Interior, who was the defendant in that suit. That is appropriate and the way it should be.

If we don't like what that negotiations developed and don't support the settlement and believe we can do better, then we should object. But then we don't get this done. That has happened six times this year. Over and over and over again, we have failed to act on this matter.

My colleague has five things he wants that are different than the settlement. Maybe they are better, I don't know. I don't have the foggiest idea. I said to him a while ago that I wish he would take yes for an answer because the response to his requests of the Interior Secretary was a letter from the Secretary saying he agreed with him and would do them. But my colleague wants them in legislative language. That changes the settlement and the negotiation.

It is 7:30 on a Thursday night in August, months and months and months after the settlement was sent to the Congress by a Federal judge, saying do

this in 30 days. I just say it is very hard to get things done. Next, it will be somebody else who has four provisions or five provisions or who can write the settlement better or think it through more clearly. I don't know. I do know this. The people who have been cheated—and there are a lot of them and many of whom have died waiting for this settlement—are not going to get any benefits from this settlement until this Congress decides whether it is going to pass legislation dealing with the settlement.

It may be that any Member of the Congress can do a better job and write better provisions, except that we weren't the negotiators because we were not the defendants in the lawsuit. We have every right to say no, if that is the point. We have said no since last December. If that is the point, I suppose more plaintiffs will die. They will wait years and probably go back to Federal court. Maybe we can go another 10 years in Federal court, having lawyers earning money and Indians living on lands with oil wells 100 yards from their house and they get checks of 5 cents or 8 cents or maybe \$3 as revenue from the wells. That is what has been happening for the last 130 years.

I understand why there is frustration. If I sound frustrated, think of the people I describe who have been cheated and have lived in poverty most of their lives because they have not had the opportunity to get income from the lands they owned. I don't understand it. I guess people see competing UCs, and wonder what is the result of what are called in the Senate competing UCs? Does anybody go home feeling good? Not me. We are either going to do this or not. If we don't like this settlement, let's not do it. I happen to like it; let's do it. My colleague, perhaps, wants to respond.

I will yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, again, I have a great deal of respect for my colleague from North Dakota. He is compassionate and makes a compelling argument. We do need to settle the Cobell lawsuit. I ask the leaders to, over the next couple weeks, come together and allow for a very limited debate, possibly a few amendments on the floor, and then an up-or-down vote.

That is the sort of thing we need to do—in the light of day—with the Members of the Senate, not something that continues to be brought forth with the goal of getting a unanimous-consent agreement. We are not there.

I think the ideas I have brought forward are good. They come forward because those are the ideas I have had brought to me through various tribes from around the country who have concerns about the settlement. There have been large meetings of different tribes who have come out in support of these

ideas that they have brought to me. I think it is very reasonable for the Senate, if we can arrange for a limited time for debate on the specifics and not be asked in a unanimous consent on the last evening before Members of this body have scattered home to their States, when they are no longer here. They have been told they are not going to vote again until the middle of September.

I think it is reasonable to ask the Senate to have a discussion on this and then a vote. If the Senate, in its wisdom, decides that is what they want and they want to pass this as written, then the will of the Senate has been worked. That is why I raise these concerns tonight.

With great admiration for the chairman, who has worked so well, in a bipartisan way on our committee, we have worked together on legislation on Indian affairs. He is chairman and I am vice chairman. I can understand his concerns and wanting to get this settled. I do too. I feel obligated to bring forth the concerns I have heard from across this country and bring them here.

That is the reason I object to the settlement tonight, and I would love to have our leaders work together to bring this forward to the floor for discussion, debate, and then an up-or-down vote.

I yield the floor.

Mr. DORGAN. Mr. President, let me describe the difficulty with the procedure my colleague described. We can't just bring something up for a vote, because if somebody here doesn't like it, they object. Then you have to file a cloture motion, and it takes 48 hours to get a cloture vote. Then you have 30 hours postcloture. That is what we run into. I agree with that; let's put the best idea up and have a vote on it. If you don't like the settlement and decide that somehow these plaintiffs are not worthy, despite the fact they have been bilked for 130 years, then vote no. But we can't even get a vote.

At any rate, I will wait and see if there is a better idea that will get votes in the Senate or are we going to continue every 30 days or so to say to this Federal judge that we understand a settlement was negotiated and reached on behalf of the United States of America, but we don't intend to vote for it?

I have another bill at the desk. Before I ask unanimous consent, I will describe it. In the piece of legislation we passed today, dealing with FMAP, and funding for teachers, and so on, there was a provision that was first described as a pay-for but actually scored as zero, which meant it was a pay-for that had zero impact. It does have an impact on American Indians, and I wanted to describe it briefly.

When the Economic Recovery Act was passed, we proposed that at least a

small amount of money go to Indian reservations around this country because they had the highest rates of unemployment. So there was put in place a piece of legislation that provided an Indian guaranteed loan program account. There was \$6.8 million remaining in that account that would support a substantial number of projects around the country—somewhere in the neighborhood of \$80 million—that would put a lot of people to work—investing in new infrastructure and projects. That legislation—the so-called pay-for that is scored as zero in the bill passed today—in my judgment, we need to rescind that action because it had no impact on the legislation the Senate passed. But it will have a substantial impact on loan guarantees for these Indian reservations, most of which have the highest rates of unemployment in the country.

I have spoken to a good many people about the need to do this. Again, I have been on the phone to the Congressional Budget Office. They say that a zero score—as I introduced it today, it will not score. Therefore, I believe it is very important to do.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3761, which is at the desk; that the bill be read the third time and passed; that the motion to reconsider be laid upon the table; and that any statements related to the bill be printed in the RECORD, as if read.

The PRESIDING OFFICER. Is there objection?

Mr. BARRASSO. Mr. President, reserving the right to object, this is something my colleagues have not had a chance to review. As a result, and not knowing the specific details and with colleagues now traveling back to their home States, on behalf of them, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Mr. President, I understand my colleague from Wyoming suggests there are some here who may not be acquainted with this legislation. I have spoken to both Republicans and Democrats today, during the course of the proceedings, because I think it is very important. I think this is something we need to fix as well. I understand my colleague from Wyoming is objecting on behalf of others.

Let me make one other point on this. I have spent a fair amount of time talking to Senator KYL about this. He is on an airplane at the moment. He was not able to hear from the Congressional Budget Office before he left town. I do hope, even though there is an objection now—and to be fair to my colleague, he is objecting on behalf of other Senators with respect to this—that we can find a way to repair this because I think it is very important that we do so.

Mr. President, I ask unanimous consent to have printed in the RECORD a

letter dated August 5, 2010 from the CBO.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 5, 2010.

Hon. BYRON L. DORGAN,
Chairman, Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, CBO has reviewed a draft bill to ensure that amounts appropriated to the Bureau of Indian Affairs under the American Recovery and Reinvestment Act of 2009 remain available until September 30, 2010. The draft bill would repeal a provision in H.R. 1586, the FAA Air Transportation Modernization and Safety Improvement Act, as passed by the Senate on August 5, 2010, that would rescind certain unobligated balances from the Indian Guaranteed Loan Program Account.

CBO estimates that for the purpose of budget enforcement procedures in the Senate, passage of the draft bill would be considered to have no budgetary effect, because it would be amending legislation that had not yet cleared the Congress.

We also estimate that if the draft bill is passed by the Senate, passage of both bills by the House would lead to about \$3 million more in direct spending than passage of just H.R. 1586 because the rescission in H.R. 1586 would be repealed. For the purpose of budget enforcement procedures in the House, that \$3 million would affect the cost of whichever bill cleared the House later.

That \$3 million cost would not count for the purpose of statutory pay-as-you-go procedures, because the funds affected were designated as an emergency requirement when originally appropriated.

I hope this information is helpful to you. If you wish further details on this estimate, we would be pleased to provide them. The CBO staff contact is Jeff LaFave who may be reached at 226-2860.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Mr. DORGAN. With that, I yield the floor.

TRIBUTE TO HERCULEZ GOMEZ

Mr. REID. Mr. President, today I come to the Senate floor to congratulate Herculez Gomez, a dedicated and disciplined soccer player from Las Vegas, who was one of 23 men to represent the country during the 2010 FIFA World Cup in South Africa as part of the U.S. Men's National Team. Herculez, who currently plays in Mexico's Professional First Division for Pachuca F.C., made the final cut after being selected from the 30-man provisional World Cup U.S. roster.

As the oldest of five children, Herculez was born in Los Angeles to Mexican-American parents and later moved to Las Vegas where he was raised. While attending Las Vegas High School, he joined the high school's soccer league, where he cultivated a passion that would launch his career in the MLS league, and later earn him an unexpected, but well-deserved slot to represent his home State of Nevada

and the United States in the 2010 World Cup this past June.

Throughout the years Herculez has developed a very successful soccer career, playing for several teams both in the United States and Mexico. Despite having suffered several physical injuries, such as broken foots and torn ligaments, through perseverance and patience Herculez has made a name for himself as dedicated player and rising star. While playing with the Puebla F.C. in Mexico, he became the first American player to score the most number of goals for a foreign league, netting 10 goals in the 2010 Mexican season.

During the 2010 FIFA World Cup, Herculez played in three of the four U.S. men's team World Cup games, and started in one of them. Although the team's quest for our first World Cup ended in the round of 16, Herculez represented Nevada and his country brilliantly and I look forward to seeing bigger and better performances from this Las Vegas star.

FOR-PROFIT COLLEGES

Mr. DURBIN. Mr. President, lately it seems that there is nothing the Senate can agree on. We argue on partisan lines over every issue imaginable.

But I know of at least one issue that would bring every Member of the Senate to the floor in agreement: Pell grants.

This is a program designed to help poor students get the education they need to give themselves and their families a better future. Millions of Americans have seen the benefits of the Federal investment in Pell grants first hand.

Over the past 2 years, the Congress has provided significant increases in funding to the Pell grant program. We have raised the maximum Pell grant to an all time high of \$5,550 and we set a course so the grants will continue to rise reaching almost \$6,000 in 2017.

I have supported those increases. The recent expansion of the Pell grant program is essential for our economic recovery as Americans are returning to college to learn new skills.

But the investment does not come without a cost. To finance the higher Pell grant levels, we invested \$17 billion from the Recovery Act and \$36 billion from the recent reconciliation bill.

And we still have a shortfall this year caused by the tremendous new demand for Pell grants.

I have spoken before about my concern that increases to Federal student aid are diminished by the skyrocketing cost of higher education at many colleges and universities, but today I want to discuss a new threat to the Federal Pell grant program—in the form of for-profit colleges.

I am worried that a portion of the investment of taxpayer funding into

higher education may be going to waste at the hands of for-profit colleges.

For-profit institutions of higher education have experienced a meteoric rise. Two decades ago, the phrases “for-profit college” or “proprietary school” would have conjured up images of the beauty school around the corner or the trade school down the street. Most of those schools were small mom-and-pop operations. Some were bad apples that wasted taxpayer money and some provided needed training to students with no other opportunities, but their impact was small.

That is no longer the case. Today, the largest recipient of Federal financial aid is a for-profit institution that enrolls over 450,000 students, many of those online.

Enrollment at for-profit colleges has grown by 225 percent over the past 10 years.

The 14 publicly traded companies in the industry enrolled 1.4 million students as of 2008.

Because of the high price of tuition and the active recruitment of low-income students, for-profit colleges receive a tremendous amount of Federal financial aid funding. For-profit colleges received \$4.3 billion in Pell grants in 2009.

We also need to examine the funding that for-profit schools are receiving from other Federal sources.

Along with the billions of dollars in Pell grants and Federal student loans, the for-profit college industry also receives significant funding from the Department of Defense through tuition assistance and from the Department of Veterans Affairs through the G.I. bill.

Some for-profit institutions serve active-duty students and veterans well by offering flexible course schedules, distance learning, and course credit for military training.

But there are also reports of for-profit colleges aggressively targeting military personnel. One prominent for-profit has 452 military-focused recruiters. It is troublesome that so much money is spent on recruiting students whose tuition is paid by the Federal Government.

The tuition payments for active military and veterans funding does not count towards the 90 percent Federal funding limitation, which makes Defense and G.I. bill funding particularly attractive to for-profit colleges.

Their tactics are working. Seven of the top 10 recipients of G.I. bill funding in the last school year were for-profit colleges.

It is time we examined these sources of funding. This week, Senator WEBB and I are sending letters to Secretary Gates and Secretary Shinseki asking some important questions about the Federal investment in for-profit colleges as well as the quality controls over these institutions.

And students who attend for-profit colleges are more likely to borrow student loans than students attending public or nonprofit colleges. And they take out larger student loans.

In 2008, one-quarter of graduates from for-profit schools had borrowed more than \$40,000 to finance their education.

There are good trade schools and for-profit colleges, and they serve an important purpose with job training that provides a way up the economic ladder.

But that is not the case across the board. Too often, those loans and Pell investments are not paying off.

For-profit schools enroll just 10 percent of all students in higher education, but their students use 25 percent of all Federal aid and represent over 40 percent of all student loan defaults.

Students are enrolling in for-profit colleges in search of opportunity. At some of these schools they learn important skills, graduate, and move on to good careers.

But too many students drop out or graduate only to realize that the education they have borrowed so heavily for has not provided them the skills or credentials they need to find employment.

These students will often find their high monthly student loan payments impossible to meet and stop paying.

A few weeks ago, the Chicago Tribune told the story of Denise Parnell. Denise is a single mother who dreams of becoming a nursing assistant.

She enrolled at an Illinois for-profit college where she completed an 8-month program that she was promised would lead to a career.

But in June, Denise and the other students in her program learned that the school's program wasn't approved by the State Department of Public Health. Denise was not eligible to take the exam she needed to become a certified nursing assistant.

Denise had wasted a year of her life in a program leading nowhere. And even worse, she owes more than \$13,000 in student loans for her trouble.

Before she enrolled at that for-profit college, I wish Denise had looked to her local community college.

There, she would find many programs of study that could give her the skills she needs to start a new career as a health care worker. But community colleges are not able to compete with the marketing skills of for-profit colleges.

Many for-profit colleges spend substantial sums of money on recruiting and marketing through television commercials, billboards, phone solicitation, and other direct marketing.

In fact, many for-profit colleges spend barely half of their budget on education and nearly one-third on recruiting and marketing. At least one prominent school actually spends less on teaching than it does on marketing.

This is a recipe for disaster. Low-income students come to for-profit colleges in droves, lured by promises of high-paying careers, flexible courses, and easy financial aid.

But when they enroll, they may find that far less money is put into educating them than on recruiting them.

Today, the Government Accountability Office released a report documenting the recruiting practices of for-profit colleges.

Senator HARKIN asked GAO to send undercover investigators to determine if for-profit colleges' admissions representatives were engaged in deceptive marketing tactics.

GAO sent undercover applicants to 15 for-profit colleges, including two in Illinois.

At every single one, they found that recruiters made deceptive or otherwise questionable statements.

And at four of the schools, the for-profit college representatives actually encouraged fraud.

Some of the tapes of those encounters would shock you.

The recruiters made false claims about potential salaries, program duration, cost, and graduation rates. Other recruiters encouraged students to lie on their financial aid forms.

In one video, the representative informs a prospective applicant that some graduates are making \$1,000 a day as barbers in the District of Columbia. That would be a salary of around \$250,000 per year. The average barber in DC makes \$19,000.

In another video, the recruiter claims that you don't have to pay back your student loans at all. She says that unlike a car loan, no one will come after you for not paying a student loan.

In several videos, recruiters refuse to let the applicant speak to financial aid officers until he enrolls in the school.

Throughout, the representatives of the for-profit colleges employ aggressive tactics and convey false information to prospective students in order to sign them up.

Why is all this pressure placed on students? Money.

In many for-profit schools, recruiters' salaries, bonuses, or promotions are determined by how many students they sign up.

As a result, they try to bring in as many students as possible—regardless of their ability to succeed or complete the program—and load them up with loans.

Students deserve full and complete information when enrolling in a college and taking on large amounts of debt.

Students should be informed about debt loads, completion rates, job placement rates and salaries, and accreditation information so that they and their families can make smart choices.

Instead, students are being misled, misinformed, and lied to.

Students are not the only ones being taken advantage of by the worst for-

profit colleges. Taxpayers are on the hook as well when Pell grants are wasted or when student loans are defaulted on.

When a student cannot repay his loan, the college he attended bears no responsibility. Instead, the taxpayers take the loss.

Steve Eisman, profiled in the book "The Big Short," has discussed the similarities between the subprime mortgage industry and the for-profit college industry. Some of his predictions are startling.

He estimates that over the next 10 years, former students of for-profit colleges will owe \$330 billion on defaulted loans and fees. Given our current fiscal situation, that is not a cost we can bear.

Eisman believes that if we don't rein in this industry, we will face another social disaster akin to the collapse of the housing industry. I hope that does not come to pass.

This is a situation that demands our attention.

Along with several of my colleagues in the House and Senate, I've asked the Government Accountability Office to review the quality of for-profit colleges and make recommendations based on its findings.

I commend Senator HARKIN for holding oversight hearings in his committee on this important issue, including a hearing this week on marketing and recruitment by for-profit colleges. I look forward to working with him on legislative action.

I also commend the administration and specifically the Department of Education for their engagement on this issue.

Unfortunately for the taxpayer and for countless students, the previous administration loosened many regulations that have made it easier for abuses to occur. I am pleased to see the current administration back on the appropriate track. The Department of Education has proposed a number of new regulations that will address some of the abuses in the industry.

Several of my colleagues are working with me on the President's Deficit Reduction Commission. One of the principles guiding our work is not just what we're spending, but how wisely.

Does it make sense for the Federal Government to send Pell grants to schools that are spending more of that money on marketing than on education? Does it make sense for the Federal Government to guarantee loans to students who are given no realistic chance at the career they think they are training for?

We need to look carefully at this trend in for-profit schools. If enrollment has increased by 225 percent over 10 years, while \$4 billion in Federal dollars went to for-profit schools last year, and 40 percent of their students are defaulting on their loans . . . this may not make sense.

REMEMBERING SENATOR ROBERT C. BYRD

Mrs. LINCOLN. Mr. President, the death of Senator Robert Byrd is a tremendous loss to the Senate, the State of West Virginia, and the entire Nation. As the longest serving Member of Congress, his political career spanned multiple Presidencies, and he was a witness to countless American advances and achievements. He has served his state and our country for more than half a century, and he will be greatly missed.

Senator Byrd embodied the history and traditions of the Senate, and his incredible knowledge of our Constitution, Congress and the legislative process benefited every Member who served alongside him. I met with Senator Byrd when I was first elected to the Senate, and I will be forever grateful for his generosity and willingness to assist his colleagues.

I will always remember Senator Byrd as a committed public servant who was deeply devoted to his State and his country. He was known as the conscience of the Senate for his dedication to the body's history, legislative process and rules, serving as a principled legislator. He made many sacrifices to give his life to public service, and we owe a lot to Senator Byrd for this reason. I am deeply saddened by his passing and know he will be missed.

Mr. CHAMBLISS. Mr. President, I rise to pay tribute to a colleague whose devotion to this body, and to this Nation, was personal, heartfelt and legendary. I am talking about none other than the senior senator from West Virginia, Senator Robert Byrd.

Senator Byrd's time on Earth was a life characterized by commitment. He exemplified this rare quality through his 70-year marriage to his high school sweetheart Erma James Byrd. But this was far from the only deep commitment in Senator Byrd's life. His dedication to the U.S. Senate was proved by his actions and his storied career. His life in the Senate began in 1958 with a victory that included 59 percent of the vote, the smallest margin of victory in Senator Byrd's half century-plus career. During his 57 years in Congress, Byrd worked with 12 future Presidents. He was known for telling his colleagues that he did not serve under any Presidents, but alongside them.

In Senator Byrd's portrait in the Old Senate Chamber, his image is surrounded by his wife, the Bible, and the U.S. Constitution. This is only fitting, considering that Senator Byrd used references from the Bible and the U.S. Constitution in many of his speeches and in his everyday dealings with fellow lawmakers. In a speech by Senator Byrd on October 13, 1989, he said, "The Constitution is the old landmark which they have set. And if we do not rise to the call of the moment and take a stand, take a strong stand, against our

own personal interests or against party interests, and stand for the Constitution, then how might we face our children and grandchildren when they ask of us as Caesar did to the centurion, 'How do we fare today?' and the centurion replied, You will be victorious. As for myself, whether I live or die, tonight I shall have earned the praise of Caesar.'"

I can say that Senator Byrd is deserving of the praise of West Virginians, and, indeed, all Americans, for his devotion to the Senate and to our Nation. He will be missed by his colleagues, and we are grateful for his life's work.

Mr. MCCAIN. Mr. President, no Senator has ever loved the institution of the U.S. Senate more than Senator Robert Byrd. I firmly believe that. He truly believed that the upper Chamber of Congress was the greatest deliberative body on Earth and he always strived to preserve its traditions and history for the generations to come as well as being the Senate's foremost instructor on Senate procedure and process.

I was able to be a "student" of Senator Byrd's instruction when we worked together in 2005 to preserve Senate rule XXII, commonly known as the "filibuster." Senator Byrd joined with me, along with six other Republican Senators and six Democrat Senators to form what became the "Gang of 14." During the meetings between these 14 Members, which were often held in my office, I fondly recall the silence that would overcome the room when Senator Byrd spoke about the history of the filibuster and the rights of the minority in the Senate. It is not often that 13 members of the Senate are quiet for any given period of time. But Senator Byrd's stature and intellect brought the room to a standstill.

Senator Byrd is remembered for being a strong majority leader and minority leader for his party. But as he reminded all of us during those meetings in my office, when he served as majority leader during President Reagan's time in office, Senator Byrd did not lead his Democratic caucus to filibuster any of President Reagan's judicial nominees. That was a different time with different leaders, but Senator Byrd's actions reflect his sincere desire for statesmanship and his respect for the President's nominees. His speech on the Senate floor in 2005 regarding the filibuster reflected this desire when he said:

I rise today to make a request of my fellow Senators. In so doing, I reach out to all Senators on both sides of the aisle, respectful of the institution of the Senate and of the opinions of all Senators, respectful of the institution of the Presidency as well. I ask each Senator to pause for a moment and reflect seriously on the role of the Senate as it has existed now for 217 years, and on the role that it will play in the future if the so-called nuclear option or the so-called constitu-

tional option—one in the same—is invoked. I implore Senators to step back—step back, step back, step back—from the precipice. Step back away from the cameras and the commentators and contemplate the circumstances in which we find ourselves. Things are not right, and the American people know that things are not right. The political discourse in our country has become so distorted, so unpleasant, so strident, so unbelievable . . .

He was not only a leader in 2005 against removing the judicial filibuster rule, he was a life-long leader in the Senate against allowing Senators to issue secret holds. His motives were noble, and he fought for its elimination until the end. In his final speech, entered into the RECORD but not delivered, he defended an individual Senator's right to block legislation in secret. "Our Founding Fathers intended the Senate," he lectured colleagues last month in one of his last appearances, to have "unlimited debate and the protection of minority rights."

Senator Byrd's respect for Senate rules and procedure were second only to his defense and passion for the Constitution. Because of his leadership, we were able to establish September 17 as Constitution Day. Now, annually, students across the country will learn about and celebrate the document that governs our Nation and hopefully understand the significance of this unparalleled document that has established freedom and sovereignty of our citizens for hundreds of years.

Senator Byrd spent practically all of his adult life serving the American people for which we are all grateful. Even when he disagreed with his peers in the Senate, he respected their intellect and views. I am honored to have served beside him. He once said, "On the great issues, the Senate has always been blessed with senators who were able to rise above party and consider first and foremost the national interest." I agree and hope the Senate continues to attract candidates who will rise above politics for the good of our country and who will appreciate the history of the institution as Senator Byrd did.

Senator Byrd gave his life to the service of his country and the Senate and the Nation will miss him and the important leadership and sense of history that he brought to this body every day.

Mr. BEGICH. Mr. President, today I would like to add to the heartfelt sentiments we have heard expressed by many colleagues and many more around the country over these past several weeks in paying tribute to our departed colleague, Senator Robert C. Byrd of West Virginia.

As an American, pondering what Senator Byrd has done, the history he has been a part of, and the path he took from the small towns of southern West Virginia's coalfields, is inspiring. From the perspective of a new Senator, I

must say that the life and career of Senator Byrd is more than a little daunting. I have served just shy of 20 months, and I have voted in this Chamber slightly more than 600 times.

Those numbers seem like rounding errors compared to the numbers we have heard over the last several days in reference to the service of Senator Byrd: Elected to nine full terms, more than 51 years in the Senate—more than 4 years longer than the next longest serving Senator; he cast nearly 19,000 votes, 18,689, including 4,705 consecutive votes; he was twice majority leader; served also as Whip, conference secretary, minority leader, and President pro tempore; and he served on the Appropriations Committee continuously since being placed there in 1959 by then-majority leader Lyndon Johnson as a freshman in this body—more than 3 years before I was born and only about 2 weeks after Alaska became a State.

I am told by colleagues who served longer with Senator Byrd that while he was proud of those facts, the record he cherished the most was the time he spent with the love of his life, his childhood sweetheart and wife of 68 years, Erma. Senator Byrd was a man of deep faith, but from what I have heard of them as a couple, I do not doubt that all the glories of the after-life pale for Senator Byrd compared to rejoining Erma.

I came to the Senate too late to hear most of his greatest speeches, but when he spoke, whether it was about a funding bill or the wars that we continue to wage, you listened. We all felt a great sadness when Senator Kennedy died last year, but many of us probably came to appreciate the depth of the historical significance of his departure from this body months earlier when we heard and saw another of the great legislators in American history, Robert C. Byrd, weep openly and unabashedly as he paid tribute to his friend and colleague. My service with Senator Byrd was nowhere as lengthy as his with Senator Kennedy, but I am profoundly affected by the honor of knowing the man, even for these past 2 years.

In the short time we did serve together, I have still been able to learn from Senator Byrd. He was a statesman and a pillar of this institution, and a genuine historical figure that my son Jacob will learn about in school. But the thing that I will take from watching Senator Byrd that showed every day that we served together was that nothing was more important than the work he did for the people of the State that sent him here. All of us look to the people of our States for guidance on the matters of the day, and certainly Senator Byrd was attuned to the thoughts of the people of West Virginia. But there was more to it than just knowing what the people of his State thought.

His whole career was about making West Virginia a better place, expanding its infrastructure, educating its people, supporting its industries, and providing the circumstances in which economic development could take root and flourish. Improving the lives of the people of his State was what motivated Senator Byrd to come here almost 19,000 times for votes on any number of issues.

As I think of the impact Senator Byrd's career has had on West Virginia, I cannot help but think of the similarities between our two States. Alaska and West Virginia are both mostly rural, energy-producing States with pockets of intractable poverty. It is a mark of respect for his success at changing the world for the better that West Virginia has fewer poverty-stricken residents, and that remote regions of his state are less difficult to travel to and from than when Senator Byrd was first elected to Congress. He was an ardent supporter of the Appalachian Regional Commission, ARC, which was created to help solve the problems of poverty and hopelessness in his State by upgrading insufficient public infrastructure, building and maintaining educational facilities, and providing access to public and private sector assistance to improve health care, foster economic development and diversity, and provide opportunities for the people of the region beyond energy extraction and the few other traditional industries that existed there.

It is no surprise that when my predecessor, Senator Ted Stevens, was looking for a way to improve the lives of Alaskans, he saw in the ARC that his close friend and colleague, Senator Byrd, had worked so hard to support a model for the Denali Commission that he believed could create similar hope and opportunity in our State. My colleagues and I in the Alaska congressional delegation today are just as dedicated to the potential the Denali Commission represents for our State. We can only hope to have as much positive impact on the lives of Alaskans as Senator Byrd had with those of the West Virginians he was so proud to represent.

I do not have as many great stories about Senator Byrd as many of our other colleagues, but I will close with observations about the man, hard at work doing what he knew was right for his people, which inspired me. As the Senate worked to reform the Nation's health care system last year, a number of votes were late at night or early in the morning, and as many will remember, the weather last December was uncharacteristically cold and snowy. As an Alaskan and a relatively young man, getting to the Capitol during a blizzard was not a big ordeal. Watching Senator Byrd, in his nineties and in obvious frail health, make his way to the Senate Chamber time and time again in his wheelchair, including for a final

vote very early on the morning of Christmas Eve, was an inspiration. Seeing it then, and reflecting on it in the last several days, made me appreciate more fully the man's dedication to the people he served.

Every State deserves Senators with those motivations, and while I will always marvel at the man's encyclopedic knowledge of the Senate and countless other things, the thing I will emulate about the life and career of Robert C. Byrd, for however long the voters of Alaska choose to have me as their Senator, is that my job is to make the lives of Alaskans better.

I believe Senator Byrd would approve.

Mr. BROWN of Massachusetts. Mr. President, today I rise to speak about our Nation's longest serving Senator who dedicated his life to public service. Senator Byrd first came to the Senate the same year I was born, 1959, and I took office just a few months before he passed away. Though I did not have the opportunity to know him well, each day I learn more of his legacy and his impact on what he referred to as the Second Great Senate.

Robert Byrd was a staunch defender of the Constitution and the institution of the Senate. Many have told the story of how he carried his pocket Constitution in his jacket wherever he went to remind us all of that document's importance in making the laws of today. His speeches on the Senate floor were legendary and illustrated his devotion to the place where he served for more than 50 years.

In his role as a Senator from West Virginia, Robert Byrd worked tirelessly to modernize his State and end its economic isolation. But he did more than just serve his State. Robert Byrd's dedication to the complexity and the many traditions of the Senate was extraordinary. He was passionately, and often solely, committed to the Founders' wise intent that the Senate was to remain a bulwark against the power of the Presidency.

Through relentless effort, dedication, and commitment, Robert Byrd rose from humble beginnings to become one of our Nation's most skilled legislators. I thank him for his many years of public service in representing West Virginia and our Nation. My thoughts and prayers go out to his family and friends as they mourn his great loss.

Mr. BENNETT. Mr. President, I rise today to offer my sincere condolences following the passing of my friend and colleague, Senator Robert C. Byrd. This is obviously the end of an era. Senator Byrd has seen the landing of man on the Moon, the passage of the Civil Rights Act, the resignation of one President and the impeachment trial of another, and countless other significant and historical landmarks during his unparalleled Senate career.

Each of us has his or her own memories of Senator Byrd's kindness and de-

votion to the Senate as an institution. The place will not be the same without him.

My wife Joyce and I extend our deepest condolences to his daughters and the entire Byrd family.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, I rise today to pay tribute to 38 servicemembers from California or based in California who have died while serving our country in Operation Enduring Freedom since March 24, 2010. This brings to 185 the number of servicemembers either from California or based in California that have been killed while serving our country in Afghanistan. This represents 15 percent of all U.S. deaths in Afghanistan.

LCpl Rick J. Centanni, 19, of Yorba Linda, CA, died March 24 while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Centanni was assigned to 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

SgtMaj Robert J. Cottle, 45, of Whittier, CA, died March 24 while supporting combat operations in Helmand province, Afghanistan. Sergeant Major Cottle was assigned to 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, CA.

Sgt Kenneth B. May, Jr., 26, of Kilgore, TX, died May 11 while supporting combat operations in Helmand province, Afghanistan. Sergeant May was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Jeffery W. Johnson, 21, of Tomball, TX, died May 11 while supporting combat operations in Helmand province, Afghanistan. Corporal Johnson was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

PO Zarian Wood, 29, of Houston, TX, died May 16 in Helmand Province, Afghanistan, of wounds sustained from an improvised explosive device blast while on dismounted patrol. Petty Officer Wood was assigned as a hospital corpsman to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SSgt Adam L. Perkins, 27, of Antelope, CA, died May 17 while supporting combat operations in Helmand province, Afghanistan. Staff Sergeant Perkins was assigned to 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Jacob C. Leicht, 24, of College Station, TX, died May 27 while supporting combat operations in Helmand

province, Afghanistan. Corporal Leicht was assigned to the 1st Light Armored Reconnaissance Battalion, 1st Marine Division, 1st Marine Expeditionary Force, Camp Pendleton, CA.

PFC Jake W. Suter, 18, of Los Angeles, CA, died May 29 while supporting combat operations in Helmand province, Afghanistan. Private First Class Suter was assigned to 3rd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Kaneohe Bay, HI.

Cpl Donald M. Marler, 22, of St. Louis, MO, died June 6 while supporting combat operations in Helmand province, Afghanistan. Corporal Marler was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Derek Hernandez, 20, of Edinburg, TX, died June 6 while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Hernandez was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Brandon C. Bury, 26, of Kingwood, TX, died June 6 while supporting combat operations in Helmand province, Afghanistan. Sergeant Bury was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt John K. Rankel, 23, of Speedway, IN, died June 7 while supporting combat operations in Helmand province, Afghanistan. Sergeant Rankel was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Michael G. Plank, 25, of Cameron Mills, NY, died June 9 while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Plank was assigned to 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Gavin R. Brummund, 22, of Arnold, CA, died June 10 while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Brummund was assigned to 3rd Battalion, 6th Marine Regiment, 2nd Marine Division, I Marine Expeditionary Force, Camp Lejeune, NC.

Cpl Jeffrey R. Standfest, 23, of St. Clair, MI, died June 16 while supporting combat operations in Helmand province, Afghanistan. Corporal Standfest was assigned to 3rd Combat Engineer Battalion, 3rd Marine Division, III Marine Expeditionary Force, based at Marine Corps Air Ground Combat Center Twentynine Palms, CA.

LCpl Michael C. Bailey, 29, of Park Hills, MO, died June 16 while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Bailey was assigned to 3rd Battalion,

7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, based at Marine Corps Air Ground Combat Center Twentynine Palms, CA.

SGT Nathan W. Cox, 27, of Fremont, CA, died June 16 at Landstuhl Regional Medical Center, Landstuhl, Germany, of injuries sustained June 14 when insurgents attacked his unit with small arms fire at Near Forward Operating Base, Khogyani, Afghanistan. Sergeant Cox was assigned to Headquarters and Headquarters Company, 1st Special Troops Battalion, 1st Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, KY.

SN William Ortega, 23, of Miami, FL, died June 18 in Helmand Province, Afghanistan, of wounds sustained from an improvised explosive device blast while conducting combat operations against enemy forces. Seaman Ortega was assigned as a hospital corpsman to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Kevin A. Cueto, 23, of San Jose, CA, died June 22 while supporting combat operations in Helmand province, Afghanistan. Corporal Cueto was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, based at Marine Corps Air Ground Combat Center Twentynine Palms, CA.

Cpl Claudio Patino IV, 22, of Yorba Linda, CA, died June 22 while supporting combat operations in Helmand province, Afghanistan. Corporal Patino was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, based at Marine Corps Air Ground Combat Center Twentynine Palms, CA.

Cpl Daane A. Deboer, 24, of Ludington, MI, died June 25 while supporting combat operations in Helmand province, Afghanistan. Corporal Deboer was assigned to 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Joseph D. Caskey, 24, of Pittsburgh, PA, died June 26 while supporting combat operations in Helmand province, Afghanistan. Sergeant Caskey was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Larry D. Harris Jr., 24, of Thornton, CO, died July 1 while supporting combat operations in Helmand province, Afghanistan. Corporal Harris was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Roger Lee, 26, of Monterey, CA, died July 6 at Qalat, Afghanistan, of wounds sustained when insurgents attacked his vehicle with an improvised explosive device. Specialist Lee was assigned to the 1st Battalion, 4th Infantry Regiment, Hohenfels, Germany.

SSG Marc A. Arizmendez, 30, of Anaheim, CA, died July 6 at Qalat, Afghanistan, of wounds sustained when insurgents attacked his vehicle with an improvised explosive device. Staff Sergeant Arizmendez was assigned to the 1st Battalion, 4th Infantry Regiment, Hohenfels, Germany.

LCpl Tyler A. Roads, 20, of Burney, CA, died July 10 while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Roads was assigned to 3rd Battalion, 6th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC.

SSgt Christopher J. Antonik, 29, of Crystal Lake, IL, died July 11 while supporting combat operations in Helmand province, Afghanistan. Staff Sergeant Antonik was assigned to 1st Marine Special Operations Battalion, U.S. Marine Corps Forces Special Operations Command, Camp Pendleton, CA.

SPC Chase Stanley, 21, of Napa, CA, died July 14 at Zabul Province, Afghanistan, of wounds sustained when insurgents attacked his military vehicle with an improvised explosive device. Specialist Stanley was assigned to the 618th Engineer Support Company, 27th Engineer Battalion (Combat Airborne), 20th Engineer Brigade (Combat), Fort Bragg, NC.

GySgt Christopher L. Eastman, 28, of Moose Pass, AK, died July 18 while supporting combat operations in Helmand province, Afghanistan. Gunnery Sergeant Eastman was assigned to the 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Paul J. Miller, 22, of Traverse City, MI, died July 19 while supporting combat operations in Helmand province, Afghanistan. Corporal Miller was assigned to 3rd Combat Engineer Battalion, 3rd Marine Division, III Marine Expeditionary Force, based at Marine Corps Air Ground Combat Center, Twentynine Palms, CA.

SSG Brian F. Piercy, 27, of Clovis, CA, died July 19 in Arghandab River Valley, Afghanistan, of injuries sustained when insurgents attacked his unit using an improvised explosive device. Staff Sergeant Piercy was assigned to the 2nd Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC.

Cpl Julio Vargas, 23, of Sylmar, CA, died July 20 while supporting combat operations in Helmand province, Afghanistan. Corporal Vargas was assigned to the 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Maj James M. Weis, 37, of Toms River, NJ, died July 22 while supporting combat operations in Helmand province, Afghanistan. Major Weis was assigned to Marine Aircraft Group 39,

3rd Marine Aircraft Wing, I Marine Expeditionary Force, based out of Camp Pendleton, CA.

LtCol Mario D. Carazo, 41, of Springfield, OH, died July 22 while supporting combat operations in Helmand province, Afghanistan. Lieutenant Colonel Carazo was assigned to Marine Aircraft Group 39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, based out of Camp Pendleton, CA.

SGT Daniel Lim, 23, of Cypress, CA, died July 24, at Qalat, Afghanistan, of injuries sustained when insurgents attacked his military vehicle with an improvised explosive device. Sergeant Lim was assigned to 5th Battalion, 3rd Field Artillery Regiment, 17th Fires Brigade, Joint Base Lewis-McChord, WA.

SSG Conrad A. Mora, 24, of San Diego, CA, died July 24, at Qalat, Afghanistan, of injuries sustained when insurgents attacked his military vehicle with an improvised explosive device. Staff Sergeant Mora was assigned to 5th Battalion, 3rd Field Artillery Regiment, 17th Fires Brigade, Joint Base Lewis-McChord, WA.

PO2 Justin McNeley, 30, of Wheatridge, CO, died from wounds sustained from an incident in Logar province, Afghanistan, on July 23. Coalition Forces recovered his remains July 25 after an extensive search. Petty Officer 2nd Class McNeley was assigned to Assault Craft Unit One (ACU-1), San Diego, CA.

LCpl Shane R. Martin, 23, of Spring, TX, died July 29 while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Martin was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

EXECUTIVE CALENDAR HOLD

Mr. BROWNBACK. Mr. President, I rise today to inform the body that I have placed a hold on Executive Calendar nomination No. 1051, the nomination of Ambassador Frank Ricciardone to be Ambassador to the Republic of Turkey.

COMMENDING SENATOR ALAN K. SIMPSON

Mr. BARRASSO. Mr. President, in Wyoming's 120 year history, only 21 people have served as U.S. Senator for our State. One stands out as a compassionate, skilled and illustrious figure. United States Senator Alan K. Simpson is a lifelong public servant who is dedicated to his family, to Wyoming, and to the United States.

Al Simpson has fought to uphold the values and ideals of our country for most of his life. Whether he was serving in the U.S. Army in Germany, the Wyoming House of Representatives or in the U.S. Senate Chamber, his com-

mitment and contributions were evident. When the Nation calls on Al Simpson to serve, he is always there to work and fight for our best interests.

United States Senator Alan K. Simpson served in this Chamber from 1979 to 1997. Fortunately for Wyoming and our Nation, his service did not end when he retired. He has enthusiastically served numerous groups and organizations, which all have benefitted from his presence. From his beloved alma mater, the University of Wyoming, to the world renowned Buffalo Bill Historical Center, Al Simpson devotes his time, talent and treasure. When Al sees an unmet need in our community, he works to see that it is addressed. Wyoming—and America—are better because of him.

This year, the Boys and Girls Clubs of Central Wyoming have selected Al Simpson as their Man of the Year. While Al has received many honors throughout his life, to be honored by the Boys and Girls Clubs is very special to him.

The Boys and Girls Clubs of Central Wyoming plays a vitally important role in our State. They serve all youth regardless of economic circumstances. They continue to expand thanks to the generous support of the McMurtry Foundation, the Martin Family Foundation, the Daniels Fund, the Casper Star Tribune and the Reader's Digest Foundation. Their inspiration and work has spread to adjacent counties.

The work of the Boys and Girls Clubs' dedicated staff and volunteers creates a positive environment for all children. As a result of the Boys and Girls Clubs of Central Wyoming, hundreds of Wyoming youth will have the opportunity to gain the experiences and build the skills needed for success. Their mission is the same as Al's—to make our community and our Nation a better place.

This award is special to Senator Al Simpson because his life's success is due in large part to the strength of his family. He lovingly called his mother Lorna 'the velvet hammer.' His father Senator and Governor Milward Simpson was Al's model for public service and civic leadership. His big brother Pete Simpson explains, "The extent to which we became men we owe to our father." Even Pete helped mold Al into the man who continues to have a positive impact on Wyoming and our Nation. Al readily admits that he and Pete were a spirited duo and gave their parents heartburn. Certainly, Al would have benefitted from the influence of a Boys and Girls Club! However, he was fortunate that the strong love and solid support of his parents carried him through a tumultuous adolescence.

It was Al's good fortune that Ann Schroll accepted his proposal for marriage. Over the years, Ann has been a guiding force for Al. He regularly says he would not have accomplished anything without Ann by his side.

Many years ago, in a high school commencement address, Al said, "The real reason I made it in life is because there were other people who believed in me, even when I didn't believe in myself. They were people willing to give me a second chance. Those are the people I never forgot in life: parents, teachers, many people who took time with me, and for me. . . ." Just like Al had folks who stood by him and held him accountable, the staff and volunteers at the Boys and Girls Clubs of Central Wyoming believe in our youth. Al Simpson is a wonderful choice for the 2010 Man of the Year award. He is thankful for the support he received as a youth and is committed to give all young people in Wyoming a second chance.

It is because of his strong family values and his sense of duty to his community that the Boys and Girls Clubs Man of the Year is so meaningful to Al Simpson. This award tells this great statesman that Wyoming is thankful for his leadership.

I am so proud to call Al Simpson my friend. He is a respected mentor and adviser. It is fitting and terrific that the Boys and Girls Clubs of Central Wyoming have named him Man of the Year—and I ask that my colleagues join me in sending our congratulations to Al for this well-deserved honor.

REMEMBERING CONGRESSMAN EMILIO DADDARIO

Mr. DODD. Mr. President, I rise today to honor the life of former Connecticut Congressman Emilio Daddario who passed away on July 6, 2010.

One of the unique strengths of the United States of America is that our government derives its power from the people. It is dependent upon an educated populace, engaged in public affairs, and prepared to offer their services to make our society better and fairer for all of our benefit.

That system has worked well for more than 200 years thanks to citizens such as Emilio Daddario.

He was born in Newton Center, MA, on September 24, 1918. As a young man, he moved south to Middletown, CT, to attend Wesleyan University where he starred on the baseball and football teams. He was an exemplary athlete who twice received MVP honors in football, and was named team captain in 1938.

Upon his graduation in 1939, Emilio chose to pursue a career in law. After beginning law school at Boston University, he graduated from the University of Connecticut in 1942. He successfully passed the bar and moved back to Middletown to begin private practice. But then the call to serve his country came.

In 1943, he enlisted as a private in the U.S. Army. He was sent to the Mediterranean theater during World War II.

There he was a key member of the team which captured Rodolfo Graziani, then-chief of staff to Italian Dictator Benito Mussolini, at the Hotel Milan in 1945. His distinguished service earned him the rank of captain, as well as the Legion of Merit, Bronze Star Medal, and the Italian Medaglia d'Argento.

After the war, he could have easily gone back to private legal practice and no doubt would have been very successful at it. Instead, he chose to continue his military service as a member of the Connecticut National Guard and to pursue a life in the public arena by running for mayor of Middletown.

At just 28 years old, fresh from his service overseas, Emilio Daddario won that election. He served as mayor from 1946 until 1948 and was appointed judge of the Middletown Municipal Court.

In 1950, the Nation called on him again. This time, the 43 Division of the Connecticut National Guard, of which he was a member, was sent to engage in the Korean war. His military service in that conflict as a member of the Far East Liaison Group earned him promotion to the rank of major.

Upon returning to the United States in 1952 he chose to resume private law practice, this time in Hartford, CT. But the call to serve proved to be too strong, and in 1958, Daddario ran for the opportunity to serve the people of Connecticut's 1st Congressional District.

He won that election, as well as five more, serving as a member of the U.S. Congress until 1971. While in Congress, he sat on the House Science Committee where he became an advocate for science and technological innovation. He chaired two subcommittees and also in the planning and development of the Apollo missions to the moon.

In 1970, Emilio decided not to run for reelection to the House, and instead ran for Governor of Connecticut. He did not win that race. But he sought ways to remain involved in public policy, in particular issues related to science and technology. He returned to Congress in 1973, not as a member, but as the Director of the Office of Technology Assessment.

He also went on to serve as the president of the American Association for the Advancement of Science, and as co-chair of the American Bar Association's Association for the Advancement of Sciences, Conference of Lawyers and Scientists.

Emilio Daddario was just the sort of American citizen that our Nation's Founders were hoping for, and his legacy is one of exemplary public service, and commitment to making our Nation a better place for future generations. He was a devoted husband and father, and I know that he will be deeply missed. My deepest sympathies and prayers go out to his children, Richard, Anthony, and Stephen, and to the rest of his family.

90TH ANNIVERSARY OF WOMEN'S RIGHT TO VOTE

Mr. BINGAMAN. Mr. President, I rise today in honor of the 90th anniversary of women gaining the right to vote on August 26, 1920, and to acknowledge the celebration of this anniversary by the community of Las Cruces, NM.

The struggle for the right to vote began in 1848 at a convention in Seneca Falls, NY, hosted by Lucretia Mott, Mary Ann McClintock, and Elizabeth Cady Stanton. This convention began the seventy-two year struggle by women to win the right to vote, which was also a struggle to rise from second class citizenship and a struggle to gain equality. Women throughout the United States are empowered by the efforts of the brave and pioneering suffragists Susan B. Anthony, Carrie Chapman Catt, and Alice Paul. These women serve as an inspiration to those who secure leadership positions in industry, government, the military, and academia.

Las Cruces was founded in 1849 and became a town of the Territory of New Mexico in 1907. After gaining the right to vote, the women of Las Cruces sought elected office. These women include Bertha Paxton, who was the first female elected to the New Mexico State House of Representatives in 1922, Mrs. E. C. Wade, who was the first female elected as a Trustee in the town of Las Cruces in 1932, Ellen Steele, who was the first female elected as a New Mexico State Senator in 1985 from Dona Ana County and Dolores C. Archuleta who was the first Native American female elected to the Las Cruces City Council in 2001. In continuation of this tradition, the first female Governor will be elected by New Mexicans on November 2, 2010.

To celebrate and commemorate the 90th anniversary of the ratification of the 19th amendment to the U.S. Constitution, women will continue to advocate for responsible and responsive government through the election process. The League of Women Voters of Greater Las Cruces will hold a celebration with an informative panel on women's history of performance and films on the suffragists and the role of women in the political system to further commemorate this praiseworthy day.

I join with the League of Women Voters, the people of Las Cruces, and the people of New Mexico in celebration of this important day, August 26 when women finally won the right to vote and greatly enhanced their great contributions to our government and our society.

Mr. CARDIN. Mr. President, tomorrow marks the 45th anniversary of the Voting Rights Act, a landmark piece of legislation which helped guarantee the right to vote to all Americans. As we approach the upcoming midterm elections, it is important to remember the

journey of voting rights in America. Without this right, words and phrases like "democracy," "land of the free," and "equality" lack true meaning.

The right to vote traveled a long ugly road—a road we must all remember. Edmund Burke once said "those who do not remember history are destined to repeat it." Some would say they are doomed to repeat it. For this reason, on this day and every day, we should remember how Americans, Black and White; young and old; men and women; stood, marched and fought together for equal access to the voting booth. We must ensure that all barriers to voting are removed.

There are many people who contributed to the voting rights movement. Today I would like to highlight one woman—Mrs. Fannie Lou Hamer, a woman who was "sick and tired of being sick and tired" when it came to the denial of equal voting rights. Hamer, a great American hero, led a life most people could not imagine today. Despite having polio and only 4 months of schooling, Hamer became a matriarch of the voting rights movement.

On August 31, 1962, Hamer decided to exercise her constitutional right to vote by traveling 26 miles in Mississippi to register only to be confronted by the highway patrol and literacy test requirements. After being denied her right to vote she didn't just sit down, she stood up and joined the Student Nonviolent Coordinating Committee and traveled all across the country speaking and registering other people to vote.

Hamer also helped organize "Freedom Summer" in 1964. She and thousands of civil rights supporters, many of them White college students, traveled to Mississippi and other Southern States to try to end the long time political disenfranchisement of African Americans in the region. Despite these nonviolent efforts for equality, on the very first day of Freedom Summer, three volunteers were brutally murdered. As America continued to march toward equality the Nation and its political leaders began to realize the horrific battle being waged against African Americans seeking equal treatment under the law.

As violence and frustration mounted, President Johnson pushed Congress to act and pass voting rights legislation. After research, multiple hearings and the longest filibuster in Senate history, Congress passed the Voting Rights Act of 1965. This bill provided all Americans—regardless of color—with nationwide protections against barriers and access to the voting booth. It contained protections against systematic methods of disenfranchisement by States and localities. Since its enactment, Congress has reauthorized the landmark legislation in an effort to remain vigilant against any forms of disenfranchisement.

In 2006, when Congress last took up reauthorization of this legislation, civil rights leader Congressman JOHN LEWIS said, “forty-one years ago I gave a little blood on that bridge. So when I see what’s happening in New Orleans and the Gulf Coast, it’s a beginning of an effort not only to violate the letter but the spirit of the Voting Rights Act of 1965. And that must not be allowed to happen.” With overwhelming bipartisan support, the House of Representatives passed the bill by a vote of 390-33 and the U.S. Senate passed the bill by a vote of 98-0.

Despite the bipartisan support and a large array of evidence demonstrating the continuing need for this legislation, some have argued that this legislation is no longer warranted. To those people, I say you are wrong. I have seen examples in my own State that prove how necessary this legislation is today. During my Senate campaign, just 4 years ago—the very same time the Congress was providing near unanimous support for the Voting Rights Act—I had the unfortunate experience of witnessing deceptive practices and tactics used to undermine the constitutional right to vote. Lines were inexplicably longer and slower at polling locations in African-American districts and not simply because there were more people voting. Phone calls were made to minority districts reminding them to vote on Wednesday, not Tuesday; and a fraudulent sample ballot was targeted to confuse minority voters. I remind you that this was in 2006, not 1956.

Just two years later, in the 2008 election, substantial barriers were implemented making it difficult for eligible voters to vote. These included the purging of voter rolls, misleading voter information and voter intimidation. Take for example, an election administrator in Mississippi improperly purging approximately 10,000 voters from the rolls from her home computer; or the local prosecutor in Ohio who requested via subpoena personal information for 40 percent of voters who had registered during the same day registration and voting period in the State. These are real examples of incidents occurring today—45 years after we passed the Voting Rights Act.

Despite attempts to ignore or chip away at the protections provided to all Americans by the Voting Rights Act, this legislation remains relevant and provides the most significant and essential tool in ensuring continuity and the integrity of our democratic system. Our former colleague Ted Kennedy once said we need to “seek the reign of justice in which voting rights and equal protection of the law will everywhere be enjoyed.” On this 45th anniversary of the Voting Rights Act, I urge my colleagues to continue their bipartisan support for this critical legislation and for equal access to the voting booth for all.

Mrs. GILLIBRAND. Mr. President, I rise today to speak on behalf of the women of America to recognize, honor, and celebrate the 90th anniversary of their voting rights on August 26, 2010—Women’s Equality Day. I know my colleagues join me, in acknowledging the tremendous contributions women have made to America and the historic significance of reaching this milestone in women’s history.

The 72-year struggle of suffragists, from the first women’s rights convention held in Seneca Falls, NY, in July 1848 to the passage of the 19th amendment of the U.S. Constitution on August 26, 1920, bears witness to the sacrifice and dedication of the leaders of the early women’s rights movement who never wavered from their intent to reach the goal of full enfranchisement.

We must thank Elizabeth Cady Stanton, born in 1815 in Johnstown, NY, who organized the first women’s rights convention with Lucretia Mott and other courageous women in 1848. Their early advocacy for voting rights, protection from domestic violence, the right to own property, and other social reforms that promoted equality are what we continue to support for women today. The “Declaration of Sentiments” speech Mrs. Stanton delivered at that July convention called for “all men and women” to be recognized as created equal under the law. Her celebrated 50-year partnership that began in 1851 with Susan B. Anthony brought to the public consciousness the importance of equality rights for women. That is a sacred trust we must continue to support.

On August 26, 1970—the 50th anniversary—the National Organization of Women, NOW, called upon women nationwide to strike for equality in protest of the fact that women still did not have equal rights, 40 years after passage of the 19th amendment. In New York City, 50,000 women marched down Fifth Avenue to demonstrate in support of the women’s movement and securing equality rights, as did women in 40 other cities across America that day. U.S. Representative Bella Abzug addressed the NYC crowd and was instrumental in getting Congress in 1971 to officially recognize August 26 as Women’s Equality Day.

In 1776, Abigail Adams, wife of John Adams, sent an urgent message to her husband, who was a delegate to the Second Continental Congress, stating: “In the new Code of Laws, I desire you would remember the ladies.” It took 144 years for women’s equality rights to be sanctioned by Congress, and I ask, Mr. President, that we take this opportunity on August 26, 2010, to honor this 90th anniversary and the remarkable contributions women have made to this country. The American people owe a debt of gratitude to the early suffragists for remaining steadfast in the face of overwhelming opposi-

sition in advocacy on behalf of the equality rights for all American citizens that our Constitution supports today.

SECURE AND RESPONSIBLE DRUG DISPOSAL ACT

Ms. KLOBUCHAR. Mr. President, I thank my colleagues for their support in passing S. 3397, the Secure and Responsible Drug Disposal Act by unanimous consent this week. I thank the Senate cosponsors of this bill—Senator GRASSLEY, Senator BROWN of Ohio, Senator GILLIBRAND, Senator COLLINS, Senator CORKER, Senator FEINGOLD, Senator KOHL, Senator SCHUMER and Senator DURBIN. I especially thank my lead cosponsor, Senator CORNYN, and his counsel Gustav Eyler for their significant efforts on behalf of this important legislation.

When the Drug Enforcement Administration brought this issue to my attention, I was eager to work on it because this is such a commonsense bill.

We know that prescription drug abuse is on the rise and what is even scarier is that it is on the rise among teenagers. In fact, teens abuse prescription drugs more than any illicit drug besides marijuana. And according to the Partnership for a Drug-Free America, 55 percent of teens say that it is easy to get prescription drugs from their parents’ medicine cabinets. We also know that up to 17 percent of all prescription drug medication goes unused each year.

This bill is an important step towards getting unused, unwanted or expired medication off families’ shelves and into the hands of proper authorities. The bill makes it possible for State and local law enforcement “take-back” programs to accept controlled substances as well, which is something that is currently very difficult for them to do. I introduced this legislation because I believe we have to give families a better option than either leaving dangerous medication in their homes or flushing such medication into the water supply.

Parents know that keeping unwanted prescription drugs in their homes increases the risk that young people will find them, but current law provides them with few alternatives. By making it easier for people to dispose of controlled substances they no longer need, we can reduce teens’ access to these drugs and help curb teen drug abuse. This bill amends the Controlled Substances Act to allow the Attorney General to draft regulations permitting authorized entities to accept and dispose of controlled substances. These regulations will enable state, local, and private entities to operate drug take-back programs for all prescription drugs, while taking the necessary steps to prevent unlawful diversion and promote safe disposal.

Senator CORNYN recounts with great specificity the provisions of this bill that were added after consultation with many of our House colleagues and their staffs. I want to mention those members whose contributions to this bill have improved it greatly: Representatives HENRY WAXMAN, JOE BARTON, JAY INSLEE, BART STUPAK, and LAMAR SMITH. I am grateful to their offices for working with us to get this bill to a place where it could obtain the unanimous support of the U.S. Senate, and I second Senator CORNYN's comments about the specific contributions of each of those individuals and their offices.

The provisions that we added after collaboration with House offices, along with the bill's "no cost" estimate from the Congressional Budget Office, are among the many reasons the bill enjoys the support of 41 State attorneys general, the Department of Justice, and the National Association of Chain Drug Stores. They also prove that this bill is bicameral in its design, as well as bipartisan.

I want to thank all of my colleagues again for their support.

Mr. CORNYN. Mr. President, I rise to thank and congratulate my colleagues for passing the Secure and Responsible Drug Disposal Act by unanimous consent. I am proud to have worked closely with Senator KLOBUCHAR to draft and introduce the bill, and I thank her and her chief counsel, Paige Herwig, for their ideas and advocacy of commonsense drug disposal solutions.

The Secure and Responsible Drug Disposal Act will make a cost-free change to the Controlled Substances Act to permit State and private entities to accept unused controlled substances through drug take-back programs. As the Senate unanimously recognized, the Secure and Responsible Drug Disposal Act is necessary because up to 17 percent of prescribed medication goes unused every year.

State, local, and private entities already have established drug take-back programs to keep some of this unwanted medication away from children and drug abusers. But the Federal Controlled Substances Act, CSA, currently prevents these drug take-back programs from accepting the most dangerous medications—controlled substances. The CSA particularly prohibits people prescribed controlled substances from giving them to any person or entity without express permission from the Drug Enforcement Administration. As a result, individual consumers and long-term care facilities now either stockpile unwanted controlled substances or dispose of them in improper ways, such as flushing them into the water supply. This can lead to drug diversion or water pollution.

Diverted prescription drugs contributed to a 114-percent increase in overdose deaths involving prescription

opioids between 2001 and 2005, and the number of treatment admissions for prescription opioids increased 74 percent from 2002 to 2006. Troublingly, over one-third of new prescription drug abusers are teenagers, who now abuse prescription drugs more than any controlled substance except marijuana.

This bill will fix the problems of unwanted prescription drug stockpiling and improper disposal by amending the CSA to allow the Attorney General to draft regulations permitting authorized entities to accept and dispose of controlled substances. These regulations will enable state, local, and private entities to operate drug take-back programs for all prescription drugs in a safe and effective manner consistent with diversion controls.

In discussing how the bill will allow drug take-back programs to accept unwanted controlled substances, I want to highlight certain provisions we added to the bill after collaborating with House colleagues and their staff. First, in authorizing new drug disposal regulations, the bill makes clear that "the Attorney General shall take into consideration the public health and safety, as well as the ease and cost of program implementation and participation by various communities." Representative JAY INSLEE, who has been a strong advocate for drug disposal programs, suggested this important provision. It ensures that the planned drug disposal regulations will give States and private entities wide latitude to design the most effective take-back programs for their communities. This includes considering the differences between rural and urban communities.

Second, the bill notes that the Attorney General's regulations "may not require any entity to establish or operate a delivery or disposal program." Representative JOE BARTON, along with other members of the House Energy and Commerce Committee, proposed this language to clarify that no State, town, or business will have to run a drug take-back program unless they want to do so. This provision is a welcomed change from the type of unfunded mandates we so often see in Federal laws.

Third, the bill allows long-term care facilities to dispose of their residents' medications, and it permits "any person lawfully entitled to dispose of [a] decedent's property" to deliver the decedent's unused medication for disposal. These common-sense provisions were advanced by Representatives BART STUPAK, HENRY WAXMAN, LAMAR SMITH, and other House members. They address the specific concerns of long-term care facilities and the practical worries of anyone who loses a loved one.

These collected provisions, along with the bill's "no cost" estimate from the Congressional Budget Office, are among the many reasons the bill en-

joys the support of 41 State attorneys general, the Department of Justice, and the National Association of Chain Drug Stores. They also prove that this bill is bicameral in its design, as well as bipartisan.

By passing this bill, we have taken a major step toward getting unwanted prescription drugs out of medicine cabinets and off our streets. We have given State, local, and private groups more authority to serve their communities, and we have done so in a cost-free manner.

I believe the Secure and Responsible Drug Disposal Act exemplifies the type of bipartisan legislation Congress should look to pass. I thank my colleagues again for supporting it unanimously, and I look forward to it becoming law.

75TH ANNIVERSARY OF SOCIAL SECURITY

Mr. BAUCUS. Mr. President, I celebrate and honor the venerable life, not of a person, but of the most important and successful domestic program in our Nation's history. On August 14, Social Security will turn 75.

In a special Message to Congress in June 1934, President Franklin Delano Roosevelt stated the promise of Social Security, saying:

If, as our Constitution tells us, our Federal Government was established among other things, to promote the general welfare, it is our plain duty to provide for that security upon which welfare depends.

President Roosevelt outlined his intention to "undertake the great task of furthering the security of the citizen and his family through social insurance." Executive Order 6757 created the committee on Economic Security, putting his plan into action. The committee included 5 Cabinet-level officials and 21 government experts from several Federal agencies.

At the committee's 25th birthday celebration, Francis Perkins, who was Secretary of Labor and member of the Committee on Economic Security, recounted the work of that committee. And she remembered an embarrassing oversight in the rush to create it—the committee had not been funded. But that was not going to stop its members. Relying on a small personal loan from one committee member, the committee hired unemployed stenographers and typists and recruited professionals and experts to help out. They sent a telegram that stated:

We have no money. We can pay your railroad fare and your expenses if you really need expenses while you are in Washington, but there is no salary.

The response was huge. A team of great minds converged on Washington, DC, in the heat of August, long before air conditioning. They worked tirelessly. And about 6 months later, in early January 1935, they presented

their committee report to the President. He, in turn, brought it to Congress.

Congress heard the call. Or perhaps Congress heard the voices of its constituents. Or perhaps Members of Congress carried with them the pictures of closed factories, desolate farms, and breadlines that weaved around city blocks. Unemployment topped 20 percent, and the homeless population was growing.

In a 1962 speech, Francis Perkins described the backdrop of the creation of Social Security:

People were so alarmed the specter of unemployment—of starvation, of hunger, of the wandering boys, of the broken homes, of the families separated while somebody went out to look for work—stalked everywhere. The unpaid rent, the eviction notices, the furniture and bedding on the sidewalk, the old lady weeping over it, the children crying, the father out looking for a truck to move their belongings himself to his sister's flat or some relative's already overcrowded tenement, or just sitting there bewilderedly waiting for some charity officer to come and move him somewhere. I saw goods stay on the sidewalk in front of the same house with the same children weeping on top of the blankets for 3 days before anybody came to relieve the situation!

Congress went to work. Committees held hearings, and a long list of individuals and groups, charities, hospitals, industries, actuaries, historians, and interested citizens testified. There were debates and arguments, compromises and drafts, more drafts and then more meetings and compromises. And then, 7 months later, on Wednesday, August 14, 1935, at about 3:30 in the afternoon, President Roosevelt signed the Social Security Act into law.

Upon the law's enactment, the President appointed a three-person Social Security Board to run the new program. One of the Board's first daunting tasks was to register employers and workers by January 1, 1937, when workers would begin earning credits toward old-age insurance benefits. The Board contracted with the Post Office to distribute applications, and numbers were assigned in local post offices. Long before computers, typists created each card in typing centers and delivered it to Social Security's headquarters in Baltimore. Between November 1936 and June 1937, Social Security issued more than 30 million Social Security numbers through this manual process. By June 30, 1937, Social Security had established 151 field offices, and these field offices took over the task of assigning Social Security numbers.

Over the course of the next several decades, Social Security expanded to help more people secure themselves, as President Roosevelt said, "against the hazards and vicissitudes of life." In 1939, Congress broadened the program to include payments to dependents and survivors of retirees. In 1956, Congress created the disability program and

later expanded the program to include benefits for dependents of disabled workers.

The Social Security Act of 1965 created a new social insurance program called Medicare that extended health coverage to almost all Americans aged 65 or older or receiving disability benefits.

In 1969, under the Federal Coal Mine Health and Safety Act, Social Security began processing claims for disabled coal miners suffering from black lung disease and to their dependents or survivors.

Legislation passed in 1972 provided for automatic annual cost-of-living allowances and created the Supplemental Security Income program. SSI, funded from general revenues, provides a small benefit to people with limited income who have reached age 65 or are blind or disabled.

The Social Security Amendments of 1980 made many changes in the disability program. Most focused on various work incentive provisions for disability beneficiaries.

In the early 1980s, the Social Security program faced a financial crisis. President Ronald Reagan appointed the Greenspan Commission to study the issues and make recommendations on how to sustain Social Security. In 1983, Congress enacted comprehensive changes in Social Security coverage, financing, and benefit structure.

On December 17, 1999, President Bill Clinton signed the "Ticket to Work and Work Incentives Improvement Act," which placed greater emphasis on assisting beneficiaries in efforts to return to work.

In 2003, Congress enacted the Medicare Prescription Drug, Improvement, and Modernization Act to give seniors extra help in paying for prescription medications.

Throughout the years, Congress passed amendments, added programs, and addressed issues with Social Security. Presidents from both parties repeatedly acknowledged Social Security's importance.

President Richard Nixon said, "This Nation must not break faith with those Americans who have a right to expect that Social Security payments will protect them and their families."

A few years later, President Jimmy Carter said, "The Social Security program represents our commitment as a society to the belief that workers should not live in dread that a disability, death or old age could leave them or their families destitute."

Today, Social Security benefits are essential to the economic security of millions of Americans. An estimated 159 million workers, or about 94 percent of all workers, are covered under Social Security. Social Security is critical, as 52 percent of the workforce has no private pension coverage, and 31 percent has no savings set aside for retirement.

In 2009, nearly 51 million Americans received a total of \$672 billion in Social Security benefits. In Montana, 181,000 of our 975,000 residents or about 19 percent of all Montanans receive Social Security benefits. The payments were modest, with the average retiree receiving about \$14,000 annually. The average monthly benefit for a disabled beneficiary was about \$1,060.

Virginia Reno, vice president for Income Security from the National Academy of Social Insurance testified before the Subcommittee on Social Security: "If seniors had to count on only their income other than Social Security, almost one out of two would be living in poverty."

Social Security is anchored by a promise between generations. But its success has been due in large part to the vision and sincerity of its creators and the ongoing commitment of its stewards, the public trustees, Advisory Board members, Members of Congress and the approximately 70,000 employees who work for Social Security. As well, we owe a debt to the thousands of dedicated employees who have worked for Social Security since its inception. For those that have embodied the agency's mission, "to promote the economic security of the nation's people through compassionate and vigilant leadership in shaping and managing America's Social Security programs," we owe a big thank you.

Social Security's success was not built with the stroke of a pen. Social Security did not simply survive for 75 years. Rather, Social Security was built by embracing the promise of assisting people through life's hazards.

In a campaign speech in 1944, President Roosevelt said, "The future of America, like its past, must be made by deeds—not words." Social Security is the embodiment of many good deeds. In times of crisis, over and over again, Social Security has risen to the challenge.

Fifteen years ago, a bomb in Oklahoma City took the life of fifteen Social Security employees, one office volunteer, and 21 office visitors. Social Security employees across the country responded to help survivors and the families of victims. Employees from around the country converged on Oklahoma to assist taking claims, answering questions, and providing comfort to the hundreds of victims and their families.

Following the devastation of September 11, 2001, employees in the New York region immediately came to the assistance of families of those killed in the World Trade Center, at the Pentagon, and at the plane crash site in Pennsylvania, so that claims could be taken and paid as quickly as possible. Social Security allowed payment of survivors' claims with airline manifests or employer records rather than death certificates. Within days, Social

Security launched a full-scale outreach effort to find families of victims and help them apply for benefits. A special Web page was set up. Public information spots aired on television. And Social Security contacted about 60 consulates to ensure that foreign survivors who might be eligible for benefits were reached.

By December 2001, Social Security had taken more than 5,000 disaster-related claims. Social Security set up Family Assistance Centers at Pier 94 in Manhattan and Liberty State Park in New Jersey. The New York Regional Commissioner continued to work with the Bureau of Vital Statistics to post death certificates for the survivors of victims whose bodies had not been recovered.

Social Security was also one of the first agencies at the Pentagon Family Assistance Center in Virginia offering assistance to victims and their families. In Pennsylvania, Social Security staff assisted family members of victims on applying for benefits.

In the aftermath of Hurricane Katrina, Social Security moved quickly to ensure that monthly payments to beneficiaries continued uninterrupted. Immediate payment procedures allowed for on-the-spot payments if beneficiaries could not get their benefit check. Social Security opened a temporary office in the Houston Astrodome, and provided service 7 days a week. Social Security employees were on site at FEMA's Family Assistance Centers, and many offices offered extended hours of service through Labor Day weekend to help evacuees.

Just recently, in my home State of Montana, in the old city hall building next to the Libby Police Department in Lincoln County, eight employees from Social Security arrived. They quickly set up a processing center to assist the victims of the Environmental Protection Agency's first-ever public health emergency. The Social Security employees tirelessly answered questions and handled a steady stream of claims from applicants diagnosed with asbestos-related disease. Social Security's work helping the good people in and around Libby Montana was deeply important to me.

Social Security has been described as the bedrock of our industrial society. It has been called the beacon of light for those on life's stormy seas. It has been called a pillar of our democracy. Social Security offers Americans peace of mind.

Social Security has lived up to its message. It has stood as a silent partner to those in need. It has done all this by sending about 99 percent of its annual budget back to the people as benefit payments. Only about 1 percent of Social Security's budget goes toward administrative expenses. The rest fulfills the promise of its mission.

Social Security can and should work for the next 75 years, and for genera-

tions beyond that. Now that Social Security is here, now that Social Security has proven itself, it is up to all of us to protect and maintain it. It is up to us to assure the millions of Americans that currently rely on Social Security and the millions more who pay into it that Social Security is a promise that we can and will keep.

In the words of Carl Sandburg, "In these times you have to be an optimist to open your eyes when you awake in the morning." Our optimism can be found in the accomplishments of Social Security. I celebrate its 75th birthday.

Mrs. LINCOLN. Mr. President, next week our Nation celebrates the 75th anniversary of Social Security, a vital program that has provided comfort and security for millions of Americans through the years.

During my career in the Senate, I have fought to protect Social Security benefits for our Arkansas seniors. I believe in the promise our government made to working Americans—that if we work hard, Social Security will be there to help us in our golden years. Social Security has made a healthy and secure retirement possible for tens of millions of Americans, including my own mother.

Since its inception, Social Security has helped provide stability for Arkansans who otherwise may not have had an income at all.

When President Roosevelt signed Social Security into law on August 14, 1935, he said:

The civilization of the past hundred years, with its startling industrial changes, has tended more and more to make life insecure. Young people have come to wonder what would be their lot when they came to old age. The man with a job has wondered how long the job would last. This law, too, represents a cornerstone in a structure which is being built but is by no means complete. It is, in short, a law that will take care of human needs and at the same time provide the United States an economic structure of vastly greater soundness.

More than 600,000 Arkansans are enrolled in Social Security, and I am proud of my work on their behalf. Last year, I pushed for relief for Arkansas's beneficiaries who would not receive cost-of-living adjustments because of the economy. I have consistently opposed attempts to privatize Social Security, and I do not support a reduction in Social Security's current guaranteed benefits.

I have met with Arkansans from all four corners of the State to hear their concerns about Social Security. I believe that providing adequate resources for the Social Security Administration is a crucial first step toward strengthening this vital program. As the baby boom generation enters retirement, we will be asking more of the Social Security Administration's services, and we must work to make certain the trust funds are well maintained.

As we commemorate the 75th anniversary of Social Security, I remain

committed to protecting Social Security benefits for Arkansans and all Americans. I will continue to use my position as the chairman of the Senate Subcommittee on Social Security to fight to ensure seniors receive the benefits they have earned and deserve.

ALCOHOL REGULATORY EFFECTIVENESS ACT

Mrs. FEINSTEIN. Mr. President, I rise to bring the attention of the Senate to a recent joint resolution passed by the California State Legislature. This resolution, S.J. Res. 34, urges Congress to defeat the Comprehensive Alcohol Regulatory Effectiveness Act of 2010, H.R. 5034, a bill that would restrict legal challenges to unconstitutional alcohol regulation laws and negatively impact the American wine industry.

This bill is being described by its proponents as an effort to promote regulation of alcohol and protect the public from dangerous effects. What the bill does instead, however, is to erect new legal barriers which give preference to in-State beer, wine, and spirits wholesalers at the expense of free and open competition. With its broad sweep, the bill cedes Federal authority over licensing, labeling, advertising, taxation policy and other matters.

Under current Federal law, each and every State has authority to set its own law regarding the direct shipment of alcohol. A State can allow direct shipments to consumers, or a State can prohibit it. What a State cannot do, however, is to allow in-State producers to ship directly to consumers while barring out-of-State producers from doing so. This is a constitutional requirement, stated most recently in the case of *Granholm v. Heald*.

The House bill could not constitutionally alter this system. Instead, it would erect new legal barriers that would make it more difficult for out-of-State producers to enforce their rights to equal treatment under State laws.

I am very proud to say that my State of California is the fourth largest wine-producing region in the world. Our wine industry creates more than 330,000 jobs and contributes \$61.5 billion to the States economy each year.

We are not, however, alone. Nationwide, the coast-to-coast wine industry, active in all 50 States, has an economic impact of some \$122 billion annually.

And, in fact, 37 States and the District of Columbia currently allow direct shipment of wine from winemakers to consumers. Such laws increase choice for consumers. They also keep small wineries in business as wholesalers grow increasingly consolidated, offering less selection and squeezing out producers in the process.

As the joint resolution passed Monday, August 2, 2010, makes evident,

H.R. 5034 threatens serious harm to winemakers in California and across the country, as well as to consumers and competition in these markets. Should it be introduced in the Senate or passed by the House, I will oppose it and will urge my colleagues to do the same.

TIBETAN REFUGEES

Mr. LEAHY. Mr. President, I want to call attention to language in Senate Report 111-237 accompanying the fiscal year 2011 Department of State, Foreign Operations, and Related Programs appropriations bill, which passed out of the Appropriations Committee on July 29, 2010.

That language notes the committee's concern with recent events in Nepal, where Tibetan refugees have been forcibly turned over to Chinese border police. This contradicts Nepal's long and generous history of providing safe passage for Tibetans on route to India, and it is inconsistent with international law. In the past, Nepal has provided safe haven, and the United States, the United Nations, and other donors have provided the funds necessary to care for these people in transit.

This is a matter of grave concern to the Congress and to people everywhere who know of the danger of arrest and imprisonment and the physical hardships Tibetans face, fleeing their homeland by crossing the Himalayas with little more than the clothes on their backs. I hope the Nepali Government will take note of the committee's concern and take immediate steps to reaffirm its policy of permitting Tibetan refugees to travel safely to India.

I ask unanimous consent that this language in Report 111-237 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"Tibetan Refugees.—The Committee is concerned with recent actions by the Government of Nepal to prevent safe passage for Tibetan refugees, including reports that some fleeing Tibetans have been turned over to Chinese border authorities. The Committee urges the Government of Nepal to reaffirm its long tradition of permitting Tibetans to safely transit Nepal, and continues to support assistance for these refugees as well as Tibetans who have resettled in India."

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. BAUCUS. Mr. President, today, the Children's Health Insurance Program turns 13. But instead of facing the difficulties of adolescence, CHIP is enjoying the advantages that come with being one of the most popular programs in the country.

I would like to take this moment to reflect on the history of CHIP and to think about the role that CHIP will play in the future.

Prior to 1997, kids of the working poor had nowhere to go to get health insurance. Their parents' employers didn't offer health insurance benefits, and the individual market offered only low-quality insurance options at unaffordable prices.

Without health insurance, kids couldn't see the doctor for a checkup, couldn't get a prescription for an earache, and couldn't get treatment for common chronic conditions like asthma. Unhealthy kids can't run and play, can't do well in school, and can't grow into healthy and productive adults.

In 1997, Congress took action to address this problem by establishing the Children's Health Insurance Program. And today, we celebrate 13 years of success—expanding high quality coverage to kids all across the country.

I would like to remind my colleagues of CHIP's history—its bipartisan roots and its tremendous success in achieving what we created the program to do: cover low-income, uninsured kids.

Congress enacted the Children's Health Insurance Program as a bipartisan compromise back in 1997, with leadership from Senator ROCKEFELLER, Senator HATCH, and the late Senators Kennedy and Chafee. At that time, Members of Congress wanted to address the rising number of children without health insurance.

The Finance Committee reached a compromise that allowed States to set up Children's Health Insurance Programs that would meet their unique needs. CHIP is optional for States, but within just 2 years of its creation, all States decided to participate to address the health care needs of our country's most vulnerable children.

I am proud to have helped write and pass CHIP 13 years ago. It has been a tremendous success.

In its first decade, CHIP cut the number of uninsured children by more than a third. Today, more than 7½ million children get the doctor's visits and medicines they need to have a healthy childhood, enabling them to become healthy and productive adults.

After 10 years of success, CHIP came up for reauthorization in 2007. In the summer and fall of that year, Congress worked hard to pass a bipartisan reauthorization package. But President Bush vetoed it twice. Ultimately, we had to settle for an extension.

In January of 2009, with two of our former colleagues in the White House, I was thrilled to get started on a CHIP reauthorization bill as soon as possible. Finally, the stars had aligned—President Obama was looking forward to signing the CHIP reauthorization bill, and the Congress was prepared to act. We were finally able to deliver what Americans had asked for—reestablishing kids' coverage as a national priority.

President Obama signed the bill on February 4, 2009. The new law main-

tained coverage for all children in the program at that time and started on a path to reach more than 4 million additional uninsured, low-income kids.

We had a couple of goals in mind as we drafted the CHIP Reauthorization Act of 2009.

We kept CHIP focused on low-income kids. We prioritized coverage of the lowest-income kids, but without limiting State flexibility in designing CHIP programs. We set up parameters to transition adults out of CHIP and into Medicaid or other appropriate coverage. And we also encouraged States to improve their outreach practices and streamline their enrollment procedures in order to reach all eligible kids.

We maintained State flexibility. We gave States the option to cover legal immigrant children and pregnant women during their first 5 years in America and receive the corresponding Federal match. We also created a State option that allows States to designate CHIP funds to offer premium assistance, helping families afford private coverage offered by employers or other sources.

And we improved the quality of care. The CHIP Reauthorization Act launched a substantial new initiative to improve children's health quality. This initiative invested \$45 million a year for 5 years to develop national core measures for children's health quality, improve data collection in CHIP and Medicaid, and promote the use of electronic health records.

The CHIP Reauthorization Act I helped to craft allowed us to cover as many uninsured low-income kids as possible. I made sure that we respected our budgetary limits, and made compromises in good faith with my Republican colleagues. In committee, further compromises were made which I hope strengthened the act even more.

The only disappointment that came out of the 2009 CHIP Reauthorization Act was that we weren't able to come to agreement with Senators GRASSLEY and HATCH, two colleagues that worked tirelessly to reauthorize CHIP in 2007. But I'm proud to say that CHIP's bipartisan reputation has not been marred.

Senators on both sides of the aisle continue to support CHIP and have even used it as a model for other programs. And I have continued to work with Senator GRASSLEY and all Senators on the Finance Committee overseeing the implementation of the CHIP Reauthorization Act.

A year and a half after enactment, more than half the States have taken advantage of the new coverage options in the CHIP Reauthorization Act, including 15 States that expanded income eligibility levels for CHIP or Medicaid to cover more kids. States have also taken advantage of the enrollment simplification options—making it easier for kids to get enrolled and stay covered.

In health reform, we extended CHIP for an additional 2 years, ensuring that kids will have a stable source of coverage as we expand coverage to other groups. In 2015, Congress will revisit CHIP in a new context. CHIP has been instrumental in providing children with access to care where none existed before, but it may need to take on a different role as health reform is implemented.

Whatever happens in 2015, I am confident that CHIP will continue to be an important part of our health system. CHIP is tried and true, and things just keep getting better and better in the program. As we celebrate CHIP's 13th birthday, we can be proud of everything Congress has done to provide low-income kids with high quality, affordable coverage.

TRIBUTE TO FIRST RESPONDERS

Ms. LANDRIEU. Mr. President, I wish to discuss a heart wrenching tragedy that occurred in my home State earlier this week and to acknowledge the heroic efforts of our local first responders. On Monday evening, under sweltering temperatures that had surpassed 100 degrees, two Shreveport families gathered on the banks of the Red River, in Shreveport, LA, to enjoy a picnic. What is normally a routine summer outing for millions of people across America quickly turned into a disaster.

Seven teenage children from these two families had wandered off into an unfamiliar part of the river. One of the children stepped off of a sand bar and into deeper, more dangerous water and began to scream for help. The other six children followed in an attempt to rescue the drowning teen. None of the seven children knew how to swim, nor did the adults who were with them. As the seven children struggled for their lives against the treacherous waters of the Red River, witnesses called 911 for help.

Teams of first responders from Shreveport and Bossier City were dispatched and arrived on the scene at 6:30 p.m., roughly 10 minutes after the 911 call was made. Dive teams entered the water four at a time in search of the drowning children. Despite the tremendous efforts of the divers, the river's waters claimed the lives of six of the seven children. The lone survivor was rescued by a bystander named Christopher Partlan, before the dive teams could get to the area.

At 7:51 p.m., the first of the victim's bodies was recovered from the water. This unthinkable task continued for more than 2 hours before the last of the victims was recovered at 10:02 p.m.

At this time, I would like to read the names of the first responders from Shreveport and Bossier City who were dispatched to this tragic accident:

Captain John Davis; Fire Engineer Craig Bynog; Firefighter Jared

Mourad; Firefighter Chad Alexander; Battalion Chief Tim Thames; and Fire Engineer Jimmy Lockey of the Shreveport Fire Department. Officer Phillip Tucker of the Shreveport Police Department; Fire Driver Chad Arnette of the Bossier City Fire Department; and Christopher Partlan, the bystander who rescued 15-year-old DeKendrix Warner.

All these brave men deserve to be recognized for their heroism. First responders in Shreveport and Bossier and in cities and towns across America protect our communities every day. We depend on them during fires, floods and other disasters and they put their lives on the line to save ours. For that, we owe them a debt of honor and gratitude.

I would also like once again to send my condolences to the Warner and Stewart families for their tragic loss. I know the Shreveport community will wrap its arms around them and pray for them, comfort them and support them during this difficult time.

TENNESSEE VALLEY AUTHORITY

Mr. SESSIONS. Mr. President, I rise today to discuss an important matter involving the future of the Tennessee Valley Authority.

As you may know, TVA is led by a Board of Directors that consists of nine individuals appointed by the President and confirmed by the Senate. These board members serve for staggered 5-year terms.

For some time, it has been understood that each State within TVA's service area should be represented on the board. This makes sense given TVA's diverse energy production and economic development activities, which affect communities in each State differently as do the Authority's various power plants and dams.

Recognizing this, President Bush, in 2006, nominated to the board a fabulous individual from my State, Howard Thrailkill. The Senate confirmed the nomination unanimously.

Mr. Thrailkill has undoubtedly served with distinction. He was president of AdTran, a successful technology company in Huntsville, and he brought to TVA a familiarity with the complexities of running a large organization.

Upon his confirmation, Mr. Thrailkill immersed himself in the financial records, business plans, and technical data surrounding TVA's many functions. He became an expert on the organization in a way that many board members do not. When he identified a poor performing project or a proposal with downsides, he was not afraid to say so. And he was especially familiar with TVA's activities in North Alabama, where he lived.

Undoubtedly, Mr. Thrailkill's willingness to devote his personal time and

energy to the position was of great benefit to both TVA and its Alabama customers.

Unfortunately, Mr. Thrailkill's term on the Board is now nearing its end. I was dismayed to learn recently that President Obama apparently failed to recognize the importance of this position to the people of Alabama, and had nominated an individual from another State to fill it.

This is no small matter. Of the seven States that make up TVA, Alabama is the second largest in terms of revenue, the second largest in terms of employees, and the third largest in terms of service area.

Also, Alabama is home to several important TVA facilities, such as Guntersville Hydroelectric Dam, Browns Ferry Nuclear Plant, and the Bellefonte facility—which could become one of the first new nuclear power plants in the country.

Seven States make up the TVA service area. There are nine seats on the board. It is unacceptable that Alabama's long term representation be put in jeopardy.

Accordingly, I have been forced to use my position in the Senate to block the progress of these TVA nominations until this matter could be resolved.

I am pleased to inform the Senate today that after a series of conversations with the White House, we have reached an agreement that the next opening on the board will be filled by a nominee from the State of Alabama.

That vacancy is expected in March of next year, and we have agreed to begin in the next month discussing which individuals should be considered for this important position. I wish to thank the President and his staff for working with me on this compromise.

Senator CARPER, who chairs the Environment and Public Works subcommittee that considers TVA nominations, has also stated his willingness to begin consideration of the Alabama nominee early to ensure he or she is confirmed before the start of the term. I thank him for that offer.

I am pleased we could reach an agreement on this issue, and I look forward to the Senate confirmation of an individual from my State who will offer strong leadership to TVA in the coming years.

Accordingly, I am also pleased today to lift my hold on the nominations to the TVA Board that are currently pending in the Senate. I urge my colleagues to move quickly with the nominations to ensure that the Board of Directors will have a quorum in August so that it may effectively conduct the business before it.

1099 REPORTING REQUIREMENT

Mr. ENZI. Mr. President, I rise to express my concerns about a provision in the new health care law that will impose monumental burdens on small

businesses, reduce wages and eliminate jobs.

A provision that was included in the new health care law will require businesses to submit new tax forms every time they purchase more than \$600 worth of goods. This new government mandate will impose significant new costs on 26 million businesses across America.

Given the economic challenges that our Nation already faces, this is a burden that we cannot afford. If it is not fixed, this new mandate will slow economic growth and prevent the creation of new jobs. The Commerce Department reported last week that the pace of economic growth is slowing down. U.S. economic growth slowed to an annual rate of 2.4 percent in the second quarter, the weakest showing in nearly a year. According to the Labor Department, wages and salaries are also suffering and the unemployment rate still hovers around 9.5 percent.

If these numbers are going to improve, it's going to be a result of the hard work and ingenuity of our Nation's small business owners. The entrepreneurial small business community has been the driver to pull us out of all recent recessions. They are the key to job creation that will pull us out of this economic downturn as well. Small businesses create 65 percent of all new jobs in America. In Wyoming, that number is a lot higher. We have 62,000 small businesses in Wyoming that employ nearly 70 percent of our workforce. We need to advance policies that encourage small businesses to grow and hire new workers.

Unfortunately, buried in the new healthcare law is a provision that will have the opposite effect. It will cost every business, even the smallest of the small, more money to file their taxes.

Because of the new healthcare law, beginning in 2012 businesses will have to send new tax forms to the IRS for every business to business transaction of \$600 or more for both goods and services. This new requirement creates a punishing new paperwork mandate for small businesses.

The new paperwork requirement means that a small business owner will have to file two forms—one to the vendor and one to the IRS—for almost every purchase his or her business makes. Imagine you're a freelance writer and you buy a new laptop. Well, now you have to send Form 1099 to Apple and the IRS or, be labeled a tax cheat. Oh, and you'll need Apple's Taxpayer Identification number too so don't forget to ask the salesman for that.

Complying with the tax code is already one of the most expensive burdens placed upon small businesses. According to the National Federation of Independent Businesses, the typical small business pays as much as \$74 per hour to prepare and file various tax-re-

lated documents. Because they cannot afford to have their own finance departments, the costs of complying with the Federal tax code are 66 percent higher for small businesses as compared to their larger competitors. The new healthcare law will significantly increase these tax burdens and the costs that come with them.

This new reporting requirement hits small businesses hardest because they typically don't have in house accounting departments and have to hire outside help. Every penny a small business spends on these services is money they can't spend on hiring new workers and expanding their business. Every hour a small business owner spends filling out these new tax forms is time he or she is not making a sale, manufacturing a product or working with a customer.

I understand the challenges this can create for a small business. Before I came to the Senate, my wife and I started and owned several shoe stores back home. When you own a small business, you have to be the CEO, the bookkeeper, the salesman and the person who empties the trash and cleans the toilets.

Every hour that I spent filling out government-mandated paperwork, was an hour I couldn't spend selling shoes. Government mandates, like the new 1099 requirement, have a real cost, and it is small businesses who end up having to pay them. The National Taxpayer Advocate, based inside the IRS, has already warned of the new reporting burden on small business.

This new reporting requirement hurts small businesses at the same time our economy needs them to help our recovery. Small businesses across this country are still struggling to stay open. Rather than forcing these businesses to comply with burdensome new paperwork requirements, we should be finding ways to encourage them to reinvest their money in growing their businesses and hiring more workers.

Our country has always relied on small businesses to grow the economy and create new jobs and they have always been the drivers to pull us out of economic downturns. Given the still difficult challenges facing our economy, the last thing we should be doing is piling on the paperwork that takes their time and precious resources away from creating jobs.

I believe things like the 1099 requirement are causing our entrepreneurs to think twice about taking new risks for fear of more government burdens and regulations. That's the worst thing Washington should be doing right now. Instead, we need to be focused on creating an environment where small businesses can grow and aren't worried about what might be the next new burden thrown on them from Washington.

It seems like a reoccurring bad dream around Washington over the past few years. Washington politicians

tuck something into a giant bill that's rammed through Congress without fully understanding the impact in the real world.

This 1099 reporting requirement is just one of the many things in the new health law that need to be re-examined. Our small businesses need to be focused on creating jobs and helping our economy recover, not on new paperwork burdens. When a business is considering making new long term investments in employees or equipment, they shouldn't have to be worried about the next new wrinkle to be uncovered in the health reform law.

We can make a statement right now to America's small businesses that we want you out there creating jobs, hiring new employees and growing your business—not worrying about what Washington will require of you next. Let's tell our small business men and women that we stand behind them, not on top of their backs, and let's repeal this new tax paperwork burden. Mr. President, I yield the floor.

FDA FOOD SAFETY MODERNIZATION ACT

Mr. ENZI. Mr. President, I rise today to talk about an issue important to us all—the safety of our food. Food safety is not a partisan issue—we all want to be confident that the food we eat and give to our children will not make us sick. That is why I have been working with my colleagues in a bipartisan way to pass S. 510, the FDA Food Safety Modernization Act.

This bill goes a long way to bringing the regulation of food into the 21st century. No longer will outdated laws hold the FDA back from protecting us. This bill takes into account the changes in our food supply over the more than 100 years since food safety authorities were first granted to the agency. This bill provides real consumer safety improvements, while maintaining an appropriate balance between regulatory burden and food safety benefit.

I want to thank Senators GREGG, BURR, and DURBIN for their hard work and leadership in developing and introducing this bill. Their efforts to ensure that this was a bipartisan process, starting from a blank piece of paper, were critical to seeing this bill move. I also commend Senator HARKIN, the chairman of the HELP Committee, for prioritizing this bill and moving it through committee.

We, along with Senator DODD, have continued to work together over the last few months, which resulted in only a few issues remaining to debate on the floor. That kind of cooperation is what the American people expect of us. It certainly wasn't easy at times, but this is how we are supposed to legislate, and I am glad we met our obligations.

The House passed a food safety bill 1 year ago. There are significant differences between the House and Senate

bills, and I hope we can bring this bill to the Senate floor as soon as possible so that there is sufficient time to conference the two bills and see legislation signed into law this year.

FAIR SENTENCING ACT OF 2010

Mr. KAUFMAN. Mr. President, I rise today to praise the enactment of the Fair Sentencing Act of 2010, S. 1789, which was signed into law on Tuesday by President Obama. This reform, which significantly narrows the sentencing disparity between crack and powder cocaine from 100:1 to 18:1, is a long overdue victory for a criminal justice system rooted in fundamental fairness.

I am all for tough antidrug laws, but those laws must also be fair. Current law is based on an unjustified distinction between crack cocaine and powder cocaine. The mere possession of 5 grams of crack—the rough equivalent of five packets of sugar—carries the same sentence as the sale of 500 grams of powder cocaine.

As it turns out, this 100-to-1 disparity is unjustified by science. Moreover, it disproportionately affects African Americans who make up more than 80 percent of those convicted of Federal crack offenses.

Law enforcement experts say that the disparity has undermined trust in the criminal justice system, particularly in minority communities.

Making this change a reality required leadership from the very top: from President Obama's personal involvement to great efforts by Senators DICK DURBIN, JEFF SESSIONS, ORRIN HATCH, and others. Achieving this reform took significant political muscle and it took a continuing effort.

I especially want to note the Vice President's early and sustained leadership on this issue.

Back in 2002, when very few in this body wanted to touch this politically toxic problem, then-Senator BIDEN held a hearing that exposed the need to reduce the crack-powder disparity. Particularly significant was his willingness to admit that he, and Congress generally, made a mistake when they created the distinction back in 1986.

In June 2007, Senator BIDEN without any cosponsors on either side of the aisle introduced the first Senate bill that would have equalized the penalties for crack and powder cocaine without raising penalties for powder. The introduction of this bill changed the entire landscape of the crack-powder debate. No longer was the question "Should the disparity be reduced?" No longer was the debate about whether the 100:1 disparity was reasonable. The Biden bill shifted the burden to the naysayers to justify why 1:1 wasn't the right policy solution.

After Senator BIDEN assumed his duties as Vice President of the United

States, Senator DURBIN picked up the Senate torch and reintroduced the Biden bill. I was proud to join him as a cosponsor of S. 1789. He then worked closely with colleagues on both sides of the aisle to find a compromise that would both satisfy the needs of law enforcement and return fundamental fairness to the sentencing for these sorts of offenses.

I would be remiss if I did not mention one more crucial participant in this long-running effort. As my colleagues in this body know, much of what we accomplish here on behalf of the American people is influenced greatly by our talented staff.

In this case, reducing the disparity between crack and powder cocaine—without increasing penalties for powder—would not likely have been achieved without the dedication of a very talented public servant, Alan Hoffman.

Alan, while serving as then-Senator BIDEN's chief of staff, delivered one of the first pushes that started to roll this stone forward, and he kept at it for many years. It is undeniable that many had significant roles to play in this remarkable achievement. But it is equally undeniable that Alan's longstanding drive to right this wrong and shift the policy debate fundamentally was crucial to our being able to celebrate this accomplishment today.

As my colleagues know, I have spoken many times in the Senate about the outstanding men and women who constitute our Federal workforce. Alan Hoffman has been a loyal and dedicated public servant who deserves credit for his work today.

FINDINGS OF THE NTSB

Mr. CARDIN. Mr. President, I rise today to discuss the findings of the National Transportation Safety Board's final report on its investigation into the fatal June 22, 2009, Metrorail crash on the Red Line near Fort Totten.

This report is a call to action for Congress to pass legislation that will help prevent such tragedies on our Nation's public transit systems from ever happening again.

Last week, the NTSB presented the findings of its year-long investigation into last year's Metrorail crash that killed eight passengers and the train's conductor nine total. The fatal accident also hospitalized 52 passengers with serious injuries and left approximately 30 others with minor injuries.

The investigation concluded:

The cause of the crash was a series of faulty track circuits that failed to detect the presence of a stopped train on the right-of-way.

The severity of the accident was compounded by the poor crashworthiness of the 30-plus year-old railcars involved in the accident where most of the injuries and fatalities occurred.

Lastly, NTSB determined that safety has not been a priority for WMATA. Simply put,

Metro lacks a "Culture of Safety" throughout its entire organization.

NTSB Chairman Deborah Hersman aptly put it in her statement regarding the release of its findings: "Metro was on a collision course long before this accident. The only question was when Metro would have another accident—and of what magnitude."

The root cause of the crash was a faulty track circuit that failed to detect the presence of a train pulling into Fort Totten Station.

As a result, the system did not signal a second approaching train to hold at a safe distance on the track.

When working properly, the track circuits are designed to detect and trace the presence of trains on the right-of-way. This effectively prevents two trains from occupying the same stretch of track at the same time.

A particularly troubling finding of the NTSB's investigation is that a 2005 "near accident" on the Orange and Blue lines in the Potomac River tunnel coming into the Rosslyn Station was caused by an identical track circuit malfunction to the one that caused the June 22 crash.

In other words, Metro knew, from firsthand experience, about the serious risks track circuit failures present.

The NTSB concluded that if WMATA had taken a lesson from the 2005 "near accident" at Rosslyn and made fixing the track circuit failures throughout the system a priority, the June 22, 2009, tragedy would have been avoided entirely.

The second layer of safety meant to prevent a crash in the case of a track circuit failure are automatic alerts sent to Metro Central Command to alert control officers when a track circuit failures occurs.

However, ignoring these warnings were part of Metro's operational protocol.

The NTSB reported that prior to the Red Line crash, track circuit failures were such a frequent occurrence, that Central Command was receiving an average of 3,000 system alerts a week.

Central Command's response to the overwhelming number of alerts was to implement an automatic override program.

The override allowed Metro to operate around the alerts, rather than fixing the circuit failures triggering the alerts.

The constant barrage of alerts ended up creating a culture of complacency rather than creating a culture of urgency.

This negligent managerial approach to solving the warning rather than solving the problem is entirely irresponsible and exemplifies the lack of a Safety Culture at Metro.

Because the approaching train was under automatic control it was completely reliant on receiving the correct operations signals from the track circuits.

Since the system failed, it was on the train's conductor to stop the train. The investigation concluded that operator Jeanice McMillan, of Fairfax, VA, acted quickly and appropriately to do all she could to stop the train.

The curvature of the track, combined with the high speed that the automatic controls had her train travelling at, made it impossible for Ms. McMillan to prevent her train from striking the train ahead.

Based on the emergency brake marks on the tracks, Operator McMillan acted as soon as she had visual contact with the train ahead.

She made a selfless choice to remain at her post and do everything she could to slow the train, even when she surely must have realized that a collision was inevitable.

Operator McMillan gave her life to save her passengers. Ms. McMillan's heroism surely prevented an even greater tragedy and for that we are all grateful.

The NTSB pointed to the crash-worthiness of the railcars as a major contributing factor in the severity of the accident.

These are the first-generation 1000 series cars that are subject to shearing in crash situations.

Metro has known about the compromised crashworthiness of its oldest railcars for many years.

A relatively low-speed accident at the Woodley Park Station in 2004 demonstrated how dangerous these railcars are in a crash situation. Fortunately, in that accident no one was seriously injured.

After the June 22 accident, Metro implemented a plan to place the older 1000 series cars in the center of trains as claiming that this shelters the older, less crashworthy cars in an accident.

The NTSB has pointed out that there is no factual basis for this practice, known as "bellying," in creating safer trains.

The only way to make for safer trains is to get the old, unsafe railcars off the system. I am happy to report, that WMATA is working to replace the 1000 series cars incrementally with newer, safer cars.

In fact, last Monday, Metro announced it has placed the order for the 7000 series cars that will finally replace all of the oldest, most unsafe, railcars on the system.

The NTSB's top-line recommendations to the Washington Metropolitan Area Transit Authority are the following:

Expedite the detection and replacement of all faulty track circuits within the System.

Expedite the replacement or reinforcement of all of the oldest least crashworthy railcars in operation.

Ensure that all new and current railcar cockpits are outfitted with event data recorders.

And lastly, management, starting with the board, must establish a culture of safety that pervades the entire organization.

The last point is incredibly important because despite Metro's ongoing budget woes, making safety a genuine priority would come at no additional cost to WMATA.

The NTSB also had many compelling recommendations for how the Federal Transit Administration should establish better safety guidance.

Because of Metro's unique relationship with the Federal Government, the FTA should provide immediate guidance to Metro on improving the safety of its operation.

Because the FTA has no actual regulatory authority, Congress must take the NTSB's safety improvement recommendations as a call for legislative action.

We must act to ensure that the NTSB's recommendations to FTA can be implemented in a way that achieves results.

Senators DODD, MENENDEZ, MIKULSKI, and I introduced legislation requiring the Transportation Secretary to establish and implement a comprehensive transit Public Transportation Safety program.

With the support of Senator SHELBY, this bill was reported out of committee and is awaiting action on the floor.

This legislation will give the FTA the ability to take decisive actions such as conducting inspections, investigations, audits, examinations of public transit systems.

The Public Transportation Safety Program Act of 2010 came about at the request of the President and Transportation Secretary LaHood.

I applaud the Obama administration for recognizing the need to give the FTA legal enforcement authority of its standards and rules.

This legislation establishes the type of safety enforcement authority for the FTA that currently exists for the Federal Railroad Administration's over commuter rail systems and that the Federal Motor Carrier Safety Administration has for commercial trucking.

It makes sense for public transit systems that receive federal funding to meet federal safety requirements set by the FTA.

These are safety requirements that could have saved the lives lost in last year's Red Line crash and would help make transit systems across the country safer for all users.

Just as I believe that the Federal Government has a role in ensuring Metro is safe for its riders and employees, I also believe the Federal Government has a responsibility to help fund the safe operation of the system since Metro provides the Federal Government and its employees a vital transportation service.

I was proud to work alongside Senators MIKULSKI, WEBB and former Senator John Warner to include major new funding authorization for Metro in the Federal Rail Safety Improvement Act, which was signed into law in 2008.

This law authorizes \$1.5 billion over 10 years in federal funds for WMATA, and is matched dollar-for-dollar by the local jurisdictions, for capital improvements.

This arrangement will finally provide Metro with the dedicated funding the system needs.

President Obama's fiscal year 2011 budget request to Congress includes \$150 million for Metro.

This builds on the substantial down-payment Senators MIKULSKI, WEBB, MARK WARNER and I were able to secure for Metro last year. I am happy to see that the Appropriations Committee has included this request in the Transportation appropriations bill reported out of Committee.

This is an important investment, but it is not nearly enough to fulfill all of Metrorail's obligations.

Metro maintains a list of ready-to-go projects totaling about \$530 million and \$11 billion in capital funding needs over the next decade.

When Metro was a relatively new system it was the epitome of safe and reliable public transit.

After 34 years of operation, and a managerial focus on system expansion rather than system preservation, the backlog of maintenance needs have taken its toll.

I find it unacceptable that the transit system in our Nation's Capital does not have enough resources to improve safety and maintain its aging infrastructure.

My deepest sympathies remain with the families and friends whose lives are forever affected having lost someone dear to them in last year's tragedy.

I want them to know that you and the loved ones you lost are not forgotten.

This tragedy has served as a constant reminder and inspiration for my work to fix the problems that led to the tragedy.

I call on my colleagues to honor the memory of those by working to pass the Public Transit Safety Act so that we can prevent similar tragedies from happening in the future.

SMALL BUSINESS TAX RELIEF

Mr. GRASSLEY. Mr. President, we spent nearly 6 weeks debating a bill that would help small business.

My friends on the other side of the aisle exclaimed that the bill was a jobs bill, one that would help small business—the engine of our economy.

The senior Senator from Louisiana—for whom I have great admiration as an advocate for small business—said, "If the Democrats aren't for small business, I don't know what we're for."

Well, the small business jobs bill was not passed by this body.

My friends on the other side will claim that Republicans blocked the bill.

But I think my friends need to look in the mirror when placing blame on their inability to govern.

Even if the small business jobs bill would have passed, the tax measures in that bill are only a drop in the bucket when it comes to the taxes and increased regulation small business is going to have to endure.

That's right, although Democratic leadership and the White House continue to say that they are for small business, any legislative measure that has been advertised as helping small business has not lived up the hype.

Let's start with the new health care reform law.

During the debate over health care reform, my friends on the other side of the aisle—including top officials in the White House—explained that the new law would provide tax credits to small business to help them pay for health insurance.

My friends said it so many times, you would almost think that the so-called tax credit was the best thing since sliced bread.

Many Democratic Senators based their vote in favor of the health care reform bill solely on the belief that the small business tax credit for health insurance would help struggling small businesses.

Well, even after the White House spent taxpayer dollars to send postcards to 4 million small businesses informing them of the so-called tax credit for health insurance, the tax credit has been a dud.

That is not according to this Senator; that is according to small business owners and brokers who are in the business of selling insurance to small business.

For example, just the other day—Thursday, July 29—the Bloomberg news organization wrote an article noting that the response to the so-called tax credit for small business “has been cool” according to “health-plan brokers across the country.”

Here are some quotes from the article about the small business tax credit:

James Stenger, director of business development for Benefit-Mall, said, “The reality is it doesn't meet the hype . . . It's had very little traction so far . . .”

Russ Childers, a broker in Americus, GA, said, “It fell short of what was needed to help businesses.”

Todd Page, of Warrenville, IL, said, “We've really wanted it to work, because we'd sell more . . . It just hasn't worked out, and most firms have been disappointed.”

Thomas Harte, president of Landmark Benefits, Inc., said, “We're not seeing more people becoming insured as a result of a subsidy coming their way.”

They are not the only ones decrying the so-called tax credit for health insurance.

The chief executive officer of the largest organization representing small business—the National Federation of Independent Business—questioned the effectiveness of this tax credit.

Small business owners who also had high hopes that the credit would help them were surprised and extremely disappointed when they found out they did not qualify for the credit.

A May 20 Associated Press article chronicles these frustrations.

I would like to read one passage from the article before I move on. The article said:

Zach Hoffman was confident his small business would qualify for a new tax cut in President Barack Obama's health care overhaul law. But when he ran the numbers, Hoffman discovered that his office furniture company wouldn't get any assistance with the \$79,200 it pays annually in premiums for its 24 employees. ‘It leaves you with this feeling of a bait-and-switch,’ he said.

Every day, I hear from Iowa small business owners who are frustrated with the so-called small business tax credit for health insurance.

I have been told that—after gathering all of the required information and paying an accounting professional to calculate all of the phaseouts and limitations—the time and cost almost outweighs any benefit for those businesses lucky enough to qualify.

Steven Yeater of Wilton, IA, the co-owner of a products finishing business, wrote me a letter telling me that the tax credit is “(1) not well thought out or discussed, (2) ridiculously complicated for a small business owner to understand and implement, and (3) once again, Congress is over-selling/over-promising the benefits of the tax credit.”

This is just one example where the Democratic majority has failed small business.

This is one example where the Democratic majority has touted a so-called benefit for small business that did not live up to its hype.

And now, small business is faced with mounting tax increases and regulatory burdens.

What do I mean?

The new health care reform law included 20 tax increases. Thirteen of them fall on individuals and families, and 7 of them hit businesses.

These tax increases will be devastating for small business. Moreover, these tax increases far outweigh the benefit of the so-called small business tax credit for health insurance that some businesses are lucky enough to receive.

And this is not the only tax increase small business will face. When Congress returns after the August recess, we are going to debate the bipartisan tax relief that was enacted back in 2001 and 2003. That tax relief is set to expire at the end of this year unless Congress acts. Allowing the bipartisan tax relief to expire will result in the largest tax increase in our Nation's history.

My friends on the other side of the aisle have indicated that they would like to extend the bipartisan tax relief for the “middle class.”

I want to emphasize that this means that my Democratic colleagues want to extend 80 percent of the bipartisan tax relief that they like to call the Bush tax cuts.

Actually, the only reason why they call it the Bush tax cuts is to vilify the tax relief. But my friends seem to support 80 percent of the tax cuts they enjoy vilifying so often.

Which brings me to my final point. My friends on the other side of the aisle would extend some of the tax relief but not all of it. My friends want to allow the top marginal tax rates—and a number of hidden taxes that affect these taxpayers—to expire. Why? Because my friends say the country—our Federal Government—cannot afford to give tax cuts to the “rich.”

But, it is not the rich who are going to be burdened if the rates were allowed to expire; it is small business that will suffer.

So in closing, I refer back to the statement of the distinguished Senator from Louisiana, which was, if Democrats are not for small business, I don't know what we are for.

The Democratic leadership is not for extending all of the bipartisan tax relief. So I will leave it to others to decide whether or not my Democratic colleagues are for small business.

I ask unanimous consent to have the items to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bloomberg Government in Development, July 29, 2010]

SMALL BUSINESS SLOW TO EMBRACE HEALTH TAX CREDITS, BROKERS SAY

(By David Lerman and Liz Smith)

One of the ways President Barack Obama envisioned expanding coverage under the health overhaul was by giving small businesses a tax credit worth tens of thousands of dollars to help cover their employees.

Though 4 million postcards were mailed to eligible firms, response has been cool, say health-plan brokers across the country. The reason is that the credit starts to phase out for companies that pay average annual wages of more than \$25,000, leaving out many businesses in higher-wage states and discouraging others who don't think the credit will help.

“The reality is it doesn't meet the hype,” said James Stenger, director of business development for BenefitMall, which sells small-group plans in New Jersey. “It's had very little traction so far.”

Todd Page, vice president of sales at JLBG Health in Warrenville, Illinois, said about 40 percent of the 460 small businesses his firm contacted were eligible for the credit. Only about seven would get the full benefit and be able to claim a credit equal to 35 percent of the premiums they pay.

Independent brokers sell small-group policies from insurers such as UnitedHealth Group Inc. and Aetna Inc. to firms with up to

50 employees and can assess how tax incentives affect coverage decisions.

Karen Mills, administrator of the U.S. Small Business Administration, said complaints about the credit's limited reach are premature.

"I think this is all still in anecdote land," Mills said in an interview. "The math says it's likely to be positive."

Mills said the income cap was necessary because Congress was intent on keeping program costs under control. "It's just trying to get to the people who need the help the most."

ESTIMATED SAVINGS

The Congressional Budget Office estimates the tax credit will save small businesses \$40 billion by 2019, and Obama said it will help millions of companies solve one of their biggest worries: offering health insurance to their workers.

The plan is intended for enterprises such as independent printers, mechanics shops and restaurants, which lack the negotiating power that big companies have with insurers. The biggest breaks go to the smallest, least-wealthy workforces under the plan.

TARGETED EMPLOYERS

The Internal Revenue Service said the plan is for employers who pay at least half the cost of individual coverage for their employees in 2010. From 2010 to 2013, the maximum credit goes to companies with 10 or fewer full-time employees that pay annual average wages of \$25,000 or less.

The credit is completely phased out for employers that have 25 or more workers or that pay average wages of \$50,000 a year or more. Because eligibility rules are partly based on the number of employees, brokers complain that the tax break diminishes relatively quickly. For example, a firm with 14 workers that pays an average of \$30,000 gets to claim a credit worth 19 percent of premiums paid.

The Obama administration said the program can help as many as two thirds of the nation's 6 million small businesses, based on Small Business Administration figures.

"It's worth perhaps tens of thousands of dollars to your companies," Obama said in a May 25 speech at the White House. "And it will provide welcome relief to small business owners, who all too often have to choose between hiring or keeping your health care for yourselves and your workers."

Mills said "a huge proportion" of these small businesses haven't been able to afford insurance or get access to it.

"This could very well tip the scales for some of them," she said.

COST OF LIVING

Many businesses who buy small-group health insurance have 10 or fewer employees. Most won't enjoy anything close to that 35 percent maximum credit because they pay more than \$25,000 in average wages, the brokers said.

Stenger said the average family plan in New Jersey costs \$1,500 to \$1,800 a month. So a tax break that ends up cutting premium costs by 10 percent, for example, wouldn't induce firms to start offering coverage.

"The impact is a lot less than the crafters of this provision thought it would be, at least in New Jersey," he said.

'BLEEDING WOUND'

Brokers in other regions said the income issue isn't isolated to high-cost states like New Jersey.

"The income hurts the worst," said Russ Childers, a broker in Americus, Georgia. "It

fell short of what was needed to help businesses."

The National Federation of Independent Business, a small-business lobbying group, disputed the administration's estimates for how many businesses will benefit.

"It's the equivalent of putting a band aid on a profusely bleeding wound," said Michelle Dimarob, head of legislative affairs for the federation. "It won't solve the number-one problem for small businesses."

The group in May joined Florida's legal challenge to the health-care reform law, becoming the first private organization seeking to overturn the measure.

Some 46 percent of companies have fewer than 10 workers, and many of those businesses insure only owners' families, Dimarob said. The credit, which expires in its current form in 2014 and fully in 2016, isn't likely to change this, she said. The credit can increase to 50 percent for the last two years if owners purchase insurance through a state exchange.

MICHIGAN INSURERS

Insurers in Michigan are scaling back attempts to sell to small businesses, said Steven Selinsky, the incoming president of his industry's trade group, the National Association of Health Underwriters. Selinsky closed his agency that sold small-group health insurance.

"After the economy collapsed, people just weren't purchasing," said Selinsky, who now works for BeneSys Inc., a third-party insurance administrator for unions. "It's just not doing what we had hoped."

Page, the Illinois broker, said his staff has provided 61 new quotes for potential clients and has sold two new policies to that group.

"We've really wanted it to work, because we'd sell more," said Page, whose clients include doctors' offices and auto-body repair shops. "It just hasn't worked out, and most firms have been disappointed."

Thomas Harte, president of Landmark Benefits Inc., who serves about 400 employers in New Hampshire and Massachusetts, said he hadn't come across any clients eligible for the tax credit. He has a long list of customers that exceed allowable income thresholds, or who have too many full-time workers.

"We're not seeing more people becoming insured as a result of a subsidy coming their way."

BLUE CROSS GAINS

One exception to the experience of many insurance brokers has been Blue Cross and Blue Shield of Kansas City, which started an intensive advertising campaign to promote the tax credit when the law was enacted.

The group sold 227 plans to small businesses in the past three months—an 80 percent increase in sales compared with a normal three-month period, said Tom Bowser, chief executive officer.

Even with the added business, Bowser said most small businesses in the Kansas City market don't qualify for the tax credit. Of the firms with fewer than 25 employees, no more than a quarter of them qualify, he said.

HELP FOR IDAHO

The credit has potential to help in Idaho because its economy is dominated by small businesses averaging eight workers, said Scott Leavitt, owner of an insurance brokerage in Boise and the immediate past president of the health underwriters association. On the other hand, Idaho's average per capita income is \$33,000, and more than \$35,000 for his block of customers, he said.

About a quarter of his clients could see some relief, though it would only be significant for 12 percent, he said.

Administration officials say they expect more businesses to warm to the incentives.

"These tax credits will make it easier for small businesses to give their workers the insurance they need," said Nicholas Papas, a spokesman for the White House. "We're working diligently to ensure small businesses know about this credit."

"Small businesses are looking into it because they're not dumb," Mills of the Small Business Administration said. "People want to provide health insurance. The reason is they're losing good employees when they don't."

FACT CHECK: TAX CUT MATH DOESN'T ADD UP FOR SOME

FACT CHECK: 'BROAD' HEALTH CARE TAX CUT FOR SMALL BUSINESS LEAVES OUT SOME COMPANIES

(By Ricardo Alonso-Zaldivar, Associated Press Writer)

WASHINGTON (AP).—Zach Hoffman was confident his small business would qualify for a new tax cut in President Barack Obama's health care overhaul law.

But when he ran the numbers, Hoffman discovered that his office furniture company wouldn't get any assistance with the \$79,200 it pays annually in premiums for its 24 employees. "It leaves you with this feeling of a bait-and-switch," he said.

When the administration unveiled the small business tax credit earlier this week, officials touted its "broad eligibility" for companies with fewer than 25 workers and average annual wages under \$50,000 that provide health coverage. Hoffman's workers earn an average of \$35,000 a year, which makes it all the more difficult to understand why his company didn't qualify.

Lost in the fine print: The credit drops off sharply once a company gets above 10 workers and \$25,000 average annual wages.

It's an example of how the early provisions of the health care law can create winners and losers among groups lawmakers intended to help—people with health problems, families with young adult children and small businesses. Because of the law's complexity, not everyone in a broadly similar situation will benefit.

Consider small businesses: "The idea here is to target the credits to a relatively low number of firms, those who are low-wage and really quite small," said economist Linda Blumberg of the Urban Institute public policy center.

On paper, the credit seems to be available to companies with fewer than 25 workers and average wages of \$50,000. But in practice, a complicated formula that combines the two numbers works against companies that have more than 10 workers and \$25,000 in average wages, Blumberg said.

"You can get zero even if you are not hitting the max on both pieces," Blumberg said.

Hoffman used an online calculator to figure his company's eligibility. At least three are available: from the House Energy and Commerce Committee, which helped write the legislation; from the progressive Center for American Progress; and from the National Federation of Independent Business, which is seeking to overturn the law in federal court. All produced the same result.

"I think (the administration's) intentions are good, but the numbers and applications don't come out to what they intend," said Hoffman, part owner of Wiley Office Furniture, a third-generation family business in Springfield, Ill.

The Treasury Department, which administers the new credit, did not dispute the calculations.

"The small-business tax credit was designed to provide the greatest benefit to employers that currently have the hardest time providing health insurance for their workers—small, low-wage firms," said Michael Mundaca, assistant secretary for tax policy. "Small employers face higher premiums and higher administrative costs than large firms and in many cases cannot afford to provide coverage."

Small business owners are a pivotal constituency in the fall congressional elections, and Democrats are battling to win them over. Major benefits of the health care law—competitive insurance markets, more stable premiums and a ban on denying coverage to those in poor health—don't take effect until 2014. But the health care credit is available starting this year.

It can be a boon for smaller companies paying lower wages. Betsy Burton, owner of The King's English Bookshop in Salt Lake City, estimates that she will get a credit of roughly \$21,000 against premiums of about \$67,800. She has 11 full-time equivalent employees averaging \$26,100.

"What it means is that I can afford to carry this insurance and insure people's families," said Burton. "I was afraid that we were fast approaching a time when I would have to choose between insuring my employees and closing my doors."

Burton believes offering health insurance is the right thing for an employer to do—and also makes good business sense because it helps her retain valued employees. Except at the beginning, she has provided coverage for most of the 33 years the bookstore has been in business.

Slightly more than a third of companies with fewer than 10 employees offered coverage in 2008, down about 10 percent since the start of the decade, according to an Urban Institute analysis.

Hoffman, the furniture store owner whose business missed out on the credit, says he understands that lawmakers writing the health care legislation had a limited amount of money to work with. But his company's premiums rose 15 percent this year, and it's a struggle to keep paying.

To get the most out of the new federal credit, Hoffman said he'd have to cut his work force to 10 employees and slash their wages.

"That seems like a strange outcome, given we've got 10 percent unemployment," he said.

DEAR MR. WYATT: I am contacting you as I believe you are the individual who assists Sen. Grassley on tax matters connected to his Senate Finance Committee position.

I am writing you to comment on the Small Business Health Care Tax Credit.

Some brief background about our company:

We are a small manufacturer of abrasives in Wilton, IA, currently employing 17 full-time people.

Our major competitors are the Chinese, Korean, and Japanese sandpaper manufacturers and the recession has hit us hard.

We provide some of the following historical benefits to our employees:

We pay 100% of all employees' health insurance premiums;

We provide \$40,000 of life insurance to each employee;

We contribute approximately 14% of each employee's compensation into a profit-plan for their retirement;

Paid vacation;

Approximately 2 weeks paid time off during Christmas which does not count against an employee's vacation time;

What the recession has done to us:

Like many small businesses, we are losing money;

This has caused us to hire some workers through a local temporary business to replace full-time employees as we have turnover and as we try to expand into other areas to keep our business going;

For the last 2 years we have only been able to contribute the 3% safe harbor to the profit-sharing plan (for at least the prior decade we contributed the full roughly 14% of compensation to the profit-sharing plan);

We were forced to change the safe harbor profit-sharing contribution from a 3% mandatory to a matching type plan since a few of the temporary workers will have met the 1,000 hours/12 month rule—essentially punishing the full-time work force as we don't have the discretionary cash to make the contributions for the temps (a whole other tax issue for small businesses); and

We have continually had to reduce some health benefits (via increasing deductible to \$1,000; however, we continue to pay 100% of the premium cost).

Now back to the Small Business Health Care Tax Credit.

Early on I had high hopes that the credit would be quite helpful in defraying the health care premium costs. We currently pay \$11,410.39 per month in Wellmark BCBS premiums (nine on the single plan at \$413.67/month and eight on the family plan at \$960.92/month) for a total annual premium cost of \$136,924.68; and this is before anyone gets sick as we self-insure for the co-insurance. Our annual premium increase will be communicated to us by Wellmark about August and I anticipate another 20+ percent jump.

However, now some of the details of the credit are leaking out. Today I received the attached letter from our CPA firm, RSM McGladrey. I point you to the limitations and phase-outs of the credit. Are you kidding me? By the time I gather all the required information, pay RSM McGladrey to calculate all the phase-outs, the resulting credit will not even cover the expected annual premium increase from BCBS!

What small business is this helping? This is about like all the back to work credits, or whatever they are called, which we concluded with RSM McGladrey are not worth the manpower costs to fully investigate and gather the information.

This credit is worthless. If Congress thinks this is going to encourage small businesses to keep providing health care for their employees, they are grossly mistaken. It just isn't meaningful enough to even enter into the equation in making a decision of what to do for my employees.

Effective today, we can no longer hire someone and provide them with subsidized health insurance beyond what is required by law. We hope to continue with existing employees, but clearly, with what little bit I know about the Health Care Act, come 2014 we are dropping our health plan; if not sooner.

I would hope as Senator Grassley's Finance Committee tax assistant, someone who would understand "the devil in the details", you will pass on to him my frustrations. Such frustrations with respect to the Small Business Health Care Tax Credit being, but not limited to: (1) not well thought out or discussed; (2) ridiculously complex for a small business to understand and implement; and (3) once again, Congress' over selling/promising the benefit of.

I would greatly appreciate if you would convey my thoughts on this matter to Sen-

ator Grassley to help him understand what is happening with small business on this issue.

Sincerely,

STEVEN D. YEATER,
Co-Owner.

SPRINGFIELD CENTENNIAL CELEBRATION

Mr. RISCH. Mr. President, I rise today to acknowledge the centennial of the town of Springfield in my home State of Idaho.

On September 13, 1910, the County Commission of Bingham County approved a plat plan for the town-site of Springfield. It was an ambitious vision of a city on the shores of Springfield Lake—a body of water created years earlier to supply irrigation water from Danilsen creek. The area was a popular stopping place on Goodale's cutoff along the Oregon Trail.

In Springfield, 1910 was a busy and exciting time. Water from the Aberdeen-Springfield Canal reached Springfield. The Oregon Short-Line railroad came through and provided service to the community. And in June, a group of women organized the Springfield Domestic Science Club with a focus on community service.

The club quickly became a force in the community, establishing a hot lunch program at the local school and creating and managing the Springfield Cemetery, something members did until 1946. The club also sponsored many educational, cultural and entertainment events.

The Aberdeen-Springfield Canal was a major asset to the area. Not only did it provide much-needed water to the surrounding agricultural land, it provided jobs for many of the early settlers. The canal, begun in 1895, was dug using horse-drawn equipment and manual labor.

Today, the canal is a tribute to private enterprise. No government money was used during its construction. It is owned by its shareholders under a Carey Act corporation and is a "not for profit" organization, which financed it by the sale of shares in the company. The canal was completed at a cost of about \$886,000, irrigates about 63,000 acres of field and helps produce crops valued at roughly \$140 million each year.

On August 28, 2010, the Springfield community will honor its early pioneers with a centennial celebration. During the festivities, a monument in honor of the early settlers will be unveiled. The monument identifies those settlers who formed the backbone of the community by building the canal, operating the markets and shops and organizing the schools and churches. The names of these early pioneer families with the vision of seeing the desert bloom are:

Anderson, Baird, Bedwell, Berg, Blackburn, Bradley, H. Chandler, W.

Chandler, Criddle, Cushman, Edwards, Evans, Gravatt, Grover, Hawker, Holland, Houghland, Judge, Line, Leach, Lloyd, Lofgreen, Loomis, Parmalee, Reid, Rupe, Sainz, Sellers, Shelman, Stoddard, Stufflebean, Snyder, Sommercorn, Thurston, Wells, Whyte, Willis.

Although the present day Springfield town-site did not quite live up to the vision laid out in the original plat, those living in the community strive to honor their heritage. Out of that sturdy pioneer stock have come doctors, lawyers, politicians, farmers, ranchers, chemists, accountants, educators, firemen, homemakers, artists, laborers, mechanics, business owners, civil servants, religious leaders and military servicemembers.

I congratulate the people of Springfield on this occasion and pay tribute to those pioneers and others like them across our land, who, with vision, determination and hard work, created what we now enjoy.

TRIBUTE TO MARK KOSTER

Mr. BURR. Mr. President, today I wish to honor and recognize Mark Koster. This month, the Senate will bid farewell to one of the unsung heroes of this body. Mark, an associate counsel in the Office of Senate Legislative Counsel, is retiring and concluding his career on Capitol Hill.

Over the last two decades, there is hardly a major Federal education law that doesn't have Marks imprint. Marks areas of focus have included higher education, special education, career and technical education, literacy, elementary and secondary education, and a number of early education programs. Mark has more bipartisan legislative accomplishments than many Members of Congress.

Mark has made certain our ideas are drafted into legislation with technical precision, and his dedication to his work over the past two decades exemplifies true professionalism. Mark has treated every legislative initiative equally, no matter if he was drafting a relatively small amendment or a major reauthorization proposal for the Elementary and Secondary Education Act, the Higher Education Act, or the Individuals with Disabilities Education Act. Senators and their staffs all knew that when one saw Marks legislative signature, "KOS," atop a document that the draft that had emerged from legislative counsel was in perfect technical shape and it was now up to us, as Members of the Senate, only to argue the draft's merits and relevance, not the format.

As a member of the Senate HELP Committee, I am proud and honored to say that we, both present and former committee members, have considered Mark our staff, even though he has never been on the HELP Committee's

payroll. Mark has been one of our cornerstones because he has always treated every HELP member and staffer with the greatest respect. Additionally, Mark has demonstrated a rather large dose of patience in dealing with time constraints, deadlines, and all the various personalities that traverse the Halls of the Senate.

Although those of us who are members of the HELP Committee have consumed most of Marks time during his years as legislative counsel, Mark has always been of great assistance to every other Senate office that has needed aid in drafting education-related issues. All of us, Republican, Democrat, and Independent, have been lucky to have had Mark Koster on our side.

Mark, we thank you for your service and dedication. The HELP Committee will always consider you both an honorary member and a part of our family. We and the entire Federal education lawmaking process will miss you. May your next chapter in life be even more successful and more rewarding than the one that is coming to a conclusion. We wish you, your lovely wife, Kathy, and your two children the very best.

EDUCATION JOBS FUND

Mr. CORNYN. Madam President, as an elected representative of the great State of Texas, I swore a solemn oath to uphold and defend the Constitution. So it is a great disappointment to discover that some Members of the other body are attempting to undermine the separation of powers enshrined in our Constitution. I am speaking, of course, about the House-passed language that was included in Senate amendment No. 4575, which I opposed earlier today.

The language in the amendment unfairly requires the State of Texas to maintain fiscal year 2011 levels of State funding for elementary, secondary, and higher education spending for 2 additional fiscal years in order to receive a portion of the \$10 billion Education Jobs Fund. This places an undue burden on a single State that is likely an unconstitutional condition on funding in violation of the Supreme Court's holding in *South Dakota v. Dole*.

Specifically, the language conditions Texas's receipt of Federal education dollars on an event that would violate the Texas Constitution. The Texas Governor cannot make the required assurances because the Texas legislature, not the Governor, decides how to spend the State's money. Any attempt by the Governor to bind the legislature's hands would be ineffective because that office lacks the power, and the mere attempt could violate the Texas Constitution. Nor can the Governor make an assurance regarding the actions of a future legislature, as the amendment requires. Such conditions, which cannot be lawfully met, can have no pos-

sible relation to the Federal interest in education spending.

According to the Congressional Research Service, the State's share of the \$10 billion is estimated to be over \$830 million. By ensuring that the State will not be able to access these funds, the Texas provisions effectively create a significant and substantial amount of discretionary funds available to the Secretary of Education. The practical effect of this petty, partisan gamesmanship will be to saddle future generations of Texans with a debt for which they are unlikely to receive any benefit.

This was a shameful, irresponsible exercise in raw political power. Texas students deserve more than to be political pawns. Forcing the legislature and Governor to choose between violating the Texas Constitution or accepting Federal dollars is an abuse of Federal power and is a clear threat to the separation of powers. A State's elected government should not be made subjects of political appointees and unelected bureaucrats at the Department of Education.

ADDITIONAL STATEMENTS

REMEMBERING BISHOP DR. JERRY LOUDER

• Mrs. BOXER. Mr. President, I am honored to recognize the career accomplishments and service of the late Bishop Dr. Jerry Louder—clergyman, educator, community leader, and author. Dr. Louder was born in Riverside in 1947 and remained dedicated to his community throughout his life. Dr. Louder passed away on July 2, 2010.

As a student at Pacific High School in San Bernardino, Jerry Louder excelled in academics and athletics. He advanced his education at the University of California, Riverside and earned a dual major bachelor's degree, a master's degree, and a doctorate. Dr. Louder later completed a second doctorate at Friends International Christian University and began his ministry in 1970.

Dr. Louder was an acknowledged leader among his ministerial peers. He served as pastor of New Jerusalem Foursquare Church for 22 years and became founding pastor of New Jerusalem Christian Center. He was heavily active in a diversity of clergy groups in San Bernardino and Riverside counties, including the Riverside Clergy Association; the Riverside Area Pastors' Association; the Inland Area Ministers' Alliance; and the Riverside Interfaith Fellowship. He also served as president of the United States Pastors' Association, a communication network of nearly 100,000 pastors representing more than 40 denominations and independent churches.

Riverside mayor, Ron Loveridge, described Dr. Louder as a "community

healer." In addition to helping forge stronger relations between the Riverside Police Department and the communities it serves, Dr. Louder also cofounded and served as executive director of the Opportunities Industrialization Center, which led to his founding the Riverside Opportunity Center to address the needs of the poor, homeless, and marginalized in his community. These and other similar efforts earned the recognition of many groups and organizations throughout his life, including being named a 2010 Alumnus of the Year by the Riverside Community College District.

I extend my heartfelt condolences to Dr. Louder's family, friends, colleagues, and all those whose lives were influenced by Dr. Louder's commitment, compassionate leadership, and personal and professional integrity. He will be truly missed.●

TRIBUTE TO ABRAHAM WEINRIB

● Mr. BROWN of Ohio. Mr. President, Columbus, OH, the State's capital city, is home to more than 710,000 Ohioans who trace their heritage from a mix of races, religions, and ethnicities. Many Columbus residents can trace their heritage back to Germany, Italy, and England. Neighborhoods like German Village, Italian Village and Victorian Village are examples of places these new Americans created in the early 20th century.

Recent waves of immigration have brought men and women from Somalia, Vietnam, and Mexico to the city and our State.

Throughout the demographic changes to Columbus, there remains one small community that continues to draw from the strength of their shared experiences.

Mr. President, 217 Holocaust survivors reside in the city of Columbus and its suburbs from Bexley to New Albany. Among the unforgettable stories told by these heroic men and women is 97-year-old Abraham Weinrib, of the Berwick neighborhood, southeast of Columbus.

Mr. Weinrib's journey from hardship to hope began in 1939 when he and his family were forced from their home in Lodz, Poland. After being forcefully removed from his home in Lodz, he fled to Warsaw, Poland, where on September 6, 1939 at the age of 25 Mr. Weinrib was arrested by the Nazi's.

For the next 5½ years, he was sent to a total of nine concentration camps.

In Hanover, Germany, he was a slave laborer at the Continental rubber factory, where he made tires for Nazis to use against the Allied troops.

At Bergen-Belsen, he was forced to drag dead prisoners to a ditch to be buried in mass graves.

On April 14, 1945, Mr. Weinrib, weak with typhus, fell asleep on top of one of these mass graves. That night, he woke

up from the open grave and stumbled into nearby barracks. There he found English troops liberating the camp.

Unfortunately, Mr. Weinrib's parents, two older brothers, and most of his extended family were among the more than 6 million Jews who perished during the war.

Mr. Weinrib spent the next year in a Swedish hospital recovering from years of starvation, beatings, and a gunshot to his forehead.

After regaining his strength, Mr. Weinrib began to attend events through a Holocaust survivor's club in Sweden. There he met a young woman named Anna who was freed from Auschwitz in 1945. Together, they spent more than a year recovering in the hospital and several more years recovering at home in Sweden. By 1950, Anna and Abraham Weinrib married and had their first child, Ruth, in 1952.

In 1954, after living with his sister Hela who also survived the war Mr. and Mrs. Weinrib left Stockholm and moved to Columbus where Mr. Weinrib's brother's Morru and Chaim lived. In Columbus, Mr. Weinrib was hired by Sam Melton to work at a Capitol Supply factory. Mr. Weinrib quickly rose through the ranks from line-worker to manager. Meanwhile, Mr. and Mrs. Weinrib raised three children, sending them to school and working hard to ensure they had every opportunity that was robbed from their own youth.

Prior to Anna's passing in 1979, Mr. Weinrib rarely spoke of his experiences during the war. But since then, he uses his own experience to ensure that future generations never forget the tragedy of the Holocaust.

Abraham Weinrib has become a fixture at the Jewish Community Center in Columbus and frequently speaks to students throughout the community. At one recent speaking engagement, a student asked Mr. Weinrib what his experiences during the Holocaust can teach younger generations. Without hesitation, he responded with his thick Polish accent, that "life is short; you have to be nice to each other."

Then, Mr. Weinrib referred to a heartbreaking experience he remembers during his time at Auschwitz. The Nazi's were separating prisoners into two lines, those who were old enough and healthy enough to work, and those who were not. One young mother was unwilling to be separated from her young daughter. Both were sent to the crematorium.

Abraham Weinrib has seen firsthand what intolerance, prejudice, and hate can do to undermine our basic humanity. He talks about how unfair and challenging life can be but does not attribute his survival or the survival of three of his siblings to any sort of miracle. Instead, he attributes his survival to the ability to persevere.

His own children have also used the strength of their father to succeed. The

three Weinrib children—Bruce, Ruth, and Irene—overcame many of the hardships often faced by first-generation children: parents with a limited understanding of English, low paying jobs, and the feeling of being an outsider. By any measure, all three children have succeeded. Ruth and Bruce are both graduates of the Ohio State University. All three children have postsecondary degrees, and all have made Abe a proud grandfather of seven grandchildren.

The impact Abraham Weinrib has had on his family and community is clear and the message he shares is powerful. Elie Wiesel said "Not to transmit an experience is to betray it." Abraham Weinrib is helping to ensure that generations to come will learn his enduring lessons.

Thank you, Abraham Weinrib, for all that you do to make our State and Nation live up to our highest ideals.●

TRIBUTE TO JIM WEATHERLY

● Mr. COCHRAN. Mr. President, I am pleased to commend Jim Weatherly of Pontotoc, MS, for his contribution to American music through prolific song writing and the attention that he has brought to the many talented artists in my home State of Mississippi.

This weekend, Pontotoc County will celebrate Jim Weatherly's accomplishments at its annual Bodock Festival. Governor Haley Barbour has designated a "Jim Weatherly Day" as part of the festival. I believe this is a fitting tribute to a man who is a source of pride for many in Mississippi.

Jim Weatherly has not only excelled in the arts; he has also excelled both academically and athletically. While I was a law school student at the University of Mississippi, Weatherly was a member of the Ole Miss football team. As quarterback, Weatherly led the Ole Miss Rebels to an unbeaten and untied season, resulting in a national championship in 1962 and Southeastern Conference Championships in 1962 and 1963. As a star quarterback at my alma mater, Weatherly earned three letters and was honored as a member of the All Southeastern Conference team in 1964.

Jim Weatherly first started writing songs around the age of 12. He moved to Los Angeles, CA, in 1966 to pursue a career in the music industry. Weatherly has written pop, R&B, country, gospel and jazz songs, some of which have become classics. Weatherly has authored numerous hits for artists such as Gladys Knight and the Pips, Dean Martin, Kenny Rogers, Reba McEntire, Kenny Chesney, Hall & Oates and The Temptations. Some of his well-known hits include "Midnight Train to Georgia," "Love Finds Its Own Way" and "Where Peaceful Waters Flow." He was nominated for a Grammy in the R&B Songwriter of the

Year category and helped win numerous Grammys and awards for other artists. He has released seven albums, including a Christmas album that he wrote and recorded.

The American Society of Publishers, Authors, and Composers named Weatherly Country Songwriter of the Year in 1974. Weatherly is also a member of the Nashville Songwriters Hall of Fame and the Mississippi Musicians Hall of Fame.

Weatherly's "Midnight Train to Georgia" was inducted into the Grammy Hall of Fame in 1999. In 2001, The National Endowment for the Arts and the Recording Industry Association of America ranked this song 28th among 365 Songs of the Century.

Since moving back to the Southeast, Weatherly has continued to write, publish and record songs. Weatherly recently cowrote an album with Vince Gill that sold over 5 million copies, and he continues to have No. 1 country hits on the charts.

I congratulate Mr. Weatherly on being honored by his hometown of Pontotoc, MS, and on his long, illustrious career. I wish him the best in his future endeavors.●

TRIBUTE TO MICHEL BAIK

● Mr. DODD. Mr. President, it is with a heavy heart that today I pay tribute to fire fighter Michel Baik, who sadly lost his life on July 24, 2010.

A lifelong resident of Bridgeport, Michel graduated from Central High School, where he played football. Throughout his life, he remained engaged in sports playing softball and basketball and was also an active member of the St. Nicholas Antiochian Orthodox Church congregation.

He was well known as a loving husband and father who was very engaged in the lives of his children, Andrew, Thomas, and Margaret. He coached Junior Varsity basketball, volunteered with the Boy Scouts, and was a constant presence at their various school plays, sports events, and dance recitals.

For many years, Michel worked for companies like Norelco and Alcon Data, as well as at the Connecticut Post newspaper as distribution manager. He also helped teach computer skills to the unemployed as an instructor at a nonprofit workforce development organization called Career Resources.

Then, in 2007, he decided to take on a new challenge. He trained hard, studied hard, and ultimately became—at the age of 47—the oldest "probey," or rookie, member of the Bridgeport Fire Department. It was a job he loved, and he was proud to have been able to serve his community as a member of the department and the Ladder 11 team.

When a person becomes a firefighter, they are not simply taking a job; they are following a calling.

We have all felt our chests tighten and our pulses quicken with anxiety at the sound of a fire engine screaming through town. For most of us, this signals two important things: There is an emergency somewhere nearby, and—more importantly—that help is on the way.

Of course, for the people riding on those rigs, all the commotion is just another day at the office. They are focused solely on the task at hand.

When the unthinkable happens—a devastating hurricane, industrial accident, terrorist attack, or three-alarm fire—these brave men and women are the first on the scene and the last to leave. In between, they give all they have to make sure the emergency is contained and our communities are safe.

For Michel Baik and firefighters all over our Nation, the call to serve means facing danger every day. The commotion of an emergency becomes secondary to the need to help people, and the dangers they personally face must take a backseat to the task at hand.

That was the case on the afternoon of July 24, 2010, when Michel and his colleague, fire lieutenant Steven Velasquez, were conducting a search-and-rescue mission on the third floor of a burning house in Bridgeport. They were deepest into the blaze, looking for people in need of assistance and trying to ventilate the structure. None of the inhabitants of the home were injured. But tragically, both of these courageous men lost their lives, despite the quick action of their colleagues to pull them out of danger and get them to the hospital.

Tragedies are inherent in this profession, and the risks are shared by every single person who has ever gotten the call, rushed to their gear, and has run headlong into danger in order to save the life of someone else. These shared risks help to bind those called to take them together in a solemn way.

Firefighters will do anything for one another, both on the job and when the worst happens. The more than 7,000 of their fellow firefighters—from as far away as western Canada—who attended the memorial services for Fire Fighter Baik and Lieutenant Velasquez were an impressive testament to that bond.

I believe that the eulogy offered in tribute to Michel Baik by International Association of Fire Fighters president Harold Schaitberger at his memorial service speaks well of this solemn commitment. Through these difficult times, the community which Michel served, and those he served with, can provide support and comfort to his loved ones, and I will ask that President Schaitberger's words be printed in the RECORD.

Of course, no tribute will ever be enough to ease the suffering of their families. I offer my deepest con-

lences to Mich's wife Laurie, his children, and his entire family. Their sacrifice is unimaginable, and they will always be in our thoughts and prayers.

I know that we can never make this right for them. But we must celebrate the life and service of Firefighter Michel Baik and make sure that his memory—as a role model and true hero—lives on and helps to inspire others to take up the call to serve.

I ask that President Schaitberger's words to which I referred be printed in the RECORD.

The information follows:

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

President Harold Schaitberger

EULOGY FOR FIRE FIGHTER MICHEL BAIK,
BRIDGEPORT LOCAL 834, JULY 30, 2010

To Fire Fighter Michel Baik's mother Mary, to his wife Laurie, to his children Andrew, Thomas and Margaret, and to his sister Rania—thank you for allowing me the honor of taking part in this beautiful service to commemorate Mitch's life, his service, and his sacrifice.

To Mitch's family, to his friends, to his brothers and sisters in the Bridgeport Fire Department and Local 834, and to his extended fire fighter family, I stand before you like the man we honor today, a servant unto God, to offer the thoughts and prayers on behalf of our General Secretary Treasurer, our Executive Board, and the 298,000 fire fighters we represent across two great nations.

These are the times that words are a poor substitute as we try to make sense of such a profound loss and provide comfort to each other in this time of great sadness. I know words can do little to heal the heart-wrenching pain that we all feel. But I also know that I—and that all of Mitch's brothers and sisters in the fire service who traveled from across two nations to be here—want you, Mitch's family, to see and feel the love and the sorrow that each and every brother and sister in the fire service family feels today.

These emotions are as strong and as heartfelt as anything I can say. They are as genuine as anything I've written on these pieces of paper in my hand.

I want you to know that all of us have come here today to put our collective arms around you. Many of us are gathering for a second time today. We also paid tribute to Lieutenant Steven Velasquez.

Sadly, we are back together again and it's no easier the second time to say goodbye to one of our own.

Many outside of our ranks will refer to Mitch and Steven as heroes. But they didn't set out to be heroes and they didn't think of themselves that way. No, if they were here they would simply tell you they were just doing their jobs.

I did not have the honor of knowing Mitch personally, but I do know who he was. I do know that like many who came before him Mitch was drawn to "The Job" like countless young men and women who follow their childhood dreams—who experience the calling to service to become fire fighters. But for much of his life Mitch pursued other dreams, and at age 47—two years ago—he answered the calling.

He entered this close knit profession like so many of his brothers and sisters in dress blues who surround us now, with a humble confidence, eager to put in the hours with no expectation or desire for public recognition.

He summoned the quiet courage that resides in all who come to this work, and he

decided he could do it. He was determined—not only that he wanted to do it—but that he needed to do it. And at age 47 he realized a life-long dream, and he joined us on “The Job.”

Mitch was so excited and so proud when he became a fire fighter. He held up his badge to show his kids what Dad had done. He was Local 834's oldest probey.

Though he was a rookie, Mitch approached the job like the man he was—accustomed to hard work and long hours and eager to sacrifice for his family and his community.

The journey he took to get on the job is remarkable.

Sadly, it takes a tragedy like this to remind us just how fragile life can be and how our own journeys can end all too quickly.

Sadly, too often it takes a tragedy for a community and its citizens to recognize the courage, dedication, commitment, sacrifice, and service that people like Mitch make day in and day out.

And sadly, it takes a tragedy for the rest of the world to see the sacrifice that their families make.

So today as we pay our respects to Mitch we also pay our respects to his family—for giving more than you should ever be asked to give. And we pay our respects to you for the sacrifice you have made.

Remembering and honoring our fallen is the most solemn, most revered tradition in the fire service.

Every year across the United States and Canada a hundred or more fire fighters make the ultimate sacrifice. And when one of our brothers or sisters falls, the fire service family comes together.

We come together no matter how near or how far to make it clear to you—Mitch's family—that our hearts ache.

We want you to know that his brothers and sisters in the fire service loved him—but we understand that you loved him more.

We want you to know that we will miss him tremendously—but we know you will miss him more.

We have gathered to embrace you and let you know that your extended family is here, standing with you—and we're not going away.

For almost a century we've come together in times of loss to show the love and respect we have for our family and to stand strong for our IAFF brothers and sisters, including here in Bridgeport.

We use the tradition-bound symbols of our profession—the men and women in their crisp dress blues, the bagpipers and drummers who play their mournful songs, the Honor Guard standing at attention—to salute those we have lost. And then the ring of the Bell sends them home.

This is how we cope.

This is how we mourn.

This is also how we salute YOU.

From all of us in this great union—this brother and sisterhood called the IAFF—we want you to know that your loved one may be gone—but he will never be forgotten.

Mitch's name will remain, forever etched in the granite walls of our Fallen Fire Fighters Memorial in Colorado Springs.

We do that to show that he left an indelible mark on our lives, that he will forever be a part of our fire fighter family—and so will all of you.

Thank you Brother Baik for the gift of your life.

May you rest in peace. God bless you and may God bless the fire fighters on the front lines everywhere.●

REMEMBERING THEODORE H. FOCHT

● Mr. DODD. Mr. President, today I wish to honor the life of Theodore H. Focht, a former lawyer, educator, and public servant who passed away on April 22, 2010, at the age of 75. I extend my deepest condolences to his wife of 53 years, Joyce, his sons, David and Eric, and his grandson Jason.

Over the course of more than four decades, starting with his graduation in 1959 from law school at the College of William and Mary, Theodore—or Ted, as he was more commonly known to his family and friends—enjoyed an illustrious legal career that took him from academia to the halls of Congress to senior leadership positions at the Securities Investor Protection Corporation, or SIPC. Throughout his career, Ted earned a well-deserved reputation as an extremely knowledgeable and experienced voice on matters related to securities law and as a dedicated and hardworking public servant.

Following a stint as a legal assistant at the Securities and Exchange Commission in the early 1960s, Ted became a faculty member at the University of Connecticut School of Law in my home State, where he taught classes on securities regulation, administrative law, and property law. In 1969, Ted took a leave of absence from his work at UCONN and moved to Washington, DC, to take on a temporary assignment as special counsel to the House Committee on Interstate and Foreign Commerce.

When Ted took that position on Capitol Hill, the House Commerce Committee was in the middle of working to pass legislation that would provide critical new protections to U.S. investors from bankrupt and financially troubled brokerage firms. As the committee's special counsel on securities policy, Ted jumped right into the issue, playing an absolutely instrumental role in crafting the Securities Investor Protection Act. This legislation, which was signed into law by President Nixon, created the SIPC—a nonprofit entity that insures the assets of investors against brokerage firm failures—and with it, an important new layer of security and sense of confidence for Americans who wanted to invest in the stock market.

But Ted's work on investor protection issues did not end with the enactment of that landmark bill. Following its creation, Ted became the SIPC's president and general counsel, where he successfully shepherded the corporation through its first two decades of existence. Between 1971, when he took the helm at the SIPC, until 1994, when he retired from the corporation, Ted became inextricably linked to the organization's work and mission. Indeed, I believe that Ted's work with SIPC, both in helping to build the organization as a young congressional staffer

and run it after establishment, are among the most striking aspects of his impressive professional legacy.

And so I would like to take this opportunity today to thank Ted for his years of dedication to the law—whether as a professor helping to shape the minds of young law students at UCONN, or as a senior executive at the SIPC working to build a safer environment for Americans to invest.

And I once again extend my most heartfelt condolences to all of the people who knew and loved him.●

REMEMBERING SERGEANT ORVILLE SMITH

● Mr. DODD. Mr. President, today I honor the life of a true American hero. Police SGT Orville Smith, a 39-year veteran of the Shelton, CT, Police Department, died July 7, 2010, of injuries he sustained while in the line of duty. I express my deepest condolences to his family, colleagues on the Shelton Police Force, and the entire community of Shelton for this tragic loss.

It goes without saying that American law enforcement officers such as Sergeant Smith are a very rare and special breed. Every day, police officers around the country go to work with a singular objective—to selflessly protect the communities and the people that they know and love. It is an incredibly rewarding career, but one fraught with potential dangers and sacrifices. And unfortunately, men and women in law enforcement are all too often forced to make the ultimate sacrifice, giving their own lives in defense of their fellow citizens.

That is exactly what Orville Smith, the first Shelton police officer to be killed in the line of duty since 1964, did. Late in the evening on July 3, while directing traffic outside of a local fireworks event commemorating the July 4 holiday, Sergeant Smith was struck by a drunk driver. He passed away 4 days later, leaving behind a loving wife, two children, four grandchildren, and a legion of fellow police officers who, during his nearly four decades of service on the force, came to know Sergeant Smith for his fearlessness and unflinching dedication to his job.

Indeed, to say that Sergeant Orville Smith was committed to public service and helping his fellow citizens regardless of the personal sacrifice required is, in my view, a bit of an understatement. From his service as a U.S. marine in the Vietnam war to his work as a volunteer firefighter, Sergeant Smith made protecting and defending his community and countrymen his life's mission.

While he planned to retire from the force next year, his heart truly belonged to the Shelton Police Department. It is therefore fitting that Shelton Police Chief Joel Hurliman called him “one of the bravest guys I

ever met" and went on to say, "He wasn't scared of anything, except retirement."

It was that kind of professional dedication and unwavering commitment to public service that made Sergeant Smith not only an exemplary police officer but a wonderful human being. He spent his entire life devoted to helping others and relished every minute of it. Several weeks ago, on the eve of Independence Day, he died that way, too—loyally and courageously fulfilling his duty to "protect and serve" until the very end.

I express my deepest gratitude to Sergeant—Smith or "Smitty", as he was more commonly known by his friends at the Shelton Police Department—for his tremendous record of service to the people of my State and the Nation. I once again extend my most heartfelt condolences to all those who knew and loved him. While the death of a loved one is never easy to accept, it is my hope that the fact that Sergeant Smith died doing what he loved will bring them some measure of comfort during the months and years ahead.●

REMEMBERING LIEUTENANT STEVEN VELASQUEZ

● Mr. DODD. Mr. President, it is with a heavy heart that I pay tribute to LT Steven Velasquez, who sadly lost his life on July 24, 2010.

We have all felt our chests tighten and our pulses quicken with anxiety at the sound of a fire engine screaming through town. For most of us, this signals two important things: There is an emergency somewhere nearby, and—more importantly—that help is on the way.

Of course, for the people riding on those rigs, all the commotion is just another day at the office. They are focused solely on the task at hand.

When the unthinkable happens—a devastating hurricane, industrial accident, terrorist attack, or three-alarm fire—these brave men and women are the first on the scene and the last to leave. In between, they give all they have to make sure the emergency is contained and our communities are safe.

They do this every day of the week, every week of the year. Being a firefighter certainly isn't a job for the faint of heart. In fact, it is not so much a job as it is a calling.

At least it was for Steven Velasquez. His 20-year career took him from a position with the Fire Department of Prince Georges County, MD, to the rank of Lieutenant in the Bridgeport Fire Department in my home State of Connecticut.

Along the way, he built a reputation as a tremendously dedicated team member and as someone whose discipline and bravery made him a leader.

This reputation, and the urging of many of his colleagues, helped secure him a place on the department's elite Rescue Squad—despite the fact that there were others in line for the prestigious assignment before him.

In his 16 years in Bridgeport, Velasquez never took a sick day. He was committed to his family, his community, and to his fellow firefighters. His attitude and work ethic led to his being awarded the Bridgeport Fire Department's third highest honor in 2000, the Medal of Merit.

But awards and accolades were not why Lieutenant Velasquez became a firefighter. In fact, he never displayed the many citations he had received throughout his career on his uniform. He also turned down a job with the New York City Fire Department.

The reason being?—Bridgeport has more fires.

For Lieutenant Velasquez, and firefighters all over our Nation, the call to serve means facing danger every day. The commotion of an emergency becomes secondary to the need to help people, and the dangers they personally face must take a backseat to the task at hand.

That was the case on the afternoon of July 24, 2010, when Lieutenant Velasquez and his colleague, Michel Baik, were conducting a search-and-rescue mission on the third floor of a burning house in Bridgeport. They were deep into the blaze, looking for anyone who may need help, and trying to ventilate the structure.

None of the inhabitants of the home were injured. But tragically, both of these courageous men lost their lives, despite the quick action of their colleagues to pull them out of danger and get them to the hospital.

Tragedies are inherent in this profession, and the risks are shared by every single person who has ever gotten the call, rushed to their gear, and has run headlong into danger in order to save the life of someone else. These shared risks help to bind those called to take them together in a solemn way.

Firefighters will do anything for one another, both on the job, and when the worst happens. The more than 7,000 of their fellow firefighters—from as far away as western Canada—who attended the memorial services for Steven Velasquez and Michel Baik were an impressive testament to that bond.

I believe that the eulogy offered in tribute to Lieutenant Velasquez by International Association of Fire Fighters President Harold Schaitberger at his memorial service speaks well of this solemn commitment. Through these difficult times, the community which Steven served, and those he served with, can provide support and comfort to his loved ones.

Of course, no tribute will ever be enough to ease the suffering of their families. I offer my deepest condo-

lences to Lieutenant Velasquez's wife Marianne, his son Aaron, his daughter Salina, and to his entire family. Their sacrifice is unimaginable, and they will always be in our thoughts and prayers.

I know that we can never make this right for them. But we must celebrate the life and service of Lieutenant Velasquez and make sure that his memory—as a role model and true hero—live on and help to inspire others to take up the call to serve.

I ask to have printed in the RECORD President Schaitberger's words to which I referred.

The material follows:

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

President Harold Schaitberger

EULOGY FOR LT. STEVEN VELASQUEZ,
BRIDGEPORT LOCAL 834, FRIDAY, JULY 30, 2010

Lieutenant and IAFF Local 834 member Steven Velasquez—just 40 years on this Earth—was taken too soon.

To Steven's mother, Carol, thank you for giving me the honor of being here today to celebrate your son's life.

To his bride Marianne, his son Aaron and his daughter Salina, to his sister Cindy and his brother Jason, to his family and friends, to his brothers and sisters in the Bridgeport Fire Department, and to his extended fire fighter family, I have traveled here today to make sure you know that the thoughts and prayers of our General Secretary-Treasurer, our entire International Executive Board, and the more than 298,000 members of the International Association of Fire Fighters, the Bravest in North America, are with you today.

I know that my words won't make you forget your pain or forget your loss.

But I hope I can help you understand that to those of us who have come from cities and towns across two great countries—"Stevie V." was family to us.

Even though many of us didn't have the privilege of knowing Stevie personally, we know who he was.

We know him because there is so much about those who enter this profession of ours that are so similar.

A quiet courage, humble, understated—never wanting to bring attention to themselves or their work.

Their willingness to serve a community and a public and their readiness to sacrifice—that's how we know who "Stevie V." was.

Everyone who goes on what we call "The Job" becomes part of this extended family.

We all know what this career can demand and we all know how cruel the consequences can be.

Everyone who has taken the oath to serve in our profession comes into it knowing the risk, and being here today reaffirms just how dangerous this job is.

We know when we get into this calling that it could take any one of us at any time.

It can take us after 30 years on the job or after 30 days.

That's why we are one big family—no matter where we really call home—because everyone here knows just how rewarding—and yet how brutal, this job is.

And even while we know the consequences nothing prepares us to cope with the grief that we feel when we lose a brother or a sister in the line of duty—let alone two.

Many of us are together for the first time today.

We will come together again this afternoon to honor Mitch Baik.

We will come together and we will be there for each other because no one in our fire service family should ever have to go through this alone.

And no family member of a fallen fire fighter should ever have to go through this alone.

But Mitch's loss and Stevie's loss will not prevent us from celebrating their lives today.

It will not prevent us from celebrating their service to their community today.

It will not prevent me from saying that my heart is broken that they are gone but we were blessed to have them in our lives.

Stevie Velasquez was both a young man and a grizzled veteran.

At just 40 years of age he already had two decades in the fire station.

He already was wise beyond his years.

For 20 years in two departments Stevie demonstrated his work ethic and set an example for others to follow.

That's why he received the Medal of Merit—the department's third-highest award—in 2000.

That's why he made lieutenant five months ago.

Bursting at the seams with enthusiasm ready to hop on a rig and respond to any call afraid of nothing, eager to experience everything, and ready to give everything he had to do The Job.

He had an efficient, studious approach.

He understood the importance of training and the importance of being prepared.

Committed, duty bound, ready to serve in the hardest, most rewarding job imaginable—that's who Stevie was.

Ready to rush to the aid of strangers, no questions asked—that's who he was.

Ready to protect his community, ready to comfort those in need, ready to lead people to safety who couldn't find their way out—that's who he was.

A devoted family man standing vigil over his newborn daughter's bedside while she gained the strength she needed to persevere—that's who he was.

He protected his community and his family—that's who "Stevie V" he was.

Like many of us he probably considered himself lucky to be a fire fighter, lucky to be able to answer the call, lucky to do something he loved.

But we were the lucky ones.

The Bridgeport Fire Department, Local 834, the IAFF—we were the lucky ones.

His brothers and sisters in Prince George's County Maryland where Stevie started his career in the fire service—they were the lucky ones.

His wife, his children, his parents, his brother and sister—you were the lucky ones.

That's what I would tell him if he were standing here today.

We had quite a gift in Lieutenant Steven Velasquez.

And that's why we feel cheated that we have to give him back to the Lord so soon.

But we will not forget him.

How could we?

A young gun . . . a rising star.

A shining example of courage, of professionalism.

Stevie's name will be etched in our Wall of Honor in Colorado Springs.

His name will remain there forever, engraved in that beautiful granite wall—to be honored every year as part of our Fallen Fire Fighter Memorial service.

To Stevie's family, we want you to know that you aren't alone.

You should know that long after the last word of the last eulogy, the IAFF and Local 834 will be here for you. Today, tomorrow, and for years to come.

To Lieutenant Steven Velasquez, who gave his life so others could live, from your 298,000 brothers and sisters in the IAFF—thank you for the gift of your life. May you rest in peace. God bless you and may God bless the fire fighters on the front lines everywhere.●

TRIBUTE TO KEVIN M. SIMPSON

● Mrs. GILLIBRAND. Mr. President, today I thank and congratulate Kevin M. Simpson, an individual who has already enjoyed a distinguished career as a public servant and who is preparing once again to answer the call to service.

Kevin is a skilled attorney and litigator, and early in his career he made the decision to devote his formidable legal talents to public service. He defended numerous Federal agencies in a variety of matters during his years as a young trial attorney with the Department of Justice.

In 1997, he served as minority counsel to the Senate Governmental Affairs Committee during its campaign finance investigation. During 1998, Kevin was Deputy Chief Investigative Counsel to Minority Members of the House Judiciary Committee during the impeachment of President Clinton. In 1999, he became impeachment counsel to Senate Minority Leader Tom Daschle and the Minority Members of the United States Senate.

Following his service in the legislative branch, Kevin returned to the executive branch as the Deputy General Counsel of Programs and Regulations at the Department of Housing and Urban Development, a position he held until the end of the Clinton administration. It was my pleasure to work with Kevin Simpson at HUD. Kevin earned a reputation for achieving results—all while maintaining unwavering respect for his colleagues and a dedication to fairness and courtesy. He made a difference, and he turned rivals into friends in the process.

It was this commitment to making a difference that led Kevin to join Max Stier, another outstanding HUD alumnus, in launching the nonpartisan, nonprofit Partnership for Public Service.

Armed with the seeds of an exciting idea and a generous financial commitment from the late philanthropist Samuel J. Heyman and his wife Ronnie, Max Stier and Kevin Simpson built the Partnership for Public Service to inspire a new generation to serve and transform the way government works. This impressive organization works with Federal agencies to improve their leadership and management, conducts groundbreaking research, and works closely with universities and job seekers, especially young people, to build new pipelines of talent into government service. In less than a decade, the

Partnership has made a measurable, positive impact on our government and the story of the Partnership's success cannot be told without Kevin Simpson in a leading role. As the Partnership's Executive Vice President and General Counsel, there are few achievements in the history of the Partnership in which Kevin has not played a pivotal part.

After doing so much to improve the effectiveness of the Federal Government and inspiring a new generation to serve, Kevin is once again answering the call to service—he will soon leave the Partnership for Public Service for his new position as Principal Deputy General Counsel at the Department of Housing and Urban Development. These are extraordinary times for our Nation and our government, and we need extraordinary talent. Kevin Simpson will bring to HUD his intellectual heft, a keen strategic mind and his natural ability to build bridges; he is a stellar addition to an already strong leadership team led by a most able Secretary.

I thank Kevin Simpson for his years of service to and on behalf of our government and the Federal workforce, and I congratulate him on this next chapter of his public service career. I know all of those who have worked with Kevin share my optimism that our Nation will be a better place thanks to his pursuit of excellence in Federal service.●

RECOGNIZING CAMDEN'S AEROJET FACILITY

● Mrs. LINCOLN. Mr. President, today I congratulate employees of the Aerojet facility in Camden, AR, for recently achieving the National Safety Council's "Million Work-Hours Award."

Camden Aerojet received the award for reaching one million man hours without "a day away from work injury or illness" between July 7, 2009, and June 14, 2010. In addition to achieving the prestigious "Million Work-Hours Award," the Camden facility also garnered Aerojet's President Safety Award.

I commend each and every employee at Camden Aerojet for this accomplishment, which speaks volumes about their dedication and professionalism. Safety should always be a top priority, and I am proud of these employees for their steadfast efforts to maintain a safe, secure workplace.

I also commend Alice Floyd, Safety Manager at the facility, for her dedicated efforts to maintain safety, and Paul Rich, executive director, for his leadership and commitment to safety.

Camden's Aerojet facility helps provide jobs and economic security for countless Camden-area residents. I am proud of the entire Aerojet team for this significant achievement of winning the "Million Work-Hours Award."●

TRIBUTE TO MICHAEL FREY

• Mrs. McCASKILL. Mr. President, today I pay tribute to Mr. Michael Frey, a disabled Missouri veteran whose courage, perseverance, and fortitude are remarkable and in keeping with the finest traditions of Missouri and American values: hard work, independence, humbleness, selfless sacrifice, and more.

As a young 19-year old soldier in Vietnam, Mr. Frey served as a squad leader in Alpha Company 3/21 of the 19th Infantry Brigade. On July 14, 1969, Mr. Frey and the members of Alpha Company were ambushed near the Chu Lai base camp. His spinal cord was shattered by enemy fire, and the injuries rendered him paralyzed from the neck down and dependent on a ventilator for assistance in breathing. Given the extent of his injuries, many doctors would have given Mr. Frey a short time to live, but this special Missourian was about to prove that his case and that he himself was special.

Mr. Frey returned to the United States and began receiving full-time care through St. Louis-area Veterans Administration, VA, hospitals, where he gained the respect and admiration of the hospital staff for his resilience, problem-solving approach, and positivity even as he faced almost unthinkable limitations. On December 7, 1984, 15 years after his spine was shattered in Vietnam, more than double the time individuals with his type of injuries are projected to survive, Mr. Frey moved out of the Spinal Cord Injury facility at Jefferson Barracks Veterans Hospital and into his own home—a remarkable accomplishment for a person with complete tetraplegia.

Since then, Mr. Frey has lived on his own for over 25 years, and he is still going strong. Today he actively manages his daily care with the help of a team of care specialists, and he continues to take full charge of his health through preventative care and regular collaboration with VA doctors. He has the benefit of a strong social network and a self-confidence that has allowed him to bounce back from setbacks. He also remains an avid St. Louis Cardinals fan and regularly attends games. In fact, Mr. Frey developed a special friendship with the late, great St. Louis Cardinals broadcaster Jack Buck, who befriended Mr. Frey in the 1970s and encouraged him along the way.

Having survived over 40 years since his injury, Mr. Frey is one of the longest living tetraplegics in the VA system. I honor him today for his wonderful example in coping with his disability. His spirited approach to life is emblematic of the courage, honor, and strength of this country's veterans who fight for our freedom. His partnership with the many great professionals in the VA healthcare system in St. Louis, who at once serve him and revere him,

is uplifting and embodies how our VA system can work best. I join the people of Missouri, and all Americans, in saluting Mr. Frey's courage and to humbly thank him for all that he has done, and for all that he endured, for this country. Mr. Michael Frey is a true American hero.●

REMEMBERING EERO SAARINEN

• Mrs. McCASKILL. Mr. President, I wish to commemorate the 100th anniversary of the birth of Mr. Eero Saarinen.

Mr. Saarinen was born in Finland on August 20, 1910, immigrated with his family to the United States in 1923, and became an American citizen in 1940. A master of American 20th century architecture, Mr. Saarinen passed away on September 1, 1961.

In 1948, Mr. Saarinen won the Jefferson National Expansion Memorial Competition with his design for the Saint Louis Gateway Arch, creating a monument which, in his words, "would have lasting significance and would be a landmark for our time." One of our Nation's most iconic monuments, the Gateway Arch symbolizes Saint Louis' role as the "Gateway to the West" and celebrates our Nation's westward expansion. Famed architect Cesar Pelli commented that the Arch is "a perfect combination of a free gesture with a romantic view of modern technology." Today, the Arch remains Mr. Saarinen's most widely recognized work.

Mr. Saarinen also designed several well known structures including the Trans World Airlines Flight Center at New York's John F. Kennedy International Airport and the main terminal at Washington Dulles International Airport, which is renowned for its gracefully curving roof, suggestive of flight. Missouri is fortunate to also host the Firestone Baars Chapel. Designed by Mr. Saarinen, the chapel features a unique four-foyer design, and is located on the campus of Stephens College in Columbia.

In addition to his accomplishments in the field of architecture, Mr. Saarinen was also a groundbreaking designer of furniture. In 1956, he created the tulip chair, featured on the original Star Trek television series and considered a classic of industrial design.

In recognition of his many achievements, Mr. Saarinen was elected, in 1954, a member of the American Academy of Arts and Letters, considered the highest formal recognition of artistic merit in the United States. In 1962, Mr. Saarinen was posthumously awarded the Gold Medal from the American Institute of Architects. The highest honor bestowed by the organization, it is conferred in recognition of a "significant body of work of lasting influence on the theory and practice of architecture."

On behalf of me and the people of Missouri, it is my sincere pleasure to honor the life, achievements, and enduring contributions of Mr. Eero Saarinen to Missouri and the Nation.●

TRIBUTE TO JOHN "JACK" BISCOE

• Ms. SNOWE. Mr. President, I pay tribute to a Maine champion for the wilderness and a strong proponent of protecting our natural world. John "Jack" Biscoe, who died last year on November 20, possessed a stirring passion for the uninterrupted forests of Maine, the mighty Penobscot and Kennebec Rivers, and the White Mountains which extend from Maine into New Hampshire.

Jack's passion for the environment was not limited to Maine, and in fact extended to the breathtaking wilderness of Alaska. He first traveled to Alaska in the 1950s tagging salmon in the Aleutian Islands for the U.S. Fish and Wildlife Service. Subsequently, his involvement in the cleanup of the Exxon Valdez oil spill only spurred his engagement in wildlife conservation. At the end of his career, Jack was one of Maine's most renowned organizers behind protecting Alaska's wilderness, and he frequently reminded me that Mainers care about protecting the environment throughout the world.

Upon his return to Maine, Jack's concern for wildlife was channeled through the Sierra Club, and other groups, of which he was an avid member, including the Alaska Wilderness League and the Alaska Coalition of Maine. Jack's zeal for environmental protection never waned and his vision for a better environment never faltered, and we will long remember him as an inspiration of what one person can contribute to the greater good. Jack's life and legacy were emblematic of Maine's deep commitment to retaining our quality of life, and I appreciate the effort that he provided on behalf of our Nation's wilderness.●

RECOGNIZING COURTYARD CAFÉ

• Ms. SNOWE. Mr. President, small businesses are not only the lifeblood of our economy, they are often quite literally the heart of our neighborhoods and communities. One such business is the Courtyard Café in the northern Maine town of Houlton, which is at the top end of Interstate 95 in the United States. Houlton is the county government seat for Aroostook County—the largest east of the Mississippi River geographically—and it serves as a major border crossing with our State's largest trade partner, Canada.

Yet, despite Houlton's critical role in international commerce, it is at its core a prime example of small town America. And although downtowns across America, including Houlton, have been suffering over the past several years, people like Joyce and Henry

Transue, the owners of Courtyard Café, have stepped forward to help revitalize these regions by opening small businesses that bring new customers and increases revenues to downtown stores. In recognition of their efforts, today I honor Courtyard Café and its owners for the tremendous work they have done to bring their world-class dining establishment to Houlton.

The Courtyard Café got its start over a decade ago, when Chef Joyce Transue and her husband Henry opened the quaint restaurant on Main Street in downtown Houlton. But the restaurant's origins date back to 1993, when Chef Transue began small catering business that she called the Traveling Gourmet. This operation allowed Chef Transue to merge her passion for cooking with her zeal for beautiful presentation and exceptional hospitality. The Courtyard Café continues this tradition as Chef Transue offers her catering services to local clients either at the restaurant or at a location of their choosing.

The Courtyard Café has quickly earned a reputation for fresh and exciting meals prepared with tremendous skill and attention. Given the abundance of local fruits and vegetables in Aroostook County, most notable potatoes, Chef Transue takes painstaking efforts to carefully incorporate these items into her divergent menu options, while also utilizing other items such as farm-fresh eggs and locally produced maple syrup. All breads, salad dressings, and desserts are homemade at the Courtyard Café, and the restaurant sells its famed Raspberry Vinaigrette, Greek, and White Wine Vinaigrette salad dressings to customers in store or online thanks to a small manufacturing grant she accessed through the Northern Maine Development Center.

The restaurant offers delicious and affordable lunch dishes, and provides fresh seafood, poultry, and meat dishes for its dinner entrees. Desserts made from scratch include seasonal fruit crisp, cheesecake, and tiramisu. In addition, guests can sit at the newly renovated Garden Bar for a more casual dining option. As a truly hands-on owner, Chef Transue takes her craft seriously, and can always be seen in the kitchen arranging meals for customers, starting early in the morning preparing fresh sauces and soups for the day ahead. She has certainly succeeded in providing clients with a small, intimate restaurant tailored to producing exquisite gourmet food in a comfortable setting and relaxing atmosphere.

The Courtyard Café has rightfully gained recognition as an upscale dining destination, with customers travelling from as far away as Presque Isle and beyond just to enjoy the delicious meals prepared by Chef Joyce Transue. Her dedication and enthusiasm for cul-

inary excellence have been exemplary, and I wish her and everyone at the Courtyard Café continued success in their delectable endeavors.●

TRIBUTE TO EDMUND CURRY

● Mr. THUNE. Mr. President, today I wish to recognize Edmund Curry, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Edmund is a graduate of the University of Maryland, where he majored in political science and government. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Edmund for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO DANIELLE HANSON

● Mr. THUNE. Mr. President, today I recognize Danielle Hanson, an intern in my Rapid City, SD office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Danielle is a graduate of St. Thomas More High School in Rapid City, SD. Currently, she is attending Benedictine College in Kansas, where she is majoring in secondary education. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Danielle for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO RYUN HAUGAARD

● Mr. THUNE. Mr. President, today I recognize Ryun Haugaard, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Ryun is a graduate of Milbank High School in Milbank, SD. After high school, he enlisted in the Army as an ordnance specialist and was deployed to Iraq with the 592nd Ordnance Company, 96th Regional Readiness Command. Currently he is attending the United States Military Academy at West Point, where he is majoring in law.

He is a hard worker who has been dedicated to getting the most out of his internship experience. I extend my sincere thanks and appreciation to Ryun for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO BLAKE NEFF

● Mr. THUNE. Mr. President, today I wish to recognize Blake Neff, an intern

in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Blake is a graduate of Lincoln High School in Sioux Falls, SD. Currently, he is attending Dartmouth College, where he is majoring in history. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Blake for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO PETER NESBITT

● Mr. THUNE. Mr. President, today I recognize Peter Nesbitt, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Peter is a graduate of Roosevelt High School in Sioux Falls, SD. He served in the U.S. Army in Seoul, South Korea for 6 years. Currently, he is attending Georgetown University, where he is majoring in international politics.

He is a hard worker who has been dedicated to getting the most out of his internship experience. I extend my sincere thanks and appreciation to Peter for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO TRAVIS NORDGAARD

● Mr. THUNE. Mr. President, today I wish to recognize Travis Nordgaard, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Travis is a graduate of Canby High School in Canby, SD. Currently, he is attending Carleton College, where he is majoring in political science and economics. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Travis for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO JORDAN VEURINK

● Mr. THUNE. Mr. President, today I wish to recognize Jordan Veurink, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Jordan is a graduate of the University of Sioux Falls in Sioux Falls, SD. Currently, he is attending Texas Wesleyan University School of Law. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Jordan for all of the fine

work he has done and wish him continued success in the years to come.●

NEWELL, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Newell, SD. Founded in 1910, the town of Newell will celebrate its 100th anniversary this year.

Located in Butte County, Newell possesses the strong sense of community that makes South Dakota an outstanding place to live and work. Throughout its 100 year history, Newell has continued to be a strong reflection of South Dakota's greatest values and traditions. The community of Newell has much to be proud of and I am confident that Newell's success will continue well into the future.

Newell will commemorate the 100th anniversary of its founding with celebrations held on September 4 through September 6. I would like to offer my congratulations to the citizens of Newell on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1796. An act to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1875. An act to establish the Emergency Trade Deficit Commission; to the Committee on Finance.

H.R. 2480. An act to improve the accuracy of fur product labeling, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3040. An act to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the

public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes; to the Committee on the Judiciary.

H.R. 3989. An act to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center, in the State of Wyoming, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

H.R. 4438. An act to authorize the Secretary of the Interior to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4514. An act to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4658. An act to authorize the conveyance of a small parcel of National Forest System land in the Cherokee National Forest and to authorize the Secretary of Agriculture to use the proceeds from that conveyance to acquire a parcel of land for inclusion in that national forest, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4692. An act to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5138. An act to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes; to the Committee on Foreign Relations.

H.R. 5156. An act to provide for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist United States businesses with exporting clean energy technology products and services; to the Committee on Commerce, Science, and Transportation.

H.R. 5320. An act to amend the Safe Drinking Water Act to increase assistance for States, water systems, and disadvantaged communities; to encourage good financial and environmental management of water systems; to strengthen the Environmental Protection Agency's ability to enforce the requirements of the Act; to reduce lead in drinking water; to strengthen the endocrine disruptor screening program; and for other purposes; to the Committee on Environment and Public Works.

H.R. 5414. An act to provide for the conveyance of a small parcel of National Forest System land in the Francis Marion National Forest in South Carolina, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5566. An act to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes; to the Committee on the Judiciary.

H.R. 5669. An act to direct the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5751. An act to provide for the establishment of a task force that will be responsible for investigating cases referred to the Attorney General under the Lobbying Disclosure Act of 1995, and for other purposes; to the Committee on the Judiciary.

H.J. Res. 90. Joint resolution expressing support for designation of September 2010 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and long-standing contributions to the culture of the United States; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO); to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3101. An act to ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st Century.

H.R. 5143. An act to establish the National Criminal Justice Commission.

H.R. 5716. An act to provide for enhancement of existing efforts in support of research, development, demonstration, and commercial application activities to advance technologies for the safe and environmentally responsible exploration, development, and production of oil and natural gas resources.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 5827. An act to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate.

S. 3762. A bill to reinstate funds to the Federal Land Disposal Account.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7024. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC-7025. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Egypt; to the Committee on Banking, Housing, and Urban Affairs.

EC-7026. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on August 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7027. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-2010-0003)) received in the Office of the President of the Senate on August 4, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7028. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones; Annual Fireworks Events in the Captain of the Port Detroit Zone" ((RIN1625-AA00)(Docket No. USCG-2010-0126)) received in the Office of the President of the Senate on August 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7029. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination Action with Respect to Certain Gain Recognition Agreements" (LMSB-4-0510-017) received in the Office of the President of the Senate on August 4, 2010; to the Committee on Finance.

EC-7030. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the website address of a report entitled "Country Report on Terrorism 2009"; to the Committee on Foreign Relations.

EC-7031. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-480 "Quarterly Financial and Budgetary Status Reporting Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7032. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-483 "Renovation Penalty Abatement Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7033. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-484 "Shirley's Place Equitable Real Property Tax Relief Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7034. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-485 "King Towers Residential Housing Real Property Tax Exemption Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7035. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-489 "Data-Sharing and Information Coordination Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7036. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-490 "Keep D.C. Working Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7037. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Exempt Chemical Mixtures Containing Gamma-Butyrolactone" (RIN1117-AA64) received in the Office of the President of the Senate on August 4, 2010; to the Committee on the Judiciary.

EC-7038. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Conservation Reserve Program" (RIN0560-AH80) received in the Office of the President of the Senate on August 5, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7039. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, notification of the Department's intent to close the Defense commissary store at RAF Fairford, United Kingdom; to the Committee on Armed Services.

EC-7040. A communication from the Secretary of Defense, transmitting, pursuant to law, a report to Congress in response to Section 1230 of the National Defense Authorization Act for Fiscal Year 2010; to the Committee on Armed Services.

EC-7041. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; 'Other rockfish' in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XX70) received in the Office of the President of the Senate on August 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7042. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XX72) received in the Office of the President of the Senate on August 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7043. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures" (RIN0648-AY94) received in the Office of the President of the Senate on August 5, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7044. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, transmitting, pursuant to law, a report relative to the Federal Disability Insurance Trust Fund; to the Committee on Finance.

EC-7045. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, transmitting, pursuant to law, the 2010 Annual Report of the Board of Trustees; to the Committee on Finance.

EC-7046. A communication from the Board of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, transmitting, pursuant to law, the 2010 Annual Report of the Board of Trustees; to the Committee on Finance.

EC-7047. A communication from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the third fiscal year 2010 quarterly report on unobligated and unexpended appropriated funds; to the Committee on Foreign Relations.

EC-7048. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Vietnam, Canada, France, Singapore, and the United Kingdom for the sale and support of the VINASAT-2 Commercial Communications Satellite Program in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7049. A communication from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Vocational Rehabilitation Service Projects for American Indians with Disabilities—Final Regulations" (RIN1820-AB63) received in the Office of the President of the Senate on August 5, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7050. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Animal Drug User Fee Act for Fiscal Year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-7051. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Correction of Code of Federal Regulations: Removal of Temporary Listing of Benzylfentanyl and Thienylfentanyl as Controlled Substances" (RIN1117-AB26) received in the Office of the President of the Senate on August 5, 2010; to the Committee on the Judiciary.

EC-7052. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Control of Immediate Precursor Used in the Illicit Manufacture of Fentanyl as a Schedule II Controlled Substance" (RIN1117-AB16) received in the Office of the President of the Senate on August 5, 2010; to the Committee on the Judiciary.

EC-7053. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Removal of Thresholds for the List I Chemicals Pseudoephedrine and Phenylpropanolamine" (RIN1117-AB10) received in the Office of the President of the Senate on August 5, 2010; to the Committee on the Judiciary.

EC-7054. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a quarterly report to Congress relative to the Uniformed Services Employment and Reemployment Rights Act of 1994; to the Committee on the Judiciary.

EC-7055. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an amended report relative to the Department's activities regarding civil rights era homicides; to the Committee on the Judiciary.

EC-7056. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Immigrants Under the Immigration and Nationality Act as Amended" (22 CFR Parts 40 and 42) received in the Office of the President of the Senate on August 5, 2010; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

S. 1703. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes (Rept. No. 111-247).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 1517. A bill to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service (Rept. No. 111-248).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 3305. A bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes (Rept. No. 111-249).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1609. A bill to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes (Rept. No. 111-250).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2881. A bill to provide greater technical resources to FCC Commissioners (Rept. No. 111-251).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 553. A bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes (Rept. No. 111-252).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1017. A bill to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana (Rept. No. 111-253).

S. 1018. A bill to authorize the Secretary of the Interior to enter into an agreement with Northwestern State University in Natchitoches, Louisiana, to construct a curatorial center for the use of Cane River Creole National Historical Park, the National Center for Preservation Technology and Training, and the University, and for other purposes (Rept. No. 111-254).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1080. A bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes (Rept. No. 111-255).

S. 1270. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes (Rept. No. 111-256).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1272. A bill to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, and for other purposes (Rept. No. 111-257).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1629. A bill to authorize the Secretary of the Interior to conduct a special resource study of the archeological site and surrounding land of the New Philadelphia town site in the state of Illinois, and for other purposes (Rept. No. 111-258).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1719. A bill to provide for the conveyance of certain parcels of land to the town of Alta, Utah (Rept. No. 111-259).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1787. A bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes (Rept. No. 111-260).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 2722. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center, in the State of Wyoming, as a unit of the National Park System (Rept. No. 111-261).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2726. A bill to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes (Rept. No. 111-262).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2738. A bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution (Rept. No. 111-263).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2830. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects (Rept. No. 111-264).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 2892. A bill to establish the Alabama Black Belt National Heritage Area, and for other purposes (Rept. No. 111-265).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2907. A bill to establish a coordinated avalanche protection program, and for other purposes (Rept. No. 111-266).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 2933. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio, as a unit of the National Park System, and for other purposes (Rept. No. 111-267).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2941. A bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes (Rept. No. 111-268).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 86. To eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes (Rept. No. 111-269).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 129. A bill to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California (Rept. No. 111-270).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 601. A bill to provide for the conveyance of parcels of land to Mantua, Box Elder County, Utah (Rept. No. 111-271).

H.R. 762. A bill to validate final patent number 27-2005-0081, and for other purposes (Rept. No. 111-272).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 1043. A bill to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes (Rept. No. 111-273).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2008. A bill to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project (Rept. No. 111-274).

H.R. 2741. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes (Rept. No. 111-275).

H.R. 3804. A bill to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes (Rept. No. 111-276).

H.R. 4474. A bill to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes (Rept. No. 111-277).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 3729. An original bill to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes (Rept. No. 111-278).

By Mr. BAUCUS, from the Committee on Finance:

Report to accompany S.J. Res. 29, A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (Rept. No. 111-279).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 678, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes (Rept. No. 111-280).

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 3107. A bill to amend title 38, United States Code, to provide for an increase, effective December 1, 2010, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes (Rept. No. 111-281).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 518. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 3354. A bill to redesignate the North Mississippi National Wildlife Refuges Complex as the Sam D. Hamilton North Mississippi National Wildlife Refuges Complex.

By Mrs. LINCOLN, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 3656. A bill to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Michael C. Camunee, of California, to be an Assistant Secretary of Commerce.

*Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

*Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

*Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

*Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

*Charles P. Blahous, III, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

*Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

By Mr. LEAHY for the Committee on the Judiciary.

Mary Helen Murguia, of Arizona, to be United States Circuit Judge for the Ninth Circuit.

Edmond E-Min Chang, of Illinois, to be United States District Judge for the Northern District of Illinois.

Leslie E. Kobayashi, of Hawaii, to be United States District Judge for the District of Hawaii.

Carlton W. Reeves, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

Denise Jefferson Casper, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Melinda L. Haag, of California, to be United States Attorney for the Northern District of California for the term of four years.

Barry R. Grissom, of Kansas, to be United States Attorney for the District of Kansas for the term of four years.

David J. Hickton, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania for the term of four years.

Donald Martin O'Keefe, of California, to be United States Marshal for the Northern District of California for the term of four years.

James Thomas Fowler, of Tennessee, to be United States Marshal for the Eastern District of Tennessee for the term of four years.

Craig Ellis Thayer, of Washington, to be United States Marshal for the Eastern District of Washington for the term of four years.

Joseph Anthony Papili, of Delaware, to be United States Marshal for the District of Delaware for the term of four years.

James Alfred Thompson, of Utah, to be United States Marshal for the District of Utah for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mr. KERRY, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CASEY, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. HARKIN, and Ms. KLOBUCHAR):

S. 3708. A bill to amend titles XVIII and XIX of the Social Security Act to clarify the application of EHR payment incentives in cases of multi-campus hospitals; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself, Mr. BROWN of Ohio, Mr. FRANKEN, Mr. LAUTENBERG, Mrs. SHAHEEN, Ms. STABENOW, and Mr. REED):

S. 3709. A bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY:

S. 3710. A bill to improve broadband coverage and service throughout the United

States, especially in rural and tribal areas, and spectrum coverage for public safety broadband communication services, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 3711. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, education, research, and medical management referral program for viral hepatitis infection that will lead to a marked reduction in the disease burden associated with chronic viral hepatitis and liver cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself, Mr. CRAPO, and Mr. ROBERTS):

S. 3712. A bill to rescind the 3.8 percent tax on the investment income of the American people and to promote job creation and small businesses; to the Committee on Finance.

By Mr. FEINGOLD:

S. 3713. A bill to improve post-employment restrictions on representation of foreign entities by senior Government officers and employees; to the Committee on the Judiciary.

By Mr. CONRAD (for himself and Mr. HATCH):

S. 3714. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for clean coal technology, and for other purposes; to the Committee on Finance.

By Ms. STABENOW (for herself, Ms. CANTWELL, Mrs. McCASKILL, and Mr. BROWN of Ohio):

S. 3715. A bill to amend the Internal Revenue Code of 1986 to modify certain tax incentives for alternative vehicles, to establish a battery insurance program within the Department of Energy, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself and Mr. JOHANNES):

S. 3716. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. CORNYN, and Mr. KAUFMAN):

S. 3717. A bill to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN:

S. 3718. A bill to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers' Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. LINCOLN (for herself and Mr. CONRAD):

S. 3719. A bill to establish a grant program for first responder agencies that experience an extraordinary financial burden resulting from the deployment of employees; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY:

S. 3720. A bill to amend the Workforce Investment Act of 1998, to authorize a national grant program for on-the-job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. REID, Mr. INOUE, Mrs. MURRAY, Mrs.

FEINSTEIN, Mr. BINGAMAN, Mrs. MCCASKILL, Mr. CASEY, Mr. MERKLEY, Mr. UDALL of Colorado, Mr. BEGICH, Mr. BURRIS, Mr. MCCAIN, and Mr. KYL):

S. 3721. A bill making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations.

By Mr. INHOFE:

S. 3722. A bill to repeal the Zimbabwe Democracy and Economic Recovery Act of 2001; to the Committee on Foreign Relations.

By Mr. COBURN (for himself, Mr. HATCH, Mr. VITTER, Mr. BENNETT, Mr. INHOFE, Mr. CRAPO, Mr. BOND, Mr. GRASSLEY, Mr. GRAHAM, Mr. CORNYN, Mr. MCCAIN, Mrs. HUTCHISON, Mr. RISCH, Mr. BROWNBACK, Mr. WICKER, Mr. ROBERTS, Mr. CHAMBLISS, Mr. VOINOVICH, Mr. JOHANNIS, Mr. ISAKSON, Mr. ENZI, Ms. MURKOWSKI, Mr. THUNE, Mr. BARRASSO, Mr. BURR, and Mr. ENSIGN):

S. 3723. A bill to prohibit taxpayer funding of insurance plans or health care programs that cover abortion; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNETT (for himself, Mr. UDALL of Colorado, and Mr. UDALL of New Mexico):

S. 3724. A bill to direct the Secretary of Education to pay to Fort Lewis College in the State of Colorado an amount equal to the tuition charges for Indian students who are not residents of the State of Colorado; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Ms. SNOWE, and Mr. SCHUMER):

S. 3725. A bill to prevent the importation of merchandise into the United States in a manner that evades antidumping and countervailing duty orders, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Ms. LANDRIEU, Mr. BROWNBACK, and Mr. JOHNSON):

S. 3726. A bill to enhance pre- and post-adoptive support services; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mrs. HUTCHISON, Mr. KOHL, and Mr. ISAKSON):

S. 3727. A bill to amend title 18, United States Code, with respect to the offense of stalking; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. HATCH, Mr. GRAHAM, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Ms. SNOWE, Mrs. BOXER, Mrs. FEINSTEIN, Mr. CARDIN, Mr. KOHL, and Mrs. HUTCHISON):

S. 3728. A bill to amend title 17, United States Code, to extend protection to fashion design, and for other purposes; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 3729. An original bill to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes; from the Committee on Commerce, Science, and Transportation; considered and passed.

By Mr. ENSIGN (for himself, Mr. UDALL of New Mexico, and Mr. BEGICH):

S. 3730. A bill to direct the Secretary of the Interior to publish in the Federal Register a list of States that have not submitted certain information required under chapter 69 of title 31, United States Code; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself and Mr. WICKER):

S. 3731. A bill to require the National Telecommunications and Information Administration to conduct a competition to award grants for the development of nonstationary radio over Internet protocol devices that support mission-critical broadband voice and data communications of public safety personnel, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. SHAHEEN (for herself, Mr. REID, Mr. DORGAN, Mr. KAUFMAN, Mr. BEGICH, Mr. BINGAMAN, and Mr. KERRY):

S. 3732. A bill to establish within the Department of Education the Innovation Inspiration school grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNETT (for himself, Mr. ALEXANDER, Mr. FRANKEN, and Mr. BURR):

S. 3733. A bill to amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of schoolwide positive behavioral interventions and supports and early intervening services in order to improve student academic achievement, reduce overidentification of individuals with disabilities, and reduce disciplinary problems in school, and to improve coordination with similar activities and services provided under the Individuals with Disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 3734. A bill to require the President to submit reports and certifications to Congress on the duties of certain employees who are appointed without the advice and consent of the Senate, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. LINCOLN (for herself and Mr. CHAMBLISS):

S. 3735. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE:

S. 3736. A bill to amend the Clean Air Act to allow States to opt out of the corn ethanol portions of the renewable fuel standard; to the Committee on Environment and Public Works.

By Mr. ENZI (for himself, Mr. HARKIN, Mr. BURR, and Mr. FRANKEN):

S. 3737. A bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 3738. A bill to amend the Internal Revenue Code of 1986 to provide incentives for clean energy manufacturing to reduce emissions, to produce renewable energy, to promote conservation, and for other purposes; to the Committee on Finance.

By Mr. CASEY (for himself, Mrs. MURRAY, Mr. BURRIS, Ms. CANTWELL, Ms. KLOBUCHAR, Mr. BROWN of Ohio, Mr. FEINGOLD, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. SANDERS, and Mr. WYDEN):

S. 3739. A bill to amend the Safe and Drug-Free Schools and Communities Act to in-

clude bullying and harassment prevention programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH:

S. 3740. A bill to supplement State jurisdiction in Alaska Native villages with Federal and tribal resources to improve the quality of life in rural Alaska while reducing domestic violence against Native women and children and to reduce alcohol and drug abuse and for other purposes; to the Committee on Indian Affairs.

By Mrs. HAGAN (for herself and Mr. GRAHAM):

S. 3741. A bill to provide U.S. Customs and Border Protection with authority to more aggressively enforce trade laws relating to textile or apparel articles, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. ROCKEFELLER):

S. 3742. A bill to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach; to the Committee on Commerce, Science, and Transportation.

By Mrs. KLOBUCHAR (for herself and Mr. ALEXANDER):

S. 3743. A bill to amend title 23, United States Code, to incorporate regional transportation planning organizations into statewide transportation planning, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 3744. A bill to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN:

S. 3745. A bill to amend the Consolidated Farm and Rural Development Act to require the Secretary of Agriculture in the case of low-income States to use 95 percent of the national average nonmetropolitan median income for purposes of determining the eligibility of communities in the States for certain rural development funding; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (for himself, Mrs. SHAHEEN, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 3746. A bill to amend the Energy Policy Act of 2005 to improve the loan guarantee program of the Department of Energy under title XVII of that Act; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 3747. A bill to provide for a reduction and limitation on the total number of Federal employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself and Mrs. HAGAN):

S. 3748. A bill to amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations of homeland defense missions to support their reintegration into civilian life, and for other purposes; to the Committee on Armed Services.

By Mr. CONRAD (for himself and Mr. ENSIGN):

S. 3749. A bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to

enhance modal tax equity; to the Committee on Finance.

By Mr. BROWN of Ohio:

S. 3750. A bill to amend the Federal Water Pollution Control Act to include certain inland lakes within a coastal water monitoring and grant program; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. DODD, Mr. BURR, Mr. REED, Mr. ENSIGN, and Mr. FRANKEN):

S. 3751. A bill to amend the Stem Cell Therapeutic and Research Act of 2005; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. JOHNSON, Mr. THUNE, Mr. TESTER, Mr. UDALL of New Mexico, and Mr. FRANKEN):

S. 3752. A bill to amend the Energy Policy Act of 1992 to streamline Indian energy development, to enhance programs to support Indian energy development and efficiency, to make technical corrections, and for other purposes; to the Committee on Indian Affairs.

By Mr. REED (for himself, Mrs. SHAHEEN, and Mr. WHITEHOUSE):

S. 3753. A bill to provide for the treatment and temporary financing of short-time compensation programs; to the Committee on Finance.

By Mr. BARRASSO:

S. 3754. A bill to provide funding for the settlement of lawsuits against the Federal government for discrimination against Black Farmers and the mismanagement of Native American trust accounts; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 3755. A bill to ensure fairness in admiralty and maritime law and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER:

S. 3756. A bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 3757. A bill to reaffirm United States objectives in Ethiopia and encourage critical democratic and humanitarian principles and practices, and for other purposes; to the Committee on Foreign Relations.

By Mrs. GILLIBRAND:

S. 3758. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish and enforce a maximum somatic cell count requirement for fluid milk; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 3759. A bill to amend the Energy Policy Act of 2005 to authorize the Secretary of Energy to issue conditional commitments for loan guarantees under certain circumstances; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. KERRY):

S. 3760. A bill to amend the Internal Revenue Code of 1986 to expand personal savings and retirement savings coverage by allowing employees not covered by qualified retirement plans to save for retirement through automatic IRAs, and for other purposes; to the Committee on Finance.

By Mr. DORGAN:

S. 3761. A bill to ensure that amounts appropriated to the Bureau of Indian Affairs under the American Recovery and Reinvestment Act of 2009 remain available until September 30, 2010; to the Committee on Appropriations.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3762. A bill to reinstate funds to the Federal Land Disposal Account; read the first time.

By Ms. LANDRIEU:

S. 3763. A bill to improve safety and preparedness surrounding offshore energy production and to respond to the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL:

S. 3764. A bill to amend section 1716E of title 18, United States Code, to clarify the application of the exception for the non-commercial mailing of tobacco products to members of the Armed Forces; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself, Mr. LUGAR, Mr. FRANKEN, Mr. AKAKA, Mr. BAUCUS, Mrs. MURRAY, Mr. CONRAD, Mrs. FEINSTEIN, Mr. CARDIN, Mr. TESTER, Mr. BEGICH, Mrs. LINCOLN, Mr. GOODWIN, Mr. MENENDEZ, and Mr. CASEY):

S. Res. 607. A resolution recognizing the month of October 2010 as "National Principals Month"; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself, Ms. LANDRIEU, Mr. WICKER, Mr. COCHRAN, Mr. VITTER, Mr. CORNYN, Mr. SESSIONS, Mr. BEGICH, Ms. MURKOWSKI, and Mr. SHELBY):

S. Res. 608. A resolution expressing the sense of the Senate that the Secretary of the Interior should take immediate action to expedite the review and appropriate approval of applications for shallow water drilling permits in the Gulf of Mexico, the Beaufort Sea, and the Chukchi Sea; to the Committee on Energy and Natural Resources.

By Mr. CARDIN:

S. Res. 609. A resolution congratulating the National Urban League on its 100th year of service to the United States; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, Mr. BENNET, and Mr. UDALL of Colorado):

S. Res. 610. A resolution recognizing the 40th anniversary of the Cumbres and Toltec Scenic Railroad; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself, Ms. MURKOWSKI, and Mr. BAUCUS):

S. Res. 611. A resolution congratulating the Cumberland Valley Athletic Club on the 48th anniversary of the running of the JFK 50—Mile Ultra—Marathon; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mr. BENNETT, Mr. SPECTER, Mr. DORGAN, Mr. BAYH, Mr. HATCH, and Mrs. MURRAY):

S. Res. 612. A resolution designating September 9, 2010, as "National Fetal Alcohol Spectrum Disorders Awareness Day"; considered and agreed to.

By Mr. CORNYN (for himself and Mr. DODD):

S. Res. 613. A resolution recognizing the 63rd anniversary of India's independence, expressing appreciation to Americans of Indian descent for their contributions to society, and expressing support and optimism for the strategic partnership and friendship between the United States and India in the future; considered and agreed to.

By Mr. SESSIONS (for himself and Mr. SHELBY):

S. Res. 614. A resolution commemorating the 50th anniversary of the publication of "To Kill a Mockingbird"; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 615. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

By Mr. BURR:

S. Res. 616. A resolution expressing the sense of the Senate that the United States civil-military partnership in Iraq, under the current leadership of General Raymond Odierno and Ambassador Christopher Hill, has refined and sustained an effective counterinsurgency and counterterrorism strategy that has enabled significant improvements in the security, governance, and rule of law throughout Iraq, and that these leaders should be commended for their integrity, resourcefulness, commitment, and sacrifice; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself, Mr. LAUTENBERG, Mr. BURR, Mr. LIEBERMAN, Mr. AKAKA, and Mr. INOUE):

S. Con. Res. 70. A concurrent resolution supporting the observance of "Spirit of '45 Day"; to the Committee on Foreign Relations.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. Con. Res. 71. A concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 518

At the request of Mr. CARDIN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 518, a bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require

that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 981

At the request of Mr. REID, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1619

At the request of Mr. DODD, the names of the Senator from Ohio (Mr. BROWN), the Senator from Virginia (Mr. WARNER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1741

At the request of Mrs. GILLIBRAND, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1741, a bill to authorize States or political subdivisions thereof to regulate fuel economy and emissions standards for taxicabs.

S. 2814

At the request of Ms. COLLINS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2814, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 2925

At the request of Mr. WYDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2925, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. 3215

At the request of Mr. BINGAMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3215, a bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes.

S. 3474

At the request of Mr. FEINGOLD, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Iowa (Mr. GRASSLEY), the Senator from Nevada (Mr. ENSIGN), the Senator from Nebraska (Mr. JOHANNES), the Senator from Maryland (Mr. CARDIN) and the

Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3474, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 3493

At the request of Mr. SPECTER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3493, a bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

S. 3495

At the request of Mr. DORGAN, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3495, a bill to promote the deployment of plug-in electric drive vehicles, and for other purposes.

S. 3501

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3501, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 3502

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3502, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 3508

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3508, a bill to strengthen the capacity of the United States to lead the international community in reversing renewable natural resource degradation trends around the world that threaten to undermine global prosperity and security and eliminate the diversity of life on Earth, and for other purposes.

S. 3510

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3510, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from Virginia (Mr. WARNER), the Senator from Oregon (Mr. WYDEN), the Senator from Wisconsin (Mr. KOHL), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Colorado (Mr. UDALL), the Senator from North Dakota (Mr. CONRAD), the Senator from Florida (Mr. NELSON), the Senator from West Virginia (Mr. GOODWIN), the Senator from

Alaska (Mr. BEGICH), the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Mrs. BOXER), the Senator from Vermont (Mr. SANDERS), the Senator from Pennsylvania (Mr. CASEY), the Senator from North Dakota (Mr. DORGAN), the Senator from Delaware (Mr. CARPER), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Hawaii (Mr. INOUE), the Senator from Illinois (Mr. BURRIS), the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nevada (Mr. REID), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Mr. DURBIN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3591

At the request of Mr. ROCKEFELLER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3591, a bill to provide financial incentives and a regulatory framework to facilitate the development and early deployment of carbon capture and sequestration technologies, and for other purposes.

S. 3654

At the request of Mr. LEAHY, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 3654, a bill to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate.

S. 3657

At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3657, a bill to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to object to any measure or matter.

S. 3661

At the request of Mr. BENNET, his name was added as a cosponsor of S. 3661, a bill to amend the Federal Water Pollution Control Act to ensure the safe and proper use of dispersants in the event of an oil spill or release of hazardous substances, and for other purposes.

S. 3667

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3667, a bill to amend part A of title IV of the Social Security Act to

exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes.

S. 3706

At the request of Ms. STABENOW, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 3706, a bill to extend unemployment insurance benefits and cut taxes for businesses to create hiring incentives, and for other purposes.

S. CON. RES. 63

At the request of Mr. JOHNSON, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 322

At the request of Mr. LEVIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 322, a resolution expressing the sense of the Senate on religious minorities in Iraq.

S. RES. 586

At the request of Mr. FEINGOLD, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

S. RES. 593

At the request of Mrs. MURRAY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 593, a resolution expressing support for designation of October 7, 2010, as "Jumpstart's Read for the Record Day".

AMENDMENT NO. 4531

At the request of Mr. JOHANNIS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 4531 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 3711. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a

comprehensive prevention, education, research, and medical management referral program for viral hepatitis infection that will lead to a marked reduction in the disease burden associated with chronic viral hepatitis and liver cancer; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, a silent killer is loose in America. It contributes to the deaths of 15,000 and threatens the health of 5.3 million Americans each year. It is more common than HIV/AIDS. It is the leading cause of liver cancer, which is on the rise and continues to be a fatal and costly disease. Yet it remains unrecognized as a serious threat to public health. This silent killer is viral hepatitis.

That is why I am introducing the Viral Hepatitis and Liver Cancer Control and Prevention Act of 2010, which authorizes \$600 million to develop a national strategy over the next five years to prevent and control Hepatitis B and C.

Most people don't even know they have it until years later when it causes cancer or liver disease. We can help avoid such needless tragedies with prevention and surveillance programs and by educating Americans on the pervasive nature of Hepatitis B and Hepatitis C.

In January, the Institute of Medicine, IOM, released a report entitled "Hepatitis and Liver Cancer." The report concludes that the current approach toward treating hepatitis is not working. Too many Americans at-risk for hepatitis or living with it do not know it and too many health providers are not screening for it. That should come as no surprise because there is no Federal funding of core public health services for viral hepatitis. Also, there is no federally funded chronic Hepatitis B and C surveillance system.

The IOM report calls for a national strategy to prevent and control Hepatitis B and C.

Hepatitis B is 100 times more infectious than HIV and, left untreated, can cause liver disease, liver cancer and premature death decades after infection. About 2 billion people worldwide have been infected with Hepatitis B and about 170 million people are chronically infected with Hepatitis C. Tragically, ⅔ of those infected, on average, are unaware of their status, which increases the chance of spreading the disease.

Dr. Howard Koh, Assistant Secretary of Health, has convened a task force including representatives from all Department of Health and Human Services agencies to develop an action plan to implement the recommendations of the Institute of Medicine Report.

Unless action is taken to prevent chronic Hepatitis B and Hepatitis C, thousands more Americans will die each year from liver cancer or liver disease related to these preventable diseases.

The Viral Hepatitis and Liver Cancer Control and Prevention Act directs the Secretary of Health and Human Services to develop a national plan for the prevention, control and medical management of viral hepatitis in coordination with the Centers for Disease Control and Prevention, CDC, the National Institutes for Health, the National Cancer Institute, NCI, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, SAMHSA, the Agency for Healthcare Research and Quality and the Department of Veterans Affairs.

The national plan is required to include the following components: education and awareness programs; an expansion of current vaccination programs; counseling regarding the ongoing risk factors associated with viral hepatitis; support for medical evaluation and ongoing medical management; increased support for adult viral hepatitis coordinators; and the establishment of an epidemiological surveillance program to identify trends in incidence and prevalence in the disease.

The Viral Hepatitis and Liver Cancer Control and Prevention Act of 2010 also enhances SAMHSA's role in hepatitis activities by providing the agency with the authority to develop educational materials and intervention strategies to reduce the risks of hepatitis among substance abusers and individuals with mental illness.

It authorizes nearly \$600 million over the next five years to fund the national strategy to prevent and control viral hepatitis.

I believe this investment in hepatitis control and prevention could save our country billions of dollars in the coming years. The baby boomer population is estimated to account for two out of every three cases of chronic Hepatitis C. As these Americans age into Medicare they are likely to develop complications and require expensive medical interventions at great cost to taxpayers. In the next decade, the costs of Hepatitis C to commercial insurance and Medicare will more than double, and within 20 years Medicare costs will increase five-fold. Projecting further out, over the next 20 years, total medical costs for patients with Hepatitis C infection could increase more than 2.5 times—from \$30 billion to more than \$85 billion.

However, the costs for early detection and intervention are dramatically less than the costs for treatment post-infection. The costs for Hepatitis B vaccinations vary but range from \$75 to \$165, whereas treatment can cost up to \$16,000 per year. Screening for Hepatitis C is also relatively inexpensive compared to treatment that can cost up to \$25,000 per year. Untreated, these infections will develop into liver disease that can cost up to \$110,000 per hospital admission. We can do better.

Viral hepatitis is an increasingly significant issue for Massachusetts. The Massachusetts Department of Public Health reports over 2,000 cases of newly diagnosed chronic Hepatitis B infection and 8,000 to 10,000 cases of newly diagnosed chronic Hepatitis C infection each year. Viral hepatitis infections are by far the highest volume of reportable infectious diseases to the state. Additionally, there has been and continues to be a striking increase of cases of Hepatitis C infection among adolescents and young adults in the state. The Department of Public Health has received reports on over 1,000 cases in people under the age of 25 years every year since 2007, indicating that there is a new epidemic of Hepatitis C disease.

Resources to address these complex problems have been extremely limited. Federal resources are scarce with the average award per state of \$90,000 from the Division of Viral Hepatitis at CDC. That is less than the cost of one hospital admission for liver disease.

The Massachusetts State Legislature has, until recently, provided modest funding to support Hepatitis C initiatives in the state. At this time, all of that funding, \$1.4 million annually for the past several years, has been eliminated due to the ongoing fiscal crisis. However, past funding has allowed Massachusetts to develop innovative programs in many areas.

State funds have supported disease surveillance initiatives so that changes in the epidemics can be detected, such as the increase of cases of Hepatitis C infection among young people or to identify cases of viral hepatitis that are being transmitted through non-sterile practices in health care settings. Disease surveillance programs have been used to identify women of childbearing age that are infected with Hepatitis B so that transmission to their babies can be prevented.

The Viral Hepatitis and Liver Cancer Control and Prevention Act of 2010 would provide critical assistance to Massachusetts and other states by starting to provide appropriate levels of funding to address these epidemics of disease.

In Massachusetts, funding would be used to expand disease surveillance efforts so that we can better understand the impact of these infections and direct services appropriately to highly impacted communities. It would help to expand screening and educational services to help identify the large numbers of people in the state living with Hepatitis B and C that have not been identified. It would provide support to address the complex prevention needs of adolescents and young adults who are using drugs and at-risk for infection.

Increased funding for adult immunization would assist the State in better targeting and providing Hepatitis B vaccine to the adults at highest risk,

including those that are incarcerated and being treated for drug abuse. Finally, it would also help to provide essential medical management for people already infected with Hepatitis B and C who are not able to access appropriate care currently.

I would like to thank a number of organizations who have been integral to the development of the Viral Hepatitis and Liver Cancer Control and Prevention Act of 2010. I am pleased that 102 hepatitis focused organizations from across the Nation have endorsed the legislation, including the National Viral Hepatitis Roundtable, National Alliance of State and Territorial AIDS Directors, NASTAD, the Hepatitis B Foundation, the Hepatitis C Association, American Association for the Study of Liver Disease, and the Hepatitis Education Project.

We have no time to waste. This legislation, along with strategic investments in public health and prevention programs, can save billions of hard earned taxpayer dollars. It can improve the quality of life for tens of thousands of people all over America. I urge my colleagues to support activities that promote early detection and education and to cosponsor this important legislation.

By Mr. CORNYN (for himself, Mr. CRAPO, and Mr. ROBERTS):

S. 3712. A bill to rescind the 3.8 percent tax on the investment income of the American people and to promote job creation and small businesses; to the Committee on Finance.

Mr. CORNYN. Mr. President, today I am introducing the Economic Growth and Jobs Protection Act of 2010. This legislation would repeal the 3.8 percent tax on investment income that was included in the Health Care Reconciliation Act of 2010, P.L. 111-152, signed into law by the President earlier this year. I am pleased that Senator ROBERTS and Senator CRAPO are cosponsors of this legislation.

We know that taxpayers already face the largest tax increase in history when the 2001 and 2003 tax relief expire at the end of the year. Unless Congress acts, in less than 150 days: the highest individual tax bracket will rise from 35 percent to just under 40 percent; people in the lowest tax bracket will see a 50 percent tax increase, from 10 percent to 15 percent; the marriage penalty will increase; the child credit will be cut in half; and taxes on capital gains and dividends will increase. In other words, every taxpayer will pay higher taxes to Washington.

But while taxpayers may be concerned about the upcoming tax shock, many may not be aware of another unpleasant surprise that will soon follow. The Health Care Reconciliation Act that was jammed through the Senate along partisan lines includes a \$123 billion tax on the capital gains, dividends,

rents, and interest earned by certain taxpayers. Enacting this permanent tax hike was a mistake then and is a mistake now. It will discourage savings and investment; it will reduce productivity and will depress wages and the standard of living for millions of Americans. According to the Institute for Research on the Economics of Taxation—a non-profit economic policy research and educational organization, a 2.9 percent tax would depress economic growth by 1.3 percent and reduce capital formation by 3.4 percent. The damage on job and economic growth would be even greater from a 3.8 percent investment tax.

Simply put, increasing taxes on investment income is a job killer and increases uncertainty at a time that the Chairman of the Federal Reserve has told Congress that the economic outlook is “unusually uncertain.” Taxpayers, including small businesses, are already scheduled to get hit with the largest tax increase in history in less than 160 days if Congress fails to act. In fact, the top tax rate on capital gains will eventually be 23.8 percent as the rate bounces back to 20 percent from 15 percent. And the top tax rate for dividends will eventually rise to 43.4 percent.

Why do we want to pile on the backs of working families and job creators with more taxes that do nothing to create jobs at a time that the national unemployment rate remains 9.5 percent and where in some States, such as Nevada, there is record unemployment? We know the key to job creation is to grow the economy and allow small businesses to flourish, invest and create jobs.

In fact, according to the Federal Reserve Bank of Boston, we will need several years of very strong growth to reach 5 percent unemployment. For example, to reach 5 percent unemployment by the end of 2013, the economy would need to average 5 percent per year. To reach 5 percent unemployment by 2015 would still take growth of 4.2 percent a year. This is just one reason, that during the health care debate I offered a motion that would have directed the Senate Finance Committee to report the bill back without the 3.8 percent tax on the investment income. Although my attempt to strip out this job-killing tax fell short, I want to take this opportunity to note that 6 of my colleagues on the other side of the aisle supported my motion.

Not only will this legislation protect jobs and the investment security of taxpayers, it will also make sure that Congress restores one of the President's campaign promises. On September 12, 2008, then-candidate Obama promised the American people that, “Everyone in America—everyone—will pay lower taxes than they would under the rates Bill Clinton had in the 1990s.” But when combined with the President's budget proposal, this additional

tax on investment will raise taxes on many Americans higher than they were under the rates President Clinton had in the 1990s.

I ask that my colleagues support this legislation that will repeal this job-killing tax on small business investment, and thus will protect economic growth, jobs, and the retirement savings of taxpayers. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Growth and Jobs Protection Act of 2010".

SEC. 2. REPEAL OF UNEARNED INCOME MEDICARE CONTRIBUTION.

Section 1402 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-52) and the amendments made by such section are repealed.

By Mr. FEINGOLD:

S. 3713. A bill to improve post-employment restrictions on representation of foreign entities by senior Government officers and employees; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation that will tighten restrictions on individuals who move between the public and private sector—the so-called revolving door. The legislation that I am introducing today aims to better protect the United States from conflicts of interest posed by this practice, particularly where it comes to senior government officials and employees going on to represent foreign entities—sometimes even the governments of the very foreign countries in which they had just finished representing the United States.

There was a time when public service was held in high esteem, but the ever expanding revolving door between public and private employment has generated cynicism and frustration. By placing meaningful restrictions on how quickly former officials can access this door and where it will take them, we can reverse the trend of government employees going off to lobby for foreign entities by making clear they are not "for sale." This legislation is an important reminder that public service should be treated as an honor and a privilege, and will help to ensure that government officials make decisions based on the best interests of the American people, and not on their future career prospects.

Foreign governments and businesses have come to rely on U.S. lobbyists to advocate for their interests and interact with key policy makers. According to an article in the Milwaukee Journal Sentinel earlier this year, data ana-

lyzed by watchdog groups found that "[m]ore than 340 foreign entities—from governments to separatist groups to for-profit companies—spent at least \$87 million on lobbying efforts in the United States between July 2007 and December 2008." Former senior government officials are in demand to represent or advise foreign entities after leaving office. Even from the limited data available, it appears at least four recent U.S. Ambassadors—the President's chief representatives abroad—have done this kind of work in recent years. It is not just ambassadors who go on to represent foreign entities, but also deputy secretaries, under secretaries, other categories of executive branch officials, and, of course, former members of Congress.

The bill I am introducing today will strengthen the post-employment restrictions on foreign entity representation that are already in place by both length and scope. It will cover those officials, including in the legislative branch, that are already subject to revolving door restrictions, but expand the current 1-year restriction on representing, aiding or advising a foreign entity with intent to influence to 5 years. It will also expand the definition of prohibited entities to include foreign businesses as well as foreign governments and political parties.

Revolving door restrictions are supposed to protect the U.S. Government and the people it serves from conflicts of interest and from Government officials appearing to cash in on their public service. They help ensure that people representing the United States at the most senior levels are not being influenced by the possibility of securing lucrative jobs from outside entities while still in Government and they help prevent inside knowledge and personal connections to colleagues still in Government from being used on behalf of private parties. These are clearly important and legitimate goals and the current 1-year prohibition on foreign entity representation is insufficient to secure them.

Critics of tightening these restrictions may argue that former Government officials lobbying on behalf of foreign governments can sometimes pursue very laudable aims for those governments, such as securing resources for public health needs. This is surely true. But for every such positive example envisioned, another can come to mind that is notably less constructive, such as lobbying on behalf of governments with reprehensible human rights records. Moreover, I question how healthy it is when a culture of lobbying becomes so prevalent that foreign governments seeking to advance their objectives in the United States may feel obliged to hire their own advocates in this country.

We need to restore faith in government, and we can help to do that by en-

suring those who serve at the highest levels do not turn around and use their influence and expertise gained during public service for personal profit and foreign interests. My legislation will help buttress the framework of restrictions that we as members of the Government impose on ourselves to ensure this broader good. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTRICTIONS RELATING TO FOREIGN ENTITIES.

(a) IN GENERAL.—Section 207(f) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "1 year" and inserting "5 years"; and

(2) by striking paragraph (3) and inserting the following:

"(3) DEFINITION.—In this subsection, the term 'foreign entity' means—

"(A) the government of a foreign country, as defined in section 1(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(e));

"(B) a foreign political party, as defined in section 1(f) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(f)); and

"(C) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country."

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 141(b)(3) of the Trade Act of 1974 (19 U.S.C. 2171(b)(3)) is amended by striking "(as defined by section 207(f)(3) of title 18, United States Code)" and inserting "described in subparagraph (A) or (B) of section 207(f)(3) of title 18, United States Code,".

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsection (a) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any individual who leaves a position, office, or employment to which the amendments apply on or after the date of enactment of this Act.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. CORNYN, and Mr. KAUFMAN):

S. 3717. A bill to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce an important bipartisan bill to ensure that the Freedom of Information Act, FOIA, remains an effective tool to provide public access to critical information about the stability of our financial markets. My

bill would amend the Securities and Exchange Act, the Investment Company Act and the Investment Advisers Act to eliminate several broad FOIA exemptions for Security and Exchange Commission records that were recently enacted as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act. I thank Senators CORNYN, KAUFMAN and GRASSLEY for cosponsoring this important open government bill.

I am a proud supporter of the historic Wall Street reform bill that has now become law, because this legislation makes significant strides toward enhancing transparency and accountability in our financial system. But, I am concerned that the FOIA exemptions in Section 929I of that bill, which was originally drafted in the House of Representatives and included in the final law, could be interpreted and implemented by the SEC in a way that undermines this very important goal.

The Freedom of Information Act has long been the people's window into their Government, showing where the Government is doing things right, but also where Government can do better. The FOIA has also long recognized the need to balance the Government's legitimate interest in protecting confidential business records, trade secrets and other sensitive information from public disclosure and the public's right to know. To accomplish this, care must always be taken to ensure that exemptions to FOIA's disclosure requirements are narrowly and properly applied.

When Congress enacted these exemptions, we were seeking to ensure that the SEC had access to the information that the Commission needs to carry out its new enforcement powers and to protect American investors—not shielding information from the public.

I have been troubled by the Commission's attempts in recent weeks to retroactively apply these exemptions to pending FOIA matters. I am also troubled by the sweeping interpretation that the Commission has expressed, to date, that these exemptions would shield all information provided to the Commission in connection with its broad examination and surveillance activities.

This week, I called on the Commission to promptly issue guidelines that interpret the FOIA exemptions in Section 929I in a manner that is both consistent with congressional intent and with the President's January 21, 2009, Executive Memorandum on the Freedom of Information Act. I look forward to the public release of those guidelines. Given the overwhelming public interest in restoring stability and accountability to our financial system, Congress must also take steps to address concerns about the exemptions in Section 929I.

I thank the many open government organizations, including

OpenTheGovernment.org, the Project on Government Oversight, the American Library Association and the Sunlight Foundation for their support of this bill.

I have said many times that open government is neither a Democratic issue, nor a Republican issue—it is truly an American value and virtue that we all must uphold. It is in this bipartisan spirit that Senators from both sides of the aisle have joined me in supporting this bill. I look forward to working with them and others in Congress to ensure that the American public has access to important information about the SEC's oversight of our financial markets.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICATION OF THE FREEDOM OF INFORMATION ACT TO CERTAIN STATUTES.

(a) AMENDMENTS TO THE SECURITIES AND EXCHANGE ACT.—Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x), as amended by section 929I(a) of the Dodd-Frank Consumer Financial Protection and Wall Street Reform Act (Public Law 111-203), is amended by striking subsection (e) and inserting the following:

“(e) FREEDOM OF INFORMATION ACT.—For purposes of section 552(b)(8) of title 5, United States Code, (commonly referred to as the Freedom of Information Act)—

“(1) the Commission is an agency responsible for the regulation or supervision of financial institutions; and

“(2) any entity for which the Commission is responsible for regulating, supervising, or examining under this title is a financial institution.”

(b) AMENDMENTS TO THE INVESTMENT COMPANY ACT.—Section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a-30), as amended by section 929I(b) of the Dodd-Frank Consumer Financial Protection and Wall Street Reform Act (Public Law 111-203), is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) AMENDMENTS TO THE INVESTMENT ADVISERS ACT.—Section 210 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-10), as amended by section 929I(c) of the Dodd-Frank Consumer Financial Protection and Wall Street Reform Act (Public Law 111-203), is amended by striking subsection (d).

AUGUST 3, 2010.

SENATOR CHRISTOPHER DODD,
Chairman, Senate Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.

REPRESENTATIVE BARNEY FRANK,
Chairman, House Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMEN DODD AND FRANK: We, the undersigned organizations concerned with government accountability and trans-

parency, are writing to express our concerns about Section 929I of the recently passed Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act). If interpreted broadly, this provision has the potential to severely hinder the public's ability to access critical information related to the oversight activities of the Securities and Exchange Commission (SEC), thereby undermining the bill's overarching goals of more transparency and accountability.

As you know, Section 929I states that the SEC cannot be compelled to disclose records or other information obtained from its registered entities—including entities such as hedge funds, private equity funds, and venture capital funds that will now be regulated by the SEC—if this information is used for “surveillance, risk assessments, or other regulatory and oversight activities” outlined in the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940.

SEC Chairman Mary Schapiro wrote to you last week defending this provision. She argued that registered entities need to be able to provide the SEC with access to sensitive or proprietary information “without concern that the information will later be made public.” She further explained that, prior to the passage of the Dodd-Frank Act, “regulated entities not infrequently refused to provide Commission examiners with sensitive information due to their fears that it ultimately would be disclosed publicly.” She also claimed that investment advisers routinely refuse to turn over personal trading records of investment management personnel, “instead requiring staff to review hard copies of the records on the adviser's premises,” which “materially impacts the staff's ability to detect insider trading activity.”

These arguments do not adequately describe the SEC's existing regulatory authority, and they fail to acknowledge that the Freedom of Information Act (FOIA) already provides sufficient exemptions to protect against the release of sensitive and proprietary information. Furthermore, the SEC has a troubling history of being overly aggressive in withholding records from the public. For these reasons, we strongly urge you to repeal Section 929I, or to at least curtail the SEC's broad authority to withhold critical information from the public.

First, we are not convinced by Chairman Schapiro's claim that “existing FOIA exemptions were insufficient to allay concerns [about public disclosure] due in part to limitations in FOIA.” For instance, Exemption 8 protects matters that are “contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.” Chairman Schapiro argues that this exemption may not apply to all registrants, but it's worth noting that the courts have broadly construed the term “financial institutions,” holding that it is not limited to depository institutions and can also include investment advisers. In addition, Exemption 4 protects “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.” The Department of Justice's (DOJ) FOIA guide states that this exemption “encourages submitters to voluntarily furnish useful commercial or financial information to the government and it correspondingly provides the government with an assurance that such information will be reliable,” calling into question Chairman Schapiro's claim that additional exemptions are needed in order for

the SEC to collect information from its registered entities.

Second, the SEC's track record with FOIA raises additional concerns about giving the agency even more authority to withhold information from the public. Last year, an audit conducted by the SEC Office of Inspector General (OIG) uncovered a wide range of problems related to the SEC's FOIA operations. We were particularly troubled by the OIG's finding that the SEC Chief FOIA Officer was not operating in compliance with Executive Order 13392 or the OPEN Government Act; that few FOIA liaisons have written policies and procedures for processing FOIA requests, increasing the risk that the agency is unnecessarily withholding information from the public; and that there is an insufficient separation between the initial FOIA determination and the appeal process.

The OIG concluded that the SEC's FOIA release rate was "significantly lower when compared to all other federal agencies."

The OIG put forth a number of recommendations for correcting the glaring deficiencies in the SEC's FOIA operations, such as ensuring that accurate searches are made for responsive information, providing guidelines or written policies for all FOIA-related staff that address the concerns raised by the OIG, and ensuring that all FOIA-related staff has access to sufficient legal expertise to process requests in compliance with FOIA. But according to the OIG's most recent semi-annual report to Congress, the SEC has not completed final action on any of these recommendations. Rather than giving the SEC any more leeway to improperly withhold information from the public, we urge you to hold Chairman Schapiro accountable for the excessive delays in implementing the OIG's recommendations.

Third, we notice that Chairman Schapiro is "asking the Commission to issue and publish on our website guidance to our staff that ensures [Section 929I] is used only as it was intended." The solution for addressing the uncertainty surrounding this provision is not additional guidance. The solution is clarification in the law that public access is vital to accountability and that the existing FOIA exemptions can adequately protect confidential business information provided by regulated entities.

Fourth, Chairman Schapiro neglected to mention that the SEC already has the authority to compel registered entities to provide information and records. Under the Securities Exchange Act of 1934, the SEC has the authority to subpoena witnesses and require the production of any records from its registered entities. If these entities fail to comply, the SEC has the authority to suspend these entities, impose significant monetary penalties, and refer cases to DOJ for possible criminal proceedings. But instead of using these existing authorities, Chairman Schapiro seems to think that Congress needs to provide blanket FOIA exemptions in order to convince the SEC's registered entities to cooperate. We think such a blanket exemption fosters an environment that defers to the entities it regulates and is inadvisable.

Finally, it is unclear what Chairman Schapiro's plans are for implementing other blanket FOIA exemptions in the Dodd-Frank Act, such as Section 404, which exempts the SEC from FOIA with respect to any "report, document, record, or information" received from investment advisers to private funds.

In the aftermath of the recent financial crisis, the need for greater transparency in our financial system is all too apparent. The SEC's ongoing effort to withhold vital

records from the public undermines the spirit of the transparency reforms in the Dodd-Frank Act, and flies in the face of President Obama's guidance instructing agencies to adopt a "presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government."

We call on you to repeal the unnecessary FOIA exemption in Section 929I, examine the SEC's current record on withholding information, and take whatever steps are necessary to ensure that the SEC isn't given any additional authority to keep its records under a veil of secrecy. We welcome an opportunity to discuss this issue with you further. To reach our groups, you or your staff may contact Angela Canterbury at the Project On Government Oversight.

Sincerely,

American Library Association; American Association of Law Libraries; Citizens for Ethics and Responsibility in Washington (CREW); Essential Information; Government Accountability Project (GAP); Liberty Coalition; OMB Watch; OpenTheGovernment.org; Project On Government Oversight (POGO); Public Citizen; Sunlight Foundation.

By Mr. CARDIN:

S. 3718. A bill to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers' Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CARDIN. Mr. President, I rise today to introduce the "Securing America's Veterans Insurance Needs and Goals Act of 2010 or the SAVINGS Act of 2010. This is similar to a bill introduced in the House of Representatives by Congresswoman DEBORAH HALVORSON and House Committee on Veterans' Affairs Chair BOB FILNER.

This bill ensures that beneficiaries of the Servicemembers' Group Life Insurance, SGLI, program receive financial counseling and full disclosure information regarding life insurance payments. Active duty members of the Armed Forces will be given more information as they decide on disbursement options for their beneficiaries. The SAVINGS Act offers specific protections and alternatives to life insurance policy beneficiaries. This bill requires an explanation of how the retained-asset accounts differ from traditional checking accounts and leaves flexibility for the Secretary of the Department of Veterans Affairs to add more disclosure guidelines as he sees fit.

I present this bill to improve the process for our servicemembers and their families. My concern is that what has become a common industry practice, may not be an appropriate solution for every family. The SAVINGS Act addresses this challenge by requiring a greater level of disclosure and financial counseling to beneficiaries. This bill helps families make sound financial decisions during a most difficult time.

It will assist Marylanders and other Americans in difficult times. Last

week National Public Radio profiled my constituent Cindy Lohman, of Great Mills, MD. Ms. Lohman lost her son Ryan when he was killed in a bombing in Afghanistan in August 2008. She had no idea that the package sent to her from the life insurance company would lead to more difficulty, during an already unbearable time.

While a mother grieved, Prudential the company that administers the SGLI policies on behalf of the Veterans Affairs Secretary began to process her survivor's benefits. Understandably too distraught to take immediate action, Ms. Lohman put away the package for 6 months. After looking over the many pages of printed forms and seeing what appeared to be a checkbook, Ms. Lohman assumed the money was in a checking account.

There were many details in that packet from the insurance company disclaimers and other specifics about the account. It turns out that this was not a standard, FDIC-insured account, but a retained-asset account managed by the insurance company.

As we send soldiers to fight overseas, our support for our servicemembers and their families must remain steadfast and strong. I am proud to serve in this Congress that has worked to honor our commitment to our nation's veterans and to the families of our fallen heroes. This is a good bill because it shows our commitment to do what is in the best interest of the families of the noble men and women who serve in uniform.

By Mr. WYDEN (for himself, Ms. SNOWE, and Mr. SCHUMER):

S. 3725. A bill to prevent the importation of merchandise into the United States in a manner that evades antidumping and countervailing duty orders, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today to introduce the Enforcing Orders and Reducing Circumvention and Evasion Act—or the ENFORCE Act—of 2010.

We all know what a tax cheat is; well let me tell you about a trade cheat.

You see, under U.S. trade laws, when a certain import is found to be unfairly traded, that is, it benefits from government subsidies or is sold below market prices, the U.S. Department of Commerce imposes additional duties on these imports. These duties, we call them anti-dumping and countervailing duties, or AD/CVD, ensure that American producers are only asked to compete on a playing field that is level.

But we have these trade cheats out there. They cheat American taxpayers out of the revenue that is supposed to be collected on imports, and which is needed to reduce the budget deficit, and they cheat American producers out of business that may otherwise be theirs. In short, the trade cheats steal American jobs and America's treasure.

The U.S.' AD/CVD laws form its industries' protective backbone against injury from illegally dumped or subsidized imports. However, these trade remedy laws are only effective to the extent that they are enforced. We have an enforcement problem.

The trade cheats are increasingly—and brazenly—employing a variety of schemes to evade AD/CVD orders. Sometimes, they hustle their merchandise through foreign ports to claim that it originates from somewhere it doesn't. Other times, the trade cheats will provide fraudulent information to government authorities at American ports of entry, or engage in schemes to mislabel and misrepresent imports.

U.S. industry sources estimate that approximately \$91 million in AD/CV duties that were supposed to be applied to just four steel products went uncollected as a result of evasion in 2009. This is an amount equal to 30 percent of all AD/CV duties CBP collected that year. With 300 current AD/CVD orders in place on countless products from over 40 countries, the potential for AD/CV duty evasion is vast, and hundreds of millions of AD/CV duties may be unaccounted for. Every penny counts and we have an obligation to the American businesses, and the workers they rely on, to do a better job.

The U.S. Customs and Border Protection, or CBP, is the nation's frontline defense against unfair trade and is responsible for enforcing U.S. trade remedy laws and collecting AD/CV duties. Yet if you listen to the concerns of domestic producers, as I and many of my colleagues do, timely and effective enforcement of AD/CVD orders remains problematic and AD/CV duty evasion continues, seemingly unabated.

I have enormous respect for the men and women of CBP who manage U.S. borders, and believe its new commissioner is committed to improving the trade enforcement and trade facilitation functions of CBP. When U.S. producers spend the time and resources to submit to CBP evidence of AD/CVD evasion, CBP should be held accountable to acting on that evidence and communicating its actions to U.S. industry in a timely manner. It is not held accountable now to the degree it should be. I grow concerned that U.S. producers are spending too much time and resources trying to identify unfair trade and help government agencies enforce the trade laws. American industry needs to be free to do what it does best, which is to innovate and produce goods that are competitive in free and fair markets.

The bill I am introducing today, with my friend and colleague, Senator SNOWE from Maine, will go a long way toward empowering the Federal Government to do a better job to combat the trade cheats and enforce U.S. trade laws. I'd like to highlight just a few of the main provisions.

First, the ENFORCE Act will expand the U.S. Department of Commerce's authority to investigate circumvention to include misrepresented merchandise that might evade AD/CVD orders. As the agency tasked with investigating allegations of dumping and harmful government subsidization, Commerce has the industry and product expertise to investigate this type of AD/CVD circumvention. This bill will not diminish CBP's role; rather, it will bolster greater cooperation and information sharing between the two agencies to combat the unfair trade practices that hurt U.S. industry and its ability to create jobs.

Second, the bill will create a process by which U.S. industry can submit to CBP a formal petition containing allegations of AD/CVD evasion, and CBP must reach a conclusive determination within a set time period. If it cannot, then the petition is transferred to the Department of Commerce for separate circumvention proceedings. The ENFORCE Act will require a greater level of responsiveness and accountability to U.S. producers while providing for increased collaboration between these two government agencies to improve enforcement of U.S. trade laws.

Third, the bill will enhance information among the federal agencies once an importer is suspected of evading an AD/CVD order. Many of the same schemes importers employ to evade an AD/CVD order, like mislabeling, often shirk other regimes put in place to ensure that products are safe for consumption by American families. Enhanced information sharing will provide greater protection against imports that may cause harm to U.S. consumers.

This bill presents a commonsense strategy to combat trade cheating and the evasion of antidumping and countervailing duty collection. Enforcing U.S. trade laws and combating unfair trade practices must be a central pillar of an economic and trade policy that is designed to promote economic growth and job expansion. I look forward to working with my colleagues in the Senate and with my friends in the House of Representatives to build support for this initiative and to take action on behalf of American producers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enforcing Orders and Reducing Circumvention and Evasion Act of 2010".

SEC. 2. PROCEDURES FOR PREVENTION OF CIRCUMVENTION AND EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) is amended by inserting after section 781 the following:

"SEC. 781A. PROCEDURES FOR PREVENTION OF CIRCUMVENTION AND EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

"(a) DEFINITIONS.—In this section:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner responsible for U.S. Customs and Border Protection.

"(2) COVERED MERCHANDISE.—

"(A) IN GENERAL.—The term 'covered merchandise' means merchandise that—

"(i) is subject to—

"(I) an antidumping duty order issued under section 736;

"(II) a finding issued under the Antidumping Act, 1921; or

"(III) a countervailing duty order issued under section 706; and

"(ii) is represented in any manner, including by mislabeling, misidentification, or misreporting of the merchandise, as merchandise that—

"(I) is not subject to such an order or finding; or

"(II) is subject to a lower rate of duty than the rate of duty applicable to the merchandise under such an order or finding.

"(B) APPLICABILITY TO DETERMINATIONS OF THE ADMINISTERING AUTHORITY.—For purposes of investigations and determinations of the administering authority under subsection (b), the administering authority shall determine if merchandise is covered merchandise without regard to the intent of the importer.

"(b) PREVENTION BY ADMINISTERING AUTHORITY.—

"(1) PROCEDURES FOR INITIATING INVESTIGATIONS.—

"(A) INITIATION BY ADMINISTERING AUTHORITY.—An investigation under this subsection shall be initiated with respect to merchandise imported into the United States whenever the administering authority determines, from information available to the administering authority, that an investigation is warranted with respect to whether the merchandise is covered merchandise.

"(B) INITIATION BY PETITION OR REFERRAL.—

"(i) IN GENERAL.—The administering authority shall determine whether to initiate an investigation under this subparagraph not later than 30 days after the date on which the administering authority receives a petition described in clause (ii) or a referral described in clause (iii).

"(ii) PETITION DESCRIBED.—A petition described in this clause is a petition that—

"(I) is filed with the administering authority by an interested party specified in subparagraph (A), (C), (D), (E), (F), or (G) of section 771(9);

"(II) alleges that merchandise imported into the United States is covered merchandise; and

"(III) is accompanied by information reasonably available to the petitioner supporting those allegations.

"(iii) REFERRAL DESCRIBED.—A referral described in this clause is a referral made by the Commissioner pursuant to subsection (c)(2)(B).

"(2) TIME LIMITS FOR DETERMINATIONS.—

"(A) PRELIMINARY DETERMINATION.—

"(i) IN GENERAL.—Not later than 30 days after the administering authority initiates

an investigation under paragraph (1) with respect to merchandise, the administering authority shall issue a preliminary determination, based on information available to the administering authority at the time of the determination, with respect to whether there is a reasonable basis to believe or suspect that the merchandise is covered merchandise.

“(ii) EXPEDITED PROCEDURES.—If the administering authority determines that expedited action is warranted with respect to an investigation initiated under paragraph (1), the administering authority may publish the notice of initiation of the investigation and the notice of the preliminary determination in the Federal Register at the same time.

“(B) FINAL DETERMINATION BY THE ADMINISTERING AUTHORITY.—The administering authority shall, to the maximum extent practicable, issue a final determination with respect to whether merchandise is covered merchandise not later than 180 days after the date on which the administering authority initiates an investigation under paragraph (1) with respect to the merchandise.

“(3) ACCESS TO INFORMATION.—

“(A) ENTRY DOCUMENTS AND RECORDS.—Upon receiving a request from the administering authority, and not later than the date on which the administering authority initiates an investigation under paragraph (1) with respect to merchandise, the Commissioner shall transmit to the administering authority copies of the documentation and information required by section 484(a)(1) with respect to the entry of the merchandise.

“(B) ACCESS OF INTERESTED PARTIES.—Not later than 10 business days after the date on which the administering authority initiates an investigation under paragraph (1) with respect to merchandise, the administering authority shall provide to the authorized representative of each interested party that filed a petition under paragraph (1) or otherwise participates in a proceeding, pursuant to a protective order, the copies of the entry documentation and information received by the administering authority under subparagraph (A).

“(4) EFFECT OF AFFIRMATIVE PRELIMINARY DETERMINATION.—If the administering authority makes a preliminary determination under paragraph (2)(A) that merchandise is covered merchandise, the administering authority shall instruct U.S. Customs and Border Protection—

“(A) to suspend liquidation of each entry of the merchandise that—

“(i) enters on or after the date of the preliminary determination; or

“(ii) enters before that date, if the liquidation of the entry is not final on that date; and

“(B) to require the posting of a cash deposit for each entry of the merchandise in an amount determined pursuant to the order or finding described in subsection (a)(2)(A)(i), or administrative review conducted under section 751, that applies to the merchandise.

“(5) EFFECT OF AFFIRMATIVE FINAL DETERMINATION.—

“(A) IN GENERAL.—If the administering authority makes a final determination under paragraph (2)(B) that merchandise is covered merchandise, the administering authority shall instruct U.S. Customs and Border Protection—

“(i) to assess duties on the merchandise in an amount determined pursuant to the order or finding described in subsection (a)(2)(A)(i), or administrative review conducted under section 751, that applies to the merchandise;

“(ii) notwithstanding section 501, to reliquidate, in accordance with such order, find-

ing, or administrative review, each entry of the merchandise that was liquidated—

“(I) on or after the date that is one year before the date on which the investigation was initiated under paragraph (1) with respect to the merchandise; and

“(II) before the date of the final determination; and

“(iii) to review and reassess the amount of bond or other security the importer is required to post for such merchandise entered on or after the date of the final determination to ensure the protection of revenue and compliance with the law.

“(B) ADDITIONAL AUTHORITY.—If the administering authority makes a final determination under paragraph (2)(B) that merchandise is covered merchandise, the administering authority may instruct U.S. Customs and Border Protection to require the importer of the merchandise to post a cash deposit or bond on such merchandise entered on or after the date of the final determination in an amount the administering authority determines in the final determination to be owed with respect to the merchandise.

“(6) EFFECT OF NEGATIVE FINAL DETERMINATION.—If the administering authority makes a final determination under paragraph (2)(B) that merchandise is not covered merchandise, the administering authority shall terminate the suspension of liquidation and refund any cash deposit imposed pursuant to paragraph (4) with respect to the merchandise.

“(7) SPECIAL RULE FOR CASES IN WHICH THE PRODUCER OR EXPORTER IS UNKNOWN.—If the administering authority is unable to determine the actual producer or exporter of the merchandise with respect to which the administering authority initiated an investigation under paragraph (1), the administering authority shall, in requiring the posting of a cash deposit under paragraph (4) or assessing duties pursuant to paragraph (5)(A), impose the cash deposit or duties (as the case may be) in the highest amount applicable to any producer or exporter of the merchandise pursuant to any order or finding described in subsection (a)(2)(A)(i), or any administrative review conducted under section 751.

“(8) PUBLICATION OF DETERMINATIONS.—The administering authority shall publish each preliminary determination made under paragraph (2)(A) and each final determination made under paragraph (2)(B) in the Federal Register.

“(9) REFERRALS TO OTHER AGENCIES.—

“(A) AFTER PRELIMINARY DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the administering authority makes an affirmative preliminary determination under paragraph (2)(A), the administering authority shall—

“(i) transmit the administrative record to the Commissioner for such additional action as the Commissioner determines appropriate, including proceedings under section 592; and

“(ii) at the request of the head of another agency, transmit the administrative record to the head of that agency.

“(B) AFTER FINAL DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the administering authority makes an affirmative final determination under paragraph (2)(B), the administering authority shall—

“(i) transmit the complete administrative record to the Commissioner; and

“(ii) at the request of the head of another agency, transmit the complete administrative record to the head of that agency.

“(C) PROTECTIVE ORDERS.—Before transmitting the administrative record with re-

spect to a proceeding to the Commissioner or the head of another agency under subparagraph (A) or (B), the administering authority shall verify that U.S. Customs and Border Protection or such other agency (as the case may be) has in effect with respect to the administrative record a protective order that provides the same or a similar level of protection for the information in the administrative record as the protective order in effect with respect to such information under this subsection.

“(c) PREVENTION BY U.S. CUSTOMS AND BORDER PROTECTION.—

“(1) INVESTIGATIONS.—Not later than 180 days after the date of the enactment of the Enforcing Orders and Reducing Circumvention and Evasion Act of 2010, the Commissioner, in consultation with the Under Secretary for International Trade of the Department of Commerce and subject to the requirements of this subsection, shall establish procedures—

“(A) to permit an interested party specified in subparagraph (A), (C), (D), (E), (F), or (G) of section 771(9) of the Tariff Act of 1930 (19 U.S.C. 1677(9)) to submit to U.S. Customs and Border Protection a petition alleging that an importer is importing covered merchandise into the United States;

“(B) to investigate the allegations in a petition submitted under subparagraph (A) and make determinations or referrals under paragraph (2) with respect to those allegations; and

“(C) to notify the interested party that submitted the petition of the determination or referral (as the case may be) and the outcome of the investigation.

“(2) DETERMINATIONS; REFERRALS.—Not later than 60 days after a petition is submitted under paragraph (1)(B), the Commissioner shall—

“(A) make a determination with respect to whether an importer is importing covered merchandise into the United States based on whether the Commissioner has a reasonable basis to believe or suspect that the importer is importing such merchandise; or

“(B) if the Commissioner is unable to make such a determination—

“(i) refer the matter to the administering authority for additional proceedings under subsection (b); and

“(ii) transmit to the administering authority—

“(I) the petition submitted under paragraph (1)(A);

“(II) copies of the entry documents and information required by section 484(a)(1) relating to the merchandise; and

“(III) to the extent otherwise permitted by law, any additional records or information that the Commissioner considers appropriate.

“(3) SUSPENSION OF LIQUIDATION AND DEPOSIT REQUIREMENT.—

“(A) IN GENERAL.—If the Commissioner makes a determination under paragraph (2) that an importer is importing covered merchandise into the United States, the Commissioner shall—

“(i) suspend liquidation of each entry of the merchandise that—

“(I) enters on or after the date of the determination; or

“(II) enters before that date, if the liquidation of the entry is not final on that date; and

“(ii) with respect to each entry of the merchandise referred to in clause (i), require the posting of a cash deposit, assess any duties, and impose any other requirements that are applicable to the merchandise under an order

or finding described in subsection (a)(2)(A)(i) or pursuant to an administrative review conducted under section 751.

“(B) SPECIAL RULE FOR CASES IN WHICH THE PRODUCER OR EXPORTER IS UNKNOWN.—If the Commissioner is unable to determine the actual producer or exporter of merchandise with respect to which the Commissioner initiated an investigation under paragraph (1)(B), the Commissioner shall, in requiring the posting of a cash deposit or assessing duties under subparagraph (A)(ii), impose the cash deposit or duties (as the case may be) in the highest amount applicable to any producer or exporter of the merchandise pursuant to an order or finding described in subsection (a)(2)(A)(i) or an administrative review conducted under section 751.

“(d) COOPERATION BETWEEN U.S. CUSTOMS AND BORDER PROTECTION AND THE DEPARTMENT OF COMMERCE.—

“(1) NOTIFICATION OF INVESTIGATIONS.—

“(A) INVESTIGATIONS BY ADMINISTERING AUTHORITY.—Upon receiving a petition and upon initiating an investigation under subsection (b), the administering authority shall notify the Commissioner.

“(B) INVESTIGATIONS BY U.S. CUSTOMS AND BORDER PROTECTION.—Upon initiating an investigation under subsection (c), the Commissioner shall notify the administering authority.

“(2) PROCEDURES FOR COOPERATION.—Not later than 180 days after the date of the enactment of the Enforcing Orders and Reducing Circumvention and Evasion Act of 2010, the Commissioner and the administering authority shall establish procedures to ensure maximum cooperation and communication between U.S. Customs and Border Protection and the administering authority in order to quickly, efficiently, and accurately investigate allegations of circumvention or evasion of antidumping and countervailing duty orders.

“(e) ANNUAL REPORT ON PREVENTING CIRCUMVENTION AND EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—

“(1) IN GENERAL.—Not later than February 28 of each year beginning in 2012, the Under Secretary for International Trade of the Department of Commerce and the Commissioner shall jointly submit to the Committee on Finance and the Committee on Appropriations of the Senate and the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives a report on the efforts being taken under subsections (b) and (c) to prevent circumvention and evasion of antidumping and countervailing duty orders.

“(2) CONTENTS.—Each report required by paragraph (1) shall include, for the year preceding the submission of the report—

“(A)(i) the number of investigations initiated pursuant to subsection (b); and

“(ii) a description of such investigations, including—

“(I) the results of such investigations; and

“(II) the amount of antidumping and countervailing duties collected as a result of such investigations;

“(B)(i) the number of petitions submitted pursuant to subsection (c)(1); and

“(ii) a description of the investigations initiated by U.S. Customs and Border Protection pursuant to subsection (c) and any enforcement actions related to the investigations, including—

“(I) the results of the investigations; and

“(II) the amount of antidumping and countervailing duties collected as a result of the investigations;

“(C)(i) the number of inquiries initiated pursuant to section 781; and

“(ii) a description of such inquiries, including—

“(I) the results of such inquiries; and

“(II) the amount of antidumping and countervailing duties collected as a result of such inquiries; and

“(D) a description of investigations initiated by other Federal agencies as a result of referrals under subsection (b)(10).”.

(b) TECHNICAL AMENDMENT.—The table of contents for title VII of the Tariff Act of 1930 is amended by inserting after the item relating to section 781 the following:

“Sec. 781A. Procedures for prevention of circumvention and evasion of antidumping and countervailing duty orders.”.

(c) JUDICIAL REVIEW.—Section 516A(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)) is amended—

(1) in subparagraph (A)(i)(I), by striking “or (viii)” and inserting “(viii), or (ix)”; and

(2) in subparagraph (B), by inserting at the end the following:

“(ix) A determination by the administering authority or the Commissioner responsible for U.S. Customs and Border Protection under section 781A.”.

(d) TIME LIMITS FOR DETERMINATIONS OF CIRCUMVENTION.—Section 781(f) of the Tariff Act of 1930 (19 U.S.C. 1677(f)) is amended by striking “, to the maximum extent practicable.”.

(e) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act—

(1) the Secretary of Commerce shall prescribe such regulations as may be necessary to carry out subsection (b) of section 781A of the Tariff Act of 1930 (as added by subsection (a) of this section); and

(2) the Commissioner responsible for U.S. Customs and Border Protection shall prescribe such regulations as may be necessary to carry out subsection (c) of such section 781A.

(f) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date that is 180 days after the date of the enactment of this Act; and

(2) apply with respect to merchandise entered on or after such date of enactment.

SEC. 3. MODIFICATIONS TO PROTECTIVE ORDERS.

Section 777(c)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1677f(c)(1)(B)) is amended to read as follows:

“(B) PROTECTIVE ORDER.—

“(i) IN GENERAL.—Except as specifically provided in this subparagraph, the protective order under which information is made available shall contain such requirements as the administering authority or the Commission may determine by regulation to be appropriate. The administering authority and the Commission shall provide by regulation for such sanctions as the administering authority and the Commission determine to be appropriate, including disbarment from practice before the agency.

“(ii) CONCURRENT PROCEEDINGS.—In the case of concurrent proceedings covering the same subject merchandise conducted pursuant to subtitles A and B of this title, a single protective order shall be issued for both proceedings.

“(iii) APPLICABILITY TO PROCEEDINGS BEFORE U.S. CUSTOMS AND BORDER PROTECTION.—A protective order issued pursuant to this paragraph shall authorize the use of business proprietary information made available pursuant to a protective order in proceedings before U.S. Customs and Border Protection.”.

SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Finance and the Committee on Appropriations of the Senate and the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives a report assessing the effectiveness of—

(1) the provisions of, and amendments made by, this Act; and

(2) the actions taken and procedures developed by the Secretary of Commerce and the Commissioner responsible for U.S. Customs and Border Protection pursuant to such provisions and amendments to prevent circumvention and evasion of antidumping and countervailing duty orders under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.).

SEC. 5. ALLOCATION OF U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

The Commissioner responsible for U.S. Customs and Border Protection shall, to the maximum extent practicable, ensure that U.S. Customs and Border Protection—

(1) employs sufficient personnel who have expertise and responsibility for preventing the importation of merchandise in a manner that evades antidumping and countervailing duty orders issued under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.); and

(2) assigns sufficient personnel with primary responsibility for preventing the importation of merchandise in a manner that evades antidumping and countervailing duty orders to the ports of entry in the United States at which the Commissioner determines the largest quantity of merchandise imported in such a manner entered the United States during the most recent 2-year period for which data are available.

SEC. 6. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act, the amendments made by this Act shall apply with respect to goods from Canada and Mexico.

By Mr. SCHUMER (for himself, Mr. HATCH, Mr. GRAHAM, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Ms. SNOWE, Mrs. BOXER, Mrs. FEINSTEIN, Mr. CARDIN, Mr. KOHL, and Mrs. HUTCHISON):

S. 3728. A bill to amend title 17, United States Code, to extend protection to fashion design, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I wish to express my support for the Innovative Design Protection and Piracy Prevention Act. For years I have been supportive of moving this legislation forward. It not only underscores the importance of the fashion design industry to our economy but will ensure that new and innovative fashion designs are afforded proper copyright protection.

Throughout my service in the Senate, I have worked on a whole host of intellectual property-related initiatives. There is no doubt that legislating in this area is difficult. It is necessary, however, to maintain our position at the forefront of the world's economy and to continue our country's leadership in global innovation.

Make no mistake about it: piracy and counterfeiting are the new face of economic crime around the world, far exceeding traditional property crimes. These crimes are the very antitheses of creativity—crippling growth and stifling innovation in their wake.

Last Congress I worked closely with my Senate Judiciary Committee colleagues and others in passing the PRO-IP Act, which was signed into law by President George W. Bush on October 13, 2008. There is no doubt the PRO-IP bill will ensure that resources are available to enforce intellectual property laws and coordinate the government's intellectual property policies.

Yet there are no laws prohibiting design piracy.

Currently, original designs are copied and the apparel is manufactured in countries with cheap labor, typically in mainland China, Hong Kong, Pakistan, and Singapore. The garments are then shipped into the U.S. to directly compete with the garments of the original designer, sometimes before the originals have even hit the market. As a result, the U.S. apparel industry continues to lose billions of dollars to counterfeiting each year.

We must ensure that all property rights, including fashion designs, are protected both here and abroad. Counterfeiting and piracy sap our country's economic strength. Plain and simple, when a company loses revenues to piracy or counterfeited goods, it does not have those resources to reinvest into making more of its goods. And that means lost jobs. This domino effect ensnares all within its reach.

These crimes not only affect the individual company, but they also adversely affect the companies that would have contributed to or benefitted from the unmade goods. Suppliers of raw materials and components as well as shippers, distributors, and retailers, all take the hit.

In my home State of Utah, I am mindful of the designers who make a meaningful contribution to the fashion industry. Utah designers like Nappi, Modurn, and CherellaUSA are committed to quality and original clothing lines. These designers, and many more across the Nation, must know that after spending their time and money in developing new and unique fashion designs, their works are protected from infringers. They should be able to secure and enforce adequate copyright protections for their hard work.

The Innovative Design Protection and Piracy Prevention Act represents a true compromise. The proposed legislation is the product of an intensive year of negotiations with interested stakeholders. Among other things, the compromise language provides protection to truly unique fashion designs. In order to be considered an infringing design, a plaintiff must demonstrate that a design copy is "substantially identical."

I am pleased with the progress that has already been made on the bill and look forward to working with my colleagues on further refinements as it moves through the legislative process.

By Mrs. SHAHEEN (for herself, Mr. REID, Mr. DORGAN, Mr. KAUFMAN, Mr. BEGICH, Mr. BINGAMAN, and Mr. KERRY):

S. 3732. A bill to establish within the Department of Education the Innovation Inspiration school grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. SHAHEEN. Mr. President, today I introduce a bill, the Innovation Inspiration school grant program. This legislation will give high school students in New Hampshire and across the country access to non-traditional science, technology, engineering, and mathematics programs as well as the opportunity to be mentored by professionals in those fields.

I am proud to be joined in introducing this bill today with Senators REID, DORGAN, KAUFMAN, BEGICH, BINGAMAN and KERRY and thank them for their support.

We hear so often about the importance of STEM fields and our future economy. These fields—commonly defined as the science, technology, engineering, and mathematics—are central to U.S. economic competitiveness and growth. In fact, projections by the U.S. Labor Department show that STEM-related fields are expected to be the fastest growing occupations of the next decade.

What is worrisome, though, is that too few students in the United States are pursuing education in these STEM fields to keep up with the increased demand in the workforce. For those students that do embark in STEM education, too often they are being outperformed by international competitors.

Simply put, I believe that in today's global economy American students must have access to better STEM training, have the opportunity to be mentored by professionals in the field and be engaged in the study of these critical fields at deeper, more meaningful levels.

This legislation, the Innovation Inspiration School Grant Program, does that. It will bolster our student's access to quality non-traditional STEM programs. It will grow the STEM pipeline and broaden access to careers in science, technology, engineering and math.

We all recognize that community partnerships and especially mentors for our young people are essential to their success. The Innovation Inspiration School Grant Program will provide states and schools critical resources to engage community members and professional mentors who are working in

the STEM fields. I believe that by connecting students with well-trained teachers and community mentors, we can foster innovation at the high school level and inspire young people to graduate high school, enter the workforce, or go onto college to major in science and engineering and pursue careers in these fields.

Students in New Hampshire have been participating in non-traditional STEM opportunities, such as those provided by FIRST Robotics, for over 20 years. And for these students, the experience has been life-changing.

Take, for example, Aletha Evangelou, from Nashua, NH. As a result of her experience in the Nashua High School FIRST Robotics team, a love of engineering grew. She went on to major in mechanical engineering at the University of New Hampshire and is now employed at a defense and aerospace company in our state. She says "I have been a full time mechanical engineer at BAE Systems for two and a half years now, and I can honestly say that I would not be here if I hadn't joined the FIRST Robotics program. It completely changed my life."

Aletha is just one example of many students who have benefitted from the type of programs that are supported by this legislation. Every student in every school across the country should have the opportunity to have these sorts of experiences. This legislation does that.

I urge my colleagues to join me to ensure that high school graduates have the skills and knowledge in the STEM fields necessary to succeed in postsecondary education and develop the workforce of the 21st century.

By Mrs. LINCOLN (for herself and Mr. CHAMBLISS):

S. 3735. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. LINCOLN. Mr. President, our farmers, foresters, and ranchers provide our Nation and the world with a safe, secure, and affordable source of food and fiber. I have vigorously supported rural America through my work as Chairman of the Senate Committee on Agriculture, Nutrition, and Forestry. We must do all we can to support these communities, which are the backbone of our great Nation.

Unfortunately, because of aggressive litigation and federal courts misinterpreting Congressional intent, our farmers, foresters, and ranchers are facing new restrictions on their operations. Too often, this results in obligations that are time-consuming, expensive, and plainly unnecessary.

A prime example of this is the Environmental Protection Agency's, EPA, effort to regulate the use of crop protection products under the Clean Water Act. EPA, at the direction of the Federal courts, is requiring Clean Water

Act permits for pesticide applications even if an application does not occur directly into the water. Congress never intended for agricultural chemicals to be regulated under the Clean Water Act.

Farm and forest chemical applications are already subject to another federal statute that protects human health and the environment, the Federal Insecticide, Fungicide and Rodenticide Act, FIFRA. Farm and forest protection products regulated under FIFRA are subject to rigorous scientific testing before they can be sold and used. In addition, farmers and foresters must adhere to use instructions contained on pesticide labels.

Subjecting farmers to an additional layer of bureaucracy under the Clean Water Act is duplicative and unnecessary since human health and the environment is already protected by FIFRA.

Clean Water Act permits for farm and forest chemical use will also be expensive for pesticide applicators and for state regulatory agencies. EPA has said that these new requirements will nearly double the number of permittees under the National Pollution Discharge Elimination System, NPDES. This will result in tens of thousands of dollars in new costs and burdens for producers and state regulatory agencies who are already suffering from lack of resources.

Today I am introducing legislation to clarify Congress' intent. Farmers, foresters, and ranchers already comply with FIFRA and further unnecessary regulation should not be required. I am pleased to be joined by Agriculture Committee Ranking Member SAXBY CHAMBLISS. The bill is very simple: as long as a farmer is complying with FIFRA, then no Clean Water Act permit will be required. During the more than 35 years since the enactment of the Clean Water Act, the EPA has never required a NPDES permit for the application of FIFRA-registered crop protection products. My bill would extend this common sense approach and avoid duplicative, unnecessary burdens on our farmers, foresters, and ranchers.

I urge my Senate colleagues to join us in taking action on this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF REGISTERED PESTICIDES.

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

“(5) USE OF REGISTERED PESTICIDES.—Notwithstanding any other law, no permit shall be required for—

“(A) the use of a pesticide that is registered or otherwise authorized for use under this Act, if that use is in accordance with this Act; or

“(B)(i) the use of a biological control organism (as defined in section 403 of the Plant Protection Act (7 U.S.C. 7702)) for the prevention, control, or eradication of a plant pest or noxious weed, if that use is in accordance with that Act (7 U.S.C. 7701 et seq.); or

“(ii) the conduct of any other plant pest, noxious weed, or pest control activity under that Act, if that activity is conducted in accordance with that Act.”.

By. Mr. INHOFE:

S. 3736. A bill to amend the Clean Air Act to allow States to opt out of the corn ethanol portions of the renewable fuel standard; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, with the passage of the 2007 energy bill (EISA), Congress doubled the corn-based ethanol mandate despite mounting questions surrounding ethanol's compatibility with existing engines, its transportation and infrastructure needs, its economic sustainability, and numerous other issues. Then, as now, I argued it was just too early to significantly increase the mandate and that the fuels industry and engine manufacturers needed more time to adapt and catch up with the many developing challenges facing corn-based ethanol. From everything we have witnessed over the past 2½ years, I was right. These mandates allow no room for error in a fuels industry already constrained by tight credit, dwindling capacity, environmental regulation, and volatile market conditions.

The corn ethanol mandate has also led to consumer backlash in parts of the country. In my home state of Oklahoma, one convenience store chain experienced a 30 percent drop in fuel sales once they began selling fuel blended at E-10 levels. The consumers didn't want it. In 2008, the New York Times reported this growing consumer discontent from Oklahoma City:

Why Do You Put Alcohol in Your Tank? demands a large sign outside one gas station here, which reassures drivers that it sells only “100% Gas.”

“No Corn in Our Gas,” advertises another station nearby. Along the highways of this sprawling prairie city, and in other pockets of the country, a mutiny is growing against energy policies that heavily support and subsidize the blending of ethyl alcohol, or ethanol, into gasoline.

Many consumers complain that ethanol, which constitutes as much as 10 percent of the fuel they buy in most states, hurts gas mileage and chokes the engines of their boats and motorcycles.

Despite this consumer backlash, corn advocates are today pushing Washington to require higher consumptions of ethanol. The most pressing issue facing corn ethanol is the so-called “blend wall” of 10 percent. EISA mandated 15 billion gallons of corn-based ethanol by 2015. But here is the problem: Federal regulations require that a gallon of

gasoline should contain no more than 10 percent ethanol. So there will soon be more corn ethanol production than the amount of ethanol allowed in gasoline.

So what is the solution? Corn ethanol advocates have the wrong approach. Rather than rethink EISA's corn mandates, they are lobbying for higher, mid-level ethanol blends in gasoline—higher than E10. Sounds like a simple solution, except its consequences would be dire, with potential damage to agriculture, the environment, and engine equipment manufacturers.

Many on-road and non-road engines, vehicles, and equipment are not specifically designed to run on ethanol blends of E10, let alone blends as high as E15. The available evidence indicates that lawnmowers, chainsaws, snowmobiles, recreational boats, motorcycles, and non-flex-fuel cars and trucks produce higher evaporative and engine exhaust emissions using mid-level ethanol blends. Also, mid-level ethanol blends are more corrosive on certain metals and plastics used in many fuel systems, and cause many gasoline-powered engines to run hotter and at higher RPM levels. In turn, this results in adverse impacts on starting, durability, operation, performance, and operator safety, due to the degradation of critical components and safety devices.

The American Lung Association has noted that degradation of catalyst efficiency, caused by increasing the ethanol content in gasoline, “can have a major impact on emissions.” These higher blends of ethanol can also cause NO_x emissions to increase up to 25 percent. In short, we need to be careful that the rapid ramp-up in ethanol use doesn't result in the degradation of our country's air quality.

And many consumers complain about decreased fuel efficiency. Corn Ethanol is 67 percent of the BTU content of gasoline. According to EPA, vehicles “operating on E85 usually experience a 20–30 percent drop in miles per gallon due to ethanol's lower energy content.” These results were seconded by a Consumer Reports study that found E85 resulted in a 27 percent drop in fuel efficiency.

In my home state of Oklahoma, ethanol's blendwall has eliminated consumer choice. Where consumers could once choose to purchase clear gas, the blendwall is now forcing motorists to buy E10. The fuel blenders and gas station owners have no option but to sell ethanol blended gasoline despite strong consumer demand for clear gas.

Today I am introducing a simple three-page bill that responds to the increasing call for more consumer choice in the ability to purchase ethanol-free gasoline. Simply put, my bill allows a State to opt out of the corn ethanol portions of the renewable fuel standard. To do so, a State must pass a bill,

signed by the governor, stating its election to exercise this option. The opt-out would be recognized by the administrator of the EPA, who would then reduce the amount of the national corn ethanol mandate by the percentage amount of the State which chooses to opt out. The bill also provides for the generation of credits to hold harmless the refiners who would produce clear gasoline sold in an opt-out State.

This legislation would allow a State to opt out of only the corn ethanol mandate. It would not affect other portions of the renewable fuel standard such as the cellulosic or advanced biofuels volumetric requirements.

I believe Congress blundered in pushing too much corn ethanol too fast. This bill will merely allow for fuel producers to respond to market demands when and where consumers prefer clear gas. Right now they can't do that.

By Mr. KERRY:

S. 3738. A bill to amend the Internal Revenue Code of 1986 to provide incentives for clean energy manufacturing to reduce emissions, to produce renewable energy, to promote conservation, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the Clean Energy Technology Leadership Act. This legislation would provide tax incentives for clean energy manufacturing, renewable energy, and conservation. This is a critical package of incentives to drive the development and deployment of clean energy technology in the United States. It also will expand our manufacturing base to ensure that these advanced energy technologies are made here in America.

This bill is not intended to serve as a substitute for comprehensive energy and climate legislation. However, it does provide a near-term opportunity to support the development and deployment of clean energy technologies.

Congress must continue working on legislation that will put us on a course to substantially reduce greenhouse gas emissions, but the events of the last several weeks have made it clear that there is no bipartisan support for a strong energy and climate bill. In the interim, we should act on areas where there is potential agreement. The Clean Energy Technology Leadership Act is broad energy tax legislation that focuses on tax incentives to encourage renewable energy and conservation. This legislation would extend and improve existing provisions in the tax code and provides some targeted new incentives.

The legislation would promote clean energy manufacturing by providing additional funding for the advanced energy manufacturing credit and uncapping the credit for solar energy property, fuel cell power generation, and advanced energy storage systems,

including batteries for advanced vehicles. In addition, the legislation would extend the credit for domestic manufacturers of energy appliances.

To encourage the production of renewable energy, the Clean Energy Technology Leadership Act would extend for 2 years and codify the grant in lieu of tax credit program created by the American Recovery and Reinvestment Act of 2009. It modifies the program to clarify that real estate investment trusts and public power would be eligible for the program. The legislation provides an additional \$3.5 billion for clean renewable energy bonds, with 60 percent allocated to public power and the remaining 40 percent to cooperative electric rural companies. The Clean Energy Technology Leadership Act extends the research and development tax credit retroactively through 2012. For 2011 and 2012, it would increase the R&D credit by ten percent for research expenditures related to the fields of fuel cells and battery technology, renewable energy, energy conservation technology, efficient transmission and distribution of electricity, and carbon capture and sequestration.

To encourage conservation, the Clean Energy Technology Leadership Act would extend and modify tax incentives for new energy efficient homes, nonbusiness energy property improvements, and energy efficient commercial buildings. The bill also would provide incentives for clean transportation by providing incentives for natural gas use in heavy vehicles.

These provisions will encourage investments in developing and deploying renewable energy and conservation solutions, which will result in lower greenhouse gas emissions. The Clean Energy Technology Leadership Act is not a comprehensive energy and climate solution, but I believe it is an important starting point. I am hopeful that we can secure bipartisan support for these and other important tax provisions and pass them this year.

By Mr. CASEY (for himself, Mrs. MURRAY, Mr. BURRIS, Ms. CANTWELL, Ms. KLOBUCHAR, Mr. BROWN, of Ohio, Mr. FEINGOLD, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. SANDERS, and Mr. WYDEN):

S. 3739. A bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Schools Improvement Act of 2010".

SEC. 2. BULLYING AND HARASSMENT PREVENTION POLICIES, PROGRAMS, AND STATISTICS.

(a) STATE REPORTING REQUIREMENTS.—Section 4112(c)(3)(B)(iv) of the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7112(c)(3)(B)(iv)) is amended by inserting "including bullying and harassment," after "violence".

(b) STATE APPLICATION.—Section 4113(a) of such Act (20 U.S.C. 7113(a)) is amended—

(1) in paragraph (9)—

(A) in subparagraph (C), by striking "and" at the end; and

(B) by redesignating subparagraph (D) as subparagraph (F); and

(C) by inserting after subparagraph (C) (as amended by subparagraph (A)) the following:

"(D) the incidence and prevalence of reported incidents of bullying and harassment;

"(E) the perception of students regarding their school environment, including with respect to the prevalence and seriousness of incidents of bullying and harassment and the responsiveness of the school to those incidents; and";

(2) in paragraph (18), by striking "and" at the end;

(3) by redesignating paragraph (19) as paragraph (20); and

(4) by inserting after paragraph (18) (as amended by paragraph (2)) the following:

"(19) provides an assurance that the State educational agency will provide assistance to school districts and schools in their efforts to prevent and appropriately respond to incidents of bullying and harassment and describes how the State educational agency will meet the requirements of this paragraph; and";

(c) LOCAL EDUCATIONAL AGENCY PROGRAM APPLICATION.—Section 4114(d) of such Act (20 U.S.C. 7114(d)) is amended—

(1) in paragraph (2)(B)(i)—

(A) in subclause (I), by striking "and" at the end; and

(B) by adding at the end the following:

"(III) performance indicators for bullying and harassment prevention programs and activities; and"; and

(2) in paragraph (7)—

(A) in subparagraph (A), by inserting "including bullying and harassment" after "disorderly conduct";

(B) in subparagraph (D), by striking "and" at the end; and

(C) by adding at the end the following:

"(F) annual notice to parents and students describing the full range of prohibited conduct contained in the discipline policies described in subparagraph (A); and

"(G) grievance procedures for students or parents that seek to register complaints regarding the prohibited conduct contained in the discipline policies described in subparagraph (A), including—

"(i) the name of the school district officials who are designated as responsible for receiving such complaints; and

"(ii) timelines that the school district will follow in the resolution of such complaints;";

(d) AUTHORIZED ACTIVITIES.—Section 4115(b)(2) of such Act (20 U.S.C. 7115(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (vi), by striking "and" at the end;

(B) in clause (vii), by striking the period at the end and inserting "and"; and

(C) by adding at the end the following:

“(viii) teach students about the consequences of bullying and harassment.”; and (2) in subparagraph (E), by adding at the end the following:

“(xxiii) Programs that address the causes of bullying and harassment and that train teachers, administrators, specialized instructional support personnel, and other school personnel regarding strategies to prevent bullying and harassment and to effectively intervene when incidents of bullying and harassment occur.”.

(e) REPORTING.—Section 4116(a)(2)(B) of such Act (20 U.S.C. 7116(a)(2)(B)) is amended by inserting “, including bullying and harassment,” after “drug use and violence”.

(f) IMPACT EVALUATION.—Section 4122 of such Act (20 U.S.C. 7132) is amended—

(1) in subsection (a)(2), by striking “and school violence” and inserting “school violence, including bullying and harassment,”; and

(2) in the first sentence of subsection (b), by inserting “, including bullying and harassment,” after “drug use and violence”.

(g) DEFINITIONS.—

(1) DRUG AND VIOLENCE PREVENTION.—Paragraph (3)(B) of section 4151 of such Act (20 U.S.C. 7161) is amended by inserting “, bullying, and other harassment” after “sexual harassment and abuse”.

(2) PROTECTIVE FACTOR, BUFFER, OR ASSET.—Paragraph (6) of such section is amended by inserting “, including bullying and harassment” after “violent behavior”.

(3) RISK FACTOR.—Paragraph (7) of such section is amended by inserting “, including bullying and harassment” after “violent behavior”.

(4) BULLYING AND HARASSMENT.—Such section is further amended—

(A) by redesignating paragraphs (4) through (11) (as amended by paragraphs (2) and (3)), as paragraphs (6) through (13), respectively;

(B) by redesignating paragraphs (1) through (3) (as amended by paragraph (1)), as paragraphs (2) through (4), respectively;

(C) by inserting before paragraph (2) (as redesignated by subparagraph (B)) the following:

“(1) BULLYING.—The term ‘bullying’—

“(A) means conduct that adversely affects the ability of one or more students to participate in or benefit from the school’s educational programs or activities by placing the student (or students) in reasonable fear of physical harm; and

“(B) includes conduct that is based on—

“(i) a student’s actual or perceived—

“(I) race;

“(II) color;

“(III) national origin;

“(IV) sex;

“(V) disability;

“(VI) sexual orientation;

“(VII) gender identity; or

“(VIII) religion;

“(ii) any other distinguishing characteristics that may be defined by a State or local educational agency; or

“(iii) association with a person or group with one or more of the actual or perceived characteristics listed in clause (i) or (ii).”;

(D) by inserting after paragraph (4) (as redesignated by subparagraph (B)) the following:

“(5) HARASSMENT.—The term ‘harassment’—

“(A) means conduct that adversely affects the ability of one or more students to participate in or benefit from the school’s educational programs or activities because the

conduct, as reasonably perceived by the student (or students), is so severe, persistent, or pervasive; and

“(B) includes conduct that is based on—

“(i) a student’s actual or perceived—

“(I) race;

“(II) color;

“(III) national origin;

“(IV) sex;

“(V) disability;

“(VI) sexual orientation;

“(VII) gender identity; or

“(VIII) religion;

“(ii) any other distinguishing characteristics that may be defined by a State or local educational agency; or

“(iii) association with a person or group with one or more of the actual or perceived characteristics listed in clause (i) or (ii).”.

(h) EFFECT ON OTHER LAWS.—

(1) AMENDMENT.—The Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

“SEC. 4156. EFFECT ON OTHER LAWS.

“(a) FEDERAL AND STATE NONDISCRIMINATION LAWS.—Nothing in this part shall be construed to invalidate or limit rights, remedies, procedures, or legal standards available to victims of discrimination under any other Federal law or law of a State or political subdivision of a State, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794a), or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). The obligations imposed by this part are in addition to those imposed by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

“(b) FREE SPEECH AND EXPRESSION LAWS.—Nothing in this part shall be construed to alter legal standards regarding, or affect the rights (including remedies and procedures) available to individuals under, other Federal laws that establish protections for freedom of speech or expression.”.

(2) CLERICAL AMENDMENT.—The table of contents of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by adding after the item relating to section 4155 the following:

“Sec. 4156. Effect on other laws.”.

Mrs. GILLIBRAND. Mr. President, today, I am pleased to join Senator ROBERT CASEY and eight of my colleagues in introducing the Safe Schools Improvement Act. This important legislation will help to address a crisis going on in our schools—the bullying and harassment of our children. We know that no child can achieve the high academic standards set for them if they are living in fear of bullying or harassment. This legislation will help change the culture in our classrooms and provide schools with the tools they need to promote a safe learning environment.

Findings from the 2007 National School Climate Survey demonstrated that a significant number of students experienced harassment in our schools, often because of their sexual orientation or gender identity. This study also

revealed that 96 percent of lesbian, gay, bisexual and transgender students in New York often heard words such as “gay” used in a negative connotation. Furthermore, 93 percent of students regularly heard homophobic remarks. The National School Climate Survey also found that 20 percent of students in New York were physically assaulted in their school because of their sexual orientation, while another 13 percent were assaulted because of their gender expression.

This environment of harassment and bullying in our schools lowers the academic performance of our students. In fact, 35 percent of LGBT students reported to have skipped classes at least once in the past month because they felt unsafe in their own school. I find this to be unacceptable.

The Safe Schools Improvement Act will require schools and districts receiving designated Federal funds to adopt codes of conduct specifically prohibiting bullying and harassment, including conduct based on a student’s actual or perceived race, color, national origin, sex, sexual orientation, gender identity or religion. The act would ensure that schools and school districts focus on effective prevention programs in order to better prevent and respond to incidences of bullying and harassment, and would require that States report data on incidences of bullying and harassment to the Department of Education.

This bill has received support from a broad coalition of nearly 70 education, civil rights, disability, religious, and youth service organizations, such as the American Association of School Administrators, American Federation of Teachers, American School Health Association, National Association of School Psychologists, National Education Association, National Parent Teacher Association, American Association of University Women, Asian American Justice Center, the Gay, Lesbian and Straight Education Network, Human Rights Campaign and the National Council of La Raza. Additionally the National Safe Schools Partnership, strongly endorses the Safe Schools Improvement Act.

I urge my colleagues to join me in co-sponsoring the Safe Schools Improvement Act. I believe that we must support this legislation to ensure that all our children can learn in a safe and productive environment.

By Mr. BEGICH:

S. 3740. A bill to supplement State jurisdiction in Alaska Native villages with Federal and tribal resources to improve the quality of life in rural Alaska while reducing domestic violence against Native women and children and to reduce alcohol and drug abuse and for other purposes; to the Committee on Indian Affairs.

Mr. BEGICH. Mr. President, today I introduce legislation to address issues

of great concern to me and to all who care about public safety in Alaska Native villages. Last week President Obama signed the Tribal Law and Order bill into law. That legislation passed because Congress recognized the great need to provide more support for the criminal justice system and communities in Indian Country. While this law has some important provisions that will benefit Alaska Native communities, I believe the remoteness and other unique conditions of many Native villages in my State compel us to do more. That is why I am introducing the Alaska Safe Families and Villages Act of 2010.

My bill will establish a demonstration project for Alaska Native tribes to allow tribes in Alaska to set up tribal courts, establish tribal ordinances, and to impose sanctions on those people who violate the ordinances. It would enhance current tribal authority, while maintaining the State's primary role and responsibility in criminal matters. Additionally, those communities selected to be part of the demonstration project would be eligible for an Alaska Village Peace Officer grant to serve those communities in a holistic manner.

Unfortunately, because of the vastness of Alaska, too many of our Alaska Native villages lack any law enforcement. Too often, minor cases involving alcohol and domestic abuse go unreported because the nearest State Trooper resides in a hub community, located a long and expensive airplane ride away. Frequently, harsh weather prevents the Troopers from flying into a community even when the most heinous acts have occurred. Approximately 71 villages have a sole unarmed Village Patrol Safety officer, VPSO, who must be on duty 24 hours a day and 7 days a week. These hard-working VPSOs are underpaid, and while communities try to provide some housing and heating assistance, in places where fuel oil can cost as much as \$8 a gallon, it can be difficult to sustain the funding for these public servants.

As one who believes strongly in community involvement, I strongly believe tribes in Alaska should have a role in their law enforcement needs. This local control not only provides security for the communities, but also encourages local acceptance of the judicial system as a whole. With the changes in place that my bill would require, residents of Alaska Native villages will see a system that does more than just fly in after a tragedy has occurred.

Just recently communities in the Yukon-Kuskokwim Delta have experienced an alarming suicide cluster. Unfortunately Alaska Native communities have grown accustomed to alarming suicide rates, but in the past two months there have been at least nine self-inflicted deaths in these villages. Nick Tucker, an elder in

Emmonak, recently wrote a letter to the State of Alaska's rural affairs director to try to bring attention to the issue. Part of his letter begged for the Governor to call the legislature in session and said it is no longer acceptable for them to wait for the Troopers because "in the villages, they take forever." Part of this continuing suicide cycle is the presence of drugs and alcohol. Predators do not fear police action when they bootleg alcohol or sell drugs in villages, because there is no police presence. One can walk into a village, speak with an elder and that person will tell you who is bootlegging alcohol.

These communities are full of rich heritage and culture, however many have high unemployment due to the remoteness and lack of opportunity in the village. Most economic development in Alaska happens in either the metropolitan areas, or in very remote areas for resource extraction. Many of the villages have unemployment rates above 20 percent. Alaska Natives survival is highly dependent on the land. They subsist on game, berries, and fish. However, as hunting and fishing stocks dwindle many people are feeling disconnected from their heritage and have turned to drugs and alcohol. Too many people in the villages feel isolated and lack a connection, both figuratively and literally. Though educational attainment in the last 40 years has increased dramatically, the dropout rate in Alaska still hovers at 40 percent. Too many of our young men and women have lost hope and are losing a sense of community.

We must give our communities the tools necessary to protect themselves. Too often, we pour resources into urban areas, but become stuck when we try to work toward solutions for our most remote communities. We should no longer allow the answer from anyone to be "we don't have the resources." Alaska Native villages are vibrant, strong communities and we should do everything in our power to work with these communities and answer their calls for help.

I encourage my colleagues to join me on this legislation, and ask for the full Senate to consider and pass it to provide help to some of the places in our country most in need.

By Mrs. BOXER:

S. 3744. A bill to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am pleased to introduce the Pinnacles National Park Act.

This legislation would elevate the Pinnacles National Monument to a National Park. The legislation would also rename the current Pinnacles Wilder-

ness as the Hain Wilderness after Schuyler Hain, an early conservationist whose efforts led to the establishment of the Monument in 1908.

The Pinnacles National Monument ascends out of the beautiful Gabilan Mountains, east of central California's Salinas Valley. Established by President Theodore Roosevelt, the monument protects the spectacular remains of the Neenach Volcano. Colossal monoliths, sheer-walled canyons and talus caves exhibit millions of years of volcanic evolution and tectonic plate movement.

Originally 2500 acres, the monument has grown to encompass 26,000 acres of diverse California wildlands. These parklands represent one of only 5 regions, or less than 2 percent of the world's surface area, supporting a Mediterranean habitat. Less than five percent of the world's Mediterranean habitat remains protected, so it is essential that we preserve this special resource.

Mediterranean habitats provide a rare combination of cool wet winters, hot dry summer days, and evening fog—supporting many plants and animals found nowhere else in the world. One of the animals that calls the Pinnacles home is the critically endangered California condor. Recently, a condor hatched in the wild just outside the monument's boundary—the first to do so in this country in at least 70 years.

The Pinnacles area, famously rendered by John Steinbach in "Of Mice and Men" and "East of Eden," is also an important part of California's cultural heritage. The area has held significance for several Native American tribes, early Spanish settlers, and Western homesteaders. Today, the Pinnacles are a global destination for naturalists and outdoor enthusiasts of all kinds, who are attracted by the park's scenic trails, natural resources, and some of the most unique rock-climbing in the world. The Pinnacles National Monument is an important driver of the local tourist economy and jobs, and elevating this site to a National Park will draw even more attention to this incredible destination.

I have worked with Congressman SAM FARR to craft legislation that will further protect this recreational treasure. It has strong support from the surrounding communities and the California Wild Heritage Campaign, a coalition of over 500 businesses and organizations.

I hope my colleagues will join me in recognizing this diverse natural and cultural resource by creating Pinnacles National Park.

By Mrs. LINCOLN:

S. 3745. A bill to amend the Consolidated Farm and Rural Development Act to require the Secretary of Agriculture in the case of low-income States to use 95 percent of the national

average nonmetropolitan median income for purposes of determining the eligibility of communities in the States for certain rural development funding; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. LINCOLN. Mr. President, I rise today to offer the Rural Infrastructure Improvement Act of 2010. This legislation will help rural communities have better access to the funding available through the Rural Development programs administered by the U.S. Department of Agriculture, specifically the Rural Water and Wastewater Program and Community Facility Program.

As Chairman of the Senate Committee on Agriculture, Nutrition and Forestry, I am strongly concerned that communities in low-income states such as my state of Arkansas have limited ability to qualify for grant funding through certain Rural Development programs due to current non-metropolitan median household income requirements. The structure we have today creates barriers for many of our poorest rural communities that are most in need. Some of these rural communities have median household incomes well below the national average, yet they are ineligible for any grant funding because USDA applies the State's non-metropolitan median household income to funding formulas instead of the national median household income.

This structure creates disparities for many low-income rural States. For example, in Arkansas, a rural community with a median household income greater than the State's non-metropolitan median household income of \$31,845 is ineligible for grant funding through the Rural Water and Community Facility programs. Rural communities in Arkansas who meet all of the other eligibility requirements for funding through these programs are ineligible for grant funding simply because of their low median income level. In fact, 45 States have a higher non-metropolitan median household income level. The legislation I am introducing today is designed to even the playing field for low-income rural communities in Arkansas and several other States.

Forty-eight percent of my home State's population lives in a rural community. The programs offered through USDA Rural Development are vital to our efforts to meet basic needs and foster economic development. Without the types of key infrastructure improvements that can be made through these rural development programs, it will be difficult for many of these communities to reach their full potential and prosper.

Mr. President, I ask unanimous consent that the text of the bill he printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Infrastructure Improvement Act of 2010".

SEC. 2. MEDIAN INCOME REQUIREMENT ADJUSTMENT.

Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) is amended by inserting after subsection (b) the following:

"(c) MEDIAN INCOME REQUIREMENT ADJUSTMENT.—

"(1) IN GENERAL.—If the Secretary applies a median income requirement to communities for purposes of determining eligibility for the community facilities programs and water, waste disposal, and wastewater programs authorized under this section and sections 306A, 306C, 306D, and 306E, in the case of a State for which the State nonmetropolitan median income is equal to or less than 90 percent of the national average nonmetropolitan median income, the Secretary shall use an amount equal to 95 percent of the national average nonmetropolitan median income in applying the median income requirement to any community in the State.

"(2) TERMINATION OF AUTHORITY.—The authority provided by paragraph (1) terminates on September 30, 2012".

By Mr. BINGAMAN (for himself,
Mrs. SHAHEEN, Mrs. BOXER, and
Mrs. FEINSTEIN):

S. 3746. A bill to amend the Energy Policy Act of 2005 to improve the loan guarantee program of the Department of Energy under title XVII of that Act; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing two bills, S. 3746 and S. 3759, making improvements to the operation of the Department of Energy's loan guarantee program. The first makes a number of changes that will ease the administration of the program and allow for quicker processing of applications within the Department. In addition, the bill will add a fourth category to the subsidized loan guarantee program created and funded in the American Reinvestment and Recovery Act that would allow energy efficiency projects to gain access to the program. This bill is substantially similar to a provision that the House of Representatives passed last year as a portion of H.R. 2847 but which did not receive consideration in the Senate.

The second bill institutes a time limit on consideration by the Office of Management and Budget of loan guarantee applications submitted by the Secretary. If the Secretary submits a term sheet for conditional commitment to OMB for review and comment, then OMB has 30 days to submit such comments. After 30 days the Secretary may issue a conditional commitment on the guarantee, taking into account any comments received from OMB, without further authorization from OMB. This provision would not affect the currently used OMB-approved sub-

sidy cost model for loan guarantees or its application.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCENTIVES FOR INNOVATIVE TECHNOLOGIES LOAN GUARANTEE PROGRAM.

(a) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

"(1) IN GENERAL.—No guarantee shall be made unless—

"(A) an appropriation for the cost of the guarantee has been made;

"(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

"(C) a combination of appropriations under subparagraph (A) or payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.

"(2) LIMITATION.—The source of payments received from a borrower under subparagraph (B) or (C) of paragraph (1) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government."; and

(2) by adding at the end the following:

"(1) CREDIT REPORT.—If, in the opinion of the Secretary, a third-party credit rating of the applicant or project is not relevant to the determination of the credit risk of a project, if the project costs are not projected to exceed \$100,000,000, and the applicant agrees to accept the credit rating assigned to the applicant by the Secretary, the Secretary may waive any otherwise applicable requirement (including any requirement described in part 609 of title 10, Code of Federal Regulations) to provide a third-party credit report.

"(m) DIRECT HIRE AUTHORITY.—

"(1) IN GENERAL.—Notwithstanding sections 3304 and sections 3309 through 3318 of title 5, United States Code, the head of the loan guarantee program under this title (referred to in this subsection as the 'Executive Director') may, on a determination that there is a severe shortage of candidates or a severe hiring need for particular positions to carry out the functions of this title, recruit and directly appoint highly qualified critical personnel with specialized knowledge important to the function of the programs under this title into the competitive service.

"(2) EXCEPTION.—The authority granted under paragraph (1) shall not apply to positions in the excepted service or the Senior Executive Service.

"(3) REQUIREMENTS.—In exercising the authority granted under paragraph (1), the Executive Director shall ensure that any action taken by the Executive Director—

"(A) is consistent with the merit principles of section 2301 of title 5, United States Code; and

"(B) complies with the public notice requirements of section 3327 of title 5, United States Code.

“(4) SUNSET.—The authority provided under paragraph (1) shall terminate on September 30, 2011.

“(n) PROFESSIONAL ADVISORS.—The Secretary may—

“(1) retain agents and legal and other professional advisors in connection with guarantees and related activities authorized under this title;

“(2) require applicants for and recipients of loan guarantees to pay all fees and expenses of the agents and advisors; and

“(3) notwithstanding any other provision of law, select such advisors in such manner and using such procedures as the Secretary determines to be appropriate to protect the interests of the United States and achieve the purposes of this title.

“(o) MULTIPLE SITES.—Notwithstanding any contrary requirement (including any provision under part 609.12 of title 10, Code of Federal Regulations) an eligible project may be located on 2 or more non-contiguous sites in the United States.”.

(b) APPLICATIONS FOR MULTIPLE ELIGIBLE PROJECTS.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) MULTIPLE APPLICATIONS.—Notwithstanding any contrary requirement (including any provision under part 609.3(a) of title 10, Code of Federal Regulations), a project applicant or sponsor of an eligible project may submit an application for more than 1 eligible project under this section.”.

(c) ENERGY EFFICIENCY LOAN GUARANTEES.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

“(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.”.

(d) FEES; PROFESSIONAL ADVISORS.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(1) by striking subsection (f) and inserting the following:

“(f) FEES.—Except as otherwise permitted under subsection (i), administrative costs shall be not more than \$100,000 or 10 basis points of the loan.”;

(2) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(3) by inserting after subsection (h) the end the following:

“(i) PROFESSIONAL ADVISORS.—The Secretary may—

“(1) retain agents and legal and other professional advisors in connection with guarantees and related activities authorized under this section;

“(2) require applicants for and recipients of loan guarantees to pay directly, or through the payment of fees to the Secretary, all fees and expenses of the agents and advisors; and

“(3) notwithstanding any other provision of law, select such advisors in such manner and using such procedures as the Secretary determines to be appropriate to protect the interests of the United States and achieve the purposes of this section.”.

By Mr. HATCH:

S. 3747. A bill to provide for a reduction and limitation on the total number of Federal employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. HATCH. Mr. President, I rise today to introduce the Reduce and Cap the Federal Workforce Act. This is a simple straightforward bill that would reduce the number of civilian federal employees—excluding those serving in the Departments of Defense and Homeland Security—to the pre-2009 numbers in each government agency through attrition. Once this reduced number is reached, then each agency would cap the number of employees at that level. Each hire would then have to be offset by another employee leaving that agency.

It is not hard to locate illustrations where the Federal Government is growing at an exceptionally fast pace. Looking at the number of Government employees as a percentage of America's population, one easily sees how we have increased the size of the government.

In 1815, the total population in America was 8.3 million people, yet there were only 4,837 Federal Government employees. That represents nearly $\frac{1}{20}$ of 1 percent of Americans who were Federal employees. From 1981 through 2008, the civilian work force remained at about 1.1 million to 1.2 million.

The Obama administration says the Government will grow to 2.15 million employees this year serving roughly 310 million Americans. That is nearly 1 percent of the population, or put another way, is 20 times the number of government employees than there were in 1815 and almost a 50 percent increase since 2008. The actual numbers are likely to be much higher.

Some have estimated the newly enacted health care bill could add many thousands of Federal employees—as many as 16,000 new Internal Revenue Service employees alone. It has been reported that the recently enacted financial regulatory bill will result in the hiring of at least one thousand new federal government employees. It has been reported the SEC will need to hire an additional 800 employees alone.

I am introducing this legislation in order to ensure that the size of our federal government is reduced to the pre-2009 size and does not expand thereafter. This legislation is supported by Americans for Tax Reform, the American Conservative Union, and Americans for Limited Government.

I believe we need a limited federal government and this legislation is one way we can limit the size of the Government while decreasing Government spending. Our Nation, children, and grandchildren cannot be buried in debt created by an agenda to exponentially grow the size of the Government. Enough is enough.

By Mr. HATCH (for himself, Mr. DODD, Mr. BURR, Mr. REED, Mr. ENSIGN, and Mr. FRANKEN):

S. 3751. A bill to amend the Stem Cell Therapeutic and Research Act of 2005;

to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, I am pleased today to introduce the Stem Cell Therapeutic and Research Reauthorization Act of 2010 which reauthorizes the Stem Cell Therapeutic and Research Act of 2005, P.L. 109-129, through the end of 2015. I am also grateful that Senators DODD, BURR, REED, ENSIGN and FRANKEN have joined me as sponsors of this bipartisan bill.

Over the past few months, we have worked with the National Marrow Donor Program, NMDP, and cord blood transplantation experts, specifically Dr. Linda Kelley of the University of Utah and Dr. Joanne Kurtzberg of Duke University. It is my strong hope that our bill is considered by the Senate Committee on Health, Education, Labor and Pensions when the Congress returns in mid-September and is signed into law before the end of the year.

Our legislation makes several small but important additions to the existing program.

First, the bill reauthorizes both the C.W. Bill Young Cell Transplantation Program, which is commonly referred to as the Program and the National Cord Blood Inventory program, which is often called the NCBI, for an additional 5 years through 2015.

The total authorization levels for both programs combined would be \$53 million in each of the 5 years, thus staying consistent with the authorization level established in the original statute. Specifically, the authorization level for the program would be \$30 million in fiscal years 2011 through 2014 and \$33 million in fiscal year 2015. The authorization levels for NCBI would be \$23 million for fiscal years 2011 through 2014 and \$20 million in fiscal year 2015.

Second, the original statute intended for cord blood banks to become self-sufficient in the future. Five years ago, it was our intent that cord blood banks would eventually be able to function and operate without federal funding. In fact, the HELP Committee's August 31, 2005 report states the following on this important issue: “The committee anticipated that the funding authorized for establishing and strengthening the cord blood unit inventory will be devoted primarily to defraying the start-up expenses, including developing the expanded inventory in an optimal fashion. While we feel that such activities clearly have the potential to be self-supporting in time, we also recognize that sufficient funding over an adequate period of time will be necessary for these activities to realize their full potential. It is the committee's expectation that the Secretary will closely scrutinize all costs related to this legislation, so that tax dollars are spent judiciously to achieve the maximum effect.”

Almost 5 years have passed since the original statute was signed into law

and cord blood banks are still dependent on Federal funding due to the many obstacles surrounding cord blood collection and cord blood storage. Therefore, our bill includes language to the contracting section requiring qualified cord blood banks to develop an annual plan and demonstrate ongoing measurable progress toward achieving self-sufficiency. While I recognize and understand that cord blood donation and collection is a new, challenging field of research, this modification was extremely important to me to ensure that taxpayers' precious dollars are spent prudently and that public cord blood banks are actually doing what the drafters of the original law intended.

The contracting provisions of our bill also require cord blood banks to provide a plan on how to increase cord blood collection, assist with the establishment of new collection sites or contract with new collection sites. Both the self-sufficiency requirements and the cord blood collection requirements would apply to both new cord blood bank applicants and existing cord blood banks extending their contracts.

Third, our bill also calls for the collection and maintenance of at least 150,000 new units of high-quality cord blood to be made available for transplantation through the C.W. Bill Young Cell Transplantation Program. The original statute called for the collection of 150,000 new units, and we believed that there needed to be some flexibility on the total number of units collected.

Fourth, in order to ensure that the appropriate science is reflected in this bill, the legislation modifies the definition of a first degree relative as the sibling of an individual in need of a transplant. According to scientists and researchers who specialize in cord blood transplantation, the only immediate family members able to donate cord blood are the siblings of a person in need of a transplant. The original statute defined first degree relatives as parents and siblings.

Fifth, the Program would support studies and demonstration projects that would study increasing cord blood donation and collection from a genetically diverse population, including exploring novel approaches or incentives to expand the number of cord blood collection sites partnering with federal cord blood banks.

Sixth, our bill extends the privacy protections included in the original statute for cord blood transplant patients and donors to bone marrow transplant patients and donors.

Finally, the legislation includes a study on cord blood donation and collection by the General Accountability Office. The final report would be submitted to the appropriate House and Senate Committees one year after enactment of our bill.

I am proud of this legislation because it proves that bipartisanship still exists in the United States Senate. This subject is near and dear to my heart. When this legislation was signed into law in 2005, it offered us a rare opportunity to make a difference in the lives of those suffering from a serious illness or those who have family members with illnesses requiring cord blood or bone marrow transplants. Back then, our goal was to increase the number of bone marrow and cord blood donors. Today, our goal continues to be increasing the number of bone marrow and cord blood donations and passage of this legislation will make it easier to do just that.

I will continue to do everything possible to provide transplant patients with the best possible options by ensuring a strong future for bone marrow and cord blood transplantation in this country. Patients in need of a transplant deserve nothing less and passing this legislation is the pathway to being successful in that endeavor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stem Cell Therapeutic and Research Reauthorization Act of 2010".

SEC. 2. AMENDMENTS TO THE STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005.

(a) CORD BLOOD INVENTORY.—Section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) is amended—

(1) in subsection (a), by inserting "at least" before "150,000";

(2) in subsection (c)(3), by inserting "at least" before "150,000";

(3) in subsection (d)—

(A) in paragraph (2), by striking "and" and inserting "and";

(B) by redesignating paragraph (3) as paragraph (5); and

(C) by inserting after paragraph (2) the following:

"(3) will provide a plan to increase cord blood unit collections at collection sites that exist at the time of application, assist with the establishment of new collection sites, or contract with new collection sites;

"(4) will annually provide to the Secretary a plan for, and demonstrate, ongoing measurable progress toward achieving self-sufficiency of cord blood unit collection and banking operations; and";

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "10 years" and inserting "a period of at least 10 years beginning on the last date on which the recipient of a contract under this section receives Federal funds under this section"; and

(ii) by striking the second sentence and inserting "The Secretary shall ensure that no Federal funds shall be obligated under any such contract after the date that is 5 years after the date on which the contract is en-

tered into, except as provided in paragraphs (2) and (3).";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "Subject to paragraph (1)(B), the" and inserting "The"; and

(II) by striking "3" and inserting "5";

(ii) in subparagraph (A)—

(I) by inserting "at least" before "150,000"; and

(II) by striking "and" and inserting "and";

(iii) in subparagraph (B)—

(I) by inserting "meeting the requirements under subsection (d)" after "receive an application for a contract under this section"; and

(II) by striking "or the Secretary" and all that follows through the period at the end and inserting "or"; and

(iv) by adding at the end the following:

"(C) the Secretary determines that the outstanding inventory need cannot be met by the qualified cord blood banks under contract under this section."; and

(C) by striking paragraph (3) and inserting the following:

"(3) EXTENSION ELIGIBILITY.—A qualified cord blood bank shall be eligible for a 5-year extension of a contract awarded under this section, as described in paragraph (2), provided that the qualified cord blood bank—

"(A) demonstrates a superior ability to satisfy the requirements described in subsection (b) and achieves the overall goals for which the contract was awarded;

"(B) provides a plan for how the qualified cord blood bank will increase cord blood unit collections at collection sites that exist at the time of consideration for such extension of a contract, assist with the establishment of new collection sites, or contract with new collection sites; and

"(C) annually provides to the Secretary a plan for, and demonstrates, ongoing measurable progress toward achieving self-sufficiency of cord blood unit collection and banking operations.";

(5) in subsection (g)(4), by striking "or parent"; and

(6) in subsection (h)—

(A) by striking paragraph (2) and inserting the following:

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program under this section \$23,000,000 for each of fiscal years 2011 through 2014 and \$20,000,000 for fiscal year 2015. Such funds so appropriated shall remain available until expended."; and

(B) in paragraph (3), by striking "in each of fiscal years 2007 through 2009" and inserting "for fiscal years 2011 through 2015".

(b) NATIONAL PROGRAM.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended—

(1) by striking subsection (a)(6) and inserting the following:

"(6) The Secretary, acting through the Advisory Council, shall submit to Congress an annual report on the activities carried out under this section.";

(2) by striking subsection (d)(2)(D) and inserting the following:

"(D) support studies and demonstration and outreach projects for the purpose of increasing cord blood unit donation and collection from a genetically diverse population, including exploring novel approaches or incentives, such as remote or other innovative technological advances that could be used to collect cord blood units, to expand the number of cord blood unit collection sites partnering with cord blood banks that receive a contract under the National Cord

Blood Bank Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005;"; and

(3) by striking subsection (f)(5)(A) and inserting the following:

"(A) require the establishment of a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with Federal and State law; and".

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended by striking "\$34,000,000" and all that follows through the period at the end, and inserting "\$30,000,000 for each of fiscal years 2011 through 2014 and \$33,000,000 for fiscal year 2015. Such funds so appropriated shall remain available until expended."

(d) **REPORT ON CORD BLOOD UNIT DONATION AND COLLECTION.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and the Secretary of Health and Human Services a report reviewing studies, demonstration programs, and outreach efforts for the purpose of increasing cord blood unit donation and collection for the National Cord Blood Inventory to ensure a high-quality and genetically diverse inventory of cord blood units.

(2) **CONTENTS.**—The report described in paragraph (1) shall include a review of such studies, demonstration programs, and outreach efforts under section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) (as amended by this Act) and section 379 of the Public Health Service Act (42 U.S.C. 274k) (as amended by this Act), including—

(A) a description of the challenges and barriers to expanding the number of cord blood unit collection sites, including cost, the impact of regulatory and administrative requirements, and the capacity of cord blood banks to maintain high-quality units;

(B) remote or other innovative technological advances that could be used to collect cord blood units;

(C) appropriate methods for improving provider education about collecting cord blood units for the national inventory and participation in such collection activities;

(D) estimates of the number of cord blood unit collection sites necessary to meet the outstanding national inventory need and the characteristics of such collection sites that would help increase the genetic diversity and enhance the quality of cord blood units collected;

(E) best practices for establishing and sustaining partnerships for cord blood unit collection at medical facilities with a high number of minority births;

(F) potential and proven incentives to encourage hospitals to become cord blood unit collection sites and partner with cord blood banks participating in the National Cord Blood Inventory under section 2 of the Stem Cell Therapeutic and Research Act of 2005 and to assist cord blood banks in expanding the number of cord blood unit collection sites with which such cord blood banks partner; and

(G) recommendations about methods cord blood banks and collection sites could use to lower costs and improve efficiency of cord blood unit collection without decreasing the quality of the cord blood units collected.

Mr. DODD. Mr. President, I am pleased to join Senator HATCH, Senator REED, Senator BURR, Senator ENSIGN and Senator FRANKEN in introducing the Stem Cell Therapeutic and Research Reauthorization Act of 2010, a bill that will benefit some of the most gravely ill patients—those in need of a blood stem cell transplant. The bill we are introducing today reauthorizes the vital work being done for patients as a result of the Stem Cell Therapeutic and Research Act of 2005.

I first joined Senator HATCH more than seven years ago on legislation to create a national network of cord blood banks and a cord blood registry. Five years ago, when the Health, Education, Labor and Pensions Committee took up cord blood legislation, Senator HATCH and I, working with many of our colleagues on and off the committee, expanded the scope of our legislation to include a reauthorization of the national bone marrow program and updated the cord blood provisions to be consistent with the recommendations made by the Institute of Medicine's report, "Cord Blood: Establishing a National Hematopoietic Stem Cell Bank Program." In the end, that legislation, the Stem Cell Therapeutic and Research Act of 2005, passed the senate unanimously.

Since then we have learned a lot of about adult stem cell transplantation. There are currently twelve public cord blood banks across the U.S. and cord blood cells account for 22 percent of all transplants as of 2009. Among minorities, transplants using cord blood as the cell source are even higher. As of 2005, survival rates for transplants involving an unrelated donor are almost identical to those of a related donor which represents a near doubling of the survival rates for unrelated donor recipients over the past 15 years.

The bill we are introducing today builds on the success of the National Cord Blood Inventory and the national bone marrow transplantation program, making minor improvements to both. Among the most critical changes to the law is the prioritization of the creation of new cord blood collection sites so that we can increase the National Cord Blood Inventory. The 2005 law set a goal of collecting and maintaining 150,000 new units of high-quality cord blood. Unfortunately, the inventory is well below that goal and the transplantation needs of patients. In part, that is because the funding has not kept pace with what was authorized by the 2005 law. While I applaud President Obama for including additional funding for the National Cord Blood Inventory and the national bone marrow transplantation program in his fiscal year 2011 budget, I find it regrettable that President Bush did not provide full funding for these programs in any of his budgets, despite his vocal support for these programs and adult stem cells generally.

In my own state of Connecticut, there are more than 128,000 donors participating in the National Marrow Donor Program. There is some very exciting work going on at Yale University and Yale New Haven Hospital involving marrow or cord blood transplantation. In fact, last May, I had the privilege of meeting Ms. Teena Conquest, a bone marrow donor from Middletown, Connecticut, and the recipient of her bone marrow, Rebecca Christy, from Iowa. It was truly inspiring to hear their story and how one woman's generosity saved another woman's life.

I am deeply disappointed that there are currently no cord blood collection sites in the state of Connecticut through the National Cord Blood Inventory program. Currently, more than 160 hospitals in the U.S. have an agreement with a public cord blood bank through the National Cord Blood Inventory program to perform collections for banks within the National Marrow Donor Program network. While none of those hospitals are in Connecticut, it is my strong hope that with this reauthorization, we will be prioritizing the establishment of new cord blood collection sites for the public program. I strongly encourage hospitals in Connecticut who meet the criteria to become a cord blood collection site and help increase the inventory of cord blood so that patients in need can find a match.

As was the case for Ms. Conquest and Ms. Christy, the therapeutic benefits of bone marrow are tremendous and well established. Bone marrow transplants have been used for nearly half a century to treat patients suffering from diseases such as leukemia, Hodgkin's Disease, sickle cell anemia, and others. The National Marrow Donor Program, NMDP, provides a single point of access, the National Registry, to nearly 8 million volunteer bone marrow donors and 160,000 cord blood units, including more than 28,000 federally funded units in the National Cord Blood Inventory. The NMDP has helped countless patients and families understand their disease and treatment options with educational resources and one-on-one case management support.

I urge my colleagues on both sides of the aisle to join me and my colleagues in support of this important legislation. It is my strong hope that we can move quickly to mark up this legislation in September and shortly thereafter pass this bill in the Senate.

By Mr. REED (for himself, Mrs. SHAHEEN, and Mr. WHITEHOUSE):

S. 3753. A bill to provide for the treatment and temporary financing of short-time compensation programs, to the Committee on Finance.

Mr. REED. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Preventing Unemployment Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Treatment of short-time compensation programs.
- Sec. 3. Temporary financing of certain short-time compensation payments.
- Sec. 4. Temporary Federal short-time compensation.
- Sec. 5. Grants for implementation of State short-time compensation programs.
- Sec. 6. Assistance and guidance in implementing programs.
- Sec. 7. Reports.

SEC. 2. TREATMENT OF SHORT-TIME COMPENSATION PROGRAMS.

(a) **DEFINITION.**—

(1) **IN GENERAL.**—Section 3306 of the Internal Revenue Code of 1986 (26 U.S.C. 3306) is amended by adding at the end the following new subsection:

“(v) **SHORT-TIME COMPENSATION PROGRAM.**—For purposes of this chapter, the term ‘short-time compensation program’ means a program under which—

“(1) the participation of an employer is voluntary;

“(2) an employer reduces the number of hours worked by employees in lieu of temporary layoffs;

“(3) such employees whose workweeks have been reduced by at least 10 percent, and by not more than the percentage, if any, that is determined by the State to be appropriate, are eligible for unemployment compensation;

“(4) the amount of unemployment compensation payable to any such employee is a pro rata portion of the unemployment compensation which would be payable to the employee if such employee were totally unemployed;

“(5) such employees are not expected to meet the availability for work or work search test requirements while collecting short-time compensation benefits, but are required to be available for their normal workweek;

“(6) eligible employees may participate, as appropriate, in an employer-sponsored training program to enhance job skills if such program has been approved by the State agency;

“(7) the State agency shall require an employer to certify that the employer will continue to provide health benefits and retirement benefits under a defined benefit plan (as defined in section 414(j)) and contributions under a defined contribution plan (as defined in section 414(i)) to any employee whose workweek is reduced under the program under the same terms and conditions as though the workweek of such employee had not been reduced;

“(8) the State agency shall require an employer (or an employer’s association which is party to a collective bargaining agreement) to submit a written plan describing the manner in which the requirements of this subsection will be implemented and containing such other information as the Secretary of Labor determines is appropriate;

“(9) in the case of employees represented by a union, the appropriate official of the union has agreed to the terms of the employer’s written plan and implementation is consistent with employer obligations under the National Labor Relations Act; and

“(10) only such other provisions are included in the State law as the Secretary of Labor determines appropriate for purposes of a short-term compensation program.”.

(2) **EFFECTIVE DATE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(B) **DELAY PERMITTED.**—In the case of a State that is administering a short-time compensation program as of the date of the enactment of this Act and the State law cannot be administered consistent with the amendment made by paragraph (1), such amendment shall take effect on the earlier of—

(i) the date the State changes its State law in order to be consistent with such amendment; or

(ii) the date that is 2 years after the date of the enactment of this Act.

(b) **CONFORMING AMENDMENTS.**—

(1) **INTERNAL REVENUE CODE OF 1986.**—

(A) Subparagraph (E) of section 3304(a)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

“(E) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined under section 3306(v));”.

(B) Subsection (f) of section 3306 of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (5) (relating to short-term compensation) and inserting the following new paragraph:

“(5) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in subsection (v)); and”, and

(ii) by redesignating paragraph (5) (relating to self-employment assistance program) as paragraph (6).

(2) **SOCIAL SECURITY ACT.**—Section 303(a)(5) of the Social Security Act is amended by striking “the payment of short-time compensation under a plan approved by the Secretary of Labor” and inserting “the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986)”.

(3) **UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992.**—Subsections (b) through (d) of section 401 of the Unemployment Compensation Amendments of 1992 (26 U.S.C. 3304 note) are repealed.

SEC. 3. TEMPORARY FINANCING OF CERTAIN SHORT-TIME COMPENSATION PAYMENTS.

(a) **PAYMENTS TO STATES.**—

(1) **IN GENERAL.**—Subject to paragraph (3), there shall be paid to a State an amount equal to 100 percent of the amount of short-time compensation paid under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2(a)) under the provisions of the State law. Notwithstanding section 2(a)(2), a State administering a short-term compensation program as of the date of the enactment of this Act shall not be eligible to receive payments under this section until the program administered by such State meets the requirements of section 3306(v) of the Internal Revenue Code of 1986 (as so added). Payments shall also be made for additional State administrative expenses incurred (as determined by the Secretary).

(2) **TERMS OF PAYMENTS.**—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary’s estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) **LIMITATIONS ON PAYMENTS.**—

(A) **GENERAL PAYMENT LIMITATIONS.**—No payments shall be made to a State under this section for benefits paid to an individual by the State in excess of 26 weeks of benefits.

(B) **EMPLOYER LIMITATIONS.**—No payments shall be made to a State under this section for benefits paid to an individual by the State under a short-time compensation program if such individual is employed by an employer—

(i) whose workforce during the 3 months preceding the date of the submission of the employer’s short-time compensation plan has been reduced by temporary layoffs of more than 20 percent; or

(ii) on a seasonal, temporary, or intermittent basis.

(b) **APPLICABILITY.**—Payments to a State under subsection (a) shall be available for weeks of unemployment—

(1) beginning on or after the date of the enactment of this Act; and

(2) ending on or before the date that is 3 years after the date of the enactment of this Act.

(c) **FUNDING AND CERTIFICATIONS.**—

(1) **FUNDING.**—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(2) **CERTIFICATIONS.**—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(d) **DEFINITIONS.**—In this section:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Labor.

(2) **STATE; STATE AGENCY; STATE LAW.**—The terms “State”, “State agency”, and “State law” have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 4. TEMPORARY FEDERAL SHORT-TIME COMPENSATION.

(a) **FEDERAL-STATE AGREEMENTS.**—

(1) **IN GENERAL.**—Any State which desires to do so may enter into, and participate in, an agreement under this section with the Secretary provided that such State’s law does not provide for the payment of short-time compensation under—

(A) a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2(a)); or

(B) subsections (b) through (d) of section 401 of the Unemployment Compensation Amendments Act of 1992, as in effect on the day before the date of the enactment of this Act.

(2) **ABILITY TO TERMINATE.**—Any State which is a party to an agreement under this section may, upon providing 30 days’ written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—

(1) IN GENERAL.—Any agreement under this section shall provide that the State agency of the State will make payments of short-time compensation under a plan approved by the State. Such plan shall provide that payments are made in accordance with the requirements under section 3306(v) of the Internal Revenue Code of 1986, as added by section 2(a).

(2) LIMITATIONS ON PLANS.—

(A) GENERAL PAYMENT LIMITATIONS.—A short-time compensation plan approved by a State shall not permit the payment of short-time compensation in excess of 26 weeks.

(B) EMPLOYER LIMITATIONS.—A short-time compensation plan approved by a State shall not provide payments to an individual if such individual is employed by an employer—

(i) whose workforce during the 3 months preceding the date of the submission of the employer's short-time compensation plan has been reduced by temporary layoffs of more than 20 percent; or

(ii) on a seasonal, temporary, or intermittent basis.

(3) EMPLOYER PAYMENT OF COSTS.—Any short-time compensation plan entered into by an employer must provide that the employer will pay the State an amount equal to one-half of the amount of short-time compensation paid under such plan. Such amount shall be deposited in the State's unemployment fund and shall not be used for purposes of calculating an employer's contribution rate under section 3303(a)(1) of the Internal Revenue Code of 1986.

(c) PAYMENTS TO STATES.—

(1) IN GENERAL.—There shall be paid to each State with an agreement under this section an amount equal to—

(A) one-half of the amount of short-time compensation paid to individuals by the State pursuant to such agreement; and

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(4) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(d) APPLICABILITY.—An agreement entered into under this section shall apply to weeks of unemployment—

(1) beginning on or after the date on which such agreement is entered into; and

(2) ending on or before the date that is 2 years after the date of the enactment of this Act.

(e) TRANSITION RULE.—If a State has entered into an agreement under this section

and subsequently enacts a State law providing for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2(a)), the State shall not be eligible for payments under this section for weeks of unemployment beginning after the effective date of such State law.

(f) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms "State", "State agency", and "State law" have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 5. GRANTS FOR IMPLEMENTATION OF STATE SHORT-TIME COMPENSATION PROGRAMS.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary shall award start-up grants to State agencies—

(A) in States that enact short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2(a)) on or after May 1, 2010, for the purpose of creating such programs; and

(B) that apply for such grants not later than September 30, 2012.

(2) AMOUNT.—The amount of a grant awarded under paragraph (1) shall be an amount determined by the Secretary based on the costs of implementing a short-time compensation program.

(3) ONLY 1 GRANT PER STATE.—A State agency is only eligible to receive 1 grant under this section.

(b) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(c) REPORTING.—The Secretary may establish reporting requirements for State agencies receiving a grant under this section in order to provide oversight of grant funds used by States for the creation of the short-time compensation programs.

(d) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(2) STATE; STATE AGENCY.—The terms "State" and "State agency" have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 6. ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.

In order to assist States in establishing, qualifying, and implementing short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2(a)), the Secretary of Labor shall—

(1) develop model legislative language which may be used by States in developing and enacting such programs and periodically review and revise such model legislative language;

(2) provide technical assistance and guidance in developing, enacting, and implementing such programs;

(3) establish reporting requirements for States, including reporting on—

(A) the number of averted layoffs;

(B) the number of participating companies and workers; and

(C) such other items as the Secretary of Labor determines are appropriate.

SEC. 7. REPORTS.

(a) INITIAL REPORT.—Not later than 4 years after the date of the enactment of this Act,

the Secretary of Labor shall submit to Congress and to the President a report or reports on the implementation of the provisions of this Act, including an analysis of the significant impediments to State enactment and implementation of short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 2(a)).

(b) SUBSEQUENT REPORTS.—After the submission of the report under subsection (a), the Secretary of Labor may submit such additional reports on the implementation of short-time compensation programs as the Secretary deems appropriate.

(c) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary of Labor, \$1,500,000 to carry out this section, to remain available without fiscal year limitation.

By Mr. ROCKEFELLER:

S. 3756. A bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Public Safety Spectrum and Wireless Innovation Act.

Radio spectrum is a very valuable resource. It can grow our economy and put new and innovative wireless services in the hands of consumers and businesses. It can enhance our public safety by fostering communications between first responders when the unthinkable occurs. But it is also scarce. That is why we need a forward-thinking spectrum policy that promotes smart use of our airwaves—and provides public safety officials with the wireless resources they need to keep us safe.

The Public Safety Spectrum and Wireless Innovation Act will do just that.

First, this legislation will provide the Federal Communications Commission with the authority to hold incentive auctions. This will help put valuable spectrum resources into the hands of companies that can create innovative new services for American consumers and businesses. This proposal will not require the return of spectrum from existing commercial users, but will instead provide them with a voluntary opportunity to realize a portion of auction revenues if they wish to facilitate putting spectrum to new and productive uses.

Second, this legislation will provide public safety officials with an additional 10 megahertz of spectrum known as the "D-block." This spectrum will support a national, interoperable wireless broadband network that will help first responders protect us and keep us from harm. I believe this is the right

thing to do, because we owe those courageous individuals who wear the shield the resources they need to do their job. But more than that, by providing authority for incentive auctions, this legislation will offer a revenue stream to assist public safety with construction and maintenance of their network.

The American people deserve to have the best and most innovative uses of wireless networks anywhere. They deserve to know our first responders have access to the airwaves they need when tragedy strikes. So I urge my colleagues to join me and support this important legislation.

By Mr. BINGAMAN (for himself, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 3759. A bill to amend the Energy Policy Act of 2005 to authorize the Secretary of Energy to issue conditional commitments for loan guarantees under certain circumstances; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONDITIONAL COMMITMENTS FOR LOAN GUARANTEES.

Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

“(1) DEADLINE FOR OMB REVIEW.—If the Secretary submits to the Director of the Office of Management and Budget a loan guarantee for review and comment, the Secretary may, taking into consideration comments made by the Director, issue a conditional commitment to enter into the loan guarantee at least 30 days subsequent to the submittal, without further approval from the Director.”.

By Mr. BINGAMAN (for himself and Mr. KERRY):

S. 3760. A bill to amend the Internal Revenue Code of 1986 to expand personal savings and retirement savings coverage by allowing employees not covered by qualified retirement plans to save for retirement through automatic IRAs, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Automatic IRA Act of 2010. When fully phased in, this bill will give nearly 42 million Americans nationwide an easy, effective way to take responsibility for their financial futures and plan for a secure retirement. The act incorporates the President's call, in his proposed fiscal year 2010 and fiscal year 2011 budgets, for Congress to enact automatic IRA legislation.

Currently, about half of American workers have no opportunity to save

for retirement at work. In my home State of New Mexico, that share is nearly 60 percent. Among those lacking coverage at work, only 1 in 10 contributes annually to an individual retirement account, IRA; the rest generally make no dedicated savings for retirement. The result? An alarming number of American workers are woefully unprepared for a financially secure retirement. According to Boston College's Center for Retirement Research, “in 2009 half of today's households will not have enough retirement income to maintain their pre-retirement standard of living, even if they work to age 65, which is above the current average retirement age.” Especially in this period of economic uncertainty, it is imperative that Congress focus on this retirement savings crisis. My bill takes a commonsense approach to doing so.

Under this bill, most private sector employees working in establishments of 10 or more employees who are not currently covered by a workplace retirement plan would be given the opportunity to save through regular payroll deposits that continue automatically, unless they elect out. The savings will be deposited into the worker's own IRA, which will be subject to the laws already in place governing IRA accounts. Employers' administrative functions will be minimal. And the arrangement is market oriented; other than the smallest of accounts, automatic IRAs will be provided by the same banks, mutual funds, insurance carriers, and other institutions that currently provide them.

The automatic IRA approach is intended to help these households overcome the barrier of inertia. It builds on the successful use—encouraged by reforms I strongly supported the Pension Protection Act of 2006—of automatic features in 401(k) plans that encourage employees toward sensible decisions (while allowing them to make alternative choices). We have already seen evidence that automatic 401(k) enrollment can dramatically boost employee participation rates, from seven in ten eligible workers to nine in ten. And in the 401(k) context, the gains are even more striking for population groups least likely to save, including women, Latino, and low-income workers.

Of the 75 million American workers who now are not covered by employment-based retirement plans, an estimated 42 million would be eligible to save and enroll under automatic IRA legislation. This includes more than 250,000 in my home State of New Mexico. Many of these individuals are familiar with IRAs. But when asked why they have not used the existing program, about half point to issues relating to setup and decisionmaking as the key barriers. The automatic IRA would eliminate these barriers, and the Retirement Security Project estimates that automatic IRA legislation could

increase net national saving by nearly \$15 billion annually.

This is the third consecutive Congress in which I have introduced automatic IRA legislation. The concept was initially developed by scholars at the Brookings Institution and Heritage Foundation. Indeed, the automatic IRA concept has long enjoyed broad support across the political spectrum. For instance, Martin Feldstein, chief economic advisor to President Reagan, has described himself as “a great enthusiast of automatic enrollment IRAs” who thinks “as a policy, it's a no-brainer” and “can't imagine why there would be any significant opposition from political players on either side of the aisle.”

Finally, this bill seeks to send a strong signal of preference for employers to offer qualified retirement plans, like 401(k)s. Among other features, it doubles the credit for employers that newly establish qualified plans and it directs the Secretaries of the Treasury and Labor to implement final regulations and establish a model plan for Multiple Employer Plans.

I am grateful that my colleague on the Senate Finance Committee, Senator KERRY, is joining me in introducing this bill. I am also pleased to note the broad range of stakeholders supporting the automatic IRA concept, including AARP; the American Society of Pension Professionals & Actuaries; Aspen Institute's Initiative on Financial Security; the Business and Professional Women's Foundation; CFED; Consumers Union; FINRA; the Minority Business Roundtable; New Economics for Women; the United States Black Chamber; the United States Women's Chamber of Commerce; Women Impacting Public Policy; and the Women's Institute for a Secure Retirement.

Ensuring easy access to a retirement account and the ability to have part of their wages go directly from their paycheck into this account are proven strategies to encourage retirement savings. I call on the Senate to take up this bill in the fall and to include it in legislation extending the 2001 and 2003 tax cuts.

By Mr. REID (for himself and Mr. ENSIGN):

S. 3762. A bill to reinstate funds to the Federal Land Disposal Account; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL LAND DISPOSAL ACCOUNT.

Notwithstanding section 206(f) of the Federal Land Transaction Facilitation Act (43

U.S.C. 2305(f)), any balance remaining in the Federal Land Disposal Account on July 24, 2010, shall be reinstated and available for expenditure in accordance with section 206(b) of that Act (43 U.S.C. 2305(b)), to remain available until expended.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 607—RECOGNIZING THE MONTH OF OCTOBER 2010 AS “NATIONAL PRINCIPALS MONTH”

Mr. DORGAN (for himself, Mr. LUGAR, Mr. FRANKEN, Mr. AKAKA, Mr. BAUCUS, Mrs. MURRAY, Mr. CONRAD, Mrs. FEINSTEIN, Mr. CARDIN, Mr. TESTER, Mr. BEGICH, Mrs. LINCOLN, Mr. GOODWIN, Mr. MENENDEZ, and Mr. CASEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 607

Whereas the National Association of Elementary School Principals and the National Association of Secondary School Principals have declared the month of October 2010 as “National Principals Month”;

Whereas school leaders are expected to be educational visionaries, instructional leaders, assessment experts, disciplinarians, community builders, public relations experts, budget analysts, facility managers, special programs administrators, and guardians of various legal, contractual, and policy mandates and initiatives, as well as being entrusted with our young people, our most valuable resource;

Whereas principals set the academic tone for their schools and work collaboratively with teachers to develop and maintain high curriculum standards, develop mission statements, and set performance goals and objectives;

Whereas the vision, dedication, and determination of a principal provides the mobilizing force behind any school reform effort; and

Whereas the celebration of “National Principals Month” would honor elementary, middle level, and high school principals and recognize the importance of school leadership in ensuring that every child has access to a high-quality education: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of October 2010 as “National Principals Month”; and

(2) honors the contribution of school principals in the elementary and secondary schools of our Nation by supporting the goals and ideals of “National Principals Month”.

SENATE RESOLUTION 608—EXPRESSING THE SENSE OF THE SENATE THAT THE SECRETARY OF THE INTERIOR SHOULD TAKE IMMEDIATE ACTION TO EXPEDITE THE REVIEW AND APPROPRIATE APPROVAL OF APPLICATIONS FOR SHALLOW WATER DRILLING PERMITS IN THE GULF OF MEXICO, THE BEAUFORT SEA, AND THE CHUKCHI SEA

Mrs. HUTCHISON (for herself, Ms. LANDRIEU, Mr. WICKER, Mr. COCHRAN,

Mr. VITTER, Mr. CORNYN, Mr. SESSIONS, Mr. BEGICH, Ms. MURKOWSKI, and Mr. SHELBY) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 608

Whereas on May 6, 2010, in response to the oil spill from the mobile offshore drilling unit Deepwater Horizon, and without prior public review or notice, the Secretary of the Interior announced an immediate moratorium on the approval of all offshore oil and gas drilling permits until an offshore safety review was completed;

Whereas on May 28, 2010, following a Department of the Interior safety review, and with the support of many members of the Senate, the President lifted the offshore moratorium for shallow water drilling operations for those drilling rigs or platforms equipped with blowout prevention equipment located above the water surface;

Whereas on June 2, 2010, the Secretary of the Interior confirmed in a press release that the shallow water drilling moratorium was lifted, but that such drilling operations must “satisfy new safety and environmental requirements”;

Whereas on June 3, 2010, the President publicly stated that “the [offshore drilling] moratorium has not extended to the shallow waters”;

Whereas on June 8 and June 18, 2010, the Secretary of the Interior issued documents entitled “Notice to Lessees 05 and 06” (referred to in this preamble as “NTL-05” and “NTL-06”, respectively) imposing new safety and environmental requirements applicable to the filings for new drilling permits, exploration plans, or development plans;

Whereas as of July 14, 2010, the Secretary of the Interior has not provided adequate guidance and information for the shallow water drilling industry to comply with new drilling application requirements imposed by NTL-06;

Whereas approximately 35 percent of the available shallow water drilling rigs in the Gulf of Mexico are now without work and idle, putting thousands of jobs at risk and affecting the orderly production of domestic natural gas resources in the Gulf Coast;

Whereas more than 25,000 jobs are at risk if the Secretary of the Interior does not continue to issue any new shallow water permits and existing permits expire;

Whereas every Gulf of Mexico shallow water operation provides approximately 500 direct and indirect jobs;

Whereas the failure to approve the final Application for Permit to Drill for 3 exploration wells in the Beaufort and Chukchi Seas in 2010 represents a loss of 600 jobs and harms oil and natural gas exploration critical to the national energy infrastructure; and

Whereas the lack of guidance from the Secretary of the Interior regarding new safety regulations has resulted in only 1 new shallow water permit being granted since May 6, 2010: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) national energy security and the regional Gulf Coast economy depend upon the full and immediate restoration of shallow water drilling operations in the Gulf of Mexico;

(2) the long term economic health of the State of Alaska depends upon the responsible development of the oil and natural gas reserves of the Beaufort and Chukchi Seas; and

(3) the Secretary of the Interior should—

(A) provide written guidance and clarification to applicants regarding new safety requirements; and

(B) take immediate and effective action to expedite the review and appropriate approval of applications for shallow water drilling permits in the outer Continental Shelf.

SENATE RESOLUTION 609—CONGRATULATING THE NATIONAL URBAN LEAGUE ON ITS 100TH YEAR OF SERVICE TO THE UNITED STATES

Mr. CARDIN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 609

Whereas the National Urban League (referred to in this preamble as the “League”) is a historic civil rights organization dedicated to promoting economic empowerment to improve the standard of living in historically underdeveloped urban communities;

Whereas, by promoting education, civic engagement, economic development, and civil justice, the League has been a consistent advocate for improving the quality of life for struggling communities;

Whereas, on July 28, 2010, the League will open its Centennial Conference in Washington, D.C.;

Whereas, on the centennial anniversary of the National Urban League, the country can look back with great pride on the extraordinary accomplishments of the League;

Whereas, since its inception in 1910, the League has made tremendous gains in equality and empowerment in the African-American community throughout the United States;

Whereas the National Urban League has remarkable predecessors, including the National League for the Protection of Colored Women (established in 1906), the Committee for Improving the Industrial Condition of Negroes in New York (established in 1906), and the Committee on Urban Conditions Among Negroes (established in 1910);

Whereas the League began as a multiracial, diverse grassroots campaign by Mrs. Ruth Standish Baldwin and Dr. George Edmund Haynes;

Whereas, between 1910 and 2010, the League expanded to 25 national programs, with more than 100 local affiliates in 36 states and the District of Columbia;

Whereas, during the civil rights movement, the League worked closely with A. Phillip Randolph, Dr. Martin Luther King Jr., and many other exceptional leaders;

Whereas, throughout the 1970s, the partnership between the League and the Federal Government experienced tremendous growth, with the 2 entities delivering aid to urban areas and making improvements in housing, education, health, and minority-owned small businesses;

Whereas the partnership between the League and the Federal Government revolutionized how the United States viewed race relations, challenging the deep discrimination within the social structure of the United States and cementing the League as a premier social justice organization;

Whereas the League employs a 5-point approach to increase the quality of life of people in the United States, particularly African-Americans;

Whereas the League carries out the 5-point approach through programs such as "Education and Youth Empowerment", "Economic Empowerment", "Health and Quality of Life Empowerment", "Civic Engagement and Leadership Empowerment", and "Civil Rights and Racial Justice Empowerment";

Whereas, through the Housing and Community Development division of the League, programs such as "Foreclosure Prevention", "Homeownership Preparation", and "Financial Literacy" aided more than 50,000 people in 2009;

Whereas, with assistance provided by the "Foreclosure Prevention" program of the League, 3,000 people were able to avoid filing foreclosure in 2009;

Whereas, through the Education and Youth Development division of the League, programs such as "Project Ready" prepare students to transition from high school to college or to the workforce;

Whereas the League publishes the "State of Black America", an annual report analyzing social and economic conditions affecting African-Americans;

Whereas the "State of Black America" report includes the Equality Index, a statistical measure of the disparities between Black and White people across 5 categories: economics, education, health, civic engagement, and social justice;

Whereas the programs of the League not only emphasize the importance of leadership and community in local areas, but also enhance the quality of life by studying and addressing specific problems within the communities;

Whereas, throughout 100 years of service, the League has assisted millions of people in the United States, especially African-Americans, in combating poverty, inequality, and social injustice;

Whereas the League has outlined 4 aspirational goals as part of the "I AM EMPOWERED" campaign, which marks the centennial anniversary of the League;

Whereas the "I AM EMPOWERED" campaign will galvanize millions of people to take a pledge to help achieve the 4 aspirational goals of education, jobs, housing, and health care by 2025, namely, by ensuring that—

(1) every child in the United States is ready for college, work, and life;

(2) every person in the United States has access to jobs with a living wage and good benefits;

(3) every person in the United States lives in safe, decent, affordable, and energy-efficient housing on fair terms; and

(4) every person in the United States has access to quality and affordable health care solutions;

Whereas the work of the League has been pivotal in improving the lives of millions of African-Americans through community-oriented programs, civil rights, and leadership opportunities, at times when these changes have been needed most; and

Whereas the National Urban League remains an essential organization: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the National Urban League to the capital of the United States to commemorate the National Urban League's 100th year of service to the Nation;

(2) expresses deep gratitude for the hard-working and dedicated men and women of the National Urban League who, during the last 100 years, have struggled to improve the society of the United States and the lives of all people in the United States; and

(3) commends the ongoing and tireless efforts of the National Urban League to address areas of inequality and fight for the right of all people of the United States to live with freedom, dignity, and prosperity.

SENATE RESOLUTION 610—RECOGNIZING THE 40TH ANNIVERSARY OF THE CUMBRES AND TOLTEC SCENIC RAILROAD

Mr. UDALL of New Mexico (for himself, Mr. BINGAMAN, Mr. BENNET, and Mr. UDALL of Colorado) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 610

Whereas the Cumbres and Toltec Scenic Railroad (C&TSRR) was initially constructed in 1880 as part of the narrow gauge Denver and Rio Grande Railroad's San Juan Extension;

Whereas the San Juan Extension provided a critical freight and passenger transportation link in the Southwest until the line was abandoned in 1969;

Whereas, in 1970, the States of New Mexico and Colorado jointly purchased the track between Chama, New Mexico, and Antonito, Colorado, along with locomotives, cars and facilities and renamed it the Cumbres and Toltec Scenic Railroad in an effort to preserve the history of the railroad and maintain access along the scenic corridor;

Whereas the C&TSRR is recognized as both a national historic site and a historic civil engineering landmark;

Whereas the C&TSRR traverses the highest railroad pass in the country at 10,015 feet and is the highest and longest surviving narrow gauge railroad in the United States;

Whereas the C&TSRR uses steam locomotives dating back to the 1920s, including the "Mudhen", once owned by Gene Autry;

Whereas preservation of railroads like the C&TSRR is critical to preserving the history of the American interest in expanding our Nation's railroad system;

Whereas the C&TSRR continues to serve a critical role for the region through attracting tourists and industry including serving as a backdrop for over 10 movies including Indiana Jones and the Last Crusade;

Whereas the C&TSRR Commission will be celebrating 40 years of railroad co-ownership by New Mexico and Colorado this year: Now, therefore, be it

Resolved, That the Senate

(1) recognizes the Cumbres & Toltec Scenic Railroad days;

(2) acknowledges the critical role of freight and passenger rail in our nation's intermodal transportation system; and

(3) commends the efforts of the State governments of Colorado and New Mexico, the Cumbres and Toltec Scenic Railroad Commission, the Cumbres and Toltec Scenic Railroad Management Company, and Friends of the C&TSRR for their ongoing efforts to maintain this historic and scenic railroad.

Mr. UDALL of New Mexico. Mr. President, today, I join Senators BINGAMAN, BENNET of Colorado, and UDALL, in submitting a resolution to recognize the Cumbres and Toltec Scenic Railroad on its 40th anniversary this August. Representative LUJÁN, a member of the New Mexico delegation, is introducing a companion resolution in the house.

The Cumbres and Toltec Scenic Railroad has been an integral part of the Northern New Mexico and Southern Colorado economies since its construction in 1880 as part of the Denver and Rio Grande Railroad's San Juan Extension.

From its construction until it was abandoned in 1969, the railroad provided a critical passenger and freight link serving communities throughout New Mexico and Colorado.

In 1970, recognizing the economic impact abandonment of the line would have on communities served by the railroad and appreciating the railroad's historic significance, New Mexico and Colorado came together to purchase the facilities, locomotives, cars and line between Chama, NM and Antonito, CO. To acknowledge the sheer beauty of the route, they renamed it the Cumbres and Toltec Scenic Railroad.

Since that time the Cumbres and Toltec Scenic Railroad has been recognized as a national historic site and, by the American Society of Civil Engineers, as a civil engineering landmark acknowledging the challenging terrain the railroad crosses.

Today, the Cumbres and Toltec Scenic railroad continues to be critical to the local communities. The railroad offers tourists trips daily between May and October and serves to showcase the history and beauty of this region of the country.

These trips offer a glimpse into railroad travel of the past and provide the visionary tourist a taste of what could be with future expansion of passenger rail in the West.

In August, the Cumbres and Toltec Scenic Railroad will celebrate 40 years of co-ownership and this resolution honors its efforts in preserving the history of and building a future for railroad in America.

I ask all my Senate colleagues to join Senators BINGAMAN, BENNET, of Colorado, UDALL of Colorado and me in recognizing the Cumbres and Toltec Scenic Railroad days by agreeing to this resolution.

SENATE RESOLUTION 611—CONGRATULATING THE CUMBERLAND VALLEY ATHLETIC CLUB ON THE 48TH ANNIVERSARY OF THE RUNNING OF THE JFK 50-MILE ULTRA-MARATHON

Mr. CARDIN. (for himself, Ms. MIKULSKI, and Mr. BAUCUS) submitted the following resolution, which was referred to the Committee on the Judiciary.

S. RES. 611

Whereas President John F. Kennedy set as a national goal the improvement of the health of the members of the United States Armed Forces;

Whereas President Kennedy, in 1963, issued an Executive order challenging United States Marine officers to finish a 50-mile

race in 20 hours, matching a similar challenge issued in 1908 by President Theodore Roosevelt;

Whereas, since that Executive order, thousands of Americans, not just servicemen and women, have taken up the challenge of the JFK 50-Mile Ultra-Marathon;

Whereas, since the inception of the JFK 50-Mile Ultra-Marathon, all members of the Armed Services have been invited to meet the challenge set by Presidents Kennedy and Roosevelt over an historic race course;

Whereas between 30 and 40 percent of participants in the JFK 50-Mile Ultra-Marathon each year are active duty military or veterans;

Whereas each of the branches of the United States Armed Forces fields at least 1 team each year in the JFK 50-Mile Ultra-Marathon, and the Navy typically fields several teams;

Whereas much of the course of the JFK 50-Mile Ultra-Marathon is located on Federal land, including the historic C&O Canal, the Appalachian Trail, and Antietam Battlefield;

Whereas the JFK 50-Mile Ultra-Marathon includes the War Correspondents Memorial Arch, a national monument located in Gathland State Park in the State of Maryland; and

Whereas following the assassination of President Kennedy, the first JFK 50-Mile Ultra-Marathon was organized as a way to honor President Kennedy, and has been held annually, rain or shine, ever since: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the past, present, and future participants and organizers of the JFK 50-Mile Ultra-Marathon; and

(2) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Cumberland Valley Athletic Club as an expression of the best wishes of the Senate for a glorious year of celebration.

SENATE RESOLUTION 612—DESIGNATING SEPTEMBER 9, 2010, AS “NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY”

Ms. MURKOWSKI (for herself, Mr. JOHNSON, Mr. BENNETT, Mr. SPECTER, Mr. DORGAN, Mr. BAYH, Mr. HATCH, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 612

Whereas the term “fetal alcohol spectrum disorders” includes a broader range of conditions than the term “fetal alcohol syndrome” and therefore has replaced the term “fetal alcohol syndrome” as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas although the economic costs of fetal alcohol spectrum disorders are difficult to estimate, the cost of fetal alcohol syndrome alone in the United States was \$6,000,000,000 in 2007, and it is estimated that each individual with fetal alcohol syndrome will cost taxpayers of the United States between \$860,000 and \$4,000,000 during the lifetime of each such individual;

Whereas in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating consequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked “What if ... a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol ... would the rest of the world listen?”; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2010, as “National Fetal Alcohol Spectrum Disorders Awareness Day”; and

(2) calls upon the people of the United States—

(A) to observe National Fetal Alcohol Spectrum Disorders Awareness Day with appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize further effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) to observe a moment of reflection on the ninth hour of September 9, 2010, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

SENATE RESOLUTION 613—RECOGNIZING THE 63RD ANNIVERSARY OF INDIA’S INDEPENDENCE, EXPRESSING APPRECIATION TO AMERICANS OF INDIAN DESCENT FOR THEIR CONTRIBUTIONS TO SOCIETY, AND EXPRESSING SUPPORT AND OPTIMISM FOR THE STRATEGIC PARTNERSHIP AND FRIENDSHIP BETWEEN THE UNITED STATES AND INDIA IN THE FUTURE

Mr. CORNYN (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 613

Whereas on August 15, 1947, India gained independence from Great Britain and became a sovereign nation;

Whereas August 15 is celebrated in India as Independence Day;

Whereas India is the largest democracy in the world;

Whereas India has one of the largest and most dynamic economies in the world;

Whereas, in recent years, the United States and India have pursued a strategic partnership based on common interests and shared commitments to freedom, democracy, pluralism, human rights, and the rule of law;

Whereas President Barack Obama referred to the relationship between the United States and India as “one of the defining partnerships of the 21st century” at the first State dinner hosted by President Obama, which was held in honor of Indian Prime Minister Manmohan Singh in November 2009;

Whereas the United States and India completed the inaugural round of the United States-India Strategic Dialogue in June 2010;

Whereas the United States and India have undertaken a cooperative effort in the area of civilian nuclear power, which Congress approved through the enactment of the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act (Public Law 110-369; 122 Stat. 4028);

Whereas the strong relationship between the United States and India, based on mutual trust and respect, enables close collaboration across a broad spectrum of strategic interests, including counterterrorism, democracy promotion, regional economic development, human rights, and scientific research;

Whereas the United States and India have balanced, growing, and mutually beneficial trade and investment ties that create jobs in both countries;

Whereas, since 2001, Indians have comprised the largest foreign student population on college campuses in the United States, accounting for approximately 15 percent of all foreign students in the United States;

Whereas there are more than 2,000,000 Americans of Indian descent in the United States;

Whereas Americans of Indian descent have made lasting contributions to the social and economic fabric of the United States; and

Whereas Americans of Indian descent continue to enrich all sectors of public life in the United States, including as government, military, and law enforcement officials working to uphold the Constitution of the United States and to protect all people in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 63rd anniversary of India’s independence;

(2) celebrates the contributions of Americans of Indian descent to society in the United States; and

(3) remains committed to fostering and advancing the strategic partnership between the United States and India in the future.

SENATE RESOLUTION 614—COMMEMORATING THE 50TH ANNIVERSARY OF THE PUBLICATION OF “TO KILL A MOCKINGBIRD”

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following resolution; which was considered and agreed to:

S. RES. 614

Whereas Nelle Harper Lee was born on April 28, 1926, to Amasa Coleman Lee and Frances Finch in Monroeville, Alabama;

Whereas Nelle Harper Lee wrote the novel “To Kill a Mockingbird” portraying life in the 1930s in the fictional small southern town of Maycomb, Alabama, which was modeled on Monroeville, Alabama, the hometown of Ms. Lee;

Whereas “To Kill a Mockingbird” addressed the issue of racial inequality in the United States by revealing the humanity of a community grappling with moral conflict;

Whereas “To Kill a Mockingbird” was first published in 1960 and was awarded the Pulitzer Prize in 1961;

Whereas “To Kill a Mockingbird” was the basis for the 1962 Academy Award-winning film of the same name starring Gregory Peck;

Whereas “To Kill a Mockingbird” is one of the great American novels of the 20th century, having been published in more than 40 languages and having sold more than 30,000,000 copies;

Whereas, in 2007, Nelle Harper Lee was inducted into the American Academy of Arts and Letters;

Whereas, in 2007, President George W. Bush awarded the Presidential Medal of Freedom to Nelle Harper Lee for her great contributions to literature and observed, “‘To Kill a Mockingbird’ has influenced the character of our country for the better”, and “As a model of good writing and humane sensibility, this book will be read and studied forever”; and

Whereas “To Kill a Mockingbird” is celebrated each year in Monroeville, Alabama through public performances featuring local amateur actors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic milestone of the 50th anniversary of the publication of “To Kill a Mockingbird”; and

(2) honors the outstanding achievement of Nelle Harper Lee in the field of American literature in authoring “To Kill a Mockingbird”.

SENATE RESOLUTION 615—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 615

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation in 1999 into private banking and money laundering;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regu-

latory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation in 1999 into private banking and money laundering.

SENATE RESOLUTION 616—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES CIVIL-MILITARY PARTNERSHIP IN IRAQ, UNDER THE CURRENT LEADERSHIP OF GENERAL RAYMOND ODIERNO AND AMBASSADOR CHRISTOPHER HILL, HAS REFINED AND SUSTAINED AN EFFECTIVE COUNTERINSURGENCY AND COUNTER-TERRORISM STRATEGY THAT HAS ENABLED SIGNIFICANT IMPROVEMENTS IN THE SECURITY, GOVERNANCE, AND RULE OF LAW THROUGHOUT IRAQ, AND THAT THESE LEADERS SHOULD BE COMMEDED FOR THEIR INTEGRITY, RESOURCEFULNESS, COMMITMENT, AND SACRIFICE

Mr. BURR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 616

Whereas members of the United States Armed Forces will end their combat mission in Iraq on August 31, 2010, and retain a transitional force of up to 50,000 troops to train and advise the Iraqi Security Forces, conduct partnered and targeted counterterrorism operations, and protect ongoing United States civilian and military efforts;

Whereas, on August 31, 2010, Operation Iraqi Freedom will end and a transitional mission called Operation New Dawn will begin, and the nature of the United States commitment in Iraq will shift from one led by the military to one that is civilian-led, with the military in a supporting and reinforcing role;

Whereas the transitional force will retain sufficient combat power and continue to support Iraqi Security Forces, and the civilian force will strengthen the partnership between the Governments of the United States and Iraq in fields such as education, the rule of law, trade, and technology;

Whereas the United States is fully committed and will remain committed to the security and stability of Iraq and the Middle East region;

Whereas the ongoing reduction of United States combat and combat support units from Iraq and the conclusion of United States-led, direct support and combat operations provides an opportunity to recognize and honor the important contributions of the United States Armed Forces and the critical civilian agency support that have enabled the Iraqi Security Forces to take the lead in conducting security and stability operations across the 18 provinces of Iraq;

Whereas the surge of United States military units into Iraq in 2007 and 2008 was instrumental in seizing the initiative from insurgent and terrorist elements and providing the space and time for the development of the Iraqi Security Forces and the establishment of governmental, political, and economic capacity at the local level;

Whereas the meticulous and persistent contributions of the United States military and civilian leadership under General David Petraeus and Ambassador Ryan Crocker con-

tributed greatly to the successful build up of the Iraqi Security Forces and the development of stable governance in Iraq;

Whereas, in June 2006, the Iraqi Security Forces numbered approximately 152,000 and due to the subsequent deployment and employment of critical United States Military Transition Teams, Border Transition Teams, and Police Transition Teams and the extensive partnering of additional United States military units with Iraqi units, the total Iraqi Security Forces grew from approximately 559,000 in May 2008 to reach approximately 665,000 in August of 2010;

Whereas the ongoing security and stability provided by the partnership between the United States Armed Forces and Iraqi Security Forces has allowed United States Provincial Reconstruction Teams, embedded with United States military units and working alongside Iraqis at the local and provincial levels, to have facilitated thousands of reconstruction projects across Iraq that provide necessary access to capital and subject matter expertise for the repair of petroleum production facilities and desalination plants, expansion of electrical generation and telecommunications networks, building of schools, initiation of agricultural projects, spurring of Iraqi-owned businesses, and the attracting of foreign investment to improve the infrastructure of Iraq;

Whereas improved communication and coordination between the Government of Iraq in Baghdad, the Provincial Governors, and local political and tribal leaders has helped foster legitimate political alliances that, while still fragile, have exhibited the resiliency and potential for the resolution of conflicts through civil discourse, rather than violence;

Whereas the security situation in Iraq has improved markedly since 2007, and while it remains uneven and violent attacks by anti-government elements persist, the frequency of these attacks and the resources available to the insurgents and terrorists have declined to such an extent that the Government of Iraq remains capable and secure; and

Whereas these positive developments and trends are evidence of the success of the United States civil-military strategy in Iraq and are essential to the ongoing reduction of United States military forces from the current troop levels of approximately 64,000 to approximately 50,000 combat and combat support troops by September 1, 2010, further signaling a robust and ongoing commitment to advise and assist Iraqi Security Forces, while retaining the ability to respond in direct support of Iraqi Security Forces when necessary and to conduct counterterrorism operations against insurgent and terrorist elements: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the counterinsurgency and counterterrorism strategies of the United States initiated in 2006 and sustained from 2007 until the present day have successfully enabled the Government of Iraq to reach major milestones in the critical areas of security, governance, and rule of law and have set the conditions for the responsible and gradual reduction of United States combat and combat support units from Iraq and the change of their mission to advising and assisting the Iraqi Security Forces;

(2) United States Forces-Iraq was instrumental in effecting the recruitment, training, retention, and employment of approximately 700,000 Iraqi Security Forces who have assumed and maintained the lead for security operations within the 18 provinces of Iraq; and

(3) United States commanders, their troops, their civilian partners in the Department of State, the United States Agency for International Development, the Department of the Treasury, the Department of Commerce, the Department of Justice, and the Department of Defense, Federal contractors, and the Provincial Reconstruction Teams should be commended for their ingenuity, resourcefulness, courage, commitment, and sacrifice and their continued dedication and service to the United States.

SENATE CONCURRENT RESOLUTION 70—SUPPORTING THE OBSERVANCE OF “SPIRIT OF ‘45 DAY”

Ms. COLLINS (for herself, Mr. LAUTENBERG, Mr. BURR, Mr. LIEBERMAN, Mr. AKAKA, and Mr. INOUE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 70

Whereas on August 14, 1945, the people of the United States received word of the end of World War II;

Whereas on that day, people in the United States and around the world greeted the news of the Allies' noble victory with joyous celebration, humility, and spiritual reflection;

Whereas the victory marked the culmination of an unprecedented national effort that defeated the forces of aggression, brought freedom to subjugated nations, and ended the horrors of the Holocaust;

Whereas these historic accomplishments were achieved through the collective service and personal sacrifice of the people of the United States, both those who served in uniform and those who supported them on the home front;

Whereas more than 400,000 Americans gave their lives in service to their country during World War II;

Whereas August 14, 1945, marked not only the end of the war, but also the beginning of an unprecedented era of rebuilding in which the United States led the effort to restore the shattered nations of the Allies and their enemies alike and to create institutions to work towards a more peaceful global community;

Whereas the men and women of the World War II generation created an array of organizations and institutions during the postwar era which helped to strengthen American democracy by promoting civic engagement, volunteerism, and service to community and country;

Whereas the courage, dedication, self-sacrifice, and compassion of the World War II generation have inspired subsequent generations in the United States Armed Forces, including the men and women currently in service in Iraq, Afghanistan, and around the world;

Whereas the entire World War II generation, military and civilian alike, has provided a model of unity and community that serves as a source of inspiration for current and future generations of Americans to come together to work for the continued betterment of the United States and the world; and

Whereas the second Sunday in August has been proposed as “Spirit of ‘45 Day” to commemorate the anniversary of the end of World War II on August 14, 1945: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the observance of “Spirit of ‘45 Day”.

SENATE CONCURRENT RESOLUTION 71—RECOGNIZING THE UNITED STATES NATIONAL INTEREST IN HELPING TO PREVENT AND MITIGATE ACTS OF GENOCIDE AND OTHER MASS ATROCITIES AGAINST CIVILIANS, AND SUPPORTING AND ENCOURAGING EFFORTS TO DEVELOP A WHOLE OF GOVERNMENT APPROACH TO PREVENT AND MITIGATE SUCH ACTS

Mr. FEINGOLD (for himself and Ms. COLLINS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 71

Whereas, in the aftermath of the Holocaust, the international community vowed “never again” to allow systematic killings on the basis of nationality, ethnicity, race, or religion;

Whereas a number of other genocides and mass atrocities have occurred, both prior to and since that time;

Whereas the United States Government has undertaken many initiatives to ensure that victims of genocide and mass atrocities are not forgotten, and as a leader in the international community, the United States has committed to work with international partners to prevent genocide and mass atrocities and to help protect civilian populations at risk of such;

Whereas the United Nations General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide in 1948, which declares genocide, whether committed in a time of peace or in a time of war, a crime under international law, and declares that the parties to the Convention will undertake to prevent and to punish that crime;

Whereas the United States was the first nation to sign the Convention on the Prevention and Punishment of the Crime of Genocide, and the Senate voted to ratify the Convention on the Prevention and Punishment of the Crime of Genocide on February 11, 1986;

Whereas the Act entitled, “An Act to establish the United States Holocaust Memorial Council”, approved October 7, 1980 (Public Law 96-388) established the United States Holocaust Memorial Council to commemorate the Holocaust, establish a memorial museum to the victims, and develop a committee to stimulate worldwide action to prevent or stop future genocides;

Whereas the passage of the Genocide Convention Implementation Act of 1987 (Public Law 100-606), also known as the Proxmire Act, made genocide a crime under United States law;

Whereas, in response to lessons learned from Rwanda and Bosnia, President William J. Clinton established a genocide and mass atrocities early warning system by establishing an Atrocities Prevention Interagency Working Group, chaired by an Ambassador-at-Large for War Crimes Issues from 1998 to 2000;

Whereas, in 2005, the United States and all other members of the United Nations agreed that the international community has “a re-

sponsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapter VI and VIII of the United Nations Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity,” and to take direct action if national authorities are unwilling or unable to protect their populations;

Whereas the 2006 National Security Strategy of the United States stated, “The world needs to start honoring a principle that many believe has lost its force in parts of the international community in recent years: genocide must not be tolerated. It is a moral imperative that states take action to prevent and punish genocide. . . . We must refine United States Government efforts—economic, diplomatic, and law-enforcement—so that they target those individuals responsible for genocide and not the innocent citizens they rule.”;

Whereas the United States Holocaust Memorial Museum, the American Academy of Diplomacy, and the United States Institute of Peace convened a Genocide Prevention Task Force, co-chaired by former Secretary of State Madeleine Albright and former Secretary of Defense William Cohen, to explore how the United States Government could better respond to threats of genocide and mass atrocities;

Whereas the final report of the Genocide Prevention Task Force, released in December 2008, concluded that the lack of an overarching policy framework or a standing interagency process, as well as insufficient and uncoordinated institutional capacities, undermines the ability of the United States Government to help prevent genocide or mass killings and offered recommendations for creating a government wide strategy;

Whereas the former Director of National Intelligence, in his annual threat assessment to Congress in February 2010, highlighted countries at risk of genocide and mass atrocities and stated, “Within the past 3 years, the Democratic Republic of Congo and Sudan all suffered mass killing episodes through violence starvation, or death in prison camps . . . Looking ahead over the next 5 years, a number of countries in Africa and Asia are at significant risk for a new outbreak of mass killing.”;

Whereas the Quadrennial Defense Review, released in February 2010, states that the Defense Department should be prepared to provide the President with options for “preventing human suffering due to mass atrocities or large-scale natural disasters abroad”;

Whereas the 2010 National Security Strategy notes, “The United States is committed to working with our allies, and to strengthening our own internal capabilities, in order to ensure that the United States and the international community are proactively engaged in a strategic effort to prevent mass atrocities and genocide. In the event that prevention fails, the United States will work both multilaterally and bilaterally to mobilize diplomatic, humanitarian, financial, and—in certain instances—military means to prevent and respond to genocide and mass atrocities.”;

Whereas genocide and mass atrocities often result from and contribute to instability and conflict, which can cross borders and exacerbate threats to international security and the national security of the United States;

Whereas the failure to prevent genocide and mass atrocities can lead to significant costs resulting from regional instability, refugee flows, peacekeeping, economic loss, and

the challenges of post-conflict reconstruction and reconciliation; and

Whereas United States leadership and actions toward preventing and mitigating future genocides and mass atrocities can save human lives and help foster beneficial global partnerships: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate—

(1) recommits to honor the memory of the victims of the Holocaust as well as the victims of all past genocides and mass atrocities;

(2) affirms that it is in the national interest and aligned with the values of the United States to work vigorously with international partners to prevent and mitigate future genocides and mass atrocities;

(3) supports efforts made thus far by the President, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Defense, and the Director of National Intelligence to improve the capacity of the United States Government to anticipate, prevent, and address genocide and mass atrocities, including the establishment of an interagency policy committee and a National Security Council position dedicated to the prevention of genocide and other mass atrocities;

(4) urges the President—

(A) to direct relevant departments and agencies of the United States Government to review and evaluate existing capacities for anticipating, preventing, and responding to genocide and other mass atrocities, and to determine specific steps to coordinate and enhance those capacities; and

(B) to develop and communicate a whole of government approach and policy to anticipate, prevent, and mitigate acts of genocide and other mass atrocities;

(5) urges the Secretary of State, working closely with the Administrator of the United States Agency for International Development—

(A) to ensure that all relevant officers of the Foreign Service and particularly those deploying to areas undergoing significant conflict or considered to be at risk of significant conflict, genocide, and other mass atrocities receive appropriate advanced training in early warning and conflict prevention, mitigation, and resolution;

(B) to determine appropriate leadership, structure, programs, and mechanisms within the Department of State and the United States Agency for International Development that can enhance efforts to prevent genocide and other mass atrocities; and

(C) to include relevant recommendations for enhancing civilian capacities to help prevent and mitigate genocide and mass atrocities in the upcoming Quadrennial Diplomacy and Development Review;

(6) urges the Secretary of the Treasury, working in consultation with the Secretary of State, to review how sanctions and other financial tools could be used against state and commercial actors found to be directly supporting or enabling genocides and mass atrocities;

(7) recognizes the importance of flexible contingency crisis funding to enable United States civilian agencies to respond quickly to help prevent and mitigate crises that could lead to significant armed conflict, genocide, and other mass atrocities;

(8) urges the Secretary of Defense to conduct an analysis of the doctrine, organization, training, material, leadership, personnel, and facilities required to prevent and respond to genocide and mass atrocities;

(9) encourages the Secretary of State and Secretary of Defense to work with the relevant congressional committees to ensure that a priority goal of all United States security assistance and training is to support legitimate, accountable security forces committed to upholding the sovereign responsibility to protect civilian populations from violence, especially genocide and other mass atrocities;

(10) supports efforts by the United States Government to provide logistical, communications, and intelligence support, as appropriate, to assist multilateral diplomatic efforts and peace operations in preventing mass atrocities and protecting civilians;

(11) calls on other members of the international community to increase their support for multilateral diplomatic efforts and peace operations to more effectively prevent mass atrocities and protect civilians;

(12) encourages the Secretary of State to work closely with regional and international organizations, the United Nations Special Adviser for the Prevention of Genocide, and civil society experts to develop and expand multilateral mechanisms for early warning, information sharing, and rapid response diplomacy for the prevention of genocide and other mass atrocities; and

(13) commits to calling attention to areas at risk of genocide and other mass atrocities and ensuring that the United States Government has the tools and resources to enable its efforts to prevent genocide and mass atrocities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4588. Mrs. FEINSTEIN (for herself and Mr. BOND) proposed an amendment to the bill S. 3611, to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SA 4589. Mrs. LINCOLN (for herself and Mr. CHAMBLISS) proposed an amendment to the bill S. 3307, to reauthorize child nutrition programs, and for other purposes.

SA 4590. Mr. KYL (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 4591. Mr. KYL (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 5875, supra; which was ordered to lie on the table.

SA 4592. Mr. KYL (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 5875, supra; which was ordered to lie on the table.

SA 4593. Mr. SCHUMER (for himself, Mr. REID, Mr. INOUE, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. BINGAMAN, Mrs. MCCASKILL, Mr. CASEY, Mr. MERKLEY, Mr. UDALL, of Colorado, Mr. BEGICH, Mr. BURRIS, Mrs. LINCOLN, Mr. UDALL, of New Mexico, Mr. KYL, and Mr. MCCAIN) proposed an amendment to the bill H.R. 5875, supra.

SA 4594. Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to

amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

SA 4595. Mr. REID (for Mr. NELSON, of Florida) proposed an amendment to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra.

SA 4596. Mr. REID (for Mr. JOHANNES) proposed an amendment to amendment SA 4595 proposed by Mr. REID (for Mr. NELSON of Florida) to the amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra.

SA 4597. Mr. REID proposed an amendment to the bill H.R. 5297, supra.

SA 4598. Mr. REID proposed an amendment to amendment SA 4597 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4599. Mr. REID proposed an amendment to the bill H.R. 5297, supra.

SA 4600. Mr. REID proposed an amendment to amendment SA 4599 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4601. Mr. REID proposed an amendment to amendment SA 4600 proposed by Mr. REID to the amendment SA 4599 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4602. Mr. REID (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 3729, to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes.

SA 4603. Mr. REID (for Mr. PRYOR (for himself, Mr. ENSIGN, Mr. KERRY, and Mrs. HUTCHISON)) proposed an amendment to the bill S. 3304, to increase the access of persons with disabilities to modern communications, and for other purposes.

SA 4604. Mr. REID (for Mr. LEVIN (for himself and Mr. LUGAR)) proposed an amendment to the resolution S. Res. 322, expressing the sense of the Senate on religious minorities in Iraq.

SA 4605. Mr. REID (for Mr. LEVIN (for himself and Mr. LUGAR)) proposed an amendment to the resolution S. Res. 322, supra.

TEXT OF AMENDMENTS

SA 4588. Mrs. FEINSTEIN (for herself and Mr. BOND) proposed an amendment to the bill S. 3611, to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

On page 12, strike lines 3 through 9 and insert the following:

SEC. 106. BUDGETARY PROVISIONS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Beginning on page 88, strike line 20 and all that follows through page 89, lines 16 and insert the following:

(1) CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within

the Department of Defense, the Director of National Intelligence, in consultation with the Secretary of Defense, shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives. The Director of National Intelligence may authorize redactions of the report and any associated materials submitted pursuant to this paragraph, if such redactions are consistent with the protection of sensitive intelligence sources and methods.

(2) CONGRESSIONAL JUDICIARY COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Justice, the Director of National Intelligence, in consultation with the Attorney General, shall submit that portion of the report, and any associated material that is necessary to make that portion understandable, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. The Director of National Intelligence may authorize redactions of the report and any associated materials submitted pursuant to this paragraph, if such redactions are consistent with the protection of sensitive intelligence sources and methods.

Beginning on page 89, strike line 17 and all that follows through page 91, line 6.

Beginning on page 91, strike line 10 and all that follows through page 92, line 15.

On page 214, line 16, strike “committees” and insert “committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives”.

SA 4589. Mrs. LINCOLN (for herself and Mr. CHAMBLISS) proposed an amendment to the bill S. 3307, to reauthorize child nutrition programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Healthy, Hunger-Free Kids Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Secretary.

TITLE I—A PATH TO END CHILDHOOD HUNGER

Subtitle A—National School Lunch Program

- Sec. 101. Improving direct certification.
- Sec. 102. Categorical eligibility of foster children.
- Sec. 103. Direct certification for children receiving Medicaid benefits.
- Sec. 104. Eliminating individual applications through community eligibility.
- Sec. 105. Grants for expansion of school breakfast programs.

Subtitle B—Summer Food Service Program

- Sec. 111. Alignment of eligibility rules for public and private sponsors.
- Sec. 112. Outreach to eligible families.
- Sec. 113. Summer food service support grants.

Subtitle C—Child and Adult Care Food Program

- Sec. 121. Simplifying area eligibility determinations in the child and adult care food program.
- Sec. 122. Expansion of afterschool meals for at-risk children.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

Sec. 131. Certification periods.

Subtitle E—Miscellaneous

- Sec. 141. Childhood hunger research.
- Sec. 142. State childhood hunger challenge grants.
- Sec. 143. Review of local policies on meal charges and provision of alternate meals.

TITLE II—REDUCING CHILDHOOD OBESITY AND IMPROVING THE DIETS OF CHILDREN

Subtitle A—National School Lunch Program

- Sec. 201. Performance-based reimbursement rate increases for new meal patterns.
- Sec. 202. Nutrition requirements for fluid milk.
- Sec. 203. Water.
- Sec. 204. Local school wellness policy implementation.
- Sec. 205. Equity in school lunch pricing.
- Sec. 206. Revenue from nonprogram foods sold in schools.
- Sec. 207. Reporting and notification of school performance.
- Sec. 208. Nutrition standards for all foods sold in school.
- Sec. 209. Information for the public on the school nutrition environment.
- Sec. 210. Organic food pilot program.

Subtitle B—Child and Adult Care Food Program

- Sec. 221. Nutrition and wellness goals for meals served through the child and adult care food program.
- Sec. 222. Interagency coordination to promote health and wellness in child care licensing.
- Sec. 223. Study on nutrition and wellness quality of child care settings.

Subtitle C—Special Supplemental Nutrition Program for Women, Infants, and Children

- Sec. 231. Support for breastfeeding in the WIC Program.
- Sec. 232. Review of available supplemental foods.

Subtitle D—Miscellaneous

- Sec. 241. Nutrition education and obesity prevention grant program.
- Sec. 242. Procurement and processing of food service products and commodities.
- Sec. 243. Access to Local Foods: Farm to School Program.
- Sec. 244. Research on strategies to promote the selection and consumption of healthy foods.

TITLE III—IMPROVING THE MANAGEMENT AND INTEGRITY OF CHILD NUTRITION PROGRAMS

Subtitle A—National School Lunch Program

- Sec. 301. Privacy protection.
- Sec. 302. Applicability of food safety program on entire school campus.
- Sec. 303. Fines for violating program requirements.
- Sec. 304. Independent review of applications.
- Sec. 305. Program evaluation.
- Sec. 306. Professional standards for school food service.
- Sec. 307. Indirect costs.
- Sec. 308. Ensuring safety of school meals.

Subtitle B—Summer Food Service Program

- Sec. 321. Summer food service program permanent operating agreements.
- Sec. 322. Summer food service program disqualification.

Subtitle C—Child and Adult Care Food Program

- Sec. 331. Renewal of application materials and permanent operating agreements.
- Sec. 332. State liability for payments to aggrieved child care institutions.
- Sec. 333. Transmission of income information by sponsored family or group day care homes.
- Sec. 334. Simplifying and enhancing administrative payments to sponsoring organizations.
- Sec. 335. Child and adult care food program audit funding.
- Sec. 336. Reducing paperwork and improving program administration.
- Sec. 337. Study relating to the child and adult care food program.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

- Sec. 351. Sharing of materials with other programs.

- Sec. 352. WIC program management.

Subtitle E—Miscellaneous

- Sec. 361. Full use of Federal funds.
- Sec. 362. Disqualified schools, institutions, and individuals.

TITLE IV—MISCELLANEOUS

Subtitle A—Reauthorization of Expiring Provisions

PART I—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

- Sec. 401. Commodity support.
- Sec. 402. Food safety audits and reports by States.
- Sec. 403. Procurement training.
- Sec. 404. Authorization of the summer food service program for children.
- Sec. 405. Year-round services for eligible entities.
- Sec. 406. Training, technical assistance, and food service management institute.
- Sec. 407. Federal administrative support.
- Sec. 408. Compliance and accountability.
- Sec. 409. Information clearinghouse.

PART II—CHILD NUTRITION ACT OF 1966

- Sec. 421. Technology infrastructure improvement.
- Sec. 422. State administrative expenses.
- Sec. 423. Special supplemental nutrition program for women, infants, and children.
- Sec. 424. Farmers market nutrition program.
- Sec. 441. Technical amendments.
- Sec. 442. Use of unspent future funds from the American Recovery and Reinvestment Act of 2009.
- Sec. 443. Equipment assistance technical correction.
- Sec. 444. Budgetary effects.
- Sec. 445. Effective date.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of Agriculture.

TITLE I—A PATH TO END CHILDHOOD HUNGER

Subtitle A—National School Lunch Program

SEC. 101. IMPROVING DIRECT CERTIFICATION.

(a) **PERFORMANCE AWARDS.**—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) is amended—

(1) in the paragraph heading, by striking “FOOD STAMP” and inserting “SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM”; and

(2) by adding at the end the following:

“(E) **PERFORMANCE AWARDS.**—

“(i) IN GENERAL.—Effective for each of the school years beginning July 1, 2011, July 1, 2012, and July 1, 2013, the Secretary shall offer performance awards to States to encourage the States to ensure that all children eligible for direct certification under this paragraph are certified in accordance with this paragraph.

“(ii) REQUIREMENTS.—For each school year described in clause (i), the Secretary shall—

“(I) consider State data from the prior school year, including estimates contained in the report required under section 4301 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1758a); and

“(II) make performance awards to not more than 15 States that demonstrate, as determined by the Secretary—

“(aa) outstanding performance; and

“(bb) substantial improvement.

“(iii) USE OF FUNDS.—A State agency that receives a performance award under clause (i)—

“(I) shall treat the funds as program income; and

“(II) may transfer the funds to school food authorities for use in carrying out the program.

“(iv) FUNDING.—

“(I) IN GENERAL.—On October 1, 2011, and each subsequent October 1 through October 1, 2013, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary—

“(aa) \$2,000,000 to carry out clause (ii)(I)(aa); and

“(bb) \$2,000,000 to carry out clause (ii)(I)(bb).

“(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this clause the funds transferred under subclause (I), without further appropriation.

“(v) PAYMENTS NOT SUBJECT TO JUDICIAL REVIEW.—A determination by the Secretary whether, and in what amount, to make a performance award under this subparagraph shall not be subject to administrative or judicial review.”

(b) CONTINUOUS IMPROVEMENT PLANS.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) (as amended by subsection (a)) is amended by adding at the end the following:

“(F) CONTINUOUS IMPROVEMENT PLANS.—

“(i) DEFINITION OF REQUIRED PERCENTAGE.—In this subparagraph, the term ‘required percentage’ means—

“(I) for the school year beginning July 1, 2011, 80 percent;

“(II) for the school year beginning July 1, 2012, 90 percent; and

“(III) for the school year beginning July 1, 2013, and each school year thereafter, 95 percent.

“(ii) REQUIREMENTS.—Each school year, the Secretary shall—

“(I) identify, using data from the prior year, including estimates contained in the report required under section 4301 of the Food, Conservation, and Energy Act of 2008 (42 U.S.C. 1758a), States that directly certify less than the required percentage of the total number of children in the State who are eligible for direct certification under this paragraph;

“(II) require the States identified under subclause (I) to implement a continuous improvement plan to fully meet the requirements of this paragraph, which shall include a plan to improve direct certification for the following school year; and

“(III) assist the States identified under subclause (I) to develop and implement a

continuous improvement plan in accordance with subclause (II).

“(iii) FAILURE TO MEET PERFORMANCE STANDARD.—

“(I) IN GENERAL.—A State that is required to develop and implement a continuous improvement plan under clause (ii)(II) shall be required to submit the continuous improvement plan to the Secretary, for the approval of the Secretary.

“(II) REQUIREMENTS.—At a minimum, a continuous improvement plan under subclause (I) shall include—

“(aa) specific measures that the State will use to identify more children who are eligible for direct certification, including improvements or modifications to technology, information systems, or databases;

“(bb) a timeline for the State to implement those measures; and

“(cc) goals for the State to improve direct certification results.”

(c) WITHOUT FURTHER APPLICATION.—Section 9(b)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(4)) (as amended by subsection (b)) is amended by adding at the end the following:

“(G) WITHOUT FURTHER APPLICATION.—

“(i) IN GENERAL.—In this paragraph, the term ‘without further application’ means that no action is required by the household of the child.

“(ii) CLARIFICATION.—A requirement that a household return a letter notifying the household of eligibility for direct certification or eligibility for free school meals does not meet the requirements of clause (i).”

SEC. 102. CATEGORICAL ELIGIBILITY OF FOSTER CHILDREN.

(a) DISCRETIONARY CERTIFICATION.—Section 9(b)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(5)) is amended—

(1) in subparagraph (C), by striking “or” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(E)(i) a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

“(ii) a foster child who a court has placed with a caretaker household.”

(b) CATEGORICAL ELIGIBILITY.—Section 9(b)(12)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(12)(A)) is amended—

(1) in clause (iv), by adding “)” before the semicolon at the end;

(2) in clause (v), by striking “or” at the end;

(3) in clause (vi), by striking the period at the end and inserting “; or”; and

(4) by adding at the end the following:

“(vii)(I) a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

“(II) a foster child who a court has placed with a caretaker household.”

(c) DOCUMENTATION.—Section 9(d)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(2)) is amended—

(1) in subparagraph (D), by striking “or” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(F)(i) documentation has been provided to the appropriate local educational agency

showing the status of the child as a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

“(ii) documentation has been provided to the appropriate local educational agency showing the status of the child as a foster child who a court has placed with a caretaker household.”

SEC. 103. DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS.

(a) IN GENERAL.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

“(15) DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) ELIGIBLE CHILD.—The term ‘eligible child’ means a child—

“(I)(aa) who is eligible for and receiving medical assistance under the Medicaid program; and

“(bb) who is a member of a family with an income as measured by the Medicaid program before the application of any expense, block, or other income disregard, that does not exceed 133 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section)) applicable to a family of the size used for purposes of determining eligibility for the Medicaid program; or

“(II) who is a member of a household (as that term is defined in section 245.2 of title 7, Code of Federal Regulations (or successor regulations) with a child described in subclause (I).

“(ii) MEDICAID PROGRAM.—The term ‘Medicaid program’ means the program of medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

“(B) DEMONSTRATION PROJECT.—

“(i) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service and in cooperation with selected State agencies, shall conduct a demonstration project in selected local educational agencies to determine whether direct certification of eligible children is an effective method of certifying children for free lunches and breakfasts under section 9(b)(1)(A) of this Act and section 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)(A)).

“(ii) SCOPE OF PROJECT.—The Secretary shall carry out the demonstration project under this subparagraph—

“(I) for the school year beginning July 1, 2012, in selected local educational agencies that collectively serve 2.5 percent of students certified for free and reduced price meals nationwide, based on the most recent available data;

“(II) for the school year beginning July 1, 2013, in selected local educational agencies that collectively serve 5 percent of students certified for free and reduced price meals nationwide, based on the most recent available data; and

“(III) for the school year beginning July 1, 2014, and each subsequent school year, in selected local educational agencies that collectively serve 10 percent of students certified for free and reduced price meals nationwide, based on the most recent available data.

“(iii) PURPOSES OF THE PROJECT.—At a minimum, the purposes of the demonstration project shall be—

“(I) to determine the potential of direct certification with the Medicaid program to

reach children who are eligible for free meals but not certified to receive the meals;

“(II) to determine the potential of direct certification with the Medicaid program to directly certify children who are enrolled for free meals based on a household application; and

“(III) to provide an estimate of the effect on Federal costs and on participation in the school lunch program under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) of direct certification with the Medicaid program.

“(iv) COST ESTIMATE.—For each of 2 school years of the demonstration project, the Secretary shall estimate the cost of the direct certification of eligible children for free school meals through data derived from—

“(I) the school meal programs authorized under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(II) the Medicaid program; and

“(III) interviews with a statistically representative sample of households.

“(C) AGREEMENT.—

“(i) IN GENERAL.—Not later than July 1 of the first school year during which a State agency will participate in the demonstration project, the State agency shall enter into an agreement with the 1 or more State agencies conducting eligibility determinations for the Medicaid program.

“(ii) WITHOUT FURTHER APPLICATION.—Subject to paragraph (6), the agreement described in subparagraph (D) shall establish procedures under which an eligible child shall be certified for free lunches under this Act and free breakfasts under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), without further application (as defined in paragraph (4)(G)).

“(D) CERTIFICATION.—For the school year beginning on July 1, 2012, and each subsequent school year, subject to paragraph (6), the local educational agencies participating in the demonstration project shall certify an eligible child as eligible for free lunches under this Act and free breakfasts under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), without further application (as defined in paragraph (4)(G)).

“(E) SITE SELECTION.—

“(i) IN GENERAL.—To be eligible to participate in the demonstration project under this subsection, a State agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(ii) CONSIDERATIONS.—In selecting States and local educational agencies for participation in the demonstration project, the Secretary may take into consideration such factors as the Secretary considers to be appropriate, which may include—

“(I) the rate of direct certification;

“(II) the share of individuals who are eligible for benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) who participate in the program, as determined by the Secretary;

“(III) the income eligibility limit for the Medicaid program;

“(IV) the feasibility of matching data between local educational agencies and the Medicaid program;

“(V) the socioeconomic profile of the State or local educational agencies; and

“(VI) the willingness of the State and local educational agencies to comply with the requirements of the demonstration project.

“(F) ACCESS TO DATA.—For purposes of conducting the demonstration project under this

paragraph, the Secretary shall have access to—

“(i) educational and other records of State and local educational and other agencies and institutions receiving funding or providing benefits for 1 or more programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(ii) income and program participation information from public agencies administering the Medicaid program.

“(G) REPORT TO CONGRESS.—

“(i) IN GENERAL.—Not later than October 1, 2014, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, an interim report that describes the results of the demonstration project required under this paragraph.

“(ii) FINAL REPORT.—Not later than October 1, 2015, the Secretary shall submit a final report to the committees described in clause (i).

“(H) FUNDING.—

“(i) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out subparagraph (G) \$5,000,000, to remain available until expended.

“(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subparagraph (G) the funds transferred under clause (i), without further appropriation.”

(b) DOCUMENTATION.—Section 9(d)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(2)) (as amended by section 102(c)) is amended—

(1) in subparagraph (E), by striking “or” at the end;

(2) in subparagraph (F)(ii), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(G) documentation has been provided to the appropriate local educational agency showing the status of the child as an eligible child (as defined in subsection (b)(15)(A)).”

(c) AGREEMENT FOR DIRECT CERTIFICATION AND COOPERATION BY STATE MEDICAID AGENCIES.—

(1) IN GENERAL.—Section 1902(a)(7) of the Social Security Act (42 U.S.C. 1396a(a)(7)) is amended to read as follows:

“(7) provide—

“(A) safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with—

“(i) the administration of the plan; and

“(ii) the exchange of information necessary to certify or verify the certification of eligibility of children for free or reduced price breakfasts under the Child Nutrition Act of 1966 and free or reduced price lunches under the Richard B. Russell National School Lunch Act, in accordance with section 9(b) of that Act, using data standards and formats established by the State agency; and

“(B) that, notwithstanding the Express Lane option under subsection (e)(13), the State may enter into an agreement with the State agency administering the school lunch program established under the Richard B. Russell National School Lunch Act under which the State shall establish procedures to ensure that—

“(i) a child receiving medical assistance under the State plan under this title whose family income does not exceed 133 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act,

including any revision required by such section), as determined without regard to any expense, block, or other income disregard, applicable to a family of the size involved, may be certified as eligible for free lunches under the Richard B. Russell National School Lunch Act and free breakfasts under the Child Nutrition Act of 1966 without further application; and

“(ii) the State agencies responsible for administering the State plan under this title, and for carrying out the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), cooperate in carrying out paragraphs (3)(F) and (15) of section 9(b) of that Act;”

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall take effect on the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of the amendments made by this section solely on the basis of its failure to meet such additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(d) CONFORMING AMENDMENTS.—Section 444(b)(1) of the General Education Provisions Act (20 U.S.C. 1232g(b)(1)) is amended—

(1) in subparagraph (I), by striking “and” at the end;

(2) in subparagraph (J)(ii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(K) the Secretary of Agriculture, or authorized representative from the Food and Nutrition Service or contractors acting on behalf of the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of State and local educational and other agencies and institutions receiving funding or providing benefits of 1 or more programs authorized under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) for which the results will be reported in an aggregate form that does not identify any individual, on the conditions that—

“(i) any data collected under this subparagraph shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary; and

“(ii) any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.”

SEC. 104. ELIMINATING INDIVIDUAL APPLICATIONS THROUGH COMMUNITY ELIGIBILITY.

(a) UNIVERSAL MEAL SERVICE IN HIGH POVERTY AREAS.—

(1) ELIGIBILITY.—Section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended by adding at the end the following:

“(F) UNIVERSAL MEAL SERVICE IN HIGH POVERTY AREAS.—

“(i) DEFINITION OF IDENTIFIED STUDENTS.—The term ‘identified students’ means students certified based on documentation of benefit receipt or categorical eligibility as described in section 245.6a(c)(2) of title 7, Code of Federal Regulations (or successor regulations).

“(ii) ELECTION OF SPECIAL ASSISTANCE PAYMENTS.—

“(I) IN GENERAL.—A local educational agency may, for all schools in the district or on behalf of certain schools in the district, elect to receive special assistance payments under this subparagraph in lieu of special assistance payments otherwise made available under this paragraph based on applications for free and reduced price lunches if—

“(aa) during a period of 4 successive school years, the local educational agency elects to serve all children in the applicable schools free lunches and breakfasts under the school lunch program under this Act and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

“(bb) the local educational agency pays, from sources other than Federal funds, the costs of serving the lunches or breakfasts that are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(cc) the local educational agency is not a residential child care institution (as that term is used in section 210.2 of title 7, Code of Federal Regulations (or successor regulations)); and

“(dd) during the school year prior to the first year of the period for which the local educational agency elects to receive special assistance payments under this subparagraph, the local educational agency or school had a percentage of enrolled students who were identified students that meets or exceeds the threshold described in clause (viii).

“(II) ELECTION TO STOP RECEIVING PAYMENTS.—A local educational agency may, for all schools in the district or on behalf of certain schools in the district, elect to stop receiving special assistance payments under this subparagraph for the following school year by notifying the State agency not later than June 30 of the current school year of the intention to stop receiving special assistance payments under this subparagraph.

“(iii) FIRST YEAR OF OPTION.—

“(I) SPECIAL ASSISTANCE PAYMENT.—For each month of the first school year of the 4-year period during which a school or local educational agency elects to receive payments under this subparagraph, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

“(aa) the multiplier described in clause (vii); by

“(bb) the percentage of identified students at the school or local educational agency as of April 1 of the prior school year, up to a maximum of 100 percent.

“(II) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (I) shall be reimbursed at the rate provided under section 4.

“(iv) SECOND, THIRD, OR FOURTH YEAR OF OPTION.—

“(I) SPECIAL ASSISTANCE PAYMENT.—For each month of the second, third, or fourth

school year of the 4-year period during which a school or local educational agency elects to receive payments under this subparagraph, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

“(aa) the multiplier described in clause (vii); by

“(bb) the higher of the percentage of identified students at the school or local educational agency as of April 1 of the prior school year or the percentage of identified students at the school or local educational agency as of April 1 of the school year prior to the first year that the school or local educational agency elected to receive special assistance payments under this subparagraph, up to a maximum of 100 percent.

“(II) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (I) shall be reimbursed at the rate provided under section 4.

“(v) GRACE YEAR.—

“(I) IN GENERAL.—If, not later than April 1 of the fourth year of a 4-year period described in clause (ii)(I), a school or local educational agency has a percentage of enrolled students who are identified students that meets or exceeds a percentage that is 10 percentage points lower than the threshold described in clause (viii), the school or local educational agency may elect to receive special assistance payments under subclause (II) for an additional grace year.

“(II) SPECIAL ASSISTANCE PAYMENT.—For each month of a grace year, special assistance payments at the rate for free meals shall be made under this subparagraph for a percentage of all reimbursable meals served in an amount equal to the product obtained by multiplying—

“(aa) the multiplier described in clause (vii); by

“(bb) the percentage of identified students at the school or local educational agency as of April 1 of the prior school year, up to a maximum of 100 percent.

“(III) PAYMENT FOR OTHER MEALS.—The percentage of meals served that is not described in subclause (II) shall be reimbursed at the rate provided under section 4.

“(vi) APPLICATIONS.—A school or local educational agency that receives special assistance payments under this subparagraph may not be required to collect applications for free and reduced price lunches.

“(vii) MULTIPLIER.—

“(I) PHASE-IN.—For each school year beginning on or before July 1, 2013, the multiplier shall be 1.6.

“(II) FULL IMPLEMENTATION.—For each school year beginning on or after July 1, 2014, the Secretary may use, as determined by the Secretary—

“(aa) a multiplier between 1.3 and 1.6; and

“(bb) subject to item (aa), a different multiplier for different schools or local educational agencies.

“(viii) THRESHOLD.—

“(I) PHASE-IN.—For each school year beginning on or before July 1, 2013, the threshold shall be 40 percent.

“(II) FULL IMPLEMENTATION.—For each school year beginning on or after July 1, 2014, the Secretary may use a threshold that is less than 40 percent.

“(ix) PHASE-IN.—

“(I) IN GENERAL.—In selecting States for participation during the phase-in period, the Secretary shall select States with an adequate number and variety of schools and local educational agencies that could benefit

from the option under this subparagraph, as determined by the Secretary.

“(II) LIMITATION.—The Secretary may not approve additional schools and local educational agencies to receive special assistance payments under this subparagraph after the Secretary has approved schools and local educational agencies in—

“(aa) for the school year beginning on July 1, 2011, 3 States; and

“(bb) for each of the school years beginning July 1, 2012 and July 1, 2013, an additional 4 States per school year.

“(x) ELECTION OF OPTION.—

“(I) IN GENERAL.—For each school year beginning on or after July 1, 2014, any local educational agency eligible to make the election described in clause (ii) for all schools in the district or on behalf of certain schools in the district may elect to receive special assistance payments under clause (iii) for the next school year if, not later than June 30 of the current school year, the local educational agency submits to the State agency the percentage of identified students at the school or local educational agency.

“(II) STATE AGENCY NOTIFICATION.—Not later than May 1 of each school year beginning on or after July 1, 2011, each State agency with schools or local educational agencies that may be eligible to elect to receive special assistance payments under this subparagraph shall notify—

“(aa) each local educational agency that meets or exceeds the threshold described in clause (viii) that the local educational agency is eligible to elect to receive special assistance payments under clause (iii) for the next 4 school years, of the blended reimbursement rate the local educational agency would receive under clause (iii), and of the procedures for the local educational agency to make the election;

“(bb) each local educational agency that receives special assistance payments under clause (iii) of the blended reimbursement rate the local educational agency would receive under clause (iv);

“(cc) each local educational agency in the fourth year of electing to receive special assistance payments under this subparagraph that meets or exceeds a percentage that is 10 percentage points lower than the threshold described in clause (viii) and that receives special assistance payments under clause (iv), that the local educational agency may continue to receive such payments for the next school year, of the blended reimbursement rate the local educational agency would receive under clause (v), and of the procedures for the local educational agency to make the election; and

“(dd) each local educational agency that meets or exceeds a percentage that is 10 percentage points lower than the threshold described in clause (viii) that the local educational agency may be eligible to elect to receive special assistance payments under clause (iii) if the threshold described in clause (viii) is met by April 1 of the school year or if the threshold is met for a subsequent school year.

“(III) PUBLIC NOTIFICATION OF LOCAL EDUCATIONAL AGENCIES.—Not later than May 1 of each school year beginning on or after July 1, 2011, each State agency with 1 or more schools or local educational agencies eligible to elect to receive special assistance payments under clause (iii) shall submit to the Secretary, and the Secretary shall publish, lists of the local educational agencies receiving notices under subclause (II).

“(IV) PUBLIC NOTIFICATION OF SCHOOLS.—Not later than May 1 of each school year beginning on or after July 1, 2011, each local educational agency in a State with 1 or more schools eligible to elect to receive special assistance payments under clause (iii) shall submit to the State agency, and the State agency shall publish—

“(aa) a list of the schools that meet or exceed the threshold described in clause (viii);

“(bb) a list of the schools that meet or exceed a percentage that is 10 percentage points lower than the threshold described in clause (viii) and that are in the fourth year of receiving special assistance payments under clause (iv); and

“(cc) a list of the schools that meet or exceed a percentage that is 10 percentage points lower than the threshold described in clause (viii).

“(xi) IMPLEMENTATION.—

“(I) GUIDANCE.—Not later than 90 days after the date of enactment of this subparagraph, the Secretary shall issue guidance to implement this subparagraph.

“(II) REGULATIONS.—Not later than December 31, 2013, the Secretary shall promulgate regulations that establish procedures for State agencies, local educational agencies, and schools to meet the requirements of this subparagraph, including exercising the option described in this subparagraph.

“(III) PUBLICATION.—If the Secretary uses the authority provided in clause (vii)(II)(bb) to use a different multiplier for different schools or local educational agencies, for each school year beginning on or after July 1, 2014, not later than April 1, 2014, the Secretary shall publish on the website of the Secretary a table that indicates—

“(aa) each local educational agency that may elect to receive special assistance payments under clause (ii);

“(bb) the blended reimbursement rate that each local educational agency would receive; and

“(cc) an explanation of the methodology used to calculate the multiplier or threshold for each school or local educational agency.

“(xii) REPORT.—Not later than December 31, 2013, the Secretary shall publish a report that describes—

“(I) an estimate of the number of schools and local educational agencies eligible to elect to receive special assistance payments under this subparagraph that do not elect to receive the payments;

“(II) for schools and local educational agencies described in subclause (I)—

“(aa) barriers to participation in the special assistance option under this subparagraph, as described by the nonparticipating schools and local educational agencies; and

“(bb) changes to the special assistance option under this subparagraph that would make eligible schools and local educational agencies more likely to elect to receive special assistance payments;

“(III) for schools and local educational agencies that elect to receive special assistance payments under this subparagraph—

“(aa) the number of schools and local educational agencies;

“(bb) an estimate of the percentage of identified students and the percentage of enrolled students who were certified to receive free or reduced price meals in the school year prior to the election to receive special assistance payments under this subparagraph, and a description of how the ratio between those percentages compares to 1.6;

“(cc) an estimate of the number and share of schools and local educational agencies in which more than 80 percent of students are

certified for free or reduced price meals that elect to receive special assistance payments under that clause; and

“(dd) whether any of the schools or local educational agencies stopped electing to receive special assistance payments under this subparagraph;

“(IV) the impact of electing to receive special assistance payments under this subparagraph on—

“(aa) program integrity;

“(bb) whether a breakfast program is offered;

“(cc) the type of breakfast program offered;

“(dd) the nutritional quality of school meals; and

“(ee) program participation; and

“(V) the multiplier and threshold, as described in clauses (vii) and (viii) respectively, that the Secretary will use for each school year beginning on or after July 1, 2014 and the rationale for any change in the multiplier or threshold.

“(xiii) FUNDING.—

“(I) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out clause (xii) \$5,000,000, to remain available until September 30, 2014.

“(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out clause (xii) the funds transferred under subclause (I), without further appropriation.”.

(2) CONFORMING AMENDMENTS.—Section 11(a)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(B)) is amended by striking “or (E)” and inserting “(E), or (F)”.

(b) UNIVERSAL MEAL SERVICE THROUGH CENSUS DATA.—Section 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) is amended by adding at the end the following:

“(g) UNIVERSAL MEAL SERVICE THROUGH CENSUS DATA.—

“(I) IN GENERAL.—To the maximum extent practicable, the Secretary shall identify alternatives to—

“(A) the daily counting by category of meals provided by school lunch programs under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

“(B) the use of annual applications as the basis for eligibility to receive free meals or reduced price meals under this Act.

“(2) RECOMMENDATIONS.—

“(A) CONSIDERATIONS.—

“(i) IN GENERAL.—In identifying alternatives under paragraph (1), the Secretary shall consider the recommendations of the Committee on National Statistics of the National Academy of Sciences relating to use of the American Community Survey of the Bureau of the Census and other data sources.

“(ii) SOCIOECONOMIC SURVEY.—The Secretary shall consider use of a periodic socioeconomic survey of households of children attending school in the school food authority in not more than 3 school food authorities participating in the school lunch program under this Act.

“(iii) SURVEY PARAMETERS.—The Secretary shall establish requirements for the use of a socioeconomic survey under clause (ii), which shall—

“(I) include criteria for survey design, sample frame validity, minimum level of statistical precision, minimum survey response rates, frequency of data collection, and other criteria as determined by the Secretary;

“(II) be consistent with the Standards and Guidelines for Statistical Surveys, as published by the Office of Management and Budget;

“(III) be consistent with standards and requirements that ensure proper use of Federal funds; and

“(IV) specify that the socioeconomic survey be conducted at least once every 4 years.

“(B) USE OF ALTERNATIVES.—Alternatives described in subparagraph (A) that provide accurate and effective means of providing meal reimbursement consistent with the eligibility status of students may be—

“(i) implemented for use in schools or by school food authorities that agree—

“(I) to serve all breakfasts and lunches to students at no cost in accordance with regulations issued by the Secretary; and

“(II) to pay, from sources other than Federal funds, the costs of serving any lunches and breakfasts that are in excess of the value of assistance received under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches and breakfasts served during the applicable period; or

“(ii) further tested through demonstration projects carried out by the Secretary in accordance with subparagraph (C).

“(C) DEMONSTRATION PROJECTS.—

“(i) IN GENERAL.—For the purpose of carrying out demonstration projects described in subparagraph (B), the Secretary may waive any requirement of this Act relating to—

“(I) counting of meals provided by school lunch or breakfast programs;

“(II) applications for eligibility for free or reduced priced meals; or

“(III) required direct certification under section 9(b)(4).

“(ii) NUMBER OF PROJECTS.—The Secretary shall carry out demonstration projects under this paragraph in not more than 5 local educational agencies for each alternative model that is being tested.

“(iii) LIMITATION.—A demonstration project carried out under this paragraph shall have a duration of not more than 3 years.

“(iv) EVALUATION.—The Secretary shall evaluate each demonstration project carried out under this paragraph in accordance with procedures established by the Secretary.

“(v) REQUIREMENT.—In carrying out evaluations under clause (iv), the Secretary shall evaluate, using comparisons with local educational agencies with similar demographic characteristics—

“(I) the accuracy of the 1 or more methodologies adopted as compared to the daily counting by category of meals provided by school meal programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and the use of annual applications as the basis for eligibility to receive free or reduced price meals under those Acts;

“(II) the effect of the 1 or more methodologies adopted on participation in programs under those Acts;

“(III) the effect of the 1 or more methodologies adopted on administration of programs under those Acts; and

“(IV) such other matters as the Secretary determines to be appropriate.”.

SEC. 105. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST PROGRAMS.

The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) is amended by adding at the end the following:

“SEC. 23. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST PROGRAMS.

“(a) DEFINITION OF QUALIFYING SCHOOL.—In this section, the term ‘qualifying school’

means a school in severe need, as described in section 4(d)(1).

“(b) ESTABLISHMENT.—Subject to the availability of appropriations provided in advance in an appropriations Act specifically for the purpose of carrying out this section, the Secretary shall establish a program under which the Secretary shall provide grants, on a competitive basis, to State educational agencies for the purpose of providing subgrants to local educational agencies for qualifying schools to establish, maintain, or expand the school breakfast program in accordance with this section.

“(c) GRANTS TO STATE EDUCATIONAL AGENCIES.—

“(1) APPLICATION.—To be eligible to receive a grant under this section, a State educational agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(2) ADMINISTRATION.—In carrying out this section, the Secretary shall—

“(A) develop an appropriate competitive application process; and

“(B) make information available to State educational agencies concerning the availability of funds under this section.

“(3) ALLOCATION.—The amount of grants provided by the Secretary to State educational agencies for a fiscal year under this section shall not exceed the lesser of—

“(A) the product obtained by multiplying—

“(i) the number of qualifying schools receiving subgrants or other benefits under subsection (d) for the fiscal year; and

“(ii) the maximum amount of a subgrant provided to a qualifying school under subsection (d)(4)(B); or

“(B) \$2,000,000.

“(d) SUBGRANTS TO QUALIFYING SCHOOLS.—

“(1) IN GENERAL.—A State educational agency receiving a grant under this section shall use funds made available under the grant to award subgrants to local educational agencies for a qualifying school or groups of qualifying schools to carry out activities in accordance with this section.

“(2) PRIORITY.—In awarding subgrants under this subsection, a State educational agency shall give priority to local educational agencies with qualifying schools in which at least 75 percent of the students are eligible for free or reduced price school lunches under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(3) STATE AND DISTRICT TRAINING AND TECHNICAL SUPPORT.—A local educational agency or State educational agency may allocate a portion of each subgrant to provide training and technical assistance to the staff of qualifying schools to carry out the purposes of this section.

“(4) AMOUNT; TERM.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, a subgrant provided by a State educational agency to a local educational agency or qualifying school under this section shall be in such amount, and shall be provided for such term, as the State educational agency determines appropriate.

“(B) MAXIMUM AMOUNT.—The amount of a subgrant provided by a State educational agency to a local educational agency for a qualifying school or a group of qualifying schools under this subsection shall not exceed \$10,000 for each school year.

“(C) MAXIMUM GRANT TERM.—A local educational agency or State educational agency shall not provide subgrants to a qualifying school under this subsection for more than 2 fiscal years.

“(e) BEST PRACTICES.—

“(1) IN GENERAL.—Prior to awarding grants under this section, the Secretary shall make available to State educational agencies information regarding the most effective mechanisms by which to increase school breakfast participation among eligible children at qualifying schools.

“(2) PREFERENCE.—In awarding subgrants under this section, a State educational agency shall give preference to local educational agencies for qualifying schools or groups of qualifying schools that have adopted, or provide assurances that the subgrant funds will be used to adopt, the most effective mechanisms identified by the Secretary under paragraph (1).

“(f) USE OF FUNDS.—

“(1) IN GENERAL.—A qualifying school may use a grant provided under this section—

“(A) to establish, promote, or expand a school breakfast program of the qualifying school under this section, which shall include a nutritional education component;

“(B) to extend the period during which school breakfast is available at the qualifying school;

“(C) to provide school breakfast to students of the qualifying school during the school day; or

“(D) for other appropriate purposes, as determined by the Secretary.

“(2) REQUIREMENT.—Each activity of a qualifying school under this subsection shall be carried out in accordance with applicable nutritional guidelines and regulations issued by the Secretary.

“(g) MAINTENANCE OF EFFORT.—Grants made available under this section shall not diminish or otherwise affect the expenditure of funds from State and local sources for the maintenance of the school breakfast program.

“(h) REPORTS.—Not later than 18 months following the end of a school year during which subgrants are awarded under this section, the Secretary shall submit to Congress a report describing the activities of the qualifying schools awarded subgrants.

“(i) EVALUATION.—Not later than 180 days before the end of a grant term under this section, a local educational agency that receives a subgrant under this section shall—

“(1) evaluate whether electing to provide universal free breakfasts under the school breakfast program in accordance with Provision 2 as established under subsections (b) through (k) of section 245.9 of title 7, Code of Federal Regulations (or successor regulations), would be cost-effective for the qualified schools based on estimated administrative savings and economies of scale; and

“(2) submit the results of the evaluation to the State educational agency.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2010 through 2015.”

Subtitle B—Summer Food Service Program

SEC. 111. ALIGNMENT OF ELIGIBILITY RULES FOR PUBLIC AND PRIVATE SPONSORS.

Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended by striking paragraph (7) and inserting the following:

“(7) PRIVATE NONPROFIT ORGANIZATIONS.—

“(A) DEFINITION OF PRIVATE NONPROFIT ORGANIZATION.—In this paragraph, the term ‘private nonprofit organization’ means an organization that—

“(i) exercises full control and authority over the operation of the program at all sites under the sponsorship of the organization;

“(ii) provides ongoing year-round activities for children or families;

“(iii) demonstrates that the organization has adequate management and the fiscal capacity to operate a program under this section;

“(iv) is an organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code; and

“(v) meets applicable State and local health, safety, and sanitation standards.

“(B) ELIGIBILITY.—Private nonprofit organizations (other than organizations eligible under paragraph (1)) shall be eligible for the program under the same terms and conditions as other service institutions.”

SEC. 112. OUTREACH TO ELIGIBLE FAMILIES.

Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended by adding at the end the following:

“(11) OUTREACH TO ELIGIBLE FAMILIES.—

“(A) IN GENERAL.—The Secretary shall require each State agency that administers the national school lunch program under this Act to ensure that, to the maximum extent practicable, school food authorities participating in the school lunch program under this Act cooperate with participating service institutions to distribute materials to inform families of—

“(i) the availability and location of summer food service program meals; and

“(ii) the availability of reimbursable breakfasts served under the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

“(B) INCLUSIONS.—Informational activities carried out under subparagraph (A) may include—

“(i) the development or dissemination of printed materials, to be distributed to all school children or the families of school children prior to the end of the school year, that inform families of the availability and location of summer food service program meals;

“(ii) the development or dissemination of materials, to be distributed using electronic means to all school children or the families of school children prior to the end of the school year, that inform families of the availability and location of summer food service program meals; and

“(iii) such other activities as are approved by the applicable State agency to promote the availability and location of summer food service program meals to school children and the families of school children.

“(C) MULTIPLE STATE AGENCIES.—If the State agency administering the program under this section is not the same State agency that administers the school lunch program under this Act, the 2 State agencies shall work cooperatively to implement this paragraph.”

SEC. 113. SUMMER FOOD SERVICE SUPPORT GRANTS.

Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) (as amended by section 112) is amended by adding at the end the following:

“(12) SUMMER FOOD SERVICE SUPPORT GRANTS.—

“(A) IN GENERAL.—The Secretary shall use funds made available to carry out this paragraph to award grants on a competitive basis to State agencies to provide to eligible service institutions—

“(i) technical assistance;

“(ii) assistance with site improvement costs; or

“(iii) other innovative activities that improve and encourage sponsor retention.

“(B) ELIGIBILITY.—To be eligible to receive a grant under this paragraph, a State agency

shall submit an application to the Secretary in such manner, at such time, and containing such information as the Secretary may require.

“(C) PRIORITY.—In making grants under this paragraph, the Secretary shall give priority to—

“(i) applications from States with significant low-income child populations; and

“(ii) State plans that demonstrate innovative approaches to retain and support summer food service programs after the expiration of the start-up funding grants.

“(D) USE OF FUNDS.—A State and eligible service institution may use funds made available under this paragraph to pay for such costs as the Secretary determines are necessary to establish and maintain summer food service programs.

“(E) REALLOCATION.—The Secretary may reallocate any amounts made available to carry out this paragraph that are not obligated or expended, as determined by the Secretary.

“(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$20,000,000 for fiscal years 2011 through 2015.”

Subtitle C—Child and Adult Care Food Program

SEC. 121. SIMPLIFYING AREA ELIGIBILITY DETERMINATIONS IN THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17(f)(3)(A)(ii)(I)(bb) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(A)(ii)(I)(bb)) is amended by striking “elementary”.

SEC. 122. EXPANSION OF AFTERSCHOOL MEALS FOR AT-RISK CHILDREN.

Section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)) is amended by striking paragraph (5) and inserting the following:

“(5) LIMITATION.—An institution participating in the program under this subsection may not claim reimbursement for meals and snacks that are served under section 18(h) on the same day.

“(6) HANDBOOK.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary shall—

“(i) issue guidelines for afterschool meals for at-risk school children; and

“(ii) publish a handbook reflecting those guidelines.

“(B) REVIEW.—Each year after the issuance of guidelines under subparagraph (A), the Secretary shall—

“(i) review the guidelines; and

“(ii) issue a revised handbook reflecting changes made to the guidelines.”

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

SEC. 131. CERTIFICATION PERIODS.

Section 17(d)(3)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1766(d)(3)(A)) is amended by adding at the end the following:

“(iii) CHILDREN.—A State may elect to certify participant children for a period of up to 1 year, if the State electing the option provided under this clause ensures that participant children receive required health and nutrition assessments.”

Subtitle E—Miscellaneous

SEC. 141. CHILDHOOD HUNGER RESEARCH.

The Richard B. Russell National School Lunch Act is amended by inserting after section 22 (42 U.S.C. 1769c) the following:

“SEC. 23. CHILDHOOD HUNGER RESEARCH.

“(a) RESEARCH ON CAUSES AND CONSEQUENCES OF CHILDHOOD HUNGER.—

“(1) IN GENERAL.—The Secretary shall conduct research on—

“(A) the causes of childhood hunger and food insecurity;

“(B) the characteristics of households with childhood hunger and food insecurity; and

“(C) the consequences of childhood hunger and food insecurity.

“(2) AUTHORITY.—In carrying out research under paragraph (1), the Secretary may—

“(A) enter into competitively awarded contracts or cooperative agreements; or

“(B) provide grants to States or public or private agencies or organizations, as determined by the Secretary.

“(3) APPLICATION.—To be eligible to enter into a contract or cooperative agreement or receive a grant under this subsection, a State or public or private agency or organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require.

“(4) AREAS OF INQUIRY.—The Secretary shall design the research program to advance knowledge and understanding of information on the issues described in paragraph (1), such as—

“(A) economic, health, social, cultural, demographic, and other factors that contribute to childhood hunger or food insecurity;

“(B) the geographic distribution of childhood hunger and food insecurity;

“(C) the extent to which—

“(i) existing Federal assistance programs, including the Internal Revenue Code of 1986, reduce childhood hunger and food insecurity; and

“(ii) childhood hunger and food insecurity persist due to—

“(I) gaps in program coverage;

“(II) the inability of potential participants to access programs; or

“(III) the insufficiency of program benefits or services;

“(D) the public health and medical costs of childhood hunger and food insecurity;

“(E) an estimate of the degree to which the Census Bureau measure of food insecurity underestimates childhood hunger and food insecurity because the Census Bureau excludes certain households, such as homeless, or other factors;

“(F) the effects of childhood hunger on child development, well-being, and educational attainment; and

“(G) such other critical outcomes as are determined by the Secretary.

“(5) FUNDING.—

“(A) IN GENERAL.—On October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$10,000,000, to remain available until expended.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

“(b) DEMONSTRATION PROJECTS TO END CHILDHOOD HUNGER.—

“(1) DEFINITIONS.—In this subsection:

“(A) CHILD.—The term ‘child’ means a person under the age of 18.

“(B) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term ‘supplemental nutrition assistance program’ means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(2) PURPOSE.—Under such terms and conditions as are established by the Secretary, the Secretary shall carry out demonstration

projects that test innovative strategies to end childhood hunger, including alternative models for service delivery and benefit levels that promote the reduction or elimination of childhood hunger and food insecurity.

“(3) PROJECTS.—Demonstration projects carried out under this subsection may include projects that—

“(A) enhance benefits provided under the supplemental nutrition assistance program for eligible households with children;

“(B) enhance benefits or provide for innovative program delivery models in the school meals, afterschool snack, and child and adult care food programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(C) target Federal, State, or local assistance, including emergency housing or family preservation services, at households with children who are experiencing hunger or food insecurity, to the extent permitted by the legal authority establishing those assistance programs and services.

“(4) GRANTS.—

“(A) DEMONSTRATION PROJECTS.—

“(i) IN GENERAL.—In carrying out this subsection, the Secretary may enter into competitively awarded contracts or cooperative agreements with, or provide grants to, public or private organizations or agencies (as determined by the Secretary), for use in accordance with demonstration projects that meet the purposes of this subsection.

“(ii) REQUIREMENT.—At least 1 demonstration project funded under this subsection shall be carried out on an Indian reservation in a rural area with a service population with a prevalence of diabetes that exceeds 15 percent, as determined by the Director of the Indian Health Service.

“(B) APPLICATION.—To be eligible to receive a contract, cooperative agreement, or grant under this subsection, an organization or agency shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(C) SELECTION CRITERIA.—Demonstration projects shall be selected based on publicly disseminated criteria that may include—

“(i) an identification of a low-income target group that reflects individuals experiencing hunger or food insecurity;

“(ii) a commitment to a demonstration project that allows for a rigorous outcome evaluation as described in paragraph (6);

“(iii) a focus on innovative strategies to reduce the risk of childhood hunger or provide a significant improvement to the food security status of households with children; and

“(iv) such other criteria as are determined by the Secretary.

“(5) CONSULTATION.—In determining the range of projects and defining selection criteria under this subsection, the Secretary shall consult with—

“(A) the Secretary of Health and Human Services;

“(B) the Secretary of Labor; and

“(C) the Secretary of Housing and Urban Development.

“(6) EVALUATION AND REPORTING.—

“(A) INDEPENDENT EVALUATION.—The Secretary shall provide for an independent evaluation of each demonstration project carried out under this subsection that—

“(i) measures the impact of each demonstration project on appropriate participation, food security, nutrition, and associated behavioral outcomes among participating households; and

“(ii) uses rigorous experimental designs and methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective in reducing the prevalence or preventing the incidence of food insecurity and hunger in the community, especially among children.

“(B) REPORTING.—Not later than December 31, 2013 and each December 31 thereafter until the date on which the last evaluation under subparagraph (A) is completed, the Secretary shall—

“(i) submit to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

“(I) the status of each demonstration project; and

“(II) the results of any evaluations of the demonstration projects completed during the previous fiscal year; and

“(ii) ensure that the evaluation results are shared broadly to inform policy makers, service providers, other partners, and the public in order to promote the wide use of successful strategies.

“(7) FUNDING.—

“(A) IN GENERAL.—On October 1, 2012, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$40,000,000, to remain available until September 30, 2017.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

“(C) USE OF FUNDS.—

“(i) IN GENERAL.—Funds made available under subparagraph (A) may be used to carry out this subsection, including to pay Federal costs associated with developing, soliciting, awarding, monitoring, evaluating, and disseminating the results of each demonstration project under this subsection.

“(ii) INDIAN RESERVATIONS.—Of amounts made available under subparagraph (A), the Secretary shall use a portion of the amounts to carry out research relating to hunger, obesity and type 2 diabetes on Indian reservations, including research to determine the manner in which Federal nutrition programs can help to overcome those problems.

“(iii) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

“(I) describes the manner in which Federal nutrition programs can help to overcome child hunger nutrition problems on Indian reservations; and

“(II) contains proposed administrative and legislative recommendations to strengthen and streamline all relevant Department of Agriculture nutrition programs to reduce childhood hunger, obesity, and type 2 diabetes on Indian reservations.

“(D) LIMITATIONS.—

“(i) DURATION.—No project may be funded under this subsection for more than 5 years.

“(ii) PROJECT REQUIREMENTS.—No project that makes use of, alters, or coordinates with the supplemental nutrition assistance program may be funded under this subsection unless the project is fully consistent with the project requirements described in section 17(b)(1)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)).

“(iii) HUNGER-FREE COMMUNITIES.—No project may be funded under this subsection that receives funding under section 4405 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7517).

“(iv) OTHER BENEFITS.—Funds made available under this subsection may not be used for any project in a manner that is inconsistent with—

“(I) this Act;

“(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(III) the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

“(IV) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).”

SEC. 142. STATE CHILDHOOD HUNGER CHALLENGE GRANTS.

The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting after section 23 (as added by section 141) the following:

“SEC. 24. STATE CHILDHOOD HUNGER CHALLENGE GRANTS.

“(a) DEFINITIONS.—In this section:

“(1) CHILD.—The term ‘child’ means a person under the age of 18.

“(2) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term ‘supplemental nutrition assistance program’ means the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(b) PURPOSE.—Under such terms and conditions as are established by the Secretary, funds made available under this section may be used to competitively award grants to or enter into cooperative agreements with Governors to carry out comprehensive and innovative strategies to end childhood hunger, including alternative models for service delivery and benefit levels that promote the reduction or elimination of childhood hunger by 2015.

“(c) PROJECTS.—State demonstration projects carried out under this section may include projects that—

“(1) enhance benefits provided under the supplemental nutrition assistance program for eligible households with children;

“(2) enhance benefits or provide for innovative program delivery models in the school meals, afterschool snack, and child and adult care food programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(3) target Federal, State, or local assistance, including emergency housing, family preservation services, child care, or temporary assistance at households with children who are experiencing hunger or food insecurity, to the extent permitted by the legal authority establishing those assistance programs and services;

“(4) enhance outreach to increase access and participation in Federal nutrition assistance programs; and

“(5) improve the coordination of Federal, State, and community resources and services aimed at preventing food insecurity and hunger, including through the establishment and expansion of State food policy councils.

“(d) GRANTS.—

“(1) IN GENERAL.—In carrying out this section, the Secretary may competitively award grants or enter into competitively awarded cooperative agreements with Governors for use in accordance with demonstration projects that meet the purposes of this section.

“(2) APPLICATION.—To be eligible to receive a grant or cooperative agreement under this section, a Governor shall submit to the Secretary an application at such time, in such

manner, and containing such information as the Secretary may require.

“(3) SELECTION CRITERIA.—The Secretary shall evaluate proposals based on publicly disseminated criteria that may include—

“(A) an identification of a low-income target group that reflects individuals experiencing hunger or food insecurity;

“(B) a commitment to approaches that allow for a rigorous outcome evaluation as described in subsection (f);

“(C) a comprehensive and innovative strategy to reduce the risk of childhood hunger or provide a significant improvement to the food security status of households with children; and

“(D) such other criteria as are determined by the Secretary.

“(4) REQUIREMENTS.—Any project funded under this section shall provide for—

“(A) a baseline assessment, and subsequent annual assessments, of the prevalence and severity of very low food security among children in the State, based on a methodology prescribed by the Secretary;

“(B) a collaborative planning process including key stakeholders in the State that results in a comprehensive agenda to eliminate childhood hunger that is—

“(i) described in a detailed project plan; and

“(ii) provided to the Secretary for approval;

“(C) an annual budget;

“(D) specific performance goals, including the goal to sharply reduce or eliminate food insecurity among children in the State by 2015, as determined through a methodology prescribed by the Secretary and carried out by the Governor; and

“(E) an independent outcome evaluation of not less than 1 major strategy of the project that measures—

“(i) the specific impact of the strategy on food insecurity among children in the State; and

“(ii) if applicable, the nutrition assistance participation rate among children in the State.

“(e) CONSULTATION.—In determining the range of projects and defining selection criteria under this section, the Secretary shall consult with—

“(1) the Secretary of Health and Human Services;

“(2) the Secretary of Labor;

“(3) the Secretary of Education; and

“(4) the Secretary of Housing and Urban Development.

“(f) EVALUATION AND REPORTING.—

“(1) GENERAL PERFORMANCE ASSESSMENT.—Each project authorized under this section shall require an independent assessment that—

“(A) measures the impact of any activities carried out under the project on the level of food insecurity in the State that—

“(i) focuses particularly on the level of food insecurity among children in the State; and

“(ii) includes a preimplementation baseline and annual measurements taken during the project of the level of food insecurity in the State; and

“(B) is carried out using a methodology prescribed by the Secretary.

“(2) INDEPENDENT EVALUATION.—Each project authorized under this section shall provide for an independent evaluation of not less than 1 major strategy that—

“(A) measures the impact of the strategy on appropriate participation, food security, nutrition, and associated behavioral outcomes among participating households; and

“(B) uses rigorous experimental designs and methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective in reducing the prevalence or preventing the incidence of food insecurity and hunger in the community, especially among children.

“(3) REPORTING.—Not later than December 31, 2011 and each December 31 thereafter until the date on which the last evaluation under paragraph (1) is completed, the Secretary shall—

“(A) submit to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

“(i) the status of each State demonstration project; and

“(ii) the results of any evaluations of the demonstration projects completed during the previous fiscal year; and

“(B) ensure that the evaluation results are shared broadly to inform policy makers, service providers, other partners, and the public in order to promote the wide use of successful strategies.

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2011 through 2014, to remain available until expended.

“(2) USE OF FUNDS.—Funds made available under paragraph (1) may be used to carry out this section, including to pay Federal costs associated with developing, soliciting, awarding, monitoring, evaluating, and disseminating the results of each demonstration project under this section.

“(3) LIMITATIONS.—

“(A) DURATION.—No project may be funded under this section for more than 5 years.

“(B) PERFORMANCE BASIS.—Funds provided under this section shall be made available to each Governor on an annual basis, with the amount of funds provided for each year contingent on the satisfactory implementation of the project plan and progress towards the performance goals defined in the project year plan.

“(C) ALTERING NUTRITION ASSISTANCE PROGRAM REQUIREMENTS.—No project that makes use of, alters, or coordinates with the supplemental nutrition assistance program may be funded under this section unless the project is fully consistent with the project requirements described in section 17(b)(1)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)).

“(D) OTHER BENEFITS.—Funds made available under this section may not be used for any project in a manner that is inconsistent with—

“(i) this Act;

“(ii) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(iii) the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); or

“(iv) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).”

SEC. 143. REVIEW OF LOCAL POLICIES ON MEAL CHARGES AND PROVISION OF ALTERNATE MEALS.

(a) IN GENERAL.—

(1) REVIEW.—The Secretary, in conjunction with States and participating local educational agencies, shall examine the current policies and practices of States and local educational agencies regarding extending credit to children to pay the cost to the children of reimbursable school lunches and breakfasts.

(2) SCOPE.—The examination under paragraph (1) shall include the policies and practices in effect as of the date of enactment of this Act relating to providing to children who are without funds a meal other than the reimbursable meals.

(3) FEASIBILITY.—In carrying out the examination under paragraph (1), the Secretary shall—

(A) prepare a report on the feasibility of establishing national standards for meal charges and the provision of alternate meals; and

(B) provide recommendations for implementing those standards.

(b) FOLLOWUP ACTIONS.—

(1) IN GENERAL.—Based on the findings and recommendations under subsection (a), the Secretary may—

(A) implement standards described in paragraph (3) of that subsection through regulation;

(B) test recommendations through demonstration projects; or

(C) study further the feasibility of recommendations.

(2) FACTORS FOR CONSIDERATION.—In determining how best to implement recommendations described in subsection (a)(3), the Secretary shall consider such factors as—

(A) the impact of overt identification on children;

(B) the manner in which the affected households will be provided with assistance in establishing eligibility for free or reduced price school meals; and

(C) the potential financial impact on local educational agencies.

TITLE II—REDUCING CHILDHOOD OBESITY AND IMPROVING THE DIETS OF CHILDREN

Subtitle A—National School Lunch Program

SEC. 201. PERFORMANCE-BASED REIMBURSEMENT RATE INCREASES FOR NEW MEAL PATTERNS.

Section 4(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1753(b)) is amended by adding at the end the following:

“(3) ADDITIONAL REIMBURSEMENT.—

“(A) REGULATIONS.—

“(i) PROPOSED REGULATIONS.—Notwithstanding section 9(f), not later than 18 months after the date of enactment of this paragraph, the Secretary shall promulgate proposed regulations to update the meal patterns and nutrition standards for the school lunch program authorized under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) based on recommendations made by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences.

“(ii) INTERIM OR FINAL REGULATIONS.—

“(I) IN GENERAL.—Not later than 18 months after promulgation of the proposed regulations under clause (i), the Secretary shall promulgate interim or final regulations.

“(II) DATE OF REQUIRED COMPLIANCE.—The Secretary shall establish in the interim or final regulations a date by which all school food authorities participating in the school lunch program authorized under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) are required to comply with the meal pattern and nutrition standards established in the interim or final regulations.

“(iii) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this paragraph, and each 90 days thereafter until the Secretary has promulgated interim or final regulations under clause (ii), the Secretary shall submit to the Committee on

Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a quarterly report on progress made toward promulgation of the regulations described in this subparagraph.

“(B) PERFORMANCE-BASED REIMBURSEMENT RATE INCREASE.—Beginning on the later of the date of promulgation of the implementing regulations described in subparagraph (A)(ii), the date of enactment of this paragraph, or October 1, 2012, the Secretary shall provide additional reimbursement for each lunch served in school food authorities determined to be eligible under subparagraph (D).

“(C) ADDITIONAL REIMBURSEMENT.—

“(i) IN GENERAL.—Each lunch served in school food authorities determined to be eligible under subparagraph (D) shall receive an additional 6 cents, adjusted in accordance with section 11(a)(3), to the national lunch average payment for each lunch served.

“(ii) DISBURSEMENT.—The State agency shall disburse funds made available under this paragraph to school food authorities eligible to receive additional reimbursement.

“(D) ELIGIBLE SCHOOL FOOD AUTHORITY.—To be eligible to receive an additional reimbursement described in this paragraph, a school food authority shall be certified by the State to be in compliance with the interim or final regulations described in subparagraph (A)(ii).

“(E) FAILURE TO COMPLY.—Beginning on the later of the date described in subparagraph (A)(ii)(II), the date of enactment of this paragraph, or October 1, 2012, school food authorities found to be out of compliance with the meal patterns or nutrition standards established by the implementing regulations shall not receive the additional reimbursement for each lunch served described in this paragraph.

“(F) ADMINISTRATIVE COSTS.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Secretary shall make funds available to States for State activities related to training, technical assistance, certification, and oversight activities of this paragraph.

“(ii) PROVISION OF FUNDS.—The Secretary shall provide funds described in clause (i) to States administering a school lunch program in a manner proportional to the administrative expense allocation of each State during the preceding fiscal year.

“(iii) FUNDING.—

“(I) IN GENERAL.—In the later of the fiscal year in which the implementing regulations described in subparagraph (A)(ii) are promulgated or the fiscal year in which this paragraph is enacted, and in the subsequent fiscal year, the Secretary shall use not more than \$50,000,000 of funds made available under section 3 to make payments to States described in clause (i).

“(II) RESERVATION.—In providing funds to States under clause (i), the Secretary may reserve not more than \$3,000,000 per fiscal year to support Federal administrative activities to carry out this paragraph.”

SEC. 202. NUTRITION REQUIREMENTS FOR FLUID MILK.

Section 9(a)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(2)(A)) is amended by striking clause (i) and inserting the following:

“(i) shall offer students a variety of fluid milk. Such milk shall be consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);”

SEC. 203. WATER.

Section 9(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)) is amended by adding at the end the following:

“(5) **WATER.**—Schools participating in the school lunch program under this Act shall make available to children free of charge, as nutritionally appropriate, potable water for consumption in the place where meals are served during meal service.”.

SEC. 204. LOCAL SCHOOL WELLNESS POLICY IMPLEMENTATION.

(a) **IN GENERAL.**—The Richard B. Russell National School Lunch Act is amended by inserting after section 9 (42 U.S.C. 1758) the following:

“SEC. 9A. LOCAL SCHOOL WELLNESS POLICY.

“(a) **IN GENERAL.**—Each local educational agency participating in a program authorized by this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall establish a local school wellness policy for all schools under the jurisdiction of the local educational agency.

“(b) **GUIDELINES.**—The Secretary shall promulgate regulations that provide the framework and guidelines for local educational agencies to establish local school wellness policies, including, at a minimum,—

“(1) goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness;

“(2) for all foods available on each school campus under the jurisdiction of the local educational agency during the school day, nutrition guidelines that—

“(A) are consistent with sections 9 and 17 of this Act, and sections 4 and 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1773, 1779); and

“(B) promote student health and reduce childhood obesity;

“(3) a requirement that the local educational agency permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the local school wellness policy;

“(4) a requirement that the local educational agency inform and update the public (including parents, students, and others in the community) about the content and implementation of the local school wellness policy; and

“(5) a requirement that the local educational agency—

“(A) periodically measure and make available to the public an assessment on the implementation of the local school wellness policy, including—

“(i) the extent to which schools under the jurisdiction of the local educational agency are in compliance with the local school wellness policy;

“(ii) the extent to which the local school wellness policy of the local educational agency compares to model local school wellness policies; and

“(iii) a description of the progress made in attaining the goals of the local school wellness policy; and

“(B) designate 1 or more local educational agency officials or school officials, as appropriate, to ensure that each school complies with the local school wellness policy.

“(c) **LOCAL DISCRETION.**—The local educational agency shall use the guidelines promulgated by the Secretary under subsection (b) to determine specific policies appropriate for the schools under the jurisdiction of the local educational agency.

“(d) **TECHNICAL ASSISTANCE AND BEST PRACTICES.**—

“(1) **IN GENERAL.**—The Secretary, in consultation with the Secretary of Education and the Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention, shall provide information and technical assistance to local educational agencies, school food authorities, and State educational agencies for use in establishing healthy school environments that are intended to promote student health and wellness.

“(2) **CONTENT.**—The Secretary shall provide technical assistance that—

“(A) includes resources and training on designing, implementing, promoting, disseminating, and evaluating local school wellness policies and overcoming barriers to the adoption of local school wellness policies;

“(B) includes model local school wellness policies and best practices recommended by Federal agencies, State agencies, and non-governmental organizations;

“(C) includes such other technical assistance as is required to promote sound nutrition and establish healthy school nutrition environments; and

“(D) is consistent with the specific needs and requirements of local educational agencies.

“(3) **STUDY AND REPORT.**—

“(A) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary, in conjunction with the Director of the Centers for Disease Control and Prevention, shall prepare a report on the implementation, strength, and effectiveness of the local school wellness policies carried out in accordance with this section.

“(B) **STUDY OF LOCAL SCHOOL WELLNESS POLICIES.**—The study described in subparagraph (A) shall include—

“(i) an analysis of the strength and weaknesses of local school wellness policies and how the policies compare with model local wellness policies recommended under paragraph (2)(B); and

“(ii) an assessment of the impact of the local school wellness policies in addressing the requirements of subsection (b).

“(C) **REPORT.**—Not later than January 1, 2014, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the findings of the study.

“(D) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this paragraph \$3,000,000 for fiscal year 2011, to remain available until expended.”.

(b) **REPEAL.**—Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1751 note; Public Law 108-265) is repealed.

SEC. 205. EQUITY IN SCHOOL LUNCH PRICING.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following:

“(p) **PRICE FOR A PAID LUNCH.**—

“(1) **DEFINITION OF PAID LUNCH.**—In this subsection, the term ‘paid lunch’ means a reimbursable lunch served to students who are not certified to receive free or reduced price meals.

“(2) **REQUIREMENT.**—

“(A) **IN GENERAL.**—For each school year beginning July 1, 2011, each school food authority shall establish a price for paid lunches in accordance with this subsection.

“(B) **LOWER PRICE.**—

“(i) **IN GENERAL.**—In the case of a school food authority that established a price for a

paid lunch in the previous school year that was less than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch, the school food authority shall establish an average price for a paid lunch that is not less than the price charged in the previous school year, as adjusted by a percentage equal to the sum obtained by adding—

“(I) 2 percent; and

“(II) the percentage change in the Consumer Price Index for All Urban Consumers (food away from home index) used to increase the Federal reimbursement rate under section 11 for the most recent school year for which data are available, as published in the Federal Register.

“(ii) **ROUNDING.**—A school food authority may round the adjusted price for a paid lunch under clause (i) down to the nearest 5 cents.

“(iii) **MAXIMUM REQUIRED PRICE INCREASE.**—

“(I) **IN GENERAL.**—The maximum annual average price increase required to meet the requirements of this subparagraph shall not exceed 10 cents for any school food authority.

“(II) **DISCRETIONARY INCREASE.**—A school food authority may increase the average price for a paid lunch for a school year by more than 10 cents.

“(C) **EQUAL OR GREATER PRICE.**—

“(i) **IN GENERAL.**—In the case of a school food authority that established an average price for a paid lunch in the previous school year that was equal to or greater than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch, the school food authority shall establish an average price for a paid lunch that is not less than the difference between the total Federal reimbursement for a free lunch and the total Federal reimbursement for a paid lunch.

“(ii) **ROUNDING.**—A school food authority may round the adjusted price for a paid lunch under clause (i) down to the nearest 5 cents.

“(3) **EXCEPTIONS.**—

“(A) **REDUCTION IN PRICE.**—A school food authority may reduce the average price of a paid lunch established under this subsection if the State agency ensures that funding from non-Federal sources (other than in-kind contributions) is added to the nonprofit school food service account of the school food authority in an amount estimated to be equal to at least the difference between—

“(i) the average price required of the school food authority for the paid lunches under paragraph (2); and

“(ii) the average price charged by the school food authority for the paid lunches.

“(B) **NON-FEDERAL SOURCES.**—For the purposes of subparagraph (A), non-Federal sources does not include revenue from the sale of foods sold in competition with meals served under the school lunch program authorized under this Act or the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

“(C) **OTHER PROGRAMS.**—This subsection shall not apply to lunches provided under section 17 of this Act.

“(4) **REGULATIONS.**—The Secretary shall establish procedures to carry out this subsection, including collecting and publishing the prices that school food authorities charge for paid meals on an annual basis and procedures that allow school food authorities to average the pricing of paid lunches at schools throughout the jurisdiction of the school food authority.”.

SEC. 206. REVENUE FROM NONPROGRAM FOODS SOLD IN SCHOOLS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 205) is amended by adding at the end the following:

“(q) NONPROGRAM FOOD SALES.—

“(1) DEFINITION OF NONPROGRAM FOOD.—In this subsection:

“(A) IN GENERAL.—The term ‘nonprogram food’ means food that is—

“(i) sold in a participating school other than a reimbursable meal provided under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(ii) purchased using funds from the non-profit school food service account of the school food authority of the school.

“(B) INCLUSION.—The term ‘nonprogram food’ includes food that is sold in competition with a program established under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(2) REVENUES.—

“(A) IN GENERAL.—The proportion of total school food service revenue provided by the sale of nonprogram foods to the total revenue of the school food service account shall be equal to or greater than the proportion of total food costs associated with obtaining nonprogram foods to the total costs associated with obtaining program and nonprogram foods from the account.

“(B) ACCRUAL.—All revenue from the sale of nonprogram foods shall accrue to the non-profit school food service account of a participating school food authority.

“(C) EFFECTIVE DATE.—This subsection shall be effective beginning on July 1, 2011.”

SEC. 207. REPORTING AND NOTIFICATION OF SCHOOL PERFORMANCE.

Section 22 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) UNIFIED ACCOUNTABILITY SYSTEM.—

“(1) IN GENERAL.—There shall be a unified system prescribed and administered by the Secretary to ensure that local food service authorities participating in the school lunch program established under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) comply with those Acts, including compliance with—

“(A) the nutritional requirements of section 9(f) of this Act for school lunches; and

“(B) as applicable, the nutritional requirements for school breakfasts under section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)).”; and

(2) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

“(A) require that local food service authorities comply with the nutritional requirements described in subparagraphs (A) and (B) of paragraph (1);

“(B) to the maximum extent practicable, ensure compliance through reasonable audits and supervisory assistance reviews;

“(C) in conducting audits and reviews for the purpose of determining compliance with this Act, including the nutritional requirements of section 9(f)—

“(i) conduct audits and reviews during a 3-year cycle or other period prescribed by the Secretary;

“(ii) select schools for review in each local educational agency using criteria established by the Secretary;

“(iii) report the final results of the reviews to the public in the State in an accessible,

easily understood manner in accordance with guidelines promulgated by the Secretary; and

“(iv) submit to the Secretary each year a report containing the results of the reviews in accordance with procedures developed by the Secretary; and

“(D) when any local food service authority is reviewed under this section, ensure that the final results of the review by the State educational agency are posted and otherwise made available to the public on request in an accessible, easily understood manner in accordance with guidelines promulgated by the Secretary.”

SEC. 208. NUTRITION STANDARDS FOR ALL FOODS SOLD IN SCHOOL.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by striking the section heading and all that follows through “(a) The Secretary” and inserting the following:

“SEC. 10. REGULATIONS.

“(a) IN GENERAL.—The Secretary”; and

(2) by striking subsection (b) and inserting the following:

“(b) NATIONAL SCHOOL NUTRITION STANDARDS.—

“(1) PROPOSED REGULATIONS.—

“(A) IN GENERAL.—The Secretary shall—

“(i) establish science-based nutrition standards for foods sold in schools other than foods provided under this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

“(ii) not later than 1 year after the date of enactment of this paragraph, promulgate proposed regulations to carry out clause (i).

“(B) APPLICATION.—The nutrition standards shall apply to all foods sold—

“(i) outside the school meal programs;

“(ii) on the school campus; and

“(iii) at any time during the school day.

“(C) REQUIREMENTS.—In establishing nutrition standards under this paragraph, the Secretary shall—

“(i) establish standards that are consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), including the food groups to encourage and nutrients of concern identified in the Dietary Guidelines; and

“(ii) consider —

“(I) authoritative scientific recommendations for nutrition standards;

“(II) existing school nutrition standards, including voluntary standards for beverages and snack foods and State and local standards;

“(III) the practical application of the nutrition standards; and

“(IV) special exemptions for school-sponsored fundraisers (other than fundraising through vending machines, school stores, snack bars, a la carte sales, and any other exclusions determined by the Secretary), if the fundraisers are approved by the school and are infrequent within the school.

“(D) UPDATING STANDARDS.—As soon as practicable after the date of publication by the Department of Agriculture and the Department of Health and Human Services of a new edition of the Dietary Guidelines for Americans under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), the Secretary shall review and update as necessary the school nutrition standards and requirements established under this subsection.

“(2) IMPLEMENTATION.—

“(A) EFFECTIVE DATE.—The interim or final regulations under this subsection shall take

effect at the beginning of the school year that is not earlier than 1 year and not later than 2 years following the date on which the regulations are finalized.

“(B) REPORTING.—The Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and Labor of the House of Representatives a quarterly report that describes progress made toward promulgating final regulations under this subsection.”

SEC. 209. INFORMATION FOR THE PUBLIC ON THE SCHOOL NUTRITION ENVIRONMENT.

Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

“(k) INFORMATION ON THE SCHOOL NUTRITION ENVIRONMENT.—

“(1) IN GENERAL.—The Secretary shall—

“(A) establish requirements for local educational agencies participating in the school lunch program under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) to report information about the school nutrition environment, for all schools under the jurisdiction of the local educational agencies, to the Secretary and to the public in the State on a periodic basis; and

“(B) provide training and technical assistance to States and local educational agencies on the assessment and reporting of the school nutrition environment, including the use of any assessment materials developed by the Secretary.

“(2) REQUIREMENTS.—In establishing the requirements for reporting on the school nutrition environment under paragraph (1), the Secretary shall—

“(A) include information pertaining to food safety inspections, local wellness policies, meal program participation, the nutritional quality of program meals, and other information as determined by the Secretary; and

“(B) ensure that information is made available to the public by local educational agencies in an accessible, easily understood manner in accordance with guidelines established by the Secretary.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2011 through 2015.”

SEC. 210. ORGANIC FOOD PILOT PROGRAM.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following:

“(j) ORGANIC FOOD PILOT PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary shall establish an organic food pilot program (referred to in this subsection as the ‘pilot program’) under which the Secretary shall provide grants on a competitive basis to school food authorities selected under paragraph (3).

“(2) USE OF FUNDS.—

“(A) IN GENERAL.—The Secretary shall use funds provided under this section—

“(i) to enter into competitively awarded contracts or cooperative agreements with school food authorities selected under paragraph (3); or

“(ii) to make grants to school food authority applicants selected under paragraph (3).

“(B) SCHOOL FOOD AUTHORITY USES OF FUNDS.—A school food authority that receives a grant under this section shall use the grant funds to establish a pilot program that increases the quantity of organic foods provided to schoolchildren under the school lunch program established under this Act.

“(3) APPLICATION.—

“(A) IN GENERAL.—A school food authority seeking a contract, grant, or cooperative agreement under this subsection shall submit to the Secretary an application in such form, containing such information, and at such time as the Secretary shall prescribe.

“(B) CRITERIA.—In selecting contract, grant, or cooperative agreement recipients, the Secretary shall consider—

“(i) the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by that section)) applicable to a family of the size involved of the households in the district served by the school food authority, giving preference to school food authority applicants in which not less than 50 percent of the households in the district are at or below the Federal poverty line;

“(ii) the commitment of each school food authority applicant—

“(I) to improve the nutritional value of school meals;

“(II) to carry out innovative programs that improve the health and wellness of schoolchildren; and

“(III) to evaluate the outcome of the pilot program; and

“(iii) any other criteria the Secretary determines to be appropriate.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$10,000,000 for fiscal years 2011 through 2015.”

Subtitle B—Child and Adult Care Food Program

SEC. 221. NUTRITION AND WELLNESS GOALS FOR MEALS SERVED THROUGH THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(1) in subsection (a), by striking “(a) GRANT AUTHORITY” and all that follows through the end of paragraph (1) and inserting the following:

“(a) PROGRAM PURPOSE, GRANT AUTHORITY AND INSTITUTION ELIGIBILITY.—

“(1) IN GENERAL.—

“(A) PROGRAM PURPOSE.—

“(i) FINDINGS.—Congress finds that—

“(I) eating habits and other wellness-related behavior habits are established early in life; and

“(II) good nutrition and wellness are important contributors to the overall health of young children and essential to cognitive development.

“(ii) PURPOSE.—The purpose of the program authorized by this section is to provide aid to child and adult care institutions and family or group day care homes for the provision of nutritious foods that contribute to the wellness, healthy growth, and development of young children, and the health and wellness of older adults and chronically impaired disabled persons.

“(B) GRANT AUTHORITY.—The Secretary may carry out a program to assist States through grants-in-aid and other means to initiate and maintain nonprofit food service programs for children in institutions providing child care.”;

(2) by striking subsection (g) and inserting the following:

“(g) NUTRITIONAL REQUIREMENTS FOR MEALS AND SNACKS SERVED IN INSTITUTIONS AND FAMILY OR GROUP DAY CARE HOMES.—

“(1) DEFINITION OF DIETARY GUIDELINES.—In this subsection, the term ‘Dietary Guidelines’ means the Dietary Guidelines for

Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

“(2) NUTRITIONAL REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (C), reimbursable meals and snacks served by institutions, family or group day care homes, and sponsored centers participating in the program under this section shall consist of a combination of foods that meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research.

“(B) CONFORMITY WITH THE DIETARY GUIDELINES AND AUTHORITATIVE SCIENCE.—

“(i) IN GENERAL.—Not less frequently than once every 10 years, the Secretary shall review and, as appropriate, update requirements for meals served under the program under this section to ensure that the meals—

“(I) are consistent with the goals of the most recent Dietary Guidelines; and

“(II) promote the health of the population served by the program authorized under this section, as indicated by the most recent relevant nutrition science and appropriate authoritative scientific agency and organization recommendations.

“(ii) COST REVIEW.—The review required under clause (i) shall include a review of the cost to child care centers and group or family day care homes resulting from updated requirements for meals and snacks served under the program under this section.

“(iii) REGULATIONS.—Not later than 18 months after the completion of the review of the meal pattern under clause (i), the Secretary shall promulgate proposed regulations to update the meal patterns for meals and snacks served under the program under this section.

“(C) EXCEPTIONS.—

“(i) SPECIAL DIETARY NEEDS.—The minimum nutritional requirements prescribed under subparagraph (A) shall not prohibit institutions, family or group day care homes, and sponsored centers from substituting foods to accommodate the medical or other special dietary needs of individual participants.

“(ii) EXEMPT INSTITUTIONS.—The Secretary may elect to waive all or part of the requirements of this subsection for emergency shelters participating in the program under this section.

“(3) MEAL SERVICE.—Institutions, family or group day care homes, and sponsored centers shall ensure that reimbursable meal service contributes to the development and socialization of enrolled children by providing that food is not used as a punishment or reward.

“(4) FLUID MILK.—

“(A) IN GENERAL.—If an institution, family or group day care home, or sponsored center provides fluid milk as part of a reimbursable meal or supplement, the institution, family or group day care home, or sponsored center shall provide the milk in accordance with the most recent version of the Dietary Guidelines.

“(B) MILK SUBSTITUTES.—In the case of children who cannot consume fluid milk due to medical or other special dietary needs other than a disability, an institution, family or group day care home, or sponsored center may substitute for the fluid milk required in meals served, a nondairy beverage that—

“(i) is nutritionally equivalent to fluid milk; and

“(ii) meets nutritional standards established by the Secretary, including, among other requirements established by the Secretary, fortification of calcium, protein, vi-

tamin A, and vitamin D to levels found in cow’s milk.

“(C) APPROVAL.—

“(i) IN GENERAL.—A substitution authorized under subparagraph (B) may be made—

“(I) at the discretion of and on approval by the participating day care institution; and

“(II) if the substitution is requested by written statement of a medical authority, or by the parent or legal guardian of the child, that identifies the medical or other special dietary need that restricts the diet of the child.

“(ii) EXCEPTION.—An institution, family or group day care home, or sponsored center that elects to make a substitution authorized under this paragraph shall not be required to provide beverages other than beverages the State has identified as acceptable substitutes.

“(D) EXCESS EXPENSES BORNE BY INSTITUTION.—A participating institution, family or group day care home, or sponsored center shall be responsible for any expenses that—

“(i) are incurred by the institution, family or group day care home, or sponsored center to provide substitutions under this paragraph; and

“(ii) are in excess of expenses covered under reimbursements under this Act.

“(5) NONDISCRIMINATION POLICY.—No physical segregation or other discrimination against any person shall be made because of the inability of the person to pay, nor shall there be any overt identification of any such person by special tokens or tickets, different meals or meal service, announced or published lists of names, or other means.

“(6) USE OF ABUNDANT AND DONATED FOODS.—To the maximum extent practicable, each institution shall use in its food service foods that are—

“(A) designated from time to time by the Secretary as being in abundance, either nationally or in the food service area; or

“(B) donated by the Secretary.”;

(3) by adding at the end the following:

“(u) PROMOTING HEALTH AND WELLNESS IN CHILD CARE.—

“(1) PHYSICAL ACTIVITY AND ELECTRONIC MEDIA USE.—The Secretary shall encourage participating child care centers and family or group day care homes—

“(A) to provide to all children under the supervision of the participating child care centers and family or group day care homes daily opportunities for structured and unstructured age-appropriate physical activity; and

“(B) to limit among children under the supervision of the participating child care centers and family or group day care homes the use of electronic media to an appropriate level.

“(2) WATER CONSUMPTION.—Participating child care centers and family or group day care homes shall make available to children, as nutritionally appropriate, potable water as an acceptable fluid for consumption throughout the day, including at meal times.

“(3) TECHNICAL ASSISTANCE AND GUIDANCE.—

“(A) IN GENERAL.—The Secretary shall provide technical assistance to institutions participating in the program under this section to assist participating child care centers and family or group day care homes in complying with the nutritional requirements and wellness recommendations prescribed by the Secretary in accordance with this subsection and subsection (g).

“(B) GUIDANCE.—Not later than January 1, 2012, the Secretary shall issue guidance to States and institutions to encourage participating child care centers and family or group

day care homes serving meals and snacks under this section to—

“(i) include foods that are recommended for increased serving consumption in amounts recommended by the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), including fresh, canned, dried, or frozen fruits and vegetables, whole grain products, lean meat products, and low-fat and non-fat dairy products; and

“(ii) reduce sedentary activities and provide opportunities for regular physical activity in quantities recommended by the most recent Dietary Guidelines for Americans described in clause (i).

“(C) NUTRITION.—Technical assistance relating to the nutritional requirements of this subsection and subsection (g) shall include—

“(i) nutrition education, including education that emphasizes the relationship between nutrition, physical activity, and health;

“(ii) menu planning;

“(iii) interpretation of nutrition labels; and

“(iv) food preparation and purchasing guidance to produce meals and snacks that are—

“(I) consistent with the goals of the most recent Dietary Guidelines; and

“(II) promote the health of the population served by the program under this section, as recommended by authoritative scientific organizations.

“(D) PHYSICAL ACTIVITY.—Technical assistance relating to the physical activity requirements of this subsection shall include—

“(i) education on the importance of regular physical activity to overall health and well being; and

“(ii) sharing of best practices for physical activity plans in child care centers and homes as recommended by authoritative scientific organizations.

“(E) ELECTRONIC MEDIA USE.—Technical assistance relating to the electronic media use requirements of this subsection shall include—

“(i) education on the benefits of limiting exposure to electronic media by children; and

“(ii) sharing of best practices for the development of daily activity plans that limit use of electronic media.

“(F) MINIMUM ASSISTANCE.—At a minimum, the technical assistance required under this paragraph shall include a handbook, developed by the Secretary in coordination with the Secretary for Health and Human Services, that includes recommendations, guidelines, and best practices for participating institutions and family or group day care homes that are consistent with the nutrition, physical activity, and wellness requirements and recommendations of this subsection.

“(G) ADDITIONAL ASSISTANCE.—In addition to the requirements of this paragraph, the Secretary shall develop and provide such appropriate training and education materials, guidance, and technical assistance as the Secretary considers to be necessary to comply with the nutritional and wellness requirements of this subsection and subsection (g).

“(H) FUNDING.—

“(i) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to provide technical assistance under this subsection \$10,000,000, to remain available until expended.

“(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under clause (i), without further appropriation.”

SEC. 222. INTERAGENCY COORDINATION TO PROMOTE HEALTH AND WELLNESS IN CHILD CARE LICENSING.

The Secretary shall coordinate with the Secretary of Health and Human Services to encourage State licensing agencies to include nutrition and wellness standards within State licensing standards that ensure, to the maximum extent practicable, that licensed child care centers and family or group day care homes—

(1) provide to all children under the supervision of the child care centers and family or group day care homes daily opportunities for age-appropriate physical activity;

(2) limit among children under the supervision of the child care centers and family or group day care homes the use of electronic media and the quantity of time spent in sedentary activity to an appropriate level;

(3) serve meals and snacks that are consistent with the requirements of the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(4) promote such other nutrition and wellness goals as the Secretaries determine to be necessary.

SEC. 223. STUDY ON NUTRITION AND WELLNESS QUALITY OF CHILD CARE SETTINGS.

(a) IN GENERAL.—Not less than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall enter into a contract for the conduct of a nationally representative study of child care centers and family or group day care homes that includes an assessment of—

(1) the nutritional quality of all foods provided to children in child care settings as compared to the recommendations in most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(2) the quantity and type of opportunities for physical activity provided to children in child care settings;

(3) the quantity of time spent by children in child care settings in sedentary activities;

(4) an assessment of barriers and facilitators to—

(A) providing foods to children in child care settings that meet the recommendations of the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(B) providing the appropriate quantity and type of opportunities of physical activity for children in child care settings; and

(C) participation by child care centers and family or group day care homes in the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); and

(5) such other assessment measures as the Secretary may determine to be necessary.

(b) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report that includes a detailed description of the results of the study conducted under subsection (a).

(c) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out

this section \$5,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

Subtitle C—Special Supplemental Nutrition Program for Women, Infants, and Children

SEC. 231. SUPPORT FOR BREASTFEEDING IN THE WIC PROGRAM.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) in subsection (a), in the second sentence, by striking “supplemental foods and nutrition education through any eligible local agency” and inserting “supplemental foods and nutrition education, including breastfeeding promotion and support, through any eligible local agency”;

(2) in subsection (b)(4), by inserting “breastfeeding support and promotion,” after “nutrition education,”;

(3) in subsection (c)(1), in the first sentence, by striking “supplemental foods and nutrition education to” and inserting “supplemental foods, nutrition education, and breastfeeding support and promotion to”;

(4) in subsection (e)(2), in the second sentence, by inserting “, including breastfeeding support and education,” after “nutrition education”;

(5) in subsection (f)(6)(B), in the first sentence, by inserting “and breastfeeding” after “nutrition education”;

(6) in subsection (h)—

(A) in paragraph (4)—

(i) by striking “(4) The Secretary” and all that follows through “(A) in consultation” and inserting the following:

“(4) REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary shall—

“(i) in consultation”;

(ii) by redesignating subparagraphs (B) through (F) as clauses (ii) through (vi), respectively, and indenting appropriately;

(iii) in clause (v) (as so redesignated), by striking “and” at the end;

(iv) in clause (vi) (as so redesignated), by striking “2010 initiative.” and inserting “initiative; and”;

(v) by adding at the end the following:

“(vii) annually compile and publish breastfeeding performance measurements based on program participant data on the number of partially and fully breast-fed infants, including breastfeeding performance measurements for—

“(I) each State agency; and

“(II) each local agency;

“(viii) in accordance with subparagraph (B), implement a program to recognize exemplary breastfeeding support practices at local agencies or clinics participating in the special supplemental nutrition program established under this section; and

“(ix) in accordance with subparagraph (C), implement a program to provide performance bonuses to State agencies.

“(B) EXEMPLARY BREASTFEEDING SUPPORT PRACTICES.—

“(i) IN GENERAL.—In evaluating exemplary practices under subparagraph (A)(viii), the Secretary shall consider—

“(I) performance measurements of breastfeeding;

“(II) the effectiveness of a peer counselor program;

“(III) the extent to which the agency or clinic has partnered with other entities to build a supportive breastfeeding environment for women participating in the program; and

“(IV) such other criteria as the Secretary considers appropriate after consultation with State and local program agencies.

“(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the activities described in clause (viii) of subparagraph (A) such sums as are necessary.

“(C) PERFORMANCE BONUSES.—

“(i) IN GENERAL.—Following the publication of breastfeeding performance measurements under subparagraph (A)(vii), the Secretary shall provide performance bonus payments to not more than 15 State agencies that demonstrate, as compared to other State agencies participating in the program—

“(I) the highest proportion of breast-fed infants; or

“(II) the greatest improvement in proportion of breast-fed infants.

“(ii) CONSIDERATION.—In providing performance bonus payments to State agencies under this subparagraph, the Secretary shall consider the proportion of fully breast-fed infants in the States.

“(iii) USE OF FUNDS.—A State agency that receives a performance bonus under clause (i)—

“(I) shall treat the funds as program income; and

“(II) may transfer the funds to local agencies for use in carrying out the program.

“(iv) IMPLEMENTATION.—The Secretary shall provide the first performance bonuses not later than 1 year after the date of enactment of this clause and may subsequently revise the criteria for awarding performance bonuses; and”;

(B) by striking paragraph (10) and inserting the following:

“(10) FUNDS FOR INFRASTRUCTURE, MANAGEMENT INFORMATION SYSTEMS, AND SPECIAL NUTRITION EDUCATION.—

“(A) IN GENERAL.—For each of fiscal years 2010 through 2015, the Secretary shall use for the purposes specified in subparagraph (B) \$139,000,000 (as adjusted annually for inflation by the same factor used to determine the national average per participant grant for nutrition services and administration for the fiscal year under paragraph (1)(B)).

“(B) PURPOSES.—Subject to subparagraph (C), of the amount made available under subparagraph (A) for a fiscal year—

“(i) \$14,000,000 shall be used for—

“(I) infrastructure for the program under this section;

“(II) special projects to promote breastfeeding, including projects to assess the effectiveness of particular breastfeeding promotion strategies; and

“(III) special State projects of regional or national significance to improve the services of the program;

“(ii) \$35,000,000 shall be used to establish, improve, or administer management information systems for the program, including changes necessary to meet new legislative or regulatory requirements of the program, of which up to \$5,000,000 may be used for Federal administrative costs; and

“(iii) \$90,000,000 shall be used for special nutrition education (such as breastfeeding peer counselors and other related activities), of which not more than \$10,000,000 of any funding provided in excess of \$50,000,000 shall be used to make performance bonus payments under paragraph (4)(C).

“(C) ADJUSTMENT.—Each of the amounts referred to in clauses (i), (ii), and (iii) of subparagraph (B) shall be adjusted annually for inflation by the same factor used to determine the national average per participant

grant for nutrition services and administration for the fiscal year under paragraph (1)(B).

“(D) PROPORTIONAL DISTRIBUTION.—The Secretary shall distribute funds made available under subparagraph (A) in accordance with the proportional distribution described in subparagraphs (B) and (C).”; and

(7) in subsection (j), by striking “supplemental foods and nutrition education” each place it appears in paragraphs (1) and (2) and inserting “supplemental foods, nutrition education, and breastfeeding support and promotion”.

SEC. 232. REVIEW OF AVAILABLE SUPPLEMENTAL FOODS.

Section 17(f)(11)(D) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(11)(D)) is amended in the matter preceding clause (i) by inserting “but not less than every 10 years,” after “scientific knowledge.”.

Subtitle D—Miscellaneous

SEC. 241. NUTRITION EDUCATION AND OBESITY PREVENTION GRANT PROGRAM.

(a) IN GENERAL.—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

“SEC. 28. NUTRITION EDUCATION AND OBESITY PREVENTION GRANT PROGRAM.

“(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this section, the term ‘eligible individual’ means an individual who is eligible to receive benefits under a nutrition education and obesity prevention program under this section as a result of being—

“(1) an individual eligible for benefits under—

“(A) this Act;

“(B) sections 9(b)(1)(A) and 17(c)(4) of the Richard B Russell National School Lunch Act (42 U.S.C. 1758(b)(1)(A), 1766(c)(4)); or

“(C) section 4(e)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)(A));

“(2) an individual who resides in a community with a significant low-income population, as determined by the Secretary; or

“(3) such other low-income individual as is determined to be eligible by the Secretary.

“(b) PROGRAMS.—Consistent with the terms and conditions of grants awarded under this section, State agencies may implement a nutrition education and obesity prevention program for eligible individuals that promotes healthy food choices consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

“(c) DELIVERY OF NUTRITION EDUCATION AND OBESITY PREVENTION SERVICES.—

“(1) IN GENERAL.—State agencies may deliver nutrition education and obesity prevention services under a program described in subsection (b)—

“(A) directly to eligible individuals; or

“(B) through agreements with other State or local agencies or community organizations.

“(2) NUTRITION EDUCATION STATE PLANS.—

“(A) IN GENERAL.—A State agency that elects to provide nutrition education and obesity prevention services under this subsection shall submit to the Secretary for approval a nutrition education State plan.

“(B) REQUIREMENTS.—Except as provided in subparagraph (C), a nutrition education State plan shall—

“(i) identify the uses of the funding for local projects;

“(ii) ensure that the interventions are appropriate for eligible individuals who are members of low-income populations by recognizing the constrained resources, and the potential eligibility for Federal food assist-

ance programs, of members of those populations; and

“(iii) conform to standards established by the Secretary through regulations, guidance, or grant award documents.

“(C) TRANSITION PERIOD.—During each of fiscal years 2011 and 2012, a nutrition education State plan under this section shall be consistent with the requirements of section 11(f) (as that section, other than paragraph (3)(C), existed on the day before the date of enactment of this section).

“(3) USE OF FUNDS.—

“(A) IN GENERAL.—A State agency may use funds provided under this section for any evidence-based allowable use of funds identified by the Administrator of the Food and Nutrition Service of the Department of Agriculture in consultation with the Director of the Centers for Disease Control and Prevention of the Department of Health and Human Services, including—

“(i) individual and group-based nutrition education, health promotion, and intervention strategies;

“(ii) comprehensive, multilevel interventions at multiple complementary organizational and institutional levels; and

“(iii) community and public health approaches to improve nutrition.

“(B) CONSULTATION.—In identifying allowable uses of funds under subparagraph (A) and in seeking to strengthen delivery, oversight, and evaluation of nutrition education, the Administrator of the Food and Nutrition Service shall consult with the Director of the Centers for Disease Control and Prevention and outside stakeholders and experts, including—

“(i) representatives of the academic and research communities;

“(ii) nutrition education practitioners;

“(iii) representatives of State and local governments; and

“(iv) community organizations that serve low-income populations.

“(4) NOTIFICATION.—To the maximum extent practicable, State agencies shall notify applicants, participants, and eligible individuals under this Act of the availability of nutrition education and obesity prevention services under this section in local communities.

“(5) COORDINATION.—Subject to the approval of the Secretary, projects carried out with funds received under this section may be coordinated with other health promotion or nutrition improvement strategies, whether public or privately funded, if the projects carried out with funds received under this section remain under the administrative control of the State agency.

“(d) FUNDING.—

“(1) IN GENERAL.—Of funds made available each fiscal year under section 18(a)(1), the Secretary shall reserve for allocation to State agencies to carry out the nutrition education and obesity prevention grant program under this section, to remain available for obligation for a period of 2 fiscal years—

“(A) for fiscal year 2011, \$375,000,000; and

“(B) for fiscal year 2012 and each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect any increases for the 12-month period ending the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

“(2) ALLOCATION.—

“(A) INITIAL ALLOCATION.—Of the funds set aside under paragraph (1), as determined by the Secretary—

“(i) for each of fiscal years 2011 through 2013, 100 percent shall be allocated to State

agencies in direct proportion to the amount of funding that the State received for carrying out section 11(f) (as that section existed on the day before the date of enactment of this section) during fiscal year 2009, as reported to the Secretary as of February 2010; and

“(ii) subject to a reallocation under subparagraph (B)—

“(I) for fiscal year 2014—

“(aa) 90 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 10 percent shall be allocated to State agencies based on the respective share of each State of the number of individuals participating in the supplemental nutrition assistance program during the 12-month period ending the preceding January 31;

“(II) for fiscal year 2015—

“(aa) 80 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 20 percent shall be allocated in accordance with subclause (I)(bb);

“(III) for fiscal year 2016—

“(aa) 70 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 30 percent shall be allocated in accordance with subclause (I)(bb);

“(IV) for fiscal year 2017—

“(aa) 60 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 40 percent shall be allocated in accordance with subclause (I)(bb); and

“(V) for fiscal year 2018 and each fiscal year thereafter—

“(aa) 50 percent shall be allocated to State agencies in accordance with clause (i); and

“(bb) 50 percent shall be allocated in accordance with subclause (I)(bb).

“(B) REALLOCATION.—

“(i) IN GENERAL.—If the Secretary determines that a State agency will not expend all of the funds allocated to the State agency for a fiscal year under paragraph (1) or in the case of a State agency that elects not to receive the entire amount of funds allocated to the State agency for a fiscal year, the Secretary shall reallocate the unexpended funds to other States during the fiscal year or the subsequent fiscal year (as determined by the Secretary) that have approved State plans under which the State agencies may expend the reallocated funds.

“(ii) EFFECT OF ADDITIONAL FUNDS.—

“(I) FUNDS RECEIVED.—Any reallocated funds received by a State agency under clause (i) for a fiscal year shall be considered to be part of the fiscal year 2009 base allocation of funds to the State agency for that fiscal year for purposes of determining allocation under subparagraph (A) for the subsequent fiscal year.

“(II) FUNDS SURRENDERED.—Any funds surrendered by a State agency under clause (i) shall not be considered to be part of the fiscal year 2009 base allocation of funds to a State agency for that fiscal year for purposes of determining allocation under subparagraph (A) for the subsequent fiscal year.

“(3) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

“(A) IN GENERAL.—Grants awarded under this section shall be the only source of Federal financial participation under this Act in nutrition education and obesity prevention.

“(B) EXCLUSION.—Any costs of nutrition education and obesity prevention in excess of the grants authorized under this section shall not be eligible for reimbursement under section 16(a).

“(e) IMPLEMENTATION.—Not later than January 1, 2012, the Secretary shall publish in the Federal Register a description of the requirements for the receipt of a grant under this section.”

(b) CONFORMING AMENDMENTS.—

(1) Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the first sentence by striking “and, through an approved State plan, nutrition education”.

(2) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (f).

SEC. 242. PROCUREMENT AND PROCESSING OF FOOD SERVICE PRODUCTS AND COMMODITIES.

Section 9(a)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(4)) is amended by adding at the end the following:

“(C) PROCUREMENT AND PROCESSING OF FOOD SERVICE PRODUCTS AND COMMODITIES.—The Secretary shall—

“(i) identify, develop, and disseminate to State departments of agriculture and education, school food authorities, local educational agencies, and local processing entities, model product specifications and practices for foods offered in school nutrition programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to ensure that the foods reflect the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

“(ii) not later than 1 year after the date of enactment of this subparagraph—

“(I) carry out a study to analyze the quantity and quality of nutritional information available to school food authorities about food service products and commodities; and

“(II) submit to Congress a report on the results of the study that contains such legislative recommendations as the Secretary considers necessary to ensure that school food authorities have access to the nutritional information needed for menu planning and compliance assessments; and

“(iii) to the maximum extent practicable, in purchasing and processing commodities for use in school nutrition programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), purchase the widest variety of healthful foods that reflect the most recent Dietary Guidelines for Americans.”

SEC. 243. ACCESS TO LOCAL FOODS: FARM TO SCHOOL PROGRAM.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by redesignating subsections (h) and (i) and subsection (j) (as added by section 210) as subsections (i) through (k), respectively;

(2) in subsection (g), by striking “(g) ACCESS TO LOCAL FOODS AND SCHOOL GARDENS.—” and all that follows through “(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—” and inserting the following:

“(g) ACCESS TO LOCAL FOODS: FARM TO SCHOOL PROGRAM.—

“(1) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term ‘eligible school’ means a school or institution that participates in a program under this Act or the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

“(2) PROGRAM.—The Secretary shall carry out a program to assist eligible schools, State and local agencies, Indian tribal organizations, agricultural producers or groups of agricultural producers, and nonprofit entities through grants and technical assistance to implement farm to school programs that improve access to local foods in eligible schools.

“(3) GRANTS.—

“(A) IN GENERAL.—The Secretary shall award competitive grants under this subsection to be used for—

“(i) training;

“(ii) supporting operations;

“(iii) planning;

“(iv) purchasing equipment;

“(v) developing school gardens;

“(vi) developing partnerships; and

“(vii) implementing farm to school programs.

“(B) REGIONAL BALANCE.—In making awards under this subsection, the Secretary shall, to the maximum extent practicable, ensure—

“(i) geographical diversity; and

“(ii) equitable treatment of urban, rural, and tribal communities.

“(C) MAXIMUM AMOUNT.—The total amount provided to a grant recipient under this subsection shall not exceed \$100,000.

“(4) FEDERAL SHARE.—

“(A) IN GENERAL.—The Federal share of costs for a project funded through a grant awarded under this subsection shall not exceed 75 percent of the total cost of the project.

“(B) FEDERAL MATCHING.—As a condition of receiving a grant under this subsection, a grant recipient shall provide matching support in the form of cash or in-kind contributions, including facilities, equipment, or services provided by State and local governments, nonprofit organizations, and private sources.

“(5) CRITERIA FOR SELECTION.—To the maximum extent practicable, in providing assistance under this subsection, the Secretary shall give the highest priority to funding projects that, as determined by the Secretary—

“(A) make local food products available on the menu of the eligible school;

“(B) serve a high proportion of children who are eligible for free or reduced price lunches;

“(C) incorporate experiential nutrition education activities in curriculum planning that encourage the participation of school children in farm and garden-based agricultural education activities;

“(D) demonstrate collaboration between eligible schools, nongovernmental and community-based organizations, agricultural producer groups, and other community partners;

“(E) include adequate and participatory evaluation plans;

“(F) demonstrate the potential for long-term program sustainability; and

“(G) meet any other criteria that the Secretary determines appropriate.

“(6) EVALUATION.—As a condition of receiving a grant under this subsection, each grant recipient shall agree to cooperate in an evaluation by the Secretary of the program carried out using grant funds.

“(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and information to assist eligible schools, State and local agencies, Indian tribal organizations, and nonprofit entities—

“(A) to facilitate the coordination and sharing of information and resources in the Department that may be applicable to the farm to school program;

“(B) to collect and share information on best practices; and

“(C) to disseminate research and data on existing farm to school programs and the potential for programs in underserved areas.

“(8) FUNDING.—

“(A) IN GENERAL.—On October 1, 2012, and each October 1 thereafter, out of any funds

in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$5,000,000, to remain available until expended.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

“(9) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under paragraph (8), there are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2011 through 2015.

“(h) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

“(1) IN GENERAL.—”; and

(3) in subsection (h) (as redesignated by paragraph (2))—

(A) in subparagraph (F) of paragraph (1) (as so redesignated), by striking “in accordance with paragraph (1)(H)” and inserting “carried out by the Secretary”;;

(B) by redesignating paragraph (4) as paragraph (2); and

(C) in paragraph (2) (as so redesignated), by striking “2009” and inserting “2015”.

SEC. 244. RESEARCH ON STRATEGIES TO PROMOTE THE SELECTION AND CONSUMPTION OF HEALTHY FOODS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall establish a research, demonstration, and technical assistance program to promote healthy eating and reduce the prevalence of obesity, among all population groups but especially among children, by applying the principles and insights of behavioral economics research in schools, child care programs, and other settings.

(b) PRIORITIES.—The Secretary shall—

(1) identify and assess the impacts of specific presentation, placement, and other strategies for structuring choices on selection and consumption of healthful foods in a variety of settings, consistent with the most recent version of the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(2) demonstrate and rigorously evaluate behavioral economics-related interventions that hold promise to improve diets and promote health, including through demonstration projects that may include evaluation of the use of portion size, labeling, convenience, and other strategies to encourage healthy choices; and

(3) encourage adoption of the most effective strategies through outreach and technical assistance.

(c) AUTHORITY.—In carrying out the program under subsection (a), the Secretary may—

(1) enter into competitively awarded contracts or cooperative agreements; or

(2) provide grants to States or public or private agencies or organizations, as determined by the Secretary.

(d) APPLICATION.—To be eligible to enter into a contract or cooperative agreement or receive a grant under this section, a State or public or private agency or organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) COORDINATION.—The solicitation and evaluation of contracts, cooperative agreements, and grant proposals considered under this section shall be coordinated with the Food and Nutrition Service as appropriate to

ensure that funded projects are consistent with the operations of Federally supported nutrition assistance programs and related laws (including regulations).

(f) ANNUAL REPORTS.—Not later than 90 days after the end of each fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

(1) the policies, priorities, and operations of the program carried out by the Secretary under this section during the fiscal year;

(2) the results of any evaluations completed during the fiscal year; and

(3) the efforts undertaken to disseminate successful practices through outreach and technical assistance.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2011 through 2015.

(2) USE OF FUNDS.—The Secretary may use up to 5 percent of the funds made available under paragraph (1) for Federal administrative expenses incurred in carrying out this section.

TITLE III—IMPROVING THE MANAGEMENT AND INTEGRITY OF CHILD NUTRITION PROGRAMS

Subtitle A—National School Lunch Program

SEC. 301. PRIVACY PROTECTION.

Section 9(d)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(d)(1)) is amended—

(1) in the first sentence, by inserting “the last 4 digits of” before “the social security account number”; and

(2) by striking the second sentence.

SEC. 302. APPLICABILITY OF FOOD SAFETY PROGRAM ON ENTIRE SCHOOL CAMPUS.

Section 9(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(5)) is amended—

(1) by striking “Each school food” and inserting the following:

“(A) IN GENERAL.—Each school food”; and

(2) by adding at the end the following:

“(B) APPLICABILITY.—Subparagraph (A) shall apply to any facility or part of a facility in which food is stored, prepared, or served for the purposes of the school nutrition programs under this Act or section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).”.

SEC. 303. FINES FOR VIOLATING PROGRAM REQUIREMENTS.

Section 22 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c) is amended by adding at the end the following:

“(e) FINES FOR VIOLATING PROGRAM REQUIREMENTS.—

“(1) SCHOOL FOOD AUTHORITIES AND SCHOOLS.—

“(A) IN GENERAL.—The Secretary shall establish criteria by which the Secretary or a State agency may impose a fine against any school food authority or school administering a program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) if the Secretary or the State agency determines that the school food authority or school has—

“(i) failed to correct severe mismanagement of the program;

“(ii) disregarded a program requirement of which the school food authority or school had been informed; or

“(iii) failed to correct repeated violations of program requirements.

“(B) LIMITS.—

“(i) IN GENERAL.—In calculating the fine for a school food authority or school, the Secretary shall base the amount of the fine on the reimbursement earned by school food authority or school for the program in which the violation occurred.

“(ii) AMOUNT.—The amount under clause (i) shall not exceed—

“(I) 1 percent of the amount of meal reimbursements earned for the fiscal year for the first finding of 1 or more program violations under subparagraph (A);

“(II) 5 percent of the amount of meal reimbursements earned for the fiscal year for the second finding of 1 or more program violations under subparagraph (A); and

“(III) 10 percent of the amount of meal reimbursements earned for the fiscal year for the third or subsequent finding of 1 or more program violations under subparagraph (A).

“(2) STATE AGENCIES.—

“(A) IN GENERAL.—The Secretary shall establish criteria by which the Secretary may impose a fine against any State agency administering a program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) if the Secretary determines that the State agency has—

“(i) failed to correct severe mismanagement of the program;

“(ii) disregarded a program requirement of which the State had been informed; or

“(iii) failed to correct repeated violations of program requirements.

“(B) LIMITS.—In the case of a State agency, the amount of a fine under subparagraph (A) shall not exceed—

“(i) 1 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the first finding of 1 or more program violations under subparagraph (A);

“(ii) 5 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the second finding of 1 or more program violations under subparagraph (A); and

“(iii) 10 percent of funds made available under section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) for State administrative expenses during a fiscal year for the third or subsequent finding of 1 or more program violations under subparagraph (A).

“(3) SOURCE OF FUNDING.—Funds to pay a fine imposed under paragraph (1) or (2) shall be derived from non-Federal sources.”.

SEC. 304. INDEPENDENT REVIEW OF APPLICATIONS.

Section 22(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(b)) is amended by adding at the end the following:

“(6) ELIGIBILITY DETERMINATION REVIEW FOR SELECTED LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—A local educational agency that has demonstrated a high level of, or a high risk for, administrative error associated with certification, verification, and other administrative processes, as determined by the Secretary, shall ensure that the initial eligibility determination for each application is reviewed for accuracy prior to notifying a household of the eligibility or ineligibility of the household for free or reduced price meals.

“(B) TIMELINESS.—The review of initial eligibility determinations—

“(i) shall be completed in a timely manner; and

“(ii) shall not result in the delay of an eligibility determination for more than 10 operating days after the date on which the application is submitted.

“(C) ACCEPTABLE TYPES OF REVIEW.—Subject to standards established by the Secretary, the system used to review eligibility determinations for accuracy shall be conducted by an individual or entity that did not make the initial eligibility determination.

“(D) NOTIFICATION OF HOUSEHOLD.—Once the review of an eligibility determination has been completed under this paragraph, the household shall be notified immediately of the determination of eligibility or ineligibility for free or reduced price meals.

“(E) REPORTING.—

“(i) LOCAL EDUCATIONAL AGENCIES.—In accordance with procedures established by the Secretary, each local educational agency required to review initial eligibility determinations shall submit to the relevant State agency a report describing the results of the reviews, including—

“(I) the number and percentage of reviewed applications for which the eligibility determination was changed and the type of change made; and

“(II) such other information as the Secretary determines to be necessary.

“(ii) STATE AGENCIES.—In accordance with procedures established by the Secretary, each State agency shall submit to the Secretary a report describing the results of the reviews of initial eligibility determinations, including—

“(I) the number and percentage of reviewed applications for which the eligibility determination was changed and the type of change made; and

“(II) such other information as the Secretary determines to be necessary.

“(iii) TRANSPARENCY.—The Secretary shall publish annually the results of the reviews of initial eligibility determinations by State, number, percentage, and type of error.”

SEC. 305. PROGRAM EVALUATION.

Section 28 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769i) is amended by adding at the end the following:

“(c) COOPERATION WITH PROGRAM RESEARCH AND EVALUATION.—States, State educational agencies, local educational agencies, schools, institutions, facilities, and contractors participating in programs authorized under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall cooperate with officials and contractors acting on behalf of the Secretary, in the conduct of evaluations and studies under those Acts.”

SEC. 306. PROFESSIONAL STANDARDS FOR SCHOOL FOOD SERVICE.

Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended by striking subsection (g) and inserting the following:

“(g) PROFESSIONAL STANDARDS FOR SCHOOL FOOD SERVICE.—

“(1) CRITERIA FOR SCHOOL FOOD SERVICE AND STATE AGENCY DIRECTORS.—

“(A) SCHOOL FOOD SERVICE DIRECTORS.—

“(i) IN GENERAL.—The Secretary shall establish a program of required education, training, and certification for all school food service directors responsible for the management of a school food authority.

“(ii) REQUIREMENTS.—The program shall include—

“(I) minimum educational requirements necessary to successfully manage the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act;

“(II) minimum program training and certification criteria for school food service directors; and

“(III) minimum periodic training criteria to maintain school food service director certification.

“(B) SCHOOL NUTRITION STATE AGENCY DIRECTORS.—The Secretary shall establish criteria and standards for States to use in the selection of State agency directors with responsibility for the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act.

“(C) TRAINING PROGRAM PARTNERSHIP.—The Secretary may provide financial and other assistance to 1 or more professional food service management organizations—

“(i) to establish and manage the program under this paragraph; and

“(ii) to develop voluntary training and certification programs for other school food service workers.

“(D) REQUIRED DATE OF COMPLIANCE.—

“(i) SCHOOL FOOD SERVICE DIRECTORS.—The Secretary shall establish a date by which all school food service directors whose local educational agencies are participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act shall be required to comply with the education, training, and certification criteria established in accordance with subparagraph (A).

“(ii) SCHOOL NUTRITION STATE AGENCY DIRECTORS.—The Secretary shall establish a date by which all State agencies shall be required to comply with criteria and standards established in accordance with subparagraph (B) for the selection of State agency directors with responsibility for the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act.

“(2) TRAINING AND CERTIFICATION OF FOOD SERVICE PERSONNEL.—

“(A) TRAINING FOR INDIVIDUALS CONDUCTING OR OVERSEEING ADMINISTRATIVE PROCEDURES.—

“(i) IN GENERAL.—At least annually, each State shall provide training in administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures) to local educational agency and school food authority personnel and other appropriate personnel.

“(ii) FEDERAL ROLE.—The Secretary shall—

“(I) provide training and technical assistance described in clause (i) to the State; or

“(II) at the option of the Secretary, directly provide training and technical assistance described in clause (i).

“(iii) REQUIRED PARTICIPATION.—In accordance with procedures established by the Secretary, each local educational agency or school food authority shall ensure that an individual conducting or overseeing administrative procedures described in clause (i) receives training at least annually, unless determined otherwise by the Secretary.

“(B) TRAINING AND CERTIFICATION OF ALL LOCAL FOOD SERVICE PERSONNEL.—

“(i) IN GENERAL.—The Secretary shall provide training designed to improve—

“(I) the accuracy of approvals for free and reduced price meals; and

“(II) the identification of reimbursable meals at the point of service.

“(ii) CERTIFICATION OF LOCAL PERSONNEL.—In accordance with criteria established by the Secretary, local food service personnel shall complete annual training and receive annual certification—

“(I) to ensure program compliance and integrity; and

“(II) to demonstrate competence in the training provided under clause (i).

“(iii) TRAINING MODULES.—In addition to the topics described in clause (i), a training program carried out under this subparagraph shall include training modules on—

“(I) nutrition;

“(II) health and food safety standards and methodologies; and

“(III) any other appropriate topics, as determined by the Secretary.

“(3) FUNDING.—

“(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection, to remain available until expended—

“(i) on October 1, 2010, \$5,000,000; and

“(ii) on each October 1 thereafter, \$1,000,000.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.”

SEC. 307. INDIRECT COSTS.

(a) GUIDANCE ON INDIRECT COSTS RULES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidance to school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) covering program rules pertaining to indirect costs, including allowable indirect costs that may be charged to the nonprofit school food service account.

(b) INDIRECT COST STUDY.—The Secretary shall—

(1) conduct a study to assess the extent to which school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) pay indirect costs, including assessments of—

(A) the allocation of indirect costs to, and the methodologies used to establish indirect cost rates for, school food authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(B) the impact of indirect costs charged to the nonprofit school food service account;

(C) the types and amounts of indirect costs charged and recovered by school districts;

(D) whether the indirect costs charged or recovered are consistent with requirements for the allocation of indirect costs and school food service operations; and

(E) the types and amounts of indirect costs that could be charged or recovered under requirements for the allocation of indirect costs and school food service operations but are not charged or recovered; and

(2) after completing the study required under paragraph (1), issue additional guidance relating to the types of costs that are reasonable and necessary to provide meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(c) REGULATIONS.—After conducting the study under subsection (b)(1) and identifying

costs under subsection (b)(2), the Secretary may promulgate regulations to address—

(1) any identified deficiencies in the allocation of indirect costs; and

(2) the authority of school food authorities to reimburse only those costs identified by the Secretary as reasonable and necessary under subsection (b)(2).

(d) REPORT.—Not later than October 1, 2013, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study under subsection (b).

(e) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$2,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SEC. 308. ENSURING SAFETY OF SCHOOL MEALS.

The Richard B. Russell National School Lunch Act is amended by after section 28 (42 U.S.C. 1769i) the following:

“SEC. 29. ENSURING SAFETY OF SCHOOL MEALS.

“(a) FOOD AND NUTRITION SERVICE.—Not later than 1 year after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary, acting through the Administrator of the Food and Nutrition Service, shall—

“(1) in consultation with the Administrator of the Agricultural Marketing Service and the Administrator of the Farm Service Agency, develop guidelines to determine the circumstances under which it is appropriate for the Secretary to institute an administrative hold on suspect foods purchased by the Secretary that are being used in school meal programs under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(2) work with States to explore ways for the States to increase the timeliness of notification of food recalls to schools and school food authorities;

“(3) improve the timeliness and completeness of direct communication between the Food and Nutrition Service and States about holds and recalls, such as through the commodity alert system of the Food and Nutrition Service; and

“(4) establish a timeframe to improve the commodity hold and recall procedures of the Department of Agriculture to address the role of processors and determine the involvement of distributors with processed products that may contain recalled ingredients, to facilitate the provision of more timely and complete information to schools.

“(b) FOOD SAFETY AND INSPECTION SERVICE.—Not later than 1 year after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary, acting through the Administrator of the Food Safety and Inspection Service, shall revise the procedures of the Food Safety and Inspection Service to ensure that schools are included in effectiveness checks.”

Subtitle B—Summer Food Service Program

SEC. 321. SUMMER FOOD SERVICE PROGRAM PERMANENT OPERATING AGREEMENTS.

Section 13(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(b)) is amended by striking paragraph (3) and inserting the following:

“(3) PERMANENT OPERATING AGREEMENTS AND BUDGET FOR ADMINISTRATIVE COSTS.—

“(A) PERMANENT OPERATING AGREEMENTS.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), to participate in the program, a service institution that meets the conditions of eligibility described in this section and in regulations promulgated by the Secretary, shall be required to enter into a permanent agreement with the applicable State agency.

“(ii) AMENDMENTS.—A permanent agreement described in clause (i) may be amended as necessary to ensure that the service institution is in compliance with all requirements established in this section or by the Secretary.

“(iii) TERMINATION.—A permanent agreement described in clause (i)—

“(I) may be terminated for convenience by the service institution and State agency that is a party to the permanent agreement; and

“(II) shall be terminated—

“(aa) for cause by the applicable State agency in accordance with subsection (q) and with regulations promulgated by the Secretary; or

“(bb) on termination of participation of the service institution in the program.

“(B) BUDGET FOR ADMINISTRATIVE COSTS.—

“(i) IN GENERAL.—When applying for participation in the program, and not less frequently than annually thereafter, each service institution shall submit a complete budget for administrative costs related to the program, which shall be subject to approval by the State.

“(ii) AMOUNT.—Payment to service institutions for administrative costs shall equal the levels determined by the Secretary pursuant to the study required in paragraph (4).”

SEC. 322. SUMMER FOOD SERVICE PROGRAM DISQUALIFICATION.

Section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) is amended—

(1) by redesignating subsection (q) as subsection (r); and

(2) by inserting after subsection (p) the following:

“(q) TERMINATION AND DISQUALIFICATION OF PARTICIPATING ORGANIZATIONS.—

“(1) IN GENERAL.—Each State agency shall follow the procedures established by the Secretary for the termination of participation of institutions under the program.

“(2) FAIR HEARING.—The procedures described in paragraph (1) shall include provision for a fair hearing and prompt determination for any service institution aggrieved by any action of the State agency that affects—

“(A) the participation of the service institution in the program; or

“(B) the claim of the service institution for reimbursement under this section.

“(3) LIST OF DISQUALIFIED INSTITUTIONS AND INDIVIDUALS.—

“(A) IN GENERAL.—The Secretary shall maintain a list of service institutions and individuals that have been terminated or otherwise disqualified from participation in the program under the procedures established pursuant to paragraph (1).

“(B) AVAILABILITY.—The Secretary shall make the list available to States for use in approving or renewing applications by service institutions for participation in the program.”

Subtitle C—Child and Adult Care Food Program

SEC. 331. RENEWAL OF APPLICATION MATERIALS AND PERMANENT OPERATING AGREEMENTS.

(a) PERMANENT OPERATING AGREEMENTS.—Section 17(d)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(1))

is amended by adding at the end the following:

“(E) PERMANENT OPERATING AGREEMENTS.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), to participate in the child and adult care food program, an institution that meets the conditions of eligibility described in this subsection shall be required to enter into a permanent agreement with the applicable State agency.

“(ii) AMENDMENTS.—A permanent agreement described in clause (i) may be amended as necessary to ensure that the institution is in compliance with all requirements established in this section or by the Secretary.

“(iii) TERMINATION.—A permanent agreement described in clause (i)—

“(I) may be terminated for convenience by the institution or State agency that is a party to the permanent agreement; and

“(II) shall be terminated—

“(aa) for cause by the applicable State agency in accordance with paragraph (5); or

“(bb) on termination of participation of the institution in the child and adult care food program.”

(b) APPLICATIONS AND REVIEWS.—Section 17(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)) is amended by striking paragraph (2) and inserting the following:

“(2) PROGRAM APPLICATIONS.—

“(A) IN GENERAL.—The Secretary shall develop a policy under which each institution providing child care that participates in the program under this section shall—

“(i) submit to the State agency an initial application to participate in the program that meets all requirements established by the Secretary by regulation;

“(ii) annually confirm to the State agency that the institution, and any facilities of the institution in which the program is operated by a sponsoring organization, is in compliance with subsection (a)(5); and

“(iii) annually submit to the State agency any additional information necessary to confirm that the institution is in compliance with all other requirements to participate in the program, as established in this Act and by the Secretary by regulation.

“(B) REQUIRED REVIEWS OF SPONSORED FACILITIES.—

“(i) IN GENERAL.—The Secretary shall develop a policy under which each sponsoring organization participating in the program under this section shall conduct—

“(I) periodic unannounced site visits at not less than 3-year intervals to sponsored child and adult care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program; and

“(II) at least 1 scheduled site visit each year to sponsored child and adult care centers and family or group day care homes to identify and prevent management deficiencies and fraud and abuse under the program and to improve program operations.

“(ii) VARIED TIMING.—Sponsoring organizations shall vary the timing of unannounced reviews under clause (i)(I) in a manner that makes the reviews unpredictable to sponsored facilities.

“(C) REQUIRED REVIEWS OF INSTITUTIONS.—The Secretary shall develop a policy under which each State agency shall conduct—

“(i) at least 1 scheduled site visit at not less than 3-year intervals to each institution under the State agency participating in the program under this section—

“(I) to identify and prevent management deficiencies and fraud and abuse under the program; and

“(II) to improve program operations; and
 “(ii) more frequent reviews of any institution that—

“(I) sponsors a significant share of the facilities participating in the program;

“(II) conducts activities other than the program authorized under this section;

“(III) has serious management problems, as identified in a prior review, or is at risk of having serious management problems; or

“(IV) meets such other criteria as are defined by the Secretary.

“(D) DETECTION AND DETERRENCE OF ERRONEOUS PAYMENTS AND FALSE CLAIMS.—

“(i) IN GENERAL.—The Secretary may develop a policy to detect and deter, and recover erroneous payments to, and false claims submitted by, institutions, sponsored child and adult care centers, and family or group day care homes participating in the program under this section.

“(ii) BLOCK CLAIMS.—

“(I) DEFINITION OF BLOCK CLAIM.—In this clause, the term ‘block claim’ has the meaning given the term in section 226.2 of title 7, Code of Federal Regulations (or successor regulations).

“(II) PROGRAM EDIT CHECKS.—The Secretary may not require any State agency, sponsoring organization, or other institution to perform edit checks or on-site reviews relating to the detection of block claims by any child care facility.

“(III) ALLOWANCE.—Notwithstanding subclause (II), the Secretary may require any State agency, sponsoring organization, or other institution to collect, store, and transmit to the appropriate entity information necessary to develop any other policy developed under clause (i).”

(c) AGREEMENTS.—Section 17(j)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(j)(1)) is amended—

(1) by striking “may” and inserting “shall”;

(2) by striking “family or group day care” the first place it appears; and

(3) by inserting “or sponsored day care centers” before “participating”.

SEC. 332. STATE LIABILITY FOR PAYMENTS TO AGGRIEVED CHILD CARE INSTITUTIONS.

Section 17(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(e)) is amended—

(1) in paragraph (3), by striking “(3) If a State” and inserting the following:

“(5) SECRETARIAL HEARING.—If a State”; and

(2) by striking “(e) Except as provided” and all that follows through “(2) A State” and inserting the following:

“(e) HEARINGS.—

“(1) IN GENERAL.—Except as provided in paragraph (4), each State agency shall provide, in accordance with regulations promulgated by the Secretary, an opportunity for a fair hearing and a prompt determination to any institution aggrieved by any action of the State agency that affects—

“(A) the participation of the institution in the program authorized by this section; or

“(B) the claim of the institution for reimbursement under this section.

“(2) REIMBURSEMENT.—In accordance with paragraph (3), a State agency that fails to meet timeframes for providing an opportunity for a fair hearing and a prompt determination to any institution under paragraph (1) in accordance with regulations promulgated by the Secretary, shall pay, from non-Federal sources, all valid claims for reimbursement to the institution and the facilities of the institution during the period be-

ginning on the day after the end of any regulatory deadline for providing the opportunity and making the determination and ending on the date on which a hearing determination is made.

“(3) NOTICE TO STATE AGENCY.—The Secretary shall provide written notice to a State agency at least 30 days prior to imposing any liability for reimbursement under paragraph (2).

“(4) FEDERAL AUDIT DETERMINATION.—A State”.

SEC. 333. TRANSMISSION OF INCOME INFORMATION BY SPONSORED FAMILY OR GROUP DAY CARE HOMES.

Section 17(f)(3)(A)(iii)(III) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(A)(iii)(III)) is amended by adding at the end the following:

“(dd) TRANSMISSION OF INCOME INFORMATION BY SPONSORED FAMILY OR GROUP DAY CARE HOMES.—If a family or group day care home elects to be provided reimbursement factors described in subclause (II), the family or group day care home may assist in the transmission of necessary household income information to the family or group day care home sponsoring organization in accordance with the policy described in item (ee).

“(ee) POLICY.—The Secretary shall develop a policy under which a sponsored family or group day care home described in item (dd) may, under terms and conditions specified by the Secretary and with the written consent of the parents or guardians of a child in a family or group day care home participating in the program, assist in the transmission of the income information of the family to the family or group day care home sponsoring organization.”

SEC. 334. SIMPLIFYING AND ENHANCING ADMINISTRATIVE PAYMENTS TO SPONSORING ORGANIZATIONS.

Section 17(f)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)) is amended by striking subparagraph (B) and inserting the following:

“(B) ADMINISTRATIVE FUNDS.—

“(i) IN GENERAL.—In addition to reimbursement factors described in subparagraph (A), a family or group day care home sponsoring organization shall receive reimbursement for the administrative expenses of the sponsoring organization in an amount that is not less than the product obtained each month by multiplying—

“(I) the number of family and group day care homes of the sponsoring organization submitting a claim for reimbursement during the month; by

“(II) the appropriate administrative rate determined by the Secretary.

“(ii) ANNUAL ADJUSTMENT.—The administrative reimbursement levels specified in clause (i) shall be adjusted July 1 of each year to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor for the most recent 12-month period for which such data are available.

“(iii) CARRYOVER FUNDS.—The Secretary shall develop procedures under which not more than 10 percent of the amount made available to sponsoring organizations under this section for administrative expenses for a fiscal year may remain available for obligation or expenditure in the succeeding fiscal year.”

SEC. 335. CHILD AND ADULT CARE FOOD PROGRAM AUDIT FUNDING.

Section 17(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(i)) is amended by striking paragraph (2) and inserting the following:

“(2) FUNDING.—

“(A) IN GENERAL.—The Secretary shall make available for each fiscal year to each State agency administering the child and adult care food program, for the purpose of conducting audits of participating institutions, an amount of up to 1.5 percent of the funds used by each State in the program under this section, during the second preceding fiscal year.

“(B) ADDITIONAL FUNDING.—

“(i) IN GENERAL.—Subject to clause (ii), for fiscal year 2016 and each fiscal year thereafter, the Secretary may increase the amount of funds made available to any State agency under subparagraph (A), if the State agency demonstrates that the State agency can effectively use the funds to improve program management under criteria established by the Secretary.

“(ii) LIMITATION.—The total amount of funds made available to any State agency under this paragraph shall not exceed 2 percent of the funds used by each State agency in the program under this section, during the second preceding fiscal year.”

SEC. 336. REDUCING PAPERWORK AND IMPROVING PROGRAM ADMINISTRATION.

(a) DEFINITION OF PROGRAM.—In this section, the term “program” means the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766).

(b) ESTABLISHMENT.—The Secretary, in conjunction with States and participating institutions, shall continue to examine the feasibility of reducing unnecessary or duplicative paperwork resulting from regulations and recordkeeping requirements for State agencies, institutions, family and group day care homes, and sponsored centers participating in the program.

(c) DUTIES.—At a minimum, the examination shall include—

(1) review and evaluation of the recommendations, guidance, and regulatory priorities developed and issued to comply with section 119(i) of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1766 note; Public Law 108-265); and

(2) examination of additional paperwork and administrative requirements that have been established since February 23, 2007, that could be reduced or simplified.

(d) ADDITIONAL DUTIES.—The Secretary, in conjunction with States and institutions participating in the program, may also examine any aspect of administration of the program.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the actions that have been taken to carry out this section, including—

(1) actions taken to address administrative and paperwork burdens identified as a result of compliance with section 119(i) of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1766 note; Public Law 108-265);

(2) administrative and paperwork burdens identified as a result of compliance with section 119(i) of that Act for which no regulatory action or policy guidance has been taken;

(3) additional steps that the Secretary is taking or plans to take to address any administrative and paperwork burdens identified under subsection (c)(2) and paragraph (2), including—

(A) new or updated regulations, policy, guidance, or technical assistance; and

(B) a timeframe for the completion of those steps; and

(4) recommendations to Congress for modifications to existing statutory authorities

needed to address identified administrative and paperwork burdens.

SEC. 337. STUDY RELATING TO THE CHILD AND ADULT CARE FOOD PROGRAM.

(a) **STUDY.**—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall carry out a study of States participating in an afterschool supper program under the child and adult care food program established under section 17(r) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)).

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress, and make available on the website of the Food and Nutrition Service, a report that describes—

(1) best practices of States in soliciting sponsors for an afterschool supper program described in subsection (a); and

(2) any Federal or State laws or requirements that may be a barrier to participation in the program.

Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

SEC. 351. SHARING OF MATERIALS WITH OTHER PROGRAMS.

Section 17(e)(3) of the Child Nutrition Act (42 U.S.C. 1786(e)(3)) is amended by striking subparagraph (B) and inserting the following:

“(B) **SHARING OF MATERIALS WITH OTHER PROGRAMS.**—

“(i) **COMMODITY SUPPLEMENTAL FOOD PROGRAM.**—The Secretary may provide, in bulk quantity, nutrition education materials (including materials promoting breastfeeding) developed with funds made available for the program authorized under this section to State agencies administering the commodity supplemental food program established under section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) at no cost to that program.

“(ii) **CHILD AND ADULT CARE FOOD PROGRAM.**—A State agency may allow the local agencies or clinics under the State agency to share nutrition educational materials with institutions participating in the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) at no cost to that program, if a written materials sharing agreement exists between the relevant agencies.”.

SEC. 352. WIC PROGRAM MANAGEMENT.

(a) **WIC EVALUATION FUNDS.**—Section 17(g)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5)) is amended by striking “\$5,000,000” and inserting “\$15,000,000”.

(b) **WIC REBATE PAYMENTS.**—Section 17(h)(8) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following:

“(K) **REPORTING.**—Effective beginning October 1, 2011, each State agency shall report rebate payments received from manufacturers in the month in which the payments are received, rather than in the month in which the payments were earned.”.

(c) **COST CONTAINMENT MEASURE.**—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended—

(1) in paragraph (8)(A)(iv)(III), by striking “Any” and inserting “Except as provided in paragraph (9)(B)(i)(II), any”; and

(2) by striking paragraph (9) and inserting the following:

“(9) **COST CONTAINMENT MEASURE.**—

“(A) **DEFINITION OF COST CONTAINMENT MEASURE.**—In this subsection, the term ‘cost containment measure’ means a competitive bidding, rebate, direct distribution, or home

delivery system implemented by a State agency as described in the approved State plan of operation and administration of the State agency.

“(B) **SOLICITATION AND REBATE BILLING REQUIREMENTS.**—Any State agency instituting a cost containment measure for any authorized food, including infant formula, shall—

“(i) in the bid solicitation—

“(I) identify the composition of State alliances for the purposes of a cost containment measure; and

“(II) verify that no additional States shall be added to the State alliance between the date of the bid solicitation and the end of the contract;

“(ii) have a system to ensure that rebate invoices under competitive bidding provide a reasonable estimate or an actual count of the number of units sold to participants in the program under this section;

“(iii) open and read aloud all bids at a public proceeding on the day on which the bids are due; and

“(iv) unless otherwise exempted by the Secretary, provide a minimum of 30 days between the publication of the solicitation and the date on which the bids are due.

“(C) **STATE ALLIANCES FOR AUTHORIZED FOODS OTHER THAN INFANT FORMULA.**—Program requirements relating to the size of State alliances under paragraph (8)(A)(iv) shall apply to cost containment measures established for any authorized food under this section.”.

(d) **ELECTRONIC BENEFIT TRANSFER.**—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (12) and inserting the following:

“(12) **ELECTRONIC BENEFIT TRANSFER.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **ELECTRONIC BENEFIT TRANSFER.**—The term ‘electronic benefit transfer’ means a food delivery system that provides benefits using a card or other access device approved by the Secretary that permits electronic access to program benefits.

“(ii) **PROGRAM.**—The term ‘program’ means the special supplemental nutrition program established by this section.

“(B) **REQUIREMENTS.**—

“(i) **IN GENERAL.**—Not later than October 1, 2020, each State agency shall be required to implement electronic benefit transfer systems throughout the State, unless the Secretary grants an exemption under subparagraph (C) for a State agency that is facing unusual barriers to implement an electronic benefit transfer system.

“(ii) **RESPONSIBILITY.**—The State agency shall be responsible for the coordination and management of the electronic benefit transfer system of the agency.

“(C) **EXEMPTIONS.**—

“(i) **IN GENERAL.**—To be eligible for an exemption from the statewide implementation requirements of subparagraph (B)(i), a State agency shall demonstrate to the satisfaction of the Secretary 1 or more of the following:

“(I) There are unusual technological barriers to implementation.

“(II) Operational costs are not affordable within the nutrition services and administration grant of the State agency.

“(III) It is in the best interest of the program to grant the exemption.

“(ii) **SPECIFIC DATE.**—A State agency requesting an exemption under clause (i) shall specify a date by which the State agency anticipates statewide implementation described in subparagraph (B)(i).

“(D) **REPORTING.**—

“(i) **IN GENERAL.**—Each State agency shall submit to the Secretary electronic benefit

transfer project status reports to demonstrate the progress of the State toward statewide implementation.

“(ii) **CONSULTATION.**—If a State agency plans to incorporate additional programs in the electronic benefit transfer system of the State, the State agency shall consult with the State agency officials responsible for administering the programs prior to submitting the planning documents to the Secretary for approval.

“(iii) **REQUIREMENTS.**—At a minimum, a status report submitted under clause (i) shall contain—

“(I) an annual outline of the electronic benefit transfer implementation goals and objectives of the State;

“(II) appropriate updates in accordance with approval requirements for active electronic benefit transfer State agencies; and

“(III) such other information as the Secretary may require.

“(E) **IMPOSITION OF COSTS ON VENDORS.**—

“(i) **COST PROHIBITION.**—Except as otherwise provided in this paragraph, the Secretary may not impose, or allow a State agency to impose, the costs of any equipment or system required for electronic benefit transfers on any authorized vendor in order to transact electronic benefit transfers if the vendor equipment or system is used solely to support the program.

“(ii) **COST-SHARING.**—The Secretary shall establish criteria for cost-sharing by State agencies and vendors of costs associated with any equipment or system that is not solely dedicated to transacting electronic benefit transfers for the program.

“(iii) **FEES.**—

“(I) **IN GENERAL.**—A vendor that elects to accept electronic benefit transfers using multifunction equipment shall pay commercial transaction processing costs and fees imposed by a third-party processor that the vendor elects to use to connect to the electronic benefit transfer system of the State.

“(II) **INTERCHANGE FEES.**—No interchange fees shall apply to electronic benefit transfer transactions under this paragraph.

“(iv) **STATEWIDE OPERATIONS.**—After completion of statewide expansion of a system for transaction of electronic benefit transfers—

“(I) a State agency may not be required to incur ongoing maintenance costs for vendors using multifunction systems and equipment to support electronic benefit transfers; and

“(II) any retail store in the State that applies for authorization to become a program vendor shall be required to demonstrate the capability to accept program benefits electronically prior to authorization, unless the State agency determines that the vendor is necessary for participant access.

“(F) **MINIMUM LANE COVERAGE.**—

“(i) **IN GENERAL.**—The Secretary shall establish minimum lane coverage guidelines for vendor equipment and systems used to support electronic benefit transfers.

“(ii) **PROVISION OF EQUIPMENT.**—If a vendor does not elect to accept electronic benefit transfers using its own multifunction equipment, the State agency shall provide such equipment as is necessary to solely support the program to meet the established minimum lane coverage guidelines.

“(G) **TECHNICAL STANDARDS.**—The Secretary shall—

“(i) establish technical standards and operating rules for electronic benefit transfer systems; and

“(ii) require each State agency, contractor, and authorized vendor participating in the program to demonstrate compliance with the technical standards and operating rules.”.

(e) UNIVERSAL PRODUCT CODES DATABASE.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by striking paragraph (13) and inserting the following:

“(13) UNIVERSAL PRODUCT CODES DATABASE.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Healthy, Hunger-Free Kids Act of 2010, the Secretary shall establish a national universal product code database to be used by all State agencies in carrying out the requirements of paragraph (12).

“(B) FUNDING.—

“(i) IN GENERAL.—On October 1, 2010, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this paragraph \$1,000,000, to remain available until expended.

“(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

“(iii) USE OF FUNDS.—The Secretary shall use the funds provided under clause (i) for development, hosting, hardware and software configuration, and support of the database required under subparagraph (A).”

(f) TEMPORARY SPENDING AUTHORITY.—Section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)) is amended by adding at the end the following:

“(8) TEMPORARY SPENDING AUTHORITY.—During each of fiscal years 2012 and 2013, the Secretary may authorize a State agency to expend more than the amount otherwise authorized under paragraph (3)(C) for expenses incurred under this section for supplemental foods during the preceding fiscal year, if the Secretary determines that—

“(A) there has been a significant reduction in reported infant formula cost containment savings for the preceding fiscal year due to the implementation of subsection (h)(8)(K); and

“(B) the reduction would affect the ability of the State agency to serve all eligible participants.”

Subtitle E—Miscellaneous

SEC. 361. FULL USE OF FEDERAL FUNDS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (b) and inserting the following:

“(b) AGREEMENTS.—

“(1) IN GENERAL.—The Secretary shall incorporate, in the agreement of the Secretary with the State agencies administering programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), the express requirements with respect to the operation of the programs to the extent applicable and such other provisions as in the opinion of the Secretary are reasonably necessary or appropriate to effectuate the purposes of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(2) EXPECTATIONS FOR USE OF FUNDS.—Agreements described in paragraph (1) shall include a provision that—

“(A) supports full use of Federal funds provided to State agencies for the administration of programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(B) excludes the Federal funds from State budget restrictions or limitations including, at a minimum—

“(i) hiring freezes;

“(ii) work furloughs; and

“(iii) travel restrictions.”

SEC. 362. DISQUALIFIED SCHOOLS, INSTITUTIONS, AND INDIVIDUALS.

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 206) is amended by adding at the end the following:

“(r) DISQUALIFIED SCHOOLS, INSTITUTIONS, AND INDIVIDUALS.—Any school, institution, service institution, facility, or individual that has been terminated from any program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and is on a list of disqualified institutions and individuals under section 13 or section 17(d)(5)(E) of this Act may not be approved to participate in or administer any program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).”

TITLE IV—MISCELLANEOUS

Subtitle A—Reauthorization of Expiring Provisions

PART I—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

SEC. 401. COMMODITY SUPPORT.

Section 6(e)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended by striking “September 30, 2010” and inserting “September 30, 2020”.

SEC. 402. FOOD SAFETY AUDITS AND REPORTS BY STATES.

Section 9(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)) is amended—

(1) in paragraph (3), by striking “2006 through 2010” and inserting “2011 through 2015”; and

(2) in paragraph (4), by striking “2006 through 2010” and inserting “2011 through 2015”.

SEC. 403. PROCUREMENT TRAINING.

Section 12(m)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(m)(4)) is amended by striking “2005 through 2009” and inserting “2010 through 2015”.

SEC. 404. AUTHORIZATION OF THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

Subsection (r) of section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) (as redesignated by section 322(1)) is amended by striking “September 30, 2009” and inserting “September 30, 2015”.

SEC. 405. YEAR-ROUND SERVICES FOR ELIGIBLE ENTITIES.

Subsection (i)(5) of section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) (as redesignated by section 243(1)) is amended by striking “2005 through 2010” and inserting “2011 through 2015”.

SEC. 406. TRAINING, TECHNICAL ASSISTANCE, AND FOOD SERVICE MANAGEMENT INSTITUTE.

Section 21(e) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(e)) is amended—

(1) by striking “(e) AUTHORIZATION OF APPROPRIATIONS” and all that follows through the end of paragraph (2)(A) and inserting the following:

“(e) FOOD SERVICE MANAGEMENT INSTITUTE.—

“(1) FUNDING.—

“(A) IN GENERAL.—In addition to any amounts otherwise made available for fiscal year 2011, on October 1, 2010, and each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out subsection (a)(2) \$5,000,000, to remain available until expended.

“(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out subsection (a)(2) the funds transferred under subparagraph (A), without further appropriation.”;

(2) by redesignating subparagraphs (B) and (C) as paragraphs (2) and (3), respectively, and indenting appropriately;

(3) in paragraph (2) (as so redesignated), by striking “subparagraph (A)” each place it appears and inserting “paragraph (1)”;

(4) in paragraph (3) (as so redesignated), by striking “subparagraphs (A) and (B)” and inserting “paragraphs (1) and (2)”.

SEC. 407. FEDERAL ADMINISTRATIVE SUPPORT.

Section 21(g)(1)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(g)(1)(A)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”

(3) and by adding at the end the following:

“(iii) on October 1, 2010, and every October 1 thereafter, \$4,000,000.”

SEC. 408. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking “\$6,000,000 for each of fiscal years 2004 through 2009” and inserting “\$10,000,000 for each of fiscal years 2011 through 2015”.

SEC. 409. INFORMATION CLEARINGHOUSE.

Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking “2005 through 2010” and inserting “2010 through 2015”.

PART II—CHILD NUTRITION ACT OF 1966

SEC. 421. TECHNOLOGY INFRASTRUCTURE IMPROVEMENT.

Section 7(i)(4) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(i)(4)) is amended by striking “2005 through 2009” and inserting “2010 through 2015”.

SEC. 422. STATE ADMINISTRATIVE EXPENSES.

Section 7(j) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(j)) is amended by striking “October 1, 2009” and inserting “October 1, 2015”.

SEC. 423. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Section 17(g)(1)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)(A)) is amended by striking “each of fiscal years 2004 through 2009” and inserting “each of fiscal years 2010 through 2015”.

SEC. 424. FARMERS MARKET NUTRITION PROGRAM.

Section 17(m)(9) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)) is amended by striking subparagraph (A) and inserting the following:

“(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2010 through 2015.”

Subtitle B—Technical Amendments

SEC. 441. TECHNICAL AMENDMENTS.

(a) RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT.—

(1) NUTRITIONAL REQUIREMENTS.—Section 9(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)) is amended—

(A) by striking “(f)” and all that follows through the end of paragraph (1) and inserting the following:

“(f) NUTRITIONAL REQUIREMENTS.—

“(1) IN GENERAL.—Schools that are participating in the school lunch program or school

breakfast program shall serve lunches and breakfasts that—

“(A) are consistent with the goals of the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and

“(B) consider the nutrient needs of children who may be at risk for inadequate food intake and food insecurity.”;

(B) by striking paragraph (2); and

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(2) **ROUNDING RULES FOR COMPUTATION OF ADJUSTMENT.**—Section 11(a)(3)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)) is amended by striking “ROUNDING.—” and all that follows through “On July” in subclause (II) and inserting “ROUNDING.—On July”.

(3) **INFORMATION AND ASSISTANCE CONCERNING REIMBURSEMENT OPTIONS.**—Section 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) is amended by striking subsection (f).

(4) **1995 REGULATIONS TO IMPLEMENT DIETARY GUIDELINES.**—Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (k).

(5) **SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.**—

(A) **IN GENERAL.**—Section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761) is amended by striking the section heading and all that follows through the end of subsection (a)(1) and inserting the following:

“SEC. 13. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

“(a) **IN GENERAL.**—

“(1) **DEFINITIONS.**—In this section:

“(A) **AREA IN WHICH POOR ECONOMIC CONDITIONS EXIST.**—

“(i) **IN GENERAL.**—Subject to clause (ii), the term ‘area in which poor economic conditions exist’, as the term relates to an area in which a program food service site is located, means—

“(I) the attendance area of a school in which at least 50 percent of the enrolled children have been determined eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(II) a geographic area, as defined by the Secretary based on the most recent census data available, in which at least 50 percent of the children residing in that area are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(III) an area—

“(aa) for which the program food service site documents the eligibility of enrolled children through the collection of income eligibility statements from the families of enrolled children or other means; and

“(bb) at least 50 percent of the children enrolled at the program food service site meet the income standards for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

“(IV) a geographic area, as defined by the Secretary based on information provided from a department of welfare or zoning commission, in which at least 50 percent of the children residing in that area are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

“(V) an area for which the program food service site demonstrates through other

means approved by the Secretary that at least 50 percent of the children enrolled at the program food service site are eligible for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(ii) **DURATION OF DETERMINATION.**—A determination that an area is an ‘area in which poor economic conditions exist’ under clause (i) shall be in effect for—

“(I) in the case of an area described in clause (i)(I), 5 years;

“(II) in the case of an area described in clause (i)(II), until more recent census data are available;

“(III) in the case of an area described in clause (i)(III), 1 year; and

“(IV) in the case of an area described in subclause (IV) or (V) of clause (i), a period of time to be determined by the Secretary, but not less than 1 year.

“(B) **CHILDREN.**—The term ‘children’ means—

“(i) individuals who are 18 years of age and under; and

“(ii) individuals who are older than 18 years of age who are—

“(I) determined by a State educational agency or a local public educational agency of a State, in accordance with regulations promulgated by the Secretary, to have a disability; and

“(II) participating in a public or nonprofit private school program established for individuals who have a disability.

“(C) **PROGRAM.**—The term ‘program’ means the summer food service program for children authorized by this section.

“(D) **SERVICE INSTITUTION.**—The term ‘service institution’ means a public or private nonprofit school food authority, local, municipal, or county government, public or private nonprofit higher education institution participating in the National Youth Sports Program, or residential public or private nonprofit summer camp, that develops special summer or school vacation programs providing food service similar to food service made available to children during the school year under the school lunch program under this Act or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(E) **STATE.**—The term ‘State’ means—

“(i) each of the several States of the United States;

“(ii) the District of Columbia;

“(iii) the Commonwealth of Puerto Rico;

“(iv) Guam;

“(v) American Samoa;

“(vi) the Commonwealth of the Northern Mariana Islands; and

“(vii) the United States Virgin Islands.”.

(B) **CONFORMING AMENDMENTS.**—Section 13(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)) is amended—

(i) in paragraph (2)—

(I) by striking “(2) To the maximum extent feasible,” and inserting the following:

“(2) **PROGRAM AUTHORIZATION.**—

“(A) **IN GENERAL.**—The Secretary may carry out a program to assist States, through grants-in-aid and other means, to initiate and maintain nonprofit summer food service programs for children in service institutions.

“(B) **PREPARATION OF FOOD.**—

“(i) **IN GENERAL.**—To the maximum extent feasible,”; and

(II) by striking “The Secretary shall” and inserting the following:

“(ii) **INFORMATION AND TECHNICAL ASSISTANCE.**—The Secretary shall”;

(ii) in paragraph (3)—

(I) by striking “(3) Eligible service institutions” and inserting the following:

“(3) **ELIGIBLE SERVICE INSTITUTIONS.**—Eligible service institutions”; and

(II) by indenting subparagraphs (A) through (D) appropriately;

(iii) in paragraph (4)—

(I) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(II) by striking “(4) The following” and inserting the following:

“(4) **PRIORITY.**—

“(A) **IN GENERAL.**—The following”;

(III) by striking “The Secretary and the States” and inserting the following:

“(B) **RURAL AREAS.**—The Secretary and the States”;

(iv) by striking “(5) Camps” and inserting the following:

“(5) **CAMP.**—Camps”; and

(v) by striking “(6) Service institutions” and inserting the following:

“(6) **GOVERNMENT INSTITUTIONS.**—Service institutions”.

(6) **REPORT ON IMPACT OF PROCEDURES TO SECURE STATE SCHOOL INPUT ON COMMODITY SELECTION.**—Section 14(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1762a(d)) is amended by striking the matter that follows paragraph (5).

(7) **RURAL AREA DAY CARE HOME PILOT PROGRAM.**—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by striking subsection (p).

(8) **CHILD AND ADULT CARE FOOD PROGRAM TRAINING AND TECHNICAL ASSISTANCE.**—Section 17(q) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(q)) is amended by striking paragraph (3).

(9) **PILOT PROJECT FOR PRIVATE NONPROFIT STATE AGENCIES.**—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (a).

(10) **MEAL COUNTING AND APPLICATION PILOT PROGRAMS.**—Section 18(c) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(c)) is amended—

(A) by striking paragraphs (1) and (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as so redesignated), by striking “In addition to the pilot projects described in this subsection, the Secretary may conduct other” and inserting “The Secretary may conduct”.

(11) **MILK FORTIFICATION PILOT.**—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (d).

(12) **FREE BREAKFAST PILOT PROJECT.**—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (e).

(13) **SUMMER FOOD SERVICE RESIDENTIAL CAMP ELIGIBILITY.**—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (f).

(14) **ACCOMMODATION OF THE SPECIAL DIETARY NEEDS OF INDIVIDUALS WITH DISABILITIES.**—Section 27 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769h) is repealed.

(b) **CHILD NUTRITION ACT OF 1966.**—

(1) **STATE ADMINISTRATIVE EXPENSES MINIMUM LEVELS FOR 2005 THROUGH 2007.**—Section 7(a)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(1)) is amended—

(A) in subparagraph (A), by striking “Except as provided in subparagraph (B), each fiscal year” and inserting “Each fiscal year”;

(B) by striking subparagraph (B); and
(C) by redesignating subparagraph (C) as subparagraph (B).

(2) FRUIT AND VEGETABLE GRANTS UNDER THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—Section 17(f)(11) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(11)) is amended—

(A) by striking subparagraph (C); and
(B) by redesignating subparagraph (D) as subparagraph (C).

SEC. 442. USE OF UNSPENT FUTURE FUNDS FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

Section 101(a) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 120) is amended—

(1) in paragraph (1), by inserting before the period at the end “, if the value of the benefits and block grants would be greater under that calculation than in the absence of this subsection”; and

(2) by striking paragraph (2) and inserting the following:

“(2) **TERMINATION.**—The authority provided by this subsection shall terminate after October 31, 2013.”.

SEC. 443. EQUIPMENT ASSISTANCE TECHNICAL CORRECTION.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, school food authorities that received a grant for equipment assistance under the grant program carried out under the heading “FOOD AND NUTRITION SERVICE CHILD NUTRITION PROGRAMS” in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 119) shall be eligible to receive a grant under section 749(j) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80; 123 Stat. 2134).

(b) **USE OF GRANT.**—A school food authority receiving a grant for equipment assistance described in subsection (a) may use the grant only to make equipment available to schools that did not previously receive equipment from a grant under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115).

SEC. 444. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 445. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act or any of the amendments made by this Act, this Act and the amendments made by this Act take effect on October 1, 2010.

SA 4590. Mr. KYL (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) For the Department of Justice, \$20,000,000 are made available for 150 additional investigators or the Law Enforcement

Support Center (LESC), administered by U.S. Immigration and Customs Enforcement (ICE).

(b)(1) The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded on a pro rata basis so that the aggregate amount of such rescissions is equal to the net reduction in revenues to the Treasury resulting from amounts appropriated under this section.

(2) The Director of the Office of Management and Budget shall report to each congressional committee the amounts rescinded under paragraph (1) within the jurisdiction of such committee.

SA 4591. Mr. KYL (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 5 through 17 and insert the following:

(a) For an additional amount for “Salaries and Expenses” for U.S. Customs and Border Protection, \$356,900,000, to remain available until September 30, 2012, of which \$78,000,000 shall be for costs to maintain U.S. Customs and Border Protection Officer staffing on the Southwest Border of the United States, of which \$58,000,000 shall be for hiring additional U.S. Customs and Border Protection Officers for deployment at ports of entry on the Southwest Border of the United States.

(b)(1) The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded on a pro rata basis so that the aggregate amount of such rescissions is equal to the net reduction in revenues to the Treasury resulting from amounts appropriated under this section.

(2) The Director of the Office of Management and Budget shall report to each congressional committee the amounts rescinded under paragraph (1) within the jurisdiction of such committee.

SA 4592. Mr. KYL (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) For an additional amount to fully implement a multi-agency law enforcement initiative to address illegal crossings of the Southwest border, including in the Tucson Sector, as authorized under title II of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83), \$200,000,000, of which—

(1) \$155,000,000 shall be available for—
(A) hiring additional Deputy United States Marshals;

(B) constructing additional permanent and temporary detention space; and

(C) related needs, as determined by the Secretary of Homeland Security and the Attorney General; and

(2) \$45,000,000 shall be available for—

(A) courthouse renovation;

(B) administrative support, including hiring additional clerks for each District to process additional criminal cases; and
(C) hiring additional judges.

(b)(1) The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded on a pro rata basis so that the aggregate amount of such rescissions is equal to the net reduction in revenues to the Treasury resulting from amounts appropriated under this section.

(2) The Director of the Office of Management and Budget shall report to each congressional committee the amounts rescinded under paragraph (1) within the jurisdiction of such committee.

SA 4593. Mr. SCHUMER (for himself, Mr. REID, Mr. INOUE, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. BINGAMAN, Mrs. MCCASKILL, Mr. CASEY, Mr. MERKLEY, Mr. UDALL of Colorado, Mr. BEGICH, Mr. BURRIS, Mrs. LINCOLN, Mr. UDALL of New Mexico, Mr. KYL, and Mr. MCCAIN) proposed an amendment to the bill H.R. 5875, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$253,900,000, to remain available until September 30, 2011, of which \$39,000,000 shall be for costs to maintain U.S. Customs and Border Protection Officer staffing on the Southwest Border of the United States, \$29,000,000 shall be for hiring additional U.S. Customs and Border Protection Officers for deployment at ports of entry on the Southwest Border of the United States, \$175,900,000 shall be for hiring additional Border Patrol agents for deployment to the Southwest Border of the United States, and \$10,000,000 shall be to support integrity and background investigation programs.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For an additional amount for “Border Security Fencing, Infrastructure, and Technology,” \$14,000,000, to remain available until September 30, 2011, for costs of designing, building, and deploying tactical communications for support of enforcement activities on the Southwest Border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement”, \$32,000,000, to remain available until September 30, 2012, for costs of acquisition and deployment of unmanned aircraft systems.

CONSTRUCTION AND FACILITIES MANAGEMENT

For an additional amount for “Construction and Facilities Management”, \$6,000,000,

to remain available until September 30, 2011, for costs to construct up to 2 forward operating bases for use by the Border Patrol to carry out enforcement activities on the Southwest Border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$80,000,000 to remain available until September 30, 2011, of which \$30,000,000 shall be for law enforcement activities targeted at reducing the threat of violence along the Southwest Border of the United States, and \$50,000,000 shall be for hiring of additional agents, investigators, intelligence analysts, and support personnel.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$8,100,000, to remain available until September 30, 2011, for costs to provide basic training for new U.S. Customs and Border Protection Officers, Border Patrol agents, and U.S. Immigration and Customs Enforcement personnel.

GENERAL PROVISIONS

(RESCISSION)

SEC. 101. From unobligated balances made available to U.S. Customs and Border Protection “Border Security Fencing, Infrastructure, and Technology”, \$100,000,000 are rescinded: *Provided*, That section 401 shall not apply to the amount in this section.

TITLE II

DEPARTMENT OF JUSTICE

SEC. 201. For an additional amount for the Department of Justice for necessary expenses for increased law enforcement activities related to Southwest Border enforcement, \$196,000,000, to remain available until September 30, 2011: *Provided*, That funds shall be distributed to the following accounts and in the following specified amounts:

- (1) “Administrative Review and Appeals”, \$2,118,000.
- (2) “Detention Trustee”, \$7,000,000.
- (3) “Legal Activities, Salaries and Expenses, General Legal Activities”, \$3,862,000.
- (4) “Legal Activities, Salaries and Expenses, United States Attorneys”, \$9,198,000.
- (5) “United States Marshals Service, Salaries and Expenses”, \$29,651,000.
- (6) “United States Marshals Service, Construction”, \$8,000,000.
- (7) “Interagency Law Enforcement, Interagency Crime and Drug Enforcement”, \$21,000,000.
- (8) “Federal Bureau of Investigation, Salaries and Expenses”, \$24,000,000.
- (9) “Drug Enforcement Administration, Salaries and Expenses”, \$33,671,000.
- (10) “Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses”, \$37,500,000.
- (11) “Federal Prison System, Salaries and Expenses”, \$20,000,000.

TITLE III

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$10,000,000, to remain available until September 30, 2011: *Provided*, That notwithstanding section 302 of division C of Public Law 111-117, funding shall be available for transfer between Judiciary accounts to meet increased workload requirements re-

sulting from immigration and other law enforcement initiatives.

TITLE IV

GENERAL PROVISIONS

SEC. 401. Each amount appropriated or otherwise made available under this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 402. (a) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2014, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) shall be increased by \$2,250 for applicants that employ 50 or more employees in the United States if more than 50 percent of the applicant's employees are nonimmigrants admitted pursuant to section 101(a)(15)(H)(i)(b) of such Act or section 101(a)(15)(L) of such Act.

(b) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2014, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) shall be increased by \$2,000 for applicants that employ 50 or more employees in the United States if more than 50 percent of the applicant's employees are such nonimmigrants or nonimmigrants described in section 101(a)(15)(L) of such Act.

(c) During the period beginning on the date of the enactment of this Act and ending on September 30, 2014, all amounts collected pursuant to the fee increases authorized under this section shall be deposited in the General Fund of the Treasury.

SA 4594. Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Jobs Act of 2010”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—SMALL BUSINESSES

Sec. 1001. Definitions.

Subtitle A—Small Business Access to Credit

Sec. 1101. Short title.

PART I—NEXT STEPS FOR MAIN STREET

CREDIT AVAILABILITY

Sec. 1111. Section 7(a) business loans.

Sec. 1112. Maximum loan amounts under 504 program.

Sec. 1113. Maximum loan limits under microloan program.

Sec. 1114. Loan guarantee enhancement extensions.

Sec. 1115. New Markets Venture Capital company investment limitations.

Sec. 1116. Alternative size standards.

Sec. 1117. Sale of 7(a) loans in secondary market.

Sec. 1118. Online lending platform.

Sec. 1119. SBA Secondary Market Guarantee Authority.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

Sec. 1122. Low-interest refinancing under the local development business loan program.

PART III—OTHER MATTERS

Sec. 1131. Small business intermediary lending pilot program.

Sec. 1132. Public policy goals.

Sec. 1133. Floor plan pilot program extension.

Sec. 1134. Guarantees for bonds and notes issued for community or economic development purposes.

Sec. 1135. Temporary express loan enhancement.

Sec. 1136. Prohibition on using TARP funds or tax increases.

Subtitle B—Small Business Trade and Exporting

Sec. 1201. Short title.

Sec. 1202. Definitions.

Sec. 1203. Office of International Trade.

Sec. 1204. Duties of the Office of International Trade.

Sec. 1205. Export assistance centers.

Sec. 1206. International trade finance programs.

Sec. 1207. State Trade and Export Promotion Grant Program.

Sec. 1208. Rural export promotion.

Sec. 1209. International trade cooperation by small business development centers.

Subtitle C—Small Business Contracting

PART I—CONTRACT BUNDLING

Sec. 1311. Small Business Act.

Sec. 1312. Leadership and oversight.

Sec. 1313. Consolidation of contract requirements.

Sec. 1314. Small business teams pilot program.

PART II—SUBCONTRACTING INTEGRITY

Sec. 1321. Subcontracting misrepresentations.

Sec. 1322. Small business subcontracting improvements.

PART III—ACQUISITION PROCESS

Sec. 1331. Reservation of prime contract awards for small businesses.

Sec. 1332. Micro-purchase guidelines.

Sec. 1333. Agency accountability.

Sec. 1334. Payment of subcontractors.

Sec. 1335. Repeal of Small Business Competitiveness Demonstration Program.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

Sec. 1341. Policy and presumptions.

Sec. 1342. Annual certification.

Sec. 1343. Training for contracting and enforcement personnel.

Sec. 1344. Updated size standards.

Sec. 1345. Study and report on the mentor-protégé program.

Sec. 1346. Contracting goals reports.

Sec. 1347. Small business contracting parity.

Subtitle D—Small Business Management and Counseling Assistance

Sec. 1401. Matching requirements under small business programs.

Sec. 1402. Grants for SBDs.

Subtitle E—Disaster Loan Improvement

Sec. 1501. Aquaculture business disaster assistance.

Subtitle F—Small Business Regulatory Relief

Sec. 1601. Requirements providing for more detailed analyses.

Sec. 1602. Office of advocacy.

Subtitle G—Appropriations Provisions

Sec. 1701. Salaries and expenses.

Sec. 1702. Business loans program account.

Sec. 1703. Community Development Financial Institutions Fund program account.

Sec. 1704. Small business loan guarantee enhancement extensions.

TITLE II—TAX PROVISIONS

Sec. 2001. Short title.

Subtitle A—Small Business Relief

PART I—PROVIDING ACCESS TO CAPITAL

Sec. 2011. Temporary exclusion of 100 percent of gain on certain small business stock.

Sec. 2012. General business credits of eligible small businesses for 2010 carried back 5 years.

Sec. 2013. General business credits of eligible small businesses in 2010 not subject to alternative minimum tax.

Sec. 2014. Temporary reduction in recognition period for built-in gains tax.

PART II—ENCOURAGING INVESTMENT

Sec. 2021. Increased expensing limitations for 2010 and 2011; certain real property treated as section 179 property.

Sec. 2022. Additional first-year depreciation for 50 percent of the basis of certain qualified property.

Sec. 2023. Special rule for long-term contract accounting.

PART III—PROMOTING ENTREPRENEURSHIP

Sec. 2031. Increase in amount allowed as deduction for start-up expenditures in 2010.

Sec. 2032. Authorization of appropriations for the United States Trade Representative to develop market access opportunities for United States small- and medium-sized businesses and to enforce trade agreements.

PART IV—PROMOTING SMALL BUSINESS FAIRNESS

Sec. 2041. Limitation on penalty for failure to disclose reportable transactions based on resulting tax benefits.

Sec. 2042. Deduction for health insurance costs in computing self-employment taxes in 2010.

Sec. 2043. Removal of cellular telephones and similar telecommunications equipment from listed property.

Subtitle B—Revenue Provisions

PART I—REDUCING THE TAX GAP

Sec. 2101. Information reporting for rental property expense payments.

Sec. 2102. Increase in information return penalties.

Sec. 2103. Report on tax shelter penalties and certain other enforcement actions.

Sec. 2104. Application of continuous levy to tax liabilities of certain Federal contractors.

PART II—PROMOTING RETIREMENT PREPARATION

Sec. 2111. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.

Sec. 2112. Rollovers from elective deferral plans to designated Roth accounts.

Sec. 2113. Special rules for annuities received from only a portion of a contract.

PART III—CLOSING UNINTENDED LOOPHOLES

Sec. 2121. Crude oil ineligible for cellulosic biofuel producer credit.

Sec. 2122. Source rules for income on guarantees.

PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

Sec. 2131. Time for payment of corporate estimated taxes.

TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE

Sec. 3001. Short title.

Sec. 3002. Definitions.

Sec. 3003. Federal funds allocated to States.

Sec. 3004. Approving States for participation.

Sec. 3005. Approving State capital access programs.

Sec. 3006. Approving collateral support and other innovative credit access and guarantee initiatives for small businesses and manufacturers.

Sec. 3007. Reports.

Sec. 3008. Remedies for State program termination or failures.

Sec. 3009. Implementation and administration.

Sec. 3010. Regulations.

Sec. 3011. Oversight and audits.

TITLE IV—ADDITIONAL SMALL BUSINESS PROVISIONS

Subtitle A—Small Business Lending Fund

Sec. 4101. Purpose.

Sec. 4102. Definitions.

Sec. 4103. Small business lending fund.

Sec. 4104. Additional authorities of the Secretary.

Sec. 4105. Considerations.

Sec. 4106. Reports.

Sec. 4107. Oversight and audits.

Sec. 4108. Credit reform; funding.

Sec. 4109. Termination and continuation of authorities.

Sec. 4110. Preservation of authority.

Sec. 4111. Assurances.

Sec. 4112. Study and report with respect to women-owned, veteran-owned, and minority-owned businesses.

Sec. 4113. Sense of congress.

Subtitle B—Other Provisions

PART I—SMALL BUSINESS EXPORT PROMOTION INITIATIVES

Sec. 4221. Short title.

Sec. 4222. Global business development and promotion activities of the Department of Commerce.

Sec. 4223. Additional funding to improve access to global markets for rural businesses.

Sec. 4224. Additional funding for the ExporTech program.

Sec. 4225. Additional funding for the market development cooperator program of the department of commerce.

Sec. 4226. Hollings Manufacturing Partnership Program; Technology Innovation Program.

Sec. 4227. Sense of the Senate concerning Federal collaboration with States on export promotion issues.

Sec. 4228. Report on tariff and nontariff barriers.

PART II—MEDICARE FRAUD

Sec. 4241. Use of predictive modeling and other analytics technologies to identify and prevent waste, fraud, and abuse in the Medicare fee-for-service program.

TITLE V—BUDGETARY PROVISIONS

Sec. 5001. Determination of budgetary effects.

TITLE I—SMALL BUSINESSES

SEC. 1001. DEFINITIONS.

In this title—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

Subtitle A—Small Business Access to Credit

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the “Small Business Job Creation and Access to Capital Act of 2010”.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

SEC. 1111. SECTION 7(a) BUSINESS LOANS.

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking “75 percent” and inserting “90 percent”; and

(B) in clause (ii), by striking “85 percent” and inserting “90 percent”; and

(2) in paragraph (3)(A), by striking

“\$1,500,000 (or if the gross loan amount would exceed \$2,000,000” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000”.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking “90 percent” and inserting “75 percent”; and

(B) in clause (ii), by striking “90 percent” and inserting “85 percent”; and

(2) in paragraph (3)(A), by striking

“\$4,500,000” and inserting “\$3,750,000”.

SEC. 1112. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking “\$1,500,000” and inserting “\$5,000,000”; and

(2) in clause (ii), by striking “\$2,000,000” and inserting “\$5,000,000”; and

(3) in clause (iii), by striking “\$4,000,000” and inserting “\$5,500,000”; and

(4) in clause (iv), by striking “\$4,000,000” and inserting “\$5,500,000”; and

(5) in clause (v), by striking “\$4,000,000” and inserting “\$5,500,000”.

SEC. 1113. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking “\$35,000” and inserting “\$50,000”; and

(2) in paragraph (3)—

(A) in subparagraph (C), by striking “\$3,500,000” and inserting “\$5,000,000”; and

(B) in subparagraph (E), by striking “\$35,000” each place that term appears and inserting “\$50,000”; and

(3) in paragraph (11)(B), by striking “\$35,000” and inserting “\$50,000”.

SEC. 1114. LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) FEES.—Section 501 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151) is amended by striking “September 30, 2010” each place that term appears and inserting “December 31, 2010”.

(b) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 153) is amended by striking “May 31, 2010” and inserting “December 31, 2010”.

SEC. 1115. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

“(e) INVESTMENT LIMITATIONS.—

“(1) DEFINITION.—In this subsection, the term ‘covered New Markets Venture Capital company’ means a New Markets Venture Capital company—

“(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

“(B) that has obtained a financing from the Administrator.

“(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

“(A) the regulatory capital of the covered New Markets Venture Capital company; and

“(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.”.

SEC. 1116. ALTERNATIVE SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

“(5) ALTERNATIVE SIZE STANDARD.—

“(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

“(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

“(i) the maximum tangible net worth of the applicant is not more than \$15,000,000; and

“(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than \$5,000,000.”.

SEC. 1117. SALE OF 7(a) LOANS IN SECONDARY MARKET.

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

“(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than \$500,000, the Administrator shall, upon

request of a pool assembler, divide the loan guarantee into increments of \$500,000 and 1 increment of any remaining amount less than \$500,000, in order to permit the maximum amount of any loan in a pool to be not more than \$500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.”.

SEC. 1118. ONLINE LENDING PLATFORM.

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

SEC. 1119. SBA SECONDARY MARKET GUARANTEE AUTHORITY.

Section 503(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 155) is amended by striking “on the date 2 years after the date of enactment of this section” and inserting “2 years after the date of the first sale of a pool of first lien position 504 loans guaranteed under this section to a third-party investor”.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

SEC. 1122. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

“(C) REFINANCING NOT INVOLVING EXPANSIONS.—

“(i) DEFINITIONS.—In this subparagraph—

“(I) the term ‘borrower’ means a small business concern that submits an application to a development company for financing under this subparagraph;

“(II) the term ‘eligible fixed asset’ means tangible property relating to which the Administrator may provide financing under this section; and

“(III) the term ‘qualified debt’ means indebtedness—

“(aa) that—

“(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

“(BB) is a commercial loan;

“(CC) is not subject to a guarantee by a Federal agency;

“(DD) the proceeds of which were used to acquire an eligible fixed asset;

“(EE) was incurred for the benefit of the small business concern; and

“(FF) is collateralized by eligible fixed assets; and

“(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

“(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

“(I) the amount of the financing is not more than 90 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

“(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

“(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

“(iii) FINANCING FOR BUSINESS EXPENSES.—

“(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

“(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

“(aa) a specific description of the expenses for which the additional financing is requested; and

“(bb) an itemization of the amount of each expense.

“(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

“(iv) LOANS BASED ON JOBS.—

“(I) JOB CREATION AND RETENTION GOALS.—

“(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

“(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by \$65,000.

“(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

“(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

“(bb) the product obtained by multiplying—

“(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

“(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

“(v) NONDELEGATION.—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

“(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of \$7,500,000,000 of financing under this subparagraph for each fiscal year.”.

(b) PROSPECTIVE REPEAL.—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) TECHNICAL CORRECTION.—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking “subparagraph (B) or (C)” and inserting “clause (ii), (iii), (iv), or (v)”.

PART III—OTHER MATTERS

SEC. 1131. SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by

striking subsection (1) and inserting the following:

“(1) SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘eligible intermediary’—

“(i) means a private, nonprofit entity that—

“(I) seeks or has been awarded a loan from the Administrator to make loans to small business concerns under this subsection; and

“(II) has not less than 1 year of experience making loans to startup, newly established, or growing small business concerns; and

“(ii) includes—

“(I) a private, nonprofit community development corporation; and

“(II) a consortium of private, nonprofit organizations or nonprofit community development corporations; and

“(III) an agency of or nonprofit entity established by a Native American Tribal Government; and

“(B) the term ‘Program’ means the small business intermediary lending pilot program established under paragraph (2).

“(2) ESTABLISHMENT.—There is established a 3-year small business intermediary lending pilot program, under which the Administrator may make direct loans to eligible intermediaries, for the purpose of making loans to startup, newly established, and growing small business concerns.

“(3) PURPOSES.—The purposes of the Program are—

“(A) to assist small business concerns in areas suffering from a lack of credit due to poor economic conditions or changes in the financial market; and

“(B) to establish a loan program under which the Administrator may provide loans to eligible intermediaries to enable the eligible intermediaries to provide loans to startup, newly established, and growing small business concerns for working capital, real estate, or the acquisition of materials, supplies, or equipment.

“(4) LOANS TO ELIGIBLE INTERMEDIARIES.—

“(A) APPLICATION.—Each eligible intermediary desiring a loan under this subsection shall submit an application to the Administrator that describes—

“(i) the type of small business concerns to be assisted;

“(ii) the size and range of loans to be made;

“(iii) the interest rate and terms of loans to be made;

“(iv) the geographic area to be served and the economic, poverty, and unemployment characteristics of the area;

“(v) the status of small business concerns in the area to be served and an analysis of the availability of credit; and

“(vi) the qualifications of the applicant to carry out this subsection.

“(B) LOAN LIMITS.—No loan may be made to an eligible intermediary under this subsection if the total amount outstanding and committed to the eligible intermediary by the Administrator would, as a result of such loan, exceed \$1,000,000 during the participation of the eligible intermediary in the Program.

“(C) LOAN DURATION.—Loans made by the Administrator under this subsection shall be for a term of 20 years.

“(D) APPLICABLE INTEREST RATES.—Loans made by the Administrator to an eligible intermediary under the Program shall bear an annual interest rate equal to 1.00 percent.

“(E) FEES; COLLATERAL.—The Administrator may not charge any fees or require collateral with respect to any loan made to an eligible intermediary under this subsection.

“(F) DELAYED PAYMENTS.—The Administrator shall not require the repayment of principal or interest on a loan made to an eligible intermediary under the Program during the 2-year period beginning on the date of the initial disbursement of funds under that loan.

“(G) MAXIMUM PARTICIPANTS AND AMOUNTS.—During each of fiscal years 2011, 2012, and 2013, the Administrator may make loans under the Program—

“(i) to not more than 20 eligible intermediaries; and

“(ii) in a total amount of not more than \$20,000,000.

“(5) LOANS TO SMALL BUSINESS CONCERNS.—

“(A) IN GENERAL.—The Administrator, through an eligible intermediary, shall make loans to startup, newly established, and growing small business concerns for working capital, real estate, and the acquisition of materials, supplies, furniture, fixtures, and equipment.

“(B) MAXIMUM LOAN.—An eligible intermediary may not make a loan under this subsection of more than \$200,000 to any 1 small business concern.

“(C) APPLICABLE INTEREST RATES.—A loan made by an eligible intermediary to a small business concern under this subsection, may have a fixed or a variable interest rate, and shall bear an interest rate specified by the eligible intermediary in the application of the eligible intermediary for a loan under this subsection.

“(D) REVIEW RESTRICTIONS.—The Administrator may not review individual loans made by an eligible intermediary to a small business concern before approval of the loan by the eligible intermediary.

“(6) TERMINATION.—The authority of the Administrator to make loans under the Program shall terminate 3 years after the date of enactment of the Small Business Job Creation and Access to Capital Act of 2010.”

(b) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out section 7(l) of the Small Business Act, as amended by subsection (a).

(c) AVAILABILITY OF FUNDS.—Any amounts provided to the Administrator for the purposes of carrying out section 7(l) of the Small Business Act, as amended by subsection (a), shall remain available until expended.

SEC. 1132. PUBLIC POLICY GOALS.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (J), by striking “or” at the end;

(2) in subparagraph (K), by striking the period at the end and inserting “, or”; and

(3) by adding at the end the following:

“(L) reduction of rates of unemployment in labor surplus areas, as such areas are determined by the Secretary of Labor.”

SEC. 1133. FLOOR PLAN PILOT PROGRAM EXTENSION.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by redesignating paragraph (32), relating to increased veteran participation, as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110-186; 122 Stat. 631), as paragraph (33); and

(2) by adding at the end the following:

“(34) FLOOR PLAN FINANCING PROGRAM.—

“(A) DEFINITION.—In this paragraph, the term ‘eligible retail good’—

“(i) means a good for which a title may be obtained under State law; and

“(ii) includes an automobile, recreational vehicle, boat, and manufactured home.

“(B) PROGRAM.—The Administrator may guarantee the timely payment of an open-end extension of credit to a small business concern, the proceeds of which may be used for the purchase of eligible retail goods for resale.

“(C) AMOUNT.—An open-end extension of credit guaranteed under this paragraph shall be in an amount not less than \$500,000 and not more than \$5,000,000.

“(D) TERM.—An open-end extension of credit guaranteed under this paragraph shall have a term of not more than 5 years.

“(E) GUARANTEE PERCENTAGE.—The Administrator may guarantee—

“(i) not less than 60 percent of an open-end extension of credit under this paragraph; and

“(ii) not more than 75 percent of an open-end extension of credit under this paragraph.

“(F) ADVANCE RATE.—The lender for an open-end extension of credit guaranteed under this paragraph may allow the borrower to draw funds on the line of credit in an amount equal to not more than 100 percent of the value of the eligible retail goods to be purchased.”

(b) SUNSET.—Effective September 30, 2013, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking paragraph (34); and

(2) by redesignating paragraph (35), as added by section 1206 of this Act, as paragraph (34).

SEC. 1134. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

The Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.) is amended by inserting after section 114 (12 U.S.C. 4713) the following:

“SEC. 114A. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

“(a) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) ELIGIBLE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ‘eligible community development financial institution’ means a community development financial institution (as described in section 1805.201 of title 12, Code of Federal Regulations, or any successor thereto) certified by the Secretary that has applied to a qualified issuer for, or been granted by a qualified issuer, a loan under the Program.

“(2) ELIGIBLE COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSE.—The term ‘eligible community or economic development purpose’—

“(A) means any purpose described in section 108(b); and

“(B) includes the provision of community or economic development in low-income or underserved rural areas.

“(3) GUARANTEE.—The term ‘guarantee’ means a written agreement between the Secretary and a qualified issuer (or trustee), pursuant to which the Secretary ensures repayment of the verifiable losses of principal, interest, and call premium, if any, on notes or bonds issued by a qualified issuer to finance or refinance loans to eligible community development financial institutions.

“(4) LOAN.—The term ‘loan’ means any credit instrument that is extended under the Program for any eligible community or economic development purpose.

“(5) MASTER SERVICER.—

“(A) IN GENERAL.—The term ‘master servicer’ means any entity approved by the Secretary in accordance with subparagraph

(B) to oversee the activities of servicers, as provided in subsection (f)(4).

“(B) APPROVAL CRITERIA FOR MASTER SERVICERS.—The Secretary shall approve or deny any application to become a master servicer under the Program not later than 90 days after the date on which all required information is submitted to the Secretary, based on the capacity and experience of the applicant in—

“(i) loan administration, servicing, and loan monitoring;

“(ii) managing regional or national loan intake, processing, or servicing operational systems and infrastructure;

“(iii) managing regional or national originator communication systems and infrastructure;

“(iv) developing and implementing training and other risk management strategies on a regional or national basis; and

“(v) compliance monitoring, investor relations, and reporting.

“(6) PROGRAM.—The term ‘Program’ means the guarantee Program for bonds and notes issued for eligible community or economic development purposes established under this section.

“(7) PROGRAM ADMINISTRATOR.—The term ‘Program administrator’ means an entity designated by the issuer to perform administrative duties, as provided in subsection (f)(2).

“(8) QUALIFIED ISSUER.—

“(A) IN GENERAL.—The term ‘qualified issuer’ means a community development financial institution (or any entity designated to issue notes or bonds on behalf of such community development financial institution) that meets the qualification requirements of this paragraph.

“(B) APPROVAL CRITERIA FOR QUALIFIED ISSUERS.—

“(i) IN GENERAL.—The Secretary shall approve a qualified issuer for a guarantee under the Program in accordance with the requirements of this paragraph, and such additional requirements as the Secretary may establish, by regulation.

“(ii) TERMS AND QUALIFICATIONS.—A qualified issuer shall—

“(I) have appropriate expertise, capacity, and experience, or otherwise be qualified to make loans for eligible community or economic development purposes;

“(II) provide to the Secretary—

“(aa) an acceptable statement of the proposed sources and uses of the funds; and

“(bb) a capital distribution plan that meets the requirements of subsection (c)(1); and

“(III) certify to the Secretary that the bonds or notes to be guaranteed are to be used for eligible community or economic development purposes.

“(C) DEPARTMENT OPINION; TIMING.—

“(i) DEPARTMENT OPINION.—Not later than 30 days after the date of a request by a qualified issuer for approval of a guarantee under the Program, the Secretary shall provide an opinion regarding compliance by the issuer with the requirements of the Program under this section.

“(ii) TIMING.—The Secretary shall approve or deny a guarantee under this section after consideration of the opinion provided to the Secretary under clause (i), and in no case later than 90 days after receipt of all required information by the Secretary with respect to a request for such guarantee.

“(9) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(10) SERVICER.—The term ‘servicer’ means an entity designated by the issuer to perform

various servicing duties, as provided in subsection (f)(3).

“(b) GUARANTEES AUTHORIZED.—The Secretary shall guarantee payments on bonds or notes issued by any qualified issuer, if the proceeds of the bonds or notes are used in accordance with this section to make loans to eligible community development financial institutions—

“(1) for eligible community or economic development purposes; or

“(2) to refinance loans or notes issued for such purposes.

“(c) GENERAL PROGRAM REQUIREMENTS.—

“(1) IN GENERAL.—A capital distribution plan meets the requirements of this subsection, if not less than 90 percent of the principal amount of guaranteed bonds or notes (other than costs of issuance fees) are used to make loans for any eligible community or economic development purpose, measured annually, beginning at the end of the 1-year period beginning on the issuance date of such guaranteed bonds or notes.

“(2) RELENDING ACCOUNT.—Not more than 10 percent of the principal amount of guaranteed bonds or notes, multiplied by an amount equal to the outstanding principal balance of issued notes or bonds, minus the risk-share pool amount under subsection (d), may be held in a relending account and may be made available for new eligible community or economic development purposes.

“(3) LIMITATIONS ON UNPAID PRINCIPAL BALANCES.—The proceeds of guaranteed bonds or notes under the Program may not be used to pay fees (other than costs of issuance fees), and shall be held in—

“(A) community or economic development loans;

“(B) a relending account, to the extent authorized under paragraph (2); or

“(C) a risk-share pool established under subsection (d).

“(4) REPAYMENT.—If a qualified issuer fails to meet the requirements of paragraph (1) by the end of the 90-day period beginning at the end of the annual measurement period, repayment shall be made on that portion of bonds or notes necessary to bring the bonds or notes that remain outstanding after such repayment into compliance with the 90 percent requirement of paragraph (1).

“(5) PROHIBITED USES.—The Secretary shall, by regulation—

“(A) prohibit, as appropriate, certain uses of amounts from the guarantee of a bond or note under the Program, including the use of such funds for political activities, lobbying, outreach, counseling services, or travel expenses; and

“(B) provide that the guarantee of a bond or note under the Program may not be used for salaries or other administrative costs of—

“(i) the qualified issuer; or

“(ii) any recipient of amounts from the guarantee of a bond or note.

“(d) RISK-SHARE POOL.—Each qualified issuer shall, during the term of a guarantee provided under the Program, establish a risk-share pool, capitalized by contributions from eligible community development financial institution participants an amount equal to 3 percent of the guaranteed amount outstanding on the subject notes and bonds.

“(e) GUARANTEES.—

“(1) IN GENERAL.—A guarantee issued under the Program shall—

“(A) be for the full amount of a bond or note, including the amount of principal, interest, and call premiums;

“(B) be fully assignable and transferable to the capital market, on terms and conditions

that are consistent with comparable Government-guaranteed bonds, and satisfactory to the Secretary;

“(C) represent the full faith and credit of the United States; and

“(D) not exceed 30 years.

“(2) LIMITATIONS.—

“(A) ANNUAL NUMBER OF GUARANTEES.—The Secretary shall issue not more than 10 guarantees in any calendar year under the Program.

“(B) GUARANTEE AMOUNT.—The Secretary may not guarantee any amount under the Program equal to less than \$100,000,000, but the total of all such guarantees in any fiscal year may not exceed \$1,000,000,000.

“(f) SERVICING OF TRANSACTIONS.—

“(1) IN GENERAL.—To maximize efficiencies and minimize cost and interest rates, loans made under this section may be serviced by qualified Program administrators, bond servicers, and a master servicer.

“(2) DUTIES OF PROGRAM ADMINISTRATOR.—The duties of a Program administrator shall include—

“(A) approving and qualifying eligible community development financial institution applications for participation in the Program;

“(B) compliance monitoring;

“(C) bond packaging in connection with the Program; and

“(D) all other duties and related services that are customarily expected of a Program administrator.

“(3) DUTIES OF SERVICER.—The duties of a servicer shall include—

“(A) billing and collecting loan payments;

“(B) initiating collection activities on past-due loans;

“(C) transferring loan payments to the master servicing accounts;

“(D) loan administration and servicing;

“(E) systematic and timely reporting of loan performance through remittance and servicing reports;

“(F) proper measurement of annual outstanding loan requirements; and

“(G) all other duties and related services that are customarily expected of servicers.

“(4) DUTIES OF MASTER SERVICER.—The duties of a master servicer shall include—

“(A) tracking the movement of funds between the accounts of the master servicer and any other servicer;

“(B) ensuring orderly receipt of the monthly remittance and servicing reports of the servicer;

“(C) monitoring the collection comments and foreclosure actions;

“(D) aggregating the reporting and distribution of funds to trustees and investors;

“(E) removing and replacing a servicer, as necessary;

“(F) loan administration and servicing;

“(G) systematic and timely reporting of loan performance compiled from all bond servicers’ reports;

“(H) proper distribution of funds to investors; and

“(I) all other duties and related services that are customarily expected of a master servicer.

“(g) FEES.—

“(1) IN GENERAL.—A qualified issuer that receives a guarantee issued under this section on a bond or note shall pay a fee to the Secretary, in an amount equal to 10 basis points of the amount of the unpaid principal of the bond or note guaranteed.

“(2) PAYMENT.—A qualified issuer shall pay the fee required under this subsection on an annual basis.

“(3) USE OF FEES.—Fees collected by the Secretary under this subsection shall be used

to reimburse the Department of the Treasury for any administrative costs incurred by the Department in implementing the Program established under this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(i) IN GENERAL.—There are authorized to be appropriated to the Secretary, such sums as are necessary to carry out this section.

“(2) USE OF FEES.—To the extent that the amount of funds appropriated for a fiscal year under paragraph (1) are not sufficient to carry out this section, the Secretary may use the fees collected under subsection (g) for the cost of providing guarantees of bonds and notes under this section.

“(i) INVESTMENT IN GUARANTEED BONDS INELIGIBLE FOR COMMUNITY REINVESTMENT ACT PURPOSES.—Notwithstanding any other provision of law, any investment by a financial institution in bonds or notes guaranteed under the Program shall not be taken into account in assessing the record of such institution for purposes of the Community Reinvestment Act of 1977 (12 U.S.C. 2901).

“(j) ADMINISTRATION.—

“(1) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.

“(2) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall implement this section.

“(k) TERMINATION.—This section is repealed, and the authority provided under this section shall terminate, on September 30, 2014.”

SEC. 1135. TEMPORARY EXPRESS LOAN ENHANCEMENT.

(a) IN GENERAL.—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking “\$350,000” and inserting “\$1,000,000”.

(b) PROSPECTIVE REPEAL.—Effective 1 year after the date of enactment of this Act, section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking “\$1,000,000” and inserting “\$350,000”.

SEC. 1136. PROHIBITION ON USING TARP FUNDS OR TAX INCREASES.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections, shall be construed to limit the ability of Congress to appropriate funds.

(b) TARP FUNDS AND TAX INCREASES.—

(1) IN GENERAL.—Any covered amounts may not be used to carry out section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections.

(2) DEFINITION.—In this subsection, the term “covered amounts” means—

(A) the amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008 (S.C. 5201 et seq.) to purchase (under section 101) or guarantee (under section 102) assets under that Act; and

(B) any revenue increase attributable to any amendment to the Internal Revenue Code of 1986 made during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

Subtitle B—Small Business Trade and Exporting

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the “Small Business Export Enhancement and International Trade Act of 2010”.

SEC. 1202. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle—

(1) the term “Associate Administrator” means the Associate Administrator for

International Trade appointed under section 22(a)(2) of the Small Business Act, as amended by this subtitle;

(2) the term “Export Assistance Center” means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)); and

(3) the term “rural small business concern” means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(t) SMALL BUSINESS DEVELOPMENT CENTER.—In this Act, the term ‘small business development center’ means a small business development center described in section 21.

“(u) REGION OF THE ADMINISTRATION.—In this Act, the term ‘region of the Administration’ means the geographic area served by a regional office of the Administration established under section 4(a).”

(2) CONFORMING AMENDMENT.—Section 4(b)(3)(B)(x) of the Small Business Act (15 U.S.C. 633(b)(3)(B)(x)) is amended by striking “Administration district and region” and inserting “district and region of the Administration”.

SEC. 1203. OFFICE OF INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking “SEC. 22. (a) There” and inserting the following:

“SEC. 22. OFFICE OF INTERNATIONAL TRADE.

“(a) ESTABLISHMENT.—

“(1) OFFICE.—There”; and

(2) in subsection (a)—

(A) in paragraph (1), as so designated, by striking the period and inserting “for the primary purposes of increasing—

“(A) the number of small business concerns that export; and

“(B) the volume of exports by small business concerns.”; and

(B) by adding at the end the following:

“(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.”

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking “five Associate Administrators” and inserting “Associate Administrators”; and

(2) by adding at the end the following: “One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.”

(c) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

“(h) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—The Administrator shall ensure that—

“(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

“(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

“(3) the Associate Administrator has direct supervision and control over—

“(A) the staff of the Office; and

“(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.”

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting “the Administrator of” before “the Small Business Administration”; and

(2) by inserting “through the Associate Administrator for International Trade, and” before “in cooperation with”.

(e) IMPLEMENTATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

SEC. 1204. DUTIES OF THE OFFICE OF INTERNATIONAL TRADE.

(a) AMENDMENTS TO SECTION 22.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) TRADE DISTRIBUTION NETWORK.—The Associate Administrator, working in close cooperation with the Secretary of Commerce, the United States Trade Representative, the Secretary of Agriculture, the Secretary of State, the President of the Export-Import Bank of the United States, the President of the Overseas Private Investment Corporation, Director of the United States Trade and Development Agency, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance Centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

“(1) maintain a distribution network, using regional and district offices of the Administration, the small business development center network, networks of women’s business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), and Export Assistance Centers, for programs relating to—

- “(A) trade promotion;
- “(B) trade finance;
- “(C) trade adjustment assistance;
- “(D) trade remedy assistance; and
- “(E) trade data collection;

“(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to small business concerns on exporting trends, market-specific growth, industry trends, and international prospects for exports;

“(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women’s business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector; and

“(4) give preference in hiring or approving the transfer of any employee into the Office or to a position described in subsection (c)(9) to otherwise qualified applicants who are fluent in a language in addition to English, to—

“(A) accompany small business concerns on foreign trade missions; and

“(B) translate documents, interpret conversations, and facilitate multilingual transactions, including by providing referral lists for translation services, if required.”;

(2) in subsection (c)—

(A) by striking “(c) The Office” and inserting the following:

“(c) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator”;

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

“(1) establish annual goals for the Office relating to—

“(A) enhancing the exporting capability of small business concerns and small manufacturers;

“(B) facilitating technology transfers;

“(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently in foreign markets;

“(D) increasing the ability of small business concerns to access capital; and

“(E) disseminating information concerning Federal, State, and private programs and initiatives.”;

(D) in paragraph (2), as so redesignated, by striking “mechanism for” and all that follows through “(D) assisting” and inserting the following: “mechanism for—

“(A) identifying subsectors of the small business community with strong export potential;

“(B) identifying areas of demand in foreign markets;

“(C) prescreening foreign buyers for commercial and credit purposes; and

“(D) assisting”;

(E) in paragraph (3), as so redesignated, by striking “assist small businesses in the formation and utilization of” and inserting “assist small business concerns in forming and using”;

(F) in paragraph (4), as so redesignated—

(i) by striking “local” and inserting “district”;

(ii) by striking “existing”;

(iii) by striking “Small Business Development Center network” and inserting “small business development center network”; and

(iv) by striking “Small Business Development Center Program” and inserting “small business development center program”;

(G) in paragraph (5), as so redesignated—

(i) in subparagraph (A), by striking “Gross State Produce” and inserting “Gross State Product”;

(ii) in subparagraph (B), by striking “SIC” each place it appears and inserting “North American Industry Classification System”; and

(iii) in subparagraph (C), by striking “small businesses” and inserting “small business concerns”;

(H) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon;

(I) in paragraph (7), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by inserting “concerns” after “small business”; and

(II) by striking “current” and inserting “up to date”;

(ii) in subparagraph (A), by striking “Administration’s regional offices” and inserting “regional and district offices of the Administration”;

(iii) in subparagraph (B) by striking “current”;

(iv) in subparagraph (C), by striking “current”; and

(v) by striking “small businesses” each place that term appears and inserting “small business concerns”;

(J) in paragraph (8), as so redesignated, by striking and at the end;

(K) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking “full-time export development specialists to each Administration regional office and assigning”; and

(II) by striking “person in each district office. Such specialists” and inserting “individual in each district office and providing each Administration regional office with a full-time export development specialist, who”;

(ii) in subparagraph (B)—

(I) by striking “current”; and

(II) by striking “with” and inserting “in”;

(iii) in subparagraph (D)—

(I) by striking “Administration personnel involved in granting” and inserting “personnel of the Administration involved in making”; and

(II) by striking “and” at the end;

(iv) in subparagraph (E)—

(I) by striking “small businesses’ needs” and inserting “the needs of small business concerns”; and

(II) by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following:

“(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

“(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the Department of Commerce, the Department of Agriculture, small business development centers, women’s business centers, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies.”; and

(vi) by striking “small businesses” each place that term appears and inserting “small business concerns”; and

(L) by adding at the end the following:

“(10) make available on the website of the Administration the name and contact information of each individual described in paragraph (9);

“(11) carry out a nationwide marketing effort using technology, online resources, training, and other strategies to promote exporting as a business development opportunity for small business concerns;

“(12) disseminate information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women’s business centers, chapters of the Service Corps of Retired Executives authorized by section 8(b)(1), State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

“(13) establish and carry out training programs for the staff of the regional and district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.”;

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking “(d) The Office” and inserting the following:

“(d) EXPORT FINANCING PROGRAMS.—

“(1) IN GENERAL.—The Associate Administrator”; and

(C) by striking “To accomplish this goal, the Office shall work” and inserting the following:

“(2) TRADE FINANCE SPECIALIST.—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

“(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

“(B) work”;

(4) in subsection (e), by striking “(e) The Office” and inserting the following:

“(e) TRADE REMEDIES.—The Associate Administrator”;

(5) by amending subsection (f) to read as follows:

“(f) REPORTING REQUIREMENT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

“(1) a description of the progress of the Office in implementing the requirements of this section;

“(2) a detailed account of the results of export growth activities of the Administration, including the activities of each district and regional office of the Administration, based on the performance measures described in subsection (i);

“(3) an estimate of the total number of jobs created or retained as a result of export assistance provided by the Administration and resource partners of the Administration;

“(4) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

“(5) a description of the participation by the Office in trade negotiations.”;

(6) in subsection (g), by striking “(g) The Office” and inserting the following:

“(g) STUDIES.—The Associate Administrator”; and

(7) by adding after subsection (h), as added by section 1203 of this subtitle, the following:

“(i) EXPORT AND TRADE COUNSELING.—

“(1) DEFINITION.—In this subsection—

“(A) the term ‘lead small business development center’ means a small business development center that has received a grant from the Administration; and

“(B) the term ‘lead women’s business center’ means a women’s business center that has received a grant from the Administration.

“(2) CERTIFICATION PROGRAM.—The Administrator shall establish an export and trade counseling certification program to certify employees of lead small business development centers and lead women’s business centers in providing export assistance to small business concerns.

“(3) NUMBER OF CERTIFIED EMPLOYEES.—The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing export assistance is not less than the lesser of—

“(A) 5; or

“(B) 10 percent of the total number of employees of the lead small business development center.

“(4) REIMBURSEMENT FOR CERTIFICATION.—

“(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall reimburse a lead small business development center or a lead women’s business

center for costs relating to the certification of an employee of the lead small business center or lead women's business center in providing export assistance under the program established under paragraph (2).

“(B) LIMITATION.—The total amount reimbursed by the Administrator under subparagraph (A) may not exceed \$350,000 in any fiscal year.

“(j) PERFORMANCE MEASURES.—

“(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

“(A) the number of small business concerns that—

“(i) receive assistance from the Administration;

“(ii) had not exported goods or services before receiving the assistance described in clause (i); and

“(iii) export goods or services;

“(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

“(C) export revenues by small business concerns assisted by programs of the Administration;

“(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office;

“(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center; and

“(F) the number of small business concerns referred to the Department of Commerce, the Department of Agriculture, the Department of State, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the United States Trade and Development Agency by the staff of the Office, an Export Assistance Center, or a small business development center.

“(2) JOINT PERFORMANCE MEASURES.—The Associate Administrator shall develop joint performance measures for the district offices of the Administration and the Export Assistance Centers that include the number of export loans made under—

“(A) section 7(a)(16);

“(B) the Export Working Capital Program established under section 7(a)(14);

“(C) the Preferred Lenders Program, as defined in section 7(a)(2)(C)(ii); and

“(D) the export express program established under section 7(a)(34).

“(3) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures developed under paragraph (1), that is consistent with systems used by the departments and agencies and the network.”.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on any travel by the staff of the Office of International Trade of the Administra-

tion, during the period beginning on October 1, 2004, and ending on the date of enactment of the Act, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 1205. EXPORT ASSISTANCE CENTERS.

(a) EXPORT ASSISTANCE CENTERS.—Section 22 of the Small Business Act (15 U.S.C. 649), as amended by this subtitle, is amended by adding at the end the following:

“(k) EXPORT ASSISTANCE CENTERS.—

“(1) EXPORT FINANCE SPECIALISTS.—

“(A) MINIMUM NUMBER OF EXPORT FINANCE SPECIALISTS.—On and after the date that is 90 days after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that the number of export finance specialists is not less than the number of such employees so assigned on January 1, 2003.

“(B) EXPORT FINANCE SPECIALISTS ASSIGNED TO EACH REGION OF THE ADMINISTRATION.—On and after the date that is 2 years after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that there are not fewer than 3 export finance specialists in each region of the Administration.

“(2) PLACEMENT OF EXPORT FINANCE SPECIALISTS.—

“(A) PRIORITY.—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

“(i) had an Administration employee assigned to the Export Assistance Center before January 2003; and

“(ii) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

“(B) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

“(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to reassign or remove an export finance specialist who is assigned to an Export Assistance Center on the date of enactment of this subsection.

“(3) GOALS.—The Associate Administrator shall work with the Department of Commerce, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation to establish shared annual goals for the Export Assistance Centers.

“(4) OVERSIGHT.—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

“(1) DEFINITIONS.—In this section—

“(1) the term ‘Associate Administrator’ means the Associate Administrator for International Trade described in subsection (a)(2);

“(2) the term ‘Export Assistance Center’ means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

“(3) the term ‘export finance specialist’ means a full-time equivalent employee of the Office assigned to an Export Assistance Center to carry out the duties described in subsection (e); and

“(4) the term ‘Office’ means the Office of International Trade established under subsection (a)(1).”.

(b) STUDY AND REPORT ON FILLING GAPS IN HIGH-AND-LOW-EXPORT VOLUME AREAS.—

(1) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall—

(A) conduct a study of—

(i) the volume of exports for each State;

(ii) the availability of export finance specialists in each State;

(iii) the number of exporters in each State that are small business concerns;

(iv) the percentage of exporters in each State that are small business concerns;

(v) the change, if any, in the number of exporters that are small business concerns in each State—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced;

(vi) the total value of the exports in each State by small business concerns;

(vii) the percentage of the total volume of exports in each State that is attributable to small business concerns; and

(viii) the change, if any, in the percentage of the total volume of exports in each State that is attributable to small business concerns—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(i) the results of the study under subparagraph (A);

(ii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the greatest volume of exports, based upon the most recent data available from the Department of Commerce;

(iii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the lowest volume of exports, based upon the most recent data available from the Department of Commerce; and

(iv) such additional information as the Administrator determines is appropriate.

(2) DEFINITION.—In this subsection, the term “export finance specialist” has the meaning given that term in section 22(l) of the Small Business Act, as added by this title.

SEC. 1206. INTERNATIONAL TRADE FINANCE PROGRAMS.

(a) LOAN LIMITS.—

(1) TOTAL AMOUNT OUTSTANDING.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking “\$1,750,000, of which not more than \$1,250,000” and inserting “\$4,500,000 (or if the gross loan amount would exceed \$5,000,000, of which not more than \$4,000,000”.

(2) PARTICIPATION.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking “subparagraph

(B)" and inserting "subparagraphs (B), (D), and (E)";

(B) in subparagraph (D), by striking "Notwithstanding subparagraph (A), in" and inserting "In"; and

(C) by adding at the end the following:

"(E) PARTICIPATION IN INTERNATIONAL TRADE LOAN.—In an agreement to participate in a loan on a deferred basis under paragraph (16), the participation by the Administration may not exceed 90 percent."

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking "in—" and inserting "—";

(2) in clause (i)—

(A) by inserting "in" after "(i)"; and

(B) by striking "or" at the end;

(3) in clause (ii)—

(A) by inserting "in" after "(ii)"; and

(B) by striking the period at the end and inserting ", including any debt that qualifies for refinancing under any other provision of this subsection; or"; and

(4) by adding at the end the following:

"(iii) by providing working capital."

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking "Each loan" and inserting the following:

"(i) IN GENERAL.—Except as provided in clause (ii), each loan"; and

(2) by adding at the end the following:

"(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan."

(d) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking "not exceed" and inserting "be"; and

(2) in paragraph (14)—

(A) by striking "(A) The Administration" and inserting the following: "EXPORT WORKING CAPITAL PROGRAM.—

"(A) IN GENERAL.—The Administrator";

(B) by striking "(B) When considering" and inserting the following:

"(C) CONSIDERATIONS.—When considering";

(C) by striking "(C) The Administration" and inserting the following:

"(D) MARKETING.—The Administrator";

and

(D) by inserting after subparagraph (A) the following:

"(B) TERMS.—

"(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than \$5,000,000.

"(ii) FEES.—

"(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

"(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern."

(e) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

"(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated

Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program."

(f) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(35) EXPORT EXPRESS PROGRAM.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'export development activity' includes—

"(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;

"(II) participation in a trade show that takes place outside the United States;

"(III) translation of product brochures or catalogues for use in markets outside the United States;

"(IV) obtaining a general line of credit for export purposes;

"(V) performing a service contract from buyers located outside the United States;

"(VI) obtaining transaction-specific financing associated with completing export orders;

"(VII) purchasing real estate or equipment to be used in the production of goods or services for export;

"(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

"(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in the United States in the production of goods or services for export; and

"(ii) the term 'express loan' means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

"(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

"(C) LEVEL OF PARTICIPATION.—

"(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be \$500,000.

"(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

"(I) 90 percent of a loan that is not more than \$350,000; and

"(II) 75 percent of a loan that is more than \$350,000 and not more than \$500,000."

(g) ANNUAL LISTING OF EXPORT FINANCE LENDERS.—Section 7(a)(16) of the Small Business Act (15 U.S.C. 636(a)(16)) is amended by adding at the end the following:

"(F) LIST OF EXPORT FINANCE LENDERS.—

"(i) PUBLICATION OF LIST REQUIRED.—The Administrator shall publish an annual list of the banks and participating lending institutions that, during the 1-year period ending on the date of publication of the list, have made loans guaranteed by the Administration under—

"(I) this paragraph;

"(II) paragraph (14); or

"(III) paragraph (34).

"(ii) AVAILABILITY OF LIST.—The Administrator shall—

"(I) post the list published under clause (i) on the website of the Administration; and

"(II) make the list published under clause (i) available, upon request, at each district office of the Administration."

(h) APPLICABILITY.—The amendments made by subsections (a) through (f) shall apply with respect to any loan made after the date of enactment of this Act.

SEC. 1207. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term "eligible small business concern" means a small business concern that—

(A) has been in business for not less than the 1-year period ending on the date on which assistance is provided using a grant under this section;

(B) is operating profitably, based on operations in the United States;

(C) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Associate Administrator; and

(D) has in effect a strategic plan for exporting;

(2) the term "program" means the State Trade and Export Promotion Grant Program established under subsection (b);

(3) the term "small business concern owned and controlled by women" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(4) the term "socially and economically disadvantaged small business concern" has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 6537(a)(4)(A)); and

(5) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a 3-year trade and export promotion pilot program to be known as the State Trade and Export Promotion Grant Program, to make grants to States to carry out export programs that assist eligible small business concerns in—

(1) participation in a foreign trade mission;

(2) a foreign market sales trip;

(3) a subscription to services provided by the Department of Commerce;

(4) the payment of website translation fees;

(5) the design of international marketing media;

(6) a trade show exhibition;

(7) participation in training workshops; or

(8) any other export initiative determined appropriate by the Associate Administrator.

(c) GRANTS.—

(1) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State that export or to increase the value of the exports by eligible small business concerns in the State.

(2) CONSIDERATIONS.—In making grants under this section, the Associate Administrator may give priority to an application by a State that proposes a program that—

(A) focuses on eligible small business concerns as part of an export promotion program;

(B) demonstrates success in promoting exports by—

(i) socially and economically disadvantaged small business concerns;

(ii) small business concerns owned or controlled by women; and

(iii) rural small business concerns;

(C) promotes exports from a State that is not 1 of the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce; and

(D) promotes new-to-market export opportunities to the People's Republic of China for eligible small business concerns in the United States.

(3) LIMITATIONS.—

(A) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.

(B) PROPORTION OF AMOUNTS.—The total value of grants under the program made during a fiscal year to the 10 States with the highest number of exporters that are small business concerns, based upon the latest data available from the Department of Commerce, shall be not more than 40 percent of the amounts appropriated for the program for that fiscal year.

(4) APPLICATION.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.

(d) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.

(e) FEDERAL SHARE.—The Federal share of the cost of an export program carried out using a grant under the program shall be—

(1) for a State that has a high export volume, as determined by the Associate Administrator, not more than 65 percent; and

(2) for a State that does not have a high export volume, as determined by the Associate Administrator, not more than 75 percent.

(f) NON-FEDERAL SHARE.—The non-Federal share of the cost of an export program carried using a grant under the program shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

(g) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of this Act, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

(A) a description of the structure of and procedures for the program;

(B) a management plan for the program; and

(C) a description of the merit-based review process to be used in the program.

(2) ANNUAL REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the program, which shall include—

(A) the number and amount of grants made under the program during the preceding year;

(B) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with grant; and

(C) the effect of each grant on exports by eligible small business concerns in the State receiving the grant.

(h) REVIEWS BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

(A) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and

(B) the overall management and effectiveness of the program.

(2) REPORT.—Not later than September 30, 2012, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review conducted under paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program \$30,000,000 for each of fiscal years 2011, 2012, and 2013.

(j) TERMINATION.—The authority to carry out the program shall terminate 3 years after the date on which the Associate Administrator establishes the program.

SEC. 1208. RURAL EXPORT PROMOTION.

Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that contains—

(1) a description of each program of the Administration that promotes exports by rural small business concerns, including—

(A) the number of rural small business concerns served by the program;

(B) the change, if any, in the number of rural small business concerns as a result of participation in the program during the 10-year period ending on the date of enactment of this Act;

(C) the volume of exports by rural small business concerns that participate in the program; and

(D) the change, if any, in the volume of exports by rural small businesses that participate in the program during the 10-year period ending on the date of enactment of this Act;

(2) a description of the coordination between programs of the Administration and other Federal programs that promote exports by rural small business concerns;

(3) recommendations, if any, for improving the coordination described in paragraph (2);

(4) a description of any plan by the Administration to market the international trade financing programs of the Administration through lenders that—

(A) serve rural small business concerns; and

(B) are associated with financing programs of the Department of Agriculture;

(5) recommendations, if any, for improving coordination between the counseling programs and export financing programs of the Administration, in order to increase the volume of exports by rural small business concerns; and

(6) any additional information the Administrator determines is necessary.

SEC. 1209. INTERNATIONAL TRADE COOPERATION BY SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) by striking “(2) The Small Business Development Centers” and inserting the following:

“(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—

“(A) INFORMATION AND SERVICES.—The small business development centers”; and

(2) in paragraph (2)—

(A) in subparagraph (A), as so designated, by inserting “(including State trade agencies),” after “local agencies”; and

(B) by adding at the end the following:

“(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A

small business development center that counsels a small business concern on issues relating to international trade shall—

“(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and

“(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.

“(C) DEFINITION.—In this paragraph, the term ‘Export Assistance Center’ has the same meaning as in section 22.”.

Subtitle C—Small Business Contracting

PART I—CONTRACT BUNDLING

SEC. 1311. SMALL BUSINESS ACT.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1202, is amended by adding at the end the following:

“(v) MULTIPLE AWARD CONTRACT.—In this Act, the term ‘multiple award contract’ means—

“(1) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

“(2) any other indefinite delivery, indefinite quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation.”.

SEC. 1312. LEADERSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

“(q) BUNDLING ACCOUNTABILITY MEASURES.—

“(1) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any multiple award contract above the substantial bundling threshold of the Federal agency a provision soliciting bids from any responsible source, including responsible small business concerns and teams or joint ventures of small business concerns.

“(2) POLICIES ON REDUCTION OF CONTRACT BUNDLING.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 4219(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

“(i) establish a Government-wide policy regarding contract bundling, including regarding the solicitation of teaming and joint ventures under paragraph (1); and

“(ii) require that the policy established under clause (i) be published on the website of each Federal agency.

“(B) RATIONALE FOR CONTRACT BUNDLING.—Not later than 30 days after the date on which the head of a Federal agency submits data certifications to the Administrator for Federal Procurement Policy, the head of the Federal agency shall publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.

“(3) REPORTING.—Not later than 90 days after the date of enactment of this subsection, and every 3 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a

report regarding procurement center representatives and commercial market representatives, which shall—

“(A) identify each area for which the Administration has assigned a procurement center representative or a commercial market representative;

“(B) explain why the Administration selected the areas identified under subparagraph (A); and

“(C) describe the activities performed by procurement center representatives and commercial market representatives.”.

(b) **TECHNICAL CORRECTION.**—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking “Administrator of the Office of Federal Procurement Policy” each place it appears and inserting “Administrator for Federal Procurement Policy”.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding the procurement center representative program of the Administration.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall—

(A) address ways to improve the effectiveness of the procurement center representative program in helping small business concerns obtain Federal contracts;

(B) evaluate the effectiveness of procurement center representatives and commercial marketing representatives; and

(C) include recommendations, if any, on how to improve the procurement center representative program.

(d) **ELECTRONIC PROCUREMENT CENTER REPRESENTATIVE.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall implement a 3-year pilot electronic procurement center representative program.

(2) **REPORT.**—Not later than 30 days after the pilot program under paragraph (1) ends, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the pilot program.

SEC. 1313. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) **IN GENERAL.**—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

“SEC. 44. CONSOLIDATION OF CONTRACT REQUIREMENTS.

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘Chief Acquisition Officer’ means the employee of a Federal agency designated as the Chief Acquisition Officer for the Federal agency under section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a));

“(2) the term ‘consolidation of contract requirements’, with respect to contract requirements of a Federal agency, means a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of the Federal agency for goods or services that have been provided to or performed for the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited; and

“(3) the term ‘senior procurement executive’ means an official designated under section 16(c) of the Office of Federal Procure-

ment Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for a Federal agency.

“(b) **POLICY.**—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding consolidation of contract requirements of the Federal agency are made with a view to providing small business concerns with appropriate opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.

“(c) **LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.**—

“(1) **IN GENERAL.**—Subject to paragraph (4), the head of a Federal agency may not carry out an acquisition strategy that includes a consolidation of contract requirements of the Federal agency with a total value of more than \$2,000,000, unless the senior procurement executive or Chief Acquisition Officer for the Federal agency, before carrying out the acquisition strategy—

“(A) conducts market research;

“(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements;

“(C) makes a written determination that the consolidation of contract requirements is necessary and justified;

“(D) identifies any negative impact by the acquisition strategy on contracting with small business concerns; and

“(E) certifies to the head of the Federal agency that steps will be taken to include small business concerns in the acquisition strategy.

“(2) **DETERMINATION THAT CONSOLIDATION IS NECESSARY AND JUSTIFIED.**—

“(A) **IN GENERAL.**—A senior procurement executive or Chief Acquisition Officer may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1)(C) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under paragraph (1)(B).

“(B) **SAVINGS IN ADMINISTRATIVE OR PERSONNEL COSTS.**—For purposes of subparagraph (A), savings in administrative or personnel costs alone do not constitute a sufficient justification for a consolidation of contract requirements in a procurement unless the expected total amount of the cost savings, as determined by the senior procurement executive or Chief Acquisition Officer, is expected to be substantial in relation to the total cost of the procurement.

“(3) **BENEFITS TO BE CONSIDERED.**—The benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

“(A) quality;

“(B) acquisition cycle;

“(C) terms and conditions; and

“(D) any other benefit.

“(4) **DEPARTMENT OF DEFENSE.**—

“(A) **IN GENERAL.**—The Department of Defense and each military department shall comply with this section until after the date described in subparagraph (C).

“(B) **RULE.**—After the date described in subparagraph (C), contracting by the Department of Defense or a military department shall be conducted in accordance with section 2382 of title 10, United States Code.

“(C) **DATE.**—The date described in this subparagraph is the date on which the Administrator determines the Department of Defense or a military department is in compliance

with the Government-wide contracting goals under section 15.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 2382(b)(1) of title 10, United States Code, is amended by striking “An official” and inserting “Subject to section 44(c)(4), an official”.

SEC. 1314. SMALL BUSINESS TEAMS PILOT PROGRAM.

(a) **DEFINITIONS.**—In this section—

(1) the term “Pilot Program” means the Small Business Teaming Pilot Program established under subsection (b); and

(2) the term “eligible organization” means a well-established national organization for small business concerns with the capacity to provide assistance to small business concerns (which may be provided with the assistance of the Administrator) relating to—

(A) customer relations and outreach;

(B) team relations and outreach; and

(C) performance measurement and quality assurance.

(b) **ESTABLISHMENT.**—The Administrator shall establish a Small Business Teaming Pilot Program for teaming and joint ventures involving small business concerns.

(c) **GRANTS.**—Under the Pilot Program, the Administrator may make grants to eligible organizations to provide assistance and guidance to teams of small business concerns seeking to compete for larger procurement contracts.

(d) **CONTRACTING OPPORTUNITIES.**—The Administrator shall work with eligible organizations receiving a grant under the Pilot Program to recommend appropriate contracting opportunities for teams or joint ventures of small business concerns.

(e) **REPORT.**—Not later than 1 year before the date on which the authority to carry out the Pilot Program terminates under subsection (f), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effectiveness of the Pilot Program.

(f) **TERMINATION.**—The authority to carry out the Pilot Program shall terminate 5 years after the date of enactment of this Act.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for grants under subsection (c) \$5,000,000 for each of fiscal years 2010 through 2015.

PART II—SUBCONTRACTING INTEGRITY

SEC. 1321. SUBCONTRACTING MISREPRESENTATIONS.

Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Administrator for Federal Procurement Policy, shall promulgate regulations relating to, and the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to establish a policy on, subcontracting compliance relating to small business concerns, including assignment of compliance responsibilities between contracting offices, small business offices, and program offices and periodic oversight and review activities.

SEC. 1322. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.

Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(3) by adding at the end, the following:

“(G) a representation that the offeror or bidder will—

“(i) make a good faith effort to acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from the small business concerns used in preparing and submitting to the contracting agency the bid or proposal, in the same amount and quality used in preparing and submitting the bid or proposal; and

“(ii) provide to the contracting officer a written explanation if the offeror or bidder fails to acquire articles, equipment, supplies, services, or materials or obtain the performance of construction work as described in clause (i).”.

PART III—ACQUISITION PROCESS

SEC. 1331. RESERVATION OF PRIME CONTRACT AWARDS FOR SMALL BUSINESSES.

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

“(r) **MULTIPLE AWARD CONTRACTS.**—Not later than 1 year after the date of enactment of this subsection, the Administrator for Federal Procurement Policy and the Administrator, in consultation with the Administrator of General Services, shall, by regulation, establish guidance under which Federal agencies may, at their discretion—

“(1) set aside part or parts of a multiple award contract for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2);

“(2) notwithstanding the fair opportunity requirements under section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)), set aside orders placed against multiple award contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

“(3) reserve 1 or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in subsection (g)(2).”.

SEC. 1332. MICRO-PURCHASE GUIDELINES.

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Administrator of General Services, shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in purchases in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) (in this section referred to as “micro-purchases”), consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

SEC. 1333. AGENCY ACCOUNTABILITY.

Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting “(A)” after “(2)”;

(2) by striking “Goals established” and inserting the following:

“(B) Goals established”;

(3) by striking “Whenever” and inserting the following:

“(C) Whenever”;

(4) by striking “For the purpose of” and inserting the following:

“(D) For the purpose of”;

(5) by striking “The head of each Federal agency, in attempting to attain such participation” and inserting the following:

“(E) The head of each Federal agency, in attempting to attain the participation described in subparagraph (D)”.

(6) in subparagraph (E), as so designated—

(A) by striking “(A) contracts” and inserting “(i) contracts”; and

(B) by striking “(B) contracts” and inserting “(ii) contracts”; and

(7) by adding at the end the following:

“(F)(i) Each procurement employee or program manager described in clause (i) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving small business goals.

“(ii) A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.”.

SEC. 1334. PAYMENT OF SUBCONTRACTORS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(12) **PAYMENT OF SUBCONTRACTORS.**—

“(A) **DEFINITION.**—In this paragraph, the term ‘covered contract’ means a contract relating to which a prime contractor is required to develop a subcontracting plan under paragraph (4) or (5).

“(B) **NOTICE.**—

“(i) **IN GENERAL.**—A prime contractor for a covered contract shall notify in writing the contracting officer for the covered contract if the prime contractor pays a reduced price to a subcontractor for goods and services upon completion of the responsibilities of the subcontractor or the payment to a subcontractor is more than 90 days past due for goods or services provided for the covered contract for which the Federal agency has paid the prime contractor.

“(ii) **CONTENTS.**—A prime contractor shall include the reason for the reduction in a payment to or failure to pay a subcontractor in any notice made under clause (i).

“(C) **PERFORMANCE.**—A contracting officer for a covered contract shall consider the unjustified failure by a prime contractor to make a full or timely payment to a subcontractor in evaluating the performance of the prime contractor.

“(D) **CONTROL OF FUNDS.**—If the contracting officer for a covered contract determines that a prime contractor has a history of unjustified, untimely payments to contractors, the contracting officer shall record the identity of the contractor in accordance with the regulations promulgated under subparagraph (E).

“(E) **REGULATIONS.**—Not later than 1 year after the date of enactment of this paragraph, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

(i) describe the circumstances under which a contractor may be determined to have a history of unjustified, untimely payments to subcontractors;

(ii) establish a process for contracting officers to record the identity of a contractor described in clause (i); and

(iii) require the identity of a contractor described in clause (i) to be incorporated in, and made publicly available through, the Federal Awardee Performance and Integrity Information System, or any successor thereto.”.

SEC. 1335. REPEAL OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) **IN GENERAL.**—The Business Opportunity Development Reform Act of 1988 (Public Law 100-656) is amended by striking title VII (15 U.S.C. 644 note).

(b) **EFFECTIVE DATE AND APPLICABILITY.**—The amendment made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) apply to the first full fiscal year after the date of enactment of this Act.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

SEC. 1341. POLICY AND PRESUMPTIONS.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1311, is amended by adding at the end the following:

“(w) **PRESUMPTION.**—

“(1) **IN GENERAL.**—In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to small business concerns, there shall be a presumption of loss to the United States based on the total amount expended on the contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant whenever it is established that a business concern other than a small business concern willfully sought and received the award by misrepresentation.

“(2) **DEEMED CERTIFICATIONS.**—The following actions shall be deemed affirmative, willful, and intentional certifications of small business size and status:

“(A) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to small business concerns.

“(B) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement which in any way encourages a Federal agency to classify the bid or proposal, if awarded, as an award to a small business concern.

“(C) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research agreement, as a small business concern.

“(3) **CERTIFICATION BY SIGNATURE OF RESPONSIBLE OFFICIAL.**—

“(A) **IN GENERAL.**—Each solicitation, bid, or application for a Federal contract, subcontract, or grant shall contain a certification concerning the small business size and status of a business concern seeking the Federal contract, subcontract, or grant.

“(B) **CONTENT OF CERTIFICATIONS.**—A certification that a business concern qualifies as a small business concern of the exact size and status claimed by the business concern for purposes of bidding on a Federal contract or subcontract, or applying for a Federal grant, shall contain the signature of an authorized official on the same page on which the certification is contained.

“(4) **REGULATIONS.**—The Administrator shall promulgate regulations to provide adequate protections to individuals and business concerns from liability under this subsection in cases of unintentional errors, technical malfunctions, and other similar situations.”.

SEC. 1342. ANNUAL CERTIFICATION.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1341, is amended by adding at the end the following:

“(x) ANNUAL CERTIFICATION.—

“(1) IN GENERAL.—Each business certified as a small business concern under this Act shall annually certify its small business size and, if appropriate, its small business status, by means of a confirming entry on the Online Representations and Certifications Application database of the Administration, or any successor thereto.

“(2) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Inspector General and the Chief Counsel for Advocacy of the Administration, shall promulgate regulations to ensure that—

“(A) no business concern continues to be certified as a small business concern on the Online Representations and Certifications Application database of the Administration, or any successor thereto, without fulfilling the requirements for annual certification under this subsection; and

“(B) the requirements of this subsection are implemented in a manner presenting the least possible regulatory burden on small business concerns.”.

SEC. 1343. TRAINING FOR CONTRACTING AND ENFORCEMENT PERSONNEL.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Acquisition Institute, in consultation with the Administrator for Federal Procurement Policy, the Defense Acquisition University, and the Administrator, shall develop courses for acquisition personnel concerning proper classification of business concerns and small business size and status for purposes of Federal contracts, subcontracts, grants, cooperative agreements, and cooperative research and development agreements.

(b) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1342, is amended by adding at the end the following:

“(y) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Attorney General, shall issue a Government-wide policy on prosecution of small business size and status fraud, which shall direct Federal agencies to appropriately publicize the policy.”.

SEC. 1344. UPDATED SIZE STANDARDS.

(a) ROLLING REVIEW.—

(1) IN GENERAL.—The Administrator shall—

(A) during the 18-month period beginning on the date of enactment of this Act, and during every 18-month period thereafter, conduct a detailed review of not less than 1/3 of the size standards for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)), which shall include holding not less than 2 public forums located in different geographic regions of the United States;

(B) after completing each review under subparagraph (A) make appropriate adjustments to the size standards established under section 3(a)(2) of the Small Business Act to reflect market conditions;

(C) make publicly available—

(i) information regarding the factors evaluated as part of each review conducted under subparagraph (A); and

(ii) information regarding the criteria used for any revised size standards promulgated under subparagraph (B); and

(D) not later than 30 days after the date on which the Administrator completes each review under subparagraph (A), submit to the Committee on Small Business and Entrepre-

neurship of the Senate and the Committee on Small Business of the House of Representatives and make publicly available a report regarding the review, including why the Administrator—

(i) used the factors and criteria described in subparagraph (C); and

(ii) adjusted or did not adjust each size standard that was reviewed under the review.

(2) COMPLETE REVIEW OF SIZE STANDARDS.—The Administrator shall ensure that each size standard for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is reviewed under paragraph (1) not less frequently than once every 5 years.

(b) RULES.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate rules for conducting the reviews required under subsection (a).

SEC. 1345. STUDY AND REPORT ON THE MENTOR-PROTEGE PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the mentor-protégé program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), and other relationships and strategic alliances pairing a larger business and a small business concern partner to gain access to Federal Government contracts, to determine whether the programs and relationships are effectively supporting the goal of increasing the participation of small business concerns in Government contracting.

(b) MATTERS TO BE STUDIED.—The study conducted under this section shall include—

(1) a review of a broad cross-section of industries; and

(2) an evaluation of—

(A) how each Federal agency carrying out a program described in subsection (a) administers and monitors the program;

(B) whether there are systems in place to ensure that the mentor-protégé relationship, or similar affiliation, promotes real gain to the protégé, and is not just a mechanism to enable participants that would not otherwise qualify under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) to receive contracts under that section; and

(C) the degree to which protégé businesses become able to compete for Federal contracts without the assistance of a mentor.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of the study conducted under this section.

SEC. 1346. CONTRACTING GOALS REPORTS.

Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended by striking “submit them” and all that follows through “the following:” and inserting “submit to the President and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the compilation and analysis, which shall include the following:”.

SEC. 1347. SMALL BUSINESS CONTRACTING PARITY.

(a) DEFINITIONS.—In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms “HUBZone small business concern”, “small business concern”, “small

business concern owned and controlled by service-disabled veterans”, and “small business concern owned and controlled by women” have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CONTRACTING IMPROVEMENTS.—

(1) CONTRACTING OPPORTUNITIES.—Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking “shall” and inserting “may”.

(2) CONTRACTING GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting “and subcontract” after “not less than 3 percent of the total value of all prime contract”.

(3) MENTOR-PROTEGE PROGRAMS.—The Administrator may establish mentor-protégé programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protégé program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(c) SMALL BUSINESS CONTRACTING PROGRAMS PARITY.—Section 31(b)(2) of the Small Business Act (15 U.S.C. 657a(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “Notwithstanding any other provision of law—”;

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “a contracting” and inserting “SOLE SOURCE CONTRACTS.—A contracting”;

and

(B) in clause (iii), by striking the semicolon at the end and inserting a period;

(3) in subparagraph (B)—

(A) by striking “a contract opportunity shall” and inserting “RESTRICTED COMPETITION.—A contract opportunity may”;

(B) by striking “; and” and inserting a period; and

(4) in subparagraph (C), by striking “not later” and inserting “APPEALS.—Not later”.

Subtitle D—Small Business Management and Counseling Assistance

SEC. 1401. MATCHING REQUIREMENTS UNDER SMALL BUSINESS PROGRAMS.

(a) MICROLOAN PROGRAM.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (3)(B)—

(A) by striking “As a condition” and inserting the following:

“(i) IN GENERAL.—Subject to clause (ii), as a condition”;

(B) by striking “the Administration” and inserting “the Administrator”;

and

(C) by adding at the end the following:

“(ii) WAIVER OF NON-FEDERAL SHARE.—

“(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

“(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

“(aa) the economic conditions affecting the intermediary;

“(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

“(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

“(dd) the performance of the intermediary.

“(III) LIMITATIONS.—

“(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

“(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.”; and

(2) in paragraph (4)(B)—

(A) by striking “As a condition” and all that follows through “the Administration shall require” and inserting the following:

“(i) IN GENERAL.—Subject to clause (ii), as a condition of a grant made under subparagraph (A), the Administrator shall require”; and

(B) by adding at the end the following:

“(ii) WAIVER OF NON-FEDERAL SHARE.—

“(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

“(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

“(aa) the economic conditions affecting the intermediary;

“(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

“(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

“(dd) the performance of the intermediary.

“(III) LIMITATIONS.—

“(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

“(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.”.

(b) WOMEN’S BUSINESS CENTER PROGRAM.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1), by striking “As a condition” and inserting “Subject to paragraph (5), as a condition”; and

(2) by adding at the end the following:

“(5) WAIVER OF NON-FEDERAL SHARE RELATING TO TECHNICAL ASSISTANCE AND COUNSELING.—

“(A) IN GENERAL.—Upon request by a recipient organization, and in accordance with this paragraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under this subsection for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under this section for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this paragraph for successive fiscal years.

“(B) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this paragraph, the Administrator shall consider—

“(i) the economic conditions affecting the recipient organization;

“(ii) the impact a waiver under this clause would have on the credibility of the women’s business center program under this section;

“(iii) the demonstrated ability of the recipient organization to raise non-Federal funds; and

“(iv) the performance of the recipient organization.

“(C) LIMITATIONS.—

“(i) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the women’s business center program under this section.

“(ii) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph for fiscal year 2013 or any fiscal year thereafter.”.

(c) PROSPECTIVE REPEALS.—Effective October 1, 2012, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 7(m) (15 U.S.C. 636(m))—

(A) in paragraph (3)(B)—

(i) by striking “INTERMEDIARY CONTRIBUTION.—” and all that follows through “Subject to clause (ii), as” and inserting “INTERMEDIARY CONTRIBUTION.—As”; and

(ii) by striking clause (ii); and

(B) in paragraph (4)(B)—

(i) by striking “CONTRIBUTION.—” and all that follows through “Subject to clause (ii), as” and inserting “CONTRIBUTION.—As”; and

(ii) by striking clause (ii); and

(2) in section 29(c) (15 U.S.C. 656(c))—

(A) in paragraph (1), by striking “Subject to paragraph (5), as” and inserting “As”; and

(B) by striking paragraph (5).

SEC. 1402. GRANTS FOR SBDSCS.

(a) IN GENERAL.—The Administrator may make grants to small business development centers under section 21 of the Small Business Act (15 U.S.C. 648) to provide targeted technical assistance to small business concerns seeking access to capital or credit, Federal procurement opportunities, energy efficiency audits to reduce energy bills, opportunities to export products or provide services to foreign customers, adopting, making innovations in, and using broadband technologies, or other assistance.

(b) ALLOCATION.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding the requirements of section 21(a)(4)(C)(iii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)), the amount appropriated to carry out this section shall be allocated under the formula under section 21(a)(4)(C)(i) of that Act.

(2) MINIMUM FUNDING.—The amount made available under this section to each State shall be not less than \$325,000.

(3) TYPES OF USES.—Of the total amount of the grants awarded by the Administrator under this section—

(A) not less than 80 percent shall be used for counseling of small business concerns; and

(B) not more than 20 percent may be used for classes or seminars.

(c) NO NON-FEDERAL SHARE REQUIRED.—Notwithstanding section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648(a)(4)(A)), the recipient of a grant made under this section shall not be required to provide non-Federal matching funds.

(d) DISTRIBUTION.—Not later than 30 days after the date on which amounts are appropriated to carry out this section, the Administrator shall disburse the total amount appropriated.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$50,000,000 to carry out this section.

Subtitle E—Disaster Loan Improvement

SEC. 1501. AQUACULTURE BUSINESS DISASTER ASSISTANCE.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1343, is amended by adding at the end the following:

“(z) AQUACULTURE BUSINESS DISASTER ASSISTANCE.—Subject to section 18(a) and notwithstanding section 18(b)(1), the Administrator may provide disaster assistance under section 7(b)(2) to aquaculture enterprises that are small businesses.”.

Subtitle F—Small Business Regulatory Relief

SEC. 1601. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

Section 604(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “succinct”; and

(2) in paragraph (2), by striking “summary” each place it appears and inserting “statement”;

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(4) by inserting after paragraph (2) the following:

“(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments.”.

SEC. 1602. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94-305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) in paragraph (5), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.”.

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94-305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

“SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

“(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

“(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.”.

Subtitle G—Appropriations Provisions

SEC. 1701. SALARIES AND EXPENSES.

(a) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, \$150,000,000, to remain

available until September 30, 2012, for an additional amount for the appropriations account appropriated under the heading "SALARIES AND EXPENSES" under the heading "SMALL BUSINESS ADMINISTRATION", of which—

(1) \$50,000,000 is for grants to small business development centers authorized under section 1402;

(2) \$1,000,000 is for the costs of administering grants authorized under section 1402;

(3) \$30,000,000 is for grants to States for fiscal year 2011 to carry out export programs that assist small business concerns authorized under section 1207;

(4) \$30,000,000 is for grants to States for fiscal year 2012 to carry out export programs that assist small business concerns authorized under section 1207;

(5) \$2,500,000 is for the costs of administering grants authorized under section 1207;

(6) \$5,000,000 is for grants for fiscal year 2011 under the Small Business Teaming Pilot Program under section 1314; and

(7) \$5,000,000 is for grants for fiscal year 2012 under the Small Business Teaming Pilot Program under section 1314.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a detailed expenditure plan for using the funds provided under subsection (a).

SEC. 1702. BUSINESS LOANS PROGRAM ACCOUNT.

(a) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading "BUSINESS LOANS PROGRAM ACCOUNT" under the heading "SMALL BUSINESS ADMINISTRATION"—

(1) \$8,000,000, to remain available until September 30, 2012, for fiscal year 2011 for the cost of direct loans authorized under section 7(1) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(2) \$8,000,000, to remain available until September 30, 2012, for fiscal year 2012 for the cost of direct loans authorized under section 7(1) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(3) \$6,500,000, to remain available until September 30, 2012, for administrative expenses to carry out the direct loan program authorized under section 7(1) of the Small Business Act, as added by section 1131 of this title, which may be transferred to and merged with the appropriations account appropriated under the heading "SALARIES AND EXPENSES" under the heading "SMALL BUSINESS ADMINISTRATION"; and

(4) \$15,000,000, to remain available until September 30, 2011, for the cost of guaranteed loans as authorized under section 7(a) of the Small Business Act, including the cost of modifying the loans.

(b) DEFINITION.—In this section, the term "cost" has the meaning given that term in section 502 of the Congressional Budget Act of 1974.

SEC. 1703. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT.

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading "COMMUNITY DEVELOPMENT FINANCIAL INSTI-

TUTIONS FUND PROGRAM ACCOUNT" under the heading "DEPARTMENT OF THE TREASURY", \$13,500,000, to remain available until September 30, 2012, for the costs of administering guarantees for bonds and notes as authorized under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994, as added by section 1134 of this Act.

SEC. 1704. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) EXTENSION OF PROGRAMS.—

(1) IN GENERAL.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for "Small Business Administration—Business Loans Program Account", \$505,000,000, to remain available through December 31, 2010, for the cost of—

(A) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 151), as amended by this Act; and

(B) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 152), as amended by this Act.

(2) COST.—For purposes of this subsection, the term "cost" has the same meaning as in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) ADMINISTRATIVE EXPENSES.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for "Small Business Administration—Salaries and Expenses".

TITLE II—TAX PROVISIONS

SEC. 2001. SHORT TITLE.

This title may be cited as the "Creating Small Business Jobs Act of 2010".

Subtitle A—Small Business Relief

PART I—PROVIDING ACCESS TO CAPITAL

SEC. 2011. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(4) 100 PERCENT EXCLUSION FOR STOCK ACQUIRED DURING CERTAIN PERIODS IN 2010.—In the case of qualified small business stock acquired after the date of the enactment of the Creating Small Business Jobs Act of 2010 and before January 1, 2011—

"(A) paragraph (1) shall be applied by substituting '100 percent' for '50 percent';

"(B) paragraph (2) shall not apply, and

"(C) paragraph (7) of section 57(a) shall not apply."

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1202(a) of the Internal Revenue Code of 1986 is amended—

(1) by inserting "CERTAIN PERIODS IN" before "2010" in the heading, and

(2) by striking "before January 1, 2011" and inserting "on or before the date of the enactment of the Creating Small Business Jobs Act of 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

SEC. 2012. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES FOR 2010 CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Section 39(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(4) 5-YEAR CARRYBACK FOR ELIGIBLE SMALL BUSINESS CREDITS.—

"(A) IN GENERAL.—Notwithstanding subsection (d), in the case of eligible small business credits determined in the first taxable year of the taxpayer beginning in 2010—

"(i) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof, and

"(ii) paragraph (2) shall be applied—

"(I) by substituting '25 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

"(II) by substituting '24 taxable years' for '20 taxable years' in subparagraph (B) thereof.

"(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' has the meaning given such term by section 38(c)(5)(B)."

(b) CONFORMING AMENDMENT.—Section 39(a)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting "or the eligible small business credits" after "credit)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2009.

SEC. 2013. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES IN 2010 NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) SPECIAL RULES FOR ELIGIBLE SMALL BUSINESS CREDITS IN 2010.—

"(A) IN GENERAL.—In the case of eligible small business credits determined in taxable years beginning in 2010—

"(i) this section and section 39 shall be applied separately with respect to such credits, and

"(ii) in applying paragraph (1) to such credits—

"(I) the tentative minimum tax shall be treated as being zero, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the eligible small business credits).

"(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' means the sum of the credits listed in subsection (b) which are determined for the taxable year with respect to an eligible small business. Such credits shall not be taken into account under paragraph (2), (3), or (4).

"(C) ELIGIBLE SMALL BUSINESS.—For purposes of this subsection, the term 'eligible small business' means, with respect to any taxable year—

"(i) a corporation the stock of which is not publicly traded,

"(ii) a partnership, or

"(iii) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed \$50,000,000. For purposes of applying the test under the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.

“(D) TREATMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—Credits determined with respect to a partnership or S corporation shall not be treated as eligible small business credits by any partner or shareholder unless such partner or shareholder meets the gross receipts test under subparagraph (C) for the taxable year in which such credits are treated as current year business credits.”.

(b) TECHNICAL AMENDMENT.—Section 55(e)(5) of the Internal Revenue Code of 1986 is amended by striking “38(c)(3)(B)” and inserting “38(c)(6)(B)”.

(c) CONFORMING AMENDMENTS.—

(1) Subclause (II) of section 38(c)(2)(A)(ii) of the Internal Revenue Code of 1986 is amended by inserting “the eligible small business credits,” after “the New York Liberty Zone business employee credit.”.

(2) Subclause (II) of section 38(c)(3)(A)(ii) of such Code is amended by inserting “, the eligible small business credits,” after “the New York Liberty Zone business employee credit”.

(3) Subclause (II) of section 38(c)(4)(A)(ii) of such Code is amended by inserting “the eligible small business credits and” before “the specified credits”.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to credits determined in taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 2014. TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Subparagraph (B) of section 1374(d)(7) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) SPECIAL RULES FOR 2009, 2010, AND 2011.—No tax shall be imposed on the net recognized built-in gain of an S corporation—

“(i) in the case of any taxable year beginning in 2009 or 2010, if the 7th taxable year in the recognition period preceded such taxable year, or

“(ii) in the case of any taxable year beginning in 2011, if the 5th year in the recognition period preceded such taxable year.

The preceding sentence shall be applied separately with respect to any asset to which paragraph (8) applies.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

PART II—ENCOURAGING INVESTMENT

SEC. 2021. INCREASED EXPENSING LIMITATIONS FOR 2010 AND 2011; CERTAIN REAL PROPERTY TREATED AS SECTION 179 PROPERTY.

(a) INCREASED LIMITATIONS.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 is amended—

(1) by striking “shall not exceed” and all that follows in paragraph (1) and inserting “shall not exceed—

“(A) \$250,000 in the case of taxable years beginning after 2007 and before 2010,

“(B) \$500,000 in the case of taxable years beginning in 2010 or 2011, and

“(C) \$250,000 in the case of taxable years beginning after 2011.”, and

(2) by striking “exceeds” and all that follows in paragraph (2) and inserting “exceeds—

“(A) \$800,000 in the case of taxable years beginning after 2007 and before 2010,

“(B) \$2,000,000 in the case of taxable years beginning in 2010 or 2011, and

“(C) \$200,000 in the case of taxable years beginning after 2011.”.

(b) INCLUSION OF CERTAIN REAL PROPERTY.—Section 179 of the Internal Revenue

Code of 1986 is amended by adding at the end the following new subsection:

“(f) SPECIAL RULES FOR QUALIFIED REAL PROPERTY.—

“(1) IN GENERAL.—If a taxpayer elects the application of this subsection for any taxable year beginning in 2010 or 2011, the term ‘section 179 property’ shall include any qualified real property which is—

“(A) of a character subject to an allowance for depreciation,

“(B) acquired by purchase for use in the active conduct of a trade or business, and

“(C) not described in the last sentence of subsection (d)(1).

“(2) QUALIFIED REAL PROPERTY.—For purposes of this subsection, the term ‘qualified real property’ means—

“(A) qualified leasehold improvement property described in section 168(e)(6),

“(B) qualified restaurant property described in section 168(e)(7) (without regard to the dates specified in subparagraph (A)(i) thereof), and

“(C) qualified retail improvement property described in section 168(e)(8) (without regard to subparagraph (E) thereof).

“(3) LIMITATION.—For purposes of applying the limitation under subsection (b)(1)(B), not more than \$250,000 of the aggregate cost which is taken into account under subsection (a) for any taxable year may be attributable to qualified real property.

“(4) CARRYOVER LIMITATION.—

“(A) IN GENERAL.—Notwithstanding subsection (b)(3)(B), no amount attributable to qualified real property may be carried over to a taxable year beginning after 2011.

“(B) TREATMENT OF DISALLOWED AMOUNTS.—Except as provided in subparagraph (C), to the extent that any amount is not allowed to be carried over to a taxable year beginning after 2011 by reason of subparagraph (A), this title shall be applied as if no election under this section had been made with respect to such amount.

“(C) AMOUNTS CARRIED OVER FROM 2010.—If subparagraph (B) applies to any amount (or portion of an amount) which is carried over from a taxable year other than the taxpayer’s last taxable year beginning in 2011, such amount (or portion of an amount) shall be treated for purposes of this title as attributable to property placed in service on the first day of the taxpayer’s last taxable year beginning in 2011.

“(D) ALLOCATION OF AMOUNTS.—For purposes of applying this paragraph and subsection (b)(3)(B) to any taxable year, the amount which is disallowed under subsection (b)(3)(A) for such taxable year which is attributable to qualified real property shall be the amount which bears the same ratio to the total amount so disallowed as—

“(i) the aggregate amount attributable to qualified real property placed in service during such taxable year, increased by the portion of any amount carried over to such taxable year from a prior taxable year which is attributable to such property, bears to

“(ii) the total amount of section 179 property placed in service during such taxable year, increased by the aggregate amount carried over to such taxable year from any prior taxable year.

For purposes of the preceding sentence, only section 179 property with respect to which an election was made under subsection (c)(1) (determined without regard to subparagraph (B) of this paragraph) shall be taken into account.”.

(c) REVOCABILITY OF ELECTION.—Paragraph (2) of section 179(c) of the Internal Revenue Code of 1986 is amended by striking “2011” and inserting “2012”.

(d) COMPUTER SOFTWARE TREATED AS 179 PROPERTY.—Clause (ii) of section 179(d)(1)(A) is amended by striking “2011” and inserting “2012”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

(2) EXTENSIONS.—The amendments made by subsections (c) and (d) shall apply to taxable years beginning after December 31, 2010.

SEC. 2022. ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(1) by striking “January 1, 2011” in subparagraph (A)(iv) and inserting “January 1, 2012”, and

(2) by striking “January 1, 2010” each place it appears and inserting “January 1, 2011”.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 of the Internal Revenue Code of 1986 is amended by striking “JANUARY 1, 2010” and inserting “JANUARY 1, 2011”.

(2) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking “PRE-JANUARY 1, 2010” and inserting “PRE-JANUARY 1, 2011”.

(3) Subparagraph (D) of section 168(k)(4) of such Code is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

“(iv) ‘January 1, 2011’ shall be substituted for ‘January 1, 2012’ in subparagraph (A)(iv) thereof, and

“(v) ‘January 1, 2010’ shall be substituted for ‘January 1, 2011’ each place it appears in subparagraph (A) thereof.”.

(4) Subparagraph (B) of section 168(l)(5) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(5) Subparagraph (C) of section 168(n)(2) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(6) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(7) Subparagraph (B) of section 1400N(d)(3) of such Code is amended by striking “January 1, 2010” and inserting “January 1, 2011”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years ending after such date.

SEC. 2023. SPECIAL RULE FOR LONG-TERM CONTRACT ACCOUNTING.

(a) IN GENERAL.—Section 460(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) SPECIAL RULE FOR ALLOCATION OF BONUS DEPRECIATION WITH RESPECT TO CERTAIN PROPERTY.—

“(A) IN GENERAL.—Solely for purposes of determining the percentage of completion under subsection (b)(1)(A), the cost of qualified property shall be taken into account as a cost allocated to the contract as if subsection (k) of section 168 had not been enacted.

“(B) QUALIFIED PROPERTY.—For purposes of this paragraph, the term ‘qualified property’ means property described in section 168(k)(2) which—

“(i) has a recovery period of 7 years or less, and

“(ii) is placed in service after December 31, 2009, and before January 1, 2011 (January 1,

2012, in the case of property described in section 168(k)(2)(B)).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2009.

PART III—PROMOTING ENTREPRENEURSHIP

SEC. 2031. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES IN 2010.

(a) **START-UP EXPENDITURES.**—Subsection (b) of section 195 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) **SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2010.**—In the case of a taxable year beginning in 2010, paragraph (1)(A)(ii) shall be applied—

“(A) by substituting ‘\$10,000’ for ‘\$5,000’, and

“(B) by substituting ‘\$60,000’ for ‘\$50,000’.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2009.

SEC. 2032. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES TRADE REPRESENTATIVE TO DEVELOP MARKET ACCESS OPPORTUNITIES FOR UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES AND TO ENFORCE TRADE AGREEMENTS.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Office of the United States Trade Representative \$5,230,000, to remain available until expended, for—

(1) analyzing and developing opportunities for businesses in the United States to access the markets of foreign countries; and

(2) enforcing trade agreements to which the United States is a party.

(b) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated under subsection (a), the United States Trade Representative shall—

(1) give preference to those initiatives that the United States Trade Representative determines will create or sustain the greatest number of jobs in the United States or result in the greatest benefit to the economy of the United States; and

(2) consider the needs of small- and medium-sized businesses in the United States with respect to—

(A) accessing the markets of foreign countries; and

(B) the enforcement of trade agreements to which the United States is a party.

PART IV—PROMOTING SMALL BUSINESS FAIRNESS

SEC. 2041. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE REPORTABLE TRANSACTIONS BASED ON RESULTING TAX BENEFITS.

(a) **IN GENERAL.**—Subsection (b) of section 6707A of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) **AMOUNT OF PENALTY.**—

“(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

“(2) **MAXIMUM PENALTY.**—The amount of the penalty under subsection (a) with respect to any reportable transaction shall not exceed—

“(A) in the case of a listed transaction, \$200,000 (\$100,000 in the case of a natural person), or

“(B) in the case of any other reportable transaction, \$50,000 (\$10,000 in the case of a natural person).”.

“(3) **MINIMUM PENALTY.**—The amount of the penalty under subsection (a) with respect to any transaction shall not be less than \$10,000 (\$5,000 in the case of a natural person).”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

SEC. 2042. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES IN 2010.

(a) **IN GENERAL.**—Paragraph (4) of section 162(l) of the Internal Revenue Code of 1986 is amended by inserting “for taxable years beginning before January 1, 2010, or after December 31, 2010” before the period.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 2043. REMOVAL OF CELLULAR TELEPHONES AND SIMILAR TELECOMMUNICATIONS EQUIPMENT FROM LISTED PROPERTY.

(a) **IN GENERAL.**—Subparagraph (A) of section 280F(d)(4) of the Internal Revenue Code of 1986 (defining listed property) is amended by adding “and” at the end of clause (iv), by striking clause (v), and by redesignating clause (vi) as clause (v).

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

Subtitle B—Revenue Provisions PART I—REDUCING THE TAX GAP

SEC. 2101. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) **IN GENERAL.**—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006 of the Patient Protection and Affordable Care Act, is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

“(h) **TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.**—

“(1) **IN GENERAL.**—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real estate shall be considered to be engaged in a trade or business of renting property.

“(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to—

“(A) any individual, including any individual who is an active member of the uniformed services or an employee of the intelligence community (as defined in section 121(d)(9)(C)(iv)), if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

“(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

“(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to payments made after December 31, 2010.

SEC. 2102. INCREASE IN INFORMATION RETURN PENALTIES.

(a) **FAILURE TO FILE CORRECT INFORMATION RETURNS.**—

(1) **IN GENERAL.**—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 of the Internal Revenue Code of 1986 are each amended by striking “\$50” and inserting “\$100”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 of such Code are each amended by striking “\$250,000” and inserting “\$1,500,000”.

(b) **REDUCTION WHERE CORRECTION WITHIN 30 DAYS.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 6721(b)(1) of the Internal Revenue Code of 1986 is amended by striking “\$15” and inserting “\$30”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 of such Code are each amended by striking “\$75,000” and inserting “\$250,000”.

(c) **REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 6721(b)(2) of the Internal Revenue Code of 1986 is amended by striking “\$30” and inserting “\$60”.

(2) **AGGREGATE ANNUAL LIMITATION.**—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 of such Code are each amended by striking “\$150,000” and inserting “\$500,000”.

(d) **AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.**—

(1) **IN GENERAL.**—Paragraph (1) of section 6721(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking “\$100,000” in subparagraph (A) and inserting “\$500,000”;

(B) by striking “\$25,000” in subparagraph (B) and inserting “\$75,000”; and

(C) by striking “\$50,000” in subparagraph (C) and inserting “\$200,000”.

(2) **TECHNICAL AMENDMENT.**—Paragraph (1) of section 6721(d) of such Code is amended by striking “such taxable year” and inserting “such calendar year”.

(e) **PENALTY IN CASE OF INTENTIONAL DISREGARD.**—Paragraph (2) of section 6721(e) of the Internal Revenue Code of 1986 is amended by striking “\$100” and inserting “\$250”.

(f) **ADJUSTMENT FOR INFLATION.**—Section 6721 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(f) **ADJUSTMENT FOR INFLATION.**—

“(1) **IN GENERAL.**—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) **ROUNDING.**—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”.

(g) **FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.**—Section 6722 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 6722. FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.

“(a) **IMPOSITION OF PENALTY.**—

“(1) **GENERAL RULE.**—In the case of each failure described in paragraph (2) by any person with respect to a payee statement, such person shall pay a penalty of \$100 for each statement with respect to which such a failure occurs, but the total amount imposed on such person for all such failures during any calendar year shall not exceed \$1,500,000.

“(2) **FAILURES SUBJECT TO PENALTY.**—For purposes of paragraph (1), the failures described in this paragraph are—

“(A) any failure to furnish a payee statement on or before the date prescribed therefor to the person to whom such statement is required to be furnished, and

“(B) any failure to include all of the information required to be shown on a payee statement or the inclusion of incorrect information.

“(b) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

“(1) CORRECTION WITHIN 30 DAYS.—If any failure described in subsection (a)(2) is corrected on or before the day 30 days after the required filing date—

“(A) the penalty imposed by subsection (a) shall be \$30 in lieu of \$100, and

“(B) the total amount imposed on the person for all such failures during any calendar year which are so corrected shall not exceed \$250,000.

“(2) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—If any failure described in subsection (a)(2) is corrected after the 30th day referred to in paragraph (1) but on or before August 1 of the calendar year in which the required filing date occurs—

“(A) the penalty imposed by subsection (a) shall be \$60 in lieu of \$100, and

“(B) the total amount imposed on the person for all such failures during the calendar year which are so corrected shall not exceed \$500,000.

“(c) EXCEPTION FOR DE MINIMIS FAILURES.—

“(1) IN GENERAL.—If—

“(A) a payee statement is furnished to the person to whom such statement is required to be furnished,

“(B) there is a failure described in subsection (a)(2)(B) (determined after the application of section 6724(a)) with respect to such statement, and

“(C) such failure is corrected on or before August 1 of the calendar year in which the required filing date occurs,

for purposes of this section, such statement shall be treated as having been furnished with all of the correct required information.

“(2) LIMITATION.—The number of payee statements to which paragraph (1) applies for any calendar year shall not exceed the greater of—

“(A) 10, or

“(B) one-half of 1 percent of the total number of payee statements required to be filed by the person during the calendar year.

“(d) LOWER LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN \$5,000,000.—

“(1) IN GENERAL.—If any person meets the gross receipts test of paragraph (2) with respect to any calendar year, with respect to failures during such calendar year—

“(A) subsection (a)(1) shall be applied by substituting ‘\$500,000’ for ‘\$1,500,000’,

“(B) subsection (b)(1)(B) shall be applied by substituting ‘\$75,000’ for ‘\$250,000’, and

“(C) subsection (b)(2)(B) shall be applied by substituting ‘\$200,000’ for ‘\$500,000’.

“(2) GROSS RECEIPTS TEST.—A person meets the gross receipts test of this paragraph if such person meets the gross receipts test of section 6721(d)(2).

“(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—If 1 or more failures to which subsection (a) applies are due to intentional disregard of the requirement to furnish a payee statement (or the correct information reporting requirement), then, with respect to each such failure—

“(1) subsections (b), (c), and (d) shall not apply,

“(2) the penalty imposed under subsection (a)(1) shall be \$250, or, if greater—

“(A) in the case of a payee statement other than a statement required under section 6045(b), 6041A(e) (in respect of a return required under section 6041A(b)), 6050H(d), 6050J(e), 6050K(b), or 6050L(c), 10 percent of the aggregate amount of the items required to be reported correctly, or

“(B) in the case of a payee statement required under section 6045(b), 6050K(b), or 6050L(c), 5 percent of the aggregate amount of the items required to be reported correctly, and

“(3) in the case of any penalty determined under paragraph (2)—

“(A) the \$1,500,000 limitation under subsection (a) shall not apply, and

“(B) such penalty shall not be taken into account in applying such limitation to penalties not determined under paragraph (2).

“(f) ADJUSTMENT FOR INFLATION.—

“(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d)(1), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) ROUNDING.—If any amount adjusted under paragraph (1)—

“(A) is not less than \$75,000 and is not a multiple of \$500, such amount shall be rounded to the next lowest multiple of \$500, and

“(B) is not described in subparagraph (A) and is not a multiple of \$10, such amount shall be rounded to the next lowest multiple of \$10.”.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 2103. REPORT ON TAX SHELTER PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

SEC. 2104. APPLICATION OF CONTINUOUS LEVY TO TAX LIABILITIES OF CERTAIN FEDERAL CONTRACTORS.

(a) IN GENERAL.—Subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (2), by inserting “or” at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

“(4) the Secretary has served a Federal contractor levy.”.

(b) FEDERAL CONTRACTOR LEVY.—Subsection (h) of section 6330 of the Internal Revenue Code of 1986 is amended—

(1) by striking all that precedes “any levy in connection with the collection” and inserting the following:

“(h) DEFINITIONS RELATED TO EXCEPTIONS.—For purposes of subsection (f)—

“(1) DISQUALIFIED EMPLOYMENT TAX LEVY.—A disqualified employment tax levy is”;

(2) by adding at the end the following new paragraph:

“(2) FEDERAL CONTRACTOR LEVY.—A Federal contractor levy is any levy if the person whose property is subject to the levy (or any predecessor thereof) is a Federal contractor.”.

(c) CONFORMING AMENDMENT.—The heading of subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking “JEOPARDY AND STATE REFUND COLLECTION” and inserting “EXCEPTIONS”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to levies issued after the date of the enactment of this Act.

PART II—PROMOTING RETIREMENT PREPARATION

SEC. 2111. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) ELECTIVE DEFERRAL.—The term ‘elective deferral’ means—

“(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

“(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 2112. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO DESIGNATED ROTH ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

“(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

“(i) there shall be included in gross income any amount which would be includible were

it not part of a qualified rollover contribution,

“(ii) section 72(t) shall not apply, and

“(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

“(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution (within the meaning of section 408A(e)) to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

“(C) COORDINATION WITH LIMIT.—Any distribution to which this paragraph applies shall not be taken into account for purposes of paragraph (1).

“(D) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 2113. SPECIAL RULES FOR ANNUITIES RECEIVED FROM ONLY A PORTION OF A CONTRACT.

(a) IN GENERAL.—Subsection (a) of section 72 of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) GENERAL RULES FOR ANNUITIES.—

“(i) INCOME INCLUSION.—Except as otherwise provided in this chapter, gross income includes any amount received as an annuity (whether for a period certain or during one or more lives) under an annuity, endowment, or life insurance contract.

“(2) PARTIAL ANNUITIZATION.—If any amount is received as an annuity for a period of 10 years or more or during one or more lives under any portion of an annuity, endowment, or life insurance contract—

“(A) such portion shall be treated as a separate contract for purposes of this section,

“(B) for purposes of applying subsections (b), (c), and (e), the investment in the contract shall be allocated pro rata between each portion of the contract from which amounts are received as an annuity and the portion of the contract from which amounts are not received as an annuity, and

“(C) a separate annuity starting date under subsection (c)(4) shall be determined with respect to each portion of the contract from which amounts are received as an annuity.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 2010.

PART III—CLOSING UNINTENDED LOOPHOLES

SEC. 2121. CRUDE TALL OIL INELIGIBLE FOR CELLULOSE BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Clause (iii) of section 40(b)(6)(E) of the Internal Revenue Code of 1986, as added by the Health Care and Education Reconciliation Act of 2010, is amended—

(1) by striking “or” at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting “, or”,

(3) by adding at the end the following new subclause:

“(III) such fuel has an acid number greater than 25.”, and

(4) by striking “UNPROCESSED” in the heading and inserting “CERTAIN”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 2122. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(9) GUARANTEES.—Amounts received, directly or indirectly, from—

“(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

“(B) any foreign person for the provision of a guarantee of any indebtedness of such person, if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.”.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “; and”, and by adding at the end the following new paragraph:

“(9) amounts received, directly or indirectly, from a foreign person for the provision of a guarantee of indebtedness of such person other than amounts which are derived from sources within the United States as provided in section 861(a)(9).”.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) of the Internal Revenue Code of 1986 is amended by striking “dividends or interest” and inserting “dividends, interest, or amounts received for the provision of guarantees of indebtedness”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 2131. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 36 percentage points.

TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE

SEC. 3001. SHORT TITLE.

This title may be cited as the “State Small Business Credit Initiative Act of 2010”.

SEC. 3002. DEFINITIONS.

In this title, the following definitions shall apply:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term “appropriate Federal banking agency”—

(A) has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)); and

(B) includes the National Credit Union Administration Board in the case of any credit union the deposits of which are insured in accordance with the Federal Credit Union Act.

(3) ENROLLED LOAN.—The term “enrolled loan” means a loan made by a financial institution lender that is enrolled by a participating State in an approved State capital access program in accordance with this title.

(4) FEDERAL CONTRIBUTION.—The term “Federal contribution” means the portion of the contribution made by a participating State to, or for the account of, an approved State program that is made with Federal funds allocated to the State by the Secretary under section 3003.

(5) FINANCIAL INSTITUTION.—The term “financial institution” means any insured depository institution, insured credit union, or community development financial institution, as those terms are each defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

(6) PARTICIPATING STATE.—The term “participating State” means any State that has been approved for participation in the Program under section 3004.

(7) PROGRAM.—The term “Program” means the State Small Business Credit Initiative established under this title.

(8) QUALIFYING LOAN OR SWAP FUNDING FACILITY.—The term “qualifying loan or swap funding facility” means a contractual arrangement between a participating State and a private financial entity under which—

(A) the participating State delivers funds to the entity as collateral;

(B) the entity provides funding from the arrangement back to the participating State; and

(C) the full amount of resulting funding from the arrangement, less any fees and other costs of the arrangement, is contributed to, or for the account of, an approved State program.

(9) RESERVE FUND.—The term “reserve fund” means a fund, established by a participating State, dedicated to a particular financial institution lender, for the purposes of—

(A) depositing all required premium charges paid by the financial institution lender and by each borrower receiving a loan under an approved State program from that financial institution lender;

(B) depositing contributions made by the participating State, including State contributions made with Federal contributions; and

(C) covering losses on enrolled loans by disbursing accumulated funds.

(10) STATE.—The term “State” means—

(A) a State of the United States;

(B) the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands;

(C) when designated by a State of the United States, a political subdivision of that State that the Secretary determines has the capacity to participate in the Program; and

(D) under the circumstances described in section 3004(d), a municipality of a State of the United States to which the Secretary has given a special permission under section 3004(d).

(11) **STATE CAPITAL ACCESS PROGRAM.**—The term “State capital access program” means a program of a State that—

(A) uses public resources to promote private access to credit; and

(B) meets the eligibility criteria in section 3005(c).

(12) **STATE OTHER CREDIT SUPPORT PROGRAM.**—The term “State other credit support program” means—

(A) means a program of a State that—

(i) uses public resources to promote private access to credit;

(ii) is not a State capital access program; and

(iii) meets the eligibility criteria in section 3006(c); and

(B) includes, collateral support programs, loan participation programs, State-run venture capital fund programs, and credit guarantee programs.

(13) **STATE PROGRAM.**—The term “State program” means a State capital access program or a State other credit support program.

(14) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury.

SEC. 3003. FEDERAL FUNDS ALLOCATED TO STATES.

(a) **PROGRAM ESTABLISHED; PURPOSE.**—There is established the State Small Business Credit Initiative, to be administered by the Secretary. Under the Program, the Secretary shall allocate Federal funds to participating States and make the allocated funds available to the participating States as provided in this section for the uses described in this section.

(b) **ALLOCATION FORMULA.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall allocate Federal funds to participating States so that each State is eligible to receive an amount equal to the average of the respective amounts that the State—

(A) would receive under the 2009 allocation, as determined under paragraph (2); and

(B) would receive under the 2010 allocation, as determined under paragraph (3).

(2) **2009 ALLOCATION FORMULA.**—

(A) **IN GENERAL.**—The Secretary shall determine the 2009 allocation by allocating Federal funds among the States in the proportion that each such State’s 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all States.

(B) **MINIMUM ALLOCATION.**—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) **2008 STATE EMPLOYMENT DECLINE DEFINED.**—In this paragraph and with respect to a State, the term “2008 State employment decline” means the excess (if any) of—

(i) the number of individuals employed in such State determined for December 2007; over

(ii) the number of individuals employed in such State determined for December 2008.

(3) **2010 ALLOCATION FORMULA.**—

(A) **IN GENERAL.**—The Secretary shall determine the 2010 allocation by allocating Federal funds among the States in the proportion that each such State’s 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

(B) **MINIMUM ALLOCATION.**—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) **2009 UNEMPLOYMENT NUMBER DEFINED.**—In this paragraph and with respect to a State, the term “2009 unemployment number” means the number of individuals within such State who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

(c) **AVAILABILITY OF ALLOCATED AMOUNT.**—The amount allocated by the Secretary to each participating State under subsection (b) shall be made available to the State as follows:

(1) **ALLOCATED AMOUNT GENERALLY TO BE AVAILABLE TO STATE IN ONE-THIRDS.**—

(A) **IN GENERAL.**—The Secretary shall—

(i) apportion the participating State’s allocated amount into thirds;

(ii) transfer to the participating State the first $\frac{1}{3}$ when the Secretary approves the State for participation under section 3004; and

(iii) transfer to the participating State each successive $\frac{1}{3}$ when the State has certified to the Secretary that it has expended, transferred, or obligated 80 percent of the last transferred $\frac{1}{3}$ for Federal contributions to, or for the account of, State programs.

(B) **AUTHORITY TO WITHHOLD PENDING AUDIT.**—The Secretary may withhold the transfer of any successive $\frac{1}{3}$ pending results of a financial audit.

(C) **INSPECTOR GENERAL AUDITS.**—

(i) **IN GENERAL.**—The Inspector General of the Department of the Treasury shall carry out an audit of the participating State’s use of allocated Federal funds transferred to the State.

(ii) **RECOUPMENT OF MISUSED TRANSFERRED FUNDS REQUIRED.**—The allocation agreement between the Secretary and the participating State shall provide that the Secretary shall recoup any allocated Federal funds transferred to the participating State if the results of the an audit include a finding that there was an intentional or reckless misuse of transferred funds by the State.

(iii) **PENALTY FOR MISSTATEMENT.**—Any participating State that is found to have intentionally misstated any report issued to the Secretary under the Program shall be ineligible to receive any additional funds under the Program. Funds that had been allocated to such participating State shall be paid into the general fund of the Treasury for reduction of the public debt.

(iv) **MUNICIPALITIES.**—In this subparagraph, the term “participating State” shall include a municipality given special permission to participate in the Program, under section 3004(d).

(D) **EXCEPTION.**—The Secretary may, in the Secretary’s discretion, transfer the full amount of the participating State’s allocated amount to the State in a single transfer if the participating State applies to the Secretary for approval to use the full amount of the allocation as collateral for a qualifying loan or swap funding facility.

(2) **TRANSFERRED AMOUNTS.**—Each amount transferred to a participating State under this section shall remain available to the State until used by the State as permitted under paragraph (3).

(3) **USE OF TRANSFERRED FUNDS.**—Each participating State may use funds transferred to it under this section only—

(A) for making Federal contributions to, or for the account of, an approved State program;

(B) as collateral for a qualifying loan or swap funding facility;

(C) in the case of the first $\frac{1}{3}$ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 5 percent of that first $\frac{1}{3}$; or

(D) in the case of each successive $\frac{1}{3}$ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 3 percent of that successive $\frac{1}{3}$.

(4) **TERMINATION OF AVAILABILITY OF AMOUNTS NOT TRANSFERRED WITHIN 2 YEARS OF PARTICIPATION.**—Any portion of a participating State’s allocated amount that has not been transferred to the State under this section by the end of the 2-year period beginning on the date that the Secretary approves the State for participation may be deemed by the Secretary to be no longer allocated to the State and no longer available to the State and shall be returned to the General Fund of the Treasury.

(5) **TRANSFERRED AMOUNTS NOT ASSISTANCE.**—The amounts transferred to a participating State under this section shall not be considered assistance for purposes of subtitle V of title 31, United States Code.

(6) **DEFINITIONS.**—In this section—

(A) the term “allocated amount” means the total amount of Federal funds allocated by the Secretary under subsection (b) to the participating State; and

(B) the term “ $\frac{1}{3}$ ” means—

(i) in the case of the first $\frac{1}{3}$ and second $\frac{1}{3}$, an amount equal to 33 percent of a participating State’s allocated amount; and

(ii) in the case of the last $\frac{1}{3}$, an amount equal to 34 percent of a participating State’s allocated amount.

SEC. 3004. APPROVING STATES FOR PARTICIPATION.

(a) **APPLICATION.**—Any State may apply to the Secretary for approval to be a participating State under the Program and to be eligible for an allocation of Federal funds under the Program.

(b) **GENERAL APPROVAL CRITERIA.**—The Secretary shall approve a State to be a participating State, if—

(1) a specific department, agency, or political subdivision of the State has been designated to implement a State program and participate in the Program;

(2) all legal actions necessary to enable such designated department, agency, or political subdivision to implement a State program and participate in the Program have been accomplished;

(3) the State has filed an application with the Secretary for approval of a State capital access program under section 3005 or approval as a State other credit support program under section 3006, in each case within the time period provided in the respective section; and

(4) the State and the Secretary have executed an allocation agreement that—

(A) conforms to the requirements of this title;

(B) ensures that the State program complies with such national standards as are established by the Secretary under section 3009(a)(2);

(C) sets forth internal control, compliance, and reporting requirements as established by the Secretary, and such other terms and conditions necessary to carry out the purposes of this title, including an agreement by the State to allow the Secretary to audit State programs;

(D) requires that the State program be fully positioned, within 90 days of the State’s

execution of the allocation agreement with the Secretary, to act on providing the kind of credit support that the State program was established to provide; and

(E) includes an agreement by the State to deliver to the Secretary, and update annually, a schedule describing how the State intends to apportion among its State programs the Federal funds allocated to the State.

(c) **CONTRACTUAL ARRANGEMENTS FOR IMPLEMENTATION OF STATE PROGRAMS.**—A State may be approved to be a participating State, and be eligible for an allocation of Federal funds under the Program, if the State has contractual arrangements for the implementation and administration of its State program with—

(1) an existing, approved State program administered by another State; or

(2) an authorized agent of, or entity supervised by, the State, including for-profit and not-for-profit entities.

(d) **SPECIAL PERMISSION.**—

(1) **CIRCUMSTANCES WHEN A MUNICIPALITY MAY APPLY DIRECTLY.**—If a State does not, within 60 days after the date of enactment of this Act, file with the Secretary a notice of its intent to apply for approval by the Secretary of a State program or within 9 months after the date of enactment of this Act, file with the Secretary a complete application for approval of a State program, the Secretary may grant to municipalities of that State a special permission that will allow them to apply directly to the Secretary without the State for approval to be participating municipalities.

(2) **TIMING REQUIREMENTS APPLICABLE TO MUNICIPALITIES APPLYING DIRECTLY.**—To qualify for the special permission, a municipality of a State shall be required, within 12 months after the date of enactment of this Act, to file with the Secretary a complete application for approval by the Secretary of a State program.

(3) **NOTICES OF INTENT AND APPLICATIONS FROM MORE THAN 1 MUNICIPALITY.**—A municipality of a State may combine with 1 or more other municipalities of that State to file a joint notice of intent to file and a joint application.

(4) **APPROVAL CRITERIA.**—The general approval criteria in paragraphs (2) and (4) shall apply.

(5) **ALLOCATION TO MUNICIPALITIES.**—

(A) **IF MORE THAN 3.**—If more than 3 municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to the 3 municipalities with the largest populations.

(B) **IF 3 OR FEWER.**—If 3 or fewer municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to each applicant municipality or combination of municipalities.

(6) **APPORTIONMENT OF ALLOCATED AMOUNT AMONG PARTICIPATING MUNICIPALITIES.**—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall apportion the full amount of the Federal funds that are allocated to that State to municipalities that are approved under this subsection in amounts proportionate to the population of those municipalities, based on the most recent available decennial census.

(7) **APPROVING STATE PROGRAMS FOR MUNICIPALITIES.**—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall take into account the additional considerations in section 3006(d) in making the determination under section 3005 or 3006 that the State program or programs to be implemented by the participating municipalities, including a State capital access program, is eligible for Federal contributions to, or for the account of, the State program.

SEC. 3005. APPROVING STATE CAPITAL ACCESS PROGRAMS.

(a) **APPLICATION.**—A participating State that establishes a new, or has an existing, State capital access program that meets the eligibility criteria in subsection (c) may apply to Secretary to have the State capital access program approved as eligible for Federal contributions to the reserve fund.

(b) **APPROVAL.**—The Secretary shall approve such State capital access program as eligible for Federal contributions to the reserve fund if—

(1) within 60 days after the date of enactment of this Act, the State has filed with the Secretary a notice of intent to apply for approval by the Secretary of a State capital access program;

(2) within 9 months after the date of enactment of this Act, the State has filed with the Secretary a complete application for approval by the Secretary of a capital access program;

(3) the State satisfies the requirements of subsections (a) and (b) of section 3004; and

(4) the State capital access program meets the eligibility criteria in subsection (c).

(c) **ELIGIBILITY CRITERIA FOR STATE CAPITAL ACCESS PROGRAMS.**—For a State capital access program to be approved under this section, that program shall be required to be a program of the State that—

(1) provides portfolio insurance for business loans based on a separate loan-loss reserve fund for each financial institution;

(2) requires insurance premiums to be paid by the financial institution lenders and by the business borrowers to the reserve fund to have their loans enrolled in the reserve fund;

(3) provides for contributions to be made by the State to the reserve fund in amounts at least equal to the sum of the amount of the insurance premium charges paid by the borrower and the financial institution to the reserve fund for any newly enrolled loan; and

(4) provides its portfolio insurance solely for loans that meet both the following requirements:

(A) The borrower has 500 employees or less at the time that the loan is enrolled in the Program.

(B) The loan amount does not exceed \$5,000,000.

(d) **FEDERAL CONTRIBUTIONS TO APPROVED STATE CAPITAL ACCESS PROGRAMS.**—A State capital access program approved under this section will be eligible for receiving Federal contributions to the reserve fund in an amount equal to the sum of the amount of the insurance premium charges paid by the borrowers and by the financial institution to the reserve fund for loans that meet the requirements in subsection (c)(4). A participating State may use the Federal contribution to make its contribution to the reserve fund of an approved State capital access program.

(e) **MINIMUM PROGRAM REQUIREMENTS FOR STATE CAPITAL ACCESS PROGRAMS.**—The Secretary shall, by regulation or other guidance, prescribe Program requirements that meet the following minimum requirements:

(1) **EXPERIENCE AND CAPACITY.**—The participating State shall determine for each financial institution that participates in the State capital access program, after consultation with the appropriate Federal banking agency or, in the case of a financial institution that is a nondepository community development financial institution, the Community Development Financial Institution Fund, that the financial institution has sufficient commercial lending experience and financial and managerial capacity to participate in the approved State capital access program. The determination by the State shall not be reviewable by the Secretary.

(2) **INVESTMENT AUTHORITY.**—Subject to applicable State law, the participating State may invest, or cause to be invested, funds held in a reserve fund by establishing a deposit account at the financial institution lender in the name of the participating State. In the event that funds in the reserve fund are not deposited in such an account, such funds shall be invested in a form that the participating State determines is safe and liquid.

(3) **LOAN TERMS AND CONDITIONS TO BE DETERMINED BY AGREEMENT.**—A loan to be filed for enrollment in an approved State capital access program may be made with such interest rate, fees, and other terms and conditions, and the loan may be enrolled in the approved State capital access program and claims may be filed and paid, as agreed upon by the financial institution lender and the borrower, consistent with applicable law.

(4) **LENDER CAPITAL AT-RISK.**—A loan to be filed for enrollment in the State capital access program shall require the financial institution lender to have a meaningful amount of its own capital resources at risk in the loan.

(5) **PREMIUM CHARGES MINIMUM AND MAXIMUM AMOUNTS.**—The insurance premium charges payable to the reserve fund by the borrower and the financial institution lender shall be prescribed by the financial institution lender, within minimum and maximum limits that require that the sum of the insurance premium charges paid in connection with a loan by the borrower and the financial institution lender may not be less than 2 percent nor more than 7 percent of the amount of the loan enrolled in the approved State capital access program.

(6) **STATE CONTRIBUTIONS.**—In enrolling a loan in an approved State capital access program, the participating State may make a contribution to the reserve fund to supplement Federal contributions made under this Program.

(7) **LOAN PURPOSE.**—

(A) **PARTICULAR LOAN PURPOSE REQUIREMENTS AND PROHIBITIONS.**—In connection with the filing of a loan for enrollment in an approved State capital access program, the financial institution lender—

(i) shall obtain an assurance from each borrower that—

(I) the proceeds of the loan will be used for a business purpose;

(II) the loan will not be used to finance such business activities as the Secretary, by regulation, may proscribe as prohibited loan purposes for enrollment in an approved State capital access program; and

(III) the borrower is not—

(aa) an executive officer, director, or principal shareholder of the financial institution lender;

(bb) a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lender; or

(cc) a related interest of any such executive officer, director, principal shareholder, or member of the immediate family;

(ii) shall provide assurances to the participating State that the loan has not been made in order to place under the protection of the approved State capital access program prior debt that is not covered under the approved State capital access program and that is or was owed by the borrower to the financial institution lender or to an affiliate of the financial institution lender;

(iii) shall not allow the enrollment of a loan to a borrower that is a refinancing of a loan previously made to that borrower by the financial institution lender or an affiliate of the financial institution lender; and

(iv) may include additional restrictions on the eligibility of loans or borrowers that are not inconsistent with the provisions and purposes of this title, including compliance with all applicable Federal and State laws, regulations, ordinances, and Executive orders.

(B) **DEFINITIONS.**—In this paragraph, the terms “executive officer”, “director”, “principal shareholder”, “immediate family”, and “related interest” refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.

(8) **CAPITAL ACCESS FOR SMALL BUSINESSES IN UNDERSERVED COMMUNITIES.**—At the time that a State applies to the Secretary to have the State capital access program approved as eligible for Federal contributions, the State shall deliver to the Secretary a report stating how the State plans to use the Federal contributions to the reserve fund to provide access to capital for small businesses in low- and moderate-income, minority, and other underserved communities, including women- and minority-owned small businesses.

SEC. 3006. APPROVING COLLATERAL SUPPORT AND OTHER INNOVATIVE CREDIT ACCESS AND GUARANTEE INITIATIVES FOR SMALL BUSINESSES AND MANUFACTURERS.

(a) **APPLICATION.**—A participating State that establishes a new, or has an existing, credit support program that meets the eligibility criteria in subsection (c) may apply to the Secretary to have the State other credit support program approved as eligible for Federal contributions to, or for the account of, the State program.

(b) **APPROVAL.**—The Secretary shall approve such State other credit support program as eligible for Federal contributions to, or for the account of, the program if—

(1) the Secretary determines that the State satisfies the requirements of paragraphs (1) through (3) of section 3005(b);

(2) the Secretary determines that the State other credit support program meets the eligibility criteria in subsection (c);

(3) the Secretary determines the State other credit support program to be eligible based on the additional considerations in subsection (d); and

(4) within 9 months after the date of enactment of this Act, the State has filed with Treasury a complete application for Treasury approval.

(c) **ELIGIBILITY CRITERIA FOR STATE OTHER CREDIT SUPPORT PROGRAMS.**—For a State other credit support program to be approved under this section, that program shall be required to be a program of the State that—

(1) can demonstrate that, at a minimum, \$1 of public investment by the State program will cause and result in \$1 of new private credit;

(2) can demonstrate a reasonable expectation that, when considered with all other

State programs of the State, such State programs together have the ability to use amounts of new Federal contributions to, or for the account of, all such programs in the State to cause and result in amounts of new small business lending at least 10 times the new Federal contribution amount;

(3) for those State other credit support programs that provide their credit support through 1 or more financial institution lenders, requires the financial institution lenders to have a meaningful amount of their own capital resources at risk in their small business lending; and

(4) uses Federal funds allocated under this title to extend credit support that—

(A) targets an average borrower size of 500 employees or less;

(B) does not extend credit support to borrowers that have more than 750 employees;

(C) targets support towards loans with an average principal amount of \$5,000,000 or less; and

(D) does not extend credit support to loans that exceed a principal amount of \$20,000,000.

(d) **ADDITIONAL CONSIDERATIONS.**—In making a determination that a State other credit support program is eligible for Federal contributions to, or for the account of, the State program, the Secretary shall take into account the following additional considerations:

(1) The anticipated benefits to the State, its businesses, and its residents to be derived from the Federal contributions to, or for the account of, the approved State other credit support program, including the extent to which resulting small business lending will expand economic opportunities.

(2) The operational capacity, skills, and experience of the management team of the State other credit support program.

(3) The capacity of the State other credit support program to manage increases in the volume of its small business lending.

(4) The internal accounting and administrative controls systems of the State other credit support program, and the extent to which they can provide reasonable assurance that funds of the State program are safeguarded against waste, loss, unauthorized use, or misappropriation.

(5) The soundness of the program design and implementation plan of the State other credit support program.

(e) **FEDERAL CONTRIBUTIONS TO APPROVED STATE OTHER CREDIT SUPPORT PROGRAMS.**—A State other credit support program approved under this section will be eligible for receiving Federal contributions to, or for the account of, the State program in an amount consistent with the schedule describing the apportionment of allocated Federal funds among State programs delivered by the State to the Secretary under the allocation agreement.

(f) **MINIMUM PROGRAM REQUIREMENTS FOR STATE OTHER CREDIT SUPPORT PROGRAMS.**—

(1) **FUND TO PRESCRIBE.**—The Secretary shall, by regulation or other guidance, prescribe Program requirements for approved State other credit support programs.

(2) **CONSIDERATIONS FOR FUND.**—In prescribing minimum Program requirements for approved State other credit support programs, the Secretary shall take into consideration, to the extent the Secretary determines applicable and appropriate, the minimum Program requirements for approved State capital access programs in section 3005(e).

SEC. 3007. REPORTS.

(a) **QUARTERLY USE-OF-FUNDS REPORT.**—

(1) **IN GENERAL.**—Not later than 30 days after the beginning of each calendar quarter,

beginning after the first full calendar quarter to occur after the date the Secretary approves a State for participation, the participating State shall submit to the Secretary a report on the use of Federal funding by the participating State during the previous calendar quarter.

(2) **REPORT CONTENTS.**—Each report under this subsection shall—

(A) indicate the total amount of Federal funding used by the participating State; and

(B) include a certification by the participating State that—

(i) the information provided in accordance with subparagraph (A) is accurate;

(ii) funds continue to be available and legally committed to contributions by the State to, or for the account of, approved State programs, less any amount that has been contributed by the State to, or for the account of, approved State programs subsequent to the State being approved for participation in the Program; and

(iii) the participating State is implementing its approved State program or programs in accordance with this title and regulations issued under section 3010.

(b) **ANNUAL REPORT.**—Not later than March 31 of each year, beginning March 31, 2011, each participating State shall submit to the Secretary an annual report that shall include the following information:

(1) The number of borrowers that received new loans originated under the approved State program or programs after the State program was approved as eligible for Federal contributions.

(2) The total amount of such new loans.

(3) Breakdowns by industry type, loan size, annual sales, and number of employees of the borrowers that received such new loans.

(4) The zip code of each borrower that received such a new loan.

(5) Such other data as the Secretary, in the Secretary's sole discretion, may require to carry out the purposes of the Program.

(c) **FORM.**—The reports and data filed under subsections (a) and (b) shall be in such form as the Secretary, in the Secretary's sole discretion, may require.

(d) **TERMINATION OF REPORTING REQUIREMENTS.**—The requirement to submit reports under subsections (a) and (b) shall terminate for a participating State with the submission of the completed reports due on the first March 31 to occur after 5 complete 12-month periods after the State is approved by the Secretary to be a participating State.

SEC. 3008. REMEDIES FOR STATE PROGRAM TERMINATION OR FAILURES.

(a) **REMEDIES.**—

(1) **IN GENERAL.**—If any of the events listed in paragraph (2) occur, the Secretary, in the Secretary's discretion, may—

(A) reduce the amount of Federal funds allocated to the State under the Program; or

(B) terminate any further transfers of allocated amounts that have not yet been transferred to the State.

(2) **CAUSAL EVENTS.**—The events referred to in paragraph (1) are—

(A) termination by a participating State of its participation in the Program;

(B) failure on the part of a participating State to submit complete reports under section 3007 on a timely basis; or

(C) noncompliance by the State with the terms of the allocation agreement between the Secretary and the State.

(b) **DEALLOCATED AMOUNTS TO BE REALLOCATED.**—If, after 13 months, any portion of the amount of Federal funds allocated to a participating State is deemed by the Secretary to be no longer allocated to the State

after actions taken by the Secretary under subsection (a)(1), the Secretary shall reallocate that portion among the participating States, excluding the State whose allocated funds were deemed to be no longer allocated, as provided in section 3003(b).

SEC. 3009. IMPLEMENTATION AND ADMINISTRATION.

(a) GENERAL AUTHORITIES AND DUTIES.—The Secretary shall—

(1) consult with the Administrator of the Small Business Administration and the appropriate Federal banking agencies on the administration of the Program;

(2) establish minimum national standards for approved State programs;

(3) provide technical assistance to States for starting State programs and generally disseminate best practices;

(4) manage, administer, and perform necessary program integrity functions for the Program; and

(5) ensure adequate oversight of the approved State programs, including oversight of the cash flows, performance, and compliance of each approved State program.

(b) APPROPRIATIONS.—There is hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, \$1,500,000,000 to carry out the Program, including to pay reasonable costs of administering the Program.

(c) TERMINATION OF SECRETARY'S PROGRAM ADMINISTRATION FUNCTIONS.—The authorities and duties of the Secretary to implement and administer the Program shall terminate at the end of the 7-year period beginning on the date of enactment of this Act.

(d) EXPEDITED CONTRACTING.—During the 1-year period beginning on the date of enactment of this Act, the Secretary may enter into contracts without regard to any other provision of law regarding public contracts, for purposes of carrying out this title.

SEC. 3010. REGULATIONS.

The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue such regulations and other guidance as the Secretary determines necessary or appropriate to implement this title including to define terms, to establish compliance and reporting requirements, and such other terms and conditions necessary to carry out the purposes of this title.

SEC. 3011. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the use of funds made available under the Program.

(b) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(c) REQUIRED CERTIFICATION.—

(1) FINANCIAL INSTITUTIONS CERTIFICATION.—With respect to funds received by a participating State under the Program, any financial institution that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in section 5312 (a)(2) and (c)(1)(A) of title 31, United States Code, to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and de-

termine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) SEX OFFENSE CERTIFICATION.—With respect to funds received by a participating State under the Program, any private entity that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify to the participating State that the principals of such entity have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(d) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this title may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

TITLE IV—ADDITIONAL SMALL BUSINESS PROVISIONS

Subtitle A—Small Business Lending Fund

SEC. 4101. PURPOSE.

The purpose of this subtitle is to address the ongoing effects of the financial crisis on small businesses by providing temporary authority to the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses.

SEC. 4102. DEFINITIONS.

For purposes of this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term “appropriate Federal banking agency” has the meaning given such term under section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

(3) BANK HOLDING COMPANY.—The term “bank holding company” has the meaning given such term under section 2(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(1)).

(4) CALL REPORT.—The term “call report” means—

(A) reports of Condition and Income submitted to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation;

(B) the Office of Thrift Supervision Thrift Financial Report;

(C) any report that is designated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the Office of Thrift Supervision, as applicable, as a successor to any report referred to in subparagraph (A) or (B);

(D) reports of Condition and Income as designated through guidance developed by the Secretary, in consultation with the Director of the Community Development Financial Institutions Fund; and

(E) with respect to an eligible institution for which no report exists that is described under subparagraph (A), (B), (C), or (D), such other report or set of information as the Secretary, in consultation with the Administrator of the Small Business Administration, may prescribe.

(5) CDCI.—The term “CDCI” means the Community Development Capital Initiative created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(6) CDCI INVESTMENT.—The term “CDCI investment” means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CDCI that has not been repaid.

(7) CDFI; COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The terms “CDFI” and “community development financial institution” have the meaning given the term “community development financial institution” under the Riegle Community Development and Regulatory Improvement Act of 1994.

(8) CDLF; COMMUNITY DEVELOPMENT LOAN FUND.—The terms “CDLF” and “community development loan fund” mean any entity that—

(A) is certified by the Department of the Treasury as a community development financial institution loan fund;

(B) is exempt from taxation under the Internal Revenue Code of 1986; and

(C) had assets less than or equal to \$10,000,000,000 as of the end of the fourth quarter of calendar year 2009.

(9) CPP.—The term “CPP” means the Capital Purchase Program created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(10) CPP INVESTMENT.—The term “CPP investment” means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CPP that has not been repaid.

(11) ELIGIBLE INSTITUTION.—The term “eligible institution” means—

(A) any insured depository institution, which—

(i) is not controlled by a bank holding company or savings and loan holding company that is also an eligible institution;

(ii) has total assets of equal to or less than \$10,000,000,000, as reported in the call report of the insured depository institution as of the end of the fourth quarter of calendar year 2009; and

(iii) is not directly or indirectly controlled by any company or other entity that has total consolidated assets of more than \$10,000,000,000, as so reported;

(B) any bank holding company which has total consolidated assets of equal to or less than \$10,000,000,000, as reported in the call report of the bank holding company as of the end of the fourth quarter of calendar year 2009;

(C) any savings and loan holding company which has total consolidated assets of equal to or less than \$10,000,000,000, as reported in the call report of the savings and loan holding company as of the end of the fourth quarter of calendar year 2009; and

(D) any community development financial institution loan fund which has total assets

of equal to or less than \$10,000,000,000, as reported in audited financial statements for the fiscal year of the community development financial institution loan fund that ends in calendar year 2009.

(12) **FUND.**—The term “Fund” means the Small Business Lending Fund established under section 4103(a)(1).

(13) **INSURED DEPOSITORY INSTITUTION.**—The term “insured depository institution” has the meaning given such term under section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)).

(14) **MINORITY-OWNED AND WOMEN-OWNED BUSINESS.**—The terms “minority-owned business” and “women-owned business” shall have the meaning given the terms “minority-owned business” and “women’s business”, respectively, under section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441A(r)(4)).

(15) **PROGRAM.**—The term “Program” means the Small Business Lending Fund Program authorized under section 4103(a)(2).

(16) **SAVINGS AND LOAN HOLDING COMPANY.**—The term “savings and loan holding company” has the meaning given such term under section 10(a)(1)(D) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a)(1)(D)).

(17) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury.

(18) **SMALL BUSINESS LENDING.**—

(A) **IN GENERAL.**—The term “small business lending” means lending, as defined by and reported in an eligible institutions’ quarterly call report, where each loan comprising such lending is one of the following types:

(i) Commercial and industrial loans.

(ii) Owner-occupied nonfarm, nonresidential real estate loans.

(iii) Loans to finance agricultural production and other loans to farmers.

(iv) Loans secured by farmland.

(B) **EXCLUSION.**—No loan that has an original amount greater than \$10,000,000 or that goes to a business with more than \$50,000,000 in revenues shall be included in the measure.

(C) **TREATMENT OF HOLDING COMPANIES.**—In the case of eligible institutions that are bank holding companies or savings and loan holding companies having one or more insured depository institution subsidiaries, small business lending shall be measured based on the combined small business lending reported in the call report of the insured depository institution subsidiaries.

(19) **VETERAN-OWNED BUSINESS.**—

(A) The term “veteran-owned business” means a business—

(i) more than 50 percent of the ownership or control of which is held by 1 or more veterans;

(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more veterans; and

(iii) a significant percentage of senior management positions of which are held by veterans.

(B) For purposes of this paragraph, the term “veteran” has the meaning given such term in section 101(2) of title 38, United States Code.

SEC. 4103. SMALL BUSINESS LENDING FUND.

(a) **FUND AND PROGRAM.**—

(1) **FUND ESTABLISHED.**—There is established in the Treasury of the United States a fund to be known as the “Small Business Lending Fund”, which shall be administered by the Secretary.

(2) **PROGRAMS AUTHORIZED.**—The Secretary is authorized to establish the Small Business Lending Fund Program for using the Fund consistent with this subtitle.

(b) **USE OF FUND.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Fund shall be available to the Secretary, without further appropriation or fiscal year limitation, for the costs of purchases (including commitments to purchase), and modifications of such purchases, of preferred stock and other financial instruments from eligible institutions on such terms and conditions as are determined by the Secretary in accordance with this subtitle. For purposes of this paragraph and with respect to an eligible institution, the term “other financial instruments” shall include only debt instruments for which such eligible institution is fully liable or equity equivalent capital of the eligible institution. Such debt instruments may be subordinated to the claims of other creditors of the eligible institution.

(2) **MAXIMUM PURCHASE LIMIT.**—The aggregate amount of purchases (and commitments to purchase) made pursuant to paragraph (1) may not exceed \$30,000,000,000.

(3) **PROCEEDS USED TO PAY DOWN PUBLIC DEBT.**—All funds received by the Secretary in connection with purchases made pursuant to paragraph (1), including interest payments, dividend payments, and proceeds from the sale of any financial instrument, shall be paid into the general fund of the Treasury for reduction of the public debt.

(4) **LIMITATION ON PURCHASES FROM CDLFS.**—

(A) **IN GENERAL.**—Not more than 1 percent of the maximum purchase limit of the Program, pursuant to paragraph (2), may be used to make purchases from community development loan funds.

(B) **ELIGIBILITY STANDARDS.**—The Secretary, in consultation with the Community Development Financial Institutions Fund, shall develop eligibility criteria to determine the financial ability of a CDLF to participate in the Program and repay the investment. Such criteria shall include the following:

(i) Ratio of net assets to total assets is at least 20 percent.

(ii) Ratio of loan loss reserves to loans and leases 90 days or more delinquent (including loans sold with full recourse) is at least 30 percent.

(iii) Positive net income measured on a 3-year rolling average.

(iv) Operating liquidity ratio of at least 1.0 for the 4 most recent quarters and for one or both of the two preceding years.

(v) Ratio of loans and leases 90 days or more delinquent (including loans sold with full recourse) to total equity plus loan loss reserves is less than 40 percent.

(C) **REQUIREMENT TO SUBMIT AUDITED FINANCIAL STATEMENTS.**—CDLFs participating in the Program shall submit audited financial statements to the Secretary, have a clean audit opinion, and have at least 3 years of operating experience.

(c) **CREDITS TO THE FUND.**—There shall be credited to the Fund amounts made available pursuant to section 4108, to the extent provided by appropriations Acts.

(d) **TERMS.**—

(1) **APPLICATION.**—

(A) **INSTITUTIONS WITH ASSETS OF \$1,000,000,000 OR LESS.**—Eligible institutions having total assets equal to or less than \$1,000,000,000, as reported in a call report as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(B) **INSTITUTIONS WITH ASSETS OF MORE THAN \$1,000,000,000 AND LESS THAN OR EQUAL TO**

\$10,000,000,000.—Eligible institutions having total assets of more than \$1,000,000,000 but less than \$10,000,000,000, as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(C) **TREATMENT OF HOLDING COMPANIES.**—In the case of an eligible institution that is a bank holding company or a savings and loan holding company having one or more insured depository institution subsidiaries, total assets shall be measured based on the combined total assets reported in the call report of the insured depository institution subsidiaries as of the end of the fourth quarter of calendar year 2009 and risk-weighted assets shall be measured based on the combined risk-weighted assets of the insured depository institution subsidiaries as reported in the call report immediately preceding the date of application.

(D) **TREATMENT OF APPLICANTS THAT ARE INSTITUTIONS CONTROLLED BY HOLDING COMPANIES.**—If an eligible institution that applies to receive a capital investment under the Program is under the control of a bank holding company or a savings and loan holding company, then the Secretary may use the Fund to purchase preferred stock or other financial instruments from the top-tier bank holding company or savings and loan holding company of such eligible institution, as applicable. For purposes of this subparagraph, the term “control” with respect to a bank holding company shall have the same meaning as in section 2(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(2)). For purposes of this subparagraph, the term “control” with respect to a savings and loan holding company shall have the same meaning as in 10(a)(2) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a)(2)).

(E) **REQUIREMENT TO PROVIDE A SMALL BUSINESS LENDING PLAN.**—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant shall deliver to the appropriate Federal banking agency, and, for applicants that are State-chartered banks, to the appropriate State banking regulator, a small business lending plan describing how the applicant’s business strategy and operating goals will allow it to address the needs of small businesses in the areas it serves, as well as a plan to provide linguistically and culturally appropriate outreach, where appropriate. In the case of eligible institutions that are community development loan funds, this plan shall be submitted to the Secretary. This plan shall be confidential supervisory information.

(F) **TREATMENT OF APPLICANTS THAT ARE COMMUNITY DEVELOPMENT LOAN FUNDS.**—Eligible institutions that are community development loan funds may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of total assets, as reported in the audited financial statements for the fiscal year of the eligible institution that ends in calendar year 2009.

(2) **CONSULTATION WITH REGULATORS.**—For each eligible institution that applies to receive a capital investment under the Program, the Secretary shall—

(A) consult with the appropriate Federal banking agency or, in the case of an eligible institution that is a nondepository community development financial institution, the

Community Development Financial Institution Fund, for the eligible institution, to determine whether the eligible institution may receive such capital investment;

(B) in the case of an eligible institution that is a State-chartered bank, consider any views received from the State banking regulator of the State of the eligible institution regarding the financial condition of the eligible institution; and

(C) in the case of a community development financial institution loan fund, consult with the Community Development Financial Institution Fund.

(3) CONSIDERATION OF MATCHED PRIVATE INVESTMENTS.—

(A) IN GENERAL.—For an eligible institution that applies to receive a capital investment under the Program, if the entity to be consulted under paragraph (2) would not otherwise recommend the eligible institution to receive the capital investment, the Secretary, in consultation with the entity to be so consulted, may consider whether the entity to be consulted would recommend the eligible institution to receive a capital investment based on the financial condition of the institution if the conditions in subparagraph (B) are satisfied.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) CAPITAL SOURCES.—The eligible institution shall receive capital both under the Program and from private, nongovernment investors.

(ii) AMOUNT OF CAPITAL.—The amount of capital to be received under the Program shall not exceed 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(iii) TERMS.—The amount of capital to be received from private, nongovernment investors shall be—

(I) equal to or greater than 100 percent of the capital to be received under the Program; and

(II) subordinate to the capital investment made by the Secretary under the Program.

(4) INELIGIBILITY OF INSTITUTIONS ON FDIC PROBLEM BANK LIST.—

(A) IN GENERAL.—An eligible institution may not receive any capital investment under the Program, if—

(i) such institution is on the FDIC problem bank list; or

(ii) such institution has been removed from the FDIC problem bank list for less than 90 days.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as limiting the discretion of the Secretary to deny the application of an eligible institution that is not on the FDIC problem bank list.

(C) FDIC PROBLEM BANK LIST DEFINED.—For purposes of this paragraph, the term “FDIC problem bank list” means the list of depository institutions having a current rating of 4 or 5 under the Uniform Financial Institutions Rating System, or such other list designated by the Federal Deposit Insurance Corporation.

(5) INCENTIVES TO LEND.—

(A) REQUIREMENTS ON PREFERRED STOCK AND OTHER FINANCIAL INSTRUMENTS.—Any preferred stock or other financial instrument issued to Treasury by an eligible institution receiving a capital investment under the Program shall provide that—

(i) the rate at which dividends or interest are payable shall be 5 percent per annum initially;

(ii) within the first 2 years after the date of the capital investment under the Program,

the rate may be adjusted based on the amount of an eligible institution's small business lending. Changes in the amount of small business lending shall be measured against the average amount of small business lending reported by the eligible institution in its call reports for the 4 full quarters immediately preceding the date of enactment of this Act, minus adjustments from each quarterly balance in respect of—

(I) net loan charge offs with respect to small business lending; and

(II) gains realized by the eligible institution resulting from mergers, acquisitions or purchases of loans after origination and syndication; which adjustments shall be determined in accordance with guidance promulgated by the Secretary; and

(iii) during any calendar quarter during the initial 2-year period referred to in clause (ii), an institution's rate shall be adjusted to reflect the following schedule, based on that institution's change in the amount of small business lending relative to the baseline—

(I) if the amount of small business lending has increased by less than 2.5 percent, the dividend or interest rate shall be 5 percent;

(II) if the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the dividend or interest rate shall be 4 percent;

(III) if the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the dividend or interest rate shall be 3 percent;

(IV) if the amount of small business lending has increased by 7.5 percent or greater, and but by less than 10.0 percent, the dividend or interest rate shall be 2 percent; or

(V) if the amount of small business lending has increased by 10 percent or greater, the dividend or interest rate shall be 1 percent.

(B) BASIS OF INITIAL RATE.—The initial dividend or interest rate shall be based on call report data published in the quarter immediately preceding the date of the capital investment under the Program.

(C) TIMING OF RATE ADJUSTMENTS.—Any rate adjustment shall occur in the calendar quarter following the publication of call report data, such that the rate based on call report data from any one calendar quarter, which is published in the first following calendar quarter, shall be adjusted in that first following calendar quarter and payable in the second following quarter.

(D) RATE FOLLOWING INITIAL 2-YEAR PERIOD.—Generally, the rate based on call report data from the eighth calendar quarter after the date of the capital investment under the Program shall be payable until the expiration of the 4½-year period that begins on the date of the investment. In the case where the amount of small business lending has remained the same or decreased relative to the institution's baseline in the eighth quarter after the date of the capital investment under the Program, the rate shall be 7 percent until the expiration of the 4½-year period that begins on the date of the investment.

(E) RATE FOLLOWING INITIAL 4½-YEAR PERIOD.—The dividend or interest rate paid on any preferred stock or other financial instrument issued by an eligible institution that receives a capital investment under the Program shall increase to 9 percent at the end of the 4½-year period that begins on the date of the capital investment under the Program.

(F) LIMITATION ON RATE REDUCTIONS WITH RESPECT TO CERTAIN AMOUNT.—The reduction in the dividend or interest rate payable to Treasury by any eligible institution shall be limited such that the rate reduction shall

not apply to a dollar amount of the investment made by Treasury that is greater than the dollar amount increase in the amount of small business lending realized under this program. The Secretary may issue guidelines that will apply to new capital investments limiting the amount of capital available to eligible institutions consistent with this limitation.

(G) RATE ADJUSTMENTS FOR S CORPORATION.—Before making a capital investment in an eligible institution that is an S corporation or a corporation organized on a mutual basis, the Secretary may adjust the dividend or interest rate on the financial instrument to be issued to the Secretary, from the dividend or interest rate that would apply under subparagraphs (A) through (F), to take into account any differential tax treatment of securities issued by such eligible institution. For purpose of this subparagraph, the term “S corporation” has the same meaning as in section 1361(a) of the Internal Revenue Code of 1986.

(H) REPAYMENT DEADLINE.—The capital investment received by an eligible institution under the Program shall be evidenced by preferred stock or other financial instrument that—

(i) includes, as a term and condition, that the capital investment will—

(I) be repaid not later than the end of the 10-year period beginning on the date of the capital investment under the Program; or

(II) at the end of such 10-year period, be subject to such additional terms as the Secretary shall prescribe, which shall include a requirement that the stock or instrument shall carry the highest dividend or interest rate payable; and

(ii) provides that the term and condition described under clause (i) shall not apply if the application of that term and condition would adversely affect the capital treatment of the stock or financial instrument under current or successor applicable capital provisions compared to a capital instrument with identical terms other than the term and condition described under clause (i).

(I) REQUIREMENTS ON FINANCIAL INSTRUMENTS ISSUED BY A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION LOAN FUND.—Any equity equivalent capital issued to the Treasury by a community development loan fund receiving a capital investment under the Program shall provide that the rate at which interest is payable shall be 2 percent per annum for 8 years. After 8 years, the rate at which interest is payable shall be 9 percent.

(6) ADDITIONAL INCENTIVES TO REPAY.—The Secretary may, by regulation or guidance issued under section 4104(9), establish repayment incentives in addition to the incentive in paragraph (5)(E) that will apply to new capital investments in a manner that the Secretary determines to be consistent with the purposes of this subtitle.

(7) CAPITAL PURCHASE PROGRAM REFINANCE.—

(A) IN GENERAL.—The Secretary shall, in a manner that the Secretary determines to be consistent with the purposes of this subtitle, issue regulations and other guidance to permit eligible institutions to refinance securities issued to Treasury under the CDCI and the CPP for securities to be issued under the Program.

(B) PROHIBITION ON PARTICIPATION BY NON-PAYING CPP PARTICIPANTS.—Subparagraph (A) shall not apply to any eligible institution that has missed more than one dividend payment due under the CPP. For purposes of this subparagraph, a CPP dividend payment that is submitted within 60 days of the due

date of such payment shall not be considered a missed dividend payment.

(8) **OUTREACH TO MINORITIES, WOMEN, AND VETERANS.**—The Secretary shall require eligible institutions receiving capital investments under the Program to provide linguistically and culturally appropriate outreach and advertising in the applicant pool describing the availability and application process of receiving loans from the eligible institution that are made possible by the Program through the use of print, radio, television or electronic media outlets which target organizations, trade associations, and individuals that—

(A) represent or work within or are members of minority communities;

(B) represent or work with or are women; and

(C) represent or work with or are veterans.

(9) **ADDITIONAL TERMS.**—The Secretary may, by regulation or guidance issued under section 4104(9), make modifications that will apply to new capital investments in order to manage risks associated with the administration of the Fund in a manner consistent with the purposes of this subtitle.

(10) **MINIMUM UNDERWRITING STANDARDS.**—The appropriate Federal banking agency for an eligible institution that receives funds under the Program shall within 60 days issue guidance regarding prudent underwriting standards that must be used for loans made by the eligible institution using such funds.

SEC. 4104. ADDITIONAL AUTHORITIES OF THE SECRETARY.

The Secretary may take such actions as the Secretary deems necessary to carry out the authorities in this subtitle, including, without limitation, the following:

(1) The Secretary may use the services of any agency or instrumentality of the United States or component thereof on a reimbursable basis, and any such agency or instrumentality or component thereof is authorized to provide services as requested by the Secretary using all authorities vested in or delegated to that agency, instrumentality, or component.

(2) The Secretary may enter into contracts, including contracts for services authorized by section 3109 of title 5, United States Code.

(3) The Secretary may designate any bank, savings association, trust company, security broker or dealer, asset manager, or investment adviser as a financial agent of the Federal Government and such institution shall perform all such reasonable duties related to this subtitle as financial agent of the Federal Government as may be required. The Secretary shall have authority to amend existing agreements with financial agents, entered into during the 2-year period before the date of enactment of this Act, to perform reasonable duties related to this subtitle.

(4) The Secretary may exercise any rights received in connection with any preferred stock or other financial instruments or assets purchased or acquired pursuant to the authorities granted under this subtitle.

(5) Subject to section 4103(b)(3), the Secretary may manage any assets purchased under this subtitle, including revenues and portfolio risks therefrom.

(6) The Secretary may sell, dispose of, transfer, exchange or enter into securities loans, repurchase transactions, or other financial transactions in regard to, any preferred stock or other financial instrument or asset purchased or acquired under this subtitle, upon terms and conditions and at a price determined by the Secretary.

(7) The Secretary may manage or prohibit conflicts of interest that may arise in con-

nection with the administration and execution of the authorities provided under this subtitle.

(8) The Secretary may establish and use vehicles, subject to supervision by the Secretary, to purchase, hold, and sell preferred stock or other financial instruments and issue obligations.

(9) The Secretary may, in consultation with the Administrator of the Small Business Administration, issue such regulations and other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this subtitle.

SEC. 4105. CONSIDERATIONS.

In exercising the authorities granted in this subtitle, the Secretary shall take into consideration—

(1) increasing the availability of credit for small businesses;

(2) providing funding to minority-owned eligible institutions and other eligible institutions that serve small businesses that are minority-, veteran-, and women-owned and that also serve low- and moderate-income, minority, and other underserved or rural communities;

(3) protecting and increasing American jobs;

(4) increasing the opportunity for small business development in areas with high unemployment rates that exceed the national average;

(5) ensuring that all eligible institutions may apply to participate in the program established under this subtitle, without discrimination based on geography;

(6) providing transparency with respect to use of funds provided under this subtitle;

(7) minimizing the cost to taxpayers of exercising the authorities;

(8) promoting and engaging in financial education to would-be borrowers; and

(9) providing funding to eligible institutions that serve small businesses directly affected by the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon and small businesses in communities that have suffered negative economic effects as a result of that discharge with particular consideration to States along the coast of the Gulf of Mexico.

SEC. 4106. REPORTS.

The Secretary shall provide to the appropriate committees of Congress—

(1) within 7 days of the end of each month commencing with the first month in which transactions are made under the Program, a written report describing all of the transactions made during the reporting period pursuant to the authorities granted under this subtitle;

(2) after the end of March and the end of September, commencing September 30, 2010, a written report on all projected costs and liabilities, all operating expenses, including compensation for financial agents, and all transactions made by the Fund, which shall include participating institutions and amounts each institution has received under the Program; and

(3) within 7 days of the end of each calendar quarter commencing with the first calendar quarter in which transactions are made under the Program, a written report detailing how eligible institutions participating in the Program have used the funds such institutions received under the Program.

SEC. 4107. OVERSIGHT AND AUDITS.

(a) **INSPECTOR GENERAL OVERSIGHT.**—The Inspector General of the Department of the Treasury shall conduct, supervise, and co-

ordinate audits and investigations of the Program through the Office of Small Business Lending Fund Program Oversight established under subsection (b).

(b) **OFFICE OF SMALL BUSINESS LENDING FUND PROGRAM OVERSIGHT.**—

(1) **ESTABLISHMENT.**—There is hereby established within the Office of the Inspector General of the Department of the Treasury a new office to be named the “Office of Small Business Lending Fund Program Oversight” to provide oversight of the Program.

(2) **LEADERSHIP.**—The Inspector General shall appoint a Special Deputy Inspector General for SBLF Program Oversight to lead the Office, with commensurate staff, who shall report directly to the Inspector General and who shall be responsible for the performance of all auditing and investigative activities relating to the Program.

(3) **REPORTING.**—

(A) **IN GENERAL.**—The Inspector General shall issue a report no less than two times a year to the Congress and the Secretary devoted to the oversight provided by the Office, including any recommendations for improvements to the Program.

(B) **RECOMMENDATIONS.**—With respect to any deficiencies identified in a report under subparagraph (A), the Secretary shall either—

(i) take actions to address such deficiencies; or

(ii) certify to the appropriate committees of Congress that no action is necessary or appropriate.

(4) **COORDINATION.**—The Inspector General, in maximizing the effectiveness of the Office, shall work with other Offices of Inspector General, as appropriate, to minimize duplication of effort and ensure comprehensive oversight of the Program.

(5) **TERMINATION.**—The Office shall terminate at the end of the 6-month period beginning on the date on which all capital investments are repaid under the Program or the date on which the Secretary determines that any remaining capital investments will not be repaid.

(6) **DEFINITIONS.**—For purposes of this subsection:

(A) **OFFICE.**—The term “Office” means the Office of Small Business Lending Fund Program Oversight established under paragraph (1).

(B) **INSPECTOR GENERAL.**—The term “Inspector General” means the Inspector General of the Department of the Treasury.

(C) **GAO AUDIT.**—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(d) **REQUIRED CERTIFICATIONS.**—

(1) **ELIGIBLE INSTITUTION CERTIFICATION.**—Each eligible institution that participates in the Program must certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) **LOAN RECIPIENTS.**—With respect to funds received by an eligible institution

under the Program, any business receiving a loan from the eligible institution using such funds after the date of the enactment of this Act shall certify to such eligible institution that the principals of such business have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(e) **PROHIBITION ON PORNOGRAPHY.**—None of the funds made available under this subtitle may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

SEC. 4108. CREDIT REFORM; FUNDING.

(a) **CREDIT REFORM.**—The cost of purchases of preferred stock and other financial instruments made as capital investments under this subtitle shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(b) **FUNDS MADE AVAILABLE.**—There are hereby appropriated, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay the costs of \$30,000,000,000 of capital investments in eligible institutions, including the costs of modifying such investments, and reasonable costs of administering the program of making, holding, managing, and selling the capital investments.

SEC. 4109. TERMINATION AND CONTINUATION OF AUTHORITIES.

(a) **TERMINATION OF INVESTMENT AUTHORITY.**—The authority to make capital investments in eligible institutions, including commitments to purchase preferred stock or other instruments, provided under this subtitle shall terminate 1 year after the date of enactment of this Act.

(b) **CONTINUATION OF OTHER AUTHORITIES.**—The authorities of the Secretary under section 4104 shall not be limited by the termination date in subsection (a).

SEC. 4110. PRESERVATION OF AUTHORITY.

Nothing in this subtitle may be construed to limit the authority of the Secretary under any other provision of law.

SEC. 4111. ASSURANCES.

(a) **SMALL BUSINESS LENDING FUND SEPARATE FROM TARP.**—The Small Business Lending Fund Program is established as separate and distinct from the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008. An institution shall not, by virtue of a capital investment under the Small Business Lending Fund Program, be considered a recipient of the Troubled Asset Relief Program.

(b) **CHANGE IN LAW.**—If, after a capital investment has been made in an eligible institution under the Program, there is a change in law that modifies the terms of the investment or program in a materially adverse respect for the eligible institution, the eligible institution may, after consultation with the appropriate Federal banking agency for the eligible institution, repay the investment without impediment.

SEC. 4112. STUDY AND REPORT WITH RESPECT TO WOMEN-OWNED, VETERAN-OWNED, AND MINORITY-OWNED BUSINESSES.

(a) **STUDY.**—The Secretary shall conduct a study of the impact of the Program on women-owned businesses, veteran-owned businesses, and minority-owned businesses.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted pursuant to subsection (a). To the extent possible, the Secretary shall disaggregate the results of such study by ethnic group and gender.

(c) **INFORMATION PROVIDED TO THE SECRETARY.**—Eligible institutions that participate in the Program shall provide the Secretary with such information as the Secretary may require to carry out the study required by this section.

SEC. 4113. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Deposit Insurance Corporation and other bank regulators are sending mixed messages to banks regarding regulatory capital requirements and lending standards, which is a contributing cause of decreased small business lending and increased regulatory uncertainty at community banks.

Subtitle B—Other Provisions

PART I—SMALL BUSINESS EXPORT PROMOTION INITIATIVES

SEC. 4221. SHORT TITLE.

This part may be cited as the “Export Promotion Act of 2010”.

SEC. 4222. GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.

(a) **INCREASE IN EMPLOYEES WITH RESPONSIBILITY FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES.**—

(1) **IN GENERAL.**—During the 24-month period beginning on the date of the enactment of this Act, the Secretary of Commerce shall increase the number of full-time departmental employees whose primary responsibilities involve promoting or facilitating participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses. In carrying out this subsection, the Secretary shall ensure that—

(A) the cohort of such employees is increased by not less than 80 persons; and

(B) a substantial portion of the increased cohort is stationed outside the United States.

(2) **ENHANCED FOCUS ON UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES.**—In carrying out this subsection, the Secretary shall take such action as may be necessary to ensure that the activities of the Department of Commerce relating to promoting and facilitating participation by United States businesses in the global marketplace include promoting and facilitating such participation by small and medium-sized businesses in the United States.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary for each of the fiscal years 2011 and 2012 such sums as may be necessary to carry out this section.

(b) **ADDITIONAL FUNDING FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, \$30,000,000 to promote or facilitate participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses.

(2) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated by paragraph (1), the Secretary of Commerce shall give preference to activities that—

(A) assist small- and medium-sized businesses in the United States; and

(B) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4223. ADDITIONAL FUNDING TO IMPROVE ACCESS TO GLOBAL MARKETS FOR RURAL BUSINESSES.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce \$5,000,000 for each of the fiscal years 2011 and 2012 for improving access to the global marketplace for goods and services provided by rural businesses in the United States.

(b) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4224. ADDITIONAL FUNDING FOR THE EXPORTECH PROGRAM.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce \$11,000,000 for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, to expand ExportTech, a joint program of the Hollings Manufacturing Partnership Program and the Export Assistance Centers of the Department of Commerce.

(b) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4225. ADDITIONAL FUNDING FOR THE MARKET DEVELOPMENT COOPERATOR PROGRAM OF THE DEPARTMENT OF COMMERCE.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, \$15,000,000 for the Manufacturing and Services unit of the International Trade Administration—

(1) to establish public-private partnerships under the Market Development Cooperator Program of the International Trade Administration; and

(2) to underwrite a portion of the start-up costs for new projects carried out under that Program to strengthen the competitiveness and market share of United States industry, not to exceed, for each such project, the lesser of—

(A) $\frac{1}{3}$ of the total start-up costs for the project; or

(B) \$500,000.

(b) **REQUIREMENTS.**—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4226. HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM; TECHNOLOGY INNOVATION PROGRAM.

(a) HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.—Section 25(f) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)) is amended by adding at the end the following:

“(7) GLOBAL MARKETPLACE PROJECTS.—In making awards under this subsection, the Director, in consultation with the Manufacturing Extension Partnership Advisory Board and the Secretary of Commerce, may—

“(A) take into consideration whether an application has significant potential for enhancing the competitiveness of small and medium-sized United States manufacturers in the global marketplace; and

“(B) give a preference to applications for such projects to the extent the Director deems appropriate, taking into account the broader purposes of this subsection.”.

(b) TECHNOLOGY INNOVATION PROGRAM.—In awarding grants, cooperative agreements, or contracts under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), in addition to the award criteria set forth in subsection (c) of that section, the Director of the National Institute of Standards and Technology may take into consideration whether an application has significant potential for enhancing the competitiveness of small- and medium-sized businesses in the United States in the global marketplace. The Director shall consult with the Technology Innovation Program Advisory Board and the Secretary of Commerce in implementing this subsection.

SEC. 4227. SENSE OF THE SENATE CONCERNING FEDERAL COLLABORATION WITH STATES ON EXPORT PROMOTION ISSUES.

It is the sense of the Senate that the Secretary of Commerce should enhance Federal collaboration with the States on export promotion issues by—

(1) providing the necessary training to the staff at State international trade agencies to enable them to assist the United States and Foreign Commercial Service (established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721)) in providing counseling and other export services to businesses in their communities; and

(2) entering into agreements with State international trade agencies for those agencies to deliver export promotion services in their local communities in order to extend the outreach of United States and Foreign Commercial Service programs.

SEC. 4228. REPORT ON TARIFF AND NONTARIFF BARRIERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the United States Trade Representative and other appropriate entities, shall report to Congress on the tariff and nontariff barriers imposed by Colombia, the Republic of Korea, and Panama with respect to exports of articles from the United States, including articles exported or produced by small- and medium-sized businesses in the United States.

PART II—MEDICARE FRAUD

SEC. 4241. USE OF PREDICTIVE MODELING AND OTHER ANALYTICS TECHNOLOGIES TO IDENTIFY AND PREVENT WASTE, FRAUD, AND ABUSE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.

(a) USE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.—The Secretary shall use predictive modeling and other analytics technologies (in this section referred to as “predictive analytics technologies”) to identify

improper claims for reimbursement and to prevent the payment of such claims under the Medicare fee-for-service program.

(b) PREDICTIVE ANALYTICS TECHNOLOGIES REQUIREMENTS.—The predictive analytics technologies used by the Secretary shall—

(1) capture Medicare provider and Medicare beneficiary activities across the Medicare fee-for-service program to provide a comprehensive view across all providers, beneficiaries, and geographies within such program in order to—

(A) identify and analyze Medicare provider networks, provider billing patterns, and beneficiary utilization patterns; and

(B) identify and detect any such patterns and networks that represent a high risk of fraudulent activity;

(2) be integrated into the existing Medicare fee-for-service program claims flow with minimal effort and maximum efficiency;

(3) be able to—

(A) analyze large data sets for unusual or suspicious patterns or anomalies or contain other factors that are linked to the occurrence of waste, fraud, or abuse;

(B) undertake such analysis before payment is made; and

(C) prioritize such identified transactions for additional review before payment is made in terms of the likelihood of potential waste, fraud, and abuse to more efficiently utilize investigative resources;

(4) capture outcome information on adjudicated claims for reimbursement to allow for refinement and enhancement of the predictive analytics technologies on the basis of such outcome information, including post-payment information about the eventual status of a claim; and

(5) prevent the payment of claims for reimbursement that have been identified as potentially wasteful, fraudulent, or abusive until such time as the claims have been verified as valid.

(c) IMPLEMENTATION REQUIREMENTS.—

(1) REQUEST FOR PROPOSALS.—Not later than January 1, 2011, the Secretary shall issue a request for proposals to carry out this section during the first year of implementation. To the extent the Secretary determines appropriate—

(A) the initial request for proposals may include subsequent implementation years; and

(B) the Secretary may issue additional requests for proposals with respect to subsequent implementation years.

(2) FIRST IMPLEMENTATION YEAR.—The initial request for proposals issued under paragraph (1) shall require the contractors selected to commence using predictive analytics technologies on July 1, 2011, in the 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program.

(3) SECOND IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(1)(B), the Secretary shall expand the use of predictive analytics technologies on October 1, 2012, to apply to an additional 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program, after the States identified under paragraph (2).

(4) THIRD IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(2), the Secretary shall expand the use of predictive analytics technologies on January 1, 2014, to apply to the Medicare fee-for-service program in any State not identified under paragraph (2) or (3) and the commonwealths and territories.

(5) FOURTH IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(3), the Secretary shall expand the use of predictive analytics technologies, beginning April 1, 2015, to apply to Medicaid and CHIP. To the extent the Secretary determines appropriate, such expansion may be made on a phased-in basis.

(6) OPTION FOR REFINEMENT AND EVALUATION.—If, with respect to the first, second, or third implementation year, the Inspector General of the Department of Health and Human Services certifies as part of the report required under subsection (e) for that year no or only nominal actual savings to the Medicare fee-for-service program, the Secretary may impose a moratorium, not to exceed 12 months, on the expansion of the use of predictive analytics technologies under this section for the succeeding year in order to refine the use of predictive analytics technologies to achieve more than nominal savings before further expansion. If a moratorium is imposed in accordance with this paragraph, the implementation dates applicable for the succeeding year or years shall be adjusted to reflect the length of the moratorium period.

(d) CONTRACTOR SELECTION, QUALIFICATIONS, AND DATA ACCESS REQUIREMENTS.—

(1) SELECTION.—

(A) IN GENERAL.—The Secretary shall select contractors to carry out this section using competitive procedures as provided for in the Federal Acquisition Regulation.

(B) NUMBER OF CONTRACTORS.—The Secretary shall select at least 2 contractors to carry out this section with respect to any year.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The Secretary shall enter into a contract under this section with an entity only if the entity—

(i) has leadership and staff who—

(I) have the appropriate clinical knowledge of, and experience with, the payment rules and regulations under the Medicare fee-for-service program; and

(II) have direct management experience and proficiency utilizing predictive analytics technologies necessary to carry out the requirements under subsection (b); or

(ii) has a contract, or will enter into a contract, with another entity that has leadership and staff meeting the criteria described in clause (i).

(B) CONFLICT OF INTEREST.—The Secretary may only enter into a contract under this section with an entity to the extent that the entity complies with such conflict of interest standards as are generally applicable to Federal acquisition and procurement.

(3) DATA ACCESS.—The Secretary shall provide entities with a contract under this section with appropriate access to data necessary for the entity to use predictive analytics technologies in accordance with the contract.

(e) REPORTING REQUIREMENTS.—

(1) FIRST IMPLEMENTATION YEAR REPORT.—Not later than 3 months after the completion of the first implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes the following:

(A) A description of the implementation of the use of predictive analytics technologies during the year.

(B) A certification of the Inspector General of the Department of Health and Human Services that—

(i) specifies the actual and projected savings to the Medicare fee-for-service program

as a result of the use of predictive analytics technologies, including estimates of the amounts of such savings with respect to both improper payments recovered and improper payments avoided;

(ii) the actual and projected savings to the Medicare fee-for-service program as a result of such use of predictive analytics technologies relative to the return on investment for the use of such technologies and in comparison to other strategies or technologies used to prevent and detect fraud, waste, and abuse in the Medicare fee-for-service program; and

(iii) includes recommendations regarding—
(I) whether the Secretary should continue to use predictive analytics technologies;

(II) whether the use of such technologies should be expanded in accordance with the requirements of subsection (c); and

(III) any modifications or refinements that should be made to increase the amount of actual or projected savings or mitigate any adverse impact on Medicare beneficiaries or providers.

(C) An analysis of the extent to which the use of predictive analytics technologies successfully prevented and detected waste, fraud, or abuse in the Medicare fee-for-service program.

(D) A review of whether the predictive analytics technologies affected access to, or the quality of, items and services furnished to Medicare beneficiaries.

(E) A review of what effect, if any, the use of predictive analytics technologies had on Medicare providers.

(F) Any other items determined appropriate by the Secretary.

(2) **SECOND YEAR IMPLEMENTATION REPORT.**—Not later than 3 months after the completion of the second implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes, with respect to such year, the items required under paragraph (1) as well as any other additional items determined appropriate by the Secretary with respect to the report for such year.

(3) **THIRD YEAR IMPLEMENTATION REPORT.**—Not later than 3 months after the completion of the third implementation year under this section, the Secretary shall submit to the appropriate committees of Congress, and make available to the public, a report that includes with respect to such year, the items required under paragraph (1), as well as any other additional items determined appropriate by the Secretary with respect to the report for such year, and the following:

(A) An analysis of the cost-effectiveness and feasibility of expanding the use of predictive analytics technologies to Medicaid and CHIP.

(B) An analysis of the effect, if any, the application of predictive analytics technologies to claims under Medicaid and CHIP would have on States and the commonwealths and territories.

(C) Recommendations regarding the extent to which technical assistance may be necessary to expand the application of predictive analytics technologies to claims under Medicaid and CHIP, and the type of any such assistance.

(f) **INDEPENDENT EVALUATION AND REPORT.**—

(1) **EVALUATION.**—Upon completion of the first year in which predictive analytics technologies are used with respect to claims under Medicaid and CHIP, the Secretary shall, by grant, contract, or interagency agreement, conduct an independent evalua-

tion of the use of predictive analytics technologies under the Medicare fee-for-service program and Medicaid and CHIP. The evaluation shall include an analysis with respect to each such program of the items required for the third year implementation report under subsection (e)(3).

(2) **REPORT.**—Not later than 18 months after the evaluation required under paragraph (1) is initiated, the Secretary shall submit a report to Congress on the evaluation that shall include the results of the evaluation, the Secretary's response to such results and, to the extent the Secretary determines appropriate, recommendations for legislation or administrative actions.

(g) **WAIVER AUTHORITY.**—The Secretary may waive such provisions of titles XI, XVIII, XIX, and XXI of the Social Security Act, including applicable prompt payment requirements under titles XVIII and XIX of such Act, as the Secretary determines to be appropriate to carry out this section.

(h) **FUNDING.**—

(1) **APPROPRIATION.**—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out this section, \$100,000,000 for the period beginning January 1, 2011, to remain available until expended.

(2) **RESERVATIONS.**—

(A) **INDEPENDENT EVALUATION.**—The Secretary shall reserve not more than 5 percent of the funds appropriated under paragraph (1) for purposes of conducting the independent evaluation required under subsection (f).

(B) **APPLICATION TO MEDICAID AND CHIP.**—The Secretary shall reserve such portion of the funds appropriated under paragraph (1) as the Secretary determines appropriate for purposes of providing assistance to States for administrative expenses in the event of the expansion of predictive analytics technologies to claims under Medicaid and CHIP.

(i) **DEFINITIONS.**—In this section:

(1) **COMMONWEALTHS AND TERRITORIES.**—The term “commonwealth and territories” includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States in which the Medicare fee-for-service program, Medicaid, or CHIP operates.

(2) **CHIP.**—The term “CHIP” means the Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(3) **MEDICAID.**—The term “Medicaid” means the program to provide grants to States for medical assistance programs established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(4) **MEDICARE BENEFICIARY.**—The term “Medicare beneficiary” means an individual enrolled in the Medicare fee-for-service program.

(5) **MEDICARE FEE-FOR-SERVICE PROGRAM.**—The term “Medicare fee-for-service program” means the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(6) **MEDICARE PROVIDER.**—The term “Medicare provider” means a provider of services (as defined in subsection (u) of section 1861 of the Social Security Act (42 U.S.C. 1395x)) and a supplier (as defined in subsection (d) of such section).

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services.

(8) **STATE.**—The term “State” means each of the 50 States and the District of Columbia.

TITLE V—BUDGETARY PROVISIONS

SEC. 5001. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4595. Mr. REID (for Mr. NELSON of Florida) proposed an amendment to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end of subtitle B of title II, add the following:

PART V—ADDITIONAL PROVISIONS

SEC. ____ . CERTAIN EXCEPTIONS TO INFORMATION REPORTING PROVISIONS.

(a) **IN GENERAL.**—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006 of the Patient Protection and Affordable Care Act and section 2101 of this Act, is amended by redesignating subsection (j) as subsection (k) and inserting after subsection (i) the following new subsection:

“(j) **COORDINATION WITH RETURNS RELATING TO PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.**—This section shall not apply to any amount with respect to which a return is required to be made under section 6050W.”.

(b) **INCREASE IN THRESHOLD AMOUNT AND EXEMPTION FOR SMALL EMPLOYERS FOR REPORTING OF PAYMENTS RELATING TO PROPERTY.**—Subsection (a) of section 6041 of the Internal Revenue Code of 1986, as amended by the Patient Protection and Affordable Care Act, is amended by adding at the end the following new sentences: “In the case of payments in consideration of property, this subsection shall be applied by substituting ‘\$5,000’ for ‘\$600’ and this subsection shall not apply in the case of any person employing not more than 25 employees at any time during the taxable year. For purposes of the preceding sentence, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as one employer.”.

(c) **REGULATORY AUTHORITY.**—Subsection (k) of section 6041 of the Internal Revenue Code of 1986, as redesignated by subsection (a), is amended by striking “including” and all that follows and inserting “including—

“(1) rules to prevent duplicative reporting of transactions, and

“(2) rules which identify, and provide exceptions for, payments which bear minimal risk of noncompliance.”.

(d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts with respect

to which a return is required to be made in calendar years beginning after December 31, 2010.

(2) **PROPERTY THRESHOLD.**—The amendment made by subsection (b) shall apply as if included in the amendments made by section 9006 of the Patient Protection and Affordable Care Act.

(e) **PUBLIC COMMENTS AND SUGGESTIONS.**—In order to minimize the burden on small businesses and to avoid duplicative information reporting by small businesses, the Secretary of the Treasury or the Secretary's designee is directed to request and consider comments and suggestions from the public concerning implementation and administration of the amendments made by section 9006 of the Patient Protection and Affordable Care Act, including—

(1) the appropriate scope of the terms “gross proceeds” and “amounts in consideration for property” in section 6041(a) of the Internal Revenue Code of 1986, as amended by such section 9006,

(2) whether or how the reporting requirements should apply to payments between affiliated corporations, including payments related to intercompany transactions within the same consolidated group,

(3) the appropriate time and manner of reporting to the Internal Revenue Service, and whether, and what, changes to existing procedures, forms, and software for filing information returns are needed, including electronic filing of information returns to the Internal Revenue Service,

(4) whether, and what, changes to existing procedures and forms to acquire taxpayer identification numbers are needed, and

(5) how back-up withholding requirements should apply.

(f) **TIMELY GUIDANCE.**—The Secretary of the Treasury is directed to issue timely guidance that will implement and administer the amendments made by section 9006 of the Patient Protection and Affordable Care Act in a manner that minimizes the burden on small businesses and avoids duplicative reporting by small businesses.

(g) **REPORTS TO CONGRESS.**—

(1) **IN GENERAL.**—Prior to the effective date of the amendments made by section 9006 of the Patient Protection and Affordable Care Act, the Secretary of the Treasury shall report quarterly to Congress concerning the steps taken to implement such amendments, including ways to limit compliance burdens and to avoid duplicative reporting. Such reports shall include—

(A) a description of actions taken to minimize, reduce or eliminate burdens associated with information reporting by small businesses, and

(B) a description of business transactions exempted from reporting requirements to avoid duplicative reporting or because such transactions represent minimal compliance risk.

(2) **COMPARISON.**—Not later than 6 months prior to the effective date of the amendments made by section 9006 of the Patient Protection and Affordable Care Act, the Secretary of the Treasury shall report to Congress a comparison of the expected compliance requirements after the implementation of such amendments to the compliance requirements under section 6041 of the Internal Revenue Code of 1986 prior to the effective date of such amendments.

SEC. _____. DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) **IN GENERAL.**—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, or”, and by inserting after clause (iii) the following new clause:

“(iv) in the case of a taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)), oil related qualified production activities (within the meaning of subsection (d)(9)(B)).”.

(b) **CONFORMING AMENDMENT.**—Section 199(d)(9)(A) of the Internal Revenue Code of 1986 is amended by inserting “(other than a major integrated oil company (as defined in section 167(h)(5)(B)))” after “taxpayer”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SA 4596. Mr. REID (for Mr. JOHANNIS) proposed an amendment to amendment SA 4595 proposed by Mr. REID (for Mr. NELSON of Florida) to the amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the appropriate place, insert the following:

PART IV—ADDITIONAL PROVISIONS

SEC. 4271. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SEC. 4272. EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.

Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “8 percent” and inserting “5 percent”.

SEC. 4273. USE OF PREVENTION AND PUBLIC HEALTH FUND.

(a) **USE OF FUNDS AS OFFSET THROUGH FISCAL YEAR 2017.**—Section 4002(b) of the Patient Protection and Affordable Care Act is amended by striking “appropriated—” and all that follows and inserting “appropriated, for fiscal year 2018, and each fiscal year thereafter, \$2,000,000,000”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in the enactment of section 4002 of the Patient Protection and Affordable Care Act.

SEC. 4274. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 4.25 percentage points.

SA 4597. Mr. REID proposed an amendment to the bill H.R. 5297, to cre-

ate the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 6 days after enactment.

SA 4598. Mr. REID proposed an amendment to amendment SA 4597 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

In the amendment, strike “6” and insert “4”.

SA 4599. Mr. REID proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:

The Finance Committee is requested to study the impact of changes to the system whereby small business entities are provided with all opportunities for access to capital.

SA 4600. Mr. REID proposed an amendment to amendment SA 4599 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end insert the following:

“and the economic impact on local communities served by small businesses.”

SA 4601. Mr. REID proposed an amendment to amendment SA 4600 proposed by Mr. REID to the amendment SA 4599 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of

1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:
 “and its impact on state and local governments.”

SA 4602. Mr. REID (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 3729, to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes; as follows:

On page 2, after the item relating to section 504, insert the following:

Sec. 505. Scientific access to the International Space Station.

On page 4, before line 1, after the item relating to section 1210, insert the following:

TITLE XIII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010
 Sec. 1301. Compliance provision.

On page 36, after line 25, insert the following:

SEC. 309. REPORT REQUIREMENT.—Within 90 days after the date of enactment of this Act, or upon completion of reference designs for the Space Launch System and Multi-Purpose Crew Vehicle authorized by this Act, whichever occurs first, the Administrator shall provide a detailed report to the appropriate committees of Congress that provides an overall description of the reference vehicle design, the assumptions, description, data, and analysis of the systems trades and resolution process, justification of trade decisions, the design factors which implement the essential system and vehicle capability requirements established by this Act, the explanation and justification of any deviations from those requirements, the plan for utilization of existing contracts, civil service and contract workforce, supporting infrastructure utilization and modifications, and procurement strategy to expedite development activities through modification of existing contract vehicles, and the schedule of design and development milestones and related schedules leading to the accomplishment of operational goals established by this Act. The Administrator shall provide an update of this report as part of the President's annual Budget Request.

On page 32, line 4, strike “measures” and insert “measures, including investments to improve launch infrastructure at NASA flight facilities scheduled to launch cargo to the ISS under the commercial orbital transportation services program.”

On page 33, after line 25, insert the following:

(2) The extent to which the United States is reliant on non-United States systems, including foreign rocket motors and foreign launch vehicles.

On page 34, line 1, strike “(2)” and insert “(3)”.

On page 38, strike lines 10 through 14 and insert the following:

(a) FY 2011 CONTRACTS AND PROCUREMENT AGREEMENTS.—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Administrator may not execute a contract or procurement agreement with respect to follow-on commercial crew services during fiscal year 2011.

(2) **EXCEPTION.**—Notwithstanding paragraph (1), the Administrator may execute a contract or procurement agreement with respect to follow-on commercial crew services during fiscal year 2011 if—

(A) the requirements of paragraphs (1), (2), and (3) of subsection (b) are met; and

(B) the total amount involved for all such contracts and procurement agreements executed during fiscal year 2011 does not exceed \$50,000,000 for fiscal year 2011.

On page 88, beginning with “Upon” in line 4, strike through “centers.” in line 9 and insert “Upon completion of the study required by Section 1102, the Administrator shall establish an independent panel to examine alternative management models for NASA's workforce, centers, and related facilities in order to improve efficiency and productivity, while nonetheless maintaining core Federal competencies and keeping appropriately governmental functions internal to NASA.”

On page 89, beginning with “involuntary” in line 24, strike through line 2 on page 90 and insert “involuntary separations of permanent, non-Senior-Executive-Service, civil servant employees before September 30, 2013, except for cause on charges of misconduct, delinquency, or inefficiency.”

On page 103, after line 9, insert the following:

TITLE XIII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010
SEC. 1301. COMPLIANCE PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

On page 61, line 23, after “—ers” insert “or the retrieval of NASA manned space vehicles, or significant contributions to human space flight.”

SA 4603. Mr. REID (for Mr. PRYOR (for himself, Mr. ENSIGN, Mr. KERRY, and Mrs. HUTCHISON)) proposed an amendment to the bill S. 3304, to increase the access of persons with disabilities to modern communications, and for other purposes; as follows:

On page 46, after line 16, after the item relating to section 2 insert the following:

Sec. 3. Proprietary technology.

On page 48, between lines 3 and 4, insert the following:

SEC. 3. PROPRIETARY TECHNOLOGY.

No action taken by the Federal Communications Commission to implement this Act or any amendment made by this Act shall mandate the use or incorporation of proprietary technology.

On page 48, beginning in line 21, strike “sites and venues” and insert “websites and services”.

On page 49, line 6, strike “persons” and insert “individuals”

On page 56, beginning with line 22, strike through line 12 on page 57, and insert the following:

“(a) **MANUFACTURING.**—

“(1) **IN GENERAL.**—With respect to equipment manufactured after the effective date of the regulations established pursuant to subsection (e), and subject to those regulations, a manufacturer of equipment used for advanced communications services, including end user equipment, network equipment, and software, shall ensure that the equipment and software that such manufacturer offers for sale or otherwise distributes in interstate commerce shall be accessible to

and usable by individuals with disabilities, unless the requirements of this subsection are not achievable.

“(2) **INDUSTRY FLEXIBILITY.**—A manufacturer of equipment may satisfy the requirements of paragraph (1) with respect to such equipment by—

“(A) ensuring that the equipment that such manufacturer offers is accessible to and usable by individuals with disabilities without the use of third party applications, peripheral devices, software, hardware, or customer premises equipment; or

“(B) if such manufacturer chooses, using third party applications, peripheral devices, software, hardware, or customer premises equipment that is available to the consumer at nominal cost and that individuals with disabilities can access.

“(b) **SERVICE PROVIDERS.**—

“(1) **IN GENERAL.**—With respect to services provided after the effective date of the regulations established pursuant to subsection (e), and subject to those regulations, a provider of advanced communications services shall ensure that such services offered by such provider in or affecting interstate commerce are accessible to and usable by individuals with disabilities, unless the requirements of this subsection are not achievable.

“(2) **INDUSTRY FLEXIBILITY.**—A provider of services may satisfy the requirements of paragraph (1) with respect to such services by—

“(A) ensuring that the services that such provider offers are accessible to and usable by individuals with disabilities without the use of third party applications, peripheral devices, software, hardware, or customer premises equipment; or

“(B) if such provider chooses, using third party applications, peripheral devices, software, hardware, or customer premises equipment that is available to the consumer at nominal cost and that individuals with disabilities can access.

On page 58, beginning with line 1, strike through line 7 on page 59, and insert the following:

“(e) **REGULATIONS.**—

“(1) **IN GENERAL.**—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall promulgate such regulations as are necessary to implement this section. In prescribing the regulations, the Commission shall—

“(A) include performance objectives to ensure the accessibility, usability, and compatibility of advanced communications services and the equipment used for advanced communications services by individuals with disabilities;

“(B) provide that advanced communications services, the equipment used for advanced communications services, and networks used to provide advanced communications services may not impair or impede the accessibility of information content when accessibility has been incorporated into that content for transmission through advanced communications services, equipment used for advanced communications services, or networks used to provide advanced communications services;

“(C) determine the obligations under this section of manufacturers, service providers, and providers of applications or services accessed over service provider networks; and

“(D) not mandate technical standards, except that the Commission may adopt technical standards as a safe harbor for such compliance if necessary to facilities the manufacturers' and service providers' compliance with sections (a) through (c).

“(2) PROSPECTIVE GUIDELINES.—The Commission shall issue prospective guidelines for a manufacturer or provider regarding the requirements of this section.

On page 59, beginning in line 16, strike “section,” and insert “section and section 718.”

On page 60, strike lines 11 through 21, and insert the following:

“(h) COMMISSION FLEXIBILITY.—

“(1) WAIVER.—The Commission shall have the authority, on its own motion or in response to a petition by a manufacturer or provider of advanced communications services or any interested party, to waive the requirements of this section for any feature or function of equipment used to provide or access advanced communications services, or for any class of such equipment, for any provider of advanced communications services, or for any class of such services, that—

“(A) is capable of accessing an advanced communications service; and

“(B) is designed for multiple purposes, but is designed primarily for purposes other than using advanced communications services.

“(2) SMALL ENTITY EXEMPTION.—The Commission may exempt small entities from the requirements of this section.

“(i) CUSTOMIZED EQUIPMENT OR SERVICES.—The provisions of this section shall not apply to customized equipment or services that are not offered directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

“(j) RULE OF CONSTRUCTION.—This section shall not be construed to require a manufacturer of equipment used for advanced communications or a provider of advanced communications services to make every feature and function of every device or service accessible for every disability.

On page 61, line 4, strike “section 255 or 716,” and insert “section 255, 716, or 718.”

On page 61, line 12, strike “section 255 or 716,” and insert “section 255, 716, or 718.”

On page 61, line 16, strike “section 255 or 716,” and insert “section 255, 716, or 718.”

On page 61, line 19, strike “section 255 or 716” and insert “section 255, 716, or 718.”

On page 62, strike lines 7 through 14 and insert the following:

(i) If the Commission determines that a violation has occurred, the Commission may, in the order issued under this subparagraph or in a subsequent order, direct the manufacturer or service provider to bring the service, or in the case of a manufacturer, the next generation of the equipment or device, into compliance with requirements of those sections within a reasonable time established by the Commission in its order.

On page 63, line 4, after the period insert “Before issuing a final order under paragraph (3)(B)(i), the Commission shall provide such party a reasonable opportunity to comment on any proposed remedial action.”

On page 63, line 8, strike “sections 255 and 716” and insert “sections 255, 716, and 718.”

On page 63, beginning in line 11, strike “sections 255 and 716,” and insert “sections 255, 716, and 718.”

On page 64, line 21, strike “section 255 or 716,” and insert “section 255, 716, or 718.”

On page 65, line 20, strike “section 255 and 716,” and insert “sections 255, 716, and 718.”

On page 68, line 15, strike “sections 255 and 716,” and insert “sections 255, 716, and 718.”

On page 69, line 2, strike “sections 255 and 716,” the closing quotation marks, and the second period and insert “sections 255, 716, and 718.”

On page 69, between lines 2 and 3, insert the following:

“SEC. 718. INTERNET BROWSERS BUILT INTO TELEPHONES USED WITH PUBLIC MOBILE SERVICES.

“(a) ACCESSIBILITY.—If a manufacturer of a telephone used with public mobile services (as such term is defined in section 710(b)(4)(B)) includes an Internet browser in such telephone, or if a provider of mobile service arranges for the inclusion of a browser in telephones to sell to customers, the manufacturer or provider shall ensure that the functions of the included browser (including the ability to launch the browser) are accessible to and usable by individuals who are blind or have a visual impairment, unless doing so is not achievable, except that this subsection shall not impose any requirement on such manufacturer or provider—

“(1) to make accessible or usable any Internet browser other than a browser that such manufacturer or provider includes or arranges to include in the telephone; or

“(2) to make Internet content, applications, or services accessible or usable (other than enabling individuals with disabilities to use an included browser to access such content, applications, or services).

“(b) INDUSTRY FLEXIBILITY.—A manufacturer or provider may satisfy the requirements of subsection (a) with respect to such telephone or services by—

“(1) ensuring that the telephone or services that such manufacturer or provider offers is accessible to and usable by individuals with disabilities without the use of third party applications, peripheral devices, software, hardware, or customer premises equipment; or

“(2) using third party applications, peripheral devices, software, hardware, or customer premises equipment that is available to the consumer at nominal cost and that individuals with disabilities can access.”

(b) EFFECTIVE DATE FOR SECTION 718.—Section 718 of the Communications Act of 1934, as added by subsection (a), shall take effect 3 years after the date of enactment of this Act.

On page 69, line 3, strike “(b)” and insert “(c)”.

On page 69, line 9, strike “255 or 716,” and insert “255, 716, or 718.”

On page 69, line 18, strike “(c)” and insert “(d)”.

On page 70, line 5, strike “SEC. 718.” and insert “SEC. 719.”

On page 79, line 20, strike “performance requirements” and insert “performance objectives”.

On page 79, line 23, strike “performance requirements” and insert “performance objectives”.

On page 81, line 12, strike “performance requirements” and insert “performance objectives”.

On page 81, line 15, strike “performance requirements” and insert “performance objectives”.

On page 87, strike line 12–25 and on page 85, strike lines 1–24.

On page 86, line 16, after “(2000),” insert “recon. granted in part and denied in part, (16 F.C.R. 1251 (2001)).”

On page 86, line 22, strike “that” and insert “insofar as such programming”.

On page 87, line 1, after “networks” insert “that at least 50 hours per quarter of prime time programming that is not exempt under this paragraph.”

On page 88, between line 22 and 23, insert the following:

“(4) CONTINUING COMMISSION AUTHORITY.—

“(A) IN GENERAL.—The Commission may not issue additional regulations unless the Commission determines, at least 2 years

after completing the reports required in paragraph (3), that the need for and benefits of providing video description for video programming, insofar as such programming is transmitted for display on television, are greater than the technical and economic costs of providing such additional programming.

“(B) LIMITATION.—If the Commission makes the determination under subparagraph (A) and issues additional regulations, the Commission may not increase, in total, the hour requirement for additional described programming by more than 75 percent of the requirement in the regulations reinstated under paragraph (1).

“(C) APPLICATION TO DESIGNATED MARKET AREAS.—

“(i) IN GENERAL.—After the Commission completes the reports on video description required in paragraph (3), the Commission shall phase in the video description regulations for the top 60 designated market areas, except that the Commission may grant waivers to entities in specific designated market areas where it deems appropriate.

“(ii) PHASE-IN DEADLINE.—The phase-in described in clause (i) shall be completed not later than 6 years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010.

“(iii) REPORT.—Nine years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall submit to the Committee on Energy of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report assessing—

“(I) the types of described video programming that is available to consumers;

“(II) consumer use of such programming;

“(III) the costs to program owners, providers, and distributors of creating such programming;

“(IV) the potential costs to program owners, providers, and distributors in designated market areas outside of the top 60 of creating such programming;

“(V) the benefits to consumers of such programming;

“(VI) the amount of such programming currently available; and

“(VII) the need for additional described programming in designated market areas outside the top 60.

(iv) ADDITIONAL MARKET AREAS.—Ten years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall have the authority, based upon the findings, conclusions, and recommendations contained in the report under clause (iii), to phase in the video description regulations for up to an additional 10 designated market areas each year—

“(I) if the costs of implementing the video description regulations to program owners, providers, and distributors in those additional markets are reasonable, as determined by the Commission; and

“(II) except that the Commission may grant waivers to entities in specific designated market areas where it deems appropriate.

Beginning with line 15 on page 89, strike through line 3 on page 90.

On page 90, line 4, strike “(i)” and insert “(h)”.

On page 92, line 24, strike the closing quotation marks and the second period.

On page 92, after line 24, insert the following:

“(3) ALTERNATE MEANS OF COMPLIANCE.—An entity may meet the requirements of this

section through alternate means than those prescribed by regulations pursuant to subsection (b), as revised pursuant to paragraph (2)(A) of this subsection, if the requirements of this section are met, as determined by the Commission.”.

On page 93, line 23, strike “that—” and insert “that, if technically feasible—”.

On page 98, between lines 7 and 8, insert the following:

(e) **ALTERNATE MEANS OF COMPLIANCE.**—An entity may meet the requirements of sections 303(u), 303(z), and 330(b) of the Communications Act of 1934 through alternate means than those prescribed by regulations pursuant to subsection (d) if the requirements of those sections are met, as determined by the Commission.

On page 100, between lines 2 and 3, insert the following:

(c) **ALTERNATE MEANS OF COMPLIANCE.**—An entity may meet the requirements of section 303(aa) of the Communications Act of 1934 through alternate means than those prescribed by regulations pursuant to subsection (b) if the requirements of those sections are met, as determined by the Commission.

On page 100, line 3, strike “(c)” and insert “(d)”.

On page 92, line 19, strike “and” and on page 92, after line 19, insert “(iii) shall clarify that, for the purposes of implementation, of this subsection, the terms “video programming distribution” and “video programming providers” include an entity that makes available directly to the end user video programming through a distribution method that uses Internet protocol; and”

On page 92, line 20, strike (iii) and insert (vii)”

On page 92, between line 19 and 20, insert “(v) and describe the responsibilities of video programming providers or distributors and video programming owners. (vi) shall establish a mechanism to make available to video programming providers and distributors information on video programming subject to the Act on an ongoing basis. (vii) shall consider that the video programming provider or distributor shall be deemed in compliance if such entity enables the rendering or pass through of closed captions and video description signals and make a good faith effort to identify video programming subject to the Act using the mechanism created in (vi).

SA 4604. Mr. REID (for Mr. LEVIN (for himself and Mr. LUGAR)) proposed an amendment to the resolution S. Res. 322, expressing the sense of the Senate on religious minorities in Iraq; as follows:

Strike all after the resolving clause and insert the following: That it is the sense of the Senate that—

(1) the United States remains deeply concerned about the plight of vulnerable religious minorities of Iraq;

(2) the United States Government and the United Nations Assistance Mission for Iraq should urge the Government of Iraq to enhance security at places of worship in Iraq, particularly where religious minorities are known to be at risk;

(3) the United States Government should continue to work with the Government of Iraq to ensure that members of ethnic and religious minorities communities in Iraq—

(A) suffer no discrimination in recruitment, employment, or advancement in the Iraqi police and security forces; and

(B) while employed in the Iraqi police and security forces, where appropriate, be as-

signed to their locations of origin, rather than being transferred to other areas;

(4) the Government of Iraq and the Kurdistan regional government should work towards a peaceful and timely resolution of disputes over territories, particularly those where many religious communities reside;

(5) the United States Government and the United Nations Assistance Mission for Iraq should urge the Government of Iraq to—

(A) implement in full those provisions of the Constitution of Iraq that provide protections for the individual rights to freedom of thought, conscience, religion, and belief and protections for religious minorities to enjoy their culture and language and practice their religion; and

(B) reduce onerous registration requirements so that smaller religious groups are not disadvantaged in registering;

(6) the Government of Iraq should take affirmative measures to reverse the legal, political, and economic marginalization of religious minorities in Iraq;

(7) the United States Government should assist, consistent with local aspirations and developmental needs, ethnic and religious minorities in Iraq to organize themselves civically and politically to effectively convey their concerns to government;

(8) the United States Government should continue to fund capacity-building programs for the Iraqi Ministry of Human Rights and the independent national Human Rights Commission, and should continue to help reconstitute the minorities committee to make it an effective voice for Iraqi minorities;

(9) the Government of Iraq should direct the Iraqi Ministry of Human Rights to investigate and issue a public report on abuses against and the marginalization of minority communities in Iraq and make recommendations to address such abuses; and

(10) the United States Government should encourage the Government of Iraq and the Kurdistan Regional Government to protect the linguistic and cultural heritage, religious beliefs, and ethnic and religious identities of minority groups, in particular those living in the Nineveh Plain.

SA 4605. Mr. REID (for Mr. LEVIN (for himself and Mr. LUGAR)) proposed an amendment to the resolution S. Res. 322, expressing the sense of the Senate on religious minorities in Iraq; as follows:

Strike the preamble and insert the following:

Whereas the territory of Iraq, the land of Mesopotamia, has millennia of rich cultural and religious history;

Whereas the Sumerians, Babylonians, and Assyrians thrived within what are now the borders of Iraq;

Whereas the biblical patriarch Abraham was born in Ur, King Hammurabi ruled from Babylon, and Imam Ali, the founder of Shiite Islam, died in Kufa;

Whereas during the 35-year rule of the Baath Party and Saddam Hussein, and despite the Provisional Constitution of 1968 that provided for individual religious freedom in Iraq, the Government of Iraq severely limited freedom of religion, especially for religious minorities, and sought to exploit religious differences for political purposes, leading the United States Government to designate Iraq as a “country of particular concern” under the International Religious Freedom Act of 1998 (Public Law 105-292) because of systematic, ongoing, egregious violations of religious freedom;

Whereas members of religious minority communities of Iraq, both those who have been forced to flee the homeland in which their ancestors have lived for thousands of years and those who remain in Iraq, are committed to maintaining their presence in Iraq and keeping alive their communities’ cultures, heritage, and religions, but threats against them jeopardize the future of Iraq as a diverse, pluralistic, and free society;

Whereas despite the reduction in violence in Iraq in recent years, serious threats to religious freedom remain, including religiously motivated violence directed at vulnerable religious minorities, their leaders, and their holy sites, including Chaldeans, Syriacs, Assyrians, Armenians and other Christians, Sabeen Mandeans, Yeazidis, Baha’is, Kaka’is, Jews, and Shi’a Shabak;

Whereas the March 2010 Report on Human Rights issued by the Department of State identifies “insurgent and extremist violence, coupled with weak government performance in upholding the rule of law” resulting in “widespread and severe human rights abuses” as among the significant and continuing human rights problems in Iraq;

Whereas although violence has impacted all aspects of society in Iraq, there have been alarming levels of religiously motivated violence in Iraq in recent years;

Whereas the United States Commission on International Religious Freedom continues to recommend that the Secretary of State designate Iraq as a “country of particular concern” under the International Religious Freedom Act of 1998, because of the systematic, ongoing, egregious violations of religious freedom in Iraq;

Whereas scores of holy sites in Iraq have been bombed since 2004;

Whereas members of small religious minority communities in Iraq do not have militia or tribal structures to defend them, often receive inadequate official protection, and are legally, politically, and economically marginalized;

Whereas in the Nineveh and Kirkuk governorates, where control is disputed between the Government of Iraq and the Kurdistan regional government, religious minorities have been targeted for abuse, violence, and discrimination;

Whereas before 1951, non-Muslims comprised some 6 percent of the population of Iraq, with Jews as the oldest and largest of these communities, tracing back to the Babylonian captivity of the sixth century BCE, but today the Jewish community in Iraq numbers in the single digits and essentially lives in hiding;

Whereas religious minorities in Iraq, who made up about 3 percent of the population of Iraq in 2003, make up a disproportionately high percentage of registered Iraqi refugees;

Whereas the number of Christians in Iraq was approximately 1,400,000 according to the 1987 Iraqi census but, according to the 2009 Report on International Religious Freedom issued by the Department of State, may now number only 500,000 to 600,000;

Whereas the United States is gravely concerned about the viability of the indigenous Christian communities of Iraq and other religious minority communities, and the possible disappearance of their ancient languages, culture, and heritage;

Whereas the Sabeen Mandaean community in Iraq reports that almost 90 percent of its members have fled Iraq, leaving only about 3,500 to 5,000 Mandeans in Iraq as of 2009;

Whereas the Baha’i faith, estimated to have fewer than 2,000 adherents in Iraq, remains prohibited in Iraq under a 1970 law;

Whereas although hundreds of thousands of Iraqi refugees and internally displaced persons have returned to their areas of origin, the numbers of religious minority returnees to Iraq are disproportionately low; and

Whereas members of religious minority communities of Iraq in diaspora have organized to support their communities in Iraq in ways that also benefit the whole of Iraqi society by encouraging the rule of law, enhanced security, employment, education and health services: Now therefore be it

NOTICE OF HEARING

IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR.

Mrs. McCASKILL. Mr. President, I wish to announce that the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr. will meet each day from September 13–17, at 8 a.m., to conduct a hearing.

For further information regarding this meeting, please contact Erin Johnson at 202–228–4133.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on August 5, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on August 5, 2010, at 10:30 a.m., to conduct a hearing entitled “The Obama Administration Manufacturing Agenda.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on August 5, 2010, immediately following the 11:20 a.m. vote on the Senate floor, in the President’s Room, S–216 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on August 5, 2010, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Re-

sources be authorized to meet during the session of the Senate to conduct a business meeting on August 5, 2010 at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on August 5, 2010, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on August 5, 2010, at 9:30 a.m. to conduct a markup on pending legislation. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KAUFMAN. Mr. President, I ask unanimous consent that Jacqueline Hyatt, Jordan Franklin, and Lara Christensen from Senator BINGAMAN’s office be granted floor privileges for today, August 5, 2010.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that Liz Saxe, Katharine McFarland, David Zayas, and Miles Clark, law clerks on the Judiciary Committee staff of Senator LEAHY, and Avi Zevin and Jacquelyn Stanley, law clerks on my Judiciary Committee staff, be granted the privileges of the floor for the remainder of the debate on the nomination of Elena Kagan to be Associate Justice for the U.S. Supreme Court.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc Calendar Nos. 959, 960, 1003, 1004, 1005, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1094, 1095, 1096, 1097, 1098, 1099, 1100 and 1101; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table en bloc; that any statements relating to the nominations be printed in

the RECORD; and that the President of the United States be immediately notified of the Senate’s action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF JUSTICE

Cathy Jo Jones, of Ohio, to be United States Marshal for the Southern District of Ohio.

Edward L. Stanton, III, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

Stephen R. Wigginton, of Illinois, to be United States Attorney for the Southern District of Illinois for the term of four years.

DEPARTMENT OF JUSTICE

Timothy Q. Purdon, of North Dakota, to be United States Attorney for the District of North Dakota for the term of four years.

Willie Ransome Stafford III, of North Carolina, to be United States Marshal for the Middle District of North Carolina for the term of four years.

Arthur Darrow Baylor, of Alabama, to be United States Marshal for the Middle District of Alabama for the term of four years.

DEPARTMENT OF JUSTICE

John F. Walsh, of Colorado, to be United States Attorney for the District of Colorado for the term of four years.

William J. Ihlenfeld, II, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.

John William Vaudreuil, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years.

Mark Lloyd Ericks, of Washington, to be United States Marshal for the Western District of Washington for the term of four years.

Joseph Patrick Faughnan, Sr., of Connecticut, to be United States Marshal for the District of Connecticut for the term of four years.

Harold Michael Oglesby, of Arkansas, to be United States Marshal for the Western District of Arkansas for the term of four years.

Conrad Ernest Candelaria, of New Mexico, to be United States Marshal for the District of New Mexico for the term of four years.

DEPARTMENT OF JUSTICE

Melinda L. Haag, of California, to be United States Attorney for the Northern District of California for the term of four years.

Barry R. Grissom, of Kansas, to be United States Attorney for the District of Kansas for the term of four years.

David J. Hickton, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania for the term of four years.

Donald Martin O’Keefe, of California, to be United States Marshal for the Northern District of California for the term of four years.

James Thomas Fowler, of Tennessee, to be United States Marshal for the Eastern District of Tennessee for the term of four years.

Craig Ellis Thayer, of Washington, to be United States Marshal for the Eastern District of Washington for the term of four years.

Joseph Anthony Papili, of Delaware, to be United States Marshal for the District of Delaware for the term of four years.

James Alfred Thompson, of Utah, to be United States Marshal for the District of Utah for the term of four years.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consider en bloc Executive Calendar Nos. 809, 1019, 1027, 1028, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1053, 1055 to and including 1057, 1059 to and including 1081, and all nominations on the Secretary's desk in the Air Force, Army, Foreign Service, and Navy; that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF STATE

Bisa Williams, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

James R. Clapper, of Virginia, to be Director of National Intelligence.

DEPARTMENT OF STATE

Philip Carter III, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.

Gerald M. Feierstein, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

Helen Patricia Reed-Rowe, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Palau.

Patrick S. Moon, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

Christopher W. Murray, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

Mark Charles Storella, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

J. Thomas Dougherty, of Wyoming, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Eric D. Benjaminson, of Oregon, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United

States of America to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe.

Maura Connelly, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Daniel Bennett Smith, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

James Frederick Entwistle, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo.

Laurence D. Wohlers, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Judith R. Fergin, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Timor-Leste.

Michael S. Owen, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sierra Leone.

Robert Porter Jackson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

James Franklin Jeffrey, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

Alejandro Daniel Wolff, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chile.

Scot Alan Marciel, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Terence Patrick McCulley, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Pamela E. Bridgewater Awkard, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Michele Thoren Bond, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Paul W. Jones, of New York, a Career Member of the Senior Foreign Service, Class

of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

Phyllis Marie Powers, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

DEPARTMENT OF ENERGY

Neile L. Miller, of Maryland, to be Principal Deputy Administrator, National Nuclear Security Administration.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Paul H. McGillicuddy

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Scott A. Vander Hamm

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Stephen P. Mueller

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Douglas H. Owens

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael R. Moeller

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brigadier General Hugh T. Broomall
Brigadier General Paul D. Brown, Jr.
Brigadier General James E. Daniel, Jr.
Brigadier General Michael J. Dornbush
Brigadier General Matthew J. Dzialo
Brigadier General Gregory A. Fick
Brigadier General Robert H. Johnston
Brigadier General Joseph L. Lengyel
Brigadier General William N. Reddel, III
Brigadier General James R. Wilson

To be brigadier general

Colonel Donald A. Ahern
Colonel James C. Balserak
Colonel Frank W. Barnett, Jr.
Colonel Mark E. Bartman
Colonel Robert M. Branyon
Colonel Richard J. Dennee
Colonel Richard J. Evans, III
Colonel Lawrence P. Gallogly
Colonel Michael D. Hepner
Colonel Worthe S. Holt, Jr.
Colonel Bradley S. Link
Colonel Donald L. McCormack
Colonel Brian G. Neal
Colonel Roy V. Qualls
Colonel Marc H. Sasseville

Colonel Mark L. Stephens
Colonel Alphonse J. Stephenson
Colonel Kendall S. Switzer
Colonel Daniel C. VanWyk

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Joseph F. Fil, Jr.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William J. Troy

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Sanford E. Holman

The following named officer for appointment as the Dean of the Academic Board, United States Military Academy and for appointment to the grade indicated under title 10, U.S.C., section 4335:

To be brigadier general

Col. Timothy E. Trainor

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Col. David G. Fox

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Hugo E. Salazar

To be brigadier general

Col. William L. Glasgow

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Steven W. Duff

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. James A. Hoyer

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Walter T. Lord

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brigadier General Frank E. Batts
Brigadier General Melvin L. Burch

Brigadier General John E. Davoren
Brigadier General Lester D. Eisner
Brigadier General Allen M. Harrell
Brigadier General Robert A. Harris
Brigadier General Alberto J. Jimenez
Brigadier General Thomas H. Katkus
Brigadier General James D. Tyre

To be brigadier general

Colonel Steven W. Altman
Colonel David B. Anderson
Colonel David N. Aycock
Colonel David S. Baldwin
Colonel Jonathan T. Ball
Colonel Craig E. Bennett
Colonel Julie A. Bentz
Colonel Victoria A. Betterton
Colonel Victor A. Braden
Colonel David R. Brown
Colonel Felix T. Castagnola
Colonel Peter L. Corey
Colonel Donald S. Cotney
Colonel Stephanie E. Dawson
Colonel Carol A. Eggert
Colonel Alfred C. Faber
Colonel William A. Hall
Colonel Richard J. Hayes
Colonel Timothy E. Hill
Colonel Timothy J. Hilty
Colonel Jeffrey H. Holmes
Colonel Janice G. Igou
Colonel James C. Lettko
Colonel Tom C. Loomis
Colonel Wesley L. McClellan
Colonel John K. McGrew
Colonel Johnny R. Miller
Colonel Steven R. Mount
Colonel Eric C. Peck
Colonel Charles E. Petrarca
Colonel Andrew P. Schafer
Colonel Raymond F. Shields
Colonel Lester Simpson
Colonel Philip A. Stemple
Colonel Randy H. Warm
Colonel Charles W. Whittington

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert E. Schmidle, Jr.

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John E. Wissler

The following named officer for appointment to the grade of general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. James N. Mattis

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William T. Collins
Col. James S. Hartsell
Col. Roger R. Machut
Col. Marcela J. Monahan

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade

indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Charles J. Leidig, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. William E. Landay, III

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. John M. Bird

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Daniel P. Holloway

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Walter M. Skinner

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Vice Adm. Samuel J. Locklear, III

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1663 AIR FORCE nominations (52) beginning LORI A. ADAMS, and ending SHANNON G. WOMBLE, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2010.

PN1665 AIR FORCE nominations (541) beginning WILLARD B. AKINS II, and ending MICHAEL J. ZUBER, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2010.

PN1906 AIR FORCE nomination of Zennon A. Bochnak, which was received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1907-1 AIR FORCE nominations (74) beginning FREDERICK D. ALDRIDGE, and ending SCOTT D. YACKLEY, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

IN THE ARMY

PN1677 ARMY nomination of Ralph L. Kauzlarich, which was received by the Senate and appeared in the Congressional Record of April 26, 2010.

PN1908 ARMY nomination of Edward B. McKee, which was received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1909 ARMY nomination of John D. Via, which was received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1910 ARMY nomination of Kyu Lund, which was received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1911 ARMY nomination of Matthew L.Y. Okuda, which was received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1912 ARMY nomination of Alexander K. Brenner, which was received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1913 ARMY nomination of Richard J. Gray, which was received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1914 ARMY nominations (7) beginning JOSEPH B. DORE, and ending COURTNEY T. TRIPP, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1915 ARMY nominations (13) beginning EDWARD C. CAMACHO, and ending JON B. TIPTON, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1916 ARMY nominations (2) beginning DAVID GONZALEZ, and ending PAMELA H. REYNOLDS, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1917 ARMY nominations (2) beginning GREGORY C. RISK, and ending VICTOR Y. YU, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1918 ARMY nominations (4) beginning MARK M. JACKSON, and ending AVINASH JADHAV, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1960 ARMY nominations (15) beginning SUSAN M. CEBULA, and ending D070757, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2010.

PN1961 ARMY nominations (148) beginning JOHN S. AITA, and ending D010009, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2010.

PN1979 ARMY nominations (69) beginning ILSE K. ALUMBAUGH, and ending PAMELA M. WULF, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2010.

PN1980 ARMY nominations (16) beginning DERRON A. ALVES, and ending SAMUEL L. YINGST, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2010.

PN1981 ARMY nominations (94) beginning JENNIFER L. ANDERSON, and ending D006711, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2010.

PN1982 ARMY nomination of Edward J. Benz III, which was received by the Senate and appeared in the Congressional Record of July 14, 2010.

PN1983 ARMY nominations (10) beginning PAUL W. CARDEN, and ending SHERRY L. WOMACK, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2010.

PN2010 ARMY nominations (48) beginning JOHN P. BATSON, and ending TONY K. YOON, which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

PN2011 ARMY nominations (329) beginning CHRISTOPHER W. ABBOTT, and ending D00587, which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

PN2012 ARMY nominations (336) beginning MATTHEW C. ABOUDARA, and ending DAVID J. YOO, which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

ceived by the Senate and appeared in the Congressional Record of July 21, 2010.

PN2013 ARMY nominations (437) beginning PETER M. ABBRUZZESE, and ending G001388, which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

PN2014 ARMY nominations (784) beginning JOSE C. ACOSTAJAVIERRE, and ending G010027, which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

FOREIGN SERVICE

PN1889 FOREIGN SERVICE nominations (2) beginning Karen S. Sliter, and ending Elia P. Vanechanos, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2010.

PN1890 FOREIGN SERVICE nominations (153) beginning James K. Chambers, and ending Cameron Munter, which nominations were received by the Senate and appeared in the Congressional Record of June 28, 2010.

IN THE NAVY

PN1919 NAVY nomination of Paul J. Joyce, which was received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1920 NAVY nomination of Kerry J. Krause, which was received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1921 NAVY nomination of Matthew D. Barker, which was received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1922 NAVY nominations (4) beginning CHRISTOPHER J. KLUGEWICZ, and ending BRIGHAM C. WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1923 NAVY nominations (2) beginning EDGARDO MONTERO, and ending BECKY J. WATSON, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1924 NAVY nominations (2) beginning DAVID B. RODRIGUEZ, and ending BRADLEY J. THOM, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1925 NAVY nominations (5) beginning ROBERT C. BURTON, and ending ROBERT A. OLIVER JR., which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1926 NAVY nominations (8) beginning JERRY D. BINGHAM, and ending AMIN MOURAD, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1927 NAVY nominations (9) beginning RUBY O. ANDERSON, and ending LYNN C. OMALLEY, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1928 NAVY nominations (6) beginning JOHN R. CAPRA, and ending DILLON L. ROSS, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1929 NAVY nominations (4) beginning PATRICIA A. FREDRICKSON, and ending JAMES M. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1930 NAVY nominations (4) beginning FRANK M. GUPTON, and ending JAIME A. QUEJADA, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1931 NAVY nominations (17) beginning MICHAEL J. BATTAGLIA II, and ending

KATHLEEN G. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1932 NAVY nominations (5) beginning ROBERTO J. ATHA JR., and ending JAMES A. MCMULLIN III, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1933 NAVY nominations (8) beginning THOMAS H. COTTON, and ending KEVIN R. STEPHENS, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1934 NAVY nominations (11) beginning MARIANIE O. BALOLONG, and ending JONATHAN J. VORRATH, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1935 NAVY nominations (15) beginning FRANKLIN W. BENNETT, and ending EDWIN SANTANA, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1936 NAVY nominations (16) beginning RICHARD M. ARCHER, and ending NAGEL B. SULLIVAN, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1937 NAVY nominations (19) beginning WILLIAM ARIAS, and ending JAMES V. WALSH, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1938 NAVY nominations (20) beginning NICHOLAS E. ANDREWS, and ending WILLIAM E. WREN JR., which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1939 NAVY nominations (23) beginning JAMIE W. ACHEE, and ending DARYK E. ZIRKLE, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1940 NAVY nominations (25) beginning KEVIN L. ANDERSEN, and ending PAUL W. WILKES, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1941 NAVY nominations (32) beginning PATRICK L. BENNETT, and ending TIMOTHY L. ZANE, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1942 NAVY nominations (42) beginning BRIAN M. AKER, and ending BRETT A. WISE, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1943 NAVY nominations (441) beginning DAVID L. AAMODT, and ending CHRISTOPHER M. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2010.

PN1962 NAVY nominations (2) beginning JASON L. RICH, and ending BRUNO A. SCHMITZ, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2010.

PN1963 NAVY nominations (4) beginning WENDY C. GAZA, and ending PATRICIA A. LIMPET, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2010.

PN1984 NAVY nominations (26) beginning JARED A. BATTANI, and ending ROBERT D. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2010.

PN1985 NAVY nomination of Virginia Skiba, which was received by the Senate and appeared in the Congressional Record of July 14, 2010.

PN2015 NAVY nomination of Barbara A. Munro, which was received by the Senate

and appeared in the Congressional Record of July 21, 2010.

PN2016 NAVY nominations (4) beginning LISA M. BECOAT, and ending ROSCOE C. PORTER JR., which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

PN2017 NAVY nominations (20) beginning STEVEN R. BARSTOW, and ending MARK S. WINWARD, which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

PN2018 NAVY nominations (22) beginning MICHAEL J. ADAMS, and ending HEATHER A. WATTS, which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

PN2019 NAVY nominations (29) beginning RICHARD S. ADCOOK, and ending JEFFREY G. ZELLER, which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

PN2020 NAVY nominations (33) beginning CHRISTOPHER F. BEAUBIEN, and ending JEFFREY D. THOMAS, which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

PN2021 NAVY nominations (59) beginning DOMINGO B. ALINIO, and ending MARK A. ZIEGLER, which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

PN2022 NAVY nominations (69) beginning KAREN L. ALEXANDER, and ending MARC T. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

PN2023 NAVY nominations (93) beginning CRISTINA ALBERTO, and ending KIM T. ZABLAN, which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

PN2024 NAVY nominations (121) beginning PHILLIP M. ADRIANO, and ending ROBERT A. ZALEWSKIZARAGOZA, which nominations were received by the Senate and appeared in the Congressional Record of July 21, 2010.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the President's nominee to be the next Director of National Intelligence, DNI—GEN James Clapper, U.S. Air Force, Lieutenant General retired.

I am pleased his confirmation will be approved by unanimous consent.

General Clapper is well qualified to be the Director of National Intelligence. He has as much experience in the intelligence profession as anyone serving in the government today.

He has held a wide range of positions that have prepared him for this position, in the U.S. military, as the head of two intelligence agencies, and in the private sector. General Clapper is currently the highest ranking intelligence official in the Department of Defense, serving as the Under Secretary of Defense for Intelligence.

He has clearly expressed his views on the position of the DNI and described how he intends to carry out those views.

Last week, the Senate Intelligence Committee reported out his nomination on a rollcall vote of 15-0.

Not a single objection that was raised in the Senate following the committee's unanimous vote was related to

the nominee, his background, his views, or how he intends to serve.

And now I am pleased to report that those objections have been worked out and General Clapper will be approved by unanimous consent.

Let me take a few minutes and describe the position to which General Clapper has been nominated, the Director of National Intelligence, or DNI.

The DNI position was first seriously considered by the so-called "Joint Inquiry" into the attacks of September 11, 2001—a joint panel of the Senate and House Intelligence Committees that studied the events leading to the attacks of 9/11 and the structural problems in the U.S. Government that led to our failure to prevent them.

The Joint Inquiry concluded that the Intelligence Community—the collection of intelligence agencies and offices across the Federal Government—could not be led by the same person who was simultaneously serving as the Director of the CIA.

This congressional panel recommended, in December 2002, that the National Security Act be amended "to create and sufficiently staff a statutory Director of National Intelligence who shall be the President's principal advisor on intelligence and shall have the full range of management, budgetary and personnel responsibilities needed to make the entire U.S. Intelligence Community operate as a coherent whole."

Two years later, the 9/11 Commission, led by former Governor Tom Kean and former Congressman Lee Hamilton, came to the same conclusion and recommended the creation of a National Intelligence Director to "manage the national intelligence program and oversee the agencies that contribute to it."

A few months later, in December 2004, the Congress passed the Intelligence Reform and Terrorism Prevention Act, IRTPA, that created the position of DNI.

By statute, the position of the Director of National Intelligence is the senior-most intelligence position in the U.S. Government. The DNI is, under the law:

The head of the 16 different offices and agencies that make up the U.S. intelligence community;

The principal advisor to the President on intelligence matters; and

The official in charge of developing the intelligence budget.

Despite that expansive charge, the first 5 years with a Director of National Intelligence at the helm of the intelligence community have been unsteady times. There have been three Directors in 5 years: Ambassador John Negroponte, ADM Mike McConnell, and ADM Dennis Blair.

It is the strong hope of the Senate Intelligence Committee that General Clapper will provide some stability to

the office and set it on a more stable path.

He was asked about this in the committee's confirmation hearing. Senator WHITEHOUSE asked General Clapper if he intended to stick around. General Clapper responded "Yes, sir, I will. I wouldn't take this on without thinking about that. And I do think my experience has been, it does take time to bring these changes about."

And certainly changes are needed. I have discussed with General Clapper my concern that the position of DNI could be considered the job of a coordinator someone—who makes sure the 16 agencies are carrying out their roles and working harmoniously.

But that was not what the job was designed to be, and that isn't going to be sufficient to put in place the changes we need. The Director needs to set priorities, develop the budget accordingly, oversee agencies' implementation, and make changes when problems or gaps arise. These include:

Making sure the systems and personnel are in place to make sure the dots are connected before a terrorist attack;

Ensuring there is sufficient intelligence collected by human and technical means so that decisionmakers have an accurate and full set of facts before setting policies—for example, on sending troops to war;

Reviewing intelligence programs and activities to make sure they fit squarely within the Constitution and the law, and that Congress is provided with the information it requires to conduct independent oversight; and

Managing the intelligence budget to make sure it is spent without waste, abuse, or inappropriate duplication.

These are not the jobs of a coordinator; they are the jobs of a Director. General Clapper recognizes these as the obligations of the DNI.

The last thing I would like to note on the position of the DNI is its statutory authorities, and the limits placed on them.

In particular, the DNI is constrained from directing 15 of the 16 agencies and offices of the intelligence community, because they reside in various Federal departments. The Intelligence Reform and Terrorism Prevention Act of 2004, IRTPA, states that in carrying out his responsibilities, the DNI may not "abrogate" the statutory responsibilities of Cabinet Secretaries. This is often interpreted to prevent centralized direction.

The 16th agency, the CIA, is not housed within a department, but it, too, has demonstrated its ability to thwart the DNI's directives it dislikes by importuning the White House.

We understand from former officials in the DNI's office that both problems have greatly frustrated past DNIs' ability to lead.

General Clapper has served on the DNI's executive committee under Directors McConnell and Blair. He has seen firsthand how this tension between the DNI's direction and the

views of a Cabinet Secretary has played out.

Indeed, General Clapper has been very forthright that as the Under Secretary of Defense for Intelligence since 2007, part of his responsibility has been to uphold and support the interests of the Secretary of Defense.

But he has also assured the Intelligence Committee that, if confirmed, this would change. During his confirmation hearing, General Clapper said, "I have been, for the last three years, the Undersecretary of Defense for Intelligence. And I considered it my responsibility and my obligation to defend and protect the secretary's authorities and prerogatives to the maximum extent I could. If I were confirmed as the DNI, I will be equally assiduous in ensuring that the DNI's prerogatives and authorities are protected and advanced."

Even so, General Clapper has a track record of taking concrete steps to ensure that the interests of the Department of Defense and the intelligence community are synchronized, and both are enhanced to improve our national security.

What is more, General Clapper is perhaps unique in that he has strong relationships with the President and the national security team at the White House, the Secretary of Defense, and the CIA Director—the three most important relationships for a DNI to be successful.

So in short, I believe that General Clapper will bring to the position of the DNI the right approach, skills, and gravitas to make this work.

I will continue to work with him, like the committee has worked with past Directors, to make changes in the law to give him the authorities and flexibility that he needs.

The Senate has just passed unanimously a revised version of the fiscal year 2010 Intelligence Authorization Act. That bill includes 10 provisions to strengthen the DNI's ability to run his office and direct the intelligence community. Eight of those ten provisions were requested by this administration or the last one, and I will continue to push to get this important bill signed into law soon.

Let me say a few words now about General Clapper himself.

General Clapper has served in the intelligence field for 46 years, almost all of which was in military and government service.

His 32 years of military service in the U.S. Air Force included wartime operations, flying 72 combat support missions over Laos and Cambodia and being a wing commander.

He has served as the Director of Intelligence, the J-2, for three warfighting commands—at U.S. Forces Korea, the Pacific Command, and the Strategic Air Command.

In the 1990s, Lieutenant General Clapper led the Defense Intelligence

Agency, DIA, one of the biggest and most complex of the agencies in the intelligence community.

He retired from active duty in 1995 after this position and worked in the private sector until he was asked to return to government service and lead the National Imagery and Mapping Agency, NIMA—since renamed the National Geospatial Intelligence Agency, NGA. He led NGA for 5 years—an unusually long tenure heading an intelligence agency—until a difference of opinion with Secretary Rumsfeld cost him his job in 2006—and provided a notable example of General Clapper's willingness to "speak truth to power."

In 2007, General Clapper once again put aside the benefits of a private life and agreed to serve under Secretary Gates as the Under Secretary of Defense for Intelligence.

As he said in his confirmation hearing, the nomination to be DNI "was an unexpected turn of events. I'm in my third tour back in the government, and my plan was to walk out of the Pentagon about a millisecond after Secretary Gates. I had no plan or inkling to take on another position."

Nonetheless, he has agreed to take on this challenging and somewhat thankless position.

General Clapper was nominated by the President on June 7, 2010. He answered more than 150 tailored pre-hearing questions in addition to our standard questionnaire and appeared before a lengthy confirmation hearing on July 20.

After the hearing, he answered another 79 questions for the record and appeared in a subsequent closed session meeting with four members of the committee who had additional questions.

If there were questions or doubts about his nomination, they have been answered. In fact, when General Clapper was nominated, I had my doubts about having another person in this position with a military background and whether he viewed the position of DNI as a coordinator or a director.

My concerns have been allayed. I am confident that he will be mindful of the important intelligence needs of the military and the Department of Defense, but he will be independent of Pentagon interests. He understands that the responsibility of the DNI is to provide strategic intelligence to policymakers and that the job requires more than simple coordination.

On July 29, the Intelligence Committee voted out General Clapper's nomination on a roll call vote of 15 to 0.

The committee has expressed its full support of General Clapper. He has excellent credentials, support from the White House and other key intelligence officials, and will be a strong Director of the Intelligence Community.

I congratulate General Clapper on his confirmation.

Mr. FEINGOLD. Mr. President, as a member of the Senate Select Committee on Intelligence, I voted in support of the confirmation of General Clapper to be Director of National Intelligence. He is clearly qualified for the position and his extensive experience at various intelligence agencies and at the Pentagon should give him a clear sense of the challenges ahead.

Over the course of the confirmation process, General Clapper provided encouraging responses on a number of issues. He expressed clear support for the declassification of the top-line intelligence budget, which would allow for the establishment of a separate intelligence budget. This reform, which was recommended by the 9/11 Commission and passed by the Senate, would improve transparency, accountability and oversight. He also agreed with the principle that the public should be made aware of secret interpretations of law. Finally, in a welcome shift from the previous DNI, General Clapper expressed openness to recommendations provided by an independent commission related to the integration of the intelligence community and those in the U.S. Government who collect information openly. Legislation to create this commission has also passed the Senate.

On other issues, General Clapper's responses were less encouraging. He indicated that he would be a "zealous advocate" for full notification of the committee, and I have no reason to doubt that. But, when asked about statutory reporting requirements under the National Security Act, he cited an incorrect interpretation of the law, specifically the assertion that the "Gang of Eight" provision that appears only in the covert action section could apply to other intelligence activities. As DNI, General Clapper will be responsible for adhering to the law, regardless of the views of counsel.

I am also concerned about his responses to questions on the PATRIOT Act, in which he described proposed safeguards on National Security Letter authorities as "crippling." As he becomes familiar with these and other surveillance authorities, and the abuses associated with them, I hope that he will become more open to efforts to protect the privacy and civil liberties of Americans.

General Clapper has testified that the DNI already has sufficient authorities, and I agree that the ODNI should not be expanded for its own sake. But there are specific, identifiable problems with how the intelligence community spends taxpayer dollars which are addressed in provisions of the intelligence authorization bill and my Control Spending Now legislation. While I will continue to fight for those provisions, I have asked General Clapper to tackle these issues with or without new statutory authorities. I will also

continue to seek greater access by the GAO to the intelligence community, an issue on which General Clapper has expressed some flexibility.

Finally, General Clapper is in a unique position to address one of the great failings of intelligence reform thus far—the extent to which intelligence and intelligence-related activities are conducted by the military, away from the oversight of the congressional intelligence committees. In some cases, such as cybersecurity operations, I remain concerned about the division of authorities but have been kept reasonably informed. In other cases, specifically the Department of Defense's use of "Section 1208" authorities to assist foreign forces and irregular groups supporting counterterrorism operations around the world, I have generally been stonewalled. General Clapper has stated that, as DNI, these activities will not be his responsibility. But the DNI, particularly one with General Clapper's background, should be assertive in ensuring that the intelligence community and the military are operating in a coordinated fashion under coherent and consistent policies, and that the congressional intelligence committees are kept fully informed of all relevant programs and operations.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consider en bloc the following nominations on the Executive Calendar: No. 883, J. Michelle Childs to be a United States District Judge;

No. 884, Richard Gergel to be a United States District Judge—both of these judges are from the State of South Carolina—No. 893, Leonard Stark to be a United States District Judge for the District of Delaware; and No. 657, James Wynn, to be a United States Circuit Judge; that the Senate proceed to vote en bloc on the nominations; that upon confirmation, the motions to reconsider be made and laid upon the table; that any statements relating to the nominations be printed in the RECORD, and that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

J. Michelle Childs, of South Carolina, to be United States District Judge for the District of South Carolina.

Richard Mark Gergel, of South Carolina, to be United States District Judge for the District of South Carolina.

Leonard Philip Stark, of Delaware, to be United States District Judge for the District of Delaware.

James A. Wynn, Jr., of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that at 3:30 p.m., Monday, September 13, the Senate proceed to executive session to consider Calendar No. 552, the nomination of Jane Stranch to be a United States Circuit Judge for the Sixth Circuit; that there be 2 hours of debate with respect to the nomination, with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that at 5:30 p.m. on that date, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; that any statements related to the nomination be printed in the RECORD; that the President of the United States be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—NOMINATIONS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding an adjournment/recess of the Senate, that all nominations currently in committee or on the calendar remain in status quo, notwithstanding the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate, except the following: Calendar Nos. 404, 591, 688, 696, 697, 698, 891; 933, 958, 1008; and the following in committee: PN797, PN1644, PN1024, PN1651, PN1631, and PN1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to executive session and consider Calendar No. 886, Kimberly Mueller to be a United States District Judge for the Eastern District of California; that there be 1 hour of debate with respect to the nomination, with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made

and laid upon the table; the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Republican leader.

Mr. MCCONNELL. Mr. President, we just confirmed 47 nominations plus 3 district court judges, a circuit court judge, and we will continue to work on the balance of these when we return.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I understand there has just been an agreement reached and entered into the RECORD regarding a number of appointments that were on the Executive Calendar. I understand further that—in fact, I discovered just recently—there is a rule anybody who is pending on the Executive Calendar when there is a recess of longer than 30 days needs to be resubmitted.

There are a number of judges who, applying that rule and the order, would need to be resubmitted by the President. Two of them, as I understand it, are district judges. What I would like to do is ask unanimous consent regarding those two. I know there is nobody from the minority party on the floor of the Senate right now, so I am not going to ask that unanimous consent and take advantage of the lack of their presence on the floor. But I would like to ask that someone come to the floor so I may ask unanimous consent, as to district court judges who are pending on the Executive Calendar, that the application of that rule be waived for this recess.

These are names that are going to be resubmitted anyway. It adds nothing to the process other than just an extra, sort of deliberate and unnecessary hassle to require those submission and committee procedures to be replayed.

It is also my understanding there has been a tradition in this body that while circuit court nominees are considered what one might call, for better or worse, political fair game, there has been a tradition of courtesy and comity regarding district court judges who sit in the Senator's home State when both of the home State Senators have agreed to and accepted the President's recommendations and supported it, given their blue slip to the committee and so forth.

So I guess I will put the Senate back into a quorum call so that I can discuss

this with my colleagues on the other side. But I hope very much that as a personal courtesy they would accept that amendment to the order that was just entered, which I believe is consistent with the traditions and practices of the Senate.

For now I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I am in an interesting predicament. I am informed there is no one from the minority party in town; this being the end of session, everybody has headed home. Therefore, there is no one around to respond to my unanimous consent request.

I will confess, I am inclined to take advantage of this moment by propounding the unanimous consent, which I would obviously win. The Presiding Officer would grant the order, since there would be no objection.

But I also believe that to do so would be inconsistent with the courtesies and the traditions of the Senate, and so I will not take that step at this time. But it is frustrating to be in this position of holding myself back out of respect for the traditions and courtesies of the Senate, when I feel that, at the moment, I am on the losing end of a violation of the courtesies and the traditions of the Senate.

So by the rule of what is good for the goose, my inclination to take advantage of this moment is reinforced. But I have great respect for this body, and I think the tradition that one does not propound unanimous consent requests without a member of the minority party present to object or otherwise respond or vice versa is one that merits respect.

Notwithstanding the predicament I find myself in, let me just say, in that absence of courtesy that has brought me here, I will yield the floor and we can return to this question when the Senate resumes. But for any who are listening, I think we are taking a step that some may regret, when the tradition of respect for the judgment of the home State Senators regarding a district court judge in their home State is disregarded in this way.

I will say no more. I will follow up when we return to session.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS LENDING FUND ACT OF 2010—Resumed

Mr. REID. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Pending:

Reid (for Baucus/Landrieu) amendment No. 4519, in the nature of a substitute.

Reid amendment No. 4520 (to amendment No. 4519), to change the enactment date.

Reid amendment No. 4521 (to amendment No. 4520), of a perfecting nature.

Reid amendment No. 4522 (to the language proposed to be stricken by amendment No. 4519), to change the enactment date.

Reid amendment No. 4523 (to amendment No. 4522), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions.

Reid amendment No. 4524 (the instructions on the motion to commit), to provide for a study.

Reid amendment No. 4525 (to the instructions (amendment No. 4524) of the motion to commit), of a perfecting nature.

Reid amendment No. 4526 (to amendment No. 4525), of a perfecting nature.

Mr. REID. Mr. President, I ask unanimous consent that all pending amendments and the motion be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4594

Mr. REID. Mr. President, I call up the Baucus-Landrieu-Reid substitute amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BAUCUS and Ms. LANDRIEU, proposes an amendment numbered 4594.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4595 TO AMENDMENT NO. 4594

Mr. REID. I now ask to be reported the Bill Nelson first-degree amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. NELSON of Florida, proposes an amendment numbered 4595 to amendment No. 4594.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exempt certain amounts subject to other information reporting from the information reporting provisions of the Patient Protection and Affordable Care Act, and for other purposes)

At the end of subtitle B of title II, add the following:

PART V—ADDITIONAL PROVISIONS

SEC. _____. CERTAIN EXCEPTIONS TO INFORMATION REPORTING PROVISIONS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006 of the Patient Protection and Affordable Care Act and section 2101 of this Act, is amended by redesignating subsection (j) as subsection (k) and inserting after subsection (i) the following new subsection:

“(j) COORDINATION WITH RETURNS RELATING TO PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.—This section shall not apply to any amount with respect to which a return is required to be made under section 6050W.”.

(b) INCREASE IN THRESHOLD AMOUNT AND EXEMPTION FOR SMALL EMPLOYERS FOR REPORTING OF PAYMENTS RELATING TO PROPERTY.—Subsection (a) of section 6041 of the Internal Revenue Code of 1986, as amended by the Patient Protection and Affordable Care Act, is amended by adding at the end the following new sentences: “In the case of payments in consideration of property, this subsection shall be applied by substituting ‘\$5,000’ for ‘\$600’ and this subsection shall not apply in the case of any person employing not more than 25 employees at any time during the taxable year. For purposes of the preceding sentence, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as one employer.”.

(c) REGULATORY AUTHORITY.—Subsection (k) of section 6041 of the Internal Revenue Code of 1986, as redesignated by subsection (a), is amended by striking “including” and all that follows and inserting “including—

“(1) rules to prevent duplicative reporting of transactions, and

“(2) rules which identify, and provide exceptions for, payments which bear minimal risk of noncompliance.”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts with respect to which a return is required to be made in calendar years beginning after December 31, 2010.

(2) PROPERTY THRESHOLD.—The amendment made by subsection (b) shall apply as if included in the amendments made by section 9006 of the Patient Protection and Affordable Care Act.

(e) PUBLIC COMMENTS AND SUGGESTIONS.—In order to minimize the burden on small businesses and to avoid duplicative information reporting by small businesses, the Secretary of the Treasury or the Secretary's designee is directed to request and consider

comments and suggestions from the public concerning implementation and administration of the amendments made by section 9006 of the Patient Protection and Affordable Care Act, including—

(1) the appropriate scope of the terms “gross proceeds” and “amounts in consideration for property” in section 6041(a) of the Internal Revenue Code of 1986, as amended by such section 9006,

(2) whether or how the reporting requirements should apply to payments between affiliated corporations, including payments related to intercompany transactions within the same consolidated group,

(3) the appropriate time and manner of reporting to the Internal Revenue Service, and whether, and what, changes to existing procedures, forms, and software for filing information returns are needed, including electronic filing of information returns to the Internal Revenue Service,

(4) whether, and what, changes to existing procedures and forms to acquire taxpayer identification numbers are needed, and

(5) how back-up withholding requirements should apply.

(f) **TIMELY GUIDANCE.**—The Secretary of the Treasury is directed to issue timely guidance that will implement and administer the amendments made by section 9006 of the Patient Protection and Affordable Care Act in a manner that minimizes the burden on small businesses and avoids duplicative reporting by small businesses.

(g) **REPORTS TO CONGRESS.**—

(1) **IN GENERAL.**—Prior to the effective date of the amendments made by section 9006 of the Patient Protection and Affordable Care Act, the Secretary of the Treasury shall report quarterly to Congress concerning the steps taken to implement such amendments, including ways to limit compliance burdens and to avoid duplicative reporting. Such reports shall include—

(A) a description of actions taken to minimize, reduce or eliminate burdens associated with information reporting by small businesses, and

(B) a description of business transactions exempted from reporting requirements to avoid duplicative reporting or because such transactions represent minimal compliance risk.

(2) **COMPARISON.**—Not later than 6 months prior to the effective date of the amendments made by section 9006 of the Patient Protection and Affordable Care Act, the Secretary of the Treasury shall report to Congress a comparison of the expected compliance requirements after the implementation of such amendments to the compliance requirements under section 6041 of the Internal Revenue Code of 1986 prior to the effective date of such amendments.

SEC. ____ . DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) **IN GENERAL.**—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, or”, and by inserting after clause (iii) the following new clause:

“(iv) in the case of a taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)), oil related qualified production activities (within the meaning of subsection (d)(9)(B)).”

(b) **CONFORMING AMENDMENT.**—Section 199(d)(9)(A) of the Internal Revenue Code of 1986 is amended by inserting “(other than a

major integrated oil company (as defined in section 167(h)(5)(B))” after “taxpayer”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4596 TO AMENDMENT NO. 4595

Mr. REID. I now call up the Johanns amendment No. 4596.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. JOHANNES, proposes an amendment numbered 4596 to amendment No. 4595.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes)

At the appropriate place insert the following:

PART IV—ADDITIONAL PROVISIONS

SEC. 4271. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SEC. 4272. EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.

Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986 is amended by striking “8 percent” and inserting “5 percent”.

SEC. 4273. USE OF PREVENTION AND PUBLIC HEALTH FUND.

(a) **USE OF FUNDS AS OFFSET THROUGH FISCAL YEAR 2017.**—Section 4002(b) of the Patient Protection and Affordable Care Act is amended by striking “appropriated—” and all that follows and inserting “appropriated, for fiscal year 2018, and each fiscal year thereafter, \$2,000,000,000”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in the enactment of section 4002 of the Patient Protection and Affordable Care Act.

SEC. 4274. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 4.25 percentage points.

AMENDMENT NO. 4597

Mr. REID. I have an amendment to the language proposed to be stricken and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4597 to the

language proposed to be stricken by amendment No. 4594.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 6 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4598 TO AMENDMENT NO. 4597

Mr. REID. I now have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4598 to amendment No. 4597.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike “6” and insert “4”.

CLOTURE MOTIONS

Mr. REID. I have four cloture motions at the desk: on the Johanns second-degree amendment, the Nelson first-degree amendment, the substitute, and the bill.

The PRESIDING OFFICER. The cloture motions having been presented under rule XXII, the Chair directs the clerk to read the motions.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Johanns amendment No. 4596.

Harry Reid, Patrick J. Leahy, Dianne Feinstein, Charles E. Schumer, Herb Kohl, Joseph I. Lieberman, Jeff Bingaman, Barbara A. Mikulski, Richard J. Durbin, Al Franken, Byron L. Dorgan, Mark Begich, Benjamin L. Cardin, Amy Klobuchar, Kirsten E. Gillibrand, Jeanne Shaheen, Kay R. Hagan.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 4595.

Harry Reid, Tim Johnson, Richard J. Durbin, Barbara Boxer, Al Franken, Byron L. Dorgan, Patty Murray, Robert P. Casey, Jr., Jon Tester, Jack Reed, Kay R. Hagan, Jeanne Shaheen, Patrick J. Leahy, Christopher J. Dodd, Bill Nelson, Tom Harkin.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the Reid substitute amendment No. 4594.

Mary L. Landrieu, Max Baucus, Dianne Feinstein, Patty Murray, Charles E. Schumer, Christopher J. Dodd, Al Franken, Robert P. Casey, Jr., Maria Cantwell, Sheldon Whitehouse, Byron L. Dorgan, Benjamin L. Cardin, Ron Wyden, Kent Conrad, Roland W. Burris, Jeff Merkley, Debbie Stabenow.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 5297, the Small Business Lending Fund Act of 2010.

Mary L. Landrieu, Max Baucus, Dianne Feinstein, Patty Murray, Charles E. Schumer, Christopher J. Dodd, Al Franken, Robert P. Casey, Jr., Maria Cantwell, Sheldon Whitehouse, Byron L. Dorgan, Benjamin L. Cardin, Ron Wyden, Kent Conrad, Roland W. Burris, Jeff Merkley, Debbie Stabenow.

Mr. REID. I ask unanimous consent that the mandatory quorum calls be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT WITH AMENDMENT NO. 4599

Mr. REID. Mr. President, I have a motion to commit with instructions at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Finance Committee with instructions to report back forthwith with an amendment numbered 4599.

The amendment is as follows:

At the end, insert the following:

The Finance Committee is requested to study the impact of changes to the system whereby small business entities are provided with all opportunities for access to capital.

Mr. REID. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4600

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4600 to the instructions (amendment No. 4599) of the motion to commit.

The amendment is as follows:

At the end, insert the following:

"and the economic impact on local communities served by small businesses.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4601 TO AMENDMENT NO. 4600

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4601 to amendment No. 4600.

The amendment is as follows:

At the end, insert the following:

"and its impact on state and local governments.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILING DATE

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding an adjournment or recess of the Senate, Senate committees may file reported legislative and Executive Calendar business on Thursday, September 2, 2010, from 11 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public

Law 105-275, adopted October 21, 1998, amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and amended by S. Res. 480, adopted November 20, 2004, further amended by S. Res. 625, adopted December 6, 2006, and further amended by S. Res. 715, adopted November 20, 2008, the designation of members of the Senate National Security Working Group for the remainder of the 111th Congress: Senator DANIEL K. INOUE, who serves in his capacity as President pro tempore of the Senate, and Senator JOHN F. KERRY to be majority administrative cochairman, while continuing in his already-designated position of Democratic cochairman.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc Calendar Nos. 1025, 1026, and 1029; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, the President be immediately notified of the Senate's action; further, that the action under rule XXXI reflect that Calendar No. 948 should be included, not 958; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Rose M. Likins, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

Luis E. Arreaga-Rodas, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Peter Michael McKinley, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

AUTHORIZING TERMINATION OF CERTAIN EASEMENTS ON LAND OWNED BY THE VILLAGE OF CASEYVILLE, ILLINOIS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 232, H.R. 511.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 511) to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements on this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 511) was ordered to a third reading, was read the third time, and passed.

JOHN C. GODBOLD FEDERAL BUILDING

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar No. 429.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4275) to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the "John C. Godbold Federal Building."

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed; a motion to reconsider be laid upon the table; there be no intervening action or debate; and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4275) was ordered to a third reading, was read the third time, and passed.

FIREARMS EXCISE TAX IMPROVEMENT ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar No. 456.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5552) to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on

recreational equipment be paid quarterly and to provide for the assessment by the Secretary of the Treasury of certain criminal restitution.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, a motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5552) was ordered to a third reading, was read the third time, and passed.

"JAMES CHANEY, ANDREW GOODMAN, AND MICHAEL SCHWERNER FEDERAL BUILDING"

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar No. 485.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3562) to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the "James Chaney, Andrew Goodman, and Michael Schwerner Federal Building".

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert the part printed in italic.

H.R. 3562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BUILDING DESIGNATION.

The Administrator of General Services shall ensure that the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, is known and designated as the "James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building".

SEC. 2. REFERENCES.

With respect to the period in which the building referred to in section 1 is federally occupied, any reference in a law, map, regulation, document, paper, or other record of the United States to that building shall be deemed to be a reference to the "James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building".

Amend the title so as to read: "An Act to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the 'James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building'."

Mr. REID. Mr. President, before we move forward with this matter, there is a stunningly powerful new book out, the name of which is "Freedom Summer." This book is so very vivid in talking about the summer that the young men and women from around the United States went to Mississippi to get the African Americans to be able to vote. These three young men were

killed—two Caucasians and one African American—for the work they were doing to try to bring the ability of African Americans to vote in Mississippi. It is a wonderful book. I recommend it to everyone, a brandnew book that is out.

Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be read the third time and passed; the committee-reported title amendment be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3562), as amended, was read the third time and passed.

The title was amended so as to read: "An Act to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the 'James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building'."

FIRST RESPONDER ANTI-TERRORISM TRAINING RESOURCES ACT

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar No. 498.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3978) to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "First Responder Anti-Terrorism Training Resources Act".

SEC. 2. ACCEPTANCE OF GIFTS FOR FIRST RESPONDER TERRORISM PREPAREDNESS AND RESPONSE TRAINING.

(a) *IN GENERAL.*—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in title V (6 U.S.C. 311 et seq.), by adding at the end the following:

"SEC. 525. ACCEPTANCE OF GIFTS.

"(a) *AUTHORITY.*—The Secretary may accept and use gifts of property, both real and personal, and may accept gifts of services, including from guest lecturers, for otherwise authorized activities of the Center for Domestic Preparedness that are related to efforts to prevent,

prepare for, protect against, or respond to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

“(b) **PROHIBITION.**—The Secretary may not accept a gift under this section if the Secretary determines that the use of the property or services would compromise the integrity or appearance of integrity of—

“(1) a program of the Department; or
“(2) an individual involved in a program of the Department.

“(c) **REPORT.**—

“(1) **IN GENERAL.**—The Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report disclosing—

“(A) any gifts that were accepted under this section during the year covered by the report;

“(B) how the gifts contribute to the mission of the Center for Domestic Preparedness; and

“(C) the amount of Federal savings that were generated from the acceptance of the gifts.

“(2) **PUBLICATION.**—Each report required under paragraph (1) shall be made publically available.”

(2) in section 873(b) (6 U.S.C. 453(b)), by striking “and by section 93” and all that follows through “or donations” and inserting “by section 93 of title 14, United States Code, or by section 525 or 884 of this Act, gifts or donations”; and

(3) in section 884 (6 U.S.C. 464), by adding at the end the following:

“(c) **ACCEPTANCE AND USE OF GIFTS.**—The Federal Law Enforcement Training Center may accept and use gifts of property, both real and personal, and accept services, for authorized purposes.”

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **THE HOMELAND SECURITY ACT OF 2002.**—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended in the table of contents by inserting after the item relating to section 524 the following:

“Sec. 525. Acceptance of gifts.”

(2) **REPEAL.**—The matter under the heading “SALARIES AND EXPENSES” under the heading “FEDERAL LAW ENFORCEMENT TRAINING CENTER” under title IV of the Department of Homeland Security Appropriations Act, 2004 (6 U.S.C. 464a) is amended by striking “Provided, That in fiscal year 2004 and thereafter, the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes: Provided further,” and inserting “Provided.”

Amend the title so as to read: “An Act to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for a response to terrorism, and for other purposes.”

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be read the third time and passed; the title amendment be agreed to; the motion to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill, (H.R. 3978), as amended, was read the third time and passed.

The title was amended so as to read:

“An Act to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for a response to terrorism, and for other purposes.”

ROSA'S LAW

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 506.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2781) to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committees on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as “Rosa’s Law”.

SEC. 2. INDIVIDUALS WITH INTELLECTUAL DISABILITIES.

(a) **HIGHER EDUCATION ACT OF 1965.**—Section 760(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1140(2)(A)) is amended by striking “mental retardation or”.

(b) **INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**—

(1) Section 601(c)(12)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1400(c)(12)(C)) is amended by striking “having mental retardation” and inserting “having intellectual disabilities”.

(2) Section 602 of such Act (20 U.S.C. 1401) is amended—

(A) in paragraph (3)(A)(i), by striking “with mental retardation” and inserting “with intellectual disabilities”; and

(B) in paragraph (3)(C), by striking “of mental retardation” and inserting “of intellectual disabilities”.

(c) **ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.**—Section 7202(16)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7512(16)(E)) is amended by striking “mild mental retardation,” and inserting “mild intellectual disabilities”.

(d) **REHABILITATION ACT OF 1973.**—

(1) Section 7(21)(A)(iii) of the Rehabilitation Act of 1973 (29 U.S.C. 705(21)(A)(iii)) is amended by striking “mental retardation,” and inserting “intellectual disability”.

(2) Section 204(b)(2)(C)(vi) of such Act (29 U.S.C. 764(b)(2)(C)(vi)) is amended by striking “mental retardation and other developmental disabilities” and inserting “intellectual disabilities and other developmental disabilities”.

(3) Section 501(a) of such Act (29 U.S.C. 791(a)) is amended, in the third sentence, by striking “President’s Committees on Employment of People With Disabilities and on Mental Retardation” and inserting “President’s Disability Employment Partnership Board and the

President’s Committee for People with Intellectual Disabilities”.

(e) **HEALTH RESEARCH AND HEALTH SERVICES AMENDMENTS OF 1976.**—Section 1001 of the Health Research and Health Services Amendments of 1976 (42 U.S.C. 217a–1) is amended by striking “the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.”

(f) **PUBLIC HEALTH SERVICE ACT.**—

(1) Section 317C(a)(4)(B)(i) of the Public Health Service Act (42 U.S.C. 247b–4(a)(4)(B)(i)) is amended by striking “mental retardation,” and inserting “intellectual disabilities.”

(2) Section 448 of such Act (42 U.S.C. 285g) is amended by striking “mental retardation,” and inserting “intellectual disabilities.”

(3) Section 450 of such Act (42 U.S.C. 285g–2) is amended to read as follows:

“SEC. 450. RESEARCH ON INTELLECTUAL DISABILITIES.

“The Director of the Institute shall conduct and support research and related activities into the causes, prevention, and treatment of intellectual disabilities.”

(4) Section 641(a) of such Act (42 U.S.C. 291k(a)) is amended by striking “matters relating to the mentally retarded” and inserting “matters relating to individuals with intellectual disabilities”.

(5) Section 753(b)(2)(E) of such Act (42 U.S.C. 294c(b)(2)(E)) is amended by striking “elderly mentally retarded individuals” and inserting “elderly individuals with intellectual disabilities”.

(6) Section 1252(f)(3)(E) of such Act (42 U.S.C. 300d–52(f)(3)(E)) is amended by striking “mental retardation/developmental disorders,” and inserting “intellectual disabilities or developmental disorders.”

(g) **HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998.**—Section 419(b)(1) of the Health Professions Education Partnerships Act of 1998 (42 U.S.C. 280f note) is amended by striking “mental retardation” and inserting “intellectual disabilities”.

(h) **PUBLIC LAW 110–154.**—Section 1(a)(2)(B) of Public Law 110–154 (42 U.S.C. 285g note) is amended by striking “mental retardation” and inserting “intellectual disabilities”.

(i) **NATIONAL SICKLE CELL ANEMIA, COOLEY’S ANEMIA, TAY-SACHS, AND GENETIC DISEASES ACT.**—Section 402 of the National Sickle Cell Anemia, Cooley’s Anemia, Tay-Sachs, and Genetic Diseases Act (42 U.S.C. 300b–1 note) is amended by striking “leading to mental retardation” and inserting “leading to intellectual disabilities”.

(j) **GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008.**—Section 2(2) of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff note) is amended by striking “mental retardation,” and inserting “intellectual disabilities.”

(k) **REFERENCES.**—For purposes of each provision amended by this section—

(1) a reference to “an intellectual disability” shall mean a condition previously referred to as “mental retardation”, or a variation of this term, and shall have the same meaning with respect to programs, or qualifications for programs, for individuals with such a condition; and

(2) a reference to individuals with intellectual disabilities shall mean individuals who were previously referred to as individuals who are “individuals with mental retardation” or “the mentally retarded”, or variations of those terms.

SEC. 3. REGULATIONS.

For purposes of regulations issued to carry out a provision amended by this Act—

(1) before the regulations are amended to carry out this Act—

(A) a reference in the regulations to mental retardation shall be considered to be a reference to an intellectual disability; and

(B) a reference in the regulations to the mentally retarded, or individuals who are mentally retarded, shall be considered to be a reference to individuals with intellectual disabilities; and

(2) in amending the regulations to carry out this Act, a Federal agency shall ensure that the regulations clearly state—

(A) that an intellectual disability was formerly termed mental retardation; and

(B) that individuals with intellectual disabilities were formerly termed individuals who are mentally retarded.

SEC. 4. RULE OF CONSTRUCTION.

This Act shall be construed to make amendments to provisions of Federal law to substitute the term “an intellectual disability” for “mental retardation”, and “individuals with intellectual disabilities” for “the mentally retarded” or “individuals who are mentally retarded”, without any intent to—

(1) change the coverage, eligibility, rights, responsibilities, or definitions referred to in the amended provisions; or

(2) compel States to change terminology in State laws for individuals covered by a provision amended by this Act.

Mr. ENZI. Mr. President, I am pleased to be here today to speak about the passage of a bill that is a top priority for the disability community—Rosa’s Law. As always, I have greatly appreciated the opportunity to work with Senator MIKULSKI on this bill. I would like to thank her for her leadership and her commitment to this issue.

The bill is simple in nature but profound in what it will do when it is enacted. Rosa’s Law will change the phrase “mentally retarded” to “an individual with an intellectual disability” in all of the laws that fall under the jurisdiction of the Committee on Health, Education, Labor, and Pensions, HELP, without negatively impinging or expanding upon the rights, services, benefits, or educational opportunities that people with this diagnosis are entitled to. It will make a greatly needed change that should have been made well before today.

Some people will ask why this bill is so important and why it is needed. They will wonder if Congress has more important work to do than to change a few words in our laws for the sake of being politically correct. In response, I would share what Rosa’s brother Nick said to the Maryland General Assembly. “What you call people is how you treat them. What you call my sister is how you will treat her. If you believe she’s ‘retarded’ it invites taunting, stigma. It invites bullying and it also invites the slammed doors of being treated with respect and dignity.”

For far too long we have used hurtful words like “mental retardation” or “MR” in our Federal statutes to refer to those who are living with intellectual disabilities. While the way people feel is important, the way people are treated is equally important. When words such as “MR” are used to describe a person, it dehumanizes them, and as Nick said, it leads to a situation in which some people are not treated with the dignity and respect they deserve.

This is not the first time Congress has taken similar action. Our laws once referred to people with intellectual disabilities with terms like “feeble minded” and other language that I cannot bear to say. Back then we thought that was the appropriate language to use until we switched to using the term “MR.” Forty years later, we are taking another big step and replacing “MR” with “intellectual disability.”

This change is already taking place across the country with organizations like the American Association on Intellectual and Developmental Disabilities which dropped the term “MR” from its name. Likewise, The Arc of the United States has stopped using this archaic terminology and dropped the term from their agency name. The American Psychiatric Association, which publishes the Diagnostic and Statistical Manual of Mental Disorders, has already voted to use the term “Intellectual Disability” in the next publication of their manual. Internationally, the World Health Organization uses the term “intellectual disability.”

This bill will start the process of change in the Federal Government and make such terminology consistent. The President’s Committee on Mental Retardation was changed by executive order so it is now the Committee on Individuals with Intellectual Disabilities. The Centers for Disease Control and Prevention also uses the term “intellectual disability.” After the House passes this bill it will become law and begin a chain of events that I hope will lead to the Finance Committee’s action on this matter so we can see similar changes in Medicaid and Social Security programs.

In 1963, the Reverend Dr. Martin Luther King, Jr. said, “I have a dream that my four children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.” That same concept rings true for people with intellectual disabilities—that they will also be judged by who they are and not by a label that has been forced upon them. That’s the beauty and simplicity of this bill—and why it is so important.

Finally, there are a number of people I would like to thank for their assistance with passing this bill out of the Senate. First, on my staff I would like to thank Frank Macchiarola, HELP Committee staff director, Greg Dean, HELP Committee general counsel, Beth Buehlmann, education office staff director, and Aaron Bishop, professional staff member on disability policy for their determination and hard work on this bill. I always say that I have the best staff in Congress and I couldn’t have done it without them. I would also like to thank Mario Cardona with Senator MIKULSKI’s office and Lee Perselay and Michael Gamel-

McCormick, with Senator HARKIN’s office, for their leadership and effort to get this bill through the Senate, and for working with us in a true bipartisan fashion. I would also like to thank Pattie DeLoatche and Karen LaMontagne from Senator HATCH’s office, Karen McCarthy from Senator MURKOWSKI’s office, and David Cleary from Senator ALEXANDER’s office for their assistance with putting this bill together, Liz King with Legislative Counsel for drafting the bill, and Cassandra Foley from the Congressional Research Service for her work.

Next, the bill would not have been a success without the work of so many families and groups. We all need to thank Rosa Marcellino, her brother Nick and the entire Marcellino family for their strength, determination, and willingness to lead, teach and for not being afraid to voice their opinion and say that this just hasn’t been right.

While this bill may not change the whole world, it will make the world a little better, more hospitable place for us and for the entire disability community.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2781), as amended, was ordered to be engrossed for a third reading, but read the third time, and passed.

MANDATORY PRICE REPORTING ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 512.

The PRESIDING OFFICER. The clerk will state the bill by title.

A bill (S. 3656) to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate; that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3656) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mandatory Price Reporting Act of 2010".

SEC. 2. LIVESTOCK MANDATORY REPORTING.**(a) EXTENSION OF AUTHORITY.—**

(1) IN GENERAL.—Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) is amended by striking "September 30, 2010" and inserting "September 30, 2015".

(2) CONFORMING AMENDMENT AND EXTENSION.—Section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) is amended by striking "September 30, 2010" and inserting "September 30, 2015".

(b) WHOLESALE PORK CUTS.—

(1) REPORTING.—Chapter 3 of subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i et seq.) is amended by adding at the end the following new section:

"SEC. 233. MANDATORY REPORTING OF WHOLESALE PORK CUTS.

"(a) REPORTING.—The corporate officers or officially designated representatives of each packer shall report to the Secretary information concerning the price and volume of wholesale pork cuts, as the Secretary determines is necessary and appropriate.

"(b) PUBLICATION.—The Secretary shall publish information reported under subsection (a) as the Secretary determines necessary and appropriate."

(2) NEGOTIATED RULEMAKING.—The Secretary of Agriculture shall establish a negotiated rulemaking process pursuant to subchapter III of chapter 5 of title 5, United States Code, to negotiate and develop a proposed rule to implement the amendment made by paragraph (1).

(3) NEGOTIATED RULEMAKING COMMITTEE.—

(A) REPRESENTATION.—Any negotiated rulemaking committee established by the Secretary of Agriculture pursuant to paragraph (2) shall include representatives from—

- (i) organizations representing swine producers;
- (ii) organizations representing packers of pork, processors of pork, retailers of pork, and buyers of wholesale pork;
- (iii) the Department of Agriculture; and
- (iv) among interested parties that participate in swine or pork production.

(B) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any negotiated rulemaking committee established by the Secretary of Agriculture pursuant to paragraph (2) shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(4) TIMING OF PROPOSED AND FINAL RULES.—In carrying out the negotiated rulemaking process under paragraph (2), the Secretary of Agriculture shall ensure that—

(A) any recommendation for a proposed rule or report is provided to the Secretary of Agriculture not later than 180 days after the date of the enactment of this Act; and

(B) a final rule is promulgated not later than one and a half years after the date of the enactment of this Act.

(c) PORK EXPORT REPORTING.—Section 602(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(1)) is amended by striking "cotton," and inserting "cotton, pork,".

SEC. 3. DAIRY MANDATORY REPORTING.

(a) ELECTRONIC REPORTING REQUIRED.—Subsection (d) of section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b) is amended to read as follows:

"(d) ELECTRONIC REPORTING.—

"(1) ELECTRONIC REPORTING SYSTEM REQUIRED.—The Secretary shall establish an electronic reporting system to carry out this section.

"(2) PUBLICATION.—Not later than 3:00 p.m. Eastern Time on the Wednesday of each week, the Secretary shall publish a report containing the information obtained under this section for the preceding week."

(b) IMPLEMENTATION.—Not later than one year after the date of enactment of this Act, the Secretary of Agriculture shall implement the electronic reporting system required by subsection (d) of section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b), as amended by subsection (a). Until the electronic reporting system is implemented, the Secretary shall continue to conduct mandatory dairy product information reporting under the authority of such section, as in effect on the day before the date of enactment of this Act.

**BORDER PROTECTION
APPOINTMENT ACT**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 516.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1517) to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 1517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

For purposes of this Act—

(1) the term "Commissioner" means the Commissioner of U.S. Customs and Border Protection;

(2) the term "U.S. Customs and Border Protection" means U.S. Customs and Border Protection of the Department of Homeland Security;

(3) the term "competitive service" has the meaning given such term by section 2102 of title 5, United States Code; and

(4) the term "overseas limited appointment" means an appointment under—

(A) subpart B of part 301 of title 5 of the Code of Federal Regulations, as in effect on January 1, 2008; or

(B) any similar antecedent or succeeding authority, as determined by the Commissioner.

SEC. 2. AUTHORITY TO CONVERT CERTAIN OVERSEAS LIMITED APPOINTMENTS TO PERMANENT APPOINTMENTS.

(a) IN GENERAL.—Notwithstanding chapter 33 of title 5, United States Code, or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, the Commissioner may convert an employee serving under an overseas limited appointment within U.S. Customs and Bor-

der Protection to a permanent appointment in the competitive service within U.S. Customs and Border Protection, if—

(1) as of the time of conversion, the employee has completed at least 2 years of current continuous service under 1 or more overseas limited appointments; and

(2) the employee's performance has, throughout the period of continuous service referred to in paragraph (1), been rated at least fully successful or the equivalent.

An employee whose appointment is converted under the preceding sentence acquires competitive status upon conversion.

(b) INDEMNIFICATION AND PRIVILEGES.—

(1) INDEMNIFICATION.—The United States shall, in the case of any individual whose appointment is converted under subsection (a), indemnify and hold such individual harmless from any claim arising from any event, act, or omission—

(A) that arises from the exercise of such individual's official duties, including by reason of such individual's residency status, in the foreign country in which such individual resides at the time of conversion;

(B) for which the individual would not have been liable had the individual enjoyed the same privileges and immunities in the foreign country as an individual who either was a permanent employee, or was not a permanent resident, in the foreign country at the time of the event, act, or omission involved; and

(C) that occurs before, on, or after the date of the enactment of this Act, including any claim for taxes owed to the foreign country or a subdivision thereof.

(2) SERVICES AND PAYMENTS.—

(A) IN GENERAL.—In the case of any individual whose appointment is converted under subsection (a), the United States shall provide to such individual (including any dependents) services and monetary payments—

(i) equivalent to the services and monetary payments provided to other U.S. Customs and Border Protection employees in similar positions (and their dependents) in the same country of assignment by international agreement, an exchange of notes, or other diplomatic policy; and

(ii) for which such individual (including any dependents) was not eligible by reason of such individual's overseas limited appointment.

(B) APPLICABILITY.—Services and payments under this paragraph shall be provided to an individual (including any dependents) to the same extent and in the same manner as if such individual had held a permanent appointment in the competitive service throughout the period described in subsection (a)(1).

(c) GUIDANCE ON IMPLEMENTATION.—The Commissioner shall implement the conversion of an employee serving under an overseas limited appointment to a permanent appointment in the competitive service in a manner that—

(1) meets the operational needs of the U.S. Customs and Border Protection; and

(2) to the greatest extent practicable, is not disruptive to the employees affected under this Act.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to affect the pay of any individual for services performed by such individual before the date of the conversion of such individual.

SEC. 4. TERMINATION.

The authority of the Commissioner to convert an employee serving under an overseas limited appointment within U.S. Customs and Border Protection to a permanent appointment in the competitive service within U.S. Customs and Border Protection shall terminate on the date that is 2 years after the date of the enactment of this Act.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD, as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1517), as amended, was read the third time and passed.

REDESIGNATING THE NORTH MISSISSIPPI NATIONAL WILDLIFE REFUGES COMPLEX

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 519.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3354) to redesignate the North Mississippi National Wildlife Refuges Complex as the Sam D. Hamilton North Mississippi National Wildlife Refuges Complex.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3354) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 3354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF THE NORTH MISSISSIPPI NATIONAL WILDLIFE REFUGES COMPLEX.

(a) IN GENERAL.—The North Mississippi National Wildlife Refuges Complex, located in the State of Mississippi and consisting of the Dahomey National Wildlife Refuge, the Tallahatchie National Wildlife Refuge, the Coldwater National Wildlife Refuge, and the Bear Lake Unit, is redesignated as the “Sam D. Hamilton North Mississippi National Wildlife Refuges Complex.”

(b) BOUNDARY REVISION.—Nothing in this Act prevents the Secretary of the Interior from making adjustments to the boundaries of the Sam D. Hamilton North Mississippi National Wildlife Refuges Complex (referred to in this section as the “Refuges Complex”), as the Secretary determines to be appropriate, to carry out the mission of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and any other applicable authority.

(c) ADDITION OF LAND.—Nothing in this Act prevents the Secretary of the Interior from adding to the Refuges Complex new land or parcels of the National Wildlife Refuge System, as the Secretary determines to be appropriate, to carry out the mission of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and any other applicable authority.

(d) REFERENCES.—Any reference in any statute, rule, regulation, executive order, publication, map, paper, or other document of the United States to the North Mississippi National Wildlife Refuges Complex is deemed to refer to the Sam D. Hamilton North Mississippi National Wildlife Refuges Complex.

AGRICULTURAL CREDIT ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 3509, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3509) to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3509) was ordered to a third reading, was read the third time, and passed.

IMPROVING ACCESS TO CLINICAL TRIALS ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 1674, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1674) to provide for an exclusion under the supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, there

be no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1674) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Improving Access to Clinical Trials Act of 2009”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Advances in medicine depend on clinical trial research conducted at public and private research institutions across the United States.

(2) The challenges associated with enrolling participants in clinical research studies are especially difficult for studies that evaluate treatments for rare diseases and conditions (defined by the Orphan Drug Act as a disease or condition affecting fewer than 200,000 Americans), where the available number of willing and able research participants may be very small.

(3) In accordance with ethical standards established by the National Institutes of Health, sponsors of clinical research may provide payments to trial participants for out-of-pocket costs associated with trial enrollment and for the time and commitment demanded by those who participate in a study. When offering compensation, clinical trial sponsors are required to provide such payments to all participants.

(4) The offer of payment for research participation may pose a barrier to trial enrollment when such payments threaten the eligibility of clinical trial participants for Supplemental Security Income and Medicaid benefits.

(5) With a small number of potential trial participants and the possible loss of Supplemental Security Income and Medicaid benefits for many who wish to participate, clinical trial research for rare diseases and conditions becomes exceptionally difficult and may hinder research on new treatments and potential cures for these rare diseases and conditions.

SEC. 3. EXCLUSION FOR COMPENSATION FOR PARTICIPATION IN CLINICAL TRIALS FOR RARE DISEASES OR CONDITIONS.

(a) EXCLUSION FROM INCOME.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(1) by striking “and” at the end of paragraph (24);

(2) by striking the period at the end of paragraph (25) and inserting “; and”; and

(3) by adding at the end the following:

“(26) the first \$2,000 received during a calendar year by such individual (or such spouse) as compensation for participation in a clinical trial involving research and testing of treatments for a rare disease or condition (as defined in section 5(b)(2) of the Orphan Drug Act), but only if the clinical trial—

“(A) has been reviewed and approved by an institutional review board that is established—

“(i) to protect the rights and welfare of human subjects participating in scientific research; and

“(ii) in accord with the requirements under part 46 of title 45, Code of Federal Regulations; and

“(B) meets the standards for protection of human subjects as provided under part 46 of title 45, Code of Federal Regulations.”.

(b) **EXCLUSION FROM RESOURCES.**—Section 1613(a) of the Social Security Act (42 U.S.C. 1382b(a)) is amended—

(1) by striking “and” at the end of paragraph (15);

(2) by striking the period at the end of paragraph (16) and inserting “; and”; and

(3) by inserting after paragraph (16) the following:

“(17) any amount received by such individual (or such spouse) which is excluded from income under section 1612(b)(26) (relating to compensation for participation in a clinical trial involving research and testing of treatments for a rare disease or condition).”.

(c) **MEDICAID EXCLUSION.**—

(1) **IN GENERAL.**—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)), is amended by adding at the end the following:

“(14) **EXCLUSION OF COMPENSATION FOR PARTICIPATION IN A CLINICAL TRIAL FOR TESTING OF TREATMENTS FOR A RARE DISEASE OR CONDITION.**—The first \$2,000 received by an individual (who has attained 19 years of age) as compensation for participation in a clinical trial meeting the requirements of section 1612(b)(26) shall be disregarded for purposes of determining the income eligibility of such individual for medical assistance under the State plan or any waiver of such plan.”.

(2) **CONFORMING AMENDMENT.**—Section 1902(a)(17) of such Act (42 U.S.C. 1396a(a)(17)) is amended by inserting “(e)(14),” before “(1)(3).”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is the earlier of—

(1) the effective date of final regulations promulgated by the Commissioner of Social Security to carry out this section and such amendments; or

(2) 180 days after the date of enactment of this Act.

(e) **SUNSET PROVISION.**—This Act and the amendments made by this Act are repealed on the date that is 5 years after the date of the enactment of this Act.

SEC. 4. STUDY AND REPORT.

(a) **STUDY.**—Not later than 36 months after the effective date of this Act, the Comptroller General of the United States shall conduct a study to evaluate the impact of this Act on enrollment of individuals who receive Supplemental Security Income benefits under title XVI of the Social Security Act (referred to in this section as “SSI beneficiaries”) in clinical trials for rare diseases or conditions. Such study shall include an analysis of the following:

(1) The percentage of enrollees in clinical trials for rare diseases or conditions who were SSI beneficiaries during the 3-year period prior to the effective date of this Act as compared to such percentage during the 3-year period after the effective date of this Act.

(2) The range and average amount of compensation provided to SSI beneficiaries who participated in clinical trials for rare diseases or conditions.

(3) The overall ability of SSI beneficiaries to participate in clinical trials.

(4) Any additional related matters that the Comptroller General determines appropriate.

(b) **REPORT.**—Not later than 12 months after completion of the study conducted under subsection (a), the Comptroller General shall submit to Congress a report containing the results of such study, together with recommendations for such legislation

and administrative action as the Comptroller General determines appropriate.

SPIRIT OF '45 DAY

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H. Con. Res. 226, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 226) supporting the observance of “Spirit of ‘45 Day.”

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 226) was agreed to.

The preamble was agreed to.

UNITED STATES HARDWOODS INDUSTRY

Mr. REID. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. Res. 411, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 411) recognizing the importance and sustainability of the United States hardwoods industry and urging that United States hardwoods and the products derived from United States hardwoods be given full consideration in any program to promote construction of environmentally preferable commercial, public, or private buildings.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 411) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 411

Whereas hardwood trees grown in the United States are an abundant, sustainable, and legal resource, as documented annually by the Forest Inventory and Analysis Program of the Forest Service;

Whereas, despite development pressure and cropland needs, Department of Agriculture data show that the inventory of United States hardwood has more than doubled over the past 50 years;

Whereas the Department of Agriculture reports that annual United States hardwood growth exceeds hardwood removals by a significant margin of 1.9 to 1, and net annual growth has exceeded removals continuously since 1952;

Whereas the World Bank ranks the United States in the top 10 percent of all countries for government effectiveness, regulatory quality, and rule of law with respect to hardwood resources;

Whereas United States hardwoods have been awarded the highest conservation crop rating available under the Department of Agriculture Environmental Benefits Index;

Whereas United States hardwoods are net absorbers of carbon and are widely recognized to be critical to reducing the United States carbon footprint;

Whereas United States hardwoods are a valuable raw material that, when used properly, provide an incentive for landowners to maintain their land in a forested condition rather than clearing the land for development or other alternative land use;

Whereas United States hardwoods are a renewable resource and bio-based material;

Whereas United States hardwoods are recyclable, and hardwoods used in construction can often be restored and reused in later construction;

Whereas United States hardwoods are grown primarily in those States located along or east of the Mississippi River and in the Pacific Northwest, but, with a presence in every State, the hardwood industry is 1 of the major sources of economic activity and sustenance in many rural communities;

Whereas United States hardwoods are grown by thousands of small family landowners who may harvest trees only once or twice in a generation; and

Whereas United States hardwoods and the products derived from United States hardwoods are prized throughout the world as a superior and long-lasting building material: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that United States hardwoods are an abundant, sustainable, and legal resource under United States law; and

(2) urges that United States hardwoods and products derived from United States hardwoods should be given full consideration in any program to promote construction of environmentally preferable commercial, public, or private buildings.

HONORING THE LIFE OF MANUTE BOL

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 579.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 579) honoring the life of Manute Bol and expressing the condolences of the Senate on his passing.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 579) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 579

Whereas Manute Bol was born the son of a Dinka tribal chief in Sudan, and was given the name "Manute", which means "special blessing";

Whereas Manute Bol traveled to the United States in 1983 and played college basketball at the University of Bridgeport during the 1984-1985 season;

Whereas Manute Bol began his National Basketball Association (NBA) career with the Washington Bullets in 1985, setting the rookie shot-blocking record;

Whereas Manute Bol played in the NBA for 10 years, setting numerous shot-blocking records;

Whereas, after beginning his career in the NBA, Manute Bol used his fame and fortune to raise funding and awareness for the people of Sudan;

Whereas Manute Bol was admitted to the United States as a religious refugee and lost over 250 members of his extended family to a civil war rife with religious tensions, but nevertheless spent his life working for reconciliation between Christians and Muslims in Sudan;

Whereas Manute Bol's last project to foster reconciliation was to build 41 schools for Christians and Muslims to learn and live together in the spirit of reconciliation;

Whereas Manute Bol constantly put himself in danger to bring peace and stability to Sudan, including by flying into war zones and visiting refugee camps that were targeted for aerial attack;

Whereas, on Manute Bol's last humanitarian visit to Sudan, the President of Southern Sudan, Salva Kiir, requested that Manute Bol extend his visit to make appearances at Sudan's national election and use his influence to counter corruption, which ultimately led to the deterioration of his health and his sudden death;

Whereas Manute Bol advocated for human rights in Sudan by appearing before Congress and lobbying Members of Congress, thus positively influencing United States foreign policy on Sudan;

Whereas, after Manute Bol retired, he resided in West Hartford, Connecticut, and Olathe, Kansas;

Whereas Manute Bol died at the age of 47 on June 19, 2010; and

Whereas Manute Bol's perseverance in his advocacy for Sudan affected the lives of thousands, and possibly millions, of people in Sudan: Now, therefore, be it

Resolved, That the Senate—

(1) expresses profound sorrow at the death of Manute Bol;

(2) conveys its condolences to the family, friends, and colleagues of Manute Bol;

(3) expresses gratitude to Manute Bol for his passion and determination in raising

awareness of human rights abuses, and his dedication to bringing peace to Sudan; and

(4) encourages the National Collegiate Athletic Association (NCAA) and the National Basketball Association (NBA) to pursue exhibition games with a Sudanese basketball team to increase awareness of the political and humanitarian situation in Sudan, with proceeds from these games donated toward the construction of reconciliation schools in Sudan, as proposed by Manute Bol.

NATIONAL FETAL ALCOHOL SPECTRUM DISORDERS AWARENESS DAY

RECOGNIZING 63RD ANNIVERSARY OF INDIA'S INDEPENDENCE

COMMEMORATING 50TH ANNIVERSARY OF PUBLICATION OF "TO KILL A MOCKINGBIRD"

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following Senate resolutions: S. 612, S. 613, and S. 614.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 612

Whereas the term "fetal alcohol spectrum disorders" includes a broader range of conditions than the term "fetal alcohol syndrome" and therefore has replaced the term "fetal alcohol syndrome" as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas fetal alcohol spectrum disorders are the leading cause of cognitive disability in western civilization, including the United States, and are 100 percent preventable;

Whereas fetal alcohol spectrum disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas the incidence rate of fetal alcohol syndrome is estimated at 1 out of 500 live births and the incidence rate of fetal alcohol spectrum disorders is estimated at 1 out of every 100 live births;

Whereas although the economic costs of fetal alcohol spectrum disorders are difficult to estimate, the cost of fetal alcohol syndrome alone in the United States was \$6,000,000,000 in 2007, and it is estimated that each individual with fetal alcohol syndrome will cost taxpayers of the United States between \$860,000 and \$4,000,000 during the lifetime of each such individual;

Whereas in February 1999, a small group of parents of children who suffer from fetal alcohol spectrum disorders came together with the hope that in 1 magic moment the world could be made aware of the devastating con-

sequences of alcohol consumption during pregnancy;

Whereas the first International Fetal Alcohol Syndrome Awareness Day was observed on September 9, 1999;

Whereas Bonnie Buxton of Toronto, Canada, the co-founder of the first International Fetal Alcohol Syndrome Awareness Day, asked "What if . . . a world full of FAS/E [Fetal Alcohol Syndrome/Effect] parents all got together on the ninth hour of the ninth day of the ninth month of the year and asked the world to remember that during the 9 months of pregnancy a woman should not consume alcohol . . . would the rest of the world listen?"; and

Whereas on the ninth day of the ninth month of each year since 1999, communities around the world have observed International Fetal Alcohol Syndrome Awareness Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 9, 2010, as "National Fetal Alcohol Spectrum Disorders Awareness Day"; and

(2) calls upon the people of the United States—

(A) to observe National Fetal Alcohol Spectrum Disorders Awareness Day with appropriate ceremonies—

(i) to promote awareness of the effects of prenatal exposure to alcohol;

(ii) to increase compassion for individuals affected by prenatal exposure to alcohol;

(iii) to minimize further effects of prenatal exposure to alcohol; and

(iv) to ensure healthier communities across the United States; and

(B) to observe a moment of reflection on the ninth hour of September 9, 2010, to remember that during the 9 months of pregnancy a woman should not consume alcohol.

S. RES. 613

Whereas on August 15, 1947, India gained independence from Great Britain and became a sovereign nation;

Whereas August 15 is celebrated in India as Independence Day;

Whereas India is the largest democracy in the world;

Whereas India has one of the largest and most dynamic economies in the world;

Whereas, in recent years, the United States and India have pursued a strategic partnership based on common interests and shared commitments to freedom, democracy, pluralism, human rights, and the rule of law;

Whereas President Barack Obama referred to the relationship between the United States and India as "one of the defining partnerships of the 21st century" at the first State dinner hosted by President Obama, which was held in honor of Indian Prime Minister Manmohan Singh in November 2009;

Whereas the United States and India completed the inaugural round of the United States-India Strategic Dialogue in June 2010;

Whereas the United States and India have undertaken a cooperative effort in the area of civilian nuclear power, which Congress approved through the enactment of the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act (Public Law 110-369; 122 Stat. 4028);

Whereas the strong relationship between the United States and India, based on mutual trust and respect, enables close collaboration across a broad spectrum of strategic interests, including counterterrorism, democracy promotion, regional economic development, human rights, and scientific research;

Whereas the United States and India have balanced, growing, and mutually beneficial

trade and investment ties that create jobs in both countries;

Whereas, since 2001, Indians have comprised the largest foreign student population on college campuses in the United States, accounting for approximately 15 percent of all foreign students in the United States;

Whereas there are more than 2,000,000 Americans of Indian descent in the United States;

Whereas Americans of Indian descent have made lasting contributions to the social and economic fabric of the United States; and

Whereas Americans of Indian descent continue to enrich all sectors of public life in the United States, including as government, military, and law enforcement officials working to uphold the Constitution of the United States and to protect all people in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 63rd anniversary of India's independence;

(2) celebrates the contributions of Americans of Indian descent to society in the United States; and

(3) remains committed to fostering and advancing the strategic partnership between the United States and India in the future.

S. RES. 614

Whereas Nelle Harper Lee was born on April 28, 1926, to Amasa Coleman Lee and Frances Finch in Monroeville, Alabama;

Whereas Nelle Harper Lee wrote the novel "To Kill a Mockingbird" portraying life in the 1930s in the fictional small southern town of Maycomb, Alabama, which was modeled on Monroeville, Alabama, the hometown of Ms. Lee;

Whereas "To Kill a Mockingbird" addressed the issue of racial inequality in the United States by revealing the humanity of a community grappling with moral conflict;

Whereas "To Kill a Mockingbird" was first published in 1960 and was awarded the Pulitzer Prize in 1961;

Whereas "To Kill a Mockingbird" was the basis for the 1962 Academy Award-winning film of the same name starring Gregory Peck;

Whereas "To Kill a Mockingbird" is one of the great American novels of the 20th century, having been published in more than 40 languages and having sold more than 30,000,000 copies;

Whereas, in 2007, Nelle Harper Lee was inducted into the American Academy of Arts and Letters;

Whereas, in 2007, President George W. Bush awarded the Presidential Medal of Freedom to Nelle Harper Lee for her great contributions to literature and observed, " 'To Kill a Mockingbird' has influenced the character of our country for the better", and "As a model of good writing and humane sensibility, this book will be read and studied forever"; and

Whereas "To Kill a Mockingbird" is celebrated each year in Monroeville, Alabama through public performances featuring local amateur actors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic milestone of the 50th anniversary of the publication of "To Kill a Mockingbird"; and

(2) honors the outstanding achievement of Nelle Harper Lee in the field of American literature in authoring "To Kill a Mockingbird".

ADJOURNMENT OR RECESS OF THE SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to H. Con. Res. 307, the adjournment resolution, which we received from the House and is now at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 307) providing for a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 307) was agreed to, as follows:

H. CON. RES. 307

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns on any day from Thursday, August 5, 2010, through Saturday, August 14, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, September 13, 2010, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. (a) The Majority Leader of the Senate or his designee, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate recesses or adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand recessed or adjourned pursuant to the first section of this concurrent resolution.

MEASURES READ THE FIRST TIME—S. 3762 AND H.R. 5827

Mr. REID. Mr. President, I am told there are two bills at the desk and I ask unanimous consent for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title en bloc.

The assistant legislative clerk read as follows:

A bill (S. 3762) to reinstate funds to the Federal Land Disposal Account.

A bill (H.R. 5827) to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate.

Mr. REID. I now ask for a second reading en bloc and object to my own request for both of them.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

AUTHORIZING DOCUMENT PRODUCTION

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 615.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 615) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received a request from a Federal law enforcement agency seeking access to records that the Subcommittee obtained during its 1999 investigation into private banking and money laundering.

This resolution would authorize the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the Subcommittee in the course of its investigation, in response to the request and to other government entities and officials with a legitimate need for the records.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 615) was agreed to.

The preamble was agreed to.

The resolution, with its preamble reads as follows:

S. RES. 615

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation in 1999 into private banking and money laundering;

Whereas, the Subcommittee has received a request from a federal law enforcement agency for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation in 1999 into private banking and money laundering.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, are we now in morning business?

The PRESIDING OFFICER. We are.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. REID. I ask unanimous consent to proceed to Calendar No. 548.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3729) to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask that the Rockefeller amendment, which is at the desk, be agreed to, the bill as amended be read three times, passed, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4602) was agreed to, as follows:

(Purpose: To modify the bill as reported)

On page 2, after the item relating to section 504, insert the following:

Sec. 505. Scientific access to the International Space Station.

On page 4, before line 1, after the item relating to section 1210, insert the following:

TITLE XIII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010
Sec. 1301. Compliance provision.

On page 36, after line 25, insert the following:

SEC. 309. REPORT REQUIREMENT.—Within 90 days after the date of enactment of this Act, or upon completion of reference designs for the Space Launch System and multi-purpose crew vehicle authorized by this Act, whichever occurs first, the Administrator shall provide a detailed report to the appropriate committees of Congress that provides an overall description of the reference vehicle design, the assumptions, description, data, and analysis of the systems trades and resolution process, justification of trade decisions, the design factors which implement the essential system and vehicle capability

requirements established by this Act, the explanation and justification of any deviations from those requirements, the plan for utilization of existing contracts, civil service and contract workforce, supporting infrastructure utilization and modifications, and procurement strategy to expedite development activities through modification of existing contract vehicles, and the schedule of design and development milestones and related schedules leading to the accomplishment of operational goals established by this Act. The Administrator shall provide an update of this report as part of the President's annual Budget Request.

On page 32, line 4, strike "measures" and insert "measures, including investments to improve launch infrastructure at NASA flight facilities scheduled to launch cargo to the ISS under the commercial orbital transportation services program".

On page 33, after line 25, insert the following:

(2) The extent to which the United States is reliant on non-United States systems, including foreign rocket motors and foreign launch vehicles.

On page 34, line 1, strike "(2)" and insert "(3)".

On page 38, strike lines 10 through 14 and insert the following:

(a) FY 2011 CONTRACTS AND PROCUREMENT AGREEMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may not execute a contract or procurement agreement with respect to follow-on commercial crew services during fiscal year 2011.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may execute a contract or procurement agreement with respect to follow-on commercial crew services during fiscal year 2011 if—

(A) the requirements of paragraphs (1), (2), and (3) of subsection (b) are met; and

(B) the total amount involved for all such contracts and procurement agreements executed during fiscal year 2011 does not exceed \$50,000,000 for fiscal year 2011.

On page 88, beginning with "Upon" in line 4, strike through "centers." in line 9 and insert "Upon completion of the study required by Section 1102, the Administrator shall establish an independent panel to examine alternative management models for NASA's workforce, centers, and related facilities in order to improve efficiency and productivity, while nonetheless maintaining core Federal competencies and keeping appropriately governmental functions internal to NASA."

On page 89, beginning with "involuntary" in line 24, strike through line 2 on page 90 and insert "involuntary separations of permanent, non-Senior-Executive-Service, civil servant employees before September 30, 2013, except for cause on charges of misconduct, delinquency, or inefficiency."

On page 103, after line 9, insert the following:

TITLE XIII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010
SEC. 1301. COMPLIANCE PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

On page 61, line 23—after "ers" insert "or the retrieval of NASA manned space vehi-

cles, or significant contributions to human space flight."

The bill (S. 3729), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The bill will be printed in a future edition of the RECORD.

EQUAL ACCESS TO 21ST CENTURY COMMUNICATIONS ACT

Mr. REID. I now ask unanimous consent that we move to Calendar No. 509.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3304) to increase the access of persons with disabilities to modern communications, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Twenty-First Century Communications and Video Accessibility Act of 2010".

(b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

Sec. 2. Limitation on liability.

TITLE I—COMMUNICATIONS ACCESS

Sec. 101. Definitions.

Sec. 102. Hearing aid compatibility.

Sec. 103. Relay services.

Sec. 104. Access to advanced communications services and equipment.

Sec. 105. Universal service.

Sec. 106. Emergency Access Advisory Committee.

TITLE II—VIDEO PROGRAMMING

Sec. 201. Video Programming and Emergency Access Advisory Committee.

Sec. 202. Video description and closed captioning.

Sec. 203. Closed captioning decoder and video description capability.

Sec. 204. User interfaces on digital apparatus.

Sec. 205. Access to video programming guides and menus provided on navigation devices.

Sec. 206. Definitions.

SEC. 2. LIMITATION ON LIABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), no person shall be liable for a violation of the requirements of this Act (or of the provisions of the Communications Act of 1934 that are amended or added by this Act) with respect to video programming, online content, applications, services, advanced communications services, or equipment used to provide or access advanced communications services to the extent such person—

(1) transmits, routes, or stores in intermediate or transient storage the communications made available through the provision of advanced communications services by a third party; or

(2) provides an information location tool, such as a directory, index, reference, pointer, menu, guide, user interface, or hypertext link, through which an end user obtains access to such video programming, online content, applications, services, advanced communications services, or equipment used to provide or access advanced communications services.

(b) EXCEPTION.—The limitation on liability under subsection (a) shall not apply to any person who relies on third party applications, services, software, hardware, or equipment to comply with the requirements of this Act (or of the provisions of the Communications Act of 1934 that are amended or added by this Act) with respect to video programming, online content, applications, services, advanced communications services, or equipment used to provide or access advanced communications services.

TITLE I—COMMUNICATIONS ACCESS

SEC. 101. DEFINITIONS.

Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by adding at the end the following new paragraphs:

“(53) ADVANCED COMMUNICATIONS SERVICES.—The term ‘advanced communications services’ means—

“(A) interconnected VoIP service;
 “(B) non-interconnected VoIP service;
 “(C) electronic messaging service; and
 “(D) interoperable video conferencing service.
 “(54) CONSUMER GENERATED MEDIA.—The term ‘consumer generated media’ means content created and made available by consumers to online sites and venues on the Internet, including video, audio, and multimedia content.

“(55) DISABILITY.—The term ‘disability’ has the meaning given such term under section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

“(56) ELECTRONIC MESSAGING SERVICE.—The term ‘electronic messaging service’ means a service that provides real-time or near real-time non-voice messages in text form between persons over communications networks.

“(57) INTERCONNECTED VOIP SERVICE.—The term ‘interconnected VoIP service’ has the meaning given such term under section 9.3 of title 47, Code of Federal Regulations, as such section may be amended from time to time.

“(58) NON-INTERCONNECTED VOIP SERVICE.—The term ‘non-interconnected VoIP service’—

“(A) means a service that—
 “(i) enables real-time voice communications that originate from or terminate to the user’s location using Internet protocol or any successor protocol; and
 “(ii) requires Internet protocol compatible customer premises equipment; and
 “(B) does not include any service that is an interconnected VoIP service.

“(59) INTEROPERABLE VIDEO CONFERENCING SERVICE.—The term ‘interoperable video conferencing service’ means a service that provides real-time video communications, including audio, to enable users to share information of the user’s choosing.”; and

(2) by reordering paragraphs (1) through (52) and the paragraphs added by paragraph (1) of this section in alphabetical order based on the headings of such paragraphs and renumbering such paragraphs as so reordered.

SEC. 102. HEARING AID COMPATIBILITY.

(a) COMPATIBILITY REQUIREMENTS.—

(1) TELEPHONE SERVICE FOR THE DISABLED.—Section 710(b)(1) of the Communications Act of 1934 (47 U.S.C. 610(b)(1)) is amended to read as follows:

“(b)(1) Except as provided in paragraphs (2) and (3) and subsection (c), the Commission shall require that customer premises equipment described in this paragraph provide internal means for effective use with hearing aids that are designed to be compatible with telephones which meet established technical standards for hearing aid compatibility. Customer premises equipment described in this paragraph are the following:

“(A) All essential telephones.

“(B) All telephones manufactured in the United States (other than for export) more than

one year after the date of enactment of the Hearing Aid Compatibility Act of 1988 or imported for use in the United States more than one year after such date.

“(C) All customer premises equipment used with advanced communications services that is designed to provide 2-way voice communication via a built-in speaker intended to be held to the ear in a manner functionally equivalent to a telephone, subject to the regulations prescribed by the Commission under subsection (e).”.

(2) ADDITIONAL AMENDMENTS.—Section 710(b) of the Communications Act of 1934 (47 U.S.C. 610(b)) is further amended—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking “initial”;

(bb) by striking “of this subsection after the date of enactment of the Hearing Aid Compatibility Act of 1988”; and

(cc) by striking “paragraph (1)(B) of this subsection” and inserting “subparagraphs (B) and (C) of paragraph (1)”;

(II) by inserting “and” at the end of clause (ii);

(III) by striking clause (iii); and

(IV) by redesignating clause (iv) as clause (iii);

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (B) (as so redesignated)—

(I) by striking the first sentence and inserting “The Commission shall periodically assess the appropriateness of continuing in effect the exemptions for telephones and other customer premises equipment described in subparagraph (A) of this paragraph.”; and

(II) in each of clauses (iii) and (iv), by striking “paragraph (1)(B)” and inserting “subparagraph (B) or (C) of paragraph (1)”;

(B) in paragraph (4)(B)—

(i) by striking “public mobile” and inserting “telephones used with public mobile”;

(ii) by inserting “telephones and other customer premises equipment used in whole or in part with” after “means”;

(iii) by striking “and” after “public land mobile telephone service,” and inserting “or”;

(iv) by striking “part 22 of”; and

(v) by inserting after “Regulations” the following: “, or any functionally equivalent unlicensed wireless services”; and

(C) in paragraph (4)(C)—

(i) by striking “term ‘private radio services’” and inserting “term ‘telephones used with private radio services’”; and

(ii) by inserting “telephones and other customer premises equipment used in whole or in part with” after “means”.

(b) TECHNICAL STANDARDS.—Section 710(c) of the Communications Act of 1934 (47 U.S.C. 610(c)) is amended by adding at the end the following: “A telephone or other customer premises equipment that is compliant with relevant technical standards developed through a public participation process and in consultation with interested consumer stakeholders (designated by the Commission for the purposes of this section) will be considered hearing aid compatible for purposes of this section, until such time as the Commission may determine otherwise. The Commission shall consult with the public, including people with hearing loss, in establishing or approving such technical standards. The Commission may delegate this authority to an employee pursuant to section 5(c). The Commission shall remain the final arbiter as to whether the standards meet the requirements of this section.”.

(c) RULEMAKING.—Section 710(e) of the Communications Act of 1934 (47 U.S.C. 610(e)) is amended—

(1) by striking “impairments” and inserting “loss”; and

(2) by adding at the end the following sentence: “In implementing the provisions of subsection (b)(1)(C), the Commission shall use appropriate timetables or benchmarks to the extent necessary (1) due to technical feasibility, or (2) to ensure the marketability or availability of new technologies to users.”.

(d) RULE OF CONSTRUCTION.—Section 710(h) of the Communications Act of 1934 (47 U.S.C. 610(h)) is amended to read as follows:

“(h) RULE OF CONSTRUCTION.—Nothing in the Twenty-First Century Communications and Video Accessibility Act of 2010 shall be construed to modify the Commission’s regulations set forth in section 20.19 of title 47 of the Code of Federal Regulations, as in effect on the date of enactment of such Act.”.

SEC. 103. RELAY SERVICES.

(a) DEFINITION.—Paragraph (3) of section 225(a) of the Communications Act of 1934 (47 U.S.C. 225(a)(3)) is amended to read as follows:

“(3) TELECOMMUNICATIONS RELAY SERVICES.—The term ‘telecommunications relay services’ means telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.”.

(b) INTERNET PROTOCOL-BASED RELAY SERVICES.—Title VII of such Act (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

“SEC. 715. INTERNET PROTOCOL-BASED RELAY SERVICES.

“Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, each interconnected VoIP service provider and each provider of non-interconnected VoIP service shall participate in and contribute to the Telecommunications Relay Services Fund established in section 64.604(c)(5)(iii) of title 47, Code of Federal Regulations, as in effect on the date of enactment of such Act, in a manner prescribed by the Commission by regulation to provide for obligations of such providers that are consistent with and comparable to the obligations of other contributors to such Fund.”.

SEC. 104. ACCESS TO ADVANCED COMMUNICATIONS SERVICES AND EQUIPMENT.

(a) TITLE VII AMENDMENT.—Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.), as amended by section 103, is further amended by adding at the end the following new sections:

“SEC. 716. ACCESS TO ADVANCED COMMUNICATIONS SERVICES AND EQUIPMENT.

“(a) MANUFACTURING.—With respect to equipment manufactured after the effective date of the regulations established pursuant to subsection (e), and subject to those regulations, a manufacturer of equipment used for advanced communications services, including end user equipment, network equipment, and software, shall ensure that the equipment and software that such manufacturer designs, develops, and fabricates shall be accessible to and usable by individuals with disabilities, unless the requirement of this subsection is not achievable.

“(b) SERVICE PROVIDERS.—With respect to services provided after the effective date of the regulations established pursuant to subsection (e), and subject to those regulations, a provider of advanced communications services shall ensure that such services offered by such provider are accessible to and usable by individuals with disabilities, unless the requirement of this subsection is not achievable.

“(c) **COMPATIBILITY.**—Whenever the requirements of subsections (a) or (b) are not achievable, a manufacturer or provider shall ensure that its equipment or service is compatible with existing peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access, unless the requirement of this subsection is not achievable.

“(d) **NETWORK FEATURES, FUNCTIONS, AND CAPABILITIES.**—Each provider of advanced communications services has the duty not to install network features, functions, or capabilities that do not impede accessibility or usability.

“(e) **REGULATIONS.**—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall promulgate such regulations as are necessary to implement this section. In prescribing the regulations, the Commission shall—

“(1) include performance requirements to ensure the accessibility, usability, and compatibility of advanced communications services and the equipment used for advanced communications services by individuals with disabilities;

“(2) provide that advanced communications services, the equipment used for advanced communications services, and networks used to provide advanced communications services may not impair or impede the accessibility of information content when accessibility has been incorporated into that content for transmission through advanced communications services, equipment used for advanced communications services, or networks used to provide advanced communications services;

“(3) determine the obligations under this section of manufacturers, service providers, and providers of applications or services accessed over service provider networks;

“(4) not mandate technical standards, except that the Commission may adopt technical standards as a safe harbor for such compliance if necessary to facilities the manufacturers' and service providers' compliance with sections (a) through (c); and

“(5) not mandate the use or incorporation of specific proprietary technology.

“(f) **SERVICES AND EQUIPMENT SUBJECT TO SECTION 255.**—The requirements of this section shall not apply to any equipment or services, including interconnected VoIP service, that are subject to the requirements of section 255 on the day before the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010. Such services and equipment shall remain subject to the requirements of section 255.

“(g) **ACHIEVABLE DEFINED.**—For purposes of this section, the term ‘achievable’ means with reasonable effort or expense, as determined by the Commission. In determining whether the requirements of a provision are achievable, the Commission shall consider the following factors:

“(1) The nature and cost of the steps needed to meet the requirements of this section with respect to the specific equipment or service in question.

“(2) The technical and economic impact on the operation of the manufacturer or provider and on the operation of the specific equipment or service in question, including on the development and deployment of new communications technologies.

“(3) The type of operations of the manufacturer or provider.

“(4) The extent to which the service provider or manufacturer in question offers accessible services or equipment containing varying degrees of functionality and features, and offered at differing price points.

“(h) **COMMISSION FLEXIBILITY.**—The Commission shall have the authority, on its own motion

or in response to a petition by a manufacturer or provider, to waive the requirements of this section for any feature or function of equipment used to provide or access advanced communications services, or for any class of such equipment, that—

“(1) is capable of accessing an advanced communications service; and

“(2) is designed for multiple purposes, but is designed primarily for purposes other than using advanced communications services.

“SEC. 717. ENFORCEMENT AND RECORDKEEPING OBLIGATIONS.

“(a) **COMPLAINT AND ENFORCEMENT PROCEDURES.**—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall establish regulations that facilitate the filing of formal and informal complaints that allege a violation of section 255 or 716, establish procedures for enforcement actions by the Commission with respect to such violations, and implement the recordkeeping obligations of paragraph (5) for manufacturers and providers subject to such sections. Such regulations shall include the following provisions:

“(1) **NO FEE.**—The Commission shall not charge any fee to an individual who files a complaint alleging a violation of section 255 or 716.

“(2) **RECEIPT OF COMPLAINTS.**—The Commission shall establish separate and identifiable electronic, telephonic, and physical receptacles for the receipt of complaints filed under section 255 or 716.

“(3) **COMPLAINTS TO THE COMMISSION.**—

“(A) **IN GENERAL.**—Any person alleging a violation of section 255 or 716 by a manufacturer of equipment or provider of service subject to such sections may file a formal or informal complaint with the Commission.

“(B) **INVESTIGATION OF INFORMAL COMPLAINT.**—The Commission shall investigate the allegations in an informal complaint and, within 180 days after the date on which such complaint was filed with the Commission, issue an order concluding the investigation, unless such complaint is resolved before such time. The order shall include a determination whether any violation occurred.

“(i) **VIOLATION.**—If the Commission determines that a violation has occurred, the Commission may, in the order issued under this subparagraph or in a subsequent order, require the manufacturer or service provider to take such remedial action as is necessary to comply with the requirements of this section.

“(ii) **NO VIOLATION.**—If a determination is made that a violation has not occurred, the Commission shall provide the basis for such determination.

“(C) **CONSOLIDATION OF COMPLAINTS.**—The Commission may consolidate for investigation and resolution complaints alleging substantially the same violation.

“(4) **OPPORTUNITY TO RESPOND.**—Before the Commission makes a determination pursuant to paragraph (3), the party that is the subject of the complaint shall have a reasonable opportunity to respond to such complaint, and may include in such response any factors that are relevant to such determination.

“(5) **RECORDKEEPING.**—(A) Beginning one year after the effective date of regulations promulgated pursuant to section 716(e), each manufacturer and provider subject to sections 255 and 716 shall maintain, in the ordinary course of business and for a reasonable period, records of the efforts taken by such manufacturer or provider to implement sections 255 and 716, including the following:

“(i) Information about the manufacturer's or provider's efforts to consult with individuals with disabilities.

“(ii) Descriptions of the accessibility features of its products and services.

“(iii) Information about the compatibility of such products and services with peripheral devices or specialized customer premise equipment commonly used by individuals with disabilities to achieve access.

“(B) An officer of a manufacturer or provider shall submit to the Commission an annual certification that records are being kept in accordance with subparagraph (A).

“(C) After the filing of a formal or informal complaint against a manufacturer or provider in the manner prescribed in paragraph (3), the Commission may request, and shall keep confidential, a copy of the records maintained by such manufacturer or provider pursuant to subparagraph (A) of this paragraph that are directly relevant to the equipment or service that is the subject of such complaint.

“(6) **FAILURE TO ACT.**—If the Commission fails to carry out any of its responsibilities to act upon a complaint in the manner prescribed in paragraph (3), the person that filed such complaint may bring an action in the nature of mandamus in the United States Court of Appeals for the District of Columbia to compel the Commission to carry out any such responsibility.

“(7) **COMMISSION JURISDICTION.**—The limitations of section 255(f) shall apply to any claim that alleges a violation of section 255 or 716. Nothing in this paragraph affects or limits any action for mandamus under paragraph (6) or any appeal pursuant to section 402(b)(10).

“(8) **PRIVATE RESOLUTIONS OF COMPLAINTS.**—Nothing in the Commission's rules or this Act shall be construed to preclude a person who files a complaint and a manufacturer or provider from resolving a formal or informal complaint prior to the Commission's final determination in a complaint proceeding. In the event of such a resolution, the parties shall jointly request dismissal of the complaint and the Commission shall grant such request.

“(b) **REPORTS TO CONGRESS.**—

“(1) **IN GENERAL.**—Every two years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes the following:

“(A) An assessment of the level of compliance with section 255 and 716.

“(B) An evaluation of the extent to which any accessibility barriers still exist with respect to new communications technologies.

“(C) The number and nature of complaints received pursuant to subsection (a) during the two years that are the subject of the report.

“(D) A description of the actions taken to resolve such complaints under this section, including forfeiture penalties assessed.

“(E) The length of time that was taken by the Commission to resolve each such complaint.

“(F) The number, status, nature, and outcome of any actions for mandamus filed pursuant to subsection (a)(6) and the number, status, nature, and outcome of any appeals filed pursuant to section 402(b)(10).

“(G) An assessment of the effect of the requirements of this section on the development and deployment of new communications technologies.

“(2) **PUBLIC COMMENT REQUIRED.**—The Commission shall seek public comment on its tentative findings prior to submission to the Committees of the report under this subsection.

“(c) **COMPTROLLER GENERAL ENFORCEMENT STUDY.**—

“(1) **IN GENERAL.**—The Comptroller General shall conduct a study to consider and evaluate the following:

“(A) The Commission's compliance with the requirements of this section, including the Commission's level of compliance with the deadlines

established under and pursuant to this section and deadlines for acting on complaints pursuant to subsection (a).

“(B) Whether the enforcement actions taken by the Commission pursuant to this section have been appropriate and effective in ensuring compliance with this section.

“(C) Whether the enforcement provisions under this section are adequate to ensure compliance with this section.

“(D) Whether, and to what extent (if any), the requirements of this section have an effect on the development and deployment of new communications technologies.

“(2) REPORT.—Not later than 5 years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study required by paragraph (1), with recommendations for how the enforcement process and measures under this section may be modified or improved.

“(d) CLEARINGHOUSE.—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall, in consultation with the Architectural and Transportation Barriers Compliance Board, the National Telecommunications and Information Administration, trade associations, and organizations representing individuals with disabilities, establish a clearinghouse of information on the availability of accessible products and services and accessibility solutions required under sections 255 and 716. Such information shall be made publicly available on the Commission’s website and by other means, and shall include an annually updated list of products and services with access features.

“(e) OUTREACH AND EDUCATION.—Upon establishment of the clearinghouse of information required under subsection (d), the Commission, in coordination with the National Telecommunications and Information Administration, shall conduct an informational and educational program designed to inform the public about the availability of the clearinghouse and the protections and remedies available under sections 255 and 716.”.

(b) TITLE V AMENDMENTS.—Section 503(b)(2) of such Act (47 U.S.C. 503(b)(2)) is amended by adding after subparagraph (E) the following:

“(F) Subject to paragraph (5) of this section, if the violator is a manufacturer or service provider subject to the requirements of section 255 or 716, and is determined by the Commission to have violated any such requirement, the manufacturer or provider shall be liable to the United States for a forfeiture penalty of not more than \$100,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$1,000,000 for any single act or failure to act.”.

(c) REVIEW OF COMMISSION DETERMINATIONS.—Section 402(b) of such Act (47 U.S.C. 402(b)) is amended by adding the following new paragraph:

“(10) By any person who is aggrieved or whose interests are adversely affected by a determination made by the Commission under section 717(a)(3).”.

SEC. 105. RELAY SERVICES FOR DEAF-BLIND INDIVIDUALS.

Title VII of the Communications Act of 1934, as amended by section 104, is further amended by adding at the end the following:

“SEC. 718. RELAY SERVICES FOR DEAF-BLIND INDIVIDUALS.

“(a) IN GENERAL.—Within 6 months after the date of enactment of the Equal Access to 21st

Century Communications Act, the Commission shall establish rules that define as eligible for relay service support those programs that are approved by the Commission for the distribution of specialized customer premises equipment designed to make telecommunications service, Internet access service, and advanced communications, including interexchange services and advanced telecommunications and information services, accessible by individuals who are deaf-blind.

“(b) INDIVIDUALS WHO ARE DEAF-BLIND DEFINED.—For purposes of this subsection, the term ‘individuals who are deaf-blind’ has the same meaning given such term in the Helen Keller National Center Act, as amended by the Rehabilitation Act Amendments of 1992 (29 U.S.C. 1905(2)).

“(c) ANNUAL AMOUNT.—The total amount of support the Commission may provide from its interstate relay fund for any fiscal year may not exceed \$10,000,000.”.

SEC. 106. EMERGENCY ACCESS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—For the purpose of achieving equal access to emergency services by individuals with disabilities, as a part of the migration to a national Internet protocol-enabled emergency network, not later than 60 days after the date of enactment of this Act, the Chairman of the Commission shall establish an advisory committee, to be known as the Emergency Access Advisory Committee (referred to in this section as the “Advisory Committee”).

(b) MEMBERSHIP.—As soon as practicable after the date of enactment of this Act, the Chairman of the Commission shall appoint the members of the Advisory Committee, ensuring a balance between individuals with disabilities and other stakeholders, and shall designate two such members as the co-chairs of the Committee. Members of the Advisory Committee shall be selected from the following groups:

(1) STATE AND LOCAL GOVERNMENT AND EMERGENCY RESPONDER REPRESENTATIVES.—Representatives of State and local governments and representatives of emergency response providers, selected from among individuals nominated by national organizations representing such governments and representatives.

(2) SUBJECT MATTER EXPERTS.—Individuals who have the technical knowledge and expertise to serve on the Advisory Committee in the fulfillment of its duties, including representatives of—

(A) providers of interconnected and non-interconnected VoIP services;

(B) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of interconnected and non-interconnected VoIP services;

(C) national organizations representing individuals with disabilities and senior citizens;

(D) Federal agencies or departments responsible for the implementation of the Next Generation 9-1-1 system;

(E) the National Institute of Standards and Technology; and

(F) other individuals with such technical knowledge and expertise.

(3) REPRESENTATIVES OF OTHER STAKEHOLDERS AND INTERESTED PARTIES.—Representatives of such other stakeholders and interested and affected parties as the Chairman of the Commission determines appropriate.

(c) DEVELOPMENT OF RECOMMENDATIONS.—Within 1 year after the completion of the member appointment process by the Chairman of the Commission pursuant to subsection (b), the Advisory Committee shall conduct a national survey of individuals with disabilities, seeking input from the groups described in subsection (b)(2), to determine the most effective and efficient technologies and methods by which to en-

able access to emergency services by individuals with disabilities and shall develop and submit to the Commission recommendations to implement such technologies and methods, including recommendations—

(1) with respect to what actions are necessary as a part of the migration to a national Internet protocol-enabled network to achieve reliable, interoperable communication transmitted over such network that will ensure access to emergency services by individuals with disabilities;

(2) for protocols, technical capabilities, and technical requirements to ensure the reliability and interoperability necessary to ensure access to emergency services by individuals with disabilities;

(3) for the establishment of technical standards for use by public safety answering points, designated default answering points, and local emergency authorities;

(4) for relevant technical standards and requirements for communication devices and equipment and technologies to enable the use of reliable emergency access;

(5) for procedures to be followed by IP-enabled network providers to ensure that such providers do not install features, functions, or capabilities that would conflict with technical standards;

(6) for deadlines by which providers of interconnected and non-interconnected VoIP services and manufacturers of equipment used for such services shall achieve the actions required in paragraphs (1) through (5), where achievable, and for the possible phase out of the use of current-generation TTY technology to the extent that this technology is replaced with more effective and efficient technologies and methods to enable access to emergency services by individuals with disabilities;

(7) for the establishment of rules to update the Commission’s rules with respect to 9-1-1 services and E-911 services (as defined in section 158(e)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(e)(4))), for users of telecommunications relay services as new technologies and methods for providing such relay services are adopted by providers of such relay services; and

(8) that take into account what is technically and economically feasible.

(d) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 45 days after the completion of the member appointment process by the Chairman of the Commission pursuant to subsection (b).

(2) OTHER MEETINGS.—After the initial meeting, the Advisory Committee shall meet at the call of the chairs, but no less than monthly until the recommendations required pursuant to subsection (c) are completed and submitted.

(3) NOTICE; OPEN MEETINGS.—Any meetings held by the Advisory Committee shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) RULES.—

(1) QUORUM.—One-third of the members of the Advisory Committee shall constitute a quorum for conducting business of the Advisory Committee.

(2) SUBCOMMITTEES.—To assist the Advisory Committee in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts as determined to be necessary.

(3) ADDITIONAL RULES.—The Advisory Committee may adopt other rules as needed.

(f) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

(g) IMPLEMENTING RECOMMENDATIONS.—The Commission shall have the authority to promulgate regulations to implement the recommendations proposed by the Advisory Committee, as

well as any other regulations, technical standards, protocols, and procedures as are necessary to achieve reliable, interoperable communication that ensures access by individuals with disabilities to an Internet protocol-enabled emergency network, where achievable and technically feasible.

(h) **DEFINITIONS.**—In this section—

(1) the term “Commission” means the Federal Communications Commission;

(2) the term “Chairman” means the Chairman of the Federal Communications Commission; and

(3) except as otherwise expressly provided, other terms have the meanings given such terms in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

TITLE II—VIDEO PROGRAMMING

SEC. 201. VIDEO PROGRAMMING AND EMERGENCY ACCESS ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—Not later than 60 days after the date of enactment of this Act, the Chairman shall establish an advisory committee to be known as the Video Programming and Emergency Access Advisory Committee.

(b) **MEMBERSHIP.**—As soon as practicable after the date of enactment of this Act, the Chairman shall appoint individuals who have the technical knowledge and engineering expertise to serve on the Advisory Committee in the fulfillment of its duties, including the following:

(1) Representatives of distributors and providers of video programming or a national organization representing such distributors.

(2) Representatives of vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of video programming delivered using Internet protocol or a national organization representing such vendors, developers, or manufacturers.

(3) Representatives of manufacturers of consumer electronics or information technology equipment or a national organization representing such manufacturers.

(4) Representatives of video programming producers or a national organization representing such producers.

(5) Representatives of national organizations representing accessibility advocates, including individuals with disabilities and the elderly.

(6) Representatives of the broadcast television industry or a national organization representing such industry.

(7) Other individuals with technical and engineering expertise, as the Chairman determines appropriate.

(c) **COMMISSION OVERSIGHT.**—The Chairman shall appoint a member of the Commission's staff to moderate and direct the work of the Advisory Committee.

(d) **TECHNICAL STAFF.**—The Commission shall appoint a member of the Commission's technical staff to provide technical assistance to the Advisory Committee.

(e) **DEVELOPMENT OF RECOMMENDATIONS.**—

(1) **CLOSED CAPTIONING REPORT.**—Within 6 months after the date of the first meeting of the Advisory Committee, the Advisory Committee shall develop and submit to the Commission a report that includes the following:

(A) A recommended schedule of deadlines for the provision of closed captioning service.

(B) An identification of the performance requirement for protocols, technical capabilities, and technical procedures needed to permit content providers, content distributors, Internet service providers, software developers, and device manufacturers to reliably encode, transport, receive, and render closed captions of video programming, except for consumer generated media, delivered using Internet protocol.

(C) An identification of additional protocols, technical capabilities, and technical procedures beyond those available as of the date of enact-

ment of the Twenty-First Century Communications and Video Accessibility Act of 2010 for the delivery of closed captions of video programming, except for consumer generated media, delivered using Internet protocol that are necessary to meet the performance requirements identified under subparagraph (B).

(D) A recommendation for technical standards to address the performance requirements identified in subparagraph (B).

(E) A recommendation for any regulations that may be necessary to ensure compatibility between video programming, except for consumer generated media, delivered using Internet protocol and devices capable of receiving and displaying such programming in order to facilitate access to closed captions.

(2) **VIDEO DESCRIPTION, EMERGENCY INFORMATION, USER INTERFACES, AND VIDEO PROGRAMMING GUIDES AND MENUS.**—Within 18 months after the date of enactment of this Act, the Advisory Committee shall develop and submit to the Commission a report that includes the following:

(A) A recommended schedule of deadlines for the provision of video description and emergency information.

(B) An identification of the performance requirement for protocols, technical capabilities, and technical procedures needed to permit content providers, content distributors, Internet service providers, software developers, and device manufacturers to reliably encode, transport, receive, and render video descriptions of video programming, except for consumer generated media, and emergency information delivered using Internet protocol or digital broadcast television.

(C) An identification of additional protocols, technical capabilities, and technical procedures beyond those available as of the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010 for the delivery of video descriptions of video programming, except for consumer generated media, and emergency information delivered using Internet protocol that are necessary to meet the performance requirements identified under subparagraph (B).

(D) A recommendation for technical standards to address the performance requirements identified in subparagraph (B).

(E) A recommendation for any regulations that may be necessary to ensure compatibility between video programming, except for consumer generated media, delivered using Internet protocol and devices capable of receiving and displaying such programming, except for consumer generated media, in order to facilitate access to video descriptions and emergency information.

(F) With respect to user interfaces, a recommendation for the standards, protocols, and procedures used to enable the functions of apparatus designed to receive or display video programming transmitted simultaneously with sound (including apparatus designed to receive or display video programming transmitted by means of services using Internet protocol) to be accessible to and usable by individuals with disabilities.

(G) With respect to user interfaces, a recommendation for the standards, protocols, and procedures used to enable on-screen text menus and other visual indicators used to access the functions on an apparatus described in subparagraph (F) to be accompanied by audio output so that such menus or indicators are accessible to and usable by individuals with disabilities.

(H) With respect to video programming guides and menus, a recommendation for the standards, protocols, and procedures used to enable video programming information and selection

provided by means of a navigation device, guide, or menu to be accessible in real-time by individuals who are blind or visually impaired.

(3) **CONSIDERATION OF WORK BY STANDARD-SETTING ORGANIZATIONS.**—The recommendations of the advisory committee shall, insofar as possible, incorporate the standards, protocols, and procedures that have been adopted by recognized industry standard-setting organizations for each of the purposes described in paragraphs (1) and (2).

(f) **MEETINGS.**—

(1) **INITIAL MEETING.**—The initial meeting of the Advisory Committee shall take place not later than 180 days after the date of the enactment of this Act.

(2) **OTHER MEETINGS.**—After the initial meeting, the Advisory Committee shall meet at the call of the Chairman.

(3) **NOTICE; OPEN MEETINGS.**—Any meeting held by the Advisory Committee shall be noticed at least 14 days before such meeting and shall be open to the public.

(g) **PROCEDURAL RULES.**—

(1) **QUORUM.**—The presence of one-third of the members of the Advisory Committee shall constitute a quorum for conducting the business of the Advisory Committee.

(2) **SUBCOMMITTEES.**—To assist the Advisory Committee in carrying out its functions, the Chairman may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts.

(3) **ADDITIONAL PROCEDURAL RULES.**—The Advisory Committee may adopt other procedural rules as needed.

(h) **FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

(i) **ADOPTION OF STANDARDS, PROTOCOLS, PROCEDURES, AND OTHER TECHNICAL REQUIREMENTS.**—

(1) **CLOSED CAPTIONING.**—Not later than 6 months after the date on which the Advisory Committee transmits its report under subsection (e)(1) to the Commission, the Commission shall take all actions necessary to adopt relevant technical standards, protocols, procedures, and other technical requirements to ensure compatibility between video programming delivered using Internet protocol and devices capable of receiving and displaying such programming in order to facilitate access to closed captions.

(2) **VIDEO DESCRIPTION AND EMERGENCY INFORMATION.**—Not later than 18 months after the date on which the Advisory Committee transmits its report under subsection (e)(2) to the Commission, the Commission shall take all actions necessary to adopt relevant technical standards, protocols, procedures, and other technical requirements to ensure compatibility between video programming, except for consumer generated media, delivered using Internet protocol or digital broadcast television and devices capable of receiving and displaying such programming in order to facilitate access to video descriptions and emergency information.

(j) **COMMISSION AUTHORITY.**—

(1) **IN GENERAL.**—The Commission shall adopt the recommendations contained in the reports required under paragraphs (1) and (2) of subsection (e) if the Commission finds that the recommendations are sufficient to meet the objectives of this Act.

(2) **ALTERNATIVE ADOPTION OF REQUIREMENTS.**—If the Commission finds that the recommendations are, in whole or in part, insufficient to meet the objectives of this Act, the Commission shall adopt the standards, protocols, procedures, or other technical requirements that it determines are necessary to meet the objectives of this Act.

SEC. 202. VIDEO DESCRIPTION AND CLOSED CAPTIONING.

(a) VIDEO DESCRIPTION.—Section 713 of the Communications Act of 1934 (47 U.S.C. 613) is amended—

(1) by striking subsections (f) and (g);

(2) by redesignating subsection (h) as subsection (j); and

(3) by inserting after subsection (e) the following:

“(f) VIDEO DESCRIPTION.—

“(1) REINSTATEMENT OF REGULATIONS.—On the day that is 1 year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall, after a rulemaking, reinstate its video description regulations contained in the Implementation of Video Description of Video Programming Report and Order (15 F.C.C.R. 15,230 (2000)), modified as provided in paragraph (2).

“(2) MODIFICATIONS TO REINSTATED REGULATIONS.—Such regulations shall be modified only as follows:

“(A) The regulations shall apply to video programming, as defined in subsection (h), that is transmitted for display on television in digital format.

“(B) The Commission shall update the list of the top 25 designated market areas, the list of the top 5 national nonbroadcast networks, and the beginning calendar quarter for which compliance shall be calculated.

“(C) The regulations may permit a provider of video programming or a program owner to petition the Commission for an exemption from the requirements of this section upon a showing that the requirements contained in this section be economically burdensome.

“(D) The Commission may exempt from the regulations established pursuant to paragraph (1) a service, class of services, program, class of programs, equipment, or class of equipment for which the Commission has determined that the application of such regulations would be economically burdensome for the provider of such service, program, or equipment.

“(E) The regulations shall not apply to live or near-live programming.

“(F) The regulations shall provide for an appropriate phased schedule of deadlines for compliance.

“(G) The Commission shall consider extending the exemptions and limitations in the reinstated regulations for technical capability reasons to all providers and owners of video programming.

“(3) INQUIRIES ON FURTHER VIDEO DESCRIPTION REQUIREMENTS.—The Commission shall commence the following inquiries not later than 1 year after the completion of the phase-in of the reinstated regulations and shall report to Congress 1 year thereafter on the findings for each of the following:

“(A) VIDEO DESCRIPTION IN TELEVISION PROGRAMMING.—The availability, use, and benefits of video description on video programming distributed on television, the technical and creative issues associated with providing such video description, and the financial costs of providing such video description for providers of video programming and program owners.

“(B) VIDEO DESCRIPTION IN VIDEO PROGRAMMING DISTRIBUTED ON THE INTERNET.—The technical and operational issues, costs, and benefits of providing video descriptions for video programming that is delivered using Internet protocol.

“(g) EMERGENCY INFORMATION.—Not later than 1 year after the Advisory Committee report under subsection (e)(2) is submitted to the Commission, the Commission shall complete a proceeding to—

“(1) identify methods to convey emergency information (as that term is defined in section 79.2 of title 47, Code of Federal Regulations) in a

manner accessible to individuals who are blind or visually impaired; and

“(2) promulgate regulations that require video programming providers and video programming distributors (as those terms are defined in section 79.1 of title 47, Code of Federal Regulations) and program owners to convey such emergency information in a manner accessible to individuals who are blind or visually impaired.

“(h) RESPONSIBILITIES.—

“(1) VIDEO PROGRAMMING OWNER.—A video programming owner shall ensure that any closed captioning and video description required pursuant to this section is provided in accordance with the technical standards, protocols and procedures established by the Commission.

“(2) VIDEO PROGRAMMING PROVIDER OR DISTRIBUTOR.—A video programming provider or video programming distributor shall be deemed in compliance with this section and the rules and regulation promulgated thereunder if such entity enables the rendering or the pass through of closed captions and video description signals.

“(i) DEFINITIONS.—For purposes of this section, section 303, and section 330:

“(1) VIDEO DESCRIPTION.—The term ‘video description’ means the insertion of audio narrated descriptions of a television program’s key visual elements into natural pauses between the program’s dialogue.

“(2) VIDEO PROGRAMMING.—The term ‘video programming’ means programming by, or generally considered comparable to programming provided by a television broadcast station, but not including consumer-generated media (as defined in section 3).”

(b) CLOSED CAPTIONING ON VIDEO PROGRAMMING DELIVERED USING INTERNET PROTOCOL.—Section 713 of such Act is further amended by striking subsection (c) and inserting the following:

“(c) DEADLINES FOR CAPTIONING.—

“(1) IN GENERAL.—The regulations prescribed pursuant to subsection (b) shall include an appropriate schedule of deadlines for the provision of closed captioning of video programming once published or exhibited on television.

“(2) DEADLINES FOR PROGRAMMING DELIVERED USING INTERNET PROTOCOL.—

“(A) REGULATIONS ON CLOSED CAPTIONING ON VIDEO PROGRAMMING DELIVERED USING INTERNET PROTOCOL.—Not later than 6 months after the submission of the report to the Commission required by subsection (e)(1) of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall revise its regulations to require the provision of closed captioning on video programming delivered using Internet protocol that was published or exhibited on television with captions after the effective date of such regulations.

“(B) SCHEDULE.—The regulations prescribed under this paragraph shall include an appropriate schedule of deadlines for the provision of closed captioning, taking into account whether such programming is prerecorded and edited for Internet distribution, or whether such programming is live or near-live and not edited for Internet distribution.

“(C) COST.—The Commission may delay or waive the regulation promulgated under subparagraph (A) to the extent the Commission finds that the application of the regulation to live video programming delivered using Internet protocol with captions after the effective date of such regulations would be economically burdensome to providers of video programming or program owners.

“(D) REQUIREMENTS FOR REGULATIONS.—The regulations prescribed under this paragraph—

“(i) shall contain a definition of ‘near-live programming’ and ‘edited for Internet distribution’;

“(ii) may exempt any service, class of service, program, class of program, equipment, or class

of equipment for which the Commission has determined that the application of such regulations would be economically burdensome for the provider of such service, program, or equipment; and

“(iii) shall provide that de minimis failure to comply with such regulations by a video programming provider or owner shall not be treated as a violation of the regulations.”

(c) CONFORMING AMENDMENT.—Section 713(d) of such Act is amended by striking paragraph (3) and inserting the following:

“(3) a provider of video programming or program owner may petition the Commission for an exemption from the requirements of this section, and the Commission may grant such petition upon a showing that the requirements contained in this section would be economically burdensome. During the pendency of such a petition, such provider or owner shall be exempt from the requirements of this section. The Commission shall act to grant or deny any such petition, in whole or in part, within 6 months after the Commission receives such petition, unless the Commission finds that an extension of the 6-month period is necessary to determine whether such requirements are economically burdensome.”

SEC. 203. CLOSED CAPTIONING DECODER AND VIDEO DESCRIPTION CAPABILITY.

(a) AUTHORITY TO REGULATE.—Section 303(u) of the Communications Act of 1934 (47 U.S.C. 303(u)) is amended to read as follows:

“(u) Require that—

“(1) apparatus designed to receive or play back video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States and uses a picture screen of any size—

“(A) be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming;

“(B) have the capability to decode and make available the transmission and delivery of video description services as required by regulations reinstated and modified pursuant to section 713(f); and

“(C) have the capability to decode and make available emergency information (as that term is defined in section 79.2 of the Commission’s regulations (47 CFR 79.2)) in a manner that is accessible to individuals who are blind or visually impaired; and

“(2) notwithstanding paragraph (1) of this subsection—

“(A) apparatus described in such paragraph that use a picture screen that is less than 13 inches in size meet the requirements of subparagraph (A), (B), or (C) of such paragraph only if the requirements of such subparagraphs are achievable (as defined in section 716);

“(B) any apparatus or class of apparatus that are display-only video monitors with no playback capability are exempt from the requirements of such paragraph; and

“(C) the Commission shall have the authority, on its own motion or in response to a petition by a manufacturer, to waive the requirements of this subsection for any apparatus or class of apparatus—

“(i) primarily designed for activities other than receiving or playing back video programming transmitted simultaneously with sound; or

“(ii) for equipment designed for multiple purposes, capable of receiving or playing video programming transmitted simultaneously with sound but whose essential utility is derived from other purposes.”

(b) OTHER DEVICES.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding at the end the following new subsection:

“(z) Require that—

“(1) if achievable (as defined in section 716), apparatus designed to record video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States, enable the rendering or the pass through of closed captions, video description signals, and emergency information (as that term is defined in section 79.2 of title 47, Code of Federal Regulations) such that viewers are able to activate and deactivate the closed captions and video description as the video programming is played back on a picture screen of any size; and

“(2) interconnection mechanisms and standards for digital video source devices are available to carry from the source device to the consumer equipment the information necessary to permit or render the display of closed captions and to make encoded video description and emergency information audible.”.

(c) SHIPMENT IN COMMERCE.—Section 330(b) of the Communications Act of 1934 (47 U.S.C. 330(b)) is amended—

(1) by striking “303(u)” in the first sentence and inserting “303(u) and (z)”;

(2) by striking the second sentence and inserting the following: “Such rules shall provide performance and display standards for such built-in decoder circuitry or capability designed to display closed captioned video programming, the transmission and delivery of video description services, and the conveyance of emergency information as required by section 303 of this Act.”; and

(3) in the fourth sentence, by striking “closed-captioning service continues” and inserting “closed-captioning service and video description service continue”.

(d) IMPLEMENTING REGULATIONS.—The Federal Communications Commission shall prescribe such regulations as are necessary to implement the requirements of sections 303(u), 303(z), and 330(b) of the Communications Act of 1934, as amended by this section, including any technical standards, protocols, and procedures needed for the transmission of—

(1) closed captioning within 6 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(1); and

(2) video description and emergency information within 18 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2).

SEC. 204. USER INTERFACES ON DIGITAL APPARATUS.

(a) AMENDMENT.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding after subsection (z), as added by section 203 of this Act, the following new subsection:

“(aa) Require—

“(1) if achievable (as defined in section 716) that digital apparatus designed to receive or play back video programming transmitted in digital format simultaneously with sound, including apparatus designed to receive or display video programming transmitted in digital format using Internet protocol, be designed, developed, and fabricated so that control of appropriate built-in apparatus functions are accessible to and usable by individuals who are blind or visually impaired, except that the Commission may not specify the technical standards, protocols, procedures, and other technical requirements for meeting this requirement;

“(2) that if on-screen text menus or other visual indicators built in to the digital apparatus are used to access the functions of the apparatus described in paragraph (1), such functions shall be accompanied by audio output that is either integrated or peripheral to the apparatus, so that such menus or indicators are accessible to and usable by individuals who are blind or visually impaired in real-time;

“(3) that for such apparatus equipped with the functions described in paragraphs (1) and (2) built in access to those closed captioning and video description features through a mechanism that is reasonably comparable to a button, key, or icon designated by activating the closed captioning or accessibility features; and

“(4) that in applying this subsection the term ‘apparatus’ does not include a navigation device, as such term is defined in section 76.1200 of the Commission’s rules (47 CFR 76.1200).”.

(b) IMPLEMENTING REGULATIONS.—Within 18 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2), the Commission shall prescribe such regulations as are necessary to implement the amendments made by subsection (a).

(c) DEFERRAL OF COMPLIANCE WITH ATSC MOBILE DTV STANDARD A/153.—A digital apparatus designed and manufactured to receive or play back the Advanced Television Systems Committee’s Mobile DTV Standards A/153 shall not be required to meet the requirements of the regulations prescribed under subsection (b) for a period of not less than 24 months after the date on which the final regulations are published in the Federal Register.

SEC. 205. ACCESS TO VIDEO PROGRAMMING GUIDES AND MENUS PROVIDED ON NAVIGATION DEVICES.

(a) AMENDMENT.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding after subsection (aa), as added by section 204 of this Act, the following new subsection:

“(bb) Require—

“(1) if achievable (as defined in section 716), that the on-screen text menus and guides provided by navigation devices (as such term is defined in section 76.1200 of title 47, Code of Federal Regulations) for the display or selection of multichannel video programming are audibly accessible in real-time upon request by individuals who are blind or visually impaired, except that the Commission may not specify the technical standards, protocols, procedures, and other technical requirements for meeting this requirement; and

“(2) for navigation devices with built-in closed captioning capability, that access to that capability through a mechanism is reasonably comparable to a button, key, or icon designated for activating the closed captioning, or accessibility features.

With respect to apparatus features and functions delivered in software, the requirements set forth in this subsection shall apply to the manufacturer of such software. With respect to apparatus features and functions delivered in hardware, the requirements set forth in this subsection shall apply to the manufacturer of such hardware.”.

(b) IMPLEMENTING REGULATIONS.—

(1) IN GENERAL.—Within 18 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2), the Commission shall prescribe such regulations as are necessary to implement the amendment made by subsection (a).

(2) EXEMPTION.—Such regulations may provide an exemption from the regulations for cable systems serving 20,000 or fewer subscribers.

(3) RESPONSIBILITY.—An entity shall only be responsible for compliance with the requirements added by this section with respect to navigation devices that it provides to a requesting blind or visually impaired individual.

(3) SEPARATE EQUIPMENT OR SOFTWARE.—

(A) IN GENERAL.—Such regulations shall permit but not require the entity providing the navigation device to the requesting blind or visually impaired individual to comply with section 303(bb)(1) of the Communications Act of 1934 through that entity’s use of software, a periph-

eral device, specialized consumer premises equipment, a network-based service or other solution, and shall provide the maximum flexibility to select the manner of compliance.

(B) REQUIREMENTS.—If an entity complies with section 303(bb)(1) of the Communications Act of 1934 under subparagraph (A), the entity providing the navigation device to the requesting blind or visually impaired individual shall provide any such software, peripheral device, equipment, service, or solution at no additional charge and within a reasonable time to such individual and shall ensure that such software, device, equipment, service, or solution provides the access required by such regulations.

(4) USER CONTROLS FOR CLOSED CAPTIONING.—Such regulations shall permit the entity providing the navigation device maximum flexibility in the selection of means for compliance with section 303(bb)(2) of the Communications Act of 1934 (as added by subsection (a) of this section).

(5) PHASE-IN.—

(A) IN GENERAL.—The Commission shall provide affected entities with—

(i) not less than 2 years after the adoption of such regulations to begin placing in service devices that comply with the requirements of section 303(bb)(2) of the Communications Act of 1934 (as added by subsection (a) of this section); and

(ii) not less than 3 years after the adoption of such regulations to begin placing in service devices that comply with the requirements of section 303(bb)(1) of the Communications Act of 1934 (as added by subsection (a) of this section).

(B) APPLICATION.—Such regulations shall apply only to devices manufactured or imported on or after the respective effective dates established in subparagraph (A).

SEC. 206. DEFINITIONS.

In this title:

(1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the advisory committee established in section 201.

(2) CHAIRMAN.—The term “Chairman” means the Chairman of the Federal Communications Commission.

(3) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(4) EMERGENCY INFORMATION.—The term “emergency information” has the meaning given such term in section 79.2 of title 47, Code of Federal Regulations.

(5) INTERNET PROTOCOL.—The term “Internet protocol” includes Transmission Control Protocol and a successor protocol or technology to Internet protocol.

(6) NAVIGATION DEVICE.—The term “navigation device” has the meaning given such term in section 76.1200 of title 47, Code of Federal Regulations.

(7) VIDEO DESCRIPTION.—The term “video description” has the meaning given such term in section 713 of the Communications Act of 1934 (47 U.S.C. 613).

(8) VIDEO PROGRAMMING.—The term “video programming” has the meaning given such term in section 713 of the Communications Act of 1934 (47 U.S.C. 613).

Mr. REID. I ask unanimous consent that the committee-reported substitute amendment be considered, that a Pryor amendment which is at the desk be agreed to, the substitute amendment, as amended, be agreed to, the bill as amended be read a third time, passed, the motions to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment (No. 4603) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 3304), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The bill will be printed in a future edition of the RECORD.

RELIGIOUS MINORITIES IN IRAQ

Mr. REID. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S. Res. 322 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 322) expressing the sense of the Senate on religious minorities in Iraq.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that a Levin substitute amendment to the resolution, which is at the desk, be agreed to; the resolution, as amended, be agreed to; that a Levin substitute amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4604) was agreed to, as follows:

AMENDMENT NO. 4604

(Purpose: In the nature of a substitute to the resolution)

Strike all after the resolving clause and insert the following: That it is the sense of the Senate that—

(1) the United States remains deeply concerned about the plight of vulnerable religious minorities in Iraq;

(2) the United States Government and the United Nations Assistance Mission for Iraq should urge the Government of Iraq to enhance security at places of worship in Iraq, particularly where religious minorities are known to be at risk;

(3) the United States Government should continue to work with the Government of Iraq to ensure that members of ethnic and religious minorities communities in Iraq—

(A) suffer no discrimination in recruitment, employment, or advancement in the Iraqi police and security forces; and

(B) while employed in the Iraqi police and security forces, where appropriate, be assigned to their locations of origin, rather than being transferred to other areas;

(4) the Government of Iraq and the Kurdistan regional government should work

towards a peaceful and timely resolution of disputes over territories, particularly those where many religious communities reside;

(5) the United States Government and the United Nations Assistance Mission for Iraq should urge the Government of Iraq to—

(A) implement in full those provisions of the Constitution of Iraq that provide protections for the individual rights to freedom of thought, conscience, religion, and belief and protections for religious minorities to enjoy their culture and language and practice their religion; and

(B) reduce onerous registration requirements so that smaller religious groups are not disadvantaged in registering;

(6) the Government of Iraq should take affirmative measures to reverse the legal, political, and economic marginalization of religious minorities in Iraq;

(7) the United States Government should assist, consistent with local aspirations and developmental needs, ethnic and religious minorities in Iraq to organize themselves civically and politically to effectively convey their concerns to government;

(8) the United States Government should continue to fund capacity-building programs for the Iraqi Ministry of Human Rights and the independent national Human Rights Commission, and should continue to help reconstitute the minorities committee to make it an effective voice for Iraqi minorities;

(9) the Government of Iraq should direct the Iraqi Ministry of Human Rights to investigate and issue a public report on abuses against and the marginalization of minority communities in Iraq and make recommendations to address such abuses; and

(10) the United States Government should encourage the Government of Iraq and the Kurdistan Regional Government to protect the linguistic and cultural heritage, religious beliefs, and ethnic and religious identities of minority groups, in particular those living in the Nineveh Plain.

The amendment (No. 4605) was agreed to, as follows:

AMENDMENT NO. 4605

(Purpose: In the nature of a substitute to the preamble)

Strike the preamble and insert the following:

Whereas the territory of Iraq, the land of Mesopotamia, has millennia of rich cultural and religious history;

Whereas the Sumerians, Babylonians, and Assyrians thrived within what are now the borders of Iraq;

Whereas the biblical patriarch Abraham was born in Ur, King Hammurabi ruled from Babylon, and Imam Ali, the founder of Shiite Islam, died in Kufa;

Whereas during the 35-year rule of the Baath Party and Saddam Hussein, and despite the Provisional Constitution of 1968 that provided for individual religious freedom in Iraq, the Government of Iraq severely limited freedom of religion, especially for religious minorities, and sought to exploit religious differences for political purposes, leading the United States Government to designate Iraq as a "country of particular concern" under the International Religious Freedom Act of 1998 (Public Law 105-292) because of systematic, ongoing, egregious violations of religious freedom;

Whereas members of religious minority communities of Iraq, both those who have been forced to flee the homeland in which their ancestors have lived for thousands of years and those who remain in Iraq, are com-

mitted to maintaining their presence in Iraq and keeping alive their communities' cultures, heritage, and religions, but threats against them jeopardize the future of Iraq as a diverse, pluralistic, and free society;

Whereas despite the reduction in violence in Iraq in recent years, serious threats to religious freedom remain, including religiously motivated violence directed at vulnerable religious minorities, their leaders, and their holy sites, including Chaldeans, Syrians, Assyrians, Armenians and other Christians, Sabeans, Mandeans, Yazidis, Baha'is, Kaka'is, Jews, and Shi'a Shabak;

Whereas the March 2010 Report on Human Rights issued by the Department of State identifies "insurgent and extremist violence, coupled with weak government performance in upholding the rule of law" resulting in "widespread and severe human rights abuses" as among the significant and continuing human rights problems in Iraq;

Whereas although violence has impacted all aspects of society in Iraq, there have been alarming levels of religiously motivated violence in Iraq in recent years;

Whereas the United States Commission on International Religious Freedom continues to recommend that the Secretary of State designate Iraq as a "country of particular concern" under the International Religious Freedom Act of 1998, because of the systematic, ongoing, egregious violations of religious freedom in Iraq;

Whereas scores of holy sites in Iraq have been bombed since 2004;

Whereas members of small religious minority communities in Iraq do not have militia or tribal structures to defend them, often receive inadequate official protection, and are legally, politically, and economically marginalized;

Whereas in the Nineveh and Kirkuk governorates, where control is disputed between the Government of Iraq and the Kurdistan regional government, religious minorities have been targeted for abuse, violence, and discrimination;

Whereas before 1951, non-Muslims comprised some 6 percent of the population of Iraq, with Jews as the oldest and largest of these communities, tracing back to the Babylonian captivity of the sixth century BCE, but today the Jewish community in Iraq numbers in the single digits and essentially lives in hiding;

Whereas religious minorities in Iraq, who made up about 3 percent of the population of Iraq in 2003, make up a disproportionately high percentage of registered Iraqi refugees;

Whereas the number of Christians in Iraq was approximately 1,400,000 according to the 1987 Iraqi census but, according to the 2009 Report on International Religious Freedom issued by the Department of State, may now number only 500,000 to 600,000;

Whereas the United States is gravely concerned about the viability of the indigenous Christian communities of Iraq and other religious minority communities, and the possible disappearance of their ancient languages, culture, and heritage;

Whereas the Sabean Mandaean community in Iraq reports that almost 90 percent of its members have fled Iraq, leaving only about 3,500 to 5,000 Mandeans in Iraq as of 2009;

Whereas the Baha'i faith, estimated to have fewer than 2,000 adherents in Iraq, remains prohibited in Iraq under a 1970 law;

Whereas although hundreds of thousands of Iraqi refugees and internally displaced persons have returned to their areas of origin, the numbers of religious minority returnees to Iraq are disproportionately low; and

Whereas members of religious minority communities of Iraq in diaspora have organized to support their communities in Iraq in ways that also benefit the whole of Iraq society by encouraging the rule of law, enhanced security, employment, education and health services: Now therefore be it

The resolution (S. Res. 322), as amended, was agreed to.

The preamble, as amended, was agreed to.

ORDERS FOR MONDAY, SEPTEMBER 13, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 307 until 2:30 p.m. on Monday, September 13; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 3:30 p.m., with Senators permitted to speak for up to 10 minutes each; following morning business, the Senate proceed to executive session to consider Calendar No. 552, the nomination of Jane Stranch to be a circuit judge for the Sixth Circuit, as provided under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, on that date; that is, Monday, September 13, the filing deadline on the small business jobs bill would be at 3 p.m. that day, all first-degree amendments, and we, on Tuesday, would convene at 10 o'clock a.m.

ORDER OF PROCEDURE

I ask unanimous consent that the cloture vote on the Johannis amendment vote occur at 11 o'clock a.m. on Tuesday, September 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we will have the judge vote on Monday when we come back; we will have the filing deadline that afternoon at 3 o'clock on the small business jobs bill; that Tuesday we will come in immediately and have no more business, and begin debate on that matter, the small business matter; and the first vote that day would be the cloture vote on the Johannis amendment.

Mr. President, first of all, I express my appreciation to the Presiding Officer. We appreciate his being here. This has been a long day. And for those who may not know this, next Tuesday the Presiding Officer's wife is going to have their baby, and she is anxious for him to get home. I am sorry it took so long for us to finish today.

I appreciate, as I always do, the extremely fine work of all of the staff. We are here and we talk, and people on C-SPAN see us. But we are instruments of our staff. They work very hard to make sure that everything works out very well. I am very proud of the staff, Democrats and Republicans. They work so well together. They set an example for the rest of the Senate, frankly. So I appreciate all of their good work.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 13, 2010 AT 2:30 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

The PRESIDING OFFICER. Under the previous order, and pursuant to the provisions of H. Con. Res. 307, the Senate stands adjourned until 2:30 p.m., Monday, September 13, 2010.

Thereupon, the Senate, at 10:02 p.m., adjourned until Monday, September 13, 2010, at 2:30 p.m.

NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

JACOB J. LEW, OF NEW YORK, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE PETER R. ORSZAG, RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SCOTT C. DONEY, OF MASSACHUSETTS, TO BE CHIEF SCIENTIST OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, VICE KATHRYN D. SULLIVAN.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

NANCY E. LINDBORG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE MICHAEL E. HESS, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

KEVIN GLENN NEALER, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2011, VICE SANFORD GOTTESMAN, TERM EXPIRED.

STATE JUSTICE INSTITUTE

WILFREDO MARTINEZ, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2010, VICE TOMMY EDWARD JEWELL, III, TERM EXPIRED.

WILFREDO MARTINEZ, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2013. (REAPPOINTMENT)

CHASE THEODORA ROGERS, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE ARTHUR A. MCGIVERIN, TERM EXPIRED.

UNITED STATES TAX COURT

JUAN F. VASQUEZ, OF TEXAS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DONALD KENNETH STEINBERG, OF CALIFORNIA, TO BE DEPUTY ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE FREDERICK W. SCHIECK, RESIGNED.

NATIONAL SCIENCE FOUNDATION

CORA B. MARRETT, OF WISCONSIN, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION, VICE KATHIE L. OLSEN.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ALLISON BLAKELY, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMAN-

ITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE CRAIG HAFNER, TERM EXPIRED.

CENTRAL INTELLIGENCE

DAVID B. BUCKLEY, OF VIRGINIA, TO BE INSPECTOR GENERAL, CENTRAL INTELLIGENCE AGENCY, VICE JOHN LEONARD HELGERSON.

NOMINATIONS RETURNED TO THE PRESIDENT

Thursday, August 5, 2010

The following nominations transmitted by the President of the United States to the Senate during the second session of the 111th Congress, and upon which no action was had at the time of the August adjournment of the Senate, failed of confirmation under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate.

DEPARTMENT OF ENERGY

Warren F. Miller, Jr., of New Mexico, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Donald M. Berwick, of Massachusetts, to be Administrator of the Centers for Medicare and Medicaid Services.

Donald M. Berwick, of Massachusetts, to be Administrator of the Centers for Medicare and Medicaid Services, to which position he was appointed during the last recess of the Senate.

DEPARTMENT OF HOMELAND SECURITY

Alan D. Bersin, of California, to be Commissioner of Customs, Department of Homeland Security.

Alan D. Bersin, of California, to be Commissioner of Customs, Department of Homeland Security, to which position he was appointed during the last recess of the Senate.

DEPARTMENT OF JUSTICE

Mary L. Smith, of Illinois, to be an Assistant Attorney General.

DEPARTMENT OF THE TREASURY

Jeffrey Alan Goldstein, of New York, to be an Under Secretary of the Treasury.

Jeffrey Alan Goldstein, of New York, to be an Under Secretary of the Treasury, to which position he was appointed during the last recess of the Senate.

FEDERAL RESERVE SYSTEM

Peter A. Diamond, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

NATIONAL LABOR RELATIONS BOARD

Craig Becker, of Illinois, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2014.

NATIONAL TRANSPORTATION SAFETY BOARD

Mark R. Rosekind, of California, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 2009.

THE JUDICIARY

Louis B. Butler, Jr., of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

Edward Milton Chen, of California, to be United States District Judge for the Northern District of California.

Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit.

Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, August 5, 2010:

DEPARTMENT OF STATE

BISA WILLIAMS, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

JAMES R. CLAPPER, OF VIRGINIA, TO BE DIRECTOR OF NATIONAL INTELLIGENCE.

DEPARTMENT OF STATE

ROSE M. LIKINS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU.

LUIS E. ARREAGA-RODAS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

PHILLIP CARTER III, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COTE D'IVOIRE.

GERALD M. FEIERSTEIN, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

PETER MICHAEL MCKINLEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

HELEN PATRICIA REED-ROWE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PALAU.

PATRICK S. MOON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BOSNIA AND HERZEGOVINA.

CHRISTOPHER W. MURRAY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE CONGO.

MARK CHARLES STORELLA, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

J. THOMAS DOUGHERTY, OF WYOMING, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

ERIC D. BENJAMINSON, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

MAURA CONNELLY, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

DANIEL BENNETT SMITH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

JAMES FREDERICK ENTWISTLE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

LAURENCE D. WOHLERS, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CENTRAL AFRICAN REPUBLIC.

JUDITH R. FERGIN, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE.

MICHAEL S. OWEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.

ROBERT PORTER JACKSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF

MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

JAMES FRANKLIN JEFFREY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

ALEJANDRO DANIEL WOLFF, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

SCOT ALAN MARCIEL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

TERENCE PATRICK MCCULLY, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

PAMELA E. BRIDGEWATER AWKARD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAMAICA.

MICHELE THOREN BOND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

PAUL W. JONES, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

PHYLLIS MARIE POWERS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.

DEPARTMENT OF ENERGY

NEILE L. MILLER, OF MARYLAND, TO BE PRINCIPAL DEPUTY ADMINISTRATOR, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

JAMES A. WYNN, JR., OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

J. MICHELLE CHILDS, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA.

RICHARD MARK GERGEL, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA.

LEONARD PHILIP STARK, OF DELAWARE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF DELAWARE.

DEPARTMENT OF JUSTICE

CATHY JO JONES, OF OHIO, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS.

EDWARD L. STANTON, III, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

STEPHEN R. WIGGINTON, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

THE SUPREME COURT OF THE UNITED STATES

ELENA KAGAN, OF MASSACHUSETTS, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES.

DEPARTMENT OF JUSTICE

TIMOTHY Q. PURDON, OF NORTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS.

WILLIE RANSOME STAFFORD III, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

ARTHUR DARROW BAYLOR, OF ALABAMA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

JOHN F. WALSH, OF COLORADO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS.

WILLIAM J. HLENFELD, II, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS.

JOHN WILLIAM VAUDREUIL, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS.

MARK LLOYD ERICKS, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS.

JOSEPH PATRICK FAUGHNAN, SR., OF CONNECTICUT, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS.

HAROLD MICHAEL OGLESBY, OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS.

CONRAD ERNEST CANDELARIA, OF NEW MEXICO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. PAUL H. MCGILLICUDDY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. SCOTT A. VANDER HAMM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEPHEN P. MUELLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DOUGLAS H. OWENS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL R. MOELLER

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL HUGH T. BROOMALL
BRIGADIER GENERAL PAUL D. BROWN, JR.
BRIGADIER GENERAL JAMES E. DANIEL, JR.
BRIGADIER GENERAL MICHAEL J. DORNBUSH
BRIGADIER GENERAL MATTHEW J. DZIALO
BRIGADIER GENERAL GREGORY A. FICK
BRIGADIER GENERAL ROBERT H. JOHNSTON
BRIGADIER GENERAL JOSEPH L. LENGUEL
BRIGADIER GENERAL WILLIAM N. REDDEL III
BRIGADIER GENERAL JAMES R. WILSON

To be brigadier general

COLONEL DONALD A. AHERN
COLONEL JAMES C. BALSERAK
COLONEL FRANK W. BARNETT, JR.
COLONEL MARK E. BARTMAN
COLONEL ROBERT M. BRANNON
COLONEL RICHARD J. DENNEE
COLONEL RICHARD J. EVANS III
COLONEL LAWRENCE P. GALLAGHER
COLONEL MICHAEL D. HEPPER
COLONEL WORTH S. HOLT, JR.
COLONEL BRADLEY S. LINK
COLONEL DONALD L. MCCORMACK
COLONEL BRIAN G. NEAL
COLONEL ROY V. QUALLS
COLONEL MARC H. SASSEVILLE
COLONEL MARK L. STEPHENS
COLONEL ALPHONSE J. SWITZER
COLONEL KENDALL S. SWITZER
COLONEL DANIEL C. VANWYK

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH F. FIL, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM J. TROY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. SANFORD E. HOLMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DEAN OF THE ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4335:

To be brigadier general

COL. TIMOTHY E. TRAINOR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DAVID G. FOX

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. HUGO E. SALAZAR

To be brigadier general

COL. WILLIAM L. GLASGOW

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. STEVEN W. DUFF

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. JAMES A. HOYER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. WALTER T. LORD

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL FRANK E. BATTS
BRIGADIER GENERAL MELVIN L. BURCH
BRIGADIER GENERAL JOHN E. DAVOREN
BRIGADIER GENERAL LESTER D. EISNER
BRIGADIER GENERAL ALLEN M. HARRELL
BRIGADIER GENERAL ROBERT A. HARRIS
BRIGADIER GENERAL ALBERTO J. JIMENEZ
BRIGADIER GENERAL THOMAS H. KATKUS
BRIGADIER GENERAL JAMES D. TYRE

To be brigadier general

COLONEL STEVEN W. ALTMAN
COLONEL DAVID B. ANDERSON
COLONEL DAVID N. AYCOCK
COLONEL DAVID S. BALDWIN
COLONEL JONATHAN T. BALL
COLONEL CRAIG E. BENNETT
COLONEL JULIE A. BENTZ
COLONEL VICTORIA A. BETTERTON
COLONEL VICTOR J. BRADEN
COLONEL DAVID R. BROWN
COLONEL FELIX T. CASTAGNOLA
COLONEL PETER L. COREY
COLONEL DONALD S. COTNEY
COLONEL STEPHANIE E. DAWSON
COLONEL CAROL A. EGGERT
COLONEL ALFRED C. FABER
COLONEL WILLIAM A. HALL
COLONEL RICHARD J. HAYES
COLONEL TIMOTHY E. HILL
COLONEL TIMOTHY J. HILTY
COLONEL JEFFREY H. HOLMES
COLONEL JANICE G. IGOU
COLONEL JAMES C. LETTKO
COLONEL TOM C. LOOMIS
COLONEL WESLEY L. MCCLELLAN
COLONEL JOHN K. MCGREW
COLONEL JOHNNY R. MILLER
COLONEL STEVEN R. MOUNT
COLONEL ERIC C. PECK
COLONEL CHARLES E. PETRARCA
COLONEL ANDREW P. SCHAPER
COLONEL RAYMOND F. SHIELDS
COLONEL LESTER SIMPSON
COLONEL PHILIP A. STEMPLE
COLONEL RANDY H. WARM
COLONEL CHARLES W. WHITTINGTON

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT E. SCHMIDLE, JR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN E. WISSLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JAMES N. MATTIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM T. COLLINS
COL. JAMES S. HARTSELL
COL. ROGER R. MACHUT
COL. MARCELA J. MONAHAN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. CHARLES J. LEIDIG, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM E. LANDAY III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOHN M. BIRD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DANIEL P. HOLLOWAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WALTER M. SKINNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. SAMUEL J. LOCKLEAR III

DEPARTMENT OF JUSTICE

MELINDA L. HAAG, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

BARRY R. GRISSOM, OF KANSAS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF KANSAS FOR THE TERM OF FOUR YEARS.

DAVID J. HICKTON, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

DONALD MARTIN O'KEEFE, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

JAMES THOMAS FOWLER, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

CRAIG ELLIS THAYER, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS.

JOSEPH ANTHONY PAPILI, OF DELAWARE, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF DELAWARE FOR THE TERM OF FOUR YEARS.

JAMES ALFRED THOMPSON, OF UTAH, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH LORI A. ADAMS AND ENDING WITH SHANNON G. WOMBLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2010.

AIR FORCE NOMINATIONS BEGINNING WITH WILLARD B. AKINS II AND ENDING WITH MICHAEL J. ZUBER, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2010.

AIR FORCE NOMINATION OF ZENNON A. BOCHNAK, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH FREDRICK D. ALDRIDGE AND ENDING WITH SCOTT D. YACKLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

IN THE ARMY

ARMY NOMINATION OF RALPH L. KAUZLARICH, TO BE COLONEL.

ARMY NOMINATION OF EDWARD B. MCKEE, TO BE COLONEL.

ARMY NOMINATION OF JOHN D. VIA, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF KYU LUND, TO BE MAJOR.

ARMY NOMINATION OF MATTHEW L. Y. OKUDA, TO BE MAJOR.

ARMY NOMINATION OF ALEXANDER K. BRENNER, TO BE MAJOR.

ARMY NOMINATION OF RICHARD J. GRAY, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH JOSEPH B. DORE AND ENDING WITH COURTNEY T. TRIPP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

ARMY NOMINATIONS BEGINNING WITH EDWARD C. CAMACHO AND ENDING WITH JON B. TIPTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

ARMY NOMINATIONS BEGINNING WITH DAVID GONZALEZ AND ENDING WITH PAMELA H. REYNOLDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

ARMY NOMINATIONS BEGINNING WITH GREGORY C. RISK AND ENDING WITH VICTOR Y. YU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

ARMY NOMINATIONS BEGINNING WITH MARK M. JACKSON AND ENDING WITH AVINASH JADHAV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

ARMY NOMINATIONS BEGINNING WITH SUSAN M. CEBULA AND ENDING WITH D070757, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2010.

ARMY NOMINATIONS BEGINNING WITH JOHN S. AITTA AND ENDING WITH D010009, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2010.

ARMY NOMINATIONS BEGINNING WITH ILSE K. ALUMBAUGH AND ENDING WITH PAMELA M. WULF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2010.

ARMY NOMINATIONS BEGINNING WITH DERRON A. ALVES AND ENDING WITH SAMUEL L. YINGST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2010.

ARMY NOMINATIONS BEGINNING WITH JENNIFER L. ANDERSON AND ENDING WITH D006711, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2010.

ARMY NOMINATION OF EDWARD J. BENZ III, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH PAUL W. CARDEN AND ENDING WITH SHERRY L. WOMACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2010.

ARMY NOMINATIONS BEGINNING WITH JOHN P. BATSON AND ENDING WITH TONY K. YOON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 21, 2010.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER W. ABBOTT AND ENDING WITH D005987, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 21, 2010.

ARMY NOMINATIONS BEGINNING WITH MATTHEW C. ABOUDARA AND ENDING WITH DAVID J. YOO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 21, 2010.

ARMY NOMINATIONS BEGINNING WITH PETER M. ABBRUZZESE AND ENDING WITH G001388, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 21, 2010.

ARMY NOMINATIONS BEGINNING WITH JOSE C. ACOSTAJAVIERRE AND ENDING WITH G010027, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 21, 2010.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH KAREN S. SLITER AND ENDING WITH ELIA P. VANECHANOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2010.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JAMES K. CHAMBERS AND ENDING WITH CAMERON MUNTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 28, 2010.

IN THE NAVY

NAVY NOMINATION OF PAUL J. JOYCE, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF KERRY J. KRAUSE, TO BE CAPTAIN.

NAVY NOMINATION OF MATTHEW D. BARKER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER J. KLUGEWICZ AND ENDING WITH BRIGHAM C. WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH EDGARDO MONTERO AND ENDING WITH BECKY J. WATSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH DAVID B. RODRIGUEZ AND ENDING WITH BRADLEY J. THOM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH ROBERT C. BURTON AND ENDING WITH ROBERT A. OLIVER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH JERRY D. BINGHAM AND ENDING WITH AMIN MOURAD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH RUBY O. ANDERSON AND ENDING WITH LYNN C. OMALLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH JOHN R. CAPRA AND ENDING WITH DILLON L. ROSS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH PATRICIA A. FREDRICKSON AND ENDING WITH JAMES M. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH FRANK M. GUPTON AND ENDING WITH JAIME A. QUEJADA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH MICHAEL J. BATTAGLIA II AND ENDING WITH KATHLEEN G. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH ROBERTO J. ATHA, JR. AND ENDING WITH JAMES A. MCMULLIN III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH THOMAS H. COTTON AND ENDING WITH KEVIN R. STEPHENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH MARIANIE O. BALOLONG AND ENDING WITH JONATHAN J. VORRATH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH FRANKLIN W. BENNETT AND ENDING WITH EDWIN SANTANA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH RICHARD M. ARCHER AND ENDING WITH NAGEL B. SULLIVAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH WILLIAM ARIAS AND ENDING WITH JAMES V. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH NICHOLAS E. ANDREWS AND ENDING WITH WILLIAM E. WREN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH JAMIE W. ACHEE AND ENDING WITH DARYK E. ZIRKLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH KEVIN L. ANDERSEN AND ENDING WITH PAUL W. WILKES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH PATRICK L. BENNETT AND ENDING WITH TIMOTHY L. ZANE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH BRIAN M. AKER AND ENDING WITH BRETT A. WISE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH DAVID L. AAMODT AND ENDING WITH CHRISTOPHER M. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2010.

NAVY NOMINATIONS BEGINNING WITH JASON L. RICH AND ENDING WITH BRUNO A. SCHMITZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2010.

NAVY NOMINATIONS BEGINNING WITH WENDY C. GAZA AND ENDING WITH PATRICIA A. LIMPET, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2010.

NAVY NOMINATIONS BEGINNING WITH JARED A. BATTANI AND ENDING WITH ROBERT D. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2010.

NAVY NOMINATION OF VIRGINIA SKIBA, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF BARBARA A. MUNRO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH LISA M. BECOAT AND ENDING WITH ROSCOE C. PORTER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 21, 2010.

NAVY NOMINATIONS BEGINNING WITH STEVEN R. BARSTOW AND ENDING WITH MARK S. WINWARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 21, 2010.

NAVY NOMINATIONS BEGINNING WITH MICHAEL J. ADAMS AND ENDING WITH HEATHER A. WATTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 21, 2010.

NAVY NOMINATIONS BEGINNING WITH RICHARD S. ADCOOK AND ENDING WITH JEFFREY G. ZELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 21, 2010.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER F. BEAUBIEN AND ENDING WITH JEFFREY D. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 21, 2010.

NAVY NOMINATIONS BEGINNING WITH DOMINGO B. ALINIO AND ENDING WITH MARK A. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 21, 2010.

NAVY NOMINATIONS BEGINNING WITH KAREN L. ALEXANDER AND ENDING WITH MARC T. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 21, 2010.

NAVY NOMINATIONS BEGINNING WITH CRISTINA ALBERTO AND ENDING WITH KIM T. ZABLAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 21, 2010.

NAVY NOMINATIONS BEGINNING WITH PHILLIP M. ADRIANO AND ENDING WITH ROBERT A. ZALEWSKIZARAGOZA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 21, 2010.

WITHDRAWAL

Executive message transmitted by the President to the Senate on August 5, 2010, withdrawing from further Senate consideration the following nomination:

JOHN J. SULLIVAN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2013, VICE ELLEN L. WEINTRAUB, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON MAY 4, 2009.

HOUSE OF REPRESENTATIVES—Monday, August 9, 2010

Pursuant to section 2 of House Concurrent Resolution 308, 111th Congress, the House met at 7 p.m. and was called to order by the Speaker pro tempore (Ms. PINGREE of Maine).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 9, 2010.

I hereby appoint the Honorable CHELLIE PINGREE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

NOTICE OF REASSEMBLY

The SPEAKER pro tempore laid before the House the text of the formal notification sent to Members on Wednesday, August 4, 2010, of the reassembly of the House.

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE SPEAKER,
August 4, 2010.

DEAR COLLEAGUE: Pursuant to section 2(a) of House Concurrent Resolution 308, and after consultation with the Minority Leader of the House, I have determined that the public interest requires that the House reassemble at 7:00 p.m. on Monday, August 9, 2010. The expectation is that Monday will be a pro forma session and that votes will occur on Tuesday. Further announcements will be provided by the Majority Leader's office.

Thank you for your attention to this urgent matter.

Best regards,

NANCY PELOSI,
Speaker of the House.

PRAYER

Reverend Clete Kiley, Washington, D.C., offered the following prayer:

A world that is restless and filled with many threats; an economy whose stubborn challenges continue; a great Nation not quite at peace with itself and its role as a beacon to the people of the world; an electorate troubled and anxious and even angry; these are the pressing concerns, O God, that bring this Congress back into session.

We turn to You now to seek Your guidance. We ask You to give us the wisdom to see the right road ahead. We ask You at this moment for the courage to search heart and conscience so that our actions here will promote the national interest, will reassure our people, and will lead to lasting solutions for the many challenges we face this day.

In our turning for this moment to You, may You turn to us and hear this prayer. May You bless our efforts here and may You continue to bless America. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. DREIER) come forward and lead the House in the Pledge of Allegiance.

Mr. DREIER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 3, 2010.

Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 3, 2010 at 9:23 a.m.:

That the Senate passed without amendment H.R. 2097.

That the Senate passed S. 1055.

That the Senate passed S. 3689.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.
By Robert F. Reeves, Deputy Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 4, 2010.

Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II

of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 4, 2010 at 10:54 a.m.:

That the Senate passed S. 3397.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.
By Robert F. Reeves, Deputy Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 5, 2010.

Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 5, 2010 at 10:58 a.m.:

That the Senate passed without amendment H.R. 5981.

That the Senate passed without amendment H.R. 5872.

That the Senate passed with an amendment H.R. 5283.

Appointments: (2)

Board of Trustees of the John C. Stennis Center for Public Service Training and Development.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.
By Robert F. Reeves, Deputy Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 2010.

Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 6, 2010 at 9:15 a.m.:

That the Senate concurs in the House amendment to the Senate amendment with an amendment H.R. 1586.

That the Senate passed, S. 3611.

That the Senate passed S. 3307.

That the Senate passed with an amendment H.R. 5875.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.
By Robert F. Reeves, Deputy Clerk.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 2010.

Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 6, 2010 at 10:36 a.m.:

That the Senate passed without amendment H.R. 511.

That the Senate passed without amendment H.R. 4275.

That the Senate passed without amendment H.R. 5552.

That the Senate passed with amendments H.R. 3562.

That the Senate passed with amendments H.R. 3978.

That the Senate passed S. 2781.

That the Senate passed S. 3656.

That the Senate passed with an amendment H.R. 1517.

That the Senate passed S. 3354.

That the Senate passed without amendment H.R. 3509.

That the Senate passed S. 1674.

That the Senate agreed to without amendment H. Con. Res. 226.

That the Senate agreed to without amendment H. Con. Res. 307.

Appointments:

Senate National Security Working Group.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER.

By Deborah M. Spriggs, Deputy Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 2010.

Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 6, 2010 at 2:45 p.m.:

That the Senate passed S. 3729.

That the Senate passed S. 3304.

Appointments:

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER.

By Robert F. Reeves, Deputy Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Friday, July 30, 2010:

H.R. 5278, to designate the facility of the United States Postal Service lo-

cated at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building";

H.R. 5395, to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the "Paula Hawkins Post Office Building".

COMMUNICATION FROM CHAMBER SUPPORT STAFF, OFFICE OF SERGEANT AT ARMS

The Speaker pro tempore laid before the House the following communication from Sarah Gerber, Chamber Support Staff:

WASHINGTON, DC,
August 3, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Superior Court for the District of Columbia in connection with a criminal case now pending before that court.

After consultation with the Office of the General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

SARAH GERBER,
Chamber Support Staff.

REPORT ON RESOLUTION PRO- VIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 1586, EDU- CATION JOBS AND MEDICAID AS- SISTANCE ACT

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111-584) on the resolution (H. Res. 1606) providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 1586) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION TO OFFER RESOLU- TION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that the gentleman from Georgia (Mr. PRICE) may be recognized on the legislative day of Tuesday, August 10, 2010, to offer the resolution that he noticed on Thursday, July 29, 2010, without further notice under clause 2(a)(1) of rule IX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2781. An act to change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability; to the Committee on Energy and Commerce; in addition, to the Committee on Education and Labor for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 3307. An act to reauthorize child nutrition programs, and for other purposes; to the Committee on Education and Labor; in addition, to the Committee on the Budget for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 3397. An act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes; to the Committee on Energy and Commerce; in addition, to the Committee on the Judiciary; for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 3656. An act to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes; to the Committee on Agriculture.

S. 3689. An act to clarify, improve, and correct the laws relating to copyrights; to the Committee on the Judiciary; in addition, to the Committee on the Budget for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5278. An act to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building."

H.R. 5395. An act to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the "Paula Hawkins Post Office Building."

ADJOURNMENT

Mr. MCGOVERN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), under its previous order, the

House adjourned until tomorrow, Tuesday, August 10, 2010, at 9 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8672. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Joseph F. Peterson United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8673. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Richard F. Natonski, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8674. A letter from the Under Secretary, Department of Defense, transmitting authorization of 4 officers to wear the authorized insignia of the grade of major general and brigadier general, as appropriate; to the Committee on Armed Services.

8675. A letter from the Under Secretary, Department of Defense, transmitting authorization of 8 officers to wear the authorized insignia of the grade of brigadier general; to the Committee on Armed Services.

8676. A letter from the Under Secretary, Department of Defense, transmitting authorization of Colonel Jon A. Norman, United States Air Force, to wear the authorized insignia of the grade of brigadier general; to the Committee on Armed Services.

8677. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Amendments to Form ADV (RIN: 3235-A117) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8678. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Pre-Existing Condition Insurance Plan Program [OCHIO-9995-IFC] (RIN: 0991-AB71) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8679. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; End-Stage Renal Disease Prospective Payment System [CMS-1418-F] (RIN: 0938-AP57) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8680. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-37, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8681. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-31, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8682. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-40, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as

amended; to the Committee on Foreign Affairs.

8683. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal authorizing the President to transfer certain naval vessels by grant; to the Committee on Foreign Affairs.

8684. A letter from the Assistant Secretary, Legislative Affairs, Department of Defense, transmitting Transmittal No. DDTC 10-082, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8685. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

8686. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

8687. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's letter in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

8688. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-068, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8689. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-086, certification of proposed issuance of an export license pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8690. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-075, certification of proposed issuance of an export license pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8691. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-064, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8692. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-053, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8693. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-072, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8694. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-069, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8695. A letter from the Assistant Secretary, Legislative Affairs, Department of State,

transmitting Transmittal No. DDTC 10-073, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8696. A letter from the Under Secretary, Department of State, transmitting report on verification of the Treaty between the United States of America and the Russian Federation; to the Committee on Foreign Affairs.

8697. A letter from the Assistant Secretary of State for Political-Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 10-048, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

8698. A letter from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 10-057, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

8699. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Sufficiency Certification for the Washington Convention and Sports Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service and Reserve Requirements For Fiscal Year 2011", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

8700. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2010 Revenue Estimate in Support of the Issuance of \$225,000,000 in Commercial Paper (Taxable and Tax Exempt)", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

8701. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-490 "Keep D.C. Working Act of 2010"; to the Committee on Oversight and Government Reform.

8702. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-480 "Quarterly Financial and Budgetary Status Reporting Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

8703. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-489 "Data-Sharing and Information Coordination Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

8704. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-485 "King Towers Residential Housing Real Property Exemption Act of 2010"; to the Committee on Oversight and Government Reform.

8705. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-484 "Shirley's Place Equitable Real Property Tax Relief Act of 2010"; to the Committee on Oversight and Government Reform.

8706. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-483 "Renovation Penalty Abatement Act of 2010"; to the Committee on Oversight and Government Reform.

8707. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers

from the BWX Technologies, Lynchburg, Virginia to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8708. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the De Soto Avenue Facility in Los Angeles, California to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8709. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Mound Plant in Miamisburg, Ohio to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8710. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Downey Facility in Los Angeles, California to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8711. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Los Alamos National Laboratory in Los Alamos, New Mexico to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8712. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the University of Rochester Atomic Energy Project in Rochester, New York to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8713. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a designation pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

8714. A letter from the Board of Trustees, Federal Old-Age And Survivors Insurance And Federal Disability Insurance Trust Funds, transmitting the 2010 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 111-137); to the Committee on Ways and Means and ordered to be printed.

8715. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Fiscal Year 2011 Rates; Effective Date of Provider Agreements and Supplier Approvals; and Hospital Conditions of Participation for Rehabilitation and Respiratory Care Services Medicaid Program: Accreditation Requirements for Providers of Inpatient Psychiatric Services for Individuals under Age 21 [CMS-1498-F, CMS-1498-F2, and CMS-1498-IFC; CMS-1406-F] (RIN: 0938-AP80; RIN 0938-AP33) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 1606. Resolution providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 1586) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes (Rept. 111-584). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on August 6, 2010]

H.R. 3376. Referral to the committees on the Judiciary and Homeland Security ex-

tended for a period ending not later than September 30, 2010.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. POLIS:

H.R. 6079. A bill to facilitate affordable workforce homeownership in, and develop the full-time resident communities of, resort areas, and for other purposes; to the Committee on Financial Services.

By Mr. PRICE of North Carolina (for himself, Mr. CUELLAR, Mr. REYES, Mr. GRIJALVA, Mr. RODRIGUEZ, Mr. TEAGUE, Mr. FILNER, Ms. TITUS, Mr. ORTIZ, Mr. HINOJOSA, Mr. MOLLOHAN, Mr. ENGEL, and Ms. GIFFORDS):

H.R. 6080. A bill making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida (for himself and Ms. MATSUI):

H.R. 6081. A bill to amend the Stem Cell Therapeutic and Research Act of 2005; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 442: Mr. DJOU and Mr. DANIEL E. LUNGREN of California.

H.R. 745: Mr. CASTLE.

H.R. 2428: Ms. WOOLSEY.

H.R. 2866: Mr. PETERS.

H.R. 3286: Mr. SESTAK.

H.R. 4599: Mr. MINNICK.

H.R. 4689: Ms. MOORE of Wisconsin.

H.R. 4722: Ms. MATSUI.

H.R. 5137: Mr. FRANKS of Arizona.

H.R. 5141: Mr. PUTNAM, Mr. GARRETT of New Jersey, and Mr. CHILDERS.

H.R. 5564: Mr. LAMBORN.

H.R. 5576: Mrs. MYRICK.

H.R. 5612: Mr. VAN HOLLEN and Mr. MINNICK.

H.R. 5926: Ms. MOORE of Wisconsin.

H. Res. 1129: Mr. OLSON.

H. Res. 1596: Mr. THOMPSON of California.

EXTENSIONS OF REMARKS

HONORING JIM STEINER'S DISTINGUISHED CAREER

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 9, 2010

Mr. WU. Madam Speaker, I rise today to pay tribute to Jim Steiner, Business Development Specialist for Portland's Small Business Administration field office. Specialist Steiner is retiring in August after nearly 20 years with the SBA and 40 years of service to our country.

Jim embarked on an exemplary civilian career with the SBA in 1991. Over the next 20 years, Jim helped numerous entrepreneurs enroll in SBA programs like the veterans Patriot Express program, the Minority and Women Owned Business program and the HUBZone program. He approached his work with integrity and a sense of dedication learned over a 20-year military career.

Mr. Steiner and his colleagues have assisted businesses that innovate and provide jobs and services to our community. Well-known companies such as Columbia Sportswear and Mother's Bistro have benefitted from SBA's assistance.

Former Oregon Governor Tom McCall once said, "Heroes are not giant statues framed against a red sky. They are people who say, 'This is my community, and it is my responsibility to make it better.'" Jim Steiner truly is an American hero, for he has devoted much of his life to making his country and community better.

In 2008 Jim was awarded the Stanley Magiera Award for Excellence in Service to America's Veteran Entrepreneurs. Mr. Steiner's commitment to the people he served has been recognized by his colleagues, community partners, and the public, who are grateful for his efforts to provide excellence in service.

It is an honor for me to recognize Business Development Specialist Steiner for his service and for providing a heroic example to us all.

KIDNEY DISEASE AWARENESS AND EDUCATION WEEK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 9, 2010

Mr. HOLT. Madam Speaker, I rise today to recognize the week of August 9, 2010, as Kidney Disease Awareness and Education Week. This important event is sponsored by the American Nephrology Nurses' Association, ANNA. The week helps remind us and all Americans of the needs of patients suffering from or at risk of End Stage Renal Disease, ESRD.

I have met with nephrology nurses from my district to discuss ESRD and hear from them firsthand about their work. According to national reports, over 400,000 Americans have irreversible kidney failure. The only treatment for ESRD is dialysis or kidney transplantation; however, transplantation is limited due to the shortage of donors. The majority of patients undergo regular dialysis treatments to sustain life.

In my home state of New Jersey there are 10,882 people who suffer from ESRD and require regular dialysis. Nephrology nurses play a critical role in providing kidney disease patients with dialysis and related care and treatment to patients with ESRD across the entire country.

ANNA's Kidney Disease Awareness and Education Week provides a great opportunity for everyone to learn about the excellent work being done by nephrology nurses across the country. Finally, I want to commend the nephrology nurses in New Jersey for the great work they do every day.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 9, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,310,114,269,532.31.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,671,688,523,238.51 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

TRIBUTE TO ALAN CABLE

HON. STEVE KAGEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 9, 2010

Mr. KAGEN. Madam Speaker, I rise here today to pay tribute to Mr. Alan Cable as he retires as the president and chief executive officer of the Community Blood Center. For 26 years Mr. Cable oversaw the critical work of the blood center and is a distinguished community leader in northeast Wisconsin. As friends, family and colleagues gather to pay tribute to his hard work and dedication, I ask my colleagues to join me in honoring this outstanding individual.

If you talk to professionals at medical centers across the State of Wisconsin, they will all

certainly sing the praises of Alan. Under his management, the Community Blood Center has been widely recognized as a stellar organization that meets hospitals' needs for blood products, and his work is credited with saving countless lives.

Among his many accomplishments, Mr. Cable has greatly expanded the blood center. Under his leadership, the organization has grown from 30 employees to 150 employees and from 8,500 annual blood donations to 55,000 blood donations each year. This has helped guarantee that, for the last 20 years, patients in 17 Wisconsin hospitals have had ample access to safe blood transfusions. Mr. Cable has also contributed to the well being of communities beyond the 8th District of Wisconsin. He has worked with several national organizations including the National Blood Exchange Task Force, the American Association of Blood Banks and America's Blood Center.

Madam Speaker, as Alan Cable celebrates his retirement, I ask my colleagues to join me in saluting a truly extraordinary member of our community.

RECOGNIZING VILLAGE OF BELLPORT'S CENTENNIAL

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 9, 2010

Mr. BISHOP of New York. Madam Speaker, I rise today to recognize the centennial celebration on August 7, 2010, of the incorporation of the village of Bellport, located on the south shore of my district of eastern Long Island.

Brothers John and Chris Bell laid the foundation of this seaside outpost in the early 20th century as a fishing enclave for families escaping the frenzied life of New York City. For the past century, this enchanting bayside community has retained its distinctive charm and character in the midst of the ever-changing world around it.

Bellport's unique history is anchored by its maritime culture, centered on its renowned marina, yacht club, and celebrated waterfront. Many of Bellport's earliest residents provided for their families by fishing for mussels and oysters, and flourished on the bountiful waters of the Great South Bay.

From its humble beginnings, Bellport has matured into a thriving village adorned with enticing restaurants and boutiques. The Bellport Bay Yacht Club, founded in 1906, exemplifies the village's sailing heritage and remains a popular site for some of the premier sailing races in the country.

Another of Bellport Village's attractions is the acclaimed Gateway Theater. Many of its local actors, including Gene Hackman, launched their careers from its stage. The Gateway remains a source of communal pride and participation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Beach lovers have enjoyed Bellport's many alluring waterfront attractions, including the secluded Ho Hum Beach, across from the marina on Fire Island National Seashore.

On August 6, Bellport officially celebrated its 100th anniversary beginning with a dinner dance at the Bellport Country Club, followed by a parade from the Bellport Fire House to the Bellport Marina on August 7.

Madam Speaker, I am very proud to represent Bellport, New York, in the U.S. House of Representatives. I invite my colleagues to join us in celebrating Bellport's centennial and wishing this charming community and its residents continued success and happiness.

A TRIBUTE IN HONOR OF THE
LIFE OF AMBASSADOR LAW-
RENCE W. "BILL" LANE, JR.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 9, 2010

Ms. ESHOO. Madam Speaker, I rise today to honor the extraordinary life of a distinguished Californian and proud American, Ambassador Lawrence W. "Bill" Lane Jr., a longtime resident of the 14th congressional district, who died on Saturday, July 31, 2010. Publisher, philanthropist, and public servant, he embodied the West's can-do spirit and sense of opportunity, devoting nine remarkable decades to his family, to the outdoors, to his community, and to his country.

The former publisher of *Sunset* magazine, Bill fittingly left us in the evening, as the sun began to set over his beloved American West. Since moving from Iowa to California in 1928, Bill laid down deep roots in the region. He graduated from Stanford in 1942 with a degree in communications, and enlisted in the Navy shortly thereafter. Taking over the family business in 1961, Bill and his brother Mel

turned *Sunset* into an iconic Western publication, producing thousands of practical articles and books on gardening, cooking, travel, and home improvements.

Under Bill's guidance, *Sunset* became a leading voice for conservation and preservation. In 1969, the magazine published an exposé on the impact of the pesticide DDT, and refused to run advertisements for garden products containing it. In an editorial, Bill wrote that "*Sunset* has been carrying more such advertising than any other general consumer publication, but we cannot reasonably continue to carry advertising pages extolling these products when our editorial pages recommend against their use." This principled decision cost *Sunset* millions in revenue and antagonized major corporations, but Wisconsin Senator Gaylord Nelson read the article into the CONGRESSIONAL RECORD, sparking a national debate that led to the elimination of the use of DDT.

Bill Lane's longstanding love of state and national parks grew from a trip to the majestic Yosemite National Park when he was just nine years old. Soon, a teenaged Bill was working summers in Yosemite, delighting in calling the famous "firefall" over Glacier Point. A plaque at Glacier Point dedicates the mountain-top amphitheater and its stunning vistas to "Bill Lane, Publisher, Statesman, Philanthropist, Champion of the National Parks," but Bill was proudest of his singular status as the only person designated an "Honorary Ranger" in state and federal parks. Nourished by his parks, Bill tirelessly promoted efforts to protect California's open spaces, seashores and wilderness areas.

Recognizing the central role that his alma mater played in the West, Bill donated millions to Stanford and other organizations. He and his wife Jean helped establish the Jasper Ridge Environmental Research Station in the Stanford foothills, funded the Bill and Jean Lane Lecture series in Stanford's Creative Writing Program, and contributed to the res-

toration of the Red Barn Equestrian Center and Leland Stanford's Sacramento gubernatorial mansion. After the Loma Prieta Earthquake, Bill financed repairs to Memorial Church and the Main Quad's History Corner, which was renamed the Lane History Corner in his honor. In 2005, his \$5 million endowment established Stanford's Bill Lane Center for the American West. Professor David M. Kennedy, co-director of the Lane Center and a longtime friend of Bill's, called Bill the consummate "man of the West," who "enriched countless lives with his remarkably creative generosity."

As a lifelong ambassador of the West, Bill was chosen as Ambassador-at-Large to Japan, and later served as Ambassador to Australia and Nauru under Presidents Ford and Reagan. But for all his distinguished service in national capitals, Bill was perhaps most treasured locally. He was instrumental in the incorporation of Portola Valley in 1964, which elected him its first mayor. Bill resigned after 20 minutes, declaring that he had things to do. He served as vice-mayor instead, driving to Town Council meetings well into his advanced years, and playing Santa Claus at the Ladera Shopping Center for two decades.

Madam Speaker, I ask my colleagues to join me in extending our deepest sympathies to Bill Lane's family. He is survived by his wife Jean; children Robert Lane, Sharon Lane, and Brenda Munks and her husband Greg; five grandchildren; and the natural spaces he did so much to protect. A force of nature on behalf of nature, a conservationist who refused to conserve any of his energies advocating causes in which he believed, Bill did his best to preserve the West's wide open spaces, even as he filled them with his compassion, his civic engagement, and his booming laugh. The West will feel emptier without him, but our country is stronger, cleaner, and more beautiful because of him.

HOUSE OF REPRESENTATIVES—*Tuesday, August 10, 2010*

The House met at 9 a.m. and was called to order by the Speaker.

MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes each, but in no event shall debate continue beyond 9:50 a.m.

SUCCESSFUL GOVERNMENT INTERVENTION

The SPEAKER. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, according to independent economists, the action of this Congress pulled the economy back from the brink of falling into another Great Depression.

I hope my colleagues have had a chance to review the recently released study by former Federal Reserve Vice Chairman Alan Blinder and Mark Zandi, Moody's Analytics chief economist and former economic adviser to John McCain's 2008 presidential campaign.

We have heard some from the other side of the aisle demagogue on the value of the Recovery Act and other actions we took to stabilize this economy. Republicans loudly claim these programs were failures. But what do the actual economists say? From the study, I quote. "There is little doubt that, in total, the policy response was highly effective."

Madam Speaker, after careful analysis, the study's bipartisan authors conclude that the Nation's gross domestic product would have been 11.5 percent lower than it is today without government intervention. They conclude that an additional 8.5 million working Americans would have lost their jobs.

When this Congress took office in January of 2009, we were facing an economy in freefall with the second Great Depression in clear sight. We were in the midst of a deepening recession, the worst in 80 years. Increasing monthly job losses had peaked in Janu-

ary of that year at 741,000; housing prices were mired in 22 straight months of decline; foreclosures dramatically increased. The economy's contraction was worsening as gross domestic products shrank at an increasing rate each quarter. Bank failures accelerated, threatening family savings. All combined, Americans lost \$17.5 trillion in net worth because of the Bush recession. And in the midst of this economic maelstrom, in the face of the united opposition from the minority, we took action, immediate action, and passed the Recovery Act to stabilize the economy, protect teachers, firefighters, police officers, boosted the private sector payrolls, invested in America, and spurred growth.

According to the experts from both sides of the aisle, it worked. Again quoting from the study, "The effects of the fiscal stimulus alone appear substantial." Madam Speaker, they found that the Recovery Act raised GDP by 3.4 percent, reduced the unemployment rate by 1.5 percent below where it otherwise would have been, and, most importantly, added or protected 2.7 million American jobs.

The proof is in more than just the study. Look at the GDP. Before we passed the Recovery Act, GDP was declining for the third straight quarter, including a 2.7 percent drop in the third quarter of 2008, a 5.4 percent drop in the fourth quarter, and an astonishing 6.4 percent decline in the first quarter of 2009 when we came into office. The Recovery Act slammed the brakes on that freefall. The very next quarter, GDP posted only a 0.7 percent decline, quickly followed by four straight quarters of GDP growth.

The Recovery Act also stemmed the ever increasing monthly job losses. It is no coincidence that the job losses peaked just before we acted and then immediately began to drop.

Currently, we are in our seventh straight month of private sector job growth, with 600,000 net private sector jobs created this year alone. The manufacturing sector continues to expand in fact to its highest levels. American automobile sales, initially spurred by the successful Cash for Clunkers program, continue to improve. The stock market, which plummeted throughout 2008 and hit rock bottom in the first quarter of 2009, has rebounded since, increasing more than 60 percent. In fact, we have recovered \$6 trillion of the \$17.5 trillion lost by American families.

Madam Speaker, the Blinder and Zandi study illustrates our interven-

tion and investments through the Recovery and Reinvestment Act saved the U.S. economy from the second Great Depression. But, as the recent study demonstrated, we averted the worst outcome, but we still have work to do.

Make no mistake. Despite the fragile economy, our economy is growing again, and that growth is the direct result of the actions of this Congress to save American taxpayers and to save this economy.

RECOGNIZING ALFALIT INTERNATIONAL AND DR. PHILLIP FROST

The SPEAKER pro tempore (Mr. TONKO). The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to recognize the extraordinary efforts and continuing success of Alfalit International in the fight against global illiteracy.

Founded in 1961 and headquartered in my hometown in Miami, Florida, Alfalit International has helped over 7 million adults and children learn to read and write. Currently, Alfalit serves people in 25 different countries around the world, with literacy programs in English, Spanish, Portuguese, and Creole.

The basic ability to read and write is the gateway to education and training, to higher earnings, and to a more productive life. With Alfalit's help, millions of people in countries worldwide are able to break the cycle of poverty, make better lives for themselves and their children, and play a larger role in their local and regional economies.

Moreover, basic literacy skills also help people to better understand the rights they have and the rights that they have been denied, and it empowers people to participate in the local and national political process.

Alfalit's approach involves teaching the basic skills and education that people need to become independent and productive members of societies.

Alfalit's approach is an efficient and cost-effective method that needs only \$60 and 10 months to teach a completely illiterate adult to read and write at a fourth-grade level. I am certain that much of the reason for this low-cost approach to basic education lies in the fact that the majority of Alfalit teachers are compassionate and supportive volunteers.

As a former educator and Florida certified teacher, I recognize the difficulties that Alfalit faces in helping those

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

most in need. I commend its many volunteers, and encourage them to continue with their badly needed efforts.

Alfalit's tremendous success over the past 50 years is a great inspiration, and I hope to hear more about its great work in the future. I wish them also much success to Alfalit for its upcoming dinner in Miami, Florida.

Mr. Speaker, I would also like to spotlight the contributions of Dr. Phillip Frost to our South Florida community. A physician, a businessman, a philanthropist, Phillip Frost has been a long-time supporter of the arts and education. His work with the Smithsonian Institute has helped keep the institution vibrant and growing.

Phillip's passion for music led him to make generous contributions to the University of Miami's school of music and to the Florida International University art museum.

His philanthropy has helped fund much needed medical research. As a trustee at the Scripps Research Institute, he has helped one of the world's largest independent, nonprofit biomedical research organizations. Phillip Frost's lasting legacy will certainly be to inspire others to match his selflessness and generosity.

Thank you, Dr. Frost, for your service and for your humanitarian outreach. You are an inspiration and an example to our entire community. Much success for your upcoming event for the American Friends of the Hebrew University in Miami, Florida.

EDUCATION FUNDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, there are many in this chamber who say, and I am among them, that we must be careful with running up the deficit and the debt because we are borrowing from the future. Dollars we borrow today will be paid back by our kids and our grandkids over the next 30 years. In fact, that is why I voted against the so-called stimulus bill. I felt it borrowed too much and invested too little in the future. It cut way back on the transportation infrastructure investments in favor of tax cuts. Borrowing money for tax cuts doesn't make sense. There is no benefit to be passed on to the future generation, and it certainly didn't put people back to work.

So as we approach the bill today, we have to keep that in mind: Are we borrowing from the future? And, will this provide benefits to people in the future?

The bill before us today would fund education. In my State, we are headed toward having the shortest school year in America. We are stealing from our future. We are stealing from our kids. If they don't get those school days this year, they can't make them up next

year or after they have graduated. We are shorting them for the rest of their lives on a good education. We are going to have some of the largest class sizes in America. You can't teach a class of 38 or 40 kids in middle school. It isn't a good educational experience. We are stealing from their future.

I am hoping today that the funds we will vote for will be used by my State to plug the holes this year. I don't want to see them sitting on that money and saying, "Oh, well, maybe things will be worse next year and we will avoid future cuts." No. The cuts are today. They are hurting kids today. They need to plug those holes today, put teachers back to work, lower the class size, get the school years back up to a reasonable length.

There are other cuts that can be taken care of by this vote again today. In my State, we are cutting back on State police even though we have one of the lowest ratios of policing in the United States of America. We have an epidemic of people in our rural areas who do not have adequate law enforcement and are being plagued by crime and drug dealing and other things. We need more State police on the roads.

Our seniors need to be maintained in their homes, Oregon Project Independence. Our community colleges are cutting back at the same time when they are seeing record enrollment from people who are trying to get a job in a bad economy. Those holes can be plugged today. But are we borrowing from the future with this legislation? Well, no. Actually, for once, we are paying for it.

Now, we are going to hear a lot of whining on the Republican side of the aisle about, oh, this is bad and this is more just borrow and spend. No. What they are really going to be whining about is the fact that we are closing some very juicy foreign tax loopholes for U.S. corporations. We have little things that are called the hopscotch of deemed dividends. We have the Cayman Islands, Bermuda. Sound familiar? And we have daisy chain investment overseas so they can avoid U.S. taxes. When we built the greatest Nation on earth, corporations paid 40 percent of the taxes in this country; today, they pay 7 percent because of loopholes like this. This bill will close the loopholes.

Now, the Republicans will gnash their teeth over that because there has never been a loophole too good for them. They want more loopholes. And they should like this part, and I have some doubts about this, but it is going to reduce food stamp benefits in the future by \$12 billion. Now, they always carry on about welfare and welfare cheats. I have got a lot of people dependent upon food stamps who were formerly hard working in my district and my State. But the balance here of essential public services, of a decent education for the future, and those cuts, I can accept. And getting rid of

the corporate loopholes, I am with that every day of the week. The Republicans are for loopholes. We are against them. We are for education, we are for kids, we are for vital public services. They are not.

STOP THE SPENDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, many people are asking why Congress is here today. I think the answer is pretty simple: We are not bankrupting the country fast enough, and so we need to come back and spend even more.

In the merciful week that Congress was not in session, my constituents had one message: Stop the spending. Obviously, Congress isn't listening.

Over the past 2 years, this administration and this Congress have increased spending by nearly 18 percent and run up more debt in 2 years than the irresponsible Bush administration did in all of its 8 years combined. Meanwhile, unemployment has increased from 7.6 percent to 9.5 percent.

Yet, the problem, in the view of the House Democrats, is that we just aren't spending enough. So we gather here today to shovel another \$26 billion at the problems. That comes to about \$330 from an average family taken directly out of the Nation's struggling economy.

Now, the gentleman from Oregon just told us, well, don't worry, it is paid for. Well, how is that? \$10 billion from increasing taxes on businesses with foreign subsidiaries.

But remember this: Businesses don't pay business taxes. Business taxes can only be paid in one of three ways: By us as consumers through higher prices; by us as employees through lower wages; and, by us as investors through lower earnings, mainly on our 401(k)s.

Another \$12 billion comes from cuts in food stamps starting in 2014, but we are going to use the savings starting now.

I tried that one out on my wife the other day. "Honey, sure we can afford that new jet ski this year. I am planning to cut our grocery budget by \$10,000 in 2014." I am sad to report, she didn't buy it.

We are told this is part of the plan to save or create jobs. Well, Mr. Speaker, this is not saving jobs. It is destroying jobs. Government cannot inject a single dollar into the economy that it hasn't first taken out of that very same economy.

We see the jobs saved or created when the government puts the money back into the economy. What we don't see as clearly are the jobs that are lost or prevented when the government first has to take that money out of the

very same economy. We see the lost or prevented jobs through chronic unemployment rates and a stagnant jobs market at a time when we should long ago have moved into a normal V-shaped economic recovery.

Nor does this even guarantee saving teaching jobs. Good school boards, faced with the choice between a couple of good teachers or a pointless and overpaid bureaucrat, are probably going to keep the teachers and fire the bureaucrat. But this bill says they don't have to make that choice. Indeed, this bill says they are actually prohibited from doing anything that would reduce their spending below last year's level.

What about Medicaid? A bipartisan group of legislators in my State of California tells us that they need this bailout money to save the State's Medicaid program. But bailing out bad management doesn't improve it.

At the peak of the good times when California was taking in more money than ever before, it was already running a deficit of over \$9 billion, almost 10 percent of its budget. Just 4 years ago, those same bipartisan legislatures voted Medicaid expansions that have increased its share of general fund spending from 14 percent to 19 percent. California offers such Medicaid options as acupuncture, chiropractic services, and psychological counseling. And now they are shocked, just shocked, that they keep running out of money.

I love my State, but deficits that are made in California should stay in California.

Mr. Speaker, with the Nation now some \$13.2 trillion in debt, that is about 93 percent of the entire U.S. economy, it is time to invoke the first law of holes: When you are in one, stop digging. And if Congress doesn't invoke that law now, it is becoming increasingly clear that the American people will invoke it in November.

THE FEDERAL GOVERNMENT SHOULD HELP

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise this morning because three teenagers are dead.

I have made a commitment as a mother to reconcile this horrific tragedy and to ask our government for help.

I believe every American should have the opportunity to have the feeling that, when all else fails, our government will stand there and assist us where they can. Americans don't ask for handouts. They don't ask to have their lives interrupted. They simply want to know there is a Federal Government that can stand up for them. Whether or not it is a young man or woman in the United States military,

whether or not it is a senior who needs Medicare or Social Security, we need to know that when there is a need that the Federal Government can fulfill, they will do so.

In the middle of July in Houston, Texas, Sajan Tamalshina, a native of Nepal, decided to drive his car through a red light. In the course of that, he hit a family that were bringing their teenagers home from a legitimate night out in a legitimate teenage club, if you will, picked up by their parents and being driven home, as families will do across America. Rashaundra 17, Avianca 13, Detrihanna 13, were all happily and busily talking about the fun they just had, and the right way that it was done where the parents picked them up and took them home. But Sajan Tamalshina decided to drink and run the red light, and now three teenagers are dead, expelled from the car, laying on the hard cement.

The police came and looked at the situation. He refused to take an on-scene Breathalyzer, so he was taken to the hospital and, as you well know, chemical tests go about. The police even called the District Attorney who came to the scene and decided that he could be released. My heart aches for that decision, because I asked the question, Mr. Speaker, three dead children on the ground does not at least require some common sense and judgment to hold someone overnight? Parents are asking now for justice and I am asking our Nation for justice.

The police department said they contacted the U.S. Marshal. There is an investigative arm of the State Department, but yet we look like the most powerful Nation in the world, and we have our hands tied. You cannot reach the U.S. Marshal's office. They will not respond. They are talking about maybe something will happen. Because he is in Nepal, there is no diplomatic relationships with them.

Three teenagers are dead. The letter says, "Unfortunately, the United States does not have a treaty with Nepal that can serve as a basis to secure Mr. Tamalshina's extradition. In some cases, in the absence of an extradition treaty, countries may be able to expel or otherwise remove from their territory persons wanted for prosecution in another jurisdiction. However, expulsion or removal usually are not viable options when the person sought is a national of a country of refuge." As Mr. Tamalshina appears to be a national of Nepal, it is highly likely that an expulsion or other removal from their country will be possible.

The Department's criminal division works closely with Federal, State, and local prosecutors and the Department of State to seek the extradition or other lawful return of fugitives wanted for prosecution in the United States. In cases involving State charges, we can initiate an extradition only upon re-

quest of the State prosecutors. Prosecutors in our criminal division have worked with the Harris County District Attorney's Office on fugitive matters and we have discussed this case. Just a benign conversation. It doesn't matter. Three teenagers are dead.

Well, I say to the Justice Department, wake up and do something. The U.S. Marshal needs to stop hiding from my office and get over to my office to discuss why you can't do something. You can engage in diplomatic dialogue. You can ask the country of Nepal to be able to work with you to return this individual. He will not be getting the death sentence. Maybe 60 years. You are leaving crying parents with no justice because you let someone go.

To the district attorney of Harris County, what a ridiculous thing to see three dead bodies and refusing to hold an individual whose alcohol was 1.27 to 1.62. He is legally drunk. The legal amount is 0.8. When are we going to understand that drunk driving can cause death? And to those of you who drive while drinking or drive under the influence, you are a menace to society.

Three dead teenagers. I am calling on the Justice Department and the Attorney General of the United States to recognize that they are here to protect the people of the United States, and these three dead teenagers are in need of their protection in their loss, and their families want justice. I am asking for the U.S. Marshal to show up and work with us to do something on behalf of these Americans and these families that are mourning.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 24 minutes a.m.), the House stood in recess until 10 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland) at 10 a.m.

PRAYER

Reverend Charles Gallagher, St. Peter's Catholic Church, Washington, D.C., offered the following prayer:

Heavenly Father, we thank You for this new day. You are the author of life. You have designed the universe and You hold it together in Your hands. You govern all things. You are the ruler of the world, the supreme lawmaker.

Guide this assembly as it participates in Your governing power. As it creates laws for the human order, may

it always respect the laws Your divine order has imposed. Let us remember that the rights of the persons come not from the deliberations of men, but from the hand of God.

May this assembly always protect the life and respect the dignity of all human beings, especially those who are too weak and too small to protect themselves.

We ask this through Christ our Lord, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. KAGEN) come forward and lead the House in the Pledge of Allegiance.

Mr. KAGEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain requests for five 1-minute speeches on each side of the aisle.

MEETING THE EMERGENCY NEEDS ACROSS AMERICA

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. We have an obligation to the future to stop borrowing and spending, and actually, today, we're going to meet emergency needs across America and we are going to stop borrowing, but we are going to do something the Republicans really hate. We are going to close some unbelievable, abusive, foreign tax loopholes. They're called daisy chain hopscotch dividends that are deemed in Bermuda and the Cayman Islands, among other exotics.

You know, when we built the greatest country on Earth, corporations paid 40 percent of the taxes in this country. Today, Republicans are paying 7 and Republicans think that's just too much. Well, we've got a choice: cut \$10 billion in abusive foreign tax loopholes and fund our kids' education so we don't have the shortest school years and the largest class sizes in America, or continue business as usual to subsidize those corporations and allow them to hide money overseas.

I know how the Republicans vote. I'm voting with the kids.

RECKLESS SPENDING

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Madam Speaker, I make infrequent appearances in the House well, but today, I feel obliged to express my disappointment for Mrs. Obama's decision to conduct an elaborate vacation in Spain. She and members of her entourage are spending lavishly, and American taxpayers will subsidize this vacation with lavish payments as well.

With the dismal American economy in the tank, this Spanish vacation, Madam Speaker, was ill-conceived, ill-timed, and generously laced with illogical arrogance. It is my belief that the First Lady owes an apology to American taxpayers for this exercise in reckless spending.

SUPPORTING EDUCATION JOBS AND MEDICAID ASSISTANCE ACT

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Madam Speaker, I don't know why my colleagues on the other side have problems with the bill we came back to pass today. I guess it's because it helps poor and middle class people.

The Education Jobs and Medicaid Assistance Act will save or create 310,000 jobs in this country: the teachers our children need as they return to school, policemen, firefighters, and others who keep us safe, and nurses who provide us tender loving care when we need it most. It increases Medicaid so more poor families can get health care. If this is a special interest bill as they are telling the American people, then those are the kinds of special interests Democrats have and will always have: people who need our help to go to work every day and take care of their families.

Republicans would rather continue tax cuts for the wealthiest 1 percent of people and support corporations who take jobs and send them overseas which would only increase the deficit their policies created in the first place.

This bill is paid for and will reduce the deficit by \$1.4 billion and is just another example of Democrats being responsible with our country's finances and responsive to the needs of our constituents. And their opposition is another example of Republicans misleading the people and trying to take us back to the same failed Republican policies that got us in the ditch in the first place.

TRIBUTE TO CORPORAL MAX W. DONAHUE, UNITED STATES MARINE CORPS

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. United States Marine Corporal Max W. Donahue enlisted in the Marine Corps in 2006 from Highlands Ranch, Colorado, and had served two previous combat tours in Iraq before deploying to Afghanistan.

Corporal Donahue was a military policeman assigned as a working dog handler with the First Marine Expeditionary Force Headquarters Group, 1st Marine Expeditionary Force, Camp Pendleton, California.

Before he was deployed to Afghanistan, Corporal Donahue explained to his mother why he wanted to go there. "There's not a lot of guys who can do what I can do, and my buddies need me there," recounted his mother, Julie Schrock.

On August 4, Corporal Donahue was on a mission in Helmand Province, Afghanistan, with his German shepherd, Fenji, when he was gravely wounded by an improvised explosive device and tragically succumbed to his wounds on Saturday, August 7, 2010.

Corporal Max W. Donahue was a shining example of United States Marine Corps service and sacrifice. As a retired Marine Corps combat veteran, my deepest sympathies go out to his family, his fellow Marines, and all who knew him.

GOP LEADERS CHOOSE TAX CUTS FOR WEALTHIEST FEW OVER TEACHERS, NURSES, AND POLICE OFFICERS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Madam Speaker, today's legislation clearly demonstrates the differences between the two parties. Congressional Republicans have made their choice clear. The GOP is calling for an extension of the Bush tax cuts for the wealthiest few and saddling Americans with nearly \$700 billion in debt versus our Democratic paid-for bill that creates and maintains 310,000 jobs for hardworking Americans.

Our legislation will save or create more than 310,000 American jobs for teachers, firefighters, police officers, and nurses. These funds are needed now to prevent layoffs and actually rehire teachers and prevent law enforcement officers from losing their jobs.

Bottom line is congressional Republicans would rather extend the Bush tax cuts for the wealthiest few and saddle Americans with a \$700 billion debt. Our Democratic legislation is fully

paid for by closing costly corporate tax loopholes that allow corporations to shift American jobs overseas. Democrats are moving America forward while the congressional Republicans want to take us back to the exact same failed policies of the Bush administration that drove us into this economic ditch.

AFGHAN HUMANITARIANS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, this weekend, we received sad and disturbing news from Afghanistan as 10 humanitarian aid workers, six of them Americans, were killed in a barbaric Taliban attack.

Among those killed was one of my constituents, Glen Lapp of Lancaster, as well as Brian Carderelli, whose family I have worked with on humanitarian aid projects. The team leader, Tom Little, served with his wife and daughters in Afghanistan for over 30 years. They were ambushed while traveling from an isolated village where they provided eye care and other medical assistance. The group they were working with, International Assistance Mission, has been working in Afghanistan for decades, reaching out to heal the sick and restore sight.

Because of the barbaric actions of the Taliban and these senseless killings, the people of Afghanistan will lose the valuable assistance of individuals with special medical skills to help those living far away from modern medical services.

I know that Glen, Brian, Tom and all of the volunteers will be dearly missed and we honor them for their courage and love for the Afghan people and their service to them.

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SUPPORTING EDUCATION JOBS AND MEDICAID ASSISTANCE ACT

(Mr. ROTHMAN of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN of New Jersey. Madam Speaker, just say no? That's not a solution. The Democrats in the House of Representatives want to find solutions and pay for them, and that's what we are doing.

Earlier this year, 42 governors wrote to us and said they needed help paying for health care for the poorest people in their States and 42 governors were out of money. So the Democrats came up with a solution to provide money to these States so that they could provide health care to their poorest people, and we found a way to pay for every penny of it and not add a penny to the deficit

and this way help those poor people who needed it, help the governors, and reduce the burden of taxes on local and State taxpayers. We did it by cutting loopholes for corporations who were getting a tax break for taking their companies overseas.

See who votes which way. The Democrats came up with the solution. We paid for every penny of it. We are helping the States, the taxpayers, and those in need. We are moving the country forward.

We will not allow this country to go back to the policies that brought us to the brink of disaster.

TIME TO RECLAIM OUR COUNTRY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, how bad does it have to get?

Over 20 million Americans are out of work or have given up looking for work. Federal spending is out of control, and congressional Democrats won't even propose a budget.

The administration intentionally takes actions to weaken immigration laws; Federal judges assault our time-tested values; and the administration wants to hike taxes on individuals, small businesses, and investments, which will kill jobs.

How bad does it have to get before Americans reclaim our country?

CRITICAL ASSISTANCE TO STATES

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, I rise today to support the legislation we will be voting on in a few hours. It isn't perfect, but it will provide critical assistance to States' strapped budgets. It will save or create more than 300,000 jobs.

Now, during the debate over restoring the unemployment insurance program, the Republicans whined out here on floor that the bill wasn't paid for. I will remind them the bill before us is paid for and, in fact, will reduce the deficit by nearly \$1.5 billion. So we shouldn't hear one single word from now till 3 o'clock about it ain't paid for. It is paid for.

I will say it again. It will save 300,000 jobs.

Still, I bet every Republican will vote "no." Why? Not because they think it's a bad policy, but because they want to do everything in their power to make certain that President Obama can't get this country going again. They have been dragging their feet for 18 months, 20 months now. Come November, I think they are going to find it was a dumb policy.

EXTEND TAX CUTS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, instead of calling Congress back into session to protect special-interest unions and add more tax increases, we should be focusing on policies that give American families incentives to invest and create jobs.

Americans should be concerned now about the job-killing bill and the tax increase we are likely to see before the end of the year. Also, after the election in November, Washington liberals will try to ram through a national energy tax, remove the right to a secret workers' ballot, and continue to skyrocket America's deficits with reckless spending.

In an effort to prevent this job-killing, lame-duck tactic, I support Congressman TOM PRICE's resolution that eliminates a lame-duck session. This promise is critical in order to represent the will of the American majority, who have serious concerns about reckless spending and more taxes, as over 20 million citizens are out of work or have given up looking for work.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

EMERGENCY BORDER SECURITY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 2010

Mr. PRICE of North Carolina. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6080) making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$253,900,000, to remain available until September 30, 2011, of which \$39,000,000 shall be for costs to maintain U.S. Customs and Border Protection Officer staffing on the Southwest Border of the United States, \$29,000,000 shall be for hiring additional U.S. Customs and Border Protection Officers for deployment at ports of entry on the Southwest Border of the United States, \$175,900,000 shall be for hiring additional Border Patrol agents for deployment to the Southwest Border of the United States, and \$10,000,000 shall be to support integrity and background investigation programs.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For an additional amount for “Border Security Fencing, Infrastructure, and Technology”, \$14,000,000, to remain available until September 30, 2011, for costs of designing, building, and deploying tactical communications for support of enforcement activities on the Southwest Border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement”, \$32,000,000, to remain available until September 30, 2012, for costs of acquisition and deployment of unmanned aircraft systems.

CONSTRUCTION AND FACILITIES MANAGEMENT

For an additional amount for “Construction and Facilities Management”, \$6,000,000, to remain available until September 30, 2011, for costs to construct up to 2 forward operating bases for use by the Border Patrol to carry out enforcement activities on the Southwest Border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$80,000,000, to remain available until September 30, 2011, of which \$30,000,000 shall be for law enforcement activities targeted at reducing the threat of violence along the Southwest Border of the United States, and \$50,000,000 shall be for hiring of additional agents, investigators, intelligence analysts, and support personnel.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$8,100,000, to remain available until September 30, 2011, for costs to provide basic training for new U.S. Customs and Border Protection Officers, Border Patrol agents, and U.S. Immigration and Customs Enforcement personnel.

GENERAL PROVISIONS

(RESCISSIONS)

SEC. 101. From unobligated balances made available to U.S. Customs and Border Protection “Border Security Fencing, Infrastructure, and Technology”, \$100,000,000 are rescinded: *Provided*, That section 401 shall not apply to the amount in this section.

TITLE II

DEPARTMENT OF JUSTICE

SEC. 201. For an additional amount for the Department of Justice for necessary ex-

penses for increased law enforcement activities related to Southwest border enforcement, \$196,000,000, to remain available until September 30, 2011: *Provided*, That funds shall be distributed to the following accounts and in the following specified amounts:

(1) “Administrative Review and Appeals”, \$2,118,000.

(2) “Detention Trustee”, \$7,000,000.

(3) “Legal Activities, Salaries and Expenses, General Legal Activities”, \$3,862,000.

(4) “Legal Activities, Salaries and Expenses, United States Attorneys”, \$9,198,000.

(5) “United States Marshals Service, Salaries and Expenses”, \$29,651,000.

(6) “United States Marshals Service, Construction”, \$8,000,000.

(7) “Interagency Law Enforcement, Interagency Crime and Drug Enforcement”, \$21,000,000.

(8) “Federal Bureau of Investigation, Salaries and Expenses”, \$24,000,000.

(9) “Drug Enforcement Administration, Salaries and Expenses”, \$33,671,000.

(10) “Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses”, \$37,500,000.

(11) “Federal Prison System, Salaries and Expenses”, \$20,000,000.

TITLE III

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$10,000,000, to remain available until September 30, 2011: *Provided*, That notwithstanding section 302 of division C of Public Law 111–117, funding shall be available for transfer between Judiciary accounts to meet increased workload requirements resulting from immigration and other law enforcement initiatives.

TITLE IV

GENERAL PROVISIONS

SEC. 401. Each amount appropriated or otherwise made available under this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 402. (a) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2014, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(L) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(L)) shall be increased by \$2,250 for applicants that employ 50 or more employees in the United States if more than 50 percent of the applicant’s employees are nonimmigrants admitted pursuant to section 101(a)(15)(H)(i)(b) of such Act or section 101(a)(15)(L) of such Act.

(b) Notwithstanding any other provision of this Act or any other provision of law, during the period beginning on the date of the enactment of this Act and ending on September 30, 2014, the filing fee and fraud prevention and detection fee required to be submitted with an application for admission as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) shall be increased by \$2,000 for applicants that employ 50 or more employees in the United States if more than 50 percent of the applicant’s employees are such non-

immigrants or nonimmigrants described in section 101(a)(15)(L) of such Act.

(c) During the period beginning on the date of the enactment of this Act and ending on September 30, 2014, all amounts collected pursuant to the fee increases authorized under this section shall be deposited in the General Fund of the Treasury.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. PRICE) and the gentleman from Kentucky (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. PRICE of North Carolina. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 6080.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. PRICE of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to urge adoption of H.R. 6080, a bill to address the urgent need for enhanced security on our Southwest border. Violence on the Mexican side of the border has intensified because of turf battles among murderous transnational criminal organizations competing for drug, alien, and weapon trafficking business. The bill would provide \$600 million to enable the Department of Homeland Security, the Department of Justice, and the Judiciary, in cooperation with the National Guard, to counter this threat, building on the current border enforcement surge.

This funding is urgently needed to counter the pressures our law enforcement agencies and our border communities currently face.

Madam Speaker, the bill is fully offset. It includes a \$100 million reduction in the Department of Homeland Security’s border security infrastructure and technology account due to an ongoing reassessment of the SBInet program. The bill also increases, for 5 years, the cost for two visas which permit foreign workers to come and work in the United States. These fee increases would apply only to companies with more than 50 employees and for whom the majority of their workforce is visa-holding foreign workers.

The House passed a very similar version of this border security supplemental bill 2 weeks ago, partially offset and partially on a well-justified emergency basis. Because the Senate amended the House-passed bill, we are voting on the package again today.

The most significant change the Senate made was to fully offset the bill, adding the visa fee increases. Because of the Constitutional requirement that revenue-generating bills initiate in the House, the bill before us today has been introduced as a new bill but with provisions identical to the Senate-passed

bill. Therefore, should the House approve this bill today, it will need to be taken up again by the Senate, hopefully at the earliest possible date.

For the Department of Homeland Security, the bill provides a total of \$394 million, including: \$176 million to hire a thousand new Border Patrol agents. That funding will bring us to a total of 21,370 Border Patrol agents, a 70 percent increase since 2006. \$68 million to retain 270 Customs and Border Protection officers and hire 250 additional officers. With this bill, there will be over 20,700 CBP officers working to enhance port of entry operations.

There is \$32 million to procure two additional unmanned aircraft systems; \$80 million to U.S. Immigration and Customs Enforcement, ICE, which includes \$30 million to pay for four new Border Enforcement Security Task Forces, training and support for Mexican law enforcement partners, and a staffing surge for ICE's criminal alien removal efforts. The remaining \$50 million will be used to hire additional ICE investigators, intelligence analysts, and support personnel for a permanent expansion of ICE's presence along the border. These new personnel will focus on disrupting the criminal enterprises that fuel violence in Mexico.

There is \$6 million to construct two new forward operating bases for the Border Patrol.

For the Department of Justice, the bill provides \$196 million in support of investigations and crime control along the Southwest border, including \$38 million for the Bureau of Alcohol, Tobacco, Firearms, and Explosives; \$34 million for the Drug Enforcement Administration; \$30 million for the U.S. Marshals Service; and \$24 million for the Federal Bureau of Investigation.

□ 1020

Finally, for the judiciary, the bill provides \$10 million to meet increased workload requirements resulting from immigration and other law enforcement initiatives.

I want to recognize especially, Madam Speaker, the hard work of our border State Representatives who were instrumental in getting the supplemental border security bill initially passed. They have signaled their full support for the House to take up this latest version from the Senate, and we will hear from a number of them during the debate this morning.

Madam Speaker, I urge my colleagues to adopt this bill to address these critical border security challenges which, while they are most acute on the southwest border, constitute a serious national threat which we ignore at our peril.

With that, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, it's been now 47 days, almost 6 weeks, since our subcommittee marked up the fiscal 2011 appropriations bill that would fund the Department of Homeland Security. Forty-seven days. Normally, after you mark up a bill in subcommittee, it immediately goes to the full committee, and then immediately to the floor of the House for us to act on the entire appropriations for the entire Department of Homeland Security.

For some reason, the Democrat leadership in the House chose to delay the markup of the funding bill for the Department of Homeland Security now 6 weeks. And instead, they're bringing up this piecemeal supplemental bill that would make a nice amendment to the appropriations bill for the Department of Homeland Security if we could get that bill to us. And this supplemental, if passed, has to go back to the Senate, who is gone for the summer, before it can become law, even if we pass it here. And number two, it won't take effect until next year.

So, Madam Speaker, I'm asking, why are we here? Why did we come back for this? Because it can't take effect until next year and it can't take effect until the Senate comes back to pass on it. And they're gone until September. So why are we here? I don't know. I don't know. Forty-seven days that we have been waiting to bring up funding for the whole Department of Homeland Security. Homeland security, flippantly dealt with by the Democrat majority.

Now, here's what this bill before us today won't do. This bill won't address the massive and inexplicable cuts the President proposed to cut the Coast Guard and to the Customs and Border Protection's aerial resources. The President submitted a budget to the subcommittee cutting Coast Guard, slashing the Border assets. The subcommittee in our markup corrected that, but we can't get that bill to come onto the floor.

This bill won't do enough to improve our interdiction capabilities and stop the flow of drugs into northern Mexico and through the source and transit zones. This bill won't address any of the post-Christmas Day attack needs for aviation security or watchlisting. All of these were dealt with in the regular bill, if we could get it before the House. But this piecemeal approach doesn't work. And this bill surely won't address the numerous other homeland security challenges facing the country that range from emergency preparedness, to immigration enforcement, to cybersecurity. Simply put, this bill does nothing to make up for the fact that the fiscal 2011 Homeland Security bill is nowhere in sight.

Why are we taking up this piecemeal approach? So it's all about, I guess, politics. It's all about politics. I ask the majority, where's the bill? Bring us the bill. We can amend it with this sup-

plemental, make a modest change in the bill. Just bring us the bill.

Madam Speaker, our country's facing many grave threats to our security. In the wake of the Christmas Day, Times Square, and Fort Hood attacks, and with a drug war waging along our border, it's a complete dereliction of duty by the Democrat majority to avoid moving the fiscal 2011 Homeland Security appropriations bill.

So let's be absolutely clear about what we are doing here today. Yes, we are improving, we would improve the House Democrats' incomplete and deficit-increasing border security supplemental, but this bill won't take effect until next year. Why are we here? According to the nonpartisan Congressional Budget Office, not a single dime of this bill will be spent until fiscal 2011.

If they had brought forth the Homeland Security appropriations bill for the whole Department, we could have avoided a supplemental altogether. We could have made the changes in that bill that this bill suggests, perhaps, and all would have been fine. Homeland security would have again reached the importance that it has in the past. Instead, now homeland security is sort of a secondary thought, apparently, by the majority, because they won't bring us the bill.

So what that tells me is that we should be addressing all of our homeland security issues here today, not just putting a Band-Aid on some of our urgent border security needs with this supplemental. In fact, this supplemental, as I have said, might have made a very worthwhile amendment to the full security appropriations bill if the majority would bring it out and let it be discussed. But they control the rules, and they've said, no, we don't want to discuss the whole matter of homeland security. We want to address just these small pieces of it.

So again we ask, where's the bill and why are we here? The fact of the matter is that the Democrat majority should be governing and Congress should be addressing our urgent security needs in the most responsible and disciplined way possible. Sadly, as demonstrated by the Democrat majority's repeated attempts to bend the rules and their lethargic pace and inaction on critical security issues like funding for our brave troops, that is certainly not the case this year. The bottom line is we desperately need to get our homeland security right. We need to address our security needs with real solutions, not partial fixes that circumvent regular order and that employ questionable offsets, as this bill does.

Madam Speaker, I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Speaker, our distinguished ranking minority member has asked a legitimate

question, and that is, where is the 2011 regular Homeland Security bill? He says it's nowhere in sight. He knows very well it's clearly in sight. The 2011 Homeland Security appropriations bill has been marked up in subcommittee. It's been put together with full bipartisan participation. It directly addresses the Coast Guard and border security matters that he has stressed. And this emergency measure here today in no way detracts from that.

But this is an emergency. This is something that needs to be urgently addressed. Unfortunately, the Senate earlier stripped out these border provisions from the supplemental appropriations bill, and so we are here today passing this and getting this done at the earliest possible moment.

□ 1030

I would now like to yield 2 minutes to a subcommittee member who has been an important participant in putting this effort together, the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, I want to thank the chairman for his great work on this issue. He has been the champion on these issues and responsive to the needs of our borders.

Border security is one of my highest priorities. I represent 785 miles of the Mexican border, more border with Mexico than any other Member of Congress. As the vice chairman of the Homeland Security Appropriations Committee, we have made making our border more secure a high priority.

Earlier this month, the House passed a supplemental appropriations bill that continued funding for operations in Iraq and Afghanistan and in addition included \$701 million in much-needed border security funding. This is funding that our men and women on the border are asking for and need to get the job done. We all know the violence in Mexico has escalated. We need to ensure the U.S. borders are not left vulnerable.

This new version is much smaller than the previous one cut by the Senate. This bill does not have the funding for Operation Stonegarden, a much-needed program supported by many bipartisan Members. Nonetheless, I support the chairman on his effort and thank him for his leadership.

This bill will target funds just as the previous House-passed supplemental did. This includes an additional 1,000 Border Patrol agents and 250 additional officers at our land ports of entry, which are critical and important at this point in time. This is a significant step towards securing our border, and I want to thank the chairman for his leadership in this area and ensuring that the border becomes a priority.

Mr. ROGERS of Kentucky. Madam Speaker, I yield such time as he may consume to the ranking Republican on the full committee, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Madam Speaker, I very much appreciate my colleague yielding. I thank not only the gentleman for yielding, but the chairman as well, for their cooperative working relationship with me. On the other hand, Madam Speaker, it really pains me to have to be here today and comment on this emergency bill.

Securing our borders, thwarting ruthless drug cartels, and enforcing immigration laws should unquestionably be among our highest priorities. But why are we here today, with only seven weeks remaining in this fiscal year, debating a supplemental that CBO says will not take effect until next year? So we are going to solve a problem for 2010 that can't even begin to be enforced until next year. This bill will have to go back to the Senate because of the way it is structured.

Meanwhile, there is no plan to complete the vital FY 2011 Homeland Security and Defense appropriations bills. The chairman mentioned that the homeland bill had been marked up, et cetera, but it will not be in the full committee, no chance to amend it on the floor, et cetera. It is business as usual.

This bill is only on the floor today to allow the Democratic majority to claim that they care about border security. It won't go into effect soon. It won't solve our border problems, and it makes a mockery of our annual appropriations process, where these problems should be handled.

Even the bill's \$600 million worth of new spending is paid for with questionable tactics. Avoiding cuts to wasteful government spending, the Democratic majority is penalizing businesses with increased fees. How are de facto tax increases going to increase jobs and help our economy? And we will be paying for these so-called emergency funds for some time because they will result in increased operating costs for future years as well.

Madam Speaker, with the drug war continuing to escalate along the Southwest border and the States clamoring for help, and with the cost of illegal immigration, the American people expect real solutions from Congress. Instead, we have another round of throwing money at problems with no real understanding of how we are going to get out of this mess.

We should have already completed fiscal year 2011 appropriation bills for homeland security and defense, as has been suggested, and taken care of these problems in an orderly and rational way. Instead, we are left with haphazard schemes that seem more like political cover than real budget solutions to our security. This is not the way the Congress should get its work done.

Mr. PRICE of North Carolina. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CUELLAR), and

other of our border members, and the chairman of our authorizing Subcommittee on Border, Maritime and Global Counterterrorism.

Mr. CUELLAR. Madam Speaker, I certainly want to thank the chairman, Chairman PRICE, for the leadership in this emergency funding to be allocated to the Department of Homeland Security and the Department of Justice for enhanced Southern border security. And to all the border members, I as a border member understand why this is very important. Also I want to thank the ranking member, Mr. LEWIS, and also Mr. ROGERS, for the work they are doing on this issue also.

We join here today at a critical juncture of our border and homeland security. Now more than ever we need to allocate additional resources to our Nation's border. As the chairman of the Homeland Security Subcommittee for Border, Maritime and Global Counterterrorism, and as a Congressman that represents 250 miles of the Texas-Mexico border, where I drink the water, breathe the air, understand the border very well, I can tell you that the communities I represent are on the front line of our Nation's border and homeland security.

I recently got an official briefing by the Assistant Secretary of ICE, Mr. Morton, and got some of the most up-to-date threats facing us on our border. And certainly for our Members, I sure would like to show you some videos for anybody interested in seeing what is happening across the river.

The threat is real, and we need to take action now, whether it is the 1,000 Border Patrol agents, the ICE agents, ATF, judiciary, or prosecutors that we are trying to add to CBP for our land ports and our airports, this is important.

I am a little disappointed that the Senate took out the Operation Stonegarden, but we are working with Chairman PRICE to put that money back because that money is important for our local law enforcement.

So, Madam Speaker, as a member of the border delegation, I certainly ask the House and Senate leadership to support this and other border security funding. This is not a Texas issue, nor a partisan issue. This is an American issue for the safety.

So we stand up today for our communities, for our Federal, State, and local law enforcement to give them the additional resources that they need to secure our border.

Finally, this is one step, and a critical step, forward in our ability to detect, deter, and disrupt illegal activity along the U.S.-Mexico border.

Mr. ROGERS of Kentucky. I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Speaker, I would now like to yield 2 minutes to the gentlewoman from Arizona (Ms. GIFFORDS), another border

member who from her first day here has worked tirelessly on this border security issue.

Ms. GIFFORDS. Thank you, Chairman PRICE, I appreciate your leadership on this issue, and the other border members who appreciate this difficult situation that we have.

Repeatedly we heard from our colleagues across the aisle, why are we here? Why are we here? Well, we are here because we are sent here by our constituents to be their voices in Washington. And my constituents are the most heavily impacted in terms of illegal immigration. My sector had over 242,000 apprehensions, over 1.2 million pounds of marijuana seized last year. Mr. Chairman, that is why we are here.

We are here because residents in my district are sick and tired of all of the partisan bickering and the political games around securing the U.S.-Mexico border. That is why we are here.

We heard from across the aisle it is all about politics. Well, let me tell you about politics. This is the third time that we are here. The first time we were here on July 1st, the second time on July 28th, and now here on August 10th. The House is saying yes to more Border Patrol agents on the ground. We are saying yes to agents at the ports of entry. We are saying yes to more forward operating bases.

Why are we here? We are here because the Congress cannot turn its back on the American people, and those people who are most heavily impacted by illegal immigration. We are here because the Senate has refused to do the responsible thing and yet again for the third time has sent this back to us.

Politics? Well, the Senate needs to come back and deal with this issue. For all of the talk about securing the border and protecting American citizens, here we have an opportunity to actually do that, and we are not.

We are here because my constituents are sick and tired of all the political rhetoric. They want to see us get the job done.

This should be a bipartisan issue. I urge the Senate to return immediately to pass this bill.

Mr. ROGERS of Kentucky. Will the gentlelady yield?

Ms. GIFFORDS. I yield to the gentleman from Kentucky.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ROGERS of Kentucky. I yield the gentlelady 2 additional minutes.

Ms. GIFFORDS. I yield to the gentleman from Kentucky.

□ 1040

Mr. ROGERS of Kentucky. Is the gentlelady aware that the President proposed to cut the Border Patrol in his budget submission to the Congress?

Ms. GIFFORDS. To me, it doesn't matter what the President of the

United States proposes along the U.S.-Mexico border. I am a Member of the United States Congress. I am sent here by my constituents to fight for their needs. That is why I repeatedly asked for the National Guard to be deployed to the border.

Mr. ROGERS of Kentucky. Reclaiming my time.

The SPEAKER pro tempore. The gentlewoman has the time; the gentleman yielded to her.

Ms. GIFFORDS. That is why it was so important to have the National Guard deployed on the border. We are here because today the National Guard is deploying to Arizona and the Southwest border. They were designed to be deployed not in a vacuum but with increased members of the Border Patrol that will be trained, that will have equipment, that will have—

Mr. ROGERS of Kentucky. Wouldn't the gentlelady prefer that the Congress pass the whole bill for the Department of Homeland Security rather than this piecemeal approach?

Ms. GIFFORDS. Madam Speaker, for my constituents, the people that reside in my district, what matters is that we get the job done. They don't care about all of the partisan back and forth and this and that, what happens here.

Mr. ROGERS of Kentucky. The point is that we are not getting the job done because we will not pass the regular bill.

Ms. GIFFORDS. This is my time, sir.

When the National Guard was blindly deployed early this month—which took a lot of work from many of us to have the National Guard back on the border—they were designed to be deployed not in a vacuum. They were designed to have members of our Border Patrol trained up so that the Guard wouldn't have to be there forever and that we would have increased forward operating bases, that we would have an increased aerial surveillance system, that we would have a beefing up at the ports of entry.

This was all designed with this emergency supplemental funding in mind, and the Senate blew it again. This is not a partisan issue. This is something that Democrats and Republicans can do to fight for what's right for the people of America.

Madam Speaker, I serve on the House Armed Services Committee. We pass very large budgets securing America's interests, and it is critical that we get this job done.

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I understand the gentlelady from Arizona's frustrations. In fact, I sympathize with her. I made the same arguments she has just made in trying to bring up to the floor of this House the funding bill for the entire Department of Homeland Security, for the Coast Guard and for the Secret

Service and for the Border Patrol and for all of the other agencies, the 22 that make up the Department. I made those arguments: Why are we wasting time? Let's get on with it. And yet the majority will not bring up the bill that funds the whole Department.

We could have cured this months ago. It's been 6 weeks, Madam Speaker, since we passed the bill in the subcommittee that would have taken care of all these problems.

And, yes, I want to see politics out of it, too, but you're in control, and you won't let us bring that bill to the floor. Instead, we are faced with this little piecemeal bill here, trying to correct the President's slash of the Border Patrol when he submitted his budget to the Congress.

So, yes, I sympathize with the gentlelady. I wish we could get that bill up here, too, and stop playing politics with national security.

Madam Speaker, I reserve the balance of my time.

Mr. PRICE of North Carolina. Madam Speaker, I yield 2 minutes to a distinguished member of our authorizing committee, Representative JACKSON LEE.

Ms. JACKSON LEE of Texas. Madam Speaker, I am very glad that Democrats are doing the responsible thing, and we know we need to be doing more. This is an important step because it substitutes for some of the misguided legislative initiatives that States are promoting, such as Arizona and Texas.

I know there is a sense of desperation, but we on this side of the border have to ensure and have to be able to move forward on border security, and as well for those of us who are arguing vigorously for the comprehensive approach, addressing the needs of so many who are here simply wanting to work. We have to look to both directions.

So I am rising to support this bill and this legislation, recognizing that there are people who are crying their heart out, saying when is this Congress going to do comprehensive immigration reform? But just as we have to clean this up, we've got a problem in those on the other side of the aisle not recognizing that we have to do this as a total package. But the Border Patrol agents funding, the CBP funding, \$68 million to hire 250 new Customs and Border Protection personnel is important. The tactical communications is important.

For those of us who live on the border, who have been to the border, who know border areas, we understand that the value of this is also to save lives, save the many people who are coming here for work but are dying in the desert, children, women who are coming here—yes, out of desperation, but still they are coming and dying in these deserts. This has to be stopped.

We do need more monies for ATF and DEA. In my own city of Houston, it is

a center point, unfortunately, for a lot of drug cartels and gunrunning. So I know that there is an emergency. It is relevant to do this today.

But I wish my friends as well would stop blocking us from looking holistically at real, comprehensive immigration reform, so that people who want to come here to work can, so that young people who want to go to school can, so that families who are innocent and want to be here without being jeopardized by phony laws and can stay here and pay and invest into this Nation.

I support this legislation.

Madam Speaker, I am pleased to come before you today in support of H.R. 6080, the "Emergency Border Security Supplemental Appropriations Act of 2010,"—a bill that appropriates \$600 million for border security activities along the Southwest Border, including \$254 million for Customs and Border Protection, of which \$176 million would be used to hire additional border patrol agents, as well as \$196 million for the Justice Department, and \$80 million for Immigration and Customs Enforcement.

As Chairwoman of the Homeland Security Transportation Security & Infrastructure Protection Subcommittee, I want to thank Chairman OBEY and Ranking Member LEWIS for your leadership on this timely legislation. This is an important bill that provides the necessary funding that is essential to the assistance our Border States so greatly needs.

Our Border States are frustrated and in need of targeted assistance. In recent months, I have attended a number of different hearings, meetings with local and state officials, and press conferences on immigration, combating the drug trade, and improving the border, and in almost all instances, I have heard the same comment: Border States are frustrated. The deeply misguided Arizona Law, (SB1070) for example, is an expression of that frustration. Unless we want to see more of a backlash, we in the Federal Government must do more to help our Border States, which is vital to securing our nation and upholding our immigration laws, and helping local and state officials secure our Border States.

The United States continues to fight the battle against the powerful drug trafficking organizations that have plagued our sister cities just across the border with violence. We have been fortunate thus far that for the most part the violence has not spilled over into the United States, but we cannot depend on being insulated forever. Instability abroad is a danger to stability at home, and we have a vested interest in helping our neighbors to the southwest power away from the criminal organizations that have threatened the safety of their citizens and brought drugs into our country.

First of all, we need to do more than just provide "boots on the ground" to help secure our borders. While deterrence through additional personnel is essential to improving security, several members of the law enforcement community have stressed the importance of providing more resources for investigators and detectives, who can help to ferret out and dismantle the criminal activities taking place on our borders.

Moreover, while federal agencies have improved their coordination with the Border States, communication within local and State authorities continues to be problematic. Communication in disperse rural areas presents a particular challenge. At a hearing on the Merida Initiative, I heard the moving testimony of a rancher from rural Arizona, Mr. Bill McDonald. He pointed out how a lack of resources and a rapid turnover rate make communication extremely important, but extremely lacking. These rural areas, and the people who live there, are in many cases the most vulnerable to human traffickers and drug traffickers.

There is a desperate need for Border States to receive the necessary support to effectively secure our borders from threats and ensure a safe and stable environment for our border residents. More robust, well funded, and well resourced law enforcement systems are exactly what our Border States and residents demand.

These appropriations to improve law enforcement efforts at our Border States are only a small part of more comprehensive reforms to our immigration system. Reforms that the American people are crying out for and that I sincerely hope my fellow Members will stand behind. This legislation honors our first responsibility to protect the American people by giving law enforcement the tools they need to address the threat of violence near the U.S.-Mexico border. With investments in expanding the number of Border Patrol agents and Customs and Border Protection officers, improving our border surveillance efforts, and increasing resources for anti-smuggling investigations, we are tackling our border security challenges head on. This is one of the central pillars of bipartisan comprehensive immigration reform.

The SPEAKER pro tempore. The time of the gentlewoman has expired. Members should heed the gavel.

Mr. ROGERS of Kentucky. Madam Speaker, I yield such time as he may consume to the ranking Republican on the Judiciary Committee, Mr. SMITH of Texas.

Mr. SMITH of Texas. I want to thank the gentleman from Kentucky, a senior member of the Appropriations Committee, for yielding me time.

Madam Speaker, I support the passage of this bill. Additional funds for border security are always a step in the right direction, but if the Democrats were serious about immigration enforcement, they would include more funds for interior enforcement.

U.S. Immigration and Customs Enforcement says it doesn't have enough resources to enforce our immigration laws, yet this bill contains no funds for work-site enforcement that is needed to protect jobs for citizens and legal immigrants.

Last week, an illegal immigrant drunk driver killed a nun and critically injured two others. He had two earlier convictions for drunk driving. If ICE had sufficient funds for enforcement, this tragedy could have been avoided.

Madam Speaker, in many ways, this bill represents an opportunity lost, and

I regret that even though I support passage of the bill.

Mr. PRICE of North Carolina. Madam Speaker, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Madam Speaker, I will yield myself such time as I may consume in closing.

Again, I wish we had, Madam Speaker, the bill that funds the entire Department of Homeland Security before us instead of this piecemeal approach. I don't fathom why the majority will not bring forth that bill that's been marked up since 47 days ago—6 weeks—and yet they refuse to bring it out. Instead, they bring this piecemeal bill out there that only deals with a particular aspect of the entire Homeland Security bill.

And, number two, as I've said before, even if we pass this bill here, it still has to go back to the Senate before it can become law, and they're gone until the middle of September. And this bill won't spend any money until next year anyway.

So that's why I say why are we doing it this way? Why can't we just bring out the bill and deal with it? It includes all of this as well.

And yet the majority refuses to do that. It's all about politics, Madam Speaker. We are all concerned about that border, about the crime that is taking place, about the illicit drugs coming across, illegal people coming across. And we have devoted so much of the Nation's energy and monies to try to seal that border to little effect, it seems.

And yet if we had the whole Department of Homeland Security budget here on the floor so that we could at once deal with Coast Guard, with Secret Service, with Border Patrol, with enforcement of the laws against illegal immigration, if we had all of those matters before us, we could deal with it holistically. But they won't do it. Instead, we have this bill which won't become law until next year anyway. So I ask the Speaker, why did you call us back in session on this bill knowing that it could not become law until next year anyway? Puzzlement.

Madam Speaker, I yield back the balance of my time.

□ 1050

Mr. PRICE of North Carolina. Madam Speaker, it seems that a good part of the debate this morning has been about what this bill is not. Both sides have mentioned the need for comprehensive immigration reform, and I couldn't agree more. We cannot enforce our way out of this immigration challenge. I have never met a border security officer who claims otherwise.

This is a much broader challenge than simply enforcement or securing the border. I would hope most Members understand that and understand the urgency of moving ahead on comprehensive immigration reform.

What is before us this morning is an emergency measure dealing with some border security challenges arising from the cartel violence and gang activity in Mexico which requires an emergency response, an immediate response, and a targeted response. That is what this bill provides.

We have also heard a great deal about the 2011 Homeland Security Appropriations bill. Indeed, this emergency supplemental is not the regular bill. Nor is it a substitute for the regular bill. In fact, it is just what it says, it is a supplement to ongoing appropriations, a supplement designed to address this critical situation out on the southwest border which our colleagues on the border have testified to very convincingly here this morning.

The 2011 Homeland Security bill is alive and well. It has been assembled on a bipartisan basis after months of hearings and discussions. It has been approved at the subcommittee level, and Members will be seeing that bill very shortly. And believe me, on many of these items in the supplemental, you will be hearing from us again: the BEST teams, the border enforcement security task forces, a proven device; the forward-operating bases; and, of course, the beefing up of the Border Patrol and the cadre of CBP officers. All of these things are ongoing challenges, but they are also immediate challenges.

This is an important supplemental to the regular bill. This was true when we first passed it in early July, and it is still true today. Today we are compensating for the fact that border security was dropped from the supplemental appropriations bill by the Senate. But the Senate, fortunately, in recent days passed the bill before us. We are now passing the bill that they passed so as to expedite the targeting of these funds for this immediate problem in the Southwest. This is a much-needed bill. We have had ample testimony to that effect. I urge my colleagues to support it here this morning.

Mr. THOMPSON of Mississippi. Madam Speaker, today, the House is considering H.R. 6080, legislation to provide \$600 million for increased security activities at our Nation's southwest border. As Chairman of the Committee on Homeland Security, I have visited the U.S.-Mexico border and heard the concerns of local residents firsthand. I understand the imperative for more resources to combat the drug cartels and the threat of potential violence in the region. Therefore, I support the bill before the House today.

H.R. 6080 is an integral part of providing the Department of Homeland Security and its federal partners with additional personnel and equipment necessary to combat violence and better secure America's borders. Specifically, H.R. 6080 provides funding to put more boots on the ground for Customs and Border Protection (CBP), including additional Border Patrol agents and CBP officers who secure the areas at and between our ports of entry. Increased

interdictions along the border translate into increased additional referrals for Immigration and Customs Enforcement (ICE). I am pleased that H.R. 6080 also provides funding for additional ICE agents, analysts, and support personnel. These resources will aid ICE in identifying and dismantling cross-border criminal networks.

H.R. 6080 also provides for additional equipment, such as two unmanned aerial vehicles (UAVs) and forward operating bases for CBP. Communications in remote areas along the border is a persistent problem, and the bill helps address this problem by including funding for enhanced tactical communications in the area.

Providing additional resources is not a panacea for our border security problems, however. In the absence of a comprehensive border security strategy, this kind of supplemental funding will only do so much. Rather than a piecemeal approach, the Department of Homeland Security must develop and implement a border security strategy that contemplates all border security threats facing our Nation and allocates our border security resources accordingly.

Again, Madam Speaker, I support H.R. 6080 and urge my colleagues to do so as well.

Mr. REYES. Madam Speaker, I rise today to urge my colleagues to vote in favor of the revised Emergency Border Security Supplemental Appropriations Act of 2010.

While this legislation represents a scaled-down version of bill that the House has twice passed—once in the overall FY10 Emergency Supplemental Appropriations bill and again in the Emergency Border Security Supplemental bill by voice vote on July 28—the bill still provides some of the resources necessary to address the emergency at our southwest border. Because of House leadership on this issue, our colleagues in the Senate responded with a \$600 million package to secure our nation's borders. Now, we must respond in kind.

The challenges our communities face each and every day along the border are an emergency, and we need to do all we can to ensure the safety and security of our 2,000-mile long border with Mexico.

While the Senate version of the bill provides \$100 million fewer resources for the border and fewer CBP officers for land ports of entry than many of us who represent border districts would have liked, these funds will still address urgent needs on our southwest border.

I ask my colleagues to seriously consider the importance of giving our law enforcement officers who are working along the border the resources they need to enhance our border security. In particular, the 250 additional Customs and Border Patrol Officers are needed because GAO estimates that we need thousands more officers in order to fully staff our ports of entry. The 250 increase is a step in the right direction.

Increasing staffing of our CBP Officers at land ports of entry is critical both to expedite the flow of trade and commerce and more effectively screen out illicit drugs, weapons, human smugglers, and any other potential criminals. It would also give us greater ability to conduct southbound checks so that we can also curb the supply of arms, illegal narcotics and cash going into Mexico and fueling violence there.

Residents in our border states know this is an emergency because they live it each and every day. I urge my colleagues on both sides of the aisle to act today to secure our borders by voting in favor of the Emergency Border Security Supplemental Appropriations Act of 2010.

Mr. HOLT. Madam Speaker, I rise in support of H.R. 6080, which will provide \$600 million to bolster ongoing security efforts and to reduce violence along our nation's southern border.

Like many of my constituents, I am concerned about the influx of illegal immigrants into America. The level of violence stemming from the drug trade in Mexico, which has spilled over into the Southwest, is unacceptable. The Obama administration has committed more than 17,000 border patrol agents to the southern border, a historic high, yet we must do more.

The bill will provide \$176 million for 1,000 additional Border Patrol agents to be deployed along the southwest border and \$68 million to hire 250 new Customs and Border Protection officers at ports of entry along the border. It also will fund two new unmanned aerial vehicles for Customs and Border Protection to monitor the border.

The bill will provide \$80 million for Immigration and Customs Enforcement to hire more than 250 special agents, investigators, intelligence analysts, and mission support staff to investigate and reduce narcotics smuggling and associated violence.

Additional funding will go to the U.S. Marshals Service, the Bureau of Alcohol, Tobacco and Firearms' Project Gunrunner, the Drug Enforcement Agency, the Federal Bureau of Investigation, and to the Federal government's efforts to incarcerate criminal illegal immigrants and to reduce the backlog in the nation's immigration courts.

Importantly, this bill is fully paid for by increasing fees for visas that permit foreign workers to work in the United States and by reallocating \$100 million of unspent funds at the Department of Homeland Security. These fee increases would apply only to companies with more than 50 employees with a workforce predominantly comprised of visa-holding foreign workers.

The history of America is a history of immigration and of immigrants. From the first settlers in Jamestown and Plymouth to the masses greeted by the Statue of Liberty and Ellis Island fleeing poverty and persecution in the old world, millions have sought a new life in America. Immigrants continue to this day to be a vital part of our social fabric and a key contributor to economic growth. While Congress needs to address immigration reform in a comprehensive manner, our first priority must be securing our borders by providing additional tools and resources to those who patrol the border.

I urge my colleagues to join me in supporting this bill.

Mr. PRICE of North Carolina. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. PRICE) that the House suspend the rules and pass the bill, H.R. 6080.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 1586, EDUCATION JOBS AND MEDICAID ASSISTANCE ACT

Mr. POLIS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1606 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1606

Resolved, That upon adoption of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 1586) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment to the House amendment to the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Appropriations, the chair and ranking minority member of the Committee on Ways and Means, and the chair and ranking minority member of the Committee on Energy and Commerce. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

SEC. 2. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of August 11, 2010.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Madam Speaker, this rule provides for consideration of the Senate amendment to H.R. 1586 and makes in order a motion by the chair of the Appropriations Committee to concur in the Senate amendment. The rule waives all points of order against the motion. The rule provides that the motion shall be debatable for 1 hour, equally divided and controlled by chairs and ranking minority members of the Committee on Appropriations, the Committee on Energy and Commerce, and the Committee on Ways and Means. Finally, the resolution waives a requirement of clause 6(a) of rule XIII, which requires a two-thirds vote to consider a resolution from the Rules Committee on the same day that it is reported. The waiver applies to any measure reported through the legislative day of Wednesday, August 11, 2010.

Most of my colleagues here today, Madam Speaker, have interrupted their important activities back home in their districts to be here for this unusual, but not unprecedented, August session. As we stand here today, Madam Speaker, debating assistance for States and school districts across the country, I can't think of a better reason for Members to rush back to the Capitol than to invest in our children and in our future.

We are here today to extend a lifeline to teachers in classrooms across the country to ensure that students and our future are not mortgaged by a weak economy that has forced States into drastic cutbacks. Despite the failure of the Senate to move this bill during many months of debate until it finally passed last week, the urgency is real. And the appeal and need is real as well.

This legislation saves or creates 310,000 American jobs, specifically for teachers, police officers, firefighters, and nurses. In Colorado, this bill will save the jobs of 2,600 teachers. Yes, Madam Speaker, absent the passage of this bill, class sizes will be larger for students across the State, and we will be mortgaging our future because of the current recession.

These funds will go immediately to States and prevent layoffs and in some cases rehire teachers that have already been given notice, as summer comes to an end, just in time as students go back to school. Students here in Washington, D.C. will be in school the week after next. Many districts in Colorado start in 2 or 3 weeks as well.

This legislation, Madam Speaker, is completely paid for, primarily by closing tax loopholes that encourage corporations to ship American jobs overseas. Not only is this bill paid for, Madam Speaker, but this bill cuts the deficit by \$1.4 billion.

It never fails to surprise me when some of my colleagues talk about the spending of Congress—this, that, or the other. Well, here today before us,

Madam Speaker, is a chance to cut the deficit. What an important and justifiable reason for us to return here to Washington in August: to cut the deficit.

□ 1100

These funds will assist States so they can keep qualified teachers in classrooms, pay firefighters and police officers to keep our neighborhoods safe. We need to do everything in our power to ensure that the American people are protected during this recession and that our children are educated. Widespread layoffs in these public security and education sectors wouldn't only hurt the schools and children but would further depress the economy. These men and women who work in these professions, Madam Speaker, are the backbone of our Nation and our economy.

Now that the measure is before us with bipartisan support from the Senate, I hope all of our colleagues will join me in supporting this legislation and quickly moving to a final vote so that we can expeditiously get the money out to those who need it. I encourage my colleagues to support the rule and the bill.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

I want to begin by expressing my appreciation to my very good friend on the Rules Committee for yielding me the customary 30 minutes.

I would like to say, Madam Speaker, that this special emergency session called unexpectedly just after a week of the district work period to pass another \$26.1 billion in spending is, in fact, Washington, D.C. at its absolute worst. Everything that Americans have come to hate about their government, about the way their government works—the waste, the ineptitude, the cynicism, the lack of accountability, the utter disregard for the concerns of taxpayers—is all very vividly on display right here today.

Now, one must ask the question, how is it that we got here? How is it that we got here? Well, under the leadership of Speaker PELOSI, we've made history. For the first time we have failed to budget, we have failed to pass a budget for the first time in the modern era. In the absence of a budget roadmap, the leadership on the other side of the aisle has legislated recklessly and haphazardly, managing to consider a mere one-sixth, one-sixth, of the normal appropriations bills. And I am happy to see the chair of the Appropriations Committee here. They have passed a mere one-sixth of the appropriations bills while irresponsibly approving new emergency spending outside of regular order. Politico, the newspaper that we read every morning around here, described it as follows: They described this as a "fiscal-policy meltdown" and an "unprecedented failure."

Now, how is it possible, Madam Speaker, how is it possible that this Democratic majority could fail so miserably at its constitutional duty? Was it pure ineptitude or was it something more willful than that?

Ineptitude certainly goes a long way toward explaining the failings that have taken place under Speaker PELOSI. Their work has been so shoddy and riddled with oversights, mistakes, and loopholes that countless corrections over the last 3½ years have been necessary. Today's underlying bill doesn't even have a title. Madam Speaker, the bill doesn't even have a title, thanks to their haphazard way of doing business. In its mad rush, the Senate passed the blank act of blank. This bill has no title. They literally neglected to fill in the blanks. God only knows what other mistakes have been made here, Madam Speaker.

But ineptitude alone only goes so far in explaining the Democratic majority's shortcomings. As the Washington Post editorialized last week, "To govern is to choose, and nothing lays bare a government's true priorities like the choices it makes about spending taxpayers' money." Now, Madam Speaker, this gets to the heart of why the annual budget is so critically important. It lays out for the American people what the priorities of the majority of this institution are. Whatever gimmicks they may employ to shield themselves from accountability, the budget lays out in black and white the agenda that the majority has.

It also forces the majority to make choices, tough choices. Faced with a host of needs, a budget forces the majority to choose which are the most important items. And if times are tough, a budget forces the majority to cut wasteful and unnecessary spending. This presents quite a predicament for a majority that loves nothing more than to tax and to spend. Today's emergency bill is just another in a long line of unaccountable spending bills that have supplanted the regular budget and appropriations process simply because this majority, quite obviously, is not up to governing.

Some of the funding contained in this bill is, no doubt, very worthy. Our teachers, nurses, and cops deserve our full support, and I concur with my colleague's remarks on those priorities. Let me say our teachers, nurses, and cops deserve our full support. No one disputes that. These are precisely the kinds of top priorities that should be funded in the regular budget process.

Now, Madam Speaker, teachers, nurses, and cops should not be used as pawns in a cynical political game, held hostage by the Democratic majority's failure to govern responsibly. Contrary to the quote that I read in Politico at the end of last week from Speaker PELOSI, Republicans, Democrats, and independents alike all want to see

teachers in the classroom, nurses in the emergency room, and cops on the beat, not in the unemployment line, as the Speaker claimed Republicans wanted to see.

So let me repeat. Speaker PELOSI offered this quote: Republicans, Democrats, and independents want to make sure that teachers are in the classroom, that nurses are in the emergency room, and that cops are on the beat. If the Democratic majority, Madam Speaker, had done their job in an appropriate and timely way, our teachers, nurses, and cops would not be on the chopping block. Today's emergency vote is a function of the failures of this Democratic leadership.

But this bill is about more than teachers, nurses, and cops. Some of the spending in this bill is unjustifiable under any procedure. We're told by the Democratic majority that the Federal taxpayers must bail out struggling States. But let's take a look at why States are looking for a bailout in the first place.

One needs look no further than my State of California, the largest State in the union. I'm very sorry to say that it provides the perfect example of the fiscal disasters that are inevitable in the absence of transparency and accountability.

The people of southern California over the past few weeks have become outraged over astronomical salaries for certain officials. The most egregious example has been the city manager of Bell, California. Now, Bell, California, Madam Speaker, is a town of 36,000, just east of downtown Los Angeles. The city manager, Robert Rizzo, was receiving an annual compensation package of \$1.5 million. The city manager of a tiny, frankly, not very wealthy town just east of downtown Los Angeles, Robert Rizzo, was receiving a compensation package of \$1.5 million a year. He resigned in the wake of the scandal within the past week, and now he'll only collect an annual pension of almost \$1 million a year. And it's not just the taxpayers of this tiny town of 36,000, Bell, California, who are on the hook. Because of the way the pension structure was put into place in California, my constituents and the constituents of our other California colleagues will be forced to pay a significant portion of Robert Rizzo's lavish nearly \$1 million pension.

The problems in California go well beyond one wildly overpaid city manager and a broken pension system. The State legislature's failure to enact a budget is costing the State \$1.5 billion in deficit spending with every single month that goes by. They have created a fiscal nightmare, they've taxed the people of California to the brink, and now they have turned to the beleaguered Federal coffers once again.

Thanks to the Democratic majority's policy of never-ending bailouts, there's

not a taxpayer in this country who isn't on the hook for astonishingly reckless spending priorities just like these.

We have got to put a stop to these dangerous policies once and for all. We need to put an end to the never-ending cycle of bailouts, emergency spending, deficits, and debt. Instead, we need to return to regular order to pass a budget and fund our top priorities through the regular accountable process while doing everything that we can to ferret out and cut waste, fraud, and abuse.

□ 1110

Finally, Madam Speaker, we need to put an end to the practice of haphazard, unaccountable legislating.

Madam Speaker, arrogance and ineptitude are a lethal combo. We will be paying the consequences for generations to come if we don't change the course right now.

I urge a "no" vote on this rule.

I reserve the balance of my time.

Mr. POLIS. Madam Speaker, most teachers, firefighters, nurses don't earn \$1.4 million a year. I wish they did in our society. I wish we valued the teaching profession. There was a study recently that showed that a good kindergarten teacher is worth \$365,000 a year. Unfortunately, Madam Speaker, I don't think there are any kindergarten teachers in our country that earn it.

I'm grateful that of course, as the gentleman from California pointed out, that this gentleman's abuse of the public trust was exposed and corrected, and the residents of that town will hopefully compensate their new city manager more in line with the standards.

Finally, he talked about Republican, Independents and Democrats doing something and caring about teachers, caring about nurses. I have no doubt that in this Chamber and in our country Americans of all stripes ideologically and all parties care deeply about our nurses and teachers and keeping our streets safe, and Members of both parties here in the House today will have a chance to express that in a very tangible way, by keeping teachers in classrooms, nurses in hospitals, and officers on the beat by voting "yes" on the rule and the motion here today.

With that, Madam Speaker, I would like to yield 4 minutes to the gentleman from Massachusetts, my esteemed colleague on the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the gentleman for yielding, and I rise in support of the rule and the underlying bill.

Madam Speaker, our communities are struggling. Forty-seven States are facing budget shortfalls, and at least 34 States will cut both jobs and services in this fiscal year unless there's an additional 6-month extension of the FMAP program.

All of us are hearing from our Governors. In June, a bipartisan group of

Governors wrote to Congress pleading for an extension of FMAP money because they believe it is the most efficient way to avoid further layoffs and health care cuts that will slow the recovery. At a time when States like Massachusetts are starting to see unemployment rates decrease, now is not the time to pull the rug from under them.

If we were to fail our States and not enact this extension, 2,900 teaching, police, and firefighter jobs in Massachusetts would be at risk. What would that mean for classroom size, cops on the streets, and firefighter response? To put it mildly, it wouldn't be good.

This is exactly the type of Nation-building we should be focusing on here at home, and I wish that my friends on the other side of the aisle and the other Chamber could realize that.

It is important to note that this bill is not only essential; it is paid for. In fact, the nonpartisan Congressional Budget Office finds that this bill will cut the deficit by \$1.4 billion over the next decade. If only the Bush tax cuts for the rich, the Medicare prescription drug benefit, or the wars in Iraq and Afghanistan were paid for we would not be facing the deficit issues we are today. So we don't need any lectures by Republicans about deficits. They created this mess that we're in, and Democrats once again have the responsibility of cleaning it up. They should be ashamed of what they did to this economy.

Madam Speaker, I would be remiss if I didn't express my deep concern with one of the offsets in this bill. Specifically, I think it is just plain awful that the Senate has sent us a bill that cuts future funding for the SNAP program, formerly known as food stamps.

The American Recovery and Reinvestment Act rightfully included significant funding for SNAP. Economists from the right and the left argue that SNAP is the most effective stimulus available today, and we rightfully included funding for increased SNAP benefits in the Recovery Act; yet, the Senate has included a cut in these SNAP benefits that will result in \$59 less per month for a family of four starting in 2014.

The choice then is to provide critical aid to the States and protect jobs for teachers, firefighters, and police officers today or protect future benefits for those hungry Americans who struggle to put food on their tables. It is not a choice that we should be forced to make.

It frustrates me to no end, and quite frankly, I'm outraged, that this is one of the offsets. I would ask my friends in the Senate: Why do the most vulnerable in our country always have to pay more than their fair share? This practice of robbing Peter to pay Paul must come to an end. Yet here we are.

Madam Speaker, I will support this bill because it will help the people of

Massachusetts and the people of this country. This bill will do good things, and it will do them immediately, but I'm casting this vote because we have time to fix the SNAP issue in the future. I continue to believe that we can properly fund the SNAP program, as well as other domestic anti-hunger programs and ensure that no person in America goes hungry. And by not dealing with the issue of hunger more aggressively, we are not saving money, Madam Speaker. We are costing the country much more in terms of everything from increased health care costs to lost productivity. I believe that in the richest, most powerful Nation in the world people shouldn't go hungry. Millions of our fellow citizens sadly don't have enough to eat, and that, quite frankly, is a national disgrace.

Let's approve this bill. Let's help keep teachers in the classrooms, cops on the streets, and more firefighters in our cities and towns, and then when we come back after recess, let's do what's right and restore the SNAP cuts. Let's find another offset that doesn't make a bad situation worse. For America's hungry and food insecure, let's for once make them a priority.

Mr. DREIER. Madam Speaker, I yield myself 15 seconds to say that I appreciate the fact that my friend from Colorado pointed out that, contrary to what Speaker PELOSI said when she argued that Republicans would rather see in the unemployment line teachers, nurses, and cops rather than in the classroom, in the emergency room and on the line, on the beat, that, in fact, we do, Republicans and Democrats, alike care.

At this point, I am happy to yield, Madam Speaker, 2 minutes to a very hardworking member of the Financial Services Committee, my friend from Dallas, Mr. HENSARLING.

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, we are here today because the Speaker of the House has declared us in emergency session. There's a national emergency. Apparently, Congress has not spent enough money, notwithstanding the fact that we passed the \$1.2 trillion stimulus bill, the \$410 billion '09 omnibus bill, the House-passed \$871 billion cap-and-trade bill, the \$2.6 trillion government takeover of health care bill, and the 2010 omnibus bill rang in at \$445 billion. But there's a national emergency. We're not spending enough money. Let's spend \$26.1 billion more.

Madam Speaker, the American people are asking: What part of broke doesn't this Congress understand? We are already looking at our second year of trillion-dollar deficits, the largest debt in the history of our Nation as a percentage of our economy, largest since World War II. What part of broke doesn't Congress understand?

Now, many of us have lost track here, Madam Speaker. I don't know if

this is stimulus bill part three or bailout bill part four. There's been so many of them, it's simply hard to keep track of.

What have all the stimulus bills brought us? Well, an additional loss of 3 million jobs, private sector jobs lost, since we passed this stimulus bill. Yet, my friends on the other side of the aisle call it a success. Madam Speaker, let's hope that this stimulus bill is not near as successful as the previous one.

And here we have yet another bailout bill. We've bailed out Chrysler, GM, Fannie, Freddie, the major banks, people who bought too much home and couldn't afford it, and now we're going to bail out the States. So, if California and New York can't live within their means, taxpayers in Kansas, Minnesota and Kentucky have to bail them out.

It's time to reject the rule and reject the bill.

Mr. POLIS. Madam Speaker, I yield 2 minutes to my colleague on the Rules Committee, the gentlewoman from Maine (Ms. PINGREE).

Ms. PINGREE of Maine. I thank my colleague for yielding. I rise today in support of the underlying rule and to the bill itself.

Madam Speaker, the vote we will take today is a vote for preserving jobs in America and a vote against sending them overseas. It will be a vote for keeping jobs in our country by saving the jobs of over 140,000 teachers, 700 them in my home State of Maine.

□ 1120

Allowing for further cuts in teachers' jobs would be devastating, not only to our children but also to our local economies in Maine and across the country. The loss of 700 jobs in my State means 700 fewer paychecks being spent at a local grocery or hardware store on the goods and services that support our local economy.

Local property taxpayers are already carrying too much of the burden, and local school districts have already made too many drastic cuts. Taxpayers need some relief, and schools need a helping hand.

Madam Speaker, this bill is also fully paid for, in part by cracking down on corporations that have been claiming a tax credit for sending good-paying American jobs overseas. Large multinational corporations have been getting away with paying billions less than they owe in taxes. This bill will close the loopholes that have allowed this abuse to go on and allow American jobs to be shipped offshore.

It is outrageous that these companies have been getting a tax credit while companies doing business in America are struggling to hire and retain workers. It is time to put an end to this practice immediately.

I urge my colleagues to support the rule and the underlying bill.

Mr. DREIER. Madam Speaker, I yield myself 15 seconds to simply say that

we keep hearing that this is fully paid for. It's paid for, Madam Speaker, by taxing companies that in difficult times are creating jobs and by hitting food stamps and renewable energy. Obviously, that ain't a way to pay for this, and we know that it's not fully paid for.

Madam Speaker, I yield 3 minutes to a tireless member of the House Rules Committee, my friend from Dallas, Mr. SESSIONS.

Mr. SESSIONS. I appreciate the gentleman, Mr. DREIER, for yielding me this time.

Madam Speaker, last night at the Rules Committee, we had a very vigorous and spirited debate. It is continuing, although with less fervency, on the floor today about the insistence of the Democratic Party to blame corporations for the ills, blame George Bush for all the problems, when, in fact, it's been 15 straight months of unemployment, over 9.5 percent that the Democratic Party is personally responsible for.

The substance of this bill is not just about teachers. We already know it's about a lot of other issues. One of them is about the competitiveness of America as we do business overseas.

The U.S. Chamber says about this bill, it "would impose draconian tax increases on American worldwide companies that would hinder job creation, decrease the competitiveness of American businesses, and deter economic growth."

Madam Speaker, the Democratic Party is hung up on this issue, and yet they will blame George Bush for the bad legislation that they passed.

The facts of the case are simple. Americans invest in the stock market, American companies need to seek markets all around the world, and this bill will make it far, far more difficult for American companies to invest in their operations that make money. Making money is what keeps the stock market, 401(k)s, and lots of other retirement plans up to where they are able to receive the funds as a benefit of a worldwide economic opportunity.

Madam Speaker, the Democratic party is once again going to go and harm not just the stock market but employment and our ability to make a comeback.

The National Association of Manufacturers says, "Imposing \$9.6 billion in tax increases on these companies will jeopardize the jobs of American manufacturing employees." It is Americans who work here who produce goods and services that are sold overseas, and what we want to do is to take away the ability that companies have to sell overseas.

That is the legacy of this Democratic Party, higher taxes, more rules and regulations, debt, and record unemployment.

This is not how you give opportunities to people to build jobs. It is job de-

struction, and that's what the Democratic party is known for. This comes in line with the three largest political items of this Democrat majority that net lose America 10 million American jobs.

Don't blame somebody else, Madam Speaker. Please stand up and admit. You have been in office now, not just Ms. PELOSI, for 4 almost years now, but the President now for a year and a half.

Pin the tail on the donkey.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will please heed the gavel.

Mr. POLIS. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. As I listen today, Madam Speaker, I ask the simple question, what about our children?

This legislation, which I fully support, and the rule, will ensure that the millions of children who are returning to school this fall have the same opportunity to learn and to thrive as their peers did before them. It will also keep first responders on duty and fund vital Medicaid services.

Economists have concluded that failure to pass this legislation will put a significant weight on our fragile economy. Nonetheless, my Republican friends continue to paint this legislation as an election season gimmick.

This legislation will save more than 130,000 teacher jobs and reduce the deficit by \$1.4 billion over the next 10 years. That's not a gimmick. Ensuring the education of our children and the safety of our communities is not a gimmick.

The greatest threat to our national and economic security is the failure to properly educate every single one of our children.

Mr. DREIER. Madam Speaker, at this time, I yield 3 minutes to my very good friend, who is the ranking member of the Education and Labor Committee, the gentleman from Lakeville, Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. I thank the gentleman for yielding, and I rise in opposition to this rule and to the underlying measure.

Madam Speaker, 18 months ago, we gathered in this Chamber to debate economic stimulus. Republicans wanted to help job creators, but the majority said, "No, let's borrow and spend." And borrow and spend they did, to the tune of \$862 billion.

Back then, the Democrats sent nearly \$100 billion to States and districts to prop up school budgets. It would save 300,000 jobs, we were told, and improve public education. It was a one-time investment, we were told. They would not be back for more.

Yet here we stand. They are back for more.

I know my schools, I know there are challenges, and I understand the difficult budget decisions our governors,

superintendents, and school boards are being forced to make. And I know a Federal bailout is not the answer.

Spending another \$10 billion we do not have will not improve public education or protect the very best teachers. Earlier this year, Education Secretary Arne Duncan told us, "Today, the status quo clearly isn't good enough." Yet the status quo is exactly what this \$10 billion will perpetuate.

Schools will continue to operate on last-hired, first-fired policies that ignore student achievement when deciding which teachers to keep in the classroom. These dollars are not targeted based on jobs at risk or student needs. This is nothing more than an across-the-board inflation of State spending.

Spending another \$10 billion we do not have will not balance State budgets or bolster our economy. Because of major increases in the number of school personnel in recent years, States are operating education budgets they cannot afford.

At best, inflating State education spending for another year will kick the can down the road, merely postponing the tough decisions and allowing States to overextend themselves for another year.

At worst, another bailout will make States more dependent on the Federal Government and more susceptible to Washington's political whims.

Finally, spending another \$10 billion we do not have is not good for our children and grandchildren. This bill is not "paid for." We are looking at a Washington shell game of tax hikes and deficit spending gamesmanship. It dips into stimulus spending we could not afford 18 months ago to pay for even more stimulus spending we cannot afford today.

I oppose this legislation. I encourage my colleagues to vote against this rule and against the underlying legislation.

I give this whole effort an "F."

Mr. POLIS. Madam Speaker, as has been noted, this legislation will reduce the Federal deficit by over a billion dollars.

With that, I yield 2 minutes to the gentlewoman from Connecticut, a member of the Appropriations Committee, Ms. DELAURO.

Ms. DELAURO. Madam Speaker, let me be clear. I strongly support the \$16 billion of critical funding that this legislation provides for Medicaid assistance and the \$10 billion in education funding for teachers.

I will support it today, as I have several times in the past when this package has come for a vote to the floor of this House.

□ 1130

Yet I rise in support of this bill with a heavy heart, not because of what it provides, but because of what it takes away. I know, as many of my colleagues do, regardless of party, that

without these resources many States, including my State of Connecticut, will have to make Draconian cuts to essential services that they cannot afford to make without tearing apart the basic fabric of their communities. That is why this bill is so critical. Nothing could be more important than the education of our children and the access to health care services that families depend on, especially in this tough economy. And, finally, this bill ends tax breaks for exporting American jobs.

However, I cannot in good conscience condone the way we have paid for this package, what we have taken away in the process. At a time when we have seen the demand for food assistance skyrocket from 31 million people receiving food stamps in November 2008 to almost 41 million people now, we have chosen to pilfer \$12 billion from the food stamp program in the name of fiscal responsibility. In this instance, we have chosen to be fiscally responsible on the backs of those needy families who need our help to feed themselves and their children.

When so many families are struggling with unemployment, lower wages, lost benefits or homes, high prices, less income, cutting food assistance is unconscionable. The fact is education, health care, and food, these are things that bind us as a society, play formative roles in determining the course of this country. Yet the bill before us today shamefully pits these priorities against each other.

Mr. DREIER. Madam Speaker, at this time I am happy to yield 2 minutes to a Member who would like to see us go through the regular appropriations process, a member of the Appropriations Committee, my friend from Savannah, Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Speaker, who knew? Who knew that the States were running out of money? Who knew when we were bailing out General Motors, the big banks, Fannie Mae and Freddie Mac? Apparently, the Speaker of the House had no idea there were some problems in the hinterlands. So here we are back in Washington, millions of dollars spent to bring everybody back.

This is governing by reaction, pandering to the political base. Blue State, big-city politics at its worst, taking care of the excesses of governing bodies who are unable or unwilling to make the tough decisions that smaller States, small businesses, and American families have to make every day.

And we hear over and over again this is paid for. I got news for you. If you have a huge debt on your American Express card and you transfer it to your Visa card, you haven't paid for anything. Forty-one cents on the dollar that we spend is borrowed money. The food stamps program, which the Democrats are cutting, the renewable energy program, which the Democrats are cut-

ting, and you could even argue the job-killing tax increase that they are about to pass, that's all on borrowed money. Forty-one cents on the dollar is borrowed in our country today under the Democrat leadership.

Now, we could be up here looking at Medicare and Social Security. The trustees report just came back and said that they are both going broke. And I would think that's what would be worth coming back to Washington for anytime. We should fight to fix Social Security and Medicare. But instead, it's another bailout and another promise of governmental utopia. If we just bail out this one last group, jobs will return, the deficit will be balanced, and there will be peace from sea to shining sea. It's just not going to work.

This is a bailout Congress. It's government by bailout, it's government by borrowed money, and our children's children will be paying for this.

Mr. POLIS. I yield myself 30 seconds.

Madam Speaker, when we are talking about cops and firefighters and teachers we have and we need, and we value cops and firefighters and teachers in the reddest of red States and the bluest of blue States across this great country, that's why, Madam Speaker, 16 Republican Governors have written to us, encouraging us to pass the money for Medicaid assistance here today, including, I might add, the Governor of the State of Georgia, as well as the Governor of the State of Alabama, calling on us to act because all of us know that we are in this together as a country. Regardless of where we live, we all need these basic services.

Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Listening to the concerns of parents, the hopes of students, and the needs of our local Texas school leaders, today we are responding with essential Federal aid to education, fully paid for by closing international corporate tax loopholes that should never have been there in the first place.

Because we believe in local control of education, we require that the State of Texas specifically forward the new Federal aid to our local school districts, not divert it or spend it on something else. The Texas Association of School Boards, Texas teachers, principals, and school administrators support this legislative approach. Now, those, who have never wanted Texas or any other place in this country to receive a dime of additional Federal aid to education, they complain because we are holding Texas Governor Rick Perry accountable for proper use of these taxpayer dollars. There is absolutely no constitutional limitation on doing right by our Texas schoolchildren. Instead of concocting phony legalistic arguments, Governor Perry and his cohorts here in Congress ought

to be joining us in supporting quality public education.

You can be sure that Texas is singled out by this legislation. It was singled out by a Governor who grabbed \$3.2 billion of Federal aid to education to bail out a mismanaged State government. That's the only bailout that occurred. It occurred last year in the State of Texas. We didn't send that Federal aid for education to Texas to plug a mismanaged State budget. We sent it to help our schoolchildren.

And so today, in order to avoid history repeating itself, we demand accountability, we demand support for quality public education and local control of education and not more mismanagement and interference from the State of Texas.

Mr. DREIER. Madam Speaker, I reserve the balance of my time.

Mr. POLIS. Madam Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Madam Speaker, the students now are at the beach and at the swimming holes, and they're not thinking about their education. But we are. And we're seeing good things. I was at the Everett School District, where they're getting 90 percent graduation rates because they're doing some good things. But we're going to have almost 3,000 teachers laid off if we don't pass this bill, in the State of Washington. That is just flat wrong.

Now, what is the debate here? The debate is that one side of the aisle believes it is more important to preserve billions of dollars of tax loopholes so that corporations can hide their money in the Bahamas and other places. They think those billions of dollars for those corporate loopholes is simply more important than almost 3,000 teachers in classrooms in the State of Washington. We disagree. The kids aren't thinking about it, but we are.

And let's be clear what the decision is today. One side of the aisle's going to be giving billions of dollars for corporate loopholes, and one side of the aisle's going to be taking care of kids. They don't want to give a dime to kids, but billions for corporate loopholes. Pass this bill.

Mr. DREIER. Madam Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Madam Speaker, I yield 1 minute to my colleague, the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Madam Speaker, as somebody who spent 14 years in local government before coming here to the United States Congress, I know how essential it is that our State and local governments get some relief. The cumulative deficit they are going to experience over the next 2 years is \$350 billion, which will have a profoundly contractionary effect on our economy.

This bill, which is fully paid for and actually reduces the deficit by \$1.4 billion over the next 10 years, is essential

to making sure State and local workers stay serving the public they serve. And I think that the time has come to provide that assistance, and I look forward to supporting H.R. 1586 as a proud former local government official.

Mr. DREIER. Madam Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Madam Speaker, I yield myself 1 minute.

Madam Speaker, I am particularly pleased that this legislation does not include \$800 million in cuts to critical education reform programs, including Race to the Top, which has encouraged education reform initiatives and accountability across our country; including the Charter School Innovation Fund, which provides start-up money for new and innovative charter schools to help meet the educational needs of our most at-risk youth; and the Teacher Incentive Fund, finding new and better ways to compensate teachers for their hard work.

□ 1140

This bill before us today, Madam Speaker, recognizes that we need both funding and reform, investment and accountability. One without the other will not close the achievement gap. Together, Madam Speaker, teachers in the classroom and the education reform initiatives that President Obama is pursuing in a bipartisan way promise to help end the vicious cycle of poverty and ignorance in this country and replace it with the virtuous cycle of opportunity and hope.

With that, Madam Speaker, I would like to yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Madam Speaker, I thank the gentleman for the time.

It is amazing that we are even spending one second debating this bill. The American people all across this country, from the width and breadth of it, are hurting. And the number one reason they are hurting is because of a lack of jobs. And here we have a bill that means 319,000 jobs for the American people.

We ought not waste one additional minute debating this bill, but to go ahead and to pass this bill. 319,000 jobs. And jobs in the critical areas of teachers, of firefighters, of police officers, the very jobs that are at the core of educating our young people.

Without this bill passing, 161,000 teachers will no longer exist. Without this bill passing, 90,000-some first responders will no longer exist.

Pass this bill, for the sake of the American people.

Mr. DREIER. I reserve the balance of my time.

Mr. POLIS. Madam Speaker, it is my honor to yield 1½ minutes to the gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I know that as my colleagues listen to the debate on the floor of the House, they don't have the full picture of Members returning from work recess, where we have been meeting with constituents, to come here today to take this important step. We are the People's House, and it certainly gives us no trouble to fly in to be able to make this important decision.

But this is out of the ordinary. And it is out of the ordinary because you are looking at people who really care about what is happening, the strangulation of our States and the losses and the pink slips that teachers are getting so that our children cannot learn and be part of the competitive edge in the world. I know it factually, having more than seven school districts in my community.

Today we are doing something that Chairman OBEY deserves credit for, for his vision and his tenacity, someone who knows what it is to be without. Today we are talking about helping people. And I am sorry that the other body took so long, and I am sorry they took it out of EITC, and I am sorry they did not handle this in the right way, but we have a crisis going on.

So these thousands of dollars that will help per teacher to save these teachers and firefighters and police officers, so that maybe the three little girls that were killed by a drunk driver in my district would not have faced such, with more law enforcement to tell people you can't drive while you are drunk.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE of Texas. So I rise today to support this and ask anybody with good judgment, why would you vote against it? As I said, I don't like the pay-fors, but it is paid for. We will fix that.

But let me tell you what is happening in Texas. Texas is taking money out of the mouths of children and putting it somewhere else. So I am supporting it because we have language that says to the Governor of the State of Texas, don't fool with money for children and education. And we have 40 school districts saying we support the legislative language that members of the Texas delegation have proposed.

The SPEAKER pro tempore. The time of the gentlewoman has again expired.

Mr. POLIS. I yield the gentlewoman 15 additional seconds.

Ms. JACKSON LEE of Texas. That would guarantee these emergency Federal education funds are actually spent on education in Texas. As drafted, this Texas fix has no impact on anything else. I am standing here because it is about education and public safety. I believe we are doing the right thing, and

I ask my colleagues to vote on the underlying bill and the rule.

I rise in strong support of the rule for H.R. 1586, the Education Jobs and Medicaid Assistance Act. I support this legislation because it will save and create 319,000 American jobs—many of them in the education and health sectors.

In less than a month, millions of American students will return to school eager to begin a new year of academic and personal growth. However, the quality of the schools they return to is a matter to be determined. Throughout the country, thousands of teachers have lost, or risk losing, their jobs. This is something our children and our educators can ill afford. As we work to regain economic ground, this legislation provides a total of \$10 billion in funding for education jobs to sustain thousands of schools educating millions of children. Moreover, this includes \$830.2 billion dollars for primary and secondary schools in the state of Texas.

I am pleased that this legislation includes a provision that requires Governor Perry to certify that these emergency appropriations for public education will be used solely to add new funds for public education and not misused for other purposes. We all recall what happened last year when Governor Perry misused the Economic Recovery Act State Stabilization funds. In that instance, Governor Perry used \$3.2 billion in similar aid last year as a substitute for, not an addition to, state aid to school districts. That was outrageous.

It ignored the intent of our legislation, and it denied our children the education that they deserved.

I want to stress that the provision will not create a compliance burden on the state of Texas. Rather, it says only that the state cannot take the federal aid and then use it as an excuse to make disproportionate cuts in state education aid to school districts, relative to other parts of the state budget that might also have to take a hit in the next budget cycle. This required assurance is no more onerous than assurances Governor Perry has given previously to receive billions of dollars in other federal funds. Texas cannot afford to be left out again, and I join the Texas Democratic Delegation and groups of teachers, principals and administrators from across the state of Texas who strongly support this provision.

Madam Speaker, I applaud you for reconvening this week to pass this crucial legislation. We have a bold vision for creating and sustaining an education system that prepares our children to excel. As President Obama said yesterday in Texas, "education is the economic issue of our time." I could not agree more. Today we have the opportunity to pass legislation that will impact education jobs today and our children's job prospects tomorrow. With schools forced to make difficult personnel decisions before the start of the school year, this legislation is the necessary action at the necessary time. According to updated estimates from the Department of Education, the \$10 billion education funding will save 161,000 teacher jobs.

In addition to education jobs funding, this legislation will also save and create jobs in the health sector. According to an analysis by the Economic Policy Institute, a non-partisan think

tank, the Medicaid funds will save and create 158,000 jobs, including preventing the layoff of police officers and firefighters. More than half these jobs will be in the private sector, including workers who contract for or supply services to state and local governments.

Under the Recovery Act, enacted in February 2009, the federal Medicaid matching rate was increased by 6.2 percentage points for all states and by additional percentage points for states with high unemployment. These temporary provisions were enacted in response to the state fiscal crisis—with the increased Medicaid caseloads and decreasing state revenues resulting from the deep recession. However, these provisions are scheduled to expire on December 31, 2010, with dire consequences for our economy.

As the Center on Budget and Policy Priorities found: "If Congress does not extend the enhanced Medicaid matching funds in last year's Recovery Act, most states will cut public services or raise taxes . . . without more federal aid, state budget-closing actions could cost the national economy 900,000 public- and private-sector jobs."

Due to the deep and enduring recession, states have lost tax revenue for the last two years and revenues are projected to remain at severely-reduced levels throughout fiscal year 2011. As a result, states have been forced to scale back spending and implement large service cuts to balance their budgets. While fiscal austerity is important, budget cuts impact more than a bottom line—the local health and emergency personnel need their jobs to make ends meet for themselves and their families. By extending the Medicare matching funds, we will help state and local governments save money and allow them to stay afloat while the economy improves. At least 34 states will cut jobs and services if this assistance is not enacted. This legislation will have a direct impact on Texas by providing an estimated \$858,000,000 for Medicaid fiscal relief which will, in turn, save and create thousands of jobs.

Madam Speaker, I thank you again for calling us back to session to save America's jobs.

Mr. DREIER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, a week ago last Friday when we adjourned for the August district work period, I thought to myself, well, we are going to get a six-week reprieve from this pattern of constant increases in spending and more bailouts. And yet here we are one week into this August district work period, and we are back here with a \$26.1 billion spending measure.

Now, Madam Speaker, I was horrified when I read at the end of last week a quote that was put out of Speaker PELOSI's office. She said that Republican Members would rather see teachers, nurses, and cops on the unemployment line rather than having teachers in the classrooms, nurses in the emergency rooms, and cops on the beat.

And as I said in the opening, I am grateful that my friend from Colorado recognizes that Democrats, Republicans, Independents alike all want to make sure that teachers are in the

classroom, all want to make sure that nurses are in the emergency room, and all want to make sure that cops are on the beat. So let's disabuse ourselves of this notion that somehow if you are not supportive of this \$26.1 billion measure, that you somehow are opposed to teachers, nurses, and cops.

Why is it that we are here just one week into this break? We are here because of abject failure.

Madam Speaker, for the first time since the 1974 Budget and Impoundment Act was put into place, we have not had the House of Representatives pass a budget. Never before has it been done like this. Never before.

We have the chairman of the Appropriations Committee here. We are only one-sixth of our way through the appropriations process, and we have done it limiting the opportunity for Democrats and Republicans to represent their constituents with amendments here on the House floor.

So, what is it that has happened? No budget. Well, why is it so important to have a budget? The reason to have a budget is so that we can ensure that teachers are in the classrooms, that nurses are in the emergency rooms, and that cops are on the beat.

We have to establish priorities, and under Speaker PELOSI's leadership, that has not happened. So we have rushed back here to Washington for one day to debate and pass, I presume they are going to have the votes to pass it, a \$26.1 billion measure.

They continue to say that this is paid for. It is paid for. My friend from Houston said just a few moments ago she didn't like the way it was paid for, and we will fix it later.

Well, how is it they pay for this? They pay for it on the backs of those businesses that are out there today working very hard in difficult economic times to create jobs. They pay for it on the backs of the poor, with the food stamp program. And while we are all focused on improving our environment, they pay for it on the backs of those of us who want to continue to focus on improving our environment. Meaning that it is nothing more than smoke and mirrors to claim that this is somehow paid for.

The American people are hurting. My friend from Atlanta just pointed out that fact, and he is absolutely right.

Madam Speaker, it is critical that we focus on job creation and economic growth. And we know how that can be done. Over the last 18 months, we have seen an 84 percent increase in non-defense discretionary spending—an 84 percent increase in the last 18 months.

□ 1150

We have an unemployment rate that is 9.5 percent, fully 1.5 percentage points beyond what President Obama promised it would be if we passed his \$800 billion stimulus bill. So I think

that across the board we can recognize that the economic policies of tax and spend have not worked in turning the economy around since we still have a 9.5 percent unemployment rate.

My State of California has a 12.3 percent unemployment rate. And what is it we're doing? We're continuing down with this program of massive, massive multibillion-dollar spending.

So what is it we should be doing? I believe we should be taking, yes, a bipartisan approach.

I like to regularly hold up the John F. Kennedy model for job creation and economic growth. We all know that in the early 1960s John F. Kennedy stepped up to the plate and put into place marginal, across-the-board rate reduction. And what did that bring, Madam Speaker? It brought, during the decade of the 1960s, a 60 percent increase in the flow of revenues to the Federal Treasury, meaning that priorities could be established and that there was actually enhanced economic growth generating more revenues to the Federal Treasury.

Similarly, during the 1980s, Ronald Reagan inherited a slow-moving economy. And what did he do? President Reagan put into place a marginal across-the-board rate reduction, and it brought a 90 percent increase, nearly doubling the flow of revenues to the Federal Treasury.

So that is why this notion of dramatically increasing spending and at the same time increasing the tax burden on job creators is a prescription for failure. And that is exactly what we have found so far.

We want to put into place positive, pro-growth economic policies. And we believe that while we are in the midst of this August district work period we should now, because the American people want us very much to get the economy moving, we should be working here in the House passing those.

And so, Madam Speaker, I am going to urge my colleagues to vote "no" on the previous question. In voting "no" on the previous question, if we are successful at defeating it, I will offer an amendment that will prevent the House from leaving immediately, and I know everybody wants to do that, but if we can put into place pro-growth policies, I think it would certainly be well worth our staying.

If we defeat the previous question, my amendment will allow for the consideration of five measures:

First, H.R. 4746, to prevent pending tax increases; second, H.R. 3765, the Regulations from the Executive in Need of Scrutiny Act; H.R. 5141, the Small Business Paperwork Mandate Elimination Act; H.R. 4110, the TARP Sunset Act of 2009; and H.R. 2842, rescinding all stimulus funds that remain unobligated.

I ask unanimous consent that the text of the amendment appear in the

RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Madam Speaker, if we defeat the previous question and allow those five measures to be debated here on the House floor, I believe that that goal would go a long way towards getting our economy back on track; and, yes, that kind of economic growth would ensure that we would have the resources to make sure that teachers remain in the classrooms and that nurses remain in the emergency rooms and that cops remain on the beat.

So Madam Speaker, I urge a “no” vote on the previous question. And if by chance we are not successful, I urge a “no” vote on the rule. Because I believe that we can do better.

With that, Madam Speaker, I yield back the balance of my time.

Mr. POLIS. Madam Speaker, I yield myself the balance of the time.

Madam Speaker, I rise today in strong support of the rule and the Senate amendment to H.R. 1586.

The new school year is just around the corner. Families across our Nation are preparing to send their kids back to school; and the experience that their children have this school year directly depends, Madam Speaker, on our actions here today in this Chamber.

The package before us today recognizes that we can't afford to stand idle while our schools are being hammered by budget crises across the country. In Colorado, districts are facing the deepest budget cuts in memory. Colorado school districts have cut more than \$288 million out of their budgets for next school year, so the \$160 million that Colorado will receive under this program provides much-needed funds.

Now I want to describe that that is typical of the experience of many States. In no way, shape, or form are we avoiding making the tough decisions or tough cuts during this recession. The States have made those. Districts have made those. We have the opportunity today to make sure that those cuts don't affect the kids going back to school.

What have districts done to balance their budget? They have reduced their staff size and salaries, they have increased furlough days, they have created larger class sizes, they have reduced instructional hours, cut after-school programs, established 4-day school weeks. We are undercutting the future of American competitiveness by getting in the way of the ability to educate kids today because we happen to be in a severe budget crisis. We each here today in this Chamber, Madam Speaker, have the opportunity to get these much-needed funds to States and school districts across the country.

In addition, the budget of Colorado and more than half the States in the

country assume that the FMAP increases will occur. If they don't, if this Chamber doesn't act here today, Colorado would have to come up with \$245 million more in cuts; and, in most States, including my home State, those cuts would generally hit education, law enforcement, and higher education. So the extension is critically important not only for the low-income families that rely on Medicaid for health services but also for all public services that are so essential for our communities.

Undermining public education during a recession is no way to build a world-class educational system, no way to create the economic engine of growth for our Nation for the next century when more than ever jobs will depend on what people know and their ability to think rather than what they can do with their hands.

By passing this here today, Madam Speaker, we can help ensure America's competitiveness in a global, knowledge-based economy. Inaction today in the face of today's crisis would simply mean further erosion of our Nation's human capital, our greatest asset.

Madam Speaker, this is not spending we are considering today. This is an investment. It's an investment in our most valuable asset, our children and our future.

I urge a “yes” vote on the previous question and the rule.

Ms. SLAUGHTER. Madam Speaker, many of my colleagues here today interrupted important activities back in their home districts in order to be here today for this unusual August session.

Some canceled important community events, put off important meetings with constituents or postponed time with their children to be here.

For me, today was the day that I was scheduled to present 11 military medals to Thomas Hetherington, a wonderful Niagara Falls man and decorated Naval officer.

Hetherington fought in both the Korean and Vietnam wars but struggled for years to convince the Pentagon to give him replacement medals; his originals were buried some years ago in the casket of his brother, who himself was a decorated Marine and Vietnam veteran.

This year, my staff was able to assist Mr. Hetherington with getting replacement medals to compensate for the ones he bequeathed to his brother. It was very important to his family and I was glad I could play some small role in navigating the bureaucracy for this constituent.

But last week we called Mr. Hetherington and said we had to postpone the service. Why? Because like my colleagues, I was summoned to Washington to vote on an absolutely critical package of legislation that the Senate approved late last week.

We're here today debating emergency assistance for states and school districts across the country, I can't think of a better reason for members to rush back to the Capitol.

We're here today to extend a lifeline to teachers and classrooms to ensure that students across this country are not hurt by a

weak economy that has forced some states into drastic cutbacks.

Despite the failure of the Senate to move this bill during many months of debate until it finally passed this week, the urgency is real. And the appeal is broad.

This legislation saves or creates 310,000 American jobs, specifically for teachers, police officers, firefighters and nurses.

The funds will go immediately to states to prevent layoffs and in some cases to rehire teachers as summer comes to an end and students to go back to school.

Students here in Washington DC will be at school the week after next.

In my home state of New York, this package is worth roughly \$2 billion in Medicaid savings.

Since New York faced a budget shortfall, this bill directs more than \$600 million to the state to retain and create teacher jobs over the coming school year. The U.S. Department of Education says the bill will fund 8,200 positions.

This legislation is completely paid for, primarily by closing tax loopholes that encourage corporations to ship American jobs overseas. In fact, this bill will help us cut the deficit by \$1.4 billion over the next 10 years.

Amazingly, some on the other side have argued that this legislation is nothing more than a deal for “special interests,” as they say.

These funds will assist states so that they can keep qualified teachers in classrooms and pay firefighters and police officers to keep our neighborhoods safe. Shouldn't we do everything in our power to protect those jobs?

Widespread layoffs in those sectors would hurt not only schools and children but would further depress the economy. Knocking Americans into the unemployment line does nothing for families—they deserve better. These people form the backbone of our economy.

Sadly, one of the reasons it took until the early part of August to pass this legislation is that Senate Republicans filibustered efforts to bring it forward for a vote.

Now that this measure is before us, I hope all of my colleagues will join me in supporting this legislation and quickly moving to a final vote this afternoon.

If protecting public safety and education means that I am helping “special interests,” then count me in.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 1606 OFFERED BY MR. DREIER OF CALIFORNIA

At the end of the resolution, add the following:

SEC. 3. It shall not be in order for the Speaker to entertain a motion to adjourn pursuant to H. Con. Res. 308 until the House has considered the measures specified in section 4.

SEC. 4. The measures referred to in section 3 are as follows:

(1) H.R. 4746, a bill to amend the Internal Revenue Code of 1986 to prevent pending tax increases, and for other purposes;

(2) H.R. 3765, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law;

(3) H.R. 5141, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes;

(4) H.R. 4110, a bill to repeal the authority of the Secretary of the Treasury to extend the Troubled Asset Relief Program; and,

(5) H.R. 2842, a bill to rescind all stimulus funds that remain unobligated.

Mr. POLIS. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Madam Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the 111th Congress has failed in its promise to be the most open Congress in history, but has instead lost the public's trust by engaging in unprecedented political procedures to advance a partisan agenda;

Whereas on January 18, 2006, House Minority Leader Nancy Pelosi stated in prepared remarks, "Democrats are leading the effort to turn the most closed, corrupt Congress in history into the most open and honest Congress in history.";

Whereas on November 7, 2006, House Minority Leader Nancy Pelosi stated, "The American people voted to restore integrity and honesty in Washington, D.C., and the Democrats intend to lead the most honest, most open, and most ethical Congress in history.";

Whereas on November 16, 2006, incoming House Speaker Nancy Pelosi stated, "This leadership team will create the most honest, most open, and most ethical Congress in history.";

Whereas on December 6, 2006, incoming House Speaker Nancy Pelosi stated, "We promised the American people that we would have the most honest and open Government and we will.";

Whereas incoming Majority Whip Clyburn stated on December 8, 2006 that, "Democrats will exercise better leadership in the new Congress and work to raise the standard of ethics in this body";

Whereas Speaker Pelosi spoke of individual Member's ethics on January 31, 2007 when she stated, "These strong [ethics] rules are significant steps toward honest leadership; enforcing these rules is critical to ensuring every Member of Congress lives up to the highest ethical standard";

Whereas on January 5, 2010, while at a press conference during the health care debate, Speaker Pelosi stated, "There has never been a more open process for any legislation";

Whereas this statement was reiterated by the Speaker while at a press conference on February 26, 2010, when a reporter prefaced a

question about Rangel by noting that Speaker Pelosi had promised to run the "most ethical and honest Congress in history" she interrupted him to say: "And we are.";

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democrat control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democrat control, than in the previous Congress, 22, under Republican control;

Whereas zero bills have been considered so far in the 111th Congress under an open rule;

Whereas 26 bills have been considered so far in the 111th Congress under a closed rule, under Democrat control;

Whereas this Congress is the highest spending Congress in United States history;

Whereas this Congress has presided over the two highest budget deficits in United States history at a time when the public debt is higher than at any other time in history;

Whereas this Congress began its mortgage of the Nation's future with a "stimulus" package costing \$1.1 trillion that failed to lower unemployment, spur economic growth, or actually address the needs of struggling American business and families;

Whereas this Congress continued its free-flowing spending with an increase of \$72.4 billion in nonemergency discretionary spending in fiscal year 2009 to reach a total spending level of \$1.01 trillion for the first time in United States history;

Whereas this Congress approved a budget resolution in 2009 that proposed the six largest nominal deficits in American history and included tax increases of \$423 billion during a period of sustained high unemployment;

Whereas this Congress disregarded the needs and opinions of everyday Americans by passing a national energy tax bill that would increase costs on nearly every aspect of American lives by up to \$3,000 per year, eliminate millions of jobs, reduce workers' income, and devastate economic growth;

Whereas this Congress disregarded the needs and opinions of everyday Americans by passing a massive Government takeover of health care that will force millions of Americans from their health insurance plans, increase premiums and costs for individuals and employers, raise taxes by \$569.2 billion, and fund abortions—at a cost of \$2.64 trillion over the first ten years of full implementation;

Whereas this Congress nationalized the student loan industry with a potential cost of 30,000 private sector jobs and \$50.1 billion over ten years;

Whereas this Congress passed the DISCLOSE Act in violation of the first amendment, hindering citizens associations' and corporations' free speech while leaving all unions exempt from many of the new requirements, in order to try and influence the outcome of 2010 elections;

Whereas in spite of House Budget Committee Chairman's 2006 statement that "if you can't budget, you can't govern", the Democrat leadership has failed to introduce a budget resolution in 2010 as mandated by law, but instead self-executed a "deeming resolution" that increases nonemergency discretionary spending in fiscal year 2011 by \$30 billion to \$1.121 trillion, setting another new record for the highest level in United States history;

Whereas this Congress has failed Main Street through passage of a financial system takeover that fails to end the moral hazard of too-big-to-fail, does not address the

Fannie Mae and Freddie Mac behemoths, and creates numerous new boards, councils, and positions with unconstitutionally broad authorities that will interfere with the creation of wealth and jobs;

Whereas this Congress has wasted taxpayer funds on an unnecessary and unconstitutional auto industry bailout, a "cash for clunkers" program, a home remediation program ("cash for caulkers"), and countless other pork barrel projects while allowing the public debt to reach its highest level in United States history;

Whereas Democrats have recently insinuated that significant legislative matters would deliberately not be addressed during the 111th Congress until after the midterm elections in November 2010;

Whereas the New York Times reported on June 19, 2010 that, "For all the focus on the historic federal rescue of the banking industry, it is the government's decision to seize Fannie Mae and Freddie Mac in September 2008 that is likely to cost taxpayers the most money. . . . Republicans want to sever ties with Fannie and Freddie once the crisis abates. The Obama administration and Congressional Democrats have insisted on postponing the argument until after the midterm elections.";

Whereas the Washington Times reported on June 22, 2010 that House Majority Leader Steny Hoyer stated, "a budget, which sets out binding one-year targets and a multiyear plan, is useless this year because Congress has shunted key questions about deficits to the independent debt commission created by President Obama, which is due to report back at the end of this year.";

Whereas the Hill reported on June 24, 2010 that Senator Tom Harkin, a Democrat from Iowa, suggested that Democrats "might attempt to move 'card-check' legislation this year, perhaps during a lame-duck session. . . . 'A lot of things can happen in a lame-duck session, too,' he said in reference to EFCA.";

Whereas the New York Times published an article on June 28, 2010 titled "Lame-Duck Session Emerges as Possibility for Climate Bill Conference" that declares "many expect the final energy or climate bill to be worked out during the lame-duck session between the November election and the start of the new Congress in January.";

Whereas the Hill reported on July 1, 2010 that "Democratic leaders are likely to punt the task of renewing Bush-era tax cuts until after the election. Voters in November's midterms will thus be left without a clear idea of their future tax rates when they go to the polls.";

Whereas the Wall Street Journal reported on July 13, 2010 that, "there have been signs in recent weeks that party leaders are planning an ambitious, lame-duck session to muscle through bills in December they don't want to defend before November. Retiring or defeated members of Congress would then be able to vote for sweeping legislation without any fear of voter retaliation.";

Whereas the Hill reported on July 27, 2010 that Senate Majority Leader Harry Reid said, at the recent Netroots Nation conference of liberal bloggers, in reference to Democrats' unfinished priorities, "We're going to have to have a lame duck session, so we're not giving up.";

Whereas the Hill reported in the same piece on July 27, 2010 that the lame duck session will include priorities such as "comprehensive immigration reform, climate change legislation and a whole host of other issues";

Whereas the Declaration of Independence notes that governments “[derive] their just powers from the consent of the governed”;

Whereas the American people have expressed their loss of confidence through self-organized and self-funded taxpayer marches on Washington, at countless “tea party” events, at town halls and speeches, and with numerous letters, emails, and phone calls to their elected representatives;

Whereas a reconvening of Congress between the regularly scheduled Federal election in November and the start of the next session of Congress is known as a “lame-duck session of Congress”;

Whereas the Democrat majority has all-but-announced plans to use any “lame-duck Congress” to advance currently unattainable, partisan policies that are widely unpopular with the American people or that further increase the national debt against the will of most Americans;

Whereas any such action would be a repudiation of the American people’s expressed will and would not comport with the Democrats’ public statements promising transparency and accountability; and

Whereas under the leadership of Speaker Pelosi and the Democrat majority, and largely due to the current trends of Government expansion and freedom retrenchment, the American people have lost confidence with their elected officials, and that faith must be restored: Now, therefore be it

Resolved, That the House of Representatives—

(1) reaffirms the principle expressed in the Declaration of Independence that governments “[derive] their just powers from the consent of the governed”;

(2) recognizes the fundamental importance of trust existing between the American people and their elected officials;

(3) confirms that adhering to the will of the people is imperative to upholding public trust;

(4) states that the American people deserve to know where their current elected officials stand on key legislative issues before Election Day;

(5) states that delaying controversial, unpopular votes until after the election gives false impressions to voters and deliberately hides the true intentions of the majority, while denying voters the ability to make fully informed choices on Election Day; and

(6) pledges not to assemble on or between the dates of November 2, 2010 and January 3, 2011, except in the case of an unforeseen, sudden emergency requiring immediate action from Congress.

□ 1210

The SPEAKER pro tempore. Does the gentleman from Georgia wish to present argument on why the resolution is privileged under rule IX to take precedence over other questions?

Mr. PRICE of Georgia. I do, Madam Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. PRICE of Georgia. Madam Speaker, I hold in my hands here the House Rules and Manual, which includes the rules of the House of Representatives. And under rule IX it states, in part, that questions of privilege shall be those affecting the rights, reputation, and conduct of Members.

Clearly, Madam Speaker, the reputation and conduct of Members is in

question and highlighted in this resolution. What could be more questionable regarding conduct of Members than acting in a disingenuous manner by saying that a lame-duck session will not include controversial items and then planning to do just that?

Madam Speaker, the intent of the majority is clear. They wish to spend more, they wish to tax more, they wish to borrow more, and they wish to harm job creation in a lame-duck session. And the American people don’t want this.

To positively and responsibly represent our constituents, Madam Speaker, I respectfully request that the resolution be considered.

The SPEAKER pro tempore. The Chair is prepared to rule.

The resolution offered by the gentleman from Georgia declares a variety of facts and circumstances, expresses certain opinions, prescribes principles by which to schedule or conduct the constitutional session of the House, and proposes a special order of business with respect thereto.

In evaluating the resolution under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual, to wit: that a question of the privileges of the House may not be invoked to effect a change in the rules or standing orders of the House or their interpretation, nor to prescribe a special order of business for the House.

The averment that this resolution presents a question of the privileges of the House under rule IX embodies precisely the contrary principle, under which each individual Member of the House would constitute a virtual Rules Committee, able to place before the House at any time whatever proposed order of business he or she might deem advisable simply by alleging an insult to dignity or integrity secondary to some action or inaction. In such an environment, anything could be privileged; so nothing would enjoy true privilege. With every question having precedence over every other question, the legislative attention of the House would be managed ad hoc by the presiding officer’s discretionary power of recognition.

Accordingly, under the long and well-settled line of precedent presently culminating in several rulings during the first session of this 111th Congress, the Chair finds that such a resolution does not affect “the rights of the House collectively, its safety, dignity, or the integrity of its proceedings” within the meaning of clause 1 of rule IX and, therefore, does not qualify as a question of the privileges of the House.

The Chair therefore holds that the resolution is not privileged for consideration ahead of other business. Instead, the resolution may be submitted through the hopper for possible consideration in the regular course.

Mr. PRICE of Georgia. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. POLIS. Madam Speaker, I move that the appeal be laid on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on ordering the previous question on House Resolution 1606; and adoption of House Resolution 1606, if ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 163, not voting 33, as follows:

[Roll No. 515]

YEAS—236

Ackerman	DeLauro	Kanjorski
Adler (NJ)	Deutch	Kaptur
Altmire	Dicks	Kennedy
Andrews	Dingell	Kildee
Arcuri	Doggett	Kilpatrick (MI)
Baca	Donnelly (IN)	Kilroy
Baird	Doyle	Kind
Baldwin	Driehaus	Kirkpatrick (AZ)
Barrow	Edwards (MD)	Kissell
Bean	Edwards (TX)	Klein (FL)
Becerra	Ellison	Kosmas
Berkley	Ellsworth	Kratovil
Berman	Engel	Kucinich
Bishop (GA)	Eshoo	Langevin
Bishop (NY)	Etheridge	Larsen (WA)
Blumenauer	Farr	Larson (CT)
Boccieri	Fattah	Lee (CA)
Boren	Filner	Levin
Boswell	Foster	Lewis (GA)
Boucher	Frank (MA)	Lipinski
Boyd	Fudge	Loebuck
Brady (PA)	Garamendi	Lofgren, Zoe
Braley (IA)	Giffords	Lujan
Brown, Corrine	Gonzalez	Lynch
Butterfield	Gordon (TN)	Maffei
Capps	Grayson	Maloney
Capuano	Green, Al	Markey (CO)
Cardoza	Green, Gene	Markey (MA)
Carnahan	Grijalva	Marshall
Carney	Hall (NY)	Matheson
Carson (IN)	Halvorson	Matsui
Castor (FL)	Hare	McCarthy (NY)
Chandler	Harman	McCollum
Childers	Hastings (FL)	McDermott
Chu	Heinrich	McGovern
Clarke	Herseth Sandlin	McNerney
Clay	Higgins	Meeks (NY)
Cleaver	Hill	Michaud
Clyburn	Himes	Miller (NC)
Cohen	Hinchee	Miller, George
Connolly (VA)	Hinojosa	Mitchell
Conyers	Hirono	Mollohan
Cooper	Hodes	Moore (KS)
Costa	Holden	Moore (WI)
Costello	Holt	Moran (VA)
Courtney	Honda	Murphy (CT)
Critz	Hoyer	Murphy (NY)
Crowley	Inslee	Murphy, Patrick
Cuellar	Israel	Nadler (NY)
Cummings	Jackson (IL)	Napolitano
Dahlkemper	Jackson Lee	Neal (MA)
Davis (AL)	(TX)	Oberstar
Davis (CA)	Johnson (GA)	Obey
Davis (IL)	Johnson, E. B.	Oliver
DeFazio	Kagen	Ortiz

Owens
Fallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)

Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Space
Spratt
Stark
Stupak

Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wilson (OH)
Woolsey
Wu
Yarmuth

Tanner
Titus

Wamp
Welch

Young (AK)
Young (FL)

□ 1239

Messrs. BARRETT of South Carolina, MCHENRY, and GRAVES of Missouri changed their vote from “yea” to “nay.”

Mr. RANGEL changed his vote from “nay” to “yea.”

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. LOWEY. Madam Speaker, I regrettably missed rollcall vote No. 515 on August 10, 2010. Had I been present, I would have voted “yea.”

NAYS—163

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Bright
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foss

Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
Melancon

Mica
Miller (FL)
Miller (MI)
Minnick
Moran (KS)
Murphy, Tim
Myrick
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—33

Berry
Blunt
Boustany
Broun (GA)
Buchanan
Davis (TN)
DeGette
Delahunt
Diaz-Balart, L.
Djou

Gingrey (GA)
Gutierrez
Jones
LaTourette
Linder
Lowey
Lungren, Daniel E.
Meek (FL)
Miller, Gary

Neugebauer
Radanovich
Rooney
Roskam
Salazar
Schock
Snyder
Speier

fathers, grandfathers, coaches, and friends. They were leaders and stalwarts in their communities where they lived and served. All were part of a family business, which makes this so tragic, a family that's operated a business since 1955. The owner of that business I was with that fateful morning. Stunned and shocked, as everyone was, his thoughts were only about the safety and well-being of his workforce, his concern as to whether or not they would be able to keep their wages. And he talked to the comptroller, making sure that benefits would be extended. And his heart went out to all of the families who were victims of this senseless, tragic slaying.

It's a family business. It was a tragic and horrific thing that took place in Manchester, Connecticut. What the people of Hartford Distributors have, as they went through this, and the several vigils and memorials that have been created, and the funeral services that are still going on, is they understand that they have one another. And they intend, later this week, to lock arms and march back into the warehouse together, and continue to move forward, always remembering those eight men.

I ask that the Members rise and observe a moment of silence in memory of these eight men and their families during this senseless tragedy.

The SPEAKER pro tempore. Members will rise and observe a moment of silence.

QUESTION OF PERSONAL PRIVILEGE

Mr. RANGEL. Madam Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore. The Chair is aware of valid bases for the gentleman's point of personal privilege.

The gentleman from New York is recognized for 1 hour.

Mr. RANGEL. My dear friends and colleagues, I rise to the floor because the newspapers and the media have indicated that there is a concern about some of the Members in this House that I retire or remove myself from this body. And I have always tried to play by the rules. And I cannot think of anybody that has encouraged me to speak here.

I want to thank all of you who are concerned about me for saying that, you know, a guy's a fool to represent himself, as some of the people have said. But I have been losing a lot of sleep over these allegations, and my family and community. And some of these rules that they have is that I am restricted by confidentiality. But for years I have been saying, No comment, no comment, no comment to a lot of serious allegations because I could not comment, and I would refer them to the Ethics Committee.

MOMENT OF SILENCE FOR VICTIMS OF THE HARTFORD DISTRIBUTORS TRAGEDY

(Mr. LARSON of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. LARSON of Connecticut. Madam Speaker, I rise on a very solemn and sad moment to express condolences to families of the victims within my congressional district in the State of Connecticut.

I have always empathized with my fellow colleagues when they address the House about fateful events that occur in their communities. I just never imagined that tragedy would strike so close to home. And it's hard to conceive, I know for everyone here, that bad things happen to good people.

On the morning of August 3, 2010, eight men went to work, some looking forward to vacation, others nearing retirement, none expecting the calamity that would follow. I thank my colleagues for indulging me the time to express the heartfelt condolences of the Nation and this body. Eight men went to work that morning. Some of them followed in the footsteps of their fathers and brothers before them. This is a family business, many of whom had served and worked at this family business for over 20 years. Neither they nor their families and friends could anticipate the senseless, unthinkable actions that occurred on that morning. Yet bad things happen to good people.

So consequently, ordinary people are going through extraordinary circumstances, punctuated by acts of heroism, courage, and camaraderie that unites them. These eight men, Bill Ackerman of East Windsor, Bryan Cirigliano of Newington, Francis Fazio of Bristol, Louis Felder of Stamford, Victor James of Windsor, Edwin Kennison of East Hartford, Craig Pepin of South Windsor, and Douglas Scruton of Manchester, lost their lives that day.

They were Teamsters of Local 1035. But beyond that, they were husbands,

When the Ethics Committee finally brought out their statement of alleged violations, it was a long list of things, and somehow the chairman of the subcommittee of investigation indicated that I had received a lot of offers to settle this thing so that it would not cause embarrassment to my Democratic friends, and that I had been offered a reprimand. And a lot of people kind of felt that that sounded like a wonderful opportunity to remove this so that I could leave the Congress with some degree of dignity.

Why, even some people said that the President had suggested that his life might be made easier if there was no CHARLIE RANGEL so-called scandal. But I interpret it another way. I think when the President said that he wanted me to end my career in dignity, he didn't put a time limit on it. And I would think that his concern would be that if any Member of the House of Representatives has been accused of serious crimes or allegations, that somehow within the process, even though we are not entitled to a court process, there has to be some process in which the Member has an opportunity to tell his constituents, his family, and his friends what he didn't believe.

So when the chairman of the investigative committee said I had been offered a settlement, it reminded me of something that I will devote my retiring years to besides education, which is the major thrust of my attempt here, is that those of you that come anywhere near criminal courts, we have a terrible thing that happens throughout these United States. And that is that someone gets arrested for a very serious crime, and they get their lawyer, and the lawyer explains that, I think it's better that you plead guilty to a lesser crime. And he says, Well, I am not only not guilty, but I don't even know what's involved here. They said, Well, listen, we are not suggesting that you plead guilty if you are innocent, but we think you ought to know that this judge, if you are found guilty, is going to send you away for 20 years. On the other hand, you have no offenses, you are a first offender, and if you could just forget about this thing and explain later what happened.

□ 1250

So he continues to tell his lawyer that, hey, I am willing to admit what I have done wrong, and I have done some things wrong, but I shouldn't have to anyway. He says, listen, we would never tell you to quit or resign. We are just telling you that it would be easier for us if this were not an issue. But knowing the President as I do, I think he believes that dignity means that everybody is entitled to be judged for allegations against them.

Now, what is working against me? We come back to this House because the Speaker has called us here in order

to make certain that we provide resources for governors and mayors to maintain our teachers and our firefighters, and RANGEL is not on the schedule for anything. Which is okay, because I know that the members of the committee, they work hard, it is a selfless job. God knows I wouldn't take it. I respect the time that they have placed on this. And it has been almost 2 years.

But I have a primary that takes place a couple of days before they even thought about meeting. And then I found out from my lawyer that even when they meet on the 13th of September, there is no trial date for then.

So I don't want to be awkward and embarrass anybody. As a matter of fact, those people that believe that their election is going to be dependent on me resigning, I would like to encourage Democrats to believe, I think Republicans have given you enough reason to get reelected, and they continue to do something.

But quite frankly, I think I have given. I mean, a lot of people don't know, but when the—well, I don't want to be critical of the Ethics Committee because my lawyer said you can't get annoyed with them because there still may be room for settlement. And I thought about it.

Well, when I found out that one of the Republicans that will be sitting on what they call the adjudication committee had made remarks condemning me for my contribution to City College, that it was a RANGEL thing, an ego thing and a corrupt thing, and he was going to judge me, I asked my lawyer, I said, well, how can they do that? They said well, the Ethics Committee can do what they want.

I said, well, do me a favor. I have paid close to \$2 million. I continue to owe you money. And you are telling me that you have no idea when there is going to be a hearing, and every time I talk with you there are six or seven lawyers. I said, do me a favor. I said Friday, let's see what happens today in terms of reaching out to settle this thing, because I can't afford to be represented by counsel.

Each and every day the expenses build up, and I think that I have an obligation to younger Members of Congress to be able to tell them if you couldn't raise the \$2 million, you are out of business, no matter what the allegations are, because no one is going to read the defense. And, of course, just the allegations by themselves with Members who have close districts, Republicans and Democrats, they would be out of business. So I am here because I could afford lawyers for close to 2 years, but everyone would know that there comes a limit.

So I told them, just put everything on hold. See what happens when we meet here. And, guess what? Nothing happened. There is no agenda. So what

they are saying is that, well, the Ethics Committee will be leaving for Members to be able to work in their districts and to get reelected, and I am having a primary that I have to wait until after my primary to find out when the Ethics Committee intends to have a hearing. And then that hearing comes just before, maybe, the general election.

There must be something wrong with the rules, because people would advise me that I can only hurt myself by coming before this committee. Nobody has tried to protect the integrity of the Congress with 2 years, almost 2 years of investigation. They said the mistakes that RANGEL has made should be public, and it should have been public earlier than now. And I couldn't say anything because I didn't want to offend and don't want to offend the Ethics Committee. But the Ethics Committee won't even tell me when I am going to have a hearing.

And, heck, people who are concerned about me, I am 80 years old. I don't want to die before the hearing. And I think my electorate are entitled to find out who their Congressman for 40 years is. Who am I? Am I corrupt? Did I get a nickel? What did they offer me. And I want to be a role model for new Members and tell them the mistakes I made so they don't make them.

So they list foundations that specialize in providing funds for education for kids. So I am convinced that the President wants some dignity in knowing that not only am I one of his strongest supporters, but I know that you know that unless we are able to provide education for every child that is there, almost by any means possible, that our Nation's national security is being threatened by foreigners, our ability to be ahead of the curve in terms of trade. And nobody is more supportive of the President in trade. Clear up some of the things in the Korean bill so you don't hurt us. Clean up a little corruption and violence in Colombia and move on with the thing. So the whole idea is really me trying to have some dignity in making certain that America is stronger.

Now, the thing is that in the haste of sending out hundreds of letters, never asking for a penny, but still suggesting I wish you would meet with these people, because I knew that I would hope that they would convince them to provide money. Now, a lot of people have done that. That doesn't mean it is right. But the rules have changed. So there has to be a penalty for grabbing the wrong stationery and not really doing the right thing.

But it is not corrupt. It may be stupid, it may be negligent, but it is not corrupt. And there is no indication that any sworn committee would say I received a benefit.

Some might say that the benefit was that you have a legacy with your name

up there. Well, I wish you would go to my Web site to take a look at my answers. This is a broken-down building that you have to run away from if someone is going to put your name on it. But it is still there.

Then they say that I would receive a luxurious office. The sworn testimony was they never told me they were giving it to me. Who the heck needs an office with 40 years of service in the Congress in a broken down building? Then they said, hey, we didn't ask him. We just put it in there so that we encourage people to put it in there. They said the name they thought was not a benefit for me, but a benefit in order to get money.

So I can't imagine why, in the course of all of these things, that I used government personnel, I didn't buy stamps—well, if you think that it is official and you are wrong, then I violated the franking benefits.

And at the end of the day, the inferences are very serious, and mistakes can be made and these things shouldn't have happened. But I can't walk away and have you guys doing your campaign because I am annoying, and the action is out there calling me corrupt.

And no one is coming forward saying RANGEL is not corrupt. RANGEL didn't make a nickel. No witness ever said there was preferential treatment given. And the one guy that had an issue before the Senate, staff, Republicans, everybody said it never came before the House but they keep putting it down there. And guess what? It was the district attorney of New York over 40 years that suggested that I meet with him because he was in the education philanthropic business, in addition to having business in the Senate, which Republicans and Democrats say never came to the Ways and Means Committee, and staff certainly can prove it.

□ 1300

I don't know how far to go with making a mistake and trying to help kids, but you have to be very careful, new Members, of making certain when they change the rules that you know what happens. And I'm prepared to say I'm sorry for any embarrassment that has caused.

Another issue has to do with having an office, a congressional office, in the building that I live in. Now, forever people have said that I have taken advantage and had four rent-controlled, stabilized apartments. Nobody has said that the Ethics Committee never found four stabilized apartments. No one said I broke any laws. No one said that the apartment that they considered two had always been considered one at the least. No one said that 10 years ago there was an apartment, one-bedroom apartment, that I got for my family, for my political friends that I no longer have. But the concern was, well, how do you explain the congressional office?

Well, let's read the landlord's testimony. He said he was 20 percent vacant, that he needed money, that he knew that the checks were paid by the congressional committee, that the mail came in there "Rangel for Congress," and that the lawyers have told him and the officials of the city and State of New York that there was no violation of any law or rules.

And what was the benefit? The benefit was that your colleague and friend was not sensitive to the fact that there was appearance as though I was being treated differently than anyone else. But the landlord said he didn't treat me any differently, no one said that they did treat me differently, but I have to admit that I wasn't sensitive to anything because I never felt then that I was treated any differently than anybody else. And so that ends the apartment thing, but I plead guilty of not being sensitive.

Now when it comes to the negligence of the disclosures and the tax issues, there is absolutely no excuse that's there. When accusations were made, I hired a forensics accountant and told them to check out what the heck is going on, because I want to make certain that when I stand up and speak, that it's true.

Well, after I found out it was far more serious than the accusations, I then referred it to the Ethics Committee. It wasn't as though someone tracked me down, the IRS or the Clerk of the House. I filed the correct papers. And the taxes that were paid, an accountant might say that, had my accountant recognized that this \$32,000 down payment for a house in the Dominican Republic that was promised to be paid for in 7 years would be a complete failure, and if indeed they did not give me one nickel, but whenever they thought they were making a dollar or two, they reduced the mortgage, then there is no question—you don't have to be a tax expert to know that if you didn't report that income, notwithstanding the fact that if you had done the right thing you would have no liability because the taxes that were paid to the Dominican Republic would have been deducted and with depreciation I would have no liability.

Having said that, is that an excuse that is worthy? Of course not. And the fact that there was negligence on the part of the person that for 20 years did it and the fact that I signed it does not really give an excuse as to why I should not apologize to this body for not paying the attention to it that I should have paid to it. But there is not one scintilla bit of evidence that the negligence involved in the disclosures, that there was some way to hide from the public what I had because the value of the property, they would say, was \$25,000, \$100,000, \$200,000—whatever it would be—that it didn't make any sense that I was trying to disclose it.

So why did I take the floor today when I haven't found one lawyer that said I should do it, I haven't even found one friend that said I should do it, but I thought about it. If the lawyers are going to continue to charge me—and I don't even know when the hearing is going to be, and I can't tell them I want one and not six lawyers—I don't want to offend the Ethics Committee. They're doing the best they can.

But I'm in the position that, hey, I'm 80 years old. All my life has been, from the beginning, public service. That's all I've ever done, been in the Army, been a State legislator, been a Federal prosecutor, 40 years here. And all I'm saying is that if it is the judgment of people here, for whatever reason, that I resign, then, heck, have the Ethics Committee expedite this. Don't leave me swinging in the wind until November.

If this is an emergency—and I think it is to help our local and State governments out—what about me? I don't want anyone to feel embarrassed, awkward. Hey, if I was you, I may want me to go away, too. I am not going away. I am here.

I'm not saying there is any partisanship in this. Because if I knew of all the people that have been accused of accusations, I'm in a close district and they were Republicans, I would give a couple of moments of thought to see whether or not—especially if I didn't have anything to work with to get re-elected—I would say, hey, take a look at these Republicans. They've been accused.

But I don't really think that the unfairness of this is to me. I don't take it personally. I'm thinking about all of you.

If the President wants dignity, let's have dignity in this House where the Ethics Committee means something and that none of you, if the newspapers say anything, will have to wait 2 years before you can say "no comment."

And, in addition to that, once they make the accusations, they have no business making any mistakes in saying that I didn't cooperate. I've got papers with my signature on it. I've got papers that said I tried my darnedest. I've got papers where my lawyer tells me she had every reason to believe that the full committee would sign on there. There was space for people to sign. I'm the only one signing. I don't know what changed their minds about settling this case.

But my lawyer says, don't offend them. My friends say, don't go to the floor. And I say, what are you going to do me? Suppose I do get emotional, suppose I do think of my life, the beginning and the end, are you going to expel me from this body? Are you going to say that, while there is no evidence that I took a nickel, asked for a nickel, that there is no sworn testimony, no conflict, that I have to leave here?

As much as I love you Democrats that figure it would be easier for you,

I'm the guy that was raising money in Republican districts to get you here, but that doesn't mean that I criticize you for saying, hey, that's great then, but I'm running for reelection now. I mean, do what you have to do.

And, Republicans, hey, you don't have much to run on, but, what the hell, if RANGEL is an embarrassment based on newspaper articles, I can see why you would do it.

But think. Think. Isn't this historically the first time that it appears as though partisanship has entered the Ethics Committee? Isn't it historically the first time that the recommendations of the subcommittee of investigation is turned down? And, darn, who in the heck would want somebody who politically called you "corrupt" to be the ranking bipartisan guy to judge you?

Now I don't expect answers today, and I know you're going home, and I wish all of you well. But at the end of the day, somebody, somebody has to do more than wish I go away. Somebody has to tell me, when does RANGEL get a chance to talk to witnesses? I haven't talked with any member of the Ethics Committee in terms of settlement. My lawyers have.

□ 1310

I haven't talked with any of the witnesses. And they had to expedite this case. In other words, I have a shorter time to prepare, for reasons that they tell me, don't challenge the Ethics Committee; they make up this stuff as they go along.

My lawyer, I can understand how financially this thing can go on longer than I can afford. But she is willing to assist me in working out something in pro bono, and I will expect the leadership to help me.

Don't let this happen to you. Don't walk away from here because it is convenient that I disappear because not all of you will be able to withstand it, as I have. If there is no issue of corruption, if everybody, including the leader over here, has to start off with what a great American I am before he drops the bomb, well, I think that should count for something. And I am not asking for leniency. I am asking for exposure of the facts. They have made a decision. I want you to make a decision.

Now, I apologize to the leadership. I feel for those people, especially newcomers that love this place so much that, like someone said: CHARLIE, they all love you. And I paused, and so they finished with: But they love themselves better. I understand that, you know. But for God's sake, just don't believe that I don't have feelings, that I don't have pride, that I do want the dignity that the President has said. And the dignity is that even if you see fit to cause me not to be able to come back, because you are not going to do it in my district, but if there is some recommendation that I be expelled, for

me, for me, that would be dignity because it shows openly that this system isn't working for me. And I hope some of you might think, if it doesn't work for me, that it may not work for you.

So I know we are anxious to get home. I know I can't get on the agenda. I know that some time somewhere I will have a hearing. So while you are saying I should resign, I do hope that you might think about what happens if the whole country starts thinking it is better that you resign and don't make anyone feel uncomfortable than to have the truth, at least a person an opportunity to say you have made alleged violations. I'm saying you are wrong based on sworn testimony. And I want somebody, and I don't think it is going to be people who have been critical of me for doing the same thing that is going to be the judge.

I know outside doesn't count because we judge the conduct of our own Members. Adam Powell knew that when they wouldn't let him be seated; and the courts, of course, overruled it. But if I can't get my dignity back here, then fire your best shot in getting rid of me through expulsion.

Now I apologize for any embarrassment that I have caused. I'm prepared to admit, and try to let young people know that you never get too big to recognize that these rules are for junior Members, as they are for senior Members, and that you can't get so carried away with good intentions that you break the rules because the rules are there to make certain that we have some order, some discipline and respect for the rules.

And I violated that, and I am apologizing for it. And I don't think apologies mean that this is a light matter. It is very serious.

But corruption? No evidence, no suggestion that this was ever found. And lastly, I close by saying that there is an organization that some of you know, certainly DCCC, National Truth in Government, and whatever, and the only thing I can say that some of my more important Democrats are on the list that sent out mail soliciting money in order to get rid of me even before I became the chairman. They have a Web site that I will be giving you because they got a lot of our Members, including Black Caucus members on their list. One I do remember is send your money in now, we've got RANGEL against the ropes and we're going to get rid of him. Everyone knows who they are. They followed me on vacation. They followed me when I was doing business. They're at the airport. They're outside where I live. It is kind of rough.

I'm sensitive to your feelings and the hard work by the Ethics Committee, but this has to stop some time. It has to stop. One month; 1 year; 2 years; primaries; election. And all I'm saying is I deserve and demand the right to be

heard. And if I hurt anybody's feelings, believe me, it is the equity and the fairness and the justice that I'm asking for, and not your feelings. We are entitled to our political feelings and what we want done. But we have to respect each other and this institution which I love. I love my country. I love my Congress. And there is nothing I wouldn't do to preserve this from going on. I love the disagreements. I love the debates. I love the arguments. But you are not going to tell me to resign to make you feel comfortable.

So to all of those who tried to help me to help myself, let me appreciate it. And for those who disagree, I'm sorry, but that is one thing you can't take away from me. So thank you for listening. I do hope that you have a pleasant time while you are away. And maybe, just maybe, the members of the Ethics Committee might think about telling me when they think they might have a hearing so that whatever they decide, I can let my constituents, my family, and my friends know that I did the best I could as an American, as a patriot, and someone that loves this country.

Thank you for your attention. Go home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on House Resolution 1606, by the yeas and nays; adoption of House Resolution 1606, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 1586, EDU- CATION JOBS AND MEDICAID AS- SISTANCE ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1606, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 244, nays 164, not voting 24, as follows:

[Roll No. 516]

YEAS—244

Ackerman
Adler (NJ)
Altmire

Andrews
Arcuri
Baca

Baird
Baldwin
Barrow

Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Hill
Bocieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson

Hare
Harman
Hastings (FL)
Heinrich
Herseht Sandlin
Higgins
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napoli tano
Neal (MA)
Nye
Oberstar

NAYS—164

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)

Blackburn
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert

Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skeltan
Slaughter
Smith (WA)
Space
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napoli tano
Neal (MA)
Nye
Oberstar

Berry
Blunt
Boustany
Broun (GA)
Buchanan
DeGette
Diaz-Balart, L.
Gingrey (GA)
Jones

Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, M.
Djoui
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)

LaTourette
Snyder
Lungren, Daniel
E.
Meek (FL)
Miller, Gary
Neugebauer
Radanovich
Rooney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1337

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

Roskam
Speier
Tanner
Wamp
Young (AK)
Young (FL)

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 1586, EDUCATION JOBS AND MEDICAID ASSISTANCE ACT

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 173, not voting 30, as follows:

[Roll No. 517]

YEAS—229

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bocieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)

Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack

Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napoli tano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.

Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schauer
 Schiff
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Sires
 Skelton
 Slaughter

Smith (WA)
 Space
 Spratt
 Stark
 Stupak
 Sutton
 Teague
 Thompson (CA)
 Thompson (MS)
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velazquez

Visclosky
 Walz
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Wilson (OH)
 Woolsey
 Wu
 Yarmuth

□ 1346

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent this afternoon, August 10. Had I been present for the vote which occurred today, I would have voted "aye" on H. Res. 1606, rollcall vote No. 517.

NAYS—173

Aderholt
 Akin
 Alexander
 Austria
 Bachmann
 Bachus
 Barrett (SC)
 Bartlett
 Barton (TX)
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Blackburn
 Boehner
 Bonner
 Bono Mack
 Boozman
 Brady (TX)
 Bright
 Brown (SC)
 Brown-Waite,
 Ginny
 Burgess
 Burton (IN)
 Calvert
 Camp
 Campbell
 Cantor
 Cao
 Capito
 Carter
 Cassidy
 Castle
 Chaffetz
 Coble
 Coffman (CO)
 Cole
 Conaway
 Cooper
 Costa
 Crenshaw
 Culberson
 Dahlkemper
 Davis (KY)
 Dent
 Diaz-Balart, M.
 Djou
 Donnelly (IN)
 Dreier
 Duncan
 Ehlers
 Emerson
 Fallin
 Flake
 Fleming
 Forbes
 Fortenberry
 Foxx

Franks (AZ)
 Frelinghuysen
 Gallegly
 Garrett (NJ)
 Gerlach
 Giffords
 Goodlatte
 Granger
 Graves (GA)
 Graves (MO)
 Griffith
 Guthrie
 Harper
 Hastings (WA)
 Heller
 Hensarling
 Herger
 Herseth Sandlin
 Hill
 Hoekstra
 Hunter
 Inglis
 Issa
 Jenkins
 Johnson (IL)
 Johnson, Sam
 Jordan (OH)
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kline (MN)
 Lamborn
 Lance
 Latham
 Latta
 Lee (NY)
 Lewis (CA)
 LoBiondo
 Lucas
 Luetkemeyer
 Lummis
 Mack
 Manzullo
 Marchant
 Marshall
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McIntyre
 McKeon
 McMorris
 Rodgers
 Mica
 Miller (FL)
 Miller (MI)
 Minnick

Mitchell
 Moran (KS)
 Murphy, Tim
 Myrick
 Nunes
 Nye
 Olson
 Paul
 Paulsen
 Pence
 Peterson
 Petri
 Pitts
 Platts
 Poe (TX)
 Posey
 Price (GA)
 Putnam
 Rehberg
 Reichert
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Royce
 Ryan (WI)
 Scalise
 Schmidt
 Schock
 Sensenbrenner
 Sessions
 Shadegg
 Shimkus
 Shuler
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Stearns
 Sullivan
 Taylor
 Terry
 Thompson (PA)
 Thornberry
 Tiahrt
 Tiberi
 Turner
 Upton
 Walden
 Westmoreland
 Whitfield
 Wilson (SC)
 Wittman
 Wolf

NOT VOTING—30

Berry
 Bishop (GA)
 Blunt
 Boustany
 Broun (GA)
 Buchanan
 Buyer
 DeGette
 Diaz-Balart, L.
 Gingrey (GA)
 Gohmert

Gutierrez
 Hall (TX)
 Hinojosa
 Jones
 LaTourette
 Linder
 Lungren, Daniel
 E.
 Meek (FL)
 Miller, Gary
 Neugebauer

Radanovich
 Rooney
 Roskam
 Snyder
 Speier
 Tanner
 Wamp
 Young (AK)
 Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

EDUCATION JOBS AND MEDICAID ASSISTANCE ACT

Mr. OBEY. Madam Speaker, pursuant to House Resolution 1606, I call up the bill (H.R. 1586) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and offer the motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment to the House amendment to the Senate amendment.

The text of the Senate amendment to the House amendment to the Senate amendment is as follows:

Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted, insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "_____ Act of _____".

TITLE I

EDUCATION JOBS FUND

EDUCATION JOBS FUNDS

SEC. 101. There are authorized to be appropriated and there are appropriated out of any money in the Treasury not otherwise obligated for necessary expenses for an Education Jobs Fund, \$10,000,000,000: Provided, That the amount under this heading shall be administered under the terms and conditions of sections 14001 through 14013 and title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) except as follows:

(1) ALLOCATION OF FUNDS.—

(A) Funds appropriated under this heading shall be available only for allocation by the Secretary of Education (in this heading referred to as the Secretary) in accordance with subsections (a), (b), (d), (e), and (f) of section 14001 of division A of Public Law 111-5 and subparagraph (B) of this paragraph, except that the amount reserved under such subsection (b) shall not exceed \$1,000,000 and such subsection (f) shall be applied by substituting one year for two years.

(B) Prior to allocating funds to States under section 14001(d) of division A of Public Law 111-5, the Secretary shall allocate 0.5 percent to the Secretary of the Interior for schools operated or funded by the Bureau of Indian Affairs on the basis of the schools' respective needs for activities consistent with this heading under such terms and conditions as the Secretary of the Interior may determine.

(2) RESERVATION.—A State that receives an allocation of funds appropriated under this heading may reserve not more than 2 percent for the administrative costs of carrying out its responsibilities with respect to those funds.

(3) AWARDS TO LOCAL EDUCATIONAL AGENCIES.—

(A) Except as specified in paragraph (2), an allocation of funds to a State shall be used only for awards to local educational agencies for the support of elementary and secondary education in accordance with paragraph (5) for the 2010-2011 school year (or, in the case of reallocations made under section 14001(f) of division A of Public Law 111-5, for the 2010-2011 or the 2011-2012 school year).

(B) Funds used to support elementary and secondary education shall be distributed through a State's primary elementary and secondary funding formulae or based on local educational agencies' relative shares of funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent fiscal year for which data are available.

(C) Subsections (a) and (b) of section 14002 of division A of Public Law 111-5 shall not apply to funds appropriated under this heading.

(4) COMPLIANCE WITH EDUCATION REFORM ASSURANCES.—For purposes of awarding funds appropriated under this heading, any State that has an approved application for Phase II of the State Fiscal Stabilization Fund that was submitted in accordance with the application notice published in the Federal Register on November 17, 2009 (74 Fed. Reg. 59142) shall be deemed to be in compliance with subsection (b) and paragraphs (2) through (5) of subsection (d) of section 14005 of division A of Public Law 111-5.

(5) REQUIREMENT TO USE FUNDS TO RETAIN OR CREATE EDUCATION JOBS.—Notwithstanding section 14003(a) of division A of Public Law 111-5, funds awarded to local educational agencies under paragraph (3)—

(A) may be used only for compensation and benefits and other expenses, such as support services, necessary to retain existing employees, to recall or rehire former employees, and to hire new employees, in order to provide early childhood, elementary, or secondary educational and related services; and

(B) may not be used for general administrative expenses or for other support services expenditures as those terms were defined by the National Center for Education Statistics in its Common Core of Data as of the date of enactment of this Act.

(6) PROHIBITION ON USE OF FUNDS FOR RAINY-DAY FUNDS OR DEBT RETIREMENT.—A State that receives an allocation may not use such funds, directly or indirectly, to—

(A) establish, restore, or supplement a rainy-day fund;

(B) supplant State funds in a manner that has the effect of establishing, restoring, or supplementing a rainy-day fund;

(C) reduce or retire debt obligations incurred by the State; or

(D) supplant State funds in a manner that has the effect of reducing or retiring debt obligations incurred by the State.

(7) DEADLINE FOR AWARD.—The Secretary shall award funds appropriated under this heading not later than 45 days after the date of the enactment of this Act to States that have submitted applications meeting the requirements applicable to funds under this heading. The Secretary shall not require information in applications beyond what is necessary to determine compliance with applicable provisions of law.

(8) ALTERNATE DISTRIBUTION OF FUNDS.—If, within 30 days after the date of the enactment of this Act, a Governor has not submitted an approvable application, the Secretary shall provide

for funds allocated to that State to be distributed to another entity or other entities in the State (notwithstanding section 14001(e) of division A of Public Law 111-5) for support of elementary and secondary education, under such terms and conditions as the Secretary may establish, provided that all terms and conditions that apply to funds appropriated under this heading shall apply to such funds distributed to such entity or entities. No distribution shall be made to a State under this paragraph, however, unless the Secretary has determined (on the basis of such information as may be available) that the requirements of clauses (i), (ii), or (iii) of paragraph 10(A) are likely to be met, notwithstanding the lack of an application from the Governor of that State.

(9) **LOCAL EDUCATIONAL AGENCY APPLICATION.**—Section 442 of the General Education Provisions Act shall not apply to a local educational agency that has previously submitted an application to the State under title XIV of division A of Public Law 111-5. The assurances provided under that application shall continue to apply to funds awarded under this heading.

(10) **MAINTENANCE OF EFFORT.**—

(A) Except as provided in paragraph (8), the Secretary shall not allocate funds to a State under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that—

(i) for State fiscal year 2011, the State will maintain State support for elementary and secondary education (in the aggregate or on the basis of expenditures per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories, respectively, for State fiscal year 2009;

(ii) for State fiscal year 2011, the State will maintain State support for elementary and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for each of the two categories, respectively, for State fiscal year 2010; or

(iii) in the case of a State in which State tax collections for calendar year 2009 were less than State tax collections for calendar year 2006, for State fiscal year 2011 the State will maintain State support for elementary and secondary education (in the aggregate) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students)—

(I) at not less than the level of such support for each of the two categories, respectively, for State fiscal year 2006; or

(II) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for each of the two categories, respectively, for State fiscal year 2006.

(B) Section 14005(d)(1) and subsections (a) through (c) of section 14012 of division A of Public Law 111-5 shall not apply to funds appropriated under this heading.

(11) **ADDITIONAL REQUIREMENTS FOR THE STATE OF TEXAS.**—The following requirements shall apply to the State of Texas:

(A) Notwithstanding paragraph (3)(B), funds used to support elementary and secondary education shall be distributed based on local educational agencies' relative shares of funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent fiscal year which data are available. Funds distributed pursuant to

this paragraph shall be used to supplement and not supplant State formula funding that is distributed on a similar basis to part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(B) The Secretary shall not allocate funds to the State of Texas under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that the State will for fiscal years 2011, 2012, and 2013 maintain State support for elementary and secondary education at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for such purpose for fiscal year 2011 prior to the enactment of this Act.

(C) Notwithstanding paragraph (8), no distribution shall be made to the State of Texas or local education agencies therein unless the Governor of Texas makes an assurance to the Secretary that the requirements in paragraphs (11)(A) and (11)(B) will be met, notwithstanding the lack of an application from the Governor of Texas.

TITLE II

STATE FISCAL RELIEF AND OTHER PROVISIONS; REVENUE OFFSETS

Subtitle A—State Fiscal Relief and Other Provisions

EXTENSION OF ARRA INCREASE IN FMAP

SEC. 201. Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(3), by striking “first calendar quarter” and inserting “first 3 calendar quarters”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(B) by adding at the end the following:

“(3) **PHASE-DOWN OF GENERAL INCREASE.**—

“(A) **SECOND QUARTER OF FISCAL YEAR 2011.**—For each State, for the second quarter of fiscal year 2011, the FMAP percentage increase for the State under paragraph (1) or (2) (as applicable) shall be 3.2 percentage points.

“(B) **THIRD QUARTER OF FISCAL YEAR 2011.**—For each State, for the third quarter of fiscal year 2011, the FMAP percentage increase for the State under paragraph (1) or (2) (as applicable) shall be 1.2 percentage points.”;

(3) in subsection (c)—

(A) in paragraph (2)(B), by striking “July 1, 2010” and inserting “January 1, 2011”;

(B) in paragraph (3)(B)(i), by striking “July 1, 2010” and inserting “January 1, 2011” each place it appears; and

(C) in paragraph (4)(C)(ii), by striking “the 3-consecutive-month period beginning with January 2010” and inserting “any 3-consecutive-month period that begins after December 2009 and ends before January 2011”;

(4) in subsection (e), by adding at the end the following:

“Notwithstanding paragraph (5), effective for payments made on or after January 1, 2010, the increases in the FMAP for a State under this section shall apply to payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to nonpregnant childless adults made eligible under a State plan under such title (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) who would have been eligible for child health assistance or other health benefits under eligibility standards in effect as of December 31, 2009, of a waiver of the State child health plan under the title XXI of such Act.”;

(5) in subsection (g)—

(A) in paragraph (1), by striking “September 30, 2011” and inserting “March 31, 2012”;

(B) in paragraph (2), by inserting “of such Act” after “1923”; and

(C) by adding at the end the following:

“(3) **CERTIFICATION BY CHIEF EXECUTIVE OFFICER.**—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the period beginning on January 1, 2011, and ending on June 30, 2011, unless, not later than 45 days after the date of enactment of this paragraph, the chief executive officer of the State certifies that the State will request and use such additional Federal funds.”; and

(6) in subsection (h)(3), by striking “December 31, 2010” and inserting “June 30, 2011”.

TREATMENT OF CERTAIN DRUGS FOR

COMPUTATION OF MEDICAID AMP

SEC. 202. Effective as if included in the enactment of Public Law 111-148, section 1927(k)(1)(B)(i)(IV) of the Social Security Act (42 U.S.C. 1396r-8(k)(1)(B)(i)(IV)), as amended by section 2503(a)(2)(B) of Public Law 111-148 and section 1101(c)(2) of Public Law 111-152, is amended by adding at the end the following: “, unless the drug is an inhalation, infusion, instilled, implanted, or injectable drug that is not generally dispensed through a retail community pharmacy; and”.

SUNSET OF TEMPORARY INCREASE IN BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

SEC. 203. Section 101(a) of title I of division A of Public Law 111-5 (123 Stat. 120), as amended by section 4262 of this Act, is amended by striking paragraph (2) and inserting the following:

“(2) **TERMINATION.**—The authority provided by this subsection shall terminate after March 31, 2014.”.

Subtitle B—Revenue Offsets

RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE

SEC. 211. (a) **IN GENERAL.**—Subpart A of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 909. SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.

“(a) **IN GENERAL.**—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

“(b) **SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.**—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

“(1) for purposes of section 902 or 960, or

“(2) for purposes of determining earnings and profits under section 964(a),

before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

“(c) **SPECIAL RULES.**—For purposes of this section—

“(1) **APPLICATION TO PARTNERSHIPS, ETC.**—In the case of a partnership, subsections (a) and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

“(2) **TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.**—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such

subsection (other than for purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

“(d) DEFINITIONS.—For purposes of this section—

“(1) FOREIGN TAX CREDIT SPLITTING EVENT.—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

“(2) FOREIGN INCOME TAX.—The term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(3) RELATED INCOME.—The term ‘related income’ means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

“(4) COVERED PERSON.—The term ‘covered person’ means, with respect to any person who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the ‘payor’)—

“(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

“(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

“(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

“(D) any other person specified by the Secretary for purposes of this paragraph.

“(5) SECTION 902 CORPORATION.—The term ‘section 902 corporation’ means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

“(e) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

“(1) appropriate exceptions from the provisions of this section, and

“(2) for the proper application of this section with respect to hybrid instruments.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

“(1) appropriate exceptions from the provisions of this section, and

“(2) for the proper application of this section with respect to hybrid instruments.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

“(1) appropriate exceptions from the provisions of this section, and

“(2) for the proper application of this section with respect to hybrid instruments.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

“(1) appropriate exceptions from the provisions of this section, and

“(2) for the proper application of this section with respect to hybrid instruments.”.

by inserting after subsection (l) the following new subsection:

“(m) DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.—

“(1) IN GENERAL.—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

“(A) shall not be taken into account in determining the credit allowed under subsection (a), and

“(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

“(2) COVERED ASSET ACQUISITION.—For purposes of this section, the term ‘covered asset acquisition’ means—

“(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

“(B) any transaction which—

“(i) is treated as an acquisition of assets for purposes of this chapter, and

“(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

“(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

“(D) to the extent provided by the Secretary, any other similar transaction.

“(3) DISQUALIFIED PORTION.—For purposes of this section—

“(A) IN GENERAL.—The term ‘disqualified portion’ means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

“(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

“(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of the Secretary, such income shall be determined by dividing the amount of such foreign income tax by the highest marginal tax rate applicable to such income in the relevant jurisdiction).

“(B) ALLOCATION OF BASIS DIFFERENCE.—For purposes of subparagraph (A)(i)—

“(i) IN GENERAL.—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

“(ii) SPECIAL RULE FOR DISPOSITION OF ASSETS.—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

“(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

“(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

“(C) BASIS DIFFERENCE.—

“(i) IN GENERAL.—The term ‘basis difference’ means, with respect to any relevant foreign asset, the excess of—

“(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

“(II) the adjusted basis of such asset immediately before the covered asset acquisition.

“(ii) BUILT-IN LOSS ASSETS.—In the case of a relevant foreign asset with respect to which the

amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

“(iii) SPECIAL RULE FOR SECTION 338 ELECTIONS.—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

“(4) RELEVANT FOREIGN ASSETS.—For purposes of this section, the term ‘relevant foreign asset’ means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

“(5) FOREIGN INCOME TAX.—For purposes of this section, the term ‘foreign income tax’ means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

“(6) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

“(7) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acquisitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after December 31, 2010.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any covered asset acquisition (as so defined) with respect to which the transferor and the transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on January 1, 2011, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before July 29, 2010, or

(C) described on or before January 1, 2011, in a public announcement or in a filing with the Securities and Exchange Commission.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES

SEC. 213. (a) IN GENERAL.—Subsection (d) of section 904 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

“(6) SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.—

“(A) IN GENERAL.—If—

“(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States,

“(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

“(iii) the taxpayer chooses the benefits of such treaty obligation,

subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

“(B) COORDINATION WITH OTHER PROVISIONS.—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

“(C) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS

SEC. 214. (a) IN GENERAL.—Section 960 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(c) LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.—

“(1) IN GENERAL.—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation, the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in gross income were distributed as a series of distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

“(2) AUTHORITY TO PREVENT ABUSE.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation's foreign income taxes not deemed paid by reason of paragraph (1).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to acquisitions of United States property (as defined in section 956(c) of the Internal Revenue Code of 1986) after December 31, 2010.

SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES

SEC. 215. (a) IN GENERAL.—Paragraph (5) of section 304(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

“(B) SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.—In the case of any acquisition to which subsection (a) applies in which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would neither—

“(i) be subject to tax under this chapter for the taxable year in which the dividends arise, nor

“(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined

in section 957 and without regard to section 953(c)).”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to acquisitions after the date of the enactment of this Act.

MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOCATING INTEREST EXPENSE

SEC. 216. (a) IN GENERAL.—Subparagraph (A) of section 864(e)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

“(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

“(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS

SEC. 217. (a) IN GENERAL.—Paragraph (1) of section 861(a) of the Internal Revenue Code of 1986 is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 871(i)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) The active foreign business percentage of—

“(i) any dividend paid by an existing 80/20 company, and

“(ii) any interest paid by an existing 80/20 company.”

(2) DEFINITIONS AND SPECIAL RULES.—Section 871 of such Code is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

“(l) RULES RELATING TO EXISTING 80/20 COMPANIES.—For purposes of this subsection and subsection (i)(2)(B)—

“(1) EXISTING 80/20 COMPANY.—

“(A) IN GENERAL.—The term ‘existing 80/20 company’ means any corporation if—

“(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the date of the enactment of this subsection) for such corporation's last taxable year beginning before January 1, 2011,

“(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

“(iii) there has not been an addition of a substantial line of business with respect to such corporation after the date of the enactment of this subsection.

“(B) FOREIGN BUSINESS REQUIREMENTS.—

“(i) IN GENERAL.—Except as provided in clause (iv), a corporation meets the 80-percent foreign business requirements of this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

“(ii) ACTIVE FOREIGN BUSINESS INCOME.—For purposes of clause (i), the term ‘active foreign business income’ means gross income which—

“(I) is derived from sources outside the United States (as determined under this subchapter), and

“(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

“(iii) TESTING PERIOD.—For purposes of this subsection, the term ‘testing period’ means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

“(iv) TRANSITION RULE.—In the case of a taxable year for which the testing period includes 1 or more taxable years beginning before January 1, 2011—

“(I) a corporation meets the 80-percent foreign business requirements of this subparagraph if and only if the weighted average of—

“(aa) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in subparagraph (B) of section 861(c)(1) (as in effect before the date of the enactment of this subsection)) for the portion of the testing period that includes taxable years beginning before January 1, 2011, and

“(bb) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in clause (ii) of this subparagraph) for the portion of the testing period, if any, that includes taxable years beginning on or after January 1, 2011, is at least 80 percent, and

“(II) the active foreign business percentage for such taxable year shall equal the weighted average percentage determined under subclause (I).

“(2) ACTIVE FOREIGN BUSINESS PERCENTAGE.—Except as provided in paragraph (1)(B)(iv), the term ‘active foreign business percentage’ means, with respect to any existing 80/20 company, the percentage which—

“(A) the active foreign business income of such company for the testing period, is of

“(B) the gross income of such company for the testing period from all sources.

“(3) AGGREGATION RULES.—For purposes of applying paragraph (1) (other than subparagraphs (A)(i) and (B)(iv) thereof) and paragraph (2)—

“(A) IN GENERAL.—The corporation referred to in paragraph (1)(A) and all of such corporation's subsidiaries shall be treated as one corporation.

“(B) SUBSIDIARIES.—For purposes of subparagraph (A), the term ‘subsidiary’ means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting ‘50 percent’ for ‘80 percent’ each place it appears and without regard to section 1504(b)(3)).

“(4) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).”

(c) CONFORMING AMENDMENTS.—

(1) Section 861 of the Internal Revenue Code of 1986 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) of such Code is amended to read as follows:

“(9) TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.—In the case of any dividend treated as not from sources within the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes

of this subsection as a United States-owned foreign corporation.”.

(3) Subsection (c) of section 2104 of such Code is amended in the last sentence by striking “or to a debt obligation of a domestic corporation” and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS

SEC. 218. (a) IN GENERAL.—Paragraph (8) of section 6501(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking “In the case of any information” and inserting the following:

“(A) IN GENERAL.—In the case of any information”; and

(2) by adding at the end the following:

“(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 513 of the Hiring Incentives to Restore Employment Act.

ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT

SEC. 219. (a) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are repealed:

(1) Section 3507.

(2) Subsection (g) of section 32.

(3) Paragraph (7) of section 6051(a).

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) of the Internal Revenue Code of 1986 is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 of such Code is amended by striking subsection (i).

(3) The table of sections for chapter 25 of such Code is amended by striking the item relating to section 3507.

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

TITLE III RESCISSIONS

SEC. 301. There is rescinded from accounts under the heading “Department of Agriculture—Rural Development”, \$122,000,000, to be derived from the unobligated balances of funds that were provided for such accounts in prior appropriation Acts (other than Public Law 111–5) and that were designated by the Congress in such Acts as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 302. Of the funds made available for “Department of Commerce—National Telecommunications and Information Administration—Broadband Technology Opportunities Program” in title II of division A of Public Law 111–5, \$302,000,000 are rescinded.

SEC. 303. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are rescinded from the following accounts in the specified amounts:

“Aircraft Procurement, Army, 2008/2010”, \$21,000,000;

“Procurement of Weapons and Tracked Combat Vehicles, Army, 2008/2010”, \$21,000,000;

“Procurement of Ammunition, Army, 2008/2010”, \$17,000,000;

“Other Procurement, Army, 2008/2010”, \$75,000,000;

“Weapons Procurement, Navy, 2008/2010”, \$26,000,000;

“Other Procurement, Navy, 2008/2010”, \$42,000,000;

“Procurement, Marine Corps, 2008/2010”, \$13,000,000;

“Aircraft Procurement, Air Force, 2008/2010”, \$102,000,000;

“Missile Procurement, Air Force, 2008/2010”, \$28,000,000;

“Procurement of Ammunition, Air Force, 2008/2010”, \$7,000,000;

“Other Procurement, Air Force, 2008/2010”, \$130,000,000;

“Procurement, Defense-Wide, 2008/2010”, \$33,000,000;

“Research, Development, Test and Evaluation, Army, 2009/2010”, \$76,000,000;

“Research, Development, Test and Evaluation, Air Force, 2009/2010”, \$164,000,000;

“Research, Development, Test and Evaluation, Defense-Wide, 2009/2010”, \$137,000,000;

“Operation, Test and Evaluation, Defense, 2009/2010”, \$1,000,000;

“Operation and Maintenance, Army, 2010”, \$154,000,000;

“Operation and Maintenance, Navy, 2010”, \$155,000,000;

“Operation and Maintenance, Marine Corps, 2010”, \$25,000,000;

“Operation and Maintenance, Air Force, 2010”, \$155,000,000;

“Operation and Maintenance, Defense-Wide, 2010”, \$126,000,000;

“Operation and Maintenance, Army Reserve, 2010”, \$12,000,000;

“Operation and Maintenance, Navy Reserve, 2010”, \$6,000,000;

“Operation and Maintenance, Marine Corps Reserve, 2010”, \$1,000,000;

“Operation and Maintenance, Air Force Reserve, 2010”, \$14,000,000;

“Operation and Maintenance, Army National Guard, 2010”, \$28,000,000; and

“Operation and Maintenance, Air National Guard, 2010”, \$27,000,000.

SEC. 304. (a) Of the funds appropriated in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), the following funds are rescinded from the following accounts in the specified amounts:

“Operation and Maintenance, Army, 2009/2010”, \$113,500,000;

“Operation and Maintenance, Navy, 2009/2010”, \$34,000,000;

“Operation and Maintenance, Marine Corps, 2009/2010”, \$7,000,000;

“Operation and Maintenance, Air Force, 2009/2010”, \$61,000,000;

“Operation and Maintenance, Army Reserve, 2009/2010”, \$3,500,000;

“Operation and Maintenance, Navy Reserve, 2009/2010”, \$8,000,000;

“Operation and Maintenance, Marine Corps Reserve, 2009/2010”, \$1,000,000;

“Operation and Maintenance, Air Force Reserve, 2009/2010”, \$2,000,000;

“Operation and Maintenance, Army National Guard, 2009/2010”, \$1,000,000;

“Operation and Maintenance, Air National Guard, 2009/2010”, \$2,500,000; and

“Defense Health Program, 2009/2010”, \$27,000,000.

(b) Of the funds appropriated in the Supplemental Appropriations Act, 2008 (Public Law 110–252), the following funds are rescinded from the following account in the specified amount:

“Procurement, Marine Corps, 2009/2011”, \$122,000,000.

SEC. 305. (a) Of the funds appropriated for “Procurement of Weapons and Tracked Combat Vehicles, Army” in title III of division A of public Law 111–118, \$116,000,000 are rescinded.

(b) Of the funds appropriated for “Other Procurement, Army” in title III of division C of Public Law 110–329, \$87,000,000 are rescinded.

SEC. 306. There are rescinded the following amounts from the specified accounts:

(1) \$20,000,000, to be derived from unobligated balances of funds made available in prior appropriations Acts under the heading “Department of Energy—Nuclear Energy”.

SEC. 307. Of the unobligated balances of funds provided under the heading “Nuclear Regulatory Commission” in prior appropriations Acts, \$18,000,000 is permanently rescinded.

SEC. 308. Of the funds made available for “Department of Energy—Title 17—Innovative Technology Loan Guarantee Program” in title III of division A of Public Law 111–5, \$1,500,000,000 are rescinded.

SEC. 309. There are permanently rescinded from “General Services Administration—Real Property Activities—Federal Building Fund”, \$75,000,000 from Rental of Space and \$25,000,000 from Building Operations, to be derived from unobligated balances that were provided in previous appropriations Acts.

SEC. 310. Of the funds made available for “Bureau of Indian Affairs—Indian Guaranteed Loan Program Account” in title VII of division A of Public Law 111–5, \$6,820,000 are rescinded.

SEC. 311. Of the funds made available for “Environmental Protection Agency—Hazardous Substance Superfund” in title VII of division A of Public Law 111–5, \$2,600,000 are rescinded.

SEC. 312. Of the funds made available for “Environmental Protection Agency—Leaking Underground Storage Tank Trust Fund Program” in title VII of division A of Public Law 111–5, \$9,200,000 are rescinded.

SEC. 313. Of the funds made available for transfer in title VII of division A of Public Law 111–5, “Environmental Protection Agency—Environmental Programs and Management”, \$10,000,000 are rescinded.

SEC. 314. Of the funds made available for “National Park Service—Construction” in chapter 7 of division B of Public Law 108–324, \$4,800,000 are rescinded.

SEC. 315. Of the funds made available for “National Park Service—Construction” in chapter 5 of title II of Public Law 109–234, \$6,400,000 are rescinded.

SEC. 316. Of the funds made available for “Fish and Wildlife Service—Construction” in chapter 6 of title I of division B of Public Law 110–329, \$3,000,000 are rescinded.

SEC. 317. The unobligated balance of funds appropriated in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995 (Public Law 103–333; 108 Stat. 2574) under the heading “Public Health and Social Services Emergency Fund” is rescinded.

SEC. 318. Of the funds appropriated for the Commissioner of Social Security under section 2201(e)(2)(B) in title II of division B of Public Law 111–5, \$47,000,000 are rescinded.

SEC. 319. Of the funds appropriated in part VI of subtitle I of title II of division B of Public

Law 111–5, \$110,000,000 are rescinded, to be derived only from the amount provided under section 1899K(b) of such title.

SEC. 320. Of the funds appropriated for “Department of Education—Education for the Disadvantaged” in division D of Public Law 111–117, \$50,000,000 are rescinded, to be derived only from the amount provided for a comprehensive literacy development and education program under section 1502 of the Elementary and Secondary Education Act of 1965.

SEC. 321. Of the funds appropriated for “Department of Education—Student Aid Administration” in division D of Public Law 111–117, \$82,000,000 are rescinded.

SEC. 322. Of the funds appropriated for “Department of Education—Innovation and Improvement” in division D of Public Law 111–117, \$10,700,000 are rescinded, to be derived only from the amount provided to carry out subpart 8 of part D of title V of the Elementary and Secondary Education Act of 1965.

SEC. 323. Of the unobligated balances available under “Department of Defense, Military Construction, Army” from prior appropriations Acts, \$340,000,000 is rescinded: Provided, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 324. Of the unobligated balances available under “Department of Defense, Military Construction, Navy and Marine Corps” from prior appropriations Acts, \$110,000,000 is rescinded: Provided, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 325. Of the unobligated balances available under “Department of Defense, Military Construction, Air Force” from prior appropriations Acts, \$50,000,000 is rescinded: Provided, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 326. Of the funds made available for the General Operating Expenses account of the Department of Veterans Affairs in section 2201(e)(4)(A)(ii) of division B of Public Law 111–5 (123 Stat. 454; 26 U.S.C. 6428 note), \$6,100,000 are rescinded.

SEC. 327. Of the amount appropriated or otherwise made available by title X of division A of Public Law 111–5, the American Recovery and Reinvestment Act of 2009, under the heading “Departmental Administration, Information Technology Systems” \$5,000,000 is hereby rescinded.

SEC. 328. (a) MILLENNIUM CHALLENGE CORPORATION.—Of the unobligated balances available under the heading “Millennium Challenge Corporation” in title III of division H of Public Law 111–8 and under such heading in prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$50,000,000 are rescinded.

(b) CIVILIAN STABILIZATION INITIATIVE.—

(1) DEPARTMENT OF STATE.—Of the unobligated balances available under the heading “Department of State—Administration of Foreign Affairs—Civilian Stabilization Initiative” in prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$40,000,000 are rescinded.

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Of the unobligated balances available under the heading “United States Agency for International Development—Funds Appropriated to the President—Civilian Stabilization Initiative” in prior Acts making appropriations for the Department of State, foreign operations, and related programs, \$30,000,000 are rescinded.

SEC. 329. There are rescinded the following amounts from the specified accounts:

(1) “Department of Transportation—Federal Aviation Administration—Facilities and Equipment”, \$2,182,544, to be derived from unobligated balances made available under this heading in Public Law 108–324.

(2) “Department of Transportation—Federal Aviation Administration—Facilities and Equipment”, \$5,705,750, to be derived from unobligated balances made available under this heading in Public Law 109–148.

SEC. 330. Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, \$2,200,000,000 are permanently rescinded: Provided, That such rescission shall be distributed among the States in the same proportion as the funds subject to such rescission were apportioned to the States for fiscal year 2009: Provided further, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title: Provided further, That notwithstanding section 1132 of Public Law 110–140, in administering the rescission required under this heading, the Secretary of Transportation shall allow each State to determine the amount of the required rescission to be drawn from the programs to which the rescission applies.

TITLE IV

BUDGETARY PROVISIONS

BUDGETARY PROVISIONS

SEC. 401. The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

MOTION OFFERED BY MR. OBEY

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Obey moves that the House concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 1586.

The SPEAKER pro tempore. Pursuant to House Resolution 1606, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations, the chair and ranking minority member of the Committee on Ways and Means, and the chair and ranking minority member of the Committee on Energy and Commerce.

The gentleman from Wisconsin (Mr. OBEY), the gentleman from California (Mr. LEWIS), the gentleman from Michigan (Mr. LEVIN), the gentleman from Michigan (Mr. CAMP), the gen-

tleman from California (Mr. WAXMAN), and the gentleman from Texas (Mr. BARTON) each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, today we have heard from our friends on the minority side an ample amount of sarcasm and cynicism and partisan hyperbole mixed in with fiscal fiction. I hope we can cut through that today.

Today, we can either sit frozen in the ice of our own indifference, as Franklin Roosevelt once said, or we can take action to help States meet their safety net obligations and to protect our children's education by keeping teachers in the classroom while we continue to claw our way back from the most devastating economic crisis since the Great Depression.

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Last year, in the first job recovery package, we recognized two reasons for providing Federal aid to States and school districts. The first was to reduce the human carnage that occurs when we take kids off health care coverage or let their education suffer because of teacher layoffs. The second was that standing by while States, localities, and school boards cut essential investments in services and impose significant new taxes will cripple the ability of the economy to grow and cause additional job weakness in both private and public sectors.

It is important, Madam Speaker, to remember how we got here. The failed economic policies of the previous 8 years obliterated hard-won budget surpluses inherited from President Clinton. Federal oversight of Wall Street banks was gutted, allowing them to morph into casinos, and drive the economy into catastrophic collapse. That produced monthly losses of 750,000 jobs in each of the last 3 months of the Bush administration.

We now know that the economic crisis was even deeper and more broad than we initially expected. While the economy has improved, the effects of the recession are still not behind us. They are still affecting people's lives and livelihoods.

Three times before today, in December, in May, and in July we tried to take additional actions to ease the problems, and three times we were blocked. Now, today we have this much-reduced bill to provide \$10 billion in funding to save somewhere around 160,000 education jobs and \$16 billion in health assistance to the States.

Our friends in the minority accuse us of including job-killing tax increases to pay for it. That's ridiculous. The bill closes a tax loophole that encourages companies to ship jobs overseas. Not only will that help pay for this package, it will fix a hole in the tax code

that is rewarding companies for sending American jobs elsewhere.

Still others, including the leadership of the minority, call this a special interest bailout. To that I say since when do we regard America's kids as a special interest group?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. I yield myself 2 additional minutes.

You don't get a second chance to educate kids. We should not fool ourselves into thinking that this package will do as much as we ought to be doing to ease the squeeze on the national economy. We will have partially offset with this bill the human wreckage caused by the recession, but we will still have done nothing in this round to address the macro reality that the economy is still incredibly weak. This bill will soften the blow of State budget cutbacks, but those very cutbacks have had a negative and neutralizing effect on the Federal fiscal stimulus in the first place.

This is a far less dramatic action than the Nation needs to recover from the recession. But this aid is long overdue, and the time for arguing is past. The cutbacks in food stamps in the bill are plain wrong. But face it, the minority party in the Senate is using the rules of the Senate to give them the functional equivalent of the majority's ability to determine the agenda of that body, and they have decided to follow a rule or ruin approach to governance, blocking every action they can, and in this case delaying action to the point of complete confusion.

Our Nation's kids are getting ready to go back to school. They need this help now, inadequate though it is. I urge all Members to vote "yes" to give it to them. It's the least we should do.

I reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, I yield myself such time as I may consume.

States across America have as their number one responsibility the education of our young. If the States cannot allocate their own spending in order to carry out that top responsibility, we will never solve the problem with a bailout from Uncle Sam. A multibillion-dollar bailout today will set the stage for nationalized education tomorrow. That will surely push our economy over the cliff of bankruptcy.

Why are we talking with each other here today? We should be meeting with our constituents, holding town hall meetings, and listening to what's on the hearts and minds of our voters. The folks in my district have made their concerns very clear. They're saying, "Jerry, tell those big spending politicians in Washington to stop spending our money." But the Democrat majority is so addicted to spending that they have called Congress back just to vote on yet another multibillion-dollar bailout.

I'm left scratching my head, because in the past few months this Congress has done virtually none of the work that the voters sent us here to do. We haven't passed a budget, we haven't funded defense and homeland security. We made our troops wait months before passing funds to support their fight against international terrorism.

The majority leadership calls the bill before us a major accomplishment. They hope it will please teachers' unions and inspire the Democratic base 2 months before the November election. I believe most voters will see it for what it is, further evidence that this Congress has a spending problem. To the voters, the 111th Congress will go down in history as the bailout Congress. The Congress has already spent \$75 billion in stimulus dollars to help States with education. That was supposed to be a one-time, temporary bailout, approved by the American Reinvestment and Recovery Act.

I am very proud of the fact that three of my four children are teachers. They work very hard to provide quality education in the classroom. They know that schools should be run by parents, teachers, and local communities. The more we approve these bailouts, the more the Federal Government takes over that role.

Madam Speaker, I know that my Democrat colleagues say that this legislation is quote, "fully paid for." On the other hand, the bill spends the entire \$26 billion in just 2 years, while the offsets take place over 10 years. The so-called offsets in this legislation are produced by almost a \$10 billion increase in taxes, \$13.4 billion in reductions in two programs that are popular with Democrat leaders. That is the food stamp program and renewable energy projects. Some Democrat leaders have already pledged to restore funding to these programs. Some of these so-called cuts could be eliminated as soon as November in a lame duck session.

Madam Speaker, beware of a lame duck session called by this Congress. I want to emphasize this again to my colleagues. The voters do not want us to throw more money at our Nation's problems, yet that is exactly what this bill does. It's time, Madam Speaker, to put Uncle Sam on a diet and put an end to the congressional spending spree.

I urge a "no" vote on this legislation, and reserve the balance of my time.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding. I want to thank him for his persistence in pushing this legislation, and finally to have this legislation back from the Senate today so that we can help school districts.

The scandals that were permitted under the Bush administration cost

middle class families trillions of dollars in the loss of their wealth in their pension plans, in their jobs, in the value of their homes. Now the question is whether or not school children in this Nation should be further victims of these financial scandals that were tolerated, and whether or not these school districts that have had the revenues that they rely on to fund the schools that have been ripped away because of the loss of property values, because of the loss of sales tax, because of the loss of income tax, because of the results of those scandals. The answer in this bill is no, that in fact we should help school districts make sure that children can get a first class education, that they don't lose a year of education because of those financial scandals that happened on the watch of the past administration as the banks and Wall Street ran amok.

So we should pass this bill and make sure that those 160,000 teachers can return to the classroom. I would like to ask the gentleman a question.

It's my understanding, Mr. Chairman, under this legislation, that when the governor makes application for these funds, under the bill the Secretary can require the governor to choose one of two formulas, the State allocation formula or the title I formula, and to post that formula so school districts would then be able to know their allocation as soon as possible so they could start to rehire people and start to reduce class sizes or other decisions that school boards hope to make to provide for that education. Is that your understanding that that's permitted under this legislation?

□ 1400

Mr. OBEY. That is the committee's intent.

Mr. GEORGE MILLER of California. So the Governor would put that in the application, declare the formula, and post that, so that school districts would be on the earliest possible notice.

Mr. OBEY. That is our intent.

Mr. GEORGE MILLER of California. Again I want to thank you. You have sent the bill to the Senate, the House sent it last year, and you sent it three times this year. Thank you again for your persistence and your work on this issue.

Mr. LEWIS of California. Madam Speaker, I am proud to yield 2 minutes to the former chairman of the Education Committee, now the senior Republican on the Armed Services Committee, the gentleman from California (Mr. McKEON).

Mr. McKEON. Madam Speaker, I thank the gentleman for yielding.

Today I rise in opposition to this measure, which will increase domestic spending at the expense of national security. Specifically, the Federal Government will spend \$10 billion for this

teacher bailout, paid in part with a \$3.3 billion cut in defense programs. As the ranking member of the House Armed Services Committee, I can assure you that the Department of Defense has need of these funds, including unfunded requirements related to our operations in Iraq and Afghanistan. I say this fully aware of the needs of our educational system as the former chairman and ranking member of Education and Labor.

Those in favor of this bill will say that this money was previously identified by the Department of Defense as unspent and available for higher priorities, but this argument misses two larger points.

First, as yesterday's *Military Times* observed, diverting money from the defense budget to education programs would eliminate any opportunity for the Defense Department or Congress to take unobligated money from one defense program to spend on another defense program.

Second, rescissions to the defense budget this late in the fiscal year are problematic and disruptive to operations. As the Department of Defense Comptroller has told the Armed Services Committee, this rescission will require that Defense restructure or postpone programs, and in some cases the money is no longer available in these accounts.

Finally, I remain concerned that this is the beginning of a slippery slope. The Secretary of Defense has initiated an ongoing effort to generate \$100 billion in savings within the Department of Defense over the next 5 years, the only secretary that has been asked to do this. My ultimate concern is these savings will not be reinvested into America's defense requirements, but will be harvested by congressional Democrats for new domestic spending and entitlement programs.

We see today that this is already happening. Congressional Democrats, with the full support of the White House, are taking critical defense funding to pay for another State bailout.

Madam Speaker, today I rise in opposition to this measure, which will increase domestic spending at the expense of national security. Specifically, the Federal Government will spend \$10 billion for this teacher bailout, paid for in part with a \$3.3 billion cut in defense programs. As the Ranking Member of the House Armed Services Committee, I can assure you that the Department of Defense has need for these funds, including unfunded requirements related to our operations in Iraq and Afghanistan. I say this fully aware of the needs of our educational system, as the former Chairman and Ranking Member of Education and Labor.

Those in favor of this bill will say that this money was previously identified by the Department of Defense as unspent and available for higher priorities. This includes \$683.5 million unspent from last year's economic stimulus package and \$325 million for military con-

struction projects. They will use this argument to convince members that these cuts will not harm the Department and to assure you that this next bailout is fully paid for.

But this argument misses two larger points. First, as yesterday's *Military Times* observed, "... diverting money from the defense budget to education programs would eliminate any opportunity for the Defense Department or Congress to take unobligated money from one defense program to spend on another defense program." For example, in the Fiscal Year 2011 National Defense Authorization Act, we used the unobligated balances for military construction projects to fund other more pressing infrastructure needs, such as barracks and armories, and many of the services' unfunded requirements. Now these funds will no longer be available for these purposes and the services will have outstanding needs go unmet.

Second, rescissions to the DoD budget this late in the fiscal year are problematic and disruptive to operations. As the Department of Defense Comptroller has told the Armed Services Committee, this rescission will require that DoD restructure or postpone programs. I am confident the Department will try to avoid adverse effects on the wars in Iraq and Afghanistan, but when this nation is fighting two wars, Congress should not be pulling the financial rug out from under DoD at the end of the year.

Moreover, while these funds were identified as "unspent" earlier this year, some of these "unspent" dollars have already been diverted to other defense programs. When we cut the original accounts now, it will mean that some of these accounts no longer have enough money in them. Think about your own checking account—at the beginning of the year, you see that you have \$1000 more than your budget says you'll need. So you move \$800 into another account or give it to one of your children. If the government comes and takes \$1000 from you at the end of the year, your remaining account balance may not be sufficient and you find yourself in an overdraft situation. In the case of government agencies it is against the law to overdraft an account. We have been told that the Department of Defense may find itself in violation of the Antideficiency Act in some accounts.

Finally, I remain concerned that this is the beginning of a slippery slope. The Secretary of Defense has initiated an ongoing effort to generate \$100 billion in savings within the Department of Defense over the next five years. Yesterday he announced a series of spending freezes and closures of organizations within his office and combatant commands. Secretary Gates plans on plowing these savings back into force structure and modernization accounts. As elected officials, Members of Congress have a responsibility to ensure U.S. taxpayer dollars are not wasted on inefficient, wasteful or redundant programs. All of us support efforts to identify and curb such programs. Yet, as Members of the House Armed Services Committee, we are also tasked with the unique responsibility of providing for America's national defense and meeting the needs of our military services, which is why we will need to receive more information from the Department of Defense so we fully understand the rationale behind each decision and potential impact of every cut.

My ultimate concern is that these savings will not be reinvested into America's defense requirements, but will be harvested by Congressional Democrats for new domestic spending and entitlement programs. We see today that this is already happening. Congressional Democrats—with the full support of the White House—are taking critical defense funding to pay for another state bailout. What's to stop them from taking this money, too?

At his press conference yesterday Secretary Gates stated, "... my greatest fear is that in economic tough times that people will see the defense budget as the place to solve the Nation's deficit problems, to find money for other parts of the government ... And as I look around the world and see ... more failed and failing states, countries that are investing heavily in their militaries ... as I look at the new kinds of threats emerging from cyber to precision ballistic and cruise missiles and so on—my greatest worry is that we will do to the defense budget what we have done four times before. And that is, slash it in an effort to find some kind of a dividend to put the money someplace else. I think that would be disastrous in the world environment we see today and what we're likely to see in the years to come."

I urge my colleagues to heed the advice of the Secretary in this matter and vote no to a cut in defense spending. Instead of another Federal bailout, let's make sure our men and women in uniform have the resources and equipment they need. Leave this money in the Department of Defense where it belongs.

Mr. OBEY. I reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, I am proud to yield 1 minute to our former chairman of the Agriculture Committee, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman for yielding, and I rise in opposition to this legislation.

H.R. 1586, the State bailout bill, extends many of the same provisions included in the original stimulus bill by increasing taxes and using questionable offsets. It increases taxes on American businesses, America's job creators, by \$9.8 billion over 10 years, and these tax increases will kill jobs, reduce American competitiveness, discourage investment, and prevent economic recovery. This is a permanent tax increase on job creators in exchange for a temporary fix for the States.

A series of international tax changes in the bill could have far-reaching consequences on the competitiveness of worldwide American businesses. The National Association of Manufacturers states that an estimated 22 million people in the United States, more than 19 percent of the private-sector workforce, and 53 percent of all manufacturing employees are employed by companies with operations overseas.

Manufacturers feel strongly that imposing \$9.6 billion tax increases on these companies as proposed in the Senate Amendment to H.R. 1586 will jeopardize the jobs of American

manufacturing employees and stifle our fragile economy.

The new spending in the bill is meant to give states money to deal with their current fiscal problems, rewarding states for years of excessive spending in their budgets. It is not the responsibility of the federal government to bail out the states when they have difficulty balancing their budgets—the federal government should balance its own budget instead.

The bill is not really “fully” paid for because it spends the entire \$26.1 billion in just two years while the “offsets” take place over ten years, relying on future Congresses to abide by the offsets—spending money today that we won’t “pay for” until years from now. Once again, this Congress kicks the can down the road.

This is a very detrimental tax increase. I urge my colleagues to oppose this legislation.

Mr. OBEY. I reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Madam Speaker, this bill ignores a simple truth: Government cannot inject a single dollar into the economy that is not first taken out of the same economy. We see the jobs that are saved or created when the government puts the money back in. What we don’t see directly are the jobs lost or prevented when the government first takes that money out of the economy. Those lost jobs are seen in chronic unemployment rates and a stagnant job market, despite unprecedented government spending.

Nor is this necessary to save teaching jobs. A school board faced with the choice between a couple of good teachers and an overpaid bureaucrat is probably going to keep the teachers and fire the bureaucrat. But this bill says it doesn’t have to make that choice. Indeed, this actually prohibits school boards from doing anything that would reduce their spending below last year’s levels.

Madam Speaker, it is time to invoke the first law of holes: When you are in one, stop digging.

Mr. OBEY. Could I inquire how many speakers the gentleman has?

Mr. LEWIS of California. Madam Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. OBEY. Madam Speaker, I would simply say yes, this bill spends money. Yes, it saves money. It saves more than it spends to the tune of \$1.3 billion, according to CBO.

I yield back the balance of my time. The SPEAKER pro tempore. The Chair is now prepared to recognize members of the Committee on Energy and Commerce.

The gentleman from California (Mr. WAXMAN) and the gentleman from

Texas (Mr. BARTON) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Madam Speaker, I yield myself 1 minute.

I rise in strong support of this bill for education, jobs and Medicaid assistance. This will provide critical relief for the States and local governments. This is a vote for jobs, for education, for health care.

The States and local governments are faced with a decrease in income or taxes as people have lost their jobs, and yet in the Medicaid area there is an increase for services, as some people have lost their insurance. This will help the States avoid the massive cuts in Medicaid eligibility payments and payments to providers.

The Federal Medicaid Assistance Program was adopted in February of 2009. It expires in December. This will extend that temporary FMAP program for an additional 6 months through June 30, 2011, when most State fiscal years end. There would be no change in the current formula for targeting additional fiscal relief at States with high unemployment rates.

I urge support for this legislation.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself 3 minutes.

I am sorry, Madam Speaker, that we have to be here today to spend money that the taxpayers don’t have, that Congress can’t afford, for an economic stimulus program that doesn’t work.

The provision that is in the jurisdiction of the Energy and Commerce Committee is the Federal Medicaid Assistance Program, specifically called FMAP. This is a program to help low-income constituents in a cost-share between the State government and the Federal Government.

Spending on this program over the last 2 fiscal years has gone up almost 50 percent. The stimulus package that was enacted last year increased it an additional 6 percent, I believe, through December of this year. The bill before us would extend that extension until June of next year.

□ 1410

There is no emergency in this program. There is no pending financial catastrophe in Medicaid. There is a long-term unfunded mandate, obviously, but in the short term this is not something that absolutely has to be done.

The \$16 billion that would be spent on this program ostensibly is to be spent for Medicaid, low-income health care assistance, but if you read the fine print, it doesn’t have to. As we all know, Madam Speaker, money is fungible, and under this particular bill, while the nameplate says for Medicaid, the truth is the money can be spent for whatever purpose the State wants to spend it for. I don’t think that’s appropriate.

We on the Republican side were prepared to offer an amendment in the Rules Committee last evening that would have at least said, if you’re going to say the money is for Medicaid, it actually has to be spent for Medicaid. We were told that no amendments would be made in order and that they were put in what’s called a martial law lock-down rule. So we did not offer that amendment, but it is an amendment that should have been offered and should be accepted.

What this bill really is about is, in my opinion, some sort of a panic attack on the Democratic leadership side, that they see the election coming up and they need to get more money to their special constituencies, and this is a bill that would do that. So we’re going to spend \$180 million a day. We’re going to be paying taxes on this money for the next 10 years. This \$180 million a day is only for 6 months. It’s not going to reduce the unemployment rate, which right now is a little under 10 percent. It’s going to be used, purely and simply, for some of those States to have more money that might help constituencies that might help our friends on the majority side of the aisle. As I said earlier, the money that is in the jurisdiction of the committee that I’m on, Energy and Commerce, doesn’t have to be spent for Medicaid.

So I would urge a “no” vote, Madam Speaker.

I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I am pleased to yield such time as he may consume to the chairman of the Health Subcommittee of the Energy and Commerce Committee, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I want to thank my chairman.

I want to differ strongly with the gentleman from Texas, as much as I admire him as our ranking member. I would remind the gentleman that this bill is fully paid for by eliminating tax loopholes that send jobs overseas. The fact of the matter is that many States have already budgeted for these Federal dollars and simply don’t have their own State dollars to make up for it if they lose the Federal dollars.

Traditionally, in the past, this was a bipartisan issue. Republicans supported it. And I would say that many Republican governors, including my own in my State of New Jersey, have asked for this money because they know that if they don’t get it they’re going to have a huge shortfall in their budget. I don’t see this at all as a partisan issue, and I really don’t understand why our ranking member continues to look at it that way.

I think it’s crucial that Congress extend extra help to the States to pay for their citizens who are on Medicaid. The Medicaid rolls have expanded considerably for States because of unemployment. Many people have lost their jobs

and a lot more people are on Medicaid, and States with high unemployment will continue to receive additional percentage points. This legislation simply allows States to avert Medicaid cuts at a time when the economic recession requires a strong safety net.

It's also the most efficient way to help States avoid further layoffs and service cuts that would otherwise slow the economic recovery. It is really bipartisan. Many Republican governors have asked for it, and this is something that in the past has always been done on a bipartisan basis. I urge support.

Mr. BARTON of Texas. I yield 1 minute to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. I thank my colleague from Texas.

Madam Speaker, the Obama stimulus plan was a waste of taxpayer dollars, and I'm proud that the elected officials in the Texas Statehouse had the good sense to keep those funds in reserve. If a Member of this body has a problem with the way the rightfully elected representatives of the people of Texas choose to use their money, then I have some advice for him or her: Go to Austin.

Madam Speaker, the eyes of Texas will be watching her congressional delegation as they cast their votes. You will either be for Texas or against her. You will either stand for our State and national constitutions or ignore them. This is exactly the sort of arrogance, pettiness, and political chicanery that the people of America are tired of. I know that Texans are.

I have great hope that November will bring a much-needed change in direction in Washington.

I urge my colleagues to vote no-no-no against this bill.

Mr. WAXMAN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Madam Speaker, it seems like we have a lot of Texas voices here today, and I want to share mine. I thank my chair of our Energy and Commerce Committee for yielding to me.

I support, obviously, the full passage of the bill, but, Madam Speaker, I rise in support of the students and teachers who will benefit from passage of the Education Jobs and Medicaid Assistance Act.

Madam Speaker, I would like to place in the RECORD two letters from education groups supporting this legislation.

At a time when local and State governments from coast to coast are cutting funding for basic services such as education, public safety, and transportation, this legislation will bring much-needed assistance to keep 161,000 educational professionals working now; 14,500 educational jobs in Texas will be saved.

I want to speak to the important provision my Texas colleagues on this side

of the aisle worked hard to get into this bill. Last year, the governor of Texas took \$3.25 billion in Federal stabilization funds specifically designated for educational purposes and used it to build up the State's rainy day fund, which may sound good, but it was nothing more than the governor taking much-needed resources from the students and educators of Texas.

In order to make sure the governor of Texas does not repeat history and misuse the Federal education funds, my colleagues and I pushed to have language added to the bill that will require the governor provide assurance to the Secretary of Education that the funds allocated to Texas be used to supplement and not supplant State K-12 education funding through fiscal year 2013. The governor and his political allies have stated in recent days that it cannot make such assurances because of its being unconstitutional. Well, our governor obviously is not a constitutional lawyer, so let the record show that the governor had made the same assurance before, including in the State's Fiscal Stabilization Program application last year.

This language is supported by the Texas Association of School Boards as well as Statewide groups representing teachers, principals, and school administrators across the State and ensures that these funds get to the classrooms and will hopefully delay property tax increases.

I urge my colleagues to vote in favor of this important legislation.

TEXAS DEMOCRATIC DELEGATION STATEMENT ON PROTECTION FOR SCHOOLCHILDREN

Last year, we voted for the Economic Recovery Act, which included \$3.25 billion to support local Texas school districts. But instead of using these funds as Congress intended, State Republican Leadership used them to replace state education funding, thereby denying an increase in support for our local school districts.

We want to ensure that any new emergency funds Congress provides for education actually help our Texas schools. We have requested additional protections be incorporated into any Supplemental Appropriations legislation specifically for Texas schoolchildren to ensure local districts actually receive this federal help. These protections will ensure that the \$820 million in new emergency federal funds for education go to preserve teacher jobs throughout the State and meet other local education needs.

These funds would go to local schools as long as the Governor certifies that (1) federal funds are not used merely to replace state education support, and (2) education funding will not be cut proportionally more than any other item in the upcoming Texas General Appropriations Act. This prevents any further shell games with federal education dollars at the expense of local school districts. This approach has been endorsed by Texas statewide education organizations representing teachers, principals, school boards, school administrators, and nearly 40 superintendents.

A solid education is the foundation on which our economy and our democracy rest. Our support for our local school districts re-

flects a twofold understanding: First, local districts know best what the needs of their students, teachers, and administrators are. Second, especially in times of a difficult economy, we need to invest in our schools.

Our language helps ensure local school districts in Texas have the support they need.

Charles A. Gonzalez; Sheila Jackson Lee; Silvestre Reyes; Henry Cuellar; Eddie Bernice Johnson; Ciro D. Rodriguez; Lloyd Doggett; Solomon P. Ortiz; Rubén Hinojosa; Gene Green; Chet Edwards; Al Green.

JUNE 22, 2010.

Hon. ARNE DUNCAN,
Secretary, Department of Education, Washington, DC.

Hon. STENY HOYER,
Majority Leader, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

Hon. DAVID OBEY,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR SECRETARY DUNCAN, SPEAKER PELOSI, MAJORITY LEADER HOYER, AND CHAIRMAN OBEY: Last year, before the education Stabilization funds were provided to Texas, many of us joined together to urge you to ensure that these funds would increase the funding for Texas schools instead of merely replacing state education funding. Unfortunately, as the legislation was written the State was able to reduce its own obligations to fiscally support public education and supplant those funds with \$3.25 billion of federal stabilization monies. As the Administration considers additional emergency education funding to save teachers' jobs, we urge you to prevent history from repeating itself and ensure that any funds Texas receives go to help Texas schools, teachers, and students.

We support the legislative language that Members of the Texas Delegation have proposed that would guarantee these emergency federal education funds are actually spent on education in Texas. As drafted, this Texas fix has no impact on any other state and would ensure that the law is implemented as Congress and the Administration intended: to save and create teacher jobs. Specifically, this language includes four provisions that we would like to see included in any emergency education jobs bill: Limits the additional requirements to states with Texas-sized rainy day funds; requires the emergency education jobs funds be distributed to local education agencies within the state according to the Title I-A formula; prohibits supplanting of state Title I-type funds with these new emergency federal funds for education jobs; and requires maintenance of state primary and secondary education support in FY11, FY12, and FY13 at the current percentage of revenue provided for FY11.

This language does not prohibit cuts to education in Texas's budget, but it does prevent the state from singling out education for more cuts than other budget items due to the influx of funds from the emergency federal monies for education jobs. With Texas facing a serious budget shortfall in the coming biennial budget, the last thing we need to allow is these funds to be diverted to fill non-education gaps in the budget. We hope that you will ensure that Texas school districts do not fall through the legislative cracks this time around.

The Texas superintendents and education organizations listed below are in agreement with this letter and have given permission to add their names in support.

TEXAS SUPERINTENDENTS

TOTAL OF 33 FROM ACROSS THE STATE OF TEXAS

Wanda Bamberg, Aldine ISD;
 Meria Carstarphen, Austin ISD;
 Jamey Harrison, Bridge City ISD;
 Brett Springston, Brownsville ISD;
 Reece Blincoe, Brownwood ISD;
 Jeff Turner, Coppel ISD;
 Scott Elliff, Corpus Christi ISD;
 David Anthony, Cypress-Fairbanks ISD;
 Michael Hinojosa, Dallas ISD;
 Leland Williams, Dickinson ISD;
 Bob Wells, Edna ISD;
 Lorenzo Garcia, El Paso ISD;
 Melody Johnson, Fort Worth ISD;
 Paul Clore, Gregory-Portland ISD;
 Jeremy Lyon, Hays CISD;
 Terry Grier, Houston ISD.
 A. Marcus Nelson, Laredo ISD;
 Michelle Carroll Smith, Lytle ISD;
 James Ponce, McAllen ISD;
 Richard A. Middleton, North East ISD;
 John M. Folks, Northside ISD;
 Sharron L. Doughty, Port Aransas ISD;
 Alfonso Obregon, Robstown ISD;
 Robert J. Durón, San Antonio ISD;
 Mike Quatrini, San Elizario ISD;
 Patty Shafer, San Marcos CISD;
 Greg Gibson, Schertz-Cibolo-Universal City ISD;
 Rock McNulty, Smithville ISD;
 Lloyd Verstuyft, Southwest ISD;
 Robert Santos, United ISD;
 Richard Rivera, Weslaco ISD;
 H. John Fuller, Wylie ISD;
 Michael Zolkoski, Ysleta ISD.

TEXAS EDUCATION ORGANIZATIONS

TEACHERS, PRINCIPALS, SCHOOL BOARDS, AND ADMINISTRATORS

Sandi Borden, Executive Director, Texas Elementary Principals and Supervisors Association;
 Linda Bridges, President, Texas AFT;
 James B. Crow, Executive Director, Texas Association of School Boards;
 Rita Haecker, President, Texas State Teachers Association;
 Doug Rogers, Executive Director, Association for Texas Professional Educators;
 Johnny L. Veselka, Executive Director, Texas Association of School Administrators;
 Brad Willingham, President, Texas Classroom Classroom Teachers Association.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to a member of the committee from the great Hoosier State of Indiana (Mr. BUYER).

Mr. BUYER. I am leaving this body here in the next 6 months. Now, one side is saying this is all about protecting jobs, about protecting teachers, firefighters, police officers. That's great spin. I'm going home. This is about protecting the ignominious conduct and behavior of legislators that didn't do their job and they're too frightened right now, 84 days before an election. They don't want to increase taxes, they don't want to cut spending, and they don't want to monetize the debt.

So what do they do? They turn to the Federal Government and have us monetize the debt, issue bonds, have China do it so they don't have to make tough judgments.

This is the bailout. This is another bailout. Folks, we cannot continue to

do this. We talk about what type of Nation we want to pass on to our children. Let's not do this. I am distressed about it.

When we passed the SCHIP as a body and came together, we said that we would do so and make eligibility at 133 percent of poverty. Then what happened? A lot of these States thought that the good economic times would never end, and so they mushroomed the eligibility.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTON of Texas. I yield the gentleman an additional 30 seconds.

□ 1420

Mr. BUYER. Two States are the worst offenders: New York and New Jersey. Instead of 133 percent, they are at 400 and 350 percent respectively, eligibility to poverty.

Oh, no, no; they don't want to make the tough decisions. Guess what; not only do the State legislators not want to make tough decisions, this Congress also doesn't want to make tough decisions. That is why we are facing almost a \$1.5 trillion annual budget deficit.

America, please, please, wake up, and remember in November.

Mr. WAXMAN. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Madam Speaker, I rise today in strong support of increasing Medicaid funding for States that is contained in this legislation. I have been leading the effort on this issue, and I am determined to see it through.

During this economic crisis, our States have suffered, which means our citizens have suffered. States are facing severe budget shortfalls, and without Federal help will have to take extreme action. Who would this hurt? It would hurt our most vulnerable: our children, our elders, our sick, and our frail. People who rely on Medicaid benefits would see them slashed. States would be forced to make cuts where we can least afford it.

Not only does Medicaid funding protect citizens, it also promotes them. The Congressional Budget Office found that increased Medicaid assistance creates jobs and increases demand in the economy.

The recovery is underway, but it is slow. Families in Wisconsin and across the Nation are struggling to make ends meet and find good jobs. We in the House have time and again passed legislation to try to address this through additional Medicaid funding and dedicated dollars for teachers in our schools. Finally, today we have the opportunity to send this bill to the President.

In Wisconsin alone, passing this measure will prevent between 2,000 and 3,000 teachers from being laid off, and it will prevent \$650 million in Medicaid cuts.

I have heard from students, doctors, and State employees who have known for months what Congress was too slow in realizing, these cuts would be catastrophic and we must prevent them.

I want to thank Chairman WAXMAN for his steadfast commitment to creating jobs and supporting American families. I urge my colleagues to join me in supporting this legislation.

Mr. BARTON of Texas. I yield 2 minutes to the distinguished Republican Conference chairman from the great State of Indiana, Mr. MIKE PENCE.

Mr. PENCE. I thank the ranking member for yielding.

The American people are hurting. In the city and on the farm, families are struggling in the midst of the worst recession in 25 years.

Coming home to me especially today, Madam Speaker, because at this very hour more than a thousand Hoosiers are gathered at a job fair in my district. Some 65 companies have come together with a few cherished openings. My duty is here. But to be honest with you, I would rather be there, standing with those courageous Hoosiers who have come out, put on their Sunday best, and are reaching for a better future.

Congress ought to be taking action; but not this, not more of the same. Here we go again. Another jobs bill, another bailout. Washington, DC now after a year and a half of failed economic policies, a stimulus and borrowing and spending and bailouts and takeovers, says we need to do another jobs bill, so let's do another bailout: \$26 billion to States, putting off the hard decisions that States ought to be making, and paying for it with more than \$9 billion in tax increases.

You know, the American people are fed up with more taxes, more bailouts, more wasteful stimulus; yet here we go again. More spending, more bailouts and more taxes won't mean more jobs. Millions of Americans are asking: Where will it all end?

When will this Congress start to come together to make the hard choices to put our fiscal house in order and to preserve and promote the kind of tax policies that will release the trapped, inherent power of the American economy.

It is my hope and my prayer for those families gathered in Muncie at my job fair today that we will not have to wait until after November. But if we do, then we will. And the American people will remember November.

Mr. WAXMAN. Madam Speaker, let the American people know that we are trying to help kids get educated, and make sure that those who are vulnerable get health care; while the Republicans are urging that we continue the tax cuts for people making more than \$300,000 a year. That to me is a distortion of priorities.

I am pleased now to yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I want to take up where the chairman left off. This is \$26 billion that is paid for, and my Republican friends on the other side of the aisle don't want to do that, even though it is paid for. It will bring back teachers and it will bring back first responders. And instead, they want a \$700 billion tax break for the rich that is not paid for. So that doesn't make any sense to me at all.

Madam Speaker, 160,000 education jobs could be lost if we do nothing, including 8,000 in my home State of New York. Congress can't sit by and let these jobs disappear and hurt our children. This assistance is critical to States as they struggle through the recession. This includes a \$10 billion education jobs fund that will save 140,000 teachers. It is not a payoff to the teachers union, it is a payoff to our children and for the future of this country.

This will prevent deep cuts in education, health care, and social services. So, Madam Speaker, we should not play politics with American jobs. I continue to urge support for this bill to ensure that Americans are working and our economy is well onto the road to recovery.

Mr. BARTON of Texas. Madam Speaker, I yield 30 seconds to the starting third baseman on the congressional Republican baseball team, the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, those who advocate for this legislation are forgetting one very, very important thing: we are broke.

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to the distinguished member of the committee from the great Pelican State of Louisiana, Mr. STEVE SCALISE.

Mr. SCALISE. Madam Speaker, I want to thank the gentleman from Texas for yielding.

As American families, as Louisiana families are asking where are the jobs, and they are looking to Congress for those answers, all that they get from this tone-deaf liberal group that is running Congress today is more spending, more taxes, and just continuing with this bailout mentality. Americans are saying enough is enough.

In fact, if we want to get the economy back on track, what we need to do is go back to those principles that have been proven to work every time, and that is to cut taxes for small businesses so that the businesses that are creating jobs can go out and do what they need to do. In fact, businesses today are scared to hire anybody because of the policies coming out of Washington. So you cut taxes and you cut spending. Instead, all we see is more spending, more bailouts, and more tax increases on the backs of businesses that are going to run more jobs out of this country. It is the wrong answer. We should be here focusing on creating jobs, not running more off.

Mr. WAXMAN. I continue to reserve my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 1 minute.

Mr. BARTON of Texas. Madam Speaker, what we have here is a failure to communicate. My friends on the Democratic side are talking about things to help the economy. My friends and myself on the Republican side are pointing out that this is money that we don't have. There is no national emergency. The items that are being funded are items that historically have been funded at the State level with the exception of Medicaid, which is a State-Federal expenditure. And in that the program, the money doesn't absolutely have to be spent for low income health care assistance. If you look at the way the money is actually allocated, one State, the great State of New York, the Empire State, gets over 12.5, 13 percent of the funds. In fact, if you exclude California, New York gets more money than every State west of the Mississippi. As has been pointed out by Mr. BUYER of Indiana, New York has a Medicaid reimbursement rate at 350 percent of poverty, which is pushing about \$80,000 for a family of four.

This is money we don't have being spent on programs that are not in dire emergency at a time when the unemployment rate is 10 percent. Please vote no on this bill.

□ 1430

Mr. WAXMAN. Madam Speaker, this is assistance to the States for Medicaid. No State has 300 percent of poverty for Medicaid. That's just not the way the States run it. We're talking about the poorest of the poor to get Medicaid assistance. There may be additional people who can get it for children under the CHIP program but not under Medicaid. The States can't afford Medicaid, and we're going to help them by directing Federal dollars so that those very poor people can get health care, and this legislation assists the States in paying for teachers and first responders.

What can be more important? It isn't one State versus another. All throughout this country we've got to make sure that we have an educated population and a chance for health care for those who need it who cannot afford it. That's why this bill is important. It will also provide jobs that will otherwise be lost if the States do not receive these funds. Put that into perspective of the Republican call for tax cuts to be continued without paying for them for people that make over \$300,000 a year.

Who deserves our help? Let's help the vulnerable. Let's help the next generation. Let's provide the funds that are in this legislation for health care, for

first responders, for teachers. I urge support for the legislation.

I yield back the balance of my time. The SPEAKER pro tempore. The Chair is now prepared to recognize members from the Committee on Ways and Means.

The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I yield myself 2 minutes.

The minority comes here and talks about wishing to be back at a jobs fair for those who are unemployed and looking for work, having voted against continuing unemployment compensation for those out of work and looking for it. The minority comes here talking about help for small business, having voted against Democratic bills to help small business.

On this bill this is not an increase in taxes on job creation. What it is is closing a tax loophole used by some to escape taxes and thereby encouraging them to ship jobs overseas, purely and simply.

This is a fact: U.S. companies that operate overseas owe taxes when they return that income to the U.S. They get a foreign tax credit for the taxes they paid overseas. What some companies are doing is using those tax credits not against income brought back home but against income obtained elsewhere. This is a tax loophole purely and simply, and closing a tax loophole used by a few is fair taxation policy for everybody else. That's what the people of this country demand: Close tax loopholes that help shift jobs overseas. We're doing just that in this bill, as we have done several other times in the House of Representatives.

Madam Speaker, I and Ways and Means Committee Ranking Member CAMP have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the revenue provisions included in the Senate amendment to the House amendment to the Senate amendment to H.R. 1586, the "Education Jobs and Medicaid Assistance Act of 2010," considered in the House of Representatives today. This technical explanation provides information on the Committee's understanding and legislative intent behind the legislation. It is available on the Joint Committee's website at WWW.JCT.GOV and is listed under document number JCX-46-10.

I reserve the balance of my time.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, last Friday we learned the unemployment rate is still at 9½ percent, and it would be much higher if the official calculations also looked at the fast-growing number of Americans who have become so discouraged that they have given up looking for work. So while Congress should be here trying to find ways to get

Americans back to work, we're here instead to complete action on another extension of stimulus that will also do nothing to reduce the unemployment rate in this country. In fact, this bill and the tax increases in it will hurt job creation.

According to the methodology of Dr. Christina Romer, the President's chief economic adviser, the tax increases in this bill alone will destroy over 140,000 American jobs. In an open letter to Congress this week, the National Association of Manufacturers warned that "imposing \$9.6 billion in tax increases on these companies will jeopardize the jobs of American manufacturing employees and stifle our fragile economy." Similarly, the U.S. Chamber of Commerce warned they would "impose draconian tax increases on American worldwide companies that would hinder job creation, decrease the competitiveness of American businesses, and deter economic growth."

These tax increases are a mistake, and, as I noted during the debate 2 weeks ago, most of these have never been the subject of any committee hearing or markup. It is possible that, upon review, some of these provisions might make sense if packaged with other changes to address the fact that our corporate tax rate is soon to be the highest among all industrialized nations. Our international tax system is deeply flawed, and our tax code is increasingly putting our companies and their employees at a tremendous competitive disadvantage.

But we never got the opportunity to hear from the American employers or to offer any amendments. That's a truly disappointing breakdown of the committee system, which is supposed to ensure that policies are carefully vetted and reviewed before passage.

I also want to mention the phantom tax increases that aren't in this bill but we will soon see. The Speaker has already indicated that she opposes two of the spending offsets included in this bill. One relates to food stamps; the other is a cut in funding for a renewable energy spending program. Together, those items total \$13.4 billion, more than half the total offsets in the bill. So next month when the House considers some other legislation, don't be surprised to see another \$13 billion in higher taxes to prevent those spending cuts.

I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield 2 minutes to the very distinguished gentleman from Texas (Mr. DOGGETT), who has been a champion on the issue of tax loopholes, a member of the Ways and Means Committee.

Mr. DOGGETT. Today we close international tax loopholes and open more educational opportunities.

Last year in Texas, Governor Perry and his cohorts misdirected \$3.2 billion in Federal aid to education simply to

replace State education commitments, leaving our schools not one dime better off than if we had never offered them that Federal aid to education in the first place. Given this very unfortunate history for our schoolchildren and the many unique educational challenges that Texas faces, we have good reason to include in this legislation Texas-specific safeguards to prevent more such shenanigans with a formula that assures that this year Federal education aid will get directly to our local schools. Our approach enjoys the support of school trustees, of superintendents, of principals, of teachers.

We have been listening across Texas to our parents at this time of excitement as so many young people are going back to school, some for the first time, and we are offering those families and those local schools the important support they need for local education, paying for every dime of it, and we are supporting those local education decisions by local school trustees to achieve quality education free of interference from the State. We are demanding accountability from the State of Texas.

For some reason accountability seems like a good concept for everyone except some Republican leaders and some international corporate tax avoiders. I want to be sure that there's a level playing field for taxpayers so that the small business down the street that could face a property tax increase if we don't have adequate support for education, that that business doesn't continue to have to pay a much higher rate than some international corporate tax group that has all the fancy CPAs to avoid paying its fair share.

□ 1440

Mr. CAMP. At this time, I yield 1 minute to the distinguished Member from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Madam Speaker, I think that it is important for us to realize what is happening here today, and I do oppose the legislation that the majority is bringing forward today.

Today, we are being asked to raise taxes for 10 years in order to pay for Medicaid for 6 months. Now, think about that. Only here in Washington would an action like that seem to make sense or even be thought to be sustainable: 10 years to pay for 6 months.

Now, this is why the people across this Nation oppose this type action, and I think if my friends were home listening instead of here in D.C. spending some more that what they would hear from people is they are sick and tired. They have really gotten their fill of continuing to tax, continuing to spend, robbing Peter to pay Paul, and going through this process of kicking the can down the road but not addressing the problems.

The spending is out of control, the American people are overtaxed, this

government is overspent, and it is time that we demand accountability.

Mr. LEVIN. It is now my true pleasure to yield 1 minute to our very distinguished majority leader, the colleague from the great State of Maryland (Mr. HOYER).

Mr. HOYER. I thank my friend for yielding.

The hour is late and Members have come back, properly so, to address an issue that we addressed months ago. The Senate sent it to us; we were gone. We thought it our responsibility to ask Members to come back because if we hadn't come back, if we didn't pass this bill, what could happen? 160,000 teachers would be at risk of being laid off and probably would be laid off. What would that mean? It would mean larger class sizes for teachers to deal with, children not receiving the kind of education that they need to be competitive in the global marketplace. What might have also happened? Some 160,000 police and fire personnel, emergency response teams, may have had to be laid off.

That's why we came back. That's why we believe this is so important. And how we paid for this, because we do not add a nickel to the national debt, notwithstanding the previous speaker, we paid for this because we believe if we're going to invest in our future, we also are going to pay for it, not ask our grandchildren to pay for it. Now, that's a concept that was jettisoned under Republican leadership but we've reestablished. So we pay for this.

One of the ways we pay for it is to ask people is, look, if you're going to send jobs overseas we're not going to give you a tax break. I know there are some that apparently are not for that, and they're going to vote against this bill, but my view is what we're doing is making sure that our children have the proper education they need, making sure that our communities are safe, and yes, making sure that we try to keep every job in America so that we can continue to make things in America, so people can make it in America. That's what this bill is all about.

The hour is late. I think everyone knows the issue, and I ask my colleagues, vote for this critical piece of legislation. Keep our teachers, our police, our fire personnel on the job. That's why the Senate passed this bill with over 60 percent majority in a bipartisan vote. Let's follow suit. Pass this bill. Make America better.

Let's consider what would happen if Republicans had their way and this bill failed. Some 160,000 teachers' jobs would be eliminated.

Some 160,000 jobs for police officers, firefighters, nurses, and private-sector employees would go, as well—a total of 320,000 lost jobs. And the impact would extend far beyond the laid-off employees.

Our children's educations would be short-changed—bigger class sizes, programs eliminated, and summer school cancelled in communities across our country. In our neighborhoods, we'd find fewer cops patrolling the streets and longer waits before first responders arrive at the scene of an emergency.

More vulnerable Americans—already struggling through the greatest economic crisis of our lifetimes—would go without health care.

And don't think that the economic impact would be limited to the 320,000 laid-off workers alone.

It would mean families struggling to pay the mortgage or their student loans; it would mean local businesses losing customers; it would mean businesses forced into new layoffs of their own as a result.

It would mean, in short, a step closer to a double-dip recession.

I understand that States are obligated to cut spending when times are hard; but the fact that States' revenues are largely tied to sources that dramatically shrink in bad times, such as property and sales taxes, creates a vicious cycle that helps prolong recessions.

When States cut spending, the results include layoffs, less consumer demand, and a struggling private sector—making hard times hard for longer. And if Republicans had succeeded in blocking the Recovery Act and other measures to help pull our economy out of recession, State budgets would be even worse off today.

Preventing another vicious cycle of budget cuts and layoffs is exactly why it is both right and smart for the Federal Government to step in and lend a hand today.

This bill will do so—and it will prevent the dangerous chain-reaction of layoffs and drastically cut services for families that I've described. And this bill will do so in a fiscally responsible way: it includes savings for all of the dollars it spends, which means that it adds nothing to the deficit.

In fact, much of this bill's savings can help keep jobs in America: by passing this bill, we can end the tax loopholes for corporations that send American jobs overseas. And that's another way this legislation strengthens our economy and our recovery.

I don't understand how Republicans can add this bill to their year-and-a-half record of obstructing our recovery.

I don't understand how anyone, Democrat or Republican, can be against keeping teachers in the classroom, keeping cops on the beat, and keeping firefighters protecting our homes.

But some who oppose this bill cynically call teachers, cops, firefighters, and nurses "special interests."

That's how they will justify their vote against this bill—but with the very same vote, Mr. Speaker, they will vote to protect corporations that exploit the tax code to outsource American jobs.

How first responders are "special interests" and those corporations are not, is beyond me—but I'm eager to hear my Republican friends explain it.

I urge my colleagues to vote for this fiscally responsible bill, which the communities we represent desperately need.

Mr. CAMP. At this time, I yield 2 minutes to a distinguished member of

the Ways and Means Committee, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Madam Speaker, Congress adjourned without doing anything useful over the last year and a half to get this economy turned around. America knows it. Sadly, this bill isn't going to change that fact.

My colleagues know that they've bankrupted the States with ObamaCare, and they know full well this won't be the last time the Federal Government borrows money to bail out the States.

As for the education jobs funding, the money provided in the stimulus, the \$54 billion as a matter of fact, provided in the stimulus was supposed to do the trick, but like the stimulus as a whole it just didn't work, did it?

This \$10 billion is a transparent handout to the teachers union, who not only continue to insist on greater pay but actually got their Democrat buddies to put it in the bill. If States take the money, their hands are actually tied on making any tough budget decision choices, including pay. As a result, the States will be back here again, and very soon, asking for more Federal bailouts, which the current majority will probably be very happy to give to them.

My Democrat colleagues are incredibly generous when it comes to spending OPM—that's other people's money. The only problem is that the other people, each and every taxpayer in our great country, already owe \$130,000 apiece in Federal debt. That's why the American people are fed up.

Finally, any claim that the bill is "paid for" is utterly nonsense. My colleagues on the other side of the aisle know that. This bill before us represents another \$14 billion in sham accounting gimmicks that the majority cannot resist using. Never mind that you've already used the money, the tax revenues, several times to pay for three different spending bills.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CAMP. I yield the gentlewoman an additional 30 seconds.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman from Michigan.

We all know that the \$14 billion in food stamp cuts will never actually really take place. So it is really a sham isn't it, folks? Just like the doc fix and everything else, you will kick the can down the road and far enough, so far, in fact, that it won't have to be counted in today's budget.

Madam Speaker, the bailouts must end. The borrowing must end. The gimmicks must end. If we are ever again to have a competitive country, the relentless tax increases on job creators also must end.

I urge a vote against this.

Mr. LEVIN. I now yield 2 minutes to the gentlelady from Ohio (Ms. KILROY).

Ms. KILROY. I thank the gentleman.

Madam Speaker, across America, summer is coming to an end and parents are thinking about their children's return to school. These parents have big hopes and dreams for their children, and also worries about the future. They want their children to succeed in school. They want them to be able to go to college, to get a good job in a competitive global economy, and they know they need a dedicated teacher in that classroom guiding their children's learning.

But school boards have been making cuts and laying off teachers. Schools in Ohio rely on property tax, and because of Wall Street's reckless gambles with predatory lending and resulting record foreclosures, schools have seen their revenues decline. Schools also rely on State assistance, and Ohio, like many States, have real budget challenges. This bill is essential to keep teachers in the classroom. In Ohio, that means over 5,500 teachers.

It will provide the necessary funding to the States for Medicaid assistance as well, responding to urgent requests from Republican and Democratic Governors. In order to pay for this bill, we are closing tax loopholes that have been abused, that have sent jobs overseas. Not only will this help pay to keep those teachers in the classroom, it will end a job drain and help us to make things here in America.

So why are my colleagues across the aisle so opposed? They don't seem to understand that investing in our Nation's future means investing in our Nation's schools. They call our children special interests. Well, our children don't have big K Street lobbyists like Wall Street does. They need us to stand up for them. But those who have been enjoying those tax loopholes are the special interests with those lobbyists. Perhaps opponents of this bill are listening to them, but that's the wrong way to go. That's the way of the past.

It's time to end business as usual and politics as usual and stand up for America's workers and stand up for America, to keep jobs here, and it's time to stand for America's children and America's teachers and America's schools. It's time to keep our communities safe, to keep firefighters and police on the streets.

□ 1450

Mr. CAMP. I am prepared to reserve or prepared to close if the gentleman has no further speakers.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has the right to close.

Mr. CAMP. I yield myself such time as I may consume.

I have before me letters from the Chamber of Commerce, the National

Association of Manufacturers, the Business Roundtable, as well as PACE, Promote America's Competitive Edge.

The U.S. Chamber of Commerce is the world's largest business federation, representing more than 3 million business organizations of every size. They strongly oppose this legislation because they say it would place "draconian tax increases on American worldwide companies that would hinder job creation, decrease the competitiveness of American businesses, and deter economic growth" and the jobs that come from that.

Likewise, the National Association of Manufacturers, the Nation's largest industrial trade association representing small and large manufacturers in every industrial sector in all 50 States, they also oppose this legislation. "An estimated 22 million workers in the United States, more than 19 percent of the private sector workforce and 53 percent of all manufacturing employees, are employed by companies with operations overseas." They oppose these tax increases because, again, it will "jeopardize the jobs of American manufacturing employees and stifle our fragile economy."

Likewise, the Business Roundtable, which, again, is an association that represents more than 12 million employees, has also sent a letter opposing this legislation because they say that this legislation will, again, only make matters worse, make it more difficult for U.S. companies to compete in the world economy and then actually puts U.S. jobs at stake because of that.

Again, PACE, which represents more than 63 million American jobs that depend on the competitiveness of American employers worldwide, said, "At a time when other countries are taking steps to attract business, this legislation sends exactly the opposite message, with the effect of discouraging business investment and job creation in the United States."

I think it's actually unfortunate that, again, here on the floor I am having to submit these letters here, when actually the appropriate place would be in the Committee on Ways and Means. But, unfortunately, the Committee on Ways and Means has never had a hearing on these provisions, never had a markup on this legislation. We have not had a process that has been open to employers to come forward before the committee and be heard on the record so that we might be able to adjust this or put this in context.

As I said, we need broad-based international tax reform in the U.S. This piecemeal approach doesn't work, hurts our competitiveness.

Again, I think if we could have had a system where there was actually a committee hearing or a markup, that on review you might be able to improve upon this or find a way to actually address the serious issue that pretty soon

our corporate tax rate will be the highest among all the industrialized nations, and we could actually put on the record the deep flaws in our international tax system and the deep flaws in our Tax Code.

Instead, what we are doing today is rushing to the floor again, without transparency, without openness, without hearing—certainly no opportunity for American employers to come forward and be heard on this issue. We are putting them at a tremendous competitive disadvantage at a time when they need to be competing around the world for jobs.

With that, I urge opposition to this legislation.

BUSINESS ROUNDTABLE,
Washington, DC, August 9, 2010.

DEAR MEMBER OF CONGRESS: We write today to express our strong opposition to inclusion of international tax revenue raisers in H.R. 1586, as approved last week by the Senate.

The measure would raise nearly \$10 billion in new taxes on worldwide American companies through fundamental changes in U.S. tax law, despite the fact that U.S. tax rules already put American companies at a competitive disadvantage.

Keeping American companies and workers competitive should be the number one goal of U.S. tax policy, yet changes in the tax systems of our major trading partners now place the United States at a decided tax disadvantage—which runs a high risk of severely undermining U.S. economic growth and job creation.

The United States already has the second highest tax rate among developed countries and an international tax structure that is a relic of an era in which U.S. companies faced little competition from foreign-headquartered corporations as they competed around the world. The current U.S. system is inconsistent with the free flow of trade and investment, and it inhibits use of foreign earnings to invest in the U.S. economy. The provisions included in the House legislation to be considered today will only make matters worse.

We urge the House to remove the counterproductive international tax provisions now included in H.R. 1586, and that any future consideration of U.S. tax policy be done only in the context of comprehensive tax reform designed to improve the competitiveness of U.S. companies in the world economy. U.S. jobs are at stake.

Business Roundtable is an association of chief executive officers of leading U.S. companies with over \$6 trillion in annual revenues and more than 12 million employees. Our members share your goal of restoring the U.S. economy to strong economic growth and job creation.

Sincerely,

LARRY D. BURTON.

NATIONAL ASSOCIATION OF
MANUFACTURERS,

Washington, DC, August 9, 2010.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES: The National Association of Manufacturers (NAM), the Nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges you to oppose the Senate Amendment to H.R. 1586, the Education Jobs and Medicaid Assistance Act.

While the NAM has taken no position on the spending provisions in the legislation, we remain adamantly opposed to using proposed tax increases on American worldwide companies to fund unrelated spending initiatives.

An estimated 22 million people in the United States—more than 19 percent of the private sector workforce and 53 percent of all manufacturing employees—are employed by companies with operations overseas. Manufacturers feel strongly that imposing \$9.6 billion in tax increases on these companies as proposed in the Senate Amendment to H.R. 1586 will jeopardize the jobs of American manufacturing employees and stifle our fragile economy.

Some of the proposed tax increases, which are mischaracterized as closing tax loopholes, actually represent significant changes to pro-growth tax policy supported by Congress and the Administration.

We are disappointed that many of the legislation's proposed tax increases have not been adequately scrutinized during congressional hearings. In many cases, taxpayers have relied on these longstanding tax provisions in structuring their businesses. Changing the rules without fair and adequate hearings will cost in terms of jobs, investment and manufacturers' ability to compete overseas.

Manufacturers believe strongly that changes to our international tax laws should be considered in the broader context of tax reform that makes the United States more competitive—not as "pay fors" for unrelated policy initiatives. Moreover, targeting some international tax law changes in advance of the tax reform debate would make the goal of pro-growth, pro-competitiveness reform that much more difficult, if not impossible, to achieve.

The NAM's Key Vote Advisory Committee has indicated that votes related to the Senate Amendment to H.R. 1586, including procedural votes, may be considered for designation as Key Manufacturing Votes in the 111th Congress.

Thank you for your consideration.

Sincerely,

JAY TIMMONS.

CHAMBER OF COMMERCE,
GOVERNMENT AFFAIRS,
Washington, DC, August 5, 2010.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly opposes H.R. 1586, which would impose draconian tax increases on American worldwide companies that would hinder job creation, decrease the competitiveness of American businesses, and deter economic growth.

This legislation would change longstanding U.S. international tax law, the impact of which has never been given proper consideration in hearings or other bills. For example, by denying the foreign tax credit in certain scenarios involving covered asset acquisitions, this legislation hampers acquisitions by American worldwide companies, threatening their ability to create jobs while simultaneously narrowing the tax base. Stripping away the benefits of this provision would likely impede the competitiveness of American worldwide companies in their bids for foreign targets.

Additionally, limiting the use of \$956 for foreign tax credit planning (i.e., the "hopscotch" rule) harms the ability of companies

to repatriate cash to the United States in a tax efficient manner. Foreign business acquisitions generally result in a series of intermediate foreign holding companies, which block the repatriation of earnings for a variety of reasons such as local statutory earnings deficits or other local restrictions on actual dividends. American worldwide companies have had the ability to overcome such obstacles through the use of §956. This provision was particularly beneficial during the recent economic downturn and ensuing credit crunch when it was necessary for American worldwide companies to repatriate significant funds in order to meet the financial needs of their U.S. businesses. By limiting the use of §956, this amendment would significantly reduce the repatriation of foreign earnings, hurting economic growth and job creation.

The Chamber strongly opposes H.R. 1586 because of the significant changes it makes to U.S. international tax law, which would hurt the competitiveness of American worldwide companies, hinder their ability to create jobs, and harm the U.S. economy. The Chamber may consider votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

PROMOTE AMERICA'S
COMPETITIVE EDGE,
August 6, 2010.

DEAR MEMBER OF CONGRESS: The PACE Coalition—a broad-based organization dedicated to promoting and increasing the more than 63 million American jobs that depend on the international competitiveness of worldwide American companies—opposes inclusion of the proposed international tax increases in H.R. 1586, as amended by the Senate.

The members of PACE, including the undersigned trade associations, advocate that the United States should provide a level playing field for taxation of international operations of U.S. businesses. U.S. tax law already disadvantages worldwide American companies and their employees. U.S. companies face the second highest corporate tax rate among developed countries and an international tax system that impedes the ability of U.S. companies to expand into new markets and reinvest foreign earnings at home. The \$9.6 billion in proposed international tax increases in this bill would further disadvantage U.S. companies—harming their competitiveness and reducing the earnings U.S. companies bring back from their foreign operations, thereby reducing reinvestment in U.S. plant and equipment, funding U.S. research, and expanding U.S. payrolls.

At a time when other countries are taking steps to attract business, this legislation sends exactly the opposite message, with the effect of discouraging business investment and job creation in the United States.

PACE urges policy makers to consider comprehensive tax reform designed to increase the competitiveness of U.S. companies both at home and abroad. Changes to our international tax system that fail to consider the competitive global marketplace will further disadvantage U.S. workers. When worldwide American companies become less competitive in their ability to serve foreign markets, demand for U.S. produced goods and services will decline.

PACE looks forward to working with Member of Congress to modernize our international tax system to improve the competitiveness of the U.S. economy and create jobs

at home. Because H.R. 1586 contains these detrimental international tax increases, we respectfully request that you vote against the bill.

Sincerely,

BUSINESS ROUNDTABLE,
INFORMATION TECHNOLOGY
INDUSTRY COUNCIL,
NATIONAL ASSOCIATION OF
MANUFACTURERS,
NATIONAL FOREIGN TRADE
COUNCIL,
U.S. CHAMBER OF
COMMERCE.

I yield back the balance of my time.
Mr. LEVIN. Madam Speaker, I yield the balance of our time to our distinguished Speaker, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding, and I thank the distinguished chairman of the Ways and Means Committee for bringing this important legislation to the floor, working closely with the distinguished chair of the Appropriations Committee.

This must be about the third time, Mr. Chairman, that we have brought this pay-for to the floor, the provision that repeals that provision of the law which rewards businesses for sending jobs overseas.

This is not a new subject to the Congress. It is not a new subject to the floor, thanks to your leadership.

Madam Speaker, today, we have an opportunity to create jobs. With the press of a button, each of us will play a role in creating over 300,000 jobs, saving over 300,000 jobs across the country.

Their jobs, these people are consumers. It's important to our economy that they are employed, but it goes well beyond that. It's about jobs for teachers. It's about the education of our children. It's about the innovation of our Nation. It's bigger than just a job. It's about the future.

These are jobs of firefighters and police officers, about the safety of our neighborhoods and our communities where our children can thrive. It's about nurses and health care providers, to keep our country strong in terms of the health and well-being of the American people.

It's about the stability of State budgets. Economists have told us that if this legislation were not passed and these jobs are not saved and the budgets of the States were not stabilized, we would go into another deep recession, like the one we inherited from the previous administration; and it would be a much longer path out of that recession.

I thank the distinguished chairman for bringing us to the floor with this legislation. I thank the Members on both sides of the aisle for responding so quickly to the call to return to Washington to save and create jobs for the American people.

The pay-for in this legislation, which repeals the opportunity for businesses to get a tax break for sending jobs

overseas, is part of our make-it-in-America agenda. Make it in America means manufacture it in America. It also enables people to make it in America.

This is about innovation, innovation that's created here with our creativity and the benefit of our education system and our entrepreneurial spirit and the rest; and then it says when we have the idea and we create the innovation that we create the jobs here to produce it, to manufacture it, and not to scale up overseas, invent here and create the jobs overseas. No, invent here, manufacture here, and market to the world.

This is really important legislation also because of the way it is paid for. While I don't support all of the provisions, I am not happy about taking money from our energy sector or from food stamps, but I hope that we can, Mr. Chairman, make that up in another way.

I am very pleased about the funds that are obtained by repealing the provision to send jobs offshore.

This legislation is fiscally responsible and fully paid for. It invests in America's communities, again, by closing that tax loophole that allows corporations to ship jobs overseas. Have I said that enough times?

Those who claim that the legislation will add to the deficit are simply wrong. In fact, according to the non-partisan Congressional Budget Office, this bill reduces the deficit by \$1.4 billion.

Madam Speaker, it's about time that we got this bill passed. We first passed it in the House last year, the end of last year. We passed it again, some features of it, in the spring. Finally, the Senate acted last week. Finally, they were able to get enough votes to pass it with a super majority in the Senate.

The minute we anticipated that that would happen, the word went out and we called to the House to come back to Washington so that not another day would go by without our, again, pressing that button for over 300,000 jobs.

My grandchildren, the ones who are in public school, went back to school yesterday. It's about time, again, that children in other parts of the country may be preparing to go back to school in another week or so or at the beginning of September, and they cannot afford to wait for us to put teachers back into the classroom.

□ 1500

That's why it was urgent that we act. Communities struggling to keep policemen on the beat and firefighters on the job that were on the brink of layoffs, this is good news for them. And tens of thousands of Americans will not be joining the ranks of the unemployed.

So I thank the gentleman again for his leadership, for making this part of what we have been doing for a matter of months so that we were ready when,

finally, thank God, the Senate acted so that we can educate our children, innovate for our country, protect our neighborhoods and our homes, as well as keep the American people healthy, in a fiscally sound way. Again, we are doing so in a way that helps people make it in America.

For that I am grateful to the chairman and to the distinguished Democratic Leader Mr. HOYER, who coined the phrase, but for all of our Members who worked so hard to have America continue to be the shining star, the lead competitor, the innovator, number one.

President Kennedy, when he launched the campaign to send a man to the Moon and back safely many, many decades ago, he said he would do so within 10 years, and he did. But when he did it, he said if we are to honor the vows of our Founders, we must be first, and therefore we intend to be first.

This legislation is yet another piece of legislation that enables America to be first. Thank you, Mr. Chairman, for allowing us that privilege, and to Mr. OBEY as well.

Ms. MOORE of Wisconsin. Madam Speaker, this is a vitally important bill. In my state of Wisconsin alone, it will save the jobs of 2000–3000 teachers. With the school year right around the corner, it is essential that we keep these teachers in our schools—where our children need them. This legislation will also ensure that some of the most vulnerable in our society continue to receive Medicaid while protecting states from drastic cuts to their budgets. Without this Medicaid assistance, states would be forced to lay off more workers, cut more services, and raise taxes more than they would otherwise to balance their budgets.

However, I am outraged by a reduction in Supplementary Nutrition Assistance Program (SNAP) benefits that is used to pay for this measure. Those who receive the meager SNAP benefits are the most poor and the most vulnerable in our society. Currently, 6 million Americans receiving SNAP report that they have no other source of income. In my district, about 20 percent of all people and 38 percent of children are SNAP beneficiaries.

Before this bill was considered, I offered an amendment to the Rules Committee that would have ameliorated the SNAP cut. My amendment would have rescinded \$2.972 billion in unspent Race to the Top funds in order to provide an additional year of more adequate SNAP benefits. Race to the Top funds benefit only a few chosen students and schools while on the other hand saving teacher positions benefits the masses of children who would face larger class sizes and cuts to vital programs such as libraries, computers, and gym classes. This is just one example of a more appropriate offset than cutting SNAP.

While I support the bill on the floor today, I abhor this cut and will work to restore it.

Mr. MARKEY of Massachusetts. Madam Speaker, I am pleased that the House was called back into session to take up and pass this critical jobs measure today. This bill will bolster working-class Americans, ensure that

our teachers are protected from layoffs and reduce the deficit.

However, I am very concerned that the Senate chose to take \$1.5 billion out of the Renewable Energy Loan Guarantee Fund to help pay for this legislation.

Congress already tapped this program once when it took \$2 billion out of this program to extend the very successful “Cash for Clunkers” program that did so much to jumpstart auto sales last year. While the House voted last December to restore that funding, the Senate failed to act. Now, with this bill, Congress will be taking another huge bite out of the program. That’s \$3.5 billion cut out of a \$6 billion program.

Through discussions with the Department of Energy, I understand that this fund will still have enough money to finance renewable energy projects through the first quarter of next year. But the funds that we are borrowing today must be replenished before then.

The \$1.5 billion in loan guarantee funds would pull an additional \$15 billion of private investment off the sideline and put it into the economy at a time when we need that investment the most. It would continue to build on the 190,000 new jobs that this program and others from the Recovery Act have created in the clean energy sector.

American consumers currently send half a billion dollars a day overseas to pay for foreign oil—money that goes to the Middle East, OPEC and countries that wish us harm. Instead, we should invest that money here at home, putting people to work building electric vehicles, wind turbines, solar panels and smart grid technology.

Make no mistake, we are in a global race with China for clean energy manufacturing jobs and technology. The country that leads the world in developing clean energy will lead the world in creating jobs.

China just threw down the gauntlet with a \$738 billion investment in renewable energy over the next ten years. We must respond to that challenge rather than cutting our own investment.

This bill is worthy of our support and I encourage my colleagues to vote “Aye” on the underlying bill. But let’s make sure we work to replenish the renewable energy loan guarantee fund so that our young industry has a shot at winning the clean energy race with China.

Vote “aye.”

Mr. DINGELL. Madam Speaker, I rise today in strong support of the Education Jobs and Medicaid Assistance Act and urge my colleagues to vote in favor of this much needed legislation.

The Education Jobs and Medicaid Assistance Act will provide necessary, temporary relief for the States at a time when officials must make tough budget decisions. Governors across the country face declining revenues at the same time the economic downturn has left more of their citizens looking for help. My colleagues across the aisle will use their best political spin to characterize this legislation as fiscally unsound. They have stated that this is just another bailout for special interest groups. My friends, this couldn’t be further from the truth. I don’t know when our school children became a special interest group. The reality is

many Republicans would rather avoid making tough decisions, cross their fingers and hope just saying “no” helps their election prospects in November.

I am proud that my colleagues and I prefer to provide real leadership and make the tough, necessary choices to put this country back on a sound fiscal track and address the pressing needs of our people. So, while my Republican colleagues spin, let me state the facts. This bill will:

Help to save or create 319,000 jobs, of which 161,000 are teacher jobs and 158,000 are for police officers and firefighters as a result of the Medicaid fund increase;

Provide an estimated \$600 million to my home state of Michigan, saving the jobs of 4,700 teachers in Michigan, and 242 teachers in the 15th District;

Provide \$16 billion for State Medicaid programs. This means an estimated \$380 million in additional Medicaid funding to Michigan to avert drastic cuts in their Medicaid program; and

Further protect jobs here at home, by closing tax loopholes that encourage corporations to ship jobs overseas.

The bill before us is fiscally sound; it is totally paid for and decreases the deficit by \$1.4 billion over 10 years. These facts cannot be disputed.

The threat of teacher and public service layoffs, and medical benefit cuts are not partisan issues. Our dire economic situation facing the States and our people affect both Democrats and Republicans alike.

Again Madam Speaker, I urge my colleagues, including my Republican colleagues—many of whom have decided to gamble with the lives of our children and paychecks of public servants by playing politics with this bill—to support this common sense legislation.

Mr. CONYERS. Madam Speaker, one of the things I have noticed over the past year, as our country has faced some of the greatest economic difficulties imaginable, is that there have been very few easy or inconsequential votes taken on this floor. Our nation’s problems are vast and deep and they have tested this Congress, as we have again and again been forced to rise and meet unforeseen challenges while, at the same time, working to restore the promise inherent in the American dream to our fellow countrymen and women.

Today is no different. The bill we bring to the floor today is a necessary measure. The fiscal fate of our states and over 300,000 jobs weigh in the balance. If we do not act, many of our nation’s children will be left without teachers when they return to school in a few weeks. Worse, inaction could exacerbate an already unfolding crisis in our state and local governments, where budget shortfalls have cost 100,000 public servants their jobs in the past three months.

So, we must act. It is unfortunate that in doing so, we must also cut \$11 billion in benefits from the food stamp program to offset the cost of this necessary state aid. Indeed, this is a bitter pill to swallow.

In real terms, this means that monthly benefits for a family of three will drop by \$47 dollars in April 2014. Now, \$47 dollars may not seem like a lot of money to many in this

chamber, but during this recession this additional funding has served as a lifeline for many of those who have been hit the hardest by this recession. Our food stamp program is already chronically underfunded. At current levels, these benefits are often insufficient to allow a family to purchase enough food to last an entire month.

Madam Speaker, this is why many of our fellow citizens are frustrated with Washington. It is why they think we are out of touch. We offer aid with one hand and take from the neediest with the other. It makes no sense whatsoever. As my friend, the Chairman of the Appropriations Committee, noted the other day: those who need help the most had finally caught a break, only to now have it taken away.

That said, I want to reiterate that this bill, taken as a whole, is a good bill and I will support it. This is the burden of governing; we have a duty to make tough decisions and live with them. While I disagree with the decision to phase out these important benefits in 2014 and pledge to work to ensure that they are reinstated, I respect the work my colleagues on this side of the aisle have put into crafting this necessary jobs package. It is certainly much more admirable and serious than what the other side offers: a resolution calling for Congress to shut down and take a paid two-month vacation.

I may not agree with the choices some of my Democratic colleagues make, but never for a moment do I doubt their commitment to facing down and solving the challenges facing the American people. This debate, frankly, illustrates the choice offered to our fellow citizens this fall: serious, difficult, deliberation and governance or silly and trivial gimmicks aimed at scoring political points. The American people will have to decide.

I encourage my colleagues to support this necessary, job-saving bill.

Mr. HARE. Madam Speaker, I rise in strong support of the Senate amendment to H.R. 1586, the Education Jobs and Medicaid Assistance Act.

Madam Speaker, weeks before students go back to school in Illinois, 20,000 teachers are on the front line of huge layoffs due to deep state budget cuts.

For several months, I joined Chairman MILLER and Chairman OBEY in leading the call to pass emergency education funding to protect quality public schools. And with great pride, I will vote for the Education Jobs Fund before the House today that will keep 350 teachers in my district in the classroom and off the unemployment line.

Madam Speaker, in keeping with our promise to restore fiscal responsibility abandoned by Republicans, the bill is fully paid for primarily by closing tax loopholes for corporations who ship jobs overseas and reduces the deficit by \$1.4 billion over the next decade.

Madam Speaker, teachers out of work threaten our recovery, so I ask all of my colleagues to support passage of the Education Jobs Fund.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in strong support of H.R. 1586, the Education Jobs and Medicaid Assistance Act. It is essential that we get this legislation to the President's desk as soon as possible.

In the wake of the Great Recession, state budgets across the country, faced with historic funding gaps, simply do not have the funds available to respond to the increased demands placed on Medicaid and school budgets. Unless we provide help by passing this bill, they will need to take resources away from other essential services, laying off firefighters and police officers.

H.R. 1586 extends Medicaid assistance for an additional 6 months, and provides Illinois with \$545 million, to ensure that women and children, seniors, and people with disabilities do not lose access to their health care. There has been a bi-partisan call for this funding—sixteen Republican governors have publicly expressed their dire need for this money. For the past several months I have heard from physicians, nurses, hospitals, patients, small clinics, all asking that Congress act to extend Medicaid support. Today their call has been heard.

Local school districts, teachers, and parents have also been in touch regarding the need for financial support during these tough economic times. H.R. 1586 provides \$10 billion in educator support that will save 5,700 teacher, school counselor, and school support service jobs in my state alone. Because of this legislation, teachers will not be greeted with class sizes of 50 students, or worse, a pink slip, on their first day of school. It will help ensure that our children can continue get the education they need to be productive members of their community and be able to compete in the 21st century global economy.

This bill will save and create an estimated 319,000 jobs. That includes teachers, firefighters, police officers, nurses—all critical employees who get a paycheck from the state. It will also save private jobs. The Economic Policy Institute estimates that for every 100 layoffs in the public sector, the private sector sheds 30 jobs. This bill is not a handout provided during tough times—this is smart policy that will stem job loss and get us out of the Great Recession sooner.

Although this legislation is critically needed, I am greatly disappointed that the Senate included as a “pay-for” a provision reducing ARRA-enacted increases in Supplemental Nutrition Assistance Program benefits, or food stamps, beginning in 2014. SNAP provides vital, short-term support to individuals during their greatest time of need, ensuring that there is food on the table for themselves and their children. While we need to pass this bill today, I am committed to working with my colleagues to find the funding to restore SNAP funding before 2014.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in strong support of H.R. 1586, the Education Jobs and Medicaid Assistance Act. I support this legislation because it will save and create 319,000 American jobs—many of them in the education and health sectors.

In less than a month, millions of American students will return to school eager to begin a new year of academic and personal growth. However, the quality of the schools they return to is a matter to be determined. Throughout the country, thousands of teachers have lost, or risk losing, their jobs. This is something our children and our educators can ill afford. As

we work to regain economic ground, this legislation provides a total of \$10 billion in funding for education jobs to sustain thousands of schools educating millions of children. Moreover, this includes \$830.2 billion dollars for primary and secondary schools in the state of Texas.

I am pleased that this legislation includes a provision that requires Governor Perry to certify that these emergency appropriations for public education will be used solely to add new funds for public education and not misused for other purposes. We all recall what happened last year when Governor Perry misused the Economic Recovery Act State Stabilization funds. In that instance, Governor Perry used \$3.2 billion in similar aid last year as a substitute for, not an addition to, state aid to school districts. That was outrageous. It ignored the intent of our legislation, and it denied our children the education that they deserved.

I want to stress that the provision will not create a compliance burden on the state of Texas. Rather, it says only that the state cannot take the federal aid and then use it as an excuse to make disproportionate cuts in state education aid to school districts, relative to other parts of the state budget that might also have to take a hit in the next budget cycle. This required assurance is no more onerous than assurances Governor Perry has given previously to receive billions of dollars in other federal funds. Texas cannot afford to be left out again, and I join my colleague LLOYD DOGGETT and groups of teachers, principals and administrators from across the state of Texas who strongly support this provision.

Madam Speaker, I applaud you for reconvening this week to pass this crucial legislation. We have a bold vision for creating and sustaining an education system that prepares our children to excel. As President Obama said yesterday in Texas, “education is the economic issue of our time.” I could not agree more. Today we have the opportunity to pass legislation that will impact education jobs today and our children's job prospects tomorrow. With schools forced to make difficult personnel decisions before the start of the school year, this legislation is the necessary action at the necessary time. According to updated estimates from the Department of Education, the \$10 billion education funding will save 161,000 teacher jobs.

In addition to education jobs funding, this legislation will also save and create jobs in the health sector. According to an analysis by the Economic Policy Institute, a non-partisan think tank, the Medicaid funds will save and create 158,000 jobs, including preventing the layoff of police officers and firefighters. More than half these jobs will be in the private sector, including workers who contract for or supply services to state and local governments.

Under the Recovery Act, enacted in February 2009, the federal Medicaid matching rate was increased by 6.2 percentage points for all states and by additional percentage points for states with high unemployment. These temporary provisions were enacted in response to the state fiscal crisis—with the increased Medicaid caseloads and decreasing state revenues resulting from the deep recession. However, these provisions are scheduled to expire

on December 31, 2010 with dire consequences for our economy.

As the Center on Budget and Policy Priorities found: "if Congress does not extend the enhanced Medicaid matching funds in last year's Recovery Act, most states will cut public services or raise taxes . . . without more federal aid, state budget-closing actions could cost the national economy 900,000 public- and private-sector jobs."

Due to the deep and enduring recession, states have lost tax revenue for the last two years and revenues are projected to remain at severely-reduced levels throughout fiscal year 2011. As a result, states have been forced to scale back spending and implement large service cuts to balance their budgets. While fiscal austerity is important, budget cuts impact more than a bottom line—the local health and emergency personnel need their jobs to make ends meet for themselves and their families. By extending the Medicare matching funds, we will help state and local governments save money and allow them to stay afloat while the economy improves. At least 34 states will cut jobs and services if this assistance is not enacted. This legislation will have a direct impact on Texas by providing an estimated \$858,000,000 for Medicaid fiscal relief which will, in turn, save and create thousands of jobs.

Madam Speaker, I thank you again for calling us back to session to save America's jobs.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of the Motion to Concur to the Senate Amendment to H.R. 1586, which provides emergency education and Medicaid funding for the States. This \$10 billion in education funding will save thousands of teacher jobs across this country. In my congressional district in Dallas, nearly 700 teacher jobs will be preserved with these emergency dollars.

In particular, I'd like to thank House and Senate Leadership for including within this bill Texas specific language that would prevent the State of Texas from misusing federally directed dollars for educational purposes. When Texas was awarded \$3.25 billion for the State Fiscal Stabilization Fund, this money never made it to the local education agencies. Instead, it was placed in a rainy day fund by the Texas Governor. This was not the intent of these funds, and it has forced Congress to prevent this situation from happening again.

Provisions inserted into this bill would prevent Texas from placing these emergency dollars meant for teachers into any other fund. It would tie funding to Title I schools, so that this money goes to our neediest schools. It would also prevent the State of Texas from making a severe and disproportionate cut to state education funding next year. We did this, so that the Texas Governor could not say to Dallas schools, since you received \$39 million extra from the federal government last year, we're going to cut your funding by the same amount for 2011. If the State of Texas cannot abide by this and rejects the funding, then the Department of Education will provide the money directly to the local education agencies. No matter what this money will go to our schools and students.

The State of Texas has shown it cannot act in good faith when it relates to federal funding

for our schools. These dollars are imperative and will save 14,500 teacher jobs across Texas.

I do have some concerns regarding this legislation and offsets that are made to fund this bill. In particular, I disagree with a funding cut to the Supplemental Nutritional Assistance Program. At a time when we have record enrollment in the SNAP program, a decrease in funding to this program is very disconcerting. We must not target the poorest among us in providing emergency funds for others in need. Despite my concerns I recognize the importance of this funding and support the passage of this legislation.

Mr. LANGEVIN. Madam Speaker, I rise in support of the Education Jobs and Medicaid Assistance Act. This bill will supply much needed fiscal relief to Rhode Island, providing \$33 million in education funding to prevent hundreds of teacher layoffs, as well as \$70 million in Federal Medicaid funding that will help the state close a significant budgetary gap.

While Congress has taken unprecedented actions over the past two years to avert a full economic depression and put our country back on the path of positive economic growth, the recovery has been slow and painful. This is particularly true in Rhode Island, which has the fourth highest unemployment rate in the country at 12 percent. Rhode Islanders are still struggling to find jobs; and we are finally beginning to see glimmers of hope in a still fragile economy. We simply cannot afford to lay off more dedicated workers, create longer unemployment lines and slash social services at a time when people need them the most.

This legislation includes \$10 billion in emergency support to school districts and ensures that states use these funds for the preservation of jobs serving elementary and secondary education. It is anticipated that the \$33 million in funding to Rhode Island will save 500 education jobs. Investing in our children's education not only has long-term benefits to our economy, but it also delivers on our nation's promise to ensure that all individuals have an equal opportunity to succeed.

Also included in this measure is \$16.1 billion in health assistance to states, \$70 million of which will be allocated to Rhode Island. This funding will prove vital to reducing the state's budgetary shortfalls, and will help keep many workers on the job, including our police officers and firefighters. It is expected that more than half these jobs nationally will occur in the private sector, including workers who contract with, or supply services to, state and local governments.

Finally, this bill is completely paid for, with no increase to the federal deficit. According to the Congressional Budget Office, the bill reduces the deficit by \$1.4 billion over 10 years by closing international tax loopholes and cutting back on other federal programs. However, I am disappointed that one of the programs slated for cuts is the Supplemental Nutritional Assistance Program, particularly given the increased need for food assistance as our families continue to recover from the economic downturn.

I urge my colleagues to support this bill and protect the jobs of our teachers, first responders and other employees, in both the public and private sector.

Mr. DICKS. Madam Speaker, the Senate proposes rescissions totaling nearly \$2.2 billion to Department of Defense programs in their amendment to the 2010 Supplemental Appropriation. These rescissions will not harm DoD programs and will not affect the conduct of continuing operations in Afghanistan or Iraq. The Senate bill proposes rescissions in three categories.

First, in section 303, the Senate amendment proposes \$1.6 billion in rescissions based on the Department of Defense accounting reports. These rescissions are a reflection of balances that would likely expire at the end of this fiscal year, or be reprogrammed for other efforts.

Second, in section 304, the Senate amendment proposes \$382.5 million. Of this amount, \$260.5 million is from funding appropriated in the American Reinvestment and Recovery Act for facilities sustainment, restoration and modernization. This funding is available for rescission based on contract savings. This section also rescinds \$122 million of funding from Marine Corps procurement because the Marine Corps has not been able to spend this money.

Third, in section 305, the Senate amendment proposes \$203 million. Of this amount, \$116 million is derived from an Army procurement program, the Non Line of Sight Launch System (NLOS-LS), which the Department of Defense terminated earlier this year. This section also includes \$87 million of funding from Other Procurement, Army due to slower than planned spending rates in Army truck and communications programs.

The Senate amendment would not affect contingency operations in Afghanistan or Iraq. Those funds are provided separately to the Department of Defense, and are given special designation. None of the funds proposed for rescission are those designated for Overseas Contingency Operations.

The DoD budget is sufficient to shoulder part of the burden to provide financial relief recommended in this bill. I urge your support for this bill.

Mr. DAVIS of Illinois. Madam Speaker, I thank you for the opportunity to vote on this important bill that will provide critical aid to states and local governments. The House of Representatives twice has passed bills to provide federal assistance for education and health. I am pleased that we finally are able to deliver this desperately needed federal support to our constituents.

I support this legislation because it will provide essential assistance to Chicago, Illinois, and the nation. The Illinois Association of School Administrators estimates that Illinois will lose more than 20,000 education-related jobs for the upcoming school year. The State of Illinois anticipates receiving approximately \$415 million to keep 5,700 teachers in the classroom. My congressional district is expected to receive approximately \$36 million to keep 508 educators teaching my young constituents. This \$415 million will provide a lifeline to local school districts with straining budgets to preserve some of these jobs, improving children's learning and the economic well-being of my state and the nation.

In addition to this vital education funding, this bill will provide \$550 million to help cover 300,000 Illinoisans on Medicaid—preserving

services, allowing timely payments to providers, and creating thousands of jobs. These are not theoretical numbers; to people in Chicago and Illinois, they are very real people who benefit. The beneficiaries are mothers, fathers, young adults, senior citizens, and children in Illinois. The beneficiaries are the teachers, firefighters, and police officers who will continue to work as educators and protectors of our communities. The beneficiaries are small businesses in the private sector who contract with state and local governments to provide health-related work.

Given the desperate need for this funding in my district and state, I cast my vote in support for this federal aid to preserve education jobs and health services for low-income persons. This said, I wish to voice my disappointment that one of the offsets for this bill sent to us by the Senate is a reduction in funding for poor families in need of federal aid to purchase food. Children and families who receive food assistance are some of our most vulnerable citizens. In 2009, 1.46 million Illinoisans in 677,000 households received food stamps with an average per month of about \$136 for a total benefit value issued of \$2.3 billion. There are many poor families in Chicago and Illinois who need the full amount of the food benefits. Even if the impact is a few years away, I am disappointed that my vote to provide almost \$1 billion of federal assistance to my state occurs by reducing future benefits to the poor. I vow to work actively with my colleagues to replace this funding so that no reduction in food assistance comes to fruition.

Mr. BROUN of Georgia. Madam Speaker, due to a previously scheduled commitment, I was unable to return to Washington, DC, on August 10, 2010, to cast my vote in opposition to rollcall No. 518, the "Education Jobs and Medicaid Assistance Act," incorporated as a Senate Amendment to H.R. 1586.

This bill is nothing more than another state bailout that prevents states from making responsible budgetary decisions while increasing federal deficit spending. It provides \$26.1 billion in temporary state education and Medicaid assistance paid for through a combination of permanent federal tax increases, spending rescissions from the Stimulus Act, and questionable accounting methods from the Food Stamp Program.

As a condition of receiving the federal education funds, states are forbidden from reducing educational expenditures below 2009 levels and must use the funds to pay for teacher salaries. This assistance is similar to the State Fiscal Stabilization Fund created in the first stimulus that has already distributed \$53 billion to states' education budgets and, in many cases, was used for teacher salary raises—not to meet funding gaps. Providing more federal funding to states' education budgets will further delay the states from making sensible reforms to ease their budgetary pressures. Similarly, this bill will extend the federal Medicaid matching rate—also created in the stimulus—until June 2011, creating more state dependency on the federal government.

The American people are witnessing the results of this administration's extraordinary deficit spending, and it is not yielding the promised low unemployment and increased job growth. With the national unemployment rate

still at 9.5 percent and existing historic deficits, it is time for the federal government to rein in its spending and allow the states to take responsibility for their own budgets.

Ms. MCCOLLUM. Madam Speaker, today the House of Representatives is voting on a jobs bill that will keep Americans working. This is a jobs bill that will keep 161,000 teachers in the classroom rather than in the unemployment line. This is a bill that prevents thousands of first-responders who are protecting our communities today from losing their jobs tomorrow. Passing this jobs bill is not a luxury or an act of political patronage as some Republicans claim. This bill is about saving and creating jobs while keeping communities in Minnesota and across the country safe, strong, and sustainable as this economy recovers.

The Speaker of the House, NANCY PELOSI, is to be commended for calling the House back into session during this August recess. The Education Jobs and Medicaid Assistance Act (H.R. 1586) needs to be passed and signed into law as soon as possible. Jobs are at stake. Families are at stake. The education of millions of students is at stake. Speaker PELOSI recognizes the crisis that state and local governments are facing, and she is committed, along with many of us, to making sure teachers stay in the classroom and states receive essential Medicaid assistance, FMAP, as soon as possible.

With states facing a \$140 billion fiscal year 2011 cumulative budget gap, there is a critical need for Washington to provide state fiscal relief that can sustain the economic recovery. The state fiscal crisis is tearing an already fragile safety net, hurting communities, and inflicting hardships on our most vulnerable citizens. Dozens of states, including Minnesota, have been hit hard by a loss of tax revenue as a result of workers losing their jobs and unemployment remaining high. State and local governments have been forced to cut 100,000 jobs in the last 3 months alone as they struggle to balance budgets. We know that police officers, first responders, teachers, and other vital government workers who keep our communities safe, strong, and sustainable are getting laid off when our families need them on the job.

The \$26.1 billion in federal support for teachers and Medicaid provided in this bill is completely paid for by closing foreign tax loopholes exploited by corporations, rescinding funds from outdated programs, and cutting funding for other programs. This bill is not deficit neutral; it actually reduces the deficit by \$1.4 billion over 10 years.

While paying for a bill that is projected to save or create nearly 320,000 jobs is not easy, I cannot hide my disappointment that nearly \$12 billion in offsets were achieved by reducing benefits to food stamp recipients starting in 2014. I hope the reductions in benefits, which are provided by the Supplemental Nutrition Assistance Program, are restored and hungry families are not forced to bear the burden of providing fiscal relief to state governments.

As our economy slowly recovers it remains in a fragile state. Congress has an obligation to act to preserve jobs, sustain the economic recovery, and overcome the perpetual political

game playing of a minority party that is willing to put 161,000 teachers in the unemployment line rather than keep them in the classroom. In Minnesota, this bill will provide \$167 million to prevent 2,800 teachers from being laid off. It will save the State of Minnesota \$346 million under a 6-month extension of the FMAP provision in the Recovery Act, according to the Center on Budget and Policy Priorities. In Minnesota's Fourth Congressional District, which I represent, nearly \$30 million in funding will keep 411 public school teachers in the classroom to the benefit of our children and our community.

It would be my hope that this bill will pass the House with bipartisan support. There is support from Democratic and Republican governors. Some 42 governors, including 16 Republicans, wrote to Congress seeking the Medicaid assistance provided in this bill. Their letter said the most efficient way to help states avoid further layoffs and service cuts that could otherwise slow the recovery is to provide a two-quarter extension of Medicaid aid.

Unfortunately in Congress my Republican colleagues are more concerned about November's election and playing politics than keeping teachers in the classroom. The \$10 billion provided to keep 161,000 teachers working for our children should be a litmus test for voters. This is a vote for jobs and for our children's future. This is a vote that will expose Republicans as either defenders of jobs or as nothing more than a party that cuts taxes for the rich, protects Wall Street executives, and is willing to throw 161,000 public school teachers out on the street while our children suffer.

I am proud to vote for this bill. I am proud to support the men and women who have chosen a career of service as educators in public schools. The benefits of this bill will be felt in every state and every public school in the country and I urge all of my colleagues to vote for H.R. 1586.

Mr. HOLT. Madam Speaker, the bill before us makes critical investments in education which are fully paid for by closing tax loopholes that reward corporations who ship jobs overseas and by finding savings in other programs.

Just this week, the New Jersey School Boards Association released a survey that found that 80 percent of school districts expect to have larger class sizes and fewer teachers when school starts this fall.

Our children do not get a second chance to succeed in school, and our future economic growth depends on a well educated and innovative workforce. We cannot afford to short-change our children or risk laying off our teachers.

The current economic downturn has hit the tax base hard, schools have suffered and many are being forced to cut services. Previously, the American Recovery and Reinvestment Act made several sound investments in public education to keep teachers in the classroom and help school districts avoid painful cuts.

Most, if not all, of this emergency funding has been spent. Further, at this most critical time, Governor Christie made the wrong call in cutting state aid to our local schools. Already he has cut \$1.2 billion from education programs statewide.

The \$10 billion included for the Education Jobs Fund will help keep teachers in the classroom and make sure that class sizes do not balloon next fall. This funding will help keep 161,000 teachers in the classroom and at work, 3,900 in New Jersey and 160 in Central New Jersey.

I am deeply concerned that Governor Christie is considering not applying for the funds our state is slated to receive. If he fails to do so, the legislation allows the U.S. Secretary of Education to make awards to other entities in New Jersey so our students do not suffer.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of the Education Jobs and Medicaid Assistance Act—and the thousands of teachers, nurses, firefighters and police whose jobs it will preserve. Whether you look at this legislation from an economic recovery perspective, or a public safety perspective, or an educational opportunity perspective, it's simply the right thing to do.

The \$16.1 billion in temporary Medicaid assistance to our states through June 30, 2011, will protect Medicaid participants and prevent the massive layoffs of first responders and other key personnel that would otherwise occur. And the bill's \$10 billion education jobs fund will save at least 161,000 teachers' jobs—including an estimated 2,500 positions in my home state of Maryland—so that our children can continue to get the high quality education they deserve.

Madam Speaker, like many Americans, I was disappointed to hear the distinguished Minority Leader Mr. BOEHNER refer to our teachers, nurses, firefighters and police as "special interests." They are not. They are public servants whose efforts we're going to need to educate our children and keep our communities safe. But as disappointing as that comment was, it tells you a lot about the differences between the two parties as we head into a very important election season.

Finally, Madam Speaker, the cost of keeping our teachers in the classroom instead of the unemployment line is fully paid for by closing tax loopholes that encourage big corporations to ship jobs overseas. Most taxpayers would understandably be outraged if they were told that in addition to paying their own taxes, they should also be required to pay taxes U.S. multinationals owe to foreign countries for income those companies earn offshore. But through a process called "credit splitting," that's precisely what happens: U.S. multinationals are able to use foreign tax credits to reduce their U.S. tax liability, but in many cases never pay U.S. tax on the offshore income that generated those credits in the first place. As a result, U.S. taxpayers are effectively subsidizing the companies' foreign tax liability. Adding insult to injury, since this kind of burden-shifting isn't available for income earned inside the United States, our current rules actually encourage U.S. multinationals to invest their marginal dollar overseas.

We can and must do better. Vote "yes" for jobs at home and "no" to shipping jobs overseas.

Mrs. CAPPS. Madam Speaker, I rise in full support of this critical assistance for our teachers and relief for our state budgets.

Passage of this bill will provide over \$1 billion in desperately needed Medicaid funding

for California in order to protect essential health care services for our most vulnerable.

Without this crucial assistance, California's Medicaid program, Medi-Cal, would have to eliminate programs, reduce reimbursements and otherwise inhibit access to health care services at a time when more families than ever are relying on this safety-net program.

In addition, the emergency funding for education will bring \$19.1 million dollars to my district just in time to begin the 2010–2011 school year.

There is no doubt in my mind that the preservation of 268 education jobs in my district alone was worth flying back to Washington to take this important vote.

I urge all of my colleagues to vote in favor of this legislation and hope to see it signed by the President as quickly as possible.

Mr. STARK. Madam Speaker, I rise today in support of the Education Jobs and Medicaid Assistance Act. This bill provides much-needed assistance to our community, by funding jobs in our schools and helping states maintain health coverage for low-income families.

Students are returning to school this fall, and states and localities are facing budget crunches that could lead to layoffs of teachers and first responders. These budget shortfalls also jeopardize health coverage for the millions of American families that depend on Medicaid.

The Education Jobs and Medicaid Assistance Act extends a program in the Recovery Act that support local school districts to prevent teacher layoffs. This bill provides \$10 billion in funding that will create or save over 160,000 teachers nationwide, including 16,500 in California.

The legislation also extends a Recovery Act program that will provide \$16.1 billion for states' Medicaid programs. Medicaid provides health care to low-income Americans, including children and pregnant women. In California, 7.5 million people depend on Medi-Cal, the state Medicaid program. If we don't provide this funding to states, many will be forced to balance their budgets by dropping people off their Medicaid rolls, cutting benefits, or weakening the program by reducing payments to doctors, hospitals, and other providers.

The Education Jobs and Medicaid Assistance Act will create and save over 150,000 jobs—including first responders, nurses, and private sector jobs—because it provides an influx of funds that enables states to balance their budgets.

This legislation does not add to the deficit. It is paid for by reducing government spending and closing tax loopholes for companies that ship American jobs overseas. With today's vote, this bill will go to the President's desk for his quick signature. I urge my colleagues to join me in voting yes.

Mr. ORTIZ. Madam Speaker, I rise in support of the bill before us today, which takes direct action to secure an ample education workforce that continues to prepare our children for the future. Teachers are the core of our educational system, and we must do all we can to ensure that their jobs do not fall victim to our economy, budget cuts or state partisan politics.

As Dean of the Texas Democratic delegation, I would like to thank the Speaker of the

House, Committee Chairmen and their staffs for their support and willingness to work with the Texas delegation to ensure that Texas teachers and students directly benefit from this bill.

Included in the Education Jobs and Medicaid Assistance Act is explicit language requiring the State of Texas, specifically Governor Perry, certify that our emergency federal appropriations for public education will be used solely to add new funds for public education and not diverted for other purposes as was done last year with the Economic Recovery Act State Stabilization monies. We want to ensure that any new emergency funds Congress provides for education goes to enhancing our Texas schools and not the states' rainy day fund.

These funds will be directly distributed to local schools as long as the Governor certifies that (1) federal funds will not be used merely to replace state education support, and (2) education funding will not be cut proportionally more than any other item in the budgets of upcoming years. This prevents any further shell games with federal education dollars at the expense of local schools districts, who desperately need these dollars.

This approach has been endorsed by Texas statewide education organizations representing teachers, principals, school boards, school administrators, and nearly 40 superintendents, including those representing Brownsville ISD, Corpus Christi ISD, Gregory-Portland ISD, Kingsville ISD, Port Aransas ISD, and Robstown ISD.

To further address the claims from my friends across the aisle that this language is unconstitutional, the bill does not mandate any state or Governor to make a binding contract, but simply a good faith assurance that state education dollars will remain a priority in the coming years.

My Texas Democratic delegation colleagues and I have been fighting for this language to be included in the bill to ensure local school districts in Texas have the support they need. This is a good and long awaited bill that will save over 700 jobs in my district.

I strongly urge my colleagues to support it.

Ms. MATSUI. Madam Speaker, I rise today in support of the rule and the underlying legislation.

The Education Jobs and Medicaid Act would relieve strained state budgets, save jobs, protect public health and safety and ensure our nation's youth receive the educations they deserve.

This critical legislation is fully paid for and would help states and local communities in two ways:

First, the bill would provide states with funds to preserve the jobs of teachers, keeping educators in the classroom.

Second, it would extend a temporary increase in the federal Medicaid matching rate, providing desperately needed assistance to already cash strapped states.

These problems are known all too well in California and in my home town of Sacramento where we have been grappling with teacher and police layoffs to balance the budget.

My district's unemployment rate is 12.6 percent and the cutting of any jobs for those who

teach and protect our children will continue to have a devastating impact on our future.

And if we cannot deliver money to FMAP the state will be forced to cut Medi-CAL and other programs, endangering the health of families and jobs in the health care sector.

These cuts would not only put the safety and well-being of our constituents at risk, but would also result in additional job losses, which we clearly cannot afford.

H.R. 1586 would make certain that my constituents and all Americans get the care and services they need.

The American people are feeling the effects of state budget constraints every day and they should not be forced to wait any longer for relief.

I urge my colleagues to support the rule and the underlying legislation.

Ms. LEE of California. Madam Speaker, I rise today to speak in support of the 13,500 teachers in California who will get to keep their jobs this fall as result of the education funding we provide today.

I rise in support of the over \$1.8 billion that will come back to California to help pay for Medicaid assistance for low income people.

Without this crucial funding California would be forced into even more painful budget cuts that would have cascaded down to our local cities and counties—forcing layoffs for police, fire, EMT's and other critical personnel.

While I support this aid to the states to keep people at work—I am disappointed that the other body would choose to pay for this assistance on the backs of poor people who receive food stamps.

We spend trillions in support of two wars—funneling hundreds of billions of dollars into a black hole over at the Pentagon—yet we can't find another way to fund a good education for our kids or help States provide healthcare to the poor?

Have we lost our moral compass?

The Congress continues to throw away our children's inheritance in Afghanistan to pursue the longest war in American history, yet finds it okay to cut food stamps.

That doesn't make any sense! We should not have to choose between forcing people to go hungry and our children's education.

Madam Speaker, I will vote for this bill because the States are desperate for this money—but the other body should have done better.

In addition to these funds we should have been approving money to pay our debt to Black farmers and the Native American community, to fund youth employment programs, and to extend the TANF emergency contingency fund.

As Chair of the Congressional Black Caucus, I can say with certainty that we will not relent and will fight to get these priorities done. We should not have to choose between forcing people to go hungry and our children's education.

[From the New York Times, Aug. 6, 2010]

CONGRESS'S SERIAL HITS ON FOOD STAMPS

With some shabby sleight of hand, Congress has begun tapping into the food stamp program for the hungriest Americans to help pay for lawmakers' higher election-year priorities. The Senate approved two important measures this week—the \$26 billion state-aid

bill and the \$4.5 billion school nutrition program—in part by shaving food stamp funds as a target of least resistance.

There is no denying that both of the programs are badly needed. The state aid package, regrettably compromised as it was, helps protect jobs for teachers and other workers facing layoffs. The school nutrition program provides the first improvements in a generation, including an increase in meal reimbursements and the power to set federal nutrition standards for schools.

But treating food stamps as the fungible means to worthy ends is a cowardly blight on Congress. After the Bush years of guilt-free tax cutting and deficit budgeting, lawmakers are self-righteously embracing pay-as-you-go legislation lest they be demagogued at the ballot box. So they resort to fiscal triage.

Originally, school nutrition was slated to be paid for by cuts in a farm conservation program. But Republicans rated this a high priority for the livestock industry. A deal was struck with Democrats to cut back on the scheduled boost in future food stamp benefits that was part of last year's economic stimulus. Food stamps took a second hit as lawmakers turned to it like an all-purpose A.T.M. to help cover the cost of state aid.

Senator Blanche Lincoln, a Democrat of Arkansas who fought hard to get the school nutrition improvements, told Politico.com that the food stamp increase was doomed in any case: "You saw the teachers grab for it." Her comfort was those dollars would feed children. But this is a pale rationalization that downgrades the hunger of entire families. A companion bill in the House, yet to be paid for, is an opportunity to right this wrong.

In the crunch of the recession, if Congress lacks the guts to meet vital needs with deficit financing, it should have the decency to chisel some less-humane program than food stamps.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1606, the previous question is ordered.

The question is on the motion by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 247, nays 161, not voting 25, as follows:

[Roll No. 518]

YEAS—247

Ackerman	Boyd	Clyburn
Adler (NJ)	Brady (PA)	Cohen
Altmiere	Braley (IA)	Connolly (VA)
Andrews	Brown, Corrine	Conyers
Arcuri	Butterfield	Costa
Baca	Cao	Costello
Baird	Capps	Courtney
Baldwin	Capuano	Critz
Barrow	Cardoza	Crowley
Bean	Carnahan	Cuellar
Becerra	Carney	Cummings
Berkley	Carson (IN)	Dahlkemper
Berman	Castle	Davis (AL)
Bishop (GA)	Castor (FL)	Davis (CA)
Bishop (NY)	Chandler	Davis (IL)
Blumenauer	Childers	Davis (TN)
Bocciari	Chu	DeFazio
Boren	Clarke	Delahunt
Boswell	Clay	DeLauro
Boucher	Cleaver	Deutch

Dicks	Kratovil	Quigley
Dingell	Kucinich	Rahall
Doggett	Langevin	Rangel
Donnelly (IN)	Larsen (WA)	Reyes
Doyle	Larson (CT)	Richardson
Driehaus	Lee (CA)	Rodriguez
Edwards (MD)	Levin	Ross
Edwards (TX)	Lewis (GA)	Rothman (NJ)
Ellison	Lipinski	Roybal-Allard
Ellsworth	Loebach	Ruppersberger
Engel	Lofgren, Zoe	Rush
Eshoo	Lowey	Ryan (OH)
Etheridge	Luján	Salazar
Farr	Lynch	Sánchez, Linda T.
Fattah	Maffei	Sanchez, Loretta
Filner	Maloney	Sarbanes
Foster	Markey (CO)	Schakowsky
Frank (MA)	Markey (MA)	Schauer
Fudge	Marshall	Schiff
Garamendi	Matheson	Schrader
Giffords	Matsui	Schwartz
Gonzalez	McCarthy (NY)	Scott (GA)
Gordon (TN)	McCollum	Scott (VA)
Grayson	McDermott	Serrano
Green, Al	McGovern	Sestak
Green, Gene	McIntyre	Shea-Porter
Grijalva	McMahon	Sherman
Gutierrez	McNerney	Shuler
Hall (NY)	Meeks (NY)	Sires
Halvorson	Melancon	Skelton
Hare	Michaud	Slaughter
Harman	Miller (NC)	Smith (WA)
Hastings (FL)	Miller, George	Space
Heinrich	Minnick	Spratt
Herseth Sandlin	Mitchell	Stark
Higgins	Mollohan	Stupak
Hill	Moore (KS)	Sutton
Himes	Moore (WI)	Teague
Hinchey	Moran (VA)	Thompson (CA)
Hirono	Murphy (CT)	Thompson (MS)
Hodes	Murphy (NY)	Tierney
Holden	Murphy, Patrick	Titus
Holt	Nadler (NY)	Townes
Honda	Napolitano	Tsongas
Hoyer	Neal (MA)	Van Hollen
Inslee	Nye	Velázquez
Israel	Oberstar	Visclosky
Jackson (IL)	Obey	Walz
Jackson Lee	Oliver	Wasserman
(TX)	Ortiz	Schultz
Johnson (GA)	Owens	Waters
Johnson, E. B.	Pallone	Watson
Kagen	Pascrell	Watt
Kanjorski	Pastor (AZ)	Waxman
Kaptur	Payne	Weiner
Kennedy	Pelosi	Welch
Kildee	Perlmutter	Wilson (OH)
Kilpatrick (MI)	Perriello	Woolsey
Kilroy	Peters	Wu
Kind	Peterson	Yarmuth
Kirkpatrick (AZ)	Pingree (ME)	
Kissell	Polis (CO)	
Klein (FL)	Pomeroy	
Kosmas	Price (NC)	

NAYS—161

Aderholt	Cantor	Garrett (NJ)
Akin	Capito	Gerlach
Alexander	Carter	Gohmert
Austria	Cassidy	Goodlatte
Bachmann	Chaffetz	Granger
Bachus	Coble	Graves (GA)
Barrett (SC)	Coffman (CO)	Graves (MO)
Bartlett	Cole	Griffith
Barton (TX)	Conaway	Guthrie
Biggart	Cooper	Hall (TX)
Bilbray	Crenshaw	Harper
Bilirakis	Culberson	Hastings (WA)
Bishop (UT)	Davis (KY)	Heller
Blackburn	Dent	Hensarling
Boehner	Diaz-Balart, M.	Herger
Bonner	Djou	Hoeksstra
Bono Mack	Dreier	Hunter
Boozman	Duncan	Inglis
Brady (TX)	Ehlers	Issa
Bright	Emerson	Jenkins
Brown (SC)	Fallin	Johnson (IL)
Brown-Waite,	Flake	Johnson, Sam
Ginny	Fleming	Jordan (OH)
Burgess	Forbes	King (IA)
Burton (IN)	Fortenberry	King (NY)
Buyer	Foxo	Kingston
Calvert	Franks (AZ)	Kirk
Camp	Frelinghuysen	Kline (MN)
Campbell	Gallegly	Lamborn

Lance	Nunes	Sessions
Latham	Olson	Shadegg
Latta	Paul	Shimkus
Lee (NY)	Paulsen	Shuster
Lewis (CA)	Pence	Simpson
LoBiondo	Petri	Smith (NE)
Lucas	Pitts	Smith (NJ)
Luetkemeyer	Platts	Smith (TX)
Lummis	Poe (TX)	Stearns
Mack	Posey	Sullivan
Manzullo	Price (GA)	Taylor
Marchant	Putnam	Terry
McCarthy (CA)	Rehberg	Thompson (PA)
McCaull	Reichert	Thornberry
McClintock	Roe (TN)	Tiahrt
McCotter	Rogers (AL)	Tiberi
McHenry	Rogers (KY)	Turner
McKeon	Rogers (MI)	Upton
McMorris	Rohrabacher	Walden
Rodgers	Ros-Lehtinen	Westmoreland
Mica	Royce	Whitfield
Miller (FL)	Ryan (WI)	Wilson (SC)
Miller (MI)	Scalise	Wittman
Moran (KS)	Schmidt	Wolf
Murphy, Tim	Schock	
Myrick	Sensenbrenner	

NOT VOTING—25

Berry	Jones	Rooney
Blunt	LaTourette	Roskam
Boustany	Linder	Snyder
Broun (GA)	Lungren, Daniel	Speier
Buchanan	E.	Tanner
DeGette	Meek (FL)	Wamp
Diaz-Balart, L.	Miller, Gary	Young (AK)
Gingrey (GA)	Neugebauer	Young (FL)
Hinojosa	Radanovich	

□ 1526

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1586 and the motion to concur.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DANIEL E. LUNGREN of California (at the request of Mr. BOEHNER) for today on account of medical reasons.

Mr. GINGREY of Georgia (at the request of Mr. BOEHNER) for today on account of emergency dental surgery.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of medical reasons.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 511. An act to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to

terminate associated contractual arrangements with the Village.

H.R. 2097. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

H.R. 3509. An act to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987.

H.R. 4275. An act to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the "John C. Godbold Federal Building".

H.R. 5552. An act to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly and to provide for the assessment by the Secretary of the Treasury of certain criminal restitution.

H.R. 5872. An act to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development.

H.R. 5981. An act to increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single family housing mortgage insurance, and for other purposes.

ADJOURNMENT

Mr. HASTINGS of Florida. Madam Speaker, pursuant to section 2(b) of House Concurrent Resolution 308, 111th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 26 minutes p.m.), the House adjourned until Tuesday, September 14, 2010, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8716. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting a report that the Department intends to impose additional foreign policy-based export controls on certain equipment for the execution of human beings, under the authority of Section 6 of the Export Administration Act of 1979, as amended, and continued by Executive Order 13222 of August 17, 2001, as extended by the Notice of August 15, 2009; to the Committee on Foreign Affairs.

8717. A letter from the Federal Co-Chairman, Delta Regional Authority, transmitting in compliance with the Accountability for Tax Dollars Act of 2002 (ATDA), a copy of the Authority's Audited Financial Statements for FY 2009, pursuant to Public Law 106-554, section 382L. (114 Stat. 2763A-280); to the Committee on Oversight and Government Reform.

8718. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting the final plan for the allocation of the Fiscal Year (FY) 2010 HIDTA discretionary funds; to the Committee on the Judiciary.

8719. A letter from the Attorney-Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Grand Marais Splash-In, West Bay, Lake Superior, Grand Marais, MI [Docket No.: USCG-2010-0470] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8720. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District [Docket No.: USCG-2010-0180] (RIN: 1625-AA08) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8721. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; DEEPWATER HORIZON at Mississippi Canyon 252 Outer Continental Shelf MODU in the Gulf of Mexico [Docket No.: USCG-2010-0448] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8722. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks for the Virginia Lake Festival, Buggs Island Lake, Clarksville, VA [Docket No.: USCG-2010-0478] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8723. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Neptune Deep Water Port, Atlantic Ocean, Boston, MA [Docket No.: USCG-2010-0542] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8724. A letter from the Secretary, Department of Transportation, transmitting the Department's report on the Tribal-State Road Maintenance Agreements, pursuant to Public Law 109-59, section 1119(k); to the Committee on Transportation and Infrastructure.

8725. A letter from the Secretary, Department of Energy, transmitting an annual report concerning operations at the Naval Petroleum Reserves for fiscal year 2009, pursuant to the Naval Petroleum Reserves Production Act of 1976, pursuant to 10 U.S.C. 7431(c); jointly to the Committees on Armed Services and Energy and Commerce.

8726. A letter from the Secretary, Department of Energy, transmitting Report to Congress on Dedicated Ethanol Pipeline Feasibility; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

8727. A letter from the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the 2010 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 111-138); jointly to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. STUPAK (for himself and Mr. KAGEN):

H.R. 6082. A bill to amend the Internal Revenue Code of 1986 to allow an exemption from tax for individuals with gross income of not more than \$50,000; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. DAVIS of Alabama, Mr. PITTS, Mr. LIPINSKI, and Mr. FATTAH):

H.R. 6083. A bill to amend the Stem Cell Therapeutic and Research Act of 2005; to the Committee on Energy and Commerce.

By Mrs. BONO MACK (for herself, Mr. MACK, Ms. ROS-LEHTINEN, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. COHEN, Mr. YARMUTH, Mr. PUTNAM, Mr. PAULSEN, Mr. SCHOCK, Mr. RYAN of Wisconsin, Mr. SMITH of Texas, Mrs. LUMMIS, Mr. DENT, Mr. BURTON of Indiana, Mr. TERRY, Mr. BACHUS, Ms. DEGETTE, Mr. HOLT, Mr. PETRI, Mr. ROYCE, Mr. ROHRBACHER, Mr. KING of Iowa, Mr. CALVERT, Mr. GUTIERREZ, Mr. SERRANO, Mrs. CAPPES, Mr. SHUSTER, Mr. ROE of Tennessee, Mr. BUCHANAN, Mr. ROONEY, Mr. JORDAN of Ohio, Mr. CHAFFETZ, Mr. LUETKEMEYER, Mr. TURNER, Mr. FARR, Mrs. SCHMIDT, Ms. SCHAKOWSKY, Mr. CROWLEY, Mr. ENGEL, and Mr. MCCAUL):

H.R. 6084. A bill to award a Congressional Gold Medal to Greg Mortenson, in recognition of his humanitarian work in Asia and elsewhere; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. POE of Texas, Ms. RICHARDSON, Mr. COHEN, and Mr. GORDON of Tennessee):

H.R. 6085. A bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes; to the Committee on the Judiciary.

By Mr. TOWNS:

H.R. 6086. A bill to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS (for himself, Mrs. LUMMIS, Mr. MORAN of Kansas, Mr. CONAWAY, Mr. ROE of Tennessee, Mr. GRAVES of Missouri, and Mr. KING of Iowa):

H.R. 6087. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides; to the Committee on Agriculture.

By Ms. SHEA-PORTER:

H.R. 6088. A bill to provide for temporary alternative State "on" and "off" indicators under the Federal-State Extended Unemployment Compensation Act of 1970, and for other purposes; to the Committee on Ways and Means.

By Mrs. BACHMANN:

H.R. 6089. A bill to amend the Internal Revenue Code of 1986 to eliminate any time limitation for granting equitable innocent

spouse relief; to the Committee on Ways and Means.

By Ms. JACKSON LEE of Texas (for herself, Mr. PIERLUISI, Mr. PAYNE, Mr. McGOVERN, Mr. RUSH, Mr. RANGEL, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. CARNAHAN, Mr. CONYERS, Mr. GONZALEZ, Ms. LEE of California, Mr. HONDA, Mr. HASTINGS of Florida, and Ms. KAPTUR):

H.R. 6090. A bill to reauthorize and amend part EE of the Omnibus Crime Control and Safe Streets Act of 1968 relating to drug courts; to the Committee on the Judiciary.

By Ms. BERKLEY (for herself, Mr. McDERMOTT, Ms. RICHARDSON, Mr. HARE, Ms. WATSON, Mr. LEWIS of Georgia, Ms. KILPATRICK of Michigan, Mr. KILDEE, Mr. DOYLE, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Mr. FILNER, and Mr. FRANK of Massachusetts):

H.R. 6091. A bill to provide for further additional emergency unemployment compensation; to the Committee on Ways and Means.

By Mr. BISHOP of New York:

H.R. 6092. A bill to amend the Atlantic Striped Bass Conservation Act to allow recreational fishing for Atlantic Striped Bass in the Block Island Sound transit zone; to the Committee on Natural Resources.

By Mr. BRADY of Pennsylvania (for himself and Mr. CAPUANO):

H.R. 6093. A bill to ensure the continuation of certain security activities of the United States Capitol Police; to the Committee on House Administration.

By Mr. CASSIDY:

H.R. 6094. A bill to establish the National Commission on Outer Continental Shelf Oil Spill Prevention; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H.R. 6095. A bill to amend title XVIII of the Social Security Act to preserve integrated care for durable medical equipment under the competitive bidding program for qualified hospital-related DME entities; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EDWARDS of Texas:

H.R. 6096. A bill to rescind certain amounts appropriated to the Bureau of the Census, to reduce the Federal budget deficit, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself and Ms. BERKLEY):

H.R. 6097. A bill to amend the Internal Revenue Code of 1986 to modify timing rules for determining gross income with respect to certain construction contracts; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself and Mr. FRANK of Massachusetts):

H.R. 6098. A bill to amend title 31, United States Code, to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent wrongdoers from

exploiting United States corporations for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations, and for other purposes; to the Committee on Financial Services.

By Mr. NEAL of Massachusetts (for himself, Mr. STARK, Ms. SCHWARTZ, and Mr. BLUMENAUER):

H.R. 6099. A bill to amend the Internal Revenue Code of 1986 to expand personal saving and retirement savings coverage by enabling employees not covered by qualifying retirement plans to save for retirement through automatic IRA arrangements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Ms. HERSETH SANDLIN):

H.R. 6100. A bill to establish a commission to conduct a study and provide recommendations on a comprehensive resolution of impacts caused to certain Indian tribes by the Pick-Sloan Program; to the Committee on Natural Resources.

By Mr. SESTAK:

H.R. 6101. A bill to amend part A of title IV of the Energy Conservation and Production Act to require the Secretary of Energy to determine whether there are systemic impediments to carrying out the weatherization program under that part, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TAYLOR (for himself, Mr. AKIN, and Mr. MARSHALL):

H.R. 6102. A bill to amend the National Defense Authorization Act for Fiscal Year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A-18E, F/A-18F, and EA-18G aircraft; to the Committee on Armed Services.

By Mr. TEAGUE:

H.R. 6103. A bill to amend title 38, United States Code, to require the Secretary of Labor to publish on an Internet website certain information about the number of veterans who are employed by Federal contractors; to the Committee on Veterans' Affairs.

By Mr. TERRY:

H.R. 6104. A bill to amend title 4, United States Code, to authorize members of the Armed Forces not in uniform and veterans to render a military salute during the recitation of the pledge of allegiance; to the Committee on the Judiciary.

By Mr. TONKO (for himself and Mr. ETHERIDGE):

H.R. 6105. A bill to amend the Internal Revenue Code of 1986 to extend the payroll tax relief under the HIRE Act, and for other purposes; to the Committee on Ways and Means.

By Mr. WEINER (for himself and Mr. BILBRAY):

H.R. 6106. A bill to direct the Secretary of Education to establish a clearinghouse of information on best practices for ocean life-guard training programs; to the Committee on Education and Labor.

By Mr. SMITH of Texas (for himself, Mr. FRANKS of Arizona, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. AKIN, Mr. CHAFFETZ, Mr. LAMBORN, Mr. LATTA, Mr. SENSENBRENNER, Mr. PITTS, Mr. JONES, Mrs. BACHMANN, Mr. FLEMING, Mr. GINGREY of Georgia, Mr. BACHUS, Mr. HOEKSTRA, Mr. MARCHANT, and Mr. ADERHOLT):

H. Res. 1607. A resolution disapproving Judge Walker's Proposition 8 Decision on Same-Sex Marriage; to the Committee on the Judiciary.

By Mr. DJOU:

H. Res. 1608. A resolution condemning the detainment of a South Korea fishing ship by North Korea and the continued provocation by the North Korean military; to the Committee on Foreign Affairs.

By Mr. SESTAK (for himself, Mr. DUNCAN, Mrs. MCCARTHY of New York, and Mr. PERRIELLO):

H. Res. 1609. A resolution recognizing the 20th anniversary of the enactment of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 43: Mr. HIMES.
H.R. 147: Mr. SCOTT of Virginia.
H.R. 205: Mr. AUSTRIA.
H.R. 231: Ms. WATSON.
H.R. 272: Mrs. CAPITO.
H.R. 275: Mr. PRICE of Georgia.
H.R. 571: Mr. OBERSTAR, Mr. HARE, Mr. THOMPSON of Pennsylvania, Mr. KUCINICH, Mr. CASSIDY, Mr. SCALISE, Mr. DUNCAN, Mr. STUPAK, and Mr. MELANCON.
H.R. 649: Mr. BILIRAKIS.
H.R. 690: Mrs. KIRKPATRICK of Arizona.
H.R. 795: Mr. COHEN.
H.R. 950: Mr. ROTHMAN of New Jersey and Mr. SIRES.
H.R. 1021: Mr. ALEXANDER.
H.R. 1193: Mr. TONKO.
H.R. 1200: Ms. SCHAKOWSKY.
H.R. 1269: Mrs. BACHMANN and Mr. GINGREY of Georgia.
H.R. 1310: Mr. GARAMENDI.
H.R. 1339: Mr. MELANCON.
H.R. 1361: Ms. MOORE of Wisconsin.
H.R. 1362: Mr. COSTA.
H.R. 1410: Mr. HASTINGS of Florida.
H.R. 1458: Ms. SCHAKOWSKY.
H.R. 1547: Mr. BRALEY of Iowa, Mr. SNYDER, and Mr. HALL of Texas.
H.R. 1549: Ms. JACKSON LEE of Texas, Mrs. NAPOLITANO, and Mr. DAVIS of Illinois.
H.R. 1684: Mr. GARY G. MILLER of California.
H.R. 1806: Mr. GONZALEZ, Ms. CHU, and Mr. GORDON of Tennessee.
H.R. 1826: Mr. GONZALEZ.
H.R. 1829: Mr. COHEN.
H.R. 1844: Mr. BRADY of Pennsylvania and Mr. EDWARDS of Texas.
H.R. 1923: Mr. ALTMIRE.
H.R. 1961: Mr. BACA.
H.R. 2000: Mr. ARCURI, Mr. YARMUTH, Mr. CARDOZA, Mr. NEAL of Massachusetts, Mr. BOUSTANY, Mrs. CAPITO, Mr. SPACE, Mr. WHITFIELD, Mr. SESSIONS, Mr. SHUSTER, and Mr. BILBRAY.
H.R. 2030: Mr. McDERMOTT.
H.R. 2138: Mr. DEFAZIO.
H.R. 2149: Mr. COBLE.
H.R. 2262: Mr. PLATTS.
H.R. 2275: Mr. COHEN and Mr. LIPINSKI.
H.R. 2305: Mr. GARRETT of New Jersey.
H.R. 2378: Mr. KANJORSKI.
H.R. 2381: Mr. HINCHEY.
H.R. 2648: Mr. PRICE of North Carolina.
H.R. 2709: Mr. LEVIN.
H.R. 2853: Mr. KAGEN.
H.R. 2941: Mr. CASTLE, Mr. HODES, and Mr. RAHALL.
H.R. 2999: Ms. SCHAKOWSKY.

H.R. 3006: Mr. SCOTT of Virginia.
H.R. 3047: Ms. CHU.
H.R. 3054: Mr. DEUTCH.
H.R. 3140: Mr. CALVERT.
H.R. 3212: Mrs. MALONEY.
H.R. 3251: Mr. CALVERT.
H.R. 3301: Mr. NEUGEBAUER.
H.R. 3308: Ms. KOSMAS.
H.R. 3365: Mr. KISSELL.
H.R. 3441: Mr. TEAGUE.
H.R. 3464: Mr. WILSON of Ohio, Mr. WALZ, and Mr. WELCH.
H.R. 3488: Ms. RICHARDSON.
H.R. 3666: Mr. CASTLE.
H.R. 3668: Mr. CONYERS.
H.R. 3729: Mr. SESTAK.
H.R. 3752: Mr. BOUCHER.
H.R. 3765: Mr. FORTENBERRY and Mr. CALVERT.
H.R. 3787: Mr. KAGEN.
H.R. 3790: Ms. GRANGER.
H.R. 3928: Mr. PRICE of North Carolina.
H.R. 3974: Mr. FALCOMA, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. LYNCH, and Mr. ELLISON.
H.R. 4037: Ms. ESHOO.
H.R. 4085: Mr. GRIJALVA.
H.R. 4121: Mr. KAGEN, Mr. WALZ, and Mr. MITCHELL.
H.R. 4197: Mr. ROTHMAN of New Jersey, Mr. HOLT, and Mr. PALLONE.
H.R. 4278: Mr. HONDA.
H.R. 4306: Mr. POSEY.
H.R. 4430: Mrs. BACHMANN.
H.R. 4463: Mr. LATTA.
H.R. 4497: Mr. PUTNAM.
H.R. 4602: Mr. AUSTRIA, Mr. DRIEHAUS, Ms. FUDGE, Mr. JORDAN of Ohio, Ms. KAPTUR, Mr. LATOURETTE, Ms. KILROY, Mr. RYAN of Ohio, Mrs. SCHMIDT, Mr. SPACE, Ms. SUTTON, Mr. TIBERI, Mr. TURNER, Mr. WILSON of Ohio, and Mr. KUCINICH.
H.R. 4642: Mr. HINCHEY.
H.R. 4645: Ms. WATERS.
H.R. 4671: Mr. SHIMKUS.
H.R. 4682: Mr. CAPUANO.
H.R. 4753: Mr. SKELTON.
H.R. 4787: Mr. DOYLE.
H.R. 4808: Mr. GUTIERREZ, Mr. BISHOP of New York, Mr. CAPUANO, and Ms. KILPATRICK of Michigan.
H.R. 4846: Ms. LEE of California.
H.R. 4888: Mr. DANIEL E. LUNGREN of California.
H.R. 4925: Ms. HERSETH SANDLIN.
H.R. 4939: Mr. GERLACH.
H.R. 4940: Mr. SKELTON.
H.R. 4941: Mrs. MILLER of Michigan.
H.R. 4986: Ms. BERKLEY and Mr. MCCOTTER.
H.R. 5023: Ms. HERSETH SANDLIN.
H.R. 5032: Mr. COHEN, Mr. MCMAHON, and Mr. NYE.
H.R. 5040: Mr. TOWNS, Ms. MCCOLLUM, and Mr. JACKSON of Illinois.
H.R. 5043: Ms. SCHAKOWSKY.
H.R. 5058: Mr. OLSON.
H.R. 5111: Mr. MCCAUL.
H.R. 5117: Mr. COHEN, Ms. MCCOLLUM, and Ms. GIFFORDS.
H.R. 5162: Mr. DANIEL E. LUNGREN of California, Mr. BLUNT, Mr. McKEON, Mr. DAVIS of Kentucky, and Mr. SALAZAR.
H.R. 5191: Mr. LEWIS of Georgia.
H.R. 5244: Mr. SHULER.
H.R. 5268: Mr. COHEN and Mr. GARAMENDI.
H.R. 5318: Mr. BARRETT of South Carolina.
H.R. 5400: Mr. KAGEN and Mr. MITCHELL.
H.R. 5424: Mr. CALVERT and Mr. GRAVES of Missouri.
H.R. 5428: Mr. COBLE.
H.R. 5434: Ms. CHU and Mr. HIMES.
H.R. 5449: Mr. MURPHY of New York.
H.R. 5462: Mr. KING of New York, Mr. KIRK, Mr. MILLER of North Carolina, Ms. LEE of

California, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, and Mr. McDERMOTT.

H.R. 5477: Ms. WOOLSEY.

H.R. 5504: Mrs. NAPOLITANO, Mr. MOORE of Kansas, Mr. RANGEL, Mr. COHEN, and Ms. RICHARDSON.

H.R. 5527: Mr. BLUMENAUER.

H.R. 5549: Mr. WALZ and Mr. MITCHELL.

H.R. 5597: Mr. DAVIS of Illinois and Ms. JENKINS.

H.R. 5625: Mr. WALZ.

H.R. 5628: Mr. FILNER.

H.R. 5631: Mr. CLEAVER.

H.R. 5643: Ms. NORTON, Mr. HONDA, and Mr. FARR.

H.R. 5678: Mr. COHEN.

H.R. 5718: Mr. BLUMENAUER and Mr. TOWNS.

H.R. 5735: Ms. TITUS.

H.R. 5746: Ms. WASSERMAN SCHULTZ, Mr. BLUMENAUER, Ms. TITUS, Mr. BACA, Mr. WU, Ms. DELAURO, Mr. SESTAK, Mr. McNERNEY, Mr. KILDEE, and Mr. GRIJALVA.

H.R. 5766: Ms. PINGREE of Maine, Ms. HIRONO, Mr. INGLIS, and Mr. HEINRICH.

H.R. 5769: Mr. GORDON of Tennessee.

H.R. 5778: Mr. HARE, Mr. PLATTS, and Mr. KAGEN.

H.R. 5786: Ms. WOOLSEY, Mr. BLUMENAUER, and Ms. CHU.

H.R. 5808: Mr. LYNCH.

H.R. 5829: Mr. FORTENBERRY, Mr. PRICE of North Carolina, and Mr. COHEN.

H.R. 5841: Mr. MARKEY of Massachusetts.

H.R. 5842: Mr. GARY G. MILLER of California and Mr. BROUN of Georgia.

H.R. 5858: Ms. LEE of California and Ms. RICHARDSON.

H.R. 5882: Mr. BURTON of Indiana and Mr. ALEXANDER.

H.R. 5898: Mr. HARE and Mr. SESTAK.

H.R. 5899: Mrs. EMERSON.

H.R. 5924: Mr. BOOZMAN.

H.R. 5928: Mr. KAGEN, Mr. GARAMENDI, and Mr. MITCHELL.

H.R. 5933: Mr. WALZ.

H.R. 5939: Mr. CALVERT, Mr. LATHAM, Mr. CARNEY, and Mr. CHAFFETZ.

H.R. 5950: Mr. LARSON of Connecticut.

H.R. 5967: Mrs. MCCARTHY of New York and Ms. ESHOO.

H.R. 5972: Mr. SENSENBRENNER.

H.R. 5987: Mr. REYES, Ms. KILROY, Mr. HIGGINS, and Mr. BOCCIERI.

H.R. 5993: Ms. TITUS and Mr. GARAMENDI.

H.R. 6006: Mr. STUPAK, Ms. KAPTUR, and Ms. MCCOLLUM.

H.R. 6037: Mrs. BLACKBURN.

H.R. 6043: Mr. HIMES.

H.R. 6046: Mr. TURNER, Mr. HARPER, Mr. THOMPSON of Mississippi, Mr. RYAN of Ohio, Mrs. MILLER of Michigan, Mr. LATOURETTE, Mr. AUSTRIA, Mr. CHILDERS, Mr. TIBERI, Mr. BOCCIERI, and Ms. SUTTON.

H.R. 6072: Mrs. MALONEY.

H.R. 6078: Mr. REYES.

H.R. 6080: Mr. EDWARDS of Texas.

H.R. 6081: Mr. HIMES.

H.J. Res. 41: Mr. CALVERT.

H.J. Res. 42: Mr. COFFMAN of Colorado.

H. Con. Res. 49: Mr. GRAVES of Georgia.

H. Con. Res. 50: Mr. COHEN.

H. Con. Res. 259: Ms. SLAUGHTER.

H. Con. Res. 274: Mr. YOUNG of Florida.

H. Con. Res. 311: Mr. GARAMENDI, Mr. SHULER, Mr. GRAVES of Missouri, Mr. MCMAHON, Mr. THOMPSON of Mississippi, Mr. ISSA, Mr. COBLE, Mrs. DAHLKEMPER, Mr. BACHUS, Mr. SMITH of Texas, Mr. LATHAM, Mr. MELANCON, Mr. TAYLOR, Mr. BOCCIERI, and Mrs. McMORRIS RODGERS.

H. Res. 93: Mr. ORTIZ.

H. Res. 111: Mr. GENE GREEN of Texas and Mr. WATT.

H. Res. 173: Mr. JACKSON of Illinois.

H. Res. 771: Mr. KIND.
H. Res. 899: Mr. LAMBORN and Mr. WALZ.
H. Res. 1226: Mr. BUCHANAN, Mrs. MYRICK, and Mr. DEUTCH.
H. Res. 1264: Mr. BUCHANAN.
H. Res. 1355: Mr. MARKEY of Massachusetts.
H. Res. 1371: Mr. DJOU.
H. Res. 1402: Mr. DICKS.
H. Res. 1431: Mr. QUIGLEY, Ms. GRANGER, Mr. GOHMERT, Mr. FATTAH, Mr. CALVERT, and Mr. BRADY of Texas.
H. Res. 1444: Mr. HOLT and Ms. WASSERMAN SCHULTZ.
H. Res. 1479: Mr. CONNOLLY of Virginia.
H. Res. 1494: Mr. ISRAEL and Mr. ADERHOLT.
H. Res. 1503: Mr. SESTAK.

H. Res. 1518: Mr. GORDON of Tennessee, Mr. FARR, Ms. MOORE of Wisconsin, and Mr. SCHIFF.

H. Res. 1524: Mr. BERMAN, Mr. HINOJOSA, and Mr. GARAMENDI.

H. Res. 1529: Mr. MAFFEI, Mr. HIGGINS, and Mr. CROWLEY.

H. Res. 1551: Ms. BORDALLO.

H. Res. 1582: Mr. STARK, Ms. CASTOR of Florida, Mr. RAHALL, and Mr. SHERMAN.

H. Res. 1595: Mr. McDERMOTT, Mr. BOEHNER, Mr. LANCE, Mr. GARRETT of New Jersey, Mr. ETHERIDGE, Ms. BEAN, Mr. WELCH, and Mr. GUTHRIE.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 12, August 10, 2010, by Mr. HERGER on the bill H.R. 5424, was signed by the following Members: Wally Herger, Charles W. Dent, Sam Johnson, Kevin McCarthy, Jim Gerlach, Steve Buyer, John R. Carter, David P. Roe, Frank A. LoBiondo, Kevin Brady, Bob Goodlatte, Michael T. McCaul, Tom Price, Geoff Davis, Patrick J. Tiberi, Thaddeus G. McCotter, Glenn Thompson, Donald A. Manzullo, Blaine Luetkemeyer, Eric Cantor, Gregg Harper, Judy Biggert, Pete Sessions, Greg Walden, Bill Cassidy, John Boozman, Ted Poe, and Rob Bishop.

EXTENSIONS OF REMARKS

IN RECOGNITION OF THE 65TH ANNIVERSARY OF KOREAN INDEPENDENCE DAY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 65th Anniversary of Korean Independence Day, and to join in the celebration of Gwang bok jeol.

Gwang bok jeol, literally translated as "Restoration of Light Day" commemorates the 1945 liberation of Korea from Japanese rule. This holiday is the most important public holiday in South Korea.

I am privileged to represent the 11th Congressional District of Virginia in the United States House of Representatives. This district is blessed by its diversity; our community is more than 40% minority and one in four residents is foreign born with Korean Americans comprising the largest single ethnic group. This diversity and vibrancy has enriched the entire region and contributed greatly to our robust economy, excellent schools, strong family values and achievement of common goals.

I would like to commend the Korean American Association of the Washington Metropolitan Area, the Korean American Association of Northern Virginia and the Korean American Association of Maryland for their work on behalf of the Korean American community of the Washington, D.C. region. These organizations exemplify community commitment and dedication. They strive to maintain and protect the rich Korean culture while aiding in the transition of newer citizens to ensure full participation in American society.

Madam Speaker, I ask that my colleagues join me in recognizing the 65th Anniversary of Korean Independence day. By joining in the celebration of Gwang bok jeol, we pay tribute the shared histories and mutual respect of our two nations.

IN MEMORY OF KEITH RICHMAN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. GALLEGLY. Madam Speaker, I rise in memory of Keith Richman, a physician and California legislator who died earlier this month at the too-young age of 56.

Keith was a big man with big ideas who repeatedly expressed optimism in our political system.

He moved to California with his family when he was a toddler and made the San Fernando Valley his home. He was an early proponent of having the Valley secede from the City of

Los Angeles. In 2000, the same year he was elected to the Assembly, the Valley electorate voted to secede from Los Angeles and voted Keith as mayor of the new city. However, Los Angeles voters outside of the Valley voted overwhelmingly against the change and the measure was defeated.

As the assemblyman for the 38th District, Keith initially represented parts of the north San Fernando Valley and Santa Clarita, and the cities of Simi Valley and Fillmore, which are also in my congressional district. In 2002, Keith's district was redrawn and Fillmore was removed.

During that term, the California Journal named Keith the legislature's Rookie of the Year. He would serve until term limits forced him out in 2006.

Keith was also one of the first leaders to advocate state pension reform. Although unsuccessful in qualifying a pension reform initiative for the state ballot, he continued his passion for controlling government spending by founding the California Foundation for Fiscal Responsibility after he left office. As part of the drive for reform, the Foundation posted the names of thousands of six-figure pension recipients online.

Keith's other passion was medicine. He followed his father Monroe into the business, had a practice in Sun Valley and founded Glendale-based Lakeside Community HealthCare, Inc.

Tragically, Keith's brain tumor was diagnosed two days after he married Suzan in 2009.

In addition to Suzan, Keith is survived by two daughters, Dina and Rachel; his parents, Esther and Monroe; brothers, Craig and David; and a sister, Marla.

Mr. Speaker, I know my colleagues will join my wife, Janice, and me in offering our condolences to the Richman family, and in remembering a remarkable man whose life of service will live on in all those whose lives he touched.

HONORING REVEREND EVAN AND
CARRIE JOHNSON HICKS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. JOHNSON of Georgia. Madam Speaker, I submit the following:

Whereas, the union of Rev. Evan and Carrie Johnson Hicks in Allendale, South Carolina has blessed us with descendants that have helped to shape our nation; and

Whereas, the Hicks union produced six (6) well respected citizens—four girls and two boys, Eula, Lillie, Josie, Laura, Sammie and Haley—and from these pillars of strength, twenty children were born to make their mark across America; and

Whereas, in our beloved Fourth Congressional District of Georgia, we are honored to have many members of the Hicks family, including Ms. Robin C. Pace, one of our most beloved citizens in our District who resides in Lithonia, Georgia; and

Whereas, family is one of the most honored and cherished institutions in the world, we take pride in knowing that families such as the Hicks family have set aside this time to fellowship with each other, honor one another and to pass along history to each other by meeting at this year's family reunion in DeKalb County, Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Hicks family in our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby proclaim Saturday, July 24, 2010 as Hicks Family Reunion Day in the 4th Congressional District.

Proclaimed, this 24th day of July, 2010.

IN HONOR OF CAROL HARTUNIAN
GIRVETZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. FARR. Madam Speaker, I rise today to honor the life of Carol Hartunian Girvetz of Santa Cruz, California. Carol Hartunian Girvetz passed away on July 4th, 2010. Carol will be remembered always as a loving mother, loyal wife, and dedicated citizen committed to her community.

Carol Hartunian Girvetz was born in Hollywood in 1946 to Armenian immigrant parents. She spent her early years as a young adult studying Art and English at UC Santa Barbara. After college, she began her career as a teacher and quickly changed paths upon taking a job with Pan American as a flight attendant. During this time, she worked on many R&R flights tending to soldiers from the Vietnam War as they traveled to meet their loved ones back at home, and then returning them back to the battlefield.

After her days of traveling with Pan American, Carol returned to California to begin her new life as a wife and mother. Carol and her first husband Jon raised their two children, Evan and Shyla in the small town of Freedom in Santa Cruz County. Her connection with the community was immediate as she became enmeshed in the community's needs. She served on the Women's Commission and along with several women, started the first shelter for female victims of domestic violence. This achievement would be the first of many in her thirty years of service to Santa Cruz County. Carol most recently retired from the position of Assistant County Administrative Officer, where I had worked with her for years.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

During this time, Carol built a close and loving relationship with her second husband George Newell. Carol was known by her colleagues for her strong work ethic, great sense of humor, and devotion to public service. She was an extraordinary person and public employee who will always be remembered and missed by her colleagues.

In addition to her work in public service, Carol was also heavily involved in local fine arts in Santa Cruz. She played a large role in the development of the McPherson Center for Art and History. She also served as a board member for such organizations as United Way of Santa Cruz County and Santa Cruz Museum of Art and History, among others. Her hard work has given the community and future generations the opportunity to be immersed in fine arts. Her life is a testament to how the commitment of public service can leave a lasting impact on a community.

Madam Speaker, I ask members of the House to join me in honoring the life of Carol Hartunian Girvetz, and extend our nation's deepest gratitude to her thirty years of service to her community. Carol is survived by her husband, George Newell, son Evan Girvetz, daughter Shyla Girvetz and their father Jon Girvetz. Carol lived sixty-four years of life filled with the love of her family, passion for public service and the arts, and will be greatly missed.

PERSONAL EXPLANATION

HON. JOHN A. BOCCIERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. BOCCIERI. Madam Speaker, I was not present for the following roll call votes. Had I been present, I would have voted as follows:

On rollcall No. 454, on H. Con. Res. 292, Supporting the goals and ideals of National Aerospace Week, and for other purposes, I would have voted "aye."

On rollcall No. 450, on H. Res. 1219, Expressing support for designation of September as National Child Awareness Month, I would have voted "aye."

On rollcall No. 449, on H. Con. Res. 126, Recognizing the 50th anniversary of Title VI international education programs within the Department of Education, I would have voted "aye."

On rollcall No. 448, on H. Res. 1472, Expressing support for designation of the week of September 13, 2010, as National Adult Education and Family Literacy Week, I would have voted "aye."

On rollcall No. 372, on H.R. 5297, I would have voted "aye."

On rollcall No. 293, on H.R. 5330, To Amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to Extend the Operation of Such Act for a 5-Year Period Ending June 22, 2015, and for Other Purposes, I would have voted "aye."

On rollcall No. 292, H.R. 1017, Chiropractic Care Available to All Veterans Act, I would have voted "aye."

On rollcall No. 291, H. Con. Res. 278, Expressing the Sense of Congress That a Grate-

ful Nation Supports and Salutes Sons and Daughters in Touch on Its 20th Anniversary That is Being Held on Father's Day, 2010, at the Vietnam Veterans Memorial in Washington, the District of Columbia, I would have voted "aye."

On rollcall No. 213, H. Res. 1271, Honoring the Life and Achievements of Rev. Benjamin Lawson Hooks, I would have voted "aye."

On rollcall No. 212, H. Res. 1257, Supporting the Goals and Ideals of National Financial Literacy Month, 2010, and for Other Purposes, I would have voted "aye."

On rollcall No. 172, H. Res. 1205, Providing for Consideration of the Bill (H.R. 4849) to Amend the Internal Revenue Code of 1986 to Provide Tax Incentives for Small Business Job Creation, Extend the Build America Bonds Program, Provide Other Infrastructure Job Creation Tax Incentives, and for Other Purposes (On Ordering the Previous Question), I would have voted "aye."

On rollcall No. 153, On Approving the Journal, I would have voted "aye."

On rollcall No. 84, H. Res. 699, Expressing the Appreciation of Congress for the Service and Sacrifice of the Members of the 139th Air-lift Wing, Air National Guard, I would have voted "aye."

On rollcall No. 50, H.R. 4238, To Designate the Facility of the United States Postal Service Located at 930 39th Avenue in Greeley, Colorado, As the "W.D. Farr Post Office Building", I would have voted "aye."

On rollcall No. 49, H.R. 4425, To Designate the Facility of the United States Postal Service Located at 2-116th Street in North Troy, New York, As the "Martin G. 'Marty' Mahar Post Office", I would have voted "aye."

On rollcall No. 19, H. Res. 1003, Expressing Support for the Designation of January 10, 2010, Through January 16, 2010, As National Influenza Vaccination Week, I would have voted "aye."

On rollcall No. 18, H. Res. 1011, Recognizing the Importance of Cervical Health and of Detecting Cervical Cancer During Its Earliest Stages and Supporting the Goals and Ideals of Cervical Health Awareness Month, I would have voted "aye."

On rollcall No. 17, H. Res. 990, Expressing Support for Designation of January 2010 As "National Mentoring Month", I would have voted "aye."

On rollcall No. 5, H.R. 3892, To Designate the Facility of the United States Postal Service Located at 101 West Highway 64 Bypass in Roper, North Carolina, As the "E.V. Wilkins Post Office", I would have voted "aye."

On rollcall No. 858, H. Res. 868, Honoring and Recognizing the Service and Achievements of Current and Former Female Members of the Armed Forces, I would have voted "aye."

On rollcall No. 381, H.R. 2847, I would have voted "aye."

On rollcall No. 109, H.J. Res. 38, Making Further Continuing Appropriations for Fiscal Year 2009, and for Other Purposes, I would have voted "aye."

On rollcall No. 108, H.J. Res. 38, Making Further Continuing Appropriations for Fiscal Year 2009, and for Other Purposes, I would have voted "no."

On rollcall No. 107, On Approving the Journal, I would have voted "aye."

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. GRAVES of Missouri. Madam Speaker, on Monday, July 26, 2010 I was unavoidably delayed and thus missed rollcall votes No. 467, No. 468, and No. 469. Had I been present I would have voted "nay" on No. 467 and "yea" on No. 468 and No. 469.

On Tuesday, July 27, 2010 I was unavoidably delayed and thus missed rollcall votes No. 470 through No. 475. Had I been present I would have voted "nay" on No. 470 and No. 473 and "yea" on No. 471, No. 472, No. 474, and No. 475.

RECOGNIZING THE 20TH ANNIVERSARY OF THE MANASSAS AFRICAN AMERICAN HERITAGE FESTIVAL

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the 20th Anniversary of the Manassas African American Heritage Festival.

The first Heritage Festival was organized by a group of community leaders who sought to host an event that would feature the unique contributions and diversity of the African American community. Ethnic heritage is often a source of strength and inspiration for individuals seeking their piece of the American dream, and part of the American experience is proudly sharing that heritage with others. The Manassas African American Heritage Festival spotlights, celebrates, and commemorates the roots and rich history of the African American community.

During the past two decades, the Festival has supported organizations and causes that promote African American culture. Colleges, churches, nonprofit organizations, and civic groups are among the attendees. The Festival has awarded "Community Awards for Excellence," purchased and distributed school supplies, encouraged health screenings, and made education a community priority.

Madam Speaker, I ask that my colleagues join me in commemorating the 20th Anniversary of the Manassas African American Heritage Festival. It is important that we preserve the values and traditions of African American culture and appreciate the indelible mark it has left on our Nation's history.

RECOGNIZING THE NEED FOR TAA BENEFITS

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to provide tangible evidence of the need to rethink the failed

trade policies of the past. Bad trade deals result in job losses here at home, as companies decide to outsource to countries that pay their workers mere dollars a day and force them to work in factories with little or no labor or environmental standards.

Bad trade deals are a disaster for the American way of life. As a result of bad trade deals,

companies that keep jobs in America get penalized for paying their workers a fair wage and showing concern for their workers' health. Most importantly, bad trade deals hurt the American worker, depriving him of much-needed jobs in an already tough economy.

You need to see nothing more than the list of successful TAA petitions in my district alone

to know that these trade policies aren't working. I submit for the record a list compiled by CRS of approved TAA petitions from October 1, 2001, through March 3, 2009.

Madam Speaker, we must rethink the trade policies of the past and do everything we can to protect the American manufacturer and encourage investment in American industry.

TABLE 1.—PETITIONS CERTIFIED UNDER THE TAA FOR WORKERS PROGRAM IN PENNSYLVANIA'S 8TH CONGRESSIONAL DISTRICT FROM OCTOBER 1, 2001, THROUGH MARCH 3, 2009

Petition No.	Company name	City	Date of TAA petition decision	Estimated number of workers covered by the certification	Products
63199	Air Products and Chemicals, Inc.	Morrisville	April 30, 2008	96	Specialty Gases
62864	Ametek, Inc.	Sellersville	April 18, 2008	n/a	Electrical and Mechanical Reels
61036	Jones Apparel Group, Inc.	Bristol	July 13, 2007	268	Patterns and Samples for Women's Apparel
61103	Delbar Products, Inc.	Perkasie	March 22, 2007	27	Metal Outside Rearview Mirrors
59127	Cridge, Inc.	Fallsington	May 24, 2006	95	Ceramic and Porcelain Gift Items
58084	Draeger Medical, Inc.	Telford	October 31, 2005	90	Anesthesia Equipment
57199	Ametek	Sellersville	June 24, 2005	50	Component Parts for Compressors
55001	Newtech PA	Northampton	June 16, 2004	51	De-ink Recycled Pulp
54187	ABB, Inc.	Warminster	March 5, 2004	43	Fluid Flow Sensors and Actuators
53467	Gasboy International, LLC	Lansdale	December 4, 2003	250	Petroleum Dispensing Equipment
53439	AM Communications, Inc.	Quakertown	December 3, 2003	31	Status Monitoring Products for Cable TV
53440	Nestronix, Inc.	Quakertown	December 3, 2003	4	Status Monitoring Products for Cable TV
53049	Visteon Systems, LLC	Lansdale	November 19, 2003	132	Electronic Automobile Parts
50659	Ametek	Sellersville	May 8, 2003	69	Compressed Gas and General Equipment Gauges
40771	3M Company	Bristol	April 4, 2002	140	Sealing and Packaging Tape
40209	Laclede Steel Co.	Fairless Hills	December 20, 2001	160	Steel Bars and Semi-Finished Blooms

Source: Congressional Research Service analysis of Department of Labor database.

HONORING THE RETIREMENT OF MONSIGNOR T. PETER RYAN

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. ISRAEL. Madam Speaker, I rise today to recognize Monsignor T. Peter Ryan, who is retiring after 20 years of service to Our Lady Queen of Martyrs Parish in Centerport, New York.

Father Ryan has touched the lives of people all over Long Island and his dedication to our community will be remembered. His life has always been, and continues to be, marked by grace and humility. As a pastor, he has become a treasure to his parishioners and he has been a source of light to all who have come to know him. He is not only a gifted leader, but a confidant, a mentor, and a friend to so many.

After 20 years, Father Ryan's influence has reached far beyond the boundaries of our community. As a passionate advocate for education and human rights, he has raised funds, organized food drives and planned events to support so many worthy causes. He has touched lives from Centerport to Wyandanch to Nicaragua and I am sure he will continue to be a beacon of hope and love for many years to come.

On the occasion of his well deserved retirement, I would like to thank Father Ryan for his unwavering commitment to the people of Long Island.

RECOGNIZING THE ACHIEVEMENTS OF ERIC LIAW AND THE REST OF TEAM USA IN THE INTER- NATIONAL BIOLOGY OLYMPIAD

HON. CHARLES K. DJOU

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. DJOU. Madam Speaker, I rise today to recognize Eric Liaw and the rest of the American high school students representing the United States at the 2010 International Biology Olympiad in Changwon, South Korea. Team USA placed first overall and placed among the top competitors in the individual competition.

Eric Liaw is the first student from Hawai'i to ever advance to the International Biology Olympiad and I would like to congratulate him and the rest of the USA Team for their tremendous accomplishment.

I am proud that America's youth are excelling in the ever-growing science and technology fields. I will continue to support initiatives, like the International Biology Olympiad, which promote academic excellence, encourage our students to specialize in subjects that interest them, and allow our students to interact with peers from around the world who share those interests. Education is crucial to our success as a nation and we must continue to ensure that quality education remains a priority.

On behalf of the parents and teachers of the First Congressional District of Hawai'i, I would like to extend my congratulations to Eric Liaw and Team USA for their hard work and success at the International Biology Olympiad.

ANDREW AND JANE FRIDAY JACKSON

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. JOHNSON of Georgia. Madam Speaker, I submit the following:

Whereas, the union of Andrew and Jane Friday Jackson former slaves in South Carolina has blessed us with descendants that have helped to shape our nation; and

Whereas, the Jackson union produced many well respected citizens today we honor some of the matriarchs and patriarchs, Mr. Nathaniel Jackson, Mr. Emanuel Jackson, Mrs. Lillie Ann Jackson Blow and Ms. Minnie Brown who are pillars of strength for the Jackson family; and

Whereas, in our beloved Fourth Congressional District of Georgia, we are honored to have many members of the Jackson family, who are some of our most productive citizens in our District; and

Whereas, family is one of the most honored and cherished institutions in the world, we take pride in knowing that families such as the Jackson family have set aside this time to fellowship with each other, honor one another and to pass along history to each other by meeting at this year's family reunion in DeKalb County, Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Jackson family in our District;

Now Therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby proclaim Sunday, July 25, 2010 as Jackson Family Reunion Day in the 4th Congressional District.

Proclaimed, this 25th day of July, 2010.

HONORING THE ACCOMPLISHMENTS OF CONTINENTAL STRUCTURAL PLASTICS (CPS), LLC—SAREPTA, LOUISIANA

HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. FLEMING. Madam Speaker, I rise today to honor the hard work and dedication of a local Louisiana manufacturer. The manufacturer that I am recognizing has demonstrated innovation in manufacturing operations and business growth, as well as a commitment to community involvement.

Continental Structural Plastics (CSP), LLC—Sarepta located within my district in Louisiana, has invested over 10,000 training hours to prepare their workforce for today's advanced manufacturing technology and to be positioned for the next generation of manufacturing. The economic impact that CSP—Sarepta brings to North Louisiana is significant. The facility employs 195 people with an annual payroll and benefits exceeding \$5 million. Since construction began in 2001, \$12 million has been invested in facility and equipment modernization. This local manufacturer has made noteworthy advances in productivity throughout their organization resulting in substantial growth. Because of these accomplishments, CSP—Sarepta will be recognized for excellence by the Manufacturing Extension Partnership of Louisiana (MEPOL) at the fifth annual Platinum Award for Continued Excellence (PACE) ceremony on August 26th, 2010.

MEPOL, a non-profit manufacturing resource based at the University of Louisiana at Lafayette, provides business and technical solutions to emerging and established manufacturing firms through the state of Louisiana. Since 1997, MEPOL, based on a philosophy of education, encouragement, and empowerment, has worked with manufacturers such as CSP—Sarepta to increase their productivity and profitability.

IN HONOR OF MR. JAMES H. GILLIAM, SR.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I recognize a great philanthropic Delawarean, James H. Gilliam, Sr., as he celebrates his 90th birthday. Jim Gilliam first came to Delaware in 1965 and was one of the only African Americans former Governor Russell Peterson allowed to break the curfew laws as a peacemaker during the Wilmington riots following the assassination of Martin Luther King, Jr. Jim went on to be a strong activist and is recognized as one of Delaware's finest community leaders.

Jim Gilliam was born in Baltimore, Maryland and received a B.A. in sociology from Morgan State University. He continued his education at Howard University School of Social Work where he earned his Masters in 1950. Jim

Gilliam has had a long career of service not only to local communities, but to his country. He won medals of distinction, including the Bronze Star, serving as a captain in the United States Military, and at 40, he integrated the Maryland National Guard.

Jim's leadership skills and activism had an immediate impact when he came to the state of Delaware. He served as president and chairman of the board of Delaware's Community Housing Incorporated from 1974 to 1990, and served as a consultant on a variety of community issues. Jim was a two-term president of the National Association of Non-Profit Housing Organizations in the 1970's. Retiring in 1990, Jim's community activism did not end; a decade ago he founded the Metropolitan Wilmington Urban League. In just three years the Metropolitan Wilmington Urban League won the National Urban League's highest honor, the Whitney M. Young Award, for advancing racial equality. This is a testament to Jim Gilliam's hard work and dedication to the local community.

Jim Gilliam has had a tremendous impact on Delawareans. His selfless service, positive attitude and determined work ethic have impacted countless people throughout our great state. I am honored to represent a state where individuals like Jim Gilliam reside, and I wish him a very happy 90th birthday.

HONORING FANNIE MAE LAWSON

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to celebrate the life of one of my constituents, Mrs. Fannie Mae Lawson of Pittsburg, California. Born to James and Onnie Manning in Arkansas on May 27, 1925, Fannie Mae attended the C.S. Woodland School. In 1946 she married George Van "G.V." Lawson in her hometown of Magnolia, Arkansas. Together they had four children: George, Willie, Sharon, and Audrey. In 1946, Fannie Mae and her family moved to Pittsburg, CA where she began her outstanding service to the community. She began volunteering at her local church, first as a member of the choir, then serving in the Ministries of Convalescent, as well as a Deaconess, and as a Mother of the church. She served the church for 64 years! Fannie was also actively involved in the Pittsburg branch of the N.A.A.C.P. where she served as President for 28 years, and she was also a foster parent for over 30 years and served on the Advisory Board for the Pittsburg Unified School District. At the age of 85, surrounded by her loved ones on July 27, 2010, Fannie Mae Lawson passed away. Sadly, she was preceded in death by her husband, G.V., her son George Earl, and two grandchildren. She will be missed not only by her three children, six grandchildren and many friends, but also by the people of the Pittsburg community whom she helped so much in life.

PITTSBURG ACTIVIST LEFT A LEGACY, LONGTIME RESIDENTS SAY

[From the Contra Costa Times, Aug. 4, 2010]

(By Rick Radin)

PITTSBURG—The city's residents lost a powerful voice for schools and for social justice with the death of longtime community activist Fannie Lawson last week. Lawson, 87, served as chairwoman of the Pittsburg NAACP for 15 years. She was a leader in promoting equal rights in hiring in Pittsburg businesses and advocating for after-school programs, said Darnell Turner, the chairman of the legal redress committee of the NAACP of East Contra Costa, the Pittsburg chapter's successor. Funeral services were held Saturday at First Baptist Church in Pittsburg, where Lawson was a member for more than 60 years. "She'll be missed," said Curlie Jackson, a former NAACP branch chairwoman. "If you had a problem, she was the one you went to." Lawson and her husband, George Lawson, moved to Pittsburg from Magnolia, Ark., in 1946, and Fannie Lawson took a job in a cannery in Pittsburg, Turner said. The Lawsons were the first black residents of Pittsburg's Bayside Knolls neighborhood in 1951, and Fannie Lawson felt some bitterness about the experience of being a pioneer. "Can you imagine being looked at as too low to live in this place or that place? It was hard," Lawson said in a 2006 interview. "A lot of things were said that hurt my feelings, but you couldn't give up if you wanted a place to live." Lawson took the experience and momentum from fighting for housing rights into a series of other campaigns for low-income residents in Pittsburg and East County. When a release from the Pittsburg PG&E power plant coated homes and cars in Lawson's neighborhood with dust, she worked with the company to make sure the material was tested for toxics, Turner said. "The police blocked off the neighborhood, and a hazardous materials team came in," Turner said. The utility agreed to repaint cars and homes that had been damaged by the release, he said. "(Lawson) continued to work with PG&E after the incident," Turner said. "They created a scholarship program to help underprivileged students get an opportunity to pursue a two- or four-year education." Lawson was the driving force in the campaign to change the name of Montezuma Street in Pittsburg to Herb White Way, after the city's first black mayor. She also kicked into gear when Pittsburg teachers threatened a strike a few days before the end of the school year in the late 1990s. "She wanted to make sure the students weren't used as bargaining tools, that the graduation wasn't (tainted by a work stoppage)," Turner said. She responded to a cross burning in Brentwood, working with the city to improve communications and promote tolerance, he said. Lawson pushed for tutorial programs for children who were having difficulty in school, said former Contra Costa supervisor, state senator and Pittsburg school board member Joe Canciamilla. "She wasn't shy," Canciamilla said. "She was tenacious when it came to advocating for people."

RECOGNIZING THE 50TH ANNIVERSARY OF THE ASSOCIATION OF CIVILIAN TECHNICIANS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 50th Anniversary of the Association of Civilian Technicians, which is headquartered in my district in Lake Ridge, VA.

In 1960, Vincent J. Paterno and twelve fellow New York technicians banded together to establish the Association of Civilian Technicians. Their stated mission was to represent the interests of our country's National Guard Technicians. Today, ACT represents the 48,000 employees of the Air and Army National Guard who are classified as Title 32 Civilian Technicians. A Title 32 Civilian Technician's duties and responsibilities are to maintain the working order of the aircraft, vehicles, tanks, helicopters and supporting equipment needed by the National Guard to carry out its mission. ACT members serve as mechanics, administrative personnel and technical support positions. They enable active duty personnel to keep our nation safe from attack and ensure that our military is always at the ready.

Through vigorous advocacy efforts, ACT has helped secure a number of rights and benefits for civilian technicians. In 1968, President Lyndon Johnson signed into law "The National Guard Technician Act." The legislation established the Technician Program and provided National Guard Technicians with fair and just compensation, employment benefits and access to a retirement system that is equitable to other federal employees. ACT honors the service of our nation's civilian technicians by fighting to deliver the care and consideration they deserve.

Madam Speaker, I ask that my colleagues join me in celebrating the 50th Anniversary of the Association of Civilian Technicians. For half of a century, ACT has represented the best interests and welfare of America's National Guard Technicians and their families. I would like to extend my personal appreciation to ACT members for their service and contributions to our national security.

HONORING ST. CECILIA ACADEMY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. COOPER. Madam Speaker, today I rise to recognize St. Cecilia Academy in Nashville, Tennessee. This year marks a very important milestone in the school's history. For over one hundred and fifty years, St. Cecilia has played a vital role in the spiritual and academic lives of young women in Middle Tennessee.

For a century and a half, St. Cecilia Academy, an all-girl, Catholic, college-preparatory school, has proudly guided young women through their formative years, helping them become confident women leaders of faith. The

school was founded by the Dominican Sisters of St. Cecilia, who arrived in Nashville in August of 1860. The Sisters' dedication to the Catholic tradition, as well as passion for education, made it possible for the school to flourish and become one of the educational leaders in college-preparatory education. Most notably, St. Cecilia has been recognized four times by the Action Institute as one of the Top Fifty Catholic High Schools in the United States. St. Cecilia's students have been awarded prestigious scholarships, and the school's seniors are regularly accepted into top colleges.

And so, Madam Speaker, it is my privilege to honor St. Cecilia Academy on its 150th anniversary. As Nashville's oldest private high school, it is an institution that embodies the ideals of excellence, creativity, and leadership development.

Today I ask my colleagues to join me in saluting St. Cecilia Academy for its many decades of service toward the betterment of our youth.

A TRIBUTE TO THE 2010 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise today to congratulate the 2010 recipients of the coveted Ellis Island Medal of Honor. Presented annually by the National Ethnic Coalition (NECO), the Ellis Island Medal of Honor pays tribute to our Nation's immigrant heritage, as well as individual achievement. The medals are awarded to U.S. citizens from various ethnic backgrounds who exemplify outstanding qualities in both their personal and professional lives, while continuing to preserve the richness of their particular heritage. Since NECO's founding in 1986, more than 2,000 American citizens have received Ellis Island Medals of Honor, including six American Presidents, several United States Senators, Congressmen, Nobel Laureates, outstanding athletes, artists, clergy, and military leaders.

As we all know, citizens of the United States can trace their ancestry to many nations. The richness and diversity of American life makes us unique among the Nations of the world and is in many ways the key to why America is the most innovative country in the world. The Ellis Island Medals of Honor not only celebrate select individuals but also the pluralism and democracy that enabled our ancestors to celebrate their cultural identities while still embracing the American way of life. This medal is not about money, but about people who really seized the opportunities this great country has to offer and who used those opportunities to not only better their own lives but make a difference in the lives of those around them. By honoring these outstanding individuals, we honor all who share their origins and we acknowledge the contributions they and other groups have made to America. I commend NECO and its Board of Directors headed by my good friend, Nasser J. Kazeminy, for hon-

oring these truly outstanding individuals for their tireless efforts to foster dialogue and build bridges between different ethnic groups, as well as promotes unity and a sense of common purpose in our Nation.

Madam Speaker, I ask all of my colleagues to join me in recognizing the good works of NECO, and congratulating all of the 2010 recipients of the Ellis Island Medals of Honor. I also ask unanimous consent that the names of this year's recipients be placed into the CONGRESSIONAL RECORD following my statement.

2010 ELLIS ISLAND MEDALS OF HONOR RECIPIENTS

Ichak K. Adizes, PhD, Adrienne G. Alexanian, Richard F. Ambinder, MD, Cyrus Amir-Mokri, Anousheh Ansari, Rao S. Anumolu, Robert S. Atallah, Mohamed A. Atassi, MD, FACC, Kevork D. Atinikian, Nancy H. Bailey, Hon. Rosemary Barkett, Samira Kanaan Beckwith, Sarkis Bedevian, Dorothy L. Beeve, RN, Jerold E. Beeve, MD, Suraj P. Bhatia, Carole Black, Chief George F. Brown (Ret.), Richard R. Burey, Jr., Michael Capasso, Dominic Chianese, Hank Hyunho Choi, Yen S. Chou, Jim Lin-Chi Chu, Carl J. Clause, Eugene P. Conese, Sr., John F. Conley, Thomas J. Cook, Edward Cruz, Paul R. Davies, Chief Raymond Diaz, Edward B. Diethrich, MD, Andre C. Dimitriadis, PhD, Borko B. Djordjevic, MD, Thomas J. Donohue, David Du, David B. Falk, Lina Fang, Eric Friedberg, Col. Arnald D. Gabriel, USAF (Ret.), Rod G. Gilbert, Col. David G. Goulet, USMC, E. Bulkeley Griswold, Col. Gina M. Grosso, USAF, S. K. Gupta, Wolf Hengst, Gregory M. Hodge, PhD, Maj. Gen. Karl R. Horst, USA, Hon. Jerry MacArthur Hultin, Chief James Jephthah, Ted Johnson, James Keach, Alan Krutchkoff, Tak W. Kwan, MD, William K. Lee, MD, Robert J. Loggia, Wing K. Ma, Vahid Majidi, Fouad Malouf, James V. Malpeso, MD, MSgt. Chester L. Marcus, Jr., USA, Chief Denis McGowan, Shekhar Mitra, PhD, Mohsen Moazami, Curtis E. Moll, Yasmin Motamedi, Jeremiah A. Mullins, Agneta E. Nilsson, RADM Joseph L. Nimmich, USCG, Sr. Irene M. O'Neill, Bedros S. Oruncakcieli, Hemant Patel, MD, Francis J. Pearn, Richard R. Pergolis, Timothy A. Phillips, Michael J. Piazza, Hon. Rosemonde Pierre-Louis, Kappana Ramanandan, Maj. Gen. Michael S. Repass, USA, Hon. Edward J. Rollins, Stanley M. Rumbough, Jr., William J. Ryan, Kenan E. Sahin, PhD, Joseph M. Saponaro, John F. Scarpa, Jane Seymour, Faryar Shirzad, John Shu, Esq., Dr. Ruth J. Simmons, Prasad Srinivasan, MD, Bert R. Sugar, Hon. Eugene R. Sullivan (Ret.), Jordan P. Thomas, Annie S. Totah, Suzanne von Liebig, PhD, William D. Walsh, RADM Philip A. Whitacre, USN (Ret.), Morrill Worcester, Mohammad Yahyavi, Vartkes B. Yeghiayan, Esq., Matt H. Yildizlar, Chang Bin Yim

HONORING McLANAHAN CORPORATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. SHUSTER. Madam Speaker, I rise today to congratulate my dear friends and constituents at the McLanahan Corporation on the occasion of their 175th anniversary, which they will celebrate on August 28, 2010. Located in Hollidaysburg, Pennsylvania, McLanahan Corporation has long been committed to

service, innovation, and family ownership. From its founding in the 1830s when James Craig McLanahan moved his family to Hollidaysburg, where the company first produced castings used in farm implements, McLanahan Corporation has developed into an international powerhouse as a supplier not only of equipment, but also of process solutions.

McLanahan Corporation is poised to remain a leader well into the future as its customer base has expanded from a small town in central Pennsylvania to reach around the world. Customers have grown to appreciate McLanahan's heavy-duty equipment and outstanding customer service and support. All of this has been done without abandoning its roots or compromising its sound values as the 6th generation of family now assumes a leadership and ownership role.

I ask my colleagues to join me in congratulating The McLanahan Corporation on their 175 years in business.

REMEMBERING AND HONORING
THE LIFE OF BRIAN A.
PETRONELLA

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. COURTNEY. Madam Speaker, It is with a heavy heart that I rise to mark the passing of a great ally and advocate for working families in Connecticut. Brian Petronella, President of The United Food and Commercial Workers Local 371 in Westport, died suddenly on Friday. He leaves behind a remarkable record of public service and long list of victories on behalf of workers and their families.

Brian was a skilled labor leader who never forgot his beginnings as a member of 371. He believed in decent wages, benefits, safety, and respect for his brothers and sisters and cared deeply about their rights. In his role at Local 371 and in his own life, Brian put these values into practice each day. He held leadership roles on the local and international levels of UFCW and had many successful organizing campaigns under his belt.

In addition to Brian's professional role and successes, he was a vibrant member of the community—one that worked tirelessly to help those around him. He generously raised money for and gave his time to the Leukemia Society, the Women's Network, and after school programs in the area.

Most important to him though was his family. His father was also a nationally recognized leader at UFCW, and Brian's success was a source of great pride in the Petronella family. Brian's wife Elaine and daughters Lindsey and Ashley were the number one priority in his world and his passing as a husband and father is the hardest loss of all.

I had the pleasure and honor to know Brian for over ten years. He was smart, funny, and down to earth. His success did not go to his head—if anything it made him more committed to working for the people he represented so ably.

Brian left us too early. He leaves behind a life of work that should be the envy of anyone

seeking to better our society. He was a consummate professional, loving family man, and friend that I was lucky to have. I ask my colleagues to join me in mourning the loss and honoring the life of Brian Petronella.

SOLOMON PORCH MINISTRIES

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. JOHNSON of Georgia. Madam Speaker, I submit the following:

Whereas, Solomon's Porch Ministries has been and continues to be a beacon of light to our county for the past ten years; and

Whereas, Pastor Phillip Mosby and the members of the Solomon's Porch Ministries Church family today continues to uplift and inspire those in our county; and

Whereas, Solomon's Porch Ministries has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our District; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the past ten (10) years by preaching the gospel, singing the gospel and living the gospel; and

Whereas, Solomon's Porch Ministries has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their Church, but with DeKalb County and the world their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Solomon's Porch Ministries Church family on their 10th Anniversary and for their leadership and service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim August 13, 2010 as Solomon's Porch Ministries Day in the 4th Congressional District.

Proclaimed, this 13th day of August, 2010.

CONGRATULATING THE COOPERS,
BOONE COUNTY FARM FAMILY
OF THE YEAR

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to congratulate the Cooper Family who was earned the honor of being named the Boone County 2010 Farm Family of the Year.

The Arkansas Farm Family of the Year Program has honored farm families all across the state for their outstanding work both on their farms and in their communities. Recognition from the program is a reflection of the contribution to agriculture at the community and

state level and its implications for improved farm practices and management.

The Coopers raise more than 700 cattle on 450 acres and are planning to expand. Since 1985 they have maintained a commitment to agriculture and have worked diligently to improve the health of their cattle and to protect the environment.

I congratulate Tim, his wife Debra Sue, and their family Caleb, Ethan and Amy Lippe for their outstanding achievements in agriculture and ask my fellow colleagues to join me in honoring them for this accomplishment. I wish them continued success in their future endeavors and look forward to the contributions they will offer in the future to Arkansas agriculture.

HONORING GUNNERY SGT. AARON
M. KENEFICK

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. PRICE of Georgia. Madam Speaker, I rise in honor of Gunnery Sergeant Aaron M. Kenefick who gave his life September 8, 2009, while supporting combat operations in the Kunar province of Afghanistan.

A few years ago on Thanksgiving, Aaron had asked his mom what time dinner would be served. He wanted to make sure he would have time to visit his fellow service members at the Veterans Administration hospital. "That's where the true heroes are," he had told his mother. Gunnery Sergeant Kenefick did not brag about his own achievements and numerous missions. He had received a Purple Heart after being injured by shrapnel and had twice, during his 12-year career, been named Marine of the Year. Nevertheless, called to serve, Kenefick returned to combat.

Gunnery Sgt. Kenefick graduated from Roswell High School in 1997 after moving there as a 10th grader from Williamsville, New York. He joined the Marine Corps after high school. He is survived by his mother, Susan Price and father, Donnie Kenefick; two sisters; and his young daughter, Landon.

Madam Speaker, it is with the greatest respect and admiration that we honor Gunnery Sgt. Kenefick's sacrifice on behalf of our Nation. He is a hero to his countrymen, his family, and his fellow Marines. He reminds us that America is blessed to have so many young men and women willing to stand up and fight to preserve our precious freedoms. Our thoughts and prayers are with his family and all our military families, whose selfless dedication to this Nation is an inspiration to us all.

RECOGNIZING THE 40TH ANNIVERSARY
OF THE LAKE RIDGE
OCCOQUAN COLES CIVIC ASSOCIATION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the 40th Anniversary of

the Lake Ridge Occoquan Coles Civic Association, LOCCA.

The builders of the Lake Ridge Planned Community began development in the mid 1960s. The developers of Lake Ridge envisioned a community where people could live, work, shop and play. However, early residents desired a way to shape the vision for their community. They recognized a need for an organization that was capable of influencing planning and development decisions in Lake Ridge.

On July 6, 1970, the residents established the Lake Ridge Communities Civic Association, LRCCA, as a non-political, nonpartisan organization that gave citizens an organized community voice. The LRCCA hosted bake sales, dances and other fund-raising activities to support local civic projects and to foster a newfound sense of community in Lake Ridge.

In 1978, the organization matured into the Lake Ridge Occoquan Civic Association, LOCA, in response to growing concerns over unchecked growth and development in Prince William County. The membership created the Planning, Environment, Land-Use and Transportation Committee, PELT, to evaluate new development in the area. The organization encouraged quality development with appropriate infrastructure investments, compatible architecture, signage and landscaping and promoted the use of green community designs complete with sidewalks and trails. In 1997, the membership rewrote the bylaws to refocus the group and formally include the Coles Magisterial District within its jurisdiction, creating the Lake Ridge Occoquan Coles Civic Association, LOCCA.

The influence of this community organization on quality development standards in Prince William County cannot be understated. For four decades, dedicated members have sacrificed their time and contributed their considerable talents to the responsible stewardship of their community. Their work has not gone unnoticed. This was the first civic association to be awarded the Virginia Green Award, and it was recognized as one of the most influential civic associations in the Commonwealth of Virginia when it was honored with the Virginia Citizen's Planning Association Award.

Madam Speaker, I ask that my colleagues join me in commending the membership of the Lake Ridge Occoquan Coles Civic Association for the tireless advocacy efforts and congratulating them on their 40th Anniversary. I extend my personal appreciation to the past and current members of LOCCA for improving and safeguarding the quality of life of countless Prince William County residents.

HONORING LIEUTENANT JEFF
RACINE ON HIS RETIREMENT
FROM THE MICHIGAN STATE POLICE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. STUPAK. Madam Speaker, I rise to honor Detective Lieutenant Jeff Racine on his

retirement after 25 years serving in the Michigan State Police. Lt. Racine has carried out his duties with bravery, dedication and enthusiasm for his work, earning the respect of both his colleagues in law enforcement and the communities he has served.

Lt. Racine has dedicated his career to keeping residents in Michigan's Upper Peninsula safe. Early in his career he served as a police officer in the Chocolay Township and Ishpeming Police Departments, later serving as deputy sheriff at the Marquette County Sheriff's Department.

In 1985, Lt. Jeff Racine joined the Michigan State Police, serving his first assignment as a trooper at the Flat Rock Post in Southeast Michigan. Before long, Lt. Racine returned to the Upper Peninsula serving as trooper at both the Munising and Gladstone State Police Posts. His hard work earned him a promotion to Sergeant, serving the Negaunee and Gladstone State Police Posts.

In 2000, Lt. Jeff Racine was promoted to Detective Lieutenant in charge of the Upper Peninsula Substance Enforcement Team (UPSET). He has spent the past decade combating drug trafficking and drug crimes in the Upper Peninsula, a particularly difficult task in a region with vast tracks of rural areas. The UPSET team has investigated more than 520 cases, including 130 federal cases, under Lt. Racine's leadership. He has been particularly effective at fostering working relationships with local law enforcement as well as federal agencies, including the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Bureau of Indian Affairs; the Drug Enforcement Administration; the FBI; the U.S. Fish and Wildlife Service; and the U.S. Forest Service.

After his years in local law enforcement, and 25 years in the Michigan State Police, Lt. Jeff Racine will retire on August 27, 2010. His departure will be felt by law enforcement across the Upper Peninsula and the state of Michigan, but the impact he has had, especially during his 10 years with UPSET, will remain long after he has gone.

Lt. Racine's wife Crystal has been by his side throughout his career, and in retirement he looks forward to spending more time with her and their children. Lt. Racine is also an avid hunter, and his retirement comes just in time for him to dedicate his full attention to this year's hunting season.

Madam Speaker, Lt. Jeff Racine has devoted his life to enforcing the law and protecting the citizens of Michigan, and his commitment and hard work should be commended. Throughout his career he has touched the lives of countless individuals he has worked with and served. I ask Madam Speaker, that you and the entire U.S. House of Representatives, join me in recognizing Lt. Jeff Racine for his courage, his dedication, and his years of service on his retirement from the Michigan State Police.

HONORING PASTOR IRA G.
EDWARDS, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Pastor Ira G. Edwards, Sr., pastor of Damascus Holy Life Baptist Church. Pastor Edwards is being honored on August 22nd for his work in the Flint community.

Pastor Edwards has been pastor of Damascus Holy Life Baptist Church for the past nine years. He also serves as an instructor for the Great Lake Congress of Christian Education and is an Associate Dean for the Great Lakes Congress of Christian Education. As pastor he has established several programs to help the people of the Flint community. Pastor Edwards started summer feeding programs for youth, established community gardens, and took the lead in the purchasing of a local bar and converting it into a Training Center.

He is a member of Concerned Pastors for Social Action, and cochair of the Flint Area Congregations Together. He is on the National Steering Committee and Clergy Caucus for People Improving Communities through Organizing (PICO) National. He was instrumental in bringing CEASEFIRE/LIFE LINE to Flint. He has devoted his life to assisting with health care, education, financial peace, nutrition, and home foreclosure recovery. Pastor Edwards strives to help the youth of the community to reach their full potential by developing social, economic and academic skills. He works diligently with local, state and federal officials to improve education, housing, and to curb violence and crime.

Madam Speaker, I ask the House of Representatives to rise with me today and applaud the work of Pastor Ira G. Edwards, Sr. as he is honored by his congregation and his community. I pray that he will continue to spread the Gospel of Our Lord, Jesus Christ, for many, many years to come.

ACKNOWLEDGING MRS. MARION
BUSH LICATA

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Mrs. Marion Bush Licata, a remarkable Michigan citizen, upon her ninetieth birthday on August 16, 2010.

Marion Bush was born on August 16, 1920, in Highland Park, Michigan to James and Evelyn Bush. Growing up with two older brothers, Irving and J.V. Richard, Marion attended Cooley High School in Detroit graduating in 1938. While working at Bell Telephone, she went on to attend Wayne State University where she met Anthony Licata.

Marion and Anthony married in August of 1940, celebrating their love for more than fifty-nine years while raising their beloved daughter Susan who was born in 1943. With Anthony

Licata serving in the United States Navy, Marion and Susan traveled by train to Virginia Beach, VA and Norman, Oklahoma to be near him.

Marion Bush Licata was actively involved during Susan's elementary school years as she became part of the "Mother Singers" choral group at Cadillac Elementary School in Detroit. She sang in various other choirs, as well. A great proponent of education, Marion returned to Wayne State and earned a Bachelor of Science Degree in Library Science. She dedicated more than ten years to the Detroit Public School system as an elementary school librarian, passing on a love of reading to the children under her tutelage.

Marion Bush Licata has enjoyed singing in musical groups, painting, using both oil and water color, creating stained glass, embroidery, making dolls, sewing, reading and listening to music. Marion also was very involved in her late husband Anthony's political activities. She actively supported Anthony's successful campaign to be seated in the Michigan House of Representatives during a special election in 1967. Marion Bush Licata maintained her interest in politics by attending local and state Republican Conventions for many years.

Marion Bush Licata finds great joy in her granddaughter Krista and continues to be a supportive and influential part of Krista's life. Mrs. Licata has continued to care for her immediate family and has always been a source of strength to the extended Bush and Licata families.

Madam Speaker, for ninety years Marion Bush Licata has graced the world with her kindness, hard work, and community spirit. Today, I ask my colleagues to join me in congratulating Marion Bush Licata upon reaching her ninetieth birthday and to honor her commitment to her community and her country.

RECLAIMING POLITICS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. SMITH of Texas. Madam Speaker, I would like to submit the following.

Rick Levin, the President of Yale University, recently delivered this year's commencement address, "Reclaiming Politics."

While his comments were directed to graduating seniors, they speak more broadly to all those interested in public service and in improving our political system.

I hope my colleagues and others will appreciate a reasoned and articulate discussion of such a timely subject.

BACCALAUREATE ADDRESS: RECLAIMING POLITICS

(By President Richard C. Levin)

What a journey you have had! Four years of exploring a place so rich with treasure: courses taught by some of the world's most brilliant and creative scholars and scientists, a library with few peers, museums that expose you to the full variety of nature and human cultures, musical and theatrical performances of the highest quality, vigorous intercollegiate and intramural athletic programs, and classmates whose excellence

never ceases to astonish—and all this set within the imposing and inspiring architecture of a campus that is itself a museum. You have had the chance to interact with classmates from 50 states and 50 nations, and the great majority of you have taken advantage of Yale's abundant international programs to spend a semester or a summer abroad.

In the classroom, you were encouraged to engage thoroughly and rigorously in thinking independently about the subjects you studied. You were challenged to develop the powers of critical reasoning fundamental to success in any life endeavor. Outside the classroom, as you worked productively in the hundreds of organizations you joined or founded, you exercised the skills of teamwork and leadership. In your overseas experiences, you deepened your capacity for understanding those whose values and cultures differ from your own—preparing you for citizenship in a globally interconnected world. You may not recognize this in yourselves, but you are ready for what is next.

Understandably, you may be uncertain and a bit anxious about what lies ahead. But, if history is to be trusted, you will find many paths open to you. Because of the talent you possessed before you came here, as well as the intellectual and personal growth you have experienced here, you will find, with high likelihood, success in your chosen endeavors. And we expect you to stay connected. The vibrant life of this university is greatly enriched by the deep commitment and active participation of its graduates—think of all the master's teas and guest lectures and college seminars offered by our alumni. And keep in mind that when you thanked your parents a few moments ago, you might also have been thanking the generations of Yale graduates whose gifts past and present supported half the total cost of your education.

Perhaps I am overconfident about your prospects for personal fulfillment and professional success, but I don't think so. If you will concede my point for the sake of argument, let's ask the next question, one so deeply rooted in Yale's mission and tradition that for most of you, fortunately, it has become ingrained. And that question is: how can I serve? How can I contribute to the wellbeing of those around me, much as we all have done in building communities within the residential colleges and volunteering in so many valuable roles in the city of New Haven? Now is an important time to be asking this question. Let me suggest why, and then let me suggest an answer.

Aristotle tells us that we are by nature political animals. But one wonders whether he would recognize the species that we have become. Eighteen months ago, the United States elected a new president who was prepared to address, intelligently and collaboratively, the most pressing problems confronting the nation—education, health care, climate change, and improving America's image in the rest of the world. Late in the election campaign, the financial crisis intervened, and economic recovery and financial sector reform were added to this ambitious agenda.

What has happened since does not inspire great confidence in the capacity of our system to deal intelligently with important problems. We legislated a stimulus package that was less effective than it should have been, and far less effective than the corresponding measures undertaken in China. Fifteen months later, unemployment in the United States is still 9.9%. After months of

stalemate, Congress enacted a health care bill that extends care to millions of uncovered individuals and families, but takes only the most tentative steps toward containing the escalating costs that will create an unsustainable burden of public debt within the next decade or two. We failed to address climate change in time to achieve a meaningful global agreement in Copenhagen. And, although financial sector reform now seems to be a possibility, the debate has been replete with misunderstanding of what actually went wrong and a misplaced desire for revenge.

Why is this happening? Let me make two observations, and then trace their implications for how you might conduct yourselves as citizens and participants in political life. First, contemporary political discussion is too often dominated by oversimplified ideologies with superficial appeal to voters. And, second, political actors in the United States give too much weight to the interests of groups with the resources to influence their re-election, and too little attention to the costs and benefits of their actions on the wider public.

In *The Federalist* (No. 10), James Madison addresses the second of these observations, in the context of the fledgling republic established by the U.S. Constitution. He notes that the tendency to pursue self-interest can never be entirely suppressed, but it can be mitigated by the proper design of political institutions. In contrast to a direct democracy where individuals would tend to vote their own interests, a republican form of government, Madison argues, will have a greater tendency to select representatives who attend to the broader interests of the whole. And, he further argues, representatives in a large republic constituted of a wide range of divergent interests will find it easier to rise above parochialism than those in a smaller republic comprised of a small number of competing factions.

The protections that our form of government offers against ideology and faction have attenuated greatly since Madison's time, for at least two reasons. First, mass communication increases the opportunity to sway voters by appeal to simple formulations. Of course, the rise of mass communication could be a tool for raising the level of discourse through more effective education of the electorate. But it interacts with the second attenuating factor: that the money required to win elections through the media has created a dependence on funding from special interest groups. And it is these interest groups who distort reasoned dialogue by sponsoring oversimplified messages.

It is easy to see how these developments have thwarted recent efforts to shape responsible public policy. For example, the interest groups opposing health care reform defeated efforts to contain costs by labeling them "death panels," and they defeated the creation of a new public vehicle for providing health insurance by insisting that we must "keep government out of the health care business," when in fact Medicare, Medicaid, and the Veterans Administration already pay nearly 40 per cent of the nation's health care bill. I am not taking sides here, only pointing to the fact that intelligent debate on these subjects was crowded out by ideological distortion.

How can we create a national and global dialogue that transcends such oversimplification and parochialism? Let me suggest that we need each of you to raise the level of debate. You came here to develop your powers of critical thinking, to separate

what makes sense from what is superficial, misleading, and seductive. Whether you have studied literature, philosophy, history, politics, economics, biology, physics, chemistry, or engineering, you have been challenged to think deeply, to identify the inconsistent and illogical, and to reason your way to intelligent conclusions. You can apply these powers of critical discernment not simply to fulfill personal aspirations, but to make a contribution to public life.

Every signal you have received in this nurturing community has been unwavering in its message that the growth of your competencies is not to benefit you alone. You have learned in your residential colleges that building a successful community has required you to respect and value one another, and, when appropriate, to moderate your own desires for the benefit of the whole. And so it should be in your lives after Yale. If you are to help to solve this nation's problems—or work across national boundaries to address global problems such as climate, terrorism, and nuclear proliferation—you will need to draw upon both these fruits of a Yale education: the capacity to reason and the ethical imperative to think beyond your own self-interest.

I know that many of you are taking advantage of these first years after graduation to take up public service, and I hope that even more of you will consider this path. There are plenty of jobs in the public sector for enterprising recent graduates; many are short-term but others may lead to careers. Many of you have signed up to be teachers. Others will enter business or the professions. But whatever choice you make, you can help to strengthen the nation and the world—by treating political choices not as triggers for an ideological reflex and not as opportunities to maximize self-interest. To combat reflexive ideologies, you must use the powers of reason that you have developed here to sift through the issues to reach thoughtful, intelligent conclusions. To combat parochialism, you must draw upon the ethical imperative that Yale has imbued in you—an imperative that begins with the golden rule. Whether you serve in government directly or simply exercise your responsibilities as a citizen and voter, recognize that we will all be best served if we take account not merely of our own self-interest, but the broader interests of humanity. To move beyond ideology and faction, we need to raise the level of political discourse. You, as the emerging leaders of your generation, must rise to this challenge.

In first paragraph of *The Federalist* (No. 1), writing about the infant republic whose constitution he was endeavoring to defend, Alexander Hamilton asserts:

It has frequently been remarked, that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies . . . are really capable or not, of establishing good government from reflection and choice . . .

There is much in America's history of the past two and a quarter centuries that would incline us to conclude that Hamilton's question has been answered in the affirmative. Our institutions of representative government have proven themselves to be durable; the rule of law has prevailed, and the scope of personal liberty has expanded far beyond what the founders envisioned. But today, in the face of oversimplified ideology and the dominance of narrow interests, we must wonder again whether Hamilton's question is still open.

Women and men of the Yale College class of 2010: It falls to you, the superbly educated leaders of your generation, to rise above ideology and faction, to bring to bear your intelligence and powers of critical thinking to elevate public discourse, to participate as citizens and to answer the call to service. Only with your commitment can we be certain that our future will be decided by "reflection and choice" in the broad best interest of humanity. You can do it. Yes you can.

A PROCLAMATION HONORING
DEBORAH OBERLIN ON BEING
NAMED "TOYS FOR TOTS" NATIONAL
COORDINATOR OF THE
YEAR

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. SPACE. Madam Speaker:

Whereas, the U.S. Marine Corps Reserve Toys for Tots Program collects toys every year for distribution to underprivileged children during the holiday season;

Whereas, since its founding, the Toys for Tots Program has distributed more than 400 million toys to more than 188 million children;

Whereas, the Carroll, Harrison, and Jefferson County Toys for Tots Organization served 2,656 children in 2009 under the leadership of Deborah Oberlin;

Whereas, the Toys for Tots Program considers a number of factors in selecting a National Coordinator of the Year, including the number of children reached relative to the community population and the spirit of teamwork demonstrated by the organization;

Resolved that along with the residents of the 18th Congressional District, I commend Deborah Oberlin on being selected as the National Coordinator of the Year for the U. S. Marine Corps Reserve Toys for Tots Program for 2009, and for her hard work serving the children of Ohio through this outstanding organization.

GERARD PLACIDE

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. JOHNSON of Georgia. Madam Speaker, I submit the following:

Whereas, The Caribbean community is a vital part of our Nation and its members are known worldwide; and

Whereas, Gerard Placide, not only talks the talk, but he walks the walk as it relates to our elected officials and our community working together to strengthen the relationships between the Caribbean community and citizens throughout our country; and

Whereas, Gerard Placide has served our nation honorably in the United States Army for six and a half years, he is a Goodwill Ambassador for not only the citizens in the Fourth Congressional District of Georgia, Trinidad and Tobago, the Cayman Islands, and all of the Caribbean Nations; and

Whereas, this wise psalmist and man of God has shared his time and talents for the betterment of his community and his nation through his tireless works, inspirational singing and words of encouragement and motivation that have and continues to be a beacon of light to those in need; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Caribbean community and Gerard Placide on this day and for outstanding leadership and service to our District;

Now, therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby proclaim June 18, 2010 as Gerard Placide Day, in the 4th Congressional District.

Proclaimed, this 18th day of June, 2010.

IN HONOR OF 16 YEARS OF COMMUNITY SERVICE BY THE NOVA-ANNANDALE SYMPHONY ORCHESTRA AND IN RECOGNITION OF THE 2010 AWARD RECIPIENTS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to thank the NOVA-Annandale Symphony Orchestra for providing our community with outstanding performances for the past 16 years and to recognize its 2010 Award Recipients.

In 1994, Dr. Claiborne Richardson of the Reunion Music Society (RMS) and Dr. Gladys Watkins of the Northern Virginia Community College (NOVA), Annandale Campus, formed a partnership between to create the NOVA-Annandale Symphony Orchestra. The orchestra combines the talents of local professional and amateur musicians and college students to develop their skills by performing the music of different cultures and heritages.

On April 16, 2010, during the NOVA-Annandale Symphony Orchestra's "Colors of Spring" concert the RMS announced award recipients in two special categories: The Richardson-Watkins Founders Awards, which recognize persons or businesses from the community that have made significant contributions to the success of the RMS' programs, and The Orchestra/Players Awards, for which musicians are recognized by their peers for making significant contributions to the success and development of the symphony orchestra over several years.

The 2010 recipients of The Richardson-Watkins Founders Awards are:

Campbell & Ferrara Nurseries in Annandale, Va., and its Garden Manager, Karen Stay, for many years of providing complimentary flower arrangements displayed in the lobby of the NOVA Theater during the orchestra's concerts and for helping to promote concerts at its store. Ms. Stay always makes sure the floral arrangements are delivered on time.

Mr. Steven Metzger, owner of "Expert Software Design," who has hosted the RMS' website for many years, making timely changes, and absorbing all expenses. His diligence in maintaining the website is particularly

noteworthy since he commutes between his home in Fairfax, Va., and his full-time job in Frederick, Md. Mr. Metzger has been instrumental in converting the website (www.reunionmusic.org) to a new, exciting design.

Dr. Barbara Saperstone, Provost of NOVA's Annandale Campus, who has supported RMS programs over a decade, including needed resources for the orchestra such as acoustical enhancements in the college theater. Through her leadership the college has provided at no cost to the orchestra or the RMS use of rehearsal rooms and the theater, purchase of music scores and printing of "playbills" for concerts.

The recipients of The Orchestra/Players Awards are:

Mrs. Nancy McKinless, who has served for many years as the orchestra's librarian and plays the violin at concerts. Mrs. McKinless ensures that the musicians have appropriate music scores for rehearsals and concerts. This involves dealing with music libraries for renting or purchasing music.

Mr. Rolland ("Bucky") Roup, who plays the violin. Mr. Roup devotes many hours to carefully coordinate logistical matters with the orchestra's music director and with the NOVA theater technical staff, and he has trained a cadre of other orchestra members to assist in stage management.

Madam Speaker, I ask my colleagues to join me in congratulating the NOVA-Annandale Symphony Orchestra for continuing to offer outstanding concerts in collaboration with the RMS and NOVA, and I also ask that we commend the 2010 recipients of The Richardson-Watkins Founders Awards and of The Orchestra/Players Choice Awards.

CONGRATULATING THE CITY OF
ROCK HILL FOR WINNING THE
"EXCELLENCE IN COMMUNICATIONS
AWARD" FROM THE MUNICIPAL
ASSOCIATION OF SOUTH
CAROLINA

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. SPRATT. Madam Speaker, I want to congratulate the city of Rock Hill, South Carolina for receiving a Municipal Achievement Award from the Municipal Association of South Carolina for excellence in communications. MASC established these awards in 1987 in an effort to encourage innovations and excellence in local government.

The city of Rock Hill won this year's award for RH19, the city's government access channel, which not too long ago was in a dire state. With no upgrades since the 1980s, malfunctioning cameras, a signal that did not meet broadcast specifications, and inadequate audio capabilities, the result was an unimpressive broadcast that was not taken seriously.

What RH19 did have, however, is a dedicated staff that responded with urgency when the Rock Hill City Council decided in 2008 that one of its strategic goals would be to provide

"open and effective communication" to the citizens of that community.

After doing an inventory of the city's existing means of communication, the staff decided that the public access station was the most deficient and in need of modernizing. According to the Municipal Association of South Carolina, RH19 staff took a "modest budget and a rebate from a terminated franchise agreement with the local cable provider" and went to work, fixing existing equipment and buying new software and equipment to replace those items beyond repair. Moreover, they developed a "branded" look for the channel and established standardized production schedules, opting for "short, well-executed messages" to ensure the most current information was aired to the public. RH19 also recruited students from local colleges and universities to work as interns, providing them a significant and lasting experience in media production and journalism.

With the equipment updated and the quality of the broadcast signal enhanced, the city of Rock Hill began to air several programs of public interest and even posted the videos on YouTube to maximize exposure. These changes have met with widespread praise and appreciation across the city of Rock Hill, and are a perfect example of what can happen when people in our community see a problem, set a goal and carry out the arduous work necessary to achieve those goals. I congratulate RH19 for this impressive achievement.

INTRODUCTION OF THE SEXUAL
ASSAULT FORENSIC EVIDENCE
REGISTRY (SAFER) ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mrs. MALONEY. Madam Speaker, today, I am proud to introduce this important bipartisan legislation, the Sexual Assault Forensic Evidence Registry (SAFER) Act, with my colleagues, Representatives POE, RICHARDSON, and COHEN.

I have been working on the issue of DNA technology since 2001 when I, along with former Representative Steve Horn, held a hearing in the Government Reform Committee where we heard from a courageous rape survivor, Debbie Smith. It was for Debbie, and the thousands of rape survivors like her, that I authored "The Debbie Smith Act" to provide federal funding to process the unconscionable backlog of DNA evidence. This legislation passed as part of the Justice for All Act of 2004, authorizing the necessary funding to start processing the backlog through the creation of the Debbie Smith DNA Backlog Grant Program.

Since 2004, millions of dollars in funding have been appropriated under the Debbie Smith DNA Backlog Grant Program. Efforts to eliminate the national backlog of rape evidence samples that have not been tested for DNA have been slowed or stymied by the lack of solid data on the extent and nature of the remaining backlog. While there is extensive evidence that we are making progress towards

eliminating the backlog, policy makers lack a reliable estimate of the number of kits awaiting testing, or even how many kits remain at each stage of the process (in police custody, at labs awaiting processing, etc.).

This legislation addresses these issues by creating an incentive grant program to provide funding to cover the upfront costs of auditing state and local jurisdictions backlogs of DNA rape evidence samples. The bill would also direct the Justice Department to create the National Rape Kit Registry, a simple database that will track the status of every rape evidence kit waiting to be processed.

As Congress considers legislation to amend the Debbie Smith Act or make other changes to DNA testing policy, it is crucial that we first gather reliable, comprehensive backlog data. DNA evidence does not forget and it cannot be intimidated. By processing this evidence, we can prevent rapists from attacking more innocent victims and ensure that the survivors and their families receive justice.

RECOGNIZING THE HONORABLE
SYLVIA POITIER ON THE OCCA-
SION OF HER 75TH BIRTHDAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize a dear personal friend and dedicated public servant, the Honorable Sylvia Poitier, who will be celebrating her 75th birthday on September 4. Sylvia is currently serving her second consecutive term as District 2 Commissioner of the City of Deerfield Beach, Florida.

Sylvia is a public servant, community leader, educator, philanthropist, and entrepreneur whose commitment to civic duty and the citizens of Deerfield Beach is truly inspiring. A lifelong resident of Deerfield Beach and of District 2, Sylvia has spent her entire career working to improve the lives of children, young people, and all those who live in Deerfield Beach. After opening the Deerfield Beach Cleaners and Laundry in 1956, Sylvia pursued a career in Early Childhood Education and earned a certificate in Early Childhood Development from Broward Community College. Combining her business expertise with her passion for children, she opened Kiddies Kollege Kindergarten and the Children's Cultural Center, Inc.

In 1973, Sylvia was elected to the Deerfield Beach City Commission, where she served from 1973-1985. Furthermore, she served as Vice Mayor in 1975 and as Mayor from 1976-1977. Following her three distinguished terms on the City Commission, Governor Bob Graham appointed her to the Board of Broward County Commissioners in 1985, where she served from 1986-1998. During her tenure as City and County Commissioner, Sylvia provided affordable housing to residents in Broward County, served as a founding Board Member of the Deerfield Beach Boys and Girls Club, and was involved in the development of Westside Park. As Commissioner of District 2 since 2005, she is now engaged with creating

economic development along the Dixie Highway corridor and bringing a sense of unity to the City at large.

In addition to her many professional achievements, Sylvia also takes an active role in many public service, social, and community organizations. Currently, she serves as Chairperson for the Community Action Agency and is a member of the Salvation Army Advisory Board.

In addition, Sylvia has served on several boards and committees, including Deerfield Beach's Unclassified Civil Service Board. She was also the first African American president of the Broward County Council of Parent-Teacher Associations, an Advisory Board member to the Red Cross, Broward County Chapter, and a member of the Community Service Council and Man Power Planning Association.

Madam Speaker, Sylvia Poitier is truly a friend to me, the City of Deerfield Beach, and to the State of Florida. It is with great honor and joy that I wish her a very happy 75th birthday.

RELIEF EFFORTS TO ASSIST VICTIMS OF THE FLOODS IN PAKISTAN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. HOLT. Madam Speaker, I rise today to express my deepest sympathy and condolences to the victims of the floods that began on July 29, 2010 in northwestern Pakistan. Twelve million people have already been affected, and the Pakistani government estimates that millions more could be affected as the floods spread to the lower half of Punjab and the Sindh region. Already, there are counted more than 1600 dead, and the flooded regions have become plagued by water-borne diseases such as cholera and dysentery. The death toll could escalate tragically if major dams, such as the Guddu and Sukkur, fail as a result of the flood waters.

The United States has taken an active role in responding to this disaster in Pakistan. The U.S. military has rescued hundreds of people and delivered tens of thousands of pounds of relief supplies. Hundreds of thousands of halal meals have been provided to victims and relief workers. The U.S. Agency for International Development is coordinating the \$35 million in U.S. assistance funds that will help provide food, health care, water, sanitation, and shelter for those displaced by the floods. I commend the humanitarian efforts of our troops and civilian personnel in the region. We must continue to do all we can to assist the Pakistani people at this terrible time.

LANCE CORPORAL SHANE MARTIN
MARINE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. POE of Texas. Madam Speaker, it is with great pride and a heavy heart that I pay tribute to an American warrior from the 2nd District of Texas today: United States Marine Corps Lance Corporal Shane Martin.

Shane was killed during combat operations on July 29 while conducting a mounted patrol in Helmand Province, Afghanistan.

He is the 35th in an honored, sacred roll of American warriors from my district who have given their lives fighting the coward terrorists who attacked America on September 11th.

Shane was 23 years old. He had already served a tour of duty in Iraq with the 1st Light Armored Reconnaissance Battalion based out of Camp Pendleton.

Shane so loved liberty and freedom and this great melting pot called America.

Born in South Africa, Shane lived his early years there and in Kenya before moving to a ranch in Burton, Texas at age 12. When he was 16 years old, Shane moved with his family to Spring, Texas.

After he graduated from Klein Collins High School, Shane married his high school sweetheart, Lauren. Shane proudly joined the United States Marine Corps defending the country he so loved.

While serving America on the battlefields of Iraq, Shane proudly earned his American citizenship.

All of his fellow soldiers gave some, Madam Speaker, but Shane Martin gave all in his defense of freedom. We are honored and humbled by his service and sacrifice for America.

Our brave Marines go to war defending freedom and liberty in faraway lands. In the dark, cold desert night and the parched, insufferable desert heat, these brave warriors pay with their blood and sacrifice for freedom and liberty and for America.

They sanctify with their blood lands they have never seen, and they fight for people they do not know.

President Ronald Reagan once said, "Some people spend an entire lifetime wondering if they made a difference in the world. But, the Marines don't have that problem."

Shane was a Marine. He gave all to others during his short 23 years to family and friends and his fellow Marines. He was the poster boy for what is best about America.

Shane Martin was a hero in the tradition of our great men and women who defend the flag and liberty. It is America's warriors who pay the price for our freedom.

In America's first war fighting for freedom, Patrick Henry said, "The battle, sir, is not to the strong alone; it is to the vigilant, the active, and to the brave."

These words still ring true today as men like Shane carry those values into battle. Today we mourn the loss of Shane Martin, but we should thank God that a man like him ever lived.

Madam Speaker, we shall always remember Shane and the precious life gave for our freedom.

As early American poet Joseph Drake once said, "And they who for their country die shall fill an honored grave, for glory lights the soldier's tomb, and beauty weeps the brave."

Today we are humbled and in awe of the man who gave so much in his young life so that others might be free.

I extend my prayers and condolences to Shane's wife Lauren and his mother and father Debora and Kevin Wallace, his brother Kyle, his beloved little sister Diane, his grandmother Pammy, his fellow Marines and friends in the Spring community.

When a warrior goes off to faraway lands, the family stands vigilant at home because they, too, have really gone off to war.

Today we honor the life of Marine Lance Corporal Shane Martin.

Semper Fi, Shane Martin, Semper Fi.

And that's just the way it is.

IN HONOR OF UT SOUTHWESTERN'S HAROLD C. SIMMONS COMPREHENSIVE CANCER CENTER

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. SESSIONS. Madam Speaker, I rise today to congratulate the Harold C. Simmons Comprehensive Cancer Center at UT Southwestern, UTSW, Medical Center for attaining the prestigious National Cancer Institute, NCI, designation.

The NCI designation is a national benchmark bestowed upon the top cancer centers in recognition of their innovative research and excellence in patient care. The Simmons Center exemplifies this and is the first and only medical center in North Texas to attain this designation. Founded in 1989, the Simmons Cancer Center has been devoted to reducing the impact of cancer, aggressively striving to be at the forefront of cancer prevention, diagnosis, and treatment. The dedicated clinical and research faculty and their staff conduct numerous clinical trials and develop and test new cancer drugs. I commend their commitment to conducting cutting-edge medical research and providing quality care.

I am also pleased to recognize the Simmons family for their generosity and firm belief in giving back to our local community. Their charitable donation established this cancer center and they have remained strong supporters. Over the years, they have given and pledged over \$100 million to enhance the cancer programs at UTSW. With the continued help of numerous supporters and foundations, UTSW will be able to expand its reach and help countless more individuals affected by cancer.

Madam Speaker, I ask my esteemed colleagues to join me in recognizing the dedicated efforts of UTSW and the Simmons Cancer Center to combating cancer and in congratulating them on achieving this nationally recognized status.

RECOGNIZING SUICIDE PREVENTION WEEK 2010 AND THE ONGOING EFFORTS OF CRISISLINK TO HELP THOSE IN NEED

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to address an issue of critical concern. As my colleagues know, Sept. 5–12, 2010, has been designated as Suicide Prevention Week, and I am honored to do my part in raising the awareness of this threat so that we can better protect those most vulnerable in every community.

Suicide is the 3rd leading cause of death among teens and young adults. Every 2 hours, a person under the age of 25 commits suicide, resulting in estimated 12 youth suicides every day or more than 4,000 unnecessary deaths each year.

More than 78,000 veterans of current military operations in Iraq and Afghanistan have sought help for mental health related issues. I, along with my colleagues, have taken steps to provide the needed support to our warriors, but we must do more. More than 6,200 veterans commit suicide each year; our best and bravest feel that they have no options or way out of their despair.

Among our senior citizen population, the suicide rate is the highest. Although those over the age of 65 account for just 12.5 percent of the population, they account for nearly 16 percent of all suicides.

There is also an ethnic component to suicide rates. While CDC reports that the rate of white, non-Hispanic suicide attempts is 7.7 percent, the black non-Hispanic suicide attempt rate is nearly 10 percent and the Latino suicide attempt rate is an astonishing 14 percent.

We must do everything in our power to reduce this threat and to provide resources to those who need our assistance.

I would like to recognize and thank those people and organizations who are dedicated to reducing suicide rates and preserving life. One such organization located in the 11th Congressional District of Virginia is CrisisLink. CrisisLink is dedicated to reducing the frequency of suicide attempts and death and to providing resources that can ease the pain for the survivors affected by the suicide of a loved one. Through educational programs, research projects, intervention services and bereavement services, CrisisLink is at the forefront of providing needed support to those who need it the most.

For 40 years, CrisisLink has provided needed services to the community; answering more than half a million crisis calls, responding to more than 25,000 potential suicides, providing more than a quarter million referrals to community resources, promoting mental wellness, educating the community about depression and other mental illnesses, and reducing the stigma attached to mental illness.

Madam Speaker, I ask that my colleagues join me in proclaiming September 5–12, 2010, as Suicide Prevention Week, and I ask that we commend CrisisLink for its unwavering

commitment to providing assistance to so many in their time of need.

PASTOR GRACE C. WASHINGTON

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. JOHNSON of Georgia. Madam Speaker, I submit the following:

Whereas, twenty-five (25) years ago a virtuous woman of God accepted her calling to serve as Senior Pastor; and

Whereas, Pastor Grace C. Washington has served twenty-five (25) years as a Senior Pastor with faithful service and devotion that has and continues to improve the lives of citizens in our district; and

Whereas, this great woman has shared her time and talents as a Teacher, Counselor, Friend and Pastor, giving the citizens of Georgia a person of great worth, a fearless leader, a devoted scholar and a servant to all who want to advance the lives of our community; and

Whereas, Pastor Grace C. Washington's service to the Love Life Christian Church speaks volumes not only to our community, but to the nation as a whole; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Pastor Grace C. Washington on her anniversary as a Senior Pastor and to wish her well in her endeavors;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim October 9, 2010 as Pastor Grace C. Washington Day in the Fourth Congressional District.

Proclaimed, this 9th day of October, 2010.

IN RECOGNITION OF JUDITH HURLEY STANLEY COLEMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. PALLONE. Madam Speaker, I rise today in commemoration of the life of Mrs. Judith Hurley Stanley Coleman. Mrs. Stanley Coleman, an active philanthropist and environmentalist in her community, passed away on August 1, 2010, at the age of 75. She was a model citizen and adored by her colleagues. Her faithful dedication and commitment toward others is unquestionably worthy of this body's recognition.

Mrs. Stanley Coleman was raised in Asbury Park, New Jersey, by her mother and grandparents. She graduated as valedictorian from Asbury Park High School in 1952 and later went on to earn a bachelor's degree in history from Smith College in Northampton, Massachusetts. Her academic accolades have earned her a position in the Asbury Park High School's Hall of Fame.

Judith Stanley Coleman's exceptional record of community service can be traced back more than four decades. Mrs. Stanley Coleman served as a trustee and held various

leadership positions on the boards of the Visiting Nurse Association of Central Jersey, Monmouth Medical Center Foundation, Monmouth Medical Center, Monmouth University, Rumson County Day School, Stevens Institute of Technology, Count Basie Theatre, the SPCA, and Monmouth Museum. Her passion for better, more accessible health care was matched by her love of community activism, politics, historic preservation and environmental justice. As founder and president of the Monmouth Conservation Foundation, president of the Save Sandy Hook organization, and a trustee of the Monmouth Park Charity Fund, Mrs. Stanley Coleman fought hard to preserve Central New Jersey's beautiful natural resources for future generations to enjoy. Her work in the community continued with her involvement in public service and politics. Mrs. Stanley Coleman was a member of the New Jersey Highway Authority under former Governor Thomas Kean. She was also appointed the chairwoman of the Middletown Planning Board and served with this organization for over 30 years. Mrs. Stanley Coleman remained an active member of the Republican Party, serving as New Jersey's Republican National Committeewoman for 10 years and fundraising for various GOP candidates throughout the country. She was a leader determined to make a difference in the community. Mrs. Stanley Coleman's unending generosity and charitable activities have undoubtedly touched many lives and have helped countless people throughout Central New Jersey.

As a result of her exceptional work, Mrs. Stanley Coleman received countless awards and honors for her achievements. She was awarded the 1983 Brotherhood Award from the National Conference of Christians and Jews, the Salvation Army's Others Award in 1984, and the 2003 Christine Todd Whitman Award of Distinction. Mrs. Stanley Coleman was also listed in the 1987 edition of "Who's Who in American Women".

Madam Speaker, Judith Stanley Coleman dedicated her life to philanthropy and environmentalism and her actions touched the hearts and minds of countless men, women and children. Her legacy has served as an inspiration to us all and she will be truly missed.

GRATITUDE FOR THE SERVICE OF
ANDREA CULEBRAS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. CONYERS. Madam Speaker, I would like to take this opportunity to thank one of the most dedicated and productive members of the Judiciary Committee staff for her service to the House, Andrea Culebras. For 3½ years, Andrea has worked with exceptional ability and attitude for the Judiciary Committee, and I rise to commend her for her achievements.

After graduating from Fayetteville-Manlius High School in Manlius, New York, Andrea attended George Washington University, and graduated in 2005.

Following graduation, Andrea began her Congressional career. She first interned for

former Congressman James T. Walsh. She soon found a staff position on the Hill, and worked for my colleague on the Judiciary Committee, the Gentleman from New York, ANTHONY WEINER. After her time in Mr. WEINER's office, she worked for the Gentleman from Texas, HENRY CUELLAR.

At the beginning of the 110th Congress, when I became Chairman of the Judiciary Committee, Andrea was one of the very first new employees I hired. As a member of the committee's staff, Andrea has played a central role in the operations of the committee, coordinating the work of the subcommittees and full committee and assisting the Staff Director and General Counsel with the day to day organization of the committee. Recently, she has been instrumental to the committee's work on modernizing federal stalking laws.

Andrea is leaving the committee to attend Columbus School of Law at Catholic University this fall. On behalf of the Judiciary Committee, its staff, and this distinguished body, I would like to thank her for her exemplary work, grace under pressure, sense of humor, and relentlessly positive attitude. She will be sorely missed as a colleague and friend, but we wish her the best of luck and extend to her our deepest gratitude for her service. We know she will do well.

RECOGNIZING MINNIE JONES' DEDICATED SERVICE TO THE ASHEVILLE COMMUNITY AND HER CONTRIBUTIONS TO THE CAUSE OF CIVIL RIGHTS AT THE LOCAL AND NATIONAL LEVEL

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. SHULER. Madam Speaker, I rise today to honor the long history of service that Minnie Jones has given to the Asheville area in civil rights and equal housing opportunities for the past forty years. Ms. Jones was recently awarded North Carolina's "Order of the Long Leaf Pine," one of the state's highest civilian awards which has also been bestowed upon Maya Angelou, Billy Graham, and Charles Kuralt. She has also been recognized with the Buncombe County Democratic Woman of the Year award, the One Youth At A Time 2010 Dr. Martin Luther King, Jr. Award, the NAACP's Eighth Annual Sophie Dixon and Grace Dorn Leadership Award, as well as being the namesake and co-founder of the Minnie Jones Family Health Center in Asheville.

As a young woman, Ms. Jones moved to Asheville bringing experience working with Rev. Dr. Martin Luther King, Jr. in voting registration drives throughout the Deep South. She continued to involve herself in Civil Rights in Asheville, becoming the first person to successfully integrate the Pisgah View Apartments. She went on to become the first president of the Pisgah View Residents Association and a tireless advocate for those residents. Ms. Jones also began the program for after-school education in this community.

Ms. Jones remains a vibrant force in the Asheville community to this day. She is a Dea-

coness of St. Paul Baptist Church. She is a life member of the NAACP, and a member of the Executive Committee of its Asheville Branch. She still teaches in her after school program at Pisgah View and continues her own education by taking courses at UNC-Asheville.

I strongly urge my colleagues to join me in recognizing the singular impact that Minnie Jones has had on the civil rights movement in Asheville. Her tireless and effective advocacy has established her as a champion for all people and a constant voice for the voiceless.

HONORING THE LIFE AND ACCOMPLISHMENTS OF PASTOR KENNY FOREMAN UPON HIS 80TH BIRTHDAY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor the life and accomplishments of a distinguished member of my community and my friend, Pastor Kenny Foreman, upon his 80th birthday.

Pastor Kenny Foreman and his beloved wife Shirley are the leaders and founders of the Cathedral of Faith. The Cathedral of Faith is one of the most prominent and highly regarded Christian Churches in Santa Clara County. Pastor Foreman's life story is truly one of faith and commitment to his beliefs and his community.

In 1957, Kenny wed Shirley and they began their lifetime commitment of building a home, community and place of worship. Their work began modestly with the Calvary Temple in Louisiana, which soon grew to serve a congregation of more than 2,000. In 1964, Kenny, Shirley and their two sons, Ken and Kurt, were invited to San Jose, California to conduct a crusade and eventually lead the Friendly Bible Church. He was also given the opportunity to present a television show on a local channel titled, "Kenny Foreman Presents Abundant Living," which was eventually nationally syndicated.

In 1976, 14 acres of property were purchased in San Jose to house what is now the Cathedral of Faith. Through hard work, dedication and faith, the Foreman's and their congregation not only are a faith community but a congregation reaching out to help those in need in the wider community.

The Church established the Reaching Out Center in 1979 out of a simple church closet. I recall fondly working with Kenny in the early 1980s as their successful efforts were underway to grow this important service.

The program now operates from a 16,000 foot distribution complex, serves 50,000 families annually, and provides food for some 200,000 people. The California Department of Agriculture has recognized Reaching Out as one of the most efficient food programs in the state. The Cathedral of Faith also provides child care, early childhood education services as well as a Family Life Center.

Kenny is well known not only as someone who serves his faith but as part of his faith

serves the poor. He has never forgotten his own humble roots. His life has been one of joyful, generous, forgiving and loving service.

It is an honor to call Pastor Kenny Foreman friend and my privilege to honor him as one of the most significant people in the 16th Congressional district. I'd like to take the occasion of his 80th birthday to thank him and his family for their many gifts and contributions to the community of San Jose and wish him many more healthy, happy and blessed years.

HONORING THE 75TH ANNIVERSARY OF THE SOCIAL SECURITY ACT

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to celebrate the 75th anniversary of the Social Security Act. One of the cornerstones of President Franklin Delano Roosevelt's New Deal, the Social Security Act drastically enhanced economic security in our country.

Shepherded by then Labor Secretary, Frances Perkins, the Social Security Act marked the first time a President and Congress sought to offer financial protections for the elderly. Today, that groundbreaking legislation encompasses several programs, including: Supplemental Security Income; Federal Old Age, Survivors, and Disability Insurance; SCHIP; Medicaid; Medicare; TANF; and Unemployment benefits.

On the third anniversary of the Social Security Act, President Roosevelt said, "We have come a long way. But we still have a long way to go. There is still today a frontier that remains unconquered—an America unclaimed. This is the great, the nationwide frontier of insecurity, of human want and fear. This is the frontier—the America—we have set ourselves to reclaim."

Today, much of that dream has been realized. While we may never completely eradicate poverty, great strides have been made. In 1935, more than 50% of the elderly population lived in poverty. Today that poverty rate stands officially at 9.4%. However, that rate may not truly reflect the number of elderly that actually face poverty, as the formula instated in 1955 does not adequately take into account the cost of medicine or other factors that face the senior population.

As we recognize and celebrate this anniversary, we must still bear in mind the unmet needs and reforms needed to our current system. A strong society is the one which takes into account the needs of the least among us, as well as those who are better off. I believe strongly in fiscal responsibility, however we must not turn back the clock on the humanitarian policies created by the Democrats under the New Deal. It is a strong and proud legacy, and our country is certainly better for the security provided by the Social Security Act.

A MESSAGE OF HOPE AND A CALL
TO ACTION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. WOLF. Madam Speaker, I submit a statement from the Sudan Catholic Bishops' Conference (SCBC) titled, "A Message of Hope and a Call to Action." The bishops gathered in Juba in July on the eve of an historic time for the people of Sudan as they approach the referendum in January 2011.

(Addressed to all the people of Sudan, the Sudanese leaders, and all people of good will)

"The Spirit of the Lord is upon me, because he has anointed me to bring glad tidings to the poor. He has sent me to proclaim liberty to captives and recovery of sight to the blind, to let the oppressed go free, and to proclaim a year acceptable to the Lord." (Luke 4:18-19)

PREAMBLE

We, the Catholic Bishops of Sudan, gathered in an Extraordinary Plenary Session in Juba from 15th-22nd July 2010, reflecting and praying together on the present situation in Sudan, greet you and present to you this message of hope and call to action.

This is an historic moment. This is a moment of change. Sudan will never be the same again. After centuries of oppression and exploitation, after decades of war and violence which have marked and marred the lives of so many Sudanese in south and north with no respect for human life and dignity, and now, after 5 years of the Comprehensive Peace Agreement (CPA), we have reached a time to move and prepare for change.

We believe it is not the will of God for human beings to endure such suffering and oppression, particularly at the hands of fellow human beings, and so we bring a message of hope and encouragement to our people and all people of good will.

The Catholic Church proclaims that human life is sacred and that the dignity of the person is at the core of a moral vision for society. Our belief in the sanctity of human life and the inherent dignity of the human person is the foundation of all the principles of our social teaching. Our tradition proclaims that the person is not only sacred but also social. How we organise our society directly affects human dignity and the capacity of individuals to grow in community. Our Church teaches that the role of the government and other institutions is to protect human life and human dignity and promote the common good. Human dignity can be protected and a healthy community can be achieved only if human rights are protected and responsibilities are met. "The Church has always had the duty of scrutinising the signs of the times and interpreting them in the light of the Gospel" (Vatican II, The Church in the Modern World). The Church is a teacher of truth for humanity and has the right and duty to speak on political and social issues that affect the people.

ANALYSIS

Agreement signed and hopes raised

When the CPA was signed amid great hope in 2005, a key element was that the unity of Sudan should be made attractive and given a chance by addressing the root causes of the conflicts in Sudan.

These root causes include:

Identity—Sudan is a multi-cultural, multi-lingual, multi-ethnic, multi-religious soci-

ety, but in practice one entity still dominates and imposes itself on others in an oppressive manner, at every level; and

A highly centralised system of governance which marginalises those on the periphery.

Little progress

The CPA has brought some progress. The conflict between south and north was moved from the military to the political arena. Space was created, after the fighting ceased, for development projects to go ahead in the south and the marginalised areas of Abyei, Nuba Mountains (which is in Southern Kordofan State) and Blue Nile. There have been attempts to address the Millennium Development Goals, particularly in the areas of health and education. Reconstruction and rehabilitation have taken place in many war-afflicted areas. A system of governance has been put in place in these areas which, while still new and fragile, is making great progress. Increased oil revenue has become available to both north and south. There is freedom of movement. There is an increased awareness of human rights. Elections have been held peacefully, although not perfectly.

However, war continues in Darfur. Islam continues to be the source of legislation in the north, which adversely affects the rights of all, particularly non-Muslims. The human rights climate is deteriorating again. A number of oppressive laws, including the National Security Act, have not been repealed or brought in line with the new Interim Constitution. The powers of the national security organs, characterised by torture, intimidation and detention without trial, have not been curtailed. Humanitarian organisations in Darfur and the rest of the north are subject to restrictive regulations and kidnappings, and many have been expelled.

Weak governance in the south gives rise to corruption, nepotism, lack of respect for human rights, harassment of humanitarian agencies and power struggles. Divisions among peoples are being exploited by some elements. Violence still afflicts many parts of southern Sudan. Incursions by the Lord's Resistance Army continue. Many people still suffer food insecurity and lack of basic services.

Unity or secession, what do they mean?

If unity is an option, we must understand what kind of unity we are speaking of. It must be a unity embracing all, in a just, free and open society, where the human dignity of every citizen is safeguarded and respected. All indications are that unity has not been made attractive to the people of southern Sudan. At the same time, the root causes of the conflicts have not been addressed. The leadership of Sudan and the political establishment bear a great responsibility for this tragic situation. A unity which binds and oppresses, prohibits all opposition, a unity which imposes uniformity and condemns those who differ in faith and culture must be rejected. If secession is chosen, what are the challenges that will face the people of both north and south Sudan? How will the precious values of honesty and integrity, tolerance and respect, compassion for the weak and poor, be upheld and guaranteed? How will good governance and the rule of law be assured? How will the dignity of the human person and the common good be respected and protected?

THE REFERENDUM

The process

The CPA provides that the people of southern Sudan should exercise their right to self-determination through a referendum to determine their future status in accordance

with the provisions of the Interim National Constitution of 2005 and the Southern Sudan Referendum Act of 2009.

We remain deeply concerned that the time remaining before the due date of 9th January 2011 is painfully short and inadequate, and there is a fear that the CPA signatories have not prioritised this and that transparency and inclusiveness are lacking.

The following have not been done or are behind schedule:

The Southern Sudan Referendum Commission has barely begun its work;

Demarcation of the north-south borders is not complete;

Regulations and procedures for the referendum have not been provided;

Establishment of High Referendum Committees in states is not completed;

Formation of sub-committees in counties and referendum centres is not completed;

Voter eligibility has not yet been clarified;

Registration has not even begun;

Registers and other referendum materials have not been provided; and

Voter awareness and education has barely begun, and indeed cannot proceed without clarification of some of the above issues.

Secession can be chosen by a simple majority of 50% plus one of votes cast. However there is also a requirement that 60% of registered voters must cast their vote in order for secession to take place. If fewer than 60% cast their votes, the status quo (unity) continues. We fear that this voter turnout condition may lead to confusion and manipulation. The registration of voters residing outside southern Sudan presents real problems in establishing voter eligibility and monitoring the legitimacy of the process.

The transitional areas

The people of Abyei also have a referendum to choose to remain in Southern Kordofan or to become part of Warrap State in Greater Bahr el Ghazal. Borders and voter eligibility have officially been agreed, but there remain currents of dissatisfaction amongst other groups in the area which could derail the process. The Abyei Referendum Commission has not yet been formed. Abyei has already experienced outbreaks of violence and we fear further violence. The people of the Nuba Mountains (in Southern Kordofan State) and Blue Nile State do not have the right of self-determination, despite the fact that many feel culturally and ethnically connected to the south and fought alongside southerners in the liberation struggle. They have a form of popular consultation which has still not been clearly understood, and which appears to give the decision to legislators and the Presidency rather than directly to the people. The popular consultation mechanisms are already behind schedule in the Nuba Mountains (Southern Kordofan). We fear that popular consultation, even if free and fair, does not meet the aspirations of a large section of the population of these two areas, as they have no choice but to remain under northern governance.

We fear that dissatisfaction in all three of these transitional areas may lead to violence which could derail any peaceful future for the whole of Sudan.

Post-referendum arrangements

We are encouraged to note that the two CPA signatories have created structures to negotiate post-referendum arrangements, which are crucial to a peaceful future, whatever the outcome of the referendum. However we are concerned at the late establishment of these structures, and the absence of Church, civil society and other actors, which

could lead to a lack of transparency and inclusiveness.

CALL TO ACTION

We call upon our brothers and sisters and all people of good will to pray earnestly for a peaceful and fruitful referendum. May the God of Justice and Truth guide us all at this momentous time. We urge our leaders in both north and south to ensure that the referenda for southern Sudan and Abyei should take place on time, in a free and fair manner, and that the outcomes are recognised and respected. The referendum process must be conducted peacefully and transparently.

We urge those who are leading the referendum process to redouble their efforts to ensure that all outstanding measures are implemented in good time.

We call upon the international community to assist in the technical, logistical and operational stages of the referendum, to monitor and observe the process from start to finish, to guarantee implementation of the results and to mediate in case of any disagreement. We place our trust in those who have accompanied the peace process so far, particularly IGAD and friends of IGAD, (USA, UK, Italy and Norway), AU, UN, Arab league, to continue to encourage the signatories to implement the referendum, and to act in the interests of the people of Sudan as impartial and honest brokers.

We call upon all citizens who register, to ensure that they actually cast their vote. We urge international and domestic monitors to pay close attention to the registration process from the beginning, and particularly to the registration of those living outside southern Sudan. Our hearts are pained by reports of intimidation and threats causing fear among southerners living and working in northern Sudan as we approach the time of the referendum. We urge all parties to guarantee the safety and freedom of all people of Sudan in the run up to the referendum and beyond, regardless of the outcome.

In the event that unity of Sudan is the legitimate outcome of the process, we call for a change of heart among those in power, to bring about a unity embracing all, in a just, free and open society, where the human dignity of every citizen is safeguarded and respected. In the event that the people of southern Sudan choose secession, we call upon those in power to ensure good neighbourly relations and a smooth and peaceful transition. In particular we encourage the parties to reach amicable solutions to practical questions such as oil, citizenship and border issues—solutions which benefit all.

We urge the authorities in northern Sudan to respect the freedom and human rights, including freedom of religion, of all inhabitants. Given the fears which exist in the hearts of southerners in the north, it is important to create a climate of human security and well-being, and respect of basic human rights, in accordance with Sudan's obligations under the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights.

We urge the authorities in southern Sudan to respect the rights of northerners in the south. We call for good governance, with zero tolerance for corruption and nepotism, and an increased delivery of basic services. We call on all parties, factions and ethnic groups to end violence and to unite for the common good.

We also call for ways to be found to meet the legitimate aspirations of the people of Nuba mountains (in Southern Kordofan state) and Blue Nile state.

COMMITMENT

We commit ourselves and our Church to the work of peace-building and reconciliation on a daily and practical basis, in collaboration with others and in line with Catholic Social Teaching. We pledge ourselves to journey together with our people towards a just and lasting peace.

CONCLUSION

"I call heaven and earth today to witness against you; I have set before you life and death, the blessing and the curse. Choose life, then, that you and your descendants may live . . ." (Deuteronomy 30:19)

We have come a long way to reach this point. Our journey has not been easy and we have met with great difficulties. But we have faced these challenges as best we could with the help of God.

Our hope is not dimmed, and we look to the future with confidence in God's loving care for us all.

We therefore encourage all those who are entitled to vote in the referenda in Southern Sudan and in Abyei to choose what kind of future they, their children and generations to come will enjoy. We encourage them to choose what kind of life they and their offspring will have, a life of freedom with justice and equal rights for all. As the Shepherds of the Church in Sudan we place our hope in God and look forward to a just and peaceful society where each person's rights and dignity are upheld.

We encourage them to choose life.

"For I know well the plans I have in mind for you, says the Lord, plans for your welfare, not for woe! Plans to give you a future full of hope." (Jeremiah 29:11)

HONORING LAUREN BROWN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mrs. CAPPS. Madam Speaker, I rise today to pay tribute to my constituent Lauren Brown. Mr. Brown has travelled from San Luis Obispo, CA, to Washington, DC, by bike this summer to raise funds for students to attend school in India.

His journey has taken him from the West coast through the Rocky Mountains and Great Plains, across the Great Lakes and through much of the East Coast. Along the way, he has met with countless Americans to spread his message of peace and the importance of quality education.

I commend him and his family today, and honor the end of this momentous journey. It's an honor to represent an individual who cares so much about not only his local community, but the world at large.

Thank you.

COMMEMORATING RAMADAN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. HOLT. Madam Speaker, I rise today to recognize the commencement of Ramadan, which begins tonight at dusk.

Most Americans are not familiar with Ramadan. In New Jersey, with our diverse, cosmopolitan population, we understand well the significance this month has for America's millions of Muslims and for Muslims around the globe. Ramadan is the ninth month in the Islamic calendar, a time of fasting, prayer, spiritual renewal, and contemplation. The observance of Ramadan is one of the five pillars of Islam, and it is a time when adherents to the faith give generously to charities both locally and around the world. Ramadan is a time to strengthen ties to family and community in the form of meals shared among friends and neighbors at sunset, when the fast is broken. During Ramadan, our American-Muslim neighbors in the 12th District volunteer their time at area soup kitchens in places like Trenton and New Brunswick.

It has been my privilege to represent the American-Muslim population in Central Jersey, a vibrant, thriving community of doctors, engineers, lawyers, teachers, small business owners, entrepreneurs, U.S. servicemen and women, and working class Americans. Their concerns are the same as those of many Americans—maintaining high standards of education to ensure that their children can compete globally, sustaining their small businesses, rebuilding our economy, and seeking new energy sources to reduce waste.

There is no greater testament to the American way of life than the fact that Muslims, Christians, Jews, Hindus—people of all faiths—live and work side-by-side in our local communities across the nation. The vast majority of our Muslim neighbors reject the extremist ideologies that have taken root on the fringes of Islam, tarnishing the name of that religion. As I visit with my friends in the American-Muslim community of Central New Jersey, I see clearly that the relationship between American democratic values and a moderate Islam has been, and will continue to be, mutually beneficial.

I look forward to participating in Ramadan iftaars in the 12th District and to continuing to serve American-Muslims and members of all the faith communities in Central New Jersey.

HONORING MS. PATRICIA H. MURRAY

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. JOHNSON of Georgia. Madam Speaker, I submit the following:

Whereas, Thirty one years ago a virtuous woman of God accepted her calling to serve in the Internal Revenue Service in Atlanta, Georgia; and

Whereas, Ms. Patricia H. Murray began her career with the I.R.S. as a Tax Auditor in 1979 and today retires as a Team Manager over the Taxpayer Advocate Service Team; and

Whereas, this phenomenal woman has shared her time and talents, giving the citizens of our District a friend to help those in need, a fearless leader and a servant to all who wants to insure that the system works for everyone; and

Whereas, Ms. Patricia H. Murray is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Patricia H. Murray on her retirement from the Internal Revenue Service and to wish her well in her new endeavors;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim July 14, 2010 as Ms. Patricia H. Murray Day, in the 4th Congressional District.

Proclaimed, this 14th day of July, 2010.

A PROCLAMATION HONORING R.J. JACOBS' VICTORY AT THE AMERICAN QUARTER HORSE YOUTH ASSOCIATION WORLD CHAMPIONSHIP SHOW

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. SPACE. Madam Speaker:

Whereas, the American Quarter Horse Youth Association held its World Championship Show July 30 through August 7 in Oklahoma City, Oklahoma,

Whereas, the show is the world's largest single-breed show for youth,

Whereas, R.J. Jacobs, who is 12, was among the 858 exhibitors,

Whereas, R.J. showed a 2-year-old gelding, Happy Hour,

Whereas, R.J.'s sister, Molli, also won a world championship at the event,

Whereas, the event's organizers said it was so unusual for two siblings to win world championships in the same year that they were unsure if it had ever happened before,

Resolved that along with the residents of the 18th congressional district, I commend R.J. Jacobs on winning a world championship at the American Quarter Horse Youth Association World Championship Show, and for the hard work and dedication that led to this unique accomplishment.

HONORING TAYLOR HOSPITAL OF RIDLEY, PENNSYLVANIA ON 100 YEARS OF SERVICE

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. SESTAK. Madam Speaker, I rise today to honor the tradition of dedicated care upheld by Taylor Hospital of the Crozer-Keystone Health System and located in Ridley, Pennsylvania. This year, Taylor Hospital celebrates a significant milestone of 100 years of service to the residents of the 7th Congressional District of Pennsylvania. On February 10, 1910, Horace Furness Taylor, M.D. and his wife, Katherine Manly Taylor, R.N., opened their Ridley Park home as a 10-bed hospital for local residents. On May 21st, the couple received a

charter for their newly founded, medical institution "for medical and surgical treatment of the sick and injured . . ." Over the past 100 years, Taylor Hospital has continued to offer personal care to each patient, while remaining at the forefront of medical advancement. Its intimate size and the unwavering spirit of devotion embodied by the doctors, nurses, and hospital staff allow Taylor the unique ability to give each patient a highly individualized experience. Taylor employees develop relationships of trust with patients and have created a true partnership with local communities. Residents of this region do not have to travel beyond their own neighborhood to receive the finest healthcare. Directed at its founding by Dr. Horace Furness Taylor, and now by current president, Diane Miller, Taylor Hospital remains committed to excellence.

Today, Taylor continues to improve and expand upon its medical practice, and currently offers a variety of inpatient and outpatient services some of which include cardiovascular care, medical imaging, and orthopedic care. This institution has various specialty services including a Joint Commission Certified Primary Stroke Center, and the oldest nationally accredited sleep center in the Greater Delaware Valley of Pennsylvania. Additionally, 30 years ago, Taylor opened one of the region's first inpatient Rehabilitation Units. Taylor Hospital proves to be a leader in medical services in this region of Pennsylvania.

Madam Speaker, I ask that we recognize and show our strong appreciation for a truly historic and trusted institution of outstanding and comprehensive medical care to the communities of the 7th Congressional District of Pennsylvania, Taylor Hospital.

CONGRATULATING DELORES HASTINGS ON HER 75TH BIRTHDAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today and ask my colleagues to join me in wishing a happy 75th birthday to Ms. Delores Hastings.

Throughout her life, Ms. Hastings has worked tirelessly as a leader in her community. Most recently, she donated her time volunteering for a program that provides mothers and their children in rehabilitation centers with Thanksgiving Day food baskets. Additionally, Ms. Hastings was a staunch supporter of President Barack Obama during his 2008 campaign, registering over 200 individuals to vote.

In February of this year, she solicited medical donations to send to the victims of the earthquake that devastated Haiti on January 12, 2010, a cause very near to my heart. Ms. Hastings has also volunteered her time teaching inmates with children important parental skills before they are released. As a result of her work, these inmates are allowed visitation with their children prior to their release and have a smoother transition back into civilian life.

Ms. Hastings has always emphasized the importance of receiving an education. She has

worked as an advocate for young African American men who are pursuing higher education, ensuring that they have the necessary resources available to them. In 1958, Ms. Hastings received her Bachelor of Arts degree in Elementary Education from Clark College in Atlanta, Georgia. Additionally, in 1963 she was awarded her Master's degree in Elementary Education and Early Childhood Education from Florida A&M University. She has consistently utilized her knowledge, experience, and education working with families living in depressed areas as well as children with special needs.

Madam Speaker, on September 10, 2010, Ms. Delores Hastings will be celebrating her 75th birthday with her son Jody, her cat Tranz, and her service dog Dolce. It is my distinguished honor to wish her a very happy 75th birthday.

HONORING THE LEGACY OF EDITH L. BORNN, A FEMALE LEGAL PIONEER, ENVIRONMENTAL VISIONARY, COMMUNITY ACTIVIST AND HUMANITARIAN

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mrs. CHRISTENSEN. Madam Speaker, I rise to acknowledge a visionary female pioneer, Edith L. Bornn, Esquire, who has left the Territory of the U.S. Virgin Islands an enduring legacy, through her trendsetting in the legal field; her unending diligence in fighting for the protection of the environment; and, decades of humanitarian contributions.

Edith L. Bornn was born to an prominent merchant family on the island of St. Thomas, Virgin Islands. She received a public education, graduating from the Charlotte Amalie High School before attending Barnard College and the Columbia University School of Law. She was one of five women in her law school graduating class.

For two years after finishing law school, she served as a librarian, legal research secretary and a Goodwill Ambassador for the Caribbean nations, on behalf of the Caribbean Commission, on the island of Trinidad. Returning to her home on St. Thomas, she served as a U.S. District Court Law Clerk to District Court Judge Herman E. Moore, before opening her own law firm in 1955. Attorney Edith Bornn was the first female to open a private law practice in the U.S. Virgin Islands. Her law practice specialized in family law, residential and commercial real estate, zoning law, probate, wills, and trusts. More than half a century later, the Bornn Law Firm continues its excellent representation in these fields of law.

The entire community of St. Thomas was most attentive to this audacious move by a young woman, competing in a small but powerful bastion of men; however, much to everyone's surprise, the established men of the legal profession were often found going to her office on Nye Gade for consultations. Her success had an immediate galvanizing effect on the women of the Virgin Islands. Edith Bornn led by example, in unequivocally demonstrating that gender was not a barrier and

that women had an equal right to pursue their dreams and aspirations. It is not surprising that she was called the Matriarch of the Virgin Islands Bar Association, an organization she helped to establish.

Edith Bornn was also a strong advocate for government accountability. She became a founding member of the Virgin Islands' League of Women Voters which electrified and energized women in the Virgin Islands, a quarter of a century before Women's Liberation became the issue in American life. The League began the practice of summoning and questioning political aspirants on their platform agenda. It also indirectly forced a dialogue for the aspirants to articulate their thoughts on various matters affecting the territory, the nation, and the world. The League has become an institution today and appearing before the League is a rite of passage for every Virgin Islands politician.

As a result, this political passage became a harbinger, in that the then prevailing custom of soap box oratory, in the Market Place and Emancipation Gardens, ended; and political parties, their organizations, and conventions began to achieve more prominence in Virgin Islands life. Attorney Bornn served as President for the League for several terms; she was a director of the National League of Women Voters for many years; and also served as Chair of its International Relations Committee. Attorney Bornn represented the United States at women's conferences around the world, helping them enter civic and political activity to direct public policy, through the International Federation of Women Lawyers and the World Peace Through Law Center. In the 1960s she was active in politics and participated in the Democratic National Convention in Atlantic City.

Attorney Bornn was a pioneer in the field of environmental law, decades before the environment became today's cause célèbre. Attorney Bornn diligently fought to protect the pristine beauty of the Virgin Islands from runaway unplanned development; and, later served in key roles in the Save the Long Bay Coalition and the Virgin Islands Conservation Society.

While on the island of Trinidad working for the Caribbean Commission, she met Andrew Bornn, whom she later married. They had three sons, who followed their mother's stellar example. Edith Bornn was an encouraging and supporting mother of her sons' athletic and scholastic activities. Her sons carry on aspects of her legacy through their activism, dedicated public service, and legal representation. Her husband predeceased her by a decade.

The Territory of the Virgin Islands has lost a giant, whose intellect, influence, and presence will be deeply missed. May she rest in peace.

LISTENING TO THE PEOPLE

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. BACHUS. Madam Speaker, the August work period is a time for Members of the

House to listen to their constituents back home. Last year, I was greatly inspired by the many people in Alabama and throughout our country who came out to publicly express their views on health care and other pressing national issues. It is my hope that the people will be just as engaged this year. During the America Speaking Out meetings I held in Alabama last week, my constituents shared their concerns about the weak economy and the direction that Washington is headed with excessive spending and borrowing, high taxes, and dangerous deficits. My constituents know that our nation is on an unsustainable path and are worried about what that means for their children and grandchildren. This month, we all need to listen closely to what the American people are saying in town halls, corner cafes, and online democracy initiatives like America Speaking Out. The strength of our country has always been our people, and we in Congress would be wise to listen and learn in order to guide our proceedings when the session resumes.

RECOGNIZING 90TH ANNIVERSARY OF PASSAGE OF 19TH AMENDMENT GRANTING VOTING RIGHTS FOR WOMEN

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Ms. SLAUGHTER. Madam Speaker, I rise today to speak in recognition of the 90th anniversary of the passage of the 19th amendment of the U.S. Constitution on August 26th, granting voting rights for women. This day, also known as Women's Equality Day, marks a significant milestone in American history. I know that my colleagues join me in acknowledging the contributions that women have made to America and the importance of this landmark in history.

The 72-year struggle of suffragists, from the First Women's Rights Convention in July 1848 to the passage of the 19th amendment on August 26, 1920, bears witness to the sacrifice and dedication of the leaders of the early Women's Rights Movement.

We must thank Elizabeth Cady Stanton, Lucretia Mott, and the other courageous women who organized the First Women's Rights Convention in 1848. Their early advocacy for voting rights, protection from domestic violence, the right to own property, and other social reforms that promote equality are the same goals that we seek for women today. The "Declaration of Sentiments" speech that Mrs. Stanton delivered at the July convention called for "all men and women" to be recognized as created equal under the law. This is a sacred trust that we must continue to support.

On August 26, 1970—the 50th anniversary—the National Organization of Women (NOW) called upon women nationwide to strike for equality in protest of the fact that women still did not have equal rights. In New York City, 50,000 women marched down Fifth Avenue to demonstrate in support of the women's movement, as did women in 40 other cit-

ies across America that day. U.S. Representative Bella Abzug addressed the New York City crowd and was instrumental in getting Congress in 1971 to officially recognize August 26th as Women's Equality Day.

In 1776, Abigail Adams, wife of John Adams, sent an urgent message to her husband who was a delegate to the second Continental Congress. She stated, "In the new Code of Laws, I desire you would remember the ladies." It took 144 years for women's equality rights to be sanctioned by Congress and I ask, Madam Speaker, that we take this opportunity to honor this 90th anniversary and the remarkable contributions that women have made to this country. The American people owe a debt of gratitude to the early suffragists for remaining steadfast in the face of overwhelming opposition to equal rights for all American citizens that our Constitution supports today.

IN RECOGNITION OF THE FLYING TIGER HISTORICAL ORGANIZATION

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Ms. SPEIER. Madam Speaker, I rise to honor the heroic Flying Tigers of WWII. In 1941 a group of former soldiers, under the direction of General Clair Chennault, formed the First American Volunteer Group of the Chinese Air Force twelve days after Pearl Harbor. I would note that the initial flight of the Flying Tigers took place at Half Moon Bay Airport which is now in my district.

Funded at first as private contractors by the Chinese government, the Flying Tigers were absorbed into the 23rd Fighter Group on the Fourth of July, 1942. The Tigers' shark-faced planes remain among the most recognizable of any WWII aircraft.

Some 300 Americans were members of the Flying Tigers, with 24 either killed in action, in accidents, captured or unaccounted for during the war. Comprised of three squadrons of 20 aircraft each, the Flying Tigers are credited with destroying 115 enemy aircraft.

In 2006 Retired Major General James Whitehead asked Chinese authorities to consider restoring the Tigers' decommissioned air base built inside a cavern that now serves as a public park in Guilin, China. The Chinese Government was receptive to the project and now has plans to commit \$23 million to a 300-acre resort that will include a museum, airfield and the original command cave used by General Chennault between 1941 and 1945. The Flying Tigers Organization has been asked to raise money for restoration of the command cave and construction of a museum that will inform visitors about the role of the Flying Tigers during WWII.

Madam Speaker, at a special dinner in San Francisco on October 26, 2010, the Flying Tigers Historical Organization will present Ambassador Gao, Consul General of the People's Republic of China, with Flying Tiger memorabilia to be placed in the museum in China. We should applaud this gesture and be supportive of this effort to restore a piece of American history in mainland China.

FIRST TO FIGHT, A POEM TO
HONOR TYLER SOUTHERN, U.S.
MARINE CORPS

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. CRENSHAW. Madam Speaker, I rise today to honor an American hero, United States Marine Corps (USMC) Corporal Tyler Southern of Jacksonville, Florida. CPL Southern was born in Anderson, South Carolina and moved to Jacksonville in 1991. After graduating from Mandarin High School in 2007, he joined the U.S. Marine Corps. CPL Southern chose the Marines because they are "First to Fight." He turned 18 in USMC basic training and celebrated his next birthday deployed in Iraq. He was awarded the Navy Achievement Medal for his outstanding performance. For his 20th birthday, he was training for his next combat deployment at the Marine Corps Air Ground Combat Center Twenty-nine Palms. Before CPL Southern could celebrate his 21st birthday, he made a sacrifice for our nation that we will never be able to repay. While on patrol in Afghanistan on May 5, 2010, he stepped on an IED. He lost both his legs, his right arm and severely damaged part of his left arm and hand. However even with these catastrophic injuries, he clung to life! He has been awarded the Purple Heart for his valor and combat injuries by the Commandant of the United States Marine Corps. He comes from a long line of family members who have served our nation. His father was in the Navy, and his brothers are currently serving. With the help of his family and the men and women of Bethesda Naval Hospital and Walter Reed Army Medical Center, he continues to make incredible progress. Each day, he teaches us with his courage, faith and can do attitude! On August 22, 2010, he turns 21 and in celebration of his birthday I ask that this poem penned in honor of Corporal Tyler Southern, his family, his incredible courage and the United States Marine Corps by Albert Caswell be placed in the CONGRESSIONAL RECORD.

FIRST TO FIGHT

First . . .
First To Fight!
Brilliant men who bring their light!
Who go out on point, who evil must fight!
All with hearts of courage full, oh so very bright!
To win that day, to win that night! All out there in the night!
Magnificent Men in green, who upon battlefields of honor . . .
all of those wrongs so right!
As all throughout our Country 'Tis of Thee, have but come such fine sons indeed . . . so bright!
Who for all of us, so die and bleed . . .
to give to this our nation, all of what she so needs! To Be Free . . .
Yes, you Tyler our fine Southern Son . . . all in your short life, so much you have done! One of Florida's
Brightest Son!
As on that morning when you awoke,
and saw all of the heartache that which this war had invoked . . .
You had a choice, give up . . . or listen to your fine soul . . . your most inner voice!

And as the tears rolled down your fine face,
you did not so hesitate . . . all in what your heart, would create!
Watching your courage, The Angels began to cry and sing!
For you Marine, are but the most splendid of all things!
While, all in such a short time . . .
somehow your great heart has found the strength to find!
To find your way back home, To Teach Us . . . all in what your strong soul now so owns!
To Beseech Us All, showing us what courage can now so conquer . . . can so own!
Because, Marine's Do! Marine's Lead!
HOORAH JAR HEAD in what your life's said!
Are First To Fight!
Whether, on battlefields of honor . . . or against all odds to death so cheat!
For some men are but put upon this earth . . . to inspire us all, in their fine worth!
Who live by a code, of Strength in Honor So . . .
Who go out into that night, all in their most brilliant shades green to fight!
So our children may awake, all in a world of freedom that they for us so make!
For as long as we have such Strong Sons . . .
Southern Men as you Tyler, who for us so do what must be done!
Then, this our Nation's Flag of Freedom . . . shall forever wave against the sun!
And if I ever had a Son, I but hope and pray that he could but be as fine as you the one!
Who against all odds, all in the darkest of sun's!
Will Always Be First To Fight! As Thy Will Be Done!
For you see in Heaven, you need not arms or legs . . .
And where, I pray to join you one day!
Amen!

HONORING MS. PATRICIA E. MAY

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. JOHNSON of Georgia. Madam Speaker, I submit the following:

Whereas, Thirty-seven years ago a virtuous woman of God accepted her calling to serve in the Educational System in DeKalb County, Georgia; and

Whereas, Ms. Patricia E. May began her educational career in teaching, she rose to the rank of Principal and has served the Lithonia Middle School well and our community has been blessed through her service; and

Whereas, this phenomenal woman has shared her time and talents as a Teacher, Educator, Principal and Motivator, giving the citizens of Georgia a person of great worth, a fearless leader, a devoted scholar and a servant to all who wants to advance the lives of our youth; and

Whereas, Ms. May is formally retiring from her educational career today, she will continue to promote education because she is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this

day to honor and recognize Ms. Patricia E. May on her retirement from the DeKalb County Public Schools System and to wish her well in her new endeavors;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim June 4, 2010 as Ms. Patricia E. May Day in the 4th Congressional District.

Proclaimed, this 4th day of June, 2010.

STATEMENT ON CONGRESSMAN
TOM PRICE'S LAME-DUCK PRIVILEGED RESOLUTION

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. BROWN of Georgia. Madam Speaker, shortly before Congress recessed for its August break, the Chairman of the Republican Study Committee, Congressman TOM PRICE, offered a privileged resolution calling on Congress not to hold a lame duck session after Election Day 2010 for the purpose of passing unpopular legislation like a national energy tax, additional deficit spending bills, "Card Check" legislation for union formation, or any type of amnesty for undocumented aliens.

I applaud Chairman PRICE's efforts to let Americans see for themselves where each Congressman stands on whether or not important legislation should be considered by an outgoing Congress after the November 2010 elections. Had I not had a previously scheduled commitment that prevented me from returning to Washington, DC, on August 10, 2010, I would have voted against the motion to table the appeal of the ruling of the Chair, rollcall No. 515.

This Privileged Resolution makes it immediately clear whether Members plan to govern in accordance to the concerns of hard-working Americans or continue after the November elections on the path they have paved that further increases uncertainty, government regulations, higher taxes, and federal deficit spending.

Americans deserve to know now about the Democrats' plans for after the November elections. Chairman PRICE's Privileged Resolution is the right vehicle to encourage transparency in our federal government, and it deserves all Members' support.

REGARDING MOTION TO TABLE
THE APPEAL OF THE RULING OF
THE CHAIR ON CONGRESSMAN
PRICE OF GEORGIA LAME-DUCK
PRIVILEGED RESOLUTION

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. CAMP. Madam Speaker, I along with Representatives JEB HENSARLING of Texas and PAUL RYAN of Wisconsin, submit the following statement for the RECORD with respect to the Motion to Table the Appeal of the Ruling of the Chair on the Price (R-GA) Lame-Duck Privileged Resolution.

As Members of the Fiscal Commission, we are dedicated to getting spending under control and meaningfully addressing our fast-growing and unsustainable deficits. If the Commission reaches a bipartisan consensus, it is our hope that House and Senate Leadership would work on a bipartisan basis to determine how and when those recommendations would be brought to the floor. There is no greater crisis facing America than the unchecked growth of spending that is fueling massive increases in our deficits.

**SUPPORTING THE GOALS OF
MUSICCORPS AT WALTER REED
ARMY MEDICAL CENTER**

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. OWENS. Madam Speaker, I rise today in support of an important initiative that got its start here in Washington, DC but could one day make its way across the country for the benefit of our troops returning home from overseas.

MusicCorps is taking hold at Walter Reed Medical Center. This revolutionary program pairs injured veterans with working musicians to engage wounded warriors in the creation of music. Whether a particular servicemember seeks to become a professional musician, revive an old talent or simply find joy in learning a new skill, MusicCorps is offering a unique path to rehabilitating soldiers that has significant promise for the future of our Army.

Even as Congress is providing unprecedented levels of support for injured servicemembers, we must continue seeking out new and innovative ways to prepare the men and women of our Armed Forces for whatever path they desire when they return home, whether that is retirement, a new career or a return to service within America's military. I ask my colleagues to join me in voicing appreciation to the founders and participants of MusicCorps, along with our sincere desire that this important program continues to flourish at Walter Reed and elsewhere across the country.

THE AMERICANS WITH DISABILITIES ACT AFTER 20 YEARS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. HOLT. Madam Speaker, last month we marked the 20th anniversary of the passage of the Americans With Disabilities Act (ADA). Prior to this law's enactment, disabled Americans experienced discrimination in almost all aspects of society. They were denied educational opportunities and employment, denied access to buildings and transportation, and denied basic civil rights.

In passing the ADA in 1990, Congress strove to provide to people with disabilities full participation in society, defeating the false

stereotype that they would not be able to live and work independently and self-sufficiently. Today, more than 50 million Americans with physical or mental impairments legally are protected from discrimination in the areas of employment, public accommodation, public services, transportation, and telecommunications. Two years ago, we strengthened the ADA by passing legislation broadening coverage to individuals with disabilities who had been excluded from protection as a result of several Supreme Court decisions.

Our Nation has come a long way since the passage of the ADA. Prior to the law's enactment, even the halls of Congress were not accessible to disabled Americans. On the 20th anniversary of the passage of the ADA, Congressman LANGEVIN (RI-02), the first quadriplegic to serve in Congress, presided over the House, marking the first time a Member in a wheelchair ever has presided over the House of Representatives.

I have heard some comment that the Speaker's platform was specially modified to accommodate Representative LANGEVIN. When we made it possible for Representative LANGEVIN to preside over the House, we were not accommodating an individual—we were realizing the dream that any American, regardless of their circumstances, can preside over “the people's House.” The same point can be made with regard to construction and modifications in some schools to comply with the ADA. I have heard school officials comment that an expensive change was made for a particular student. I react strongly against that way of thinking. We should all remember that the changes should not rest on a single student; rather, they are part of our ongoing attempt to provide full equality of opportunity in our great country.

RECOGNIZING THE 40TH ANNIVERSARY OF THE ROSY ROOT BEER OPEN

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to honor and salute the 40th Annual Rosy Root Beer Open, a proud Chicago tradition of food, families, and fun. A complete description of this unique and wonderful event is not possible—suffice it to say that it's a melting pot of reunion, carnival, and a small court tennis tournament.

Community leader and diehard Chicago Blackhawks fan Lee “Rosy” Rosenberg and his family have been organizing the day of competition, food, games, photos and conversation since 1971. I expect the tradition will continue for generations to come. All are welcome and anyone who wants to get involved in one of its many committees just has to show up—just know that Rosy recommends that you “wear gym shoes, leave your brain at home, and don't eat for a week prior.”

I am looking forward to attending this year for a memorable summer day filled with, as Rosy promises, “extreme serious nonsense.” Madam Speaker, I ask my colleagues to join

me in recognizing the Rosy Root Beer Open on its milestone, and in wishing the best of luck to this year's Open participants.

RECOGNIZING THE VIRGINIA AIRBORNE SEARCH AND RESCUE SQUAD OF MANASSAS, VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. WOLF. Madam Speaker, I rise today to recognize the Virginia Airborne Search and Rescue Squad Air-Wing in Manassas, VA. This organization is the only all volunteer airborne search and rescue squad in the Commonwealth of Virginia.

Established in June 2009, the squad is licensed by the Commonwealth of Virginia, Office of Emergency Medical Services, as a non-designated area and statewide airborne rescue squad. The organization provides many airborne EMS, fire, rescue, and law enforcement airborne services including a helicopter equipped with trained search and rescue pilots and flight officers who are on call around the clock.

It has trained and dedicated volunteer members of the community, consisting of law enforcement officers, professional firefighters and EMTs, pilots, flight officers and many former U.S. military personnel, all providing their time, effort, and funding to ensure the safety of the citizens of the Commonwealth of Virginia, District of Columbia, and state of Maryland. The squad is Project Lifesaver certified and equipped and ready to respond to a lost child or elderly adult registered with Project Lifesaver.

The leadership team includes Kevin C. Rychlik, chief of operations, president and CEO, and Ann Rychlik, chairman of the Board of Trustees, both prominent business leaders in our community.

Madam Speaker, I ask my colleagues to join me in recognizing the vision, sacrifice and dedication of those individuals and organizations that have worked together to create the Virginia Airborne Search and Rescue Squad.

RECENT KILLINGS OF HUMANITARIAN WORKERS IN AFGHANISTAN

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. PITTS. Madam Speaker, I am profoundly saddened by the recent killings of humanitarian workers in Afghanistan on August 5, 2010.

We've seen many acts of terror by the Taliban, starting in the 1990s with public executions in soccer stadiums, brutal attacks against girls attending school, attacks against Afghans who did not live exactly as the Taliban dictated, and many other terrible actions. These terrorists have now escalated their brutality by burning down schools, engaging in suicide attacks, attacking civilians, and attacking humanitarian aid workers.

Many knew the lifelong service of Tom Little and Dan Terry, the two men heading the unarmed delegation of mostly medical workers returning from their humanitarian work in Northeastern Afghanistan. These two men were deeply dedicated to serving the health needs of Afghans, particularly those in remote areas, who had no access to medical care. These two men made their lives in Afghanistan, raised their families there, spoke local languages fluently, and knew the local culture. These two men, and the other members of this brutally murdered delegation, were committed humanitarian workers.

Many Afghans and non-Afghans who have known their work for years and have interacted with members of the delegation have come forward to talk of their passion for helping the Afghan people.

From my district, in Lancaster, PA, Glen Lapp came to Afghanistan in 2008 for a short-term assignment, but decided to remain, leaving his life in Pennsylvania behind, in order to serve as manager of a much-needed provincial eye care program in Afghanistan. Glen wrote that his hope was to "continue to help this country work towards peace on many different social, ethnic, and economic levels."

Sadly, there have been accusations by some against this delegation regarding their humanitarian work. And, unfortunately, the Taliban's false accusations against them have been repeated by some who clearly do not know the facts. It is important for the world to note that the organization that sponsored these humanitarians signed the "Principles of Conduct for the International Red Cross and Red Crescent for NGOs and Disaster Response Programmes" which states that "aid will not be used to further a particular political or religious standpoint."

It is deeply disturbing when a horrific attack against humanitarian workers, such as this one, is used for propaganda purposes by the Taliban and is then reinforced by some of their apologists.

Afghanistan's precarious stability means aid workers have played a vital role in serving the Afghan public over the last three decades. While in the past many aid workers were able to assist the Afghans and were given safe passage in conflict areas, sadly, in recent months, the Taliban have escalated their brutality by breaking this long-standing custom and resorting to targeting even those that are conducting humanitarian assistance programs.

It's obvious that the Taliban in Afghanistan are not only against progress for the Afghan people, but have also decided to attack anyone assisting the Afghans in achieving progress and bettering their lives, whether that be related to medical issues, education (especially for girls), the economy, or even Afghans expressing their culture, such as kite-flying competitions.

In light of this violent attack, there must be a joint investigation with the Afghan authorities so that those who perpetrated this horrific execution of innocent aid workers are brought to justice, no matter where they might be hiding or receiving sanctuary. From various reports, there are strong indications that the attackers were not local and some were speaking non-Afghan languages.

Given the location of the attack, the proximity to Taliban strongholds in Nuristan, a

province that borders volatile areas of Pakistan, and given the cross border nature of the Afghan insurgency, I strongly urge the government of Pakistan to do its utmost to cooperate in rooting out extremism on its soil, in particular the safe havens that exist on the Pakistani side that have been the source of many acts of violence in both Afghanistan and Pakistan. The safe havens for the Taliban, Al-Qaeda, and the Haqqani network must end. And, the U.S. government must finally add the Afghan Taliban, the Pakistani Taliban, and the Haqqani Network to the Foreign Terrorist Organization list. This attack, which has been called by some observers "the worst attack on humanitarian aid workers in three decades of conflict in Afghanistan," as coupled with numerous other horrific acts of terror perpetrated by these groups against Afghan and American civilians and military personnel, warrant the addition of these groups to the Foreign Terrorist Organization list.

In addressing the wider context of these brutal attacks against humanitarians, we must not forget the tragic impact on the families of those killed. I would like to thank Tom Little, Dan Terry, Glen Lapp, Thomas Grams, Cheryl Beckett, Brian Carderelli, Karen Woo, Daniela Beyer, Mahram Ali, and Ahmed Jawed and their families, as well as all the other aid workers in Afghanistan who have been so committed to serving the Afghan people.

My thoughts and prayers are with the families of these heroes and quiet leaders, as well as with the Afghan people who have suffered so many decades of conflict and loss.

INTRODUCTION OF A BILL TO AMEND THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT TO IMPROVE THE USE OF CERTAIN REGISTERED PESTICIDES

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. LUCAS. Madam Speaker, today I am introducing legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The aim of this legislation is to clarify that the use of a pesticide consistent with its registration under FIFRA should not be subject to a costly, redundant and unnecessary permit process under the Clean Water Act.

Though the intent of Congress was clear in exempting pesticide use from the Clean Water Act, it is unfortunate that the courts have chosen to ignore Congressional intent and instead order pesticide applicators to obtain these permits. It is even more unfortunate that the administration chose not to challenge the lower court's decision, despite the fact that former Solicitor General Elena Kagan stated in her brief to the Supreme Court that the lower court had erred in their ruling; and that this erroneous decision would likely apply to many thousands of pesticide applications each year.

The former Solicitor General and now Associate Supreme Court Justice acknowledged in her brief that under FIFRA, the EPA is required to determine that to be registered, a

pesticide must perform its function without unreasonable adverse effects on the environment and that when used in accordance with widespread and commonly recognized practice, the pesticide will not generally cause unreasonable adverse effects on the environment.

The Obama administration, or at least Justice Kagan seems to recognize that this permit process is not only duplicative, but will not achieve any additional environmental protection.

I joined with several of my colleagues in an amicus brief in support of a petition to the Supreme Court to hear this case. The lack of support from the Obama administration ultimately led to this petition being rejected.

Instead of challenging this misguided decision, the Obama administration has chosen to leave our farmers, ranchers, foresters, mosquito control districts, and even States to face an enormous regulatory burden never intended by Congress.

Since the passage of the Clean Water Act, the EPA had interpreted the act to exclude lawful pesticide applications. Under the Bush administration, the EPA issued a final regulation codifying this long-standing practice. The current political leadership of the EPA has chosen a different path, one that on a daily basis adds more and more to the regulatory nightmare that rural America faces in its fight to survive under this administration.

It is now up to the Congress to fix this problem before the EPA imposes this new bureaucracy on American agriculture. I am pleased to offer this legislative fix and invite all of my colleagues to cosponsor this bill.

COMMEMORATING AUGUST 15TH AS INDIAN INDEPENDENCE DAY

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mrs. BIGGERT. Madam Speaker, I rise today to commemorate August 15th as Indian Independence Day—a day for all Americans to honor the hardships and sacrifices that paved the road to Indian freedom.

After centuries of struggle and suffering under British rule, India won its independence from Great Britain on August 15th, 1947. Just as America struggled to achieve independence, thousands of Indian freedom fighters died in their efforts to attain sovereignty for India.

Coincidentally, my own birthday falls on this same day as the birth of the world's largest democracy, and I am pleased to share in the celebration.

Americans of Indian descent have made countless and distinguished contributions to the United States in numerous fields, including business, education, medicine, science, and public service. Nowhere is this more evident than in the 13th District of Illinois, which is home to a thriving Indian-American community deeply rooted in the traditions of Indian culture.

To honor this day, the city of Naperville, Illinois will conduct a flag ceremony as a tribute

to India's independence and will host a cultural celebration to commemorate the occasion with traditional patriotic dances and youth performances.

Madam Speaker, let us join with Americans of Indian origin from across the country to celebrate Indian Independence Day and take this opportunity to appreciate the rich culture, traditions, and history that have contributed so much to the United States of America. I invite my colleagues in the U.S. House of Representatives to join me, Naperville Mayor George Pradel, and the residents of the 13th Congressional District in celebration of India's Independence Day.

INTRODUCTION OF THE INCORPORATION TRANSPARENCY AND LAW ENFORCEMENT ASSISTANCE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mrs. MALONEY. Madam Speaker, I rise today to introduce the Incorporation Transparency and Law Enforcement Assistance Act. The bill would require the States to obtain information about the true ownership of the corporation, when they allow someone to create a corporate entity. As some have put it, this bill is a "no-brainer." And it is fairly straightforward: it would require that the person creating the corporation to state the "beneficial owner" of the corporation and provide some form of identification.

Although this is as straightforward as it sounds, the implications for law enforcement are broad reaching. Criminal organizations are infamous for using shell corporations, both foreign and domestic to open bank accounts, launder money, perpetrate fraud, and finance terrorism. And it isn't difficult for them to do. Virtually no States require people applying to create corporations to provide the identity of the corporate owner. In fact, 48 of 50 States, except for Alabama and Alaska, allow for the unfettered creation of an anonymous corporate entity. As a result, just about anyone can easily manipulate the system to fund criminal activity.

Here is an example from a recent investigation in NY by the Manhattan District Attorney. The office announced investigations involving the movement of funds through banks in NY by entities controlled by the Iranian Military. In at least two cases, domestic shell companies were opened in two different States to further secret Iranian interests. Through a NY shell company, individuals working on behalf of the government of Iran were able to move funds to secret accounts held in offshore jurisdictions. Shockingly, the offshore government was able to give the Manhattan DA more information about the ownership of the NY entity than the State of NY could.

Although the DA does not contend that requiring a declaration of beneficial ownership would have stopped this activity, it would have at least been a piece of evidence to go on. And if the declaration of beneficial ownership had been required but falsified, it would have

been an extra tool for law enforcement to shut down the entity and prosecute the perpetrators.

The bill I am introducing today will provide the kind of transparency that law enforcement needs to investigate financial crimes. However, it is narrowly drafted so that it is not overly burdensome on either States or incorporating entities. In fact, most corporations would be exempt from the bill's requirements including companies that are already regulated by federal banking regulators and companies that are over 20 employees. This bill is meant to capture beneficial ownership information from companies that are able to escape regulation and oversight through other federal entities.

Senator LEVIN has already introduced a similar bill in the Senate, and President Obama was the lead sponsor when he was a U.S. Senator. It is supported by numerous law enforcement associations, including the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the National Association of Assistant United States Attorneys, the National Narcotic Officers' Associations Coalition, the United States Marshals Service Association, and the Association of Former ATF Agents.

I urge my colleagues to support this important legislation.

HONORING THE TOWN OF UPTON, MAINE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. MICHAUD. Madam Speaker, I rise today to congratulate the Town of Upton, Maine as it celebrates its sesquicentennial on August 21, 2010.

Upton was incorporated February 9, 1860, prior to which it was known as Letter B. Plantation. In 1870, the population was 187 people; and in 1880, the population grew to 245 people. The Town of Upton now boasts 64 full-time residents.

The citizens of this small town have experienced their fair share of history, both within the State of Maine and the greater United States. During the Civil War, 16 soldiers from the town left to fight for the Union; six did not return. Today, the town continues to attract residents and visitors with its beautiful location and the outdoor recreation in the Umbagog Region. Author Richard E. Pinette described the Upton area as, "nature's playground with a rich forestland heritage."

Upton is steeped in the history of logging days and working forests and will honor its traditions on August 21, with an event recognizing Upton's history and celebrating with events such as a horseshoe tournament, skillet throwing contests, a quilt display, a spinning demonstration and a town-wide square dance in the evening.

I am pleased to share in the celebration as Upton looks back on 150 years of rich and varied history.

Madam Speaker, please join me in wishing all the citizens of Upton, Maine well on this joyous occasion.

HONORING THE CENTENNIAL ANNIVERSARY OF THE PUBLICATION OF "OLD MOTHER WEST WIND"

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. DELAHUNT. Madam Speaker, I rise today in recognition of the 100th anniversary of the publication of "Old Mother West Wind," the hallmark nature book penned by author and naturalist Thornton W. Burgess. The first of over 150 nature books and 15,000 stories, Burgess' "Old Mother Wind" introduced children to a wide variety of local animals, their habits, and habitats. These engaging stories of the natural world have helped generations of children gain a greater understanding of the timeless importance of conservation of our natural resources and a love of wildlife.

A native of Sandwich, Massachusetts, Thornton Burgess (1875–1965) went on to achieve national and international recognition for these children's stories and his monumental leadership and initiatives in preserving our Nation's natural heritage. For 100 years, generations of children throughout the world have grown up with Old Mother West Wind. Her Merry Little Breezes skipping across the meadows, Peter Rabbit and his animal friends—including Jimmy Skunk, Grandfather Frog, Johnny Chuck, Sammy Jay, Reddy Fox, Hooty Owl, and many others—continue today to both regale and teach us about our natural surroundings.

These characters have become friends to children and adults alike. Their antics, questions of "why" and "how," and their love for one another, demonstrate and teach the value of our natural heritage. They stimulate and fascinate children's interests in the natural world, all the while constantly reminding parents and adults of the importance of preserving and conserving our natural heritage for future generations.

Thornton W. Burgess' work is continued today through the non-profit Thornton W. Burgess Society, headquartered in his native town of Sandwich. As we celebrate the centennial anniversary of "Old Mother West Wind," I salute the Thornton W. Burgess Society for its preservation of the writings, teachings, and memorabilia of a pioneer environmentalist; its mission of inspiring reverence of wildlife and concern for the natural environment; for its operation of the Thornton W. Burgess Museum, Green Briar Nature Center and Shirley G. Cross Wildflower Garden, and the many programs and exhibits it provides in conjunction with their operation; and its 34 years of promoting the study of the natural sciences and environmental education in the schools of Cape Cod and throughout southeastern Massachusetts.

HONORING A TRULY OUTSTANDING LEADER, CAPTAIN STEVEN POULIN

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. BONNER. Madam Speaker, I rise today to pay tribute to the outstanding, dedicated service of Captain Steven D. Poulin, USGC, Commander of Coast Guard Sector Mobile, Alabama, from 2009 to 2010. Coast Guard Sector Mobile is one of the largest operations commands in the Coast Guard and is home to 750 personnel and 50 cutters and other vessels.

On July 9, 2010, Captain Poulin left the command of the USGC station in Mobile to assume sole duties as local incident commander for the Unified Command. In this capacity, Captain Poulin continues to marshal Coast Guard resources in the federal response to the Deepwater Horizon oil spill, which has been such an economic and environmental challenge to America's Gulf Coast since the explosion occurred on April 20.

Specifically, Captain Poulin has led the relief effort along coastal Alabama, Mississippi and the Florida panhandle.

During his command of Sector Mobile, Captain Poulin demonstrated a level of professionalism and dedication to duty in keeping with the finest traditions of the Coast Guard. He was not only the leader of an important local defense installation, but also a visible and respected member of our community.

In fact, Captain Poulin has been a welcome presence in South Alabama for many years. Prior to assuming the command of Sector Mobile, he served in Mobile during earlier assignments as Deputy Commander, from 2007 to 2009, and as Law Enforcement Officer and Assistant Operations Officer from 1986 to 1989.

Captain Poulin's extensive service record also includes assignments as Deputy Commander of the Coast Guard Group Galveston, Texas, from 1996 to 1999, and Special Adviser for Border and Transportation Security for Vice President Richard Cheney from 2005 to 2007. From 2003 to 2005, he was Coast Guard liaison to the State Department's Office of Oceans Affairs. He also served as Legal Counsel for the Coast Guard's Port Security Director from 2002 to 2003, and Legislative Counsel in the Coast Guard's Office of Congressional Affairs from 1999 to 2001.

A 1984 graduate of the U.S. Coast Guard Academy, Captain Poulin was awarded his Juris Doctor, magna cum laude, from the Miami School of Law in 1992.

Although he will soon be leaving the Mobile area for a new assignment, he will continue to use his tremendous skills and dedication to country as the Coast Guard's new director of Congressional Affairs in Washington.

Madam Speaker, on behalf of the people of South Alabama, I wish to thank Captain Poulin for a job well done. Furthermore, I offer our heartfelt gratitude to his wonderful wife, Sherry, and their two children, Steven and Erin, for the sacrifices they have made as a family while their husband and father has admirably served his country with such distinction.

A TRIBUTE IN HONOR OF THE LIFE OF SAREN H. SIMITIAN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Ms. ESHOO. Madam Speaker, I rise to honor the remarkable life of Saren H. Simitian, a resident of California's 14th Congressional District, who died on June 24, 2010. His 88 years were characterized by an intense passion for teaching, for traveling, and for engaging with those around him.

Born to Armenian immigrants in Jersey City, New Jersey, Saren Simitian quickly proved himself a promising intellectual and citizen of the world. He served in the Army during World War II, and attended New York University on the GI Bill. Saren went on to earn a Master's Degree in history from Colorado University and began studying for his Ph.D at the University of Wisconsin before taking a different path and moving to California, where he later received a Master's Degree in Library Science from San Jose State University.

Settling in the Bay Area, Saren Simitian embarked on a long and loving educational career. He taught social studies at Palo Alto High School for over two decades where he was known as a tough but well-liked teacher, deeply committed to all of his students. In his spare time, Saren taught English to Stanford students at the Bechtel International Center, and tutored with Project Read in Menlo Park. An educator to the last, Saren taught English in Beijing for six months a year well into his eighties.

In one of his most important lessons, Saren Simitian taught his son Joseph that "you can't get a hit with the bat on your shoulder." Taking his father's advice, Joe Simitian went on to a distinguished career in public service, serving on the Palo Alto School Board, the Palo Alto City Council, and the Santa Clara County Board of Supervisors before being elected to the California State Assembly and State Senate. Taking his own advice, Saren dedicated himself to a lifetime of eclectic pursuits, shouldering a backpack instead of a bat and traveling the world.

Well-read and worldly, Saren Simitian traversed more terrain after his retirement than most people half his age. His wanderlust took him to visit friends, relatives, and his grandparents' graves, always acquiring new friends and new stories. He walked across Portugal twice, first from top to bottom, and then east to west a decade later. Seeking adventure on multiple continents, Saren fell into a ditch in Eastern Europe, was mugged in Asia, and nearly drowned in Australia. Despite these mishaps, his family noted, he "never slowed down, never lost his passion for people and places." Saren's adventurous lifestyle no doubt owed in part to his healthy habits of eating homemade yogurt and exercising whenever possible, kept his mind as fit as his body.

Madam Speaker, I ask my colleagues to join me in extending our deepest sympathies to Saren Simitian's family. He is survived by his son, the Honorable S. Joseph Simitian, and his daughter-in-law, Mary Hughes. A man whose far-flung journeys never took him far

from his core values, Saren Simitian taught in order to travel and traveled in order to teach, enriching everyone he met with his unique outlook on life and his singular sense of the world.

EXPRESSING SYMPATHY FOR PAKISTANI FLOOD VICTIMS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. LARSON of Connecticut. Madam Speaker, I rise to offer my deepest condolences to the victims of the recent flooding in Pakistan, which is the worst this country has seen in 80 years. A monsoon that began at the end of July has resulted in at least 1,500 lives being lost, countless more missing or trapped, and at least three million people being displaced. It is estimated that up to half of those affected by the disaster are children. Critical infrastructure, crops, and homes have been destroyed and aid to impoverished areas has been disrupted. As the Pakistani people recover from this devastation, they should know that the United States stands with them and is ready to provide assistance.

There are immediate needs that must be addressed, such as supplying food, clean drinking water, basic shelter, disease prevention, and the rebuilding of roads and bridges. I am heartened by the efforts from the Pakistani government, the United States, the United Nations, philanthropic organizations, and charitable donations from private citizens across the world.

The United States has acted swiftly by committing \$35 million, as well as humanitarian aid experts and essential supplies, to assist Pakistani citizens affected by the flooding. The United States Army is providing four Chinook and two Blackhawk helicopters to the Swat Valley, delivering 33 tons of supplies and airlifting 800 people to safety. Additionally, American citizens have been making small donations through their cell phones by texting the word "SWAT" to the number 50555. This money goes to the U.N. High Commissioner for Refugees to provide needed supplies like tents, clean water, food, clothing, and medicine.

This is an unspeakable tragedy. Sadly, monsoon rains continue to fall; further endangering populations and making relief efforts even more challenging. Increased international assistance is critical to helping the millions who are in immediate need of food or shelter. My thoughts and prayers go out to the people of Pakistan as they recover from this disaster.

RECOGNIZING FRIENDSHIP HAVEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. LATHAM. Madam Speaker, I rise today to congratulate Friendship Haven of Fort Dodge, Iowa on the occasion of their 60th anniversary. Friendship Haven provides housing to over 6,700 senior citizens in Fort Dodge.

In the 1920s, Reverend Clarence Thompson, a Methodist minister, thought of creating a home for seniors; however it was not until 1947 when the city of Fort Dodge donated enough land and money to make this idea into a reality. Other individuals like H.C. Kirkberg and Julia Oleson gifted land or money to help support Friendship Haven. The first resident moved in 1950 and what started as a single building grew to a full campus.

Today, Friendship Haven offers town home living, two independent living apartments, assisted living, long-term and short-stay nursing care, second family home care, adult day services, and a rehabilitation program gym.

Friendship Haven has strived to meet the needs of area seniors by providing excellent living conditions and options, resources and encouraging citizens to live an active life. I know that my colleagues join me in congratulating the residents, staff and friends of Friendship Haven on this historic anniversary. It is an honor to represent Friendship Haven in the United States Congress, and I wish them continued success well into the future.

IN RECOGNITION OF RANDY
VOGEL

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Randy Vogel in honor of his 40 years of service to Junipero Serra High School in my district. Essentially, he started as a math teacher in 1970 and never left, although his responsibilities and influence have spread well beyond the classes he has taught.

He is a life-long resident of San Carlos and a graduate of Santa Clara University. At Serra he is the Director of Admissions who still finds time to teach an honors algebra class which he says is the highlight of his day. He has served as baseball coach for 12 years, Director of Public Relations, Development Director, Rally Committee Moderator, Math Department Chair and the list goes on. He has taught eight fathers and sons, a testament to his longevity and skills in the classroom. In all he has worked for five principals and has seen more than 7,600 students graduate. He considers Serra to be like home and the school's spirit and sense of community to be extraordinary. Of this spirit Randy says, "We can teach values, not to be afraid to pray and to recognize the impact of God in our lives without criticism."

Madam Speaker, Randy Vogel is an inspiring educator, and it is fitting that the groundbreaking ceremony for the Serra High School's Center for the Arts and Sciences and Aquatic Center on August 23 include a special recognition of Randy Vogel's 40 years of service to the school.

INTRODUCTION OF AUTOMATIC
IRA BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. NEAL. Madam Speaker, I rise to offer legislation to create additional savings opportunities for workers who do not have access to qualified retirement plans through their employers. I am pleased to be joined by several of my colleagues in offering "The Automatic IRA Act of 2010," which will increase retirement savings for millions of workers. This proposal is based on one contained in the President's budget.

Over the years, Congress has improved incentives for employer-based retirement and pension plans by providing more flexibility, increasing the limits, and lessening the administrative burdens. Still, about one in four employees who have access to these successful retirement vehicles do not take advantage of them.

What is a much more difficult group to reach, though, are the estimated 75 million workers who do not have access to these employer-based plans. GAO estimates that half the private sector workforce has no access to an employer-provided retirement plan. That is why today, we are filing legislation to create automatic payroll deposit Individual Retirement Accounts, or Auto IRAs, for workers who do not have access to employer-provided qualified pension plans. Our bill would require employers to automatically enroll employees in an Auto IRA unless the employee opts out. These are "set it and forget it" payroll deposit accounts. Recent research from Fidelity showed that only one in 10 workers eligible for automatic enrollment in employer-provided plans proactively opted out of the plan. The non-partisan Retirement Security Project has estimated that the Auto IRA proposal could raise net national savings by nearly \$8 billion annually.

This is especially important for younger and low-income workers, as GAO projects that under current law, 37 percent of all workers will retire with zero plan savings, and of young and low-income workers, 63 percent will have no plan savings at retirement. According to a "retirement ready" study from the Employee Benefit Research Institute (EBRI) released last month, 64 percent of workers earning less than \$30,000 a year will run out of money within 10 years of retirement. And this problem exists even among large employers with qualified plans. A recent study by Hewitt projecting the retirement needs of 2.1 million employees of 84 large employers finds that the baseline case for full-career contributing employees will only meet about 85 percent of their predicted retirement needs at age 65.

We are, of course, sensitive to any increased burden on small businesses, so the bill provides for a temporary tax credit for employers with less than 100 employees in order to offset the up-front administrative cost of establishing this program. Only employers with at least 10 employees, which have been in business for at least two years, would be covered by the bill. Further, the bill does not man-

date any matching contributions by employers or any fiduciary responsibility for the management of the accounts. It is our sincere hope that once employers start participating, they will decide to convert these arrangements to the broader 401(k) plans. The IRA contribution limits are much lower than the 401(k) limits, so business owners may see incentives to switch to the bigger plans.

Employers have the option of choosing a private sector manager for the Auto IRAs, while allowing each employee the right to transfer, or simply allowing the employee to designate the provider at the outset. As a default, employers may also send these contributions to the Treasury Department for the purchase of newly created Retirement Bonds, or R-bonds. Employer-provided retirement plans are highly popular among workers, and in a 2009 survey for AARP, by two to one, respondents said employers should be required to provide a retirement savings plan for their employees. This bill merely requires the employer to set up the mechanism for employees to save on their own.

The automatic enrollment feature is not new. It builds upon the success of 401(k) auto-enrollment, promoted by the Pension Protection Act of 2006. Many of the workers who will benefit from our bill will likely be moderate to lower-income workers. GAO recently studied the impact of auto-enrollment on workers savings levels and found that universal access to retirement savings with automatic enrollment would result in 91 percent of all workers, and 84 percent of low-income workers, with accumulated defined contribution savings at retirement. EBRI's "retirement ready" study found positive benefits already from auto-enrollment and auto-escalation of contributions in 401(k) plans, particularly for those aged 56 to 62 years old who have a 47 percent chance of not having enough money at retirement, down from a 60 percent chance just seven years ago.

The Auto IRA proposal, which was jointly developed by Brookings Institution and Heritage Foundation scholars, has garnered widespread support, including AARP and the Minority Business Roundtable, and has been endorsed in editorials around the country.

Of the 75 million American workers who have no access to an employer plan, over 40 million work for employers of at least 10 employees. And, only 10 percent of these workers actually seek out their own IRAs or other retirement savings vehicles. The Auto IRA bill that we are proposing will reach this critical group of workers and hopefully help them start on the road to retirement security. We urge our colleagues to join us in supporting "The Automatic IRA Act of 2010."

RECOGNIZING BECKLEY IMPACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. RAHALL. Madam Speaker, I want to recognize Beckley Impact, a very special team of 16 and under softball players from my native town of Beckley, West Virginia.

This talented group of young ladies recently won the WV United States Specialty Sports Association (USSSA) Championship and recently returned from Florida having competed in the USSSA World Series. Now the 9th ranked team in the Nation, originally formed in 1999, the team ended its recent tournament with a 3–3 record and 24–8 overall record.

While I applaud these players for their hard work, commitment and dedication to softball, I would also like to commend them for serving as a great inspiration to others both on and off of the field. Just recently, each of the team members dedicated herself to play in honor of the West Virginia coal miners who perished in the Upper Big Branch mining disaster in April. Most every family on this team had a relative, friend or neighbor who died in this tragedy.

In what has become a tradition, and a very meaningful moment, immediately following each game, the team invites their opponents to join them in a group prayer on the field, whether they won or lost.

It is my honor to salute this wonderful team, these giving individuals—Eryn Buchanan, Alexandria Garris, Alyssa Hunt, Kelci Jones, Alexa McCormack, MacKenzie Milam, Ashleigh Mills, Katie Muovich, Andrea Roles, Alissa Ward, Randi Wright, team manager Randy Hunt, and coaches Patti Ward and Willie Wright.

Their effort is aided and strongly supported by an array of local businesses who serve as sponsors. We recognize their commitment and dedication to this worthwhile community activity for our youth.

This partnership of coaches, team managers, small business, proud parents and players helps guide our youth to more productive adulthood and helps build citizens for our cities, towns, states and Nation who care and contribute of themselves in due turn. A valuable lesson for us all.

HONORING PETER SILVESTRI

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to congratulate Peter Silvestri on his receipt of the Illinois State Crime Commission's award of Municipal Leader of the Year for 2010. The commission chose Silvestri due to his exceptional leadership skills at the county and municipal levels as Cook County Commissioner and the Village of Elmwood Park president.

Elected in 1994 as Cook County Commissioner of the ninth district, Silvestri has played a crucial role in nearly every area of county concern. He chairs the Zoning and Building Committee, the Building Ordinance Commission, the Litigation Subcommittee and the Environmental Control Committee. As Chairman of Environmental Control, he convened a committee of community representatives, engineers and environmentalists to discuss the Forest Preserve's proposed Storm Water Management Plan. Additionally, he sponsored an amendment to the building code to change group homes of 8 or less residents from multi-unit requirements to single family require-

ments, for which he will receive the President's Award from Oak Leyden Developmental Services. He serves as vice-chairman of more committees than any other commissioner. He also memorialized fallen police officers through the Cook County Peace Officer's Memorial.

As Elmwood Park President since 1989, Silvestri prides himself on an increase in building construction and expansion of village parks. During his tenure, the Village of Elmwood Park has seen a new public safety building, family aquatic center and gymnasium, and public library, as well as expanded open park space now known as Central Park. Additionally, he and the Village Board of Trustees enhanced the education requirements and training for drug and gang prevention and enforcement at the municipal police department.

While Pete Silvestri has received many awards, he sees himself as a caretaker for every person in the village and the county. I have seen firsthand Pete's extensive involvement in the community, and I applaud him on being named Municipal Leader of the Year.

Madam Speaker, I ask my colleagues to join me in commending Peter Silvestri on the Illinois State Crime Commission's acknowledgment of his positive effects throughout Chicago.

SPECIAL THANKS TO A VERY SPECIAL NATIVE SON: A TRIBUTE TO JIMMY BUFFETT FOR HIS SUPPORT OF THE PEOPLE OF THE GULF COAST

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. BONNER. Madam Speaker, the past few months have been tremendously stressful on the people of America's Gulf Coast as our area has been overwhelmed with the worst-ever offshore oil-spill in U.S. history.

Not a day has passed since the April 20th explosion of the Deepwater Horizon oil rig—which left 11 dead and many others injured—that coastal residents in Louisiana, Mississippi, Alabama and Florida haven't had to deal with the economic, ecological and environmental—fears associated with this tragedy.

For many, our way of life and everything we have known—and loved—has been threatened. Even today, as news comes that the well has been permanently capped, there continues to be legitimate concerns about what the long-term scars will be in communities like Grand Isle, Pass Christian and Perdido Key.

Specifically, Alabama's coastal towns of Bayou La Batre, Dauphin Island, Gulf Shores and Orange Beach have been especially hard-hit, with direct impact on our fisheries community, seafood processors and commercial and recreational boaters, not to mention hundreds of small, family-owned businesses that dot the Alabama Gulf Coast like seashells that wash up with the morning tide.

While the concern no doubt continues and the challenges, in many ways, remain daunting, Gulf Coast residents were recently treated to a brief respite from the worry and

stress that has been hovering over our area like a Category 5 storm out on the Gulf.

As such, it is with a heartfelt voice of pride and gratitude from Parrot Heads all over the country that I rise today to give thanks to musical legend—and native son—Jimmy Buffett for his uplifting, outstanding performance on the white, sugar sandy beaches of Gulf Shores, Alabama, where Jimmy and some of his friends entertained over 35,000 people with a free concert on July 11.

Everything that afternoon—from the clear blue skies to the emerald green waters (without oil, I might add) led to a truly festive and remarkably uplifting performance. Without a doubt, Jimmy and his friends provided some much needed tonic for an area that has been in bad need of a big boost!

Jimmy—it's kind of hard to call him “Mr. Buffett” when he often goes to work barefoot, wearing only shorts and a t-shirt—is truly a man of many talents.

As his fans around the country know, he was born in Pascagoula but grew up in Mobile, attending St. Ignatius as a little boy and graduating high school from McGill Institute. A few years later, he received a history degree from the University of Southern Mississippi but long before he left the Mobile City Limits, Jimmy was well on his way to making a name for himself as a musical talent.

Today, Jimmy Buffett is known around the world for hits such as “Margaritaville” and “Cheeseburger in Paradise.” Over the years, his 30 albums have earned 8 Gold Albums and 9 Platinum or Multi Platinum Albums. And in 2003, Jimmy was awarded the Country Music Award for his hit single with Alan Jackson, “It's Five O'clock Somewhere.”

But not only is Jimmy a great singer and performer, he is also a highly successful songwriter, author, businessman, and movie producer. He owns or licenses two famous restaurants named after two of his very popular songs, “Margaritaville” and “Cheeseburger in Paradise.”

Outside of his busy work life, Jimmy manages to go above and beyond with his charity efforts. In 1981, Jimmy and Bob Graham, former governor and senator from Florida, founded the Save the Manatee Club, a strong-willed group that is leading the world in preservation efforts of the West Indian Manatee.

In addition, he generously funded The “Singing for Change” foundation from his 1995 concert tour which provided grants to local charities concerning children and family, the environment and also disenfranchised groups.

Madam Speaker, when the chips were down and spirits were mighty low, it was our very own “Son of a Son of a Sailor” who came home to South Alabama to help remind his friends, his family and all who watched the concert live on CMT that the Gulf Coast will weather this storm—as we have so many others—if we'll just keep the faith and stick together.

And it is on behalf of a grateful Gulf Coast community that I would like to offer my deepest appreciation to Jimmy Buffett for what he did on the afternoon of July 11th to remind us all of what it will again be like “When the Coast is Clear.” Thanks, Jimmy.

AWARDING A CONGRESSIONAL
GOLD MEDAL TO THE WORLD
WAR II MEMBERS OF THE CIVIL
AIR PATROL

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. FILNER. Madam Speaker, I rise in support of H.R. 5859, which will award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

During World War II, the volunteer members of the Civil Air Patrol—civilian men and women ranging in age from 19 to 81—provided extraordinary public and combat services at a critical time of need for the nation.

Civil Air Patrol members used their own aircraft to perform a myriad of essential tasks for the military and the entire country, including attacks on enemy submarines off the Atlantic coast and the Gulf of Mexico.

The Civil Air Patrol was established on December 1, 1940, one week before the attack on Pearl Harbor. After performing exemplary service in WWII, the Civil Air Patrol was chartered by Congress as a nonprofit, public service organization and in 1948 as the Auxiliary of the United States Air Force.

The Civil Air Patrol was initially mobilized in response to a massive German Navy submarine offensive off the east coast of the United States that targeted oil tankers and other critical shipping.

As 52 tankers were sunk by enemy submarines between January and March 1942 alone, neither the Navy nor Army had sufficient resources to patrol and protect the coastline—threatening the entire war effort.

The Civil Air Patrol Coastal Patrol undertook the challenge of protecting our sea lanes and supporting the military's efforts at this critical time. From March 1942 until August 1943, more than 40,000 volunteers at 21 Civil Air Patrol bases stretching from Maine to Texas coordinated thousands of patrols, investigations, and convoy missions.

Heroic Civil Air Patrol Coastal Patrol aircrews were responsible for attacking 57 submarines—destroying or damaging two—as well as reporting nearly 200 submarine positions, 17 floating mines, and 91 vessels and 363 survivors in distress.

In addition to the work of its Coastal Patrol, the Civil Air Patrol also established itself as a vital wartime service to the military, states, and communities across the nation.

These brave volunteers engaged in an impressive array of missions including border patrol, forest fire patrol, courier flights for mail and urgent deliveries, emergency transportation of personnel, search and rescue, and various military support duties. Overall, during the war the Civil Air Patrol undertook tens of thousands of missions and logged hundreds of thousands of flight hours in defense of our country.

The Civil Air Patrol's WWII service came at the high cost of 64 fatalities and 150 aircraft lost. Indeed, the courage and sacrifice of the estimated 200,000 civilians in the Civil Air Patrol exemplifies the spirit and dedication of an entire generation who were willing to risk their lives for America and the cause of freedom.

In recognition of this remarkable volunteer service and commendable record, H.R. 5859 will award a single gold medal collectively in honor of the WWII members of the Civil Air Patrol.

I urge my colleagues to join me in honoring the valuable wartime service rendered by the civilian volunteers of the Civil Air Patrol by supporting this legislation.

INTRODUCING H.R. 6081, THE STEM
CELL THERAPEUTIC AND RE-
SEARCH REAUTHORIZATION ACT
OF 2010

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. YOUNG of Florida. Madam Speaker, today, I along with Congresswoman MATSUI, introduced H.R. 6081, the Stem Cell Therapeutic and Research Reauthorization Act of 2010. This important bipartisan legislation will reauthorize for five years the National Marrow Donor Program (NMDP) and the National Cord Blood Inventory Program. These life-saving programs are set to expire on September 30th, so it is my hope that the Congress takes up and passes this legislation quickly. In drafting H.R. 6081, Congresswoman MATSUI and I worked with Senator HATCH who has introduced the Senate version of this measure along with Senators DODD, BURR, REED, ENSIGN, and FRANKEN.

Specifically, the legislation would:

Recognize that medical consensus supports a national inventory of more than 150,000 cord blood units by modifying the national goal;

Extend the term of initial and contract extensions from three to five years, making it easier for banks to engage in long-term relationship building with birthing hospitals;

Require cord blood banks to establish a plan for increasing cord blood unit collections and/or expand the number of collection sites with which they work;

Require cord blood banks to provide a plan for becoming self-sufficient, a core tenant of the original authorizing legislation;

Clarify the minimum timeframe for maintaining NCBI cord blood units on the National Registry;

Correct the definition of "first-degree relative";

Authorize \$23 millions for FY 2011 through FY 2014 and \$20 million for FY 2015 for the NCBI (when combined with the funding levels for the Program, the overall bill does not increase federal spending);

Allow HRSA to allocate funds appropriated in one year in the following year, as needed, for both the Program and the NCBI;

Update the annual reporting requirements for the Program;

Enhance the studies, demonstration programs, and outreach projects related to cord blood donation and collection to include exploring innovative technologies, novel approaches, and expanding the number of collection sites;

Update the confidentiality language that applies to adult donors to make it consistent with

the requirements for cord blood donors and existing federal and state privacy laws;

Authorize \$30 million for FY 2011 through FY 2014 and \$33 million for FY 2015 for the Program (when combined with the funding levels for the NCBI, the overall bill does not increase federal spending);

Require a GAO report due one year after enactment to review studies, demonstration programs, and outreach efforts for the purpose of increasing cord blood unit donation and collection for the NCBI to ensure high-quality and genetically diverse inventory of cord blood units.

Madam Speaker, I would like to enter into the record a letter from the CEO of the National Marrow Donor Program, Jeffrey Chell, M.D., urging us to approve this legislation prior to September 30th. When the Congress originally created the NMDP in 1986, some thought we would only be able to register 50,000 eligible donors. Since that time, the NMDP has added over 8 million eligible donors to the national registry and has performed over 40,000 transplants. This program has exceeded expectations and saved thousands of lives throughout the years. H.R. 6081 has bipartisan support in both the House and the Senate, and I urge my colleagues to support its adoption to reauthorize the NMDP. It is truly a life saving program and this legislation will ensure that it continues without disruption.

AUGUST 9, 2010.

Re Reauthorization of the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory

Hon. C.W. BILL YOUNG,
Hon. DORIS MATSUI,
House of Representatives, U.S. Capitol, Washington, DC.

DEAR REPRESENTATIVES: I am writing on behalf of the National Marrow Donor Program to convey our strong support of the reauthorization of the C.W. Bill Young Cell Transplantation Program (Program) and the National Cord Blood Inventory (NCBI). We applaud the efforts of Congressman Young and Congresswoman Matsui in introducing today's legislation and the continued bipartisan support for these life-saving programs. We especially want to thank their staff for their continued efforts. Because the NCBI sunsets at the end of the fiscal year, we encourage the Congress to support passage of this important legislation before October 1.

Every year approximately 12,000 patients search the national registry for a life-saving donor or cord blood unit. To ensure that all patients have access to these types of adult stem cell transplants, Congress must maintain its support of the Program and the NCBI. We commend the dedication of Reps. Young and Matsui, along with Senators Hatch, Dodd, Burr, Reed, Ensign, and Franken who introduced legislation in the Senate last week. Their hard work has resulted in a bipartisan and fiscally responsible bill, which will assist the NMDP in advancing our life-saving mission.

The reauthorization maintains important components of the existing programs, including a single point of access and a focus on building a diverse registry of adult donors and cord blood units. It also includes modifications necessary to continue the successful work of these programs.

The NMDP is dedicated to creating an opportunity for all patients to receive the transplant therapy they need, when they

need it. Through a competitive process, the NMDP has been entrusted to operate the Program since its inception in the mid-1980s. Every day, this Program assists thousands of patients with leukemia, certain lymphomas, and other life-threatening diseases find a matching donor or umbilical cord blood unit. For many of these patients, a transplant may be the best and only hope for a cure. NMDP has facilitated more than 40,000 transplants. This accomplishment would not have been possible without the ongoing sustained support of Congress and its efforts to increase unrelated transplants in the United States.

We look forward to working with the Congress, our network partners in the transplant community including, physicians, cord blood bankers, donors, and the patients and families they serve. On their behalf, we thank you for continued support of cellular transplantation and stand ready to support your efforts for successful passage of this act this year.

Sincerely,

JEFFREY CHELL, M.D.,
Chief Executive Officer,
National Marrow Donor Program.

NATIONAL MARROW
DONOR PROGRAM,
August 9, 2010.

Re Reauthorization of the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory.

Hon. C.W. BILL YOUNG,
Hon. DORIS MATSUI,
House of Representatives,
Washington, DC.

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Sincerely,

JEFFREY CHELL, M.D.,
Chief Executive Officer.

HONORING ALICE WILLIAMS TOWERS HOUSING COMMUNITY FOR SENIOR CITIZENS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. JOHNSON of Georgia. Madam Speaker, I submit the following:

Whereas, since 2000, the Alice Williams Towers Housing Community for Senior Citizens has been and continues to be a great institution in our district; and

Whereas, under the vision of Pastor Jasper Williams, Jr., of Salem Bible Church, the Alice Williams Towers began and have given Senior Residents in Georgia, a place to live and play for ten consecutive years; and

Whereas, the residents and staff of this remarkable community continue to be involved in the matters of the district; and

Whereas, the Fourth Congressional District of Georgia is very proud and honored to have the Alice Williams Towers Housing Community as a partner in the district, mentoring our future leaders to better serve our nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the residents, family members, friends and staff of the Alice Williams Towers Housing Community for their outstanding service and leadership and to congratulate them on their ten year anniversary;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim June 18, 2010 as Alice Williams Towers Housing Community Day in the 4th Congressional District of Georgia.

Proclaimed, this 18th day of June, 2010.

RECOGNIZING THE ACCOMPLISHMENTS OF EMMIT JAMES SMITH III

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. MILLER of Florida. Madam Speaker, it is with great honor that I rise today to recog-

nize the inspirational career and achievement of Emmitt James Smith III, on the occasion of his recent induction into the National Football League's Hall of Fame.

A Pensacola, Florida native and a fellow University of Florida graduate, Emmitt Smith is regarded not only as one of the greatest running backs in the history of the NFL, but also as a role model for young athletes everywhere.

During his freshman year at Escambia High School, Emmitt Smith rushed for 19 touchdowns and over 1,500 yards. He continued his training during the off-season. As a result of his hard work and determination, he improved his game and rushed for 26 touchdowns and over 2,200 yards during his sophomore year—leading Escambia High School to their first state football championship. Smith's high school football career did not stop there, and he had an even more impressive season junior year. Rushing for 33 touchdowns and over 2,900 rushing yards, he once again led the team to win another state title.

Throughout college and his career in the National Football League, Emmitt Smith overcame many odds to establish himself as a tremendous individual both on and off the field. He has many awards and accolades attributed to his name, including: being inducted into the NFL Hall of Fame, leading the league in rushing touchdowns, leading the league in 100-plus yard rushing games, winning 3 Super Bowl Championships and being named NFL Most Valuable Player in 1993. However, breaking Walter Payton's NFL record for the most rushing yards is certainly his greatest feat—a feat that he dreamt of many years before his first professional football game.

Madam Speaker, there are few athletes who walk onto the gridiron and play with the level of emotion and passion as Emmitt Smith. His impressive football career and his dedication to self-improvement have taken him to a level that transcends most professional athletes and have won the hearts of many in Northwest Florida and all across this Nation. On behalf of the United States Congress, I congratulate Emmitt Smith for all his great achievements. My wife, Vicki, joins me in this commendation and in extending our best wishes to him and his family.

TRIBUTE TO SPECIALIST FAITH HINKLEY

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. SALAZAR. Madam Speaker, I would like to take a moment today to pay tribute to Specialist Faith Hinkley, a brave young woman from Monte Vista, Colorado. Specialist Hinkley died in Baghdad, Iraq on August 7, 2010, from injuries sustained from an insurgent rocket attack. Colorado, the San Luis Valley, and the country have lost a tremendously respected leader and soldier.

Specialist Hinkley led a remarkable life. Growing up in Monte Vista, everyone around her admired her hard work and incredible talents. She played the clarinet in the marching

band, was a member of the National Honor Society, and of the National Business Leaders of America. She was also a Rainbow for Girls Worthy Advisor. After her first year in college, she enlisted in the Army, and was trained in military intelligence.

Her record in the Army again testifies to her incredible abilities. She was assigned to the 502nd Military Intelligence Battalion, 201st Battlefield Surveillance Brigade. While serving, her awards and decorations include the National Defense Service Medal, the Global War on Terrorism Service Medal and the Army Service Ribbon.

Those who knew Faith Hinkley testify to the warmth of her laughter, her beauty, her intelligence, and her care and concern for others. As a veteran myself, I honor her commitment, her passion, and her sacrifice for this country. Specialist Hinkley is an example to all of us who strive to serve the public.

My sincere condolences go out to her family, especially her parents Dr. David and Annavee Hinkley and her siblings Matt and Shannon, and friends in this difficult time. She will be profoundly missed, and her legacy and inspiration will live on through all the lives she touched.

PORTS OF SEATTLE AND TACOMA: ENVIRONMENTAL LEADERSHIP

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. REICHERT. Madam Speaker, I'm always pleased to thank our business leaders for their environmental stewardship and leadership. In Washington State, our two largest ports—the Ports of Tacoma and Seattle—just received recognition from the American Association of Port Authorities for innovative and remarkable environmental stewardship.

The Port of Tacoma won the Environmental Enhancement Award and Honorable Mention in the Environmental Mitigation category. The Port was recognized because of its demolition program that produced 7,071 tons of recycled or reused materials—nearly 90 percent of the total materials used. The Port also converted a former public landfill along the Puyallup River into a wetland habitat for native plants, shore birds, and juvenile salmon.

Not to be outdone, the Port of Seattle earned this year's Comprehensive Environmental Management award for its Environmental Compliance Assessment Program. The program was implemented by the Port in 2009 to evaluate and assist with tenant environmental compliance to better meet high expectations and environmental quality regulations; obviously the program is working well!

The wonderful people of Washington State are very fortunate to have two world-class, busy ports that help drive our region's economy. The newly appointed Port of Tacoma CEO, John Wolfe, is a well-known and well-respected business leader committed to keeping the Port competitive in a global marketplace and making his Port environmentally sound. I can say the same for the Port of Seattle's CEO, Tay Yoshitani. My staff and I have en-

joyed working with both Ports in the past and look forward to continuing our working relationship into the future. Madam Speaker, I offer my congratulations to Mr. Wolfe and Mr. Yoshitani, the executive leadership teams, and the staffs tasked with carrying out a forward-looking, innovative agenda.

RECOGNIZING CAROLE VACCARO UPON HER RETIREMENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. HIGGINS. Madam Speaker, I rise today to recognize the career of a dedicated and caring city of Buffalo employee, Carole Vaccaro.

Public service is both a difficult and fulfilling career. Carole Vaccaro served her term with her head held high and a smile on her face the entire way. Carole began her career with the city of Buffalo on March 7, 1988, assigned to the Parking Violations Bureau. Carole's spirit of understanding and her pleasant demeanor were widely recognized in the office. Carole had the task of receiving complaints from parking violators, but never failed to approach her job with a refreshingly pleasant and helpful attitude.

Carole was rewarded with a promotion in July of 1995 to the Department of Assessment and Taxation. She quickly became known in her new office for the same pleasant attitude and efficient manner of accomplishing any task which served her so well in her previous position.

Carole's dedication and work ethic were beyond reproach. She was the first to arrive at the office, often by 7 a.m., long before the official opening at 8:30 a.m. In addition to her strong work ethic, Carole always made time to promote positive relationships among her co-workers. A birthday, wedding anniversary, job promotion, or even an anniversary of one's first day on the job was a cause for a celebration with Carole's famous baked goods. Carole is the consummate example of a giving spirit.

Madam Speaker, I would like to take this opportunity to thank Carole for her 22 years of exemplary service on behalf of the western New York community. Carole will always be remembered for putting a friendly face on Buffalo's City Hall. Buffalo, the City of Good Neighbors, is proud to call Carole one of her own.

IN RECOGNITION OF DONALD M. MC CARTHY

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Donald M. McCarthy, a 30-year veteran of the Daly City Police Department.

Officer McCarthy graduated from the Basic Police Academy at the College of the Redwoods in 1979 after earning a B.A. in soci-

ology at San Francisco State University. He was appointed as a police officer on August 6, 1979, and was assigned to the Detective Division in 1982. He received numerous department commendations during his career. Of special note was the day a woman pointed a gun at him before fleeing to her house which she then set on fire. Sergeant McCarthy was fired upon when he entered the house—he returned fire, extinguished the flames, then put the woman in custody—just another day at the office!

Sergeant McCarthy has been a mentor to many recruits and he served bravely for many years on the Daly City Police Tactical Response Team. He was long recognized for his compassion, knowledge of the law, public relations skills and an undeniable ability to problem solve; in other words, he was a great investigator.

Madam Speaker, on September 10, 2010, members of the Daly City Police Benevolent Association will honor Sergeant Donald McCarthy at a special dinner and, as such, I ask that this body extends its thanks for a job well done.

IN MEMORY OF THE HEROES OF 9/11

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. KING of New York. Madam Speaker, I rise today in memory of the upcoming anniversary of 9/11 in New York City, and the lives which were lost in the World Trade Center buildings, and aboard the planes. And in honor of all of those heroes, The fire fighters and police officers and regular citizens who gave That Last Full Measure to help save lives. Our prayers lie with the families and the children of all of those lost loved ones. The world on that day, truly saw the very heart of America, and why we have such a great nation. I ask that this poem penned in honor of them, by Albert Caswell, be placed in the RECORD.

GOTHAM GLORY

In . . .
In this great city . . .
That which so towers . . .
High above all of those clouds, throughout
all of the hours . . .
But, lie such majestic buildings . . . that
which so make mere men so cower . . .
All in their presence and circumstance, as
this Gotham City they do so enhance

. . .
With but all of their power . . .
But, nothing in this Gotham City rises . . .
or will ever reach any higher, than
what so happened all in these hours

. . .
Then, all of those Brave Hearts . . . who so
on that fateful day of 9/11, would so inspire!

All in the midst, of America's darkest of all
hours . . .

To bring their light! Showing us all, what
lies within a soul to take us higher!

As why high above all of this, their fine souls
do so tower!

With all of their faith and love, that which
now so showers . . .

So showers, this Gotham City forever more
 . . . all throughout her hours . . .
 For in life, there can be no greater story . . .
 Nor no Greater Gift, or so sacrifice . . . so
 then this their Glory!
 Then, to give up one's life . . . as was their
 fine story . . .
 All at the very height, of what a Hero can be
 . . .
 For No Greater Love, burns brighter through
 eternity!
 As why the face of God, they would see . . .
 As on that morning that which hate, evoked
 . . .
 As a time, now all so etched all in our hearts
 and souls that spoke . . .
 As when, there came such hope . . .
 As to this our Nation that love conquers all,
 as their fine hearts so spoke!
 As a time when, mere men and women acted
 like Gods . . . So Wrote . . .
 So Wrote Their Book of Love, as Heaven for
 them lie close . . .
 Running up, into The Face of Hell . . .
 You Go . . . I Go . . . as was but their fine
 heroes creed, their actions spelled!
 As all of those fine hearts, so chose to swell
 . . .
 Running past death, as upward they climbed
 towards this fiery hell . . .
 With tear in eye, as they all knew that this
 might be their last moments as well!
 All in their most magnificent quest, but to
 save lives! As they were all so at their
 very best!
 With each new step, closer to Heaven they
 now so climbed . . .
 For on that morning, courage came in all
 shapes and sizes . . .
 All in what their fine hearts, as so comprised
 this!
 Setting them all apart, from all of the rest!
 Heroes, who our nation would so bless!
 And too, all of these families now so left . . .
 So left, without all of their greatest of loves
 of all, may our Lord now so bless . . .
 As each one but on their own, inside such sac-
 cred Hearts did rest . . .
 As to our Lord, they all came home . . .
 But, to where they belonged . . .
 And, what child may be born?
 From all of this, their great love so worn
 . . .
 Who might Save The World, as born?
 Mothers, Fathers, Rabbis, Teachers, Priests
 and Preachers, tell this story!
 All about, The Greatest Love . . . all about,
 Their Gotham Glory!
 And when, There Comes A Gentle Rain . . .
 Their tears from up in Heaven, shall wash
 down upon you to ease your pain . . .
 Until, up in Heaven you shall meet once
 again . . .
 And you won't have to cry any more!

TRIBUTE TO MR. HAWLEY SMITH,
 SR.

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. GINGREY of Georgia. Madam Speaker, I rise today in honor of a long time friend, Mr. Hawley Smith, Sr., who is celebrating his ninetyeth birthday this month. For as long as I have known him, Mr. Smith has been tirelessly devoted to his community, church, and family.

Throughout the years, he has served Troup County in many different positions, and I'd like

to mention a few that I know are most important to him. Mr. Smith was the first elected Chairman of the Troup County Board of Commissioners, and he remained in that position for 12 years. During this same time period, he helped to shape many other organizations like The Georgia Heart Clinic, the West Georgia Tech Foundation, the Troup County Chapter of the American Red Cross, and the West Georgia Youth Council—just to name a few. Notably, Mr. Smith is the longest continuous member of the Optimist club in the State of Georgia, and he is still active today. He also served as President of the Association of County Commissioners of Georgia, as Chairman of the Georgia Environmental Facilities Authority, as Vice-Chairman of the Georgia Chamber of Commerce, and as Vice President of the Citizens and Southern National Bank. The list of leadership positions is nearly a page long, which is a testament to how much Mr. Smith cares for his community.

He has likewise given countless hours to First United Methodist Church of LaGrange—where he was as a member of the Building Committee, the Board of Stewards and served as the Treasurer and Trustee. His kindness and willingness to help others also led him to become the Director of The Harbor Incorporated, a home for the Christian rehabilitation of alcoholics.

He got married to Ms. Ercil Trussell in 1942 and they had 3 beautiful children together. A constant family man, Mr. Smith always tried to provide the best educational environment for his kids, whether that meant serving as the Neighborhood Commissioner for the Boy Scouts or working on the Board of Trustees for Rosemont Elementary School.

Madam Speaker, as you can see, Mr. Smith is a compassionate and selfless father, husband, and community member. I want to wish him a very happy ninetyeth birthday and thank him for his unwavering service to both Troup County and the great State of Georgia.

TRIBUTE TO VERNA NAYLOR

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mrs. SCHMIDT. Madam Speaker, one of the best aspects of my job is the wonderful people from Southern Ohio that I have the opportunity to meet. I am often inspired by their stories, their struggles and their successes, and their commitment and dedication to bettering our communities. A few years ago I had the opportunity to meet one such person, Verna Naylor.

At the time, Verna was 91 years old and serving as Bentonville Postmaster in Adams County, Ohio. She was one of just 5 United States Postal Service employees over the age of 90. Her late husband, Harry, served as the Bentonville Postmaster until his death in 1968. At that time, Verna decided to take over the position, and greeted her customers each morning.

During the time that Verna served as Postmaster, she never took a sick day. She thrived on hard work, family and community. Accord-

ing to her son, James, "Mom just always wanted to help someone else and she would do anything for the people of Bentonville." And, her daughter, Sue, said, "There were many times where mom just opened her house to people, feeding them, giving them a place to sleep, and taking care of them."

Madam Speaker, Verna Naylor, the oldest female Postmaster in the U.S., passed away on July 6, at the age of 94. She was the heart and soul of Bentonville. Her tireless commitment and outstanding service to her community set a wonderful example for everyone she met. She will be missed.

Madam Speaker, I ask that the House join me in honoring the life of Verna Naylor.

MOTION TO TABLE THE APPEAL
 OF THE RULING OF THE CHAIR
 ON THE PRICE OF GEORGIA
 LAME-DUCK PRIVILEGED RESO-
 LUTION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. RYAN of Wisconsin. Madam Speaker, I, along with Representatives DAVE CAMP of Michigan and JEB HENSARLING of Texas, submit the following statement for the RECORD with respect to the Motion to Table the Appeal of the Ruling of the Chair on the Price (R-GA) Lame-Duck Privileged Resolution.

As members of the Fiscal Commission, we are dedicated to getting spending under control and meaningfully addressing our fast-growing and unsustainable deficits. If the Commission reaches a bipartisan consensus, it is our hope that House and Senate leadership would work on a bipartisan basis to determine how and when those recommendations would be brought to the floor. There is no greater crisis facing America than the unchecked growth of spending that is fueling massive increases in our deficits.

HOPING TO WORK ON A BIPAR-
 TISAN BASIS TO STOP THE UN-
 CHECKED GROWTH OF SPENDING

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. HENSARLING. Madam Speaker, as a Member of the Fiscal Commission, I am dedicated to getting spending under control and meaningfully addressing our fast-growing and unsustainable deficits. If the Commission reaches a bipartisan consensus, it is my hope that House and Senate Leadership would work on a bipartisan basis to determine how and when those recommendations would be brought to the floor. There is no greater crisis facing America than the unchecked growth of spending that is fueling massive increases in our deficits.

ANTI-ROMA ACTIONS ERUPT IN
FRANCE, EUROPE**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to address the comments made by French President Nicolas Sarkozy that have caused quite the media flurry in the past few weeks.

On July 16, French police shot and killed a Romani man when he apparently tried to run a roadblock. This shooting sparked two days of rioting by some 50 members of his community damaging the local police station and private property.

In a story that has now been covered by the media from Vancouver to Moscow, French President Sarkozy subsequently announced that he would look into "the problems created by the behavior of certain travelers and Roma," with a view toward the closing down Romani camps and driving out Roma. Government statements have indicated these measures would focus on finding and expelling Romani citizens from Bulgaria and Romania—two European Union countries. Despite the fact that the Romani man in the July 16 incident was actually a French citizen—Mr. Sarkozy later spoke of stripping citizenship from nationalized French citizens convicted of serious offenses.

Not surprisingly, human rights groups have condemned the President's remarks with one voice. Council of Europe Human Rights Commissioner Thomas Hammarberg rejected the notion of holding Romani people collectively responsible if one among them commits a crime. Good for you, Mr. Hammarberg. (It is a shame that the European Union has been so utterly silent and paralyzed in the face of this downward spiral.)

Many of the reports and analyses of these events, such as last Friday's editorial in the New York Times, rightly placed these developments in the context of French politics and President Sarkozy's political imperatives. Understanding the current political dynamic in France, particularly the ongoing debate over "national identity" and the situation of Muslim and African-origin minorities in France, is extremely helpful in understanding the President's expansion into anti-Roma mudslinging. But there is a wider, broader European context for his remarks that I think must be addressed.

French Interior Minister Brice Hortefeux has stated that the new measures targeting Romani camps are not aimed at "stigmatizing a community" but rather at stopping illegal activity. This sounds remarkably like the rhetoric of Hungary's far right wing party, Jobbik, which claims it is not against "Gypsies," just "Gypsy crimes."

In fact, rhetoric linking Roma to criminal activity or broadly portraying Roma as criminals—traffickers, prostitutes, thieves, and so forth—is pervasive throughout Europe. In early July, in the wake of a mass expulsion of Roma from Copenhagen, Danish Minister of Justice reportedly made remarks tying Romani culture to criminal behavior. Romania's foreign

minister remarked in February about "the natural physiology of Roma criminality." For two years now, Italy has been gripped by anti-Roma policies, included targeting Roma for fingerprinting, that are built on a perception of the Roma as criminals.

The idea of Romani people as inherently criminal is not new. In fact, it was at the very center of Nazi racial theories regarding Roma. According to these theories, Roma—as descendants of an Aryan people—we're just fine on their own. But Nazi racial hygienists concluded that, as a result of intermarriage between Roma and non-Roma, Roma had been left with mixed, "degenerate" blood and were genetically predisposed to criminality. Moreover, Roma were "unadaptable"—that is, this condition could never be changed. These Nazi racial theories provided the rationale for the sterilization, persecution, and eventual extermination of Roma.

Unfortunately, as Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, has observed, "Even after the . . . Nazi killing of at least half a million Roma, probably 700,000 or more, there was no genuine change of attitude among the majority population towards the Roma." In other words, Nazi racial theories regarding Roma remain remarkably entrenched and are regularly given voice in the rhetoric about "Romani crime."

Madam Speaker, last year Senator CARDIN and I, as Chairman and Cochairman of the Helsinki Commission, wrote to Secretary Clinton regarding the situation of Roma in Europe. In particular, we noted that "racist rhetoric directed against Roma today often uses terminology or images that have been in continuous use since the Nazi era," and we argued that teaching about Romani experiences during the Holocaust is essential to successfully combat prejudice against Roma today. Perhaps this could start in France.

IN RECOGNITION OF DONALD A.
GRIGGS**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Donald A. Griggs, a 29-year veteran of the Daly City Police Department.

Officer Griggs graduated from the Basic Police Academy at the College of the Redwoods in 1980 after earning an Associate Degree in Administration of Justice from the College of San Mateo. He was appointed as a Police Officer on March 10, 1980. He was a mentor to many recruits through his role as a Field Training Officer. In 1999 he was promoted to the rank of Sergeant. He served bravely for many years as a member of the Daly City Police Tactical Response Team. He also served on the board of directors for the Daly City Police Athletic League. He is a dedicated police officer who forged many friendships during his career.

Sergeant Griggs received numerous department commendations during his career. Of special note, in 2003 he rushed into a burning building and evacuated the residents. He suf-

fered smoke inhalation and was rushed to the hospital for treatment. He risked his life to save people in need. In another instance he was recognized for his professionalism by the victim of a particularly brutal sexual assault case. His professional and compassionate efforts helped restore the woman's dignity. His actions serve as a source of pride for the entire police department.

Madam Speaker, on September 10, 2010, members of the Daly City Police Benevolent Association will honor Sergeant Donald Griggs at a special dinner and, as such, I ask that this body extends its thanks for a job well done.

TRIBUTE TO DR. THOMAS GRAMS

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. SALAZAR. Madam Speaker, I rise today to pay tribute to a great leader in humanitarian aid, Dr. Thomas Grams. Dr. Grams was tragically killed last week in Afghanistan by the Taliban. Dr. Grams was in a remote region of Afghanistan fulfilling a medical aid mission with a group of nine other volunteers from the International Assistance Mission.

Dr. Grams practiced dentistry in Durango, Colorado for many years. Several years ago, he retired from private practice so that he could dedicate his life fulltime to the assistance of residents in developing countries. Dr. Grams took countless trips to India, Nepal, and Afghanistan to provide care for the indigent residents of these countries.

In particular, he was able to provide essential dental care for thousands of children in these countries. To the children he was known as "Dr. Tom." Many of the children he treated had suffered for years with untreated dental problems. After their treatment when he returned to the villages and towns in future years, he would be able to see the lasting smiles on the children's faces.

The focus of Dr. Grams' life was to provide service to others and his mission was to provide access to dental and health care in some of the most remote corners of the world. His enthusiasm and devotion to the places he visited enabled him to cultivate great trust within these communities. He leaves behind him a legacy of countless people, especially children, whose lives were made better by his service. Dr. Grams represented western Colorado and his entire nation with honor. He exemplified that which is best in our country, a strong sense of compassion paired with the will and ability to help those in need.

Dr. Grams' passion for service will be sincerely missed in both Durango and around the world by those he helped. Our nation and our world have lost a strong voice for compassion and healing. We will remember Dr. Grams as a shining example of that which is best in humanity. My condolences and prayers go out to his family and friends during this difficult time.

RECOGNIZING THE LIFE AND SERVICE OF JERRY W. POTTS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. MILLER of Florida. Madam Speaker, it is with great sadness that I rise today to recognize the life of retired Pensacola Police Chief Jerry W. Potts. Chief Potts passed away on August 6, 2010, after courageously battling cancer. He was a respected leader who spent his life serving his community and his country, and I am proud to honor his lifetime of dedication and service.

Even as a young man, Chief Potts recognized the importance of serving his country. At the age of 17, he joined the United States Army 82nd Airborne Division and served honorably for 3 years. During his time with the 82nd Airborne, he earned the Combat Infantry Badge for his active engagement in ground combat.

Shortly after serving in the Army, in 1973 Chief Potts joined the Pensacola Police Department. His commitment to excellence as an officer through his various assignments in Dispatch, Uniform Patrol, Investigations, and Traffic did not go unnoticed, and in 1995 Chief Potts was selected to serve as Assistant Chief. He continued to rise through the ranks four years later and was appointed as Chief of the Pensacola Police Department, where he remained until his retirement in 2002. Chief Potts' positive impact on the department can be evidenced through the number of projects initiated under his leadership and through the number of improvements made in the Northwest Florida community.

Chief Jerry Potts will forever remain in the hearts and minds of those around him, not only as a cherished and well-respected figure, but as a loving husband, father, and grandfather. He is survived by his middle school sweetheart of 44 years, Linda, their 2 sons Jason and Justin, and their 5 grandchildren.

Madam Speaker, on behalf of the United States Congress, I am honored to recognize the life and deeds of Chief Jerry W. Potts. A committed community leader and loving family man—he will be missed by many, but his memory will live on through the timeless legacy he left. My wife Vicki joins me in extending our thoughts and prayers to the entire Potts family.

THE WIKILEAKS SCANDAL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. HOLT. Madam Speaker, I have taken some time to review some of the previously classified documents on the war in Afghanistan that were published by the WikiLeaks.org website. Before rushing to judgment about this very large, unauthorized disclosure of information, I wanted to review some of the documents myself to determine if indeed potential human sources of information had been com-

promised. After reviewing some of these documents, I have concluded that their release could indeed cause real harm to real people.

I have frequently taken the executive branch to task for over-classifying documents. There have been many episodes in our nation's history where the classification system has been used to hide improper acts or to shield policymakers and bureaucrats from scrutiny or embarrassment. The Pentagon Papers episode is perhaps the most well publicized example of the executive branch seeking to keep information classified because it is embarrassing. That is not the case with the so-called "Afghan War Diary" of WikiLeaks.org.

Some of the documents I reviewed contained the names of real Afghan insurgents who turned themselves in to U.S. or Afghan government forces. Those same reports say these defectors were interrogated, and we may presume that after they are released from custody they and their families could be in danger of assassination by other insurgents. The government has a legitimate need to keep secret any sources and methods that are truly important for our nation's security. The individual or individuals responsible for the release of these unredacted documents should be prosecuted. A criminal investigation into this matter is underway.

"KEEP THE SPIRIT OF '45 ALIVE!"

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. BACHUS. Madam Speaker, it is my honor to express strong support for the Spirit of '45 Day celebrations that will be occurring throughout our country, including at the Alabama National Cemetery in my district.

On August 14, 1945, World War II officially ended, marking a victory for the cause of freedom over tyranny in the world. The Americans who served us on both the battlefield and the home front deserve our lasting gratitude. History will forever celebrate the men and women of the "Greatest Generation" who endured the Great Depression, preserved democracy, and rebuilt the postwar world, creating examples of service that continue to inspire and sustain our nation.

Keep the Spirit of '45 Alive is a non-profit grassroots campaign to encourage Americans to commemorate the 65th Anniversary of the end of World War II by holding events and inspiring young children to gather personal recollections of August 14, 1945 from family members and friends.

Their goal is to establish a permanent National Day of Remembrance to the legacy of service of the greatest generation so that their example of commitment to community and country will continue to provide inspiration now and in the future.

This commemoration will encourage our young people to learn valuable lessons from their elders about overcoming adversity through self-sacrifice, courage, perseverance and service to others. During my meetings, soldiers from Iraq and Afghanistan have often told me how they were inspired by the service of their fathers and grandfathers.

It is my hope that Keep the Spirit of '45 Alive will serve as an example to Americans of how we always come together with a shared sense of national unity and purpose during challenging times in our nation's history.

Therefore, I would like to provide my heartfelt endorsement for the Spirit of '45 Day celebration at the Alabama National Veterans Cemetery on Saturday, August 14, 2010.

A PROCLAMATION HONORING MOLLI JACOBS' VICTORY AT THE AMERICAN QUARTER HORSE YOUTH ASSOCIATION WORLD CHAMPIONSHIP SHOW

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. SPACE. Madam Speaker:

Whereas, the American Quarter Horse Youth Association held its World Championship Show July 30 through August 7 in Oklahoma City, Oklahoma,

Whereas, the show is the world's largest single-breed show for youth,

Whereas, Molli Lyn Jacobs, who is 17, was among the 858 exhibitors,

Whereas, Molli showed a 2-year-old bay mare, RTH Style and Grace,

Whereas, Molli's brother R.J. also won a world championship at the event,

Whereas, the event's organizers said it was so unusual for two siblings to win world championships in the same year that they were unsure if it had ever happened before,

Resolved that along with the residents of the 18th Congressional District, I commend Molli Lyn Jacobs on winning a world championship at the American Quarter Horse Youth Association World Championship Show, and for the hard work and dedication that led to this unique accomplishment.

HONORING BLUE STAR MOTHERS OF AMERICA

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. SESTAK. Madam Speaker, since assuming office in January 2007, I have had the privilege of working with the Blue Star Mothers of Greater Philadelphia. That group has been in the forefront of countless efforts to support our troops engaged in two protracted conflicts. Though the "all volunteer force" has provided our nation with the most capable and powerful military in our history, it has also shifted the burden of waging those conflicts to a decreasing percentage of our overall population. As a result, the vast majority of Americans benefit from the security wrought by the sacrifice of relatively few families. In the Commonwealth of Pennsylvania, we are blessed by the work of Marian Moran of Media, PA who leads the Philadelphia Chapter, Laurie Menges of Hanover who leads the South Central Pennsylvania Chapter, Laura Zazworsky of Camp Hill,

President of the Central Pennsylvania Chapter, and Sue Donaldson of Easton PA, President of the Lehigh Valley Chapter.

For our families with serving members of the military, it has always been the case that the greatest emotional toll of sending our sons and daughters to war is borne by our nation's mothers. Since 1943, the Blue Star Mothers of America (BSMA) have stepped forward to offer support, counsel and advocacy on behalf of their children and one another. In addition to the thousands of phone calls, letters, and emails of support that flow daily between BSMA members, they are actively engaged in policy making at the highest level. Their support for H.R. 2647, "National Defense Authorization Act for Fiscal Year 2010", which directs states to provide both electronic and mail absentee ballots in a timely fashion, is helping to right a long-standing wrong in the provision of absentee ballots for serving members of our military. For years, our men and women in uniform have been denied their vote by inefficient and often indifferent bureaucracies at the local, state, and federal levels. The BSMA is also a tireless morale builder for our troops, providing 'care packages' from home, that not only nourish them but offer essential items to mitigate the extremely harsh climates in Iraq and Afghanistan. Most noteworthy is how Blue Star Mothers rally to the side of their sister Gold Star Mothers. When a Blue Star turns to Gold our entire nation mourns. But for the Blue Star Mothers that tragedy is their call to arms. An old Spanish proverb holds that "An ounce of mother is worth a pound of clergy." Certainly it is a fellow mother who is best qualified to offer comfort when a child has been lost in service to our nation. For over sixty seven years, the Blue Star Mothers have been there for their children, one another, their Gold Star sisters, and our nation.

As the Blue Star Mothers of America gather in Grand Junction, Colorado for their National Convention under the leadership of President Wendy Hoffman, I request that all Americans acknowledge the maternal love, patriotism, and courage that distinguish that remarkable organization. Our entire nation has reason to be grateful for their service.

RECOGNITION OF MADLYN AND JAMES AARON

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. PALLONE. Madam Speaker, I rise today in recognition of James and Madlyn Aaron's long-standing dedication to their community and to applaud their many contributions to the public. I hope that their faithful devotion to the State of New Jersey may serve as an example to us all.

James Aaron has been practicing law for 41 years and is a member of the New Jersey State Bar and Monmouth Bar Association. He is currently partner at the distinguished firm of Ansell Grimm & Aaron, based in Ocean, New Jersey. Jim has been able to connect his professional career with his desire to contribute to his community. He has served as a panelist

for the Monmouth University Real Estate Institute and has lectured for the Institute of Continuing Legal Education. In addition, Jim has been the City of Long Branch's City Attorney since 1994, has served as the municipal prosecutor and attorney for the zoning board for the City of Long Branch, and has held the position of Asbury Park's City Attorney. In fact, he is the only City Attorney in the history of New Jersey to serve these cities at the same time. Jim's impressive legal career includes practicing before the United States Supreme Court, the United States Court of Appeals, and the United States Court of Claims.

Mr. Aaron's active participation in New Jersey civic life extends to a variety of other spheres as well. In 2006, Jim was appointed the Commissioner of the New Jersey Racing Commission. He also sits on the Board of Trustees of the Hollywood Golf Club. In addition, because religion is important to him, Jim has attended Temple Beth Miriam for his entire life. He is now a member of the Temple's Board of Trustees.

Jim's wife Madlyn Aaron was a school teacher in the Long Branch school system for over 33 years. She holds a BA and an MBA from Monmouth University, and her commitment to education has continued even after retirement. Madlyn and Jim sponsor the Leslie B. Aaron Scholarship Fund which provides a scholarship to a deserving Long Branch High School senior every year. They also sponsor the Heimlich-Aaron Scholarship Fund which provides a scholarship for a worthy graduate of Temple Beth Miriam's Hebrew high school. The couple supports Monmouth University and the Monmouth Medical Center, and their contributions to civic life also include their active membership in the Long Branch Chamber of Commerce. Perhaps most notably, Jim and Madlyn recently served as co-chairs of the Temple Beth Miriam's "Capital Campaign." The campaign successfully raised over \$2.5 million dollars for the Temple.

Madam Speaker, please join me in leading this body in acknowledgement of the dedication of James and Madlyn Aaron to their community. Their contributions to civic life and charitable and religious organizations make them tremendously valued citizens of my district and the state of New Jersey.

IN RECOGNITION OF THE 63RD AN- NIVERSARY OF PAKISTAN INDE- PENDENCE

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 63rd Anniversary of Pakistan independence. The 11th Congressional District of Virginia has benefited from being home to a diverse range of ethnic and religious peoples from all over the world. Northern Virginia as a whole is strengthened by this diversity. One community I wish to recognize today is the Pakistani community, which is an integral part of the makeup of Northern Virginia.

I am honored to represent a district with such diversity and prosperity. The Pakistani

community has been vital to that success, contributing expertise and hard work in some of our fastest growing industries. The work ethic displayed is consistent with so many immigrant groups who have come before and who have contributed to building the United States of America into a great nation. By celebrating our respective traditions and heritage, we reaffirm our identity as Americans.

Pakistan Independence Day celebrates the end of British rule in the region and the founding of Pakistan as a sovereign nation by Muhammad Ali Jinnah. August 14, 1947, is officially recognized as the day that Pakistan won independence, and it is celebrated with lights, fireworks, and displays of national pride. The Pakistan Festival USA was originally held at the Lincoln Memorial in 1987, and has grown into a must attend event for the Pakistani community. Pakistan Festival USA has since moved to Lorton, VA, in the heart of the 11th Congressional District, in order to meet the needs of the growing attendance and demand of the Washington area Pakistani community. Today, this is one of the largest celebrations in the country celebrating the independence of Pakistan and recognizing the contributions of the Pakistani-American community.

Madam Speaker, I ask that my colleagues join me in celebrating the 63rd Anniversary of Pakistan's Independence, and in recognizing the many contributions of Pakistani-Americans to our country and wishing them Yaum-e-Azad Mubarak (Happy Independence Day).

GOVERNMENT MOTORS AND MEXICO

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. POE of Texas. Madam Speaker, Government Motors is investing \$500 million to refurbish an old manufacturing plant. GM is going to make a whole new line of engines at the new plant. And a whole new line of cars.

This GM investment of taxpayer bailout dollars will bring hundreds of new jobs!

The problem is the shiny new GM plant is in Mexico.

The Ramos Arizpe plant in northern Mexico will get a hefty half-billion dollar makeover.

Mexico will get the 390 new jobs that go along with it.

I thought the GM bailout was to "save or create" American jobs?

The American taxpayers bailed out GM. Its taxpayer money. Why isn't Government Motors investing a half billion dollars in an American Plant?

American jobs are going to Mexico. And Mexicans are coming to the United States to take American jobs.

Would these 390 new Mexican jobs be saved or created?

And that's just the way it is.

HONORING ROGER T. BOBB

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. KILDEE. Madam Speaker, the Genesee Charter Township Fire Department will honor Chief Roger T. Bobb for 45 years of service to the community at their 7th Annual Picnic. The Picnic will be held at the Township Fire Station Number 1.

After graduating from Kearsley High School in 1959 and attending Michigan State University, Chief Bobb was hired as a firefighter on June 7, 1965. During this time, Roger Bobb was also a member of the Michigan National Guard, and began working as an insurance agent. In 1973, he was promoted in the Fire Department to Captain. The following year, he was a member of the first graduating class of the Genesee County Michigan Firefighters Training Council Basic Firefighter Training program. He has also completed the Michigan Firefighters Training Council Fire Officer I Training Program. He was promoted to Assistant Chief in 1977 and became Fire Department Chief on January 6, 1985.

As part of the Genesee County Association of Fire Chiefs, Chief Bobb was elected a Trustee in 1985, elected Vice President in 1986, and elected President in 1987. He received the President's Award for Exemplary Service in 1999. He has also served as Chairman of the Radio Committee.

Chief Bobb and his wife, Carol, have a daughter, Jennifer, and a son, Brian. As part of a firefighting family, his brother served with the Fire Department for 35 years and his late father was a charter member of the Fire Department and served 22 years.

Madam Speaker, I ask the House of Representatives to join me in congratulating Chief Roger T. Bobb for 45 years of service to the Genesee Charter Township Fire Department. He is to be commended for his commitment to the safety and welfare of the community and I wish him the best in the future.

HONORING THE 125TH ANNIVERSARY OF ZION EVANGELICAL LUTHERAN CHURCH IN MANISTIQUE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. STUPAK. Madam Speaker, I rise to honor Zion Evangelical Lutheran Church of Manistique on the church's 125th anniversary. Members of the congregation selected the following passage as their theme for this historic anniversary, "We have no mission but to serve in full obedience to our Lord; to care for all, without reserve, and spread his liberating word." It is a mission this congregation has been carrying out successfully for 125 years.

Zion Lutheran was founded on August 15, 1885 by missionary pastor J.J. Maakestad. Located on the shores of Lake Michigan in Michigan's Upper Peninsula, the church's

founding coincided with the decision in 1885 by the lumber community of Epsport to officially change its name to Manistique. Originally called the Scandinavian Evangelical Lutheran Church, 19 Swedish families totaling 65 individuals comprised Zion Lutheran's original congregation. By 1906 the congregation had already outgrown the original church built by J.J. Maakestad, and that year the present church was constructed at a cost of \$10,143.

Services at Zion Lutheran continued to be held in Swedish until 1947. Over the last century and a quarter, 20 pastors have served Zion Lutheran and the congregation elected its first women to the Church Council in 1974. The first lay person to serve as president of the Church Council was elected in 1979.

Members of Zion Evangelical Lutheran Church reach out to those in need with open arms and a strong sense of community. The congregation sponsors Boy Scout Troop #400 and Cub Scout Troop #402 and it has been involved with local Habitat for Humanity efforts. Zion Lutheran is also active in Lutheran World Relief and its members make an average of 250 quilts a year to be distributed to hospitals, orphanages and the sites of natural disasters to help those in need. In February 2002, the church began the "Sharing Prayers Ministry" program, which provides a homemade lap robe, or prayer shawl, to church members who are going through a stressful or difficult period in their life.

As a member of the Great Lakes Synod, Zion Lutheran has formed a cultural and spiritual fellowship with its sister congregation, Magomeni Lutheran Church in Dar es Salaam, Tanzania. This includes an exchange of letters from Sunday schools classrooms, luncheons featuring foods from Tanzania, and this past fall two members of Zion Lutheran travelled to visit Magomeni Lutheran Church, bringing the Upper Peninsula to Tanzania.

Madam Speaker, the spirit and principles that are intrinsic to the Upper Peninsula can be found throughout the history of this church and the actions of its congregation. Over the past 125 years, Zion Evangelical Lutheran Church of Manistique has shared the joy of the Lord with the community of Manistique and with open arms has reached out to those in need. For these many blessings, Madam Speaker I ask that you, and the entire U.S. House of Representatives, join me in recognizing Pastor Dave Hueter and the members of the Zion Evangelical Lutheran Church of Manistique on its 125th anniversary.

HONORING LT. COL. WILLIAM
"BILL" C. BRYAN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise today and invite my colleagues to join me in honoring the life of Lt. Col. William "Bill" C. Bryan, longtime resident of Vacaville, California, and to recognize his many accomplishments and contributions to our country and the community.

Sadly, Bill passed away at home with his wife at his side on August 1, 2010 at the age of 90.

I was honored to have recently visited with Bill, his wife Betty and daughters Geri and Karen, as well as two of his grandchildren at their family home. Bill and Betty shared stories about their lives together and proudly showed off a mini time-line of photographs from their wedding day, their growing family and Bill's 90th birthday party. Bill also recalled his service in WWII and shared with me photographs of his early years in the service and throughout his distinguished career. Bill took great pride in serving our country and his love of flying was evident and everlasting.

William "Bill" Charles Bryan was born on April 27, 1920, in Big Timber, Montana, to William Franklin Bryan and Lena Bryan. Bill's outstanding character was no doubt evident to all who knew him, and his commitment to the United States Army was a true indication of his sense of duty and love of country.

Bill's long career with the military started when he was drafted into the Army in 1942 and served in the Army Coastal Artillery Unit. In 1943, he cross-trained and started pilot training in the Army Air Corps. In 1944, on his 17th mission over Germany, his B-24 was shot down over Austria. Bill courageously spent 14 months as a Prisoner Of War (POW) in Northern Germany at Stalag Luft #1. Despite often frightening and harrowing conditions as a POW, Bill returned to flying upon his release in 1946 and piloted the Douglas C-124 Globemaster and the Douglas C-130 Hercules. In 1947 Bill became a member of the newly designated United States Air Force where he continued to serve until retiring in 1966 as a Lieutenant Colonel.

Bill would not remain idle after retiring from the Air Force for long. Following his distinguished time in the military, he embarked on a second fulfilling career and started his own business, "Bill's Refrigeration". Bill not only ran the business, but he also worked as a repairman on refrigeration systems through the neighboring communities until his retirement in 2004. For many years he volunteered his services and repaired the Vacaville Veterans Hall refrigeration system to continue showing his support to the veterans community.

Over the years, Bill donated his time and talent to the Veterans Community and was often called upon as guest speaker at various veterans' services such as Memorial Day, Veterans Day, Remembrances and Prisoner of War and Missing in Action ceremonies. Bill served as an advisor to his local veterans groups on POW/MIA issues and was a member of the Quiet Birdman, Order of the Daedalians, American Legion Post 165, Veterans of Foreign Wars Post 7244 and Sacramento POW Club.

Bill's patriotism in the community was frequently recognized by his peers. Bill was seen standing proudly along the front row of veterans holding the POW/MIA flag for two hours at one event. He refused several attempts during the event to use a chair and he proudly proclaimed he was standing up, "in support of our troops".

Bill is survived by his wife, Betty C. Bryan; son, Wesley William and wife Jerri; his daughter, Geri Bryan Hann; stepdaughter, Karen Novak and husband Joe; stepson, Steve Croft and wife Oolah. He was also the proud grandfather of eight grandchildren and five great-grandchildren.

Madam Speaker, once again, I would like to pay tribute to the life of a true American hero, Lt. Col. William "Bill" C. Bryan and further recognize his unwavering devotion to his family, his community, and his country.

HONORING RANDALL G. MEADOWS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. JOHNSON of Georgia. Madam Speaker, I submit the following:

Whereas, Forty-six years ago a tenacious man of God accepted his calling to serve at Snapping Shoals EMC in Covington, Georgia; and

Whereas, Mr. Randall G. Meadows began his career with Snapping Shoals EMC and worked his way up to become President/C.E.O and today retires after forty-six years of outstanding service and leadership; and

Whereas, this remarkable man has shared his time and talents, giving the citizens of our District a friend to help those in need, a fearless leader and a servant to all who wants to insure that service truly comes with results and a smile; and

Whereas, Mr. Randall G. Meadows is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mr. Randall G. Meadows on his retirement from Snapping Shoals EMC and to wish him well in his new endeavors;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr. do hereby proclaim July 15, 2010 as Mr. Randall G. Meadows Day in the 4th Congressional District.

Proclaimed, this 15th day of July, 2010.

RECOGNIZING DUANE FOUTS, THE
2011 PRESIDENT OF THE ARIZONA
ASSOCIATION OF REALTORS®

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 10, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize and congratulate Mr. Duane Fouts, who was recently elected the

2011 President of the Arizona Association of Realtors®. Mr. Fouts will be installed as President on October 6, 2010.

Though his career began in 1988 as a salesperson, Mr. Fouts climbed his way up the proverbial ladder of the real estate industry. Frequently recognized for his contributions and leadership in the past, I am confident that Mr. Fouts will continue to demonstrate such leadership and admirably represent the 42,000 plus membership of the Arizona Association of Realtors®.

Mr. Fouts has earned numerous leadership appointments and industry awards for professional contributions, including the 2008 Realtor of the Year in Phoenix. He also gives back to his community as volunteer for the Scottsdale Boys and Girls Club as a basketball coach, and with Habitat for Humanity. I am proud to represent Mr. Fouts and his family—he and his wife Jill have two children and five grandchildren—in Arizona's 5th District.

Madam Speaker, please join me in recognizing Mr. Duane Fouts as an important member of Arizona's 5th District and the 2011 President of the Arizona Association of Realtors®.

SENATE—Thursday, August 12, 2010

The Senate met at 10:01 a.m. and was called to order by the Hon. BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Fountain of life and source of all goodness, You make all things and fill them with Your blessings. You created us to rejoice in the splendor of Your radiance.

Help our Senators today to nurture the inner light of Your presence in their lives. Enable them to hear Your still small voice calling them to embrace Your wisdom and to follow Your leadership.

Lord, we commend to You former Senator Ted Stevens. We thank You for his life and legacy and acknowledge that we are diminished by his sudden and unexpected death. We are grateful for his wisdom, dedication, patriotism, courage, and service. Comfort his family and all who mourn.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER. Pursuant to the authority granted by section 2(a) of H. Con. Res. 307 of the 111th Congress, the majority leader of the Senate, after consultation with the minority leader of the Senate, has determined that the public interest warrants a convening of the Senate at this time, notwithstanding the order of August 5, 2010.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 12, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The senior Senator from New York.

MOMENT OF SILENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate observe a moment of silence in memory of our former colleague, the late Senator from Alaska, Ted Stevens.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Moment of silence.)

MEASURES PLACED ON THE CALENDAR—S. 3762 AND H.R. 5827 EN BLOC

Mr. SCHUMER. Mr. President, I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The legislative clerk read as follows:

A bill (S. 3762) to reinstate funds to the Federal Land Disposal Account.

A bill (H.R. 5827) to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate.

Mr. SCHUMER. I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

REMEMBERING SENATOR THEODORE "TED" FULTON STEVENS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 617, submitted earlier today.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 617) relative to the death of the Honorable Theodore "Ted" Fulton Stevens, former Senator for the State of Alaska.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I would like to take this opportunity, and I think I speak on behalf of all of

our colleagues, certainly in sentiment if not my exact words, about our friend and former colleague, Ted Stevens. On Tuesday we were all deeply saddened to learn about his tragic passing.

Ted's dedication to his Nation began with his valiant service in World War II and endured through six decades of public service. Ted helped secure statehood for his beloved Alaska and never stopped fighting for the people of the Pioneer State for over 40 years as its senior Senator.

Our thoughts are with Ted's wife Catherine and the entire Stevens family and all of those who lost their lives and were injured in this week's sad accident.

Mr. President, I want to personally add the thoughts of Senator REID. I spoke with him last night. We spoke about Senator Stevens and remembered him fondly. Senator REID particularly noted to me one of his prize possessions was a Hulk tie that Senator Stevens had given him, and he proudly still has it with him.

Mr. MCCONNELL. Mr. President, in the history of our country, no one man has done more for one State than Ted Stevens. His commitment to the people of Alaska and his nation spanned decades, and he left a lasting mark on both. From his early military service as a pilot in World War II, to his involvement in the statehood of 'The Last Frontier,' to his fierce support and defense of our Nation's military, Ted Stevens was always there, fighting for what he believed in, and usually winning. He was a force to be reckoned with, and we will miss him greatly. We extend our deepest sympathies to Catherine and the entire Stevens family, and to the families of the friends who were lost in this terrible accident.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 617) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 617

Whereas Theodore "Ted" Fulton Stevens, who began serving in the Senate 8 years after Alaska was admitted to Statehood, represented the people of the State of Alaska with distinction in the Senate from 1968 to 2009 and played a significant role in the transformation of the State of Alaska from

an impoverished territory to a full-fledged State through the assistance he provided in building energy facilities, hospitals and clinics, roads, docks, ferry terminals and airports, water and sewer facilities, schools, and other community facilities in the State of Alaska, which earned him recognition as "Alaskan of the Century" from the Alaska Legislature in 2000;

Whereas Ted Stevens distinguished himself as a transport pilot during World War II in support of the "Flying Tigers" of the Army Air Forces, flying supplies to China over the treacherous "Hump" route in the eastern Himalayan mountains and earning 2 Distinguished Flying Crosses and other decorations for his skill and bravery;

Whereas Ted Stevens, after serving as a United States Attorney in the territory of Alaska, came to Washington, District of Columbia in 1956 to serve in the Eisenhower Administration in the Department of the Interior, where he was a leading force in securing the legislation that led to the admission of Alaska as the 49th State on January 3, 1959, and then as Solicitor of the Department of the Interior;

Whereas, in 1961, Ted Stevens returned to the State of Alaska and, in 1964, was elected to the Alaska House of Representatives, where he was subsequently elected as Speaker pro tempore and majority leader until his appointment to the Senate to fill the vacancy caused by the death of Senator E.L. Bartlett on December 24, 1968;

Whereas Ted Stevens, the longest-serving Republican Senator in the history of the Senate, served as President pro tempore of the Senate from 2003 through 2007 and as President pro tempore emeritus from 2008 to 2009, and over the course of his career in the Senate, Ted Stevens served as assistant majority leader, Chairman of the Select Committee on Ethics, Chairman of the Committee on Rules and Administration, Chairman of the Committee on Governmental Affairs, Chairman of the Committee on Appropriations, and Chairman of the Committee on Commerce, Science, and Transportation;

Whereas Ted Stevens worked tirelessly for the enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which provided for the return of approximately 44,000,000 acres of land in the State of Alaska to the Aleut, Eskimo, and Indian peoples and created Native Corporations to secure the long-term economic, cultural, and political empowerment of the Native peoples of the State of Alaska;

Whereas Ted Stevens was a leader in shaping the communications policies of the United States, as he helped to establish the spectrum auction policy, negotiated the Telecommunications Act of 1996 (Public Law 104-104; 110 Stat. 56), authored the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note; Public Law 109-171), and passionately advocated for the connection of rural America to the rest of the world and to improve the lives of the people of the United States through the use of telemedicine and distance learning;

Whereas Ted Stevens was a conservationist who championed the safe development of the natural resources of the United States, as illustrated by his authorship of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), which established the 200-mile exclusive economic zone and led to a reduction in the dominance of foreign fishing fleets in the fisheries of the United States, the Magnuson-Stevens Fishery Conservation

and Management Reauthorization Act of 2006 (Public Law 109-479; 120 Stat. 3575), which established conservation measures designed to end overfishing, and the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a et seq.), which provided for the denial of entry into ports of the United States and the imposition of sanctions on vessels carrying out large-scale driftnet fishing beyond the exclusive economic zone of any nation;

Whereas Ted Stevens was an advocate for physical fitness in his personal life and in his legislative accomplishments, as illustrated by his authorship of the Ted Stevens Amateur and Olympic Sports Act (36 U.S.C. 220501 et seq.), his encouragement of providing equality to female athletes through the enactment of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and his leadership in improving physical education programs in schools by ushering through the Carol M. White Physical Education Program (20 U.S.C. 7261 et seq.);

Whereas Ted Stevens unconditionally supported the needs of the Armed Forces of the United States through visits to soldiers, sailors, airmen, and marines in ever major military conflict and war zone where United States military personnel have been assigned, including Vietnam, Kuwait, Bosnia, Kosovo, Iraq, and Afghanistan, and in his role as Chairman and Ranking Member of the Subcommittee on Defense Appropriations for more than 20 years; and

Whereas Ted Stevens was well respected for reaching across the aisle to forge bipartisan alliances and enjoyed many close friendships with colleagues in both political parties and with his staff, who were deeply loyal to him: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Theodore "Ted" Fulton Stevens, former member of the Senate;

(2) the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of the deceased; and

(3) when the Senate adjourns today, the Senate stands adjourned as a further mark of respect to the memory of the Honorable Theodore "Ted" Fulton Stevens.

EMERGENCY BORDER SECURITY SUPPLEMENTAL APPROPRIATIONS ACT, 2010

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6080, received from the House and at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6080) making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, today, I come to the floor to seek Unanimous Consent to pass a smart, tough, and effective \$600 million bill that will significantly enhance the security and integrity of our Nation's southern border—which currently lacks the re-

sources needed to fully combat the drug smugglers, gunrunners, human-traffickers, money launderers and other organized criminals that seek to do harm to innocent Americans along our border.

The Senate first passed this bill last week by unanimous consent. Last week's vote ended an impasse over how to pay for this package that all of us agree needed to be passed as soon as possible.

At first, the House proposed a border security bill that was not fully paid for and, thus, was unacceptable to many in the Senate.

And, here in the Senate, many of my colleagues on the other side of the aisle wanted to pay for this bill by diverting critical funds from the stimulus bill, The Recovery Act. This too was unacceptable because border security does not need to come at the expense of programs that create jobs for millions of Americans. As important as border security is, we should not be taking away jobs from firemen in Buffalo and teachers in Syracuse in order to hire more agents in El Paso. That is the worst kind of robbing Peter to pay Paul that was simply an unacceptable way to pay for increased border security.

Instead of raising the deficit—which we do not do in this bill—or diverting vital stimulus funds, the Senate ultimately agreed to pay for the border package by increasing visa fees on companies who hire foreign workers in a manner contrary to the original intent of the H-1B visa program.

After the Senate reached this compromise and unanimously approved this border package last week, the House approved the same substantive border package by voice vote on Tuesday.

But, regrettably, the House was unable to simply pass the Senate bill. According to House rules—because the Senate's offset did not originate in the House—it had to be approved by the House first, before the Senate's passage. So today, I again seek the unanimous consent of my colleagues to approve this border security bill and to finally provide President Obama and Secretary Napolitano with the boots on the ground and the resources necessary to combat the crime and violence that currently exists on our southern border.

I would like to thank the original cosponsors of this legislation: Senators McCASKILL, REID, INOUE, MURRAY, FEINSTEIN, BINGAMAN, UDALL of New Mexico, CASEY, MERKLEY, LINCOLN, UDALL of Colorado, BEGICH, and BURRIS.

I would also particularly like to thank Senators MCCAIN and KYL for joining on as cosponsors prior to the Senate's original approval and for recognizing this bill as being significant border security legislation.

In addition to providing many vital resources for securing our southern

border—all of which I will detail in a moment—this bill is also enormously important because it will clear the path for restarting the bipartisan discussions we absolutely need to have on how best to restore the rule of law to our entire immigration system.

Although we all agree that we must secure our borders, we will never fully resolve the problem of illegal immigration until we fix the entirety of what is wrong with our immigration system.

But those of us who currently support comprehensive immigration reform also believe in providing all of the resources our experts on the ground are telling us they need to secure the border right now. That is why this bill has received the support of the entire Senate.

We know that keeping our borders safe from dangerous gang members, drug dealers, and human traffickers is critical to restoring the public's confidence that the entirety of our focus with regard to immigration policy is geared toward restoring the rule of law to what has been a lawless system in the past.

That is why I commend the President and Secretary Napolitano for their tireless work in advocating for the passage of this package to give our people on the ground the tools they need to secure the border.

Here are all of the vital resources our border security package will provide:

First, we provide over \$250 million to hire 1,000 new Border Patrol agents and 500 CBP officers to permanently patrol our southern border. These new agents will form a "strike force" that will be deployed in different areas of the southwest border depending on where the need is greatest at any particular moment. We will finally have the capability to deploy our manpower in a way where we can continuously and immediately change our tactics to respond to changes in the tactics of smugglers and traffickers.

Second, we will provide funding to deploy more unmanned drones to fly along our southern border to provide our agents on the ground with real-time information on unlawful border crossings.

We are currently deploying seven of these unmanned drones on our border. They have been proven to be very effective because they provide our border patrol agents with vast force multiplication through their ability to identify the exact locations of larger groups that disperse into smaller groups upon encountering border patrol agents on the ground.

These additional drones will help us gain operational control over a much larger segment of our southern border than we otherwise would have controlled because they provide miles of surveillance capability that is technologically impossible to achieve through other means.

Third, we will provide funds to improve communications capabilities between Federal border enforcement agents and state and local officers along the border. The issue here is crime. Officers with different areas of expertise and jurisdiction need to be able to communicate in order to have the best information possible to break up smuggling and trafficking rings that are embedded in local communities. These improved communication capabilities will lead to countless more apprehensions and prosecutions of big-time smugglers and traffickers.

As an example, if our border patrol suddenly begins encountering a surge of illegal border crossers from El Salvador with identical tattoos on their arms, it is important that they provide this information to State and local law enforcement on the ground so that we can immediately begin sharing intelligence to determine whether individuals with this description have recently been arrested. This coordination will help us determine the exact criminal intent of this group and their methods of operation so that they can be effectively combated.

Fourth, we will provide funds to construct forward operating bases for the border patrol to use that are actually located on the border itself rather than hundreds of miles away.

It is extremely inefficient for border patrol to apprehend individuals along the border and then have to drive hours to place that person in detention in a far-away base. These forward operating bases provide locations much closer to the border where detainees can be brought for processing so that patrol agents on the ground can spend much more time combating illegal activity on the border.

Fifth, we will provide funds for Immigration and Customs Enforcement to conduct investigations of drug-runners, money-launderers, and human traffickers along our border. It is almost impossible to find out the sources and uses of smuggling and trafficking funds without strong intelligence and investigation capabilities. This bill will provide ICE with the resources it needs to hunt down the major players in these cartels who are responsible for the majority of the illegality on the southern border.

Finally, we will provide over \$200 million to increase the number of ATF, DEA, and FBI agents on our border and to bolster the number of prosecutors and court resources along our border so that wrongdoers can be immediately brought to justice.

We will dramatically reduce the incidences of illegal smuggling of guns, drugs, and currency along our borders so that the American people can feel far safer living in many of our border communities than they do today.

The best part of this border package is that it is fully paid for and does not

increase the deficit by a single penny. In actuality, the Congressional Budget Office—the CBO—has determined that the bill will yield a direct savings to taxpayers of \$50 million.

The emergency border funds we are passing today are fully paid for by assessing fees on certain types of companies who hire foreign workers using certain types of visas in a way that Congress did not intend.

I want to take a moment to explain exactly what we are doing in the bill a little further because I want everyone to clearly understand how these offsets have been designed. There has been some discussion about this proposal, and I think we ought to lay it on the table and explain it clearly.

In 1990, the Congress realized the world was changing rapidly and that technological innovations, such as the Internet, were creating a high demand in the United States for high-tech workers to create new technologies and products. Consequently, Congress created the H-1B visa program to allow U.S. employers to hire foreign tech workers in special circumstances when they could not find an American citizen who was qualified.

Many of the companies that use this program today are using the program in exactly the way Congress intended; that is, these companies, such as Microsoft, IBM, and Intel, are hiring bright foreign students educated in our American universities to work in the United States for 6 or 7 years to invent new product lines and technologies so that Microsoft, IBM, and Intel can sell more products to the American public and hire more American workers. Then at the expiration of the H-1B visa period, these companies apply for these talented workers to earn green cards and stay with the company.

When the H-1B visa program is used in this manner, it is a good program for everyone involved. It is good for the company, it is good for the worker, and it is good for the American people who benefit from the products and jobs created by the innovation of the H-1B visa holder.

Every day companies such as Oracle, Cisco, Apple, and others use the H-1B visa program in the exact way I have described, and their use of the program has greatly benefited the country.

But recently some companies have decided to exploit an unintended loophole in the H-1B visa program to use the program in a manner that many in Congress, including myself, do not believe is consistent with the program's intent.

Rather than being a company that makes something or provides a service and simply needs to bring in a talented foreign worker to help innovate and create new technologies, these other companies are essentially creating multinational temp agencies that were never contemplated when the H-1B program was created.

The business model of these newer companies is not to make any new products or technologies such as Microsoft or Apple does. Instead, their business model is to, first, bring foreign tech workers into the United States who are willing to accept less pay than their American counterparts; two, place these workers into other companies in exchange for a consulting fee; and, three, transfer these workers from company to company in order to maximize profits from placement fees.

In other words, these companies are petitioning for foreign workers simply to then turn around and provide these same workers to other companies who need cheap labor for various short-term projects.

Don't take my word for it. If you look at the marketing materials of some of these companies that fall within the scope covered by today's legislation, their materials boast about their "outsourcing expertise" and say their advantage is their ability to conduct what they call "labor arbitrage"—labor arbitrage; they say it—which is, in their own words, "transferring work functions to a lower cost environment for increased savings."

The business model used by these companies within the United States is creating three major negative side effects. First, it is ruining the reputation of the H-1B program, which is overwhelmingly used by good actors for beneficial purposes. Some of our colleagues have legislation to curtail H-1B because of these types of abuses.

Second, according to the Economic Policy Institute, it is lowering the wages for American tech workers already in the marketplace. And, third, it is also discouraging many of our smartest students from entering the technology industry in the first place. Students can see that paying hundreds of thousands of dollars for advanced schooling is not worth the cost when the market is being flooded with foreign temporary workers willing to do tech work for far less pay because their foreign education was cheaper and they intend to move back home when their visa expires to a country where the cost of living is far less expensive.

This type of use of the H-1B visa program will be addressed as part of comprehensive reform, and it is likely going to be dramatically restricted—certainly, if I have something to do about it. We will be reforming the legal immigration system to encourage the world's best and brightest to come to the United States to create new technologies and businesses that will employ countless American workers but will discourage businesses from using our immigration laws as a means to obtain temporary and less expensive foreign labor to replace capable American workers.

Let me say, in our proposal, the extra duty only goes on companies that

are more than 50 percent foreign workers and 50 percent H-1B workers. The only companies that are 50 percent H-1B workers are those that are just doing the policy that I proposed—far, far from what we envisioned when H-1B was passed.

I say to those companies: If you do not change your ways—you should not be doing what you are doing, and this duty is appropriate for that purpose.

I do want to clarify a previous remark which mischaracterized these firms where I labeled them as "chop shops." That statement was incorrect, and I wish to acknowledge that. In the tech industry, these firms are known as "body shops." That is what I should have said, and that is what they are.

While I wholly oppose the manner in which these firms are using H-1B to accomplish objectives that Congress never intended, it would be unfortunate if anyone concluded from my remarks that these firms are engaging in illegal behavior.

But I also want to make clear that the purpose of this fee is not to target businesses from any particular country. Many news articles have reported that the only companies affected by this fee are companies based in India and that ipso facto the purpose of this legislation is to target Indian IT companies. It is simply untrue that the purpose of this legislation is to target Indian companies. We are simply raising fees for businesses that use the H-1B visa to do things that are contrary to the program's original intent, and that will be on any company from any country that does it.

Visa fees will only increase for companies with more than 50 workers who continue to employ more than 50 percent of their employees through the H-1B program. That was never even close to anyone's thought when H-1B was passed. Congress does not want the H-1B program to be a vehicle for creating multinational temp agencies where workers do not know what projects they will be working on or what cities they will be working in when they enter the country. The fee is solely based upon the business model of the company, not the location of the company.

If they are using the H-1B visa to innovate new products and technologies, that is a good thing, regardless of whether the company was originally founded in India, Ireland, or Indiana. But if they are using the H-1B visa to run a glorified international temp agency for tech workers in contravention of the spirit of this program, I and my colleagues believe they should have to pay a higher fee to ensure that American workers are not losing their jobs because of the unintended uses of the visa program that were never contemplated when the program was created. This belief is consistent regardless of whether the company using

these staffing practices was founded in Bangalore, Beijing, or Boston.

Raising the fees for companies hiring more than 50 percent of their workforce through foreign visas accomplishes two important goals: First, it will provide the necessary funds to secure our borders without raising taxes or adding to the deficit. Second, it will level the playing field for American workers so they do not lose out on good jobs in America because it is cheaper to bring in a foreign worker than hire an American worker.

Let me tell my colleagues what objective folks around the world are saying about the impact of this fee increase.

In an August 6, 2010, Wall Street Journal article, Avinash Vashistha, the CEO of a Bangalore-based offshoring advisory consulting firm, told the Journal the new fee in the bill "would accelerate Indian firms" plans to hire more American-born workers in the U.S." What is wrong with that?

In an August 7, 2010, Economic Times article, Jeya Kumar, a CEO of a top IT company, said this bill would "erode cost arbitrage and cause a change in the operational model of Indian offshore providers." Exactly. That is what we want.

The leaders of this business model are agreeing that our bill will make it more expensive to bring in foreign tech workers to compete with American tech workers for jobs in America. That means these companies are going to have to start to hire U.S. tech workers again.

This bill is not only a responsible border security bill, it has the dual advantage of creating more high-paying American jobs.

Finally, I want to be clear about one other thing. Even though passing this bill will secure our borders, I again say the only way to fully restore the rule of law to our entire immigration system is by passing comprehensive immigration reform.

In my many meetings with folks on the other side of the aisle to try to gain their support for comprehensive reform, I repeatedly heard them say that once we show we are serious about passing border security legislation, they would be able to begin working with us to fix all of the other aspects of our broken immigration system.

Make no mistake about it, our entire immigration system is broken. It is a patient that needs quadruple bypass surgery. A single bypass surgery of border security alone is important but not enough to cure the patient of its ailment. We also need to enact tough and smart immigration reform that will, A, end the jobs magnet to the United States by requiring that all legal workers show a secure Social Security card prior to obtaining a job; B, end visa

overstays through robust interior enforcement; and, C, require that all persons here unlawfully make their presence known to us by registering with the Federal Government and then either getting right with the law or leaving the country.

It is my hope that the bill we are passing today will break the deadlock that has existed in Congress and will clear the path for us to finally resume bipartisan negotiations in good faith on reforming our broken immigration system. I intend to do everything I can to make that happen.

But negotiations cannot happen out of thin air. It will take serious Republicans working with serious Democrats to get this done. I urge my colleagues on both sides of the aisle to join in this very important task.

With this bill's passage today, we will clearly show we are serious about securing our Nation's borders. It is time for our colleagues on both sides of the aisle to join in fixing our entire broken immigration system.

The urgency for immigration reform cannot be overstated because it is so overdue. The time for excuses is now over. The time to get to work is now.

Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 6080) was ordered to a third reading, was read the third time, and passed.

MORNING BUSINESS

TRIBUTE TO JACK KEENEY

• Mr. LEAHY. Mr. President, I would like to mark the coming retirement of a legend in the Department of Justice—John C. “Jack” Keeney.

As a former prosecutor, and through decades of oversight of the Department of Justice on the Judiciary Committee, I have developed an immense appreciation for the dedication and skill of the Department's career prosecutors and attorneys. When politics have threatened to infect the good work of the Department in the past, I have emphasized the importance of the Department's career professionals. I know Attorney General Holder shares my regard for the Department's hardworking career prosecutors. With more than 6 decades of Federal Government service and well over a half century of pioneering work in the Department's Criminal Division, Jack Keeney has come to embody the ideal of a career Justice Department attorney.

Jack Keeney served in the Army Air Corps in World War II, during which his plane was shot down. He survived a Nazi POW camp. He went to college

and law school under the GI Bill and joined the Justice Department in 1951. He has diligently served every administration since President Truman.

At the Justice Department, Jack Keeney worked on internal security matters in the 1950s, prosecuted organized crime in the 1960s under Attorney General Robert Kennedy, and helped to expand the Department's white collar prosecutions as Chief of the Criminal Division's Fraud Section beginning in 1969.

In 1973, he was appointed Deputy Assistant Attorney General of the Criminal Division, a position he has now held for close to 4 decades. He has on numerous occasions served as Acting Assistant Attorney General and has long been the senior career official supervising some of the Justice Department's most important and most sensitive matters, including organized crime, public corruption, and electronic surveillance.

Jack Keeney has received almost every conceivable honor for exceptional government legal work, including the Attorney General's Award for Exceptional Service, the District of Columbia Bar's Beatrice Rosenberg Award for Outstanding Government Service, and the Presidential Rank Award for Distinguished Service.

The Department of Justice is defined by the career professionals who, day in and day out, exemplify dedication, integrity, and a commitment to justice. Jack Keeney has personified these qualities for the past 6 decades. The Department and the country are better for his exceptional service. I thank him for his service and wish him well in his well-deserved retirement. I hope that generations of lawyers at the Justice Department will be inspired by his example and seek to follow in his footsteps.●

AUTHORIZING SIGNING OF DULY ENROLLED BILLS AND/OR JOINT RESOLUTIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that after today, Thursday, August 12, Senator LANDRIEU be authorized to sign any duly enrolled bills and/or joint resolutions on any day until Friday, August 20, 2010.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on August 10, 2010, during the adjournment of the Senate, received a message from the House announcing that the House agree to the amendment of the Senate

to the amendment of the House to the amendment of the Senate to the bill (H.R. 1586) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 511. An act to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village.

H.R. 1586. An act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

H.R. 2097. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

H.R. 3509. An act to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987.

H.R. 4275. An act to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the “John C. Godbold Federal Building”.

H.R. 5552. An act to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly and to provide for the assessment by the Secretary of the Treasury of certain criminal restitution.

H.R. 5872. An act to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development.

H.R. 5981. An act to increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single family housing mortgage insurance, and for other purposes.

Under the authority of the order of the Senate of January 6, 2009, the enrolled bills were subsequently signed on August 10, 2010, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on August 12, 2010, during the adjournment of the Senate, received a message from the House announcing that the Speaker has signed the following enrolled bill:

H.R. 6080. An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes.

Under the authority of the order of the Senate of January 6, 2009, the enrolled bills were subsequently signed

on August 12, 2010, during the adjournment of the Senate, by the Acting President pro tempore (Mr. CARDIN).

MESSAGE FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which requests the concurrence of the Senate:

H.R. 6080. An act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3762. A bill to reinstate funds to the Federal Land Disposal Account.

H.R. 5827. An act to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. REID, Mr. MCCONNELL, Mr. INOUE, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GOODWIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 617. A resolution relative to the death of the Honorable Theodore "Ted" Fulton Stevens, former Senator for the State of Alaska; considered and agreed to.

ADDITIONAL COSPONSORS

S. 752

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 3464

At the request of Mr. LUGAR, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 3464, a bill to establish an energy and climate policy framework to reach measurable gains in reducing dependence on foreign oil, saving Americans money, improving energy security, and cutting greenhouse gas emissions, and for other purposes.

S. 3519

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3519, a bill to stabilize the matching requirement for participants in the Hollings Manufacturing Partnership Program.

S. RES. 583

At the request of Mr. ENSIGN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 583, a resolution expressing support for designation of 2011 as "World Veterinary Year" to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

S. RES. 603

At the request of Mr. SPECTER, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. Res. 603, a resolution commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as "Citizen Diplomacy Day".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 617—RELATIVE TO THE DEATH OF THE HONORABLE THEODORE "TED" FULTON STEVENS, FORMER SENATOR FOR THE STATE OF ALASKA

Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. REID, Mr. MCCONNELL, Mr. INOUE, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD,

Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GOODWIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 617

Whereas Theodore "Ted" Fulton Stevens, who began serving in the Senate 8 years after Alaska was admitted to Statehood, represented the people of the State of Alaska with distinction in the Senate from 1968 to 2009 and played a significant role in the transformation of the State of Alaska from an impoverished territory to a full-fledged State through the assistance he provided in building energy facilities, hospitals and clinics, roads, docks, ferry terminals and airports, water and sewer facilities, schools, and other community facilities in the State of Alaska, which earned him recognition as "Alaskan of the Century" from the Alaska Legislature in 2000;

Whereas Ted Stevens distinguished himself as a transport pilot during World War II in support of the "Flying Tigers" of the Army Air Forces, flying supplies to China over the treacherous "Hump" route in the eastern Himalayan mountains and earning 2 Distinguished Flying Crosses and other decorations for his skill and bravery;

Whereas Ted Stevens, after serving as a United States Attorney in the territory of Alaska, came to Washington, District of Columbia in 1956 to serve in the Eisenhower Administration in the Department of the Interior, where he was a leading force in securing the legislation that led to the admission of Alaska as the 49th State on January 3, 1959, and then as Solicitor of the Department of the Interior;

Whereas, in 1961, Ted Stevens returned to the State of Alaska and, in 1964, was elected to the Alaska House of Representatives, where he was subsequently elected as Speaker pro tempore and majority leader until his appointment to the Senate to fill the vacancy caused by the death of Senator E.L. Bartlett on December 24, 1968;

Whereas Ted Stevens, the longest-serving Republican Senator in the history of the Senate, served as President pro tempore of the Senate from 2003 through 2007 and as President pro tempore emeritus from 2008 to 2009, and over the course of his career in the

Senate, Ted Stevens served as assistant majority leader, Chairman of the Select Committee on Ethics, Chairman of the Committee on Rules and Administration, Chairman of the Committee on Governmental Affairs, Chairman of the Committee on Appropriations, and Chairman of the Committee on Commerce, Science, and Transportation;

Whereas Ted Stevens worked tirelessly for the enactment of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which provided for the return of approximately 44,000,000 acres of land in the State of Alaska to the Aleut, Eskimo, and Indian peoples and created Native Corporations to secure the long-term economic, cultural, and political empowerment of the Native peoples of the State of Alaska;

Whereas Ted Stevens was a leader in shaping the communications policies of the United States, as he helped to establish the spectrum auction policy, negotiated the Telecommunications Act of 1996 (Public Law 104-104; 110 Stat. 56), authored the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note; Public Law 109-171), and passionately advocated for the connection of rural America to the rest of the world and to improve the lives of the people of the United States through the use of telemedicine and distance learning;

Whereas Ted Stevens was a conservationist who championed the safe development of the natural resources of the United States, as illustrated by his authorship of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.), the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), which established the 200-mile exclusive economic zone and led to a reduction in the dominance of foreign fishing fleets in the fisheries of the United States, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109-479; 120 Stat. 3575), which established conservation measures designed to

end overfishing, and the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a et seq.), which provided for the denial of entry into ports of the United States and the imposition of sanctions on vessels carrying out large-scale driftnet fishing beyond the exclusive economic zone of any nation;

Whereas Ted Stevens was an advocate for physical fitness in his personal life and in his legislative accomplishments, as illustrated by his authorship of the Ted Stevens Amateur and Olympic Sports Act (36 U.S.C. 220501 et seq.), his encouragement of providing equality to female athletes through the enactment of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and his leadership in improving physical education programs in schools by ushering through the Carol M. White Physical Education Program (20 U.S.C. 7261 et seq.);

Whereas Ted Stevens unconditionally supported the needs of the Armed Forces of the United States through visits to soldiers, sailors, airmen, and marines in ever major military conflict and war zone where United States military personnel have been assigned, including Vietnam, Kuwait, Bosnia, Kosovo, Iraq, and Afghanistan, and in his role as Chairman and Ranking Member of the Subcommittee on Defense Appropriations for more than 20 years; and

Whereas Ted Stevens was well respected for reaching across the aisle to forge bipartisan alliances and enjoyed many close friendships with colleagues in both political parties and with his staff, who were deeply loyal to him: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Theodore “Ted” Fulton Stevens, former member of the Senate;

(2) the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy

of this resolution to the family of the deceased; and

(3) when the Senate adjourns today, the Senate stands adjourned as a further mark of respect to the memory of the Honorable Theodore “Ted” Fulton Stevens.

ORDER FOR ADJOURNMENT

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 307 and S. Res. 617, as a mark of further respect to the late Senator Ted Stevens, until 2:30 p.m., on Monday, September 13, as provided for under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 13, 2010, AT 2:30 P.M.

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it adjourn under the previous order.

The ACTING PRESIDENT pro tempore. Pursuant to the authority granted by section 2(b) of H. Con. Res. 307 of the 111th Congress, the Senate stands adjourned until Monday, September 13, 2010, at 2:30 p.m., and pursuant to S. Res. 617, it does so as a further mark of respect to the memory of the late former Senator Ted Stevens of Alaska.

Thereupon, the Senate, at 10:31 a.m., adjourned until Monday, September 13, 2010, at 2:30 p.m.

SENATE—Monday, September 13, 2010

The Senate met at 2:30 p.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

You reign, O God, over the nations of our turbulent world. You alone subdue the winds and the rain with a word from Your mouth. As we return from recess and open this session with prayer, we are reminded that life on Earth is a gift that allows us to live for Your glory. Lord, we are humbled by the manifold blessings You pour out in this Nation and are grateful for Your protection and provision. Speak Your dreams into our hearts and unite us by the power of Your spirit.

Give our Senators the wisdom needed to enact laws that keep America great. As they begin the hard work of implementing past decisions, grant them patience, endurance, energy, and unity. Help them, Lord, to grow in their respect and esteem for one another and for all who belong to this large Senate family.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 13, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, I welcome you and all of our colleagues and all the staff back from our 5-week work period at home.

We have a lot of work to do. Following any leader remarks, there will be a period of morning business until 3:30 p.m., with Senators allowed to speak for up to 10 minutes each. Following morning business, the Senate will proceed to executive session to consider the nomination of Jane Stranch to be a circuit court judge for the Sixth Circuit. There will be up to 2 hours for debate equally divided and controlled between Senators LEAHY and SESSIONS or their designees. At 5:30 p.m., we will proceed to vote on confirmation of the Stranch nomination.

As a reminder to Senators, before the recess, cloture was filed on the small business jobs bill. The filing deadline for first-degree amendments to the substitute and the bill is 3 p.m. today. At 11 a.m. tomorrow, there will be up to three cloture votes relating to the small business jobs bill. The cloture votes will be on the Johannis amendment No. 4596, the Nelson of Florida amendment No. 4595—both relating to 1099 forms—and on the substitute amendment to H.R. 5297.

SEPTEMBER WORK PERIOD

Mr. REID. Mr. President, as I said, I welcome back all my colleagues from all corners of the country. I am sure every Senator enjoyed spending time with their constituents as much as I did. I am sure all are eager to get back to the business of legislating.

The work period we begin today is an important one. Like every work period, it represents a new opportunity to move past the partisan stalemates of recent months and find common ground on our most pressing priority: putting people back to work. I hope the weeks between now and Columbus Day will be productive weeks. There really is no reason they should not be. The issues we will be dealing with are not partisan or ideological. They have the support of Democratic, Republican, and Independent Senators. They have the support of Democratic, Republican, and Independent constituents. All of us have a common obligation and a shared

interest in doing all we can to get our economy moving again.

If we were to adopt a slogan to guide us in the coming weeks, I would nominate something a colleague of ours said just a few days ago. The senior Senator from Ohio, Mr. GEORGE VOINOVICH, a Republican, was talking last week about the standoffs that have stalled the Senate—gridlock that has kept us in recent months from realizing our ability and fulfilling our responsibility to help small businesses. He said:

We don't have time for messaging. We don't have time anymore. This country is really hurting.

Senator VOINOVICH is right. Small businesses across Nevada are hurting. Small businesses across my friend's State of Ohio are hurting. Small businesses across the State of Oregon are hurting. All over this country, they are hurt, from coast to coast, because credit and capital are too hard to come by. The owners of these businesses are not interested in partisan rhetoric, and neither are the people they have had to lay off or the unemployed they have had to turn away. People in Nevada and throughout the Nation are too busy keeping track of their business's books or their family budgets to keep track of who is scoring political points. They are not interested in any of that. They are simply desperate for us to do our jobs, and that is to help create jobs.

That is what the first vote Senators will cast tomorrow is all about. Tomorrow, we will decide whether to move ahead with a bill that helps more small businesses be the engine that runs our economy. When most Americans go to work in the morning—or whenever they go to work during the day—they do not go to big corporations with famous names. They go to work at small businesses. But those businesses are also the ones that have paid the highest price in Wall Street's recession. Two out of every three jobs we have lost came from small businesses.

Our bill is not a new one, and tomorrow will not be the first time we voted on it. But to refresh my colleagues' memories, let me briefly remind everyone what is in it.

One, it cuts small business taxes so they can hire and grow.

Two, it increases Small Business Administration loan limits, which gets money flowing to the entrepreneurs who create jobs.

Three, it makes it easier for small businesses to export what they make.

Four, among other things, it creates a new lending fund that will give small

banks, community banks—and, by extension, small businesses—more capital to invest.

Most importantly, this bill will create jobs, up to 500,000—half a million jobs. But every day we delay, the opposite happens. Small businesses are holding off hiring while they wait for us to act. Banks large and small are holding on to their capital while they are waiting for us to act. And half a million Americans who want to work, people who are ready to get off unemployment and get back to jobs they so desperately need, are desperate for us to get our act together.

We need to go to work. As the Republican Senator from Florida, Mr. LEMIEUX, said when we last debated this bill—remember, Senator LEMIEUX is a Republican. He said it should get the support of more than 80 Senators. As my friend the Republican Senator from Ohio said: We do not have time anymore for political games. Our citizens are hurting too much.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate Republican leader is recognized.

THE ECONOMY

Mr. McCONNELL. Mr. President, for the last 19 months, the American people have waited patiently for the Obama administration and Democrats in Congress to help them turn the economy around. And time and time again, the administration and its allies in Congress have turned a deaf ear. Rather than implement the policies that would free up capital, lead to investment, and create good, lasting, private sector jobs, Democrats in Congress have passed one sweeping government-driven scheme after another and then asked taxpayers to put it on their tab.

A stimulus bill that was supposed to be timely, targeted, and temporary turned out to be a liberal wish list instead. Instead of stimulating the economy and keeping unemployment below 8 percent, as promised, we stand here today with nearly 10 percent unemployment nationwide and many more Americans struggling to find full-time work. A health care bill that was supposed to lower costs is doing the opposite. As I have repeatedly said in the past and as a new government report confirmed just last week, the President's health care plan will bend the cost curve up, not down. A financial regulatory bill that was supposed to protect Main Street is being embraced by some of the biggest players on Wall Street, while smalltown bankers and retailers brace themselves for the costly and burdensome rules and regula-

tions it will impose on them. Every one of these bills came at a steep price to the taxpayer, and until now, Democrats have been content to borrow the money, to simply pile it onto the debt.

Now comes the second half of the story, the final piece of their agenda—the part where they point to all that spending and demand payment for it, where they try to make it all permanent. Democrats spent the last 2 years putting government in charge of health care, the financial sector, car companies, insurance companies, student loans—you name it. Now they want the tax hike to pay for it all. Americans asked the administration to fix the sink, and they remodeled the house instead. Now they are sending us the bill.

That was the plan all along: force these massive programs through, drive up the debt, call it a crisis, and then demand that people pay their “fair share” to dig us out. It starts with small business owners, but I assure you it will not stop there because if Democrats spend this much money in the middle of a recession, they will borrow and spend even more once we are out of it. The President admitted as much just last week on national television when he said the tax hike he is asking for will not be used to pay for any of the things he has already done. He will use the money from these tax hikes to spend on other things, on “better things,” as he put it. We have seen the so-called better things Democrats want to spend tax money on—a stimulus bill that is funding research on interpretive dance and monkeys, a health care bill that cut Medicare and increased premiums, and a financial regulatory bill that hires more of the same kinds of Washington bureaucrats who missed the last crisis. Americans have had it. They are tired of Democratic leaders in Washington pursuing the same government-driven programs that have done nothing but add to the debt and the burden of government.

We cannot allow this administration to demand that small business owners in this country pay for its own fiscal recklessness. That is why I am introducing legislation today that ensures no one in this country will pay higher income taxes next year than they are right now. We cannot let the people who have been hit the hardest by this recession and who need to create the jobs that will get us out of it foot the bill for the Democrats' 2-year adventure in expanded government. We can't allow America's job creators to pay for Democrats' out-of-control spending over the past 2 years any more than we can allow Main Street to pay for the greed of Wall Street. Wall Street should pay for its own excesses. So should the administration and Democratic leaders in Washington.

The good news is there is a growing chorus of Democrats, at least five right here in the Senate, who are coming

around on this issue. They oppose the tax hikes the administration is proposing. As Senator LIEBERMAN put it earlier today:

I don't think it makes sense to raise any Federal taxes during the uncertain economy we are struggling through. The more money we leave in private hands, the quicker our economic recovery will be.

That was Senator LIEBERMAN today. I couldn't agree more. Only in Washington could someone propose a tax hike as an antidote to a recession.

This is no small tax hike. The tax hike the administration is proposing, according to the IRS, would apply to half of all small business income in this country. An analysis by the National Federation of Independent Business shows that businesses that employ 20 to 250 people would be the hardest hit. All told, according to the non-partisan Joint Committee on Taxation, right at 750,000 small businesses would be impacted by this tax increase.

Here is the bottom line: No recovery will take place until the government stops overspending. No recovery will take place until government stops imposing new regulations and costs on business. No recovery will take place if we impose new taxes on the people we need to create jobs. Democratic leaders need to listen to what the American people have been shouting at us for the last 19 months: The reckless spending has to stop. So far, they have made no concrete concessions, but now it is time they join Republicans, stand up to the administration, and declare that the spending spree is over. That is the first step on the road to recovery.

As for the next step, Republicans stood together before the August recess and put together a plan that would save taxpayers \$300 billion over the next 10 years. That is a good place to start.

So Democrats have a choice. They can stand with us on this proposal and show they finally realize we cannot spend our way out of the recession or they can continue to stand with an administration whose policies—real and threatened—represent the greatest obstacle to our Nation's economic recovery.

Let's face it. The Democratic agenda has been disastrous for the economy: 2½ million jobs lost, \$2.5 trillion more in debt, more job-stifling regulations, mandates, and redtape, and now they want to drive another nail in the coffin—a massive tax hike on the very people who will dig us out of this recession by expanding their businesses and creating jobs.

Republicans are offering a choice: more of the same or the new direction the American people are asking for.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Pennsylvania is recognized.

(The remarks of Mr. SPECTER and Mr. DURBIN pertaining to the introduction of S. 3766 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

REPUBLICAN GOALS

Mr. DURBIN. Mr. President, I listened carefully when the Republican leader from Kentucky, Senator MCCONNELL, came to the floor. This is the key time, before an election campaign, when parties announce their goals, their strategy, their message to the voters.

So I listened carefully as the Republican Senate leader came to the floor for the first time in this 3-week period, to spell out what his goals would be in terms of where the country has been coming from and where it will go. It struck me as strange. Because, at this time of year, we are used to new shows coming on television, new seasons beginning, being introduced to new plot lines and new stars and new ideas and broadcasts, but we do not expect reruns. To get reruns being announced on television at this time of year would be defeating the purpose of attracting an audience interested in what is new.

I listened to Senator MCCONNELL's speech, and it was a Republican rerun, things they have been saying for the last year and a half, in fact for many years, still the message of the Republican Party. What they say and what Senator MCCONNELL said today is: Elect us to lead the Senate and we will give you more of the same. We will return you to the Bush economic policies.

I listened carefully as he criticized President Obama. I have heard him before. Senator MCCONNELL has come to the floor and criticized President Obama for intervening to try to save the automobile companies across the United States. Many of us supported the President. I think the President was right. He did not run for office to become a major leader in saving American automobile companies.

This was a challenge thrust on him. Yet he accepted it and realized if we started closing down automobile plants across Illinois and across America, thousands of people would be out of work. He did not want to see that happen. So the government did intervene.

I have heard the Senator from Kentucky come to the floor before, as he did this afternoon, and criticize the President for his intervention in the automobile companies. Well, during

the course of our August break, many of us were busy doing a lot of things. It is possible that Senator MCCONNELL missed the good news, the good news in the New York Times on Friday August 13 and Saturday August 14.

On Friday, August 13, headline: "Profit Strong, G.M. Names a New Chief." Then, on August 14: "Detroit Goes From Gloom to Economic Bright Spot. Optimism is Rising With Sales, Profits and Hiring—Economy Still a Threat."

Here is what the article said:

After a dismal period of huge losses and deep cuts that culminated in the Obama administration's bailout of General Motors and Chrysler, the gloom over the American auto industry is starting to lift. Jobs are growing. Factory workers are anticipating their first healthy profit-sharing check in years. Sales are rebounding, with the Commerce Department reporting Friday that automobiles were a bright spot in July's mostly disappointing retail sales.

The Senator from Kentucky must have missed it. The very action he criticized, of the Obama administration intervening with the automobile companies, has been a success. Mr. Whitacre is stepping aside. GM is picking its own chief. They are off on their own now, in a profitable way, to keep jobs in the United States and not ship them overseas. All the criticism of what President Obama did notwithstanding, this worked. This was a success. This saved jobs.

But, again, the litany of grievances from the Republican side included that the President did something to help GM and Chrysler. Thank goodness he did for the thousands of workers in my home State of Illinois and across the United States of America.

I heard the Senator from Kentucky criticize the President's attempt to reduce the cost of health insurance for Americans; the President's attempt to give senior citizens on Medicare a helping hand to pay for their prescription drugs. I wish the Senator from Kentucky could have been with me in Champaign, IL, when I met with a group of senior citizens who thanked us for the \$250 of relief this year, which will grow every year, until we fill the doughnut hole in prescription Part D.

I wish the Senator from Kentucky could have been with me as I traveled around Illinois and had mothers come up to me and talk about 22-year-old sons with preexisting conditions who did not qualify for health insurance and thank me because the health care reform bill now says that son or daughter can stay under the family health insurance plan until they reach the age of 26.

If Senator MCCONNELL and others believe we should repeal this, that we should take away this protection for families on health insurance—\$250 to help those under Medicare prescription Part D—or the strength that people will now have to fight off insurance

companies that deny them coverage when they need it the most, if that is his position, so be it.

But it is not a new idea. It is a speech he has delivered on the floor over and over and over. So the Republican message for November is: Go back to the old days when you did not have a fighting chance against health insurance companies, when nobody would stand up to them. Go back to the old days when we would not put any money into the recession that is threatening our country.

The President did with the stimulus package, which is being ridiculed with some dance lessons or whatever he said. I wish Senator MCCONNELL would have come to see this President's stimulus package at work in Illinois. It takes a lot longer to drive because we are building highways right and left and airports.

Downtown Normal, IL, has an intermodal center that is the centerpiece of revitalizing downtown; major contribution from the President's stimulus package, putting hundreds of people to work smack-dab in central Illinois, where those jobs count.

I heard the minority leader, the Senator from Kentucky, criticize the Wall Street reform bill. He criticized the Wall Street reform bill, after Bernie Madoff and the bailouts of the Bush Administration, after billions of dollars sent to Wall Street because of their failures, and they thanked us, sent us a little thank-you card and said: Oh, incidentally, we are giving one another bonuses with your bailout money.

Well, for some that was fine but not for President Obama, not for this Congress. We have real Wall Street reform, which will guarantee no more bailouts. That was Senator BOXER's amendment. No. 2, make certain Wall Street is regulated so it does not sink us in another recession, the way we are languishing now in one that is going to take a long time from which to recover.

The Senator from Kentucky believes that was a bad idea. He voted against it. I think it was a good idea to pass Wall Street reform. The final centerpiece of the Republican message for November is to return to the Bush tax cuts. President Obama has said, we should extend the tax cuts for married couples making under \$250,000 and for individuals making under \$200,000 but, he said: Let's not give them to the wealthiest Americans, the top 2 percent.

So if you happen to be among the fortunate few in America who make \$1 million a year, what is the difference? Well, the difference is this: Under our plan of capping this tax cut at \$250,000, the millionaire is only going to get \$6,300 in a tax cut. I do not know if they will even notice it, \$6,300.

But under Senator MCCONNELL's plan, the centerpiece of the Republican

campaign strategy for November, he wants the millionaire to receive a \$100,000 tax cut, a tax cut most have not asked for and many do not need. They do it in the name of helping small business.

Do you know how many small business owners are in that category? Three percent. It includes some doctors, some lawyers, and the like. So what we are saying is, let us do something to put money in the economy, tax cuts for those with \$250,000 or less in income, let us help the middle class people in America who have been struggling with an economy that has not been very generous to them over the past decade or two.

Third, let's not ignore the deficit. Senator MCCONNELL's proposal for tax cuts for people making the highest levels of income in America will add \$700 billion to the deficit over the next 10 years, \$700 billion. So for the so-called deficit hawks on the other side, those hawks are circling, but they are blind to the fact that tax cuts to the wealthiest people in America plunges us more deeply into debt and makes it more difficult for future generations that will face this responsibility.

So I listened carefully as the Senator from Kentucky spelled out the Republican plan. We have heard this song before. We have seen this play. We watched all these reruns before. We do not need to see them again. We need to move forward as a nation. The first thing we have to do tomorrow is break the Republican filibuster on the small business bill, this bill supported by the Chamber of Commerce, by the National Federation of Independent Business, and small businesses across America. Tomorrow, with the help of at least one Republican Senator, we are finally going to break this Republican filibuster and we are going to finally send the credit that is needed to Main Street in America so small businesses have a fighting chance to put new people on their payroll and help bring us out of this recession. That is looking forward, not backward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

TAX INCREASES

Mr. KYL. Mr. President, I wish to also talk a bit today about why Republicans oppose raising taxes on anyone. President Obama and his supporters have repeatedly argued that tax increases will only affect a few of the wealthiest Americans, "millionaires," the President claims, and people "who can afford it," to use his words.

First of all, I do not think the President should be pitting Americans against each other. Class warfare has no place in our debates. Americans agree with President Kennedy's formulation that a rising tide lifts all boats.

Americans believe—it is our basic idea of a country—that we want everyone here to succeed, to do well, and not to pit one group of us against another group.

We all aspire to be in the very top groups of whatever we are talking about, and because of the kind of country we have, we have that opportunity, and people do move from one income tax bracket up to the next one, for example, as we increase our incomes. So we do not want to punish anyone for being successful. That class warfare went out of style when the Cold War ended. I do not think it has a part in our debate.

Second, his assertions about who will pay are patently false. Small business will be among the hardest hit by these tax increases. Let me explain why this is true because, as you have just heard, some on the other side tend to pooh-pooh this idea. The reason is this. Under the Internal Revenue Code, many small businesses are organized as passthrough entities, meaning they pay taxes at the individual income tax marginal rates. So if you and your wife or you and your husband own a small business, and you are a passthrough entity, you pay your small business income taxes as individuals. That is how this happens. You are not a corporation, you are paying your taxes as people, as individuals, the same as anybody else pays as an individual.

Those who currently pay at either the 33 or 35 percent rate, which is the top two marginal rates, would, under the President's proposal, have their taxes increased so you would then be paying 36 or 39.9 percent, respectively, and if you add in the health care legislation-required taxes, it is closer to 42 percent. So you are going from 35 to 42 percent as an individual paying individual income taxes on the money you make through the small business you and your spouse own, for example.

My colleague from Illinois says: Well, that does not apply to very many people. How many people does it apply to? What is 3 percent of the people with this kind of income? Almost 750,000 people. Almost 750,000, according to the Joint Committee on Taxation—not my number—estimates that in 2011, next year, just about 750,000 taxpayers with net-positive business income will have marginal rates of 36 or 39.6 percent under the President's proposal.

That is 750,000 of the most productive small businesses in the country. The National Federation of Independent Business survey revealed that the businesses most likely to face a tax increase employ between 20 and 250 employees. So we are talking not about insignificant businesses but those that actually employ people. We also know that coming out of an economic downturn, the first jobs that are created are small business jobs.

According to U.S. Census numbers, businesses with between 20 and 299

workers employ more than 25 percent of the entire workforce. So when we talk about, well, it is only 3 percent. Well, the question is, 3 percent of what? How many does that actually amount to? How many of the employees in the entire country does that mean? Twenty-five percent of the employees in the country is, by any measure, a significant chunk of folks.

These are the people whom we want to raise taxes on? I do not think so. Some Democrats have been claiming these tax increases, as I said, would exempt 97 percent of small businesses. Well, let me shed a little bit of light on that number.

In a recent Wall Street Journal article entitled, "The Small Business Tax Hike and the 97 Percent Fallacy," two economists, well respected, Kevin Hassett and Alan Viard, explained that anyone who reports business income on Schedule C of their tax return is counted as a small business.

So if someone makes a little money selling a product on eBay and reports that as business income, they are counted as a small business.

What is the result? Obviously, we have a lot of folks counted as small businesses who are not really the kind of small businesses we think of as employing folks, these companies that employ between 20 and 299 workers. The other group just reports schedule C income and are not the kind of small businesses creating jobs. This is a very important number to keep in mind.

According to the IRS, Hassett and Viard write, "fully 48 percent of the net income of sole proprietorships, partnerships and S corporations reported on tax returns went to households with incomes above \$200,000 in 2007. That's the number to look at."

So when we talk about these small businesses, these corporations whose owners report their income as individual income, 48 percent of the net income of sole proprietorships, partnerships, and S corporations reported on tax returns went to people above the \$200,000 mark. Those are the small businesses that are employing people. Those are the folks who will be hardest hit when this tax increase is put into effect. Frankly, it is many of these businesses that are the most profitable small businesses, and they are the ones that will be creating the new jobs to bring us out of the economic doldrums we are in. Americans know this. That is why I think the key to economic recovery being new jobs depends upon what we do to punish the people who create the new jobs. We don't need more government spending. That is the old plan of the Democrats. It has clearly failed. What we need is new jobs.

The President recently proposed a package of temporary tax credits that includes, among other things, a write-off for all business capital purchases in 2011. Obviously, this concedes the economic point that tax relief can spur job

growth, but there is cognitive dissonance about what the rate increases will mean for small businesses.

I turn again to an op-ed in the Wall Street Journal by Michael Fleischer who is a small business owner in New Jersey. He wrote an op-ed entitled, "Why I am Not Hiring." We want to know the answer to that, if we are going to figure out how to help him hire more people.

He added up all of the costs of government when he hires somebody new, particularly the tax cost. He also included regulatory costs and other mandates. His conclusion:

A life in business is filled with uncertainties, but I can be quite sure that every time I hire someone my obligations to the government go up. From where I sit, the government's message is unmistakable: Creating a new job carries a punishing price.

What price is he talking about, looking at this potential tax increase I have been talking about? He estimates over \$75,000 to hire somebody who makes \$44,000. So I think his cost was close to \$78,000. That is the punishing burden we put upon businessmen such as him just to hire more people. Some big businesses can stand that. The small businesses that would bear the brunt of this tax increase cannot. That is precisely why small businessmen such as Michael Fleischer are not hiring today.

Why would we increase the burden he bears in hiring more people? What we ought to be doing is ensuring that the tax rates that have been in effect now for 10 years can continue forward so people have certainty about what they will be paying, and those very small business folks who are hiring the people we want to go back to work would not have to pay an additional burden in the form of a higher income tax rate.

The President and some of our friends on the other side have argued that if taxes don't go up, those in the top brackets will just save more; that will do little for job creation and economic growth. This is the one that really bugs me. It is as if we can't appreciate what happens when somebody saves money. Do my colleagues know of anybody who buries money in their backyard? I don't. Any person who saves money either puts it in a bank where it is lent out to somebody, usually a business so it can hire more people or buy equipment, or they invest in a stock or a bond, equities usually. What is that investment? It is providing capital to business. What does business do with capital? It either hires people or buys equipment, which generally requires people to make it, and therefore they get hired as well.

The bottom line is, yes; it is fine for people who immediately go out and spend their money. That does have an indirect effect on job creation. If enough people spend enough money, somebody will have to go back to work

to make the products. But the truth is, money that is saved has a direct impact on job creation because it directly provides capital to businesses so they can expand. Saving doesn't mean throwing one's money in a mattress or burying it in the backyard. It means investing it in our economy. If taxes go up, less money is available for those investments and for job creation.

A final note: Supporters of the pending tax hikes have frequently cited the booming economy of the 1990s to strengthen their case. They say if the economy performed so well under President Clinton, what is the big deal about returning to Clinton era income tax rates? First, they don't want to return to Clinton era income tax rates on anybody except millionaires, these people who make over \$250,000 a year. But in any event, the argument misses the point. The question is not whether it is possible to have strong economic growth with higher income tax rates, though it is less likely that occurs. Rather, the question is whether we should be raising taxes in the aftermath of one of the worst recessions where some people are talking about having a double-dip recession, and it is clear we are not out of America's worst financial crisis and recession since World War II. I don't know of an economist who says that is a good idea.

Peter Orszag, the President's last OMB Director, just had a big op-ed in the New York Times in which he said this is not the time to raise taxes, when we still have these economic difficulties—on anybody. Indeed, the timing of President Obama's proposed tax increases could not be worse.

I just cite the example of Japan during the so-called lost decade. They suffered a massive financial collapse in the early 1990s. One of the responses was to actually reduce taxes and boost economic activity. And it did. They began to come back. Then for reasons that elude me, they decided in 1997 to raise taxes again and, sure enough, the economy fell back into recession. I should think Japan's experience provides a cautionary tail about the dangers of increasing taxes amid a very shaky economic recovery.

In their comprehensive survey of financial meltdowns across the globe, economists Carmen Reinhart and Kenneth Rogoff tell us that recoveries following such meltdowns are typically quite slow. The current U.S. recovery is no exception. America's unemployment rate has been above 9 percent for more than a year. Speaking to the Federal Reserve's annual symposium in Jackson Hole, Reinhart said that based on the history of past financial crises, it is conceivable that U.S. unemployment could stay at 8 or 9 percent for another 7 years.

If that is the case, why on Earth would anybody be talking about raising taxes on anyone, most especially

the small business folks who will be the first to hire coming out of this economic downturn? It is beyond me.

Obviously, the way to avoid that bleak scenario is to reject the tax increases proposed by the President and some on the other side of the aisle.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNES. Mr. President, never before in history has an administration claimed to have so much love for small businesses. In fact, the President recently stated:

This is as American as apple pie. Small businesses are the backbone of the economy. They are central to our identity as a nation. They are going to lead this recovery.

It seems virtually every news story, every speech, every forum includes something about standing up for small business. Small business owners should love that; right? Yet they are up to their eyeballs with this administration. They are so darn angry they could spit fire. Why? Because they are tired of the President and others saying one thing and then doing another.

A perfect example, a prime example, is the 1099 paperwork mandate in the health care law. Why on Earth would the administration bury businesses in costly paperwork while claiming publicly to support them. I am talking about, of all things, section 9006 of the new health care law. It is buried in the health care bill at page 737. This provision illustrates this administration is absolutely tone deaf to the plight of small businesses.

It says, if a business purchases more than \$600 of goods or services from another business, they will be required to provide the business and the Internal Revenue Service with a 1099 tax form. The new mandate will affect all kinds of businesses, not to mention nonprofits, local governments, and State governments.

For example, I received a letter from the Society of American Florists asking for help. Here is how it will affect their daily business:

Small retail florists . . . will have to issue 1099's to their wholesalers, landlords and gas stations. Wholesalers purchasing flowers and plants from growers will need to issue 1099's. Growers who send staff to trade shows will have to issue a 1099 to the hotel in which those staff members sleep.

Increased paperwork, of course, means increased costs. One small business owner in Nebraska said this will cost him \$23,000 a year. That may not sound like much in Washington where we talk about trillions, but to a small business in Nebraska that is a lot of money. It would go a long way to hiring another person.

One would assume there is a great benefit that makes it worthwhile to bury our job creators in this paperwork. But, sadly, this is not even the case. A division of the IRS predicts there will be little benefit and big

headaches. The IRS's National Taxpayer Advocate projects high costs to businesses and the IRS, along with a mess of erroneous tax penalties.

To my left is a quote from the IRS. This is what they say: The IRS "will face challenges making productive use of this new volume of information."

It goes on:

... it is highly likely that the IRS will improperly assess penalties that it must abate later, after great expenditure of taxpayer and IRS time and effort.

Not even the IRS wants this information. Simply put, it is an expensive mess without a lot of tax dollars to show for it.

So we are going to stifle job creation. We are going to hammer businesses and ultimately increase incorrect tax penalties, according to the IRS. Now we begin to understand why business owners are spitting mad. It makes no sense whatsoever. That is why my amendment is so terribly important. It fully repeals this section of the law. It is paid for. Countless small businesses have advocated for a full repeal of this language.

According to the National Federation of Independent Business:

It is clear there is bipartisan agreement that the 1099 provision contained in the health care law will have a direct negative impact on small businesses.

The House Democratic leadership recognized the job-stifling, job-killing provision and proposed a full repeal of this new 1099 requirement. Of 239 House Democrats, all those voting except one supported a full repeal of this portion of the new health care law. House Democrats recognize that the 1099 mandate is absolutely misguided and downright damaging to job creation.

Unfortunately, in the Senate, there is a Democratic-proposed alternative that only partially repeals the mandate, and all it does is add confusion to try to accomplish political cover. Instead of actually solving the problem, it picks winners and losers with thousands of businesses still subject to the job-killing mandate.

Businesses with 26 or more employees are still subject to the mandate—I might ask, what is the wisdom of 26? Why not 25, 24?—for transactions totaling \$5,000 or more. So what does that mean? According to the Census Bureau, the Democratic amendment will still subject 415,391 businesses in the United States to a job-killing paperwork mandate that not even the IRS wants, and over 93 million workers are employed by these businesses.

Now, what does that mean to individual States?

Let's take a look. In the State of California, 18,960 businesses would still be subject to the mandate under the side-by-side amendment. Does anybody want to go to these businesses in California and say: We are burying you in paperwork for no useful purpose to try

to pay for the health care bill? In Florida, more than 11,000 businesses have more than 25 employers; Texas, 14,208 businesses. I could go on and on. Furthermore, it will continue the paperwork nightmare.

Governments, nonprofits, and businesses will still have to track everything and collect the tax information from their vendors because they do not know if they have made the first purchase going to \$5,000 or the last purchase that will not tangle them up in this requirement.

It will also discourage businesses from expanding and hiring. Why would we want to say to businesses: You are OK if you are at 25; but if you get to 26, we hammer you? It makes no sense whatsoever.

One of the most discouraging aspects of the alternative by my friends on the other side is that it favors Wall Street over Main Street. It exempts certain payments from big businesses that have fancy systems to comply with tax laws, but it severely hurts the mom-and-pop enterprises on Main Street.

Businesses that are not exempt will find ways to limit the number of 1099s. They might buy some supplies from the big box retailers and avoid the mom-and-pop retailer on Main Street to avoid the government-imposed 1099 mandate.

As our Chamber of Commerce said:

Governments, nonprofits and businesses would have a choice, to buy supplies from Joe's Stationary and report to the IRS or buy from the national chain and not have to report at all . . . small businesses will become second class citizens since they will be the ones that will lose out.

You see, with all due respect to my colleague, this side-by-side amendment brings a patchwork of exemptions for businesses to sort through.

Under this amendment, property is exempted. Yet there is no definition of "property." It leaves business owners in the lurch, crossing their fingers, hoping the IRS will exempt transactions. This is not certainty. It is utter confusion.

All businesses will have to track their transactions until the IRS figures out what "property" is. Even after "property" is defined, it will lead to a patchwork of exemptions. Every time a business owner wants to buy something, they have to call their accountant.

This amendment also claims to soften the blow by exempting credit card transactions.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. JOHANNIS. Mr. President, I ask unanimous consent for another minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHANNIS. But the truth is, the IRS has already announced steps to implement that exact same policy. The

unfortunate thing about this exemption is that it will cause more problems, not fewer: pay by check, pay by credit card; property, nonproperty; 24 employees versus 26 employers; and on and on. It was all done to finance the health care bill on the backs of American businesses.

I ask my colleagues to support my effort to repeal this job-killing mandate in its entirety when we have an opportunity to vote tomorrow.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak for up to 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NEW START TREATY

Mr. CARDIN. Mr. President, I rise today to express my support for START, the nuclear arms reduction treaty pending before the Senate.

This week, the Senate Foreign Relations Committee, on which I have the privilege of serving, will convene to vote on this New START Treaty. Since the treaty was signed by the United States and Russia in April, both the Foreign Relations and the Armed Services Committees have conducted more than a dozen hearings, both open and classified, to examine the essential goal of this treaty: to advance the national security of the United States.

After hours of testimony from some of the most knowledgeable people in and out of government, as well as public statements of support from countless experts, we can say with great confidence that the Senate's ratification of the START Treaty is in our national interest.

Witnesses who testified before the committee come from wide backgrounds of the government, academia, and private industry. Former government officials, both civilian and military, who have held positions of the highest responsibility for our national defense and nuclear security—including former Republican administration officials who had negotiated and implemented previous START treaties—were among those who testified and called for the treaty's speedy ratification.

All have been experts, with years, if not decades, of experience in the field of national security and arms control, and all have strongly endorsed ratification of the treaty.

In addition to its contribution to America's security, one of the most compelling reasons for the full Senate to ratify this treaty, and move quickly to do so, is to regain our insight into Russia's strategic offensive arms. Since START I expired last December, we have had no comprehensive verification regime in place to help us understand Russia's strategic nuclear forces.

We need the transparency to know what Russia is doing to provide confidence and stability, and we need that confidence and stability to contribute to a safer world. We will only regain that transparency by ratifying this treaty, and we are in dangerous territory without it.

Previous arms control treaties have been ratified with overwhelming bipartisan support. START I was passed 93 to 6 in 1994, and the Moscow Treaty passed 95 to 0 in 2003. Legislators recognized then that an arms control agreement between Russia and the United States is not just good for the security of our two nations but can lead the way for the rest of the world to reduce the proliferation of nuclear weapons. The ratification of this treaty reconfirms U.S. leadership on nuclear arms reduction and nonproliferation.

Over the past several months we have had ample time to review the documents and reports related to the treaty. I am sure my colleagues will join me in recognizing the necessity of ratifying New START. Not only will this treaty enhance the national security of the United States, it will serve as a significant step forward in our relationship with Russia, a key partner in the overall U.S. strategy to reduce the spread of nuclear weapons worldwide. I am glad to offer my support in the Foreign Relations Committee and look forward to the full Senate's ratification of this treaty as soon as possible.

Mr. President, with that, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JANE BRANSTETTER STRANCH TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Jane Branstetter Stranch, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate with respect to the nomination, with the time equally divided between the Senator from Vermont and the Senator from Alabama or their designees.

The Senator from Vermont.

Mr. LEAHY. Mr. President, parliamentary inquiry: I think the leader-

ship and others were expecting a vote at 5:30. If the Democratic and Republican sides yield back any time to bring the vote at 5:30, that would be permissible; would it not?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. I thank the distinguished Acting President pro tempore.

This afternoon, the Senate is going to finally consider and finally vote on the nomination of Jane Stranch of Tennessee to the Sixth Circuit. She is a native of Nashville, TN. She has practiced law in that community for 32 years. She has often appeared before the Sixth Circuit, the court to which she is now nominated. Ms. Stranch has decades of experience in labor and employment law. Actually, that is an expertise she made useful when she taught a class on labor law at Nashville's Belmont University.

Ms. Stranch also has an active appellate practice, as well as significant experience with alternative forms of dispute resolution, such as mediation and arbitration. She is a leader in her community. She dedicates significant time to pro bono work, and that is something I always look for in a nominee. She dedicates significant time also to civic matters and her church. She has impressive academic credentials. She earned both her JD, Order of the Coif, and her BA, summa cum laude and Phi Beta Kappa, from Vanderbilt University.

Her nomination is supported by her home State Senators, both Republicans. Her nomination was reported by a bipartisan majority of the Judiciary Committee last November. That was nearly 10 months ago. Since then, every single Democratic Senator has said—actually they did right from the time she was reported—they were prepared to debate and vote on this nomination. I have spoken many times about the Democrats' willingness and the need to consider this nomination.

In mid-July, I came before the Senate to take the extraordinary step of propounding a unanimous consent request to consider this nomination because at that time we had waited months and months and months and months, and I felt she should be given a chance to have a vote.

The senior Senator from Tennessee, who I see on the floor now, supported that request. I made very clear at that time—and I will make very clear again today—that in no way do I fault the senior Senator from Tennessee for the delay. In fact, he has supported this nomination from the outset. He spoke to me in favor of the nomination at the time it came before the committee. He spoke to me in favor of the nomination when it was before the committee and immediately after it came out of the committee. He has been most supportive all the way through.

Indeed, I think this nomination is an example of how President Obama has

reached out and worked with Senators from both sides of the aisle. But I made that request after she had been waiting 8 months for just a vote—for a vote up or down. But after being pending on the Executive Calendar for those 8 months, there was an objection to my request to at least let us go ahead and vote.

Now, I thank the Senate majority leader and the Republican leader for facilitating the agreement that finally allows her consideration this evening. I hope now the Senate will be allowed to turn to the other judicial nominations that have been stalled before the Senate.

One nomination is that of Albert Diaz from North Carolina to the Fourth Circuit, for example. It was reported unanimously by the Judiciary Committee, but it has been stalled since January—since the snows of January.

Others include Scott Matheson of Utah, nominated to the Tenth Circuit, and Janet Murguia of Arizona, nominated to the Ninth Circuit. I mention these because they are all supported by their Republican home State Senators, and they were reported by the Judiciary Committee unanimously, with no objections. It is hard to see how, when they are supported by Republicans in their State—the President has reached out to them, gotten their support—and they go out of the Judiciary Committee with no objections, they then sit here forever.

Another is Ray Lohier of New York, whose nomination to the Second Circuit was reported without objection. In addition, there are 12 district court nominations on the Senate Calendar that should be considered and confirmed without further delay. They were reported as long as 7 months ago.

A number of recent newspaper articles have discussed the judicial vacancy crisis that has been created by the Republican strategy of slow-walking the Senate's consideration of non-controversial nominations. Remember, these are all people who, when they finally get a vote after waiting months and months and months, usually get a unanimous vote. These include district court nominations, which are traditionally considered without delays, and they have never been targeted for obstruction by Democrats or Republicans when they have been supported by their home State Senators. Last year, the Senate was allowed to confirm only 12 Federal circuit and district court judges all year. That was the lowest total in more than 50 years. So far this year, we have confirmed only 28 more and achieved what one recent news story noted is the lowest number of confirmations in more than 40 years.

I took serious note of the remarks of Justice Anthony Kennedy—a Justice nominated by a Republican President—

who spoke last month at the Ninth Circuit conference about the cost of skyrocketing judicial vacancies not only in California but throughout the country. He said:

It's important for the public to understand that the excellence of the federal judiciary is at risk.

He further noted that:

If judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled.

I hope all Senators will heed Justice Kennedy's serious warning because he is absolutely correct. We should not let partisan calculations stand in the way of doing our job for the American people.

If, in fact, the action we are taking this evening represents a bipartisan willingness to return to the Senate's tradition of offering advice and consent without extensive delay, then I welcome it. Because in my 36 years in the Senate, I have never seen anything to match the delays we have seen over the last year and a half, under either Democratic or Republican Presidents. I hope we will promptly consider the other 63 nominations that remain on the Executive Calendar, which have already been considered and favorably reported by the Judiciary Committee.

I remember President Bush's first year in office. I became chairman of the Senate Judiciary Committee halfway through that year. Many said: Well, after Senate Republicans had pocket-filibustered more than 60 of President Clinton's judicial nominations, then we should do the same to President Bush. I said, No; I don't want that kind of tit for tat. Because of the 60 pocket filibusters by the Republicans of President Clinton's nominations, judicial vacancies skyrocketed to more than 110. So what I did, during the only 17 months as chairman of the committee during President Bush's first 3 years in office, is I worked hard and we proceeded in that 17 months to confirm 100 of his judicial nominations. I did that in 17 months. I contrast this to the first 2 years of President Obama's term. Senate Republicans have allowed only 40 Federal circuit and district court nominees to be considered by the Senate.

The history of the Sixth Circuit is detailed in my July 29, 2002, Senate statement in support of another Tennessee nominee, Judge Julia Gibbons. As chairman, I proceeded to a confirmation hearing for Judge Gibbons in April of 2002. That was the first hearing for a Sixth Circuit nominee in 5 years. Republicans refused to hold any hearings for a Sixth Circuit nomination prior to that because they were made by a Democratic President, President Clinton. He nominated Judge Helene White, an experienced State court judge. They refused to hold a hearing. He nominated Kathleen McCree Lewis, an accomplished attorney and the

daughter of former Solicitor General of the United States and former Sixth Circuit Judge Wade McCree. They refused. When the President nominated Kent Markus, a law professor and a former Justice Department official who had the support of his Republican home State Senator, they refused. By proceeding with President Bush's 2002 Sixth Circuit nomination of Judge Julia Gibbons of Tennessee and then his nomination of Judge Rogers of Kentucky, I wished to break that logjam and chose a better way of doing it.

When I resumed the chairmanship of the Judiciary Committee in 2007, we were able to fill the last remaining vacancies on the Sixth Circuit when we confirmed President Bush's nominations of Judge Helene White and Judge Ray Kethledge of Michigan to the Sixth Circuit. So after Republicans kept the Sixth Circuit vacant all those years by pocket-filibustering President Clinton's nominations, Democrats worked with a Republican President to bring it back to full. In fact, overall, judicial vacancies were reduced during the Bush years from more than 10 percent, caused by the pocket-filibustering of 60 of President Clinton's nominees, to less than 4 percent. But now, because of the blocking of President Obama's nominees, judicial vacancies are now again over 10 percent. Mind you, during the Clinton years, Federal Circuit vacancies doubled because of the pocket-filibustering by the Republicans. During the Bush years, the Federal circuit court vacancies reduced from a high of 32 down to single digits. We have not had the same cooperation on the Republican side with President Obama.

During the Bush years, Democrats enabled the reduction of vacancies in nine circuits. Since then, vacancies in six circuits have risen. During the first 2 years of the Bush administration, the 100 judges confirmed and considered by the Senate—and this is when I was chairman and President Bush was President, during his first 2 years—we considered these judges an average of 25 days after being reported by the Judiciary Committee. The average time for confirming circuit court nominees was 26 days. By contrast, the average time for the Federal circuit and district court judges confirmed since President Obama took office is 90 days after being reported. The average time for circuit nominees is 147 days. Contrast this with when it was not unusual during President Bush's time when we would report them out one day and had them confirmed within 2 or 3 days thereafter.

It would be one thing if he made nominations opposed by home State Senators. President Obama has not. Typically, he has reached out. He was worked with home State Senators in both parties. Likewise, I have respected the minority. I have not

brought up people who did not have the support of their Republican home State Senators. We have tried to strengthen the cooperation between the parties and branches. Frankly, it is disappointing that the others take the opposite approach. Again, I have been here with half a dozen different Democratic leaders and Republican leaders and half a dozen different Presidents. I have never seen anything such as this.

There is no good reason to hold up consideration, for weeks and months, of nominees who have been reported unanimously from the Judiciary Committee, where every Republican, every Democrat reported them favorably. In fact, over the recent recess, tensions increased again when someone from the Republican side of the aisle anonymously—didn't even come forward and say who it was—anonously objected to the standard practice of holding nominations in place during the August recess and insisted that five judicial nominees who had been reported favorably be returned to the President. Ironically, it was just days before that objection that the President and the Republican leader met and agreed to work together. I remember when Republicans used to contend that any nomination reported by the committee, whether unanimous or otherwise, was entitled to an up-or-down vote. That was then. I guess this is now. Indeed, 24 judicial nominations favorably reported by the Senate Judiciary Committee have not been acted upon by the Senate—24—because Republicans have objected.

We have fallen well off the pace we set for nominations in 2001 and 2002. When the Senate entered its August recess in 2002, we had confirmed 72 of President Bush's circuit and district court nominations, including our confirming 8 nominations by voice vote as the Senate wrapped up before the recess. I am rather proud of that because I had been chairman for barely 12 months when we did those 72. Only 6 nominations remained on the Executive Calendar, and all of them were later confirmed. No judicial nominations were returned to President Bush. By this date in 2002, we had already confirmed five more judicial nominations after the August recess, for a total of 77 of President Bush's district and circuit nominees confirmed by a Democratic Senate.

What has happened? What has happened? Democrats do not say we are going to take revenge after what was done to President Clinton by a then Republican majority. We said we will move forward on these because the Federal judiciary should be separate from politics. They should be able to go forward. We can have elections and we can go and fight each other during elections and the voters will decide that one of us will get elected and one will not, but the Federal judiciary

should be outside of that kind of politics.

So unlike those 77 of President Bush's district and circuit court nominees by this time, we have confirmed only 40 of President Obama's circuit and district court nominations. In fact, we were permitted only four non-controversial nominations as we headed into recess. Five judicial nominations were sent back to the President. So as a result, 17 judicial nominations remain stalled on the Executive Calendar today. It has been different, I would say, in the Judiciary Committee itself, and I thank the ranking Republican, Senator SESSIONS. He has cooperated with me and worked with me during the whole process of hearings in considering nominations in the Judiciary Committee. He knows I have respected and protected every single Republican on that committee when they have asked for extra time or asked for extra information. But the bottom line is, the Senate has taken more than five times as long to consider President Obama's reported circuit court nominations than we did to consider President Bush's during his first 2 years in office. It is not fair to the Senate judiciary. It is not fair to the nominees. They can't go forward with their lives while this is pending. They have a law practice. Everything is on hold for month after month after month. As we know, there are people who have turned down nominations because they said: Why should we wait for a year or so, even though we are going to get confirmed unanimously after that time.

As I have said, if the consent to schedule this debate and vote today is a signal that other nominations reported favorably by the Judiciary Committee will also be scheduled for final consideration without further unnecessary delay, I will be encouraged. We can, and must, do a better job responding to the judicial vacancy crisis.

I spoke a little longer than I normally would, but I am going to be speaking to the judiciary conference tomorrow at the invitation of Chief Justice John Roberts. I know the concern from the judges is why these people get nominated and then they wait for months or never get confirmed. Again, I would say, in this regard, it has been a joy to work with the senior Senator from Tennessee, somebody I have known in his role as Governor and Cabinet member. I consider him a good friend. If it had been left to just the two of us, this would have been done months and months ago.

So I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Vermont for his remarks. It is my great pleasure

today to recommend to the Senate Jane Branstetter Stranch, from Nashville. Jane has been nominated to be a judge on the U.S. Court of Appeals for the Sixth Circuit, as Senator LEAHY has said.

She has a distinguished academic background: summa cum laude with Phi Beta Kappa honors from Vanderbilt University, which is not easy to do; Vanderbilt School of Law, with top grades there. She has lots of practical experience, having taught labor law at Belmont College in Nashville.

Jane's law firm is a family affair. Her father, who I imagine is watching today, is one of Nashville's best known and most respected attorneys, Cecil Branstetter. As a member of the Tennessee legislature during the 1950s he introduced legislation to allow women to serve on juries, so I know he has some special pride today to see the Senate considering the nomination of his daughter to be a federal judge.

Maybe more important than any of these other things, Ms. Stranch has been very active in her PTA, in her church, and in the Nashville community.

I was Governor of Tennessee for 8 years. As Governor, I appointed about 50 judges. I didn't ask them their politics. I didn't ask them how they felt about the issues. I tried to determine if they had the character and the intelligence and the temperament to be a judge, whether they would treat people before the bench with courtesy and, most important, whether they were determined to be impartial to litigants before the court. I am convinced that Jane Stranch will be that kind of judge. For that reason I am pleased to recommend her to my colleagues in the Senate.

I thank Senator LEAHY, the chairman of the Judiciary Committee, and Senator REID, the majority leader, and Senator MCCONNELL, the Republican leader, for agreeing to schedule this vote today. All three have been instrumental in this in what is always a crowded Senate schedule. I also want to thank Senator SESSIONS, the ranking member of the Judiciary Committee, for his support of this nomination in committee.

I listened carefully to the Judiciary Committee chairman's remarks. I have no intention of getting into a historical debate with him about whether Republicans or Democrats are more guilty of holding up Presidential nominees. Of course, Members of the Senate have a constitutional right to advise and consent on Presidential nominations. I know a little bit about that myself. President George H. W. Bush nominated me to be the U.S. Education Secretary. As soon as I came to a hearing on my nomination, one Senator said: Well, Governor ALEXANDER, I have heard a number of things about you that disturb me. I was held up anony-

mously by the other side of the aisle. Then, late one night, I was mysteriously confirmed. I went to see a Senator at that time, whose name was Warren Rudman, one of the most distinguished Members of our Senate. I said: What can I do about these Senators who are holding up my nomination? He said: Keep your mouth shut; you have no cards to play. Let me tell you a story. So Senator Rudman told me he had been nominated by President Ford in the 1970s to, I think, the Interstate Commerce Commission, and the incumbent Democratic Senator from New Hampshire had held up his nomination and never would say why. It became so embarrassing that Rudman finally asked President Ford to withdraw the nomination, because he was then Attorney General of New Hampshire and people were beginning to wonder what was wrong with him. I said: Is that the end of the story? He said: No, I ran against the so-and-so in the next election and beat him. That is how Warren Rudman became a Senator.

Senator SESSIONS, the ranking Republican on the Judiciary Committee, was defeated when he was nominated to be a Federal judge by Senators who didn't like his point of view. They voted him down in committee and didn't let his nomination come before the full Senate. Now, ironically, not only is he a Senator, he is the ranking Republican on the committee concerning judges.

I am sure there may have been times when Republican Members have gone overboard in the exercise of their constitutional prerogative to advise and consent. But as I said, without getting into a tit-for-tat on who did what to whom, I can vividly remember when I came to the Senate in 2003—having appointed nearly 50 judges when I was Governor, as I said, in many cases without regard to party—how shocked I was at the treatment President Bush's judicial nominees were receiving. This included nominees who I knew were perfectly qualified to be members of U.S. Courts of Appeals.

There was Miguel Estrada, against whom Democrats got together and said "we are going to filibuster him," and they blocked him permanently, even though the new Supreme Court Justice, Elena Kagan, said he would be well qualified to be a member of the Supreme Court.

Charles Pickering was made out to be somehow unacceptable in the civil rights movement when, in fact, he was a pioneer in that movement in Mississippi in the 1950s and 1960s, when a lot of people were not.

There was also William Pryor, from Alabama, who was enormously well qualified, and he was blocked by a filibuster on the Democratic side for two years, even though he could have had a majority of the votes. I knew of William Pryor because he and I had both

been law clerks to Judge John Minor Wisdom of New Orleans, one of the finest judges who had ever served on the court of appeals—the man whose court ordered that James Meredith be admitted to Ole Miss.

I was offended by the treatment of Miguel Estrada, Charles Pickering, William Pryor, and others. So I said at the time that while I am a Senator, my view is going to be that any Presidential nominee to the judiciary deserves an up-or-down vote. We had a debate about that and a discussion about that in the Senate. Some may remember the Gang of 14 who came together, Senators on both sides, and they came to an agreement to which I subscribe, which is that a President's nominee to a judicial position deserves an up-or-down vote within a reasonable period of time, except under extraordinary circumstances.

That is my view today, and I hope the Senate will come back to that view, whether we have a Republican President or Democratic President. On our side, many are still offended by the treatment of President Bush's nominees in 2003, 2004, and 2005. On the other side, as you heard Senator LEAHY say, there are some charges about Republican offenses. I think we should look to the future and recognize that Presidents are entitled to respect. They are elected by the people. The Constitution gives them the power to nominate and gives us the power to say yes or no. We should say yes or no in a reasonable period of time and reserve to ourselves the right to say no, as I do, to a nomination, or even to filibuster a nomination in an exceptional case—but only in an exceptional case.

In this case, I am glad to support Jane Stranch. She is from Tennessee and she is well qualified. I thank the Republican leader, the Democratic leader, and the chairman of the Judiciary Committee for scheduling this vote this afternoon. I urge my colleagues to vote "aye."

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

PREVENTION AND PUBLIC HEALTH FUND

Mr. HARKIN. Mr. President, I come to the floor today to discuss an amendment that Senator JOHANNES, from Nebraska, will be offering to the Small Business Jobs and Credit Act. The amendment to be offered by the Senator from Nebraska—a good friend of mine and a former Secretary of Agriculture—however, would effectively kill the prevention and public health fund that is in the Health Care Act. That would be a grave mistake.

The prevention and public health fund was created by the Affordable Care Act that we passed earlier this year. On March 23, when President Obama signed that historic bill into law, our Nation made two giant strides forward. We ensured that all Ameri-

cans, regardless of means, will have access to quality and affordable health care. We committed ourselves to transforming America's current "sick care" system into a true health care system. I have been saying for years that what we have in America is not a health care system, we have a "sick care" system. Once you get sick, you get care one way or the other—emergency room, Medicare, Medicaid, health insurance, whatever. But that is always the most expensive—waiting until someone gets sick, and then you help them. So I have often said that we have a sick care system. A true health care system would put emphasis on keeping someone healthy and out of the hospital in the first place.

One of the most important elements of this transformational bill we passed this year—the health care reform bill—was the creation of the prevention and public health fund. For the first time in history, we have decided not just to pay lip service to wellness and prevention but to invest in prevention and wellness in a very robust way.

We cannot wait any longer to make these investments. By dedicating resources to preventing obesity, diabetes, heart disease, and other very costly conditions and diseases, we have a tremendous opportunity to both improve the health of the American people and to restrain health care spending.

As we can see from the chart I have here, prior to this prevention fund, for every dollar spent on health care, 75 cents went to treating patients with chronic diseases. During 2005, the United States spent almost \$2 trillion on health care. For every \$1 spent, 75 cents went toward "sick care," treating people with chronic diseases. Only 4 pennies went for prevention.

This underinvestment in prevention has had devastating consequences. Chronic diseases are one of the main reasons health care costs have increased so dramatically over the past several decades.

This chart shows what has happened since 1987. From 1987 to today, U.S. health spending has gone up to \$628 billion. But of that increase, two-thirds of the increase, \$211 billion, is due to chronic diseases—two-thirds of the increase. That is an increase of \$211 billion since 1987 because of chronic diseases, most of which are preventable. Our investment in wellness and prevention can save millions of Americans needless suffering and early death. It can save countless billions of dollars in health care costs. Again, let's have a couple of examples here that I have on these charts.

What is our return on investment? For every dollar spent on childhood immunizations, we save \$16.50. For every dollar we spend on smoking cessation for pregnant women, we save \$6. Overall, the return on chronic disease prevention, on community-based preven-

tion interventions is basically about 5.6 to 1 to 6.2 to 1. These are community-based interventions.

I will say it once and I will keep saying it: Not every preventive and wellness measure takes place in a doctor's office. Sometimes they take place in other places—where we work, where we go to school, where we live. We know now, based on the Trust for America's Health, that the return on total savings we would get after 5 years would be \$16.5 billion and 10 to 20 years, \$18.5 billion, or a return on investment of 5.6 dollars for every dollar we put in or 6.2 dollars over 10 to 20 years.

That is why funding these types of programs is crucial if we hope to slow the growth of health care costs in our country. We will not be able to accomplish this if we do not increase our investment in the programs that prevent the development of these costly chronic diseases. To this end, the new health reform law makes significant new investments in wellness, prevention, and public health. For example, it requires insurance companies to cover recommended preventive services with no copayments or deductibles. Think about that. You now go in, get recommended preventive services, no copayments, no deductibles. It also ensures seniors have access to free annual wellness visits and a free personalized prevention plan under Medicare.

A critical feature of the new law we passed that I think is essential to a sustainable push for wellness is the new Prevention and Public Health Fund. As I said earlier, bear in mind that maintaining good health is much more than just visits to the doctor's office. Where Americans live, go to work, and go to school also has a profound impact on our health. That is why, among other things, the fund provides for community transformation grants to enable localities to tailor wellness and prevention programs to their specific needs and environment. In addition, it invests heavily in strengthening the primary care infrastructure, including training for physician assistants and nurse practitioners, who typically practice in small clinics. That is why for fiscal year 2010 the prevention fund dedicated \$64 million to State public health departments to implement evidence-based prevention services.

This is what we did. There is \$64 million just for community and State prevention. We can see the others: primary care and public health workforce, \$273 million; infrastructure, \$70 million; obesity prevention, \$16 million; tobacco prevention, and on and on. That is what we did in 2010. It also allocated, as I mentioned, \$16 million for obesity prevention activities and \$15 million for tobacco control programs. We also invested \$70 million in our public health infrastructure.

For fiscal year 2011, let's see where we go. For fiscal year 2011, here is

where the public health fund has gone under the Senate Appropriations Committee: for community prevention, \$270 million; chronic disease State grants, \$140 million; tobacco prevention and cessation, \$100 million; public health infrastructure for disease surveillance, \$84 million; prevention research, \$50 million; community health worker demonstration project, \$30 million. That is just to name a few of the investments.

Given all the evidence we have—and we have a ton of evidence—prevention saves us money in the long run, not to mention saving us from needless suffering and chronic diseases. Why now would we want to gut all of this? Why would we want to take all that away when we are trying to save money and keep people healthy? Why would we want to take all of that out? But that is exactly what the Johanns amendment does. The Johanns amendment would wipe all of that out—wipe it all out. It would deny any funding at all for prevention and wellness until 2018. For example, it takes away funding that keeps teens from starting smoking and all of the obesity avoidance and reduction programs we have. We know one of the biggest chronic illnesses facing us is the increasing rate of obesity among our young people. We know how to get a handle on that. We have good programs and evidence-based interventions to keep kids from getting obese or by getting them on track to reduce obesity. To gut all these programs is the same old penny wise, pound foolish, sick care system we have been laboring under for so many years. I thought we were going to move away from that. In fact, the prevention and wellness provisions of the health care bill we passed were some of the provisions that got strong support on both sides of the aisle.

I know a lot of my Republican friends did not support the final bill. I understand that. But as we developed the bill in the HELP Committee and on the floor, the Prevention and Public Health Fund was widely supported. No one came after it. There were no amendments to gut it at that time. I think people on both sides of the aisle saw the wisdom, regardless of how one may have felt about other aspects of the health reform bill—I think every one agreed we have to do more in prevention and wellness and public health. For this reason, I say to my colleagues: Do not turn around now after we have done all this and gut the money to prevent chronic illnesses and diseases and keep people healthy. Do not gut that to put the money in the Johanns amendment.

I am not alone in understanding the importance of this fund. Mr. President, I ask unanimous consent to have printed in the RECORD letters from a number of groups—everything from the American Association of People with Dis-

abilities to the American Cancer Society, the American Heart Association, the Campaign for Tobacco-Free Kids, the National Association of Local Boards of Health, and the YMCA. More than 200 organizations signed a letter to us stating that the 241 undersigned organizations “strongly urge you to oppose the use of the Prevention and Public Health Fund from the Affordable Care Act as an offset for an amendment offered by Senator JOHANNs. Such an action would virtually eliminate the Fund, and mark a severe blow to this monumental commitment to prevention and public health under the Act. . . . The Fund is a unique opportunity to truly bend the cost curve on health care spending. . . . We must ensure that we capitalize on the unprecedented opportunity to transform our public health system by investing in prevention and public health. We urge you to vote no on the prevention fund offset within the Johanns amendment, or any other such legislative vehicles.”

I ask unanimous consent to have these letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PARTNERSHIP TO FIGHT
CHRONIC DISEASE.
September 13, 2010.

Hon. HARRY REID,
Senate Majority Leader, U.S. Senate, Washington, DC.

Hon. TOM HARKIN,
Chair, Senate Health, Education, Labor and Pensions Committee, U.S. Senate, Washington, DC.

DEAR SENATORS REID AND HARKIN: Good health is more than a result of good medical care. Improvements in primary, secondary, and tertiary prevention in settings outside the medical system—at home, at work, at school, and in the community—are essential to improving health in America and lowering costs. The Affordable Care Act recognizes this and created the Prevention and Public Health Fund (the Fund), which is a key part of our national commitment to creating a healthy America.

Accordingly, we urge you to oppose any legislative proposals that take money from the Fund to pay for the proposal. Regardless of the merit of such proposals, the Fund, its resources, and the commitment to health they represent must remain inviolate.

Chronic diseases—often preventable and highly manageable—drive health care spending and economic losses. Just the top seven chronic conditions cost the U.S. \$1.3 trillion each year. Recently in Health Affairs, Harvard professor David Williams, former CMS Director Mark McClellan, and former CBO Director Alice Rivlin opined that creating a healthy America is attainable. We share their view that attainment requires a “national commitment to the health and wellness of all Americans.”

The Partnership to Fight Chronic Disease is a national coalition of more than 100 partner organizations committed to supporting reforms to better prevent, detect, and manage the nation’s number one cause of death, disability and rising health costs: chronic disease.

Preventing and managing chronic diseases effectively depends upon people engaging in

healthy behaviors and having access to preventive health care services, diagnostic services that detect chronic disease early, and coordinated care to manage chronic illness once detected. Assuring that all Americans are empowered to make the changes needed to improve their health—to avoid tobacco use, eat nutritiously, engage in physical activity, get screened and seek care as recommended, and follow through to manage and reduce health risks—requires dedicated efforts.

Unfortunately, we are trending in the other direction. Among adults, one in three is obese. Obesity rates continue to rise among young people, leading many to predict that the next generation of Americans is likely to live shorter lives than their parents. Obesity also drives up costs: the doubling of obesity in the United States since 1987 accounts for nearly 30 percent of the increase in health care spending.

The Fund also presents a tremendous opportunity to reduce health disparities. Not everyone in America has an equal likelihood of living a long and healthy life. Health status varies by geographic location, gender, race/ethnicity, education and income, and disability, among other factors. Disparities are common, and among Americans with chronic diseases, minorities are more likely to suffer poor health outcomes. Disparities exist across the continuum of health status—from preserving health by making healthy behavioral choices to detecting and addressing health risks to managing chronic conditions to avoid costly complications and disability. The annual price tag of racial and ethnic disparities in health alone is an estimated \$309 billion.

The potential returns on health improvement efforts supported by the Fund are substantial. For example, the Robert Wood Johnson Foundation estimates that if all Americans enjoyed the same level of health as college graduates, the benefit would amount to \$1 trillion a year. A model estimating the impact of a modest health status improvement among Medicare beneficiaries projected a savings of \$65.2 billion a year or \$652 billion of over 10 years. Similarly, a study released by Trust for America’s Health, investments in effective community-focused programs to increase physical activity, improve nutrition, and prevent tobacco use have been estimated to generate a return of more than \$5 for each \$1 invested—for an overall savings of \$16 billion a year within five years.

The Fund stands both as means to achieve a healthy America and a symbol of the commitment to do so. We urge you to preserve the resources allocated to the Fund by the Affordable Care Act and oppose any legislative proposals relying on resources from the Fund as pay-fors.

Sincerely the undersigned PFCD partners and other interested organizations:

Alzheimer’s Foundation of America, American Academy of Nursing, American Association of Cardiovascular and Pulmonary Rehabilitation, American College of Preventive Medicine, American Dietetic Association, American Sleep Apnea Association, Association of Maternal & Child Health Programs, Cleveland Clinic, Dialysis Patient Citizens, DMAA: The Care Continuum Alliance, Easter Seals, GlaxoSmithKline, HealthCare Institute of New Jersey, Healthcare Leadership Council, Healthways, Life Science Vendors Alliance, The Milken Institute, National Association of School Nurses, National Association of Chronic Disease Directors, National Business Coalition on Health,

National Health Council, National Hispanic Council on Aging, National Hispanic Medical Association, National Latina Health Network, National Patient Advocate Foundation, National Recreation and Park Association, Partnership for Prevention, Prevent Blindness America, South Jersey Pharmaceutical and Medical Technology Industry Alliance, XLHealth, YMCA of the USA.

SEPTEMBER 2, 2010.

DEAR SENATOR: As the Senate considers the Small Business Jobs and Credit Act (H.R. 5297), the 232 undersigned organizations listed below strongly urge you to oppose the use of the Prevention and Public Health Fund from the Affordable Care Act (ACA) as an offset for an amendment offered by Senator Johanns (No. 4596). Such an action would virtually eliminate the Fund, and mark a severe blow to this monumental commitment to prevention and public health under the Act. We will also oppose any other such efforts to use the Fund as an offset.

ACA included historic reforms that have the potential to transform our health system. For too long, we have focused spending on treating people once they are sick rather than preventing illness in the first place. The Prevention and Public Health Fund (Fund) is urgently needed to address the many emerging health threats our country faces and the persistent chronic disease rates that we must begin to control. The Fund is intended to ensure a coordinated, comprehensive, sustainable, and accountable approach to improving our country's health outcomes through the most effective prevention and public health programs.

ACA clearly states that the money be used "for programs authorized by the Public Health Service Act, for prevention, wellness, and public health activities." The money would be strategically used to support disease prevention by promoting access to vaccines, building the public health workforce, and investing in community-based prevention. Furthermore, the Act specifically states that community-based prevention funding must only support evidence-based prevention programs which have been shown through scientific research to reduce chronic disease, including behavioral health conditions, and address health disparities. Research has shown that effective community level prevention activities focusing on nutrition, physical activity and smoking cessation can reduce chronic disease rates and have a significant return on investment.

Already in Fiscal Year 2010, we have seen these funds invested for programs to promote tobacco control and implement tobacco cessation services and campaigns, as well as obesity prevention, better nutrition and physical activity. The fund has been invested to support state, local and tribal public health efforts to advance health promotion and disease prevention, and to build state and local capacity to prevent, detect and respond to infectious disease outbreaks. The funds are also being used to support the training of current and next generation public health professionals.

The Fund is a unique opportunity to truly bend the cost curve on health care spending. Seventy-five percent of all health care costs in our country are spent on the treatment of chronic diseases, many of which could be prevented. Further, in a public opinion survey conducted just prior to the passage of the Act, Trust for America's Health and the Robert Wood Johnson Foundation (RWJF) found that 71 percent of Americans favored an increased investment in disease preven-

tion and that disease prevention was one of the most popular components of health reform.

We must ensure that we capitalize on the unprecedented opportunity to transform our public health system by investing in prevention and public health. We urge you to vote NO on the prevention fund offset within the Johanns amendment, or on any other such legislative vehicles.

Sincerely,

AARP; ACCESS Women's Health Justice; Advocates for Better Children's Diets; AIDS Action; AIDS Alabama; All Saints Home Care; American Academy of Pediatrics; American Academy of Physician Assistants; American Association for International Aging; American Association of Colleges of Nursing; American Association of Colleges of Osteopathic Medicine; American Association of Colleges of Pharmacy; American Association of People With Disabilities; American Cancer Society Cancer Action Network; American College of Clinical Pharmacy; American College of Gastroenterology; American Congress of Obstetricians and Gynecologists; American College of Occupational and Environmental Medicine; American College of Preventive Medicine; American Counseling Association.

American Dental Education Association; American Diabetes Association; American Federation of State, County and Municipal Employees; American Foundation for Suicide Prevention; American Heart Association; American Lung Association; American Medical Student Association; American Nurses Association; American Psychological Association; American Public Health Association; American Social Health Association; American Society for Gastrointestinal Endoscopy; American Thoracic Society; Applied Research Center; Arthritis Foundation; Asian and Pacific Islander American Health Forum; Association of American Medical Colleges; Association of Maternal & Child Health Programs; Association for Prevention Teaching and Research; Association of Public Health Laboratories; Association of Schools of Public Health.

Association of State and Territorial Dental Directors; Association of State and Territorial Directors of Nursing; Association of State and Territorial Health Officials; Association of Women's Health, Obstetric and Neonatal Nurses; Atlanta Regional Health Forum; A World Fit for Kids!; Bazelon Center for Mental Health Law; Boston Public Health Commission; Building Healthier America; C3: Colorectal Cancer Coalition; California Association of Alcohol and Drug Abuse Counselors; California Center for Public Health Advocacy; California Conference of Local Health Department Nursing Directors; California Food Policy Advocates; California Foundation for the Advancement of Addiction Professionals; California Immigrant Policy Center; California Pan-Ethnic Health Network; California Partnership; California School Health Centers Association; Campaign for Community Change; Campaign for Public Health.

Campaign for Tobacco-Free Kids; CASA de Maryland; C-Change; Center for Biosecurity; University of Pittsburgh Medical Center; Center for Health Improvement; Center for Science in the Public Interest; Cerebral Palsy Association of Ohio; Children and Adults with Attention-Deficit/Hyperactivity Disorder; Children Now; Children's Dental Health Project; City of Philadelphia Department of Public Health; Coalition for Health Services Research; Coalition for Humane Immigrant Rights of LA; Colon Cancer Alli-

ance; Colorado Progressive Coalition; Commissioned Officers Association of the U.S. Public Health Service; CommonHealth ACTION; Community Action Partnership; Community Catalyst; Community Health Councils.

Community Health Partnership; Oregon's Public Health Institute; Comprehensive Health Education Foundation; Connecticut Certification Board; Connecticut Citizen Action Group; Council of State and Territorial Epidemiologists; County Health Executives Association of California; Crohn's and Colitis Foundation of America; Defeat Diabetes Fund; Digestive Disease National Coalition; Faith Action for Community Equity; Family Voices; Federation of Associations in Behavioral & Brain Sciences; First Five; Friends of AHRQ; Friends of NCHS; Friends of SAMHSA; Georgia AIDS Coalition; Granite State Organizing Project; Grassroots Organizing; Harlem United Community AIDS Center, Inc.

Having Our Say Coalition; Health Care for America Now; Health Law Advocates of Louisiana, Inc.; Health Promotion Advocates; Health Rights Organizing Project; Hepatitis Foundation International; HIV Medicine Association; Home Safety Council; Idaho Community Action Network; Indian People's Action; Infectious Diseases Society of America; Institute for Health and Productivity Studies; Rollins School of Public Health, Emory University; Institute for Public Health Innovation; International Certification and Reciprocity Consortium (IC&RC); International Health, Racquet & Sportsclub Association; Interstitial Cystitis Association; ISIAAH; JWCH Institute, Inc.; Korean Resource Center; Libreria del Pueblo Inc.

Louisiana Public Health Institute; Mahoning Valley Organizing Collaborative; Main Street Alliance; Maine People's Alliance; Make the Road New York; March of Dimes Foundation; Maricopa County Dept. of Public Health; Media Policy Center; Mental Health America; Michigan Association for Local Public Health; Montana Organizing Project; National Alliance of State and Territorial AIDS Directors; National Assembly on School-Based Health Care; National Association for Public Health Statistics and Information Systems; National Association of Chain Drug Stores; National Association of Children's Hospitals; National Association of Chronic Disease Directors; National Association of Community Health Centers; National Association of Counties; National Association of County & City Health Officials.

National Association of Local Boards of Health; National Association of Public Hospitals and Health Systems; National Association of School Nurses; National Association of State Alcohol and Drug Abuse Directors; National Association of State Mental Health Program Directors; National Business Coalition on Health; National Coalition for LGBT Health; National Coalition of STD Directors; National Council of Asian Pacific Islander Physicians; National Council of Jewish Women; National Council of La Raza; National Education Association; National Environmental Health Association; National Family Planning & Reproductive Health Association; National Federation of Families for Children's Mental Health; National Forum for Heart Disease and Stroke Prevention; National Health Council; National Indian Project Center; Northeast Ohio Alliance for Hope; National Korean American Service and Education Consortium.

National Network of Public Health Institutes; National Nursing Centers Consortium; National Recreation and Park Association;

National Rural Health Association; National WIC Association; Nebraska Appleseed; Nebraska Urban Indian Health Coalition Nemours; New Hampshire Public Health Association; NYC Department of Health and Mental Hygiene; New York Immigration Coalition; New York Society for Gastrointestinal Endoscopy; North Carolina Fair Share; Northern Illinois Public Health Consortium; Northwest Federation of Community Organizations; Novo Nordisk; NYU Langone Medical Center; Ocean State Action; Ohio Alliance for Retired Americans; Oregon Action.

Out of Many, One; Papa Ola Lokahi; Partners for a Healthy Nevada; Partnership for Prevention; Physician Assistant Education Association; Planned Parenthood Federation of America; Prevention Institute; Progress Ohio; Progressive Leadership Association of Nevada; Project Inform; Public Health Association of Nebraska; Public Health Foundation; Public Health Institute; Public Health Law and Policy; Public Health—Monroe County (MI); Public Health—Seattle and King County; Public Health Solutions; Pulmonary Hypertension Association; Rails-to-Trails Conservancy; REACH U.S. SouthEastern African American Center of Excellence for Elimination of Disparities (REACH U.S. SEA-CED).

RiverStone Health; Safe States Alliance; Service Employees International Union; Sexuality Information and Education Council of the U.S.; Society for Adolescent Health and Medicine; Society for Healthcare Epidemiology of America; Society for Public Health Education; South Carolina Fair Share; Summit Health Institute for Research and Education, Inc.; TakeAction Minnesota; Tenants and Workers United; Thai Health and Information Services, Inc.; The AIDS Institute; The Amos Project; The Community Heart Health Coalition of Ulster County; The Greenlining Institute; The MetroHealth System; The National Alliance to Advance Adolescent Health; Toledo Area Jobs with Justice; Trust for America's Health.

UHCAN Ohio; United Action Connecticut; United Ostomy Associations of America; Urban Coalition for HIV/AIDS Prevention Services; U.S. PIRG; Virginia Organizing Project; Washington Health Foundation; West South Dakota Native American Organizing Project; WomenHeart; The National Coalition for Women with Heart Disease; YMCA of the USA.

Mr. HARKIN. Mr. President, I am sympathetic, I must admit, to the broader aims of the JOHANNIS amendment. On a bipartisan basis, Senators want to change the information reporting rules for small businesses under the health reform law. But the \$19.2 billion cost of the JOHANNIS amendment is excessive. Moreover, to pay for it by slashing funds from wellness and prevention, by gutting this whole program until 2018, is deeply misguided. It perpetuates the disastrous notion that we can neglect and defund prevention efforts without paying huge long-term costs in terms of unnecessary chronic disease and disability and skyrocketing health insurance premiums.

The purpose of the reporting requirement Senator JOHANNIS is going after is to prevent fraud where many businesses may lie about the income they receive, thereby not paying their taxes. What does that mean? It just shifts taxes to the people who are honest and

the businesses that are honest. Where the IRS has complete information on incomes such as salaries, which are covered by W-2 reports, compliance is 99 percent. But where there is no reporting, we see the reporting of income fall in half in some of the business categories.

I support the alternative amendment offered by Senator BILL NELSON. It provides a balance regarding the reporting requirement. His amendment completely eliminates any reporting burden on the great majority of small businesses—those with fewer than 25 employees at any given point in a year. But the most important point is that the Nelson amendment does not take money away from the Prevention and Public Health Fund.

While I appreciate the need to keep paperwork down, I also appreciate the need to prevent tax fraud which results in everyone else paying for the lost tax dollars. The Nelson amendment does preserve the reporting requirement for transactions over \$5,000 for larger companies. I think very sensibly, the Nelson amendment pays for this lost revenue from less rigorous reporting requirements by repealing completely unnecessary tax breaks for the largest five oil companies—much better there than taking the money out of the Prevention and Public Health Fund.

A long time ago, Ben Franklin taught us that an ounce of prevention is worth a pound of cure. The JOHANNIS amendment is an attack on that principle, an attack to turn the clock back to say we are going to continue a sick care system in America rather than truly transforming our system to a health care system.

I ask my colleagues to vote down the JOHANNIS amendment and to vote for the Nelson amendment which accomplishes basically the same thing in a more balanced way. But the Nelson amendment does not do anything to gut the Prevention and Public Health Fund which we labored so hard to put in the health reform bill and which, as I said before, has been so supported on both sides of the aisle.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that any time used on the Senate floor during quorum calls be divided equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I want to speak on the nomination of Jane Stranch—a vote we will be taking here in about 45 minutes—nominated to the Sixth Circuit Court of Appeals.

It is always with a great deal of reluctance that I oppose a nominee for the bench. Most of the people who are nominated are nominally qualified, in that they have records as attorneys or sometimes as judges in lower courts, have recommendations from bar associations and the like. But occasionally it is necessary to oppose a nominee. And while I certainly acknowledge that Jane Stranch has the qualifications one would expect of a nominee for a court of this significance, I oppose her nomination because of a very troubling development that I see in several nominations.

At some point I think it is important to draw the line and say that the President has got to be very careful not to nominate people who have—and in this case who have not—taken, in my view, a strong enough position against applying foreign law to interpret the American Constitution or to interpret American laws that apply to cases before them. We have seen this before in nominees, in then-Judge Sonia Sotomayor. When she had her Supreme Court hearing, several of us on this side of the aisle raised the question with respect to her position on foreign law. In many respects she said: Don't worry, I won't apply foreign law. Then in one of the cases in her first term as a Supreme Court Justice she did exactly that.

We have raised the same question with regard to people such as Harold Koh and others. I want to quote one statement Ms. Stranch made to illustrate the point I am trying to make. At some point, unless Members vote against nominees who appear to take these positions, I suspect the President will keep on nominating people with these views and then wonder why we oppose them. So I am going to be clear about why I oppose this nominee, even though I am sure many of her other qualifications are fine. She said this regarding cases where foreign law was used:

In these few cases, references to foreign law were made for such purposes as extrapolating on societal norms and standards of decency, refuting contrary assertions, or confirming American views. Roper [a Supreme Court case] specifically noted that the foreign law references were “not controlling” and were presented for the purpose of confirmation of the Court's conclusions.

The problem with that statement—and while I appreciate the fact that she

says foreign law is not controlling—is that the reality is foreign law has no place in the interpretation of the American Constitution and yet the Court continues to do that, with Justices continually saying it isn't controlling. If it is not controlling, why do it? Courts are supposed to look at precedent. What is precedent? Precedent is law that controls the case. There is no point in going outside of that and bringing in extraneous material. If it is not controlling, it is extraneous. If it is extraneous, it is redundant. Why bring it in?

I appreciate her recognition that foreign law is not controlling, but interpreting the Constitution doesn't require the application of foreign law to develop material on societal norms or standards of decency or to refute contrary assertions, and it doesn't have any relevance in even confirming American views, as she said in her statement. If the American view of the Constitution is X, let's say, then it is X. That is the American view. And if it is agreed to by other countries, that is fine. If it is not, it is not the judge's business to inquire into it and wonder why it does agree or does not agree with the American view.

I think that until enough of us register the view that we are not going to vote for judges who subscribe to the views Jane Stranch has articulated, as I said, I suspect the President will simply continue to nominate those individuals, and that is something I think the majority of us—certainly the majority of Americans—would object to.

Again, I regret having to express my opposition to this nominee, but in order to render my objection to the kind of jurisprudence they mentioned, the only way I can do that, I gather, is to vote no, which is what I intend to do.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I thank the Chair. (The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 3768 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. HUTCHISON. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I will vote against the nomination of Jane Stranch to the Sixth Circuit Court of Appeals. While several aspects of Ms. Stranch's record concern me, I will be voting no primarily because of Ms. Stranch's responses during her nomination process that demonstrate that it is proper for American judges to rely on contemporary foreign or international law in interpreting the U.S. Constitution.

Reliance on contemporary foreign law to interpret our Constitution undermines democracy, American sovereignty, and the rule of law. In American democracy, the people are sovereign. The Constitution was "ordained and established" by "We the People of the United States." As Chief Justice Marshall explained in *McCulloch v. Maryland*, "[t]he government proceeds directly from the people" and is established "in the name of the people." When judges look to foreign nations to find new limitations on what laws the American people can enact through their elected representatives, they undermine democracy and make the will of the American people subservient to the opinions of foreign judges. Furthermore, because there are so many sources of foreign law available in the world, judges often pick and choose foreign citations that correspond with their own personal politics, preferences, and feelings in an effort to create the illusion that the judges' personal political agenda are somehow mandated by law.

Under our Constitution, the people's right to govern themselves and make laws through their elected representatives is limited only by the Constitution itself, not by the opinions of foreign judges. In recent years, however, some judges have looked to foreign nations to strike down democratically enacted laws. For example, in *Roper v. Simmons*, the Supreme Court ruled that legislatures cannot impose capital punishment for heinous crimes committed by individuals under the age of 18. Justice Kennedy's majority opinion emphasized the "weight of international opinion" and cited the United Nations Convention on the Rights of the Child, among other sources. Just this year, in *Graham v. Florida*, the Supreme Court relied on "the overwhelming weight of international opinion" to find that life sentences are unconstitutional for juvenile criminals who commit crimes other than homicide.

This trend of American judges overruling the will of the American people in favor of the opinions of foreign judges is worrisome. I was therefore disappointed in Ms. Stranch's statements to the Judiciary Committee that seem to endorse this practice. Specifically, Ms. Stranch took the position that American judges may use foreign law in their opinions "for such pur-

poses as extrapolating on societal norms and standards of decency, refuting contrary assertions or confirming American views." She actually praised the Supreme Court for what she called its "restraint" in citing foreign law, and argued that the Supreme Court's recent use of foreign law in cases such as *Roper* and *Graham* should be a "model for the lower courts." This is a very troubling view.

The Supreme Court's increasing reliance on the opinions of contemporary foreign judges has not been restrained, and should not be a model for American judges. Rather, American judges interpreting the U.S. Constitution should constrain themselves to interpreting the text and meaning of that document alone. Because Ms. Stranch's answers indicate that she will rely on foreign law as a pretense for imposing her personal political beliefs on the American people, and because reliance on contemporary foreign law in interpreting the U.S. Constitution threatens democracy, American sovereignty, and the rule of law, I will vote no on this nomination.

Mr. LEAHY. Mr. President, at most there is only a minute remaining so I yield back all time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jane Branstetter Stranch, of Tennessee, to be United States Circuit Judge for the Sixth Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Indiana (Mr. BAYH), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG), and the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 21, as follows:

[Rollcall Vote No. 230 Ex.]

YEAS—71

Akaka	Brown (MA)	Cochran
Alexander	Brown (OH)	Collins
Begich	Burr	Conrad
Bennet	Cantwell	Corker
Bennett	Cardin	Dodd
Bingaman	Carper	Dorgan
Boxer	Casey	Durbin

Feingold	Lautenberg	Rockefeller
Feinstein	Leahy	Sanders
Franken	LeMieux	Schumer
Gillibrand	Levin	Sessions
Goodwin	Lieberman	Shaheen
Graham	Lincoln	Shelby
Hagan	Lugar	Snowe
Harkin	McCain	Specter
Hatch	McCaskill	Stabenow
Inouye	Menendez	Tester
Johanns	Merkley	Udall (NM)
Johnson	Murray	Voinovich
Kaufman	Nelson (NE)	Warner
Kerry	Nelson (FL)	Webb
Klobuchar	Pryor	Whitehouse
Kohl	Reed	Wyden
Landrieu	Reid	

NAYS—21

Barrasso	Crapo	Kyl
Bond	DeMint	McConnell
Bunning	Ensign	Risch
Burr	Grassley	Roberts
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cornyn	Isakson	Wicker

NOT VOTING—8

Baucus	Enzi	Murkowski
Bayh	Gregg	Udall (CO)
Brownback	Mikulski	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action, and the Senate will resume legislative session.

VOTE EXPLANATION

• Mr. BAUCUS. Madam President, I was necessarily absent from the Senate on Monday, September 13, 2010, because I was holding the Montana Economic Development Summit in Butte, MT. Had I been present, I would have voted yes on the nomination of Jane Stranch, of Tennessee, to be U.S. Circuit Judge for the Sixth Circuit. •

Mr. UDALL of Colorado. Madam President, due to ongoing efforts to address the impacts of one of the most destructive Colorado fires in decades, I was unable to cast a vote for rollcall No. 230, the nomination of Jane Branstetter Stranch to be United States Circuit Judge for the United States Court of Appeals for the Sixth Circuit. Had I been present, I would have voted "yea" to confirm the nominee.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOB CREATION

Mr. BROWN of Ohio. Madam President, last Wednesday, September 8, was a great day for Youngstown, OH, for my State, and for our country. On that day, the Chevy Cruze, a new car by General Motors—a high-mileage, medium-priced, lower priced car from Chevrolet—came off the line at the General Motors plant in Lordstown, OH.

To understand the significance of that and to understand how the news is so good, in spite of what the naysayers have said, let's turn the calendar back a little more than a year. Auto sales were down, about a year and a half ago, 40 percent. One million jobs were at risk of being lost on top of the 8 million jobs that had already been lost before President Obama took office. We remember that we were losing 800,000 jobs a month when President Obama took office. The auto industry was similar to the financial industry—about to collapse, including GM, Chrysler especially, and Ford was in some trouble. General Motors and Chrysler were especially in trouble.

Conservative politicians—many in this body and many in the House—said: Let the market work. Let the free marketplace work. If General Motors and Chrysler declare bankruptcy and go under, so be it—so be it for the car dealerships in North Dakota, Louisiana, Washington, Nevada, and Ohio; so be it for all the supply chain that feeds into the auto industry throughout the Midwest and the South and all over the country; and so be it for GM, Ford, and Chrysler and the hundreds of thousands of people who work for those companies—not to mention the retirees who depended on the viability of these companies.

In spite of the naysayers, the conservative politicians who said just let it collapse, let the market work, and let the auto industry collapse, President Obama and the Democrats in the House and Senate stood firm and invested billions of dollars in Chrysler and General Motors and some into the tier 1, the top suppliers—the level 1 suppliers that supply these industries.

Look what happened last Tuesday. Last Wednesday, on September 8, in Lordstown, OH, some 1,300 people were hired for the third shift. They are now working three shifts. Auto plants and the component manufacturers all over the Midwest are now beginning to hire and beginning to put people back to work.

If we were to let this industry collapse, if we didn't do the right thing and help and invest in these companies, we would have been in a depression. I don't think any serious economist would dispute that. Because we did the right thing—the government—GM is starting to pay back the government for the investment so taxpayers will get most or all of their money back. People are going back to work, retirees are getting mostly what they are entitled to, and the suppliers at tier 1, 2, and others are being made whole.

The week before I was at the Chrysler plant in Toledo. Jeep Wranglers were coming off the line. Jeep Wranglers, 2 years ago, were only 65 percent domestic content. That meant only 65 percent of the components in the Jeep Wrangler were American made. Today,

79 percent—almost four-fifths—of Jeep Wranglers assembled in Toledo are coming from U.S.-made auto parts. That is what our recommitment to manufacturing means.

Thirty years ago, 30 percent of our GDP was in manufacturing, and only 11 percent in financial services. Today, that is almost flipped. We know what that led to—the financial collapse. Senator DORGAN has been on the Senate floor warning us about it for 10 years. It meant a decline in the middle class and in wages because manufacturing creates wealth, and manufacturing pays better wages. When we make the contrast on policies where we care about manufacturing and policies where we care about the middle class versus policies where we simply give tax cuts to the wealthy, we know what happens.

In the 8 years of President Clinton's Presidency, 22 million jobs were created—new jobs—and incomes went up. We had the largest surplus in the history of our country at the end of the Clinton Presidency.

President Bush left us, in 2009, with the largest budget deficit in American history. Some in this body say let the auto industry die and let the market work. Let's give more tax cuts to the wealthy and go back to the Bush philosophy, which got us into this situation.

In closing, I will read two letters from people in that part of Ohio. Brandon, from Poland, OH, wrote:

I am one of hundreds of thousands of auto-workers. But there are millions more Americans among suppliers, dealers, retirees and communities that depend on my industry for their livelihood and well-being.

Our industry is the real economy that runs through Main Street. When we emerged stronger and more competitive, we will have a stronger economy and a more competitive America.

We stood up for Randall, from Warren, OH, who wrote when Congress and the administration were first considering how to save the auto industry:

I have been employed at General Motors Lordstown for over 31 years. My father, brothers, brother in law and father in law have all been employed by General Motors. My son is pursuing a degree in engineering partly financed by GM.

So many lost jobs would be a huge drain on the resources of government agencies, not to mention how bad it will make our country look in the eyes of the rest of the world.

Randall wrote this while the naysayers were saying let the market work and let GM and Ford collapse. He said:

My father said 30 years ago that "if GM ever goes under, America goes under." My greatest fear is that I will see this come true. Please support the auto industry. Our future [the future of our workers] is in your hands.

It is easy to say no, let the market work and don't do anything. When the cost of inaction is even more job losses than was brought on by the years of deregulation of Wall Street and cutting

taxes for the rich and not paying for any of this—a political strategy built on saying no is more than just unproductive, it is unconscionable and simply wrong.

Mr. DORGAN. Will the Senator yield for a question?

Mr. BROWN of Ohio. Yes.

Mr. DORGAN. It is interesting to me that nobody—or very few—would know the statistics and the new jobs that the Senator from Ohio has described, largely because of the old adage that bad news travels halfway around the world before good news gets its shoes on. Nobody talks about the jobs being created, but the Senator from Ohio talks about the consequences of a country that would have lost its automobile industry.

I ask this question: Does anybody here believe we will long remain a world economic power without world-class manufacturing? Isn't that what the Senator is talking about when he talks about the tough decision to try to save this auto industry, when a number of people here said let them go, we don't need them, it is fine if they go under. Does the Senator believe—and I think I know the answer—that we would remain a world economic power if we decided that we didn't need an auto manufacturing capability in America?

Mr. BROWN of Ohio. There is no question if the auto industry had failed and gone under—and it was close to that happening, as we all know—and if the conservative politicians in this body and down the hall had their way, it would have collapsed and it would have meant disaster to our future way of life in terms of manufacturing.

Manufacturing creates wealth more than any other segment of our economy. It is the \$20- and \$30-an-hour jobs. It is the supply component, the suppliers and all the people who serve the industries, including the restaurants and the hardware stores around these companies. It is the truckers bringing materials in and taking materials out. It is the building trade—the carpenters, pipe fitters, plumbers, and sheet metal workers who modernize the plant and get it ready for a new line of production. It is all of those things. All of that would have suffered job loss if we had followed the naysayers who said just let the market work.

Mr. DORGAN. Isn't it interesting, when the Senator talks about a plant that is hiring new people that will produce a new automobile, which is putting people back to work, there is no social work in this country as a good job that pays well. That makes everything else possible. That is good news, but I haven't heard it. I haven't heard about the new plant in Ohio.

What have I heard in the last week or two? About some nut in Florida wanting to burn the Koran. All the news or-

ganizations in America decided that is the big news—a minister with a congregation of 50 who decides he wants to burn the Koran. That is bad news, I guess, but it is sensational news of dysfunctional behavior. If you hold it up to the light, would you say this is ugly? Yes, but it is not America; it is just a nut.

The good news somehow never gets covered. When a new plant is created to produce an automobile in this country from a company that probably would not exist today unless the people had the courage to say we need it, it seems to me that is good news. We seldom ever see it covered.

I thank the Senator from Ohio. We have both written books about trade and are trying to stop the movement of jobs overseas and trying to invest in and create good jobs at home, make things that say “made in America” on the label.

I appreciate the Senator from Ohio talking today about some progress and some good news because not enough people have decided good news is worth trumpeting.

Mr. BROWN of Ohio. Madam President, I thank the Senator from North Dakota.

I will close. I wish Senator DORGAN had said there would have been more attention to the fact that the Lordstown plant, which has been there for 30 years, has added a shift of more than 1,000 workers and all that means for the supply chain and all the other jobs created.

But I wish more than that they could have heard the stories of individual workers and what it meant to be called back to work, what it meant to get this new job, what it meant so their house would not be foreclosed on, that they now have health insurance, that they now are able to send their kid to college. Those are the stories that matter—1,100 people in good-paying industrial jobs, plus thousands of other supporting jobs, and those peoples' lives are a whole lot better because people in this body had courage to stand up to the naysayers and say: We need to invest in this industry, invest in American manufacturing and make this country strong.

I thank the Presiding Officer. I thank especially Senator LANDRIEU, who will take the floor in a moment, for her leadership on this small business bill. We know that two out of three jobs are created by small business. No one has worked harder on that than the senior Senator from Louisiana, Ms. LANDRIEU.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I thank both Senators from Ohio and from North Dakota who have been two of the most effective and passionate leaders for ending this recession, creating jobs for the middle class, jobs focused on Main Street as opposed to

Wall Street, and because of their leadership, it is starting to happen.

The Senator from North Dakota is so right. I do not know what it takes to get some of this good news being heralded by either news reporters or through the many channels open on the Internet for people to understand that actions taken by this Congress, led by Democrats but joined by a few—not many, only a few—Republicans helped to save the domestic auto industry.

While those are big businesses—and I am going to talk about small businesses in a minute—the Senator from Ohio is exactly correct when he says the help to save the domestic auto industry was not just about saving big auto, it was about saving the thousands of small suppliers and small businesses that are part of this manufacturing chain. That would have been lost.

Everything we have tried has not worked as well, but the things we have put into place are starting to have some benefit and some evidence-based data to support the efforts that have been made.

The Senator from Ohio raises one very good example. I would like to talk about something complementary to this issue today.

Access to capital equals job creation. The Democratic Congress is leading the effort to pass a bill targeted to the small businesses of America that are truly the engines of economic growth. We know big companies supply many jobs around the world and in our country, whether it is big oil, big insurance, big finance or big auto.

Right beneath that surface of all those big names we hear all the time, whether it is General Motors or Goldman Sachs, ExxonMobil, there are millions of small businesses. To be exact, 27 million small businesses in America; 20 million people are self-employed and 7 to 8 million small businesses that hire fewer than 500 people, many of them hiring less than 250 and the majority of them hiring less than 50.

Madam President, you are on the Small Business Committee. We do not hear those names the way we should, whether it is Casey Tubing or whether it is Big Al's Sandwich Shop or whether it is Mandina's restaurant in New Orleans, where I just ate last week. That is one of the best restaurants in the world, and I had the privilege of eating there in my hometown. Whether it is the restaurants, small manufacturers or entrepreneurs building different technologies to support the big businesses of the world, now is the time to focus on them.

We have done some things—tax cuts, tax credits, and support—over the last year and a half, but the small business bill that is on the floor today, tomorrow, and this week, will, if we can get 60 votes to pass this bill, send a real

shot of hope and optimism across the country to build on the successes of the strengthening of the auto industry, to build on the successes of the stabilization of the financial markets, if we can take that next step—investment in infrastructure from the stimulus fund—and now take the next step to provide access to capital, through a very strategic, well-thought-out, and fully funded bill, I might add—which equals job creation.

The Members have heard me speak about a particular business. I continue to speak about them because they are a great example of what we are talking about when we say that small businesses with great promise, a great product, and very strong leadership are having difficulty getting access to the capital they need to hire workers and expand.

I again use the example of Georgetown Cupcake. I should have brought a box with me to the floor because they are very recognizable. Not only is this a growing, popular, exciting business in the DC area, it also has its own reality television show called DC Cupcakes. The real name of the business is Georgetown Cupcake.

It was founded by two sisters who leveraged their entire savings, borrowed here and there to try to start a very interesting and counterintuitive concept to start a cupcake company in the middle of a recession. Who would think it would work? Lines out the door early in the morning, late at night in the sticky heat or the cold of winter. You can go by Georgetown Cupcake and there is a long line. One of the more popular gifts to give when you go to a dinner party now or when you want to acknowledge the good work of a friend is to send them a dozen cupcakes from Georgetown Cupcake.

Do you know they went to bank after bank—with lines out the door, with a product that was obviously popular to even the casual observer—and they were turned down until finally a community bank, Eagle Bank, one of the largest lenders to small business in this region, stepped up and said yes. We need others to start saying yes to small business and that is what our bill does.

We need to start saying yes to Main Street. We have done enough saying yes to Wall Street. That is what our bill does. It says yes to Main Street. This bill establishes a \$30 billion strategic partnership with healthy community banks, not troubled banks. This bill is not for banks. It is for small businesses. But this bill, in its principle, trusts community banks with their know-how and their understanding of their neighborhoods. This bill recognizes rural communities in America that are starving for capital and says: We want to work in partnership with you. We think that \$30 billion, according to the experts who have

looked at this bill, will leverage \$300 billion in affordable loans and credit to businesses just like Georgetown Cupcake.

Today they are hiring—not just the two owners who started it—125 people now work for Georgetown Cupcake, from 2 to 125, with a future without limit based on the product and their model of service.

I know in Louisiana and Texas and Mississippi, along the gulf coast, in New Hampshire, North Dakota, and Ohio, there are thousands of small businesses that with just the right partnership with a community bank to get more capital out to Main Street—not Wall Street—combined with \$12 billion of tax cuts in this bill—not for big business, not for businesses that take their jobs and their products overseas but for small businesses right here on the main streets in our communities, \$12 billion of targeted tax cuts, and, in addition, some strengthening of the core SBA programs that eliminate borrower's fees, increase the guarantee from 75 percent to 95 percent, and also strengthens some of the export provisions, both in the SBA and in the Commerce Department, so we can encourage our small businesses to look other places for their markets, not just in the United States, not just down the street or downtown but look to Beijing, look to other countries around the world for markets.

I just had a life-altering trip to Ethiopia, one of the poorer countries in the world, and spent time in the capital and a small town, Bata. Their future also lies in their ability to create the beautiful products we saw and their ability to export to other parts of the world.

There are beautiful products and services produced right here in America that could be absolutely used around the world. The opportunity for trade builds friendship but also builds prosperity. It is very difficult for small businesses to go through all the maturations and gyrations of figuring out how to trade in some of these markets. But the Commerce Department and many States have set up technical centers for consultation to small businesses at many of our universities. Our bill funds and supports those efforts. I am very excited about that.

I wish to show the export chart. This is where we have the potential for growth. If a consultant came in and looked at America, where are our weak points and where are our strong points, I promise this would be a strength, this would be growth potential. Less than 1 percent of small businesses are exporting. The market is overseas. Yes, we have a strong market in America, but the majority of the market of the world, the purchasing power is not in America, it is outside America.

A lot of small businesses want to grow. They not only have to sell their

products around their neighborhoods, cities, and in our country, but they have to export. Our bill lays down a marker for exporting.

Overall, I have to say it is quite a balanced, well-put-together, well-thought-through bill that has been built with excellent contributions from Republican Senators and from Democratic Senators. We tried to take a lot of people's views as we have shaped this bill. We are now this week very close to passage.

Over the break, there were a lot of wonderful articles and editorials written about the bill. I wish to add to the RECORD an updated letter, dated September 13, from the Independent Community Bankers of America, to say again to the leadership:

On behalf of the nearly 5,000 members of the Independent Community Bankers of America, I write to express our strong support for the Small Business Jobs Act (H.R. 5297). . . .

And the addition of the small business lending fund in the Senate.

I have a list of additional endorsers. One can see, it is hundreds and hundreds of very powerful organizations that absolutely know this is the step we must take now if we want this recovery to reach Main Street, if we want this recovery to be about jobs—which is the whole point. That is why I am so proud of the Senator from Ohio. All you have to do is look into the face of someone who has been offered a job where they know they can save their home, they can send their children to college, they do not have to literally go live with a relative or inquire about a homeless shelter. Middle-class families are shocked with some of the options that are presented to them when they have no hope for a job.

A job, that is what the Democratic leadership has been focused on—jobs for middle-class Americans, jobs for Main Street. We are making our way slowly but surely, and this bill will move us a great distance down that road.

I ask unanimous consent to have printed in the RECORD the list of endorsers and the updated letter from the Independent Community Bankers of America. Also, I have another endorsement letter from the executive vice president of congressional relations and public policy for the American Bankers Association, another strong organization. They wanted to reiterate that while many of them cannot support TARP—this organization did not support TARP—they do support this because this is a program for healthy banks, not for troubled banks. This is a strategic partnership with community bankers who know the businesses in their community.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIST OF ENDORSERS

Agricultural Retailers Association (as part of the Small Business Coalition for Affordable Healthcare); American Apparel & Footwear Association; American Bankers Association

American Farm Bureau Federation (as part of the Small Business Coalition for Affordable Healthcare); American Foundry Society—California Chapter; American Hotel & Lodging Association (as part of the Small Business Coalition for Affordable Healthcare); American International Automobile Dealers Association; American Veterinary Medical Association (as part of the Small Business Coalition for Affordable Healthcare); Arkansas Community Bankers; Associated Builders & Contractors California; Associated Builders and Contractors (as part of the Small Business Coalition for Affordable Healthcare); Associated General Contractors; Association of Ship Brokers & Agents (as part of the Small Business Coalition for Affordable Healthcare); Association of Small Business Development Centers; Association of Women's Business Centers; Automotive Aftermarket Industry Association; Automotive Recyclers Association (as part of the Small Business Coalition for Affordable Healthcare); Bowling Proprietors' Association of America (as part of the Small Business Coalition for Affordable Healthcare); California Association for Micro Enterprise Opportunity.

California Association of Competitive Telecommunications Companies; California Bankers Association; California Cast Metals Association; California Chapter of the American Fence Contractors Association; California Employers Association; California Fence Contractors Association; California Hispanic Chamber of Commerce; California Independent Bankers; California Metals Coalition; California Public Arts Association, Inc.; Commercial Photographers International (as part of the Small Business Coalition for Affordable Healthcare); Communicating for America Inc.; Community Bankers Association of Alabama; Community Bankers Association of Georgia; Community Bankers Association of Illinois; Community Bankers Association of Kansas; Community Bankers Association of Ohio; Community Bankers of Iowa; Community Bankers of Washington.

Community Bankers of West Virginia; Community Bankers of Wisconsin; Conference of State Bank Supervisors; Consumer Bankers Association; Council of Smaller Enterprises (Ohio); CTIA-The Wireless Association; Engineering Contractors Association; Entrepreneurs Organization Los Angeles; Fashion Accessories Shippers Association; Flasher/Barricade Association; Florida Bankers Association; Florida Minority Community Reinvestment Coalition; Florida Small Business Development Centers; Golden Gate Restaurant Association; Greater Providence (RI) Chamber of Commerce; Healthcare Leadership Council; Heating, Airconditioning & Refrigeration Distributors International; Heavy Duty Manufacturers Association; Hispanic Bankers Association of Texas; Independent Bankers Association of Texas.

Independent Bankers of Colorado; Independent Community Bankers Association of New Mexico; Independent Community Bankers of America; Independent Community Bankers of Minnesota; Independent Community Bankers of South Dakota; Independent

Electrical Contractors, Inc (as part of the Small Business Coalition for Affordable Healthcare); Independent Waste Oil Collectors and Transporters; Indiana Bankers Association; International Council of Shopping Centers; International Franchise Association; International Housewares Association (as part of the Small Business Coalition for Affordable Healthcare); International Sign Association; Kansas Bankers Association; Kitchen Cabinet Manufacturers Association; Louisiana Bankers Association; Louisiana Marine and Motorcycle Trade Association; Main Street Alliance; Maine Association of Community Banks; Marin Builders' Association; Marine Retailers Association of America; Maryland Bankers Association.

Massachusetts Bankers Association; Michigan Association of Community Bankers; Missouri Independent Bankers Association; Montana Bankers Association; Monterey County Business Council; Motor & Equipment Manufacturers Association; Napa Chamber of Commerce; National Association for the Self-Employed; National Association of Development Companies; National Association of Federal Credit Unions; National Association of Government Guaranteed Lenders; National Association of Health Underwriters; National Association of Manufacturers; National Association of REALTORS; National Association of Theatre Owners (as part of the Small Business Coalition for Affordable Healthcare); National Association of Wholesaler-Distributors (as part of the Small Business Coalition for Affordable Healthcare); National Association of Women Business Owners—Inland Empire; National Association of Women Business Owners—Los Angeles.

National Automobile Dealers Association; National Bankers Association; National Community Pharmacists Association (as part of the Small Business Coalition for Affordable Healthcare); National Congress of American Indians; National Cooperative Business Association; National Council of Chain Restaurants; National Council of Textile Organizations; National Federation of Filipino American Associations; National Federation of Independent Business; National Gay & Lesbian Chamber of Commerce; National Marine Manufacturers Association; National Ready Mixed Concrete Association; National Restaurant Association; National Retail Federation (as part of the Small Business Coalition for Affordable Healthcare); National Roofing Contractors Association (as part of the Small Business Coalition for Affordable Healthcare); National Small Business Association; National Tooling and Machining Association (as part of the Small Business Coalition for Affordable Healthcare).

Nebraska Independent Community Bankers; Nevada Bankers Association; New Jersey Bankers Association; North American Die Casting Association—California Chapter; North Carolina Bankers Association; Northeastern Retail Lumber Association (as part of the Small Business Coalition for Affordable Healthcare); Northern California Independent Booksellers Association; Northern Rhode Island Chamber of Commerce; NPES—The Association for Suppliers of Printing, Publishing and Converting Technologies; Oakland Metropolitan Chamber of Commerce; Oregon Small Business for Responsible Leadership; Original Equipment Suppliers Association; Peninsula Builders Exchange of California; Pennsylvania Association of Community Bankers; Plumbing-Heating-Cooling Contractors of California; Precision Machined Products Association (as part

of the Small Business Coalition for Affordable Healthcare); Precision Metalforming Association (as part of the Small Business Coalition for Affordable Healthcare).

Printing Industries of America (as part of the Small Business Coalition for Affordable Healthcare); Professional Golfers Association of America (as part of the Small Business Coalition for Affordable Healthcare); Professional Photographers of America; Publishing and Converting Technologies; Recreation Vehicle Industry Association; Recreational Vehicle Dealers Association; Rhode Island Small Business Summit Committee; Sacramento Asian Chamber of Commerce; San Francisco Builders Exchange; San Francisco Chamber of Commerce; San Francisco Small Business Advocates; San Francisco Small Business Network; Service Station Dealers of America and Allied Trades (as part of the Small Business Coalition for Affordable Healthcare); Small Business and Entrepreneurship Council (as part of the Small Business Coalition for Affordable Healthcare); Small Business Association of Michigan (SBAM); Small Business Association of New England (SBANE); Small Business California.

Small Business Majority; Small Manufacturers Association of California; Society of American Florists; Society of Sport and Event Photographers (as part of the Small Business Coalition for Affordable Healthcare); South Carolina Small Business Chamber; Spa and Pool Industry Education Council of California; Specialty Equipment Market Association (as part of the Small Business Coalition for Affordable Healthcare); SPI; The Plastics Industry Trade Association; Stock Artists Alliance (as part of the Small Business Coalition for Affordable Healthcare); Tennessee Bankers Association; The Financial Services Roundtable; The Hosiery Association; Tire Industry Association (as part of the Small Business Coalition for Affordable Healthcare); Travel Goods Association; Tree Care Industry Association Urban Solutions—San Francisco; U.S. Chamber of Commerce; U.S. Conference of Mayors; U.S. Hispanic Chamber of Commerce.

Virginia Association of Community Banks; Western Growers Association (as part of the Small Business Coalition for Affordable Healthcare); Women Impacting Public Policy; Wyoming Bankers Association; Bankers Association for Finance and Trade; Chamber Southwest Louisiana; City of New Orleans; Council of State Governments; Greater New Orleans Inc.; Lafayette Economic Development Authority; Louisiana Business Incubation Association; Louisiana Small Business Development Centers; Small Business Exporters Association; State International Development Organization Mid Tier Alliance; National Associations of Small Disadvantaged Businesses; National Center for American Indian Enterprise Development; The ARC of Northern Virginia; United States Black Chamber of Commerce.

Association for Enterprise Opportunity; Associated Builders and Contractors; Business and Professional Women's Foundation; El Paso Hispanic Chamber of Commerce; Latin American Management Association; Minority Business RoundTable; Morris County Hispanic Chamber of Commerce; National Association of Hispanic Contractors; National Association of Small Business Contractors; National Black Chamber of Commerce; Native American Contractors Association; Small Business & Entrepreneurship Council; Small Business Legislative Council; Small Business Television; U.S. Pan Asian

American Chamber of Commerce; U.S. Women's Chamber of Commerce; Women Presidents' Organization; Women's Business Enterprise National Council.

INDEPENDENT COMMUNITY
BANKERS OF AMERICA®,

Washington, DC, September 13, 2010.

Hon. HARRY REID,
Senate Majority Leader, U.S. Senate, Wash-
ington, DC.

Hon. MITCH MCCONNELL,
Senate Minority Leader, U.S. Senate, Wash-
ington, DC.

Hon. MARY L. LANDRIEU,
Chairwoman, Committee on Small Business and
Entrepreneurship, U.S. Senate, Wash-
ington, DC.

Hon. OLYMPIA J. SNOWE,
Ranking Minority Member, Committee on Small
Business and Entrepreneurship, U.S. Sen-
ate, Washington, DC.

DEAR MAJORITY LEADER REID, MINORITY
LEADER MCCONNELL, CHAIRWOMAN LANDRIEU,
AND RANKING MEMBER SNOWE: On behalf of
the nearly 5,000 members of the Independent
Community Bankers of America, I write to
express our strong support for the Small
Business Jobs Act (HR 5297), and its core
component, the Small Business Lending
Fund (SBLF). ICBA believes that the SBLF
will spur the flow of additional small busi-
ness credit. The Tier I capital banks receive
can be leveraged to provide as much as \$300
billion of new credit to small business. The
legislation's Small Business Administration
loan program incentives will also allow com-
munity banks to expand lending to deserving
small business borrowers.

The nation's nearly 8,000 community banks
are prolific small business lenders with the
community contacts and underwriting exper-
tise to get credit flowing to the small busi-
ness sector. The SBLF is a bold, fresh pro-
posal that would provide another option for
community banks to leverage capital and ex-
pand small business credit.

Thank you for your consideration.

Sincerely,

CAMDEN R. FINE,
President and CEO.

SEPTEMBER 13, 2010.

To: Members of the United States Senate.
From: Floyd E. Stoner, Executive Vice
President, Congressional Relations &
Public Policy.

Re H.R. 5297, the Small Business Lending
Fund Act

On behalf of the members of the American
Bankers Association (ABA), I am writing to
express our support for H.R. 5297, the Small
Business Lending Fund Act. As proposed,
Treasury would invest in community banks
through a new program that would be sepa-
rate and apart from the Troubled Assets Re-
lief Program (TARP). This legislation would
authorize another tool for community banks
to meet the needs of small businesses in
their communities, and we urge the Senate
to pass this legislation.

There are many areas of the United States
that struggle under the weight of the severe
downturn the economy has experienced. Since
banks are a reflection of their commu-
nities, they are suffering with the commu-
nities they serve. Yet even in areas beset by
poor economic conditions there are strong
borrowers.

Meeting the needs of these borrowers has
been made more difficult as regulators pres-
sure many banks to increase their capital-to-
asset ratios. Given the slow recovery and the
severity of the downturn, it is difficult if not

impossible for community banks to find new
sources of capital. Thus, the only option for
many banks is to shrink, which can mean
making fewer loans. H.R. 5297 provides an op-
tion for banks to avoid that result and con-
tinue meeting the needs of their commu-
nities. With an improving economy and pub-
lic investments, such as those proposed in
H.R. 5297, lending can increase faster in some
of the hardest hit areas of the country. Com-
munity banks, which are the life blood of
many communities, can provide the needed
capital.

ABA also supports language in the Senate
bill that would increase the maximum loan
sizes for the 7(a) small business loan program
from \$2 million to \$5 million, with a tem-
porary 90-percent guarantee through Decem-
ber 31, 2010. The 7(a) program has histori-
cally been a critical lending tool for tradi-
tional banks to help meet the credit needs of
small businesses. The enhancements pro-
vided in this legislation are critically impor-
tant and will help lenders provide loans so
that small businesses can create jobs in their
communities.

We encourage the Senate to support com-
munity banks by supporting H.R. 5297.

Ms. LANDRIEU. Let me respond to
one point. I realize that part of the
problem is the way the regulators are
coming down a little harder than they
probably need to in some instances
with our community banks in an effort
to prevent the banking system from
reaching the excesses reached to cause
all of us very serious financial loss and
worldwide financial panic. I realize
there have to be some adjustments to
those regulations. This bill recognizes
that. It doesn't address it because we
don't have the jurisdiction in our
Small Business Committee. That
comes out of the Banking Committee.
But I believe the members of our com-
mittee will very soon send to the Bank-
ing Committee a very strongly worded
letter based on some of the testimony
we have received—and the Presiding
Officer has been in many of those meet-
ings—from our bankers, who want to
do more, who want to lend to credible,
reputable businesspeople, but they say
the regulators are coming down too
hard on them. So we have to fix that.

We also have to focus on the balloon
notes coming due on commercial real
estate lending in this country, because
we have to handle that very deftly or
we could see a setback. This bill will
not solve all problems, but I promise it
will get us on the right road and head-
ed in the right direction. Then with
some appropriate modifications on the
regulatory side for the community
banks, to make sure they are operating
with full integrity but that they are
also being given the latitude to do
what they are supposed to be doing,
which is lending affordable credit to
businesses, and with some additional
other steps, I believe we can have this
recession on the run. That is my goal,
and I know that is a goal that is shared
not only by the President of the United
States but by Members of Congress as
well, and I hope of many people in the
world. We are all working on that as
hard as we can.

I know some of my other colleagues
are going to come and speak about this
bill. We will be taking up one amend-
ment on this bill, and it is a very im-
portant amendment that needs to get a
resolution on the 1099 section of the
small business reporting obligations.
We need to have some significant
changes. I hope we can get that done
this week. There are plans underway to
have it addressed, and we will be debat-
ing that this week on the floor. But
whatever the outcome of the argu-
ments about that amendment—because
that provision doesn't go into effect
until 2012, and it is September 2010
right now—we have some time to work
that out. We may work it out this
week. We may get the 60 votes on ei-
ther the Nelson or the Johanns amend-
ment, and the issue will be addressed
either completely or partially. But if
not, we have time to work that out,
and the business community has my
commitment to do so.

It is very important that this bill be
passed this week. I see Senator
MERKLEY and Senator CANTWELL on the
floor, and I am going to yield time to
both of them. They have been leaders
on this issue. I will mention that Sen-
ator BOXER talked to me a minute ago
on the floor. She said to me: Senator,
please, let people know that as I trav-
eled through California that was the
main topic of conversation; and that
she herself went to 15 or 20 small busi-
nesses that couldn't wait for this bill
to pass because they know there is real
help for them.

This bill was built for them. It wasn't
built for business and small businesses
just to get the crumbs that fall from
the table. This bill has been built with
them in mind. We know they are the
engines to get this economy started
again. We can't wait to get it passed.
We can't wait to get it to the Presi-
dent's desk. We believe it will have an
immediate and substantial impact on
their ability to hire new workers and
to create the kind of economic activity
that will lead this country and, frank-
ly, the world out of this very troubling
economic time.

I yield for the Senator from Oregon,
who has not only been a lead supporter
but a designer of many of the pieces of
this bill, and I can't thank him enough
for his tireless efforts on behalf of
small business, not just in Oregon but
around the country.

The PRESIDING OFFICER. The Sen-
ator from Oregon.

Mr. MERKLEY. I thank Senator LAN-
DRIEU very much for her leadership as
chair of the Small Business Com-
mittee. She has put in countless hours
working with the national small busi-
ness community and asking what the
key obstacles are and how can we help
to address them. The result is a list of
endorsements from I would say about
every organization in the United
States.

This list has grown as we have been debating this bill. This list has grown while we were out talking to our small businesses back home. I was astounded when my staff put it into my hands today because it is no longer one page, as it was earlier in our conversations, it is no longer two pages, but page after page of fine print of every organization from the U.S. Chamber of Commerce, the U.S. Women's Chamber of Commerce, the American Bankers Association, the Hotel and Lodging Association, the American Farm Bureau, the National Association of Realtors, the National Federation of Independent Business, the National Restaurant Association, to the Independent Community Bankers of America. If you know of an organization that works with small businesses in America, it is on this list. It is phenomenal.

Why have all these groups—more than I have ever seen on any bill—said they support this small business jobs bill? Well, I will tell you why. Because this bill is targeted at putting small business back in gear as the job factories of America.

I was just back home, and I completed my annual set of townhalls in 36 counties, so I have been all over the State of Oregon. I have heard from independent businesses, small businesses on the coast, I have heard from businesses in central Oregon and southern Oregon and the valley, and everywhere people said: We need access to credit. We can't seize a business opportunity that is right in front of us because we can't get the credit necessary to seize that opportunity. And they want to know what is going on.

In some cases, perhaps a bank is a little bit nervous, having gone through and weathered this national economic meltdown. But in many cases our Main Street banks are at the limit they are allowed to lend based on their current capitalization, and so they will say: Well, the FDIC is enforcing the rules on leverage and we can't do additional lending.

Well, this bill addresses that. This bill, through the Small Business Lending Fund, increases the capitalization of Main Street banks. Those are healthy Main Street banks. It allows them to basically increase lending to small business on a 10-to-1 ratio. So that means that \$30 billion in recapitalization for Main Street America can climb to \$300 billion of lending to small businesses and they can then seize those opportunities and put America back to work. That is the power of the Small Business Lending Fund that is in this bill.

But that is not all that is in this bill. There is in this bill the ability to have 100 percent of capital gains written off so you can basically move your assets to seize another opportunity without having to pay a tax on the sale of the assets you have right now. This has a 5-

year carryback on business credit so that if you can't use those credits this year because your business is down, you can use them against earlier profits, and that means a reduced tax bill. This has an extension of bonus depreciation, which is very helpful. This bill has the Jumpstart Act, which says if you are a small business, just getting started, then your original startup cost deduction is doubled.

Taken together, this bill is about putting small business to work in America. I can't imagine why we wouldn't have 100 votes on the floor of this Chamber, 100 votes to put small business back on track. Sometimes legislation is regional—we will do a little bit that affects an industry in the Northwest or in the South or maybe it is for the west coast—but there is nothing regional about this bill. Last I checked, small businesses are the heart of every town, city, and rural area of the United States. So this puts people back to work and strengthens the economy in every part of America. That is why the list of endorsements goes on page after page after page.

My colleague from Washington State is going to continue to share her observations, so I will yield, but I want to conclude by saying this is the type of problem-solving legislation that is needed in America, where rather than looking to an election down the road and political positioning, we do the hard work of investigating the obstacles and then we proceed to design legislation to remove those obstacles, and that puts a job back in every community in America. That puts a lot of jobs back in every community in America, and every job is the foundation for a family.

I can tell you that the unemployment rate in Oregon is absolutely unacceptable. Families are hurting, with the loss of a job on top of a loss to the value of their house and often the loss of their retirement savings. This starts to turn America around. It is time to pass this act, and I encourage all my colleagues to vote early, vote yes, and let's put America back to work.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I rise to join my colleague, the Senator from Louisiana, the Chair of the Small Business Committee, and my colleague from Oregon, Senator MERKLEY, to talk about the very important issue that, frankly, you could say you probably heard a lot about from us before we left. But along with my colleague, Senator MURRAY, and I am sure others, such as Senator BOXER, we all went home and heard from our constituents about this issue and we heard about how critical it is that we pass this legislation.

I find it interesting that the pundits are all debating whether this will have a political effect on the election. I can

guarantee you the focus of this legislation has not been, for any of us, about the election but about helping small business. When Wall Street imploded nearly 2 years ago—2 years ago—is when small business needed our help and support, and many of us have been arguing literally this entire legislative calendar year to pass this legislation, only to have hurdle after hurdle put in front of us or naysayers who say it can't be done. So I truly hope we are on the precipice of passing this legislation because it is so critical for job creation in America.

I know my colleagues have gone over these numbers, but to be specific about it again one more time, because this is from the Department of Commerce, small businesses account for 60 to 75 percent of new job creation. So we can talk about all the ideas we want to have about how to get out of this economic nightmare, and we can talk about various policies that are going to help us stimulate the economy, but the bottom line is that job growth by the private sector is going to help our economy, and that has to have a focus on small business.

What has happened to us instead, as you can see by this chart, which shows small business lending basically from 2008 to 2009, is that we had an economic crisis. We know that lending in general went down, but we see that small business lending went down even more dramatically. The consequence of that has been our engine of economic growth for job creation—small business—has been cut off. We have seen lending from large banks to large institutions, and some of those institutions are doing the hiring, but they are not the basic driver of job growth in America. So this is what we are trying to right. We are trying to correct the fact that these small businesses have not had access to capital.

I know my colleague Senator MURRAY and I went to a restaurant in Seattle, a pizzeria that is very popular, and met with many small business people there. But this particular owner, Joe Fugere, who has a wonderful business, basically had opened four restaurants and then went to get more capital during this downturn and basically was told no, it is too big of a risk. He said:

Honestly, I was shocked and deeply offended. I had a healthy profitable business, a blemish-free history of paying all my loans on time, in full. And now I was being told that I was risky. . . .

After the decisions that were made on Wall Street and their risky activity.

In the end, Joe did everything he could with personal appeals. He worked with community bankers, and finally got his loan and then opened his new restaurant which now employs 75 people.

Joe was not the risk. Joe did not participate in risky derivative activities

on Wall Street. He did not cook up this scheme. Yet here we are, 2 years later, finally coming to the aid and support of small businesses.

I heard many stories of this when I was at home, many small businesses that basically said I hope people on the other side of the aisle can set aside their differences and help get this legislation passed; that we need to do more. I know many of you may have seen today the report that was put out by the Joint Economic Committee, "Small Business Employment: Bank Lending Restrains Job Creation." Basically the summation of this, and I will read from the report, is that it found that as a result of "tight lending standards facing small businesses, hiring at small firms continued to decline in 2009 and the early part of 2010, while hiring by largest establishments, which had wider access to credit, began to pick up. . . ."

It is clear that small business hiring still remains flat. The question is what are we going to do about it? It is not about November 2, it is about whether you support giving access to capital to small businesses that had capital choked off from them because of the activities of Wall Street.

I clearly support and respect the engine of our economy that small businesses represent. I hope people will put their differences aside. I appreciate my colleague from Ohio, Senator VOINOVICH, for his leadership, for his advocacy, for listening to the facts on this issue and understanding that these are the people who will help us out of this situation and certainly were not the ones who got us into it.

I hope we will move forward on this legislation and this week we will pass it. I do not expect things to change overnight but I do expect this: for this Congress—for the Senate, for the House—to say where our priorities are and to say where leveraged access to capital can stimulate job growth in our economy.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF ELENA KAGAN

Mr. INOUE. Madam President, I rise to speak in support of Solicitor General Elena Kagan.

Solicitor General Elena Kagan is widely regarded as one of the Nation's leading legal scholars. Her public service and legal experience, work as a teacher, service as a White House and Senate aide, and representing the gov-

ernment as the Nation's Solicitor General, have contributed to Ms. Kagan's intellect, judgment, and independence.

As the first woman to serve as dean at Harvard Law School, Ms. Kagan was highly respected for her ability to build consensus among diverse groups. She diversified the political discourse on campus by hiring professors from a wide political spectrum. While working as a White House aide, Ms. Kagan was known to reach across the aisle to work with both Democrats and Republicans on issues like restricting tobacco companies from targeting ads at children. As the daughter of a public school teacher and a housing lawyer, Ms. Kagan understands that decisions made by the Supreme Court have an impact on the lives of Americans. As Solicitor General, she has argued cases to protect consumers, prevent elections from being taken over by special interests, and protect our national security. Ms. Kagan recognizes the extraordinary role of the Supreme Court to uphold the law and enable all Americans to receive a fair hearing and an equal chance at justice.

Solicitor General Kagan has my full support in her nomination to the U.S. Supreme Court.

PRESCRIPTION DRUG ABUSE

Mr. INOUE. Madam President, I rise to speak on a matter of great importance to me. Recently, I met with Gil Kerlikowske, Director of National Drug Control Policy and his Deputy Director for Demand Reduction, David Mineta. In that meeting, they shared alarming information with me about the rates of prescription drug abuse among veterans and active duty military personnel. The Office of National Drug Control Policy, ONDCP, and the Centers for Disease Control have characterized the rate of prescription drug abuse in our country as an epidemic, with rates of unintentional drug overdose deaths having increased fivefold since 1990.

Our active duty military forces and veterans are not immune from this disturbing trend. In the 2008 Department of Defense Survey of Health Related Behaviors among Active Duty Military Personnel, prescription drug misuse was reported by one in nine personnel in the past month and nearly one in five in the past year. Further, the percentage of men and women reporting prescription drug misuse in all military services combined—11.5 percent—was more than twice that of the civilian population in the age group 18–64—4.4 percent.

Unfortunately, substance abuse remains a problem for newly returning veterans as well.

Data collected between 2002 and 2008 indicate that across all medical conditions of returning veterans, mental health disorders are the second most common—40 percent—

with both post traumatic stress and substance use disorders among the highest within this category.

Aggregated data from the Substance Abuse and Mental Health Services Administration's annual household survey reveals that from 2004 to 2006, 7.1 percent of veterans—an estimated 1.8 million persons 18 or older—met criteria for a past-year substance use disorder.

The Army recently released a study highlighting the importance of suicide prevention. The Army experienced 239 suicide deaths across the total Army, including the active reserve members, in fiscal year 2009. This number does not include 74 drug overdoses in the same year. As the Army stated in its recently released report, "Health Promotion, Risk Reduction, Suicide Prevention," this is an issue that cannot be ignored. I urge ONDCP to pursue solutions, along with the Veterans Affairs and Department of Defense, to address the serious issue of prescription drug abuse in both the active duty military and among veterans of all service, including the Reserve Component.

50TH ANNIVERSARY OF REAL ESTATE INVESTMENT TRUSTS

Mr. HATCH. Madam President, I rise today to recognize the 50th anniversary of the enactment of legislation that created real estate investment trusts, REITs. The development of real estate investment trusts is among the true success stories of American business. Moreover, REITs legislation enacted over the past 50 years presents a remarkable example of how Congress can create the legal framework to liberate entrepreneurs, small investors, and men and women across the country to do what they do best—create wealth and, more importantly, build thriving communities.

When REITs were first created in 1960, small investors had almost no role in commercial real estate ventures. At that time, private partnerships and other groups closed to ordinary investors directed real estate investments, typically using debt, not equity, to finance their ventures. That model not only served small investors poorly, it resulted in the misallocation of capital, and contributed to significant market volatility.

Since that time, REITs have permitted small investors to participate in one of our country's greatest generators of wealth—income-producing real estate—and REITs have greatly improved real estate markets by promoting transparency, liquidity, and stability. The growth in REITs has been particularly dramatic and beneficial in the past 15 years, as capital markets responded to a series of changes in the tax rules that modernized the original 1960 REIT legislation to adjust it to new realities of the marketplace.

Equity REITs have outperformed the major U.S. equity market benchmarks for all multi-year periods over the past 35 years, as well as over the entire 38-year period since the inception of the U.S. REIT indexes.

I am proud of my role in sponsoring legislation that included many of these changes that modernized the REIT rules, and I remain committed to making every effort to ensure that the people of Utah and across our Nation continue to benefit from a dynamic and innovative REIT sector.

I have seen firsthand what REITs have done for communities across my State of Utah. It is very much in Utah's interests, and in our country's interests, to make sure that REITs continue to work effectively and efficiently to carry out the mission which Congress intended.

NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

Mr. HATCH. Madam President, I speak today, along with my colleague, Senator BOB BENNETT, in recognition of "National Polycystic Kidney Disease Awareness Week". Senator HERB KOHL and I introduced S. Res. 592 on July 22 to designate September 13–19, 2010, as the National PKD Awareness Week for 2010, and Senator BENNETT was a cosponsor of the resolution. S. Res. 592 passed the Senate by unanimous consent on July 29, 2010. I thank my colleagues for their support.

Polycystic kidney disease, also known as PKD, is a life-threatening, genetic disease affecting more than 600,000 adults and children in the United States and 12.5 million people worldwide. In fact, PKD is one of the top three most prevalent life-threatening genetic diseases in the world. It is, in fact, one of the most deadly diseases of which you have likely never heard. To help put it into perspective, more people have been diagnosed with PKD than have been diagnosed with cystic fibrosis, sickle cell anemia, hemophilia, muscular dystrophy, Down's syndrome, and Huntington's disease combined. However, these diseases are much more well-known than PKD. I take particular interest in PKD because so many Utahns suffer from the disease. According to the PKD Foundation, approximately 5,000 Utahns have been diagnosed with PKD and end stage renal disease—ESRD—instances in Utah are almost three times the national average.

Polycystic kidney disease often goes unnoticed due to the fact there are no telltale symptoms in the early stages of the disease. Many people who have PKD are not diagnosed until the disease has already affected other organs. More than half of individuals diagnosed will reach end-stage renal failure and require dialysis or a kidney transplant in order to survive. When a kidney has

been affected by PKD, fluid-filled cysts develop on the kidney. These cysts can range in size from that of a pinhead to the size of a grapefruit. The size and weight of each cystic kidney can grow to that of a football or basketball and weigh as much as 38 pounds. Other diseases and symptoms may show up as the disease progresses and, unfortunately, this is often how PKD is diagnosed. Examples of such symptoms are urinary tract infections, hypertension, kidney stones, high blood pressure, potentially fatal heart diseases, and aneurysms.

There are two forms of polycystic kidney disease: autosomal dominant PKD and autosomal recessive PKD. Autosomal dominant PKD is more serious and it affects one in every 500 people and is commonly diagnosed in adulthood. Every child born to an affected parent has a 50 percent chance of inheriting the disease themselves. The other form, autosomal recessive PKD, also called ARPKD, is diagnosed in children. Approximately 30 percent of the infants diagnosed with ARPKD will die within the first month of life; and of the 70 percent who survive infancy, one-third will require a kidney transplant by the very young age of 10.

As of today, there is no cure or treatment for PKD. There are ways to alleviate pain, and a healthy lifestyle can delay kidney failure; however, the only way to effectively stop the symptoms is by kidney transplant. Unfortunately, many who are waiting for a transplant will not survive long enough to receive it.

Aside from the debilitating nature of the disease, the costs associated with PKD are staggering. The current estimation of what PKD costs Federal health care programs annually is at least \$2 billion. This can be broken down as: \$78,000 per year, per patient, for dialysis; \$100,000–\$150,000 per kidney transplant; and \$15,000–\$20,000 per year, per patient, for post-transplant immunosuppressive drugs.

It is clear that PKD is a very serious disease that should be receiving more attention. As we increase our understanding and awareness of PKD, we also increase our ability to find treatments and eventually, a cure for this disease; and that is why I am proud to have helped designate this week as "National Polycystic Kidney Disease Awareness Week".

REMEMBERING VENTURE SMITH

Mr. DODD. Madam President, today I wish to commemorate the life of Venture Smith, who passed away nearly 205 years ago on September 19, 1805. A Connecticut man who lived not far from where my home in East Haddam currently stands, Venture Smith's life is one of the best documented of the millions of Africans who were kidnapped from their homes and brought

to the Americas as part of the transatlantic slave trade. A remarkable individual of uncommon strength and valor, Venture Smith's compelling story of perseverance in the face of seemingly insurmountable odds still serves as a potent source of inspiration and hope more than two centuries after it happened.

Originally born Broteer Furro in 1728—the first son of a West African king—Venture's childhood was cruelly interrupted at the tender age of ten, when he was captured by slave traders, forced to board a crowded slave ship destined for the New World, and sold to Robinson Mumford of Long Island for four barrels of rum and a piece of calico. After more than a decade in the Mumford household, Venture was sold twice more, finally ending up with Colonel Oliver Smith of Stonington, CT, in 1760.

In 1798, by that time an elderly man, Venture dictated his life story to Eliza Niles, a Connecticut schoolteacher, who had it published that same year in New London. One of perhaps only a dozen firsthand accounts of that period in our Nation's history by enslaved Africans, Venture Smith's narrative is a seminal work of early American literature that traces many of the defining moments of his life, beginning with his childhood in Africa.

And while many of the experiences related in Venture's autobiography would be heartbreakingly familiar to anyone who has studied this dark chapter in our Nation's history, Venture's life breaks the mold in one crucial respect. In spite of the tremendous challenges that he faced at nearly every turn Venture was able to win back his freedom through hard work, courage, and an unbreakable spirit.

By the time he was sold to his third and final owner, Colonel Smith, Venture had already spent the vast majority of his formative years in slavery. Having struck a deal with this new owner that would allow him to work for his freedom, Venture labored with incredible determination—fishing and growing food for sale, cutting and cording wood, and hiring himself out during seasonal hiatuses from his duties as Colonel Smith's slave—to acquire the 85 pounds and ten shillings needed to purchase his freedom. Such a sum was considered quite steep by the standards of 18th century colonial America, and even more so for an individual of Venture's means. But in spite of the tremendous hurdles that stood in his path, Venture successfully earned that money and bought his freedom in just over 5 years.

But Venture's story of hard work and dogged persistence in the face of unending challenges did not end there. During the four decades that followed, Venture fought tirelessly to free his wife Meg and three children, who were also enslaved in Connecticut, as well as

to build a new life for himself as a free man. Harnessing those same unshakeable qualities of dedication, resourcefulness, and frugality that allowed him to secure his own freedom, Venture not only earned enough money to liberate his entire family from bondage, but also three men he barely even knew.

And if that wasn't remarkable enough, Venture Smith accomplished yet another feat that—in light of the serious financial and legal constraints that existed at the time—was exceedingly rare for a freed slave in colonial Connecticut: become a landowner. In 1775, just 1 year before the Thirteen American colonies declared independence from Great Britain, Venture purchased the first of what would become a nearly 130-acre farm on Haddam Neck, right at the mouth of the Salmon River. And it was there, in 1805, that Venture Smith ultimately died at the ripe old age of 77, having amassed a considerable fortune from his involvement in an array of commercial activities, from fishing and farming to the commodities trade.

Madam President, there are a significant number of historical lessons that can be gained from the life of this remarkable man—from firsthand insights into the evils perpetrated by the institution of slavery in this country, to a more complete understanding of the unique challenges faced by slaves who were able to gain their own freedom. But perhaps just as important are those lessons that transcend the period in which Venture Smith himself lived.

For, after losing almost everything—including that most fundamental of human rights, his freedom—Venture Smith set about tearing down the seemingly impenetrable barriers erected by slavery and racism that kept him from enjoying the same privileges as his White neighbors. And while his journey from slave to wealthy Connecticut landowner was long and arduous, filled with its share of disappointments and setbacks, Venture Smith never lost sight of his goals, ultimately achieving them through nothing more than grit, intelligence, and determination.

In this way, Venture Smith is much more than a mere historical figure. Rather, Venture's life is a testament to the sheer strength of the human spirit. It is a symbol of how a single individual can challenge societal norms and impact history. Perhaps most importantly, it is the embodiment of the principle that, even in the most dire and seemingly hopeless of circumstances, human beings are still capable of truly extraordinary achievements.

As we approach the 205th anniversary of his death, I would like to thank the Documenting Venture Smith Project for all of the wonderful work they have done over the past 5 years to help im-

prove our understanding of this incredible individual. It is my hope that with continuing academic interest in Venture's life, new generations of Americans will be inspired by this timeless story of triumph in the face of adversity for years to come.

HONORING OUR ARMED FORCES

SERGEANT MARTIN ANTHONY LUGO

Mr. MCCAIN. Madam President, I would like to take a moment today to recognize an extraordinary soldier and son of Arizona who made the ultimate sacrifice in the service of our Nation. SGT Martin Anthony Lugo selflessly gave his life on the battlefield in Afghanistan on August 19, 2010, while serving his sixth, yes his sixth, deployment in the war on terror. Sergeant Lugo was killed while leading his Rangers in a fierce firefight that also claimed the lives of over a dozen Taliban fighters.

Sergeant Lugo's service to his country began after his graduation from high school in Tucson, AZ. He soon found himself in the Army recruiter's office and enlisted as an infantryman in September 2004. After distinguishing himself throughout basic training and the basic airborne course, he was assigned to the Ranger Selection and Training Program at Fort Benning, GA. Upon graduation in April 2005, he was assigned to Company C, 1st Battalion, 75th Ranger Regiment. Over the next 5 years, he would serve as an ammunition handler, automatic rifleman, team leader, and squad leader. During this time, he would deploy twice to Iraq and four times to Afghanistan.

In addition to graduating from the U.S. Army Ranger course and earning his Ranger Tab, Sergeant Lugo was also a graduate of the warrior leader course and the reconnaissance and surveillance leader course. He has been honored with the Army Commendation Medal and the Army Good Conduct Medal, in addition to various unit and campaign awards. Sadly, he was posthumously awarded the Bronze Star, Meritorious Service Medal, and Purple Heart.

"Rangers Lead the Way!" has long been the motto of the Army Rangers, and Sergeant Lugo clearly took this to heart. The fact that this exceptional Ranger spent his best years constantly deployed to a combat zone should serve as an example to all Americans of the selflessness and dedication of our young men and women in uniform. Words can do little to recognize the true sacrifice required of a young man in his prime to answer the call when asked to deploy six times in 6 years.

I am truly saddened that the lives of men like Martin Lugo are too often honored only in their deaths. Nonetheless, it is a far greater sin to fail to recognize them at all. I call on my colleagues to join me today in honoring

the life and service of Sergeant Lugo, and in expressing my sincerest condolences to his mother Maria Marin; his father Martin Lugo; his stepfather Esteban Oropeza; his sister Leslie Bencic; and his brother-in-law Christopher Bencic.

SEPTEMBER 11, 2001

Ms. SNOWE. Madam President, I rise today with the heaviest of hearts to observe the ninth anniversary of the terrible tragedy that befell our country on September 11, 2001, and changed America—and Americans—forever. We remember those whom we lost that terrible day, but also celebrate the freedoms we cherish and which make our nation the greatest in the world.

On this September 11, as on all that have preceded it, we mourned the loss of those eight individuals from Maine who were taken from us all too soon—Anna Allison, Carol Flyzik, Robert Jalbert, Jacqueline Norton, Robert Norton, James Roux, Robert Schlegel, and Stephen Ward. We remember the heroic acts of valor that will always distinguish the thousands of men and women who went to work that day, or boarded a plane, or rushed to the aid of strangers whose lives they believed were as vital as their own. Indeed, if 9/11 was a snapshot of horror, it also became a portrait of consummate humanity. If it laid bare the unimaginable cruelties of which humankind is capable, it also imbued forever within our minds the heights to which the human spirit can rise—even and especially in the face of mortality.

And nowhere was that more evident than with the first responders who, in the face of unspeakable adversity and peril, heroically ran toward the very dangers others were desperately trying to escape, placing their lives in harm's way in the most courageous and valiant of endeavors to save others without regard for their own safety. Their service and sacrifice are also a vivid reminder of the exceptional men and women who have donned our country's uniform to safeguard and defend our Nation. Whether on our shores or soil here at home or around the globe, their steadfast sense of duty and love of country are an inspiration to us all, their commitment fortifies our determination, and their professionalism steadies our hands in an uncertain world.

I will always remember here in Maine, firefighters from throughout the State rushed to aid in the rescue and recovery efforts, the Portland Symphony Orchestra gave an inspiring "Concert of Remembrance and Healing," dedicated to those with close ties to Maine who lost their lives, and the 554 employees of a pulp and paper mill in Baileyville who donated more than \$6,000 to help people whom the workers had never met, in places many of them

had never visited. One employee contributed his entire \$600 tax-relief refund to the cause, saying it was the least he could do to help. That is the America our enemies could never understand—and never will.

How clear it is then that, out of the rubble rose our resolve, out of despair grew our determination, and out of the hate that was perpetrated upon us proudly stood our humanity. It was an unmistakable message to the world that we would never be deterred—that our freedoms could never be crushed by the blunt and tortuous instruments of terror that are no match against a resilient people certain in the knowledge that good ultimately triumphs over evil.

TRIBUTE TO CONNIE VEILLETTE

Mr. LUGAR. Madam President, I ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 5, 2010.

Hon. RICHARD G. LUGAR,
U.S. Senator,
Washington, DC.

DEAR SENATOR LUGAR: On behalf of the Modernizing Foreign Assistance Network, a broad and diverse coalition of international development and foreign policy practitioners, policy experts, and private-sector organizations committed to strengthening development as a key component of U.S. foreign policy, we are writing to express our sincere appreciation for the exceptional work of Ms. Connie Veillette, Senior Professional Staff Member for the Senate Committee on Foreign Relations, as she prepares for retirement.

Connie has truly been a pleasure to work with on a variety of issues that are vital to the global development agenda—from comprehensive foreign assistance reform, to global food security and agricultural development, to funding of key U.S. government programs that contribute to the success of our nation's development efforts abroad. We would like to especially recognize her tireless efforts on S. 1524, the Kerry-Lugar Foreign Assistance Revitalization and Accountability Act, and S. 384, the Lugar-Casey Global Food Security Act—both of which were successfully passed out of committee this Congress.

She has consistently kept an “open door” to our network's members and staff, providing valuable insight, guidance, and support on policy matters of critical importance to making U.S. development activities more effective and efficient. In more ways than one, she is a reflection of your longstanding and continuing leadership on these issues, and we are grateful for your collective elevation of development as a pillar of our foreign policy approach.

While we are saddened to see her leave the Committee, we know that the development community will always have a friend and champion in Connie, wherever she may be.

We respectfully request that this letter be entered into the Congressional Record as deserving recognition of Connie's service to

you, the United States Senate, and our country.

With warm regards,
DAVID BECKMANN,
MFAN Co-Chair,
President, Bread for the World.
GEORGE INGRAM,
MFAN Co-Chair, Vice President,
Academy for Educational Development.

REAL AND WANTED CHANGE

Mr. BUNNING. Madam President, during the August recess, I am sure we all have met with people who expressed frustration with how things are going in Washington. Very recently, a poem, written by Norman Klopp of Cleveland, OH, was given to me. I think it represents what many people across the country are feeling about their government. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE REASON

(By Norm Klopp, Sept. 10, 2010)

There's a rising in our nation
It is sensed both far and wide
It's a movement based on common sense
And deep and personal pride.

In cities, town and villages
As families faced what's real
They make the tough decisions
To make family finance heal.

They cut back here and cut back there.
They do things they never tried
To balance personal family books.
It's common sense and pride.

And is it any wonder
As they struggle to do right
That they're appalled at Washington
With no discipline in sight.

There is a rising in our nation
And the reason's very clear
There's a discontent with Washington
That's fed people's fear.

And politicians wonder
Why we don't understand
They know what's best for all of us
Across this mighty land.

But we still have our common sense
We know it is true fact
You cannot spend and grow the debt
With no thought to pay it back.

Nor will the people silent stand
As politicians threaten
To shove the country further left
And magnify the debt.

The people don't want all that help
So politicians stand aside
We have and will take care ourselves
It is our personal pride

And rest assured incumbents all
There's a rising in the land
And real and wanted change will come
Our future is at hand!

TRIBUTE TO KRISTAPS J. KEGGI, M.D.

Mr. BARRASSO. Madam President, today I share with the Senate a remarkable story, a story about a man, who, simply by living and cherishing his American dream, inspired hun-

dreds—if not thousands—to pursue their own.

Dr. Kristaps J. Keggi came to New York in 1949 with his parents and three brothers. They were all refugees fleeing a Communist regime controlling their native Latvia. Dr. Keggi's father, a general surgeon, courageously packed up his family and left for Germany when Kris was only 10 years old. Five years later, sponsored by a church in Brooklyn, NY, the family arrived in the United States—with only one dollar between them all.

Dr. Keggi, then 15, almost immediately started work as an usher at Brooklyn's St. George Hotel. After working and completing high school at the Brunswick School in Greenwich, CT, Dr. Keggi attended Yale College. As an undergrad, Dr. Keggi joined the Yale fencing team. It is no surprise that he was named team captain! Hard work, dedication, and a commitment to excellence earned Dr. Keggi his bachelor's degree in 1955—and a coveted slot in the Yale School of Medicine's class of 1959.

After graduating from Yale Medical School, Dr. Kristaps Keggi spent 2 years completing a general surgery residency at Roosevelt Hospital in New York City. He then went on to finish his orthopaedic training at Yale. A few years earlier, in 1957, Dr. Keggi accepted his commission as a second lieutenant in the Army Reserve. After completing his residency training in 1964, Dr. Keggi served on active duty for 2 years—one of them in Vietnam. He was the chief of orthopaedic surgery with the 3rd Surgical Hospital north of Saigon and on the Cambodian border of the Central Highlands. The facility was a mobile Army surgical hospital—more commonly known as a helicopter transport “MASH” unit.

During his service in Vietnam, Dr. Keggi expanded his acute surgical and trauma management skills. He also worked closely with Army corpsmen and helicopter personnel to improve the care and outcomes for injured soldiers. I applaud and admire not only his service to a very grateful nation, but also the care, compassion, and devotion he showed each and every American soldier he treated—men who endured the unimaginable, bled, and paid the ultimate price to keep us safe and free. Our country is a better place because of him.

After completing his Vietnam service, Dr. Keggi returned to Yale in 1966 as an assistant professor. He worked, primarily, in orthopaedic trauma surgery and emergency care. Dr. Keggi immediately saw the need to create staged medical care and advanced trauma management systems. This way, the hospital could provide improved acute medical services to injured patients in New Haven—and all across the country. Dr. Keggi soon obtained a \$20,000 grant to develop a trauma program at Yale. His subsequent studies

on trauma registries, emergency care of trauma patients, and published scholarly works proved groundbreaking. It was not long before the Robert Wood Johnson Foundation awarded Dr. Keggi another major institutional grant to construct the Surgical Research Building at Yale. The Robert Wood Johnson Foundation dollars also helped start the Yale University School of Medicine Physician Associate Program. Over time, the Yale physicians assistant program grew to be one of the very best in the country. Today approximately 900 physician assistants have received their degrees from Yale. This achievement is, without a doubt, thanks, in part, to Dr. Keggi's vision and relentless commitment to help change the field of medicine for the better.

A turning point came in 1986 when Dr. Keggi decided to take a trip to Moscow and watch his daughter Mara row for the United States of America at the first Goodwill games. It was at the games where Dr. Keggi met a group of Latvian surgeons who encouraged him to visit his place of birth—Riga. He agreed. That trip convinced Dr. Keggi it was time to start an exchange program dedicated to orthopaedic teaching and research.

In 1988, Dr. Keggi established the non-profit Keggi Orthopaedic Foundation which funds medical exchange fellowship training programs for orthopaedic surgeons in the United States, Russia, the Baltic nations, and Vietnam. Foreign doctors come to the United States to observe state-of-the-art medical procedures conducted in Dr. Keggi's Waterbury facility. Upon returning to their home countries, those doctors can implement proven techniques in their own practices—helping alleviate patient pain and suffering. That is Dr. Keggi's vision: helping the orthopaedic community worldwide to offer the highest quality patient care. Each and every day he lives out the foundation's mission to be a dedicated, professional, caring, and compassionate team player seeking only to improve patient quality of life. It is clear these young, foreign doctors appreciate Dr. Keggi's wisdom and experience. He is a seasoned teacher who wants his students' careers to shine—but not for their own personal glory. Instead, his goal is to show the world that each of his students can and will perform at exceptional levels—delivering the very best medical care possible. That is his legacy.

Dr. Keggi has made, and will continue to make, an indelible mark on our profession. His ambition helps him to achieve his own goals and dreams—at the same time his example encourages other medical professionals to strive to achieve theirs. In 2008, Dr. Keggi returned to the Yale Medical School faculty as a full time professor. And so, it is only fitting that on Sep-

tember 23, 2010, his beloved alma mater will name him the inaugural Elihu Professor of Orthopaedics and Rehabilitation. Yale University established this professorship through a combination of private donors to pay tribute to Dr. Keggi. The position will serve as the cornerstone of a joint reconstruction program at the Yale School of Medicine—a center of excellence in clinical care, research, medical education, and training. It is important to know that Yale has already announced its intention to rename the professorship in Dr. Keggi's honor when he decides to leave the teaching post.

Dr. Keggi's medical and managerial skills have been tested time and time again—from prestigious hospitals to the battlefields of Vietnam. His life's work has brought hope and healing to the physically and emotionally broken. But it is because of his strong family values and devotion to community service that this award is so meaningful to Dr. Keggi. The award shows him exactly how grateful, how proud, and how honored the New Haven community is for his leadership. I am sure Dr. Keggi would tell you that much of his life's success is due, in large part, to the strength of his family. He was blessed to have the love and support of his parents. It was also Dr. Keggi's good fortune that his wife Julia accepted his proposal for marriage. Over the years, Julia has been Dr. Keggi's rock. He regularly says he would not have accomplished his goals without Julia and their three beautiful and talented daughters—Caroline, Catherine, and Mara—by his side.

I am eternally grateful and proud to call Dr. Kristaps Keggi my friend. He is a respected mentor and adviser. I did my orthopaedic training under Dr. Keggi's watchful eye—assisting him in close to 100 operations. It was my great privilege and incredible fortune to work side-by-side with the man who pioneered the anterior approach to total hip replacements. As an internationally renowned expert in hip and knee replacement surgery, it is quite fitting that the Yale School of Medicine has named him the Elihu Professor of Orthopaedics and Rehabilitation. I ask that my colleagues join me in sending our warmest congratulations to Dr. Keggi and his family for this well-deserved honor.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF THE PENDLETON ROUND-UP

• Mr. MERKLEY. Madam President, today I honor the centennial of the Pendleton Round-Up. Throughout its history, the Pendleton Round-Up has been a spectacular celebration of Oregon's Western heritage.

The rodeo has been a world-class event since its inception in 1910. The

inaugural Round-Up drew 7,000 spectators to a town of only 4,500. Over time, crowds have ballooned to 50,000, and while cowboys and broncos still take center stage, a host of other activities engage families at the 4-day event.

To the people of Oregon, the Pendleton Round-Up reflects our great sense of civic pride, love of the outdoors and appreciation of our State's history. I have experienced firsthand the excitement the event brings to Pendleton, and the attention the town brings not only to the competition, but to honoring Oregon's Native American past.

A 100-year anniversary is a considerable achievement, and yet the Pendleton Round-Up shows no signs of aging. It remains one of the largest rodeos in the world and its success is a major boon to Oregon's economy.

The Pendleton Round-Up is truly unique, and its storied history has woven itself into the fabric of eastern Oregon. I wish the Round-Up and the entire town of Pendleton a happy centennial and continued success for years to come.

Let'er Buck!•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3772. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3773. A bill to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7057. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prohydrojasmon, propyl-3-oxo-2-pentylcyclo-pentylacetate; Temporary Exemption from the Requirement of a Tolerance" (FRL No. 8839-4) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7058. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "N-alkyl (C8-C18) Primary Amines and Acetate Salts; Exemption from the Requirement of a Tolerance" (FRL No. 8836-4) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7059. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diethylene Glycol (DEG); Exemption from the Requirement of a Tolerance" (FRL No. 8838-4) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7060. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-(2'-hydroxy-3', 5'-di-tert-amylophenyl) benzotriazole and Phenol, 2-(2H-benzotriazole-2-yl)-6-dodecyl-4-methyl; Exemption from the Requirement of a Tolerance" (FRL No. 8836-3) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7061. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-propenoic acid, 2-methyl, C12-16-alkyl esters . . . ; Tolerance Exemptions" (FRL No. 8837-5) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7062. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acetic Acid Ethenyl Ester, Polymer with Oxirane; Tolerance Exemption" (FRL No. 8841-2) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7063. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Apricots Grown in Designated Counties in Washington; Increased Assessment Rate" (Docket No. AMS-FV-10-0050; FV10-922-1 FR) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7064. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cotton Program Changes for Upland Cotton, Adjusted World Price, and Active Shipping Orders" (RIN0560-AH81) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7065. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Stonefruit Crop Insurance Provisions" (RIN0563-AC21) received during adjournment of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7066. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Operation, in the Ordinary Course, of a Commodity Broker in Bankruptcy" ((17 CFR Part 190)(RIN3038-AC90)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7067. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cold Treatment Regulations" (Docket No. APHIS-2006-0050) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7068. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Guarantees for Bonds and Notes Issued for Electrification or Telephone Purposes" ((7 CFR Part 1720)(RIN0572-ZA06)) received during adjournment of the Senate in the Office of the President of the Senate on August 9, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7069. A communication from the Administrator, Agricultural Research Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "General Administrative Policy for Non-Assistance Cooperative Agreements" ((7 CFR Part 550)(RIN0518-AA03)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7070. A communication from the Budget Coordinator, Office of Research, Education, and Economics, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "United States Department of Agriculture Research Misconduct Regulations for Extramural Research" ((7 CFR Part 3022) (RIN0524-AA34)) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7071. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the first quarter report for calendar year 2010 of the Joint Improvised Explosive Device Defeat Organization; to the Committee on Armed Services.

EC-7072. A communication from the Director of Defense Procurement and Acquisition

Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Additional Requirements Applicable to Multiyear Contracts" (DFARS Case 2008-D023) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Armed Services.

EC-7073. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Acquisition Strategies to Ensure Competition throughout the Life Cycle of Major Defense Acquisition Programs" (DFARS Case 2009-D014) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Armed Services.

EC-7074. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Management of Unpriced Change Orders" (DFARS Case 2008-D034) received during adjournment of the Senate in the Office of the President of the Senate on August 9, 2010; to the Committee on Armed Services.

EC-7075. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Transportation" (DFARS Case 2003-D028) received during adjournment of the Senate in the Office of the President of the Senate on August 18, 2010; to the Committee on Armed Services.

EC-7076. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items" (DFARS Case 2008-D011) received during adjournment of the Senate in the Office of the President of the Senate on August 18, 2010; to the Committee on Armed Services.

EC-7077. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Guidance on Personal Services" (DFARS Case 2009-D028) received during adjournment of the Senate in the Office of the President of the Senate on August 25, 2010; to the Committee on Armed Services.

EC-7078. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Payment of Costs Prior to Definition—Definition of Contract Action" (DFARS Case 2009-D035) received during adjournment of the Senate in the Office of the President of the Senate on August 25, 2010; to the Committee on Armed Services.

EC-7079. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Government Rights in the Design of Department of Defense Vessels" (DFARS Case 2008-D039) received during adjournment of the Senate in the Office of the

President of the Senate on August 25, 2010; to the Committee on Armed Services.

EC-7080. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE; Diabetic Education" (RIN0720-AB32) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Armed Services.

EC-7081. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE; Elimination of Voluntary Disenrollment Lock-Out" (RIN0720-AB35) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Armed Services.

EC-7082. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2007; Improvements to Descriptions of Cancer Screening for Women" (RIN0720-AB20) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Armed Services.

EC-7083. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE; Rare Diseases Definition" (RIN0720-AB26) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Armed Services.

EC-7084. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Retired Reserve for Members of the Retired Reserve" (RIN0720-AB39) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Armed Services.

EC-7085. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Keith W. Dayton, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-7086. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Kevin P. Chilton, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-7087. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to the procurement of twenty-one (21) new Mi-17 variant multi-purpose transport helicopters, initial spares and tool kits; to the Committee on Armed Services.

EC-7088. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, four Selected Acquisition Reports (SARs) for the quarter ending June 30, 2010; to the Committee on Armed Services.

EC-7089. A communication from the Under Secretary of Defense (Acquisition, Tech-

nology and Logistics), transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the Chemical Demilitarization-Assembled Chemical Weapons Alternative (ACWA) Program exceeding the Acquisition Program Baseline values by more than 15 percent; to the Committee on Armed Services.

EC-7090. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the Excalibur program exceeding the Acquisition Program Baseline values; to the Committee on Armed Services.

EC-7091. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the annual Developing Countries Combined Exercise Program report of expenditures for Fiscal Year 2009; to the Committee on Armed Services.

EC-7092. A communication from the President of the United States, transmitting, pursuant to law, the report of an Executive Order that expands the scope of Executive Order 13466, originally declared on June 26, 2008, with respect to North Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-7093. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-7094. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC-7095. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13396 with respect to Cote d'Ivoire Sanctions; to the Committee on Banking, Housing, and Urban Affairs.

EC-7096. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Panama; to the Committee on Banking, Housing, and Urban Affairs.

EC-7097. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-7098. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-7099. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-7100. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-7101. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Kuwait; to the Committee on Banking, Housing, and Urban Affairs.

EC-7102. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC-7103. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC-7104. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC-7105. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to New Zealand; to the Committee on Banking, Housing, and Urban Affairs.

EC-7106. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC-7107. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Registration of Residential Mortgage Loan Originators" (Docket No. R-1357) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7108. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Facilitating Shareholder Director Nominations" (RIN3235-AK27) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7109. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (44 CFR Part 64) (Docket No. FEMA-2010-0003) (Internal Docket No. FEMA-8141) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7110. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (44 CFR Part 64) (Docket No. FEMA-2010-0003) (Internal Docket No. FEMA-8145) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7111. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Deposit Insurance Regulations; Permanent Increase in

Standard Coverage Amount; Advertisement of Membership; International Banking; Foreign Banks" (RIN3064-AD61) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7112. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Registration of Mortgage Loan Originators" (RIN3064-AD43) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7113. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Chartering and Field of Membership for Federal Credit Unions" (RIN3133-AD65) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7114. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Rule Promulgating the Iranian Financial Sanctions Regulations" (31 CFR Part 561) received during adjournment of the Senate in the Office of the President of the Senate on August 16, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7115. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Guaranteed Single Family Housing Loans" ((7 CFR Part 1980) (RIN0575-AC85)) received during adjournment of the Senate in the Office of the President of the Senate on August 25, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7116. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Temporary Registration of Municipal Advisors" (RIN3235-AK69) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7117. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Supplemental Standards of Ethical Conduct for Employees of the Federal Housing Finance Agency" (RIN2590-AA02 and RIN3209-AA15) received during adjournment of the Senate in the Office of the President of the Senate on August 26, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7118. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "2010-2011 Enterprise Housing Goals; Enterprise Book-entry Procedures" (RIN2590-AA26) received during adjournment of the Senate in the Office of the President of the Senate on September 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7119. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing—Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled

"Prohibition of the Escrowing of Tax Credit Equity" (RIN2502-AI73) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7120. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands" (FERC Docket No. RM10-27-000) received during adjournment of the Senate in the Office of the President of the Senate on August 23, 2010; to the Committee on Energy and Natural Resources.

EC-7121. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the detail boundary for the Black River in Michigan to be added to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-7122. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the Uranium Marketing Annual Report; to the Committee on Energy and Natural Resources.

EC-7123. A communication from the Assistant Secretary of Energy (Energy Efficiency and Renewable Energy), transmitting, pursuant to law, a report relative to the implementation of Energy Conservation Standards Activities; to the Committee on Energy and Natural Resources.

EC-7124. A communication from the Administrator of the Department of Energy, transmitting, pursuant to law, a report entitled "International Energy Outlook 2010 (IEO21010)"; to the Committee on Energy and Natural Resources.

EC-7125. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Georgia: State Implementation Plan Revision; Correction" (FRL No. 9193-5) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Environment and Public Works.

EC-7126. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Adequacy of New Hampshire Municipal Solid Waste Landfill Permit Program" (FRL No. 9193-1) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Environment and Public Works.

EC-7127. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: Kentucky; Approval Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for the Paducah Area" (FRL No. 9193-4) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Environment and Public Works.

EC-7128. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cooperative Agreements and Superfund State Contracts for Superfund Response Actions: Amendments" (FRL No. 9189-1) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Environment and Public Works.

EC-7129. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Transportation Conformity Consultation Requirement" (FRL No. 9189-8) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Environment and Public Works.

EC-7130. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Determination to Approve Alternative Final Cover Request for the Lake County, Montana Landfill" (FRL No. 9149-7) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Environment and Public Works.

EC-7131. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Oil and Hazardous Substance Pollution Contingency Plan National Priorities List: Deletion of the Rogers Road Municipal Landfill Superfund Site" (FRL No. 9188-8) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Environment and Public Works.

EC-7132. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Redesignation of the Coso Junction Planning Area to Attainment; Approval of PM-10 Maintenance Plan for the Coso Junction Planning Area" (FRL No. 9191-1) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC-7133. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ocean Dumping; Guam Ocean Dredged Material Disposal Site Designation" (FRL No. 9197-6) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC-7134. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air

Quality Implementation Plans; Maryland; Withdrawal of Direct Final Rule" (FRL No. 9197-5) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC-7135. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Carbon Monoxide (CO) Limited Maintenance Plan for the Twin Cities Area" (FRL No. 9197-9) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC-7136. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Change of Address for Region 5 State and Local Agencies; Technical Correction" (FRL No. 9198-2) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC-7137. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Baton Rouge 8-Hour Ozone Nonattainment Area; Determination of Attainment of the 8-Hour Ozone Standard" (FRL No. 9197-8) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC-7138. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines" (FRL No. 9190-3) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Environment and Public Works.

EC-7139. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants" (FRL No. 9189-2) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Environment and Public Works.

EC-7140. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Instrument Sensing Lines" (Regulatory Guide 1.151, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on August 9, 2010; to the Committee on Environment and Public Works.

EC-7141. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant

to law, the report of a rule entitled "Design, Construction, and Inspection of Embankment Retention Systems at Fuel Cycle Facilities" (Regulatory Guide 3.13, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on August 9, 2010; to the Committee on Environment and Public Works.

EC-7142. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Containment Structural Integrity Evaluation for Internal Pressure Loadings Above Design-Basis Pressure" (Regulatory Guide 1.216) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Environment and Public Works.

EC-7143. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the efforts of the Radiation Source Protection and Security Task Force; to the Committee on Environment and Public Works.

EC-7144. A communication from the Acting Chief of the Foreign Species Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Listing Three Foreign Bird Species from Latin America and the Caribbean as Endangered Throughout Their Range" (RIN1018-AV76) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC-7145. A communication from the Acting Chief of the Recovery and Delisting Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Threatened Status for Shovelnose Sturgeon under the Similarity of Appearance Provisions of the Endangered Species Act" (RIN1018-AW27) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Environment and Public Works.

EC-7146. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Planned Special Exposure" (Regulatory Guide 8.35, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Environment and Public Works.

EC-7147. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Information Reporting for Payments Made in Settlement of Payment Card and Third Party Network Transactions" (RIN1545-BI51) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Finance.

EC-7148. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Tax Liability" (Rev. Proc. 2010-29) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Finance.

EC-7149. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "LMSB Industry Director Directive on the Planning and Examination of IRC Section 263A Issues in the Auto Dealership Industry No. 2" (LMSB-4-0810-021) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Finance.

EC-7150. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Section 108(i) to Partnerships and S Corporations" (RIN1545-BJ00) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Finance.

EC-7151. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding Deferred Discharge of Indebtedness Income of Corporations and Deferred Original Issue Discount Deductions" (RIN1545-BI97) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Finance.

EC-7152. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Alternative Amortization Schedule for Single-Employer Plans under PRA 2010" (Notice No. 2010-55) received during adjournment of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on Finance.

EC-7153. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Xilinx, Inc. v. Commissioner, 598 F. 3d 1191 (9th Cir. 2010), aff'g 125 T.C. 37 (2005)" (AOD 2010-33) received during adjournment of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on Finance.

EC-7154. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice and Request for Comments Regarding Implementation of New Chapter 4 of the Code" (Notice No. 2010-60) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Finance.

EC-7155. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosures of Return Information Reflected on Returns to Officers and Employees of the Department of Commerce for Certain Statistical Purposes and Related Activities" (RIN1545-BJ47) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Finance.

EC-7156. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Sections 7702 and 7702A to Life Insurance Contracts that Mature after Age 100" (Rev. Proc.

2010-28) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Finance.

EC-7157. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Clarification of Section 6411 Regulations" (RIN1545-BF65) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Finance.

EC-7158. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit or Abatement; Determination of Correct Tax Liability" (Rev. Proc. 2010-30) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Finance.

EC-7159. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Customs Broker License Examination Individual Eligibility Requirements" ((CBP Dec. 10-28)(RIN1651-AA74)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Finance.

EC-7160. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Electronic System for Travel Authorization (ESTA): Travel Promotion Fee and Fee for Use of the System" ((CBP Dec. 10-25)(RIN1651-AA83)) received during adjournment of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on Finance.

EC-7161. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Dominican Republic—Central America—United States Free Trade Agreement" ((CBP Dec. 10-26)(RIN1515-AD60)) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Finance.

EC-7162. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Increase in Tax Rates on Tobacco Products and Cigarette Papers and Tubes . . . and Changes to Basis for Denial, Suspension, or Revocation of Permits" (RIN1513-AB63) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Finance.

EC-7163. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Establishing Additional Medicare Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Supplier Enrollment Safeguards" (RIN0938-AO90) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2010; to the Committee on Finance.

EC-7164. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program and Children's Health Insurance Program (CHIP): Revisions to the Medicaid Eligibility Quality Control and Payment Error Rate Measurement Programs" (RIN0938-AP69) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Finance.

EC-7165. A communication from the Director of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Entitlement and Termination Requirements for Step-children" (RIN0960-AF78) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Finance.

EC-7166. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Administration's 2010 Annual Report on the Supplemental Security Income Program; to the Committee on Finance.

EC-7167. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Evaluation of the Medical Adult Day Services Demonstration"; to the Committee on Finance.

EC-7168. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the activities of the Office of the Medicare Ombudsman; to the Committee on Finance.

EC-7169. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Analysis of the Classification Criteria for Inpatient Rehabilitation Facilities (IRFs)"; to the Committee on Finance.

EC-7170. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-7171. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10-057, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-7172. A communication from the Acting Executive Secretary, Agency for International Development (USAID), (2) two reports relative to vacancies in the Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on August 16, 2010; to the Committee on Foreign Relations.

EC-7173. A communication from the Assistant Secretary of the Department of the Treasury, transmitting, pursuant to law, a report relative to Executive Order 11269 and International Monetary and Financial Policies; to the Committee on Foreign Relations.

EC-7174. A communication from the Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Annual Report for 2009; to the Committee on Foreign Relations.

EC-7175. A communication from the Assistant Secretary, Bureau of Legislative Affairs,

Department of State, transmitting, pursuant to the Arms Export Control Act, a certification regarding the proposed transfer of major defense equipment to Australia with an original acquisition value of more than \$100,000,000; to the Committee on Foreign Relations.

EC-7176. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Taiwan for the Hughes Air Defense Radar and Air Defense System (HADAR) in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7177. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to both a combined technical assistance agreement and manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Taiwan for the GD-53 Multimode Radar on Taiwan's Indigenous Defense Fighter (IDF) Aircraft in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7178. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the elimination of a Danger Pay Allowance for Cote d'Ivoire based on improved conditions; to the Committee on Foreign Relations.

EC-7179. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates" ((22 CFR Part 22)(RIN1400-AC58)) received during adjournment of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on Foreign Relations.

EC-7180. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the extent and disposition of United States contributions to international organizations; to the Committee on Foreign Relations.

EC-7181. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to two (2) agreements to which the American Institute in Taiwan is a party; to the Committee on Foreign Relations.

EC-7182. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0103—2010-0112); to the Committee on Foreign Relations.

EC-7183. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0113—2010-0122); to the Committee on Foreign Relations.

EC-7184. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other

than treaties (List 2010-0123–2010-0134); to the Committee on Foreign Relations.

EC-7185. A communication from the Director of Legislative and Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Benefits Payable in Terminated Single-Employer Plans” (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7186. A communication from the Deputy Director of Policy and External Affairs, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits” (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on September 1, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7187. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled “National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—Center on Employment Policy and Measurement” (CFDA No. 84.133B-4) received during adjournment of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7188. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Revisions to the Requirements Applicable to Blood, Blood Components and Source Plasma” (Docket No. FDA-2007N-02664) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7189. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Public Affairs in the Department of Health and Human Services, received during adjournment of the Senate in the Office of the President of the Senate on September 1, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7190. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Blockson Chemical Company, Joliet, Illinois, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-7191. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration’s report “Delays in Approvals of Applications Related to Citizen Petitions and Petitions for Stay of Agency Action for Fiscal Year 2009”; to the Committee on Health, Education, Labor, and Pensions.

EC-7192. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled “Fiscal Year 2009 Performance Report to

Congress for the Medical Device User Fee Amendments of 2007”; to the Committee on Health, Education, Labor, and Pensions.

EC-7193. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Fiscal Year 2010–2015 Strategic Plan for the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

EC-7194. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Definition of Cost or Pricing Data” (RIN9000-AK74) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7195. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; American Recovery and Reinvestment Act of 2009 (the Recovery Act)—Buy American Requirements for Construction Material” (RIN9000-AL22) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7196. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Federal Acquisition Circular 2005-45; Small Entity Compliance Guide” (FAC 2005-45) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7197. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Federal Acquisition Circular 2005-45; Introduction” (FAC 2005-45) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7198. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Inflation Adjustment of Acquisition-Related Thresholds” (RIN9000-AL51) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7199. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Prevailing Rate Systems; Appendix D to Subpart B of Part 532 — Nonappropriated Fund Wage and Survey Areas” (RIN3206-AM09) received during adjournment of the Senate in the Office of the President of the Senate on August 18,

2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7200. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report relative to the activities performed by the agency that are not inherently governmental functions; to the Committee on Homeland Security and Governmental Affairs.

EC-7201. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Technical Corrections to Customs and Border Protection Regulations” (CBP Dec. 10–29) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7202. A communication from the Administrator of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a report entitled “Fiscal Year 2009 Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002”; to the Committee on Homeland Security and Governmental Affairs.

EC-7203. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–491 “Residential Parking Protection Pilot Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7204. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–492 “Assistive Technology Device Warranty Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7205. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–493 “Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7206. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–494 “Mamie “Peanut” Johnson Field Designation Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7207. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–495 “Duke Ellington Park Designation Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7208. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–496 “Bishop William F. Hart, Jr. Way Designation Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7209. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–497 “Ward 5 Neighborhood Investment Fund Boundary Expansion Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7210. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 18—498 “Closing of Public Streets and a Public Alley, and the Dedication and Designation of Land for Street Purposes, in Squares 3765, 3767, 3768 and 3769, S.O. 09—11837, Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7211. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—499 “PeterBug Matthews Way Designation Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7212. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—500 “Dorothy Irene Height Memorial Library Designation Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7213. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—501 “Frank Kameny Way Designation Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7214. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—502 “Summer Pool Safety Temporary Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7215. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—523 “Health Insurance for Dependents Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7216. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—524 “Approval of the Transfer of Control of Starpower Communications, LLC, and its Cable Franchise and Cable System to Yankee Cable Acquisition, LLC Temporary Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7217. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—525 “Not-for-Profit Hospital Corporation Establishment Temporary Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7218. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—526 “Gun Offender Registration Temporary Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7219. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—527 “Wastewater System Regulation Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7220. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18—533 “Redevelopment of the Center Leg Freeway (Interstate 395) Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7221. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 18—534 “Transportation Infrastructure Temporary Amendment Act of 2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7222. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, a report relative to the vacancy in the position of Director of National Intelligence, received during adjournment of the Senate in the Office of the President of the Senate on August 12, 2010; to the Select Committee on Intelligence.

REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of August 5, 2010, the following reports of Committees were submitted on September 2, 2010:

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 3765. An original bill to amend title 38, United States Code, to improve Servicemembers' Group Life Insurance and Veterans' Group Life Insurance and to modify the provision of compensation and pension to surviving spouses of veterans in months of the deaths of the veterans, and for other purposes (Rept. No. 111—282).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 3073. A bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes (Rept. No. 111—283).

S. 3539. A bill to amend the Federal Water Pollution Control Act to establish a grant program to assist in the restoration of San Francisco Bay (Rept. No. 111—284).

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 3234. A bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes (Rept. No. 111—285).

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 3325. A bill to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, and for other purposes (Rept. No. 111—286).

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 3486. A bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes (Rept. No. 111—287).

S. 3609. A bill to extend the temporary authority for performance of medical disability examinations by contract physicians for the Department of Veterans Affairs (Rept. No. 111—288).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3084. A bill to increase the competitiveness of United States businesses, particularly small- and medium-sized manufacturing firms, in interstate and global commerce, foster job creation in the United States, and assist United States businesses in developing or expanding commercial activities in interstate and global commerce by expanding the ambit of the Hollings Manufacturing Extension Partnership program and the Technology Innovation Program to include projects that have potential for commercial exploitation in nondomestic markets, providing for an increase in related resources of the Department of Commerce, and for other purposes (Rept. No. 111—289).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

On September 2, 2010, under the authority of the order of the Senate of August 5, 2010, the following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 3765. An original bill to amend title 38, United States Code, to improve Servicemembers' Group Life Insurance and Veterans' Group Life Insurance and to modify the provision of compensation and pension to surviving spouses of veterans in months of the death of the veterans, and for other purposes; from the Committee on Veterans' Affairs; placed on the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 3766. A bill to amend the Public Health Service Act to provide for human stem cell research, including human embryonic stem cell research, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. 3767. A bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 3768. A bill to eliminate certain provisions relating to Texas and the Education Jobs Fund; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 3769. A bill to amend the Elementary and Secondary Education Act of 1965 to promote family and community engagement in school improvement; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 3770. A bill to amend the Elementary and Secondary Education Act of 1965 to improve elementary and secondary education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 3771. A bill to amend the Elementary and Secondary Education Act of 1965 to provide competitive grants for creating and implementing innovative assessments; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mrs. BOXER, Ms. CANTWELL, Mr. DODD, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. HARKIN, Ms. KLOBUCHAR, Ms. LANDRIEU, Mrs. MCCASKILL, Ms. MIKULSKI, Mrs. MURRAY, Mrs. SHAHEEN, and Ms. STABENOW):

S. 3772. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; read the first time.

By Mr. MCCONNELL (for himself, Mr. GRASSLEY, Mr. KYL, Mr. MCCAIN, Mr. COCHRAN, Mr. GRAHAM, Mr. ROBERTS, Mr. CORNYN, Mr. INHOFE, Mr. ENSIGN, Mr. ISAKSON, Mr. BROWNBACK, Mr. ENZI, Mr. CRAPO, Mr. BURR, Mr. VITTER, Mr. WICKER, Mr. CHAMBLISS, Mr. BOND, Mrs. HUTCHISON, and Mr. HATCH):

S. 3773. A bill to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes; read the first time.

ADDITIONAL COSPONSORS

S. 362

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 362, a bill to amend title 38, United States Code, to improve the collective bargaining rights and procedures for review of adverse actions of certain employees of the Department of Veterans Affairs, and for other purposes.

S. 510

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. KAUFMAN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. 515

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 515, a bill to amend title 35, United States Code, to provide for patent reform.

S. 850

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 984, a bill to amend the Public

Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1235

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1235, a bill to amend the Public Health Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1348

At the request of Mr. CHAMBLISS, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1348, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 1501

At the request of Mrs. MURRAY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1501, a bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1617

At the request of Mr. BROWN of Ohio, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1617, a bill to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, and for other purposes.

S. 1703

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1703, a bill to amend the Act of June 18, 1934, to reaffirm the au-

thority of the Secretary of the Interior to take land into trust for Indian tribes.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 2827

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2827, a bill to amend the Internal Revenue Code of 1986 to expand the military housing allowance exclusion for purposes of determining area gross income in determining whether a residential rental property for purposes of the exempt facility bond rules.

S. 2882

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2882, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes.

S. 2888

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2888, a bill to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section.

S. 2925

At the request of Mr. WYDEN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2925, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3257

At the request of Mr. ENZI, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 3257, a bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses.

S. 3320

At the request of Mr. WHITEHOUSE, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Iowa (Mr. GRASSLEY) were

added as cosponsors of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3328

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3328, a bill to examine and improve the child welfare workforce, and for other purposes.

S. 3339

At the request of Mr. KERRY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Vermont (Mr. SANDERS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3345

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3345, a bill to amend title 46, United States Code, to remove the cap on punitive damages established by the Supreme Court in *Exxon Shipping Company v. Baker*.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3409

At the request of Mr. THUNE, his name was added as a cosponsor of S. 3409, a bill to make certain adjustments to the price analysis of propane prepared by the Secretary of Commerce.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3437

At the request of Mrs. LINCOLN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3437, a bill to amend the Child Abuse Prevention and Treatment Act to establish grant programs for the development and implementation of model undergraduate and graduate curricula on child abuse and neglect at institutions of higher education throughout the United States and to assist States in developing forensic interview training programs, to establish regional training centers and other resources for State and local child protection professionals, and for other purposes.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from Maine (Ms.

SNOWE), the Senator from Oregon (Mr. MERKLEY), the Senator from Montana (Mr. TESTER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Missouri (Mrs. McCASKILL) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3466

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3474

At the request of Mr. FEINGOLD, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 3474, a bill to provide an optional fast-track procedure the President may use when submitting re-cession requests, and for other purposes.

S. 3479

At the request of Mrs. HAGAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3479, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 3560

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3560, a bill to instruct the Secretary of State to designate the Pakistani Taliban as a foreign terrorist organization.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Delaware (Mr. KAUFMAN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3578

At the request of Mr. JOHANNIS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3578, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. 3621

At the request of Mr. JOHNSON, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Iowa (Mr. GRASSLEY) were added as cospon-

sors of S. 3621, a bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs.

S. 3653

At the request of Mr. CORNYN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3653, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 3719

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3719, a bill to establish a grant program for first responder agencies that experience an extraordinary financial burden resulting from the deployment of employees.

S. 3744

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3744, a bill to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes.

S. 3751

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 3751, a bill to amend the Stem Cell Therapeutic and Research Act of 2005.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 586

At the request of Mr. FEINGOLD, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

AMENDMENT NO. 4596

At the request of Mr. JOHANNIS, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), the Senator from South Dakota (Mr. THUNE) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 4596 proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 3766. A bill to amend the Public Health Service Act to provide for human stem cell research, including human embryonic stem cell research, and for other purposes, to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Stem Cell Research Advancement Act of 2010 on behalf of Senator BOXER, Senator FEINSTEIN, and myself.

Some 21 days ago, in the United States District Court for the District of Columbia, in an opinion by Chief Judge Lamberth, the expenditures made by the National Institutes of Health for embryonic stem cell research under an Executive order issued by President Obama on March 9, 2009, was overturned under a declaration that the Executive order violated the Dickey-Wicker amendment enacted by Congress.

Even though on its face it is pretty clear-cut that the embryonic stem cell research was not precluded by that amendment, that has had the effect of tying up very important ongoing research. For example, some \$546 million has already been spent on human embryonic stem cell research and some very noteworthy progress has been made. For example, the Food and Drug Administration has approved a clinical trial for patients with spinal cord injury, and human embryonic stem cell research has been successfully used to develop new therapeutic drugs for a number of diseases including amyotrophic lateral sclerosis and muscular dystrophy, and those are just a couple of the illustrations.

The Court of Appeals for the District of Columbia has stayed the lower

court's order until September 20, but there is very substantial doubt as to what the future will be. Meanwhile, although the district court order has been stayed, there is great uncertainty in the research community as to what will happen. This research is vital for moving against the maladies of our society.

The background on this issue is that in November of 1998, the disclosure was made about the potential for embryonic stem cell research. At the time I chaired the appropriations subcommittee which funded Health and Human Services. It seemed to me that was a tremendous opportunity and I scheduled a hearing within a few days, held on December 2 of 1998. Since that time, there have been some 20 hearings.

As we all know, the funding for the National Institutes of Health has had a tremendous increase. When I joined the committee after my election in 1980, the funding was \$3.6 billion. When I became chairman of the committee in the mid-1990s, the funding was \$12 billion. With the concurrence of the then-ranking member, Senator HARKIN, we took the lead in increasing funding from some \$12 billion to \$30 billion. Regrettably, with budget constraints, the funding did not keep pace, starting in the year 2003. But in the stimulus package there was an additional \$10 billion added which has reawakened a whole generation of research scientists, with that \$10 billion providing funding for some 15,000 grants.

The results for health have been really overwhelming. Here are a few illustrations. In the 1950s, cardiovascular disease caused half of the United States deaths. Today, the rate for coronary heart disease is more than 60 percent lower. Over the past 25 years, the 5-year survival rate for prostate cancer has increased from 69 percent to almost 99 percent for diagnosed patients. For childhood cancers, the 5-year survival rate has improved markedly over the past 3 decades, from less than 50 percent before the 1970s to 80 percent today. Those are only illustrative statistics. The opportunities for embryonic stem cell research are overwhelming.

The Specter-Harkin bill was passed by the Senate in 2006 by a vote of 63 to 37, a very healthy margin for an issue which has raised some controversy. The House of Representatives passed the legislation but regrettably President Bush vetoed it in 2006, and the effort to override the veto in the House failed. There was a vote of 235 to 193, short of the two-thirds necessary to override the veto. But that shows enormous Congressional support.

Then President Obama issued the Executive order that Federal funds could be used on embryonic stem cell research on lines where the embryo had been donated. This is in line with the policy adopted by President Bush in

August of 2001, when he allowed the use of quite a number of stem cell lines where the embryos had been donated. Later it was found there were only 21 lines, and those were insufficient, which has led to the effort for legislation and then led to President Obama's Executive order. The fact is, there are some 400,000 of these embryos which are frozen and which will ultimately be discarded. So it is use them for medical research to save lives or throw them away. Some have contended that we are destroying lives but the reality is they will not be utilized.

In response to the issue as to whether there might be adoption of these embryos, the subcommittee took the lead in appropriating substantial funds, which is more than \$4 million a year, actually \$4.2 million, but relatively few people have come forward for its use on adopting the embryos to turn them into life. If these embryos could be turned into human life I would not under any circumstance advocate scientific research on these embryos—if they could produce life. But they cannot. The facts are plain. The adoption line has been in effect now since 2002. Only a few hundred have been adopted. President Bush invited the “snowflake” children to the White House during his tenure, about 150 of them.

Now we have a situation where the court has intervened, even though more than a year and a half had elapsed since President Obama issued the Executive order, a clear indication of congressional intent not to deal with it or not to overturn it. I think it is a fair legal analysis that the order issued by the district court is not a sound order. Some indication of that is found in the fact that the circuit court stayed the order—not conclusive, but when they stay an order it looks as though they are not favorably inclined toward it. But who knows what the circuit court will do? Who knows what the Supreme Court of the United States, with their ideological bent, would do? This has become a theological issue in part, very emotional, with people arguing that it is akin to abortion. Of course it is nowhere near that kind.

It seems to me Congress ought to act. That is why on the first order of business after we convened here this afternoon, our first day back and our first hour in the Senate session, I am introducing this legislation. I have discussed it with sponsors on the House side and I think we are in a position to move rapidly. Certainly the previous vote of 63 to 37 in 2006 shows substantial support in this body, and the 235-to-193 vote to override President Bush's veto shows the same in the House of Representatives. I hope my colleagues will join me in this effort so this important scientific research may be continued.

I ask unanimous consent that the full text of my printed statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE STEM CELL RESEARCH ADVANCEMENT ACT

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the "Stem Cell Research Advancement Act" to codify the provisions set out in President Obama's executive order on embryonic stem cell research.

I believe medical research should be pursued with all possible haste to cure the diseases and maladies affecting Americans. As former Chairman and Ranking Member of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I backed up this belief by supporting increases in funding for the National Institutes of Health. When I came to the Senate in 1981, NIH spending totaled \$3.6 billion. In fiscal year 2010, NIH will receive approximately \$31 billion to fund its pursuit of lifesaving research. Regrettably, increases in Federal funding for NIH have steadily declined since 2003. The \$10 billion for the National Institutes of Health that was included in the stimulus package provided an immediate infusion of new research dollars for medical research to make up for a portion of what was lost since 2003 and has had tremendous influence on the biomedical research community. The successes realized by this investment in NIH have spawned revolutionary advances in our knowledge and treatment for diseases such as cancer, Alzheimer's disease, Parkinson's disease, mental illnesses, diabetes, osteoporosis, heart disease, ALS, and many others. For example, in the 1950's, cardiovascular disease caused half of U.S. deaths. Today, the death rate for coronary heart disease is more than 60 percent lower. Over the past 25 years, the 5-year survival rate for prostate cancer has increased from 69 percent to almost 99 percent for diagnosed patients. For all childhood cancers combined, 5-year relative survival has improved markedly over the past 30 years, from less than 50 percent before the 1970s to 80 percent today. It is clear to me that Congress's commitment to the NIH is paying off. This is the time to seize the scientific opportunities that lie before us and to ensure that all avenues of research toward cures—including stem cell research—remain open for investigation.

I first learned of the potential of human embryonic stem cells in November of 1998 upon the announcement of the work by Dr. Jamie Thomson at the University of Wisconsin and Dr. John Gearhart at Johns Hopkins University. I took an immediate interest and held the first congressional hearing on the subject of stem cells less than one month later on December 2, 1998. These cells are pluripotent, meaning they have the ability to become any type of cell in the human body. The consequences of this unique property of stem cells are far reaching and are key to their potential use in therapies. Scientists and doctors with whom I have spoken—and that have since testified before the Labor-HHS Appropriations Subcommittee at 20 stem cell-related hearings—were excited by this discovery. They believed that these cells could be used to replace damaged or malfunctioning cells in patients with a wide range of diseases. This could lead to cures and treatments for maladies such as juvenile diabetes, Parkinson's disease, Alzheimer's disease, cardiovascular diseases, and spinal cord injury.

Embryonic stem cells are derived from embryos that would otherwise have been discarded. During the course of in vitro fertilization therapies, 4 to 16 embryos are created for a couple having difficulty becoming pregnant. The embryos grow for 5 to 7 days until they contain approximately 100 cells. To maximize the chances of success, several embryos are implanted into the woman. The remaining embryos are frozen for future use. If the woman becomes pregnant after the first implantation, and does not want to have more pregnancies, the remaining frozen embryos are in excess of clinical need and can be donated for research. Embryonic stem cells are derived from these embryos. The stem cells form what are called "lines" and continue to divide indefinitely in a laboratory dish. The stem cells contained in these lines can then be made into almost any type of cell in the body—with the potential to replace cells damaged by disease or accident. At no point in the derivation process are the embryos or the derived cells implanted in a woman, which would be required for them to develop further. The process of deriving stem cell lines results in the disruption of the embryo and I know that this raises some concerns.

More than 400,000 embryos are stored in fertility clinics around the country. If these frozen embryos were going to be used for in vitro fertilization, I would be the first to support it. In fact, I have included funding in the HHS budget each year since 2002 to create and continue an embryo adoption awareness campaign. For fiscal year 2010, this campaign is funded at \$4.2 million. But the truth is that most of these embryos will be discarded, while they hold the key to curing and treating diseases that cause suffering for millions of people.

President Bush opened the door to stem cell research on August 9, 2001. His policy statement allowed limited Federal funding of human embryonic stem cell research for the first time. A key statement by the President related to the existence of approximately 60 eligible stem cell lines—then expanded to 78. In the intervening years, it became apparent that many of the lines cited were not really viable, robust, or available to federally funded researchers. During that time, there were only 21 lines available for research.

On July 18, 2006, the Senate passed H.R. 810, the Stem Cell Research Enhancement Act by a vote of 63 to 37. This was the House companion to S. 471, which I introduced, and would lift the federal date restriction and allow federally-funded scientists to research a greater number of stem cell lines derived from human embryos that have been donated from in vitro fertilization clinics. It also included stronger ethical requirements on stem cell lines eligible for funding including: donor consent, certification that embryos donated are in excess of clinical need, and certification that the embryos would be otherwise discarded. Unfortunately, on July 19, 2006, President Bush vetoed H.R. 810 and the House failed to override the veto by a vote of 235-193, 48 votes short of the two-thirds needed.

On March 19, 2007, Dr. Elias Zerhouni, President Bush's appointee to lead the National Institutes of Health, testified before the Senate Labor, Health and Human Services and Education Appropriations Subcommittee regarding the NIH budget and stem cells. At that time he stated, "It is clear today that American science would be better served and the nation would be better served if we let our scientists have access to

more cell lines. . . To sideline NIH in such an issue of importance, in my view, is shortsighted. I think it wouldn't serve the nation well in the long run."

On March 9, 2009, President Obama issued an executive order removing restrictions on federal research on human embryonic research. On July 7, 2009, NIH issued the National Institutes of Health Guidelines for Research Using Human Stem Cells specifying the requirements that must be met for an embryonic stem cell line to be eligible for use in NIH-funded research. Embryonic stem cell lines must be derived from donated human embryos created using in vitro fertilization for reproductive purposes, but no longer needed for that purpose, and donated with voluntary informed consent. This action and research advancement resulted in 75 stem cell lines available for NIH research.

Regrettably, on August 23, 2010, Chief Judge Lamberth of the Federal District Court for the District of Columbia ruled that such research violates the Dickey-Wicker amendment. Since fiscal year 1996, the Dickey-Wicker amendment has been added to each year's Labor, Health and Human Services and Education appropriations legislation to prohibit the use of federal funds for research that destroys human embryo. This policy precludes the use of federal funding to derive stem cells from embryos, which typically are produced via in vitro fertilization. However, it has always been interpreted as allowing federal funds for research that utilizes human embryonic stem cells as long as no federal funds were used for their derivation.

According to a legal opinion issued by the HHS General Council Harriet Rabb in 1999, federal funding for research performed with embryonic stem cells themselves, which does not itself involve embryos or the extraction of stem cells from embryos, is not proscribed by the Dickey amendment. The opinion states: "Pluripotent stem cells are not organisms and do not have the capacity to develop into an organism that could perform all the life functions of a human being. They are, rather, human cells that have the potential to evolve into different types of cells such as blood cells or insulin producing cells. Pluripotent stem cells do not have the capacity to develop into a human being, even if transferred to a uterus. Based on an analysis of the relevant law and scientific facts, federally funded research that utilizes human pluripotent stem cells would not be prohibited by the HHS appropriations law prohibiting human embryo research, because such stem cells are not human embryos."

In their memorandum in support of dismissing the case before Judge Lamberth, the Department of Justice argued that "Congress has expressly interpreted Dickey-Wicker to permit federal funding for stem cell research that is 'dependent upon' the destruction of human embryos." As part of this argument, they cited a floor statement I gave in 1999, in regard to the NIH's fiscal year 2000 budget. In that statement, I explained that the budget for NIH maintained the Dickey-Wicker amendment by permitting research to go forward now with private funding extracting the stem cells from embryos, and then the federal funding coming in on the stem cells which have been extracted.

Judge Lamberth's ruling has jeopardized NIH grants that are in various stages of research. In response to this court order, the NIH suspended funding new human embryonic stem cell research and all experiments already underway will be cut off when they

come up for renewal. Even a temporary suspension of funding will disrupt the work on these important research projects in the areas of heart disease, sickle cell anemia, liver failure, muscular dystrophy and other maladies. According to the National Institutes of Health, to date, \$546 million has been spent on human embryonic stem cell research and phenomenal progress has already been made in realizing the possible benefits. For example, the Food and Drug Administration has approved a clinical trial for patients with spinal cord injury and human embryonic stem cell research is successfully being used to develop new therapeutic drugs for a number of diseases, including amyotrophic lateral sclerosis and spinal muscular atrophy. The research, some of which has been ongoing since 2002, could be gone forever or take years to recreate.

Though the U.S. Court of Appeals for the D.C. Circuit has granted a stay of Judge Lamberth's temporary injunction while the Obama administration appeals the decision, the uncertainty created by the ruling slows the progress of science. Young scientists rightly void fields of science for which funding may come and go due to political whim rather than scientific and medical merit. A temporary end to the current restrictions is an incomplete and ultimately self-defeating solution.

The Stem Cell Research Advancement Act would codify federal funding of embryonic stem cell research. The bill requires the Secretary of HHS and Director of NIH to maintain guidelines on human stem cell research as set out by President Obama's Executive Order. The NIH must review the guidelines at least every three years and shall update them as scientifically warranted. The bill also establishes eligibility criteria for federal funding of human stem cell research:

The stem cells were derived from human embryos donated from in vitro fertilization clinics, were created for reproductive purposes, and are in excess of clinical need.

The embryos to be donated would never be implanted in a woman and would otherwise be discarded.

The individuals seeking reproductive treatment donated the embryos with written informed consent and without any financial or other inducements.

Importantly, the bill does not allow Federal funds to be used for the derivation of stem cell lines—the step in the process where the embryo is destroyed.

I strongly believe that the funding provided by Congress should be invested in the best research to address diseases based on medical need and scientific opportunity. Politics has no place in the equation. I urge this body to support the Stem Cell Research Advancement Act so that scientists can continue important research without concerns that federal policy on stem cells will change with each new administration.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, first let me salute my colleague from the Commonwealth of Pennsylvania, Mr. SPECTER. He will be leaving the Senate at the end of this year. He has done many things throughout his senatorial career, but I am glad he brought the attention of the Senate this afternoon to his extraordinary effort when it comes to the field of medical research. When the record is written on his service to our country and to the Senate, I think

the list will begin with his commitment to dramatic increases in medical research at the National Institutes of Health.

Senator SPECTER is leaving the floor now, but I can tell you, during the course of his remarks I was reminded of how many times he came to the Appropriations Committee and challenged us to raise more money for medical research. His challenges were met with cooperation on a bipartisan basis in the Senate. I don't know that anyone can even measure how many lives have been saved by that extraordinary investment. But he made that commitment as a Senator and he continues to make it in the field of stem cell research.

The point he makes is irrefutable. If these stem cells are not used for research to find cures for deadly, crippling diseases, they will be discarded—thrown away. It is not a question of whether they will be human lives at some point, human embryos. They are going to be thrown away, discarded because they were not used during the course of efforts of young couples to enlarge their families. I think it is only appropriate that we use these stem cells to save lives, to spare misery and spare suffering, and I certainly agree with Senator SPECTER's conclusion.

By Mr. LEAHY (for himself, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. 3767. A bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the Food Safety Accountability Act with Senators KLOBUCHAR and FRANKEN. This common sense bill will hold criminals who poison our food supply accountable for their crimes. It introduces a new criminal provision and increases the sentences that prosecutors can seek for people who knowingly violate our food safety laws. If it is passed, those who knowingly contaminate our food supply and endanger Americans could receive up to 10 years in jail.

This summer, a salmonella outbreak causing hundreds of people to fall ill triggered a national egg recall. The cause of the outbreak is still under investigation, but salmonella poisoning is all too common and sometimes results from inexcusable knowing conduct. Just last year, a mother from Vermont, Gabrielle Meunier, testified before the Senate Agriculture Committee about her 7-year-old son, Christopher, who became severely ill and was hospitalized for 6 days after he developed salmonella poisoning from peanut crackers. Thankfully, Christopher recovered, and Mrs. Meunier was able to share her story, which highlighted for the Committee and for the Senate improvements that are needed in our

food safety system. No parent should have to go through what Mrs. Meunier experienced. The American people should be confident that the food they buy for their families is safe.

Current statutes do not provide sufficient criminal sanctions for those who knowingly violate our food safety laws. The fines and recalls that usually result from criminal violations under current law fall short in protecting the public from harmful products. Too often, those who are willing to endanger our children in pursuit of profits view such fines or recalls as merely the cost of doing business. Indeed, the company responsible for the eggs at the root of the current salmonella crisis has a long history of environmental, immigration, labor and food safety violations. It is clear that civil and criminal fines are not enough to protect the public and effectively deter this unacceptable conduct. We need to make sure that those who knowingly poison the food supply will go to jail. The bill I introduce today will add a new criminal provision and increase sentences for people who put profits above safety by knowingly contaminating the food supply.

After hearing Mrs. Meunier's account, I called on the Department of Justice to conduct a criminal investigation into the outbreak of salmonella that made Christopher and many others so sick. The outbreak was traced to the Peanut Corporation of America. The president of that company, Stewart Parnell, came before Congress and invoked his right against self-incrimination, refusing to answer questions about his role in distributing contaminated peanut products. These products were linked to the deaths of nine people and have sickened more than 600 others. It appears that Parnell knew that peanut products from his company had tested positive for deadly salmonella, but rather than immediately disposing of the products, he sought ways to sell them anyway. The evidence suggests that he knowingly put profit above the public's safety. Our laws must be strengthened to ensure this does not happen again. This bill significantly increases the chances that those who commit food safety crimes will face jail time, rather than a slap on the wrist, for their criminal conduct.

I hope Senators of both parties will act quickly to pass this bill. On behalf of Mrs. Meunier and her son, Christopher, as well as the hundreds of individuals sickened by this summer's and last year's salmonella outbreaks, we must repair our broken food safety system. The Justice Department must be given the tools it needs to investigate, prosecute, and truly deter crime involving food safety. If Congress acts to pass it, this bill will be an important step toward making our food supply safer.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Safety Accountability Act of 2010".

SEC. 2. CRIMINAL PENALTIES.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1041. Misbranded and adulterated food

"(a) IN GENERAL.—It shall be unlawful for any person to knowingly—

"(1) introduce or deliver for introduction into interstate commerce any food that is adulterated or misbranded; or

"(2) adulterate or misbrand any food in interstate commerce.

"(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 10 years, or both."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1041. Misbranded and adulterated food."

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 3768. A bill to eliminate certain provisions relating to Texas and the Education Jobs Fund; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HUTCHISON. Mr. President, I rise to talk about a bill I introduced today with Senator CORNYN as a cosponsor. It is S. 3768. When Congress passed and the President signed the education jobs fund bill in August, every State in America had the same requirements and every State in America was treated fairly—or equally, anyway—except for one and that State is Texas. That is why Senator CORNYN and I are introducing a bill that would only allow Texas to be equal with every other State in the Federal funding opportunity in this education bill.

The House of Representatives—not the Senate but the House—put in an amendment that singled out Texas in two ways. It said that Texas, unlike every other State in the bill, would have to guarantee 3 years of a commitment for education funding to be level in order to get the funds for 1 year that were allocated in the bill. Every other State in America is required to make such a commitment for 1 year.

Our constitution in Texas, similar to many State constitutions, does not allow one legislature to pass legislation that will require acts of another legislature, so appropriations cannot go over a 3-year period. Our legislature can only appropriate and spend Texas money for itself. It cannot obligate future legislatures. So the House provi-

sion would require Texas to violate its Constitution in order to receive the Federal money that every other State has as an allocation.

The second thing that only Texas is required to do under this bill is to distribute the funds under the title I distribution formula. Every other State gives its Governor and its State Department of Education the discretion for the money to be used where it is most needed within its State. After all, education is generally a State and local issue. In this case, you do have Federal funding, and it is provided for every State by giving it to the Governor for the distribution within the State. Only in Texas, however, under the legislation that was passed, would the requirement be that title I provides the formula, not the State of Texas and its appropriations, Governor and Lieutenant Governor.

It is puzzling, to say the least, that Texas was singled out in this way. But I am going to do everything I can to assure that does not continue. The Commissioner of Education asked for the Texas allocation of \$830 million in the normal way, met all the Federal requirements and the time guidelines for submitting the grant request for an estimated \$830 million. The request was turned down because, of course, the Governor could not certify 3 years of level spending because the legislature cannot obligate future legislatures in our Constitution. So Texas has just been turned down.

If we can pass the legislation Senator CORNYN and I are introducing today or if we can amend the bill that is before us, which we are going to try to do—we perfected the process today by offering this as an amendment on the bill that is before this body, and I am going to try to get this as an amendment on every bill that is going through—that will just create a level playing field.

We are certainly not asking for special favors, but again we are also asking that we not be penalized just because a House Member decided Texas should have a different standard.

We all understand politics in the usual sense. But having an argument between a Member of the House and the Governor is not a reason to penalize every schoolchild in Texas, every school district in Texas, every teacher in Texas, every administrator in Texas. It is not right. I think any person who puts the politics aside would agree that reasonableness would dictate that every State should be treated the same. In the bill that was passed, we are spending Texas tax dollars just like we are spending the tax dollars of every taxpayer in America. Texas would be putting the dollars into the Federal coffers but being penalized from receiving its fair share, as we certainly described happens in the bill.

The Hutchison-Cornyn bill is now going through the processes, and we

are going to ask for support from all our colleagues to have that level playing field. Senator CORNYN and I have been working, along with Congressman MICHAEL BURGESS on the House side and the Texas delegation in the House. Many in the House delegation are certainly going to want to see this corrected, I hope. I do hope we can get prompt action. We need to do it before the end of this fiscal year in order to qualify in our rightful way.

We are not asking for special favors, most certainly. We expect to meet all the tests any State would meet. We expect to have our grant application looked at and scrutinized and determined if it is eligible in every way. But we do not expect to have a different standard from every other State in America.

Senator CORNYN and I are very hopeful we can get prompt action from the Senate to send this to the House. I hope the House will also see that was not meant to be—at least I am sure every Member voting on this bill did not know Texas was being treated differently. I do not think this is a time for any State to start a war with another State. That is not the way we ought to do business. I do not wish to be starting that kind of precedent even—I wouldn't do it to any other State, and I certainly do not expect it to be done to mine.

Senator CORNYN and I have introduced the Hutchison-Cornyn legislation. We hope we can level the playing field. All we ask is that we be judged like every State, that we have the requirement of 1 year of level funding, just as every other State is required to do and which I know our Texas Education Agency will certainly agree to do; then, second, that we be able to distribute according to the State requirements and the State priorities rather than a Federal funding formula done when no one has come to Texas to look at our formula and our needs for this particular bill. If we can correct those two things and put Texas on a level playing field with any other State, then I think it will be the right thing to do.

Sometimes we have little tiffs here, politically, but I don't think anyone can argue that a retribution against one person in Texas by one Member of Congress is a good reason to make a public policy decision that is disastrous for our State—that is hurting, just like every State, in not having enough dollars. We have a deficit right now of about \$20 billion facing the next legislature in Texas.

If we can have what has passed, what is going through this Congress and what has been signed by the President, it would help alleviate some of the concerns our educators and education leaders in Texas are now saddled with; that is, a lot more expenses than revenue coming in. I hope we can right this wrong.

Mr. CORNYN. Mr. President, today my colleague Senator HUTCHISON and I have introduced legislation to repeal a House provision in the Education Jobs Bill that discriminates solely against the state of Texas. As a result of the House language, Texas will be denied over \$800 million in federal funding.

The Hutchison-Cornyn bill will strip the language requiring Texas to make a commitment for three years of funding in order to be eligible for any of the \$10 billion in the Education Jobs Fund. To be in compliance with the provision, the state would have to violate its own constitution. The Texas Legislature has sole authority to determine state appropriations—they cannot be dictated by the federal government. Additionally, one legislature cannot bind a future legislature. Moreover, this provision singles out Texas because all other states must only commit to one year of funding in order to receive Education Jobs Program funding.

The House language also stipulates that Texas must distribute funds through Title I funding formula, rather than allowing the governor to determine the funding distribution, as is the case in the other states and territories. In Texas this would preclude 31 districts from receiving any funds, and will result in less funding for 66 percent of the state's school districts.

Unfortunately, on September 9, 2010 the U.S. Department of Education denied an application from Texas Education Commissioner Robert Scott for \$830 million from the Education Jobs Fund.

The real impact of the House language, however, is felt in school districts across our state. Recently, for example, I received a letter from the Superintendent of the Hamlin Independent School District informing me that the West Texas school district was forced to cut more than \$80,000 from the district's budget to cover rising salary costs. If Texas is prohibited from applying for the Education Jobs Fund, Hamlin ISD stands to lose over \$90,000 in federal dollars, an amount that could compensate for the district's current budget cuts.

Our bill would put a stop to Texas Democrats' efforts to play politics with much-needed funding for Texas schools and teachers. Texas taxpayer dollars belong in Texas schools—not in California or New York, as the Doggett Amendment would have it. I urge my colleagues to pass our bill so we can remove this partisan roadblock and move quickly to restore critical Federal funding to Texas schools.

By Mr. REID (for himself, Mrs. BOXER, Ms. CANTWELL, Mr. DODD, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. HARKIN, Ms. KLOBUCHAR, Ms. LANDRIEU, Mrs. MCCASKILL, Ms. MIKULSKI, Mrs. MURRAY, Mrs. SHAHEEN, and Ms. STABENOW):

S. 3772. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; read the first time.

Mr. REID. Mr. President. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paycheck Fairness Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Women have entered the workforce in record numbers over the past 50 years.

(2) Despite the enactment of the Equal Pay Act of 1963, many women continue to earn significantly lower pay than men for equal work. These pay disparities exist in both the private and governmental sectors. In many instances, the pay disparities can only be due to continued intentional discrimination or the lingering effects of past discrimination.

(3) The existence of such pay disparities—(A) depresses the wages of working families who rely on the wages of all members of the family to make ends meet;

(B) undermines women's retirement security, which is often based on earnings while in the workforce;

(C) prevents the optimum utilization of available labor resources;

(D) has been spread and perpetuated, through commerce and the channels and instrumentalities of commerce, among the workers of the several States;

(E) burdens commerce and the free flow of goods in commerce;

(F) constitutes an unfair method of competition in commerce;

(G) leads to labor disputes burdening and obstructing commerce and the free flow of goods in commerce;

(H) interferes with the orderly and fair marketing of goods in commerce; and

(I) in many instances, may deprive workers of equal protection on the basis of sex in violation of the 5th and 14th amendments.

(4)(A) Artificial barriers to the elimination of discrimination in the payment of wages on the basis of sex continue to exist decades after the enactment of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.).

(B) These barriers have resulted, in significant part, because the Equal Pay Act of 1963 has not worked as Congress originally intended. Improvements and modifications to the provisions added by the Act are necessary to ensure that the provisions provide effective protection to those subject to pay discrimination on the basis of their sex.

(C) Elimination of such barriers would have positive effects, including—

(i) providing a solution to problems in the economy created by unfair pay disparities;

(ii) substantially reducing the number of working women earning unfairly low wages, thereby reducing the dependence on public assistance;

(iii) promoting stable families by enabling all family members to earn a fair rate of pay;

(iv) remedying the effects of past discrimination on the basis of sex and ensuring that in the future workers are afforded equal protection on the basis of sex; and

(v) ensuring equal protection pursuant to Congress's power to enforce the 5th and 14th amendments.

(5) The Department of Labor and the Equal Employment Opportunity Commission have important and unique responsibilities to help ensure that women receive equal pay for equal work.

(6) The Department of Labor is responsible for—

(A) collecting and making publicly available information about women's pay;

(B) ensuring that companies receiving Federal contracts comply with anti-discrimination affirmative action requirements of Executive Order 11246 (relating to equal employment opportunity);

(C) disseminating information about women's rights in the workplace;

(D) helping women who have been victims of pay discrimination obtain a remedy; and

(E) being proactive in investigating and prosecuting equal pay violations, especially systemic violations, and in enforcing all of its mandates.

(7) The Equal Employment Opportunity Commission is the primary enforcement agency for claims made under the provisions added by the Equal Pay Act of 1963, and issues regulations and guidance on appropriate interpretations of the law.

(8) With a stronger commitment by the Department of Labor and the Equal Employment Opportunity Commission to their responsibilities, increased information about the provisions added by the Equal Pay Act of 1963, wage data, and more effective remedies, women will be better able to recognize and enforce their rights.

(9) Certain employers have already made great strides in eradicating unfair pay disparities in the workplace and their achievements should be recognized.

SEC. 3. ENHANCED ENFORCEMENT OF EQUAL PAY REQUIREMENTS.

(a) BONA FIDE FACTOR DEFENSE AND MODIFICATION OF SAME ESTABLISHMENT REQUIREMENT.—Section 6(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(1)) is amended—

(1) by striking "No employer having" and inserting "(A) No employer having";

(2) by striking "any other factor other than sex" and inserting "a bona fide factor other than sex, such as education, training, or experience"; and

(3) by inserting at the end the following:

"(B) The bona fide factor defense described in subparagraph (A)(iv) shall apply only if the employer demonstrates that such factor (i) is not based upon or derived from a sex-based differential in compensation; (ii) is job-related with respect to the position in question; and (iii) is consistent with business necessity. Such defense shall not apply where the employee demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice.

"(C) For purposes of subparagraph (A), employees shall be deemed to work in the same establishment if the employees work for the same employer at workplaces located in the same county or similar political subdivision of a State. The preceding sentence shall not be construed as limiting broader applications of the term 'establishment' consistent with rules prescribed or guidance issued by

the Equal Opportunity Employment Commission.”.

(b) **NONRETALIATION PROVISION.**—Section 15 of the Fair Labor Standards Act of 1938 (29 U.S.C. 215) is amended—

(1) in subsection (a)(3), by striking “employee has filed” and all that follows through “committee;” and inserting “employee—

“(A) has made a charge or filed any complaint or instituted or caused to be instituted any investigation, proceeding, hearing, or action under or related to this Act, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing, or action, or has served or is planning to serve on an industry committee; or

“(B) has inquired about, discussed, or disclosed the wages of the employee or another employee;”;

(2) by adding at the end the following:

“(c) Subsection (a)(3)(B) shall not apply to instances in which an employee who has access to the wage information of other employees as a part of such employee’s essential job functions discloses the wages of such other employees to an individual who does not otherwise have access to such information, unless such disclosure is in response to a charge or complaint or in furtherance of an investigation, proceeding, hearing, or action under section 6(d), including an investigation conducted by the employer. Nothing in this subsection shall be construed to limit the rights of an employee provided under any other provision of law.”.

(c) **ENHANCED PENALTIES.**—Section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)) is amended—

(1) by inserting after the first sentence the following: “Any employer who violates section 6(d) shall additionally be liable for such compensatory damages, or, where the employee demonstrates that the employer acted with malice or reckless indifference, punitive damages as may be appropriate, except that the United States shall not be liable for punitive damages.”;

(2) in the sentence beginning “An action to”, by striking “either of the preceding sentences” and inserting “any of the preceding sentences of this subsection”;

(3) in the sentence beginning “No employees shall”, by striking “No employees” and inserting “Except with respect to class actions brought to enforce section 6(d), no employee”;

(4) by inserting after the sentence referred to in paragraph (3), the following: “Notwithstanding any other provision of Federal law, any action brought to enforce section 6(d) may be maintained as a class action as provided by the Federal Rules of Civil Procedure.”; and

(5) in the sentence beginning “The court in”—

(A) by striking “in such action” and inserting “in any action brought to recover the liability prescribed in any of the preceding sentences of this subsection”; and

(B) by inserting before the period the following: “, including expert fees”.

(d) **ACTION BY SECRETARY.**—Section 16(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(c)) is amended—

(1) in the first sentence—

(A) by inserting “or, in the case of a violation of section 6(d), additional compensatory or punitive damages, as described in subsection (b),” before “and the agreement”; and

(B) by inserting before the period the following: “, or such compensatory or punitive damages, as appropriate”;

(2) in the second sentence, by inserting before the period the following: “and, in the case of a violation of section 6(d), additional compensatory or punitive damages, as described in subsection (b)”;

(3) in the third sentence, by striking “the first sentence” and inserting “the first or second sentence”; and

(4) in the last sentence—

(A) by striking “commenced in the case” and inserting “commenced—

“(1) in the case”;

(B) by striking the period and inserting “; or”;

(C) by adding at the end the following:

“(2) in the case of a class action brought to enforce section 6(d), on the date on which the individual becomes a party plaintiff to the class action.”.

SEC. 4. TRAINING.

The Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs, subject to the availability of funds appropriated under section 10, shall provide training to Commission employees and affected individuals and entities on matters involving discrimination in the payment of wages.

SEC. 5. NEGOTIATION SKILLS TRAINING FOR GIRLS AND WOMEN.

(a) **PROGRAM AUTHORIZED.**—

(1) **IN GENERAL.**—The Secretary of Labor, after consultation with the Secretary of Education, is authorized to establish and carry out a grant program.

(2) **GRANTS.**—In carrying out the program, the Secretary of Labor may make grants on a competitive basis to eligible entities, to carry out negotiation skills training programs for girls and women.

(3) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant under this subsection, an entity shall be a public agency, such as a State, a local government in a metropolitan statistical area (as defined by the Office of Management and Budget), a State educational agency, or a local educational agency, a private nonprofit organization, or a community-based organization.

(4) **APPLICATION.**—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary of Labor may require.

(5) **USE OF FUNDS.**—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out an effective negotiation skills training program that empowers girls and women. The training provided through the program shall help girls and women strengthen their negotiation skills to allow the girls and women to obtain higher salaries and rates of compensation that are equal to those paid to similarly-situated male employees.

(b) **INCORPORATING TRAINING INTO EXISTING PROGRAMS.**—The Secretary of Labor and the Secretary of Education shall issue regulations or policy guidance that provides for integrating the negotiation skills training, to the extent practicable, into programs authorized under—

(1) in the case of the Secretary of Education, the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and other programs carried out by

the Department of Education that the Secretary of Education determines to be appropriate; and

(2) in the case of the Secretary of Labor, the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), and other programs carried out by the Department of Labor that the Secretary of Labor determines to be appropriate.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Labor and the Secretary of Education shall prepare and submit to Congress a report describing the activities conducted under this section and evaluating the effectiveness of such activities in achieving the purposes of this Act.

SEC. 6. RESEARCH, EDUCATION, AND OUTREACH.

The Secretary of Labor shall conduct studies and provide information to employers, labor organizations, and the general public concerning the means available to eliminate pay disparities between men and women, including—

(1) conducting and promoting research to develop the means to correct expeditiously the conditions leading to the pay disparities;

(2) publishing and otherwise making available to employers, labor organizations, professional associations, educational institutions, the media, and the general public the findings resulting from studies and other materials, relating to eliminating the pay disparities;

(3) sponsoring and assisting State and community informational and educational programs;

(4) providing information to employers, labor organizations, professional associations, and other interested persons on the means of eliminating the pay disparities;

(5) recognizing and promoting the achievements of employers, labor organizations, and professional associations that have worked to eliminate the pay disparities; and

(6) convening a national summit to discuss, and consider approaches for rectifying, the pay disparities.

SEC. 7. ESTABLISHMENT OF THE NATIONAL AWARD FOR PAY EQUITY IN THE WORKPLACE.

(a) **IN GENERAL.**—There is established the Secretary of Labor’s National Award for Pay Equity in the Workplace, which shall be awarded, as appropriate, to encourage proactive efforts to comply with section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)).

(b) **CRITERIA FOR QUALIFICATION.**—The Secretary of Labor shall set criteria for receipt of the award, including a requirement that an employer has made substantial effort to eliminate pay disparities between men and women, and deserves special recognition as a consequence of such effort. The Secretary shall establish procedures for the application for and presentation of the award.

(c) **EMPLOYER.**—In this section, the term “employer” includes—

(1)(A) a corporation, including a nonprofit corporation;

(B) a partnership;

(C) a professional association;

(D) a labor organization; and

(E) a business entity similar to an entity described in any of subparagraphs (A) through (D);

(2) an entity carrying out an education referral program, a training program, such as an apprenticeship or management training program, or a similar program; and

(3) an entity carrying out a joint program, formed by a combination of any entities described in paragraph (1) or (2).

SEC. 8. COLLECTION OF PAY INFORMATION BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 709 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-8) is amended by adding at the end the following:

“(f)(1) Not later than 18 months after the date of enactment of this subsection, the Commission shall—

“(A) complete a survey of the data that is currently available to the Federal Government relating to employee pay information for use in the enforcement of Federal laws prohibiting pay discrimination and, in consultation with other relevant Federal agencies, identify additional data collections that will enhance the enforcement of such laws; and

“(B) based on the results of the survey and consultations under subparagraph (A), issue regulations to provide for the collection of pay information data from employers as described by the sex, race, and national origin of employees.

“(2) In implementing paragraph (1), the Commission shall have as its primary consideration the most effective and efficient means for enhancing the enforcement of Federal laws prohibiting pay discrimination. For this purpose, the Commission shall consider factors including the imposition of burdens on employers, the frequency of required data collection reports (including which employers should be required to prepare reports), appropriate protections for maintaining data confidentiality, and the most effective format for the data collection reports.”.

SEC. 9. REINSTATEMENT OF PAY EQUITY PROGRAMS AND PAY EQUITY DATA COLLECTION.

(a) BUREAU OF LABOR STATISTICS DATA COLLECTION.—The Commissioner of Labor Statistics shall continue to collect data on women workers in the Current Employment Statistics survey.

(b) OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS INITIATIVES.—The Director of the Office of Federal Contract Compliance Programs shall ensure that employees of the Office—

(1)(A) shall use the full range of investigatory tools at the Office's disposal, including pay grade methodology;

(B) in considering evidence of possible compensation discrimination—

(i) shall not limit its consideration to a small number of types of evidence; and

(ii) shall not limit its evaluation of the evidence to a small number of methods of evaluating the evidence; and

(C) shall not require a multiple regression analysis or anecdotal evidence for a compensation discrimination case;

(2) for purposes of its investigative, compliance, and enforcement activities, shall define “similarly situated employees” in a way that is consistent with and not more stringent than the definition provided in item 1 of subsection A of section 10-III of the Equal Employment Opportunity Commission Compliance Manual (2000), and shall consider only factors that the Office's investigation reveals were used in making compensation decisions; and

(3) shall reinstate the Equal Opportunity Survey, as required by section 60-2.18 of title 41, Code of Federal Regulations (as in effect on September 7, 2006), designating not less than half of all nonconstruction contractor establishments each year to prepare and file such survey, and shall review and utilize the responses to such survey to identify contractor establishments for further evaluation and for other enforcement purposes as appropriate.

(c) DEPARTMENT OF LABOR DISTRIBUTION OF WAGE DISCRIMINATION INFORMATION.—The Secretary of Labor shall make readily available (in print, on the Department of Labor website, and through any other forum that the Department may use to distribute compensation discrimination information), accurate information on compensation discrimination, including statistics, explanations of employee rights, historical analyses of such discrimination, instructions for employers on compliance, and any other information that will assist the public in understanding and addressing such discrimination.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$15,000,000 to carry out this Act.

(b) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to subsection (a) for purposes of the grant program in section 5 of this Act may be used for a congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

SEC. 11. SMALL BUSINESS ASSISTANCE.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on the date that is 6 months after the date of enactment of this Act.

(b) TECHNICAL ASSISTANCE MATERIALS.—The Secretary of Labor and the Commissioner of the Equal Employment Opportunity Commission shall jointly develop technical assistance material to assist small businesses in complying with the requirements of this Act and the amendments made by this Act.

(c) SMALL BUSINESSES.—A small business shall be exempt from the provisions of this Act to the same extent that such business is exempt from the requirements of the Fair Labor Standards Act of 1938 pursuant to clauses (i) and (ii) of section 3(s)(1)(A) of such Act (29 U.S.C. 203(s)(1)(A)).

SEC. 12. RULE OF CONSTRUCTION.

Nothing in this Act, or in any amendment made by this Act, shall affect the obligation of employers and employees to fully comply with all applicable immigration laws, including any penalties, fines, or other sanctions.

By Mr. McCONNELL (for himself, Mr. GRASSLEY, Mr. KYL, Mr. MCCAIN, Mr. COCHRAN, Mr. GRAHAM, Mr. ROBERTS, Mr. CORNYN, Mr. INHOFE, Mr. ENSIGN, Mr. ISAKSON, Mr. BROWNBACK, Mr. ENZI, Mr. CRAPO, Mr. BURR, Mr. VITTER, Mr. WICKER, Mr. CHAMBLISS, Mr. BOND, Mrs. HUTCHISON, and Mr. HATCH):

S. 3773. A bill to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes; read the first time.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tax Hike Prevention Act of 2010”.

TITLE I—PERMANENT TAX RELIEF

SEC. 101. 2001 TAX RELIEF MADE PERMANENT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

SEC. 102. 2003 TAX RELIEF MADE PERMANENT.

Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is repealed.

SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary of the Treasury or the Secretary's delegate shall not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the purposes of the provisions of, and amendments made by, this Act.

TITLE II—PERMANENT INDIVIDUAL AMT RELIEF

SEC. 201. PERMANENT INDIVIDUAL AMT RELIEF.

(a) MODIFICATION OF ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—

(1) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended to read as follows:

“(1) EXEMPTION AMOUNT FOR TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation, the term ‘exemption amount’ means—

“(A) the dollar amount for taxable years beginning in the calendar year as specified in the table contained in paragraph (4)(A) in the case of—

“(i) a joint return, or

“(ii) a surviving spouse,

“(B) the dollar amount for taxable years beginning in the calendar year as specified in the table contained in paragraph (4)(B) in the case of an individual who—

“(i) is not a married individual, and

“(ii) is not a surviving spouse,

“(C) 50 percent of the dollar amount applicable under paragraph (1)(A) in the case of a married individual who files a separate return, and

“(D) \$22,500 in the case of an estate or trust.

For purposes of this paragraph, the term ‘surviving spouse’ has the meaning given to such term by section 2(a), and marital status shall be determined under section 7703.”.

(2) SPECIFIED EXEMPTION AMOUNTS.—Section 55(d) of such Code is amended by adding at the end the following new paragraph:

“(4) SPECIFIED EXEMPTION AMOUNTS.—

“(A) TAXPAYERS DESCRIBED IN PARAGRAPH (1)(A).—For purposes of paragraph (1)(A)—

“For taxable years beginning in—	The exemption amount is:
2010	\$72,450
2011	\$74,450
2012	\$78,250
2013	\$81,450
2014	\$85,050
2015	\$88,650
2016	\$92,650
2017	\$96,550
2018	\$100,950
2019	\$105,150
2020	\$109,950.

“(B) TAXPAYERS DESCRIBED IN PARAGRAPH (1)(B).—For purposes of paragraph (1)(B)—

	The exemption amount is:
“For taxable years beginning in—	
2010	\$47,450
2011	\$48,450
2012	\$50,350
2013	\$51,950
2014	\$53,750
2015	\$55,550
2016	\$57,550
2017	\$59,500
2018	\$61,700
2019	\$63,800
2020	\$66,200.”

(b) **ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE CREDITS.**—

(1) **IN GENERAL.**—Subsection (a) of section 26 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) **LIMITATION BASED ON AMOUNT OF TAX.**—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

“(1) the taxpayer’s regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

“(2) the tax imposed by section 55(a) for the taxable year.”.

(2) **CONFORMING AMENDMENTS.**—

(A) **ADOPTION CREDIT.**—

(i) Section 23(b) of such Code is amended by striking paragraph (4).

(ii) Section 23(c) of such Code is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) **IN GENERAL.**—If the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.”.

(iii) Section 23(c) of such Code is amended by redesignating paragraph (3) as paragraph (2).

(B) **CHILD TAX CREDIT.**—

(i) Section 24(b) of such Code is amended by striking paragraph (3).

(ii) Section 24(d)(1) of such Code is amended—

(I) by striking “section 26(a)(2) or subsection (b)(3), as the case may be,” each place it appears in subparagraphs (A) and (B) and inserting “section 26(a)”, and

(II) by striking “section 26(a)(2) or subsection (b)(3), as the case may be” in the second last sentence and inserting “section 26(a)”.

(C) **CREDIT FOR INTEREST ON CERTAIN HOME MORTGAGES.**—Section 25(e)(1)(C) of such Code is amended to read as follows:

“(C) **APPLICABLE TAX LIMIT.**—For purposes of this paragraph, the term ‘applicable tax limit’ means the limitation imposed by section 26(a) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C).”.

(D) **SAVERS’ CREDIT.**—Section 25B of such Code is amended by striking subsection (g).

(E) **RESIDENTIAL ENERGY EFFICIENT PROPERTY.**—Section 25D(c) of such Code is amended to read as follows:

“(c) **CARRYFORWARD OF UNUSED CREDIT.**—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart

(other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.”.

(F) **CERTAIN PLUG-IN ELECTRIC VEHICLES.**—Section 30(c)(2) of such Code is amended to read as follows:

“(2) **PERSONAL CREDIT.**—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(G) **ALTERNATIVE MOTOR VEHICLE CREDIT.**—Section 30B(g)(2) of such Code is amended to read as follows:

“(2) **PERSONAL CREDIT.**—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(H) **NEW QUALIFIED PLUG-IN ELECTRIC VEHICLE CREDIT.**—Section 30D(c)(2) of such Code is amended to read as follows:

“(2) **PERSONAL CREDIT.**—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(I) **CROSS REFERENCES.**—Section 55(c)(3) of such Code is amended by striking “26(a), 30C(d)(2),” and inserting “30C(d)(2)”.

(J) **FOREIGN TAX CREDIT.**—Section 904 of such Code is amended by striking subsection (i) and by redesignating subsections (j), (k), and (l) as subsections (i), (j), and (k), respectively.

(K) **FIRST-TIME HOME BUYER CREDIT FOR THE DISTRICT OF COLUMBIA.**—Section 1400C(d) of such Code is amended to read as follows:

“(d) **CARRYFORWARD OF UNUSED CREDIT.**—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE III—PERMANENT ESTATE TAX RELIEF

SEC. 301. APPLICATION OF ESTATE, GENERATION-SKIPPING TRANSFER, AND GIFT TAXES AFTER 2009.

(a) **IN GENERAL.**—The following provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such provisions, are repealed on and after January 1, 2010, with respect to decedents dying on and after such date, and on and after January 1, 2011, with respect to gifts made and generation-skipping transfers on and after such date:

(1) Subtitles A and E of title V.

(2) Subsection (d), and so much of subsection (f)(3) as relates to subsection (d), of section 511.

(3) Paragraph (2) of subsection (b), and paragraph (2) of subsection (e), of section 521. Except in the case of an election under section 404, the Internal Revenue Code of 1986 shall be applied as if such provisions and amendments had never been enacted.

(b) **CONFORMING AMENDMENT.**—Subsection (c) of section 2511 of the Internal Revenue Code of 1986 is repealed on and after January 1, 2011, with respect to gifts made on and after such date.

SEC. 302. TREATMENT OF UNIFIED CREDIT AND MAXIMUM ESTATE TAX RATE AFTER 2009.

(a) **RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.**—Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 (relating to general rule for unified credit against gift tax), after the application of section 01, is amended by striking “(determined as if the applicable exclusion amount were \$1,000,000)”.

(b) **EXCLUSION EQUIVALENT OF UNIFIED CREDIT EQUAL TO \$5,000,000.**—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to unified credit against estate tax) is amended to read as follows:

“(c) **APPLICABLE CREDIT AMOUNT.**—

“(1) **IN GENERAL.**—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were equal to the applicable exclusion amount.

“(2) **APPLICABLE EXCLUSION AMOUNT.**—

“(A) **IN GENERAL.**—For purposes of this subsection, the applicable exclusion amount is \$5,000,000.

“(B) **INFLATION ADJUSTMENT.**—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”.

(c) **MAXIMUM ESTATE TAX RATE EQUAL TO 35 PERCENT.**—

(1) **IN GENERAL.**—Subsection (c) of section 2001 of the Internal Revenue Code of 1986 (relating to imposition and rate of tax) is amended—

(A) by striking “Over \$500,000” and all that follows in the table contained in paragraph (1) and insert the following:

“Over \$500,000 \$79,300, plus 35 percent of the excess of such amount over \$500,000.”.

(B) by striking “(1) **IN GENERAL.**—”, and

(C) by striking paragraph (2).

(2) **CONFORMING AMENDMENT.**—Paragraphs (1) and (2) of section 2102(b) of such Code are amended to read as follows:

“(1) **IN GENERAL.**—A credit in an amount that would be determined under section 2010 as the applicable credit amount if the applicable exclusion amount were \$60,000 shall be allowed against the tax imposed by section 2101.

“(2) **RESIDENTS OF POSSESSIONS OF THE UNITED STATES.**—In the case of a decedent who is considered to be a ‘nonresident not a citizen of the United States’ under section 2209, the credit allowed under this subsection shall not be less than the proportion of the amount that would be determined under section 2010 as the applicable credit amount if the applicable exclusion amount were \$175,000 which the value of that part of the decedent’s gross estate which at the time of the decedent’s death is situated in the United States bears to the value of the decedent’s entire gross estate, wherever situated.”.

(d) **MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN UNIFIED**

CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) of the Internal Revenue Code of 1986 (relating to computation of tax) is amended by striking “if the provisions of subsection (c) (as in effect at the decedent’s death)” and inserting “if the modifications described in subsection (g)”.

(B) MODIFICATIONS.—Section 2001 of such Code is amended by adding at the end the following new subsection:

“(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent’s death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

“(1) the tax imposed by chapter 12 with respect to such gifts, and

“(2) the credit allowed against such tax under section 2505, including in computing—

“(A) the applicable credit amount under section 2505(a)(1), and

“(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

For purposes of paragraph (2)(A), the applicable credit amount for any calendar year before 1998 is the amount which would be determined under section 2010(c) if the applicable exclusion amount were the dollar amount under section 6018(a)(1) for such year.”.

(2) GIFT TAX.—Section 2505(a) of such Code (relating to unified credit against gift tax) is amended by adding at the end the following new flush sentence:

“For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

SEC. 303. UNIFIED CREDIT INCREASED BY UNUSED UNIFIED CREDIT OF DECEASED SPOUSE.

(a) IN GENERAL.—Section 2010(c) of the Internal Revenue Code of 1986, as amended by section 302(b), is amended by striking paragraph (2) and inserting the following new paragraphs:

“(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

“(A) the basic exclusion amount, and

“(B) in the case of a surviving spouse, the aggregate deceased spousal unused exclusion amount.

“(3) BASIC EXCLUSION AMOUNT.—

“(A) IN GENERAL.—For purposes of this subsection, the basic exclusion amount is \$5,000,000.

“(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2009’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000,

such amount shall be rounded to the nearest multiple of \$10,000.

“(4) AGGREGATE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term ‘aggregate deceased spousal unused exclusion amount’ means the lesser of—

“(A) the basic exclusion amount, or

“(B) the sum of the deceased spousal unused exclusion amounts computed with respect to each deceased spouse of the surviving spouse.

“(5) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term ‘deceased spousal unused exclusion amount’ means, with respect to the surviving spouse of any deceased spouse dying after December 31, 2009, the excess (if any) of—

“(A) the basic exclusion amount of the deceased spouse, over

“(B) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

“(6) SPECIAL RULES.—

“(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (5) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

“(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

“(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986, as amended by section 302(a), is amended to read as follows:

“(1) the applicable credit amount in effect under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by”.

(2) Section 2631(c) of such Code is amended by striking “the applicable exclusion amount” and inserting “the basic exclusion amount”.

(3) Section 6018(a)(1) of such Code is amended by striking “applicable exclusion amount” and inserting “basic exclusion amount”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

SEC. 304. SPECIAL ELECTION FOR DECEDENT’S DYING IN 2010.

In the case of any decedent dying in 2010, the executor of the estate of such decedent may elect to apply the Internal Revenue Code of 1986 without regard to the provisions of, and the amendments made by, this title

(other than this section). Such election shall be made at such time and in such manner as the Secretary of the Treasury shall provide.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4606. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4607. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4608. Mr. BEGICH (for himself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4609. Mr. UDALL of Colorado (for himself, Ms. COLLINS, Mr. REID, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. SANDERS, Mr. INOUE, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4610. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4611. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4612. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4613. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4614. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4615. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4616. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4617. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4606. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 243, line 21, strike “The Secretary” and insert “Not later than 1 year after the date of enactment of this Act, and every year thereafter for 5 years, the Secretary”.

On page 243, line 25, insert “and every year thereafter for 5 years,” before “the Secretary shall submit”.

On page 244, between lines 8 and 9, insert the following:

(d) APPROPRIATE ACTION.—If the Secretary determines that the Program has not effectively served women-owned businesses, veteran-owned businesses, or minority-owned businesses, the Secretary may formulate a plan to redress the needs of the affected businesses.

SA 4607. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, line 20, insert “and planned outreach efforts to women-owned businesses, veteran-owned businesses, and minority-owned businesses” before “, where appropriate”.

SA 4608. Mr. BEGICH (for himself and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

PART IV—ADDITIONAL PROVISIONS

SEC. 4271. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 9006 of the Patient Protection and Affordable Care Act,

and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

(b) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on the compliance rate of taxpayers under section 6041 of the Internal Revenue Code of 1986 as in effect on such date.

(2) PLAN FOR IMPROVED ENFORCEMENT.—Not later than 12 months after such date, the Secretary of the Treasury shall develop a plan to improve enforcement under such section and report such plan to Congress.

(c) USE OF STIMULUS FUNDS TO OFFSET LOSS IN REVENUES.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals the reduction in revenues to the Treasury by reason of the repeal made by subsection (a). The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 4609. Mr. UDALL of Colorado (for himself, Ms. COLLINS, Mr. REID, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. SANDERS, Mr. INOUE, and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, after line 25, add the following:

SEC. 1137. LIMITS ON MEMBER BUSINESS LOANS.

(a) IN GENERAL.—

(1) REVISED LIMITATION AND CRITERIA.—Effective 6 months after the date of enactment of this Act, section 107A(a) of the Federal Credit Union Act (12 U.S.C. 1757a(a)) is amended to read as follows:

“(a) LIMITATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an insured credit union may not make any member business loan that would result in the total amount of such loans outstanding at that credit union at any one time to be equal to more than the lesser of—

“(A) 1.75 times the actual net worth of the credit union; or

“(B) 12.25 percent of the total assets of the credit union.

“(2) ADDITIONAL AUTHORITY.—The Board may approve an application by an insured credit union upon a finding that the credit union meets the criteria under this paragraph to make 1 or more member business loans that would result in a total amount of such loans outstanding at any one time of not more than 27.5 percent of the total assets of the credit union, if the credit union—

“(A) had member business loans outstanding at the end of each of the 4 consecu-

tive quarters immediately preceding the date of the application, in a total amount of not less than 80 percent of the applicable limitation under paragraph (1);

“(B) is well capitalized, as defined in section 216(c)(1)(A);

“(C) can demonstrate at least 5 years of experience of sound underwriting and servicing of member business loans;

“(D) has the requisite policies and experience in managing member business loans; and

“(E) has satisfied other standards that the Board determines are necessary to maintain the safety and soundness of the insured credit union.

“(3) EFFECT OF NOT BEING WELL CAPITALIZED.—An insured credit union that has made member business loans under an authorization under paragraph (2) and that is not, as of its most recent quarterly call report, well capitalized, may not make any member business loans, until such time as the credit union becomes well capitalized, as reflected in a subsequent quarterly call report, and obtains the approval of the Board.”.

(b) IMPLEMENTATION.—

(1) TIERED APPROVAL PROCESS.—The Board shall develop a tiered approval process, under which an insured credit union gradually increases the amount of member business lending in a manner that is consistent with safe and sound operations, subject to the limits established under section 107A(a)(2) of the Federal Credit Union Act (as amended by this Act). The rate of increase under the process established under this paragraph may not exceed 30 percent per year.

(2) RULEMAKING REQUIRED.—The Board shall issue proposed rules, not later than 6 months after the date of enactment of this Act, to establish the tiered approval process required under paragraph (1). The tiered approval process shall establish standards designed to ensure that the new business lending capacity authorized under the amendment made by subsection (a) is being used only by insured credit unions that are well-managed and well capitalized, as required by the amendments made under subsection (a) and as defined by the rules issued by the Board under this paragraph.

(3) CONSIDERATIONS.—In issuing rules required under this subsection, the Board shall consider—

(A) the experience level of the institutions, including a demonstrated history of sound member business lending;

(B) the criteria under section 107A(a)(2) of the Federal Credit Union Act, as amended by this Act; and

(C) such other factors as the Board determines necessary or appropriate.

(c) REPORTS TO CONGRESS ON MEMBER BUSINESS LENDING.—

(1) REPORT OF THE BOARD.—

(A) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Board shall submit a report to Congress on member business lending by insured credit unions.

(B) REPORT.—The report required under subparagraph (A) shall include—

(i) the types and asset size of insured credit unions making member business loans and the member business loan limitations applicable to the insured credit unions;

(ii) the overall amount and average size of member business loans by each insured credit union;

(iii) the ratio of member business loans by insured credit unions to total assets and net worth;

(iv) the performance of the member business loans, including delinquencies and net charge offs;

(v) the effect of this section on the number of insured credit unions engaged in member business lending, any change in the amount of member business lending, and the extent to which any increase is attributed to the change in the limitation in section 107A(a) of the Federal Credit Union Act, as amended by this Act;

(vi) the number, types, and asset size of insured credit unions that were denied or approved by the Board for increased member business loans under section 107A(a)(2), as amended by this Act, including denials and approvals under the tiered approval process;

(vii) the types and sizes of businesses that receive member business loans, the duration of the credit union membership of the businesses at the time of the loan, the types of collateral used to secure member business loans, and the income level of members receiving member business loans; and

(viii) the effect of any increases in member business loans on the risk to the National Credit Union Share Insurance Fund and the assessments on insured credit unions.

(2) GAO STUDY AND REPORT.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on the status of member business lending by insured credit unions, including—

(i) trends in such lending;

(ii) types and amounts of member business loans;

(iii) the effectiveness of this section in enhancing small business lending;

(iv) recommendations for legislative action, if any, with respect to such lending; and

(v) any other information that the Comptroller General considers relevant with respect to such lending.

(B) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the study required by subparagraph (A).

(d) DEFINITIONS.—In this section—

(1) the term “Board” means the National Credit Union Administration Board;

(2) the term “insured credit union” has the meaning given that term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(3) the term “member business loan” has the meaning given that term in section 107A(c)(1) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(1));

(4) the term “net worth” has the meaning given that term in section 107A(c)(2) of the Federal Credit Union Act (12 U.S.C. 1757a(c)(2)); and

(5) the term “well capitalized” has the meaning given that term in section 216(c)(1)(A) of the Federal Credit Union Act (12 U.S.C. 1709d(c)(1)(A)).

SA 4610. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other

purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. ____ CREDIT REFORM ACT TREATMENT OF THE PURCHASE OF PRIVATE STOCK, EQUITY, OR CAPITAL.

Section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) is amended by inserting at the end the following:

“(G)(i) The cost of the purchase of stock, equity, or capital in a private or publicly-traded company shall be determined on a fair market value basis.

“(ii) For purposes of this subparagraph, the term ‘fair market value’ means present value of future expected cash flows using a discount rate that incorporates market risk.”.

SA 4611. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

PART V—ADDITIONAL PROVISIONS

SEC. ____ CERTAIN EXCEPTIONS TO INFORMATION REPORTING PROVISIONS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006 of the Patient Protection and Affordable Care Act and section 2101 of this Act, is amended by redesignating subsection (j) as subsection (k) and inserting after subsection (i) the following new subsection:

“(j) COORDINATION WITH RETURNS RELATING TO PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.—This section shall not apply to any amount with respect to which a return is required to be made under section 6050W.”.

(b) INCREASE IN THRESHOLD AMOUNT AND EXEMPTION FOR SMALL EMPLOYERS FOR REPORTING OF CERTAIN PAYMENTS.—Subsection (a) of section 6041 of the Internal Revenue Code of 1986, as amended by the Patient Protection and Affordable Care Act, is amended by adding at the end the following new sentences: “In the case of payments in consideration of property, this subsection shall be applied by substituting ‘\$5,000’ for ‘\$600’ and this subsection shall not apply in the case of any person employing not more than 25 employees at any time during the taxable year. In the case of any payment to a corporation which is not an organization exempt from tax under section 501(a), this subsection shall not apply in the case of any person employing not more than 25 employees at any time during the taxable year. For purposes of the two immediately preceding sentences, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as one employer.”.

(c) REGULATORY AUTHORITY.—Subsection (k) of section 6041 of the Internal Revenue Code of 1986, as redesignated by subsection (a), is amended by striking “including” and all that follows and inserting “including—

“(1) rules to prevent duplicative reporting of transactions, and

“(2) rules which identify, and provide exceptions for, payments which bear minimal risk of noncompliance.”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts with respect to which a return is required to be made in calendar years beginning after December 31, 2010.

(2) PROPERTY THRESHOLD.—The amendment made by subsection (b) shall apply as if included in the amendments made by section 9006 of the Patient Protection and Affordable Care Act.

(e) PUBLIC COMMENTS AND SUGGESTIONS.—In order to minimize the burden on small businesses and to avoid duplicative information reporting by small businesses, the Secretary of the Treasury or the Secretary’s designee is directed to request and consider comments and suggestions from the public concerning implementation and administration of the amendments made by section 9006 of the Patient Protection and Affordable Care Act, including—

(1) the appropriate scope of the terms “gross proceeds” and “amounts in consideration for property” in section 6041(a) of the Internal Revenue Code of 1986, as amended by such section 9006,

(2) whether or how the reporting requirements should apply to payments between affiliated corporations, including payments related to intercompany transactions within the same consolidated group,

(3) the appropriate time and manner of reporting to the Internal Revenue Service, and whether, and what, changes to existing procedures, forms, and software for filing information returns are needed, including electronic filing of information returns to the Internal Revenue Service,

(4) whether, and what, changes to existing procedures and forms to acquire taxpayer identification numbers are needed, and

(5) how back-up withholding requirements should apply.

(f) TIMELY GUIDANCE.—The Secretary of the Treasury is directed to issue timely guidance that will implement and administer the amendments made by section 9006 of the Patient Protection and Affordable Care Act in a manner that minimizes the burden on small businesses and avoids duplicative reporting by small businesses.

(g) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Prior to the effective date of the amendments made by section 9006 of the Patient Protection and Affordable Care Act, the Secretary of the Treasury shall report quarterly to Congress concerning the steps taken to implement such amendments, including ways to limit compliance burdens and to avoid duplicative reporting. Such reports shall include—

(A) a description of actions taken to minimize, reduce or eliminate burdens associated with information reporting by small businesses, and

(B) a description of business transactions exempted from reporting requirements to avoid duplicative reporting or because such transactions represent minimal compliance risk.

(2) COMPARISON.—Not later than 6 months prior to the effective date of the amendments made by section 9006 of the Patient Protection and Affordable Care Act, the Secretary of the Treasury shall report to Congress a comparison of the expected compliance requirements after the implementation of such amendments to the compliance requirements under section 6041 of the Internal

Revenue Code of 1986 prior to the effective date of such amendments.

SEC. ____ DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, or”, and by inserting after clause (iii) the following new clause:

“(iv) in the case of a taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)), oil related qualified production activities (within the meaning of subsection (d)(9)(B)).”

(b) CONFORMING AMENDMENT.—Section 199(d)(9)(A) of the Internal Revenue Code of 1986 is amended by inserting “(other than a major integrated oil company (as defined in section 167(h)(5)(B)))” after “taxpayer”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SA 4612. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE VI—EDUCATION JOBS FUND

SEC. 6001. ELIMINATION OF PROVISIONS RELATING TO TEXAS.

Section 101 of Public Law 111-226 (124 Stat. 2389) is amended by striking paragraph (1).

SA 4613. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ SHAREHOLDER REGISTRATION THRESHOLD.

(a) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—

(1) SECTION 12.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 781(g)) is amended—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

“(A) in the case of an issuer that is a bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as

such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 2000 persons or more; and

“(B) in the case of an issuer that is not a bank or bank holding company, 500 persons or more.”; and

(ii) by striking “commerce shall” and inserting “commerce shall, not later than 120 days after the last day of its first fiscal year ended after the effective date of this subsection, on which the issuer has total assets exceeding \$10,000,000 and a class of equity security (other than an exempted security) held of record by”; and

(B) in paragraph (4), by striking “three hundred” and inserting “300 persons, or, in the case of a bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1200”.

(2) SECTION 15.—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 780(d)) is amended, in the third sentence, by striking “three hundred” and inserting “300 persons, or, in the case of a bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1200”.

(b) STUDY OF REGISTRATION THRESHOLDS.—

(1) STUDY.—

(A) ANALYSIS REQUIRED.—The Chief Economist and Director of the Division of Corporation Finance of the Commission shall jointly conduct a study, including a cost-benefit analysis, of shareholder registration thresholds.

(B) COSTS AND BENEFITS.—The cost-benefit analysis under subparagraph (A) shall take into account—

(i) the incremental benefits to investors of the increased disclosure that results from registration;

(ii) the incremental costs to issuers associated with registration and reporting requirements; and

(iii) the incremental administrative costs to the Commission associated with different thresholds.

(C) THRESHOLDS.—The cost-benefit analysis under subparagraph (A) shall evaluate whether it is advisable to—

(i) increase the asset threshold;

(ii) index the asset threshold to a measure of inflation;

(iii) increase the shareholder threshold;

(iv) change the shareholder threshold to be based on the number of beneficial owners; and

(v) create new thresholds based on other criteria.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Chief Economist and the Director of the Division of Corporation Finance of the Commission shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that includes—

(A) the findings of the study required under paragraph (1); and

(B) recommendations for statutory changes to improve the shareholder registration thresholds.

(c) RULEMAKING.—Not later than one year after the date of enactment of this Act, the Commission shall issue final regulations to implement this section and the amendments made by this section.

SA 4614. Mr. THUNE submitted an amendment intended to be proposed to

amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 223, strike line 19 and all that follows through page 232, line 9, and insert the following:

(4) INELIGIBLE INSTITUTIONS.—

(A) INELIGIBILITY OF INSTITUTIONS ON FDIC PROBLEM BANK LIST.—

(i) IN GENERAL.—An eligible institution may not receive any capital investment under the Program, if—

(I) such institution is on the FDIC problem bank list; or

(II) such institution has been removed from the FDIC problem bank list for less than 90 days.

(ii) FDIC PROBLEM BANK LIST DEFINED.—For purposes of this subparagraph, the term “FDIC problem bank list” means the list of depository institutions having a current rating of 4 or 5 under the Uniform Financial Institutions Rating System, or such other list designated by the Federal Deposit Insurance Corporation.

(B) INELIGIBILITY OF NON-PAYING CPP PARTICIPANTS.—

(i) IN GENERAL.—An eligible institution that has missed more than one dividend payment due under the CPP may not receive any capital investment under the Program.

(ii) DETERMINATION OF MISSED DIVIDEND PAYMENTS.—For purposes of this subparagraph, a CPP dividend payment that is submitted within 60 days of the due date of such payment shall not be considered a missed dividend payment.

(C) CONSTRUCTION.—Nothing in subparagraph (A) or (B) shall be construed as limiting the discretion of the Secretary to deny the application of an eligible institution that is not on the FDIC problem bank list and that has not missed more than one dividend payment due under the CPP.

(5) INCENTIVES TO LEND.—

(A) REQUIREMENTS ON PREFERRED STOCK AND OTHER FINANCIAL INSTRUMENTS.—Any preferred stock or other financial instrument issued to Treasury by an eligible institution receiving a capital investment under the Program shall provide that—

(i) the rate at which dividends or interest are payable shall be 5 percent per annum initially;

(ii) within the first 2 years after the date of the capital investment under the Program, the rate may be adjusted based on the amount of an eligible institution’s small business lending. Changes in the amount of small business lending shall be measured against the average amount of small business lending reported by the eligible institution in its call reports for the 4 full quarters immediately preceding the date of enactment of this Act, minus adjustments from each quarterly balance in respect of—

(I) net loan charge offs with respect to small business lending; and

(II) gains realized by the eligible institution resulting from mergers, acquisitions or

purchases of loans after origination and syndication; which adjustments shall be determined in accordance with guidance promulgated by the Secretary; and

(iii) during any calendar quarter during the initial 2-year period referred to in clause (ii), an institution's rate shall be adjusted to reflect the following schedule, based on that institution's change in the amount of small business lending relative to the baseline—

(I) if the amount of small business lending has increased by less than 2.5 percent, the dividend or interest rate shall be 5 percent;

(II) if the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the dividend or interest rate shall be 4 percent;

(III) if the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the dividend or interest rate shall be 3 percent;

(IV) if the amount of small business lending has increased by 7.5 percent or greater, and but by less than 10.0 percent, the dividend or interest rate shall be 2 percent; or

(V) if the amount of small business lending has increased by 10 percent or greater, the dividend or interest rate shall be 1 percent.

(B) BASIS OF INITIAL RATE.—The initial dividend or interest rate shall be based on call report data published in the quarter immediately preceding the date of the capital investment under the Program.

(C) TIMING OF RATE ADJUSTMENTS.—Any rate adjustment shall occur in the calendar quarter following the publication of call report data, such that the rate based on call report data from any one calendar quarter, which is published in the first following calendar quarter, shall be adjusted in that first following calendar quarter and payable in the second following quarter.

(D) RATE FOLLOWING INITIAL 2-YEAR PERIOD.—Generally, the rate based on call report data from the eighth calendar quarter after the date of the capital investment under the Program shall be payable until the expiration of the 4½-year period that begins on the date of the investment. In the case where the amount of small business lending has remained the same or decreased relative to the institution's baseline in the eighth quarter after the date of the capital investment under the Program, the rate shall be 7 percent until the expiration of the 4½-year period that begins on the date of the investment.

(E) RATE FOLLOWING INITIAL 4½-YEAR PERIOD.—The dividend or interest rate paid on any preferred stock or other financial instrument issued by an eligible institution that receives a capital investment under the Program shall increase to 9 percent at the end of the 4½-year period that begins on the date of the capital investment under the Program.

(F) LIMITATION ON RATE REDUCTIONS WITH RESPECT TO CERTAIN AMOUNT.—The reduction in the dividend or interest rate payable to Treasury by any eligible institution shall be limited such that the rate reduction shall not apply to a dollar amount of the investment made by Treasury that is greater than the dollar amount increase in the amount of small business lending realized under this program. The Secretary may issue guidelines that will apply to new capital investments limiting the amount of capital available to eligible institutions consistent with this limitation.

(G) RATE ADJUSTMENTS FOR S CORPORATION.—Before making a capital investment in an eligible institution that is an S corporation or a corporation organized on a mutual basis, the Secretary may adjust the div-

idend or interest rate on the financial instrument to be issued to the Secretary, from the dividend or interest rate that would apply under subparagraphs (A) through (F), to take into account any differential tax treatment of securities issued by such eligible institution. For purposes of this subparagraph, the term "S corporation" has the same meaning as in section 1361(a) of the Internal Revenue Code of 1986.

(H) REPAYMENT DEADLINE.—The capital investment received by an eligible institution under the Program shall be evidenced by preferred stock or other financial instrument that—

(i) includes, as a term and condition, that the capital investment will—

(I) be repaid not later than the end of the 10-year period beginning on the date of the capital investment under the Program; or

(II) at the end of such 10-year period, be subject to such additional terms as the Secretary shall prescribe, which shall include a requirement that the stock or instrument shall carry the highest dividend or interest rate payable; and

(ii) provides that the term and condition described under clause (i) shall not apply if the application of that term and condition would adversely affect the capital treatment of the stock or financial instrument under current or successor applicable capital provisions compared to a capital instrument with identical terms other than the term and condition described under clause (i).

(I) REQUIREMENTS ON FINANCIAL INSTRUMENTS ISSUED BY A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION LOAN FUND.—Any equity equivalent capital issued to the Treasury by a community development loan fund receiving a capital investment under the Program shall provide that the rate at which interest is payable shall be 2 percent per annum for 8 years. After 8 years, the rate at which interest is payable shall be 9 percent.

(6) ADDITIONAL INCENTIVES TO REPAY.—The Secretary may, by regulation or guidance issued under section 4104(9), establish repayment incentives in addition to the incentive in paragraph (5)(E) that will apply to new capital investments in a manner that the Secretary determines to be consistent with the purposes of this subtitle.

SA 4615. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . MAXIMUM 35 PERCENT RATE ON TRADE OR BUSINESS INCOME.

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(j) MAXIMUM RATE ON TRADE OR BUSINESS INCOME.—

“(1) IN GENERAL.—If, for any applicable taxable year, a taxpayer who is an individual (other than an estate or trust) has qualified trade or business income, then, in lieu of the tax imposed on the taxpayer by subsection (a), (b), (c), or (d), there is hereby imposed a tax equal to the lesser of—

“(A) the tax imposed by this section with-
out regard to this subsection, or

“(B) a tax equal to the sum of—

“(i) a tax computed at the rates and in the manner as if this subsection had not been enacted on the greater of—

“(I) taxable income reduced by qualified trade or business income and any net capital gain, or

“(II) the amount of taxable income (reduced by any net capital gain) taxed at a rate below the highest rate of tax imposed by section 11(b) for such taxable year, plus

“(ii) a tax equal to the product of such highest rate of tax and the taxpayer's qualified trade or business income which was not taken into account under clause (i).

“(2) COORDINATION WITH RATE ON NET CAPITAL GAINS.—If a taxpayer has qualified small business income for any applicable taxable year and also has a net capital gain for such taxable year—

“(A) this subsection shall not apply, and

“(B) the tax computed under subsection (h)(1)(A) shall not exceed the amount determined under paragraph (1).

“(3) QUALIFIED TRADE OR BUSINESS INCOME.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified trade or business income’ means, with respect to any taxable year, an amount equal to the excess (if any) of—

“(i) the aggregate income from the actual conduct of a trade or business which—

“(I) is income from sources within the United States (within the meaning of section 861), and

“(II) is not passive income (as defined in section 904(d)(2)(B)), over

“(ii) the sum of—

“(I) the cost of goods sold that are allocable to such income, and

“(II) other expenses, losses, or deductions that are properly allocable to such income.

“(B) CAPITAL GAINS AND LOSSES DISREGARDED.—Items taken into account in determining net capital gain shall not be taken into account in determining qualified trade or business income.

“(4) APPLICABLE TAXABLE YEAR.—For purposes of this subsection, the term ‘applicable taxable year’ means any taxable year of the taxpayer with respect to which any rate of tax under the applicable table contained in subsection (a), (b), (c), or (d) exceeds 35 percent.

“(5) NET CAPITAL GAIN.—For purposes of this subsection, the term ‘net capital gain’ has the meaning given such term by subsection (h).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SA 4616. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 237, line 25, before the period insert “including, to the extent possible based

on the available reporting data, details on lending to women-owned businesses, veteran-owned businesses, and minority-owned businesses”.

SA 4617. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 4594 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, after line 25, add the following:
SEC. 1137. TEMPORARY PROGRAM FOR RAPID DEPLOYMENT OF RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION PROJECTS.

Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

“(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment.”.

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, on behalf of Senator LINCOLN, I ask unanimous consent that Bradley Karmen, a detailee of the Senate Agriculture Committee, be granted the privilege of the floor for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AEROSPACE WEEK

Mr. DURBIN. Madam President, I ask unanimous consent the Commerce Committee be discharged from further consideration of H. Con. Res. 292 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:
A concurrent resolution (H. Con. Res. 292) supporting the goals and ideals of National Aerospace Week, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 292) was agreed to.

The preamble was agreed to.

MEASURES READ THE FIRST TIME—S. 3772 and S. 3773

Mr. DURBIN. Madam President, I understand there are two bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time.

The legislative clerk read as follows:

A bill (S. 3772) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

A bill (S. 3773) to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes.

Mr. DURBIN. I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, SEPTEMBER 14, 2010

Mr. DURBIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, September 14; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 5297, the small business jobs bill, with the time until 11 a.m. equally divided and controlled between the two leaders or their designees. Finally, I ask that the Senate recess from 12:30 p.m. until 2:15 p.m. tomorrow to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Madam President, at 11 a.m., the Senate will proceed to a series of up to three rollcall votes in relation to the small business jobs bill. Those votes will be on the motion to invoke cloture on the Johannis amendment relating to 1099 forms, the Nelson of Florida amendment, also on 1099 forms, and the substitute amendment to the small business jobs bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:55 p.m., adjourned until Tuesday, September 14, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

ROBERT NEIL CHATIGNY, OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE GUIDO CALABRESI, RETIRED.

GOODWIN LIU, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE A NEW POSITION CREATED BY PUBLIC LAW 110—177, APPROVED JANUARY 7, 2008.

LOUIS B. BUTLER, JR., OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN, VICE JOHN C. SHABAZ, RETIRED.

EDWARD MILTON CHEN, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE MARTIN J. JENKINS, RESIGNED.

JOHN J. MCCONNELL, JR., OF RHODE ISLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND, VICE ERNEST C. TORRES, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8034 AND 601:

To be general

LT. GEN. PHILIP M. BREEDLOVE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM L. SHELTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD Y. NEWTON III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. HERBERT J. CARLISLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STANLEY T. KRESGE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. SUSAN J. HELMS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. OTIS G. MANNON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. RICHARD T. DEVEREAUX

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CURTIS M. SCAPARROTTI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. PHILLIP M. CHURN, SR.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE

UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD T. TRYON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. TERRY G. ROBLING

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) JOHN M. RICHARDSON

DEPARTMENT OF AGRICULTURE

ELIZABETH ANN HAGEN, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY, VICE RICHARD A. RAYMOND, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL RESERVE SYSTEM

PETER A. DIAMOND, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2000, VICE FREDERIC S. MISHKIN.

MISSISSIPPI RIVER COMMISSION

SAMUEL EPSTEIN ANGEL, OF ARKANSAS, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION FOR A TERM OF NINE YEARS. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

ALAN D. BERSIN, OF CALIFORNIA, TO BE COMMISSIONER OF CUSTOMS, DEPARTMENT OF HOMELAND SECURITY, VICE W. RALPH BASHAM.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DONALD M. BERWICK, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, VICE MARK B. MCCLELLAN.

DEPARTMENT OF THE TREASURY

JEFFREY ALAN GOLDSTEIN, OF NEW YORK, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE ROBERT K. STEEL, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

RICHARD SORIAN, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE CHRISTINA H. PEARSON, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF STATE

MARI CARMEN APONTE, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CAMERON MUNTER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

PAMELA ANN WHITE, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MIN-

ISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

NATIONAL MEDIATION BOARD

THOMAS M. BECK, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2013, VICE ELIZABETH DOUGHERTY, TERM EXPIRED.

STATE JUSTICE INSTITUTE

MARSHA TERNUS, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE ROBERT A. MILLER, TERM EXPIRED.

SMALL BUSINESS ADMINISTRATION

WINSLOW LORENZO SARGEANT, OF WISCONSIN, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION, VICE THOMAS M. SULLIVAN, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CONFIRMATION

Executive nomination confirmed by the Senate, Monday, September 13, 2010:

THE JUDICIARY

JANE BRANSTETTER STRANCH, OF TENNESSEE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 14, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 15

- 8 a.m.
Impeachment Trial Committee (Porteous)
To continue hearings to examine the Articles Against Judge G. Thomas Porteous, Jr.
SH-216
- 10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the National Organic Law at 20, focusing on sowing seeds for a bright future.
SR-328A
- Banking, Housing, and Urban Affairs
To hold hearings to examine covered bonds, focusing on potential uses and regulatory issues.
SD-538
- Foreign Relations
To hold hearings to examine banking reform, focusing on capital increase proposals from multilateral development banks.
SD-419
- Health, Education, Labor, and Pensions
Business meeting to consider S. 3751, to amend the Stem Cell Therapeutic and Research Act of 2005, and the nominations of Subra Suresh, of Massachusetts, to be Director of the National Science Foundation, Mary Minow, of California, to be a Member of the National Museum and Library Services Board, and any pending calendar business.
SD-430
- Homeland Security and Governmental Affairs
To resume hearings to examine nuclear terrorism, focusing on strengthening our domestic defenses.
SD-342

Judiciary

To hold hearings to examine prohibiting obscene animal crush videos in the wake of "United States v. Stevens".
SD-226

11 a.m.

Commission on Security and Cooperation in Europe

To receive a briefing on minority politics, minority pressures.
CVC

2 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the federal role in national rail policy.
SR-253

Judiciary

To hold hearings to examine the nominations of Susan L. Carney, of Connecticut, to be United States Circuit Judge for the Second Circuit, Amy Totenberg, to be United States District Judge for the Northern District of Georgia, James Emanuel Boasberg, and Amy Berman Jackson, both to be United States District Judge for the District of Columbia, and James E. Shadid, and Sue E. Myerscough, both to be United States District Judge for the Central District of Illinois.
SD-226

SEPTEMBER 16

8 a.m.

Impeachment Trial Committee (Porteous)

To continue hearings to examine the Articles Against Judge G. Thomas Porteous, Jr.
SH-216

9:30 a.m.

Armed Services

To hold hearings to examine the current security situation on the Korean Peninsula; with the possibility of a closed session in SVC-217 following the open session.
SD-106

Foreign Relations

Business meeting to consider Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc.111-05).
SD-419

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the Treasury Department's report on international economic and exchange rate policies.
SD-538

Budget

To hold hearings to examine the nomination of Jacob J. Lew, of New York, to be Director of the Office of Management and Budget.
SD-608

Judiciary

Business meeting to consider S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, S. 3717, to amend the Securities Exchange Act of 1934,

the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), S. 2888, to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section, and the nominations of Kathleen M. O'Malley, of Ohio, to be United States Circuit Judge for the Federal Circuit, Beryl Elaine Howell, and Robert Leon Wilkins, both to be United States District Judge for the District of Columbia, Edward Milton Chen, to be United States District Judge for the Northern District of California, Louis B. Butler, Jr., to be United States District Judge for the Western District of Wisconsin, John J. McConnell, Jr., to be United States District Judge for the District of Rhode Island, Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit, and Michael J. Moore, to be United States Attorney for the Middle District of Georgia, Michael Robert Bladel, to be United States Marshal for the Southern District of Iowa, Kenneth James Runde, to be United States Marshal for the Northern District of Iowa, James Edward Clark, to be United States Marshal for the Western District of Kentucky, Joseph H. Hogsett, to be United States Attorney for the Southern District of Indiana, and Beverly Joyce Harvard, to be United States Marshal for the Northern District of Georgia, all of the Department of Justice.
SD-226

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine the promise of human embryonic stem cell research.
SD-124

Small Business and Entrepreneurship

To hold hearings to examine the Deepwater drilling moratorium, focusing on a review of the Obama Administration's economic impact analysis on United States small businesses.
SR-428A

2 p.m.

Appropriations

Business meeting to markup proposed budget estimates for fiscal year 2011 for the Department of Defense, Department of the Interior, Environment, and Related Agencies, and the Legislative Branch.
SD-106

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Commerce, Science, and Transportation
Aviation Operations, Safety, and Security
Subcommittee

To hold an oversight hearing to examine
the Metropolitan Washington Airports
Authority, Reagan Washington Na-
tional Airport and the Perimeter Rule.

SR-253

3 p.m.

Homeland Security and Governmental Af-
fairs

To hold hearings to examine the nomina-
tion of Jacob J. Lew, of New York, to
be Director of the Office of Manage-
ment and Budget.

SD-342

SEPTEMBER 21

8 a.m.

Impeachment Trial Committee (Porteous)
To resume hearings to examine the Ar-
ticles Against Judge G. Thomas
Porteous, Jr.

SH-216

9:30 a.m.

Armed Services

To hold hearings to examine the nomina-
tion of General James F. Amos, USMC,
for reappointment to the grade of gen-
eral and the be Commandant of the Ma-
rine Corps.

SD-G50

SEPTEMBER 22

8 a.m.

Impeachment Trial Committee (Porteous)
To continue hearings to examine the Ar-
ticles Against Judge G. Thomas
Porteous, Jr.

SH-216

10 a.m.

Judiciary

To hold hearings to examine the Elec-
tronic Communications Privacy Act,
focusing on promoting security and
protecting privacy in the digital age.

SD-226

Veterans' Affairs

To hold hearings to examine a legislative
presentation focusing on the American
Legion.

345, Cannon Building

SEPTEMBER 23

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine
Veterans' Affairs disability compensa-
tion, focusing on presumptive dis-
ability decision-making.

SDG-50

SEPTEMBER 30

2:30 p.m.

Homeland Security and Governmental Af-
fairs

Oversight of Government Management, the
Federal Workforce, and the District of
Columbia Subcommittee

To hold hearings to examine implemen-
tation, improvement, sustainability,
focusing on management matters at
the Department of Homeland Security.

SD-342

POSTPONEMENTS

SEPTEMBER 15

2:30 p.m.

Homeland Security and Governmental Af-
fairs

Oversight of Government Management, the
Federal Workforce, and the District of
Columbia Subcommittee

To hold hearings to examine implemen-
tation, improvement, and sustain-
ability, focusing on management mat-
ters at the Department of Homeland
Security.

SD-342

SENATE—Tuesday, September 14, 2010

The Senate met at 10 a.m. and was called to order by the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, guide our lawmakers today with Your higher wisdom, helping them to see Your desires and plans for their day. May they seek Your guidance throughout this day and remember Your promise to give wisdom liberally to all who, by faith, request it from You. Lord, remind them that the wisdom You give leads to purity, civility, kindness, sincerity, honesty, and peace. May the gift of Your wisdom infuse us all with a faith that replaces doubt, until truth arises over falsehood, justice triumphs over greed, and love prevails over hate.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CARTE P. GOODWIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 14, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. GOODWIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, I expect the majority leader momentarily. I am going to go ahead and

make my opening statement first, since he is not here this morning yet. I am sure he will be here shortly.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

1099 MANDATE

Mr. McCONNELL. Mr. President, over the past year and a half, I have tried to highlight some of the things the Democratic health spending bill does to undermine the health care system in this country. But one of the things the American people might not realize is that the consequences of this bill reach far beyond health care.

As a way of helping fund their health spending bill, Democrats inserted a backdoor tax known as a 1099 mandate that forces small businesses to bear the burden of their plan. It mandates that every business and charity in the country submit 1099 forms for transactions totaling \$600 or more, including routine business expenses such as phones, office products, and shipping costs. It could increase businesses' reporting requirement by as much as 2,000 percent.

Even the White House now admits they went too far and that their health spending bill hurts small businesses. Predictably, however, their remedy is to raise taxes. This is one more way Democrats are holding back the economic recovery—by socking businesses with another mandate that costs them thousands of dollars a year in the middle of a recession.

Ironically, the IRS says they will not even be able to handle the paperwork this mandate would generate. They also say it is likely they will improperly assess penalties they will have to abate later.

The Democratic Senator from Florida has put forth an amendment we will be voting on later today that aims to help small businesses get around this reporting requirement. The problem is the Nelson amendment only covers some small businesses and fails to address the root of the problem.

Under this amendment, for example, businesses with 26 or more employees would still be subject to mandates for transactions totaling \$5,000 or more. Not only would hundreds of thousands of businesses still have to deal with this costly and burdensome new mandate, many others would presumably stop hiring once they reach the magic number of 26 employees in order to avoid paying the new expense. Moreover, the Nelson amendment does nothing to alleviate the paperwork nightmare, and it is paid for with yet another major tax increase.

Senator JOHANNIS has proposed a better approach. Unlike the Nelson amendment, the Johanns amendment fully repeals the 1099 mandate and would halt the Democrats' backdoor attempt to further place the costs of their health care plan on the backs of small businesses. It eliminates the paperwork for all businesses instead of picking winners and losers.

The Johanns amendment also has broad support. It has been endorsed by the Coalition for Fairness in Tax Compliance, the U.S. Chamber of Commerce, the National Federation of Independent Business, the American Farm Bureau Federation, and the Americans for Tax Reform. It has bipartisan support in the Senate as well.

This is a strong amendment that will actually help small businesses without hurting others. I will be voting for the Johanns amendment and against the continuing costs and mandates of the Nelson amendment. I urge my colleagues to do the same.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of H.R. 5297, which is, as the leader has indicated, the small business jobs bill, with the time until 11 a.m. equally divided and controlled between the two leaders or their designees. At 11 a.m., there will be three votes relating to this bill: cloture on the Johanns amendment relating to 1099 forms. This is a commitment I made—that we would have a vote on his amendment. I think it is appropriate we do that. That will be a cloture vote, a 60-vote margin. We also have a vote that will occur on the Nelson of Florida amendment also relating to 1099 forms. It has changes that affect a number of people, but it is also something that I think is widely supported. I do not support the Johanns amendment, even though I have had conversations with him. He is the one who brought this to the attention of the Senate. I appreciate that. I think the Nelson amendment is better for the reasons Senator NELSON and others have talked about. It is an amendment that certainly gets to the heart of this issue as to who has to report.

Finally, we will have a cloture vote on the substitute amendment to H.R.

5297, which is the small business jobs bill.

This is one of the most important things we have done in recent months. I know we have been away for a month. There were some efforts to get to that before we left, but time constraints would not allow us to do that.

This is an important piece of legislation. It is going to infuse community banks with money. The problem we have in America today is the big banks are doing great. We saw what happened in the stock market yesterday, and all reasons indicate the reason the stock market jumped like it did is because the big financial institutions are doing so well. They are doing well. They are loaning to big businesses. That is good. I am very happy they are doing that.

Eighty percent of the jobs we lost because of this recession were small business jobs. That is where we have to get the jobs back, and we are not giving small businesses the opportunity to borrow money. That is why this bill is so important.

People are estimating this will create from 500,000 to 700,000 new jobs because small business is the engine that drives our economy, and they need help. During this recess period, I was all over Nevada, of course. I went to a number of other States. It does not matter where you go. You see these little strip malls with "For Lease" signs. The reason is that small businesses that could continue their businesses if they could borrow the bucks for the inventory have not been able to do that. This bill will allow that to take place.

Not only does it do that, but it gives other tax incentives to small businesses. For example, they will be able to write off purchases they make for equipment—not depreciate it but write it off. It is extremely important they are able to do that.

We also have other tax breaks that allow some of these small businesses to do exporting, which they are anxious to do, and they get tax benefits for doing that.

The Small Business Administration will be revitalized. They have programs that are working well, but their resources are gone. I have spoken with the head of the Small Business Administration. She is so anxious for this to pass. She has people waiting in her offices around the country to apply for these loans to get their businesses started or reenergized. This is an important piece of legislation.

Following the vote on that substitute amendment, we will recess from 12:30 p.m. to 2:15 p.m. to allow for our weekly caucus meetings.

Finally, I ask unanimous consent that the filing deadline for second-degree amendments be at 12 noon today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEASURES PLACED ON THE CALENDAR—S. 3772 AND S. 3773

Mr. REID. Mr. President, there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for a second time.

The legislative clerk read as follows:

A bill (S. 3772) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

A bill (S. 3773) to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these two bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

Mr. REID. Mr. President, these two pieces of legislation are important. I am going to do my utmost to see if we can find a way to have a vote on the Paycheck Fairness Act. It is so fair to do that, to do a better job of equalizing pay between men and women when they do the same work. It seems fairly basic and fair.

S. 3773 is Senator MCCONNELL's Tax Hike Prevention Act. I am in conversations with him on how we are going to proceed on the tax issues, relating to the extension of the individual tax benefits. We will have more to say about that at a subsequent time.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SMALL BUSINESS LENDING FUND ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5297, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Pending:

Reid (for Baucus-Landrieu) amendment No. 4594, in the nature of a substitute.

Reid (for Nelson (FL)) amendment No. 4595 (to amendment No. 4594), to exempt certain amounts subject to other information reporting from the information reporting provisions of the Patient Protection and Affordable Care Act.

Reid (for Johanns) amendment No. 4596 (to amendment No. 4595), to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations.

Reid amendment No. 4597 (to the language proposed to be stricken by amendment No. 4594), to change the enactment date.

Reid amendment No. 4598 (to amendment No. 4597), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid amendment No. 4599 (the instructions on the motion to commit), to provide for a study.

Reid amendment No. 4600 (to the instructions (amendment No. 4599) of the motion to commit), of a perfecting nature.

Reid amendment No. 4601 (to amendment No. 4600), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be equally divided and controlled between the two leaders or their designees.

Mr. BAUCUS. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is H.R. 5297.

Mr. BAUCUS. That is the Small Business Act.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BAUCUS. Am I correct in saying the time is equally divided before the votes?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. Mr. President, I see my colleague. I have a statement to make on the bill.

Mr. JOHANNS. Mr. President, I defer to the Senator from Montana.

Mr. BAUCUS. Mr. President, the Book of Ecclesiastes teaches: "The end of a matter is better than its beginning."

In other words, getting something done is better than starting something new. That is what a lot of folks are telling us these days. They are telling us to get some things done. They are telling us to do something to create jobs. They are telling us to enact legislation such as the small business jobs bill before us today.

In America, the private sector creates the vast majority of jobs, and in the private sector, small businesses are the principal engine of job creation. Over the past 15 years, small businesses generated two-thirds of new jobs. That is about 12 million new jobs. That is even more true in my home State of Montana. In Montana, we have the largest share of workers employed by small businesses of any State in the Nation. Nearly 4 out of 5 employees in Montana work in businesses with fewer than 10 workers, and 3 out of 5 employees in Montana work in businesses with fewer than 5 workers.

The great recession has hit small businesses hard. Over the course of the recession, small firms have incurred two-thirds of the net job losses. We need to focus on small businesses as we seek to create jobs. When we help small businesses, we help get Americans back to work, and that is exactly what this small business jobs bill would do. This bill would help small businesses get

capital. This bill would make it easier for small businesses to invest. This bill would promote entrepreneurship. This bill would improve equity in the law. This is exactly the kind of targeted job-creating legislation folks are telling us to enact, and we ought to get it done. But before we can pass this bill, we have to address the pending Johanns and Nelson amendments on information reporting.

I urge my colleagues to oppose the Johanns amendment and support the Nelson amendment, and let me explain why. The Johanns amendment would repeal a tax-reporting provision enacted in the new health care law. No matter what you think of the reporting requirement in the new health care law, the offset in the Johanns amendment is a killer.

The Johanns amendment would go in the wrong direction. It would expand the exemption from the responsibility to buy health insurance. Fewer people would be responsible to buy health insurance. The amendment would raise revenue because it would thus decrease the number of people who receive Federal tax credits. Fewer Americans would get insurance and fewer people would get tax credits to buy the insurance.

According to the nonpartisan Congressional Budget Office, the Johanns amendment would increase premiums by up to 4 percent in the individual market; that is, in the market for those who individually buy health insurance. Their premiums would go up 4 percent, according to the Congressional Budget Office, under the Johanns amendment.

The Johanns amendment would increase the number of uninsured by 2 million people—increase by 2 million the number of people who are uninsured. Under the Johanns amendment, much of the cost of caring for the uninsured would therefore continue to be shifted to people with insurance, as it is today, and the premiums would continue to go up for all the rest of us to pay for that.

By reducing the requirement for folks to buy insurance, the Johanns amendment would make it so that the share of folks who buy insurance who are sick would also increase, and that would make insurance premiums go up as well.

We need to resist misguided efforts such as these to weaken the new health care law. What is more, the amendment would also cut money set aside for prevention in the new health care law, and that is a bad idea. The Johanns amendment is a wolf in sheep's clothing. It is dressed up as an attempt to help small businesses, but in reality it is just another partisan effort to undermine the new health care law.

Let me take a few moments to address the information reporting re-

quirement which the Johanns amendment purports to address. Current law, even before health care reform, requires all businesses to send a form 1099 information return to all unincorporated service providers to whom businesses pay \$600 or more during the year. This information also goes to the IRS. That is current law. That is before the health care reform law. The new health care law expands this requirement to include payments to corporations—not just service providers but to unincorporated companies—as well as payments for goods and property beginning in 2012. So this goes into effect, the provision in the health care law, in 2012—not this year, not next year, but 2012. I know it takes time and money for small businesses to comply with information reporting requirements. I am very sympathetic to the record-keeping burdens of small businesses. But the research demonstrates that voluntary compliance doubles when information reporting is in place. The rate rises from 46 percent compliance to 98 percent compliance. Information reporting does not increase taxes. Let me say that again. It does not increase taxes. Rather, it keeps tax rates lower. Why? Because more people pay the taxes they already owe.

Both the Bush administration and the Obama administration included corporate information reporting among their tax compliance proposals. But we do need to address this requirement, and the Nelson amendment is an excellent start. The Nelson amendment directly addresses the concerns small businesses are raising. First, the Nelson amendment would completely exempt businesses with 25 or fewer employees from the new reporting requirements for goods and property—a complete exemption for a small business that has 25 or fewer employees. For businesses with more than 25 employees, the Nelson amendment would raise the threshold to report purchases of goods and property from \$600 to \$5,000. The Nelson amendment would also take other steps to reduce the burdens on small businesses.

The bottom line is this: We have heard the concerns of small businesses. We hear it. I hear it. During the last month, I heard it two or three times, and on this particular provision. But when I asked about the Nelson solution, the people I talked to, the small businessmen I talked to, and the accountants I talked to at home said: Well, gee, maybe that might be OK.

We intend to work diligently to address and mitigate the concerns of small businesses, and we are doing so with the Nelson amendment. The Nelson amendment is the first step in that process. So I urge my colleagues to support the Nelson amendment in response to the concerns of small businesses. Those concerns are real, and the Nelson amendment addresses them.

But the offset in the Johanns amendment is a killer. The Johanns amendment would raise health insurance premiums—raise them. The Johanns amendment would result in fewer people having health insurance—fewer. And the Johanns amendment would cut funding for prevention—cut it. Those are results no one should want. I therefore urge that the Johanns amendment be opposed, and I urge my colleagues to vote against it.

Let's address these amendments and get something done, as Ecclesiastes, in the Scriptures, suggests to us, let's do something to create jobs, and let's enact this small business jobs bill today.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNES. Mr. President, I rise today to speak on behalf of the amendment I offer, which is called the Johanns amendment. I think and very respectfully I say that the Senator from Montana has really joined the issues here. On one hand, we have this 1099 requirement, which no business in America supports—none. We have this 1099 requirement that every business association in America opposes. On the other hand, we have a health care bill—passed on Christmas Eve, put together with no bipartisan support—for which the President is demanding absolute loyalty of his Members. He doesn't want anything changed. And that is how the issue is joined today.

But I believe today that we in the Senate have an opportunity to take a very clear and very decisive action that shows we mean what we say. A vote to repeal the 1099 paperwork mandate fulfills the promise to clear Federal roadblocks that are stopping small businesses from expanding and putting Americans to work.

There have been a lot of promises from this administration and even from this Congress to support small businesses, but America is coming to the conclusion that the promises are empty. And this 1099 mandate in the health care bill is a perfect example of why they are giving up hope. You see, our small business owners, our medium-sized business owners, and our large business owners are frustrated with nice speeches that are followed by strangling regulation, new taxes, and really absurd paperwork mandates. Small businesses want to expand, they want to hire workers, and they want more customers. They do not like going to a long-term employee and saying: I have to lay you off. I have had employers talk to me about that literally with tears in their eyes. Yet this tax paperwork mandate—hidden in the health care law, of all things, in section 9006, page 700—something—requires businesses to file a mountain of additional 1099 tax forms. It will consume resources that could otherwise be spent on wages for new employees. It is an

undeniable example of the relentless hostility this administration has toward the business community.

The Washington Post accurately summarized it this way:

As small businesses try to plot their recovery, attention is turning to what many owners consider burdensome policies—higher taxes, new accounting procedures and health-care mandates.

That quote goes on to say:

Even as the government tries to help with an array of small business initiatives, many owners say the intervention is as much a hindrance to hiring as is the faltering economy.

You see, this type of uncertainty and fear only leads to a paralyzed job market and, of course, anemic growth. Just look at what we have piled on the backs of businesses in the last 18 months. Is it any wonder they are sitting on capital? A so-called economic stimulus that cost taxpayers \$862 billion but failed to deliver on the promise of keeping unemployment below 8 percent. Passage of a \$2.6 trillion health care bill that, when honestly scored, imposes an employer mandate—an employer mandate—during one of the toughest economic times since the Great Depression. It increases taxes in areas completely unrelated to health care. A financial overhaul that increases small business burdens and cost of compliance. Threats of card check, which the Chamber of Commerce recently estimated will result in 600,000 lost jobs. And, of course, the endless threat of an energy tax. A cap-and-trade proposal that would result in increased production costs, harming America's competitiveness in a global marketplace—shipping jobs to India and China. To make matters worse, the uncertainty about the looming tax increases—the largest in history—only compounds the worries businesses are facing.

All of us traveled during the August break. I traveled across my home State of Nebraska in August, and I heard from hundreds, thousands of constituents. The message was plain and simple. In 14 townhalls across the State, people said over and over again: MIKE, go back there and fight for us. And do you know what they were asking me to do? Protect their businesses from Washington. Protect their businesses from Washington.

We have an opportunity to do just that today by fully repealing the 1099 filing requirements. Our job creators will be able to focus their time and energy on hiring and expanding, not dealing with mounds of paperwork.

As the president of the Nebraska Federation of Independent Business put it, and I am quoting from the chart:

You can't operate and grow your business if you are spending all your time filling out IRS forms and haggling with auditors.

In fact, there has been an outpouring of support from business owners who

are hoping that common sense will rule the day. The steady stream of support letters and key vote letters Senate offices have received is absolutely compelling evidence that our job creators feel very strongly about repealing this nonsensical mandate. The U.S. Chamber of Commerce, National Federation of Independent Business, and the National Association of Manufacturers all support full repeal, to name a few. But I could go on and on—the Farm Bureau, the National Restaurant Association, the Public Accountants Association, veterinarians, florists. There is no stopping here.

I think it is time Washington listen to the concerns of constituents and businesses. They sure did not do that with the health care bill. Here is a sampling of what businesses are saying. From the American Rental Association:

The reporting requirement substantially and disproportionately increases compliance burdens on all types of small businesses.

Citizens Against Government Waste says:

With a ballooning \$13.4 trillion federal debt and a national unemployment rate that is around 10 percent, lawmakers should be focused on providing relief to America's businesses, encouraging job creation, and spurring economic growth. The 1099 mandate is a major roadblock, discouraging them from expanding and hiring.

The National Restaurant Association says this:

This new requirement will impose a significant burden on restaurants across the country.

The International Franchise Association says:

The paperwork filing burden associated with this provision will be too great for many small businesses to comply and could lead to inaccurate filings that may trigger audits and penalties.

Finally, the Coalition for Fairness in Tax Compliance says:

The Johans amendment is the only solution that fully protects small businesses.

They go on to speak to the Nelson amendment, and I am quoting again:

The Nelson amendment does not remove the paperwork and administrative burden that is created by this new law. Instead, the Nelson alternative further complicates compliance responsibilities . . . rather than clarify. The Nelson amendment actually creates even greater complexity for those who comply with the law.

Businesses could not be more clear. Today are we going to turn our deaf ear to the job creators in America? Are we going to stand with the President, who does not want anybody fiddling with his health care reform, or are we going to stand with small businesses?

This is a vote to put Americans back to work by freeing up our small businesses to expand and hire. It is as simple as that. Let's not force our job creators to fight the greatest battle they are fighting, which is the battle against Washington and its endless appetite for regulation and spending.

We have talked about support for our small businesses. Let's stand behind them. I want to remind my colleagues that, according to analysis by one business group, this mandate is likely to increase the 1099s that businesses file by a whopping 2000 percent. Let's listen to the loud voices of an endless line of businesses pleading with us to repeal this job-killing mandate.

I hope my colleagues across the aisle will reject the arm twisting that is going on by the White House to preserve at all costs the health care law and every word of it, every dotted i and every crossed t, even at the expense of American jobs. I ask you to vote in favor of the only bipartisan amendment you will vote on today, the Johans-Lincoln amendment, a bipartisan approach, the only real fix to a 1099 nightmare created by the health care law.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I will yield 8 minutes to my good friend from Florida, who has come up with a very good idea to resolve this question.

AMENDMENT NO. 4595, AS MODIFIED, AND

AMENDMENT NO. 4596, AS MODIFIED

Mr. NELSON of Florida. If it is OK with the chairman of the committee, we have a unanimous consent that has been agreed to on both sides.

Mr. President, I ask unanimous consent that the pending amendments, No. 4595 and No. 4596, be modified with the changes at the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, reserving the right to object, let me take a moment to analyze what the Senator has proposed.

We have no objection.

The ACTING PRESIDENT pro tempore. Hearing no objection, it is so ordered.

The amendments, as modified, are as follows:

AMENDMENT NO. 4595, AS MODIFIED

At the end of subtitle B of title II, add the following:

PART V—ADDITIONAL PROVISIONS

SEC. ____ . CERTAIN EXCEPTIONS TO INFORMATION REPORTING PROVISIONS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006 of the Patient Protection and Affordable Care Act and section 2101 of this Act, is amended by redesignating subsection (j) as subsection (k) and inserting after subsection (i) the following new subsection:

“(j) COORDINATION WITH RETURNS RELATING TO PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.—This section shall not apply to any amount with respect to which a return is required to be made under section 6050W.”.

(b) INCREASE IN THRESHOLD AMOUNT AND EXEMPTION FOR SMALL EMPLOYERS FOR REPORTING OF CERTAIN PAYMENTS.—Subsection (a) of section 6041 of the Internal Revenue Code of 1986, as amended by the Patient Protection and Affordable Care Act, is amended

by adding at the end the following new sentences: "In the case of payments in consideration of property, this subsection shall be applied by substituting '\$5,000' for '\$600' and this subsection shall not apply in the case of any person employing not more than 25 employees at any time during the taxable year. In the case of any payment to a corporation which is not an organization exempt from tax under section 501(a), this subsection shall not apply in the case of any person employing not more than 25 employees at any time during the taxable year. For purposes of the two immediately preceding sentences, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as one employer."

(c) **REGULATORY AUTHORITY.**—Subsection (k) of section 6041 of the Internal Revenue Code of 1986, as redesignated by subsection (a), is amended by striking "including" and all that follows and inserting "including—

"(1) rules to prevent duplicative reporting of transactions, and

"(2) rules which identify, and provide exceptions for, payments which bear minimal risk of noncompliance."

(d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall apply to amounts with respect to which a return is required to be made in calendar years beginning after December 31, 2010.

(2) **PROPERTY THRESHOLD.**—The amendment made by subsection (b) shall apply as if included in the amendments made by section 9006 of the Patient Protection and Affordable Care Act.

(e) **PUBLIC COMMENTS AND SUGGESTIONS.**—In order to minimize the burden on small businesses and to avoid duplicative information reporting by small businesses, the Secretary of the Treasury or the Secretary's designee is directed to request and consider comments and suggestions from the public concerning implementation and administration of the amendments made by section 9006 of the Patient Protection and Affordable Care Act, including—

(1) the appropriate scope of the terms "gross proceeds" and "amounts in consideration for property" in section 6041(a) of the Internal Revenue Code of 1986, as amended by such section 9006,

(2) whether or how the reporting requirements should apply to payments between affiliated corporations, including payments related to intercompany transactions within the same consolidated group,

(3) the appropriate time and manner of reporting to the Internal Revenue Service, and whether, and what, changes to existing procedures, forms, and software for filing information returns are needed, including electronic filing of information returns to the Internal Revenue Service,

(4) whether, and what, changes to existing procedures and forms to acquire taxpayer identification numbers are needed, and

(5) how back-up withholding requirements should apply.

(f) **TIMELY GUIDANCE.**—The Secretary of the Treasury is directed to issue timely guidance that will implement and administer the amendments made by section 9006 of the Patient Protection and Affordable Care Act in a manner that minimizes the burden on small businesses and avoids duplicative reporting by small businesses.

(g) **REPORTS TO CONGRESS.**—

(1) **IN GENERAL.**—Prior to the effective date of the amendments made by section 9006 of the Patient Protection and Affordable Care

Act, the Secretary of the Treasury shall report quarterly to Congress concerning the steps taken to implement such amendments, including ways to limit compliance burdens and to avoid duplicative reporting. Such reports shall include—

(A) a description of actions taken to minimize, reduce or eliminate burdens associated with information reporting by small businesses, and

(B) a description of business transactions exempted from reporting requirements to avoid duplicative reporting or because such transactions represent minimal compliance risk.

(2) **COMPARISON.**—Not later than 6 months prior to the effective date of the amendments made by section 9006 of the Patient Protection and Affordable Care Act, the Secretary of the Treasury shall report to Congress a comparison of the expected compliance requirements after the implementation of such amendments to the compliance requirements under section 6041 of the Internal Revenue Code of 1986 prior to the effective date of such amendments.

SEC. _____. DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) **IN GENERAL.**—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; or", and by inserting after clause (iii) the following new clause:

"(iv) in the case of a taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)), oil related qualified production activities (within the meaning of subsection (d)(9)(B))."

(b) **CONFORMING AMENDMENT.**—Section 199(d)(9)(A) of the Internal Revenue Code of 1986 is amended by inserting "(other than a major integrated oil company (as defined in section 167(h)(5)(B)))" after "taxpayer".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

AMENDMENT NO. 4596, AS MODIFIED

In lieu of the matter proposed to be inserted, insert the following at the appropriate place insert the following:

PART IV—ADDITIONAL PROVISIONS

SEC. 4271. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SEC. 4272. EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.

Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "8 percent" and inserting "5 percent".

SEC. 4273. USE OF PREVENTION AND PUBLIC HEALTH FUND.

(a) **USE OF FUNDS AS OFFSET THROUGH FISCAL YEAR 2017.**—Section 4002(b) of the Patient Protection and Affordable Care Act is amended by striking "appropriated—" and all that follows and inserting "appropriated, for fiscal year 2018, and each fiscal year thereafter, \$2,000,000,000".

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as if included in the enactment of section 4002 of the Patient Protection and Affordable Care Act.

SEC. 4274. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 4.25 percentage points.

Mr. NELSON of Florida. Mr. President, we are down now to passing what we have tried to pass so many times, this small business assistance bill, which is going to create a \$30 billion lending facility that will work through community banks. The small business lending fund will generate \$300 billion of loans that will specifically be targeted to small businesses to help get our country moving again economically. This is huge. But right now we are stuck on this issue of whether businesses are going to have to file these 1099 forms anytime they make purchases of goods.

The Senator from Nebraska wants to eliminate all of the new information reporting rules. That is a salutary result. But how does he propose to do it? He has to come up with a way to pay for it. The underlying law raises about \$17 billion, so he has to come up with a pay-for if he is going to repeal it. Where does he get it? He basically goes directly at the health care bill, the reform bill, and he starts to gut the health care reform bill.

This Senator does not think that is a very good idea, particularly since what the Senator from Nebraska is gutting is the subsidies that allow people to purchase health insurance who presently are uninsured. The amendment of the Senator would reduce the number of people that purchase coverage through the health insurance exchange. These are uninsured people whom we want to have private health insurance, 2 million of them in this country who otherwise would go into their State health insurance exchange and be able to purchase health insurance with some assistance because of their income level.

The amendment of the Senator involves a complicated formula. It actually gets at a provision in the current health reform law that says if your health premiums are going to be above 8 percent of your annual income, you do not have a responsibility to purchase health insurance. The Senator from Nebraska drops that to 5 percent, which means that 2 million people in this country are not going to go into these health insurance exchanges and purchase health insurance.

By the way, what is going to happen? They are still going to get health care if they do not have health insurance. Where are they going to get it? They are going to get it at the most expensive place at the most expensive time; that is, when they get sick they are going to go to the emergency room. If they do not have health insurance, guess who is going to pay. All the rest of us are going to pay, which was part

of the reason for the health reform bill in the first place. It was to get 32 million people in this country who are not insured into the health insurance system so that you spread that health risk over more people. That is 32 million people who are going to come into the health insurance system and pay for their care, instead of just those who currently have health insurance.

The whole idea was to get more people into the system—more people paying insurance, more people with health insurance so they receive preventive care and so they do not wait around until the sniffles have turned into pneumonia and they have to go to the emergency room. If they don't have health insurance, everybody else pays for them.

What the Senator from Nebraska is doing is he is driving a stake into the heart of the health insurance reform bill by taking 2 million people out of that pool, people who are uninsured, who otherwise would be getting health insurance. That is the essence of this; otherwise, the Senator from Nebraska and I agree. We want to stop this nonsense of the harassment of every time you make a purchase of a good, some equipment, et cetera, that you have to file a 1099 because the other guy on the other end who is selling you that good is not going to report the income. We would both prefer to eliminate all of that.

The amendment of this Senator says, first of all, if you are a small business, if you are 25 employees or less, you are not going to have to worry about that requirement at all. Second, this Senator says that if you have 26 or more employees, you are not going to have to file that 1099 form when you purchase equipment unless it is over \$5,000 of value. Third, if it is a credit or debit card transaction, no information reporting by the business would be required, period.

Is that too much to ask in order to help get people to pay the income tax that they owe, people who are now getting out of it to the tune of \$17 billion? If somebody is not paying their income tax, is that fair? No, it is not. So in tightening up the law we are going to get people to pay their income tax, but we are going to do it in a way that is not harassing any business, and particularly small businesses, because we are going to exempt them if there are 25 employees or less.

The long and short of it is if the amendment of the Senator from Nebraska, which is going to be voted on first, is not agreed to, then we come to the amendment of this Senator. You may want to eliminate everything. But if his amendment—

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. NELSON of Florida. Oh, goodness. I will conclude by saying if his

amendment does not pass, then you have a viable alternative with the Nelson amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNIS. May I inquire how much time on this side is left?

The ACTING PRESIDENT pro tempore. The Senator from Nebraska has 11 minutes 14 seconds.

Mr. JOHANNIS. I will defer to the Senator from Wyoming for 3 minutes, and yield 3 minutes of my time.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I just heard the discussion about this bill. I know in the health care bill we hired 16,000 more IRS agents. If we hired 16,000 more IRS agents, we should not need a whole bunch more paperwork for small businesses to do, to see if they are being honest.

This is going to cost a fortune for small business, even if you go to the \$5,000 level, because you have to keep track of how much you buy from every supplier. You have to see if you hit the \$600 or \$5,000 mark. That is a cost to business with no benefit. I do not think it is going to wind up with the kind of benefit they are talking about in raising revenue to finance health care.

As far as the mandate to buy insurance, I am not in favor of the mandate to begin with. But it mandates that they spend 8 percent of their income on health insurance. This reduces it to 5 percent of their health care. I think that is a pretty big mandate all in itself.

But during the last month, my wife and I traveled around Wyoming. We visited small businesses. We looked to see what their problems were. I do that to get a sense of what Federal legislation is going to do to help or hinder them. I want to see firsthand the struggles they deal with. Every business looks simple until you have to make the decisions that deal with that business.

The last thing we want to do in Washington is hurt those businesses by passing legislation that takes resources away from growing businesses and puts it into more paperwork. We also should not be passing legislation using regulation that stymies new jobs and causes uncertainty about what will come out in the near future.

Unfortunately, I think that is exactly what happened in the health care reform law that was enacted earlier this year. Today, we have a chance to fix it. Although the health care reform battle may be in the rearview mirror for some of you, it is the small businesspeople in our hometowns who continue to bleed from it.

The provision I am referring to will require business owners to submit onerous and duplicative 1099 forms for every single business-to-business trans-

action over \$600. Even \$5,000 does not solve the problem. This includes anything from utilities, office supplies, construction materials. There are ways to audit that anyway. This is just trying to do an easy thing and putting a whole burden on businesses. So everybody on Main Street will have to do 200 to 2,000 of these 1099s depending on which one of these forms you go with. Repealing it is the best way to do it.

Something else that is not mentioned is they have to get the taxpayer's ID number. If you are a small businessman, a really small businessman, your taxpayer ID is your Social Security number. How willing are you going to be to give your Social Security number to some kid that bought \$600 worth of gas so he could mow lawns over the summer? If he does not get the taxpayer number, he is supposed to withhold 28 percent of the payment.

Most businesses don't have personal accountants on hand to file these forms so they will need to hire someone just to file paperwork. This is the kind of onerous paperwork burden that will distract small businesses from doing day-to-day business, providing much-needed jobs and stimulating the economy.

Many of my colleagues have joined me in co-sponsoring the Small Business Paperwork Mandate Eliminate Act to fix this problem, and today I urge them to join me in supporting Senator JOHANNIS' amendment. The Johannis amendment eliminates the onerous section of the law and pays for it in a responsible way. While I appreciate the Senator from Florida would like to exempt businesses with under 25 employees, this exemption actually encourages businesses to stop growing so they aren't burdened with onerous bureaucratic regulations, and the method he uses to offset his amendment will lead to increased energy prices and fewer American energy jobs. My biggest surprise over the August recess was the number of businesses that have heard of this requirement. They know and they are mad. One more requirement that doesn't bring in a single dollar and has a huge cost!

I urge all Senators to help the businesses in their State and make sure this section is repealed by supporting the Johannis amendment. You don't have to be a Republican and you don't have to be a Democrat to know that this is something we need to do. To know that, you just have to ask the business people you represent in your home State.

Let's take a sandbag off the backs of the small business people. We know repeal will be better for them, our States and our country. Surely we can find a way together to do this one small thing that will make such a huge positive impact on those we serve.

The ACTING PRESIDENT pro tempore. The time of the Senator from Wyoming has expired.

Mr. ENZI. I think we can see what a terrible error it is to have this in the bill at all. I hope we will repeal it.

I yield the floor.

Ms. SNOWE. Mr. President, I rise today in support of the JOHANNES amendment to repeal an onerous mandate included in the health reform bill that would require millions of businesses to send billions of new information reporting forms to the IRS and other businesses. If Senator JOHANNES' amendment is not adopted here in the Senate, every business in America, starting in 2012, must report to the IRS on business purchases that exceed a threshold of only \$600 per vendor or supplier—for purchases of supplies and equipment, and also services ranging from cell phone coverage to window washing to utilities.

This new mandate was imposed in the health reform law, yet it has absolutely nothing to do with health insurance reform. What it does is make the Federal Government a more intrusive and burdensome presence in every aspect of American business—which is the very last thing American business needs during these tumultuous economic times. What small firms are clamoring for is certainty. They need the Federal Government to help foster an entrepreneurial environment under which they can do what they do best—create new jobs—and not saddle them with an incessant and unnecessary paperwork burden like this new 1099 filing requirement.

Most Americans recognize forms 1099 as the statements they get from a financial institution when they earn interest on savings or from their mortgage lender for the deductible interest the borrower pays to a bank or credit union for their home mortgage. The purpose of these 1099s is to accurately report income or deductions for a particular tax year so that income is appropriately taxed that year.

However this new system of 1099s does not have anything to do with a direct tax liability in a given year—instead, this reporting regime will allow the IRS to track business purchases that exceed \$600. Businesses typically have an intense focus on carefully tracking their sales to customers with marketing professionals. Rather than tracking sales to customers, this new government mandate will force a change in business focus to a detailed accounting of purchases from suppliers. While controlling costs is clearly a vital component of business profitability, this new government mandate on cost accounting and reporting to the IRS is an inordinate shift of priorities that will harm competitiveness and profitability because it will shift focus and resources away from customers.

A separate dimension of this new cost accounting mandate is that purchases will also have to be separately

tracked by type of payment because only payments made by check and cash would be reported on a 1099 but payments by credit card would be excluded from this mandate and misreporting transactions by including credit card purchases might be subject to penalties. So for each supplier from which aggregate purchase might exceed \$600 per year, purchases would have to be tracked by payment method. For instance, a construction contractor would have to make sure that employees know to use only a credit card at Home Depot but at the local lumber yard to only pay by check or invoice.

The intent of this 1099 provision may have been to track the cash flow of businesses that operate in a cash economy in order to root out those that do not pay taxes. Ensuring that tax cheats pay their taxes is an admirable and necessary function of government. However, instead it has become clear that this provision could simply further expand the cash economy. The very businesses that currently evade taxation are not likely to become compliant with this new burdensome reporting regime. In fact, a predominantly cash-based business will likely further retrench and thrive absent both tax liability and the new reporting regime while tax compliant businesses either muddle through or fail under this new burden. For instance, a small plumbing business or a roofing business would likely thrive by simply working in an all-cash system for residential customers and evading both income taxes and information reporting while a similar business attempting to comply with tax liability and compliance would struggle.

For the small businesses that attempt to comply with this tax reporting mandate, this paperwork burden will be imposed with a crushing effect. New tracking systems will have to be implemented for purchases in order to ensure that aggregated purchases exceeding \$600 are reported to the IRS. In fact, according to an NFIB Small Business Survey, at \$74 an hour, tax paperwork is the most expensive paperwork burden placed on small businesses by the Federal Government. The Small Business Administration has found that the cost of tax compliance is already 67 percent higher in small firms than in large firms. Because this new 1099 reporting burden would be so ubiquitous for firms attempting to be compliant—by requiring new processes of making business purchases and tracking of business purchases—this compliance cost statistic is likely to be woefully outdated and more onerous.

I fully expect the new Chief Counsel for Advocacy at the Small Business Administration, Winslow Sargeant, who President Obama recently recess appointed, to assess this new paperwork mandate and have his office recalibrate that statistic on cost of tax compliance

which was last updated in 2005. Dr. Sargeant will also have the opportunity to fully use his office—the independent, “regulatory watchdog” for small business—to comment, by September 29, to a Treasury Department and IRS request for information on these expanded 1099 filing requirements. I want to quote from the SBA web site about the mission of the Office of Advocacy:

In 1976, the U.S. Congress created the Office of Advocacy within the U.S. Small Business Administration to protect, strengthen and effectively represent the nation's small businesses within the federal government's legislative and rule-making processes. The Office of Advocacy works to reduce the burdens that federal policies impose on small firms and maximize the benefits small businesses receive from the government. Advocacy's mission, simply stated, is to encourage policies that support the development and growth of American small business.

I expect Dr. Sargeant to fulfill his duties as the Chief Counsel for Advocacy by serving as a strong voice in this IRS rulemaking. In voicing the concerns of small businesses, Dr. Sargeant would be standing shoulder to shoulder with the IRS National Taxpayer Advocate, Nina Olson, who has stated that the administrative costs to small businesses of this provision are so high that it “may turn out to be disproportionate as compared with any resulting improvement in tax compliance.”

Separate from the burden of compliance, I fear the onerous and pervasive nature of this mandate, for it will surely change business purchasing decisions and disadvantage small businesses. Should the JOHANNES amendment to repeal this provision not be adopted, it would incentivize centralized purchasing from large integrated companies and away from smaller specialized ones. Rather than a roofing company putting out a bid to different suppliers for materials, this new government mandate would be another reason to consolidate purchasing in order to ease paperwork burdens of the 1099 process. With fewer businesses willing to put out bids to a wide variety of suppliers, a constricting spiral will take effect resulting in fewer and fewer specialty suppliers. While large big-box retailers serve a critical role, they don't need to have the heavy hand of government pushing customers through their doors instead of through the local building supply business or local office supply businesses. This further consolidation of suppliers is bad for innovation, bad for price competition, and bad for small business.

No wonder a broad coalition of businesses has come together to form the Coalition for Fairness in Tax Compliance. This group includes dozens and dozens of business organizations including Washington mainstays such as the National Federation of Independent

Business, the National Association of Manufacturers, the Associated Builders and Contractors, the National Restaurant Association, and the US Chamber of Commerce, to groups as varied as the Electronic Security Association, the Independent Community Bankers of America and the American Road & Transportation Builders Association.

Finally, I want to turn to an aspect of this issue that has not been discussed widely. The process of tracking business-to-business purchases, aggregating information on purchase prices and then reporting this information to the IRS on those purchases would largely put in place the infrastructure for a value added tax—or VAT—tax system. A typical value added tax is a credit-invoice method system where one business tracks the purchases it makes from others and then when it sells goods, it remits a tax for the increase in value of those goods. The increase in value is through either a manufacturing process or by adding value through a retail sale of goods.

A VAT depends upon reporting the price of goods purchased and sold. Imposing a system whereby virtually every business-to-business sale of goods or services is aggregated and reported to the IRS certainly puts in place all of the infrastructure of a VAT. This provision would be implemented and become effective in 2012. It would certainly take a year to two for taxpayers and the IRS to work through all of the administrative hassles associated with its implementation. By 2014, when the health benefit subsidies become effective, all of the machinery necessary for a VAT would be functioning and the machine would simply have to be turned on to start generating the money necessary to pay for these benefits at a time when our national deficits are likely to continue at atrocious levels.

Early in the debate for health reform, Obama advisers were proponents of a VAT to fund health reform, but were quickly publicly disavowed. Even in the Senate, last April, I joined 84 colleagues on the floor in April to repudiate the concept of a VAT. Putting in place the machinery of a VAT to not expect that machinery to be switched on is a test of faith that millions of small businesses across America are not willing to take.

We cannot tinker with this 1099 provision. We cannot amend this provision. We cannot leave a vestige of it to sprout in the future. We must repeal it. Now. I urge my colleagues to support the JOHANN'S amendment and oppose the NELSON amendment.

Ms. MIKULSKI. Mr. President, I rise today to express my strong support for repealing the 1099 tax form requirement enacted in the Affordable Care Act. This requirement is burdensome for businesses in Maryland, especially small businesses. The 1099 tax provi-

sion requires businesses to report information on anyone they pay \$600 or more for goods in a year. Businesses will also have to send copies of the form to their vendors, suppliers and contractors. This requirement is costly and burdensome to businesses.

Although I agree that we must ease the hassle faced by businesses, we must be careful about how we pay for this. The JOHANN'S amendment to the Small Business Jobs and Credit Act repeals the new 1099 tax reporting requirement, yet could end up increasing health care costs and cost small businesses even more as a result of higher health expenditures. The JOHANN'S amendment eliminates funding for prevention programs such as providing immunizations and screenings for diseases like cancer, heart disease, and diabetes. By catching diseases earlier and reducing the incidence of chronic disease, prevention programs lead to cost savings which lower the cost of health insurance for small businesses.

That is why I support the NELSON amendment which provides a more affordable alternative. The NELSON amendment reduces the burden faced by businesses by eliminating the 1099 reporting requirement all together for businesses with 25 employees or less. It also raises the reporting threshold to anyone paid \$5,000 or more for purchased goods in a year in a way that is affordable. This will help over 85 percent of businesses in Maryland.

I am also a cosponsor of Senator LANDRIEU's Information Reporting Modernization Act. Senator LANDRIEU chairs the Small Business Committee and her bill would simplify and modernize 1099 reporting requirements so that nothing paid for with credit or debit cards would need to be reported and the \$5,000 threshold amount for reporting established in the bill could be adjusted and increased every year for inflation. I will continue to support lessening the burdens faced by small businesses and help lower their costs.

Mr. FEINGOLD. Mr. President, I am pleased to vote for the motion to invoke cloture on Senator BILL NELSON's amendment to ease reporting requirements on small businesses, which are the engine of our economy. Unlike Senator NELSON's commonsense amendment, which was paid for by taking away a tax break from big oil, Senator JOHANN'S alternative proposal would deny health insurance for roughly 2 million Americans and raise insurance premiums for many more. We can and should help small businesses without making health insurance more expensive and less accessible.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BAUCUS. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes 45 seconds remaining.

Mr. BAUCUS. I yield 5 minutes 45 seconds to the Senator from Iowa.

Mr. HARKIN. I thank my friend from Montana for yielding me this time.

Mr. President, the JOHANN'S amendment would kill—would kill—the Prevention and Public Health Fund that we have established for our American citizens. Chronic diseases are one of the main reasons health care costs have increased so dramatically over the past several decades.

This chart shows it. In 2005 we spent \$2 trillion on health care. For every dollar spent, we spent 75 cents treating people who had a chronic disease. But we spent four pennies on prevention—four pennies on prevention—and 75 cents out of the dollar treating them.

This second chart shows what has happened from 1987 to now: a \$314 billion increase in spending on all health care. Two-thirds of the increase went to take care of people who had chronic illnesses.

Most of this is preventable. That is why we know, and we have good data to show, that for every dollar we spend on prevention and wellness we get a great return. For every dollar spent on childhood immunization, we get a \$16.50 return. For every smoking cessation program for pregnant women, \$6; chronic disease prevention overall, \$5.60. Even tuberculosis screening, for every dollar we spend we get more money back in savings because we are not treating people with chronic illnesses.

So, again, why would we want to gut this program? But that is what the JOHANN'S amendment does. It says the Prevention and Public Health Fund that we established in health care, which had support from both sides of the aisle—I think regardless of how anyone felt about the final version of the health care reform bill, I found no one who wanted to go after the Prevention and Public Health Fund because we all recognized this is the path to our future: keeping people healthy in the first place.

So we have this established. We have the fund established. The JOHANN'S amendment guts it. It says no money; no money for prevention, no money for wellness until 2018. Well, we will just let people continue to get chronic illnesses, chronic diseases, and we will take care of them later.

Remember what Benjamin Franklin said: An ounce of prevention is worth a pound of cure. Our mothers were right when they told us that. We finally have realized that in our society. Ask the medical community. Ask the nurses. Ask anyone. They will tell you we need to put more money into prevention and wellness programs across the board.

That is what we designed. That is what we put in the health care bill. It was broadly supported on both sides of the aisle. Yet regardless of whatever benefits the JOHANN'S amendment may

have—and, quite frankly, I tend to sympathize with the problems that were raised about paperwork on small businesses—this is not the place to rob the money. This is the worst place from which to take the money. I do not know why my friend from Nebraska saw fit to take money out of something that is going to save us money, save lives, and cut down on needless human suffering in the future. Think of all of the people who will be cut off of smoking, people who will have wellness programs, screening programs for the elderly that will start now. Every senior citizen can go in and get on Medicare, get an annual free checkup, and a personalized medical plan to keep them healthy. Free mammograms, childhood screenings—all part of getting ahead of the curve rather than just treating people after they get sick.

I have looked at that amendment. I have looked at the Nelson amendment. It seems to me the Nelson amendment does basically do the same thing in terms of helping our small businesses. So I think the Nelson amendment is the way to go because it does eliminate any reporting burden on the great majority of small businesses, those with less than 25 employees at any point in the year. But, most importantly, it does not take money out of the Prevention and Public Health Fund. It does not gut it.

So, as I say, regardless of whatever benefits you may think the Johannis amendment has, it is the wrong place to get the money, absolutely the wrong place. So I ask my colleagues, if you really want to help small businesses and not gut the one thing in health care that is going to bend the cost curve, bend the cost curve, keep people healthy, cut down on all of this money we are spending to take care of people when they get sick, the best way to do that is to support the Nelson amendment which does both: keeps the Prevention and Public Health Fund intact, and yet helps our small businesses. To me, that is the right process to take.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNIS. How much time remains?

The ACTING PRESIDENT pro tempore. There is 7 minutes 45 seconds remaining.

Mr. JOHANNIS. I yield 3 minutes to the Senator from South Dakota, Mr. THUNE.

Mr. THUNE. Mr. President, when the health care reform bill passed, the Speaker of the House famously said: We have to pass this bill so we can figure out what is in it.

Well, what more and more Americans are finding when they look at what is in it are things they do not like. This is becoming increasingly less popular over time, and one of the most egregious provisions in this bill is this 1099 provision.

The Senator from Iowa is worried about making sure more people have access to health care. We all are. Well, the best way for most Americans to get access to health care, because most Americans still get their health care coverage through their employers, the best way to get health care coverage is to get a job. This provision kills jobs.

This is directly targeted at small businesses, the economic engine, the job creators in America today. So what the Senator from Nebraska is trying to do is to correct this by repealing this onerous compliance burden that we are placing on the small businesses of this country. It is not the tax delinquents who get hurt by this, it is the hard-working small businesses. It is the charities. It is the government agencies who have to deal with this burdensome paperwork.

That, I think, is why we have so many organizations. We have agricultural organizations such as the American Farm Bureau, the Corn Growers, the Soybean Growers, the Cattlemen, and go right down the list. We have small business organizations such as the Chamber of Commerce, the National Federation of Independent Business, the National Association of Manufacturers, the National Association of Home Builders, the International Food Service Distributors, the Restaurant Association, and the Associated General Contractors that support repeal because it would hurt both their employees and their bottom line.

We even have government organizations such as the National Association of Towns and Townships, which represents local governments. They support repeal because it would force cities and communities to keep track of every purchase they make whether it be cement, snowplows, or pencils. This is a ridiculous requirement that we are imposing, in many cases, on small businesses, on small charities, on small organizations, and local governments.

I can tell you from personal experience, in my State this is something they cannot comply with and cannot deal with. So if we are worried about job creation in this country, if we are worried about economic growth, this is absolutely the wrong way to go about promoting it.

What the Johannis amendment does is repeal this provision. It does it in a fiscally responsible way. It is offset, it is paid for, and it makes sense. I hope my colleagues will vote for this common-sense amendment because whether this was an intended consequence or an unintended consequence, this is absolutely disastrous for small businesses across this country, and it is essential that we get this part of the health care reform bill repealed.

There are many others I think we are probably going to be talking about before this is all said and done because, as I said, the more people read the fine

print in this legislation, the more they come to the realization of how bad this is for small businesses and for job creation in this country.

So I would urge all of my colleagues to vote for the Johannis amendment and to repeal this onerous provision.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, I yield 3 minutes to the Senator from Missouri, Mr. BOND.

Mr. BOND. Mr. President, the distinguished Senator from Montana, the chairman of the Finance Committee, earlier this morning said small businesses are the engine that drives jobs in the economy. I agree with him. I agree.

As the former chairman of the Small Business Committee, I know how important small businesses are. I traveled around the State during the past breaks to find out, meeting with small businesses, why they are not creating jobs. We, frankly, have cut off the fuel supply, the profits that drive these jobs.

I asked a group of small businesses: Why is it that you are not creating jobs? Is it because of the uncertainty people are talking about? I was immediately corrected.

They said: It is the certainty. We know what you have done in the health care law, putting unbelievable burdens on us.

They did not even know about this 1099 requirement at the time. But the health care costs are burdening small businesses, and it is making it impossible and unwise for them to try to hire. I talked to a small businessman today, and I asked him about it. I told him what the requirements were. He said: That is nuts. What do you think they are talking about? We are going to have to hire more bookkeepers.

Unfortunately, my colleagues on the other side of the aisle refuse to listen to small businesses in passing this bill. They put burdens on them that are unbelievable. The new health care bill passed and signed into law is a boondoggle that will bury small businesses in higher taxes, new mandates, and more paperwork.

This particular job-killing mandate of the 1099 we are debating today will drown small businesses in paperwork by requiring a small business owner to file two forms, one with the vendor and one with the IRS, for every business-to-business transaction over \$600.

According to the Wall Street Journal this morning, this means more than 30 million small businesses will be hit by the new paperwork mandate beginning in 2013. That is not the worst of it. Even the National Taxpayer Advocate at the Treasury Department, Nina Olson, said the cost of this measure is "disproportionate as compared with any resulting improvements in tax compliance."

That is the problem. That is the problem, and the Johanns amendment is the only solution. We have to correct this job-killing mandate as urged by the NFIB, the Chamber of Commerce, and the National Small Business Association. Democrats are trying to sell a pig in a poke.

The Nelson alternative would leave the same bad provision in place, only making it more complicated for small business owners to comply. It would only exempt small businesses with 25 employees or less. So, in other words, we are telling small businesses not to hire the 26th worker while we are having unemployment up around 10 percent.

If you have small businesses in your State, you better listen to them. They are wanting a repeal, the full repeal of this burdensome mandate.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BOND. Mr. President, I ask unanimous consent that the article from today's Wall Street Journal editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 14, 2010]

REVIEW & OUTLOOK
THE 1099 INSURRECTION

The White House fights an effort to ease a burden on small business. You might not have seen it reported, but the Senate will vote this morning on whether to repeal part of ObamaCare that it passed only months ago. The White House is opposed, but this fight is likely to be the first of many as Americans discover—as Nancy Pelosi once famously predicted—what's in the bill.

The Senate will vote on amendments to the White House small business bill that would rescind an ObamaCare mandate that companies track and submit to the IRS all business-to-business transactions over \$600 annually. Democrats tacked the 1099 reporting footnote into the bill to raise an estimated \$17.1 billion, part of the effort to claim that ObamaCare reduces the deficit by \$100 billion or so.

But this "tax gap" of unreported business income is largely a Beltway myth, and no less than the Treasury Department's National Taxpayer Advocate Nina Olson says the costs will be "disproportionate as compared with any resulting improvements in tax compliance."

Meanwhile, small businesses are staring in horror toward 2013, when the 1099 mandate will hit more than 30 million of them. Currently businesses only have to tell the IRS the value of services they purchase from vendors and the like. Under the new rules, they'll have to report the value of goods and merchandise they purchase as well, adding vast accounting and paperwork costs.

Think about a midsized trucking company. The back office would have to collect hundreds of thousands of receipts from every gas station where its drivers filled up and figure out where it spent more than \$600 that year. Then it would also need to match those payments to the stations' corporate parents.

Most Democrats now claim they were blindsided and didn't understand the implications of the 1099 provision—which is typ-

ical of the slapdash, destructive way the bill was written and passed. As the critics claimed, most Members had no idea what they were voting on. Some 239 House Democrats voted to dump the 1099 provision in August, and the repeal would have passed except Speaker Pelosi rigged the vote procedurally so it needed a two-thirds majority. She thus gave Democrats the cover of a repeal vote without actually repealing it.

In the Senate today, Nebraska Republican Mike Johanns will offer his amendment to scrap the new 1099 rules altogether. But the White House is opposing this because it fears it would set a precedent for repealing the larger health bill. Over the weekend the Treasury Department pronounced the Johanns amendment "not acceptable in its current form."

Yesterday the White House endorsed a competing proposal from Florida Democrat Bill Nelson that would increase the 1099 threshold to \$5,000 and exempt businesses with fewer than 25 workers. Yet this is little more than a rearguard action in favor of the status quo; the Nelson amendment leaves the basic architecture unchanged while making the problem more complex.

Businesses would still have to track all purchases, not knowing in advance which contractors will exceed \$5,000 at the end of the year. It also creates a marginal barrier to job creation—for a smaller firm, hiring a 26th employee would be extremely costly. The Nelson amendment also includes new taxes on domestic oil production, as every Democratic bill now seems to do.

As of yesterday, no one was sure if either amendment would get 60 votes, though Democrat Blanche Lincoln of Arkansas is cosponsoring the Johanns version. Enough Democrats may bend to White House wishes and produce a stalemate, but this issue won't go away. The President's opposition to a clean repeal shows the hollowness of his alleged support for small business, which he expresses at every campaign stop but is less a priority than preserving his health-care legacy.

The larger political story here is that ObamaCare is already under bipartisan siege—and in the same Congress that passed it. The 1099 provision is only one plank, but repealing the law plank by plank may be the right strategy. Sooner or later the whole thing becomes unworkable. Voters should watch this vote to see who's really on the side of small business.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, how much time is on this side?

The ACTING PRESIDENT pro tempore. Forty-five seconds.

Mr. JOHANNS. Let me wrap up with something. If the Nelson amendment passes, this is the effect: These are businesses, real people who are going to be hurt because they are left out. In the State of Iowa, 3,334 businesses are left out; in the State of California, 18,960. Over 40,000 businesses, employing 93 million people, are left out.

This talk about gutting the health care reform bill; are you kidding me? The President himself used \$250 million of the \$500 million this year for purposes other than what was intended by this health care bill.

This is simply a choice between standing with our small businesses or

standing with the President on the health care bill against small businesses. I ask my colleagues to vote yes on the Johanns amendment and stand with small businesses.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I ask unanimous consent that a letter signed by 228 different organizations in the United States opposing the Johanns amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 1, 2010.

DEAR SENATOR: As the Senate considers the Small Business Jobs and Credit Act (H.R. 5297), the 228 undersigned organizations listed below strongly urge you to oppose the use of the Prevention and Public Health Fund from the Affordable Care Act (ACA) as an offset for an amendment offered by Senator Johanns (No. 4596). Such an action would virtually eliminate the Fund, and mark a severe blow to this monumental commitment to prevention and public health under the Act. We will also oppose any other such efforts to use the Fund as an offset.

ACA included historic reforms that have the potential to transform our health system. For too long, we have focused spending on treating people once they are sick rather than preventing illness in the first place. The Prevention and Public Health Fund (Fund) is urgently needed to address the many emerging health threats our country faces and the persistent chronic disease rates that we must begin to control. The Fund is intended to ensure a coordinated, comprehensive, sustainable, and accountable approach to improving our country's health outcomes through the most effective prevention and public health programs.

ACA clearly states That the money be used "for programs authorized by the Public Health Service Act, for prevention, wellness, and public health activities." The money would be strategically used to support disease prevention by promoting access to vaccines, building the public health workforce, and investing in community-based prevention. Furthermore, the Act specifically states that community-based prevention funding must only support evidence-based prevention programs which have been shown through scientific research to reduce chronic disease, including behavioral health conditions, and address health disparities. Research has shown that effective community level prevention activities focusing on nutrition, physical activity and smoking cessation can reduce chronic disease rates and have a significant return on investment.

Already in Fiscal Year 2010, we have seen these funds invested for programs to promote tobacco control and implement tobacco cessation services and campaigns, as well as obesity prevention, better nutrition and physical activity. The fund has been invested to support state, local and tribal public health efforts to advance health promotion and disease prevention, and to build state and local capacity to prevent, detect and respond to infectious disease outbreaks. The funds are also being used to support the training of current and next generation public health professionals.

The Fund is a unique opportunity to truly bend the cost curve on health care spending.

Seventy-five percent of all health care costs in our country are spent on the treatment of chronic diseases, many of which could be prevented. Further, in a public opinion survey conducted just prior to the passage of the Act, Trust for America's Health and the Robert Wood Johnson Foundation (RWJF) found that 71 percent of Americans favored an increased investment in disease prevention and that disease prevention was one of the most popular components of health reform.

We must ensure that we capitalize on the unprecedented opportunity to transform our public health system by investing in prevention and public health. We urge you to vote NO on the prevention fund offset within the Johannis amendment, or on any other such legislative vehicles.

Sincerely,

AARP; ACCESS Women's Health Justice; Advocates for Better Children's Diets; AIDS Action; AIDS Alabama; All Saints Home Care; American Academy of Pediatrics; American Academy of Physician Assistants; American Association for International Aging; American Association of Colleges of Nursing; American Association of Colleges of Osteopathic Medicine; American Association of Colleges of Pharmacy; American Association of People With Disabilities; American Cancer Society Cancer Action Network; American College of Clinical Pharmacy; American College of Gastroenterology; American Congress of Obstetricians and Gynecologists; American College of Occupational and Environmental Medicine; American College of Preventive Medicine; American Counseling Association; American Dental Education Association.

American Diabetes Association; American Federation of State, County and Municipal Employees; American Foundation for Suicide Prevention; American Heart Association; American Lung Association; American Medical Student Association; American Nurses Association; American Psychological Association; American Public Health Association; American Social Health Association; American Society for Gastrointestinal Endoscopy; American Thoracic Society; Applied Research Center; Arthritis Foundation; Asian and Pacific Islander American Health Forum; Association of American Medical Colleges; Association of Maternal & Child Health Programs; Association for Prevention Teaching and Research; Association of Public Health Laboratories.

Association of Schools of Public Health; Association of State and Territorial Dental Directors; Association of State and Territorial Directors of Nursing; Association of State and Territorial Health Officials; Association of Women's Health, Obstetric and Neonatal Nurses; Atlanta Regional Health Forum; A World Fit for Kids!; Bazelon Center for Mental Health Law; Boston Public Health Commission; Building Healthier America; C3: Colorectal Cancer Coalition; California Association of Alcohol and Drug Abuse Counselors; California Center for Public Health Advocacy; California Food Policy Advocates; California Foundation for the Advancement of Addiction Professionals; California Immigrant Policy Center; California Pan-Ethnic Health Network; California Partnership; California School Health Centers Association; Campaign for Community Change; Campaign for Public Health.

Campaign for Tobacco-Free Kids; CASA de Maryland; C-Change; Center for Biosecurity, University of Pittsburgh Medical Center; Center for Health Improvement; Center for Science in the Public Interest; Cerebral

Palsy Association of Ohio; Children and Adults with Attention-Deficit/Hyperactivity Disorder; Children Now; Children's Dental Health Project; City of Philadelphia Department of Public Health; Coalition for Health Services Research; Coalition for Humane Immigrant Rights of LA; Colon Cancer Alliance; Colorado Progressive Coalition; Commissioned Officers Association of the U.S. Public Health Service; CommonHealth ACTION; Community Action Partnership; Community Catalyst; Community Health Councils.

Community Health Partnership; Oregon's Public Health Institute; Comprehensive Health Education Foundation; Connecticut Certification Board; Connecticut Citizen Action Group.

Council of State and Territorial Epidemiologists; County Health Executives Association of California; Crohn's and Colitis Foundation of America; Defeat Diabetes Fund; Digestive Disease National Coalition; Faith Action for Community Equity; Family Voices; Federation of Associations in Behavioral & Brain Sciences; First Five; Friends of AHRQ; Friends of NCHS; Friends of SAMHSA; Georgia AIDS Coalition; Granite State Organizing Project; Grassroots Organizing.

Harlem United Community AIDS Center, Inc.; Having Our Say Coalition; Health Care for America Now; Health Law Advocates of Louisiana, Inc.; Health Promotion Advocates; Health Rights Organizing Project; Hepatitis Foundation International; HIV Medicine Association; Home Safety Council; Idaho Community Action Network; Indian People's Action; Infectious Diseases Society of America; Institute for Health and Productivity Studies Rollins School of Public Health, Emory University; Institute for Public Health Innovation; International Certification and Reciprocity Consortium (IC&RC); International Health, Racquet & Sportsclub Association; Interstitial Cystitis Association; ISAIHA; Korean Resource Center; Libreria del Pueblo Inc.

Louisiana Public Health Institute; Mahoning Valley Organizing Collaborative; Main Street Alliance; Maine People's Alliance; Make the Road New York; March of Dimes Foundation; Maricopa County Dept of Public Health; Media Policy Center; Mental Health America; Michigan Association for Local Public Health; Montana Organizing Project; National Alliance of State and Territorial AIDS Directors; National Assembly on School-Based Health Care; National Association for Public Health Statistics and Information Systems; National Association of Chain Drug Stores; National Association of Children's Hospitals; National Association of Chronic Disease Directors; National Association of Community Health Centers; National Association of Counties; National Association of County & City Health Officials.

National Association of Local Boards of Health; National Association of Public Hospitals and Health Systems; National Association of School Nurses; National Association of State Alcohol and Drug Abuse Directors; National Association of State Mental Health Program Directors; National Business Coalition on Health; National Coalition for LGBT Health; National Coalition of STD Directors; National Council of Asian Pacific Islander Physicians; National Council of Jewish Women; National Council of La Raza; National Education Association; National Environmental Health Association; National Family Planning & Reproductive Health Association; National Federation of Families for Children's Mental Health; National

Forum for Heart Disease and Stroke Prevention; National Health Council; National Indian Project Center; Northeast Ohio Alliance for Hope; National Korean American Service and Education Consortium.

National Network of Public Health Institutes; National Nursing Centers Consortium; National Recreation and Park Association; National Rural Health Association; National WIC Association; Nebraska Appleseed; Nebraska Urban Indian Health Coalition; Nemours; New Hampshire Public Health Association; NYC Department of Health and Mental Hygiene; New York Immigration Coalition; New York Society for Gastrointestinal Endoscopy; North Carolina Fair Share; Northern Illinois Public Health Consortium; Northwest Federation of Community Organizations; Novo Nordisk; NYU Langone Medical Center; Ocean State Action; Ohio Alliance for Retired Americans; Oregon Action; Out of Many, One.

Papa Ola Lokahi; Partners for a Healthy Nevada; Partnership for Prevention; Physician Assistant Education Association; Planned Parenthood Federation of America; Prevention Institute; Progress Ohio; Progressive Leadership Association of Nevada; Project Inform; Public Health Association of Nebraska; Public Health Foundation; Public Health Institute; Public Health Law and Policy; Public Health-Monroe County (MI); Public Health—Seattle and King County; Public Health Solutions; Pulmonary Hypertension Association; Rails-to-Trails Conservancy; REACH U.S. South Eastern African American Center of Excellence for Elimination of Disparities (REACH U.S. SEA-CEED).

RiverStone Health; Safe States Alliance; Service Employees International Union; Sexuality Information and Education Council of the U.S.; Society for Adolescent Health and Medicine; Society for Healthcare Epidemiology of America; Society for Public Health Education; South Carolina Fair Share; Summit Health Institute for Research and Education, Inc.; TakeAction Minnesota; Tenants and Workers United; The AIDS Institute; The Amos Project; The Greenlining Institute; The MetroHealth System; The National Alliance to Advance Adolescent Health; Toledo Area Jobs with Justice; Trust for America's Health; UHCAN Ohio; United Action Connecticut.

United Ostomy Associations of America; Urban Coalition for HIV/AIDS Prevention Services; U.S. PIRG; Virginia Organizing Project; Washington Health Foundation; West South Dakota Native American Organizing Project; WomenHeart: The National Coalition for Women with Heart Disease; YMCA of the USA.

Mr. HARKIN. Here is what it says. They found that 71 percent of Americans favored an increased investment in disease prevention. The letter is signed by organizations from the American Academy of Pediatrics to—

The ACTING PRESIDENT pro tempore. All time has expired.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Johannis amendment No. 4596, as modified.

Harry Reid, Patrick J. Leahy, Dianne Feinstein, Charles E. Schumer, Herb Kohl, Joseph I. Lieberman, Jeff Bingaman, Barbara A. Mikulski, Richard J. Durbin, Al Franken, Byron L. Dorgan, Mark Begich, Benjamin L. Cardin, Amy Klobuchar, Kirsten E. Gillibrand, Jeanne Shaheen, Kay R. Hagan.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I ask unanimous consent that all votes after the first vote this morning in this series be 10 minute votes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4596, as modified, to H.R. 5297, the Small Business Lending Fund Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: The Senator from Alaska (Ms. MURKOWSKI) and the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—46

Alexander	Crapo	McConnell
Barrasso	DeMint	Nelson (NE)
Bayh	Ensign	Pryor
Bennet	Enzi	Risch
Bennett	Graham	Roberts
Bond	Grassley	Sessions
Brown (MA)	Hatch	Shelby
Brownback	Hutchison	Snowe
Bunning	Inhofe	Thune
Burr	Isakson	Vitter
Chambliss	Johanns	Voinovich
Coburn	Kyl	Warner
Cochran	LeMieux	Webb
Collins	Lincoln	Wicker
Corker	Lugar	
Cornyn	McCaIn	

NAYS—52

Akaka	Gillibrand	Mikulski
Baucus	Goodwin	Murray
Begich	Hagan	Nelson (FL)
Bingaman	Harkin	Reed
Boxer	Inouye	Reid
Brown (OH)	Johnson	Rockefeller
Burris	Kaufman	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Shaheen
Carper	Kohl	Specter
Casey	Landrieu	Stabenow
Conrad	Lautenberg	Tester
Dodd	Leahy	Udall (CO)
Dorgan	Levin	Udall (NM)
Durbin	Lieberman	Whitehouse
Feingold	McCaskill	Wyden
Feinstein	Menendez	
Franken	Merkley	

NOT VOTING—2

Gregg Murkowski

The PRESIDING OFFICER. On this question, the yeas are 46, the nays are 52. Three-fifths of the Senators duly

chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 4595, as modified.

Harry Reid, Tim Johnson, Richard J. Durbin, Barbara Boxer, Al Franken, Byron L. Dorgan, Patty Murray, Robert P. Casey, Jr., Jon Tester, Jack Reed, Kay R. Hagan, Jeanne Shaheen, Patrick J. Leahy, Christopher J. Dodd, Bill Nelson, Tom Harkin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the amendment No. 4595, as modified, to H.R. 5297, the Small Business Lending Fund Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—56

Akaka	Gillibrand	Nelson (NE)
Baucus	Goodwin	Nelson (FL)
Bayh	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	

NAYS—42

Alexander	Cornyn	LeMieux
Barrasso	Crapo	Lincoln
Begich	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Landrieu	Wicker

NOT VOTING—2

Gregg Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

AMENDMENT NO. 4594

Ms. LANDRIEU. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, could you acknowledge the vote we are about ready to take?

The PRESIDING OFFICER. The vote is on invoking cloture on the substitute amendment No. 4594 to H.R. 5297, the Small Business Lending Fund Act of 2010.

Ms. LANDRIEU. Parliamentary inquiry: If we get 60 votes, we move forward with the bill; is that correct?

The PRESIDING OFFICER. That is correct. Cloture is invoked on the substitute.

CLOTURE MOTION

By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid substitute amendment No. 4594.

Mary L. Landrieu, Max Baucus, Dianne Feinstein, Patty Murray, Charles E. Schumer, Christopher J. Dodd, Al Franken, Robert P. Casey, Jr., Maria Cantwell, Sheldon Whitehouse, Byron L. Dorgan, Benjamin L. Cardin, Ron Wyden, Kent Conrad, Roland W. Burris, Jeff Merkley, Debbie Stabenow.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on amendment No. 4594 to H.R. 5297, the Small Business Lending Fund Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 37, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—61

Akaka	Bingaman	Cardin
Baucus	Boxer	Carper
Bayh	Brown (OH)	Casey
Begich	Burris	Conrad
Bennet	Cantwell	Dodd

Dorgan	Lautenberg	Rockefeller
Durbin	Leahy	Sanders
Feingold	LeMieux	Schumer
Feinstein	Levin	Shaheen
Franken	Lieberman	Specter
Gillibrand	Lincoln	Stabenow
Goodwin	McCaskill	Tester
Hagan	Menendez	Udall (CO)
Harkin	Merkley	Udall (NM)
Inouye	Mikulski	Voinovich
Johnson	Murray	Warner
Kaufman	Nelson (NE)	Webb
Kerry	Nelson (FL)	Whitehouse
Klobuchar	Pryor	Wyden
Kohl	Reed	
Landrieu	Reid	

NAYS—37

Alexander	Cornyn	Lugar
Barraso	Crapo	McCain
Bennett	DeMint	McConnell
Bond	Ensign	Risch
Brown (MA)	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Hatch	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Wicker
Collins	Johanns	
Corker	Kyl	

NOT VOTING—2

Gregg	Murkowski
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The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Mr. President, we hope we can finish this very quickly. The votes are in. There are a number of technical things that could be done by those who oppose this legislation, but it would just waste a lot of the Senate's time, which we do not have a lot of, so I hope we can move through this very expeditiously.

This is an important piece of legislation. It is the most significant thing we have done since the stimulus bill was passed to create jobs. It is estimated this will create from 500,000 to 700,000 jobs. It will give community banks the ability now to compete with the big banks and loan money to small businesses.

As I said this morning, big banks are doing great. The stock market jumped up yesterday because they looked at the financials of the big banks and they are doing terrific. Big business is doing just fine. But in this recession we have the jobs that have been lost in the small business sector. Eighty percent of the jobs lost are from small businesses. This legislation will allow community banks to start loaning money.

As you drive across the country, you see these strip malls with "For Lease" signs up. That will be ending in the near future. People will be able to borrow money to keep inventory for these little businesses that create thousands and thousands of jobs. It will allow Karen Mills at the SBA, who has begged us for this legislation, to have the SBA part of stimulating our economy. There are programs there that are under-resourced. This will allow her to have the resources to do good

things. There are tax incentives the Finance Committee has come up with that will give tax breaks to small businesses. The chairman of the committee will talk about that at a subsequent time.

I want to acknowledge the hard work of many people. Of course, the person who has been out front has been the chairman of the Small Business Committee, Senator LANDRIEU. She has done a remarkably good job. She has been diligent, persistent, and she never gives up. I am very grateful to her for what she has done for the American people with this legislation. She has had some help. The ability to give these tax breaks to small businesses came from the Finance Committee, which is chaired by Senator BAUCUS of Montana. That is significant, for small businesses to get billions and billions of dollars of tax cuts.

Remember, everything in this bill is paid for. There is not a penny that is deficit spending. In fact, we have a little extra money on this bill.

I would also say the breakthrough we had came with a seasoned politician, someone who will go down in the history of Ohio as one of its great statespersons, the mayor of a big city, Governor of a State, and a Senator who has decided not to run for reelection, which is unfortunate in the minds of many. Senator GEORGE VOINOVICH in effect said: We have had enough of posturing on both sides, and I am going to vote for this bill because it is going to help the economy of Ohio and the people of this country.

I admire and respect GEORGE VOINOVICH for what he has done, not only on this legislation but what he has done in the past. This is not the first time he has decided that party is not as important as the American people. I will always be an admirer of GEORGE VOINOVICH. There is no one more studious in the entire Senate than GEORGE VOINOVICH. He is known for studying legislation. He is someone who is very concerned and has been from the day he came here about the deficits this country has. So I am not going to belabor the point other than to say I am very grateful to GEORGE VOINOVICH for, in fact, breaking the logjam and saying: I am going to vote for this legislation. He didn't do it secretly, and he came out publicly and said what he was going to do.

I also want to express my appreciation to GEORGE LEMIEUX, who has been working on this legislation with Senator LANDRIEU for several months now. I appreciate his willingness to work with us in this regard.

On the Democratic side, Senator LANDRIEU, of course, and Senator BAUCUS led the charge. But we have had BOXER, MERKLEY, CANTWELL, STABENOW, WARNER, LINCOLN—a number of Senators who have worked very hard.

I spread across the record, this is not a victory for the Democratic Party.

This is not a loss for the Republican Party. This is a win for the American people. This is going to help small business, which has always been the driver of jobs in our country.

The PRESIDING OFFICER. Cloture having been invoked, the motion to commit falls.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank the leader for his kind words, but the fact is we would not have gotten to this point this morning where 61 Senators raised their hands or their voices to vote yes for this important and substantial piece of legislation had it not been for the leadership of HARRY REID.

The majority leader knows not only what Nevada needs but what America needs. What America and Nevada both need right now is to get back to work. The entities that are going to put Americans back to work are not found on Wall Street; they are found on Main Street. They are not big businesses; they are small businesses. They are not the businesses that have been around for 50 or 100 or 200 years; they are the businesses that started up last year or that want to start up today.

Majority Leader REID knows and understands that. We would not be here this morning without his leadership. He is right to acknowledge Chairman BAUCUS. I said he is a long-suffering chairman of the Finance Committee and has also the patience of Job to put up with all he puts up with. Trying to pay for every idea that comes from all 100 of these desks ends up on his desk. They say: You have a great idea, Senator; now we need to pay for it. That is what MAX BAUCUS does every day. I hope people appreciate it, not only in Montana but around the country. He found a way not only to pay for this bill but for it to generate for the taxpayer earnings of \$1.1 billion. That is good work. It does not happen here every day, and it would not have happened without Senator BAUCUS and the many cosponsors Senator REID pointed out: Senator BOXER, Senator MERKLEY, Senator CANTWELL, Senator WARNER, Senator LEVIN, Senator LINCOLN—particularly helpful and supportive.

I also want to say this vote today to end debate was the vote on this bill. Make no mistake about it, if 60 or 61 Senators had not said yes this morning, this bill would have gone into this trash can right here not to be seen again. The \$12 billion in tax cuts would not be a reality. The substantial improvement of the core small business programs would not be a reality, and the \$30 billion lending fund that is going to leverage \$300 billion in lending would not be a reality. It would be in the trash can right now. But it is not. It is alive. It is a living bill we are going to pass later today because 61 Senators in this Chamber said yes to the country and no to party politics.

Particularly, I wish to point out Senator VOINOVICH. His statement was so poignant in the paper today or yesterday when he said, or it was reported: I have run across small businesspeople in Ohio who went to 40 banks to try to get a loan, he said, and were turned down every time.

This is happening all over America today. Senator VOINOVICH is a Senator who governs with his heart as well as his head, and he is not led around by the nose like some people here, by their party politics. He said: No, the debate has to come to an end. If you want to debate the George Bush tax cuts, do it on somebody else's back, not on the backs of small businesses in Ohio or Louisiana or Virginia. They have taken too much weight.

When Wall Street collapsed because of their greed and their recklessness and because of our failure to regulate them, do you know who got hurt? Small businesses that did not have anything to do with derivatives or international investment. All these people do every day is wake up before the Sun comes up and they stay up when it is dark and they work hard, sometimes by themselves once they send their workers home, and keep that business going. They did nothing and they deserve help and they are getting it this morning.

One more word before I turn it over to my colleague from Virginia. This whole debate this morning was a joke on JOHANN'S. I want to talk about that. If the Republicans were serious about repealing something that needs to be repealed, they would have put an offset on this floor that we could vote for. They knew very few Democrats would vote for a provision that would harm one of the underlying principles of health care reform. So that was all theater—all theater. I have had about enough of it, and I think many Americans have had enough of it as well.

Senator JOHANN'S is right that the 1099 section needs to be repealed. He is absolutely correct. It was the wrong thing to do. Even our side acknowledges that.

I am going to file a bill right now to take care of it. We are going to repeal 1099. We are not only going to repeal the portion that was put in by health care—which was not done intentionally, but there are sometimes unintended consequences. Anybody around here who thinks they can write perfect pieces of legislation—they cannot. When you do something wrong, you should correct it. We are going to correct it.

But in addition, my bill that I am going to file right now is going to repeal the \$600 requirement that has been in the law for 62 years, and we are going to raise that threshold to \$5,000, clean up the way small businesses have to report, and do something good for small business in America.

It is going to be a Landrieu bill. Lots of other people have indicated an interest in the past. It is not theater, it is real. We are going to find a way to pay for it that both sides can agree to.

I want to tell the Chamber of Commerce that I know is listening right now: We have heard you. I have heard the NFIB. I have heard small businesses in my State, and I know we made a mistake on this 1099 and we are going to fix it. But it does not have to be fixed this morning. It doesn't even go into effect for a year and a half.

Hear me, it doesn't go into effect for a year and a half. We have time to fix 1099. But we don't have 1 minute to wait to send money to small businesses that are putting "Closed" signs on their businesses this morning. If the Republican Party thinks they can keep saying no to small business and keep saying no to Main Street and keep saying no to the middle class—they cannot. I hope when we vote on final passage there will be a few more yeses.

We have a year and a half to fix 1099. We don't have any more time to help small businesses.

I yield the floor for the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, first, I commend my friend and colleague, the Senator from Louisiana, who I know the Senate has heard repeatedly over the last few weeks, relentlessly over the last few weeks, come back time and again and again on this issue around small business. I think many Americans are getting a chance to see what those of us who have the privilege of serving with MARY LANDRIEU see regularly: This is somebody who does not take no. This is someone I know we sometimes need to prod to come out of her shell. But this is someone who is so passionate about the people of Louisiana and, in her role as Chair of the Small Business Committee, has been a tireless voice for small businesses, not just in Louisiana but in Virginia, New Mexico, all across the country. I want to join the majority leader and others in commending her for her "stick-to-it-iveness" on this critical piece of legislation.

I want to add a couple of other comments. I concur as well with the Senator from Louisiana on the issue of 1099s. We do need to have an accurate way to ensure that the standing law that has been the law of the land for 62 years is enforced. But this process of filing a 1099 at a \$600 threshold at this moment in time is way overburdensome. I, like the Senator from Louisiana, and I think most Members, heard that loudly and clearly, and we do need to fix that.

I look forward to working with Senator LANDRIEU. I know Senator BEGICH and others have been involved in those efforts. I look forward to joining them in this effort.

I want to take a moment or two—our time is about up before we break for our caucus lunches—I think it is important that the pieces of this bill have been emphasized time and again, the lending facility, small businesses that can take capital in if they increase their percentage of lending, this is particularly helpful to small banks that might be in challenging financial times at this point.

The SBA, the replenishment of funding for the SBA, the one message I brought out everywhere across Virginia over the last month and a half was that the SBA today is not your grandfather's or even your daddy's SBA. It is not even 5 years ago's SBA. The SBA, under Administrator Karen Mills, is much less bureaucratic, much more streamlined.

With the work the Small Business Committee has done in terms of upping the guarantees, the SBA's role and the type of businesses the SBA has served during this crisis has expanded dramatically. Look at the number of banks that participate now with the SBA today versus 18 months ago. That remarkably successful effort ground to an immediate halt in June when funding ran out. Why in the heck it has taken us this long simply to replenish that proven program that does not add to the deficit is one of the things that gets a lot of folks in Virginia, Louisiana, and New Mexico scratching their heads.

There is another piece of this bill, one that the chairman was kind enough to work with me and others on, that builds upon an existing initiative in the private sector and I believe in about 26 States, a Capital Access Program, that helps those marginal small business loans become more bankable. I hear the same concerns the Chair of the Small Business Committee hears: A small business cannot get their loans, although I have got to say it is not only the bankers' fault, because, let's face it, a lot of small businesses today are not as financially healthy as they were 2 years ago. If they have real estate as collateral, it has decreased in value. If they are lending on cashflow, that has decreased as well. So how do we take that otherwise healthy small business, in good times and in normal recessions, and not let it fall off the cliff in this deepest recession since the Great Depression?

The Capital Access Program is one place where a borrower will be charged a couple of extra points, we will go in from the government and match those points, and we can create a first-dollar loss, a separate loss reserve pool, for a whole series of loans; another \$30- to \$60 billion of capacity in that aspect. Finally, what is not to like about the series of small business tax credits that have also been built into this legislation? So I commend the chairperson of the Small Business Committee. I am

glad the Senate has come to its senses on this issue. Candidly, I wish we would have passed this legislation last spring, but better late than never.

I want to add two other points that I think are important. One other piece of legislation, a bipartisan piece of legislation that we passed recently—and I would be curious to hear the response of the Chair of the Small Business Committee on this with the financial reform bill, a very important piece of legislation. We set, appropriately, in that financial reform bill the requirement for banks to set higher capital standards. The challenge we have right now is starting to implement those higher capital standards in the trough of the recession. That sends a very mixed message to our bankers and to our regulators. I hope the Chair of the Small Business Committee and I and others can think about how we work with our regulators at the FDIC and the OCC and the Fed to ensure that while we want to build up the capital reserves and make our banks healthier, that some level of forbearance for those small business performing loans that may not meet every covenant in their loan document, because their real estate has depreciated in value, somehow we have to have some flex. Because what we are doing by having the regulators come down so hard on the banks at this point is we are, in many ways, even with this very good program that Senator LANDRIEU has put out, strangling that recovery because of this mixed message.

The final point I want to make is, with this piece of small business legislation, I think it may be—again, it is not going to be a single silver bullet, but one piece of good news that I do not think we have come back to enough in these discussions is that not only have large banks recovered nicely since the decline, but large cap companies, the Fortune 1,000 companies, their balance sheets are healthier today than they have ever been. There is north of \$2 trillion in cash sitting on Fortune 1,000 balance sheets. One of the things I am looking forward to working with my colleagues on is how we get that cash off the sidelines and invested back in the market. When they invest in the market, and the large companies go to their supply chains, which is the small businesses, those small businesses have to get the credit as well to keep functioning. So this piece of legislation is important not only to small businesses, but as large cap companies start to spend out as well, it is important to the overall economic recovery.

I would ask my friend and my colleague, the leader on this important piece of legislation, if she might have some ideas as well about how we meet that appropriate long-term financial goal of making our financial standards appropriate, but not send this mixed

message to regulators so that those small business loans that are still performing have the appropriate forbearance to get through this trough in the recession.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, the Senator from Virginia is absolutely correct. He has put his finger on two pending and very serious problems. One is the regulation direction being driven by some of the new legislation we have passed. Of course, he would know this, because as a member of the Banking Committee, he has been such a strong advocate for commonsense regulation and supporting community banks. So he is absolutely correct. And you do have my commitment, through the Small Business Committee, to keep this issue alive and in view so that we can find some appropriate solution. I think the Senator raises an absolutely very key point.

The second point the Senator from Virginia has put his finger on is the \$2 trillion in capital sitting there. One thing that makes further interest is the zero capital gains rate in this bill, should they take some of that \$2 trillion in capital and invest in some small businesses that have a capitalization level below \$50 million. That is one thing that could help encourage them. They will pay no tax, none, on the money they earn through that investment, which should be an incentive.

But there are some additional things I think we can do. I want to work with the Senator from Virginia because his leadership is very much needed at this time, with his particular background as a successful business person, as a Governor. So the Senator is right, this bill is not a silver bullet. It is a good first step. But there are some other things we need to do as quickly as we can. I look forward to working with the Senator on those two and others in the weeks to come.

Mr. WARNER. Mr. President, again I will close my comments and thank the chairman of the Small Business Committee for her leadership on this bill. We would not be here today but for her relentlessness on this legislation.

This legislation has had more hurdles, many of them false hurdles, put in its face, and Senator LANDRIEU does not know how to say no when it affects the well-being of small businesses, which are the lifeblood of job creation coming out of a recession.

I thank her for her leadership.

I yield the floor.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the time in recess for the caucus luncheons count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

(Thereupon, at 12:40 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

SMALL BUSINESS LENDING FUND ACT OF 2010—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

DON'T ASK, DON'T TELL

Mr. INHOFE. Mr. President, with all the talk about the small business bill and about the fact that we have an administration, with a majority in the House and the Senate, that has amassed unbelievable debts, raising it up to \$13 trillion, and a deficit of \$1.4 trillion in just 1 year, the first year, people have forgotten other things that are going on.

I am very much concerned, being the second-ranking member of the Senate Armed Services Committee, about the national defense authorization bill, which we have passed every year in all the years I have been here. Generally speaking, it is one we can bring out on the floor, Members can offer amendments, and normally it takes 2, 3, sometimes 4 weeks, and longer, to pass it. But certainly, particularly during times of war, it is the most important piece of legislation we have.

I do not know what the majority is going to do. I just keep hearing rumors that they may very well not be wanting to bring it up or may bring it up by "filling the tree," a little technical term, so Republicans would not be able to have amendments on the bill.

Well, this is very much a concern of mine. I think it puts them in a position where they can say: Oh, Republicans certainly are going to vote for the Defense authorization bill. In times of war, we have to do it. Well, we do. But there is a limit as to what they can put in there that is purely right down party lines.

There are a couple issues I wish to talk about in the Defense authorization bill that ended up being right down party lines. One is the issue of don't ask, don't tell. But before doing that, I would like to suggest that in May, in the final meeting we had of the Senate Armed Services Committee, we passed this out, and two amendments were added on the very last day by the

Democrats, and they were passed virtually by all the Democrats right down party lines. One was opening our military hospitals for abortions, and that is something we need to talk about, but the other one was one we need to talk about more right now because this is the issue that so many people are not aware of. That is the repeal of don't ask, don't tell.

I remember back in 1994, I was in the House, running for the Senate, and one of the three issues that was very prominent in that race, which I won, concerned gays in the military. At that time, there were some efforts saying: Well, we want to acknowledge gays in the military so they can be open in their practices and all that. Well, a compromise was reached that I did not think at the time was all that good of an idea. But that was 1993, I guess, the latter part of 1993. It has worked for—what—17 years. It was called don't ask, don't tell; that is, if someone wants to serve who is a gay person, a man or a woman, in the military, that person can do it if that person is not out in the open. The whole idea of this thing was so they could not use the military as a forum to advance very liberal causes.

I am a veteran. I can remember when I was in the U.S. Army, and anyone who is a veteran knows the problems that would be associated with the practice of repealing don't ask, don't tell so people are openly gay in the military. You are going to have all kinds of billeting and other problems.

So I think when the discussion came up that we were considering doing this, the Secretary of Defense, Secretary Gates, did the right thing on February 2 of 2010. He said: Let's go ahead and have a study. Let's have an independent study as to how unit cohesion and readiness would be impacted if we repealed don't ask, don't tell.

In addition to the study, this is also going to conduct a survey of military members, people who are out there, in asking: Well, what is your feeling? You are out there in the fields, in many cases, out in the foxholes. What is your feeling about having open gays in the military?

So they were all getting ready to respond to this when a surprise took place, when the Democrats, almost straight down party lines, came out and said: Well, we are going to go ahead and repeal it anyway. They worded it in such a way that we will repeal it, but, of course, that will not take place until after the study is complete. The study was to be completed in December of this year. It was going to be a 12-month study. All the Members of the military were going to participate in that.

I can remember as recently as April 28 Secretary Gates and the Chairman of the Joint Chiefs of Staff, Admiral Mullen, said—and this is a joint statement:

[We] believe in the strongest possible terms that the Department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change.

Well, I was all for that. They were right, along with all the rest of the chiefs of the military and all the troops in the field. Of course, they obviously changed their minds. But if you want to know the effect, you need to go and talk to the troops in the field, and then you need to talk also to the chiefs of the military.

I am going to go ahead and quote, so I can get it in the RECORD now, exactly the feelings of those Chiefs of the four services and what they are recommending. I am so sick and tired of having the administration make those decisions without any consultation of the people in uniform. We are going through that right now in some of the things that are going on in Iraq and Afghanistan. The policy should be: The people in uniform know what to do. Quit trying to dictate their behavior.

Well, anyway, General Casey, the Chief of the U.S. Army, said:

I remain convinced that it is critically important to get a better understanding of where our Soldiers and Families are on this issue, and what the impacts on readiness and unit cohesion might be. . . .

He said:

I also believe that repealing the law before the completion of the review—

That is the one that is supposed to be completed in December—

will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.

That is exactly what we are saying. We are saying: All right. We wanted your views, but we are not going to listen to your views now.

Admiral Roughead of the U.S. Navy said:

We need this review to fully assess our force and carefully examine potential impacts of a change in the law. My concern is that legislative changes at this point, regardless of the precise language used, may cause confusion on the status of the law in the Fleet and disrupt the review process itself by leading Sailors to question whether their input matters.

Obviously, their input does not matter now because they have already made that decision.

General Conway, of the U.S. Marine Corps—he is the Commandant—said:

I encourage Congress to let the process the Secretary of Defense created run its course. Collectively, we must make logical and pragmatic decisions about the long-term policies of our Armed Forces—which so effectively defend this great nation.

General Schwartz, of the U.S. Air Force, said:

I believe it is important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before there is any legislation to repeal the don't

ask, don't tell law. Such action allows me to provide the best military advice to the President, and sends an important signal to our Airmen and their families that their opinion matters. To do otherwise, in my view, would be presumptive and would reflect an intent to act before all relevant factors are assessed. . . .

Well, I agree with all that. These are the guys in the field. They are the ones who are making this decision. Yet, on May 27, both Gates and Mullen, who had already stated they should wait until after this study is completed—that would be in December—on May 27, they had what they called a compromise. Basically, the compromise is saying: Well, we are going to go ahead and repeal it. That was the motion that was in the last day before we passed the Defense authorization bill out of the House, and the same thing, the Defense authorization bill of the Senate.

Why did they change? Why did Gates and Mullen change? Gates and Mullen answered to the President. The President, I truly believe—and I hate to throw this into it—but, obviously, this is something the vast majority of people in America would like to see happen the way we had said it was going to happen, so we could evaluate the effect on readiness and the effect on our troops in the field, the effect on the war that is taking place right now. Yet they went ahead and reversed that, and, again, that was right down party lines.

There are so many other things having to do with this that are critical. Obviously, current chaplains are not able to be heard. But we have a letter from 41 of the retired chaplains stating that "normalizing homosexual behavior in the armed forces will pose a significant threat to chaplains' and Servicemembers' religious liberty."

So we have this that is taking place right now.

I know a lot of people are concerned, as I am concerned, with a ruling that came from a district court out in California. This ruling came out and said: We think it is a violation of the first amendment rights of homosexuals not to be able to express their preferences in any way they want.

However, the military is different. It is my understanding—and I am not a lawyer—this ruling may not have any effect. In fact, there is an article. It was on FOX News this morning: "Pentagon: No Plans To Change 'Don't Ask, Don't Tell' Policy After Court Ruling." Well, that was good news to me because I thought maybe it was all over once the courts ruled.

But the only thing they would go through now with the compromise, they call it, that they passed, is that you would have to have Admiral Mullen, the Chairman of the Joint Chiefs of Staff, Secretary of Defense Gates, and President Obama making the statement as to what they prefer.

That is why I say this is over and done with, unless we have an opportunity to bring out the Defense authorization bill and to offer amendments on the Defense authorization bill. I have to tell you, there are several Democrats now who have joined Republicans in wanting to stop the repeal of don't ask, don't tell or at least to wait until this study is completed.

But if you do not think the three I just mentioned have already made up their minds, I will go ahead and read their statements.

President Obama:

This year, I will work with Congress and our military to finally repeal the law that denies gay Americans the right to serve the country they love because of who they are.

Secretary Gates:

I fully support the president's decision. The question before us is not whether the military prepares to make this change, but how we best prepare for it.

Admiral Mullen:

Mr. Chairman, speaking for myself . . . it is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do.

So you have to ask the question, Why? What was wrong with waiting until December? I will tell you what is wrong: because there is an election that is taking place November 2 and the gay lobby is a huge lobby. I think we all know that. All these people who think they have not been liberal enough, I cannot imagine there is anyone in America today who thinks this administration has not been liberal enough. But these individuals are the ones who want to have this done before the November 2 elections. I can think of no reason at all that they would take this stand other than the political reason.

So here is what I believe. I think we are going to have to make a decision. I would certainly hope the majority leader and the Democrats who have this policy will allow this to come up and come up as soon as possible and allow a full and open debate, as we have always had. There is not a time in the history of this country that we have brought up a Defense authorization bill, particularly in time of war, without allowing everybody to get in there and to offer amendments. Perhaps it could be argued this is the most important bill of the year.

So I am hoping people start talking about it. That is why I am bringing it up today. The fear I have is this is going to be shoved down our throats by the majority, and we cannot let this happen.

Right now, we have a lot of men and women over in the various areas of combat. I have had the honor of being over there many times. I have worked with these individuals. We have more than our share in my State of Oklahoma. Our 45th is going to be going back over there. I would like to make

sure these guys and gals know we are listening to them.

A lot of people criticize me and others for spending so much time over there, but there are so many things we find out when we are over there—things we can't get in hearings back here. I am talking about finding out, as we did over there, about the need for the MRAP and some of the other capabilities we need to have so we can come back and make sure our kids who are over there fighting have everything they want. The very least we can do is keep our word, when we promised them that we are not going to do anything until we hear back from our military, our soldiers in the field, as to what they feel about the repeal of don't ask, don't tell. It is a very significant issue and it is one we are going to have to talk about this week.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, we are in the process of debating the small business bill. I am so grateful to the distinguished Senator from Louisiana who has fought so hard to get this bill through the process of cloture, including an amendment attached to that piece of legislation which makes available \$30 billion for the community banks to help out small businesses. I hate that it has taken so much time to get these important pieces of legislation through this body and out where it will benefit those needing it. Based on that, I am hoping we will bring this piece of legislation to a very speedy and expeditious close and that we will not continue to find political maneuverings to hamper the passage of this small business bill.

For the last 2 years, this country has been held in the grips of an unprecedented economic crisis. The housing market collapsed. The bottom dropped out of Wall Street. For the first time in generations, many Americans felt their hard-earned economic security begin to slip away. Too often, the focus of legislation has been on Wall Street rather than on Main Street. We have made some significant progress since the onset of our current crisis, but we still have a very long way to go, especially in creating new and sustainable jobs.

But this is an election year, and that means partisan bickering is on the rise.

So I believe my colleagues and I have a decision to make. We must make a decision. We can focus on winning the next news cycle, pitting Republicans against Democrats and falling into the same tired political battles that usually consume election years in Washington or we can reach for something better. We can tune out the partisan fights, reject the failed policies that got us into this mess, and prove to the American people that we have the will to make tough decisions to get our collective economy on the move again.

Our recovery is far from complete. We need to create more jobs. We need to bring American families more relief. Government can put people to work, but only the private sector—especially the small business sector—can create real and lasting employment. I believe that if we fail to continue the bold policies that pulled us back from the brink of disaster—if we shrink away from the difficult decisions that will move this recovery forward—then we place our economy at risk by slipping back into a recession.

This is a time for bold action, not pointless ideological battles. The Small Business Lending Act will move this economy forward in real and tangible ways. That is what the American people want and need, and they are asking us to get about the business of doing it.

The bill before us gives small businesses \$12 billion in tax cuts. It helps small businesses create 500,000 new jobs. It incentivizes and increases small business lending. It helps small business owners access private capital to finance expansion and to hire new workers. That is where the jobs are going to be created, is with these small businesses we are now seeking to help. It rewards entrepreneurs for investing in new small businesses. It helps Main Street businesses compete with large corporations.

Just this past Friday, I hosted a small business forum in Chicago at Chicago State University and I spent the day talking with business owners from all walks of life from all over my State and from a wide range of industries. Everyone I spoke with said the same thing: We need help now. Pass the legislation. That is what they were telling me.

Tomorrow I will host a small business forum in partnership with my good friends over in the other Chamber, in the House of Representatives, including Congressman LACY CLAY of Missouri and Congresswoman YVETTE CLARK. Together, we hope to work directly with these small business owners to get capital flowing again.

These entrepreneurs are not asking for a handout from this government; they are asking for the tools and resources to grow themselves, to work and to build within their communities, and to create jobs for hard-working Americans. That is what they are asking for. Everyone I spoke with reminds me that there are many ways each of us can act to advance the interests of each of those small businesses in our own States. But together, by acting collectively and by supporting this bill, we can take a major step forward in strengthening our American economy.

As I have reminded this Chamber before, long before I entered public service, I was a banker. As a matter of fact, I was the vice president of the largest bank in my State. It no longer exists

now, but it was Continental Illinois Bank and Trust Company. We were the seventh largest bank in America at that time. I ran a division that loaned money to small businesses. So I have firsthand knowledge and information of what it takes to finance and to run these businesses, because if I loaned you the bank's money, you were going to pay me back. It was not my money, it was the depositors' money, and I had to be the custodian of that money. Guess what. Just last Friday in Chicago, we celebrated the 40th anniversary of a company called Central City Productions—the largest black-owned production business in America—that produces TV programs and other marketing and competitive programs for the communities. They have been in business for 40 years. I loaned that young man in those days \$50,000. Of course, that was 1970, and \$50,000 went a long way then. It probably would take about \$1 million to do what we did with \$50,000 then, in today's market. So that is the knowledge I bring before this body and to this legislation we have on the floor: Knowing what small businesses take; knowing what we need to do to help those companies get the resources they need so they can get their inventory, so they can get their line of credit, so they can then put their people to work and sell their goods and services to their respective customers.

There is no greater investment we can make if we are serious about sustainable job creation and growth and to encourage investment and loaning to small businesses.

So I call upon my colleagues in this great body to seize this opportunity. Let's keep America on the road to recovery and restore the hard-earned security of ordinary folks who have suffered because of bad decisions on Wall Street. It will not be easy, but it is our responsibility, and it is the right thing to do. We have that responsibility. We have no other alternative than to, as the old saying goes, do the right thing. We must make sure this legislation is passed. We should start by increasing our support right now for this legislation for small businesses. These companies foster progress and they foster innovation. They have the power to create jobs and direct investment to local communities, where it can have the most and greatest impact and make a difference in our economic status.

Small businesses form the backbone of our economy, but in many ways they have suffered the most as a result of this economic crisis. That is why this sector should be targeted for our strongest support. There should be no debate about this. It should not be Republican or Democrat. This should be about helping America create jobs. We have outsourced all our jobs already to the foreign markets, which have shipped the manufacturing jobs out to

other markets. We have to get back to manufacturing. Our small innovative companies should come back in so they can then create manufacturing jobs, so we can have value-added products and continue the workstream for people to be employed.

I ask my colleagues to reject the tired politics that got us into this mess and embrace the spirit of bipartisanship that can lead us out of this mess.

On behalf of small businesses, I call upon this body to take action. Our economic future may be uncertain, but with the Small Business Lending Act, we have the rare opportunity to influence that future. So let's pass this measure and guarantee some degree of relief for the people who continue to suffer the most. Let's renew our investment in America's small businesses and rely on them to drive our economic recovery. Let's do it now. Let's do it today. Let's don't even do it tomorrow.

Thank you. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent to speak as in morning business for as much time as I may consume and ask that the time be counted against the postcloture time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN JOBS

Mr. DORGAN. Mr. President, this country, as all of us know, faces very significant challenges these days. We have roughly 20 million people who woke up in America today without a job, who probably are out today looking for work and haven't found it yet. It is a pretty tough thing in a severe economic downturn—the worst since the Great Depression of the 1930s—to find that you lost your job, and in some cases your home, and you have lost hope and you wonder what is next for you and your family.

I suppose it is in keeping with our politics these days that, at a time when we face the most significant economic challenges since the Great Depression, if you stop and watch and listen and hear the sounds of democracy, which sound a little like fingernails on a blackboard sometimes, what you hear on the news is something about someone's dysfunctional behavior somewhere. Someone does something absolutely goofy, just a nutty activity, and all of a sudden, it is on the 24/7 news.

In the last couple weeks, I have been traveling and hearing on the television, radio, and in print about some nut from Florida—apparently a minister

with a church of 50 people—who decides he is going to burn the Koran. We heard about it every day, all day. There is some suggestion that if you give this a lot of publicity and hold it up to the light and say, "Isn't it ugly?" you would say, "Yes, but it is not America; it is just some nut." You find someone's dysfunctional behavior and say, "Isn't this awful?" Sure, it is awful, but that is not the backbone of this country or what this country is about.

We have to begin talking about what really matters to put this country back on track and to give people some hope for the future, that they are going to see more opportunity, that they are going to see expansion of hope and opportunity for themselves, their families, and their children.

I think it is true that of all of the issues that matter most at this point, it is, how can you put people back to work? There is no social program that we debate in Congress that is more important than a good job that pays well. That makes almost everything else possible. If you have a good job that pays well, with job security and benefits, it allows you to take care of your family and do the other things that expand your opportunities in this great country.

I have watched and observed what is happening, and I participate in the debates in the Congress about what is happening in our country. I am very worried about this issue of trying to turn the faucet on to create new jobs in America at the very time the drain is open, with jobs moving outside of this country very quickly.

I have spoken about this and have offered 4 amendments over 9 or 10 years, and I have gotten anywhere from 40 to 47 votes on an amendment that says: Let's decide to stand up for employment in America, stand up for jobs here. Let's shut down the insidious, perverse tax incentives that tell American businesses that if you shut down your business in America, fire your workers here at home, and you move it to China or Mexico, we will give you a big fat tax break. That is true. We have a tax incentive to say: Get rid of your American enterprise, ship it overseas, move it to Mexico, and we will give you a tax cut. I have tried four times in votes on the floor of the Senate to shut that down, and I lost all four times. But we need to try it again. We need to do this, especially when you have the deep economic abyss into which we have fallen. We now need to say to people that we are going to stand up for employers, those who run the manufacturing plants in this country, those who hire American workers, those who produce products that say "Made in America" on the label. We are going to stand up for them, and we are not going to continue to give tax breaks to those who decide to do exactly the opposite and move their jobs overseas.

I am going to talk about a few of those circumstances. I have done it many times, and sometimes people roll their eyes when I do. But it is important, it seems to me, to continue to talk about this failure in our economic system.

The American Prospect—a magazine I was reading a while back—estimates that since 2001, there are 42,400 American factories that have closed their doors. Roughly three-fourths of those employed over 500 people. Why is that happening? Why is it that American factories are closing? Does it matter? Do we believe America will long remain a world economic power if it doesn't have world-class manufacturing? I don't. It will not be a world economic power without world-class manufacturing capability, and very quickly, it is dissipating. We are losing jobs and economic strength in the manufacturing sector. We see additional evidence of it every day.

Here is a June New York Times piece:

In Indiana, Centerpiece for a City Closes Shop.

Whirlpool plans to close a plant on Friday and move the operation to Mexico, eliminating 1,100 jobs here [in Indiana]. Many in this city in southern Indiana are seething and sad—sad about losing what was long the city's economic centerpiece and a ticket to the middle class for one generation after another.

That is Whirlpool—1,100 jobs.

Last week, I was in Pennsylvania with Congressman SESTAK, in Philadelphia. I told a story that I have known pretty well about something that happened in Pennsylvania. I told it on the floor many times. It is about something called Pennsylvania House Furniture, which is upper end, fine furniture, made by craftsmen. It is very good furniture. They worked for over 100 years, using Pennsylvania wood, to create Pennsylvania House furniture. Then one day the company was bought by La-Z-Boy, and La-Z-Boy decided: You know what, we are going to get rid of those craftsmen who work in Pennsylvania and ship these jobs to China. What we will do is continue to use Pennsylvania wood, but we will just ship the wood to China and have the Chinese fashion it into furniture and then send it back to sell in the United States and call it Pennsylvania House furniture.

What most people from Pennsylvania and across the country probably don't know is that on the last day of work, when those workers lost their jobs, after a century of making fine furniture in Pennsylvania, the last piece of furniture came down the line completed, and they turned it over and all of the craftsmen at Pennsylvania House furniture autographed it. Someone in America has an autographed piece of furniture by the craftsmen who cared so much about their jobs and had such pride in making the best furniture

they could make. And then the jobs were gone. All the wood was sent to China and the furniture is sent back, and you have nearly 500 people out of work. So much for the story of Pennsylvania House furniture. Does it matter that we don't make Pennsylvania House furniture in this country? Well, it sure matters to the 500 or so people for whom it was their career, a job that made a difference for their families. It made a difference to them because they were out of work.

I just mentioned Whirlpool deciding to get rid of 1,100 jobs. Well, it is interesting, here is a story in the Indiana Economic Digest. It says:

U.S. based manufacturers are shipping jobs overseas.

That is a familiar story.

Whirlpool is just one local example of a story that has played out across the nation for decades.

The appliance-maker is in the process of shutting down its Evansville refrigerator plant. March 26 was the last day for 455 [people in that plant.]

Those jobs will go to Mexico in late June.

But then it says something different. It says:

But not all local manufacturers are interested in moving overseas.

HMC manufactures and refurbishes large precision gears and other machinery components. . . . The company has 75 employees. It has never laid off an employee.

Robert J. Smith III, the company's president and chief executive officer, is dead-set against ever moving production overseas.

"We wouldn't consider it in 100 years."

His grandfather and grandmother started the company in 1921. "Offshoring in search of higher profits is a mistake," Smith said, "because it ignores manufacturing's larger purpose in U.S. society." And here is what he says finally:

It's my belief that every American citizen, not only me, should feel strongly about maintaining one of the most important cultures we have, and that is manufacturing.

I have used examples previously—and I will again—because I think repetition is important. The peppermint pattie called York—it is a tiny little peppermint pattie in a silver encasing. It is made by Hershey's Chocolate, by the way. It says: "The cool refreshing taste of mint dipped in dark chocolate will take you miles away." It sure did that. It took it all the way to Mexico. They decided to fire those American workers, and that mint chocolate went to Mexico to be produced.

The list is actually pretty endless. I just described Whirlpool, 1,100 jobs. They received millions in Recovery Act funds, and yet announced 1,100 job cuts—by the way, this is the long walk on the last day of work at a manufacturing plant. You go there to make it a career and then all of a sudden you discover the job is not there. Some foreign country has that job because America has decided to reward those who leave as opposed to those who stay.

If you wear a Reebok NFL jersey—and a whole lot of folks wear these jerseys—this is made in a Chinese-owned sweatshop in El Salvador. How do we get to the point where it is not just made in El Salvador but it is made in a Chinese sweatshop in El Salvador? This has to do with various trade agreements we have made where we incentivize the production of these being made in the lowest common denominator sweatshop wage area in the world. This Reebok jersey is made in El Salvador by a working man who lives in this so-called house. That working man makes less than \$1 for an \$80 Reebok jersey.

I have spoken on the floor of the Senate at great length about underwear—Fruit of the Loom underwear. I have said—and I know it is not chic to do so—I said I understand losing one's shirt, but Fruit of the Loom left the country with all of its underwear. It used to make underwear in America, and people appreciated those jobs. Fruit of the Loom left.

As we know, Fruit of the Loom was advertising with dancing grapes. They put men and women in fruit uniforms. I do not know where one gets a grape uniform, but they march them down a road and put it on television and they all sing and sound happy—happy for reasons I do not understand because all those Fruit of the Loom jobs, all that underwear is made elsewhere.

One might say: Who cares where underwear is made. I suppose the people who made underwear in the United States care because they had jobs at Fruit of the Loom, but it is gone.

I have spoken at great length about Huffy bicycle and shall not speak at great length today except to say this. Anyone who purchased a Huffy bicycle at Wal-Mart or K Mart was purchasing a bicycle made in Ohio, made by wonderful workers who had a career making Huffy bicycles. They made Huffy bicycles for many decades. They made \$11 an hour plus benefits to make these bicycles. Now the bicycles are gone. Now they are made in China.

This is actually a trifecta. Everything that could have gone wrong went wrong. The company decided to fire American workers and build the bicycles in China. Then they declared bankruptcy and left American workers with no pension program so that the pension would have to be paid by the taxpayers out of the Pension Benefit Guaranty Corporation. And now China owns the brand. They got the company, the brand, make the bicycles, the workers got fired, and the American taxpayer got to pick up the pensions. It is unbelievable when you think about it.

Is this fair trade? I do not think so. It is a decision by a lot of people to decide we are going to move our manufacturing overseas.

Every young child has ridden in a Radio Flyer wagon, a little red wagon.

They made those for 100 years in Chicago, IL. They do not anymore. They are all made in China as well.

I know where these are made. I know where Huffy bicycles are made. I know they are made by people who make 50 cents an hour and work 12 to 14 hours a day, 7 days a week with never a Sunday off. Is that with what we want the American people to compete—a lower standard of living? Is it probably something we would like to do to help lift others in the world, or is it we want Americans to compete with the lowest common denominator, lowest wages, the workplace with the worst safety record? Is that what we want?

Those are other issues. The issue I came to talk about is the issue of what about the fact the company that makes the little red wagon and the Huffy bicycle and the York mint pattie and, yes, Fig Newton cookies—by the way, if you are wondering about Fig Newton cookies, they went to Mexico. They were made in New Jersey. Apparently when you make Fig Newton cookies, there is someone who shovels fig paste. You can get someone shoveling fig paste a lot less expensively by hiring them in Mexico rather than New Jersey. If somebody says, Let's get Mexican food, just buy Fig Newton cookies. They escaped to Mexico. The jobs are gone, and somebody down south is shoveling fig paste because you can pay cents on the hour to get that kind of labor.

The question is: Does it matter? Does anybody care? Does it matter that we do not produce Fruit of the Loom shorts and t-shirts, that we do not produce little red wagons, Radio Flyer, that we do not produce Huffy bicycles, that we do not produce Pennsylvania House furniture, that Whirlpool refrigerators are made in Mexico, that product after product has gone to China?

The fact is, people on this floor in this Congress and in other Congresses have voted affirmatively to say: We want to reward those who leave our country. We want to give you a tax break. Four separate times we have had votes on these issues, and four separate times the majority of the people in the Senate have said: We believe in giving tax breaks to those who ship American jobs overseas.

The reason I raise this issue today is this: We have about 20 million people who are out of work today. They want to find work. They want a job and cannot find one. Everybody talks about restarting this American economy. How about trying to find a sparkplug that will lift the American economy? What is that? If you are going to keep the drain open, how are you going to fill the tub? You can work with the faucet on all day long, but if you have the drain open, Whirlpool decides one day, We are moving 1,100 jobs out of this country—and the list goes on and on—where are the jobs going to be? Who is

going to incentivize the creation of new jobs? We have to do this. It is our responsibility. It is not our responsibility to provide economic recovery for the Chinese economy or the Mexican economy. It is our responsibility to try to see if we cannot restart this economic engine at home. It seems to me implausible that at least a majority of the Members of the Senate would not understand that we need to stand up for American jobs.

I understand, because I have been involved in many trade debates and I subsequently wrote a book about it, that when you start talking about standing up for American jobs, there are a bunch of pointy-headed folks with thick glasses who call you a xenophobic isolationist stooge. You just don't get it; it is a world economy, Mr. DORGAN; you don't have the foggiest idea what you are talking about. Oh, really?

All those people who say that wear dark suits, take showers in the morning, and have never been unemployed. Isn't that a great thing? How about people who require taking a shower after work because they worked hard, and find out they lost a job because pointy-headed folks describe a world economy that reduces all the standards we built up over a century?

Think of the problems we went through to try to create the circumstances that built an expansion of the middle class in this country. Just think of it. In my book, I describe James Fyler, and I probably should not have. I said he died of lead poisoning. He was shot 54 times. Why was James Fyler shot in the early part of the last century 54 times? Why did he give his life?

Here is the radical proposition that James Fyler felt: He felt that people who went underground to dig for coal in this country ought to have an understanding that they are working in a workplace that is safe and ought to be paid a fair wage. For that he gave his life because that was unbelievably radical: insisting on behalf of workers that they work in a safe workplace and be paid a decent wage.

We went through all of that and finally said: A safe workplace is important. We have to protect workers. A fair wage, a minimum wage, is important—all of these things that we went through to lift up America and expand opportunity and put people to work. We have been through that and at great struggle, at really great struggle.

Yet now in the last decade and a half, the question is: Isn't that all old-fashioned? It is a world economy. Why can you not compete with a Chinese sweatshop in El Salvador making Reebok football jerseys? Why can you not compete with a worker in Shenzhen, China, willing to work for 50 cents an hour, working 7 days a week, 12-to-14-hour days? I say to you, the people at Huffy

bicycle would have said: We cannot compete with that. We cannot live on those wages. And the people who employed them said: We don't care. Your jobs are gone.

The last day of work at Huffy bicycle in Ohio, when they were all fired and all those jobs moved to China to make those bicycles, those workers left in the space where their cars parked at the plant, in the empty space they left a pair of shoes. That parking lot was filled with empty shoes, not cars. It was a plaintive way for those workers to say to those companies that fired them: You can fire us and get rid of our jobs but you will never replace us. You will never replace us.

It seems to me if people in this country are wondering about where will the jobs come from, who is going to stand up for the economic interests of this country—no, not cut us off from the rest of the world, not suggest we are not part of the global economy, but rather suggest we will attempt to lift the rest of the world by saying: Here are the conditions under which we will involve ourselves in the global economy.

We are a country with a huge trade deficit with the country of China. This year I suspect it will be between a \$200 billion and \$250 billion trade deficit with the country of China. Our trade deficit this year generally will probably be around \$600 billion, perhaps a little less. Last month it was a \$50 billion trade deficit. No country can continue with this. It is not sustainable. You cannot sustain a country by hollowing out the manufacturing base and deciding manufacturing does not matter, yet we want to remain a world economic power. You cannot sustain a country that says we are going to do \$50 billion a month in trade deficits and that doesn't matter either. A trade deficit ultimately is going to be repaid with a lower standard of living in this country.

We have a responsibility, and that responsibility now is to find a way to begin stopping the hemorrhaging of jobs overseas and decide to reward those companies that decide they are going to keep jobs in this country.

I just read this today about HMC manufacturers and Robert Smith III, the company's president and chief executive. Good for him. He said: We wouldn't consider moving our jobs overseas, not in a hundred years. "Outshoring jobs in search of higher profits is a mistake," he said, "because it ignores our manufacturing's larger purpose in America." Good for him.

How about doing something in this Chamber that says to people who are employing the manufacturing workers: Good for you. We stand with you. We want to incentivize you to continue, and then say to those who are shipping their jobs overseas: You know what, you want some help from this government? Go take a hike. Make something

in America. And, by the way, you are not going to get tax help. We are not going to give you a tax break, as has been done for far too long when you ship your jobs overseas. It is not going to happen.

Unfortunately, it has been happening. I said it is not going to happen four times. We have had four votes, and I have lost on all four occasions. I hope at long last when we go through the deepest recession since the Great Depression, there might be enough of an urgency for people who come out here and bloviate and thumb their suspenders, cast the shine of their shoes on the magnificence of this great place that maybe that magnificence might spread to casting the right vote on something that stands up for this country's best economic interest.

Mr. President, the list of challenges are very significant. I have been talking at length about one, and that is jobs because it makes everything else possible. If we can get the American engine working once again, put people to work once again, this country will do just fine. But it doesn't do just fine when it is in a very deep recession and we have incentives that say jobs don't matter.

I grew up in a very small town, less than 300 people, and I knew every day that I was a kid—just because I understood it—that this country, this America, was the biggest, the best, the strongest, and that we could beat anybody in trade or economic issues with one hand tied behind our backs. That is how good this country was. We were good at almost everything. We invented, we created, you name it. We decided to split the atom. We spliced genes. We invented radar, the silicon chip, the telephone, the computer, the television. We cured smallpox and polio. We built airplanes and learned to fly them. Hundreds of attempts were made, and finally on December 3, 1917, they flew an airplane—the Wright brothers. Then we built rockets and walked on the Moon and planted an American flag. Nobody has done that, but we have done it. This is a great country.

Yet somehow, in the shadow of this very deep recession—that, in my judgment, was not some natural thing to have happened to our country. This was something that was caused by unbelievable avarice and greed and things that went on particularly in the largest financial firms in this country that had nothing to do with investment, that had nothing to do with savings or real banking but had everything to do with building a casino society so people could buy what they wouldn't get from people who never had it. They were all making money, but it was a house of cards.

I offered an amendment on something called naked credit default swaps. You know what. It sounds like a

foreign language. Nobody even knew what a credit default swap was. We had tens of trillions of dollars of credit default swaps, and a fair amount of them were naked. What does that mean? It doesn't mean they didn't have clothes. It meant there was no insurable interest on either side. It was simply a wager, simply a bet, not on investment. I lost that amendment.

I probably should talk about something I won. But the fact is, on the big issues in this country, in most cases the big interests are well organized to make certain their interests carry the day in the Congress. It just seems to me that as we tackle these issues of jobs and Federal budget deficits, which is a very significant issue, and the issue of taxes—who pays them and how much—energy policy—how we remove our addiction to foreign oil—the trade issues I have just described in great detail, we have to do better. The American people deserve better and expect better. Instead of getting the worst of what both parties offer, we need to get the best of what each has. Both parties can contribute something significant to our country, in my judgment.

Mr. President, there is a lot, it seems to me, at stake. We can continue to see anemic economic growth—and as I say that, let me point out this President inherited a circumstance where just prior to his coming to office we were losing 700,000 jobs a month. That is what he inherited. I know some people come and say: Well, how dare you talk about the economy this President inherited. What else would you talk about? Would you create a fiction about it?

This economy was nearly in a free fall and, like it or not, this President took action. Like it or not, this President made proposals that began to put some capability under this economy to avoid a total collapse.

Now the economy is growing, but slowly, and too slowly. The President knows that and says that. This growth is good. We didn't suffer a complete collapse. We caught it. This President's policies have worked. Those, by the way, who come to the floor of the Senate and say the economic recovery act didn't create any jobs know better than that. Look at the studies that have been done: 3 million jobs at least have been saved as a result of taking the action that had to be taken. Would they suggest we sit and watch and be simple observers?

Now we come to this discussion about the economy and we are deep in debt and we have to get out of this. So the question is tax cuts. Who gets tax cuts? Well, 9 years ago, on the floor of this Senate, President George W. Bush said: Let's provide very substantial tax cuts. The bulk of them will go to the wealthy, but nonetheless everyone will get a tax cut. Why? Because for the first time in 30 years we had a budget

surplus that year under President Clinton. The first time in 30 years we had a budget surplus.

So President Bush came to office and said: Well, it looks like we are going to have budget surpluses for the next 10 years, so let's provide very large tax cuts.

I voted against them. I said: You are talking about projections. We don't have the tax surpluses yet. When we get them, let's figure out what we do with them, but they do not exist yet. They are simply projections. President Bush said: Well, Katey, bar the door. He and Mr. Greenspan and others said we need to do this. Mr. Greenspan said he couldn't even sleep he was so worried that we were going to have such big surpluses that it would ruin the economy and we would pay down the debt too fast. I hope he didn't lose a lot of sleep over that.

So the Congress passed, without my vote, very large tax cuts for 9 years after which they would expire. So they expire at the end of this year. Now the question is, What do we do with them? The debate is, Should they be extended?

The President says let's extend them for the middle class. We are still in the middle of slow economic progress, so let's extend them for the middle class. The Republicans and others say: Well, let's make sure we extend them for everybody, including the wealthy.

Well, it just seems to me this: We decided—without my vote—to provide very large tax cuts because we needed to give back a surplus which then didn't exist in the subsequent years. A surplus didn't exist. Then what happened? Within a couple of months after passing the tax cuts 9 years ago, we discovered we were in a recession. Not a deep one, but a recession. That, of course, enhanced instead of surpluses Federal budget deficits.

Then what happened? We were hit on 9/11 with a terrorist attack and we went to war in Afghanistan and then we went to war in Iraq and not a penny of it was ever paid. In spite of the fact I and others came to the floor of the Senate and said: If you are going to ask our young men and women to go to war and to get up in the morning and strap on ceramic body armor, to be in harm's way and potentially lose their lives, the very least we can do in this Chamber is pay for the cost of the war. But, no, we couldn't do that. We have fought a war for 9 years and haven't paid for one penny of it. That is fundamentally irresponsible.

Now, the question is, In the middle of a very serious economic situation, who is going to get the tax cuts extended? Some say: Well, you have to extend them for the upper income folks, the wealthiest Americans, because their philosophy is that things trickle down. Put things in the top and ultimately they trickle down. Others, my philosophy, is things percolate up. Give the

American family a little something to work with and get the engine working again and things will percolate up to help everybody.

I do think this: The tax rates that were paid by the upper income people in the 1990s, when we had the most robust economic growth in our country, are tax rates that I think should continue to exist for upper income people. I think that is fair. Plus, that \$800 billion that it would cost for the next 10 years to do those tax cuts for upper income Americans will be added right to the Federal budget deficit, and that doesn't make any sense to me at all. How would that give confidence to the American people; that at last—at long, long last—this Senate, this Congress was willing to tackle these destructive budget deficits? That is not much consolation to people who watch what is happening in this country.

Now, Mr. President, let me finish by saying I have talked about a number of things, and things we need to correct. I remain hopeful about this country's future. I know we have a chattering class that spends all day and all night on the radio dial and television talking about what is wrong with America. I know there are plenty of challenges ahead of us. But I also believe there are a lot of people who, for two centuries, have bet against this country's future and lost. I think it would take a fool to decide this country would not get through this period.

But this country deserves good leadership from Republicans and Democrats. It deserves a President who is aggressive, and I believe this President is aggressive, in tackling these problems. It deserves a Congress that is willing to work together. If ever we needed an outbreak of some minimum amount of bipartisanship, some minimum cooperation, it is now. I have just watched all of this year circumstances where every single thing is objected to, everything is blocked. It doesn't take much in this Chamber. The two most powerful words are "I object." One person saying "I object" grinds this machinery to a halt.

The fact is, I have seen circumstances in this Chamber this year where objections were raised and filibusters ensued on motions to proceed to noncontroversial items that ultimately got 96 or 98 votes, but it took a week to get through because of blocking and objections. I mean, if someone would have brought up a Mother's Day resolution, it would have been filibustered, I assume. Block everything, stop everything, make sure nothing gets done. That is not in the interest of this country. This country deserves better and expects more.

I hope in the coming several weeks—we don't have a lot of time—the things I have just described, the issue of jobs moving overseas, the issue of an unbelievably ignorant tax provision that

says if you get rid of your American workers, you lock your factory doors and ship those jobs overseas, tell you what we will do. We will give you a big old fat tax break. I hope finally, at last, at long, long last, enough Members of this Senate will agree that has to stop; that we would pass legislation to shut it down and at the same time say to those who are moving their jobs overseas: You are off the public dole. But you know what. We are going to stand up for those who keep their jobs here. We are going to say: If you are running a manufacturing plant in this country, good for you. We want to do the things that help you continue, that help you hire people and help you be a good employer. Good for you. You are the ones we stand up for because you are the ones who will rebuild opportunity in this country.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DREAM ACT

Mr. DURBIN. Mr. President, I rise to speak about an issue that is timely and controversial; it is the issue of immigration. There has been a heated debate for over a year about the immigration law passed by the State of Arizona. This debate highlighted the need for Congress to fix our broken immigration system.

Here is how the Arizona Association of Chiefs of Police put it:

We strongly urge the U.S. Congress to immediately initiate the necessary steps to begin the process of comprehensively addressing the immigration issue to provide solutions that are fair, logical and equitable.

I agree with the Arizona Association of Chiefs of Police. Congress has an obligation to the American people to fix our broken immigration system. This broken system harms our national security, it hurts our workers, and it falls short of the most basic standards of justice.

First, we must secure our borders, strengthen enforcement of our immigration laws, and address the situation of approximately 11 million undocumented immigrants who live and work in our country. Unfortunately, the reality is that Congress is not likely to consider comprehensive immigration reform this year. I have supported every effort toward that end during the time I have served in the Senate.

I recall not that long ago, just a few years ago, an amazing, bipartisan

group of Senators which included, at that time, the two men who just ran for President of the United States, Senator McCain and then-Senator Barack Obama. It was an incredible effort, and it had the invested political capital of President George W. Bush, who was genuinely committed to immigration reform. I can recall the President saying in meetings and saying to me personally how much he wanted to see that done. I still salute him for his leadership on what was a tough issue then and still is.

The reality is that we did not pass comprehensive immigration reform despite our best efforts. But that should not prevent us from moving forward with reforms so our broken immigration system is repaired and is improved over what we currently have.

Let's take one example. In recent years, we have made dramatic progress in securing the border and reducing illegal immigration. The number of Border Patrol agents serving our country and protecting our borders has doubled from 10,000 in 2004 to 20,000 today. According to the Department of Homeland Security: "Today the Border Patrol in America is better staffed than any time in its 86-year history."

The Department of Homeland Security has completed 646 miles of border fencing out of the 652 miles authorized by Congress. The remaining 6 miles will be completed before the end of the year. In the first 9 months of fiscal year 2010, the Department of Homeland Security has deported approximately 280,000 illegal immigrants. That is a 10-percent increase in the number of deportations over the same period in fiscal year 2008, which was the last year of the Bush administration.

The Department of Homeland Security has focused on deporting illegal immigrants who have committed crimes. As a result, more than 136,000 criminal aliens have been deported so far in this fiscal year. That is a 60-percent increase over the number of criminal aliens deported during the same period in fiscal year 2008, and it is the most criminal aliens ever deported during a single year.

What is the result of all these efforts? Earlier this month, the Pew Hispanic Center released a new report on illegal immigration with two striking findings. First, the number of illegal immigrants entering the United States annually has decreased by two-thirds in the past decade, from 850,000 per year to 300,000 per year.

Second, the total number of illegal immigrants living in the United States is down by 8 percent in just the last 2 years. The Pew Center said: "The decrease represents the first significant reversal in the growth of the illegal immigrant population in America in 20 years."

Let me repeat that. The number of illegal immigrants entering our country

has decreased by two-thirds, and for the first time in 20 years there has been a significant decline in the number of illegal immigrants living in America. So we are making remarkable progress in our fight against illegal immigration.

Our efforts will not end there. Last month, Congress passed the 2010 emergency border security supplemental appropriations bill, legislation authored by my colleague from New York and the chairman of the Immigration Subcommittee, Senator SCHUMER, cosponsored by Senators MCCAIN and KYL of Arizona. That bill provided \$600 million more additional funding to enhance border security.

Let me tell you how we will spend it: \$176 million for 1,000 more additional Border Patrol agents, \$68 million for 520 Customs and Border Protection officers, \$80 million for 250 new Immigration and Customs enforcement personnel, and \$32 million for 2 unmanned aerial vehicles to monitor the border.

We have taken this challenge seriously. We are investing the resources on a bipartisan basis, and we can see the results. When I sat down with Senator JON KYL, my Republican counterpart, and talked about this issue, he showed me a map of Arizona, and he pointed to a section of the border which has had a dramatically positive change when it comes to illegal immigration. He then pointed to another section which he said needed improvement. But he conceded, and most do, that we have made a commitment. We have dedicated the resources, and the Obama administration has joined with Republicans in Congress to produce real results when it comes to illegal immigration.

We are making great progress in securing the border and reducing illegal immigration, but let's be clear. Border security alone will not fix our broken immigration system. There are other critical reforms we can make right now. One important step Congress should immediately take up is passing the DREAM Act. This is bipartisan legislation I have introduced with Republican Senator DICK LUGAR of Indiana.

Let me say a word of thanks to Senator LUGAR for stepping out on this important issue and joining me in this effort. The DREAM Act is a bill which I introduced 10 years ago. If you have been around the Senate, that is considered a brief period of time. But I cannot imagine I am standing here 10 years later still arguing for this bill. I think it is worth recounting how I happened to introduce it.

About 85 percent of all of the case work, constituent work we receive in our Chicago office relates to immigration. Chicago is a great city, a diverse city, with people from all over the world. It is no surprise many of them come to our office with immigration issues. So 10 years ago we received a

phone call. It was from a Korean-American lady, a single mom who ran a dry cleaners.

As I have mentioned in previous debates, in our great city of Chicago, about 85 percent of the dry cleaners are owned by Koreans. It is one of their commitments in entrepreneurial skill, and they work hard, with long days.

Well, she called to tell me about her little girl who was now graduating high school. It turns out, her little girl was an amazing pianist, an amazing musician, and had been accepted by the highly acclaimed Juilliard School of Music in New York. Her mom was so excited. But as her daughter filled out the application form to go to Juilliard, there was a little box there that said "nationality," and she turned to her mom and said: I know I was born in Korea, but what am I?

Her mom said: I don't know. We brought you here at the age of 2, but we never filed any papers. We better call Durbin. So they called our office, and we checked into it. We learned, through the Immigration Service, that she had an option. They said it was her only option, and it was very clear.

We said: What is it?

They said: She can go back to Korea—back to Korea, to a place where she did not speak the language, where she had no memory of ever living, a place she had not even visited in 16 or 17 years.

This woman also married in the United States and had other children who were American citizens, but this one daughter, brought over on a plane from Seoul, Korea, was living in Chicago, thinking everything was just fine and normal, and now, at the age of 18 or 19, learned she was about to be deported to a place where she did not even speak the language.

It seemed to me fundamentally unfair. If you arrest someone for speeding and they have an infant in the car seat behind them, you do not charge the infant with speeding, do you? It would not make sense. There is no blame there, no liability, no culpability. So why in this case, if this mother came to the country and did not file the papers, would this girl, this young woman, be denied an opportunity to become legal in the United States?

So I wrote a bill called the DREAM Act. The DREAM Act says basically this: If you came to the United States under the age of 16, if you have lived in this country for at least 5 years, if you have no criminal record, if you graduate from high school, we will give you two chances to become legal in our system. The first opportunity: We will allow you to serve in our Armed Forces. If you will enlist for 2 years of Active Duty, we will allow you to become legal in the United States. If you are willing to risk your life for our Nation, we are prepared to give you legal status. Secondly, if you complete 2

years of college, we will also give you that same option.

That is it. That is the DREAM Act. It gives to these young people who have no country and literally no future because they have no citizenship, an opportunity.

Well, that is what I introduced 10 years ago. I still think it is valid. The DREAM Act will give a select group of immigrant students the chance to earn legal status if they grew up in the United States, have good moral character, attend college, or enlist in our military.

Today, in America, there are tens of thousands of immigrant students who were brought to the United States when they were too young to understand the consequences of their parents' decisions. It was not their decision to come to this country. They came along for the ride, and many of them were infants. They grew up here. They became part of our country. It is the only home they have ever known, and now they are without a country.

These young people are the presidents of student councils, valedictorians, junior ROTC leaders, and star athletes. They are tomorrow's scientists, doctors, teachers, engineers, and soldiers. They will be our leaders.

The fundamental premise of the DREAM Act is that we should not punish the children for the decisions of their parents. It is not the American way. Instead, the DREAM Act says to these students: We will give you a chance, a chance to prove yourself, and a chance to improve America.

Here is how former Republican Presidential candidate Mike Huckabee explained it. Mike, as you know, was a former Governor of the State of Arkansas. Here is what he said:

A kid comes to this country, and he's four years old and he had no choice in it—his parents came illegally. . . . That kid is in our school from kindergarten through the 12th grade. He graduates as valedictorian because he's a smart kid.

Governor Huckabee said:

The question is: Is he better off going to college and becoming a neurosurgeon or a banker or whatever he might become, and becoming a taxpayer, and in the process having to apply for and achieve citizenship, or should we make him pick tomatoes? I think it's better if he goes to college and becomes a citizen.

That is what Governor Huckabee said.

The DREAM Act has broad bipartisan support. The last time the Senate considered it on the Senate floor a few years back, it received 52 votes, including 11 Republicans. Since then, support for the DREAM Act has grown. The bill now has 40 cosponsors, and the DREAM Act is the only immigration bill—the only one—this President, his administration, has endorsed.

The DREAM Act is also supported by a broad coalition of education, business, labor, civil rights, and religious

leaders, including, just to name a few, the American Jewish Committee, the Leadership Conference on Civil Rights, the National PTA, the U.S. Conference of Catholic Bishops, the CEOs of Fortune 500 companies such as Microsoft and Pfizer, the AFL-CIO, and dozens upon dozens of colleges and universities across the country, including Arizona State, Penn State, the University of Utah, and the University of Florida.

It also has broad support from the American people. According to a recent poll by Opinion Research Corporation, 70 percent of likely voters favor the DREAM Act, including 60 percent of Republicans.

The DREAM Act is not just the right thing to do, it would be good for America. Michael Bloomberg, the mayor of New York City, knows something about economic development. He sent me a letter supporting the DREAM Act, and here is what he said:

Why shouldn't our economy benefit from the skills these young people have obtained here? It is senseless for us to chase out the home-grown talent that has the potential to contribute so significantly to our society. They're the ones who are going to start companies, invest in new technologies, pioneer medical advances.

Our country would also benefit from thousands of highly qualified, well-educated young people who are eager to serve in the Armed Forces during a time of war. Since the Bush administration, we have worked closely with the Defense Department on the DREAM Act. Defense Department officials have said the DREAM Act is "very appealing" because it would apply to the "cream of the crop" of students and be "good for military readiness."

Military experts agree. LTC Margaret Stock, a professor at the U.S. Military Academy at West Point, wrote an article supporting the DREAM Act. She concluded:

Passage of the DREAM Act would be highly beneficial to the United States military. The DREAM Act promises to enlarge dramatically the pool of highly qualified recruits for the U.S. Armed Forces.

The Army says high school graduation is "the best single predictor" of success in the military. However, in recent years, the Army has accepted more applicants who are high school dropouts, have low scores on the military's aptitude test, and some who have had criminal backgrounds. In contrast, under the DREAM Act, all recruits would be well qualified high school graduates with no criminal record and good moral character.

Many DREAM Act students come from a demographic group that is already predisposed toward military service. The RAND Corporation found that "Hispanic youth are more likely than other groups to express a positive attitude toward the military" and "Hispanics consistently have higher retention and faster promotion speeds than their white counterparts."

Immigrants have an outstanding tradition in America's military. More than 65,000 immigrants are currently on Active Duty in the United States. The Center for Naval Analyses has concluded "non-citizens have high rates of success while serving—they are far more likely, for example, to fulfill their enlistment obligations than their U.S.-born counterparts."

The DREAM Act is not a free pass to citizenship. It is designed to assist only a select group of young people who would be required to earn their way to legal status. Here is how it works. A student would have the chance to qualify only if he or she meets these requirements: came to the United States as a child, has lived here for more than 5 years, has good moral character, has not engaged in criminal activity, does not pose any threat to national security, passes a thorough background check, and graduates from an American high school.

If a student fulfills each and every one of these requirements, they can receive temporary legal status. Next, they can serve in the military or attend college for at least 2 years.

Then, after 6 years, if—and only if—this requirement is completed, the student could apply for permanent legal status. If this requirement is not completed, the student would lose his legal status and be subject to deportation.

These requirements are fair, but they are tough. Only a select group of students would be able to earn legal status under the DREAM Act. In fact, according to a recent study by the Migration Policy Institute, only 38 percent of those who are potentially eligible for the DREAM Act would ultimately obtain legal status.

The DREAM Act also includes other important restrictions to ensure it is not abused. I will mention a few: Students who obtain conditional legal status under the DREAM Act would not be eligible for Pell grants. Of course, that is up to \$5,000 or more each year to go to college. Residents of the United States, American citizens, who qualify can receive that help. These students, in the process of going to college, could not receive them. Students who apply for the DREAM Act would be subject to tough criminal penalties for fraud. The DREAM Act would not allow what is known as "chain migration." In fact, DREAM Act students would have very limited ability to sponsor their family members for legal status.

I first introduced this bill 10 years ago. Since that time, I have met a lot of young people who would at least be eligible to be considered for this legislation. They have been waiting a long time for this opportunity. Every week—every week without fail—when I go back home, I meet young students, receive calls, e-mails, and letters. I want to mention just a few of them here. I want to put a face on this issue

so you can understand the lives that would be affected.

Here is the first one, as shown in this photograph I have in the Chamber. This is Benita Veliz. She was brought to the United States by her parents in 1993, when Benita was 8 years old. She graduated as the valedictorian of her high school class at the age of 16. She received a full scholarship to St. Mary's University. She graduated from the honor's program with a double major in biology and sociology. Benita's honors thesis was on the DREAM Act. She sent me a letter, and here is what she said:

I can't wait to be able to give back to the community that has given me so much. I was recently asked to sing the National Anthem for both the U.S. and Mexico at a Cinco de Mayo community assembly. Without missing a beat, I quickly belted out The Star-Spangled Banner. I then realized that I had no idea how to sing the Mexican national anthem.

She writes:

I am American. My dream is American. It's time to make our dreams a reality. It's time to pass the DREAM Act.

This is Minchul Suk. Minchul was brought to the United States from South Korea by his parents in 1991 at the age of 9. Minchul graduated from high school with a 4.2 GPA. He graduated from UCLA with a degree in microbiology, immunology, and molecular genetics. With support from the Korean-American community, Minchul was able to graduate from dental school. He has passed the national boards and licensing exam to become a dentist, but he can't obtain a license because he does not have legal status. Minchul is a person without a country. He sent me a letter recently, and here is what he wrote:

After spending the majority of my life here, with all my friends and family here, I could not simply pack my things and go to a country I barely remember. I am willing to accept whatever punishment is deemed fitting for that crime; let me just stay and pay for it. . . . I am begging for a chance to prove to everyone that I am not a waste of a human being, that I am not a criminal set on leeching off taxpayers' money. Please give me the chance to serve my community as a dentist.

Without the DREAM Act, Minchul won't be able to serve his community as a dentist.

This is my Mayra Garcia. Mayra was brought to the United States by her parents when she was 2 years old. Mayra, who is now 18, is the president of Cottonwood Youth Advisory Commission in her hometown of Cottonwood, AZ. She is a member of the National Honor Society. She graduated from high school last spring with a 3.98 GPA. Mayra just started her freshman year at a prestigious university in California. In an essay about the DREAM Act, Mayra wrote:

From the time I was capable of understanding its significance, my dream was to

be the first college graduate in my immediate and extended family. . . . College means more to me than just a 4-year degree. It means the breaking of a family cycle. It means progression and fulfillment of an obligation.

Here is what she told me about growing up in the United States:

According to my mother, I cried every day in preschool because of the language barrier. By kindergarten, though, I was fluent in English. . . . English became my way of understanding the world and myself.

Mayra Garcia, like all DREAM Act students, grew up in this country. America is her home. English is her language. As one of these students once said to me, "I dream in English."

The next person I wish my colleagues to meet is Cesar Vargas. Cesar was brought to the United States when he was 5 years old. He is currently a student at the City University of New York School of Law, where he has a 3.8 GPA. Cesar founded the Prosecutor Law Students Association. His dream is to serve our country as a military lawyer, but without the DREAM Act, Cesar cannot even volunteer to enlist in the military, despite the fact that he is in law school.

The last person's story I wish to share is Eric Balderas. This is an amazing story. Eric's mother brought him to the United States from Mexico in 1994 when he was 4 years old. Eric was valedictorian and student council president at his high school in San Antonio, TX. Eric just began his sophomore year at Harvard University, where he is majoring in molecular and cellular biology. His goal in life is to become a cancer researcher, but he can't reach that goal because he has no country. He has no citizenship. He needs the DREAM Act.

Wouldn't America be a stronger country if someone such as Eric Balderas could become a cancer researcher? Wouldn't our military be a better place with Cesar Vargas, who wants nothing more than to serve as a lawyer in the Judge Advocate General's Corps? Wouldn't we be better off if these talented young immigrants were able to contribute more fully to this country they love? The DREAM Act would give immigrants such as Eric Balderas and Cesar Vargas a chance to earn their way to legal status—earn their way to legal status—by contributing their talents to America. This is the choice the DREAM Act presents to us. We can allow a generation of immigrant students with great potential and ambitions to contribute more fully to our society and our national security or we can relegate them to a future in the shadows, which would be a loss for us all.

I am going to conclude. I see my colleague waiting patiently over there. I wish to conclude by saying this: I stand here today as a Senator from the great State of Illinois. I feel blessed in so many ways to have been given this op-

portunity to serve, but I also feel blessed because my mother was an immigrant to this country. She was brought by her mother at the age of 2 in 1911. As they came down the gangplank off the boat in Baltimore, my grandmother had my mom in her arms and my aunt and uncle by her side. Somehow, they made it from Baltimore, MD, to East Saint Louis, IL, to join my grandfather, who was an immigrant and who worked in the most basic immigrant jobs. My grandmother and grandfather never spoke much English—just enough to get by. My mom spoke Lithuanian and English, and I speak English only. It is kind of the story of America, I guess.

My mom didn't become a naturalized citizen until after she was married and had my two older brothers. I went to her later in her life, just a few months before she passed away, and said: Mom, I have never seen your naturalization certificate. Do you still have it?

She said: Sure.

She got up.

I said: No, you don't have to.

She said: No, I am going to go get it.

So she went in the other room, wasn't gone a minute, and came back with the naturalization certificate. Then a little piece of paper floated to the floor. I picked it up and I said: What is this?

She said: That is the receipt for the \$2.50 filing fee that I paid when I became a naturalized citizen back in the 1930s.

My mom was tighter than the bark on a tree, and she was going to have proof if any government bureaucrat ever came around to challenge her if she ever paid her fee. She was also a proud American and proud of her three sons and family, and I am glad she got to see me sworn in to the U.S. Senate before she passed away.

I stand here today as a Senator in this great body and the proud son of an immigrant mother. If my mother and grandmother had entered this country illegally and my mother had been somehow denied an opportunity for citizenship, I don't know where I would be today. But I have tried to make a contribution to this country, and that is all these young people are asking for—a chance to make a contribution to this country.

Let's not get caught up in the emotional and angry rhetoric about immigrants and immigration, but let's give these young people a chance. Let's try to gather on a bipartisan basis to put enough votes on the board to give them a chance to serve our country in the military or to serve our Nation with their great talents. That is their dream, it should be our dream, and that is why we should pass the DREAM Act.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today as the Senate returns to give a doctor's second opinion of the health care law. As the Presiding Officer knows because he has been here for so many of these speeches every week since this bill was signed into law, I have come to the Senate floor as a physician, an orthopedic surgeon, as someone who has taken care of families in the State of Wyoming since 1983, to give a doctor's second opinion of the new health care law and what I view is the impact it is going to have on health care in this country.

The Presiding Officer knows that during the debate and discussions at the time of the health bill and now the health care law, I had many reservations. My concern was that it was going to be bad for patients, bad for providers—the nurses and doctors who take care of those patients—and bad for payers, the people paying their health care costs, as well as the taxpayers of this country.

When the health care bill was signed into law, Democrats were extremely proud of it, and they were actually eager at that time to tell all of America about their vote. As a matter of fact, the Senate majority leader, Senator REID, said:

This is a happy day. We are going to hear an earful, but it is going to be an earful of wonderment and happiness that people waited for a long time.

Here we are just 6 months later, but the new law is not greeted with happiness. It is not greeted with wonderment. Now the Democrats of this country are singing a very different tune. In fact, 56 percent of Americans want the law repealed. Each week, as I have given my second opinion, I have said it is time to repeal and replace this health care law. Now Democrats are completely changing their message about the new law. Now they no longer say the law will lower costs. They no longer say it will improve care. Instead, they now admit the law has some shortfalls, and they are talking about how they are working to improve it. This law needs to be repealed and replaced.

I think that now the people of America know what NANCY PELOSI meant when she said, "First we have to pass the law before you get to find out what is in it." That is what she said. Well, now the people of this country have found out what is in it, and they recognize that it is not good for the country.

There was an interesting article in the Wall Street Journal last Friday. Kimberly Strassel talked about the health care law, and she said:

A total of 279 House and Senate Democrats voted for ObamaCare. Now not one is running an ad touting that vote. How can they, given the headlines?

But she does quote a number of Democrats who are running for election this year, and those Democrats

are talking about why they voted against—against—the bill that the President claimed would be good for the country. These are Democrats voting against what they call “massive government health care.” That was one Member of the House. Another said she voted against the “trillion-dollar health care plan.” A former Governor of Georgia, a Democrat, said:

Not only is ObamaCare “financially devastating,” it is “the greatest failure, modern failure, of political leadership in my lifetime.”

While Congress was out of session in August, POLITICO ran a story entitled “Dems Retreat on Health Care Cost Pitch.” I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From POLITICO, Aug. 19, 2010]

DEMS RETREAT ON HEALTH CARE COST PITCH
(By Ben Smith)

Key White House allies are dramatically shifting their attempts to defend health care legislation, abandoning claims that it will reduce costs and the deficit and instead stressing a promise to “improve it.”

The messaging shift was circulated this afternoon on a conference call and PowerPoint presentation organized by FamiliesUSA—one of the central groups in the push for the initial legislation. The call was led by a staffer for the Herndon Alliance, which includes leading labor groups and other health care allies. It was based on polling from three top Democratic pollsters, John Anzalone, Celinda Lake and Stan Greenberg.

The confidential presentation, available in full here and provided to POLITICO by a source on the call, suggests that Democrats are acknowledging the failure of their predictions that the health care legislation would grow more popular after its passage, as its benefits became clear and rhetoric cooled. Instead, the presentation is designed to win over a skeptical public and to defend the legislation—in particular, the individual mandate—from a push for repeal.

The presentation concedes that groups typically supportive of Democratic causes—people under 40, non-college-educated women and Hispanic voters—have not been won over by the plan. Indeed, it stresses repeatedly, many are unaware that the legislation has passed, an astonishing shortcoming in the White House’s all-out communications effort.

“Straightforward ‘policy’ defenses fail to [move] voters’ opinions about the law,” says one slide. “Women in particular are concerned that health care law will mean less provider availability—scarcity an issue.”

The presentation also concedes that the fiscal and economic arguments that were the White House’s first and most aggressive sales pitch have essentially failed.

“Many don’t believe health care reform will help the economy,” says one slide.

The presentation’s final page of “Don’ts” counsels against claiming “the law will reduce costs and [the] deficit.”

The presentation advises, instead, sales pitches that play on personal narratives and promises to change the legislation.

“People can be moved from initial skepticism and support for repeal of the law to

favorable feelings and resisting repeal,” it says. “Use personal stories—coupled with clear, simple descriptions of how the law benefits people at the individual level—to convey critical benefits of reform.”

The presentation also counsels against the kind of grand claims of change that accompanied the legislation’s passage.

“Keep claims small and credible; don’t overpromise or ‘spin’ what the law delivers,” it says, suggesting supporters say, “The law is not perfect, but it does good things and helps many people. Now we’ll work to improve it.”

The Herndon Alliance, which presented the research, is a low-profile group that coordinated liberal messaging in favor of the public option in health care. Its “partners” include health care legislation’s heavyweight supporters: AARP, AFL-CIO, SEIU, Health Care for America Now, MoveOn and La Raza, among many others.

Today’s presentation cites three private research projects by top Democratic pollsters: eight focus groups by Lake, Anzalone’s 1,000-person national survey and an online survey of 2,000 people by Greenberg’s firm.

“If we are to preserve the gains made by the law and build on this foundation, the American public must understand what the law means for them,” says Herndon’s website. “We must overcome fear and mistrust, and we must once again use our collective voice to connect with the public on the values we share as Americans.”

Mr. BARRASSO. Mr. President, I thought it was so important that more Americans should know about this. The article explains that:

Key White House allies are dramatically shifting their attempts to defend health care legislation, abandoning claims that it will reduce costs and the deficit and instead stressing a promise to “improve it.”

Well, this new Democratic message strategy on health care was developed by key Democratic strategists and pollsters, and it was detailed in a 24-slide PowerPoint presentation. The language in the presentation is remarkable, and it is radically different from what President Obama and the Democrats on this floor promised during the debate about health care. This new Democratic spin demonstrates that people who voted for this bad law now recognize how unpopular it is with the people of this country and how it will never live up to the grand promises. That is why people all around the country were saying, “Don’t vote for this” as people in this body were cramming this bill—and now law—down the throats of the American people.

Well, rather than walk through all 24 slides, I wish to hit some of the highlights of the new Democratic health care message.

Let’s take a look at what they call “Challenging Environment.” They say:

Straightforward policy defenses fail to be moving voters’ opinions about the law.

They say:

The public is disappointed, anxious, and depressed by the current direction of the country—not trusting.

Voters are concerned about rising health care costs and believe costs will continue to rise.

That is in spite of promises made on this floor that it wouldn’t happen.

They say:

Women in particular are concerned that the health care law will mean less provider availability—scarcity an issue.

They say:

Many don’t believe health reform will help the economy.

Well, there is a reason people don’t trust Washington. There is a reason the policy defenses in the new law fail to move voter opinions, and it is because the new law is not good for patients; the new law is not good for providers—the nurses, the doctors, the hospitals, the home health aides, hospice care; and the new health care law is not good for the people who are going to be paying the bill.

Let’s take the next slide and make it personal. It says:

Use personal stories coupled with clear, simple descriptions of how the law benefits people at the individual level to convey critical benefits of reform.

Well, there are a lot of personal stories they won’t tell you, and those are the personal stories including the small business owners all across this country who are being strangled by the redtape in this law, strangled by rules and regulations and expense. That is why we are looking at 9.6 percent unemployment in this country—because of the lack of certainty for small businesses and the increased expenses they are having to deal with as a result of this law.

They won’t tell you the stories about patients with preexisting conditions who did have insurance but now have been penalized by the new law because they played by the rules.

Let’s look at another slide. It says “improve the law.” The recommendation of the pollsters to the Democrats is “use transition or bridge language to meet public where they are and relax their defenses.” The American people know what they are talking about. Then they say:

The law is not perfect, but it does good things and helps many people. Now we’ll work to improve it.

The question is, does this new law help you, the American citizen, at home? That is the question. That is what people ask themselves. What is the impact of this going to be on my own health care? Is the new law helping you? Is the new law helping small businesses that can’t seem to qualify for the tax credit the administration and the congressional Democrats promised, in spite of the fact that 4 million postcards were sent out to small businesses, and only a very small percentage of those could qualify for any of these tax opportunities? Were those people willing to cut the salaries of the employed and lay off others? That is why we voted against this bill.

Is this new law helping individuals who, thanks to the new administration

grandfathering rules and regulations, will lose their employer-sponsored health insurance plan? Is the new law helping seniors, who will see more than \$500 billion robbed from Medicare—seniors on Medicare Advantage, a program they signed up for intentionally because they know there is an advantage to being on that program, because it works with preventive care and it coordinates care? That is all gone.

Is the new law helping the 18 million people who will find themselves locked into the Medicaid Program? Is the new law helping the millions of Americans who will see their health insurance premiums go up next year to comply with benefit mandates in the law?

Instead of working to improve the law now, those on the other side of the aisle should have improved it before it was passed. Members of my party repeatedly wanted to work with Democrats to improve this legislation. Unfortunately, we were shut out of the process.

Let's look at the next chart. It says "blunt" the mandate. Part of the new Democratic spin is to blunt the mandate. It says:

Tap into the individual responsibility to blunt opposition to the mandate to have health insurance.

Mandate? What is this mandate? It is a mandate that everybody in America has to have insurance. All individuals have to have it. All employers have to offer it. People either must buy insurance or employers must provide insurance. There is a mandate. Currently, 20 States are suing the Federal Government about the mandate. It also says:

Those who choose not to have insurance and use the emergency room for routine care are increasing costs for the rest of us who have insurance.

Well, let's look at a report from the Centers for Disease Control, which came out in May. It confirms that, as opposed to what this slide says, the uninsured don't visit the emergency room more often. Do you know who does? It is Medicaid patients. It shows that more than 30 percent of Medicaid patients under the age of 65 visited emergency rooms in this country at least once in 2007. This health care law locks 18 million more Americans into Medicaid, forcing them into the emergency rooms, because doctors frequently cannot afford to see them in their offices. So the question is: Will these 18 million more Americans who have been locked into Medicaid be able to find a physician to treat them? If not, how will the emergency rooms of this country cope when these patients use the ER as their primary care provider?

We all know that the health care law was modeled after the Massachusetts State health reform plan. The Boston Globe reported on July 4 of this year that recent State data proved emergency room visits rose in Massachusetts by 9 percent, from 2004 to 2008—

about 3 million visits a year. According to the Massachusetts Division of Health Care Finance and their policy plan, providing insurance coverage may have actually contributed to the ER visit increase. But the goal was to lower the number of visits to the emergency room.

Let's look at another chart that talks about what health care coverage Members of Congress have. It says:

Supporters of the law and those campaigning need to highlight that Members of Congress will participate in the same plan.

It is important to remember that the only reason Members of Congress are on the same plan is because Senators COBURN and GRASSLEY fought for this. It is also important to remember that members of the congressional leadership, their staffs, White House employees, and other Federal employees will not be on the plan. Then let's look at the new head of Medicare and Medicaid, Dr. Berwick, who is someone named to that post in a recess appointment. His name didn't surface during the entire debate of the health care bill. Nobody was in charge of Medicare and Medicaid during the health care debate. Why? Because the President chose to not even name someone. When he finally named someone, this is someone who is in love with the British health care system. He made a number of quotes about rationing of care and ways that he envisioned the British health care system to be so much better than the U.S. health care system.

Yet, Dr. Berwick has, as a result of his contract, from the group he worked with in Boston before taking this new job—a job that the President made a recess appointment for—somebody who never came to Congress to testify, never presented himself to the American people—I don't know what he is hiding. He doesn't have to live under the plan forced down the throats of the American people because his contract, when he left Boston, said that he will get care under them for life. So will his wife. So he is making rules and regulations that apply to the rest of the country but not to him.

Let's look at another slide having to do with Medicare cuts. The new Democratic spin says:

It is critical to reassure seniors that Medicare will not be cut.

Then it says:

Free preventive care.

This is absolutely absurd and untrue. It is clear that the new law cuts \$500 billion from our seniors on Medicare. It is not to save Medicare. It doesn't just start a whole new government program for someone else, but when I talk to seniors—and I have done this all over the last month, traveling around the State of Wyoming, visiting parades, picnics, fairs, and rodeos—the seniors say: If you want to change Medicare to save Medicare, we can deal with that,

but not to start a whole new government program for someone else.

The final slide I think is most telling. It is a slide that is a list of the don'ts. The new Democratic spin says:

Don't assume that the public knows the health reform law passed, or if they know it passed, understand how it will affect them; don't list benefits outside of any personal context; don't barrage voters with a long list of benefits; don't use complex language or insider jargon; don't use heated political rhetoric or congratulatory language.

And believe it or not, it also says on the slide the Democrats' pollsters put out:

Don't say the law will reduce costs and deficit.

Well, let's take a look at some of the quotes we heard leading up to passage of the law—promises by the President of the United States, by House Speaker PELOSI, and by Majority Leader REID. The President met with Senate Democrats in December of 2009, before a vote in the Senate. He said:

We agree on reforms that will finally reduce the costs of health care.

He says:

Families will save on their premiums.

He said:

This will be the largest deficit reduction plan in over a decade.

Now the Democrats are being told:

Don't say the law will reduce costs and the deficit.

Isn't that what the President said to the Democrats in December of 2009?

The American people have been misled. They can see through this. That is why they were screaming: Do not pass this law. Yet what the President said and now what the American people know to be the truth is the exact opposite.

Let's look at what House Speaker PELOSI said. In March of this year she said:

This is a triumph for the American people in terms of deficit reduction.

This isn't going to reduce the deficit. Now, finally 6 months after it has been passed into law, the Democrats are admitting that this is not a triumph for the American people in terms of deficit reduction.

Then Senator REID, from that desk on the Senate floor, in November of last year, said:

One of the major goals of the Patient Protection and Affordable Care Act is to lower Federal health care costs and reduce the deficit.

He then said:

Our bill does that.

The bill signed into law does not do that. And now even the Democrats, with their new spin, are saying that we better not keep saying it because the American people don't believe it. That is why 56 percent of the American people want this law repealed and replaced.

The American people are sick of the spin. They deserve the truth about the

new law and how it will impact their lives. It is clear that this law is not good for patients, it is not good for providers—the nurses and doctors who take care of the patients—and it is not good for the payers—the taxpayers of this country and the people who pay their own health care costs. We need to repeal and replace this new law with a plan that will actually help our country.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN.) Without objection, it is so ordered.

TAX CUTS

Mr. SANDERS. Madam President, just yesterday the Republican minority leader indicated that every Republican in the Senate would join him in filibustering legislation that would provide middle-class tax relief to over 97 percent of American workers and their families unless the Bush tax breaks for the wealthiest 2 percent were extended as well.

In my view, what we have to do is stand up to that filibuster no matter how long it takes. If it means being in here 24 hours a day, 7 days a week, that is what we have to do. Senate Republicans should not be allowed to hold middle-class tax cuts hostage in order to give even bigger tax breaks to millionaires and billionaires at a time when this Nation has a \$13 trillion national debt and a widening gap between the very rich and everyone else.

In fact, we have the most unequal distribution of wealth and income of any major country on Earth. The dumbest thing we could probably do at this moment is to provide hundreds of billions of dollars in tax breaks to some of the wealthiest people in this country. That would be totally absurd.

Today, the top 1 percent earns more income than the bottom 50 percent. The top 1 percent owns more wealth than the bottom 90 percent, and the gap between the very rich and everyone else is growing wider. We have the dubious distinction—not a good distinction—of having, by far, the most unequal distribution of wealth and income of any major country on Earth.

In 2007, the wealthiest 1 percent took in 23½ percent of all income earned in the United States. That is not an issue we talk about in the Senate. Apparently, in polite organizations, polite groups, we are not allowed to talk about that. But let me repeat it. The top 1 percent in 2007 earned 23½ percent of all the income earned in the United States.

That is the latest data available. There is no reason to believe that in-

come is not even greater right now. It is not a coincidence that the last time that income was this concentrated was in the year 1928. 1928. Those of us who remember history know what happened in 1929. The stock market crashed, and we plunged into the Great Depression.

Louis Brandeis, one of the great Supreme Court Justices in the history of this country who served on the Supreme Court during both the Roaring Twenties and the Great Depression once said: "We may have democracy, or we may have wealth concentrated in the hands of a few, but we cannot have both."

Mr. Brandeis was right then and his words ring true today. Today, the wealthiest 400 Americans make an average of \$345 million a year—\$345 million a year, on average, for the top 400 American earners.

Under the Bush administration, these 400 individuals saw their incomes double—double—while their Federal tax rate was cut almost in half over the last 15 years, before Bush, through Bush. So during the Bush years their incomes doubled while their tax rates went way down.

Now our Republican friends, and maybe some Democrats, are saying: We should give these people huge tax breaks at this moment. We have a Federal Tax Code that is so absurd, that is so unfair that Warren Buffett, one of the wealthiest Americans and certainly one of the wealthiest people in the entire world, who is worth tens of billions of dollars, himself, what he has often stated is that he, one of the richest people in the world, pays a lower effective tax rate than does his secretary.

Hedge fund managers who made \$1 billion last year now pay a lower effective—by "effective" I mean real because of all the loopholes—a lower effective tax rate than many teachers, nurses, firefighters, and police officers, and our Republican friends want to make that absurd situation even worse by maintaining huge tax breaks to millionaires and billionaires.

During the Bush years, the wealthiest 400 Americans saw their wealth increase by some \$400 billion. Let me repeat that. Four hundred families—not a whole lot of people—saw their wealth increase by some \$400 billion, and all the while, while the people on top have seen an explosion in their incomes and in their wealth, the middle class is rapidly disappearing, poverty is increasing, and we are moving toward an oligarchic form of society, where so few have so much, so many have so little.

Our Republican friends have argued that these massive tax breaks, some \$700 billion in a 10-year period for the top 2 percent, would trickle down, trickle down to all Americans. Give tax breaks to billionaires and it is going to trickle down and improve our economy and do well by everybody.

We have been told over and over by Republican colleagues that million-

aires and billionaires would use the massive tax breaks they received under President Bush to create jobs in the private sector. Well, guess what. The results are in. During the 8 years of the Bush administration, a time in which the wealthiest Americans received one of the largest tax cuts in this Nation's history, the United States of America lost over 600,000 private sector jobs and only gained, over that 8-year period, a net total of 1 million new jobs, all of them, by the way, government jobs.

So we saw the experiment in action. We gave huge tax breaks to the rich, and we ended up having one of the worst job creation records in the history of the United States—losing over 600,000 jobs. It is an interesting theory. We have seen it in practice. It does not work.

In addition, under President Bush, median family incomes went down by over \$2,000. Let me repeat that. Do you know why people are angry in North Carolina, Vermont or all over this country? They are angry because during an 8-year period, their median family income went down by \$2,000 a family, and we lost 600,000 private sector jobs.

During those same 8 years, more than 8 million Americans slipped out of the middle class and into poverty, over 7 million lost their health insurance, more than 4 million manufacturing jobs were lost, and over 3 million Americans lost their pensions. In other words, we went through that exercise. It failed. How could anybody want to go back to those policies?

Our Republican friends do. That is what they want. That is what they want to see us move toward—more tax breaks for the wealthy, more inequality, more power concentrated in the hands of a few, and more middle-class Americans slipping into poverty. Do we provide tax breaks to millionaires and billionaires or do we invest in the middle class? That is what this debate is all about.

My Republican friends have told us the worst thing you can do in a recession is to increase taxes on the wealthy. Well, the Republicans told us the same thing when Bill Clinton was President.

When Bill Clinton's economic plans were signed into law in 1993—as a Member of the House I voted for it, it won by one vote—a plan which increases taxes by a few percentage points, guess what happened. We raised taxes on the wealthy. We lowered the deficit. Guess what happened. Unlike the Bush years, where we lost 600,000 private sector jobs, during the Clinton years, over 22 million jobs were created. We had the longest peacetime expansion in our economy in our Nation's history, and budget deficits turned into budget surpluses. Those are the facts. No one can deny them.

Further, what conservative and progressive economists of all stripes have

told us is that providing tax breaks for the rich is the least effective way—the least effective way—to stimulate or improve the economy.

That is not Senator BERNIE SANDERS talking. That is what both the non-partisan Congressional Budget Office and Senator JOHN MCCAIN's top economic adviser during the Presidential campaign, Mark Zandi, have told us. According to Mr. Zandi, again, an economic adviser to Presidential Candidate MCCAIN, every \$1 provider in tax breaks to the wealthy pumps only 32 cents into the economy.

On the other hand, we know that one of the best ways to grow the economy and to create decent-paying jobs is to invest in our Nation's crumbling infrastructure so we build the roads, the bridges, the railways, the culverts, the tunnels we desperately need.

According to Mr. Zandi, for every \$1 invested in infrastructure, it generates \$1.57 in economic activity. Without a strong and vibrant transportation system, businesses fail, the Nation fails. Increasingly, as people travel around the world, go to airports, ride on trains, use roads, they tell us the United States has an infrastructure which is falling way behind much of the rest of the world.

The American Society of Civil Engineers gave us a D several years ago and has told us we need to invest trillions of dollars in our crumbling infrastructure in order to bring us to the level we have to be.

Not only is rebuilding our infrastructure good for our future, it is also good for the moment in dealing with the need to create jobs in this terrible recession. Every \$1 billion invested in infrastructure creates or saves over 45,000 American jobs. Not only is investing in infrastructure good for the economy, it is something we have to do sooner or later.

I am a former mayor. What I can tell you is, you can ignore your roads and bridges this year or the next year, but at some point you are going to have to deal with them. They do not get better by not rebuilding them. In fact, it is often more expensive to have to rebuild them than it is to maintain them.

As I mentioned a moment ago, the American Society of Civil Engineers tells us that over the next 5 years we need to invest \$2.2 trillion in our Nation's infrastructure. Why not do this work now when we have millions of Americans who desperately want to go back to work? We are going to have to do it sometime. Let's do it now.

Allowing the Bush tax breaks to expire for the wealthiest 2 percent will bring in \$700 billion in revenue over the next 10 years—\$700 billion. In my view, what we should do with that \$700 billion is pretty simple. I would take half of that—\$350 billion—and use it for deficit reduction so that we begin to cut back on our national debt and our def-

icit. The other thing I would do is invest the other half—\$350 billion—in our infrastructure so we create the desperately needed jobs that our economy calls for.

Our Republican friends are dead wrong, are irresponsible, are not keeping faith with our kids and grandchildren when they want to maintain these tax breaks for the top 2 percent, for many millionaires and billionaires, which would result in increasing the deficit by nearly \$1 trillion over a 10-year period counting interest and that would provide an average break of over \$100,000 a year to some of the wealthiest people in this country.

So that is what the choice is: Do we put money into deficit reduction, lowering our interest costs, helping our kids and grandchildren a little bit in terms of the kind of debt they are going to have to assume—\$350 billion over a 10-year period for deficit reduction is significant—do we use another \$350 billion to invest in our infrastructure so we can create millions of jobs rebuilding America or do we make the richest people in this country even richer?

I think the answer is pretty clear. I think the American people have spoken out with their views on this issue. They do not believe, when the middle class is collapsing, the wealthiest people are becoming richer, and when we have a \$13 trillion national debt, it makes any sense at all to give huge tax breaks to the rich.

With that, Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEARNING FROM HISTORY

Mr. BROWN of Ohio. Mr. President, yesterday on the floor of the Senate I told the story of something that happened in Lordstown, OH, a community not too far from Youngstown, in the Mahoning Valley in northeast Ohio 1 week ago today. This story was a celebration of the first car coming off the line in the Lordstown Chevrolet-GM plant, the car the Chevy Cruz. It is a high mileage car, I believe the highest mileage car GM ever produced. It is a relatively inexpensive car. They expect it to be a huge seller all over the United States. It is a good economy car with a lot to it that recommends itself.

I am not here to endorse the car or even endorse the company. I am here

to say that this celebration was a direct result of what the Presiding Officer and others in this body and the President of the United States did a year and a half ago.

Turn the clock back to the beginning of the Presiding Officer's service in the Senate in early 2009. President Obama had just taken office. We were losing 800,000 jobs a month. The banking industry almost collapsed. President Bush had begun the bailout of the banks to make sure they did not collapse. President Obama continued working on this issue.

We know where the auto industry was at the same time. Sales were down 40 percent in the auto industry, 1 million jobs were at risk of being lost, on top of the 8 million jobs that had already been lost by the time President Obama raised his right hand to be sworn in on January 20, 2009.

It was not just the Big Three—Chrysler, Ford, and GM—that were in trouble, two of which declared bankruptcy. It was also the tier 1 suppliers, those large companies that made products that go directly into the assembly of a car. It was also all the other component manufacturers—tier 2, tier 3 companies—that make everything from door handles to tires to bolts to hold the car together to windshields to side panels, the stamping plants, the component plants, the engine plants, and ultimately the automobile itself.

I take special pride in the Chevy Cruz because it is such an Ohio car. The engine is made in Defiance, OH. The transmission is made in Toledo, OH. The bumpers are made in Northwood, OH. Most of the metal is stamped in Parma, OH. Some of the rest of the metal is stamped in Lordstown, and the assembly is done in Lordstown. The Cruz is really an Ohio car.

The good news is that 1,100 jobs were added for a third shift on the Cruz. That is the Lordstown plant alone. That is just that plant. That is not counting all the job increases for the component manufacturers.

Again, looking back a year and a half when there was so much trauma in this country, when we were losing 800,000 jobs a month—we had already lost 8 million jobs the last year of President Bush's term. The auto industry was about to go belly up. Conservative politicians, the naysayers, the doom-and-gloom crowd in this body and across the way and others were saying: Let the market work. If the auto industry fails, that is the market's decision. If the dealers go out of business—dealers not just in Ohio but in Colorado and everywhere else—that is the market. If the suppliers go out of business, that is the market speaking. If the communities where these companies are lose jobs and lose revenue and they lay off teachers, firefighters, police officers, and mental health counselors, that is the free market working. If the auto

dealer in Lima, OH, goes out of business, that means the Little League that car dealer used to sponsor will not have new uniforms. That is the market working.

In spite of the naysayers, in spite of the conservative politicians in this country and in this body who said, Wash our hands, we didn't cause it, we are not going to do anything about it, we did not do that. We did not turn our back on that. Mr. President, 400,000 Ohio jobs are directly or indirectly dependent on the auto industry. Tens and hundreds of thousands of jobs in every State of this country depend on the auto industry, not to mention the retirees, many of whom get pensions because of their 25, 30, 40, sometimes 45, years of work in this industry.

We did not turn our backs. We invested in the auto industry. That is why we had that celebration last Tuesday in Lordstown, OH, because the naysayers lost, the doom-and-gloom crowd was cast aside, and those of us who thought we should invest in the auto industry were successful. We were successful in that 1,100 people in Lordstown are back at work and hundreds of thousands of others did not lose their jobs because of that. And we are all in a much better position because of that.

We need to learn from our history. If we had turned our back on this industry, we would have been in a depression. Almost any economist thinks that. Auto and housing are, I believe, the two biggest industries in our country.

I want to go back a little further to the whole idea of letting the market work and the government never being involved. Let me take—and do it very fairly—January 20, 1993, to January 20, 2001, the 8 years of Bill Clinton's Presidency, then January 20, 2001, to January 20, 2009, the 8 years of George Bush's Presidency. I am not shading this. I am just taking these 8 years.

During the 8 years of President Clinton's Presidency, we increased taxes on the wealthy, balanced the budget, and had smart—not too much regulation—had smart regulation. During the 8 years of President Clinton, a net 22 million jobs were created in this country, more than a 22 million net increase of jobs during Bill Clinton's 8 years. During George Bush's 8 years, there was a net increase of 1.1 million: 22 million during President Clinton's 8 years; 1.1 million during President Bush's 8 years.

During President Clinton's 8 years, incomes went up for the average person in this country. During President Bush's 8 years, income for the average person went down.

At the end of President Clinton's 8 years—in other words, January 20, 2001—when he left the White House, we had the largest budget surplus in American history. When George Bush

left the White House on January 20, 2009, we had the largest budget deficit in this Nation's history.

Yet too many people in this body think that we should go back to the years of deregulation of Wall Street, cutting taxes on the rich, and passing trade agreements that send jobs to China, Mexico, and all over the world.

I will take you back further. If you do not quite believe that—although it is provably true—go back to the Reagan tax cuts. Ronald Reagan staked his whole reputation on them. When he was campaigning, he said: We are going to cut taxes. In 1981, the Reagan administration pushed through a tax cut. Congress voted for it. It was a major tax cut, overwhelmingly for corporations and the wealthiest wage earners of the country.

For the next 16 months, we lost jobs in this country. For the next 16 months, we had a net decrease in employment—for 16 months. Only when President Reagan signed a tax increase to balance the budget did we begin to have job growth.

The same thing happened with President Obama. President Obama came in and passed the stimulus package. We were losing a lot of jobs. We kept losing jobs because that is what was happening to the economy.

When we passed the Recovery Act, we began to see the economy get better. It has not gotten better quickly enough. We have gotten no help from the other side of the aisle, which opposed everything because they wanted to go back to the Bush ideas and tax cuts for the wealthy, deregulation of Wall Street, and passing trade agreements that outsource jobs.

We are not going to do that with President Obama. We are not going to do that with the Democrats in the majority in the House and the Senate. We are not going back to tax cuts for the rich, deregulation of Wall Street, and trade agreements that send jobs overseas.

Instead, we are beginning the recovery. For the last several months, we have seen a net increase every month in private sector job creation. That increased not as fast as we wanted. Too many 22-year-olds come home from the Army and college and cannot get a job. I know that. There are too many people laid off who cannot get a job. There are too many people working but not working as many hours, not working 40 hours, even though they want to.

We know this economy is not where it should be. If the voters this year elect people who subscribe to the George Bush philosophy of tax cuts for the wealthy and deregulation of Wall Street and more trade agreements that outsource jobs to China and Mexico, we are making a terrible mistake. We do not want to look back. We want to look forward.

We can learn from history, and the best way to learn from history is to see

who has been President, what their governing philosophy has been and what works. Twenty-two million jobs during the Clinton years and one million jobs during the Bush years. When President Bush cut taxes—at the beginning of his 2001 and 2003 tax cuts—you know what happened? Wealthy Americans saved their money. They didn't invest it or spend it on job creation; they saved it. Good for them. But why would we pass a tax cut instead of doing it right, the way we have done it, and put people to work on bridge projects and water and sewer projects and helping small businesses?

We are passing legislation this week that Senator LANDRIEU has pushed so hard on. My colleague, Senator VOINOVICH, is one of only two Republicans to support it, even though the Chamber of Commerce is a strong supporter of it. It will make a difference in creating jobs because we know most jobs—two out of three—are created by small business.

Facts are facts, Mr. President. We can learn from history. We shouldn't turn back the clock and do things the way we did in the first part of this decade.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SPECIALIST CHAD DEREK CLEMENTS

Mr. BAYH. Mr. President, I rise today to honor the life of SPC Chad Derek Clements of the U.S. Army and Huntington, IN.

Specialist Clements was assigned to F Company, 4th Brigade Support Battalion, 4th Infantry Division. He was only 26 years old when he lost his life on August 30th while serving bravely in support of Operation Enduring Freedom in the Arghandab River Valley in Afghanistan. He was only 3 weeks into his first deployment.

A Huntington, IN, native, Chad graduated from Huntington North High School in 2002. He enlisted in the Army in February 2009 and arrived in Afghanistan the second week of August. He followed in the proud military tradition of his father, Daniel, a Navy veteran who passed away in 2001.

Those closest to him described Chad as having a big heart. He deeply valued his family and his friends. Chad was an avid fan of the local Fort Wayne Komets and the Pittsburgh Penguins hockey teams, and he enjoyed collecting memorabilia of NASCAR driver Dale Earnhardt.

Today, I join Chad's family and friends in mourning his death. He is survived by his mother, Anne Beady Tarter; his stepfather, Ed Tarter; his sister, Danielle Clements; his grandmother, Betty Beady; his grandfather and step-grandmother, Marvin and Carol Beady; his grandfather, Everett Clements; his stepbrother, Corey Tarter; and his stepsister, Heather Tarter.

We take pride in the example of this American hero, even as we struggle to express our sorrow over this loss. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of SPC Chad Derek Clements in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

SERGEANT CHRISTOPHER NEAL KARCH

Mr. President, I also rise today to honor the life of SGT Christopher Neal Karch of the U.S. Army and Indianapolis, IN.

Sergeant Karch was assigned to the 2nd Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division. He was only 23 years old when he lost his life on August 11 while serving bravely in support of Operation Enduring Freedom in Afghanistan. He was 20 days from completing his second tour of duty.

Sergeant Karch graduated from Lawrence Central High School in 2005 and was pursuing a degree from the University of Maryland with plans to graduate in 2012. He joined the Army 2 months after his high school graduation, where he served in the same division and lived in the same barracks as his father Pat—also a veteran. A decorated soldier, Sergeant Karch earned the Bronze Star Medal, the Purple Heart and the Army Good Conduct Medal. His platoon leader described him as the "epitome of an airborne paratrooper."

Today, I join Sergeant Karch's family and friends in mourning his death. He is survived by his father, Pat Karch;

his mother Lynn Kersey; his grandparents, Nick and Dian Nicholson, Bill and Joyce Seal, Norman and Denise Karch, and Jerry Hallgarth; and his uncle, Vince Karch.

As we struggle to express our sorrow over this loss, we take pride in the example of this American hero and cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

I pray that Christopher's family finds comfort in the words of the prophet Isaiah, who said: "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

It is my sad duty to enter the name of Sergeant Christopher Neal Karch in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

SPECIALIST JUSTIN B. SHOECRAFT

Mr. President, today I also wish to honor the life of SPC Justin B. Shoecraft of the U.S. Army and Elkhart, IN.

Specialist Shoecraft was assigned to the 1st Squadron, 2nd Stryker Cavalry Regiment and was only 28 years old when he lost his life while serving bravely in support of Operation Enduring Freedom in Kakarak, Afghanistan. He had been in Afghanistan for 5 weeks.

An Elkhart native, Justin graduated from Elkhart Memorial High School in 2000. He shared a passion for working on old bicycles and cars with his father, Blue, who described his son as hardworking and dependable.

Today, I join Justin's family and friends in mourning his death. He is survived by his wife, Jessica; his mother and father, Donna and Carroll "Blue" Shoecraft; his sister, Sherry Schoonover; and his half-brother, Michael Garver, Jr.

We take pride in the example of this American hero, even as we struggle to express our sorrow over this loss. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of Army SPC Justin B. Shoecraft in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

SPECIALIST CHRISTOPHER SHANE WRIGHT

Mr. President, today I also honor the life of U.S. Army SPC Christopher Shane Wright.

Specialist Wright was assigned to C Company, 1st Battalion, 75th Ranger Regiment. He was only 23 years old when he lost his life on August 19 while serving bravely in support of Operation Enduring Freedom in Pech, Afghanistan.

Chris grew up near Jeffersonville, IN, where he attended Sacred Heart School. He later moved to Tollesboro, KY, and graduated in 2005 from Lewis County High School. Chris enlisted in the Army shortly after his 18th birthday and went on to serve in both Iraq and Afghanistan.

Specialist Wright was highly regarded among his fellow servicemen. His regiment commander, COL Michael E. Kurilla, described Specialist Wright as "the epitome of a Ranger" and called him "a hero to our Nation, the Army and his family." Specialist Wright received the Army Good Conduct Medal, the National Defense Service Medal, and the Iraq Campaign Medal. He was posthumously awarded the Bronze Star, the Army Commendation Medal, and the Purple Heart.

Today, I join Specialist Wright's family and friends in mourning his death. He is survived by his mother, Linda Wright-Dennis; his father and stepmother, James Cochran and Michele Cochran; his grandmothers, Carol Cochran and JoAnn Stockton; his brothers, Zachary Pope, Zane Pope, and Andrew Dennis; and his sisters, Marianne Dennis and Katie Dorman.

We take pride in the example of this American hero, even as we struggle to express our sorrow over this loss. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of SPC Christopher Shane Wright in the RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy, and peace.

PFC BRYN T. RAVER

Mrs. LINCOLN. Mr. President, today I honor PFC Bryn T. Raver, 20, of Arkansas, who died on August 29, 2010, in

Nangahar, Afghanistan, in support of Operation Enduring Freedom. According to initial reports, PFC Raver died of injuries sustained on August 28, 2010, when his military vehicle was hit by rocket-propelled grenade fire.

My heart goes out to the family of PFC Raver who made the ultimate sacrifice on behalf of our Nation. Along with all Arkansans, I am grateful for his service and for the service and sacrifice of all of our military servicemembers and their families.

More than 11,000 Arkansans on active duty and more than 10,000 Arkansas reservists have served in Iraq or Afghanistan since September 11, 2001. These men and women have shown tremendous courage and perseverance through the most difficult of times. As neighbors, as Arkansans, and as Americans, it is incumbent upon us to do everything we can to honor their service and to provide for them and their families, not only when they are in harm's way but also when they return home. It is the least we can do for those whom we owe so much.

PFC Raver was assigned to the 1st Brigade Special Troops Battalion, 101st Airborne Division, Fort Campbell, KY. He is survived by his wife, who resides at Joint Base Lewis-McChord in Washington; a daughter in Alpena, AR.; and his father of Everton, AR.

50TH ANNIVERSARY OF REAL ESTATE INVESTMENT TRUSTS

Ms. STABENOW. Mr. President, I wish to commemorate the 50th anniversary of the legislation that allowed for the formation of real estate investment trusts, now commonly known as REITs.

On September 14, 1960, President Dwight D. Eisenhower signed into law the Cigar Excise Tax Extension Act. Included in that law were the critical provisions that first enabled investors from all walks of life to benefit from the income generation and diversification advantages of commercial real estate investments. Our predecessors in Congress recognized that without this innovation such investments would continue to be limited to institutions and wealthy individuals.

The law signed by President Eisenhower enabled the creation of the first REITs. However, the groundwork for the modern REIT era was truly laid in the Tax Reform Act of 1986, when REITs were given the ability to operate and manage real estate, rather than simply owning or financing it. As a result, the great majority of today's REITs are owners, operators, and developers of properties in the office, retail, industrial, health care, apartment, lodging and self-storage sectors—properties used by a broad range of tenants from across the economy.

Reflecting the evolving real estate market, Congress and the Treasury

have implemented incremental changes to the REIT approach to real estate investing over the years. For example, laws such as the REIT Simplification Act of 1997, the REIT Modernization Act of 1999, the REIT Improvement Act of 2004, and the REIT Investment Diversification and Empowerment Act of 2008 have been enacted with the support of Congresses and Presidents of both parties.

While the REIT model has evolved, the original legislative intent of making large-scale, income-producing commercial real estate investment available to all types of investors remains at the core.

For example, by definition in the Internal Revenue Code, 75 percent of a REIT's assets must be in qualifying real estate, 75 percent of its income must come from rents and other qualifying sources, and 90 percent of its taxable earnings must be distributed to shareholders in the form of dividends. Among active businesses, the requirement to pay out 90 percent of taxable earnings is unique to the REIT industry, which distributed approximately \$13.5 billion to shareholders in 2009.

Additionally, the income, asset, and distribution requirements, when combined with the disclosure and other regulations that govern public companies, protect shareholders and provide transparency in a way that other real estate investments do not. With 132 REITs traded on the New York Stock Exchange, ownership of shares in these companies also provides a significant liquidity advantage over alternative real estate investments.

Michigan has played an important role in creating the vibrant REIT industry that exists today. Taubman Centers, Inc., based in Bloomfield Hills, is a leading owner of regional malls. In the 1990s, when they pioneered a new way to take public a portfolio of real estate that had been privately held, they unleashed a wave of initial public offerings by REITs in the 1990s.

Three other REITs—Agree Realty Corporation, Ramco-Gershenson Properties Trust, and Sun Communities, Inc.—also call Michigan home. And, more than 620 properties across my home State are owned by REITs.

Commercial real estate accounts for more than 6 percent of the gross domestic product of the United States, and my colleagues and I are all too aware of the challenges facing this sector. In the face of this challenge, REITs have been well-served by staying true to their core values of careful investment, transparency, and liquidity. While commercial real estate is not yet out of the woods, I believe policymakers and the other participants in the commercial real estate market can learn a great deal from this business model, which has been emulated by more than two dozen countries around the world.

I thank you for this opportunity to commend the REIT industry on its 50th anniversary. Allow me to also commend our predecessors in Congress for having the foresight to enable all Americans to access and benefit from investments in real estate. I look forward to working with my colleagues to continue this work that began more than 50 years ago.

Mr. ISAKSON. Mr. President, 50 years ago today, President Eisenhower signed into law legislation that established real estate investment trusts, commonly known as REITs. His action gave the final stamp of approval to what our colleagues in this Chamber envisioned at that time for the general public: A secure and efficient way to invest in high-quality commercial real estate in the United States. I want to recognize the 50th anniversary of REITs and their significant contribution to the overall economic vitality of our Nation over the past 50 years.

As my colleagues know, REITs allow any investor, no matter their financial resources, to secure all of the advantages of investing in real estate in the United States. Prior to 1960, access to the highly desirable investment returns of commercial real estate assets was limited to institutions and wealthy individuals who had the financial wealth to make direct real estate investments. By creating REITs, Congress recognized that small investors should be afforded the same opportunity to invest in portfolios of large-scale commercial properties and achieve the same investment benefits—diversification, liquidity, performance, transparency—as those able to make direct investments in real estate.

REITs are companies dedicated to the ownership and development of income-producing real estate, such as apartments, regional malls, shopping centers, office buildings, self storage facilities, and industrial warehouses. Federal tax law requires that REITs meet specific tests regarding the composition of their gross income and assets. Specifically, 95 percent of their annual gross income must be from specified sources such as dividends, interests, and rents; and 75 percent of their gross income must be from real estate related sources. Similarly, at the end of each calendar quarter, 75 percent of a REIT's assets must consist of specified real estate assets. Consequently, REITs must derive a majority of their gross income from commercial real estate.

While REITs have played a major role in the U.S. economy since 1960, their mark in the investing world has been achieved since passage of the Tax Reform Act of 1986, a time period many refer to as the modern REIT era. This law removed most of the tax-sheltering capability of real estate and emphasized income-producing transactions, allowing REITs to operate and manage

real estate as well as own it. I am pleased that over the years, Congress has adopted legislation to perfect the REIT method of investing in real estate. Among many proposals, these include the REIT Simplification Act of 1997, the REIT Modernization Act of 1999, the REIT Improvement Act of 2004, and the REIT Investment Diversification and Empowerment Act, or RIDEA, passed in 2008.

I am pleased that my home State of Georgia is home to several REIT companies that are engaged in the daily business of creating wealth and employment for many investors across the country and my constituents. These companies include Cousins Properties Incorporated, Gables Residential Trust, Piedmont Office Realty Trust, Incorporated, Post Properties, Incorporated, and Wells Real Estate Investment Trust. In total, there are more than 1,400 REIT properties located in Georgia, with an estimated historical cost in the billions of dollars.

Commercial real estate represents more than 6 percent of this country's gross domestic product and is a key generator of jobs and other economic activities. Today, because of what Congress did five decades ago, anyone can purchase shares of real estate operating companies, and do so in a manner that meets their investments needs by focusing on a particular sector in the commercial real estate world and a specific region of the country. That is the beauty of the REIT method of investing, whose influence has now spread abroad to more than two dozen countries that have adopted a similar model encouraging real estate investment.

In closing, I want to again congratulate the REIT industry on its 50 years of leadership in the real estate investing market. REITs have fulfilled Congress's vision by making investments in large scale, capital intensive commercial real estate available to all investors. I look forward to continuing to work with them on issues of importance to REIT investors.

NOMINATION OF JANE STRANCH

Mr. COBURN. Mr. President, I rise today to speak on the nomination of Ms. Jane Stranch to the United States Court of Appeals for the Sixth Circuit. I am concerned about Ms. Stranch's nomination to the court of appeals because, like many recent judicial nominees, she embraces the use of foreign law by the courts, which is contradictory to the Constitution, the judicial oath, and the intent of our Founders.

I reached this conclusion after carefully reviewing her record, her hearing testimony, and her responses to written questions following her hearing. For example, in response to my question asking her whether it is ever proper for judges to rely on foreign or inter-

national laws or decisions in determining the meaning of the Constitution, Ms. Stranch admitted she believes using foreign law in limited circumstances is appropriate.

First, she stated that she is "aware of only a very few cases in which [the Supreme Court] has referenced non-U.S. law in a majority opinion, including *Roper v. Simmons*," but, then she continued: "In these few cases, references to foreign law were made for such purposes as extrapolating on societal norms and standards of decency, refuting contrary assertions or confirming American views. None of these cases used foreign or international law to interpret a constitutional text. The Supreme Court's restraint on this issue is a model for the lower courts." Ms. Stranch's misleading answer fails to recognize that, by looking to foreign law to determine whether the imposition of the death penalty for those under 18 has become "unusual," the Court is allowing foreign law to influence its interpretation of a constitutional text. Her statement that the Court is merely confirming American views or refuting contrary assertions is disturbing because foreign countries' views on the interpretation of the U.S. Constitution are irrelevant to what our Founders wrote and believed. Also, Ms. Stranch commended the Supreme Court for its "restraint" in its use of foreign law when an appropriate answer would be to condemn the Court for using foreign law at all. Her answer implies that she believes using foreign law is appropriate in some cases, as long as it is limited use.

Ms. Stranch compounded my concern about her views on the appropriate use of foreign law when she responded to my next question asking under what circumstances she would consider foreign law when interpreting the Constitution. She responded that, as a judge, foreign law "would be used as confirmatory only" in her cases. This answer suggests a judicial activist approach where she will use foreign law to confirm whatever result she deems appropriate. Ms. Stranch further states that because "references [to foreign law] are so rare at the Supreme Court level [it] suggests even rarer usage in the lower courts." Allowing that the lower court should use foreign law rarely is deeply concerning. Judges should not be using foreign law at all.

Ms. Stranch's answers to questions relating to the proper interpretation of the eighth amendment are also problematic. In response to a question asking how she would determine what are the "evolving standards of decency" with regard to the eighth amendment's prohibition of cruel and unusual punishment, she responded by citing the language in the opinion that the Court has "established the propriety and affirmed the necessity of referring to the 'evolving standards of decency that

mark the progress of a maturing society' to determine which punishments are so disproportionate as to be cruel and unusual." But, she then continues stating: "The Court held that the beginning point of that determination is its review of objective indicia of consensus as expressed by enactments of legislatures. The exercise of the Court's independent judgment regarding the proportionality of the punishment followed." While she is merely reciting what the Supreme Court did in the *Roper* opinion, she fails to acknowledge what is concerning about the Court's opinion.

First, it is concerning that when the Court in *Roper* was looking to "objective indicia of consensus as expressed by enactments of legislatures," it was not only looking at other States' laws—as opposed to the law of the State in question—but also to foreign legislatures' laws. Rather than look to other legislatures for "evolving standards," the proper analysis in this case would have been to look to the meaning of the text when the Founders wrote it. Thus, the Court should be determining whether capital punishment for persons under 18 was considered "cruel and unusual" when the Constitution was written. To do otherwise embraces an evolving and ever changing Constitution. Ms. Stranch fails to acknowledge this concern. Second, Ms. Stranch admits that the "exercise of the Court's independent judgment regarding the proportionality of the punishment followed," but does not acknowledge that a Court should not be making these types of "independent" determinations.

Ms. Stranch's answers on foreign law are concerning because she not only misstates how the Supreme Court has used foreign law in its cases, but she also refuses to pledge not to use foreign law herself. In fact, she believes that "rare" usage of foreign law by the lower courts is appropriate. For these reasons, I will vote against her nomination and urge my colleagues to do the same.

I also would note that I believe Ms. Stranch is just one of many concerning nominees by this administration who embrace the use of foreign law by judges. This trend first became apparent with the nomination of Judge Sonia Sotomayor last year. Prior to her hearing, Judge Sotomayor stated that outlawing the use of foreign law would mean judges would have to "close their minds to good ideas" and that it is her "hope" that judges will continue to consult foreign law when interpreting our Constitution and statutes. She also said "I share more the ideas of Justice Ginsburg in thinking, in believing that unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world."

Similarly, Ms. Elena Kagan asserted that “it may be proper for judges to consider foreign law sources in ruling on constitutional questions.” She further stated that judges can get “good ideas” from the decisions of foreign courts. For this reason among others, I opposed both Supreme Court nominees.

Even lower court nominees, such as Third Circuit Judge Thomas Vanaskie, have embraced the trend. In his testimony, Judge Vanaskie implied that he believed the Supreme Court used foreign law correctly in the much criticized cases of *Lawrence v Texas* and *Roper v Simmons*, and said the “opinions of international tribunals and foreign courts may be relevant” when interpreting our Constitution. Because of his statements on the use of foreign law and his expansive view of the commerce clause, I opposed his nomination.

Looking to foreign law is a tool of activist judges who seek to reach the outcomes they desire, based on their personal sympathies and prejudices, rather than on the law. As Justice Antonin Scalia aptly described it, the Court is merely “look[ing] over the heads of the crowd and pick[ing] out its friends.” Further, judges who do so violate their judicial oath. A circuit court judge must swear to “faithfully and impartially discharge and perform all the duties incumbent upon her as a judge under the Constitution and laws of the United States.” The oath requires our judges to evaluate cases based on U.S. laws and the U.S. Constitution, not the decisions of foreign countries who do not treasure the same liberties and fundamental freedoms enshrined in our Constitution. The decisions of foreign countries should have no bearing on an American judge’s decisions.

This progressive trend of looking to foreign law is deeply disturbing and is something I hope my colleagues will consider when voting on this nomination and the administration will consider when nominating individuals in the future.

ADDITIONAL STATEMENTS

IRON COUNTY COURTHOUSE 150TH ANNIVERSARY

• Mr. BOND. Mr. President, on behalf of my fellow Missourians, I extend my warmest congratulations to the citizens of Iron County and Ironton upon their celebration of the 150th anniversary of the Iron County Courthouse.

Courthouses like the one in Iron County symbolize the basis of America’s freedoms: a fair and independent judiciary. America is a nation based on laws and not men.

While it is not perfect, to be sure, our system of justice makes it possible for all Americans to live in relative peace and prosperity most of the time.

The Iron County Courthouse has long stood as a mark of this community’s history. The county from which the courthouse takes its namesake was originally established from portions of the counties of St. Francois, Madison, Washington, Dent, Reynolds, and Wayne by an act of the legislature approved February 17, 1857. According to county records, the Iron County Courthouse was the product of an order which called for the construction of a courthouse and the issuing of county bonds, bearing 10 percent interest, for \$10,000. The courthouse’s cornerstone was laid on July 4, 1858, and the structure was completed just 2 years later in October 1860.

In its 150-year history, the Iron County Courthouse has been the site of countless hearings and trials in addition to serving as the home of county offices ranging from soil and water to university extensions. The circuit court for Iron County was organized on May 16, 1858, by Judge John H. Stone. In September 1864, during the Civil War, the courthouse received damage in the Battle of Pilot Knob.

The courthouse has been featured on the cover of several local and regional publications and, even more notably, has earned the honor of inclusion in the National Register of Historic Places.

We recognize the important role the courthouse has played in Iron County’s history and congratulate local residents on its 150th anniversary.●

REMEMBERING JANET FAIRBANKS

• Mrs. BOXER. Mr. President, today I wish to offer a few words in memory of Janet Fairbanks, a California regional planner who passed away last month in her beloved hometown of San Diego.

Janet Fairbanks was a visionary planner who brought people and communities together to plan for sensible, sustainable growth while protecting the natural environment.

From 1980 until her retirement in 2006, Ms. Fairbanks helped guide the development of growth management and habitat conservation plans, first at the city of San Diego and later at the San Diego Association of Governments, SANDAG. Along with her technical skills and expertise, Janet was known for her outstanding ability to educate public officials and a wide array of stakeholders about the virtues of smart growth, conservation, and biodiversity—and then to bring these often divergent individuals and groups together to create plans that enabled communities to grow and thrive while preserving San Diego County’s unique natural areas and resources.

As a longtime member of the California Planning Roundtable, Ms. Fairbanks brought city and regional planners together with conservationists to protect some of California’s most pre-

cious and endangered natural areas. And as an active member of the California Biodiversity Council, she brought a planner’s comprehensive perspective to the Council’s mission of protecting California’s fragile biodiversity.

Janet Fairbanks helped to make San Diego County a nationally recognized leader in regional planning and conservation. She will be sorely missed, but her work and legacy will live on in the beautiful communities she helped to create and the natural landscapes she helped to preserve.●

ARKANSAS’S “BLUE RIBBON SCHOOLS”

• Mrs. LINCOLN. Mr. President, today I recognize four Arkansas schools that were recently designated as “National Blue Ribbon Schools” by the U.S. Department of Education. These schools represent the best of our State, and I am proud to congratulate them on this significant achievement.

Arkansas’s Blue Ribbon Schools for 2010 are Arnold Drive Elementary School in Jacksonville, Calico Rock Elementary School in Calico Rock, Kingston Elementary School in Kingston and Salem Elementary School in Salem.

The national Blue Ribbon designation honors public and private elementary, middle and high schools whose students achieve at very high levels or have made significant progress and helped close gaps in achievement, especially among disadvantaged and minority students. Nationally, 254 public and 50 private schools received the designation.

I commend Arkansas’s Blue Ribbon Schools for their extraordinary efforts helping students receive a high-quality education and reach their full potential. Education is key to a bright future, and I am proud of these schools for encouraging students to achieve their dreams and goals through a high-quality education.●

HONORING ARKANSAS’S WORLD WAR II HONOR FLIGHT VETERANS

• Mrs. LINCOLN. Mr. President, today I recognize more than 80 Arkansas World War II veterans who will travel to Washington, DC, this weekend to visit the national World War II Memorial and other memorials dedicated in their honor.

The group is traveling as a part of the second Northwest Arkansas Honor Flight. They will fly free of charge from Northwest Arkansas Regional Airport to Washington, DC, and back. Without the efforts of the Northwest Arkansas Honor Flight program, many of these veterans would never be able to visit our Nation’s military memorials, including the World War II,

Korea, Vietnam and Iwo Jima memorials, and Arlington National Cemetery.

This year's veterans range in age from 88 to 98 and include four women who served in the military during World War II. They will receive cards and letters of appreciation from local school groups and other members of the community. To date, more than 700 cards and letters from the northwest Arkansas community have been collected.

In Arkansas, there are approximately 26,714 living World War II veterans, and each one has a heroic tale. World War II was one of America's greatest triumphs, but was also a conflict filled with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including more than 35 million civilians, and more than 400,000 American servicemembers. The ultimate victory is a testament to the valor of American soldiers, sailors, airmen and marines.

I salute these World War II veterans, along with all of our 260,000 Arkansas veterans. My father and both grandfathers served our Nation in uniform and taught me from an early age about the sacrifices our troops and their families make to keep our Nation free. All of our veterans—from the greatest generation to Vietnam war veterans to the new generation of servicemembers in the Middle East and across the globe—have sacrificed greatly on behalf of our country. I thank them for their service and sacrifice.●

FORT SMITH'S RIVERFRONT BLUES FESTIVAL

● Mrs. LINCOLN. Mr. President, today I recognize the Fort Smith Riverfront Blues Festival in my home State of Arkansas for being named one of the Top 100 Events in North America by the American Bus Association.

Each year, the association compiles a list of the most appealing events across the continent for tour operators who are planning trips for the coming year. More than 600 events competed for inclusion on the 2011 list. This year marks Fort Smith's first appearance on the list.

Riverfront Blues Fest will celebrate its 21st year in 2011, and is known as "The Best Little Bluesfest in America." The festival draws thousands of music lovers to enjoy top musical talent on the banks of the Arkansas River on two summer nights.

Fort Smith Riverfront Blues Fest's entry in the 2011 Top 100 Events in North America reads:

The Fort Smith Riverfront Blues Fest is the premier blues event on the Arkansas River. It's big enough to draw national and international musical talent, yet intimate that you don't have to fight the crowds to enjoy the music. Set on the banks of the Arkansas at Fort Smith Riverpark, this blues

festival brings people from several states to enjoy two low-cost nights of family entertainment. Because the festival gets started after 4 p.m., this leaves plenty of time to see the sights in and around historic Fort Smith.

Two other Arkansas events made the 2011 Top 100 Events list: the World's Shortest St. Patrick's Day Parade in Hot Springs and the Arkansas Trail of Holiday Lights, which occurs in 60 communities across the state, including Fort Smith.

I congratulate all of these Arkansas events and communities for preserving and promoting the history and heritage of our State.●

RECOGNIZING KELD RADIO

● Mrs. LINCOLN. Mr. President, today I recognize radio station KELD 106.5 in El Dorado, AR, as they celebrate their 75th anniversary.

As the longest and oldest continuous radio station in Arkansas, KELD has educated and informed residents across South Arkansas for more than seven decades. From music to news and community events, KELD offers a mix of programming to meet the needs of its listeners.

Radio stations like KELD are an important part of Arkansas's culture, providing essential information to listeners across our State. I am proud of their efforts to broadcast thoughtful, educational, and entertaining programming.

KELD represents the best of Arkansas, and I am proud of the station for reaching this historic milestone. Along with all Arkansans, I thank KELD for their many contributions to the El Dorado community and South Arkansas over the past 75 years.●

TRIBUTE TO KATHY MANIS FINDLEY

● Mrs. LINCOLN. Mr. President, today I congratulate Kathy Manis Findley for being named Arkansas Business' Non-profit Executive of the Year. Kathy serves as the executive director of Safe Places of Little Rock, which she founded in 2002.

Safe Places is a 501(c)3 nonprofit organization that provides individual and group support, counseling, education and training, criminal justice advocacy and other services to encourage and strengthen the healing process for survivors of violence. Many of Safe Places' services, including its Crisis Line, are provided throughout the State.

Located in Little Rock's Governor's Mansion Historic District, Safe Places serves children and families who live in areas of Pulaski County that present the highest risk for violent victimization.

Safe Places' mission speaks volumes about the work they do each and every day to keep Arkansas's children safe:

We envision a world without violence, a world in which every child can experience safety, nurture, and opportunities that ensure a future filled with hope.

From that Vision our Mission takes its form.

In fulfilling our vision of a world without violence, Safe Places works in the community to help children, young people and families create safe homes, schools, and communities through counseling, advocacy, support, and education.

I commend the entire team at Safe Places for their efforts to protect our most vulnerable young citizens. Their efforts have improved the lives of countless young Arkansans, and I am proud of their hard work and dedication.●

NASHVILLE JUNIOR HIGH SCHOOL'S QUIZ BOWL TEAM

● Mrs. LINCOLN. Mr. President, today I recognize Nashville Junior High School in my home State of Arkansas for winning the Junior High Quiz Bowl National Championship in New Orleans, LA, earlier this summer. Along with all Arkansas, I congratulate the Nashville team for this tremendous accomplishment.

Under the leadership of coach Tammy Alexander, the school competed in the event as two separate teams, A team and B team.

The A team came out national champions with the only undefeated record of 9-0 at the tournament. The group included Jonathon Lance, Hayden Kirchhoff, Cameron Alexander, Alex Perrin, Alex Kwok and Tyler Tollett. I also wish to recognize student Jonathon Lance, who was named national MVP at the tournament.

The B team included Luke Dawson, Blake Hockaday, Kathleen Lance, Sydney Hughes, Braden Bowman, Nicole Drummond and Dillon Roberts.

I am proud of the hard work and talent of these students, who exemplify the best of our state. Not only are they to be commended for achieving this championship, they are also to be commended for their teamwork and dedication to sportsmanship and education. They set a fine example for all Arkansas students, and I commend them for their exemplary efforts.

I also salute the entire community of Nashville for providing support and encouragement to these young students. Nashville is a strong, thriving community, and I am proud of the community's efforts to encourage education and learning.

I join all Nashville residents in congratulating the Junior High School Quiz Bowl Team on this significant achievement.●

ROGERS HISTORICAL MUSEUM

● Mrs. LINCOLN. Mr. President, today I congratulate the staff of the Rogers Historical Museum in my home State

of Arkansas for being awarded accreditation through the American Association of Museums. The Rogers Historical Museum joins an impressive group of 778 institutions currently accredited nationwide. This accreditation represents the highest recognition of the Rogers Historical Museum's commitment to public service, professional standards, and excellence in education.

Museums like the Rogers Historical Museum play an important role in promoting lifelong education, travel and tourism, and quality of life. They offer a center of exploration, discovery, and lifelong earnings for students and citizens of all ages and all walks of life.

I commend the Rogers Historical Museum's leaders and the entire community for their efforts to maintain the history and heritage of their community. Their tireless efforts helped make this accreditation a reality. They represent the best of our State, and I am proud of their accomplishments. I join all Arkansans to congratulate the Rogers Historical Museum for this distinguished recognition.●

RECOGNIZING NORTHWEST ARKANSAS'S "40 UNDER 40"

● Mrs. LINCOLN. Mr. President, today I honor and congratulate 40 of Arkansas's brightest young professionals, who were recently named to Northwest Arkansas Business Journal's "40 Under 40" list for 2010.

These young adults represent the best of our State, and I am proud to see them earn this recognition. They now join an elite group of business and community leaders, and I look forward to working with them as they continue to grow in their careers.

I also commend the editors and readers of Northwest Arkansas Business Journal for highlighting these young individuals and their efforts for our State.

Members of the 2010 "40 Under 40" group, as named by Northwest Arkansas Business Journal, are:

Adam Rutledge, 29—First Security Bank; Annette Nichols, 38—Hyatt Place Hotel; Barry Graves, 39—Weichert Realtors—The Griffin Co.; Brandon Pinkerton, 32—HP Engineering Inc.; Brent Farmer, 36—Flintco Inc.; Brian Henry, 36—Wal-Mart Stores Inc.; Bryan Billingsley, 36—HEBCO Inc.; Christie King, 34—Wittenberg Delony & Davidson Architects; Clint Lazenby, 37—ConAgra Foods Inc.; Cody Crawford, 31—C.R. Crawford Construction LLC; Erin Rushing, 39—CEI Engineering Associates; Greg Primm, 36—WellQuest Medical & Wellness Corp.; Heather M. Bell, 35—Mitchell Williams Selig Gates & Woodyard PLLC; Hernan Muntaner, 38—Wal-Mart Stores Inc.; James Brandenburg, 36—JVS International; Jason Carter, 39—Simply Home Lending Inc.; Jeremy Wilson, 38—Rockfish Interactive; Jody Dilday, 39—Single Parent Scholarship Fund of Northwest Arkansas Inc.; John Sampson, 32—Cox Communications; Jonathan Janacek, 28—Janacek Construction Inc.

Justin Mills, 39—Justin Mills Insurance Agency Inc.; Kyle Jack, 33—Rapid Proto-

types LLC; Laura Kellams, 38—Arkansas Advocates for Children and Families; Luke Briggs, 31—Ghirardelli Chocolate Co.; Mark McWhorter, 37—Clorox Co.; Mark Wagstaff, 37—AAA Business Systems Inc.; Martine Downs Pollard, 37—Rogers-Lowell Area Chamber of Commerce; Marty Shell, 38—Five Rivers Distribution LLC; Melanie Arterbury, 38—Mitchell Communications Group Inc.; Patrick Curry, 32—WACO Title Co.; Paul D. Morris, 35—Wright Lindsey & Jennings LLP; Rebecca Hurst, 31—Friday Eldredge & Clark LLP; Robyn Goforth, 35—BiologicsMD, University of Arkansas; Ryan Gribble, 38—ISP Sports LLC; Ryan Hale, 35—The Soderquist Center for Leadership and Ethics; Tim Singleton, 36—Simmons Prepared Foods; Tina Winham, 35—Cott Beverage; Troy A. Kestner, 39—Arvest Private Banking; Ulanda Terry, 30—Tyson Foods Inc.; and Wendi Phillips, 39—Arvest Bank Group Inc.●

REMEMBERING JEFFERSON THOMAS

● Mrs. LINCOLN. Mr. President, with the passing of Jefferson Thomas, my home State of Arkansas has lost a true legend and leader. My heart goes out to his family, friends, and loved ones, and I pray for them as they mourn this loss. They can be proud of the legacy that Jefferson has left behind for our State and Nation.

A member of the "Little Rock Nine," Jefferson bravely stood up for what he believed was right, at a time when it wasn't easy or popular to break against convention. His courage set an example for future generations, who learned that education and equality go hand in hand. His desire to follow his educational dreams inspired countless Arkansans and Americans, and we all suffer his loss.

Throughout his life, Jefferson was committed to service. He bravely served his country in the U.S. Army from 1966 to 1968 as a staff sergeant and an infantry squad leader in Vietnam. He later worked as an accounting clerk with the U.S. Department of Defense.

According to those who knew him best, Jefferson's humor and light heart helped fellow members of the Little Rock Nine stay strong as they pursued their studies. Jefferson maintained that strong sense of humor even in his final days.

Arkansas has lost a cherished member of its community. Jefferson represents the best of our State, and our world is a better place because of his courageous actions and commitment to equality.●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3772. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3773. A bill to permanently extend the 2001 and 2003 tax relief provisions and to pro-

vide permanent AMT relief and estate tax relief, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7223. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2010-1251); to the Committee on the Judiciary.

EC-7224. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009-1392); to the Committee on the Judiciary.

EC-7225. A communication from the Department of State, transmitting, pursuant to law, a report relative to a foreign terrorist organization (OSS Control No. 2010-1250); to the Committee on the Judiciary.

EC-7226. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2010-1002); to the Committee on the Judiciary.

EC-7227. A communication from the Department of State, transmitting, pursuant to law, a report relative to foreign terrorist organizations (OSS Control No. 2010-1321); to the Committee on the Judiciary.

EC-7228. A communication from the Management and Program Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Employment Authorizations for Dependents of Foreign Officials" (RIN1615-AB87) received during adjournment of the Senate in the Office of the President of the Senate on August 11, 2010; to the Committee on the Judiciary.

EC-7229. A communication from the Deputy Assistant Attorney General, Torts Branch of the Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Radiation Exposure Compensation Act; Allowance for Costs and Expenses" (RIN1105-AB33) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on the Judiciary.

EC-7230. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE: Extended Care Health Option" (RIN0720-AB33) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Armed Services.

EC-7231. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Perishable Agricultural Commodities Act: Increase in License Fees" (RIN0581-AC92) (Docket No. AMS-FV-08-0098) received during adjournment of the Senate in the Office of the President of the Senate on September 8, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7232. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Changes to the Quality Regulations for Shelled Walnuts" (Docket No. AMS-FV-09-0036; FV09-

984-4 FR) received during adjournment of the Senate in the Office of the President of the Senate on September 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7233. A communication from the Administrator of Dairy Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Northeast and Other Marketing Areas; Order Amending the Orders" (Docket No. AMS-DA-09-0062) received during adjournment of the Senate in the Office of the President of the Senate on September 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7234. A communication from the Administrator of the National Organic Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Organic Program; Amendment to the National List of Allowed and Prohibited Substances (Livestock)" ((RIN0581-AD04) (Docket No. AMS-NOP-10-0051; NOP-10-041R)) received during adjournment of the Senate in the Office of the President of the Senate on September 13, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7235. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Special Demonstration Programs—Model Demonstration Project to Improve Outcomes for Individuals Receiving Social Security Disability Insurance (SSDI) Served by State Vocational Rehabilitation (VR) Agencies" (CFDA No. 84.235L) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7236. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's annual report on the performance evaluation of FDA-approved mammography quality standards accreditation; to the Committee on Health, Education, Labor, and Pensions.

EC-7237. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-7238. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Technical Revisions to Conform with the Veterans' Mental Health Care Act of 2008 and Other Laws" (RIN2900-AN52) received during adjournment of the Senate in the Office of the President of the Senate on September 1, 2010; to the Committee on Veterans' Affairs.

EC-7239. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Disenrollment Procedures" (RIN2900-AN76) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Veterans' Affairs.

EC-7240. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Depart-

ment of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Deceased Indebted Servicemembers and Veterans: Authority Concerning Certain Indebtedness" (RIN2900-AN14) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2010; to the Committee on Veterans' Affairs.

EC-7241. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Diseases Associated with Exposure to Certain Herbicide Agents (Hairy Cell Leukemia and Other Chronic B Cell Leukemias, Parkinson's Disease and Ischemic Heart Disease)" (RIN2900-AN54) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Veterans' Affairs.

EC-7242. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -243, -301, -302, -303, -321, -322, -323, -341, -342, and -343 Airplanes, Model A340-211, -212, -213, -311, -312, and -313 Airplanes, and Model A340-541 and -642 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0041)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7243. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 767-300 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0762)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7244. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211-524C2 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0521)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7245. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A380-800 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0763)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7246. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Model A119 and AW119 MKH Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0806)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7247. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model MD-90-30 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0433)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7248. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0269)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7249. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC12/47E Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0583)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7250. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-223, -321, -322, and -323 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0278)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7251. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Various Aircraft Equipped with Rotax Aircraft Engines 912 A Series Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0329)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7252. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (Eurocopter) Model AS350B, BA, B1, B2, C, D, and D1 Helicopters and Model AS355E, F, F1, F2, and N Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0782)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7253. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schweizer Aircraft Corporation (Schweizer) Model 269D Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0758)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7254. A communication from the Senior Program Analyst, Federal Aviation Adminis-

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Model A340-200, -300, -500, and -600 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-1215)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7255. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-300, -400, -500, -600, -700, -800 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0046)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7256. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0045)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7257. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 767-200, -300, and -300F Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0044)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7258. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Corporation Model DC-9-10 Series Airplanes, DC-9-30 Series Airplanes, DC-9-81 (MD-81) Airplanes, DC-9-82 (MD-82) Airplanes, DC-9-83 (MD-83) Airplanes, DC-9-87 (MD-87) Airplanes, MD-88 Airplanes, and MD-90-30 Airplanes, Equipped with Flight Deck Doors Installed in Accordance with Supplemental Type Certificate ST02463AT" ((RIN2120-AA64) (Docket No. FAA-2010-0702)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7259. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB135ER, -135KE, -135KL, and -135LR Airplanes, and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1079)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7260. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GROB-WERKE GMBH and CO KG Models G102 ASTIR CS and G102 STANDARD ASTIR III Gliders" ((RIN2120-AA64) (Docket No.

FAA-2010-0458)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7261. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model EC 130 B4 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0713)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7262. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault-Aviation Model FALCON 7X Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0800)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7263. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc (RR) RB211-22B and RB211-524 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2009-1157)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7264. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd. and Co. KG. (RRD) Models Tay 650-15 and Tay 651-54 Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2007-0037)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7265. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada Corp (PWC) PW615F-A Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0245)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7266. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada Corp. PW617F-E Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0246)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7267. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aircraft Industries a.s. (Type Certificate G24EU Previously Held by LETECKE ZAVODY a.s. and LET Aeronautical Works)

Model L-13 Blanik Gliders" ((RIN2120-AA64) (Docket No. FAA-2010-0839)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7268. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and A340-200, -300, -500, and -600 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0003)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7269. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4-600, B4-600R and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and A310 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0281)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7270. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Ontic Engineering and Manufacturing, Inc. Propeller Governors, Part Numbers C210776, T210761, D210760, and J210761" ((RIN2120-AA64) (Docket No. FAA-2010-0102)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7271. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc (RR) RB211-Trent 900 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0748)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7272. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model Avro 146-RJ and BAe 146 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0222)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7273. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146-100A and -200A Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0434)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7274. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 777-200LR and -300ER Series Airplanes Equipped with GE90-100 Series Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0704)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7275. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Model A340-200, -300, -500 and -600 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-1215)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7276. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes; and Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145 EP Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0716)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7277. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400, -401, and -402 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0382)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7278. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc. Models PA-32R-301T and PA-46-350P Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0122)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7279. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (70); Amdt. No. 3385" (RIN2120-AA65) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7280. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (193); Amdt. No. 3386" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7281. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (32); Amdt. No. 3387" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7282. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (177); Amdt. No. 3384" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7283. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Pine Mountain, GA" ((RIN2120-AA66) (Docket No. FAA-2010-0498)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7284. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Williamson, WV" ((RIN2120-AA66) (Docket No. FAA-2010-0416)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7285. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Kulik Lake, AK" ((RIN2120-AA66) (Docket No. FAA-2010-0270)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7286. A communication from the Acting Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Jurisdictional Separations and Referral to the Federal-State Joint Board" (FCC 10-89) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7287. A communication from the Policy Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Maritime Communications—Part 80 GMDSS 4th Report and Order and Second Memorandum Opinion and Order" (FCC 10-110) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7288. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Specifications" (RIN0648-AY14) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7289. A communication from the Assistant Administrator for Fisheries, National

Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fisheries; 2010 Atlantic Deep-Sea Red Crab Specifications In-season Adjustment" (RIN0648-AY88) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7290. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Pollock Catch Limit Revisions" (RIN0648-AY86) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7291. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543" (RIN0648-AY14) received during adjournment of the Senate in the Office of the President of the Senate on August 25, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7292. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Implementation of Trip Limit for Witch Flounder and Removal of Trip Limit for Pollock" (RIN0648-XY03) received during adjournment of the Senate in the Office of the President of the Senate on August 25, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7293. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock for American Fisheries Act Catcher Vessels in the Inshore Open Access Fishery in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XX93) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7294. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 5, No. 6, No. 7, and No. 8" (RIN0648-XX92) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7295. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 1, No. 2, No. 3, and No. 4" (RIN0648-XX18) received during adjournment of the Senate in the Office of

the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7296. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Reduction and Trawl Gear Restriction" (RIN0648-XX64) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7297. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska: Pacific Ocean Perch for Catcher/Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XX71) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7298. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries" (RIN0648-XX26) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7299. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure" (RIN0648-XX54) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7300. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Vessels Participating in the Rockfish Entry Level Trawl Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XX65) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORNYN (for himself, Mrs. HUTCHISON, Ms. LANDRIEU, and Mrs. MCCASKILL):

S. 3774. A bill to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008; to the Committee on Finance.

By Mr. TESTER (for himself and Mr. VOINOVICH):

S. 3775. A bill to improve prostate cancer screening and treatment, particularly in medically underserved communities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 3776. A bill to provide for safe and humane policies and procedures pertaining to the arrest, detention, and processing of aliens in immigration enforcement operations; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 3777. A bill to amend the Internal Revenue Code of 1986 to increase the threshold amount subject to information reporting at source, and for other purposes; to the Committee on Finance.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. 3778. A bill to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THUNE:

S. 3779. A bill to provide for comprehensive budget reform in order to increase transparency and reduce the deficit; to the Committee on the Budget.

By Mrs. SHAHEEN (for herself and Ms. LANDRIEU):

S. 3780. A bill to establish a building efficiency retrofit loan credit support program, a State building revolving fund grant program, and a commercial and large building grant program; to the Committee on Energy and Natural Resources.

By Mrs. HAGAN (for herself and Mr. BURR):

S. 3781. A bill to require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. MCCASKILL:

S. 3782. A bill to amend the National Defense Authorization Act for Fiscal Year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A-18E, F/A-18F, and EA-18G aircraft; to the Committee on Armed Services.

By Ms. LANDRIEU (for herself and Ms. MIKULSKI):

S. 3783. A bill to amend the Internal Revenue Code of 1986 to increase the threshold amount subject to information reporting at source, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. DODD, Mr. KOHL, Ms. LANDRIEU, Mr. MERKLEY, and Mrs. MURRAY):

S. Res. 618. A resolution designating October 2010 as "National Work and Family Month"; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico:

S. Res. 619. A resolution expressing the sense of the Senate that the Senate of each new Congress is not bound by the Rules of previous Senates; to the Committee on Rules and Administration.

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. Res. 620. A resolution designating September 12, 2010, as "National Day of Encouragement"; considered and agreed to.

By Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. BEGICH, and Mr. CASEY):

S. Res. 621. A resolution expressing support for designation of October 7, 2010, as "Jumpstart's Read for the Record Day"; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 260

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 260, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 833

At the request of Mr. SCHUMER, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1183

At the request of Mr. DURBIN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1428

At the request of Mr. WHITEHOUSE, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 1428, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1674

At the request of Mr. WYDEN, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 1834

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1834, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 2821

At the request of Mr. BROWN of Ohio, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2821, a bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to establish terms for future trade agreements, to express the sense of the Congress that the role of Congress in making trade policy should be strengthened, and for other purposes.

S. 2982

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3112

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3112, a bill to remove obstacles to legal sales of United States agricultural commodities to Cuba and to end certain travel restrictions to Cuba.

S. 3181

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3181, a bill to protect the rights of consumers to diagnose, service, maintain,

and repair their motor vehicles, and for other purposes.

S. 3227

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3227, a bill to authorize the Archivist of the United States to make grants to States for the preservation and dissemination of historical records.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3284

At the request of Mrs. BOXER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3284, a bill to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

S. 3304

At the request of Mr. PRYOR, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3304, a bill to increase the access of persons with disabilities to modern communications, and for other purposes.

S. 3339

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3486

At the request of Mr. BROWN of Ohio, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3486, a bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes.

S. 3508

At the request of Mr. UDALL of New Mexico, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3508, a bill to strengthen the capacity of the United States to lead the international community in reversing renewable natural resource degradation trends around the world that threaten to undermine global prosperity and security and eliminate the diversity of life on Earth, and for other purposes.

S. 3528

At the request of Ms. SNOWE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cospon-

sor of S. 3528, a bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes.

S. 3540

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3540, a bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

S. 3641

At the request of Mr. WHITEHOUSE, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 3641, a bill to create the National Endowment for the Oceans to promote the protection and conservation of United States ocean, coastal, and Great Lakes ecosystems, and for other purposes.

S. 3657

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3657, a bill to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

S. 3661

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3661, a bill to amend the Federal Water Pollution Control Act to ensure the safe and proper use of dispersants in the event of an oil spill or release of hazardous substances, and for other purposes.

S. 3708

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 3708, a bill to amend titles XVIII and XIX of the Social Security Act to clarify the application of EHR payment incentives in cases of multicampus hospitals.

S. 3748

At the request of Mr. WYDEN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 3748, a bill to amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations of homeland defense missions to support their reintegration into civilian life, and for other purposes.

S. 3752

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 3752, a bill to amend the Energy Policy Act of 1992 to streamline Indian energy development, to enhance programs to support Indian energy development and efficiency, to make technical corrections, and for other purposes.

S. 3772

At the request of Mr. REID, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3773

At the request of Mr. BENNETT, his name was added as a cosponsor of S. 3773, a bill to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes.

At the request of Mr. RISCH, his name was added as a cosponsor of S. 3773, *supra*.

At the request of Mr. SHELBY, his name was added as a cosponsor of S. 3773, *supra*.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. CON. RES. 71

At the request of Mr. FEINGOLD, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 607

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 607, a resolution recognizing the month of October 2010 as "National Principals Month".

AMENDMENT NO. 4596

At the request of Mr. JOHANNIS, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Ten-

nessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 4596 proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

AMENDMENT NO. 4608

At the request of Mr. BEGICH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 4608 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of amendment No. 4608 intended to be proposed to H.R. 5297, *supra*.

AMENDMENT NO. 4609

At the request of Mr. UDALL of Colorado, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 4609 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. SHAHEEN (for herself and Ms. LANDRIEU):

S. 3780. A bill to establish a building efficiency retrofit loan credit support program, a State building revolving fund grant program, and a commercial and large building grant program; to the Committee on Energy and Natural Resources.

Mrs. SHAHEEN. Mr. President. I rise today to join with my colleague and fellow member of the Senate Energy and Natural Resources Committee, Senator MARY LANDRIEU of Louisiana, to introduce the Recovery Through Building Renovation Act of 2010.

There is enormous potential to reduce our nation's energy consumption and create jobs by investing in energy efficiency, especially through renovating existing buildings.

According to the Energy Information Administration, buildings account for

more than 48 percent of total energy consumption in the United States. That is more than transportation sector and more than the industrial sector. More than 70 percent of the commercial buildings in this country are older than 20 years and these buildings are significantly less efficient than buildings built today. Improvements to these types of buildings can improve efficiency by 20 to 40 percent using widely available technologies and the payback period can be as little 5 years.

These investments in building efficiency pay for themselves and then some.

Most importantly, Senator LANDRIEU and I view this legislation as part of our broader effort here to create jobs and contribute to our economic recovery.

Updating buildings with modern energy efficiency technologies not only saves money on energy costs, it also creates jobs. Jobs in the construction industry. Jobs in the manufacturing industry. Jobs in the retail sector of the economy. These jobs can't be outsourced and they are jobs that can serve as an important part of our clean, alternative energy economy.

Yet despite all this potential, there is actually very little of this energy efficient renovation taking place because of financial barriers. Most commercial buildings are leased and investments in energy efficiency by building owners are uncertain because the tenant, not the owner, will capture the energy savings. This is often referred to as a "split incentive." Likewise, lenders typically will not accept projected energy savings—even if guaranteed by an energy services company—as sufficient collateral to finance a building renovation.

Our legislation would use the DOE loan guarantee program to help unlock private capital and encourage investment in building retrofit projects and programs.

The Recovery Through Building Renovation Act expands the existing DOE loan guarantee program to cover buildings in the commercial and industrial sectors, in schools and universities, and hospitals so that they can be renovated to be more energy efficient.

Our legislation also establishes a competitive grant program within DOE to allow states to capitalize revolving loan funds to renovate municipal buildings. This program is modeled after the highly successful Texas LoanSTAR program. Finally, it also establishes a DOE grant program to capitalize loan loss reserve funds for tax-district financing programs, such as property assessed clean energy, or "PACE" programs, which a number of states are utilizing.

There is so much potential that exists here and I think we need to put existing programs to work, like the loan guarantee program, to unlock private

capital and reap the benefits that will come from making these buildings more energy efficient.

I encourage my colleagues to support our legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3780

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Recovery Through Building Renovation Act of 2010".

SEC. 2. BUILDING EFFICIENCY RETROFIT LOAN CREDIT SUPPORT PROGRAM.

Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end the following:

"SEC. 1706. BUILDING RETROFIT FINANCING PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) CREDIT SUPPORT.—The term 'credit support' means a guarantee or commitment to issue a guarantee or other forms of credit enhancement to ameliorate risks for efficiency obligations.

"(2) EFFICIENCY OBLIGATION.—The term 'efficiency obligation' means a debt or repayment obligation incurred in connection with financing a project, or a portfolio of such debt or payment obligations.

"(3) PROJECT.—The term 'project' means the installation of efficiency or renewable energy measures in a building (or in multiple buildings on a given property) that are expected to increase the energy efficiency of the building (including fixtures) in accordance with criteria established by the Secretary.

"(b) ELIGIBLE PROJECTS.—

"(1) IN GENERAL.—Notwithstanding sections 1703 and 1705, the Secretary may provide credit support under this section, in accordance with section 1702.

"(2) INCLUSIONS.—Buildings eligible for credit support under this section include commercial, industrial, municipal, university, school, and hospital facilities that satisfy criteria established by the Secretary.

"(c) GUIDELINES.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish guidelines for credit support provided under this section.

"(2) REQUIREMENTS.—The guidelines established by the Secretary under this subsection shall include—

"(A) standards for assessing the energy savings that could reasonably be expected to result from a project;

"(B) examples of financing mechanisms (and portfolios of such financing mechanisms) that qualify as efficiency obligations;

"(C) the threshold levels of energy savings that a project, at the time of issuance of credit support, shall be reasonably expected to achieve to be eligible for credit support;

"(D) the eligibility criteria the Secretary determines to be necessary for making credit support available under this section; and

"(E) any lien priority requirements that the Secretary determines to be necessary.

"(3) EFFICIENCY OBLIGATIONS.—The financing mechanisms qualified by the Secretary under paragraph (2)(B) may include—

"(A) loans, including loans made by the Federal Financing Bank;

"(B) power purchase agreements, including energy efficiency power purchase agreements;

"(C) energy services agreements, including energy performance contracts;

"(D) property assessed clean energy bonds and other tax assessment-based financing mechanisms;

"(E) aggregate on-meter agreements that finance retrofit projects; and

"(F) any other efficiency obligations the Secretary determines to be appropriate.

"(4) PRIORITIES.—In carrying out this section, the Secretary shall prioritize—

"(A) the maximization of energy savings with the available credit support funding;

"(B) the establishment of a clear application and approval process that allows private building owners, lenders, and investors to reasonably expect to receive credit support for projects that conform to guidelines; and

"(C) the distribution of projects receiving credit support under this section across States or geographical regions of the United States.

"(5) MINIMUM ENERGY SAVINGS REQUIREMENT.—

"(A) IN GENERAL.—In carrying out this section, the Secretary shall establish an initial minimum energy savings requirement for eligible projects that, to the maximum extent practicable, results in the greatest amount of energy savings on a per project basis.

"(B) ADJUSTMENTS.—

"(i) IN GENERAL.—Not less than once each year, the Secretary shall adjust the minimum energy savings requirement described in subparagraph (A) and any other credit support terms the Secretary determines to be necessary, including the maximum percentage of the efficiency obligation that may be guaranteed, taking into account market conditions and the available funding.

"(ii) ADVANCED NOTICE.—If the Secretary adjusts the energy savings requirement, the Secretary shall provide at least 90 days advanced public notice.

"(d) LIMITATION.—Notwithstanding section 1702(c), the Secretary shall not issue credit support under this section in an amount that exceeds—

"(1) 90 percent of the principal amount of the efficiency obligation that is the subject of the credit support; or

"(2) \$10,000,000 for any single project.

"(e) AGGREGATION OF PROJECTS.—To the extent provided in the guidelines developed in accordance with subsection (c), the Secretary may issue credit support on a portfolio, or pool of projects, that are not required to be geographically contiguous, if each efficiency obligation in the pool fulfills the requirements described in this section.

"(f) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive credit support under this section, the applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

"(2) CONTENTS.—An application submitted under this section shall include assurances by the applicant that—

"(A) each contractor carrying out the project—

"(i) meets minimum experience level criteria, including local retrofit experience, as determined by the Secretary; and

"(ii) beginning on the date on which credit support is issued, will comply with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act");

"(B) the project is reasonably expected to achieve energy savings, as set forth in the

application using any methodology that meets the standards described in the program guidelines;

"(C) the project meets any technical criteria described in the program guidelines;

"(D) the recipient of the credit support and the parties to the efficiency obligation will provide the Secretary with—

"(i) any information the Secretary requests to assess the energy savings that result from the project, including historical energy usage data and detailed descriptions of the building work, as described in the program guidelines; and

"(ii) permission to access information relating to building operations and usage for the period described in the program guidelines; and

"(E) any other assurances that the Secretary determines to be necessary.

"(3) DETERMINATION.—Not later than 90 days after receiving an application, the Secretary shall make a final determination on the application, which may include requests for additional information.

"(g) FEES.—

"(1) IN GENERAL.—In addition to the fees required by section 1702(h)(1), the Secretary may charge reasonable fees for credit support provided under this section.

"(2) AVAILABILITY.—Fees collected under this section shall be subject to section 1702(h)(2).

"(h) UNDERWRITING.—The Secretary may delegate the underwriting activities under this section to 1 or more entities that the Secretary determines to be qualified.

"(i) REPORT.—Not later than 1 year after commencement of the program, the Secretary shall submit to the appropriate committees of Congress a report that describes in reasonable detail—

"(1) the manner in which this section is being carried out;

"(2) the number and type of projects supported;

"(3) the types of funding mechanisms used to provide credit support to projects;

"(4) the energy savings expected to result from projects supported by this section;

"(5) any tracking efforts the Secretary is using to calculate the actual energy savings produced by the projects; and

"(6) any plans to improve the tracking efforts described in paragraph (5).

"(j) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$500,000,000 for the period of fiscal years 2011 through 2020, to remain available until expended.

"(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of any amounts made available to the Secretary under paragraph (1) may be used by the Secretary for administrative costs incurred in carrying out this section."

SEC. 3. MUSH BUILDING REVOLVING FUND.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term "project" means an energy efficiency retrofit project that meets the terms of this section and criteria determined to be necessary by the Secretary.

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(3) STATE.—The term "State" has the meaning given the term in section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862).

(b) ESTABLISHMENT.—The Secretary shall establish the MUSH Building Efficiency Program to provide grants to State revolving funds to finance projects.

(c) **ELIGIBILITY.**—To be eligible to receive a grant under this program, a State shall have, or propose to establish, a program to finance or support building improvement projects on buildings that are owned or controlled by—

- (1) a municipality;
- (2) a State or public university, including a community college;
- (3) a school or school district, including a technical school or a vocational school; and
- (4) a State, city, or other publicly owned hospital.

(d) **TERMS AND CONDITIONS.**—

(1) **IN GENERAL.**—As a condition of receiving a grant under this section, a State shall—

(A) develop technical energy assessment report guidelines for each project to be carried out under this section;

(B) develop procedures—

(i) to monitor energy consumption prior to, and for at least 3 years after, the completion of each project carried out using State revolving funds;

(ii) to make data publicly available in aggregated summary reports regarding the performance of each project carried out using State revolving funds; and

(iii) to analyze energy savings, in kilowatt hours and dollars, before and for at least 3 years after the completion of each project carried out using State revolving funds; and

(C) incorporate training on audit techniques in any guidelines or procedures developed for State revolving funds that receive a grant under this section.

(2) **MAXIMUM REPAYMENT TERM.**—A State receiving a grant under this section shall not enter into any obligations with a repayment term that exceeds 15 years.

(3) **CONFLICT OF INTEREST.**—A commissioning organization or individual that receives compensation for professional services relating to a project carried out under this section shall not acquire any direct or indirect financial interest in the sale of energy efficiency equipment or products that are directly related to the project.

(e) **REPORT.**—Not later than 1 year after commencement of the MUSH Building Efficiency Program, the Secretary shall submit to the appropriate committees of Congress a report that—

(1) describes in detail the manner in which this section has been carried out;

(2) aggregates the project performance data of the State programs receiving a grant under this section; and

(3) includes any recommendations of the Secretary on modifications that may improve the grant program.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as are necessary.

SEC. 4. ENERGY EFFICIENCY SUPPORT PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **PROJECT.**—The term “project” means an energy efficiency retrofit project that meets the criteria described in subsection (c).

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(b) **ESTABLISHMENT.**—The Secretary shall establish a program that provides grants to State or tribal governments to support property assessed clean energy bonds and other tax assessment-based financing mechanisms to support building retrofits that meet the criteria described in subsection (c).

(c) **AUTHORIZATION, TERMS, AND CONDITIONS.**—

(1) **AUTHORIZATION.**—

(A) **IN GENERAL.**—In carrying out this section, the Secretary shall provide grants to capitalize loan loss reserves for property assessed clean energy bonds and other tax assessment-based financing mechanisms managed by State or tribal governments.

(B) **MAXIMUM.**—No eligible entity shall receive a grant under this section that exceeds a total amount of \$10,000,000.

(2) **ELIGIBLE PROGRAMS.**—

(A) **IN GENERAL.**—A grant under this section shall be used to finance building retrofit projects that are expected to produce significant energy efficiency gains.

(B) **USE OF FUNDS.**—A State or tribal government that receives a grant under this section shall use the funds to provide credit enhancements or establish other loan loss reserve funds approved by the Secretary.

(C) **CONDITIONS.**—As a condition of receiving a grant under this section, a State or tribal government shall provide to the Secretary such assurances as the Secretary determines to be necessary, including assurances that the State or tribal government shall—

(i) provide support for each financing mechanism approved by the Secretary, including property assessed clean energy bonds and tax lien financing;

(ii) for each project receiving financial assistance under this section, develop comprehensive procedures for—

(I) monitoring energy consumption prior to the commencement of, and at least 3 years after completion of, each project; and

(II) analyzing energy savings achieved, measured in kilowatt hours and dollars, prior to the commencement of, and at least 3 years after completion of, each project; and

(III) making data recorded from each project publicly available in aggregated summary reports describing the performance of each project; and

(D) incorporate training on audit techniques in any guidelines developed for the capital loan loss reserves.

(d) **PROGRAM COORDINATION AND AGGREGATION.**—Subject to subsection (c)(1) and approval of the Secretary, eligible State or tribal governments may combine grants provided under this section to create multijurisdictional programs to support projects that meet the requirements of this section.

(e) **REPORT.**—Not later than 1 year after the commencement of the program, the Secretary shall submit to the appropriate committees of Congress a report that—

(1) describes in detail the manner in which this section has been carried out;

(2) aggregates the project performance data of the State, local, and tribal government programs receiving funding under this section; and

(3) includes any recommendations of the Secretary on modifications that may improve the grant program.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as are necessary.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 618—DESIGNATING OCTOBER 2010 AS “NATIONAL WORK AND FAMILY MONTH”

Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. DODD, Mr. KOHL, Ms. LANDRIEU, Mr. MERKLEY, and Mrs. MURRAY)

submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 618

Whereas, according to a report by WorldatWork, a nonprofit professional association with expertise in attracting, motivating, and retaining employees, the quality of workers' jobs and the supportiveness of their workplaces are key predictors of workers' job productivity, job satisfaction, and commitment to employers and of employers' ability to retain workers;

Whereas, according to the 2008 National Study of Employers by the Families and Work Institute, employees in more flexible and supportive workplaces are more effective employees, are more highly engaged and less likely to look for a new job in the next year, and enjoy better overall health, better mental health, and lower levels of stress than employees in workplaces that provide less flexibility and support;

Whereas, according to a 2004 report of the Families and Work Institute entitled “Overwork in America”, employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes or feel resentment toward employers and coworkers;

Whereas, according to the “Best Places to Work in the Federal Government” rankings released by the Partnership for Public Service and American University's Institute for the Study of Public Policy Implementation, work-life balance and a family-friendly culture are among the key drivers of engagement and satisfaction for employees in the Federal workforce;

Whereas, according to a 2009 survey of college students by the Partnership for Public Service and Unum USA entitled “Great Expectations! What Students Want in an Employer and How Federal Agencies Can Deliver It”, attaining a healthy work-life balance was an important career goal of 66 percent of the students surveyed;

Whereas a 2008 study by the Partnership for Public Service entitled “A Golden Opportunity: Recruiting Baby Boomers into Government” revealed that workers between the ages of 50 and 65 are a strong source of experienced talent for the Federal workforce and that nearly 50 percent of workers in that age group find flexible work schedules “extremely appealing”;

Whereas finding a good work-life balance is important to workers in multiple generations;

Whereas employees who are able to effectively balance family and work responsibilities tend to feel healthier and more successful in their relationships with their spouses, children, and friends;

Whereas 85 percent of wage and salaried workers in the United States have immediate, day-to-day family responsibilities outside of their jobs;

Whereas, in 2000, research by the Radcliffe Public Policy Center revealed that men in their 20s and 30s and women in their 20s, 30s, and 40s identified a work schedule that allows them to spend time with their families as the most important job characteristic for them;

Whereas, according to the 2006 American Community Survey by the United States Census Bureau, 47 percent of wage and salaried workers in the United States are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility often allows parents to be more involved in their children's

lives and research demonstrates that parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas the 2000 Urban Working Families study demonstrated that a lack of job flexibility for working parents negatively affects children's health in ways that range from children being unable to make needed doctors' appointments to children receiving inadequate early care, leading to more severe and prolonged illness;

Whereas, from 2001 to the beginning of 2008, 1,700,000 active duty troops served in Iraq and 600,000 members of the National Guard and Reserve (133,000 on more than one tour) were called up to serve in Iraq;

Whereas, because so many of those troops and National Guard and Reserve members have families, there needs to be a focus on policies and programs that can help military families adjust to the realities that come with having a family member in the military;

Whereas research by the Sloan Center for Aging and Work reveals that the majority of workers aged 53 and older attribute their success as an employee by a great or moderate extent to having access to flexibility in their jobs and that the majority of those workers also report that, to a great extent, flexibility options contribute to an overall higher quality of life;

Whereas studies show that 1/3 of children and adolescents in the United States are obese or overweight, and healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence children's health and development and that children who eat dinner with their families every day consume nearly a full serving more of fruits and vegetables per day than those who never eat dinner with their families or do so only occasionally;

Whereas unpaid family caregivers will likely continue to be the largest source of long-term care services in the United States for the elderly;

Whereas the Department of Health and Human Services anticipates that by 2050 the number of such caregivers will reach 37,000,000, an increase of 85 percent from 2000, as baby boomers reach retirement age in record numbers; and

Whereas the month of October is an appropriate month to designate as "National Work and Family Month": Now, therefore, be it

Resolved, That the Senate—

(1) designates October 2010 as "National Work and Family Month";

(2) recognizes the importance of work schedules that allow employees to spend time with their families to job productivity and to healthy families;

(3) urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(4) calls upon the people of the United States to observe National Work and Family Month with appropriate ceremonies and activities.

SENATE RESOLUTION 619—EXPRESSING THE SENSE OF THE SENATE THAT THE SENATE OF EACH NEW CONGRESS IS NOT BOUND BY THE RULES OF PREVIOUS SENATES

Mr. UDALL of New Mexico submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 619

Whereas section 5 of article I of the United States Constitution states "Each House may determine the Rules of its Proceedings", with no requirement for a supermajority to adopt or amend the rules of either House;

Whereas it is a longstanding common law principle, upheld in Supreme Court decisions such as *United States v. Ballin*, that one legislature cannot bind subsequent legislatures;

Whereas advisory rulings by Vice Presidents Nixon, Humphrey, and Rockefeller, sitting as the President of the Senate, have stated that a Senate at the beginning of a Congress is not bound by the cloture requirement imposed by a previous Senate and may end debate on a proposal to adopt or amend the Standing Rules of the Senate by a majority vote; and

Whereas the provision in rule XXII that requires a two-thirds vote of Senators present and voting to limit debate on a measure or motion to amend the Senate Rules is unconstitutional because its effect is to deny a majority of the Senate of each new Congress from proceeding to a vote to determine its own rules: Now, therefore, be it

Resolved, That the Senate of each new Congress is not bound by the rules of previous Senates and should, upon a motion by a Senator to bring debate to a close, if said motion receives the affirmative vote of a majority of the Senators duly chosen and sworn, proceed to determine the Rules of its Proceedings in accordance with section 5 of article I of the Constitution.

SENATE RESOLUTION 620—DESIGNATING SEPTEMBER 12, 2010, AS "NATIONAL DAY OF ENCOURAGEMENT"

Mr. PRYOR (for himself and Mrs. LINCOLN) submitted the following resolution; which was considered and agreed to:

S. RES. 620

Whereas negative images, stories, and influences in the day-to-day lives of Americans can detrimentally affect their emotional well-being, interactions with others, and general demeanor;

Whereas a group of teenagers participating in a leadership forum at Harding University in Searcy, Arkansas, identified a lack of encouragement as one of the greatest problems facing young people today;

Whereas the youth of our Nation need guidance, inspiration, and reassurance to counteract this negativity and to develop the qualities of character essential for future leadership in our country;

Whereas a National Day of Encouragement would serve as a reminder to counterbalance and overcome negative influences, and would also provide much-needed encouragement and support to others;

Whereas following the events of September 11, 2001, thousands of people of the United States made sacrifices in order to bring help

and healing to the victims and their families, inspiring and encouraging the Nation; and

Whereas the renewed feelings of unity, hope, selflessness, and encouragement that began on September 12, 2001, are the same feelings that the National Day of Encouragement is meant to recapture and spread: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 12, 2010, as "National Day of Encouragement";

(2) acknowledges the importance of encouragement and positive influences in the lives of all people; and

(3) urges the people of the United States to encourage others, whether it be through an act of service, a thoughtful letter, or words of kindness and inspiration, and to thereby boost the morale of all.

SENATE RESOLUTION 621—EXPRESSING SUPPORT FOR DESIGNATION OF OCTOBER 7, 2010, AS "JUMPSTART'S READ FOR THE RECORD DAY"

Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. BEGICH, and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 621

Whereas Jumpstart, a national early education organization, is working to ensure that all children in the United States enter school prepared to succeed;

Whereas Jumpstart recruits and trains college students and community volunteers year-round to work with preschool children in low-income communities, helping the children to develop the key language and literacy skills they need to succeed in school and in life;

Whereas, since 1993, Jumpstart has engaged more than 20,000 adults in service to more than 70,000 young children in communities across the United States;

Whereas Jumpstart's Read for the Record, presented in partnership with Pearson, is a world record-breaking campaign, now in its fifth year, that harnesses the power of reading by bringing adults and children together to read the same book on the same day;

Whereas the goals of the campaign are to raise national awareness of the early literacy crisis, provide books to children in low-income households through donations and sponsorship, celebrate the commencement of Jumpstart's program year, and raise money to support Jumpstart's year-long work with preschool children;

Whereas October 7, 2010, would be an appropriate date to designate as "Jumpstart's Read for the Record Day" because Jumpstart aims to set the world record for the largest shared reading experience on that date; and

Whereas Jumpstart hopes to engage 2,500,000 children to read Ezra Jack Keats' "The Snowy Day" during this record-breaking celebration of reading, service, and fun, all in support of the preschool children of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 7, 2010, as "Jumpstart's Read for the Record Day";

(2) recognizes the fifth year of Jumpstart's Read for the Record; and

(3) encourages adults, including grandparents, parents, teachers, and college students, to join children in creating the largest

shared reading experience in the world and to show their support for early literacy and Jumpstart's early education programming for young children in low-income communities.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 14, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, on September 14, 2010, at 2:15 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Rape in the United States: The Chronic Failure to Report and Investigate Rape Cases."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Ellen Montz of my staff be granted the privilege of the floor during consideration of the small business jobs bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 597, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 597) designating September 2010 as National Prostate Cancer Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 597) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 597

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 males in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among males in the United States;

Whereas in 2010, 217,730 males in the United States will be diagnosed with prostate cancer, and 32,050 males will die from the disease;

Whereas 30 percent of newly diagnosed prostate cancer cases occur in males under the age of 65;

Whereas approximately every 14 seconds, a male in the United States turns 50 years old and increases his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer from a prostate cancer incidence rate that is up to 65 percent higher than White males and have double the prostate cancer mortality rate of White males;

Whereas obesity is a significant predictor of the severity of prostate cancer;

Whereas the probability that obesity will lead to death and high cholesterol levels is strongly associated with advanced prostate cancer;

Whereas males in the United States with 1 family member diagnosed with prostate cancer have a 1 in 3 chance of being diagnosed with the disease; males with 2 family members diagnosed have an 83 percent chance; and males with 3 family members diagnosed have a 97 percent chance;

Whereas screening by a digital rectal examination and a prostate-specific antigen blood test can detect the disease at the early stages, increasing the chances of survival for more than 5 years to nearly 100 percent;

Whereas only 33 percent of males survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatment; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of males and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2010 as "National Prostate Cancer Awareness Month";

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of prostate cancer so that—

(i) screening and treatment may be improved;

(ii) the causes may be discovered; and

(iii) a cure may be developed; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

CITIZEN DIPLOMACY DAY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 603, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 603) commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as Citizen Diplomacy Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 603) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 603

Whereas the year 2011 marks the 50th Anniversary of the National Council for International Visitors (referred to in this preamble as the "NCIV"), originally founded as the National Council for Community Services to International Visitors (commonly referred to as "COSERV") in 1961;

Whereas the mission of NCIV is to promote excellence in citizen diplomacy—the concept that the individual citizen has the right and responsibility to help develop constructive United States foreign relations "one handshake at a time";

Whereas citizen diplomacy has the power to shape perceptions in the United States of foreign cultures and international perceptions of the United States, effectively shattering stereotypes, illuminating differences, underscoring common human aspirations, and developing the web of human connections needed to achieve more peaceful relations between countries;

Whereas NCIV is the private sector partner of the United States Department of State International Visitor Leadership Program (referred to in this preamble as the "IVLP"), a public diplomacy initiative that brings distinguished foreign leaders to the United States for short-term professional programs under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.; also referred to as the "Fulbright-Hays Act");

Whereas the NCIV network comprises individuals, program agencies, and 92 community organizations throughout the United

States, including approximately 80,000 volunteers who are involved in NCIV member activities each year as host families, professional resources, volunteer programmers, board members, and other supporters;

Whereas the network of citizen diplomats in NCIV has organized professional programs, cultural activities, and home visits for more than 190,000 foreign leaders participating in the IVLP, 285 of whom went on to become chiefs of state or heads of government in their countries;

Whereas the NCIV network has hosted and strengthened the relationships of the United States with notable foreign leaders who are alumni of the IVLP, including: Abdullah Gul, President of Turkey, Nicolas Sarkozy, President of France, Manmohan Singh, Prime Minister of India, Morgan Tsvangirai, Prime Minister of Zimbabwe, and Alvaro Uribe Velez, President of Colombia, as well as Willy Brandt, former Chancellor of the Federal Republic of Germany, Kim Dae-Jung, Former President of South Korea, Frederik W. de Klerk, former President of South Africa, Indira Gandhi, former Prime Minister of India, Anwar Sadat, former President of Egypt, and many others;

Whereas United States ambassadors have in repeated surveys ranked the NCIV network-facilitated IVLP first among 63 United States public diplomacy programs;

Whereas in 2001, Senator Arlen Specter nominated the NCIV network of citizen diplomats to receive the Nobel Peace Prize, stating that they "have done . . . the best work for fraternity between nations";

Whereas all Federal funding for the citizen diplomacy of the NCIV network is spent in the United States, where it has leveraged \$6 in local economic impact for every Federal dollar expended;

Whereas NCIV member organizations provide invaluable opportunities for United States students to develop global perspectives and vividly experience the diversity of the world by bringing foreign leaders into local schools, loaning teachers cultural artifacts, and developing internationally focused curricula;

Whereas participation of United States communities, businesses, and universities in the international exchange programs implemented by the NCIV network strengthens the ability of the United States to produce a globally literate and competitive workforce;

Whereas NCIV celebrates excellence in citizen diplomacy and has honored 7 individuals—Senator J. William Fulbright in 1987, the Honorable John Richardson in 1990, Maya Angelou in 1993, Richard Stanley in 2000, Keith Reinhard in 2007, Garth Fagan in 2008, and Rick Steves in 2009—with the NCIV Citizen Diplomat Award for their exemplary work towards transcending barriers between the peoples of the world in visionary ways;

Whereas NCIV provides leadership at the national level having convened leaders of sister organizations for 2 national Summits on Citizen Diplomacy and providing funding to its member organizations for Summits on Citizen Diplomacy in communities throughout the United States, giving those organizations the opportunity to foster internationally focused dialogue and to cultivate lasting partnerships with like-minded organizations in their own communities; and

Whereas NCIV member organizations serve as international gateways, sharing their communities with the world and the world with their communities—welcoming strangers and sending home friends: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 50th anniversary of the National Council for International Visitors and its extraordinary efforts to promote excellence in citizen diplomacy;

(2) commends the achievements of the thousands of citizen diplomats who have worked for generations to share the best of the United States with foreign leaders, specialists, and scholars;

(3) thanks the National Council for International Visitors citizen diplomats for their service to their communities, our country, and the world; and

(4) designates February 16, 2011, as "Citizen Diplomacy Day".

NATIONAL PRINCIPALS MONTH

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 607 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 607) recognizing the month of October 2010 as "National Principals Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 607) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 607

Whereas the National Association of Elementary School Principals and the National Association of Secondary School Principals have declared the month of October 2010 as "National Principals Month";

Whereas school leaders are expected to be educational visionaries, instructional leaders, assessment experts, disciplinarians, community builders, public relations experts, budget analysts, facility managers, special programs administrators, and guardians of various legal, contractual, and policy mandates and initiatives, as well as being entrusted with our young people, our most valuable resource;

Whereas principals set the academic tone for their schools and work collaboratively with teachers to develop and maintain high curriculum standards, develop mission statements, and set performance goals and objectives;

Whereas the vision, dedication, and determination of a principal provides the mobilizing force behind any school reform effort; and

Whereas the celebration of "National Principals Month" would honor elementary, middle level, and high school principals and recognize the importance of school leadership in ensuring that every child has access to a high-quality education: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of October 2010 as "National Principals Month"; and

(2) honors the contribution of school principals in the elementary and secondary schools of our Nation by supporting the goals and ideals of "National Principals Month".

NATIONAL DAY OF ENCOURAGEMENT

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 620, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 620) designating September 12, 2010, as "National Day of Encouragement."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 620) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 620

Whereas negative images, stories, and influences in the day-to-day lives of Americans can detrimentally affect their emotional well-being, interactions with others, and general demeanor;

Whereas a group of teenagers participating in a leadership forum at Harding University in Searcy, Arkansas, identified a lack of encouragement as one of the greatest problems facing young people today;

Whereas the youth of our Nation need guidance, inspiration, and reassurance to counteract this negativity and to develop the qualities of character essential for future leadership in our country;

Whereas a National Day of Encouragement would serve as a reminder to counterbalance and overcome negative influences, and would also provide much-needed encouragement and support to others;

Whereas following the events of September 11, 2001, thousands of people of the United States made sacrifices in order to bring help and healing to the victims and their families, inspiring and encouraging the Nation; and

Whereas the renewed feelings of unity, hope, selflessness, and encouragement that began on September 12, 2001, are the same feelings that the National Day of Encouragement is meant to recapture and spread: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 12, 2010, as "National Day of Encouragement";

(2) acknowledges the importance of encouragement and positive influences in the lives of all people; and

(3) urges the people of the United States to encourage others, whether it be through an

act of service, a thoughtful letter, or words of kindness and inspiration, and to thereby boost the morale of all.

ORDERS FOR WEDNESDAY,
SEPTEMBER 15, 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 15; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks there be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time

equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of H.R. 5297, the small business jobs bill, postcloture, and that time during any period of morning business, recess or adjournment count postcloture; and, finally, I ask the Senate recess from 2:45 until 3:30 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Mr. President, the Senate will recess tomorrow in order to accommodate Senators attending the September 11 Congress-

sional Remembrance Ceremony on the east front center steps of the Capitol.

Tomorrow, we will continue to work on an agreement that will allow us to complete business on the small business jobs bill. Senators will be notified when any agreement is reached and votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 6:49 p.m., adjourned until Wednesday, September 15, 2010, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, September 14, 2010

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Ms. RICHARDSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 14, 2010.

I hereby appoint the Honorable LAURA RICHARDSON to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

All powerful and ever-living God, in creating us and fashioning this Nation, You call us to act responsibly as Your people to meet the challenges placed before us.

By always being attentive to Your Word and attuned to the inspirations of Your Spirit, we stand strong in faith and in freedom, bringing newfound hope to a cynical generation.

Give us continual health of mind and body that together we may prove to be Your instrument to establish law-abiding justice across the land and seek Your gift of unifying peace both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following commu-

nication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 12, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 12, 2010 at 10:37 p.m.:

That the Senate passed without amendment H.R. 6080.

Appointments:

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 12, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 12, 2010 at 12:04 p.m.:

That the Senate agreed to S. Res. 617.

Appointments:

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 14, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 14, 2010 at 9:21 a.m.:

That the Senate agreed to without amendment H. Con. Res. 292.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Tuesday, August 10, 2010:

H.R. 1586, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes;

and by Speaker pro tempore HOYER on Thursday, August 12, 2010:

H.R. 6080, making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes.

EXTEND TAX CUTS FOR SMALL BUSINESSES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, over the past month, I have visited dozens of small businesses across South Carolina, and I have met with concerned citizens, all of whom expressed the need for more tax relief, not tax increases.

For 16 straight months, America's unemployment rate has been above 9 percent with nearly 20 million people without jobs. This is clearly a time of urgency, and the last thing hard-working families and small business owners need are more crippling tax hikes. The nonpartisan Joint Committee on Taxation confirms that the upcoming tax hike will raise taxes on 50 percent of small business income in America.

The math is simple: More taxes equal fewer jobs. Congress must act to prevent the job-killing taxes that are headed for American families and provide policies that give American families incentives to invest and create jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

GRANDSON OF STIMULUS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, there is a new horror movie sequel here in Washington, DC. It's called the

Grandson of Stimulus, and it's really scary.

First, we had the \$700 billion Stimulus I. That was a year and a half ago. It was supposed to be spent on roads and bridges and infrastructure, but according to the New York Post, Stimulus I turned into an \$800 billion bottle of snake oil, and it cost \$100 billion more than the entire Iraqi war. In July, we had Son of Stimulus, the Sequel. It cost the taxpayers another \$30 billion. It was a bailout for failed State governments. Now they're proposing Stimulus III: Grandson of Stimulus. It's another \$50 billion in so-called stimulus spending. They say it's for roads and bridges and infrastructure again.

Maybe Congress should quit spending money we don't have and let Americans keep more of their own money. That would help get the country out of the poorhouse. Let the taxpayers keep their own money.

And that's just the way it is.

THE DEMOCRATS' FAILED POLICIES

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, well, here we are 20 months into the 111th Congress and in the homestretch of our legislative year—and what have we seen?

We saw a \$1 trillion takeover of America's health care system. That means higher costs for virtually every American and no guarantee of any improvement in quality; a \$1 trillion stimulus bill that did not keep unemployment numbers from going through the roof; a financial bill that did nothing to address the main cause of the Nation's economic downturn—Fannie Mae and Freddie Mac—but made it easier for big banks to be bailed out by the Federal Government. As for cap and trade, in the President's own words: This is going to make energy prices "necessarily skyrocket." Then, on January 1, 2011, there will be the biggest tax increase in the history of the United States.

Madam Speaker, I support repealing the health care reform bill, using unspent stimulus funds to pay down the deficit, and in reforming Fannie and Freddie so that taxpayers won't have to continue to bail them out. I oppose cap and trade, and I believe all of the tax cuts for American families and businesses should be extended so that the current tax rates remain.

The Democrats' policies have clearly failed. Republicans have alternatives. It's time for this House to listen.

RECOVERY AND REINVESTMENT ACT

(Mr. CONNOLLY of Virginia asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Madam Speaker, of course what we've just heard is nonsense. If my friends on the other side of the aisle had had their way in the worst economic recession in 80 years, which was on their watch, they would have done nothing.

As a matter of fact, a Republican economist, Mark Zandi, said, but for the Recovery and Reinvestment Act, we would have gone into a great depression.

And that's just the way it is.

UNEMPLOYMENT AND TAX INCREASES

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Madam Speaker, our Nation's unemployment continues to hover near 10 percent, and 15 million Americans are looking for jobs. That's 7 million more than when the current majority took over.

We've seen the results of these failed economic and fiscal policies—deficits, debt and an economy which continues to struggle. In fact, unemployment has been above 9 percent for 16 consecutive months. But instead of putting forth a bipartisan plan to spur job creation, Washington Democrats seem to be doing the exact opposite. In just a few months, they may allow the largest tax increase in history on American families and small businesses.

We won't solve our fiscal challenges until we cut spending, stop the growth of government and extend tax relief. It's simple: Businesses do not hire when their taxes go up. I urge my colleagues to join me against any tax increases on working families, small businesses, farmers, and ranchers.

□ 1410

PASSING OF PAUL CONRAD

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Madam Speaker, I rise with sadness to note the passing of one of our Nation's preeminent cartoonists, Paul Conrad. Paul, who resided with his wife, Kay, in Palos Verdes, California—formerly a part of my district—was a friend and a political genius.

I was first elected to Congress in 1992, the so-called "Year of the Woman." In that year, California elected two women Senators, and the number of women Members in the House doubled. Paul's cartoon was perfect, an outline of the State of California with a high heel down the left side.

His career spanned more than 50 years and 11 Presidents. He was in-

tensely proud of being on President Nixon's so-called "enemies list." Reportedly, that meant more to him than the Pulitzers he was awarded. President Gerald Ford reportedly said, "Laugh and the whole world laughs with you. Cry, and you've been the subject of a Paul Conrad cartoon."

Born in 1924 in Iowa, a college dropout, Conrad's career began in Denver, where he won his first Pulitzer, but really took off when he moved to Los Angeles and sent shock waves through the then-staid Los Angeles Times, his home thereafter. Said L.A. Times editor Russ Stanton, "Paul Conrad was simply the best ever." Right on.

RECOGNIZING AMBASSADOR SUE COBB FOR RECEIVING "ORDER OF JAMAICA"

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise today to honor and recognize a very distinguished Coral Gables resident, Ambassador Sue Cobb, on being a recent recipient of the Order of Jamaica.

A fellow University of Miami graduate, Ambassador Cobb is the first U.S. woman to receive this distinction, one of Jamaica's highest awards. It recognizes her service as our United States Ambassador for the years 2001 to 2005, as well as her continuing efforts to promote Jamaica's interests and support its development. She continues her service to this island nation as president of American Friends of Jamaica. This organization is helping to bring greater prosperity and educational opportunities to the people of Jamaica.

Sue, this well-deserved award is a testament to your strength of character and to your determination, and we in South Florida are indeed fortunate to call you our neighbor. Congratulations to Sue Cobb.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

COMMEMORATING SEPTEMBER 11

Mr. CONNOLLY of Virginia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1610) expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1610

Whereas on the morning of September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City and a third into the Pentagon outside of Washington, D.C.;

Whereas the passengers and crew aboard the fourth civilian aircraft, United Airlines Flight 93, acted heroically to prevent the terrorist hijackers from taking additional American lives, by crashing the plane in Shanksville, Pennsylvania, and sacrificing their own lives instead;

Whereas thousands of innocent men, women, and children were brutally murdered in the attacks of September 11, 2001;

Whereas nine years later, the United States continues to mourn the lives lost on September 11, 2001;

Whereas by targeting symbols of American strength and prosperity, the attacks were intended to assail the principles and values of the American people and to intimidate the Nation and its allies;

Whereas the United States remains steadfast in its determination to defeat, disrupt, and destroy terrorist organizations and seeks to harness all elements of national power, including its military, economic, and diplomatic resources, to do so;

Whereas Congress has passed, and the President has signed, numerous laws to protect the Nation, prevent terrorism at home and abroad, assist victims of terrorism, and support, in the field and upon return, the members of the Armed Forces who courageously defend the United States;

Whereas the terrorist attacks that have occurred around the world since September 11, 2001, serve as reminders that the hateful inhumanity of terrorism poses a common threat to the free world, to people everywhere, and to democratic values;

Whereas the United States has worked cooperatively with the nations of the free world to capture terrorists and bring them to justice;

Whereas the United States remains committed to building strong and productive counterterrorism alliances;

Whereas immediately following September 11, 2001, the Armed Forces moved swiftly against al-Qaeda and the Taliban, which the President and Congress had identified as enemies of the United States;

Whereas in doing so, brave members of the Armed Forces left loved ones in order to defend the Nation and, in some cases, sustained serious injuries or made the ultimate sacrifice by giving their lives; and

Whereas many members of the Armed Forces remain abroad, defending the Nation from further terrorist attacks and continuing to battle al-Qaeda and the Taliban: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes September 11 as a day to mourn and remember those taken from their loved ones and fellow citizens, and as a day for the people of the United States to recommit to the Nation and to each other;

(2) once again extends its deepest sympathies to the friends, families, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service and sacrifices of first responders, law enforcement per-

sonnel, State and local officials, volunteers, and others who aided the victims and, in so doing, bravely risked and often sacrificed their own lives and health;

(4) expresses gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the attacks;

(5) recognizes the heroic service of United States personnel, including members of the Armed Forces, intelligence agencies, the diplomatic service, the law enforcement and homeland security communities, and their families, who have sacrificed much, including their lives and health, to defend their country against terrorists;

(6) vows that it will continue to defend the people of the United States and to identify, intercept, and defeat terrorists, including providing the Armed Forces, intelligence agencies, the diplomatic service, and the law enforcement and homeland security communities with the resources and support necessary to effectively accomplish this mission; and

(7) reaffirms that the American people will never forget the sacrifices made on and since September 11, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. CONNOLLY) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. CONNOLLY of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CONNOLLY of Virginia. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

Madam Speaker, this bipartisan resolution pays tribute to the lives lost on September 11, 2001, and recognizes the anniversary as not only a time of solemn commemoration, but also a demonstration of America's great resolve in combating terrorism.

Memorials like those at the Pentagon in northern Virginia and the Grove Garden in Fairfax County have been constructed throughout the region and the Nation to commemorate the events of 9/11. It is one of the many ways in which we continue to pay tribute to the people who perished on that fateful day.

This House resolution extends our enduring and deepest condolences to the friends, families, and loved ones of the innocent victims of the terrorist attacks and recognizes the heroism of U.S. service men and women who defend our country today. It honors the Nation's first responders and others whose valiant efforts did credit to their country on that terrible day and who continue to help keep us safe. It ex-

presses gratitude to the leaders and citizens of other countries who assisted, supported and stood by the United States in the aftermath of those attacks.

Clearly, the threat of terrorism is still very real, but one of the lasting legacies of 9/11 has been the notion of being prepared for any type of emergency, whether it is a widespread event like a terrorist attack, a natural disaster, an epidemic, or even an individualized event, like a fire, car crash or power outage.

The events of 9/11 tested our abilities beyond our imagination, and a number of trying experiences since then have further honed our skills. In America's modern and fragmented society, collective memories are few, but each of us remembers where we were precisely on that fateful day when we heard the news.

This is a time when we must transcend partisan politics and stand together as one Nation to recall a moment when terrorists targeted the very symbols of America's strength.

Our values and our very foundation were under attack, and yet we persevered. And we will carry on the fight against extremists who seek to do us harm.

In this battle, the global realities of the 21st century require that we use not only our military, but all of the tools available to us—economic, financial, diplomatic, and cultural resources—to promote a better alternative to extremism and to protect our national interests and our national security.

Madam Speaker, none of us will forget what happened 9 years ago. We will always remember the victims of 9/11 and the loved ones who survived them. We will always honor the first responders who gave their lives that day, and those in uniform at home and abroad who risk their lives even now and every day to defend America. We will continue to promote our founding principles of freedom and equality and ensure that the lives lost in pursuit of our ideals are never forgotten.

Madam Speaker, I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself such time as I may consume.

This resolution marks the ninth anniversary of the unprovoked attack on our Nation by individuals without conscience and on behalf of masters without mercy.

Those who witnessed the events of September 11 will always remember the inconceivable images and seemingly impossible events that unfolded before our own eyes. But however painful our own memories may be, they cannot compare with the suffering of the innocents who bore the horror directly, nor with those of their families and friends whose lives were torn apart without any warning.

Our purpose here is to honor and remember the victims and the many heroes of that endless day, September 11, 2001. We honor the thousands of innocent men, women and children who were targeted and murdered simply because they were Americans or because they embraced the concept of freedom and democracy. We honor those who, instead of being immobilized by fear, immediately began to search for and rescue survivors at great risk to themselves, many of whom lost their lives in their efforts to save many others.

We honor those in our military who have fought our enemies in distant lands and have borne heavy burdens to prevent them from striking us yet again. And even as I speak, men and women of our Armed Forces are fighting for us and for our country far from their homes in far-off lands. And it has affected many people, even here in Washington, D.C. and in the Congress and our staff. My own chief of staff has two sons that have served in Iraq and Afghanistan in the Marine Corps, and there are many others as we speak today.

On September 11, we were forced to realize that what we had experienced was not really an isolated blow but instead only the latest assault in a war that radical Islamist militants had been waging against the United States for years.

We had already suffered many casualties over the preceding decades, but had not understood that these were in fact from a series of battles in an escalating war against the United States and a war against freedom. These include the taking of our embassy in Iran and the holding of American hostages for 444 days; the destruction of our embassy and marine barracks in Lebanon in the 1980s; the first World Trade Center bombing in 1993; the attacks on the Khobar Towers in Saudi Arabia in 1996; and the attacks on the U.S.S. *Cole* and our embassies in Kenya and Tanzania also in the 1990s.

And at this very moment, our enemies are preparing to strike us again and with the same intent of slaughtering as many innocent people as they possibly can.

We cannot protect ourselves by hoping that somehow we will be spared new attacks, for these are certain to come unless we take action to prevent them. And we have done so.

Over the past 9 years, we have come to know our enemies, their plans, and their methods.

□ 1420

We are daily engaged and seeking them out, finding them in their hiding places and in their holes, uncovering their networks and eliminating their ability to harm us again. But our enemies have many allies and have sunk deep roots, roots that will not be easily destroyed. Victory will not be achieved

in one decisive battle but through a sustained commitment that will stretch over many years. It will be fought in many different ways using the range of U.S. resources and capabilities and fought in many other places.

Some may shrink from that prospect; but, if we are to prevail over this enemy that is relentless in its hatred for us, our commitment to our Nation and the principles that we stand for, we must not only match but exceed their determination, the determination of our adversaries.

This is not really a war of choice but one that has been forced upon us by men whose dark vision of the world cannot be realized without first destroying America and our freedoms. Repeatedly throughout its history our country has been challenged by forces that at times seemed impossible to overcome. But however dark the unknowns we faced and however great our fears, we never shrank from our duty as a Nation, and we have always prevailed with the good Lord's help.

And on this day, let us remember those that we have lost, the many heroes with which we have been blessed, and those with whom our safety depends, and let us remember that they gave their lives for our country. And we should do our duty as all generations that have preceded us have done. And God bless this country now and always.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Madam Speaker, I am pleased to yield 1 minute to the distinguished majority leader of the House of Representatives.

Mr. HOYER. I thank the gentleman for yielding.

9/11 will remain a day of infamy, as December 7, 1941, lives. It will also live as a day that we will always remember, lament the loss of life, and rededicate ourselves to the defense of freedom.

As we did 9 years ago, today we stand united, one people—united in memory of the dead of September 11; united in awe at the heroic sacrifices that graced that dark day and so many since; and united in resolve to defend our Nation, its ideals, that animated spirit, defend its people, defend its shores.

September 11 was a day of grief, of shock, and of fear. But as we reflect back on the terror of that day, these things are within our power: to keep alive the names and memories of the dead—they were read in New York, in Virginia at the Pentagon, and in Pennsylvania—to reclaim the unity of a day on which neighbor reached out to neighbor and our divisions were submersed; and to rededicate ourselves to the ideals that, no less than buildings, were the targets of the attack. Ideals were under attack, like freedom, freedom of conscience; rule of law; and, yes, religious tolerance.

For those reasons, I am proud to introduce, along with the Republican

leader, Mr. BOEHNER, this resolution commemorating the attack on America—its institutions, its values, its people.

For many, the shock of that day perhaps has faded. For some, however, especially those who loved and lost one of the 3,000, the grief is still fresh. But for all of us, the memory of September 11 is one we will carry with us, as I have said, as long as we live. It is a memory compounded of mourning for the victims, deep sympathy for those who held them dear; and profound pride for the first responders, firefighters, and police officers, and, yes, average citizens who came to the help of those in need. They served and they sacrificed—some their health, some their lives.

Terrorism is intended, of course, to provoke the worst in those it targets, but on that day their service showed America at its very best. So we remember. We remember in honor the 343 firefighters, 37 Port Authority officers, and 23 police officers who lost their lives along, of course, with the passengers on Flight 93.

How proud we can be of those passengers who learned what was happening, unlike most of us, unlike the people in the towers, unlike the people in the Pentagon. The brave Americans on Flight 93 knew what was happening, and they acted, and they gave their lives to save others who would have otherwise been targeted. And, yes, perhaps they saved this symbol of democracy. Many of us believe that is where Flight 93 was headed—to decapitate this Capitol. A building, yes, but a powerful symbol of the values of this country that are not just this country's but universal in scope.

We also honor those troops who have served far from home. They too have shown America at its best; not only those who have lost their lives in our country's service in Afghanistan and Iraq, but all those who have served and are serving, as we speak, in harm's way, at the point of the spear, to make sure that any fanatics, whether they base their fanaticism on a faith or they base it on hate and prejudice, we will confront them. We will defeat them. We will protect our country. We will protect our people, and we will preserve our ideals. With their families, we pray for their safe return.

Not all of us can offer sacrifices so profound, but it does not have to be a day of crisis to join with our neighbors in service to our communities. It can be this day. Indeed, it can be every day.

As we commemorate the gravest attack in American history, we also renew our resolve in the face of those who still intend us harm. This is a day to remember our commitment to defend America from whatever threats that confront us and to use all of our military force, all of our diplomatic skill, and all of the power of our moral example to keep America safe.

Like the Cold War before it, this is a struggle not just of arms but of ideologies. And every demonstration that America is a fearless society, a Nation of law, and a home for every faith is a victory over the fanatics who attacked us or who might attack us. That is our resolve—not as Democrats or Republicans, not as Members of Congress, but as Americans who have pledged ourselves to defend the Constitution of the United States, the laws thereof, and, yes, its principles and ideals. This will be expressed in a vote in this House today. But in the courage of our troops, the watchfulness of our intelligence, and the power of free American citizens to live out the meaning of our ideals every day, that will be the testament of our victory and the display of our resolve.

I rise in strong support of this resolution and in memory of those whose lives were taken by fanatics targeting not those individuals, *per se*, but targeting that in which they believed.

□ 1430

Mr. POE of Texas. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), the ranking member of the Appropriations Subcommittee on Energy and Water Development.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Madam Speaker, I rise in strong support of this resolution, and I commend Leader HOYER and Leader BOEHNER for their leadership in presenting it to the House, as I fear that time and events have dulled some memories. It was 9 years ago this past Saturday that our Nation changed forever, as violent international extremists struck in the streets of Lower Manhattan, the fields of Pennsylvania, and at the Pentagon. But we also saw good rise in the face of evil, and heroes rise in the face of danger.

In Lower Manhattan, many of our brave first responders knew the risks they were taking, but they were determined to do their job. Police officers and EMS personnel calmly escorted workers out of burning buildings as firefighters raced up stairwells to rescue those trapped high above.

When the day was over, and as we learned more about the tragic, and yes, murderous attacks and loss of nearly 3,000 Americans, including 700 New Jerseyans, we witnessed neighbors and friends consoling one another and watched as Americans from all walks of life stood united, side by side waving the Stars and Stripes, and lighting candles to honor those missing or lost.

As America rebounded, we responded to these acts of terrorism with the skill and spirit of our military and our intelligence community. The war we continue to fight abroad today began before September 11, 2001. It began without provocation and without warn-

ing. It was not a war of our choosing but rather was made our priority. It was the slaughter of innocents by people with a twisted sense of religion who play by no rules.

So many of our heroes currently fighting terrorism across the globe put their lives on hold on September 11, 2001, to join the National Guard and Reserve, serve our country, and defend our freedom. They serve side by side as we speak with the active duty military, all volunteers, all dedicated, all courageous, all Americans. We see the character and resolve of America in these brave young men and women. And we are grateful for their service and sacrifice, and that of their families, each and every day. They truly are doing the work of freedom and deserve our support and prayers.

May God bless those who continue to defend our freedom, and may God continue to bless America.

Mr. POE of Texas. Madam Speaker, in closing, everyone that was alive on September 11 remembers that day and what they were doing. It's like those of us that were alive when President Kennedy was assassinated. We remember that day, we remember what we were doing. And the old timers, they remember Pearl Harbor and what they were doing on December 7, 1941. It is a day that the country, that the people, that the Nation should always remember because it involved real people losing their lives because of the concepts that we have in this Nation of freedom and liberty, something that is worth preserving.

It's important that we remember the 3,000 individuals that died that day. But Madam Speaker, it's equally important that we remember those that got to live. Because when those Twin Towers were set aflame, those volunteers, those firefighters, those emergency medical folks and those police officers, they rushed as hard as they could to get to that terror from the sky. And because they did so, many got to live for another day. And there are countless stories like that that occurred on September 11, how Americans reacted remarkably and with bravery.

Another example. This morning I was at Arlington Cemetery with my daughter Kellee and her husband, Anthony Shoemaker, and we were at the Tomb of the Unknowns. And many Americans may not know, but the Tomb of the Unknowns is very close to the Pentagon. You can almost see it through the trees. And those soldiers, the Old Guard as they are called, that protect the Tomb of the Unknowns, they already knew about the two planes that had crashed into the World Trade Centers North and South.

And when that third plane came roaring across the skyline of Washington, D.C., headed straight for the Pentagon, just a few hundred yards

from the Tomb of the Unknowns, those soldiers guarding the tomb never left their post. They stayed. In fact, they called for reinforcements. Yet another example of what Americans do when we are attacked.

And so we should remember those that died, those that got to live, and those that continue to fight for our freedoms today in places all over the world in the name of liberty and freedom.

And that's just the way it is.

I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Madam Speaker, like many Members in this House, in the last week I attended numerous memorials, remembrances of the tragedy of 9/11. It's particularly poignant to northern Virginia because the other attack that day was at the Pentagon, which is in Arlington, Virginia.

At that time I was a local supervisor on the board of supervisors in Fairfax County, and my office was co-located at Fire Station 30 in Merrifield. And I remember firefighters in my station, men and women, backing up the Arlington Fire Department in trying to put out the fire and save lives at the Pentagon that day in the second-worst terrorist attack in American history, only sadly eclipsed by the loss of life at the World Trade Center itself. And I heard the stories and I saw the heroism firsthand, and it is something I certainly will never forget.

Let me just say to the friends and families of those who were lost that day and to those who would wish us harm: America will never forget, and America will never yield.

Mr. KING of New York. Madam Speaker, today I rise in support of House Resolution 1610 to commemorate the ninth anniversary of the September 11th terrorist attacks and remember the nearly 3,000 innocent victims killed that day in New York City, at the Pentagon, and in Shanksville, Pennsylvania.

As we give thanks for the first responders who heroically rushed to these sites to rescue victims, our Federal government must properly support them. Tragically, many of these first responders—fire fighters, police officers, and other emergency workers—are dying from days and weeks of exposure to Ground Zero toxins and are in desperate need of medical care. I urge all Members to join me in supporting the James Zadroga 9/11 Health and Compensation Act (H.R. 847) when it is considered by the House next week.

We must also thank the men and women of our armed forces, law enforcement officers, and members of the Intelligence Community who have saved innumerable American lives through their tireless efforts during the past nine years. As we celebrate their efforts, we must remain vigilant. Radical Islamic jihadists, who have pledged allegiance to al-Qaeda and other terror networks, continue to target our Nation. Since last year's 9/11 anniversary, terrorists have continued in their quest to attack our homeland and kill more innocent Americans. In the past year alone, we have seen attacks at Fort Hood, in Times Square, and

aboard Northwest Flight 253, as well as plots to blow up the New York City subway system and Federal buildings in Dallas, Texas and Springfield, Illinois.

As our citizens remain vigilant, our Federal government must remain diligent. Congress and the Obama Administration must work together in a cooperative and constructive manner to ensure that our military, Intelligence Community, and state and local law enforcement have the resources to detect and defeat the terrorists who seek to do us harm.

I urge my colleagues to support this important resolution, and never to forget the catastrophic events and lives lost on that tragic day in our Nation's history.

Mr. KUCINICH. Madam Speaker, I rise to address H. Res. 1610 a resolution to express remembrance of the victims of, and sorrow for, the devastating effects the terrorist attacks of September 11, 2001 had on our Nation. I mourn in remembrance of innocent lives lost. And I mourn in recognition that our response to the attacks has only led to more suffering, countless innocent lives lost abroad and an increasingly divided Nation here at home.

This resolution expresses that the House of Representatives "will continue to defend the people of the United States and to identify, intercept, and defeat terrorists, including providing the Armed Forces, intelligence agencies, the diplomatic service, and the law enforcement and homeland security communities with the resources and support necessary to effectively accomplish this mission." But the actions of the U.S. that have been taken in the name of achieving this mission have not brought us "mission accomplished."

As Pentagon and administration officials continue to tout the supposed end of the war in Iraq, there is no mention of the continued systematic use of the 9/11 attacks to justify sending our armed forces to invade and occupy a country that did not attack us. Almost 8 years later, over 4,200 U.S. soldiers and 1 million Iraqi civilians have been killed.

How can we claim to remember the victims of 9/11 in good faith after we stood silent as billions of dollars were poured into a war based on lies? Congress continued its support of the war despite overwhelming evidence that the leaders or people of Iraq had nothing to do with 9/11. In the shadow of the policies pursued under the so-called "War on Terror," our country remains more divided, more fearful and less trustful than ever. Perhaps even more troubling and more detrimental to our national security is the long-term damage our policies have had on our image in the international community. And in July of this year, the House of Representatives failed the victims of 9/11 yet again when it rejected legislation to provide health care for the first responders who rescued survivors of the attacks and who endure daily reminders of the attacks in the form of their failing health.

The wars in Iraq and Afghanistan (now the longest war in U.S. history) serve as a daily reminder of the destructive path we have taken. We continue to dedicate billions of dollars to prop up a hopelessly corrupt and morally bankrupt central government in Afghanistan as the people of that country suffer with little education, access to clean water, health care and the ability to live a normal life. Here

at home, our increasingly polarized communities bear the brunt of our missteps through record high unemployment rates, a continuing foreclosure crisis and crumbling infrastructure.

How long can the policies we continue to pursue be justified in the name of the victims of 9/11? I oppose the wars in Iraq and Afghanistan, and the PATRIOT Act because I believe in the transformative power of truth and reconciliation. Almost ten years after 9/11, it is past time to pursue a new path forward. Our country is in peril, but our resolve to progress in a positive direction must not be. We do not need to export democracy around the world to keep our country safe; we need to demonstrate that America is a place where democracy is safe.

Mr. BOEHNER. Madam Speaker, the events of recent weeks have reminded us how central the September 11th attacks remain to our national consciousness. The shock and grief we felt that Tuesday still echo in our hearts, still reverberate in our minds.

America stands tall as a beacon of freedom and tolerance because her people have risen to the occasion each time these values have been tested. It is with that in mind that we turn our thoughts today to the police, firefighters, and first responders who ran into burning buildings so others could get out. We renew our awe for the passengers who dug in rather than give up and charged the cockpit of Flight 93. We remember how Americans from all walks donated blood, gathered at candlelight vigils, and organized care packages for relief workers. The resilience that propels us forward as a people is drawn from the courage of our heroes and the compassion of our citizens.

Each year on this day, we have the opportunity and the solemn responsibility to honor the heroes and victims, and to keep faith with their loved ones. Though these thoughts and prayers, we can heal, and we can steel ourselves to repeat the words 'never again'.

Over the last year, we have seen in the most immediate way how terrorists still have innocent Americans in their sights, starting with a plot to blow up the New York City subway system, and continuing with the attacks at Fort Hood, Times Square, and on board Northwest Flight 253. Each of these attacks represented new strands of terrorism, new signs of an enemy ready and willing to adapt. Now more than ever, as citizens and patriots, we must remain vigilant in our efforts to confront and defeat the terrorist threat. That is why we should also take a moment today to salute the endurance, discipline, and valor of our troops, who have volunteered to take the fight to the enemy and keep the light of freedom burning bright.

Mr. GINGREY of Georgia. Madam Speaker, I rise today in strong support of H. Res. 1610, remembering and honoring those who lost their lives in the terrorist attacks of September 11, 2001.

It has been nine years since our Nation was forever changed by the horrific events that took place on September 11, 2001. The terrorist attacks that occurred at the World Trade Center, the Pentagon, and on Flight 93 perpetrated one of the darkest moments in our country's history. That is why it is so important that we come together on this day to again

memorialize those who perished on that fateful late summer day in 2001.

Madam Speaker, September 11th showed us the very worst of humanity. That day revealed the capabilities of terrorists determined to murder thousands of innocent people in the United States, simply for practicing democracy and enjoying freedom. It gave us a frightening look at the kind of enemy our country faces in the 21st Century.

Yet, in the midst of that tragic and horrible day, we saw the very best of what Americans have to offer. We saw the courage, sacrifice, and virtue displayed by our first responders, including police, firefighters, and heroic individuals who were traveling on commercial airliners. Regardless of the potential harm they faced, these brave individuals sacrificed themselves so that others may survive the destruction of the terrorist attacks.

Madam Speaker, equally as important as the sacrifices made by those who perished in the attacks of September 11th, we must also use this day to celebrate the service of those in the military, and mourn those who have sacrificed their lives overseas in the defense of our nation. These brave and selfless individuals have helped keep our great country secure in the Global War on Terror and have embodied the very spirit that President George W. Bush stated to a Joint Session of Congress on September 20, 2001. He said, "We will not tire, we will not falter, and we will not fail."

Our men and women in uniform face an adversary determined to destroy our way of life, and this enemy presents us with one of the gravest challenges in our Nation's history. Each day that they wake up to defend the very freedom we enjoy, they honor the very essence of the American spirit and labor steadfastly to bring freedom and liberty for all. They work tirelessly in the defense of our country, and they deserve nothing but our eternal gratitude.

Therefore, Madam Speaker, it is appropriate that nine years after September 11, 2001, we continue to come together to mourn and memorialize all of our fallen country men and women for making the ultimate sacrifice for us. Year in and year out, we must honor the solemn promise made to the victims and their families of this tragedy—we will never forget.

Our presence here today signifies the sobering realities about our world that accompany the horrors that occurred on September 11th. The memories of that day touch us all in some way, and as our Nation continues to heal—even nine years later—we need to take time each year to remember what tragically occurred in New York City, Arlington, Virginia, and Somerset County, Pennsylvania. It is critically important that we take this time each year to mourn and honor the legacy of our heroes of September 11th.

Mr. ADLER of New Jersey. Madam Speaker, September 11th, 2001 remains a day of both indescribable tragedy and awe-inspiring heroism in our Nation's history. As we mourn for the victims of the terrorist attacks that day, we also reflect upon the heroism displayed by so many.

No one will ever forget the courage seen on 9/11; courage seen in the actions of firefighters and police officers, such as SFC Ricardo Esteves of the New Jersey State Police

who is here today, Pentagon employees, and everyday citizens; courage seen by the choices these heroes made—to rush to the aid of others, to enter into burning buildings, to resist the hijackers of Flight 93. The bravery displayed on that fateful day will forever be remembered in our Nation's history. Future generations of Americans, committed to the promise of a better world, united by the sacrifices of previous generations, will remember the heroes of September 11th.

Since that tragic day, we have witnessed the very best our Nation has to offer in the men and women who serve in our Nation's military. Our troops have demonstrated, time and again, in countless missions around the world, their devotion, dedication, and perseverance in the face of adversity. All of us are immensely proud of them as they exemplify our highest examples of courage and commitment.

Nine years ago, America was thrust into conflict; yet, we have come through this ordeal more determined and stronger than ever as a Nation—just as we have always done in times of great trials and catastrophes.

Mr. QUIGLEY. Madam Speaker, I rise today in support of House Resolution 1610 and to mark the ninth anniversary of the tragic events of September 11, 2001. Like Pearl Harbor, and the assassination of President Kennedy, the attacks of 9/11 are seared into the American consciousness. While the attacks shook Americans across the country, the pain and grief of those who lost loved ones in New York, Virginia, and Pennsylvania remains unimaginable.

Today, we pause to remember the victims of that Tuesday morning, including the firefighters, police officers, and so many others who showed great courage and heroism to save countless lives. A grateful nation offers its complete gratitude for their sacrifice.

We also remember the outpouring of good will and generosity that flooded from around the country, with millions of Americans in all states offering donations, volunteer work, support, and prayers.

While we mark this anniversary with mourning and remembrance, as we must, let us also take this chance to remember the great spirit of America, which on that day rose to prove to all the world that in the darkest of days, our fundamental kindness and hope still shine through.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of H. Res 1610—a resolution expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on Sept. 11, 2001. The legacy of the events of September 11, 2001 still resonates today. We will never forget the harrowing experience of the loss of more than 3,000 lives that marked this national tragedy. We will never forget the events of that day, nor those who paid the ultimate price. We will forever remember how the country suffered profound sadness, the likes of which we as a nation hope to never experience again.

Madam Speaker, I recall vividly the intense emotions evoked as the attacks unfolded. The nation watched in horror as two airliners crashed into the Twin Towers and brought down the World Trade Center. That horror in-

tensified as we witnessed an attack on the Pentagon, and a crashed airplane in Pennsylvania. Horror turned to anger as it came to light that the attacks were the actions of hate-filled cowards who had no respect for human life. I remember too, that in the aftermath of these senseless attacks, we came together as a nation and with friends from around the world united in grief and sadness. That moment transformed our country and the world, as the resolve of our nation strengthened and our principles hardened.

We remember the heroes from that day; those who ran into the danger, sacrificing themselves to save strangers. They were the brave firefighters, police officers, and civil servants who died in the service of protecting others. We remember the heroes from United Flight 93 who overpowered the terrorists and gave their own lives to prevent the deaths of countless others. We hope that their families can take some small measure of comfort knowing that Americans have made a permanent place for those heroes in our hearts.

In Houston, we mourned the loss of two of our own: Naval Petty Officer 3rd Class Daniel Martin Caballero and Army Lieutenant Colonel Karen Wagner. Twenty-one-year-old Petty Officer Caballero was an electronics technician who had a bright life ahead of him. Forty-year-old Lt. Col. Wagner had a distinguished career as a medical personnel officer in the office of the Army surgeon general. Both lives were taken when United Flight 77 was steered into the Pentagon.

Madam Speaker, I ask that we also pay tribute today to those who have fought the wars borne from September 11th. In the years since that tragic day, our country has fought ardently to eliminate the enemies who would work to perpetuate the culture of fear and violence borne from 9/11.

In Afghanistan and Iraq, our Armed Forces demonstrate that a resolved and determined America will always prevail. The men and women of the U.S. military prove daily that their commitment to protecting and defending our country is steadfast. Let us remember those who fought and died while serving the country, let us honor those who continue to fight, and let us pledge our unending support for our soldiers and their families.

As Chairwoman of the Homeland Security Transportation Security and Infrastructure Protection Subcommittee and a Senior Member of the Foreign Affairs and Judiciary Committees, I believe that we must continue to honor the fallen by working to prevent needless deaths. In the years since September 11, 2001, Congress has worked hard to make sure that such a tragedy will never happen again. In large part, we have taken heed of the advice of the 9/11 Commission and built a strong system to prevent future attacks.

Madam Speaker, I rise before this body to say that our work is not yet done. Domestic terrorism is alive. Last year we witnessed both the Time Square and the Christmas Day failed terrorist attempt at Detroit-bound Flight 253. We must not let another tragedy occur.

Preventing terrorism at home begins with addressing terrorism abroad. We must engage nations that are susceptible to the influence of extremists and arm them with the tools to fight radicalism. That means not only providing

weapons of war but also increasing education, improving living conditions, and increasing the capacity to govern. The struggle against terrorism will be won in the hearts and minds of people around the world.

Madam Speaker, I urge all members to join me in supporting H. Res. 1610. Let us remember this day and the tragedy that befell the nation by properly honoring the victims with our renewed commitment to America's security.

Mr. CROWLEY. Madam Speaker, I rise today in support of H. Res. 1610 a measure honoring those who perished in the terrorist attacks of September 11th, 2001. I would like to thank the leadership from both sides of the aisle for their efforts in bringing this resolution to the floor, and I support its swift passage.

By coming together today we show that, despite some of our differences, our entire nation is committed to defending the American people and honoring the memory of those who lost their lives to senseless violence nine years ago.

First and foremost, this effort is about remembering and respecting those who lost their lives on September 11th. Their presence can never be replaced, and their absence remains with all of us.

I have met many of the families who lost loved ones in the terror attacks, and I share their pain having lost a cousin and many friends myself that day. I know that the pain of that day does not simply disappear with the passage of time. Today, we not only offer our enduring respect to those who died we honor their friends and families who carry on with their lives.

We must never forget that the attack by Al-Qaeda on the World Trade Center and the Pentagon were not just an attack on those inside the buildings. They were attacks on the United States of America. The terrorists believed that September 11th would weaken Americans, our values and our way of life. They were wrong. We will not rest until justice is served to those who attacked and murdered innocent American civilians.

Mr. PASCRELL. Madam Speaker, it is difficult to believe that it has been 9 years to the day when our Nation was attacked by foreign terrorists who claimed the lives of 2,977 Americans including 411 of our Nation's bravest first responders.

As a Member of the Homeland Security Committee I am proud of the steps we have taken since that fateful day to make the American people safer, but our work is far from complete and this is a mission we, as public servants, can never stop striving to achieve.

I am also proud that this Congress passed the aptly-named Edward M. Kennedy Serve America Act which designates September 11 as a National Day of Service and Remembrance.

On September 11 more so than any other day of the year we should come together as Americans and find new ways to serve our Nation.

For it was on September 11 that so many Americans unexpectedly found themselves in the middle of a truly horrible situation and yet summoned the courage to help save others without regard to themselves.

So I say to all of you that many of the wounds of that fateful day will heal over time,

but that we will never forget the heroism we witnessed, the lessons we learned, and the redemption the American people earned through our own strength.

On September 11, more than any other day in our history, we witnessed what it truly means to serve our Nation as a first responder.

We witnessed police officers, fire fighters, and paramedics racing up flights of stairs, hoping to save even a few more lives, without once thinking about their own safety.

Its not only those of you who are already serving our communities that understand this sacrifice, it is also evident in all of our current trainees, because after 9/11 no one could possibly make the commitment to being a first responder without fully understanding what kind of sacrifice was being asked of them.

As a public servant, I can not pretend to relate to this level of sacrifice, but I do strongly share your determination that those first responders who lost their lives on 9/11 should not just merely be commemorated, but in fact their memories should spur us towards making our Nation stronger and safer.

As a Member of Congress and as an original member of the House Homeland Security Committee, I believe we must commit ourselves to providing our Nation's first responders with all the tools they need to protect our communities.

I also believe it is critical on this day to say that we need Congress to bring back the James Zadroga 9/11 Health and Compensation Act—and this time we need bipartisan support to pass it.

While the entire Nation watched with sorrow for those we lost and tried to heal emotionally after that day—there were only a few brave souls who went back to that rubble day-after-day and endured the physical and mental strain of clearing the remains of the towers in lower Manhattan.

On that day we gave those brave souls the “all clear” sign, but we now know that we were exposing those men and women to a poisonous dust that would stay with them for the rest of their lives.

We need this bill because it will finally provide comprehensive health care and compensation for thousands of our ailing 9/11 heroes.

This isn't just a bill for New York and New Jersey—this is a bill for all Americans. We know that people from all 50 States were in lower Manhattan on or after 9/11 and now are facing serious health concerns.

This is not about BILL PASCRELL or any other public official, but I tell you all of this because I want you, the protectors of our communities, to know that I stand firmly behind the mission of our Nation's first responders.

We can not turn back the clock and provide our first responders with the equipment they should have had on 9/11, but we must take every step necessary to ensure that all of you are equipped with the tools necessary to face all the threats of the future.

These are bipartisan solutions that all Americans have embraced because we understand now that if we are not strong here in our communities than we are not safe as a Nation.

I want to conclude by simply stating that even 9 years after 9/11 we will continue to

bow our heads for those we lost, but we will also hold our hands in solidarity with one another, in the determination of those brave first responders who proved on 9/11 that we may have been attacked, but that we would not be defeated.

Mr. RAHALL. Madam Speaker, we have witnessed the personal courage and sacrifice made by so many West Virginians, who serve our great state and country proudly in our armed forces. But we must never forget those who lost their life on September 11, 2001—a most tragic day in our history.

Today, it is appropriate that the formal federal recognition ceremony at the West Virginia National Guard for its Joint Interagency Training and Education Center coincides with the ninth anniversary of terrorist attacks on America.

Those who delivered the blows hoped their cowardly actions would mark the beginning of our destruction. Instead, they reaffirmed our commitment to our founding values and inspired a renewed dedication to embrace once again that America's destiny is the world's destiny—to secure life, liberty, and the pursuit of happiness.

Today will always be a solemn day for Dr. Kenneth and Sharon Ambrose who lost their son, Dr. Paul Ambrose. He was on board American Airlines Flight 77 that was hijacked by terrorists and flown into the Pentagon. His passion to improve health care and the well being of West Virginians through better nutrition and activity lives on through the Paul Wesley Ambrose Health Policy Program, a fellowship program at Marshall University's Joan C. Edwards School of Medicine, and the Paul Ambrose Trail for Health being developed for Huntington with the Rahall Transportation Institute. PATH is a 26-mile walking and shared-road trail that encompasses nearly every part of the city.

The Puritan preacher John Winthrop proclaimed as he and his followers sailed for America and freedom, “The eyes of all people are upon us.”

Many have looked to us in awe, over the last nine years and through the nearly four centuries of our history—inspired by our nation rooted in liberty, and today we must re-dedicate ourselves to continue our mission to improve life and protect those freedoms we all hold dear.

Mr. MCMAHON. Madam Speaker, I would like to thank you and Majority Leader HOYER for introducing this resolution and for honoring the memory of those who perished in 9/11, including the nearly 300 men and women from my district.

Many of us lost family and close friends in the attacks. Their memories are kept alive through the devotion and steadfast commitment of their strong families and kind-hearted friends. 9/11 will never be forgotten, but we must continue to recognize not only all who we lost, but the bravery of so many on that tragic day.

We will never forget the tearful wishes of loved ones speaking their final goodbyes and comfort to their spouses and children, and we will never forget those who heroically ran into the buildings or stayed behind to help others.

In the brutality of those attacks, we saw the heart of the American spirit and the bravery of all Americans.

In particular, I would like to recognize the thousands of emergency service workers and volunteers in New York City who rushed to the pile to aid the rescue and recovery to save lives, with little care for their own health and safety.

To this day, these brave men and women, which include people like Martin Fullam, a 30-year veteran FDNY lieutenant from Staten Island, still suffer from medical complications from the air in the days following the attack, which was thick with toxic smoke and debris.

On each anniversary of the attacks, we hear many touching tributes to the heroism of the innocent victims of that faithful day and of course, the brave men and women who rushed to Ground Zero.

But, remembering the legacies of those who are no longer with us and fulfilling our promises to those who are still here perhaps will be the greatest tribute to all to all those affected by this tragedy—both the victims and survivors of the worst attack on U.S. soil in the history of this great country.

To all the other first responders who are struggling with 9/11-related illnesses, I say we will help you.

To reiterate this significance of this day and of the work that goes unfinished, I would like to tell the story of another young man in my district by the name of Stephen Siller.

Stephen was on his way home when he heard on his scanner news of the attack on the Trade Center and he immediately turned his car around and drove back to Manhattan through the Brooklyn Battery Tunnel.

With tunnel traffic at a standstill, Stephen got out of his car, strapped on his gear and ran towards the burning towers. He eventually met up with his squad members as they rushed into the World Trade Center, where he helped save tens of thousands of office workers.

But sadly, Stephen and his entire squad were never to be seen again. Stephen's family and the people of New York City honor his memory and bravery with a 5K “Tunnel to Towers” run that retraces Stephen's steps. Stephen's memory also lives on in the good works the family has done by building Stephen's House and Home for orphans.

So in Stephen's honor, and in respect for the memory of the nearly 3,000 others murdered on that fateful day nine years ago, I urge my colleagues to vote for H. Res. 1610.

Mr. GARAMENDI. Madam Speaker, today, I joined Congressional colleagues at a bipartisan ceremony in commemoration of the victims of the September 11, 2001 attacks.

Nine years ago, our great country experienced the tragedy of a generation. Nearly 3,000 people were taken from this world too soon when violent extremist terrorists in Al Qaeda hijacked four planes and attacked the World Trade Center and the Pentagon. Among those who died that fateful day were hundreds of brave first responders who risked everything to save others.

I join my fellow Americans today in remembrance. As our battle with Al Qaeda continues, on this day, it is our responsibility as proud Americans to honor those who have perished by recommitting ourselves to the values of our great Republic.

On 9/11, we lost thousands of men and women across ethnicities, national origins, religious perspectives, and ideologies. Our country includes the rich tapestry of the world, and our success has always depended on our willingness to embrace everyone who is willing to work hard and play by the rules.

We cannot allow cruel acts of terror to divide us. We are the United States of America, but Al Qaeda wants us to be the Divided States of America. There is no more appropriate day to demonstrate to the world that we refuse to back down from our shared civic values. Today, let's stand together, united as Americans, in somber mourning for those we've lost and in hopeful yearning for the bright future we can forge together.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to support H. Res. 1610 which expresses the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001. I congratulate Majority Leader HOYER and Minority Leader BOEHNER for their efforts on this important resolution.

The events of September 11, 2001 were a national tragedy. Over 3,000 innocent Americans died that day at the hands of international terrorists. In New York City, Washington, DC, and a field in Pennsylvania, Americans were directly confronted with acts of aggression on a scale and scope that our nation had never before seen. Our national consciousness was forever changed on that day as we all remember the losses we suffered and the horrific images of that day.

On the ninth anniversary of those events we must reflect and remember the victims and heroes of that tragic morning. I hope everyone takes some time to remember the nearly 3,000 American lives that were cut short that day and salute the firefighters, first responders and rescue workers who sacrificed their lives saving others.

For the victims, heroes and their families, let us never forget this fateful day, and let us refocus ourselves on what makes America unique and special in the world of nations—liberty and diversity, equality and the rule of law.

I urge my colleagues to join me in support of this resolution.

Mr. VAN HOLLEN. Madam Speaker, September 11, 2001, is a day forever etched into the memory of most Americans. On that day, over 3,000 innocent people—including 48 men and women from the state of Maryland—died during the attacks on the Pentagon, the World Trade Center, and aboard Flight 93. We gather today to honor their memory and the sacrifice of the families of the victims. We also renew our commitment to honoring the sacrifice and service of the citizens who risked their lives to help the victims as well as the survivors.

While 9/11 is a day of great sadness, it is also a moment of pride. Our reaction as a nation to those events—both as they were unfolding and afterwards—reveals much about us as a people. On that day, our enemies thought they could break our will, but they underestimated our resolve and resilience. They sought to divide us, but they misjudged the breadth of our unity and the depth of our commitment to freedom.

As we look back on the 9 years since the attacks, we are reminded that the threat is not over—the United States still faces enemies who spread hate through violence. The federal government and Congress have an obligation and duty to protect our nation. We have made great progress since the attacks, but there is still much to be done.

It is on this day that we also reflect on the way Americans from all backgrounds came together as one in the face of adversity. While every American should take a moment out of his or her day to remember those who were lost, we must continue to dedicate ourselves to giving back to our communities.

Mr. HOLT. Madam Speaker, this week the House pauses to remember those who lost their lives in the terrorist attacks on our nation some nine years ago. My district suffered casualties that day, including Cranbury, New Jersey businessman Todd Beamer. Todd's words, "Let's Roll", were the prelude to the first act in striking back against the terrorist who had hijacked Flight 93. His sacrifice and that of the other passengers and crew aboard Flight 93 undoubtedly save many lives that terrible day. My thoughts and prayers go out to his wife, Lisa, and his children, David, Drew, and Morgan Kay, and to all the other families who lost loved ones on that day.

Nine years later, the memory of that terrible day remains fresh for those who lost someone dear to them. At the memorial service in Middletown in my district, we recalled the names of the fallen, including Stephen Cangialosi, Kathleen Hunt, Robert Parks, Edward Desimone, and Brendan and Roseanne Lang—just some of those who lost their lives on September 11, 2001. My thoughts also turned to Richard Guadagno, formerly of Trenton and the manager of the Humbolt Bay National Wildlife Refuge, who perished on Flight 93. We owe debt of gratitude to the families of the victims for pressing for an investigation into how the attacks happened and how to prevent future tragedies. Kristin Breitweiser, Nikki Stern, Ginny Bauer, and other affected families from across the country demonstrated the power of citizen action. We will never forget these people, nor the courage and dedication of those they left behind and who continue to remind of us of the need to honor their memory and their sacrifice.

I've spent many of my years in Congress since the 9/11 attacks working to prevent a repeat of that tragedy. We are safer today in many ways than before 9/11, but there is still much for us to do. The best way we can honor those Americans who lost their lives on that day is to continue working to make our country safer still. Osama bin Laden and his band of murderers inflicted great physical harm on our country and our citizens, but neither he nor terrorists like him will never be able to break our spirit or cause us to walk away from our friends around the world.

Mrs. MCCARTHY of New York. Madam Speaker, I rise in support of H. Res. 1610.

We must never forget the events of September 11, 2001, the victims, the responders, or the survivors.

September 11 was a horrifyingly destructive day of national tragedy. Innocent men, women and children of all ages, ethnicities, religions, and nationalities were killed that day by nar-

row minded, hateful men bent on a worldview of ignorance and oppression.

In that darkest hour, however, were revealed some of the brightest lights of the American community.

Our firefighters, police and other first responders bravely sacrificed their lives in an effort to save as many people as possible.

Individuals from communities around the country raced to New York and Washington, DC to provide whatever help they could.

And men and women from every state stepped up to defend the nation and joined the Armed Forces.

In the immediate aftermath of 9/11 our country came together with one voice to fight against the ideology of hatred embraced by the terrorists that attacked us.

We continue to fight around the world to oppose the advocates of terror and advance for all people the rights that our founders first articulated: Life, Liberty, and the Pursuit of Happiness.

Mr. CONNOLLY of Virginia. I yield back the balance of my time, Madam Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. CONNOLLY) that the House suspend the rules and agree to the resolution, H. Res. 1610.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONNOLLY of Virginia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING OKLAHOMA NATIONAL GUARD

Mr. BOREN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1052) honoring the members of the Army National Guard and Air National Guard of the State of Oklahoma for their service and sacrifice on behalf of the United States since September 11, 2001.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1052

Whereas members of the Army National Guard and Air National Guard of the State of Oklahoma reside throughout the State and come from various communities, backgrounds, and professions;

Whereas the Army National Guard and Air National Guard of the State of Oklahoma are composed of several units, including the Joint Forces Headquarters, the 45th Infantry Brigade Combat Team, the 45th Fires Brigade, the 90th Troop Command, the 189th Regional Training Institute, Camp Gruber Joint Maneuver Training Center, the 137th Air Refueling Wing, the 138th Fighter Wing,

the 205th Engineering Installation Squadron, and the 219th Engineering Installation Squadron;

Whereas, since September 11, 2001, units and members of the Army National Guard and the Air National Guard of the State of Oklahoma have been deployed, and are continuously being deployed, in support of United States military operations at home and abroad;

Whereas the 45th Infantry Brigade mobilized in 2003 for Operation Enduring Freedom and deployed more than 700 soldiers to Afghanistan to provide training to Afghan Security Forces;

Whereas the 45th Infantry Brigade Combat Team mobilized in 2007 for Operation Iraqi Freedom and deployed more than 2,700 soldiers to provide command and control and conduct security force and detainee operations, representing the largest single deployment for the Oklahoma Army National Guard since the Korean War;

Whereas the 45th Fires Brigade mobilized in 2008 for Operation Iraqi Freedom and deployed more than 1,000 soldiers to provide command and control and conduct security force operations;

Whereas 90th Troop Command units mobilized for Operation Iraqi Freedom and Operation Enduring Freedom and deployed more than 2,600 soldiers to conduct combat support and combat service support missions;

Whereas the 189th Regional Training Institute and Camp Gruber Joint Maneuver Training Center have provided professional training to military and nonmilitary personnel to enhance domestic security and prepare units for deployments abroad;

Whereas the Oklahoma Army National Guard mobilized in 2005 and deployed more than 2,500 soldiers to support relief operations in response to Hurricanes Katrina and Rita, including assisting law enforcement agencies with traffic control and security, transporting and distributing food, water, and ice, conducting search and rescue and ground and air evacuations, providing generator support, and performing other missions to protect life and property;

Whereas the 137th Airlift Wing mobilized in 2003 for Operation Iraqi Freedom and deployed to the Kingdom of Saudi Arabia as part of the largest C-130 wing assembled in history, transporting troops, food, supplies, and equipment to United States forces in Iraq;

Whereas the 137th Airlift Wing mobilized in 2003 for Operation Enduring Freedom and deployed to Uzbekistan, providing critical airlift and logistical support for United States forces in Afghanistan;

Whereas between 2003 and 2006, the 137th Airlift Wing transported 39,368 troops and 11,170 tons of critical cargo to United States forces in Iraq and Afghanistan;

Whereas the 137th Airlift Wing mobilized in 2005 and deployed one of the first C-130 units to support relief operations in response to Hurricane Katrina, including evacuating hospital and nursing home residents to safety by air, providing critical logistical support, and airlifting 2,500 members of the Oklahoma Army National Guard to population centers to provide aid to hurricane victims;

Whereas the 138th Fighter Wing mobilized in 2005, 2007, and 2008 for Operation Iraqi Freedom and deployed to Iraq to provide close air support and engage in combat missions, during which the 138th Fighter Wing expended 109,000 pounds of combat ordnance and successfully destroyed numerous targets; and

Whereas, since September 11, 2001, the 138th Fighter Wing has flown numerous Air Sovereignty Alert missions in the United States, protecting high value domestic targets against attack and contributing to homeland defense, and in 2008 the 138th Fighter Wing was recognized as the most active alert facility in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its gratitude to the members of the Army National Guard and Air National Guard of the State of Oklahoma and their families for their service and sacrifice on behalf of the United States since September 11, 2001; and

(2) recognizes the citizen-soldiers and airmen of the Oklahoma National Guard as invaluable to the national security of the United States, vital to defending against threats both foreign and domestic, and essential for responding to State and national emergencies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. BOREN) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

GENERAL LEAVE

Mr. BOREN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BOREN. I yield myself such time as I may consume.

Madam Speaker, I, along with the entire Oklahoma congressional delegation, rise today to recognize the members of the Oklahoma Army and Air National Guard for their service and sacrifice since September 11, 2001. Military service is a time-honored tradition in Oklahoma, and the members of the Oklahoma National Guard are a living testament to this heritage.

□ 1440

Following the terrorist attacks on 9/11, thousands of members of the Oklahoma National Guard bravely answered the call of duty. They have confronted our enemies on the battlefield in Iraq and Afghanistan, defended the American homeland against domestic threats and responded bravely to natural disasters and domestic emergencies.

Madam Speaker, Members of the Oklahoma National Guard are an invaluable asset to the United States military during wartime. Some of their more notable missions since 9/11 include providing air transport for soldiers and vital equipment to and from Iraq and Afghanistan, assisting with relief operations in response to Hurricanes Katrina and Rita and deploying specialized units of agricultural specialists to Afghanistan to assist local

Afghans with agricultural development.

Madam Speaker, as we discuss this resolution, 3,500 members of the 45th Infantry Brigade Combat Team are preparing to deploy to Afghanistan in the spring of 2011 as part of the President's surge strategy. This represents the single largest deployment of the Oklahoma National Guard since the Korean War.

Madam Speaker, these Oklahoma soldiers and airmen are extraordinary Americans. As members of the Oklahoma National Guard, they bravely risk their lives to protect the freedom and liberty that we so cherish. In their daily lives, these heroes are found throughout the Sooner State working among their fellow Oklahomans as police officers, firefighters, school teachers, and farmers.

That is why I, along with the entire Oklahoma delegation, am humbled to bring this resolution to the floor of the House today.

I reserve the balance of my time.

Mr. AKIN. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 1052, honoring the members of the Army and Air National Guard of the State of Oklahoma for their service and sacrifices on behalf of the United States since September 11, 2001. I want to commend Representative BOREN of Oklahoma for sponsoring the legislation.

The units and personnel of the Oklahoma National Guard are remarkably diverse and capable. Their contributions since September 11, 2001, not only during the global war on terror, but also for the security of our homeland, are significant. They have conducted multiple major unit deployments to Iraq and Afghanistan, including the mobilization and deployment of the 45th Infantry Brigade, some 2,700 soldiers, to Iraq in 2007. That was the largest deployment for the Oklahoma National Guard since the Korean War.

Oklahoma National Guard units also mobilized more than 2,500 personnel in response to Hurricanes Katrina and Rita, performing missions to protect life and property. Since September 11, 2001, the Oklahoma Air National Guard has flown numerous air sovereignty missions to protect the U.S. mainland.

The successes and contributions of the Oklahoma Army and Air National Guard are directly related to the dedication, sacrifices and the professionalism of the civilian and military personnel who carry out the Guard's missions, and to the outstanding support of families for the continued service of the men and women of the National Guard. Their efforts and sacrifices deserve our recognition and thanks. For that reason, I urge all Members to support the resolution.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOREN. Madam Speaker, in closing, I want to thank the men and women of the Oklahoma National Guard and their family members for their service and sacrifice since September 11, 2001.

I also wish members of the 45th Infantry Brigade Combat Team well as they prepare to deploy to Afghanistan early next year. May they stay safe during this vitally important mission, and we pray for their safe and speedy return home.

I urge adoption of this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. BOREN) that the House suspend the rules and agree to the resolution, H. Res. 1052.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BOREN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING AMERICAN TROOPS WHO DIED ON D-DAY

Mr. TAYLOR. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1251) recognizing and honoring the United States troops who gave their lives on D-day at the Battle of Normandy, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1251

Whereas June 6, 2010, marks the 66th anniversary of the D-Day landings at Normandy, France;

Whereas more than 150,000 Allied troops participated in the Normandy landings;

Whereas approximately 70,500 Americans stormed the beaches of Normandy on D-Day and more than 1,400 of them gave their lives fighting for the cause of freedom;

Whereas the U.S. Army Air Forces alone flew 8,000 planes on more than 14,000 sorties during D-Day;

Whereas more than 4,000 ships carrying soldiers and supplies crossed the English Channel;

Whereas 800 Allied planes dropped more than 13,000 men in parachutes;

Whereas more than 100,000 Allied soldiers made it ashore while 9,000 of their comrades were wounded or killed;

Whereas there are 9,387 graves in Colleville-sur-Mer, America's cemetery in Northern France where all graves face west, toward America;

Whereas there are 307 graves containing the remains of unknown soldiers;

Whereas within the Garden of the Missing there are 1,557 names of soldiers who were never found;

Whereas captured Germans were sent to American prisoner-of-war camps at the rate

of 30,000 POWs per month from D-Day until Christmas, 1944; and

Whereas the Allied landings on D-Day led to the liberation of France and culminated in the ultimate annihilation of the Nazi empire: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the American troops who gave their lives in the Battle of Normandy;

(2) recognizes the 66th anniversary of the D-Day landings at Normandy, France; and

(3) expresses gratitude to the "greatest generation" of Americans who fearlessly fought for freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. TAYLOR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. TAYLOR. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1251, to recognize and honor the United States troops who gave their lives on June 6, 1944, D-day, at the battle of Normandy on the coast of France.

I would like to thank my colleague from Texas (Mr. POE) for bringing this measure before the House.

In June of 1944, Nazi Germany still controlled all of Europe, save those portions of Italy which had already been liberated. Operation Overlord, the code name for the main landing of Allied Forces in France, was to be the deciding battle of the war in Europe, opening up a major second front which would lead to the ultimate defeat of the Nazi regime.

Supreme Allied Commander General Dwight Eisenhower proclaimed that it was a battle that he would accept nothing but complete victory. Shortly after midnight on the 6th of June, 24,000 Allied Forces consisting of American, British, Canadian, and Free French parachuted behind enemy lines in Normandy. Their mission was to disrupt the German ability to successfully repel the upcoming invasion.

During the night, the largest flotilla of vessels ever assembled before or since began its trip across the English Channel to disembark some 150,000 Allied troops across a 50-mile stretch of the Normandy beach. The initial beach assault began at 6:30 that morning. The code names of those beaches are seared in our memories: Utah and Omaha, the American objectives; and Sword, Gold

and Juno, the British and Canadian objectives.

Approximately 70,500 American soldiers went ashore as part of a larger operation to secure beachhead from which to continue the offloading of troops, supplies and equipment necessary for the push across France into the German homeland.

This undertaking was one of the largest single amphibious operations ever conducted in the history of warfare. On that one day, American Armed Forces suffered an estimated 5,400 casualties with 1,400 killed in action. The immeasurable sacrifices of those men should never be forgotten.

House Resolution 1251 is our way of commending the United States Armed Forces who participated in Operation Overlord for their leadership and valor in a mission that helped bring an end to World War II. This resolution commemorates the actions of heroism and military achievement by those soldiers.

So I now call upon the Members of the House to join me in supporting this resolution, thereby expressing our common appreciation and gratitude for the members of the United States Armed Forces involved in the D-day operations and honoring the sacrifices made by our fellow countrymen so that others around the world may continue to know the gift of freedom.

I reserve the balance of my time.

Mr. AKIN. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 1251, as amended, which honors the members of the United States military who died on D-day, June 1944, during the Battle of Normandy.

I want to commend Representative TED POE of Texas for sponsoring the legislation.

The facts of the opening day of Operation Overlord, the start of what General Eisenhower called the "crusade in Europe," are clearly set forth in the text of the resolution. This was the largest amphibious operation in history.

□ 1450

The 1st U.S. Army Group, responsible for the landings on Omaha and Utah beaches was commanded by Omar Bradley, known as "the soldiers' general," and, I might add, a native of Missouri.

In breaching German defenses, the Allied Forces suffered more than 10,000 casualties on the first day of the invasion. More than 1,400 Americans died.

Beyond the facts of the invasion, however, is the heroism and unselfish sacrifice of the men who carried out this most magnificent operation. Because of that heroism and sacrifice, the door to Hitler's Fortress Europe was cracked open.

So it's entirely fitting that today, 66 years after that historic day, we take

the time to honor and commemorate the men who made the ultimate sacrifice on June 6, 1944.

Moreover, I would also urge my colleagues to take the time to individually thank every previous and current member of the Armed Forces they encounter for their service.

I heartily recommend that all my colleagues vote "yes" on this resolution.

I have no further requests for time, and I yield back the balance of my time, Madam Speaker.

Mr. TAYLOR. Again, Madam Speaker, I want to thank Congressman POE for bringing this to our attention. At the end of what was possibly the greatest movie ever made, "Saving Private Ryan," the central character played by Tom Hanks is a Captain Miller, and, as he is dying, he says in a voice barely more than a whisper to the character that is playing Private Ryan, "Earn this." It is a phenomenal message for every American, and it is great that Congressman POE brought this message to the floor for those of us who are here and the descendants of those who survived that battle to say "Thank you" to those who didn't.

Mr. GINGREY of Georgia. Madam Speaker, I rise today in strong support of H. Res. 1251, a resolution to recognize and thank the men and women of our Armed Forces that participated in the D-day invasion on June 6, 1944 at Normandy, France during World War II.

June 6, 2010, marked the 66th Anniversary of Operation Overlord, the D-day invasion at Normandy. On that fateful day, 160,000 Allied troops—31,000 Americans—landed on a heavily fortified 50-mile stretch of beach at Normandy. General Dwight D. Eisenhower called the operation a crusade in which "we will accept nothing less than full victory," and he was certainly correct in that statement. More than 5,000 ships and 13,000 aircraft supported the D-day invasion, and by day's end on June 6, the Allies gained a foothold in Normandy. However, this success bore a heavy cost—more than 9,000 Allied Soldiers were killed or wounded—but more than 100,000 soldiers began the march across Europe to defeat Adolf Hitler.

With a deep sense of appreciation, I would like to express my gratitude as well as the gratitude of the people of Georgia's Eleventh Congressional District to the brave individuals who acted heroically on D-day when they landed at Normandy and took control of the Axis opposition, inevitably leading to the end of World War II. I commend the members of our Armed Forces for their leadership and valor in this operation that led to Allied victory and an end to Nazi oppression in Europe.

Madam Speaker, let us not forget the brave men and women who made the ultimate sacrifice on D-day and gave their lives for the freedom that we, as Americans, enjoy every single day. The nearly 10,000 graves in Colleville-sur-Mer, the largest United States cemetery in Northern France, appropriately all face west toward the United States, symbolizing our deep appreciation and eternal memory of the heroes that gave their lives for lib-

erty. Indeed, the democracy on display here today in this chamber is a testament to the courage and dedication of the United States Armed Forces. The sacrifice of lives for the cause of American liberty will never be forgotten and should never be taken for granted.

Let us also make certain that we remember those individuals who are in harm's way today in Iraq and Afghanistan. Members of our Armed Forces are giving their best effort—day in and day out—to keep America safe at home and abroad through the Global War on Terror. They have also sacrificed to secure liberty and democracy for other nations and people who desire to be freed from political oppression and given an opportunity for self-determination.

I believe that the brave men and women who sacrifice for our present freedoms deserve our fullest support. Our nation's service men and women represent the best our country has to offer, and they must be treated with the respect and honor they deserve. As we ask these courageous soldiers, sailors, airmen, and marines—and their families—to do more and more, it's only right we continue doing all we can for them. Recognizing the success of our members of the United States Armed Forces who participated in the invasion of Normandy on D-day is just one small reminder of the superior job our troops do at home and abroad, and it is my hope that we will continue to do all we can for the members of our Armed Forces.

Mr. POE of Texas. Madam Speaker, today, we honor the brave men who stormed the beaches of Normandy 66 years ago. I hope H. Res. 1251 causes Members of this body and our Nation to pause, even if for just a moment, and remember what 70,000 brave Americans did on June 6, 1944. June 6, 2010 marked the 66th anniversary of the invasion of Normandy.

It was an invasion whose timing depended on Mother Nature as much as anything. Only a full moon would provide enough light. The tide had to be low enough to allow those manning the landing crafts to see German obstacles on the French shore but high enough for our troops to avoid too much unprotected beach.

Code-named "Operation Overlord," the invasion would give Allied Forces a chance to break the Nazi's hold on Western Europe, but was expected to come at an extremely high cost. For paratroopers, including members of the 101st Airborne and the 82nd Airborne Divisions, the likelihood of death was seventy percent.

On the day it launched, even the Supreme Allied Commander, General Dwight Eisenhower, was uncertain the invasion would succeed. He penned a note, to be released in the event of failure, stating that all blame was entirely his.

At 0630, on the morning of June 6, Americans landed on two of five Normandy beaches earmarked for the invasion: Utah and Omaha. Bombers did their best to pave the way. The B-17 Flying Fortresses, B-24 Liberators, and B-26 Marauders filled the sky. Their task was to drop their 500 pound bombs right at the water's edge, to stun or kill the Germans in their pillboxes, forts, and trenches. Lt. William Moriarity, a B-26 pilot, said, "As we approached the coast, we could see ships shell-

ing the beach. One destroyer, half sunk, was still firing from the floating end. The beach was a bedlam of exploding bombs and shells."

Gen. Theodore Roosevelt, Jr., former President Teddy Roosevelt's son, was in the first boat to hit the shore at Utah beach. Maj. Gen. Ray Barton had initially refused Roosevelt's request to go in with the 8th Infantry, but Roosevelt had argued that having a general land in the first wave would boost morale for the troops. "They'll figure that if a general is going in, it can't be that rough." Almost all the objectives were accomplished. In the span of 15 hours, the Americans put ashore at Utah more than 20,000 troops and 1,700 motorized vehicles. By nightfall, the division was ready to move out at first light on June 7 for its next mission.

If the Germans were going to stop the invasion anywhere, it would be at Omaha Beach. It was an obvious landing site with the only sand beach within 25 miles. There was no way to outflank it, with cliffs on each side. Fortifications and trenches could be easily built on the slope of the bluff, giving the Germans the high ground looking down on a wide, open killing field. Although Eisenhower hated the idea of assaulting it, it had to be done. The gap between Utah and the British beaches was too big.

When the ramps went down, the Germans opened fire. "We hit the sandbar," one coast guardsman recalled, "dropped the ramp, and then all hell poured loose on us. The soldiers in the boat received a hail of machine-gun bullets." The bluffs were too steep for a vehicle or even a man to get up them. So the plan was to go up the ravines instead. But the Germans knew this and zeroed in on the ravines, raining artillery fire down on them.

Junior officers and noncoms who had been college students two years before were pinned down at the sea wall and couldn't retreat. It was absolute chaos behind them. But they couldn't go up the ravines or stay where they were. They were getting butchered because the Germans had fixed their mortars on them and were coming down on top of them.

So junior officers across the beach looked at the situation and said, "The hell with this. If I'm going to get killed, I'm going to take some Germans with me." And he would call out, "Follow me," and up he would start. Sgt. John Ellery of the 16th Regiment, was one of those leaders said, "we sometimes forget, I think, that you can manufacture weapons, and you can purchase ammunition, but you can't buy valor and you can't pull heroes off an assembly line."

In 1964, Walter Cronkite interviewed General Eisenhower on Omaha Beach. Looking out at the Channel, Eisenhower said, "It's a wonderful thing to remember what those fellows 20 years ago were fighting for and sacrificing for, what they did to preserve our way of life. Not to conquer any territory, not for any ambitions of our own. But to make sure that Hitler could not destroy freedom in the world . . . To think of the lives that were given for that principle . . . it just shows what free men will do rather than slaves."

Hitler didn't believe this was ever possible. Hitler was certain that the soft, effeminate children of democracy could never become soldiers. Hitler was certain that the Nazi youth

would always outfight the Boy Scouts, and Hitler was wrong. The Boy Scouts took them on D-day.

In the end, it was no easy fight. More than 1,400 Americans lost their lives that day in a land they had never seen to free a people they had never met. For those who survived, the horrific sights and sounds of that day were singled on their memories. Many would return home, unable to ever speak of that fateful day again. The memories were too overwhelming to recall.

Pvt. Felix Branham was a member of K Company, 116th Infantry, the regiment that took the heaviest casualties of all the Allied regiments on D-day. "I have gone through lots of tragedies since D-day," he said. "But to me, D-day will live with me till the day I die, and I'll take it to heaven with me. It was the longest, most miserable, horrible day that I or anyone else went through. I would not take a million dollars for my experiences, but I surely wouldn't want to go through that again for a million dollars."

For others, only a visit back to Normandy would break the chains off their lips and allow them to once again speak of that day. For us, today, 66 years later, we honor them and recognize their enormous accomplishment.

It is impossible to exaggerate what they did that day. As renowned historian Stephen Ambrose put it, "It was the pivot point of the 20th century." They won freedom for the world that day, but at tremendous cost. In all, 9,387 GIs lie in rest at Normandy.

Today we say to them and the thousands of others who gave their lives that we will not forget your sacrifice. And that's just the way it is.

Mr. QUIGLEY. Madam Speaker, I rise today in support of House Resolution 1251, and in honor of the United States soldiers who lost their lives on the beaches of Normandy, France on June 6, 1944. Their heroic efforts on what we remember as D-day marked the turning point in the Allies defeat of the Nazi army during World War II.

On June 6, 1944, more than 31,000 American troops and a total of 100,000 Allied soldiers were carried by more than 5,000 ships across the English Channel. At Normandy, in what has become one of the great symbols of American bravery, they stormed the beaches. The efforts of these ground troops were supported by 31,000 Allied airmen, which made it the largest amphibious invasion in history.

Of these courageous men, more than 6,000 United States soldiers died in battle and close to 9,000 Allied soldiers were injured or killed. It is because of their dedication to the cause of freedom that the Allied forces prevailed. These fallen soldiers were laid to rest in the Colleville-sur-Mer United States cemetery in Northern France. The 9,386 graves face west toward the United States, and serve as a much deserved honor and remembrance of the sacrifice made by our Nation's heroes.

Madam Speaker, I ask my colleagues to join me in honoring the lives lost in Normandy. We owe these soldiers our deepest gratitude and reverence for playing such a crucial role in ending the tyranny of Nazi-controlled Germany and helping to shape the world we live in today.

Mr. JOHNSON of Georgia. Madam Speaker, on June 6, 1944—D-day—Allied forces

crossed the English Channel to land in Normandy, France. Code-named Operation Overlord, the Normandy landing remains the most massive and complex opposed amphibious invasion in history.

With tremendous courage, the Allies pushed entrenched German forces back from the beaches of Normandy. Thus began the liberation of France and the massive campaign that would ensure the defeat of Nazi Germany in western Europe.

American leadership and the courageous sacrifices made by American servicemen and women were essential to the success of the operation. Led by President Franklin Roosevelt, Supreme Allied Commander General Dwight D. Eisenhower, and General Omar Bradley, American soldiers and airmen sacrificed dearly to defend the United States, our allies, and the world against the savage aggression of Nazi Germany and the Axis powers.

Today, let us honor the courage and sacrifice of those thousands of brave men and women who made the ultimate sacrifice to defend the American people and the people of the world from tyranny.

Ms. MCCOLLUM. Madam Speaker, I rise today in support of H. Res 1251, which recognizes and honors the United States troops who fought and died on D-day at the Battle of Normandy.

On June 6, 1944, the Western Allies landed in Northern France and opened up a major military offensive against the Nazi German forces. After 5 years of worldwide warfare, the Normandy invasion proved to be a critical turning point in pushing the United States and its allied forces to victory. D-day remains one of the greatest beach landings in world history, involving nearly 3 million troops crossing the English Channel from England to Normandy in occupied France. The collective cost to the United States was terribly high, including more than 29,000 killed and 106,000 wounded and missing.

As a Member of Congress and the daughter of a World War II veteran, I believe I have a duty to honor the men and women who courageously served our country and gave their lives at the Battle of Normandy. Earlier this summer, I had the privilege of visiting the Battle of Normandy Memorial Museum during a congressional delegation and was able to get an up-close look at the strength and resilience of the Americans who served in the United States armed forces during the invasion of Normandy.

Our country owes all veterans of this conflict a great debt for their service.

Mr. TAYLOR. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. TAYLOR) that the House suspend the rules and agree to the resolution, H. Res. 1251, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Recognizing

and honoring the American troops who gave their lives on D-day at the Battle of Normandy."

A motion to reconsider was laid on the table.

EXTENDING MULTI-YEAR PROCUREMENT AUTHORITY FOR F-18 AIRCRAFT

Mr. TAYLOR. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6102) to amend the National Defense Authorization Act for Fiscal Year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A-18E, F/A-18F, and EA-18G aircraft.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A-18E, F/A-18F, AND EA-18G AIRCRAFT.

(a) EXTENSION OF CERTIFICATION.—Paragraph (2) of section 128(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2217) is amended by striking "a reference to March" and inserting "a reference to September".

(b) REQUIRED AUTHORITY.—Such section 128 is further amended by adding at the end the following:

"(e) REQUIRED AUTHORITY.—Notwithstanding any other provision of law, with respect to a multiyear contract entered into under subsection (a), this section shall be deemed to meet the requirements under subsection (i)(3) and (l)(3) of section 2306b of title 10, United States Code."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. TAYLOR. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. TAYLOR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 6102, a necessary amendment to section 128 of the Fiscal Year 2010 National Defense Authorization Act which granted permission for the Secretary of the Navy to enter into a multiyear procurement contract for F/A-18 series aircraft.

Madam Speaker, I mention this is a necessary amendment, and I ask the patience of the House as I briefly explain the technical issue in law which will prevent the Navy from entering into this cost-saving contract unless

the House passes this bill and it is taken up in the Senate and passed before the end of this month.

In the 2010 National Defense Authorization Act, Congress granted permission to the Navy for a multiyear contract if they could meet the intent of the requirements contained in title 10 of the United States Code for projected cost savings. The authority granted the Navy one-time permission to miss the title 10 reporting timelines as long as they submitted the required reports by March of this year. The Navy subsequently reported the significant cost savings this type of contract would achieve but missed the reporting requirement by a month, due to a variety of factors.

As a result of the missing of this reporting requirement, the letter of the law prevents them from entering into this cost-savings contract. To fix this new problem, this House subsequently agreed to the exact language contained in this bill when H.R. 5136, the Fiscal Year 2011 National Defense Authorization Act, passed the House in May.

This stand-alone bill is necessary because the Senate has yet to take up the Fiscal Year 2011 National Defense Authorization Act, which means we may not have an authorization act signed into law by the end of this fiscal year.

Madam Speaker, this is not an argument about the number of strike fighters the Navy needs. That is a debate for another day. This is an argument that we know that we can save hundreds of millions of dollars by using a multiyear contract to purchase the remaining 84 aircraft that are scheduled to be built.

The majority of economic savings in a multiyear contract come from savings in the cost of materiel and equipment. As any businessman or -woman who has been successful will tell you, the more of any item you order, the lower the per-unit cost will be. In this case, a multiyear contract will allow the prime vendor, in this case the Boeing Company, to contract with their vendor supply base for the materiel and equipment for the remaining 84 aircraft all at once instead of contracting for 25 to 30 per year. They will get a much better price with the larger order and save our Nation \$590 million. Madam Speaker, with just the savings on this contract alone the Navy will be able to purchase an additional Littoral Combat Ship.

Madam Speaker, an almost \$600 million savings is too large a figure just to sweep under the rug. The bill that I offer today along with my cosponsor, the gentleman from Missouri (Mr. AKIN), and, I must add, strongly supported by the Chief of Naval Operations, Admiral Gary Roughead, and the Secretary of the Navy, Ray Mabus, will allow the Navy to enter into this contract by the end of this month. I am assured by Assistant Secretary of the

Navy Stackley that all the contracting negotiations are complete, and, as soon as this bill is passed by the House and Senate and signed into law by the President, the Navy and the Boeing Company will complete the contract.

Madam Speaker, to use a phrase popular today, this is a “no-brainer.” I urge my colleagues to support this bill which will result in an almost \$600 million savings to the taxpayers.

I reserve the balance of my time.

Mr. AKIN. Madam Speaker, I yield myself such time as I may consume.

I appreciate the good comments from the chairman of the Navy and Marine Corps Subcommittee, Chairman TAYLOR, and he has got it absolutely right. This is pretty straightforward. This is whether you want a good deal on buying something. There is a little more to it. And I would join with the many members of the Armed Services Committee, including GENE TAYLOR from Mississippi, and rise in support of H.R. 6102.

This legislation was included in section 122 of the Fiscal Year 2011 National Defense Authorization Act, which was passed unanimously by the subcommittee, the full committee, and by a majority of this House in May. Unfortunately, the Senate has not yet passed its version of the Fiscal Year 2011 Defense bill. It's essential we pass the authorities contained in H.R. 6102 prior to the end of fiscal year 2010, which is why the chairman and I have cosponsored this stand-alone bill today.

Simply put, the legislation would ensure that the Navy can enter into a multiyear procurement contract for F/A-18E/F/G aircraft, which would save the Navy and taxpayers almost \$600 million. The Navy plans to buy 124 of these aircraft between now and 2013.

This bill would make no changes to the quantity to be procured. Rather, the Navy has a choice between buying these aircraft in four 1-year increments or spend nearly \$600 million less by using one 4-year contract.

□ 1500

Basically you are just getting a volume discount. The Congress already gave the Navy the authority to use the multiyear contract in the fiscal year 2010 National Authorization Act. But the Department of Defense was late in submitting a required report to Congress regarding the terms of the contract. It was due in March, and the Navy submitted the report in May. Due to the Department's delay, unless we provide a one-time fix or extension of this due date, the authority to sign the multiyear contract will expire by the end of the month. This is the correction that was made by the 2011 defense authorization bill passed by the House, also captured by H.R. 6102.

It is true that the Department of Defense was slow to embrace the F/A-18

multiyear contract, but it eventually saw the wisdom in entering into this 4-year contract for 124 of the Navy fighter planes. The House Armed Services Committee has been pushing the Navy to consider this contracting strategy for nearly 3 years. In 2008, I inserted language into the 2009 Defense Authorization Act requiring the Department of Defense to report to Congress on the potential cost savings of a multiyear contract for F/A-18s. Last year, I successfully added an amendment to the Defense Authorization Act giving the Navy the authority to enter into a multiyear contract for F/A-18s. This year, I added an amendment to the House-passed Defense Authorization Act adding eight additional F/A-18s to help address the Navy's looming fighter shortfall.

Although this bill would not have been necessary had Secretary Gates embraced this cost-savings measure from the outset, I am nonetheless pleased to see that his eleventh hour efforts to secure approval for the multiyear contract are in keeping with his well-publicized position on reducing wasteful defense spending. Likewise, I am hopeful that the Secretary will remain consistent with his new and positive stance on savings and competition as the Armed Services Committee considers additional ways in which to maximize taxpayer dollars.

In conclusion, Madam Speaker, this bill will save over half a billion dollars in taxpayer money while providing vital stability to the fine Americans who build these planes in St. Louis and across the country. I want to thank Congressman TAYLOR for his leadership and support on this issue, and I urge the Senate to pass this bill quickly.

I yield back the balance of my time. Mr. TAYLOR. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. TAYLOR) that the House suspend the rules and pass the bill, H.R. 6102.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONGRATULATING MIAMI DADE COLLEGE ON 50TH ANNIVERSARY

Ms. WATSON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1571) acknowledging and congratulating Miami Dade College on the occasion of its 50th anniversary of service to the students and residents of the State of Florida, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1571

Whereas Miami Dade College opened its doors in 1960 as an institute of higher learning for the residents of Miami-Dade County, Florida;

Whereas the College became the first integrated junior college in the State of Florida, leading the way for other institutions to adopt policies of offering a higher education to persons of all races and ethnicities;

Whereas the College has the most diverse student populations in the United States with students from 178 countries, speaking 86 languages;

Whereas the College has one of the largest enrollments of all colleges and universities in the United States;

Whereas the College offers more than 300 major areas of study, providing educational and workforce opportunities for students seeking associate and bachelor's degrees, as well as short-term certifications in critical areas of study;

Whereas the College provides an affordable, comprehensive higher education to individuals of all incomes and backgrounds;

Whereas 55 percent of students attending the College receive Pell Grants;

Whereas 52 percent of students are the first in their families to attend college;

Whereas the College ranks first in the United States in the amount of Pell Grant funds awarded to public colleges and universities;

Whereas the College is one of only 40 community colleges nationwide to be named to the President's Higher Education Community Service Honor Roll;

Whereas the College is a leader in cultural programming;

Whereas the College's Miami International Book Fair is the largest literary event in the United States;

Whereas the College's Miami International Film Festival is world renowned;

Whereas the College is the home of the National Historic landmark Freedom Tower;

Whereas the College adheres to its guiding principle to change lives through the opportunity of education; and

Whereas 2010 marks the 50th anniversary of the establishment of Miami Dade College: Now, therefore, be it

Resolved, That the House of Representatives acknowledge and congratulates Miami Dade College on the occasion of its 50th anniversary of academic excellence and service to the residents of the State of Florida.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Madam Speaker, I request 5 legislative days during which Members may revise and extend their remarks, and insert extraneous material on House Resolution 1571 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1571, which

celebrates Miami Dade College on the occasion of their 50 years of service in higher education to the residents of the State of Florida.

In 1960, Miami Dade first opened its doors under the name Dade County Junior College. By 1967, the college was the largest institution of higher education in the State of Florida. Today, Miami Dade College boasts eight campuses and the largest public institution of higher education in the Nation, welcoming nearly 170,000 students annually. The college offers more than 300 major areas of study to its students, and as of 2003, began offering bachelor's degrees in addition to associate's degrees. Miami Dade College has awarded more associate's degrees than any college in the United States.

Miami Dade College also has a rich history of diversity. The college became the first integrated junior college in the State of Florida, and now has students from 178 countries speaking 86 languages. The college ranks first in the United States among public colleges and universities for the number of Pell Grant recipients in attendance. At Miami Dade College, 61 percent of students are from low-income families, and 52 percent are the first in their families to attend college. The college also contributes to the region's cultural landscape via the nationally acclaimed Cultura del Lobo Performance Series and the Miami International Film Festival, both of which provide student artists with unique learning opportunities.

Additionally, the annual Miami Dade International Book Fair is the largest literary event in the United States. Does this have something to do with the college? Not clear from the name.

Furthermore, Miami Dade College has consistently worked to produce students with skills in high demand by local and regional employers. The Emerging Technologies Center of the Americas at Miami Dade College works to prepare students for careers in information technology and telecommunications. This center's state-of-the-art 40,000-square-foot facility at the Wolfson campus houses 19 multimedia classrooms and labs equipped with high-end computers, specialized equipment, and simulation workstations.

The students, faculty, and staff at Miami Dade College have much to be proud of as they remember and celebrate the rich cultural and academic history of their institution over the past half-century. I once again express my support for House Resolution 1571 and congratulate Miami Dade College on its 50th anniversary. I thank Representative ROS-LEHTINEN for bringing this resolution forward.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, before I give my comments on this particular resolution, I wish to yield such time as she may consume to the

sponsor of this resolution, as well as probably the most famous alumnus from Miami Dade College, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the gentleman for the time, and I also want to thank Ambassador WATSON for her comments on this wonderful institution.

□ 1510

Madam Speaker, as a former Florida certified teacher, as a former educator and as an alum of Miami Dade College, I am so proud to be here on the floor, congratulating Miami Dade College on its 50th anniversary. I am proud to say that my father and my brother are also graduates of this fine institution. I am infinitely grateful for the education that I received from the excellent professors at Miami Dade College, and I am sure that I would not be in the same position here tonight were it not for this excellent education.

Miami Dade College has been an essential part of South Florida for so many years—for 50 years since it was first established in 1960. By 1967, Madam Speaker, the college had become the largest institution of higher education in the State of Florida. It built upon this foundation, and it is now the largest institution of higher education in the United States, serving nearly 170,000 students every year. That is just phenomenal. It has enrolled more than 2 million students to date, and it employs more than 6,000 faculty and staff. Half of the students have been the first in their families to attend college.

Madam Speaker, you can imagine how proud those family members are at every graduation that they can say that someone from their family has graduated college.

Not surprisingly, it is home to one of the most diverse student populations, with students from 178 countries, speaking 86 different languages. Miami Dade College has managed to do all of this while maintaining an affordable and accessible course of study for students of all incomes, and it has been instrumental in the development and success of so many in our community and throughout the United States.

Equally impressive, Madam Speaker, is the fact that more than a third of its students are nontraditional. That is, they are older. They are working adults who are looking to further their education or to, perhaps, retrain for the jobs that are in demand now and in the future.

The college is an icon. It is central to the educational, economic, social, and cultural fabric that is exciting South Florida, including hosting the Nation's largest literary gathering, the Miami Book Fair International. It also hosts the Miami International Film Festival, and is home to the national historic landmark, the Miami Freedom Tower,

and to many programs that serve as the region's arts anchor.

A large part of Miami Dade College's success is due to its dynamic president, Dr. Eduardo J. Padron, who is also a graduate of Miami Dade College. Dr. Padron is widely recognized as one of the top educational leaders in the world. His time with Miami Dade College has been defined by growth, trailblazing academic and cultural programs, greater access, and student success. He has produced impressive results in student access, retention, graduation, and overall achievement. President Padron has truly made a positive difference in the lives of so many individuals, and we must commend him for all that he continues to do in support of his college, our college, as this college is a part of our community and our Nation.

So, Madam Speaker, with that, I urge all Members to please vote in favor of this legislation, congratulating one of America's finest academic institutions, Miami Dade College, for its 50th year of providing quality education for all.

Thank you for the time, the gentleman from Utah, and thank you as well, Madam Ambassador, for sponsoring this bill.

Ms. WATSON. Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

Madam Speaker, I rise to support House Resolution 1571, acknowledging and congratulating Miami Dade College on the occasion of its 50th anniversary of service to the students and residents of Florida.

Miami Dade College was founded in 1960, 50 years ago. Only half a decade later, the college had increased its enrollment by 300 percent. As has been mentioned, as the first racially integrated junior college in Florida, Miami Dade College provided an education to all area residents who wanted to better their lives and further their education. Today, almost 100,000 students are enrolled on the eight campuses year round, and if you count part-time students, it increases that number significantly. MDC is now the largest institution in the Florida college system, and it works to educate a diverse student population by offering 300 majors and by providing an affordable education to students from all backgrounds.

The college holds several annual events that benefit both students and members of the community. The Miami Dade College's Miami International Book Fair and the Miami International Film Festival are two such events that are nationally and internationally renowned.

I congratulate Miami Dade College for 50 years of excellence in higher education, and I wish all of its faculty, staff, students, and alumni continued success.

I ask my colleagues to support this resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to honor and congratulate Miami-Dade College on the occasion of its 50th anniversary. Since opening its doors in 1960, it has served as an exemplary institution of higher learning for the residents of Miami-Dade County. A leader among Florida's institutions, it became the first integrated junior college giving students of all races and ethnicities the opportunity to seek a higher education. Since implementing these policies, it has maintained its commitment to diversity, boasting a student population hailing from 178 countries.

Miami-Dade College's diversity extends to its broad areas of studies offering more than 300 major areas of study and a variety of degrees. Offering students associate, bachelor's degrees, and short term certificates, the Miami-Dade College has the largest enrollment of any college or university in the United States, and has awarded more associate degrees than any other college.

Miami-Dade College also stands out by offering an affordable, comprehensive, education to individuals of all incomes as well as backgrounds. Thirty-nine percent of its student body, lives below the Federal poverty level and 61 are defined as low income. Speaking to Miami-Dade College's commitment to students in low-income families, it currently receives the highest number of Pell Grant awards. South Florida, which, I am honored to represent, owes a debt to Miami-Dade College for providing quality affordable education to our community. It is an honor to represent Miami-Dade College and again I congratulate it on its 50th anniversary.

Mr. MICA. Madam Speaker, I wanted to join others in extending my congratulations to Miami Dade College on its 50th anniversary.

For half a century, Miami Dade has been providing outstanding opportunities in education to the students of the State of Florida. As a 1965 graduate of Miami Dade College, I am proud to recognize the service and accomplishments of this great institution of higher learning.

Since opening its doors in 1960, Miami Dade College has helped make affordable quality education to the residents of Florida. We salute the past successful 50 years and the faculty and staff that make this a great educational institution.

At the Federal, State and local levels, we must remain committed in our support of higher education, especially at our colleges and universities in Florida.

Miami Dade College has made dreams come true for its graduates, many whom are the first in their families to attend college. Miami Dade has helped thousands achieve success in all walks of life. Having the largest enrollment of any college or university in the United States, the college has granted more associate degrees than any other college in the United States. Miami Dade College is also the premier college in providing education underserved minorities and low income families.

As a proud alumnus, I look forward to a bright future for my alma mater, Miami Dade College. I know it will be a leader in education for many future generations.

Mr. MEEK of Florida. Madam Speaker, I rise today in support of H. Res. 1571, which ac-

knowledges and congratulates Miami Dade College on the occasion of its 50th anniversary. Miami Dade College has a rich history in educating a diverse student population and continues to be a leader in expanding access to college for all those in South Florida, and the nation who wish to attend. I commend my colleague, Rep. ROS-LEHTINEN for introducing and bringing this legislation to the floor.

Miami Dade College has always been a leader in opening doors to students. When it started in 1960, Miami Dade College was the first integrated college in the State of Florida. It led the way for other colleges to adopt more inclusive recruitment and acceptance policies and to help expand education opportunities to minorities and the under-served. Now, Miami Dade College educates more than 160,000 students from across the world every year, and is the largest and most diverse institute of higher learning in the United States.

At a time when we need to expand college opportunities and compete on a global level, Miami Dade College continues to lead the way, bringing access to non-traditional and non-legacy students. Fifty two percent of its students are the very first in their families to attend college, creating a new generation of college graduates. The school ranks first in the nation in the number of Pell grants awarded, with 39 percent of its students living below the poverty line, yet its students continue to not only excel, but to give back to the community in impressive numbers. Miami Dade College is one of only 40 community colleges to be named to the President's Higher Education Community Service Honor Roll, recognizing the school's commitment to, and achievement in community service.

I applaud Miami Dade College's commitment to access, quality and service and the efforts of its leaders, like President Padrón. I would like to wish Miami Dade College a happy 50th, and all the success for years to come. I ask that you and my distinguished colleagues join me in recognizing the hard work of the school and congratulating it on 50 years.

Mr. BISHOP of Utah. Madam Speaker, I yield back the balance of my time.

Ms. WATSON. Madam Speaker, I urge the House to support House Resolution 1571. It is a fine piece of legislation. Again, I would like to congratulate Miami Dade College on its 50th anniversary.

With that, Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1571, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WATSON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

CONGRATULATING MICHIGAN TECHNOLOGICAL UNIVERSITY ON ITS 125TH ANNIVERSARY

Mr. SABLAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1564) commending and congratulating Michigan Technological University on the occasion of its 125th anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1564

Whereas Michigan Technological University located in Houghton, Michigan, on the beautiful shores of Lake Superior on the spectacular Keweenaw Peninsula is celebrating its 125th anniversary in 2010;

Whereas Michigan Technological University was first chartered as the Michigan School of Mines in 1885;

Whereas due to the significant and growing contribution to the State of Michigan and the Nation, the school was renamed the Michigan College of Mining and Technology with the added responsibility "to promote the welfare of the industries of the State" in 1927;

Whereas the college continued its exceptional educational mission;

Whereas in 1963, the new constitution of the State of Michigan included the renaming to the Michigan College of Science and Technology and in 1964, with the present designation of Michigan Technological University with the continued responsibility of promoting the welfare of the industries of the State of Michigan;

Whereas in 1990, Michigan Technological University's A.E. Seaman Mineralogical Museum was designated as the official "mineralogical museum" of Michigan with the second largest holdings of any university mineralogical museum in the Nation;

Whereas Michigan Technological University's mission is to create the future with the vision of continued growth as a premier technological research university of international stature, delivering education, new knowledge, and innovation for the needs of the world;

Whereas today, Michigan Technological University now hosts more than 7,000 students who pursue baccalaureate, master, and doctoral degrees;

Whereas Michigan Technological University is nationally ranked as a high research university by the Carnegie Foundation, with research expenditures of some \$55,000,000 annually doing world class cutting edge basic and exceptional applied research;

Whereas Michigan Technological University provides an exceptionally high quality of education in science, technology, engineering, and mathematics fields, graduating 83 percent of students in those disciplines from across the State, Nation, and around the world;

Whereas the State of Michigan and the Nation benefit from the influx of such outstanding graduates for the purpose of economic development, innovation, and entrepreneurship;

Whereas Michigan Technological University's athletic programs are highly successful competitively as well as academically;

Whereas Michigan Technological University's student athletes are consistently among the top in the Nation with the highest grade point averages, while simultaneously performing exceptionally well in their respective sports led by the successes of the women's basketball team, which for the last two years has been in the NCAA Division II Elite Eight, underscoring the importance of being student athletes; and

Whereas 2010 marks the 125th anniversary of the founding of Michigan Technological University: Now, therefore, be it

Resolved, That the House of Representatives honors the students, alumni, faculty, staff, and board of control of Michigan Technological University on its 125th anniversary and commends the institution's status as a leading public university that excels in high quality education, research, and quality of life for students and the contributions to the State of Michigan, the Nation, and society with the exceptional graduates that will create the future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1564 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1564, which celebrates Michigan Technological University for 125 years of leadership and service in higher education.

Michigan Technological University was originally chartered as the Michigan School of Mines in 1885 and was later renamed the Michigan College of Mining and Technology. The college was founded in response to the needs of the copper industry in Michigan's Upper Peninsula. In 1964, as the school continued to expand its academic programs and student body, it became Michigan Technological University.

Michigan Tech students and alumni hail from all 50 States and from over 100 countries. It offers 110 majors in 56 fields of study, and 83 percent of its students graduate in the high-demand fields of science, technology, engineering, and math. With over 7,000 students seeking baccalaureate, master and doctoral degrees and a budget of \$55 million for applied research expenditures, the school has furnished vital resources for education, expertise and innovation to the State of Michigan and the Great Lakes region.

□ 1520

Michigan Tech boasts several innovative programs to help their students

prepare for careers in their chosen fields. One of these is known as the Enterprise Program. Founded in 2000, the Enterprise Program allows teams of students from different disciplines to work together to function as a professional company. Participating students work with local industry leaders to solve real-world problems, including the research and development of new technologies. Several programs have gone on to receive Federal grants and win international design competitions. Such programs, in addition to earning a "high research university" designation from the Carnegie Foundation, speak to Michigan Tech's commitment to institutional excellence.

Michigan Tech students also enjoy a number of extracurricular activities. The campus has over 200 student organizations, a Division I men's hockey team and 12 Division II varsity sports teams. The college's women's basketball team has made the NCAA Division II Elite Eight each of the past 2 years.

The graduates of Michigan Tech have long benefited the State of Michigan and the Nation and persistently advance economic development and entrepreneurship in their communities.

Once again, I express my support for House Resolution 1564 and congratulate Michigan Technological University on its 125th year anniversary. I thank Representative STUPAK for bringing this resolution forward.

Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today also in support of House Resolution 1564, commending and congratulating Michigan Technological University on the occasion of its 125th anniversary.

Michigan Technological University was founded in 1885 and is located in Houghton, Michigan. Michigan Tech was established to train mining engineers to support at the time the booming copper industry in that area. Classes began with 23 students and four faculty members. Today, the university's enrollment stands at over 7,100 students and almost 450 faculty members.

Today, Michigan Tech is one of the Nation's premier technological research universities. Students at Michigan Tech can choose from majors in five different schools and colleges, including the College of Engineering, College of Sciences and Arts, School of Business and Economists, School of Technology, and School of Forest Resources and Environmental Science. The university offers more than 120 degree programs in these various subjects.

Michigan Tech students also excel at athletics. The Michigan Tech Huskies compete in Division I and II NCAA athletics and have 14 varsity athletic teams. The Huskies compete in sports

including basketball, cross country, football, hockey, tennis, track and field, soccer, volleyball, and Nordic skiing.

Michigan Tech's mission is "to prepare students to create the future," and the university works to do just that. Today, 96 percent of Michigan Tech's students have jobs in their chosen field, enroll in graduate school, or enlist in the military by graduation. Michigan Tech has become a premier university during their 125-year history and promises to be a leader in education in the future.

I extend my congratulations to Michigan Technological University for 125 years of excellence in higher education and once again wish its faculty, staff, students, and alumni continued success. I ask my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SABLAN. Madam Speaker, I yield such time as he may consume to my good friend the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I thank the gentleman for yielding and for his kind words on behalf of Michigan Technological University. And, Mr. BISHOP, thank you also for supporting this resolution.

Madam Speaker, I rise in support of our resolution, House Resolution 1564, honoring Michigan Technological University on the occasion of its 125th anniversary.

Michigan Technological University is located in Houghton, Michigan, along the shores of Lake Superior on the spectacular Keweenaw Peninsula. Michigan Tech was first chartered as the Michigan School of Mines in 1885 and in 1927 was renamed the Michigan College of Mining and Technology with the added responsibility to "promote the welfare of the industries of the State."

The school continued its exceptional educational mission, and in 1963 a new constitution of the State of Michigan renamed the school Michigan College of Science and Technology, followed shortly in 1964 by the name it holds today, Michigan Technological University.

During these 125 years, Michigan Tech has educated thousands of students in some of the fields most important to the development of our Nation, such as mining, forestry, and engineering. The school's mission is to create the future with the vision of continued growth as a premier technological research university of international stature delivering education, new knowledge, and innovation for the needs of our world.

Today, Michigan Tech boasts more than 7,000 students who pursue baccalaureate, master, and doctoral degrees. Michigan, our Nation, and the world benefit from the influx of such outstanding graduates for the purpose of

economic development, innovation, and entrepreneurship.

Michigan Tech provides an exceptionally high quality of education in science, technology, engineering and mathematics fields, graduating 83 percent of the students in these disciplines, something that will continue to be important as the United States strives to remain competitive in this global economy.

Michigan Tech is ranked nationally as a "high research university" by the Carnegie Foundation, with research expenditures of \$55 million annually doing world-class, cutting-edge, exceptional applied research. In 1990, the school's A.E. Seaman Mineralogical Museum was designated as the official "mineralogical museum" of Michigan with the second largest holdings of any university mineralogical museum in the Nation.

Michigan Tech students also enjoy success outside the classroom. The school's athletic programs—especially hockey, football and basketball—are highly successful competitively as well as academically. Michigan Tech students are consistently among the top in the Nation with the highest grade point averages while simultaneously performing exceptionally well in their respective sports, led by the success of the women's Huskies basketball team, which for the last 2 years has made it to the NCAA Division II Elite Eight.

Still, Michigan Tech has never abandoned its original mission as a school of mines. Right now in the Upper Peninsula of Michigan, mining is a very active enterprise and business. We still have two active iron ore mines. And with the price of precious metals being high, there is new exploration throughout our peninsula for mining. In fact, the State of Michigan has just permitted a new uranium mine in the Upper Peninsula of Michigan. But as we move from hard rock mining to not only new sources of mining, but a new process of mining too—and we are now going to a process called sulfide mining, which to me has raised many environmental concerns—probably now more than ever we need the expertise of the faculty, the students, the administration and the communities, we need their expertise in mining and engineering so we can make sure that mining continues in the Upper Peninsula as a beneficial endeavor for our economy and for our people without harming our environment.

So I ask that the entire U.S. House of Representatives join me in honoring the students, alumni, faculty, staff and Board of Control of Michigan Technological University on its 125th anniversary by supporting House Resolution 1564.

Under the leadership of President Glen Mroz, Michigan Tech continues to be a leading public university that excels in high-quality education, research, and quality of life for students.

Mr. BISHOP of Utah. Madam Speaker, I yield back the balance of my time.

Mr. SABLAN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and agree to the resolution (H. Res. 1564).

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING UNIVERSITY OF SOUTHERN CALIFORNIA MEN'S TENNIS TEAM

Mr. SABLAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1480) commending the University of Southern California Trojan men's tennis team for its victory in the 2010 National Collegiate Athletic Association (NCAA) Men's Tennis Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1480

Whereas the University of Southern California (USC) Trojan men's tennis team has achieved many accomplishments during the 2010 season;

Whereas USC finished the 2010 season with an overall record of 25-3;

Whereas, the No. 5 seed in the tournament, USC won the 2010 NCAA Championship with a 4-2 victory over the No. 2 seed Tennessee;

Whereas the USC men's tennis team has now won its 18th NCAA men's tennis team championship, making the Trojans the all-time leader in such team victories;

Whereas USC's previous NCAA men's tennis team championship came in 2009;

Whereas USC won the 2009 NCAA Championship with a 4-1 victory over Ohio State;

Whereas, as a whole, USC has won its 113th national championship as a university, and its 90th men's national championship;

Whereas the 2010 NCAA Championship is the second for USC head coach Peter Smith;

Whereas USC Daniel Nguyen was named the NCAA Tournament's Most Outstanding Player;

Whereas other All-Team Tournament Team honors went to Robert Farah at No. 1 singles, Steve Johnson at No. 2 singles, Daniel Nguyen at No. 4 singles, and Peter Lucassen at No. 6 singles, as well as Robert Farah and Steve Johnson at No. 1 doubles and Daniel Nguyen and JT Sundling at No. 2 doubles; and

Whereas under the leadership of USC's 10th president, Steven B. Sample, USC has established itself as a world-class research university, known for its leadership in the fields of communication, media, public diplomacy, the sciences, and the arts: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Southern California (USC) Trojan men's tennis team and USC President Steven B. Sample for USC's victory in the 2010 NCAA Men's Tennis Championship;

(2) applauds Coach Peter Smith for his winning his second NCAA Championship as USC's head coach; and

(3) recognizes the achievements of the players, coaches, students, alumni, and staff who were instrumental in helping the University of Southern California win the 2010 NCAA Men's Tennis Championship.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1480 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

□ 1530

Mr. SABLAN. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1480, which congratulates the University of Southern California's men's tennis team, the Trojans, for winning the 2010 NCAA championship.

For the second year in a row, the number five seed USC Trojans triumphed over their opponents after another amazing performance and season that ended with a 25-3 record. Despite losing their first two doubles matches, the Trojans fought back in singles matches en route to their 4-2 championship victory over the Tennessee Volunteers, this year's number two seed.

Recording victories in their singles matches were Robert Farah and Steve Johnson, with Daniel Nguyen and Peter Lucassen helping to cement the win. For his phenomenal efforts on the court, Nguyen was named the NCAA Tournament Most Outstanding Player.

This victory is USC head coach Peter Smith's second national championship and the second time the USC Trojans have captured back-to-back championships—their first during their 1993 and 1994 seasons. Amazingly, this is the team's 18th national championship. Given their dedication, hard work, and commitment to excellence, the USC men's tennis team has rightfully earned this latest championship title.

Madam Speaker, once again I express my support for House Resolution 1480 and congratulate the University of Southern California men's tennis team, Coach Smith on his outstanding achievements with the team, and each of the Trojan men's tennis team players on this extraordinary NCAA victory.

I want to thank Representative WATSON for introducing this resolution, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1480, commending the University of Southern California Trojans men's tennis team for its victory in the 2010 National Collegiate Athletic Association Men's Tennis Championship.

The USC men's tennis team captured the 2010 NCAA championship on May 25 of this year—its second championship in as many years—by defeating the Tennessee Volunteers 4-2. Despite losing their first two doubles matches, the fifth-seeded Trojans fought back hard in singles play and against the second-seeded Volunteers en route to the championship.

USC's Robert Farah and Steve Johnson, who had their streak of 17 consecutive doubles match victories broken in the opening set, each recorded a victory in their respective singles matches. Two fellow Trojans also recorded singles victories to cement the win.

I also want to congratulate Daniel Nguyen for his phenomenal efforts on the court in being named, as was mentioned, the NCAA Tournament's Most Outstanding Player.

USC has won 113 national championships as a university, its 90th men's national championship, and in capturing this tennis title, their 18th men's tennis title championship overall. This feat makes the Trojans the all-time leader in such team victories.

The University of Southern California is one of the world's leading private research institutions. In addition, USC fosters a vibrant culture of public service and encouraging students to cross academic as well as geographic boundaries in their pursuit of knowledge.

The University of Southern California has established itself as a world leader in the field of communication, multimedia technology, and the life sciences, as well as in cross-disciplinary teaching and research. The university has also strengthened its culture of community service, receiving national acclaim for its innovative service-learning programs and community involvement.

Today I commend USC President Steven B. Sample, Tennis Coach Peter Smith for winning his second NCAA championship as head coach, the coaching staff, the team, the fans, the faculty, and the staff. Congratulations to the team for an outstanding accomplishment.

I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SABLAN. Madam Speaker, at this time I am pleased to yield such time as she may consume to the distinguished gentlewoman from California, Madam Ambassador WATSON.

Ms. WATSON. Madam Speaker, I rise today in support of House Resolution 1480, a resolution honoring the University of Southern California, referred to as USC, men's tennis team for their historic victory in the 2010 NCAA men's tennis championship. Overall, the achievement marks USC's 18th all-time NCAA men's tennis championship, making the Trojans the all-time leader in such team victories.

On May 25, 2010, the number five seeded USC Trojans defeated the number two seed, Tennessee. True to USC's mantra, "Fight On," the Trojans fought back from an early hole to claim four singles matches and rights to the 2010 championship trophy. USC finished the season with 25 wins and three losses as they pinned up their first back-to-back men's tennis titles since the 1993-1994 season.

For outstanding performance during tournament of play this year, Daniel Nguyen was named the NCAA Tournament's Most Outstanding Player. His match-clinching win during the 2010 championship, as well as four other victories in NCAA tournament play, put him in position to take this top honor.

In addition, NCAA All Tournament Honors went to Robert Farah and Steve Johnson for number one doubles, Daniel Nguyen and J.T. Sundling for number two doubles, Robert Farah for number one singles, Steve Johnson for number two singles, Daniel Nguyen for number four singles, and Peter Lucassen for number six singles.

Head Coach Peter Smith, who has guided the Trojans to back-to-back NCAA championships in the past two seasons, now enters his ninth season as head coach of the Trojan men's tennis program. Coach Smith was also honored as the 2010 Intercollegiate Tennis Association's National Coach of the Year to go along with the Pac-10 and the ITA West Regional Coach of the Year honors.

During Coach Smith's career, he accumulated 427 wins and 194 losses. As head coach of the Trojans, Coach Smith has a record of 152 wins and 59 losses.

Unfortunately, I was unable to attend, but on Monday night, the Trojans' championship men's tennis team, along with the 2009 championship men's water polo team, met with President Obama at the White House as he honored NCAA champions from around the country.

Madam Speaker, I urge my colleagues to support House Resolution 1480, and let's recognize the achievements of the players, the coaches, the students, the alumni, and the staff who were instrumental in helping the USC Trojans win the 2010 men's tennis championship.

Mr. BISHOP of Utah. Madam Speaker, I congratulate the sponsor of this piece of legislation and appreciate her

bringing it forward. I urge my colleagues to support this.

As someone whose alma mater will join the Pac next year, this is probably the last time I can ever publicly say anything favorable about Southern Cal; but in so doing, they certainly deserve the honor they got for what they accomplished this last May.

I urge adoption of the resolution.

I yield back the balance of my time.

Mr. SABLÁN. Madam Speaker, I also urge my colleagues to support House Resolution 1480.

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1480, which commends the University of Southern California (USC) for its victory in the 2010 National Collegiate Athletic Association (NCAA) Men's Tennis Championship. This victory was the second consecutive championship for the USC men's tennis team. They had previously won the national championship in 2009.

This championship was truly a team effort. The 2010 USC men's tennis team finished the season with an overall record of 25–3. They entered the tournament as the Number 5 seed. After falling behind early to the University of Tennessee, they rallied for a 4–2 victory to win the national championship.

The USC men's tennis team captured its 18th NCAA national championship. This victory makes the USC men's tennis team the winningest Division I collegiate tennis program in history.

Madam Speaker, this championship continues a long standing excellence in athletics and academics at USC. As an alumnus of the University of Southern California, I am especially proud to be able to celebrate in this championship. USC has now won 113 national championships as a university.

Madam Speaker, I thank my colleague Congresswoman WATSON for introducing this resolution and I urge my colleagues to join me in supporting H. Res. 1480, commending the USC men's tennis team on winning the 2010 national championship.

Mr. SABLÁN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLÁN) that the House suspend the rules and agree to the resolution, H. Res. 1480.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1611

Whereas Hispanic-Serving Institutions play an important role in educating many underprivileged students and helping them attain their full potential through higher education;

Whereas Hispanic-Serving Institutions are degree-granting institutions with a full-time-equivalent undergraduate enrollment of 25 percent or more Hispanic students;

Whereas there are currently approximately 260 Hispanic-Serving Institutions in the United States;

Whereas Hispanic-Serving Institutions are actively involved in stabilizing and improving their communities;

Whereas over 50 percent of the Nation's Hispanic students attend Hispanic-Serving Institutions;

Whereas celebrating the vast contributions of Hispanic-Serving Institutions contributes to the strength and culture of the United States;

Whereas the achievements and goals of Hispanic-Serving Institutions are deserving of national recognition; and

Whereas the week of September 19, 2010, would be an appropriate week to designate as "National Hispanic-Serving Institutions Week": Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the achievements and goals of Hispanic-Serving Institutions across the United States;

(2) supports the designation of "National Hispanic-Serving Institutions Week";

(3) requests the President to issue a proclamation designating "National Hispanic-Serving Institutions Week"; and

(4) calls on the people of the United States and interested groups to observe such week with appropriate ceremonies, activities, and programs to demonstrate support for Hispanic-Serving Institutions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLÁN) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLÁN. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1611 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLÁN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1611, which encourages establishment of the week of September 19 as National Hispanic-Serving Institutions Week. Hispanic-Serving Institutions are degree-granting institutions of higher education with a student population that is at least one-quarter Hispanic. In 1990,

there were only 137 recognized Hispanic-Serving Institutions. Today, there are 268 such institutions, educating nearly half of all Hispanic college and university students nationwide.

Overall, Hispanic students are more likely than their peers to face multiple obstacles in their access to, and completion of, higher education. They are less likely than their white peers to complete their bachelor's degrees due to issues such as poverty, immigration status, language barriers, family responsibilities, and the demands of part-time employment. Hispanic-Serving Institutions play a crucial role in addressing these issues and obstacles by providing the support services necessary to help their students focus on and complete their degrees.

Hispanic-Serving Institutions provide opportunities for their students to get involved in campus and community leadership activities, and also work to prepare students for careers in a 21st century workforce by expanding the ranks of Hispanics in science, technology, engineering, and math fields.

Recently, the nonprofit organization Excelencia in Education began a national initiative known as Ensuring America's Future By Increasing Latino College Completion. This initiative aims to focus attention on serving Hispanic students by organizations, institutions, and policymakers, to delineate degree completion goals, and encourage Federal, State, and institutional policies which promote the success of Hispanic students. The initiative also aligns with President Obama's goal to increase our Nation's degree attainment by 2020.

Over 50 organizations have partnered with Excelencia to support the campaign, including groups such as the Hispanic Association of Colleges and Universities, the Alliance for Excellent Education, and the National Governors Association.

According to the United States Census, only 19 percent of Hispanics in the United States had earned an associate's degree or higher in 2008. In comparison, 59 percent of Asians, 39 percent of whites, and 28 percent of African Americans had earned an associate's or higher in the same year. A report by Excelencia states that 5.5 million Latinos will have to earn college degrees between now and 2020 in order for the United States to reach the Obama administration's degree completion goal. That means 3.3 million more Latinos will have to complete college than are currently projected. Our Nation's Hispanic-Serving Institutions will help us lead the way to greater access to and completion of higher education for all of America's students.

Madam Speaker, I ask my colleagues to support this important resolution and join me in recognizing the week of

□ 1540

SUPPORTING NATIONAL HISPANIC-SERVING INSTITUTIONS WEEK

Mr. SABLÁN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1611) expressing support for designation of the week beginning September 19, 2010, as "National Hispanic-Serving Institutions Week".

September 19 as the 2010 National Hispanic-Serving Institutions Week and honoring the important contributions these institutions make to the education of our students.

I thank my good friend Representative GRIJALVA for his leadership in bringing this important resolution forward.

I reserve the balance of my time.

Mr. ROE of Tennessee. Madam Speaker, I yield myself as much time as I may consume.

I rise today in support of House Resolution 1611, expressing support for the designation of the week beginning September 19, 2010, as National Hispanic-Serving Institutions Week.

The act of going to college and earning a degree is more important than ever for today's youth and our society. Research shows individuals with a bachelor's degree earn more than high school graduates, and society as a whole gains from an educated citizenry. Students historically underrepresented at the postsecondary level—students of color, those from low-income backgrounds, and first-generation students—are less likely to prepare for, apply for, enroll in, and complete postsecondary education.

As of July 2009, the estimated Hispanic population of the United States was 48.1 million, making people of Hispanic origin the Nation's largest ethnic or race minority. It is estimated by 2050 Hispanics will constitute 30 percent of the Nation's population.

Currently, there are almost 270 Hispanic-Serving Institutions, HSIs, in the United States answering the call to educate underprivileged students and help them to attain their full potential through higher education. HSIs are degree-granting institutions with a full-time equivalent undergraduate enrollment of 25 percent or more Hispanic students. The HSIs serve a very diverse student body. In 2007, 46 percent enrolled in HSIs were Hispanic, and the remaining 44 percent were a diverse mix of students from various ethnicities and backgrounds.

Although most HSIs do not have access to the resources or endowment income that other institutions can draw on, they provide a quality education for the students they serve. While HSIs comprise less than 10 percent of the Nation's institutions of higher education, these institutions educate over two-thirds of Hispanic students enrolled in colleges and universities. HSIs provide some of the most disadvantaged students with the opportunity to attend college, and as a result, help to supply employers with talented, well-educated employees who can contribute in a competitive global workforce.

Today we honor Hispanic-Serving Institutions across the country for their achievements and goals. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SABLÁN. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. HINOJOSA), a leader in education for all students, including Hispanic students.

Mr. HINOJOSA. Madam Speaker, I rise today to express my support for H. Res. 1611, a resolution designating the week beginning September 19, 2010, as National Hispanic-Serving Institutions Week. As never before, our Nation's Hispanic-Serving Institutions, known as HSIs, play an invaluable role in educating millions of Latinos and low-income students. It is critically important that we recognize their contributions to our Nation's higher education system.

As subcommittee chairman for Higher Education, Lifelong Learning, and Competitiveness, it is indeed a privilege for me to congratulate HSI college presidents who strive for excellence and support our students in reaching their full potential, and to acknowledge the hard work and dedication of HSI faculty, administrators, and students.

In these tough economic times, it is imperative that youth and adults receive a high quality education and are equipped with the 21st century skills to thrive in our Nation's economy. By providing accessibility and affordability to Latinos and other minorities in higher education, HSIs are creating pathways out of poverty and access to high-skilled, family-sustaining jobs and lifelong learning.

On March 30, 2010, it was an honor for me to join President Obama for the signing of the Health Care and Education Reconciliation Act of 2010. For the first time, Congress has provided \$1 billion for HSIs over the next decade to increase the representation and boost the academic achievement of Latinos in the fields of science, technology, engineering, and mathematics, known as STEM.

This is a big, big deal for the Latino community. I wish to thank Congressman RAÚL GRIJALVA from Arizona for being the original sponsor of this resolution, H. Res. 1611.

In celebration of Hispanic Heritage Month, I respectfully ask President Obama to issue a proclamation designating the week beginning September 19, 2010, as National Hispanic-Serving Institutions Week.

Madam Speaker, as our Nation strives to build a world-class educational system, increase graduation rates at all levels, and improve college access, persistence and completion, this resolution commends HSIs for preparing youth and workers for success in work and in life.

I strongly urge my colleagues in Congress to support this resolution and ask all Americans to observe National Hispanic-Serving Institutions Week.

Mr. ROE of Tennessee. Madam Speaker, I have no further requests for time, and I yield back the balance of my time. I urge support of this resolution.

Mr. SABLÁN. Madam Speaker, I also urge the support of H. Res. 1611.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLÁN) that the House suspend the rules and agree to the resolution, H. Res. 1611.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 3 o'clock and 50 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CRITZ) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 1052, by the yeas and nays;

House Resolution 1571, by the yeas and nays.

Proceedings on House Resolution 1610 will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

HONORING OKLAHOMA NATIONAL GUARD

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1052) honoring the members of the Army National Guard and Air National Guard of the State of Oklahoma for their service and sacrifice on behalf of the United States since September 11, 2001, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. BOREN) that the House suspend the rules and agree to the resolution.

The vote was taken by electronic device, and there were—yeas 378, nays 0, not voting 54, as follows:

[Roll No. 519]

YEAS—378

Aderholt	Cummings	Israel
Adler (NJ)	Dahlkemper	Issa
Akin	Davis (AL)	Jackson (IL)
Alexander	Davis (CA)	Jackson Lee
Altmire	Davis (IL)	(TX)
Andrews	Davis (KY)	Jenkins
Arcuri	Davis (TN)	Johnson (GA)
Austria	DeGette	Johnson (IL)
Baca	DeLauro	Johnson, E. B.
Bachmann	Dent	Johnson, Sam
Bachus	Deutch	Jones
Baird	Diaz-Balart, L.	Jordan (OH)
Baldwin	Diaz-Balart, M.	Kagen
Barrett (SC)	Dicks	Kanjorski
Barrow	Dingell	Kaptur
Bartlett	Djou	Kennedy
Barton (TX)	Doggett	Kildee
Bean	Donnelly (IN)	Kilpatrick (MI)
Becerra	Doyle	Kind
Berkley	Dreier	King (IA)
Berman	Drieheaus	King (NY)
Berry	Duncan	Kingston
Bilbray	Edwards (MD)	Kirkpatrick (AZ)
Bilirakis	Edwards (TX)	Kissell
Bishop (GA)	Ehlers	Klein (FL)
Bishop (NY)	Ellison	Kline (MN)
Bishop (UT)	Emerson	Kosmas
Blackburn	Eshoo	Kratovil
Blumenauer	Etheridge	Kucinich
Blunt	Farr	Lamborn
Boccheri	Fattah	Lance
Bono Mack	Flake	Larsen (WA)
Boren	Fleming	Larson (CT)
Boswell	Forbes	Latham
Boucher	Fortenberry	LaTourette
Boustany	Foster	Latta
Boyd	Fox	Lee (NY)
Brady (PA)	Frank (MA)	Levin
Brady (TX)	Franks (AZ)	Lewis (CA)
Braley (IA)	Frelinghuysen	Lewis (GA)
Bright	Fudge	Linder
Broun (GA)	Gallegly	Lipinski
Brown (SC)	Garamendi	LoBiondo
Brown, Corrine	Garrett (NJ)	Loebsack
Buchanan	Gerlach	Lofgren, Zoe
Burgess	Giffords	Lowe
Burton (IN)	Gingrey (GA)	Lucas
Butterfield	Gohmert	Luetkemeyer
Buyer	Gonzalez	Lujan
Calvert	Goodlatte	Lummis
Camp	Granger	Lungren, Daniel
Campbell	Graves (GA)	E.
Cao	Graves (MO)	Mack
Capito	Grayson	Maffei
Capps	Green, Al	Manzullo
Capuano	Green, Gene	Marchant
Cardoza	Griffith	Markey (CO)
Carnahan	Guthrie	Markey (MA)
Carson (IN)	Gutierrez	Marshall
Carter	Hall (TX)	Matheson
Cassidy	Halvorson	Matsui
Castor (FL)	Hare	McCarthy (NY)
Chaffetz	Harman	McCauley
Chandler	Harper	McClintock
Childers	Hastings (FL)	McCollum
Chu	Hastings (WA)	McCotter
Clay	Heinrich	McDermott
Cleaver	Heller	McGovern
Clyburn	Hensarling	McHenry
Coble	Herger	McIntyre
Coffman (CO)	Herseth Sandlin	McKeon
Cohen	Hill	McMahon
Cole	Himes	McMorris
Conaway	Hinchoy	Rodgers
Connolly (VA)	Hinojosa	McNerney
Conyers	Hirono	Mica
Costa	Holden	Michaud
Costello	Holt	Miller (FL)
Courtney	Honda	Miller (MI)
Crenshaw	Hoyer	Miller (NC)
Critz	Hunter	Miller, Gary
Cuellar	Inslee	Miller, George

Minnick	Rogers (AL)	Space
Mitchell	Rogers (KY)	Spratt
Mollohan	Rogers (MI)	Stark
Moore (KS)	Rohrabacher	Stearns
Moran (VA)	Rooney	Stupak
Murphy (CT)	Ros-Lehtinen	Sullivan
Murphy (NY)	Roskam	Sutton
Murphy, Patrick	Ross	Tanner
Murphy, Tim	Rothman (NJ)	Taylor
Myrick	Roybal-Allard	Teague
Napolitano	Royce	Terry
Neal (MA)	Ruppersberger	Thompson (CA)
Neugebauer	Ryan (OH)	Thompson (MS)
Nunes	Ryan (WI)	Thompson (PA)
Nye	Salazar	Thornberry
Oberstar	Sanchez, Linda	Tiahrt
Obey	T.	Tiberi
Olson	Sanchez, Loretta	Titus
Olver	Sarbanes	Tonko
Ortiz	Scalise	Turner
Owens	Schakowsky	Upton
Pallone	Schauer	Van Hollen
Pascarell	Schiff	Velázquez
Pastor (AZ)	Schmidt	Visclosky
Paul	Schock	Walden
Paulsen	Schrader	Walz
Payne	Schwartz	Wamp
Pence	Scott (GA)	Wasserman
Perlmutter	Scott (VA)	Schultz
Perriello	Sensenbrenner	Waters
Peters	Sessions	Watson
Peterson	Sestak	Watt
Petri	Shadegg	Waxman
Pingree (ME)	Sherman	Weiner
Pitts	Shimkus	Welch
Poe (TX)	Shuler	Westmoreland
Polis (CO)	Shuster	Whitfield
Pomeroy	Simpson	Wilson (OH)
Posey	Sires	Wilson (SC)
Price (NC)	Skelton	Wittman
Quigley	Slaughter	Wolf
Rahall	Smith (NE)	Woolsey
Reichert	Smith (NJ)	Wu
Reyes	Smith (TX)	Yarmuth
Rodriguez	Smith (WA)	Young (AK)
Roe (TN)	Snyder	

NOT VOTING—54

Ackerman	Filner	Moran (KS)
Biggart	Gordon (TN)	Nadler (NY)
Boehner	Grijalva	Platts
Bonner	Hall (NY)	Price (GA)
Boozman	Higgins	Putnam
Brown-Waite,	Hodes	Radanovich
Ginny	Hoekstra	Rangel
Cantor	Inglis	Rehberg
Carney	Kilroy	Richardson
Castle	Kirk	Rush
Clarke	Langevin	Serrano
Cooper	Lee (CA)	Shea-Porter
Crowley	Lynch	Speier
Culberson	Maloney	Tierney
DeFazio	McCarthy (CA)	Towns
Delahunt	Meek (FL)	Tsongas
Elsworth	Meeks (NY)	Young (FL)
Engel	Melancon	
Fallin	Moore (WI)	

□ 1831

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 519, I was away from the Capitol due to a constituent commitment. Had I been present, I would have voted "yes."

CONGRATULATING MIAMI DADE COLLEGE ON 50TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1571) acknowledging and congratulating Miami Dade

College on the occasion of its 50th anniversary of service to the students and residents of the State of Florida, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 378, nays 0, not voting 54, as follows:

[Roll No. 520]

YEAS—378

Aderholt	Cohen	Halvorson
Adler (NJ)	Cole	Hare
Akin	Conaway	Harman
Alexander	Connolly (VA)	Harper
Altmire	Conyers	Hastings (FL)
Andrews	Cooper	Hastings (WA)
Arcuri	Costa	Heinrich
Austria	Costello	Heller
Baca	Courtney	Hensarling
Bachmann	Crenshaw	Herger
Bachus	Critz	Herseth, Sandlin
Baird	Cuellar	Hill
Baldwin	Cummings	Himes
Barrett (SC)	Dahlkemper	Hinchoy
Barrow	Davis (AL)	Hinojosa
Bartlett	Davis (CA)	Hirono
Barton (TX)	Davis (IL)	Holden
Bean	Davis (KY)	Holt
Becerra	Davis (TN)	Honda
Berkley	DeGette	Hoyer
Berman	DeLauro	Hunter
Berry	Dent	Inglis
Biggart	Deutch	Inslee
Bilbray	Diaz-Balart, L.	Israel
Bilirakis	Diaz-Balart, M.	Issa
Bishop (GA)	Dicks	Jackson (IL)
Bishop (NY)	Dingell	Jackson-Lee
Bishop (UT)	Djou	(TX)
Blumenauer	Doggett	Jenkins
Blunt	Donnelly (IN)	Johnson (GA)
Boccheri	Doyle	Johnson (IL)
Bono Mack	Dreier	Johnson, E. B.
Boren	Drieheaus	Johnson, Sam
Boswell	Duncan	Jones
Boucher	Edwards (MD)	Jordan (OH)
Boustany	Ehlers	Kagen
Boyd	Ellison	Kanjorski
Brady (PA)	Emerson	Kaptur
Brady (TX)	Eshoo	Kennedy
Braley (IA)	Etheridge	Kildee
Bright	Farr	Kilpatrick (MI)
Broun (GA)	Fattah	Kind
Brown (SC)	Flake	King (IA)
Brown, Corrine	Forbes	King (NY)
Buchanan	Fortenberry	Kingston
Burgess	Foster	Kirkpatrick (AZ)
Burton (IN)	Fox	Kissell
Butterfield	Frank (MA)	Klein (FL)
Calvert	Franks (AZ)	Kline (MN)
Camp	Frelinghuysen	Kosmas
Campbell	Fudge	Kratovil
Cao	Gallegly	Kucinich
Capito	Garamendi	Lamborn
Capps	Garrett (NJ)	Lance
Capuano	Gerlach	Larsen (WA)
Cardoza	Giffords	Larson (CT)
Carnahan	Gingery (GA)	Latham
Carson (IN)	Gohmert	LaTourette
Carter	Gonzalez	Latta
Cassidy	Goodlatte	Lee (NY)
Castor (FL)	Granger	Levin
Chaffetz	Graves (GA)	Lewis (CA)
Chandler	Graves (MO)	Lewis (GA)
Childers	Grayson	Linder
Chu	Green, Al	Lipinski
Clay	Green, Gene	LoBiondo
Cleaver	Griffith	Loebsack
Clyburn	Guthrie	Lofgren, Zoe
Coble	Gutierrez	Lowe
Coffman (CO)	Hall (TX)	Lucas

Luetkemeyer	Paul	Shimkus
Luján	Paulsen	Shuler
Lummis	Payne	Shuster
Lungren, Daniel E.	Pence	Simpson
Mack	Perlmutter	Sires
Maffei	Perriello	Skelton
Manzullo	Peters	Slaughter
Marchant	Peterson	Smith (NE)
Markey (CO)	Petri	Smith (NJ)
Markey (MA)	Pingree (ME)	Smith (TX)
Marshall	Pitts	Smith (WA)
Matheson	Platts	Snyder
Matsui	Poe (TX)	Space
McCarthy (NY)	Polis (CO)	Spratt
McCaul	Pomeroy	Stark
McClintock	Posey	Stearns
McCollum	Price (NC)	Stupak
McCotter	Quigley	Sullivan
McDermott	Rahall	Sutton
McGovern	Reichert	Tanner
McHenry	Reyes	Taylor
McIntyre	Richardson	Teague
McKeon	Rodriguez	Terry
McMahon	Roe (TN)	Thompson (CA)
McMorris	Rogers (AL)	Thompson (MS)
Rodgers	Rogers (KY)	Thompson (PA)
McNerney	Rogers (MI)	Thornberry
Mica	Rohrabacher	Tiahrt
Michaud	Rooney	Tiberi
Miller (FL)	Ros-Lehtinen	Titus
Miller (MI)	Roskam	Tonko
Miller (NC)	Ross	Turner
Miller, Gary	Rothman (NJ)	Upton
Minnick	Roybal-Allard	Van Hollen
Mitchell	Royce	Velázquez
Molloy	Ruppersberger	Visclosky
Moore (KS)	Ryan (OH)	Walden
Moran (VA)	Ryan (WI)	Walz
Murphy (CT)	Salazar	Wamp
Murphy (NY)	Sánchez, Linda T.	Wasserman
Murphy, Patrick	Sanchez, Loretta	Schultz
Murphy, Tim	Sarbanes	Waters
Myrick	Scalise	Watson
Napolitano	Schakowsky	Watt
Neal (MA)	Schauer	Waxman
Neugebauer	Schiff	Weiner
Nunes	Schmidt	Welch
Nye	Schock	Westmoreland
Oberstar	Schrader	Whitfield
Obey	Schwartz	Wilson (OH)
Olson	Scott (GA)	Wilson (SC)
Olver	Scott (VA)	Wittman
Ortiz	Sensenbrenner	Wolf
Owens	Sessions	Woolsey
Pallone	Sestak	Wu
Pascarella	Shadegg	Yarmuth
Pastor (AZ)	Sherman	Young (AK)

NOT VOTING—54

Ackerman	Fallin	Miller, George
Blackburn	Filner	Moore (WI)
Boehner	Fleming	Moran (KS)
Bonner	Gordon (TN)	Nadler (NY)
Boozman	Grijalva	Price (GA)
Brown-Waite,	Hall (NY)	Putnam
Ginny	Higgins	Radanovich
Buyer	Hodes	Rangel
Cantor	Hoekstra	Rehberg
Carney	Kilroy	Rush
Castle	Kirk	Serrano
Clarke	Langevin	Shea-Porter
Crowley	Lee (CA)	Speier
Culberson	Lynch	Tierney
DeFazio	Maloney	Towns
Delahunt	McCarthy (CA)	Tsongas
Edwards (TX)	Meek (FL)	Young (FL)
Ellsworth	Meeks (NY)	
Engel	Melancon	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1843

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 520, I was away from the Capitol due to a constituent commitment. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Ms. LEE of California. Mr. Speaker, today I missed rollcall vote No. 519 on H. Res. 1052, and rollcall vote No. 520 on H. Res. 1571. Had I been present, I would have voted "aye" on both resolutions.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, Americans came together in our hometowns and cities this past Saturday to honor nearly 3,000 lives lost in the September 11, 2001, terrorist attacks.

Next week, we have the opportunity to honor the first responders and rescue workers who rushed to Ground Zero to help in the rescue and recovery efforts when we vote on the James Zadroga 9/11 Health and Compensation Act. The bill will provide necessary medical and monitoring treatment to the first responders and survivors of 9/11 who were exposed to the debris and to the dangerous toxins emitted from the fall of the Twin Towers.

New York's courageous firefighters, police officers, EMTs, cleanup workers, and the thousands who came from other States to lend New York a hand have been waiting for Congress to act. I thank the House leadership for agreeing to bring this important legislation up for consideration under regular order, and I commend Representatives MALONEY and NADLER for their unwavering commitment to the 9/11 first responders.

We must always fulfill our solemn promise to remember September 11 and those who died, and it is imperative we care for those brave men and women who are still affected by its aftermath. I urge all of my colleagues to support H.R. 847.

AMERICANS DON'T BELIEVE THE MEDIA'S REPORTING

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, most Americans don't believe the national media's reporting, according to a new survey by the Pew Research Center.

Only about 2 in 10 say they "believe all or most information" from news outlets such as the New York Times, ABC, CBS, and NBC. For the television

networks, this marks a 10-point drop from a decade ago.

Americans have good reason to be skeptical of the media. A total of 17 journalists have left a national media outlet to join either the Obama administration or another liberal organization, according to the Media Research Center. It is no wonder that, by a margin of 3 to 1, Americans describe the average reporter as more liberal than they are rather than more conservative, according to a public opinion poll.

If the national media want the public to believe their reporting, they should give Americans the facts and not tell them what to think.

CONGRATULATIONS TO PENN STATE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, on Monday, the members of the Penn State women's volleyball and the men's and women's fencing national championship teams were honored by the White House. They were two of the more than 30 National Collegiate Athletic Association national championship teams invited to the White House celebration by the President.

Last season, the Penn State women's volleyball team won their unprecedented third straight NCAA National Championship. They have won a record 109 matches in a row. The Nittany Lions were a perfect 38-0 for the second consecutive season, and this was their seventh Big Ten title in a row. The Penn State fencers won their fifth national title in the last decade on March 28 and their second consecutive NCAA championship.

These teams carried the mantle of Penn State from the court and the strip to the White House, and I could not be prouder of my alma mater and its sensational teams.

I commend the President for his efforts to recognize the various championship teams and individual student athletes for their contributions to their communities and to their schools.

GREENWOOD ELEMENTARY NAMED A BLUE RIBBON SCHOOL

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise to congratulate Greenwood Elementary School in Plymouth, Minnesota, for being designated as a 2010 National Blue Ribbon School. Greenwood earned this great distinction under the direction of now retired principal Ginny Clark, and is now being led by Brad Gustafson.

The Blue Ribbon Schools Program acknowledges public and private elementary, middle and high schools whose students have excelled or have made great progress academically. This program is highly effective in promoting and identifying strong leadership and teaching practices.

Though, it is truly the dedicated students, teachers, faculty, and parents who make Greenwood the great learning community that it is, and I am proud to represent such wonderful people here in Congress. We must continue to support such programs like this and recognize our great schools.

Congratulations, Greenwood Elementary. You truly are a Blue Ribbon School.

□ 1850

THE PEOPLE HAVE SPOKEN

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, we just returned from, I think, the longest August recess that I have ever experienced; and I come back refreshed, refreshed from listening to my constituents back home. And they wanted me to deliver a message when I got back here. They said, Stop the spending; raising taxes on us in the midst of this economic downturn makes no sense whatsoever, get control of the budget—at least adopt a budget and follow it as we are required to do in our homes and in our businesses. And, yes, Mr. Speaker, they asked me to deliver this message: stop picking on the employers of America. If you want employees, you need employers. And stop making it more difficult for the small business men and women in my district to continue to operate. Get government out of the way.

The people back home are willing to take the lead if we will just let them do it. Let's return to old-fashioned American principles. That's the way we march to the future.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MIAMI LIGHTHOUSE FOR THE BLIND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to rise tonight to recognize and encourage continued support for the Miami Lighthouse for the Blind.

Founded in 1931 in Little Havana in my congressional district, the Miami Lighthouse is invaluable to my south Florida community. Most of us take our vision for granted; but for the millions of vision-impaired Americans, even performing everyday tasks can become a challenge. The Miami Lighthouse is a resource for the visually impaired of south Florida, providing not only the tools and the training that they need, but also a loving and supportive community.

I have recently had the privilege of visiting the Miami Lighthouse for the Blind and participating in their children's summer camp program. As I toured this state-of-the-art facility, I saw firsthand the wonderful impact this organization has had in the lives of the children, adults, and seniors that it serves.

Miami Lighthouse is truly helping people of all ages regain their independence. Their innovative programs cover everything from employment training to computer usage to daily skills like cooking and grocery shopping. Miami Lighthouse also offers programs to build a supportive community where awareness and support are always available. They offer play dates for blind babies, summer camps for children, and social groups for seniors. Every child at the Miami Lighthouse summer camp showed me that the work Miami Lighthouse is doing has a significant impact on their future and on their quality of life.

Miami Lighthouse truly goes beyond treatment and rehabilitation; they bring the visually impaired closer to our community. But as those at Miami Lighthouse will tell you, incidences of vision loss are on the rise. Over the past 5 years, Mr. Speaker, the number of program participants at the Miami Lighthouse has risen dramatically, and this is a trend that extends across the country.

We as a Nation must dedicate the time and the resources to prevent blindness and its related conditions. Early detection is the key to fighting vision loss; and effective, accessible screening programs must be the cornerstone. Centers like the Miami Lighthouse for the Blind are leading the way. Its Heiken Children's Vision Program provides school children in Miami with eye exams and prescription glasses at no cost to families. Thanks to this program, hundreds of students now have an easier time reading and seeing the blackboard in class and have a chance for a brighter future.

I thank each and every one of the caring staff and the many volunteers at Miami Lighthouse. It is through your commitment that so many vision-impaired individuals in our community can live happy, active lives. I look forward to again visiting the Miami Lighthouse for the Blind in the future and learning of all of its latest successes.

WITHDRAWING COMBAT TROOPS FROM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, beginning in January 2005, speaking from this very spot just about every single night that I could on the House floor, I've declared again and again my conviction that we must bring our troops home from Iraq. I was actually the first Member of Congress to bring legislation to the House floor to end the war in Iraq, and now at long last it is finally happening. Eighty-eight months after President Bush declared "Mission Accomplished," President Obama has kept his promise to redeploy our fighting forces out of Iraq.

To be sure, however, there is still a long way to go before we can declare that this war is over. There are still Americans in harm's way in Iraq—50,000 servicemen and -women as well as countless contractors, but they are remaining behind to train Iraqi Security Forces, and it is expected they will leave by the end of next year.

Every single American, Mr. Speaker, has sacrificed for this policy of invading a sovereign nation without provocation and under false pretenses. The Iraq war has drained the American people of nearly three-quarters of \$1 trillion. This is money, much of it borrowed from foreign creditors, which we are essentially taking from our children and grandchildren.

And then there are the things you can't quantify—the moral authority we have squandered; the national credibility we have lost; the trust of our global neighbors that we won't soon recover. Of course no sacrifice was greater than the one borne by our men and women in uniform and their families; 4,400 Americans died unnecessarily, upwards of 30,000 are wounded, and tens of thousands more are suffering from post-traumatic stress. The men and women deployed to Iraq, Mr. Speaker, have served with courage, they have served with honor, and we owe them our never-ending gratitude, and we owe them our concern and our support.

Now that the occupation is drawing to a close in Iraq, however, the Iraqi people have a chance to build the brighter future that they deserve. To help them in that endeavor, even as we phase out the military campaign, we must step up our commitment on other fronts.

□ 1900

We must embrace the smart security platform I have spoken of so often in these chambers. That means a civilian surge of aid workers, diplomats and other experts who can help the Iraqi people rebuild their country, strengthen democratic institutions, and empower their citizens with education and economic opportunity.

Finally, Mr. Speaker, let me say this: We are still a Nation at war. The conflict in Afghanistan, often forgotten when Iraq was at its worst, lingers on hopelessly and disastrously. There are some who believe more time is needed in Afghanistan to turn the corner. But if we've learned one lesson from Iraq, it's that prolonging the war only emboldens the very forces we're trying to defeat.

Just as President Obama kept his word to end combat operations by a date certain in Iraq, he must do the same in Afghanistan. I strongly urge the President to stick to his own deadline of next July, and I, for one, will not rest until all of our troops are out of danger and brought safely home.

CONTINUING ON THE ROAD TO RUIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCCLINTOCK) is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, throughout what was supposed to be a recovery summer, the President has repeated a familiar theme, that the Republicans ran us into a ditch and now they want the keys back. That's an important point. We need to understand exactly what it was that the Bush administration did to run us into a ditch.

In fact, President Bush made two major policy blunders. The first was to preside over unprecedented regulatory intervention into the housing market that deliberately enticed people who couldn't afford homes to buy them anyway. At the same time, these policies deliberately encouraged lenders to make irresponsible loans by promising them that Fannie Mae and Freddie Mac would cover the risk. This created a massive artificial housing bubble that ultimately burst with catastrophic impact.

But my question of President Obama is, if we know that this road leads to ruin, why does he continue down it at even higher speeds? Failing to learn from the damage that government intervention does by creating artificial bubbles in the economy, the President has repeated and amplified Mr. Bush's blunders not only in the housing market with mortgage subsidies and home purchase credits, but now also in other markets like automobiles and home improvements. Each time he has squandered billions of dollars merely to borrow from future demand, leaving behind economic craters each time these bubbles have burst.

President Bush's second blunder was to increase Federal spending at an unsustainable rate, transferring economic decisions from the productive sector to the government sector and crowding out the capital market by excessive government borrowing. Now remember, the first \$168 billion stimulus

bill was a Bush brainchild. That's when we all got those \$600 checks. If massive deficits and record government spending create prosperity, well then the final Bush years should have produced a golden age for the American economy. Has the President reversed these irresponsible Bush-era policies? On the contrary. He has amplified and expanded them.

In his first 19 months in office, this administration has run up more publicly held debt than all 8 years of Bush combined, with a promise that this would keep unemployment under 8 percent. Yet all this has accomplished is to crowd out trillions of dollars of capital that could otherwise have gone to employers to add jobs or to homebuyers seeking to re-enter the housing market or to consumers seeking to make consumer purchases. Thus, instead of the sharp V-shaped recovery that normally follows a recession, America is now entering its third year of economic distress.

The reason these policies have not worked is because they cannot work. They didn't work under George W. Bush, and they have not worked when Barack Obama doubled down on them. The core of Obamanomics is the proposition that, if government can inject enough money into the economy, it can stimulate consumer spending and, therefore, demand for production.

Unfortunately, government cannot inject a single dollar into the economy that it has not first taken out of the same economy. It's true, if the government takes a dollar from Peter and gives it to Paul, Paul will have an extra dollar to spend—but Peter now has one less dollar to spend in that very same economy.

On paper, the economic effects of income transfers always net to zero. In practice, transfers net to much less than zero because they shift huge amounts of capital away from decisions that would have been made in the productive sector based on economic return towards decisions that are made in the government sector based on political return.

We see very clearly the government jobs that are created when government puts that dollar back into the economy. What we don't see as clearly are the productive jobs that were prevented from forming as government first takes that dollar out of the economy. We see those lost jobs reflected in a chronically high unemployment rate and a stagnating economy.

It's time that we stopped wrestling for the steering wheel and recognized bad public policy for what it is, whether the driver is a Republican or a Democrat. The problem is not the driver but the direction, and the direction hasn't changed.

We all know the road to prosperity. We've taken it before. When we've reduced the burdens on productivity, the

economy has blossomed. It worked when Ronald Reagan did it. It worked when John F. Kennedy and Harry Truman did it. And it will work again, but we will need leaders with a far better sense of direction than what we have today.

A TRIBUTE TO TAN'KO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Northern Mariana Islands (Mr. SABLON) is recognized for 5 minutes.

Mr. SABLON. Mr. Speaker, in the Northern Mariana Islands, as in the rest of America, baseball is the national pastime. And no single person in our islands' history did more to establish and maintain the sport of baseball than Francisco M. Palacios. Yet he did it without playing a single game.

The American military brought baseball to our islands during World War II. Along with the rifles and planes came gloves, bats, and balls for the soldiers' recreation. Schoolboys and young men on our islands picked up the game naturally from the military. Then play became formalized. Teams were organized around neighborhoods, and the first league was formed in 1953.

As a young man, Palacios would walk the 3 miles to Garapan to watch the Sunday afternoon games. He wanted to play but didn't have the skill to make the starting nine of his district team in Chalan Kanoa. So, sitting on the bench in the dugout, Palacios decided to contribute by becoming the scorekeeper.

He learned the art of scorekeeping from a Navy man stationed on Saipan, and a look at Palacios' score sheets reveals a military preciseness and meticulousness. The system he used was invented a hundred years ago earlier by American Henry Chadwick, who is now in the Baseball Hall of Fame.

Soon after becoming his team's scorekeeper, Palacios began keeping score for the entire league, and he remained the official scorekeeper for every baseball league on Saipan until his retirement in 2006—a span of six decades.

Palacios, called "Tan'ko" in our vernacular language, raised over a dozen children and numerous grandchildren and great-grandchildren. But he always made time for his duties as scorekeeper.

Without a scorekeeper, there is no game; without a record keeper, there are no records. And baseball, more than any other game, depends on its records. The box score preserves a game for all time no matter when or where it's played. Season records give us a way of comparing players, even those who never played against each other. The records connect the past to the present.

Thanks to Tan'ko, Saipan was the only island in all of Micronesia that

maintained yearly statistics, season after season.

Thanks to Tan'ko's dedication as a volunteer, baseball grew. Frank Palacios was there to help when Little League was first organized in 1973. Since then, teams from the Northern Mariana Islands have been frequent contestants at the Little League World Series in Williamsport, Pennsylvania; at the Junior League World Series in Taylor, Michigan; at the Senior League World Series in Bangor, Maine; and at the Big League World Series in Easley, South Carolina. Players from Saipan have gone to play college baseball in the mainland.

In 1994, the Commonwealth legislature recognized Tan'ko's contributions by renaming its only regulation baseball field Francisco M. Palacios Field.

□ 1910

In 2007, Palacios co-authored the book "Saipan Baseball: From the Beginning," which included all the individual and team records from the inception of the Saipan Major League in 1982.

Francisco M. Palacios has been voted into the CNMI Sports Hall of Fame. When his name came up for selection, there was no argument. He was selected unanimously.

Tan'ko provided the solid, steady foundation for baseball to become Saipan's favorite pastime. And he did it all, not by hitting home runs or striking out batters; he accomplished it with his calm, dependable presence, sure knowledge, and selfless devotion. That is why he came to be a legend in his own time, in his own way, on his own island.

END THE PERSECUTION OF CHEN GUANGCHENG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, last week one of China's most heroic defenders of human rights, Chen Guangcheng, was transported from prison to his family's house. This was good news, but only a step in the right direction. We must not gloss over the fact that Chen, who in 2006 revealed to the world the massive violence and brutality of the one child per couple policy enforcement campaign in Linyi, Shandong province, remains under house arrest, imprisoned in his own home, which is surrounded by surveillance cameras and police. Foreign reporters attempting to enter his village have been beaten and driven away, and Chen is reportedly in need of urgent medical attention, having been regularly beaten in prison, where he lost a great deal of weight.

Just today a Radio Free Asia reporter spoke with Chen and his wife

over a cell phone. Chen's wife said, and I quote, "He has a sort of haunted look. And for the first few days after his release he couldn't speak at all." Think about it. This is a very, very tough and articulate man, yet for the first few days after his release he couldn't speak at all. Such was the brutality of Chen's imprisonment.

So it is all the more inspiring to read Chen's words. The Chinese Government may have broken his body in the laogai, but they have absolutely not broken his spirit. Chen got on the phone and called on "international organizations and people of conscience" to react to his continued arrest in a united manner. That's the house arrest. And, "If they can help me today," he said, "their actions will help another person tomorrow."

A few words about Chen, Mr. Speaker. He is a self-taught lawyer, having been denied the benefits of higher education due to his blindness, and was known in Linyi for advising his neighbors on how to resist the government's injustices. In 2005 and 2006 he took the brave step that changed his life. He began interviewing people and gathering evidence about the massive violence and brutality of the one child per couple policy and its enforcement campaign that shook Linyi in 2005. What he uncovered was shocking: 130,000 forced abortions and sterilizations in Linyi County in that year alone, in addition to mass detentions and beatings.

In order to stop Chen's investigation, officials placed him under house arrest. But he managed to slip away and travel to Beijing, where he met with journalists from Time magazine and conferred with legal scholars about filing a large class action suit against officials responsible for the campaign. Officials soon abducted him back to Shandong, returned him to house arrest, and then convicted him on trumped up charges of property destruction. Chen served the full term of his 4-year, 3-month sentence, despite health problems indicating the appropriateness of medical parole.

Mr. Speaker, the Chinese Government's relentless pursuit of Chen corresponds to the continued violence of the one child per couple policy, which Chen bravely exposed. Sadly, what he documented in 2005 and 2006 is still going on today all over China. This year alone we have reliable reports of large-scale forced abortion and sterilization campaigns in Guangdong, Fujian, Yunnan, Zhejiang, and Jiangxi provinces. The campaign in Guangdong province was widely reported, the story having been broken by The Times of London in April of this year.

In Guangdong's Puning County, officials rounded up women and men, as well as the relatives of any resisters, detained them in cramped conditions, and working 20-hour shifts for 20 days, forcibly sterilized their quota of almost 10,000 people.

Mr. Speaker, Chen Guangcheng documented the fact that Chinese women are immensely traumatized by these campaigns and by the entire one child per couple policy. It's been estimated by the World Health Organization that some 500 women per day commit suicide—not per week, not per month, but per day commit suicide—in China, largely attributable to this horrific and barbaric policy called one child per couple. It is invasive. There is a crude surveillance of women's reproductive cycles, including monitoring their cycle per month. The strict birth limits drive sex selection abortion and the tragedy of what we call gendercide—the missing girls in China, which may be as many as 100 million girls since 1979, when this barbaric policy was first pushed on China by the West and by the United Nations.

It's been estimated that upwards of 40 million men will not be able to find wives by 2020 because they had been forcibly aborted as part of the China policy.

Finally, I appeal to our government, I appeal to our President, please speak out on behalf of Chen Guangcheng for his release so that this terrible nightmare he has had to endure will end.

[Sept. 14, 2010]

RADIO FREE ASIA: BLIND ACTIVIST CALLS FOR HELP

A CHINESE LAWYER IS UNDER CONSTANT SURVEILLANCE FOLLOWING HIS RELEASE FROM PRISON.

HONG KONG.—Authorities in the eastern Chinese province of Shandong are holding a Chinese legal activist under house arrest though his jail term ended on Monday, prompting him to call on concerned citizens to support him in protest.

Chen Guangcheng, 38, had exposed abuses by local family planning officials, leading to a jail term of four years and three months for "damaging public property and obstructing traffic" handed down by a Linyi municipal court in August 2006.

Chen served the full term of four years and three months in spite of repeated requests for medical parole.

"Now that I have come out of jail, the authorities are putting a lot of effort into keeping me under close surveillance," said Chen, calling on the international community to protest his treatment by the Chinese government.

"I am hoping that international organizations and people of conscience will react to this in a united manner," he said.

"If they can help me today, their actions will help another person tomorrow," Chen said, calling on rights activists and ordinary people to come to his house and photograph the security personnel with their mobile phones.

"If they take away A's cell phone, then B can take a photo. If they go for B's cell phone, then C can record it," he said.

LAYERS OF SECURITY

Chen's wife Yuan Weijing said there are four different layers of security personnel watching the family home.

"Between the national highway and our home, there are four layers of surveillance," she said. "Yesterday I wanted to go out to buy some food but they wouldn't allow it."

"I told them we have to eat, and that maybe they should buy food for us, but they said that wouldn't do either."

"The moment I went outside, about 20 people got to their feet and started to surround me," Yuan said.

She said friends and relatives who tried to bring food to the family were being refused entrance as well, and only Chen's 76-year-old mother was being allowed out to buy food for the entire family.

Yuan, whose repeated requests for medical parole for Chen were ignored by prison authorities, said she is still very concerned about her husband's health.

"I am most worried about the continuing diarrhea and the persistent cough," Yuan said. "For the first few days after his release he couldn't speak at all."

She said Chen had lost a lot of weight in jail. "He has a lot of grey hair and he has a sort of haunted look," she said.

Chen suffered beatings while in Shandong's Linyi municipal prison in June 2007 for "being disobedient" after launching an appeal against his conviction to a higher court.

"GIVE HIS FREEDOM BACK"

Chen, a self-taught lawyer, was detained repeatedly, beaten, and kept under surveillance after he helped local people take legal action against the Linyi municipal government in cases of alleged forced abortion.

Beijing-based civil rights lawyer Li Subin said Chen should have his freedom back now that his jail term has ended.

"Instead, the state-run prison has followed him back home, where he is still imprisoned under house arrest," Li said. "We have been working towards democracy and the rule of law for 30 years in this country, and we can still see cruelty like this today."

"But if everyone takes this issue seriously, I don't see how the gangster behavior of the local government and the banditry of the local judiciary can carry on for too long."

Meanwhile, Rep. Chris Smith (R-NJ), a senior member of the U.S. House Committee on Foreign Affairs, in a statement called on the Chinese government to release Chen from house arrest.

"The prison release of Chen Guangcheng, one of China's most heroic human rights defenders, is good news but only a step in the right direction," said Smith.

"The fact that Chen remains under house arrest, imprisoned in his own home, and is reportedly in need of urgent medical attention, must not be ignored. I appeal to the Chinese government to let Chen move about freely and ensure that he has access to the care he needs."

Chen Guangcheng's work exposed a culture of secrecy and impunity among Chinese officials about the enforcement of China's population control policy.

Local officials have admitted to taking draconian measures when they have difficulty meeting population targets imposed by Beijing.

HONORING OUR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY. For those of you who may be watching on your C-SPAN at home, you may wonder how it is that everything just has to be broken down Republican versus Democrat, right versus left. I think there is one special

interest group in our country that there shouldn't be any disagreement about, it's a good special interest. And that's our Nation's veterans.

We are consumed right now with a lot of problems our country has. But perhaps the families that's facing the greatest challenges right now are the families that have already borne the biggest sacrifice so that we could have elections today in my State and other States across the country and we could have an election this November.

We are very good in this country at getting down on ourselves, berating our political system, saying it's no good. After you hear a colleague of mine like that talk about China, I think people get the picture of the fact we've got it pretty good in this country. For all intents and purposes it's not perfect, but as Winston Churchill said, "Democracy's the worst form of government except for all the others." Most places of the world people don't have rights of any kind even to lobby, a lobbyist, or a special interest. They just don't have rights.

What makes our country so great and what we stand for as a people so great is that we can speak our mind. We can come to the floor and talk, just as my colleague did, about the one child per family policy in China. We can talk about the economy, as my other colleagues did before that.

But let's just stop for a second and understand one thing. We would not have an economy if terrorists were in our malls today blowing up backpacks. Because of our veterans, our soldiers who have borne the battle, those terrorists, in large part due to their work, have been kept over there as opposed to coming here. Yes, that's cost us a lot of money as a country to fight those wars.

But the cost, the indelible costs of this war is on those veterans who have suffered what many people would like to think, because there are no cures, no interventions, no treatments, permanent chronic damage as a result of the physical torment their bodies, their brains took serving our country.

I am here to say good news. Good news is that if this country comes to our veterans' side and decides not just to talk a good game about supporting our veterans, but actually that we're going to do whatever it takes to save those veterans, because we constantly say, oh, the war is over, oh, the combat operations are over.

□ 1920

We are bringing them home safely. Try telling that to a veteran with traumatic brain injury, post-traumatic stress. The combat operations as we know them may have been concluded officially, but their war is just beginning, their war against the disabling symptoms of their service, of the casualties of their experience, fighting for

us, saving our country, saving this world from more 9/11s.

So what's our attitude going to be? Are we going to come to their rescue, or are we just going to talk a good game? Within the next couple of years we can come in with new cell recuperation, through stem cell research, restore and repair damaged brains, with the knowledge that we have of genetics. We can help avert all kinds of the other challenges they are going to face higher risks for because of their exposure to all of these conflicts on our behalf. They are going to be high risk.

We can turn all those trip wires off with the research we can do now, not in 2 years from now, not in 4 years from now, not in any period of time. Because if you are one of those veterans and you have come home and you are suffering, you are saying to yourself, how long is it going to take before I get relief, before someone comes in and saves me as a prisoner of my war injury.

We shouldn't make them wait any longer than is necessary to get to the cures and the answers that are going to set them free.

FINDINGS IDENTIFYING CHANGES IN LAW TO HELP ACHIEVE DEFICIT REDUCTION SUBMITTED BY THE COMMITTEE ON HOUSE ADMINISTRATION PURSUANT TO H. RES. 1463

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY of Pennsylvania. Mr. Speaker, as you know, House Rule X entrusts the Committee on House Administration with responsibility for, among other matters, the Library of Congress, the Smithsonian Institution, United States Capitol Police, Printing and correction of the CONGRESSIONAL RECORD, Federal elections and other services to the House.

The Committee strenuously exercises its oversight authority by routinely meeting with the Legislative Branch agencies, the Officers and Inspector General of the House, and the Smithsonian Institution. Through this rigorous oversight the Committee has identified and implemented policies to reduce waste, eliminate fraud, and mitigate inefficiencies.

Among the Committee's recent work:

Passed H.R. 4825, to make permanent the law dedicating the unspent balances of Members Representational Allowances to deficit and debt reduction (measure is now pending in the Senate);

Passed H.R. 3690, 110th Cong. (became Pub. L. 110-178), merging the United States Capitol Police and the Library of Congress Police; during 111th Congress, oversaw merger process resulting in elimination of needless duplication of responsibilities, achievement of administrative savings and enhanced security for the Capitol campus;

Passed H.R. 1299, 111th Cong. (became Pub. L. 111-145), clarifying sundry laws related to the administration of the United States Capitol Police and streamlining USCP operations;

Partnered with the Smithsonian Inspector General in the development and implementation of a return-to-work program that transitions injured employees' return to appropriate work with a requirement that claimants provide updated medical reports; the Smithsonian estimates potential savings of nearly \$2.1 million in workers' compensation costs;

Strengthened accountability for personal property at the Smithsonian Institution by requiring the agency to initiate regular inventories, leading to reduced agency spending to replace lost or stolen items;

Disapproved Library of Congress plan to spend nearly \$20 million for a new book-conveyor system, resulting in its cancellation;

Instructed the Library of Congress to develop a cost-benefit analysis for all Information Technology investments in excess of \$100,000 including developing of internal controls to eliminate redundant hardware and software purchases across business units;

Worked with the Inspector General of the House of Representatives to develop a cost-benefit analysis of the Chief Administrative Officer's joint effort with the Architect of the Capitol to deploy compact-fluorescent light bulbs within House office buildings, revealing potential savings of \$1.18 million over ten years;

Instructed the Architect of the Capitol to develop and implement a procedure for assessing a tenant at the House Alternate Computing Facility for additional operating costs (e.g., electricity, facilities maintenance) properly chargeable to the tenant under the terms of the lease, revealing an additional amount of over \$1 million due the taxpayer;

For the fiscal years 2010 and 2011, consulted with other congressional committees, the Congressional Budget Office, and the President's Office of Management and Budget to reduce the number of printed copies of the multi-volume President's Budget and instead to substitute distribution of the CD-ROM version wherever appropriate, resulting in savings to both the Executive branch and Congress; and

Worked with the Government Printing Office's Inspector General to block execution of a contract for delivery of human-resources and payroll-related services to certain elements of the agency instead of relying on GPO's agency-wide system, and encouraged the IG to redouble efforts to improve human resources' performance across GPO.

Among the Committee's recommendations for additional improvements are:

Extend beyond 2013 the current authority for levying of administrative fines by the Federal Election Commission pursuant to Pub. L. 110-433;

Strengthen the Speaker's new travel rules by requiring House committee chairmen to certify the existence of a bona-fide need for foreign travel under the Mutual Security Act. Repeal the law (44 U.S.C. 723) requiring compilation and publication of memorial tribute volumes in honor of deceased Representatives and Senators;

Repeal authority for printing of sundry government publications now required by law but determined to be of little use or value, e.g., the "United States Treaties and Other International Agreements" authorized by 1 U.S.C. 112a;

Reform Procurement practice of the Library of Congress;

Improve in-house technical support at the Library of Congress and Government Printing Office, reducing reliance on costly contractors; and

Require implementation of Performance Based Budgeting at the Library of Congress. Merge the Government Printing Office Police with the United States Capitol Police.

The Committee will also continue its oversight of the Legislative Branch and continually work to identify opportunities to reduce waste, fraud, abuse and mismanagement in the operations of our agencies.

THE RULE OF LAW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARTER. Mr. Speaker, I am happy to be here tonight. I guess everybody is just really pleased to be back in Washington, DC and having to leave those wonderful districts we live in and come up to this place.

But you know I am blessed. I live in Texas and I am glad to be here tonight so we can talk about something, again, about a subject I have been talking about in various degrees for about 19 months now and that is we do have a rule of law that is the underpinning of our society. We started, when we decided to create this great Republic, we started, decided that we would codify that rule of law and one of the best written documents on the face of the Earth, I happen to have a little copy of it right here, in pocket size form, the Constitution of the United States.

In this Constitution of the United States, we not only set out how the newly formed union of the States would operate with a newly formed national government, but it set out how this body would operate, how the executive branch would operate, how the judiciary would operate.

In my lifetime, I have been blessed by my neighbors because we elect our judges as well as our Representatives. In Texas, I have been blessed by my neighbors to serve in two branches of our government, because with the basic Constitution of the United States establishing a legislative branch, an executive branch and a judicial branch, all the States basically follow that same general guideline and now, around the world, democracies that have sprung up from this longest lived democratic process called the United States Government, the Republic that we created for the United States. Others have, using various forms of democracy, have followed the general pattern.

When we talk to a young kid like a, let's say, an elementary school, kindergarten, up to sixth-grade student, talk

about the three branches of government, you talk about the legislative branch that writes the laws, the executive branch that enforces the laws that the legislature wrote and the judicial branch, which enforces the law and interprets the law. Now that's basically what we talk about here. It's very simple, and it's very real, and that's really what we are supposed to have here.

One of our jobs, as guardians of this document called the Constitution, and this system we call the United States of America, and its Federal Government, one of the things we have a responsibility to do is we have a responsibility to stay in check and balance on the other part of the three branches of the government. The judiciary has got checks and balances on both the executive and the legislative. The legislative has checks and balances on the judiciary and the executive. The executive adds checks and balances to the appointment process on the judiciary and the legislative.

So our Founding Fathers said not only are we going to have these three branches of government, but it's the responsibility of those branches to make sure other branches aren't going haywire, because they come from the place of government where the branch of government went haywire all the time and they were fed up with autocratic kings and the royalty of the various nations that they had come from to come across the oceans of the United States, and they wanted to make sure that nobody dominated, stepped on each other's toes.

I have been talking about the fact that all of this falls under that great category that we sort of envisioned, now the world needs and adopts, and that is the rule of law. A civil society cannot operate without rules, not only that police the society, but that the society can count on as they move through commerce or through interaction with other human beings to be the rules that you play by.

Just like Americans love our games, baseball, basketball, football, not necessarily in that order, and other games, we love our games, and we want to make sure, and we are the first ones to jump up and scream, they are breaking the rules, because you can't play the game without rules. This body here has a real responsibility to create those rules. We write laws which are the Big Brothers, the rules, and we give rule-making authority to people, but authority comes from this Congress.

So having that glue the whole society, now you ask me well, yes, that may sound good for America but not everybody needs that. Well, let me ask you something, if you are going to go make a deal with your neighbor over the boundary line between your property in some country in Central America, and you are trying to make, to determine where this boundary line is

and you find out you don't have any rules about titles to property, so nobody really knows where the boundaries are, how do you solve that problem?

Well, you could solve it by whoever had the biggest stick and go beat each other's brains out and whoever won will get to decide where the property line is. But that's not the rule of law. That's the rule of terrorism or the rule of violence.

Now it's that one simple thing of a way to register property in a country gives people a place to go to discuss where something simple like is that tree in my yard or is that tree in your yard, between neighbors, and they don't have to bash each other's brains out over the issue. Now that may be simplistic, but that's about as easy as I can make it. Yet, believe me, people bash each other's brains out if they don't have a place to go to resolve something simple like that. All you have got to do is be a municipal court judge in a city in Texas and you might find out a little bit about that.

So my point is the reason we have these rules is so that our society can function in a civil manner, and the reason we have responsibility to police up the other branches of government is to settle these debates.

□ 1930

And we have had these fights for a long time. They are part of our constitutional law of the United States.

We have a poster here just on the Cherokee issue, and, whether or not to the right or wrong of the Cherokee issue, this came down to a dispute between the Supreme Court and the Executive, the President. In this particular situation, Chief Justice Marshall, John Marshall, one of the most famous, if not the most famous Chief Justice of the Supreme Court, had ruled in a way that Andrew Jackson, the President of the United States, didn't like. And the big issue was Marshall has made his decision, now let him enforce it.

Now why is that something we ought to start talking about? Because this is the reverse situation of what I'm going to talk about tonight. The President of the United States is basically saying, "I am not going to enforce the law. The courts have determined what the law is and what the law means, but I'm not going to enforce it. I'm going to do it my way."

And basically, *Worcester v. Georgia* settled that issue. The President of the United States has the obligation, from his oath of office, to enforce the law. Andrew Jackson was famously stubborn, and it was a big problem in its time.

Now, one of the things I want to talk about today that I think worries me a lot about the rule of law is that various Congresses over various years have

written a whole body of law concerning the immigration and naturalization laws of the United States of America.

These days, our media, in an attempt to give their own definition to people's intents, the minute you want to start talking about issues like this, there is going to be somebody that is going to try to call you a racist or a bigot or whatever. I'm talking about the facts. We have a set of laws about immigration. And I'm not talking about immigration from any particular country. I'm talking about immigration from all countries.

And we have a way to become a naturalized American citizen and have the rights of an American citizen imposed upon you; and those laws are set out in statutes, and they tell you there are things that are against the law. And one of the things they tell you is it's against the law to enter the United States without permission.

Now, in an attempt to get away from my heritage, where I come from, I'm from Texas. We have the largest amount of border of any State in the Union with the country of Mexico. We have a long and sometimes rocky history as a State. And prior to being a State, as a Republic of Texas and, prior to that, as a colony of Mexico, we have a long and sometimes rocky history with the country of Mexico. But today, in today's present 21st century, most Texans, either born or those who have moved there, consider the northern parts of Mexico like home. I mean we have a very, very solid, strong relationship with the people of Mexico.

This is not about Mexicans, or it's not about Hispanics, or it's not about the Irish. There were people up here that wanted to free the Irish. It's about the law. We have written laws that say if you come into our country illegally or if you overstay a visa that got you here legally but when it expired you then had to leave and you didn't leave, if you did those things, then you have broken our laws. Now, some people think that is too strict; other people think it is not strict enough. But the bottom line is it has broken the law.

The President of the United States, Barack Obama, in the very recent past, by Executive order, basically decided to tell the courts and the judicial system established to enforce the immigration laws, the immigration judiciary system, that they were to ignore or dismiss, and they are dismissing approximately 17,000 cases that the administration has determined they shouldn't go forward on.

Now, what does this do? A good friend of mine has joined me today, Mr. BILIRAKIS from Florida, and he is one of the people who stood up when all this happened and said what I have been saying on a lot of issues in this House: Wait a minute. What is going on? What about the written rules? What about the immigration naturalization laws?

I believe Mr. BILIRAKIS is on the committee that is responsible for looking into those things. So I'm going to recognize my friend from Florida to make at least a small comment on how he views this issue, starting off with the issue of the President's announcing certain people, they would no longer enforce the law against those people.

Mr. BILIRAKIS. Thank you, Mr. CARTER. I appreciate it.

With growing violence and drug trafficking, Mr. CARTER, in Mexico and a homegrown terrorist threat, we have to crack down on illegal immigration for our Nation's security.

I welcome those who enter this country through the legal means. As a matter of fact, my grandparents came here in the early 1900s. But illegal immigration is illegal, as you said. No matter how well behaved the person is, they are still breaking the law. As far as I'm concerned, those are the laws, and we must obey them.

As the former heads of the 9/11 Commission found in a recent report, immigrants and domestic terrorists now pose a threat to the United States. Today's terrorist is harder to identify, so it is vital that DHS is proactive along our borders.

There continues to be evidence that terrorist groups are collaborating with drug cartels along the U.S. border, as my colleague SUE MYRICK reported in a recent Washington Times article. This is especially troubling given the rise of homegrown and immigrant terrorism highlighted by the 9/11 Commission.

In recent weeks, several memos have been released or leaked outlining plans for rewarding illegal immigrants. The first, a memo by the Bureau of Citizenship and Immigration Services under Homeland Security, detailed ways to grant mass amnesty to illegal immigrants without any kind of legislative action. At the core, this is a separation of powers issue. As you stated, it must go through the legislative process. This is an arrogant, in my opinion, an arrogant and dangerous alternative to having Congress act on the issue.

To grant amnesty to illegal immigrants undermines our immigration laws and is a slap in the face to those who go through the process of entering our country legally. And to do this by skipping the legislative process, as the Department of Homeland Security memo indicates, is wrong. It's clearly wrong.

Following the memo's release, CANDICE MILLER and I wrote a letter to Secretary Napolitano demanding clarification and to see if this memo reflects the Department's or the White House's policy plans. The response was basically a nonresponse, Mr. CARTER.

Another memo, highlighted by an article in the Houston Chronicle—you may have mentioned this—outlined the possibility of dismissing—and I think you did mention this—17,000 deportation cases and releasing the offenders

into the United States. What kind of precedent are we setting?

And a third idea from DHS involves focusing on illegal immigrants who commit more serious crimes; so, in other words, getting them off and ignoring those who commit “minor” infractions. So, in other words, focus on the ones that committed the serious crimes, but the “minor” infractions will be let off.

Again, what kind of a precedent are we setting?

I have asked for hearings, Mr. CARTER, on this. I know you know this. And I serve on the Homeland Security Committee, and I am the ranking member of the Investigations and Oversight Subcommittee. We asked for hearings to find out more about the intent of these memos. And I’m waiting for a response. I have not received one so far.

But these plans and memos aren’t the only actions the administration is taking to seemingly undermine immigration security. The administration has taken to suing State governments, specifically the State of Arizona, for trying to enforce immigration laws.

The administration needs to take real action, in my opinion. It needs to send more enforcement to the border. Sending a few hundred extra troops to the border is not enough to protect 2,000 miles.

□ 1940

DHS needs to improve technology along the border to help the border agents police the terrain. And it needs to improve its visa screening process.

Over the past several years, there have been multiple instances that demonstrate shortcomings in the visa screening process. I have sponsored legislation to strengthen and ensure better screening and monitoring of foreign students once they are in the country.

DHS also identified several high-risk areas around the world in the early 2000s where we need visa security units to properly screen our applicants. We have been very slow, and they have not been implemented. There are between 15 and 20 in place, out of several high-risk areas identified around the world. Currently, less than a quarter, as I said, of the high-risk visa issuing locations around the world have these visa security units, and I think that is unacceptable as well.

I also have introduced legislation to expand a Coast Guard program that collects biometric information on interdicted aliens and checks to make sure that they have not repeatedly tried to enter the country. I believe that is currently in the Senate. It was passed in the House, and it is waiting for action in the Senate.

Congress can prevent States from issuing driver’s licenses to illegal aliens, stop birthright citizenship, and end funding for sanctuary cities. We

also need to strengthen interior enforcement and penalize employers who hire illegal immigrants.

There are many measures that Congress or DHS can take to help secure our borders and protect the country. But the amnesty plans Mr. CARTER has outlined tonight are not the right way to go, and frankly stand on shaky constitutional ground.

I thank you, Mr. CARTER, and I pledge to continue working with you on this issue.

Mr. CARTER. Thank you, and I reclaim my time.

The point is legislation is the proper way for us to deal with this problem. This Congress is the place where we make decisions on how we change our immigration laws. They are written by this Congress, and they should be changed, if they need to be changed, by this Congress.

I don’t understand why the President of the United States thinks he must arbitrarily grant what turns out to be a de facto amnesty because his party controls this House and will until the end of this year control this House. We still have weeks left on this session of Congress, and there is a possibility we can come back after the elections and have another session of Congress before the end of this year. If this immigration issue needs to be taken up, it should have been taken up by the Congress. But there seems to be this idea that the President of the United States has the type of powers that he can, with the stroke of a pen, set aside contracts; and with the stroke of a pen set aside the laws of this country; and with the stroke of a pen ignore orders of our court system. I just don’t think the world or our laws allow the executive branch to be able to do that. It is not like this thing wasn’t telegraphed before.

Recently, we had one of the worst oil spill disasters in the history of our country. And the President of the United States declared at one time a gulf-wide moratorium on drilling in the gulf. At that time, there were hundreds of drilling rigs in the Gulf of Mexico operating. And at that time, both shallow water and deep water, they shut it down by the President declaring a moratorium.

Now how do we learn how we do things in this country? We either read them in our laws, we are instructed in the precedents that are set by the courts, and we ought to look at the history of how we operated in the past. That would make common sense. So before we look at whether the President overstepped his individual authority by declaring a moratorium, the question would come, has anybody that was President of the United States ever declared a moratorium on drilling before? And the answer is, yes. His name was Richard Nixon, a Republican.

Now let’s look at how Richard Nixon went about getting a moratorium to

stop drilling off the coast of California. Did he make an individual dictate from his own pen and say, I hereby declare you can no longer drill? No. What did he do? He went to the Congress of the United States and said to the Congress, we need to have a ban or moratorium on drilling off the coast of California. And this deliberative body held hearings, I assume. I haven’t delved into it that much, but I do know that the Congress and the President issued a moratorium on drilling off the coast of California. And to my knowledge, that moratorium is still in place. And whether or not it was tested in the court systems, I have no idea. But I would assume it was, because if there was anybody drilling at the time, they probably felt like their contract rights were stepped on. And I am sure the court ruled on it. And the court must have ruled in favor of the Congress and the President because the moratorium is still in place.

So what does that tell us about the right way to declare a moratorium? Well, the right way is to go to the Congress, and with the Congress put forth the Congress declaring a moratorium and the President enforcing that moratorium. That is the way it is supposed to operate. If you read this little book, the Constitution of the United States, that is what it says.

This is not what we did. The President of the United States unilaterally said we are declaring a moratorium. He was joined by his Secretary of Energy, I believe, but it was taken to court and a Federal judge overturned the Obama administration’s initial 6 months of moratorium and rejected the government’s bid to have the court challenge thrown out. The government lawyers argued that the lawsuit filed by several offshore service companies on the May 28 moratorium was moot because the Interior Department imposed a new drilling moratorium. What is the Interior Department? Is it a creation, is it a department of the Congress? Nope. It is a department of the executive branch of the Federal Government. Who appoints the Interior Secretary? The President of the United States appoints with the advice and consent of the Senate. That is how we get the head of the Interior Department.

Now I can’t speak for the Interior czar because the Interior czar doesn’t have to go through that vetting process; he must answer only to the President of the United States, but we have now approaching 40 czars, and I don’t know what they do except draw a paycheck. But they answer to the President. But U.S. District Judge Martin Feldman rejected that argument, saying the second moratorium arguably fashions no substantial changes from the first.

Now, when a judge grants an injunction and says, one side over the other, this side is right to seek relief from the

court in the form of an injunctive process, and you are enjoined, you are stopped from doing the behavior you were doing. And that is basically what this court said to the President of the United States. It said you can't do this. But they did it anyway. Where that is in the court system, I don't know. But it is blatantly standing forward. Not only is it bypassing the legislative process, which is the normal way by precedent to get a moratorium on drilling in America, because that is the way it has been done in the past, but then when the court says hey, you can't do it, they did it anyway. And now by playing regulatory games and giving favors to some and maybe not favors to others, and I don't know anything about that part of the game playing; I know that some people seem to be getting permits and some people seem to be not getting permits, and whether or not there is a moratorium in shallow water depends on who you talk to. But I can tell you, the deepwater folks seem to still be shut down.

□ 1950

Now, there is a reason we ought to go to the Congress. One of the reasons is that every seat that you see in this House of Representatives is filled with a person who represents at this time 652,000 Americans. So that person speaks for and votes for 652,000 Americans. If a choice is going to be made to shut down the production of approximately 20 percent of the oil and gas production a year in the United States, which is what the gulf produces, approximately 20 percent, then the American people probably would think this could have an effect on jobs, that it could have an effect on the cost of fuel and that it could have an effect on their standard of living. It may be they would like their Members of Congress to be able to have something to say about shutting down 20 percent of the production of petroleum and natural gas in the United States.

Especially in light of a recession, I would think they would want their individual Members of Congress to be very vocal about how their Representatives have represented them and would ask, What's this going to do to my job? What's this going to do to this economy? How much is this going to hurt us? How much more dependent is it going to put us on foreign oil? With these questions, that's why Nixon went to Congress for a moratorium, because the people in Congress spoke for the people of the United States. That's the way it's set up. The House of Representatives represents the people.

We didn't go through that process for this moratorium. We had the White House and President Barack Obama basically declare a moratorium.

You will do what I say. You will not drill in the gulf.

The court said, You can't do that, partner.

So then he had the Interior Department saying, You can't drill in the gulf. I assume the concept behind the Interior Department is that the leases that they were drilling on were Interior leases. That's the way I understand it.

Then wait a minute. If you paid for that lease and if part of the contract you made with the government was, if you paid them money for their lease—sometimes millions of dollars for a lease—and then you went out there and drilled on that lease and you didn't find any oil, the Interior Department would kind of say, Well, better luck next time. Thanks for your million bucks. If you find oil, then the Interior Department is supposed to say, Well, congratulations. Although, there are those in this body who would say, Wait a minute. Wait a minute. Now, if you've found oil, you've got to give us more money; but the laws of contracts have something to do with that—once again, the rule of law.

So we were talking about this problem with drilling offshore. We had sort of a one-man show of a moratorium, and the courts have disputed it.

Now the President of the United States is taking off, and the Justice Department is going after one of our States by taking it to U.N. Human Rights Council and arguing that a law in the State of Arizona should be taken before some body that should have no authority over this country, and they'll ask them to call us human rights violators and call the State of Arizona human rights violators. They have also taken the State of Arizona to court for a law that they wrote, which tracks almost identically a Federal law that the Department of Homeland Security is supposed to be enforcing but is not. Therefore, Arizona got tired of the invasion of their State and said, if the Feds aren't going to enforce this law, then we'll write it just like the Federal law, and we'll ask our folks to enforce it because somebody has got to stand up for the people of Arizona.

I'm not here to debate that. I'm here just to point out that all of this type of thinking comes down to the concept that the executive branch of the government can do what it wants to. It doesn't have to consult with Congress. Sure, Congress wrote laws which state it's illegal to come into this country without permission, but we think that there are at least 17,000 first-time cases. There may be more. Though, starting with around 17,000 people, we're just going to decide to dismiss the cases against them.

Now let's think about that. There is a judicial process where the folks who come into this country illegally get caught. There is a judicial process that can determine whether or not they should be deported from this country. It's very similar to the judicial process you're all familiar with in this House

and all over the country about what goes on in the courtroom.

You have a trier of fact who determines what the facts are in the case, and you have law that is written and precedents that are established which tell you what the remedies are to resolve the issue. Then there is a trier of fact, the trier of the law, who comes up with a resolution of the issue. Whether it be an immigration judge or whether it be a Federal district judge, there is an issue that is resolved.

True, true, the prosecution can dismiss a case, but to have the executive branch of the government direct the Justice Department, which is supposedly our lawyer, to randomly dismiss cases and then make the statement "we're only going after criminal aliens," well, let me tell you something about criminal aliens so you've got a really clear picture of this. I have tried to talk with the Homeland Security Department about this because I happen to serve on the Appropriations Committee for Homeland Security.

If your definition of a "criminal alien" is someone who is a felon, then you can't under the Constitution of the United States declare someone to be a felon until that person has been convicted of a crime by a court. Otherwise, there is something called the "presumption of innocence," and until a court declares you guilty, you are innocent. So, even though somebody walks in here and shoots everybody in this room on national television, that person is still innocent until a court says he's guilty.

So you're saying we're going to go after criminal aliens. If you're going to call them "criminal aliens," they have to be convicted by a court. Now, if they are convicted by a court, it's a pretty good chance they're in prison.

Now, let me ask you—and you don't have to be a legal scholar; you don't have to be a former judge; you don't even have to have ever served on a jury. By just using the good old American commonsense, if all of the criminal aliens—or let's just say 95 percent of those convicted of a crime as criminal aliens are in jail or are in prison, how hard are they to find? I mean is it really a task to find out where they are?

I come from Williamson County in Texas. We have a great big jail in Williamson County. I promise you that you can pick up the phone and call our great sheriff and ask, Sheriff, how many convicted illegal aliens have you got in your jail?

He'll say, I can give you a list of people I think are illegal, but I haven't asked them.

So let's just assume that the sheriff's wise ideas are even inaccurate a little bit. You're still going to pick up a number of them. How hard is it to catch them? Go to the jail; go to their cells; unlock the doors and take them.

That's how hard it is to catch them. They're in custody. They've dedicated the entire program of ICE to one proposition—deporting illegal aliens who are criminals. They don't have to go out and chase anybody. They've got them all incarcerated.

□ 2000

It's not that hard, but that's what the target is for this year. And it sounds great on television, but the truth is, I think anybody that is a normal American wouldn't even consider releasing somebody that has been to prison for some serious crime. Of course if you have the chance to deport them, you want to deport them; but here's something that's kind of interesting: there is a sector of the border—the Homeland folks and the border patrol divide the areas up by sectors, and this is called the Del Rio sector. And in the Del Rio sector, we started a thing called Operation Streamline with the cooperation of the judges and the courts and the prosecutors. And let me tell you, this isn't easy, it's hard work, and these people are to be commended for what they do.

But they set up a process that those people caught coming across our border in the Del Rio section of the border would go before a judge and have a hearing, every one of them. Now, you say why is that a big deal? Well, because the President of the United States and the Homeland Security Department just declared 17,000 people will never go before a judge, not on that issue. Unless they re-file the cases—which is done with prejudice so they can come back and re-file the cases—but unless they re-file the cases, these people will never answer to a court.

But why would you want them to answer to a court, courts are so crowded? Sure, but some judges who are willing to work hard to do what's right by the law in the Del Rio sector have made the Del Rio sector the least border-crossed area on the border. Why? Because there is something about looking a judge straight in the eye and they tell you, Sir, or madam, you have violated the laws of the United States by coming across our border, that makes those people say I'm not going to see that judge again, I'm going to cross someplace else.

Now, maybe we should be setting up a system like that to cover our whole border, maybe that would help a whole lot, and we should provide the resources to do it.

But the real point comes back to at least 17,000 people will never look that judge in the eye based upon the actions of the Obama administration. And some of those people may have gone back across and applied to come in legally. We are the only country in the world that brings in 1 million foreigners a year into our country legally.

There isn't anybody who can match us; nobody can even come close in the entire world. The United States opens our doors to 1 million people that follow the rules and come into this country. Yes, you can call it compassion, but it is random compassion. Who said these people, determined by the White House, are more deserving of compassion than these people over here because we've got, according to most of the estimates, between 12 and 20 million of these people in our country? So who decides we pick 17,000? And are we starting a policy that everybody that is awaiting a hearing in an immigration court will just be excused. Is that the new policy? So 17 is just a start? Well, I don't know, we don't have an answer to that.

But the real question we have to be concerned about is, who made the executive branch so independent to operate that they can shut down things like drilling in the gulf and turn loose people who have pending court cases on their say so without any consultation or action by the legislative branch of the government or any declaration for enforcement by the judicial branch of the government? I think that's a rule-of-law question that we in this House ought to be talking about. I don't think, when we wrote this Constitution of the United States, we ever envisioned giving that kind of power to any individual person or even to any branch of the government.

And I think we have reason to show real concern when we read something like this in the Houston Chronicle: "Culling the immigration court system dockets of noncriminals started in earnest in Houston about a month ago and has stunned local immigration attorneys." I'm sure it stunned them because they are no longer going to get a fee. But in addition to that, they got benefits they never even sought because they weren't seeking dismissals. They were seeking probably things like—well, I won't go into that—other remedies in the court. They got the cases dismissed without even knowing they were going to be dismissed, and they are as confused as everybody else is.

Now, I'm not saying it wasn't done for the right reason. I don't know why it was done. I don't know who makes the random pick of 17,000 people out of 20 million. Who makes that choice? Is that the choice that one individual we need to have make? Is it the immigration czar that decides who gets that and who doesn't? Or is it the Secretary of Homeland Security? Or is it the President of the United States? And under what authority do they have the right to do this? And is it the kind of world you want to live in where one person has the ability to make a decision that basically sidesteps the judicial system in the country because they like you? Or whatever they do; we don't know why they did it.

Do we want the President of the United States coming into the judicial system of the country and saying, you know what? We've got so many criminal cases pending, they are just too crowded, the docket, we're going to dismiss all but the murder cases because we really think the only thing that is really serious is murder. So wipe out the rest. I mean, that seems ridiculous—and it is ridiculous—but at what point does that authority, not granted by any other source to one man, what curtails it unless we ask about it and we ask what law allows this to happen? Who gets to make these decisions to circumvent the written law of the United States and why do they get that decision-making process?

There may be a good answer; I haven't heard one. And those who have questioned it in the press and those who have questioned it with letters, such as Mr. BILIRAKIS and MARSHA BLACKBURN—another great Member of Congress—have asked that question and it's my understanding have not received any answers. By what authority is this done?

And I may be the only voice talking here tonight, but every country ought to have somebody and every State ought to have somebody standing up and asking these questions because the only supreme authority other than God Almighty is this Constitution of the United States. In this document and the offshoots of this document lies the power of the people who serve up here in Washington, DC and around the country. So this is serious stuff we are talking about, the rule of law, and it's stuff we ought to worry about.

Finally, I want to say that the really sad thing that is being reported in some of these newspaper articles is that this is deferred action, which really concerns me for those of us who have been trying to actually come up with real solutions to be fair and yet be just to all Americans, and just have possibly one of the tools that could have been used by this Congress established by the written document called the law, possibly taken away from us because of the bad taste it's going to leave in the American public's mouth.

I'm very concerned about that because, quite honestly, it was one of the possible solutions we could deal with. But I'm not going to go into that other than to say I hope that when we do finally sit down and do a compassionate solution to the immigration problem that takes into consideration not only the invading immigrants, but takes into consideration the rest of the country that it has invaded to come up with a solution to this problem, that we haven't in some way, by the actions of the White House, tainted one method that might have been used to start to correct some portion of the problem.

□ 2010

Finally let me say, the reason there's passion in my State on this issue is because more people died in the war run by the cartels across the border. Right across the border, a hundred yards from American citizens who live along the border, there have been, I think it's something like 25,000 people murdered, which is way more than the casualty rate for our forces in Iraq and Afghanistan.

Police officers and police officials, mayors, anyone who stands up and says, "We ought to enforce the law over here," is killed, maimed, butchered, beheaded. And anarchy reigns—not because of the good intention of the Mexican Government; because of the evil that permeates the lawlessness on the Mexican-U.S. border.

And we have to be concerned about what's happening on our borders. All of us in this country have to be concerned, because that evil is there, and it's just, in Texas, a swim across the river away; in Arizona or New Mexico, it's one footstep away from being in one of our States and then across the country. And some of these drug gangs now have agents in every major and minor city in this country. MS-13 and other gangs like that, the study shows they have spread across the Nation.

So when we're talking about, yes, we've got lots of issues that have to do with good folks who live good lives and they're here illegally, we need to work on that. But don't ever forget, if you give up a portion of the law, you could lose it all. And when you lose it all, who's going to stand between you and the bad guys?

And that's why we've got to keep talking about the rule of law is the glue that holds our society together. And if we give it up, whether it is for what is viewed today as a compassionate, goodwill reason or not, if we give up the strength of the law that keeps our society together, we weaken our society. And then ultimately those people who would do you harm through violence and terror will be able to control the world we live in.

That's why our soldiers go to war to fight across the ocean to prevent that from happening in our country and to help countries where it is happening to establish rule of law so they can prevent the destruction of their society. That's why great American soldiers go fight those wars. That's why we have the police force and the fire department and all of these other departments that protect us.

But if you take away the tools by some group deciding we can just, by the stroke of a pen, eliminate a certain bunch of rules we don't like, where does it stop?

This is a serious issue of the rule of law. I raise it for discussion among the Members of this House and among the people of this country. Is this the way we make it better for our lives?

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today on account of personal medical reasons.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of family medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. SABLAN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BRADY of Pennsylvania, for 5 minutes, today.

Mr. KENNEDY, for 5 minutes, today.

(The following Members (at the request of Mr. MCCLINTOCK) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, today, September 15, 16 and 21.

Mr. JONES, for 5 minutes, today, September 15, 16 and 21.

Mr. GOHMERT, for 5 minutes, September 15.

Mr. BURTON of Indiana, for 5 minutes, today, September 15 and 16.

Mr. BISHOP of Utah, for 5 minutes, September 16.

Mr. MCCLINTOCK, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today and September 15.

Mr. SMITH of New Jersey, for 5 minutes, today.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker on August 10, 2010:

H.R. 1586. An act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

Also, Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. HOYER, on August 12, 2010:

H.R. 6080. An act making emergency supplemental appropriations for border security

for the fiscal year ending September 30, 2010, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on July 30, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 5874. Making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 5900. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes.

H.R. 4380. To amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

Lorraine C. Miller, Clerk of the House reports that on August 10, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 1586. To modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

H.R. 511. To authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village.

H.R. 3509. To reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987.

H.R. 4275. To designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the "John C. Godbold Federal Building".

H.R. 5552. To amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly and to provide for the assessment by the Secretary of the Treasury of certain criminal restitution.

H.R. 5872. To provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development.

H.R. 5981. To increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single family housing mortgage insurance, and for other purposes.

H.R. 2097. To require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

H.R. 5278. To designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building".

H.R. 5395. To designate the facility of the United States Postal Service located at 151

North Maitland Avenue in Maitland, Florida, as the "Paula Hawkins Post Office Building".

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 15, 2010, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8728. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Dairy Product Price Support Program and Dairy Indemnity Payment Program (RIN: 0560-AH88) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8729. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Quarantined Area and Regulated Articles [Docket No.: APHIS-2010-0004] received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8730. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Voluntary Public Access and Habitat Incentive Program (RIN: 0560-AH98) received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8731. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Viruses, Serums, Toxins, and Analogous Products and Patent Term Restoration; Nonsubstantive Amendments [Docket No.: APHIS-2009-0069] received July 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8732. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Relaxation of Handling Regulation for Area No. 3 [Doc. No.: AMS-FV-08-0115; FV09-948-2 FIR] received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8733. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Order Amending Marketing Order No. 920 [Doc. No.: AO-FV-08-0174; AMS-FV-08-0085; FV08-920-3] received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8734. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Conservation Reserve Program (RIN: 0560-AH80) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8735. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Sheep Industry Improvement Center [Doc. No.: AMS-LS-08-0064] received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8736. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Temporary Change to the Handling Regulations and Reporting Requirements [Doc. No.: AMS-FV-10-0052; FV10-946-1IR] received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8737. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California, Arizona, and New Mexico; Modification of the Aflatoxin Regulations [Doc. No.: AMS-FV-10-0031; FV10-983-1IR] received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8738. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Suspension of Reporting and Assessment Requirements [Doc. No.: AMS-FV-10-0054; FV10-924-2IR] received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8739. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2009-10 Crop Natural (Sun-Dried) Seedless Raisins [Doc. No.: AMS-FV-09-0075; FV10-989-1FIR] received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8740. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Changes to District Boundaries [Doc. No.: AMS-FV-08-0085; FV08-920-3IR] received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8741. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program; Amendments to the National List of Allowed and Prohibited Substances (Crops) [Document Number: AMS-NOP-09-0081; TM-09-04 FR] (RIN: 0581-AC93) received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8742. A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Black Stem Rust; Additions of Rust-Resistant Varieties [Docket No.: APHIS-2010-0035] received August 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8743. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Wheat and Oilseed Programs; Durum Wheat Quality Program (RIN: 0560-AH72) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8744. A letter from the Director, Extramural Agreements Division, Department of Agriculture, transmitting the Department's final rule — General Administrative Policy for Non-Assistance Cooperative Agreements (RIN: 0518-AA03) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8745. A letter from the Program Development and Regulatory Analysis, Department of Agriculture, transmitting the Department's final rule — Special Evaluation As-

sistance for Rural Communities and Households Program (RIN: 0572-AC14) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8746. A letter from the Director, Program Development and Regulatory Analysis, Rural Development Utilities Program, Department of Agriculture, transmitting the Department's final rule — Guarantees for Bonds and Notes Issued for Electrification or Telephone Purposes (RIN: 0572-ZA06) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8747. A letter from the Administrator, Department of Transportation, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarine and Peaches [Doc. No.: AMS-FV-09-0090; FV10-916/917-1 FIR] received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8748. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Poly(oxy-1,2-ethanediyl), a-isotrilecyl-w-methoxy; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0692; FRL-8830-6] received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8749. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-propenoic acid, 2-methyl-, C12-16-alkyl esters, telomers with 1-dodecanethiol, polyethylene-polypropylene glycol ether with propylene glycol monomethacrylate (1:1), and styrene 2,2'-(1,2-diazenediyl)bis [2-methylbutanenitrile]; Tolerance Exemption [EPA-HQ-OPP-2010-0272; FRL-8837-5] received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8750. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-(2'-hydroxy-3', 5'-di-tert-amylphenyl) benzotriazole and Phenol, 2-(2H-benzotriazole-2-yl)-6-dodecyl-4-methyl; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0601 and EPA-HQ-OPP-2008-0602; FRL-8836-3] received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8751. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Diethylene Glycol (DEG); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0474; FRL-8838-9] received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8752. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — N-alkyl (C8-C18) Primary Amines and Acetate Salts; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0046; FRL-8836-4] received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8753. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prohydrojasmon, propyl-3-oxo-2-pentylcyclopentylacetate; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2010-0048; FRL-8839-4] received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8754. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Naphthaleneacetic Acid; Time-Limited Tolerance, Technical Correction [EPA-HQ-OPP-2010-0465; FRL-8831-6] received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8755. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mevinphos; Proposed Data Call-in Order for Pesticide Tolerance [EPA-HQ-OPP-2010-0423 FRL-8835-7] received July 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8756. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Halosulfuron-methyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0797; FRL-8835-8] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8757. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Castor Oil, Ethoxylated, Dioleate; Tolerance Exemption [EPA-HQ-OPP-2010-0232; FRL-8835-3] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8758. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pymetrozine; Regulation Denying NRDC's Objections on Remand [EPA-HQ-OPP-2005-0190; FRL-8836-8] received August 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8759. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Acetamidiprid, Mepiquat; Order Denying NRDC's Objections on Remand; Environmental Protection Agency [EPA-HQ-OPP-2005-0190; FRL-8836-7] received August 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8760. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propanol, 1,1,1-trinitrolois; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0138; FRL-8825-6] received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8761. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trichoderma Hamatum Isolate 382; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0407; FRL-8835-6] received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8762. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alkyl Alcohol Alkoxylate Phosphate Derivatives; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0131; FRL-8836-5] received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8763. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mancozeb; Pesticide Tolerances [EPA-HQ-OPP-2005-0541; FRL-8841-1]

received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8764. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flubendiamide; Pesticide Tolerances [EPA-HQ-OPP-2007-0099; FRL-8836-2] received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8765. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-methyl-1,3-propanediol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2002-0185; FRL-8838-3] received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8766. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital Adequacy; Capital Components-Basel Accord Tier 1 and Tier 2 (RIN: 3052-AC61) received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8767. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Loan Policies and Operations; Lending and Leasing Limits and Risk Management [6705-01-P] (RIN: 3052-AC60) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8768. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule — Registration of Mortgage Loan Originators (RIN: 3052-AC52) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8769. A letter from the Administrator, Environmental Protection Agency, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8770. A letter from the Under Secretary, Department of Defense, transmitting a report detailing an Average Procurement Unit Cost and a Program Acquisition Unit Cost breach for the Chemical Demilitarization-Assembled Chemical Weapons Alternative (ACWA) Program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

8771. A letter from the Secretary, Department of the Navy, Department of Defense, transmitting the Secretary's determination and findings that it is in the public interest to use other than competitive procedures for a specific procurement, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

8772. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Reporting of Commercially Available Off-the-Shelf Items that Contain Specialty Metals-Deletion of Obsolete Clause (DFARS Case 2009-D024) received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8773. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Excessive Pass-Through Charges (DFARS Case 2006-

D057) received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8774. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Keith J. Stalder, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8775. A letter from the Under Secretary, Department of Defense, transmitting Fiscal Year 2011 budget estimates for the Federal Funded Research and Development Center, pursuant to Public Law 111-118, section 8026(e); to the Committee on Armed Services.

8776. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Kenneth W. Hunzeker, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8777. A letter from the Under Secretary, Department of Defense, transmitting authorization of Colonel Scott L. Dennis, United States Air Force, to wear the authorized insignia of the grade of brigadier general; to the Committee on Armed Services.

8778. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Jeffrey A. Wieringa, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8779. A letter from the Under Secretary, Department of Defense, transmitting authorization of 4 officers to wear the authorized insignia of the grade of major general; to the Committee on Armed Services.

8780. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, "Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account," for the period ending June 30, 2010, pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

8781. A letter from the Under Secretary, Department of Defense, transmitting Inventory Lists for the Department of Defense Agency and Activities pursuant to section 2330a Title 10 of the U.S. Code as amended by Section 807 of the National Defense Authorization Act of Fiscal Year 2009; to the Committee on Armed Services.

8782. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Melvin G. Williams, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8783. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Kevin P. Chilton, United States Air Force, and his advancement on the retired list in the grade of general; to the Committee on Armed Services.

8784. A letter from the Secretary, Department of Defense, transmitting a report in response to Section 1230 of the National Defense Authorization Act for Fiscal Year 2010; to the Committee on Armed Services.

8785. A letter from the Under Secretary, Department of Defense, transmitting the Department's notification of its intention to close the Defense commissary store at RAF Fairford, United Kingdom; to the Committee on Armed Services.

8786. A letter from the OSD Federal Register Liaison Officer, Department of Defense,

transmitting the Department's final rule — TRICARE; Extended Care Health Option [DoD-2009-HA-0095] (RIN: 0720-AB33) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8787. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Civilian Health Care and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Retired Reserve for Members of the Retired Reserve [Docket ID: DoD-2010-HA-0068] (RIN: 0720-AB39) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8788. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE; Diabetic Education [DOD-2009-HA-0094] (RIN: 0720-AB32) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8789. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE; Elimination of Voluntary Disenrollment Lock-Out [Docket ID: DOD-2009-HA-0097] (RIN: 0720-AB35) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8790. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2007; Improvements to Descriptions of Cancer Screening for Women [DOD-2008-HA-0025; 0720-AB20] received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8791. A letter from the Director, Defense Procurement and Acquisition, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D011) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8792. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Inflation Adjustment of Acquisition-Related Thresholds (DFARS Case 2009-D003) (RIN: 0750-AG41) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8793. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Management of Unpriced Change Orders (DFARS Case 2008-D034) (RIN: 0750-AG27) received August 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8794. A letter from the ODS Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE; Rare Diseases Definition [DOD-2008-HA-0060] (RIN 0720-AB26) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8795. A letter from the Secretary, Department of the Army, transmitting the Department's annual report on recruiting incentives for fiscal year 2009, pursuant to Public Law 109-163, section 681; to the Committee on Armed Services.

8796. A letter from the Assistant Secretary, Department of the Navy, transmitting Determination and Findings for Authority to Award a Single Source Delivery and Task Order Contract, pursuant to 10 U.S.C. 2304a(d) Public Law 110-181, section 843; to the Committee on Armed Services.

8797. A letter from the Director, Naval Reactors, transmitting copies of the Naval Nuclear Propulsion Program's latest report on environmental monitoring and radiological waste disposal, worker radiation exposure, and occupational safety and health, as well as a report providing an overview of the Program; to the Committee on Armed Services.

8798. A letter from the Chief Counsel, Department of Health and Human Services, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8799. A letter from the Chief Counsel, Department of Health and Human Services, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8800. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003] [Internal Agency Docket No. FEMA-8137] received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8801. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-8135] received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8802. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8803. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1129] received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8804. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-B-1124] received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8805. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8806. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8807. A letter from the Chief Counsel, Department of Homeland Security, transmitting

the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-003] [Internal Agency Docket No. FEMA-B-1102] received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8808. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No. FEMA-B-1099] received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8809. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No. FEMA-B-1123] received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8810. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] [Internal Agency Docket No. FEMA-B-1107] received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8811. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8812. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003] [Internal Agency Docket No. FEMA-8139] received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8813. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Conforming Changes to Applicant Submission Requirements; Implementing Federal Financial Report and Central Contractor Registration Requirements [Docket No.: FR-5350-I-01] (RIN: 2501-AD50) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8814. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting a report on International Financial Institutions; to the Committee on Financial Services.

8815. A letter from the Regulatory Specialist, LRA, Department of the Treasury, transmitting the Department's final rule — Registration of Mortgage Loan Originators (RIN: 1557-AD23) received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8816. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transaction involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8817. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Egypt pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8818. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting

the Corporation's final rule — Final Rule Regarding Amendment of the Temporary Liquidity Guarantee Program to Extend the Transaction Account Guarantee Program (RIN: 3064-AD37) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8819. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Deposit Insurance Regulations; Permanent Increase in Standard Coverage Amount; Advertisement of Membership; International Banking; Foreign Banks (RIN: 3064-AD61) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8820. A letter from the Chairman, Federal Reserve System, transmitting the System's semiannual Monetary Policy Report, pursuant to Public Law 106-569; to the Committee on Financial Services.

8821. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Registration of Mortgage Loan Originators [Docket No.: R-1357] received August 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8822. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Technical Amendments received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8823. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Chartering and Field of Membership for Federal Credit Unions (RIN: 3133-AD65) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8824. A letter from the Special Inspector General, Office of the Special Inspector General For The Troubled Asset Relief Program, transmitting the Office's quarterly report on the actions undertaken by the Department of the Treasury under the Troubled Asset Relief Program, the activities of SIGTARP, and SIGTARP'S recommendations with respect to operations of TARP, for the period ending June 30, 2010; to the Committee on Financial Services.

8825. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Facilitating Shareholder Director Nominations [Release Nos.: 33-9136; 34-62764; IC-29384; File No. S7-10-09] (RIN: 3235-AK27) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8826. A letter from the transmitting the Department's final rule — Office of Special Education and Rehabilitative Services--Special Demonstration Programs--Model Demonstration Project to Improve Outcomes for Individuals Receiving Social Security Disability Insurance (SSDI) Served by State Vocational Rehabilitation (VR) Agencies Catalog of Federal Domestic Assistance (CFDA) Number: 84.235L received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8827. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program--Disability Rehabilitation Research Project (DRRP)—International Exchange of Knowl-

edge and Experts in Disability and Rehabilitation Research Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A-6 received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8828. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program--Rehabilitation Research and Training Centers (RRTCs)—Effective Vocational Rehabilitation (VR) Service Delivery Practices Catalog of Federal Domestic Assistance (CFDA) Number: 84.133B-8 received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8829. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program--Disability Rehabilitation Research Project (DRRP)—Center on Knowledge Translation (KT) for Employment Research (Center) Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A-5 received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8830. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Smaller Learning Communities Program, Catalog of Federal Domestic Assistance (CFDA) Number 84.215L received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8831. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Vocal Rehabilitation Service Projects for American Indians with Disabilities [Docket ID: ED-2009-OSERS-0008] (RIN: 1820-AB63) received August 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8832. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research and Training Centers (RRTCs)—Center on Employment Policy and Measurement Catalog of Federal Domestic Assistance (CFDA) Number: 84.133B-4 received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8833. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8834. A letter from the Secretary, Department of Energy, transmitting the Department's report outlining the status of the Exxon and Stripper Well oil overcharge funds as of September 30, 2008, pursuant to Senate Report 108-341 and the Department of the Interior and Related Agencies Appropriations Act of 2005; to the Committee on Energy and Commerce.

8835. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy,

transmitting the Department's final rule — Implementation of OMB Guidance on Drug-Free Workplace Requirements (RIN: 1991-AB93) received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8836. A letter from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting Biennial Report to Congress on the Progress of the Federal Government in Meeting the Renewable Energy Goals of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

8837. A letter from the Assistant Secretary, Energy and Renewable Energy, Department of Energy, transmitting the Department's semi-annual Implementation Report on Energy Conservation Standards Activities, pursuant to Section 141 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

8838. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedure for Microwave Ovens; Repeal of Active Mode Test Procedure Provisions [Docket No.: EERE-2010-BT-TP-0022] (RIN: 1904-AC25) received July 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8839. A letter from the Secretary, Department of Health and Human Services, transmitting fiscal year 2009 Performance Report to Congress for the Animal Generic Drug User Fee Act; to the Committee on Energy and Commerce.

8840. A letter from the Secretary, Department of Health and Human Services, transmitting the annual financial report to Congress required by the Medical Device User Fee and Modernization Act of 2002 (MDUFMA), covering FY 2009; to the Committee on Energy and Commerce.

8841. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Address; Abbreviated New Drug Applications; Technical Amendment [Docket No.: FDA-2010-N-0010] received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8842. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Fifth Annual Report to Congress on Testing for Rapid Detection of Adulteration of Food; to the Committee on Energy and Commerce.

8843. A letter from the Secretary, Department of Health and Human Services, transmitting report to Congress on the Backlog of Postmarketing Requirements (PMRs) and Postmarketing Commitments (PMCs); to the Committee on Energy and Commerce.

8844. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's fiscal year 2009 Performance Report for the Animal Drug User Fee Act; to the Committee on Energy and Commerce.

8845. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Internal Claims and Appeals and External Review Processes under the Patient Protection and Affordable Care Act [OCIO-9993-IFC] (RIN: 0991-AB70) received July 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8846. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program and Children's Health Insurance Program (CHIP); Revisions to the Medicaid Eligibility Quality Control and Payment Error Rate Measurement Programs [CMS-6150-F] (RIN: 0938-AP69) received August 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8847. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Feed and Drinking Water of Animals; Ammonium Formates [Docket No.: FDA-2008-F-0151] (formerly Docket No. 2007F-0478), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8848. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Exempt Chemical Mixtures Containing Gamma-Butyrolactone [Docket No.: DEA-222F] (RIN: 1117-AA64) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8849. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Control of Immediate Precursor Used in the Illicit Manufacture of Fentanyl as a Schedule II Controlled Substance [Docket No.: DEA-305F] (RIN: 1117-AB16) August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8850. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Removal of Thresholds for the List I Chemicals Pseudoephedrine and Phenylpropanolamine [Docket No.: DEA-296F] (RIN: 1117-AB10) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8851. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Correction of Code of Federal Regulations: Removal of Temporary Listing of Benzylfentanyl and Thienylfentanyl as Controlled Substances [Docket No.: DEA-313F] (RIN: 1117-AB26) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8852. A letter from the Program Analyst, Department of Transportation, transmitting the Department's "Major" final rule — Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; Final Rule [EPA-HQ-OAR-2009-0472; FRL-9134-6; NHTSA-2009-0059] (RIN: 2060-AP58; RIN 2127-AK50) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8853. A letter from the Environmental Protection Agency, Director, Regulatory Management Division, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2010-0156; FRL-9170-6] received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8854. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation

of Air Quality Implementation Plans; Texas; Revisions to Emissions Inventory Reporting Requirements and Conformity of General Federal Actions, Including Revisions Allowing Electronic Reporting Consistent with the Cross Media Electronic Reporting Rule [EPA-R06-OAR-2007-0210; FRL-9177-4] received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8855. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Elemental Mercury Used in Flow Meters, Natural Gas Manometers, and Pyrometers; Significant New Use Rule [EPA-HQ-OPPT-2008-0483; FRL-8832-2] (RIN: 2070-AJ36) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8856. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amendments to National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing [EPA-HQ-OAR-2008-0080; FRL-9176-7] (RIN: 2060-AQ26) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8857. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerances [EPA-HQ-OPP-2010-0528; FRL-8834-8] received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8858. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Transportation Conformity Consultation Requirement [EPA-R05-OAR-2010-0529; FRL-9189-1] received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8859. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cooperative Agreements and Superfund State Contracts for Superfund Response Actions: Amendments [FRL-9189-1] (RIN: 2050-AG58) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8860. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Determination to Approve Alternative Final Cover Request for the Lake County, Montana Landfill [EPA-R08-RCRA-2009-0621; FRL-9149-7] received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8861. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's "Major" final rule — National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines [EPA-HQ-OAR-2008-0708; FRL-9190-3] (RIN: 2060-AP36) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8862. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — National Oil and Hazardous Substance Pollution Contingency Plan National Priorities List: Deletion of the

Rogers Road Municipal Landfill Superfund Site [EPA-HQ-SFUND-1987-0002; FRL-9188-8] received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8863. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Transportation Conformity Regulations; Withdrawal of Direct Final Rule [EPA-R03-OAR-2008-0871; FRL-9187-9] received August 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8864. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Administrative and Non-Substantive Amendments to Existing Delaware SIP Regulations [EPA-R03-OAR-2009-0606; FRL-9186-6] received August 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8865. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; [EPA-R05-OAR-2010-0035; FRL-9187-5] received August 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8866. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Revisions to Emissions Inventory Reporting Requirements, and General Provisions [EPA-R06-OAR-2005-NM-0009; FRL-9187-8] received August 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8867. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Final Approval and Promulgation of State Implementation Plans; Carbon Monoxide and Volatile Organic Compounds [EPA-R05-OAR-2005-OH-0003; FRL-9187-4] received August 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8868. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Nebraska [EPA-R07-OAR-2009-0913; FRL-9186-5] received August 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8869. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2010-0170; FRL-9186-2] received August 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8870. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Adequacy Status of Motor Vehicle Emissions Budgets in Submitted Reasonable Further Progress and Attainment Demonstrations for New York Portions of New York-Northern New Jersey-Long Island and Poughkeepsie 8-hour Ozone Non-attainment areas for Transportation Conformity Purposes; New York [Docket No.:

EPA-R02-OAR-2010-0530; FRL-9183-9] received August 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8871. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Oil and Hazardous Substance Pollution Contingency Plan, National Priorities List: Deletion of the Peter Cooper Corporation (Markhams) Superfund Site [EPA-HQ-SFUND-2000-0006; FRL-9185-4] received August 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8872. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Kentucky Portion of the Cincinnati-Hamilton 1997 8-Hour Ozone Nonattainment Area to Attainment [EPA-R04-OAR-2010-0134-201027; FRL-9184-9] received August 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8873. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Implementation Plan Revision; State of New Jersey [EPA-R02-OAR-2010-0161; FRL-9175-7] received August 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8874. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries [EPA-HQ-OAR-2003-0146; FRL-9169-7] (RIN: 2060-AO55) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8875. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines [EPA-HQ-OAR-2008-0708; FRL-9169-6] (RIN: 2060-AP36) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8876. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [EPA-HQ-OPPT-2010-0542; FRL-8833-7] received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8877. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program [EPA-HQ-OAR-2005-0161; FRL-9169-9] (RIN: 2060-AQ31) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8878. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; California; Motor Vehicle Inspection and Maintenance Program [EPA-R09-OAR-2009-0470; FRL-9112-8] received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8879. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment for PM-10; Fort Hall PM-10 Nonattainment Area, Idaho [EPA-R10-OAR-2008-0391; FRL-9180-2] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8880. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; [EPA-R05-OAR-2010-0450; FRL-9182-2] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8881. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the SMS Instruments, Inc. Superfund Site [EPA-HQ-SFUND-1986-0005; FRL-9183-2] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8882. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — New York: Incorporation by Reference of State Hazardous Waste Management Program [EPA-R02-RCRA-2010-0249; FRL-9178-8] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8883. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2010-NM-0503; FRL-9183-6] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8884. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Washington: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R10-RCRA 2010-0251; FRL-9181-8] received July 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8885. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Maricopa County Air Quality Department [EPA-R09-OAR-2010-0277; FRL-9180-1] received July 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8886. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Louisiana: Final Authorization of State-initiated Changes and Incorporation by Reference of Approved State Hazardous Waste Management Program [EPA-R06-2009-0570; FRL-9172-6] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8887. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment for PM10 for the Las Vegas Valley Nonattainment Area, Nevada [EPA-R09-OAR-2010-0590; FRL-9184-6] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8888. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York Reasonably Available Control Technology and Reasonably Available Control Measures [EPA-R02-OAR-2009-0462; FRL-9178-5] received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8889. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of One-Year Extension for Attaining the 1997 8-Hour Ozone Standard in the Baltimore Moderate Nonattainment Area [EPA-R03-OAR-2010-0431; FRL-9179-2] received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8890. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Rhode Island: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R01-RCRA-0561; FRL-9179-5] received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8891. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Massachusetts: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R01-RCRA-2010-0468; FRL-9190-6] received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8892. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for Massachusetts [EPA-R01-OAR-2010-0442; A-1-FRL-9167-7] received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8893. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Kingsland, Texas) [MB Docket No.: 09-180] (RM-11569) (RM-11570) received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8894. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Sections 73.202(b) FM Table of Allotments, FM Broadcast Stations, (Maupin, Oregon) [MB Docket No.: 09-130] (RM-11538) received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8895. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Boulder Town, Levan, Mount Pleasant, and Richfield, Utah) [MB Docket No.: 04-258] (RM-11000) (RM-11149) received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8896. A letter from the Deputy Chief, Broadband Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 101 of the Commission's Rules to Accommodate 30 Megahertz Channels in the 6525-6875 MHz Band Amendment of Part 101 of the Commission's Rules to provide for Conditional Authorization on Additional Channels in the 21.8-22.0 GHz and 23.0-23.2 GHz Band Fixed Wireless Communications Coalition

Request for Waiver [WT Docket No.: 09-114] received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8897. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band [WT Docket No.: 07-293] Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band [IB Docket No.: 95-91] [GEN Docket No.: 90-357] (RM-8610) received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8898. A letter from the Senior Deputy Chief, Federal Communications Commission, transmitting the Commission's final rule — Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services [WT Docket No.: 05-265] received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8899. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Amboy, California) [MD Docket No.: 10-63] (RM-11597) received July 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8900. A letter from the Policy Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Commission's Part 95 Personal Radio Services Rules, 1998 Biennial Regulatory Review — 47 C.F.R. Part 90 — Private Land Mobile Radio Services, Petition for Rulemaking of Garmin International, Inc., Petition for Rulemaking of Omnitronics, L.L.C. [WT Docket No.: 10-119, 98-182] [RM-9222, RM-10762, RM-10844] received July 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8901. A letter from the Policy Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications [WT Docket No.: 00-48] received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8902. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on the efforts of the Radiation Source Protection and Security Task Force, in accordance with Section 651(d) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

8903. A letter from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Public Records [NRC-2010-0157] (RIN: 3150-A187) July 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8904. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Methods For Measuring Effective Dose Equivalent From External Exposure, Regulatory Guide 8.40 received July 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8905. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory

Commission, transmitting the Department's final rule — Containment Isolation Provisions For Fluid Systems, Regulatory Guide 1.141, Revision 1 received July 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8906. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Design, Construction, and Inspection of Embankment Retention Systems at Fuel Cycle Facilities [Regulatory Guide 3.13] Revision 1 received August 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8907. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Instrument Sensing Lines [Regulatory Guide 1.151] Revision 1 received August 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8908. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: NAC-MPC System, Revision 6 [NRC-2010-0183] (RIN: 3150-A188) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8909. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Containment Structural Integrity Evaluation for Internal Pressure Loadings Above Design-Basis Pressure, Regulatory Guide 1.216 received August 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8910. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of July 23, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

8911. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

8912. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-32, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8913. A letter from the Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with NATO (Transmittal No. 04-10) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8914. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-35, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8915. A letter from the Deputy Director, Defense Security Cooperation Agency, trans-

mitting Transmittal No. 10-41, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8916. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-27, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8917. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — The Jurisdictional Scope of Commodity Classification Determinations and Advisory Opinions Issued by the Bureau of Industry and Security [Docket No.: 100707291-0292-01] (RIN: 0694-AE94) received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8918. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Foreign Direct Products of U.S. Technology [Docket No.: 080215200-91321-01] (RIN: 0694-AE27) received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8919. A letter from the Under Secretary, Department of Defense, transmitting the Department's renotification of the intention to obligate FY 2010 funds under the Cooperative Threat Reduction Program; to the Committee on Foreign Affairs.

8920. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, reports prepared by the Department of State on a weekly basis for the April 14 — June 16, 2010 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

8921. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on Costs of Treatment in the President's Emergency Plan for AIDS Relief, pursuant to Public Law 110-293; to the Committee on Foreign Affairs.

8922. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report entitled, "Country Reports on Terrorism 2009", pursuant to 22 U.S.C. 2656f, section 140; to the Committee on Foreign Affairs.

8923. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period April 1, 2010 through May 31, 2010, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

8924. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

8925. A letter from the Assistant Secretary Legislative Affairs, Department of State,

transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations; Commodity Jurisdiction [Public Notice: 7057] (RIN: 1400-AC63) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8926. A letter from the Assistant Director for Policy, Department of the Treasury, transmitting the Department's final rule — Lebanon Sanctions Regulations received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8927. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Iranian Financial Sanctions Regulations received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8928. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Export and Import of Nuclear Equipment and Material; Updates and Clarifications [NRC-2008-0567] (RIN: 3150-A116) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8929. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the eighth quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110-181, section 1229; to the Committee on Foreign Affairs.

8930. A letter from the Director, Office of Personnel Management, transmitting a report on agencies' use of the Physicians' Comparability Allowance Program for fiscal year 2009, pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Oversight and Government Reform.

8931. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's semiannual report from the office of the Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

8932. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting the Foundation's required General/Trust Fund Financial Statements for Fiscal Year 2010; to the Committee on Oversight and Government Reform.

8933. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's Year 2010 Inventory of Commercial Activities, as required by the Federal Activities Reform Act of 1998; to the Committee on Oversight and Government Reform.

8934. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8935. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8936. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8937. A letter from the Secretary, Department of Health and Human Services, trans-

mitting the Department's Strategic Plan for Fiscal Years 2010 through 2015, as required by the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

8938. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8939. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8940. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8941. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8942. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8943. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8944. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting in accordance with the provisions of section 17(a) of the Federal Deposit Insurance Act, the Chief Financial Officers Act of 1990, Pub. L. 101-576, and the Government Performance and Results Act of 1993, the Corporation's 2009 Annual Report; to the Committee on Oversight and Government Reform.

8945. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Uniformed Services Accounts and Death Benefits [Billing Code 6760-01-P] received July 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8946. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Employee Contribution Elections and Contribution Allocations [Billing Code 6760-01-P] received July 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8947. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — General Services Administration Acquisition Regulation; Rewrite of GSAR Part 516, Types of Contracts [GSAR Amendment 2010-03; GSAR Case 2006-G504 (Change 46) Docket 2008-0007; Sequence 12] (RIN: 3090-A158) received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8948. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-44; Introduction [Docket FAR-2010-0076, Sequence 6] received July 12,

2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8949. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-039, Reporting Executive Compensation and First-Tier Subcontract Awards [FAC 2005-44, FAR Case 2008-039; Docket 2010-0093, Sequence 1] (RIN: 9000-AL66) received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8950. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled "A Call to Action: Improving First-Level Supervision of Federal Employees", pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

8951. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's Annual No FEAR Report to Congress for Fiscal Year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

8952. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's final rule — Regulations Implementing the Freedom of Information Act received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8953. A letter from the Director, Office of Management and Budget, transmitting the Office's report entitled, "2010 Report to Congress on the Benefits and Costs of Federal Regulations and Unfunded Mandates on State, Local and Tribal Entities", pursuant to 31 U.S.C. 1105 note; to the Committee on Oversight and Government Reform.

8954. A letter from the Deputy Associate Director for Management and Administration and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8955. A letter from the Deputy Associate Director for Management and Administration and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8956. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Activities Inventory Reform (FAIR) Act Inventory Summary as of June 30, 2010; to the Committee on Oversight and Government Reform.

8957. A letter from the Associate Special Counsel, Office of Special Counsel, transmitting the Counsel's fiscal year 2009 Annual Report; to the Committee on Oversight and Government Reform.

8958. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8959. A letter from the Director of Human Resources, Railroad Retirement Board, transmitting the Board's report on the use of the Category Rating System during fiscal year 2008, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

8960. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting the Department's report on the exterior boundary of Black Wild

and Scenic River Ottawa National Forest, pursuant to 16 U.S.C. 1274; to the Committee on Natural Resources.

8961. A letter from the Regulatory and Policy Specialist, Indian Affairs, Department of the Interior, transmitting the Department's final rule — Indian Self-Determination Act Contracts and Annual Funding Agreements—Appeal Procedures (RIN: 1076-AE86) received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8962. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System (RIN: 1024-AD79) received July 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8963. A letter from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-153; Docket ID: OSM-2008-0021] received August 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8964. A letter from the Chief, Branch of Endangered Species Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Limnanthus floccosa* ssp. *grandiflora* (Large-Flowered Woolly Meadowfoam) and *Lomatium cookii* (Cook's Lomatium) [Docket No.: FWS-R1-ES-2009-0046] (RIN: 1018-AW21) received July 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8965. A letter from the Attorney-Advisor, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Regulations to Amend the Civil Procedures [Docket No.: 100216090-0205-02] (RIN: 0648-AY66) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8966. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; 2010 Specifications for the Spiny Dogfish Fishery [Docket No.: 100201058-0560-02] (RIN: 0648-AY50) received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8967. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Reef Fish Fishery; 2010 Accountability Measures for Greater Amberjack [Docket No.: 100610255-0257-01] (RIN: 0648-AY89) received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8968. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Ecosystem-Based Amendment for the South Atlantic Region [Docket No.: 0911051395-0252-02] (RIN: 0648-AY32) received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8969. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Na-

tional Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure [Docket No.: 0912281446-0111-02] (RIN: 0648-XW90) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8970. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Suspension of the Primary Pacific Whiting Season for the Shore-based Sector South of 42 Degree North Latitude [Docket No.: 100421192-0193-01] (RIN: 0648-XW80) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8971. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 21 [Docket No.: 100107011-0248-03] (RIN: 0648-AY43) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8972. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Amendment 3 [Docket No.: 080228326-0108-03] (RIN: 0648-AW30) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8973. A letter from the Chief, Branch of Recovery and Listing, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Removal of the Utah (Desert) Valvata Snail From the Federal List of Endangered and Threatened Wildlife [Docket No.: FWS-R1-ES-2008-0084] (RIN: 1018-AW16) received August 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8974. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XX17) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8975. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2010 [Docket No.: 090721158-0265-02] (RIN: 0648-AY04) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8976. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species

Fishery by Catcher/Processor in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX33) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8977. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XX19) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8978. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Adjustment to the Lologo Trimester 2 and 3 Quota [Docket No.: 0907301206-0032-02] (RIN: 0648-XW95) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8979. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX39) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8980. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Ecosystem-Based Amendment 1 for the South Atlantic Region; Correction [Docket No.: 0911051395-0252-02] (RIN: 0648-AY32) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8981. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Island Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XX17) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8982. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Catcher Vessels in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX32) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8983. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX53) received July 30, 2010, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8984. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Trawl Catcher Vessels Participating in the Entry Level Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX34) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8985. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fishers Off West Coast States; Pacific Coast Groundfish Fishery; 2010 Harvest Specifications for Yelloweye Rockfish and In-Season Adjustments to Fishery Management Measures [Docket No.: 090428799-9802-01] (RIN: 0648-BA00) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8986. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Vessels Participating in the Rockfish Entry Level Trawl Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX35) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8987. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; American Samoa Pelagic Longline Limited Entry Program (RIN: 0648-XX41) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8988. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX55) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8989. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX48) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8990. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX49) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8991. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Black Sea Bass Fishery; 2010 Black Sea Bass Specifications; Emergency Rule Extension [Docket No.: 100120036-0038-01] (RIN: 0648-XT99) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8992. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; "Other rockfish" in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX70) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8993. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX72) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8994. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures [Docket No.: 100617272-0271-02] (RIN: 0648-AY94) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8995. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Catcher Vessels Participating in the Limited Access Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XX36) received August 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8996. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures [Docket No.: 100617272-0271-02] (RIN: 0648-AY94) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8997. A letter from the Attorney General, Department of Justice, transmitting the Department's report on a National Strategy for Child Exploitation Prevention and Interdiction; to the Committee on the Judiciary.

8998. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on applications for delayed-notice search warrants and extensions during fiscal year 2009, pursuant to 18 U.S.C. 3103a(d); to the Committee on the Judiciary.

8999. A letter from the Director, Administrative Office of the United States Courts,

transmitting the 2009 report on statistics mandated by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005; to the Committee on the Judiciary.

9000. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Florida Advisory Committee; to the Committee on the Judiciary.

9001. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Texas Advisory Committee; to the Committee on the Judiciary.

9002. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Electronic System for Travel Authorization (ESTA): Travel Promotion Fee and Fee for Use of the System [USCBP-2010-0025] (RIN: 1651-AA83) received August 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9003. A letter from the Policy Analyst, Immigration and Customs Employment, Department of Homeland Security, transmitting the Department's final rule — Electronic Signature and Storage of Form I-9, Employment Eligibility Verification [ICE 2345-05; DHS-2005-0045] (RIN: 1653-AA47) received August 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9004. A letter from the Management and Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Employment Authorization for Dependents of Foreign Officials [CIS No.: 2492-10; DHS Docket No. USCIS-2010-0003] (RIN: 1615-AB87) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9005. A letter from the Assistant Attorney General, Department of Justice, transmitting the Panel's 2009 annual report on prison rape, pursuant to 42 U.S.C. 15603(c), section 4(c)(1)(A); to the Committee on the Judiciary.

9006. A letter from the Assistant Secretary, Legislative Affairs, Department of Justice, transmitting the Department's report entitled, "Report on Denial of Visas to Confiscators of American Property", pursuant to 8 U.S.C. 1182d Public Law 105-277, section 2225(c); to the Committee on the Judiciary.

9007. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's FY 2010 report on activities regarding civil rights era homicides, as required by the Emmett Till Unsolved Civil Rights Crimes Act of 2007; to the Committee on the Judiciary.

9008. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's FY 2010 report on activities regarding civil rights era homicides, as required by the Emmett Till Unsolved Civil Rights Crimes Act of 2007; to the Committee on the Judiciary.

9009. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Immigrants Under the Immigration and Nationality Act, as Amended [Public Notice; 7085] received August 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9010. A letter from the Controller, National Society Daughters of the American Revolution, transmitting the Audited Financial Statements of NSDAR for the Fiscal Year

ended February 28, 2010, pursuant to 36 U.S.C. 1102; to the Committee on the Judiciary.

9011. A letter from the Director, Office of National Drug Control Policy, transmitting High Intensity Drug Trafficking Areas (HIDTA) Program Report to Congress, pursuant to Public Law 109-469; to the Committee on the Judiciary.

9012. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North Jetty, Named the Barview Jetty, Tillamook Bay, OR [Docket No.: USCG-2010-0214] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9013. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display in Stevenson, WA [Docket No.: USCG-2010-0332] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9014. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones; Tall Ships Challenge 2010, Great Lakes, Cleveland, OH, Bay City, MI, Duluth, MN, Green Bay, WI, Sturgeon Bay, WI, Chicago, IL, Erie, PA [Docket No.: USCG-2010-0073] (RIN: 1625-AA87) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9015. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Gulf Intracoastal Waterway, Inner Harbor Navigation Canal, Harvey Canal, Algiers Canal, New Orleans, LA [Docket No.: USCG-2009-0139] (RIN: 1625-AA11) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9016. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zones; Marine Events within the Captain of the Port Sector Northern New England Area of Responsibility, July through September [Docket No.: USCG-2010-0315] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9017. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Michigan City Super Boat Grand Prix, Lake Michigan, Michigan City, IN [Docket No.: USCG-2010-0235] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9018. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chicago Tall Ships Fireworks, Lake Michigan, Chicago, IL [Docket No.: USCG-2010-0250] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9019. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; AVI May Fireworks Display, Laughlin, Nevada, NV [Docket No.: USCG-2009-1132] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9020. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Suspension of Certain Oil spill Response Time Requirements to Support Deepwater Horizon Oil Spill of National Significance (SONS) Response [Docket No.: USCG-2010-0592; EPA-HQ-OPA-2010-0559] (RIN: 1625-AB49; 2050-AG63) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9021. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Amended Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-1080] (RIN: 1625-AA00, 1625-AA11) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9022. A letter from the Attorney Advisor, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Revision of LNG and LHG Waterfront Facility General Requirements [Docket No.: USCG-2007-27022] (RIN: 1625-AB13) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9023. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Air Race, Detroit River, Detroit, MI [Docket No.: USCG-2010-0174] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9024. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; America's Discount Tire 50th Anniversary, Fireworks Display, South Lake Tahoe, CA [Docket No.: USCG-2010-0151] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9025. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Event; Maryland Swim for Life, Chester River, Chestertown, MD [Docket No.: USCG-2010-0113] (RIN: 1625-AA08) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9026. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Temporary change of dates for Recurring Marine Events in the Fifth Coast Guard District [Docket No.: USCG-2010-0307] (RIN: 1625-AA08) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9027. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision [FHWA Docket No.: FHWA-2007-28977] (RIN: 2125-AF22) received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9028. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Hydroplane Exhibition, Detroit River, Detroit, MI [Docket No.: USCG-2010-0435] (RIN: 1625-AA080) received

July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9029. A letter from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting notification that a third transfer of \$100 million from the Oil Spill Liability Trust Fund to the Emergency Fund has occurred; to the Committee on Transportation and Infrastructure.

9030. A letter from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting notification that a fourth transfer of \$100 million from the Oil Spill Liability Trust Fund to the Emergency Fund has occurred; to the Committee on Transportation and Infrastructure.

9031. A letter from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting notification that a fifth transfer of \$100 million from the Oil Spill Liability Trust Fund to the Emergency Fund has occurred; to the Committee on Transportation and Infrastructure.

9032. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas; Bars Along the Coasts of Oregon and Washington; Amendment [Docket No.: USCG-2008-1017] (RIN: 1625-AA11) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9033. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Amended Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-1080] (RIN: 1625-AA00, 1625-AA11) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9034. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bay Swim III, Presque Isle Bay, Erie, PA [Docket No.: USCG-2010-0529] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9035. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; New Bern Air Show, Neuse River, NC [Docket No.: USCG-2010-0571] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9036. A letter from the Legal Advisor, Department of Homeland Security, transmitting the Department's final rule — Navy River Swim Special Local Regulation; Lower Mississippi River, Wall, MS [Docket No.: USCG-2010-0412] (RIN: 1625-AA08) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9037. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Escorted U.S. Navy Submarines in Sector Honolulu Captain of the Port Zone [Docket No.: USCG-2010-0409] (RIN: 1625-AA87) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9038. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Annual Fireworks Events in the Captain of the Port Detroit Zone [Docket No.: USCG-2010-0126] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to

the Committee on Transportation and Infrastructure.

9039. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mississippi River, Mile 840.0 to 839.8 [Docket No.: USCG-2010-0552] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9040. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Annual Kennewick, Washington, Columbia Unlimited Hydroplane Races, Kennewick, WA [Docket No.: USCG-2010-0601] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9041. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local regulations for Marine Events; Port Huron to Mackinac Island Sail Race [Docket No.: USCG-2010-0621] (RIN: 1625-AA08) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9042. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Lights on the River Fireworks Display, Delaware River, New Hope, PA [Docket No.: USCG-2010-0443] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9043. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Transformers 3 Movie Filming, Chicago River, Chicago, IL [Docket No.: USCG-2010-0646] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9044. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Potomac River, Charles County, MD [Docket No.: USCG-2010-0589] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9045. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lyme Community Days, Chaumont Bay, NY [Docket No.: USCG-2010-0652] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9046. A letter from the Legal Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Macy's Fourth of July Fireworks Spectator Vessels Viewing Areas, Hudson River, New York, NY [Docket No.: USCG-2010-0114] (RIN: 1625-AA08) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9047. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fixed Mooring Balls, South of Barbers Pt Harbor Channel, Oahu, Hawaii [Docket No.: USCG-2010-0457] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9048. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Regulated Navigation Area; Hudson River and Port of NY/NJ [Docket No.: USCG-2009-1056] (RIN: 1625-AA11) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9049. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego POPS Fireworks, San Diego, CA [Docket No.: USCG-2010-0523] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9050. A letter from the Legal Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Mattaponi River, Wakema, VA [Docket No.: USCG-2010-0295] (RIN: 1625-AA08) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9051. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Multiple Firework Displays in Captain of the Port, Puget Sound Area of Responsibility, WA [Docket No.: USCG-2010-0591] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9052. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Shrewsbury River, NJ [Docket No.: USCG-2010-0461] (RIN: 1625-AA09) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9053. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Macy's Fourth of July Fireworks Display, Hudson River, NY, New York [Docket No.: USCG-2010-0492] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9054. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Giants Baseball Game Promotion, San Francisco, CA [Docket No.: USCG-2010-0547] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9055. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Illinois River, Mile 119.7 to 120.3 [Docket No.: USCG-2010-0472] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9056. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Harrison Township Grand Prix, Lake St. Clair, Harrison Township, MI [Docket No.: USCG-2010-0279] (RIN: 1625-AA08) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9057. A letter from the Legal Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Detroit APBA Gold Cup, Detroit River, Detroit, MI [Docket No.: USCG-2010-0238] (RIN: 1625-AA08) received August 13, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9058. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; He'eia Kea Small Boat Harbor, Kaneohe Bay, Oahu, Hawaii [Docket No.: USCG-2010-0458] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9059. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Vietnam Veterans of America Fireworks Display, Brookings, OR [Docket No.: USCG-2010-0602] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9060. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Munising 4th of July Fireworks, South Bay, Lake Superior, Munising, MI [Docket No.: USCG-2010-0567] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9061. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Ignace 4th of July Fireworks, East Moran Bay, Lake Huron, St. Ignace, MI [Docket No.: USCG-2010-0579] (RIN: 1625-AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9062. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation, Fran Schnarr Open Water Championships, Huntington Bay, NY [Docket No.: USCG-2009-0520] (RIN: 1625-AA08) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9063. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Casparilla Children's Parade Firework's, Tampa Bay, FL [Docket No.: USCG-2008-0021] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9064. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, One Mile Up and Down River of the M/V EVER RADIANT, Savannah, GA [USCG-2008-0030] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9065. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Johns Pass, FL [Docket No.: USCG-2008-0039] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9066. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Niantic Railroad Bridge Construction, Niantic, CT [Docket No.: USCG-2010-0220] (RIN: 1625-AA11) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9067. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zones; Marine Events within the Captain of the Port Sector Long Island Sound Area of Responsibility, June through October [Docket No.: USCG-2010-0427] (RIN: 1625-AA08 and AA00) received August 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9068. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Toledo Country Club 4th of July Fireworks, Maumee River, Toledo, OH [Docket No.: USCG-2008-0676] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9069. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Unexploded Ordinance, Shinnecock Canal [Docket No.: USCG-2008-0672] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9070. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Celebration, Glenbrook, NV [Docket No.: USCG-2008-0690] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9071. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 847.5 to 849.0 [Docket No.: USCG-2008-0693] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9072. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Port Jefferson, NY [Docket No.: USCG-2008-0670] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9073. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red, White and Blues Bang Fireworks, Huron River, Huron, OH [Docket No.: USCG-2008-0670] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9074. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Village of Asharoken, NY [Docket No.: USCG-2008-0671] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9075. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Intracoastal Waterway, Stuart, Florida [Docket No.: USCG-2008-0367] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9076. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Gulf of Mexico, FL [Docket No.: USCG-2008-0365] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9077. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Tampa Bay; Florida [Docket No.: USCG-2008-0355] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9078. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Madeline Island Fireworks, Lake Superior, Lapointe, WI [Docket No.: USCG-2008-0657] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9079. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [Docket No.: USCG-2008-0345] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9080. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 252.1 to 253.1, Middleport, OH [Docket No.: USCG-2008-0650] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9081. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Catawba Island Club Fireworks, Lake Erie, Catawba [Docket No.: USCG-2008-0651] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9082. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River Mile Marker 0.4 to Mile Marker 0.6, Pittsburgh, PA [Docket No.: USCG-2008-0344] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9083. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Perrysburg/Maumee 4th of July Fireworks, Maumee River, Perrysburg, OH [Docket No.: USCG-2008-0652] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9084. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Grosse Isle Yacht Club Fireworks, Detroit River, Grosse Isle, MI [Docket No.: USCG-2008-0653] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9085. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Algonac Pickerel Tournament Fireworks, St. Clair River, Algonac, MI [Docket No.: USCG-2008-0654] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9086. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Au Gres City Fireworks, Saginaw Bay, Au Gres, MI [Docket No.: USCG-2008-0655] (RIN: 1625-AA00) received August 19, 2010,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9087. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lakeside July 4th Fireworks, Lake Erie, Lakeside, OH [Docket No.: USCG-2008-0656] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9088. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Butterfly Restaurant Fireworks Display, San Francisco, CA [Docket No.: USCG-2008-0322] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9089. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Caseville Fireworks, Saginaw Bay Caseville, MI [Docket No.: USCG-2008-0657] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9090. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Tacoma Tall Ships 2008, Puget Sound, WA [Docket No.: USCG-2008-0253] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9091. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; Astoria 4th of July Fireworks Display, Astoria, Oregon [Docket No.: USCG-2008-0658] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9092. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Parade of Sail, Tacoma Tall Ships 2008, Commencement Bay, WA [Docket No.: USCG-2008-0254] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9093. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Grosse Pointe Farms Fireworks, Lake St. Clair, Grosse Pointe Farms, MI [Docket No.: USCG-2008-0658] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9094. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Staging Area, Tacoma Tall Ships 2008, Quartermaster Harbor, WA [Docket No.: USCG-2008-0255] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9095. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harrisville Fireworks, Lake Huron, Harrisville, MI [Docket No.: USCG-2008-0659] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9096. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Grounded Barge, Egmont Channel, Tampa Bay, Florida [Docket No.: USCG-2008-0274] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9097. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Erie Metropark Fireworks, Detroit River, Gibraltar, MI [Docket No.: USCG-2008-0660] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9098. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Luna Pier Fireworks, Lake Erie, Luna Pier, MI [Docket No.: USCG-2008-0661] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9099. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ashley River, Brittlebank Park, Charleston, South Carolina [Docket No.: USCG-2008-0292] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9100. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Sanilac Fireworks, Lake Huron, Port Sanilac, MI [Docket No.: USCG-2008-0662] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9101. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Offshore Super Series Power Boat Race, Sunny Isles, Florida [USCG-2008-0167] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9102. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny and Ohio Rivers, Pittsburgh, PA [Docket No.: USCG-2008-0663] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9103. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ocean City Air Show, Atlantic Ocean, Ocean City, MD [Docket No.: USCG-2008-0160] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9104. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny, Monongahela, and Ohio Rivers, Pittsburgh, PA [Docket No.: USCG-2008-0664] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9105. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; March Point Shell Oil Refinery, Anacortes, Washington [Docket No.: USCG-2008-0145] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to

the Committee on Transportation and Infrastructure.

9106. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pier 66, Elliott Bay, Seattle, Washington [Docket No.: USCG-2008-0141] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9107. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone: Finavera Wave Energy Buoy Salvage Safety Zone, Offshore Newport Harbor, Newport, Oregon [Docket No.: USCG-2008-0140] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9108. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny and Ohio Rivers, Pittsburgh, PA [Docket No.: USCG-2008-0665] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9109. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny, Monongahela, and Ohio Rivers, Pittsburgh, PA [Docket No.: USCG-2008-0666] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9110. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Zone Hampton Roads, Lower Chesapeake Bay and tributaries [Docket No.: USCG-2008-0129] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9111. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, East Setauket, NY [Docket No.: USCG-2008-0669] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9112. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Zone Hampton Roads, Lower Chesapeake Bay and tributaries [Docket No.: USCG-2008-0129] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9113. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South River, Anne Arundel County, MD [USCG-2008-0128] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9114. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jose Gasper Evolution, Tampa Bay, FL [Docket No.: USCG-2008-0072] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9115. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Saybrook Point Inn Fireworks, Old

Saybrook, CT [USCG-2008-0059] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9116. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Anne Arundel County, MD [Docket No.: USCG-2008-0055] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9117. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire Gun Exercise, 9NM southeast of Bolivar Peninsula, TX [USCG-2008-0051] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9118. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atchafalaya Bay; 0.5 mile in all directions from position 29-31-23N, 091-23-12W [Docket No.: USCG-2008-0050] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9119. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [USCG-2008-0043] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9120. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Patapsco River, Baltimore, MD [Docket No.: USCG-2008-0042] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9121. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; NASA Space Shuttle Launch; Port Canaveral, FL [Docket No.: USCG-2008-0040] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9122. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Independence Fireworks, Lake Ontario, Oswego Harbor, Oswego, NY [Docket No.: USCG-2008-0626] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9123. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Fireworks, Lake Ontario, Kendall, NY [Docket No.: USCG-2008-0625] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9124. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Conneaut Festival, Lake Erie, Conneaut, OH [Docket No.: USCG-2008-0627] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9125. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Sheffield Lake Fireworks Display, Lake Erie, Sheffield Lake, OH [Docket No.: USCG-2008-0628] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9126. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Monongahela River Mile Marker 0.77 to Mile Marker 1.09, Pittsburgh, PA [Docket No.: USCG-2008-0632] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9127. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Reynolds Channel, Nassau, NY, Event [USCG-2008-0633] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9128. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Baltimore Harbor Broadway Pier, Fells Point, Baltimore, MD [Docket No.: USCG-2008-0634] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9129. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Columbia River, All Waters Within a 100-yard Radius Around the M/V Courcheville [Docket No.: USCG-2008-0650] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9130. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fourth of July Celebration, Lake Erie, Buffalo, NY [Docket No.: USCG-2008-0637] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9131. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayfield Fireworks, Lake Superior, Bayfield, WI [Docket No.: USCG-2008-0638] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9132. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Ecorse Water Festival Fireworks, Detroit River, Ecorse, MI [Docket No.: USCG-2008-0648] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9133. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Belle Maer Harbor 4th of July Fireworks, Lake St. Clair, Harrison Township, MI [Docket No.: USCG-2008-0647] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9134. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Alpena Fireworks, Lake Huron, Alpena, MI [Docket No.: USCG-2008-0646] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Com-

mittee on Transportation and Infrastructure.

9135. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Put-In-Bay Fourth of July Fireworks, Lake Erie, Put-In-Bay, OH [Docket No.: USCG-2008-0645] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9136. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Austin Fireworks, Lake Huron, Port Austin, MI [Docket No.: USCG-2008-0644] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9137. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Grosse Point Yacht Club 4th of July Fireworks, Lake St. Clair, Grosse Point Shores, MI [Docket No.: USCG-2008-0643] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9138. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0642] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9139. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Puget Sound Zone [Docket No.: USCG-2008-0640] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9140. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; A Salute to Our Hero's, Lake Ontario, Hamlin, NY [Docket No.: USCG-2008-0624] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9141. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Toledo 4th of July Fireworks, Maumee River, Toledo, OH [Docket No.: USCG-2008-0639] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9142. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Miami, Florida [Docket No.: USCG-2007-0175] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9143. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayfront Bayside NYE fireworks display, Intracoastal Waterway, Miami, FL [USCG-2007-0141] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9144. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone Regulations; Emergency repairs, Hillsborough River Wasterwater Pipeline, Florida [Docket No.: USCG-2007-0136] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9145. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Excercise, Atlantic Ocean, Miami, Florida [Docket No.: USCG-2007-0125] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9146. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Barges on Lake Worth off Flager Museum, West Palm Beach, FL [Docket No.: USCG-2007-0089] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9147. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 yards west of the Lewis Street Swing Bridge at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-015] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9148. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of St. Clair Fireworks, St. Clair River, St. Clair, MI [Docket No.: USCG-2008-0649] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9149. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0623] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9150. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Baltimore Harbor, Baltimore, MD [Docket No.: USCG-2008-0622] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9151. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Tonawanda July 4th Celebration, Niagara River, Tonawanda, NY [Docket No.: USCG-2008-0621] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9152. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Papermill Island, Seneca River, Baldwinsville, NY [Docket No.: USCG-2008-0620] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9153. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Ignace 4th of July Fireworks, Lake Huron, St. Ignace, MI [Docket No.: USCG-2008-0619] (RIN: 1625-AA00) received August

19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9154. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sault Ste. Marie 4th of July Fireworks, St. Marys River, Sault Ste. Marie, MI [Docket No.: USCG-2008-0618] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9155. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Munising 4th of July Fireworks, Lake Superior, Munising, MI [Docket No.: USCG-2008-0617] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9156. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marquette 4th of July Fireworks, Lake Superior, Marquette, MI [Docket No.: USCG-2008-0615] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9157. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mackinac Island 4th of July Fireworks, Lake Huron, Mackinac Island, MI [Docket No.: USCG-2008-0614] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9158. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Fort Vancouver Fireworks Display, Vancouver, WA [USCG-2008-0372] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9159. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: U.S. Conference of Mayors Annual Meeting, Inter-Continental Hotel, Miami, Florida [Docket No.: USCG-2008-0385] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9160. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Upper Potomac River, Washington Channel, Washington Harbor, DC [Docket No.: USCG-2008-0391] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9161. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [Docket No.: USCG-2007-0178] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9162. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Savannah River, Savannah, GA [USCG-2007-0181] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9163. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; New Years Eve Celebration, New London Harbor, New London, CT [USCG-2007-0188] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9164. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2007-0192] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9165. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marco Island Fireworks, Gulf of Mexico, Florida [Docket No.: USCG-2008-0011] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9166. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Yacht Club Fireworks, Tampa Bay, Florida [Docket No.: USCG-2008-0012] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9167. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gasparilla Children's Parade Airshow, Tampa Bay, FL [Docket No.: USCG-2008-0020] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9168. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-014] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9169. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 yards west of the Lewis Street Swing Bridge at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-012] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9170. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Alaska, Narrow cape, Kodiak Island, AK [COTP Western Alaska-08-011] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9171. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 532 to 530, Greenville, MS [COTP Lower Mississippi River-08-018] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9172. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 415 to 400 [Docket No.: COTP Sector LMR 08-

014] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9173. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 608.8 to 609.2 [COTP Sector Upper Mississippi River-08-29] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9174. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 790.5 to 791.5 [COTP Sector Upper Mississippi River-08-26] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9175. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 615.0 to 615.6 [COTP Sector Upper Mississippi River-08-23] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9176. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 870.0 to 872.5 [COTP Sector Upper Mississippi River-08-017] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9177. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0397] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9178. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, MM 497.5 to 498.5, Mayersville Revetment [COTP Lower Mississippi River-07-014] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9179. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, MM 588.5 to 589.5, Klondike Revetment [COTP Lower Mississippi River-07-013] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9180. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River MM 597.5 to 598.5, Big Island [COTP Lower Mississippi River-07-012] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9181. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Captain of the Port San Juan Tropical Cyclone Safety Zone [COTP San Juan 06-167] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9182. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Bahia de San Juan, San Juan, Puerto Rico [COTP San Juan 06-155] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9183. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tallaboa Bay, Tallaboa, PR [COTP San Juan 06-086] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9184. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; USAV RUNNYMEDE, Port of Ponce, Puerto Rico, United States [COTP San Juan 06-071] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9185. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; USAV RUNNYMEDE, Port of Ponce, Puerto Rico, United States [COTP San Juan 06-062] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9186. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; NASA Space Shuttle Launch; Port Canaveral, FL [COTP Jacksonville 07-249] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9187. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; NASA ATLAS V-WGS Rocket Launch; Port Canaveral, FL [COTP Jacksonville 07-235] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9188. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; VCSO Charity Event — Indian River, New Smyrna Beach, FL [COTP Jacksonville 07-205] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9189. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; NASA Rocket Launch; Port Canaveral, FL [COTP Jacksonville 07-164] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9190. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Air Force Week Thunderbirds Air Show, Honolulu, HI [COTP Honolulu 07-003] (RIN: 1625-AA00) received August 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9191. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, HI [COTP Honolulu 07-002] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9192. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Garapan Fishing Base, Saipan [COTP Guam 07-004] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9193. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cocos Lagoon, GU [COTP Guam 07-003] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9194. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kaskaskia River, Mile 10.0 to Mile 11.0, Evansville, IL [COTP St. Louis-06-095] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9195. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 366.0 to Mile 370.0, Kansas City, MO [COTP St. Louis-06-023] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9196. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 194 [COTP Sector Upper Mississippi River-06-026] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9197. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 194 [COTP Sector Upper Mississippi River-06-025] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9198. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Safety Zone, Savannah River & Intra-coastal Waterway, Savannah, GA [COTP Savannah 06-159] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9199. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-06-145] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9200. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-06-144] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9201. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [COTP Savannah-06-083] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9202. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zones; Fireworks displays in the Captain of the Port Puget Sound Zone [Docket No.: USCG-2008-0806] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9203. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cleveland Triathlon, North Coast Harbor, Cleveland, OH [Docket No.: USCG-2008-0805] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9204. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Glenbrook Fireworks Celebration, Glenbrook, NV [Docket No.: USCG-2008-0803] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9205. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Dawn Serpa Wedding Fireworks Display, Tahoe City, CA [Docket No.: USCG-2008-0800] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9206. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Duluth Maritime Festival Fireworks, Lake Superior, Duluth, MN [Docket No.: USCG-2008-0795] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9207. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Festival of Sail Mooring Evolution; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-0793] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9208. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Schuylkill River, Philadelphia, PA [Docket No.: USCG-2008-0790] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9209. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Duluth Maritime Festival, Duluth-Superior Harbor, Duluth, MN [Docket No.: USCG-2008-0787] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9210. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Palm Beach Rowing Regatta, North Palm Beach, FL [Docket No.: USCG-2008-0784] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9211. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Atlantic Intra-coastal Waterway, Sunrise, FL [Docket No.: USCG-2008-0782] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9212. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; PRA Destination Management Fireworks Display; San Diego Bay, San Diego, California [Docket No.: USCG-2008-0781] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9213. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Yankee Homecoming Fireworks, Newburyport MA [Docket No.: USCG-2008-0779] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9214. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Catherine Tangonan Wedding Fireworks Display; Mission Bay, San Diego, California [Docket No.: USCG-2008-0775] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9215. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Access Destination Services ESRI Fireworks Display; San Diego Bay, San Diego, California [Docket No.: USCG-2008-0774] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9216. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Symphony Fireworks Display; San Diego Bay, San Diego, California [Docket No.: USCG-2008-0773] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9217. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Navy Exercise, Tampa Bay, Florida [Docket No.: USCG-2008-0768] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9218. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Greater Cleveland Triathlon, Mentor Headlands, OH [Docket No.: USCG-2008-0766] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9219. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Firework Events; Great Lake Annual Firework Events [Docket No.: USCG-2008-0719] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9220. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Area; St. Clair River Classic, St. Clair River, St. Clair, MI [Docket No.: USCG-2008-0718] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9221. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Harbor Beach Fireworks, Lake Huron, Harbor Beach, MI [Docket No.: USCG-2008-0717] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9222. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [COTP Savannah-06-049] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9223. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [COTP Savannah-06-026] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9224. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Giants Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 07-054] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9225. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fleet Week Fireworks Displays, San Francisco Bay, CA [COTP San Francisco Bay 07-047] (RIN: 1625-AA 00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9226. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Labor Day Sky Concert Fireworks Display, South Lake Tahoe, CA [COTP San Francisco Bay 07-043] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9227. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bethel Island Air Show, San Joaquin River, CA [COTP San Francisco Bay 07-041] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9228. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Big Air Wind Jam, San Francisco Bay, CA [COTP San Francisco Bay 07-037] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9229. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Discovery Channel "Dirty Jobs" 150th Episode Celebration, San Francisco Bay, CA [COTP San Francisco Bay 07-034] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9230. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Giants Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 07-033] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9231. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Major League Baseball All-Star Week Fireworks Displays, San Francisco Bay, CA [COTP San Francisco Bay 07-030] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9232. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Baron Hilton Independence Day Celebration, San Francisco Bay, CA [COTP San Francisco Bay 07-029] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9233. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Whales transiting the San Francisco Bay and Delta Region, CA [COTP San Francisco Bay 07-017] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9234. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; John and Bekki Booth Wedding Fireworks, Lake St. Clair, Grosse Pointe Shores, MI [Docket No.: USCG-2008-0897] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9235. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Giants Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 07-014] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9236. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Stockton Asparagus Festival; Stockton, California [COTP San Francisco Bay 07-013] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9237. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Hampton River, Hampton, VA [Docket No.: USCG-2008-0893] (RIN: 1625-AA08) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9238. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charter Oak Bridge Downed Power Line, Hartford, CT [Docket No.: USCG-2008-0888] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9239. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Rob Labreche's "Heroes on the Harbor" Fireworks Display; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-0889] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9240. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Mississippi River, MM 435 to 439, Vicksburg Bend [COTP Lower Mississippi River-07-019] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9241. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Launching of the USNS CARL BRASHER; Coronado Bridge, San Diego Bay, CA [Docket No.: USCG-2008-0887] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9242. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, MM 322.5 to 323.5, Palmetto Bend [COTP Lower Mississippi River-07-018] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9243. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Superior Dragon Boat Festival Fireworks, Lake Superior, Superior, WI [Docket No.: USCG-2008-0883] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9244. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, MM 414.5 to 415.5, Togo Island [COTP Lower Mississippi River-07-016] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9245. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hampton Bays Civic Association, Hampton Bays, NY [Docket No.: USCG-2008-0880] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9246. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Fireworks; Safety Zone; Celebration of the Mystic Fireworks, Mystic River, Somerville, MA [Docket No.: USCG-2008-0879] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9247. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, MM 488.5 to 489.5, Stack Island [COTP Lower Mississippi River-07-015] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9248. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Olympia Harbor Days Tugboat Race, Budd Inlet, Olympia, Washington [Docket No.: USCG-2008-0877] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9249. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; "Hot Summer Nights" in the City of Pittsburg, CA Fireworks display [Docket No.: USCG-2008-0764] (RIN: 1625-AA00) re-

ceived August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9250. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River Mile 423.0 [COTP Sector Upper Mississippi River-06-024] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9251. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Columbia River, All Waters Within a 100-yard Radius Around the M/V Courcheville [Docket No.: USCG-2008-0757] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9252. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River Mile Marker 371.1 to Mile Marker 371.3 Riverside, MO [COTP Sector Upper Mississippi River-06-024] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9253. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wings over White Rock Air Show, Semiahmoo Bay, Blaine, Washington [Docket No.: USCG-2008-0756] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9254. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays, Potomac River, National Harbor, MD [Docket No.: USCG-2008-0753] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9255. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Landing Craft, Air-Cushioned (LCAC), (LC-16), Elliott Bay, Seattle, Washington [Docket No.: USCG-2008-0748] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9256. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Trenton Rotary Roar on the River Fireworks, Detroit River, Trenton, MI [Docket No.: USCG-2008-0745] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9257. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Spa Creek, Annapolis, MD [Docket No.: USCG-2008-0744] (RIN: 1625-AA08) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9258. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chaumont Chamber Fireworks Display, Chaumont Bay, Three Mile Bay, NY [Docket No.: USCG-2008-0741] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9259. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL [Docket No.: USCG-2008-0740] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9260. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; Maritime Heritage Festival, Portland, Oregon [Docket No.: USCG-2008-0737] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9261. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation (SLR) and Safety Zone Regulation; Seattle Seafair Unlimited Hydroplane Race and Blue Angels Air Show Performance 2008, Lake Washington, WA [Docket No.: USCG-2008-0734] (RIN: 1625-AA08 and 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9262. A letter from the Secretary, Department of Transportation, transmitting the Department's 2009 annual report on recommendations made by the Intelligent Transportation Systems Program Advisory Committee, pursuant to Public Law 109-59, section 5305(h)(4); to the Committee on Transportation and Infrastructure.

9263. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Registration and Renewal of Aircraft Registration [Docket No.: FAA-2008-0188; Amendment Nos. 13-34, 47-29, 91-318] (RIN: 2120-A189) July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9264. A letter from the Deputy Assistant General Counsel, OEAP, Department of Transportation, transmitting the Department's final rule — Posting of Flight Delay Data on Websites [Docket No.: DOT-OST-2007-0022] (RIN: No. 2105-AE02) received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9265. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Arrow Falcon Exporters, Inc. (previously Utah State University). Model AH-1G, AH-1S, HH-1K, TH-1F, TH-1L, UH-1A, UH-1B, UH-1E, UH-1F, UH-1H, UH-1L, and UH-1P Helicopters; and Southwest Florida Aviation Model UH-1B (SW204 and SW204HP) and UH-1H (SW205) Helicopters [Docket No.: FAA-2010-0565; Directorate Identifier 2010-SW-034-AD; Amendment 39-16357; AD 2010-14-12] (RIN: 2120-AA64) received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9266. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on the administration of the Surface Transportation Project Delivery Pilot Program, pursuant to Section 6005(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; to the Committee on Transportation and Infrastructure.

9267. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aircraft Industries a.s. (Type Certificate G60EU Previously Held by LETECKE ZAVODY a.s. and LET Aeronautical Works) Model L-13 Blanik Gliders

[Docket No.: FAA-2010-0684; Directorate Identifier 2010-CE-031-AD; Amendment 39-16360; AD 2010-14-15] (RIN: 2120-AA64) received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9268. A letter from the Regulations Officer, Department of Transportation, transmitting the Department's final rule — Procedures for Abatement of Highway Traffic Noise and Construction Noise [FHWA Docket No.: FHWA-2008-0114] (RIN: 2125-AF26) received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9269. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777 Airplanes [Docket No.: FAA-2009-1249; Directorate Identifier 2009-NM-100-AD; Amendment 39-16358; AD 2010-14-13] (RIN: 2120-AA64) received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9270. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Modifications to Rules for Sport Pilots and Flight Instructors With a Sport Pilot Rating; OMB Approval of Information Collection [Docket No.: FAA-2007-29015; Amdt. No. 91-311] (RIN: 2120-AJ10) received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9271. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30733; Amdt. No. 488] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9272. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule — Certification of Enforcement of the Heavy Vehicle Use Tax [FHWA Docket No.: FHWA-2009-0098] (RIN: 2125-AF32) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9273. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Automatic Dependent Surveillance-Broadcast (ADS-B) Out Performance Requirements To Support Air Traffic Control (ATC) Service; OMB Approval of Information Collection [Docket No.: FAA-2007-29305; Amdt. No. 91-314] (RIN: 2120-AI92) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9274. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Use of One Additional Portable Oxygen Concentrator Device on Board Aircraft [Docket No.: FAA-2009-1059; SFAR 106] (RIN: 2120-AJ77) received July 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9275. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No.: FAA-2010-0174; Directorate Identifier 2009-NM-186-AD; Amendment 39-16359; AD 2010-14-14] (RIN: 2120-AA64) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9276. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30734; Amdt. No. 3382] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9277. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30735; Amdt. No. 3383] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9278. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and A340-200, -300, -500, and -600 Series Airplanes [Docket No.: FAA-2009-0003; Directorate Identifier 2007-NM-251-AD; Amendment 39-16368; AD 2010-15-02] (RIN: 2120-AA64) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9279. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Safe, Efficient Use and Preservation of the Navigable Airspace [Docket No.: FAA-2006-25002; Amendment No. 77-13] (RIN: 2120-AH31) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9280. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of VOR Federal Airways V-8, V-14, V-38, V-47, V-279, and V-422 in the Vicinity of Findlay, Ohio [Docket No.: FAA-2010-0709; Airspace Docket No. 09-AGL-28] (RIN: 2010-AA66) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9281. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Everett, WA [Docket No.: FAA-2009-1105; Airspace Docket No. 09-ANM-23] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9282. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Bozeman, MT [Docket No.: FAA-2009-1220; Airspace Docket No. 09-ANM-30] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9283. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Everett, WA [Docket No.: FAA-2009-1105; Airspace Docket No. 09-ANM-23] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9284. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; San Marcos, TX [Docket No.: FAA-2010-0406; Airspace Docket No.: 10ASW-8] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9285. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Establishment of Class E Airspace; Paynesville, MN [Docket No.: FAA-2010-0399; Airspace Docket No. 10-AGL-3] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9286. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Monterey, CA [Docket No.: FAA-2010-0633; Airspace Docket No. 10-AWP-12] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9287. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Syracuse, KS [Docket No.: FAA-2010-0400; Airspace Docket No. 10-ACE-3] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9288. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircraft Engines GmbH Model TAE 125-01 Reciprocating Engines [Docket No.: FAA-2010-0308; Directorate Identifier 2010-NE-17-AD; Amendment 39-16366; AD 2010-14-21] (RIN: 2120-AA64) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9289. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Airplanes and Model A340-200, -300, -500, and -600 Airplanes [Docket No.: FAA-2009-0790; Directorate Identifier 2008-NM-177-AD; Amendment 39-16285; AD 2010-10-06] (RIN: 2120-AA64) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9290. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 757 Airplanes, Model 767 Airplanes, and Model 777-200 and -300 Series Airplanes [Docket No.: FAA-2008-0274; Directorate Identifier 2008-NM-038-AD; Amendment 39-16367; AD 2010-15-01] (RIN: 2120-AA64) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9291. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2010-0229; Directorate Identifier 2009-NM-115-AD; Amendment 39-16356; AD 2010-14-11] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9292. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2010-0383; Directorate Identifier 2009-NM-214-AD; Amendment 39-16362; AD 2010-14-17] (RIN: 2120-AA64) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9293. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mount Airy, NC [Docket No.: FAA-2010-0070; Airspace Docket No. 10-ASO-14] received July 29, 2010, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9294. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of VOR Federal Airways V-50, V-251, and V313 in the Vicinity of Decatur, Illinois [Docket No.: FAA-2010-0689; Airspace Docket No. 09-AGL-29] (RIN: 2120-AA66) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9295. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Smithfield, NC [Docket No.: FAA-2010-0285; Airspace Docket No. 10-ASO-23] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9296. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of VOR Federal Airways V-82, V-175, V-191, and V-430 in the Vicinity of Bemidji, MN [Docket No.: FAA-2010-0241; Airspace Docket No. 10-AGL-4] (RIN: 2120-AA66) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9297. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Clemson, SC and Establishment of Class E Airspace; Pickens, SC [Docket No.: FAA-2010-0052; Airspace Docket No. 10-ASO-13] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9298. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class D and E Airspace; Panama City, FL [Docket No.: FAA-2010-0001; Airspace Docket No. 10-ASO-10] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9299. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Goldsboro, NC [Docket No.: FAA-2010-0095; Airspace Docket No. 10-ASO-18] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9300. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Restricted Area R-3404; Crane, IN [Docket No.: FAA-2007-28632; Airspace Docket No. 07-ASW-3] (RIN: 2120-AA66) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9301. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kemmerer, WY [Docket No.: FAA-2009-1190; Airspace Docket No. 09-ANM-27] received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9302. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes [Docket No.: FAA-2010-0733; Directorate Identifier 2010-CE-038-AD; Amendment 39-16375; AD 2010-15-09] (RIN: 2120-AA64) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9303. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. PA-28, PA-32, PA-34, and PA-44 Series Airplanes [Docket No.: FAA-2009-1015; Directorate Identifier 2009-CE-039-AD; Amendment 39-16376; AD 2010-15-10] (RIN: 2120-AA64) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9304. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-100, -200, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2010-0173; Directorate Identifier 2009-NM-076-AD; Amendment 39-16374; AD 2010-15-08] (RIN: 2120-AA64) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9305. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Zaklad Szybowcowy, "Jezow" Henryk Mynarski Model PW-6U Sailplanes [Docket No.: FAA-2010-0729; Directorate Identifier 2010-CE-032-AD; Amendment 39-16373; AD 2010-15-07] (RIN: 2120-AA64) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9306. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (ECF) Model EC225LP Helicopters [Docket No.: FAA-2010-0721; Directorate Identifier 2009-SW-56-AD; Amendment 39-16370; AD 2010-15-04] (RIN: 2120-AA64) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9307. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767-200, -300, and -300F Series Airplanes Powered by General Electric or Pratt & Whitney Engines [Docket No.: FAA-2010-0671; Directorate Identifier 2010-NM-142-AD; Amendment 39-16363; AD 2010-14-18] (RIN: 2120-AA64) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9308. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aircraft Industries a.s. Model L 23 Super Blanik Gliders [Docket No.: FAA-2010-0457; Directorate Identifier 2010-CE-019-AD; Amendment 39-16371; AD 2010-15-05] (RIN: 2120-AA64) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9309. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Pine Mountain, GA [Docket No.: FAA-2010-0498; Airspace Docket No. 10-ASO-26] received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9310. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Direct Final Rulemaking Procedures [Docket No.: FMCSA-2009-0354] (RIN: 2126-AB23) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9311. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Medical Certification Requirements as Part of

the Commercial Driver's License (CDL); Technical, Organizational, and Conforming Amendments [Docket No.: FMCSA-1997-2210] (RIN: 2126-AB24) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9312. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30737; Amdt. No. 3385] received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9313. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kulik Lake, AK [Docket No.: FAA-2010-0270; Airspace Docket No. 10-AAL-8] received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9314. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30736; Amdt. No. 3384] received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9315. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-300, -400, -500, -600, -700, and -800 Series Airplanes [Docket No.: FAA-2010-0046; Directorate Identifier 2009-NM-086-AD; Amendment 39-16383; AD 2010-16-06] (RIN: 2120-AA64) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9316. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2010-0045; Directorate Identifier 2009-NM-085-AD; Amendment 39-16382; AD 2010-15-05] (RIN: 2120-AA64) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9317. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767-200, -300, and -300F Series Airplanes [Docket No.: FAA-2010-0044; Directorate Identifier 2009-NM-084-AD; Amendment 39-16381; AD 2010-16-04] (RIN: 2120-AA64) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9318. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-9-10 Series Airplanes, DC-9-30 Series Airplanes, DC-9-81 (MD-81) Airplanes, DC-9-82 (MD-82) Airplanes, DC-9-83 (MD-83) Airplanes, DC-9-87 (MD-87) Airplanes, MD-88 Airplanes, and MD-90-30 Airplanes, Equipped with Flight Deck Doors Installed in Accordance with Supplemental Type Certificate ST02463AT [Docket No.: FAA-2010-0702; Directorate Identifier 2010-NM-144-AD; Amendment 39-16380; AD 2009-15-16 R1] (RIN: 2120-

AA64) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9319. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135ER, -135KE, -135KL, -135LR Airplanes, and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No.: FAA-2008-1079; Directorate Identifier 2008-NM-116-AD; Amendment 39-16377; AD 2010-16-01] (RIN: 2120-AA64) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9320. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and A340-200, -300, -500, and -600 Series Airplanes [Docket No.: FAA-2009-0003; Directorate Identifier 2007-NM-251-AD; Amendment 39-16368; AD 2010-15-02] (RIN: 2120-AA64) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9321. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Model A340-200, -300, -500 and -600 Series Airplanes [Docket No.: FAA-2009-1215; Directorate Identifier 2009-NM-126-AD; Amendment 39-16364; AD 2010-14-19] (RIN: 2120-AA64) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9322. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. Models PA-32R-301T and PA-46-350P Airplanes [Docket No.: FAA-2010-0122; Directorate Identifier 2009-CE-067-AD; Amendment 39-16338; AD 2010-19-07] (RIN: 2120-AA64) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9323. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400, -401, and -402 Airplanes [Docket No.: FAA-2010-0382; Directorate Identifier 2009-NM-211-AD; Amendment 39-16361; AD 2010-14-16] (RIN: 2120-AA64) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9324. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Razorback Range Airspace Complex, AR [Docket No.: FAA-2009-1050; Airspace Docket No. 09-ASW-40] (RIN: 2120-AA66) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9325. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-WERKE GMBH & CO KG Models G102 ASTIR CS and G102 STANDARD ASTIR III Gliders [Docket No.: FAA-2010-0458; Directorate Identifier 2010-CE-023-AD; Amendment 39-16372; AD 2010-15-06] (RIN: 2120-AA64) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9326. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes; and Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No.: FAA-2009-0716; Directorate Identifier 2008-NM-212-AD; Amendment 39-16378; AD 2010-16-02] (RIN: 2120-AA64) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9327. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC 130 B4 Helicopters [Docket No.: FAA-2010-0713; Directorate Identifier 2009-SW-63-AD; Amendment 39-16369; AD 2010-15-03] (RIN: 2120-AA64) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9328. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Inclusion of Reference to Manual Requirements [Docket No.: FAA-2006-25877; Amendment No. 91-317] (RIN: 2120-AJ44) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9329. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Model A340-200, -300, -500 and -600 Series Airplanes [Docket No.: FAA-2009-1215; Directorate Identifier 2009-NM-126-AD; Amendment 39-16364; AD 2010-14-19] (RIN: 2120-AA64) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9330. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schweizer Aircraft Corporation (Schweizer) Model 269D Helicopters [Docket No.: FAA-2010-0758; Directorate Identifier 2010-SW-004-AD; Amendment 39-16385; AD 2010-16-08] (RIN: 2120-AA64) received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9331. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Williamson, WV [Docket No.: FAA-2010-0416; Airspace Docket No.: 10-AEA-12] received August 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9332. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McCauley Propeller Systems Model 4HFR34C653/L106FA Propellers [Docket No.: FAA-2007-29176; Directorate Identifier 2007-NE-38-AD; Amendment 39-16365; AD 2010-14-20] (RIN: 2120-AA64) received July 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9333. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting the Department's Study on the State of Illinois Water Supply Storage Contract at Rend Lake, Illinois; to the Committee on Transportation and Infrastructure.

9334. A letter from the Office of Aviation Safety, National Transportation Safety Board, transmitting the Board's final rule — Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records [7533-01-P] received August 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9335. A letter from the Director, Regulation Policy and Management Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Stressor Determinations for Post-traumatic Stress Disorder (RIN: 2900-AN32) received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9336. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Assets for Independence Program: Status at the Conclusion of the Ninth Year," pursuant to Public Law 105-285; to the Committee on Ways and Means.

9337. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ship repair in Penobscot Bay, ME [Docket No.: USCG-2010-0519] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9338. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Sierra Pelona Valley Viticultural Area (2010R-004P) [Docket No.: TTB-2009-0004; T.D. TTB-86; Re: Notice No. 97] (RIN: 1513-AB64) received August 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9339. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Increase in Tax Rates on Tobacco Products and Cigarette Papers and Tubes; Floor Stocks Tax on Certain Tobacco Products, Cigarette Papers, and Cigarette Tubes; and Changes to Basis for Denial, Suspension, or Revocation of Permits [Docket No.: TTB-2009-0001; T.D. TTB-85; Re: T.D. TTB-75 and Notice No. 93] (RIN: 1513-AB70) received August 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9340. A letter from the Chief, Trade and Commercial Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Dominican Republic-Central America-United States Free Trade Agreement [USCBP-2008-0060] (RIN: 1515-AD60) (Formerly 1505-AB84) received August 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9341. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Issue: IRC Section 118 Abuse Directive #9 [LMSB Control No. LMSB-4-0710-020] received July 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9342. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Excise Taxes on Prohibited Tax Shelter Transactions and Related Disclosure Requirements; Disclosure Requirements with Respect to Prohibited Tax Shelter Transactions; Requirement of Return and Time for Filing [TD 9492] (RIN: 1545-BG18) received July 13, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

9343. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-52] received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9344. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2010-190) received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9345. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services under the Patient Protection and Affordable Care Act [TD 9493] (RIN: 0938-AQ07) received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9346. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Internal Claims and Appeals and External Review Processes under the Patient Protection and Affordable Care Act [TD 9494] (RIN: 1545-BJ63) received July 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9347. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified Zone Academy Bonds; Obligations of States and Political Subdivisions [TD 9495] (RIN: 1545-BC61) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9348. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Xilinx, Inc. V. Commissioner 598 F.3d 1191 (9th Cir. 2010), aff'g 125 T.C. 37 (2005) received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9349. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Directive on Examination Action with Respect to Certain Gain Recognition Agreements [LMSB-4-0510-017] received July 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9350. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Teir Field Directive on the Planning and Examination of IRC Section 263A issues in the Auto Dealership Industry #2 [LMSB-4-0810-021] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9351. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Information Reporting for Payments Made in Settlement of Payment Card and Third Party Network Transactions received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9352. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance regarding Deferred Discharge of Indebtedness

Income of Corporations and Deferred Original Issue Discount Deductions [TD 9497] (RIN: 1545-BI97) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9353. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of Section 108(i) to Partnerships and S Corporations [TD 9498] (RIN: 1545-BJ00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9354. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Xilinx, Inc. V. Commissioner, 598 F.3d 1191(9th Cir. 2010), aff'g, 125 T.C. 37 (2005) (IRB No.: 2010-33) received August 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9355. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-57] received August 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9356. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Special Funding Rules for Multiemployer Plans under PRA 2010 [Notice 2010-56] received August 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9357. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Alternative Amortization Schedule for Single-Employer Plans under PRA 2010 [Notice 2010-55] received August 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9358. A letter from the Chairman, International Trade Commission, transmitting a report entitled, "The Year in Trade 2009", pursuant to Section 163(c) of the Trade Act of 1974; to the Committee on Ways and Means.

9359. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Setting the Time and Place for a Hearing before an Administrative Law Judge [Docket No.: SSA 2008-0033] (RIN: 0960-AG61) July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9360. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's third quarter report for fiscal year 2010 from the Office of Security and Privacy, pursuant to Public Law 110-53, section 803; to the Committee on Homeland Security.

9361. A letter from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's third fiscal year 2010 quarterly report on unobligated and unexpended appropriated funds; jointly to the Committees on Appropriations and Foreign Affairs.

9362. A letter from the Secretary, Department of Energy, transmitting Report to Congress on Dedicated Ethanol Pipeline Feasibility, pursuant to Public Law 110-140, section 243; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

9363. A letter from the Senior Advisor for Regulations, Social Security Administration,

transmitting the Administration's final rule — Amendments to Regulations Regarding Major Life-Changing Events Affecting Income-Related Monthly Adjustment Amounts to Medicare Part B Premiums [Docket No.: SSA-2009-0078] (RIN: 0960-AH06) received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9364. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) July 2010 Quarterly Report and Semiannual Report, pursuant to Public Law 108-106, section 3001; jointly to the Committees on Foreign Affairs and Appropriations.

9365. A letter from the Acting Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Annual Report on the Federal Work Force for Fiscal Year 2009, pursuant to 42 U.S.C. 2000e-4(e); jointly to the Committees on Oversight and Government Reform and Education and Labor.

9366. A letter from the Assistant Secretary, Water and Science, Department of the Interior, transmitting Final Report on Wind and Hydropower Feasibility Study, pursuant to Public Law 109-58, section 503(a); jointly to the Committees on Natural Resources and Transportation and Infrastructure.

9367. A letter from the Assistant Attorney General, Department of Justice, transmitting Second Quarterly Report of FY 2010 under The Veterans' Benefits Improvement Act of 2008, pursuant to Public Law 110-389; jointly to the Committees on the Judiciary and Veterans' Affairs.

9368. A letter from the Assistant Attorney General, Department of Justice, transmitting third quarterly report of FY 2010 on Uniformed Services Employment and Reemployment Rights Act; jointly to the Committees on the Judiciary and Veterans' Affairs.

9369. A letter from the Secretary, Department of Veterans Affairs, transmitting draft legislation "to amend title 38, United States Code, to improve veterans' health care benefits and for other purposes."; jointly to the Committees on Veterans' Affairs and Oversight and Government Reform.

9370. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; End-Stage Renal Disease Prospective Payment System [CMS-1418-F] (RIN: 0938-AP57) received August 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

9371. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting Commission's 2010 Data Book: Healthcare Spending and the Medicare Program; jointly to the Committees on Ways and Means and Energy and Commerce.

9372. A letter from the Director, Office of National Drug Control Policy, transmitting a letter regarding the the Office's 2011 National Southwest Border Counternarcotics Strategy; jointly to the Committees on the Judiciary, Homeland Security, and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PETERSON: Committee on Agriculture. H.R. 4785. A bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use; with amendments (Rept. 111-585 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 2853. A bill to require the purchase of domestically made flags of the United States of America for use by the Federal Government; with an amendment (Rept. 111-586). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. S. 2868. An act to provide increased access to the General Services Administration's Schedules Program by the American Red Cross and State and local governments; with an amendment (Rept. 111-587). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 5366. A bill to require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977 (Rept. 111-588). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5282. A bill to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes; with an amendment (Rept. 111-589). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5651. A bill to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse" (Rept. 111-590). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5706. A bill to designate the facility of the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building"; with amendments (Rept. 111-591). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5773. A bill to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, as the "Robert M. Ball Federal Building"; with amendments (Rept. 111-592). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 1473. Resolution supporting backcountry airstrips and recreational aviation; with an amendment (Rept. 111-593). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the committee on Energy and Commerce discharged from further consideration. H.R. 4785 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HASTINGS of Washington:

H.R. 6107. A bill to amend section 301(d) of the Hoover Power Plant Act of 1984 to provide for notice regarding certification of certain projects, and for other purposes; to the Committee on Natural Resources.

By Mr. BURGESS (for himself, Mr.

MCCAUL, Mr. BARTON of Texas, Mr. GOMERT, Mr. CULBERSON, Mr. OLSON, Mr. POE of Texas, Mr. SMITH of Texas, Mr. HENSARLING, Mr. CONAWAY, Mr. THORNBERRY, Mr. SESSIONS, Mr. PAUL, Mr. CARTER, Mr. BRADY of Texas, Ms. GRANGER, Mr. NEUGEBAUER, and Mr. HALL of Texas):

H.R. 6108. A bill to strike certain provisions of Public Law 111-226 relating to Texas and the Education Jobs Fund; to the Committee on Education and Labor.

By Ms. BALDWIN (for herself, Mr. WAXMAN, Mr. PALLONE, and Mrs. CHRISTENSEN):

H.R. 6109. A bill to amend the Public Health Service Act to require the Secretary of Health and Human Services to ensure that each HHS health service program or HHS health survey provides, to the extent the Secretary determines appropriate and practicable, for the voluntary collection of data on the sexual orientation and gender identity of individuals who apply for or receive health services through such program, or who respond to such survey; to the Committee on Energy and Commerce.

By Mr. BUTTERFIELD:

H.R. 6110. A bill to amend the Public Health Service Act to reauthorize telehealth and telemedicine grant programs; to the Committee on Energy and Commerce.

By Mr. VAN HOLLEN:

H.R. 6111. A bill to amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission; to the Committee on Natural Resources.

By Mr. SCALISE:

H.R. 6112. A bill to provide for restoration of the coastal areas of the Gulf of Mexico affected by the Deepwater Horizon oil spill, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Kentucky (for himself, Mr. RAHALL, Mr. BOUCHER, Mr. DAVIS of Kentucky, Mr. YOUNG of Alaska, Mr. DUNCAN, Mr. SPACE, Mr. ADERHOLT, Mr. GUTHRIE, Mrs. CAPITO, Mr. WILSON of Ohio, and Mr. WHITFIELD):

H.R. 6113. A bill to protect electricity reliability by prohibiting the use of funds for carrying out certain policies and procedures that adversely affect domestic coal mining operations, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 6114. A bill to authorize the acquisition of land for Virgin Islands National

Park, and for other purposes; to the Committee on Natural Resources.

By Mr. KISSELL (for himself, Mrs. MYRICK, Mr. MCINTYRE, Mr. JONES, Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. BUTTERFIELD, Mr. MILLER of North Carolina, and Mr. SHULER):

H.R. 6115. A bill to require the Secretary of the Interior to convey the McKinney Lake National Fish Hatchery to the State of North Carolina, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut (for himself, Mr. JONES, Mr. CAPUANO, Ms. PINGREE of Maine, Mr. HOLT, Mr. PLATT, Mr. NADLER of New York, Mr. COOPER, Mr. HEINRICH, Mr. POLIS, Ms. EDWARDS of Maryland, and Mr. DOYLE):

H.R. 6116. A bill to reform the financing of House elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT (for himself, Mr. BLUMENAUER, Mr. POMEROY, and Ms. LINDA T. SANCHEZ of California):

H.R. 6117. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the issuance of new clean renewable energy bonds and to terminate eligibility of governmental bodies to issue such bonds, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 6118. A bill to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, N.E., in Washington, D.C., as the "Dorothy I. Height Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. PALLONE:

H.R. 6119. A bill to amend the Federal Water Pollution Control Act to ensure the safe and proper use of dispersants in the event of an oil spill or release of hazardous substances, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASTOR of Arizona:

H.R. 6120. A bill to direct the Secretary of Commerce to establish a technology deployment and early-stage business investment grant program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 6121. A bill to amend the Internal Revenue Code to extend the production tax credit and investment tax credit, to increase the investment tax credit with respect to equipment used to generate electricity by geothermal power, and to extend specified energy property grants under the American Recovery and Reinvestment Act; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi (for himself, Ms. JACKSON LEE of Texas, and Ms. RICHARDSON):

H.R. 6122. A bill to enhance homeland security, including domestic preparedness and collective response to terrorism, by improving the Federal Protective Service, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ (for himself, Mr. MILLER of Florida, Mr. BILIRAKIS, and Mr. PASCRELL):

H.R. 6123. A bill to amend title 38, United States Code, to improve the provision of rehabilitative services for veterans with traumatic brain injury, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WU:

H.R. 6124. A bill to amend certain provisions of the Natural Gas Act relating to exportation or importation of natural gas, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself and Mr. SIREs):

H. Con. Res. 315. Concurrent resolution recognizing the formation and supporting the objectives of the Friends of Israel Initiative; to the Committee on Foreign Affairs.

By Mr. GARRETT of New Jersey (for himself, Mr. DUNCAN, Mr. JONES, and Mr. COFFMAN of Colorado):

H. Con. Res. 316. Concurrent resolution expressing the sense of Congress that Taiwan and its 23,000,000 people deserve membership in the United Nations; to the Committee on Foreign Affairs.

By Mr. HOYER (for himself and Mr. BOEHNER):

H. Res. 1610. A resolution expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001; to the Committee on Oversight and Government Reform, and in addition to the Committees on Foreign Affairs, Armed Services, Transportation and Infrastructure, the Judiciary, Homeland Security, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself, Mr. LUJÁN, Mr. REYES, Mr. RODRIGUEZ, Mr. CROWLEY, Mr. HINOJOSA, Ms. CLARKE, Mr. SIREs, Mrs. CAPPS, Mr. PIERLUISI, Mr. ORTIZ, Mrs. NAPOLITANO, Mr. GONZALEZ, Mr. CARDOZA, Mr. BACA, and Ms. VELÁZQUEZ):

H. Res. 1611. A resolution expressing support for designation of the week beginning September 19, 2010, as "National Hispanic-Serving Institutions Week"; to the Committee on Education and Labor; considered and agreed to.

By Mr. LATTA (for himself, Mr. PENCE, Mr. MCCARTHY of California, Mrs. BLACKBURN, Mr. BISHOP of Utah, Mr. YOUNG of Florida, Mr. ROYCE, Mr. DUNCAN, Mr. NEUGEBAUER, Mr. KLINE of Minnesota, Mr. FORBES, Mr. ETHERIDGE, Mr. ORTIZ, Mr. STEARNS, Mr. SMITH of Texas, Mr. CHAFFETZ, Mr. ALEXANDER, Mrs. MCMORRIS RODGERS, Mr. SCALISE, Mr. BARTLETT, Mr. CAO, Mr. GARRETT of New Jersey, Mr. HELLER, Mr. JORDAN of Ohio, Mr. BACHUS, Mr. AKIN, Mr. YOUNG of Alas-

ka, Mr. GUTHRIE, Mr. DAVIS of Kentucky, Mr. BARTON of Texas, Ms. FOXX, Mr. GORDON of Tennessee, Mr. BROWN of Georgia, Mr. FRANKS of Arizona, Mr. PAUL, Mr. GINGREY of Georgia, Mr. MANZULLO, Mr. ISSA, Mr. LATOURETTE, Mr. WOLF, Mr. CAMP, Mr. CAMPBELL, Mrs. EMERSON, Mr. AUSTRIA, Mr. ROONEY, Mr. MCCAUL, Mr. SHIMKUS, Mr. OLSON, Mr. DONNELLY of Indiana, Mrs. MILLER of Michigan, Mr. CALVERT, Mr. COBLE, Mr. HERGER, Mr. LUETKEMEYER, Mr. THOMPSON of Pennsylvania, Mr. SMITH of Nebraska, Mr. LAMBORN, Mr. GALLEGLY, Mr. GRIFFITH, and Mr. FORTENBERRY):

H. Res. 1612. A resolution expressing the support for and honoring September 17, 2010 as "Constitution Day"; to the Committee on Oversight and Government Reform.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. VAN HOLLEN, Mr. BURTON of Indiana, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. GENE GREEN of Texas, Ms. LEE of California, and Mr. DEUTCH):

H. Res. 1613. A resolution expressing condolences to and solidarity with the people of Pakistan in the aftermath of the devastating floods that began on July 22, 2010; to the Committee on Foreign Affairs.

By Mr. COBLE:

H. Res. 1614. A resolution expressing the sense of the House of Representatives that law enforcement service dogs and their handlers perform a vital role in providing for our Nation's security and should be recognized for their service; to the Committee on the Judiciary.

By Mr. FORTENBERRY:

H. Res. 1615. A resolution commemorating the 100th anniversary of the birth, and honoring the life and legacy, of Mother Teresa; to the Committee on Foreign Affairs.

By Ms. MATSUI (for herself and Mr. MARKEY of Massachusetts):

H. Res. 1616. A resolution expressing the support of Congress for National Telephone Discount Lifeline Awareness Week; to the Committee on Energy and Commerce.

By Mr. ROSKAM (for himself, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. CAO, Mr. CARNEY, Mr. COURTNEY, Mr. CUELLAR, Mr. GINGREY of Georgia, Mr. LOBIONDO, Mr. MORAN of Kansas, Mr. MORAN of Virginia, Mr. OBERSTAR, Mr. RANGEL, Ms. RICHARDSON, Mrs. MCMORRIS RODGERS, Mr. ROE of Tennessee, Mr. SCHOCK, and Mr. WALDEN):

H. Res. 1617. A resolution supporting the goals and purpose of Gold Star Mothers Day, which is observed on the last Sunday in September of each year in remembrance of the supreme sacrifice made by mothers who lose a son or daughter serving in the Armed Forces; to the Committee on Oversight and Government Reform.

By Mr. THOMPSON of Mississippi (for himself, Mr. KING of New York, Ms. RICHARDSON, Mr. ROGERS of Alabama, Ms. NORTON, Mr. CUELLAR, Mr. CARNEY, Mr. DEFazio, Ms. JACKSON LEE of Texas, Ms. LORETTA SANCHEZ of California, Ms. HARMAN, Mr. PASCRELL, Mr. CLEAVER, Mr. HIMES, Ms. CLARKE, Mr. MCCAUL, Mr. BILIRAKIS, Mr. OLSON, Mr. CAO, Mr. AUSTRIA, and Mr. AL GREEN of Texas):

H. Res. 1618. A resolution urging the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States

to observe National Preparedness Month, and for other purposes; to the Committee on Homeland Security.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

360. The SPEAKER presented a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 9 urging the President and the Congress to adopt the Military Readiness Enhancement Act of 2009; to the Committee on Armed Services.

361. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 208 memorializing the Congress to take such action as are necessary to make funds available to entities to offer additional and further reduced cost flights to military personnel and their families; to the Committee on Armed Services.

362. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 31 memorializing the Congress to enact one of the bills pending before Congress that would fully fund IDEA; to the Committee on Education and Labor.

363. Also, a memorial of the Senate of the State of Mississippi, relative to Senate Concurrent Resolution No. 677 urging the Congress and the Departments of the Executive Branch of Mississippi government to adopt a Clean and Sustainable Energy Standard; to the Committee on Energy and Commerce.

364. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 127 memorializing the President, the Congress and the Federal Communications Commission to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934; to the Committee on Energy and Commerce.

365. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to resolution wishing to promote peace and prosperity for all Ireland; to the Committee on Foreign Affairs.

366. Also, a memorial of the Senate of the State of New York, relative to Senate Resolution No. 5795 supporting a unification of Northern Ireland with the Republic of Ireland; to the Committee on Foreign Affairs.

367. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 203 memorializing the Congress to adopt House Concurrent Resolution No. 226; to the Committee on Oversight and Government Reform.

368. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 18 requesting that the Congress develop a comprehensive federal regulatory framework for marine aquaculture that undergoes complete environmental review and is at least as protective as that codified in California's Sustainable Oceans Act; to the Committee on Natural Resources.

369. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 205 memorializing the Congress to adopt and enact the Restoring Ecosystem Sustainability and Protection on the Delta Act; to the Committee on Natural Resources.

370. Also, a memorial of the General Assembly of the State of California, relative to

Assembly Joint Resolution No. 16 urging the Congress and the President to work together to enact a shield law for America's journalists; to the Committee on the Judiciary.

371. Also, a memorial of the General Assembly of the State of California, relative to Assembly Concurrent Resolution No. 140 urging the Governor to demand that the BJA reimburse the State of California for all costs of incarcerating undocumented foreign nationals; to the Committee on the Judiciary.

372. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 312 memorializing the Congress to enact legislation to require the Secretary of the Army to study the feasibility of the hydrological separation of the Great Lakes and the Mississippi River Basin; to the Committee on Transportation and Infrastructure.

373. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 251 memorializing the Congress to support the "Southeast Hurricanes Small Business Disaster Relief Act of 2010"; to the Committee on Small Business.

374. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 870 recognizing the importance of post deployment transition programs; to the Committee on Veterans' Affairs.

375. Also, a memorial of the Senate of the State of New Hampshire, relative to Senate Concurrent Resolution 1 urging the Congress to fund the development and implementation of a comprehensive health care delivery system to enhance the level of specialty care for New Hampshire's veterans; to the Committee on Veterans' Affairs.

376. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution 20 requesting the Congress and the President to enact legislation to increase the amount of gain that a senior citizen who is 65 years of age or older and who pays for long-term care costs is allowed to exclude from income; to the Committee on Ways and Means.

377. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 21 memorializing the Congress and the President to act to vindicate the sailors unjustly blamed for, and the sailors convicted of mutiny following, the Port Chicago disaster; jointly to the Committees on Armed Services and the Judiciary.

378. Also, a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 3 expressing strong opposition to creation of a federal insurance charter as proposed in S. 40/ H.R. 3200; jointly to the Committees on Financial Services and the Judiciary.

379. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 40 urging the Congress to establish more effective mechanisms by which the federal government may encourage comprehensive local gang violence reduction plans; jointly to the Committees on Education and Labor and the Judiciary.

380. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 15 urging CMS to amend the CLIA regulations; jointly to the Committees on Energy and Commerce and Ways and Means.

381. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 13 urging CMS to adopt regulations to improve the system and speed up the process for timely licensure and certifi-

cation survey of new dialysis clinics; jointly to the Committees on Energy and Commerce and Ways and Means.

382. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 31 urging the President and the Congress to immediately enact the Achieving a Better Life Experience Act of 2009; jointly to the Committees on Ways and Means and Energy and Commerce.

383. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 309 memorializing the Senate to take swift actions to enact an extension of unemployment benefits and payments; jointly to the Committees on Ways and Means and Education and Labor.

384. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 215 urging the Congress to direct any available funding from federal resources for the purpose of enhancing the existing and potential monetary and workforce values to investors or manufacturers who may be interested in utilizing the existing facilities and workforce at the General Motors Liquidation Assembly Facility; jointly to the Committees on Ways and Means, Oversight and Government Reform, and Science and Technology.

385. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 229 urging the Congress to direct any available funding from federal resources for the purpose of enhancing the existing and potential monetary and workforce values to investors for manufacturers who may be interested in utilizing the existing facilities and workforce at the General Motors Liquidation Assembly Facility; jointly to the Committees on Ways and Means, Oversight and Government Reform, and Science and Technology.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PASTOR of Arizona introduced a bill (H.R. 6125) for the relief of Nery Antonio Velasquez-Roblero; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Ms. FOX.
H.R. 211: Mr. WAMP, Mr. ELLISON, Ms. GIFFORDS, Mr. RAHALL, and Mr. MCCARTHY of California.
H.R. 275: Mr. MAFFEI.
H.R. 303: Mr. ADLER of New Jersey.
H.R. 330: Mr. CONYERS.
H.R. 336: Mr. CONNOLLY of Virginia.
H.R. 442: Mr. FOSTER.
H.R. 571: Mr. RUSH, Mr. BROUN of Georgia, Mr. AKIN, Mr. SULLIVAN, Mr. MCCOTTER, and Mr. CUELLAR.
H.R. 610: Mr. DOYLE.
H.R. 690: Mr. CRITZ.
H.R. 745: Mr. CONYERS, Ms. HERSETH SANDLIN, Ms. TSONGAS, Mr. PERLMUTTER, Ms. DEGETTE, and Mr. KAGEN.
H.R. 758: Mrs. CHRISTENSEN.
H.R. 771: Mr. ROTHMAN of New Jersey.
H.R. 816: Mr. ROTHMAN of New Jersey.
H.R. 855: Mr. MAFFEI.
H.R. 868: Mr. ELLISON.

H.R. 872: Mr. DEUTCH.
H.R. 873: Mr. DEUTCH.
H.R. 930: Mr. RODRIGUEZ.
H.R. 983: Mr. PLATTS.
H.R. 994: Mr. ROYCE.
H.R. 1024: Mr. RYAN of Ohio, Mr. HALL of New York, Mr. CONNOLLY of Virginia, and Mr. BACA.
H.R. 1030: Mr. KUCINICH.
H.R. 1034: Mr. DEFazio, Mr. GALLEGLY, and Mr. CALVERT.
H.R. 1079: Ms. LEE of California.
H.R. 1124: Mrs. DAVIS of California, Ms. LINDA T. SANCHEZ of California, and Ms. SLAUGHTER.
H.R. 1203: Mr. GENE GREEN of Texas.
H.R. 1210: Mr. RYAN of Wisconsin and Mr. GRIFFITH.
H.R. 1230: Mrs. CHRISTENSEN.
H.R. 1233: Mr. JONES.
H.R. 1276: Mr. SESTAK.
H.R. 1347: Ms. HARMAN and Mr. GRIJALVA.
H.R. 1362: Mr. FATTAH, Ms. EDWARDS of Maryland, Ms. CLARKE, Mrs. DAHLKEMPER, Mr. HIGGINS, Mrs. CHRISTENSEN, and Mr. THOMPSON of Mississippi.
H.R. 1443: Mr. PALLONE.
H.R. 1522: Mr. SPACE.
H.R. 1552: Mr. SCHIFF.
H.R. 1616: Ms. SCHWARTZ, Ms. RICHARDSON, Ms. FUDGE, Mrs. DAVIS of California, Mr. MCMAHON, Mr. HIGGINS, Mr. MICHAUD, Mr. TONKO, Mr. HONDA, and Mr. DINGELL.
H.R. 1625: Mr. PASCRELL.
H.R. 1646: Mrs. NAPOLITANO and Mr. SPACE.
H.R. 1718: Mr. LINDER.
H.R. 1740: Mr. DJOU.
H.R. 1792: Mr. HOLDEN.
H.R. 1806: Mr. DAVIS of Tennessee, Mr. GEORGE MILLER of California, Mr. HASTINGS of Florida, and Mr. GRIJALVA.
H.R. 1826: Mr. SIRES, Ms. CASTOR of Florida, Mr. SHERMAN, and Ms. LORETTA SANCHEZ of California.
H.R. 1866: Ms. PINGREE of Maine.
H.R. 1923: Mr. ADERHOLT.
H.R. 1990: Mr. BARTLETT.
H.R. 1995: Mrs. CHRISTENSEN.
H.R. 2000: Mrs. LUMMIS, Ms. SUTTON, Mr. ORTIZ, Mr. SHIMKUS, Mr. SHERMAN, Mr. BACA, Mr. COLE, Mr. DAVIS of Tennessee, Mr. KLEIN of Florida, Mr. CRITZ, Mr. PIERLUISI, Mr. DAVIS of Alabama, and Mr. OWENS.
H.R. 2039: Mr. LIPINSKI, Mr. DEFazio, Mr. STUPAK, Mr. CONYERS, Mr. WILSON of Ohio, Mr. CARNEY, Mr. RAHALL, Mr. KISSELL, Mr. SCHAUER, Mr. BRALEY of Iowa, Mr. FILNER, Mr. JONES, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. LARSON of Connecticut, Mr. PERRIELLO, Mr. ELLSWORTH, Mr. MICHAUD, Mr. MANZULLO, and Mrs. DAVIS of California.
H.R. 2067: Mr. DOYLE.
H.R. 2149: Mr. DOYLE, Mr. OLVER, and Mr. ROSS.
H.R. 2204: Mr. HELLER.
H.R. 2206: Mr. PETERSON.
H.R. 2378: Mr. BISHOP of Georgia, Mr. ELLISON, Ms. MCCOLLUM, Mr. UPTON, Mr. GRIJALVA, Ms. FUDGE, Ms. SPEIER, Mr. AKIN, Mr. HASTINGS of Florida, and Ms. PINGREE of Maine.
H.R. 2406: Mr. ADERHOLT.
H.R. 2408: Mr. OLVER and Mrs. CHRISTENSEN.
H.R. 2428: Mr. STARK and Mr. FRANK of Massachusetts.
H.R. 2492: Mr. DOYLE.
H.R. 2521: Mr. GONZALEZ.
H.R. 2561: Ms. BALDWIN.
H.R. 2563: Mr. KISSELL.
H.R. 2598: Ms. GIFFORDS, Ms. NORTON, and Mr. WITTMAN.
H.R. 2625: Mrs. MCCARTHY of New York, Ms. MOORE of Wisconsin, Ms. FUDGE, Mr. JACKSON of Illinois, Ms. LINDA T. SANCHEZ of California, Mr. HONDA, Ms. TITUS, Mr. TONKO,

Mr. MICHAUD, Mr. MCGOVERN, Mr. WAXMAN, Mr. MEEK of Florida, Mr. SERRANO, Mr. HIGGINS, Ms. SCHAKOWSKY, Ms. HARMAN, Mr. ISRAEL, Mr. MCMAHON, Mr. OLVER, Mr. DINGELL, Mrs. CAPPS, Mr. CAPUANO, Ms. DEGETTE, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2641: Mr. CARNAHAN.
H.R. 2672: Mr. SESSIONS and Mr. UPTON.
H.R. 2730: Mr. HARE and Mrs. MALONEY.
H.R. 2766: Mr. KENNEDY.
H.R. 2866: Mr. COBLE, Mr. AUSTRIA, Mr. BARROW, Mr. ETHERIDGE, and Mr. BILIRAKIS.
H.R. 2882: Mr. MORAN of Virginia, Mr. BOSWELL, and Mr. BAIRD.
H.R. 2900: Mr. HERGER.
H.R. 2941: Mr. HIMES.
H.R. 2999: Mrs. CHRISTENSEN.
H.R. 3006: Ms. LEE of California and Mr. HINOJOSA.
H.R. 3099: Mr. CUMMINGS.
H.R. 3116: Mr. THOMPSON of Mississippi, Mr. GRIJALVA, Mr. ELLSWORTH, Mr. WU, Mr. LARSON of Connecticut, and Ms. DELAURO.
H.R. 3185: Mr. NYE.
H.R. 3186: Mrs. CAPPS.
H.R. 3332: Ms. RICHARDSON.
H.R. 3401: Mr. DJOU.
H.R. 3408: Ms. JACKSON LEE of Texas, Ms. TITUS, Ms. LORETTA SANCHEZ of California, and Mr. SMITH of Washington.
H.R. 3458: Ms. LEE of California and Ms. PINGREE of Maine.
H.R. 3488: Mr. RYAN of Ohio.
H.R. 3554: Mr. TIM MURPHY of Pennsylvania.
H.R. 3567: Ms. FUDGE.
H.R. 3668: Mr. SMITH of New Jersey and Mr. SESTAK.
H.R. 3697: Mr. BONNER.
H.R. 3721: Ms. DEGETTE.
H.R. 3852: Mr. ROTHMAN of New Jersey.
H.R. 3907: Mr. MCMAHON and Mr. HALL of New York.
H.R. 3916: Mr. SESTAK.
H.R. 3974: Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARKEY of Massachusetts, and Ms. ESHOO.
H.R. 4090: Mr. DENT.
H.R. 4116: Mr. DOYLE, Mr. POLIS of Colorado, Mr. SHADEGG, and Mr. PASTOR of Arizona.
H.R. 4121: Mr. WEINER, Mr. TEAGUE, Ms. MARKEY of Colorado, Mr. MCINTYRE, Mr. CHANDLER, Mr. RANGEL, Ms. RICHARDSON, Mr. FALEOMAVAEGA, Mr. HOLDEN, Mr. MCGOVERN, Mr. GARAMENDI, Mr. ELLISON, Mr. ARCURI, Mr. ROTHMAN of New Jersey, Mr. SPACE, Mr. LANCE, Mr. FILNER, Mr. SCHAUER, Mr. TONKO, Mr. KANJORSKI, Mr. COFFMAN of Colorado, Mr. HINCHEY, Mr. CUMMINGS, Mr. PETERSON, and Ms. FOX.
H.R. 4199: Mr. BERRY.
H.R. 4296: Mr. MORAN of Virginia, Ms. TITUS, and Mr. SCHAUER.
H.R. 4306: Mr. DEUTCH.
H.R. 4318: Mr. GRIJALVA.
H.R. 4363: Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. COHEN, Ms. HIRONO, Ms. WOOLSEY, and Mr. HALL of New York.
H.R. 4416: Mrs. MALONEY.
H.R. 4489: Mr. MARSHALL.
H.R. 4530: Mr. VAN HOLLEN.
H.R. 4544: Ms. FUDGE and Mr. MCCOTTER.
H.R. 4548: Mr. MARSHALL.
H.R. 4594: Mr. CRITZ, Mr. FRANK of Massachusetts, Mr. LARSEN of Washington, and Mr. RYAN of Ohio.
H.R. 4645: Mr. MORAN of Virginia, Mr. SERRANO, and Mr. AL GREEN of Texas.
H.R. 4662: Mr. PETERSON, Ms. RICHARDSON, Mr. JACKSON of Illinois, Ms. MOORE of Wisconsin, Mr. KRATOVIL, Mr. GUTIERREZ, Mr. MCGOVERN, and Mr. RANGEL.

H.R. 4720: Mr. OWENS and Mr. SPACE.
H.R. 4722: Mr. COURTNEY, Mr. SCHRADER, and Mr. CUMMINGS.
H.R. 4732: Mr. CONNOLLY of Virginia.
H.R. 4752: Mr. PRICE of North Carolina.
H.R. 4756: Mr. JOHNSON of Georgia, Mr. CONYERS, Ms. CLARKE, Ms. JACKSON LEE of Texas, Ms. FUDGE, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. COSTELLO, and Ms. RICHARDSON.
H.R. 4785: Ms. SUTTON.
H.R. 4787: Mr. LUCAS.
H.R. 4806: Mr. FILNER and Mr. SERRANO.
H.R. 4808: Mr. MARKEY of Massachusetts, Ms. CLARKE, Mr. CONYERS, Ms. JACKSON LEE of Texas, Mr. MITCHELL, Mr. KLEIN of Florida, Mr. TONKO, Mr. HALL of New York, Mr. DEUTCH, Ms. HARMAN, Ms. DELAURO, Mr. LEVIN, Mr. CLAY, Mr. DOGETT, Mr. ROHRABACHER, and Ms. CHU.
H.R. 4844: Ms. SHEA-PORTER, Mr. SIRE, Mr. HODES, Mr. RANGEL, Mr. SESTAK, Mr. LATOURRETTE, and Mr. STARK.
H.R. 4846: Mrs. MALONEY.
H.R. 4862: Ms. BORDALLO.
H.R. 4865: Mr. MARSHALL.
H.R. 4877: Mr. PETERS.
H.R. 4888: Mr. HELLER.
H.R. 4923: Ms. ROYBAL-ALLARD.
H.R. 4925: Mr. MORAN of Virginia and Mr. HOLDEN.
H.R. 4926: Mr. BARROW.
H.R. 4933: Mr. HONDA and Mr. ROTHMAN of New Jersey.
H.R. 4972: Mr. TAYLOR.
H.R. 4979: Mr. VAN HOLLEN.
H.R. 4986: Mrs. MYRICK and Mr. TIM MURPHY of Pennsylvania.
H.R. 5001: Mr. TONKO.
H.R. 5008: Mr. LOEBACK.
H.R. 5012: Ms. ZOE LOFGREN of California.
H.R. 5034: Mr. CASSIDY and Mr. SCALISE.
H.R. 5040: Ms. MARKEY of Colorado, Mr. COOPER, Ms. LEE of California, Mr. BLUMENAUER, and Ms. CHU.
H.R. 5043: Ms. BALDWIN, Ms. MOORE of Wisconsin, and Mr. CONYERS.
H.R. 5058: Mr. CASSIDY, Mr. MCMAHON, Mr. MARCHANT, Mr. HARPER, Mr. RODRIGUEZ, Mr. BOOZMAN, and Mr. STARK.
H.R. 5081: Ms. ROYBAL-ALLARD.
H.R. 5141: Mr. ROSS, Mr. BOUCHER, Mr. AUSTRIA, Mr. ROGERS of Michigan, Mr. CRITZ, and Mr. FLAKE.
H.R. 5196: Mr. COURTNEY.
H.R. 5207: Mr. RYAN of Wisconsin.
H.R. 5235: Mr. PASCRELL.
H.R. 5244: Mr. GRAVES of Missouri and Mr. AKIN.
H.R. 5309: Mr. CONNOLLY of Virginia.
H.R. 5310: Mr. THOMPSON of Mississippi and Ms. DEGETTE.
H.R. 5312: Mr. WILSON of Ohio.
H.R. 5353: Mrs. MALONEY.
H.R. 5354: Mrs. CHRISTENSEN and Ms. LINDA T. SANCHEZ of California.
H.R. 5400: Mr. TEAGUE, Mr. CHANDLER, Ms. RICHARDSON, Mr. RANGEL, Mr. MCINTYRE, Ms. MARKEY of Colorado, Mr. HOLDEN, Mr. GARAMENDI, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. ELLISON, Mr. HARE, Mr. ARCURI, Mr. WEINER, Mrs. KIRKPATRICK of Arizona, Mr. LANCE, Mr. ROTHMAN of New Jersey, Mr. JACKSON of Illinois, Mrs. MYRICK, Mr. SCHAUER, Mr. COFFMAN of Colorado, Mr. KANJORSKI, and Mr. BLUMENAUER.
H.R. 5441: Mr. ELLISON.
H.R. 5442: Mr. COURTNEY.
H.R. 5462: Ms. GIFFORDS and Mrs. CHRISTENSEN.
H.R. 5483: Mr. COURTNEY.
H.R. 5504: Mr. JOHNSON of Georgia, Mr. SCHIFF, Mr. HINCHEY, Mr. REYES, Mr. WAXMAN, and Mr. BRALY of Iowa.
H.R. 5509: Mr. BOUCHER.

H.R. 5523: Mr. GARY G. MILLER of California.
H.R. 5527: Ms. RICHARDSON.
H.R. 5540: Mr. HENSARLING.
H.R. 5541: Mr. HENSARLING.
H.R. 5542: Mr. HENSARLING.
H.R. 5549: Mr. ARCURI, Mr. CHANDLER, Mr. COFFMAN of Colorado, Mr. CUMMINGS, Mr. ELLISON, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. GARAMENDI, Mr. HOLDEN, Mrs. KIRKPATRICK of Arizona, Mr. LANCE, Ms. MARKEY of Colorado, Mr. MCGOVERN, Mr. MCINTYRE, Mr. RANGEL, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Mr. SCHAUER, Mr. SPACE, Mr. TEAGUE, Mr. TONKO, Mr. WEINER, Mr. KAGEN, Mr. CUELLAR, and Mr. PETERSON.
H.R. 5560: Mr. SCHIFF, Mr. GRIJALVA, Mr. RANGEL, and Mr. BISHOP of Georgia.
H.R. 5575: Mr. PASTOR of Arizona, Mr. STARK, Mrs. NAPOLITANO, Mr. QUIGLEY, Mr. VAN HOLLEN, Mr. DANIEL E. LUNGREN of California, and Mr. MORAN of Virginia.
H.R. 5643: Mr. GARAMENDI, Mr. QUIGLEY, and Mr. STARK.
H.R. 5649: Mr. FRANKS of Arizona.
H.R. 5652: Ms. DEGETTE, Mr. HINCHEY, Mr. MAFFEI, Mr. ELLISON, and Mr. CONNOLLY of Virginia.
H.R. 5660: Mr. SNYDER.
H.R. 5692: Mr. BLUMENAUER and Mr. COHEN.
H.R. 5723: Mr. CROWLEY, Mr. ISRAEL, Mrs. MALONEY, Mr. HIGGINS, Mr. MCMAHON, Mr. OWENS, Mr. MAFFEI, Mr. ARCURI, Mr. BISHOP of New York, Mr. ACKERMAN, and Mr. TONKO.
H.R. 5729: Mr. SKELTON, Mr. LARSEN of Washington, and Mr. BURTON of Indiana.
H.R. 5746: Mr. KANJORSKI, Mr. LUJÁN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MATSUI, Mr. MURPHY of Connecticut, Ms. SPEIER, Ms. CASTOR of Florida, Mr. WILSON of Ohio, Mr. REYES, Ms. HARMAN, Mr. DOYLE, Mr. OWENS, Mr. JOHNSON of Georgia, Mr. ELLISON, Mr. YARMUTH, Mr. GRAYSON, Ms. KAPTUR, Mr. STARK, Mr. CRITZ, and Mr. MURPHY of New York.
H.R. 5767: Mr. GARAMENDI.
H.R. 5769: Mr. CONNOLLY of Virginia.
H.R. 5772: Mr. HENSARLING.
H.R. 5778: Mr. BUTTERFIELD, Mr. LANCE, and Mr. PETERSON.
H.R. 5783: Mr. MOORE of Kansas and Mr. FILNER.
H.R. 5786: Ms. WASSERMAN SCHULTZ, Mrs. LOWEY, Mr. FILNER, Ms. BERKLEY, Mr. KENNEDY, Mr. GUTIERREZ, Mrs. CAPPS, and Mr. HINCHEY.
H.R. 5790: Mr. THORNBERRY.
H.R. 5803: Mr. PAUL, Mr. MARSHALL, Mr. FRANK of Massachusetts, and Mr. ROTHMAN of New Jersey.
H.R. 5809: Mr. WOLF.
H.R. 5813: Mr. SESTAK.
H.R. 5819: Mr. PLATTS.
H.R. 5829: Mr. ISSA, Mr. SHULER, Mr. SNYDER, Mr. WATT, Ms. GIFFORDS, and Mr. WALZ.
H.R. 5889: Mr. SABLON.
H.R. 5905: Mr. MOORE of Kansas, Mr. GORDON of Tennessee, and Ms. HIRONO.
H.R. 5928: Mr. WEINER, Mr. TEAGUE, Ms. MARKEY of Colorado, Mr. MCINTYRE, Mr. RANGEL, Ms. RICHARDSON, Mr. CHANDLER, Mr. HOLDEN, Mr. MCGOVERN, Mr. ELLISON, Mr. ARCURI, Mr. ROTHMAN of New Jersey, Mr. SPACE, Mr. JACKSON of Illinois, Mr. LANCE, Mrs. KIRKPATRICK of Arizona, Mr. SCHAUER, Mr. TONKO, Mr. COFFMAN of Colorado, Mr. HINCHEY, Mr. CUMMINGS, and Mr. CUELLAR.
H.R. 5929: Mr. REYES.
H.R. 5931: Mr. SESTAK and Ms. WOOLSEY.
H.R. 5939: Mr. MILLER of Florida, Mr. GERLACH, Mr. ROSS, Mr. SIMPSON, and Mr. LEWIS of California.
H.R. 5940: Mr. WAMP, Mr. BONNER, Ms. CHU, Mr. SPRATT, and Mr. CARNEY.

H.R. 5960: Mr. OWENS and Mr. ISSA.
 H.R. 5967: Mr. INSLEE, Mr. HINCHEY, Mr. LANGEVIN, Mr. COURTNEY, Mr. SMITH of Washington, Ms. DELAURO, and Mr. MURPHY of Connecticut.
 H.R. 5970: Mr. COFFMAN of Colorado.
 H.R. 6012: Mrs. CHRISTENSEN.
 H.R. 6025: Mr. LARSON of Connecticut.
 H.R. 6028: Mr. REHBERG.
 H.R. 6032: Mr. LATHAM, Mr. BOSWELL, Mr. LOEBSACK, and Mr. BOUCHER.
 H.R. 6036: Ms. CHU.
 H.R. 6045: Mr. FARR, Mr. STARK, Ms. CHU, and Mr. CAPUANO.
 H.R. 6046: Mr. KILDEE, Mr. BURTON of Indiana, and Mr. BACHUS.
 H.R. 6064: Mr. SARBANES.
 H.R. 6072: Ms. MOORE of Wisconsin, Mr. CARSON of Indiana, Ms. WASSERMAN SCHULTZ, and Mr. CASSIDY.
 H.R. 6081: Ms. RICHARDSON, Mr. JACKSON of Illinois, Mr. OBERSTAR, Mrs. CAPPS, and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 6084: Mr. COLE, Mr. MOORE of Kansas, Ms. MCCOLLUM, Mr. SNYDER, Mr. WOLF, Mr. ISSA, and Mr. CUMMINGS.
 H.R. 6101: Mr. DOYLE.
 H.J. Res. 61: Mr. HINCHEY.
 H.J. Res. 76: Mr. DAVIS of Tennessee.
 H. Con. Res. 259: Mr. KING of New York, Mr. LANGEVIN, Mrs. MALONEY, and Mr. ISRAEL.
 H. Con. Res. 314: Mr. GRIJALVA and Mr. GEORGE MILLER of California.
 H. Res. 20: Mr. MORAN of Virginia.
 H. Res. 173: Ms. CASTOR of Florida, Mr. LEWIS of Georgia, Mr. LEVIN, Mr. KISSELL, and Mr. GUTIERREZ.
 H. Res. 186: Mr. CONYERS.
 H. Res. 263: Mr. MCCOTTER.
 H. Res. 363: Mr. PRICE of North Carolina.
 H. Res. 510: Mr. ROTHMAN of New Jersey.
 H. Res. 536: Mr. SESTAK.
 H. Res. 633: Mr. CONYERS.
 H. Res. 913: Ms. ESHOO and Ms. BALDWIN.
 H. Res. 975: Mr. ISRAEL.
 H. Res. 1129: Mr. CASSIDY, Mr. BOOZMAN, and Mr. MARCHANT.
 H. Res. 1217: Mr. JOHNSON of Georgia, Mr. SIRES, Mr. FLEMING, and Mr. CONAWAY.
 H. Res. 1226: Ms. ROS-LEHTINEN, Mr. HERGER, Mr. SHIMKUS, Mr. STARK, and Ms. LINDA T. SANCHEZ of California.
 H. Res. 1264: Mr. HINCHEY, Mr. CONNOLLY of Virginia, Mr. HERGER, Ms. CLARKE, and Mr. QUIGLEY.
 H. Res. 1285: Mr. CONNOLLY of Virginia.
 H. Res. 1314: Mr. MOORE of Kansas, Mr. COHEN, and Mr. CARSON of Indiana.
 H. Res. 1319: Mr. INSLEE, Ms. CLARKE, Mr. OWENS, Mr. MARKEY of Massachusetts, and Mr. SESTAK.
 H. Res. 1371: Mr. WEINER.
 H. Res. 1375: Mr. SNYDER.
 H. Res. 1402: Mr. ROSS, Mr. MILLER of North Carolina, Mr. GONZALEZ, and Ms. ROS-LEHTINEN.
 H. Res. 1420: Mr. WU and Ms. BERKLEY.

H. Res. 1433: Mr. CAO, Ms. FUDGE, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. CALVERT, Mrs. MALONEY, Mrs. NAPOLITANO, Mr. KAGEN, Mr. FLAKE, Mr. HINCHEY, Ms. LEE of California, Mr. DELAHUNT, Mr. SPRATT, Mr. SARBANES, Mr. JOHNSON of Illinois, Ms. ESHOO, Mr. SESTAK, Mr. NEUGEBAUER, Mr. RADANOVICH, and Mr. KING of New York.
 H. Res. 1442: Mr. CONNOLLY of Virginia, Mr. BOUCHER, Mr. CRITZ, and Mr. ROGERS of Michigan.
 H. Res. 1480: Mr. SHERMAN.
 H. Res. 1485: Mr. DAVIS of Kentucky, Mr. CONNOLLY of Virginia, Mr. LANCE, Mr. NUNES, Mr. BUCHANAN, Mr. GUTHRIE, Mr. JONES, Mr. SESTAK, Mr. SHADEGG, Mr. MCINTYRE, Mr. HOLDEN, Mrs. EMERSON, Mr. KING of New York, Mr. SCOTT of Georgia, and Mr. SAM JOHNSON of Texas.
 H. Res. 1503: Mr. GARAMENDI.
 H. Res. 1514: Ms. BORDALLO, Mr. FILNER, Mr. HASTINGS of Florida, and Mr. YOUNG of Alaska.
 H. Res. 1522: Mr. PETERS, Mr. BRALEY of Iowa, Mr. DJOU, Mr. PLATTS, Mr. BOOZMAN, Mr. LARSON of Connecticut, Ms. ROYBAL-ALLARD, Mr. STUPAK, Mr. SABLAN, and Mrs. MYRICK.
 H. Res. 1524: Ms. WATSON and Ms. DEGETTE.
 H. Res. 1528: Mr. BACA, Mr. DANIEL E. LUNGREN of California, Mr. PETRI, Mr. GARAMENDI, Ms. MATSUI, Ms. LORETTA SANCHEZ of California, and Ms. LINDA T. SANCHEZ of California.
 H. Res. 1529: Mr. RYAN of Ohio, Mr. HINOJOSA, and Mr. PIERLUISI.
 H. Res. 1534: Mr. ISSA.
 H. Res. 1571: Mr. THOMPSON of Pennsylvania, Mr. CONAWAY, Mr. NUNES, Mr. ADERHOLT, Mr. BARTLETT, and Mr. KINGSTON.
 H. Res. 1572: Mr. MARCHANT.
 H. Res. 1577: Mr. SABLAN.
 H. Res. 1578: Ms. NORTON, Mrs. MYRICK, Ms. CASTOR of Florida, Mr. DOYLE, Mr. CLYBURN, Mr. RUSH, Mrs. CHRISTENSEN, Ms. EDWARDS of Maryland, Ms. CORRINE BROWN of Florida, Ms. JACKSON LEE of Texas, and Mr. CONYERS.
 H. Res. 1582: Mr. DICKS, Mr. RANGEL, Mr. MAFFEI, and Mr. MCGOVERN.
 H. Res. 1588: Mr. ACKERMAN, Ms. BERKLEY, Mr. CALVERT, Mr. CAO, Mrs. CAPPS, Mr. CONYERS, Mr. CUMMINGS, Mr. DELAHUNT, Mr. DOGGETT, Mr. DOYLE, Mr. EHLERS, Mr. ENGEL, Ms. ESHOO, Mr. FILNER, Mr. GARRETT of New Jersey, Mr. GORDON of Tennessee, Mr. HODES, Mr. HONDA, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. TIM MURPHY of Pennsylvania, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PLATTS, Mr. ROTHMAN of New Jersey, Ms. SHEA-PORTER, Mr. TOWNS, Mr. VAN HOLLEN, and Mr. YARMUTH.
 H. Res. 1595: Mr. CONNOLLY of Virginia, Mr. MCMAHON, Mrs. BIGGERT, and Mr. NEUGEBAUER.

H. Res. 1599: Mr. GRAYSON.

H. Res. 1605: Mr. GARAMENDI, Mr. GORDON of Tennessee, Mr. CALVERT, Mr. MCCAUL, and Mr. COSTELLO.

H. Res. 1607: Mr. MCHENRY, Mr. FORBES, Mr. MANZULLO, and Mrs. BLACKBURN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Mr. Holden, or a designee, to H.R. 4785, the Rural Energy Savings Program Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

165. The SPEAKER presented a petition of New Orleans City Council, Louisiana, relative to Resolution R-10-289 expressing support for the passage of the Uniting American Families Act; to the Committee on the Judiciary.

166. Also, a petition of City of North Miami Beach, Florida, relative to Resolution No. R2009-58 supporting and urging the United States Congress to pass the Development Relief and Education Act for Alien Minors (Dream) Act; to the Committee on the Judiciary.

167. Also, a petition of The Legislature of Rockland County, New York, relative to Resolution No. 391 urging the federal government to permit non-immigrant Haitians in the United States whose visas have expired to renew them here in the United States; to the Committee on the Judiciary.

168. Also, a petition of Seattle City Council, Washington, relative to Resolution 31225 requesting that the National Aeronautics and Space Administration transfer one of the remaining Space Shuttle orbiters, Atlantis or Endeavor, to the Museum of Flight, Seattle, Washington, upon its retirement; to the Committee on Science and Technology.

169. Also, a petition of California State Lands Commission, California, relative to a resolution supporting the San Francisco Bay Improvement Act of 2010; jointly to the Committees on Transportation and Infrastructure and the Budget.

EXTENSIONS OF REMARKS

HONORING ROBERT D. PUETT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor Robert D. Puett and recognize his contributions to homeless families and adults in Marin County, CA. Mr. Puett is retiring after 23 years of service with Homeward Bound of Marin.

Born and raised in San Francisco, Bob earned a degree in sociology at San Francisco State University in 1972 and trained as a disaster shelter manager for the American Red Cross in 1983.

In 1987, Bob began working as a counselor in Marin's winter emergency shelter program and joined Homeward Bound as a program director the following year. He managed shelters for the Red Cross following the Loma Prieta earthquake in 1989 and the Oakland Hills wildfire in 1991.

Always an advocate for those in need, Bob stayed involved when neighbors of the winter shelter protested its location at the Marin County Armory. With authorization from then-Marin County Supervisor Bob Roumiguere, he managed an encampment at the Marin County Civic Center from April to October 1992 to demonstrate the need for a year-round shelter.

The program moved several times in the next two years, landing at the former Hamilton Air Force Base in Novato in 1994. Bob recalls managing the shelter in a large surplus Army tent on a site that flooded regularly and, at least once, lost its roof. Eventually the shelter moved to the warehouse on the site of today's Homeward Bound headquarters.

Taking advantage of legislation that authorized homeless services on decommissioned military bases, Bob helped lead a public education campaign to persuade neighbors of the Hamilton base to create a year-round shelter. I am proud to have worked with Bob, the City of Novato and the Navy, which led to the opening of the 80-bed New Beginnings Center in 2000 with full community support. It was the first such shelter built in the country on a decommissioned military site.

Bob became deputy director at Homeward Bound in June 2000, continuing to build on his desire to offer homeless people not only "a hot and a cot"—a meal and a bed—but an avenue out of homelessness. He oversaw development of the Next Key Center, also at Hamilton, which opened in November 2008 with 32 studio apartments, new offices for Homeward Bound, an expanded kitchen for job training and an event space for public rental.

The Marin County Human Rights Commission honored Bob's commitment and contributions to improving opportunities for people in need with its Martin Luther King, Jr., Award in 2006.

At his retirement party, Bob accepted a "Hair Raising Challenge" and allowed his trademark ponytail to be cut in exchange for a \$30,000 contribution to support shelter and job training programs at Homeward Bound.

In retirement, Mr. Puett plans to join Homeward Bound's board of directors.

Madam Speaker, it is appropriate at this time that we thank Mr. Robert Puett for his many years of service on behalf of the people of Marin County. He has worked tirelessly to demonstrate his unwavering belief that people can overcome great obstacles to change their lives for the better. For this, he deserves our appreciation.

HONORING EVAN BLASINGAME OF
NAPA COUNTY, CALIFORNIA**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to pay tribute to Evan Blasingame, who is being honored as the Napa County 2011 Teacher of the Year.

Mr. Blasingame has taught United States History and International Baccalaureate History of the Americas at St. Helena High School since 2007. Before his move to the Napa Valley he taught in Mendocino County, where he was named Laytonville High School Teacher of the Year.

To Evan, teaching and learning do not stop at the classroom door. Throughout his teaching career, Evan has volunteered to serve as Academic Decathlon Coach, National Honor Society advisor, Interact Club advisor and English Club advisor. He has also supported his peers by serving as St. Helena Teachers Association Site Representative, WASC Team Leader, Teacher Representative to the District Advisory Council and Cofounder of the Vets Back to School Program.

Mr. Blasingame is known as one of the hardest working teachers in Napa County. His door is always open to his students to ensure they reach their fullest potential. He is an engaging speaker who is incredibly passionate about his subject matter and his passion is passed onto his students. He makes history fun and accessible.

A great teacher can have an impact on a young person that lasts forever. All of us can remember a teacher who has had a profound influence on our lives. Mr. Blasingame has had this impact on hundreds of students and is a sterling example of the best his profession has to offer.

Madam Speaker and colleagues, it is my distinct pleasure to recognize Evan Blasingame for the leadership, guidance and inspiration he has provided to hundreds of young people throughout his career. I join his

wife, Hiromi, his son Kai and the entire community in thanking him for his service and wishing him continued success and fulfillment.

IN MEMORY OF ROBERT NEFF OF
GRAPEVINE, TEXAS**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. BURGESS. Madam Speaker, I rise today to honor the life of Robert Paul Neff of Grapevine, Texas. Robert passed away September 10, 2010 and leaves behind a strong legacy of public service.

Robert served as manager of the Criminal Justice Programs, CJP, at the North Central Texas Council of Governments, NCTCOG, starting in 1999. The CJP facilitates community-planning groups, provides technical assistance to develop successful grant programs and assists local units of government in solutions to common challenges within a 16-county region. Since 2001, he served the Texas Association of Regional Councils Criminal Justice Planners Association as its secretary, chair, and communications liaison to local, regional, State, and Federal agencies. He was also a member of the Advisory Council and Board of Directors of the National Criminal Justice Association and the American Society for Industrial Security, serving as its president of the West Michigan Chapter in 1984.

Prior to coming to North Texas, Robert was a law enforcement officer in Kalamazoo, Michigan for almost 22 years, retiring as a detective assigned to auto theft, street gangs, outlaw motorcycle gangs, and militia groups. He received a master of Social Work degree in Correctional Administration from Western Michigan University, where he also was an adjunct professor in the Criminal Justice Program in the Department of Sociology.

Robert has been described as "street savvy" and applied this knowledge to the criminal justice grant program, helping secure millions of dollars for funding for programs used by local governments and nonprofit organizations. He had the respect of his peers throughout Texas, and was sought by many for his advice.

A believer in service to local governments and the criminal justice community, Robert brought critical thinking, innovation and grant funding experience to enhance the level of public safety expertise and protection to North Texans. Robert also invested in his community through the First United Methodist Church of Grapevine, Texas. He was respected by all who met him, and will be greatly missed. Robert was also active in pulmonary fibrosis organization and outreach.

Madam Speaker, it is with sadness that I rise today to remember Robert Neff. It is my

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

privilege to have this opportunity to honor his life and legacy.

TRIBUTE TO MAE LILLIAN
MITCHELL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. LATHAM. Madam Speaker, I rise today to congratulate Mae Lillian Mitchell of Boone, Iowa, on the recent celebration of her 100th birthday on August 26, 2010.

Mae was born on August 26, 1910 in Keystone, Iowa. In 1944, she married Raymond B. Mitchell and they were together until his death, when he was ninety-one years old. They have two children, Lois and David; and have two grandchildren, Melissa and Andy. Mae is currently residing at the Evangelical Free Church Home in Boone, Iowa. She maintains an extensive collection of poetry and a collection of antique porcelain dolls.

There have been many changes that have occurred during the past one hundred years. Since Mae's birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and the birth of new democracies. Mae has lived through eighteen United States Presidents and twenty-two Governors of Iowa. In her lifetime, the population of the United States has more than tripled.

I know that my colleagues in the United States Congress join me in sending warm wishes to Mae on the milestone of her 100th birthday. I am extremely honored to represent her in Congress, and I wish her happiness and health for many more years to come.

RECOGNITION OF CHARLES RUSSELL FOR HIS BRAVERY AND SERVICE IN IRAQ

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. KILROY. Madam Speaker, I rise today to honor Charles Russell for his inspiring work to help rebuild the Iraqi agricultural sector. As a civilian volunteer, Mr. Russell not only helped those directly affected by his service, but also contributed to the overall rebuilding of the Iraqi community.

Along with our men and women in uniform, volunteers such as Charles Russell are an integral part of our mission in Iraq and Afghanistan. Born in Boston, Massachusetts, Mr. Russell grew up in Cleveland, Ohio and became an agricultural statistician and expert in the United States Department of Agriculture's National Agricultural Statistics Service in Reynoldsburg, Ohio.

Selflessly leaving his family and home, Mr. Russell volunteered to serve 16 months helping people he had never met. Mr. Russell served as a USDA Provincial Reconstruction

Team (PRT) agricultural expert on both the embedded PRT-Baghdad 4 and the embedded PRT-Baghdad South in Baghdad Province. He was one of the only civilians in these groups.

Mr. Russell tirelessly worked to create the Mahmudiyah Higher Agricultural Association (MHAA), a non-governmental organization dedicated to helping Iraqi farmers get access to new technologies, equipment, and low-cost credit. Additionally, Mr. Russell helped the Iraqi people strengthen their communities, improve management of natural resources, and rebuild agricultural markets. For his work he received the U.S. Department of State's meritorious honor award for his sustained, dedicated, and successful efforts. As John D. Brewer, the Foreign Agricultural Service administrator, said, "the efforts of people like Charles are crucial for helping to create stable, democratic, and economically viable societies in countries like Iraq."

I commend Mr. Russell for his undeniable dedication, outstanding personal character, and unwavering commitment to those less fortunate than himself. On September 8, 2010, the United States Department of Agriculture honored Mr. Russell at its Service Recognition Ceremony for USDA employees that have completed deployments in Afghanistan and Iraq. I am proud to recognize and honor Charles Russell for his efforts and patriotism.

CONGRATULATING THE INTERNATIONAL TAOIST TAI CHI SOCIETY ON THEIR 40TH ANNIVERSARY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize and congratulate the International Taoist Tai Chi Society on their organization's 40th anniversary.

Predominantly managed by volunteers, the Taoist Tai Chi Society instructs members in internal arts and methods which focus on recovering, improving, and maintaining health and wellness. In following the aims and objectives of its founder, Master Moy Lin-shin, the society also promotes preserving the "essence of tradition in the modern world" and the "dual cultivation of mind and body."

With locations in more than 25 countries around the world, the International Taoist Tai Chi Society unites individuals of different cultures and dialects, creating an international community. I am pleased to note that, in my own 5th Congressional District, the society opened a non-profit, Arizona Chapter in 2008. This chapter has both helped to improve the health of members in my district and facilitate their connection with others throughout the world interested in similar practices.

Madam Speaker, please join me in recognizing the Arizona Chapter of the International Taoist Tai Chi Society and the entire organization on its 40th anniversary.

RECOGNIZING THE MICHIGAN ECONOMIC DEVELOPERS ASSOCIATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating the Michigan Economic Developers Association as they celebrate their 50th anniversary. The year-long celebration will culminate during their annual meeting this week in Traverse City Michigan.

The Michigan Economic Developers Association was formed in 1960 to assist local economic development organizations. Over the years they have provided education, information and training to local economic development leaders. Currently 470 members representing all parts of Michigan form the leadership team committed to training economic development practitioners and advancing the economic climate of the State.

Madam Speaker, I am proud to be able to congratulate the members of the Michigan Economic Development Association as they celebrate 50 years of leadership in the economic development arena. The men and women of the Association have volunteered their time, energy, resources and insight to improve the economic climate of the State of Michigan and I wish them the best as they develop new, innovative ideas for our communities.

RECOGNIZING THE 50TH ANNIVERSARY OF THE CREATION OF REAL ESTATE INVESTMENT TRUSTS

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. TIBERI. Madam Speaker, I rise today to recognize the 50th anniversary of the creation of real estate investment trusts and congratulate the National Association of Real Estate Investment Trusts on 50 years of service to their membership.

Real Estate Investment Trusts (REITs) opened the door for all investors to participate in large-scale commercial real estate investments. Prior to the passage of tax law in 1960 that provided for the establishment of REITs, this opportunity was generally available only to large financial institutions and wealthy individuals through direct investment in the real estate.

Today, REITs own approximately \$500 billion of commercial real estate assets and 132 REITs are traded on the New York Stock Exchange. Last year, REITs paid out approximately \$13.5 billion in dividends. This access to publicly traded and regulated securities has expanded investment and diversification opportunities for millions of Americans and provided more options as they plan and invest for their retirement security.

REITs have become an important piece of the U.S. economy and investment markets,

and I congratulate the industry on their 50th anniversary.

HONORING LOU SANDERS

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mrs. MCCARTHY of New York. Madam Speaker, I rise in honor of Lou Sanders for an outstanding career in journalism and long-standing dedication to serving the people of Long Island, New York. As the owner of the Mineola America for 40 years and as the writer of the Mineola America column Around the Town with Lou, Mr. Sanders serves as a staple to the residents of Mineola. For these reasons and many others, I believe he is worthy of recognition.

Mr. Sanders earned his degree in journalism at New York University and has been an irreplaceable asset to his community in many capacities. Lou has been elected the position of President of the Mineola Chamber of Commerce five times and has been elected twice for the position of President of the Nassau County Press Association. Lou and his wife Grace started the Mineola America in 1952 and, after 40 years, sold the paper to Anton Community Newspapers. As the current writer of the Mineola America column Around the Town with Lou, Mr. Sanders consistently offers the community encouraging words about the issues affecting Long Islanders' day-to-day life.

Lou is a part of what makes Mineola, New York a wonderful place to live, and I am grateful to him for all that he has provided to the community. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for his contributions to society.

HONORING CHILDREN'S FAIRYLAND 60TH ANNIVERSARY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. LEE of California. Madam Speaker, I rise today to honor the 60th Anniversary of Children's Fairyland, the quintessential storybook park on the shores of Oakland's Lake Merritt. Since its debut in 1950, Fairyland has been an affordable and charming haven for children to play, dream and explore the reaches of their imaginations.

It was the vision of local businessman Arthur Navlet in 1948 that led to the civic-minded Lake Merritt Breakfast Club's endorsement of an innovative children's park consisting of fairytale and storybook sets, farm animals and live entertainment for families. With the support of Oakland's Parks Superintendent William Penn Mott, Jr., the Breakfast Club's record-breaking fundraising efforts, and the creative design of architect William Russell Everitt, Fairyland opened its gates on September 2, 1950.

Word of the whimsical attraction soon spread, due in large part to the efforts of

of Oakland Parks and Recreation information representative Burton Weber, who helped to create publicity through the famed "Fairyland Personalities" program for eight- to 10-year-old community representatives. Since then, Fairyland has enchanted countless children and families throughout the nation, and its success has relied on the commitment and ingenuity of generations of volunteers, community leaders, patrons and staff.

One of Children's Fairyland's famed visitors was the then unknown, Walt Disney. In fact, it is believed that the park inspired some of the ideas for his world-famous Disneyland Magic Kingdom, which opened in southern California in 1955.

In the early 1990s, after falling into some disrepair, Fairyland enjoyed a renaissance when its long-time patrons and supporters in the Lake Merritt Breakfast Club proposed that it become a nonprofit organization. Now, as a 501(c)(3) organization, Children's Fairyland can apply for grant funding to support its upkeep and growth. Part of Fairyland's universal appeal is its simple ability to entertain all types of families, especially the underserved. Through a grant from Alameda County's Every Child Counts, Fairyland currently waives the cost of admission for approximately 4,000 low-income children each year.

In a rapidly changing 21st century, Fairyland is a local treasure—a place where both children and adults can find the time and space to enjoy the simple pleasures of childhood. While it harkens back to times of pastoral bliss and fanciful characters, it also provides a sense of timelessness and calm in the midst of an urban city. Fairyland's long list of accolades includes being named "Best of the Bay" from the San Francisco Chronicle, "Best Amusement Park" and "Best Children's Theater" from Bay Area Parent, and "Best Birthday Party" from Diablo Magazine.

On behalf of California's 9th Congressional District, I want to extend my congratulations on this important milestone. I want to thank all of the many people who have contributed to the continued success of Children's Fairyland. I wish you the very best.

HONORING THE 125TH ANNIVERSARY OF THE TOWN OF TRYON, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SHULER. Madam Speaker, I rise today to honor the 125th anniversary of the town of Tryon in western North Carolina. Tryon, a town of 1,760 residents, has a very rich and important history and culture.

In 1767, William Tryon, Royal Colonial Governor of North Carolina, negotiated a demarcation line to separate territory claimed by settlers from Cherokee hunting grounds to the west. In 1877, the Asheville-Spartanburg Railroad created a line to connect the markets and ports of the South Carolina Lowcountry to the people and resources of western North Carolina, Tennessee, and the Ohio River valley, which had a significant impact on the di-

rection of the region's economic and social development.

One of Tryon's most famous early residents, William Gillette, was a noted actor who, in collaboration with Sir Arthur Conan Doyle, created the stage version of Sherlock Holmes in 1889. In 1915, Eleanor Vance and Charlotte Yale moves to Tryon and founded Tryon Toy-makers and Wood Carvers, which trained local craftsmen for the creation of artisan furniture and toys that were sold worldwide. In 1928, Seth Vining launched the world's smallest daily newspaper, the Tryon Daily Bulletin. In that same year, two Tryon physicians, Dr. Allen J. Jervey and Dr. Marion C. Palmer, founded the 25-bed St. Luke's hospital with funds from an initial bequest by Miss Lucy Embury, a grant from Duke Foundation, and \$57,000 contributed by local citizens.

The town has also contributed to the leadership and historic preservation of North Carolina, sending Carroll P. Rogers to serve as State Representative in 1929, 1939, and 1941. Rogers cosponsored a bill enabling the state to purchase the site of Tryon Palace in New Bern. In 1933, internationally renowned singer and human rights activist Nina Simone (nee Eunice Waymon) was born in Tryon. Lastly, in 1985, Foothills Equestrian Nature Center (F.E.N.C.E) came into being as a nonprofit nature education and outdoor recreation center, built around an original contribution of 112 acres from the Mahler family, which emigrated to Tryon in the 1920s.

Madam Speaker, I ask my colleagues today to rise with me in recognizing the amazing contributions of the town of Tryon on its 125th anniversary. The purpose of this commendation is to increase public awareness of the considerable natural assets and cultural heritage Tryon offers to its citizens and visitors and to encourage their active participation in the yearlong celebration of the town and its history.

THOMAS BURKE RETIREMENT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I stand before you to honor Mr. Thomas A. Burke on his retirement from his position as Business Representative for the Chicago Pipe Fitters. Tom, a member of Pipe Fitters Local #597 for many years, has made the interests of his fellow tradesmen his top priority. For his devotion and lifetime of service to the Pipe Fitters, Tom was honored at a retirement dinner that took place Saturday, August 21, 2010.

Tom Burke has been a proud member of Local #597 since he began his apprenticeship 44 years ago. From the moment Tom began his apprenticeship, he received the unmarked title of second generation pipe fitter, following his father along with his brother, Dennis. Since his apprenticeship, Tom has held many positions, including journeyman, foreman, and superintendent. While working as a skilled and dedicated pipe fitter, Tom assumed numerous roles of leadership. He served for one term as

a member of the Federation of Labor Board, joining an honorable group that stands up for working men and women, and giving his time to an organization that creates a united voice for Chicago's labor movement. He went on from there to serve one term on the Examining Board, dedicating his time and expertise in assisting with apprentice entrance examinations. His leadership roles continued as Tom served two plus terms on the Executive Board that made important decisions on various union matters. In such a prestigious position, Tom was able to display his well developed leadership skills. All of this past experience culminated in Tom's election to the office of Business Representative in 1998. He held this honorable office until his retirement in 2010.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty from its tradesmen. From one leadership position to the next, Tom has continued that history as he displayed his unwavering dedication to the members of the Pipe Fitters and other trades. He took on tasks that benefited not just tradesmen but also the greater community. The Pipe Fitters have supported and assisted the community through their unwavering dedication, and the community continues to turn to the trades when in need, and the Pipe Fitters have been one of its greatest assets.

Tom's dedication and loyalty to the trades is matched only by his devotion to his family. His commitment to his community is truly admirable, but his commitment to his family is most impressive. Tom and his devoted wife, Barbara, have one son, Brian, and one daughter, Shannon.

Madam Speaker, I ask that you and my other distinguished colleagues join me in commending Thomas A. Burke for his lifetime of leadership, service, and dedication to the community. He has given his time and efforts selflessly to the tradesmen he has worked with and represented, as well as to the people of Northwest Indiana. He has a personality that motivates those around him to work hard and be successful. His fellow officers and brother Pipe Fitters respect him and find him to be a role model and a true friend. For his service and uncompromising dedication, Thomas A. Burke is worthy of the highest praise, and I ask that you join me in wishing him well upon his retirement.

RECOGNIZING RETIRING COACH
JERRY DAWSON FOR 37 INSPIRING
AND EXCEPTIONAL YEARS

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize Coach Jerry Dawson's retirement as Chaparral High School's Head Baseball Coach after 37 inspiring and exceptional years.

Coach Dawson is a well-known figure at Chaparral High School in Arizona's 5th Congressional District. Since the school's very first varsity baseball season in 1974, he has been at the helm of the team as the head baseball coach. During his tenure, he led the Firebirds'

baseball team to an amazing 23 regional championships, finished in the "final four" 19 times, attained state runner up on four occasions, and won the state champions eight times.

Coach Dawson's dedication to baseball and the students of Chaparral High School is remarkable. In addition to creating and managing a successful baseball program, Jerry Dawson contributed much of his time to students as an instructor of Physical Education and as the school's Athletic Director. Through these careers, he has inspired thousands of Arizona's youth and been recognized as the "Coach of the Year" in Arizona nine times and the national "Coach of the Year" three times. And, although he is retiring as a coach at Chaparral, I am pleased to note that Coach Dawson will continue to motivate young baseball players in the upcoming season as an assistant baseball coach at Yavapai College.

Madam Speaker, please join me in recognizing the retirement of an outstanding member of Arizona's 5th Congressional District, Coach Jerry Dawson, and congratulate him on his new position as the assistant coach at Yavapai College.

HONORING JAZZ ARTIST AND
MUSIC EDUCATOR MARCUS
BELGRAVE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. CONYERS. Madam Speaker, I rise to recognize the life and career of a friend and fellow Detroiter, Marcus Belgrave. He will be honored at the Congressional Black Caucus Foundation's Annual Legislative Conference Jazz Issue Forum and Concert on September 16, 2010. Belgrave is a living jazz impresario; he plays, writes, composes, and teaches. In doing so, he has inspired other artists such as Geri Allen and Kenny Garrett.

In 2009, Marcus Belgrave was honored by the Kresge Foundation as their Eminent Artist. Belgrave's career has spanned many generations. During this time, he has worked with many of the great musicians of our time: Ray Charles, Ella Fitzgerald, Charles Mingus, McCoy Tyner, Dizzy Gillespie, Eric Dolphy, Aretha Franklin, Wynton Marsalis and Joe Henderson. Every musician he has played with can attest to his skill as a musician and composer.

Belgrave's career started at the age of 18 with several collaborations with Ray Charles. He was given a solo on the song Alexander's Ragtime Band on the album The Genius of Ray Charles. We have heard Belgrave's talents as a musician demonstrated on some of Motown's greatest hit records such as My Girl and Dancing in the Street. Belgrave is also an original member of Lincoln Center Jazz Orchestra.

In 1997, as a jazz ambassador, Belgrave carried the sounds of American jazz to Latin America, Europe, Asia, Africa, and the Middle East. In 1997, he traveled with five other Michigan jazz masters to Egypt, Ivory Coast, Senegal, Syria, Tunisia, and Turkey as part of

a six-nation cultural exchange sponsored by the U.S. Agency for International Development.

Belgrave gravitated toward working with young musicians in Detroit during the 1970s. He established the Jazz Development Workshop and co-founded the Jazz Studies Program at the Detroit Metro Arts Complex. He is also a professor of Jazz studies at Oberlin College in Ohio. Many of his young protégés have established successful careers in the music industry.

Madam Speaker, Marcus Belgrave's career has been nothing short of legendary. He has had a lasting impact on the music community of Detroit and is recognized and appreciated around the world. His contributions as a performer, composer and educator deserve the recognition of this body. I urge all Members to acquaint themselves with this great artist and his music.

A TRIBUTE TO ONEONTA CON-
GREGATIONAL CHURCH OF
SOUTH PASADENA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SCHIFF. Madam Speaker, I rise today to recognize Oneonta Congregational Church of South Pasadena upon its centennial anniversary.

Oneonta Congregational Church was established in South Pasadena in 1910, when the Ladies Aid Society called upon Dr. I. Curtis Meserve, D.D. to be the first pastor of the developing church. The first services were held in the new high school and then in the parsonage bungalow, and the first Sunday school met in a garden. Founders Day was October 12, 1910, when officers were elected at the first official meeting. In 1911, land on Fletcher Avenue was acquired for the first church building, which was completed in 1925. The church was named after Henry E. Huntington's home town, the City of Oneonta, New York and it is a Native American name that means "place of rest."

Since its inception one hundred years ago, Oneonta Congregational church has only had twelve senior ministers serve the church. One of the most beloved ministers was Dr. Henry David Gray, the church's fifth senior minister. Under his leadership, land was purchased and the new sanctuary was constructed. Dedicated on October 12, 1950, with the first worship service held on October 15, the sanctuary, located on Garfield Avenue on the grounds of the former Boothe estate, was designed by award-winning architect Herbert Powell and was featured in Life Magazine for its beauty. Fellowship hall was completed in 1954, and the Christian education building was completed in 1972.

During the ministry of Dr. Gray, membership grew from 703 to 2,157. He instituted workshops and interest groups, which included participation in worship services, program building, recreational activities and work in the church office, and organized the pilgrim fellowship for youth and led youth church members on significant journeys overseas.

Other notable senior ministers include Dr. Charles Copenhaver, who hosted Sunday night radio broadcasts called "Let's Talk," and Dr. Edwin Roberts, the longest-serving minister at twenty-one years, who was instrumental in increasing church members' participation in voluntary church responsibilities and sharing resources generously with those in need. The twelfth and current minister is Reverend Douglas Brandt, who has added a contemporary worship service and increased outreach to youth. In addition to Oneonta Congregational Church's own ministries, such as their music, adult, and youth ministries, congregants also volunteer for various organizations such as Door of Hope, Habitat for Humanity, Neighborhood Urban Family Center, Union Station Homeless Services, YMCA, Foothill Unity Center, Pan American Institute and the Ronald McDonald House.

I consider it a privilege to recognize the Oneonta Congregational Church of South Pasadena, and I invite all Members to join me in congratulating the congregation upon one hundred years of service to the community.

HONORING THE LIFE OF MARINE
CORPORAL JOHN BISHOP

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. HILL. Madam Speaker, on Wednesday, September 8, 2010, Southern Indiana lost another of its brave sons. Marine Corporal John Bishop was killed in Helmand Province, Afghanistan after sustaining wounds from enemy small arms fire. He was 25 years old, and born in Batesville, IN.

Cpl. Bishop wanted to be a Marine from a very young age. After graduating from Southwestern Shelby High School in 2003, he immediately enlisted in the Corps. After joining he and his brother, Tyson, also a Marine, would often taunt each other as to who was the "tougher" Marine.

It was in the Marines that John met his wife, Cristle. The two were recently married and expecting their first child together, a daughter, next month. After his tour in Afghanistan—his third combat tour already having served twice in Iraq—Bishop planned to separate from the Marines, go to college to become a conservation officer, and start a life with his new wife and daughter, and his son K-Sean. Bishop's mother described her son as being ecstatic about starting a new chapter in his life. Sadly, that dream was cut short.

Cpl. John Bishop is the epitome of a true American hero. He and his family's sacrifice deserve our most sincere and heartfelt gratitude. Though I did not have the pleasure of meeting Cpl. Bishop, I mourn his death. His loved ones are in my prayers.

IN RECOGNITION OF THE BEVERLY
KEELERS

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to recognize and honor the Beverly Keelers, an outstanding African American women's softball team, created during the 1920's by Mrs. Margaret Hicks Morris and her sister in Beverly, New Jersey.

The Beverly Keelers, also known as the "Killers," played softball up and down the East Coast. The Keelers took on all competition including opponents of the opposite sex. The Keelers were considered iconic during their time and in a tumultuous period in our nation's history, they reminded others of the diversity that made America the greatest nation on Earth. The Keelers captivated its local audience, even leading to a local businessman to incentivize the team for reaching benchmarks like strikeouts, homeruns and shutouts. In 1938, the Keelers earned the auspicious honor of a state championship by beating a team from Elizabeth, New Jersey.

While the team eventually disbanded, it reorganized in the 1950's as the Beverly Amazons and continued its success for many more years.

Madam Speaker, I ask you to join me in recognizing the accomplishments of this groundbreaking women's softball team whose love for the sport brought pleasure and inspiration to many.

RECOGNIZING EDWARDSVILLE, IL-
LINOIS, AS ONE OF THE TEN
BEST TOWNS FOR FAMILIES

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SHIMKUS. Madam Speaker, I rise today to honor Edwardsville, Illinois. The city was recently declared by Family Circle magazine as one of our nation's ten best towns for families.

Edwardsville was praised by Family Circle for meeting the magazine's criteria of having "affordable housing, good neighbors, green spaces, strong public school systems and giving spirits." It should also be noted that Edwardsville is the only city in Illinois that appeared on Family Circle's list.

Edwardsville has developed substantially since its humble beginnings in 1805 with just a single log cabin into a thriving community. Today, Edwardsville is home to 46 acres of wildlife preserve, numerous parks, and Southern Illinois University Edwardsville. It is also the location for some of the areas largest construction companies including: Dean and Sons Construction, Phelps Construction and Thiems Construction.

I would like to join my colleagues in recognizing the city of Edwardsville as it is recognized for its many accomplishments. Edwardsville has proven to be an excellent educational, economic and family community that deserves any honor bestowed upon it.

HONORING DAVID HAROLD
BLACKWELL, PH.D.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary life of Dr. David Harold Blackwell, world-famous statistician, the first African American inducted into the National Academy of Sciences, professor emeritus at the University of California, Berkeley, and the university's first African American tenured faculty member. He was an elegant theoretician, an accomplished scholar and a devoted friend, husband, father, grandfather, uncle and colleague. Dr. Blackwell passed away on Thursday, July 8, 2010, in Berkeley, California, at the age of 91.

Born April 24, 1919, David Harold Blackwell was the oldest of Mr. and Mrs. Grover and Mabel Blackwell's four children. During his humble upbringing in Centralia, Illinois, David taught himself to read by studying the labels of supplies at his grandfather's store. In 1935, at the age of 16, he entered the University of Illinois at Urbana-Champaign with plans to become an elementary school teacher. At a time when there were no African American professors, David Blackwell graduated with a B.A. in mathematics and continued at the university, earning a master's degree in 1939, and a Ph.D. in mathematics in 1941, at the age of 22.

After being awarded a Rosenwald Fellowship for black scholars and winning a top fellowship to Princeton University's Institute for Advanced Study, Dr. Blackwell experienced the first of several career obstacles caused by racial prejudice. Undaunted by unequal treatment at Princeton and a blocked appointment at the University of California, Berkeley, Dr. Blackwell sent out applications to over a hundred black colleges. He eventually joined the faculty at Howard University in 1944, fast becoming the head of the mathematics department.

A lecture in Washington D.C. by Agriculture Department statistician Meyer A. Girshick not only influenced Dr. Blackwell's interest in statistics, but also initiated a close friendship and collaboration between the two colleagues. Their 1954 book, "The Theory of Games and Statistical Decisions," established them as leaders in the burgeoning field of game theory, a mathematical analysis of winning strategies that can be applied to economics, biology, engineering, military strategy, political science and international relations.

From 1948 to 1950, Dr. Blackwell used his expertise in game theory as a consultant to the U.S. military and RAND Corporation. His innovative take on established studies in multiple disciplines led to groundbreaking work in the mathematics of multistage decision-making, a textbook on Bayesian statistics, the independent invention of dynamic programming, and the development of the Rao-Blackwell Theorem.

In 1955, more than a decade after Dr. Blackwell withstood racial discrimination and the loss of an appointment, he accepted tenure as a UC Berkeley professor. He became

Statistics Department Chairman, as well as assistant dean of the College of Letters and Science from 1964 to 1968. A self-described "teacher," Dr. Blackwell mentored 65 Ph.D. students, wrote two books, and published more than 80 papers during his long career. He held 12 honorary degrees, including from Harvard, Yale, Carnegie Mellon and Howard universities. Throughout his life, Dr. Blackwell's worldwide accolades and professional and philanthropic associations became too numerous to count.

Though Dr. Blackwell was preceded in death by his devoted wife of 62 years, Ann Madison Blackwell, and four of his eight children, his surviving family members, including 14 grandchildren, are proud to celebrate his remarkable life as they mourn his passing.

Today, California's 9th Congressional District salutes and honors Dr. David Harold Blackwell. Named one of the Four American Mathematicians Who Changed the World, we also recognize that he changed countless lives for the better. Our community is indebted to his life's contribution in myriad ways. He was a tremendous role model for the African American community and a compassionate, progressive advocate for peace and equality. We extend our deepest condolences to Dr. Blackwell's family and his extended group of loved ones. May his soul rest in peace.

A TRIBUTE IN HONOR OF JEAN K.
HOLBROOK, ED.D

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. ESHOO. Madam Speaker, I rise to pay tribute to an extraordinary educator and community leader, Dr. Jean K. Holbrook, who is retiring after four decades of outstanding service in San Mateo County, California. Under her leadership, county schools have made impressive and promising strides forward, teaching students to love learning and preparing them to enter a globalized workforce.

Born and raised in Minnesota, Dr. Holbrook received her Bachelor's Degree in English from Augsburg College in Minneapolis, before moving to California for further studies. Already committed to educational leadership, she earned a Master's Degree in Secondary Education and Educational Administration from San Francisco State University, and a Doctorate in Educational Leadership from the University of San Francisco.

A longtime resident of San Mateo, Dr. Holbrook began working as a researcher for the San Mateo Education Research Center and rose to become its Director. Since then, she served as Deputy Superintendent and Associate Superintendent of Instructional Services, before being appointed San Mateo County Superintendent of Schools in January 2006, and subsequently elected to a four-year term in 2007.

As Superintendent, Dr. Holbrook oversaw a \$1.5 billion budget, instructional and curricular assistance, and special education for 23 school districts and nearly 90,000 students. Announcing her decision to serve a second

term, Dr. Holbrook stated her desire "to make the county office more effective in providing countywide leadership." Dr. Holbrook succeeded. During her tenure, schools and scores improved substantially, and her committed efforts were widely praised. Dr. Holbrook took pride in San Mateo County's gains, while soberly noting that "the challenge remains to meet the needs of all students and to close the achievement gap where it exists." For Dr. Holbrook, the glass was neither half full nor half empty. She believed, as did William Butler Yeats, that "education is not the filling of a pail, but the lighting of a fire."

She worked hard to "light that fire," serving on a wide array of civic and educational organizations in addition to her career with the San Mateo County Office of Education. Dr. Holbrook is a member of the First 5 Commission and the California County Superintendents Educational Association Pre-K Task Force, chairs the Peninsula Partnership Leadership Council, and co-chairs the Child Care Partnership Council. Involving herself in all aspects of her community, she is also active in the Rotary Club and the Chamber of Commerce.

Madam Speaker, I ask my colleagues to join me in honoring Dr. Jean Holbrook's forty years of extraordinary leadership. Throughout her career, Dr. Holbrook's greatest gift was that she never forgot to treat each and every one of her 90,000 students as individuals with extraordinary potential. When she retired, Dr. Holbrook thanked the County for the "profound honor of serving as Superintendent, but it is San Mateo County and the surrounding communities that are honored by her contributions. As a San Mateo County resident and public servant, I am extremely proud to call Dr. Holbrook my friend and even prouder of the profoundly positive impact of her life's work on our community, on our children, and on our country.

HONORING FRED WOehl FOR
USDA SERVICE IN IRAQ

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. BOOZMAN. Madam Speaker, I rise to honor Fred Woehl for his service, sacrifice and commitment to establishing stability and security in Iraq. Woehl taught Iraqis the agriculture lessons he learned as a farmer and as a farm loan manager for the United States Department of Agriculture Farm Service Agency for 33 years.

Woehl served on the Mosul PRT in Ninewa, Iraq from 2008 to 2009. While in Iraq, he helped to revitalize interest in the Al Jerzera Irrigation project, the largest system in Iraq and developed cooperation between Ministry of Agriculture and Extension for agricultural training. His expertise and knowledge in the agriculture field helped him create a mentoring program that is ongoing; working with Iraqi citizens building greenhouses for growing tomatoes, cucumbers and melons and establishing the first all female farmer association in Iraq. He also received the Meritorious Honor award from Ambassador Chris Hill.

By empowering Iraqis with knowledge and best practices to improve their agriculture industry Woehl has helped create opportunities for development and long-term economic viability in Iraq. Fred's devotion to helping others in need is a great example of selfless Arkansas values. I am so proud of his accomplishments and the opportunities he helped create for Iraqi citizens. He's continuing to use his skills to help others around the globe. Today, Woehl is serving in Jordan to help teach people how to increase productivity on the farm, develop functioning markets, improve availability of agricultural credit, and enhance infrastructure along the supply chain.

Woehl's devotion to serving his country and helping others find better ways to use their land and provide for themselves, their families and their country is a great example of the American spirit.

HONORING THE 100TH ANNIVERSARY OF FAIRVIEW BAPTIST CHURCH IN WAYNESVILLE, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SHULER. Madam Speaker, I rise today to honor the 100th anniversary of Fairview Baptist Church in the community of Waynesville, North Carolina. Since 1910, this church has brought light and joy to the lives of many devoted members.

From its humble beginnings consisting of a congregation of eight people and a house purchased for six dollars, Fairview Baptist has grown to be a proud and prominent part of the Waynesville community. Over the past hundred years, the Church has witnessed many significant moments in history from World War I to the Civil Rights Movement.

The strength and longevity of Fairview Baptist Church has proven to be an inspiration for many and I look forward to seeing what the future holds for the Church as it continues its journey through the next 100 years. Madam Speaker, I urge my colleagues to join me today in congratulating Fairview Baptist Church on its outstanding accomplishments over its 100-year history.

TRIBUTE TO THE 2010 FERRAGOSTO FESTIVAL ON BELMONT AVENUE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SERRANO. Madam Speaker, I rise today to recognize one of the most special places for culture and cuisine not only in the Bronx, but all of New York, the Ferragosto Festival on Belmont Avenue. This is a celebration that grows in size and fame with each successive year. People now travel from across the nation to sample the delicious tastes and wonderful atmosphere on display in the Bronx's own Little Italy.

Ferragosto is powered by small businesses, many family-owned, and has built a reputation for generosity to its patrons and authenticity to its cultural source. The Festival is made possible with the support of many people and institutions, perhaps none more so however than the Belmont Business Improvement District, which deserves special recognition for its efforts.

One of the landmark attractions of the Festival, and indeed a cultural touchstone for the entire city, is the Arthur Avenue Retail Market, known popularly as simply "The Market." Owned by the City of New York and located in the Belmont Community of the Bronx, The Market has a history and symbolism that is distinctly New York. Back in the 1940s, through the efforts of Mayor Fiorello LaGuardia, pushcart vendors, who were largely immigrants, were taken off the streets and relocated into buildings and shelters throughout the five boroughs. The Arthur Avenue Retail Market in the Bronx was one such creation, with purveyors of Italian food, craft and specialty items. It retains today the cooperative vendor model and "old world feel" from so many years ago, endearing it to all who visit.

Importantly, The Market is currently undergoing important renovations that will ensure its stairways, halls and storage spaces will stand up to merchant demands in the new century. The goal of the project is to comprehensively renovate and modernize The Market, while maintaining the atmosphere which has made it so well-known and well-loved.

Madam Speaker, one of our most distinguishing qualities as a nation is the passion with which we celebrate our cultural diversity. At the most basic level, festivals like Ferragosto and institutions like the Arthur Avenue Retail Market are expressions of pride and honor. They are part of an exchange of history and ideas and values that link past and future generations together. I will always be a participant and supporter of such festivals and such markets, as I view them as a reminder that no matter where we come from as New Yorkers, we are all here now, together. I ask that my colleagues join me paying tribute to Ferragosto 2010, in Belmont's Little Italy of the Bronx.

TRIBUTE TO TONY BELL

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. BERRY. Madam Speaker, I rise today to pay tribute to the life of Tony Bell. Tony was a businessman, a passionate follower of both the local and national political scenes, a lover of music and gadgets, and most importantly a loving husband and proud father.

Tony was the co-owner and operator of Tomorrow's Child Learning Center in Blytheville, Arkansas—a facility dedicated to helping young children with development and learning problems. When not working, Tony dedicated his time to others through volunteer work and community organizations. He was a member of the Lions Club, a Mason, and served on the board of the Boys and Girls Club.

Tony was never one to stay still for too long. In his free time, you could find him tinkering with electronics or listening to music. Friends sought his help if ever they needed something repaired; always willing to help, Tony would oblige.

Although never a politician himself, Tony was always immersed in the local political scene and never far from the stump. Through fundraising, civil debate with fellow residents and a general enthusiasm for the democratic process Tony served as a light for others interested in politics and a great example of what it means to be an actively engaged citizen.

To Tony's family I extend my deepest condolences, and have only fond memories to tell of Tony. He was a man that found happiness in helping others, and I ask my colleagues to join me now in recognizing a life devoted to community, family and politics—and my friend, Mr. Tony Bell.

IN HONOR OF MAURICE RUSSELL ANDERSON

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. ADLER of New Jersey. Madam Speaker, I would like to take this opportunity to recognize a constituent and a true American hero.

United States Army Specialist Maurice Russell Anderson, from Willingboro, New Jersey, recently returned home from combat on August 28th, 2010. While assigned to the 1st Squadron 89th Cavalry based in Fort Drum, New York, Specialist Anderson was deployed to Iraq to support Operation Iraqi Freedom. Along with his fellow unit members, he served with honor to protect our nation. Specialist Anderson was shot and wounded in combat while conducting intelligence, surveillance, and reconnaissance operations.

Specialist Anderson's devotion to his country during his combat time in Iraq is an example of true patriotism. I want to take this time to recognize his unwavering dedication to our nation and, on behalf of the United States Congress, thank him for his selfless service on the frontlines in Iraq and for his honorable contributions to our country.

HONORING ROY JOHN SPENCER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to honor Roy John Spencer. Roy Spencer is a veteran of World War II and was posthumously awarded the Purple Heart and Silver Star medals. Roy was killed in action, at the age of 26, on January 12, 1945 in the Battle of the Bulge.

Roy Spencer was born in 1918 and he enlisted in the United States Army on January 12, 1945. He went on to serve as a member

of the 507th Parachute Infantry Regiment and fought in several battles in Europe, including the Battle of the Bulge.

In January 1945, Private Spencer and his company were attacked by German forces in the woods outside of the Belgium town of Flamizoulle. As Private Spencer and his bazooka team advanced forward, they were confronted by counterattacks from German tanks. Roy's bazooka was struck by pieces of flying shrapnel which resulted in holes being torn in the weapon's tube. Private Spencer and his teammate knew that the tanks must be stopped, despite the danger of using a faulty weapon. Without a thought for personal safety, they fired the bazooka in an attempt to stop the tanks. The weapon exploded and both men were killed instantly.

The bravery and heroism of Private Spencer inspired his company to successfully repulse the German counterattack. Private Spencer was laid to rest in the Luxembourg American Cemetery and Memorial in Hamm, Luxembourg. He is survived by his wife, Mrs. Anna Queen Spencer.

Madam Speaker, I rise today to commend and honor Roy John Spencer for his service to our country, for his gallantry and for the sacrifice he made to protect his fellow soldiers. I invite my colleagues to join me in honoring Private Roy John Spencer.

THE 50TH ANNIVERSARY OF SAINT VINCENT'S CATHOLIC CHURCH IN MARGATE, FLORIDA

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. DEUTCH. Madam Speaker, I rise today in honor of the 50th anniversary of Saint Vincent's Catholic Church in Margate, Florida. Since 1960, St. Vincent's has been a leader in charity and community service, providing trilingual religious services to Margate and the entire South Florida community.

Founded with modest beginnings, St. Vincent's first Mass was celebrated under a donated tent. However, through the hard work of their parishioners, they dedicated their first church in 1961 and eventually as the parish grew, dedicated their current church in 1980.

St. Vincent's has long been a leader in community services towards the elderly, veterans, disabled, and youth of the South Florida community. They have provided Eucharistic services in hospitals, nursing homes, and assisted-living facilities and provide prayer ministries for the sick in English, Spanish, and Portuguese. St. Vincent's continues to serve its members with daily Mass and Novena ministries, and St. Vincent's is home to a thriving religious education center which provides free religious guidance to all members of the community.

During these past 50 years, St. Vincent's Catholic Church has shown its spirit and caring for the community, and I wish the Church and all of its parishioners a happy Golden Jubilee. Congratulations on this joyous occasion and thank you for your many years of service in our South Florida community.

HONORING VONETTA MCGEE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary life of Vonetta McGee, a trailblazing actress and local Bay Area community member. Known for her fearlessness, elegance and mastery of her craft, she was a loving wife, mother, daughter, sister and friend. Vonetta McGee will be remembered for her warm and vivacious presence in daily life, as well as her myriad film roles, acting beside screen legends such as Jean-Louis Trintignant, Klaus Kinski, Clint Eastwood and Sidney Poitier. With Ms. McGee's passing on July 9, 2010, we are reminded of her life's journey and the joyful legacy she inspired.

Named for her father, Lawrence Vonetta McGee was born on January 14, 1945 in San Francisco, California. She graduated from San Francisco Polytechnic High School, and briefly studied law at San Francisco State University before moving to 1960s Rome, Italy to pursue her passion for acting at Cinecittà film studios.

With the emerging popularity of Spaghetti Westerns, Ms. McGee was cast in "The Great Silence," which opened in Italy in 1967, and "Faustina," a comedy directed by Luigi Magni in 1968. She returned to the United States to appear with Sidney Poitier in "The Lost Man" (1969). And, in the early 1970s, she appeared in a string of blaxploitation pictures which made her famous, including "Blacula," "Melinda," "Hammer," and "The Big Bust-Out" in 1972, and "Shaft in Africa" in 1973.

These popular genre pictures starring African-American actors are a contested, yet important, part of cinematic history. Ms. McGee, believing that the "blaxploitation" label was a misnomer, imbued all of her characters with strength, grace and pride. She was a true professional who well knew the value and variety of entertainment. Her cast members, crew and directors often noted her kind approachability and her commitment to excellence.

In 1974, she starred in "Thomasine & Bushrod" and landed a role in Clint Eastwood's "The Eiger Sanction" the following year. In 1977, she starred opposite Bernie Casey and Ron O'Neal in the film, "Brothers." Her later movies included "Repo Man" in 1984 and "To Sleep with Anger" in 1990, followed by an increasing amount of episodic television work.

In the mid 1980s, Vonetta McGee met and married the love of her life, actor Carl Lumbly, when she was cast as his detective character's wife in a Cagney & Lacey episode. They had a son, Brandon, and enjoyed many years together as soul mates. Vonetta is survived by her devoted husband, son, mother, three brothers and her sister.

I was always inspired by Vonetta's positive attitude, her clear thinking, her politics and her love for humankind. I still remember her genuine friendship and her gracious hospitality when she welcomed me and my family into her beautiful Berkeley home. She was a friend and an amazing talent who will be deeply missed.

Today, California's 9th Congressional District salutes and honors a wonderful human being, Ms. Lawrence Vonetta McGee. The contributions she made to others throughout her life are countless and precious. My thoughts are with Mr. Carl Lumbly, his family, and Vonetta's extended group of loved ones as we celebrate her incredible life. May her soul rest in peace.

HONORING DAVID WILLIAMS

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. ROSKAM. Madam Speaker, I rise today to congratulate David Williams on his retirement as the Itasca Village Administrator. Over the past 10 years, Mr. Williams has generously served the Village of Itasca.

Prior to becoming Village Administrator, Mr. Williams worked for the Illinois State Police for thirty years. Under his skilled direction and leadership, Itasca has undergone a great transformation. The Village of Itasca has witnessed the design and completion of a new village hall, police department, and construction has recently begun on the Itasca Riverwalk. Mr. Williams also serves on the board of directors and several committees for the DuPage Mayors and Mangers Conference. His coordination and guidance for the community was one of the reasons Itasca was named one of the "150 Great Places in Illinois" by the American Institute of Architects.

Madam Speaker and distinguished colleagues, please join me in honoring Mr. Williams for his remarkable career and wishing him the best of luck in all of his future endeavors.

RECOGNITION OF MAJOR DARREN R. BALDWIN FOR HIS BRAVERY AND SERVICE IN IRAQ

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. KILROY. Madam Speaker, I rise today to honor Darren Baldwin for his bravery, patriotism, and courage while serving in Task Force Falcon and Operation Iraqi Freedom. Major Baldwin is a true testament to the remarkable and courageous service that our soldiers provide our nation.

Major Darren R. Baldwin grew up in Worthington, Ohio. After graduating from high school, Major Baldwin attended West Point and dedicated his life to the service of his country. His first assignment was as a Field Artillery Officer to Giessen, Germany during which he was sent into combat in Kosovo as part of Task Force Falcon. Returning from his deployment, Major Baldwin continued his military training in the Special Forces Officer Qualification School in Fort Bragg, North Carolina. His next tour of duty took him to Iraq in support of Operation Iraqi Freedom. Over the next two years, he served three tours of duty.

Major Baldwin continues the tradition of excellence and service exhibited by the Green Berets and other special service members. Major Baldwin is not only a great soldier, but also a great son, husband, brother, friend, and community member. His heroic efforts to help fight the war on terror have helped to keep his country and community safe.

During his tour in Iraq on March 9 and 18, 2005, Major Baldwin was wounded by two improvised explosive devices, and suffered a traumatic brain injury. Currently, Major Baldwin is on medical convalescent leave receiving physical and neurological therapeutic treatment. The service he performed for his country, at great personal cost, has been recognized with a Purple Heart, three Bronze Stars, a Meritorious Service Medal, as well as being commended by the Ohio Secretary of State.

Major Baldwin and other wounded soldiers are our country's greatest heroes. On September 11, 2010, the Green Beret Foundation honored Major Darren R. Baldwin at Purple Heart Commemorative Event for his courageous service in Iraq. In addition to recognizing Major Baldwin, this event in Worthington, Ohio honored all of our dedicated American soldiers and wounded warriors by raising money for the Green Beret foundation. I commend Major Baldwin on his courage, bravery, and unwavering commitment to his country and I am proud to recognize him for his service and patriotism.

HONORING RICHARD CORDELL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. KILDEE. Madam Speaker, on August 27, 2010 the Rotary Club of Flint, Michigan paid tribute to Richard Cordell for 47 years of service to the club. He has been a member of the Rotary Club of Flint from 1963 to 2010.

Richard Cordell has served the Rotary Club of Flint as its president from 1974-1976, club secretary/treasurer from 1980 to 2008, and club secretary/treasurer emeritus from 2008 to August, 2010. He was District Governor of Rotary International District 6330 from 1984-1985. He served as a club ambassador attending numerous Rotary events and international conventions.

In addition to his service to the Rotary Club of Flint, Richard is the past-president of the Greater Flint YMCA, a leader of First Presbyterian Church of Flint, and as ambassador to Flint's sister city Togliatti Russia. A veteran of the U.S. Army Air Corps, Richard served our country during World War II as a Lieutenant Colonel as a B-26 pilot flying 62 missions including two on D-Day.

Richard will turn 93 years old on September 30th and will soon be leaving Flint to join his son Richard, daughter-in-law Anita and two granddaughters Chelsea and Katie in California.

Madam Speaker, I ask the House of Representatives to join me in applauding the contributions of Richard Cordell to the Rotary Club of Flint, and the greater Flint community. He has spent his life serving with enthusiasm,

living the Rotary motto of "Service above Self" and incorporating the principles of the Rotary "Four-Way Test" in his everyday life. I wish him the best as he enters this next phase of his life close to his loving family and cherished by his friends.

HONORING DR. JONES FOR THE
OCCASION OF HIS 100TH BIRTHDAY

HON. GLENN C. NYE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. NYE. Madam Speaker, I rise today to honor Dr. Howard Jones, co-founder of the Howard and Georgeanna Jones Foundation for Reproductive Medicine and the Jones Institute at Eastern Virginia Medical School, for the occasion of his 100th birthday. Dr. Howard Jones and his wife Dr. Georgeanna Jones pioneered in vitro fertilization and established the Jones Institute in 1983, following the birth of America's first in vitro baby in 1981. Two years later they helped establish the Jones Foundation to ensure that groundbreaking research in the field of reproductive medicine would continue for years to come. Today, the techniques developed by the Jones team are offered at clinics around the world and have helped countless couples conceive children. I wish you a happy birthday Dr. Jones, and I thank you for your invaluable contributions to American science.

HONORING THE SOLAR POWER INITIATIVE AT MARTINS CREEK
SCHOOL IN MURPHY, NC

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SHULER. Madam Speaker, I rise today to honor Martins Creek Elementary and Middle School in Murphy, North Carolina. I would like to commend the exemplary educators, administrators, and planners for their hard work, preparation, and research that led to Martins Creek School acquiring the largest public school solar power array in North Carolina. The array will produce close to an entire megawatt of power; enough energy to prevent the burning of 75 tons of coal per day for electricity production.

On May 7, 2010, Martins Creek School will hold an opening ceremony to mark the introduction of the solar array. This event highlights the school's commitment to green conservation and environmental improvement in classrooms at Martins Creek School. It sets a high standard of environmental consciousness for other schools to study and consider.

Madam Speaker, I am honored to support and applaud this innovative Western North Carolina School for their monumental achievement. I ask my colleagues today to rise in support of solar research and environmental safety in our nation's schools, and to congratulate Martins Creek School on their environmental and educational accomplishment.

FIRST BAPTIST CHURCH OF
BRANDON'S 175TH ANNIVERSARY

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. HARPER. Madam Speaker, I rise today and join with the members and staff from First Baptist Church of Brandon, Mississippi in celebrating 175 years of the ministry of the Lord's word.

Originally named Brandon Baptist Church in 1835, Brandon's First Baptist Church was established only four years after the founding of the City of Brandon. Early on, members would meet in each others' homes to listen to messages from their first pastor, T.S.N. King, before moving into a shared space at the Brandon Female Academy, where pastors would preach once a month. During this time, congregants sat under the preaching of twenty-five pastors, many of whom held other occupations such as gardening or serving in the Confederate Army. Others taught at local institutions of higher education, such as Warren S. Webb who served in 1871 as both pastor of Brandon Baptist Church and as president of my Alma Mater of Mississippi College, which is located in Clinton, Mississippi. A decade later, Pastor Lewis Carden Kellis led efforts to construct the first building, costing \$2,000, seating 250 congregants, and serving as the sanctuary until 1946.

Carl Joseph Olander carried Brandon Baptist Church through some of its more trying times. The Great Depression created economical challenges for families and businesses nationwide. One suggestion by Olander to overcome these struggles was for each family to "set a hen" and share the proceeds to help fund missions.

Pastor L. Gordan Sansing set in motion weekly worship and would guide Brandon Baptist Church to approve a building program. In 1945, the church exchanged properties with the Brandon Consolidated School District. Prior to constructing the new building, the members had met in the high school. Then, in 1948 the cornerstone for the first building on the new property was laid while Monte Davis was pastor—and the structure was dedicated in January of 1949. Pastor Carey E. Cox's leadership led to the purchase of a nearby house to alleviate space problems. The addition of a twenty-two room education and fellowship hall contributed to growth in the children's and youth activities. In June of 1965, a \$200,000 sanctuary seating 500 congregants was built, and it was during this time that the name Brandon Baptist Church was changed to First Baptist Church.

Numerous other pastors influenced the rapid escalation of First Baptist Church. Bill Duncan focused on missions, evangelistic visitation and tithing. W. Thomas Baddley expanded the size and variety of the physical facilities, John Ashley piloted the purchase of land adjacent to the church and made plans to build a family life center, and Robert Jackson established a radio broadcast in August of 1981 and a television broadcast in April of 1984.

Dr. Gene Henderson delivered his first sermon in May of 1986. A visionary, his strong

oratory skills led to the creation of a second Sunday School and a third worship service. The membership expansion led to plans for a three-phase building project in west Brandon, and construction of the new facility was completed in August of 2001. Dr. Henderson's successor, Dr. Scott Thomas, was introduced to the congregation in a series of personal meetings, and in November of 2005, Dr. Thomas introduced his wife and six children and began their pastorate at First Baptist Church. Dr. Thomas' compassionate management and pastoral skills have brought continued growth, increasing membership to First Baptist Church. In 2008, the church family purchased an additional 72 acres adjacent to their property ensuring room for future growth.

Over the past 175 years, thirty-four men have served as pastors of First Baptist Church of Brandon. Their passion, paired with the commitment of the church family, has resulted in what was originally a 43-person congregation meeting in members' homes, to a ministry today that serves hundreds from all over the Brandon community. The church founders served as pioneers for expanding God's word in Rankin County, and it was their shared vision that birthed a legacy for sharing Christ's love throughout the City of Brandon, the State of Mississippi, and throughout the world.

IN RECOGNITION OF THE 25TH AN-
NIVERSARY OF TROPHY CLUB,
TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. BURGESS. Madam Speaker, I proudly rise today in recognition of Trophy Club, Texas and their 25th anniversary of township.

The vision of Trophy Club originated in 1972, when the legendary golfer, Ben Hogan, was contacted by John W. McMackin with the suggestion that he design a golf course. Subsequently, the first Municipal Utility District was created and 2,500 acres of land was obtained through negotiations with several land owners, including two critical tracts of land owned by Dallas businessman Nelson Bunker Hunt.

The visionaries desired to build a community centered on the ideals of, and participation in, the sport of golf. By 1977, the development included a community swimming pool, tennis courts, 18-hole golf course, club house, utilities and a few paved streets.

In 1985, the Town of Trophy Club was established with 3,700 residents, and elected its first mayor, Jim Carter. Since then, Trophy Club has grown to a population of over 8,000 residents with several schools, including the recently opened Byron Nelson High School. The additional parks, shopping, restaurants and investment in a new Splash Park and Fire Station have served to make Trophy Club one of the most desirable Texas communities to call home.

Madam Speaker, it is with great honor that I rise today to recognize an outstanding community, Trophy Club, Texas. It is my honor to represent Trophy Club and its residents in the United States House of Representatives.

IN HONOR OF THE HAITIAN
FOUNDATION

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor The Haitian Foundation of New Jersey and their outstanding charitable work on behalf of the Haitian communities in New Jersey and the people of Haiti.

Led by President Luna Cadley-Jeanty, The Haitian Foundation of New Jersey addresses the thoughts and concerns of the local Haitian Community, and performs charitable work which benefits the entire community. The foundation's membership represents various religious, professional, social, fraternal, educational, woman, youth, and senior citizen groups throughout the Garden State. The group's multiculturalism and tolerance has benefitted New Jersey in numerous ways.

This year when a disastrous earthquake hit Haiti, The Haitian Foundation quickly put together a large-scale local relief effort. As part of their efforts to aid the earthquake victims, they collected lifesaving supplies which went directly to the nation of Haiti. The Haitian Foundation also served as an invaluable way for Haiti to benefit from the New Jersey's generous spirit. The Haitian Foundation helped guide many organizations seeking to help the people of Haiti.

Madam Speaker, I ask you to join me in honoring The Haitian Foundation for their outstanding and dedicated service for those in the Haitian communities in New Jersey and in Haiti.

TRIBUTE TO DUSTIN SMITH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. LATHAM. Madam Speaker, I rise today to honor a great achievement by Dustin Smith of Decorah, Iowa. He was named overall high point individual in his age division at the 2010 National Junior Shorthorn Show and Youth Conference in East Lansing, Michigan.

The annual National Junior Shorthorn Show and Youth Conference, which was founded in 1981, is a weeklong event full of contests and educational activities. More than 300 junior shorthorn enthusiasts from 24 states competed in this year's conference. Dustin Smith accumulated the points from first place showings in his division in three categories: the arts and crafts contest, the livestock judging contest and the team fitting contest.

The example set by Dustin demonstrates the rewards of hard work, dedication and determination. His triumph is an honor that we all can admire and be proud of.

I am honored to represent Dustin Smith in the United States Congress. I know that my colleagues join me in congratulating Dustin and wishing him continued success in his future endeavors.

CONGRATULATING DR. NANCY
DICKEY, A 2010 INDUCTEE INTO
THE TEXAS WOMEN'S HALL OF
FAME

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. BURGESS. Madam Speaker, today I rise to recognize and congratulate Dr. Nancy Dickey, who was selected to be a 2010 inductee into the Texas Women's Hall of Fame. I consider Dr. Dickey a great friend, dating back to our time together at the University of Texas Medical School in Houston, and very deserving of this honor, which recognizes the state's most accomplished women.

Dr. Dickey has long been a leader in Texas medicine, as well as nationwide, holding the distinction of being the only female president of the American Medical Association. As an AMA member and former alternate delegate, I greatly value her leadership.

In addition to the AMA, Dr. Dickey is active in the Texas Academy of Family Physicians, the Texas Medical Association, the American Academy of Family Physicians, and the National Patient Safety Foundation. She was appointed to chair the Texas Health Policy Council, chosen for membership in the Society for Executive Leadership in Academic Medicine, and selected to be a member of the Institute of Medicine, a component of the National Academy of Sciences.

Dr. Dickey's record of service in Texas medicine is long and distinguished. She is the founding program director of the Family Medicine Residency of the Brazos Valley, and created the Rural and Community Health Institute to address issues of patient safety and quality of care in rural Texas hospitals. In response to Texas' nursing shortage, Dr. Dickey oversaw the creation of a College of Nursing in Bryan/College Station, and chairs the Texas A&M System Council on Nursing, a statewide consortium of nursing programs designed to address the shortage. In 2001, Dr. Dickey was listed as one of America's "Best Doctors."

Dr. Dickey is president of the Texas A&M Health Science Center and vice chancellor for health affairs for the Texas A&M System. Previously, she served as dean of the Texas A&M Health Science Center College of Medicine, where she still serves as professor of family and community medicine.

During her tenure as president of Texas A&M Health Science Center—the University System's first female president—she has chaired the state's formula funding advisory committee, and advocated increased funding for health-related educational programs. As a result of her leadership, she helped establish the Irma Lerma Rangel College of Pharmacy in Kingsville, the first professional school in South Texas.

Madam Speaker, it is with great pride that I rise today to honor my good friend, Dr. Nancy Dickey, the newest member of the Texas Women's Hall of Fame. Her service to the state of Texas will be highlighted in a permanent exhibit honoring the inductees, which is housed inside Hubbard Hall on the campus of Texas Woman's University in Denton, Texas.

Dr. Dickey has positively impacted countless lives in Texas and around the country, and paved the way for women to continue to make invaluable contributions to medicine.

VOTING RIGHTS ACT 45TH
ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. VISCLOSKY. Madam Speaker, I rise today with a great sense of honor to commemorate the 45th anniversary of the enactment of the Voting Rights Act of 1965. Signed into law by President Lyndon Johnson on August 6, 1965, it is important for us as a group to honor this important piece of legislation that helped America fulfill its promise.

The Voting Rights Act of 1965 ensured that African Americans' 15th Amendment rights were protected and enforced. The 15th Amendment guarantees every American their right to vote shall not be denied or abridged by the United States or by any other State on account of race, color, or previous condition of servitude. Before this piece of legislation was passed African Americans in many parts of the country were unable to exercise the most fundamental right of a democracy.

This historic piece of legislation was too meaningful to be forestalled by the habitual partisan fighting that has historically come to define Congress. The Voting Rights Act of 1965 passed the House of Representatives by a vote of 32 to 74 and the Senate by a vote of 79 to 18. These margins evidence the fact that the Voting Rights Act of 1965 was a bill that didn't just protect the rights of minorities in America, but helped the country heal past injustices and become closer to reaching the ultimate promise of ensuring equal freedom to all.

Although we have come a long way to ensuring the equal protection of rights of every single American, we must never stop fighting against the forces of hate and ignorance that exist. Much remains to be done before true equality can be found in both Northwest Indiana and America as a whole.

Madam Speaker, I ask that you and my other distinguished colleagues join me in commemorating the Voting Rights Act of 1965. When we feel like today's struggles for equality are too much to handle, we must take the time to look back on how far we have come and find the strength to fight on from the advances in freedom and liberty that have occurred in our not so distant past.

RECOGNITION OF THE TRI-VIL-
LAGE LIONS CLUB ON ITS 60TH
ANNIVERSARY

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. KILROY. Madam Speaker, I rise today to honor the Tri-Village Lions Club. On September 25, 2010, the Tri-Village Lions will celebrate the 60th anniversary of the founding of

their club. The Tri-Village Lions Club provides an important service to the community by assisting the blind and diabetic residents of central Ohio. This mission is keeping with the challenge Helen Keller issued to the association in 1925 to become "knights of the blind in the crusade against darkness."

Founded in 1917, there are now approximately 45,000 Lions clubs in over 200 countries and geographical areas around the world. Under the motto "WE SERVE," the Tri-Village Lions Club was chartered on September 8, 1950, becoming the 8,448th club in an organization that now has 1.3 million members. The Tri-Village Lions Club encompasses the communities of Grandview Heights, Marble Cliff, and Upper Arlington.

Among many charitable services, the club conducts vision screenings, equips hospitals and clinics, distributes medicine, and raises awareness of eye disease. In 60 years of service, members of the club have raised more than \$1.1 million that they have funneled directly into charities and offered countless hours of service to the Tri-Village community. The Lions Club also supports children and schools through scholarships, recreation programs, and mentoring.

I am pleased to recognize the Diamond Anniversary of the Tri-Village Lions and proclaim September as "WE SERVE" month in the state of Ohio. I would like to thank the Tri-Village Lions club for its dedicated volunteer work and commitment to ending preventable blindness worldwide. The club has worked hard to identify and address community needs in the Grandview, Marble Cliff, and Upper Arlington area.

I am filled with immense pride to recognize and proclaim September as "WE SERVE" month in honor of such a valued and noble organization within the Columbus area. The Tri-Village Lions Club has been an inspirational leader in the fight against preventable blindness and has proudly demonstrated an unwavering commitment to helping others.

HONORING FIVE MACON GEORGIA GREAT CITIZENS

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. MARSHALL. Madam Speaker, it is my pleasure to rise today to honor five of Macon, Georgia's great citizens: R. Kirby Godsey, Robert F. Hatcher, the late William S. Hutchings, the late Charles H. Jones, and Juanita T. Jordan. Each has earned the respect and admiration of Central Georgians by building coalitions to improve communities and institutions throughout the State of Georgia.

Individually, these citizens of Georgia have accomplished great deeds. They have risen to the highest levels of their chosen professions and are held in the highest esteem by their colleagues and professional organizations. Each has contributed visionary leadership, perseverance and untold hours to civic and charitable endeavors.

These five individuals have also shared a love of their hometown, Macon, Georgia and a

passion for improving the quality of life and economic prosperity of the Central Georgia region. All areas of community life in Macon—education, race relations, economic development, social services and recreation—have been improved through the tireless efforts of these individuals.

In addition to this group's selfless work as individuals, they also achieved great things by working together to help Macon. One of their most lasting and important contributions to Macon was their collective effort to found and fund NewTown Macon, a non-profit organization focused on the revitalization of downtown Macon.

Macon, Georgia is one of the great cities of the American South. With 5,500 individual structures and 11 districts listed on the National Register of Historic Places, Macon's downtown is a textbook of historic architecture. Like many other American cities, however, Macon's downtown struggled during the latter part of the twentieth century as families and businesses moved to the suburbs. By the mid-1990s, much of downtown Macon was shuttered and neglected, and many historic properties were in danger of being permanently lost. These five leaders recognized that a region cannot escape the fate and reputation of its central city, that decaying urban centers limit the growth and prosperity of entire regions. They acted decisively to form a public-private partnership that began changing the face of downtown Macon.

In the fourteen years since NewTown's founding, more than \$350 million has been invested in downtown and the renaissance of Macon's urban center is well underway. Businesses and families are moving back downtown, historic properties are being restored to their earlier grandeur, and civic pride is growing. I am confident that these achievements would not have happened without Kirby Godsey, Bob Hatcher, Bill Hutchings, Charlie Jones, and Juanita Jordan's determination and leadership. Macon is a better city for their efforts.

Please join me in thanking these great and influential individuals for their contributions to Macon and the State of Georgia.

HONORING PASTOR RUFUS BRADLEY, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Pastor Rufus Bradley, Sr. and New Life Ministries as they celebrate their 25th anniversary. A Silver Year Anniversary banquet will be held on September 25th in Saginaw Michigan to commemorate the event.

Pastor Bradley has been ministering for over 30 years. He graduated from the United Theological Seminary and the Beeson Institute for Advanced Church Leadership. He has studied under several mega church pastors and is well versed in the Purpose Driven Church Concept. As the author of "Learning My Finances," Pastor Bradley conducts seminars to teach day to day budgeting for God's

people. He serves on the vision casting team of the Lutheran Association and he is a board member of the Saginaw Clergy Community Development, Inc.

As the founding pastor of New Life Ministries, Pastor Bradley has watched the congregation grow to 450 members. In 1999 New Life became a Purpose Driven Ministry with a vision based upon Luke 2:52: "Jesus grew in wisdom and stature, and in favor with God and men." In keeping with this passage, Pastor Bradley guides people to grow intellectually, physically, spiritually and socially. In his continuing call to minister, he founded the "Mission in the City Movement" to rebuild Saginaw and to connect people to the Vision, to God and to a Better life. He believes in ministering to the whole person and to grow a healthy, balanced church.

Pastor Bradley is joined in his ministry by his wife, Relinda Bradley. She serves as the Teens Ministry overseer. They have two children, June and Rufus, Jr.

Madam Speaker, I ask the House of Representatives to join me in applauding the work of Pastor Rufus Bradley, Sr., and New Life Ministries. I pray they will take the words of the prophets Habakkuk and Isaiah to "write the vision" and "do a new thing" and go into the community with enthusiasm to proclaim the Good News of Jesus Christ.

IN HONOR OF 21+ INCORPORATED

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to commend the efforts of 21+ Incorporated, which ensures fire safety in group homes for disabled persons. 21+ in Toms River, New Jersey provides opportunities to enhance the quality of life for individuals with disabilities.

21+ was horrified to find that various group homes do not have certain fire prevention tools such as sprinkler systems. Once 21+ discovered that New Jersey's Department of Development Disabilities would provide funds to retrofit group homes with sprinkler systems, they made it a priority to help make the community safer. By adding sprinklers, 21+ plus ensures the safety of one of Ocean County's most vulnerable populations.

Especially during these tough times, we must commit to enriching the community around us. 21+ took it upon themselves to fix a major problem facing group homes in Ocean County. Due to their efforts, 21+ has improved life for the residents of New Jersey's Third District.

Madam Speaker, I ask my colleagues to join me in commending the Toms River Fire Prevention Bureau, the NJ DDD and 21+ for all their efforts to improve the safety of the residents of Ocean County.

CELEBRATING THE LIFE, ACCOMPLISHMENTS AND JOY OF RABBI JOSEPH GITIN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor the life, accomplishments and joy of Rabbi Joseph Gitin who recently passed away after a long career of exuding positive, loving energy to not only those of his own congregation and faith—but also to the extremely diverse population of San Jose and Silicon Valley, California.

At the age of 104, Rabbi Joseph Gitin was considered one of the oldest Reform rabbis in the world and presided over San Jose's oldest Reform temple for the longest tenure of all its rabbis. In fact, he had been rabbi emeritus at Temple Emanu-El on University Avenue in San Jose, California for more than 30 years.

When he arrived in San Jose in 1950, he was the city's only rabbi. He served at Temple Emanu-El until 1976. During that tenure, he worked alongside two Christian ministers, to speak at churches about their religious similarities. The Reverend Paul Locatelli, who died this summer at age 71 and was the former president of Santa Clara University, presented Rabbi Gitin an honorary doctor of divinity degree in 1996 for "promoting interfaith dialogue and interracial cooperation."

Gitin was perhaps best known for his work in the interfaith community. By some accounts, about 30 percent of his funerals were for non-Jews, which speaks to his enduring compassion and ability to comfort those in the last stages of their lives.

Rabbi Gitin fought hard for the passage of civil rights, equal voting rights and equal housing bills. He also worked to protect the civil rights of the gay and lesbian communities. His actions are noted in the 91st CONGRESSIONAL RECORD, which states how he measured his success not by his numerous awards and honors but by the good deeds that he tried to perform every day. It was true back then and rings with even more clarity as we reflect upon his life.

Gitin served on a staggering number of civic boards, including the Red Cross and Community Chest; the Heart Association and the Tuberculosis Society; the Municipal Entertainment Commission and Agnews State Hospital; the county Advisory Committee on Children and Youth; and the Bicycle Court. He was a lifetime Rotary member and was a judge pro tem in the juvenile courts.

It is my distinct honor to have Rabbi Gitin's presence, compassion and love for humankind in my Congressional district. My sincere condolences are extended, to his daughter, Judi Elman Harris, and son, David Gitin.

HONORING THE 136 TEACHERS IN NORTH CAROLINA'S 11TH DISTRICT WHO RECENTLY EARNED NATIONAL BOARD CERTIFICATION

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SHULER. Madam Speaker, I rise today to honor the exemplary teachers in western North Carolina who have earned National Board Certification from the National Board for Professional Teaching Standards. These dedicated professionals have demonstrated a commitment to improving the standards of education for our Nation.

National Board Certification is a distinction which certifies teachers who set a higher standard for educating our youth. Through a rigorous process that takes between one and three years to complete, teachers must show advanced knowledge, skills and practices in their field through expert evaluation, peer review and self-assessment. Becoming a National Board Certified Teacher is a resource for teachers to progress in their fields and teach at a demonstrably higher level. National Board Certified Teachers improve learning and involvement in the classroom and provide students with the tools needed to advance academically.

I am incredibly proud of the fact that North Carolina not only has the highest number of teachers who obtained Board Certification in 2009, but also has more nationally certified teachers than any other State in the country. North Carolina's 11th district is home to more than 1,000 National Board Certified teachers, evidence of the incredible emphasis that our region places on education. We are honored to have these dedicated professionals in Western North Carolina.

Madam Speaker, I ask my colleagues today to rise with me in recognizing the amazing efforts these dedicated professionals have put forth in advancing themselves for the benefit of the youth of our Nation. I urge my colleagues to recognize all National Board Certified Teachers nationwide.

ON THE INTRODUCTION OF THE DOROTHY I. HEIGHT POST OFFICE NAMING BILL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. NORTON. Madam Speaker, I rise today to introduce a bill that would designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE in Washington, DC, as the "Dorothy I. Height Post Office Building."

Dr. Dorothy I. Height, the longtime president of the National Council of Negro Women who died this year, was never a public official, but she spent her life in service of African Americans, especially African American women, and in service of the people of the United States

of America. So strong was the power of her example that she was a role model to generations of women beyond her reach. Dorothy Height was a visionary and a civil rights leader known as the "Godmother of the Civil Rights Movement." She championed countless efforts for basic justice in our country, particularly equal rights for women and people of color, from equal pay to the integration of the nation's governmental institutions and its societal norms.

Dr. Height was recognized with virtually every significant national honor, from the NAACP Spingarn Medal to the Presidential Medal of Freedom and the Congressional Gold Medal.

Dorothy Height was also a proponent of strong family life, and organized the annual Black Family Reunion, which is held each year. The Black Family Reunion for this region was held on Saturday, September 11, 2010, on the National Mall and is an African-American celebration held throughout the nation during the summer.

Please join me in honoring Dr. Height's immensely productive and impactful life by designating the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE in Washington, DC, as the "Dorothy I. Height Post Office Building."

I urge my colleagues to support this bill.

HONORING JOHN CALLAHAN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mrs. CAPPS. Madam Speaker, I rise today to pay tribute to the life of my constituent, John Callahan. Mr. Callahan served as Fire Chief for the San Luis Obispo Fire Department. He was a truly honorable member of the Central Coast community.

Chief Callahan began his career in 1970 as a firefighter with the Los Angeles Fire Department. He rose through the ranks to become Deputy Chief, second in command of the department, before moving north to San Luis Obispo County.

While working in Los Angeles, Chief Callahan supervised the implementation of the Computer Aided Dispatch (CAD) system, served as Commander of the Fire Suppression and Rescue Bureau, managed the Disaster Preparedness Section, oversaw Communications and Dispatch and the In-Service Training Section, and headed up LAFD preparations for the 2000 Democratic National Convention.

After moving to San Luis Obispo, Chief Callahan led the department for five years. During this time, he acquired a new Aerial Ladder Truck and managed the opening of a new Dispatch Center. He also served as President of the local YMCA and was active in the Rotary Club.

Madam Speaker, it is for good reason that we regularly pay tribute to the bravery and sacrifice of our nation's First Responders. They keep us safe in our homes and neighborhoods and are always there when we need them most. They put our safety and our well

being above their own every single day. Chief Callahan personified that commitment and the entire San Luis Obispo community benefited from this dedicated public servant's sense of duty.

Most importantly, Chief Callahan's family and friends will miss his inclusive and generous spirit, his penchant for hard work and love of the outdoors. We will all miss his loyalty to his colleagues and his community.

Chief Callahan is survived by his wife, Lynne, and their children, Danise, Christopher, Erik and Jake. I know I speak on behalf of the entire Central Coast community when I say he will be truly missed.

TRIBUTE TO DON SCHOOF

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Don Schoof, a World War II Army veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Don Schoof was recognized on Tuesday, June 1. Below is the article in its entirety:

BOONE COUNTY VETERANS: DON SCHOOF
(By Alexander Hutchins)

Don Schoof spent 333 days on the front lines in Italy during World War II, and since returning from that conflict he has folded more than 200 flags for veteran's funerals.

Schoof's life since his service in the U.S. Army is filled with accomplishments. He is a former grand warden of the Masons, served as an officer for the American Legion, worked for Iowa State University and worked with the Boone County Historical Society for 13 years.

Despite his post-service accomplishments, and the time that has passed since his military career, Schoof still recalls his service in the U.S. Army during World War II to great detail and has been called on for the past several years to speak to Boone school children about his time in the Army.

Schoof was born March 9, 1922 in Waverly, Iowa. He graduated from Waverly High School in 1940, and then spent a year studying at Wartburg College.

When the war began, Schoof still wanted to pursue a four year degree, but knew his draft number was likely to come up. He transferred to Iowa State University to take a survey course and then joined up with Western Contracting Corporation.

He was drafted November 5, 1942.

Prior to entering the actual conflict, he traveled through or trained in Camp Dodge in Iowa, Camp White in Oregon, North Africa where he took amphibious training and Naples, Italy where he trained in military intelligence.

Schoof took part in the landing at Anzio, Italy and his Division (the 91st) was the first group of American troops through Rome.

In one town, Schoof's unit was shelled and he had to dive through a barbed wire fence to avoid an artillery round. He wounded his leg on the fence and was awarded his first Purple Heart.

The 91st Infantry Division then headed north. Schoof said that after the German defeat at the Gothic Line, the banks of the Po River—by which his division traveled—were choked with abandoned German gear.

"That's where we really broke their back," he said solemnly.

During this time, he was approached in one occupied town by a recently liberated American prisoner. Schoof questioned the man and found that he was from the town of Austin, Minn., only a short distance on Highway 218 from School's hometown.

"I always regret not going later to look him up," he said.

Schoof said with his experience in the war and realization that day of how close everyone in the conflict was, he learned how important it is to value people.

"You learn how to live and appreciate the people around you," he said.

Schoof was later flying an L-5 Sentinel reconnaissance plane, part of his military intelligence duties to plan artillery strategy. Schoof would fly over 75 of these missions, but on this particular flight the plane iced up and crashed into a grape vineyard.

Schoof earned his second purple heart.

Traveling through Milano by jeep to visit a different division, Schoof once came upon bodies hung from a portico. One of them was a recently deceased Mussolini, suspended by his feet.

Schoof was home on a 30-day leave when the atomic bombs were dropped on Japan. He would spend 8 more years in the Army Reserves.

He noted with a laugh that one of his biggest disappointments was that his gear bag burned up in a warehouse fire while he was on leave, taking all his mementos from Europe in the blaze.

Schoof remembered his role in the war with great clarity, and its impression on him was obvious. He organized a semi-annual gathering of his old unit from 1962 to 1980.

Schoof couldn't recall a great negative impact from his time in the war. He mentioned how thankful he was that he served in a time with a clearly defined conflict.

"We knew who the enemy was when we went over there, but the guys today don't," Schoof said.

Schoof's father served in the First World War, fighting in the forests of France. Schoof said he hopes the new veterans from today's conflict will feel welcome in the veteran's services groups like the Veterans of Foreign Wars.

This past Memorial Day, he spent memorializing those who hadn't made it home: helping to put flags on the graves of veterans.

I commend Don Schoof for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

HONORING THE PUERTO RICAN HISPANIC CHAMBER OF COMMERCE FOR PALM BEACH COUNTY, FLORIDA

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. DEUTCH. Madam Speaker, I rise today to recognize the Puerto Rican Hispanic Chamber of Commerce for Palm Beach County,

Florida. Since its founding in 2005, the Chamber has devoted itself to promoting and supporting Puerto Rican and Hispanic owned businesses, while placing a strong emphasis on Hispanic culture and values.

The Chamber has been the main sponsor of the Fiestas Patronales and Business Exposition in Palm Beach Counties, allowing the Chamber to reach out and create connections throughout the many Hispanic owned businesses of South Florida. In addition, the Chamber founded the Health Mothers/Healthy Babies Coalition of the Palm Beaches, whose mission is to promote the well being of mothers and their newborns throughout South Florida.

The Puerto Rican Hispanic Chamber of Commerce for Palm Beach County, Florida has made a lasting impact in Palm Beach County, promoting and supporting business and culture, and by growing an organization where Puerto Ricans and Hispanics in South Florida can feel at home.

I rise to congratulate the Puerto Rican Hispanic Chamber of Commerce for their excellence and leadership in promoting South Florida's Hispanic owned businesses.

The South Florida Hispanic community is truly a better place because of the hard work of the Puerto Rican Hispanic Chamber of Palm Beach County, Florida. I wish the Chamber continued success in all its future endeavors.

RECOGNIZING THE LIFE AND LEGAL CAREER OF MARCELLUS BUCHANAN

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SHULER. Madam Speaker, I rise today to honor the memory of Mr. Marcellus Buchanan, a veteran of the Second World War, a devoted and passionate attorney, solicitor, and a 3-term member of the North Carolina General Assembly. Mr. Buchanan was born on September 30, 1923 in Jackson County, North Carolina. He went on to attend western North Carolina Teacher's College until called into service during World War II. During the war he served in the European Theater with the United States Army Air Corp. When he came home, he married Jane Poteet of Sylva, started a family and resumed his studies. Mr. Buchanan attended Chapel Hill Law School before moving back to Western North Carolina to start what would become a long and successful legal career. He served as the attorney for the town of Sylva for many years and served 3 terms in the North Carolina House of Representatives. Mr. Buchanan was also a devoted Master Mason who belonged to the Dillsboro Lodge No. 459.

In 1967, Mr. Buchanan became the Solicitor for the 30th Prosecutorial District of North Carolina. During his 20-year tenure he was known for his great oratory skills and love of humor. He retired from his position having won the respect and admiration of many judges, attorneys, and Jackson County residents for his commitment and dedication to his profession.

Upon his retirement, Mr. Buchanan spent his remaining years with his growing family. His son, Marcellus Buchanan IV married Ronda Sorrell, with whom he has had two daughters and two granddaughters. He is a veteran law enforcement official and SBI supervisor. Mr. Buchanan's daughter, Christina, an attorney and former Assistant District Attorney, married David Matheson and has a daughter, son and grandson. Mr. Buchanan also used his retirement to co-author a book entitled "Disorder in the Court," in which he captured many of his courtroom experiences as only a master storyteller could do.

On July 7, 2000, Mr. Marcellus Buchanan passed away due to a battle with lung cancer. He left a legacy of community service, judicial fairness and, most of all, commitment to his family. Madam Speaker, I urge my colleagues to join me in commending the life of this great man.

IN HONOR OF DR. ROBERT
MESSINA

HON. JOHN H. ADLER
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 14, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to pay tribute to Dr. Robert C. Messina as he is honored by the non-profit, Main Street Mt. Holly, at their Gala at the Gallows event on Friday, September 10th. Dr. Messina is president of Burlington County College and is an esteemed community leader.

Throughout Dr. Messina's 15 years of administrative leadership, Burlington County College has experienced unprecedented growth and development in the community and in the academic field. He has gained recognition for his work not just as a college administrator, but as an experienced educator, researcher, and contributor to local, state and national affairs.

In addition to his efforts on behalf of Burlington County College, Dr. Messina serves the community as an active board member of the Burlington County Chamber of Commerce and the Chamber of Southern New Jersey, promoting business activities and programs which contribute to the economic health of the region. As a member of the boards of the board of directors for the Deborah Heart and Lung Center, and a former board member for Memorial Health Alliance, he has contributed to studies and other programs aimed at identifying health issues and needs in the community-at-large.

For his efforts on behalf of the State of New Jersey and Burlington County, he has been recognized by several prestigious organizations on a local and national level, including the Boy Scouts of America, American Association of Community Colleges, and the Burlington County Chamber of Commerce.

Dr. Robert Messina is a truly extraordinary educational and community leader. Madam Speaker, I ask my colleagues in the House of Representatives to join me in recognizing Dr. Robert Messina for his dedication and achievements. The people of your community, the people of New Jersey, and the people of

America thank you for your outstanding service.

HONORING GEORGE J. WEISS, JR.

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 14, 2010

Mrs. BACHMANN. Madam Speaker, I rise today to honor George J. Weiss, Jr. of Marine on St. Croix, Minnesota. George has received the 2010 Presidential Citizens Medal for 'exemplary deeds of service for their country or their fellow citizens'.

A World War II Veteran with the United States Marine Corps, George has received this high distinction for founding the Fort Snelling Memorial Rifle Squad in 1979. The group is made up of more than 125 volunteers who perform final honors at military funerals. George and his Squad have honored over 500,000 veterans, and are forever remembered by families across the State of Minnesota who have said goodbye to loved ones.

Madam Speaker, I ask this body recognize the contributions of George J. Weiss, Jr. along with me, and that we all remember the sacrifices our veterans make for their fellow servicemembers.

RECOGNIZING CONTRA COSTA
COUNTY SHERIFF WARREN E.
RUPF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 14, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise with my colleagues Congressman JERRY MCNERNEY and Congressman JOHN GARAMENDI to recognize Contra Costa County Sheriff Warren E. Rupf and congratulate him as he approaches his well earned retirement after serving for 45 years in law enforcement. Sheriff Rupf has had an outstanding career in public service and his tenure demonstrates his lifelong commitment to the citizens and communities of Contra Costa County.

Warren graduated from the FBI National Academy and National Executive Institute in 1965 following 4 years of honorable service to our country in the United States Marine Corps. Upon his graduation, he began working as a deputy sheriff in the Contra Costa County Sheriff's Office. Since that time, Warren has served in virtually every rank within the department and is currently the longest serving member of the agency. In 1979, Warren was appointed to assistant sheriff and served in that position until he was appointed Sheriff in 1992. Over the span of his career, the Sheriffs Department has grown to an agency of over 1,200 employees and a budget of \$170 million.

As an active resident of Contra Costa County, Warren has held leadership positions in several law enforcement and community service organizations. He has served as chairman

of both the California Commission on Boating and Waterways and the Contra Costa Police Chiefs' Association. In addition to these distinguished posts he also served on the board of directors for the Suicide and Crisis Intervention, Contra Costa County District Fair, and the California State Sheriff's Association. Currently Warren serves as president of the Micki Rainey Scholarship fund and is active with the Bay Counties Peace Officers' Association.

Over the span of his 45-year career, Warren has received numerous awards of distinction including the 1995 Peace Officer of the Year Award from the Outdoor Sportsmen's Coalition of California, the 1998 Silver Beaver Award from the Boy Scouts of America, and the "Making a Difference" Community Award in May of 2000 from the Assistance League of Diablo Valley.

Madam Speaker, we invite our colleagues to join us in honoring Sheriff Warren Rupf for his dedicated service to the people of California, the Bay Area, and especially to the residents of Contra Costa County. We are pleased to join with his family, colleagues, and friends in congratulating Warren for a long and highly successful career and wish him a happy and healthy retirement.

HONORING THE LIFE OF
LAWRENCE "LARRY" HARRINGTON

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 14, 2010

Mr. STUPAK. Madam Speaker, I rise to honor the life and achievements of Lawrence "Larry" Harrington of Crystal Falls, MI. As a local elected official and community leader for many years, Larry performed his civic duties with the utmost commitment and professionalism while serving as a mentor to many young people in the community looking to become involved in local issues. Larry was also a good friend of mine.

Early on, Larry understood the value of hard work. During World War II, General Motors representatives arrived in Iron County to recruit new hires for their plants around Michigan. Larry moved to Flint, MI, and worked at General Motors for 16 years and also attended the General Motors Institute (now Kettering University) to study industrial management.

In 1969, Larry moved back home to Crystal Falls to serve the residents of Michigan by working in the Forest Fire Division of the Department of Natural Resources. Larry served as a fire officer where he assisted foresters and forest techs. He was also responsible for assisting with law enforcement, fisheries, wildlife and engineering operations. Towards the end of his career, Larry oversaw the snowmobile and off road vehicle program in the western three counties of the Upper Peninsula. Larry retired from the State of Michigan after 21 years of diligent service to the state and his fellow residents.

Larry's passion for service to his community did not end with retirement. Larry was elected Iron County commissioner for District 4 in 1992 and held that position until 2008. He also

served as the Iron County board chairman from 1998 to 2002. During his tenure, Larry made it a priority to build positive relationships with his colleagues, even those who disagreed with his positions. Larry knew that his community would be best served by local leaders who worked together to find consensus on the issues, and he strived to ensure that a constructive environment was present in all business concerning Iron County.

Larry also served on various committees throughout his public career, including the Dickinson-Iron District Health Department, the Iron County Parks and Recreation Committee and the Michigan Association of Counties' Environmental and Regulatory Affairs Committee. Larry was elected to the Michigan Association of Counties' board of directors, where he advocated for legislative positions on behalf of Iron County residents.

Larry was married to his wife Shelby for over 50 years and had two children, four grandchildren and three great grandchildren. Madam Speaker, Lawrence "Larry" Harrington devoted his life to serving the people of Iron County and the State of Michigan, before he passed away in May. I ask my colleagues in the U.S. House of Representatives to join me in recognizing and honoring his lifetime of commitment and hard work.

HONORING MR. JON GRESLEY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. LEE of California. Madam Speaker, I rise today to honor Oakland Housing Authority Executive Director Jon Gresley for his extraordinary career of public service and leadership on the occasion of his retirement. Known for his innovative vision of affordable housing, his steadfast commitment to those in need, and his talent for creating and sustaining important relationships among his staff, colleagues and community, Mr. Gresley has touched thousands of lives through his work in the Bay Area.

Three decades ago, Mr. Jon Gresley turned a temporary assignment with the Oakland Housing Authority, OHA, into what has become a transformative legacy for our city's public housing. Under Mr. Gresley's excellent leadership during the past 32 years, OHA has achieved success through effective partnerships and offers a groundbreaking combination of services, safety and choice for its residents.

The award-winning OHA, which celebrated its 70th anniversary in 2008, operates—directly or indirectly through partners and affiliates—about 4,000 affordable housing units and administers more than 11,000 Section 8 Vouchers. In keeping with Mr. Gresley's commitment to teamwork and ingenuity, OHA has formed a collaborative model that is an example within the affordable housing industry nationwide. Additionally, OHA is one of only a handful of housing authorities in the United States that has its own police department.

As a key architect of OHA's participation in the HOPE VI and Moving to Work, MTW, pro-

gram applications to the U.S. Department of Housing and Urban Development, Mr. Gresley helped to make OHA one of only 35 housing authorities in the Nation to receive special MTW designation. This designation has resulted in increased flexibility and opportunities for the Authority. OHA also obtained four HOPE VI grants, which allowed it to remodel nearly 400 rental units, and rebuild and expand 394 dilapidated public housing units into 939 units of self-sustaining, mixed-income developments. As can be seen at developments such as Tassafaronga, Mandela Gateway and Lion Creek Crossings, the creation, preservation, expansion and enhancement of affordable housing has defined Mr. Gresley's OHA tenure.

Widely respected in his field, Mr. Gresley was sought after by leading groups such as the National Association of Housing and Redevelopment Officials, NAHRO, and the Council of Large Public Housing Authorities, CLPHA, where he serves as Treasurer. His talents were also put to use as a presenter to various congressional committees, as well as the Federal Reserve Bank.

I personally appreciate Jon's vigilance and his wisdom. I could always count on Jon whenever I needed good information to present to Congress regarding public housing. He has been a tremendous asset, not only to the 9th Congressional District, but to the entire country.

Throughout his career, Mr. Gresley has been praised for his strategy, strong leadership, integrity and compassion. His work has created countless opportunities for community members to enjoy a better quality of life, secure hope for the future and reach their full potential. OHA will continue his work of building a brighter future for generations to come.

On behalf of the residents of California's 9th Congressional District, Mr. Jon Gresley, I salute you. I congratulate you on your many achievements, and I wish you and your loved ones all the best in this next chapter of life.

HONORING THE SMITHSONIAN
JAZZ MASTERWORKS ORCHESTRA:
20 YEARS OF ENGAGEMENT,
EDUCATION, AND EXCELLENCE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. CONYERS. Madam Speaker, in 1990, the Congress recognized the importance of jazz in American culture when it authorized the establishment of the Smithsonian Jazz Masterworks Orchestra (SJMO).

As the nation's jazz orchestra, the SJMO regularly performs the great works of jazz. Throughout its 20 years, the orchestra has distinguished itself as one of the crown jewels of the Smithsonian—which is itself, a pre-eminent national treasure.

The band has performed for audiences at the Smithsonian Institution, Kennedy Center, White House, U.S. Capitol, Harlem's famed Apollo Theater, the 1996 Olympic Games in Atlanta, and prestigious music festivals like Ravinia and the Monterey Jazz Festival. The

ensemble has traveled prolifically and performed at many American schools and colleges, as well as in Canada, Europe, and the Middle East. On a 2008 State Department-sponsored tour of Egypt, the Orchestra won many new friends for the United States. After an outdoor performance at the Pyramids and Sphinx, the Cairo Daily News raved, "The backdrop was incredible, the band was superb."

Other critical reaction has been enthusiastic. Wrote The New York Times: "Culturally important. . . . spectacular musically. After being embalmed on recordings, the music suddenly came alive." Syndicated columnist David S. Broder wrote, "The impact of these live performances is everything the showmen, scholars, and politicians who brought this small miracle to pass imagined it might be. It is electrifying. . . ."

While the SJMO is not the only jazz orchestra in America, it is unique. As the only federally-chartered jazz orchestra, it enjoys a position of prestige and influence. As the only such ensemble with resident status at a museum, it's in a unique position to bring the jazz legacy to life.

The Smithsonian Jazz Masterworks Orchestra educates the public about the history and development of jazz as an art form and means of entertainment. It promotes a greater appreciation for jazz as a valuable American treasure by performing jazz masterworks, and presenting educational activities that engage the public with this great music.

Further contributing to its status, the orchestra is led by the internationally famous Maestro David Baker—the world's leading jazz educator, author of over 70 books and 400 articles, and recent recipient of the prestigious American Jazz Masters Award given by the National Endowment for the Arts.

Madam Speaker, the orchestra has special expertise in engaging and educating its audiences—young and old—about this vital part of American culture. I am pleased to recognize its service and accomplishments over the past 20 years.

IN HONOR OF LANCE CORPORAL
JAMES M. FERRARA

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to congratulate Lance Corporal James M. Ferrara who received the Navy and Marine Corps Achievement Medal for meritorious duty on March 13, 2010. While on duty as patrolman at the Marine Corps Base in Quantico, Virginia, Lance Corporal Ferrara was dispatched to the base motor pool after he received reports of an injured person. Without hesitation, Lance Corporal Ferrara rushed off to the scene and quickly identified the victim who was suffering from a severe laceration with substantial loss of blood. Drawing upon his extensive emergency medical training, Lance Corporal Ferrara immediately delivered first aid, and probably saved the victim's life.

The men and women of our Armed Forces serve with an incomparable sense of duty.

They are willing to sacrifice their lives to keep our country safe and free. In his service, Lance Corporal Ferrara exemplified the bravery and courage routinely displayed by those who serve in our military. The residents of New Jersey's Third District are grateful for the service of Lance Corporal Ferrara.

Madam Speaker, I ask my colleagues to join me in congratulating Lance Corporal Ferrara for his bravery and responsiveness under challenging circumstances.

IN HONOR OF LATINO COALITION
AGAINST DOMESTIC AND SEX-
UAL VIOLENCE, INC.

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. CARSON of Indiana. Madam Speaker, today I rise to recognize the Latino Coalition Against Domestic and Sexual Violence, Inc. for their dedicated service to Latino communities in 92 counties across Indiana.

The Latino Coalition, founded as a nonprofit corporation in 2004, has worked to eliminate domestic and sexual violence by focusing on the contributing conditions affecting Latino communities and immigrant populations in Indiana. Today, the Latino Coalition is the only statewide coalition of its kind in the United States that addresses the causes of domestic violence and sexual assault in the Latino community. Due to the tireless efforts of the Latino Coalition, men and women throughout Indiana have been able to extricate themselves from violent relationships, protect their children and improve their self confidence. This organization serves as a model for other groups seeking to reduce the incidence of domestic and sexual violence in the United States.

Today, I ask my colleagues to join me in honoring the Latino Coalition for its distinguished efforts in improving the quality of life for victims of domestic violence and their families in the Latino community. This organization serves as an example to community organizations everywhere.

FINDINGS OF THE CHAIRMAN OF
THE COMMITTEE ON EDUCATION
AND LABOR RELATING TO EFFI-
CIENCY AND REFORM PURSUANT
TO H. RES. 1493

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. GEORGE MILLER of California. Madam Speaker, in fulfillment of House Committee chair responsibilities per H. Res. 1493 (111th Congress), below are "findings that identify changes in law that help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement, promoting efficiency and reform of government, and controlling spending within Government programs" the Committee on Education and Labor authorizes. The measures discussed below are pending before Con-

gress. If enacted, the legislation would promote efficient government and allow the agencies and departments within the jurisdiction of the Committee to more effectively serve the public.

In addition to the pending measures discussed below, this Congress has already enacted changes in the law in the Committee's jurisdiction that will significantly reduce the deficit. Specifically, the Student Aid and Fiscal Responsibility Act, included with health insurance reform in last year's Health Care and Education Reconciliation Act of 2010 (H.R. 4872), will save billions of taxpayer dollars in needless subsidies to banks lending to students. The Committee shares jurisdiction over the health care reform law enacted earlier this year through H.R. 4872 and H.R. 3590, the Patient Protection and Affordable Care Act. Among other things, these reforms reduce the rate of increase in government health care expenditures, encourage prevention and wellness, and shift to new effective health care payment mechanisms. The Congressional Budget Office reports that they will reduce the deficit by \$143 billion over the next 10 years and by \$1.2 trillion in the following 10 years.

A. MINE SAFETY—ROBERT C. BYRD MINER SAFETY AND
HEALTH ACT OF 2010 (H.R. 5663)

Recent mine disasters and subsequent investigations and reviews have highlighted that the Mine Safety and Health Administration (MSHA) does not have the authority it needs to efficiently enforce the Nation's mine safety laws.

Under current law, MSHA may only subpoena documents and witnesses as part of an investigation of a mine disaster if the material is to be used in a public hearing. This has hamstrung MSHA's efforts to efficiently receive relevant documents in a timely manner. The Byrd Act would grant MSHA authority to subpoena documents and testimony without regard to whether the material is for a public hearing. This would allow MSHA to avoid needless litigation and more quickly receive pertinent information thereby allowing MSHA to investigate more efficiently. The gains in efficiency will not only be financial, but could ultimately lead to changes that would save lives.

Almost without exception, stakeholders agree that the Mine Act's pattern of violation tool is entirely ineffective as it now stands. This tool was intended to allow MSHA to compel mines to improve poor safety records and to incentivize mines to operate safely. Unfortunately, the tool has never been invoked in the more than 30 years since it was created. The Byrd Act would fundamentally alter the pattern-of-violation system, allowing MSHA to more efficiently compel and enforce reform on recalcitrant mines. At the same time, the new system would allow for a clear path for mines that have fallen into a pattern of poor safety to improve and be removed from this status. The Act would make clear to mines what they need to do to stay on the right side of the law. This will allow MSHA to more efficiently focus on the mines that need the most attention.

Over \$20 million in unpaid fines sits uncollected from mine operators. To enable MSHA to require compliance with final judgments, the Byrd Act would authorize MSHA to shut down mines that refuse to pay fines. To spur compliance, the Act would also allow MSHA to enter

into payment plans with mines that are trying to meet their obligations.

Another major inefficiency in the enforcement of our Nation's mine safety laws is highlighted by, and caused by, a significant backlog in cases pending before the Federal Mine Safety and Health Review Commission (FMSHRC). The backlog has both been caused by an exacerbated several issues. The backlog has impeded settlements and led mine operators to challenge citations that might otherwise be settled or addressed outside of the administrative law system. This has caused MSHA, and mine operators, to expend unnecessary resources, while at the same time hampering some of MSHA's enforcement activities. The Byrd Act would eliminate certain incentives for mine operators to file contests of MSHA penalty assessments, regardless of the contests' merit, before FMSHRC. Among the incentives, the Act would impose prejudgment interest on contested mine safety penalties for which the government prevails. This would eliminate the ability for mine operators to secure the time value of money simply by filing an appeal and enjoying the benefits during the lengthy period of delay. The Act further requires FMSHRC to use the same penalty calculation method as does MSHA. Today mine operators can exploit the difference in penalty calculation methods, by filing appeals in an attempt to secure a lower penalty amount under the same set of facts. These measures would allow the Department of Labor Office of the Solicitor to more efficiently deploy its attorneys and allow MSHA inspectors to spend more time in mines and less preparing for and supporting adjudications. By allowing the Department and MSHA to more efficiently deploy its resources, mines and others who depend on the Department will be far better served.

B. H-2B GUEST WORKERS—THE H-2B PROGRAM
REFORM ACT OF 2009 (H.R. 4831)

Tens of thousands of guest workers come to the United States each year under the H-2B guest worker program. At a time when our Nation is facing record unemployment, it is critical that we strengthen the requirement that employers recruit U.S. workers before turning to guest workers. Employers should only be permitted to use H-2B workers when they have established that qualified U.S. workers are truly unavailable. The H-2B Program Reform Act of 2009 (H.R. 4831) tackles this problem by requiring employers to take sufficient steps to recruit U.S. workers. The bill would mandate that employers provide state workforce agencies information about the job opportunity and advertise the job opportunity in one or more publications in the local labor market. This would help to ensure that every effort possible is made to match able and willing American workers with available jobs before turning elsewhere. Therefore, the Act would help to reduce the number of unemployed U.S. workers, in turn leading to reduced unemployment insurance benefit payments and an increase in tax revenue.

C. WORKER MISCLASSIFICATION—EMPLOYEE
MISCLASSIFICATION PREVENTION ACT (H.R. 5107)

The misclassification of employees as independent contractors is widespread and growing. In 2005, a BLS survey found that 10.3 million U.S. workers (7.4 percent of the workforce) had been classified, rightly or wrongly,

as independent contractors. In 2000, a DOL study found that 10 to 30 percent of firms had misclassified employees as independent contractors. Misclassified workers lose all rights linked to employee status, such as workers' compensation, minimum wage and overtime protections, family and medical leave, and the right to organize and collectively bargain. Misclassification also cheats the taxpayers out of needed revenues because employers fail to pay billions of dollars in taxes to Federal and state governments each year. (For the tax year 1984, the IRS estimated a loss in revenues of \$1.6 billion (1984 dollars).) This practice also puts employers who comply with the law at a competitive disadvantage. The Employee Misclassification Prevention Act (H.R. 5107), tackles the issue of misclassification, requiring employers to maintain records that reflect the accurate status of each worker and increasing penalties on employers who misclassify their employees. These reforms would result in billions of dollars in unpaid taxes being recovered each year.

D. RETIREMENT SAVINGS—THE AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT (H.R. 4213)

The tax-preferred retirement accounts of American workers have all too often been subject to complex fee arrangements and conflicts of interest. The American Jobs and Closing Tax Loopholes Act (H.R. 4213) passed by the House would greatly improve the disclosure of such fees and conflicts. This will go a long way toward ensuring that the Federal Government gets the most out of this tax expenditure and that plan sponsors and workers are empowered to make efficient investment decisions. This will prevent unscrupulous actors in the financial industry from draining workers' retirement savings accounts improperly exploiting tax-preferred investments.

E. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The Advisory Committee on Student Financial Assistance (ACSFA) was established in 1986 with the goal of providing the Department of Education the benefit of members' knowledge and understanding of Federal, state, and institutional postsecondary student assistance programs. ACSFA was to provide technical expertise regarding student financial needs analysis and application forms and to recommend processes to maintain low- and middle-income students' access to postsecondary education. Though ACSFA has provided valuable service over the past 20 years, ACSFA's mission now duplicates services provided by other entities including the Congressional Research Service, the Government Accountability Office, and private non-profit entities. To save the funds that would be wasted by this duplication and to further streamline the vital services other entities now perform, the Committee will explore deauthorizing ACSFA in coming legislative proposals.

RECOGNIZING DAVID NACH, A RECIPIENT OF THE JOHN J. ROSS MEMORIAL AWARD FOR EXCELLENCE IN LAW-RELATED EDUCATION

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize and congratulate David Nach, one of the four recipients of the John J. Ross Memorial Award for Excellence in Law-Related Education.

Though he received his law degree from Arizona State University and was certified by the State Bar of Arizona, Mr. Nach forwent a career as a lawyer and instead became an educator. Currently a professor of criminal justice, advanced placement economics, and regular economics at Mountain Pointe High School, he truly prepares his students for the future.

For those in his economics class, he introduces bankruptcy lawyers and judges to tell students about the dangers and proper use of credit cards. He also employs the auction website, eBay, to show students an example of what he calls "a near-perfect market." In his course on criminal justice, guest speakers include judges, crime scene investigators, and prosecutors, and students are taken on a field trip to a juvenile detention center. In addition to teaching his classes, Mr. Nach heads up the Mountain Pointe Teen Court Program, a program in which teens conduct a trial and decide the consequences for the actions of real juvenile defendants.

As a former teacher, I recognize the importance of preparing our youth for their future in a competitive and complex global economy and world. This preparation begins with a first-rate and comprehensive education through inspiring and creative teachers like Mr. Nach, who go above and beyond to reach their students. I commend his efforts at Mountain Pointe High School and have no doubt that he will continue to inspire students throughout his career as an educator.

Madam Speaker, please join me in recognizing Mr. David Nach, a member of Arizona's Fifth Congressional District and one of the four recipients of the John J. Ross Memorial Award for Excellence in Law-Related Education.

A TRIBUTE TO THE FIRST UNITED METHODIST CHURCH OF TEMPLE CITY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SCHIFF. Madam Speaker, I rise today to congratulate the First United Methodist Church of Temple City upon its centennial anniversary.

The church was established in 1908, when about 30 people gathered to worship in an old wooden schoolhouse in the Santa Anita area of the San Gabriel Valley. In 1910, Rev. John Leonard Collins was appointed the new min-

ister of the rapidly growing church, called the Mountain View Methodist Episcopal Church. As the church continued to grow, a new building was completed in 1911, with 14 different denominations worshipping in the facility.

The church was moved to its current location in the Town of Temple, today Temple City, in June of 1925, and, with these new roots, the church continued to prosper under the new name, Temple Community Church, Methodist Episcopal. Much different from the schoolhouse, the newly dedicated church boasted Ionic columns and was a fine example of modern church architecture. In 1950, the new Sunday school building was completed, with the members performing much of the construction. At that time, the membership had grown to over 600 members and more space was needed, so in 1957, a new sanctuary was completed. In 1964, the mortgage was paid off and the church name was changed—this time to Temple City First Methodist Church. The original, white columned church was demolished in 1964 to make room for a new building housing a fellowship hall and church offices. In 1972, the church's name was changed to its present name, the First United Methodist Church of Temple City.

Since its inception, the First United Methodist Church has been an inclusive and accepting church. In 1987, when the church was asked to share their facilities with a Korean United Methodist Church congregation, it gladly did so—and again when the church offered to share their facilities with a Chinese/English language church in the community.

Under the leadership of Reverend David Palmer, First United Methodist Church of Temple City offers a variety of programs and ministries such as adult Sunday school, church choir ministry, stress management support groups, and the Crafty Ladies, a fellowship group that makes handcrafted items for those in need. The church has an impressive health ministry program, a cooperative effort between Methodist Hospital and local churches, which provides health services to congregants. This ministry includes a parish nurse, who provides education, information, health counseling, referrals, and training of volunteers. In addition, the church created a fitness program called Shape Up 2010 that includes walking, biking and low impact aerobics.

I am proud to recognize the First United Methodist Church of Temple City for its 100 years of service to the people of the San Gabriel Valley, and I ask all Members to join me in congratulating the congregation upon this significant milestone.

HONORING DR. MARY MCINERNEY

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. McMAHON. Madam Speaker, I rise today to recognize the career, service, and achievement of Dr. Mary McInerney, Principal of the Richard Hungerford School in Staten Island, NY.

Born and raised in New York City by Irish immigrant parents, Dr. McInerney began her

education in the parochial school system in the Bronx. After earning several degrees in psychology and history and education, she received her Doctorate from Columbia University in 1994, with her studies focusing on technology and the disabled.

Mary's teaching career was as long as it was exemplary: she served as a teacher with the Preschool-Early Intervention Program at the Kennedy Child Center before beginning her career with the New York City Department of Special Education, first starting as a teacher of a Track IV class, she became Coordinator of P.L. 89-313, then Data Manager and then Assistant Principal of the Manhattan Occupational Training Center. Ultimately she was designated the Principal of the Richard H. Hungerford School, formerly the Richmond Occupational Training Center. In addition to her roles as teacher, administrator, and supervisor within the school system, Mary has also served as Adjunct Professor and as part-time Administrative Assistant to the Associate Dean of Academic Affairs at Adelphi University. At Columbia University, she served as Assistant Instructor and Guest Lecturer, and at the College of Staten Island she served as a member of the adjunct faculty.

Having published and presented extensively on subjects ranging from computer technology for the disabled to Inclusion and the Learning Disabled Child, and having received an impressive array of academic honors and community service awards (including Principal of the Year from the Association of Orthodox Jewish Teachers and Irishwoman of the Year from the New York City Board of Education Emerald Society), Mary is perhaps best known for her successful leadership at the Hungerford School. With the support of her staff, parents, and community, the school has attained a remarkable level of excellence with an enviable track record for independent problem-solving and participatory management. In 1998, the school was recognized by the United States Department of Education as having an exemplary program in teacher and staff development, thereby becoming the first New York City school to earn the prestigious Blue Ribbon Award.

Our community and our Nation are enriched and ennobled by individuals whose character, perseverance, and public contribution perpetually nourish the present and empower the future for us all. Dr. Mary McInerney is such an individual, and I call on all Members of the House to join me in recognizing her many enduring accomplishments.

HONORING HAROLD H. HOPKINSON,
JR.

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. MAFFEI. Madam Speaker, I rise today to acknowledge and honor the service of Harold H. Hopkinson Jr. to Central New York. He dedicated his life to public service and to the betterment of his community.

Harold H. Hopkinson Jr., graduated from the University of Maine in 1950 with a BS in Me-

chanical Engineering. Upon completing his education, Harold began a 35 year career working with Carrier Corporation in Syracuse, New York. He is a licensed professional engineer in the State of New York and was a member of the American Society of Heating, Refrigerating and Air Conditioning Engineers for over 35 years.

Harold began his career in public service in 1957, when he was elected Village Trustee for the Village of Manlius. Prior to holding this position, he served a few years on the Village of Manlius Planning Board. In 1977, he was appointed Deputy Mayor of the Village of Manlius.

During his illustrious career in public service, Harold has had an active roll in obtaining sanitary sewers for the Village, the planning of Mill Run Park, establishing the Manlius Fish Hatchery, organizing the Manlius Senior Centre, and starting the Parks and Recreation Advisory Board. Additionally, he also served as a member of the Manlius Library Board, the Manlius Historical Society and a founder of the New York State Designer Blacksmith Organization.

Overall, at the completion of his term, Harold will have served 52 years as a Trustee for the Village of Manlius and 32 years as Deputy Mayor. This is indicative of Harold's life long dedication to his community.

Madam Speaker, I invite the House of Representatives to join me in recognizing the outstanding life contributions of Harold H. Hopkinson Jr. to Central New York.

RECOGNIZING THE GUJARAT,
INDIA DELEGATION AND THE AL-
LIANCE FOR U.S.-INDIA BUSI-
NESS (AUSIB) FOR PROMOTING
U.S.-INDIA TRADE

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to welcome the Gujarat, India delegation to Washington, D.C. Gujarat is one of the most prominent States on the western coast of India and has contributed significantly to India's growth story with consistent double digit GDP growth for almost a decade.

Since 2003, the Vibrant Gujarat Global Investors Summit has attracted investment agreements worth more than USD 370 billion. The State is now gearing up for the 5th Vibrant Gujarat Summit scheduled to be held on January 12-13, 2011 in Gandhinagar, Gujarat.

As prelude to the Summit, the Gujarat delegation will be visiting New York to highlight Gujarat as a leading investment destination while identifying areas of Gujarat-U.S. collaboration.

The delegation will also visit Capitol Hill where members will be hosted by the Congressional Taskforce on U.S.-India Trade and Investment Relations in cooperation with the Alliance for U.S.-India Business (AUSIB), a leading non-profit trade association that offers a pathway to help businesses succeed in the United States and India.

Members of the Gujarat delegation include: Nitin Shukla, CEO, Hazira LNG Pvt. Ltd.; Nitin

Sandesara, Chairman, Sterling Biotech Ltd.; Rajiv Modi, Chairman, Cadila Pharmaceuticals Ltd.; H K Chudgar, Chairman, Intas Pharma; Parimal Nathwani, Group President, Reliance Group; Ravi Sharma, CEO, Adani Group; Sudhir Mehta, Chairman, Torrent; Sunil Kakkad, Chairman, Sai Infosystem (India) Ltd.; Kriti Joshi, Sr. VP, Sai Infosystem (India) Ltd.; Sushil Handa, Chairman, Fifth Veda Entrepreneur/Abellon Energy; D Alok, Business Head, Suzlon Energy Ltd.; B K Goenka, Chairman, Welspun; R J Shah, CEO, Dahej SEZ Ltd.; Samir Patel, CMD, Amos Enterprises; Nirav Mahadevia, Managing Director, Technopolis; Bina Hermeith, Business Head, Abellon Energy.

I join with my colleagues in recognizing the importance of this delegation's visit to our Nation's capital, and I commend AUSIB's President, Mr. Sanjay Puri, for playing a pivotal role in advancing, promoting and strengthening the U.S.-India partnership.

IN HONOR OF THE TOMS RIVER
NATIONAL LITTLE LEAGUE TEAM

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to recognize the remarkable accomplishments of the Toms River National Little League team, who recently returned home from the 2010 Little League World Series. I join the constituents of New Jersey's 3rd District and the State of New Jersey in displaying an immense amount of pride for this inspiring and hard-working team.

Carrying on a tradition of great Jersey Shore baseball, this group of 13 young little league stars played their hearts out to win an impressive 10 straight elimination games. They went all the way to Williamsport, Pennsylvania, representing the U.S. Mid-Atlantic Division with spirit and determination. They returned home to the hero's welcome they deserve by the Toms River community.

The team was one of only eight out of some 16,000 Little League teams across the country to make it so far in the series. It was the fourth Toms River squad and the 10th in the state to ever reach to the World Series.

Regardless of what the scoreboard read, the athletes of the Toms River National team are winners. These young athletes learned valuable life lessons such as the importance of teamwork and sportsmanship, while meeting and developing bonds with other players from countries all over the world.

It is with great honor that I place the names of this year's Toms River Nationals Little League team into the CONGRESSIONAL RECORD. Under the leadership of Manager Paul Decegle and coaches Karl Blum and John Lazzaro, assistants Russell Petranto Sr., Tom Tiplady, Ronnie Marinaccio, Larry Ciervo, Ronnie Marinaccio Jr., Nic Lebar, and Ryan Decegle, team members Anthony Decegle, Billy Lumi, Russell Petranto, Patrick Marinaccio, Joey Rose, Zack Burns, Joey Hertgen, Kevin Blum, Johnny Lazzaro, Jake Loffredo, Cody Lebar, Michael Tiplady, and

Jeff Ciervo made their hometown, their State, and this Congressman very proud.

DREAM FOR A CURE EVENT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great respect and sincerity that I take this time to honor Mr. Fred Halpern, Mrs. Nancy Adams, and Dr. David Gross for their many years of service and dedication to the Multiple Sclerosis Society. For their exceptional contributions to such a worthy cause, each of them were honored with the "Different Faces of MS" Award at the Dream for a Cure event held at Strongbow Inn in Valparaiso, Indiana, on Friday, August, 20, 2010.

Since 1960, Mr. Fred Halpern has been the owner of Albert's Jewelers, which originated in East Chicago and is now located in Schererville. It is due to Fred's warm and enthusiastic personality that Albert's Jewelers has become the success it is today. Family has always been the core of Fred's life and it is no surprise that he has shaped his business by turning customers into family friends. Multiple Sclerosis became a part of Fred's life when the love of his life, his wife Donna, was diagnosed soon after their two children, Holly and Joshua were born. Fred has an enormous sense of pride and respect for Donna's courageous struggle and has said, "Donna has been battling this disease for forty years and has never once complained. My wife has an amazing inner-strength, she loves to laugh and everyone who meets her loves her. She inspires me to do my best everyday." The Multiple Sclerosis Society has become a channel for Fred and Donna to give back to others who are struggling with this disease and they have been involved with the foundation for many years. Albert's Jewelers holds an auction each year in which the proceeds go to the Multiple Sclerosis Society. Fred's business also participates in the MS walk each year. In addition, Albert's continues to concentrate on MS events throughout the area that contribute to the Multiple Sclerosis Society. For his continued passionate and enthusiastic devotion to the Multiple Sclerosis Society, Fred is to be commended.

Mrs. Nancy Adams and her husband, Russ of Valparaiso, Indiana are the proud owners of Strongbow Inn. In 1999, Nancy was diagnosed with Multiple Sclerosis, a prognosis that changed her life forever. After three years, Nancy was doing very well and decided that it was time to give back to the many people struggling with the disease. In 2003, Nancy rode in two bike-a-thons for Women Against Multiple Sclerosis (WAMS) and raised \$20,000. She was also asked that year to host the first WAMS luncheon in Northwest Indiana. Nancy continues to donate her time and energy to the cause and has since hosted three WAMS luncheons and rode in three bike-a-thons. For Nancy, having MS is a blessing and has made her realize the importance of life. She and her beloved husband have three amazing children, Ashley, Courtney, and Mat-

thew, with whom she has shared her journey. Nancy's lifelong commitment to the Multiple Sclerosis Society and its many members is an inspiring testament to her character.

Dr. David Gross of Schererville is an ophthalmologist and maintains three offices in Northwest Indiana. In 2002, Dr. Gross rode in his first MS bike tour at Eagle Creek and since has participated each year consecutively, making this year his 9th tour. With the help of many friends, colleagues, and family, David has been able to raise \$175,000 for the Multiple Sclerosis Society.

Other than through his patients, Dr. Gross has no personal ties to MS, but he has discovered the outstanding benefits that the Multiple Sclerosis Society provides for its patients and selflessly continues to support the cause. His commitment to the Multiple Sclerosis Society can only be matched by the devotion he has to his family. David and his wife Nancy have been married for 19 years and have three beautiful daughters; Sami, Rachel, and Elly. Dr. Gross's compassion and generosity are to be admired and he is worthy of the highest praise.

Madam Speaker, I ask that you and my other distinguished colleagues join me in congratulating these outstanding individuals as they are honored with the "Different Faces of MS" Award. Through their selfless devotion and service to the Multiple Sclerosis Society, they have been able to touch the lives of countless individuals, and each recipient is truly an inspiration to us all.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,443,442,988,893.40.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,805,017,242,599.60 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

U.S.-TAIWAN SECURITY COOPERATION

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. ROYCE. Madam Speaker, since the Taiwanese election of President Ma Ying-jeou in March 2008, leaders in Beijing and Taipei have promoted cross-strait engagement. Yet it is important to realize that "there have been no meaningful actions on the part of the mainland, however, to reduce [China's] military presence opposite the island." That is a find-

ing of the Pentagon's annual report to Congress on Chinese military capabilities, released last month.

With its rapidly expanding arsenal of ships, missiles and aircraft, the cross-strait military balance continues to "shift in the mainland's favor," according to the report. Indeed, in 2001, China had 250 missiles aimed at Taiwan. Today that number is over 1,400.

This summer's Pentagon report comes months after the Defense Intelligence Agency concluded that Taiwan's air defenses are showing increasing vulnerability due to the aging of its fighter aircraft. While China rapidly builds its military forces, Taiwan is struggling.

To help close this gap, Taiwan has had a pending request to buy additional F-16 fighter jets. In May, over 130 members of Congress wrote to President Obama and asked that the Administration "move ahead immediately" with the sale of these airplanes. The Administration is still "studying" this proposal.

Taiwan faces one of the most complex and lethal military threats in the world. Across the region, in response to China's build-up and increasing assertiveness, China's neighbors are moving to strengthen their security relationships with the United States. This gravitation to the U.S. will only last as long as the U.S. is seen as a credible guarantor of stability. Moving forward with this F-16 sale would be an appropriate signal to Taiwan, and the region.

Madam Speaker, if we want cross strait détente to succeed—Taiwan will have to do so from a position of strength.

HONORING WESLEY HEINRICHS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to honor Sergeant Wesley Dean Heinrichs, a United States Marine Corps Veteran of World War II.

Mr. Heinrichs was born on November 28, 1923 in a farming community in Kirk, Colorado. He worked on his family's farm before enlisting in the United States Marine Corps. After hearing the news on the radio about the attack on Pearl Harbor and the outbreak of the War, Mr. Heinrichs came under deep conviction to join the Marines after seeing a billboard with a Marine's picture that stated: "we need one more good man." It was Mr. Heinrichs' passion and love for his country that spurred him to join the Armed Forces to defend and protect our country. In December of 1942, at the age of 19, he traveled to the recruiting office in Denver, Colorado and enlisted in the Marine Corps.

After completion of basic training in San Diego, Mr. Heinrichs served in the commissary of Camp Pendleton distributing packed foods and serving on guard duty. In the same year, he was transferred to a motor transport unit where he worked with the 1st Amphibian Truck Company. His company worked on the Dukw, an experimental amphibious truck for traveling over water and landing on coral reefs. On December 22, 1943, Mr. Heinrichs

and his company were deployed to the Pacific Arena to provide support to the Marine Corps operations in the Mariana Islands.

Mr. Heinrichs and his company used the Dukws to carry 105 Howitzers and place them in strategic locations in the Mariana Islands. Additionally, Mr. Heinrichs assisted with the transportation of wounded Marines and Soldiers to medical ships and with the hauling of ammunition and supplies to Marine Bases. Mr. Heinrich and his company served in combat in the battles of Saipan and Tinnian in the Mariana Islands. After the islands were secured, Mr. Heinrichs and his company were transferred to Guam where they protected the island and began training for the invasion of Japan. In 1945, Mr. Heinrich was transferred back to San Diego and was honorably discharged from the Marine Corps on January 13, 1943.

Mr. Heinrichs now resides in Coarsegold, California and is an active member of the American Legion Post 110, the Griswold USMC League and the Veterans of Foreign Wars. Mr. Heinrichs and his wife of 64 years, Anna Queen Spencer Heinrichs, have four daughters, eight grandchildren and eleven great grandchildren.

Madam Speaker, I rise today to commend and honor Wesley Heinrichs for his service and dedication to our country. I invite my colleagues to join me in honoring Sergeant Wesley Dean Heinrichs.

THE AUBURN LITTLE LEAGUERS

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. REICHERT. Madam Speaker, I rise today in recognition of an inspiring group of 11- and 12-year-olds in my District who grabbed the attention of an entire region and were welcomed home as heroes because of their performance in this year's Little League World Series at Williamsport, Pennsylvania.

The Auburn little leaguers and their coaches, Kai Nahaku and Dale Wilson, won the Northwest Regional Little League Championship en route to their trip to Williamsport. Once there, the team lost their opening game to the Little Leaguers from Fairfield, Connecticut. Madam Speaker, people started talking about Auburn's dream season coming to an end, but the team had other ideas.

The boys won their next three games, staving off elimination each time. Playing in front of as many as 30,000 people, the team stared down fear and played an exhilarating brand of baseball, beating Minnesota and Texas before dispatching Connecticut in a rematch. Unfortunately, Madam Speaker, the team's magical ride ended on August 26, in a loss to Texas.

The community of Auburn supported the team the entire season and some even traveled to Williamsport. The supporters who stayed home cheered wildly at viewing parties around the Auburn area. When the team returned home to Auburn, they were welcomed with a truly special celebration in front of City Hall. It was an honor to participate in the revelry and meet the coaches, players, and their

supporters. Not only did the team play well on the diamond, Madam Speaker, but the boys also represented Auburn and Washington State with class at every turn.

Madam Speaker, I want to congratulate Hudson, Dylan, Isaiah, Ryan, Casey, Chandler, Ikaika, Dillon, Tyler, Robbie, Dillon, Coach Kai and Coach Dale for their inspiring play and for creating such fantastic memories. I want to thank Auburn Mayor Pete Lewis, Washington Governor Christine Gregoire, and the community of Auburn for providing unique and overwhelming support for the team throughout the season and upon their return. I'm excited to see what this special group of boys will accomplish in the future. Thank you.

HONORING THE LIFE OF U.S. ARMY RANGER SPECIALIST CHRISTOPHER S. WRIGHT

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. HILL. Madam Speaker, on Thursday, August 19, 2010, our nation lost another brave hero. Army Ranger Specialist Christopher Shane Wright was killed in Pech, Afghanistan, from injuries sustained from enemy small arms fire. He was 23 years old. A Kentucky resident, Specialist Wright's mother currently lives in Jeffersonville, IN.

Specialist Wright was known as a man of courage beyond his years. He was deeply loyal and good-hearted. He had an intense love of his family and of his fellow soldiers. When told that his grandparents would pray for him, he asked that they also pray for the soldiers in his unit as well.

Wright joined the Army in 2005. Prior to his 18th birthday, Wright expressed a desire to enlist, and within days of turning 18, he did so. Wright was a veteran of two prior deployments—once to Iraq, and once to Afghanistan.

The loss of Specialist Wright is tragic. His deserves our most heartfelt gratitude and respect. Though I did not know him, I mourn his death and the loss to his family. He and his loved ones are in my prayers.

HISPANIC HERITAGE MONTH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great respect that I rise to celebrate National Hispanic Heritage Month and its 2010 theme—Celebrating History, Heritage, and the American Dream. From September 15, 2010 through October 15, 2010, the people of the United States will once again celebrate the histories, cultures, and traditions of our Hispanic American brothers and sisters. Since its inception as National Hispanic Heritage Week in 1968, and became known as National Hispanic Heritage Month in 1988, Americans have taken this time to not only honor the rich culture and traditions of Hispanic Americans,

but also to reflect on the countless contributions they have made that have led to improvements in their communities, and in turn, a better America.

As we reflect on the importance of the contributions that have been made by Hispanic Americans, I would like to take this opportunity to pay tribute to one individual in particular from the First Congressional District who has represented the epitome of leadership and civil service within Northwest Indiana, the Honorable Mara Candelaria Reardon, Indiana State Representative, District 12. A lifelong resident of Northwest Indiana, Representative Candelaria Reardon's continued dedication and commitment to her community is to be commended. Being the first Latina elected to the Indiana General Assembly, Representative Candelaria Reardon's service is an inspiration not only to the Hispanic community, but to women of every cultural background, which is fitting as we also recently celebrated the 90th Anniversary of the Woman's Right to Vote on August 26, 2010.

Mara Candelaria Reardon was born in East Chicago, Indiana. She is the daughter of Isabelino "Cande" Candelaria, the first Puerto Rican appointed to a city council in Indiana, and Victoria Soto Candelaria, the first Latina elected as President of the Indiana Federation of Teachers. Growing up in a family where community activism and Hispanic heritage were core values has undoubtedly been the foundation of her remarkable career.

Representative Candelaria Reardon has extensive experience in the public and private sectors. Her introduction to public service began while working for my office as a Federal Projects Coordinator. Mara Candelaria Reardon was elected Representative for Indiana State District 12 in 2006, and she continues to passionately serve the constituents of her district stating, "Their concerns and goals will serve as the focal point of my efforts in the Indiana House of Representatives. I look forward to the opportunity of working with local officials and community leaders to ensure that their needs are addressed." Throughout her tenure in the Indiana General Assembly, a main goal for Representative Candelaria Reardon has been working to lower property taxes, fighting for realistic tax policies.

In addition to her impressive career, Representative Candelaria Reardon is involved in numerous commendable organizations. Currently, she serves as Treasurer of the Indiana Black Legislative Caucus, an organization that works to create and expand state legislation that supports minority communities throughout the state of Indiana. Recently, she was elected as Treasurer of the National Hispanic Caucus of State Legislators (NHCSL). The NHCSL is a national organization that unites Hispanic state legislators who work to positively impact the quality of life within Hispanic communities across the United States. Through the NHCSL, Representative Candelaria Reardon is able to work on issues such as quality education, healthcare, affordable housing, comprehensive immigration reform, and job creation on behalf of the Hispanic community in her district and across the nation.

Mara's dedication to Indiana District 12 and the community of Northwest Indiana is exceeded only by her devotion to her wonderful

family. She and her loving husband, Matthew, have two children, Christian and Victoria.

Madam Speaker, as we celebrate National Hispanic Heritage Month, let us pay tribute to leaders such as Representative Mara Candelaria Reardon, who have contributed so much to the improvement of our communities and our nation. I respectfully ask that you and my other colleagues join me in commending Representative Candelaria Reardon for her lifetime of service to the Hispanic community and the community of Northwest Indiana. I am proud to serve as her representative in Washington, D.C.

RECOGNIZING ROBERT CAMMARATA FOR HIS DISTINGUISHED SERVICE UPON HIS RETIREMENT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. FRANK of Massachusetts. Madam Speaker, I rise to acknowledge the achievements of Mr. Robert L. Cammarata on the occasion of his retirement as Director of the City of Taunton Department of Human Services.

A tireless and dedicated community leader, Robert Cammarata's career epitomizes public service. He has distinguished himself with his hard work for the people of Massachusetts, and I congratulate him on his accomplishments.

Mr. Robert L. Cammarata was born in 1948 in the village of Ossining, New York. His family moved to the City of Taunton in 1955. Mr. Cammarata served his country as an Army Reservist. He received his Bachelor's Degree in Human Services from New Hampshire College. He is the proud father of Robyn Cammarata Bryant and Thomas Cammarata.

Mr. Cammarata began employment with the City of Taunton in 1974 as the Director of the Taunton Council on Aging. Following a merger of City Departments in 1982, he became the Director of the Department of Human Services. During his tenure, Mr. Cammarata has developed and instituted a variety of programs and services for the citizens of Taunton. He was instrumental in expanding services for seniors of Taunton, including but not limited to, transportation, health programming, nutrition programming including both home delivered meals and site meals, in-home mental health services, bilingual services, nursing services and social and recreational programs. Notable programs that Mr. Cammarata instituted or facilitated include the Elder Outreach Program, Dial-A-Ride, Home Delivered Meals Program, the Elder Mobile Outreach Team for mental health services, Computer & Internet Center for Elders and the UMass Community Nursing Program.

As Human Services Director, Mr. Cammarata also helped conceive, provide and expand many programs for all citizens of Taunton. Noteworthy programs include: the Taunton Safe Neighborhood Initiative, which includes the Community Policing Program, Crime Watch Program, Graffiti Removal Program and was instrumental in assuring communication between policing entities, probation

departments, school departments, human services and clergy; Jobs for Youth Program; provision of Basic Needs that included food pantries, emergency utility assistance, emergency rental/mortgage assistance and the establishment of the first homeless shelter in Taunton.

Robert Cammarata was a member of many local, regional and statewide organizations and committees. Locally and regionally, he served as Board Member, Chairman, coordinator and/or as a general member of the Taunton Safe Neighborhood Initiative, Taunton Emergency Task Force, Greater Attleboro/Taunton Regional Transit Authority, Bristol Elder Services, Inc., Advisory Council, Greater Taunton Health and Human Services Coalition, St. Francis Samaritan House, Bristol Plymouth Regional High School Council, Italian Social Club and the Kiwanis. Statewide, Mr. Cammarata was a Chairman/Board Member of the Massachusetts Councils on Aging, Cape and the Islands Regional Councils on Aging, Local Officials of Human Services Council and a member of many committees through the Executive Office of Elder Affairs. In 2006, Mr. Cammarata received the Council on Aging Director of the Year from the Massachusetts Councils on Aging.

Over his thirty-four years of public service, Robert L. Cammarata has assisted many elders, individuals and families in accessing needed services to assure that they live safe, healthy, happy and productive lives. He has mentored many human service professionals during his life and we honor Mr. Cammarata for who he is and what he has accomplished.

HONORING THE RUTHERFORD DUST SOCIETY OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to honor the Rutherford Dust Society. They are being recognized by the Friends of the Napa River this evening for their sterling work to restore the Napa River in the Rutherford area.

The Rutherford Dust Society was founded in 1994 by growers and vintners in tribute to the legacy of our grape growing and winemaking forebears. In 2002, the Society's board voted to empower a subcommittee to be known as the Rutherford Dust Restoration Team (RDRT). The Restoration Team, chaired by Davie Piña, was tasked with initiating a plan to manage and restore the Napa River. Among other objectives, RDRT focuses on reducing sediment loading into the river downstream; restoring habitat for salmonids and other aquatic species; restoring a continuous corridor of riparian habitat for birds and wildlife; replacing invasive plants with native species; and engaging landowners in the process to maintain regulatory compliance.

After seven years of hard work and planning, the RDRT broke ground on phase 1 of its restoration project, which will rehabilitate over four miles of the river. RDRT is a pio-

neering project in that it is one of the few comprehensive reach-scale restoration projects in the region to move beyond just planning into on-the-ground implementation. This rare achievement would not have been possible without the leadership of Mr. Piña and the Dust Society's board.

Madam Speaker, it is appropriate at this time that we thank everyone involved with the Rutherford Dust Society for the example they set as consummate stewards of the land. We wish them the best of luck on their continued efforts to improve our environment for agriculture and the community.

HONORING VERA MOORE

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SCHOCK. Madam Speaker, I rise today to honor Verna Moore, a true inspiration from my hometown of Peoria, Illinois. Verna will be turning one hundred years old on October 16, 2010 and plans to celebrate her birthday by spending time with her family. Throughout her life, Verna has inspired others with her positive attitude, warm personality, love of music, and active lifestyle.

Verna was born on October 16, 1910 to John and Elizabeth Troker, owners of a coal mine in Peoria. She was the youngest of eight children and was always very close with her sisters, brothers, and cousins. Verna has been a resident of Peoria, Illinois her entire life. From a young age, Verna was always filled with love and possessed a giving soul. Under her father's influence, she was raised Catholic and it was from a nun in their church that she first learned to play the piano. She began lessons at a young age and immediately loved the instrument.

Verna graduated the eighth grade from Lucy E. Tyng Middle School and began working in a warehouse. Her life changed when she first met her husband, Carthy Moore, near a pond at Glen Oak Park. They were immediately drawn to each other and married in 1936. Their marriage was built on love and stability, lasting nearly forty years until her husband passed away in 1974. The couple built their house from the ground up and Verna has lived in that same home ever since. Carthy made a living as a foreman at the Keystone Steel and Wire Factory in Martinsville, Illinois. Verna supported Carthy as a homemaker and mother. Her first and only child, William Moore, was born January 16, 1941. William fondly remembers his mother's wonderful baking and cooking, and the great care she always gave to him when he was sick as a child.

As she grew older, Verna took interest in a Mennonite church down the road from her Peoria home. She soon began attending the church and later played piano during the services. She continued to play hymns for the church services up until just a few years ago. To this day she continues to stay active. Today she not only is a mother, but a grandmother, a great grandmother, and a great-great grandmother. Her love has affected the entire community. Through her vibrant spirit

she continues to inspire others, especially at the age of 100 years old.

In conclusion, Madam Speaker, I wish to wholeheartedly congratulate Verna Moore on reaching the immense milestone of 100 years of age. I hope that every American can learn the important lesson of staying healthy and fit in both mind and body while maintaining a loving heart such as Verna's.

CONDOLENCES TO FAMILIES OF
GRADUATES OF BUCHANAN HIGH
SCHOOL

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. NUNES. Madam Speaker, I rise today on behalf of myself and my colleagues Congressmen JIM COSTA and GEORGE RADANOVICH, to extend our deepest condolences to the families of Buchanan High School graduates of Clovis, California who were lost in battle.

Words are insufficient to convey the depth of pain and loss felt by the families, friends, and colleagues of these brave men. They displayed enormous courage and a true commitment to protecting our Nation. Their tragic loss will continue to be felt by many for years to come.

Marine Corporal Jeremiah A. Baro, 21, of Fresno, California was assigned to the 2nd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, in Camp Pendleton, California. He died on November 4th, 2004, of injuries sustained due to enemy action in Al Anbar province, Iraq. Jeremiah was a 2001 graduate of Buchanan High School.

Marine Lance Corporal Jared P. Hubbard, 22, of Clovis, California was assigned to the 2nd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, in Camp Pendleton, California. He died on November 4th, 2004, of injuries sustained due to enemy action in Al Anbar province, Iraq. Jared was a 2001 graduate of Buchanan High School.

Marine Lance Corporal Anthony E. Butterfield, 19, of Clovis, California died on July 29th 2006 while conducting combat operations in Al Anbar province, Iraq. He was assigned to the 3rd Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, in Twentynine Palms, California. Tony was a 2005 graduate of Buchanan High School.

Army Private First Class Rowan D. Walter, 25, of Winnetka, California was assigned to the 1st Battalion, 9th Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, in Fort Carson, Colorado. He died on February 23rd, 2007, of injuries suffered when an improvised explosive device detonated near his Humvee during combat operations in Ramadi, Iraq. Rowan was a 1999 graduate of Buchanan High School.

Army Corporal Nathan C. Hubbard, 21, of Clovis, California was assigned to the 2nd Battalion, 35th Infantry Regiment, 3rd Infantry Brigade Combat Team, 25th Infantry Division,

at the Schofield Barracks in Hawaii. He died on August 22nd, 2007 when a Black Hawk helicopter crashed in Northern Iraq. Nathan was a 2004 graduate of Buchanan High School.

Senior Airman Nicholas D. Eischen, 24, of Sanger, California was assigned to the 60th Medical Operations Squadron at Travis Air Force Base in California. He died on Christmas Eve 2007 while serving as an emergency room medic at Bagram Air Base in Afghanistan. Nathan was a 2001 graduate of Buchanan High School and played on the varsity football team.

Sergeant Brian F. Piercy, 26, of Clovis, California was assigned to the U.S. Army's Alpha Company, 2-508 Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division in Fort Bragg, North Carolina. He was killed on July 19th, 2010, while serving in combat in Afghanistan. Brian was a 2001 graduate from Buchanan High School, and the son of Alta Sierra math teacher Carol Piercy.

Today we honor each of these brave young men for their service to our country and extend our condolences to their families, friends, and colleagues.

HONORING CELIA KUPERSMITH

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor the work of Celia Kupersmith, who departs from her position as General Manager of the Golden Gate Bridge, Highway, and Transportation District on September 1, 2010. Over the past 11 years, Ms. Kupersmith has overseen improvements in the infrastructure and services on which millions of people in the San Francisco Bay Area depend. Her leadership has been a source of strength during an especially active period for the Bridge District.

With over 800 employees running the Golden Gate Bridge, five transbay ferries, and a network of nearly 200 buses, the Bridge District manages the most critical linkages between San Francisco and the North Bay. It provides residents with over 50 million trips annually, and it maintains services for the six million tourists who come each year to visit the Bridge itself.

In 1999, after serving for several years as Executive Directive of the Regional Transportation Commission of Washoe County, Nevada, Ms. Kupersmith took on the challenge of leading this important agency at the outset of a number of significant technological and administrative changes.

During her period of service, Ms. Kupersmith has worked tirelessly to ensure that the people of the Bay Area can rely on the physical safety of the Golden Gate Bridge. She was called on to respond to the increased security demands placed on the Bridge District after September 11, 2001, and she has led the reform of Bridge security that followed. I am also particularly proud to have worked with her through several Congresses to secure fed-

eral funding for the ongoing seismic retrofitting of the Bridge.

Under Ms. Kupersmith's leadership, the past decade has seen the Bridge District make substantial improvements in its speed and interconnectedness within the Bay Area transportation network. This includes the implementation of electronic toll collection on the Golden Gate Bridge and the introduction of region-wide public transit cards—the TransLink and Clipper cards—on our buses and ferries. The Bridge District has also worked to enhance the speed of ferry service, which now offers a connection between Central Marin and downtown San Francisco in only 30 minutes.

Ms. Kupersmith will be leaving the Bridge District for a Deputy CEO position at Sound Transit, a transportation agency serving Washington's Puget Sound region. However, she will also be leaving behind a legacy of service that will endure in the Bridge District's improved infrastructure, modernized services, and sounder long-term financial outlook.

Madam Speaker, I ask you to join me in thanking Ms. Kupersmith for her contributions to the Bay Area and in wishing her all the best in her new endeavors. Ms. Kupersmith leaves our Bridge, buses, and ferries stronger than when she arrived, and with a sound footing for building on recent progress.

CONGRATULATING MS. CATHERINE
CARNAHAN

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. WU. Madam Speaker, I rise today to congratulate Ms. Catherine Carnahan of Oregon for receiving the award of Middle Level Principal of the Year. The National Association of Secondary Schools Principals honors the secondary school principal who has succeeded in providing high-quality learning opportunities for students as well as demonstrating exemplary contributions to the profession.

Ms. Carnahan believes in the spirit of collaboration and unselfishly credits the highly-trained team that she leads. Over the last five years, this cooperation has led to increased test scores and an attendance rate of 95 percent or higher. She and her team work together to find strategies to help each student succeed.

I am privileged to represent Duniway Middle School in McMinnville, Oregon, and the team of professionals that provide quality education to their students every day. Not only do I honor Ms. Carnahan for her contribution to the noble endeavor of teaching, but I commend her as an example of true leadership. Madam Speaker, I ask my colleagues to join me in congratulating Ms. Carnahan for this important recognition and her commitment to excellence in our public schools.

HONORING HOWARD S. WEITZMAN

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mrs. MCCARTHY of New York. Madam Speaker, I rise in honor of the Nassau County Comptroller Howard S. Weitzman for his remarkable contributions to the Long Island community. As Comptroller, Mr. Weitzman served as a fiscal watchdog and continuously worked to strengthen Nassau County. For these reasons and many others, I believe he is worthy of recognition.

As the first Certified Public Accountant (CPA) to be elected to the office of Nassau County Comptroller, Mr. Weitzman successfully strengthened the Comptroller's office. He achieved a significant financial turnaround, changing deficits into surpluses and providing balanced budgets without a tax increase for five years in a row. Mr. Weitzman focused on audits in the areas of County government with the largest expenditures, which resulted in identifying millions of dollars in potential savings. In addition, he has assembled a highly professional staff and continuously improved the office by implementing innovative management techniques.

Under the Office of Comptroller, Mr. Weitzman created and implemented the NassauRx Card. This innovative prescription drug program provides discounts up to 40 percent on commonly prescribed drugs and is accepted at more than 90 percent of the County's drugstores. Mr. Weitzman successfully implemented this program with no cost to County taxpayers and the NassauRx Card has saved Nassau residents more than \$12 million.

The work of Mr. Weitzman is inspiring, and I am grateful to him for all that he has accomplished for Nassau County. It is through his hard work and determination that Nassau County remains prosperous and strong. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for his contributions to society.

RECOGNIZING CISCO SYSTEMS,
INC. FOR 10 YEARS OF SERVICE
IN RICHARDSON, TEXAS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SAM JOHNSON of Texas. Madam Speaker, it is my pleasure to congratulate the Richardson, Texas, branch of Cisco Systems, Inc. on 10 years of outstanding operations. Cisco, the global leader in building the "Human Network," has over 70,000 employees worldwide, 1,400 of which work in the Third Congressional District of Texas.

The American public recognizes the company's internationally famous name and logo from popular TV shows such as 24 and Rubicon where, true to life, Cisco's unmatched technology is used by government agencies to defend the Nation against enemies foreign and domestic. The company also leads the

way in keeping our kids safe as they navigate the Internet. In fact, Cisco invented key technology that helped shape the Internet—transforming how people connect, communicate and collaborate.

The vision of Len Bosack and Sandy Lerner, Cisco's founders, propelled this company into a multi-billion dollar business. Recognized by hundreds of magazines and investors as one of the "Best Places to Work," Cisco's commitment to innovation and research is at the company's core. With over five billion dollars a year invested in Research and Development, R&D, Cisco represents one of the biggest R&D spenders in the world. Their technology and innovations have changed the way the United States—and the world—communicates.

It is a privilege to have many of this top-notch company's best and brightest living and working in North Texas. To the outstanding employees of Cisco-Richardson, happy 10th anniversary, and I salute you.

HONORING SAMES MOTOR
COMPANY'S 100TH ANNIVERSARY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. CUELLAR. Madam Speaker, I rise today to honor the Sames Motor Company's one hundredth year in operation. Sames Motor Company is Texas' oldest dealership. This automotive company has accomplished a century of service to our community throughout the years.

Founded in 1910 by William J. Sames, this successful and prospering company has been sustained through five generations of Sames, traditional values and great work ethic. It continues to be locally owned in Laredo, Texas and operated by the Sames family. The dealership started with humble beginnings with an inventory starting with three Ford Model-Ts. Today, it sells over 3,000 new vehicles and an excess of 4,000 used vehicles a year and employs over 400 workers through the Sames Auto Group.

Within 4 years of its founding, a new location was needed for the booming business. By 1919, a new, grander location was established in downtown Laredo, which sold Ford, Cadillac, and other automobiles. Years later after World War II, Sames agreed with Ford Motor Company to be a dealership selling the Ford brand exclusively. The company continued to prosper under a succession of the Sames family, Harry E. Sames, Sr., son of W.J. Sames; Harry E. Sames, Jr., son of Harry, Sr.; and Harry "Hank" E. Sames III. In 1926 the dealership sold over a thousand Fords. By the 1960s and '70s, Sames Motor Company expanded to add three more locations in Laredo. The company, owned by the fourth generation of Sames, continued forward by acquiring Sames Red Barn, a dealership in Austin and expanding to Corpus Christi locations. Hank Sames developed the in-house financing division known as Thunderbird Auto Finance and launched the state of the art Sames Collision Center. Today, Sames Motor Company is owned by the fifth generation of Sames and

thrives on traditional business values and excellent customer service.

Sustaining a business for a century is not the only accomplishment of this establishment—community outreach and philanthropic contributions have come along with the success of Sames Motor Company. The founding of the Sames Scholars and the Driven to Success Programs is the only program of its kind for south Texas as an education based initiative. Evelyn Sames, fifth generation owner, implemented a new program called "Mission: Give Laredo," which benefits Bethany House, a local charity. In 2009, Mission: Give Laredo raised over \$100,000 and contributed food, clothing, and goods. Recently, working with city officials, Evelyn is developing the Tires for Life recycling and wellness program, which will commit to the youth to healthy living and recycling. Sames Motor Company has also been the recipient of numerous awards and recognition.

Madam Speaker, I am honored to have had this time to recognize Texas' oldest dealership and its 100th anniversary. Through outstanding service and a family owned business, Sames Motor Company has accomplished a century of dedication.

IN RECOGNITION OF NICKELODEON
AND THE 10TH ANNIVERSARY OF
"DORA THE EXPLORER"

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. REYES. Madam Speaker, in celebration of Hispanic Heritage Month, I rise today on behalf of the Congressional Hispanic Caucus to recognize Nickelodeon for their commitment to educational programming that promotes the ideals of multiculturalism, bilingualism, and diversity. August 14, 2010 marked the 10-year anniversary of the popular animated television educational program "Dora the Explorer," and this week the Congressional Hispanic Caucus Institute will recognize Nickelodeon at the organization's 33rd Annual Public Policy Conference.

As co-chair of the Communications, Technology, and Arts Taskforce, I work with my colleagues to promote the advancement of Latino arts and culture in all mediums, including print, broadcast, and the Internet. Achieving these goals requires forming partnerships with local, state, and national groups, including artists, non-profit advocacy organizations, and corporate broadcasters and programmers.

Nickelodeon is one of these important partners that has been successful in incorporating the values of multiculturalism, bilingualism, and diversity by producing shows like "Dora the Explorer." The interactive children's television show, created by Chris Gifford, Eric Weiner, and Valerie Walsh, ranks among the top-rated shows in nearly every major market in the world, and is syndicated to TV broadcasters in 151 markets and translated into 30 languages. The program teaches Spanish in the United States, Australia, Canada, New Zealand and Ireland, and teaches English in most other international markets.

The show's main character, Dora Marquez, has become an ambassador of Latino language and culture, reaching millions of children around the world. The show's creators have been able to use the full power of animation to transform the television medium as a force for bridging cultural gaps and educating children about diversity.

I also applaud Nickelodeon for marking the 10th anniversary of "Dora the Explorer," with a multi-year, multi-platform, pro-social campaign titled "Beyond the Backpack." This program, named for Dora's iconic backpack, champions overall school readiness for preschoolers as they prepare for the important adventure of starting school.

In partnership with an advisory committee that includes the National Parent Teacher Association, PTA, and other experts and leaders in school readiness, "Beyond the Backpack" will provide parents with tools and resources that can help children prepare for a well-rounded, positive experience as they enter kindergarten. Programs like these will promote education to all children and assist parents.

I am pleased to recognize Nickelodeon on the 10th anniversary of "Dora the Explorer," and commend the network for their commitment to educational programming that promotes the ideals of multiculturalism, bilingualism, and diversity.

CLEAN RENEWABLE ENERGY INVESTMENT ACT OF 2010

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. McDERMOTT. Madam Speaker, the main issue facing public power providers, corporate electric companies, and tribal utilities who wish to generate renewable energy is the lack of equal treatment under the current tax credit bond system. The "Clean Renewable Energy Investment Act of 2010," brings parity to these providers by giving them the necessary tools to help solve the nation's energy problems while creating thousands of jobs. In 2005, Congress created the Clean Renewable Energy Bond ("CREB") program to provide the not-for-profit sector of the utility industry with a federal incentive to assist them in creating green jobs and developing renewable power generation. Many much needed improvements and modifications to the CREB program have been discovered through the practical application of the CREBS program over the past five years. This bill provides the much needed improvements to the CREB program, bringing the program's effectiveness in line with Congress's initial intent.

The bill contains four key provisions. First it provides parity with the Section 45 production tax credits. Second, it targets incentives to commercial scale projects. Third, it clarifies that tribal utilities may issue CREBs. Lastly, it includes important technical modifications to make CREBs more consistent with other types of existing tax credit bonds.

Ultimately, this bill enables these power providers to develop and own renewable resources directly, while ensuring that the full

benefit of the federal incentive flows directly to electric consumers—resulting in lower costs to the consumers through the creation of green jobs and renewable energy.

RECOGNIZING THE 100TH ANNIVERSARY OF THE OHIO ASSOCIATION OF REALTORS

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. TIBERI. Madam Speaker, it is with great pleasure I rise to recognize the 100th birthday of the Ohio Association of REALTORS (OAR).

Home ownership stands as a hallmark of the American way of life, and, for millions of working families throughout this nation's history, owning a home comprises a large part of achieving the American dream. At the core of this promise is the industry which helps make this dream a reality.

Realtors serve a vital role in the healthy propagation of homeownership; therefore, those who contribute to the furtherance of this profession are deserving of our thanks and recognition. The Ohio Association of REALTORS was created to help protect the investment Americans place in their homes, and for 100 years this fine organization has served with distinction. Where homeownership flourishes neighborhoods prosper, as residents are more civic-minded, schools stronger and streets safer.

For 100 years, the Ohio Association of REALTORS has worked to emphasize the value of home ownership and other property ownerships as well as property improvement across the state. Moreover, the OAR actively promotes a sense of civic responsibility and volunteerism with its over 35,000 members, while also pushing members to adhere to the National Association of REALTORS' stringent Code of Ethics.

Through commendable love of our community and fidelity to their craft, OAR serves a vital need in the state of Ohio. Therefore, in recognition of the 100th anniversary of the Ohio Association of REALTORS and in honor of all those individuals who serve their community as a realtor, I am proud to offer this recognition. As a former realtor, I am especially pleased to honor this fine organization for its service to our great state and the realty community.

CELEBRATING THE 100TH ANNIVERSARY OF THE FLOURTOWN FIRE COMPANY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to congratulate the Flourtown Fire Company on the 100th Anniversary of their founding. Located in Springfield Township, this all-volunteer fire company serves not only the residents of Springfield, but also several surrounding communities.

When a local barn burnt down in 1910, a small group of dedicated citizens came together to form what would become the Flourtown Fire Company. From a modest start of a hand-drawn hose-cart stored in a barn to a modern firehouse with state-of-the-art life saving equipment, the Flourtown Fire Company has been a vital asset to the community.

The volunteers of the Flourtown Fire Company have relocated several times to accommodate their growing fleet. In 1983 the company opened its doors to women volunteers as well as men.

Over the past century the Flourtown Fire Company has demonstrated its commitment to protecting its neighbors numerous times. The Flourtown Fire Company is the home of station 6, Engine 6, Ladder 6, Squad 6, and Utility 6. The company's heroic work and valor has been recognized by the Montgomery County Firemen's Association for life saving efforts far above and beyond the call of duty. In 2003, the company added a Firefighter Assist and Search Team to help protect volunteers during rescue operations. The company also offers safety training courses and activities for children and families.

My constituents in the Springfield area are safer and more secure because of dedicated men and women like those who serve and support the Flourtown Fire Company. I am honored to represent the volunteers of the Flourtown Fire Company and the communities they serve.

Madam Speaker, I ask that my colleagues join me in congratulating the Flourtown Fire Company's 100 year celebration and wishing them many more years of faithful service to the community.

COMMEMORATING THE 50TH ANNIVERSARY OF SOUTHEASTERN ILLINOIS COLLEGE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SHIMKUS. Madam Speaker, I rise today to honor Southeastern Illinois College in Harrisburg, Illinois, on the 50th Anniversary of this educational institution.

Discussion and planning for a college began in 1959. At that time, the State of Illinois rejected the plans, but a review was granted. The Harrisburg High School Board of Trustees created an advisory committee to help found the college. On June 21, 1960, a public vote was taken and over 93 percent of the more than 2,500 voters were in favor of the college. In September 1960 the name Southeastern Illinois College was officially adopted.

Instruction at the college began on September 11, 1961 with 314 students enrolled. The classes were conducted in a wing of Harrisburg Township High School. In 1965 the Illinois Junior College Act passed, and Southeastern officially became a Class II Junior College. In 1967 a referendum to become a Class I college carried, and the district was expanded to include five counties.

In 1968 the first Board of Trustees was elected and assumed governance of the college. The first President, Mr. Joe Deaton, was

appointed. In 1976 the college was granted full accreditation by North Center Association of Colleges and Secondary Schools. Also that year, the permanent facilities, still in use today, were completed and occupied.

Today, Southeastern Illinois College provides educational opportunities to a number of high school graduates and those returning to school in an ever expanding campus. I am please to congratulate this fine institution on 50 years of success. I look forward to the bright future in store for Southeastern Illinois College.

CONGRATULATING LOGISTICS
HEALTH INCORPORATED FOR RECEIVING THE EMPLOYER SUPPORT FREEDOM AWARD

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. KIND. Madam Speaker, I rise today to congratulate Logistics Health Incorporated for receiving the 2010 Secretary of Defense Employer Support Freedom Award. Logistics Health, based in La Crosse, Wisconsin, joined 14 other employers across the country in being recognized for their outstanding support of employees who serve in the Guard and the Reserves.

For many years, our Guard and Reserve forces were seen as a "force of last resort," but recent conflicts have demonstrated just how vital the Guard and Reserves are on a day-to-day basis. In fact, since 2001, more than 775,000 members of the Guard and the Reserves have been activated for military operations in Iraq and Afghanistan. These families have gone through enormous sacrifice to serve their country and too many have given the ultimate sacrifice. We as a nation will be forever grateful to them for their contributions.

As an employer, Logistics Health has gone above and beyond the call of duty in assuring our Guard and Reserve servicemembers that they don't have to worry about their jobs back home. Logistics Health ensures that Guard and Reserve servicemembers won't lose their seniority, salary, and benefits while they are serving their country.

Logistics Health also regularly sends care packages, letters, and emails to its servicemember employees, sponsors community events and fundraisers for care package drives for the military as a whole. Logistics Health has contributed \$120,000 to military support organizations and fundraisers.

For its patriotic commitment to the Guard and the Reserves, earlier this year Logistics Health won Wisconsin's "Above and Beyond" award and received the state's "Pro Patria" award.

Employers across the nation should take a close look at the good work Logistics Health and others are doing in providing members of the Guard and the Reserves with the flexibility they need when they leave to serve their country and for when they come back ready to resume civilian life.

CONCERNING FLOOD ASSISTANCE
TO PAKISTAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SHERMAN. Madam Speaker, I rise today out of concern for the people of Pakistan who have been affected by the catastrophic flooding this monsoon season. As reports continue to emerge detailing ever-increasing numbers of displaced families and deaths, I want to express my deepest sympathy for the victims of this tragedy.

Estimates indicate that over 20 million people are affected by the flooding and over 1,600 have died. In addition, almost 900,000 homes have been destroyed or damaged. According to the UN, millions of people went unaided in the days and weeks after the flooding began. We must also remember that even after the waters recede, the lack of shelter, food, and clean water may bring ongoing suffering. And as croplands and farming equipment are destroyed, the threat of future famine looms.

The devastation these floods have wrought is widespread and affects people in multiple Pakistani provinces. In the Sindh province alone, estimates from August 10th indicate that 1.4 million people and 2,534 villages have been affected by the floods, and as of August 18th new flood warnings continue to be issued. Through communications with the Sindhi-American community over the past year, I have learned of the challenges that the Sindh and other provinces face. These floods have exacerbated the situation. We must ensure that our relief efforts reach all affected people and do not inadvertently neglect the individual regions.

The U.S. has responded rapidly trying to provide relief assistance, and it is my hope that our efforts will continue to ensure that the death and disease tolls do not rise as winter approaches. Through September 14th, total U.S. government assistance reached over \$300 million. Much of the assistance provided by the State Department and the U.S. Agency for International Development has been distributed in partnership with several international agencies including the United Nations and the Red Cross.

While the U.S. continues to play a leadership role in the global effort to assist the people of Pakistan in this difficult time, it is my sincere hope that our efforts reach all those affected by this tragedy. I raise this concern in light of troubling reports that followed the 2005 earthquake in Kashmir. Even one year after that devastating event, Oxfam reported that administrative bottlenecks and corruption had stymied progress toward reconstruction. We must ensure that such an occurrence is not repeated.

Last year, Congress passed The Enhanced Partnership with Pakistan Act of 2009 which is now public law. Title III of this legislation was written to ensure that U.S. assistance reaches all the people of Pakistan fairly and equitably. I wish to reiterate the concerns that prompted this title and to urge the agencies spearheading our relief efforts to follow appropriate

protocols for monitoring the assistance related to the recent floods.

AN EFFECTIVE PARTNERSHIP

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. OBERSTAR. Madam Speaker, in 2006 and again in 2009, I brought to the attention of the House of Representatives law enforcement's new tactic of using billboards to deliver information to the public about wanted fugitives. Today, I will provide an update on progress regarding this effective partnership.

The Federal Bureau of Investigation (FBI) now has the capability to send alerts nationwide via more than 2,000 high-tech electronic (digital) billboards. The first such nationwide alert posted on digital billboards was activated on August 2, 2010, as part of the FBI's manhunt in a serial bank-robbery case.

The results, according to federal officials, were impressive. Soon after the suspect's photo was displayed on digital billboards, an FBI field office in Virginia received information from a tipster identifying the fugitive and providing, among other things, photographs. The suspect, dubbed the "Granddad Bandit," was apprehended on August 11 in Baton Rouge, LA.

Authorities had been chasing the "Granddad Bandit" for nearly two years. Based on bank videotapes and other evidence, he is suspected of robbing at least 25 banks in 13 states starting in 2008.

"A tip to the FBI made today's arrest possible," said US Attorney Neil H. MacBride in the Eastern District of Virginia. "This is a great example of how the public and law enforcement must work together to keep our communities safe."

Michael Morehart, Special Agent in Charge of the FBI Richmond Division, thanked the Outdoor Advertising Association of America (OAAA) for coordination of digital billboards, and also publicity on radio and in print.

We hear the term "partnership" used frequently. I would like to explain to my colleagues what partnership means in this instance.

The space and time on digital billboards are donated. The FBI worked closely with the outdoor advertising industry to develop computer software to facilitate the transfer images and text to digital billboards. Specifically, Young Electric Sign Company (YESCO) based in Utah built the computer software.

At the FBI, management has shown a willingness to innovate. In 2007, the FBI—working with a fugitive task force—posted images of wanted fugitives in the Philadelphia area. Based on success there, the agency and the outdoor advertising industry expanded this tactic to other areas.

On March 20, 2009, FBI Director Robert S. Mueller presented a Director's Community Leadership Award to outdoor advertising companies participating in the partnership.

This month, Mr. Mueller presented a Director's Award of Excellence to Harry Coghlan of Clear Channel Outdoor's Spectacolor for his

role in assisting the FBI in Times Square. As an example, the FBI announced on September 12, 2010, that an alleged mobster who was featured on a large high-tech billboard in Times Square was arrested in Yonkers, NY.

Meanwhile, the National Center for Missing & Exploited Children, an arm of the Justice Department, has distributed more than 400 AMBER Alerts to digital billboards since June of 2008.

I commend the partners in this effective use of technology to deliver information quickly in a mobile society on behalf of public safety.

ON THE 125TH ANNIVERSARY OF
THIRD BAPTIST CHURCH

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to celebrate the enduring legacy of a faith institution in the city of Portsmouth. This year, Third Baptist Church is celebrating its 125th anniversary, and in recognition of this milestone I would like to take a moment to reflect on the history of this esteemed church and its contributions to the greater Portsmouth community.

The original seeds of Third Baptist Church were planted in a schoolhouse on Portsmouth's Chestnut Street in 1885. It was there that Rev. J.W. Godwin and a group of women conceived of the church and held its first services. From this humble beginning, the church grew under the pastorship of Rev. James Garriss. It was during the tenure of the third pastor, Rev. Harold Anthony, that the church moved to its present location on the corner of Queen and Godwin streets, then the frontier of the city.

Third Baptist's congregation grew considerably at the new site under the leadership of fourth pastor Rev. Frank Campbell. Rev. Campbell saw the location of the new church, a neighborhood populated by saloons and other morally questionable establishments, as a blessing and opportunity to spread the Word and enlarge the Third Baptist Church family. Due to revivals and outreach efforts, the church outgrew its building, and a new sanctuary was built in 1911, the sanctuary Third Baptist uses to this day.

Third Baptist continued to grow under the leadership of fifth pastor Rev. B.W. Dance. During his 18 years at Third Baptist, the church knew both success and setback. The \$10,000 mortgage was burned in 1920, a pipe organ was installed, and massive improvements to the sanctuary were completed. As the Great Depression swept the country, the Church was not able to escape its effects. But financial hardship was not powerful enough to close the doors of Third Baptist. When the church could not pay the salaries of Rev. Dance, the church organist, sexton, and clerk, they all continued to serve God and the congregation without a paycheck. This continued until the church could afford to pay them half their wages and finally restore their full salaries.

The Church's sixth pastor, Rev. C. J. Washington, was installed in 1939. Under his direc-

tion, the church established a building fund and secured property for and erected a parsonage on the southeast corner of Elm Avenue and Glasgow Street.

Third Baptist's seventh pastor, Rev. C.H. Jordan, was installed in 1947. His 31 years of service encompassed the postwar growth of the city of Portsmouth, and many of the institutions of modern Third Baptist were founded under his leadership. One of the Church's greatest accomplishments of this period was the establishment of a kindergarten and Adult Education Program. Originally housed in the first small Queen Street sanctuary, by 1951, the program had outgrown its facilities, and a new educational building was constructed. Third Baptist continued to expand in the neighborhood, buying a building across Queen Street and renovating it into a Fellowship Hall. Eventually this hall was the only Third Baptist building large enough to hold the education program, and in 1974 the repurposed, renovated, and fully air conditioned facility was dedicated. Rev. Jordan served Third Baptist until his death in 1978.

Third Baptist Church's eighth and current pastor is Rev. Joe B. Fleming. Since 1981, Rev. Fleming has led the church into the 21st century. During his tenure, the position of Youth Minister was established to coordinate a program to meet the needs and expectations of the young members of Third Baptist. The church ushered in a new era in service in 1994 when it named its first two female Deacons to the Diaconate. In October of 2004, the Fleming family added another generation of service to Third Baptist. Rev. Joseph A. Fleming, the son of Rev. Fleming and Mrs. Johnnie Fleming, became the Assistant to the Pastor of Third Baptist Church and currently serves as Supervisor of Ministries.

The Church continues to minister to its community to this day. The education program now includes after school homework assistance. The newly renovated kitchen helps facilitate the weekly feed-the-hungry program and the Meals on Wheels ministry. This enduring legacy of service is due to the efforts of the congregation, some of whom have been members of Third Baptist for over 60 years.

I would like to commend Pastor Fleming and the congregation of Third Baptist Church as they celebrate their 125th anniversary. I hope that their next 125 years of service will be as fruitful as their first 125 years.

CELEBRATING THE 50TH ANNIVERSARY OF SOUTHERN ILLINOIS
REGIONAL SOCIAL SERVICES

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the 50th Anniversary of Southern Illinois Regional Social Services (SIRSS).

The origin of SIRSS can actually be traced to February 10, 1958, with the meeting of a temporary committee whose purpose was to organize a mental health association and clinic in Jackson County, Illinois. Through the dedi-

cated work of a small group of individuals, the Southern Illinois Mental Health Clinic (SIMHC) was opened in October of 1959 with the first full year of services in 1960.

As the organization evolved to meet its service offerings and geographic area, its name would be modified to reflect that growth. Jackson County Community Mental Health Center was the name adopted in the 1960's and then, in the 1990's, it became Southern Illinois Regional Social Services (SIRSS).

SIRSS has always been a dynamic organization, adding new services and evaluating existing services to make sure they are effective, in line with their core mission and addressing the needs of their clients. Substance abuse prevention and treatment programs, wellness education, Big Brothers/Big Sisters and satellite offices are all examples of the variety of services SIRSS has added through the years.

One of the earliest annual reports listed an average clinic caseload of 58 community patients. This has grown to over 2,000 people served annually today. Clearly the need is great and SIRSS has grown to meet that need. Through 50 years of growth, however, they have stayed true to their founding commitment to Build Better Lives and their promise: "You are not alone. We care. We know how to help."

Madam Speaker, I ask my colleagues to join me in congratulating the board of directors, administration and staff of Southern Illinois Regional Social Services on their 50th Anniversary and wishing them the very best for many more years to come.

TRIBUTE TO JENNIFER DOAK

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Jennifer Doak, an active-duty Specialist with the National Guard from Boone County, Iowa, and to express my appreciation for her dedication and commitment to her country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Jennifer Doak was recognized on Tuesday, June 8. Below is the article in its entirety:

BOONE COUNTY VETERANS: JENNIFER DOAK

(By Alexander Hutchins)

Jennifer Doak, a specialist with the Iowa National Guard, pursues her personal goals and serves her Nation as a current member of the National Guard.

Doak is from "all over Iowa," having moved to different locations around the state approximately every four years with a brief period of residence in Kentucky. Moving around so frequently made it difficult to form many friendships or get to know her community well, but since she was little she has wanted to serve in the military.

"You have to kind of love what you do," Doak said of her decision to join the National Guard.

Doak played sports in her childhood and was an avid reader, but with her mother frequently relocating, she became a fairly introverted child.

She was influenced to join the National Guard partly due to her father's service in the military during her childhood. She joined the National Guard on Oct. 23, 2003 and continues to serve today.

Doak is an M-day soldier with the Guard, serving one weekend a month and two weeks a year. She said her personal goal for her service is to reach the rank of Command Sergeant Major.

When not serving her drill weekend, Doak is a full-time student at the Des Moines Area Community College Boone Campus. She also completed courses with Grantham University Online while deployed overseas. She was recently hired by the Boone County Commission for Veterans Affairs, working to provide services to service men and women in Boone County.

Doak was deployed to the LSA Anaconda base in Iraq from June of 2006 to August of 2007. She worked as a communications specialist and performed maintenance on "anything that plugged in."

When asked about how the current conflict in Iraq and Afghanistan influences her perception of her vocation, Doak was enthusiastic.

"It makes me want to work harder, to be better at [my job]," she said.

Doak said she does not plan to become a full-time Guardswoman, but she was thankful for the people she has met and friendships she has made during her time in the guard. She said she had no significant regrets from her time in the military except for not being able to be home when loved ones passed away.

"It's a repercussion of any job," she said.

Doak said that she is more aware of things in the world than she used to be, and her time in the Guard has helped her recognize the value of everyday experiences.

"I've grown up quite quickly," Doak said. She said she is more mature and conscious than she was in high school.

In the time between Memorial Day and Veterans Day, Doak encourages everyone to remember what military personnel and veterans have done.

"I think Veterans Day and Memorial Day touch everyone in some capacity," Doak said.

Doak said that even if you do not like that soldiers are deployed somewhere, it's important to thank them when the time is right.

"Remember to thank somebody," she said.

I commend Jennifer Doak for her many years of loyalty and service to our great Nation. It is an immense honor to represent her in the United States Congress, and I wish her all the best in her future endeavors.

THE FEDERAL PROTECTIVE SERVICE IMPROVEMENT AND ACCOUNTABILITY ACT OF 2010

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, I am pleased today to introduce a bill on behalf of myself and the gentlelady from Texas, Ms. JACKSON LEE.

The "Federal Protective Service Improvement and Accountability Act of 2010" addresses glaring gaps in security at our Federal buildings by putting the Federal Protective

Service (FPS) on the path to fulfilling its homeland security mission.

My legislation would direct FPS to increase its ranks while fostering greater accountability and management of contract guards and security service contracts.

BACKGROUND

The Federal Protective Service (FPS) is a critical component of the Department of Homeland Security (DHS) and of our national security, being the agency responsible for the law enforcement and security of nearly 9,000 Federal facilities all across the country.

Over one million government employees work in federal facilities nationwide and many more members of the public visit and utilize federal facilities each year. Protecting these men and women is of the utmost importance.

FPS was transferred to DHS from the General Services Administration (GSA) under the 2002 Homeland Security Act. Starting in 2006, we began learning about serious capacity and operational challenges in this critical agency.

In 2006, two DHS Office of the Inspector General (OIG) reports were released that questioned the management of and security provided by FPS.

The first report revealed that FPS was running a significant budget shortfall due to problems with transferring operational funds when FPS was moved into DHS. The OIG indicated at the time that the fee-funding system employed by FPS to cover the costs of security it provides Federal agencies might be a part of the problem.

The second report included troubling revelations about the state of the contract security guard program which FPS had come to rely on to provide the physical security presence and access point controls at almost all of the facilities under their protection.

In 2006, FPS had less than 1,000 uniformed officers and employed roughly 15,000 contract guards. The OIG discovered that FPS was not performing adequate oversight of guards and estimated that at least 30 percent of contract guards in the facilities they inspected either did not meet suitability requirements to be permitted to stand at their post and perform their job or had at least one expired certification that would also prohibit them from standing post.

Furthermore, the OIG found that the guards standing post often did not adhere to the terms of their contracts by failing to adequately follow the orders laid out by FPS for manning their guard posts. The Inspector General's report concluded that FPS may have created a situation of unnecessary risk and increased vulnerability at Federal facilities by failing to properly oversee their contract guards.

In May 2007, I convened a Full Committee hearing on the state of FPS. At the hearing, we took testimony as to the serious flaws within the contract guard program and learned of FPS' initial plan to address their budget shortfall. FPS planned to transfer more than 200 Federal law enforcement officers and special agents out of FPS, their duties to be fulfilled by contract guards.

At the time, I expressed my strong reservations about this plan. Subsequently, the House Appropriations Committee directed FPS to maintain a staff of at least 1200 FTEs and

FPS ended up addressing its budgetary woes by increasing the fee it charged for providing security by 47% between FY2005 and FY2009.

Over the past three years, my Committee has conducted extensive oversight of FPS and its management of the contract guard program.

By April 13, 2010, a follow-on audit by the Government Accountability Office that I requested revealed that previous concerns raised by the OIG as well as my Committee remained unaddressed, and serious security gaps existed.

GAO found that the initial problem of uncertified or unqualified guards standing post due to a lack of proper oversight was still a very big problem. In fact, GAO identified an entire region of roughly 1,500 guards who never received the proper x-ray and magnetometer training from FPS.

In one instance a woman's infant was put through the x-ray scanner, but the guard was able to retain his job after challenging the FPS for never properly training him on how to use the machine.

GAO also continued to find guards standing post with expired certifications, and even found one level IV facility, the highest risk facility FPS protects, where 75% of guards standing post had at least one expired certification.

GAO determined this happened because FPS lacked a reliable system to track and monitor certifications and training of guards, and was relying on contractors to accurately self report on their guards.

GAO concluded that the lack of uniform guidance for the frequency and rigor of guard post inspections meant that FPS rarely inspected many posts, and when they did there was no continuity from region to region with regard to what constituted a proper or thorough inspection.

The most concerning of GAO's findings, however, were the results of their penetration testing.

GAO performed covert penetration tests to see if contract guards in 10 of the highest risk facilities across the Nation would be able to prevent someone with bomb-making materials from entering the facilities. GAO had a 100 percent success rate.

In other words, they were able to sneak bomb making materials into every single facility they tested, on every attempt they made, and were even able to go somewhere within the facility like a bathroom, assemble the device, and then walk around the facility unimpeded, in and out of offices, including those of Members of this House.

This demonstrates an almost complete lack of entryway security at Federal facilities with the highest risk designation, and that is simply unacceptable.

To make matters worse, contract security guards do not have arrest authority of any kind, so if incidents did occur they could often do little besides call the police instead of physically being able to address a threat themselves.

When, in the Fiscal Year 2010 budget, the Obama Administration proposed transferring FPS out of Immigration and Customs Enforcement (ICE) and into the National Protection

and Programs Directorate (NPPD), I held another Full Committee hearing to receive testimony as to whether this move would help or hinder reform to enhance FPS' performance.

At the November 2009 hearing, FPS and the leadership of NPPD promised to immediately begin reforms that would address the troubling GAO findings with the contract guard program.

In April, 2010, the Committee on Homeland Security held its third dedicated hearing on the state of FPS. At that hearing, GAO provided testimony on the contract guard program, and the question of whether it was time to rethink the Federal Protective Service's use of contract guards to protect some of our Nation's highest risk facilities.

Specifically, GAO recommended that FPS reassess how it protects Federal facilities, take a stronger role in overseeing contractor performance, and most importantly reassess the use of contract guards in the first place.

FPS responded to the GAO by noting they had increased the frequency of guard post inspections by 40 percent, and were in the process of implementing a multi-million dollar computer risk assessment program to streamline the process of guard post inspections and make them more uniform across the Nation. The computer program was not in use at the time of the hearing though, and still remains largely inoperable today.

In response, GAO stated that even with this new process, FPS was still too understaffed to perform adequate oversight of contractors and contract guards.

I would note that, at my request, GAO is currently performing an audit of the aforementioned computerized risk assessment and management program, known as RAMP.

Interesting, at the hearing, FPS claimed to have performed analysis of the cost savings that might be gained by full or partial conversion of contract guards to Federal positions, and had made the determination that the gains in security were not sufficient to warrant the expense.

Given that FPS lacks both a human capital plan and a current workforce analysis, FPS' contentions were somewhat dubious.

At the conclusion of the hearing, I was left unsatisfied that FPS was able or willing to undertake the necessary reforms. Thus, I came to believe that it would take legislative action to ensure that our Federal buildings had the security that Americans have the right to expect.

I directed my staff to work on legislation to tackle FPS' challenges in a comprehensive fashion.

OVERVIEW OF THE LEGISLATION

The "Federal Protective Service Improvement and Accountability Act of 2010" seeks to bolster FPS' management and diminish its over-reliance on contract guards thereby improving the overall security provided by FPS in many ways:

First, the bill will require FPS to increase the ranks of Federal Law Enforcement inspectors it employs from the current number of about 800 to 1350. The increased presence of Federal law enforcement within Federal buildings, providing "boots on the ground" security expertise will fundamentally transform FPS.

Within the inspector workforce, the Federal Facility Security Officers shall serve the secu-

rity expert function, responsible for performing the risk assessments, making security countermeasure recommendations, and performing the onsite inspections of security guard posts.

Complementing this effort will be the contributions of Federal Facility Law Enforcement Officers to address a serious need within Federal facilities for patrolling, performing law enforcement investigations, responding to crises, and exercising arrest authority when necessary.

This augmented inspector workforce—comprised of Federal law enforcement—will provide FPS, for the first time, with a core of specialized security personnel with the training and authority to foster change within the entire organization.

Second, the bill directs FPS to establish a dedicated contract oversight staff to monitor the contract guards. This would alleviate a major responsibility that was thrust upon FPS' law enforcement officers who, though lacking contract oversight knowledge, are expected to monitor contractor performance by contractors. Establishment of a specialized corps of contract oversight staff will have the added benefit of freeing up law enforcement officers to concentrate on their law enforcement duties full time.

Third, the bill will require the establishment of national minimum standards for the level of training and the certification of security guards.

This standard would directly alleviate the problem of different states and regions having contract guards with varying degrees of qualifications and training, despite being certified to act as security guards in their home states or regions.

Fourth, it expresses the sense of Congress that the security standards for Federal facilities established by the Interagency Security Committee, a Federal security advisory committee, and published in the document "Physical Security Criteria for Federal Facilities" become implemented for all Federal facilities for which they were issued. This would be another major step toward ensuring security at Federal facilities was uniform across the Nation.

Fifth, this bill sets up a 1 year pilot program to assess whether a Federal Facility Security Guard that is a Federal employee would do a better job protecting the highest risk federal facilities than a contract guard. GAO is charged with assessing the performance of the Federal Security Guards performing in the pilot.

In the event that the GAO finds their performance satisfactory, the Federal Facility Security Guard position created by the pilot would then become a permanent position at FPS. This pilot program is critical towards possibly addressing the problems with the contract security guard program that are all but endemic at this juncture.

FPS can no longer continue a patchwork approach to plugging security holes consistently found in the contract security guard program. This pilot will present Congress and FPS with a real world example of an alternative to contract guards that would instantly alleviate many concerns regarding the quality and legitimacy of security guard training and certification.

Sixth, this bill will require the highest risk Federal facilities to always maintain a sufficient number of persons with Federal law en-

forcement arrest authority so that they could respond to any crises that may occur with the necessary force and authority.

Seventh, this bill will require GAO to investigate the fee-funding system FPS utilizes to cover its operating costs. Numerous reports have linked this fee system, which bills tenant agencies for security primarily by a charge per the square footage of the facility, to hindering the progress of integration with DHS, as well as general reform, at FPS by hampering their ability to make decisions that require significant budgetary commitments.

CLOSING COMMENTS

The Federal Protective Service has a critical mission when it comes to this Nation's homeland security because it is a mission that directly protects Americans from potential harm. Yet since it was first moved into the Department of Homeland Security, FPS has been plagued with issues of mismanagement.

Some of these have been addressed, but the most serious issue to date has been the inability of the contract force, upon which FPS heavily relies, to provide adequate security at the entrances and exits to many highly populated and high risk Federal facilities.

This bill takes a comprehensive common-sense approach to addressing these security holes as quickly and responsibly as possible.

Simply put, FPS needs more officers, and this bill will give it to them. At the same time, FPS needs to find alternatives to its current contract-reliant approach to guarding facilities and this bill does just that by putting FPS on a path to building needed internal capacity to provide guard services.

I urge my colleagues to cosponsor the "Federal Protective Service Improvement and Accountability Act of 2010" and work with me to get passage of this critical homeland security legislation.

COMMEMORATING THE 20TH ANNIVERSARY OF APPLE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SHIMKUS. Madam Speaker, today I rise to acknowledge the hard work of a group of educators from the United States and Canada who have provided their services to the people of Lithuania for 20 years.

The American Professional Partnership for Lithuanian Education, better known as APPLE, is marking its twentieth anniversary this year. APPLE was founded in 1990, as Lithuania emerged from the Soviet Union's iron curtain, for the purpose of supporting education reform in Lithuania as part of that nation's transition back to democracy.

APPLE is a non-profit which partners with the Lithuanian Ministry of Education and Science to train Lithuanian teachers in subjects ranging from agriculture, civics and geography to art and music. APPLE has grown from its first two week seminar in one city in 1991 into a program which conducted an entire summer program in nine cities throughout the country in 2009.

I want to join with the other Members of this House in congratulating the American Professional Partnership for Lithuanian Education on

celebrating its twentieth anniversary and to wish them many more years of success in bringing the gift of education and democracy to the Lithuanian people.

IN HONOR OF ANDY LINENBERG
AND JACQUIE HUYNNAH-LINENBERG

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor Mr. Andy Linenberg and Mrs. Jacquie Huynah-Linenberg, students at the Rutgers School of Law in Camden, New Jersey, who spent their 2010 spring break volunteering for the Housing Unit at Southeast Louisiana Legal Services (SLLS).

Mr. Linenberg and Mrs. Huynah-Linenberg participated in the APIL (Association for Public Interest Law) Alternative Spring Break and provided pro bono legal service to an elderly woman who had lived in a public housing facility in New Orleans. She was facing eviction but thanks to Mr. Linenberg and Mrs. Huynah-Linenberg's hard work the woman was able to avoid eviction and remain in her home.

Mr. Linenberg received his Juris Doctor in May 2010 and by working for this deserving client, he reconfirmed his dream of improving the lives of others by helping them enforce their rights.

Mrs. Huynah-Linenberg earned her MBA degree and plans on returning to New Orleans to provide legal support for citizens still coping with the aftermath of Hurricane Katrina.

Madam Speaker, please join me in congratulating Mr. Andrew Linenberg and Mrs. Jacquie Huynah-Linenberg for their efforts in promoting and advancing justice to those who need it most.

HONORING BOB WEISMAN

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. DEUTCH. Madam Speaker, I rise today to honor Bob Weisman's 30 years of service to Palm Beach County. Currently the County Administrator, Bob has devoted his professional life to public service and bettering the south Florida community.

Shortly after graduating college, Bob began his career civil engineer for Palm Beach County quickly rising through the ranks and became the Director of Development Engineering under the Water Utilities Department in 1981. In 1985, Bob was once again promoted to become the Assistant Director of the Water Utilities Department and, after only 6 months, became the Director. In 1988, Bob joined the county administration and was named the Assistant County Administrator, eventually becoming the Senior Assistant County Administrator. In 1995, Bob became the Palm Beach County Administrator.

As the County Administrator, Bob has been charged with the implementation of a \$4 billion

budget and oversight of over 6,000 county employees. Together with the over 30 county administration departments, Bob is entrusted with providing quality services, programs, and information to the over 1 million residents of Palm Beach County.

Under Bob's guidance, Palm Beach County has enjoyed supervisory and fiscal stability making Palm Beach County one of the fastest growing counties in the Nation.

I would like to congratulate Bob for his 30 years of service to the Florida community. I am honored to have his friendship and can truly say that Palm Beach County is better place because of the hard work and dedication of Bob Weisman.

HONORING NEA JAZZ MASTER
GERALD WILSON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. CONYERS. Madam Speaker, legendary jazz artist Gerald Wilson will be honored at the 2010 Congressional Black Caucus Foundation's Annual Legislative Conference Jazz Issue Forum and Concert. This event will take place on Thursday, September 16, 2010, at the Walter E. Washington Convention Center, in Washington, D.C. The concert will feature selections from Mr. Wilson's masterwork "Detroit," performed by the Smithsonian Jazz Masterworks Orchestra. While not a native of Detroit, Mr. Wilson was raised in my home town. He has had an outstanding career that deserves the recognition of this body. Let me share some of the highlights from his biography.

Gerald Wilson is a premier composer, trumpeter, arranger, bandleader and educator. His work, during his rich and varied seven-decade career, has supported some of the greatest names in jazz including Ella Fitzgerald, Ray Charles, Bobby Darin, Duke Ellington, Count Basie, Benny Carter, Nancy Wilson, and Sarah Vaughn, as well as a scorer for motion pictures and television shows such as Otto Preminger's "Anatomy Of A Murder" and ABC's variety program "The Red Fox Show." Wilson also scored a top 40 pop hit with El Chicano's version of his song "Viva Torado" in 1971. Recently, Wilson was in the studio recording new material for his sixth release for the Mack Avenue Records label, a follow up to 2009's "Detroit."

The perennially inexhaustible bandleader will be included in two upcoming documentaries; the first about Cab Calloway produced by ARTE France and expected to air in America on PBS, and the other about Los Angeles' storied Million Dollar Theater.

Wilson has earned seven Grammy Nominations, a recent NAACP Image Award nomination, a NARAS President's Merit Award, top Big Band and Composer/Arranger honors in the Downbeat International Critics Poll, the National Endowment for the Arts' American Jazz Masters Fellowship, two American Jazz Awards for Best Arranger and Best Big Band, and currently his masterpieces are ensconced at the Smithsonian Institution in Washington,

DC. His love for jazz and his 30 year educational career in teaching music also earned him the Teacher of the Year award at UCLA in 2008. Most recently, The Gerald Wilson Orchestra's "Detroit" (Mack Avenue, 2009) won "Record of the Year" at the 2010 Jazz Week Awards.

Despite earning such various accolades throughout his career, his road to success hasn't always been easy. At 91 years old, Gerald Wilson has struggled through more than 9 decades of opposition to contribute to the fight for civil rights and to share his passion for music with the world. Born in 1918 into a hotbed of racial tension in Shelby, Mississippi, Wilson was sent by his mother to live with family in the more tepid Detroit, where his musical talents afforded him the rare opportunity to attend the performing arts school, Cass Tech High School (a school that was second only to Juilliard for musical education at the time). As Wilson will tell you, this is where his musical career truly began.

By the age of 26 Wilson had toured the United States with Jimmie Lunceford's band, served time in the Navy during World War II, and wrote and played trumpet for Benny Carter and Les Hite before starting his own successful band, The Gerald Wilson Orchestra.

After reaching commercial success in the late '40s and marrying his Mexican-American soul mate, Josefina Villasenor Wilson, Wilson's passion for cultural immersion came to life both emotionally and creatively. Wilson began composing for more than half a dozen professional bullfighters. These masterpieces bonded Wilson in a lifelong kinship with the bullfighting community and afforded him the opportunity to be a member of the exclusive international bullfighting club, Los Aficionados des Los Angeles, and then honored with an award for contributing something positive to the world of "tauramaquia" (the world of the bull fight).

Hopping from one creative outlet to the next, in 1969 after intense study of his own on the art of classical music, Wilson was honored to receive an invitation from Zubin Mehta to compose a number for the Los Angeles Philharmonic Orchestra.

Wilson's passion to incorporate his art into his selfless crusade for civil rights has remained paramount in his life and has touched the lives in countless cultures and countries around the world. When asking this humble legend about his great successes, Wilson, who will be 92 years old this September, responds with sincere humility, "I just try to be a person worthy of being a part of this great art form."

Madam Speaker, I am very proud of the accomplishments of Gerald Wilson. I urge all Members to acquaint themselves with this great artist and his music.

90TH ANNIVERSARY OF THE 19TH
AMENDMENT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. VISCLOSKY. Madam Speaker, I rise in celebration of the 90th anniversary of the ratification of the 19th Amendment to the United

States Constitution, which enshrined into law on August 26, 1920, the right of American women to vote. It is with deep admiration and respect that I pay tribute today to the brave women in our history, particularly Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony, whose courage and determination blazed a trail in the fight for women's equality.

Since the adoption of the 19th Amendment, women have continued to reach significant milestones in that fight for women's equality, including having a greater presence in our government. Today, 17 women serve in the Senate and 76 in the House, and you, Madam Speaker, are making history as the first female Speaker of the House. Also noteworthy is the unprecedented participation of women in our judicial branch. The Supreme Court was without the service of a single woman for nearly 200 years until September 25, 1981, when Sandra Day O'Connor was confirmed as the first woman Supreme Court Justice. Today, for the first time in history, there are three women serving simultaneously on our Nation's highest court: Ruth Bader Ginsburg, Sonia Sotomayor, and Elena Kagan.

While we acknowledge that much progress has been made in the fight for women's equality, we must also recognize that significant work remains to be done. For the first time in our Nation's history, women make up half of the entire U.S. workforce, yet according to the U.S. Department of Labor, they still do not receive compensation packages equivalent to those of their male counterparts.

My home state of Indiana reflects both these significant milestones in the fight for gender equality in the United States and the disparities that still exist. In 1920, Julia Nelson became the first woman to serve in our state legislature. Nine decades later, 31 of the 150 seats in the Indiana General Assembly are filled by women. Clearly, much work remains in our efforts for women's equality in our communities, our states, and our Nation.

Madam Speaker, I ask you and my other distinguished colleagues to join me in marking the 90th anniversary of the legal guarantee of women's right to vote, and in acknowledging that the promise of freedom and equality in America requires our ongoing focus to diminish those remaining gender-based inequities. In doing so, we honor the memory of the pioneers of women's suffrage like Mott, Cady Stanton, and Anthony, and create better futures for our mothers, sisters, daughters, wives, and friends.

TRIBUTE TO GARY ALTER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. KILDEE. Madam Speaker, today I would like to remember my good friend, Gary Alter. Gary passed away on May 18th, a victim of cancer and will be honored tonight at the Flint Jewish Federation's 21st Annual Donald Rieggle Community Service Awards ceremony.

Born in 1936 at Steubenville, Ohio, Gary Alter came to Flint 11 years ago to assume the post of Executive Director of the Flint Jew-

ish Federation. He said he came to Flint because it was "a community that was active and had people who cared." The love and respect Gary had for Flint was reflected back to him by the community. He was passionate about developing the community into a place of strength, vibrancy, and diversity. He believed that people could get past their differences and work for the common good. Gary was an active participant in Congregation Beth Israel, Temple Beth El, Rotary Club of Flint, 100 Club of Flint, Martin Luther King, Jr. Committee, Genesee County Census 2010 Committee, Michigan Jewish Conference, Genesee Regional Chamber of Commerce, Urban League of Flint, the Hate Crimes Task Force, Flint Golf Club, and Professional Golf Teacher's Association of America.

Gary was deeply committed to maintaining Jewish traditions and heritage. He was involved in bringing Soviet Jews to the United States, he established the Karen Schneider Jewish Film Festival in Flint, and he was a passionate supporter of Israel. He leaves behind his wife, Emily Alter, and children: Dr. Carol Alter, Karen Jacobson, Alison Bank, and Andrew Bank to cherish his memory.

Madam Speaker, I ask the House of Representatives to rise with me and remember the life and work of Gary Alter. I considered Gary a wonderful friend and an outstanding humanitarian. His compassionate, insight and enthusiasm are deeply missed by all that knew him. May his memory be a blessing and to the Jewish community, "May God console you among the mourners of Zion and Jerusalem, Ha'makom yenahem etkhem betokh she'ar avelei Tziyon vi'Yerushalayim."

CELEBRATING THE DESIGNATION OF THE EASTERN BAND OF CHEROKEE AS AN ADVANTAGEWEST CERTIFIED ENTREPRENEURIAL COMMUNITY

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. SHULER. Madam Speaker, I rise today to congratulate the Eastern Band of Cherokee in Cherokee, North Carolina on becoming a Certified Entrepreneurial Community by the AdvantageWest Economic Development Group. AdvantageWest, an economic development commission which serves 23 Western North Carolina counties, created the "Certified Entrepreneurial Community Program" to train local communities to encourage small business start-ups in the mountain region and to help such businesses thrive.

The Eastern Band of Cherokee, North Carolina has an over 11,000-year history rich with culture, arts, and a heritage of magnificent storytelling. Being designated as a Certified Entrepreneurial Community is just one example of the continuation of the remarkable history, and a tribute to the vision of the Eastern Band of Cherokee. The focus on youth and education as integral components of their Certified Entrepreneurial Community vision ensures that the future leaders of the community will have the tools to continue their strong legacy.

The Certification, developed by the AdvantageWest Center for Rural Entrepreneurship Institute, contains a strict set of guidelines that highlight a community's enthusiasm and readiness to support entrepreneurship and small business. While several communities throughout Western North Carolina have become certified as entrepreneurial communities, the Eastern Band of Cherokee is the first nation to receive this designation. This designation showcases the Eastern Band of Cherokee's foresight in creating and fostering an environment in which prosperity can be achieved. As a Certified Entrepreneurial Community, the Eastern Band will build upon the success of its marketing campaign to further promote the potential of its people to the United States and abroad.

Madam Speaker, I urge my colleagues today to celebrate this remarkable honor bestowed on The Eastern Band of Cherokee Indians in Cherokee, North Carolina, and their commitment to the future of their people. I urge my colleagues to join me in celebrating their outstanding achievement.

TRIBUTE TO CARLISLE CHRISTIAN CHURCH

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. LATHAM. Madam Speaker, I rise today to congratulate the members of Carlisle Christian Church of Carlisle, Iowa, on celebrating their 150th anniversary as a congregation.

The Carlisle Christian Church was founded in 1860, shortly after the pioneer village of Carlisle was formed. As the town grew, so did the church, moving to several different locations from the town school to the homes of members of the congregation. The Carlisle Christian Church moved into a permanent building in 1868, where it continued to grow with the community for the next 150 years.

Today, the Carlisle Christian Church serves the community as a sponsor for the local Boy Scout troop and acts as a center for holiday worship for the whole town of Carlisle. The church, in partnership with other parishes, also provides for families with special needs in the Carlisle community through the Christian Community in Action program. In addition to their service work, the congregation frequently sponsors a float and a booth during the town's annual 4th of July festivities.

The Carlisle Christian Church has been an integral part of the surrounding community, and for this, I offer the congregation my utmost congratulations on a prosperous history. It is an honor to represent all the parishioners and the current Pastor, Rev. Karen L. Moore, in the United States Congress, and I wish them continued success, grace, peace and celebration as a community.

RECOGNIZING SUE THOMPSON FOR
HER SERVICE TO THE CITY OF
HIGHLAND VILLAGE, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. BURGESS. Madam Speaker, I proudly rise today to recognize Sue Thompson and her dedication to the city of Highland Village, Texas. On September 3, 2010, Sue is retiring after 22 years of distinguished service.

Sue first came to the city of Highland Village as the Service Action Center Coordinator for the Code Enforcement Department in September of 1988. Since that time, Sue has been quite the Renaissance woman and has served Highland Village in five other positions: administrative assistant for the Service Action Center; Community Development Coordinator; Community Services Coordinator; Community Services Manager; and Community Development Manager.

In 1996, Sue established the Highland Village Business Association, HVBA, which has served to promote local businesses in the community and enhance the connectivity and support of its members. Sue has capably spearheaded the HVBA's most special event each November, the annual "Salute Our Veterans" Luncheon, where each veteran in attendance is recognized. My office has been proud to participate in this important event to honor local veterans since its inception in 2003.

Sue has been involved in many other community activities as well, including the Highland Village Women's Club, Highland Village Lion's Club, and the Texas Chapter of the American Planning Association.

Madam Speaker, it is with great honor that I rise today to recognize an outstanding public servant to both her community and the Nation, Mrs. Sue Thompson. Sue has been an extremely dedicated staff member of the city of Highland Village and demonstrated wholehearted commitment to the community, and it is my honor to represent such a valued community member in the United States House of Representatives.

HONORING COUNCILMAN ROBBIE
WATERS

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. MATSUI. Madam Speaker, I rise today in recognition of Sacramento City Councilman Robbie Waters, who has served the people of Sacramento for more than 55 years. In recognition of his public service, the Sacramento Public Library Authority has named its new library, the Robbie Waters Pocket-Greenhaven Library, in his honor. As his colleagues, friends and family gather to celebrate his career and this outstanding project, I ask all my colleagues to join me in saluting this outstanding public servant.

Robbie has a long history of serving his country and community. Not long after grad-

uating from high school, he enlisted in the U.S. Air Force and completed his service in 1957. He then returned to his hometown of Sacramento and became an officer with the Sacramento Police Department. During his time with the Sacramento Police Department he held several key positions, including leadership roles in the detective bureau and homicide unit.

Robbie was elected to the position of Sacramento County Sheriff in 1982 and served in that position until 1987. He accomplished many goals during his term as Sheriff, including focusing more resources in the North Area, expanding the Sexual Assaults Bureau, implementing the 911 Emergency Response System, and developing the "Thumbs Up" fingerprinting program to help protect local children. Altogether, Robbie has served over 28 years in law enforcement.

After retiring from the Sheriff's Department, Robbie was elected to the Sacramento City Council where he has served for 16 years. As a councilman, he worked on a variety of community projects, including renovation of all 13 of his district's playgrounds, and collaboration with neighborhood associations to improve the quality of life for Sacramento families. He has received numerous awards for his work, most notably the prestigious Certificate of Merit from President Bill Clinton.

The Robbie Waters Pocket-Greenhaven Library is a new 15,000-square-foot library which will be used by the public, including thousands of Sacramento area students. The project features a 100-seat community room, two group study rooms and quiet reading rooms, and will eventually hold more than 50,000 books. The library is truly a leap forward for the Pocket-Greenhaven neighborhood. When completed, it will be certified by the U.S. Green Building Council with a LEED Silver rating.

Councilman Waters has played an important role in getting this library built and has worked tirelessly as a board member for the Sacramento Public Library Authority. In addition, he helped initiate the Pocket-Greenhaven Friends of the Sacramento Public Library, an all-volunteer community organization, whose mission has been to advocate for the library as well as provide funding for books, materials, programs, and library activities.

Madam Speaker, I am truly honored to pay tribute to my friend and dedicated public servant, Councilman Robbie Waters. I ask all of my colleagues to join me in wishing Robbie, and his wife of 49 years, Judie, continued success and happiness in all of their future endeavors.

HONORING THE TOUR OF DUTY
RUN

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to recognize the Australian and American participants of the Tour of Duty Run as they complete the 4,600 mile journey from Los Angeles, California to New York, New York to honor the

memory of those who died responding to the September 11 terrorist attacks.

These firefighters, police officers, military personnel and emergency service workers have come together in a symbol of international unity to remember those who gave their lives to save others. Leaving Los Angeles on August 12, they have stopped in four U.S. cities along their journey before reaching our nation's capital on September 7.

On their journey to New York City, they have shown that firefighters the world over are alike in innumerable ways, forming a global family dedicated to hospitality, service, and public safety.

Madam Speaker, I ask my colleagues to join me in commending the Tour of Duty Run for their symbolic gesture of fraternity, camaraderie and unwavering commitment to peace.

HONORING COLLETTE JOHNSON-
SCHULKE

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 2010

Ms. MATSUI. Madam Speaker, I rise today to recognize Collette Johnson-Schulke, who has been a tireless advocate of quality health care in the Sacramento Region. As she retires from her position with Sutter Health, I ask all of my colleagues to join me in thanking Collette for her immeasurable service to the Sacramento community.

Before serving as Director of Government Relations for Sutter Health, Collette worked as District Director for my late husband, Congressman Robert T. Matsui, from 1991 to 1997. For seven years, she coordinated his official duties and worked diligently on his behalf for the people of Sacramento. As Director of Government Relations for Sutter Health, she has been instrumental in supporting Sutter's commitment to the Sacramento community. In recent years, Sutter has started a major expansion of their Women and Children's Center, as well as comprehensive renovations of Sutter General Hospital and the Sutter Cancer Center.

Collette has served on the Boards of Directors of numerous local non-profits that serve the people of Sacramento. This includes the Sacramento Metropolitan Chamber of Commerce, Valley Vision, the Sacramento Metropolitan Arts Commission and Sutter's Sacramento Community Benefits Board. As part of Sutter's Sacramento Community Benefits Board, she helped identify and implement local community benefit activities through partnerships with government and non-profit agencies. Collette also served on the Board of Directors of the Midtown Business Association and as the Division Vice President of State and Municipal Legislation for the National Association of Realtors.

Madam Speaker, as Collette, her husband, Francis Schulke, family, friends and colleagues gather to celebrate her retirement, I ask all my colleagues to join me in saluting this truly remarkable woman for her many years of service to the people of Sacramento.

SENATE—Wednesday, September 15, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, the fountain of all that blesses us, we thank You for the gift of this new day. These undeserved seconds, minutes, and hours You have graciously given to us provide opportunities to honor You.

As our lawmakers do the challenging legislative labors of this body, may they feel gratitude to You for the privilege of living in these difficult days when faithfulness in service brings even greater glory to Your Name. Let Your kingdom come, and may Your will be done on Earth as it is in heaven. Lord, use our lawmakers to seek Your guidance to do Your will and to fulfill Your sovereign purposes for our time and for all people. Teach them to listen to each other, to respond in respect, esteem, and wisdom, so that laws written here will represent the best in justice and equity for the welfare of our Republic and the world.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 15, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period of morning business for 1 hour, with Senators during that time allowed to speak for up to 10 minutes each. The Republicans will control the first half of morning business and the majority will control the next half.

Following morning business, the Senate will resume consideration of H.R. 5297, the small business jobs bill. Yesterday, cloture was invoked on the substitute amendment, and the postcloture debate time will expire around 6:15 tonight. Furthermore, cloture was also filed on the underlying bill. I continue to work with my colleagues. Senator MCCONNELL and I have had a number of conversations on how to terminate this legislation and send it to the House. We hope to be able to complete that soon. When we have something worked out, we will notify Senators.

The Senate will recess from 2:45 p.m. to 3:30 p.m. today to allow for Senators to attend the September 11 remembrance ceremony on the east front center steps of the Capitol.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask that the time be charged equally against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, staff has informed me that our block of time is fully called for, the full 30 minutes. I again call for the calling of the roll for a quorum, and that time will come off the first 30 minutes of the Republicans' time as the first 30 minutes is theirs.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MILITARY CONSTRUCTION

Mrs. HUTCHISON. Mr. President, I rise to speak in morning business about the military construction issue I spoke about in July. I raised concerns then about the Pentagon's overseas military construction program, particularly in Germany, Korea, and Guam, because, as the ranking member of the Military Construction Subcommittee, I am seeing that we are changing a strategy. Yet we have not had the strategy explained to us. This is the beginning of a huge taxpayer-funded influx of rebuilding overseas in a way that I think is perhaps duplicative and even against the interests that have been shown in our previous strategy. I think it is time to take a pause.

I rise to speak because the GAO has just released a study this week that says we should take a pause. The Military Construction Subcommittee, chaired by Senator JOHNSON—and I respect and appreciate his leadership in this so much—asked the GAO to do a study because we were seeing the Army coming in and asking for what is going to be a commitment for \$1 to \$2 billion to change their headquarters from Heidelberg to Wiesbaden and to add more BCTs than were originally intended to stay in Germany. We looked at this and said: Wait a minute. We are getting ready to duplicate a lot of effort that we have made in bases in America and at a great taxpayer expense. Yet we are not seeing the backup and the strategy proposed to support this kind of taxpayer expense.

Let me start back in the beginning. Prior to the 2010 Quadrennial Defense Review, the Army planned to return

the four brigade combat teams stationed in Europe to the United States in fiscal years 2012 and 2013. It would save millions annually in overseas stationing costs. This was in response to the Overseas Basing Commission—that was passed by Congress—to adopt a force projection strategy. The Pentagon is reversing the recent efforts to transform the military and restation tens of thousands of military personnel back on U.S. soil. That is what the Overseas Basing Commission recommended, passed by Congress, supported by Congress, and now we seem to see a change in that strategy but without a projection of what the strategy would be.

What the Overseas Basing Commission found, and the Pentagon originally agreed with, is that training and deployment of forces was determined to be superior in the U.S. bases and certainly more cost efficient. We learned that there were constraints on transferring the members of our military into Iraq because we could not use the airspace of certain European countries, and we could not go on the train through certain European countries. It was costly to get our troops from Germany into Iraq, more costly than it should have been.

In addition, there are training constraints. The Overseas Basing Commission saw this. Many of us who have looked at bases overseas see that there are training constraints. There are constraints for live artillery training. There are constraints for use of the airspace. In looking at this, it was determined we should bring them home from Germany to train in America to accommodate our families in America and to deploy from America, where we would control the capability to deploy quickly and cost efficiently.

On that basis, we have invested \$14 billion in U.S. bases to accommodate the military and the families who were projected to come to American bases and have the training capabilities they need. Now we are seeing requests for military construction, and it triggered our committee to say: Wait a minute. We are supposed to be pulling out of Germany, but now we are seeing the Army get ready to put \$1 billion to \$4 billion into military construction, to change their headquarters from Heidelberg to Wiesbaden, and duplicate what we have already done in the United States for construction projects in Europe, Korea, and Guam, without demonstrating the cost efficiencies or projected future costs.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mrs. HUTCHISON. I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Hearing no objection, it is so ordered.

Mrs. HUTCHISON. I thank the Senator from Maryland.

Now we are seeing an expensive and duplicative strategy—well, there is not a strategy but request for spending. I am asking for a strategy.

The Government Accountability Office did issue a report this week that says the Army's justification for keeping the forces in Europe was based on a flawed analysis, and it would cost taxpayers up to \$2 billion, from 2012 to 2021, to pay for it. Let me reference a couple things from the report. The GAO found the decision to retain brigades in Europe to require the Army to seek roughly \$176 million annually to support the Bamberg and Swineford communities, again in fiscal year 2013. Those are the communities that would have had Army facilities.

The Army now estimates that not returning two of the four BCTs, brigade combat teams, in Europe to the United States could potentially cost between \$1 billion and \$2 billion between fiscal years 2012 and 2021. It will cost an average of 360 million American dollars per year to retain those units in Europe that were scheduled to be moved to America.

Closing the Heidelberg facility and moving the headquarters to Wiesbaden—the Army estimated that move from Heidelberg to go to Wiesbaden would save hundreds of millions of dollars in 2013. But the GAO found the Army now admits they will need \$150 million annually to support the continuing operation in Heidelberg because of delays.

The GAO goes on to say that the Army has not documented the savings, nor why the move is necessary at that cost. The GAO concludes that with over \$1.3 billion invested since 2004 and another \$1.4 billion in infrastructure investments planned for the Wiesbaden consolidation and the recapitalization of medical facilities and the potential to increase costs, it would cost up to \$2 billion over the next 10 years if all four BCTs were kept in the Europe. The financial stakes are high.

The GAO is recommending in its report that the Secretary of Defense take advantage of a pause before final decisions are made on the Army's European force structure, conduct a comprehensive analysis of alternatives, and have a process that is credible in determining what the costs are and whether those units should be kept in Europe or, as originally planned and as invested in our military bases in America, what it is going to cost.

The GAO has concluded that we need a comprehensive analysis.

It conducted important cost-benefit analyses at the urging of the Military Construction and Veterans Affairs Subcommittee, chaired by Senator JOHN-SON. The GAO report findings are instructive. I hope the Pentagon will pause and take a fresh look at this military construction program to determine, does it serve our Nation not

to move those troops back? We prepared the bases for them. The families, the medical units, are in the United States now. So, please, I am asking the Pentagon to determine if it does serve our best military strategy and our taxpayers to keep those troops in Europe rather than moving them back.

I want to thank Senator JOHNSON for including a provision in the military construction/VA appropriations bill that would restrict the level of spending in overseas construction. Our bill would restrict the use of MILCON funds for Germany until the Department of Defense completes the following: an evaluation of the NATO strategy concept review, the U.S. assessment of its defense posture in Europe, a front-end assessment of DOD's global posture from fiscal year 2012 to 2016 in the program budget review cycle.

I have shared my concerns with the Secretary of Defense. I have asked him, as our committee has asked him, to provide to the Congressional defense committees a comprehensive Army basing strategy for Europe based on these assessments and a projected timeline and a cost estimate of what this will be.

In Korea, it is the same. We need a cost estimate for the decision that the Pentagon has apparently made to put more troops and families into Korea without any accommodation for the new facilities that will be needed for the accompanied families' military transfer into Korea.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. HUTCHISON. I thank you for allowing me to have the extra 5 minutes. I thank the Senator from Maryland. This is a serious issue. The Department of Defense says they are trying to cut back on military spending, and this is a place that would be very important, because if we are going to have accompanied service people, more in Korea now, we have got to accommodate those families. There will be a longer duration of mission, and we have got to accommodate them.

There is going to be a cost, and we have not even seen the cost estimates for that yet. We should take a pause on this German MILCON until we know if that is the right thing for our global strategy. I thank the Senator from Maryland for accommodating me on the time. There will be further discussion, I assure you.

I ask unanimous consent that the summary from the GAO report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. GOVERNMENT
ACCOUNTABILITY OFFICE,

Washington, DC, September 13, 2010.

Subject: Defense planning: DOD needs to review the costs and benefits of basing alternatives for Army forces in Europe.

Hon. DANIEL K. INOUE,
Chairman, Committee on Appropriations, U.S. Senate.

Hon. TIM JOHNSON,
Chairman, Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, Committee on Appropriations, U.S. Senate.

SUMMARY

Keeping more Army forces in Europe than originally planned would result in significant additional costs; however, it is unclear the extent to which DOD plans to weigh these costs against the benefits of having additional forces overseas, especially in light of an evolving European strategic concept and U.S. posture plans. In the near term, delays in decisions associated with two initiatives will impact the Army's costs in Europe. First, prior to the 2010 Quadrennial Defense Review, the Army had planned to return two of four brigade combat teams stationed in Europe to the United States in fiscal years 2012 and 2013, which would have saved millions annually in overseas stationing costs by allowing the closure of installations located at Bamberg and Schweinfurt, Germany. However, these plans are on hold pending an announcement of the North Atlantic Treaty Organization's strategic concept planned to be announced in November 2010, as well as ongoing U.S. assessments of the global defense posture, which have a less clear time frame for completion. The decision to retain these brigades in Europe will require the Army to seek funding of roughly \$176 million annually to support the Bamberg and Schweinfurt communities beginning in fiscal year 2013, according to Army estimates. Second, U.S. Army Europe estimated that closing Heidelberg and moving its headquarters to Wiesbaden would save hundreds of millions of dollars annually beginning in 2013. However, because of uncertainty for the funding of construction in Wiesbaden, Heidelberg will remain open longer than originally planned and the previously estimated savings will be delayed by 2 years or more. As a result, the Army estimates it will need approximately \$150 million annually to support continued operations. Both our review and an analysis performed by the Army found gaps in the support used to justify the decision to close Heidelberg and consolidate forces in Wiesbaden. Our work revealed that the original analyses were poorly documented, limited in scope, and based on questionable assumptions. Department of the Army officials also found the U.S. Army Europe's original analysis inadequate and performed another more detailed analysis in mid-2009 that affirmed the decision to consolidate but lowered the estimated savings. In the longer term, if DOD decides not to return two of the four Brigade Combat Teams in Europe to the United States the incremental cost could be significant. The Army estimates that, depending upon the assumptions used, it will potentially cost between \$1 billion and \$2 billion more from fiscal years 2012–2021 to keep the two brigades in Europe than it would cost to return them to the United States. DOD is reconsidering retaining the brigades in Europe in part because senior military officials in Europe have said that four brigade combat teams in Europe are needed to meet operational and mission requirements. According

to DOD officials, the evaluation of U.S. forces in Europe will be primarily focused on whether four combat brigades will be retained in Europe. DOD and Army guidance call for the department to consider alternatives as part of the economic analyses conducted when contemplating construction or real property acquisition, which are decisions that often arise in the basing decision process, but we found that prior analyses have been limited in scope, or based on assumptions that were questionable. Without a comprehensive analysis, the Army may lack sufficient information to determine the most cost effective approach to maintaining a continued military presence in Europe that will align with the evolving North Atlantic Treaty Organization strategic concept and U.S. defense posture.

Once DOD determines its force structure and basing plans for a region, it then needs to determine the types and quantities of facilities necessary to provide operational and quality of life support to its soldiers and families; however, we were unable to validate whether completed or planned facilities in Europe would meet Army facility planning criteria because U.S. Army Europe planners use inconsistent processes to generate facility requirements. The Army in Europe does not consistently use the official Army facility planning tools that are designed to calculate, using population data and facility space criteria, the facilities required to accommodate forces and ensure that quality-of-life and other facility standards are met. Army officials stated that its facility planning systems do not always include current force structure and installation population data because overseas basing decisions are sensitive and not reflected in the systems before public announcements are made. The Army's systems showed populations at some installations even after anticipated closure dates, making the requirements generated by the systems inaccurate. Army planners in Europe use unofficial, locally developed systems to determine requirements, and we found that planners at different installations were not using consistent methods to calculate requirements for barracks and other facilities. The Army planners in Europe told us that they are developing their own criteria for determining the requirements that varies among the installations. Because these alternative methods are not linked with the Army's official system and its resident facility criteria and vary among the installations, we were unable to determine if completed and planned facilities will meet the Army's quality-of-life and other facility planning criteria. Our inability to validate infrastructure requirements reflects systemic issues that have been brought to the Army's attention, but have not yet been resolved. For example, in a June 2010 report addressing domestic facility requirements, we reported that the Army's Real Property Planning and Analysis System did not always produce reliable results for some types of facilities because the systems have often relied on data that were not complete, current, or accurate. Until the Army has a process to calculate facility requirements based on current and accurate information, the department cannot be assured that planned Army facilities in Europe will meet quality-of-life and other facility standards.

We are recommending that DOD require the Army to conduct a comprehensive analysis of alternatives for stationing forces in Europe that, at a minimum, should be done as expeditiously as possible upon the comple-

tion of the North Atlantic Treaty Organization's strategic concept announcement and consider the costs and benefits of a range of force structure and basing alternatives. Additionally, we are recommending that the Army develop a consistent process to determine specific facility requirements associated with the various basing options. In written comments on a draft of this correspondence, DOD stated that it concurred with our recommendations and have already initiated a strategy-based assessment of U.S. defense posture to be completed by the end of calendar year 2010 and that the Army intends to develop a central, on line classified site containing Army Stationing and Installation Plan population data that will reflect out-year stationing decisions that are classified due to host-nation sensitivity.

BACKGROUND

Since 2004, as part of DOD's Integrated Global Presence and Basing Strategy, the Army has drawn down its forces in Europe and consolidated remaining forces and infrastructure at fewer locations. As a result, according to Army officials these efforts have resulted in significant recurring savings. As shown in figure 1, the Army's plan called for reducing the number of permanent, or enduring, major installations in Europe to six located in Germany at Wiesbaden, Baumholder, Kaiserslautern, Grafenwoehr, Stuttgart, and Ansbach, and one located in Italy at Vicenza. Figure 1 also shows installations located in Germany at Schweinfurt and Bamberg that the Army originally planned to close; however, the status of these installations is now uncertain because of the February 2010 Quadrennial Defense Review tentative decision to retain forces in Europe pending a global force posture review.

From fiscal years 2004 to 2009, the Army spent approximately \$1.3 billion dollars to support its infrastructure transformation and consolidation plans in Europe. The majority of this investment was used to undertake two main efforts: (1) the consolidation of operational forces close to Europe's training facilities at Grafenwoehr, Germany and (2) the consolidation of the U.S. Army Europe's Airborne Brigade Combat Team in Vicenza, Italy. In and around Grafenwoehr, the Army spent about \$473 million on facilities. These included new or renovated operational complexes, maintenance and operations centers, and barracks to support Army brigade combat teams and other units. Other work at Grafenwoehr included upgrading a medical and dental facility and constructing a new post exchange and commissary, dining facility, physical fitness center, as well as numerous other facilities to support unit operations, the soldiers, and their families. Looking forward, the Army is planning military construction to build barracks facilities at Grafenwoehr to meet the current barracks standard, though this was not part of the original transformation and consolidation plan. At Vicenza, Italy, the Army has spent about \$424 million on facilities to accommodate an expected increase in the forces stationed in Italy. The Army's construction and renovation projects include headquarters and maintenance buildings, barracks, child development centers, and schools at various locations around Vicenza. The remainder of the Army's investment, including Payment-in-Kind and Sustainment, Restoration, and Modernization funds, were used to support transformation and consolidation-related projects throughout Germany, including at Ansbach, Heidelberg, and Kaiserslautern, among others.

In addition to the Army's projects at Grafenwoehr and Vicenza, the Army and TRICARE Management Activity have plans for two major infrastructure projects to support forces in Europe at a cost of almost \$1.4 billion. These include construction of an Army headquarters facility at Wiesbaden, Germany and construction of a replacement regional medical center adjacent to Ramstein Air Base near Kaiserslautern, Germany. Moving and consolidating several Army headquarters from Heidelberg and other locations to Wiesbaden is the last step in the U.S. Army Europe's transformation and consolidation plan that began in 2004. According to U.S. Army Europe officials, consolidating the headquarters would optimize command and control, intelligence, and signal capabilities; provide a more responsive organizational structure; offer better force protection options than at the current location in Heidelberg; and provide access to a nearby Army airfield. The Wiesbaden location would include a theater-level command and control center, a consolidated intelligence center, and a network warfare center at a cost of approximately \$240 million. The first increment of \$59.5 million was appropriated for fiscal year 2009 to build the command and control center and the U.S. Army Corps of Engineers began design work for the facility in the first quarter of the fiscal year 2010. DOD's second project is to replace the regional medical center located in Landstuhl and the Medical Clinic at Ramstein Air Base in Germany with a new consolidated medical center adjacent to Ramstein Air Base near Kaiserslautern, Germany at a cost projected at \$1.2 billion. According to DOD, this project is being driven by the effort to recapitalize medical facilities worldwide, and was not part of the effort to transform and consolidate Army forces in Europe. The medical center is a major hospital that provides primary care for more than 40,000 military personnel and 245,000 beneficiaries in the European Command. The facility also provides medical support for casualties that are air-evacuated from Iraq and Afghanistan: wounded personnel are flown into Ramstein Air Base and then taken by bus to Landstuhl Regional Medical Center, approximately 20 minutes away. According to TRICARE Management Activity officials, a 2002-2003 Army Medical Department study recommended that DOD renovate and add to the existing hospital in Landstuhl. However, in 2009, the Senate Appropriations Committee directed DOD to complete a site assessment for this approach and the Office of the Deputy Under Secretary of Defense (Installations and Environment) conducted a new analysis that included consideration of alternative sites. One of the reasons officials decided upon the new construction adjacent to Ramstein Air Base was because it allows for easier access to the airfield where wounded personnel arrive from combat zones.

Many defense organizations are involved in force structure and basing decisions. According to Army, Joint Staff and DOD guidance, unit commanders, U.S. Army Europe, and European Command are responsible for providing analytical support and coordinating proposed basing actions. For example, for stationing actions and unit moves, commanders of units stationed in Europe will review the mission, operational facilities, base support, available resources, potentially including available funds, and political and environmental effects of the proposed basing action. For force structure changes, Army Headquarters or U.S. Army Europe obtains input and comments from affected com-

mands, including European Command, the functional combatant commands and the component commands. Army Headquarters transmits the resulting proposal to the Joint Staff and requests approval by the Secretary of Defense. European Command conducts an assessment of the implications of potential force structure changes, to inform the Joint Staff and Office of the Secretary of Defense of the relative values or benefits and costs or risks. The assessment includes political-military, operational risk, force structure, infrastructure, and resource implications of the proposed change, and it should address alternatives considered, where applicable.

FUTURE PLANS FOR ARMY FORCES IN EUROPE ARE UNCERTAIN, BUT COSTS ARE LIKELY TO BE HIGHER THAN EARLIER ARMY ESTIMATES

Keeping the four brigades in Europe will require the Army to seek funds to keep installations open in the near term (fiscal years 2013 and 2014) and future decisions about force structure could result in \$1 billion to \$2 billion in incremental costs in the long term if four combat brigades, rather than two, are retained. The Army's force structure in Europe is subject to the results of several pending reviews including a comprehensive review of U.S. defense posture worldwide. To date, however, DOD has not announced the details of the scope and timing for the completion of this comprehensive review.

Retaining forces in Europe will require the Army to spend additional funds, lowering anticipated near-term savings

Delays and changes in decisions will require the Army to seek hundreds of millions of dollars more annually than planned to support facilities in Europe that they originally intended to close. As part of its plans to return two brigade combat teams stationed in Europe to the United States in fiscal years 2012 and 2013, U.S. Army Europe intended to close installations located at Bamberg and Schweinfurt, Germany. However, the decision to retain these brigades in Europe delays or eliminates these savings and, according to Installation Management Command-Europe, will require the Army to seek funding of roughly \$176 million annually beginning in fiscal year 2013 to support base operations at these two communities.

In addition, U.S. Army Europe planned hundreds of millions in savings by closing Heidelberg and consolidating in Wiesbaden by 2013 and did not program funding to operate this installation beyond 2012. However, because of uncertainty for the funding of construction in Wiesbaden, Heidelberg will remain open longer than originally planned and the previously estimated savings will be delayed by 2 years or more. As a result, the Army estimates it will need approximately \$150 million annually to support continued operations.

Both our review and the subsequent analyses performed by the Army found gaps in the support used to justify the decision to close Heidelberg and consolidate forces in Wiesbaden. The original analyses were poorly documented, limited in scope, and based on questionable assumptions. Army and DOD guidance describing economic analyses to support military construction projects or decisions about the acquisition of real property indicate that reasonable alternatives should be considered when contemplating projects. For example, DOD Instruction 7041.3 indicates that the analyses should address alternatives that consider the availability of existing facilities and estimated costs and benefits, among other factors. Similarly, Army

Pamphlet 415-3 identifies the consideration and evaluation of alternatives as sound economic principles underlying the economic analyses to be performed in support of military construction projects. When we asked to see the original analyses for the 2005 decision, U.S. Army Europe officials provided us with an information paper that had been prepared in response to our request but did not produce documentation to support the original decision. Little detail was available about the alternatives that had been considered, or how quantitative criteria (like cost savings) and qualitative criteria (like force protection and access to airfields) were weighed in the decision. Army officials told us that alternatives to Wiesbaden had been considered in discussions, and that these were rejected in favor of Wiesbaden. In addition, although they noted that estimated cost savings was one of the key reasons for the decision, they also told us that the decision was primarily based on judgment. Furthermore, according to DOD officials, the analysis was not rigorous or documented. Department of the Army officials also deemed the analysis inadequate to defend the operational and business needs for the consolidation and as a result called for additional cost analysis to be conducted by officials from the Assistant Chief of Staff-Installation Management. A subsequent, more robust cost analysis completed in 2009 reduced the estimated annual cost savings to less than half of the original estimate, but affirmed the decision to consolidate in Wiesbaden. DOD has updated its plans and has announced that its current plan is to close the facilities in and around Heidelberg by 2015, but has not yet obtained all the funding to build the new headquarters complex in Wiesbaden.

Keeping more forces in Europe than originally planned could cost up to \$2 billion in the long term

DOD has not yet made a final decision on the number of brigades that will remain in Europe for the long term; however, the Army's Office of the Deputy Chief of Staff for Programs (G8) estimates that the long-term incremental costs for keeping the two brigades in Europe will be between \$1 billion and \$2 billion for fiscal year 2012 through 2021. The projected costs will vary depending on whether forces are sent from the United States to Europe for training to maintain a constant presence in Europe. Figure 2 compares the Army's annual estimated cost for fiscal years 2012 through 2021 for keeping the two additional brigades in Europe versus returning them to the United States, assuming no rotational costs. As shown, in years 2012 and 2013 the need to construct facilities in the United States to house the returning brigades would cost more than retaining the brigades in Europe at existing installations. However, Army analyses show that for fiscal year 2014 through 2021 it will cost on average \$360 million more per year to retain the brigades in Europe.

Several factors make keeping the two additional brigades in Europe more expensive than returning them to the United States. These include the cost to provide schools and commissaries overseas, increased personnel costs due to overseas allowances, and additional funds for needed infrastructure projects to continue operations at Bamberg and Schweinfurt. For example, the Army estimates that for fiscal years 2016 to 2021 it will need approximately \$370 million to improve facilities at Bamberg and Schweinfurt to meet quality of life standards because improvements had not been planned for either

of these locations as they had previously been scheduled to be returned to the German government.

Even with the potential significant long-term costs, senior military officials in Europe have argued that the larger force structure is necessary. In March 2010, the Commander of European Command stated in written testimony that without four brigade combat teams and certain headquarters capabilities European Command assumes risks in its capability to conduct steady-state security cooperation, shaping, and contingency missions and that deterrence and reassurance are at increased risk. He also stated that the loss of certain headquarters combined with significant force requirements in support of Overseas Contingency Operations outside the European Command region makes retaining four brigade combat teams critical to the United States Army Europe's and European Command's mission.

DOD's plans for reviewing U.S. global defense posture are unclear, but alternatives under consideration are limited

The Army's force structure in Europe is subject to the results of a pending review of the North Atlantic Treaty Organization's Strategic Concept and an accompanying U.S. assessment of the U.S. European defense posture network. The new North Atlantic Treaty Organization strategic concept is scheduled to be unveiled at a November 2010 meeting in Lisbon, Portugal. The 2010 Quadrennial Defense Review announced plans for a comprehensive review of U.S. defense posture worldwide and the Secretary of Defense issued a memorandum in May 2010 identifying global posture as a critical issue to be scrutinized in preparation for the fiscal year 2012 budget process. To date, DOD has yet to announce the details of the scope and timing for the completion of its comprehensive review of global posture.

DOD and Army guidance should prompt the department to consider alternatives when contemplating basing decisions. In our past work, we have found weaknesses in the department's process for adjusting defense global posture and linking it with current strategy. And, even though DOD has stated that it plans to conduct a comprehensive review of global posture, DOD and Army officials told us their review of Army forces in Europe will focus on whether four combat brigades will be retained in Europe. Additionally, until the North Atlantic Treaty Organization new strategic concept is unveiled, it is not known if DOD and the Army are making basing decisions that will support the new strategy.

INCONSISTENT PROCESSES TO DEVELOP FACILITY REQUIREMENTS HAMPERS VALIDATION OF FACILITY NEEDS

Once DOD determines its force structure and basing plans for a specific region, it then needs to determine the types and quantities of facilities necessary to provide operational and quality of life support to its soldiers and families; however, we were unable to validate whether completed and planned facilities in Europe meet Army facility planning criteria because U.S. Army Europe planners use inconsistent processes to generate facility requirements. The Army in Europe does not consistently use official Army facility planning tools to calculate its requirements. The Army's official tools for determining facility requirements do not use the most current and accurate information for European locations, such as installation population data and, in some cases, planners have used alternative or workaround methods to develop facility requirements.

Army guidance directs garrison planning staff to use an Army-wide system, known as the Real Property Planning and Analysis System, to conduct facility requirements analyses which determine requirements for the number, type, and size of facilities needed to accommodate forces stationed at each installation. The planning and analysis system uses installation population data from the Army Stationing and Installation Plan and Army standardized facility criteria needed to support the population and meet mission requirements and quality-of-life standards. For example, the system uses installation population data to determine the required number and size of headquarters and administrative buildings, maintenance facilities, barracks, medical and dental clinics, commissaries, and other support facilities needed at each installation.

According to Army officials, the force structure and installation population data used by the Real Property Planning and Analysis System are not current and thus not accurate. Army officials stated that its facility planning systems do not always include current force structure and installation population data because overseas basing decisions are sensitive and not reflected in the systems before public announcements are made. For example, we found in the case of Vicenza that the facility requirements in the planning and analysis system did not track with anticipated increases in the installation population. Specifically, the Army's force structure is expected to almost double in Vicenza, Italy for fiscal years 2010 to 2014, yet the planning and analysis system was not edited to reflect a corresponding increase in facility requirements.

Because the stationing data do not always reflect current or planned force structure decisions, U.S. Army Europe planners often use alternative methods to determine facility requirements. However, such methods use spreadsheets that are not linked to the planning and analysis system or the criteria database. And, because the alternative requirements determination methods are not linked with the official planning system and its resident facility criteria and standards, it is unknown if planned facilities will meet Army quality-of-life and other facility standards contained in that system. We found that planners were not using consistent methods to calculate facility requirements. To illustrate, key U.S. Army Europe officials told us that because accompaniment rates for troops in Europe are different than in the United States, Army installation planners in Europe were not using the Army's facility planning criterion for determining barracks and family housing requirements; instead, they are using their own subjective estimates that vary among the installations. Planners explained that it was a challenge to develop these rates because the documents available to them that provided details on installation population were not always up to date and did not accurately reflect future Army force structure decisions. This lack of consistency in the methods used by planners in Europe and not knowing to what extent the planners are using current information to determine facility requirements precluded us from validating whether completed or planned facilities in Europe would satisfy its infrastructure needs.

Our inability to validate infrastructure requirements reflects systemic issues that have been brought to the Army's attention, but have not yet been resolved. A 2006 Army Audit Agency report on military construction requirements in Europe noted that

Army systems for planning construction projects often contained conflicting or inaccurate information and planners sometimes generated incorrect requirements when they used the systems. Although the Army Audit Agency found that planned military construction projects were adequate to support U.S. Army Europe's installation plans, it also identified concerns with the accuracy of the information used to determine facility requirements in Europe. The report noted that project planners often did not maintain adequate documentation supporting how they determined requirements and, as a result, often had to recreate the information to support their analysis. In addition, in a June 2010 report that examined facility requirements for Army installations in the United States, we found that the Army's Real Property Planning and Analysis System did not always produce reliable results for some types of facilities because the system has often relied on data that are not complete, current, or accurate. For instance, we found that the facility design criteria had not been updated to reflect current standard designs for 47 of the 58 facility types in the system. As a result of our findings, to improve the accuracy and completeness of the Army's Real Property Planning and Analysis System as a tool for generating facility requirements, we recommended that the Secretary of Defense direct the Secretary of the Army to develop and implement guidance that requires the Army Criteria Tracking System which feeds standardized facility criteria into the Army's Real Property Planning and Analysis System to be updated to reflect changes to facility designs as they are made. DOD concurred with our recommendation and stated that the Army has already taken action to enhance the accuracy of its planning systems to better respond to changing requirements.

CONCLUSIONS

With over \$1.3 billion invested since 2004, another \$1.4 billion in infrastructure investments planned for the Wiesbaden consolidation and the recapitalization of medical facilities, and the potential to increase costs by up to \$2 billion over the next 10 years if all four Army brigades are kept in Europe, the financial stakes are high for DOD as it considers its future posture. Existing guidance should prompt the department to consider analyses of alternatives when contemplating basing options; however, previous Army analyses have not been well documented, and the plans being pursued are based on a previous strategy developed in 2004 and may not be aligned with a new strategic concept that has yet to be determined. In addition, the Army's approach to managing its facilities thus far has resulted in uncertainty concerning whether completed and planned facilities will meet infrastructure needs. Until facility requirements reflect quality-of-life and other standardized facilities criteria, there is inadequate assurance that the Army's facilities in Europe will fully meet the needs of soldiers and their families. Without a comprehensive review the Army may lack sufficient information to determine the most cost effective approach to maintaining a continued presence in Europe.

RECOMMENDATIONS FOR EXECUTIVE ACTION

To take advantage of the pause before final decisions on the Army's European force structure are made and determine the best course of action for its European posture, we recommend that the Secretary of Defense direct the Secretary of the Army to take the following two actions:

1. Conduct a comprehensive analysis of alternatives for stationing forces in Europe. At a minimum, the review should be done as expeditiously as possible upon the completion of the North Atlantic Treaty Organization's strategic concept announcement and consider the costs and benefits of a range of force structure and basing alternatives.

2. Develop a consistent process to determine specific facility requirements associated with the various options.

We are sending copies of this report to other congressional committees and interested parties. We are also sending copies to the Secretaries of Defense and the Army. In addition, this report will be available at no charge on our Web site at <http://www.gao.gov>. If you or your staff have any questions about this report, please contact me. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in enclosure II.

JOHN PENDLETON,

Director,

Defense Capabilities and Management.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

SMALL BUSINESS LENDING

Mr. CARDIN. Mr. President, I take this time, first, to thank Senator LANDRIEU for her persistence in bringing forward legislation that is going to help small businesses. We are on the verge, I hope this week, to finally pass in the Senate legislation that will help the small businesses in our country—H.R. 5297 that is now before us. Hopefully we are going to be able to get this legislation through the Senate.

What this bill does is create jobs. I am proud to serve on the Small Business Committee. We have been working long and hard, and many of the provisions we have supported in our committee on a strong bipartisan basis are included in the legislation that is now before us.

This bill is about helping small businesses so we can create more jobs for our communities. I think my colleagues will all agree and acknowledge that more jobs are created through small companies than through large companies. If we are going to be able to grow our economy, we have to be able to help our small businesses.

It is also known that innovation is more likely to come from the opportunities from small companies. So we need to pay attention to and help our small companies help our economy grow. The bill that is before us incorporates many of the provisions that have been voted on in a bipartisan way by the Small Business Committee. But let me tell you this: I traveled the State of Maryland during our August break when we are back in our States. I had a chance to visit all parts of the State of Maryland and visited many small business owners. The No. 1 issue they continued to raise with me is the ability to be able to borrow money, to get credit for their businesses to expand.

We spent a lot of time trying to help the Wall Street bankers, but, quite frankly, it has not gotten to the small business owners. They are not able to get the type of loan at an affordable cost so that they can expand their businesses. This bill will help. This bill provides strength to the SBA.

I think all of us agree, the Small Business Administration has the tools to help small companies. But we need to give them the tools that can work in the current economy. So this legislation extends the 7(a) loans under the SBA from \$2 million to \$5 million, the 504 loans from \$1.5 million to \$5.5 million, and the micro loans. They may not seem like a lot of money, \$35,000 to \$50,000, but that could be the key piece of the puzzle necessary for a company to start or expand and create more jobs in our communities.

The legislation also extends the SBA guarantees to 90 percent and waives the costs so we can make it affordable. The legislation sets up an intermediary lending program so that we encourage banks to make more loans to small businesses. In all, it is estimated that it will generate \$5 billion of credit for small businesses, creating 300,000 jobs. That is quite a step forward, quite an important step forward to help our communities.

In addition, the legislation includes help to our States. In the State of Maryland, we have our own program. Governor O'Malley has a program that is aggressively helping small companies in Maryland. The problem is, as you know, State budgets are strapped. This bill provides \$1.5 billion more for the programs our States are operating in order to expand those programs. That will be leveraged to far more than \$1.5 billion of new credit to small companies. It will provide substantial help in Maryland and all of the States of our Nation.

The bill also deals with the continuing problem of contracting. If you are a small company, you are trying to get a contract with the Federal Government—you do not have a lot of contract officers in your business, you are trying to be very efficient, you need help so you can get a fair shake in bidding for a Federal contract.

Unfortunately, today there have been abuses known as bundling where agencies have bundled together a lot of small contracts into a large contract, making it very difficult for a small company to get any part of that Federal contract. In addition, there is prime contractor abuse in not paying the subcontractors on time, which are generally more likely to be the smaller companies.

This legislation incorporates the work of our committee to make it easier for Federal procurement officers to enter into contracts with small businesses. The proposal is estimated to create another 100,000 jobs in our communities.

This is what we need to do. These are not partisan issues. These are bipartisan. I do not know of anyone who disagrees with our efforts to try to help small businesses with more credit or make it easier for them to deal with the Federal Government.

One other major part that will create jobs in our communities is to make it easier for small companies to be exporting goods to other countries. We all talk about keeping jobs in America. Let's not outsource. Let's keep the jobs right here in America. Well, again, if you are a small company, and you are trying to get through the bureaucracy of exporting, it can become very difficult. This legislation makes it easier for our small companies to be able to participate in international trade, keeping jobs here in America, creating more jobs, helping our economy, reducing the balance of payment problems we have with other countries. It is a win-win situation for the U.S. economy.

In addition, this legislation provides tax relief for small companies. Tax relief. We all talk about that. You get higher deductions for startup costs so small companies can get help from the Federal Government as far as tax relief.

It provides tax equity for small companies in the deductions of their health insurance costs, and allows for the continued writeoff of capital expenditures that were included in the Recovery Act. So there are a lot of tools to help small companies grow. But here is the good news: It is done without adding any money to the deficit of the country. It is totally paid for. We all understand we have to energize the growth of jobs in our economy, but we cannot do it at the cost of raising the deficit. This bill provides the tools but makes sure that we do not add to the deficit of the country, again, strengthening the underlying economy so that we get true job growth.

I thank all who have been responsible to help bring this bill together. I think it is an important step forward in creating new jobs and helping our economy grow and helping small companies help our country. I am proud to support this legislation and hope we can move it quickly this week and get the tools out there helping our small companies grow, creating more jobs for the people in our communities.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington State.

Mrs. MURRAY. Mr. President, over the last several months I have been pushing very hard for this legislation that would help small business owners in my home State of Washington access the capital they need to expand and create jobs.

I stand here today to urge all of our colleagues to put politics aside and finally allow this critical legislation to

pass. I spent the last month crisscrossing my home State of Washington talking to families and small business owners about ways that we can create jobs and grow the economy. What I heard again and again from so many of these small business owners is that one of the major factors that prevented them from growing is their inability to access credit. Banks were not lending their money to the small businesses that were doing better than they have ever done before.

I recently spoke with a small business owner named Alton McDonald who owns a grocery store in Tacoma. He told me he wants to hire new employees. His business is primed to grow. But when he went to the bank to get a loan he was turned down.

I spoke with a small business owner named Peter Aaron, who owns the Elliott Bay Bookstore in Seattle which has been a local institution for decades. He is doing his best to keep his head above water in these tough economic times. But he told me that finding a lender to lend him the money he needs to stay in his business is an ongoing challenge. Right now he is struggling to get the financing he needs to put books on his shelves for the holiday season so that when people come in to buy there is something for them to buy.

I had the opportunity to speak with Timothy Robinson. He owns a small manufacturing company in Snohomish County. His small business today employs about 14 people and he is doing well. But he told me that despite his best efforts, he simply cannot get access to the credit he needs to expand. If he could get a bank to give him a loan, Timothy told me he could add 30 people right away, 30 new jobs in Snohomish County.

What I heard from these small business owners and dozens more over the last several weeks was clear: If small businesses were given access to credit, they would be able to expand their operations and add new jobs—as simple as that. Small businesses such as the ones I visited in Washington State can be the engines that drive our economic recovery. But that engine needs fuel in the form of credit to run, and that fuel is not flowing right now.

In communities across my home State of Washington, it has been community banks that have taken the lead in providing that fuel for small business growth. They understand the communities they work in, and they work closely with local small business owners to make sure that their needs are met. But the sad fact is that for far too long our community banks been ignored in our economic recovery. Since this recession began, we have seen banks fail one after another, lending drying up to our small businesses, and job growth suffering. Meanwhile, Wall Street institutions such as AIG and

Goldman Sachs were deemed too big to fail. The collapse of our community banks has apparently been too small to notice.

That is why last year I introduced the Main Street Lending Restoration Act, which would direct \$30 billion to help jumpstart small business lending.

It is why I spoke directly to Secretary Geithner about this several times. It is why I have been pushing my colleagues hard to make small business lending a priority. It is why, when President Obama came to Seattle last month, I introduced him directly to several small local business owners and we specifically talked about this issue. I believe strongly that we need to focus more on community banks if we are really going to make progress and bring true recovery to Main Street businesses.

I am proud to stand here today in support of the small business lending legislation now before us. This bill takes the most powerful idea from my Main Street Lending Restoration Act. It sets aside \$30 billion to help local community banks—those under \$10 billion in assets—get the capital they need to begin lending money to small businesses again. It would reward banks that are helping small businesses grow by reducing interest rates on capital they receive under this program. It would help support small business initiatives that are administered by States across the country struggling today because of budget cutbacks. It does all this while saving taxpayers an estimated \$1 billion.

When I met with small business owners across my State, I spent a lot of time talking with them about this bill. I talked about how it would help them create jobs and grow their businesses. Every single small business owner with whom I spoke thought this was a very important idea. Many of them had a question for me—a question to which I wish I had a better answer. Their question: Who would oppose this bill? Who would oppose a bill that seems to be such a commonsense solution to a most pressing problem, a bill that would create jobs and help small businesses grow, boost our economy at a time when it is so desperately needed? Who would stand up and say no? I was asked that constantly. Unfortunately, I suspect it comes down to some old-fashioned political games. I fear too many of our Republican colleagues are afraid that a victory for small businesses is a victory for the Democratic Party. They don't want that to happen this close to an election. I think that is truly a shame because I believe the challenges small business owners face today transcend partisan politics.

The truth is that this is a non-partisan bill. It is a bill that puts credit back into the hands of small business owners. It is a bill that puts people back to work. It is a win for small

business. It isn't a win for a political party. It is a win for the economy, our workers, and our country. I urge my colleagues to put partisan politics aside, listen to the voices of their constituents, listen to small business owners, and support this critical legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, are we still in morning business?

The PRESIDING OFFICER. We are.

Mr. BAUCUS. Mr. President, on behalf of the leader, I yield back our time so we can get to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SMALL BUSINESS LENDING FUND ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5297, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Pending:

Reid (for Baucus-Landrieu) amendment No. 4594, in the nature of a substitute.

Reid (for Nelson (FL)) modified amendment No. 4595 (to amendment No. 4594), to exempt certain amounts subject to other information reporting from the information reporting provisions of the Patient Protection and Affordable Care Act.

Reid (for Johanns) modified amendment No. 4596 (to amendment No. 4595), to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations.

Reid amendment No. 4597 (to the language proposed to be stricken by amendment No. 4594), to change the enactment date.

Reid amendment No. 4598 (to amendment No. 4597), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Book of Ecclesiastes says: "A worker's sleep is sweet." Because of the great recession that started in 2008, millions of Americans have lost sleep. Why? Because they lost their work. That is why, throughout this Congress, we have been working to create jobs. That is why today, with this small business jobs bill, we are continuing to work to create jobs.

One of the first things this Congress did was to pass the Recovery Act in

February of 2009. The Recovery Act cut taxes for Americans by \$326 billion. That is right. The Recovery Act cut taxes for Americans by \$326 billion. In their latest report on the Recovery Act, the nonpartisan Congressional Budget Office once again reports that the Recovery Act is working.

That office, CBO, says in the second quarter of this calendar year; that is, in 2010, the Recovery Act “raised real . . . gross domestic product by between 1.7 percent and 4.5 percent”—raised gross domestic product by between those amounts. CBO also says—and I am quoting from them—the Recovery Act “lowered the unemployment rate by between 0.7 percentage points and 1.8 percentage points.” That is right: The Recovery Act lowered the unemployment rate. CBO also says the Recovery Act “increased the number of people employed by between 1.4 million and 3.3 million” people. Continuing, CBO says the Recovery Act “increased the number of full-time-equivalent jobs by 2.0 million to 4.8 million compared with what would have occurred.”

Just think of that. That is CBO’s estimates of the effect of the Recovery Act—all positive in all those respects.

In March, Congress passed the HIRE Act; that is, the Recovery Act last year, the HIRE Act this year. The HIRE Act includes a payroll tax exemption for new hires. The HIRE Act cut taxes by a further \$15.5 billion. That law has also helped to bolster job creation.

I might add that this summer the Treasury Department found:

From February to May of 2010, an estimated 4.5 million workers who had been unemployed for eight weeks or longer were hired by employers who are eligible for the HIRE Act payroll tax exemption.

These actions that Congress has taken, therefore, are working.

August was the eighth consecutive month of private sector job growth—the eighth consecutive month. Coming out of the 2001 recession, it took 28 months before we had 8 straight months of private job growth.

Since last December, the American private sector has created 763,000 net new jobs. Contrast that with the previous 8 years under the previous administration. During that 8 years, America’s private sector lost 673,000 jobs.

This chart I have in the Chamber shows that. If you look at the chart, beginning in January of 2008, the red bars show the job loss. The job loss got greater from January of 2008, April 2008, July 2008. As you see the longer red bars, that shows the greater job loss.

Then, beginning with the Recovery Act in 2009, what happened? Look at this chart. This chart shows it. The black bars show action since the Recovery Act. The red bars to the left are job loss before the Recovery Act. Once

the Recovery Act passed, according to the black bars on the chart, job loss decreased, steadily decreased in April 2009, July 2009, and October 2009. Then, guess what. We start getting positive numbers where job creation exceeded job loss. Those are the blue bars in January 2010, April 2010, and July 2010.

So just to repeat broadly, beginning in January 2008, job loss grew dramatically, unfortunately, for all those folks. The Recovery Act passed in the beginning of 2009, and then job loss got less and less and less and less until about October, January of this year, and now we have a net increase of private jobs. The Recovery Act and the HIRE Act worked.

We still have more to do. We still need to do more to help create new jobs, and we will not rest until every American who wants to work can find it.

We are doing more today. The small business jobs bill we are working on right now is about helping Americans get back to work. This bill helps by helping small businesses especially hire more workers.

Small businesses are the backbone of America’s economy. We say that many times because it is true. They are the principal engine of job growth. Over the past 15 years, small businesses have created two-thirds of all new jobs. It is not big business that creates most of the new jobs. Two-thirds of new jobs are created by small businesses. That has been the case for a long time, and I daresay it will continue to be.

But the great recession hit small businesses especially hard. Since December 2007, small businesses lost more than 6 million jobs.

This small business jobs bill would help create the right economic conditions for job growth. This small business jobs bill on the floor now could help small businesses create as many as 500,000 new jobs.

The great recession’s credit crunch starved America’s small businesses’ access to the capital they need. We hear that all the time. I say to the Presiding Officer, I know you do back home in your State. In response, this small business jobs bill will provide small businesses with access to capital, robust incentives for investment, and support for innovation and entrepreneurship.

How? Well, this small business jobs bill would give small businesses \$12 billion in tax cuts—\$12 billion in tax cuts aimed at small businesses. It would increase small business lending. It would help small business owners get private capital to finance expansion and hire new workers. It would reward entrepreneurs for investing in new small businesses. It would help Main Street businesses compete with large corporations, and all these things would help small businesses create as many as half a million new jobs.

Creating jobs is what people want us to do. I might say, I have a hard time understanding why some on the other side of the aisle have been holding this bill up for weeks and weeks. That is their business. I do not understand it, but that is their business. This is the kind of commonsense legislation we have before us today that Americans sent us here to do.

At last, the end is in sight, thanks to the courageous votes of Senator GEORGE VOINOVICH and Senator GEORGE LEMIEUX. I thank them. I thank Senator VOINOVICH and I thank Senator LEMIEUX on behalf of Americans and on behalf of all the folks, especially small businesses, who want to find jobs.

I thank, as well, every other Senator on this side of the aisle for their votes. I thank those two Republican Senators and the Democratic Senators who voted for this bill. Because of all of you, we are finally bringing this debate to a close, and it is certainly time to.

It is time to pass this bill. It is time to help small businesses. It is time to help create up to half a million new jobs. So let us bring this debate to a close. Let us send this targeted tax relief to small businesses without further delay, and let us pass this commonsense legislation.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, while we are talking about taxes, I wish bring up something that is significant to about 26 million Americans. It doesn’t deal only with small businesses, but obviously a lot of small businesses are affected by the issue I bring to my colleagues’ attention. I do this several times a year. It deals with the alternative minimum tax, a tax that I am sure that out of the 26 million people who might be hit this year if we don’t do something, a lot those are small businesspeople.

The AMT was first enacted by Congress in 1969. The alternative minimum tax was created in reaction to some very wealthy and very high income individuals paying no income tax. These high-income individuals were able to do this because they were able to claim a huge amount of tax credits and deductions legally.

Probably the sensible way to have dealt with this problem would have been to curtail the proliferation of those tax credits, tax deductions, and tax expenditures at that time. Unfortunately, that was not the course Congress took when the alternative minimum tax was set up, now 40 years ago. Instead, Congress created this alternative tax system that we call the alternative minimum tax. With the alternative minimum tax, an individual must first calculate his regular income tax, and then he must calculate his alternative minimum tax. The taxpayer compares the two numbers and pays

the highest figure of tax owed. I know this is complicated, figuring one's taxes twice—as if the regular income tax all by itself isn't complicated enough—but it has gotten much worse over the decades.

The alternative minimum tax has not merely added complexity; it has ensnared tens of millions of Americans in its clutches. What was originally intended for fewer than 200 very wealthy taxpayers back in 1969 because they didn't pay any income tax—legally didn't pay any income tax—now has grown to ensnare tens of millions of middle-class Americans.

What is really worse is that it was supposed to get everybody to pay some income tax under the theory that if you live in America, even if you take legal advantage of everything the Tax Code allows you to do and still pay no tax, you ought to pay something, so the alternative minimum tax. But now the IRS tells us that there are a large number of people—not tens of thousands but thousands—who don't pay either the regular income tax or there are ways they don't legally have to pay the alternative minimum tax. So it isn't even accomplishing its original purpose of making sure everybody pays some income tax.

The reason it has grown to include many middle-income Americans is because the exemption amount has not been indexed for inflation. Congress has increased the exemption amount so it would be targeted toward those people it was meant to hit—very wealthy people.

We keep talking around here about patching the AMT. We have done it every year since 2001. Congress has passed the AMT so that only 4 million taxpayers have been subject to it in the past few years. At this point, however, the AMT is not patched for 2010. So unless Congress acts to patch the AMT, rather than only about 4 million Americans being subject to the AMT, more than 26 million will be.

The chart I have here shows my colleagues a breakdown of the number of families and individuals State by State subject to the alternative minimum tax. These families and individuals should be paying the alternative minimum tax right now because Congress hasn't acted so far this year, after 9 months, to do the patch. That means that about 22 million families and individuals are currently scheduled for quite a surprise come April 15, 2011. Roughly 4 million Americans are presumably used to paying the AMT, but the additional 22 million families and individuals currently subject to it may not have realized they are standing in a hole dug by this Congress. Until Congress patches the AMT in 2010, these individuals should either have their wages withheld at a higher rate and/or pay estimated taxes to take into consideration the fact that the AMT has

not been patched. But we would have to figure that very few of these 22 million Americans are, in fact, paying the higher estimated taxes in anticipation of Congress not acting on the AMT. They probably do not know.

The third quarterly estimated tax payment is due today. Literally right now, taxpayers across the country are under the legal requirement to pay their estimated tax. They should be using the form depicted on this chart, the form 1040-ES. I hope I am not here in January when the final estimated payment is due.

It is disappointing that Congress has created a situation where law-abiding citizens who still trust in Congress to look out for them are at odds with the law, even if only temporarily. The betting money is that Congress will get this job done before the end of 2010, but in the meantime, confusion reigns.

In many ways, people simply do not know what to do about this. As I said, taxpayers don't know how much estimated tax to pay. The IRS doesn't know what forms to be preparing for publication. Tax software firms don't know how they should program their software. Tax professionals are not sure what to advise their clients. Government revenue estimators don't know whether to count the AMT patch in or out. And most important, our fellow Americans don't know how to plan their financial affairs. Can they afford that vacation or can they afford a new car? Can they afford some additional gift to charity? Should they contribute more or less to their 401(k)? The answers to these questions turn in part on whether Congress patches the alternative minimum tax.

So what is to be done? The 2005 bipartisan tax reform panel had two different tax reform options: the simplified income tax and the growth and investment tax. But under either option, the bipartisan tax reform panel said that Congress should simply repeal the AMT. I think that is what has to be done.

Don't forget the philosophy behind it 40 years ago, not indexed. That is why we have to patch, is because 200 people, maybe only 150 at that time, were not paying any income tax. Progressives thought: Well, everybody living in this free country, even if they legally don't have to pay any income tax, ought to pay "some tax." So that is the philosophy behind it. We have not argued so much with that philosophy over the last 40 years. But we are in a situation where the IRS says there are some people in America who legally don't have to pay income tax or the alternative minimum tax. Does that make sense? Why would we have that law on the books if it is not fitting its original intention?

That is what I would favor—complete repeal of the AMT. If that isn't to be done, I would favor then a permanent

patch of the AMT. Given Congress's actions in this area, it seems likely we will patch it year after year after year, so wouldn't it help with everyone's plans to simply do that once and for all? That is the question. That would be the way to do it. It is predictable.

But allow me to address the AMT in the context of statutory pay-as-you-go. The statutory pay-as-you-go was enacted earlier this year as part of the majority party's debt limit increase. Some on the other side of the aisle have described statutory pay-as-you-go as a fiscally responsible way in which to address the 2001 and 2003 tax relief extensions.

Statutory pay-go provides that all the regular tax relief for taxpayers under \$250,000 is permanent. Statutory pay-go, however, only provides for a patch to the AMT just for 2 years: 2010 and 2011. So what is going to happen in the next year, come 2012? There are at least four possible options.

Option 1 would be: In 2012 and after, AMT will not be patched. But I do not really think that is an option Congress would seriously entertain—then or now—to add another 20 some million people paying this tax that middle-income taxpayers were never supposed to pay in the first place.

Option 2: In 2012 and after, AMT will be patched and paid for with new taxes. That would be consistent with what we call statutory pay as you go, but does anyone think that would make sense, pay for tax relief with new tax burdens?

Option 3: In 2012 and after, AMT will be patched and paid for with spending cuts. In general, I believe that we need to use spending cuts to tackle our deficits and debt. But we know our friends in the Democratic leadership are allergic to spending cuts. So, as much as we would like to reign in the record spending spree of the last 18 months, I don't see my friends on the other side agreeing to cure their allergy to spending restraints. They've rejected roughly \$270 billion in spending restraints since adopting the much ballyhooed statutory pay-go regime.

But then there is option 4: In 2012 and after, AMT will be patched and not paid for. That certainly is an option I am very open to and quite possibly what Congress will ultimately do and has done in the past. Money that wasn't supposed to be collected in the first place shouldn't be relied on as revenue and so doesn't need to be offset.

However, if the AMT is patched and not paid for, then there is a hidden \$1 trillion revenue loss in the package. This means the deficit impact of the so-called fiscally responsible package is understated by \$1 trillion. The so-called fiscally prudent statutory pay-as-you-go legislation likely has a \$1 trillion understatement of the deficit impact.

If fiscally responsible is understating an increase to the deficit by \$1 trillion,

I wonder then what fiscal irresponsibility would be. The AMT is a serious problem and needs to be addressed in a comprehensive, permanent, prompt, fiscally prudent fashion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, first, I thank the chairman of the Senate Finance Committee, Senator BAUCUS of Montana, who just spoke about the bill before us. If you go to any State in America and ask those who own small businesses what their challenges are today, I will guarantee you that in the top one, two or three items, it is access to credit.

This bill, this small business jobs bill, will give access to credit to thousands of businesses across America so they will have money to expand inventory, to expand their business, to expand their employment.

Many of us believe, as Senator BAUCUS has said, small businesses are key to job growth in America. I cannot explain—I cannot explain—why the Republican Party decided to filibuster this to try to stop us from even bringing this bill to the floor over and over and over. We should have passed this bill months ago. It should have been passed on a bipartisan basis. The Small Business Committee is one of the most bipartisan committees in the Senate. Yet they have resisted it.

I wish to join Senator BAUCUS in thanking two Republican colleagues who had the courage—and it took political courage—to step up and say: Put an end to this filibuster. We have to help small business. Senator GEORGE VOINOVICH of Ohio and Senator GEORGE LEMIEUX of Florida both stepped up, and because of their courage, we passed this bill yesterday with 61 votes—at least moved it forward, I should say, toward passage, and that is dramatic, positive progress for us when it comes to dealing with this recession.

I also wish to say there was a statement made yesterday. I listened to it in my office. It was the stakeout of the Republican leaders after their luncheon, and I listened carefully as Senator MCCONNELL, the Senate Republican minority leader, as well as Senator KYL of Arizona, and others in their leadership, came to the microphones right outside this Chamber and said there should be no tax cuts in America—pardon me—there should be no tax increases in America. They came and said there should be no tax increases in America for anyone. They were focusing on the Bush economic policies that gave tax cuts to the wealthiest Americans, and these Republican leaders said: There should be no tax increases in America.

I wish to say that from my point of view, yesterday the Senate Republican leadership, in front of microphones right outside this Chamber, filed for bankruptcy for the United States of

America. If we cannot, in the midst of this recession and with our Nation's deficit, ask for a sacrifice from the wealthiest people in America, then I am afraid we have lost our way.

Let me quote someone who knows a little bit about policy in Washington. His name is David Stockman. I remember David Stockman when I first came to Congress because David Stockman was the budget adviser to President Ronald Reagan. He was the man who guided the President in his thinking about budgets. So, certainly, he has a Republican resume that is pretty strong.

What did David Stockman say about the current state of the Republican Party when it came to these issues of deficits and tax cuts? Here is what he said:

If there were such a thing as Chapter 11 for politicians, the Republican push to extend unaffordable Bush tax cuts would amount to a bankruptcy filing. The nation's public debt . . . will soon reach \$18 trillion.

Stockman said it screams “out for austerity and sacrifice.” But, instead, the GOP insists “that the Nation's wealthiest taxpayers be spared even a three-percentage-point rate increase.”

Well, I know what the Republicans are likely to say in response. They are likely to argue what they have argued for 10 years; that is, if we give a tax break to the wealthiest people in America, then this economy is going to prosper. These wealthy people will spend their money and invest their money in a way that will create jobs, which leads to one very basic question. After 10 years of tax cuts for the wealthiest people in America, where are the jobs? After 10 years of tax cuts for millionaires and those at the highest levels of income, where are the jobs? Eight million Americans are out of work. Another 6 million have basically given up looking for work. We have 14 million unemployed in the worst recession we have ever faced because of Bush economic policies—we have to go back to the Great Depression to see anything worse—and it was based on 10 years of tax cuts for wealthy people. This did not create jobs; it created the biggest debt in the history of the United States.

Let me digress for 60 seconds or so for history. President William Jefferson Clinton left office, turning over the keys to the White House to George W. Bush. What was the state of the economy in America? Well, we had created some 22 million jobs in the previous 8 years. We had a national debt that had been accumulated—a national debt from George Washington through President Clinton of \$5 trillion—\$5 trillion—and the President said—President Clinton said to President Bush: Welcome to Washington. Good luck in your administration. Let me give you as a starting gift from my administration a \$120 billion surplus—surplus in the Treasury—not a deficit but a surplus.

Now, fast-forward 8 years. Now President George W. Bush has had his chance to use his economic policies, and where are we? Well, the national debt has risen from \$5 trillion over an 8-year period of time to \$12 trillion—more than double during that period of time. How does one more than double the national debt of America in 8 years? Well, let me count the ways.

First, wage two wars and don't pay for them—wars in Iraq and Afghanistan. Secondly, do something no President has ever done in American history: give tax cuts in the midst of a war. We have all the ordinary expenses of our government, and then we have the added expense of war, and President Bush and his Republicans in Congress said: Well, the answer to that is to cut people's taxes.

Guess what. When you cut taxes, you take money out of the Treasury that otherwise would come in and add to the national debt. Then add a few major programs that President Bush passed and didn't pay for. Medicare prescription Part D is a classic example. Though we in health care reform were required by President Obama to pay for it, the Republicans, facing a change in Medicare, did it without paying for it. They added to the national debt.

So President George W. Bush left office. The \$5 trillion debt under President Clinton is now \$12 trillion, and he said to President Obama: I won't be able to hand you that surplus that I was given when I took office. Instead, I am handing you a \$1.2 trillion debt in the next year. Ten times more than the surplus offered him, he offered to President Obama. President Obama took his hand off the Bible being sworn in as President, and in the first month faced 750,000 Americans newly out of work. Welcome to Washington, President Obama; a little gift from the previous administration. That is what we have.

So now come Senate Republicans, and they say: Well, to get out of this recession, clearly what we need to do is do everything over again that got us into the recession, and the first thing we need to do is cut taxes on the wealthiest people in America. As David Stockman says: If you can't ask a millionaire to give up a 3-percent tax cut in the midst of what we are facing in this Nation—a millionaire—if you can't ask for a sacrifice from those who are most well off in our country, how can you possibly govern in a responsible way?

Senator MCCONNELL introduced a bill this week which spells out exactly what he thinks about the deficit. His bill—a tax cut bill—will add \$4 trillion to the national debt. That is \$4 trillion unpaid for. Did he raise taxes to give tax cuts to others? No. Did he cut spending to give tax cuts to others? No. He just said \$4 trillion of debt, here it is, unpaid for. This is the party of fiscal conservatism? These are the deficit

hawks? These deficit hawks have had their wings clipped—clipped by the richest people in America, and that is their position.

If I can transition to another question of debt, it isn't just the debt of our national government, as large as it is, that ought to concern us. There are other debts across America. Americans have \$826 billion in credit card debt. Naturally, people are struggling to make ends meet, and they are going to put more debt on their credit cards. They are going to owe more. So \$826 billion in credit card debt.

The debt I want to focus on is even larger. The Federal Reserve recently revealed that we passed a milestone in American economic history in June of this year. For the first time in history, American consumers owe more on their student loans than on their credit cards. We have \$826 billion in credit card debt and \$850 billion in student loan debt. The total national student loan debt is increasing at the rate of \$3,000 per second. The average college student in 2008 graduated with over \$23,000 in student loans. By the time the students start college this fall, when they graduate, they could easily owe more than \$30,000 at graduation.

Growing student loan debt creates a tremendous burden on recent college graduates. Recent graduates have a hard enough time finding a job in today's economy, but they need a job that pays enough to cover their monthly student loan payments. Young adults delay decisions to pursue advanced degrees, buy a home, start a family, because of student loan debt. We want young Americans to be an active engine for our economy, but too many graduates trapped in debt have to worry about the first paycheck and making the first payment on their student loans.

This week, Education Secretary Arne Duncan announced the 2008 student loan cohort default rates. Default rates on student loans across America were 7 percent—up from 6.7 percent last year. The cohort default rate is a snapshot of one group of students, those whose first loan repayments came due between October 1, 2007, and September 30, 2008, and who defaulted on their loans before September 30, 2009. During that time, over 200,000 borrowers defaulted on their student loans within 2 years of leaving college.

I was the beneficiary of a student loan when I went to school. It was called the National Defense Education Act. I couldn't have gone to college and law school without it. My understanding was—at least I felt an obligation to pay off that loan so that future generations could borrow that money and other students would get a chance to go to college. Now we find in this cohort 200,000 students already defaulting within 2 years of leaving college. This shows difficult economic times and the

trouble young people are having finding jobs after school.

But a closer look at the data reveals another growing problem. Default rates at for-profit colleges are already far too high and rising. The 2-year default rate at for-profit colleges was 11.6 percent in 2009, up from 11 percent the year before. In comparison, public colleges had an average default rate of 6 percent; nonprofit colleges, 4 percent.

So let's put the numbers in perspective. The default on student loan payments from those graduating from nonprofit colleges nationwide, 4 percent; public colleges, 6 percent; and the default rate at for-profit colleges, 11.6 percent in 2009.

More than one out of every nine students who take out a student loan to attend a for-profit college will default on that loan within 2 years of leaving school, and the results are even worse after 2 years. Since 1995, two out of every five—40 percent of students who attended 2-year, for-profit colleges—defaulted on their student loans. Students at for-profit schools represent less than 10 percent of postsecondary students in America but one-quarter of student loan borrowers and 43 percent of all student loan defaults. Defaulting on a student loan is not just a bad economic experience; it can be a disaster.

For-profit recruitment officials, however, take it very lightly when they explain to young people what the consequences are of default on a student loan. The Government Accountability Office investigated 15 for-profit colleges and found that all 15 colleges misled students, including making false statements about student loans and defaults. One recruiter told a potential applicant:

I owe \$85,000 to the University of Florida. Will I pay it back? Probably not . . . I look at life as tomorrow's never promised. Education is an investment. You're going to get paid back tenfold no matter what.

Another recruiter taped by a government investigator said, when the student asked about student loans:

But it's, workable, you know, it's really workable. And the . . . a lot of people have student loans . . . but the best thing about it, it's not like a car note, where if you don't pay they're gonna come after you.

That is a lie, and it is that kind of lie that is leading students into debt that they cannot repay.

Defaulting on a Federal student loan can have dire consequences for these students for the rest of their lives.

Here is what happens if students don't pay back their student loans. First, the loan will be turned over to a collection agency and they will be charged collection costs over and above the loan up to 25 percent. Their wages can be garnished, their tax refund intercepted, and their Social Security benefits withheld. Their defaulted student loan will be reported to a credit bureau and remain on their credit his-

tory for 7 years after they pay it off. That means they may not be able to buy a car or a house or take out a credit card. It might even mean they don't get a job if an employer looks at their credit history. They can't take out any more student loans or receive Pell grants to go back to school. They are no longer eligible for HUD and VA loans. They can be barred from the Armed Forces and they might be denied some jobs in the Federal Government.

That recruiter was right about one thing, though: a student loan is not like a car loan. Car loans can be discharged in bankruptcy but not student loans. A borrower can never escape a student loan, whether it is federally guaranteed or a simple private loan for school.

I had a hearing in Chicago about 3 weeks ago on these for-profit schools. I never saw such a crowd in my life. Do you want to know why? This is a big, profitable business. These schools are dragging in billions of dollars in Federal money that is then being loaned to students so they can go to school online or at these so-called for-profit schools. They end up with a worthless degree, if they graduate, deep in debt. They default on the loans and the government loses.

So I went to this hearing with 450 people showing up at this hearing on for-profit colleges.

I didn't expect an amazing turnout. There were picketers on the sidewalk outside the Federal court building. Lo and behold, they were there for me. I went up to the students and said to them: Hi, I am DICK DURBIN. I am going up to the hearing. What are you kids doing here? They said: We are students at the Illinois Institute of Art, which is a school in Schaumburg, a suburb of Chicago. They were dressed similar to the people you see on "Top Chef." I don't know the name of the white tunic they wear. I said to them: So you are at this for-profit college. What are you studying? They said: Culinary arts. One said: I want to be a cook and own a restaurant. I said: How much does it cost you in tuition to go to this school?

Well, it is a 2-year course in culinary arts, and the tuition is \$54,000. Do you know what the starting pay is for people in a restaurant, a cook? It is about \$10 an hour. So I said: Are you concerned about paying back this student loan? The answer was: Yes, but someday I may own a restaurant. Well, they may. These students were misled into believing they were going to get a job to pay them enough to pay back that student loan, but very few will be able to do so. There just isn't that much money in that line of work. I wish we could suspend all the "Top Chef" shows on the cable networks for a couple years so kids will stop signing up for \$50,000 training courses and borrowing student loans they can never pay back to become the "top chef."

For some, I wish them the best, but it is going to be impossible—difficult at least—for them to pay their loan back. For another school that was upstairs, it was \$41,000 for the culinary arts degree.

I say to the Presiding Officer, who is also from Illinois, we have something called the City College of Chicago. Do you know what the same culinary arts course, over a 2-year period of time, which is just as good, same course, same training—what it costs in tuition for 2 years? It is \$12,000. It is \$12,000 to go to a city college, a community college, for culinary arts. But it is \$54,000 to go to the Illinois Institute of Art—whatever that is—out in Schaumburg. You may say to yourself that these students are dragging themselves deeply into debt that they may never get out of, and the default rate at for-profit colleges is outrageous. It is double what it is for many other schools across America.

The growing levels of student loan debt and the increase in defaults are undermining our economic recovery. Instead of contributing to the economy, many graduates and former students are doing all they can to dig out of debt.

While high tuition levels and student debts are a problem across higher education, I am particularly troubled by these for-profit colleges. Low-income students come to these colleges in droves, lured by promises of high-paying careers and flexible courses. Did you see that ad on cable TV saying you can get a college degree in your pajamas? It shows this beautiful young girl in her pajamas saying: I am going to college in my pajamas.

Here is an alert to young people across America: You are not going to earn a college degree in your pajamas. You have to dress up and be part of the world and go to school. I understand that you can go online, and for many people that is a great way to go to school, but it takes more than lounging around the house and going online and ending up with a worthless degree. One of the persons who testified in our hearing was a young girl who is a graduate in law enforcement from the Westwood College. Ever heard of it? I haven't. She went to school there in Chicago; it took her 5 years. She got a bachelor's degree in law enforcement because she wanted to work for the Chicago Police Department or the Sheriff's Department. She wanted to be a professional there and she would have a bachelor's degree. They laughed at her when she showed them that degree. Westwood College? They didn't even accept or recognize it. There she sat, after 5 years of education, with a worthless degree. Do you know what it cost her? It cost \$86,000 in student loans. That is how much she owed for that worthless degree. Now she cannot get a Federal student loan to go to a

community college. She cannot get a Pell grant. She is paying \$600 a month and living in her parents' basement.

That is the reality of life for these young people who are lured into these for-profit colleges. What are the biggest recipients of Federal loans in America today when it comes to those colleges? No. 1, University of Phoenix, the Apollo Group. How many undergraduate students do they have? They have 480,000 undergraduate students—more than the combined undergraduate enrollment of the entire Big Ten schools. No. 2, Kaplan; No. 3, DeVry; No. 4, Penn State University, which offers online courses. They are taking out the lion's share—25 percent—of all Federal student loans for education help to for-profit colleges and have 43 percent of the student loan defaults. It tells the story.

Low-income students don't know any better. They are signing up for courses with promises that can't be kept. I went to the Web site of Roosevelt University, an established college in Chicago, to look up some information, and I was bombarded with ads from these for-profit schools. I called the President of the school and said: Chuck, have you looked at your own Web site? You can't find Roosevelt on there. There's Argosy and Corinthian and all these things thrown at you. Imagine a young person who is trying to decide where to go to school.

It is time to look at risk sharing when it comes to student loans. These for-profit colleges ought to be on the hook. If they are going to lure young people into debts they can't pay, they ought to have some skin in the game and say: If there is going to be a default, we are going to pay a price too. Secondly, I am sick and tired of these schools that are not accredited and are being given money for Federal student loans. If your school is not accredited and if your hours cannot transfer to another school, you should not receive Federal loans. Students should not have to go through a research investigation to decide whether a school is accredited. That is not their job and should not be. It ought to be our job as a requirement. We ought to say that if you want to qualify for Federal aid for education, you have to be an accredited school. If it is a phony school, you don't get Federal money. That ought to be the basics.

Today, school officials are working with incentives, incidentally, that push companies to bring in the highest volume of financial aid, which means they will sign up anybody who can qualify. They don't care if you can read or write. Literally, they will put you on as one of their students earning a baccalaureate degree, and they will get the money from the Federal Government. Incidentally, they complained recently because we capped how much Federal money a for-profit college can

receive of their revenues at 90 percent—and they complained. Colleges that have burdened students with this debt, without giving them the skills and credentials, should share a piece of this default risk. Maybe then the colleges would focus less on bringing in as many students as possible, at the highest tuition as possible, and focus more on preparing students to succeed. We need to seriously consider this risk sharing, as well as other ideas to bring student loan debt defaults under control. I look forward to working with my colleagues.

Look at your own States. For those of us who have voted reflexively for Federal student loan increases and Pell grants, the party is over. I will not stand by and watch billions in taxpayers' money funneled into for-profit schools that heap debt on the students and fail to give them the training and degree they need to succeed in life. It is time to bring this to an end.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, the legislation before us is the small business bill, which includes a number of provisions. I have stated before in comments on the floor that there are a number of concerns I have about the \$30 billion lending fund that is included in what is now the Baucus-Landrieu substitute amendment to the small business bill.

I simply say, in reaction to the comments of the Senator from Illinois, because a suggestion was made that somehow Republicans were trying to block this bill, I think everybody should know this is being debated under a procedure that is very unique. The Democratic leader filled the tree, which blocks Republicans from offering amendments. So it should come as no surprise that the minority party would react negatively to not being able to have any of their amendments considered or voted on in a debate about legislation such as a small business bill, which we happen to think is very important.

The suggestion was made by the Senator from Illinois that, again, somehow Republicans are being resistant to or blocking this, I think, misses the broader point, which is that there are a number of us who have amendments we would like to offer to try to improve the bill and make it better. But the majority party has filled the tree, and that means, in layman's terms, that they are not going to allow any amendments. This is being considered under a procedure that doesn't allow us to offer amendments, and I have a couple that are filed at the desk. If I were permitted to do so, I would offer them. I think they address what are some of the fundamental shortcomings in this underlying legislation.

I don't think we ought to be using taxpayer dollars to establish this new

fund—this \$30 billion lending fund or what I like to refer to as “TARP III”—and there is a section 103 of the substitute amendment that creates this small business lending fund. Part of that section allows a bank that received TARP funds to refinance into the newly created small business lending fund. Obviously, there are advantages to this refinancing because this new lending fund was created specifically to avoid the negative association with TARP.

While I have serious concerns with allowing these banks to refinance into this new program, at least the legislation prevents those banks that are behind in dividend payments from refinancing into this new fund. I would give the underlying legislation credit in that regard. What the legislation fails to do, however, is provide a similar prohibition on those banks that are behind in their TARP payments from applying to receive even more capital from the Treasury to this new fund. They can't refinance, but they can get more funds from the Treasury, even though they are delinquent in their payments already to the TARP fund.

According to the most recent report, on July 21, 2010, there were 105 TARP recipients who took funds through the Capital Purchase Program that missed their scheduled dividend payment. That is \$157.7 million in outstanding obligations to the Treasury through TARP.

Keep in mind, there were over 70 banks under \$10 billion in assets that have received TARP funds through the Capital Purchase Program. Of the six largest banks over \$10 billion, all but one have paid back their obligation. Of the 701 banks under \$10 billion in assets, there are 625 banks with outstanding investments.

If you are a bank that took money from TARP and are behind in what you owe the taxpayers, you should not be allowed to take more money from the Treasury. This is a major loophole in this legislation.

My amendment, No. 4614, would make sure those banks that are non-paying TARP recipients would not have access to more capital through this fund.

A bank would not extend a second loan to a customer who is behind in their first loan. Why wouldn't we, as the American taxpayers, provide the same restrictions when it comes to a loan through the Treasury? It seems to me that is a fairly straightforward understanding that we ought to have. If you are delinquent on your first loan, you should not be able to get a second one. As I said before, that is a shortcoming in this legislation.

My amendment would correct that. I think this is an important safeguard that ought to be included. Having said that, that is not enough to make this legislation stronger and better.

At the end of the day, I still believe the small business lending fund will be a reincarnation of TARP. This is not something I can support.

While I am opposed to the inclusion of this fund in this small business bill, I am particularly concerned that we are not adequately measuring the cost of this provision. When I say that, I point out that the CBO, Congressional Budget Office, scored the small business lending fund, and when they did that, the analysts produced two estimates, which is a rare departure from their standard procedure.

One cost estimate was based on a cash-basis method of cost accounting. The other was based on fair market value. The former estimated that the small business lending fund would save taxpayers \$1.1 billion over 10 years. That is using the cash-basis accounting method that I mentioned earlier. The fair market value estimate suggested this fund would result in a \$6.2 billion net loss in taxpayer money over that same period.

You have a \$7.3 billion difference on a \$30 billion fund, and I think that is due to the inadequacies in the cash-basis method of accounting, which does not include adjustments for market risk. That is why I think the CBO submitted two different cost estimates, which, as I said, is a sort of departure from their common practice.

To quote the Congressional Budget Office—and this is important:

... cost estimates made under the Federal Credit Reform Act [which is what we use in terms of making estimates of what things will cost] do not provide a comprehensive measure of the cost to taxpayers primarily because the Federal Credit Reform Act methodology does not include costs that stem from certain risks in lending—risks that private investors would require compensation to bear.

CBO goes on to say:

In particular . . . it does not recognize a cost for the risk that losses from defaults will be higher during periods of market stress when resources are scarce and most valuable.

That is from the Congressional Budget Office pointing out the flaws in the traditional way in which the cost of a program such as this would be accounted for.

Phrased differently, with this fund taxpayers are assuming an uncompensated level of risk as lenders of last resort, and this risk is not accounted for in the cash-basis cost estimate.

While I believe the movement of the Federal Government to ownership of private companies in and of itself is a disturbing trend and is one that needs to be stopped and rolled back rather than promoted in advance, it is critically important that these programs include a proper accounting of their costs—something that is lacking in this small business bill.

What my amendment No. 4610 would do is require the Congressional Budget

Office to score Federal Government purchases of equity purchases or capital investments on a fair-value basis that considers market risk. In other words, it would use the convention that was used in the original TARP bill that was passed back in 2008. This change would be consistent with what private companies are doing in terms of moving toward a fair-value method of accounting because of its superiority to a cash-basis method of accounting.

This is not the first time this more accurate method of scoring would have been used by the Congressional Budget Office. As I said, when the original TARP program first moved through Congress, it included an important provision that the cost of the bill be calculated using a discount rate adjusted for market risk. Yet, despite all the similarities between this bill we are debating today and TARP, this bill does not have any such provision. Because of this, many Senators and Members of Congress believe this bill will save money for the taxpayers, when, in fact, the opposite is true. If you use the fair-value method of accounting, as I said earlier, according to the Congressional Budget Office, this provision—this \$30 billion mini-TARP program—has a net cost of \$6.2 billion as opposed to a savings of \$1.1 billion if you use the cash method of accounting. The most comprehensive estimate we have from the CBO is that the \$6.2 billion will be more reflective of the actual cost, but because the cash-basis method of accounting is used, this cost is not going to be added to the pay-go scorecard.

One of the most important duties we have as Senators and Members of Congress is to be vigilant in watching the taxpayers' money and how it gets spent. This duty has taken on increased importance as the Federal Government and Federal spending has exploded and our national debt has now surpassed \$13 trillion.

A quick point on that point. Before I got up to speak, the Senator from Illinois was talking about the Federal debt. Of course, as is typically the case around here, when one of my Democratic colleagues gets up, they think that all that happened is all Bush's fault. Anything bad in America today, it is Bush's fault. What he did not mention, of course, is the fact that on January 2007, the Democrats took control of both the Senate and the House of Representatives. Since that time, they have been writing the budgets. We all know that under the Constitution, the President cannot appropriate a single dime. It is Congress that appropriates money. Since January of 2007, it has been the Democrats who have been writing the budgets around here.

Even if you give them the benefit of the doubt and say when the President came to office in January 2009 and you measure it from that point forward to where we are today, we have added almost \$3 trillion to the Federal debt—

almost \$3 trillion since January of 2009 when this President took office. If you were breaking that down into terms people can understand, if you are a child under the age of 18 in America today, when the President took office in January of 2009, the debt for a young person under the age of 18 was \$85,000. Today, it is \$114,000. Since this President has taken office, the share of the Federal debt for an average American under the age of 18 has increased by \$29,000. By the year 2016, that number will be \$196,000. Mr. President, do you want to know why? Because the debt is projected to explode over this next decade. In fact, it took 232 years and 43 Presidents to rack up the first \$5.8 trillion in debt. In the next 5 years, we are going to double that and triple it under the President's budget.

I will be the first to admit that Republicans are not perfect, and when we were in charge of the Congress, there were certainly things we should have done better in terms of getting our fiscal house in order in Washington. But to say for a moment, as the Senator from Illinois tried to imply when he was on the floor, that somehow this was a function or a problem that was created by the Republicans or somehow by Bush is just absolutely inconsistent with the facts. As I said, Democrats took control of this Chamber in January 2007. The President became President of the United States in January 2009. Since January 2009, the Federal debt has grown \$3 trillion.

There is a whole lot of spending going on around here that is being routinely ignored by Members on the other side when they get up to speak, such as a \$1 trillion stimulus bill that was designed to keep unemployment under 8 percent. We all know unemployment today is well north of 9 percent. In fact, with no end in sight, the amount of spending and borrowing that continues today, in my view, puts in jeopardy the opportunity for this economy to recover and begin to create jobs, which is what all of us want to see happen.

But when you spend \$1 trillion and borrow it and you hand the bill to your children and grandchildren, when you create a massive new expansion of health care which, when fully implemented, will cost the taxpayers \$3.2 trillion and at every turn continue to spend more and more, at some point you have to say, when you are in a hole, you ought to quit digging. That is precisely where we are. We are in a deep, deep hole.

The first rule should be: do no harm. When it comes to spending and the debt, the administration and the current leadership of this Congress have taken that to a whole new level. That is a comment about this debt and one of the reasons this legislation is so important and why it is important that we get it right in terms of accounting

for the true costs of the underlying bill.

It is my belief that the fair-value method of accounting provides a much more accurate, much more transparent, and much more comprehensive way of accounting for the costs and benefits of these programs. To ignore the risks these programs pose to the hard-earned money of American taxpayers is simply to stick our heads in the sand and hope. This is not a responsible strategy for governing, and I hope my colleagues will work with me to update this outdated method of scoring with regard to this \$30 billion mini-TARP that is included in the small business bill.

While I have many concerns with this bill, some of which I just outlined, we are debating what I think was a well-intended bill with a lot of good provisions and many I support. There are a number of provisions in this bill which, left to themselves, I think will be good. I am a member of the Small Business Committee. We made adjustments in the small business lending program, increasing loan sizes and guarantees for SBA 7(a) and 504 loans and temporarily reducing the fees for some of those loans. It updates SBA's very outdated size standards and provides much needed tax relief through bonus depreciation, section 179 expensing, and allowing business credits against the alternative minimum tax.

There are provisions in this bill that I think do get at providing assistance to small businesses, but I cannot support a new program that puts more taxpayer dollars at risk. The American taxpayer is expected today—this is with the most recent estimate—to lose \$66 billion thanks to the original Troubled Asset Relief Program, the TARP, and this current legislation reincarnates that TARP through a \$30 billion Treasury fund that will be used to inject capital into banks that are then directed to lend to small businesses.

Treasury and the administration have tried various programs through TARP to increase small business lending without any success, mostly because of a lack of interest on the part of the banks. Again, this lack of interest is likely attributed to the fact that many banks recognize the negative stigma that accompanies accepting TARP money, and that is why I think the Democrats and the administration are trying to create a new fund and call it something other than TARP. The actual language in this amendment provides assurance to banks that by accepting this money, they would not be TARP recipients. That is actually specified in here because they want to get rid of the original stigma that comes with the original TARP. In their talking points, even the White House admits the "program would be separate and distinct from TARP to encourage participation." Essentially, what they

are saying is, We are not going to call it TARP. We are going to call it something different. If we call it TARP, banks will not participate, and we want to encourage banks to participate.

The administration goes on to say that "the administration's proposal would encourage broader participation by banks, as they would not face TARP restrictions." These "restrictions" the White House is referring to include limits on executive compensation and warrant requirements—many of the restrictions included in the original TARP program.

I wish to point out for the benefit of my colleagues that Elizabeth Warren, who serves as the chairwoman of the Congressional Oversight Panel, has criticized the manner in which TARP funds have been provided to smaller banks—15 percent of which cannot even make payments to the Treasury regarding TARP funding they received. The new fund relies on the same problematic lending structure that has been deemed a failure under TARP.

I wish to quote what this Congressional Oversight Panel said about the Small Business Lending Fund.

The small business lending fund prospects are far from certain.

The small business lending fund also raises questions about whether, in light of the Capital Purchase Program's—

That was the program under the main TARP—

poor performance in improving credit access, any capital infusion program can successfully jump-start small business lending.

It goes on to say:

Banks are subject to a stigma for accepting government money no matter the name of the program.

The small business lending fund looks uncomfortably similar to the TARP.

Like the Capital Purchase Program—

In the original TARP—I continue to quote from the Congressional Oversight Panel's report—

the small business lending fund injects capital into banks, assuming that an improved capital position will increase lending—despite the lack of evidence that the Capital Purchase Program—

Again, the original TARP—
did so.

This lending fund does not affect the capital issues affecting banks "nor any of the issues affecting small business credit demand." It goes on to say that such a fund "runs the risk of creating moral hazard by encouraging banks to make loans to borrowers who are not creditworthy."

That is all from the Congressional Oversight Panel's report about the very Small Business Lending Fund—the concept we are debating as part of the small business bill.

I am ready to close, but the point I am trying to underscore with this amendment is that the same flawed structure for repayment that is not

working for small banks under the current TARP is included in the legislation before the Senate. Knowing this, we are purposefully removing some of the safeguards created through the original TARP, allowing TARP recipients who are behind in their payments—people who are delinquent in their payments—to participate in the new program and get even more funding under this new mini-TARP program.

I believe there are more responsible methods to support our small businesses than through a \$30 billion Treasury line of credit for banks. Let's focus on the programs we know work. As I said, some of them are included in this bill, such as the SBA 7(a) and 504 loan programs. Let's not create a new Treasury fund and hope somehow in the end it is going to pay off. History has proven otherwise.

We all know small businesses are the economic growth engine in our economy. They are what keeps this economy growing. Two-thirds or three-quarters of the jobs in our economy are created by small businesses. Despite spending hundreds of billions of dollars on a stimulus bill, the Nation's unemployment rate is still at 9.5 percent. How many more billions are we going to have to spend before we realize that might not be the correct solution to this problem?

Let's pass a good bill that helps small businesses grow and prosper, not another version of a failed TARP program. I think we, as Members, ought to be able, in the context of this legislation, to offer amendments. These two amendments I have spoken to this morning are examples of amendments that would make this bill stronger and that we are being blocked from offering because of the procedure under which the leader has determined this bill ought to be considered.

That is unfortunate. It goes against the very nature of the Senate, which is a place that tends to be free-flowing and open to debate and where all Members have an opportunity to speak to legislation and to get their amendments voted on. That has not been the case here. And I regret that, but we are where we are. We are going to have a vote later, and I hope my colleagues will vote to defeat this bill.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I want to say one thing to my esteemed colleague from South Dakota. I went all around the State of Minnesota during this recess. I had 118 meetings. Many of them were economic development meetings all around the State. Over and over and over I heard from small businesses that they can't get access to capital, and I heard from commercial bankers that they can't lend capital because their regulators are saying:

Well, we are going to have to write that all off.

Small businesses want this. This is not toxic asset relief, as TARP was. This is small business lending. Small businesses create 70 percent of new jobs, and this is something that Minnesota's small businesses want and the Small Business Administration in Minnesota wants.

Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FDA FOOD SAFETY MODERNIZATION ACT

Mr. FRANKEN. I rise today, Mr. President, to speak in support of food safety legislation. Food safety is a topic that affects every single American. Food safety is something we all care about because we all eat. American consumers spend more than \$1 trillion on food each year, and each year there are an estimated 76 million cases of foodborne illness, including at least 5,000 deaths a year in our country. That is why it is time that this important piece of bipartisan legislation be brought to the floor. We have waited far too long to do our job and to complete our work on the issue. We have waited too long to pass a bill that will save lives.

In November, we unanimously voted S. 510, the bipartisan FDA Food Safety Modernization Act, out of the HELP Committee—unanimously. At the time, we were talking about the recent outbreaks of E. coli in spinach and salmonella in peppers and peanut butter. But months have passed and we have still not brought the bill to the floor. In the months since we have passed the bill out of committee, we have already had more outbreaks of salmonella—from black and red peppers in 44 States and frozen tuna in 6 States. Seven states have been affected by raw milk outbreaks, including my home State of Minnesota. Eighteen states have been affected by salmonella in frozen dinners. And this summer, we have seen one of the worst outbreaks in recent history. From May to September of this year, 1,519 illnesses were reported that are likely to be associated with contaminated eggs. That includes at least 14 Minnesotans. And we may still see more cases before this awful situation has been resolved.

With all these cases of illnesses and the recalls taking place, I think we all understand the serious threat contamination poses to our food supply. We have heard repeatedly, and correctly, that our current food safety system is broken. The system relies too heavily on reacting to outbreaks after they have occurred instead of preventing their occurrence in the first place. This is why we need to pass Federal legislation now. We must stop more Americans from getting sick and bring our country's food safety system into the 21st century.

S. 510 will provide FDA with the resources and authorities it needs to properly oversee that safe food comes to our table. There are a lot of great provisions in this bill, and I want to highlight a few that are most important to us in Minnesota.

First, the bill would give FDA the authority to require certification of imported food and verify that the food coming from foreign suppliers is safe. Our food safety system was set up in the early 1900s, and a lot has changed since then. The key difference is that we have a lot more imported food than ever before. The truth is that even if we do everything right with our food products here in the United States, about 15 percent of our food comes from other countries. S. 510 gives the FDA new authority so we can avoid situations such as the 2007 melamine contamination in the infant formula and pet food coming from China.

Secondly, S. 510 would get the FDA out and inspecting food producers more often and require them to keep better records. Right now, FDA visits a given food facility every 10 years, on average. A lot can change in 10 years. Ten years is not frequent enough to assure safety.

The issue is primarily one of lack of resources. As the number of food producers has increased, FDA's capacity has remained stagnant. This bill would provide FDA with the resources to inspect more frequently and target the facilities with the greatest risk for outbreaks. FDA would also have the authority to require better recordkeeping and access records if there is a reasonable probability that a problem is occurring.

Lastly, S. 510 would also make sure the FDA is equipped to trace and recall food quickly when it needs to. Right now, there are a lot of processed foods with a lot of different ingredients and there are no requirements for anyone to track where they come from, and when there is a problem, FDA can't force a company to recall its product, even when there is overwhelming evidence to do so.

Let me give an example of why these traceback and recall provisions are particularly important. In late 2008, the Minnesota Department of Health noticed an elevated number of salmonella cases. My State has one of the best surveillance systems in the country, and after comprehensive investigations, the Minnesota scientists identified the King Nut brand of peanut butter as the culprit, produced by the Peanut Corporation of America, or PCA.

Minnesota folks worked with the FDA and the CDC, and in January companies began to voluntarily recall products with potentially contaminated products. But it was difficult for the company to know exactly where the contaminated peanut butter had ended up. So the recall was expanded three different times to try to get hold of the outbreak.

Most companies complied. But on March 23, 2009, the FDA asked the Westco Fruit and Nut Company to voluntarily recall all of its products containing peanuts from PCA because of the contamination threat. Westco refused. This company willingly put American lives in danger. And since the FDA doesn't have mandatory recall authority—now—it wasn't until April 27, 2009—36 days later—at the request of the FDA, that U.S. Marshals seized about \$35,000 worth of PCA peanuts and products containing PCA peanuts at Westco because of possible salmonella contamination. So even after the tainted products were identified, it took almost 5 weeks to get the salmonella-laced peanut products off the shelves and away from where they could harm people.

This contamination and the subsequent investigation led to weeks of multiple company recalls of more than 2,000 different products from the shelves. But if the FDA had been able to immediately trace foods back to their producers and demand they be recalled, it could have withdrawn the contaminated foods much more quickly, saved lives, and prevented illness. Because so much tainted peanut butter got into our markets, the whole debacle was estimated to have cost the industry nearly \$1 billion and led to the loss of innumerable jobs.

But the greatest cost was to American families. Because of the tainted products that PCA sent to market, over 700 Americans became ill, half of them children. Nine people died, three of them from my home State of Minnesota.

One of those who died was Shirley Almer, a Minnesota mother of three sons and two daughters. She had survived brain cancer and was in good health at the time of the outbreak. There was Clifford Tousignant of Duluth, a Korean war veteran, father of six, grandfather of 15, and great-grandfather of 14, who died. And Doris Flatgard of Bergen, MN, who had been married to her husband John for 65 years before she died from eating peanut butter on her morning toast.

I wanted to recount this outbreak because there are lives that were lost because we failed to protect the American people.

The bill we referred out of the HELP Committee takes some steps to improve the traceback infrastructure, but I think we can do more. I decided to work on this issue when Shirley Almer's three sons came and met with me and told me about how their lives had changed since they lost their mother; how their family would never be the same. They told me about the contaminated peanut butter, about how it had been included in countless products across the country, but we couldn't track the problem down fast enough since we don't require compa-

nies to keep track of where ingredients come from.

That is why I have been working closely with my colleague Senator BROWN of Ohio to strengthen the traceability provisions in S. 510. I think we have made some good progress and I am hopeful the bill will be even better because of our efforts.

S. 510 includes a lot of other great provisions too and there is not enough time to talk about them all. But I do know that many elements of the bill were inspired by the great food safety work we do in Minnesota. We are a national leader, especially in early detection of foodborne disease. I am pleased that my colleague from Minnesota, Senator KLOBUCHAR, has a great provision we hope will be in the final bill to enhance our Nation's foodborne illness surveillance.

Mandatory recall authority, traceability, more frequent inspections, better recordkeeping, and safer imported foods—these are just a few of the reasons why we need to get the food safety bill to the President's desk, and we need to get it there now. Not later, but now.

This is legislation that every member on the HELP Committee, on both sides of the aisle, voted to favorably report. Every Member of this body recognizes the importance of food safety to the American people. The FDA Food Safety Modernization Act will finally give the FDA the tools it needs to do its job and keep Americans safe. So I urge the majority leader to bring this critical legislation up before we head home in October. We can't afford to wait any longer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Mr. President, I come to the floor today to talk about job creation and what this Congress needs to do in order to make sure that our businesses have the best chance of succeeding in what is a very difficult business climate.

I have the privilege of representing the great State of Florida—18½ million people. The economic difficulties we are having now are as difficult as anybody can remember. We are No. 1 in being behind on our mortgage payments; No. 1 on mortgage foreclosures for the first half of the year, and unemployment is at record highs—near 12 percent. No one can remember a recession as difficult as the one we are experiencing.

I think it is our job, as Members of Congress, to do what we can where we can be helpful to try to get people back to work. In Florida, our small businesses are struggling. When I drive down the State roads of Florida, down Federal Highway in southeast Florida, or I am in Tallahassee on Monroe or I am over in Pensacola or in Jacksonville or wherever I am in the State—

and I spent a lot of time in the State during our work period in August visiting with business owners—I see more and more doors that are shut, small businesses that have been closed.

I talked to a woman today who owns a small strip shopping center. She said in the past 3 years they have gone from being 95 percent occupied to 55 percent occupied. Businesses are struggling. That is why I was proud to work with Senator LANDRIEU and others to fashion a small business bill, a bill I believe is going to help our small businesses get back to work.

The small business bill does three things, principally, that I think are going to help small businesses. First, it is going to cut taxes on small businesses by \$12 billion—a tax cut for small businesses. Among those tax cuts is a 100 percent exclusion of capital gains tax for those who invest in a small business. There is a provision to allow firms to immediately write off 50 percent of the cost of new equipment, and there is a doubling of the tax deduction for expenses for start-up businesses to \$100,000. These will allow businesses to pay less taxes, to buy new equipment, hopefully hire new people, and get Floridians and Americans back to work.

The bill also has a lending facility, a \$30 billion lending facility that is going to bring money to small community banks to get loans to them—not Goldman Sachs, not Citibank, not Wall Street but the banker down the street, the banker who knows the small dry cleaners, the local paint shop, those small businesses that employ our friends and neighbors. If these banks do not loan the money, they will have to pay a higher interest rate back. They cannot just keep the money on their books to make their balance sheets look better. If they want to participate in this program—and it is voluntary, by the way—if they want to participate and get these dollars out to small businesses, they have to lend them out.

All over Florida small businesses tell me they cannot get a loan, that their credit line has been frozen. If they are some of the few businesses that have a chance to expand, they cannot do so because they cannot get the needed capital.

I visited one of those businesses this past week in Florida, a business by the name of UniQueso. They are a family business, two brothers, and they make dairy products, principally focused on the growing Hispanic community in Florida. They have had great success because this is a market that wants more of these wonderful products. They are moving their business from Cocoa to Orlando, FL. They are building a new plant. I had a chance to tour it. They are going to open in about a month, and they are growing their business. They are doubling the number of their employees. They are going

to produce 10 times more product than they did at their previous location—just the kind of story we want to hear.

But even though they have a good business plan, even though they are making money, 10 banks denied them loans. What did they do? This family-owned business had to sell off a majority share in their company to get an investor so they could expand. At least they were able to find a private investor, but they should not have had to give up control of their family business just to succeed in the marketplace when no bank would give them a loan.

I believe this small business bill, while it will not cure every problem, is a good start. It is not going to cure all the troubles we have in this economy. That is why I am proud to support it. Frankly, there are not a lot of folks on my side of the aisle who support this bill. But I have to look at this bill for what it means for Florida and the country. It does not increase the debt, it does not increase the deficit, it does not increase taxes—it cuts taxes—and it is going to help small businesses with tax cuts and the credit they need to build their small business and, hopefully, put people back to work. That sounds good for Florida. It sounds good for America.

But we need to do more. Where I do differ with my colleagues on the other side of the aisle is that we have taken steps in this Congress in the past year and a half that have been chilling to business and job creation. When I talk to business folks in Florida, they tell me this new health care law is keeping them from hiring new employees. They do not understand it, it is complicated, it is thousands of pages. They understand if maybe they hire that next employee, they will come within the confines of the bill and will be fined if they do not offer the type of health care the Federal Government has mandated.

The financial regulation bill we passed in this Congress has caused confusion and anxiety among businesses in Florida, some of which have told me they are going to move a portion of their business to the Bahamas so they will not fall under these regulations. That is jobs that will leave Florida.

Small business in Florida is frozen in its tracks because of an uncertain regulatory burden from Washington and now the specter of new taxes. At the end of this year, the tax cuts that were put in place nearly a decade ago are set to expire. If those tax cuts expire, we are going to raise taxes during a recession, and we are going to raise taxes on small businesses. As many as three-quarters of a million small businesses in America will be impacted by higher taxes at the end of the year if Congress does not act.

Look, I walked across the aisle to work with my colleagues from the other side on something that made sense for job creation. I know now that

there are four or five or six of my colleagues on the other side who are saying let's not raise taxes on anybody during recession. We need to work together. We need to work together to be problem solvers. It does not make any sense to raise taxes during a recession. It doesn't make any sense to raise capital gains taxes, which will stop investment. It doesn't make any sense to raise the taxes on dividends, which will hurt seniors, which will hurt people who invest in companies, which will chill business. It doesn't make any sense to raise taxes on small businesspeople who, we know, create two out of every three jobs in this country—more than that in my home State.

I hope we will work together to extend the current policy for everyone and not raise taxes in the middle of a recession.

Let me say there is one more thing this Congress can do right now to help job creation. We have three pending trade agreements—with Panama, with Colombia, and with South Korea. The President of the United States said in his last State of the Union Address that he wants to pass these free-trade agreements. He wants to promote trade and exports with foreign countries.

Why haven't we taken them up? Why haven't we passed them? Colombia and Panama are huge trading partners of my home State of Florida. If we pass these free-trade agreements, we will create jobs in Florida almost immediately. Let's get out of the business of pulling huge levers on this economy, imposing new restrictions, and burdens and taxes on businesses. Let's promote trade. Where we act, let's act judiciously, with the surgeon's knife and not the bureaucrat's bludgeon.

Business is hurting in this country, small business especially, hurting very much in my home State of Florida. I think there is a way for us to work together to do these things which will put Americans back to work.

I yield the floor.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL EMPLOYEES

Mr. KAUFMAN. Mr. President, I rise today to express my concerns about the continued disparagement of our Federal workforce. I also want to speak about the opportunity we have for long-term investment in making our

government work better for all Americans.

Earlier this month, people across the country took time to mark Labor Day. It is a moment to celebrate one of the chief American values that has helped make this country so great, that is, hard work. Employees in every industry tirelessly each day not only realize their own share of the American dream, but also because it is part of our culture to strive for success in every task we undertake.

I have seen the same quality every day throughout my career, exemplified in all the outstanding government employees with whom I have met and worked. That is why I have been coming to the floor each week to honor a great Federal employee. All of those I have so honored work extremely hard and serve with dedication.

In June, I spoke from this desk about how efforts to scapegoat government workers with threats to freeze their pay or cut hiring are counterproductive and how proponents of such measures use flawed analysis of compensation data to make their argument.

I was dismayed and upset to see once again an article in USA Today making the claim that Federal employees earn more than double that of private sector employees. USA Today based their article on the newly released data from the Bureau of Economic Analysis, and, quite frankly, they did a very poor job of it.

Unfortunately, their findings have been circulated to other papers and on television and are being used as fodder for political attacks directly against those who work in government jobs. The article's lead statistic is based on 2009 BEA data that shows the average amount spent by the Federal Government—not the average salary, the average amount spent by the Federal Government—on salary and benefits for each worker, is \$123,049. For the average private sector employee in this country, they figure \$61,051. This statistic would truly be shocking if it were true.

The newspaper also points to a trend, a growing pay gap, between Federal employees and those in private companies. That trend is also based on a flawed reading of statistical data.

In my remarks of June 17, I went through their early analysis of Federal compensation data from 2008 and explained the flaws in their methodology and how they drew spurious conclusions. This latest study simply repeats the mistakes they made last time.

Let me list several common analytical errors. No. 1, the analysis did not consider differences in experience and education. The data does not measure similar populations sometimes, even USA Today concedes. The article says that with regard to the gap in pay between Federal and private sectors:

"The analysis did not consider differences in experience and education."

The analysis does not take into account the statistically significant fact that the private sector workforce is 52 times larger than the Federal workforce. There are 101.3 million private sector workers. Simply put, there are far more people proportionally in the private sector earning low wages than the Federal sector, only 1.9 Federal civilian employees, because the government has outsourced so many of its low-paying jobs.

This is like matching apples and oranges. Our Federal workforce has also become far better educated in the last 20 years, which translates into greater earning power. The most egregious mistake made by USA Today in its last analysis, which I spoke about in June, was trying to compare data from two different Bureau of Labor Statistics studies. The numbers the paper used for private sector salaries comes from the BLS's National Compensation Survey, while the numbers used for its Federal employee salaries are from another data set, the Occupational Employment Statistics Program.

Even the BLS has warned against comparing data from these sets against one another. On its Web site it says:

Occupational wages in different ownership groups (the private sector, and state, local, and federal governments) are influenced by many factors that the [Occupational Employment Statistics] measure cannot take into account. It goes to list examples, such as "level of work performed," "age and experience," and "cost of living" adjustments for large urban areas.

For many of the occupations being compared, the total number of Federal employees in a given category is miniscule compared to the total employed in the private sector; therefore, leaving the statistical analysis in the lurch.

For others, the job categories in the private and public sectors are simply not comparable. One great example is broadcast technicians. According to USA Today, broadcast technicians in the Federal Government earn an average of \$132,000 a year, while those in the private sector earn only a little more than \$88,000.

However, what USA Today does not tell its readers is that according to the very same data set they use, there are only 110 broadcast technicians working in the entire Federal Government. In the entire national workforce, according to the same data, there are 33,550 broadcast technicians. This means the broadcast technicians in the Federal Government represent three-tenths of 1 percent, three-tenths of 1 percent of the total.

One can hardly compare them, especially since, according to the OPM, 99 percent of broadcast technicians in the Federal Government work for the Broadcasting Board of Governors here in Washington and are broadcasting throughout the world.

I know very well from personal experience that BBG technicians require much more experience and education than the average private sector broadcast technician working at radio and television stations across the country, many of which are very small.

The same is true for clergy. Most of the 810 clergy in our Federal workforce are employed by the Veterans Health Administration. I think it is reasonable to take a guess at what clergy might be doing at the VA—working as chaplains and counseling our wounded warriors. There are 42,040 clergy employed in this country, many of them with small congregations that cannot afford to pay much salary. It is impossible to draw conclusions by comparing 800 Federal clergy to over 42,000 clergy based on compensation alone.

Let's take a look at another one. Highway maintenance workers are said to make an average of \$11,344 more each year in the Federal Government than in the private sector. However, if we look at the data, we find there are only 50 highway maintenance workers in the entire Federal workforce. When USA Today compares this to the total number in the private sector, how many highway maintenance workers are they looking at for an average? The answer is 5,190. That is 104 times more.

But this brings us to the other problem. Some of these jobs, like highway maintenance worker, do not have truly comparable positions in the Federal Government. When searching through the Office of Personnel Management's human resources data, one cannot even find such a category. The 50 who work in the Federal Government, who were listed in the BLS survey under this category, are likely performing very different, and quite possibly more highly specialized work, than most of the highway maintenance workers in the private sector.

The Federal Government is not like any private industry. Federal employees perform functions directly relating to public health, national security, and financial stability. Jobs in the Federal Government routinely involve decisionmaking that affects millions of lives.

Over the past 20 years, after calls in the 1980s and early 1990s to streamline government, many Federal jobs not directly related to "inherently governmental functions" have been outsourced. This is a good thing. As a result, the demographics of the Federal workforce have been transformed perhaps even more dramatically than most realize. That is the subtext behind the data chosen by USA Today.

By far, most of the jobs now performed for the government by private sector contractors are entry level and low wage. This includes maintenance workers, customer-service agents, security guards, and other jobs that typically receive smaller salaries.

Correspondingly, a larger share of the jobs still held by Federal employees is higher wage, supervisory, and professional—such as physicists, doctors, and highly specialized IT experts.

At the same time, the size of the Federal Government is virtually unchanged since the 1960s, even though our Nation has grown by 40 percent in the same period. According to the OPM, in 1960 there were 1.8 million Federal employees. Today, there are 1.9 million. Looking at this chart, one can see that the Federal workforce has shrunk drastically compared to the number of Americans it serves on a per capita basis. The total population of the United States was 180 million in 1960, and it has risen to over 300 million today.

These days, Federal employees are working harder than ever. In fact, and I have said this before, the USA Today is right about one thing. There is a public-private pay gap, but it goes the other way.

The Federal Salary Council reported last October that civilian Federal employees are making, on average, over 26 percent less than private sector workers in comparable jobs. This gap continues to widen.

I am thrilled that there are so many outstanding individuals who have chosen to work in public service knowing that they could probably make more money in the private sector. But the pay gap has certainly continued to discourage many talented Americans from making that choice.

Like all important decisions we make about government, our mission to recruit and maintain the best possible workforce must feature a strategic approach.

I think Linda Bilmes, of Harvard's Kennedy School, and Max Stier, the President and CEO of the Partnership for Public Service, put it best when they wrote:

The fundamental mistake . . . is to think of the federal workforce as a cost rather than as a resource that delivers specific benefits to the nation.

That was from an op-ed in the Boston Globe in February.

The great Federal employees I have honored from this desk over the past 16 months are just a few examples of government workers who are an asset and make great contributions to the government but, more importantly, to the country.

As Director of the Office of Public Housing Programs at HUD, Nicole Faison inherited a rental assistance program rated as "high-risk" by the GAO for 13 years due to rampant waste, fraud, and abuse. She quickly turned it around, eliminating over \$2 billion—that's billion with a "B"—in fraudulent payments what is that worth?

Eileen Harrington and the Federal Trade Commission's "Do Not Call Team" brought peace of mind to dinner

tables around the country when they designed and implemented the national registry to stop telemarketing calls. Tens of millions have benefited.

Dr. Gareth Parry, who retired last year after a long career at the Nuclear Regulatory Commission, worked to create risk assessment models for our Nation's nuclear facilities. His efforts significantly improved the safety of communities near nuclear plants and those who work there.

I could go on and on and on.

But the example of Dr. Parry leads me to an important point we here in Congress must consider. There is a lot of data on the demographics of our Federal workforce. While some choose to point to compensation, the statistic I think is most pressing and needs the most attention is that of retirement eligibility.

Currently, there are two retirement systems for civilian Federal employees. Those who began work before 1984 fall under the old civil service retirement system, or CSRS. All employees hired after 1984 participate in the Federal employees retirement system, or FERS. In 1997, the number of employees eligible to retire under CSRS was 12 percent. In 2006 it had climbed to 37 percent. That is over a third of the workforce. That is over a third of the Federal workforce. For those eligible to retire under FERS, the number climbed from 7 percent to 13 percent.

As I said in June, the OPM today estimates that a fifth of the Federal employees will leave the workforce by 2014. That is almost 400,000 people. Many have already been postponing retirement for years because they know we need their talents and experience.

Today our civil service finds itself at a crossroads.

We could choose to listen to those who continue to disparage public employees and cut salaries or cap hiring. We would, however, undoubtedly see more failures to regulate Wall Street because we didn't have regulators or those who drill offshore, failures to secure our borders and keep our communities safe, failures to ensure that all citizens have fair access to resources they need to pursue the American dream.

We can do that, but there is an alternative. Actually, I would say, it is a necessity.

We can choose—now at this critical moment—to renew our investment in a strong, vibrant, and successful Federal workforce. The return on such investment promises to be high—indeed, if we fail to devote ourselves now to building a top-notch civil service, the next generation of Americans will have to spend even more to fix the problems that will result.

In his book, "Excellence," former Health, Education, and Welfare Secretary John Gardner—who founded the public interest group Common Cause—wrote that:

The society which scorns excellence in plumbing as a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy: neither its pipes nor its theories will hold water.

In the same way, if we don't value our government workers and the jobs they perform, we're going to end up with a Federal workforce—and a government—that isn't the best it could be for all of us. I have never known Americans to settle for second-rate.

What does a sound investment in our Federal workforce look like? First, we will need to redouble our efforts to recruit new hires, and I hope many will be young graduates. We have so many young people right now who are eager to give back to this country and make a difference.

According to the Partnership for Public Service, the Federal Government will need to fill 273,000 full-time, mission-critical jobs over the next 3 fiscal years. By mission-critical, they mean jobs considered essential for agencies to fulfill their obligations to the American people: doctors and nurses at the VA, counterterrorism analysts, lawyers, high-tech specialists, contract administrators. These are very special jobs. We have high unemployment now, but the kind of jobs we need are not readily available.

So how can we attract the best and brightest of the new generation into public service? We need to pursue policies and enact legislation that will enable a work-life balance competitive with the private sector. This includes programs like parental leave, loan repayment, and telework. I am glad that some departments are already making strides on work-life balance, and I commend Chairman AKAKA of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia for being a leader on these issues.

We should also be launching programs to help train managers and supervisors, since more and more Federal employees are taking on these roles. With so many lower wage jobs outsourced to contractors, we need to ensure that those managing contracts remain Federal employees and that they have the skills and experience to make sure contract work is being performed according to the public interest. Just think how much it has cost us because people were not monitoring contracts. Think about the problems we have had monitoring contracts.

Now some of my colleagues are probably starting to shake their heads and say: Wait a minute; Americans do not want bigger government.

Indeed, these recent charges that Federal employees are somehow overpaid evoke the perpetual claim that the most desired government is always the smallest. That cuts and outsourcing are ends in themselves. We hear it every day, that government is too big.

However, it was precisely this ideology of reduction that left our key regulatory agencies unable to prevent disasters like the financial crisis and the gulf oilspill and so many other things over the last 8 to 10 years where agencies did not follow up—whether it was FDA, the Consumer Protection Agency.

I think they have it wrong. It is not that Americans want smaller government. They want better government. They want government that works.

Let me share some interesting findings from a survey conducted in May by the Center for American Progress and Hart Research Associates. The study found that 62 percent of Americans have an unfavorable view of Federal Government, a 22-percent rise since 2000.

However, it also found that Americans would rather improve the efficiency and effectiveness of government than reduce its size. The same number—62 percent—preferred better government to just smaller government. Among those who identified as political moderates, the figure was even higher, at 69 percent.

Furthermore, when asked about specific aspects of government involvement, a majority of Americans believe the Federal Government should be more involved in solving problems. 60 percent want the government to do more to improve schools; the same number want Federal help to make college more affordable; and 57 percent would like the government to do more to reduce poverty.

Investing now in building and developing the next generation of Federal employees will go a long way in making sure that government works better for everyone. It will help us tackle problems such as these—developing clean energy, expanding educational opportunities, reducing poverty—and avoid the next financial crisis or major oil spill.

It is time to ask ourselves what kind of government we want for the next century. We can not afford to let this important debate about our Federal workforce and its future be hijacked by those who prefer to scapegoat and distort the facts. We have all seen what happens when we make important policy decisions based on incorrect information.

I am encouraged that the OPM has joined with the Office of Management and Budget and the Labor Department to study the actual pay gap, in order to determine how best to compare Federal and private-sector jobs. Once we have that data, then we will be better able to figure out how to make Federal jobs competitive with their private-sector counterparts and attract the very best talent into government.

Again, I want to stress, everybody cares about money. Most Federal employees I meet are here because they

want to make the world a better place and they are concerned about making the world a better place, and they want to make a difference for their lives. That is one of the things we do not talk about nearly enough; that is, how great it is when you get to my age to see that you actually tried to make the world a better place, and you worked on making the world a better place.

That is important, and that is the kind of people we have in the Federal Government. They are willing to make the financial sacrifices because they care about and make the special extra effort to give of themselves in order to make this country the great country we know it is.

By looking forward, by ceasing the "blame game," and by making a commitment now to building the best Federal workforce possible, we can ensure that the next generation is well poised to tackle its greatest challenges.

Lincoln called on his fellow Americans to cherish and safeguard our greatest strength: "government of the people, by the people, and for the people." We must also strive to maintain a civil service of the same kind for the long term. Our children and grandchildren deserve the same type of great Federal employees we have today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. I ask unanimous consent to speak as in morning business for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DREAM ACT

Mr. VITTER. Madam President, I was very disappointed to learn recently that Senator REID intends to bring up a very significant amnesty proposal next week known as the DREAM Act. It is disguised as an education initiative, but it will provide a powerful incentive for more illegal immigration by allowing States to grant in-state tuition to illegal alien students. This is a bad idea at any time, but this is a bad idea right now, at the worst possible time.

Unfortunately, this announcement isn't shocking given Senator REID's and this administration's record of pushing policies on the American people that the people oppose. In these difficult economic times, it is really an insult to legal, taxpaying citizens that the President and Senator REID would want to use their hard-earned money to pay for in-state college tuition for illegal aliens.

This horrible economy has increased the demand for enrollment and help at public universities. As a growing number of families are unable to afford an education at a private university, they turn to public universities in increasing numbers, and they turn to that help, including in State tuition, in increasing numbers. At a time when many Americans cannot afford to send their children to college at all, this bill would allow States to provide in-State tuition to illegal aliens who would displace legal residents competing for those taxpayer subsidies.

I am opposed to this proposal because of that—because it would unfairly place American citizens in direct competition with illegal aliens for very scarce slots in classes at State colleges and universities. The number of those coveted seats is fixed, so every illegal alien who would be admitted because of this through the DREAM Act would take the place of an American citizen or legal immigrant. It makes no sense to authorize Federal and State subsidies for education of illegal aliens, when our State schools are suffering, as higher education budgets are slashed, admissions are curtailed, and tuition is increased.

Enactment of the DREAM Act would do just that, and it would be bad policy under any circumstances, but in the current economic climate it would be a catastrophe.

Again, the DREAM Act would grant amnesty to millions of illegal aliens who entered the United States as minors and who meet loosely defined so-called educational requirements.

Specifically, the bill grants immediate legal status to illegals who have merely enrolled in an institution of higher education or received a high school degree or diploma. The bill's sponsors described the beneficiaries of this legislation as "kids," boys and girls. In reality, the DREAM Act is far broader than that. It would allow illegals up to the age of 35 to be eligible to receive this amnesty and qualify for Federal student loans.

The American people have made it very clear that they want to see the government fulfill its responsibility to enforce the laws on the books, take steps to control illegal immigration, not to reward bad behavior with tuition breaks.

Amnesty and economic incentives, such as taxpayer-subsidized tuition, only encourage more illegal immigration. This is certainly not the answer to our current immigration crisis and will only worsen our current economic crisis.

If Senator REID does move forward with this proposal, I plan to file a second-degree amendment to strike the provision that allows States to grant in-State tuition for illegal aliens. It will be a very clear choice: Do you want these limited resources, this lim-

ited help, to go to U.S. citizens and legal immigrants or do you want illegals to compete for those and take some of those slots away from U.S. citizens and legal immigrants?

As chairman of the border security caucus, I will be fighting this overall measure tooth and nail and also advancing this second degree proposal. This is common sense. This is certainly the sentiment and the will of the American people.

I encourage all of my colleagues—Democrats and Republicans—to talk to Senator REID to dissuade him from the bill overall and, if it comes to the floor, to support this second-degree amendment so that American citizens and legal aliens are not having slots taken away from them by illegals in this matter.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, we have been debating for weeks now a needed solution to our economic recovery in the United States. We have seen some progress, but it is a long and difficult journey for American families. The depth of the crisis that materialized in the last few years of the Bush administration can't be overcome in just 18 months, although I believe we are headed in the right direction. The legislation we are considering will help us in that journey to recovery.

We have seen, in fact, over the last several months, an increase in private sector jobs. We didn't see that in the last several years of the Bush administration. When President Obama took office, we were losing 750,000 jobs a month and we had 22 straight months of job losses. Now we need to turn that dynamic around by creating private sector jobs, but we have to do much more.

The great engine of private job creation is small business in America. These provisions are aimed to aid small businesses throughout the country. Small business is an engine of growth. It is the place where people will, I think, find employment as we go forward. Our small business community has been hit very hard by the economic crisis, the financial crisis, and the collapse of the credit bubble. Small businesses have lost more than 6 million jobs since December 2007, and we have to start restoring those jobs.

The legislation we are considering—the Small Business Jobs Act—will provide \$12 billion in fully paid-for tax breaks for small businesses to bolster confidence in the economy by unlocking frozen credit markets, spurring job creation, and fostering our Nation's burgeoning recovery. These tax

incentives will allow small businesses to make investments to help with job growth, purchases, and expansion. I emphasize that these are fully paid for because we have multiple challenges.

I have served long enough to recall in 2000, when we were looking at strong employment growth and a Federal budget surplus, and, in 2009, when President Obama took office, we were looking at a job collapse in many parts of the country and a huge deficit, which is still going on. So we have to consider both as we move forward.

The particulars of this legislation are important to note because they will contribute, I believe, very significantly—and one would hope very quickly—to increased job opportunities throughout the country. The legislation will incentivize investors by giving 100 percent exclusion from capital gains taxes on small business investments. It will create a targeted \$30 billion small business lending fund to provide small community banks with the capital to increase their ability to lend to small businesses. This is particularly notable. I must commend Senator LANDRIEU for her tenacious advocacy of this position, along with Senator MERKLEY and others. In fact, this is a bipartisan effort. This proposal will put money in the hands of small community banks that want to lend, that have clients, and that do it the old-fashioned way. They look at the books, they know the borrower, they have faith and confidence in that individual, and they are constrained now because they do not have sufficient capital to expand their lending. With this capital, they will be able to expand lending and go right out to the heart of small businesses throughout the country. Madam President, just as in North Carolina, in Rhode Island I have numerous businesses that will come in and say they are very successful, they want to expand, they can hire a few people, but they just can't get the loan from the bank. This will help.

Another provision reduces the tax burden of small businesses by allowing them to carry back general business tax credits to offset their tax burdens from the previous 5 years. Small businesses will also be able to count the general business credits against the Alternative Minimum Tax. That will free up capital for expansion and job growth.

The legislation also increases Section 179 expensing—permitting up to \$500,000 in capital investments that businesses can expense to immediately get some tax credit for it. It also extends bonus depreciation, allowing taxpayers to immediately write off 50 percent of the cost of new equipment. We hope that this will have the small businessman or woman buying a piece of equipment which will require, we hope, a manufacturer or assembler somewhere in the United States to call peo-

ple back to work to meet this new demand.

This is going to increase demand for goods and services, and that is one of the key deficiencies in this current economy. We have a lot of money locked up. It is said, quite authoritatively, that there is about \$2 trillion on the balance sheets of corporations throughout the United States that they are not spending. We hope these incentives will produce increased demand which will get them to start spending and provide the kind of private capital investment and momentum that will carry us forward.

As I mentioned before, this Small Business Jobs Act has a \$30 billion lending fund that is so critical. More than 10 community banks in Rhode Island, for example, are eligible to receive these funds. I have spoken to many of the bank leaders and they are ready to lend right now. They have customers whom they have great faith in, who have a good business plan and are profitable. In fact, many times business owners are willing to guarantee or to put up even personal collateral to get the loan. Yet the bank says: We can't do that because we have reached the limit based on our capital of what we can lend to small business. This raises those limits, and it is absolutely necessary to do that.

One other important aspect is that this legislation will raise the limits on loans that the Small Business Administration can make and guarantee. Again, another source of tremendous and important funding is being capped now because they can't make big enough loans because there are certain loan limits. It will also extend the elimination of the fees borrowers pay to the SBA. Now we have businesses that may be ready to hire, but they just can't generate the cash to pay the fees. Now they will be able to get the loan, hire the workers, and move forward.

The legislation also supports States because there are many State initiatives. There is \$1.5 billion in grants to States that will help in their efforts. There are many States that have programs very much like our Small Business Administration at the Federal level—innovative programs that will be supported.

This legislation has bipartisan support, and that is absolutely necessary. Again, I wish to thank particularly my colleagues who were supportive of the cloture motion that has us now on a path to passage. I thank them very much for their efforts. They made a decision that will benefit American business across the country, small businesses in particular.

We need to move forward. We need to get this legislation done—I hope this week—as soon as we can. Then we have other legislation we can and should consider. For example, we have a tax

extenders bill that will hopefully provide R&D tax credits and other provisions that will help businesses, both large and small but particularly small business.

I urge all my colleagues, now that we feel confident we have the votes, let's move to final passage. Let's give American businesses, particularly small businesses, the help they need to move the economy forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

POLYCYSTIC KIDNEY DISEASE

Mr. BENNETT. Madam President, I am rising today because this is PKD Awareness Week. People say: What is PKD and why do we need to be aware of it? PKD is the acronym that stands for polycystic kidney disease. Polycystic kidney disease is the leading cause of kidney failure from a genetic disease in America. Every year, we have PKD Awareness Week, as we try to bring people a better understanding of it.

Let me outline how serious it might be and how it affects the Federal Government. For those who do not know, it is a silent killer that stalks more than 600,000 Americans. That is greater than the number of Americans who are afflicted with cystic fibrosis, Huntington's disease, sickle cell anemia, hemophilia, muscular dystrophy, or Down syndrome. That works out to be about 12,000 PKD sufferers in each State. Every one of them is at risk for kidney failure and the ravages that come with that.

I became aware of it particularly when my daughter was diagnosed with it. It is a disease that is carried as a genetic disease. We had no idea it was anywhere in the family until she was diagnosed with it. We have now tried to go back to find out who may or may not have had it. But this means that not only is she at risk and is losing kidney function, but so are her children and perhaps so are others in our family. So it becomes a very significant personal thing for me, but I wish to reach out and express my gratitude to my colleagues in the Senate, who do not have the same kind of personal connection, who have joined in cosponsoring the resolutions on PKD Awareness Week—Senator HATCH, Senator KOHL, Senator SPECTER, and Senator HARKIN. Over the years, they have cosponsored the annual PKD Awareness Week resolution. They have joined in securing PKD-specific appropriations report language, and they have helped pass the Genetic Information Non-discrimination Act, which has been very important with respect to this disease and others where, for a variety of reasons, they have not had the kind of attention they have needed.

This has an impact on the Federal Government because the annual cost of PKD exceeds \$2 billion for kidney dialysis, kidney transplants, antirejection drugs, and related therapies.

That, of course, affects those who have government money going into their health care support. End-stage renal disease is the fastest growing expense of Medicare. This causes a huge financial, emotional, and physical burden on the Americans who are affected by it.

The good news is that the field of PKD research is robust, the therapy is ripe, and I ask my colleagues to look favorably on a forthcoming public-private partnership initiative that is known as the Regional PKD Diagnostic and Clinical Treatment Center, designed to increase application of new diagnostic methods and therapeutic regimens for PKD patients, conduct pilot studies and clinical trials, and, finally, coordinate data and streamline the appropriate clinical application of effective treatments.

I am pleased to have the opportunity to once again call attention to the disease of polycystic kidney disease and the ravages and challenges it has. I thank my colleagues for their continued support over a 20-year period of PKD Awareness Week and the work they have done in the Senate and hope that all of us can continue to support an activity to keep the research going forward. The consequence will be, if it is successful, tremendous benefit for those families who suffer from PKD and financial benefit for the government as a whole through reduced Medicare costs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. KYL. Mr. President, I would like to speak to the bill pending before us briefly, first to respond to a criticism that Republicans had been filibustering this bill, and, therefore, that somehow revealed an antagonism on the part of Republicans toward small business.

The charge is so ludicrous that one would think it does not even need to be responded to. Republicans have been the champions of small business in this debate about taxes. I will have more to say about that in a moment.

Why was it that the majority of Republicans did not want to proceed with the proposal that the majority leader put before the Senate? A very simple reason. The majority leader, once again, precluded Republicans from offering any amendments. The entire history of the Senate is a history of tradition and comity and the opportunity for the minority to be able to offer amendments and debate.

When repeatedly the majority leader does what they call, in the Senate par-

lance, filling the parliamentary tree, which means he precludes the minority from offering any amendments, naturally Republicans are going to object to that.

We said repeatedly we would be delighted to debate this bill, just let us offer some amendments. No, was the answer; you cannot do that. Well, we are on the bill now, and I think it is pretty clear that what this debate boils down to is what is the best way to help the small businesses who are the job creators. In fact, about one-quarter of all of the jobs in this country are created by small business, and what we know is that especially the small business folks are the first ones to hire in bad economic times, hoping to bring the economy out of a recession.

Why are they not hiring today? Well, on Monday I came to the floor and I pointed out one of the reasons. One of the entrepreneurs in our country wrote an op-ed in the Wall Street Journal in which he totaled up all of the expenses that he has every time he hires someone. I believe, if memory serves me correctly, it cost him about \$78,000 every time he hired somebody who had a \$44,000 salary. That is in the extra taxes that he would have to pay and the cost of regulations just to comply with Federal law for hiring one additional person. It is no wonder that small businesses do not hire at this point.

So what is the Democratic response? Let's raise their taxes. Let's make it even more difficult for small businesses to hire people. We believe that is the wrong solution, and rather than looking at the kind of bill that is on the Senate floor today that creates yet another kind of TARP bank lending authority, something the American people are a little bit fed up with, we believe we should leave tax rates where they are so that businesses have some certainty that they are not going to be raised. At least do not make it worse.

I noted that the distinguished assistant majority leader earlier this morning inadvertently confused tax cuts with tax increases. I have done the same thing many times. But the reason I wanted to point that out is because I think there has been so much talk on the Democratic side about tax cuts for the rich that the Members on the other side have almost gotten to believe that. The truth is, nobody is proposing tax cuts for the rich. Nobody is proposing tax cuts for anyone.

My colleague from Illinois corrected himself and said: No, I mean tax increases. That, of course, is what the question is. Should there be tax increases on anyone? The Republican position is no. At least in times of recession or bad economic times, do not raise taxes on anyone. Do not raise taxes on families who are struggling to make ends meet, and do not raise taxes on businesses, especially the small

businesses that are the best job creators.

So our view is, do not raise taxes. But the Democratic view is, well, let's raise taxes on some but not on others. That is this class warfare concept that I was critical of Monday. In America we do not believe in class warfare. We think everyone ought to have a chance to succeed, and if someone succeeds, we applaud it and we hope we are in the position the next week or the next year. But, instead, there seems to be a view that, well, rich people can afford it, so let's raise their taxes.

Again, economists generally—including Peter Orszag, the immediate past Director of OMB under President Obama—have made it clear that raising taxes on anyone, including the entrepreneurs, those people who pay in the higher tax brackets, is a bad thing for job creation especially in bad economic times.

So why would we do it? Well, the concern is we have to be worrying about the deficit. Well, this is a fine time to be worrying about the deficit and a fine way to do it. We spend \$1 trillion on a new health care bill, we spend \$1 trillion on a stimulus bill, we spend all of this other money bailing out this and that in our economy, and now another new TARP lending program spending trillions of dollars, a budget that doubles the national debt in just 5 years, doubles all of the debt accumulated from George Washington through George Bush, we are going to double that in 5 years under the Obama budget.

I would suggest that we ought to start worrying about the spending. If we are worried about the deficit, let's stop the spending spree. Let's do not try to make up a little bit of that by deciding to tax a bunch of people who are the very folks who are going to hire the employees that are going to help bring us out of the recession.

Am I just sort of fancifying this or do real small businesspeople have this view? Well, let me just read about—I think there are three, maybe four folks here. These are some of the folks, some of the 750,000 small business owners in the United States whom we are counting on to create jobs and who would see an increase in their marginal income tax rate under the Democratic proposals.

I just want to quote from what a few of these folks say. Here is the chief operating officer of a company called Logical Advantage in North Carolina. His name is John Fread. He says marginal tax rates will mean his company will not be able to hire the new sales representative it needs, and it may force layoffs. He says:

We founded Logical Advantage in 2003 with a couple of card tables and laptops and a staff of three. We've been successful and have since expanded our business. One of the keys to our growth has been our determination to

reinvest our profits in our firm. We're organized as a pass-through business, (meaning the company's taxes are paid at the individual income tax rate),—

That is why this marginal rate is so important—

and if our marginal income tax rates go up, we'll be left with less money to put back into our company. This would mean we would not be able to hire an additional sales representative.

Then he also closes with this:

Also, since our employees bill their services hourly, we use profits to keep our employees employed between projects and avoid layoffs. Without this additional cash, we'll have no choice but to do layoffs. My advice to Congress would be to keep the current tax rates in place and do all they can to avoid raising our taxes because that will lead to fewer jobs.

So here is an entrepreneur, a small business owner, who says he wants to create jobs, save the jobs he has. He wants to expand, but an increased tax burden will prevent him from doing so. No, we are not talking about tax cuts for the rich. Nobody is talking about tax cuts. We are talking about keeping his taxes from going up. That is what we want to prevent.

Kevin Linehan of Bravadas Fairfax, LLC, a small clothing and accessories business, says—and I hope I am pronouncing that correct—Bravadas is the way I see it here. Anyway, he says the shaky economy has forced him to cut his staff and payroll by 40 percent and slice his inventory by 30 percent, not an uncommon situation in this economic downturn. He wants Congress to know that if the top two marginal rates increase, he will not be able to hire the new employees he needs, increase his inventory, or take the risks that would lead to innovation in his business. I am going to quote him.

If Congress goes through with the plan to increase the marginal income tax rates for the top two brackets, my business will be hurt. We've already been battered by the recession and had to cut staff and payroll by 40 percent. I have also cut both my advertising and inventory by 30 percent each, and have had to downsize and change locations to save on rent.

If Congress raises my taxes, it will be more of the same rather than being able to grow my business, attract new customers and hire new staff. In fact, in this economy I have had to cut back on essentially all new business activity, meaning I've stopped trying to innovate and instead have been forced to focus on only those activities that are the most profitable because I cannot afford to take risks. The more and more the government takes, the more difficult it is for small businesses like mine to be successful and do the things they want us to do, which is to create jobs.

Here is a third small businessperson, Ray Pinard. He owns a printing business in Boston. He says if tax rates go up, he would not have the resources to expand his business operation to new areas, and, therefore, to create new jobs. Here is what he wants Members of Congress to know:

Keeping the tax burden low is so critical to our business, 48HourPrint.Com. . . . With the economy where it is, now certainly isn't the time to play games by extending tax relief for some but not others.

For example, if Congress fails to keep all of the current income tax rates in place and we take a hit, then that will mean we have left capital to grow our team and our operations, not only in the Boston area but at our other facilities in Ohio, Arizona, and New Hampshire, as well. There are thousands of other small businesses out there that will react similarly if their tax burdens increase. I am worried that it will take much longer to get our economic ship righted if our elected officeholders in Congress fail to show leadership on this issue. [Raising taxes] is a job killer. Leave the money in the private sector where it will be put to good use.

Despite what the President says, these tax increases will have a very negative impact on job creation, especially for the small businesses, the entrepreneurs I have quoted. These are the people who are on the ground, running businesses, trying to weather the bad economy, hoping to hire new workers. They are telling us that their businesses cannot tolerate new taxes.

As this debate continues, I will share more stories from small businesses and other folks who are opposed to the tax increases.

It is critical that we appreciate the fact that even the talk about this, even the potential for an increase in taxes, has created a kind of uncertainty that has caused businesses to lock up and not want to make any kind of big decisions because of what they think could happen. I remind my colleagues that this money is not the government's money. It doesn't belong to the Congress or the President. When we talk about taxing people, we are talking about taking their money. It is not the government's money. It is their money.

The question is, Will the government do more good spending it or will the private sector, the people who have that money, who earned that money? Will they do more good with it? I think it is obvious that these small business folks I have talked about will put that money to good use for their families and their employees. They will create more jobs with it. That will help more folks.

The irony is that will eventually help the economy and will even help the U.S. Treasury, because we have more people paying more taxes at the existing rates, and that means more revenue for the Federal Government.

This is a very aspirational country. Almost everybody here looks at opportunity. We all think we can do better. If we work hard, we have a system that will reward hard work. These successful small business folks never cease to amaze me. They come up with an idea, a service, or a product to sell. They go through all the difficulties of doing so, sometimes mortgaging their home, borrowing money. They are the lifeblood of the economy. They are not

some bunch of fat cats. They are the people who make the economy work.

It bothers me when folks on the other side of the aisle denigrate them as if they are somehow evil people because they end up making enough money to pay taxes in the top tax brackets when, as we pointed out, the reason for that is that as business people who are not corporations, they are subchapter S or other partnership or small business legal entities, they pay taxes as individuals. And because of the income of their businesses, therefore, they are put in the top bracket and somehow, therefore, they deserve to be punished—they can afford it; they are the rich.

They are not the rich. They are folks like all of us, struggling to make ends meet, who will hire more people and who don't deserve to be punished for their success. We are supposed to be creating incentives for people to do exactly this. Ironically, the bill we are debating now is a bill that is supposed to help small business folks. We will give these TARP-like funds to the banks and make them lend a certain amount of it to small businesses, and everybody will be better. My guess is, if we let the small businesses keep their money and not raise their taxes, they would be perfectly happy and be able to get along, and they would have the ability to borrow money from the banks without the effect of the legislation before us.

I hope we both begin to change our rhetoric, not to attack those people who are the backbone of the economy, people who cannot afford another tax increase, who want to help the economy recover and like to hire more people, and that we would also recognize the most productive way to help them is to simply not raise their taxes. We are not talking about a tax break. I would argue that this TARP-like lending thing is an idea that may be well motivated, but it is not the way to help most of the businesses we are talking about. Just don't raise their taxes.

I will return to where I started. Some of us get a little confused. Sometimes we say tax cut when we are talking about tax increases. It may be that we have gotten so used to this rhetoric that somehow somebody is asking for a tax cut for the rich when, in fact, I don't know of anybody who is asking for a tax cut for the rich. Not a single Republican is asking for a tax cut for the rich. All we are asking is don't raise taxes on anybody; it is usually not a good idea, and it is certainly not a good idea in this time of economic downturn.

I hope as time goes on, I will have the opportunity to reflect on what more small business folks have written to us, and we will take their pleas to heart. The three people I have talked about today all say: Don't raise my taxes. I am having a hard enough time

as it is. If you leave me alone, I might be able to begin hiring more people.

Let's take those stories to heart and listen to our constituents and not take the attitude that Washington knows best. It reminds me a little of what the President and one of our colleagues said in a townhall meeting in August when somebody asked about the health care bill. One of our colleagues said: Well, you may not like it now but over time I think you will get to appreciate it.

It is the attitude that we know best here; we will make the decisions; you may not like them now, but you will come to think they are okay over time. I think Americans have understood what it takes to make a successful business. They understand what taxation is all about. They understand this isn't the time to raise taxes on anybody, and we ought to get away from this idea that Washington knows best. Let's listen to our constituents. Let's listen to what they are telling us. Don't raise our taxes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. KYL. I ask unanimous consent that the Senate stand in recess under the previous order, which means that we would return at 3:30.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3:30 p.m.

Thereupon, at 2:38 p.m., the Senate recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MERKLEY).

SMALL BUSINESS LENDING FUND ACT OF 2010—Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak on behalf of the bill.

I rise to strongly support the pending bill, the Small Business Jobs and Credit Act. I do it because it will help small businesses create jobs in Maryland. I spent much of the last several months visiting worksites in Maryland, and it was an exciting time. Maybe orders and customers are not up, but enthusiasm and entrepreneurship is up, and absolutely, in many areas, consumerism and customers are up.

I visited bakeries, microbreweries, factories of small machine tool companies wanting to retool. During that time I visited Main Street, small streets, rural communities. I talked

with small business owners and their employees.

What was loud and clear and visible was that small businesses are stressed and strained. Small businesses said: Hey, BARB, it is sluggish out there. There is uncertainty, but we believe we can expand. We believe we can grow our business, but we need help.

They continually talked about their problems in having access to credit—not because they were not good risks but because there was not good money out there for them to borrow. Even though these businesses are thriving, they could not expand because they could not get the loans they needed to grow.

I visited a startup green energy business whose demand is skyrocketing, but they need credit to expand their business and, I might add, certainty in an energy bill.

I visited a wonderful family bakery which reminded me so much of my own grandmother's bakery. Well, they just do not bake bread, they build community and create jobs. They want to expand. They need access to credit.

I visited a machine tooling business in Baltimore which does precision metal work for many of the components for our military, the space program. They, too, want to retool.

These are "good guy" businesses, working hard, playing by the rules. They have jobs right here in the United States of America. They want to expand. They want to hire. They want to upgrade their equipment. They want access to credit. They need a government on their side and at their side.

I believe that is what the Small Business Jobs and Credit Act will do. It will help businesses be able to get that much needed access to credit to be able to strengthen our economy.

I know people are anxious about the economy. Many are worried their middle-class life is slipping away. But in Maryland we know we can count on small businesses to create jobs, to help people who are in the middle class stay there, and those who want to get there be able to do so through hard work.

From beauty shops to biotech, there are family-owned businesses, small businesses in Maryland that need help. What they need is not a guaranteed outcome, but they do need to have access to credit.

I am no Janey come lately on this issue of small business. My grandparents owned a local bakery shop. My father ran a small grocery store, alongside with my mother. I often watched him open very early for local steelworkers and automobile workers, people who worked making the famous National Boh beer right down the street. They would come and buy their lunches before going to the morning shift.

We know what it is like to have a small business and to be able to meet a

payroll and to be able to grow. I saw what it means to be able to provide service to the community, lend a helping hand, provide a good customer value for a hard day's work. I believe it is through these small entrepreneurial efforts that we will get our economy going and growing.

We have bailed out banks. We have even bailed out other countries. Now we have to bail out the people who are building the United States of America—the people who are building jobs in the United States of America. That is what I think this bill will do.

What I like about it is, it gets credit flowing to small business. It creates a Small Business Lending Fund at the Department of the Treasury to help those community banks at the local level lend to small businesses. It creates incentives for private businesses to invest by making the capital gains from small business stock tax free. It provides tax breaks that will help small businesses grow by making it less expensive to purchase new equipment. We help small businesses get started by doubling the amount of startup costs small businesses can deduct from their taxes.

So let me repeat. No. 1, we create a Small Business Lending Fund at Treasury that guarantees access to credit. We make capital gains tax free. That will help small business investment. We will help make sure small businesses grow by making it less expensive to purchase new equipment because of the tax breaks we give, and we are going to double the amount of startup costs small businesses can deduct from their taxes to help make sure they can get a jump-start on getting underway. I believe we have practical, affordable solutions.

Some people say: Is this a baby TARP? No, this is not a TARP. We do not bail out Wall Street. We help Main Street. We help all those people with a dream in their heart, with a small business underway, with the grit and determination to be able to create a job for themselves and for others and add a product and add value to the United States of America. These are jobs that will stay in the United States of America.

So let's say goodbye to tax breaks to send jobs overseas, and let's say hello to tax breaks to make sure our small businesses can grow. I hope we pass this bill. I hope we get it done this week. I hope we get our economy rolling in the way we need to do so.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Dakota.

UNFINISHED BUSINESS

Mr. DORGAN. Mr. President, I wish to speak today for a few moments

about the unfinished business of the Senate, but I will focus on only one issue.

We come now to September of an even-numbered year. We will have an election in November, and then we will have a lameduck session, apparently, and the Congress will end its session. Then the question is, What is left on the table? What is the unfinished business? What has not been done that needs to be done for this country? It is a very long list, unfortunately. I would say the reason, in most cases, is we have experienced in this Congress less cooperation and more determination to block almost anything than at any time I have seen in the 30 years I have served here. It doesn't matter what the issue is. We have had issues that are noncontroversial, that get 94 or 98 votes in favor of the issue, that have been blocked when brought to the floor on a motion to proceed. We have a noncontroversial issue, a motion to proceed brought to the floor on something on which there is no controversy, and it is subject to a filibuster, and then a cloture motion has to be filed. Then 2 days have to pass before it ripens. We have a cloture vote, and then following the cloture vote, the minority says: Well, we insist that the 30 hours postcloture be used. So 30 hours has to be burned off. Only then can you get to a vote on a noncontroversial issue. Then you have the vote, and it is 98 to 1. That has happened throughout this year—continual efforts to block everything; deciding that the best strategy politically, apparently, for the minority here in the U.S. Senate is to block everything.

The result is that the list of unfinished business in this Senate is unbelievable. Not one appropriations bill will be done when we break for October. An energy bill which I intend to speak about today is critically important for this country's future and has not been done. Extending the tax extenders, the research and development tax credit, and so many other issues that are important have not been done. It is not because Senator REID hasn't tried as majority leader. He has tried in every way to make progress on these issues. We have just not been able to get it done.

Let me speak for a moment about one issue that will represent the unfinished business, regrettably, unless there is a change of heart somehow and perhaps at the end of this session, in a lameduck session, we are able to get it done; that is, energy.

Energy affects everyone's lives. They don't think about it, but they get up in the morning and perhaps take a shower. That is energy coming from a hot water heater. They turn off an alarm clock first. That is energy coming from electricity. They then go down and perhaps have a slice of toast. That is energy from the toaster. They have some

coffee, which uses energy from a stove. They put a key in the ignition and drive to work—energy from the gas tank of that vehicle. Almost every waking moment is blessed with abundant energy resources in this country. We don't even think about it. We do all of those things in the first hour of our day and never think about the fact that energy played such a central role.

Here is the dilemma. Our country, in large part, runs on oil—not exclusively but in large part—oil and natural gas. Coal is a very important part of producing electricity, but oil is 70 percent of our transportation, and here is the circumstance we face. Nearly two-thirds of the oil we use in America we have to get from somewhere else. We use one-quarter of all the oil that is sucked out of this planet every single day. We put straws in this planet, called drilling rigs, and we drill holes very deep into the surface of this planet, and we find oil and we suck oil out of the planet, and one-fourth of it must come to this little spot on the globe called the United States of America. That is the prodigious appetite we have for energy, and it enhances our lives in every way. But it doesn't add up. We use one-fourth of all the world's energy in our country, but we produce only 10 percent of the world's energy, and we have only 3 percent of the world's energy reserves. That is not an equation that adds up.

So if two-thirds of our oil comes from outside our country—some of it from countries that don't like us very well—what are the consequences of that? Does that represent adequate national security when we are dependent on that amount of oil from others? It does not. It represents a very deep vulnerability that one day that supply of oil could be cut off from our country, and our economy would be flat on its back.

What do we do about that? Well, we should produce more, to the extent we can, and we are, and I will talk about that in a moment. We should conserve more. We should be concerned about the efficiency of its use. We should find new sources of energy. We should convert the automobile fleet, to the extent we can, to an electric fleet. We should continue to invest in the longer stream strategies such as fuel cells and hydrogen. All of those things are necessary. We should have a renewable electricity standard that drives the production of electricity from renewable energy that says: Here is where America needs to go. Here is what we want to produce in our future. Count on it, believe in it, invest in it, because this is America's policy for the next decade. We should do that. It is called a renewable electricity standard. We should build a transmission capability around the country, just as we did interstate highways—an interstate transmission grid that allows us to produce energy where the wind blows and the sun shines and

move it to the load centers that need the energy. All of these things are necessary. Yet the prospect is that they will all be left on the drawing table at the end of this session of the Congress.

Let me describe, if I might, what we have done and what we threaten to lose. A year ago last June, we passed on a bipartisan basis out of the Energy Committee here in the Senate a piece of legislation that reduces our dependence on foreign energy; increases our domestic production of energy from virtually all sources; establishes a renewable electricity standard; helps create a transmission superhighway; electrifies and diversifies our vehicle fleet; enhances our energy efficiency; expands clean energy technology; and will train the energy workforce of tomorrow. We did all of that, passed that out of the Energy Committee and did it on a bipartisan basis. And we threaten to lose all of that progress at the end of this session unless we get some cooperation on the floor of the Senate.

I have described a bit of this, but let me do it by chart. Our dependence on foreign energy—and this translates mostly to foreign oil by sector. You can see that the most significant sector that increases our dependence on foreign oil is the transportation sector. We use 70 percent of our oil in the transportation fleet. Seventy percent of our oil is used in transportation. That is why all of us understand that we have to convert.

By the way, moving to an electric transportation fleet—and I will talk a bit about that later—it is not new; it is back to the past in many ways. When President Taft decided that the horse and buggy had outlived its usefulness as a mode of transportation outside of the White House—he ordered an electric vehicle, the Baker electric vehicle. So the fact is, it is not as if electric vehicles haven't been around; they have.

When Henry Ford decided that the Model T shall have an internal combustion engine because Thomas Edison suggested that was the way to go, that determined for the future what we were going to be doing for a long, long time. Then in 1916 our country said: You know what we want to do, we want to reward anybody that goes and finds oil and gas because we are building this automobile fleet with the internal combustion engine that needs to use gas stations every week or two, so we need to have gasoline at these gas stations. In 1916, we decided as a country to say: If you are looking for oil and gas, God bless you. We want to reward you. We are putting in place deep, permanent tax incentives to say: You go look for oil and gas because that is good for the country.

So here we are nearly a century later, and the problem is that we now know that being dependent on others for two-thirds of our oil—70 percent of which is used to run our transportation

fleet—holds America hostage. It holds our economy hostage and holds our future hostage. So what do we do about that?

Here is a chart that shows the use of energy in this country. At this point, coal fuels about half of the electricity generated in our country. That comes from coal. There is a problem with coal, and that is, when you burn it to produce electricity, it puts carbon into the atmosphere, and we now know that contributes to climate change and global warming, putting more and more carbon into the atmosphere is troublesome.

So now we come to an intersection that is different from any other intersection we have been at before: trying to ensure a better energy future and at the same time address climate change. That is a pretty difficult proposition but not impossible.

By the way, our energy future will not be a future without coal, so the question is, How do we deal with the fact that burning coal produces carbon? Well, the energy legislation we have produced begins to address that by saying that there are a lot of ways to separate carbon when coal is burned and to use that carbon in a lot of different ways, one of which is to put it underground to enhance oil recovery from an oil well. If you put carbon deep into the ground in an oil well that is almost depleted, you can move oil out of that oil well. That is called enhanced oil recovery. Another way is just storing this carbon underground. Another is to understand there are uses for carbon that can produce additional fuel. You can take the carbon from a coal plant, strip the carbon from the emissions, and use it to feed algae. Algae is that single-cell pond scum that you see—the green scum on top of water. But if you grow algae—and how does algae grow? In water, sunlight, and CO₂. To grow algae, you take the CO₂, grow algae with it and then harvest the algae, and you then get diesel fuel. So you create something—you have a problem that creates a solution. Solve a problem by creating a product. That is another approach. There are more. There are other ways to address this.

There is a patent by a guy in California who says he has the silver bullet. You can use coal and get rid of the CO₂, because he mineralizes the entire effluents from a coal plant and turns it into a product that encompasses all of the CO₂ that is harder and more valuable than concrete. So that brings the cost of capturing and containing CO₂ down to near zero, he says. I don't know whether that is accurate; all I know is there are a lot of interesting ideas out there about how to continue to use coal and protect this country's environment at the same time.

I would say one other thing about this. A woman scientist from Sandia

National Laboratory testified before a subcommittee that I chaired, and she said: You think of carbon, CO₂ emissions, as a problem. Why don't you think of carbon as a product? Then she described what you can do with carbon as a value-added product. She is absolutely right.

I believe that in 5, 10, 15, 20 years, if we make the right investments, we will almost certainly be able to continue to use coal, our most abundant resource, and do it in a way that protects this country's environment by sequestering and providing a beneficial use for carbon.

So 48 percent of the fuel used for electricity comes from coal. As you see, some comes from natural gas, some is hydroelectric, and that represents a descriptive use of the various kinds of resources in this country.

I mentioned a while ago that the Energy bill had what is called a renewable electricity standard—RES. Why is that necessary? Because you have to decide where you are headed. You have to drive toward a goal. I support a 20-percent renewable electric standard. If I buy a kilowatt hour of electricity, I want 20 percent of that to come from renewables. Twenty percent of that, by 2020, would create 100,000 more new jobs. But much more important than that is it would put us on the road to what we should be doing; that is, maximizing the production of renewable energy.

The fact is, taking energy from the wind makes a lot of sense. It is not polluting. Somewhere in this country, the wind blows almost all the time. Perhaps I have a vested interest because the Department of Energy says the State of North Dakota is the windiest State in America. We are born leaning to the northwest. There is just a lot of wind in our State. So we have the capability all across this country to produce substantial amounts of wind energy.

This picture shows what we are doing these days in sunflower fields, where we grow sunflowers and harvest energy from the wind. It is really pretty simple and works very well.

This chart describes how dependent and how addicted we are to oil. The top oil consumers in 2008—you can see the green line is the United States. It far exceeds the use of oil by anyone else on this planet.

China is next but, of course, China has, I think, 1.4 billion people.

Tomorrow there will be, on Capitol Hill, a Nissan LEAF. I am not advertising for Nissan, I have never driven one. I will drive one tomorrow, because they have a new electric car coming here for people to test drive. I have described a bit about the electric vehicle future, and I, along with Senators ALEXANDER and MERKLEY, from Oregon, have introduced legislation that would move this country toward an

electric drive future. I think it is a great piece of legislation.

This country needs to decide where it is headed and then create incentives and a roadmap to get there. There is an old saying that if you don't care where you are going, you are never going to be lost. It is true for this country as well. I believe it is far better for this country to set a course, create a destination, and then say to people and investors—to everyone—here is where we are headed. You can count on it, believe in it, and invest in it, because here is where America is going. That is what we ought to do.

There is not a lot of time left in this legislative session. One of the very important pieces of unfinished business reflects what I have described in general form; that is, energy production, conservation, excessive dependence on foreign oil, a concern about the environment, energy conservation and efficiency, and all of this is critically important.

I come from a State that is producing a lot of energy, no question about that. When I was a little boy, in my hometown of 300 people, there was never much going on. So we would drive up and down Main Street forever seeing if something was going on, and it never was. Sometimes we would go to an adjoining town 20 miles away to see if there was anything going on there, because that was a town of about 800 people—much larger—and there was never anything going on there either.

What happened one day is that news reached our town that somebody was going to drill an oil well 2 miles west of Regent, ND. We thought this was unbelievable, something is going to go on. So they hauled in these big rigs with a truck, and lots of metal, and they built this little pyramid, and all these strange, new people were in our town, and then this oil rig went up—a drilling rig. Then they put lights on it. At night, in a town where there was nothing to do, we would drive out and park our cars and look at the lights on the oil rig because there was something happening. It was so exciting. I can remember as a little boy looking at that oil rig thinking that this is unbelievable, something has come to our town—it and a circus, but they were in different years. It took some while to put it up. They do it now in 30 days. But it took a while to drill this well, and then our town was like a balloon that lost the air, because they discovered it was a dry hole. So that was my acquaintance with oil and drilling and the people who decide to go out and look for a source of energy, and remembering the lights as a young boy.

Now, in my State, I asked the U.S. Geological Survey about 3, 3½ years ago, to do an assessment of what is called the Bakken shale. That is a formation that is in most of western North Dakota and a fair amount of

eastern Montana. It is a formation of shale rock that is 10,000 feet, or 2 miles, below the surface of the ground. It is very extensive. They do core samples way down so they know where that shale exists. It is 100 feet thick. When I had the U.S. Geological Survey assess how much oil would be recoverable from the Bakken formation—which you could not have gotten 10 years ago, because we didn't know how—the USGS said: We believe there is up to 4.3 billion barrels of recoverable oil from that. That is the largest amount of recoverable oil, using today's technology, that we have ever assessed in the history of the lower 48 States. We have 120 or 130 oil rigs in western North Dakota drilling wells, and they each drill a new well in 30 days, and then it moves. At each well site, there are 1,000 discrete truck visits back and forth. You can imagine the activity that is going on. They go down 10,000 feet, with 1 drilling rig, 2 miles down, and make a big curve with that rig and go out 2 miles searching for the middle third of a 100-foot seam. That is how sophisticated it is. When they find it, they go out 2 miles, and then they fracture that rock with hydraulic fracturing—water under high pressure—and the oil drips, and they put a pump in, and they are getting up to 2,000 barrels per day out of this Bakken formation in some of these wells. It is unbelievable.

I didn't intend to describe it at that length, but the point is we are producing more oil in this country. We are producing more, but not nearly enough to make us less dependent, or even close to independent. We are still so unbelievably vulnerable to foreign oil. If nothing else would drive the Congress to decide we have to do better and do more in energy, it ought to be that we are unbelievably dependent. God forbid that some day somebody wakes up in this country and understands that none of their electricity works because terrorists have interrupted the supply of oil, they have brought down the grid system, and somehow we don't have electricity and we don't have oil.

This country needs better security and more energy security than that. That is the reason to have an energy bill. I have said often that I believe in doing everything. I come from a high school class of nine. There were no foreign languages in that class, so I didn't take Latin, but I have always felt these Latin words describe my approach on energy: *totus porcus*. I think that means "whole hog." I believe we ought to do everything we can and do it well. Should we maximize renewables? Yes. Should we drill in areas where there is oil and gas domestically? The answer is yes. Should we proceed with ethanol and the biofuels? You bet your life. Should we continue to work on coal and make the investments necessary to sequester carbon or use it to produce

other fuel? The answer is, of course, that we should do all of that.

Should we be more conservation minded? We are prodigious users and wasters of energy. I also think of the words *totus porcus* when I pull up to a stop light in Washington, DC, and somebody pulls up next to me driving a Hummer; it is like driving a tank down the streets of a major American city, and it is getting probably 6 miles per gallon. Now I will hear from them, I am sure.

This country can do better in every single area of energy: conservation, efficiency, energy production, and also distribution, and the pipelines that are necessary, and the transmission lines that are necessary.

I mentioned earlier that the Energy bill we passed has the capability of helping produce an interstate highway of transmission. That is very important. When the winds blow—if you are going to gather energy from the wind and use it, you have to transmit it someplace on transmission lines. We can't build them in this country. We have built 11,000 miles of natural gas pipelines in the last 9 years, and do you know what we have done on high voltage interstate transmission lines? It is 660 miles. Why? You can't build them. There are a dozen ways for people to say no, and they do: not on my property, not in our State—not here or there. So you have planning problems, siting problems, and price problems.

We are probably not going to be able to get to this bill now, which will represent the important unfinished business this year and addresses these important issues. I may well be the only person who cares. There is not a big fuss here about leaving on the floor an energy bill that was bipartisan and was passed by the Energy Committee a year and a quarter ago now. I think others in this country understand the vulnerabilities of this country. We respond sometimes to catastrophes. We respond sometimes when something awful happens. So some day if, God forbid, we wake up and flip the switch and the lights don't come on, or we get in our vehicle and go to find oil and it doesn't exist, so there is no gas for the cars, then we will understand that somehow, some way, we should have done something that addresses what we know is a vulnerability for this country.

The intersection of better energy policy and policy that addresses the issue of climate change is an intersection we can't ignore. We are at that intersection, and there is about to be an accident unless we make smart choices. I hope in the coming weeks in the Congress we might, all of us, decide let's try to reduce that list of unfinished business by at least doing something that represents a bipartisan consensus out of a committee, a major committee, in this Congress, the Energy

Committee. This is a good bill that deserves passage. It will strengthen this country's energy and America's security generally.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, it is very easy to say we need to create more jobs. It has proven much more difficult to get bills passed to accomplish that. On both sides of the aisle we say we are in agreement that small businesses are the engines of job growth. Before us is a bill that would put our words into action by enacting a number of provisions that will help these businesses survive and thrive, keeping current workers on the payroll and creating new jobs. For months this legislation has been bottled up in this Chamber, held up by a filibuster. The filibuster has come despite the fact that business groups have strongly, almost unanimously—in fact, probably unanimously—called for its passage. It promises to help create perhaps half a million jobs that our economy needs so desperately to get moving again.

I am hopeful we will finally end this needless delay and get small businesses the support they need, get capital flowing, and get more Americans back to work. We are on the verge of doing that, and I hope we can do it within the next 24 hours.

This bill is going to do that by addressing a key problem small businesses now face—difficulty in obtaining the capital they need to operate, expand, and grow. One of the most important ways in which this bill will do that is through a State small business credit initiative. I have sought inclusion of this provision along with many Senators, including SHERROD BROWN and Senators STABENOW, WARNER, BAUCUS, SHAHEEN, BEGICH, MCCASKILL, and others, in order to provide badly needed assistance to State and local programs across the country that help small businesses grow. Let me explain how this works.

Just as the recession has battered the value of our homes, it has also battered the value of business property such as real estate, factories, and equipment. That has damaged the ability of small businesses to get bank financing because it has lowered the value of property they can offer as collateral. Businesses with plenty of customers and excellent credit histories have been unable to get the financing they have relied on and need, endangering existing jobs and preventing the creation of new jobs. My State and

many others have begun programs designed to deal with this problem. Thanks to our collateral support program in Michigan, companies such as Saline Electronics, an electronics manufacturing company, and Display Pack, a packaging company, have been able to expand production and add workers. Just since 2006, with just \$3 million in State money, Michigan's capital access program has leveraged nearly \$88 million in private lending and saved or created an estimated 13,000 jobs. But the demand for this successful program far exceeds the resources available.

In Michigan and elsewhere, these programs can't help enough of the businesses that could effectively use support. Lack of resources for small businesses is stifling job creation by small business.

The legislation before us includes what we call the State small business credit initiative which will make available \$1.5 billion to State and local programs that help small businesses get the loans they need. It will help provide many times that much in private loans to small businesses.

There are other major provisions of this bill that will help small businesses create jobs. This bill contains \$12 billion in tax cuts for small businesses, tax cuts that will help them put their money into growing their businesses and creating new jobs. It will more than double the limits for two of the Small Business Administration's most important loan programs and provide other enhancements to the SBA loan programs, enhancements that will increase lending to small business by over \$5 billion in the first year.

The bill also includes a proposal which I suggested for what we call an intermediary lending pilot program which allows the SBA to make loans to intermediary lenders such as business incubators which can then loan that money to growing businesses. The bill also includes the small business lending fund. This provision is very similar to the Bank on Our Communities Act. It will provide capital to local community banks, banks on which small businesses depend, so they in turn can lend that money to small businesses. It does all this in a way which will not add to our budget deficit.

This legislation has the support of nearly 200 business and financial industry groups. If these groups, many of which disagree with one another on many issues, can come together to support this legislation, it speaks volumes about the positive impact this bill is going to have.

I thank our Small Business Committee chairman, Senator LANDRIEU, for her extraordinary leadership in guiding this bill to the Senate floor. She has shown talent, dedication, a willingness to work with Senators of both parties, and a determination to overcome the obstacles that have

threatened to prevent us from providing the support small businesses need. The Senate and the Nation are benefitting greatly from the leadership of Senator LANDRIEU.

This body should do everything within its power to help the businesses of our Nation put workers back on the job. We cannot afford to miss opportunities to boost employment because the hundreds of thousands of people in my State and the millions across the country who have lost their jobs in this recession deserve our very best efforts.

All of us, Democrats and Republicans, say we support small business. We have an opportunity in the next few hours to back up our words with actions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, we have the Small Business Jobs Act of 2010 before us. For more than a year now, the mantra of my colleagues on the other side of the aisle, meaning the majority party, has been: jobs, jobs, jobs. Unfortunately, the only jobs the policies of my colleagues on the other side of the aisle have created are government jobs. The legislative fixes proposed by the other side have fallen short in creating private sector job growth.

I have a chart here that will show unemployment reaching a high of 10.1 percent in October 2009. The administration promised that unemployment would not go above 8 percent if we enacted their \$800 billion stimulus bill. Moreover, they asserted that 90 percent of the jobs would be in the private sector. The unemployment numbers have come down from their high in October, but this has not been the result of a robust hiring in the private sector. To the contrary, many people are simply no longer counted as being unemployed because they have stopped looking for work. For those who did find work, many found work with the U.S. Census Bureau helping to complete the 2010 census. The unemployment rate reached a low of 9.5 percent in July but once again has ticked up to 9.6 percent as 114,000 temporary census jobs ended. While those who put their faith in the stimulus package believed that this summer would become known as "recovery summer" due to all of the stimulus projects underway, it actually has ended in what a National Public Radio story termed as an "economic pot-hole."

To be fair, the private sector employment number has inched up slightly in the past few months. For August, the

Bureau of Labor Statistics reported that private sector employment payroll edged up by 67,000. However, the problem is that around 150,000 jobs need to be added each month just to keep up with the growth in population. So basically, by adding 67,000 jobs, we are treading water too slowly to keep our head above water. Moreover, as pointed out in the September issue of the National Federation of Independent Business Small Business Economic Trends, 45,000 of those 67,000 private sector jobs were in education and health care. These jobs are heavily dependent on government spending, and that means these are not typical small business jobs on Main Street.

It is clear, however, that the small businesses remain pessimistic about the economy and are hesitant to hire new workers. According to the National Federation of Independent Business's most recent survey—and we have a chart here on this point—a net negative 1 percent of business owners plan to create new jobs in the next 3 months. A net negative 8 percent of business owners expect the economy to improve. Only 4 percent of the business owners said it was a good time to expand. A net negative 30 percent of owners reported higher earnings. This last component is especially important for businesses when it comes to hiring new employees since businesses need to know that revenue generated from an additional employee will exceed the costs.

Given the current unemployment rate, it is not surprising, then, that we are once again looking at ways to create jobs. Hence the bill that is before the Senate. The question remains: Are we going to continue to look to the government to be the job creator or are we going to realize that job creation and real economic growth comes from the private sector? This question also brings to mind that government doesn't create wealth; government consumes wealth. So if we are going to increase the economy in this country, it has to be done through the private sector.

The bill before us appears to recognize the importance of the private sector—in particular, the importance of small businesses and entrepreneurs in getting our economy back on track and getting the employment numbers to move in the right direction. I have been beating the drum for some time now that if we want to get our economy back on track, we need to focus on small business. After all, small business is responsible for creating 70 percent of the jobs in our economy. That is not a Republican percentage put out there by my party. That is also a figure I have heard the President of the United States, our President, say in speeches as well—70 percent of the new jobs are created in small business.

During the debate on the \$800 billion stimulus bill, I pointed out that it contained too little in terms of provisions aimed at small business. In all, less than one-half of 1 percent of the stimulus bill was tax relief for small businesses. Unfortunately, my concern that the stimulus bill provided too little relief to small businesses has proved correct. Since the stimulus bill was signed into law, small businesses have been hemorrhaging jobs. According to the ADP national employment data, since the stimulus was enacted, small businesses, which are those defined as fewer than 500 employees, have lost a net amount of 2.6 million jobs. During this same time, large businesses, which are those with over 500 employees, lost a net amount of 716,000 jobs. According to this data, small businesses have accounted for nearly 80 percent of the decline in employment since the stimulus bill was signed into law.

With the consideration of the small business package before us today, I hope this body is finally starting to get serious about tracking unemployment through a true jobs bill. Compared to previous stimulus or jobs bills promoted by the majority, this small business bill has a rather modest cost, with tax provisions totaling about \$12 billion. It is targeted at job creation by providing small businesses with incentives to invest in new equipment, expand their operations, and ultimately hire new employees. The bill includes provisions that would encourage small businesses to invest in new equipment and real property by increasing the amount of capital expenditures small businesses can expense. For equipment, the amount that can be expensed is increased to \$500,000 and for real property, to \$250,000.

Moreover, it encourages investment by providing additional first-year bonus depreciation. It promotes entrepreneurship in another way by increasing the amount allowed as a deduction for startup expenditures. It increases access to capital by allowing 100 percent of gain from investment in qualified small business stock to be excluded from income. It also takes the general business credits out of the alternative minimum tax for those sole proprietorships, flowthroughs, and non-publicly traded C corporations with \$50 million or less in annual gross receipts. Another way is increasing access to capital by extending the 1-year carryback for general business credits to a 5-year carryback for small businesses.

Finally, this bill promotes small business fairness by limiting harsh penalties that have been imposed on small businesses by the IRS and equalizing the tax benefits for health insurance that self-employed individuals may receive to those received by employees.

In regard to the Small Business Administration provisions, I strongly sup-

port many of the bipartisan provisions included in the bill. This legislation would increase small business lending by lowering small business loan program fees while at the same time raising loan guarantees and lending limits. Specifically, this bill extends the fee reductions and eliminations for the Small Business Administration's 7(a) program and 504 program and the 90-percent loan guarantee limit for the SBA's 7(a) program. I am pleased that these well-established, effective measures have been included in the bill. Raising the 7(a) guarantee rate and reducing lenders' and borrowers' fees in the 7(a) and 504 loan programs has been enormously successful. These modifications, which expired in May, have led to a significant increase in lending capacity and access to capital.

I am a supporter and, in fact, have been a leader of the many bipartisan small business provisions in the current small business package. I am an original cosponsor of S. 3604, stand-alone legislation introduced by Senator SNOWE, the ranking member of the Committee on Small Business and Entrepreneurship, which would extend the same Small Business Administration lending provisions that are in the bill currently before the Senate.

Additionally, many of the small business tax incentives included in the small business package were taken from legislation I introduced last year entitled the "Small Business Tax Relief Act of 2009." Of course, there are differences and additional provisions I would have liked to have been included, but, as with any piece of legislation in the Senate, there is a need to compromise if you want to get anything done. My bill generally would have made the small business tax provisions permanent law. I believe this would have provided small businesses with certainty and promoted job creation over the short run as well as the long run. However, the Senate small business package generally only makes the tax provisions applicable for 1 year. That gets us back to the point that the word "uncertainty" crops up so often when used by small businesses as well as big businesses—the uncertainty of what Congress is going to do or the fact that when they make policy, they don't make it for a long enough period of time.

That word, "uncertainty," is the one reason jobs are not being created. It is kind of a sin that Congress would bring about this sort of uncertainty—or maybe the executive branch of government is bringing about some uncertainty—when, in fact, corporations have a historically high amount of cash just lying around. The last figure I saw was \$2.1 trillion, and with \$2.1 trillion, one would think there would be a lot of jobs expanded, except the people who could do it don't know what Congress is going to do to them next,

so they are taking caution. Well, if we could reduce that caution and encourage them a little bit by letting them know what we are doing over the long haul, it would go a long way to getting this unemployment down.

Getting back to what I said, I would have liked to have seen in this bill an additional provision from my bill included in the final package. This provision would have provided small businesses with a 20-percent deduction off of their small business income. It is unfortunate that this provision was left out. This was the largest and most important provision of the bill I introduced in the summer of 2009.

However, in all, the tax provisions included in the Senate small business package provide real relief to small businesses. They generally have the support from Members on both sides of the aisle. In fact, you would have thought this small business bill would have been a slam dunk. However, the Democratic leadership has used the small business bill as a political football, scoring political points. The majority leader refused to allow the small business bill to be considered under regular order. The majority leader filled the amendment tree, thereby limiting amendments that could be offered. The Democratic leadership and the administration then proceeded to blame Republicans for blocking relief for small business. This is despite the fact that the Democrats were unable to get their own Members in line on the small business package. It still remains unclear whether the Democrats in the House, with their large majority, will pass the small business bill should it pass this body.

Moreover, the waters of the small business package were further dirtied by the inclusion of a controversial lending provision that would create a \$30 billion lending fund. This fund is designed to provide billions of taxpayer dollars to banks for the purpose of making loans to small businesses. To me and to many experts, the fund resembles the TARP bailout program, which has been badly mismanaged.

Elizabeth Warren, head of the TARP Congressional Oversight Panel, expressed skepticism that the fund would be effective in increasing small business lending.

She stated that:

Such a fund runs the risk of creating moral hazard by encouraging banks to make loans to borrowers who are not creditworthy.

The Special Inspector General of TARP stated that:

In terms of its basic designs, its participants, its application process, and perhaps its funding source from an oversight perspective, the [small business lending fund] would essentially be an extension of TARP's Capital Purchase Program.

There is also disagreement about the cost of the program. Proponents argue that the lending fund will raise \$1.1 billion. However, the Congressional Budget Office has indicated that if you score

the fund on a fair value basis, the program would score as a cost to taxpayers of \$6.2 billion. The Congressional Budget Office has indicated that the fair value basis is a more comprehensive measure of the cost than estimates done on a cash basis.

Many Members in this body voted for the Emergency Economic Stabilization Act in 2008 because we were led to believe our economy was on the brink of failure. We were told the Treasury Department would purchase toxic assets. But after its passing, the executive branch changed course and picked winners and losers. Where? Not on Main Street but on Wall Street.

We should not be fooled again by the same officials at Treasury who have mismanaged TARP and have been less than transparent with the American people about how the taxpayers' money has been spent.

I compliment my friend, Chairman BAUCUS, for diligently pressing the tax provisions in this bill. There are many good things in this bill, but I believe it could have been better. Unfortunately, the Democratic leadership is more interested in scoring political points than actually providing relief to small businesses. If the majority was actually interested in passing small business relief, a small business package could have been put together that would have garnered 80, 90, or more votes. But instead the majority leader filled the tree, prohibiting amendments being offered to improve the bill.

The small business fund in the bill just doesn't have the safeguards in place to ensure that recipients are creditworthy or that taxpayers may be made whole in the end.

Should this bill be signed into law, I will do my part to make sure the implementation is in the best interest of the taxpayers as well as small businesses.

WATCH-DOGGING THE WATCHDOGS

Mr. President, I want to speak about watch-dogging the watchdogs.

I first started watch-dogging the Pentagon in the early 1980s, when President Reagan was trying to ramp up the defense budget. A group of Defense reformers were examining spare parts pricing. We found the Pentagon buying a \$750 toilet seat and \$695 ash-trays for military airplanes.

That experience taught me an important lesson: If you are going to watch-dog the Pentagon like the inspector general, or IG, is supposed to do, then you better sharpen your wits and have the tools of the trade ready.

One of the most important oversight tools is the simple tool of the audit. The audit is the IG's main weapon for detecting and reporting fraud, waste, and theft. Mr. President, I am sad to report that the IG's Audit Office at DOD is not ready to tackle fraud and waste. The lack of IG audit readiness comes at a time when aggressive audits are sorely needed.

Secretary Gates recently announced that he wants to cut \$100 billion in wasteful spending. But he is relying on the Pentagon bureaucrats to eliminate it. Asking those who created the waste in the first place to then turn around and get rid of it is not a good plan. He needs a better mix of weapons. To win this declared war on waste, Secretary Gates needs the independent backup from the IG. Unfortunately, the inspector general's Audit Office is AWOL doing policy audits instead of financial audits.

Policy audits are not known for exposing waste. Last year, I received a series of anonymous letters alleging mismanagement and low productivity in the IG's Audit Office. This is a huge Audit Office. It has 765 auditors and an annual budget of \$90 million.

In response, I and my staff conducted an indepth review of all the pertinent issues. That oversight report was just completed, and I forwarded it to Secretary Gates with recommendations within that report for corrective action.

My oversight should fit right in with Secretary Gates' plan to cut waste at the Defense Department. My people in Iowa are aching for some commonsense fiscal policy in Washington.

My oversight report puts the spotlight on a good starting point. That oversight report indicates this vital piece of inspector general oversight machinery—the important tool of the audit—has been disabled. It is broken, leaving hundreds of billions of tax dollars vulnerable to fraud, waste, and abuse, outright theft.

The status quo is totally unacceptable. The IG's audit machinery needs to be brought back up to standard.

IG Heddell needs to hit the reset button. He needs to refocus the audit effort on priority areas consistent with the inspector general's core mission, which is to detect and report fraud, waste, and abuse.

The problem identified in my oversight report is twofold. The first big problem is the broken Defense Department's accounting system. That system is incapable of generating accurate and complete financial data.

The success or failure of an audit turns on the quality of data available for that audit. Unfortunately, the quality of Defense Department data presented to auditors should probably be rated as poor to nonexistent. The consequences are then predictable. Auditors consistently report "no audit trail found." But what does "no audit trail found" mean? It means critical supporting documentation and data are missing. Vital records are not available for audit. Money has been paid out but for what? When there is no audit trail to follow, that question gets no answer.

The "no audit trail" finding is like a bad toothache that doesn't go away. The IG's own audit manuals warn that

a "no audit trail" scenario is a red warning flag. It is a very common indicator of fraud. So we have clear-cut indicators of fraud that show up in one IG report after another and, do you know what. Nothing seems to happen. It is like the IG is howling in the wilderness. There is no followup, no corrective action.

Why is this being tolerated? How many more times does the IG need to be confronted by such obvious signs of fraud before decisive action is taken?

Maybe next time the auditors can't find an audit trail on a big contract, they should "lock the doors and call the law"—just drop a net on the place and call for backup.

This brings me to my second audit issue. The IG's Audit Office has allowed itself to be buffaloed by the "no audit trail" scenario. It just backs off and rolls over instead of attacking the problem head on with solutions.

The heart and soul of my financial oversight operation is a contract audit.

In the government, there can be no expenditure of public money without a written binding contractual agreement. That document must specify what goods and services are to be delivered. That is the law. That is where the money trail starts, with a contract. That is where audit work should begin. It is square 1 on the audit roadmap.

Beyond the contract, there are a number of critical data points or, you might say, dots. These should pop up on the auditor's radar screen. These may include contract modifications, recorded obligations, inspection and receiving reports, invoices, and payments, eventually.

To get a handle on fraud and waste, auditors then need to connect all the dots between the contract that starts over here at the beginning and the final payment of money over here. They need to make all of the hookups. For example, when contract requirements can't be matched with payment, well then, bingo; there is a potential problem.

This is what is called a full-scope, end-to-end audit. This is what auditors must do to document and verify fraud and waste. Doing that work positions them to answer two key oversight questions: Did the government get what it ordered at the agreed-upon price and schedule or did the government get ripped off?

Top audit officials repeatedly and consistently told my investigators that doing genuine contract audits was "impossible, we can't do it, it's too difficult."

One audit appears to illustrate and typify the seemingly impassable obstacle, or brick wall, perceived by the auditors. The report is entitled "The U.S. Air Force's Central War Reserve Material Contract." It is report No. D-2009-108.

Instead of attempting to verify payments at the primary source, which is

the Defense Finance and Accounting Service, the audit team opted for an unauthorized shortcut. When you are following the taxpayers' money to see if there is fraud involved, you are going to find some shortcut?

They chose, then, to rely on payment data provided by who? The contractor, DynCorp, the target of the audit. Even using this flawed audit procedure, examiners were unable to match contract requirements with payments. Then when they could not do it, they just give up. The report concluded:

The government did not know what it was paying for. . . . It may have paid for services DynCorp did not perform.

The auditors then simply turned a blind eye to the potential fraud here in this instance.

One hundred sixty-one million dollars went out the door, and for what, we don't know. The report does not tell us. It does not nail down all of the pertinent facts. It is inconclusive and unfinished. The auditors just kicked the can down the road, bucking it to another Defense Department audit agency.

Clearly, auditing large, complicated Defense Department contracts where there is no audit trail to follow is, we have to admit, a daunting task. But that does not mean it is a mission impossible. It can be done. It has to be done. Senior managers refer to this task as "audit trail reconstruction work. It is labor intensive pick and shovel work."

Today, the inspector general relies on small rinky-dink 5- or 10-member audit teams. That doesn't cut it. The IG needs to deploy much larger teams consisting of 25, 50, or even 100 auditors or more to tackle the most egregious contract jobs. And I don't mean hire more than the 675 employees who are already there eating up \$90 million.

Let me make one point crystal clear right now—and I am repeating because I think it is important. I am not suggesting the IG needs to hire more auditors. This should be done within available resources. What I am saying is this: The audit office needs to switch from a large number of small teams to a small number of large teams. That would be a reallocation of audit resources. The top audit office official said it would be possible "to cobble together such an audit team to look at one of the big weapons programs." However, doing that would "deplete resources needed to meet other priorities."

The "other priorities" referenced by this top official are probably wasteful reviews of the Department's policy and procedures—in other words, doing policy auditing instead of doing financial auditing.

In 2009, the audit office did not conduct one in-depth contract audit of a major weapon system or contract. Aren't major weapon systems an audit

priority? The record suggests that it is not an audit priority.

To this Senator from Iowa, this is an astonishing revelation. The inspector general is not doing contract audits. How can this be? If the IG is doing contract audits, then the office of the IG is not or should not be open for business—ought not to be spending that \$90 million.

The core IG mission is to detect and report fraud, waste, and abuse to the Secretary and to the Congress and to recommend corrective action. To detect and verify fraud and waste, auditors need to be on the money trail 24/7. That is where most fraud occurs. They need to be connecting all the dots between contract signing over here and the last payment being made over here.

Instead of trying to do contract audits, the audit office gave up and moved to greener, easier pastures. Most audits now focus on policies and procedures. In moving in this direction, the inspector general has strayed far from a core mission costing \$90 million. Today's preference for policy audits yields zero benefits to the taxpayers. These reports cost about \$800,000 apiece. Cranking out worthless policy audits may not qualify as misconduct, but it surely is a blatant waste of precious tax dollars, at \$90 million a year.

The current focus on policy audits helps me understand why 765 auditors—with an annual budget of \$90 million—could not root out any measurable fraud or waste last year. The IG there at the Department of Defense needs to hit the reset button and refocus the audit effort on the core IG mission.

First, he needs to resume full-scope contract audits to root out fraud and waste. Second, the audit office needs to aggressively review all the Defense Department's plans and programs for deploying a modern accounting system. It needs to offer specific recommendations that would help the Department reach the 2020 readiness goals.

I am receiving assurances from the IG at the Department of Defense that he is moving smartly in the right direction. The signals from that office are very encouraging. Yet I remain skeptical. The audit office still seems to think that full-scope contract audits are a nonstarter and policy reviews are highly relevant. We need a change of course.

Mr. President, I yield the floor.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPORT ON FOREIGN TRAVEL

Mr. SPECTER. Mr. President, It has been my custom to make a report to the Congress, my constituents, and the general public when I return from a trip. I have sought recognition to speak about foreign travel I made to Beijing, Hanoi and Taipei from August 6, 2010, to August 16, 2010.

We departed Dulles International Airport on United Airlines on Friday morning, August 6 en route to Beijing, China. This was my sixth visit to China, with the most recent taking place in 2006.

On Sunday, August 8, we had a meeting with Mr. William Farris, Managing Counsel for Google. Mr. Farris had previously served as general counsel for the Congressional-Executive Commission on China, which was created by congressional statute in 2001 to oversee human rights and the rule of law. Especially with his background in these critical issues, Mr. Farris offered his views on the potential for unfettered access to the internet in China, the recent cyber attack against Google, and an overview of the Chinese business environment. Although Google initially censored its search engine in China, I was pleased that it has decided to offer a reroute through Hong Kong servers in order to provide uncensored access. China continues to put pressure on international firms over the nature of content produced. The Chinese government maintains a block on many U.S. Websites, including Facebook, Twitter, and YouTube. The pressure that the Chinese government places on firms has already led to the departure of major foreign ventures. Go Daddy, a leading U.S. Web site registration firm, has recently left the Chinese market. Increasing freedom will facilitate economic growth and attract investment.

In my fiscal year 2011 appropriations request letter to the State and Foreign Operations Subcommittee on the Senate Appropriations Committee, I urged the provision \$50 million from the democracy fund to promote widespread, secure Internet use by individuals residing in countries with Internet monitoring, censorship, and control. This is a low-cost method of allowing people, especially those living under repressive regimes, to access all-source, unfiltered information. This capability enables freedom of thought, expression, and the unimpeded flow of ideas and information. One group, the Global Internet Freedom Consortium—an alliance of several organizations specializing in anti-censorship technologies—has submitted several important proposals. This group has been particularly effective in China, neutralizing the Chinese government's "Golden Shield" and "Green Dam" barriers.

As I wrote in my July 7, 2009, op-ed in the Pittsburgh Post-Gazette:

The United States must fight fire with fire in finding ways to breach these cyberwalls,

which dictatorships use to control their people and keep themselves in power. Tearing down these walls can match the effect of what happened when the Berlin Wall was torn down. No one understands this better than the dictator states.

The Internet has proven to be one of the most powerful tools for cultivating nascent democracies. American companies who have abetted repressive regimes by censoring information should reexamine their relationships and ways of doing businesses.

That afternoon, we met with Ambassador Jon F. Huntsman Jr. and his wife, Mrs. Mary Kaye Huntsman, at the Ambassador's residence. I have known Ambassador Huntsman since his days as Deputy U.S. Trade Representative in the George W. Bush administration as well as the Governor of Utah. Ambassador Huntsman, fluent in Mandarin, brought unique skills to this post, gleaned from studying China for much of his life, serving as a missionary in the Republic of China, and extensive business experience. We discussed different dynamics of the U.S.-China relationship, including international trade, regional security, and human rights.

On Monday, August 9, we began the day with a country team briefing from the U.S. Embassy in China. The briefing was led by Robert Goldberg, the Deputy Chief of Mission, and included Christopher Adams, Minister Counselor for Trade Affairs at the Office of the U.S. Trade Representative, Aubrey Carlson, Political Minister Counselor, MaryKay Carlson, Acting Consul General, David Dollar, U.S. Treasury Economic and Financial Emissary to China, Robert Forden, Acting Economic Minister Counselor, Bradley Gehrke, Defense Attaché, Randal Phillips, Minister Counselor for Plans and Programs, and William Zarit, Minister Counselor for Commercial Affairs from the Department of Commerce. Following the Country Team Briefing, I met John Klena, Julie Schneider, Andriana Wiegand, Sanford Dawson, Frank Joseph, Msg. Simon Price, Msg. Michael Fernald, Msg. Kenneth Hayles, and Megan Kellogg, fellow Pennsylvanians who admirably serve the U.S. through our Embassy in Beijing.

Although the U.S. has many shared interests with China, it is important that we do not shy away from issues of potential conflict. I pushed for the need to gain leverage in our relationship with the Chinese in order to get them to change their behavior. I posed the question whether congressional action on trade issues and other disagreements with China would be helpful in pursuing U.S. policy aims. The country team indicated that congressional engagement helps China understand different stakeholders in the U.S. system. One other way to engage the Chinese is to coordinate with other countries and the business community to apply unified pressure against China on specific trade issues.

An area of concern is China's commitment to reducing the proliferation of nuclear weapons, especially with regard to Iran and North Korea. Although China initially resisted a new round of sanctions against Iran this year, China seems to have been compliant with United Nations Security Council resolutions. China has significant energy and banking investments in Iran, and is reluctant to undermine its own interests. Iran has a history of using deceptive financial practices to circumvent U.N. sanctions, and it is important that all nations block banking relations with Iranian financial institutions if those transactions could facilitate Iranian nuclear proliferation. I made the point that an Israeli strike on Iranian nuclear weapons facilities could harm China's energy supply, and that China might not have considered the impact of such an armed conflict on their bilateral relationship with Iran.

China is North Korea's most significant economic partner and continues to provide North Korea with food aid. In 2009, trade between China and North Korea surpassed \$2.7 billion. In 2009, North Korean exports to China rose by 4.3 percent to \$793 million. China needs to be more willing to collaborate with the U.S. and international partners on urging North Korea to abandon its nuclear weapons program and destabilizing rhetoric. According to the U.S. Mission, engagement with North Korea is the best bilateral working relationship we have with China.

A recurring issue during my visit to the region was territorial disputes in Southeast Asia. One especially problematic area is the South China Sea, which stretches from Singapore and the Strait of Malacca to the Strait of Taiwan. This waterway includes over 200 small islands, the majority of which are uninhabitable but rich in such natural resources as oil and natural gas. Although projections for energy reserves in the South China Sea vary, a 1994 U.S. Geological Survey approximated that there were 28 billion barrels of oil. Because there has not been any exploratory drilling in the area, estimates for energy reserves in two of the particularly resource-rich island chains, the Spratly Islands and Paracel Islands, are unknown. According to the Energy Information Administration at the Department of Energy, oil consumption in Asia is estimated to rise by over 2.7 percent per year to nearly 29.8 million barrels per day in 2030. Given the strategic importance of the South China Sea, many of its proximate nations have competing claims for territory. Although the 1982 United Nations Convention on the Law of the Sea has not determined specific territorial delineations, it has offered guidelines for the resolution of competing claims through negotiation between nations.

China submitted a map to the United Nations Security Council that depicted China's claim to over 80 percent of the South China Sea. The map includes a U-shaped line, connected by "9 dots," granting China access to portions of the shores of Vietnam, Indonesia, Malaysia, Brunei and the Philippines. This year, China began referring to this disputed waterway as a "core national interest," similar language used to describe Tibet and Taiwan. China currently occupies several of the Spratly Islands. Vietnam has also claimed the Spratly Islands, occupying a small portion of the chain, as well as the Paracel Islands, despite ceding the latter to China after being forcibly removed by the Chinese military in 1974. China claims a wide-ranging exclusive economic zone, EEZ, an area of a sea zone for which a nation owns rights for use of marine resources including fishing and subterranean energy stores, in the South China Sea, despite the fact that Brunei, Malaysia, the Philippines, Taiwan, and Vietnam all have proximate coastal areas and competing claims for sovereignty. An EEZ, as described in the U.N. Convention on the Law of the Sea, is permitted for certain waterways given their proximity to the coast of a country and other geographic factors.

The South China Sea is host to over one-third of global maritime commerce, as well as more than 50 percent of Northeast Asia's energy supplies. U.S. forces also use the South China Sea to support the war in Afghanistan. China's naval aggression is troubling. China has developed its naval power to an unprecedented extent in recent years. Not only has China provoked U.S. military and aircraft in the South China Sea, but its defense budget has grown by 10 percent per decade, only slowing to 7.5 percent in 2010. China's naval modernization began in the 1990s, integrating such components as anti-ship ballistic missiles, submarines, new weapons acquisition, and surface ships into their forces. China has been known to use the force of its navy to resolve disputes, in opposition to U.N. treaties and internationally accepted norms.

Increased Chinese aggression is also evident in the Yellow Sea. In the wake of a March 26, 2010, North Korean sinking of a South Korean ship, killing 46 sailors, the U.S. and South Korea announced, on July 6, 2010, plans to hold war games. In a July 8, 2010, press report, China came out against any foreign warships or planes participating in military activities in the Yellow Sea or adjacent areas and ultimately hosted its own war games on the same day that the U.S. and South Korea did. The Chinese military conducted a drill of unmanned drone aircraft in coastal areas to test radar and electromagnetic interference. The Yellow Sea is international waters—all nations should have access.

Another contentious issue is the manufacturing of counterfeit products. In 2009, China was the source of 79 percent of the total value of all counterfeit products seized by U.S. Customs, totaling over \$260 million. Chinese products also accounted for over 90 percent of all intellectual property rights-related seizures. The Business Software Alliance, an information technology industry group, has projected that 80 percent of software used in China has been pirated in violation of international copyright infringement laws, an improvement from 90 percent in 2004. As a growing power, China should make a greater effort to abide by international conventions and respect intellectual property rights. In fact, China stands to greatly benefit from fostering a business environment that protects innovation. A 10-percent drop in pirated software since 2004 corresponded to the addition of 220,000 jobs in China's legitimate information technology sector. Additionally, companies such as Apple, could be more willing to introduce new ventures to Chinese markets with assurances that their products would be protected. Because Chinese companies preemptively registered both the iPad trademark and design patent, Apple has delayed market entry of the iPad in China.

We departed the Embassy for a meeting with the Governor of the People's Bank of China, Zhou Xiaochuan. Many of the economic issues in the relationship between the U.S. and China have persisted for years. Although Chinese officials have met with Secretary Geithner and former Secretaries of the Treasury, the U.S. should continue to develop a frank dialogue with the Chinese. The U.S. Embassy counts 49 formal dialogues with the Chinese regarding financial and economic cooperation, although the Chinese count 60. At the meeting, I pressed the issue of China's currency manipulation. Governor Zhou mentioned that the Chinese economy is transitioning, noting that workers' wages have increased by 20 percent and that China is allowing for increased private sector growth. Although the Chinese economy grew at 7.7 percent in 2009, Governor Zhou expected China's export growth rate to slow over the next 3 to 5 years. I objected that 5 years would be too long to wait as the U.S. is losing jobs, especially in industries such as steel and rubber. I argued that Congress is contemplating legislating on the currency issue to rectify imbalances. Governor Zhou discussed how economic uncertainty has made the Chinese government more careful about economic policy changes and that China has economic challenges of its own, including a 10-percent unemployment rate. I retorted that the U.S. unemployment rate is currently at 9.6 percent.

I informed Governor Zhou about how Chinese subsidies and dumping are un-

fairly harming the steel and tire industries. According to the most recent data issued by the Foreign Trade Division of the U.S. Census, the annual trade deficit with China stands at \$93.3 million as of May 2010. Employment in American manufacturing has plummeted at the same time that Chinese imports and U.S. trade deficits have set records. The trade deficit with China is the largest imbalance ever recorded between two countries, in part because of China's deliberate undervaluing of its currency. I brought up two cases I recently argued before the International Trade Commission, ITC, for which the ITC found that Chinese tire imports had disrupted the U.S. tire industry. In December of 2009, I urged the ITC to charge China with dumping of tubular steel and to impose sanctions. I argued that the lost jobs, reduced hours, and plant shutdowns constituted a "severe and intolerable harm." By the spring of 2009, 6 of 11 high grade tubular steel plants in the country, including mills in Koppel and Ambridge, PA, were idle as a result of Chinese imports. While the Koppel and Ambridge plants are back operating at minimum capacity, overall industry operating capacity dropped from 68.5 percent in 2006 to 17.6 percent in 2009. During the same period, China's market share of high grade tubular steel rose from 15 to 37 percent. The ITC determined that the steel industry was materially injured or threatened with material injury, and the Commerce Department issued an AD duty order on imports ranging from 29.94 to 99.14 percent.

I emphasized to Governor Zhou that it is unacceptable for China to continue to dump goods on the American economy. He mentioned that China understands the pressure on the Pennsylvania industries. He said that certain shifts are inevitable and suggested that the U.S. seek settlement from the World Trade Organization, WTO. The U.S. has filed eight cases at the WTO for trade violations. We settled four cases and won four of them. I pressed that the WTO takes too long and that the damage from unfair trade practices is done before there is time for a resolution.

Following our meeting with the People's Bank of China, we departed for a meeting with Vice Minister of Commerce Wang Chao. We discussed the benefit of enhancing the U.S.-China relationship by targeting areas of mutual interest. I argued that the current trade relationship between the U.S. and China has an unfair impact on the U.S. steel and rubber industries. I also pressed the issue of ITC violations and Chinese subsidizing and dumping goods. The U.S. is the largest export destination of China, and China is the third largest export destination for the U.S. There are 58,000 U.S. companies present in China. I told the Minister that both China and the U.S. should re-

view subsidies in a manner where everything is placed on the table.

Our last meeting in Beijing was at Tsinghua University, host of the Temple University Rule of Law Program in China. On this visit, I met with Wang Zhenmin, dean of the Law School and John Smagula, director of Asian Programs at Temple University Beasley School of Law. Since 1999, Temple has educated 1,024 legal professionals. Seventy-nine percent of these participants have been from the public sector, including 370 judges, 151 prosecutors, 88 government officials, 152 law professors, and 47 Non-Governmental Organization legal staff.

On this visit, I addressed students in the master's in law program. The students included: Judges Jiang Minsong, Su Tuan, Wang Didi, Wang Xiaoqin, Wei Xigui, Xie Aimei, Yang Lingping, and Zhou Junsheng; Prosecutors Feng Guanhua, Lin Bowen, Lu Xiaomei, Tang Shengjia, and Yang Li; Chinese Officials Li Sheng, Ma Ning, Pang Lei, Xiang Hang, and Yang Kefei; Law Professors Abulimiti Ameina, Lu Yao, and Zheng Yanpu; and from the private sector, Dimitrova Deniza, Fan Ping, Guo Qushi, Kuang Lu, Lang Zhuo, Tan Jiakai, Wang Hong, Wang Xin, Xu Changrong, Zhang Hairong, Zhang Xianzhong, Zhang Yitong, and Zhu Wenting. The group asked me numerous questions on topics ranging from Justice Kagan, my battles with cancer, my legislation that would televise Supreme Court deliberations, and health care reform. The students were eager to discuss the benefits of the Temple University Program in China and how the school continues to play an important role in bridging U.S.-Chinese relations and cultivating the development of law.

This trip to China was especially meaningful for me because my last visit in August 2006 was on a CODEL led by my friend, the late Senator Ted Stevens. The Nation has lost an icon of statesmanship and a stalwart public servant. Senator Stevens was an exemplary leader in the U.S. Senate, a champion for military and defense issues, a proud veteran, and friend of mine. His work on behalf of all Alaskans was unparalleled in the U.S. Senate, and his passion for this country will be forever remembered. Joan and I are deeply saddened by this news and offer our most sincere condolences to Catherine and the Stevens family.

I want to note that Senator Stevens was awarded the Distinguished Flying Cross for flying support missions for the 14th Air Force, also known as the Flying Tigers, during World War II. The Flying Tigers, the First American Volunteer Group of the Chinese Air Force, were organized before the U.S. officially entered World War II, designed to fight against Japanese forces. In 1942, the division was officially inducted into the U.S. Air Force.

On Tuesday, August 10, we departed Beijing on Vietnam Airlines for Hanoi, Vietnam. This was my second visit to Vietnam. We were met at the airport by Ambassador Michael Michalak and Control Officer Michael Goldman.

On Wednesday, August 11, we departed for the U.S. Embassy in Hanoi to receive a country team briefing. This briefing, led by Ambassador Michalak, was staffed by Mike Goldman, Acting Political Counselor, Patrick Reardon, Defense Attaché, Justin Taylor, from the Foreign Agricultural Service, Michael Foster, Acting USAID Country Director, Eric Frater, the Environment, Science, Technology, and Health Officer, Yashue Pai, from the Foreign Commercial Service, Vivian Chao, PEPFAR Country Director, Lloyd Neighbors, Public Affairs Officer, Bruce Struminger, Center for Disease Control Country Director, Jessica Webster, Economic Counselor, and Robert Frazier, Management Counselor and Acting Deputy Chief of Mission. I also appreciate the efforts of Nicole Johnson, Michael Orona, Tim Liston, and Matt Mathews.

At the briefing, we discussed the need to promote education in Vietnam, address climate change in a global way, and deepen trust between the U.S. and Vietnam. Military exchanges could assist the latter aim. The U.S. Embassy is actively involved in locating and returning the remains of U.S. soldiers who were missing in action during the Vietnam war, as well as managing funding appropriated by Congress to clean up Agent Orange. The continued presence of Agent Orange in Vietnam continues to present grave health threats to the Vietnamese. The Vietnamese government requested that the U.S. focus its remediation efforts on Da Nang Airport. USAID has estimated that at least \$24 million is needed to complete this remediation project. I have supported U.S. funding for remediation of dioxin contaminants, one of the harmful components of Agent Orange, including \$15 million in fiscal year 2010 funding. The fiscal year 2010 amount was \$3 million higher than the fiscal year 2009 amount.

The U.S. currently contributes over \$154 million a year in total aid to Vietnam, with \$102 million allocated to the health sector—largely for the President's Emergency Plan For AIDS Relief, PEPFAR, and avian influenza. HIV/AIDS continues to pose a serious threat to the Vietnamese. In the 111th Congress, I voted to appropriate \$48 billion for international HIV/AIDS, tuberculosis, and malaria programs through fiscal year 2013, including \$30 billion for PEPFAR. In my fiscal year 2011 appropriations request letter to the State and Foreign Operations Subcommittee on the Senate Appropriations Committee, I asked for \$1.75 billion for the global fund to fight AIDS, tuberculosis, and malaria worldwide.

Another issue in Vietnam is the continued presence of unexploded ordnance. Since the end of the Vietnam war in 1974, more than 40,000 Vietnamese have been killed from contact with unexploded ordnance and another 64,000 people have been injured. According to Vietnam's Ministry of Defense, over 16 million acres of Vietnam are still contaminated by 350,000 to 800,000 tons of unexploded ordnance, with over 3 million landmines in addition to unexploded bombs. From 2000 to 2009, Vietnam has received more than \$37 million in U.S. assistance for de-mining, mine risk education, survivors' assistance, and landmine impact studies. At the current pace of clearance, it will take 300 years and more than \$10 billion to clear Vietnam of leftover unexploded ordnance.

This year, the U.S. and Vietnam celebrate the 15th anniversary of diplomatic relations. Fifteen years ago, bilateral trade was \$451 million annually, an amount dwarfed by the \$15.4 billion traded in 2009. The U.S. and Vietnam have come very far in overcoming historical animosities, exemplified through joint military exercises held on August 11, 2010. Vietnam currently holds the rotating Chair of ASEAN and the ASEAN Regional Forum, increasing its leadership role in the region. Since adopting a series of economic reforms in 1986, Vietnam has been steadily liberalizing its economy. Vietnam was admitted to the World Trade Organization in 2007. This economic transition has led to a steep decline in the poverty rate, which dropped from 58 percent of the population in 1993 to below 30 percent in 2003. The partnership between Vietnam and the U.S. continues to grow. In 2009 the U.S. imported \$12.2 billion from Vietnam and exported \$3 billion.

With regard to territorial disputes in the South China Sea, in recent months, China has escalated its rhetoric, harassed Vietnamese fishing boats, and objected to potential cooperation between Western energy companies and the Vietnamese government to harness resources. Using the guidelines for EEZs, Vietnam claims sovereignty over all of the Spratly and Paracel Islands. In 2002, Vietnam, along with other ASEAN countries, signed the Declaration on the Conduct of Parties in the South China Sea. The parties of this declaration agreed to settle the territorial disputes in the South China Sea through negotiation and the development of peaceful solutions rather than military force. Accordingly, Vietnam resolved a dispute with Cambodia over the Gulf of Thailand through a 2006 resource-sharing pact. In 1992, Vietnam and Malaysia signed a Joint Development Areas agreement. In 1997, Vietnam and Thailand signed an agreement delineating their respective sea boundaries. Despite all of these agreements, China has not been willing to pursue

peaceful arrangements, instead relying on coercion and bullying. Supported by the leadership of Secretary Clinton, a coalition of Southeast Asian nations, at the recent ASEAN Regional Security Forum, publicly challenged Chinese sovereignty over many areas of the South China Sea, seeking a regional solution as opposed to a series of bilateral agreements.

On August 11, we participated in a working lunch hosted by the National Assembly Foreign Affairs Committee Chairman Ngo Quan Xuan. We discussed the importance of the U.S.-Vietnam economic relationship, Agent Orange remediation, as well as the prospect of Chinese regional hegemony. The Chairman also mentioned that there are 13,000 Vietnamese students studying in the U.S.—this student exchange is particularly important given the need for trained doctors and lawyers in Vietnam and for fostering ties between the U.S. and Vietnam among the next generation of leaders. I explained to him how a lack of progress on human rights threatens progress of many areas of the U.S.-Vietnam relationship, including arms sales.

The next day, we met with Duong Trung Quoc, a member of the Vietnamese Assembly. He is one of the few non-Communist members in the Assembly and shared his views on prospects for liberalizing Vietnam and the future of the Vietnamese political and economic systems. He is a historian and journalist by trade. We spoke at great length about the history of Vietnam and how historical interactions have shaped current regional tensions and security concerns.

On Friday, August 13, we departed Hanoi for Taipei, Taiwan on China Airways. This was my fourth visit to Taiwan, with the most recent one taking place in 2001.

After being received at the airport by officials from the Taiwanese Ministry of Foreign Affairs and the American Institute in Taiwan, we were escorted to a meeting with President Ma Ying-jeou. President Ma was born in Hong Kong and received his undergraduate education from the National Taiwan University. He then received graduate degrees from New York University and Harvard University. President Ma served as mayor of Taipei before being elected President in 2008.

The U.S. and the Republic of China enjoy close ties. President Ma offered his views on North Korean aggression and China's role in the region. I pressed him on the steel industry, tariffs in both our countries, importing American beef to Taiwan, and ways of enhancing the bilateral economic relationship. The U.S. exported over \$18.5 billion to Taiwan, while it imported \$28.4 billion. Taiwan is currently the 11th largest export market for U.S. goods and the U.S. is currently Taiwan's third largest trade partner. The

bilateral Trade and Investment Framework Agreement, TIFA, a process designed to enhance economic cooperation and resolve disputes, guides U.S.-Taiwan trade relations.

We spoke about the recent Economic Cooperation Framework Agreement, ECFA, between Taiwan and China, signed on June 29, 2010. The ECFA was preceded by the first direct flight between Taipei and Shanghai, which departed on June 14, 2010, increasing the ease of travel between China and Taiwan. The ECFA will remove tariffs on 539 Taiwanese products and 267 Chinese goods over the next 3 years. This deal permits Taiwan to seek free trade agreements with other nations in the region, and talks with Singapore are currently underway. Because Taiwan would struggle economically without the Chinese market, some are wary that Taiwan is becoming too dependent on the Chinese.

We discussed U.S. arms sales to Taiwan. The Taiwanese Relations Act, TRA, of 1979 calls for the U.S. to supply Taiwan with capabilities for self-defense and creates unofficial representation in Taiwan through the American Institute in Taiwan. The TRA names U.S. policy as being oriented towards resisting coercion of the unofficial U.S.-Taiwan relations. Although the U.S. must provide for the sale of arms to Taiwan, the TRA does not specify the types of armaments, requiring only that Taiwan should be able to maintain "sufficient" defensive capabilities. Under the purview of the TRA, the U.S., on August 25, 2008, announced its intent to sell 60 Harpoon missiles, worth approximately \$89.8 million, to Taiwan. On October 3, 2008, the Defense Security Cooperation Agency notified Congress of the possible foreign military sale of six different types of defense articles and equipment, which could have totaled a maximum of approximately \$6.4 billion. After increasingly tense relations between the U.S. and China, President Obama decided to defer the arms deal until 2011. Taiwan will still be able to purchase minor parts and upgrades.

We discussed the Taiwanese request, submitted in November 2009, to upgrade F-16A/D fighters which were initially sold to Taiwan in 1992. The Taiwanese request noted that the upgrades would render the fleet parallel to the new F-16C/D fighters, reducing the need for a substitute fleet. American contractors have estimated that this retrofit would take approximately 6 years to complete.

On August 15, we attended a working lunch hosted by Dr. Lyushun Shen, Deputy Minister of Foreign Affairs. The meeting was attended by Benny T. Hu, Chairman of CDIB BioScience Venture Management, Maj. Gen. Mike Tsai-Mai Tien of the Republic of China Air Force Academy, Mrs. Tien, Lawrence S. Liu, Senior Vice President of

China Development Financial Holdings, Johnson S. Chiang, Section Chief of the Department of North American Affairs at the Ministry of Foreign Affairs, Ms. Grace Ya-hung Lin, Assistant to Deputy Minister Shen, Eric Madison, Deputy Director of the American Institute in Taiwan, Ms. Judy Kuo, Deputy Chief from the Economic Section at the American Institute in Taiwan, and Ms. Astrid Ai-yun Chen, Officer, Department of North American Affairs at the Ministry of Foreign Affairs.

On Monday, August 16, we met with Wang Jin-pyng, president of the Legislative Yuan, before departing for Taipei International Airport. We flew on Eva Airlines from Taipei to Newark, NJ, for 16 hours leaving on August 16 and arriving on August 16 crossing the international date line.

I would like to recognize Major Lance Burnett and Dan Eisenberg of my staff for their support of this CODEL.

NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. SESSIONS. Mr. President, I rise today to discuss the significant threat prostate cancer poses to the male population in the United States.

The American Cancer Society estimates that more than 217,000 American men will learn that they have prostate cancer in 2010, and 32,000 American men will lose their lives to the disease this year, making prostate cancer the second most common cause of cancer death among men.

One out of every six American men will be diagnosed with prostate cancer, and an estimated one in 36 men will die from this disease.

African-American men experience a significantly higher incidence rate of prostate cancer than White males, and more than double the mortality rate.

This disease is also affecting young Americans. Thirty percent of those battling prostate cancer are under the age of 65, prime years of productivity for families and for this Nation.

Doctors across our country agree: early detection presents the best chance for a cure. However, this motto is more than good public policy for me.

As a 10 year prostate cancer survivor myself, I know the value of early detection and surgery, and it is painful for me to know that many good people in this great country are not being diagnosed early and are therefore greatly increasing their risk. The simple PSA blood test can be the key to detection. Millions have taken advantage of it, but unfortunately millions do not. We must do better.

Approximately 98 percent of men diagnosed with early stage prostate cancer are still alive after 10 years, but only 18 percent of those diagnosed with advanced stage prostate cancer survive 10 years.

Increasing awareness of prostate cancer is particularly important to my home State of Alabama. Although we have world class medical research facilities at the University of Alabama at Birmingham and excellent doctors across the State, 3,300 men in Alabama will develop prostate cancer in 2010, and 600 deaths in our State will be attributed to prostate cancer this year.

In May 2006, Alabama was one of 5 States to receive a failing grade in regards to its "prostate cancer awareness" by the National Prostate Cancer Coalition. A 2006 CDC study found that 38 out of 100,000 Alabama men die from prostate cancer, ranking Alabama 47th in the US.

Every year since 2002, I have introduced a resolution to increase awareness about prostate cancer and to encourage men to talk with their doctors about this disease.

I am pleased to partner with ZERO: The Project to End Prostate Cancer in promoting this year's resolution and other activities throughout the month of September to increase public knowledge about prostate cancer including risk factors, prevention, and treatment options.

Last night the Senate passed S. Res. 597, a resolution to designate September 2010 as National Prostate Cancer Awareness Month. The purpose of this resolution is to bring attention to prostate cancer and encourage Americans to take an active role in the fight to end the devastating effects of prostate cancer on individuals and their families.

I am honored to be joined on this resolution with 28 cosponsors, including Senators BAYH, BENNETT, BOXER, BURR, BURRIS, CARDIN, CASEY, CHAMBLISS, COCHRAN, CRAPO, DODD, DORGAN, FEINGOLD, FEINSTEIN, HATCH, INHOFE, INOUE, ISAKSON, JOHANNES, JOHNSON, KERRY, LANDRIEU, LUGAR, SCHUMER, SHELBY, SPECTER, TESTER, and VITTER.

I thank my Senate colleagues that have worked to increase prostate cancer awareness through this resolution, and I applaud the work of countless Americans who give up their time and energy to raise awareness of this disease and fight prostate cancer's impact on families and our Nation.

AMERICA'S CUP INDUCTION

Mr. WHITEHOUSE. Mr. President, this Saturday I will attend the 17th annual America's Cup Hall of Fame Induction Ceremony in Newport, RI. Today, I would like to congratulate this year's inductees: Simon Daubney, Warwick Fleury, Murray Jones, Dean Phipps, Mike Drummond, and Halsey Herreshoff. I would also like to say a few words about Rhode Island's connection with sailing and with the America's Cup.

I should call special attention to the Rhode Islander being honored, Halsey

Herreshoff. Halsey has made numerous contributions to the sailing world. His four defenses of the America's Cup and his legendary naval designs continue the long and proud history of the Herreshoff family. His grandfather, Nat "the wizard of Bristol" Herreshoff, designed 27 years of defenders of the America's Cup, and that tradition was passed down through his father to Halsey. Halsey Herreshoff is the editor of the classic "The Sailor's Handbook" and has served his community as the Bristol town administrator for 8 years. He continues his service as president of the Herreshoff Marine Museum and as a member of the Bristol Town Council. He is a friend, a public servant, and a great sailor, and I congratulate him on this honor.

In 1930, Newport hosted its first America's Cup race. For many decades, Newport and the America's Cup were so closely identified as to be virtually indistinguishable. Our excellent sailing waters and winds, our beautiful venue, our legendary hospitality, and a long string of successful defenses kept this link firmly forged.

It is thus no coincidence that this ceremony is held in Newport or that the America's Cup Hall of Fame resides in Rhode Island. People across the country closely associate our great Ocean State with our sailing culture. And nothing is more responsible for that association than our long connection with the America's Cup. Newport hosted the Cup for over 50 years; its departure in 1983 left our State without one of its most cherished icons.

For Rhode Island, the Cup represented more than the pride of years of successful defenses: the Cup was a huge boost to our economy. San Francisco, the site of the next race, estimates that the competition will bring \$1.4 billion in additional revenue, and a 2007 study estimated that Newport could see a \$886 million boost if we were the host site. Imagine what that investment would do for Rhode Island with our nearly 12 percent unemployment rate. The Cup brings millions of dollars in construction, hospitality, boat maintenance, and media jobs—jobs our State sorely needs.

While the Cup may no longer be held in our Ocean State, Rhode Island continues its love for sailing and remains a great host site for national and international races. Efforts are underway to bring some of the America's Cup qualifying races to Newport—efforts I enthusiastically support. It would be heartening to see the Cup come full circle, to what we still consider its true home.

ADDITIONAL STATEMENTS

REISTERSTOWN AMERICAN LEGION POST 116

• Mr. CARDIN. Mr. President, I would like my colleagues to join me in recog-

nizing the Reisterstown American Legion Post 116, which will celebrate its 75th anniversary on November 6, 2010. The American Legion Department of Maryland has 147 active posts. Reisterstown Post 116 is the largest post and the largest wartime veterans service organization in the State of Maryland. The Reisterstown American Legion Post 116 was formed on November 6, 1935, by a group of 13 charter members. By 1986, the post had expanded to more than 400 members, including a Sons of the American Legion Squadron of 75 members, an American Legion Auxiliary of about 100 members, and an active Legion Riders organization.

Part of the Reisterstown American Legion Post 116's success has been its involvement in the northwest Baltimore County community. The post awards scholarships to students, participates in the American Legion Boys and Girls State programs, and assists the Reisterstown Recreation Council. Post 116 also provides volunteers and donations to many charitable organizations, including the Maryland Special Olympics, the Epilepsy Foundation, United Cerebral Palsy, the Muscular Dystrophy Association, and the Multiple Sclerosis Society.

I urge my colleagues to join me in congratulating Post 116 on its 75th anniversary, and to join me in commending the post's leadership, past and present, and in extending our thanks to its members for their service to Reisterstown Post 116, the Baltimore community, and to our country.●

REMEMBERING RALPH SMEED

• Mr. CRAPO. Mr. President, today I honor the life of Ralph Smeed, who will be remembered affectionately for his great love for this country.

Ralph had many accomplishments throughout his life. Born into a pioneer family in southwestern Idaho in 1921, Ralph embodied strength, perseverance and devotion. He served in the U.S. Army during World War II, attended the University of Idaho, and was a successful and able businessman who ran his family's ranching operation after Ralph's father passed away. Ralph was also a dynamic thinker, debater and writer, who contributed significantly to State and national political discussions, cofounded the Center for the Study of Market Alternatives, served on the board of the Foundation for Economic Education, and was a longtime newspaper columnist. Ralph had a unique and powerful way of communicating his ideas, and his presence in Idaho political discourse will be greatly missed. One could not ignore Ralph's electronic reader board that gave passersby food for thought. Understandably, Ralph has been honored for his strong commitment to free market ideals, liberty and his defense of the principles of freedom.

Ralph will continue to be recognized for his numerous accomplishments, but it is his example of conviction that will be most remembered. Ralph had strong principles and held true to his values. He thought deeply, understood the value of listening albeit many times with great restraint, and delivered his points with passion and humor. Ralph could not be rightly accused of caring too little. He did not sit on the sidelines. Ralph embraced the dialogue and tackled the tough issues. He was always engaged and challenged others. Ralph's interjection of free-thinking, strong, libertarian views shaped discussions and opinions. He added flavor and insight from his many years of experience, discussion and contemplation. He sought to protect individual liberties and contributed substantially to conservative knowledge.

Ralph was a spirited, dedicated, witty, generous, sincere individual and true patriot. Ralph touched and enriched the lives of all those he met, and I am grateful to have known him. There is no doubt there will be a significant void left by Ralph's passing. As we honor Ralph Smeed's life, and extend thoughts and prayers to Ralph's family, friends and loved ones for this great loss, Ralph's individuality and dedication will not be forgotten. Ralph was a true thought provoker who was devoted to the promotion of liberty and encouraging others to work for liberty. Ralph Smeed will be greatly missed.●

REMEMBERING BOBBY EUGENE HANNON

• Mrs. LINCOLN. Mr. President, today I recognize Bobby Eugene Hannon Sr., 76, of Hot Springs, who passed away Saturday, August 28, 2010. A beloved member of the Hot Springs community and the entire State, "Coach Hannon" was one of Arkansas's finest citizens. His legacy will long be remembered at Hot Springs High School, where he coached football from 1970 to 1979. His many championships and accomplishments in coaching were highlighted by his undefeated 1970 State Championship Team, voted No. 1 in the State by the Associated Press.

In 2008, Coach Hannon was inducted into the Arkansas High School Coaches Association Hall of Fame. He received the Lowell Manning Award in 1970 as the Arkansas High School Coach of the Year and was selected head coach for the West Squad in the AHSCA All Star Game. His teams competed in five more championship games, including the longest high school football game in Arkansas history against Jonesboro in 1972 that ended in a tie for co-championship.

Before his coaching career, Coach Hannon was an outstanding athlete with many accomplishments, including serving as quarterback of Little Rock High School and being selected All-

State and All-Southern quarterback. Coach Hannon received a football scholarship at Arkansas Tech University and played there for 4 years, where he received all AIC conference honors.

Drafted into the U.S. Army, he played on the Fort Lewis Washington Championship football team for 2 years. Coach Hannon also played shortstop for the famed Little Rock Doughboys baseball team next to Major League Baseball Hall of Fame third baseman Brooks Robinson.

After retiring from coaching, he continued his working career selling team sporting goods for Spaulding and Sportstop Athletics. Most recently Coach Hannon was employed by Hurst, Morrissey and Hurst Law Firm.

Coach Hannon was involved in numerous community services. He was a member of Brookwood Baptist Church, a lifetime member of Elks Lodge No. 380, American Legion Baseball commissioner for 4 years, served as cochairman for the State Multiple Sclerosis Fund Raisers and was a member of the Hot Springs Quarterback Club prayer group.

He is survived by his wife of 53 years, Janice (Avra) Hannon; his three children, Lisa Hannon Madden, Bobby Eugene Hannon Jr., and Bridget Hannon Summers; four grandchildren, Beau Harvey, Trish Madden Jordan, Lauren Hannon Madden Pope, and Don Allen Madden III; four step-grandchildren; three great-grandchildren; and three step great-grandchildren.

Along with all Arkansans, I thank Coach Hannon for his years of service to our State. He will be greatly missed.●

TRIBUTE TO TIM PIKE

● Mrs. LINCOLN. Mr. President, today I recognize Arkansan Tim Pike of Quitman who was recently named Arkansas's 2010 First Responder of the Year by the Arkansas EMT Association. Tim represents the best of Arkansas and is more than deserving of this prestigious honor. I congratulate him on this significant achievement.

Tim's tenure as a first responder for the Quitman EMS spans 25 years. He has saved countless lives and aided his fellow citizens at times when they needed him the most. Tim's efforts have also inspired those who he has helped to "pay it forward" and give back to the community through volunteerism and other types of service.

Tim first started his volunteer service with the local fire department in 1985. That same year, he became a volunteer first responder for the ambulance service. Today, he balances both his gun business and his duties as Quitman's animal-control officer and Cadron Township constable.

First responders like Tim help keep Arkansas safe, and I am grateful for their service and sacrifice. Along with

all Arkansans, I commend our emergency responders for their commitment to protecting the citizens of our State.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:34 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6102. An act to amend the National Defense Authorization Act for Fiscal Year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A-18E, F/A-18F, and EA-18G aircraft.

At 6:21 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 3978) to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3790. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 3791. A bill to require Members of Congress to disclose delinquent tax liability, require an ethics inquiry, and garnish the wages of a Member with Federal tax liability.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7301. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Catcher/Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XX68) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7302. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Adjustment to the Loligo Trimester 2 and 3 Quota; Correction" (RIN0648-XW95) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7303. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Yakutat District of the Gulf of Alaska" (RIN0648-XX77) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7304. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas, Safety Zones, Security Zones; Deepwater Ports in Boston Captain of the Port Zone, MA" ((RIN1625-AA00 and RIN1625-AA11) (Docket No. USCG-2009-0589)) received during adjournment of the Senate in the Office of the President of the Senate on August 28, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7305. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiabendazole; Pesticide Tolerances" (FRL No. 8842-7) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7306. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spiromesifen; Pesticide Tolerances" (FRL No. 8841-9) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7307. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenazate; Pesticide Tolerances" (FRL No. 8840-9) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7308. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Choline hydroxide; Exemption from the Requirement of a Tolerance" (FRL No. 8841-6) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7309. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-methyl-1,3-propanediol; Exemption from the Requirement of a Tolerance" (FRL No. 8838-3) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7310. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flubendiamide; Pesticide Tolerances" (FRL No. 8836-2) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7311. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mancozeb; Pesticide Tolerances" (FRL No. 8841-1) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7312. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alkyl Alcohol Alkoxyphosphate Derivatives; Exemption from the Requirement of a Tolerance" (FRL No. 8836-5) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7313. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to members of the Armed Forces and their dependents reliance on the supplemental nutrition assistance program under the Food and Nutrition Act of 2008; to the Committee on Armed Services.

EC-7314. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Agencies for Issue of United States Savings Bonds Offering of United States Savings Bonds" (31 CFR Parts 317, 351, 353, and 359) received during adjournment of the Senate in the Office of the President of the Senate on August 24, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7315. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2010-0003)) received during adjourn-

ment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7316. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7317. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Transportation Conformity Regulations; Withdrawal of Direct Final Rule" (FRL No. 9187-9) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Environment and Public Works.

EC-7318. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Restructuring of the Stationary Source Audit Program" (FRL No. 9195-7) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Environment and Public Works.

EC-7319. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Powersville Site Superfund Site" (FRL No. 9194-3) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Environment and Public Works.

EC-7320. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Determination of Attainment of the 1997 Ozone Standard for the Greater Connecticut Area" (FRL No. 9195-2) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Environment and Public Works.

EC-7321. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Massachusetts: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 9190-6) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Environment and Public Works.

EC-7322. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regula-

tions Consistency Update for Massachusetts" (FRL No. 9167-7) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Environment and Public Works.

EC-7323. A communication from the Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Minerals Management: Adjustments of Cost Recovery Fees" (RIN1004-AE18) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Environment and Public Works.

EC-7324. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Administrative and Non-Substantive Amendments to Existing Delaware SIP Regulations" (FRL No. 9186-6) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Environment and Public Works.

EC-7325. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 9186-2) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Environment and Public Works.

EC-7326. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Nebraska" (FRL No. 9186-5) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Environment and Public Works.

EC-7327. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; Final Approval and Promulgation of State Implementation Plans; Carbon Monoxide and Volatile Organic Compounds" (FRL No. 9187-4) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Environment and Public Works.

EC-7328. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota" (FRL No. 9187-5) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Environment and Public Works.

EC-7329. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to

law, the report of a rule entitled "Establishment of the Sierra Pelona Valley Viticultural Area" (RIN1513-AB64) received in the Office of the President of the Senate on September 13, 2010; to the Committee on the Judiciary.

EC-7330. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice No. 2010-57) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Finance.

EC-7331. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement of the Results of 2009-10 Allocation Round of the Qualifying Advanced Coal Project Program and the Qualifying Gasification Project Program" (Notice No. 2010-56) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Finance.

EC-7332. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Expanded Carryback of Net Operating Losses and Losses from Operations" (Notice No. 2010-58) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Finance.

EC-7333. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—September 2010" (Notice No. 2010-20) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Finance.

EC-7334. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Entry Requirements for Certain Softwood Lumber Products Exported from Any Country into the United States" (RIN1515-AD62) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Finance.

EC-7335. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Procedures for the Handling of Retaliation Complaints Under Section 219 of the Consumer Product Safety Improvement Act of 2008" (RIN1218-AC47) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7336. A communication from the Director of Legislative and Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age" (29 CFR Part 4044) received during adjournment of the Senate in the Office of the President

of the Senate on September 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7337. A communication from the Assistant General Counsel of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Coordinated Communications" (Notice No. 2010-17) received during adjournment of the Senate in the Office of the President of the Senate on September 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7338. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; Final Rule" (RIN2060-AP58; RIN2127-AK50) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7339. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Report to Congress: Study of Discharges Incidental to Normal Operation of Commercial Fishing Vessels and Other Non-Recreational Vessels Less than 79 Feet"; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 139. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information (Rept. No. 111-290).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Ohio:

S. 3784. A bill to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the "Marine Sgt. Jeremy E. Murray Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Florida (for himself and Mr. BROWNBACK):

S. 3785. A bill to amend the Internal Revenue Code of 1986 to encourage investment in commercial spaceflight facilities and equipment, research, and job training, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. BROWN of Ohio, Mrs. MURRAY, Mr. FRANKEN, Mr. AKAKA, Mr. SCHUMER, Mr. LEAHY, Mrs. GILLIBRAND, and Mr. MENENDEZ):

S. 3786. A bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 3787. A bill to amend the Internal Revenue Code of 1986 to extend and modify the benefits available in empowerment zones and other tax-incentive areas, to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, to amend the Internal Revenue Code of 1986 to provide a tax credit for farmers' investments in value-added agriculture, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 3788. A bill to amend the Internal Revenue Code of 1986 to temporarily increase the investment tax credit for geothermal energy property; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. GREGG, Ms. SNOWE, Mr. BROWN of Ohio, and Mr. BARRASSO):

S. 3789. A bill to limit access to social security account numbers; to the Committee on Finance.

By Mr. COBURN (for himself, Mr. BURR, Mr. ENSIGN, Mr. THUNE, and Mr. ISAKSON):

S. 3790. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; read the first time.

By Mr. COBURN (for himself, Mr. BURR, Mr. ENSIGN, and Mr. THUNE):

S. 3791. A bill to require Members of Congress to disclose delinquent tax liability, require an ethics inquiry, and garnish the wages of a Member with Federal tax liability; read the first time.

By Mr. VITTER:

S. 3792. A bill to provide for restoration of the coastal areas of the Gulf of Mexico affected by the Deepwater Horizon oil spill, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COBURN (for himself and Mrs. MCCASKILL):

S. Res. 622. A resolution to stop secret spending; to the Committee on Rules and Administration.

By Mr. KAUFMAN (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. Res. 623. A resolution commending the encouragement of interest in science, technology, engineering, and mathematics by the entertainment industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE (for himself and Mr. COBURN):

S. Res. 624. A resolution honoring the members of the Army National Guard and Air National Guard of the State of Oklahoma for their service and sacrifice on behalf of the United States since September 11, 2001; considered and agreed to.

By Mr. LIEBERMAN:

S. Res. 625. A resolution designating September 2010 as "National Preparedness Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 493

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 831

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1611

At the request of Mr. GREGG, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1619

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1695

At the request of Mr. BURRIS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2896

At the request of Mr. FRANKEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2896, a bill to recruit, support, and prepare principals to improve student academic achievement at high-need schools.

S. 3156

At the request of Mr. BROWNBACK, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3156, a bill to develop a strategy for assisting stateless children from North Korea, and for other purposes.

S. 3184

At the request of Mrs. BOXER, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3231

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3231, a bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from Hawaii (Mr. INOUE), the Senator from Vermont (Mr. SANDERS), and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3657

At the request of Mr. WYDEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3657, a bill to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

S. 3671

At the request of Mr. ROCKEFELLER, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3671, a bill to improve compliance with mine and occupational safety and health law, empower workers to raise safety concerns, prevent future mine and other workplace tragedies, establish rights of families of victims of workplace accidents, and for other purposes.

S. 3703

At the request of Mrs. MURRAY, the names of the Senator from Minnesota

(Ms. KLOBUCHAR) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 3703, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 3737

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3737, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 3739

At the request of Mr. CASEY, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 3739, a bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs.

S. 3772

At the request of Mr. REID, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Hawaii (Mr. AKAKA), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. BURRIS), the Senator from Illinois (Mr. DURBIN), the Senator from Michigan (Mr. LEVIN), the Senator from Oregon (Mr. MERKLEY), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mr. SCHUMER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Oregon (Mr. WYDEN), the Senator from Rhode Island (Mr. REED) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3773

At the request of Mr. MCCONNELL, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3773, a bill to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes.

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 3773, *supra*.

S. 3774

At the request of Mr. CORNYN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3774, a bill to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

S. CON. RES. 71

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 603

At the request of Mr. SPECTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 603, a resolution commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as "Citizen Diplomacy Day".

S. RES. 609

At the request of Mr. CARDIN, the names of the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. GILLIBRAND), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. Res. 609, a resolution congratulating the National Urban League on its 100th year of service to the United States.

S. RES. 618

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 618, a resolution designating October 2010 as "National Work and Family Month".

AMENDMENT NO. 4594

At the request of Mr. REID, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 4594 proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. BROWN of Ohio, Mrs. MURRAY, Mr. FRANKEN, Mr. AKAKA, Mr. SCHUMER, Mr. LEAHY, Mrs. GILLIBRAND, and Mr. MENENDEZ):

S. 3786. A bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the Fair Playing Field Act of 2010 to provide a fairer playing field to America's businesses and workers. It will ensure workers are afforded protections already in the law, such as workers' compensation, Social Security, Medicare, payment of overtime, unemployment compensation, and the minimum wage. It will also ensure help employers who play by the rules are not forced to compete against those businesses that don't. This legislation is identical to legislation being introduced in the House of Representatives by Representative MCDERMOTT. Senators MURRAY, GILLIBRAND, SHERROD BROWN, FRANKEN, AKAKA, SCHUMER, and LEAHY are cosponsors.

Under current law, employers are required to take certain actions on behalf of their employees including withholding income taxes, paying Social Security and Medicare taxes, paying for unemployment insurance, and providing a safe and nondiscriminatory workplace. Employers are not required to undertake these obligations for independent contractors. Too often, workers are misclassified by businesses looking to avoid paying taxes. These businesses receive an unfair advantage over businesses that play by the rules.

The Internal Revenue Service, IRS, currently uses a common law test to determine whether a worker is an employee or independent contractor. Unfortunately, a loophole exists which allows a business to escape liability for misclassifying employees as independent contractors. Furthermore, there is statutory prohibition on the IRS providing guidance through regulation on employee classification.

Federal and State revenue is lost when businesses misclassify their workers as independent contractors. A study estimated that, between 1996 and 2004, \$34.7 billion of Federal tax revenues went uncollected due to the misclassification of workers and the tax loopholes that allow it. Recently, GAO and Treasury Inspector General reports have cited misclassification as posing significant concerns for workers, their employers, and government revenue.

Section 530 of the Revenue Act of 1978 generally allows taxpayers to treat a worker as not being an employee for employment tax purposes, regardless of the worker's actual status under the common law test, unless the taxpayer has no reasonable basis for such treatment or fails to meet certain requirements. Section 530 is commonly referred to as a "safe harbor." This provision was initially enacted in 1978 for a year to give Congress time to resolve these complex issues. In 1982, the safe harbor was made permanent. In addition, section 530 prevents the IRS from requiring an employer afforded a safe harbor to reclassify a worker prospectively.

The Fair Playing Field Act of 2010 ends the moratorium on IRS guidance addressing the worker classification issue. The legislation requires the Secretary of Treasury to issue prospective guidance clarifying the employment status of individuals for Federal employment tax purposes. The effective date for the provision of authority to issue guidance is the date of enactment.

Under the Fair Playing Field Act of 2010, the section 530 safe harbor will continue to be available to employers with respect to the treatment of an individual for Federal employment tax purposes until the individual has a reclassification date. An individual's "reclassification date" is the earlier of the following two dates: the first day of the first calendar quarter beginning more than 180 days after the date of an "employee classification determination" with respect to such individual; or the effective date of the "first application final regulation" issued by the Secretary of the Treasury with respect to such individual. An "employee classification determination" with respect to an individual is a determination by the Secretary of the Treasury, in connection with an audit of the taxpayer that begins after the date that is one year after the date of enactment, that a class of individuals holding positions with the taxpayer that are substantially similar to the position held by the individual are employees.

I urge my colleagues to cosponsor the Fair Playing Field Act of 2010 which will provide valuable protections to workers who are erroneously misclassified and help combat the underground economy.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 3788. A bill to amend the Internal Revenue Code of 1986 to temporarily increase the investment tax credit for geothermal energy property; to the Committee on Finance.

Mr. WYDEN. Mr. President, I am pleased to join with my colleague from Idaho, Senator MIKE CRAPO, in introducing the Geothermal Energy Investment Act of 2010. This legislation will amend an already existing investment tax credit for geothermal energy authorized under Sec. 48 of the tax code. The bill would provide geothermal energy with the same 30 percent investment tax credit that is now available to solar energy and fuel cell technologies in Sec. 48 and extend this 30 percent tax credit for geothermal through December 31, 2016, as it is for these other technologies. Without this legislation, new geothermal energy projects would be allowed only a 10 percent investment tax credit under Section 48. This legislation will create a more level playing field among clean, renewable energy technologies and support substantial growth in utility scale

geothermal power, distributed on-site power generation, and heating for buildings and commercial processes.

Geothermal energy facilities provide a continuous supply of renewable energy with very few environmental impacts. Although the United States has more geothermal capacity than any other country, this potential has been barely tapped. This shortfall is partly due to the high initial cost and risk involved in locating and developing geothermal resources. Extending the 30 percent tax credit through 2016 will help give geothermal developers the assurance they need to make the long lead-time investments in exploration and development necessary to make expansion of geothermal energy a reality.

This legislation is identical to a bipartisan companion bill, H.R. 5612, that Representative EARL BLUMENAUER from Oregon has introduced in the House.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Geothermal Energy Investment Act of 2010”.

SEC. 2. TEMPORARY INCREASE IN INVESTMENT TAX CREDIT FOR GEOTHERMAL ENERGY PROPERTY.

(a) IN GENERAL.—Subclause (II) of section 48(a)(2)(A)(i) of the Internal Revenue Code of 1986 is amended by striking “paragraph (3)(A)(i)” and inserting “clause (i) or (iii) of paragraph (3)(A)”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

By Mr. COBURN (for himself, Mr. BURR, Mr. ENSIGN, Mr. THUNE, and Mr. ISAKSON):

S. 3790. A bill to amend title 5, United States Code to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; read the first time.

Mr. COBURN. Mr. President, today I have introduced two separate bills, S. 3790 and S. 3791, intended to hold members of Congress and other Federal employees to the same tax rules Washington imposes on the rest of America.

In 2009, the Internal Revenue Service, IRS, found nearly 100,000 civilian Federal employees were delinquent on their Federal income taxes, owing over \$1 billion in unpaid Federal income taxes. When considering retirees and military, more than 282,000 Federal employees owed \$3.3 billion in taxes.

These bills are not intended to single out the majority of Federal employees who work hard and pay their taxes, but members of Congress and Federal employees have a clear obligation to pay their Federal income taxes. Legislators and government employees should not be exempt from the laws they write and enforce. The very nature of Federal employment and the concept inherent to “public service” demands those being paid by taxpayers contribute their fair share of taxes. They should lead by example.

Tax delinquency rate among congressional employees exceeds the rate of all returns filed nationwide. Taxpayers are fed up with those in Washington living under a different set of rules than the rest of America. At a time when Congress may allow taxes to increase on some or even all Americans, Congress should not expect other Americans to pay more taxes when they are not even paying the taxes they owe under the rates they set themselves.

The bills I am introducing are fair to Federal employees and other taxpayers. Both bills carefully reach only those paid by the taxpayers who have willfully neglected to pay their incomes taxes.

The legislation excludes elected officials or Federal employees who made oversights in their personal taxes but willfully agree to pay them, or if they are challenging the delinquency in court or through the IRS. Instead, it targets those who willfully neglect or avoid the pay their taxes.

Specifically, it excludes Federal employees from termination and Members of Congress from repercussions if the individual is currently paying the taxes, interest, and penalties owed to IRS under an installment plan; the individual and the IRS have worked out a compromise on the amount of taxes, interest and penalties owed and the compromise amount agreed upon is being repaid to IRS; the individual has not exhausted his or her right to due process under the law; or the individual filed a joint return and successfully contends he or she should not be fully liable for the taxes, interest, and/or penalties owed because of something the other party to the return did or did not do.

The first bill requires all Federal employees to be current on their Federal income taxes or be fired from their jobs.

The second bill requires Members of Congress to report any outstanding tax liability. If the Member possesses a tax liability, this bill would require the appropriate congressional committee to launch an ethics investigation and the Member's salary would be reduced in accordance with the amount he or she owes.

These bills require no more of members of Congress or Federal employees than is required of other Americans.

It should be a priority of this Congress to pass these solutions as a way to guarantee equal treatment under the law. This is especially important at this time when our national debt exceeds \$13.5 trillion since this legislation is estimated to reduce the Federal deficit by at least \$3 billion.

I hope my colleagues on both sides of the aisle will support these bills to demonstrate their commitment to requiring Congress to live under the same rules it imposes on the rest of the country. It is time for every member of Congress to pay their taxes rather than simply spending the taxes of others.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 622—TO STOP SECRET SPENDING

Mr. COBURN (for himself and Mrs. MCCASKILL) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 622

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the “Stop Secret Spending Resolution”.

SEC. 2. STOPPING SECRET SPENDING.

(a) NOTICE REQUIREMENT.—In the Senate, legislation that has been subject to a hotline notification may not pass by unanimous consent unless the hotline notification has been posted on the public website of the Senate for at least 3 calendar days as provided in subsection (b).

(b) POSTING ON SENATE WEBPAGE.—At the same time as a hotline notification occurs with respect to any legislation, the Majority Leader shall post in a prominent place on the public webpage of the Senate a notice that the legislation has been hotlined and the legislation's number, title, link to full text, and sponsor and the estimated cost to implement and the number of new programs created by the legislation.

(c) LEGISLATIVE CALENDAR.—

(1) IN GENERAL.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled “Notice of Intent To Pass by Unanimous Consent”.

(2) CONTENT.—The section required by paragraph (1) shall—

(A) include any legislation posted as required by subsection (b) and the date the hotline notification occurred; and

(B) be updated as appropriate.

(3) REMOVAL.—Items included on the calendar under this subsection shall be removed from the calendar once passed by the Senate.

(d) EXCEPTIONS.—This section shall not apply—

(1) if a quorum of the Senate is present at the time the unanimous consent is propounded to pass the bill;

(2) to any legislation relating to an imminent or ongoing emergency, as jointly agreed to by the Majority and Minority Leaders; and

(3) to legislation dealing solely with post office namings.

(e) SUSPENSION.—The Presiding Officer shall not entertain any request to suspend this section by unanimous consent.

(f) DEFINITIONS.—In this section—

(1) the term “hotline notification” means when the Majority Leader in consultation with the Minority Leader, provides notice of intent to pass legislation by unanimous consent by contacting each Senate office with a message on a special alert line (commonly referred to as the hotline) that provides information on what bill or bills the Majority Leader is seeking to pass through unanimous consent; and

(2) the term “legislation” means a bill or joint resolution.

Mr. COBURN. Mr. President, there has been much debate over the past year regarding “secret holds” stalling the consideration of presidential appointments or slowing expedited passage of legislation by the Senate. Lost in this discussion has been an issue that should be a far greater concern for taxpayers—“secret spending.”

This body routinely attempts to pass hundreds of bills costing tens of billions of dollars or more in secret without debate, votes, or amendments. It does so using an unofficial process not found in Senate rule books known as the “hotline.”

The U.S. Senate is often referred to as “the world’s greatest deliberative body.” This is because Senate rules grant each of the Senate’s 100 members rights that cannot be overridden by a simple majority, including the right to require debate before a bill is considered or passed.

Yet, the Senate practice known as the “hotline” often prevents and precludes debate. In fact, Senators often do not even read the bills being passed using the hotline.

The term “hotline” or practice of “hotlining” bills does not appear in the Senate’s official rules, but this procedure is utilized nearly every day the Senate is in session. A hotline is an informal term for an alert sent to members of the Senate giving notice of a proposed agreement to allow a bill or resolution to be approved by the Senate without debate or amendment. A measure that is “hotlined” is recorded in the CONGRESSIONAL RECORD as a being agreed to by unanimous consent, UC.

Hotlines occur at the discretion of the Majority Leader in consultation with the Minority Leader. The leader’s office contacts each Senate office with a message on a special alert line called the “hotline,” which provides information on what bill or bills the leader is seeking to pass through unanimous consent. Hotline notices are only given to Senate offices.

If there is an objection to the bill being “hotlined,” a senator is asked to call the leader’s office and give notice of intent to object to the bill being passed by unanimous consent whenever such a request may occur. The process of notifying the leader’s office of an objection to “hotline” is informally referred to as a “hold.” In practice, instead of requiring explicit unanimous

consent to pass a bill, the “hotline” process only requires a lack of dissent.

In many instances, bills are hotlined for which no text, description, or budget estimates have been made publicly available. In some Senate offices, the “hotline,” or request for unanimous consent to pass a measure, may never even reach senators, and the decision to allow a bill to be approved without debate is determined by staff, who do not even read the bill.

When a bill is “hotlined,” the public is not informed and neither is the media. Only the offices of senators are alerted. It is therefore a form of “secret spending.” Much like a “hold” can be kept from the public, so can the “hotlining” of bills, which can cost billions of dollars.

The vast majority of legislation approved by the Senate is done so via the “hotline” under the guise of unanimous consent. According to the Congressional Research Service, CRS, “in the last ten Congresses, 110th–101st, an average of 93 percent of approved measures did not receive roll call votes” and “in the 111th Congress through February 1, 2010, 94 percent of approved measures were approved without a roll call vote.”

Every time the Senate passes legislation without full and open debate, the American people are done a disservice. The Senate should not pass a new bill if its text, purpose, and budget estimate are not available to the general public.

Taxpayers and the media should have the right to read and analyze legislation prior to its passage. Senators, likewise, have a responsibility to know the contents of legislation prior to granting consent for its passage. Additionally, hotlining bills take away the accountability for legislation approved by the Senate. Since there is no recorded vote for most hotlined bills, senators have no culpability for most of the legislation approved by the Senate.

The lack of of an objection from unelected staff should not be sufficient to pass legislation that could spend millions or even billions of dollars and significantly alter U.S. laws.

In many cases, if a senator objects to a hotline request—even if the objection is merely to be granted sufficient time to study and review the text, cost, and impact of the legislation—special interest groups will immediately label the senator who is trying to be diligent as an undemocratic obstructionist.

But the truth is neither democracy nor taxpayers are served well by this process. “Hotlining” bills enable the hasty passage of legislation without the public’s knowledge or feedback. This process benefits politicians and special interests rather than taxpayers.

Senators have an obligation to their constituents to do their jobs, which includes reading the bills and under-

standing the impact of legislation passed by Congress.

Today I am introducing the “Stop Secret Spending Resolution” along with Senator Claire McCaskill of Missouri. This bi-partisan legislation would provide transparency and accountability by prohibiting a bill or joint resolution from passing without a vote until the hotline notifications are available on a public website for at least 72 hours. The public notice much include: a cost analysis completed by the non-partisan Congressional Budget Office (CBO); the number of new programs created by the legislation; and the actual legislative text.

The new 72 hour rule would not apply to noncontroversial item such as post office namings and sense of the Senate resolutions; nominations; any legislation relating to an imminent or ongoing emergency; or a unanimous consent request made when a quorum of the Senate is present.

Voters are demanding Congress bring greater accountability to the legislative process. Ending secret spending represents a meaningful first step to guaranteeing increased accountability and transparency by providing sufficient time for the public to review legislation before it is passed by Congress.

I ask my colleagues on both sides of the aisle for their support of this legislation.

SENATE RESOLUTION 623—COMMENDING THE ENCOURAGEMENT OF INTEREST IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS BY THE ENTERTAINMENT INDUSTRY, AND FOR OTHER PURPOSES

Mr. KAUFMAN (for himself, Mrs. FEINSTEIN, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 623

Whereas science, technology, engineering, and mathematics (referred to in this preamble as “STEM”) are vital fields of increasing importance in driving the economic engine of the United States;

Whereas STEM-educated graduates have and will continue to play critical roles in helping to develop clean energy technologies, to find life-saving cures for diseases, to solve security challenges, and to discover new solutions for deteriorating transportation and infrastructure;

Whereas through 2018, STEM occupations are projected to provide 2,800,000 job openings;

Whereas over 90 percent of STEM occupations require at least some postsecondary education;

Whereas students across the country, especially young women and underrepresented minorities, need greater understanding and appreciation of STEM careers, and access to quality STEM opportunities;

Whereas the entertainment industry of the United States, comprised of movies, television, theater, radio, DVDs, video games, as

well as other video and audio recordings and means of communications, has an extraordinary ability to reach the people of the United States, especially young people;

Whereas the entertainment industry has begun to make significant investments in support of STEM education; and

Whereas, for example, the Entertainment Industries Council has developed the Ready on the S.E.T. and . . . Action! initiative to elevate the importance of science, engineering, and technology in national entertainment and news productions by connecting STEM experts, companies, and organizations with the entertainment industry in order to disseminate accurate information about STEM professionals and careers, and producing the first-ever S.E.T. Awards Show this year to award accurate and impactful portrayals of STEM in movies, television series, radio and television news programs, and print and online journalism: Now, therefore, be it

Resolved, That the Senate—

(1) commends the effective use of the substantial influence and resources of the entertainment industry of the United States, by those members of the entertainment industry, such as the Entertainment Industries Council, who are working to encourage interest in the fields of science, technology, engineering, and mathematics; and

(2) urges the entertainment industry to continue to use the creative talent, skills, and audience-reach at its disposal to communicate the importance of science, technology, engineering, and mathematics.

Mr. KAUFMAN. Mr. President, I rise today to support the efforts of the entertainment industries to encourage interest in science, technology, engineering, and mathematics, or STEM. As the only serving Senator who has worked as an engineer, I am proud to sponsor a resolution acknowledging the essential role STEM professionals play and the important work that they do.

I would also like to thank Senators FEINSTEIN and BOXER for joining me in introducing this resolution.

I truly believe that, whether one considers our dependence on fossil fuels, efforts to promote global health, new challenges in homeland security, or re-investing in America's infrastructure, the next generation of STEM-educated graduates will be the problem solvers for the most important issues of our time.

In fact, through 2018, STEM occupations are projected to provide 2.8 million job openings. What is more, over 90 percent of STEM occupations require at least some postsecondary education.

Yet, students across the country, particularly women and underrepresented minorities, need a better understanding of, and appreciation for, STEM careers. They also need better access to quality STEM opportunities and activities.

Fortunately, the entertainment industry has recognized this need.

The Entertainment Industries Council—a non-profit organization created in 1983 by leaders in the industry to raise awareness about major health and social issues—recently developed a similar initiative to elevate the impor-

tance of STEM in national entertainment and news productions. Ready on the S.E.T. and . . . Action! will connect STEM experts, companies, and organizations with the entertainment industry in order to disseminate accurate information about STEM professionals and careers.

Moreover, for 14 years, the Entertainment Industries Council has produced the PRISM awards to honor productions and performances that accurately portray prevention, treatment, and recovery of substance abuse and mental illness. This year, they will produce the first-ever S.E.T. Awards Show to honor accurate and impactful portrayals of STEM in movies, television series, news programs, and print and online journalism.

Specific programming has started to take off. PBS has a new show called SciGirls to support girls' interests in STEM. Each half-hour episode follows a different group of middle school girls who put science and engineering to work in their everyday lives. The young girls are aided in their quests by female mentors and a companion Web site is incorporated into the TV series.

Just a few weeks ago, the Science Channel introduced Head Rush. This one-hour, commercial-free programming is targeted at middle school-age students and explores STEM through hands-on experiments, video shorts, viewer questions and answers, games, and visits from special guests. Hosted by Kari Byron of Discovery's Mythbusters, there are three segments per show which each address a specific theme of the hour.

The entertainment industry of the United States has an extraordinary ability to reach young people. Whether it is movies, television, radio, or video games, the entertainment industries reach many of our nation's youth, multiple times a day. I am so pleased that many in this industry are using this opportunity to positively impact their audiences by teaching them the wonders of STEM. I commend their efforts thus far and encourage them to continue to work to communicate the importance of STEM to their audiences. I truly believe support for STEM—in government, entertainment, and business—is essential for our economic growth and recovery. It is the future of our workforce. It is the key to our future prosperity.

SENATE RESOLUTION 624—HONORING THE MEMBERS OF THE ARMY NATIONAL GUARD AND AIR NATIONAL GUARD OF THE STATE OF OKLAHOMA FOR THEIR SERVICE AND SACRIFICE ON BEHALF OF THE UNITED STATES SINCE SEPTEMBER 11, 2001

Mr. INHOFE (for himself and Mr. COBURN) submitted the following reso-

lution; which was considered and agreed to:

S. RES. 624

Whereas members of the Army National Guard and Air National Guard of the State of Oklahoma reside throughout the State and come from various communities, backgrounds, and professions;

Whereas the Army National Guard and Air National Guard of the State of Oklahoma are composed of: the Joint Forces Headquarters, the 45th Infantry Brigade Combat Team, the 45th Fires Brigade, the 90th Troop Command, the 189th Regional Training Institute, Camp Gruber Joint Maneuver Training Center, the 137th Air Refueling Wing (formerly the 137th Airlift Wing), the 138th Fighter Wing, the 205th Engineering Installation Squadron, and the 219th Engineering Installation Squadron;

Whereas, since September 11, 2001, units and members of the Army National Guard and the Air National Guard of the State of Oklahoma have been deployed, and are continuously being deployed, in support of United States military operations at home and abroad;

Whereas the 45th Infantry Brigade mobilized in 2003 for Operation Enduring Freedom and deployed more than 700 soldiers to Afghanistan to provide training to Afghan Security Forces;

Whereas the 45th Infantry Brigade Combat Team mobilized in 2007 for Operation Iraqi Freedom and deployed more than 2,700 soldiers to provide command and control and conduct security force and detainee operations, representing the largest single deployment for the Oklahoma Army National Guard since the Korean War;

Whereas the 45th Fires Brigade mobilized in 2008 for Operation Iraqi Freedom and deployed more than 1,000 soldiers to provide command and control and conduct security force operations;

Whereas 90th Troop Command units mobilized for Operation Iraqi Freedom and Operation Enduring Freedom and deployed more than 2,600 soldiers to conduct combat support and combat service support missions;

Whereas the 189th Regional Training Institute and Camp Gruber Joint Maneuver Training Center have provided professional training to military and nonmilitary personnel to enhance domestic security and prepare units for deployments abroad;

Whereas the Oklahoma Army National Guard mobilized in 2005 and deployed more than 2,500 soldiers to support relief operations in response to Hurricanes Katrina and Rita, including assisting law enforcement agencies with traffic control and security, transporting and distributing food, water, and ice, conducting search and rescue and ground and air evacuations, providing generator support, and performing other missions to protect life and property;

Whereas elements of the 137th Airlift Wing mobilized in 2003 for Operation Iraqi Freedom and deployed to the Kingdom of Saudi Arabia as part of the largest C-130 wing assembled in history, transporting troops, food, supplies, and equipment to United States forces in Iraq;

Whereas elements of the 137th Airlift Wing mobilized in 2003 for Operation Enduring Freedom and deployed to Uzbekistan, providing critical airlift and logistical support for United States forces in Afghanistan;

Whereas between 2003 and 2006, the 137th Airlift Wing transported 39,368 troops and 11,170 tons of critical cargo to United States forces in Iraq and Afghanistan;

Whereas the 137th Airlift Wing mobilized in 2005 and deployed one of the first C-130

units to support relief operations in response to Hurricane Katrina, including evacuating hospital and nursing home residents to safety by air, providing critical logistical support, and airlifting 2,500 members of the Oklahoma Army National Guard to population centers to provide aid to hurricane victims;

Whereas the 138th Fighter Wing mobilized in 2005, 2007, and 2008 for Operation Iraqi Freedom and deployed to Iraq to provide close air support and engage in combat missions, during which the 138th Fighter Wing expended 109,000 pounds of combat ordnance and successfully destroyed numerous targets; and

Whereas, since September 11, 2001, the 138th Fighter Wing has flown numerous Air Sovereignty Alert missions in the United States, protecting domestic targets against attack and contributing to homeland defense, and in 2008 the 138th Fighter Wing was recognized as the most active alert facility in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude to the members of the Army National Guard and Air National Guard of the State of Oklahoma and their families for their service and sacrifice on behalf of the United States since September 11, 2001; and

(2) recognizes the citizen-soldiers and air-men of the Oklahoma National Guard as invaluable to the national security of the United States, vital to defending against threats both foreign and domestic, and essential for responding to State and national emergencies.

SENATE RESOLUTION 625—DESIGNATING SEPTEMBER 2010 AS “NATIONAL PREPAREDNESS MONTH”

Mr. LIEBERMAN submitted the following resolution; which was considered and agreed to:

S. RES. 625

Whereas a terrorist attack, natural disaster, or other emergency could strike any part of the United States at any time;

Whereas natural and manmade emergencies disrupt hundreds of thousands of lives each year, costing lives and causing serious injuries and billions of dollars in property damage;

Whereas Federal, State, and local officials as well as private entities are working to deter, prevent, and respond to all types of emergencies;

Whereas the people of the United States can help promote the overall emergency preparedness of the United States by being prepared for all types of emergencies;

Whereas National Preparedness Month provides an opportunity to highlight the importance of public emergency preparedness and to encourage the people of the United States to take steps to be better prepared for emergencies at home, work, and school;

Whereas the people of the United States can prepare for emergencies by taking steps such as assembling emergency supply kits, creating family emergency plans, and staying informed about possible emergencies; and

Whereas additional information about public emergency preparedness may be obtained through the Ready Campaign of the Department of Homeland Security at www.ready.gov or the American Red Cross at www.redcross.org/preparedness: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2010 as “National Preparedness Month”; and

(2) encourages the Federal Government, States, localities, schools, nonprofit organizations, businesses, and other applicable entities along with the people of the United States to observe National Preparedness Month with appropriate events and activities to promote emergency preparedness.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. GRASSLEY. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, paragraph 2, for the purpose of proposing and considering the following:

After part IV of subtitle A of title II, insert the following:

PART V—ENERGY

SEC.—. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A of the Internal Revenue Code of 1986 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(2) Subparagraph (B) of section 6427(e)(6) of such Code is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

Mr. HATCH. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, paragraph 2, for the purpose of proposing and considering the following:

Mr. HATCH moves to commit H.R. 5297 to the Committee on Finance of the Senate with instructions to report the same back to the Senate with changes to make permanent the research credit under section 41 of the Internal Revenue Code of 1986.

NOTICE OF HEARING

IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR.

Mrs. McCASKILL. Mr. President, I wish to announce that the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr. will meet September 21 and 22, 2010, at 8 a.m., to conduct evidentiary hearings.

For further information regarding this meeting, please contact Erin Johnson.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on September 15, 2010, at 10 a.m. in room SR-328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 15, 2010, at 10 a.m., to conduct a hearing entitled “Covered Bonds: Potential Uses and Regulatory Issues.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 15, 2010, at 2 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 15, 2010, at 10 a.m., to conduct a hearing entitled “Banking on Reform: Capital Increase Proposals from the Multilateral Development Banks.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 15, 2010, at 10 a.m. to conduct a hearing entitled “Nuclear Terrorism: Strengthening Our Domestic Defenses, Part II.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 15, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Prohibiting Obscene Animal Crush Videos in the Wake of United States v. Stevens.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 15, 2010, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Judicial Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following members of my staff be allowed floor privileges during consideration of the small business jobs bill: William Kellogg, Danielle Dellerson, Manishi Rodrigo, Jack McGillis, Brychan Manry, James Baker, Nicole Lemire, Deborah Ma, Julie Scott.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Matthew House and Brandon Scheuring of my Finance Committee staff be granted privileges of the floor for the duration of the 111th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OKLAHOMA MEMBERS OF THE ARMY AND AIR NATIONAL GUARD

Mr. DURBIN. I ask unanimous consent the Senate now proceed to consideration of S. Res. 624, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 624) honoring the members of the Army National Guard and the Air National Guard of the State of Oklahoma for their service and sacrifice on behalf of the United States since September 11, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 624) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 624

Whereas members of the Army National Guard and Air National Guard of the State of Oklahoma reside throughout the State and come from various communities, backgrounds, and professions;

Whereas the Army National Guard and Air National Guard of the State of Oklahoma are composed of: the Joint Forces Headquarters, the 45th Infantry Brigade Combat Team, the 45th Fires Brigade, the 90th Troop Command, the 189th Regional Training Institute, Camp Gruber Joint Maneuver Training Center, the 137th Air Refueling Wing (formerly the 137th Airlift Wing), the 138th Fighter Wing, the 205th Engineering Installation Squadron, and the 219th Engineering Installation Squadron;

Whereas, since September 11, 2001, units and members of the Army National Guard and the Air National Guard of the State of Oklahoma have been deployed, and are continuously being deployed, in support of United States military operations at home and abroad;

Whereas the 45th Infantry Brigade mobilized in 2003 for Operation Enduring Freedom and deployed more than 700 soldiers to Afghanistan to provide training to Afghan Security Forces;

Whereas the 45th Infantry Brigade Combat Team mobilized in 2007 for Operation Iraqi Freedom and deployed more than 2,700 soldiers to provide command and control and conduct security force and detainee operations, representing the largest single deployment for the Oklahoma Army National Guard since the Korean War;

Whereas the 45th Fires Brigade mobilized in 2008 for Operation Iraqi Freedom and deployed more than 1,000 soldiers to provide command and control and conduct security force operations;

Whereas 90th Troop Command units mobilized for Operation Iraqi Freedom and Operation Enduring Freedom and deployed more than 2,600 soldiers to conduct combat support and combat service support missions;

Whereas the 189th Regional Training Institute and Camp Gruber Joint Maneuver Training Center have provided professional training to military and nonmilitary personnel to enhance domestic security and prepare units for deployments abroad;

Whereas the Oklahoma Army National Guard mobilized in 2005 and deployed more than 2,500 soldiers to support relief operations in response to Hurricanes Katrina and Rita, including assisting law enforcement agencies with traffic control and security, transporting and distributing food, water, and ice, conducting search and rescue and ground and air evacuations, providing generator support, and performing other missions to protect life and property;

Whereas elements of the 137th Airlift Wing mobilized in 2003 for Operation Iraqi Freedom and deployed to the Kingdom of Saudi Arabia as part of the largest C-130 wing assembled in history, transporting troops, food, supplies, and equipment to United States forces in Iraq;

Whereas elements of the 137th Airlift Wing mobilized in 2003 for Operation Enduring Freedom and deployed to Uzbekistan, providing critical airlift and logistical support for United States forces in Afghanistan;

Whereas between 2003 and 2006, the 137th Airlift Wing transported 39,368 troops and 11,170 tons of critical cargo to United States forces in Iraq and Afghanistan;

Whereas the 137th Airlift Wing mobilized in 2005 and deployed one of the first C-130 units to support relief operations in response to Hurricane Katrina, including evacuating hospital and nursing home residents to safety by air, providing critical logistical support, and airlifting 2,500 members of the Oklahoma Army National Guard to population centers to provide aid to hurricane victims;

Whereas the 138th Fighter Wing mobilized in 2005, 2007, and 2008 for Operation Iraqi Freedom and deployed to Iraq to provide close air support and engage in combat missions, during which the 138th Fighter Wing expended 109,000 pounds of combat ordnance and successfully destroyed numerous targets; and

Whereas, since September 11, 2001, the 138th Fighter Wing has flown numerous Air Sovereignty Alert missions in the United States, protecting domestic targets against attack and contributing to homeland defense, and in 2008 the 138th Fighter Wing was recognized as the most active alert facility in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude to the members of the Army National Guard and Air National Guard of the State of Oklahoma and their families for their service and sacrifice on behalf of the United States since September 11, 2001; and

(2) recognizes the citizen-soldiers and airmen of the Oklahoma National Guard as invaluable to the national security of the United States, vital to defending against threats both foreign and domestic, and essential for responding to State and national emergencies.

NATIONAL PREPAREDNESS MONTH

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration S. Res. 625, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 625) designating September 2010 as "National Preparedness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 625) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 625

Whereas a terrorist attack, natural disaster, or other emergency could strike any part of the United States at any time;

Whereas natural and manmade emergencies disrupt hundreds of thousands of lives each year, costing lives and causing serious injuries and billions of dollars in property damage;

Whereas Federal, State, and local officials as well as private entities are working to deter, prevent, and respond to all types of emergencies;

Whereas the people of the United States can help promote the overall emergency preparedness of the United States by being prepared for all types of emergencies;

Whereas National Preparedness Month provides an opportunity to highlight the importance of public emergency preparedness and

to encourage the people of the United States to take steps to be better prepared for emergencies at home, work, and school;

Whereas the people of the United States can prepare for emergencies by taking steps such as assembling emergency supply kits, creating family emergency plans, and staying informed about possible emergencies; and

Whereas additional information about public emergency preparedness may be obtained through the Ready Campaign of the Department of Homeland Security at www.ready.gov or the American Red Cross at www.redcross.org/preparedness: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2010 as “National Preparedness Month”; and

(2) encourages the Federal Government, States, localities, schools, nonprofit organizations, businesses, and other applicable entities along with the people of the United States to observe National Preparedness Month with appropriate events and activities to promote emergency preparedness.

MEASURES READ THE FIRST TIME—S. 3790 AND S. 3791

Mr. DURBIN. I understand there are two bills at the desk and I ask for their first reading en bloc.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the first time.

The legislative clerk read as follows:

A bill (S. 3790) to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

A bill (S. 3791) to require Members of Congress to disclose delinquent tax liability, require an ethics inquiry, and garnish the wages of a Member with Federal tax liability.

Mr. DURBIN. I now ask for a second reading and I object to my own request, all en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will receive their second reading on the next legislative day.

Mr. DURBIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 5297

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate convenes at 9:30 a.m., Thursday, September 16, and after any leader remarks, it resume consideration of H.R. 5297; that all postcloture time be considered expired at 10:45 a.m.; that upon the expiration of time, all pending amendments be withdrawn, except

amendment No. 4594; that for the duration of this agreement, no other amendments, motions, or points of order be in order except as noted in this agreement; that the only motions in order be a Hatch motion to suspend the rules with respect to research and development and a Grassley motion to suspend the rules with respect to bio-diesel, with Senators BAUCUS, HATCH, and GRASSLEY, or their designees, each controlling a total of 15 minutes; that the votes with respect to the motions to suspend occur in the order in which offered, beginning at 10:45 a.m.; that after the first vote, the succeeding votes be limited to 10 minutes each, and that prior to each vote there be 2 minutes of debate equally divided and controlled in the usual form; that upon disposition of the aforementioned motions, the chairman of the Budget Committee's pay-go letter be read into the RECORD, the substitute amendment be agreed to, and then the time until 12 noon be equally divided and controlled between the leaders or their designees; that at 12 noon the Senate proceed to vote on the motion to invoke cloture on H.R. 5297, as amended; that if cloture is invoked on the bill, then all postcloture time be yielded back, the bill be read a third time, and the Senate then proceed to vote on passage of the bill, as amended, without further intervening action or debate; further, that the motions identified in this agreement be those which have been submitted at the desk when this agreement is entered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, first of all, I express my appreciation to everyone who worked to this end. I wish we had not had to spend the time we did, but we did, and now we are at a point where we need to be. I have had a number of conversations with the Republican leader, not only to work toward this but on how we can complete our work for this work period prior to the elections. So we are working on that. We do not have it done yet, but Senator MCCONNELL and I have had a number of conversations today and several yesterday.

ORDERS FOR THURSDAY, SEPTEMBER 16, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Thursday, September 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate resume consideration of H.R. 5297, as provided under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Thanks, Mr. President.

PROGRAM

Mr. REID. Tonight we were able to reach an agreement to complete action on the small business jobs bill. We are going to complete that tomorrow, as outlined previously. Under the agreement, there will be a series of two roll-call votes at 10:45 a.m. and two rollcall votes at 12 noon tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate—and I do not think there is—I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Thursday, September 16, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

CAROL FULP, OF MASSACHUSETTS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JEANNE SHAHEEN, OF NEW HAMPSHIRE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ROGER F. WICKER, OF MISSISSIPPI, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

GREGORY J. NICKELS, OF WASHINGTON, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. CLAUDE R. KEHLER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. CARTER F. HAM

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. CECIL E. HANEY

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

POLLY R. GRAHAM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DWAIN E. WARREN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE RESERVE OF THE
ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES K. BARNETT
CARLTON FISHER, JR.
SCOTT H. JENSON
EDWARD D. NORTHROP

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TINA F. EDWARDS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINT-
MENT TO THE GRADE INDICATED IN THE UNITED STATES
NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOXEL GARCIA
LARRY E. MENESTRINA

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINT-
MENT TO THE GRADE INDICATED IN THE REGULAR NAVY
UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

BRIAN D. ONEIL
JOSE R. PEREZTORRES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
IN THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant commander

ERIK RANGEL

HOUSE OF REPRESENTATIVES—Wednesday, September 15, 2010

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. YARMUTH).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 15, 2010.

I hereby appoint the Honorable JOHN A. YARMUTH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Reverend Roderick Pearson, St. Mark Remnant Ministries, Central Islip, New York, offered the following prayer:

Our Heavenly Father, we acknowledge You as the sovereign ruler of the universe and the divine guide for all of our lives. You said ask and it shall be given, seek and you shall find, knock and the door shall be open.

To Solomon, one of the world's richest and most powerful leaders of ancient times, You offered to him, "What shall I give to you?" We offer this prayer in the same spirit of Solomon:

O God, You have shown great mercy to our Nation because our forefathers walked in Your truth, in Your righteousness, and in uprightness of heart with You. You continue to be kind towards us. You have given these, Your servants, the ability to govern and serve. Therefore, now give to them an understanding heart, wisdom to judge Your people, that they might discern between good and evil. Let Your will be done on Earth as it is in Heaven.

In the name of our Lord and Savior we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. TONKO) come forward and lead the House in the Pledge of Allegiance.

Mr. TONKO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND RODERICK PEARSON

The SPEAKER pro tempore. Without objection, the gentleman from New York, Congressman ISRAEL, is recognized for 1 minute.

There was no objection.

Mr. ISRAEL. Mr. Speaker, I rise to welcome Reverend Roderick Pearson as guest chaplain. He is the founder and organizer of the St. Mark Remnant Ministries in Central Islip, Long Island.

On September 26, Reverend Pearson will celebrate 14 years of pastoral leadership. He is the President of the Islip branch of the NAACP. He received the NAACP National Thalheimer Award.

Reverend Pearson has devoted himself to fighting bigotry, to building bridges, and to lifting up communities. His presence, I hope, will inspire all of us on both sides of the aisle to do the same. It is with great pride that I welcome Reverend Roderick Pearson to the House this morning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

ACCEPT AMENDMENT TO MAKE TAX CUTS PERMANENT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in 108 days, liberals will impose the largest tax increase in U.S. history. This \$3.9 trillion increase will impact every taxpayer, hurting small businesses and hardworking families by killing jobs, and a death tax devastating to family businesses such as auto dealers and farmers. I am offering an amendment to tomorrow's legislation that will prevent this job-killing tax increase by making the tax cuts permanent. I urge support for the amendment for an immediate up-or-down vote on tax cuts that are crucial to promoting jobs.

Freezing tax rates for 2 years is the first part of the two-part plan that Re-

publicans have to create jobs in America. The second step is cutting spending by 20 percent to stop Washington's reckless spending. The time is now to act, and I urge the Rules Committee to allow an up-or-down vote on the amendment to offer tax relief to all hardworking Americans.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

SAFENET'S 35TH ANNIVERSARY

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to honor an exceptional organization in Erie, Pennsylvania on their 35th anniversary of service to our community.

SafeNet is an agency of dedicated professionals and volunteers working to end domestic violence against women, men, children and the elderly by providing shelter, counseling, legal advocacy and education. SafeNet helps victims find support through a wide range of programs, working closely with hospitals, schools, law enforcement and the courts to increase awareness and understanding of domestic violence.

For 35 years, SafeNet has brought hope and help to so many people in my region. Through their public education campaign, Unmasking the Faces, SafeNet is showing us all that victims of domestic violence can overcome their experiences and become strong survivors and active members of our community.

On behalf of all the families in my region, I extend my thanks and congratulations to SafeNet on their 35th anniversary and offer my support in their mission to put an end to domestic violence.

CARTEL EXTORTION

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, violence continues to seep across the Mexican border. Narco-terrorists continue to take shots at our Border Patrol from across the Rio Grande River. Drugs and human trafficking continue as our outmanned, out-financed and outgunned law enforcement agents continue to struggle against this violence.

But how is this for a new wrinkle in the drug cartel threat? Law enforcement officials in Texas indicate that the drug cartels may have opened up a protection racket on the American side of the border. Reports show that Hispanics living on the American side are now paying protection money to the drug cartels. These Mexican cartels are threatening harm to their relatives on the Mexican side of the border. If they have relatives in Mexico, pay up or they will be hurt, or worse.

The narco-terrorist extortion racket is just another example of crime coming into America from across the border. People who say that organized crime threats crippling Mexico don't affect Americans are living in Neverland.

And that's just the way it is.

DEMOCRATIC PRO-GROWTH AGENDA

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, while Democrats work to help our country return from the Republican recession, our top priority is to create jobs and restore responsible fiscal policies that support the middle class.

The key part of our pro-growth agenda is helping small businesses. Small businesses are indeed the economic engine, creating two-thirds of the new jobs over the past 15 years. The role of small businesses is especially important as we strive to create jobs and move this economy forward. With the right resources and the right opportunities, small businesses can respond quickly with opportunities that create jobs.

Democrats have already enacted eight tax cuts for small businesses, including tax credits, payroll tax holidays, incentives for capital investments, and other measures to help small business thrive. We passed these measures despite strong opposition from House Republicans and will continue our fight for small businesses despite their votes against the small business community.

SMALL BUSINESSES

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I was reminded again last night why our effort to help small businesses makes sense. I was at the Alliance to Save Energy and I gave an award called the Andromeda Award to a company called O-Power. It is a small company that has developed a way to help Americans save energy, and they have been spectacularly successful. They found a way, if you share

information about what your neighbors are doing, you can reduce your energy costs dramatically.

This company is growing rapidly and doing well, but these small companies need access to capital, and we are proposing plans to make sure that they can get access to capital in our efforts to increase small business lending. If we do that, these small businesses are going to thrive. We've got to get out of the gate to compete with China when it comes to clean energy and efficiency. If we pass these bills, we will. Let's keep going with small business lending.

□ 1010

SMALL BUSINESS JOBS AND CREDIT ACT

(Mr. DEUTCH asked and was given permission to address the House for 1 minute.)

Mr. DEUTCH. Mr. Speaker, small businesses are the backbone of America's economy. More than half of American workers are employed by small businesses. In fact, 99.7 percent of businesses in the United States employ fewer than 500 people.

When I talk to small business owners in south Florida, I'm always inspired by their entrepreneurial spirit and their tireless work ethic. It's for that reason, and it's no surprise, that 97 percent of American exports to other nations comes from products made by small businesses.

I've been a Member of Congress for exactly 5 months this morning, and the one fact in common for each of these 150 days has been that Republicans have inexplicably blocked tax cuts and better credit for America's small businesses. Every day that goes by without the Small Business Jobs and Credit Act is another day during which small business owners put off investing in new equipment, avoid hiring new workers, and see opportunities to expand pass them by.

It's time to pass this critical legislation so that small businesses can get back to doing what they do best—growing America's economy.

MAKING PRODUCTS IN AMERICA

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Mr. Speaker, I have the high honor and responsibility of representing the Swanningson family from Kaukauna, Wisconsin. Here you see Tony and his wife, Sherry; his son, Corey; and daughter, Kayla.

Tony wrote me this note recently when his company, Appleton Coated Paper, was having problems selling paper because of illegal paper being dumped into our country by China.

"Congressman Kagen, I've been a paper maker for 18 years, and I am

grateful for the opportunity to provide for my family that the industry has given me. In 2009 I lost my job, through no fault of my own and through no fault of my company, Appleton Coated. My job was stolen because somebody broke the law, and that's not right. The dumping of foreign paper into the United States from companies that are subsidized by their own governments creates a marketplace that seriously threatens my family and countless other families throughout the United States."

We're going to make it in America when we begin making things here in America as well. We need to balance our trade deals and push back against illegal paper being dumped into our domestic market by China.

DON'T CUT TAXES FOR MILLIONAIRES

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, our Republican colleagues are constantly reminding us that the administration last year said that unemployment would not get to 8 percent if we passed our Recovery Act. Well, that remains to be seen. But let's talk about a projection that they made some years ago that they don't want to talk about, and that's that we were going to have endless surpluses. They used that prediction of endless surpluses to justify cutting taxes for the wealthiest people in the United States.

Well, those people had a great decade. On average, \$100,000 savings on taxes during that time. Did they create more jobs because they cut their taxes? No. In fact, we had actually the most stagnant period of private sector job growth in modern history.

So now, when we don't have an endless surplus, in fact, a very large deficit, and we need job creation, they say, Oh, let's cut their taxes again. It wasn't good enough that the average millionaire had his or her net worth increased by 16 percent in 2009 while every other American stagnated. No. They want to make it a little bit better for the wealthiest people in America.

We want to cut taxes for middle class America and not millionaires.

DEMOCRATS CONTINUE FIGHT FOR MIDDLE CLASS TAX CUTS AND DEFICIT REDUCTION; REPUB- LICANS CONTINUE TO HOLD MID- DLE CLASS HOSTAGE TO TAX CUTS FOR THE WEALTHY

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, in this time of debate around taxes and taxation, it's hard to figure out what's really true. Republicans say this;

Democrats say that. Let me tell you what's actually the fact.

The fact is that the Republicans want to give the top 2 percent of the wealthiest Americans tax breaks that would add \$700 billion to the deficit over the next 10 years. They're saying they're going to stop tax cuts for middle class people unless the top 2 percent get their tax cut that would add \$700 billion to the deficit. Now, that's not fair given that middle class people have faced foreclosure, have faced a drop in home value, have faced unemployment, have faced so many difficult economic hurdles.

Why do they insist on giving the top 2 percent a huge tax break that they don't need, only giving the top 2 percent that tax break? Middle class people need relief. Middle class people need it now.

SUBMINIMUM WAGE FOR DISABLED

(Mr. CLEAVER asked and was given permission to address the House for 1 minute.)

Mr. CLEAVER. There are a number of issues that fail to make it to the floor, but there's one issue that I absolutely feel strongly about and believe that the people of this Congress and the people of the Nation need to know, and that is the subminimum wage for people with disabilities.

Inclusion is a birthright. This is a civil right. And there is a rule in the Department of Labor called 14(c). It's a certificate from the United States Department of Labor which says that people with disabilities can get paid less than subminimum wage. But it is not subminimum wage for all of them—it is hardly a wage at all. Some of these people who are on disability are making 45 cents an hour or less in sheltered workshops.

So I am suggesting that this issue is so important that it needs to be brought to the floor of the United States Congress. This is a civil right, and we need to make it something that is a priority of this Congress as soon as possible.

AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and admiration that I stand before you today to honor the American Hellenic Educational Progressive Association, AHEPA, Chapter 78, of Merrillville, Indiana, for being named Chapter of the Year during the association's national convention that was held in July of this year.

AHEPA Chapter 78 is to be commended for its outstanding service.

AHEPA Chapter 78 was established on July 25, 1925. It currently consists of 130 members, with 13 being life members of over 50 years. In accordance with the AHEPA mission of community service, the members of Chapter 78 represent the best in all of us through their selfless giving, kindness, and generosity.

Most recently, the chapter has distinguished itself by donating significant funds to organizations throughout northwest Indiana, including Christian Haven House and Saints Monica and Luke Soup Kitchen.

For nearly two decades, the chapter has also worked tirelessly to provide safe, exceptionally well-maintained, and affordable housing for senior citizens who otherwise might today find themselves in very abject circumstances.

Mr. Speaker, I ask that you and the other distinguished colleagues join me in again congratulating the AHEPA Chapter 78 of Merrillville, Indiana.

JEFFERSON THOMAS OF THE LITTLE ROCK NINE

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, sophomores in high school are not often called on to lead a nation. Under the leadership of nine black students in Little Rock in 1957, including high school sophomore Jefferson Thomas, the Federal Government enforced the rights of all students to have equality of education.

Losing one of the Little Rock Nine is an event no one looked forward to. Losing one of the Little Rock Nine, sadly, is what happened on September 5, 2010, when Jefferson Allison Thomas passed away in Columbus, Ohio.

Yesterday's heroes, with death, become legends and such is the case with Jefferson Thomas. Perhaps no group of young people is as well known as Jefferson Thomas and the others we know as the Little Rock Nine. Every American, for all time, must honor and remember the heroism of these youngsters in 1957, as we have done in 1999 with the Congressional Gold Medal and also with a commemorative coin and a postage stamp.

None of us can imagine the daily torment and fear these students faced. No young person today can imagine what segregation meant for teens like Jefferson Thomas in 1957. But Jefferson Thomas knew; Jefferson Thomas acted. And Jefferson Thomas is an American hero who will be missed and honored.

□ 1020

THE HIGH HOLIDAYS

(Mr. KLEIN of Florida asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. We are currently in the midst of the Jewish High Holidays, a holy time when we reflect on the past year and welcome a new one. To everyone who celebrated Rosh Hashanah last week, I wish you and your family a healthy and happy 5771.

During the Rosh Hashanah service at my synagogue, I was honored to offer the Jewish prayer for the United States. This prayer hopes for the day when "Peace and security, happiness and prosperity, justice and freedom may forever abide in our midst." And I can think of no more laudable and important goal than to work towards that day with all of our heart and energy.

As we pray for and work towards peace and security for the United States, we also extend those prayers to the State of Israel. The threats against the Jewish homeland are real, and we cannot allow them to go unchecked. The American people stand with our brothers and sisters in Israel, and the alliance and friendship between our two Nations remains unbreakable.

I hope that all who celebrate these meaningful High Holidays have the opportunity to do so amongst loved ones. Reflection with our friends and family is the hallmark of this time of year. From my family to yours, warmest wishes during this special season.

MIDDLE CLASS TAX CUTS

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, if we don't act soon, middle class income families across the country will see their taxes go up. I have spent the past 6 weeks crisscrossing the Hawaiian island chain, meeting with small business owners, workers, educators, and farmers. I've asked them how they feel about extending the Bush tax cuts for the wealthiest Americans. And we agreed that the most important thing we can do now is extend the tax cuts for the middle class.

I will oppose those who hold the middle class tax cuts hostage so that people earning more than \$1 million will receive average tax cuts of \$100,000 annually. The top 2 percent of these income earners in our country can afford to pay their fair share. Extending the Bush tax cuts for this group will pile on a whopping \$700 billion to our deficit over the next 10 years.

We must pass legislation now that ensures that 98 percent of Americans and 97 percent of small businesses do not pay higher taxes next year. And let's remember that the 111th Congress and the Obama administration have already enacted eight tax cuts for small businesses. We can no longer afford to continue the tax cuts for the wealthiest among us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CONGRESSIONAL MADE IN AMERICA PROMISE ACT

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2039) to clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch, to prohibit the application of any of the exceptions to the requirements of such act to products bearing a Congressional seal, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Congressional Made in America Promise Act of 2010”.

SEC. 2. APPLICABILITY OF BUY AMERICAN ACT TO LEGISLATIVE BRANCH; NO EXCEPTIONS FOR PRODUCTS BEARING OFFICIAL CONGRESSIONAL INSIGNIA.

(a) IN GENERAL.—Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

“(b) CLARIFICATION OF APPLICABILITY TO ARTICLES, MATERIALS, AND SUPPLIES FOR USE OF LEGISLATIVE BRANCH.—

“(1) APPLICABILITY TO LEGISLATIVE BRANCH.—Except as provided in paragraph (2), subsection (a) applies with respect to articles, materials, and supplies acquired for the use of any office in the legislative branch, including the House of Representatives and the Senate, in the same manner as such subsection applies with respect to articles, materials, and supplies acquired for the use of a department or independent establishment.

“(2) SPECIAL RULE FOR PRODUCTS BEARING OFFICIAL CONGRESSIONAL INSIGNIA.—In the case of any product which bears an official insignia (including a mark resembling an official seal) of the United States House of Representatives, the United States Senate, or the United States Congress and which is acquired for the use of an office of the legislative branch, the following shall apply:

“(A) The head of the office may not make a determination under subsection (a) that it is inconsistent with the public interest to enter into a contract in accordance with this Act.

“(B) The head of the office may not make a determination under subsection (a) that an article, material, or supply is not mined, produced, or manufactured, as the case may be, in the United States in sufficient and rea-

sonably available commercial quantities and of satisfactory quality.

“(C) The last sentence of subsection (a) shall not apply.”.

(b) CONFORMING AMENDMENT.—Section 69 of the Revised Statutes of the United States (2 U.S.C. 109) is repealed.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect upon the expiration of the 180-day period which begins on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and a Member opposed each may control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matters on the measure now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

On behalf of my committee, I am pleased to bring this bill to the House. This is a very important bill designed to help create more jobs in America. Offered by our colleague, the gentlelady from Ohio, H.R. 2039 extends the requirements of the Buy American Act to the legislative branch of government, including the House of Representatives and the Senate.

Several legislative branch agencies already abide by the Buy American Act, including the Government Printing Office, the Library of Congress, and the Architect of the Capitol. But the House and Senate are exempt from the Buy American Act, and it's time for that to change.

The House and the Senate buy things, many things: Pencils, pens, paper, envelopes, furniture, furnishings, office machines, and equipment of every kind. You name it. There are no reasons that Buy American requirements should not apply to the Congress as to any other Federal agency. That's what the gentlelady's legislation will accomplish.

From my perspective as chairman of the House Administration Committee, H.R. 2039 will provide us with one more tool we can use to prevent the purchase of foreign-made goods when suitable American-made goods are available.

Mr. Speaker, this is a good bill. I commend the gentlelady for introducing it, and I urge the House to pass it.

Mr. Speaker, I now yield 5 minutes to the sponsor of the bill, the distinguished gentlelady from Ohio (Ms. KAPTUR).

□ 1030

Ms. KAPTUR. I want to thank Chairman BRADY for his leadership and the expeditious manner in which his committee dealt with this bill. I thank him for his leadership on jobs in America all the time.

I ask my colleagues to support H.R. 2039 when it comes to a vote later today, the Made in America Promise Act, which applies the provisions of the Buy America Act that already apply to the executive branch to the legislative branch, the Congress. It is apparent to all America that we are facing a daunting job deficit.

Over 14.9 million people still are out of work. Moreover, in 2009, our Nation racked up a trade deficit of \$375 billion, and this year it's likely to be double that, with more imports coming into our Nation than exports going out. For every billion dollars of trade deficit, we lose a minimum of 10,000 more jobs.

Without this mammoth trade deficit, our economy this year would have grown 5 percent. Instead, growth was readjusted downward to 1.5 percent, a huge 3-point drop, and the worst growth rate since 1947, because trade deficits matter.

For America to address this job gap, our unconscious Nation must develop a consciousness to make it in America again, because production here equals jobs in America. That consciousness must begin here in Congress in the highest law-making branch of our Nation.

This bill applies the Buy America provisions to the legislative branch. To illustrate, just in perusing the gift shops that tourists come through in the House and Senate—and even the new congressional visitors center—look what we found, Chinese calculators, it says here on the lower United States Senate, but then look where it's made—China. There are umbrellas from China, a children's briefcase, even with a symbolic seal from the Philippines, and an elephant piggy bank from Indonesia. We couldn't buy everything they displayed, but let me tell you, there was no consciousness that Congress should be supporting goods made in America, here at the highest lawmaking branch of our country.

How can Congress expect to strengthen American industry and create American jobs if it itself is not buying American-made goods? If there is one place in our country that should showcase items made in the U.S.A., it is right here in the Congress. How can the American people trust Congress to be responsible if it is selling goods that create jobs in other places, not here in America?

That is why H.R. 2039 was introduced in the first place, because we must employ at this time of high unemployment every opportunity to help turn our economic ship of state in a positive direction. This bill creates a clear

standard. It says we must change our practices. It says we must restore manufacturing in America.

It begins to do this by raising the consciousness of our Nation that the legislative branch of our Federal Government steps forward to say it is time to make goods in America again. That is where new jobs will come from.

Under the Buy America Act, current law states that the Federal Government, but not the legislative branch, must buy American-made products. But when this bill passes, the Congressional Made in America Promise Act will apply the Buy America Act to Congress.

In addition, when dealing with any product bearing an official insignia of the House, the Senate and the Congress, H.R. 2039 will prohibit the exceptions of not purchasing American goods if they are inconsistent with the public interest, not made in sufficiently available commercial quantities, or under the price of \$2,500. This means the only exceptions will be if the goods produced here are unreasonable in cost or not used in the United States.

This Congress has taken steps to close tax loopholes that reward large corporations that outsource business and jobs overseas. We are providing tax credits to help small businesses hire new employees and sell their products and innovation overseas, but we need to do more. Congress must lead by example.

I urge my colleagues to vote in favor of H.R. 2039, help create jobs in America, help rebuild American industry by building in America once again. Vote for the Made in America Promise Act.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 3 minutes to my colleague on the Committee of House Administration, the gentlewoman from California, SUSAN DAVIS.

Mrs. DAVIS of California. I want to thank my colleague from Ohio for bringing H.R. 2039 forward today.

Mr. Speaker, the forefathers and mothers of our Nation included Congress in section 1 of the Constitution for a reason. Congress is for the people by the people.

But for too long, Congress has encouraged Buy America throughout this country without setting a strong enough example here in the Halls of Congress. My colleague has just referenced a number of the pieces of goods that people purchased that were certainly not made in America.

I suspect that our forefathers would be pleased with this piece of legislation before us. As our Nation works to bolster our manufacturing sector for the 21st century and beyond, we can start with making sure that goods sold in the Capitol and Congress are made right here in the U.S.

The Congressional Made in America Promise Act does just that by requir-

ing that the rules of the Buy America Act apply to the legislative branch. By passing it, Congress is setting an example for our Nation. Goods sold in Congress should say "Made in the U.S.A."

For the people, by the people. Right now, we are seeing that getting back to the basics of making it in America is what works for our economy. In fact, in August, U.S. manufacturing expanded for the 13th straight month. Our manufacturing sector has always been a source of pride for our country, and it is still the best in the world. Now more than ever, we need to encourage the production of goods that are made in America because the more we make at home the more Americans will be able to go back to work.

I strongly support the Congressional Made in America Promise Act.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 2039, the Congressional Made in America Promise Act. I commend Representative MARCY KAPTUR for her leadership on this issue and working to get the bill passed.

Today, we are considering legislation that will help improve the Buy American Act, which requires the United States government to purchase goods produced and manufactured in the United States, when it is in the best interest of the United States to do so. Specifically, H.R. 2039 would amend the Buy American Act so that "Buy American" statutory requirements are applied to articles, materials and supplies used by Congressional offices. Further, the Made in America Promise Act requires that any article containing the Congressional seal be purchased from American vendors, without exception.

Mr. Speaker, this Act is an important part of the Democratic plan to assist Main Street Americans—hard-working, talented, dedicated workers. Citizens of Michigan's 15th Congressional District, unfortunately, have long been victims of outsourcing and unfair trade agreements, even before the Great Recession began. They have seen their jobs shipped overseas in large part because of corporate tax breaks encouraging outsourcing and trade policies that lower labor standards and do nothing to open up new markets for U.S. goods.

This legislation is part of an ongoing effort to save and create American jobs and continue our country on the path to economic recovery. What we have here is a choice between protecting the wealth of some versus creating opportunity for all. I ask my colleagues to join me in voting for opportunity.

I urge my colleagues to join me in supporting H.R. 2039.

Mr. VAN HOLLEN. Mr. Speaker, I stand in support of H.R. 2039, the Congressional Made in America Promise Act of 2009.

This bipartisan legislation ensures that the rules of the Buy American Act that apply to all states and federal agencies also apply to Congress. Under current law, states and the federal government must buy only American made products. Though exemptions exist for cases where public interest, cost or unavailability make purchasing the good prohibitive, all goods purchased by state and federal governments must be produced in the United

States. Congress, however, is not subjected to this requirement.

Promoting American job growth is a priority for this Congress. This common sense legislation is example of our commitment. If passed, this legislation will apply a standard for procurement that exceeds that enforced by states and federal agencies. Any product bearing the official congressional insignias, including goods bearing a mark resembling the official seals of the U.S. Senate, U.S. House of Representatives, and the U.S. Congress, will have to be made in America.

Mr. Speaker, the president has set an ambitious goal to significantly increase this country's exports over the next two years. This legislation contributes to that effort by ensuring that goods procured by states, federal agencies and Congress are made in the U.S.A. I encourage my colleagues to join me in support of the bill.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of H.R. 2039, the Congressional Made in America Promise Act. This bill extends the provisions of the Buy American Act to the legislative branch. It is important that the Congress lead by example and support American manufacturers and businesses.

In the global economy, American manufacturers are being pressured from all angles. It is important for this Congress to pursue policies that ensure that our businesses are able to compete in the world economy.

There is much to be done, but this bill is a step in the right direction and allows for us to support our manufacturers directly. I look forward to working with the my colleagues to continue to support American manufacturing and a strong, vibrant workforce.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge an "aye" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 2039, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BRADY of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BERRY AMENDMENT EXTENSION ACT

Ms. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3116) to prohibit the Department of Homeland Security from procuring certain items directly related to the national security unless the items are grown, reprocessed, reused, or produced in the United States, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 3116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Berry Amendment Extension Act”.

SEC. 2. BUY AMERICAN REQUIREMENT IMPOSED ON DEPARTMENT OF HOMELAND SECURITY; EXCEPTIONS.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following new section:

“SEC. 890. BUY AMERICAN REQUIREMENT; EXCEPTIONS.

“(a) REQUIREMENT.—Except as provided in subsections (c) through (e), the Secretary may not procure an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

“(b) COVERED ITEMS.—

“(1) IN GENERAL.—An item referred to in subsection (a) is any item described in paragraph (2), if the item is directly related to the national security interests of the United States.

“(2) ITEMS DESCRIBED.—An item described in this paragraph is any article or item of—

“(A) clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof);

“(B) tents, tarpaulins, or covers;

“(C) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

“(D) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

“(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(2) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed.

“(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

“(1) Procurements by vessels in foreign waters.

“(2) Emergency procurements.

“(e) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of title 10, United States Code.

“(f) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

“(g) GEOGRAPHIC COVERAGE.—In this section, the term ‘United States’ includes the possessions of the United States.

“(h) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any contract for the procurement of an item described in

subsection (b)(2), if the Secretary applies an exception set forth in subsection (c) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied.

“(i) TRAINING.—

“(1) IN GENERAL.—The Secretary shall ensure that each member of the acquisition workforce who participates personally and substantially in the acquisition of textiles on a regular basis receives training on the requirements of this section and the regulations implementing this section.

“(2) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program for the acquisition workforce developed or implemented after the date of the enactment of this section includes comprehensive information on the requirements described in paragraph (1).

“(j) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.”.

(b) EFFECTIVE DATE.—Section 890 of the Homeland Security Act of 2002, as added by subsection (a), shall apply with respect to contracts entered into by the Department of Homeland Security on and after the date occurring 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. RICHARDSON) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

□ 1040

GENERAL LEAVE

Ms. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. RICHARDSON. Mr. Speaker, I rise in support of the Berry Amendment Extension Act, and I yield myself such time as I may consume.

H.R. 3116, the Berry Amendment Extension Act, was introduced by the gentleman from North Carolina (Mr. KISSELL). This legislation would apply procurement requirements that have been in place since 1941 at the Department of Defense to the Department of Homeland Security.

As approved in 1941, the purpose of the Berry Amendment was to protect the United States from our enemies by requiring that the military maintain rules and regulations regarding the uniforms worn by our soldiers.

Extension of the Berry Amendment to the Department of Homeland Security is the necessary thing to do from a security standpoint. Currently, there are not any requirements on where uniforms worn by enforcing agencies such as the Transportation Security Admin-

istration and Customs and Border Protection are manufactured.

In light of ongoing threats which require the utmost protection of our safety resources and personnel, the extension of the Berry Amendment is appropriate. Further, the failure to utilize American invested workers to produce military resources is not only detrimental to American manufacturing jobs, but it is also detrimental to our Nation's security.

A beneficial side effect of the Berry Amendment is its impact on jobs. Data shows that the Berry Amendment has allowed for the sustainment of over 450,000 textile and manufacturing jobs here in the United States. Further, using data from the U.S. Department of Commerce, it is estimated that for every \$1 billion in manufacturing output, 12,500 jobs are created in the United States.

During these trying economic times, H.R. 3116 provides us with a unique opportunity to create new jobs here in America, thereby giving U.S. workers any opportunity to “Make it in America.” This is where we all should stand.

As a strong supporter of U.S. manufacturing, I believe that it is our duty as a Congress to protect American jobs through our support of those small businesses that manufacture high quality textile products here in the United States.

Lastly, let us not forget most importantly that H.R. 3116 takes away a vulnerability in the procurement system. The law enforcement officials who work to protect our southern border—and northern border, for that matter as well—have witnessed drug couriers using phony uniforms to avoid detection in the smuggling of illegal drugs into the United States.

Considering the loose regulations on the location and types of facilities that manufacture uniforms worn by those who protect our Nation, we must take necessary steps to prevent smugglers from using our own uniforms to assist in their illegal activities and, worse, highlight vulnerabilities in the U.S. Homeland Security environment.

I fully support this legislation, H.R. 3116, under consideration and urge my colleagues on both sides of the aisle to vote for its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3116, the Berry Amendment Extension Act.

This bill amends the Homeland Security Act of 2002 to prohibit the Secretary of Homeland Security from procuring certain items—including textiles such as clothing, tents, canvas and cotton—unless they are grown, reprocessed, reused, or produced in the United States. By requiring the Secretary to procure certain items from

within the U.S., this bill takes an important step in promoting U.S. job growth and supporting large and small businesses alike.

The Department of Homeland Security employs over 150,000 uniformed men and women who are dedicated to the Department's vital mission of protecting the homeland against a range of threats. The U.S. Customs and Border Protection, for example, employs over 21,000 officers and 20,000 Border Patrol agents, and these numbers continue to grow. The Transportation Security Administration has 48,000 officers. The U.S. Coast Guard has over 50,000 uniformed personnel. These growing numbers represent an opportunity to produce uniforms and other materials in the U.S. to support their mission, rather than overseas. This, in turn, will help create American jobs in this troubled economy.

The bill provides for exceptions in certain situations, including procurements by vessels in foreign waters, emergency procurements, low-cost procurements, and if items of sufficient quantity or quality are not available when needed.

The bill also includes language requiring its provisions to be applied in a manner consistent with U.S. obligations under international agreements.

H.R. 3116 is a commonsense piece of legislation.

I urge my colleagues to support the bill, and I reserve the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. KISSELL).

Mr. KISSELL. I would like to thank my colleague from California for yielding the time and also for her strong support for made in America and U.S. manufacturing.

Mr. Speaker, I rise in strong support of H.R. 3116, the Berry Amendment Extension Act. For over 60 years, the Berry Amendment has served as the law by which the Department of Defense has had to purchase uniforms for our military. It has served its purpose well in protecting the men and women of our services with having the best uniforms and also protecting Americans that make these uniforms in providing for the jobs thereof.

In January of 2009, shortly after I was sworn in as a freshman Congressman, folks came to me and asked me if I would help extend the Berry Act in homeland security to just the TSA part. Now, I could not understand why this had not been done before, but I was assured it had been tried and had been unsuccessful because there was apparently a lot of special interest that was in opposition to this.

Having worked 27 years in textiles myself, I gladly took on this initiative, and with a lot of help, we were able to overcome the special interest, and we

were able to get the extension of the Berry Act to the amendment for the Recovery Act applying just to TSA. We immediately went to work to introduce legislation that would complete this process by making all of Homeland Security Berry compliant.

I'm glad to say with a lot of support, and a lot of bipartisan support, today we are successful in bringing that bill to the floor. It makes sense. It's only logical for all of the reasons that have been given that we extend to Homeland Security and all the people that work there, whether it be Border Patrol, TSA, ICE, Coast Guard, and Secret Service, in whatever function that they have, the uniforms that are the best, and the best is always made in the United States.

Textiles have suffered a lot through the years. It's estimated that, since December of 2000, the United States has suffered a \$575 billion deficit in textiles and apparel, a loss of over 587,000 jobs. In the most recent economic downturn, textiles has lost 60,000 jobs with the closing of over 44 textiles plants.

But textiles has not gone away. Textiles is energetic. It's creative. It represents the American entrepreneurial spirit, and it is surviving. This bill is a logical step to not only protect our Nation's security by having American uniforms on those that protect us in Homeland Security, but also protects American security by protecting American jobs.

Mr. Speaker, just two examples of the good that came out of just the TSA amendment. We received a letter shortly after we passed this act that was from Arkansas. Twenty people wrote to thank us for passing that act because it saved their jobs. Now, that's just 20 people, but that's 20 families in an economic downturn that didn't have to worry about jobs. Richmond Yarns, located in a small town near my hometown, credits the TSA amendment for not only their survival but creating 80 additional jobs. We have seen this and heard this time and time again from just the amendment that we passed with TSA. We will see this expand even further when we pass this legislation.

I urge all my colleagues on both sides of the aisle to support this commonsense H.R. 3116, the Berry Amendment Extension Act.

Mr. ROGERS of Alabama. Mr. Speaker, as a Member of Congress who grew up in a family that depended on a textile plant check to put food on the table, I am proud to yield 3 minutes to a real champion of the textile industry, the gentleman from North Carolina (Mr. COBLE).

□ 1050

Mr. COBLE. I thank my colleague from Alabama. You indicate your involvement and exposure to textile employment, as did my friend from North

Carolina. My late mom was a textile worker, so I, too, appreciate the significance of textile employment.

The Berry amendment requires the U.S. Defense Department to buy American for certain products that are judged to be essential to our military readiness. Buy American means that 100 percent of the product is produced and manufactured in the United States.

The Berry amendment helps ensure that we have a reliable domestic source for certain vital goods during time of war, and that our troops are equipped with the highest quality equipment. The Berry amendment has worked well. I am not aware of any situation, Mr. Speaker, where it has limited the ability of our military to procure items, and it has ensured that our troops receive the highest quality essential equipment. Finally, it helps contain costs in the long term.

H.R. 3116 will expand this requirement to the Department of Homeland Security. DHS, as we all know, has grown. And while the Berry amendment has been successful for our military, I see no reason why it would not be equally successful for DHS. The requirement is not unlimited because government procurement policies are also covered by the World Trade Organization rules. Berry-type requirements are only permissible for agencies that are critical to national security. As a result, Mr. Speaker, it is my understanding that H.R. 3116 would only apply to the Transportation Security Administration because of its national security role in securing our various and sundry airports.

I am pleased that President Obama supported the Berry amendment while he was serving in the Senate and hope that his views on this matter have not changed, and I think they probably have not.

The Berry amendment, furthermore, has been endorsed by AMTAC, the American Manufacturing Trade Action Coalition, and NCTO, the National Council for Textile Organizations. Economically, this requirement makes a lot of sense. Currently the Berry amendment is responsible for approximately 70,000 jobs, half of which are in the domestic textile industry. Conservative estimates from textile industry associations indicate another 21,000 jobs could be created by extending the Berry amendment to the Department of Homeland Security.

I urge my colleagues to support this Berry amendment, a very worthwhile proposal.

Mr. ROGERS of Alabama. I urge Members to support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, H.R. 3116, the Berry amendment, extends the wisdom of our

forefathers to properly secure our military uniforms to the 21st century of our extended protectors in homeland security such as the airport TSA workers and Customs and Border Protection workers. H.R. 3116 is putting American workers and the American economy first by making it in America.

I thank Mr. KISSELL and Chairman THOMPSON for their leadership, and I encourage my colleagues to support this important legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise before you today to speak in support of H.R. 3116, the Berry Amendment Extension Act.

As introduced by the gentleman from North Carolina, Mr. KISSELL, H.R. 3116 would require the Department of Homeland Security to purchase uniforms and textiles that are Made-in-America under the Berry Amendment, just as the Department of Defense has done since 1941.

I am pleased to support this legislation which will serve as a means to support hard-working farmers and small textile manufacturers that are, unfortunately, becoming more and more uncommon in the United States.

Moreover, as Chairman of the House Committee on Homeland Security, I am always looking for ways to provide greater security for the United States. Representative KISSELL's legislation does just that.

At present, the uniforms worn by Department of Homeland Security personnel such as Customs and Border Protection Officers and Transportation Security Administration Officers are made in locations outside our Nation's borders.

On August 31, 2010, the Washington Post reported that drug couriers often move illegal drugs across the United States-Mexico border through the use of disguises.

Often times these "cloners" as they are referred to by law enforcement officials, wear false law enforcement uniforms made outside of the United States.

Under current policy, there is nothing to prevent these "cloners" from obtaining uniforms from foreign factories and using them to transport illegal drugs and other contraband across our borders.

By restricting the manufacturing of Department of Homeland Security uniforms to the United States, we will be taking a smart step forward to prevent foreign access to the badges, patches, and uniforms that identify our homeland security personnel.

This legislation has the support of the American Manufacturing Trade Action Coalition, the National Council of Textile Organizations and the American Apparel and Footwear Association.

Considering our Nation's current economic situation and the need to take every effort to secure our borders, I urge my colleagues to join me in supporting this legislation, which will take sensible steps to create opportunities for domestic manufacturing, promote job creation in the United States, and make our country safer.

Ms. RICHARDSON. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from California (Ms. RICHARDSON) that the House suspend the rules and pass the bill, H.R. 3116, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FIRST RESPONDER ANTI-TERRORISM TRAINING RESOURCES ACT

Ms. RICHARDSON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3978) to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "First Responder Anti-Terrorism Training Resources Act".

SEC. 2. ACCEPTANCE OF GIFTS FOR FIRST RESPONDER TERRORISM PREPAREDNESS AND RESPONSE TRAINING.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in title V (6 U.S.C. 311 et seq.), by adding at the end the following:

"SEC. 525. ACCEPTANCE OF GIFTS.

"(a) AUTHORITY.—The Secretary may accept and use gifts of property, both real and personal, and may accept gifts of services, including from guest lecturers, for otherwise authorized activities of the Center for Domestic Preparedness that are related to efforts to prevent, prepare for, protect against, or respond to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

"(b) PROHIBITION.—The Secretary may not accept a gift under this section if the Secretary determines that the use of the property or services would compromise the integrity or appearance of integrity of—

"(1) a program of the Department; or

"(2) an individual involved in a program of the Department.

"(c) REPORT.—

"(1) IN GENERAL.—The Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report disclosing—

"(A) any gifts that were accepted under this section during the year covered by the report;

"(B) how the gifts contribute to the mission of the Center for Domestic Preparedness; and

"(C) the amount of Federal savings that were generated from the acceptance of the gifts.

"(2) PUBLICATION.—Each report required under paragraph (1) shall be made publically available."

(2) in section 873(b) (6 U.S.C. 453(b)), by striking "and by section 93" and all that follows through "or donations" and inserting "by sec-

tion 93 of title 14, United States Code, or by section 525 or 884 of this Act, gifts or donations"; and

(3) in section 884 (6 U.S.C. 464), by adding at the end the following:

"(c) ACCEPTANCE AND USE OF GIFTS.—The Federal Law Enforcement Training Center may accept and use gifts of property, both real and personal, and accept services, for authorized purposes."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) THE HOMELAND SECURITY ACT OF 2002.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended in the table of contents by inserting after the item relating to section 524 the following:

"Sec. 525. Acceptance of gifts."

(2) REPEAL.—The matter under the heading "SALARIES AND EXPENSES" under the heading "FEDERAL LAW ENFORCEMENT TRAINING CENTER" under title IV of the Department of Homeland Security Appropriations Act, 2004 (6 U.S.C. 464a) is amended by striking "Provided, That in fiscal year 2004 and thereafter, the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes: Provided further," and inserting "Provided,".

Amend the title so as to read: "An Act to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for a response to terrorism, and for other purposes."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. RICHARDSON) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. RICHARDSON. Mr. Speaker, I rise in support of concurring in the Senate amendments to H.R. 3978, and I yield myself such time as I may consume.

As chairwoman of the Emergency Communications, Preparedness, and Response Subcommittee, I am pleased to join the original sponsor of this legislation, the ranking member of that very subcommittee, Mr. ROGERS of Alabama, in strong support of the First Responder Anti-Terrorism Training Resources Act.

Mr. ROGERS' district is home to the Center for Domestic Preparedness, also known as the Center throughout my comments, and one of the Nation's premier training sites. At the Center, thousands of first responders from all 50 States receive hands-on training for real world incidents involving chemical, biological, explosive, radiological and other hazardous materials.

As we saw last week on nationwide TV when a ruptured pipeline sent a ball of fire into the neighborhoods of San Bruno, California, completely blowing to pieces four homes, killing four people, in addition to four people who are still missing, this training is vital, and we must continue to find creative ways to strengthen it.

I am pleased that the legislation before us today will enhance the training of our first responders. Given the Center's leading role in all-hazards training, the facility often receives offers of resources and donations, including training displays, emergency response equipment, and guest lectures.

The ability to accept, process, and utilize these donations and gifts would strengthen the Center's ability to offer high-quality emergency response training, as well as in difficult times reduce costs for the Center itself.

Pursuant to current rules and law, the Center for Domestic Preparedness currently lacks the legal authority to accept these types of resources, gifts, and services. The enactment of H.R. 3978 would permit the Secretary of Homeland Security to accept and use gifted items for authorized activities of the Center for Domestic Preparedness that are related to preventing, preparing for, protecting against, or responding to all-hazards.

The legislation further directs the Department of Homeland Security, DHS, to report annually to Congress on any gifts that were accepted and how they might contribute to the Center's mission. The report must also describe the amount of federally funded savings that were generated from the acceptance of these gifts, which is very important as we look for ways to trim costs. The bill also amends the Homeland Security Act to authorize the Federal Law Enforcement Training Center to accept and use gifts, donations, and services. For these reasons, I urge all of my colleagues to support the Senate amendments to H.R. 3978.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, September 14, 2010.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN THOMPSON: I write to you regarding the Senate amendment to H.R. 3978, the "First Responder Anti-Terrorism Training Resources Act".

We note that the Senate amendment to H.R. 3978 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. Given that the House is scheduled to call up the measure without formal referral of the bills to committees of jurisdiction, I request an acknowledgement that nothing waives, reduces, or otherwise affects the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 3978.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Congressional Record

during consideration of the measure in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 14, 2010.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your letter regarding the Senate amendments to H.R. 3978, the "First Responder Anti-Terrorism Training Resources Act."

I acknowledge that the Committee on Transportation and Infrastructure has a jurisdictional interest in provisions contained within the Senate amendments to H.R. 3978. I further acknowledge that the lack of a formal referral of the Senate amendments to H.R. 3978 does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure.

I will ensure that this exchange of letters is included in the Congressional Record during floor consideration of the Senate amendments to H.R. 3978.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of final passage of H.R. 3978, the First Responder Anti-Terrorism Training Resources Act.

Thanks to strong bipartisan support in both the House and Senate, we are here today with legislation that provides the CDP with authority to accept donations of items such as railcars, subway cars, emergency response equipment, and other property and services that would help bolster training.

I introduced this bill last November to ensure that first responders who train at East Alabama's Center For Domestic Preparedness have access to all available resources that will strengthen their training activities.

This bill was passed by the House on December 15, 2009 by a vote of 413-1. On August 5, the bill passed the Senate with an amendment by unanimous consent.

I would like to thank Chairman THOMPSON and Ranking Member KING as well as Senators LIEBERMAN and COLLINS for their support of the bill in moving it forward in both chambers.

The CDP, located in my district in Anniston, Alabama, delivers one-of-a-kind, hands-on training to America's emergency responders. Training at the CDP is fully funded by the Department of Homeland Security. State and local responders from all 50 States, the District of Columbia, and the U.S. territories have trained at this center.

Like other training centers, the CDP often receives offers of donations to as-

sist their training courses. However, the CDP does not have the legal authority to accept those donations, and has been forced to turn them down in the past. My bill fixes this problem.

As amended by the Senate, the bill ensures that CDP may accept donations in support of its entire all-hazards missions. The bill also includes language to ensure that no gifts are accepted if they are determined to compromise the integrity or the appearance of integrity of a program of the department or an individual associated with the department, and the annual report to Congress on donations accepted must be made available to the public.

The bill would also authorize the Federal Law Enforcement Training Center to accept gifts under the Homeland Security Act of 2002, as it has been doing under the 2004 Department of Homeland Security Appropriations Act.

□ 1100

Simply put, this legislation is a win-win for our first responders, the American taxpayer and the Center for Domestic Preparedness; and I urge my colleagues to support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. RICHARDSON. I yield myself such time as I may consume.

Mr. Speaker, the CDP—the Center for Domestic Preparedness—and the Federal Law Enforcement Training Center are law enforcement training organizations for numerous Federal, State and local agencies, and they provide vital preparation to our law enforcement community. In fact, it could definitely benefit from the use of these additional resources. By allowing DHS-supported training centers to accept these gifts, this legislation will help tap into the generosity of the American people and the companies to enhance the training for thousands of first responders. In turn, I expect it will save a significant amount of taxpayer dollars.

I encourage my colleagues to support this important homeland security legislation, and I commend Mr. ROGERS for his efforts.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of the Senate Amendment to H.R. 3978, a bill that would permit the Center for Domestic Preparedness and the Federal Law Enforcement Training Center to accept gifts and donations in order to better train our nation's first responders. As Chairman of the Committee on Homeland Security, I was pleased that H.R. 3978 received broad bipartisan support in the House and passed the Senate unanimously. I urge my colleagues to support the Senate Amendment to H.R. 3978.

Madam Speaker, the Federal Emergency Management Agency's Center for Domestic Preparedness (Center) is the nation's leading all-hazards first-responder training center. The Center trains thousands of first responders

and is especially well-known for its weapons of mass destruction training facility. It is of significant interest to the Committee and many of us have visited the campus to see the important training that takes place.

The Center often receives offers of donated goods and services, such as training displays, response equipment, and trailers. These donations would allow the Center to offer stronger training opportunities at a lower cost to the Department of Homeland Security and the American taxpayer. The Center, however, does not have the legal authority to accept gifts that would enhance its ability to deliver superior training.

The Senate Amendment to H.R. 3978 would amend the Homeland Security Act of 2002 to permit the Center to receive donated gifts and services that are related to preventing, preparing for, protecting against, or responding to all-hazards, including natural disasters, acts of terrorism and other man-made disasters. The legislation further calls on the Secretary of Homeland Security to annually report to Congress on the gifts accepted, how the gifts contribute to the mission of the Center and the amount of Federal savings that were generated from the acceptance of the gifts.

The bill also amends the Homeland Security Act to authorize the Federal Law Enforcement Training Center to accept and use gifts, donations, and services.

Mr. Speaker, the Senate Amendment to H.R. 3978 will pay immediate dividends for our first responder community by enhancing their training with more resources. The Committee will continue to support these important training centers and the brave work of our first responders. I support the passage of the Senate Amendment to H.R. 3978 and encourage my colleagues to support it as well.

Ms. RICHARDSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. RICHARDSON) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3978.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

RECOGNIZING ANNIVERSARY OF LAW CREATING REAL ESTATE INVESTMENT TRUSTS (REITs)

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1595) recognizing the 50th anniversary of the passage of legislation that created real estate investment trusts (REITs) and gave millions of Americans new investment opportunities that helped them build a solid foundation for retirement security and has contributed to the overall strength of our economy.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1595

Whereas, on September 14, 1960, President Dwight D. Eisenhower signed into law tax legislation enabling real estate investment trusts (hereinafter referred to as "REITs") to be established throughout the United States under regulations set by the Federal Government;

Whereas the passage of this legislation enabled REITs to provide all investors with the same opportunity to invest in large-scale commercial real estate that previously was open only to large financial institutions and wealthy individuals through direct investment in such real estate;

Whereas REITs have placed within the reach of the average American investor large-scale commercial real estate investment through publicly traded, regulated securities, which provide investors with transparency and liquidity;

Whereas REITs, by expanding the opportunity to invest in commercial real estate, a separate and distinct asset class important to the creation of balanced investment portfolios, have enabled millions of Americans to gain the benefits of dividend-based income, portfolio diversification and improved overall investment performance;

Whereas REITs have helped millions of Americans successfully invest for their retirement security over the past half-century; and

Whereas September 14, 2010, will mark the 50th anniversary of the legislation that created this REIT investment opportunity: Now, therefore, be it

Resolved, That the United States House of Representatives recognizes the 50th anniversary of the passage of the legislation that created real estate investment trusts (REITs) and the enhanced opportunities for investment and retirement security that have been afforded to Americans from all walks of life as a result of this landmark legislation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Ohio (Mr. TIBERI) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. I yield myself such time as I may consume.

Mr. Speaker, on September 14, 1960, President Eisenhower signed legislation into law, creating real estate investment trusts.

House Resolution 1595 celebrates the 50th anniversary of REITs, as they are called, and the enhanced opportunities they provide for investments in real estate by Americans from all walks of life. REITs allow individual investors to purchase interests in portfolios of real estate assets. In many instances, REITs also operate the properties that they own.

To qualify as a REIT, these companies must distribute 90 percent of their

income back to their shareholders in the form of dividends. As noted in the resolution, REITs have given average American investors access to large-scale commercial real estate investment opportunities through publicly traded, regulated securities, which provide investors with transparency and liquidity.

Four REITs are headquartered in my home State of Tennessee, and nearly 800 Tennessee properties are owned by REITs. Across the country, REITs own approximately \$500 billion commercial real estate properties, approximately 10 to 15 percent of institutionally owned commercial real estate.

In 2009, REITs paid over \$13.5 billion in dividends. More than 30 countries around the world have passed legislation enabling REITs. Again, they have helped millions of average American investors to participate in the real estate markets of this country as well as others.

So, Mr. Speaker, I would urge the passage of House Resolution 1595, and I reserve the balance of my time.

Mr. TIBERI. I yield myself such time as I may consume.

I thank the gentleman from Tennessee as well for being here on the floor to recognize that 50 years ago, in fact, this week, President Eisenhower signed into law legislation that created real estate investment trusts, or REITs, as the gentleman said, which are investment vehicles that have allowed millions and millions of Americans expanded opportunities to invest in commercial real estate.

Mr. Speaker, while we take for granted that middle class investors and middle class Americans across our country have the opportunity to invest in commercial real estate, it is important to note that prior to 1960 it was only large financial institutions and wealthy Americans who had the means to do so. Over the last 50 years, REITs have greatly expanded that opportunity by allowing investors of all income levels to buy publicly traded, regulated shares of these commercial real estate investment vehicles.

REITs haven't just allowed middle class Americans to diversify their investment portfolios. They have also helped build our local communities—a true win-win situation. Indeed, over the last five decades, these investment vehicles have helped finance important commercial real estate projects in every one of our congressional districts across our country—from hotels to shopping malls, to hospitals, to office parks. In fact, in my congressional district, I am honored to have a number of important entities that are REITs, that truly people in our district don't even realize are real estate investment trusts, which, collectively, employ thousands of central Ohioans. Fifty years after enactment, REITs remain an important part of our Tax Code.

I am pleased to be a cosponsor of this bill with Congressman LEVIN and Congressman CAMP, the lead sponsors; and I am pleased to be part of this resolution of recognizing their 50-year anniversary.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I am pleased at this time to yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Let me thank the manager for the time.

Mr. Speaker, I rise in strong support of this resolution recognizing the 50th anniversary of the passage of legislation that created real estate investment trusts.

I happen to come from the City of Chicago. I represent downtown Chicago, and of course it is an investment opportunity, not only in Chicago but all over America, for individuals to make use of this opportunity. So, for the last 50 years, they have had that opportunity, and I look forward to seeing it continue to grow and to develop. I appreciate the opportunity to say that I think real estate investment trusts are very important to the economy of our country, and I strongly support this resolution.

Mr. TIBERI. Mr. Speaker, I continue to reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman from Tennessee's agreeing for me to speak on this.

Mr. Speaker, I rise as a cosponsor of H. Res. 1595 to recognize the 50th anniversary of real estate investment trusts.

For the last 50 years, we have seen how these publicly traded REITs have provided American investors with an affordable way to invest in real estate. I do a lot of work with livable communities. I want to congratulate the REIT industry for their efforts to pursue practices that will reduce the carbon footprints of their properties.

□ 1110

We are dealing with serious problems of energy efficiency and carbon pollution. Buildings account for almost 40 percent of our country's total energy consumption and 72 percent of our electricity consumption. This is one area where the industry has had a footprint that extends from coast to coast.

I commend the REIT industry for joining with Energy Star to find ways to improve the energy efficiency of the industry. I am pleased to see honorees of this program include the Simon Property Group, AMB Property Corporation, and ProLogis—which owns property in my congressional district.

I have enjoyed working with the REIT industry to introduce H.R. 4599,

the Renewable Energy Expansion Act, which extends and improves the Recovery Act's grant program for renewable energy production and involves the real estate investment trusts in this arena. I have worked with my colleague, LINDA SÁNCHEZ, to resolve a technical barrier which will dramatically enhance the ability of REITs to access these grants. It is just one example of where, working with the industry, we have been able to deal with long-term benefits to our communities, stabilizing investments, strengthening neighborhoods, working on ways to make sure we are productive, and that families are safer, healthier and more economically secure. I congratulate them on 50 years of progress and look forward in the future to having them as valuable allies in this effort.

Mr. STARK. Mr. Speaker, I rise today in support of H. Res. 1595, Recognizing the 50th Anniversary of Real Estate Investment Trusts.

Fifty years ago, Congress passed tax legislation to enable real estate investment trusts to be created. Before REITs, only financial institutions and the wealthy could afford to invest in commercial real estate. REITs allow all investors to have these same opportunities to invest directly in real estate. REITs opened the market to individual investors of all income levels, providing the chance to invest in real estate the way they invest in other industries, to diversify their portfolios, and generate income for their families for a secure future.

REITs in the U.S. have grown into a market worth over \$300 billion. The tax reforms passed by Congress in 1986 permit REITs to operate and manage property themselves and REIT subsidiaries now manage everything from residential housing to health care facilities. Over 100 REITs are now publicly traded. These developments allow even more growth opportunities for individuals who include REITs in their retirement financial planning.

Mr. Speaker, I ask that my colleagues join me in celebrating the 50th anniversary of Real Estate Investment Trusts.

Mr. PASCRELL. Mr. Speaker, I rise today to acknowledge the 50th anniversary of the legislation that enabled the formation of Real Estate Investment Trusts, or REITs.

Today's REITs provide investors with an open and liquid option to invest in high-quality commercial real estate.

Throughout the country, REITs owned companies provide management and leasing services to tenants ranging from health care to retail, and multifamily housing to lodging and self-storage sectors. Thanks to the liquidity and capital raising advantages enjoyed by publicly held REITs, many of these tenants have found an effective and efficient way to improve or expand their facilities while remaining focused on their core business.

REITs are pursuing forward looking policies that seek to reduce their carbon footprints with energy consumption reduction and by minimizing the energy requirements of their new buildings. In New Jersey, REITs own over twenty buildings that qualify for the Energy Star label.

On the 50th anniversary of the enactment of the first REIT law, I look forward to supporting

Chairman LEVIN's resolution commemorating this occasion as it comes to the floor, and I encourage the industry to continue its commitment to sustainability and providing its investors with a vehicle to advance both their investments and the surrounding communities.

Mr. CAMP. Mr. Speaker, I rise in support of H. Res. 1595, and I am pleased to be the lead Republican cosponsor of the resolution along with the distinguished Chairman of the Ways and Means Committee, Mr. LEVIN.

This important and timely resolution celebrates the 50th anniversary of legislation authorizing real estate investment trusts, or REITs. President Dwight D. Eisenhower signed this legislation into law one-half century ago, September 14, 1960.

Over that half century, REITs have helped finance the very projects that have built the main streets and downtowns of each and every one of our communities, from shopping malls and health care facilities, to business parks, high-rises and waterfronts. Today, REITs provide Americans from all income levels the opportunity to pool their resources and invest in large scale commercial real estate ventures.

That has not always been the case. Prior to the 1960 legislation, only the very wealthiest individuals and corporations had the accumulated capital required to invest in commercial real estate. Thanks to REITs and the unique financial incentives they offer to their shareholders, more middle class Americans can save and invest, whether it is for a college education, a new home, or a secure retirement.

I am proud to support this commemorative resolution, and I urge my House colleagues to do the same.

Mr. BACHUS. Mr. Speaker, I rise today in support of H. Res. 1595, a resolution introduced by my colleagues Representatives LEVIN and CAMP, to commemorate the 50th anniversary of the establishment of real estate investment trusts, or REITs.

Prior to 1960, access to the returns for investments in high-quality commercial real estate assets was limited to institutions and individuals with significant financial resources. To remedy this, Congress adopted legislation establishing REITs to make it easier for small investors to invest in commercial properties, similar to mutual funds, by pooling their resources. President Eisenhower signed the legislation into law on September 14, 1960, fifty years ago today.

As my colleagues know, REITs are companies dedicated to owning and operating income-producing real estate, such as apartments, shopping centers, regional malls, office buildings, industrial warehouses, hotels and lodging, health care facilities, and self-storage buildings. Federal tax law requires that REITs meet specific tests regarding the composition of their gross income and assets, but the key feature of a REIT is the requirement that at least 95 percent of a REIT's taxable income be returned to its shareholders every year. For example, in 2008, REITs returned approximately \$17.8 billion to shareholders in the form of dividends. These income returns have been one of the primary reasons why the industry has performed so well over the years. In addition, REITs have been recognized for

the diversification benefits they bring to individual portfolios, the efficiency of their liquidity attributes, and the professional management practices they bring to the table.

Congress created the path for REITs to exist 50 years ago today, and Congress has continued to preserve and perfect the REIT method of real estate investing through the adoption of targeted legislation that has mirrored the changing investment marketplace.

I want to congratulate the REIT industry on this important milestone and I hope that the REIT method of investing continues to be strong, efficient and effective in today's economy.

Mr. VAN HOLLEN. Mr. Speaker, as an original cosponsor of H. Res. 1595, I join Chairman LEVIN and my colleagues from both sides of the aisle in recognizing the 50th Anniversary of the passage of the Real Estate Investment Trust Act of 1960, which authorized the creation of real estate investment trusts, REITs.

Prior to September 14, 1960, investment in commercial real estate was largely reserved to big financial institutions and wealthy individuals. But thanks to the Real Estate Investment Trust Act, average American investors for the first time gained access to this distinct asset class. Over the past fifty years, REITs have helped Americans diversify their investment portfolios, earn dividend-based income, and enhance overall investment returns.

For REITs' contribution to capital formation in the real estate sector and retirement security for millions of Americans, it is fitting that we take a moment to recognize the 50th Anniversary of the landmark legislation that created them today.

Mr. TIBERI. Mr. Speaker, I yield back the balance of my time.

Mr. TANNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BRIGHT). The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 1595.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CAPTAIN RHETT W. SCHILLER POST OFFICE

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5873) to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAPTAIN RHETT W. SCHILLER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 218

North Milwaukee Street in Waterford, Wisconsin, shall be known and designated as the "Captain Rhett W. Schiller Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain Rhett W. Schiller Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the House Committee on Oversight and Government Reform, it is my honor to rise in support of H.R. 5873. This measure designates the facility of the U.S. Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the Captain Rhett W. Schiller Post Office.

H.R. 5873 was introduced by our colleague, the gentleman from Wisconsin, Representative PAUL RYAN, on July 27, 2010. The measure was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on July 28, 2010. The measure enjoys the support of the entire Wisconsin delegation to the House, and I thank the gentleman from Wisconsin for introducing this measure. I would also like to thank Chairman TOWNS and Ranking Member ISSA for their support for the bill.

Captain Rhett W. Schiller was born on November 7, 1980 in Racine, Wisconsin. His family later moved to Waterford, Wisconsin. In 2003, Schiller graduated from West Point and was commissioned as a 2nd Lieutenant of Infantry. He was assigned to the 82nd Airborne at Fort Bragg, North Carolina, first as a platoon leader in Company B, and later Executive Officer for Company A of the 3rd Battalion, 505th Parachute Infantry Regiment.

Schiller's brigade was deployed to New Orleans in September, 2005 to assist with relief efforts after Hurricane Katrina. His unit was deployed and conducting relief operations only 7 hours after the assignment was announced. The standard deployment time is 18 hours after notification.

In 2006, Captain Schiller was assigned to 5th Squadron, 73rd Cavalry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division. On his 100th day in country, while leading a squad of six paratroopers and six Iraqi Army sol-

diers on a canal clearing operation near Balad Ruz, Diyala Province, Captain Schiller's unit came under small arms fire. Captain Schiller was killed in action on November 16, 2006.

Mr. Speaker, Captain Schiller is remembered as a hard-charging leader who did everything he could to take care of his soldiers, raising the spirits and motivation of everyone around him. His life and achievements over the course of his service speak volumes about all of our brave servicemen and women who have made the ultimate sacrifice in defense of our Nation. Let us now pay tribute to the life of Captain Rhett Schiller through the passage of this legislation. I urge all of our colleagues to join me in supporting H.R. 5873.

Mr. Speaker, I reserve the balance of my time.

Mr. CAO. Mr. Speaker, I yield myself such time as I may consume.

It is my honor today to rise in support of H.R. 5873 to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the Captain Rhett W. Schiller Post Office. Mr. Speaker, it is altogether fitting and proper that we name this post office in Waterford for Captain Schiller to honor a true American hero and his service to our country.

Captain Rhett W. Schiller was born on November 7, 1980 in Racine, Wisconsin. Upon graduation from high school in 1999, Captain Schiller was appointed to the United States Military Academy at West Point by my distinguished colleague from Wisconsin (Mr. RYAN). Captain Schiller graduated from West Point in 2003 with a major in Chinese and was then commissioned as an infantry officer. He was assigned to the 82nd Airborne Division in Fort Bragg, North Carolina.

In September of 2005, after Hurricane Katrina devastated the gulf coast, Captain Schiller and his unit were deployed to New Orleans to come to the aid of millions along the gulf coast, including the citizens of the district that I represent. It took only 7 hours for Captain Schiller's unit to gear up and deploy to New Orleans. According to Major Tom Earnhardt, Army spokesperson for Captain Schiller's division, the typical deployment time is 18 hours. He described Captain Schiller's work to get his unit deployed to New Orleans in only 7 hours as extraordinary and a truly remarkable achievement. On behalf of the constituents whom I represent and the millions of people who were impacted by Hurricane Katrina, I want to thank Captain Schiller and the other brave men and women who came to our aid in a time of need.

In 2006, Captain Schiller was made a company executive officer and was deployed to serve in Iraq as part of a reconnaissance, surveillance and target

acquisition team. Sadly, on November 16, 2006, his 100th day serving in Iraq, Captain Schiller was killed in action when his unit came under attack and encountered small arms fire.

Captain Schiller was awarded the Bronze Star, Purple Heart, Meritorious Service Medal and Army Commendation Medal, among others, for his service to our country. Described by his troop commander as the “epitome of the Army officer and an Airborne Ranger,” Captain Schiller’s love for the Army and his country was always apparent.

□ 1120

He was known as an officer who led by example, and according to his squadron commander, “raised the spirits and the motivation of all those that knew him.”

Mr. Speaker, it is proper that we pass this legislation to honor the memory of a true American hero, U.S. Army Captain Rhett W. Schiller, who made the ultimate sacrifice promoting freedom and protecting our country. I urge all Members to support this bill.

Mr. Speaker, I would like to yield such time as he may consume to the author of this legislation, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank my colleagues on a bipartisan basis for doing this.

As the chief sponsor of this, I rise in support of H.R. 5873, which would designate the United States Postal facility at 218 North Milwaukee Street in Waterford, Wisconsin, as the “Captain Rhett W. Schiller Post Office.”

In 1999 I had the pleasure of appointing Rhett, Captain Schiller, to the United States Military Academy at West Point, an institution from which he subsequently graduated with a major in Chinese. Following his graduation, Captain Schiller was assigned to the 82nd Airborne at Fort Bragg, first as a platoon leader in Company B and later as an executive officer for Company A of the 3rd Battalion, 505th Parachute Infantry Regiment.

In 2006 he was assigned to the 5th Squadron, 73rd Cavalry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division. Very cool. It was in this capacity that he was deployed to Iraq as part of a Reconnaissance, Surveillance, and Target Acquisition Team.

On his 100th day in the country, while leading a squad of six paratroopers and six Iraqi Army soldiers, Captain Schiller’s unit came under small arms fire during a canal cleaning operation. Captain Schiller was killed in action on November 16, 2006.

He has earned the Bronze Star, the Purple Heart, the Meritorious Service Medal, the Army Commendation Medal, the National Defense Service Medal, the Iraqi Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the

Army Ranger Tab, the Expert Infantryman Badge, the Combat Infantryman Badge, the Master Parachutist Badge, and he graduated as the honor graduate from his Reconnaissance and Surveillance Leadership course. Captain Schiller also qualified for the Army Commendation Medal.

I knew Rhett Schiller. He was a young man coming out of Waterford, Wisconsin, in Racine County, idealistic, energetic, extraordinarily gifted, and patriotic. He became a leader in our military in the Army. He served under the command of a very personal close friend of mine, Colonel Andy Poppas from Janesville, Wisconsin, who I grew up with, who also went to West Point, and was his commanding officer.

When we heard that he was killed in action, Andy and I had emailed each other at that time about this. Colonel Poppas emailed Rhett’s dad, who had put long years over at S.C. Johnson Wax.

From his own commanding officer, who, like I said, is a good friend of mine, this is a story of a man who was brave. This is a story of a man who cared about his country and who cared about the men and women he served with and who put himself in harm’s fire so that he could protect those around him, those he was serving with.

And this is the stuff that makes our country great. It is this kind of dedication, this kind of sacrifice that the best and brightest within our communities come to the military to serve our country and all that it stands for. This is why we do these bills, why we do this dedication, and why it is so wholly proper and fitting to dedicate this post office in Waterford, Wisconsin, the “Captain Rhett W. Schiller Post Office.”

I’m so proud to do this. I am pleased that my entire Wisconsin delegation are cosponsors of this legislation so that we can have this proper and fitting memorial so that when young people go through the post office, they will know that one among their ranks in their community stood up, offered bravery, service to country. And that is the kind of example that makes this country the freest, greatest, most exceptional, and prosperous country in the world. And I’m just so proud to have known Rhett Schiller and so proud to actually sponsor this legislation.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I continue to reserve.

Mr. CAO. Mr. Speaker, I urge that all Members support this very meaningful legislation to name the post office after a true American hero.

I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, again, I urge my colleagues to join me in supporting this measure, and I want to thank our colleague from Wisconsin for bringing

to the attention of this body the service of Captain Rhett Schiller to this country.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 5873.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

FEDERAL SUPPLY SCHEDULES USAGE ACT OF 2010

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2868) to provide increased access to the General Services Administration’s Schedules Program by the American Red Cross and State and local governments, as amended.

The Clerk read the title of the bill.

The text of the amendments is as follows:

Amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Supply Schedules Usage Act of 2010”.

SEC. 2. AUTHORITY OF THE AMERICAN RED CROSS AND OTHER QUALIFIED ORGANIZATIONS TO USE FEDERAL SUPPLY SCHEDULES FOR CERTAIN GOODS AND SERVICES.

Section 502 of title 40, United States Code, is amended by adding at the end the following new subsection:

“(e) USE OF SUPPLY SCHEDULES BY THE RED CROSS AND OTHER QUALIFIED ORGANIZATIONS.—

“(1) IN GENERAL.—The Administrator may provide for the use by the American National Red Cross and other qualified organizations of Federal supply schedules. Purchases under this authority by the American National Red Cross shall be used in furtherance of the purposes of the American National Red Cross set forth in section 300102 of title 36, United States Code. Purchases under this authority by other qualified organizations shall be used in furtherance of purposes determined to be appropriate to facilitate emergency preparedness and disaster relief and set forth in guidance by the Administrator of General Services, in consultation with the Administrator of the Federal Emergency Management Agency.

“(2) LIMITATION.—The authority under this subsection may not be used to purchase supplies for resale.

“(3) QUALIFIED ORGANIZATION.—In this subsection, the term ‘qualified organization’ means a relief or disaster assistance organization as described in section 309 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5152).”.

SEC. 3. DUTY OF USERS REGARDING USE OF FEDERAL SUPPLY SCHEDULES.

Section 502 of title 40, United States Code, as amended by section 2, is further amended by adding at the end the following new subsection:

“(f) DUTY OF USERS REGARDING USE OF SUPPLY SCHEDULES.—All users of Federal supply schedules, including non-Federal users, shall use the schedules in accordance with the ordering guidance provided by the Administrator of General Services.”.

SEC. 4. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO USE SUPPLY SCHEDULES FOR CERTAIN GOODS AND SERVICES.

Subsection (d)(1) of section 502 of title 40, United States Code, is amended by inserting “, to facilitate disaster preparedness or response,” after “Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)”.

SEC. 5. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Amend the title so as to read: “An Act to provide increased access to the Federal supply schedules of the General Services Administration to the American Red Cross, other qualified organizations, and State and local governments.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. CLAY).

GENERAL LEAVE

Mr. CLAY. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I yield myself such time as I may consume.

Mr. Speaker, from Hurricane Katrina to the wildfires in California to the 9/11 attacks, our country faces disasters that try our people and our ability to help them. S. 2868, the Federal Supply Schedules Usage Act of 2009, provides the necessary tools to the organizations that respond to such disasters in a more efficient and effective manner. This bill will help our country's citizens during the times when they need it most.

S. 2868 was introduced by Senator JOSEPH I. LIEBERMAN on December 12, 2009, and was reported by the Senate Committee on Homeland Security and Governmental Affairs without amendment on May 17, 2010. The Senate passed S. 2868 by unanimous consent on May 24, 2010. The bill was then referred to the House Committee on Oversight and Government Reform, where we worked in a bipartisan manner to get this important legislation to the House floor.

S. 2868 authorizes the Administrator of the GSA to provide for the use of the Federal supply schedules by the Amer-

ican National Red Cross, qualified disaster relief organizations, and State and local governments for disaster preparedness and response.

□ 1130

This bill seeks to enhance the ability of the American National Red Cross, all qualified disaster relief organizations, and State and local governments to effectively prepare for and respond to disasters by giving them the ability to purchase specific goods and services through the pre-negotiated contracts of the Federal Supply Schedules. This will save them the administrative costs of negotiating individual agreements, and allow them to leverage the economies of scale of the Federal Government's buying power. By saving these important organizations money, more money can be put directly towards helping people.

All the disaster relief groups would be barred from the resale of any products purchased off the Schedules, and all of their purchases would be required to be in accordance with the ordering guidance of GSA.

At the end of the day, S. 2868 provides the necessary tools to organizations that help people in their most desperate times. This bill allows these essential organizations to focus their finances and resources to directly help people, instead of spending time, energy, and money negotiating for products and services at costs that are higher than the government would pay for them.

Mr. Speaker, I reserve the balance of my time.

Mr. CAO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of S. 2868, the Federal Supply Schedules Usage Act of 2010. Mr. Speaker, the Federal Supply Schedules Usage Act of 2010 will allow the American Red Cross and other qualified nonprofits that engage in disaster relief and preparedness to leverage the purchasing power of the Federal Government. More specifically, this bill grants the General Services Administration the authority to allow the American Red Cross and other organizations, such as the Salvation Army and Catholic Relief Services, the ability to purchase goods from the Federal Supply Schedules. There is precedence for allowing government entities, quasi-government entities, and certain private entities to buy goods and services from the Federal Supply Schedules. Over the years, Congress has given GSA statutory authority to broaden access to the Supply Schedules.

Currently, all executive agencies, the legislative branch, the District of Columbia, tribes and tribal organizations, certain foreign governments, and quasi-governmental and government chartered agencies such as the Chris-

topher Columbus Fellowship Foundation, the Bonneville Power Administration, and the Civil Air Patrol are eligible to use the Schedules for certain purposes or under certain circumstances.

When this bill came over from the Senate, it was limited to the American Red Cross. But during our committee markup, I offered an amendment expanding S. 2868 to make all qualified nonprofit organizations, nationwide and local, eligible to purchase from the Federal Supply Schedules.

My district, Louisiana's Second Congressional District, located in New Orleans, was devastated by Hurricane Katrina in 2005. In the wake of the hurricane, I observed the multitude of nonprofit organizations beyond the American Red Cross that provided disaster relief to the city.

In addition to widely recognized national organizations, local relief organizations are also invaluable. They have on-the-ground knowledge of the greatest local needs and how to fulfill those needs. Under the Stafford Act, contracts for disaster relief are to be awarded to local contractors to the extent possible. That is why I introduced my amendment to extend access to the Federal Supply Schedules to these local organizations.

After the tragic earthquake in Haiti, The New York Times listed at least 41 large-scale disaster relief organizations to which Americans could contribute. These organizations were filling a multitude of roles in Haiti and supporting the U.S. Government's presence there. They also should be eligible to purchase goods and services from the Schedules. My amendment and the bill in its entirety received unanimous support in committee.

Mr. Speaker, I urge my colleagues to support S. 2868.

I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, S. 2868, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING DESIGNATION OF NATIONAL HEREDITARY BREAST AND OVARIAN CANCER WEEK AND NATIONAL PREVIVOR DAY

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1522) expressing support for designation of the last week of September as National Hereditary Breast and Ovarian Cancer Week and the last

Wednesday of September as National Previvor Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1522

Whereas it is estimated that 750,000 people in the United States carry a gene mutation that causes a predisposition to breast and ovarian cancer;

Whereas approximately 5 to 7 percent of breast cancer and 10 to 14 percent of ovarian cancers are hereditary;

Whereas women with these mutations have up to an 84 percent chance of developing breast cancer in their lifetime;

Whereas women with a BRCA genetic mutation have up to a 50 percent lifetime risk of developing ovarian cancer;

Whereas the single greatest ovarian cancer risk factor is a family history of the disease;

Whereas hereditary cancers are often more aggressive than other cancers and occur at a younger age, when people are less likely to undergo cancer screening;

Whereas breast cancer is the leading cause of cancer death in women under the age of 54;

Whereas ovarian cancer is the leading cause of gynecologic cancer death;

Whereas individuals with a hereditary risk for cancer require different cancer screening and risk management recommendations than the general population;

Whereas inherited BRCA genetic mutations are found in approximately 1 in 40 Ashkenazi Jews and mutations have been found in people of every ethnic group;

Whereas more than one-third of Jewish women diagnosed with ovarian cancer or primary peritoneal cancer at any age, or breast cancer before age 40, carry an inherited BRCA mutation;

Whereas African-Americans and Hispanic Americans are less likely to have access to hereditary cancer information and appropriate health care;

Whereas children of parents with an inherited predisposition to breast and ovarian cancer have a 50 percent chance of inheriting the predisposition;

Whereas among many in the cancer community, a "previvor" is a survivor of a predisposition (or increased risk) to cancer;

Whereas genetic counseling and genetic testing can determine if an individual is at high risk for breast or ovarian cancer;

Whereas raising awareness of hereditary cancer and knowledge of a genetic predisposition can directly lead to preventive strategies that can reduce the chance of dying from cancer;

Whereas the last week of September would be an appropriate week to designate as National Hereditary Breast and Ovarian Cancer Week; and

Whereas the last Wednesday in September would be an appropriate date to designate as National Previvor Day; Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Hereditary Breast and Ovarian Cancer Week; and

(2) supports the designation of National Previvor Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 1522, expressing support for National Hereditary Breast and Ovarian Cancer Week and National Previvor Day. This resolution will help to raise awareness of the risk of these aggressive cancers.

Many Americans are at risk of developing these cancers over the course of their lifetimes, and the risk is even greater for those who are genetically predisposed to contract them. As the resolution notes, hereditary cancers can be more aggressive than other forms of cancer, and people may develop them at younger ages, when they are less likely to undergo cancer screening. If cancer is diagnosed early, chances of surviving it can increase. I am pleased to join my colleagues to encourage early screening.

House Resolution 1522 was introduced by our colleague, the gentlewoman from Florida, Representative DEBBIE WASSERMAN SCHULTZ, on July 15, 2010, and was referred to the Committee on Oversight and Government Reform. It comes to the floor today with the support of over 80 cosponsors. I thank the gentlewoman, and would like to note that her tenacity in battling and surviving breast cancer should inspire all of us to work as hard as she did to preserve our health.

Mr. Speaker, I urge my colleagues to join me in supporting House Resolution 1522.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this one hits close to home. I lost my mother to cancer at a very young age, to breast cancer. My father a few months ago was diagnosed with colon cancer. Difficult to watch and to see. But I rise today in strong support of this House Resolution 1522, expressing support for the designation of the last week of September as National Hereditary Breast and Ovarian Cancer Week and the last Wednesday of September as the National Previvor Day.

Mr. Speaker, I would first like to commend my colleague from Florida who introduced this resolution not only as a Member of Congress, but as a cancer survivor and a previvor herself. For her courage and example, we appreciate it. I also thank Chairman CLAY for his leadership and the ability to work together and to bring this resolution to the floor.

□ 1140

This resolution gives this body an opportunity to raise awareness of hereditary cancers of all kinds, informing as many people as we can of the possibility that they or a loved one may have a genetic predisposition for cancer that can lead to preventive strategies that may significantly reduce the chance of an individual dying from cancer.

Even though it was before my allotted age of 50 when I was supposed to do some screening, I recently went and got a colonoscopy. I will spare you the details of that procedure, but I can tell you that it is well worth it to not only have the peace of mind but to do the responsible thing for our families and get checked for these types of cancers that can go undetected with, really, no symptoms. I am glad I did it, and I am grateful for the medical practices that we have in this country to be able to do that.

Mr. Speaker, an astounding number of women in this country, approximately one in eight, will suffer from breast cancer at some point during their lives. This year alone, an estimated 209,000 women will be diagnosed with the potentially deadly ailment. While the number of deaths attributed to breast cancer has declined since 1990, roughly 40,000 women are still expected to die this year from the disease. Breast cancer is the leading cause of death in women under the age of 54. When my mother passed away, she was only 52 years old.

Mr. Speaker, while not as common as it is in women, let us not forget about the men who also will suffer from breast cancer. While less than 1 percent of new breast cancer cases are found in men, this number was still almost 2,000 in the year 2008.

Along with breast cancer, ovarian cancer poses another major medical threat to women in this country. Each year in the United States, over 21,000 women are diagnosed with ovarian cancer and approximately 15,000 die from the disease. Ovarian cancer accounts for roughly 3 percent of cancer diagnoses in women in the United States. It is the ninth most common cancer among women. The greatest risk factor is family history of the disease.

Mr. Speaker, approximately three-quarters of a million people in this country are carriers for a gene mutation that causes a predisposition to breast and ovarian cancer. Women that have one of these mutations face nearly an 84 percent chance of suffering from breast cancer at some point during their lives.

Furthermore, women who have the BRCA genetic mutation have up to a 50 percent chance of developing ovarian cancer. Roughly 5 to 7 percent of breast cancer and 10 to 14 percent of ovarian cancer cases are hereditary. More than one-third of Jewish women diagnosed

with ovarian or primary cancer at any age or diagnosed with breast cancer before age 40 have been found to be the carriers of the inherited BRCA mutation.

Mr. Speaker, the other purposes of this resolution is to recognize those known as previvors. According to the nonprofit organization FORCE, cancer previvors are “individuals who are survivors of a predisposition to cancer but who haven’t had the disease.” These individuals have a known predisposition for cancer such as a family history or hereditary genetic mutation and must live with a unique set of emotional and medical issues. Previvors are forced to make extraordinarily difficult medical management decisions throughout their lives, the likes most of us will never know.

Mr. Speaker, I again commend my colleague from Florida for introducing this resolution. I applaud her brave fight against breast cancer and for her continued campaign to increase cancer awareness and to combat this horrific disease.

I urge all Members to join me in strong support of House Resolution 1522, and I reserve the balance of my time.

Mr. CLAY. I want to thank my colleague from Utah for promoting an awareness of cancer screening.

Mr. Speaker, I yield 5 minutes to the chief sponsor of this legislation, and one of the most courageous colleagues we have because she is a survivor, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Thank you, Chairman CLAY, for your very kind remarks.

Congressman CHAFFETZ, thank you very much for taking the lead on your side of the aisle. Let me just express the grief that I know you felt for the loss of your mother. I have shared that grief with so many women since I shared my own personal story, and hopefully the resolution that we have today will raise awareness so that we can continue to catch more cancer earlier so that we can have more survivors in the United States.

Let me also commiserate with you on the pre-50 experience that I had for a colonoscopy, which wasn’t just fun, but is absolutely necessary. Thank you for mentioning that too, although we all will spare the gory details for everyone. Suffice it to say that it’s not a fun experience, but one that is very necessary.

But I rise today to offer H. Res. 1522, expressing support for designation of the last week of September, this year being the week of September 26, as National Hereditary Breast and Ovarian Cancer Week and the last Wednesday of September as National Previvor Day.

Of all the cancers that affect women, roughly 10 percent of cases are caused by genetic factors. Though this per-

centage is relatively small, the risk for this group, as you have just heard, is huge.

Women with hereditary risk factors for breast cancer carry an 85 percent lifetime risk of developing the disease. For ovarian cancer, most women have about a 1.5 percent lifetime chance of developing the disease. But for those with hereditary risk factors, that chance can be as high as 50 percent, and as I learned almost 3 years ago, I am one of those women.

Together with my colleagues and inspirational organizations, including Facing Our Risk of Cancer Empowered, or FORCE; Bright Pink; and the Young Survival Coalition, this resolution gives a voice to these women and brings awareness to the risks of hereditary cancer and, as I have said many times and as so many of my colleagues have said on the floor many times, knowledge is power.

Hereditary cancer syndrome describes an inherited gene mutation that increases the risk for one or more types of cancer. The main hereditary breast and ovarian syndromes are caused by mutations in one of two genes, BRCA1 or BRCA2—I am a BRCA2 carrier—which substantially increase the risk for breast and ovarian cancer and slightly increase the risk for other kinds of cancers.

For women with a hereditary risk of cancer, it often strikes at an earlier age when they are less likely to expect it, but when the cancer is often more aggressive and more deadly. These young women with a heightened genetic risk are known as previvors, individuals who are survivors of a predisposition to cancer, but who haven’t yet had the disease.

I was 41 when I discovered that I had breast cancer. Because my cancer was discovered so early, I may have only needed minimal treatment. However, as an Ashkenazi Jewish woman, as a woman of Eastern European Jewish descent, I was at a higher risk of carrying a BRCA mutation, and my early cancer set off warning bells for my doctors.

At the time, I did not know of my increased risk for carrying the BRCA gene mutation, but I was fortunate that once diagnosed with breast cancer, I had access to experts that helped me learn more about what the BRCA gene mutation meant for me. Genetic testing confirmed the worst. Unfortunately, I had hereditary cancer which dramatically increased my chances of a recurrence of breast cancer and getting ovarian cancer as well. Facing my disease, I have become both a survivor and a previvor.

As a mother of three beautiful children, Mr. Speaker, I wanted to make sure that I would be around to see them grow up. I faced tough choices, but seven major surgeries later, I have dramatically reduced the chances that my own cancer will come back.

Fortunately, there are organizations like FORCE, Bright Pink and the Young Survival Coalition that support young women as previvors and as survivors of cancer. These organizations bring essential awareness to these issues and help women at risk by providing the information, support and the voice they need to help survive their hereditary risk. As I said before, knowledge is power.

It is also why, with the help of 377 cosponsors in the House, I filed the Breast Cancer Education and Awareness Requires Learning Young Act, known as the EARLY Act, to bring this message of knowledge and awareness to the forefront of the story about cancer. I am proud that the EARLY Act is now the law of the land.

With the odds stacked against them, young previvors need to know their risks. It is our responsibility to empower these women to know their bodies, speak up about their health, and work together to wipe out these deadly diseases.

I believe this resolution will help in that effort. National Previvor Day and Hereditary Breast and Ovarian Cancer Week, which bridges September’s Ovarian Cancer Awareness Month and October’s Breast Cancer Awareness Month, will bring added public awareness to the risks for genetic cancers. I encourage all of my colleagues to join me in support of H. Res. 1522.

Mr. Speaker, let me just add, before I close, that I am thrilled to see that our colleague from Connecticut, Congresswoman ROSA DELAURO, who is an ovarian cancer survivor, has joined us on the floor in support of this resolution.

Mr. CHAFFETZ. Mr. Speaker, I don’t believe we have any additional speakers.

I continue to reserve the balance of my time.

Mr. CLAY. Mr. Speaker, at this time I would like to yield 2 minutes to the gentlewoman from Ohio (Ms. KILROY).

□ 1150

Ms. KILROY. Thank you, Mr. Chairman.

Mr. Speaker, I rise today in support of House Resolution 1522, which expresses support for the designation of National Hereditary Breast and Ovarian Cancer Week and National Previvor Day. I’m proud to be a cosponsor of this resolution which will raise critical awareness about hereditary cancers and increase knowledge about genetic predispositions which may put some individuals at particular risk.

And just as an aside, I just want to take note that when we passed our health care bill, we made it much more likely that people will get the information to find out about whether they have a genetic predisposition. Without that health care bill which would prohibit discrimination on the basis of an existing condition, many women and

men would be afraid to learn more about their genetic histories. But this is critically important information about how you would be able to address certain signs and symptoms and heighten awareness about your particular situation.

We all know someone who has been diagnosed with cancer, and we understand the devastating impact that the diagnosis can have on patients and loved ones. I have been through it with my family, with a very close person in my family with respect to ovarian cancer, and my husband's young cousin is struggling with breast cancer right now. One in two men and one in three women will develop cancer in their lifetime, and in 2010 alone, nearly 1.5 million Americans will be diagnosed with cancer.

Although we have made great strides in recent years in finding new treatments, we must support efforts to find the genetic mutations that increase the likelihood that some people will develop cancer in their lifetimes. We need to work on cures. We need to work on treatments. But finding causes is critically important as well.

We also must encourage everyone to know as much as they can about their own family histories so they can work with their physicians and get the necessary and timely screenings as early as possible. Hereditary cancer can strike at a younger age.

I appreciate this opportunity, and thank you, Mr. Chairman.

Mr. CLAY. Mr. Speaker, I now yield 3 minutes to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Speaker, I rise in support of declaring the last week of September to be National Hereditary Breast and Ovarian Cancer Week and the last Wednesday of September to be National Previvor Day.

I want to thank my colleagues who have spoken this morning and all of whom have dealt in some way with the issue of breast cancer, ovarian cancer, or maybe some other form of cancer. It is probably the worst day of your life when you are given a cancer diagnosis. You are not listening to what any doctor says. You are only consumed with understanding whether or not you are going to live or die or what is going to happen to your family if such a death should occur.

After heart disease, cancer is still the second-leading cause of death in America, and breast cancer the most common cancer diagnosis. In 2006, over 40,000 women died from this disease. Ovarian cancer, meanwhile, is the fifth most common cancer among women. Close to 14,000 of our friends and family are expected to perish from ovarian cancer this year.

Perhaps the saddest thing about these grim numbers is that some of these deaths are readily preventable. Thanks to modern science, we now

know much more about the genetic and hereditary precursors of these cancers and can identify the women most at risk, the previvors that are predisposed to develop them. We also know that women who catch their ovarian cancer at an earlier stage are over three times more likely to survive the disease than those who do not. Sadly, over 60 percent of the women diagnosed with ovarian cancer between 1999 and 2006 fell into this latter category.

Similarly, women diagnosed with breast cancer early are more than four times more likely to survive the disease than women diagnosed at a later stage. And yet one in five women over age 50 have not had a mammogram in the past 2 years.

We have worked to address these troubling statistics with the preventive care reforms in the Affordable Care Act. But there is no substitute for awareness, and that is why I strongly support this resolution and encourage all women, and particularly previvors with a genetic predisposition for those cancers, to get tested early and get tested often.

Twenty-four years ago, it was an early diagnosis of ovarian cancer that saved my life. It was accidental. It should not be accidental. People should not survive by accident.

It is so critically important that this resolution pass. We can save. We can save women, and we save women and we save their families. And I urge my colleagues. I was lucky. My life was given back to me and gave me a second chance. Let's give our families, the women in this country, a first chance and a second chance to survive. I urge my colleagues to support this resolution.

Mr. CHAFFETZ. Mr. Speaker, I urge us all to support and pass this important resolution. This is something that should truly unite us in this fight. We continue to build awareness and encourage people to get checked. And our hearts and prayers go out to those loved ones who are suffering from this, but there is great hope.

I urge my colleagues to get behind this resolution, and I yield back the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of H. Res. 1522, a resolution focusing on the important health issues of breast and ovarian cancer. It is the obligation of this Congress to do everything that we can to support the individuals with these cancers and to lead the fight to find a cure. The lives of too many Americans are destroyed by these cancers—not only the individuals suffering from these diseases, but the family members and caregivers as well. I have been working to raise awareness of inflammatory breast cancer, a area and particularly deadly form of breast cancer. Many people may not be aware that there are different types of breast cancer. Even many physicians are unfamiliar with inflammatory breast cancer. That is why continuing to educate ourselves about

these cancers and continuing to raise awareness is so critically important. This resolution will continue to raise awareness of breast and ovarian cancer and encourage continuing education. I want to thank Representative WASSERMAN SCHULTZ for her work on this resolution and for being a leader on these issues and women's health in this Congress.

Mr. CLAY. Mr. Speaker, in closing, I want to thank my colleagues—the gentlewomen from Florida, Ohio, and Connecticut—for lending their voice to this issue and raising the level of awareness throughout this country as far as the dreaded disease of cancer is concerned.

I urge my colleagues to join me in supporting this measure.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1522.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

OVERSEAS CONTRACTOR REFORM ACT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5366) to require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overseas Contractor Reform Act".

SEC. 2. REQUIREMENT TO PROPOSE FOR DEBARMENT PERSONS VIOLATING THE FOREIGN CORRUPT PRACTICES ACT.

(a) REQUIREMENT TO PROPOSE FOR DEBARMENT.—Unless waived by the head of a Federal agency under subsection (b), any person found to be in violation of the Foreign Corrupt Practices Act of 1977 shall be proposed for debarment from any contract or grant awarded by the Federal Government within 30 days after a final judgment of such violation.

(b) WAIVER.—The head of a Federal agency may waive this section for a Federal contract or grant. Any such waiver shall be reported to Congress by the head of the agency concerned within 30 days from the date of the waiver, along with an accompanying justification.

(c) FINAL JUDGMENT.—For purposes of this section, a judgment becomes final when all

appeals of the judgment have been finally determined, or all time for filing such appeals has expired.

(d) DEFINITIONS.—In this section:

(1) CONTRACT.—The term “contract” means a binding agreement entered into by a Federal agency for the purpose of obtaining property or services.

(2) PERSON.—The term “person” includes—

- (A) an individual;
- (B) a partnership; and
- (C) a corporation.

(3) FOREIGN CORRUPT PRACTICES ACT OF 1977.—The term “Foreign Corrupt Practices Act of 1977” means—

(A) section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1); and

(B) sections 104 and 104A of the Foreign Corrupt Practices Act (15 U.S.C. 78dd-2).

SEC. 3. GOVERNMENTAL POLICY.

It is the policy of the United States Government that no Government contracts or grants should be awarded to individuals or companies who violate the Foreign Corrupt Practices Act of 1977.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. I yield myself such time as I may consume.

Mr. Speaker, contractors have been tarnishing the name of our good country by bribing foreign officials with the very tax dollars our country pays them. In our effort to win the hearts and minds of the people of foreign countries, we must show that we take integrity and honesty seriously. As such, we must take action against those contractors who hinder our efforts and inappropriately utilize the money we pay them. H.R. 5366, the Overseas Contractor Reform Act, will provide the government with the means to appropriately respond to those contractors.

H.R. 5366 was introduced by my colleague, Representative PETER WELCH, on May 20, 2010, and referred to the Committee on Oversight and Government Reform, where we worked hard to get this important legislation to the House floor.

This bill requires that any person convicted of violating the Foreign Corrupt Practices Act of 1977 be proposed for debarment from any further contracts or grants with the Federal Government within 30 days after final judgment of the violation. The bill defines “final judgment” as occurring when all appeals of the judgment have been determined or all the time for filing such appeals has expired, so there

is no question regarding the person's guilt.

Additionally, this bill authorizes the head of a Federal agency to issue a waiver, allowing contracts or grants to be awarded to the contractors, but the agency head must justify the decision and report the waiver and accompanying justification to Congress within 30 days.

□ 1200

This bill also makes it Federal policy that no more contracts or grants should be awarded to any individuals or companies who violate the Foreign Corrupt Practices Act. This policy statement sends a strong message to all that such waste, fraud, and abuse will not be tolerated.

This bill helps fight waste of tax dollars, protects the image of the country, and helps ensure fair play in competition for contracts. H.R. 5366 is a common sense, good government bill, and I encourage my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5366, the Overseas Contractor Reform Act. The Committee on Oversight and Government Reform over the years has uncovered numerous instances in which government continued doing business with bad actors. This legislation will augment the U.S. government's efforts to combat waste, fraud, and abuse in contracting. It will ensure that we are awarding contracts and grants only to parties with integrity.

The bill requires a Federal agency to propose for debarment from receiving any new grants or contracts a person or entity found in violation of the Foreign Corrupt Practices Act of 1977.

The Foreign Corrupt Practices Act makes it a crime to offer a bribe to a foreign official for the purpose of obtaining or retaining business from a foreign government.

Since the passage of the Foreign Corrupt Practices Act, the fraud section of the Department of Justice has prosecuted individuals and entities accused of bribing foreign officials. These parties are now subject to fines, and although proposed debarment was already a possible consequence, this bill sends the message that Congress, without question, desires agencies to take administrative action against parties convicted of violating the Foreign Corrupt Practices Act.

This bill also provides agencies with a modicum of flexibility. If the agency head finds it is in the best interest of the government to waive the requirement for proposed debarment, a waiver is permissible. However, the agency head must report the waiver to Congress and provide a justification.

Mr. Speaker, I urge my colleagues to support H.R. 5366.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 5366, the Overseas Contracting Reform Act, which provides an important and necessary recourse for our government when contractors violate federal law. Specifically, the legislation requires the automatic proposal for debarment of any contractor found to be in violation of the Foreign Corrupt Practices Act, FCPA, which prohibits American companies and individuals from unlawfully influencing foreign officials.

I commend the sponsor of this legislation, Representative PETER WELCH of Vermont, for his work on this matter. Since the brutal shooting incident at Baghdad's Nisour Square in which guards employed by the private security contractor Blackwater Worldwide, now Xe Services, allegedly shot and killed 17 innocent and unarmed Iraqi civilians, I have worked to bring such contractors within the purview of U.S. law and to hold them accountable for their actions. Unfortunately, even after the Blackwater shooting gained considerable public attention, reports indicated that not only did contractors remain a significant part of the U.S. presence in Iraq and Afghanistan, but they also continued to serve in inappropriate roles such as conducting interrogations of suspected terrorists. All the while, the laws which govern them remain vague.

As many of my colleagues and I have noted for several years, there is an egregious lack of both accountability and transparency for such firms and their employees. Although the Federal Acquisition Regulation, FAR, enables government officials to initiate suspension and debarment proceedings where the contractor has committed an offense “that seriously and directly affects the present responsibility of a government contractor or subcontractor,” among other things, no official used this authority to initiate such proceedings with Blackwater. Moreover, as a recent Senate Armed Services Committee investigation underscores, Blackwater was able to secure new contracts by creating several dozen subsidiaries for the sole purpose of concealing its parent companies' identity. Contracting officers claim they weren't even aware that they were awarding contracts to a company under Blackwater's control.

It is clear that the existence of authority to debar under the FAR is, in itself, insufficient to trigger debarment proceedings, perhaps because agency officials are unwilling to initiate debarment proceedings even when just cause is shown. That is why H.R. 5366 is an important piece of legislation. It will provide that companies automatically be proposed for debarment if they are found to be in violation of the FCPA. The Department of Justice is investigating whether Blackwater employees bribed Iraqi officials to allow them to continue doing business in Iraq, an obvious violation of the FCPA. Under H.R. 5366, if Blackwater is found guilty, the firm will automatically be proposed for debarment.

Mr. Speaker, all loopholes for private security contractors working overseas should have been closed long ago. Contractors and their employees must be held accountable for their actions overseas, especially during war time. This is not just important for the America's reputation for upholding justice and the rule of law, but for the safety and security of our

troops and civilians serving overseas. Failing to do so undermines American national security interests. I urge my colleagues to join me in voting for H.R. 5366.

Mr. BLUMENAUER. Mr. Speaker, in today's wars, military contractors play a larger role than ever before. As we have seen over the past decade, our laws have been inadequate to curb what became a free-for-all for contractors overseas. That is why I support efforts like this one, to define and reign in unacceptable and damaging contractor abuses.

In my own state of Oregon, 26 Oregon National Guardsmen have filed suit against war contractor KBR, formerly a subsidiary of Halliburton, alleging that KBR personnel knew a highly toxic chemical was present at Iraqi facilities in 2003, but that they waited months before bringing it to the attention of the U.S. military. By that time, unsuspecting members of the Oregon, Indiana, and West Virginia National Guard had already been exposed.

Even more troubling, if KBR is found to be at fault the company may never have to pay for its actions. A still-classified clause in KBR's contract may result in the U.S. Army—and U.S. taxpayers—paying for the harm done by contractors.

This is just one instance of past contractor actions having continued repercussions today. I will continue to work for swift congressional action that will hold contractors accountable, strengthen oversight and protect both our troops and the taxpayers.

I strongly support Mr. WELCH's efforts here today, and those who help tackle this problem on behalf of our brave men and women in uniform.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of H.R. 5366, the Overseas Contractor Reform Act. The Overseas Contractor Reform Act will keep any person found to be in violation of the Foreign Corrupt Practices Act of 1977 from receiving a government contract or grant. It is important that we ensure that any individual that receives a contract from the Federal Government, and therefore is a de facto representative of the people of the United States, is of the highest moral standard and complies with all applicable laws. Improving our ability to effectively oversee our foreign contractors will yield numerous benefits. I look forward to continuing to work with my colleagues to improve our contractor system and curtail abuses and excesses when they are found.

Mr. CHAFFETZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 5366.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING CONSTITUTION DAY

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1612) expressing the support for and honoring September 17, 2010 as "Constitution Day".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1612

Whereas the Constitution of the United States was signed on September 17, 1787, by 39 delegates from 12 States;

Whereas the Constitution was subsequently ratified by each of the original 13 States;

Whereas the Constitution was drafted in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for the citizens of the United States;

Whereas the Constitution has provided the means and structure for this Nation and its citizens that is unparalleled by any other country;

Whereas the Constitution's contributions to the welfare of the human race reach far beyond the borders of the United States;

Whereas the House of Representatives continues to strive to preserve and strengthen the values and rights bestowed by the Constitution upon the United States and its citizens;

Whereas the Constitution is recognized by many to be the most significant and important document in history for establishing freedom and justice through democracy;

Whereas the Constitution deserves the recognition, respect, and reverence of all people in the United States;

Whereas every person in the United States should celebrate the freedom and responsibilities of the Constitution;

Whereas the preservation of such values and rights in the hearts and minds of United States citizens would be advanced by official recognition of the signing of the Constitution; and

Whereas September 17, 2010, is designated as "Constitution Day": Now, therefore, be it Resolved, That the House of Representatives—

(1) supports "Constitution Day"; and
(2) calls upon the people of the United States to observe the day with appropriate ceremonies and activities.

The SPEAKER pro tempore (Ms. MCCOLLUM). Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Madam Speaker, I yield myself such time as I may consume.

It is no exaggeration to say that the United States Constitution is one of the most important documents in history. Its framework for our representative and democratic system of government has served the American people well for over two centuries, making it the oldest federal constitution still in use in the world. Its separation of powers, checks and balances, and preservation of rights has been an example to burgeoning democracies everywhere. I think that all Americans should take time to read and study the Constitution. The values and principles it enshrines are central to our Nation's identity.

House Resolution 1612 was introduced on September 14, 2010, by my colleague, the gentleman from Ohio (Mr. LATTA). It enjoys the bipartisan support of 50 cosponsors. And I am sure that my colleagues will agree that it is a privilege for us to serve in this Chamber, serving, protecting, and defending the United States Constitution. I am glad that we are taking the opportunity today to honor that most treasured document.

In closing, let us all be sure to keep the principles of the Constitution in our hearts and on our minds every day as we continue to work for a more perfect union.

Madam Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1612, expressing support for and honoring September 17, 2010 as "Constitution Day."

Madam Speaker, I would first like to commend my distinguished colleague, the gentleman from Ohio (Mr. LATTA), for introducing this bipartisan resolution for the second year in a row. It serves as an important reminder of the ideals and principles contained within a document that we have all sworn to uphold and protect.

Madam Speaker, Friday marks the 223rd anniversary of the signing of the Constitution of the United States of America. On September 17, 1787, 12 State delegations, comprising a total of 39 delegates to the Constitutional Convention in Philadelphia, Pennsylvania, signed a historic document that has guided our Nation for centuries. While this concluded the Constitutional Convention, the Constitution didn't truly take effect until New Hampshire became the ninth State to ratify it on June 21, 1788.

At some 4,400 words, the Constitution is not only the shortest charter of government for any major country in the world, but also the oldest. Madam Speaker, it is truly remarkable that a document authored over two centuries

ago has been able to stand the test of time and continues to provide a foundation for our Nation even to this day.

I encourage every American to take time this Friday to celebrate and remember the freedoms and values contained within this document that sadly we have all too often taken for granted.

Madam Speaker, it is truly an honor and privilege to be able to speak on the floor of the House of Representatives about the Constitution, and I urge all Members to join me in strong support of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I have no further requests for time on this side, and I continue to reserve.

Mr. CHAFFETZ. Madam Speaker, we have two additional speakers, but at this time I would like to yield such time as he may consume to the prime sponsor of the resolution, the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Madam Speaker, I thank the gentleman for yielding. I appreciate his kind words. I am honored to rise today in support of House Resolution 1612, which honors our United States Constitution on September 17 as Constitution Day.

You know, in the not-too-recent past, too few people in this country knew what was in this document. As the gentleman has previously said, it is about 4,400 words. That is all there is, 4,400 words. But I think over the last couple of years, more and more people are turning to it to find out exactly what is in here and how this place operates and how this country operates. And I think it is important. I have always been a student of history, and I think it is important to know where we came from in order to know where we are going. I think it is important that folks recognize September 17, that they should sit down and just start leafing through the Constitution.

□ 1210

I know this coming Friday, when we are all back in our districts again, I'm going to be back in my district talking at a school. From there, I'm going to go to a university in my district and talk about the Constitution and what it means to us. I think it's important that people know what it is because, again, as I said, people have got to understand how we are and why we are the way we are.

As the gentleman has said, this document has been in existence for 223 years from September 17. As just a little bit of background on how we got here, James Madison, when he was still in Virginia, really understood that the Articles of Confederation weren't working in this country. There was a dispute that was going on, and they wanted to really get something worked out with Maryland, so they kind of sat

down and came up with an idea of having some kind of a get-together, a meeting, in Philadelphia.

The question really was at that time: Were they going to, A, just look at the Articles of Confederation and try to amend those, which is what a lot of the delegates who attended thought they were doing, or, as Madison thought, were they really going to sit down and bring forth a great new document that would get us past that trying time in our country's history and move us forward?

There was great debate, because as they assembled in 1787, in May of that year, and as the delegates were coming in from around the country from 13 States, in the debate, they were saying, Well, we should be doing this or we shouldn't be doing that because we're only supposed to be here for the Articles of Confederation; but folks really started sitting down and looking at the issue.

As they were looking at this, more and more people came to the conclusion which Madison had, and he had gone there prepared. It's amazing what he had done if you look at his background and what Madison was, but he went there. He had gone through the ancient charters, going back to Greece, to Rome, going across the world; and he looked at the best that was there at that time that they could examine. He brought those things with him, and then the debates began.

The great thing about it was there were debates, and there was open discussion, but the open discussion was only amongst the members because, during that time, they said, you know, We do not want this to get out, so they actually closed the doors and shut the windows. Now, you've got to remember that this was one of the hottest years that they had had on record for a summer in Philadelphia. They closed the windows. They posted a guard at the door, and they didn't want anybody to know what the discussions were. Everybody was under pretty much an oath of secrecy that they would not go out and discuss what was being said in there at that time. We would know it today as a complete press blackout.

Though some of the members got disgruntled, they went home. Some of them came back, but some of them just said, You know what? I'm fed up with this. We shouldn't be doing what we're doing, and they left. Yet the ones who stuck it out are the ones to whom we owe our being where we are today.

You start looking at this document and the people that presided over that Constitutional Convention—you know, George Washington being the presiding officer, and then also was the deputy from Virginia. You look at some other individuals—Alexander Hamilton from New York, Benjamin Franklin, Robert Morris, Governor Morris of Pennsylvania, of course James Madison, who

we all know is the Father of our Constitution. These individuals made sure that they put forth a document that we would have and hold so dear to us today.

There were a lot of people at that time from around the world who were still looking at this fledgling country and asking, Can it really exist? Can it survive? But this little document, these 4,400 words, showed the world who we were as Americans and what we stood for.

Now, there was a lot of conflict, and there were a lot of things on which they could not come to a resolution during that time—slavery was one of them—but they hoped at some point in time that Americans would come to a resolution on that. As we saw this document progress during that time. On September 17, 1787, they finally came to a resolution, and they signed the document.

It's interesting because it's reported that, when Benjamin Franklin left Constitution Hall, a woman met him outside. She asked—and I'm paraphrasing—Mr. Franklin, what have you given us? He said to her in reply, A republic if you can keep it.

So, for these past 223 years in this country, it has been important that every generation read this document to understand who we are and why we want to preserve it. It is so important, in my opinion, that on September 17, this coming week, that we honor the Constitution with Constitution Day. I would urge everyone to sit down, to pick up their little pocket Constitutions, to just read them, and to thank those individuals. In my opinion, the good Lord gave us such a small window of time, and He put so many great minds in one room to give this great document.

Mr. CLAY. Madam Speaker, I continue to reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Missouri has 18½ minutes remaining. The gentleman from Utah has 12 minutes remaining.

Mr. CHAFFETZ. Madam Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to celebrate this 223rd anniversary of the Constitution.

Over two centuries ago, 39 Founding Fathers signed a document that established a framework for the free and brave society that we have in this United States of America. It was in the late 18th century when the 13 colonies were suffering from heavy trade regulations and increasing taxes, with revenues being sent back to war-ravaged England. American colonists were exasperated by what could only be explained today as taxation without representation.

It was John Adams who then described the months that followed as the greatest single effort of national deliberation the world had ever seen, for our Founding Fathers made the first modern attempt at a republican democracy in human history. These brave visionaries succeeded in designing a government that would be the model of the free world right up until the current day.

See, our newly ratified Constitution posed a challenge to the age-old political belief, and that was equally distributed powers between three branches of government to create a limited form of government with checks and balances and to facilitate that the States and the people would retain all other power and authority not specifically delegated to those in Washington. It was James Madison, the author of the Constitution, who considered it the tools necessary to enable a government to control the governed but, in the same breath and the next place, to oblige it to control itself.

You know, unfortunately, the intrinsic values which made our country the prosperous Nation that it is today have been threatened since the Constitution's signing. Our Supreme Court, across the street, once called the guardians of the Constitution by Alexander Hamilton, have removed broad constitutional protections, which have vastly expanded the powers of the Federal Government. Big Government politicians in this legislative and executive branch have created so many new government bureaucracies that our annual Federal spending right now has surpassed 37 percent of GDP. With these and more, the strict constitutional guidelines that our Founding Fathers put in place are now severely in jeopardy.

As a United States Congressman and founder also as I am of the Constitution Caucus here in Washington, my goal always has been to keep the Constitution in the forefront in modern-day politics, for without its influence, we do not possess the groundwork needed to keep our country strong and free as we all desire.

It was Abraham Lincoln who famously said, Don't interfere with any of the Constitution. It is the only safeguard for our liberties. Well, I promise to keep that essential document integrated into our power policy decisions—any one that I make—and I look forward to keeping that shining city on the hill as our Founding Fathers created on this day 223 years ago.

I thank you all, and may God bless America.

Mr. CLAY. Madam Speaker, I continue to reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, we have no additional speakers. I would just urge my colleagues to please get behind us in support. This is something

that, again, should unite us. The beauty and the profound nature of the Constitution, the very first three words of "we the people," this is something that is so profound and inspired within this Nation. I just urge all of my colleagues to get behind us and to support this resolution.

I yield back the balance of my time.

Mr. RAHALL. Madam Speaker, Constitution Day was Senator Byrd's Day.

Having just finished drafting our Constitution, Benjamin Franklin was stopped in the street as he left Independence Hall in Philadelphia where delegates from thirteen former colonies had been meeting the summer of 1787. "Dr. Franklin, what form of government have you given us?" a concerned citizen asked. "A republic, Madam," said Franklin; quickly adding, "If you can keep it."

Throughout Robert C. Byrd's life he was a proud keeper and guardian of two sets of laws, one laid down in our Bible (the King James Version), the other rooted in our federal Constitution.

Senator Byrd was a largely self-taught man. He cherished learning, a process he continued throughout his life, and he made sure that countless Americans would get an annual lesson, a civic reminder about our Constitution each September 17th. Senator Byrd authored the law that now requires all institutions receiving federal funding to celebrate the venerable document in a meaningful and instructive way.

Dr. Ray Smock, director of the Byrd Center, the repository for Senator Byrd's papers and a center for the study of Congress in Shepherdstown, West Virginia, recently shared some insights with me in advance of our celebration of the Constitution this September 17th, which serve to remind us that Senator Byrd's values are as timeless as his work for West Virginia was tireless.

At the Byrd Center, among the collection of thousands of pages of Senator Byrd's work, rests the Bible he held when he was sworn in as President Pro Tem of the Senate on Jan. 3rd, 1989. That Bible, like others that were in his possession, was heavily underlined on almost every page. Sometimes he would write in the margin: "Memorize This." He wrote two quotations on the inside front cover of this particular Bible:

"Remove not the ancient landmark, which thy fathers have set." Proverbs 22:28

And, "We speak much about what matters little; we speak little about what matters much." We are not sure of the source of this quotation, but the fact the Senator placed it here, shows us how important it was to him.

When you think about it, even a little bit, both quotations are relevant to Constitution Day. Certainly, to the Senator, one of the great ancient landmarks had to have been the U.S. Constitution. No one defended it better or more eloquently than Senator Byrd.

In the hard times we find ourselves right now, there are some prognosticators who argue that the Constitution needs to be overhauled. A recent article in Harper's magazine even suggested that the Senate is an anachronism and should be abolished.

Senator Byrd spent a lifetime defending the wisdom of our Founding Fathers and the gov-

ernment they created. He understood from his Bible and his Constitution that mankind was not perfect. And no government conceived by man is going to be perfect either. But he believed in the genius of the Constitution, which has served us well for more than two centuries.

He loved the Federalist Essays, and read them thoroughly from cover to cover, memorizing key passages. These 85 essays on the nature of the American government penned by James Madison, John Jay, and Alexander Hamilton were collectively the single best source Senator Byrd used to form his understanding of the intent of the Founders when they penned the Constitution. He quoted the Federalist papers frequently.

Among his favorite passages was in Federalist 51, in which James Madison wrote:

But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

The other quotation in the Senator's Bible, "We speak much about what matters little, we speak little about what matters most" gets to the heart of a lot that is wrong with our public discourse these days. The 24/7 news machine, the Internet, and talk radio, devote vast amounts of time speaking about what matters little, and not enough talking about the things that matter most. We all feel that government could work better. The question is in how to make that happen. We must not surrender to bumper-sticker politics that entice one to believe that solutions to great challenges are simple and quick.

The legacy of Senator Byrd's life suggests that we all need to be more responsible in making government work. Citizens and those who are elected need to put aside the extremes of partisanship to effectively address the complex needs of the country.

Senator Byrd was in awe of the Founders for their ability to set aside their partisanship and work to build a nation. He admired the Framers of the Constitution for their understanding of history and of human nature. While he could play partisan politics with the best of them and while he was loyal and dedicated to West Virginia, he never forgot that his role as a Senator was to look out for the whole nation, not just one party, or one place. It is certain that he would agree that our Constitution does not need changing so much as our moral compass needs adjusting.

Let us "remove not the ancient landmark, which thy fathers have set," and let us all follow Senator Byrd's example of keeping our perspective on the things that matter much, and not get lost wasting our time on those that matter little. Senator Byrd is gone now, but our job to work to keep this Republic is an ongoing duty, one that each generation must take up so our Union can endure, and prosper.

I will be visiting Boone County to celebrate our Constitution and the invaluable lessons Senator Byrd left with us. Constitution Day was dear to Senator Byrd's heart because it

was a day of reflection on the very thing that does matter much to the future of this nation.

To learn more about the Byrd Center, its collection and programs, please visit its Web site at: www.byrdcenter.org. Ray Smock is Director of the Robert C. Byrd Center for Legislative Studies, Shepherd University in Shepherdstown, WV, and is a former Historian of the U.S. House of Representatives.

Mr. BACHUS. Madam Speaker, September 17th is Constitution Day, a time to show appreciation for the foundational and supreme law of our land that deserves special attention this year. The principles of the U.S. Constitution have successfully guided our Nation through times of both prosperity and challenge. The genius of our Constitution rests in the Founding Fathers' intricate system of checks and balances and the division of powers between the states and the national government. This has helped ensure that the people are the masters of their government, rather than its servants. The 10th Amendment was particularly prescient in recognizing that the most effective, responsive, and representative government is that which is closest to its citizens. It has long been my practice to distribute copies of the Constitution to the school groups with whom I meet, and I am greatly encouraged by the millions of patriotic Americans who are now dedicating themselves to reaffirming and restoring the principles of limited government and personal freedom. Public and personal readings of the Constitution are taking place throughout Alabama and our country in recognition of Constitution Day. All Americans should reflect on an enduring document that has given us the magnificent gifts of democracy and freedom and remained relevant to providing guidance for our government despite the passage of more than two centuries.

Mr. CLAY. Madam Speaker, in closing, I thank my colleague from Ohio for bringing this legislation to the attention of the body, and I urge my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1612.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1220

MANDATORY PRICE REPORTING ACT OF 2010

Mr. SCOTT of Georgia. Madam Speaker, I move to suspend the rules and pass the bill (S. 3656) to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mandatory Price Reporting Act of 2010".

SEC. 2. LIVESTOCK MANDATORY REPORTING.

(a) EXTENSION OF AUTHORITY.—

(1) IN GENERAL.—Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) is amended by striking "September 30, 2010" and inserting "September 30, 2015".

(2) CONFORMING AMENDMENT AND EXTENSION.—Section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) is amended by striking "September 30, 2010" and inserting "September 30, 2015".

(b) WHOLESALE PORK CUTS.—

(1) REPORTING.—Chapter 3 of subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i et seq.) is amended by adding at the end the following new section:

"SEC. 233. MANDATORY REPORTING OF WHOLESALE PORK CUTS.

"(a) REPORTING.—The corporate officers or officially designated representatives of each packer shall report to the Secretary information concerning the price and volume of wholesale pork cuts, as the Secretary determines is necessary and appropriate.

"(b) PUBLICATION.—The Secretary shall publish information reported under subsection (a) as the Secretary determines necessary and appropriate."

(2) NEGOTIATED RULEMAKING.—The Secretary of Agriculture shall establish a negotiated rulemaking process pursuant to subchapter III of chapter 5 of title 5, United States Code, to negotiate and develop a proposed rule to implement the amendment made by paragraph (1).

(3) NEGOTIATED RULEMAKING COMMITTEE.—

(A) REPRESENTATION.—Any negotiated rulemaking committee established by the Secretary of Agriculture pursuant to paragraph (2) shall include representatives from—

(i) organizations representing swine producers;

(ii) organizations representing packers of pork, processors of pork, retailers of pork, and buyers of wholesale pork;

(iii) the Department of Agriculture; and

(iv) among interested parties that participate in swine or pork production.

(B) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any negotiated rulemaking committee established by the Secretary of Agriculture pursuant to paragraph (2) shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(4) TIMING OF PROPOSED AND FINAL RULES.—In carrying out the negotiated rulemaking process under paragraph (2), the Secretary of Agriculture shall ensure that—

(A) any recommendation for a proposed rule or report is provided to the Secretary of

Agriculture not later than 180 days after the date of the enactment of this Act; and

(B) a final rule is promulgated not later than one and a half years after the date of the enactment of this Act.

(c) PORK EXPORT REPORTING.—Section 602(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(1)) is amended by striking "cotton," and inserting "cotton, pork,".

SEC. 3. DAIRY MANDATORY REPORTING.

(a) ELECTRONIC REPORTING REQUIRED.—Subsection (d) of section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b) is amended to read as follows:

"(d) ELECTRONIC REPORTING.—

"(1) ELECTRONIC REPORTING SYSTEM REQUIRED.—The Secretary shall establish an electronic reporting system to carry out this section.

"(2) PUBLICATION.—Not later than 3:00 p.m. Eastern Time on the Wednesday of each week, the Secretary shall publish a report containing the information obtained under this section for the preceding week."

(b) IMPLEMENTATION.—Not later than one year after the date of enactment of this Act, the Secretary of Agriculture shall implement the electronic reporting system required by subsection (d) of section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b), as amended by subsection (a). Until the electronic reporting system is implemented, the Secretary shall continue to conduct mandatory dairy product information reporting under the authority of such section, as in effect on the day before the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, S. 3656.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. SCOTT of Georgia. Madam Speaker, I yield myself such time as I may consume.

The Mandatory Price Reporting Act of 2010 will authorize for 5 years the mandatory price reporting programs run by the United States Department of Agriculture. This act requires sales information to be reported and published in a timely fashion, allowing livestock buyers and sellers to make more informed decisions.

The Mandatory Price Reporting Act of 2010 adds mandatory reporting for wholesale pork cuts and pork exports. It also requires USDA to establish an electronic reporting system for dairy products so that price information is made available more quickly.

Madam Speaker, reauthorizing mandatory price reporting programs provides producers with the transparent, accurate and timely market information they need. I urge passage of the Mandatory Price Reporting Act of 2010.

Madam Speaker, I reserve the balance of my time.

Mr. LUCAS. I yield myself such time as I may consume.

Madam Speaker, S. 3656, the Mandatory Price Reporting Act of 2010, is a straightforward, 5-year reauthorization of a program that began with passage of the original legislation in 1999. The original act came as a result of many months of negotiations between a broad array of industry participants and required packers to report livestock purchase prices to USDA's Agriculture Marketing Service. Both producers and packers agree that mandatory price reporting plays an important role in transparent, accurate and timely decision-making for participants in today's livestock markets.

This program was last reauthorized during the 109th Congress. As with that original legislation and subsequent reauthorizations or amendments, S. 3656 represents a consensus view of many producer and packer interests with a direct stake in the reporting program. Anyone familiar with animal agriculture knows how challenging it can be to have this many competing interests—from producers to processors—achieve an agreement.

S. 3656 will make some small changes to the existing reporting program. First, reporting of wholesale pork cuts will be required for the first time. The details of this new rule will be worked out in the rulemaking process. Second, there will now be reporting on a weekly basis of pork exports. Finally, the legislation directs the Secretary to implement an electronic system of dairy price reporting in the absence of an appropriation for this purpose.

Companion legislation, H.R. 5852, passed the House Agriculture Committee on July 28. Since mandatory price reporting expires on September 30, it is timely that we are acting today. I advocate passage of the legislation.

Madam Speaker, I yield back the balance of my time.

Mr. SCOTT of Georgia. Madam Speaker, I urge my colleagues to pass this very timely and needed bill to modernize our marketing system and to bring transparency to our buyers and purchasers within our livestock industry and within the animal agriculture industry. It is important for our Nation.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, S. 3656.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VETERINARIAN SERVICES INVESTMENT ACT

Mr. BOSWELL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3519) to amend the National Agricultural Research, Extension and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterinarian Services Investment Act".

SEC. 2. VETERINARIAN SERVICES GRANT PROGRAM.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1415A (7 U.S.C. 3151a) the following new section:

"SEC. 1415B. VETERINARIAN SERVICES GRANT PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) COMPETITIVE GRANTS.—The Secretary shall carry out a program to make competitive grants to qualified entities that engage in activities described in paragraph (2) for the purpose of developing, implementing, and sustaining veterinary services.

"(2) ELIGIBILITY REQUIREMENTS.—To be eligible for a grant under this subsection, a qualified entity must carry out programs or activities that the Secretary determines will—

"(A) substantially relieve veterinarian shortage situations;

"(B) support or facilitate private veterinary practices engaged in public health activities; or

"(C) support or facilitate practices of veterinarians who are participating in or have successfully completed a service requirement under section 1415A(a)(2).

"(b) AWARD PROCESSES AND PREFERENCES.—

"(1) APPLICATION, EVALUATION, AND INPUT PROCESSES.—In administering the grant program under this section, the Secretary shall use an appropriate application and evaluation process and seek the input of interested persons.

"(2) GRANT PREFERENCES.—In the case of grants to be used for any of the purposes described in paragraphs (2) through (6) of subsection (c), the Secretary shall give a preference to the selection of qualified entities that document coordination between or with other qualified entities regarding the applicable purpose.

"(3) ADDITIONAL PREFERENCES.—When awarding grants under this section, the Secretary may develop additional preferences by taking into account the amount of funds available for grants as well as the purposes for which the grant funds will be used.

"(4) APPLICABILITY OF OTHER PROVISIONS.—Sections 1413B, 1462(a), 1469(a)(3), 1469(c), and 1470 shall apply to the administration of the grant program under this section.

"(c) USE OF GRANTS TO RELIEVE VETERINARIAN SHORTAGE SITUATIONS AND SUPPORT VETERINARY SERVICES.—Funds provided by grants under this section may be used for the following purposes to relieve veterinarian shortage situations and support veterinary services:

"(1) Grants to assist veterinarians with establishing or expanding practices for the purpose of equipping veterinary offices, sharing in the reasonable overhead costs of such practices (as determined by the Secretary), or establishing mobile veterinary facilities where at least a portion of such facilities will address education or extension needs.

"(2) Grants to promote recruitment (including programs in secondary schools), placement, and retention of veterinarians, veterinary technicians, students of veterinary medicine, and students of veterinary technology.

"(3) Grants for veterinary students, veterinary interns, externs, fellows, and residents, and veterinary technician students to cover expenses (other than the types of expenses listed in 1415A(c)(5)) to attend training programs in food safety or food animal medicine.

"(4) Grants establishing or expanding accredited veterinary education programs (including faculty recruitment and retention), veterinary residency and fellowship programs, or veterinary internship and externship programs in coordination with accredited colleges of veterinary medicine.

"(5) Grants for the assessment of veterinarian shortage situations and preparation of applications for designation as a shortage situation.

"(6) Grants in continuing education and extension, including tele-veterinary medicine and other distance-based education, for veterinarians, veterinary technicians, and other health professionals needed to strengthen veterinary programs and enhance food safety.

"(d) SPECIAL REQUIREMENTS FOR CERTAIN GRANTS.—

"(1) TERMS OF SERVICE REQUIREMENTS.—Grants provided under this section for the purpose specified in subsection (c)(1) shall be subject to an agreement between the Secretary and the grant recipient that includes a required term of service for the recipient, as established by the Secretary. In establishing such terms, the Secretary shall consider only—

"(A) the amount of the grant awarded; and

"(B) the specific purpose of the grant.

"(2) BREACH REMEDIES.—An agreement under paragraph (1) shall provide remedies for any breach of the agreement by the grant recipient, including repayment or partial repayment of the grant funds, with interest. The Secretary may waive the repayment obligation in the event of extreme hardship or extreme need, as determined by the Secretary.

"(3) TREATMENT OF AMOUNTS RECOVERED.—Funds recovered under paragraph (2) shall be credited to the account available to carry out this section and shall remain available until expended.

"(e) COST-SHARING REQUIREMENTS.—

"(1) RECIPIENT SHARE.—A grant recipient shall provide matching non-Federal funds, either in cash or in-kind support, in an amount equal to not less than 50 percent of the Federal funds provided in a grant under this section.

"(2) WAIVER.—The Secretary may establish, by regulation, conditions under which the cost-sharing requirements of paragraph (1) may be reduced or waived.

"(f) PROHIBITION ON USE OF GRANT FUNDS FOR CONSTRUCTION.—Funds made available for grants under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building of facility, including site grading and improvement and architect fees.

“(g) DEFINITIONS.—In this section:

“(1) VETERINARIAN SHORTAGE SITUATION.—The term ‘veterinarian shortage situation’ means a veterinarian shortage situation determined by the Secretary under section 1415A(b).

“(2) QUALIFIED ENTITY.—The term ‘qualified entity’ means the following:

“(A) A for-profit or nonprofit entity located in the United States that operates a veterinary clinic providing veterinary services—

“(i) in a rural area, as defined in section 1393(a)(2) of the Internal Revenue Code of 1986; and

“(ii) in response to a veterinarian shortage situation.

“(B) A State, national, allied, or regional veterinary organization or specialty board recognized by the American Veterinary Medical Association.

“(C) A college or school of veterinary medicine accredited by the American Veterinary Medical Association.

“(D) A university research foundation or veterinary medical foundation.

“(E) A department of veterinary science or department of comparative medicine accredited by the Department of Education.

“(F) A State agricultural experiment station.

“(G) A State, local, or tribal government agency.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section for fiscal year 2012 and each fiscal year thereafter. Amounts appropriated pursuant to this authorization of appropriations shall remain available to the Secretary for the purposes of this section until expended.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. BOSWELL) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. BOSWELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 3519.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BOSWELL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 3519, the Veterinarian Services Investment Act, which was introduced by my good friend and colleague from Nebraska (Mr. SMITH). I had the privilege to be the lead Democrat on this legislation which is vital to growing our rural communities across America and securing our Nation's food supply.

Our veterinary workforce is responsible for ensuring that the food we eat is safe, but they are facing a critical shortage in the public, private, industrial and academic sectors, and the problem is growing. Our Nation's large-animal vets are truly on the front lines

of food safety, public health, animal health and national security. The demand for large-animal veterinarians is increasing, and lack of these specialists in many areas of the country will continue to put our agricultural economy and the safety of our food supply at risk.

I know firsthand how important large-animal veterinarians are to farmers and ranchers. When I left the Army, I returned to my family farm and realized that much had changed in agriculture during the 20-plus years I had served. I decided to sit down with my local veterinarian and have a discussion on the new animal health practices that science and research had given agriculture. I was lucky because in the small town of Lamoni in Decatur County we had a food animal veterinarian who I could turn to; however, many are not so lucky today. We are experiencing a shortage in large-food animal veterinarians across the country.

I have worked over the years to try and correct the shortage of livestock and large-animal veterinarians. Research has shown that the demand for large-animal veterinarians will increase by 13 percent a year, with four in every 100 positions remaining vacant.

□ 1230

With just over 250 graduates from veterinary schools going into livestock-related fields, this crisis is a problem that not only affects rural America but also our major cities. These large animal veterinarians are the first line of defense against animal disease, outbreaks that can occur and cause serious health problems. Food and animal veterinarians not only identify, treat, and prevent naturally occurring diseases but are also on the front line of agroterrorism.

For all of the reasons above, I urge my colleagues to join me in passing the Veterinarian Services Investment Act today. This legislation will authorize grants to address workforce shortages based on the needs of underserved areas. For example, grants could be used to recruit veterinarians and veterinary technicians in shortage areas and communities. It could add veterinarians expanding and establishing practices in high-need areas. It could establish mobile portable clinics and televet services and establish education programs, including continuing education, distance education, and factor recruitment in veterinary science.

Our Nation faces major challenges to relieve veterinary shortages, and the Veterinarian Services Investment Act is a step in the right direction.

I urge my colleagues to support H.R. 3519, the Veterinarian Services Investment Act.

I reserve the balance of my time.

Mr. LUCAS. Madam Speaker, I rise in support of H.R. 3519, the Veteri-

narian Services Investment Act, and I yield myself such time as I may consume.

Since the fall of 2000, the Committee on Agriculture has worked on ways of resolving the serious veterinary shortage problem confronting many rural communities. With the passage of the National Veterinary Medical Service Act in December of 2003, a program was finally authorized to incentivize large animal veterinarians to practice in communities that USDA designated as veterinarian shortage areas. With this program in place, large animal veterinarians are able to apply on a competitive basis for educational loan repayment assistance in exchange for their commitment to practice in shortage areas for the length of time as established by the regulations.

While it's unfortunate that it took almost 6 years for USDA to establish a final rule implementing this first step, I'm optimistic that when the first awards are issued in the coming weeks, we'll begin a slowdown and hopefully reverse this problem.

To the extent that the loan program is successful, it's important to consider that this was just the first step. While this assistance will be very helpful in attracting veterinarians to these communities, there remain gaps in veterinarian recruitment, attracting and training technical support staff, and simply meeting the long-term costs of operating veterinarian practices in these communities.

The Veterinarian Services Investment Act is meant to address these secondary needs and is designed to complement the loan repayment program to help large animal veterinarians become established in these communities.

This bill recognizes and addresses a real problem in rural America, and I'm proud to be an original cosponsor. I support this legislation, and I encourage all of my colleagues to do the same.

Madam Speaker, I yield such time as he may consume to my colleague from Nebraska (Mr. SMITH), who has done an outstanding job of shepherding this bill through, understands the challenges in his State and in rural communities across America, and he's trying to do something.

Mr. SMITH of Nebraska. I sincerely appreciate today's consideration of H.R. 3519, the Veterinarian Services Investment Act. The need for skilled veterinarians has already been stated. It may not be at the forefront of debate here in Washington, but it is an issue which impacts many areas of our country and many aspects of our lives.

Our food animal veterinary workforce is on the front lines of food safety, public health, and animal health. This vital profession, however, is facing a critical shortage in the public,

private, industrial, and academic sectors. To make matters worse, the problem is certainly on the rise.

Large animal veterinarians in particular are integral to small rural communities, but in many of these communities—communities with few people but with large numbers of animals—we are seeing a very distressing trend. According to the USDA, Nebraska's Cherry County, one of the top three beef production counties in the United States, has 145,000 food animals per one veterinarian.

To this end, I've introduced H.R. 3519, the Veterinarian Services Investment Act, with Mr. BOSWELL. The legislation authorizes the Secretary of Agriculture to award competitive grants to help develop, implement, and sustain veterinary services especially in identified and underserved areas.

Though we may not realize it, veterinarians make a difference every day. They understand animals and are integral parts of our rural communities. Unfortunately, too many rural communities don't have this necessary support. This investment act will make a difference, and I urge its passage.

Mr. LUCAS. Madam Speaker, I yield back the balance of my time.

Mr. BOSWELL. Madam Speaker, just a couple of things before we close.

There are an estimated 283 million pets and 2.3 billion farm animals in our country. That's a lot of animals, FRANK, don't you think? It is. There are nearly 86,000 veterinarians in the U.S.; however, the majority of them focus on pets—cats and dogs. Twenty-eight veterinary schools in the country, and something that's very important to this legislation, veterinary graduates have an average debt of \$120,000. So I think this is something that we ought to be aware of when we think of food safety and so on. So the demand for large animal veterinarians is increasing, and the lack of these faceless in many areas of the country will continue to put our agricultural economy and the safety of our food supply at risk.

H.R. 3519, the Veterinarian Services Investment Act, will help address this shortage and continue to ensure Americans have access to the safest, most plentiful, and most available food supply in the world. So I urge all of my colleagues to support this important legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. BOSWELL) that the House suspend the rules and pass the bill, H.R. 3519, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES TO PAKISTANI PEOPLE AFTER FLOODS

Mr. BARROW. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1613) expressing condolences to and solidarity with the people of Pakistan in the aftermath of the devastating floods that began on July 22, 2010, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1613

Whereas heavy rainfall that began on July 22, 2010, and subsequent flooding throughout Pakistan have caused a humanitarian crisis of unprecedented proportions that has affected over 20,000,000 people, killing more than 1,750, injuring over 2,700, damaging or destroying upwards of 1,800,000 houses, and displacing millions of men, women, and children;

Whereas the devastation wrought by the floods has been catastrophic, submerging one-fifth of the country and destroying critical infrastructure, farms, schools, homes, and businesses, leaving an estimated 800,000 Pakistanis stranded and cut off from all help;

Whereas according to the Government of Pakistan, the floods have affected 30 percent of all agricultural land and could lower by one-half Pakistan's economic growth rate for the current fiscal year, further destabilizing a nation already beset by multiple daunting challenges;

Whereas the emergency continues to unfold in Sindh Province, where just under 7,000,000 people have already been affected, of whom 1,300,000 are in government relief camps, with new evacuation orders recently having been issued;

Whereas the danger of the floods extends beyond the current humanitarian crisis, with the potential to create significant instability in Pakistan;

Whereas the Pakistani Army, Navy, and Frontier Corps have sent humanitarian supplies and medical teams to flood-hit areas, while the National and Provincial Disaster Management Authorities have coordinated international relief activities;

Whereas the United States has responded to the crisis with relief and recovery funds, food and medical supplies, and logistical support that account for more than 20 percent of total international humanitarian contributions and commitments;

Whereas the United States Agency for International Development (USAID), through its Office of U.S. Foreign Disaster Assistance (OFDA), has supported 26 mobile medical teams, delivered more than 8,000 rolls of plastic sheeting to provide temporary shelter for approximately 247,000 people, and dispatched 13 mobile water treatment units to support the Government of Pakistan's flood relief effort, which have produced more than 12,000,000 liters of clean water;

Whereas USAID's Office of Food for Peace (FFP) has provided direct support for the United Nations World Food Program's food ration distributions, helping to reach approximately 3,000,000 Pakistanis with more than 48,000 metric tons of food;

Whereas the United States Department of Defense has dispatched 23 military helicopters and four C-130 aircraft to deliver more than 5,000,000 pounds of relief supplies

and has rescued more than 13,000 flood-affected individuals;

Whereas the United States has provided civilian and military in-kind assistance in the form of halal meals, prefabricated steel bridges, and other infrastructure support;

Whereas the United States is working in close partnership with United Nations-affiliated and international humanitarian organizations to support relief, recovery, and reconstruction;

Whereas the Pakistani-American community has demonstrated strong leadership in rallying support for flood victims, directing public attention to the crisis, and disseminating information about the response;

Whereas scores of United States private and voluntary organizations have mobilized quickly to respond to the crisis in Pakistan with both emergency relief and longer term development assistance, raising over \$11,000,000 in private donations for assessing emergency needs, distributing water, food, and relief items, and providing medical care and temporary shelter;

Whereas the success of United States Government humanitarian efforts depends heavily on the skills, expertise, and field presence of international and nongovernmental organizations;

Whereas United States businesses have contributed more than \$8,000,000 in humanitarian assistance for Pakistani flood victims;

Whereas the immediate and swift reaction of United States military personnel, diplomats, and development experts has saved countless lives and encouraged a generous international response;

Whereas the people of the Islamic Republic of Pakistan and the United States share a long history of friendship, economic cooperation, and enduring family ties, and the interests of both nations are well served by strengthening and deepening the bilateral relationship;

Whereas the United States Congress adopted, and the President signed into law, the Enhanced Partnership with Pakistan Act of 2009, which authorizes democratic, economic, development, and security assistance over 5 years to help the Pakistani people achieve their aspirations for a democratic, stable, and prosperous society; and

Whereas the United States remains committed to helping the resilient and resourceful people of Pakistan surmount and recover from this natural disaster: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the significant loss of life, as well as the physical damage, caused by the flooding in Pakistan;

(2) expresses its deepest condolences and sympathy to the families of the victims of the floods, and its solidarity with the millions of affected Pakistanis;

(3) recognizes that Pakistan is and remains a close ally and friend of the United States;

(4) recognizes that an effective and accountable government in Pakistan is essential for the country's long-term recovery and stability;

(5) urges the United States Administration and the international community, including private citizens and foreign governments, to continue providing assistance to help the people of Pakistan and to help strengthen and support the capacity of the Government of Pakistan to meet the needs of its people;

(6) supports the use of funds authorized by the Enhanced Partnership with Pakistan Act of 2009 for the purposes of providing long-

term recovery and rehabilitation for flood-affected areas and populations;

(7) urges a reexamination of priorities for spending the funds authorized by the Enhanced Partnership with Pakistan Act of 2009, with a view toward ensuring that the needs of the Pakistani people are appropriately addressed in the aftermath of the disaster;

(8) commends the relief and recovery actions, still underway, by the United States military, the Department of State, and USAID to assist the people of Pakistan during this critical period;

(9) commends the extraordinary humanitarian efforts and sustained commitment to helping the people of Pakistan by international and nongovernmental organizations;

(10) recognizes the contributions of the Pakistani-American community and United States businesses to relief and recovery efforts in Pakistan; and

(11) reaffirms the commitment of the people of the United States to partner with the people of Pakistan to respond to the immediate crisis and build the foundations for a successful and lasting recovery.

□ 1240

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BARROW) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. BARROW. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARROW. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

On July 22, 2010, Pakistan began to experience devastating flooding, which in the subsequent days and weeks has led to a severe humanitarian crisis. Thus far, over 20 million Pakistanis have been affected. The flooding has resulted in the deaths of over 1,750 people, injured another 2,700, and left 800,000 cut off from assistance. The floods have submerged one-fifth of the country and damaged or destroyed more than 1.8 million homes, along with countless schools, farms, and businesses.

The Government of Pakistan says that the flooding has affected 30 percent of all agricultural land and could reduce by up to one-half Pakistan's economic growth rate for the current fiscal year, further destabilizing a nation already beset by daunting economic challenges.

The United States has responded to the crisis with over \$250 million in relief and recovery funds, more than 20 percent of the total international hu-

manitarian contribution, in the form of relief and recovery funds, food and medical supplies, and logistical support. Governments and humanitarian aid agencies from around the world have mobilized to provide much needed assistance to the relief and recovery efforts. We hope that all of the committed friends of Pakistan are able to galvanize additional support and funding for the recovery and subsequent reconstruction efforts.

In addition to recognizing the devastating impact of the floods, this resolution emphasizes the importance of a robust and long-term strategic partnership between the United States and Pakistan, the enduring people-to-people and governmental ties between our two countries, and our long-standing support for a democratic, stable, and prosperous Pakistan.

Madam Speaker, I urge all my colleagues to support this bipartisan resolution.

I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I rise in support of this timely resolution, and I yield myself such time as I may consume.

Madam Speaker, the raging floodwaters that have battered much of Pakistan since late July are at long last finally beginning to recede. But the challenges are no less today than they were earlier this summer. Indeed, if anything, they may be even greater as Pakistan and its friends abroad begin to assess the full magnitude of the economic and human costs of this devastating calamity. The heavy monsoon floods that struck the Indus River and its tributaries have caused enormous damage to the economy and the people of Pakistan.

The numbers are staggering. Nearly 20 million people have been affected by the floods, including millions of men, women, and children who have been physically displaced from their homes destroyed by the ravages of the rampaging waters. As one Pakistani commentator has noted, "In the mounting humanitarian disaster, survivors have been engaged in a desperate daily struggle for food and shelter as well as a battle against deadly disease."

Pakistan's already shaky economy has been dealt a body blow. Growth is now expected to fall by half, with widespread losses to agriculture and livestock. Meanwhile, the floods have also wreaked havoc on Pakistan's public infrastructure, with bridges and roads cut off, power stations shut down, and gas and petroleum supplies suspended. In this dire circumstance, the United States has responded generously and with great dispatch to assist the people of Pakistan in their hour of need. The executive branch has mobilized expertise and resources at the Departments of State, Defense, and USAID, while the private sector, including Pakistani-Americans, religious communities, and

nongovernment organizations have provided impressive financial and on-the-ground assistance.

Meanwhile, new and formidable challenges will present themselves to Islamabad and its friends abroad once the full extent of Pakistan's rehabilitation and reconstruction needs become known.

Madam Speaker, the enormity of this tragedy for the Pakistani people is grounds enough to merit a robust and compassionate response by the United States of America and the people. Our hearts go out to the millions of victims whose lives have been literally uprooted by the havoc that accompanied this unprecedented flooding.

At the same time, we need to be mindful that Pakistan is also a close friend and ally. It plays a large role in the United States' strategic policy towards Afghanistan and the broader reaches of South and Central Asia. It is a country that remains engaged in a deadly struggle against violent extremists seeking to destabilize its already fractured society. It is a nuclear weapons state in which the maintenance of domestic stability and the success of democratic governance bear directly on our own homeland security. To be sure, this is an enormously complex relationship.

Madam Speaker, in this context it is clear that the United States needs to remain deeply engaged with Pakistan and the Pakistani people as they recover from the ravages of this crisis, including through continued humanitarian aid and related forms of effective, transparent, and targeted assistance. I therefore support the passage of this resolution, and I urge my colleagues to get behind this resolution.

I reserve the balance of my time.

Mr. BARROW. Madam Speaker, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON LEE), and I ask unanimous consent that she be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Ms. JACKSON LEE of Texas. Let me thank the distinguished gentleman from Georgia, and let me thank him very much for his very important statement on this important resolution. And as well I would like to thank the chairman of our full committee, Mr. BERMAN, and the ranking member of our full committee, Ms. ROS-LEHTINEN, and the manager of this legislation for the minority for the words that I believe are enormously important.

Let me indicate to my colleagues that this may be the most important, or one of the most important, and devastating humanitarian crises that we have faced over the time frame that we have been in Congress. And let me say

this. We have gone through Hurricanes Katrina and Rita. As I stand here today, there are a number of hurricanes that are in the gulf region. We add our sympathy to the people in California experiencing an enormous and terrible explosion. To my friend from Utah, he knows that those dear friends have experienced their own share of concerns certainly with natural disasters. So we don't take anything away from the suffering of the American people or others. Many of us remember the tsunami, for all of our communities were engaged in trying to get our hands around that natural disaster and to be of help.

But as many have expressed as they have come back to the United States from Pakistan, Madam Speaker, I can assure you that this looms so large that it is without description. The reason is because we know that there was rain, we know that there was a flood, or flooding, but we probably are not aware that the water has remained in place in so much and so many areas of Pakistan that it equals the size of States like Rhode Island. So we have people who cannot return even to see what remains or what losses they have experienced, or to even begin to recover and to rebuild.

I would encourage my colleagues to see the extent of that damage by way of a presentation that is being made today, the Pakistan Flood Disaster Photo Exhibit, from which I will just share one picture. And you can go to the Rayburn Foyer all day today and see the depth of the devastation.

So I want to thank you, Madam Speaker, as I rise today in strong support of H. Res. 1613, expressing condolences to, and solidarity with, the people of Pakistan in the aftermath of the devastating floods that began on July 22, 2010. I would like to thank my colleague, Chairman BERMAN, for introducing this important and timely resolution, which I offer and know that many have cosponsored, including myself.

On July 22, Pakistan experienced one of the heaviest monsoon rains in at least 80 years in the region. For those who have been to Islamabad, Karachi, Lahore, Peshawar, we understand the terrain of that Nation and realize that it is again unspeakable in its description. The massive amount of rain triggered both flash floods and river flooding throughout Pakistan, leading to widespread displacement, infrastructure damage, and contamination of water sources.

Madam Speaker, I have spoken about the value of clean water for many years as a member of the Foreign Affairs Committee, but as well in general in this Congress. And I will tell you that as Pakistani Americans have come to my office, they have said the most deadly aspect of this flood is for mothers and babies and children and

families not to be able to have clean water. And therefore disease being spread through lack of clean water, seeing malnourished children, but children who are likewise devastated by not having water suffering from infection and disease.

The flooding has caused a humanitarian crisis of unprecedented proportions that has affected over 20 million people, which aid agencies assert has a greater human impact than Pakistan's earthquake in 2005, the Indian Ocean tsunami in 2004, and the recent earthquake in Haiti combined.

□ 1250

More than 1,750 people have been killed; 2,700 have been injured; and millions of men and women and children are displaced. Let me be very clear: we do not do one-upmanship in disasters. We do not diminish Haiti; we do not diminish the tsunami or the earthquake. What we are saying is that the disaster we speak of today is ongoing, as there are in other places around the world, but ongoing to the extent that people who want to help, to come in and help and be part of recovery, cannot get to where they need to be.

Moreover, flooding is expected to intensify as rains continue. In the Sindh and Punjab provinces, for example, earlier rainfall in the north has led to rising levels in the Indus River and is expected to coincide with increased rainfall.

The flood disaster, which started 2 months ago as a result of heavy monsoon rain, has left more than 20 million people suffering in the ravaged conditions. One-fifth of Pakistan is submerged in water, destroying critical infrastructure, schools, homes, hospitals, business and farms.

My heartfelt condolences go out to the families in Pakistan and those individuals here in the United States who have loved ones in the affected areas. I am urging our government to offer resources and expertise, including assistance and recovery efforts, to help our friends in Pakistan make it through this tragic episode.

We are now discussing how we provide new technology to decontaminate the water, and I hope that the State Department will receive the information that my office has to work on this new technology and literally carry it over to be able to decontaminate this water and to provide clean water to the refugee camps but also to those who may have been able to make it close to where their home was.

I have been working with the State Department to increase humanitarian relief funds for Pakistan and have asked for additional funds that have already been authorized for Pakistan to be reprogrammed in order to bolster relief and reconstruction efforts.

I again want to mention the Foreign Affairs Committee. I want to again

mention our chairman and ranking member who have never stepped away from the international devastation that so many of our friends experience. The Foreign Affairs Committee has stood front and center to work with the Senate and work with the administration to ensure that the faith and the friendship of the United States is front and center on these terrible disasters. I thank the committee again.

I also wrote a letter to President Obama with Representative DAN BURTON, my fellow cochair of the Congressional Pakistan Caucus, expressing our deep concern for the humanitarian tragedy in Pakistan and asking them to expedite the flow of U.S. aid, supplies and workers in the region.

I would like to take this opportunity to encourage the President to aid Pakistan and to add Pakistan to his trip to South Asia, which is planned for the fall, and hope that we could join with him.

Madam Speaker, the key is how do we find solutions, and I would ask that we as Americans not be defined, as small news postscripts suggest, that we are not contributing to the aid of the Pakistani people. First of all, we are moving emergency dollars, but I also hope that we can draw upon Americans' individual caring and humanitarian commitment so that we can send a mercy plane stocked with medicine and baby formula and clothing for children and school supplies in short order to this devastated region.

In Houston, a number of my constituents met as a part of the Pakistan Caucus to commit themselves to this great humanitarian effort, and we would call upon all who can hear my voice to participate in helping us pursue that. This resolution is a very important statement that says to the American people and to our colleagues that we are supporting the people of Pakistan who need our help.

I do again want to acknowledge the partnership of the Congressional Pakistan Caucus and the Pakistani American Leadership Center that is bringing these Pakistan relief workers here to discuss the devastating conditions in Pakistan.

I also want to mention Ambassador Anne Patterson, who is still in Pakistan, who has been a stalwart of representation of the United States, who has been through the earthquake, who has been through the tragedy of the loss of Benazir Bhutto and now this unspeakable tragedy of flooding and has maintained the leadership of the United States.

I am very glad that we have this resolution on the floor of the House. I want to thank my friend and colleague who likewise has given a very important statement, as well as the gentleman from Georgia, to acknowledge this resolution to express our commitment to the people of Pakistan.

I look forward to visiting Pakistan to see firsthand the extent of the devastation and to assess and assist in the relief efforts. With the need for reconstruction and recovery efforts growing, I believe it is vital that we lead a congressional humanitarian mission to Pakistan, which will signal to those people that the friendship between the United States and Pakistan remains unbroken as we fight the war on terror and continue to hope to improve the lives of the men, women and children of this great nation.

Madam Speaker, I rise today in strong support of H. Res. 1613, "Expressing condolences to and solidarity with the people of Pakistan in the aftermath of the devastating floods that began on July 22, 2010." I would like to thank my colleague, Chairman BERMAN, for introducing this important and timely resolution.

On July 22, 2010, Pakistan experienced one of the heaviest monsoon rains in at least 80 years in the region. The massive amount of rain triggered both flash floods and river flooding throughout Pakistan, leading to widespread displacement, infrastructure damage and contamination of water sources. The flooding has caused a humanitarian crisis of unprecedented proportions that has affected over 20 million people, which aid agencies assert is a greater human impact than Pakistan's earthquake in 2005, the Indian Ocean tsunami of 2004, and the recent earthquake in Haiti combined. More than 1,750 people have been killed, 2,700 have been injured, and millions of men, women, and children are displaced. Moreover, the flooding is expected to intensify as rains continue. In Sindh and Punjab provinces, for example, earlier rainfall in the north has led to rising water levels in the Indus River and is expected to coincide with increased rainfall.

The flood disaster, which started two months ago as a result of heavy monsoon rain, has left more than 20 million people suffering in ravaged conditions. One fifth of Pakistan is submerged in water, destroying critical infrastructure, schools, homes, hospitals, businesses, and farms. My heartfelt condolences go out to the families in Pakistan and those individuals here in the United States who have loved ones in the affected areas. I am urging our government to offer any resources and expertise, including assistance with recovery efforts, to help our friends in Pakistan make it through this tragic episode. I have been working with the State Department to increase humanitarian relief funds for Pakistan and have asked for additional funds that have already been authorized for Pakistan to be reprogrammed in order to bolster relief and reconstruction efforts. I also wrote a letter to President Obama with Rep. DAN BURTON, my fellow Co-Chair of the Congressional Pakistan Caucus, expressing our deep concern for the humanitarian tragedy in Pakistan and asking him to expedite the flow of U.S. aid, supplies, and workers into the region.

I would also like to take this opportunity to encourage President Obama to add Pakistan to his trip to South Asia, which is planned for this fall. In light of the recent devastation affecting Pakistan and our important alliance

with Pakistan in our anti-terrorism efforts in both Pakistan and Afghanistan, I think President Obama's visit would communicate to both the people and government of Pakistan the extent of our national commitment to their welfare.

Madam Speaker, the scale of the devastation is so large that it will take months before we know the actual death toll and be able to assess the damage of the flood. Hospitals are overwhelmed with the injured and thousands of people are stuck on their rooftops and in higher areas as they try to escape rushing floodwaters. Thousands of victims require additional shelter with the cold weather approaching; falling temperatures, food shortages, and water-borne diseases are making it necessary for Pakistan to shelter, cloth, and feed the millions of displaced and homeless before freezing temperatures arrive.

As Co-Chair of the Congressional Pakistan Caucus, I am extremely concerned with the security of the region. It is critical that the United States offer the economic and humanitarian assistance necessary for Pakistan in its recovery efforts. In a region of political and religious turmoil, the United States must do all it can in order for Pakistan's fragile democracy to survive and thrive.

Furthermore, as Co-Chair of the Pakistani Caucus, I have taken the initiative to work with several Pakistani organizations and members of the Pakistan community in Houston and throughout the United States to increase awareness and coordinate relief efforts in Pakistan. I have organized meetings and briefings in both Houston and Washington, D.C. as well. This includes a photo exhibit that is occurring in the Rayburn House Office Building foyer today that is being hosted by the Congressional Pakistan Caucus and the Pakistani American Leadership Center (PAL-C) illustrating the extent of the damage caused by the floods in Pakistan. My commitment to the people of Pakistan is unwavering, and I look forward to visiting Pakistan soon to see firsthand the extent of the devastation and to assess and assist in the relief efforts. With the need for reconstruction and recovery efforts growing, I believe it is vital to lead a congressional humanitarian mission to Pakistan, which will signal to the people and the nation of Pakistan the extent of our commitment to addressing the challenges they face in the recovery efforts.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 8, 2010.

HON. BARACK OBAMA,
President of the United States of America, The White House, Washington, DC.

DEAR MR. PRESIDENT: As co-chairs of the Congressional Pakistan Caucus we remain deeply concerned about the humanitarian tragedy unfolding in Pakistan due to the recent historic floods. We respectfully ask you to do everything possible within your authority to help expedite the flow of U.S. and international aid supplies and workers into the region.

By all accounts, the flooding in Pakistan has now affected more than 20 million people, which aid agencies say is a greater human impact than Pakistan's earthquake in 2005, the Indian Ocean tsunami of 2004, and the recent earthquake in Haiti combined. Sadly, despite the commendable generosity of the American people and the international

community to date, the situation appears to remain perilous. Reports indicate that waterborne disease is rapidly spreading among tens of thousands of flood victims. In addition, food shortages are becoming a major concern as the market prices of essential foods have skyrocketed after billions of dollars worth of crops were destroyed by the flood waters.

We commend the United States Agency for International Development (USAID) for immediately undertaking an aid mission to the region; however, we concur with John Holmes, the UN Undersecretary General for Humanitarian Affairs' opinion that "these unprecedented floods pose unprecedented logistical challenges, and this requires an extraordinary effort by the international community." The United States has an historic opportunity to reshape America's image in Pakistan by taking the lead in aggressively addressing Pakistan's immediate relief needs as well as forging international consensus to address Pakistan's longer-term reconstruction needs. For example, last year Congress authorized \$7.5 billion in civilian aid to Pakistan; of which approximately \$1 billion was set aside for democracy building. While we strongly support efforts to strengthen Pakistan's democratic institutions, relief and rehabilitation of the floods victims is a more pressing need. Reprogramming those funds for humanitarian relief would immediately quadruple U.S. aid funds—hopefully spurring other nations to follow suit—and it would do so at no additional cost to the U.S. taxpayer.

We also respectfully urge you to give all due consideration to using the power of the Presidency's bully pulpit to highlight the plight of Pakistanis to the U.S. media and encourage Americans to consider donating to the relief effort. The American people are extremely generous. Time and time again, whenever they have been asked, the American people have rallied to help people around the world. We are confident that the American people will once again demonstrate their generosity by donating to the Pakistani relief efforts if they are made more aware of the tragedy; and a statement from the White House is certain to garner such media attention. To that end, we respectfully ask you to consider making a public appeal to the American public on behalf of the people of Pakistan.

Mr. President, the global fight against extremists who exploit the religion of Islam is not only a military struggle but a struggle to win the hearts and minds of the Muslim world; particularly the young people. We know that the U.S. response to the 2005 earthquake in Pakistan led to a short-term positive increase in public opinion of the United States in Pakistan. A significant and long-term commitment by the United States to help Pakistan recover from these devastating floods could have an even more profound affect. If we do not seize this opportunity we significantly increase the chances that Pakistan may fall under the influence of extremist elements; that would be disastrous for our future security. We must address the human tragedy unfolding in Pakistan now before it is too late. So once again, we respectfully ask you to everything possible within your authority to help expedite the flow of U.S. and international aid supplies and workers into the region.

We thank you for giving your personal time and attention to this critically important matter.

Sincerely,
DAN BURTON,

Member of Congress.
SHEILA JACKSON LEE,
Member of Congress.

I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, we support the passage of this resolution. Our hearts and prayers go out to the people of Pakistan who are dealing with untold tragedies and difficult situations. I urge passage of this resolution.

I yield back the balance of my time.

Mr. MCMAHON. Madam Speaker, thank you Chairman BERMAN for your leadership and for encouraging our government to help the people of Pakistan at this critical time.

Pakistan is suffering one of the worst natural disasters in recent history. The situation in Pakistan is dire. The United Nations estimates that more than 20 million Pakistanis have been displaced by the flooding, exceeding the combined total of individuals impacted by the 2004 Indian Ocean tsunami, the 2007 Myanmar Cyclone and the 2010 Haiti earthquake.

The U.S. Agency for International Development's, USAID joint endeavor with the U.S. military in Pakistan has already resulted in the evacuation of more than 10,000 people and the delivery of more than 2.7 billion pounds of relief supplies.

Like the tsunami that wreaked havoc upon northern Indonesia in 2004, the Pakistani floods threaten to propel Pakistan, a key ally, away from the successful economic progress and growth that it has made over the last decade.

This outcome would inevitably cost Pakistan thousands of more innocent lives and years worth of development and sustainability, further increasing both the humanitarian crisis domestically and the security threat worldwide.

Just two weeks ago, I personally wrote to Administrator Shah of USAID and commended his decision to use a portion of the Enhanced Partnership with Pakistan funding towards relief aid. As a member of the House Foreign Affairs Committee, I know how important a stable Pakistan is to global stability. Redirecting more funds provided through the Enhanced Partnership with Pakistan Act will demonstrate to our Pakistani partners that the United States is truly committed and will not abandon Pakistan in her time of need.

Pakistanis must know that we are in this for the long haul. Our dedication is not a matter of encroaching on Pakistani autonomy or manipulating a nation's internal politics.

The United States seeks to renew its commitment to the people of Pakistan through this tragedy and combat those who dare to take advantage of the suffering of innocent Pakistanis to further their radical beliefs.

On behalf of my over 30,000 Pakistani-American constituents, I urge this body to support this measure and its message, as well.

Mr. BURTON of Indiana. Madam Speaker, as a co-chair of the Congressional Pakistan Caucus and co-sponsor, I rise in strong support of House Resolution 1613. I am deeply concerned about the humanitarian tragedy unfolding in Pakistan due to the recent historic floods and hope that this resolution will bring much-needed attention to the plight of the Pakistanis. I am always moved and inspired

by the generosity of the American people when they hear about those in need around the world and I believe that the United States should do everything possible to help expedite the flow of U.S. and international aid supplies and workers into the region.

We must do everything possible to help expedite the flow of U.S. and international aid supplies and workers into the region. I believe that we should immediately reprogram funds from the Enhanced Partnership with Pakistan Act of 2009, which were initially set aside for democracy building, into the relief effort. This way we can have an immediate impact without spending a single additional taxpayer dollar. While food shortages and instances of water-borne disease continue to spread, we must act quickly and decisively. The generosity of the American people has been commendable. Let's make it count by acting as swiftly and competently as possible.

We are currently fighting extremists throughout the region of South Asia, extremists who propagate the lie that Americans are out to destroy the Muslim way of life. Now we have an unprecedented opportunity to prove that this couldn't be further from the truth by helping the Pakistanis when they need it most. The U.S. response to the 2005 earthquake in Pakistan led to a short-term increase in positive public opinion of the United States in Pakistan and I know that a similar response to this, a much larger tragedy, is sure to have an even greater influence in the hearts and minds of people.

Mr. VAN HOLLEN. Madam Speaker, as an original sponsor of this resolution, I join Chairman BERMAN, Ranking Member ROS-LEHTINEN and my colleagues in strong support of H. Res. 1613, a resolution expressing our condolences and support to the Pakistani people as they face a humanitarian disaster of monumental dimensions.

Today, a fifth of the country of Pakistan is under water as the country endures the greatest flooding in a century. More than 1,750 people have lost their lives, over 2,700 people have been injured and almost 2 million homes have been destroyed—displacing millions of men, women and children. Hundreds of bridges have been destroyed, cutting off communities from relief supplies. And many communities lie vulnerable to cholera and other epidemics as access to clean drinking water diminishes. This disaster has impacted the lives of tens of millions of people.

Acting swiftly, the U.S. government joined forces with the Pakistani government to provide immediate assistance. American military helicopters were redirected to rescue efforts within hours of the Pakistani Government's request for help. American military aircraft began delivering hundreds of thousands of meals and millions of pounds of relief supplies to the affected areas. We have provided heavy-duty waterproof sheeting to construct temporary shelters for more than 100,000 people, rescue boats, construction equipment, water filtration units, and even prefabricated bridges. We are working hand-in-hand with the Pakistan National Disaster Management Authority to ensure this assistance is delivered expeditiously to those in need.

Additionally, the U.S. has pledged more than \$150 million toward emergency flood re-

lief. Approximately \$92 million of that total is in direct support of the UN relief plan. USAID and the State Department are also working together to redirect \$60 million of the \$7.5 billion Pakistan development aid package to flood recovery and reconstruction efforts. And, in light of fast moving events on the ground, USAID Administrator Shah has expressed an intention to re-evaluate future uses of the Pakistan aid package.

This is a time of great crisis for the Pakistani people and they urgently need our help. This resolution expresses our support for the people of Pakistan as they face this unprecedented catastrophe and encourages the Obama Administration to re-examine its priorities for using funds under the Enhanced Partnership with Pakistan Act of 2009 in light of the crisis.

I encourage my colleagues to join me in supporting this resolution.

Mr. MCGOVERN. Madam Speaker, Pakistan is suffering from the worst floods in 80 years. About 20 million people have been affected; 1.2 million homes damaged; infrastructure destroyed; and water-borne diseases, such as cholera, are spreading. Significant resources from abroad are needed to alleviate the suffering and long-term consequences.

The U.S. government has responded quickly and effectively. But we also need to address the long-term recovery. We need to help the Pakistani people get back on their feet, even as the waters subside.

I commend the thousands of American individuals, NGOs and private companies that have responded with contributions. I call on them to continue to make or expand their donations. Coca-Cola, Procter & Gamble, Monsanto, GlaxoSmithKline Pakistan, Western Union, Americares and the Bill & Melinda Gates Foundation are just some of the large donors that have stepped up to the plate. Donations can be made via the State Department's secure web page at www.state.gov/pakistanrelief/index.htm. Donation forms can be downloaded at <http://www.state.gov/documents/organization/146290.pdf>. Americans can also donate \$10 by texting "FLOOD" to 27722 (Standard text messaging and data usage rates apply).

Ms. JACKSON LEE of Texas. Madam Speaker, seeing that we have no other speakers, let me simply conclude by thanking my distinguished friend from Utah. We worked together on other issues.

If I might take a point of personal privilege, I have never doubted his commitment when we speak of these humanitarian issues, and I want to thank you for that. As well, I want to thank Mr. BARROW for his leadership on the issue and hope that he will join us as we work on these devastating conditions in Pakistan.

I ask my colleagues to support this very important legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BARROW) that the House suspend the rules and agree to the resolution, H. Res. 1613, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Ms. JACKSON LEE of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ESTABLISHING ARMY CORPS OF ENGINEERS VETERANS' CURATION PROGRAM

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5282) to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) The Corps of Engineers and other Federal agencies are required to preserve and catalogue artifacts and other items of national historical significance that are uncovered during the course of their work.

(2) Uncatalogued artifacts within the care of Federal agencies are stored in hundreds of repositories and museums across the Nation.

(3) In October 2009, the Corps of Engineers, Center of Expertise for Curation and Management of Archeological Collections, used \$3,500,000 in temporary funds made available in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) to begin the Veterans' Curation Program to employ and train Iraq and Afghanistan veterans in archaeological processing.

(4) The Veterans' Curation Program employs veterans and members of the Armed Forces in the sorting, cleaning, and cataloguing of artifacts managed by the Corps of Engineers.

(5) Employees of the Veterans' Curation Program gain valuable work skills, including computer database management, records management, photographic and scanning techniques, computer software proficiency, vocabulary and writing skills, and interpersonal communication skills, as well as knowledge and training in archaeology and history.

(6) Experience in archaeological curation gained through the Veterans' Curation Program is valuable training and experience for the museum, forensics, administrative, records management, and other fields.

(7) Veterans' Curation Program participants may assist the Corps of Engineers in developing a more efficient and comprehensive collections management program and also may provide the workforce to meet the records management needs at other agencies and departments, including the Department of Veterans Affairs.

SEC. 2. TRAINING AND EMPLOYMENT FOR VETERANS AND MEMBERS OF ARMED FORCES IN CURATION AND HISTORIC PRESERVATION.

(a) TRAINING AND EMPLOYMENT.—The Secretary of the Army, acting through the Chief of

Engineers, shall develop a Veterans' Curation Program to hire veterans and members of the Armed Forces to assist the Secretary in carrying out curation and historic preservation activities.

(b) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section—

- (1) \$5,000,000 for fiscal year 2011;
- (2) \$6,000,000 for fiscal year 2012;
- (3) \$7,000,000 for fiscal year 2013;
- (4) \$8,000,000 for fiscal year 2014; and
- (5) \$9,000,000 for fiscal year 2015.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 5282.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 5282, a bill introduced by the gentleman from Georgia (Mr. BARROW) to provide a 5-year authorization for the Corps of Engineers' Veterans' Curation Program.

□ 1300

H.R. 5282 is a worthy piece of legislation. It provides job training to our veterans. It helps to record and protect our Nation's cultural resources, and it assists the Corps in fulfilling its obligations to protect our Nation's cultural and historical legacy.

Thousands upon thousands of artifacts rest uncataloged in hundreds of museums and Federal repositories across the country. These objects represent our past and help describe who we are today. It is, therefore, a cultural imperative that we preserve and understand these pieces. It is also a matter of law and policy that we do so.

The Veterans' Curation Program, located at labs in Georgia, the District of Columbia, and Missouri, provides veterans with a skill set to preserve the many cultural and historical artifacts encountered by the Corps of Engineers.

These employees gain valuable work skills in a host of areas, including computer database management, photographic and scanning techniques, and software proficiency. The development of these skills provides valuable training and experience for future work at museums, forensics labs, records management entities, and at government agencies.

This legislation authorizes the program for 5 years, through fiscal year

2015. It also provides a realistic step increase of authorized funding from \$5 million in 2011 to \$9 million in 2015. This will allow the Corps to incrementally expand the program in a rational and deliberate manner.

The Corps has had success with this program using Recovery Act dollars, so I ask all of the Members to join me in supporting this bill. It will ensure the continuation of a worthwhile program that respects the Nation's cultural heritage at the same time as providing valuable training to the men and women who have valiantly served our Nation.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

Serving our country in uniform is, frankly, probably the most noble thing that any human being can do, and it is such incredible sacrifice that our troops do, and their families as well. And they are the ones who allow everything that we take for granted on a daily basis—to live in freedom, to live in democracy. They are the ones who allow us to do that. So today we have the opportunity to help transition our soldiers and our veterans into civilian life much more easily.

H.R. 5282 will help to make opportunities available to the brave men and women who are returning from the fight on the global war on terror. And so this legislation will continue our commitment to our veterans through education and employment opportunities.

As part of the civil works mission, the Corps of Engineers uncovers countless historic artifacts continuously. However, a lot of these historic artifacts which are very important items are, frankly, just uncataloged and just semi-abandoned, and they need curation.

This is such a commonsense bill. It helps preserve our history and preserve our past, while also making sure that we give opportunities to the most noble, to the best and the brightest of our country, to our troops and to our veterans.

I urge all Members to support our veterans and support this real commonsense, noble legislation.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the gentlelady for yielding and for her leadership on this issue.

Madam Speaker, in October of 2009, the Army Corps of Engineers used temporary funds from the American Recovery and Reinvestment Act to begin the Veterans' Curation project to employ and train wounded Iraq and Afghanistan veterans in archeological processing. The project gives these veterans

an opportunity to learn transferable job skills and earn a fair wage while cataloging artifacts that the Corps has discovered and is required to preserve. The project now employs about 50 veterans in Augusta, Georgia; St. Louis, Missouri; and Washington, D.C.

Unfortunately, temporary funding for the Veterans' Curation project is set to run out just when our returning veterans and our economy need it the most. H.R. 5282 provides long-term authorization for the program and will preserve the program and allow it to grow.

The Veterans' Curation project not only helps educate, train, and employ veterans, but it allows them to heal through the power of meaningful work. Since the Army Corps of Engineers has to catalog these artifacts anyway, there can be no better qualified or more deserving group than our own veterans to help get the job done. We owe no debt as citizens that is greater than the debt we owe to the veterans who fought for our freedoms. We literally owe them everything.

That is why I urge my colleagues to support this worthy program to help our wounded veterans heal and get good job skills at the same time. It's not only the right thing to do; it is the smart thing to do.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I think the issue has been adequately explained. This is something that has to be done. Who better to do it? Who is more qualified and who is more deserving? Who is better to do it than our veterans, than our troops and our soldiers?

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 5282, as amended, introduced by the gentleman from Georgia (Mr. BARROW). This legislation makes permanent an innovative U.S. Army Corps of Engineers' program begun under the American Recovery and Reinvestment Act, Recovery Act, P.L. 111-5. Under the Recovery Act, the Corps allocated \$3.5 million to open three Veterans Curation Project, VCP, laboratories throughout the nation. This legislation is important because it provides funding for hiring and training our veterans, while helping the Corps meet its cultural responsibilities. At a time when Americans need jobs more than ever, we should do all we can to increase training and employment, especially for returning veterans.

One of the Army Corps' responsibilities is its role in providing curation support for its projects. Accordingly, the Corps identifies, evaluates, and manages cultural resources that are eligible for listing in, or are listed in, the National Register of Historic Places. The Corps is responsible for ensuring that cultural resource management activities are consistent with Federal laws and regulations pertaining to Native American rights, curation and collections management, and the protection of resources from looting and vandalism.

To that end, the Corps used Recovery Act dollars to open three VCP laboratories in Augusta, Georgia; Washington, DC; and St. Louis, Missouri. These laboratories are tasked

with carrying out the Corps' curation responsibilities, including cataloging, scanning, and photographing records and artifacts. At the same time, these laboratories use and train a workforce of disabled, wounded veterans, as well as veterans who have recently returned from overseas.

The VCP program is a very important program for our veterans because it teaches them skills in computer databases, digital scanning, digital image capture, and writing. Veterans who participate in this program can use these technical skills in jobs outside the VCP laboratories, including as forensic technicians and records managers.

This bill provides a statutory, five-year authorization of the Corps' Veterans Curation Project. The bill allows the Corps to meet its dual mission of hiring and training the Nation's veterans, while also carrying out its responsibilities to preserve and protect the Nation's cultural heritage.

We owe our veterans all the training and support we can provide them when they return home from serving our country. I would also like to point out that the Committee on Transportation and Infrastructure received letters of support for this legislation from the Veterans of Foreign Wars of the United States and the Society for American Archaeology.

I urge my colleagues to join me in supporting H.R. 5282.

Mr. GINGREY of Georgia. Madam Speaker, I rise in support of H.R. 5282, a bill that would create a Veterans' Curation Program at the U.S. Army Corps of Engineers to hire veterans and members of the Armed Forces to assist in carrying out curation and historic preservation activities.

I commend my colleague from Georgia, Mr. BARROW, for his work on this legislation. H.R. 5282 again shows the necessary commitment from the federal government to assist our veterans and military personnel through the U.S. Army Corps of Engineers.

While I am supportive of H.R. 5282, I would be remiss if I did not take a few moments to discuss perhaps the biggest issue for the Corps of Engineers in the State of Georgia—updating the current manuals that affect both the Apalachicola-Chattahoochee-Flint (ACF) and the Alabama-Coosa-Tallapoosa (ACT) Basins. Over the next 18 months before the court ordered deadline for negotiations to be completed, Georgia, Alabama, and Florida must develop a workable water sharing plan with the resources within these two basins.

Madam Speaker, one of the critical aspects of these negotiations will be how Lake Allatoona and Lake Lanier are treated. I firmly believe that both of these lakes should be considered water supply lakes for the purposes of serving the local communities. Knowing that the negotiations are ongoing, it is my hope that common ground on the treatment of these lakes will be reached.

To that end, I applaud the leadership of both of Georgia Senators—SAXBY CHAMBLISS and JOHNNY ISAKSON—on these water issues. Specifically, both Senators have championed the notion of authorizing Lake Lanier and Lake Allatoona to be used for water supply and reallocation of storage to meet the current and future needs of the surrounding towns and cities.

As for the governors of Alabama, Florida, and Georgia, I hope that a compromise including the use of these lakes for water storage and further, that allows them to be part of the water supply for the State of Georgia is on the horizon.

Madam Speaker, I am supportive of the efforts of the bill that we have before us and believe that it is another way in which we can help those who have so bravely served our country through the Armed Forces. I urge all of my colleagues to support H.R. 5282.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 5282, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANDREW W. BOGUE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5651) to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ANDREW W. BOGUE FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, shall be known and designated as the "Andrew W. Bogue Federal Building and United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Andrew W. Bogue Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 5651.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 5651, which designates the federally occupied building located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse."

Judge Andrew W. Bogue was a World War II veteran who served in the U.S. Army Signal Corps during the war. After serving with the U.S. Army, Judge Bogue graduated from the University of North Dakota School of Law and went into private practice for several years before another stint in the U.S. Army with the JAG Corps.

Judge Andrew Bogue was nominated to the Federal bench by President Richard Nixon in 1970 and served for 15 years as an active district Federal judge before taking senior status in 1985. Even after taking senior status, Judge Bogue continued to hear cases up until a few months before his death on June 10, 2009.

□ 1310

Given Judge Andrew Bogue's contribution to public service to his country and the great State of South Dakota, it is fitting to designate the Federal building and the United States Courthouse located at 515 Ninth Street in Rapid City, South Dakota, as the Andrew W. Bogue Federal Building and United States Courthouse.

I urge my colleagues to join me in supporting this bill.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I think the gentlelady from Texas explained this bill very well. Obviously Judge Bogue had a very distinguished career, and I want to highlight the fact that he also served in the U.S. Army Signal Corps during World War II and later in the JAG Corps. I think it is important when somebody does that, when they have done so much, to highlight that.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as she may consume to the gentlewoman from South Dakota (Ms. HERSETH SANDLIN).

Ms. HERSETH SANDLIN. Madam Speaker, I thank Chairwoman JOHNSON for yielding me this time and for her support of the bill. This legislation enjoys bipartisan support of the South Dakota congressional delegation.

Judge Andrew Bogue served this country honorably throughout his lifetime. A native of Parker, South Dakota, he served in the Army Signal Corps during World War II, and later in the Judge Advocate General Corps. He served as a State's attorney for his home Turner County and was elected as a judge in the Second Judicial Circuit Court.

In 1970, both South Dakota Senators at that time, Karl Mundt, a Republican, and George McGovern, a Democrat, recommended that President Nixon appoint Judge Bogue to the U.S. District Court for the State of South Dakota. Judge Bogue served in that position until his passing just last year. He was trying cases and working hard all of the way up to his 90th birthday.

When Judge Bogue was confirmed, there was no Federal courthouse in Rapid City. As the first judge to be based in the western part of South Dakota, he served his first year in Deadwood. He moved his courtroom to Rapid City and worked the next few years in the First Federal Savings and Loan Building. Judge Bogue was present at the very beginning when the General Services Administration began planning the Federal building and courthouse that we are renaming after him today, and he participated in that planning. Put simply, Judge Bogue is a major reason the Rapid City Courthouse exists as it does today.

Judge Bogue was an impressive figure on the bench, and lawyers who practiced before him knew him as someone who listened and who was committed to justice. Because of his role and his contributions to the administration of justice throughout his career on the bench, the group tasked with renaming the Rapid City Courthouse unanimously agreed on Judge Bogue, and I can think of no better tribute to his legacy.

Mr. OBERSTAR. Madam Speaker, I rise in support H.R. 5651, to name the Federal Building and U.S. Courthouse in Rapid City, South Dakota, after Judge Andrew W. Bogue.

Judge Bogue, appointed by President Nixon in 1970, with a strong recommendation from Senator George McGovern, was the first sitting Federal judge in Rapid City. He had been a distinguished State circuit court judge before his appointment to the Federal bench, and was also a veteran of World War II and the Korean conflict. Judge Bogue also oversaw the construction of the building proposed to be named for him by this legislation.

In light of Judge Bogue's life-long dedication to public service, I find it fitting and appropriate that we designate this building the "Andrew W. Bogue Federal Building and United States Courthouse".

I urge my colleagues to join me in supporting H.R. 5651.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I urge passage of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 5651.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FRANK EVANS GOVERNMENT PRINTING OFFICE BUILDING

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5706) to designate the facility of the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building", as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, shall be known and designated as the "Frank Evans Government Printing Office Building" during the period in which the building is occupied by the Government Printing Office.

SEC. 2. REFERENCES.

With respect to the period in which the building referred to in section 1 is occupied by the Government Printing Office, any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "Frank Evans Government Printing Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5706, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in strong support of H.R. 5706, as amended, which designates the facility of the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the Frank Evans Government Printing Office Building.

Congressman Evans is a distinguished former Member of the House of Representatives, born September 6,

1923, in Pueblo, Colorado. After serving as a U.S. Navy pilot during World War II, Congressman Evans attended the University of Denver, graduating with a bachelor's degree, and then received his law degree in 1950. Congressman Evans went on to be elected to the Colorado State House of Representatives in 1960. After serving in the Colorado House of Representatives, Congressman Evans would go on to win seven terms representing Colorado's Third Congressional District in 1964 before retiring in 1978. He is often credited with helping to bring the Federal Citizen's Information Center to Pueblo, Colorado, in 1970. Unfortunately, Congressman Frank Edward Evans died this past summer on June 8, 2010.

Given Representative Evans' exceptional service to the Federal Government and to the Third Congressional District of Colorado, it is fitting to honor him by naming the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the Frank Evans Government Printing Office Building. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

I just want to highlight what the gentlelady from Texas already said. I think it is worth repeating. We know about his career, but I want to highlight the fact that he did serve in the United States Navy as a patrol pilot during World War II. I think that we all need to thank our veterans for their patriotism. I thank the gentleman from Colorado for bringing this up. He is someone I have great admiration and respect for.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. I want to thank the gentlelady from Texas and also the gentleman from Florida, who are my wonderful friends.

Madam Speaker, I rise today in support of my bill, H.R. 5706, to name the Government Printing Office Public Document Distribution Center in Pueblo, Colorado, after former Congressman Frank Evans. From 1964 until 1978, Congressman Evans represented Colorado's Third Congressional District in the U.S. House of Representatives. That is the seat I now currently serve.

The tremendous impact of his leadership on our district can still be felt to this day. Congressman Evans was responsible for bringing the Government Printing Office to Pueblo, and I cannot think of a more appropriate way to recognize his hard work and commitment to western Colorado than to name this building in his honor.

From the time Congressman Evans gained congressional approval for the

building in 1970, it has employed anywhere from 25 to 176 Colorado workers. This year is the 40th anniversary of Congressman Evans' work to bring this building to Pueblo, and the GPO and its employees are more dedicated to serving the public than ever.

Unfortunately, Congressman Evans passed away in June of this year, and my condolences go out to his family during this difficult time. I was honored to attend his funeral. He will be missed, but his memory lives on through the lives he touched and the legacy he left in western Colorado. In honor of Congressman Evans, I urge my colleagues to support this legislation.

Mr. OBERSTAR. Madam Speaker, I rise today in support of the bill, H.R. 5706, as amended, which designates the building occupied by Government Printing Office in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building".

Frank Evans, who passed away on June 8, 2010, was a seven-term congressman from the third district of Colorado, serving in the House from 1965 through 1979. He attended Pomona College in Claremont, California, interrupting his education to serve in the United States Navy as a patrol pilot during World War II. He returned to formal schooling to earn both a bachelor of arts and a law degree from the University of Denver. He was a member of the Colorado State House of Representatives from 1961–1964.

Among his achievements while serving in the U.S. House of Representatives, Congressman Evans is credited with bringing the Federal Citizen Information Center to Pueblo in 1970. The information center is operated by the Government Printing Office, GPO, and prints and mails free consumer publications. The GPO has been in continuous occupancy of the building to be named by this bill for 40 years. It is a leased building, but the ownership entity has expressed its full assent to naming the building for Congressman Evans for as long as the GPO occupies the premises.

I urge my colleagues to join me in supporting H.R. 5706.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 5706, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the 'Frank Evans Government Printing Office Building'."

A motion to reconsider was laid on the Table.

□ 1320

JAMES CHANEY, ANDREW GOODMAN, MICHAEL SCHWERNER, AND ROY K. MOORE FEDERAL BUILDING

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3562) to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the "James Chaney, Andrew Goodman, and Michael Schwerner Federal Building".

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. BUILDING DESIGNATION.

The Administrator of General Services shall ensure that the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, is known and designated as the "James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building".

SEC. 2. REFERENCES.

With respect to the period in which the building referred to in section 1 is federally occupied, any reference in a law, map, regulation, document, paper, or other record of the United States to that building shall be deemed to be a reference to the "James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building".

Amend the title so as to read: "An Act to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the 'James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building'."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on the Senate amendments to H.R. 3562.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. I yield myself such time as I may consume.

Madam Speaker, I rise in support of the Senate amendment to H.R. 3562, which designates the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building.

The Senate amendment to H.R. 3562 adds FBI agent Roy K. Moore to the naming designation of the federally occupied building that will house the Jackson, Mississippi, FBI field office. Agent Roy Moore was personally picked by FBI Director J. Edgar Hoover to lead the investigation into the deaths of Civil Rights activists James Chaney, Andrew Goodman and Michael Schwerner.

The events surrounding these three young men have a special place in civil rights history. They were civil rights activists who were training in Ohio to organize African Americans in Mississippi during the Freedom Summer of 1964. These three men represented a wave of young Americans who took time off from other parts of their lives to wade into certain adversity and to fight for equal rights for all Americans.

All of the activists were murdered in the Freedom Summer of 1964, and their bodies were buried in an earthen dam outside of Philadelphia, Mississippi. FBI agent Roy Moore was tasked with leading the investigation of their disappearances and of bringing their attackers to justice. The events of that summer were later widely lauded as an important milestone in bringing law and order to Mississippi with respect to African American civil rights. Agent Moore's efforts resulted in 19 people being indicted in 1967 for violating the civil rights of these three gentlemen. Ultimately, seven men were tried and convicted. Roy Moore served 34 years with the Federal Bureau of Investigation and died on October 12, 2008, at the age of 94.

It is fitting that we honor the memories of these young men and the memory of the FBI agent responsible for leading the investigation of their disappearances by designating the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Madam Speaker, we are a very young Nation, but it is so crucial that we remember our history and that we honor our martyrs. This is one of those examples when we have a great opportunity to do both.

These individuals gave their lives for the rights that we, frankly, take for granted now and that we hold so dear. Special Agent Moore ensured that the rule of law was enforced and that those murderers were brought to justice, so I think that it is fitting and appropriate to honor these men by naming the FBI building in Jackson, Mississippi, after them. I also support the Senate amendment, and I urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. THOMPSON).

Mr. THOMPSON of Mississippi. Thank you very much.

Madam Speaker, I rise to support H.R. 3562, an act to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building.

Madam Speaker, 45 years ago, three young men lost their lives while attempting to organize and register voters during that time known as Freedom Summer. These men were James Chaney, a 21-year-old man from Meridian, Mississippi; Andrew Goodman, a 20-year-old college student from New York; and Michael Schwerner, a 24-year-old CORE organizer and social worker who was also from New York.

On July 21, 1964, the three men were driving from Meridian, Mississippi, to Longdale, Mississippi, to investigate the burning of Mount Zion United Methodist Church, which had been the meeting place for numerous civil rights groups. Along their journey, the trio was stopped by a Neshoba County deputy who was also a known member of the Ku Klux Klan. Subsequently, the three young men were arrested for speeding and were held without the use of a telephone at the Neshoba County jail. Hours later, they were fined and released.

Shortly after the trio continued their journey, they were again pulled over by the sheriff's deputy, who likely unbeknownst to them, was followed by a mob of Klansmen who had assembled to abduct and kill the men. The three individuals were taken to a remote area of the county and were beaten and killed. Their car was burned, and their bodies were buried in an earthen dam.

Days after their disappearances, FBI Director J. Edgar Hoover personally selected Agent Roy K. Moore to lead the investigation effort. Agent Moore had become renowned for his investigation of the 1963 bombing of the 16th Street Baptist Church in Birmingham, Alabama, which killed four young girls. As the investigation's lead agent, Moore was charged with commanding hundreds of agents who temporarily flooded the State—many of them reluctant to do their work.

After significant investigation by Agent Moore and the FBI, the three individuals' bodies were found on August 4, 1964. Due to Mississippi's officials' refusal to prosecute the individuals for murder, the Justice Department brought charges against 17 individuals for conspiracy to deprive the three workers of their civil rights. Seven of the 17 individuals were found guilty,

but none of them served terms longer than 6 years in jail.

Finally, on June 21, 2005, a Neshoba County jury convicted Edgar Ray Killen on three counts of manslaughter and sentenced him to three consecutive terms of 20 years in prison in connection with the deaths of these young men.

The murder of James Chaney, who was black, and the murders of Andrew Goodman and Michael Schwerner, who were both Jewish, attracted national attention to the reality of the State's racial problems. As a result of their deaths, there was more pressure on the Federal Government to pass the Voting Rights Act.

Madam Speaker, I would like to thank the Committee on Transportation and Infrastructure and the House for quickly moving this legislation after it was returned from the Senate.

The struggle for justice and equality has eternally bonded James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore. Today, Congress will act to link their legacy to Mississippi's newest symbol of justice and equality.

Mr. OBERSTAR. Madam Speaker, I rise to concur in the Senate amendment to H.R. 3562, which designates the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the "James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building".

This bill, as originally passed by the House, named this Federal Bureau of Investigations, FBI, facility in Jackson after James Chaney, Andrew Goodman, and Michael Schwerner, civil rights activists who were lynched in the summer of 1964 while attempting to organize African Americans to vote and pursue other civil rights in Mississippi. On June 21, 1964, the three men drove to Longdale, Mississippi, to investigate the site of a burned church in Neshoba County. They were arrested by the Neshoba County police as they were leaving the site and held by the police for several hours. They were later released only to be re-arrested shortly thereafter. After the second arrest, the Neshoba County police officer turned the three civil rights activists over to local Klansmen. On August 4, 1964, 44 days later, their bodies were found buried in an earthen dam near Philadelphia, Mississippi. The Senate amendment to H.R. 3562 adds FBI Agent Roy K. Moore to the building name.

Agent Roy Moore was personally picked by FBI Director J. Edgar Hoover to lead the investigation into the deaths of these young men. Nineteen men were later indicted; seven were tried and convicted. Agent Moore said the FBI would be there until it broke the back of the Ku Klux Klan, reestablished the rule of law at the local level, and enforced the Civil Rights Act of 1964.

I urge my colleagues to join me in supporting the Senate amendment to H.R. 3562.

□ 1330

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, again, this is an

important piece of legislation, and I would urge its support.

With that, I would yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, I support this legislation, move that it pass, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5773.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ROBERT M. BALL FEDERAL BUILDING

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5773) to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, as the "Robert M. Ball Federal Building," as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, shall be known and designated as the "Robert M. Ball Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Robert M. Ball Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 5773.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 5773, as amended, which designates the Social Security Operations Building located at 6401 Security Boulevard in Baltimore, Maryland, as the Robert M. Ball Federal Building.

Commissioner Ball was often described in press accounts as not only the longest serving Social Security Commissioner, but also as chief advocate and defender through the years. Commissioner Ball started with the Social Security Administration as a field assistant in 1939 in New Jersey for the Social Security Administration, eventually becoming the Social Security Administrator from 1962 to 1973.

After Commissioner Ball left the Social Security Administration, he continued to have an outsized role in shaping the program. In 1981, he served as a member of the National Commission on Social Security Reform, arguing for a mix of tax increases and benefit cuts to maintain the viability of Social Security. Commissioner Ball was an outspoken opponent of any attempts to dismantle Social Security or to privatize Social Security. Commissioner Robert M. Ball died January 29, 2008.

Given Commissioner Ball's exceptional public service and dedication to the Social Security Administration, it is fitting to honor him by naming the Operations Facility of the Social Security Administration located at 6401 Security Boulevard in Baltimore, Maryland, as the Robert M. Ball Federal Building. I urge support of my colleagues.

Madam Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Mr. Ball served as Commissioner of Social Security during the Kennedy, Johnson and Nixon administrations, and even in 1981, he served on the Greenspan Commission that was created by President Reagan to examine the Social Security system. So I think it speaks obviously very well for him; his expertise was tapped by both Republicans and Democratic administrations. It seems fitting, Madam Speaker, that we name a Social Security building after him in recognition for his dedication to that agency.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON. Madam Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentlewoman for yielding.

Madam Speaker, normally I don't come to the floor to add to a building

naming that's flying through, but I want to put into the RECORD my thoughts about Bob Ball, one of the most remarkable people I have ever met. And there is no one I have met whose public sector contribution I admire more. Naming this building on the campus of Social Security, a building that has so much of the daily delivery of the Social Security benefit to the American people, having this building carry his name is just so utterly appropriate.

Bob Ball, through his entire service, had a clear vision of Social Security. It comes down to simply this: If all of us protected each of us, the lives of tens of millions would be improved and our country would be stronger as a result.

He was the most influential proponent of social insurance our country has ever had. He was a leading thinker, a gifted administrator, a skilled political operative, an irresistible advocate, an exceptional teacher, and I can tell you personally he was a very wise mentor.

Of all of his remarkable abilities and traits, perhaps the one we will remember most was his dogged persistence. He stayed on task and made valuable contributions to Social Security through six decades of service. Bob knew what his mission was and he never wavered in pursuit of it. By the time he resigned as Administrator of Social Security, he had literally worked at the agency for 37 years. He was the longest tenured administrator serving under three different Presidents of two political parties.

Now, when he retired after 37 years, you might think, well, there he goes riding off into the sunset, job well done. Well, Bob indicated another inclination. In fact, he wrote in his letter of resignation to President Nixon, "I will continue to be available for whatever help I can give promoting the sound development and sound administration of this important program."

As the preceding speaker said already, he served on the committee that ultimately worked the long-term solvency package for Social Security out in 1983, and he continued to work right until his final days—at the ripe age of 93—on advancing this notion of Social Security for the American people.

There is nobody I can think of more deserving of the perpetuating honor memorializing his life and his work than Bob Ball, and I am just delighted with this resolution and urge Members' support.

Mr. OBERSTAR. Madam Speaker, I rise in support of H.R. 5773, as amended, which names the operations building on the Social Security Woodlawn campus in Baltimore, Maryland, as the "Robert M. Ball Federal Building", after former Social Security Administrator, Robert M. Ball.

Robert M. Ball dedicated his professional life to Social Security and its beneficiaries, serving as Commissioner of Social Security

from 1962 to 1973, spanning the Kennedy, Johnson, and Nixon administrations. During his tenure in a variety of senior executive positions at the Social Security Administration, both the disability program and Medicare were enacted into law, and Commissioner Ball played a significant role in creating, securing enactment of, and implementing both of these landmark pieces of legislation.

Commissioner Ball, after retiring from public service in 1972, remained active and engaged in social security issues and policy. In 1981–83, he served on the Commission on Social Security Reform. Mr. Ball was instrumental in working out a compromise among Commission members, that led to the Social Security Act Amendments of 1983, which restored solvency to the Social Security Trust Fund. These amendments remain the most substantive changes to the social security system in the last 30 years.

Recognizing the contributions of Robert M. Ball to the Social Security system by naming the Operations Building at the Social Security Woodlawn campus is a fitting and apt tribute to this public servant who one historian describes as “the major non-Congressional player in the history of Social Security in the period between 1950 and the present.”

I urge my colleagues to join me in supporting H.R. 5773.

Mr. CUMMINGS. Madam Speaker, I introduced H.R. 5773 to name the Social Security Operations Building in Baltimore in honor of Robert “Bob” Ball, a man who dedicated his career to defending and strengthening Social Security and who helped to expand the safety net for our Nation’s seniors by supporting the creation of Medicare.

Mr. Ball’s legacy of service makes it truly fitting that we designate the Social Security Operations Building located at 6401 Security Boulevard in Baltimore, Maryland, as the “Robert M. Ball Federal Building.”

Mr. Ball helped build Social Security from the ground up.

In 1939, he started working for the newly formed Social Security Board as a field assistant in Newark, New Jersey.

His experiences in the field demonstrated to him that Social Security was meant to be a contract between the generations enacted to ensure that retired seniors could avoid poverty in their later years. Mr. Ball’s dedication to this basic principle guided all of his future work.

In 1949, Mr. Ball was appointed assistant director of the Bureau of Old Age and Survivors Insurance. He was subsequently promoted to deputy director and then acting director.

Through these positions, he developed a deep technical expertise in Social Security, learned how Congress works, and developed the relationships with Members of Congress that would enable him to serve as a valued technical resource for decades.

During his tenure, Mr. Ball assisted Congress members in developing the policies that have been essential to ensuring Social Security programs are run responsibly and effectively.

For example, Bob Ball was the architect of the 1950 amendments raising Social Security benefits and expanding coverage to more Americans, including such groups as the self-employed, and making it easier for these groups to begin to qualify for benefits.

Ball helped draft the legislation establishing Social Security disability benefits in 1956 and helped Members secure its passage even though the Eisenhower administration opposed this change.

In 1957, Ball helped Representative Aime Forand draft a bill that was essentially the forerunner of the legislation that created Medicare. Ball continued to advocate for health insurance for seniors from that time until Medicare’s eventual passage in 1965.

For this and his subsequent work supporting the implementation of the Medicare program, he is also known as the father of Medicare.

President John F. Kennedy appointed Robert M. Ball as commissioner of Social Security in 1962. Mr. Ball served in this post until 1973—longer than anyone else prior or since.

During his service as commissioner, Mr. Ball helped develop the 1972 amendments that linked benefits to inflation, ensuring that Social Security would never fail to meet basic needs.

Robert M. Ball continued to serve Social Security beneficiaries even after leaving government employment through his service on several federal commissions, including the Greenspan Commission in 1983, where he helped broker a compromise that averted a financial crisis and brought decades of financial stability to the Social Security trust fund.

Robert Ball was described by American Scholar magazine in 2005 as Social Security’s “biggest thinker, longest-serving commissioner and undisputed spiritual leader” and as “Social Security’s chief advocate and defender.”

I cannot imagine a better tribute to a man who dedicated his life to the health and welfare of others than that his name be permanently attached to the building where Social Security operates.

As I close, I thank my colleagues from Maryland who have co-sponsored this legislation as well as Chairman OBERSTAR, Ranking Member MICA, and my colleagues in the Transportation and Infrastructure committee for working with me to move this legislation.

I encourage all of my colleagues to join me in supporting this bill.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no further requests for time, I simply ask for support of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 5773, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: “A bill to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known Social Security Administration Operations Building, as the ‘Robert M. Ball Federal Building.’”

A motion to reconsider was laid on the table.

□ 1340

OBSERVING FIFTH ANNIVERSARY OF HURRICANE RITA

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1583) observing the fifth anniversary of the date on which Hurricane Rita devastated the coasts of Louisiana and Texas, remembering those lost in the storm and in the process of evacuation, recovery, and rebuilding; saluting the dedication of the volunteers who offered assistance in support of those affected by the storm, recognizing the progress of efforts to rebuild the affected Gulf Coast region, commending the persistence of the people of the States of Louisiana and Texas following the second major hurricane to hit Louisiana that season, and reaffirming Congress’ commitment to restore and renew the Gulf Coast region, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1583

Whereas on September 24, 2005, Hurricane Rita made landfall as a Category 3 hurricane just east of the Texas-Louisiana border, between Sabine Pass and Johnson’s Bayou, with wind speeds of 120 miles per hour, and further devastated the Gulf Coast;

Whereas Hurricane Rita caused 7 deaths, forced 3,000,000 residents to evacuate their homes, left 1,000,000 people without electricity (according to the National Climatic Data Center), and caused flooding and tornadoes in the States of Louisiana, Arkansas, Mississippi, and Alabama;

Whereas damages from Hurricane Rita are estimated at \$11,300,000,000;

Whereas in 2005, Hurricane Rita was the second hurricane to reach Category 5 status in the Gulf of Mexico, making it only the third time that more than one Category 5 storm had formed in the Atlantic in the same year (according to the National Climatic Data Center);

Whereas the storm surge from Hurricane Rita was as high as 15 feet near the landfall site and according to the United States Geological Survey traveled as far as 50 miles inland, causing disastrous flooding and massive loss of property;

Whereas tens of thousands of homes and businesses in Louisiana and Texas were destroyed by the flooding; and

Whereas the United States Geological Survey’s National Wetlands Center indicates that 217 square miles of Louisiana’s coastal lands were transformed to water after Hurricanes Katrina and Rita: Now, therefore, be it Resolved, That the House of Representatives—

(1) observes the fifth anniversary of the date on which Hurricane Rita devastated the coasts of Louisiana and Texas;

(2) expresses its support to the survivors of Hurricane Rita and condolences to the families of its victims;

(3) commends the courageous efforts of those who assisted in the response to the storm and the recovery process;

(4) recognizes the contributions of the communities in Louisiana and Texas to the United States; and

(5) reaffirms its commitment to rebuild, renew, and restore the Gulf Coast region.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add any extraneous material on H. Res. 1583.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in strong support of H. Res. 1583, observing the fifth anniversary of Hurricane Rita.

Hurricane Rita made landfall as a category 3 hurricane just east of the Texas and Louisiana border with wind speeds of 120 miles per hour unleashing devastating destruction.

Hurricane Rita directly led to the deaths of at least seven people, left over 1 million people without electricity, and damaged or destroyed hundreds of thousands of homes. In addition to this devastation the storm caused in Texas and Louisiana, it also caused flooding and tornadoes in the States of Arkansas, Mississippi, and Louisiana. Total damages from the storm are estimated to be over \$11 billion.

Hurricane Rita also led to one of the largest evacuations in United States history. Prior to making landfall, Hurricane Rita set a record as the most intense hurricane ever in the Gulf of Mexico. The storm also set a record for the most rapid intensification for any tropical cyclone, as it strengthened from a category 2 hurricane to a category 5 hurricane in less than a day.

All of these factors, coming less than a month after Hurricane Katrina, prompted 3 million residents to evacuate their homes. In many instances, those who were evacuating from Hurricane Rita were displaced, having evacuated from Hurricane Katrina.

The good news today is the gulf coast is coming back.

I urge my colleagues to join me in supporting H. Res. 1583.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

This resolution recognizes the fifth anniversary of the devastation caused by Rita.

Madam Speaker, as a Floridian, I understand the impact that storms like Rita have on individuals and families and on communities. It's so important that we do remember, that we do not forget.

This resolution was introduced by Representative BOUSTANY of Louisiana and is cosponsored by the entire Louisiana delegation. I want to thank the gentleman from Louisiana for his work on this resolution and, frankly, on all issues related to Louisiana's recovery from this disaster. He has been a great leader on issues for his State, and this is one more example of that.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, at this time I would like to yield such time as he may consume to the gentleman from Louisiana (Mr. BOUSTANY), the sponsor of this resolution and a leader on these issues.

Mr. BOUSTANY. Madam Speaker, I thank my friend and colleague from Florida for his kind words, and we share the same sentiments with regard to hurricanes, and we've both dealt with them. I appreciate his work as well and his leadership for the State of Florida.

Madam Speaker, September 24 marks the fifth anniversary of Hurricane Rita's landfall in my southwest Louisiana district. This category 3 storm came ashore with wind speeds of more than 120 miles per hour and 115 feet of storm surge, causing an estimated \$11.3 billion in damages, making it the third most expensive natural disaster in U.S. history.

Hurricane Rita caused widespread destruction to our communities, fragile working wetlands, and critical energy infrastructure in Vermilion, Cameron, and Calcasieu Parishes.

On a personal note, I'd like to thank all of my colleagues who traveled to southwest Louisiana in the months after the storm to witness firsthand the devastation and to offer assistance. I also want to thank Chairman OBERSTAR, Ranking Member MICA, and the committee staff, as well as the entire Transportation and Infrastructure Committee, who all worked with our delegation to help address some of the problems we faced in this storm's aftermath.

In the past 5 years, I've worked hard to ensure that Rita is not the forgotten storm and to further assist in the region's recovery and building. I'm proud we have initiated the first-ever hurricane protection plan for southwest Louisiana and included provisions in the 2007 WRDA bill to help expedite the Corps of Engineers' work to ensure projects are not delayed.

Rita exposed the critical state of our coastal wetlands and the role they play in supporting the U.S. energy industry. These wetlands serve as a critical buffer against hurricanes and protect industries and cities located further inland. Before the 2005 storms, the projected land loss in Louisiana was 24

square miles per year. After Katrina and Rita, the national wetland center reported 217 square miles of Louisiana coastal lands were transformed to water.

Protecting and strengthening our coasts is not only a Louisiana problem—it's an American problem. Families and businesses rely on the energy we produce in Louisiana and transport throughout the country each day. We were just starting to regain our way of life along the gulf coast, and Louisianans now face new challenges.

The current moratorium on deep-water drilling in the Gulf of Mexico threatens good-paying jobs and our economic livelihood. This moratorium has idled 33 rigs and the workers on these platforms, and it's hampering south Louisiana's recovery. There are also thousands more support workers affected by this, including welders, electricians, mariners, caterers, and engineers, that aren't directly employed by the drilling operator.

The ramifications of the deepwater moratorium and the de facto shallow water moratorium are being felt as layoffs have begun along the gulf coast. The same hardworking citizens who stayed in south Louisiana to rebuild their homes with their own hands after Hurricanes Katrina and Rita are now experiencing economic devastation.

American energy production in the gulf can be done safely, and we need to work together to quickly implement improved safety standards to put gulf coast residents back to work delivering the energy that this Nation relies upon.

Louisianans are resilient, and I'm proud to work with my community as we continue the long recovery process.

Madam Speaker, I want to salute the dedicated first responders, volunteers, and professionals who offered assistance to those affected by the storm and recognize the progress southwest Louisiana has made in 5 years of restoring and rebuilding our coastal communities.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, in the subcommittee that I am ranking member of, I've had the privilege of working with this next gentleman from Louisiana. He is, frankly, almost single-handedly responsible for releasing billions of dollars that were stuck in the Federal bureaucracy that should have gone, and now are moving because of his efforts, to rebuild parts of Louisiana.

And so at this moment, it is a privilege to yield 5 minutes to the gentleman from Louisiana (Mr. CAO).

Mr. CAO. First of all, I want to thank my colleague and mentor from Florida for his tremendous support of me in the last 2 years, and I hope to continue working with him in the future.

Madam Speaker, I rise today in support of House Resolution 1583 offered by my good friend and colleague from Louisiana, Dr. BOUSTANY.

□ 1350

House Resolution 1583 observes the fifth anniversary of the devastation and destruction caused by Hurricane Rita. On September 24, 2005, Hurricane Rita made landfall along the Louisiana and Texas border as a category 3 hurricane. Rita's landfall was less than 1 month after Hurricane Katrina had ravaged multiple areas along the Gulf Coast, including in Louisiana's Orleans and Jefferson Parishes, which I represent.

Following the heroic work of first responders, our Armed Forces, and countless volunteers in the aftermath of Hurricane Katrina, New Orleans was unbelievably scheduled to reopen on September 19. Hurricane Rita's approach, however, made that impossible, and instead the city once again was vulnerable. Levees surrounding New Orleans were damaged extensively by Hurricane Katrina, and were far from repaired. Thousands of blue FEMA tarps remained atop roofs throughout the city, offering only provisional or temporary protection.

On Friday, September 23, the day before Rita made landfall, her outer bands began raising water levels around New Orleans, and the patches on the Industrial Canal and the London Avenue Canal were unable to hold back the rising water. Once again, we were faced with the same flooding which had wreaked so much havoc less than a month before.

New Orleans' Gentilly and Ninth Ward neighborhoods, two of the hardest hit by Katrina, were again flooded, and in some locations the waters rose to a depth of 8 feet. For many, this was a worst nightmare situation happening all over again.

Hurricane Rita resulted in the death of seven individuals and forced the evacuation of 3 million Gulf Coast residents. It also cost an estimated \$11.3 billion in damages. Madam Speaker, as the gulf coast continues its recovery from the recent devastating oil spill, I wish to remind us that only a city, State, and a region of great character and determination can rise from devastation to persevere and recover. And that is what we will do.

On this anniversary, I offer my heartfelt sympathy to the families of the victims of Hurricane Rita, and I offer my deepest thanks to those who assisted in the recovery process. I urge my colleagues to support House Resolution 1583, as a reconfirmation of this body's commitment to rebuild, renew, and restore the gulf coast region not only from Hurricane Rita, but also Hurricane Katrina.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H. Res. 1583, as amended,

observing the fifth anniversary of Hurricane Rita. Hurricane Rita made landfall just east of the Texas-Louisiana Border as a category three hurricane on September 24, 2005. Hurricane Rita directly caused the deaths of at least seven people, damaged or destroyed hundreds of thousands of homes, and left over one million people without electricity. In addition to the devastation the storm caused in Louisiana and Texas, it also caused flooding and tornadoes in the States of Arkansas, Mississippi, and Louisiana.

Before making landfall, Hurricane Rita was the second hurricane in 2005 to become a category 5 hurricane in the Gulf of Mexico. Hurricane Rita broke Hurricane Katrina's record as the most intense hurricane ever in the Gulf of Mexico. The storm also climbed from a category 2 to a category 5 storm in less than 24 hours with the fastest intensification of any tropical cyclone in history.

Coming less than a month after Hurricane Katrina, this storm forced 3,000,000 million residents to evacuate their homes. In many instances, those who were evacuating from Hurricane Rita were already evacuees displaced by Hurricane Katrina. We also witnessed the unfortunate deaths of 23 nursing home residents who perished when the bus evacuating them caught fire.

As I have mentioned previously, since Hurricane Rita and the other storms of the 2005 hurricane season, the Committee on Transportation and Infrastructure has passed legislation and held numerous hearings to improve not only the recovery from these storms, but also our nation's preparation for, response to, recovery from and mitigation of disasters from all hazards. These efforts continue on September 22, 2010, when the Subcommittee on Economic Development, Public Buildings, and Emergency Management will hold a hearing entitled: "Five Years after Katrina: Where We Are and What We Have Learned for Future Disasters."

Prior to the 2005 hurricane season, when our nation faced large or unusual disasters, the Federal Emergency Management Agency (FEMA) was quick to adapt and provide solutions to unique problems that would arise, often working with Congress on those solutions.

However, by 2005, things were very different. FEMA was an agency within the Department of Homeland Security (DHS), and not an independent agency that reported directly to the President and Congress. As I have said previously, FEMA's performance as an agency has suffered since its inclusion in the Department of Homeland Security in 2003.

Even long after the response to the 2005 hurricane season, the agency's placement in DHS had a detrimental effect on the residents of the Gulf Coast. There were delays in decision making, which delayed delivery of critical assistance to citizens. While things appear to be improving with the recovery in the Gulf Coast, this improvement was far too long in coming. I am still deeply concerned that, even with the new leadership at FEMA, if FEMA remains in DHS it will not be able to respond to future disasters in the manner the nation needs and expects.

I urge my colleagues to join me in supporting H. Res. 1583.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. I have no further requests for time, I simply ask for support, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the resolution, H. Res. 1583, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution observing the fifth anniversary of the date on which Hurricane Rita devastated the coasts of Louisiana and Texas, and for other purposes."

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2039; H.R. 5873; House Resolution 1522; H.R. 5366; and House Resolution 1610, in each case by the yeas and nays.

Proceedings on remaining postponed questions will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CONGRESSIONAL MADE IN AMERICA PROMISE ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 2039) to clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch, to prohibit the application of any of the exceptions to the requirements of such Act to products bearing a Congressional seal, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 371, nays 36, not voting 25, as follows:

[Roll No. 521]

YEAS—371

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Clever
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro

Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driebehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Holden
Holt
Inlee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil

Kucinich
Lance
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Paulsen
Perlmutter
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (NC)
Quigley
Radanovich
Rahall

Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Scaife
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—36

Barrett (SC)
Bartlett
Blackburn
Brady (TX)
Broun (GA)
Campbell
Carter
Conaway
Dreier
Flake
Fleming
Franks (AZ)
Gohmert
Graves (GA)
Harper
Hensarling
Herger
Hoekstra
Johnson, Sam
King (IA)
Kingston
Lamborn
Linder
Lummis
Marchant
McClintock
Miller (FL)
Neugebauer
Paul
Pence
Polis (CO)
Price (GA)
Sessions
Shadegg
Thornberry
Westmoreland

NOT VOTING—25

Ackerman
Blunt
Boucher
Clarke
Cummings
Delahunt
Ellsworth
Eshoo
Fallin
Grijalva
Hastings (FL)
Hinojosa
Hodes
Kennedy
Langevin
Lee (CA)
Meek (FL)
Mollohan

□ 1424

Messrs. FLAKE, CONAWAY, HERGER, PENCE, Mrs. BLACKBURN, Messrs. CARTER, BRADY of Texas, BARTLETT, LINDER, DREIER and HOEKSTRA changed their vote from “yea” to “nay.”

Mr. POE of Texas changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CUELLAR. Madam Speaker, during roll-call vote No. 521 on H.R. 2039, I mistakenly recorded my vote as “yes” when I should have voted “no.”

CAPTAIN RHETT W. SCHILLER
POST OFFICE

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The unfinished business is the vote on the motion to suspend the rules and pass the bill

(H.R. 5873) to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the “Captain Rhett W. Schiller Post Office,” on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 522]

YEAS—411

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Clever
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro

Childers
Chu
Clarke
Clay
Clever
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driebehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez

Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inlee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kline (MN)
Kosmas
Kratovil

Latham	Neugebauer	Scott (GA)
LaTourette	Nunes	Scott (VA)
Latta	Nye	Sensenbrenner
Lee (NY)	Oberstar	Serrano
Levin	Obey	Sessions
Lewis (CA)	Olson	Sestak
Lewis (GA)	Oliver	Shadegg
Linder	Ortiz	Shea-Porter
Lipinski	Owens	Sherman
LoBiondo	Pallone	Shimkus
Loeb sack	Pascrell	Shuler
Lofgren, Zoe	Pastor (AZ)	Shuster
Lowey	Paul	Simpson
Lucas	Paulsen	Sires
Luetkemeyer	Pence	Skelton
Luján	Perlmutter	Slaughter
Lummis	Perriello	Smith (NE)
Lungren, Daniel	Peters	Smith (NJ)
E.	Peterson	Smith (TX)
Lynch	Petri	Smith (WA)
Mack	Pingree (ME)	Snyder
Maffei	Space	Speier
Maloney	Platts	Spratt
Manzullo	Poe (TX)	Stark
Marchant	Polis (CO)	Stearns
Markey (CO)	Pomeroy	Sullivan
Markey (MA)	Posey	Sutton
Marshall	Price (GA)	Tanner
Matheson	Price (NC)	Taylor
Matsui	Quigley	Teague
McCarthy (CA)	Radanovich	Terry
McCarthy (NY)	Rahall	Thompson (CA)
McCaul	Rangel	Thompson (MS)
McClintock	Rehberg	Thompson (PA)
McCollum	Reichert	Thornberry
McCotter	Reyes	Tiahrt
McDermott	Richardson	Tiberi
McGovern	Rodriguez	Titus
McHenry	Roe (TN)	Tonko
McIntyre	Rogers (AL)	Towns
McKeon	Rogers (KY)	Tsongas
McMahon	Rogers (MI)	Turner
McMorris	Rohrabacher	Upton
Rodgers	Rooney	Van Hollen
McNerney	Ros-Lehtinen	Rangel
Meeks (NY)	Roskam	Rehberg
Melancon	Ross	Reichert
Mica	Rothman (NJ)	Reyes
Michaud	Roybal-Allard	Richardson
Miller (FL)	Royce	Rodriguez
Miller (MI)	Ruppersberger	Roe (TN)
Miller (NC)	Rush	Rogers (AL)
Miller, Gary	Ryan (OH)	Rogers (KY)
Miller, George	Ryan (WI)	Rogers (MI)
Minnick	Salazar	Rohrabacher
Mitchell	Sánchez, Linda	Rooney
Moore (KS)	T.	Ros-Lehtinen
Moran (KS)	Sanchez, Loretta	Roskam
Moran (VA)	Sarbanes	Ross
Murphy (CT)	Scalise	Rothman (NJ)
Murphy (NY)	Schakowsky	Roybal-Allard
Murphy, Patrick	Schauer	Royce
Murphy, Tim	Schiff	Ruppersberger
Myrick	Schmidt	Rush
Nadler (NY)	Schock	Ryan (OH)
Napolitano	Schrader	Ryan (WI)
Neal (MA)	Schwartz	Salazar

NOT VOTING—21

Ackerman	Hastings (FL)	Moore (WI)
Blunt	Hodes	Payne
Cummings	Kennedy	Putnam
Delahunt	Langevin	Stupak
Ellsworth	Lee (CA)	Tierney
Eshoo	Meek (FL)	Velázquez
Fallin	Mollohan	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1434

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING DESIGNATION OF NATIONAL HEREDITARY BREAST AND OVARIAN CANCER WEEK AND NATIONAL PREVIVOR DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1522) expressing support for designation of the last week of September as National Hereditary Breast and Ovarian Cancer Week and the last Wednesday of September as National Previvor Day, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

[Roll No. 523]

YEAS—408

Aderholt	Capps	Emerson
Adler (NJ)	Capuano	Engel
Akin	Cardoza	Etheridge
Alexander	Carnahan	Farr
Altmire	Carney	Fattah
Andrews	Carson (IN)	Filner
Arcuri	Carter	Flake
Austria	Cassidy	Fleming
Baca	Castle	Forbes
Bachmann	Castor (FL)	Fortenberry
Bachus	Chaffetz	Foster
Baird	Chandler	Fox
Baldwin	Childers	Franks (AZ)
Barrett (SC)	Chu	Frelinghuysen
Barrow	Clarke	Fudge
Bartlett	Clay	Gallely
Barton (TX)	Cleaver	Garamendi
Bean	Clyburn	Garrett (NJ)
Becerra	Coble	Gerlach
Coffman (CO)	Coffman (CO)	Giffords
Cohen	Cohen	Gingrey (GA)
Cole	Cole	Gohmert
Conaway	Conaway	Gonzalez
Connolly (VA)	Connolly (VA)	Goodlatte
Conyers	Conyers	Gordon (TN)
Cooper	Cooper	Granger
Costa	Costa	Graves (GA)
Costello	Costello	Graves (MO)
Courtney	Courtney	Grayson
Crenshaw	Crenshaw	Green, Al
Critz	Green, Gene	Green, Gene
Crowley	Griffith	Griffith
Cuellar	Grijalva	Grijalva
Culberson	Guthrie	Guthrie
Dahlkemper	Gutierrez	Gutierrez
Davis (AL)	Hall (NY)	Hall (NY)
Davis (CA)	Hall (TX)	Hall (TX)
Davis (IL)	Halvorson	Halvorson
Davis (KY)	Hare	Hare
Davis (TN)	Harman	Harman
DeFazio	Harper	Harper
DeGette	Hastings (WA)	Hastings (WA)
DeLauro	Heinrich	Heinrich
Dent	Heller	Heller
Deutch	Hensarling	Hensarling
Brown (GA)	Hergert	Hergert
Brown (SC)	Diaz-Balart, L.	Diaz-Balart, L.
Brown, Corrine	Diaz-Balart, M.	Diaz-Balart, M.
Brown-Waite,	Dicks	Dicks
Ginny	Dingell	Dingell
Buchanan	Djou	Djou
Burgess	Doggett	Doggett
Burton (IN)	Donnelly (IN)	Donnelly (IN)
Butterfield	Doyle	Doyle
Buyer	Dreier	Dreier
Calvert	Driehaus	Driehaus
Camp	Duncan	Duncan
Campbell	Edwards (MD)	Edwards (MD)
Cantor	Edwards (TX)	Edwards (TX)
Cao	Ehlers	Ehlers
Capito	Ellison	Ellison

Inslee	McNerney	Sánchez, Linda
Israel	Meeks (NY)	T.
Issa	Melancon	Sanchez, Loretta
Jackson (IL)	Mica	Sarbanes
Jackson Lee	Michaud	Scalise
(TX)	Miller (FL)	Schakowsky
Jenkins	Miller (MI)	Schauer
Johnson (GA)	Miller (NC)	Schiff
Johnson (IL)	Miller, Gary	Schmidt
Johnson, E. B.	Miller, George	Schock
Johnson, Sam	Minnick	Schrader
Jones	Mitchell	Schwartz
Jordan (OH)	Moore (KS)	Scott (GA)
Kagen	Moran (KS)	Scott (VA)
Kanjorski	Moran (VA)	Sensenbrenner
Kaptur	Murphy (CT)	Serrano
Kildee	Murphy (NY)	Sessions
Kilpatrick (MI)	Murphy, Patrick	Sestak
Kilroy	Murphy, Tim	Shadegg
Kind	Myrick	Shea-Porter
King (IA)	Nadler (NY)	Sherman
King (NY)	Napolitano	Shimkus
Kingston	Neal (MA)	Shuler
Kirk	Neugebauer	Shuster
Kirkpatrick (AZ)	Nunes	Simpson
Kissell	Nye	Sires
Klein (FL)	Oberstar	Skelton
Kline (MN)	Obey	Slaughter
Kosmas	Olson	Smith (NE)
Kratovil	Olver	Smith (TX)
Kucinich	Ortiz	Smith (WA)
Lamborn	Owens	Snyder
Lance	Pallone	Speier
Larsen (WA)	Pascrell	Spratt
Larson (CT)	Pastor (AZ)	Stark
Latham	Paul	Stearns
LaTourette	Paulsen	Sullivan
Latta	Pence	Sutton
Lee (NY)	Perlmutter	Tanner
Levin	Perriello	Taylor
Lewis (CA)	Peters	Teague
Lewis (GA)	Peterson	Terry
Linder	Petri	Thompson (CA)
Lipinski	Pingree (ME)	Thompson (MS)
LoBiondo	Pitts	Thompson (PA)
Loeb sack	Platts	Thornberry
Lofgren, Zoe	Poe (TX)	Tiahrt
Lowey	Polis (CO)	Tiberi
Lucas	Pomeroy	Titus
Luetkemeyer	Posey	Tonko
Luján	Price (GA)	Towns
Lummis	Price (NC)	Tsongas
Lungren, Daniel	Quigley	Turner
E.	Radanovich	Upton
Lynch	Rahall	Van Hollen
Mack	Rangel	Visclosky
Maffei	Rehberg	Walden
Maloney	Reichert	Walz
Manzullo	Reyes	Wamp
Marchant	Richardson	Wasserman
Markey (CO)	Rodriguez	Schultz
Markey (MA)	Roe (TN)	Waters
Marshall	Rogers (AL)	Watson
Matheson	Rogers (KY)	Watt
Matsui	Rogers (MI)	Waxman
McCarthy (CA)	Rohrabacher	Weiner
McCarthy (NY)	Rooney	Welch
McCaul	Ros-Lehtinen	Westmoreland
McClintock	Roskam	Whitfield
McCollum	Ross	Wilson (OH)
McCotter	Rothman (NJ)	Wilson (SC)
McDermott	Roybal-Allard	Wittman
McGovern	Royce	Wolf
McHenry	Ruppersberger	Woolsey
McIntyre	Rush	Wu
McKeon	Ryan (OH)	Yarmuth
McMahon	Ryan (WI)	Young (AK)
McMorris	Salazar	
Rodgers		

NOT VOTING—24

Ackerman	Hastings (FL)	Payne
Blunt	Hodes	Putnam
Cummings	Kennedy	Smith (NJ)
Delahunt	Langevin	Space
Ellsworth	Lee (CA)	Stupak
Eshoo	Meek (FL)	Tierney
Fallin	Mollohan	Velázquez
Frank (MA)	Moore (WI)	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1441

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OVERSEAS CONTRACTOR REFORM ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5366) to require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 524]

YEAS—409

Aderholt	Butterfield	Deutch
Adler (NJ)	Buyer	Diaz-Balart, L.
Akin	Calvert	Diaz-Balart, M.
Alexander	Camp	Dicks
Altmire	Campbell	Dingell
Andrews	Cantor	Djou
Arcuri	Cao	Doggett
Austria	Capito	Donnelly (IN)
Baca	Capps	Doyle
Bachmann	Capuano	Dreier
Bachus	Cardoza	Driehaus
Baird	Carnahan	Duncan
Baldwin	Carney	Edwards (MD)
Barrett (SC)	Carson (IN)	Edwards (TX)
Barrow	Carter	Ehlers
Bartlett	Cassidy	Ellison
Barton (TX)	Castle	Emerson
Bean	Castor (FL)	Engel
Becerra	Chaffetz	Etheridge
Berkley	Chandler	Farr
Berman	Childers	Fattah
Berry	Chu	Filner
Biggert	Clarke	Flake
Bilbray	Clay	Fleming
Bilirakis	Cleaver	Forbes
Bishop (GA)	Clyburn	Fortenberry
Bishop (NY)	Coble	Foster
Bishop (UT)	Coffman (CO)	Fox
Blackburn	Cohen	Frank (MA)
Blumenauer	Cole	Franks (AZ)
Bocieri	Conaway	Frelinghuysen
Boehner	Connolly (VA)	Fudge
Bonner	Conyers	Gallagher
Bono Mack	Cooper	Garamendi
Boozman	Costa	Garrett (NJ)
Boren	Costello	Gerlach
Boswell	Courtney	Giffords
Boucher	Crenshaw	Gingrey (GA)
Boustany	Critz	Gohmert
Boyd	Crowley	Gonzalez
Brady (PA)	Cuellar	Goodlatte
Brady (TX)	Culberson	Gordon (TN)
Braley (IA)	Dahlkemper	Granger
Bright	Davis (AL)	Graves (GA)
Brown (GA)	Davis (CA)	Graves (MO)
Brown (SC)	Davis (IL)	Grayson
Brown, Corrine	Davis (KY)	Green, Al
Brown-Waite,	Davis (TN)	Green, Gene
Ginny	DeFazio	Griffith
Buchanan	DeGette	Grijalva
Burgess	DeLauro	Guthrie
Burton (IN)	Dent	Gutierrez

Hall (NY)	Matheson	Roybal-Allard
Hall (TX)	Matsui	Royce
Halvorson	McCarthy (CA)	Ruppersberger
Hare	McCarthy (NY)	Rush
Harman	McCaul	Ryan (OH)
Harper	McClintock	Ryan (WI)
Hastings (WA)	McCollum	Salazar
Heinrich	McCotter	Sánchez, Linda
Heller	McDermott	T.
Hensarling	McGovern	Sanchez, Loretta
Herger	McHenry	Sarbanes
Hersteth Sandlin	McIntyre	Scalise
Higgins	McKeon	Schakowsky
Hill	McMahon	Schauer
Himes	McMorris	Schiff
Hinchee	Rodgers	Schmidt
Hirono	McNerney	Schock
Hoekstra	Meeks (NY)	Schrader
Holden	Melancon	Schwartz
Holt	Mica	Scott (GA)
Honda	Michaud	Scott (VA)
Hoyer	Miller (FL)	Sensenbrenner
Hunter	Miller (MI)	Serrano
Inglis	Miller (NC)	Sessions
Inslee	Miller, Gary	Sestak
Israel	Miller, George	Shadegg
Issa	Minnick	Shea-Porter
Jackson (IL)	Mitchell	Sherman
Jackson Lee	Moore (KS)	Shimkus
(TX)	Moran (KS)	Shuler
Jenkins	Moran (VA)	Shuster
Johnson (GA)	Murphy (CT)	Simpson
Johnson (IL)	Murphy (NY)	Sires
Johnson, E. B.	Murphy, Patrick	Skelton
Johnson, Sam	Murphy, Tim	Slaughter
Jones	Myrick	Smith (NE)
Jordan (OH)	Nadler (NY)	Smith (TX)
Kagen	Napolitano	Smith (WA)
Kanjorski	Neal (MA)	Snyder
Kaptur	Neugebauer	Space
Kildee	Nunes	Speier
Kilpatrick (MI)	Nye	Spratt
Kilroy	Oberstar	Stark
Kind	Obey	Stearns
King (IA)	Olson	Sullivan
King (NY)	Olver	Sutton
Kingston	Ortiz	Tanner
Kirk	Owens	Taylor
Kirkpatrick (AZ)	Pallone	Teague
Kissell	Pascarell	Terry
Klein (FL)	Pastor (AZ)	Thompson (CA)
Kline (MN)	Paul	Thompson (MS)
Kosmas	Paulsen	Thompson (PA)
Kratovil	Pence	Thornberry
Kucinich	Perlmutter	Tiahrt
Lamborn	Perriello	Tiberi
Lance	Peters	Titus
Larsen (WA)	Peterson	Tonko
Larson (CT)	Petri	Towns
Latham	Pingree (ME)	Tsongas
LaTourette	Pitts	Turner
Latta	Platts	Upton
Lee (NY)	Poe (TX)	Van Hollen
Levin	Polis (CO)	Visclosky
Lewis (CA)	Pomeroy	Walden
Lewis (GA)	Posey	Walz
Linder	Price (GA)	Wamp
Lipinski	Price (NC)	Wasserman
LoBiondo	Quigley	Schultz
Loebsock	Radanovich	Waters
Lofgren, Zoe	Rahall	Watson
Lowey	Rangel	Watt
Lucas	Rehberg	Waxman
Luetkemeyer	Reichert	Weiner
Luján	Reyes	Welch
Lummis	Richardson	Westmoreland
Lungren, Daniel	Rodriguez	Whitfield
E.	Roe (TN)	Wilson (OH)
Lynch	Rogers (AL)	Wilson (SC)
Mack	Rogers (KY)	Wittman
Maffei	Rogers (MI)	Wolf
Maloney	Rohrabacher	Woolsey
Manzullo	Rooney	Wu
Marchant	Ros-Lehtinen	Yarmuth
Markey (CO)	Roskam	Young (AK)
Markey (MA)	Ross	
Marshall	Rothman (NJ)	

NOT VOTING—23

Ackerman	Fallin	Lee (CA)
Blunt	Hastings (FL)	Meek (FL)
Cummings	Hinojosa	Mollohan
Delahunt	Hodes	Moore (WI)
Ellsworth	Kennedy	Payne
Eshoo	Langevin	

Putnam	Stupak	Velázquez
Smith (NJ)	Tierney	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1449

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF VICTIMS OF TERRORIST ATTACKS ON SEPTEMBER 11, 2001

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in memory of the victims of the terrorist attacks on September 11, 2001.

COMMEMORATING SEPTEMBER 11

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1610) expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Virginia (Mr. CONNOLLY) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 23, as follows:

[Roll No. 525]

YEAS—410

Aderholt	Bilirakis	Brown-Waite,
Adler (NJ)	Bishop (GA)	Ginny
Akin	Bishop (NY)	Buchanan
Alexander	Bishop (UT)	Burgess
Altmire	Blackburn	Burton (IN)
Andrews	Blumenauer	Butterfield
Arcuri	Bocieri	Buyer
Austria	Boehner	Calvert
Baca	Bonner	Camp
Bachmann	Bono Mack	Campbell
Bachus	Boozman	Cantor
Baird	Boren	Cao
Baldwin	Boswell	Capito
Barrett (SC)	Boucher	Capps
Barrow	Boustany	Capuano
Bartlett	Boyd	Cardoza
Barton (TX)	Brady (PA)	Carnahan
Bean	Brady (TX)	Carney
Becerra	Braley (IA)	Carson (IN)
Berkley	Bright	Carter
Berman	Brown (GA)	Cassidy
Berry	Brown (SC)	Castle
Biggert	Brown, Corrine	Castor (FL)
Bilbray		Chaffetz

Chandler
Childers
Chu
Clarke
Clay
Cleave
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger

Herse
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meeks (NY)

Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pelosi
Pence
Perlmutter
Perrillo
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter

Sherman
Shimkus
Shuler
Shuster
Simpton
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton

Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden

Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)

NOT VOTING—23

Ackerman
Blunt
Cummings
Delahunt
Ellsworth
Eshoo
Fallin
Hastings (FL)

Hodes
Langevin
Lee (CA)
Meek (FL)
Mollohan
Moore (WI)
Payne
Putnam

Ruppersberger
Smith (NJ)
Stupak
Tierney
Velázquez
Wu
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). There is 1 minute remaining.

□ 1459

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 59 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1603

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HEINRICH) at 4 o'clock and 3 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SUPPORTING BACKCOUNTRY AIRSTRIPS AND RECREATIONAL AVIATION

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the reso-

lution (H. Res. 1473) supporting backcountry airstrips and recreational aviation, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1473

Whereas recreational aviation represents a significant portion of the Nation's aviation activity;

Whereas recreational aviators utilize backcountry airstrips as access points for a variety of activities;

Whereas backcountry airstrips provide multiple benefits to the general public, including search and rescue, fire management, research, disaster relief, and wildlife management benefits;

Whereas recreational aviation helps State economies by providing efficient access to recreational activities for visitors;

Whereas backcountry airstrips serve as emergency landing sites for aircraft in the event of mechanical problems or inclement weather; and

Whereas backcountry airstrips provide for dispersed recreational activity and act as internal trailheads within backcountry areas: Now, therefore, be it

Resolved, That the House of Representatives recognizes the value of recreational aviation and backcountry airstrips located on the Nation's public lands and commends aviators and the various private organizations that maintain these airstrips for public use.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 1473.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 1473, as amended, introduced by the gentleman from Montana (Mr. REHBERG), which expresses support for backcountry airstrips and recreational aviation.

A backcountry airstrip is an unattended landing area in a location that provides access to remote, undeveloped rural areas by aircraft, usually airplanes. Backcountry airstrips provide benefits to the general public, including performing research and rescue operations, fire management, research and aerial mapping, and disaster relief. These airstrips allow tourists to access remote Federal lands that, in turn, helps to support local economies and small businesses. Also, in the event of mechanical problems or inclement weather, backcountry airstrips serve as emergency landing sites when airports are out of reach.

H. Res. 1473 recognizes the value of recreational aviation and backcountry airstrips located on our Nation's public lands. In addition, it commends aviators and the various private organizations that maintain these airstrips for public use. I urge my colleagues to join me in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the author of the resolution currently before us, our colleague from the State of Montana, Representative DENNIS REHBERG.

Mr. REHBERG. Thank you, Mr. PETRI.

Mr. Speaker, I want to voice my support for House Resolution 1473, supporting recreational aviation and backcountry airstrips on America's public lands.

This resolution is the fruit of a bipartisan effort. I could not have drafted this legislation without the support of my colleagues from Idaho, Mr. SIMPSON and Mr. MINNICK, and the co-chairs of the House General Aviation Caucus, Mr. EHLERS and Mr. BOYD.

One hundred years ago, this resolution might have been about supporting horses. Aviation has become as important to the modern West as horses were to the early explorers, trappers and prospectors. That is because the vast majority of Montana's 147,000 square miles aren't easily reached by roads—we've got a lot of dirt between light bulbs. And like the horse opened new lands in 1910, aviation is critical to access today. That is why backcountry airstrips are such an important part of our way of life.

There are too many benefits to list them all. They enable search and rescue, fire management, research, disaster relief and wildlife management. In the event of mechanical problems or inclement weather, they serve as emergency landing sites when larger airports are out of reach. They allow public access to some of the most beautiful, remote Federal lands in America, regardless of one's physical ability, and they serve as efficient access points for tourists, who in turn contribute to local economies and small businesses. That means jobs. Too often, however, these airstrips are targeted for closure by the Federal Government or well-funded special interest groups, or simply ignored by bureaucrats in Washington, D.C.

Please join the bipartisan support for this measure and vote for House Resolution 1473.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I support the resolution before us, H. Res. 1473, recognizing the value of recreational aviation and backcountry airstrips.

Aviation provides access, as we've heard, to the most remote and scenic areas of our national landscape, and

not just for recreational users. Backcountry airstrips also provide access for those who do not have the physical ability to get to these areas any other way. The airstrips also serve an important safety function as emergency landing sites in the event of severe weather or another emergency. Sustaining these airstrips is critical to preserving safe flight and access to the American wilderness. It is important to promote and maintain the public use of backcountry airstrips for future generations. Additionally, we should be proud of the individuals and private organizations that donate their time and resources in order to sustain these airstrips for public use and benefit.

Mr. Speaker, I support this resolution and urge its passage by the House today.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H. Res. 1473, as amended, introduced by the gentleman from Montana (Mr. REHBERG), which expresses support for backcountry airstrips. Generally speaking, a backcountry airstrip is an unattended landing area in a location that provides access to remote, undeveloped rural areas by aircraft, usually airplanes.

Backcountry airstrips are a part of life for many Americans, especially in the West. They provide countless benefits to the general public, including search and rescue, fire management, research, disaster relief and wildlife management. They also allow public access to some of the most beautiful, remote federal lands in America, as well as providing a means of access to remote areas for physically disadvantaged individuals who might not otherwise be able to get to remote locations for leisure.

Backcountry airstrips serve as efficient access points for tourists, who in turn contribute to local economies and small businesses. More importantly, in the event of mechanical problems or inclement weather, they serve as emergency landing sites when larger airports are out of reach.

Many backcountry airstrips are privately owned. In addition, several state aviation offices own and operate backcountry airstrips, and many airstrips are owned by public agencies involved in land management, such as the Forest Service, National Park Service, Bureau of Land Management, and the Bureau of Reclamation.

H. Res. 1473 recognizes the value of recreational aviation and backcountry airstrips located on the nation's public lands and commends aviators and the various organizations that maintain these airstrips for public use.

I urge my colleagues to join me in supporting this resolution.

Mr. EHLERS. Mr. Speaker, I am proud to be an original cosponsor of H. Res. 1473, a resolution supporting recreational aviation and backcountry airstrips on America's public lands.

Backcountry airstrips are a part of life for many Americans, especially in the West. They provide countless benefits to the general public, including search and rescue, fire management, research, disaster relief and wildlife management. They also allow public access to

some of the most beautiful, remote federal lands in America regardless of one's physical ability to otherwise enjoy the backcountry.

Backcountry airstrips serve as efficient access points for tourists, who in turn contribute to local economies and small businesses. More importantly, in the event of mechanical problems or inclement weather, they serve as emergency landing sites when larger airports are out of reach. Too often, however, these airstrips are targeted for closure by the federal government or well-funded special interest groups, or simply ignored by bureaucrats in Washington, DC.

During a time when our lands are under threat from drought, insect infestation and wildfire, and when our economy continues to struggle, backcountry airstrips serve a valuable role for land managers and visitors alike. Please join me in recognizing the value of recreational aviation and backcountry airstrips, in addition to commending aviators and the various private organizations that maintain these airstrips for public use.

□ 1610

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, for all of the reasons articulated, I again encourage my colleagues to support this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1473, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING 90TH ANNIVERSARY OF 19TH AMENDMENT

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1375) recognizing the 90th anniversary of the 19th Amendment, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1375

Whereas full participatory rights by women are vital to democracy in the United States;

Whereas the right to vote of all women in the United States was not guaranteed for 144 years after the Declaration of Independence was signed;

Whereas the Women's Rights Convention was held in Seneca Falls, New York, in July 1848, sparking a decades-long struggle by women's rights pioneers to gain the right to vote;

Whereas a constitutional amendment granting women's suffrage nationwide was first introduced in the United States Congress in January 1878;

Whereas in 1919, the 66th Congress of the United States passed a resolution proposing an amendment to the Constitution extending the right of suffrage to women;

Whereas the aforesaid amendment was then ratified by the Legislatures of the States of Illinois, Michigan, Wisconsin, Kansas, New York, Ohio, Pennsylvania, Massachusetts, Texas, Iowa, Missouri, Arkansas, Montana, Nebraska, Minnesota, New Hampshire, Utah, California, Maine, North Dakota, South Dakota, Colorado, Kentucky, Rhode Island, Oregon, Indiana, Wyoming, Nevada, New Jersey, Idaho, Arizona, New Mexico, Oklahoma, West Virginia, Washington, and Tennessee; and

Whereas, on August 18, 1920, the Tennessee General Assembly voted for ratification by a one-vote margin, passing the amendment in Nashville, Tennessee, becoming the 36th and final of the three-fourths of States needed to ratify the aforesaid amendment, entering it into the Constitution: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 90th anniversary of the ratification of the 19th Amendment to the United States Constitution;

(2) honors the contributions and achievements of women in United States politics; and

(3) reaffirms its commitment to pursuing policies that achieve true political and social equality for women, commensurate with their role in life in the United States and society.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Tennessee (Mrs. BLACKBURN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to add extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

House Resolution 1375, introduced by the Honorable JIM COOPER of Tennessee, recognizes the 90th anniversary of the 19th Amendment. The 19th Amendment, of course, is the Amendment that gave women the right to vote in this United States, and it was not until 1920 that women got that right to vote.

We didn't start off as a perfect Union. It's taken a lot of time, and we're still working toward becoming that perfect Union.

The 19th Amendment was ratified with the perfect 36th State, which happened to be Tennessee, the last State that could make it by three-quarters of the States needed. There were 48 at the time. Thirty-five had done it. The rest had said they wouldn't. Tennessee was on the spot, and it became the perfect 36th and gave women the right to vote.

It was an historic vote that took place in the Tennessee State capitol.

Probably the most historic vote that's ever occurred in that capitol. One of which, a bas-relief on the wall, which I worked on getting placed there, commemorates that event when that vote took place.

One of my relatives, Mr. Joe Hanover, managed the bill in the House. And the Senate, of which I was a member, and Lady BLACKBURN, the Congresswoman on the other side, was also a member of that esteemed body, the State Senate in Tennessee voted with overwhelming numbers to approve the resolution. It was in the House where sometimes they have problems—unlike what we experience here in Washington—where they had difficulty getting the votes together.

And it was about an even vote until the last minute. And a Republican from upper east Tennessee named Harry Burn got a missive from his mother that said, "Harry, do the right thing." And Harry did the right thing, and he cast that vote and it passed by one vote. So women have the right to vote because of the perfect 36th, the State of Tennessee in 1920, August of that year. And it was by one vote.

So it's an important story not only of how far this country has come, because our Constitution, as great as it was, didn't give women the right to vote. It permitted slavery, didn't give women the right to vote, and a lot of other problems. And it took a lot of efforts and civil rights and women's rights and human rights and all to bring us to where we're getting today. We still have a ways to go. But it also says how important one vote is, because one vote made that difference.

Prior to the ratification of the 19th Amendment, only a handful of States allowed women to vote at all, and that was in certain elections. But even those modest gains were the product of decades of struggle by women's suffrage supporters. There were early events, such as the Women's Rights Convention convened in Seneca Falls, New York, in 1848, and it helped encourage women's suffrage supporters to organize for full participatory rights throughout the State. And during the late 19th century, thousands of women's suffrage supporters nationwide marched, lobbied, and engaged in peaceful civil disobedience in the name of equal voting rights.

A resolution proposing an amendment extending the right of suffrage to women was first introduced in Congress in 1878, but it was not until 1916 that almost all major women's suffrage groups united behind a constitutional amendment. Yes, it was 42 years—even longer than it took to amend the Tennessee Constitution to get a lottery—42 years it took to get this amendment to a vote.

When New York enacted full women's suffrage in 1917 and President Woodrow Wilson announced his support for an

amendment in 1918, the political tide finally turned in favor of a nationwide effort. And on June 4, 1919, the 66th Congress of the United States proposed to the legislatures of the several States the 19th Amendment to the Constitution.

A year later on August 20, 1920, Tennessee became that perfect 36th State to pass and ratify that amendment, thus fulfilling the three-fourth requirements.

Today, House Resolution 1375 honors the generation of women's suffrage activists who persevered through adversity and doubt to secure the rightful place of women in our democracy. This resolution also serves to reaffirm this body's commitment nine decades later pursuing policies that achieve true political and social equality for women.

□ 1620

There is, of course, in the Rotunda a statuary of some of the great leaders in this movement. And I think it took years to get that placed in the Capitol on the second floor in the Rotunda to honor their work.

I urge my colleagues to support this important resolution.

I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Tennessee for his kind remarks about the 19th Amendment. And as the only woman in our Tennessee delegation, and on behalf of the women from Tennessee who have preceded me in service to this body, Louise Reece, Irene Baker, and Marilyn Lloyd, I treasure the role that our State played in ratifying the 19th Amendment. I will note that we still in Tennessee have not had a woman from our State serve in the Senate, in that body, nor have we had a female take the office of governor in our State.

We have all heard the story about that wonderful day in August 1920. And indeed, as Mr. COHEN was saying, it was a thrilling day in our State's history. This Chamber knows well the story of Tennessee Representative Harry Burn and how he received that message, how he changed the rose on his lapel to a yellow rose, and then how he changed his vote. And that was a swing vote that did indeed change history.

I want to tell you about another swing vote that helped to set the stage in the suffrage story. And it is one that is important to our State of Tennessee, and it is one that transpired right here in this Chamber 91 years ago. Representative Thetus Sims was born in Wayne County, Tennessee. He lived in Savannah, Tennessee, and he practiced law over in Perry County, Tennessee. He later represented all of those counties and some others that today are represented by Mr. DAVIS and Mr. TANNER and Mr. GORDON, as well as the portions of his district I represent.

Now, Mr. Sims was the first Member of this Chamber to occupy 217 Cannon, which is the office that I now occupy in the Cannon House Office Building. Ninety-one years ago, before the 19th Amendment could go to the States for ratification, it had to be discharged from this Chamber. The first attempt to do that was in 1915, and it failed. Thetus Sims voted against the 19th Amendment at that point in time.

Well, he had the opportunity to vote again on the 19th Amendment in 1918. And it was a very dramatic day right here in this Chamber. It was perhaps one of the most important days that had transpired in this Chamber. Supporters of the amendment were unsure they had the votes to discharge the amendment. The galleries around us were packed with suffragettes. They were packed with journalists. Everyone was watching. On that day, Thetus Sims surprised the Nation.

Between 1915 and 1918, the suffrage movement had heated up not only here in D.C., but all across the Nation. Riots had broken out here in D.C., and women were jailed for wanting the right to vote. The D.C. commissioner who put them behind bars was a gentleman named Louis Brownlow. Louis Brownlow was Thetus Sims' son-in-law. With such influences, it is hard to see how Thetus Sims could see his way to vote "yes" on this amendment.

But Louis Brownlow wasn't the only person talking to Thetus Sims at the family dinner table. Congressman Sims also had daughters. And in Washington, the Sims daughters were known as consummate hostesses. Back in Tennessee, everyone knew them for being crack shots with their rifles. Well, here in D.C. Elizabeth Sims was a suffragist leader. And her arguments evidently beat out those of her husband, Louis Brownlow.

So the day finally came in 1918. And on his way to the vote, Thetus Sims took a very bad fall, and he broke his collarbone. He refused to have it set or to take pain killers for fear he would miss the vote. So, he came to the floor and he flipped his vote. He voted "aye," and he became the hero of the day.

Well, needless to say I am very proud of Thetus Sims' vote that day. I am grateful for how he represented Tennessee. And I am so pleased that he listened to his iron-jawed angel daughter, and that he voted for women. I am honored to represent much of that district now, and I am honored to occupy his office, 217 Cannon.

I reserve the balance of my time.

Mr. COHEN. Congresswoman BLACKBURN brings up some interesting history. And it reminds me Brownlow was probably related to Parson Brownlow, who was the somewhat reviled governor of Tennessee during the Civil War period. And Senator Henry said some very awful things about Governor

Brownlow and the things he did to the women of Nashville and the jeopardy he placed them in. I am sure that was some kind of secondary reprisal as this relative of Brownlow jailed the women that wanted the vote. He had put the women in danger during the Civil War. And Senator Henry talked about that on many occasions on the floor, as I am sure you remember.

I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I thank the gentleman for yielding.

I want to acknowledge the gentlelady from Tennessee (Mrs. BLACKBURN) for her comments. You know, history is so important because it teaches us about the future. And we might think this is a 90-year-old piece of history dug up out of the past that we are just reflecting on. But we all know right now that it wasn't until this last three cycles that we had the election of the first woman Speaker of the House in the history of this great democracy, arguably one of the most powerful offices in the Constitution, leading the House of Representatives, Speaker NANCY PELOSI. And that one of the first items she had to take on as a Speaker was the passage of the Lilly Ledbetter Equal Pay Act. So you know, we are talking about 90 years ago, and yet up until this day we are still fighting about whether women ought to get equal pay for equal work. That was not something that was a fait accompli in terms of a bill that would have been passed.

But it just shows you we think we live in times where all of the great battles in the history of civil rights are behind us because they happened, oh, during the 1960s, or they happened back in the early 1920s, or they happened way back then. You know what? They're happening now.

We had an historic election in 2008, the election of the first African American President of the United States. When I go to my schools around my district, majority-minority, they finally say, "We belong in America." Because just as it was empowering for women to finally know they had a legal seat at the table, it wasn't just the legalese that mattered, it was the spirit of the law. And what matters is the message that it sends to all of our people that this is a country that's in constant dynamic motion in terms of always trying to improve itself, expand the circle of opportunity for people who have been previously shunted aside in our country. And I think that it's a wonderful opportunity today to celebrate what makes us the greatest country on the face of the earth.

We might not always get it right, but we're going to get it right because we're a country that moves forward, that has progress, that's constantly striving to make it better. People put

us down all over the world. They put us down here all over our own country. We're the greatest country in the world. We're the model where everywhere people want to come here because of things like we're celebrating today. Because you know what? For most people in the world the notion of a political right is a foreign notion. The notion of equal rights is a foreign notion. Human dignity, human rights are foreign notions.

We may not always get it right, but we ultimately will get it if we stick to it, and we remember things like this as guideposts as to how we need to continue the constant fight to move our country ever forward in the promise that Dr. King laid out in his "I Have a Dream" speech that we could all be treated as we ourselves would want to be treated someday. You know, because there but for the grace of God go each and every one of us. It's a human dignity issue.

□ 1630

One of the false things that keep us behind in life, perceptions, those are irrelevant when we talk about things like this because we finally recognize what makes our country great is we are not going to segregate, we are not going to discriminate. We are going to elevate every human being no matter their gender, their color, their creed, their disability or ability, for that matter.

This is a country that's about everybody. As this President said last week, it's not us versus them. In this country it's all us, Barack Obama, President of the United States, and, boy, is he right. Girl, is he right.

Thank God in America it doesn't matter if you are shut out because someday, because of our Constitution in this great country, we might be able to get a way in for everybody if they have something going against them. And the women fought the fight, African Americans, minorities, people with physical disabilities through the ADA. It's a constant fight. Everybody owes a debt of gratitude to everyone else for making our country a freer, more equal place for all people to live.

Mrs. BLACKBURN. Mr. Speaker, I yield to the gentleman from Texas (Mr. SMITH) for the purpose of a unanimous consent request.

Mr. SMITH of Texas. I thank the gentlewoman from Tennessee, a former member of the Judiciary Committee, for yielding.

Mr. Speaker, I rise in support of H. Res. 1375, recognizing the 90th anniversary of the 19th Amendment.

Mr. Speaker, I support House Resolution 1375, which recognizes the 90th anniversary of the 19th Amendment and honors the contributions of women in United States politics.

The 19th Amendment prohibits the Federal Government and the States from denying a citizen's right to vote on account of sex. It was ratified on August 18, 1920.

For more than a century after our Nation's founding, women lacked the right to vote. However, throughout this time women participated in politics. Their many contributions paved the way for the eventual ratification of the 19th Amendment.

Many women played significant roles in the abolitionist movement, for example. It was after Elizabeth Cady Stanton and Lucretia Mott were denied admission to an anti-slavery conference that they organized the first women's rights convention in Seneca Falls, New York, in 1848.

The convention's Declaration of Sentiments stated that "all men and women are created equal." This served as a foundational document in the women's suffrage movement that followed.

After the 15th Amendment in 1870 outlawed the denial of a citizen's right to vote on account of race, women sought an amendment for women's suffrage.

Such an amendment would not come for another 50 years. During this period, women continued to remain active in politics. They voiced their concerns not only with regard to women's rights, but also on behalf of other causes such as the temperance movement.

In 1916, Jeannette Rankin, a Republican from Montana, was elected to the U.S. House of Representatives. She became the first female Member of Congress. While many women still did not have the right to vote throughout the country, Montana afforded women the right to vote at that time.

Finally, in 1918 President Woodrow Wilson announced his support for a women's suffrage amendment. Congress passed the proposed amendment in 1919. On August 18, 1920, the Tennessee General Assembly became the 36th State legislature to ratify it, making it the 19th Amendment to the U.S. Constitution.

In the decades that followed, women not only voted, but they slowly began to enter politics as State and Federal legislators and holders of elective executive posts.

In 1931, Hattie Wyatt Caraway (Democrat, Arkansas) was appointed to the U.S. Senate, succeeding her late husband. She later became the first woman ever elected to the Senate, where she served two full terms.

The women's rights movement grew significantly in the 1960s and 1970s. But in 1979, women still only occupied 3 percent of the seats in Congress, 10 percent of the seats in State legislatures, and 11 percent of statewide elective executive offices, according to the Center for American Women and Politics.

Today, while there is still room for much progress, women hold nearly 17 percent of the seats in Congress and the number of women in State legislatures and statewide elective offices has more than doubled.

House Resolution 1375 recognizes that the full participatory rights of women are vital to democracy in the United States.

This resolution honors the historic impact of the 19th Amendment and the achievements of women in politics.

It also reaffirms the commitment of the House of Representatives to pursuing this equality for women.

I am pleased to support this resolution. I urge my colleagues to share their support as well.

Mr. COHEN. I yield such time as he may consume to the author of this resolution, the gentleman who represents the area where this historic Amendment was passed in Nashville, Davidson County, Tennessee, the Honorable JIM COOPER.

Mr. COOPER. I thank my colleagues. I appreciate their bipartisan effort on this important memorial resolution to honor Tennessee's historic role in making ratification of the Amendment possible.

I want to point out that the State of Tennessee played this pivotal role, and I think it's very appropriate that the House commemorate the 90th anniversary. I thank my colleagues for supporting this measure.

Mrs. BLACKBURN. I want to thank the gentleman from Tennessee (Mr. COOPER) for his leadership on this issue and for bringing forward this memorializing resolution for us to remind—it's a great way for us to continue to remind our citizens of the importance that our State played in passing the 19th Amendment. I thank Mr. COHEN for his leadership in managing the time and the preparation for presenting this Amendment today.

With that, I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I too would like to thank Mr. COOPER for bringing this resolution. It's important that it be recognized on this occasion. I thank Mr. SMITH, who was a distinguished leader. We like to think of Texas as southwest Tennessee, because we did so much to create it. So you are like a cousin and part of this great celebration. And Congresswoman BLACKBURN, who served with me in the Senate, she brought up the singular vote. She brought up the second one. I thought she was going to bring up the lottery, where she was one of my essential 22, and I continue to thank her for that.

With the memory of Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony whose visages remain in the Rotunda, I would ask that we all vote positively in favor of this resolution and pass the resolution as presented here, H. Res. 1375. I ask for an "aye" vote.

Mr. DINGELL. Mr. Speaker, I rise today in support of H. Res. 1375, a resolution celebrating the 90th anniversary of the ratification of the Nineteenth Amendment and honoring the contributions and achievements of women in U.S. politics and reaffirming the commitment of the House of Representatives on its efforts to pursue policies that achieve true political and social equality for women.

As a strong supporter of equal rights, I am pleased to support this resolution commemorating the 90th anniversary of the ratification of the 19th Amendment, which extends suffrage to women. The ratification came 144 years after the signing of the Declaration of Independence thanks to support from President Woodrow Wilson, the 66th Congress, and most importantly women's rights pioneers,

who fought for women's suffrage for many decades.

As a husband, father of two daughters, and grandfather to granddaughters, I am pleased to live in a country that values the founding principle of equality. The passage of this resolution can also serve as a reminder that discrimination and inequality still exist and that we can always strive for a more perfect union. I urge the passage of H. Res. 1375.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House of Representatives in recognizing the importance of the 90th anniversary of the 19th Amendment. I strongly support H. Res. 1375, which recognizes the significance of women fully participating in democracy in the United States, honors the contributions and achievements of women in United States politics, and reaffirms the House's commitment to political and social equality for all women.

On Election Day, in 1920, millions of American women had the chance to exercise their right to vote for the first time. Ninety years ago, on August 26, 1920, the 19th Amendment to our Constitution was ratified guaranteeing women the right to vote. As the House celebrates this special moment in history, it is important to remember the contributions of those leaders in the women's suffrage movement—Ilda B. Wells, and Alice Paul.

Some women, like Susan B. Anthony, Elizabeth Cady Stanton, and Lucy Stone, were not alive in 1920 when women were granted the right to vote and participate in American politics. Nonetheless, they were women's rights activists who were at the heart of the women's suffrage movement. Their perseverance and persistence laid the ground work which led to the right of every American woman to vote.

While there is still work to be done, women have made tremendous strides toward equality in the United States. At this very moment, we have three women sitting on the Supreme Court of the United States, a female Secretary of State, and a strong woman serving as Speaker of the House. Women are in leadership positions all over the country. In my home State of Georgia, DeKalb District Attorney Gwen Keyes Fleming was recently appointed, by the President, to be the next Southeast Regional Administrator for the Environmental Protection Agency.

Ultimately, women's rights are not just women's rights, but human rights that benefit the entire human race. This chamber must continue to ensure that equal rights apply to all Americans regardless of gender, race, ethnicity, sexual orientation, disability, or socioeconomic status.

Mr. Speaker, I strongly support H. Res. 1375 and urge my colleagues to do the same.

Mr. COHEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1375, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PERMITTING MEMBERS OF CONGRESS TO ADMINISTER THE OATH OF ALLEGIANCE TO APPLICANTS FOR NATURALIZATION

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4862) to permit Members of Congress to administer the oath of allegiance to applicants for naturalization, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL ADMINISTRATION OF THE OATH OF ALLEGIANCE.

(a) NATURALIZATION AUTHORITY.—Section 310(b) of the Immigration and Nationality Act (8 U.S.C. 1421(b)) is amended—

(1) in the subsection heading, by striking “COURT AUTHORITY” and inserting “AUTHORITY”;

(2) in paragraph (1)(A)—

(A) by inserting “, by a Member of, or Delegate or Resident Commissioner to, the Congress,” before “or by an eligible court”; and

(B) by adding at the end the following: “A Senator shall have the authority to administer such oath of allegiance only to individuals who reside in the State the Senator represents. In the case of a Member of the House of Representatives, including a Delegate or Resident Commissioner to the Congress, the Member shall have the authority to administer such oath of allegiance only to individuals who reside in the congressional district the Member represents.”;

(3) in paragraph (1), by adding at the end the following:

“(C) LIMITATIONS ON CONGRESSIONAL AUTHORITY.—

“(i) EXTENT OF AUTHORITY.—The authority under this section of a Member of, or Delegate or Resident Commissioner to, the Congress is limited solely to the administration of the oath of allegiance under section 337(a).

“(ii) PERIOD BEFORE ELECTIONS.—A Member of, or Delegate or Resident Commissioner to, the Congress may not administer the oath of allegiance under section 337(a) during the 90-day period which ends on the date of any election for Federal, State, or local office in which the Member, Delegate, or Resident Commissioner is a candidate.

“(iii) TIME AND PLACE OF CEREMONY.—A Member of, or Delegate or Resident Commissioner to, the Congress shall administer the oath of allegiance under section 337(a) only at such times and places as the Secretary of Homeland Security may designate.”;

(4) in paragraph (2)(A), in the matter preceding clause (i), by inserting “or a Member of, or Delegate or Resident Commissioner to, the Congress” after “a court”;

(5) in paragraph (2)(A)(i), by inserting “or subject to paragraph (1)(C)(ii), the Member of, or Delegate or Resident Commissioner to, the Congress” after “the court”;

(6) in paragraph (2)(A)(ii)(I), by inserting “or the Member of, or Delegate or Resident Commissioner to, the Congress” before “such information”;

(7) in paragraph (2)(A)(ii)(II), by inserting “or the Member of, or Delegate or Resident Commissioner to, the Congress” after “the court”; and

(8) in paragraph (3)(B)—

(A) in the subparagraph heading, by striking “AUTHORITY OF ATTORNEY GENERAL” and inserting “TIMING OF EXCLUSIVE AUTHORITY”;

(B) by inserting “neither” after “Subject to subparagraph (C),”;

(C) by inserting “nor a Member of, or Delegate or Resident Commissioner to, the Congress” after “the Attorney General”; and

(D) by striking “shall not administer” and inserting “shall administer”.

(b) OATH OF RENUNCIATION AND ALLEGIANCE.—Section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) is amended—

(1) in the first sentence of subsection (a), by inserting “, the Member of the House of Representatives, including a Delegate or Resident Commissioner to the Congress, who represents the congressional district in which the individual resides, a Senator who represents the State in which the individual resides,” before “or a court with jurisdiction”;

(2) in the first sentence of subsection (c)—

(A) by inserting “(except to the extent that such section limits the authority of a Member of, or Delegate or Resident Commissioner to, the Congress)” after “Notwithstanding section 310(b)”; and

(B) by inserting “, oath administration by the Member of the House of Representatives, including a Delegate or Resident Commissioner to the Congress, who represents the congressional district in which the individual resides or a Senator who represents the State in which the individual resides,” after “expedited judicial oath administration ceremony”;

(3) in the third sentence of subsection (c), by inserting “or oath administration by the Member of, or Delegate or Resident Commissioner to, the Congress” before the period; and

(4) in subsection (c), by adding at the end the following: “The authority under this section of a Member of, or Delegate or Resident Commissioner to, the Congress shall be subject to section 310(b).”.

(c) CERTIFICATE OF NATURALIZATION; CONTENTS.—Section 338 of the Immigration and Nationality Act (8 U.S.C. 1449) is amended by inserting “, Member of, or Delegate or Resident Commissioner to, the Congress,” after “location of the official”.

(d) FUNCTIONS AND DUTIES OF CLERKS AND RECORDS OF DECLARATIONS OF INTENTION AND APPLICATIONS FOR NATURALIZATION.—Section 339 of the Immigration and Nationality Act (8 U.S.C. 1450) is amended by adding at the end the following:

“(c) In the case of an oath administration by a Member of, or Delegate or Resident Commissioner to, the Congress, the functions and duties of clerks of courts described in this section shall be undertaken by the Secretary of Homeland Security.”.

SEC. 2. REGULATORY AUTHORITY.

Not later than the date that is 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall issue regulations implementing the amendments made by this Act.

SEC. 3. CLERICAL AMENDMENT.

(a) IN GENERAL.—Each of sections 310, 337, 338, and 339 of the Immigration and Nationality Act (8 U.S.C. 1421, 1448, 1449, and 1450) is amended by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”.

(b) EXCEPTION.—The amendment made by this section shall not affect the authority of any officer or employee of the Executive Office of Immigration Review (including immigration judges (as defined in section 101(b)(4) of the Immigration and Nationality Act)) to administer the oath of allegiance under section 337(a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

H.R. 4862, introduced by Mr. SERRANO of New York, will allow Members of Congress to administer the oath of allegiance to naturalizing U.S. citizens.

The naturalization ceremony is a crucial landmark for immigrants. They have waited patiently to immigrate to the United States and have worked hard once they got here and have faithfully fulfilled all their obligations to this country that they have chosen to adopt as their home.

In applying to become U.S. citizens, they have made the choice to become full participating members of our community. Currently, only judges or certain officials in the Department of Justice, the Department of Homeland Security, are allowed to administer the oath of allegiance at naturalization ceremonies.

H.R. 4862 would allow Members of Congress to participate meaningfully in these solemn occasions by allowing them to administer the oath of allegiance at naturalization ceremonies. I have attended many. They are wonderful, heartfelt programs; and I think that the oath being given by a recognized public official such as a Member of Congress would mean much to the people that are becoming American citizens.

The bill, as amended, clarifies the role of a Member of Congress, the naturalization process that will be limited to administering the oath of allegiance. Furthermore, it prohibits a Member of Congress from administering the oath of allegiance within 90 days of any election in which he or she is a candidate to prevent even the appearance of any possible undue influence upon the election.

I commend our colleague, José SERRANO, for his leadership in introducing this bill and thank Ranking Member LAMAR SMITH and Immigration Subcommittee Chair ZOE LOFGREN for their support of this measure. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to compliment Congressman SERRANO for

his creative idea to allow Members to administer the oath of allegiance to individuals being naturalized as citizens.

H.R. 4862 gives Members of Congress the ability to play a significant role in the naturalization ceremony, which can be and should be an inspiring experience for those becoming U.S. citizens.

Citizenship is the highest honor our Nation can bestow and naturalization ceremonies give us the opportunity to honor individuals who have come to contribute to America. Americans who take the oath of allegiance know the importance of swearing to "support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic." It is a solemn, yet joyful and patriotic, experience.

I appreciate the majority leader and Congressman SERRANO making some improvements to the initial bill. The revised language clarifies that Members, whether Representatives or Senators, can only administer the oath to individuals from their own congressional district or, in the case of Senators, from their own State.

In order to prevent this privilege from being used for political purposes, no Member can administer the oath of allegiance during the 90 days prior to any election in which that Member is a candidate. The 90-day period parallels the House rules that prohibit House-funded mailings 90 days before an election.

And, finally, I requested that language be added to ensure that the Member can only administer the oath at a naturalization ceremony set up, conducted, and overseen by the Department of Homeland Security, which is the current practice.

The many redrafts of the language do show why legislation should be subjected to proper process where Members can participate in hearings and learn from experts in the issue area.

I urge my colleagues to support this legislation, which gives Members of Congress the ability to more fully participate in naturalization ceremonies. It is appropriate for Members of Congress, who wrote our naturalization laws, to play an expanded role in helping individuals become a part of the most free and most prosperous country in the world.

Mr. Speaker, I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield such time as he may consume to the author of this legislation, Mr. SERRANO of the great State of New York and the home of the Yankees and Frank Sinatra across the river.

□ 1640

Mr. SERRANO. I thank the gentleman for the time, and I thank Mr. SMITH for his kind words and his support of the bill and his suggestions to change the bill.

Any Member of Congress, any American for that matter, who has ever been to one of these ceremonies knows that there is no greater joy seen anywhere than when folks dress up and come with their American flags to become American citizens. It is really a wonderful event. I have had the opportunity to attend a few and have seen the joy and the pride. Usually, one person is becoming a citizen, but he or she will bring 25 members of the family, whether they are citizens or not, because it is that kind of an occasion.

It is also an occasion where they, for the first time, really get to see government up close in that the people that are invited there are from the community, but they are government officials and so on. So up to now—if this bill becomes law—the only people allowed to administer the oath, as has been said, are judges or members of the administration. This bill would allow Members of Congress and Senators to administer that oath.

Now, while the bill does not speak directly to this issue, I will tell you how this idea came about. A member of my community came to me and said, Guess what? I'm going to become a citizen, and I want you to swear me in. I want you to administer the oath.

And I was touched. I said, My God, that you would want me to help you become an American, something that I and so many of us have by birth, since birth, it's a great honor for me.

Then it dawned on me. I said, I should check with staff to see if I'm allowed to do this. And I found out that I'm not allowed to do it.

Now, it won't be that it would take care of that situation of one individual asking for it, but as has been said here, we will not—and this is the change Mr. SMITH was so good at including. We will be invited to ceremonies, as we are now. The ceremonies will be set up by Homeland Security. We will not pick the date, the place, or who is going to get sworn in. But when we're invited now, the possibility is open for the administration officials to say, Why don't you join us in administering the oath, or, Why don't you administer the oath.

And I will tell you again that I don't know that there is a greater honor for someone to become a citizen and a greater honor for us on some occasions to be able to administer the oath. So the changes that are made, because there will be some questions about it, I think are strong changes. They comply with rules that say that none of these ceremonies should ever be politicized. But I really think that as people are being sworn in, to have present a Senator, a Member of Congress, and every so often to have them administer the oath only strengthens the bond between these new Americans and their government, a fuller understanding. After all, we are a question on the immigration test. A lot of people don't

know that one of the questions on the immigration test is: Who is your Congressman? Do you know who your Congressman is? Some don't pass that question; others do pass.

It is a great honor. There is not much more to say. It is a simple thought that should have been taken care of a long time ago, and I'm looking forward to the day when I'm invited to a ceremony and I can administer the oath to someone.

So I thank all the Members, and I hope that this bill can pass and become law.

Mr. KENNEDY. Will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Rhode Island.

Mr. KENNEDY. I just want to take this opportunity to thank you for your work on making sure that those who are American citizens, over 4½ million Americans are Americans but don't enjoy the full rights of Americans because of where they live, on an island called Puerto Rico, where people think that you need a passport to get there. It is an American territory. And by virtue of being a territory, people on Puerto Rico do not have full voting rights power.

And your work not just on this, what may be considered a ceremonial thing, but your work to ensure this country fulfills its obligations to treat all Americans with full liberty and their enfranchisement granted under the Constitution is so much something I think needs to be acknowledged. It's great to swear people in, but let's make sure we also guarantee those rights that we already guaranteed Americans, like the 4 million Americans in Puerto Rico or those who live here in the District of Columbia or in any of the territories around the world that are of American domain.

Mr. SERRANO. Reclaiming my time, the gentleman brings up an interesting point that we have discussed at other times on this floor.

I must say that I neglected to mention that the bill also includes Delegates and the Resident Commissioner to be able to administer the oath of office. So, interestingly enough, in the territories, new Americans will become citizens on that day with the participation of the Resident Commissioner or the Delegates.

So, again, thank you. And all this is an extension of the celebration of, as you have said, Mr. SMITH, probably the greatest honor this country gives anyone, which is to become an American citizen. Thank you so much.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to compliment Congressman SERRANO and Congressman KENNEDY as well. They so beautifully described why these naturalization ceremonies are so important and why they are so meaningful to our newest citizens.

I have no further requests for time, and I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 4862, which permits Members of Congress to administer the oath of allegiance to applicants for naturalization. I strongly support this bill and am a proud cosponsor of this bill.

Naturalization is the process by which U.S. citizenship is granted to a foreign citizen or national after he or she fulfills the requirements established by Congress in the Immigration and Nationality Act. According to U.S. Citizenship and Immigration Services, more than 700,000 immigrants become U.S. citizens every year.

America is a diverse nation that was built on immigrants. As we all know, immigrants have made, and continue to make, lasting contributions to our society. In my home state of Georgia, immigrants comprise at least 11.9 percent of the state workforce. Thus, it is important to do all we can to create pathways for immigrants to become U.S. citizens. America is known for its rich diversity which is truly a source of strength and competitiveness.

At naturalization ceremonies, immigrants finally have the chance to become official citizens of the United States. Becoming a naturalized citizen U.S. citizen is a process that can take years to accomplish. Individuals must not only be knowledgeable about U.S. history, but be very patient. Naturalization is a special moment in their lives when all of their hard work, determination, and persistence ultimately pays off and they become U.S. citizens.

I look forward to having the opportunity to administer the oath of allegiance to applicants for naturalization. Immigrants have, and will continue, to make long-lasting contributions to the United States. Mr. Speaker, I strongly support H.R. 4862 and urge my colleagues to do the same.

Mr. COHEN. I yield back the balance of my time and ask that we pass the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 4862, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HONORING LAW ENFORCEMENT SERVICE DOGS

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1614) expressing the sense of the House of Representatives that law enforcement service dogs and their handlers perform a vital role in providing for our Nation's security and should be recognized for their service.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1614

Whereas everyday across the ranks of Federal, State, local, and military law enforcement agencies, service dogs perform a variety of functions to prevent and solve crimes and to ensure the public safety;

Whereas service dogs trained to detect bombs, accelerants, and other weapons can often discover these dangerous devices at airports, train stations, sporting events and many other locations before they are used, preventing mass casualties, and sometimes their mere presence at these locations can prevent dangerous situations;

Whereas service dogs trained to detect narcotics and other contraband are used at our Nation's borders and ports of entry to identify illegal drugs and smuggled goods;

Whereas service dogs and their handlers perform crucial functions in special operations, including crowd control, search and rescue missions, locating missing persons, and tactical building entries, and these service dogs often work in undesirable conditions for little more than food and the affection of their handler;

Whereas service dogs can detect the presence of human remains in operations to locate victims in disaster recovery operations;

Whereas service dogs are used to protect the House of Representatives and Senate chambers, the White House, the Supreme Court, and many other public buildings in Washington, DC, and throughout the country;

Whereas many dogs have given their lives in the performance of these duties; and

Whereas these dogs have become an integral component of modern law enforcement: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) these dogs perform extraordinary services using their special sensory and physical abilities. Their service is rendered with incredible efficiency and dedication and is an important contribution to the security and public safety of our Nation; and

(2) we all owe a debt of gratitude and our sincere appreciation to the loyal service performed by the law enforcement service dogs and their handlers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1614 expresses the sense of the House of Representatives that police service dogs and their handlers perform a critical role in ensuring our national security and deserve to be recognized for their service.

Federal, State, local, and military law enforcement agencies work with

service dogs to perform a variety of tasks to prevent and solve crimes and to keep the public safe. Search and rescue dogs often perform a number of functions, such as searching for victims in avalanches, collapsed buildings, and people missing in the wilderness.

□ 1650

Service dogs are also used to capture escaped offenders or suspects from crime scenes. These dogs are trained to search for items bearing human scent and are utilized in crime scenes to find evidence thrown away by a suspect.

In addition, dogs are trained to search through buildings, cars, and luggage, and can alert on more than one kind of drug despite the best efforts of smugglers.

Law enforcement service dogs can be trained to alert on guns and bomb-making materials. And often these dogs deter dangerous crimes at sporting events, train stations, airports, and other places by their mere presence.

Due to the dangerous situations these dogs and their handlers are frequently put in, many dogs have given their lives in the performance of their duties.

Today, this resolution recognizes the extraordinary efforts and dedication of these service dogs and their handlers.

Mr. Speaker, my first bill I had as a State senator in 1983 was one to make it a crime to shoot a police service dog, and to make it such because to shoot the dog was really to shoot at law enforcement personnel to try to stop that policeman from having that dog in the pursuit of its duty, and the next bullet would be for the officer. Of course they are valuable and important.

I commend Mr. COBLE for bringing this bill recognizing the contribution that these dogs make to our society and to police practices. I urge my colleagues to support the resolution.

I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Some recent years ago, Mr. Speaker, I rode with a K-9 handler and his dog in my district during a regular routine run, and he told me that his children regarded that dog as a sibling. The dog lived in the home of the Handler. Some days after I rode with him, I read where the dog had been struck by an automobile and killed. And I called my friend, and he made it clear to me that they had lost a family member, so I appreciate the gentleman's comments from Tennessee.

Mr. Speaker, law enforcement officers face extraordinary danger each and every day, as we all know, in their service to our country in their quest to keep us all safe. For that I am sure we are all eternally grateful.

We should also be reminded of the very special service, the tremendous work, and the dedication to duty rendered by a very special partner in the

protection of our safety and freedoms, the law enforcement service dog. These K-9s and their handlers risk their lives to make our communities and our country safe, protecting us from crime and from terrorism.

Using their heightened sensory abilities, these dogs oftentimes are able to detect narcotics, bombs, and other contraband that are not visible to humans. Law enforcement dogs participate in dangerous operations, sparing their human partners the danger of entering a dark and unsearched or unsecured building. Others are trained for and have proven to be very successful at locating missing persons or detecting human remains. These very special K-9s are becoming more and more visible at major transportation hubs, and can be seen daily right here on the Capitol grounds examining vehicles as they enter secured parking areas.

The role of the K-9's handler should not go unmentioned as well. While a police officer may work a particular shift and then go home, the job of a K-9 handler is a 24 hour a day commitment. The handler often cares for his or her dog even when the dog has retired from active service.

Many K-9s have died while valiantly protecting their handlers in the performance of their duties, not unlike the case I mentioned at the outset. The bond between a dog and their handler is great, and the sense of loss when a dog expires is even greater.

There are least 80 organizations at the local, regional, national, and international level devoted to law enforcement service dogs. The Connecticut Police Work Dog Association lists over 1,500 police and military service dogs that have died while "in-service." Many of these were "in the line of duty" deaths. The individual stories of these dogs are inspiring and range from the very public event of the World Trade Center collapse of 9/11/01, where Sirius, a bomb-sniffing dog, perished when the building collapsed. The inscription on Sirius' steel bowl: "I gave my life so that you may save others," sums up the loyalty and the dedication that is typical of these dogs to their handlers.

I urge my colleagues to join me and the gentleman from Tennessee in supporting this resolution.

I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY) to speak on behalf of man's best friend.

Mr. KENNEDY. I thank the gentleman for yielding me this time, and I thank Mr. COBLE for his bill.

Service dogs, yes, they do a lot of really important functions, among which is to provide service and support for our veterans. We just expanded last year the definition of those eligible for service dogs to those suffering from

post-traumatic stress disorder because these animals know when these veterans are in crisis and they can help get them out of the house, they can help them not only see when they can't see, as we commonly associate service dogs to be sight for the blind, but now these service dogs are doing a lot of things in addition to helping in our law enforcement.

I love the term "to detect," to search and rescue. I only wish our country had that attitude when it came to our Nation's heroes who are suffering from these neurological disorders of blindness, of TBI, of post-traumatic stress, because they need more than just service dogs. They need us to go in there and unlock the mysteries that are keeping them held hostage to the disability of their service to our country. The constant IED attacks and concussions on the brain that are going to cause a permanent, unless we step in and save them, permanent disability for these veterans.

We have an opportunity. We talked about civil rights, voting rights. This is the biggest civil rights fight for our day and generation, those with neurological disorders, for those suffering in their minds. We don't see it, and so we don't take it seriously. The fact is they need someone to come in and set them free from being prisoners of their war injuries. We need to be the first responders in the next couple of years, dedicate ourselves to saying while combat operations are over in Iraq, the war hasn't ended for these veterans. It is just beginning as they face the disabilities that they have incurred, suffering by their sacrifice to our country.

So we talk about how great service dogs are in so many respects. Let's put those service dogs out of business. Let's restore the eyesight of our veterans. The biggest TBI, traumatic brain injury, is lost eyesight. The biggest TBI confusion, loss of memory, loss of ability to go outside. These dogs are bringing them out into the real world. Let's not allow us to be having to rely on others to support these veterans. Let's restore their brain capacities by investing in stem cell research. Let's restore their functions by making sure that we invest in all of the genetic trip wire identifications so they don't have to get Alzheimer's 20 years prior to the average American, which is what all neuroscientists say these veterans are going to be facing if we don't step in soon. They don't have to get Parkinson's disease because we are not doing anything.

Let's get in there, and in the words of my uncle, President Kennedy, when we talked about civil rights, he said, Who amongst us would be willing to abide by the counsels of patience and delay, and trade the color of their skin for someone else's, and abide by those laws back in the 1960s?

Well, now, who amongst us would trade places with these suffering TBI

victims, these veterans, and say we can't do better to bring you home, not only in body when you get home from your war serving our country, but in mind? Because we know the suicide rates are off the charts, unacceptable. We know that what they are facing is unacceptable, and we need to be the ones who come in and shed some light on their lives so they don't have to rely on service dogs.

□ 1700

We don't have to rely on anything else but their potential to live their own independent lives free for themselves, without any dependence on anybody else, and we can do that if we put our commitment out there, professing like we did today that we care about our first responders. Hey, let's put it into action and invest in these things that will bring our veterans home, not only in body but in mind.

In the meantime, we can make sure they have service dogs, for which this Congress provided \$5 million to expand the definition of those who are suffering from other neurological disorders other than eyesight loss. That's a good thing, but let's not make it the answer, the Band-Aid. Let's get to the real solution and save these veterans from being held hostage to their terminal situations, which would not be terminal if we would dedicate ourselves to intervening and intervening soon on their behalf.

I thank my colleagues for letting me explain myself with respect to these service dogs, because they do a lot of good things, but we need to make sure our people are also given some support and independence by their not having to rely on dogs in the future.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COHEN. I just want to thank Mr. COBLE for bringing the bill.

As I said, I know from where he comes. That was my first bill. I started as a police attorney, and I know about police dogs and about the bonds between policemen and their K-9 companions. They do a tremendous service, and they ought to be protected and respected. I ask that we vote in unanimous support of this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 1614.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4785, RURAL ENERGY SAVINGS PROGRAM ACT

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-594) on the resolution (H. Res. 1620) providing for consideration of the bill (H.R. 4785) to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use, which was referred to the House Calendar and ordered to be printed.

IN MEMORIAM: USMC STAFF SERGEANT MICHAEL A. BOCK

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORTENBERRY. Mr. Speaker, he was called "a young man of integrity and respect," "a great marine who loved the Marine Corps," "a loving husband and father." This is how the late Staff Sergeant Michael A. Bock was remembered by those who knew him.

Staff Sergeant Bock was conducting combat operations in the Helmand province in Afghanistan when his patrol came under fire. He died from those injuries on August 13. He had served four deployments in both Iraq and Afghanistan and was awarded the Purple Heart, the Navy and Marine Corps Achievement Medals, and the Combat Action Ribbon.

He was raised in Springfield, Nebraska, and attended Elkhorn's Mount Michael High School, where he met his future wife, Tiffany. Tiffany and Michael also had a 3-year-old son, Zander. Zander's birth, Michael said, was the happiest moment of his life. While in Afghanistan, he watched online as his son blew out three birthday candles; and for Valentine's Day, he recorded a message and sent it to his young son. Now I'm certain that Zander will always carry his father's voice in his heart.

Mr. Speaker, on behalf of a grateful Nation, I offer my condolences to the Bock family. May God bless Staff Sergeant Bock and grant eternal life unto him.

FALLEN SOLDIER—ARMY SPECIALIST CHAD CLEMENTS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, Army Specialist Chad Derek Clements, 26 years old, died on Monday, August 30, 2010, while serving his country in Afghanistan. He was one of my constituents.

He was born on March 16, 1984, in San Diego, California. After he graduated from Huntington North High School in Huntington, Indiana, he decided he wanted to proudly serve in the U.S. Army. Upon his graduation from basic training, Chad reported to the 1st Armored Battalion at Fort Carson, Colorado; and he was deployed shortly after to Afghanistan in support of Operation Enduring Freedom.

During Chad's distinguished career, he received multiple awards for his service: the Bronze Star Medal, the Purple Heart, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Medal, the NATO International Security Assistance Force Medal, the Army Service Ribbon, the Overseas Service Ribbon, and the Combat Action Badge.

He has also recently been posthumously promoted from private first class to Army specialist. His expertise and enthusiasm for his job in the United States Army was insurmountable.

To the citizens of the State of Indiana, to his fellow troops and to the countless people that he touched, Chad will forever be remembered as a hero.

He was preceded in death by his father, Daniel, and our thoughts, prayers and deepest condolences go out to his mother, Anne; to his stepfather, Eddie; to his sister, Danielle; to his stepbrother, Cory; and to his stepsister, Heather.

These are some of the things we hate to talk about on this floor, Mr. Speaker; but, unfortunately, war brings us to these kinds of conclusions. We just wish that all of those like Chad will never be forgotten for the service they gave to our country.

IN HONOR OF THE HEROIC EFFORTS OF RESOURCE OFFICER CAROLYN GUDGER

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Mr. Speaker, I rise to honor the heroic efforts of Kingsport, Tennessee, Sullivan Central High School Resource Officer Carolyn Gudger and the efforts of all the officers and staff who acted quickly to keep all students and faculty safe from a gunman on August 30, 2010.

A gunman entered the school and immediately aimed a handgun at the school principal. Officer Gudger moved herself between the principal and the gunman and then managed to lure the gunman to a more isolated area of the school. Two deputies responding to the

call shot the gunman after he refused to release his weapon.

These actions, thankfully, prevented the gunman from killing or injuring anyone. Too often we've seen situations exactly like this end in a tragic fashion. That is precisely why we should commend and honor Officer Gudger and everyone involved in responding to that incident.

Most especially, I would like to thank my good friend, Sheriff Wayne Anderson, who is in charge of these officers. All of these individuals make our community proud, and I salute them for their courage and good work that they do each and every day.

□ 1710

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KISSELL). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CALLING FOR EXTENSION OF TAX CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BRIGHT) is recognized for 5 minutes.

Mr. BRIGHT. Mr. Speaker, after traveling my district over the August work period, it is clear that my constituents' top concern are jobs and the economy. These are the same concerns they have raised for nearly 2 years since I have been in Congress, indicating that not enough has been done to get Americans back to work.

They also expressed deep worry that the tax relief passed in 2001 and 2003 will soon expire. In an economy still struggling to recover, allowing taxes to increase on nearly all Americans is unacceptable.

Though many in Washington seem to have just awakened to the idea that tax cuts are going to go up next year unless action is taken, I took the lead as far back as January in calling for the current tax rates to be extended for 2 years as a way to ensure economic stability.

Our economy is in trouble. We need to stabilize it and give it some opportunity to get back on its feet and move forward. There is widespread, bipartisan consensus for some of these tax breaks to be temporarily extended. Instead of using the issue to score political points, let's come together and find a way to extend these tax breaks for 2 years and revisit the issue when the economy is on better footing. It is the least we can do to provide economic stability in an otherwise unstable time. We need to work for America for a change, not for party labels. You can't tell me that all Republicans are

right and all Democrats are wrong. We need to come together as Americans and stabilize our economy for the long-term benefit of our country as a whole.

TRAGEDY IN SAN BRUNO, CALIFORNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SPEIER) is recognized for 5 minutes.

Ms. SPEIER. Mr. Speaker, on Thursday September 9, 2010, at a few minutes before 6:30, life changed forever in San Bruno, California. The first view from my district office led one of my staffers to believe a plane had crashed in the hills. After all, San Francisco International is in my district and airline jets fly over nearby San Francisco International Airport routinely passing over San Bruno every day.

The flames shot up over 100 feet in the air. But after 15 minutes, the flames didn't subside. It was as if a giant torch had been placed on what is normally a verdant hillside.

This was a distant view of the PG&E natural gas pipeline explosion. Closer up, the scene was horrific. Four confirmed dead. Scores of people hospitalized with second- and third-degree burns, some over 50 percent of their bodies. And 6 days after this tragedy, three people are still missing. Thirty-seven homes were completely destroyed—nothing but concrete pads left, or a weeping chimney, indicating what once had been. Twelve homes were standing shells and another 10 were damaged.

We are at day six. The smoke has cleared. The ash has settled. And one thing is really very clear: the community of San Bruno rose together. Mayor Jim Ruane, City Manager Connie Jackson, Police Chief Neil Telford and Fire Chief Dennis Haag all showed extraordinary leadership and courage in bringing this community together and securing the flames within a box so that more homes were not destroyed and more lives destroyed as a result.

But on other fronts, questions remain—in fact they are multiplying—about the causes of this immense pain and suffering that has been visited upon San Bruno and surrounding areas. But no question—I repeat no question—has been more penetrating to me than asked by Sue Bullis a day after the explosion. I walked into the center that was set up to establish relief and support for the families and sitting at a table by herself looking distant was this woman. She looked at me and said she couldn't locate her mother-in-law, she couldn't locate her husband, she couldn't locate her son. Six days later, they still have not been found.

The explosion was so hot that glass windshields on cars melted. Bones have been found. The blast epicenter functioned as a crematorium. And through

it all, hour after hour, Sue Bullis, who lived at 1690 Claremont, is hoping and praying for an answer. She lost her house. All her documents. She has nothing but hope. And now that hope will have to be converted to inner strength if she is to go on.

I will help Sue get her documents, her insurance payments from PG&E, and I will try to ease her pain just as thousands of others are helping to ease the pain caused by this explosion. But nothing is going to relieve the pain that she has coping with the loss of three of her family members.

On Friday, we will bury Jacqueline and Janessa Grieg. Ironically, Jacqueline Grieg worked at the California Public Utilities Commission in the gas pipeline area. Her daughter Janessa was an eighth grader at St. Cecilia School in San Francisco. She was also the student body president of that grammar school. On Saturday, we will bury Jessica Morales, the fiancée of a young man who is now in intensive care with 50 percent of his body burned. Jessica was just coming into her own, finding her way, finding work and employment and opportunities at school. We have just found out that Elizabeth Torres, an 81-year-old mother who has two family members still in the burn unit, has passed away, and she too will be remembered as well.

People are anxious to return to their homes, to retrieve those belongings that remain. Some may want to rebuild. A few may not. We face months and months of hard work, but at this moment, this very moment, I bow my head in silence for the family of Sue Bullis, Jacqueline Grieg, Janessa Grieg, Jessica Morales, and Elizabeth Torres.

SHATAVIA ANDERSON—MURDER VICTIM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. In early August, August 7 to be exact, in Houston, Texas, right after the sun had gone down, about 9 o'clock p.m. on a hot summer night, a young girl was walking home. Shatavia Anderson. She went by Ta. And she was walking down the street not far from where she lived in a very modest community; 14-year-old, happy, spirited child.

She was confronted by two individuals who ambushed her, who taunted her, who robbed her, and as she tried to get away, one of them shot her in the back and murdered her not far from where she lived. This is who Ta was. This is her in the pink. She is next to her mother, Keisha Lambert. She's a real person, Mr. Speaker, a real victim of criminal conduct, died in the early teenage years. Ta's father, Leroy Anderson, said that his beautiful daughter

loved life. And you can tell by looking at her that she is a happy, spirited child.

□ 1720

It could have been any of our children.

Over the years in my career as a judge in the courthouse in Houston, Texas—22 to be exact—I've seen a lot of criminal cases, tried a lot, came across many victims, but this case has bothered me a great deal. I don't know the reason, maybe it's because I have four children—three of them are girls—eight grandkids—five of them are girls, but this one has bothered me a lot just by looking at who this young lady was. Ambushed by two individuals that were caught by the Houston Police Department, Melvin Alvarado, he was the cowardly shooter who shot her in the back. It is not his first experience with the criminal justice system in Texas. He likes to drink and drive. It turns out, of course, like some others, he was illegally in the United States. He had been deported twice before to his native country of El Salvador, but that didn't make any difference to him. He came back to Houston and committed this crime and robbed this precious child of not only some money, but he stole her life when he came back and shot her in the back not far from where she lived.

There was another individual, Jonathan Lopez-Torres, the getaway driver of the car as they snuck away in the darkness of the night after murdering this beautiful child; he's from Honduras, although he was legally in the United States. He had been arrested for auto theft. The Houston Police Department said when these criminals were arrested they showed no remorse, no sadness, almost arrogant in the crime that they committed here in the United States. Melvin Alvarado confessed to this crime and told the police what he had done.

Joe Lambert, the uncle of Ta, said this about this crime: "Illegals are a big problem in Houston. It is really senseless what happened to my niece, and I don't like it. They are starting to come over here and they do whatever they want to do. What is happening is they are given the green light and saying to the rest of us, hey, you can do whatever you want." Yes, that's what these two arrogant criminals did, but they can do whatever they want. They wanted a little property from this young lady, they shot her because she tried to get away. These are real people, real children, real victims of crime.

The duty of government, Mr. Speaker, is to protect the public. That's why we have government, to protect us. The national government has failed totally in protecting people in the United States from those criminals who come over here to commit crime. We give a

wink and a nod to border security, but it doesn't happen. They cross back and forth, they get caught, they get sent back home, they come over again because the border is not secure, Mr. Speaker. It's time for the Federal Government to secure the border so more children don't get murdered by those illegals who come over here for the purpose of committing crime. I'm certainly not talking about all people who come here illegally, but we are talking about one child that was murdered by one.

The answer is not, of course, amnesty—as some advocate in this House who know nothing about the real world—the answer is securing the border by putting the National Guard on the border immediately to prevent people from crossing, and make sure that when we deport those people, they don't come back to the United States.

These individuals, Alvarado, stole the most precious thing we have, that is a human life. No parent wants to lose their child before its time, and the worst thing that can happen is for us to see a child die. And when this young lady was murdered by these criminals, they stole everything she was and everything she will be, and that ought not to be. That should hopefully make us, as a body, do something about cross-border crime. The time is now. And that's just the way it is.

AMERICA NEEDS ECONOMIC RECOVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Let me just say, before I start my 5-minute Special Order, Mr. Speaker, that I concur with what my colleague from Texas (Mr. POE) just said. There are innumerable crimes that are being committed by people who are illegal aliens. And he is absolutely correct, we've got to secure that border, and we need to do whatever is necessary. The President of the United States has the responsibility to protect that border, and he needs to get on with it.

States like Arizona and other States are very concerned about what is going on. There is a sign 80 miles north of the Mexican border in Arizona that says don't go south of here because it's not safe. That's unconscionable. The American people should not have to worry when they are in their own country about terrorists or criminals coming across the border from another country to kill them. So I would just like to say to Mr. POE that I really appreciate your comments.

Let me just say in my Special Order, there was a book called "A Tale of Two Cities" by Charles Dickens that said "It was the best of times and it was the worst of times." I heard some of my

colleagues on the other side saying earlier tonight that we really ought to do something about extending the tax cuts that are in place that were put there during the Bush administration. We really need to do that. If you're one of the 10 percent that are unemployed or one of the 15 or 16 percent that are unemployed or unemployable right now, you realize how really bad it is.

We live in the greatest country on the face of the Earth in the history of the Earth, so from that standpoint it is the best of times. But for those who are out of work and struggling right now, it is the worst of times. I had town meetings this past week, and I can't tell you how many people told me how bad it was and how soon they were going to lose their jobs, or their husbands or wives had lost their jobs and they're suffering, so what we need to do is take the steps necessary to bring about economic recovery.

As I've said many times on this floor, when Ronald Reagan took office in the early eighties, he came in, and instead of raising taxes he cut taxes and we had 20 years of prosperity. We had 12 percent unemployment and 14 percent inflation. And what happened was he came in, and when they said he had to raise taxes in order to get the economy moving, he did just the opposite and the economy took off. That's what we ought to be doing today.

If I could talk to the President—and I know I can't because I'm here on the floor—I would say, Mr. President, look at history. Look at John F. Kennedy, a great Democrat President, and look at Ronald Reagan—who I think was the greatest Republican President in our lifetime—and see what they did to bring about economic recovery, and that is, cut taxes, cut government spending, move the country in the right direction, even if it's just for a couple of years that we have the tax cuts in place. But right now is the wrong time to be increasing taxes or letting the Bush tax cuts expire.

And I don't want to be political, but I think I have to say to my colleagues who may be paying attention in their offices right now, there will be a price to be paid in about 6 weeks for those who don't heed the message that is coming from the American people. They want economic recovery, and they understand what needs to be done. And they're going to hold those of us who don't listen to them accountable on November 2.

Mr. Speaker, I yield back the balance of my time.

HONORING UNITED STATES ARMY CAPTAIN DALE A. GOETZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. COFFMAN) is recognized for 5 minutes.

Mr. COFFMAN of Colorado. Mr. Speaker, United States Army Captain

Dale A. Goetz, an Air Force veteran with ties to Colorado, joined the Army's chaplaincy out of a strong desire to help others.

Captain Dale Goetz and his wife Christy both graduated from Maranatha Baptist Bible College in 1995. He was a former pastor of First Baptist Church in White, South Dakota before being stationed at military bases throughout the world.

Earlier this year, Captain Goetz was assigned to the 1st Battalion, 66th Armor Regiment, 1st Brigade Combat Team, 4th Infantry Division at Fort Carson, Colorado, and the family moved to Colorado Springs in January of 2010. This allowed his wife Christy and their sons Landon, Caleb and Joel to be closer to his mother, Hope Goetz, an Elbert County commissioner.

Captain Goetz and his family joined High Country Baptist Church in Colorado Springs the day before he deployed to Afghanistan. Captain Goetz, who had previously served in Iraq, cared about the soldiers he worked with as an Army chaplain, and according to his pastor at High Country Baptist Church in Colorado Springs, his goal as a chaplain was not to be a social worker but to be a spiritual guide. Captain Goetz is described as having "a calm demeanor that helped soldiers find strength in the darkest of times," according to Reverend Stuart Schwenke, a fellow pastor he had gone through ministerial training with.

On August 30, 2010, Captain Goetz was on a mission in Arghandab River Valley, Afghanistan when insurgents attacked his unit with an improvised explosive device which detonated near their military vehicle.

□ 1730

Captain Goetz was gravely wounded and died of injuries sustained during the attack. Four of his fellow soldiers from Fort Carson, Colorado, were also killed in action as a result of the incident.

Captain Dale A. Goetz is a shining example of the United States Army's service and sacrifice. As a former member of the United States Army and a retired Marine Corps combat veteran, my deepest sympathies go out to his mother, Hope Goetz, an Elbert County Commissioner; his wife, Christy; their sons, Landon, Caleb, and Joel; and his sisters, Ann Senetar and Kim Sumner.

MAKE IT IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARAMENDI. Mr. Speaker, I will engage in a colloquy here, with the permission of the Chair, with my colleagues to discuss an extremely important issue for America—that is, manufacturing. If America is going to make

it, we're going to have to make it in America.

But before I go into the subject of how we can restart and rebuild the American manufacturing sector and make it in America, I'd like to do a little review of history first.

Years and years ago, I played football at the University of California. And it's football season, and my friends have often accused me of using football analogies, and, well, it happens to be true. So, okay, it's football season.

Let's consider for a moment that it's not football that we're dealing with but, rather, it's the economy. And if we were to consider the first quarter, we would have to look at the George W. Bush and the Republican first quarter. What happened?

Beginning in 2007, we began to see the extraordinary crash of the American economy. It just bled jobs. Eight million jobs were lost, peaking in December of 2008, just before the onset of the Obama administration. Nearly 800,000 jobs were lost that month alone, totaling 8 million during that period of time. So you see this incredible decline in the American job market, and this is just the private employment sector. This was replicated in the public sector also.

So that was the first quarter. How did it happen? Why did it happen?

Well, crazy tax policy for starts. Tax policies that gave extraordinary breaks to the very wealthy; modest breaks to the middle class; two wars that were not paid for, the money was borrowed; the Medicare drug benefit, not paid for, creating an enormous deficit and the regulators stepped back. The period of no regulation occurred during that first quarter. Wall Street went crazy. It collateralized debt obligations. The meltdown of the housing industry, subprime loans. All of those things led to this extraordinary decline.

In January of 2009, President Obama came in and we began the second quarter. Tough situation going into that second quarter, but we began to see immediate action taken. The Wall Street stabilization programs went into effect, and the way in which that was administered began to stabilize Wall Street. We had the stimulus program, the American Recovery and Reinvestment Act. It went into effect. And we saw numerous other pieces of legislation go into effect during the Obama second quarter.

I'm going to go through some of these very, very quickly.

The stimulus program, 3 million jobs as a direct result of that since it went into effect in February of 2009.

We saw also the Worker, Homeownership, and Business Assistance Act dealing with the foreclosures, trying to keep people in their homes and to provide tax relief for small businesses.

We saw the Student Aid and Financial Responsibility Act, the biggest ef-

fort since the GI Bill in the 1940s and 1950s, to give people an opportunity to get job training and to get new skills when they got back into the job market.

Cash for Clunkers, stabilizing the automobile industry.

And we also saw the American Government stepping in to save two great icons of the American industry and the hundreds, in fact, thousands of small businesses that depended upon the auto industry with the bailout of General Motors and Chrysler—to good effect. We were able to maintain those small business jobs that were directly impacted there.

We also saw the Credit Cardholders' Bill of Rights. How many of us have reached into our pockets for our credit cards and we go, "I just know those banks are going to screw me one more time." But no more, because we passed the Credit Cardholders' Bill of Rights.

Other legislation is now pending. All of those are laws.

And one that passed just 3 weeks ago, which was the teachers and the medical legislation, that went into effect fully paid for; 160,000 teachers across the United States will stay in the classrooms providing that education that our students need, and paid for by ending an extraordinarily bad piece of policy that's been in effect for many years that gave a tax break to American corporations that off-shored American jobs.

So what do you mean? Do you mean to tell me that American corporations were able to get a tax break every time they sent a job offshore? Yes. That's exactly what is over today as a result of action taken.

On every one of these bills, every single effort made by this Congress to bring jobs back, to stabilize the economy, we found virtually no Republican support. In the stimulus, none at all. In the credit card, only a handful of Republicans. Republican opposition was uniform for every single effort made by this House, by the Democrats.

The result of our work without Republican support has been a steady improvement, so that for the last 8 months we have seen private sector jobs actually increase—not as much as we need, not as much as we want, but we have seen a clear differentiation between the first quarter with the Bush debacle and the rebuilding of the American economy in the second quarter.

Where are we today? We're at halftime. We're in the locker room here in Washington, D.C. We're in Congress. We're working to complete our plan for the second half—the resurgence and the rebuilding of the American economy. And in this half, we have a series of bills that we put forward—some already law; others that will go into effect in the months ahead—hopefully passed. We'd love to have the support

of our Republican colleagues, but, as in this moment, their seats are empty. But when they're filled, they still vote "no" on every effort to rebuild the American economy.

So it's halftime. The question for the American public is: Which team's going to go back on the field for the second half, for 2011 and 2012? Which team's going back on the field? The team that brought us this great debacle, the great crash of the American economy, or the team that has slowly, but every month, brought progress back to the American economy? We're talking now about making it in America.

Joining me today for this discussion is my colleague from the great State of Wisconsin, Dr. KAGEN, an extraordinary individual, an entrepreneur in his own right, who is going to talk about some of the efforts that he's made and some of the issues that face his district in making it in America and the things that we need to do.

Dr. KAGEN from Wisconsin.

□ 1740

Mr. KAGEN. Absolutely. Well, thank you very much for yielding, and thank you for organizing this hour, where we can begin to have a conversation, a very constructive conversation with the American people across the country about making it in America. And you know, manufacturing does matter. And making it in America really is important. And just maybe, perhaps we should change the slogan from "Make It In America" and add on, "not China."

Because where I live people say, "Hey, Doc, we have got to get our jobs back from China. We want our money back from Wall Street and our jobs back from China." And one of my constituents, who is nearly 80 years old, sent me this note asking really the question about whose side are we on? You mention it's a ball game, a football game. Could be peewee, could be little league, could be NFL. Look, we're all on the same team. We're all in the same boat, the same canoe. And amazing things will happen when we begin to paddle in the same direction. We got to work together to get through the most difficult economic time of our generation.

Elaine from Peshtigo wrote me this note: "I am soon an 80-year old woman and a widow. My husband and I farmed, and we certainly had hard times the first years. But the years now are harder for old people. Oil companies take a huge profit. The CEOs make a salary no man on earth is worth. Pill companies are taking huge profits with no consideration for old people. The people of my generation lived through the Depression, World War II, and two more wars. And now in our old age we face other obstacles."

Well, Elaine, we are working hard to rebuild our economy. We are working

hard to generate the jobs we need to work our way back into prosperity. One way that we've done it is to pass an essential bill on health care legislation. We now have a new health care law that guarantees that, Elaine, the doughnut hole is going to be closed over a period of time. We're beginning to close it by \$250 straight away. We've made Medicare stronger and better. How did we do that? By making sure that you have preventative services at no additional copay and no deductible. So this is coming your way.

It's a new American freedom, a new day in America, when no longer will any family have the fear of going broke and losing their home just because of an accident or just because someone gets sick.

But we didn't just act for Elaine and every other family in America to guarantee them access to health care; we lowered their taxes. Now, the quote here says, "Tax bills in 2009 at lowest level since 1950," from USA Today. We've lowered taxes for the people who need it the most, the middle class. This is not my point of view, this is the point of view of the former domestic policy adviser to President Reagan and Treasury Department economist to President George Herbert Walker Bush. This was a statement that he made, Mr. Bruce Bartlett. Federal taxes are very considerably lower by every measure since Obama became President. The \$787 billion stimulus bill, enacted with no Republican support, reduced Federal taxes by almost \$100 billion in 2009 and \$222 billion in 2010.

Mr. GARAMENDI. Excuse me, if you might yield for a moment, Dr. KAGEN. The stimulus bill was actually a tax cut bill?

Mr. KAGEN. It was the biggest tax cut in American history. We were in such a decline economically, no one felt it. We did it the economical way. We didn't mail people a check. We made sure they got the tax cut on the other end. It was more economical. So never before has such a tax cut been enacted. And it was the Democrats, without the Republicans' support, that guaranteed middle class families would pay less in taxes.

Mr. GARAMENDI. If I might, you and I were talking earlier about a program that you have been doing in your district for the last couple of weeks, and you have been going to communities. And along the way you've reached out and said we need to make it in America. And you were talking about the paper industry. I suppose you have a paper industry in your district?

Mr. KAGEN. I live in Paper Valley. We didn't invent the manufacturing of paper, but we perfected the science and technology. Kimberly-Clark, you have heard of it. You have heard of Kleenex. Let me put in a plug for them. We've got Procter & Gamble. We've got Puffs. Everything in the tissue world and the

paper world is in Appleton and Green Bay and the chain of Fox Cities in-between.

And one of those manufacturers, Appleton Coated Paper, tomorrow has a case before the International Trade Commission. And I brought with me a picture of a family. This is the Swanningson family. This is Tony, his wife Sherry, Corey, and Kayla. And they live in Kaukauna on highway ZZ. What are they doing? Well, he works at Appleton Coated Paper. And they have a problem because China has been competing illegally by dumping their paper products into our domestic United States marketplace below our cost of production.

Now, I know you're thinking how does that happen? But before I get there, let me read you the handwritten note that Mr. Swanningson sent to me. "Congressman Steve Kagen, I have been employed in the paper industry for 18 years. I am grateful for the ability to provide for my family that the industry has provided. The dumping of foreign paper into the United States from companies that are subsidized by their own governments creates a marketplace that seriously threatens my family and countless other families throughout the United States. The ability to sell paper at a price that is less than the cost to produce it places our companies and families at a severe disadvantage. I have been able to maintain employment through four layoffs due to the mill sales and paper machine shutdowns. But the dumping of paper in the United States market is a challenge that me and my fellow union brothers and sisters throughout the United States cannot survive."

You see, what China's been doing—and I have a case against China. They didn't just manipulate their currency, they don't have any environmental protection. They don't have a social safety net. They don't have an Occupational Safety and Health Administration. They don't have OSHA. They don't have an EPA. They have sacrificed their environment for their economic development. And they don't yet have a middle class.

Now, I have nothing against another Nation seeking to lift its people up out of poverty and create a middle class. But they shouldn't do it at our expense. We shouldn't have to sacrifice our middle class solely to build up theirs. It's unfair.

Mr. RYAN of Ohio. If the gentleman will yield on that point, one of the issues we've talked about today and have been for a long time is the issue of Chinese currency manipulation by the Chinese Government. And we do not have to have growth in the United States at the expense of growth in China. If the Chinese would allow their currency to float, it would actually be worth more. So the Chinese consumer would be able to have more buying

power for American goods that would be shipped over there, for other companies who are selling within China.

There is just a small group of people within China, who own primarily state-owned businesses, who like the currency low, artificially reduced so that they can ship products to the United States cheaper and subsidized to put American workers out of business. So what we're saying when we say make it in America and manufacture again, can actually help lift up a lot of these folks in countries like China if we play by the rules.

Mr. KAGEN. Would the gentleman yield?

Mr. RYAN of Ohio. Be happy to yield.

Mr. GARAMENDI. Excuse me for a moment, gentlemen, but part of our agenda as Democrats then is to make sure that we have fair trade, that we have a fair balance between our Nation, our manufacturers, and those in other countries who may be—not may be, but are—subsidizing their exports, such as China and the currency thing.

Dr. KAGEN? And this is a colloquy, so we will go back and forth here. So please.

Mr. KAGEN. I am getting a little excited because China has been caught cheating. They don't just manipulate their currency. They provide free energy, they provide no taxation, they provide cheap labor at 82 cents an hour. They have been buying raw materials for nothing, giving it to a company, and then they load it up on a boat and float it outside of Oakland and dump it into our Nation, into our domestic market below our cost of production.

□ 1750

Let me just put it very succinctly. They have targeted everything we make for extinction. It's not just paper. It's high-tech technology; it's automobiles; it's steel; it's textiles.

We have to restore our manufacturing base, yes, in part, by compelling other nations to stop cheating, by not manipulating their currency, by playing fair. One way to play fair is to instead of stealing our jobs, why don't you take our values. Take our values about clean air and clean water, because they are polluting the air that we are breathing.

It's not that far away. If a tall man and an allergist—and I say this—if a tall man in China sneezes, you are going to get it in the back of your head. It's going to come over here.

We have studies that scientifically show that the great dust storm they had in China dropped that dust over on our west coast. We are all here in the same boat. So, yes, we have to push back, not just for fair trade, but for balanced trade, in order for our companies to compete.

I will just relate one story, one educational experience in, I believe it was in February of 2007, just after I was

sent here. I had the opportunity with my class of 2006 to sit down with eight CEOs of major manufacturing companies, the high-tech companies, HP, IBM, Dell and the like.

I asked them, what's your biggest component of your overhead, and each one of them said people, people, people, people. I said, well, that would explain why you are taking our jobs over to India and China because you can hire them for less.

And right across from me was Michael Dell and he said, Congressman KAGEN, I am competing with these guys. I have to chase the lowest cost of production around the world or I am out of business, and I have to, after all, represent my people, which are my stockholders.

So we have to make things in America. Manufacturing does matter, but we need a level playing field.

Mr. GARAMENDI. Let's continue on. I notice that another colleague has joined us from the great State of New York, but let me turn back to our colleague that was raising the point about the Chinese currency.

Mr. RYAN of Ohio. Yes. Well, I would say that if it's balanced, and I think all of the workers and the business people in America would say this, if China is not manipulating their currency, if there was some balance with human rights and worker rights and the environment and those kinds of things, we would compete with anybody. But what we have now under the current trading system, with China blatantly manipulating our currency, we had almost everybody at this hearing today acknowledging that China is cheating on their currency, Democrats and Republicans. But we had a lot of Republicans on the other side saying, we just don't think this is the approach.

And it gets back to these multinational corporations that have a stranglehold on a lot of the politics going on here in the United States capital. But we need to bring this bill to the floor of the House of Representatives, and we need to pass it, and we need to take on the Chinese.

We are not going to have a country left in a decade or so if we are not making things. You get the spinoff. You get the technology. You get the patents. You get five, six, seven, eight spinoff jobs for every one job. You are actually making something and moving it to you and you improve it and add value and you pass it along and add value. And then it's assembled; then it's trucked. There is the spinoff that we get with manufacturing. That's how we are going to resuscitate the middle class.

My fear is that as we have lost manufacturing, and if you chart it—you can see it decline from 39 percent in post-World War II down to under 10 percent—you could see the decline. My fear is that as we move into the devel-

opment of solar panels, as we move into the development of windmills, that's exactly it.

As we develop the green technology and all of the component parts, you will begin to see China taking the lead on green manufacturing, and we can't cede that ground because that is the future. As much as our friends on the other side of the aisle want to bury their head in the sand and hope this goes away, that's not the world we live in.

So we need to take a firm approach with China, respect them, but make sure they play by the rules. We have got to play by the rules. Everyone else has got to play by the rules.

I will use one example real briefly. We had a steel company, Oil Country Tubular Products for oil and gas. The steelworkers, the trade groups, the local businesses, all went around, petitioned the International Trade Commission, got approval. The President was kind enough to put on a tariff for these Oil Country Tubular goods coming in. They end up investing \$650 million in a factory in Youngstown, Ohio, 400 construction jobs, 350 permanent jobs, the spinoff, the whole 9 yards because our government enforced the rules and leveled the playing field. That's what we are saying about currency, tires, paper, textiles, right down the line.

Mr. GARAMENDI. Let me take a moment here and bring it back to something you were talking about. You mentioned the wind turbines and the solar systems. We developed the technology here in the United States, and, in fact, the stimulus bill that provided the largest increase ever in research is going to once again put the United States in a position where we can dominate these green industries.

That research is there. Incidentally, not one Republican voted for that enormous research program and tax cut and jobs program and infrastructure program. Not one Republican voted for the program that created 3 million jobs.

But there is something going on here that we need to pay attention to, and this is a piece of legislation that I have introduced. We are spending billions of dollars to promote the wind industry, the solar industry. These are tax credits that we give to companies for a production tax credit or for someone that's putting a solar cell on their house.

We need to make sure that that tax money is spent on American-made wind turbines and American-made solar panels, biofuels, and other kinds of green technologies. If it's our tax money, then Buy America. Buy American.

A little later here, I suspect, I want one of our colleagues, MARCY KAPTUR, to come and talk to us about a bill that passed out of this House just hours ago that would require that you and I, not

just talk the talk, but that we walk the walk and that in the equipment that we purchase for our offices, it be made in America, once again, American tax money used to buy American-made products.

It's a piece of legislation I have introduced. I like it. I like it because it's going to create in my industry wind turbines that are actually going to not only be on the hills but actually made in America.

Enough for me for a few minutes. I notice my colleague from New York, Mr. PAUL TONKO, has joined us. You have been at this a long time. You were in one of the original manufacturing sectors of America. Please tell us.

Mr. TONKO. Thank you, Representative GARAMENDI, for bringing us together. You are right, I do represent the area that houses the Erie Canal bed that was the main route to the westward movement, and it's a necklace of communities called mill towns that were the centers of invention and innovation. That pioneer spirit still exists, I am convinced, in America.

During our recent work-period break, where we all went back to our districts and had a 6-week stretch to connect to our constituents, I did Tuesday tours. The Tuesday tours were about manufacturing, making it in America, and where we need to invest and where the success stories might rest.

It's amazing to see the stories that were impacted by the Recovery Act, work done by water efficiency, energy efficiency, the MEP program, the Manufacturing Extension Partnership, which, by the way, the previous administration wanted to zero out.

I went to a group called X-Ray Optical. Because of MEP programming and SBIR, Small Business Innovation Research, monies, this group is employing people they never dropped during the recession. They were a steady pulse, and they are exporting.

Just when we want to say we are not exporting and, oh, the die is cast and, oh, woe is us, we lost our manufacturing sector, we lost a third of our manufacturing jobs over the last decade thanks to the weakened policy on manufacturing. But we still have enough jobs that places us on the top of that manufacturing list globally, but we can't afford that present trend which would see us losing more manufacturing jobs.

We have turned that around. Those one-third of manufacturing jobs lost in the last decade equates to 4.6 million jobs lost.

But now, with the Recovery Act, with a new focus on manufacturing, I think there is a stronger sense that we can move forward and proclaim accurately that we want to make it in America.

Representative GARAMENDI, let me just tell you that at X-Ray Optical they are exporting to Asia and to Europe. They are dealing with testing for

toxins. They manufacture equipment that is the testing product for toxins in toys, in fuel and a number of items where they can save manufacturers in another realm a lot of money in the up-front part of their process.

□ 1800

And again, it's a high-tech operation where they had the investment and the partnership with the Federal Government so that we can do it smarter, not necessarily cheaper. We can do it smarter, and then we are competitive at the global marketplace.

Another venture was a state-of-the-art operation within the baby food industry. In my district, we have a new facility that qualifies for a silver status LEED building, a green building that has water efficiency and energy efficiency as a major aspect of the work they are doing, saving them cost of production and allowing them to stretch again that opportunity to translate it into jobs. Now, that was a government partnership to provide for water and energy efficiency, another sort of assistance we can provide manufacturing.

And then a third visit, if I might just share this one with you, was an outcome of the ARPA-E grant money that came with Recovery Act money. Now, get a load of this. Before I came to Congress, there was an opportunity for us to really do the ARPA-E program beyond just rhetoric, but the Bush Presidency just proclaimed we are going to have an ARPA-E program with never ever funding it. And finally, we had \$800 million appear from the Recovery Act that went to the actual implementation of ARPA-E.

DARPA, the Defense-related advanced research project opportunities, created situations like Internet for the Defense system and stealth bombers. We took that success that goes back to the NASA days and now overlaid that into the energy thinking, into the energy realm.

And so ARPA-E, with its research project initiatives, is enabling this industry, SuperPower in Schenectady, another tour location, to advance superconductive cable and also storage for intermittent power.

Mr. GARAMENDI. Before you go to the next one, could you share with us where the ARPA-E money came into the system?

Mr. TONKO. Sure. It came right from the Recovery Act.

Mr. GARAMENDI. Most people don't know what the Recovery Act is. They think of the stimulus program. They are one and the same, the stimulus program and the Recovery Act.

Mr. TONKO. It is exactly the same thing. The majority in this House supported the Recovery Act.

Mr. GARAMENDI. That is, the Democrats supported and passed the stimulus program, the American Recovery and Reinvestment Act.

Mr. TONKO. Our friends on the other side of the aisle said "no" to progress.

Mr. GARAMENDI. "No." "No." "No."

So for research-specific programs, for energy research and small businesses, they got grants and loans to develop. The Democrats know that we have to improve the private sector to make jobs.

Mr. TONKO. Absolutely.

Well, let me tell you, Representative GARAMENDI, what this means is that with that recovery money, with the stimulus money that the Democrats support and the Republicans said "no" to, we were able to, for once now, finally, appropriate moneys for the science, the technology, and the basic research.

What they will do at SuperPower is develop that final model that will then be deployed into a manufacturing concept that will allow us to create the storage potential for exactly what you were talking about, solar energy and wind energy, which is intermittent in nature. If we get the storage issue, the battery issue resolved, it becomes even more powerful.

So it's not just about taking a garage idea and creating a manufactured product out of it, but it's also creating jobs, which then enables us to create better energy solutions.

So all of this, in a big picture format, is a whiz-kid idea where everybody from tradesmen to Ph.D.'s all get their hands in the action, where we develop a product line which requires manufacturing jobs, but then that product will enable us to respond more favorably and fully to the energy solutions that we can do here domestically and be more energy self-efficient and energy independent. It all comes together in a master plan that uses the American workers' intellect from skilled labor on over to the Ph.D. And it all happens with our saying "yes" to a partnership like that of the stimulus package.

Mr. GARAMENDI. Well, we know that the central New York area along the Erie Canal was one of the birthplaces of the American Industrial Revolution. I think there was something in the Midwest, too. My colleagues here from the Midwest may have something to add to it. Ohio, I believe? Do you still make things in Ohio?

Mr. RYAN of Ohio. Yes, we do. And we are right in line to continue down the road of innovation, whether it was aerospace with the Wright brothers, the steel industry in Youngstown in the eastern part of my district, or the rubber industry in Akron, which is the western part of my district that I share with Representative SUTTON. And we had, in Youngstown at one point, the highest per capita income in the country in the late fifties, early sixties. Steelworkers were working hard, long hours, making good money, good wages, raising their families, having a

good middle class. The big bands would come through town. They would go to Idora Park. The story of America that we all remember.

And today, what we are saying is we understand that it's not going to be 1950, and Frank Sinatra is not going to come back and start singing songs again, as much as that would be terrific. We have got to create our own era of prosperity, and that means that in this country we have got to get tough with globalization and enforcing trade laws. And that means as a country we've got to suck it up, and we've got to say to the multinational corporations, who, quite frankly, don't have the national interest at heart—they've got their bottom line at heart, which is what they do. But as a country, we've got the national interest and need to protect the national interest. So tough with China. Level the playing field. Drive investment back into the United States so that we can make that bus, those solar panels, those windmills and the batteries, right down the line.

And we are not foolish enough. This isn't Pollyanna. We're not going to make everything. We know there is going to be stuff that's manufactured in China for the Chinese markets. Great. And I hope American companies go over there and do that. But what we are saying is we can't be weak-kneed with the Chinese.

I like what I saw today at the hearing we had. I like what I'm hearing within our caucus to possibly bring a bill to the floor that would get tough with China and get us making things in America again.

Mr. GARAMENDI. You said something a moment ago when you were talking about the multinational corporations and whether we're willing to stand up to the multinational corporations and bring jobs back to America. Two and a half weeks ago, we came back from our session working out in our districts to pick up a piece of legislation called the Education Jobs and Medical Assistance Act. As a result of that, 160,000 teachers are employed across the Nation, and police and firemen, public safety officials and medical services are being provided in the communities.

A major piece of that legislation dealt precisely with the issue you discussed a moment ago about multinationals. Under the previous law, multinational companies that took jobs from America and shipped them to China or somewhere else in the world actually got a tax break. We closed that loophole. We closed that tax loophole, bringing \$10 billion back to the Treasury and discouraging American corporations, ending their incentive.

Mr. TONKO, if you would like to jump into this one.

Mr. TONKO. I think not only is that true, but also I believe during the Bush Presidency there was a strong focus on

a portion of our economy, on our jobs, and somewhat a weak commitment to other sectors. As we all know, when you break down the jobs or the economy issue, it's agriculture, it's manufacturing, and it's service sector. I think the emphasis on agriculture and manufacturing was extremely weak.

We see the problems in the agricultural community. I see them in my dairy sector in my district. It's painful to see the lack of attention that has been paid to a fair price for dairy farmers.

In manufacturing, it was ignored heavily. They wanted to, as I said, zero out MEP, the Manufacturing Extension Partnership, which produced a lot of success for X-Ray Opticals, where now they are exporting. But they put all their emphasis in the service sector, and where they did, they turned their back to regulation, to overview, to kind of stewardship of a sector of the economy that, when left to control itself, brought down, because of greed, the American economy, and it wreaked damage upon us.

So what I would say is that we need to put the focus back into manufacturing. The programs we have done here, after the damage that was allowed to occur, are now going to bring back a strong response to manufacturing. And I can't say well enough how strong the Democratic agenda has been here to grow the Make it in America campaign.

Make it in America is something that people have been asking for. And they can't understand, why is it our manufacturing can't work here? Well, we see where the intellect is being invested in, where we are growing a strong partnership with small business, the springboard to our economy. They are providing the great percentage of new jobs in our society.

So, finally, the Democrats bring a working agenda that will be a profitable situation for all of us with job creation and the kind of stability and local infusion that is essential after it was ignored for far too long.

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Mr. GARAMENDI. Let's turn to our colleague from the manufacturing center of America.

Mr. RYAN of Ohio. You want to talk about an example, the illustration of what Democrats stand for when it comes to manufacturing, come to my district. Last week we unveiled the rollout of a third shift at the General Motors plant that is making the Cruise car, a hot car being sold by General Motors all over the world. Think about what would have happened with manufacturing in the United States if this President and this House and this Senate said, Let the auto industry go. I remember watching TV programs and hearing Senators and Republicans from the other side of the aisle saying let the free market work. Let it crash.

We would have lost an essential component to manufacturing in the United States. We would have lost General Motors for sure, sold off in pieces, and who knows who would have come in and ate up that market share from somewhere else in the world. But we said, no. We need to have manufacturing. We need to be a leader in the auto industry. This is something we believe in, and we are now seeing manufacturing increase month after month after month because of the stimulus package and because of what the President and this Democratic Congress did for the auto industry.

Mr. KAGEN. Would the gentleman agree that if you don't make anything, you won't have anything?

Mr. RYAN of Ohio. That makes sense to me.

Mr. KAGEN. You have to make things to have things. And it is manufacturing that brings us our higher wage jobs. But when we brought the bill you referred to to the House floor, only 12 Republicans voted to close the very corporate tax loopholes that ship our jobs overseas. We cannot continue to reward corporations for stealing our jobs and taking them overseas. Whose side are we on? You have to be on the side of the middle class.

When it came time to consider, as we are now in discussions, to making permanent tax cuts for the middle class, it is the Democratic Party that stands up for the middle class to make it possible for them to have a permanent tax cut. The other side of the aisle is promoting what? More and more debt to reward the top 1 or 2 percent income earners in the United States. That is just not right. It is not right for our cities in Wisconsin, and it is not right for America.

The other aspect: The other side of the aisle has an idea about Social Security, to phase it out. Phase out Social Security?

Mr. GARAMENDI. Wait, you mean to tell me that the Republican Party actually has, as one of their policy planks, to phase out Social Security?

Mr. KAGEN. In the State of Wisconsin, it is in their party platform to transform and phase out Social Security. But Social Security is a sacred contract between one generation and the next. It is the most successful social program ever invented by human beings. It guarantees people will be in their house, not the poorhouse, when they become old. It is not a retirement plan, but it is something if you put your money in, you did the work, you have got to be able to get your money out. So when it comes to Social Security, we are here to protect it and enhance it. Our opposition seeks to destroy it. There should be no question about whose side we are on.

But getting back to making it in America, making it in America is not only about manufacturing, it is about

guaranteeing that your children have, that the Swanningson family's children, Corey and Kayla, have a great education. It is about guaranteeing that you have access to affordable health care when and where you need it. It is about guaranteeing that our manufacturing base that creates the higher-wage jobs can compete on a level playing field. This is something that just makes sense. But around here, if it makes sense, it is going to be hard to do.

So I would join with my colleagues in encouraging your bill to move forward, to make certain that this administration and any administration moving forward holds China accountable to stop manipulating its currency.

Now, the big picture that I get to see at 30,000 feet that I didn't see before coming here—and you know I am a doctor, right? I always tell my patients, you know, it is going to take you just about as long to get better as it took you to get sick. It took us a while to slide into this deep recession, and it is going to take a while to work our way back into prosperity. But making it—we are going to make it in America, not just with manufacturing once again, but by making sure that we hold China and other Asian nations accountable.

So what I see happening is the idea that free market capitalism has bumped into a brick wall, the Chinese wall. It is the Asian model of capitalism where the government owns the corporation, controls the currency, offers slave-like wages for labor, environmental conditions at work that we would not tolerate, not even for our animals. So what we have to ship overseas is not our jobs, but our American values. That is who we are. The voters will have a chance in several weeks to make decisions about whose side we are on. When it comes to tax cuts for the middle class and to protecting Social Security and making things in America, when it comes to closing those tax loopholes, the Democrats are on their side.

Mr. GARAMENDI. We have talked about various ways we can make it in America, certainly the fair trade dealing with China's currency and the whole idea of competition. We have talked about the way in which we have to make sure that our tax laws support programs of hiring in the United States rather than off-shoring. In all of these things I would hope our Republican colleagues would come along with us to make it in America. But on maybe 20 different bills that we have moved out of this House, there has been virtually no Republican support.

There are other opportunities, and we offer these opportunities to our Republican colleagues to come along with us on some other programs. A piece of legislation that I am working on deals with these buses that were once made

in the Midwest, in Ohio, and are still made in California. Right now we spend about \$6 billion of our gasoline tax money to buy buses, light rail trains, intercity rail systems for Amtrak and the like. In the law, there are four waivers that allow the Department of Transportation to ignore the Buy American rules, and so what has happened over the last 20 years or so is that those waivers are routinely used and transit districts simply buy buses that are made overseas. Our tax money flows out of the country, our jobs disappear, and our industry, the transportation industry, is almost gone.

My legislation tells the Department of Transportation, no, no, those waivers are finished. Three of the four waivers are gone. If there is an extraordinary cost difference, okay. But we want that money spent on American jobs so that when in the San Francisco Bay area, the Bay Area Rapid Transit system, BART, goes out, as they will, to buy \$300 million of train sets for the BART system, where will those trains be made? Will they be made in China? Given the monetary advantage that China has, quite possibly they could win the bid. Given the issues of worker safety and environmental issues that China ignores, they may win the bid. But my legislation says no, we are going to make these trains in America, \$300 million there, \$6 billion to \$7 billion a year across the Nation for transit districts everywhere, we can make it in America if we bring our tax money back. So whether it is wind turbines or solar or buses and trains, it is our tax money. Let's spend it in America, rebuild the American manufacturing system, and make it in America.

Would that be a good thing for Ohio?

Mr. RYAN of Ohio. We are all for it, and I tell you what, if you think about the contrast of the Bush doctrine, which Republicans currently want to go back to, and I am amazed around election time when they are pretty blatant about saying, yup, that is exactly what we want to do. We want to go back to the Bush doctrine on taxes and on energy and all of this, and the economy and not regulating Wall Street, they want to go back to the Bush doctrine of economic policy.

Now I understand that we are having this tax debate now because the tax cuts for the wealthiest Americans and everyone are going to expire. We need to remember that these were the tax cuts that were going to unleash the economy in the United States. We were going to have all of this growth because of the Bush tax cuts. Cut taxes for the wealthy, explosion among developers, explosion among the economy, and we're going to have low unemployment and everything else. And where did it end? The absolute collapse of the United States economy.

□ 1820

What we're saying is not only tax cuts for the wealthiest in the country but tax cuts to offshore work, incentives for businesses to offshore work out of the country. So it's tax cuts for the wealthiest, offshoring work, having a prescription drug plan that you don't even pay for, borrowing money from the Chinese to run two wars, okay? So this is all the Bush Doctrine which would privatize Social Security and Medicare. This is all the Bush Doctrine.

What we're saying is don't privatize Social Security and Medicare. Let's invest back into these programs. Let's give tax cuts to the middle class. Let's give tax cuts to businesses which will locate and create jobs in the United States. Let's get a manufacturing policy in the United States so that we can have an auto industry, a steel industry, a paper industry, a textile industry, and most importantly, engineering, design and manufacturing economies of the future in green—a clear contrast between the Bush policies that our Republican friends clearly still trumpet and want to go back to. You have on that chart there what we have done to reverse that trend and to continue to invest back into America so we can make things again.

Mr. GARAMENDI. You talked about the investment.

A week ago, President Obama spoke to this issue of making it in America and of rebuilding the American industries. He spoke about the need to give significant tax breaks to businesses that want to invest capital to expand their businesses, to expand their manufacturing bases. Here is a very, very powerful notion.

I was meeting with three of my friends who are in the business community. They are manufacturers—one in the food industry, another in the high-tech industry. I was talking to them about this notion of would you increase your business, would you increase your capital investment on your production lines if you could write off in 1 year the cost of that capital. They said, Absolutely. You put that into law, and I'm investing tomorrow. I'm going to put people to work building my manufacturing base.

So the President has now spoken to this. It's one of the proposals that he has put forward. Today, I introduced a piece of legislation that would do exactly that. Any business that wants to increase its capital investment in that business—broadband, production lines, machine tools, whatever it is—they could write it off in year one. We can restart the American manufacturing system if we are committed to making it in America, which is a whole series of legislation: ending tax breaks for offshoring, ending tax breaks for businesses that are routinely killing the American economy by sending jobs off-

shore, using our tax money to build a green economy here in America rather than buying it from manufacturers overseas, making sure our buses, our trains, our planes are made in America.

Dr. KAGEN, you've been in the high-tech industry, in the medical industry. You understand these issues.

Mr. KAGEN. Absolutely.

Mr. GARAMENDI. It affects your kinds of businesses. Share with us your perspective as we begin to wrap this up in the next 6 minutes.

Mr. KAGEN. Well, I'll make a brief comment.

The investment tax credit is so critical for emerging pharmaceutical companies—for biotechnology in particular. So when you reward people for doing good work instead of rewarding corporations and people for their wealth, you really begin to get that engine of America going, that small-business engine that really creates all the jobs that we need. I would summarize what Mr. RYAN had to say as this:

The Bush Doctrine, the Reagan Doctrine of trickle-down economics has failed miserably. It has rewarded people for their wealth instead of their work.

What we must begin to do again is to encourage people, in small business in particular and small banks, to take that risk, to take that chance and to reward you for your risk-taking and for your hard work. That will start the economic engine, and it will rebuild our economy as we go through this transformation over the next decade of becoming energy independent. We may not be totally independent as a Nation as far as growing our own energy, as far as developing our own energy, but we certainly have the resources here at home. Making it in America means not just manufacturing, making things here; it also means investing our hard-earned tax dollars in our own Nation's infrastructure.

What I object to so greatly is that we take our resources, like our children, and send them off to Iraq and Afghanistan, and we send \$2 billion a week into Afghanistan, rebuilding buildings we've never destroyed and building schools that they may need, but we need schools as well and water treatment plants. Look, if we're going to build an infrastructure, it should be here in these United States. That is where my people live. I don't represent people overseas.

Finally, with manufacturing, invest in infrastructure. We also need to balance our trade deals, about which you and I have had discussions with the Asian nations, to make sure that our trade is balanced. That way, we can generate the higher waged jobs that we need here at home—jobs that will keep people in their homes, that will feed our tax base, that will rebuild our schools, and rebuild our middle class.

Mr. GARAMENDI. Dr. KAGEN, thank you so very much for joining us.

As I started this discussion, I used an analogy of a football game. We're talking about the most important game of all. It's not even a game. The most important thing of all is the American economy and how to keep it going and growing.

To go back over it, during the Bush years, these are all of the reasons we've stated: Two wars for which money was borrowed, creating an enormous deficit; the deregulation of Wall Street, anything goes; the collapse of Wall Street; the issues of tax policy where the wealthy were rewarded for their wealth, not for their work, which led to the largest decline in the American economy since the Great Depression of the 1930s.

It was plain to see that when President Obama came in. That was the first quarter. In the second quarter, we began to see policies that were put forth by the Democratic Party and the Democratic administration, policies that began to restore the American economy—a steady upward climb. It's not where we need to be, but we are on the road, and we did all of that with almost no Republican help at all. If you go back through all of those votes, the Republican Party was standing over there, saying no, no to the programs that actually brought us back, and we continue on today. We are in the locker room, ready for the second half, which begins in January 2011. The question is:

Which team are you going to put back on the field? Where do you stand?

Well, we know pretty clearly where the Republican Party stands. It stands with the old failed policies of the George W. Bush administration. It stands for ending Social Security and for ending Medicare. It stands for anything goes and no regulation; let it rip and it's ripped us off. It stands for tax breaks for the wealthy and the heck with the middle class. That's where the Republican Party stands.

The Democratic Party wants to make it in America, to rebuild the American manufacturing base and the American manufacturing industry.

If you would, Dr. KAGEN, put the picture back up of the family, of the family in your district in the paper industry. This family is losing its job because of unfair competition. If we were to use the Capital Investment Program together with the program that you talked about of restoring fairness and trade, perhaps that company, that family and families in my district would be able to have well-paid, middle class American jobs.

Dr. KAGEN, would you like to close us off here and bring us back to real America.

Mr. KAGEN. Thank you very much for yielding.

I'll just summarize that the Swanningson family wants nothing more than any other family in the United States. They want an oppor-

tunity to go to work where it's safe, where they can earn a living wage, where they can begin to pay off their own debts and make it on their own, to have their own home, to have a living wage sufficient enough to educate themselves and the next generation—their children. That is, after all, what every family wants.

This is the American Dream that is being stolen away by the illegal dumping of paper into our area, and when China has targeted everything else we make for extinction, it's just time that we stand up and fight for our own jobs here at home. We're going to make it in America when we all begin to paddle in the same direction, when we're all in the same boat. So let's get on board. Let's take that train ride together.

Mr. GARAMENDI. Dr. KAGEN, thank you so very much and my colleagues for joining us, and thank you to my colleagues in the Democratic Party, who are committed to manufacturing matters and to making it in America. We have put forth many, many policies and programs. We ask our Republican colleagues to join us in making it in America.

I yield back my time, Mr. Speaker.

□ 1830

THE ECONOMY

The SPEAKER pro tempore (Mr. TONKO). Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Thank you, Mr. Speaker.

Good evening. It's a pleasure to be able to join you. I had a chance to listen in on some of the last hour presented by the Democrats and their views on the economy. It seemed like a fair amount of sophistry to me and a lot of excuses. It would seem like we're blaming things on Bush and the Chinese. So I am going to be presenting and maybe even have some guests here presenting a different perspective on the economy, and the American people will be the judge of that debate and discussion in November.

Now I would suggest that the Democrats and their policies are actually destructive to the economy. I don't think it's a coincidence that if you look at the 10 cities in America that have the highest percentage of people below the poverty level, that those cities have been managed, every one of them, for many years by Democrats. Now you can blame the Chinese and you can blame President Bush, but I would suggest, and I will show in the next hour in plain, simple terms why the Democrat policies are literally destroying the economy.

Now you could say, well, I don't like that, or maybe you're being partisan. I'm not really quite so concerned about

being partisan or whether we like things politically. I'm concerned with America. I'm concerned with the people that don't have jobs. And I'm concerned that not only are we creating unemployment but we are systematically destroying the businesses that can create employment in the future.

Let's take a look at these questions. Those are strong charges to say that the Democrats are the ones that are actually responsible for what's been going on. I think a lot of Americans have some sense that that may be true. Sometimes it's fun to take a look at some of these political cartoons. We have the President here now talking to the guy that owns the china shop: "Now give me one good reason why you're not hiring." And you have health care reform storming in and cap-and-tax or cap-and-trade and the taxes that are impending and all. The point of the cartoon, of course, is the fact that the policies that we have seen are creating the unemployment.

Let's look at that again just a little bit closer. Now when we talk about the economy, there are different ways of measuring it, you can see. Well, is Wall Street doing well? Am I doing well? Am I happy with my job or are things going comfortably for me? Is there a lot of employment or unemployment? Those are measures that we use. We take a look, also, at the rate of the Federal Government, how much it's spending money versus how much it's having to borrow. Those are all things when we say the economy, what does that mean? But particularly it's very personal when we talk about unemployment and it becomes not a political issue but a personal issue when it's your job that was just lost.

We were told that we had to come up with this economic stimulus bill last year. We were told that if you don't pass this economic stimulus bill, this unemployment could get above where it is now. It's going up, could get above, but if you don't pass it, why, we could have 9 percent unemployment if you don't pass this stimulus bill. And so the Democrats, all by themselves, passed this \$800 billion bill to supposedly stimulate the economy. After they passed it, what happened? Well, now we've got this unemployment here at 9.7 percent. The numbers vary, but we're pretty close to 10. But that 10 percent is very conservative, because if you've lost your job more than a year ago, you don't get to count in the statistics anymore. So, in fact, the unemployment rate is well over 10 percent in America.

Now we were told that if you passed the stimulus bill, that we could keep it underneath 8 percent. That's the words that the Democrats brought to this floor a year ago. The fact is they were wrong. Anybody can see they're wrong. Just take a look at what the unemployment numbers are, and they don't

bear it out. In fact, they spent \$800 billion, and where did it all go? Did it go for a lot of projects? Or was it just more bailouts? In fact, it turned out that it had a lot of bailout money in it that didn't really go for even things that FDR would have considered an economic stimulus package.

This is what's going on. We've got a high level of unemployment. The stimulus package that was passed here, and the Democrats said the Republicans didn't help any. They're right, they didn't, because we didn't think that stimulus package would work. We stood here on the floor, I stood here on the floor on a time just like this, on a Wednesday night, and said, "It's not going to work." But they did it, anyway; and now we can see, it didn't work.

And now what are they going to do? Well, they want to do some more stimulus packages. Is it going to work? No. Because it's based on faulty economics. It will never work. The interesting thing is they should have really listened to the Secretary of the Treasury under FDR, Henry Morgenthau. He tried the same thing. This was back in the 1930s. He said, we've tried spending money to try and get the economy going. We've spent and spent. Now we're in a tremendous amount of debt and unemployment hasn't changed a bit. He said, "It does not work." To this House Ways and Means Committee, Henry Morgenthau, way before I was born, he was saying, "It doesn't work." Yet here we go; we're doing it again.

Now let's take a look more specifically at what the Democrat policies are that are in conflict with creating jobs, because I would suggest that the Democrats have got this problem. The problem is, is that everything they stand for is specifically going to be in conflict with creating jobs.

What are the things they stand for? Well, let's take a look at where jobs come from. And this is the linkage that the Democrat Party doesn't want you to figure out. It's not a very complicated thing. And, that is, if you get a job, you have to get a job from somebody. Who's the "from somebody"? Well, it's a business somewhere. You can't separate employers and people who run businesses from jobs. Jobs just don't hang out out there floating around somewhere. They're created by an employer somewhere. And if you create conditions economically that make it impossible for the employers, then guess what's going to happen. You're not going to have jobs. It's not very complicated. It's about as simple as a lemonade stand. I'm going to use the illustration of a lemonade stand to try and hammer through this very simple truth; and it's very important, because the future, the economic future, the future of families in America hang on understanding these simple principles.

The idea is that jobs come from an employer; and if you harm the employer, you're not going to have the jobs. And if you do it bad enough as FDR did and you hammer them bad enough, you'll put the employers out of business, and then it's going to be a long time before the company starts up and new jobs can be created. So let's take a look at what happens.

Let's say that you've got a lemonade stand. You happen to have a very fortunate piece of property and a whole lot of people are coming through there. They're hot, sweaty and tired. You've got the one piece of property where you can put up a whole of a lemonade stand. So you start out. You hire your younger brother and sister to work there. You squeeze the lemon juice in the morning and get some sugar from the store, put it all together, you get some ice, get out there and you have a pretty good day. You sell a lot of lemonade, you get going at it, and pretty soon, though, you realize there's a whole lot more demand for your lemonade than you have capacity to make this stuff.

So you start thinking, man, I wonder if I should go down and buy some sort of a lemon squeezer and a great big shaker machine and ice machine. I'll hire five or six more people, not just my younger brother and sister but I'm going to bring some other friends from my class and they can all work at the lemonade stand and we'll make a whole lot more lemonade then, you think to yourself. But for me to buy that ice machine and the lemon squeezer and all, I'm going to have to have some money and I'm going to have to make sure that there's going to be enough money coming in from lemonade to pay off the cost of that machinery.

So if you're an owner of a business, one of the things you have to figure out is you have to have enough money to be able to create new jobs. Now if you go with your plan and you buy the lemon squeezer and the ice machine, you can hire eight more people to make lemonade and you can sell it.

□ 1840

But it requires that you've got to have some money to buy the ice machine and the lemon squeezer. You've been making good money in the lemonade stand, you can see how you could pay it off in a couple of months, but you don't have the money right now. And so as a businessman you're saying, well, I've somehow got to get this money, and that comes into a question about liquidity, if you can borrow some money from somebody.

Now, what happens to this lemonade stand guy if you're running along, you're making this lemonade, and all of a sudden you say we're going to put a tax on lemonade stands and we're going to charge 50 cents a glass of tax on lemonade? Well, if you do that, that

means the guy that owns the lemonade stand isn't going to have the money to pay off the ice machine and the lemon squeezer, so he's going to just hunker down. He will pay the tax, he will keep things going the way they are, but he says, man, this is a hostile environment out here. They're taxing every glass of lemonade I make, and so I'm not going to create as many jobs.

Now I guess a lemonade stand may be silly, I'm trying to make it sound simple. It's not complicated. If you tax the owners of businesses heavily they're not going to have the money to make the investments to create new jobs, and it's that linkage which the Democrats refuse to understand and it is so obvious and so simple. Our policies are going after the owners of businesses and we're calling them "rich guys" and we're saying you've got to punish the rich guys by taking their money so everybody else can be okay. This is the bailout mindset. This is the bailout fever that has infected this city. It is the bailout concept that the government has to redistribute wealth. And when you take it away from the guys that own the business, you're not going to be creating the jobs.

That's just the mechanics of how economics works. You don't have to like it. I didn't invent it, I'm just explaining what is common sense and most Americans can understand: Jobs come from employers; if you destroy employers, you're not going to have jobs. And how do you destroy employers? The best way to do it? Tax them. There are other ways to destroy businesses, but taxing them is a pretty good way to do it.

Let's take a look at other questions. One, like the lemonade stand example, if the owner of the business, maybe he's making good profit on his lemonade but he doesn't have a huge bank account or money saved up. What he will want to do is go to a bank and borrow some money for his ice machine and his lemon squeezer. So he goes to the bank and he tries to get a loan from the bank, but what we found is going on right now, the policies on banks are so tight—even though the Fed has released tons of money—that the bankers are afraid to loan money to businesses and businesses are afraid to borrow it. That is not a good condition if you're trying to create jobs because you have to have a source of money for businessmen to borrow in order to get innovation and things going to get the marketplace going.

Another thing that's a huge killer of jobs is if the businessman doesn't know what's going to happen. The guy with the lemonade stand is doing a land office business because it's 100 degrees every day and everybody is coming by his lemonade stand. But the thing is he knows the season is changing and fall is coming and he's not so sure that he is going to be able to sell that lemonade as the weather gets colder. Now

he's got some unknowns, the weather is in there. Well, we've got a big unknown, and that's what the people in Washington, D.C. are going to do to businesses next.

When the businessman doesn't know what's going to happen, guess what? In Missouri we have an expression, it's called "hunkering down," or sometimes people say "hunkering down like a toad in a hailstorm." Well, they hunker down because they're not sure what these guys in Washington, D.C. are going to be doing. And if they're going to pass a health care bill which is going to crank taxes way up on everybody that's working for you, if you're going to pass this great big tax increase, there's some uncertainty there. And if you think the economy is really bad and everybody is struggling and there is not much demand because nobody has jobs and the whole economy is sort of sluggish and sitting like a stone, then you're going to be very careful about doing anything in terms of increasing your productivity or how fast or how efficiently you can make something because you're saying, wait a minute, I'm going to have to make a big investment. I don't know if I can sell enough product with the taxes and everything to be able to pay it off. So uncertainty is a killer in terms of jobs.

And then of course red tape and government mandates. If you make that lemonade stand, test every single glass to make sure it's just crystal pure and you have to file a report with the government and with the EPA that every single glass of lemonade is certified and has been tested on analytical equipment to be sure, what that does is that red tape then makes your cost of product go up and it makes it harder for the guy to run his business. So when you do that, he's not going to hire as many people.

So all of these things are things that are going to make the unemployment rate go up in America. These are the main things. Now, this isn't just TODD just invented this, you can see it by common sense. But also, I've talked to all kinds of businesses. I have had forums of businesses and said, now give us the list of things that make it hard to hire people. These are the lists they come up with, it's not a big surprise. This isn't any kind of rocket science. So my proposition was the Democrat policies are basically in conflict with creating jobs. Let's take a look at what some of those policies are because we have examples of them.

We've been told that all of this was that the economy is in is President Bush's fault, China's fault. Is it really? Here's the legislation. Democrat tax increases. We just talked about tax increases, the number one enemy of creating jobs. ObamaCare, socialized medicine, \$570 billion, that's what that is supposed to be for a year. That's a lot of money. Who's going to pay that

money? You guessed it; it's supposed to be the guys that owns those businesses. Is that going to make for more jobs? No, it's not. SCHIP, \$65 billion. The stimulus, \$7 billion. The benefits and other homebuyer credits, \$23 billion. HIRE Act, \$6 billion. Total package, \$671 billion in tax increases. Is that the way to create jobs? No.

Now the Democrats don't have to look at Republicans to get the right answer, they could look at history. They could look at JFK. JFK was a Democrat. He understood this stuff, he got it right. JFK came into a time when there was a recession, and he did the right thing; he knew what the right thing to do was, and that was that he cut taxes. And when he did, the economy rebounded. The Democrats could learn from JFK, but they refuse to. They don't want to hear this because they like spending money. Their solution to everything is more money and more government—more government spending, more government programs. They're not listening to JFK, they should have. They could have listened to Ronald Reagan, but they don't like him too well. They don't have to listen to him, they could listen to JFK.

They could also listen to Bush, who inherited a recession in 2000, and in 2001, 2002 and 2003 did a bunch of tax cuts. Those tax cuts got the economy back going again. They could learn from examples, but they're not. Instead, they're following the same path of FDR, who turned a recession into a Great Depression. And they're not listening to Henry Morgenthau, who was the Secretary of Finance under FDR. So these are tax increases. Does that help the job situation? No, not at all. In fact, they harm it.

Well, what other tax increases have we got going? Oh, okay. Not only are we going to increase taxes for all these programs, what we're going to do is we're going to allow all the tax cuts that took place under Bush—which were designed specifically to get the economy going—and we're going to allow those things all to expire or some portion of them to expire, which means that whatever effect they had—because we did move from a recession into some good, strong economic activity in 2004 and 2005 and 2006—whatever effect they had is now going to boomerang, and it's going to hurt us in the same amount in the down side as the other helped us in the up side. And so the ordinary income, the top income rates in 2010, 35 percent, they're going to jump to just under 40 percent. Capital gains is going to go from 15 to 20 percent. Qualified dividends, 15 to almost 40 percent. And the death tax is going to go from 0 to 55 percent.

Let's take an example of what this death tax is going to do. You've got a couple of guys running a farm. You've got 1,000 acres, they've got some good equipment. It's a dad and his son. Trag-

ically, as time goes on, the dad gets old and dies. The farm was owned by the dad. The son wants to take it over—take that equipment, take that acreage and make it go. They hire 10 people to work their farm for them—I just made up the number 10, I don't think they need that many maybe. But anyhow, they got some people that are hired to do that. And so the death tax comes along and says to the son, hey, you owe the government because we're going to tax your dad for dying.

□ 1850

We want 55 percent of the value of that farm. His son takes a look and says, Well, Mr. Government, if I had to sell half the land, I'd be from 1,000 to 500 acres, and I'd have to choose which tractors that I sell. I couldn't make the farm work. If you take 55 percent out of it, I couldn't make the farm work. The government says, I don't care. Just give me my 55 percent.

It may not be a farm. It may be a small business, but that's what this death tax does. That's why we got rid of the death tax because we want those businesses to keep going. We want that money to be plowed in. And we're willing to live with the fact that somebody may be very well-to-do and very comfortable and having a very nice life. We don't begrudge it to somebody to work hard, save money, and do well. Because we realize if you allow that guy to do well, he's going to hire other people, and that's what creates jobs, and it increases everybody's standard of living.

This policy to allow this thing to go back to 55 percent is going to hurt the job situation. It's going to hurt the economy. It's going to hurt Americans.

Now, the other thing here, the capital gains is the same kind of thing. So if you keep taxing businesses a lot—now, there is this other thing, child tax credit, the marriage penalty and the average, those things are changing back again. And the lowest tax bracket, it goes from 10 to 15 percent.

Now, the Democrats may change this a little bit to make it look pretty to people, but if you don't deal with things like the death tax and qualified dividends and capital gains, these are the things that make the difference in whether or not there are going to be any jobs or whether we're going to have companies going bankrupt.

Well, you got the message. It's really dumb to be raising taxes when the economy is having a hard time. Everybody can tell you that. It just isn't smart. There aren't many people who have been dumb enough economically when the economy is in trouble to want to go ahead and push for the largest tax increase in the history of our country.

Now, I notice my Democrat colleagues were talking about how bad it is that things weren't made in America. They said we've got to bring those

jobs back in the country. How are you going to bring jobs back in the country when we create a set of rules that makes it so expensive to build something here that you have a huge advantage somewhere else to build it in another place?

What sort of things would that be, Congressman AKIN? Are you telling me that America's got policies that make it so people don't want to produce things in America? Well, yeah.

Take a look at this. This is the corporate tax rates of a whole bunch of countries—you may not be able to read them all down here. But this is Ireland down here, has a 13 percent; and as you go down the line, let's see, this is Turkey over here. It's gotten to 20 percent. And let's see. Where else do we go? Sweden, they're pretty socialistic. They're at 20 percent. Then you've got all the way over here to Canada and France. And that green line, that's the United States. We're second only to Japan in terms of corporate tax rates.

Now, it's pretty hard for me to see the logic of complaining about things being made overseas when what we do with our tax policy is tax corporations so heavily that you create an incentive to chase the production overseas. If you're a businessman, you're competing. You're competing with all of these other countries. And what you're going to have to do is be competitive or else people won't buy your product.

So for us in Congress to complain about foreign imports and things when we've got a corporate tax rate that's second highest in the world is once again an example of Democrat tax policy being completely at odds with a goal of a strong economy and lots of jobs. You can't keep taxing the creator of jobs without losing your jobs. I think it's straightforward. I'm trying to make it simple. Because there's one example after the other that our policies just don't make sense.

Here's a chart done in a little more colorful way. We compete with France and Spain, U.K. and China. We talk about China. They've got 25 percent. Here we are. We've got a 40 percent corporate tax rate. Why in the world would we want to be doing that? It just doesn't make sense, and that's why our economy is in trouble. And if we don't fix this, it will just get worse. Because what you do is you hammer a business and you hammer a business and you hammer a business, sooner or later it's going to go out of business. Then it's going to be a whole lot harder for somebody to start up a new company and try and put those jobs that could have been there otherwise if our policies had been more favorable.

Now, here's what happened when we did the stimulus. The Democrats' answer to this is, of course, well, the government can direct things and make things work and they'll really make it good. So you've got to take a whole lot

of money away from all of those taxpayers. Let's grab a whole bunch of money from the taxpayer, and we're going to spend it in this stimulus bill—which, by the way, went to pay, among other things, the teachers' union in California because they had overspent their pensions and were getting near bankruptcy; same thing in Illinois.

So we're taking this stimulus bill, taking money away from States like mine in Missouri, and giving the money to States that couldn't manage their budgets—like California and Illinois—and taxing the taxpayers all across America to bail out people who were irresponsible. That's where a lot of that stimulus money went. It also went to other various miscellaneous projects and all.

But what was the result of all of the stimulus spending? What you see is we've lost 2.6 million jobs since the stimulus started.

You see, Henry Morgenthau was right. It's not logical that, if government spends a whole lot of money, it makes the economy better.

If you ran your household and you're in trouble economically—you've got a whole lot of loan payments that are coming due, you don't have enough salary to pay those things, you've got some medical bills, everything is not right in your economic little family—and you say to your wife, Hey, here's what I'm going to do. I'm going to go out and get this credit card and I'm going to spend money like mad and that way we can fix our problems here with our little family, your wife would think you were nuts. She'd tell you to stay away from the bar or stop smoking them funny cigarettes because anybody's got the common sense to know that if you're in economic trouble you don't spend money like mad. And yet here we are in economic trouble, we spend money like mad, and then we're wondering how come we lost all of these jobs. What in the world are we thinking?

The Federal Government cannot create jobs by spending lots of money. The Federal Government can spend a lot of money and they can hire people. You say, Wait a minute now. The Federal Government takes a billion dollars and they hire all of these people. Isn't that going to create jobs, because you've got these people working for the government.

Well, here's the trouble with that line of reasoning. It's true; you have government employees. But for every government employee, you've taken money out of the economy which could have been used in the private sector. And when you do that, you lose more than two jobs out of the private sector for every government employee you hire. Obviously, you can't do that very long. Pretty soon you've got more government employees than you do people working in the private sector. And

when you've got that, you've got a country that doesn't work anymore economically. And we are rapidly marching toward that point where these economic policies are going to bring a great deal of trouble down on our heads if we don't get sober and start taking a look at the hard facts about economics.

Now, there are a whole lot of people now suffering with unemployment, but it's important for them to understand the principle that you have got to allow businesses to prosper if you want to have employment.

This is where the Democrats should do some reading. This isn't too much reading to do for maybe a week or so. Here it is. Henry Morgenthau, Franklin Delano Roosevelt's Treasury Secretary, before the House Ways and Means Committee, 1939: We've tried spending money. We're spending more than we've ever spent before, and it does not work. I say, after 8 years of the administration, we have just as much unemployment as when we started and an enormous debt to boot.

How many times do we have to replay the sad lessons of history? Well, I can hear all sorts of things. Well, Democrats just saying, Well, the Chinese are fiddling with the currency, and President Bush's policies, they're the ones that brought us all this trouble. No, it's not. No, it's not. It's not President Bush's policies.

Look. President Bush spent too much money. His worst year was 2008 when NANCY PELOSI was Speaker of the House here. He had a deficit of \$450 billion. Too much. He shouldn't have had 450.

□ 1900

In 2009, under Obama's Presidency, \$1.4 trillion. That's three times Bush's worst year out of Bush's 8 years, Obama's first year. The amount of debt incurred in that year was three times in 2009 what Bush's worst was. Don't tell me about Bush. Obama makes Bush look like Ebenezer Scrooge. He's a mere piker when it comes to spending money you don't have. And 2010 you say—was 2010 any better? No, it was worse. It was \$2.5 trillion in deficit spending. We aren't listening to Henry Morgenthau. We should learn from Henry Morgenthau, if he is a Democrat. We should learn from JFK. If you want jobs, you can't destroy the businesses.

Take a look at these government deficits. That's the number that I am talking about here. This gives you a little bit of a sense. Now, you can't run your family that way. And over a period of time what we're going to find out is you can't run a country this way either. Because when you have deficits like this what's going to happen eventually is somewhere along the line you got to pay. And who's going to pay? Well, that hasn't totally been determined. But you can bet one thing:

When the economy goes bad everybody suffers.

In fact, if I were a happy little Socialist, and I'm not, but if I were a happy little Socialist what I would want to do is I would want to implement an economic policy that made the economy strong because I would get more government revenues to slop around to my friends. If the job of the government is to redistribute money, is to be experts at bailout, which it should not be, but if that is your goal at least you should adopt policies that are going to provide as much revenue to the government as possible.

In 2001 and 2002, if you took a look at the items that the economists would say were the big ticket items of George Bush, one was the war on terror and the other was the tax cuts. And people said, oh, look at all the money the government lost from the tax cuts. So you add the war on terror and you add the cost of the tax cuts, and what you find is that the money that the government was losing in 2001, 2002, and 2003, in terms of the economy being bad, was worse than the tax cut plus the war on terror. And so when the economy is bad, not only do people not have jobs and poor people suffer, and more well-to-do people suffer, governments suffer too. The governments don't have the money.

And if you happen to be a State governor and you have a balanced budget amendment in your Constitution, such as Missouri, you are in big trouble if you are the governor because you've got to do some serious cutting. And you're not going to be very popular when the economy goes bad and you happen to be a governor. On the other hand, if the economy's doing well it makes you look like a hero because you have plenty of money for everything and you can be benevolent. So when the economy goes bad it sinks all boats, everybody, including government's as well. So this level of deficit spending is unparalleled in our history, and it's going to destroy our country if we continue along the lines.

Here is one way of looking at the destruction right here. See when we have the Chinese buying up our debt, the Chinese are buying Treasury bills and the Chinese are happy because they're getting paid a certain number of percent by the Federal Government for every Treasury bill. And so they're willing to sit there quietly buying up America and they're getting their percent.

Well, what happens when we spend so much money that all the money that we're taking in with taxes can't afford to pay for what our debt service is? This would be the equivalent of you're at home and you've got these credit cards, the credit card companies really like you and everything, and so your family budget, well, you are spending a little more each month, a little more

each month, and pretty soon you find out when you add everything all up that you take a look at your credit card debts and the interest rate that you are paying on all those credit cards is more than the amount of money you make. What's that mean? That means you are in deep doo-doo. You are paying more in interest than you are getting in terms of how much money you make.

When the Federal Government gets to this point what's going to happen is that the amount of tax revenue is going to be less than what we're paying on all this debt that we're buying. That's another way of picturing the fact that these economic shenanigans that are going on cannot continue forever. People understand that. It doesn't make a difference if you are a liberal or a conservative. If you have any understanding of economics, you are going to say, look, this is not sustainable. And that's kind of where we are.

This is Social Security and Medicare. This is what their entitlements are going to cost. This is what the U.S. economy is. You can't sustain this with this. It just doesn't work. And so that's where we are. I started with the premise that the Democrat policies, the Democrat policies are actually destructive to the economy and they're destructive to creating jobs. And what are those policies? One after the other they are policies of increased taxation, more government programs, more government redtape. And the combination of those things, along with excessive Federal spending, basically creates a suction where there is no money in the economy for small businesses and you don't create any jobs. And that's what's going on.

So as I said as I began, it's not a coincidence that the 10 poorest cities in America, the cities that have the highest percent of people below the poverty level, have all been run by Democrats, some for over 100 years. And they keep electing Democrats because we don't understand the basic idea that jobs come from businesses. If you want a healthy economy and businesses, you're going to have to allow some people to prosper and just grit your teeth when you say it, some people are going to get filthy rich. But the benefit of allowing a few people to get wealthy means you are going to have some healthy companies and companies that are growing and hiring people. And when the economy does better, everybody prospers.

You got a guy on the street, just a little kid trying to make some money. He goes around mowing lawns. Now that kid, would he rather be mowing lawns in a rich neighborhood or a poor neighborhood? I would suggest the kid may be dirt poor, but he would do better in a neighborhood of millionaires because when he mows the lawn, they

are going to give him a little bit better price. Another neighborhood full of people that can barely afford putting food on the table, they're not going to pay him much to mow their yard for them. So when the economy gets better, it helps everybody. And when you drive the economy into the dirt, then everybody suffers at the same time.

We may not like it or not, but we're all hooked together in this great country called America. Now, I think there are some ways we could get a little bit philosophical here. I think there are some places where we as Americans have to take a look at our forefathers and maybe learn some lessons from them. Our forefathers bled and died and sacrificed greatly for freedom. Their understanding of freedom was maybe a little different than the way we are today in America.

Their understanding of freedom was a sturdy independence, a sturdy character of hard work and wise decision-making. Honest business transactions. Courtesy. A sense of neighborhood and community service. It was so many things that I heard in an Eagle Scout ceremony on Sunday. All of these virtues about being courteous and cheerful and hardworking and diligent and all these kinds of things. And that was the freedom of our forefathers.

It seems to me that to some degree now in America we've started to adopt an idea of freedom that it means that anybody can do anything they want regardless of whether it's very smart to do or not. And when things don't go well, we just want the government to come and bail us out. That's what I call bailout fever. I don't think that's the freedom of our forefathers. I don't think the idea is instead of saving for your retirement that you go out and buy the ski boat or whatever it is that you don't really have money to buy, you buy it on credit. And you buy a house too big for what you can afford, and then when things don't go right we say I'm a victim. Those rich somebody or others did this to me. It was George Bush's fault. No, it was the Chinese's fault. No, it's not my fault that I spent all that money on the ski boat. That's not freedom. That's not being responsible. Freedom doesn't mean do whatever you want to do and expect the government or somebody to bail you out and blame someone else. It doesn't mean you are dependent on the government or other people.

Freedom means that you have a right to certain basic inalienable rights, the inalienable right of life, to be alive so people don't kill you, and liberty so you have a right to free speech, to share with your neighbor what you think the truth is and to share your opinions. To be able to get in a town hall meeting and challenge people and say, where did you spend that money and why did we do that? We call it free speech. And to pursue happiness.

□ 1910

To pursue happiness, that means whatever gifts God gave you, whatever desires or interest that you can pursue that career, and you can succeed or you can fail based on whether or not you made good decisions, based on your being responsible.

When the Founders a couple of hundred years ago used the word "government," when they talked about government, they did not think about capitol domes. They did not think about Washington, D.C. They thought about the government that a man exercises over his own life, whether he was honest, hard working, trustworthy, whether he was friendly, whether he was a good citizen in the community, that was the use of the word "government."

Today, we tend to think of government in terms of capitol domes. We need to get back to the traditional view of things in America and not look at freedom as license to do things that are irresponsible and then ask Big Brother government to come pick up the pieces, because the government can't afford to do that anymore.

Recent statistics have just come out, I think it was the front page of the Wall Street Journal saying that in a good number of households in America, almost half of them, there is someone in the household that's getting government bailout of some kind, some type of government subsidy.

Now, obviously, if you keep doing that more and more, there is going to come a point where it doesn't work and that's what all of these graphs and charts are showing, that you can't continuously have the Federal Government spend more and more money without the wheels falling off of everything. We have come to that point, and the point has to be turned around not even so much by people in Washington, D.C. It has to be turned around by the good citizens of America that look back to the strong parts of our past that have made America such a unique Nation, a totally unique Nation in the history of the world, and we have to go back to those virtues and that self-government that's necessary to rebuild this country.

America was built by these crazy people that came here with all these crazy ideas. They didn't know what "can't" meant. They didn't know what "I can't do it" meant. They just tried. Some dream became a vague possibility, then possibility, and then eventually that dream became reality and America was built one dream at a time.

It became so common we gave it a name. We called it the American Dream. It was a phenomenon of freedom, of citizens being able to be free to succeed or fail without all kinds of government red tape, without excessive government taxation, without bureaucrats looking over your shoulder. They could go out and try. And a lot of them failed.

There was one guy, his name was Edison. He failed a lot. He was trying to make light bulbs. He made a hundred of them. Every one of them didn't work. When he got done with a hundred, he said, well, now I know a hundred ways not to make a light bulb, and he kept on trying. That was that American can-do spirit.

He doesn't ask the government to subsidize his light bulb company; he didn't go to the government for a bailout. He didn't say his mom didn't give him enough chocolate chip cookies so he was really a victim. No, he just went back to the drawing board and kept on working.

And that was the American Dream. So America became a more and more unique country. We came to be the oldest country with the written constitution that we have. We were known for going all over the world when there is a hurricane or a tragedy. Where there is a war where people are being oppressed, you find the American soldiers there helping out. And people around Europe can be cynical; but when there is trouble, they sure like it when America is around.

America was different in other ways too, and in its perhaps most important way America was unique because we were built on a religious principle. We believe that there is a God and that that God granted to all human beings certain basic fundamental rights. We wrote it in a thing called the Declaration of Independence.

We believe that every individual should have the right to be alive. You shouldn't just shoot people. People should have a right to be alive unless they do something terrible. Second of all, that they should have a right to liberty, the liberty to speak their own, to have the right to free speech and to own property, not to have their property stolen from them by the government and given to someone else.

We didn't believe it was ever the government's job to take money from one person and give it to the other. That was socialism, that was theft, that was immoral. You had the right to own what you worked hard for and you also had the right to pursue whatever it was that God had gifted you to do. If you were to be a singer, God would say go out and be strong and do a good job being a singer.

If you are going to be a businessman, be a good businessman. Treat your employees well. Work hard, be diligent. Don't waste; don't pollute.

If you are going to be someone who is a doctor, go to the top of your profession. Do a good job. Take care of people well. Come up with new procedures and new drugs so that people can be healthy.

And over a period of time the standard of living increased in America because we believed in these basic ideas, these traditions of America. But free-

dom never was a license to take from other people. It was never a license to make the government the big bailout expert.

That's not what our country was built on. And if we go back to this other approach, it doesn't work economically.

So Americans, again in November, they have a choice. You can believe all of the sophistry and the blame of George Bush and this and that, but we have seen the stimulus bill and it flat didn't work. We have seen the taxation of small businesses. We have seen unemployment go up and up and up, and people have a sense that all is not right economically at the tremendous rate we are spending money. They know that we can't keep on this path. And so the choice is to be made November.

Which approach are we going to take? I think the approach of our forefathers to have a sturdy, hard-work ethic, integrity and each person being responsible and accountable for their own decisions, and scaling back that Federal Government, I think a lot of Americans today believe that in an effort to maybe in a good intended effort to do right things.

We have made the government no longer a servant but a master. I think a majority of Americans now are threatened by the government. I think a lot of Americans realize the government is the problem, not the answer.

I believe those people are going to be rendering a verdict on that regard, into that regard. There is a point when the government becomes the master and not the servant. How close are we to that point? How much control do we really have to the machine that is promising so much more than anybody has any reasonable expectation that there is revenue to pay for?

How much control do you have when the government agent talks to you about runoff of water? How much control do you have when you want to look for a loan for your kid to go to college and the government is the only one doing it. The government is in the flood business; they are into the automotive businesses. We have got Government Motors now, not General Motors.

They are in the insurance business. The government is going to take over all of health care. How much do you want the government to run and how good a job have they done with the Post Office?

We have a Department of Energy, that's an interesting Department, isn't it, created to make sure that we are not dependent on foreign oil. Boy, I am sure glad we have got that Department working hard.

We have got a Department of Education. That's a wonder too. The government runs that Department of Education. I think the Wall Street Journal about 3 weeks ago said the ACT test

scores of kids that are being tested that want to go to college, 24 percent of them, are ready for college. That's amazing, isn't it? You have got a government product, State government and Federal Government product where 24 percent of them are acceptable.

If you bought gasoline and every tank of gas out of 100 tanks, 24 of them worked and the other 76 of them didn't work, you wouldn't buy gas there very much.

So we can let that government agency then run our health care? Is this what we really want in America? I don't think so. People in Missouri had a referendum on that socialized medicine bill, and they passed by 80 percent a measure to challenge that in court. It is unconstitutional to require people to buy health insurance, they be part of this big government bailout, socialized medicine boondoggle. They didn't want it.

And I have a feeling there is a whole lot of other States full of people who are tired of the government being the master and of the attitude that freedom means you can do whatever you want and if things go wrong you are going to live with the bailout.

We cannot continue the level of taxation that we have done. We have to start rethinking, and it doesn't start in Washington, D.C.

I think there are a lot of people that think if we got things right in Washington, D.C., everything would take care of itself. No, that's not right.

Freedom starts in the hearts of individuals that believe that God gives them basic rights. And when the Federal Government starts to take away the basic rights that God gives you, that's when there is really big trouble. That's where there is a clash; that's where true patriots stand up and say, enough already.

That's what happened in the War of Independence. That's what happened in the other wars of America's past. When people threatened our premise that God gives you certain basic rights, and they got in the way of that, that's when Americans stood up and they acted.

□ 1920

Today, there are a lot of Americans that are saying to our Federal Government, No, this is not what America is built on. Our government was built on justice. It was built on the concept that people are equal before the law. If you are a rich man or a poor man, it makes no difference. Everybody is equal before the law. That's not bailout fever.

We have given up justice and gone to socialism. It hasn't worked in Europe. It didn't work for the USSR, and it won't work for us. We need to go back to what works, and that is people are equal before the law and people are free to take a gamble and try to run their

business, and if it doesn't work, then they've got to pick themselves up and try again and not complain that they need more bailouts.

In short, there is a reason why there is unemployment today. There is unemployment today because it was created by government policies. And those government policies have to change. We have to take the chains off of American business, and we have to go back to the principles that work.

Well, we've talked about a couple of very philosophical kinds of things: Justice, which is a very important word. Justice does not mean that Lady Justice who has the blindfold over her eyes is peeking. It does not mean that she peeks and gives a special deal to one person or another person. We have created now, with the law, a special bill to create a whole bailout section of the Federal Government so Lady Justice can peek and give money to one person and maybe not to another.

What confidence does the individual American have that the government is going to come and bail them out when they need it? Is the government going to be there? Do you want to be servant to Big Government or do you want to be a free person? Do you want to breathe the fresh air, live in the fresh air and the sunshine of being free, knowing that you also have to be responsible? Or do you, instead, choose the gloomy path of the promise that the government will take care of you even though you know that it can't economically, or it will not take care of you well and allow you to live in some sort of pseudofreedom where you don't make responsible choices and you hope the government will take care of you when it doesn't work?

That's where we are as Americans. It has to start in our hearts. Freedom starts in the hearts of self-governing people who love God. They love their family and they love their country. And America is full of those people. And I have confidence, I have confidence that the American public still has a passion for freedom, still has a love for this country, still cares about the American Dream and wants to live in an environment where they can be free to exercise their God-given gifts and abilities. They want their children to grow up in a better condition than they are. They want to see civilization building and suffering going down. But the only way you can do that is you have to allow some people to prosper. You can't knock down all the businesses and anybody who makes money and expect to have jobs. You just can't do that. It doesn't work.

And so we come back as we started. Do you want jobs? Let's get rid of all this excessive taxation. Let's do what every President in the past has done when there is a recession—JFK, Ronald Reagan, Bush. Let's cut the taxes. That is what we've got to do. We've got to

change the regulations in the banking system so there's liquidity for businessmen to raise money. We have to create an environment where people aren't afraid of some new whacky idea coming down the pike and totally changing the business climate. We have to create a condition where people have confidence that there will be a stable government in this country which is not hostile to business, and we've got to cut the red tape and the government mandates.

What that means is we basically need to take a look at the Federal Government, and we need to say anything that the Federal Government does not have to do, it has to be just gotten rid of. We need to delegate it back to the States or the local governments. We've got to get the Federal Government out of all kinds of businesses they have no constitutional reason to be in, and we have to focus on the basic things, which are justice. We need to make sure there is a level playing field at home for people to do their work, and there has to be a secure environment internationally, which means we have to have national defense. Those are the basic functions of justice. Those should be the functions of limited government.

When the government gets too expensive, you have to go back and say, Wait a minute. Let's do the basics. Let's do the basics well, and everything else the Federal Government does not have to do, then let's get rid of it. That's where we have to be going. That's a clear path. It's something that's not going to happen overnight because it has to change in the hearts of Americans, in the families of America. In the churches and places of worship, there has to be an understanding that it's not the job of the government to take care of everything that goes wrong in everybody's life, because it won't work.

And then Washington, D.C., will change, reluctantly, but Washington, D.C., will change, and we will see a new America and a brighter day and a better day for Americans. We will see a place where people are employed and excited about their work and where there's a responsibility and a vigor and a vibrancy that was so common of the old Yankee that the Europeans used to make fun of. And once again, that Yankee will be back again, Yankee Doodle. They used to sing about it to make fun of us, but as we have seen tsunamis and hurricanes and all kinds of crises around the world, they like old Yankee Doodle to come to help them.

And so I'm proud to be an American. I know that you're proud to be Americans. We have to move back to the policies that made this country great.

And I see that a very good friend of mine, a former judge, a Congressman from the great State of Texas is here to join us before long, and perhaps he will carry on along these lines. I know he is

a man who loves God. He fears God. He loves his country, and he loves his family, and that's why I love him. And so I think the next hour will be exciting, and I urge you to stick with us here.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the ordering of a 5-minute Special Order speech in favor of the gentleman from Texas (Mr. GOHMERT) is vacated.

There was no objection.

LET'S FIX AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Mr. Speaker, it is always an honor to speak here on the House floor and have that opportunity that was provided by those willing to show the greatest love, according to Jesus, willing to lay down their lives for their friends, their countrymen, so that we could have these freedoms. And when you read the Declaration of Independence, it talks about we are endowed by a Creator with certain inalienable rights, and all men were created equal; now, not with equal talents, not with equal abilities, not with equal money or substances. That was not the point. In God's eyes, we are equal. In the eyes of the Creator, we are equal. And so we are supposed to do the best we can with what we've got.

And as my friend from Missouri was talking about light bulbs, I couldn't help but scratch my head because here in Washington, we are told that the most environmentally friendly majority in the history of the country is in charge now. But I wanted a light bulb that was incandescent so I can see better, because it takes so dadgum long for those others with the curl in there to warm up where you can see. And sometimes, there's a tiny closet there, and I flip the light switch on, well, I just need to flip it on and off. Well, now I've got to leave the energy on long enough so the bulb warms up to where I can see what's in there. And it's interesting, you can't find, you will not be provided an incandescent light bulb. And we read in the past week that the last incandescent manufacturing plant in the United States proper has now gone out of business.

So what have we done as the most environmentally conscientious Congress in history? We have got light bulbs that have mercury in them—mercury, the substance that does not go away. If you get mercury in your system, you don't get it out. If you get too much, it's lethal. It builds up over time. So what are we doing? We are raising the level of mercury as high as

we can get it, this lethal substance, and you say, what is going on?

□ 1930

How can we be environmentally friendly when we are forcing everybody on Capitol Hill to have mercury throughout their offices? It is just one of those things.

If we are all created equal, and the thing we are endowed with by our Creator, inalienable rights, life, liberty and the pursuit of happiness, nobody is guaranteed happiness, but the right to pursue happiness. Nobody is guaranteed, under our Declaration or under the Constitution, that everybody is going to share and share alike. That is called a socialist manifesto: from those according to their ability to those according to their needs. It is a lovely idea but it has never worked. It always goes bankrupt because as I found when I was in the Soviet Union as an exchange student talking to farmers who had not been out in their field all day on a great day, well, it was mid-morning, but to that point, that was prime time to work. When I spoke a little Russian back then, I asked, When do you work in the field? They laughed. One of them said I make the same number of rubles if I am out there, pointing out in the sun in the field that really looked bad, or if I am here in the shade. So I am here in the shade. That is why socialism doesn't work. If you pay somebody the same thing to be working out in the hot field, sweating and wearing themselves out, and pay them the same as if they sit in the shade and cut up with their friends, they are going to be in the shade.

The reason free market systems fail is not because a free market system doesn't work; it works beautifully. You do need a government to make sure that everybody plays fairly, not to take away from those who are able to produce more than others, not to kill the incentive for people to actually produce, but to provide a level playing field where everybody can compete equally. That is the job that we are supposed to have. That is the job of the government.

And we have gotten too busy in this body trying to tell everybody what they can do, and as the President says share the wealth, spread the wealth, you kill incentive and you kill productivity. So when you get right down to it historically, what always brings free market systems to an end is when a governing authority begins to meddle and ruin the free market system and start converting it over to a socialist system. And once a governing authority is able to manipulate the free market system over into a socialist system where you are trying to spread the wealth, you are killing incentive and you are creating class warfare, you are creating all kinds of problems. You are trying to do the things that this gov-

ernment is doing right now, and then you kill the free market system. Not because it doesn't work, but because you have now converted it to a socialist system, which always fails by its own weight. And then that obviously requires a dictator, somebody who forces a sharing of the wealth, a killing of incentives across the board so people do all they can to sit in the shade and not do anything and not produce and not help out their neighbors because they don't have to.

So it broke my heart to keep hearing our President talking about the rich, anybody making over \$200,000. He is talking about small business people. He is talking about people I have had come pleading to me: Stop destroying what I have spent my life building. I had nothing. I had nothing, worked 20 hours a day, put what little bit I had at risk and eventually was able to hire another employee and another employee and another employee. And finally I have in some cases 20, 30, or 140 in one case, one man that was talking to me, 140. Now he is down to about 60, I think he said. But you are killing me. You are killing my business. And you make people hate me because of how hard I worked and how much I sacrificed to build this small business. And in the process, you made me put 80 people out of work.

We should not be about class envy. The reason a free market society works is because there is fairness. When you have a government that is about fairness, then people compete. Entrepreneurship springs up all around and people comes up with ideas. It is worth risking what they have to make things work. That is free enterprise.

And when we have an administration that is so busy stirring up class envy and trying to get people to hate the people that have come to me and said, yeah, I have been making over \$200,000 a year. I have been pouring every dime back into my business. It grows and grows, and we have been able to hire more people. Now I have to lay them off, and you have got people hating me because they think I'm rich. And now you have a President that says I don't deserve the same tax rate that everybody else does. That I deserve to be punished because I took risk and I sacrificed and I grew my business and I hired people and I was fair to them and they loved their jobs and they worked hard, and it grew bigger and better and we had a great product. And now I have a President that is getting people to hate me and saying I don't deserve to pay the same rate as other people? I mean, how much must a person despise those kind of entrepreneurs who have built a business and created out of nothing. They worked hard with ingenuity and sacrifice, created a thriving business, how much must a President or an administration despise those people to say, I am willing not to help the

people that I call middle class if I have to give the same rate to the people that make above \$200,000. I am willing to punish the middle class and not let them have the same rate as they do now. I am willing to let their tax rates zoom up with the biggest tax increase in American history come January 1, I am willing to let that tax rate go up if you try to make me allow those entrepreneurs who have built a business on their own, if you try to make me give them the same tax rate as the middle class, because you see I want to punish them. They have made too much money. They took risks, they laid it all out there on the line.

One fellow talked about how he didn't even own his own trailer, those kinds of things. And he built a business, and now our President says he is rich and he needs to be punished. That is the way you end a free market system. You spread the wealth evenly from those who have risked it all and give to those who have been sitting in the shade watching them work. You kill the free market system. You kill the jobs.

So we have an administration out there saying we are all about jobs, that is our main focus. But by the way, we are going to push through this health care bill that the majority of America says don't, don't, don't, and they pushed it through. And then you see people laid off. So many people have come to me about family members, themselves, cuts in pay, laid off because the cost of the health care that was supposed to go down when this administration ramrodded and crammed this bill down America's throat without letting people truly understand all that was in it. You lose your country if it is based on a free market system when an administration and a Congress tries to make it socialist.

□ 1940

Now, I realize some people think, oh, Socialist is such a horrible word. It's really a very nice concept, actually. If you look at it, you know, we want everyone to share and share alike. Sometimes we're told that growing up: we want to share and share alike. As a parent, I tried to make sure that all three of our girls shared and shared alike, but if one of those children could take what she was given and parlay that into something even better and more productive, that was hers. Whether she shared it or not was completely up to her. I would encourage her to use and develop the talents and what she has been provided.

It is true, as an old preacher of ours used to say, that there are an awful lot of people around here who are born on third base and go through life thinking they hit a triple, and there is an arrogance that goes with that. Sometimes, if somebody comes from a poor family and has everything handed to him,

then he thinks he has hit a triple because somebody else placed him on third base.

Either way, we're supposed to never forget that the Founders believed—and most Americans according to the polls believe—that the blessings we have are a gift of God; and if we turn our backs on him long enough, though he is long suffering, patient and full of grace, eventually, he will say, Okay, you turned your back on me long enough. Now I turn my back on you, and you disappear. You head to the dustbin of history.

Now, I wasn't going to bring up this matter. I was very pleased that the President was talking about the tax holiday concept. The problem is he is bringing it up over a year and a half later than it was brought to his attention by me. I told him at the time, Look, you promised everybody a tax cut. You know, of course you put a \$250,000 cap on income. I don't think it ought to be there.

Moody's did an independent study. They said the tax holiday idea, the way I read it, increases the 1-year GDP more than any other stimulus proposal if we pass this stimulus, a tax holiday idea that just said, you know, for the next 2 or 3 months, every dime you make stays in your check and does not go to the Federal Government. You get to keep your income tax in your check. Whether you want to make it 2 or 3 months, you keep it. If we passed it today and if the President signed it today, tomorrow they would have that money in their checks. It wouldn't go to Washington.

At the time, it was going to cost so little money compared to the money the government was spending. In fact, that's where I got the idea in 2008. Of course, we had the \$700 billion Wall Street bailout, which was a huge mistake, and I hope our leaders do finally realize that, but it was a huge mistake. Both sides of the aisle had about half of their Members buying into it. \$700 billion. That could have provided 4 months of every worker in America getting every dime of their income taxes back, along with all of their Social Security money for those 2 months, and it would have let the employers keep the 2 months of matching money that they normally would have to put in to match what the workers put in. That would have given businesses a boost, and it would have given employees this tremendous boost.

We did a little survey of people in our districts: What would you do? Look at your check and at how much money is going to Washington. What would you do with it?

Some said, Look, we've got a gas guzzler, and it's worth less than what we owe for it, so we can't trade it in. We can't get another car. We're stuck. Yet, if we got 2 months of our own income tax in our checks, we'd be able to fi-

nally buy a good, fuel-efficient car. We'd be able to save money on gas in the future.

The truth is that GM and Chrysler wouldn't have needed to have been bailed out because people would have been out there buying cars. Actually, the idea for the tax holiday, when I had it in 2008, came from seeing that \$700 billion for the Wall Street bailout and then hearing here in Washington that, between the Federal Reserve and the things this government was going to do, it would probably end up costing between \$3 trillion and \$9 trillion just to try to get the economy going again. That's when I inquired: How much do we anticipate will be paid for the whole year of 2008 in Federal personal income tax? It was around \$1.21 trillion. \$1.21 trillion and \$3 trillion to \$9 trillion over here, maybe more. I like the \$1.21 trillion. It's at least three to 10 times cheaper, and it's people keeping their own money that they've earned. Then you wouldn't have needed all the bailouts, and everybody could have kept all of their income taxes for a whole year.

I don't like a government's not paying its bills as it goes along. It's not a good idea, but to say no personal income tax for a year when that is so much cheaper than what the Bush administration pushed with the \$700 billion bailout, with the \$800 billion that is now a \$900 billion porkulus bill, from January of 2009 under President Obama, and with the \$400 billion land omnibus bill the following week—all these stimulus packages, so-called—man, it would have been so much cheaper to have said, People, just keep all of your income taxes for a year.

Well, there weren't that many people here on Capitol Hill who felt like they could politically risk signing onto a full year of no income tax. Especially after January when we had the \$800 billion or the \$900 billion, my position was you could take the \$800 billion stimulus package and what was left of the original \$700 billion Wall Street bailout and pay for a whole year of no income taxes being paid. Just take the money from those stimulus packages and bailouts and use those to let everybody keep their own income taxes for a year.

John Shadegg was one. He loved the idea of having a whole year of no income tax. Boy, you talk about a stimulated economy. People would have been buying cars. They would have been eating out. They would have been buying products, buying new homes. Even with 2 months of people's own income taxes, Newt Gingrich's folks ran the numbers for me. He was very helpful. As I recall, an average family, just an average household in America, in just 2 months, was going to have around \$5,000 or so of extra money. Some people said, You know, we got behind on our mortgages when gasoline got to \$4 a gallon the year before, and we just

have not been able to catch up; but you let us have all of our income taxes for a couple of months, we'll catch up, and then you won't have to do all of these ridiculous government programs to try and save people's mortgages.

There are other things that need to be done, but I brought this up when I met the President back when he very first came to our Republican Conference, which was held down in the basement here in the Capitol. I said, Look, I don't care who gets the credit. You can put your name on it. Do it. Moody's says it will help the GDP more in one year than any proposal that has been proposed. Even our own leadership's proposal wasn't going to do that much good in one year in the Republican Party. I don't care who gets the credit.

I wouldn't have minded if he had taken the idea back then and had used it, but he waited over a year and a half and then started describing, virtually almost verbatim, the way I described it over a year and a half ago and then in some of the same speeches said, But you know what? The Republicans don't have any good ideas. Well, I don't care that somebody's taking credit. The old saying goes—Reagan said it often—it's amazing what you can get done here in Washington if you don't mind who gets the credit.

□ 1950

So I don't mind other people taking credit for the idea. I do mind when it's followed or even preceded by the words, "But Republicans don't have one good idea." I think we need to pray for the President's memory. I know the pressure is great. I know it's an awesome responsibility. It's easy to forget things. Boy, do I know that. My wife will sure tell you that. It's easy to forget things. But before you go alleging that Republicans have no good ideas, think for a moment where you got the idea you're proposing. That's what I would offer, Mr. Speaker. And we keep hearing the President and others here on the floor saying that Republicans have not one good idea. They're the Party of No. No good ideas. None at all.

None at all? We need to pray for people's hearing, because there are a lot of fantastic proposals that are being tossed out there that would be wonderful. We do need major tax reform. I'll never forget how depressed I was after I left the Republican annual retreat in early 2006. I had been elected, sworn in in January of 2005, and started Congress with all kinds of hopes and dreams of making the country a better place. A year later we're told, look, there's a tiny chance we might not have the majority next year. It's possible we could lose. We don't think it will happen. We know we had talked about major tax reform this year, but instead we're going to just try to get through this year, not do anything big

that will make people mad one way or the other, keep the majority next November, and then we'll come back in January 2007 and do the major stuff like major tax reform.

Well, we've lost a lot of people who have been defeated since then, because America wants to see us keep our promises. There have been a lot of promises made by this administration, this majority, of things that were going to be done. Even on the crap-and-trade bill that passed here last year, the promises were made over and over: Oh, no, this bill is not going to cost jobs. It's going to create jobs. Create green jobs. After seeing what the people in charge have done in taking away incandescent light bulbs, it makes me wonder, are those green jobs going to have to carry around mercury, too, or what?

The American people are letting it be known, they're not happy with people not keeping their promises here. Actually the truth is, I have a real fear as a Republican that we only get the majority back one more time in my lifetime and if we do not keep our word this time, we'll never get it back again in my lifetime.

There are some great ideas. There are things that should be done. We've talked about balanced budgets for years. And there are some in the prior administration that equated compassion with paying money. There are an awful lot of people in the current administration that equate compassion with giving away somebody else's money. But that's not compassion. That's hurting free enterprise, killing incentive, killing jobs. And when you take away somebody's job, you have hurt them. Psychologists say that's one of the most devastating blows to a person mentally, emotionally, to lose a job. Losing a spouse is up there. Losing a child is right up at the top. But losing a job is one of the most devastating things that can happen. And here we keep doing things over and over.

The crap-and-trade bill is still hanging out there. The rumors are there could be a lame duck session and people that have lost their seats, who were afraid to vote for it before in the House or Senate will vote for it in a lame duck session because they've already been voted out, they've got nothing to lose, and maybe hoping if they vote for it in November or December, maybe the administration will give them a job if they really cater to them and help them do that. That would be disastrous. But if you go back and read the crap-and-trade bill, as I did, you find out that back there it seemed like—and I read from it, standing right over there—around page 900 and something, there was a fund that was created in the bill that would reimburse people or give them a little allowance for those people who lost their jobs as a result of that bill being passed.

Now I know my friends across the aisle who stood up over and over and said, no, this isn't going to cost jobs, this is going to create green jobs, they obviously had not read the bill because I know them well enough to know, they wouldn't have stood up and intentionally lied. They wouldn't have done that. It's just that they had not read the bill so they were not aware that whoever's staffer or special interest group wrote that bill, they knew people would lose their jobs and that's why they were creating a fund in the bill to give an allowance to people that lost their jobs as a result of the bill. And as I pointed out then, the good news, I guess, to those that voted for that bill is that if it becomes law, no doubt in my mind, a lot of the people that voted for that bill will lose their job as a result of voting for that bill, and they've got an argument that they're entitled to funds from the bill for losing their job as a result of the bill. So they may have created a fund that will help them out.

But we should have a balanced budget amendment, and it's a shame on the Republicans for not getting that done when we had the White House, the House and the Senate. We should have gotten it done. Shame on the Republicans for in the last administration when we had the majority agreeing to tax cuts that we knew would stimulate the economy and but for those tax cuts we would have gone into a massive depression. But the economy was stimulated, and we brought more money into the Federal Treasury than had ever been brought into the Treasury; but the problem is we spent more than had ever been spent in history—up until, of course, this administration. And whereas I can remember being over here on this side and hearing colleagues beat up on Republicans because we were in the majority and to have a \$160 billion deficit was unthinkable, it was just so irresponsible—until, of course, the Obama administration, the Democratic majority, and then actually 10 times that much of a deficit is okay. It was not okay at \$160 billion and it's certainly not okay at 10 times that.

People in the American public were promised change, and yet what they got was not really change; they got 10 times more of what they had before. I don't know why President Bush is being demonized, because this administration and this Congress is pushing 10 times more of exactly what the prior administration did. So instead of condemning the Bush administration and the Republican majority, they ought to be rightfully saying, you know what, we thought you had a good idea when you ran up a \$160 billion deficit, that was such a good idea, we have gone 10 times that, and we're really running up a deficit now.

Shame on Republicans when we had the chance in 2005 and President Bush

ran on shoring up Social Security. Now there was all kinds of discussion of privatization; what does it mean, what is it really going to do? And by September of '05, it was obvious the President's political capital was gone and what he had hoped to do would not be done. But I still had hope, because I knew what had been done with the Texas employment retirement system. They took real money from people's checks that were supposed to go toward retirement and put it in a retirement account. Real money in a real retirement account. Now that was invested and it got hit pretty hard after 9/11. It got hit very hard after "Chicken Little" Paulson ran around and said the financial sky was falling if we didn't give him the \$700 billion slush fund he wanted, and so the market fell 777 points in one day, a self-fulfilling prophecy, and the money lost by everybody that had anything invested.

There was one Republican that I went to because he was so well respected for his business and financial mind, and I said, Look, I've talked to a lot of Republicans and I've talked to some Democrats. Something we could get through here even in September of '05 was a bill that had one thing in it that just said, Social Security tax money for the first time in the history of Social Security, since its inception in the late 1930s, will require that that Social Security tax money be put into the Social Security trust fund.

□ 2000

I don't want to hear any ridiculous talk about lock box. There's never been one. I want one. I want there to be Social Security tax money put into the Social Security Trust Fund and stop putting IOUs in there, markers that are noninterest bearing, and we have to borrow 42 cents out of every dollar that we spend. Stop it already.

Now, to put the Social Security tax money into the Social Security Trust Fund will require us to actually make some tough calls. And since this majority condemned us all the time for spending too much money, then I think a good idea would be to go back to the budget of 2006. I know some are talking about 2008. I think it ought to be 2006. We'll go back to that budget. And I think that would help us maybe take care of the issue and get us a good start of being able to put all of the Social Security tax money into the Social Security Trust Fund.

Now, the Republican is so brilliant he told me that we could never do that. I was shocked. Why not? Because the government would probably buy bonds with it. They'd be the biggest bondholder. We could never allow that to happen. Well, not really. We could create a treasury note that's interest bearing. So it's not risky. It doesn't put the Social Security Trust Fund at risk. That money makes interest. And

it's there, and we stop having a Ponzi scheme. A very simple idea, and a Republican has proposed it. But when we were in the majority, our leadership didn't go for it, but I hope and pray they will if we get the majority again.

Health care. Boy, we've seen what the ObamaCare bill has done to health care. And even though people were promised there would be no rationing, then we put a doctor in charge of it who's talked about, as I recall, not whether there would be rationing but when and who would be rationed. So all of the promises about no rationing, apparently those were not true. And it could be going back to the problem I alluded to earlier. We need to pray for the President's memory so he can remember those things that were promised.

Now, another Republican idea—and I think everybody on this side of the aisle has signed on to it, is in support of it, is an energy bill, an energy plan that says use what we've got. Make sure that when coal is used that it doesn't harm the environment. Put scrubbers on there to make sure that it goes in the environment clean and we don't harm the environment. We can do that.

Use uranium. Use nuclear facilities like we do with our ships and our submarines. It works. That's why we have sailors who are able to go underwater on submarines and stay submerged for 6 months. I was told by some of my friends from A&M that went in the Navy and were on subs underwater 6 months at a time. And he said, You know why we have to come up every 6 months? I said, I assume, to refuel.

Oh, no. Those submarines could stay underwater just on and on and on. We have to come up so that the crew doesn't go crazy, because the nuclear subs could just stay under there as long as they needed to from a practical standpoint.

But there's a source. Most of America didn't notice when our committee voted to put the second-largest source of uranium in this country off limits. People in Louisiana, Republicans and Democrats alike, have been screaming out, You are doing more damage to our State with the moratorium on gulf drilling than the oil spill did.

And when you hurt an economy and you put people out of work, tragically they don't care about the environment. They're just trying to survive. The only countries that can really do much about the environment are those who have such a prolific economy that they can take care of it. But when you have people out of work and they're just living hand to mouth and they're trying to get by, they don't care about the environment because their economy doesn't allow it.

Now, I and, as far as I know, everybody on this side of the aisle wants to develop alternative energy sources. But

what a great idea, and it's been proposed, and we pushed it over and over. Instead of raising taxes and—as the President's promise would happen when he was running for office—having energy prices skyrocket if we use coal to make power, instead of doing those things—and as one 80-something-year-old lady told me from east Texas, I was born and raised in a house with no electricity. We had a wood-burning stove. And now the price of energy has gotten so high, I'm going to have to let it go. I can't pay for it. And it looks like I may end up going out of this world the way I came in, in a home with a wood-burning stove and nothing else, no other power, because people are wanting the prices to skyrocket. And that poor woman, not to be able to pay for her energy bill. No, that's no good way to do it.

God blessed this country with more natural resources than any other country in the world. Yeah, the Middle East, they may have more oil with things that are being found around the world, who knows. But we have massive amounts of natural gas, maybe the most coal in the world. We've got nuclear power. We've got wind power. We've got solar. We've got all kinds of things, so many things that can be harnessed.

But if you use the energy with which we have been blessed and designate—I don't care if it's 25, 50 percent of the royalty that we get back from the energy or from the mining or whatever it is, designate that that will all be used to find and research and develop alternative energy sources, so that when we run out—it will be well before we run out. We've got over 100 years of natural gas that's been found and finding more all the time. Before we run out, we'll be able to convert to alternative energy without raising anybody's taxes, without making any 80-year-old women living alone have to go without power, keep the power prices down. That's a Republican solution. And I have friends on the other side of the aisle over here that would sign on to that if their Speaker wouldn't punish them for doing so.

Another idea. I know it's not popular with the administration, but we call it the U.N. Voting Accountability Act. Very simple. It says, in essence, recognize the fact, first of all, that every country is sovereign. You can make your own decisions. We're not going to tell you what to do in your country. We shouldn't. But any country that votes against the United States' position in the U.N. more than half the time, the following year will get no financial assistance from us.

As I've said before, you don't have to pay people to hate you. They'll do it for free. And there are some countries that we keep pouring cash into thinking they'll end up loving us because we'll buy it. Not only do they not love

us, they have even greater contempt because they know we know they don't like us and yet we're just pouring money into them. It makes them not only not like us; it makes them have no respect at all for us. It's so unnecessary.

Something that should have been passed in 2006 when we had the majority and we had the chance and some of the people that said they would not let it go through are no longer here—some are—it's a zero-baseline budget bill. It just says there are no automatic increases in any Federal departments' budgets. There's a Republican solution for you. If you want your budget increased in the Federal Government, you have to come justify it, and we ought to put those budgets online where people can watch them like—I think the President put it this way, that he was going to go through the budget line by line with a fine-tooth comb. He was going to put JOE BIDEN in charge of doing that, too. They were going to get rid of everything that was waste.

□ 2010

Well, that hasn't happened yet. Since he is an honest man, I am sure it will eventually happen. But it sure hasn't happened yet. But it would sure happen if you let Americans see every Federal department's budget, how they were spending their money, put it up online, make them put those purchases online the way Congress is now doing. There would be people watching all right.

And if we had a tax holiday and people saw for a couple months how much money they were actually sending to Washington, they would demand it. And they would be watching to see how every Federal department was spending money.

And hey, I got another one for you. This is a Republican proposal from this Republican. Our leaders have not endorsed this. I am just tossing this out. But you know, we had to come in here in August, it cost an awful lot of money to turn all the lights back on, do everything to go back into session, but we did just so that we could get \$10 billion extra to go to the Department of Education to help so-called teachers. Well, it turns out across America only about 50 percent of all the public education employees are teachers.

Well, if you did away with the Department of Education here in Washington and kept that, \$68 billion I believe is what we are spending this year, and divided it among the less than 14,000 independent school districts in America, I am open to a good formula how to do that, just average it would be between \$5 million and \$6 million dollars for every school district in America. Most school districts could really use that money. And boy, that would help education. You wouldn't need near as many bureaucrats because

there wouldn't be as many decrees from on high here, Mount Olympus here in Washington. The local school districts would be able to comply with the Constitution, because the Constitution does not enumerate education as a power in the Constitution, which under the 10th Amendment means it's reserved to the States and to the people, the local folks.

Another idea—they say we've got none—another idea, after having been to China years ago and having talked to CEOs about why you went. The corporate tax here is 35 percent. You lump on some of the State income taxes, you lump on local property taxes, all of the taxes, some of them are paying 40 percent, 50 percent in tax for their companies, competing with countries like China that don't exceed 17 percent. And if they are a big enough company moving over from anywhere in the U.S. to China, they'll cut you a deal, no income tax for a while, because they get it.

If we dropped our corporate tax to 12 percent, I have had CEOs with major companies say we would be rebuilding a plant in the U.S. almost immediately when we went to a 12 percent corporate tax. And what would happen? More and more people would go back to work, and more and more people would be able to pay their taxes. And more and more revenue would come into the Federal Treasury. And then we would be able to buy more and more of those mercury lights that are going to create such a problem for the environment.

There are a lot of very good solutions. And so I don't mind somebody taking my idea. I love it. I think it's the highest form of flattery. But I don't appreciate it when it's followed up with a comment that we have no ideas, no solutions. We've got a lot of them. We just aren't allowed to make amendments on the floor to get those to the floor where they could pass.

I want to finish tonight with a tribute. It is a great honor for me to recognize one of America's greatest songwriters in our Nation's history, who turned 70 years of age this week. He is a man to whom we are indebted for many of the songs that lifted us, especially those of us who are baby boomers, from our low points because his songs spoke our feelings. They spoke our despondence, our hopes, our joy, and especially the joy that comes from loving other people.

I had not met Paul Williams until recent years, but I knew the man well through his lyrics. I have known the man through his lyrics for decades. The hauntingly clear and comforting voice of Karen Carpenter shared some of his songs and expressed our hearts that we had only just begun to live. White lace and promises. A kiss for luck and we're on our way.

For those of us who have loved, he expressed for us to the one we love that

we won't last a day without you. And that all we needed was just an old-fashioned love song coming down in three-part harmony, one I am sure they wrote for you and me. Or that we had so much in common because we were all building a home for the family of man.

Paul Williams expressed for us through the voice of Barbra Streisand that wonderful love could be soft as an easy chair, love fresh as the morning air, one love that is shared by two. I have found with you. Like a rose, under the April snow, I was always certain love would grow. Love, ageless and evergreen, seldom seen by two.

Even though Paul had not yet recognized that he had a drinking problem, he forecast years down the road as a recovering alcoholic in that song with the words every day a beginning. Paul has now done that for over 20 years, as he has made each day a beginning. He knew for many of us that rainy days and Mondays always get us down. And some days it truly did feel that it was, through Helen Reddy's voice, you and me against the world. Sometimes it feels like you and me against the world. When others turn their back and walk away, we could always count on you to say just the right thing, Paul Williams. But for all the times we cried, you always felt the odds were on our side, and we found consolation in that.

Paul Williams asked the ongoing question through the voice of Kermit the Frog as to why are there so many songs about rainbows? And what's on the other side? Well, someday we'll find it, the rainbow connection, because Paul is a lover, a dreamer like me.

Paul, of course, is widely considered one of our most prolific, talented, creative singer-songwriters. He has won awards called Oscar, Grammy, and Golden Globe on multiple occasions, and was nominated for these awards—more than 20 times he has been nominated over the span of his illustrious musical career. Even though he also wrote the theme for "The Love Boat," he nonetheless is deeply loved by so many like me who carry his lyrics in our hearts for life.

As a further attestation of his talent and wide-ranging artistic scope and appeal, his songs have been recorded by a diverse array of our most famous classic and modern musicians such as Elvis, Frank Sinatra, Willie Nelson, Ella Fitzgerald, Ray Charles, Tony Bennett, Sara Vaughan, Luther Vandross, R.E.M., and Jason Mraz, among so many others, in addition to the ones I mentioned already tonight. But this House has time restraints, so there is not enough time to mention all of them.

But additionally, Paul has appeared as an actor in many movies and has been a favorite on television shows. He

was one of the most frequent guests on Johnny Carson's "Tonight Show." I used to love to watch him. Always he had the most contagious sense of humor that caused viewers instantly to smile when he was introduced as a guest, because you just knew you were going to laugh. You always knew you were going to laugh with him in the room.

On one such occasion he was a guest on "The Tonight Show" with Burt Reynolds. The chemistry was extraordinary and hilarious. It was only days later when Burt Reynolds called Paul, impressed with how much fun they had had together. He wanted to get with Paul, with Johnny Carson's beloved writer Pat McCormick, plus a few other favorites like Sally Field, Jackie Gleason, and Jerry Reed and others and make a movie. They did. And the fun they had making that movie came across from the screen to the audience, which made it one of the most successful movies in history.

□ 2020

It was called "Smokey and the Bandit."

There were other Smokey sequels, but that first one was the best. Paul said, Billy Bob Thornton told him that in the South "Smokey and the Bandit" is not considered a movie, it's considered a documentary. Though some identify him in the movies as the short guy, I personally know him to be a full 10 feet tall.

In recognition of Paul's significant and long-lasting musical impact, he was inducted in 2001 into the Songwriters Hall of Fame, and he is currently serving as the president and chairman of the board of the American Society of Composers, Authors and Publishers, ASCAP.

But Paul will tell you that having hit rock bottom through his drinking, God blessed him even still. He lifted him and gave him new life with an even more infectious joy. He became a Christian and although some alcoholics fear that they will not be nearly as creative without drinking, Paul showed that's absolutely not the case.

Like virtually all creative geniuses, though, he has known times when he had trouble writing. On one such occasion he went to Nashville, collaborated and out came one of the most touching and autobiographical songs which became a huge hit for Diamond Rio. The words reflected a part of his own struggle with alcoholism and his recovery, though the woman who made him face the truth was not waiting for him when he completely sobered up and dried out. The words say it better than I can:

"I said, Hello, I think I am broken, and though I was only jokin', you took me by surprise when you agreed. I was trying to be clever, for the life of me I never guessed how far a simple truth

would lead. You knew all my lines; you knew all my tricks; you knew how to heal that thing no medicine can fix. And I bless the day I met you, and I thank God that He let you lay beside me for a moment that lives on. And the good news is I'm better for the time we spent together. The bad news is you're gone.

"Looking back it's still surprising, I was sinking; you were rising, and with a look you caught me in mid-air. Now I know God has His reasons, but sometimes it's hard to see them when I awake and find that you're not there.

"You found hope in hopeless; and you made crazy sane, you became the missing link that helped me break my chains. And I bless the day I met you, and I thank God that He let you lay beside me for a moment that lives on. And the good news is I'm better for the time we spent together. The bad news is you're gone."

And Paul knows, however, that all things work together for good for those who love God and are called according to His purpose. But that doesn't mean that everything is good; it's certainly not. But thankfully things have worked out so that Paul has been a gift to this planet and to the millions that he has touched.

Paul has a true driving passion for his family, for his work as a drug rehabilitation counselor with Musicians' Assistance Program, a nonprofit program created by and for the benefit of musicians to help them overcome their substance abuse issues. In 1989 Paul obtained his certification as a drug rehabilitation counselor from UCLA and has for the last 20 years been actively imparting the lessons to others that he had to learn himself the hard way.

He has been given a number of awards for his humanitarian efforts and remains a shining example of someone who has used fame not for self-centered ends but to promote the well-being of others. He is indeed devoted to his church, to the Lord, and just as I found out after I got dumped in college by my girlfriend, God had something else waiting that was supposed to have been all along.

One of the great mysteries in this world, though, is that it is only after a broken heart so often that our hearts are stretched enough and then mend even bigger with a greater capacity for loving others. And so it was with Paul. Subsequently he met and married Mariana. They are happily married and have the deepest love for and pride in their wonderful family.

Though he is a Democrat by political affiliation, he, just as Jesus did, can mingle and feel right at home even with the least of these, like me. His favorite anonymous quote, apparently he is one we can all take to heart with our interactions with one another, "Care deeply; give freely; think kindly; act

gently; and be at peace with the world."

One of my favorite quotes is: "Before the rising sun we fly; so many roads to choose, we start out walking and learn to run. We've only just begun."

We are so grateful that the good Lord led Paul down a road of expressing what we felt, though Paul expressed it in a way we never could. But we can certainly sing, even though some of us should do so only privately.

But it is also true, as Paul wrote, "Time won't change the meaning of one love." And though 70 years of age this week, Paul Williams is ageless and ever, ever green.

Here in the CONGRESSIONAL RECORD for all the world to read, as long as there is a United States, it will ever be recorded that Paul Williams lived, laughed, loved, and was immensely helpful to those around him doing the same thing; and hopefully he will be around the rest of my life to add the music to my life.

And, yes, to borrow from another of his songs: "As a traveling boy, Paul was only passing through, but we will always think of you."

God bless you, Paul, for blessing us. Happy birthday.

I yield back.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SPEIER) to revise and extend their remarks and include extraneous material:)

Mr. ETHERIDGE, for 5 minutes, today.

Mr. BRIGHT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. SPEIER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. KENNEDY, for 5 minutes, today.

Ms. VELÁZQUEZ, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, September 22.

Mr. JONES, for 5 minutes, September 22.

Mr. COFFMAN, for 5 minutes, today.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 27 minutes p.m.), the House adjourned until tomorrow, Thursday, September 16, 2010, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second quarter of 2010, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Alcee Hastings	5/28	6/1	Qatar		456.00		8,990.00				9,446.00
	6/1	6/3	Belgium		896.00						896.00
Alex Johnson	5/28	6/1	Qatar		456.00		8,640.60				9,096.60
	6/1	6/4	Belgium		1,344.00						1,344.00
Dr. Mischa Thompson	5/31	6/4	Belgium		1,792.00		1,005.70				2,797.70
Committee total					4,944		18,636.30				23,580.30

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ALCEE L. HASTINGS, Chairman, July 28, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Betsy Markey	4/8	4/9	UAE		389.00						389.00
	4/9	4/10	Pakistan		360.00						360.00
	4/10	4/11	Afghanistan		78.00						78.00
	4/11	4/12	UAE		0.00		9,672.10				9,672.10
Per diem returned					324.00						324.00
Committee total					503.00		9,672.10				10,175.10

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. COLLIN C. PETERSON, Chairman, July 31, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Ed Pastor	4/5	4/7	Mexico		645.00						645.00
Commercial airfare							631.48				631.48
Hon. John Salazar	4/7	4/8	United Arab Emirates		262.91						262.91
	4/9	4/10	Pakistan		257.62						257.62
	4/10	4/11	Afghanistan								
	4/11	4/12	United Arab Emirates								
Commercial airfare							9,637.10				9,637.10
Hon. Jack Kingston	6/1	6/2	Cote d'Ivoire		240.00						240.00
	6/3	6/3	Ethiopia		379.28						379.28
	6/4	6/4	Kuwait		310.75						310.75
	6/5	6/7	Italy		909.12						909.12
							⁽³⁾				
Hon. Lincoln Davis	5/29	5/30	Kuwait		410.00		20.70				430.70
	5/30	5/30	Iraq								
	5/30	6/2	Qatar		996.00						996.00
	6/2	6/5	Syria		819.33						819.33
	6/5	6/6	Lebanon		62.00						62.00
	6/6	6/6	Germany								
Commercial airfare							8,060.70				8,060.70
Misc. Embassy costs								1,101.97			1,101.97
Hon. David Obey	5/29	5/31	France		939.89		564.71				1,504.60
	5/31	6/2	Norway		826.24		192.39				1,018.63
	6/2	6/3	Ireland		249.49						249.49
							⁽³⁾				
Misc. Embassy costs								1,095.30			1,095.30
Hon. John Oliver	5/29	5/31	France		939.89		564.71				1,504.60
	5/31	6/2	Norway		826.24		192.39				1,018.63
	6/2	6/3	Ireland		249.49						249.49
							⁽³⁾				
Misc. Embassy costs								1,095.30			1,095.30
Hon. Ed Pastor	5/29	5/31	France		939.89		564.71				1,504.60
	5/31	6/2	Norway		826.24		192.39				1,018.63
	6/2	6/3	Ireland		249.49						249.49
							⁽³⁾				
Misc. Embassy costs								1,095.30			1,095.30
Hon. Tim Ryan	5/29	5/31	France		939.89		564.71				1,504.60
	5/31	6/2	Norway		826.24		192.39				1,018.63
	6/2	6/3	Ireland		249.49						249.49
							⁽³⁾				
Misc. Embassy costs								1,095.30			1,095.30
Hon. Kay Granger	5/29	5/31	France		939.89		564.71				1,504.60
	5/31	6/2	Norway		826.24		192.39				1,018.63
	6/2	6/3	Ireland		249.49						249.49
							⁽³⁾				
Misc. Embassy costs								1,095.30			1,095.30
Hon. John Carter	5/29	5/31	France		939.89		564.71				1,504.60
	5/31	6/2	Norway		826.24		192.39				1,018.63
	6/2	6/3	Ireland		249.49						249.49
							⁽³⁾				
Misc. Embassy costs								1,095.30			1,095.30
Hon. Betty McCollum	5/29	5/31	France		939.89		564.71				1,504.60

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010—

Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
	5/31	6/2	Norway		826.24		192.39				1,018.63
	6/2	6/3	Ireland		249.49						249.49
Misc. Embassy costs							(³)				
Beverly Almaro Photo	5/29	5/31	France		939.89		564.71		1,095.30		1,095.30
	5/31	6/2	Norway		826.24		192.39				1,504.60
	6/2	6/3	Ireland		249.49						1,018.63
							(³)				249.49
Misc. Embassy costs									1,095.30		1,095.30
John Blazey	5/29	5/31	France		939.89		564.71				1,504.60
	5/31	6/2	Norway		826.24		192.39				1,018.63
	6/2	6/3	Ireland		249.49						249.49
							(³)				
Misc. Embassy costs									1,095.30		1,095.30
Marjorie Duske	5/29	5/31	France		939.89		564.71				1,504.60
	5/31	6/2	Norway		826.24		192.39				1,018.63
	6/2	6/3	Ireland		249.49						249.49
							(³)				
Misc. Embassy costs									1,095.30		1,095.30
Anne Marie Chotvac	5/29	5/31	France		939.89		564.71				1,504.60
	5/31	6/2	Norway		826.24		192.39				1,018.63
	6/2	6/3	Ireland		249.49						249.49
							(³)				
Misc. Embassy costs									1,095.30		1,095.30
Celes Hughes	5/29	5/31	France		939.89		564.71				1,504.60
	5/31	6/2	Norway		826.24		192.39				1,018.63
	6/2	6/3	Ireland		249.49						249.49
							(³)				
Misc. Embassy costs									1,095.30		1,095.30
Commercial airfare	6/1	6/4	Iraq						35.00		35.00
							7,239.35				7,239.35
Committee total					27,463.83		33,917.43		13,185.27		74,566.53

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. DAVID R. OBEY, Chairman, July 30, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Visit to Philippines, Cambodia, Singapore, Taiwan, Thailand, April 3–10, 2010:											
Hon. Loretta Sanchez	4/4	4/6	Philippines		474.00						474.00
	4/6	4/8	Singapore		155.00						155.00
	4/7	4/7	Thailand								
	4/8	4/9	Cambodia		232.15						232.15
	4/9	4/12	Taiwan		582.90						582.90
Commercial airfare							14,495.70				14,495.70
Timothy McClees	4/4	4/6	Philippines		474.00						474.00
	4/6	4/8	Singapore		155.00						155.00
	4/7	4/7	Thailand								
	4/8	4/9	Cambodia		232.15						232.15
	4/9	4/12	Taiwan		582.90						582.90
Commercial airfare							12,929.90				12,929.90
	4/4	4/6	Philippines						³ 339.02		339.02
	4/7	4/10	Thailand						³ 75.87		75.87
	4/8	4/9	Cambodia						³ 703.32		703.32
	4/9	4/12	Taiwan				32.66		³ 1,486.66		1,519.32
Visit to Afghanistan, Pakistan, Qatar, United Arab Emirates, April 4–10, 2010, with CODEL Carper:											
Hon. Rob Wittman	4/6	4/7	United Arab Emirates		143.00						143.00
	4/7	4/8	Afghanistan		28.00						28.00
	4/8	4/11	Pakistan		262.00						262.00
Commercial airfare							8,179.10				8,179.10
Thomas Hawley	4/6	4/7	United Arab Emirates		143.00						143.00
	4/7	4/8	Afghanistan		28.00						28.00
	4/8	4/11	Pakistan		262.00						262.00
Commercial airfare							8,179.10				8,179.10
Visit to United Arab Emirates, Afghanistan, May 29–June 1, 2010:											
Hon. Larry Kissel	5/29	5/30	United Arab Emirates		143.00						143.00
	5/30	5/31	Afghanistan		23.00						23.00
	5/31	6/2	United Arab Emirates		273.18						273.18
Commercial airfare							5,698.10				5,698.10
Hon. John Kline	5/29	5/30	United Arab Emirates		143.00						143.00
	5/30	5/31	Afghanistan		28.00						28.00
	4/8	4/11	United Arab Emirates		286.00						286.00
Commercial airfare							9,198.10				9,198.10
Hon. Frank Kratovil, Jr.	5/29	5/30	United Arab Emirates		115.00						115.00
	5/30	5/31	Afghanistan		28.00						28.00
Commercial airfare							5,698.10				5,698.10
Hon. Duncan Hunter	5/29	5/30	United Arab Emirates		143.00						143.00
	5/30	5/31	Afghanistan		28.00						28.00
Commercial airfare							9,198.10				9,198.10
Hon. Martin Heinrich	5/29	5/30	United Arab Emirates		143.00						143.00
	5/30	5/31	Afghanistan		28.00						28.00
	5/31	6/2	United Arab Emirates		286.00						286.00
Commercial airfare							5,698.10				5,698.10
Robert DeGrasse	5/29	5/30	United Arab Emirates		143.00						143.00
	5/30	5/31	Afghanistan		28.00						28.00
	5/31	6/2	United Arab Emirates		286.00						286.00
Commercial airfare							5,698.10				5,698.10
Aileen Alexander	5/29	5/30	United Arab Emirates		143.00						143.00
	5/30	5/31	Afghanistan		28.00						28.00
	5/31	6/2	United Arab Emirates		286.00						286.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Commercial airfare							9,198.10				9,198.10
Visit to Iraq, Kuwait, May 31–June 4, 2010 with STAFFDEL Hughes:											
Michael Casey	6/1	6/3	Iraq								
	6/3	6/3	Kuwait								
Commercial airfare							7,168.60				7,168.60
Roger Zakheim	6/1	6/3	Iraq								
	6/3	6/3	Kuwait								
Commercial airfare							7,168.60				7,168.60
Visit to Cote D'Ivoire, Burkina Faso, Ethiopia, Kuwait, Afghanistan, Italy, June 1–7, 2010, with CODEL Inhofe:											
Doug Lamborn	6/2	6/3	Cote d'Ivoire		36.00						36.00
	6/3	6/3	Burkina Faso								
	6/3	6/4	Ethiopia		53.00						53.00
	6/4	6/5	Kuwait		59.00						59.00
	6/5	6/5	Afghanistan								
	6/5	6/7	Italy		224.00						224.00
Visit to Korea, Vietnam, June 8–19, 2010:											
Craig Greene	6/9	6/11	Korea		667.86						667.86
	6/11	6/18	Vietnam		673.00						673.00
Commercial airfare							7,767.70				7,767.70
John Chapla	6/9	6/11	Korea		592.86						592.86
	6/11	6/15	Vietnam		751.34						751.34
Commercial airfare							7,767.70				7,767.70
Committee total					9,392.34		124,075.76		2,604.87		136,072.97

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Indicates delegation costs.

HON. IKE SKELTON, Chairman, July 31, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. <input type="checkbox"/>											

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. GEORGE MILLER, Chairman, Aug. 3, 2010.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Cliff Stearns ³	4/30	5/2	Italy		375.66				327.33		702.99
Committee total											

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Did not travel due to late votes on departure date. Expenses are cancellation fees.

HON. HENRY A. WAXMAN, Chairman, July 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. <input type="checkbox"/>											

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BARNEY FRANK, Chairman, July 23, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Jasmeet Ahuja	4/30	5/1	Qatar		390.44						390.44
	5/1	5/2	Afghanistan		78.00		(3)				78.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Round-trip airfare	5/2	5/4	Pakistan		611.36						611.36
Douglas Anderson	5/30	6/3	South Korea		1,278.00		8,577.90				8,577.90
Round-trip airfare	4/30	5/1	Qatar		390.44		7,738.30				1,278.00
Hon. Howard Berman	5/1	5/2	Afghanistan		78.00		(³)				7,738.30
Round-trip airfare	5/2	5/4	Pakistan		531.36		8,577.90				390.44
Douglas Campbell	4/30	5/1	Qatar		390.44						78.00
Round-trip airfare	5/1	5/2	Afghanistan		78.00		(³)				531.36
Hon. Russ Carnahan	5/2	5/4	Pakistan		556.97		8,577.90				8,577.90
Round-trip airfare	4/30	5/1	Qatar		320.44						390.44
Round-trip airfare	5/1	5/2	Afghanistan		38.00		(³)				78.00
Hon. Russ Carnahan	5/2	5/4	Pakistan		646.36		8,577.90				556.97
Round-trip airfare	4/7	4/9	Zimbabwe		734.00						8,577.90
Theodros Dagne	4/9	4/10	Kenya		428.00						320.44
Round-trip airfare	4/10	4/11	Sudan		342.00						38.00
Round-trip airfare	4/11	4/12	Kenya		428.00						646.36
Hon. Bill Delahunt	5/31	6/4	Turkey		1,714.00						8,577.90
Round-trip airfare	5/31	6/4	Turkey		1,714.00						734.00
Brian Forni	5/17	5/20	Tanzania		638.00		10,179.90		4,328.62		428.00
Lindsay Gilchrist	5/30	6/3	South Korea		1,260.00						428.00
Dennis Halpin	4/6	4/9	Philippines		711.00						428.00
Round-trip airfare	4/9	4/12	Indonesia		699.00						428.00
Hans Hogrefe	5/6	5/7	Panama		254.00						428.00
Eric Jacobstein	4/6	4/9	Philippines		711.00						10,179.90
Round-trip airfare	4/9	4/12	Indonesia		699.00						2,042.62
Jessica Lee	4/7	4/9	Zimbabwe		734.00						4,926.10
Round-trip airfare	4/9	4/10	Kenya		428.00						4,926.10
Noelle Lusane	4/10	4/11	Sudan		342.00						1,714.00
Round-trip airfare	4/11	4/12	Kenya		428.00						6,735.10
Julie Kim	6/6	6/12	Poland		1,485.12						638.00
Round-trip airfare	5/29	6/1	United Arab Emirates		1,408.48						6,239.30
Alan Makovsky	6/1	6/3	Bahrain		792.50						6,239.30
Round-trip airfare	6/3	6/5	Lebanon		664.00						1,260.00
Robert Marcus	5/29	6/1	United Arab Emirates		1,408.48						7,738.30
Round-trip airfare	6/1	6/3	Bahrain		792.50						711.00
Hon. Michael McMahon	6/3	6/5	Lebanon		664.00						699.00
Round-trip airfare	4/30	5/1	Qatar		340.44						10,765.50
Hon. Brad Miller	5/1	5/2	Afghanistan		28.00		(³)				734.00
Round-trip airfare	5/2	5/4	Pakistan		636.36		8,577.90				428.00
Daniel Mulholland	6/6	6/9	Poland		742.56						342.00
Round-trip airfare	6/6	6/12	Poland		1,485.12						428.00
Walter Oleszek	5/30	6/2	South Korea		1,000.00						428.00
Joo-Jin Ong	6/2	6/4	China		632.00						428.00
Round-trip airfare	4/7	4/9	Zimbabwe		734.00						11,618.70
Hon. Donald Payne	4/9	4/10	Kenya		428.00						1,485.12
Round-trip airfare	4/10	4/11	Sudan		342.00						1,359.80
Peter Quilter	4/11	4/12	Kenya		428.00						2,442.57
Round-trip airfare	4/5	4/6	Nicaragua		256.00						632.00
Sheri Rickert	5/17	5/21	Tanzania		385.00						11,530.50
Hon. Ileana Ros-Lehtinen	4/30	5/1	Qatar		390.44						734.00
Round-trip airfare	5/1	5/2	Afghanistan		78.00		(³)				428.00
Hon. Edward Royce	5/2	5/4	Pakistan		528.36		8,577.90				428.00
Round-trip airfare	4/30	5/1	Qatar		390.44						428.00
Margarita Seminario	5/1	5/2	Afghanistan		78.00		(³)				11,043.80
Round-trip airfare	5/2	5/4	Pakistan		561.36						256.00
Amanda Sloat	6/2	6/6	Bosnia		558.00						472.00
Round-trip airfare	4/5	4/9	Peru		1,248.00						2,034.70
Maureen Taft-Morales	5/6	5/7	Panama		254.00						8,572.90
Robyn Wapner	4/5	4/10	Peru		1,615.00						390.44
Clay Wellborn	5/14	5/16	Kazakhstan		878.00						78.00
Lisa Williams	4/5	4/10	Brazil		1,211.00						528.36
Brent Woolfork											8,577.90
Round-trip airfare											390.44
Committee total					43,628.77		235,759.70		2,004.97		281,393.44

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

⁴ Indicates delegation costs.

HON. HOWARD L. BERMAN, Chairman, July 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Andrew Wright	5/24	5/29	Dubai .....	.....	1,631.24	.....	2,376.10	.....	540	.....	4,547.34
Scott Lindsay	5/24	5/29	Dubai .....	.....	1,673.24	.....	2,376.10	.....	.....	.....	4,049.34
Boris Maguire	5/24	5/29	Dubai .....	.....	1,673.24	.....	2,287.10	.....	.....	.....	3,960.34
Christopher Bright	5/24	5/29	Dubai .....	.....	1,654.36	.....	2,198.10	.....	.....	.....	3,852.36
Committee total .....	.....	.....	.....	.....	6,631.98	.....	9,237.40	.....	540.00	.....	16,409.38

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. EDOLPHUS TOWNS, Chairman, July 31, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Brian Baird	4/5	4/9	Columbia .....	.....	1,441.20	.....	3,230.70	.....	1,389.00	.....	6,060.90
Hon. Mario Diaz-Balart	4/6	4/8	Columbia .....	.....	720.60	.....	2,266.70	.....	1,389.00	.....	4,376.30
Commercial airfare .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Hon. Bart Gordon ³	4/30	5/2	Italy .....	.....	375.66	.....	.....	.....	327.33	.....	702.99
Louis Finkel ³	4/30	5/2	Italy .....	.....	375.66	.....	.....	.....	327.33	.....	702.99
Hon. Brian Baird	5/29	5/30	Kuwait .....	.....	410.00	.....	20.70	.....	196.28	.....	626.98
.....	5/30	5/30	Iraq .....	.....	.....	.....	.....	.....	.....	.....	.....
.....	5/30	6/2	Qatar .....	.....	996.00	.....	.....	.....	.....	.....	996.00
.....	6/2	6/5	Syria .....	.....	819.33	.....	.....	.....	782.36	.....	1,601.69
.....	6/5	6/6	Lebanon .....	.....	62.00	.....	.....	.....	123.33	.....	185.33
.....	6/6	6/6	Germany .....	.....	0.00	.....	.....	.....	.....	.....	.....
Commercial airfare ⁴ .....	.....	.....	.....	.....	.....	.....	8,060.70	.....	.....	.....	8,060.70
Nicholas Palarino	5/29	5/30	Kuwait .....	.....	410.00	.....	20.70	.....	196.28	.....	626.98
.....	5/30	5/30	Iraq .....	.....	0.00	.....	.....	.....	.....	.....	.....
.....	5/30	6/2	Qatar .....	.....	996.00	.....	.....	.....	.....	.....	996.00
.....	6/2	6/5	Syria .....	.....	819.33	.....	.....	.....	782.36	.....	1,601.69
.....	6/5	6/6	Lebanon .....	.....	62.00	.....	.....	.....	123.33	.....	185.33
.....	6/6	6/6	Germany .....	.....	.....	.....	8,060.70	.....	.....	.....	8,060.70
Commercial airfare ⁴ .....	.....	.....	.....	.....	.....	.....	21,660.20	.....	5,636.60	.....	34,784.58
Committee total .....	.....	.....	.....	.....	7,487.78	.....	21,660.20	.....	5,636.60	.....	34,784.58

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Did not travel due to late votes on departure date. Expenses are cancellation fees.

⁴ Entire trip except in/out of Iraq (mil/air).

HON. BART GORDON, Chairman, July 29, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Eleanor Holmes Norton	8/5	8/5	Haiti .....	.....	.....	.....	.....	.....	.....	.....	.....
James Tynon	5/30	6/1	Ireland .....	.....	\$866.00	.....	.....	.....	.....	.....	.....
.....	6/1	6/2	Belgium .....	.....	\$700.00	.....	.....	.....	.....	.....	.....
.....	6/1	6/4	Czech Republic .....	.....	\$416.00	.....	\$5,877.70	.....	.....	.....	\$5,877.70
Committee total .....	.....	.....	.....	.....	\$1,982.00	.....	\$5,877.70	.....	.....	.....	\$5,877.70

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. JAMES L. OBERSTAR, Chairman, Sept. 30, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Janice Schakowsky	4/5	4/7	Middle East .....	.....	800.26	.....	.....	.....	.....	.....	.....
.....	4/8	4/10	Middle East .....	.....	395.00	.....	.....	.....	.....	.....	.....
Commercial airfare .....	.....	.....	.....	.....	.....	.....	11,125.39	.....	.....	.....	12,320.65
Adam Lurie	4/5	4/7	Middle East .....	.....	800.26	.....	.....	.....	.....	.....	.....
.....	4/8	4/10	Middle East .....	.....	395.00	.....	.....	.....	.....	.....	.....
Commercial airfare .....	.....	.....	.....	.....	.....	.....	9,292.39	.....	.....	.....	10,487.65
Frederick Fleitz	4/5	4/7	Middle East .....	.....	800.26	.....	.....	.....	.....	.....	.....
.....	4/8	4/10	Middle East .....	.....	395.00	.....	.....	.....	.....	.....	.....
Commercial airfare .....	.....	.....	.....	.....	.....	.....	9,292.39	.....	.....	.....	10,487.65
Hon. Silvestre Reyes	4/5	4/7	Mexico .....	.....	1,290.00	.....	.....	.....	.....	.....	.....
Commercial airfare .....	.....	.....	.....	.....	.....	.....	1,326.67	.....	.....	.....	2,616.67

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Michael Delaney	4/5	4/7	Mexico		1,290.00						
Commercial airfare							1,730.17				3,020.17
Curtis Flood	4/7	4/9	Mexico		600.00						
Commercial airfare							2,614.67				3,214.67
Nathan Hauser	4/7	4/9	Mexico		600.00						
Commercial airfare							2,614.67				3,214.67
Hon. Peter King	5/29	5/31	Middle East		415.18						
Commercial airfare							13,864.90				14,280.08
James Lewis	5/29	5/31	Middle East		415.18						
Commercial airfare							13,599.90				14,015.08
Harry Hulings	5/29	5/31	Middle East		415.18						
Commercial airfare							13,599.90				14,015.08
Hon. Anna Eshoo	5/29	5/31	Europe		1,428.12						
	5/31	6/2	Europe		1,376.43						
	6/2	6/3	Europe		306.37						
							(³)				3,110.92
Mark Young	5/31	6/2	Middle East		1,575.90						
	6/3	6/5	Middle East		124.03						
	6/5	6/6	Middle East		114.00		8,181.80				9,995.73
Commercial airfare											
George Pappas	5/30	6/1	Middle East		1,575.90						
	6/2	6/4	Middle East		124.03						
	6/5	6/6	Middle East		114.00						
Commercial airfare							8,181.80				9,995.73
Hon. Silvestre Reyes	6/1	6/2	Europe		139.00						
	6/2	6/3	Europe		350.00						
	6/3	6/4	Europe		400.00						
Commercial airfare							3,181.90				4,070.90
Michael Delaney	6/1	6/2	Europe		139.00						
	6/2	6/3	Europe		350.00						
	6/3	6/4	Europe		400.00						
Commercial airfare							2,509.20				3,398.20
In accordance with title 22, United States Code, Section 1754(b)(2), information as would identify the foreign countries in which the Committee Members and staff have traveled is omitted.											
Committee total											118,243.85

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. SILVESTRE REYES, Chairman, July 30, 2010.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the first, second, and third quarters of 2010 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Juan Lara	4/04	4/10	Japan		2,924.00		9,228.80				12,152.80
Javier Martinez	4/04	4/10	Japan		2,924.00		9,228.80				12,152.80
Mike Brinck	4/04	4/10	Japan		2,924.00		9,228.80				12,152.80
Committee total					8,772.00		27,686.40				36,458.40

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. BOB FILNER, Chairman, Aug. 13, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO POLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 6 AND JUNE 12, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. David Price	6/6	6/8	Poland		1,002.57						1,002.57
John Lis	6/6	6/9	Poland		1,435.14		2,109.00				3,544.14
Asher Hildebrand	6/6	6/10	Poland		1,913.52		1,324.80				3,238.32
Margarita Seminario	6/6	6/12	Poland		2,870.28		1,324.80				4,195.08
Committee total											11,970.11

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID E. PRICE, Chairman, July 12, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SENEGAL, LIBERIA, KENYA, TANZANIA, AND MALI, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 3 AND JULY 15, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. David Price	7/3	7/4	Senegal		241.00		(³)				241.00
Hon. David Dreier	7/3	7/4	Senegal		241.00		(³)				241.00
Hon. Allyson Schwartz	7/3	7/4	Senegal		241.00		(³)				241.00
Hon. Keith Ellison	7/3	7/4	Senegal		241.00		(³)				241.00
Hon. K. Michael Conaway	7/3	7/4	Senegal		185.02		(³)				185.02
Hon. Vern Buchanan	7/3	7/4	Senegal		241.00		(³)				241.00
Hon. Patrick J. Kennedy	7/3	7/4	Senegal		241.00		(³)				241.00
Hon. Lorraine Miller	7/3	7/4	Senegal		241.00		(³)				241.00
Hon. John Sullivan	7/3	7/4	Senegal		241.00		(³)				241.00
John Lis	7/3	7/4	Senegal		241.00		(³)				241.00
Margarita Seminario	7/3	7/4	Senegal		241.00		(³)				241.00
Asher Hildebrand	7/3	7/4	Senegal		191.00		(³)				191.00
Rachael Leman	7/3	7/4	Senegal		241.00		(³)				241.00
Brad Smith	7/3	7/4	Senegal		241.00		(³)				241.00
Janice Robinson	7/3	7/4	Senegal		241.00		(³)				241.00
Pearl Alice Marsh	7/3	7/4	Senegal		241.00		(³)				241.00
Karen Robb	7/3	7/4	Senegal		241.00		(³)				241.00
Shalanda Young	7/3	7/4	Senegal		241.00		(³)				241.00
Hon. David Price	7/4	7/6	Liberia		580.00		(³)				580.00
Hon. David Dreier	7/4	7/6	Liberia		460.00		(³)				460.00
Hon. Allyson Schwartz	7/4	7/6	Liberia		580.00		(³)				580.00
Hon. Keith Ellison	7/4	7/6	Liberia		460.00		(³)				460.00
Hon. K. Michael Conaway	7/4	7/6	Liberia		460.00		(³)				460.00
Hon. Vern Buchanan	7/4	7/6	Liberia		580.00		(³)				580.00
Hon. Patrick J. Kennedy	7/4	7/6	Liberia		460.00		(³)				460.00
Hon. Donald Payne	7/4	7/6	Liberia		230.00		(³)				230.00
Hon. Lorraine Miller	7/4	7/6	Liberia		460.00		(³)				460.00
Hon. John Sullivan	7/4	7/6	Liberia		432.00		(³)				432.00
John Lis	7/4	7/6	Liberia		460.00		(³)				460.00
Margarita Seminario	7/4	7/6	Liberia		460.00		(³)				460.00
Asher Hildebrand	7/4	7/6	Liberia		410.00		(³)				410.00
Rachael Leman	7/4	7/6	Liberia		460.00		(³)				460.00
Brad Smith	7/4	7/6	Liberia		460.00		(³)				460.00
Janice Robinson	7/4	7/6	Liberia		460.00		(³)				460.00
Pearl Alice Marsh	7/4	7/6	Liberia		460.00		(³)				460.00
Karen Robb	7/4	7/6	Liberia		460.00		(³)				460.00
Shalanda Young	7/4	7/6	Liberia		460.00		(³)				460.00
Hon. David Price	7/6	7/9	Kenya		1,089.15		³ 362.00				1,451.15
Hon. David Dreier	7/6	7/9	Kenya		1,050.00		³ 362.00				1,412.00
Hon. Allyson Schwartz	7/6	7/9	Kenya		1,140.00		³ 362.00				1,502.00
Hon. Keith Ellison	7/6	7/9	Kenya		1,050.00		³ 362.00				1,412.00
Hon. K. Michael Conaway	7/6	7/9	Kenya		1,044.12		³ 362.00				1,406.12
Hon. Vern Buchanan	7/6	7/9	Kenya		1,140.00		³ 362.00				1,502.00
Hon. Patrick J. Kennedy	7/6	7/9	Kenya		1,280.00		³ 4,394.70				5,674.70
Hon. Donald Payne	7/6	7/9	Kenya		1,050.00		³ 362.00				1,412.00
Hon. Lorraine Miller	7/6	7/9	Kenya		1,050.00		³ 362.00				1,412.00
Hon. John Sullivan	7/6	7/9	Kenya		995.00		³ 362.00				1,357.00
John Lis	7/6	7/9	Kenya		1,050.00		³ 362.00				1,412.00
Margarita Seminario	7/6	7/9	Kenya		1,050.00		³ 362.00				1,412.00
Asher Hildebrand	7/6	7/9	Kenya		950.00		³ 362.00				1,312.00
Rachael Leman	7/6	7/9	Kenya		1,050.00		³ 362.00				1,412.00
Brad Smith	7/6	7/9	Kenya		1,050.00		³ 362.00				1,412.00
Janice Robinson	7/6	7/9	Kenya		1,050.00		(³)				1,050.00
Pearl Alice Marsh	7/6	7/9	Kenya		1,050.00		³ 362.00				1,412.00
Karen Robb	7/6	7/9	Kenya		1,050.00		(³)				1,050.00
Shalanda Young	7/6	7/9	Kenya		1,050.00		³ 362.00				1,412.00
Hon. David Price	7/9	7/11	Tanzania		448.00		(³)				448.00
Hon. David Dreier	7/9	7/11	Tanzania		448.00		(³)				448.00
Hon. Allyson Schwartz	7/9	7/11	Tanzania		448.00		(³)				448.00
Hon. Keith Ellison	7/9	7/10	Tanzania		224.00		4,687.00				4,911.00
Hon. K. Michael Conaway	7/9	7/11	Tanzania		448.00		(³)				448.00
Hon. Vern Buchanan	7/9	7/11	Tanzania		448.00		(³)				448.00
Hon. Donald Payne	7/9	7/11	Tanzania		448.00		(³)				448.00
Hon. Lorraine Miller	7/9	7/11	Tanzania		448.00		(³)				448.00
Hon. John Sullivan	7/9	7/11	Tanzania		448.00		(³)				448.00
John Lis	7/9	7/11	Tanzania		448.00		(³)				448.00
Margarita Seminario	7/9	7/11	Tanzania		448.00		(³)				448.00
Asher Hildebrand	7/9	7/11	Tanzania		448.00		(³)				448.00
Rachael Leman	7/9	7/11	Tanzania		448.00		(³)				448.00
Brad Smith	7/9	7/11	Tanzania		448.00		(³)				448.00
Janice Robinson	7/9	7/11	Tanzania		448.00		(³)				448.00
Pearl Alice Marsh	7/9	7/11	Tanzania		448.00		(³)				448.00
Karen Robb	7/9	7/11	Tanzania		448.00		(³)				448.00
Shalanda Young	7/9	7/11	Tanzania		448.00		(³)				448.00
Hon. David Price	7/11	7/12	Mali		212.00		³ 5,910.00				6,122.00
Hon. David Dreier	7/11	7/12	Mali		212.00		³ 5,910.00				6,122.00
Hon. Allyson Schwartz	7/11	7/12	Mali		212.00		³ 5,910.00				6,122.00
Hon. K. Michael Conaway	7/11	7/12	Mali		110.00		³ 5,910.00				6,020.00
Hon. Vern Buchanan	7/11	7/12	Mali		212.00		³ 5,910.00				6,122.00
Hon. Donald Payne	7/11	7/12	Mali		212.00		³ 5,910.00				6,122.00
Hon. Lorraine Miller	7/11	7/12	Mali		212.00		³ 5,910.00				6,122.00
Hon. John Sullivan	7/11	7/12	Mali		212.00		³ 5,910.00				6,122.00
John Lis	7/11	7/15	Mali		848.00		(³)				848.00
Margarita Seminario	7/11	7/15	Mali		848.00		(³)				848.00
Asher Hildebrand	7/11	7/15	Mali		648.00		(³)				648.00
Rachael Leman	7/11	7/15	Mali		848.00		(³)				848.00
Brad Smith	7/11	7/15	Mali		848.00		(³)				848.00
Janice Robinson	7/11	7/15	Mali		848.00		(³)				848.00
Pearl Alice Marsh	7/11	7/15	Mali		848.00		(³)				848.00
Karen Robb	7/11	7/15	Mali		848.00		(³)				848.00
Shalanda Young	7/11	7/13	Mali		746.00		(³)				746.00
Committee total											112,603.99

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ISRAEL, AFGHANISTAN, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 2 AND AUG. 7, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Tammy Baldwin	8/3	8/4	Israel		146.00						146.00
	8/5	8/6	Afghanistan		28.00						28.00
	8/7	8/7	Germany		176.25						176.25
	8/4								³ 100.00		100.00
	8/6								³ 24.00		24.00
	8/4								³ 10.00		10.00
	8/5								³ 20.00		20.00
	8/6								³ 16.00		16.00
	8/7								³ 53.25		53.25
	8/7								³ 1.80		1.80
	8/7								³ 47.30		47.30
	8/7								³ 5.40		5.40
	8/6								³ 135.00		135.00
Committee total					350.25				412.75		763.00

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Meals, hotels and incidentals.

HON. TAMMY BALDWIN, Chairman, Aug. 26, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED ON AUG 6, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Steny Hoyer	8/6	8/6	Haiti				(³)				
Hon. David Price	8/6	8/6	Haiti				(³)				
Hon. Donna Edwards	8/6	8/6	Haiti				(³)				
Hon. Yvette Clarke	8/6	8/6	Haiti				(³)				
Hon. Aaron Schock	8/6	8/6	Haiti				(³)				
Hon. Roscoe Bartlett	8/6	8/6	Haiti				(³)				
Mariah Sixkiller	8/6	8/6	Haiti				(³)				
Elizabeth Murray	8/6	8/6	Haiti				(³)				

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. STENY H. HOYER, Chairman, Sept. 7, 2010.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2010

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Keith Ellison	3/29	3/31	Saudi Arabia		1,347.52						1,347.52
	3/31	4/1	Jordan		360.00						360.00
	4/1	4/2	Israel		402.00						402.00
	4/2	4/5	Egypt		542.05						542.05
									⁴ 14,640.99		14,640.99
Hon. Eni F.H. Faleomavaega	2/13	2/14	Morocco		592.10		(³)				592.10
	2/15	2/16	Spain		901.61		(³)				901.61
	2/17	2/20	Australia		1,471.29		(³)				1,471.29
Hon. Jeff Flake	2/5	2/7	Germany		⁵ 419.60		(³)				419.60
Hon. Sheila Jackson Lee	3/30	3/31	Qatar								
	3/31	3/31	Yemen		342.00						342.00
	3/31	4/1	Bahrain								
	4/1	4/3	Pakistan		180.00						180.00
									⁴ 10,045.20		10,045.20
Alan Makovsky	1/28	1/31	Sweden		1,058.00						1,058.00
									⁴ 9,051.90		9,051.90
Committee total					7,616.17		33,738.09				41,354.26

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.⁴ Round trip airfare.⁵ Per diem that was not reported in Q1 report. All receipts have been received.

HON. HOWARD L. BERMAN, Chairman, Sept. 8, 2010.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill S. 2868, the Federal Supply Schedules Usage Act, as amended by the House, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR S. 2868, THE FEDERAL SUPPLY SCHEDULES USAGE ACT OF 2010, AS AMENDED BY THE HOUSE

By fiscal year, in millions of dollars—

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010– 2015	2010– 2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Pay-As-You-Go Impact ¹	0	0	0	0	0	0	0	0	0	0	0	0	0

¹ S. 2868 would amend federal law to allow disaster relief organizations to use the federal supply schedules of the General Services Administration to procure goods and services from private firms for disaster preparedness and response activities. CBO estimates that the increasing the number of purchases would increase offsetting receipts by less than \$500,000 annually. Because those fees can be spent by GSA without further appropriation, the net budgetary impact of the legislation would be negligible.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9373. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-501, "Frank Kameny Way Designation Act of 2010"; to the Committee on Oversight and Government Reform.

9374. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-526, "Gun Offender Registration Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

9375. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-534, "Transportation Infrastructure Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

9376. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-533, "Redevelopment of the Center Leg Freeway (Interstate 395) Act of 2010"; to the Committee on Oversight and Government Reform.

9377. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-525, "Not-for-Profit Hospital Corporation Establishment Temporary Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

9378. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-524, "Approval of the Transfer of Control of Starpower Communications, LLC, and its Cable Franchise and Cable System to Yankee Cable Acquisition, LLC Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

9379. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-523, "Health Insurance for Dependents Act of 2010"; to the Committee on Oversight and Government Reform.

9380. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-502, "Summer Pool Safety Temporary Act of 2010"; to the Committee on Oversight and Government Reform.

9381. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-500, "Dorothy Irene Height Memorial Library Designation Act of 2010"; to the Committee on Oversight and Government Reform.

9382. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-527, "Wastewater System Regulation Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 1620. Resolution providing for consideration of the bill (H.R. 4785) to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use (Rept. 111-594). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GARAMENDI:

H.R. 6126. A bill to provide for 100 percent expensing for capital property placed in service on or after September 8, 2010, and before 2012; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 6127. A bill to amend title 38, United States Code, to provide for the continued provision of health care services to certain veterans who were exposed to sodium dichromate while serving as a member of the Armed Forces at or near the water injection plant at Qarmat Ali, Iraq, during Operation Iraqi Freedom; to the Committee on Veterans' Affairs.

By Mr. McDERMOTT (for himself, Mr. CHANDLER, Ms. WOOLSEY, Ms. SUTTON, Mr. GEORGE MILLER of California, Ms. RICHARDSON, Mrs. CAPPS, Mr. TIERNEY, Ms. SPEIER, Mr. CRITZ, Mr. LOEBACK, and Ms. LORETTA SANCHEZ of California):

H.R. 6128. A bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications; to the Committee on Ways and Means.

By Mr. McKEON:

H.R. 6129. A bill to release the Bodie Wilderness Study Area in Mono County, California; to the Committee on Natural Resources.

By Mr. STARK (for himself, Mr. HERGER, Mr. LEWIS of Georgia, Mr. REICHERT, Mr. BLUMENAUER, Mr. DAVIS of Kentucky, Ms. LINDA T. SANCHEZ of California, Mr. BOUSTANY, Mr. MEEK of Florida, Mr. ROSKAM,

Mr. McDERMOTT, Mr. SAM JOHNSON of Texas, Mr. KLEIN of Florida, Mr. LINDER, Mr. HIGGINS, Mr. LARSON of Connecticut, Mr. ETHERIDGE, Mr. POMEROY, Mr. KIND, Mr. LEVIN, and Mr. THOMPSON of California):

H.R. 6130. A bill to amend title XI of the Social Security Act to expand the permissive exclusion from participation in Federal health care programs to individuals and entities affiliated with sanctioned entities; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NYE:

H.R. 6131. A bill to impose conditions on the disestablishment, closure, or realignment of the United States Joint Forces Command and on workload reductions of civilian personnel of that command, and for other purposes; to the Committee on Armed Services.

By Mr. FILNER (for himself, Mr. MICHAUD, Ms. HERSETH SANDLIN, Mr. HALL of New York, and Mr. TEAGUE):

H.R. 6132. A bill to amend title 38, United States Code, to establish a transition program for new veterans, to improve the disability claim system, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ANDREWS (for himself and Mr. ROONEY):

H.R. 6133. A bill to require the lender or servicer of a home mortgage, upon a request by the homeowner for a short sale, to make a prompt decision whether to allow the sale; to the Committee on Financial Services.

By Mr. COFFMAN of Colorado:

H.R. 6134. A bill to provide for a 10 percent reduction in pay for Members of Congress, to make Federal civilian employees subject to a period of mandatory unpaid leave, and to reduce appropriations for salaries and expenses for offices of the legislative branch, during fiscal year 2011; and for other purposes; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY of Virginia:

H.R. 6135. A bill to extend contract periods for renewable energy for Federal agencies, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CONNOLLY of Virginia (for himself and Ms. NORTON):

H.R. 6136. A bill to reduce the heat island effect and associated ground level ozone pollution from Federal facilities; to the Committee on Oversight and Government Reform.

By Mr. ISRAEL:

H.R. 6137. A bill to amend chapter 44 of title 18, United States Code, to prohibit the

possession of a firearm by a person who is adjudicated to have committed a violent act while a juvenile; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 6138. A bill to amend title 5, United States Code, to afford Federal employees residing in the District of Columbia the same opportunities for political participation as are available with respect to certain Federal employees residing in Maryland or Virginia; to the Committee on Oversight and Government Reform.

By Mr. OWENS (for himself, Mr. S. LOWEY, Mrs. MALONEY, Mr. TONKO, Mr. ISRAEL, Mr. ARCURI, Mr. ENGEL, Mr. SERRANO, Mr. MURPHY of New York, and Mr. HOLT):

H.R. 6139. A bill to designate the facility of the United States Postal Service located at 482 East Main Street in Malone, New York, as the "Almanzo Wilder Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. RYAN of Ohio:

H.R. 6140. A bill to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the "Marine Sgt. Jeremy E. Murray Post Office"; to the Committee on Oversight and Government Reform.

By Mr. SESTAK (for himself, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CRITZ, Ms. SCHWARTZ, and Mr. CARNEY):

H.R. 6141. A bill to amend the Workforce Investment Act of 1998, to authorize a national grant program for on-the-job training; to the Committee on Education and Labor.

By Mr. TONKO:

H.R. 6142. A bill to direct the Secretary of Labor, the Secretary of Energy, and the Secretary of Education to, jointly, develop a workforce training and education program to prepare workers for careers in the alternative energy and energy efficiency industries; to the Committee on Education and Labor.

By Mr. TONKO (for himself and Mr. STARK):

H.R. 6143. A bill to amend title XVIII of the Social Security Act to eliminate the 190-day lifetime limit on inpatient psychiatric hospital services under the Medicare Program; to the Committee on Ways and Means.

By Mr. CLEAVER:

H. Con. Res. 317. Concurrent resolution commemorating the national partnership between Alpha Phi Alpha, Kappa Alpha Psi and Omega Psi Phi Fraternities and Big Brothers Big Sisters; to the Committee on Education and Labor.

By Ms. LORETTA SANCHEZ of California (for herself, Ms. RICHARDSON, Mr. BACA, Mr. RANGEL, and Mr. MEEK of Florida):

H. Res. 1619. A resolution honoring the bicentennial "call for independence" that led to the establishments of the independent sovereign nations of Argentina, Chile, Colombia, Mexico, and Venezuela; to the Committee on Foreign Affairs.

By Mr. HOLT (for himself, Mr. CAO, Mrs. KIRKPATRICK of Arizona, Mr. LOBIONDO, Mr. LARSON of Connecticut, Mr. PALLONE, Mr. GRIJALVA, Mr. SESTAK, and Ms. MCCOLLUM):

H. Res. 1621. A resolution recognizing the 100th anniversary of the historic founding of Catholic Charities USA; to the Committee on Oversight and Government Reform.

By Mr. BACA (for himself, Mr. SKELTON, Mr. COURTNEY, Ms. RICHARDSON,

Mr. GUTIERREZ, Ms. BERKLEY, Mr. CUELLAR, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, Mr. BAIRD, Mr. MEEK of Florida, Mr. LAMBORN, Mr. ARCURI, and Ms. TSONGAS):

H. Res. 1622. A resolution honoring the historic contributions of veterans throughout all conflicts involving the United States; to the Committee on Veterans' Affairs.

By Ms. BERKLEY (for herself and Mr. WAMP):

H. Res. 1623. A resolution supporting the goals and ideals of a national day of remembrance for United States nuclear weapons program workers and uranium miners, millers, and haulers; to the Committee on Oversight and Government Reform.

By Mr. FARR (for himself, Mr. BAIRD, Mr. BLUMENAUER, Ms. BORDALLO, Mrs. CAPPS, Ms. EDWARDS of Maryland, Mr. FALEOMAVAEGA, Mr. HONDA, Mr. JONES, Ms. LEE of California, Mr. MORAN of Virginia, Mr. PIERLUISI, Mr. THOMPSON of California, Mr. WU, Ms. WASSERMAN SCHULTZ, Mr. DOGGETT, Ms. WOOLSEY, Mr. GEORGE MILLER of California, and Mr. MCDERMOTT):

H. Res. 1624. A resolution recognizing the 40th anniversary of the Coastal States Organization, and for other purposes; to the Committee on Natural Resources.

By Mr. HASTINGS of Florida (for himself, Mr. LIPINSKI, Mr. BACHUS, Mr. POSEY, Ms. CASTOR of Florida, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. CAO, Mrs. DAVIS of California, and Mr. DEUTCH):

H. Res. 1625. A resolution recognizing the important role zoos, aquariums, and other wildlife organizations have played in the response efforts in the Gulf region following the Deepwater Horizon oil spill that began on April 20, 2010; to the Committee on Natural Resources.

By Ms. WATSON:

H. Res. 1626. A resolution commending the National Student Leadership Conference for organizing college campus experiences for high school students for more than 20 years; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. KUCINICH.
H.R. 39: Ms. PINGREE of Maine.
H.R. 208: Mr. DOYLE, Mr. HARE, and Mr. MICA.
H.R. 303: Mr. REHBERG.
H.R. 571: Mr. OLSON.
H.R. 881: Mr. BRADY of Texas.
H.R. 892: Mr. GARY G. MILLER of California.
H.R. 1034: Mr. DJOU.
H.R. 1079: Mr. GRIFFITH and Mr. JOHNSON of Illinois.
H.R. 1133: Mr. CONYERS.
H.R. 1189: Mr. RYAN of Ohio.
H.R. 1210: Mr. MARSHALL.
H.R. 1228: Mr. DUNCAN.
H.R. 1328: Mr. ISRAEL.
H.R. 1340: Mr. HIMES.
H.R. 1362: Mrs. NAPOLITANO and Mr. LARSEN of Washington.
H.R. 1522: Mr. LANCE.
H.R. 1618: Ms. EDWARDS of Maryland and Mr. PASTOR of Arizona.
H.R. 1663: Mr. MCCAUL.
H.R. 1718: Mr. SAM JOHNSON of Texas.
H.R. 1806: Mr. WOLF and Ms. WOOLSEY.
H.R. 1818: Mr. DEFazio and Mr. SABLAN.

H.R. 1868: Mr. BOUCHER.
H.R. 1895: Mr. HOLDEN.
H.R. 1927: Mr. MICHAUD.
H.R. 2000: Mr. CLAY.
H.R. 2021: Mr. CALVERT.
H.R. 2030: Mr. MOORE of Kansas and Mr. PRICE of North Carolina.
H.R. 2115: Mr. CONNOLLY of Virginia.
H.R. 2372: Mr. KUCINICH, Mr. HEINRICH, and Mr. BLUMENAUER.
H.R. 2408: Mr. MORAN of Virginia, Mrs. DAHLKEMPER, and Mr. FRANK of Massachusetts.
H.R. 2443: Mr. LATOURETTE and Mr. BOREN.
H.R. 2485: Mr. BOREN and Mr. OBERSTAR.
H.R. 2547: Mr. STEARNS.
H.R. 2579: Ms. BALDWIN and Mr. BARROW.
H.R. 2672: Mr. BISHOP of Georgia, Mr. HOLT, Mr. COURTNEY, and Mr. BRADY of Pennsylvania.
H.R. 2941: Ms. CASTOR of Florida.
H.R. 3286: Mr. MARSHALL and Mr. ENGEL.
H.R. 3421: Ms. LINDA T. SANCHEZ of California.
H.R. 3488: Ms. KILPATRICK of Michigan.
H.R. 3652: Ms. LINDA T. SANCHEZ of California, Mr. HINCHEY, Mr. KIRK, Mr. DAVIS of Illinois, Ms. DEGETTE, and Mr. KRATOVL.
H.R. 3655: Mr. ADLER of New Jersey.
H.R. 3666: Mr. STUPAK.
H.R. 3729: Mr. MILLER of North Carolina.
H.R. 3752: Mr. GARY G. MILLER of California.
H.R. 3765: Mr. GERLACH and Mr. MILLER of Florida.
H.R. 3786: Ms. MOORE of Wisconsin and Mr. WILSON of Ohio.
H.R. 3839: Mr. DEFazio.
H.R. 4037: Mr. RAHALL and Mr. CLAY.
H.R. 4114: Mr. RANGEL.
H.R. 4197: Mr. POE of Texas.
H.R. 4278: Mrs. DAHLKEMPER.
H.R. 4322: Mr. TOWNS and Mr. MORAN of Virginia.
H.R. 4339: Mr. BACA, Mr. HONDA, Mr. GONZALEZ, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. HINOJOSA, Mr. HARE, Ms. CLARKE, Ms. MOORE of Wisconsin, Mr. KILDEE, Mr. BOREN, and Mr. YOUNG of Alaska.
H.R. 4353: Mr. DOGGETT.
H.R. 4477: Mr. CLAY.
H.R. 4554: Mr. CLEAVER and Mr. GUTIERREZ.
H.R. 4555: Mr. DONNELLY of Indiana.
H.R. 4632: Mr. PASCRELL.
H.R. 4677: Mr. MOORE of Kansas.
H.R. 4689: Mr. HOLDEN, Ms. ROYBAL-ALLARD, Mr. GORDON of Tennessee, Mr. HARE, Mr. CLAY, Mr. SULLIVAN, Mr. ENGEL, and Ms. MCCOLLUM.
H.R. 4735: Mr. MITCHELL.
H.R. 4769: Mr. INSLEE.
H.R. 4770: Mr. INSLEE and Mr. HINCHEY.
H.R. 4788: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. WILSON of Ohio.
H.R. 4794: Mr. CASTLE.
H.R. 4806: Ms. MATSUI.
H.R. 4844: Ms. MATSUI.
H.R. 4879: Mr. PAYNE.
H.R. 4921: Mrs. DAHLKEMPER.
H.R. 5029: Mr. SESSIONS.
H.R. 5034: Mr. SMITH of Nebraska.
H.R. 5071: Mr. GRIJALVA.
H.R. 5081: Mr. HODES.
H.R. 5095: Mr. STEARNS and Mr. TURNER.
H.R. 5162: Mr. ISSA, Mr. KIND, and Mr. SMITH of Nebraska.
H.R. 5177: Mr. PRICE of Georgia.
H.R. 5191: Mr. SMITH of Washington, Mr. STARK, and Ms. HIRONO.
H.R. 5288: Mr. ARCURI, Mr. BAIRD, and Ms. WOOLSEY.
H.R. 5295: Mr. CLEAVER.
H.R. 5324: Mr. HIMES and Mr. PRICE of North Carolina.

H.R. 5339: Mr. BILBRAY.
 H.R. 5376: Ms. WOOLSEY.
 H.R. 5434: Ms. ZOE LOFGREN of California, Mr. VAN HOLLEN, and Mr. ANDREWS.
 H.R. 5460: Ms. BERKLEY and Ms. RICHARDSON.
 H.R. 5483: Mr. LANCE.
 H.R. 5504: Mr. GARAMENDI and Ms. ZOE LOFGREN of California.
 H.R. 5523: Mr. SIMPSON.
 H.R. 5625: Mr. MARSHALL and Mr. HINCHEY.
 H.R. 5680: Mr. MCINTYRE.
 H.R. 5689: Mr. DELAHUNT and Mr. BISHOP of Georgia.
 H.R. 5732: Ms. SHEA-PORTER.
 H.R. 5735: Mr. HEINRICH.
 H.R. 5794: Mrs. NAPOLITANO.
 H.R. 5803: Mr. HODES.
 H.R. 5804: Mr. STARK.
 H.R. 5820: Mrs. MALONEY, Mr. ROTHMAN of New Jersey, Mr. DOGGETT, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. GRIJALVA, Mr. SERRANO, Mr. MCGOVERN, Ms. LEE of California, Mr. GEORGE MILLER of California, and Mr. HEINRICH.
 H.R. 5828: Mr. GONZALEZ.
 H.R. 5833: Mr. MCMAHON, Ms. BERKLEY, Mr. PETERS, Mr. HELLER, and Ms. WASSERMAN SCHULTZ.
 H.R. 5853: Mr. BURTON of Indiana.
 H.R. 5861: Mr. HIGGINS.
 H.R. 5916: Mr. COFFMAN of Colorado.
 H.R. 5925: Mr. MICHAUD.
 H.R. 5926: Mr. ENGEL, Mr. MCGOVERN, and Mr. PLATTS.
 H.R. 5928: Mr. PETERSON, Ms. FOXX, Mr. KINGSTON, and Mr. AL GREEN of Texas.
 H.R. 5944: Mr. DOYLE and Mr. LOEBACK.
 H.R. 5961: Ms. SCHAKOWSKY.
 H.R. 5972: Mr. RYAN of Wisconsin and Mr. HILL.
 H.R. 5982: Mr. POMEROY.
 H.R. 6059: Mr. STARK.
 H.R. 6065: Mr. KING of New York.
 H.R. 6071: Ms. KAPTUR.
 H.R. 6072: Ms. KOSMAS, Mr. GRAVES of Missouri, Mr. COBLE, Mr. JOHNSON of Georgia, and Mr. SCOTT of Georgia.
 H.R. 6081: Mr. WEINER.
 H.R. 6085: Mr. GRIJALVA and Ms. WASSERMAN SCHULTZ.
 H.R. 6091: Mr. STARK, Mr. SERRANO, Mr. HINCHEY, Ms. LORETTA SANCHEZ of California, Mr. ROTHMAN of New Jersey, and Ms. WOOLSEY.
 H.J. Res. 94: Mr. POE of Texas, Mr. JOHNSON of Georgia, and Mr. CONNOLLY of Virginia.
 H. Con. Res. 224: Ms. JENKINS.
 H. Con. Res. 259: Mr. WOLF and Mr. THOMPSON of Pennsylvania.
 H. Con. Res. 267: Mr. CONNOLLY of Virginia.
 H. Con. Res. 309: Ms. CASTOR of Florida.
 H. Con. Res. 311: Mr. BRADY of Pennsylvania, Mr. SENSENBRENNER, Mr. MCCOTTER,

Mr. SESSIONS, Mr. MCHENRY, Mr. CARDOZA, Mr. ROSS, Mr. CONAWAY, Ms. FUDGE, and Ms. FOX.

H. Con. Res. 316: Mr. LATTA, Mr. BARTON of Texas, Mr. MACK, Mr. LAMBORN, Mr. PITTS, Mr. FRANKS of Arizona, Mr. TIAHRT, Mr. KING of Iowa, Mr. GINGREY of Georgia, Mr. BISHOP of Utah, Mr. POSEY, Mr. NEUGEBAUER, Mr. MARCHANT, Mr. MCHENRY, Mr. COBLE, Mr. HENSARLING, Mr. THOMPSON of Pennsylvania, Mrs. LUMMIS, and Mrs. BACHMANN.

H. Res. 93: Mr. GARAMENDI and Mr. THOMPSON of California.

H. Res. 111: Mr. CASSIDY.

H. Res. 173: Mr. CARSON of Indiana.

H. Res. 397: Mr. BARROW.

H. Res. 767: Mr. WU.

H. Res. 1319: Mr. GRIJALVA.

H. Res. 1343: Mr. JONES.

H. Res. 1348: Mr. WELCH.

H. Res. 1377: Ms. BORDALLO, Mr. FALOMAVAEGA, Mr. OBERSTAR, and Mr. GEORGE MILLER of California.

H. Res. 1430: Ms. RICHARDSON, Mr. QUIGLEY, Ms. NORTON, Mr. MEEKS of New York, Mr. RYAN of Ohio, Mrs. NAPOLITANO, Mr. GUTIERREZ, Ms. LORETTA SANCHEZ of California, Mrs. CHRISTENSEN, Ms. BORDALLO, and Mr. RANGEL.

H. Res. 1433: Mr. LARSON of Connecticut, Mr. MCINTYRE, Mr. BERMAN, Mr. KINGSTON, Mr. HARE, Mr. INGLIS, Mr. ORTIZ, Mr. PRICE of North Carolina, Mr. FARR, Mr. MOORE of Kansas, Mr. MANZULLO, Mr. BARTLETT, Mr. MICHAUD, Mr. POSEY, Mr. JOHNSON of Georgia, Ms. SUTTON, Mr. GUTHRIE, Mr. WATT, Mr. CAMPBELL, Mr. KUCINICH, Ms. FOXX, Ms. KAPTUR, Ms. CORRINE BROWN of Florida, Mr. BROWN of South Carolina, Mr. ROGERS of Kentucky, Mr. SHULER, Mr. MCMAHON, Mr. KRATOVIL, Mr. SCHRADER, Mrs. DAHLKEMPER, Mr. KIND, Mr. ALTMIRE, Mr. FILNER, Mr. PETERSON, Mr. HEINRICH, Mr. QUIGLEY, Mr. FOSTER, Mr. PERLMUTTER, Mr. DAVIS of Tennessee, Ms. GIFFORDS, Mr. SALAZAR, Mr. SIRES, Mr. HONDA, Mr. HINOJOSA, Mr. KLEIN of Florida, and Mr. YARMUTH.

H. Res. 1438: Mr. WOLF.

H. Res. 1442: Mr. LATTA and Mr. JONES.

H. Res. 1444: Mr. CROWLEY, Ms. NORTON, Ms. BORDALLO, Mr. TOWNS, Mr. MARKEY of Massachusetts, Mr. PASCRELL, Mr. VAN HOLLEN, Mr. SMITH of Washington, and Ms. BERKLEY.

H. Res. 1449: Mr. PRICE of Georgia, Ms. ROSELEHTINEN, Mr. COBLE, Mr. YOUNG of Alaska, Mr. HELLER, Mr. HOEKSTRA, Mr. BERMAN, Mr. MICHAUD, Mr. ROE of Tennessee, Mr. MOORE of Kansas, Mr. BARROW, Mr. THOMPSON of California, and Mr. BLUNT.

H. Res. 1461: Mrs. BLACKBURN, Mr. BLUNT, Mr. HOLDEN, Ms. MARKEY of Colorado, and Mr. MARKEY of Massachusetts.

H. Res. 1476: Ms. MCCOLLUM, Mr. ELLISON, Ms. HARMAN, Mr. MARKEY of Massachusetts, and Ms. LINDA T. SANCHEZ of California.

H. Res. 1488: Mr. BACA, Mr. DAVIS of Illinois, Mr. LATHAM, Mr. HINCHEY, Ms. SHEA-PORTER, and Mr. YOUNG of Florida.

H. Res. 1498: Mr. SCHOCK and Mr. MCCOTTER.

H. Res. 1503: Mr. BUCHANAN, Mr. MCNERNEY, Mr. MEEK of Florida, Mr. LEWIS of Georgia, Mr. BOSWELL, Mr. BISHOP of New York, Ms. LEE of California, Mr. BERMAN, Ms. KOSMAS, Mr. STARK, Mr. MACK, Mr. SERRANO, Ms. DELAURO, Mr. MCINTYRE, Mr. WU, Mrs. CHRISTENSEN, Ms. HIRONO, and Ms. WOOLSEY.

H. Res. 1507: Mr. ROSKAM, Mr. MCCOTTER, Mr. GORDON of Tennessee, Mr. ISRAEL, and Ms. HIRONO.

H. Res. 1523: Mr. ALEXANDER, Mr. BOUCHER, Mr. BARTLETT, Mr. BARROW, Mr. ROGERS of Alabama, and Mr. GENE GREEN of Texas.

H. Res. 1524: Mr. GUTIERREZ.

H. Res. 1528: Mr. THOMPSON of California and Ms. SPEIER.

H. Res. 1532: Mr. COSTA and Mrs. MALONEY.

H. Res. 1582: Mr. CONNOLLY of Virginia.

H. Res. 1588: Mr. BLUMENAUER, Mr. FORTENBERRY, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Ms. JACKSON LEE of Texas, Mr. MORAN of Kansas, Ms. SCHAKOWSKY, Mr. TIERNEY, and Ms. WOOLSEY.

H. Res. 1590: Mr. LINDER, Mr. COHEN, Mr. ISSA, Ms. BORDALLO, Mr. CUMMINGS, and Mr. BUTTERFIELD.

H. Res. 1600: Mrs. BLACKBURN, Mr. PAUL, Mr. EHLERS, Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, Ms. JENKINS, Mr. PITTS, Mr. MCGOVERN, Mr. SNYDER, Ms. SHEA-PORTER, Mr. LATHAM, Mr. BLUMENAUER, Ms. HERSETH SANDLIN, Mr. BILBRAY, Mr. HARE, Mr. STUPAK, Mr. POSEY, Mr. GORDON of Tennessee, Mr. BARTLETT, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. GARAMENDI, Mr. LAMBORN, Mr. KING of New York, Mr. LEWIS of Georgia, and Mr. ARCURI.

H. Res. 1605: Mr. RUPPERSBERGER, Mr. BOYD, Ms. BERKLEY, Mr. SCHAUER, Mr. OLVER, Ms. SLAUGHTER, Mr. HOYER, Ms. CASTOR of Florida, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. TONKO, Mr. BOREN, Mr. BOSWELL, Mr. KRATOVIL, Ms. PINGREE of Maine, Ms. TSONGAS, Mr. BRADY of Pennsylvania, Mr. ROGERS of Michigan, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. WITTMAN, Mr. BILBRAY, Mr. HOEKSTRA, Mr. UPTON, Mr. SHIMKUS, Mr. ROSKAM, and Mr. DANIEL E. LUNGREN of California.

H. Res. 1613: Mr. ELLISON, Mr. SHERMAN, Ms. JACKSON LEE of Texas, Mr. MCCAUL, Mr. SIRES, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. DELAHUNT, Mr. MCMAHON, Mr. SCOTT of Georgia, Mr. MEEKS of New York, Mr. FORTENBERRY, and Ms. MCCOLLUM.

EXTENSIONS OF REMARKS

FINDINGS SUBMITTED PURSUANT TO PARAGRAPH (c)(2)(C) OF H. RES. 1493, PROVIDING FOR BUDGET ENFORCEMENT FOR FISCAL YEAR 2011

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. OBERSTAR. Madam Speaker, pursuant to paragraph (c)(2)(C) of H. Res. 1493, Providing for Budget Enforcement for Fiscal Year 2011, I submit the following findings that identify changes in law that help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement, promoting efficiency and reform of government, and controlling spending within Government programs that the Committee on Transportation and Infrastructure may authorize.

INTRODUCTION

The Committee on Transportation and Infrastructure is committed to improving efficiency in the Federal Government and providing cost savings to accomplish the joint goals of reducing expenditures and ensuring maximum value to the taxpayer in Federal programs within the jurisdiction of the Committee.

Beginning in the 110th Congress, the Committee has aggressively reviewed program implementation to ensure that Federal agencies, and their state and local partners, were appropriately implementing laws consistent with statutory intent and the best needs of the public. The commitment is not to programs, but to the goals and objectives that best serve the needs of the American people in an efficient, fiscally responsible way. To that end, the Committee has developed and will continue to develop multiple proposals to improve the operation of government, including opportunities to reduce expenditures and the deficit. Because many of the programs within the Committee's jurisdiction are implemented in partnership with state and local governments, the Committee continues to pursue improvements at all levels of government.

Today's report describes a list of activities and proposals that include reductions in and elimination of mandatory spending, reductions in and elimination of authorizations for discretionary spending, investments that would be expected to achieve quantifiable future savings, and revenues that more equitably distribute the cost of government services among the beneficiaries of those services and reduce demands on the General Fund. These proposals will allow the Nation to achieve its investment goals at less cost and allow Federal investment to provide increased benefits.

These proposals reflect the Committee's efforts to date. The Committee will continue its efforts to find creative and efficient ways to make government more responsive to the needs of the Nation.

RECENT HIGHLIGHTS

The Committee's oversight efforts recently resulted in exposing unwarranted cost over-

runs in Federal construction. At the Committee's request, the Government Accountability Office (GAO) analyzed courthouse construction since 2000 and determined that expenditures have been unnecessarily increased by nearly \$900 million. The Committee is responding through general legislation and authorizations for specific Federal courthouse construction projects to ensure that such unnecessary costs are not repeated.

Other positive results of the Committee's efforts have resulted in improvements and corrections to the Coast Guard's Integrated Deepwater Program, the Federal Aviation Administration's regulatory responsibilities and air traffic control modernization, mismanagement at the Federal Maritime Commission, disaster response by the Federal Emergency Management Agency, international water quality expenditures, and the civil works program of the Corps of Engineers.

The Committee's efforts associated with the Coast Guard's Integrated Deepwater Program (Deepwater) continue to provide benefits. Deepwater is a series of procurements being undertaken by the Coast Guard to replace or upgrade its major surface and aviation assets. The procurements are expected to cost \$25 billion by the time they are complete in 2026.

The Committee conducted an investigation that probed deeply into the contract management and decision-making processes within the Coast Guard and its contract partner, Integrated Coast Guard Systems (ICGS) (ICGS consisted of Lockheed Martin Corporation and Northrop Grumman Corporation). The Committee found that the Coast Guard was warned of flaws in the designs for Coast Guard assets long before the designs were finalized. The Committee also found that in some cases, substandard information technology equipment was installed on the patrol boats. Finally, records indicated that there were irregularities in the process for testing and certifying the ships for standards designed to prevent the release of classified information.

The Committee's investigation resulted in the Coast Guard removing ICGS as the lead systems integrator for Deepwater, and a reimbursement claim by the Federal government of \$96 million from ICGS.

The Committee continues to monitor the Deepwater Program, guarding against waste, fraud, abuse, and mismanagement, and ensuring that taxpayers receive the full value of their investment.

While the Committee continues to conduct oversight of agency programs in all areas of its jurisdiction, in this Congress, the Committee is being particularly aggressive in overseeing the implementation of the American Recovery and Reinvestment Act of 2009 (Recovery Act) (P.L. 1115).

The Recovery Act provided \$64.1 billion for programs within the jurisdiction of the Committee on Transportation and Infrastructure, including \$38 billion for highway, transit, and wastewater infrastructure formula programs. Since enactment of the Recovery Act, the Committee has performed vigorous oversight, to ensure that the funds provided

are invested quickly, efficiently, and in harmony with the job-creating purposes of that Act.

Just 10 days following enactment of the Recovery Act, the Committee requested monthly reports from States, major public transit agencies, and metropolitan planning organizations on the use of highway, transit, and wastewater infrastructure formula funds provided under the Recovery Act. The Committee continues to receive those reports.

The Committee's request goes beyond the transparency and accountability requirements of the Recovery Act, expanding the scope of programs covered by the reporting requirements, and accelerating the deadline by which information is reported. These reports include information on the number of projects that have been put out to bid, are under contract and underway, and have been completed. The information also includes job hours created or saved and payroll figures. The Committee receives monthly reports from Federal agencies implementing Recovery Act programs under the Committee's jurisdiction.

Since April 2009, the Committee has published a monthly report reflecting this information. All released information can be found at the Recovery Act section of the Committee's website: <http://transportation.house.gov>. The Committee requested that these recipients continue to submit monthly reports directly to the Committee for the remainder of 2010.

Of the \$38 billion available for highway, transit, and wastewater infrastructure formula program projects under the Recovery Act, as of June 30, 2010, \$35 billion (92 percent) has been put out to bid on 18,718 projects. Within this total, 18,002 projects totaling \$33.4 billion (88 percent) are under contract. Across the Nation, work has begun on 17,024 projects totaling \$32.7 billion (86 percent)—work producing badly needed jobs today. Work has been completed on 6,920 projects totaling \$5.3 billion. From these investments, not only has the economy benefited from the jobs created, the public benefits from the investment itself through improved transportation and quality of the environment.

In addition to the monthly reporting, the Committee has held 18 oversight hearings on the Recovery Act since its enactment, with seven of these hearings occurring during 2010. This total includes nine Full Committee hearings and nine subcommittee hearings. These 18 hearings included a total of 123 witnesses and spanned 64 hours. The breadth of witnesses included Ray LaHood, Secretary of the Department of Transportation and Lisa Jackson, Administrator of the Environmental Protection Agency, as well as other Federal, State, and local government officials, private industry leaders, and workers actively engaged in implementing the Recovery Act.

The Committee held its most recent oversight hearing the last week in July, and will continue to hold oversight hearings on the Recovery Act throughout 2010.

In addition to overseeing implementation of the Recovery Act, as of the date of this report, the Committee and its subcommittees

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have conducted 23 separate hearings in 2010 to review the budgets and programs of agencies within the Committee's jurisdiction. Additional hearings are planned.

This report includes specific findings and recommendations developed by the Committee related to Federal spending and government operations. As the findings and recommendations demonstrate, the Committee has made and continues to propose many positive changes to improve the efficiency of government and deliver the best possible outcomes to our constituents.

SPECIFIC FINDINGS AND RECOMMENDATIONS REDUCE EXCESS EXPENDITURES ON NEW COURTHOUSE PROJECTS

This proposal achieves deficit reduction by promoting efficiency and reform of government and reducing waste by ensuring that the number of courtrooms in proposed new courthouse projects constructed by the General Services Administration (GSA) more accurately reflects needs and budgetary realities by aligning the number of courtrooms to reflect courtroom sharing by judges, and realistic projections of additional, future judgeships. Where practicable, the Committee seeks to ensure authorizations directing that courthouses be redesigned to eliminate not only excess courtrooms, but also the additional building volume that would have accommodated those excess courtrooms.

In accordance with 40 U.S.C. 3307, appropriations for specific GSA construction projects may only be made if authorized by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

The Government Accountability Office reported (GAO-10-417) that courtroom overbuilding, as a consequence of both inordinately high judgeship projections by the Judiciary and the Judiciary's failure to share courtrooms in a fashion supported by empiric courtroom usage data, resulted in construction of 1.8 million square feet of unnecessary space for 33 courthouses completed since 2000.

This excess construction translates into a one-time construction cost waste of \$422 million, and an annual waste of \$26 million in additional operation and maintenance costs for the unneeded space.

The budgetary impact of downsizing proposed courthouses is being realized today. Since June 2009, the Committee has authorized five courthouses with curtailed numbers of courtrooms. According to budget estimates provided by GSA, or derived from information provided by GSA, the Committee has saved more than \$87 million to date by limiting the number of courtrooms in new courthouses. The savings are a consequence of lower initial capital costs to build, and less money spent by GSA to lease space because the proposed courtroom space can now be used by Federal agencies that do not need to be located in leased facilities.

[In millions]

San Diego, California Courthouse:	\$50.8
Greenbelt, Maryland Courthouse	
Annex:	\$5.2
Mobile, Alabama Courthouse:	\$7.8
Savannah, Georgia Courthouse:	\$7.8
San Antonio, Texas Courthouse:	\$15.5

Total savings (to date): \$87.1

Additional savings will be realized as the limitations are applied to other courthouse projects not yet authorized or constructed.

ELIMINATE FUNDING FOR LOW-PRIORITY TRANSPORTATION PROJECTS

This proposal achieves deficit reduction by eliminating more than \$713 million in currently available funding for low-priority transportation projects. It will be accomplished by enacting H.R. 5730, the "Surface Transportation Earmark Rescission, Savings, and Accountability Act", a bill introduced by Representative Betsy Markey of Colorado. On July 27, 2010, the House passed H.R. 5730 by a vote of 394-23.

H.R. 5730 rescinds \$713.2 million of Federal-aid highway contract authority that was provided in four prior surface transportation authorization bills and that is currently available for 309 Member-designated projects. Rescinding this \$713.2 million means that it cannot be spent or used to offset increased spending in the future. Any savings from this bill would reduce the deficit.

In addition, the bill establishes a process for the Secretary of Transportation to track unspent project funds going forward, enabling Congress to identify projects that have inactive funds or that have been completed in the previous year. This tracking process will create opportunities for future, additional savings.

Member-designated projects play an important role in the Federal-aid highway program. They provide constituents with a chance to interact directly with their elected officials on community priorities, and allow Members an opportunity to support transportation safety and mobility improvements that may be overlooked by a State department of transportation.

Yet, it is also necessary to use a common-sense approach to funding for projects that are complete or no longer viable. Many of the funds rescinded under this bill are from projects that are complete, but have excess remaining funds. There is no reason for these funds to remain available such that they could be used for future spending.

Other projects affected by H.R. 5730 are those that show no likelihood of going forward due to changing community priorities or other transportation needs. Rescinding funds from projects that are no longer viable is a practical approach to saving taxpayers' dollars.

Rescinding this \$713.2 million prevents it from being spent or used as an offset to increased spending in the future.

It has, unfortunately, become somewhat routine for appropriations bills to rescind existing contract authority to offset other spending. Under budgetary rules, even if a contract authority rescission is "scored" as only reducing budget authority, not outlays, a budget authority offset is often all that is needed to facilitate additional spending in an appropriations bill.

In fact, the Senate Committee on Appropriations has proposed to use a portion of the funds rescinded in this proposal to offset spending in its version of the FY 2011 Transportation, Housing and Urban Development appropriations bill.

Rescinding the \$713.2 million outside the appropriations process makes that amount unavailable for use in some future appropriations bill, and it will indeed result in real savings.

The proposal is in line with the High Priority Project reform principles issued by the bipartisan leadership of the Committee in April 2009, which established an unprecedented level of transparency, accountability, and reform for surface transportation projects going forward.

These principles called for the repeal of funds from older projects that have not been spent. The proposal is an effective and thoughtful means of achieving this policy objective and will save the government money.

ELIMINATE FY 2010 FUNDING FOR CERTAIN TRANSPORTATION PROGRAMS

This proposal achieves deficit reduction by eliminating funding for certain Department of Transportation programs that will not be used in 2010. It will be accomplished by enacting H.R. 5604, the "Surface Transportation Savings Act of 2010", a bill introduced by Representative Thomas S. P. Perriello of Virginia. On July 20, 2010, the House passed H.R. 5604 by a vote of 402-0.

H.R. 5604 rescinds \$82 million in excess contract authority that the National Highway Traffic Safety Administration (NHTSA) and the Federal Transit Administration cannot use in fiscal year 2010. In doing so, the bill makes these funds unavailable for expenditure or as an offset against other spending in the future.

The largest rescission occurs in NHTSA's safety belt performance grants program. This program received \$124.5 million in FY 2010 to carry out an incentive grant program to encourage States to enact and enforce laws requiring the use of safety belts. This funding level equals the amount authorized for this program in FY 2009 under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU) (P.L. 109-59).

According to NHTSA, only three States are expected to qualify to receive an incentive grant under this program in FY 2010, requiring no more than \$28.5 million to carry out the authorized activities of the program.

NHTSA does not have authority to redistribute the unused program funds this fiscal year, and the funds will remain unallocated in FY 2010. The bill rescinds \$56.0 million in existing but unusable contract authority from this program.

H.R. 5604 also rescinds \$8.5 million in contract authority from NHTSA's administrative expenses, the National Driver Register, and NHTSA's research and development programs.

This excess contract authority was made available under the extension of current surface transportation programs passed as part of the Hiring Incentives to Restore Employment Act (HIRE Act) (P.L. 111-147).

Because the amounts of contract authority provided for these programs under the HIRE Act exceeds the funding levels provided by the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010 (division A of P.L. 111-117), NHTSA cannot use these funds this year. However, the unavailability of the funding this year does not preclude the opportunity for the funds to be transferred or used as an offset in future years.

Finally, the bill rescinds \$17.4 million of contract authority from the Federal Transit Administration's (FTA) formula and bus grant programs. The HIRE Act provides \$8.361 billion in FY 2010 to carry out FTA's formula and bus grant programs, \$17.4 million more than the funding level provided in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010. FTA does not have the ability to utilize these funds this year.

Although the \$82 million rescinded by the proposal cannot be used at the present time, there are two ways this \$82 million could be used to increase spending in the future if it

is not rescinded now. First, a future appropriations or other legislative act could increase the obligation limitations that control spending for these highway safety and transit programs, thereby allowing this \$82 million to be spent. Second, a future appropriations act could rescind this \$82 million and use that rescission to offset increased spending on other programs.

Unfortunately, it has become somewhat routine for appropriations bills to rescind surface transportation contract authority to offset increased spending elsewhere. In fact, the Supplemental Appropriations Act, 2010 (P.L. 111-212), rescinds \$25 million in highway safety contract authority as an offset for spending in that law. Had this proposal been enacted earlier, it would have preserved the additional \$25 million in spending reduction, for a total savings of \$107 million.

The Committee on Appropriations includes such rescissions in appropriations bills because the rescissions offset other spending. Under budgetary rules, even if a contract authority rescission is "scored" as only reducing budget authority, not outlays, a budget authority offset is often all that is needed to facilitate additional spending in an appropriations bill.

Rescinding \$82 million outside the appropriations process makes that amount unavailable for use in some future appropriations bill, and it will indeed result in "real" savings.

This proposal is a common sense step toward improving the Nation's fiscal foundation and ensuring that the Federal surface transportation funds are invested as efficiently as possible.

CONSOLIDATE ADMINISTRATIVE FUNCTIONS OF REGIONAL DEVELOPMENT COMMISSIONS

This proposal achieves deficit reduction by promoting efficiency and reform of government through consolidating administrative functions across several regional development commissions. These commissions include the Denali Commission, the Northern Border Regional Commission, the Southeast Crescent Regional Commission, the Northern Great Plains Regional Authority, and the Southwest Border Regional Commission.

The Denali Commission (established in 1998), the Northern Border Regional Commission (established in 2008), the Southeast Crescent Regional Commission (established in 2008), the Northern Great Plains Regional Authority (established in 2002), and the Southwest Border Regional Commission (established in 2008) have similar purposes while serving different areas of the country. Each is designed to enhance and promote wealth generation and economic growth strategies and projects. Their efforts focus on leveraging public, private, and philanthropic resources in areas such as transportation and basic infrastructure, job skills training and entrepreneurial development, comprehensive strategy development, advanced technologies and telecommunications, and sustainable energy solutions.

Opportunities exist to reauthorize and rationalize the structures of these several regional commissions and authorities. The proposal includes a consolidation of Inspectors General Offices, accounting and contracting functions, and certain other administrative functions. A possible location for consolidation is within the Department of Commerce since the Secretary of Commerce currently has responsibility for appointing several of the Federal Co-chairs associated with the commissions and authorities.

The budgetary savings associated with this proposal are estimated at \$1 million.

CREATE AN EQUITABLE METHOD FOR BENEFICIARIES OF HAZARDOUS MATERIAL TRANSPORTATION PERMITS AND APPROVALS TO PARTICIPATE IN THE COST OF SERVICE

This proposal achieves deficit reduction by promoting efficiency and reform of government and reducing expenditures from the General Fund by requiring the Secretary of Transportation to establish a reasonable fee for processing applications for, and ensuring compliance with the terms of, special permits and approvals. The fee would be an offsetting collection for administering the special permits and approvals program. This proposal is contained in H.R. 4016, the "Hazardous Material Transportation Safety Act of 2009", as ordered reported favorably by the Committee on November 19, 2009.

The Pipeline and Hazardous Materials Safety Administration processes about 5,000 special permits and 10,000 approvals annually. Currently, the expenses associated with special permits and approvals are paid from the General Fund. Charging a fee commensurate with the costs of providing the permits would reduce the deficit by reducing demands on the General Fund. Such fees are appropriate because the benefits are specific or localized and costs should more appropriately be the responsibility of the beneficiaries of the service.

The budgetary impact of this proposal would be to reduce demands on the General Fund for all or some of the costs of processing the permits and approvals, currently estimated in excess of \$20 million annually.

DEAUTHORIZE ANTIQUATED PROJECTS OF THE CORPS OF ENGINEERS

The proposal achieves deficit reduction by promoting efficiency and reform of government and reducing waste by using both legislative and administrative means to deauthorize projects authorized to be carried out by the Corps of Engineers (Corps), thereby ensuring that no future appropriations will be made for them and they will not be built.

The Corps currently has in excess of \$60 billion in authorized but unconstructed projects or elements of projects. Deauthorizing some of those projects will eliminate future expenditures. H.R. 5892, the "Water Resources Development Act of 2010", as ordered reported favorably by the Committee on July 29, 2010, deauthorizes 12 specific, currently authorized water resources projects. Under the bill, on the date of enactment of H.R. 5892, these projects would no longer be authorized for construction by the Corps.

Section 1001 of the Water Resources Development Act of 1986 directs the Corps to provide Congress with a list of unconstructed projects, or unconstructed separable elements of projects, which have been authorized, but have not received obligation of Federal funding for the full five fiscal years preceding the transmittal of the list. All 12 projects identified in H.R. 5892, the "Water Resources Development Act of 2010", meet these criteria, and were identified as eligible for deauthorization by the Corps.

The budgetary impact, according to the Corps, of deauthorizing and not constructing the 12 projects in H.R. 5892 is a reduction of future Federal spending of \$871.8 million.

USE FEDERAL HIGHWAY FUNDING MORE EFFECTIVELY TO IMPROVE BRIDGE CONDITIONS

This proposal achieves deficit reduction by promoting efficiency and reform of government by (1) focusing more Federal highway funding on the Nation's core highway and bridge network, (2) requiring increased State

reporting on the use of this funding, and (3) prohibiting transfers of funding between different highway programs. In combination, these provisions will increase the effectiveness of Federal highway funding in improving bridge deficiencies.

H.R. , the "Surface Transportation Authorization Act of 2009", as recommended favorably by the Subcommittee on Highways and Transit on June 24, 2009, includes such provisions.

On July 21, 2010, the Department of Transportation's Inspector General testified before the Subcommittee on Highways and Transit that the Federal Highway Administration's accounting system is unable to link expenditure of Highway Bridge Program funding to improvements made to deficient bridges. Furthermore, States are currently allowed to transfer Bridge Program funds to other Federal-aid highway programs, and the agency has no ability to determine the extent to which these transferred funds are used on bridge projects.

The budgetary impact of more efficient use of Federal highway funding to reduce bridge deficiencies (and increased accountability for the use of that funding) will reduce the Nation's backlog of deficient bridges—and consequently reduce the amount of Federal bridge funding needed in future surface transportation authorization acts.

REDUCE ENERGY CONSUMPTION IN FEDERAL BUILDINGS THROUGH ENERGY EFFICIENT BUILDING SYSTEMS AND COMPONENTS

This proposal achieves deficit reduction by promoting efficiency and reform of government and reducing waste by creating highly efficient operating systems and energy conservation measures as key attributes of High-Performance Green Buildings. The term "High-Performance Green Buildings" also encompasses sustainability, safety, security, durability, and functionality. Savings in reduced Federal building energy consumption will occur as a consequence of investments made under the Recovery Act for retrofitting GSA facilities with energy efficient building systems and components. GSA's expenditures under the Recovery Act may address all aspects of High-Performance Green Buildings, but savings estimates are only readily made with regard to energy efficient systems and components.

The Recovery Act made available \$4.5 billion to be used to convert GSA facilities to "High-Performance Green Buildings". Recovery Act expenditures were justified predominantly in terms of creating employment opportunities for Americans and, in the case of Federal infrastructure spending, improving infrastructure conditions, performance, and efficiency.

The budgetary impact based upon GSA's estimates and calculations for 66 of 252 building modernization projects is energy savings achieved due to reinvestment funded under the Recovery Act of 13 percent to 20 percent of the buildings' total energy footprint, with most savings averaging closer to 20 percent. This is equivalent to \$41 million per year, or \$698 million over the 30-year useful life of the infrastructure improvements (calculated on a present value basis).

APPLY REALISTIC, SITE-APPROPRIATE SECURITY STANDARDS THAT FULLY MEET SECURITY NEEDS AT AN AFFORDABLE COST

This proposal achieves deficit reduction by promoting efficiency and reform of government and reducing waste by having the Committee expand its practice of directing GSA to apply the Interagency Security Committee (ISC) Standards to Department of Defense (DOD) space procurements rather than

DOD's more stringent and more costly Anti-Terrorism Force Protection Standards for non-military office (i.e., civilian and support elements within DOD, as opposed to combat or special forces) functions that will be housed in commercial leased space.

In accordance with 40 U.S.C. 3307, GSA can only enter into a commercial space lease where the annual cost is greater than \$2.7 million if the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt resolutions authorizing the lease.

Through testimony of both Federal officials and private sector security experts given at a hearing before the Subcommittee on Economic Development, Public Buildings and Emergency Management on May 20, 2010, the Committee determined that there is no public policy justification, and no technical security justification, for the routine use of the DOD Anti-terrorism Force Protection Standards in GSA lease procurements for civilian agencies within the Defense establishment.

The budgetary impact of the proposal would be substantial whether the space is new construction or retrofitted existing space.

For example, a recent review of a lease proposal to accommodate the DOD Medical Command Headquarters indicated that the cost differential in retrofitting buildings to meet the DOD security standard, relative to the ISC standard, is approximately \$65 per square foot. This translates into an annual rental premium of approximately \$9 per rentable square foot per year. For the DOD Medical Command Headquarters, at 750,000 rentable square feet, this cost premium equates to \$6.75 million per year, or \$101.25 million in nominal dollars over the 15-year lease term. If the DOD needs were met by new construction built expressly to the requirements of the DOD security standards (as opposed to retrofitting an existing building), the overall construction cost premium would average between 8 percent and 10 percent (exclusive of the additional land cost needed for the larger building set-back requirements). This would translate into a \$2 per rentable square foot premium. It is hard to estimate what the additional land cost would contribute in terms of a higher rent. For the DOD Medical Command Headquarters procurement, the cost premium for the construction alone (excluding land) equates to \$1.5 million per year or \$22.5 million over the lease term.

Therefore, using the DOD procurement as an example, the potential savings associated with this reform proposal for just this one procurement ranges between \$22.5 million for new construction and \$101.35 million for retrofitted space.

Because of a BRAC-imposed deadline, the Committee authorizing resolution for the DOD Medical Command Headquarters procurement allowed GSA to proceed with the most expeditious procurement solution, and so savings associated with the use of the ISC standard in lieu of the DOD standard were not realized in this transaction. Nonetheless, the Committee confirmed the opportunity for significant future savings.

For future large space lease procurements implemented by GSA on behalf of DOD, which will total well over 2 million square feet over just the next few years, the savings potential through reliance upon the ISC standard rather than the DOD standard is approximately \$180 million.

DEVELOP AND IMPLEMENT PERFORMANCE MEASURES AND ACCOUNTABILITY IN SURFACE TRANSPORTATION PROGRAMS

This proposal achieves deficit reduction by promoting efficiency and reform of government by requiring new transportation performance measures designed to achieve specific national objectives. Recipients of Federal transportation funds will be required to meet a variety of performance targets, and their progress will be monitored and publicly reported by the Department of Transportation (DOT).

H.R. , the "Surface Transportation Authorization Act of 2009", as recommended favorably by the Subcommittee on Highways and Transit on June 24, 2009, includes such provisions.

The Department of Transportation has few tools for monitoring and holding grant recipients responsible for successful and efficient use of surface transportation funds. Currently, DOT does not measure how Federal transportation funding achieves national goals, nor does the Department distribute funding based on performance criteria.

The budgetary impact of specific performance measures will result in much more efficient use of taxpayer dollars, and provide taxpayers with tangible and measurable results for their investments in improving mobility, increasing safety, and expanding mode choice.

INCREASE ACCOUNTABILITY FOR THE FEDERAL AVIATION ADMINISTRATION'S NEXTGEN PLANNING AND IMPLEMENTATION

This proposal achieves deficit reduction by promoting efficiency and reform of government and guarding against waste, fraud, and abuse by increasing accountability within the Federal Aviation Administration (FAA) to ensure timely and efficient implementation of the Next Generation Air Transportation System (NextGen). The proposal would establish a Chief NextGen Officer as the primary point of accountability for NextGen implementation at the FAA, elevate the Director of the Joint Planning and Development Office to the position of Associate Administrator for NextGen Planning, Development, and Interagency Coordination, and create reporting and other requirements to ensure accountability for NextGen-related deliverables.

The various offices responsible for different aspects of the FAA's NextGen program have encountered difficulties in coordination. The air traffic control modernization program was on the High-Risk List of the Government Accountability Office (GAO) from 1995 to 2009. Although GAO removed the air traffic control modernization program from the High-Risk List, GAO and the Committee remain concerned that NextGen is a high-risk effort because of its cost and complexity.

The positive budgetary impact of this proposal will accrue from ensuring that a single person within the FAA is equipped with the stature and authority necessary to coordinate NextGen implementation across numerous FAA offices, eliminating duplicative efforts and ensuring accountability.

ADJUST FEDERAL AVIATION ADMINISTRATION FEES

This proposal achieves deficit reduction by promoting efficiency and reform of government, and reducing expenditures from the General Fund, by requiring the FAA to establish fees for aircraft registration, certification, and related services, and to update the amounts charged for overflight fees (fees

assessed to the operators of aircraft that fly in U.S.-controlled airspace but do not take off or land in the United States). Fees will be an offsetting collection and subject to appropriations. Permit fees will be adjusted periodically as necessary to cover the FAA's cost of providing the services for which the fees are charged.

Revising the FAA's registration fees will equitably assign the costs of providing services to the beneficiaries of those services. These revised fees will allow the FAA to recover much of its costs, lessening the demand on the General Fund.

The proposal is contained in H.R. 915, the "FAA Reauthorization Act of 2009", which passed the House on May 21, 2009, by a vote of 277-136. The initial fee rates would reflect the FAA's current costs of providing each service. The FAA would periodically adjust the fees established under this proposal when cost data reveal that the cost of providing the service is higher or lower than the cost data that were used to establish the fee then in effect.

The proposal also directs the FAA Administrator to update the amounts of overflight fees that are currently charged to operators of aircraft that fly in U.S.-controlled airspace but neither take off nor land in the United States, to ensure that the fees reflect the FAA's current cost of providing services to such flights. These fees were initially authorized by the Federal Aviation Reauthorization Act of 1996 (P.L. 104-264), and the rates currently in effect are identical to those originally established by the FAA's final rule on overflight fees in 2001 (14 C.F.R. 187 Appx. B (2008)). The Administrator should set overflight fees in amounts that bear reasonable relationships to costs.

The budgetary impact of this proposal would be savings through improved efficiency by permitting the FAA to assess fees for services in amounts that are realistically commensurate with the costs of providing those services. The proposal assists the FAA in recouping substantial costs, lessening demand on the General Fund and reducing the deficit.

INCREASE OVERSIGHT OF THE FEDERAL AVIATION ADMINISTRATION'S ADS-B CONTRACT

This proposal achieves deficit reduction by promoting efficiency and reform of government by enhanced oversight of performance of the FAA's automatic dependent surveillance-broadcast (ADS-B) contract.

This proposal requires the FAA to submit a report detailing the Administration's plans and schedule for integrating ADS-B technology into the National Airspace System (NAS). In addition, this proposal requires the FAA to insert provisions into the contract that protect the Federal Government's interest, such as: requiring FAA's approval before the contract is assigned to or assumed by another entity, including any successor entity, subsidiary of the contractor, or other corporate entity; designating the assets, equipment, hardware, and software used in the performance of the contract as critical to national infrastructure for national security; requiring the contractor to provide continued broadcast services for a reasonable period until the provision of such services can be transferred to another vendor or to the Government in the event of termination or material nonperformance of the contract; and permitting the Government to acquire or utilize the assets, equipment, hardware and software necessary to assure the continued and uninterrupted provision of ADS-B services for reasonable compensation.

This proposal is contained in section 204 of H.R. 915, the "FAA Reauthorization Act of

2009", which passed the House on May 21, 2009 by a vote of 277-136.

On August 30, 2007, the FAA awarded a performance-based service contract for ADS-B services to a consortium led by ITT Corporation. Instead of adopting a more traditional acquisition strategy for ADS-B, whereby the FAA would own, operate, and maintain the system, the FAA chose a service contract approach, whereby the ITT team will build the ADS-B ground stations and own and operate the equipment. The FAA's use of this approach to ADS-B implementation justifies continuing oversight of the implementation process.

The budgetary impact will be reflected in the subscription charges relating to ADS-B use by properly equipped aircraft and air traffic control (ATC) facilities. The total value of the contract, which has a number of options extending through 2025, is \$1.86 billion. Because it is a nontraditional acquisition, vigorous oversight of its implementation will promote efficiency and ensure against mismanagement or waste. The taxpayer benefits in the long-run through dramatic improvements in the safety and efficiency of the Nation's air traffic control system. FAA air traffic controllers will be equipped to handle an increasing volume of air traffic and will process that traffic much more efficiently than before, while aircraft operators will conserve fuel and minimize greenhouse gas emissions by flying more efficient routings.

MODIFY THE AIRPORT AND AIRWAY TRUST FUND FORMULA

This proposal achieves deficit reduction by promoting efficiency and reform of government by ensuring that the amount that is made available from the Airport and Airway Trust Fund (Trust Fund) each year to fund the Federal Aviation Administration more accurately reflects actual receipts.

This proposal modifies the formula that determines the amount that is made available from the Trust Fund each year to fund the FAA. The modification ensures that the Trust Fund maintains a positive balance despite overly-optimistic revenue forecasts.

The uncommitted cash balance in the Trust Fund has declined dramatically in recent years. At the end of FY 2001, the uncommitted cash balance was \$7.3 billion. For FY 2009, the uncommitted balance was approximately \$299 million. This decline in the Trust Fund's uncommitted balance is due to overly-optimistic revenue projections, combined with a statutory requirement to appropriate from the Trust Fund an amount that is equal to those revenue projections.

The current statutory formula requires that estimated Trust Fund receipts each year must equal Trust Fund expenditures. Under these conditions, the Trust Fund balance should remain stable. However, the Trust Fund revenue estimates included in the President's budget for the past seven years were overly optimistic; such that the amounts appropriated from the Trust Fund (based on those estimates) exceeded the amounts actually deposited into the Trust Fund, resulting in declines in the uncommitted cash balance. The eventual impact would either be a dramatic decline in resources available to the FAA (and a decline in service), or the need for additional revenues from the General Fund.

This proposal modifies the statutory formula to make available from the Trust Fund an amount equal to 90 percent of the estimated revenues, rather than the current 100 percent, until the actual level of revenues received for that year is known. Once actual

revenues are known, a "look-back" adjustment compares the actual revenues received by the Trust Fund to the amounts made available from the Trust Fund for that year, and the difference between the two is applied as an adjustment to the amount made available from the Trust Fund for the current budget year. This change provides greater room for error in revenue estimates until the actual level of revenues received for that year is known, and an adjustment is made to reconcile actual amounts deposited to the Trust Fund with actual amounts appropriated from it. Given recent revenue estimates, a 10 percent margin of error is necessary.

This proposal is contained in section 105 of H.R. 915, the "FAA Reauthorization Act of 2009", which passed the House on May 21, 2009 by a vote of 277-136.

The budgetary impact of this proposal would be greater funding stability by mitigating the effect of overly-optimistic revenue projections. The current expenditures from the Trust Fund could create a need to use the General Fund to alleviate budget short-comings, or result in diminished services. This proposal protects both services and the General Fund.

UPDATE REVENUES FOR THE INLAND WATERWAYS TRUST FUND

This proposal achieves deficit reduction by promoting efficiency and reform of government by updating revenues for the Inland Waterways Trust Fund to ensure the ability to meet the authorized non-Federal cost-share of inland waterways capital investment projects carried out by the Corps of Engineers.

Section 102 of the Water Resources Development Act of 1986 establishes that the costs of construction for navigation projects on the inland waterways transportation system of the United States are equally divided between funds appropriated from general revenues of the United States and funds appropriated from the Inland Waterways Trust Fund (Trust Fund). The Trust Fund was established in 1978, consisting of receipts from a new inland fuel tax. Title XIV of the Water Resources Development Act of 1986 amended the tax rate, which is currently derived from a 20-cent-per-gallon tax on diesel fuel used by commercial vessels engaged in inland waterway transportation, plus investment income.

Over the past few years, the annual balance in the Inland Waterways Trust Fund has declined (estimated to be just \$23 million at the end of fiscal year 2010), and this lack of available funding is expected to have an adverse impact on the pace of construction projects on the inland system due to the unavailability of the 50 percent share of the construction costs for such projects that is derived from the Trust Fund.

In April 2010, the Inland Marine Transportation Systems Capital Investment Strategy Team released a report, entitled Inland Marine Transportation Systems (IMTS) Capitol Projects Business Model, Final Report that recommends several actions to address the construction of projects on the inland system. One recommendation in the report to address the ongoing shortfall in the Inland Waterways Trust Fund is to adjust the current fuel tax by an amount ranging between \$0.06 and \$0.09 per gallon. (The \$0.09 per gallon increase would increase the current fuel tax to the level it would otherwise have reached if it had been indexed for inflation from 1994.)

The budgetary impact of the proposal would preserve the role of non-Federal inter-

ests participating in construction and rehabilitation of the inland waterways. The current \$0.20 per gallon tax on diesel fuel has been in place since 1994. According to the Congressional Research Service, had the initial authorization of fuel tax been indexed for inflation since 1994, an additional \$302 million would have been available from the Trust Fund for construction. Because the shortfall in revenues in the Trust Fund is expected to adversely impact the pace of construction of these vital inland waterways projects, modifying the current fuel tax to a level that adjusts the rate for inflation over the past 16 years is essential to efficient construction of navigation projects on the inland system. In addition, modifying the fuel tax ensures that users of the inland system continue to contribute an equitable portion of the funding for inland navigation projects.

RESTRUCTURE SURFACE TRANSPORTATION PROGRAMS

This proposal achieves deficit reduction by promoting efficiency and reform of government by dramatically reforming the programmatic structure through which Federal surface transportation funding is distributed to States and local governments. The proposal consolidates or terminates more than 75 existing programs and directs the majority of surface transportation funding into several core categories. The proposal also requires the Department of Transportation (DOT) to work in an integrated manner to increase intermodal transportation solutions.

H.R. , the "Surface Transportation Authorization Act of 2009", as recommended favorably by the Subcommittee on Highways and Transit on June 24, 2009, includes such provisions.

The Department of Transportation currently has 108 surface transportation programs administered separately by a multitude of different agencies attempting to address mobility and infrastructure needs. While each of these programs serves an important purpose, because they are segmented and focused on addressing specific modal issues rather than intermodal goals, managing 108 separate programs prevents DOT from using all available tools simultaneously and efficiently in a truly intermodal fashion.

The budgetary impact of reforming the structure of the Department of Transportation's Federal programs will provide taxpayers with a better return on their investment. DOT will be able to provide intermodal solutions to the mobility, safety, and maintenance challenges facing our transportation network. By bringing together different programs and modes, DOT can offer effective, least-cost solutions, reducing costs in our Nation's surface transportation programs and making them more transparent and accountable.

IMPROVE MANAGEMENT OF FEDERAL AVIATION ADMINISTRATION PROPERTY INVENTORY

This proposal achieves deficit reduction by promoting efficiency and reform of government by clarifying the FAA's current authority to purchase and sell property needed for airports and air navigation facilities, and includes the authority to retain funds associated with disposal of property.

This proposal is contained in section 217 of H.R. 915, the "FAA Reauthorization Act of 2009", which passed the House on May 21, 2009 by a vote of 277-136.

Real property assets that are not needed for FAA's mission are marked as "Inactive/

Excess" in the Real Estate Management System. These are non-performing assets. Currently, because of costs associated with disposal (such as demolition, environmental audits, and asbestos abatement), some extraneous properties and equipment (e.g., non-directional beacons, radars, outer markers) unnecessarily remain in the FAA's active inventory for long periods of time. These are physical assets that provide no benefits to the FAA or public, yet require continuing involvement by the FAA.

The budgetary impact of this proposal is from allowing the FAA to reduce its non-performing assets. According to the FAA, the current total replacement value of non-performing assets, as reported to the Office of Management and Budget, is \$64.1 million. Allowing the FAA to dispose of these assets will remove costs associated with carrying the assets, plus allow any real property to be placed into productive use. Clarification that the FAA has the authority to retain proceeds from the sale of property will allow the FAA to cover the costs of disposal and the shutdown of extraneous equipment, and will ultimately improve the Federal balance sheet.

INCLUDE STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS

This proposal achieves deficit reduction by promoting efficiency and reform of government, and avoiding waste, fraud, and abuse by ensuring that employees are involved in Air Traffic Control (ATC) modernization projects.

This proposal requires the FAA to establish a process for including and collaborating with qualified employees selected by each affected exclusive collective bargaining representative in the planning, development and deployment of ATC modernization projects, including Next Generation Air Transportation System (NextGen). In addition, the FAA is required to report to the House and Senate committees of jurisdiction on the implementation of this section within six months of the date of enactment.

This proposal is contained in section 205 of H.R. 915, the "FAA Reauthorization Act of 2009", which passed the House on May 21, 2009 by a vote of 277-136.

Many past ATC modernization projects had to be reworked because employee groups, representing the operators of new equipment, were not consulted on human factors issues early in the development of the project. Experience demonstrates that active engagement with employees can improve the decisions affecting employee performance.

Investments needed to achieve the end-state NextGen, FAA's primary ATC modernization effort, are estimated to cost between \$15 billion and \$22 billion. Utilizing tools to improve the efficiency of that process will ensure that benefits are maximized for the expenditures made.

REFORM THE FEDERAL AVIATION ADMINISTRATION'S PILOT RECORDS SYSTEM

This proposal achieves deficit reduction by promoting efficiency and reform of government and reducing expenditures from the General Fund by requiring the FAA to create a pilot records database.

Under the Pilot Records Improvement Act of 1996 (PRIA) (P.L. 104-264), air carriers must obtain the last five years' performance and disciplinary records for a prospective pilot from his or her previous employer. PRIA also requires carriers to obtain records for a pilot from the FAA. FAA records regarding pilot certification are protected by the Privacy Act of 1974. However, PRIA requires carriers to obtain a limited waiver

from prospective pilots allowing for the release of information concerning their current airman certificate and associated type ratings and limitations, current airman medical certificates, including any limitations, and summaries of closed FAA legal enforcement actions resulting in a finding by the FAA Administrator of a violation that was not subsequently overturned.

The FAA's records system is technologically outdated and inefficient. The "Airline Safety and Federal Aviation Administration Extension Act of 2010" (P.L. 111-216) reforms the records process by requiring the FAA to establish one database containing each airman's comprehensive record, including both FAA records and air carrier records.

When fully implemented, such a database will enable the FAA to process records requests more efficiently and in an automated fashion. As envisioned in the statute, the FAA will be responsible for establishing the database and inputting years of record information. While the initial process of establishing the database will require sufficient time and funding, the long-term effects will be a more efficient system for all users—the FAA, air carriers, and airmen—and will allow for the quick and seamless retrieval of information that is necessary to improve airline safety. In addition, the statute enables the FAA to establish fees for airmen to access their records, which will enable the FAA to recover some system costs.

The budgetary impact associated with this proposal will be determined from a combination of reduced processing costs and offsets from fees, reducing demands on the General Fund.

ESTABLISH PERFORMANCE MEASURES AND ACCOUNTABILITY FOR THE NATIONAL ESTUARY PROGRAM

This proposal achieves deficit reduction by promoting efficiency and reform of government by implementing specific performance measures and goals to track progress in meeting specific environmental improvements to the Nation's estuaries carried out by the 28 established National Estuaries Programs.

This proposal is contained in H.R. 4715, the "Clean Estuaries Act of 2010", which passed the House on April 15, 2010, by a vote of 278-128.

The National Estuaries Program was established in the Clean Water Act in 1987 to improve the quality of estuaries of national importance. The law directs the Environmental Protection Agency (EPA) to work cooperatively with state and local interests to develop plans for attaining or maintaining water quality in an estuary. The Administrator of EPA convenes a management conference of all interested parties where the Administrator determines what control of point and nonpoint sources of pollution to supplement existing controls of pollution is required to provide for protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities, in and on water. Each program establishes a comprehensive conservation and management plan (CCMP) to meet the statutory goals.

The Environmental Protection Agency currently has few tools for holding recipients of National Estuaries Program grants accountable for the timely, efficient, and effective use of Federal funds. In addition, according to information from EPA, several communities that currently participate in the National Estuary Program were given an EPA rating of fair to poor, but it is difficult

to assess whether this is a result of lack of available funding to implement National Estuary Program CCMPs, or a result of the failure of individual programs to achieve their stated environmental restoration goals.

The budgetary impact of specific performance measures, including the authority for the Administrator to suspend or terminate the eligibility of a grant recipient to receive National Estuaries Program funding, will result in more efficient use of taxpayer dollars, and provide for tangible and measurable results from Federal investment in the restoration of the Nation's estuary areas. In recent years, individual national estuary programs have received, on average, approximately \$500,000 annually to carry out restoration efforts within their geographic regions; however, under current law, there are no specific criteria to evaluate the performance of the 28 currently authorized programs. The absence of performance criteria does not afford EPA a tool to determine the effectiveness of the expenditures. It also reduces the ability to disseminate information among estuary programs.

The performance measures contained in H.R. 4715 will provide a mechanism for the evaluation of individual program performance, as well as a process for suspending or barring future appropriations to poor performing programs.

PROMOTE ASSET MANAGEMENT OF PUBLICLY-OWNED TREATMENT WORKS

This proposal achieves deficit reduction by promoting efficiency and reform of government by requiring all eligible recipients of funding from Clean Water State Revolving Funds to conduct an inventory and assessment of the critical assets of the treatment works, and to prepare an asset management plan for maintaining, repairing, and, as necessary, replacing such assets (e.g., sewer lines, pumping stations, treatment plants), as well as a plan for funding such activities.

This proposal is contained in H.R. 1262, the "Water Quality Investment Act of 2009", which passed the House on March 12, 2009 by a vote of 317-101.

The Environmental Protection Agency and others estimate that the Nation will need to invest between \$300 to \$400 billion over the next 20 years to address critical water and wastewater infrastructure needs, including the repair and replacement of a large portion of the approximately 1,000,000 miles of storm and sanitary sewers across the United States. However, a 2004 study by the then-General Accounting Office (GAO) (GAO-04-461) estimated that significant long-term savings on sewer system repairs and replacements could be achieved through increased asset management by local wastewater utilities. The rationale is that increased awareness of the condition of local sewer systems, paired with a more regimented asset replacement program, could reduce the need for more costly repairs through emergency actions (and the associated disruption in service), as well as the potential increased response costs from the release of untreated sewage into the environment. In addition, this increased awareness of the actual condition of local systems could provide incentives to better match local rates to both short-term and long-term capital needs.

The budgetary impact of asset management on budgetary savings is undefined. The GAO report identified several local examples of how increased asset management had resulted in significant cost savings for individual utilities, both in terms of decreased

costs from more effective maintenance programs, as well as prioritizing the expenditure of local resources on repairing and replacing the highest-risk local assets (i.e., assets at the highest risk of failure). In addition, the report identified how detailed awareness of the actual conditions of local systems could provide increased incentives to modify local rates, which, according to EPA, could reduce the overall long-term need for Federal capital expenditures. For example, according to EPA estimates, a three percent annual adjustment in local infrastructure spending could significantly reduce the overall gap between annual wastewater infrastructure spending and identified needs.

INCREASE EFFICIENCY IN ADDRESSING WATER QUALITY PROBLEMS BY REINVESTING IN NONPOINT SOURCE MANAGEMENT PROGRAMS

This proposal achieves deficit reduction by promoting efficiency and reform of government by increasing Federal investment in addressing nonpoint sources of pollution as a cost-effective way of improving water quality throughout the Nation.

During the initial years following enactment in 1972, the modern Clean Water Act enabled the Nation to make great advances in improving the quality of U.S. waters and controlling various sources of pollution. However, over the past two decades, progress has slowed because of the failure to address a significant exception—nonpoint sources of pollution. Nonpoint source pollution refers to the polluting of water by diffuse sources rather than single identifiable “point” sources such as industrial and municipal discharges. These diffuse sources are usually associated with precipitation runoff and land use activities as opposed to end-of-pipe discharges. After 38 years of Federal and State efforts to protect water quality under the Clean Water Act, the single largest-remaining and uncontrolled contributor of pollutants to the Nation’s waters is nonpoint sources. In fact, the Environmental Protection Agency (EPA) estimated that 90 percent of the Nation’s impaired waters are contaminated, in part, by nonpoint sources of pollution.

Because of the regulatory structure of the Clean Water Act, EPA’s ability and available tools to address pollution differ whether the origin is a point source or a nonpoint source. When a waterbody is impaired for certain pollutants, such as nutrients, the structure of the Act can require imposing ever-more-stringent requirements on individual point sources of pollution, such as sewage treatment plants, to address pollutants that may emanate from both point and nonpoint sources. In many instances, it would be cheaper and more effective to invest in upstream controls of nonpoint sources of pollutants than to require the construction of advanced treatment technologies for downstream dischargers. As noted in the most recent EPA Clean Watershed Needs Survey, over 10 percent (or \$24 billion) of the currently reported need for wastewater infrastructure is for advanced treatment. Much of that investment is associated with reducing nutrients from nonpoint sources. Nonpoint source controls are generally more effective and efficient than structural advanced treatment.

The budgetary impact of the proposal, although difficult to quantify, is that increased investment and implementation of nonpoint source control measures will improve water quality in many of the Nation’s rivers, streams, and lakes in a more cost-effective manner than expenditures for ever-

more-stringent requirements of point sources for the same pollutants.

IN HONOR AND REMEMBRANCE OF CHIEF JOSEPH V. PUCCI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Joseph V. Pucci, devoted husband, father, grandfather, brother, friend, United States veteran and retired fire chief for the City of Brooklyn, Ohio. Chief Pucci lived life with an unwavering commitment to family, community and country.

The son of Italian immigrants, Chief Pucci was raised in Brooklyn, Ohio, and called Brooklyn home his entire life. He was drafted into the U.S. Army in 1943 and served with honor and courage. He survived combat as an infantryman in North Africa and Italy and was awarded the Purple Heart for injuries he suffered in Anzio. Chief Pucci was also honored with the Good Conduct Medal, the Bronze Star, and the Combat Infantryman’s Badge. After the war, he began working for the City of Brooklyn as a bus driver and service department worker. In 1951, he began working as a firefighter. Nine years later he was appointed to role of fire chief. For the next thirty years, he served as leader of the Brooklyn Fire Department with excellence, integrity and dedication. He retired in 1990. Chief Pucci’s commitment to the safety of residents was unparalleled. He led many initiatives that strengthened the entire department, including an effort to establish the first state-certified paramedic program in Ohio’s history.

The only thing that eclipsed Chief Pucci’s dedication to community safety was his devotion to his family. In 1949, he met and married Lois McCormick. Together, they raised their children Theresa, Frank and Joseph. A devoted husband; father; father-in-law to Darwin, Kathleen and Kitty; and grandfather to Nicol, Marlo, Joseph, Francesco, Michael and Kevin; Chief Pucci’s family was the foundation, joy and strength of his life. Reserved, humble and kind, Chief Pucci was known for his generous heart and willingness to help others whenever and wherever needed.

Madam Speaker and colleagues, please join me in honor and remembrance of Joseph V. Pucci, whose life was lived with great joy, love and in service to others. I offer my deepest condolences to his beloved family, extended family and many friends. His legacy of devotion to the safety of the citizens of Brooklyn, and his love of family and friends will be forever remembered.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,440,225,498,627.42.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,801,799,752,333.60 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

TRIBUTE TO CHUCK LOVIN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Chuck Lovin, a World War II Navy and Marine veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Chuck Lovin was recognized on Tuesday, July 6. Below is the article in its entirety:

BOONE COUNTY VETERANS: CHUCK LOVIN

(By Alexander Hutchins)

When millions of men are mobilized for a war effort, it is easy to neglect the sheer logistical network needed. Amidst the brutality of the Pacific island invasions, there were touches of a more orderly life. At one point in the war, Charles “Chuck” Lovin, 90, was in a foxhole on the Marianas Islands as Navy Corpsman, providing dental care in the midst of a marine invasion.

Lovin grew up on a farm, and said that in a way the life of work was good preparation for his tour in the Navy, and later the Marines.

“All we did was work, and every day we got up at 4 a.m.” Lovin said.

Despite the work, he was an avid fan of sports and played them consistently through his school career. He participated in track, basketball, tennis and just about everything except football . . . as long as his chores were completed.

Lovin was a student at Upper Iowa University when World War II began, studying social studies and physical education. His goal was to be a coach and make a career out of his passion for sports.

Lovin was exempt from the draft at the beginning of the war due to his status as a student, but when he reached the end of his studies, he enlisted in the Navy. After entering the Navy in August of 1942, he was trained as a dental technician before being assigned to the USS Nevada, which had been damaged in the Pearl Harbor attack but was repaired and returned to service. Lovin served for one and a half years on the Nevada, cleaning teeth and providing other dental services.

“The ship was good duty. There were so many guys on there it was like living on a city,” he said.

When the ship was briefly reassigned to the Atlantic theater, passing through the Panama Canal, the crew took on a number of American sailors who were suffering from mental disorders after traumatic tours on submarines. Some of the sailors were under enough distress that they were restrained or placed on suicide watch.

"They were calm during the day, but at night, when the moon would come out, it would get bad," Lovin said.

He still remembers today a doctor explaining that many of the men would return to normal when they returned home, but some soldiers would suffer difficulties for their remaining years.

Lovin would clean teeth for the sailors late at night on the ship as a matter of duty and didn't charge, but small donations from troops gave Lovin enough money to play poker and buy necessities. Throughout the war, Lovin saved up a portion of his pay to buy the ring he would present to his longtime girlfriend, Lorraine, before they married. The two were split by the war, but wrote to each other almost every day. Necessities of war meant that mail arrived in batches about once a month, and letters were censored. "I fared a lot better than some guys who got Dear John letters," Lovin said. Lorraine still has the ring he presented her.

Lovin returned to the U.S. after his tour on the ship and entered a ten-week training program with the Marine Corps to prepare him for entering the Fleet Marine Force, or FMF.

"They had a lot of fun, the Marines, taking the Navy guys and working them over for ten weeks," Lovin said jokingly.

He was assigned to the 18th anti-aircraft battalion and paired with a doctor named Jim Holdt who would become a long-time friend. Lovin and Holdt worked closely throughout the invasion of Tinian in the Marianas Islands, initially providing care to Marines with a foot-cranked dental station that Lovin carried onto the island with his duty pack.

"My greatest impression was landing with the Marines. I had this whole pack, plus the medical [equipment] on the side, and I told the doctor 'I don't think I can get over that rope ladder and down into the water.' He swore at me and said 'you're going to make it, Charlie.' I made it, but the impressionable thing was all the dead bodies of the Japanese and even the Marines. You pushed them aside when you made the landing. When we got in there, by then they had a lot of the Japanese in corrals and all they wanted was the American cigarette," Lovin said.

"It was your job, and that was it. You just did it, and in that sense it was like growing up on a farm," Lovin said. "I held sick call and treated all the trench mouth and all that."

He treated ailments for the Marines protecting Tinian from Japanese air attacks after he came aboard the island in one of the later waves of the invasion.

"Doctor Holdt, that I was with for two years and shared the same foxhole, he would take over. . . when he would drill teeth I'd provide the power and clean the teeth at the same time," Lovin said.

Prior to his landing Lovin was on his troop ship when the initial Marine invasion landed, and could hear the conflict as the occupation fought to take enough of the island to allow support troops to move in. He was assigned to patrol around the major smokestack of his ship while the invasion occurred, and said he was always fearful that an enemy bomber would manage to hit the ship while the invasion raged on.

Lovin and Holdt slept on cots under mosquito netting on the island, and Lovin remembers clearly that Holdt slept with a .45-caliber pistol.

"I kept saying that one of these days you're going to wake up from a dream and shoot me," Lovin said jokingly.

He worked in trenches and foxholes after initially landing, and in only a few weeks the engineering corp had built a facility that Lovin moved into for treating soldiers. He spoke of helping to unload injured Marines from hospital ships that had steamed in from Okinawa and other islands once engineers could build a hospital. Lovin said he always remembered though some of the soldiers were bandaged, injured or burned severely they all asked him for cigarettes.

"I always said they ought to pull that ship up to New York and make the American people go aboard that ship," Lovin said.

Lovin's duties were the same on the battleship and with the invasion, but the experiences surrounding his work were vastly different.

"With the Marines there was more of an 'esprit de corps,' because you all depended on the other guy," Lovin said. "Long toward the end of the war I got sent back to go to officer training school at the University of Pennsylvania, but the war ended while I was home on leave."

There was no fanfare for Lovin when the war ended. He was given his severance pay, boarded a train, and came home. Because he had earned his degree from Upper Iowa University before joining the Navy, he was hired as a sports coach in Rockford, Iowa almost immediately after the war. Lovin said the days after the war were excellent times for finding work, as there were so many jobs opening up after soldiers returned from Europe and the Pacific. He moved to Boone to coach tennis, basketball and other sports and joined a number of civic organizations such as the Lion's Club and the American Legion. "I'd never been involved in things like that, living on a farm," Lovin said. He and his wife took picnics, wintered in Arizona for many years and took in the community.

The Lovins eventually met Holdt, the doctor Lovin had worked with in the war, and the two couples visited each other in their respective communities.

Lovin encouraged citizens today to do what they can to understand the importance of the protection the military provides. Donating care packages or sending correspondence to troops can make a big difference, he said.

Much of Lovin's time is now taken by visiting numerous class reunions for all of the years he worked in the Boone schools. His legacy is displayed in the pictures of his children, grandchildren and great-grandchildren on a wall in his home and in the years of school classes he receives invitations for reunions from.

I commend Chuck Lovin for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

HONORING DUANE FURMAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to acknowledge and honor Duane Furman for receiving the 2010 Lifetime Achievement Award. He has lived a long and distinguished life and career, adhering to extremely high standards of quality and integrity.

Duane was born in Dinuba and moved to Madera in 1963 to become the superintendent of Madera School District. Under Duane's leadership, Madera Unified School District unified ten school districts into one and grew to serve a broad range of students and helping them reach their academic potential. Duane's background in education started in the classroom as a school teacher and then principal.

Duane is exceptionally well connected within his professional community. He is a life member of the National Education Association, the past president of the Madera County Chapter of the California Elementary Administrators Association, the state chairman of the California Elementary Schools Administrators Association. In addition, he was the past president of Phi Delta Kappa Delta Chapter, as well as the California Association of School Administrators. This just scratches the surface of Duane's contributions and participation in his professional career.

In addition to professional organizations, Duane is deeply involved in his community. He is past president of Madera Rotary Club, part of the Madera County Mental Health Advisory Board, and part of the Education and Ambassador Committee of the Madera Chamber of Commerce. Additionally, Duane was a founding board member of the Madera County Arts Council. He has been given numerous awards including the Fresno State Kremen School of Education Noted Alumni Award, the Phi Delta Kappa Service Award, and the San Joaquin River Trust Director Emeritus Award, all in 2007.

Duane is married to Patricia, also an educator, and they have three children. Presently, Duane serves on the Board of Directors for the Madera Community Hospital, as well as the San Joaquin Valley Paleontology Foundation.

Madam Speaker, please join me in commending Mr. Duane Furman for a life well-lived and wishing him the best of luck and health as he continues setting the standard.

IN RECOGNITION OF JUDITH HURLEY STANLEY COLEMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. PALLONE. Madam Speaker, I rise today in commemoration of the life of Mrs. Judith Hurley Stanley Coleman. Mrs. Stanley Coleman, an active philanthropist and environmentalist in her community, passed away on August 1, 2010 at the age of 75. She was a model citizen and adored by her colleagues. Her faithful dedication and commitment toward others is unquestionably worthy of this body's recognition.

Mrs. Stanley Coleman was raised in Asbury Park, New Jersey by her mother and grandparents. She graduated as valedictorian from Asbury Park High School in 1952 and later went on to earn a bachelor's degree in history from Smith College in Northampton, Massachusetts. Her academic accolades have earned her a position in the Asbury Park High School's Hall of Fame.

Judith Stanley Coleman's exceptional record of community service can be traced back more than four decades. Mrs. Stanley Coleman served as a trustee and held various leadership positions on the boards of the Visiting Nurse Association of Central Jersey, Monmouth Medical Center Foundation, Monmouth Medical Center, Monmouth University, Rumson County Day School, Stevens Institute of Technology, Count Basie Theatre, the SPCA, and Monmouth Museum. Her passion for better, more accessible health care was matched by her love of community activism, politics, historic preservation and environmental justice. As founder and President of the Monmouth Conservation Foundation, President of the Save Sandy Hook organization, and a trustee of the Monmouth Park Charity Fund, Mrs. Stanley Coleman fought hard to preserve Central New Jersey's beautiful natural resources for future generations to enjoy. Her work in the community continued with her involvement in public service and politics. Mrs. Stanley Coleman was a member of the New Jersey Highway Authority under former Governor Thomas Kean. She was also appointed the Chairwoman of the Middletown Planning Board and served with this organization for over thirty years. Mrs. Stanley Coleman remained an active member of the Republican Party, serving as New Jersey's Republican National Committeewoman for ten years and fundraising for various GOP candidates throughout the country. She was a leader determined to make a difference in the community. Mrs. Stanley Coleman's unending generosity and charitable activities have undoubtedly touched many lives and have helped countless people throughout Central New Jersey.

As a result of her exceptional work, Mrs. Stanley Coleman received countless awards and honors for her achievements. She was awarded the 1983 Brotherhood Award from the National Conference of Christians and Jews, the Salvation Army's Others Award in 1984, and the 2003 Christine Todd Whitman Award of Distinction. Mrs. Stanley Coleman was also listed in the 1987 edition of "Who's Who in American Women."

Madam Speaker, Judith Stanley Coleman dedicated her life to philanthropy and environmentalism and her actions touched the hearts and minds of countless men, women and children. Her legacy has served as an inspiration to us all and she will be truly missed.

IN RECOGNITION OF CALPINE CORPORATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Calpine Corporation on the 50th Anniversary of their commercial operations at The Geysers in Lake County, California.

Calpine Corporation owns and operates the world's largest renewable geothermal power facility at The Geysers. The company's 15 geothermal power plants there are capable of

generating up to 725 megawatts of baseload renewable, green energy around the clock.

Calpine is expanding its production at The Geysers through wastewater discharge projects in which clean, reclaimed wastewater from local municipalities is recycled into the geothermal fields where it is converted to steam for electricity production. This provides an environmentally-sound wastewater discharge solution for the neighboring cities and increases the long-term productivity of The Geysers.

In addition to The Geysers, Calpine operates natural gas fueled power plants in 21 states and Canada. Its 93 power plants have nearly 29,000 megawatts of generating capacity. It is the nation's largest operator of combined-cycle and cogeneration plants.

In April 2010, the California Department of Conservation recognized Calpine for its ongoing commitment to safety and the environment for its facilities at The Geysers.

At The Geysers, Calpine owns and operates the Cartwright Geothermal Visitors Center, a 6,500 square foot learning center that is open to the public. More than 60,000 visitors from all 50 states and 77 countries have visited the center. Calpine regularly hosts open houses for the community and guided tours of its plants there.

The 330 full-time Calpine employees at The Geysers volunteer in the community and each year host a popular Earth Day event and contribute to the Blood Bank of the Redwoods and United Way. Calpine helps underwrite local paramedic services, community pools, sports fields and recreation areas.

Madam Speaker, Calpine Corporation is an industry leader and one of the leading community partners in my district. It is therefore appropriate that we honor them today on the 50th Anniversary of their operations at The Geysers.

TYLER SPARKS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Tyler Sparks. Tyler is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities. Over the many years Tyler has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Tyler has earned the rank of Warrior in the Tribe of Mic-O-Say and is a member of the Order of the Arrow. Tyler has also contributed to his community through his Eagle Scout project. Tyler designed and constructed 6 raised historical gardens at Watkins Mill State Park outside of Kearney, Missouri.

Madam Speaker, I proudly ask you to join me in commending Tyler Sparks for his accomplishments with the Boy Scouts of Amer-

ica and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCING H.R. 6127—"EXTENSION OF HEALTH CARE ELIGIBILITY FOR VETERANS WHO SERVED AT QARMAT ALI ACT"

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. BUYER. Madam Speaker, today I am introducing a bill, H.R. 6127, the Extension of Health Care Eligibility for Veterans who Served at Qarmat Ali Act, to extend the VA healthcare enrollment period for certain veterans who served in the Qarmat Ali region of Iraq.

Soon after the conflict in Iraq began in 2003, Army National Guard units from my home state of Indiana as well as units from Oregon, West Virginia, and South Carolina and National Guardsmen mobilized as individual augmentees from across the nation were called up and tasked with guarding the Qarmat Ali water treatment facility.

For 6 months—from April to September—these National Guardsmen from across the nation bravely guarded the plant, located just outside Basra. Their mission was to secure the facility and provide protective services for the independent contractors who were working throughout the region to restore Iraqi oil production.

Recently, they have been notified of their possible exposure to a toxic chemical known as sodium dichromate and are being asked to come forward, be evaluated, and enroll in VA's Gulf War Registry. Health problems associated with such exposure include respiratory issues, skin lesions, and burns. Contact may cause increased rates of lung cancer and other ear, nose, throat, and skin disorders.

The men and women of these National Guard units completed their mission—and served our country—well. It was hard for me to discover that despite their safe return, their service may continue to put them at risk. In particular, I am very sensitive to the Hoosiers who may have been injured.

Under current law, combat veterans who served on active duty in a theater of combat operations during a period of war after the Persian Gulf War or in combat against a hostile force during a period of "hostilities" after November 11, 1998 are eligible to enroll in the VA health care system, notwithstanding sufficient evidence of service-connection, for five years following separation from service.

This includes members of the National Guard and Reserve who were activated and served in combat support or direct operations as long as they meet certain requirements.

When Congress established the 5 year period of open enrollment for VA health care it was with the understanding that some wounds of war may not manifest themselves until years after a veteran leaves military duty.

But despite our best intentions, we are finding that some veterans are faced with combat-related health problems that were not apparent even 5 years after the veteran re-entered

civilian life. This creates a gap in services that unfairly penalizes these men and women for conditions out of their control.

I commend the VA for their efforts to contact these veterans and create the Qarmat Ali Registry to aggressively track and treat veterans exposed to this toxic chemical as part of the Gulf War Registry.

However, it is also important for them to have immediate access to VA's high quality health care system. The use of VA health care will help to identify potential medical conditions, and provide counseling, immunizations, and medications to prevent illness. Appropriate preventative care can substantially improve health outcomes and the quality of life for our honored heroes.

But, some of the Qarmat Ali veterans who separated from service following their deployment in 2003 may no longer be eligible to enroll in VA health care under the 5-year open enrollment period. As a result, they must first file a claim and seek a service-connected disability rating before enrolling in the VA health care system and gaining access to the comprehensive medical care VA provides.

Unfortunately, the claims process can be both time-consuming and daunting. It is unacceptable that the Qarmat Ali veterans, already subjected to harmful toxins during service to our country, must now await the outcome of a lengthy and sometimes adversarial claims processing system before they can enroll in VA health care.

The VA was established expressly to care for veterans like these who willingly left their homes, families, and lives to protect and defend our nation and may find themselves sick or injured as a result of such selflessness.

H.R. 6127 would correct this unintended gap in services by extending the enrollment eligibility period for Qarmat Ali veterans by 5 years from the date of notification. This would allow them to immediately begin receiving services at VA medical facilities for any and all of their health care needs.

Breaking down barriers to needed care is the very least we, as a grateful nation, can do for the men and women who fight for our freedoms, in Qarmat Ali and around the world.

I urge my colleagues to join me in supporting H.R. 6127 and these brave American heroes.

IN HONOR AND RECOGNITION OF
SERGEANT MAJOR ROLANDO
MOORE, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of SGM Rolando Moore, Jr., upon his retirement from the U.S. Army, which follows nearly 30 years of honorable and dedicated service to our country.

In 1981, Sergeant Major Moore enlisted into the U.S. Army, completing basic training at Fort Leonard in Wood, Missouri. He received advanced training at Fort Sam in Houston, Texas. Throughout his military career, Ser-

geant Major Moore Jr. sought higher learning in the military, where he excelled in numerous courses and training programs, and also at private institutions of higher learning. He earned a Bachelor's degree in business management from Columbia College, and is currently pursuing a Master's degree from the University of Phoenix.

Sergeant Moore's military education included in-depth training and education in the areas of patient advocacy and administration. He worked as a senior advisor, patient administration consultant and chief clinical officer at military medical facilities across the country and overseas, including: Walter Reed Army Institute of Research in Washington, DC; Eisenhower Medical Center at Fort Gordon, Georgia; and military facilities in Alabama, Colorado, Michigan, Hawaii and Korea. Sergeant Moore has been recognized with numerous military honors, including the Meritorious Service Medical Award with three oak leaf clusters; the Army Commendation Medal with three oak clusters; the National Defense Service Medal; the NCO Professional Development Ribbon; the Army Service Ribbon; and the Overseas Ribbon Award.

Madam Speaker and colleagues, please join me in honor and gratitude of SGM Rolando Moore, Jr., for his exemplary service on behalf of our country. His military career is framed by dedication and unwavering commitment to the health and welfare of our veterans, and his work will have a positive impact on the lives of countless veterans and their families for years to come. I wish Sergeant Major Moore, his wife, Mary Moore, and his daughters, Jazmen Moore and Kalea Moore, much peace, health and happiness in all their future endeavors.

FINDINGS OF THE CHAIRMAN OF
THE COMMITTEE ON ENERGY
AND COMMERCE RELATING TO
EFFICIENCY AND REFORM PUR-
SUANT TO H. RES. 1493

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. WAXMAN. Madam Speaker, thoughtful stewardship of our national budget and accountability in government should be a top national priority. Toward that end, in the 111th Congress, the Committee on Energy and Commerce has been vigilant in conducting oversight hearings to identify waste, fraud, abuse, and mismanagement in government, and this effort has informed the development of a number of legislative initiatives that would produce substantial deficit reduction. Pursuant to the instructions in H. Res. 1493, following is a discussion of major Committee initiatives in this area.

One of the main areas of the Committee's focus has been promoting efficiency and effectiveness in our nation's health care system. The Affordable Care Act, which the President signed into law earlier this year, contains reforms that will save the taxpayers \$130 billion over the next ten years and \$1.2 trillion over the following decade.

This legislation contains many important provisions to reduce waste, fraud, and abuse in the health care system. These include new tools to identify fraudulent providers and prevent them from enrolling in Medicare and Medicaid; new and stronger penalties for providers that defraud Medicare and Medicaid; new data-sharing and data-reporting requirements to identify waste, fraud, and abuse; and new funding to identify, prevent, and prosecute fraudulent Medicare and Medicaid providers.

The Committee has been reviewing additional cost-cutting initiatives involving health coverage. One concerns drug manufacturer rebates under the Medicare Part D program. The costs of drugs for Medicare-Medicaid dual eligible enrollees (which are paid almost entirely by the federal government) should be no higher under Medicare Part D than they are under Medicaid. The Committee-passed version of health reform included such a rebate provision. A version of this provision that passed the House (but was not enacted into law as part of the Affordable Care Act) would have saved taxpayers approximately \$115 billion over ten years.

Significant taxpayer savings for the federal government would also result by prohibiting "pay for delay" agreements between brand-name drug manufacturers and generic drug manufacturers under which the generic companies are paid to delay the marketing of generic products. Each year, the government spends billions of dollars on prescription drugs through programs such as Medicare and Medicaid, and the inflated drug costs that result from artificially delayed entry of generics onto the market mean higher costs for the government. The Committee and the House approved health reform legislation that included such a prohibition, but this language was not included in the version of the bill that became law.

Energy policy provides another potential for significant savings. Last year, the House passed comprehensive energy legislation that would have saved the taxpayers \$9 billion over ten years. This legislation has not yet been considered by the Senate.

Other areas the Committee is examining also provide avenues for savings. In the telecommunications area, efforts to improve spectrum management and identify opportunities for spectrum reallocation and auction could save taxpayers billions of dollars. Further, the universal service fund costs consumers approximately \$8 billion per year. Under the leadership of Subcommittee Chairman RICK BOUCHER, the Committee has been examining ways to make this fund more efficient and control costs.

The Committee will continue its broad-ranging efforts to consider these and other approaches to address waste, fraud, abuse, and mismanagement in government and reduce the federal deficit.

TRIBUTE TO DAVID MONDT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize David Mondt, a World War II Army Air Corps and National Guard veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. David Mondt was recognized on Tuesday, June 29. Below is the article in its entirety:

BOONE COUNTY VETERANS: DAVID MONDT
(By Alexander Hutchins)

At 21 years of age, many kids are still wet behind the ears and trying to carve out a living for themselves. When David Mondt was 22, he was flying nighttime raids to drop paratroopers from the 82nd Airborne into the battlefields of Europe.

Mondt, 87, previously a first lieutenant in the Army Air Corps during World War II, was born in Boone and has lived in the community nearly his entire life. He lived in Perry for a year in his childhood, at which time he was hit by a Hawkeye Laundry truck. No lasting injuries resulted from the accident, but Mondt soon returned to Boone and continued his education.

"The biggest thing was getting a bicycle, which I eventually did," Mondt said of the most significant part of his childhood.

When World War II began, Mondt watched the Iowa National Guard mobilize and head to Louisiana.

"Then they started the draft, and I didn't want to wait for that, so I joined the Air Force," he said.

Mondt began training to be an Army Air Corps mechanic when he first joined, as pilot training was only available to soldiers 21 and older. While in mechanic training, the age requirements for pilot training were lowered, and Mondt, then 18, applied and was accepted into program. He went into the pilot school in Texas, and mere days before graduating the program was scrapped and modified to the Flight Officer Program.

"In one day, November the 10th, 1942, I was a Private, a Staff Sergeant and a flight officer in a matter of hours," Mondt said.

Mondt was eventually placed with the 62nd Troop Carrier Squadron, men with whom he would fly for the rest of the war. Every man in the squadron would return home alive at the war's conclusion.

The squadron flew mostly day-to-day supply and troop transport missions. Mondt flew a C-47 Skytrain cargo plane for the entirety of the war, and said he missed a pre-D-Day appearance by General Eisenhower because he was running a load of supplies. Mondt originally flew runs in North Africa, then as part of the American invasion of Italy where he dropped paratroopers on Sicily.

After the fascist collapse in Italy, Mondt was sent to England and prepared for the D-Day invasion. Mondt would drop members of the 82nd Airborne in the now-famous invasion of Europe, and in the nighttime raid the C-47s received enemy fire, but managed to deploy the paratroopers successfully.

"Everything was fine, as long as you were over England or over the water. When we hit

the coast of France we started receiving fire from the Germans," Mondt said. One plane from the squadron was shot down, but the crew survived.

Mondt's plane would return from the mission, but it was hit by anti-aircraft fire. All the windows were blown out and Mondt was hit by the shrapnel flying about the cabin. Mondt received the Purple Heart for his injury, although he would carry pieces of shrapnel in his back for years.

Despite all the events conspiring around him that would become critical to world history, Mondt said that in the end the daily activities were orderly and regimented.

"Whatever they told you to do, you did," Mondt said. "It was really just an everyday occurrence. When you weren't dropping paratroopers, you were hauling supplies to front-line troops."

Mondt flew British and Polish soldiers into the Battle of Arnhem, but toward the end of the war more flights were daytime operations. Mondt said that after crossing the Rhine River, there were hardly any German air forces left. The planes had all been bombed at the airfields by the Army Air Corps.

"If you got back from the flight, you got a place to sleep, and it was warm, and [you got] good food. The ground troops ate out of mess kits. We never did," Mondt said.

When he returned to the U.S. after his tour of duty, he was offered a chance to leave the Air Corps while in St. Louis. Mondt accepted and returned to Iowa. He didn't spend long out of an airplane, however, as he joined the Army Aviation of the National Guard upon returning to Boone. He would fly aircraft with the National Guard, including helicopter training in Texas, and would serve in the Guard until the age of 60. At one point Mondt was told the Army would be decommissioning all of its planes for helicopters, but he never heard what came of that plan.

Life was normal after the war. Mondt sold insurance when he wasn't on Guard duty, and he married his wife, Yvonna. They raised four children and lived a quiet life.

"Mowing grass," Mondt said jokingly when asked what he did for a hobby while living in Boone. Mondt said the war had little permanent effect on him, as his outlook on life after the war was similar to his outlook on life before the conflict.

"It [the war] hasn't affected me at all, as far as I can recall," Mondt said. Beginning in 1951 his squadron from the war began holding reunions, and the original gathering had 41 participants. Though the numbers have dwindled, Mondt still attends reunion functions for the war.

I commend David Mondt for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

IN RECOGNITION OF THE DEDICATION OF THE HINDU TEMPLE OF CANTON

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. PETERS. Madam Speaker, I ask my colleagues to join me in recognizing the dedication of the Hindu Temple of Canton, a beacon of community and spirituality benefitting the Hindu community of Greater Detroit.

Just a little over a year ago, I stood at the Temple site along with the members of the Hindu Temple to turn the first shovels of soil for this center's major expansion. Its completion marks a new phase of growth and prominence for this vibrant community, and I am proud and honored to recognize this dedication.

In October of 1986, a small group of dedicated members of the Hindu community decided that there was a clear need to build a Temple that would cater to the western suburbs of Detroit. Construction began in 1988, and the Temple first opened its doors on December 25, 1990.

For the past 20 years, the Temple has fulfilled its role as a true center of the community—offering classes and concerts, hosting countless gatherings, annual celebrations of Indian Independence Day, and supporting the broader community through a Scholarship Program for graduates of Plymouth Canton High School.

With the completion of this new expansion, the Temple will be able to welcome ever-larger numbers of members into its doors and continue to provide the rich and dynamic programming that has become its signature.

Madam Speaker, it is my distinct privilege to mark the dedication of the Hindu Temple of Canton and the milestone of progress and growth it represents for the Hindu Community of metro Detroit.

FINDINGS OF THE CHAIRMAN OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE RELATING TO EFFICIENCY AND REFORM PURSUANT TO H. RES. 1493

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. REYES. Madam Speaker, pursuant to House Resolution 1493 and on behalf of the Permanent Select Committee on Intelligence, I submit the following findings that identify potential changes in law that help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement, promoting efficiency and reform of government, and controlling spending within government programs authorized by the Committee.

On February 26, 2010, the House of Representatives passed H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010. This legislation includes a number of changes in law that would help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement, as well as promote efficiency and reform in government, and control spending within intelligence programs.

Creation of an Inspector General for the Intelligence Community. The bill would create a statutory and independent inspector general for the Intelligence Community (IC/IG), whose office would have authority to conduct audits and investigations within and across the elements of the Intelligence Community. The IC/IG would be a powerful tool for identifying waste, fraud, abuse, and mismanagement in the Intelligence Community.

Granting access to the General Accounting Office. The bill would require the General Accounting Office be given access to Intelligence Community records and personnel for the purposes of conducting audits and investigation as directed by the congressional intelligence committees. These audits and investigations have proven critical to Congress' ability to identify waste, fraud, abuse, and mismanagement throughout the federal government; this provision will bring the same level of congressional oversight to the Intelligence Community.

Review of covert action programs by Inspector General of the Central Intelligence Agency. The bill would require that the CIA/JIG conduct audits of each covert action program at least once every three years, which would ensure that these critical and sometimes costly programs receive an appropriate level of scrutiny.

Improvements to congressional oversight. The bill would enhance congressional oversight over the Intelligence Community in a number of ways, which would better enable Congress to help reduce the deficit by promoting efficiency, controlling spending, and reducing waste, fraud, abuse, and mismanagement. These include:

Reform to congressional reporting on covert actions. The bill would make a number of improvements to the process through which the Intelligence Community informs Congress regarding certain sensitive covert actions, including a requirement that all notifications to the Gang of 8 (the Speaker of the House, House Minority Leader, Senate Majority and Minority Leader, and the Chair and Ranking Member of the two Intelligence Committees) be provided in writing; and that all members of the congressional intelligence committees be provided with "general information" regarding a notification to the Gang of 8. The bill also defines the specific terms that would necessitate congressional notification.

Certification of compliance with oversight requirements. The bill would require the head of each element of the Intelligence Community to certify semi-annually that the element has notified Congress of all significant and significant anticipated intelligence activities, as required by law.

Cybersecurity oversight. The bill would require notification to Congress of all new and existing cybersecurity programs, giving Congress better visibility into this evolving and resource-intensive mission.

Security clearance reform. The bill would require extensive reporting to Congress, including a comprehensive quadrennial audit, regarding the processes used by the federal government to provide security clearances. It would also create an ombudsman responsible for addressing complaints regarding the security clearance system. Committee hearings and other investigations have identified numerous inefficiencies in the security clearance systems, which these reforms will help to address.

Reform and oversight of personnel policies. The bill includes a number of provisions intended to help control the growth of personnel and other administrative costs within the Intelligence Community. These include:

Caps on personnel levels at the Office of the Director of National Intelligence. The bill

would limit the number of personnel at the Office of the Director of National Intelligence (ODNI), which has increased substantially since the ODNI was created.

Annual personnel level assessments. The bill would require that the Intelligence Community conduct a comprehensive review of all personnel, both federal employees and contractors across all agencies, which would assist the Intelligence Community and Congress in identifying redundancies, excessive growth, and other inefficiencies.

Report on intelligence community contractors. The bill would require a comprehensive report on the use of personal services contractors within the Intelligence Community, the impact of these contractors on personnel management systems, plans to convert positions from contractor to federal employee, and accountability methods. The use of contractors in the Intelligence Community has increased substantially over the past ten years, at considerable cost to the taxpayer.

This report will enable Congress to identify contractor mismanagement and to monitor the implementation of responsible and cost-effective policies regarding contractors across the Intelligence Community.

Reports and plans. The bill includes provisions to require reports or plans on various subjects, which will assist Congress and the Intelligence Community in determining ways to achieve a variety of missions more efficiently and effectively without waste, fraud, abuse, or mismanagement. These include:

Report on intelligence resources dedicated to Iraq and Afghanistan. The bill would require a report summarizing the intelligence resources dedicated to Operation New Dawn (formerly Operation Iraqi Freedom) and Operation Enduring Freedom, so that Congress can ensure that they are used in the most efficient and cost-effective manner.

Report on transformation of the intelligence capabilities of the Federal Bureau of Investigation. The Federal Bureau of Investigation (FBI) has undertaken significant internal restructuring to better enable it to collect intelligence on potential terrorists, among other threats. The bill requires a comprehensive assessment of this effort, which would allow Congress and the FBI determine whether further changes are necessary and/or cost-effective.

Intelligence community financial improvement and audit readiness. The bill requires that each element of the Intelligence Community produce a plan for achieving full, unqualified audits by September 30, 2013, which is an integral step toward implementation of sound financial management practices at these agencies.

Inspector General report on over-classification. The bill requires that the IC/IG conduct an analysis of the over-classification of national security information and recommend ways to resolve the problem. Over-classification can inhibit the sharing of intelligence, which can lead to redundancy and waste.

Report on information sharing practices of joint terrorism task force. The bill requires a report on the information sharing practices of the FBI-New York Police Department Joint Terrorism Task Force to help identify ways in which combining federal, state, and local resources can result in a more efficient use of those resources.

Plan to implement recommendations of the data center energy efficiency reports. The bill requires that the Director of National Intelligence prepare a plan to comply with a report regarding the use of energy efficient data centers, which would help the Intelligence Community reduce its energy costs.

Repeal of certain reporting requirements. The bill would reduce the resources expended across the Intelligence Community on preparing reports that are redundant or obsolete.

HONORING PONZI VINEYARDS

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. WU. Madam Speaker, I rise today to offering congratulations to the Ponzi Vineyards on their fortieth anniversary of outstanding wine making and stewardship of the land.

Located in Beaverton, Oregon, in the heart of my district, Ponzi Vineyards has a long tradition of creating highly rated wines in the great wine-producing region of the Willamette Valley. Ponzi Vineyards is internationally acclaimed for producing some of the world's finest pinot noir, pinot grin, pinot blanc, chardonnay and white riesling, as well as arneis and dolcetto, two rare Italian varietals.

Ponzi Vineyards remains a family owned business, with the second generation now directing the operation. Founded by Dick and Nancy Ponzi, the winery has always maintained an unwavering commitment to building a tradition of winemaking excellence, as well as a commitment to protecting the environment.

All of the Ponzi's vineyard land is certified to comply with the world's highest standard for sustainable viticulture. Since the beginning, the Ponzis have instilled a strong belief in respect for, and responsibility toward our natural resources.

I congratulate the Ponzi family on its forty years of producing high-quality wines, while simultaneously protecting the Earth.

FINDINGS OF THE CHAIRMAN OF THE COMMITTEE ON HOMELAND SECURITY RELATING TO EFFICIENCY AND REFORM PURSUANT TO H. RES. 1493

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, in accordance with the Budget Enforcement Resolution, I submit those changes in law resulting from legislation approved or filed by the Committee on Homeland Security that will help achieve deficit reduction by enhancing efficiency, accountability and oversight, while eliminating waste, abuse, mismanagement, and fraud in Government programs within the jurisdiction of the Committee on Homeland Security.

Below are measures within the Committee's jurisdiction that have, to date, been approved

by the House during this Congress and reflect the Committee's efforts to promote efficiency, government reform and result in budgetary savings:

H.R. 553, the Reducing Over-Classification Act, which creates a standard for formatting finished intelligence and eliminates redundant classification efforts.

H.R. 2200, the Transportation Security Administration Authorization Act, which streamlines management at TSA, requires risk-based allocation of resources, and promotes operational efficiency.

H.R. 4842, the Homeland Security Science and Technology Authorization Act of 2010, which establishes new internal controls, more robust standards, and reforms for all of the research and development conducted by both the Department of Homeland Security's Science and Technology Directorate and the Domestic Nuclear Detection Office.

H.R. 3978, the First Responder Anti-Terrorism Training Resources Act, which allows the Department of Homeland Security to accept gifts for its first responder training centers, thereby alleviating need for the Department to purchase certain equipment or material.

H.R. 3980, the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, which requires the identification of redundant rules and regulations and a plan to eliminate redundant reports and regulations.

H.R. 1148, a bill to require the Secretary of Homeland Security to conduct a program in the maritime environment for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security, which promotes government efficiency by streamlining processing, prosecution, and deportation of suspected individuals.

H.R. 2868, the Chemical and Water Security Act of 2009, which controls spending by requiring that grants be awarded on a merit and risk based basis, streamlines the regulatory requirements for securing chemical and water treatment facilities and, by enhancing the security of such facilities, mitigates against the potentially astronomical costs associated with the response to and recovery from a successful terrorist attack on such a facility.

H.R. 1617, the Department of Homeland Security Component Privacy Officer Act of 2009, which establishes a privacy officer in each Department of Homeland Security component, thus enhancing efficiency by reducing the potential for the production of regulations or guidelines that are subject to challenge under privacy laws.

H.R. 4748, the Northern Border Counter-narcotics Strategy Act of 2010, which enhances the efficiency of governmental efforts to prevent the illegal trafficking of drugs across the northern border by requiring a strategy stating the specific roles and responsibilities of relevant agencies.

H.R. 1178, a bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes, which requires a report to Congress focusing on the feasibility and cost effectiveness of using the Civil Air Patrol to supplement Departmental air resources involved in border enforcement and other homeland security missions.

H.R. 1665, the Coast Guard Acquisition Reform Act of 2009, which eliminates massive cost overruns and potential future costs overruns for Coast Guard acquisitions.

H.R. 3619, the Coast Guard Authorization Act for Fiscal Years 2010 and 2011, which creates an acquisition directorate to provide guidance and oversight for Coast Guard acquisitions, the result of which will be cost savings.

Madam Speaker, the measures I have listed display the Committee on Homeland Security's commitment to advancing legislation that seeks to reduce the national deficit by promoting government efficiency while focusing on our primary mission of pursuing legislation that enhances the security of our nation.

RECOGNIZING STEVE
LEWANDOWSKI ON THE 20TH AN-
NIVERSARY OF ANNOUNCING AT
THE SAN DIEGO POLO CLUB

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. ISSA. Madam Speaker, I rise today to recognize the tenure of Mr. Steve Lewandowski, on the occasion of his 20th anniversary as announcer at the San Diego Polo Club. As a beloved media personality in San Diego County, I would like to congratulate Steve and celebrate his two decades of outstanding commentary for the Club.

Known as the Voice of the San Diego Polo Club, Steve has provided invaluable entertainment acting as a play-by-play announcer, color commentator and ambassador for the game he learned to play at the club. With Steve's wealth of knowledge and enthusiasm for the game, you wouldn't know that he didn't have much background in polo when he arrived in San Diego in 1982 as a naval officer based in Coronado. But after his first match at the Club in 1991, he was instantly hooked.

With a background in public speaking, Steve came in to announcing at the club by chance, as a last minute backup whose versatile talents instantly took everyone by storm. From there it was history as Steve proceeded to take over the distinguished post that has warmed hearts for the last 20 years.

Novice fans count on him to provide the introductory polo basics, seasoned veterans want the inside scoop—Steve delivers it all in an eloquent balance. Known for his ability to convey tremendous excitement and enthusiasm, Steve has announced at the World Cup, done commentary as “the voice of polo” for ESPN, and has traveled all over the world, including Mexico, Ireland, and Australia.

Furthermore, Steve has made countless contributions to our community as the Master of Ceremonies and auctioneer for hundreds of charity events. Steve holds a particular passion and longstanding commitment to supporting wounded warriors. Time and again, Steve has demonstrated his admirable dedication and unwavering support for wounded warriors and the organizations that serve them.

Madam Speaker, I ask that my colleagues please join me in recognizing Steve

Lewandowski on the occasion of his 20th anniversary announcing at the San Diego Polo Club. Thank you.

HONORING BILL DAWSON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to acknowledge and honor Bill Dawson for receiving the 2010 Lifetime Achievement Award. He has lived a long and distinguished life, adhering to extremely high standards of quality and integrity.

Bill Dawson was born in Glendale, California and moved to Madera in 1985. He spend ten years as the production control manager for National Can. He was also a plant controller for Penata Foods and Industrial Blow Molding. In addition, he spent 25 years as the owner of Round Table Pizza and recounts the highlight of his careers as helping kids see the benefit of a good education.

Bill is well connected within his community. For almost twenty years, he has been a member of the Lions Clubs, both Breakfast and Evening Lions. He was awarded the Lion of the Year award seven times. Additionally, he was past president of Madera Linkage Foundation. He is currently the president of the Foundation for high school Athletic Needs and was the 1996 Homecoming Grand Marshall.

Bill is married to his wife, Brenda. It is clear that they will leave a lasting legacy for generations to come. Madam Speaker, please join me in commending Bill for a life well lived and wishing him the best of luck and health as he continues setting the standard.

HARRISON J. SHIPMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Harrison J. Shipman. Harrison is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and earning the most prestigious award of Eagle Scout.

Harrison has been very active with his troop, participating in many scout activities. Over the many years Harrison has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Harrison has contributed to his community through his Eagle Scout project. Harrison designed and constructed a memory garden at Weston Christian Church in Weston, Missouri. Harrison honored the memory of 70 late members of the church with bricks with their names inscribed on them.

Madam Speaker, I proudly ask you to join me in commending Harrison J. Shipman for his accomplishments with the Boy Scouts of

America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOMMENDATION OF CHANGES IN LAW THAT HELP ACHIEVE DEFICIT REDUCTION BY REDUCING WASTE, FRAUD, ABUSE, AND MISMANAGEMENT, PROMOTING EFFICIENCY AND REFORM OF GOVERNMENT; AND CONTROLLING SPENDING WITHIN GOVERNMENT PROGRAMS, PURSUANT TO H. RES. 1493

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Ms. VELÁZQUEZ. Madam Speaker, pursuant to section (c)(2)(C) of H. Res. 1493, the Small Business Committee has taken steps to "identify changes in law that help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement, promoting efficiency and reform of government, and controlling spending within Government programs" that fall within the Committees' legislative jurisdiction. With the economy beginning to show promising signs of recovery, it remains imperative that Congress and this Committee effectively oversee that taxpayer funds are used effectively. This includes not only terminating duplicative programs, but also taking steps to eliminate wasteful practices in federal agencies.

The Committee has taken its oversight role very seriously. H. Res. 40, which was passed at the beginning of this Congress, amended Clause 2(n) of House Rule XI by requiring that committees undertake intensive and regular examination of executive branch activities. We have exceeded the 1 hearing per 120 day requirement under H. Res. 40 and held 10 hearings on the Small Business Administration (SBA) and its programs. This has included 4 Government Accountability Office (GAO) investigations, all of which were requested by this Committee.

As a direct result of these oversight activities, the Committee makes the following recommendations pursuant to H. Res. 1493:

1. Termination of Patriot Express Loan Program: The Increased Veteran Participation Program contained in P.L. 110–186, the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008, provides a more suitable financing alternative for veteran-owned small businesses than the Patriot Express Loan program. In particular, the program established in P.L. 110–186 provides for a higher guarantees, larger loan sizes, and reduced fees than the Patriot Express pilot program currently operated by the SBA. For this reason, the Committee recommends the termination of the Patriot Express initiative because the alternative program established in P.L. 110–186 will better serve veteran entrepreneurs.

2. Termination of SBA Express Loan Program: Given increasing defaults and the projected costs associated with the SBA Express program, the Committee recommends that this program be immediately terminated. The initiative has grown costly and does not satisfy any

public policy goal, making it a poor use of scarce taxpayer funds. With a reduced guarantee of only 50 percent, the SBA Express Loan program fails to provide a sufficient incentive for lenders to make loans that they would otherwise not make.

3. Termination of the HUBZone Program: In the last three years, GAO has found that the program was continually subject to widespread fraud and mismanagement. The program places taxpayer funds at substantial risk for fraud, waste, and abuse. Given the high frequency of fraud, legitimate small business contractors are placed at a distinct disadvantage due to the continued operation of this program. As a result, the Committee recommends that it be terminated.

4. Termination of the Emerging Leaders Initiative: While the goals of this program are justifiable, the Committee is concerned about the effectiveness and efficiency of the initiative due to its program design and past performance. As a pilot program, the initiative failed to demonstrate the capacity to generate a significant economic impact despite the large share of resources allocated to it. This program only produced 132 jobs at a cost of \$800,000—an average of cost of \$6,000 per job created. This amount is almost twice as much as the job creation cost of the Small Business Development Center program, which costs \$3,500 to create one job. In addition, this program is duplicative of SBA's extensive network of entrepreneurial development providers. As a result, the Committee recommends that it be terminated.

5. Termination of the Regional Innovation Clusters Initiative: The Committee has major concerns over the design of the regional cluster program. Although the program's goal is to target significant resources to regional industry clusters, the institutional framework to implement the proposal has not been clearly established. Plans for the allocation of resources, partnership agreements among local, private, and federal service providers in the targeted areas, and decision-making coordination remain unclear. In addition, the program lacks a specific implementation strategy, has inadequate federal oversight over the allocation of resources, and does not contain sufficient performance measures to determine its success. Due to these limitations, there is significant concern over abuse of thirds for this initiative. As a result, the Committee recommends that this program be terminated.

6. Termination of the National Veterans Business Development Corporation: This Corporation was created to provide training and entrepreneurial development services to veterans. Unfortunately, it has not reached its full potential and the American Legion and Veterans of Foreign Wars have called for its termination. Given concerns that the organization is insufficiently fulfilling its purpose to provide comprehensive assistance to separating members of the nation's military forces, the Committee has authored and the House passed an alternative program in H.R. 1803, the Veterans Business Center Act of 2009. This legislation establishes a dedicated national network to deliver the services more efficiently than the Corporation. The Committee's commitment to promoting veteran entrepreneurship remains strong. Therefore, it is critical that assistance

programs to the sector are effective and that veterans have access to these resources so they can establish successful enterprises in all stages of the economy.

7. Termination of the Drug-Free Workplace Program: The Drug-Free Workplace program was originally created to assist small firms in the implementation of a plethora of substance abuse counseling and training activities. This included creating workplace drug policies, drug prevention training and education seminars, providing for drug-testing, and counseling employees on substance abuse. Instead, the program has evolved into a subsidy solely for drug-testing centers, a private industry that does not warrant funding from the SBA, an agency whose mission is to promote and assist small businesses. Given the financial challenges facing the government, it is not prudent to use scarce taxpayer funds to purchase drug-testing services from and for viable private sector companies. As a result, the termination of program funding is appropriate due to the lack of meaningful returns on the public investment.

8. Termination of the National Women's Business Council (NWBC)—The NWBC mandate is to conduct research on women entrepreneurship, which is duplicative of the research work of the SBA's Office of Advocacy. Having two research entities conduct similar research is unnecessary and the NWBC funding should be terminated. The Office of Advocacy is the appropriate entity to conduct all entrepreneurship-related research as it benefits from both economies of scale and scope in its organization structure and staff capabilities.

In the last 18 months, small businesses have increasingly turned to the SBA for assistance. This has helped stem job losses and, in some parts of the country, created pockets of new growth. As a result, we are now beginning to see signs of strength, as private sector jobs continue to be added. To this end, the National Association for Business Economics recently found that 31 percent of companies added jobs between April and June, the highest level since 2007. Additionally, 39 percent of businesses surveyed reported that they expect to hire more workers over the next six months, which is the most since January 2008. Such growth is promising and it suggests that the business climate is becoming ripe for the establishment of new firms. This means that the SBA needs to be prepared to help these firms succeed, while also containing its costs. The Committee's proposals, if implemented, will accomplish this by reducing the federal deficit, curtailing fraud, and enabling the SBA to focus on its most important and successful programs. By increasing efficiency, the agency's existing tools and resources can be improved, without imposing additional costs on the taxpayer. This is a means to not only act in a fiscally prudent manner, but also a way to meet the needs of our nation's small businesses.

IN RECOGNITION OF MADLYN AND
JAMES AARON

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. PALLONE. Madam Speaker, I rise today in recognition of James and Madlyn Aaron's long-standing dedication to their community and to applaud their many contributions to the public. I hope that their faithful devotion to the state of New Jersey may serve as an example to us all.

James Aaron has been practicing law for 41 years and is a member of the New Jersey State Bar and Monmouth Bar Association. He is currently partner at the distinguished firm of Ansell Grimm & Aaron, based in Ocean, New Jersey. Jim has been able to connect his professional career with his desire to contribute to his community. He has served as a panelist for the Monmouth University Real Estate Institute and has lectured for the Institute of Continuing Legal Education. In addition, Jim has been the City of Long Branch's City Attorney since 1994, has served as the municipal prosecutor and attorney for the zoning board for the City of Long Branch, and has held the position of Ashbury Park's City Attorney. In fact, he is the only City Attorney in the history of New Jersey to serve these cities at the same time. Jim's impressive legal career includes practicing before the United States Supreme Court, the United States Court of Appeals, and the United States Court of Claims.

Mr. Aaron's active participation in New Jersey civic life extends to a variety of other spheres as well. In 2006, Jim was appointed the Commissioner of the New Jersey Racing Commission. He also sits on the Board of Trustees of the Hollywood Golf Club. In addition, because religion is important to him, Jim has attended Temple Beth Miriam for his entire life. He is now a member of the Temple's Board of Trustees.

Jim's wife Madlyn Aaron was a school teacher in the Long Branch school system for over 33 years. She holds a B.A. and an MBA from Monmouth University, and her commitment to education has continued even after retirement. Madlyn and Jim sponsor the Leslie B. Aaron Scholarship Fund which provides a scholarship to a deserving Long Branch High School senior every year. They also sponsor Heimlich-Aaron Scholarship Fund which provides a scholarship for a worthy graduate of Temple Beth Miriam's Hebrew High School. The couple supports Monmouth University and the Monmouth Medical Center, and their contributions to civic life also include their active membership in the Long Branch Chamber of Commerce. Perhaps most notably, Jim and Madlyn recently served as co-chairs of the Temple Beth Miriam's "Capital Campaign." The campaign successfully raised over \$2.5 million dollars for the Temple.

Madam Speaker, please join me in leading this body in acknowledgement of the dedication of James and Madlyn Aaron to their community. Their contributions to civic life and charitable and religious organizations make them tremendously valued citizens of my district and the state of New Jersey.

HONORING THE LIFE AND WORK
OF DR. CLAIRE COLEMAN

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. PETERS. Madam Speaker, I ask my colleagues to rise today to remember and honor the life of a dear friend, Dr. Claire Colman. Claire was an accomplished physician, a staunch champion of women's rights, and a dedicated Democratic activist.

Since her passing last December, friends from around the Metro-Detroit area and Michigan have remembered Claire in various ways, including a most fitting dedication by the Birmingham-Bloomfield Democratic Club of a park bench in Birmingham's Shain Park. I am honored to add my words today to the growing list of tributes of Claire's life.

Claire embodied progressive values and had an abiding passion for human rights. She was a tireless leader, ably heading key organizations as Michigan NOW and Detroit WAND, even while struggling with serious health issues. Through her leadership and activism, Claire was the essence of advocacy. Even the most minor task warranted her attention—she was ever on the phone, at meetings, raising money and raising spirits. She remains an example for us all.

Above all, however, Claire was a loving and devoted wife to Michael and mother to Joe and Brian. To both my wife Colleen and I, she was not only a dear friend but a trusted advisor and stalwart advocate.

In so many ways, Claire's passion, energy and enthusiasm for life and goodness lives on in each of us. Her memory inspires us to work toward a world that expresses our shared values. She is missed. She is cherished. And she will always be in our hearts.

**FINDINGS OF THE CHAIRMAN OF
THE COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM RE-
LATING TO EFFICIENCY AND RE-
FORM PURSUANT TO H. RES. 1493**

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. TOWNS. Madam Speaker, pursuant to subsection (c)(2) of H. Res. 1493, the House-passed Budget Enforcement Resolution, I am submitting the following information for printing in the CONGRESSIONAL RECORD. The Budget Enforcement Resolution requires that I identify the Committee actions that help achieve deficit reduction by reducing waste, fraud, and abuse in government programs, promoting efficiency and government reform, and controlling spending in the government programs. This requirement reflects the House's commitment to deficit reduction and bringing about a more efficient and accountable government for the American people. As Chairman of the Oversight Committee, I am pleased to comply with this requirement.

A September 2 letter from the Speaker of the House and Majority Leader to House

Committee Chairs identifies some of the important legislative steps the Oversight Committee has taken to promote deficit reduction, fiscal responsibility, and government reform in the 111th Congress. The Oversight Committee and the House of Representatives passed the Government Efficiency, Effectiveness and Performance Improvement Act, H.R. 2142. As the letter acknowledges, the enhanced oversight provided by this legislation will significantly cut government waste. In addition, the Committee approved the Improper Payments Elimination and Reduction Act, H.R. 3393, which was also signed into law (as S. 1508) on July 22, 2010. The Office of Management and Budget recently reported that the federal government made an astonishing \$98 billion in duplicate, erroneous, or undocumented payments in 2009. The Committee's and the Congress' efforts, in passing H.R. 3393 / S. 1508, will provide the government with the tools it needs to recover these overpayments for the American taxpayers and stop them from occurring in the first instance.

In addition to these important reforms, the Oversight Committee is pursuing a broad-based approach to deficit reduction and budget savings. The Committee's actions include direct oversight of agencies to improve and address inefficient practices that would result in over \$19.4 billion in budget savings. The Committee also has advanced legislative reforms to strengthen the internal watchdogs at government agencies, improve the investigative and auditing arm of Congress, empower federal workers to fight fraud and waste without fear of retaliation, improve government efficiency by facilitating the sale of surplus federal real property, and save hundreds of millions of tax dollars by expediting the transition of government-wide telecommunication services. These efforts are described below.

**HOLDING AGENCIES ACCOUNTABLE FOR THE IM-
PLEMENTATION OF OVER \$19.4 BILLION IN COST
SAVINGS REFORMS**

At the request of the Oversight Committee, Inspectors General from across the government identified improvements and efficiencies in government operations that would result in over \$19.4 billion in savings to the federal budget if fully implemented. As the country begins to recover from the economic crisis, the American public should have confidence that agencies will be held accountable for taking any actions necessary to recover such significant savings of their hard-earned tax dollars. The Oversight Committee will monitor implementation of each of these IG recommendations. The Committee will require agency heads to report back on the steps they are taking to recoup these savings for the U.S. taxpayers, to provide a timeline for the realization of these savings, and detail any administrative or legislative action needed to bring about these savings and efficiencies.

STRENGTHENING THE IG COMMUNITY

The Oversight Committee is also taking legislative action to promote better and more efficient government. This September, the Committee plans to bring legislation (H.R. 5815) to the floor of the House of Representatives that will better equip Inspectors General to fulfill their statutory mission of rooting out waste and fraud in the federal government. The legislation complements and strengthens the Committee's ongoing oversight efforts in this area. The legislation

will require corrective action by government agencies to address IG cost saving recommendations. A statutory mandate will remove the bureaucratic inertia and barriers that too often slow or thwart agency efforts to tackle inefficiencies that account for billions of dollars in unnecessary spending every year. The legislation will also provide IGs with the tools they need to conduct complete and thorough investigations of waste, fraud, and abuse in government contracting. Collectively, the reforms in H.R. 5815 will strengthen the authority of IGs so they can better fulfill their important mission of fighting waste and protecting the interests of the taxpayers.

IMPROVING THE GAO

During this Congress, the House of Representatives passed legislation (H.R. 2646) sponsored by the Oversight Committee that will strengthen the authority and effectiveness of the General Accountability Office (GAO). The GAO helps inform the Congress, Executive agencies, and the public about areas and programs within the federal government that are performing well, and those that need to be improved or are vulnerable to waste, fraud, and abuse. GAO audits provide reliable assessments as to whether the taxpayers are receiving full value from important government programs. H.R. 2646, which is awaiting action in the Senate, will increase the effectiveness of GAO by ensuring that GAO is not unnecessarily restricted in its efforts to secure necessary information in the course of performing its auditing and investigative functions for the Congress.

EMPOWERING FEDERAL EMPLOYEES TO COMBAT WASTE, FRAUD, AND ABUSE

The Oversight Committee is committed to advancing H.R. 1507, the Whistleblower Protection Enhancement Act of 2009, and is currently negotiating with the Senate on this essential reform. Similar legislation was passed as part of the Recovery Act in the beginning of the Congress, but was unfortunately stripped out in conference with the Senate. The government should make every effort to ensure that tax dollars are not misspent or vulnerable to waste, fraud, or abuse. Federal employees at financial and other agencies throughout the government are often the first to witness abuses or illegality that presents a risk to the taxpayer. They are in a position to call attention to waste in government operations because they see what is happening inside our government on a day-to-day basis. Providing strong protections for those who disclose misconduct helps to promote a more accountable and transparent federal bureaucracy. Importantly, the legislation also extends strong whistleblower protections to employees of government contractors.

FACILITATING SAVINGS THROUGH SALES OF REAL PROPERTY

Last September, the Oversight Committee favorably reported H.R. 2495, the Federal Real Property Disposal Act. This legislation would encourage the sale of surplus federal real property by allowing the General Services Administration to use its funds to prepare unneeded properties to be reported excess. It would also allow agencies to retain the proceeds from the sale of surplus real property. These measures would implement recommendations by GAO, which has stated in its High-Risk Series that the funding needed to prepare property for disposal and some agencies' inability to retain sale proceeds have been longstanding barriers to the sale of surplus property. The language of H.R. 2495 is being added to S. 1510, the United

States Secret Service Uniformed Division Modernization Act, and the Oversight Committee is currently negotiating with the Senate on final language for the bill.

SAVING TAX DOLLARS BY EXPEDITING THE TELECOMMUNICATIONS TRANSITION

The delay in transitioning government-wide telecommunications services from the General Services Administration's FTS2001 contract to Networx has resulted in the loss of approximately \$22 million a month. At the current pace, those losses could total between \$300 million and a half-billion dollars in unrealized cost savings by May 2011. The Oversight Committee held a hearing on this issue in May 2010 and will continue closely monitoring and working with the General Services Administration, the Office of Management and Budget, and individual Agencies to expedite the transition to Networx. In addition, I am planning to introduce legislation requiring agencies to complete the transition to Networx before the current FTS2001 bridge and crossover contracts expire in May 2011. If enacted, this legislation would eliminate the need for the General Services Administration to enter into any additional bridge contracts.

I look forward to continuing to work with House leadership, the other Committee Chairs, and the Members of this body as we take steps to eliminate the deficit, and promote government that best protects the interests of the U.S. taxpayers.

INTRODUCTION OF THE HATCH ACT NATIONAL CAPITAL REGION PARITY ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Ms. NORTON. Madam Speaker, I rise today to introduce the Hatch Act National Capital Region Parity Act. This bill would remedy an omission in federal law that treats District of Columbia residents who work for the federal government differently from their federal colleagues in the Washington metropolitan area. This omission is another remnant of the days before the District of Columbia was a self-governing jurisdiction. This bill would give the Office of Personnel Management (OPM) authority to designate the District of Columbia similar to other local jurisdictions so that federal employees who reside there may take an active part in political management and political campaigns for local partisan elections. Under the Hatch Act, OPM only has authority to designate Maryland and Virginia localities in the immediate vicinity of the District, or towns in which the majority of voters are federal employees, as exempt from the Hatch Act's prohibition on federal employee participation in local partisan elections. Currently, federal employees residing in 47 Maryland localities, 15 Virginia localities and 12 other localities across the United States are permitted to participate in local partisan elections.

OPM's authority to exempt certain localities recognizes that, if large numbers of residents in a jurisdiction are federal employees, much of a locality's population would be denied the opportunity to participate in local affairs. When the Hatch Act was passed in 1940, the old

Civil Service Commission (CSC) was given authority to exempt federal employees living in Maryland and Virginia localities near D.C. because large numbers of residents of those localities were, and continue to be, federal employees. However, CSC was not given the same authority for the District of Columbia, even though a large number of residents were, and continue to be, federal employees, probably because D.C. did not have local elections until the Home Rule Act of 1973.

This bill is part of our ongoing mission to wipe away all the disparate treatment of District residents left in federal law. Our related pending bill, the Hatch Act Reform Act (H.R. 1345), which the House passed last year and is now on its way to the Senate floor, would permit the District of Columbia, the only local jurisdiction where local government employees are under the federal Hatch Act, to enact and operate under its own local Hatch Act, like other jurisdictions in the United States.

I ask my colleagues to join me in recognizing the District of Columbia as a self-governing jurisdiction by supporting this bill.

RECOGNIZING THOMAS E. PUGH ON HIS RETIREMENT FROM THE JOHN HEINZ REHABILITATION CENTER IN WILKES-BARRE, PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to join me in recognizing Thomas E. Pugh on his retirement from the John Heinz Rehabilitation Center in Wilkes-Barre, Pennsylvania.

Mr. Pugh was born in Hunlock Creek, Pennsylvania in 1942.

A lifelong resident of Northeastern Pennsylvania, Mr. Pugh graduated from Northwest Area High School in Shickshinny, Pennsylvania before attending the Pennsylvania State University where he majored in English.

Mr. Pugh served in the United States Navy during the Vietnam War.

For the past three decades, Mr. Pugh has worked at the John Heinz Rehabilitation Center in Wilkes-Barre, Pennsylvania, part of the Allied Services network of health care and service organizations that provide rehabilitative, vocational, home care, and residential services throughout Northeastern Pennsylvania.

John Heinz Rehab specializes in inpatient rehabilitation services, particularly in the areas of brain injury, injured worker recovery, and pediatrics.

After almost thirty years working at John Heinz Rehab and Allied Services, Mr. Pugh will retire as Senior Vice President and Chief Operating Officer.

Mr. Pugh's exemplary work at John Heinz Rehab over the past few decades has been recognized throughout the Commonwealth of Pennsylvania.

In 2009, Mr. Pugh received the Individual Distinguished Service Award from the Pennsylvania Association of Rehabilitation Facilities.

This award recognizes an individual who, "by an unusual act or by a significant history of service, has made a substantial contribution to the development of rehabilitation facility or has a marked impact on both the quality and quantity of services provided by rehabilitation programs."

Throughout his career, Mr. Pugh has also consistently donated his time and efforts throughout the community.

He has served on the boards of the Greater Wilkes-Bane Association for the Blind, the Luzerne County Community College Foundation, the Northwest Area School District, and the Arthritis Foundation, where he was honored as "The Community Leader of the Year" in 2006.

Mr. Pugh has also devoted his time to assisting local veterans, and has been a strong advocate for children suffering from autism and learning disabilities.

Mr. Pugh currently resides in Hunlock Creek, Pennsylvania with his wife, the former Christine Cummings. They have four children, Jennifer, Sarah, Rachel, and Matthew.

Madam Speaker, please join me in recognizing the remarkable career of Mr. Thomas E. Pugh. Over the past three decades Mr. Pugh has devoted himself in many ways to improving the lives of the residents of our community.

IN HONOR OF THE OBAMA WAY
COMMITTEE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. FARR. Madam Speaker, I rise today to recognize the efforts of a remarkable group of citizens in my Central California district. They are gathering today to commemorate our nation's historic election, nearly two years ago, of its first African-American President. No American could remain unmoved by this great historic watershed. That is particularly true in the California Central Coast Community of Seaside.

Seaside grew up as an Army town, the neighboring community to Fort Ord, one of the U.S. Army's largest training and operational bases for much of the 20th Century. That alone would have made Seaside much like any other Army town across the country—except that Fort Ord was the first Army facility to desegregate following President Truman's 1948 executive order. So while the home states of many prominent Army bases remained gripped by segregation, Fort Ord and its surrounding communities became a magnet for African American soldiers to serve and later to retire. As Seaside's first lawyer, my father, the late State Senator Fred Farr, represented many soldiers who wanted to avoid reassignment to a southern state post because they had married a white or Asian woman during their time in the service and could not return to a State where that marriage was illegal.

So the election of an African-American child of a mixed marriage holds a special symbolism for a community that grew out the

same hard fought tradition of multi-racial tolerance. Which brings me to the efforts of this remarkable group of Seaside community members.

Following the election, the idea arose that Seaside should rename one of its primary thoroughfares in honor of President Obama. An informal committee of volunteers took the idea and worked through the intricacies to municipal administration. A full name change posed significant challenges to the businesses and residents who had invested in the Street's traditional name. A compromise was reached. So this afternoon Seaside community members and elected leaders will gather to give Broadway Avenue the honorary designation of 'Obama Way' in recognition of our Nation's historic election of its first African-American President. To my knowledge this is one of the first such street designations in the United States in honor of the President, though I am confident that many more will follow.

In closing, I formally recognize those leading citizens who played the central role in this small, but remarkable achievement. They include the Chairman of the Obama Way Committee LTC(R) Morris McDaniel, former Seaside Mayor Don Jordon, his wife Alice Jordon, former Councilmember and MPUSD Trustee Helen Rucker, the Rev. H.H. Lusk, Ruthie Watts, Kathy Badon, Sandra Lackey, Yolanda Grimble, and Carlos Ramos. Madam Speaker, I know that I speak for the whole House in commending them for their community service.

PROCLAIMING SEPTEMBER 15TH
LITERACY AWARENESS DAY IN
WHEATON, ILLINOIS

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. ROSKAM. Madam Speaker, I rise today to recognize September 15th 2010, as Literacy Awareness Day in Wheaton, Illinois, in the heart of my Congressional District.

Literacy Awareness Day is an initiative of the non-profit group Literacy DuPage. Literacy DuPage reaches over 30 communities in DuPage County. The group's mission is to change the lives of future generations by providing one-on-one English literacy tutoring for adults. To celebrate Literacy Awareness Day on September 15th, participating Wheaton businesses will donate a portion of their sales to help fund the group's literacy programs.

Today, we join together to celebrate Literacy Awareness Day and the growth and continued good works of Literacy DuPage.

Madam Speaker and Distinguished Colleagues, please join me in recognizing September 15th as Literacy Awareness Day in Wheaton, Illinois, and in wishing Literacy DuPage continued success.

TRIBUTE TO THE LIFE OF K-9
SERGEANT THOMAS "TOMMY"
ALEXANDER

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. ALEXANDER. Madam Speaker, I rise today to pay tribute to the life of K-9 Sergeant Thomas "Tommy" Alexander, a brave and dedicated Rayville police officer, who was fatally shot in the line of duty on September 11, 2010 at the age of 57.

Alexander was a devoted husband and father of two as well as a faithful community advocate. In addition to his duties as an officer, he shared his talent of cooking to help local churches raise money and lent his time to the local high school by taking tickets at games and making travel arrangements for the football team. A lifelong friend said it best as he described Alexander as a "selfless man, who had God in his heart."

I extend my deepest condolences to those he leaves behind. Words cannot express the depth of the loss felt by his family, friends and community he loved to serve.

Madam Speaker, I am honored to recognize the service and sacrifice of Tommy Alexander. He was a remarkable example to us all, and today, I salute him.

HONORING DON AND CATHI
WARNOCK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to acknowledge and honor Don and Cathi Warnock for receiving the 2010 Lifetime Achievement Award. They have lived a long and distinguished life, adhering to extremely high standards of quality and integrity.

The Warnocks meet at California State University, San Jose and married in 1965. They then moved to Cathi's hometown of Madera, where Don went to work for his father-in-law at Valley Grain Products in 1971. In 1986, Don left the company and with Cathi, founded Warnock Food Products. Today, Warnock Food Products is the largest snack food company in Madera.

The Warnocks are well connected within their community. They have been involved in Camp Fire USA, the Alegria Guild, and the Madera Sunrise Rotary. Additionally, Don has been involved with the Boy Scouts of America and was a founding member of the Madera Ag Boosters.

Don and Cathi are proud parents and grandparents of three children and five grandchildren. It is clear that they will leave a lasting legacy for generations to come.

Madam Speaker, please join me in commending Mr. and Mrs. Warnock for a life well-lived and wishing him the best of luck and health as he continues setting the standard.

HONORING JOHN CALLENDER ON THE OCCASION OF HIS RETIREMENT

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. TIBERI. Madam Speaker, I rise today to honor and celebrate the retirement of Mr. John Callender from the Ohio Hospital Association. His August 30, 2010 retirement marked thirty years of service.

John is a native of St. Joseph, Michigan and a graduate of Michigan State University. Prior to his work at the Ohio Hospital Association, John worked at the Health Care Financing Administration, within the Department of Health and Human Services for ten years. He also served in the U.S. Marine Corps and was honorably discharged in 1977.

During his tenure, the Ohio Hospital Association has benefited from John's hard work and institutional knowledge. He oversaw activities for all fiscal matters affecting Medicare, Medicaid and health insurance. John was also responsible for maintaining professional relationships with Congress and the executive branch, managing the Hospital Care Assurance Program, the Data Services Program, and chairing the Ohio Hospital Association's Center for Education. He served as chair of Ohio Hospital Capital, OHA Solutions and the Ohio Health Council. He is a member of the Healthcare Financial Management Association and the American Society of Association Executives.

I am honored to have this opportunity to recognize John for his dedication and achievements during his thirty years of service. I wish John and his wife, Betty, all the best. I am confident John will continue his good works and find happiness in the years ahead.

COMMITTEE ON NATURAL RESOURCES FINDINGS PURSUANT TO THE BUDGET ENFORCEMENT RESOLUTION

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. RAHALL. Madam Speaker, on behalf of the Committee on Natural Resources, pursuant to subsection (c)(2) of H. Res. 1493, which passed the House on July 1, 2010, I am submitting findings that identify changes in law that help achieve deficit reduction by reducing waste, fraud, abuse and mismanagement and promoting reform of government programs.

In this regard, the Committee on Natural Resources has reported, and the House has passed, H.R. 3534, the "Consolidated Land, Energy and Aquatic Resources Act of 2010." According to the Congressional Budget Office, this legislation would reduce future deficits by \$5.3 billion over the 2011–2015 period and \$1.7 billion over the 2011–2020 period by reducing abuses which have occurred in the federal offshore oil and gas leasing program and by promoting greater efficiencies in those programs.

Specifically, the Consolidated Land, Energy, and Aquatic Resources Act would make several significant changes to current law in order to create greater efficiencies, transparency, and accountability in the development of federal energy resources. In this regard, the bill would impose tough new ethics standards, including putting an end to the revolving door between government and the oil and gas industry. It would reform the Minerals Management Service by breaking it up and removing the conflict-of-interest between leasing, inspections, and revenue collection. And it would close royalty loopholes that allow companies to get away with shortchanging the American people, including provisions designed to do away with the ability for companies to pay zero royalties during times of high oil prices—consumers paying sky-high gas prices that fuel record profits should not face the indignity of receiving no royalty on the sale of the public's oil.

The legislation would also provide for strong new safety standards for offshore drilling, including independent certifications of critical equipment, demonstrations of the ability to respond to future blowouts or major spills, increased inspections, stiffer penalties for safety violations, and an end to the practice of issuing environmental waivers for drilling plans.

Enactment of this legislation would reduce the budget deficit and reform government programs while promoting the energy security of the United States.

FINDINGS SUBMITTED BY JOHN CONYERS, JR., CHAIRMAN OF HOUSE COMMITTEE ON THE JUDICIARY PURSUANT TO H. RES. 1493

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. CONYERS. Madam Speaker, pursuant to H. Res. 1493, as chair of the Committee on the Judiciary, I submit the following highlights of "changes in law" enacted in the 111th Congress within the jurisdiction of the Committee that "help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement, promoting efficiency and reform of government, and controlling spending within Government programs." These enacted changes in law include:

(1) Fraud Enforcement and Recovery Act (Public Law 111–21). This law clarifies and strengthens the criminal penalties for various forms of fraud, including fraud in connection with the Troubled Asset Relief Program and other federal assistance programs, including economic stimulus funds. It also strengthens incentives and protections under the False Claims Act for private citizens to help root out fraud against the federal government and help bring the perpetrators to justice. See 111 Cong. Rec. H5260–67 (May 6, 2009).

(2) Antitrust Criminal Penalty Enhancement and Reform Extension Act (Public Law 111–30). This law extends and strengthens a temporary program that promotes more effective

and efficient detection and prosecution of illegal price-fixing cartels, by giving secondary participants in the cartel legal protection for blowing the whistle on the cartel and cooperating in the investigation and prosecution. This program has been demonstrated to substantially enhance the reach of the Justice Department's cartel enforcement resources. See 111 Cong. Rec. H3716–7 (May 24, 2010).

(3) Human Rights Enforcement Act (Public Law 111–122). This law consolidates Justice Department jurisdiction over serious human rights crimes into one section within the Department's Criminal Division. This will enable the Department to employ its enforcement resources with greater efficiency and effectiveness to vigorously prosecute perpetrators of serious human rights crimes. See 111 Cong. Rec. H14892–4 (December 15, 2009).

(4) Foreign Evidence Request Efficiency Act (Public Law 111–79). This law promotes greater efficiency and cooperation in international law enforcement by streamlining the process by which the federal government responds to requests for evidence by foreign governments in their investigations. Instead of having to file and process a request separately in every federal judicial district where the evidence or witnesses might be found, which could require involvement by a dozen or more different U.S. Attorneys on a single request, the request can now be handled centrally by one or two U.S. Attorneys. See 111 Cong. Rec. H10092–4 (Sept. 30, 2009).

In addition, other proposed legislation within the jurisdiction of the Committee has been approved by the House and would reduce waste, fraud, abuse, and mismanagement, promote efficiency and reform of government, and control spending within Government programs. This legislation includes:

(5) H.R. 2247, the Congressional Review Act Improvement Act, which would provide for federal agencies to more efficiently promulgate final rules, while ensuring effective Congressional review;

(6) H.R. 3632, the Federal Judiciary Administrative Improvements Act of 2009, which would improve the efficiency of the federal court system, including by improving the control and protection of confidential information and the reporting of criminal wiretapping orders; and

(7) H.R. 3808, the Interstate Recognition of Notarizations Act of 2009, which would improve the efficiency of federal and state courts by requiring them to recognize documents lawfully notarized in any state where interstate commerce is involved.

In addition to the legislative activity described above, the Committee has conducted extensive oversight aimed at reducing waste, fraud, abuse, and mismanagement and improving federal government efficiency. A primary focus of the Committee's oversight efforts is the Department of Justice (DOJ) and its component divisions and agencies, including the Federal Bureau of Investigation (FBI). Both the Committee and the DOJ Inspector General have devoted considerable attention to the FBI, DOJ, and other agencies, with several Committee hearings held relating to the Bureau and other agencies this year, including:

(8) Committee Oversight Focusing on FBI-ATF Problems. The Committee's Crime, Terrorism, and Homeland Security Subcommittee held a hearing on February 24, 2010, focusing on three recent Inspector General reports raising concerns about long-standing problems in FBI and other DOJ operations. These include wasteful and potentially dangerous overlap and rivalry between the FBI and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) on explosives investigations, backlog and related problems concerning the FBI's foreign language translation work, and coordination and related problems concerning DOJ and FBI anti-gang activities. The hearing and related oversight of the FBI and DOJ have revealed significant progress in addressing these difficulties, and DOJ indicated at the hearing that it was moving forward vigorously to complete its efforts to resolve the decade-long FBI-ATF problems. In fact, in early August, 2010, the acting Deputy Attorney General issued a memorandum and protocol specifying the division of responsibility between FBI and ATF on explosives-related matters, including the conduct of investigations and the maintenance of a single national explosives database.

(9) Other Committee Oversight Concerning the FBI. On March 24, 2010, the Committee held a hearing including representatives of the FBI's Terrorist Screening Center, as well as the National Counterterrorism Center and the Departments of Homeland Security and State, which focused on efforts to improve the sharing and analyzing of information to prevent terrorism. On May 20, 2010, the Committee's Crime, Terrorism, and Homeland Security Subcommittee held a hearing at which an FBI representative provided an update concerning national efforts to eliminate the DNA backlog in forensic casework and the Combined DNA Index System that supports the national DNA database. A staff briefing on FBI efforts to remedy the backlog is scheduled for September 20, 2010.

(10) Committee Oversight on the Department of Justice and its Divisions. Other Committee oversight hearings have focused on DOJ and its divisions. On May 13, 2010, the Committee held a DOJ oversight hearing at which Attorney General Eric Holder testified and answered a full range of questions from Committee members about many aspects of DOJ operations. The Committee has submitted followup written questions, including questions focusing on efforts to improve DOJ efficiency with respect to financial and grant funds management. On March 4, 2010, the Committee's Crime, Terrorism, and Homeland Security Subcommittee held a hearing on efforts to enforce criminal laws against Medicaid fraud, which included testimony from the Department's Criminal Division. Overall, the Committee has held 12 oversight hearings during this year alone focusing on DOJ, including testimony from officials from the Antitrust, Civil, Criminal, and Civil Rights Divisions, the FBI, and the Executive Office of Immigration Review.

(11) Committee Oversight on Other Federal Agencies. The Committee has also held a number of oversight hearings focusing on agencies within its jurisdiction that are outside DOJ. For example, focusing on hearings dur-

ing this session, on March 23, 2010, the Committee's Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law held an oversight hearing on the U.S. Citizenship and Immigration Services (USCIS), which included testimony from the Department of Homeland Security's Inspector General and the Government Accountability Office on efforts to improve information technology, fees, and other aspects of USCIS management. On May 5, 2010, the Committee held an oversight hearing on the United States Patent and Trademark Office (PTO), which led to the PTO-related legislation discussed above. On May 20, 2010, the Committee's Subcommittee on Commercial and Administrative Law held a hearing on the recently revived Administrative Conference of the United States (ACUS), which featured testimony by the Chairman of ACUS and Supreme Court Justices Stephen Breyer and Antonin Scalia. On June 29, 2010, the Subcommittee on Crime, Terrorism and Homeland Security held an oversight hearing featuring testimony from the Secret Service. And on July 27, 2010, the Commercial and Administrative Law Subcommittee held a hearing on Federal Rule-making and the Regulatory Process, which included testimony from Cass Sunstein, Administrator of the federal Office of Information and Regulatory Affairs.

PERSONAL EXPLANATION

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. REHBERG. Madam Speaker, on rollcall No. 519 and 520, I was unavoidably detained due to travel complications. Had I been present, I would have voted "yea."

MOVE ME IN HONOR OF LT COL. ANNETTE BERGERON "RET." UNITED STATES ARMY MATC SUPERVISOR P.T. AMPUTEE

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. FRANKS of Arizona. Madam Speaker, I rise today to honor a great American, a former Lieutenant Colonel in the United States Army, Annette Bergeron. Annette is the MATC supervisor of the P.T. Amputee section over at Walter Reed. She has worked virtually with all of the amputees coming back from the war.

She inspires all of her patients with her motivation and ability to reach so deep down inside of all of her wounded warriors. Inspiring them by demanding the best out of all her heroes, as she brings them to new heights by not pitying them but pushing them beyond their limits. And her greatest gift is knowing her patients, with her strong knowledge and sixth sense to read them.

There are families all across this nation, and magnificent heroes who will carry her in their hearts for the rest of their lives. Knowing the

great debt they owe to her, and the angels over at Walter Reed who are but some of our nations greatest unsung heroes, I ask that this poem penned in honor of her at the request of SSG. Poe of North Carolina and by Albert Caswell, be placed in the RECORD.

Move Me
Move me . . .
Bend me, reach me . . . then she . . .
As she so but brings out, but the very best in me!
As she will not so rest, will she!
So relentless, but to the tenth degree!
Like a Jedi Knight, her light we see!
And from all of us, will not so settle for less . . . will she!
Until, I can but so be . . .
So but be, but the very best I can be!
Men and women without arms and legs. . .
Broken into so many pieces, as are they. . .
Magnificent heroes who to this our nation so gave. . .
As she's rebuilding fine lives night and day!
The queen of pain, bringing all of them to a better day. . .
With but her heart of a lioness, bringing us to the highest degree!
All in what a heart can be, as she so bids us to so believe. . .
So begs us all to so reach . . . to so reach, so deeply down so deep. . .
As her promise, to us all as she so keeps. . .
Move me! touch me! motivating all of us, as such she!
As does she!
As against all odds, but to the core, reaching us all so very deeply. . .
Letting us all, but to be . . . but the very best we can be. . .
From out of the ashes of war, so resurrecting all of our lives indeed!
Making us whole, giving us all that we so need!
For in her world, there is no such word as self pity!
Only, how high a soul can reach!
Making us all so believe!
As an angel on earth, as but her fine worth!
To all of our precious men and women, of that red, white & blue. . .
For them she so bleeds, so tried and true!
A shining star over at Walter Reed, a real who's who!
For Bo knows hearts, of most heroic hues!
And how to get inside them so very deep to view!
Bo, you move me! oh yes you do!

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES ARMY SECOND LIEUTENANT MARK J. PINCEK

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Army 2LT Mark J. Pincek, who passed away on July 11, 2010. Born and raised in Michigan, Mark joined the U.S. Navy in July, 1991 and rose to the rank of Petty Officer Second Class. He served two deployments aboard the USS *Vicksburg* as a gunner's mate before graduating from Florida State University with a Bachelor's Degree in communication and film studies.

On September 17, 2009, Mark graduated from Fort Benning's Officer Candidate School

and was commissioned a Second Lieutenant in the U.S. Army. He was then assigned to Charlie Company of the 304th Military Intelligence Battalion where he completed the Military Intelligence Basic Officer Leadership School and was then assigned to Bravo Company of the 304th and was responsible for updating the Afghanistan training scenario. His work in the training scenario function earned him many laudatory comments.

We remember Mark and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Mark made a difference in the lives of many others and serves as an example of a competent and caring leader and friend that will live on in the hearts and minds of all those he touched.

This body and this country owe Mark and his family a debt of gratitude and it is vital that we remember him and his service to his country.

Mark is survived by his wife, Kerin; father, Stephen; mother, Dianne Heskett-Ward; brothers, Steven, Duane and Devin; and sisters, Diana, Nancy, Susan, Sandy and Mara.

TRIBUTE TO CLYDE "BILL" NEELY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Clyde "Bill" Neely, a World War II Army Air Corps veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Clyde "Bill" Neely was recognized on Tuesday, July 13. Below is the article in its entirety:

BOONE COUNTY VETERANS: CLYDE "BILL" NEELY

(By Alexander Hutchins)

Clyde "Bill" Neely, 86, a former Army Air Corps Sergeant, lives a full life. He resides today in his childhood home, and what was once an attached grocery store is now a personal museum to his life's achievements.

Neely served in the Boone Fire Department after the war, drawing strength from the same discipline he called upon when he served in the Army Air Corps in World War II.

Neely was born in Boone in 1924 in a house across the street from his current residence. He graduated from high school and played sports in the community. Neely met his wife Florence while still in high school. They would marry in 1943, and he would be one of the few married men in his unit.

"I had a real excellent childhood. In fact, I've had an excellent life," Neely said with a smile.

His father was a butcher who ran a grocery out of the house that the Neelys now reside in. Neely would run the grocery for several years when he returned from the war, though he would eventually close the store and join the fire department.

Neely's role in the war began in 1943.

"Originally I started right after I got out of school, because we knew after Pearl Harbor that our life was going to be in the military," Neely said.

He had wanted to train in a nearby military Ferry School to ship airplanes overseas for the war effort, but the program was cancelled before Neely entered the Army. He then enlisted in the Air Corps in Des Moines and attended basic training in Miami, Florida. Neely's older brother, Noel, was one of four Boone men he trained with.

"Like I said, I've had good luck all the way through my life," Neely said.

Neely's eyesight kept him from being trained as a pilot, but he entered the Armament service and trained to maintain and repair weapons, as well as load bombs and cargo on the B-24 bombers his unit flew. He would serve part of the war in the U.S. before being stationed in Aldborough, England.

Part of Neely's early duty in the war was in training other Air Corpsmen in the U.S.

"We used to train aerial gunners with a .50 caliber machine gun. We'd start them out with pistols and rifles and work them up to their machine guns. Then, when they went into advanced training, we'd put a big sleeve on behind a tow plane and we'd take all the bullets they would use and put different colors of paraffin on them so when the bullet went through the sleeve it left a color. That's a way we could identify just how many of the gunners could hit their targets," Neely said.

When Neely was stationed in England, he worked in Armament to load the B-24 bombers for missions. His unit, the 8th Air Corps, included Neely's Commanding Officer as the youngest Colonel in the Air Corp and the actor Jimmy Stewart as an operations officer. The ground crew could tell from the bomb and fuel loads where the planes would be flying, and Neely said the crew would always "sweat out" the flights while the bombers were away. The 8th Air Corps had more casualties per unit than any other branch of the service, Neely said.

"From D-day until we won supremacy of the air over there, we were loading out two or three missions a day," he said.

Neely's first experience upon arriving in England was hearing an Axis Sally radio broadcast that promised the German air force would "pay them a visit." The base was bombed that night, and after that engagement drone bombs would sometimes zip over the base bound for targets further into England.

"People forget how smart the Germans were," Neely said.

At the end of the war, Neely and the 8th Air Corps were assigned to pack up equipment and prepare to deploy to the Pacific theater. That redeployment was thankfully unnecessary and Neely was released from the Air Corps while on duty in California.

Neely returned home and ran the family grocery store, but after marrying his wife Florence and starting a family he was informed of an open position on the Boone Fire Department in 1951. He would serve a career with the Boone Fire Department until retirement in 1984. He also coached baseball for almost 20 years. When a drowning occurred at Ledges State Park, Neely was instrumental in one of the first underwater rescue teams in the state. He and Florence would raise three sons: Allen, Richard and Ronald (who has since passed away).

Neely attributed much of his success in the fire department to the attitude and discipline he acquired as a result of his service.

"People don't realize it, but your fire department to be exact, or your police department, have to be partially military," Neely said.

His training also helped him learn to control his temper, restraining a tendency he had to "fight at the drop of a hat" in his younger days.

Neely said he has no real regrets from his time in the war. "I did it. I'd do it again," Neely said. "The nation came together in a rare way, and everyone did their part in that time."

He did say that modern wars are a different enterprise, as soldiers today aren't able to trust the people around them.

"A fight is one thing, but that's not a fight," Neely said. One of the important things to do, he said, was to thank veterans when the opportunity is available.

Neely has previously served as grand marshal in Boone parades, and a memorial to his son, Ronald, sits in the current fire station, commemorating his years of service.

I commend Clyde "Bill" Neely for his many years of loyalty and service to our great Nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

FINDINGS OF THE CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS RELATING TO EFFICIENCY AND REFORM PURSUANT TO H. RES. 1493

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. OBEY. Madam Speaker, it is the highest priority of the Appropriations Committee to ensure that the American people are well served by sound investments in federal programs and services. To this end, the Committee has been working to produce fiscal year 2011 appropriations legislation in a fiscally disciplined manner. The Committee conducted more than 160 hearings this year in order to thoroughly review the President's fiscal year 2011 budget request and to conduct vigorous oversight of ongoing programs.

In keeping with an overall discretionary funding level of \$14.5 billion below the President's request, two fiscal year 2011 appropriations bills have passed the House and the remaining 10 bills have been approved at the subcommittee level. In the coming weeks, the Committee will continue its work to produce fiscal year 2011 appropriations that meet Americans' highest priority needs within this fiscally responsible framework.

In the two fiscal year 2011 appropriations bills that have passed the House thus far—Transportation/HUD and Military Construction/VA—the Committee has made some significant cuts below the Administration's request. Among these reductions, the Committee cut \$500 million below last year and \$1.36 billion below the request for ill-defined or duplicative programs of the Department of Housing and Urban Development and the Department of Transportation. The Committee also cut \$545 million below the request for military construction projects due to bid savings and ill-defined plans for the realignment of forces to Guam.

In recent years, the Appropriations Committee has also eliminated or cut hundreds of wasteful and duplicative programs. Last year alone, the Committee terminated 60 programs and significantly cut funding for another 660 programs.

Since 2007, the Appropriations Committee has strengthened contract oversight and independent audits to make programs across federal agencies more effective and efficient. As an example, the Committee has led an initiative to double enforcement capacity to end improper payments, fraud and other abuses at the Social Security Administration and the Departments of Labor and Health and Human Services. These efforts are projected to save more than \$48 billion over the next 10 years.

Furthermore, the Appropriations Committee has ended unnecessary no-bid contracts and strengthened competition, management and oversight in government contracts across the federal government.

Most notably, the Committee has worked to impose discipline and strengthen accountability for Department of Defense, (DOD), contracted services. From 1997 to 2007, DOD contracted service costs grew 143 percent from \$125 billion to \$299 billion. Yet, DOD had no system of accountability for contract services, and couldn't even identify the number of its contractors. At the Committee's direction over the past three years, the Pentagon is now implementing reform efforts to strengthen contracting and clarify rules prescribing when outsourcing is and is not appropriate. The Army can now identify the number of its contractors (213,000) and is working to bring in house inherently governmental functions. The Defense Department estimates that these actions will result in a \$4.5 billion savings by 2015. Last year, the President followed the Appropriations Committee's lead and announced government-wide contracting reforms based on the Committee's direction to DOD over the past 3 years.

COMMITTEE ON VETERANS' AFFAIRS' OVERSIGHT OF GOVERNMENT SPENDING

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. FILNER. Madam Speaker, pursuant to the budget enforcement resolution for fiscal year 2011 passed by the House of Representatives on July 1, 2010, as Chairman of the Committee on Veterans' Affairs I am submitting "findings that identify changes in law that help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement, promoting efficiency and reform of government, and controlling spending within Government programs" the Committee may authorize.

Under Democratic leadership, the Committee has undertaken an active and far-reaching oversight agenda that has, among other accomplishments, identified ways to save millions of taxpayer dollars within the Department of Veterans Affairs through improvements in the operation and management of

veterans' benefits and health care programs. Working closely with the VA's Office of Inspector General, we have pushed the VA to more effectively utilize the generous and robust budgets provided by this Congress under your leadership.

Since the beginning of the 110th Congress, the Committee on Veterans' Affairs has been striving to revolutionize the manner in which the VA provides benefits to veterans. By mandating greater efficiency and a veteran-first attitude, we have sought to change the perception of the VA as being the veterans' adversary to standing as the veterans' advocate.

To further this effort, we are continuing to work toward major reforms in the VA's claims processing system and the VA's acquisition and procurement system. I am confident that when these reforms take place, taxpayers will realize major cost-savings by providing greater efficiency, fairness, and accountability. The Committee is also working toward integrating the VA's Post 9/11 G.I. Bill benefits and improving and streamlining the application process.

These efforts will, in the months ahead, result in assisting the House in working toward its goal of making government more responsive and effective while saving taxpayer dollars and reducing our deficit.

IN HONOR AND REMEMBRANCE OF CAROLE A. SLIWA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Carole A. Sliwa who lived her life with great energy, joy and with love for her family, friends and community.

Mrs. Sliwa was the devoted wife of Theodore "Ted" Sliwa for 56 years. Since childhood, her faith and her family served as her strength and her foundation. She remained very close to her extended family members, especially her brother Daniel and his wife, Patty; her sister, the late Patricia, and her brother-in-law, Donald. In addition, Mrs. Sliwa was a cherished friend to many people throughout the Greater Cleveland community.

Mrs. Sliwa's enthusiasm for local arts programs never wavered, and she shared her artistic gifts with many. Her beautiful paintings are displayed in the homes of numerous friends and relatives. Mrs. Sliwa's lifelong commitment to and passion for the arts is also reflected in her membership and leadership in several community art centers, including the Ohio Artist Color Society, the Friendship Center of Bay Village, the Lakewood Art League, and the Art Mart of Brecksville.

Madam Speaker and colleagues, please join me in honor and remembrance of Mrs. Carole A. Sliwa. I offer my condolences to her devoted husband and to her entire family and many friends. Mrs. Sliwa lived her life with great joy and love. Her devotion to family and friends, and her passion for the arts, will be treasured and remembered always.

FINDINGS PURSUANT TO THE HOUSE BUDGET RESOLUTION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. LEVIN. Madam Speaker, I submit the following.

HEALTH CARE/MEDICARE

Congress spent the first part of this session enacting landmark health reform legislation that substantially reforms and strengthens the Medicare program. As a result of this legislation, CBO estimates net deficit reduction of \$143 billion from 2010 to 2019, and deficit reduction of more than \$1 trillion in the next decade. In addition, the Medicare Actuary estimates that the Medicare changes enacted in health reform will extend the life of the Part A Trust Fund by 12 years—the largest extension in history. Finally, as a result of the new law, national health expenditures per insured person will fall by \$1,400 by 2019.

The health reform law also includes extensive provisions to aggressively reduce fraud, waste, and abuse in government health programs. The Affordable Care Act (ACA) establishes new authorities to enhance fraud-fighting when providers first enroll in the program and during the pre- and post-payment periods.

During the Medicare provider enrollment period, ACA strengthens provider screening and disclosure requirements and allows the Secretary to impose a moratorium on new providers in areas of significant risk. These tools will help keep fraudulent providers out of government programs before they have a chance to act. In the pre-payment period, ACA directs the Secretary to establish a program of increased oversight for new providers and allows for the suspension of payment, if deemed appropriate, to a provider or supplier. For the post-payment and enforcement period, ACA establishes new penalties for the submission of false data or false claims and increases funding for proven fraud-fighting programs used by the Office of Inspector General (OIG) and the Department of Justice.

Taken together, these provisions reduce fraud, waste, and abuse by improving payment accuracy, promoting efficiency, and controlling spending within Medicare and other government programs.

The Committee's efforts to achieve deficit reduction, prevent fraud, promote efficiency, and control spending within government programs extend beyond the ACA. The Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 (P.L. 111-192) included two provisions that address these goals. First, this law clarifies the 3-day payment window for inpatient admissions to ensure that all services related to the hospital admission are included in the bundled payment. Absent this provision, hospitals would likely have unbundled hospital payments driving up Medicare spending. Second, the law established a CMS-IRS data match to identify potentially fraudulent providers. This provision authorizes the Centers for Medicare and Medicaid Services (CMS) to collaborate with the IRS to determine whether providers enrolling or re-enrolling in Medicare have failed to file Federal tax returns or have delinquent tax debts. In doing so, the law helps to identify potentially fraudulent providers earlier in the application process and allows the Secretary to use this information in determining whether

to deny such application or to apply enhanced oversight to the provider.

Following passage of health reform legislation, the Committee has held and will continue to hold oversight hearing on a number of issues, including:

FRAUD, WASTE AND ABUSE

While many of the HHS OIG recommendations from their annual compendium were adopted in the ACA, combating fraud remains a top priority for the committee. On June 15th, the Health and Oversight Subcommittees held a joint hearing on combating fraud, waste, and abuse. At this hearing, a representative of the HHS Office of Inspector General discussed two new tools that would improve OIG's ability to prevent criminals from becoming providers in the Medicare program. The first recommendation was to provide OIG with broader permissive authority to exclude permanently from Medicare corporate executives who have been involved in Medicare fraud. Second, it was suggested that the OIG permissive authority could also be expanded to better enable the OIG to reach parent companies that may be hiding behind corporate shells.

On September 14, 2010, in response to these recommendations, Health Subcommittee Chairman Representative Stark and Ranking Republican Wally Herger introduced the Strengthening Medicare Anti-Fraud Measures Act. The bill would provide the OIG with this expanded permissive authority. We are awaiting a CBO score of the legislation.

HITECH IMPLEMENTATION

Enactment of the American Recovery and Reinvestment Act of 2009 included the Health Information Technology for Economic and Clinical Health (HITECH) Act, which created incentive payments for providers that adopt and meaningfully use electronic medical records. Increased adoption and meaningful use of health information technology will arm providers with information that is usually held only in paper records, lower duplication rates of procedures, promote efficiency and quality, and reduce waste as providers coordinate care through improved exchange of clinical information. The Health Subcommittee held an oversight hearing on implementation of HITECH Act earlier this year and will continue to monitor the program to ensure that the advance of health information technology improves quality and efficiency of the delivery of health care in the Medicare program.

DURABLE MEDICAL EQUIPMENT COMPETITIVE BIDDING PROCESS

The Medicare Modernization Act directed CMS to establish a competitive bidding process for payment of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) under Medicare. The first round of competitive bidding for DME was delayed in 2008 because of implementation problems. Later this year, CMS will award contracts under the first round of the revised program. The Health Subcommittee will examine whether CMS has adequately addressed problems with the competitive bidding program and explore its potential effect on beneficiaries' access to the program and supplier participation.

TAX PROVISIONS TO PREVENT TAX AVOIDANCE AND FRAUD

CLOSING FOREIGN TAX CREDIT LOOPHOLES

On August 10, 2010, the House passed H.R. 1586, the Education Jobs and Medicaid Assistance Act by a vote of 247 to 161. The bill, signed into law the same day (P.L. 111-226),

included changes developed jointly by the Treasury Department, the Committee on Ways and Means, and the Senate Committee on Finance to curtail abuses of the U.S. foreign tax credit system and other targeted abuses. Foreign tax credits are intended to ensure that U.S.-based multinational companies are not subject to double taxation. However, multi-national corporate taxpayers have taken advantage of the U.S. foreign tax credit system to reduce the U.S. tax due on completely unrelated foreign income in a manner that has nothing to do with eliminating double taxation. The bill eliminated \$9.6 billion of foreign tax credit loopholes.

TRANSFER PRICING

On July 22, 2010, the Committee on Ways and Means held a hearing to begin initial discussions of the complex areas of tax law that govern transfer pricing practices among related parties (multinational corporations). Pursuant to a request by the Committee in December 2009, the Joint Committee on Taxation (JCT) undertook a study of transfer pricing issues. Part of that study involved meetings with tax practitioners and the IRS to gain a better understanding of how companies can structure overseas operations to minimize U.S. taxes. The JCT released a report summarizing its work, beginning with a study of the issues and specific case studies to illuminate the potential for income shifting through transfer pricing. The Committee continues to investigate opportunities for reducing tax avoidance by multinational corporations through transfer pricing structures.

FIRST-TIME HOMEBUYER PROGRAM

The Housing and Economic Recovery Act of 2008 established the First-Time Homebuyer Credit, which generally provided an \$8,000 tax credit to certain taxpayers for the purchase of a home. The credit was extended and expanded by the American Recovery and Reinvestment Act of 2009 and the Worker, Homeownership, and Business Assistance Act of 2009 (Assistance Act). On October 22, 2009, the Subcommittee on Oversight of the Ways and Means Committee held a hearing on administration of the credit by the Internal Revenue Service (IRS). At the hearing, the Treasury Inspector General for Tax Administration (TIGTA) released a report finding instances of fraud and abuse in the program. In response to the report, TIGTA and the U.S. Government Accountability Office made several legislative recommendations to improve administration of the credit. On October 22, 2009, Oversight Subcommittee Chairman John Lewis (D-GA) introduced H.R. 3901, the Homebuyer Tax Credit Improvement Act of 2009, which provided the IRS with additional authority to prevent fraudulent claims and claims by minor children. On November 6, 2009, H.R. 3901 was enacted into law as part of the Assistance Act (P.L. 111-92).

PRISONER TAX FRAUD

On September 27, 2008, the House passed H.R. 7082, the Inmate Tax Fraud Prevention Act of 2008. This law allows the IRS to exchange with officers and employees of the Federal Bureau of Prisons certain tax return information with respect to prisoners whom the Secretary has determined may have filed false or fraudulent tax returns. This provision was enacted into law on October 15, 2008. In June 2010, TIGTA released a report estimating that about 1,300 prison inmates (more than 90 percent of whom were state prison inmates) claimed and received more than \$9 million in fraudulent first-time homebuyer tax credits. On June 29, 2010, a

provision to allow the IRS to disclose tax return information to officers and employees of State agencies charged with the administration of prisons passed the House in H.R. 5623, the Homebuyer Assistance and Improvement Act of 2010. On July 2, 2010, this provision was enacted into law as part of the Homebuyer Assistance and Improvement Act of 2010 (P.L. 111-198).

TAX PROVISIONS TO PROMOTE GOVERNMENT EFFICIENCY AND REFORM

INCREASE ELECTRONIC FILING OF TAX RETURNS

The Internal Revenue Service Restructuring and Reform Act of 1998 (RRA) established a goal for the IRS to receive at least 80 percent of tax and information returns electronically. For 2010, the overall electronic filing (e-filing) rate is projected to reach approximately 59 percent. To achieve the 80 percent goal, an estimated 40 million additional returns need to be e-filed. On October 22, 2009, Oversight Subcommittee Chairman John Lewis (D-GA) introduced H.R. 3901, the Homebuyer Tax Credit Improvement Act of 2009, which authorized the IRS to require tax return preparers to file returns electronically in order to achieve additional cost reduction and savings. On November 6, 2009, H.R. 3901 was enacted into law as part of the Worker, Homeownership, and Business Assistance Act (P.L. 111-92). The Electronic Tax Administration Advisory Committee, established by the RRA, believes that this is the single most important initiative that will enable the IRS to reach its 80 percent electronic filing goal.

REMOVAL OF CELL PHONES FROM LISTED PROPERTY

In 1989, Congress passed a law requiring taxpayers to substantiate the business use of cell phones. At that time, cell phones were an expensive perk for executives. Cell phones and similar equipment are now ingrained in daily business practices at all levels. The Administration has recognized that cell phone service in this country has changed dramatically over the past decade and recommended that the law be modernized to remove the special documentation requirements for cell phones and reduce the cost of administering and complying with the provision. On April 15, 2010, a provision to eliminate the strict substantiation rules on cell phones passed the House in H.R. 4994, the Taxpayer Assistance Act of 2010.

Repeal of the partial payment requirement on submissions of offers-in-compromise. Offer-in-compromise (OIC) agreements are an important collection alternative for the IRS and taxpayers. Under current law, due to legislation passed in 2006, a taxpayer offering to settle a tax liability must make a partial payment with submission of an OIC application. The need to increase the usage of OIC agreements in situations of economic hardship was raised at a February 2009 hearing of the Subcommittee on Oversight of the Committee on Ways and Means. On May 12, 2009, Oversight Subcommittee Chairman John Lewis (D-GA) introduced H.R. 2343, a bipartisan bill that would increase the likelihood that some amount of tax is collected and promote continued tax compliance by repealing the partial payment requirement. On April 15, 2010, a provision to repeal the partial payment requirement passed the House in H.R. 4994, the Taxpayer Assistance Act of 2010.

STUDY ON DELIVERY OF TAX REFUNDS

The National Taxpayer Advocate (NTA) has stated that the quickest and cheapest way to distribute tax refunds is electronically rather than by paper checks in the

mail. However, a large number of taxpayers do not have bank accounts. These taxpayers are not able to fully participate in electronic filing because the IRS cannot transmit their refunds to them electronically. The NTA recommended that the Department of Treasury develop a program to enable taxpayers to receive refunds on stored value cards. On April 15, 2010, a provision to require the Secretary of Treasury, in consultation with the National Taxpayer Advocate, to conduct a study on the feasibility of delivering federal tax refunds on debit cards, prepaid cards, or other electronic means passed the House in H.R. 4994, the Taxpayer Assistance Act of 2010.

STUDY ON TIMELY PROCESSING AND USE OF INFORMATION RETURNS

Under current law, the IRS processes tax returns before it processes related information returns, such as Forms W-2 and Forms 1099. The IRS does not match information on income tax returns to information returns until after the filing season has ended. There are two reasons for the delay: (1) the deadline for filing information returns generally is March 31 and (2) the tax filing season begins in mid-January. A provision to require the Secretary of Treasury to study, and make recommendations on, the administrative and legislative steps required to allow the IRS to receive information returns before it processes income tax returns passed the House in H.R. 4994, the Taxpayer Assistance Act of 2010.

CLARIFY THAT THE BAD CHECK PENALTY APPLIES TO ELECTRONIC PAYMENTS

Taxpayers are subject to a penalty if their check or money order in payment of their tax liabilities is not honored. On April 15, 2010, a provision to ensure fair application of the penalty by clarifying that the penalty applies to all commercially acceptable instruments of payment (i.e., electronic payments) passed the House in H.R. 4994, the Taxpayer Assistance Act of 2010. On July 2, 2010, this provision was enacted into law as part of the Homebuyer Assistance and Improvement Act of 2010 (P.L. 111-198).

TRADE

The Trade Subcommittee is developing Customs and Border Protection (CBP) reauthorization legislation addressing two important oversight issues explored at a May 2010 hearing: (1) correcting the agency's failure to collect antidumping and countervailing duties; and (2) addressing cost overruns and delayed implementation of the agency's new, modernized computer system, the Automated Commercial Environment (ACE).

COMBATING THE EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS

The U.S. government loses hundreds of millions of dollars every year when foreign companies employ fraudulent tactics to evade U.S. antidumping and countervailing duty orders. Such tactics include misrepresenting the country of origin of imported products or mislabeling the types of products being imported on Customs import documentation. The resulting impact in the United States is two-fold. Not only is there lost revenue to the government, but also American businesses and workers are denied relief from the illegal trade practices that the antidumping and countervailing duties are designed to neutralize. The Trade Subcommittee is preparing legislation to counter these kinds of practices and aims to move that legislation shortly. This legislation: (1) establishes clear, expeditious time-

frames for CBP to investigate and determine whether evasion is occurring; (2) requires maximum cooperation between CBP and the Department of Commerce in making and enforcing such determinations; and (3) provides authority for CBP to collect unpaid duties and assess penalties. This legislation will diminish substantially the duties lost to evasion as well as the corresponding harm to the U.S. industry.

ENSURING EFFICIENT USE OF TAXPAYER DOLLARS IN FURTHER ACE DEPLOYMENT

The Trade Subcommittee is preparing legislation that will support the positive steps taken by CBP since its May 20th hearing to get ACE deployment back on track and moving in the right direction. ACE development to date has cost over \$3 billion, and the system continues to have limited functionality to attract a critical mass of users. Completion of ACE promises significant benefits to CBP, businesses, and workers alike, increasing U.S. competitiveness and saving taxpayer dollars. The Trade Subcommittee is developing legislation to ensure that: (1) ACE is completed expeditiously and with strong functionality; and (2) the funds invested in this project, going forward, are used efficiently and effectively.

SOCIAL SECURITY

In December of 2009, Congress enacted H.R. 4218, the No Social Security Benefits for Prisoners Act of 2009 (P.L. 111-115) to prevent retroactive Social Security and Supplemental Security Income benefit payments from being issued to individuals while they are in prison, along with beneficiaries in violation of conditions of parole or probation, or who are fleeing to avoid prosecution for a felony or a crime punishable by sentence of more than one year. The Social Security Act already barred payment of monthly benefits to such individuals. This new law ensures the prohibition applies to retroactive benefit payments as well, and allows payments to be paid once the beneficiary is no longer prohibited from receiving payments under the provisions of this bill.

In response to a Social Security Administration Inspector General report that as many as eight states use prison industries to perform work that allows inmates access to individual Social Security numbers, Chairman Pomeroy introduced H.R. 5854, the No Prisoner Access to Social Security Numbers Act of 2010. The bill would protect the accuracy of Social Security records and help shield individuals from identity theft and other potential crimes by prohibiting federal, state, and local governments from employing prisoners in any capacity that would allow inmates access to full or partial SSNs of other individuals. The Federal Bureau of Prisons already proscribes such work by federal inmates by regulation. This bill would extend this policy to all of the states.

In recent years, we have substantially increased funding for program integrity at the Social Security Administration, which will save billions of dollars in overpayments and payments to people who have become ineligible for benefits. Because the Social Security Administration uses innovative predictive modeling techniques to identify cases with the highest risk of an overpayment and targets those cases for careful review, they are able to generate savings of as much as \$12 for every dollar invested in program integrity, despite Social Security's already very low error rate. For example, in 2008 their computer models allowed them to target the beneficiaries most likely to have medically improved for full eligibility re-

views, saving \$3.8 billion in Social Security, Medicare, Medicaid, and SSI benefits. If SSA had randomly selected cases for intensive review, they would only have saved \$900 million.

Because the return on investment is so significant, we plan to work on legislation that will increase our investment in Social Security's fight against fraud, waste, and abuse.

FINDINGS PURSUANT TO THE HOUSE BUDGET ENFORCEMENT RESOLUTION

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. SPRATT. Madam Speaker, pursuant to the Budget Enforcement Resolution that the House passed on July 1, I hereby submit an outline of changes within the Budget Committee's jurisdiction to help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement, by promoting efficiency and reform of government, and by controlling spending.

While the Budget Committee does not have jurisdiction over specific government programs, it does maintain a broad oversight role over the federal budget as well as budget process.

This year Congress enacted statutory pay-as-you-go (PAYGO) legislation, a measure under the Budget Committee's jurisdiction. The legislation was the culmination of years of work on the part of Congressional Democrats to restore statutory PAYGO after the previous statute expired in 2002. That version of PAYGO reined in new entitlement spending and required new tax cuts to be offset in the 1990s, with the result that the federal budget returned to surplus. The new law likewise will help set budgetary priorities and restore fiscal responsibility. Since its enactment in February, Congress has passed and the President has signed legislation into law with PAYGO provisions reducing the federal deficit by a total of \$58.4 billion over the next five years and a total of \$43.1 billion over the next ten years, according to the most recent OMB scorecard.

The passage of statutory PAYGO built on the internal House PAYGO rule, adopted during the opening week of the Democratic majority in 110th Congress—along with a rule that fast-track budget reconciliation procedures cannot be used for legislation that increases the deficit. The Budget Committee works continuously with other House committees to ensure that legislation coming to the House floor for a vote meets the requirements of these deficit-reducing rules.

One of the critical roles that the Budget Committee plays each year is to set the overall level of discretionary spending for the annual spending bills produced by the Appropriations Committee. This year, the appropriations cap is \$7 billion below the comparable level proposed by the President, and follows a similar reduction of \$7 billion below the President's request last year. Approving these more disciplined spending levels encourages Congress to find efficiencies and reduce wasteful spending while providing enough room to fund critical services and investments at a time when

the economy is still recovering from the worst recession in decades.

In addition, on May 28 of this year, I introduced H.R. 5454—the Reduce Unnecessary Spending Act of 2010—that will enhance fiscal discipline by allowing the President to sign spending bills into law while culling out unneeded or wasteful items and proposing that Congress rescind them. “Expedited rescission” under this bill requires Congress to consider the President’s recommendations as one package, without amendment and on a fast-track basis, guaranteeing an up-or-down vote within a specified time frame. While expedited rescission will not eliminate the federal deficit, it will be one more tool to control spending. Forty Democrats have joined me in cosponsoring this bill, including five Budget Committee members.

Finally, in light of the Budget Committee’s broad oversight role on the federal budget, four Committee members have been appointed to the President’s National Commission on Fiscal Responsibility and Reform. With representation on both sides of the aisle from the House, the Senate, and the private sector, the Commission is charged with building consensus on ways to wipe out the deficit and improve the long-term fiscal sustainability of major entitlement programs. The House Democratic leadership has pledged to vote this year on any legislative recommendations reported by the Commission and approved by the Senate, and agrees that deficit reduction as a result of the recommendations cannot be used to offset costs of future legislation. The deficit-reduction proposals of the bipartisan commission will be issued in December.

The Budget Committee will continue to examine ways to reduce the deficit and increase efficiency in government spending. I look forward to working further with all Members of Congress to address the long-term budget challenges facing the nation.

IN RECOGNITION OF JOSEPH M.
WOJCİK

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. PALLONE. Madam Speaker, I rise today to recognize the accomplishments of Joseph M. Wojcik, a native and lifelong resident of South River, New Jersey. Mr. Wojcik’s outstanding legacy of public service, commitment and dedication to his community, as well as civic achievements, are unquestionably worthy of this body’s recognition.

Joseph M. Wojcik’s career of public service began early as a student studying at Rutgers University. While attending college, he ran for positions on the South River Board of Education and the South River Town Council. His enthusiasm for and commitment to service continued into his professional life when Mr. Wojcik served the South River Planning Board as well as the South River Recreation Commission. Furthermore, he has dedicated time to the South River Knights of Columbus where he has had the honor to serve as Deputy Grand Knight, as well as Grand Knight in re-

cent years. Currently, Mr. Wojcik is actively working for the Borough of South River.

Mr. Wojcik’s time and energy has also been dedicated to engaging with the Polish community in Middlesex County, of which he is a member. His efforts have been repeatedly recognized and, in a special tribute to his status in the community, this year he has been given the honor of serving as the Grand Marshall of the Middlesex County Pulaski Day Parade. Mr. Wojcik’s father led the same parade as Grand Marshall in the early 1980’s. As a proud citizen of Polish heritage, Mr. Wojcik embodies what the Parade’s highest honorary position entails.

Madam Speaker, Joseph Wojcik epitomizes what it means to give back to one’s community. Please join me in leading this body in acknowledgment of the extraordinary contributions of Joseph M. Wojcik. He has worked tirelessly throughout his life to assist the residents of South River and his dedication should be an inspiration to us all.

HONORING SAINT JOHN’S LUTHERAN CHURCH OF CORNING, MISSOURI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Saint John’s Lutheran Church of Corning, Missouri, as they celebrate their sesquicentennial anniversary.

Since being founded as the Deutsch Evangelish Lutheraner St. Johannes in 1860, the St. John’s congregation has remained a pillar of the community. The efforts of the community to save the church during the historic floods of 1951 and 1993 highlight the importance of this church to the surrounding area. The historical nature of the church was recognized in 2008 when it was placed on the National Registry of Historic Places.

Madam Speaker, I proudly ask you to join me in congratulating Saint John’s Lutheran Church of Corning, Missouri for their 150 years of service to the Corning community.

FINDINGS OF THE CHAIRMAN OF THE COMMITTEE ON FOREIGN AFFAIRS RELATING TO EFFICIENCY AND REFORM PURSUANT TO H. RES. 1493

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. BERMAN. Madam Speaker, pursuant to subsection (c)(2)(C) of House Resolution 1493, “Sense of the House on Deficit Reduction,” requesting Committees of the House of Representatives to submit findings which identify changes in law that would help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement and which promote efficiency and reform of government and control spending in programs under committee

jurisdiction, I submit this report. It includes an accounting of Committee legislation that: (a) has been enacted into law; (b) has been passed by the House and/or considered by the Committee; or (c) is presently being drafted in Committee under my direction. In each case I have ensured that legislation accomplishes, or will accomplish, the objectives called for the Budget Enforcement Resolution.

ENACTED LEGISLATION

The Committee reported out the Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009 (H.R. 1886), which streamlined and developed tighter benchmarks and accountability measures for the substantial American economic and military assistance being provided to the Government of Pakistan. In conference with the Senate, this bill was passed as the Enhanced Partnership with Pakistan Act of 2009, which became Public Law 111–73.

PASSED BY THE HOUSE

On June 4, 2009, the Committee reported H.R. 2410, authorizing appropriations for the Department of State and the Peace Corps for fiscal years 2010 and 2011, and to modernize the Foreign Service and other international affairs-related programs and agencies.

Title II, Section 211, of the legislation requires the Secretary of State to improve coordination among all the various efforts within the government to conduct public diplomacy.

Section 216 reauthorizes an Advisory Commission on Public Diplomacy charged with conducting an in-depth review of public diplomacy programs, policies, and activities to assess their effectiveness.

Section 302 of the legislation directs the development of a national review of diplomacy and development every four years in order to make policies and programs more effective and efficient.

Section 303 authorizes the establishment of a Lessons Learned Center in order to provide support for best practices in our diplomacy and development efforts.

The legislation also contains such cost savings proposals as limiting compensatory time off for travel by Foreign Service Officers and providing for the suspension of Foreign Service Officers without pay.

Title VIII of the legislation, entitled “Export Control Reform And Security Assistance,” includes:

Section 828 which require the Secretary to present plans to make defense trade licensing self-financing.

Section 807, permits the Secretary to use registration fees for licensing functions currently supported by appropriated funds.

Section 826 grants the President the flexibility to remove satellites and related components from the munitions list, thus reducing licensing costs for these items.

Title IX, “Actions To Enhance the Merida Initiative,” requires the President to establish and implement a program to assess the effectiveness of assistance provided under the Merida Initiative.

LEGISLATION INTRODUCED

The Committee introduced the Initiating Foreign Assistance Reform Act of 2009 (H.R. 2139) that requires the Administration to develop a National Strategy for Global Development which would define and streamline the

roles of each department and agency engaged in development policies. It includes a provision that requires the development and implementation of a rigorous system to monitor and evaluate the effectiveness and efficiency of United States foreign assistance.

LEGISLATION BEING DRAFTED

The Committee has also begun work on two major legislative reforms:

The first is an extensive effort to rewrite the Foreign Assistance Act of 1961. The purpose of the overhaul is to increase the accountability, transparency and effectiveness of foreign aid programs, which are currently fragmented across 12 departments, 25 different agencies, and nearly 60 government offices. In so doing, I hope to clear away many of the inefficiencies and program duplications which have developed since the last major re-write of the legislation in 1985.

The current system of unclear mandates, fragmented authorities, overlapping responsibilities, antiquated rules and tortuous procedures hampers our ability to deliver aid to the people who need it at the lowest possible cost. One lesson of the 1990s is that reductions in force at USAID did not result in improved efficiency. Instead, a specialized and experienced federal workforce was largely replaced by a contractor bureaucracy that operates at higher cost and with less accountability. Another lesson was that elimination of the USAID office that conducted program monitoring and evaluation seriously hindered our ability to assess the performance of our aid programs and share and replicate best practices. When resource allocations are made without the benefit of quantitative program indicators and rigorous impact evaluations, there is little basis for determining which activities and approaches are most effective and where the needs are greatest. Both H.R. 2139 and the foreign aid reform bill currently being drafted contain mandatory requirements for monitoring and evaluation of all foreign assistance programs.

The second is a redraft of legislation under the Export Administration Act of 1979 to reauthorize, streamline and update the Act to ensure that it is responsive to both current security threats and the international commercial environment in which U.S. firms must compete.

The staff draft of the export administration legislation includes two provisions requiring a periodic independent evaluation of the system. One provision would require evaluations of the effectiveness of export controls in protecting U.S. national security and would require the evaluations, with recommendations for improvements, to be sent directly to the President and Congress. The second provision would require an evaluation of the effectiveness of U.S. diplomacy in engaging with the four multilateral export control organizations. These would be the first systemic evaluations of U.S. export controls and our diplomacy regarding controls. They would contribute to modernization of the current system, which is widely judged to be falling behind in its mission.

On a related point, the Committee staff is engaged in oversight of both the Export Administration Regulations (dual-use) and the International Traffic in Arms Regulations (mu-

nitions) to strengthen the effectiveness of regulations, licensing and enforcement. Such oversight led to enactment of a provision in the Comprehensive Iran Sanctions, Accountability and Divestment Act (P.L. 111-195) to strengthen the enforcement authority of the Commerce Department's Bureau of Industry and Security.

Separate from the preceding, the Committee staff is drafting legislation that would provide the Trade Promotion Coordinating Committee with new authority over agencies' programs and budgets. The draft legislation would require coordination of the federal government's 17 export promotion programs, to more effectively deploy existing budgetary and staffing resources to increase U.S. exports. The bill also would require a reallocation of resources in the U.S. Commercial Service to overseas markets with potential for increased purchase of U.S. exports. The draft legislation is in response to Committee staff inquiries and a series of GAO reports that have identified significant overlap, gaps and inefficiencies in these programs.

Finally, in terms of the Committee's oversight of ongoing agency activities, Committee staff conduct assiduous review of agencies' advance notifications of grants and contracts under programs under the Committee's jurisdiction. The goal is to ensure that proposed expenditures are in line with applicable statutes, federal policy and program goals. Proposed expenditures that raise questions are examined and then blocked if found to be inappropriate. As an example, in August, Committee staff urged the Trade and Development Agency to reconsider a proposed contract for technical services that could be provided more cost-effectively by federal employees. The agency did so and cancelled the proposed contract.

RECOGNIZING THE IMPORTANT
ROLE ZOOS, AQUARIUMS, AND
OTHER WILDLIFE ORGANIZA-
TIONS HAVE PLAYED IN THE RE-
SPONSE EFFORTS IN THE GULF
REGION FOLLOWING THE DEEP-
WATER HORIZON OIL SPILL
THAT BEGAN ON APRIL 20, 2010

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution recognizing the important role zoos, aquariums, and other wildlife organizations have played in the response efforts in the Gulf region following the Deepwater Horizon oil spill. Even in difficult economic times, zoos, aquariums, and other wildlife institutions have provided valuable staff and resources for rescue and rehabilitation efforts in the Gulf region. This resolution would give these organizations the praise and support they deserve for their dedication and selfless contributions.

The National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service have identified zoos and aquariums as important partners in the rescue and rehabili-

tation efforts of the wildlife impacted by the oil spill. Many of these institutions already have in place established programs for animal rescue and rehabilitation as well as the resources needed to address short-term and long-term impacts of the oil spill on animals and habitats in the Gulf of Mexico region.

The unique expertise of the professionals at zoos and aquariums is invaluable to responding to environmental disasters like that in the Gulf region following the Deepwater Horizon oil spill. Additionally, their contributions to conservation programs, science education, and community development deserve our continued support and appreciation.

One of these valuable organizations is the Association of Zoos and Aquariums, AZA. Established in 1924, the AZA has been dedicated to advancing the work of zoos and aquariums in the areas of conservation, education, science, and recreation. There are over 200 AZA-accredited zoos and aquariums in 46 states, where they support more than 126,000 jobs and attract 180 million visitors annually. Of these AZA-accredited institutions, 70 have contributed to the rescue and rehabilitation efforts in the Gulf of Mexico following the Deepwater Horizon oil spill which began on April 20, 2010.

I am proud to have the Palm Beach Zoo, an AZA-accredited institution, in my district. The Palm Beach Zoo actively promotes conservation and education programs, including the incorporation of Species Survival Plans and Population Management Plans through the AZA.

Madam Speaker, I am honored to recognize the important work that these organizations do and for their partnership in the recovery efforts in the Gulf region. I urge my colleagues to support this resolution and the important contributions zoos, aquariums, and other wildlife organizations make in our communities.

REMEMBERING STAFF SERGEANT
PHILLIP JENKINS

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. PENCE. Madam Speaker, I rise with a heavy heart to honor the sacrifice and courage of a young Hoosier who lost his life while supporting Operation New Dawn in Iraq.

Staff Sergeant Phillip Jenkins was providing security for a visiting commander when he was mortally wounded by hostile fire. Despite the dangerous nature of military service, Staff Sergeant Jenkins always knew he wanted to join the Army. Like so many before him, Staff Sergeant Jenkins bravely answered the call of duty. We will long remember the passion and dedication he had for his country, and the joy he had for life.

Staff Sergeant Jenkins is a true American hero, but the tragedy of such a loss as this is never easy. I give my most sincere condolences to Staff Sergeant Jenkins' wife, Melissa, and two young daughters, Lindly and Piper; mother, Rose Jenkins; sister Cassie Jenkins; mother-in-law Debby Feurer; father-in-law Mike Hays; two brothers-in-law Matt

Hays and Nick Hays; and paternal grandmother Darlene Carlile. The Good Book tells us that "The Lord is close to the broken-hearted," and that is my prayer for the family of Staff Sergeant Phillip Jenkins.

CONGRATULATING THE
TEUTOPOLIS BASEBALL TEAM
ON WINNING THE STATE CHAMPIONSHIP

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. SHIMKUS. Madam Speaker, today I rise to congratulate the Teutopolis Wooden Shoes baseball team on the state championship.

Teutopolis recently upset the undefeated Harrisburg in the state championship by a score of 5-1 to claim their first state title in school history. The Wooden Shoes finished the season with an impressive 31-4 record.

My congratulations go out to Head Coach Justin Fleener, Assistant Coach Rob Bothwell and Assistant Coach Troy Bierman for their work with this outstanding group of student-athletes. But most of all, I want to congratulate the members of the 2010 Teutopolis Wooden Shoes state champion baseball team: Ryan Pruemer, Clint Lustig, Luke Bushur, Andy Hardick, Lance Niebrugge, Kyle Zerrusen, Jeff Bloemer, Derek Repking, Derek Thompson, Jordan Roepke, Damon Hoene, Bo Blievernicht, Dillon Hardick, Brock Swingler, Cole Borries, Josh Koester, Garrett Overbeck, Brett Deters and Mark Niebrugge.

They have represented themselves, their school and the community in an exemplary fashion, and I would like to join with the other members of this House in wishing them the best of luck in their future endeavors, both on and off the field.

HONORING BRIGADIER GENERAL
HECTOR E. PAGAN, UNITED
STATES ARMY

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor Brigadier General Hector E. Pagan, United States Army, who on Friday, September 17th will retire and relinquish command of Special Operations Command South, SOCS, to Rear Admiral Thomas L. Brown II.

Since the summer of 2008, Brigadier General Pagan has exemplified unparalleled leadership through his command of Special Operations Command South in Florida. A New York native, he grew up in Puerto Rico and was commissioned as an infantry officer from the ROTC program at the University of Puerto Rico at Mayaguez. In 1980 he attended the Infantry Officers Basic Course and Ranger School and was assigned to the 1st Battalion, 51st Infantry, in Germany, as a Rifle Platoon Leader, Company Executive Officer and Scout

Platoon Leader. In 1983, he attended the Infantry Officers Advanced Course and remained at Fort Benning, Georgia, with the Infantry Training Group and the 29th Infantry Regiment, where he served as chief, Special Weapons Committee, operations officer, and commanded the Headquarters and Headquarters Company, 2nd Bn., 29th Infantry Regiment from 1984 to 1986.

Brigadier General Pagan served in Panama with the 3rd Bn., 7th Special Forces, SF Group, Airborne, 1988-1990, as an A-Detachment commander and Battalion S1. He served in Operation JUST CAUSE and deployed to El Salvador in 1989. From 1990 to 1992, he served in SF Branch, Total Army Personnel Command as a future readiness officer and captains assignments officer. He attended the Army Command and General Staff Course and then served as the executive officer, 1st Bn., 7th SF Group (Airborne). From 1994-1995, he served in the U.S. Army Special Operations Command as the chief, officer management, office of the deputy chief of staff for personnel.

He returned to the 7th SF Group, Airborne, in 1995, where he served as group operations officer, executive officer and deputy commander. From 1998-2000, Brigadier General Pagan commanded the 2nd Battalion, 1st SF Group, Airborne, at Fort Lewis, Washington. After his tour with the 1st SF Group, he was assigned to the Special Operations Command South, Naval Station Roosevelt Roads, Puerto Rico, where he served as the director of operations, J3, from 2000 to 2002.

Upon completion of the U.S. Army War College in 2003, Brigadier General Pagan took command of the 5th SF Group, Airborne, in Baghdad, Iraq, Operation Iraqi Freedom. He led the 5th SF Group, Airborne, in combat as the commander of the Combined Joint Special Operations Task Force—Arabian Peninsula for two combat tours in 2003 and 2004.

In 2005, Brigadier General Pagan served as the special assistant to the commander of the United States Special Operations Command at MacDill Air Force Base, Florida. In 2006, he assumed duties as the deputy director of the Operations Support Group in the Center for Special Operations in the U.S. Special Operations Command. Brigadier General Pagan served as the deputy commander, U.S. Army Special Operations Command in November 2006 and in May 2007 assumed duties as deputy commander, U.S. Army John F. Kennedy Special Warfare Center at Fort Bragg, NC until July, 2008.

His awards and decorations include the Defense Superior Service Medal, Legion of Merit with one bronze oak leaf, Bronze Star Medal with bronze oak leaf, Defense Meritorious Service Medal, the Army Meritorious Service Medal with one silver oak leaf and one bronze oak leaf, the Army Commendation Medal with bronze oak leaf, the Army and Joint Service Achievement Medals, the Armed Forces Expeditionary Medal with bronze star device, the Joint Meritorious Unit Award, 2nd oak leaf cluster, the Navy Meritorious Unit Commendation, Special Forces and Ranger Tabs, the Combat Infantryman Badge, second award, the Expert Infantryman Badge, and Master Parachutist Badge. He earned a master's degree in management from Troy State Univer-

sity and a master's degree in strategic studies from the U.S. Army War College.

Brigadier General Pagan has served our nation honorably. He has dedicated his life to defending freedom, ensuring that our democratic principles remain intact and that Americans can continue to live in liberty. His patriotism, courage and leadership are unparalleled, as is his commitment to the ideals of democracy. For me it has been a privilege getting to know Brigadier General Pagan and I am honored to call him a friend. I ask that you join me in thanking Brigadier General Hector E. Pagan for his years of service to our country, and his family for supporting him throughout his military career. I wish them well in their future endeavors and will be eternally grateful for their sacrifices and commitment to our Nation's safety and freedom.

HONORING THE SERVICE AND SACRIFICE
OF UNITED STATES
ARMY SERGEANT MARTIN A.
LUGO, JR.

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Army Sergeant Martin A. Lugo, Jr., who was killed in action on August 19, 2010.

A native of Tucson, Arizona, Martin graduated from Tucson High Magnet School in 2004 and enlisted in the Army shortly thereafter. Martin, a decorated combat veteran and graduate of the U.S. Army's Ranger School, re-enlisted in February 2010. He was on his 6th combat deployment and 4th to Afghanistan, when he was killed by small arms fire in Logar Province, near the Afghanistan-Pakistan border. Martin was assigned to Company C, 1st Battalion, 75th Ranger Regiment. Among his many decorations, he earned the Bronze Star, Meritorious Service Medal and Purple Heart. He was one of our nation's most elite, best and bravest.

We remember Martin and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Martin made a difference in the lives of many others and serves as an example of a competent and caring leader and friend that will live on in the hearts and minds of all those he touched.

This body and this country owe Martin and his family a debt of gratitude and it is vital that we remember him and his service to his country.

Sergeant Lugo is survived by his mother, Maria; father, Martin; and sister, Leslie.

PASSING OF JAMIE GRODSKY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise to offer my condolences and sympathies to the family and friends of Jamie Grodsky, former counsel for the Natural Resources Committee at the time that I served as committee chair. Her funeral took place in San Francisco in May of this year, and she will also be remembered in a Memorial Service to be held on September 20 in Jack Morton Auditorium at George Washington University.

Jamie passed away on May 22, 2010. She was an extraordinary individual, who was both respected and cherished by her numerous friends and family members, as well as by her colleagues and students.

Jamie played many valuable roles in her various jobs in all three branches of the Federal Government and in academia. For five years in the 1980's she was an Analyst with the Office of Technology Assessment. In that capacity she helped write reports and analyses that helped us to understand and benefit from changes in information technology and economic competition.

From 1993 to 1995, Jamie returned to the Hill to serve as a counsel to the Natural Resources Committee. During that time, Jamie worked with me on a wide range of issues, including developing new policies for the conservation and use of the natural resources in the Western United States, and other environmental issues.

A native of California, Jamie went to work for Senator DIANNE FEINSTEIN from California, as a counsel on the Judiciary Committee from 1995 to 1997. Among other issues she worked on were privacy, civil rights, judicial nominations, antitrust, intellectual property, and constitutional law.

Jamie was well educated and loved learning. She received a BA with distinction from Stanford University, where she was elected president of her class. She subsequently received an MA from U.C. Berkeley in Economic Geography, and returned to Stanford to receive her law degree where she was Articles Editor of the Stanford Law Review and received the Murie Award in Environmental Law and the Ochlmann Prize for Legal Writing.

Jamie left Capitol Hill to clerk for the Chief Judge of the Ninth Circuit, the Hon. Proctor Hug, who described her as "the most multi-talented person I have ever met." From there, Jamie served as Senior Advisor to the general counsel of the U.S. EPA from 1999 to 2001.

Jamie went on to become a well respected law professor, first at the University of Minnesota, and, beginning in 2006, as a Professor of Environmental Law at George Washington University where she received tenure. She was a proficient writer and was one of the Nation's preeminent experts in environmental law. Two of her recent articles were chosen as being among the top five law review articles in the Nation.

At various times, Jamie also found time to backpack around Appalachia, play guitar with

the great Doc Watson; walk with Native Americans from California to Utah; serve as Educational Director of the San Francisco Oceanic Society (where she founded Sea Camp, a children's maritime educational camp); and conduct research in marine biology at Woods Hole Oceanographic Institute in Massachusetts.

There is no question that the Congress and our country are a better place because of Jamie's contributions. Jamie displayed not only tremendous knowledge, expertise and judgment, but also incredible enthusiasm and friendship to all who knew her. I know I speak for all of my colleagues on both sides of Capitol Hill, as well as Jamie's co-workers in the Executive Branch and Judicial Branch, and for her students and friends in Washington, D.C., California, Minnesota and around the Nation, when I offer my condolences and respect for a life well lived and fully enjoyed.

ADERA NICHOLE ETHERIDGE
MAKES HER MARK ON THE WORLD**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate my son David and his wife Casey on the birth of their second child, Adera Nichole Etheridge. Adera was born this morning, September 15, 2010 and weighed 6 pounds and 10 ounces. My wife Faye and I are excited about the birth of our seventh grandchild, and she joins me in wishing David and Casey and their son, Walker, great happiness upon this new addition to our family.

Faye and I are truly blessed by the arrival of Adera Nichole Etheridge. The birth of a new child is a joyous occasion that reminds us of the promise of a new life. And I know that Walker is excited to have a sister with whom he can play. Children remind us of the incredible miracle of life, and they keep us young-at-heart. Every day they show us a new way to view the world. I had the pleasure of hearing one of Adera's first cries this morning, and I can assure you she is going to be one strong, vivacious little girl.

God has truly blessed my family with this new addition. My family and I are looking forward to spending a lot of time with Ms. Adera and introducing her to our friends and neighbors in North Carolina's Second Congressional District.

FIGHTING MEDICARE FRAUD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. STARK. Madam Speaker, I rise as Chairman of the Ways and Means Health Subcommittee with my colleague and Ranking Member WALLY HERGER (R-CA) to introduce the Strengthening Medicare Anti-Fraud Measures Act.

This bipartisan legislation is a direct byproduct of a joint hearing held by the Ways and

Means Health and Oversight Subcommittees earlier this year. The hearing was on efforts to reduce fraud, waste and abuse in Medicare.

We heard testimony at this hearing from two panels of witnesses. The first panel consisted of Members of Congress pursuing legislative initiatives to reduce Medicare fraud, waste and abuse. The second panel was made up of government witnesses: Office of the Inspector General of the Department of Health and Human Services (OIG), The Centers for Medicare and Medicaid Services, and the Government Accountability Office.

Numerous witnesses raised concerns about limitations to the authority of the Office of the Inspector General to minimize Medicare fraud. From this discussion it became clear to Ranking Member HERGER and myself that we should change the law to provide the Inspector General with the additional tools requested to better protect Medicare.

This is a simple bill with only two provisions. It expands the OIG's permissive authority to ban executives whose companies have been convicted of Medicare fraud from the program. Second, it expands the OIG's permissive authority to exclude affiliates of corporations convicted of fraud, including parent companies hiding behind convicted corporate shells.

The first change is important because it will enable the OIG to protect Medicare from executives who circumvent exclusion by moving to another company. Under current law, executives whose companies are convicted of fraud can be excluded from Medicare. However, if the executive has left the company by the time of conviction, he or she cannot be barred from Federal health care programs. These executives are able to move from one company to another and continue to defraud Medicare, seniors, and taxpayers.

The second change provides the OIG with stronger tools to address corporations that have engaged in fraud. Companies that engage in fraud often set up shell companies to insulate themselves from liability. Criminal settlement negotiations can result in the conviction of these shell organizations with no real operational impact on the parent company. Without discretionary authority to exclude parent companies from the program, the OIG is missing a tool in its arsenal that could allow the government to exclude or obtain stronger prospective remedies in settlements.

We held a hearing, we learned of a need, and we are joining across party lines to introduce this legislation. Reducing fraud, waste and abuse in government programs is a bipartisan priority. We urge our colleagues to cosponsor this bill and quickly enact these new anti-fraud tools to protect Medicare beneficiaries and all of America's taxpayers.

IN RECOGNITION OF VICTOR A.
"VIC" POZZI**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Victor A. "Vic" Pozzi as the Town of Windsor, California

honors him for 45 years of community service on October 22, 2010.

Mr. Pozzi has served as a director of the Windsor Volunteer Fire Department, which later became the Windsor Fire Protection District, for 45 years. He was a volunteer fire fighter for 41 of those years. Over those years, he has responded to approximately 220,000 calls for service.

He was the consummate fire fighter and received Windsor's Firefighter of the Year Award multiple times. He was further honored when the award given annually to the department's most reliable firefighter was named the "Vic Pozzi Award."

Mr. Pozzi began his fire service career in neighboring Sonoma Valley, where he was born and raised. He joined the Shell Vista Fire Department in Sonoma Valley in 1956 and served with that unit until 1963 when he moved to Windsor. He was given a gold shield when he left Shell Vista and is still an honorary member of that department.

In addition to his fire fighting duties, Mr. Pozzi has been a member of the Farm Bureau for more than 60 years. He grew up on a dairy farm and transferred his farming interests to his property in Windsor, where he still keeps a dairy herd, ducks, geese, emus, Brahma bulls, sheep and a llama.

Madam Speaker, Vic Pozzi is a true ambassador for Windsor, for firefighters, for farmers and for everyone who believes that a good citizen is one who participates and gives back to his or her community. It is appropriate that we honor him at this time.

COMMEMORATING THE 100TH ANNIVERSARY OF MEXICO'S REVOLUTION AND 200TH ANNIVERSARY OF INDEPENDENCE

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to recognize Mexico's bicentennial celebration in honor of the 200th anniversary of its independence and the 100th anniversary of its revolution. Today, I wish to commemorate Mexico's celebrations along with the people of the 5th district.

Mexico's Independence Day celebrates the successful war for sovereignty from Spain. Influenced by America's war of independence—Miguel Hidalgo, one of Mexico's most revered heroes—changed the course of Mexico's history with the Cry of Dolores, the call to his people to revolt against centuries of oppression from the Spanish Crown. Heroes such as Ignacio Allende and Jose Maria Morelos joined Hidalgo in the movement. Although Mexico did not become fully independent until 1821, today marks the anniversary of Sept. 15, 1810, the beginning of the struggle that led to the birth of modern Mexico.

Mexico's bicentennial festivities also honor the 100th anniversary of Mexico's Revolution. The Revolution started in 1910 in response to the social and economic injustices of the autocracy in Mexico. Leaders such as Francisco Madero, Francisco "Pancho" Villa and

Emiliano Zapata led the lengthy and arduous fight for democracy. The end of the revolution led to a new constitution and Mexico's values of liberty, equality and justice were restored.

My hometown of Chicago has the second largest Mexican population of any city in the United States. To honor two of Mexico's most historic events, Chicago Mayor Richard M. Daley proclaimed 2010 The Year of Mexico. The city of Chicago will be participating in three annual Mexican Independence Day parades: the famous 26th Street celebration, as well as others in the Pilsen neighborhood and downtown Chicago.

Madam Speaker, Mexico's anniversaries not only keep the memories of Mexico's liberators alive, these celebrations also honor Mexico's pride and patriotism. On this day, I am proud to join the people of my district and those of Mexican descent in celebrating Mexico's bicentennial.

FINDINGS OF THE CHAIRMAN OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY PURSUANT TO H. RES. 1493

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. GORDON of Tennessee. Madam Speaker, I am submitting, pursuant to House Resolution 1493, changes in law that could help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement; promoting efficiency and reform of government; and controlling spending within Government programs for which the Committee on Science and Technology has primary authorizing authority. The specific measures listed below are pending before Congress. If enacted, these measures would reduce government waste, promote efficiency, and help to control spending within Government programs.

COORDINATION AND NON-DUPPLICATION

One of the recurring legislative themes for the Science and Technology Committee during the 111th Congress has been coordination and non-duplication. In tough budgetary times, it is vital that precious Federal research dollars not be spent on duplicative programs. Unfortunately, the coordinating activities necessary to prevent duplicative research efforts have been surprisingly lacking both across the Federal government and within individual agencies. To ensure that Federal research expenditures are most effective, the Committee included coordination requirements in several bills this Congress.

The first example of this theme was the House passage of the National Nanotechnology Initiative Amendments Act of 2009 (H.R. 554) on February 11, 2009. The National Nanotechnology Initiative (NNI) is an effort to coordinate over 1.7 billion dollars in annual Federal nanotechnology research expenditures across 15 separate agencies. The 2009 bill is an update to the existing program which should strengthen the interagency coordination and oversight functions of NNI.

Interagency coordination was also the driving premise behind H.R. 1145, the National

Water Research and Development Initiative Act of 2009, which passed the House on April 23, 2009. The purpose of this bill is to create a Federal initiative to coordinate the Government's efforts in research and development related to water resources. This is another field of inquiry in which multiple Federal agencies are involved, but where little effort has been expended to date to determine if these efforts are complementary or duplicative. H.R. 1145 would remedy this by bringing each of these agencies together, along with the Office of Science and Technology Policy (OSTP), to develop a National Water Research and Assessment Plan to coordinate water research across the Federal Government.

The Committee's efforts to coordinate Federal Government activities also extended to the field of Science, Technology, Engineering, and Math (STEM) education in H.R. 1709, the STEM Education Coordination Act of 2009, which passed the House on June 8, 2009. The purpose of H.R. 1709 is to establish a committee through the National Science and Technology Council with OSTP, to coordinate Federal programs and activities in support of STEM education across the Federal Government. The coordinating committee would also be charged with developing and periodically updating a strategic plan for STEM education to craft a more cohesive and effective Federal effort toward STEM education.

In H.R. 2020, the Networking and Information Technology Research and Development Act of 2009, the Committee updated the successful Networking and Information Technology Research and Development (NITRD) program to codify and emphasize the National Coordination Office to ensure coordination of the computing and information technology research of the 13 Federal agencies performing this type of work. The bill would also require the formulation of a strategic plan to set a coordinated direction for Federal information technology research. Additionally, the bill emphasizes communication with outside communities of interest in an effort to help ensure that Federal research investments in these areas complement, rather than duplicate, private-sector investments in these areas.

The Committee also established an Interagency Coordinating Committee in its reauthorization of the National Earthquake Hazards Reduction Program and the National Windstorm Impact Reduction Program in H.R. 3820, the Natural Hazards Risk Reduction Act of 2010. The purpose of the committee is to ensure a coordinated approach in Federal research related to the earthquake and wind programs authorized in H.R. 3820. H.R. 3820 passed the House on March 2, 2010.

Finally, the Committee broadly addressed the issue of coordination of Federal efforts in the areas of research and development and STEM education in H.R. 5116, the America COMPETES Reauthorization Act of 2010, which passed the House on May 28, 2010. In addition to containing identical provisions as H.R. 554, H.R. 1709, and H.R. 2020, the COMPETES Act contained additional provisions dealing with coordination and non duplication. Under Title VI of the bill, the Undersecretary for Science at the Department of Energy was given additional authority to coordinate energy technology research, development, and demonstration activities across the

Department. There are also coordination provisions relating to the management of federal scientific collections and manufacturing research and development.

NASA ACQUISITION REFORM

Over the course of the past several years, the Committee on Science and Technology has investigated deficiencies in the awarding of major NASA contracts, with a focus on the flawed awarding of the Space Communications Networks Services Contract. This contract award, worth 1.3 billion dollars, has been successfully protested to the Government Accountability Office twice, and significant concerns regarding NASA's contract award management have been raised by these protests. To address these issues, the Committee devoted Title VIII of its 2010 NASA authorization (H.R. 5781) to acquisition management. Notably, this title attempts to avoid organizational conflicts of interest in major NASA acquisitions by prohibiting contractors providing systems engineering or technical assistance to NASA from competing for the underlying management or acquisition contract. Similar provisions applicable to the Department of Defense were included in the Weapon Systems Acquisition Reform Act of 2009. In an effort to control spiraling acquisition costs, Title VIII of H.R. 5781 also strengthens a prohibition on expenditure of funds for acquisitions which exceed a 30 percent cost growth.

MANUFACTURING EXTENSION PARTNERSHIP MANAGEMENT

As a component of the America COMPETES Reauthorization Act of 2010, the Committee included a provision requiring the Director of the National Institute of Standards and Technology (NIST) to conduct an assessment of the governance of the Manufacturing Extension Partnership (MEP) program. In carrying out the assessment, the Director is instructed to use criteria established pursuant to the Malcolm Baldrige National Quality Award. This novel approach is intended to require the director of NIST to use criteria generally applied in making assessments of private sector proposals on NIST's own programs. It is hoped that this critical assessment will lead to better management of the MEP program.

FUTURE AREAS OF FOCUS

The Committee on Science and Technology continues to look at ways of making the Federal scientific agencies more efficient and better managed. One area of future focus is the management of the Department of Energy's (DOE) civilian research laboratories. DOE's laboratories are currently regulated internally, and, to a large degree, to a single DOE set of standards. However, the safety, environmental, and security requirements of DOE's civilian and military laboratories vary greatly. The Committee has begun to investigate whether turning DOE's civilian laboratories over to non-DOE regulation would prove more cost effective than its current internal management structure. The Committee has also been looking at recommendations from a 2009 report by the National Academy of Public Administration to determine if DOE could implement practices aimed at better management of its human capital.

I hope these examples of the Committee's legislative work prove helpful to the Congress at large. As the Congress moves forward with

future efforts toward deficit reduction and enhanced management of the Federal Government, the Committee on Science and Technology will continue to be an enthusiastic partner in these endeavors.

IN RECOGNITION OF MERYL FRANK

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. PALLONE. Madam Speaker, I rise today to recognize Her Excellency Ambassador Meryl Frank, honoree at the Jewish Outreach Institute's 2010 Tribute Evening. For many years, Ambassador Frank has dedicated her time to serve the local community and advocate on behalf of women's rights. Her numerous achievements and accolades have earned her this prestigious recognition bestowed upon her by the Jewish Outreach Institute.

Ambassador Frank is a graduate of Livingston College, Rutgers University where she majored in history. She also earned multiple graduate degrees from Yale University in International Relations, Political Science, and Public Health in 1987 and 1988.

As Mayor of Highland Park, Ambassador Meryl Frank dedicated her life to serving her constituents. During her tenure, she was known for her commitment to ethics and good government. Under her direction, Highland Park maintained their title as New Jersey's first green community. The Borough of Highland Park continues to promote a tradition of diversity throughout the community and currently also houses one of the best public school systems in the nation. Highland Park's success is a result of Ambassador Frank's dedication to the residents and displays outstanding leadership.

Ambassador Frank touts thirty years of exceptional community service and advocacy work on behalf of women and children. Ms. Frank served at the World Health Organization (WHO) in Copenhagen, Denmark and prepared a report on the Implementation of the International Code on Breast Milk Substitutes. She has also served as Director of the Infant Care Leave Project at the Yale Bush Center in Child Development and Social Policy and President of the Women's Division of the American Jewish Congress. Ms. Frank co-authored and edited *The Parental Leave Crisis: Toward a National Policy*, was a key advocate of the federal Family and Medical Leave Act signed into law by President Clinton, and was an author of the New Jersey Family Leave Act signed by Governor Kean. As a result of her hard work, Ms. Frank was appointed U.S. Ambassador to the United Nations Commission on the Status of Women (CSW) in February 2010 after already having served as the U.S. Representative to the CSW for nearly one year. Her commitment to improving and empowering the lives of women globally has gained her acclaim as a mentor, trainer, and lecturer on women's leadership and political participation. Ambassador Frank's outstanding work has undoubtedly touched the lives of many individuals and is worthy of recognition by the Jewish Outreach Institute.

Madam Speaker, I sincerely hope that my colleagues will join me in recognizing Ambassador Meryl Frank. Her life-time devotion to helping others will continue to serve as a shining example of what steadfast commitment and determination can accomplish.

HONORING ELVAN AND ELEANOR NEWCOMB

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to acknowledge and honor Elvan and Eleanor Newcomb for receiving the 2010 Lifetime Achievement Award. They have lived a long and distinguished life, adhering to extremely high standards of quality and integrity.

The Newcombs moved to California's Central Valley from Oklahoma in 1941, the year they married. Elvan started his career as a tractor dealer, salesman, partsman, and mechanic at a dealership in Madera and has expanded his management and ownership since his first job.

Elvan and Eleanor are well connected within their community. They have been involved in Warner Pacific College, Fourth Street Church of God, Madera Valley Bank, Cattlewomen's, Cow-bells, Republican Women, Madera Historical Society, and Women of the Church of God of the Central Valley. In 2007, Elvan and Eleanor were honored as Old-Timers Day's King and Queen and have been faithful and generous leaders at their church, and are committed to historic California events, such as Mule Days in Bishop, California, where they have attended festivities for over 50 years.

Elvan and Eleanor are proud parents, grandparents, and great-grandparents of three children, five grandchildren, and seven great-grandchildren. It is clear that they will leave a lasting legacy for generations to come.

Madam Speaker, please join me in commending Elvan and Eleanor Newcomb for a life well-lived and wishing them the best of luck and health as he continues setting the standard.

TRIBUTE TO JOHN HARRISON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize John Harrison, a World War II Army veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. John Harrison was recognized on Tuesday, July 20. Below is the article in its entirety:

BOONE COUNTY VETERANS: JOHN HARRISON
(By Alexander Hutchins)

John Harrison, 84, a former Army Staff Sergeant, was raised on a farm south of Perry in the midst of the depression.

"Back in those days we were just coming out of the depression, and we didn't have anything, but we had plenty to eat," said Harrison.

He worked throughout his youth and contributed to his family's income in tough times. This spirit of hard work and the necessity of duty would shape his life as much as his time in the Army during World War II.

Harrison spent much of his youth working on the family farm and for other farmers in the area.

"I vividly remember the summer of 1936, when we'd throw a mattress out under the shade tree in the yard and just hope and pray for a little breeze," Harrison said.

He trained in carpentry in high school, a skill that he would employ in a brief career after the war. He married his first wife, Betty, before joining the service, though she has since passed away.

Harrison was inducted into the Army in September of 1944, took his basic training at Fort Hood, Texas, and went overseas in January of 1945.

"I was on the island of Saipan until they got a convoy together, then we went to Okinawa," Harrison said.

When deploying to the island, the sister ship of Harrison's vessel was hit by a Kamikaze pilot. The soldier above Harrison on the rope dropped his rifle, and Harrison would sport the dent in his helmet for the rest of his time in the service.

He served with the 34th Combat Engineers, primarily building Bailey Bridges and other infrastructure, but did fire and was fired upon by Japanese forces.

"I do remember when we were moving forward we would see trucks going by carrying dead soldiers," Harrison said. "[They] had new combat boots on that didn't even have mud on them yet. We lost a lot of men there."

"Then as soon as the war ended in Okinawa, they loaded us on LST's and they took us to Korea. We went in on the west side at a place called Inchon. They loaded us on a narrow-gauge railway train, and every little hill that we'd go up, we'd have to get out and help push the train," Harrison said.

His unit, now the 42nd Engineering Construction Battalion, was deployed near Seoul, Korea, in late August, 1945, to help build the Temple Airfield.

"I remember the first time I went up the streets of Seoul, you could go across the Han river and look straight ahead to the capitol and it looked like a beautiful city, and from the front side of the street it did, but you'd go around the back to the alleys and maybe a cow or a pig would be sticking its head out the window," Harrison said.

He was in Korea until July, 1946. He earned a bronze battle star, three overseas service bars, an Asiatic/Pacific Theater ribbon, a victory medal, an army of occupation medal and a good conduct medal.

"When I came home from the service, first I worked [to] help building Quonset huts for the veterans over at Iowa State College," Harrison said. "Then I went to work for Otis lumber yard, doing carpentry work. I did that until 1956, and then I went on the fire department."

Harrison would spend 28 years with the fire department, and in 1985 he began working at the county courthouse as Director of Veteran's Affairs for 20 years. When working as

a carpenter, Harrison helped build 16 new homes in Boone.

"Growing up, everyone worked, so I always did work. If I were younger I'd still work today. That was drilled into me when I was a young kid, that if you wanted something out of life you had to work for it and I still feel that way today," Harrison said.

Harrison has undergone knee replacement surgery, but stays active and walks each day. He has a daughter living in Boone, two sons, seven grandchildren and seven great grandchildren.

Harrison said he has no significant regrets from his time in the Army, and he appreciates accoutrements for veterans such as VA hospitals.

"Back in those days, you knew when it came your time to go into the service and you were old enough, you went. You just didn't make a fuss about it," he said.

Harrison said he feels remorse for soldiers from the current conflict, facing a war that is so different from the one he participated in.

"I wish all the young men and women in the service the best," Harrison said.

People today are fairly savvy to modern wars, he said, and modern soldiers thankfully have the option to remain in contact with family and friends without relying on censored mail, as was the case in World War II.

Harrison will board an Honor Flight next month on August 19, and will visit the World War II Memorial in Washington, D.C.

I commend John Harrison for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. CROWLEY. Madam Speaker, on September 14, 2010 I was absent for two rollcall votes. If I had been here, I would have voted: "yea" on rollcall vote 519 and "yea" on rollcall vote 520.

PERSONAL EXPLANATION

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Ms. KILROY. Madam Speaker, on the legislative day of Tuesday, September 14, 2010, I was unable to cast votes on rollcall votes 519 and 520. Had I been present, I would have voted "yea" on rollcall votes 519 and 520.

COMMENDING BRANDON ACADEMY'S DESIGNATION AS A 2010 BLUE RIBBON SCHOOL

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. PUTNAM. Madam Speaker, I rise today to commend Brandon Academy of Brandon,

Florida, for winning the prestigious 2010 National Blue Ribbon Schools award. This recognition of incredible accomplishment was bestowed on the Academy by U.S. Secretary of Education Arne Duncan.

Brandon Academy is a private school in Hillsborough County that provides for the intellectual development of 227 pre-kindergarten through 8th grade students. It boasts one of the most well-balanced curriculums in the nation, offering exceptional instruction in math, science, writing, and the arts. Thus, the Academy equips its students with the skills they need to become upstanding, productive, and well-informed citizens. The high achievement of the Academy's student body is in no small part due to the involvement of parents in their children's education.

The Blue Ribbon Schools award is considered the highest honor an American school can obtain. Schools singled out for this national honor reflect the goals of our nation's education reforms for high standards and accountability. Specifically, the Blue Ribbon Schools program is designed to honor public and private schools that are either academically superior in their states or that demonstrate dramatic gains in student achievement.

I applaud Head of School Robert Rudolph and Principal Sondra Cliggitt, as well as the teachers and students of Brandon Academy for their hard work and commitment to excellence. A good education is essential to ensuring that future generations lead more successful, fulfilling lives. They are making a true difference in the lives of so many, and building communities that improve students' learning.

IN HONOR OF FIRE CHIEF

TIMOTHY A. POTTS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Fire Chief Timothy A. Potts on the occasion of his retirement from the Olmsted Falls Fire Department. He honorably served the people of Olmsted Falls with unwavering dedication for 35 years as a paramedic, firefighter and fire chief.

Chief Potts joined the Olmsted Falls Fire Department on April 14, 1975, and two years later he graduated as a paramedic. Throughout his tenure as a firefighter and paramedic, Chief Potts' motivation to study, and then later teach, never diminished. In 1981, Chief Potts became a river rescue instructor and his expertise in this area of rescue became sought after by numerous departments across the state of Ohio. Throughout the 1980s, he travelled throughout the state to teach courses on river rescue and rope rescue.

In 1988, Chief Potts was sworn in as lieutenant and, in 1990, he began teaching all areas of pre-hospital emergency medical care to firefighters and paramedics at Southwest General Hospital. Throughout his career, Chief Potts sought to strengthen and enhance the Olmsted Falls Fire Department. He wrote grants for his department totaling nearly \$1

million, and helped other fire departments secure more than \$4 million in funding. In addition, Chief Potts was instrumental in designing the new Olmsted Falls Fire Department building and firehouse. He was sworn in as fire chief in June of 2004.

Madam Speaker and colleagues, please join me in honoring Fire Chief Timothy A. Potts for his focus and dedication to keeping the people who live and work in Olmsted Falls safe and secure. His work and accomplishments as chief, firefighter, paramedic and instructor reflect integrity, excellence, expertise and heart. His efforts will continue to enhance the foundation of safety and well being throughout Olmsted Falls and will provide a shining example for all who will follow in his path.

A TRIBUTE TO THE 2010 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise today to congratulate the 2010 recipients of the coveted Ellis Island Medal of Honor. Presented annually by the National Ethnic Coalition (NECO), the Ellis Island Medal of Honor pays tribute to our Nation's immigrant heritage, as well as individual achievement. The medals are awarded to U.S. citizens from various ethnic backgrounds who exemplify outstanding qualities in both their personal and professional lives, while continuing to preserve the richness of their particular heritage. Since NECO's founding in 1986, more than 2,000 American citizens have received Ellis Island Medals of Honor, including six American Presidents, several United States Senators, Congressmen, Nobel Laureates, outstanding athletes, artists, clergy, and military leaders.

As we all know, citizens of the United States can trace their ancestry to many nations. The richness and diversity of American life makes us unique among the Nations of the world and is in many ways the key to why America is the most innovative country in the world. The Ellis Island Medals of Honor not only celebrate select individuals but also the pluralism and democracy that enabled our ancestors to celebrate their cultural identities while still embracing the American way of life. This medal is not about money, but about people who really seized the opportunities this great country has to offer and who used those opportunities to not only better their own lives but make a difference in the lives of those around them. By honoring these outstanding individuals, we honor all who share their origins and we acknowledge the contributions they and other groups have made to America. I commend NECO and its Board of Directors headed by my good friend, Nasser J. Kazeminy, for honoring these truly outstanding individuals for their tireless efforts to foster dialogue and build bridges between different ethnic groups, as well as promotes unity and a sense of common purpose in our Nation.

Madam Speaker, I ask all of my colleagues to join me in recognizing the good works of

NECO, and congratulating all of the 2010 recipients of the Ellis Island Medals of Honor. I also ask unanimous consent that the names of this year's recipients be placed into the CONGRESSIONAL RECORD.

2010 ELLIS ISLAND MEDALS OF HONOR

RECIPIENTS

Ichak K. Adizes, PhD, Adrienne G. Alexanian, Richard F. Ambinder, MD, Cyrus Amir-Mokri, Anousheh Ansari, Rao S. Anumolu, Robert S. Atallah, Mohamed A. Atassi, MD, FACC, Kevork D. Atinjian, Nancy H. Bailey, Hon. Rosemary Barkett, Samira Kanaan Beckwith, Sarkis Bedevian, Dorothy L. Beeve, RN, Jerold E. Beeve, MD, Suraj P. Bhatia, Carole Black, Chief George F. Brown (Ret.), Richard R. Buery, Jr., Michael Capasso, Dominic Chianese, Hank Hyunho Choi, Yen S. Chou, Jim Lin-Chi Chu, Carl J. Clause, Eugene P. Conese, Sr., John F. Conley, Thomas J. Cook, Edward Cruz, Paul R. Davies, Chief Raymond Diaz, Edward B. Diethrich, MD, Andre C. Dimitriadis, PhD, Borko B. Djordjevic, MD, Thomas J. Donohue, David Du, David B. Falk, Lina Fang, Eric Friedberg, Col. Arnold D. Gabriel, USAF (Ret.), Rod G. Gilbert, Col. David G. Goulet, USMC, E. Bulkeley Griswold, Col. Gina M. Grosso, USAF, S. K. Gupta, Wolf Hengst, Gregory M. Hodge, PhD, Maj. Gen. Karl R. Horst, USA, Hon. Jerry MacArthur Hultin, Chief James Jephthah, Ted Johnson, James Keach, Alan Krutchkoff, Tak W. Kwan, MD, William K. Lee, MD, Robert J. Loggia, Wing K. Ma, Vahid Majidi, Fouad Malouf, James V. Malpeso, MD, MSgt. Chester L. Marcus, Jr., USA, Chief Denis McGowan, Shekhar Mitra, PhD, Mohsen Moazami, Curtis E. Moll, Yasmin Motamedi, Jeremiah A. Mullins, Agneta E. Nilsson, RADM Joseph L. Nimnich, Sr., USCG, Irene M. O'Neill, Bedros S. Oruncakci, Hemant Patel, MD, Francis J. Pearn, Richard R. Pergolis, Timothy A. Phillips, Michael J. Piazza, Hon. Rosemonde Pierre-Louis, Kappana Ramanandan, Maj. Gen. Michael S. Repass, USA, Hon. Edward J. Rollins, Stanley M. Rumbough, Jr., William J. Ryan, Kenan E. Sahin, PhD, Joseph M. Saponaro, John F. Scarpa, Jane Seymour, Faryar Shirzad, John Shu, Esq., Dr. Ruth J. Simmons, Prasad Srinivasan, MD, George R. Stevenson, Bert R. Sugar, Hon. Eugene R. Sullivan (Ret.), Jordan P. Thomas, Annie S. Totah, Suzanne von Liebig, PhD, William D. Walsh, RADM Philip A. Whitacre, USN (Ret.), Morrill Worcester, Mohammad Yahyavi, Vartkes B. Yeghiayan, Esq., Matt H. Yildizlar, Chang Bin Yim.

HONORING TWO ROCK VALLEY PRESBYTERIAN CHURCH ON THEIR 150TH ANNIVERSARY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor the sesquicentennial of the Two Rock Valley Presbyterian Church in Two Rock, a small community outside Petaluma, California, of which I am a member. This small church has a special history in our community for the past 150 years.

The Two Rock Valley Presbyterian Church was founded in 1860, approximately 10 years after the first settlers arrived. Fire has destroyed the church sanctuary twice, only to be

rebuilt by the community. The first building dedicated in March 1863 was destroyed in October 1895. The second building was dedicated in March 1896 and destroyed in July 1949 by a controlled burn that got out of control on the nearby United States Army property, now a Coast Guard Base. The third and current church sanctuary was dedicated on February 1, 1953.

The congregation owns and operates the Two Rock Valley Presbyterian Church Cemetery located adjacent to the church structure. The first internments date back to 1861. Unfortunately, the fire of 1949 destroyed most of the records. A community project was organized in 1992 to identify plot locations and prepare a detailed plot map.

The members of Two Rock Valley Presbyterian Church have a long history of community involvement as their mission states "a tradition of witness and service." In 1865, they helped found the Tomales Presbyterian Church which they now consider their sister church.

More recently, the church members are involved with the work of the Petaluma Food Pantry by working with a coalition of other churches to feed the hungry in our community. Their mission extends to regular contributions to the Cents-Ability Hunger Program of the Presbyterian Church (USA) which provides much needed funds both nationally and to Africa.

Congregants are also volunteers at the Two Rock Volunteer Fire Department and the Two Rock Elementary School. Many annual community events including the Abelskiver Breakfast on Mother's Day, the Harvest Festival in September, and the Turkey Dinner in November rely on the volunteers from the church to help bring people from the surrounding community together.

Churches are a place for community members to come together not just to worship but to build the community. Two Rock Valley Presbyterian Church is that church to the residents of Two Rock.

Madam Speaker, I am proud to represent the congregation of the Two Rock Valley Presbyterian Church in Congress, and I ask that you join me in congratulating them on their accomplishments of the past 150 years and wishing them the best for the future.

MONA DIXON BOYS AND GIRLS CLUB YOUTH OF THE YEAR

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. MITCHELL. Madam Speaker, I rise today in recognition of Ms. Romonia Dixon of Tempe, the recipient of the 2010 Boys and Girls Club of America National Youth of the Year Award.

Mona's remarkable story begins with a difficult past. For much of her life, her family did not have a home of their own and she moved from shelter to shelter to find a place to sleep at night. Sometimes the family was even split up in order to find enough spaces to sleep. Mona did not let difficult circumstances get in

the way of her success, however. She worked hard in all aspects of her life; she excelled in school, she financially contributed to her family by holding a part-time job, and she was active in Boys and Girls Clubs of the East Valley in Tempe, AZ.

Dixon went on to graduate with a 3.92 GPA, placing her third in her class of 280. She was also captain of the basketball team and participated in the National Honor Society, Peer Leadership, Student Council and the Math Team. Dixon is currently a freshman at the Barrett Honors College at Arizona State University, and is well on her way to a planned master's degree in international retail management.

We have something in common. She attended Tempe High School, my alma mater and a place I called home for 28 years as a Government teacher and, as I said, she is currently a freshman at ASU which is also my alma mater. With our similar academic paths, Congress may not be far behind for this young woman. This week, I had a chance to sit down and talk with her. I was very impressed with her commitment to her community and expect she will accomplish great things in the years to come.

With this award, she receives a number of scholarships, but the meaning of this award goes far beyond that. It would have been easy for her to take a different path, but she made decisions that would better her life and that has brought her here, today.

Madam Speaker, please join me in recognizing Mona for her tremendous accomplishment and for setting an example for the young people of our nation.

TRIBUTE TO LOUIS WOLFGRAM

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Louis Wolfram, a Vietnam War Army and National Guard veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Louis Wolfram was recognized on Tuesday, June 22. Below is the article in its entirety:

BOONE COUNTY VETERANS: LOUIS WOLFGRAM
(By Alexander Hutchins)

Louis Wolfram, 60, Command Sergeant Major (retired) of the Iowa National Guard, has recently returned to State Active duty on Retiree Recall after retiring on his 60th birthday June ninth.

Wolfram was born in Sumner, Iowa to a family with nine children. His father had served in the Army Air Corps in World War II, but Wolfram was the only child out of his eight siblings that served in the military. Wolfram's father owned a grocery store in Sumner.

"He saw the writing on the wall that the small-town grocery was going to disappear and went into insurance," Wolfram said.

The family moved to Jefferson, Iowa and then Boone. In 1968 Wolfram graduated Ryan High School.

One year later, in 1969, he was drafted.

On January 28 of 1970 Wolfram went on Active Duty and proceeded to receive training in accounting and stock control after a stint in Fort Des Moines, Fort Lewis and Fort Lee. After being trained to do both manual and mechanical accounting (using computers he described as half the size of a table) he received two weeks leave and then deployed to Vietnam.

Wolfram received his choice of specialty in the Army, but in exchange for his preference in duty he made a three-year commitment to the Army rather than the standard two. Wolfram served for 18 months in Vietnam at a large supply post in a rear area of Vietnam.

"I was a logistician," he said. "We pulled perimeter guard and did sweeps in the morning. I wasn't out beating the bush like the infantry guys were."

When he returned from two years in Vietnam, Wolfram was offered the option of serving a year at Fort Hood, a year in Germany or leaving the Army a year early. Wolfram took the option to leave the service, but says now he regrets not joining the National Guard immediately after leaving the Army.

"I was out for about five years," Wolfram said, and during this time he worked for John Deere.

In October of 1977 he joined the National Guard, where he is still serving after his retirement.

Wolfram said some of his fondest experiences are his travels throughout the U.S. and to Norway, Japan and Korea. He has been working full-time in the National Guard since 1986.

"The floods of '93 were a real, major event, just with all the manpower the guard put out there and the situations that we put our soldiers in that could have been catastrophic," Wolfram said.

He served as the Task Force Command Sergeant Major for the National Guard in Des Moines at the time of the flood and was impressed by how lucky the soldiers were in all the dangerous work they did fighting the flood.

Wolfram said he was especially proud of the work he did with the Iowa Military Academy and the opportunities he has received through the academy to train younger soldiers in leadership roles. Wolfram served two years as the Enlisted Senior Instructor for the Academy.

"That was a fruitful time in my career," he said.

Wolfram was also assigned for 14 years in the Boone Army National Guard base as a supply and food service administrator.

"You see a lot of happy faces when guys get good chow," he said with a laugh.

Before his retirement, Wolfram was serving as an enlisted advisor to the Judge Adjutant General of the Iowa Guard, advising the commander of the Iowa Guard on meeting the needs of the soldiers.

In 1990 Wolfram earned his degree in business and accounting, partly due to the credits he earned while serving in the Guard. He said he appreciated his education and all the opportunities he received to work with his leadership skills.

"One thing I regret is not joining the guard immediately after leaving active duty, and the other is that I didn't get to deploy to Iraq or Afghanistan," he said. "Some people would say 'You're nuts for wanting to do

that,' but it's part of what you swore in for and signed up for."

He said it is important to remember that many soldiers do not deploy, and he is always impressed working with combat veterans of previous eras.

For the past ten years Wolfram has worked on the military funerals honor team, work that has given him tremendous respect for the men and women who deploy overseas.

Wolfram was most impressed with how well prepared and supported the soldiers of today are, something he is acutely aware of after his time in Vietnam. He and his wife currently care for two of their grandchildren, and he said he will enjoy taking them out boating this summer, as well as finally being able to grow a beard.

I commend Louis Wolfram for his many years of loyalty and service to our great Nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

IN HONOR AND MEMORY OF MAYOR JAMES W. DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of former City of Parma Mayor, James W. Day—beloved husband of the late Caroline C. Day; devoted father of James W. Day, Jr.; father-in-law of Linda; dear grandfather of Meghan, (Kevin), Amy (Devon), James and Christopher; great-grandfather of Masie; brother of Harvey; honorable WWII Veteran, and friend and mentor to many.

James W. Day served as Mayor of Parma from 1962 to 1967. Prior to that, he served for 8 years as councilman, and was also a member of the zoning board. A veteran, he served our Nation with courage and honor in the Army during World War II. He was a 50-year member of the American Legion and was a Charter Member of the Elks Lodge—both located in Parma. Mayor Day's incredible vision and dedication to the welfare of residents came at a challenging time, when the City's population had quickly jumped from 28,000 in the fifties to more than 80,000 by the mid-sixties. To accommodate this rapid growth—and continue to provide services while maintaining a vision for the future—Mayor Day implemented many projects that continue to make the City of Parma a thriving suburb.

When several acres of land became available for sale on York Road, Mayor Day led the effort to secure the land for what would soon become the Western Campus of Cuyahoga Community College. He is also credited with spearheading the efforts that led to the development of the Parma Justice Center, Parma Community General Hospital and the Parmatown Mall—located on Day Drive, which is named after him. Ahead of his time, Mayor Day understood the significance of preserving green space. In the 1960's, he championed the effort to save the Ridgewood Golf Course from certain closing by pressing city leaders to have the city purchase the golf course. To this day, Ridgewood Golf Course continues to operate without any funds from the City. To acknowledge his lifelong efforts to keep Parma

"green," the City of Parma officially designated a neighborhood city park as the "James W. Day Park."

Madam Speaker and colleagues, please join me in honor and remembrance of Mayor James W. Day, who lived his life with great love for family, community, and country. I offer my deepest condolences to his family, friends and to the Parma community. Mayor Day touched many lives with his kind heart, joy for living, vision—and he will be remembered always.

FEDERAL FURLOUGH BILL

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. COFFMAN of Colorado. Madam Speaker, one of the most unpleasant adjustments a former small businessman or former State legislator—and I am both—faces in coming to DC is the unlimited ability of the Federal Government to deficit spend. We all know that small businesses have to balance the books, or they go out of business. At least, that was true before the bailout culture took hold here in DC. And unlike the spendthrift ways prevalent in this building, State governments generally have to balance their budgets.

Currently, at least 24 States, and nearly three fourths of a million workers, are undertaking a budget-cutting maneuver that I believe we should consider at the Federal level: short term employee furloughs. These States, across the Nation, along with city and county government counterparts, recognize that occasional worker furloughs are necessary to cut budgets and hold down spending. It also has the benefit of ensuring that Federal workers are not sheltered from the realities of life in today's economy.

The Federal Government continues to grow, and continues to rack up debt. I would like to make the U.S. Government as cost conscious as the States. My legislation is a start. It will make Federal civilian employees subject to a non-consecutive two-week furlough next year, correspondingly reduce appropriations for salaries and expenses for offices of the legislative branch, and provide a 10 percent reduction in pay for Members of Congress. An exception is provided for national security or reasons relating to the public health or safety, including effective law enforcement. This bill will save the Federal Government over \$5.5 billion.

Furlough Fridays are becoming a common occurrence for State and local governments. They present slight problems but they provide large solutions to the budget troubles we face. I believe that managed appropriately, with due allowance for vital and national security implications, as specified in this bill, they can do the same for the Federal Government.

HONORING COLOMBIAN AMBASSADOR TO THE UNITED STATES CAROLINA BARCO ISAKSON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. FARR. Madam Speaker, Colombia and the United States of America enjoy a friendship rare among nations. That friendship has been strengthened by Colombian Ambassador to the United States Carolina Barco Isakson's tireless engagement and sound stewardship over her four-year tenure. While I am sad to see her leave this post, I commend her work and legacy on behalf of U.S.-Colombia relations.

Ambassador Barco, whom I consider a close friend, has made the case for continued strong ties between our two countries. She has told the positive, but yet unfinished, narrative of Colombia coming back from the brink and building strong democratic institutions. Over the past several years, Colombia has adopted several innovative initiatives to protect human rights, address the needs of internally displaced people and investigate and prosecute crimes against humanity. Colombia has seen impressive gains in security. Long an economic dynamo in Latin America, the Government of Colombia has battled back the FARC and right-wing militias giving citizens their security back. In the process they have invested mightily in social programming, taking government services to places where they hadn't previously been provided.

Through my service in the Peace Corps in Medellin, I grew to love Colombia. Over the last several years, I have happily watched Colombia grow more stable and prosperous. Ambassador Carolina Barco recounted every detail of Colombia's remarkable turnaround to Members of Congress in vivid detail. And when that didn't work she showed the story by taking Members of Congress to Colombia.

Ambassador Barco is a lifelong public servant whose commitment to improving not just her country, but the entire world, is evident in all that she does. Prior to heading the Colombian Embassy in Washington D.C., she was Colombia's Minister of Foreign Affairs from 2002 to 2006. She has directed the City Planning Department in Bogota and advised the National Planning Department, the Office of the Mayor of Bogota and the Ministries of Development, Culture, and Environment. She has consulted with the United Nations Development Program and is a member of Lincoln Institute of Land Policy's Board of Directors.

Ambassador Barco will soon return to her roots as an urban planner. She intends to stay on in Washington, D.C. to consult with the Inter-American Development Bank on green-ing cities.

I asked Ambassador Barco to name one thing that she achieved while Ambassador to the United States that makes her most proud. Without hesitation she noted that it was bringing Peace Corps back to Colombia. After two decades, Peace Corps will return to Colombia largely due to the heavy lifting Ambassador Barco did to bridge our countries and outreach to the appropriate government agencies.

Ambassador Barco never missed an opportunity to show her appreciation for Peace Corps. She invited former volunteers to the Colombian Embassy, where she watched in amazement as scores of former Peace Corps volunteers sang the Colombia National Anthem. She traveled to Cartagena two years ago to celebrate the return of hundreds of former Peace Corps volunteers to Colombia for a special week of service, always with the goal of formalizing a relationship between the Peace Corps and Colombia. I am proud to say that the first class of Peace Corps volunteers since 1981 is now working in Colombia, changing the lives of countless Americans and Colombians for the better.

Thank you, Ambassador Barco, for successfully bringing our countries together and keeping our alliance relevant and robust. I wish you all the best as you depart from this important ambassadorship and will look forward to collaborating with you as you continue to make a positive impact with your work.

HONORING ELLEN FEINBOLD

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. FRANK of Massachusetts. Madam Speaker, I am from time to time asked to write to help explain why a particular organization is giving an award to a particular individual. In this case, the reverse would be in order: that is, if an organization dedicated to providing first-rate housing for older people was not to honor Ellen Feingold that would demand an explanation.

After a distinguished career as an advocate and administrator, Ellen took on the job of running Jewish Community Housing for the Elderly. And I can think of no better career move—not for Ellen, but for the thousands of people who are the beneficiaries of her enormous talent, great compassion, and inexhaustible supply of common sense.

At a time when the whole notion of an important public sector role in improving the quality of our lives, especially in cooperation with private sector activity is under attack, the great work Ellen did at JCHE becomes even more important than the work itself. That is because it stands as an example of what can be done when talented people use the resources of both the private and public sectors to achieve great results.

Ellen is entitled to take great comfort in the fact that so many thousands of people live better lives than they otherwise would have had she not done her work.

COMMEMORATING THE 60TH ANNIVERSARY OF THE INCHEON LANDING

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. ROSKAM. Madam Speaker, we have occasion today to mark the deep and sustained friendship between our Nation and the great Republic of Korea.

Today, September 15th, marks the 60th anniversary of the daring amphibious landing at Incheon by United Nations forces under the leadership of General Douglas MacArthur. British military historian Anthony Farrar-Hockley called the landing "a stroke of genius" because of the way it caught the North Korean enemy by surprise and put them off-balance.

As the son of a Korean War veteran, I value the history and deep sacrifices the people of both our countries have shared over the years. My father took great pride in service, appreciating the important work of the Korean War for the preservation of liberty and for the advancement of peace and stability on the Korean Peninsula, in Northeast Asia and the world as a whole.

Indeed, the strategic importance of the Republic of Korea as an ally of ours in that region cannot be overstated.

Our friendship with and commitment to Korea does not only rest on the experiences shared in the Korean War six decades ago. No, the United States and the Republic of Korea remain partners dedicated to peace, freedom, democracy, and global stability.

The relationship between the United States and Korea is a comprehensive and dynamic one. We are major trading partners, with investment ties deep among our countries.

However, we have not even come close to realizing the full potential of this relationship. In 2007 our two countries signed a Free Trade Agreement that, by every estimate, will improve the lives of people in both Korea and the United States by creating jobs, reducing prices of products and services, and expanding consumer choices. This agreement when implemented will remove 95 percent of the bilateral tariffs between our countries that are currently holding back what could be tremendous growth for both sides.

Unfortunately, the agreement has not yet been brought to Congress for a vote. I hope that, in the coming months, my colleagues will recognize the economic boost that ratifying this agreement will generate.

As a co-chair of the bipartisan U.S.-Korea Free Trade Working Group, I will be working to ensure that we can meet President Obama's stated goal of being able to resolve outstanding issues by November so that we can once and for all remove this impediment to an increasingly productive economic relationship.

I look forward to a vigorous discussion of the merits of the agreement as ratification would further consolidate the longstanding friendship between the United States and Korea, an alliance forged in battle and sharpened through six decades of business, cultural, and political exchanges.

Madam Speaker, I urge my colleagues to join me in remembering the success of the Incheon Landing on its 60th anniversary, saluting the veterans of the Korean War, and recognizing the bright future ahead for our two countries when we can finally realize the mutual benefits of the U.S.-Korea Free Trade Agreement.

FINDINGS SUBMITTED PURSUANT TO H. RES. 1493

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. PETERSON. Madam Speaker, pursuant to House Resolution 1493, I am submitting changes in law that will help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement; promoting efficiency and government reform; and controlling spending in the programs within each Committee's jurisdiction.

This year saw significant deficit reduction resulting from crop insurance changes enacted by Congress in the Food, Conservation, and Energy Act, FCEA, of 2008. In that legislation, the Committee included a provision directing the Administration to renegotiate the federal crop insurance program's Standard Reinsurance Agreement, which sets the financial terms and conditions for companies which participate in the program. The fruits of our effort were borne when USDA completed its renegotiation this past June, resulting in a more efficient crop insurance program and net savings, according to the Congressional Budget Office, of almost six billion dollars for deficit reduction.

This six billion dollars represents a seven percent reduction in the crop insurance program's baseline from FY 2011–20, making the Committee on Agriculture the only Committee in the U.S. House of Representatives that has accomplished deficit reduction this year through decreasing mandatory spending for programs under its jurisdiction. If other federal government spending was trimmed by a similar percent reduction and the savings dedicated to deficit reduction, we would reduce the budget deficit by almost three trillion dollars during FY 2011–20.

Federal spending to support production agriculture, according to CBO, represents less than one-half of one percent of all Federal Government spending. With these reductions, I believe agriculture has gone above and beyond any expectation with regard to finding cuts to reduce the deficit. However, this does not mean our programs are completely free of waste, fraud, abuse, and mismanagement or inefficiency. As Chairman, I can assure you that I will continue to lead the Committee's efforts through investigations, hearings, and general oversight to find other ways to improve further the operation of the government programs under our jurisdiction.

CELEBRATING THE FITZGERALD THEATER'S CENTENNIAL SEASON AND ITS PLACEMENT IN THE NATIONAL REGISTER OF HISTORIC PLACES

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Ms. MCCOLLUM. Madam Speaker, today I rise to commemorate the centennial season of the Fitzgerald Theater, located in downtown Saint Paul, Minnesota. On September 18th, 2010, Minnesota Public Radio, which owns the theater, will celebrate the 100th season of "the Fitz," as it is affectionately known, and commemorate its placement on the National Register of Historic Places.

Originally called the Sam S. Schubert Theater when it opened in August 1910, this theater has long served as a cultural center for the many visitors and residents of Saint Paul. In 1910, a young Saint Paul resident named F. Scott Fitzgerald was only 14 years old and yet to author the great American novel, "The Great Gatsby."

Eighty-four years later, another great artist and resident of Saint Paul, Garrison Keillor, led the charge to rename the theater in honor of F. Scott Fitzgerald and his role in American letters. And thus, in 1994, what began as the Schubert was reborn as the Fitzgerald Theater. Now, at 100 years old, the building is the oldest surviving theater space in Saint Paul and is a cultural landmark for the state of Minnesota.

The 1,000-seat theater continues to serve and strengthen regional and national communities as Minnesota Public Radio's largest broadcast studio. The Fitzgerald Theater is also home to the nationally-broadcast radio show, A Prairie Home Companion with Garrison Keillor. More than 100 years after its opening night, the Fitzgerald Theater continues to evolve, while maintaining its commitment to compelling performances, live radio shows, and a legacy of significant literary programming.

Without any doubt, the Fitzgerald Theater has contributed a century's worth of memories, ideas, and insights to Saint Paul and the national cultural and literary community. The Fitzgerald will thrive into the 21st century, playing a critical role for future generations in bringing ideas and information in the areas of news, culture, literature, and music to a broad audience, both in Saint Paul, Minnesota and nationwide.

Madam Speaker, please join me in rising to honor the centennial season of the Fitzgerald Theater and its contributions to the rich history and culture of the city of Saint Paul and the state of Minnesota.

IN MEMORY OF FRED SHAW

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. ELLISON. Madam Speaker, it is with great sadness I rise today to mourn the passing of my friend Fred Shaw. A stand-out student in China, Fred first came to the United States seeking an advanced degree in Civil Engineering at the Massachusetts Institute of Technology. He moved to the Twin Cities in 1947 to complete a Ph.D. at the University of Minnesota.

Fred made his first mark on the Minnesota business community in 1974 when he co-founded the Shaw-Lundquist Contracting firm, which stands presently as one of the most prominent general contractors in Minnesota and is the largest Asian-American-owned contractor in the nation. The motto of his company, "Be honest, fair, and reliable and treat people right," is a lesson in which everyone can find truth. In addition to his business endeavors, Fred played a pivotal role in the advancement of minorities in business having been a founding member of the National Association of Minority Contractors (NAMC) of Minnesota and the Chinese American Business Association. Fred's dedication and tireless work will continue to inspire minority groups in the business community for years to come.

Furthermore, Fred will be remembered as a great supporter of international education. He and his wife Jennie established a scholarship with the University of Minnesota China Center which helps send students to China for academic study.

Madam Speaker, Minnesota has lost a true trailblazer in the promotion of minority businesses with the passing of Fred Shaw.

IN HONOR AND REMEMBRANCE OF
JOHN THOMAS SABOL**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of John Thomas Sabol, devoted husband, father, grandfather, friend and United States veteran. Mr. Sabol lived life with great joy and an unwavering dedication to his family, community and country.

Mr. Sabol was born in McKees Rocks, Pennsylvania, the son of Slovak immigrants. Growing up he was instilled with the values of family, hard work, the Catholic faith, and pride in his heritage. Following high school, he enlisted in the United States Coast Guard and served our nation from 1952 to 1955. During the Korean War, Mr. Sabol was stationed in Japan and served as a damage control man on the Coast Guard Carrier *Winnebago*. He was awarded the United Nations Service Medal, the National Defense Service Medal, and the Korean Service Medal.

Mr. Sabol came to Cleveland, Ohio, for a wedding and there he met the woman who

would become his wife, Agnes Fertal. John and Agnes had an instant connection as both their families hailed from the same region in Slovakia. He soon moved to Cleveland and began work at the General Motors Chevy Plant in Parma, where he worked for 30 years, retiring in 1985. He married Agnes at Our Lady of Good Counsel Catholic Church in Cleveland, on September 29, 1956. Mr. and Mrs. Sabol celebrated their 50th wedding anniversary surrounded by family and friends, in 2006. Together, Mr. and Mrs. Sabol raised three children: Jeanne, Jack (wife Tracy) and Judy.

Madam Speaker and colleagues, please join me in honor and remembrance of John Thomas Sabol. I extend my condolences to the family and friends of Mr. Sabol; through them his memories and spirit will live on.

RECOGNIZING THE 100TH ANNIVERSARY OF THE COLLINSVILLE, ILLINOIS, ORDER OF THE EASTERN STAR

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. SHIMKUS. Madam Speaker, I rise today to honor the 100th Anniversary of the Collinsville, Illinois, Order of the Eastern Star, Chapter 666. A celebration of this occasion will be held on September 26, 2010, at the Masonic Temple in Collinsville.

The organization was chartered on October 6, 1910, by Worthy Matron Lucy M. Holding and Worthy Patron R. Guy Kneedler. The organization still meets today in the Masonic Temple in Collinsville. The current Worthy Matron is Betty Ruhmann and the Worthy Patron is Jack Kime.

I congratulate the Collinsville Order of the Eastern Star on this special occasion and extend my best wishes for an enjoyable celebration.

HONORING JERRY VENTURI

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to acknowledge and honor the life of Jerry Venturi, who is receiving the 2010 Lifetime Achievement Award. Jerry lived a long and distinguished life, adhering to extremely high standards of quality and integrity.

Jerry Venturi passed away in 2008 at age 67 after a struggle with cancer. However, his legacy lives on in his Madera community. Jerry was a remarkable musician from his youth, a performer, a band leader, a music business owner, and a mentor for countless Madera musicians.

Jerry was well connected within his community. He was a faithful participant in St. Joachim Catholic Church and a first degree member of the Knights of Columbus, a fraternal Catholic service organization. In addition,

Jerry and his band performed every year in the Madera County Arts Council "Concert in the Park," where he assisted other performers set up their sound systems.

Jerry's musical legacy extended to all of the students that entered his mentorship through his store, performance and service. It is clear that Jerry's memory will continue to inspire music and community service for generations to come. Madam Speaker, please join me in commending Jerry Venturi for a life well-lived.

HONORING MR. RAWLEIGH "MIKE" THOMPSON

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. ALEXANDER. Madam Speaker, it is with great pride and pleasure that I rise today to commemorate Mr. Rawleigh "Mike" Thompson on the occasion of his 90th birthday.

On September 12, 1920, Mr. Thompson was born in Hineston, Louisiana. He is the only son of four siblings.

Oakhill High School recognizes Mr. Thompson as the first person to receive a diploma from their school and he proudly cites his position as Valedictorian. To attain this achievement, he overcame many obstacles, one of which was to walk and ride two different buses totaling 46 miles round trip each school day.

Mr. Thompson married Bessie Lee Jones and they were blessed with seven children. Further blessings now include nine grandchildren and seven great-grandchildren.

He joined the U.S. Army in 1942 serving in World War II. Upon his departure from the military he worked at a sawmill and then began his career at the VA Medical Center in Pineville, Louisiana. Mr. Thompson was employed at the VA for 29 years and remarkably never missed a day of work.

As his family and friends prepare to join together to honor Mr. Thompson, he continues to exemplify a strong character of dedication, compassion and devotion.

I ask my colleagues to join me in congratulating Mr. Thompson on this truly significant birthday.

TRIBUTE TO JOHN MILES

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize John Miles, a Korean War Army Veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. John Miles was recognized on Tuesday, June 15. Below is the article in its entirety:

[From The Boone News Republican, June 15, 2010]

BOONE COUNTY VETERANS: JOHN MILES
(By Alexander Hutchins)

"That was a cold place over there. Cold, cold, cold," John Miles, 82, said of his time in the Korean War.

Miles has lived in Boone his entire life and worked for 36 years as a railroad dispatcher. He graduated from Boone High School and the local junior college, and a history of participating in warfare was in his family. Miles had four older brothers, each of whom served in World War II and returned home safely. Miles joined the Army in 1950, and returned from the Korean War with a Purple Heart and a Bronze Star to eventually married and have two sons.

"The Miles" lucked out," he joked.

When Miles enlisted in 1950, he was trained at Fort Leonardwood, in Missouri, and was assigned to the 40th division of the 160th infantry. He became a combat medic, and routinely entered the field to tend to wounded soldiers while under fire.

"The Chinese could put artillery shells in your back pocket," Miles said. No matter the enemy resistance Miles tended to the wounded, and resistance varied greatly from day to day. "When you're a medic, you go no matter what. When guys are getting shot at, that's why you're there," he said.

Miles described living in bunkers while in Korea—large holes excavated in the earth that were lined with timber posts. Miles knew all the men he served with and said he always loved the camaraderie with his fellow soldiers.

"War is hell to be in, but it was a good experience," Miles said. "I'd do it again if I had to."

He said the thing he appreciated the most was the friendship he had with the men he served with, despite the frigid and deadly conditions. He spoke of one friend who never returned—a soldier who the army failed to find after a search and is still listed as missing.

After being in the country for six months, Miles was in the field tending to two wounded soldiers when a shell exploded nearby. Miles was hit with shrapnel and wounded. He was rescued from the field by jeep and then flown by helicopter to the USS Consolation hospital ship. He stayed on the ship for six months until he was able to walk again and returned home. He was awarded his Purple Heart and Bronze Star for his service.

Miles returned to Boone and the railroad. Despite the hardship of the war, Miles said he eventually returned to an ordinary life.

"When I first got home, I couldn't go to a movie because I was too jittery," he said of films with gunfire or war movies. Later his tension abated and he was able to pursue all his social activities. Miles is an avid fan of sports who often swam at the public pool and played tennis and baseball in an adult league at the city park.

At 35, Miles married school classmate Lois Huffman, who has since passed away, and the couple had two sons, Lane and Lynn. Miles says he responds to the conflicts in the world today as anyone else probably would. "It works out of your system," Miles said of the trauma he felt in the war. "I lived a regular life when I got home. It was different for a while, but you get used to it again."

Miles said that many veterans returning home aren't respected as they should be. He said he supports providing higher education to veterans to help them get professional jobs. "I'm a veteran, but there are veterans who come home who aren't treated the way they should be," Miles said.

I commend John Miles for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

**IN RECOGNITION OF DETECTIVE
CHAD DOUBLE, DISTRICT CHIEF
ROBERT REBTOY AND OFFICER
PATRICK SPELMAN FOR THEIR
DEDICATION TO PUBLIC SAFETY**

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. PETERS. Madam Speaker, I rise to recognize and honor America's First Responders, the brave men and women who have dedicated their lives to protecting the lives of our citizens. As we remember those who have fallen in the line of duty, I wish to also recognize the continued dedication of those who serve our communities today.

In particular, I rise to honor and recognize three committed public servants from Michigan's 9th Congressional District: Detective Chad Double of the Farmington Hills Police Department, District Chief Robert Rebtoy of the Farmington Hills Fire Department and Officer Patrick Spelman of the Farmington Public Safety Department. In their respective roles, these men have been shining examples of dedication and public service and have made a real difference in their communities and undoubtedly to the many individuals and families whose lives they have touched.

Detective Chad Double began his career with the Police Department nine years ago as a cadet and through much hard work and determination rose to the rank of Detective in the Department's Investigative Bureau, which he holds today. Detective Double has been honored many times in his young career, receiving multiple citations, commendations and awards.

Like so many of his brethren, District Chief Robert Rebtoy of the Farmington Hills Fire Department brings a lifetime of dedication to protecting public safety. Mr. Rebtoy's 42 years of service with the Department are marked by distinction, having received dozens of awards and citations for his work, including the 1985 Fire Fighter of the Year Award from his Department.

Farmington Public Safety Department Officer Patrick Spelman is yet another fine example of public service. In his short time with the Department Officer Spelman received numerous awards and commendations for his service, including recognition as the Department's 2009 Officer of the Year.

The responsibilities placed on our first responders are often the most significant and demanding, ensuring the safety and continued health of our community. Their lives are on the line every day as they bravely undertake the work of protecting our communities. It is fitting that these men be honored for their dedication on September 11, 2010 when just nine years ago, so many of their brothers and sisters were called upon to meet an unparalleled challenge. Their courage, bravery and deter-

mination, like those of these three men, are most valued virtues found in all our first responders.

Madam Speaker, I ask my colleagues to join me in recognizing and honoring these three outstanding public servants. Detective Double, District Chief Rebtoy and Officer Spelman represent the kind of dedication and self-sacrifice emblematic of our nation's first responders whose work is so critical to the continued security and welfare of our communities.

ANDREW HUTCHINSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Andrew Hutchinson. Andrew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 332, and earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Andrew achieved the rank of Warrior in the Tribe of Mic-O-Say. Andrew has also contributed to his community through his Eagle Scout project. Andrew provided maintenance at St. Robert's Bellarmine Church in Blue Springs, Missouri, by replacing the outside steps and repainting a shed for the church.

Madam Speaker, I proudly ask you to join me in commending Andrew Hutchinson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

**IN RECOGNITION OF SUDHIR
PARIKH**

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. PALLONE. Madam Speaker, I rise today in recognition of Dr. Sudhir M. Parikh, a resident of New Jersey and honored member of the Indian American community. Dr. Parikh recently received the 2010 Padma Shri award from President Pratibha Patil of India, honoring distinguished Indians and people of Indian origin for their contributions to a wide variety of fields in public life. I applaud Dr. Parikh's achievements and dedication and recognize his work as it serves as an inspiration to us all.

Dr. Parikh is a nationally acclaimed and respected allergist and immunologist and has used his time, money, and influence to advance the goals of the Indian American and Indian communities. With the Padma Shri award, Dr. Parikh becomes the only Indian American to receive the Ellis Island Medal of

Honor, the Pravasi Bharatiya Samman, and the Padma Shri. The Ellis Island Medal is the highest civilian honor presented to a U.S. immigrant for community and social service. The Pravasi Bharatiya Samman award is the highest honor the Government of India presents to non-residents.

Publisher of Parikh Worldwide Media, Inc., the largest Indian American publishing group in the United States, Dr. Parikh's priority is to use the media to empower second-generation Indians assimilating to American society. His work with the media has a dual purpose: to expose mainstream America to the accomplishments and quality of the Indian American community and to encourage young people to pursue the American Dream.

Dr. Parikh has also helped construct an influential Indian American lobbying force in Washington D.C., arranged several high-level meetings between U.S. and Indian lawmakers, and secured critical votes on multiple Indian issues. Dr. Parikh has worked closely with members of both houses of Congress and the Administration to develop a close, strategic relationship between the United States and India. Under his guidance, the Friends of India Caucus was created in the Senate. Dr. Parikh was also actively involved in the U.S.-India Civilian Nuclear Agreement. He currently serves as founding board member and Vice Chairman of the Indian American Republican Council, President of the Indian American Forum for Political Education and the board of the Federation of Indian Associations.

As a community activist, Dr. Parikh has donated to charitable organizations in both the United States and India. Most notably, he accompanied former President Bill Clinton to Gujarat in 2001 following the devastating earthquake and in 2004 launched a humanitarian program to help tsunami victims. Dr. Parikh has worked to establish trauma centers in India and supports the One Teacher School in tribal regions. Moreover, Dr. Parikh has donated considerably to the Indian Independence Day Parade, the American India Foundation, Share and Care, and the Nargis Dutt Foundation. Dr. Parikh is one of the largest benefactors of both the Vraj Temple and the Vaishnavaita Temple.

Madam Speaker, please join me in leading this body in acknowledgement of the extraordinary contributions of Dr. Sudhir Parkikh. He is a greatly valued citizen of the state of New Jersey, and I am honored to recognize him today.

IN REMEMBRANCE OF DAVE
NEWMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. KUCINICH. Madam Speaker, I rise to remember Dave Newman who died on September 2, 2010. Most people in the Cleveland area will remember him as Cousin Dave Wilson, the host of the long-running show "When the Roses Bloom Again" every Thursday night on WRUW, 91.1 FM in Cleveland, the radio station of Case Western Reserve University.

Cousin Dave has hosted the country music show since 1975 which has featured all manner of American roots music, including folk, blues, bluegrass, country & western, rockabilly, twang and many other similar genres. Cousin Dave was not only popular with college music listeners, but he also had a wide and diverse global audience which grew from the early days when WRUW operated around the campus at 10 watts, through power increases to 1000 watts and 15,000 watts, and in recent years as the station webcast at www.wruw.org. Cousin Dave, along with deejays Dan Ewry and Jim Gilliland who adopted the names Cousin Dan and Cousin Jimmie, took on the "Wilson" surname to honor and remember one of their early listeners and supporters, Rose Wilson, who could not find other sources in Cleveland for the beloved music of her native West Virginia. Cousin Dave changed the name of his show from "Mather Jamboree" to "When the Roses Bloom Again" after Rose Wilson died. Besides playing the music from vinyl and CDs, Cousin Dave featured live performers on an almost weekly basis with the help of his assistant James E. Guyette, also known as Mr. JG. Together, Cousin Dave and Mr. JG featured little-known performers who later developed large local, regional and national followings, such as Stacie Collins, Colette, David Childers, Charlie Christopherson, Hillbilly Idol, Al's Fast Freight, and Crossties, to name just a few.

Dave Newman, Dave was his given name, David was a nickname, was born in Dayton and moved to the Cleveland area as a child. He graduated from Warrensville Heights High School in 1962 and Kent State University with a degree in Sociology in 1968. In 1969 he began his career as a caseworker for the Cuyahoga County welfare department and went on to become a casework supervisor before he retired in 2003. In his retirement, he started working at Sokolowski's University Inn in Cleveland's Tremont neighborhood until he was diagnosed with cancer in 2005. Surviving the cancer, Dave went on to serve as a liaison between the welfare department and the county Bureau of Developmental Disability, running a successful experimental program which enabled clients with disabilities to receive all the services and benefits to which they were entitled.

Dave married Denise Kasoff in 1970 and they celebrated their 40th wedding anniversary on June 14 of this year. Together they had 3 children, Amanda, Zachary, and Benjamin Adon, who survive him. He is also survived by his mother Mary Newman and sister Joyce Norman. Madam Speaker and colleagues, please join me in remembering Cousin Dave and giving our condolences to his family and his many friends in the Greater Cleveland community and beyond.

HONORING THE 100-YEAR ANNIVERSARY OF THE NANTICOKE CITY FIRE DEPARTMENT STATION NO. 4

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the 100-year anniversary of the Nanticoke City Fire Department Station No. 4.

The Station is located at 108 Espy Street in the Hanover section of Nanticoke, Pennsylvania and is home to the Hanover Hose Company, Engine No. 4 of the Nanticoke City Fire Department.

The Nanticoke City Fire Department is comprised of seven volunteer fire companies operating out of two fire stations. The Department serves a population of over 10,000 Nanticoke residents, including myself and my wife, and responds not only to fire calls but also EMS calls, motor vehicle accidents, and mutual aid calls with neighboring townships.

In 2010, they have responded to over 500 incidents throughout the community.

The Hanover Hose Company was originally organized in 1895, making it one of the oldest of the seven volunteer fire companies of the Nanticoke City Fire Department.

In 1897, the Hanover Hose Company purchased property at 108 Espy Street in Nanticoke, and donated the property to the local area government—at that time the Nanticoke Borough.

Shortly after its donation, the Borough erected an original frame structure on the property where the Company held some of its earliest meetings.

In 1910, the Borough replaced the original structure with a brick building, which celebrates its 100-year anniversary this year.

The current structure was first home to the Company's hose and chemical truck and horses until 1924. Since then, the building has housed the Company's upgraded fire equipment, including first a Reo Hose and Chemical Truck from 1924 to 1927, and its replacement, an American LaFrance triple combination truck.

Since its construction in 1910, the building has also been used as a police station, a jury room, and a library, and has hosted a countless number of community gatherings.

Currently, the building at 108 Espy Street in Nanticoke serves as one of two fire stations of the Nanticoke City Fire Department, and currently houses the Hanover Hose Company's 1974 Hahn Pumper.

Madam Speaker, please join me in recognizing this local milestone. Over the past 100 years, 108 Espy Street in Nanticoke has become a symbol of community pride and service.

PAYING TRIBUTE TO MR. D.J. PANDIAN, IAS, PRINCIPAL SECRETARY, ENERGY AND PETROCHEMICAL DEPARTMENT, GOVERNMENT OF GUJARAT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to pay tribute to Mr. D.J. Pandian, Principal Secretary of Energy and Petrochemicals of the Government of Gujarat.

Mr. Pandian, who has 30 years of experience in public policy and administration, is leading a high-level business delegation from Gujarat, India to the U.S. to promote and strengthen U.S.-India trade. The Gujarat delegation is on a four-city visit to the U.S. to showcase investment opportunities.

In cooperation with the Alliance for U.S.-India Business, AUSIB, the Congressional Taskforce on U.S.-India Trade and Investment Relations welcomed the Gujarat delegation at a meeting held in the U.S. Capitol on September 15, 2010.

The taskforce and the Gujarat delegation discussed ways in which they could collaborate, particularly in the fields of healthcare, IT, renewable energy, and the oil and gas sectors. On behalf of the delegation, Mr. Pandian extended invitations to Members of Congress to attend the Vibrant Gujarat 2011 Summit to be held on January 12–13, 2011, in Gandhinagar, Gujarat.

The Gujarat delegation received an overwhelming response of support from Members of Congress and I want to personally thank Mr. Pandian for his leadership in bringing key stakeholders together and, once more, I commend Mr. Sanjay Puri, President of AUSIB, for highlighting the importance of this delegation's visit to Washington, D.C.

Prior to his current assignment, Mr. Pandian served as the Chief Executive Officer of Gujarat State Petroleum Corporation, GSPC, and its group companies for 8 years. During his tenure, he converted the minuscule GSPC into a giant oil and gas company with presence in the entire Value Chain of Hydro Carbon Sector.

He developed extensive gas grid networks for transmission and distribution of natural gas throughout Gujarat. Through his visionary policies and program implementation skills, he also developed city gas distribution systems in most of the districts of Gujarat with active public and private participation.

He was also instrumental in setting up a modern university, Pandit Deendayal Petroleum University, to provide highly skilled technical manpower to the industries in the petroleum sector.

Mr. Pandian's work is unmatched and it is my honor to pay tribute to him.

CELEBRATING HISPANIC HERITAGE MONTH

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Ms. WATERS. Madam Speaker, I rise to join with Latinos and Latinas in California's 35th Congressional District and all across the United States in celebrating Hispanic Heritage Month, which starts today. This month is a great opportunity to learn about and to recognize the history of Hispanics in our state and our country, their significant accomplishments and their important ongoing contributions.

The Hispanic community in America, which now numbers almost 50 million people, is diverse. The largest group is Mexican-Americans, many of whom tomorrow will be celebrating 200 years of Mexico's independence from Spain and later this year will commemorate the centennial of the Mexican Revolution, when the people of Mexico rose up against an oppressive dictatorship to establish a democratic government that promoted equality and human rights.

Despite the diversity among Hispanics, members of the community share common values with one another and with all other Americans: faith, family, and love of country. The Hispanic dream—the hope of a better, more prosperous future—is the American Dream.

Economically, culturally, and politically, Latinos are a vital part of our district, our state and our nation. American life has been enriched by Hispanic contributions in business, education, government, and the arts for more than 200 years.

As we celebrate the progress, success and achievements of the Hispanic community, we must also recognize the considerable challenges the community faces. Many Hispanic families and businesses have not fared well economically over the last several years as the failed economic policies of the Bush Administration led to the worst recession since the Great Depression.

Hispanics, like African Americans and other minorities, have been particularly impacted by the economic downturn, with higher rates of unemployment and predatory subprime mortgages.

Over the last year and a half, the Democratic-led Congress has been working hard to improve the lives and meet the needs of America's Hispanic families—from the economy, to small businesses, to making college more affordable, to health care, to veterans. We must do all we can to better ensure that all Latinos, like all Americans, have a meaningful opportunity to improve their lives and pursue the American Dream. I will continue to be a strong advocate for Hispanics and all of my constituents.

PERSONAL EXPLANATION

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Ms. RICHARDSON. Madam Speaker, yesterday I was unavoidably delayed and unable to return to the floor in time for rollcall vote 519.

Had I been present for rollcall No. 519, I would have voted "aye" (H. Res. 1052, Honoring the members of the Army National Guard and Air National Guard of the State of Oklahoma for their service and sacrifice on behalf of the United States since September 2001).

FINDINGS OF THE CHAIRMAN OF THE COMMITTEE ON HOUSE ARMED SERVICES RELATING TO EFFICIENCY AND REFORM PURSUANT TO H. RES. 1493

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. SKELTON. Madam Speaker, pursuant to the budget enforcement resolution for fiscal year 2011 passed by the House of Representatives on July 1, 2010, as chairman of the House Armed Services Committee I am submitting for inclusion in the Congressional Record efforts by the committee that will achieve deficit reduction through reduction in waste, fraud, abuse, and mismanagement, promoting efficiency and reform of government, and controlling spending within Government programs authorized by this committee.

As stewards of the public funds, it is imperative that Congress support a commitment to oversight of all aspects of federal spending and to ensure that tax dollars are protected from waste, fraud and abuse and that the Federal Government is efficient in meeting the needs of our country. Members of the Armed Services Committee embrace this obligation and have taken an active role to protect America's tax dollars while ensuring our nation's defense.

Of all our efforts to ensure the best value for every taxpayer dollar, I am particularly proud of the Committee's accomplishments on defense acquisition reform during the 111th Congress. As you know, former ranking member John McHugh and I appointed a Panel on Defense Acquisition Reform in March 2009. Over the course of the subsequent 12 months, the Panel held 14 hearings examining all aspects of the defense acquisition system. The exceptional work of this panel, led by Chairman ROB ANDREWS and Ranking Member MIKE CONAWAY, led directly to passage of the IMPROVE Acquisition Act of 2010, which will reform much of the defense acquisition system and potentially save taxpayers billions of dollars. This is in addition to the Weapon Systems Acquisition Reform Act of 2009, signed into law by President Obama on May 22, 2009, which has already started to save money for the American taxpayer by reforming the way the

Department of Defense acquires weapon systems.

These major efforts to bring much needed reform to the defense acquisition system are in addition to all of the Committee's continual work overseeing defense budgets, programs, and spending. Also, the committee undertakes an annual national defense authorization bill that includes a number of provisions that seek to eliminate waste, fraud and abuse within the Department of Defense, and the Department of Energy for defense matters.

During the first session of the 111st Congress, the National Defense Authorization Act for Fiscal Year 2010, H.R. 2647, was signed into law on October 8, 2009. Public Law 111-84 contains a number of provisions that seek to root out fraud, waste and abuse within the Department of Defense (DOD), and also sought to enhance the effectiveness of our national security programs and policies. Examples of such legislative action include:

Limited low rate production of Future Combat Systems spin-out early-infantry brigade combat equipment pending a technology readiness assessment, independent cost estimate and the testing of all systems constituting the equipment set in their production configuration (section 111).

Required a joint and common requirement for unmanned cargo-carrying capable unmanned aerial vehicles to avoid costly duplication of multiple service programs (section 142).

Limited the obligation of funds for Net-Enabled Command Capability (NECC) until the Department provided a roadmap for command and control systems. This provision contributed to the program being subsequently cancelled in the fiscal year 2011 budget submission (section 217).

Required the Secretary of Defense to issue policy guidance requiring the establishment of a third-party certification process for private security contractors to allow for greater governmental oversight and prevent fraud and abuse within such contracts (section 324).

Developed a comprehensive plan for improving inventory management practices for spare parts (section 328).

Directed the DOD to implement a new acquisition process to improve the speed and quality of developing or purchasing information technology (IT) goods and services for the Department (section 804).

Established life-cycle management and product support managers for major weapons systems to allow greater visibility of the operation and support costs for a weapon's entire life-cycle (section 805).

Clarified reporting requirements to ensure that cooperative agreements and grants are treated in the same manner as other contracts in Iraq and Afghanistan to improve interagency coordination and reduce waste and duplication of programs among federal agencies (section 813).

Eliminated a loop-hole that allowed contractors to overcharge the Department on certain contracts (section 814).

Extended the Commission on Wartime Contracting in Iraq and Afghanistan by one year to continue its oversight activities (section 822).

Allowed the Department to recoup award fees from companies and contractors who ac-

tivities jeopardize the health and safety of government employees and service members (section 823).

Required a GAO report on the Acquisition Workforce Development Strategic Plan for the federal civilian workforce (outside of the Department of Defense) to improve the quality and training of the civilian workforce to enhance each agency's ability to tackle waste, fraud and abuse in their service contracts (section 834).

Established an entity to oversee the transition of Defense Integrated Military Human Resources System (DIMHRS) from a single Department-developed program to multiple service integrated pay and personnel systems in order to capture the benefits of the significant financial investment that had been made in the unsuccessful development of the DIMHRS system (section 932).

Codified a requirement for the Secretary of Defense to develop an annual plan for shaping and improving DOD's civilian employee workforce to improve the quality and training of DOD civilian workforce, especially in the acquisition and audit fields (section 1108).

During the second session of the 111th Congress, the Committee continued its oversight responsibilities and additional initiatives are contained in the National Defense Authorization Act for Fiscal Year 2011, which builds upon the accomplishments of the previous session. H.R. 5136 contains legislative priorities that will continue efforts to reduce waste, fraud and abuse within the Department.

Allows the Navy to budget for large capital ships over a period not to exceed three quarters of the number of years of planned ship construction. This provision would allow for more efficient use of the limited ship building funds available (section 121).

Limits the obligation of funds for the F-35 program, a \$380 billion acquisition program, until specified milestones have been met by the program to help ensure the program produces a viable aircraft within cost limits. (section 141)

Directs the Secretary of Defense to create a comprehensive improvised explosive device project data base to reduce the duplicative projects that are being conducted by DOD (section 143).

Requires the Secretary of Defense to determine better ways to effectively address its research and development and procurement requirements for body armor for the individual services (section 144).

Requires separate program elements for the Joint Light Tactical Vehicle Program to provide Congress better visibility over the costs and acquisition plans for the program (section 214).

Requires the Secretary of the Army to submit a cost benefit analysis of future options for developing tank-fired munitions (section 232).

Establishes a pilot program for micro-grid components and systems for the Department of Defense to achieve economies of scale for bulk purchases of effective systems (section 243).

Requires reports from the Government Accountability Office (GAO), DOD, State Department, and US Agency for International Development on contracting in Iraq and Afghanistan. The reports are intended to strengthen

management of contracts, coordination of contracts among the agencies, and oversight (sections 822 and 823).

Establishes a Joint Medical Command to improve medical care and services for service members, families and retirees and could result in significant savings for the Department of Defense's Health Affairs program (section 903).

Reduces budget transfer authority to ensure that budget requests are validated. This will help to ensure that high priority programs are funded and prevent wasteful spending for lower priority programs (section 1001).

Directs the Secretary of Defense to conduct an independent review of each working capital fund within the Department of Defense to ensure better management and oversight of these funds (section 1402).

Amends the Federal Information Security Management Act of 2002 to make it more effective and provide for continuous monitoring of IT systems (section 1701).

Requires the Department of Defense to provide an assessment of facilities that can be retrofitted with insulation to improve energy savings (section 2833).

Report language: "Matters Relating to the Common Database for Tracking Contracts and Contractor Personnel in Iraq and Afghanistan." Highlights that agencies have been slow to implement the database, and that GAO and the Special Inspector General for Afghanistan Reconstruction have both stated that if the database were complete, it would be a helpful tool for performing audits, oversight, and investigations.

In addition, the House yesterday considered H.R. 6102, which amends the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A-18E, F/A-18F-SF, and EA-18G aircraft. Passage of this bill would save the Department of the Navy an estimated \$600 million in contract savings in fiscal year 2010.

Madam Speaker, as Chairman of the House Armed Services Committee I remain committed to ensuring that the committee continues its efforts to eliminate waste, fraud and abuse and advance efforts to ensure cost-effective capabilities and to control spending within the Department of Defense. I appreciate the opportunity to share the actions taken by the Committee during the 111th Congress to achieve deficit reduction through the elimination of waste, fraud, abuse, and mismanagement, promoting efficiency and reform of government, and controlling spending of programs authorized by this committee.

FINDINGS OF THE CHAIRMAN OF THE COMMITTEE ON FINANCIAL SERVICES RELATING TO EFFICIENCY AND REFORM PURSUANT TO H. RES. 1493

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. FRANK of Massachusetts. Madam Speaker, the Financial Services Committee

continues to work hard throughout the 111th Congress; fulfilling the pledge our New Direction Congress has taken, with your leadership, to restore fiscal discipline and accountability in the stewardship of the Federal budget.

I am pleased to provide an update since my letter on May 26, 2010, on what our Committee has specifically done to promote efficiency and prudent government reforms while reducing waste, fraud, abuse and mismanagement with respect to government programs and agencies within our jurisdiction. As of this week, we will have held over 65 oversight hearings that achieve these objectives.

A list of recent oversight hearings that fully comply with the Rules of the House, as required by H. Res. 40 sponsored by Representative JOHN TANNER, is attached. These hearings have directly resulted in stronger transparency and protections for U.S. taxpayers, including increased returns from the TARP warrants program, vigorous oversight of the conservatorship of Fannie Mae and Freddie Mac and the future of housing finance, and other key areas where taxpayer dollars are at stake.

As you know, this Committee played a key role in fully protecting taxpayers and rooting out waste, fraud and abuse with our work producing the Dodd-Frank Wall Street Reform and Consumer Protection Act, which the

President signed into law on July 21, 2010, P.L. 111–203. This historic new law overhauls and strengthens the financial regulatory system, ending the need for taxpayer-funded bailouts while better protecting consumers, investors, and taxpayers. For example, with the new Consumer Financial Protection Bureau, the law consolidates and strengthens consumer protection duties by streamlining powers previously scattered across too many agencies.

From an oversight perspective, the Wall Street Reform Act will help curb waste, fraud, and abuse by creating a new Council of Inspectors General on Financial Oversight, which will improve coordination of financial agency Inspector's General and help them identify any gaps or weaknesses in financial regulation. Additionally, with the inclusion of a version of Representative STEVE DRIEHAUS' legislation—H.R. 3330, the Improved Oversight by Financial Inspectors General Act—the law provides Inspectors General with more flexible and reasonable reporting requirements so that vital financial agency programs, such as foreclosure mitigation and anti-terrorist finance efforts, will be properly monitored to fully protect taxpayers. The law also grants these Inspectors General with more independence and accountability, ensuring taxpayers

have the best watchdogs monitoring financial regulatory activities. Finally, over 40 mandatory Government Accountability Office reports and studies were included in the law so that the implementation is closely monitored and will maximize efforts to eliminate waste, fraud and abuse throughout the reformed financial regulatory apparatus. A full list of those GAO reports is attached.

In addition, in July the House initiated and the President signed into law, P.L. 111–229, statutory authority for the Federal Housing Administration (FHA) to raise loan fees to help shore up the FHA Fund. The Office of Management and Budget estimates that this could save taxpayers at least \$250 million a month. The House has also adopted the “FHA Reform Act of 2010”, H.R. 5072, which gives the Department of Housing and Urban Development increased powers to impose sanctions and terminate FHA lenders which are not following program rules or otherwise increasing risk to taxpayers on FHA loans they originate. This bill is pending in the Senate.

We look forward to continue working with you and the rest of our colleagues in the 111th Congress to strengthen accountability, transparency and taxpayer protections through future oversight efforts.

Attachments.

Committee on Financial Services – House Resolution 40 hearings
Update since 5/26/10 through 9/13/10

Date	Hearing title	Committee/Subcommittee
7/13/2010	“After the Financial Crisis: Ongoing Challenges Facing Delphi Retirees”	Oversight and Investigations
7/20/2010	“Oversight of the U.S. Securities and Exchange Commission: Evaluating Present Reforms and Future Challenges”	Capital Markets
7/29/2010	“Future of Housing Finance: The Role of Private Mortgage Insurance”	Capital Markets
7/29/2010	“Alternatives for Promoting Liquidity in the Commercial Real Estate Markets, Supporting Small Businesses and Increasing Job Growth”	Full Committee
8/23/2010	“Too Big Has Failed: Learning from Midwest Banks and Credit Unions”	Oversight and Investigations
8/24/2010	“Empowering Consumers: Can Financial Literacy Education Prevent Another Financial Crisis?”	Oversight and Investigations
9/15/2010	“The Future of Housing Finance: A Progress Update on the GSEs”	Capital Markets
9/16/2010	“Legislative Proposals to Address Concerns Over the SEC’s New Confidentiality Provision”	Full Committee

Bold indicates hearing has already taken place.

**Mandatory Government Accountability Office (GAO) Reports and Studies
Required by the Dodd-Frank Wall Street Reform and Consumer Protection Act**

TITLE I
1. Sec. 122 Grant of authority to GAO to audit the Financial Stability Oversight Council
2. Sec. 171(b)(6) Audit of smaller institution access to capital
3. Sec. 174(a) Study of hybrid capital instruments
4. Sec. 174(b) Study of foreign bank intermediate holding company capital requirements
TITLE II
5. Sec. 202(e) Study of bankruptcy and orderly liquidation process for financial companies initial report
6. Sec. 202(f) Study of international coordination relating to bankruptcy
7. Sec. 202(g) Study of prompt corrective action implementation
8. Sec. 203(c)(5) Mandated audit of any future systemic risk determinations made under new 203(b)
TITLE IV
9. Sec. 412 Study on custody rule costs
10. Sec. 415 Study on accredited investors
11. Sec. 416 Study on SRO for private funds
TITLE V
12. Sec. 526 Study of non-admitted insurance market
TITLE VI
13. Sec. 603(b) Study of exceptions under Bank Holding Company Act
TITLE IX
14. Sec. 918 Study regarding mutual fund advertising
15. Sec. 919A Study on conflicts of interest
16. Sec. 919C Study on financial planners
17. Sec. 929Z Study on securities litigation
18. Sec. 939D study on alternative business models
19. Sec. 939E Study on creation of an independent professional analyst organization
20. Sec. 961(e) Report and certification on SEC internal supervisory controls
21. Sec. 962 Report on SEC personnel management
22. Sec. 963 Audit of SEC financial controls
23. Sec. 964 Report on oversight of National Securities Associations
24. Sec. 968 Study on SEC revolving door
25. Sec. 976 Study of increased disclosure to investors
26. Sec. 977 Study on municipal securities markets
27. Sec. 978(b) Study evaluating the GASB
28. Sec. 988 Review reports by IG of Board when National Credit Union Share Insurance Fund experiences losses under revised definition of material/non-material losses
29. Sec. 989 Study on proprietary trading
30. Sec. 989F Study of person-to-person lending
31. Sec. 989I Study on exemption for smaller issuers

TITLE X
32. Sec. 1013(d)(7) Study on financial literacy program
33. Sec. 1017(d)(5) Audit the Bureau of Consumer Financial Protection
TITLE XI
34. Sec. 1102 Grant of authority to review recent Federal Reserve emergency credit facilities
35. Sec. 1104(e)(2) Mandated audit of any liquidity event determination by FDIC and Fed
36. Sec. 1109(a) Audit of Fed Reserve emergency credit facilities
37. Sec. 1109(b) Audit of Federal Reserve Bank governance
TITLE XIV
38. Sec. 1421 Report on effects of enactment of Act on various mortgage issues
39. Sec. 1476(a) Study on effectiveness and impact of various appraisal methods
40. Sec. 1476(d) Additional study on appraisal
41. Sec. 1492 Study on government efforts to combat mortgage foreclosure rescue scams
TITLE XV
42. Sec. 1502(d)(1) Reports on conflict minerals various issues
43. Sec. 1502(d)(2) Reports on conflict minerals effectiveness
44. Sec. 1505 Study on IG independence, effectiveness, expertise

RECOGNIZING MEMBERS OF THE
GUJARAT, INDIA DELEGATION
FOR STRENGTHENING THE U.S.-
INDIA ECONOMIC PARTNERSHIP

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 2010

Mr. FALEOMAVAEGA. Madam Speaker, yesterday, I welcomed to Washington, DC, 16 business leaders from Gujarat, India in a statement that I submitted for the RECORD. Today, I rise to recognize eight additional members of the delegation including S A Dula, Advisor, Industrial Extension Bureau; Kamalakara Rao Yechuri, CFO, GMR Group; Palak Sheth, OSD, Pandit Deendayal Petroleum University; Hemang Jani, PriceWaterhouseCoopers Pvt. Ltd.; Jitendra Shah, Managing Director, Tip Sons Financial Services Pvt. Ltd.; Murlu Ranganathan, Director, Torrent Power Ltd.; Vivek Rastogi, Associate VP, Abellon Energy; and Mr. Inderpreet Wadhwa.

As top business leaders, these individuals came to Washington to discuss key areas in which the U.S. and India can collaborate to strengthen bilateral economic relations. They and their colleagues have played an integral role in the growth of India and the State of Gujarat, and it is my privilege to recognize their contribution to strengthening the U.S.-India economic partnership.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 16, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 21

8 a.m.

Impeachment Trial Committee (Porteous)
To resume hearings to examine the Articles Against Judge G. Thomas Porteous, Jr.

SH-216

9:30 a.m.

Armed Services

To hold hearings to examine the nomination of General James F. Amos, USMC,

for reappointment to the grade of general and the be Commandant of the Marine Corps.

SD-G50

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine investigating infrastructure, focusing on creating jobs and growing the economy.

SD-538

Finance

To hold hearings to examine welfare reform, focusing on women and poverty.

SD-215

2:15 p.m.

Foreign Relations

Business meeting to consider S. 3581, to implement certain defense trade treaties, S. 1183, to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, S. 3184, to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, S. 3665, to promote the strengthening of the private sector in Pakistan, S. 3297, to update United States policy and authorities to help advance a genuine transition to democracy and to promote recovery in Zimbabwe, Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (Treaty Doc. 110-10), Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (Treaty Doc. 110-07), and the nominations of Alexander A. Arvizu, of Virginia, to be Ambassador to the Republic of Albania, Matthew J. Bryza, of Illinois, to be Ambassador to the Republic of Azerbaijan, Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic, Joseph A. Mussumeli, of Virginia, to be Ambassador to the Republic of Slovenia, and Duane E. Woerth, of Nebraska, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization, all of the Department of State.

S-116, Capitol

2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Maria Elizabeth Raffinan, to be an Associate Judge of the Superior Court of the District of Columbia; to be immediately followed by a business meeting to consider pending calendar business.

SD-342

Intelligence

To hold hearings to examine the nomination of David B. Buckley, of Virginia, to be Inspector General, Central Intelligence Agency.

SD-124

SEPTEMBER 22

8 a.m.

Impeachment Trial Committee (Porteous)
To continue hearings to examine the Articles Against Judge G. Thomas Porteous, Jr.

SH-216

10 a.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the Securities and Exchange (SEC) Inspector General's Report on the Investigation of the SEC's Response to Concerns Regarding Robert Allen Stanford's Alleged Ponzi Scheme and Improving SEC Performance.

SD-538

Budget

To hold hearings to examine assessing the Federal policy response to the economic crisis.

SD-608

Homeland Security and Governmental Affairs

To hold hearings to examine nine years after 9/11, focusing on confronting the terrorist threat to the homeland.

SD-342

Judiciary

To hold hearings to examine the Electronic Communications Privacy Act, focusing on promoting security and protecting privacy in the digital age.

SD-226

Rules and Administration

To hold hearings to examine the filibuster, focusing on legislative proposals to change Senate procedures, including S. Res. 416, amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate, and S. Res. 619, expressing the sense of the Senate that the Senate of each new Congress is not bound by the Rules of previous Senates.

SR-301

Veterans' Affairs

To hold hearings to examine a legislative presentation focusing on the American Legion.

345, Cannon Building

2 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine reauthorization of the National Flood Insurance Program.

SD-538

Judiciary

To hold hearings to examine investigating and prosecuting financial fraud after the Fraud Enforcement and Recovery Act.

SD-226

2:30 p.m.

Commerce, Science, and Transportation
Consumer Protection, Product Safety, and Insurance Subcommittee

To hold hearings to examine S. 3742, to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach.

SR-253

SEPTEMBER 23		SEPTEMBER 29		OCTOBER 6	
9:30 a.m.	Veterans' Affairs To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.	2 p.m.	Commission on Security and Cooperation in Europe To hold hearings to examine charges against Mikhail Khodorkovsky's Yukos Oil Company. 1539, Longworth Building	9:30 a.m.	Veterans' Affairs To hold an oversight hearing to examine Veterans' Affairs Information Technology (IT) program, focusing on looking ahead.
2:30 p.m.	Intelligence To hold closed hearings to examine certain intelligence matters.	2:30 p.m.	Homeland Security and Governmental Affairs Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee To hold hearings to examine implementation, improvement, sustainability,		
	SDG-50				SR-418
	SH-219				

SENATE—Thursday, September 16, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Dr. Bruce Hargrave, vice president of development for the United Methodist Theological Seminary, Moscow, Russia.

The guest Chaplain offered the following prayer:

Let us pray.

O God, You are the eternal sovereign of all the world and yet personal. Help our Senators to be aware of Your presence and strength. Touch them with Your Spirit and grant each of them divine wisdom.

Our country and world are beset with problems and crises and war. We acknowledge that we are not smart enough, wise enough, or even courageous enough to meet these daily challenges. We need Your direction and grace. Bestow these on each of us bountifully and abundantly.

We now yield ourselves to Your will in order that we as individuals and as a body may fulfill Your plan for each of us, our Nation, and our world.

We pray all of this in the name of Jesus Christ. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CARTE P. GOODWIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 16, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. GOODWIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of the small business jobs bill. Under an agreement we reached yesterday, Senator GRASSLEY and Senator HATCH will offer their respective motions to suspend the rules. Senators BAUCUS, GRASSLEY, and HATCH will control 15 minutes each, for a total of 45 minutes. At 10:45 a.m., we will vote on those motions to suspend in the order in which they are offered. Following the votes, the time until 12 noon will be equally divided and controlled between the two leaders or their designees. At noon, the Senate will proceed to vote on the motion to invoke cloture on H.R. 5297, the small business jobs bill, as amended. If cloture is invoked, all postcloture debate time will be yielded back and we will proceed to vote on passage of the bill.

The next item for business will be the Department of Defense authorization bill. I wish to reach an agreement to proceed to the measure. It appears that will be unlikely and, therefore, I may need to file cloture to attempt to end debate on the motion so we can begin the amendment process.

MEASURES PLACED ON THE CALENDAR—S. 3790 AND S. 3791

Mr. REID. Mr. President, I am told there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for a second time.

The bill clerk read as follows:

A bill (S. 3790) to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

A bill (S. 3791) to require Members of Congress to disclose delinquent tax liability, require an ethics inquiry, and garnish the wages of a Member with Federal tax liability.

Mr. REID. Mr. President, I object to any further proceedings on these two matters en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

FOOD SAFETY

Mr. REID. Mr. President, we have worked for this entire Congress on food

safety. I have had a number of people from Nevada—about a dozen people—who have talked about their foodborne illnesses, children whose growth is stunted their entire life. One young woman spent 11 months in the hospital as a result of eating tainted spinach. All over America this is happening.

We have food safety laws that are inadequate and causing people to get sick because the food is not checked closely enough. Senators DURBIN, HARKIN, chairman of the committee, and ENZI have worked hard to get something done. I have talked with Senator MCCONNELL. He thinks something should be done. We thought we finally had it worked out. We could take care of this, but Senator COBURN has said no. He wants it paid for a different way. We spent a whole Congress on this legislation. Of course, at the last minute, he comes in, and likely we are not going to be able to get this done before we go home for the elections.

What a sad thing for our country. People are dying as a result of these problems with food. It is a shame we cannot get this done. We have almost 400 matters that have passed the House of Representatives, and we cannot deal with them here because the Republicans say no. That is not the way to do business. In years past, these things would have gone through very easily.

We should be concerned about something as important as this issue, and the focus should be—and deserves to be—on the person who is holding up this legislation. It is too bad. There are all kinds of excuses, but excuses do not do the trick. People have come to see me who have been deathly ill. All that could have been avoided. The legislation would do that. It is bipartisan in nature. It should be completed.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SMALL BUSINESS LENDING FUND ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5297, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives

for small business job creation, and for other purposes.

Pending:

Reid (for Baucus/Landrieu) amendment No. 4594, in the nature of a substitute.

Reid (for Nelson (FL)) modified amendment No. 4595 (to amendment No. 4594), to exempt certain amounts subject to other information reporting from the information reporting provisions of the Patient Protection and Affordable Care Act.

Reid (for Johanns) modified amendment No. 4596 (to amendment No. 4595), to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations.

Reid amendment No. 4597 (to the language proposed to be stricken by amendment No. 4594), to change the enactment date.

Reid amendment No. 4598 (to amendment No. 4597), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, Theodore Roosevelt once said:

Far and away the best prize that life offers is the chance to work hard at work worth doing.

Americans prize hard work. We value a day's pay earned at honest labor, and that is one reason the great recession that started in 2008 has been particularly hard on Americans. The great recession robbed 8 million Americans of one of the best prizes that life offers—their work.

That is why for 2 years now we have been working hard to create jobs. We worked to create jobs by passing the Recovery Act at the beginning of last year. The nonpartisan Congressional Budget Office says that the Recovery Act "increased the number of full-time equivalent jobs by 2 million to 4.8 million compared with what would have occurred."

We worked to create jobs by passing the HIRE Act in March of this year. The Treasury Department found "an estimated 4.5 million workers who have been unemployed for 8 weeks or longer were hired by employers who are eligible for the HIRE Act payroll tax exemption."

We have been working to create jobs with this small business bill before us. We have been working to pass this bill since June. That is right, since June. Here it is September. Finally we are going to get this bill passed—I hope.

The economists tell us that this small business jobs bill could help small businesses create as many as half a million new jobs.

This small business jobs bill would provide small businesses with access to capital. It would create incentives for investment. It would support innovation and entrepreneurship. This small business jobs bill would give small businesses \$12 billion in tax cuts. It would increase small business lending. It would help small business owners get private capital to finance expansion and hire new workers. It would reward entrepreneurs for investing in new small businesses. It would help Main

Street businesses compete with big companies. All these things would help small businesses to create as many as half a million more jobs.

The Joint Committee on Taxation has prepared a technical explanation of the bill which expresses the Finance Committee's legislative intent behind the tax provisions. It is available on the Joint Committee's Web site.

This small business jobs bill has been hard work. For something this common sense, it has been harder work than we thought it would be. Some folks on the other side of the aisle have thrown obstacles in the way. Some have thrown in our way pretty much everything but the kitchen sink. Today they are throwing the kitchen sink in our way as well.

Today, before we can vote on this targeted small business jobs bill, some on the other side have resorted to the last refuge of delay. They are proposing motions to suspend the rules of the Senate. They are throwing two more votes in the way.

But in case anyone is taking these last-minute antics at face value, let me set the record straight. These motions to suspend the rules are not serious legislating. These motions are not the way the Senate enacts law. We do not enact law by suspending the rules.

Rather, these motions are the way that folks score points. These motions are the way folks try to embarrass other people. These motions, quite frankly, are stunts.

If you take them at face value, these motions address two tax provisions that expired at the end of last year. They are two examples of what folks around here call tax extenders.

Here is the irony: We have been trying to extend these and other expiring tax provisions for months. Yes, literally for months. We took up the extenders bill in March, and we have been trying again and again to pass a package of all the expiring provisions pretty much all year since then.

To make it entirely clear, I will try again today. Before the vote on the motions to suspend the rules, I will ask unanimous consent to take up and pass the full set of expiring provisions. In a few minutes, I will ask unanimous consent to take up and pass a paid-for, responsible set of expiring provisions. One way or another, Congress will address these expiring provisions. We always do. We will do so again this year.

But no one should be misled. These motions to suspend the rules today are not serious legislating. They are merely two more in a series of delays thrown up in front of this bill. We should reject these delaying tactics. We should get on with passing this bill to create small business jobs.

Creating jobs is what people sent us here to do, and now is the time to do it.

Thanks to Tuesday's vote, we are finally bringing this debate to a close. It

is certainly time. It is time to get this work done. It is time to help small businesses. It is time to help create up to half a million new jobs. This bill has been hard work, but this bill is work worth doing. So let's bring this debate to a close. Let's reject the transparent efforts to delay some have thrown in the way, and let's target this targeted tax relief to small businesses today.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, sometime today the majority leader will file cloture on the motion to proceed to the Defense authorization bill, setting up a vote for next week on this important legislation. Under ordinary circumstances, this would be a straightforward, noncontroversial vote that could unite the two parties on a matter related to our common defense. But not this year.

This year, Democrats would rather use this bill to manufacture controversy. Worse still, in their determination to meet their own campaign promises ahead of the upcoming election, Democrats have decided to put their own political interests ahead of the collective judgment of our military service chiefs who are still in the midst of a study about whether don't ask, don't tell can be repealed without hurting combat readiness. But this should not surprise anyone. For nearly 2 years now, Democrats have done their own thing. Americans have been asking Democrats for nearly 2 years to focus on the economy and jobs, and what they have gotten instead is one costly government-driven job after another that kills jobs and hurts the economy.

When it comes to matters of national defense, Democrats in Washington have established a clear pattern of making political decisions first and then analyzing the problem later. Whether it was the decision to close Gitmo before figuring out what to do with the terrorists who were housed there, to deny our intelligence community the ability to interrogate terrorists, an artificial timeline for withdrawal in Afghanistan or this latest decision to use a Defense authorization bill to move ahead with repeal of don't ask, don't tell before hearing back from the service chiefs, Democrats have shot first and asked questions later. In other words, they put their own ideological goals ahead of everything else.

I remind my colleagues we are fighting two wars and that our volunteer force doesn't ask for much. They ask

that they be well trained, well equipped, that their families be cared for, and that we meet their selfless sacrifice with dignity and respect. This bill should be an easy one. We should be united and give our troops a responsible defense policy they need and then the Defense appropriations bill they need—without strings, without games, and save the politics for the campaign trail.

Another bill the Democrats have made needlessly political is the small business bill which we will also be voting on later today. Senator HATCH has offered an amendment that would fully extend the R&D tax credit, an amendment the Democrats blocked just before the August recess but which the President now appears to support. We will also have a chance to extend the biodiesel tax credit through the Grassley amendment. This amendment is essential to keeping producers competitive, but because of the majority's partisan tactics this credit has expired.

It is my hope our friends on the other side will now join the President and the Republicans in supporting these two important pieces of job-creating legislation. Unfortunately, the Democrats whole game plan over the last year and a half and through today is to tick as many items as possible off the liberal wish list while they still have a chance.

The American people think our friends on the other side should have spent a little more time worrying about 10 percent unemployment rather than legislative sideshows. If Senate Democrats truly want to do something for the private sector jobs in this country, they should support the bipartisan R&D tax credit of Senator HATCH and the biodiesel tax credit of Senator GRASSLEY and then work with Republicans after that on preventing the looming \$1 trillion tax hike Democrats have so far ignored.

It is time our friends on the other side got serious about jobs and the economy. It is time they put the liberal wish list on the shelf and focused on the priorities of the American people.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, we have a tax bill before us that is supposed to help small business because small business creates 70 percent of the new jobs. The President says that. I think we have to look at the background of the high unemployment rate, particularly why it is staying up

there—maybe not why it got up there but why is it still there.

I spoke last night about a lot of uncertainty that comes because of the cap-and-trade bill, the bank regulatory reform bill, the health care reform bill, the biggest tax increase in the history of the country coming up this fall if we do not intervene and prevent the biggest tax increase, and a lot of other issues out there that tell us how uncertain it is, what Congress is going to do. That uncertainty keeps the entrepreneurs of America from opening up and creating jobs.

If you want to quantify how they are tight-fisted about the situation right now, the last figure I saw was about \$2.1 trillion in cash in the treasuries of major corporations of America. They are not making any money by storing that cash, but they do not know what sort of a future this Congress is going to give them, so they are very guarded on any moves they make. Then we have things such as shutting down all the oil drilling—unemploying tens of thousands of people. Then what I am going to visit with you about is the fact we did not pass the biodiesel tax credit December 31 last year when it sunset and that industry is shut down and 20,000 jobs have been lost. It is ironic to me that we spent weeks on a bill that is before the Senate, as legitimate as it is, to create jobs in small business, when, frankly, there are a lot of negative things going on in the Congress of the United States that cause people to be laid off or, because of uncertainty, not to be hired back. I wish to speak about the biodiesel industry.

As we are faced today with a 9.6-percent unemployment rate, I have a solution that will create 20,000 jobs almost overnight. That solution is to extend the biodiesel tax credit today. This tax credit expired December 31, 2009. This democratically controlled Congress has failed to extend it, even though, on several occasions, I and other Members on this side of the aisle have taken action in that direction.

The Democratic leadership claims, as the President does, that they want more green jobs—and I am in favor of that. I am the author of the Wind Energy Tax Credit, as an example. I have been a backer of ethanol. I have been a backer of biomass and this biodiesel tax credit. So there are plenty of opportunities to show that we, on this side of the aisle, support the President wanting to create green jobs. If the President and the Democratic leadership want to do that, they have not acted to prevent the loss of green jobs in the biodiesel industry.

The biodiesel industry has lost tens of thousands of jobs as a result of this neglect. It would be nice if the Democratic leadership's rhetoric met with reality.

I have twice sought to have the biodiesel tax credit simply passed through

the Senate by unanimous consent. However, both times my request was objected to by those on the other side of the aisle. Meanwhile, these biodiesel plants in Iowa and throughout the country continue to lay off workers. In fact, most of them are just plain shut down because the democratically controlled Congress has not extended the biodiesel tax credit.

I made a speech similar to this in December, when we were on the health care reform bill. I said: Can't we find some time to pass these tax extenders so we do not let them lapse—and all these question marks. That was 8 months ago, 9 months ago. But somehow we thought last December, since Congress had not been in session on Christmas Eve since 1895, we ought to be in session once in 115 years—or because we just had to pass this health care reform bill before the end of the year because it takes effect by 2014, we couldn't find a little bit of time to keep 22,000 people employed in the biodiesel industry. So we asked for those consents and we did not get them. These workers are laid off because the democratically controlled Congress has not extended this tax credit.

This is a simple and noncontroversial tax extension that will likely reinstate 20,000 more jobs nationwide and at least 2,000 within my State of Iowa. By the way, this is not controversial, and there are 71 other tax provisions that expired December 31, 2009, and I don't know that any of those are controversial. So the biodiesel industry has lost its jobs. These jobs have fallen victim to a tactic used by the Democratic leadership to hold this popular and noncontroversial tax provision hostage in an attempt to advance political objectives.

Just last February I worked out a bipartisan compromise on tax extenders—all of them—with Chairman BAUCUS to extend the expired tax provisions, including biodiesel.

However, the Senate Democratic leadership decided to put partisanship ahead of the job security for tens of thousands of biodiesel workers by destroying the compromise to which Chairman BAUCUS and I agreed. So I am here again to try to put tens of thousands of people back to work producing clean and renewable fuel that everybody in this Congress says they support, and the green jobs from these productions.

There is a difference between a biodiesel tax credit and the other tax provisions in the tax extender bill that has stalled in the Senate. The failure to extend the biodiesel tax credit before it expired has ground the industry to a

halt because biodiesel is now more expensive than gasoline. Gasoline stations, knowing they cannot sell biodiesel, do not buy it, and biodiesel producers have, therefore, stopped producing biodiesel because they have nobody to sell it to. Consequently, the layoffs.

While the other tax provisions are important, most are not as time sensitive as biodiesel because they are not transactional tax incentives like the biodiesel tax credit but, instead, are based on a taxable year. Unfortunately, now it is clear the larger extenders bill has stalled for the time being. We need to pass the biodiesel tax credit separately.

The last time I sought unanimous consent, which was the second time I did it, one of my colleagues on the other side of the aisle objected. The objection said something like, the biodiesel tax credit was part of a larger extenders bill they were working on.

Now that the tax extenders bill is stalled, the Senate needs to pass the biodiesel tax credit by itself. I ask my colleagues to vote yes to waive the rules and put 20,000 biodiesel workers back to work.

I move to suspend rule XXII, paragraph 2, for the purposes of proposing and considering amendment No. 4433, which is at the desk. Having said my part, I think before Senator HATCH speaks—he will speak about a very popular tax extender that needs to be extended and on which I do not know that there is one single disagreement. It is a noncontroversial provision but has still been languishing here for the last 9 months, and losing jobs as a result of it, at the very same time we are trying to create jobs through a bill that is before the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. I thank my colleague from Iowa. I appreciate his leadership on the Finance Committee and the good work he has done over all of these years.

Mr. President, in accordance with rule V of the Standing Rules of the Senate, I move to suspend rule XXII, paragraph 2, for the purpose of proposing and considering the following motion to commit, which is at the desk with instructions to H.R. 5297. I move to commit H.R. 5297 to the Committee on Finance with instructions to report the same back to the Senate with changes to include a permanent extension of the research tax credit.

This motion is a simple one. It is a motion to suspend the rules to allow for the consideration of the motion to commit the bill before us to the Finance Committee, from which both Senator GRASSLEY and I sit, with the specific instruction to add to the bill a permanent research tax credit.

It is a simple motion, but I believe it is a significant moment. The American

people understand that there is a desperate need for jobs and growth, and they have heard that Washington is partisan, broken, and unable to respond to their genuine needs. Just last week they heard that President Obama proposed a permanent research credit as an additional step “to grow the economy and help businesses spur hiring.”

Well, we can address all three with my simple motion: Make the research credit permanent, do it in a bipartisan spirit, and give job creation the jump start it badly needs. It seems like a pretty good idea to me, but the track record so far is very disappointing. Making the credit permanent is exactly what Senator BAUCUS, the distinguished chairman of the Finance Committee, and I proposed to do in the bill we introduced last year.

We have been introducing this same idea for many years now. Yet the Senate does not seem to be able to do anything more than extend the credit on a very temporary basis. In recent weeks, I have been trying to add a research credit extension to the small business lending bill that is before us today. Unfortunately, my efforts have been in vain because the leader has filled the amendment tree, and I have not had the opportunity to offer such an amendment to this bill.

Frankly, the way this Senate has been run, there has been very much to criticize. This is supposed to be the most important deliberative body in the world. Yet almost every bill that has any controversy to it at all, they bring it to the floor, fill up the tree, forbid the minority to have any chance to have any amendments, and in the process stultify the legislation.

It is easy to see why adding a research tax credit incentive to this bill is a high priority. Obviously, President Obama thinks it should have a high priority. He was very specific last week in making it clear that this is a step we should take to grow the economy and to help businesses spur hiring, bringing people onboard to work. Here we have a small business tax bill that has been proposed by the majority party. Yet it does not include a very important provision that has long enjoyed bipartisan support by most Members of the Senate. Now we have the President of the United States specifically calling for this provision to be enacted to grow the economy and help businesses spur hiring, for which I give him great credit.

This, too, I believe is the underlying purpose of this small business bill. What is strange is my pleadings for this provision to be added to this bill have so far fallen on deaf ears. Therefore, I have had to resort to this procedural motion to suspend the rules in order for this provision to be added to the bill.

Since the parliamentary tree is tied up and we do not even have a chance

for amendments, I could not bring it up as an amendment other than this way. I would have thought this would have been unnecessary. After last week's proposal by the President, I would have expected that Members of his own party might have acted to include the research credit extension on the first possible legislative vehicle. This bill is that vehicle.

But, no, this bill is moving forward toward passage in the Senate with nary a word from the majority about the provision the President proposed last week. He said it was important. He wants it. It is something we ought to do. Above all, it would be bipartisan, one of the few things we have been able to do in a bipartisan way since this administration took over.

Perhaps most of my colleagues on the other side were on the beach and away from the television and the newspapers and did not see or know about the President's call for a permanent research credit. For those of my colleagues who might not have heard about the President's call for a permanent research credit, let me share a couple of facts that he, our President, put forward.

He said a permanent extension of the research credit is “a win-win—encouraging job growth and investment now that will pay off with stronger economic growth in the future.” Again, I could not agree more with the President.

President Obama also said economic growth is the single best way to bring down the deficit. There are some things our President says that make a terrific amount of sense. This is one of them because this bill before us today is supposed to be all about job creation and growing the economy. Because the President has renewed his call for a permanent extension of the very important research credit, it seems to me this motion would be unnecessary. I would have thought, as I said before, that the leadership would have taken care of adding this item to this bill.

I think most everyone will agree that this might very well be the only tax bill that even has a remote chance of passage and enactment before the election next month. Surely the majority leader does not plan to simply ignore the President's call for passing a permanent extension of the research credit.

Well, since he either forgot to add this priority or decided to ignore the President, I am offering this motion as a way to remind him and a way to allow it to happen before this bill comes up for a final vote. I urge all of my colleagues to consider the implications of this country dropping to a second tier industrial power.

Our economy has been, both short term and long term, filled with problems. In the short run, we are not producing the number of new jobs we need.

Our economy is not growing nearly as rapidly as we would all like. It is not generating nearly enough moneys or enough revenue to the Treasury. In the longer run, we are facing some severe competitiveness issues with our U.S. firms in competition with foreign firms. The Federal Government has, unfortunately, saddled them with the high taxation, more onerous regulations, and an unfriendly business climate. We have the second highest corporate taxes in the world.

In the high-technology area, along with other sectors of our economy that are even more global in nature, we have even more difficult challenges. Our international tax rules are very inhospitable to U.S.-based firms. This is one of the reasons the United States no longer dominates the list of having the largest companies in the world. In fact, in 1980, of the 50 largest companies in the world, we had 39 of them headquartered in the United States. Today we have just 16. It is because of these stupid rules that have been put in place, these stupid tax approaches that we must change if we want to do something about jobs in our society today.

One particular danger is that many of our trading partners have enacted very generous tax incentives in an attempt to lure away research and development from our country to theirs. There was a time not very long ago when the United States was considered the only real place in the world where companies wanted to conduct their research and development.

We had the best research scientists and the best facilities in the world. That time is no more. We can no longer make this boast. Many other places offer world-class facilities and scientists just as well trained and experienced as ours, many of whom have been trained right here, and we push them out of our country because we will not expand our H1B immigration rules. Talk about stupidity.

Now they also offer tax incentives to companies that are far superior to our country's tax incentives for our companies and for companies overseas. In fact, at this time we can offer no tax incentives for U.S. research and development because the credit expired last December. The research tax credit is a provision that has been in the tax law since 1981. It has been extended by Congress more than a dozen times.

This credit has wide and deep bipartisan support in this body as has been demonstrated numerous times. More importantly, however, is the fact that the research tax credit is a vital incentive to business enterprises of all sizes in this Nation.

In my home State of Utah, there are hundreds of small high-technology companies, companies and firms, that spend a high percentage of their revenue on research and development. In

fact, Utah has more than 5,000 technology companies. Every State wants to attract companies such as these because their jobs are generally better paying private sector jobs than most private sector jobs.

On average, high-tech jobs pay 69 percent more. This R&D is vital to the future survival of these firms. No high-tech company can afford to ignore research that wants to be around next year or maybe even in the next quarter. The research credit is, in my thinking, the most urgent and important to our economy, our competitiveness, and to those hundreds of smaller high-technology companies in Utah.

We have before us on the Senate floor a small business bill. This bill is designed to strengthen our small businesses, which most of us acknowledge comprise the strongest component of our job creation engine in this economy to help them to do what they obviously are not doing very well at this time, and that is to grow and bring on more new workers. The tax portion of this small business lending bill is a good package that I support.

I think we do need to pass the tax provisions in the bill before us. However, it would be a grave mistake for us to think this is all we need to do to solve job-creation problems in our economy—far from it. We should be adding many provisions to this small business tax bill. These include the extension of the tax relief provisions passed in 2001 and 2003. That tax relief is important. However, since that is the subject of an intense partisan debate in the Senate right now, it does not seem possible. It seems reasonable, however, that we could all agree to add the most prominent tax provision the President is calling for—a bipartisan provision, the research and development tax credit—and make it permanent. It has wide and deep support on both sides of the aisle, here and in the House. Republicans are saying yes to the President on this. It is the members of his own party who seem to be saying no, even though I think most of them will vote for this if it has a chance to be heard and voted upon.

As Congress tries to address the job situation, we need to keep in mind that one of the best things we can do to retain and create good jobs in the United States is to incentivize research activities. One of the best ways of doing this is to ensure we have an effective tax policy to keep research here in our own country. Unfortunately, many of our trading partners now have strong tax inducements for companies to perform research overseas. Research and development jobs are high-paying, and they are very desirable jobs.

Moreover, R&D very often leads to other kinds of economic development and the creation of even more jobs. We simply cannot afford to lose our lead in research by not keeping the United

States as the premier location in the world for research and development. Having a robust research credit is key to this. The President understands it is the key. I surely hope my colleagues will wake up and help make this happen before it is too late and we have to work to get back what once was ours.

My understanding is that some might go along with this, but they want to increase taxes on oil and gas. They also want to do some other very obnoxious things that would be difficult for which to get bipartisan support.

We know that business in this country is having a very difficult time right now. My understanding is that they may want to add a carried interest provision, which would probably put a lot of venture capital funds out of business and would drive a lot of people out of business and maybe into bankruptcy. We simply cannot support that. We can support—and I think we would have almost 100 percent of the votes here in the Senate—the research tax credit. I believe it would show great bipartisanship at a time when it is needed. I think it would even benefit our Democratic colleagues to work with us on this.

But there are things in this underlying bill that really are very difficult to vote for—one part of it is, in the eyes of many, a new mini-TARP, the Troubled Asset Relief Program. We have seen how bad the last one worked. I hate to see us go further down that path when we could, in a bipartisan way, resolve these problems.

Last spring, four of us on the Finance Committee worked out an extenders package. We worked diligently together. We agreed on how it should be done. It was bipartisan in nature. I believe my friends on the other side initially agreed to it because it would have gotten at least 95 votes in the Senate. It could have been done early enough to create a lot of jobs this year. Then all of a sudden it became a partisan exercise again.

Time after time, if the Democrats can get one Republican to go with them, they call it bipartisan. I guess one could say that, but that is really stretching the term bipartisanship, especially when I think we could have had virtually 100 percent, or at least 95 votes for the extenders package we had worked out.

It is amazing to me how difficult it is to work together around here, especially when we want to and especially when we can come up with programs and legislation to which virtually everybody in this body would agree. It is almost like an arrogance of power: We are just going to teach those Republicans that we are not going to do what they think is good. I hesitate to say it, but I think that had we had more bipartisanship around here over the last year and a half, we would be a lot further along. This economy would be

back in a much stronger way, and there would have been a lot of jobs created.

If we are just going to keep playing partisan games on these very important bills on which we should all agree, then it stultifies jobs and the economy. I think it makes this administration look bad. In the process, it creates a lot of angst and anger throughout the whole country.

We would have had this done; it would have been done early this year had it not been for partisanship, in my opinion. There are things to be partisan about. There are things on which both sides disagree vociferously. That is the way this body works. We should go after each other on these matters. But there are some things on which we can all agree.

When the President comes out and says we need a permanent research tax credit, after all of the difficulties we have had, one would think our colleagues on the other side would grab Republicans and run with it. We could get it done, as we have always done in the past. There is no certainty with the current research tax credit, or the one that expired last year. Companies cannot plan for the future because we have to reinstate this all the time. Sometimes it is late, and even if we make it retroactive, it is not as helpful as it would be. Making it permanent would be a tremendous boost to scientific companies in this country and all other companies where innovation can occur. We have seen great results from the research and development tax credit.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The time of the Senator has expired.

Mr. HATCH. Madam President, this is a motion to suspend rule XXII, paragraph 2, for the purpose of proposing and considering a motion to commit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I know we will be voting soon on these issues and moving forward on the small business legislation. That is what we are really here to do today, to pass legislation that is going to help Main Street. This is a bill that is long overdue. I know once a train is leaving the station, once legislation has cleared the hurdles and is going to pass, a lot of people want to then add other things onto that legislation. Those are some of the issues being discussed here this morning. But the important thing is not to hold up legislation for small businesses one more day. Let's not delay the need that Main Street has to get access to capital to help small businesses grow our economy.

In Washington State, we have lost thousands of jobs. Yet if every small business in Washington State had the ability to hire one person as a result of getting access to capital, we would

nearly wipe out our unemployment since this recession. It is critical for us not to delay this legislation any further, to move it ahead, and to make sure we are getting capital into those small businesses.

I know some of my colleagues have critiqued this legislation, saying they will not support it. I know we have had at least two Members on the other side who support this legislation moving forward. So, yes, I do call that bipartisan. I appreciate the fact that those two legislators had enough courage to say this was important to their constituents. In the August recess, they listened to small businesses, and they knew this was important to get done.

There is a lot of misinformation out there in the eleventh hour about how perhaps certain people weren't supportive of the legislation. My colleague from Oregon has a list that keeps growing every single day. It is now four or five pages of different organizations that support moving forward on this legislation. I haven't heard any of them advocating that we hold it up one more day or send it back to the committee to add more things to it. No doubt the discussion we are having about the extenders package of other policies should happen. If we get more bipartisan support, we will get those things done and we won't have them held up.

But if we go back to this basic issue we are trying to address, it is really about the implosion that happened on Wall Street that took Main Street down with it and about correcting that and moving forward today in a way that will help small business help our economy recover.

I hope my colleagues on the other side of the aisle will look at this bill overall, look at the tax credits given to small businesses, the fact that the depreciation rates in investment in new manufacturing and equipment can help small businesses be competitive, and that they will look at the expansion of the SBA programs that were enthusiastically endorsed by lots of different organizations—by banks, by lenders, by individual businesses—because they know that program that was enhanced in January to help give more flexibility was a huge success. When it expired in June, we saw a falloff in the type of investment and job creation we need to have.

This is about a philosophy. If my colleagues think our economy is about helping those huge businesses at the top or from Wall Street and that is somehow going to trickle down, then let's just keep doing business as usual. But if Members believe this is about helping small businesses grow, which is 75 percent of job growth in America, then let's get this bill off the floor today and get this legislation passed.

I thank the Chair and yield the floor.

Mr. CASEY. Madam President, today, passage of essential legislation

to support job-creating business investment was relegated to callous political brinkmanship. For months, funding for the biodiesel and the research and development, R & D, tax credits have been stalled due to Republican opposition. Just in June, I voted three times to fund the credits—on the 17th, again on the 24th, and finally on the 30th. Each time, every Republican voted against the bill that contained these and other essential extensions. Then today, as we neared completion of another essential piece of legislation, the small business jobs bill, motions regarding biodiesel and R & D were presented by Senators GRASSLEY and HATCH as a way to slow down progress on the legislation at hand.

Let me be clear—we must extend these credits. R & D credits have long been viewed as lifeblood for American innovation and job creation. While less known, the biodiesel credits also provide essential economic assistance to clean energy small businesses. Without a doubt businesses suffer due to our inability to work together. A business in Erie, PA, illustrates this point. Hero BX has struggled this year to keep its production facility open without the biodiesel credit, putting 40 jobs on the line.

I want to provide Hero BX and other businesses across the Commonwealth and beyond with the tools needed to compete and survive. Senator BAUCUS has reintroduced the tax extender package, including the R & D and biodiesel credits. I encourage all of my colleagues to support the bill. This is not about allowing a victory in an election year. Passage is about providing companies the incentives to keep and create jobs.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I think allocated time is about to expire.

My good friend, the Senator from Iowa, talked about how good it would be if we removed uncertainty from the law. The unanimous consent I am about to propound would give Senators the opportunity to remove much uncertainty. This unanimous consent request, if agreed to, would extend the biodiesel tax credit the Senator from Iowa spoke about. It would also extend the R&D tax credit the Senator from Utah talked about. This consent request would do so completely paid for. The Senator from Iowa spoke about his wanting to move the tax extenders for 8 months. The unanimous consent request I am about to propound will provide for extending all of the tax extenders.

The consent request will allow Members on the other side of the aisle to get what they say they want; that is, to remove uncertainty in the law and get these provisions passed.

UNANIMOUS-CONSENT REQUEST—H.R. 4849

As I mentioned a few moments ago, I now intend to ask unanimous consent

to take up and pass the full set of expiring provisions. So I ask unanimous consent that H.R. 4849, the Small Business and Infrastructure Jobs Tax Act of 2010, be discharged from the Finance Committee; that the Senate proceed to the bill; that the Baucus substitute amendment extending expiring provisions that is at the desk be considered and agreed to; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, as if read; and that this all occur with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I reserve the right to object, and I will object, because this side wants an open amendment process. We are tired of every time a bill comes to the floor in the greatest deliberative body in the world, they tie up the parliamentary tree so we can't have honest amendments.

Secondly, the approach of my dear friend and colleague, whom I have worked with all of these years on the research tax credit, is not permanent and would not make it permanent, which is what the President has asked for.

I object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The debate time has expired.

Under the previous order, amendments Nos. 4595, 4596, 4597, and 4598 are withdrawn.

MOTION TO SUSPEND

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the motion to suspend rule XXII offered by the Senator from Iowa, Mr. GRASSLEY.

Who yields time? If no time is yielded, the time will be charged equally.

The Senator from Montana.

Mr. BAUCUS. Madam President, I don't see the Senator from Iowa here. It is his amendment to suspend the rules.

Let me say once again this motion to suspend the rules of the Senate is not serious legislating. It is simply an attempt to delay the passage of the small business bill.

The biodiesel tax credit is another tax extender. We will address these expiring provisions. We will also do so in a fiscally responsible manner. This motion today is another delay to passage of the underlying small business bill which is before us at this moment. So we reject this delay and we reject this motion so we can get on with passing this bill to create small business jobs.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I have 1 minute to speak to my motion to suspend the rules to bring up this bill.

We are on a bill now on the Senate floor that is supposed to create jobs. Hopefully, this bill will create jobs. But it is kind of small compared to what this Congress could do by passing the biodiesel tax credit. It should have been passed before December 31 last year. Senator BAUCUS and I put together a bipartisan bill to do it in February. That bill was delayed by the majority leader, so we are back here again for a third time, trying to get attention to jobs. This biodiesel tax credit will immediately put 20,000 more people back to work, and 2,000 in my State of Iowa.

I hope we will suspend the rules and create jobs for sure because those jobs were there before December 31 and they will be there on September 17 if we pass this amendment.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 58, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—41

Alexander	Dorgan	McConnell
Bayh	Franken	Murkowski
Bennet	Graham	Murray
Bennett	Grassley	Nelson (NE)
Bond	Hagan	Pryor
Brown (MA)	Harkin	Roberts
Brownback	Hatch	Shaheen
Burr	Hutchison	Snowe
Cantwell	Inhofe	Specter
Chambliss	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Klobuchar	Wicker
Conrad	Lugar	Wyden
Cornyn	McCaskill	

NAYS—58

Akaka	Feingold	Mikulski
Barrasso	Feinstein	Nelson (FL)
Baucus	Gillibrand	Reed
Begich	Goodwin	Reid
Bingaman	Gregg	Risch
Boxer	Inouye	Rockefeller
Brown (OH)	Johnson	Sanders
Bunning	Kaufman	Schumer
Burr	Kerry	Sessions
Cardin	Kohl	Shelby
Carper	Kyl	Stabenow
Casey	Landrieu	Tester
Coburn	Lautenberg	Udall (CO)
Corker	Leahy	Udall (NM)
Crapo	LeMieux	Voinovich
DeMint	Levin	Warner
Dodd	Lieberman	Webb
Durbin	McCain	Whitehouse
Ensign	Menendez	
Enzi	Merkley	

NOT VOTING—1

Lincoln

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 58. Two-thirds of the Senators voting not having voted in the affirmative, the motion is rejected.

MOTION TO SUSPEND

Under the previous order, there will now be 2 minutes for debate, equally divided, prior to the vote on the motion to suspend rule XXII offered by the Senator from Utah, Mr. HATCH.

The Senator from Utah.

Mr. HATCH. Madam President, last week President Obama called for a permanent research tax credit. We have always extended this tax credit. We failed last December to do it on time. Therefore, we are without it. We are without the jobs that would be created by it. I think it was a terrific move by the President to come out for a permanent research tax credit, and we ought to swiftly move to add it to this particular bill.

The only way I can do that, because of the tying up of the tree—which is happening all too often around here—is by a motion to suspend the rules.

This bill is a bill to create jobs. At least that is what it is supposed to be. But the research tax credit would do the most to instantaneously create jobs, and these are high-paying jobs. The only way we can get it is to vote for this motion to suspend. If we do, I think we would have 95 votes—a bipartisan vote—for this particular amendment.

I urge my colleagues to support the motion.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I deeply appreciate the remarks of my good friend from Utah. The fact is, any motion to suspend the rules in this context is not fair and, without being disparaging, it is not serious legislating. This is an attempt to throw another roadblock to delay passage of the small business bill.

In addition, the extenders bill, which I tried to get up by UC, would extend the R&D tax credit. We will find our way there later this year. We cannot suspend the rules at this point to delay passage of the small business bill. Rather, let's not accept this motion so we can get on to passing the small business bill and take up the R&D tax credit later on this year. We will definitely take it up. It will be passed later this year.

Mr. HATCH. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. DORGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—51

Alexander	Collins	Inhofe
Barrasso	Corker	Isakson
Bayh	Cornyn	Johanns
Bennet	Crapo	Klobuchar
Bennett	DeMint	Kyl
Bond	Ensign	LeMieux
Boxer	Enzi	Lincoln
Brown (MA)	Franken	Lugar
Brownback	Graham	McCain
Bunning	Grassley	McCaskey
Burr	Gregg	McConnell
Chambliss	Hagan	Murkowski
Coburn	Hatch	Murray
Cochran	Hutchison	Nelson (NE)

Risch
Roberts
Shelby

Snowe
Specter
Thune

Vitter
Warner
Wicker

NAYS—48

Akaka
Baucus
Begich
Bingaman
Brown (OH)
Burris
Cantwell
Cardin
Carper
Casey
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein

Gillibrand
Goodwin
Harkin
Inouye
Johnson
Kaufman
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Menendez
Merkley
Mikulski

Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Stabenow
Tester
Udall (CO)
Udall (NM)
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—1

Sessions

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48.

Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is rejected.

The clerk will now read the Budget Committee letter.

The bill clerk read as follows:

Budgetary Effects of PAYGO Legislation for H.R. 5297, as amended by amendment No. 4594.

Total Budgetary Effects of H.R. 5297 for the 5-year Statutory PAYGO Scorecard: net increase in the deficit of \$2.009 billion;

Total Budgetary Effects of H.R. 5297 for the 10-year Statutory PAYGO Scorecard: net increase in the deficit of \$2.253 billion.

Also submitted for the RECORD is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR SENATE AMENDMENT 4594 IN THE NATURE OF A SUBSTITUTE TO H.R. 5297, THE SMALL BUSINESS JOBS AND CREDIT ACT OF 2010

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	NET INCREASE OR DECREASE (–) IN THE ON-BUDGET DEFICIT												
Total On-Budget Changes	0	83,938	– 11,175	– 13,920	– 11,272	– 44,124	8,275	– 5,049	– 3,543	– 2,669	– 2,499	3,445	– 2,035
Less:													
Current-Policy Adjustment for Tax Provisions ^a	0	2,789	1,845	– 1,529	– 966	– 702	– 543	– 343	– 194	– 94	– 44	1,436	218
Statutory Pay-As-You-Go Impact	0	81,149	– 13,020	– 12,391	– 10,306	– 43,422	8,818	– 4,706	– 3,349	– 2,575	– 2,455	2,009	– 2,253

Note: Components may not sum to totals because of rounding. Assumed enactment date October 1, 2010.

^a Section 7 of the Statutory-Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to increases in the limitations on expensing depreciable business assets for small businesses under section 179(b) of the Internal Revenue Code. The effects are all changes in revenues.

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

AMENDMENT NO. 4594

The PRESIDING OFFICER. The substitute amendment is agreed to.

The time until noon is equally divided.

The Senator from Illinois.

Mr. DURBIN. The Chair has announced that the time between now and noon will be equally divided?

The PRESIDING OFFICER. That is the case.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded, and I ask unanimous consent for up to 5 minutes.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I know we are getting ready to vote on a very important piece of legislation—the Small Business Job Creation Act—that we have actually been working on now for a year and a half. It is hard to believe that a year and a half has gone by, but it has, despite the extraordinary work that has been done on this bill from the Democratic leadership, from a handful of Republican Senators who stepped up to make this a possibility, and from the administration and

Treasury and literally hundreds of organizations that have brought this vote to the floor today. I wish it could have been 6 months ago. I wish it could have been 8 months ago. Every day, every week we have waited to pass this bill has been another tough week for small businesses throughout our country. But this week is a good week for them. They have a bill that they can be proud of, that I believe we can be proud of, and it is overdue that we pass this bill today.

I know Members understand the significance of the three major parts of the bill: \$12 billion in directed tax cuts; an infusion of resources and strength to the core small business programs in the SBA that we know are effective in stimulating loans to Main Street, that create the jobs that will put this recession in the rearview mirror; and we know the third part of this bill is a very significant and new strategic lending partnership we are establishing with healthy community banks, the 7,000 community banks in every neighborhood—in rural areas, in suburban areas, in all of our States, and in almost every single one of those communities in those States.

I thank Chairman BAUCUS particularly for his help and Senator REID particularly for his help. I thank Senator BOXER and Senator CANTWELL and Senator MERKLEY. But I also thank Senator LEVIN, Senator WARNER, Senator STABENOW, many members of my Small Business Committee, Senator SHAHEEN,

Senator MURRAY, Senator SCHUMER, Senator LINCOLN, Senator HAGAN, Senator CARDIN, Senator BURRIS, and many others—Senator SHERROD BROWN has been down to the floor time and time again.

I also thank two colleagues particularly from the other side of the aisle, Senator VOINOVICH and Senator LEMIEUX, who listened to their Florida bankers, who listened to their Ohio bankers, who listened to their small businesses in Florida and Ohio and said that this is the kind of bill we need—tax cuts, strengthening of SBA programs, and a smart strategic lending program.

I thank Treasury Secretary Tim Geithner, Gene Sperling and Don Graves, and of course I thank the staff of the Small Business Committee and my staff in particular who did so much work.

In addition, I thank the National Small Business Association, Independent Community Bankers, the American Bankers Association, the National Association of Government Guaranteed Lenders, and the hundreds of organizations that helped push and pull this Senate to this vote today.

In the last minute I have, I wish to submit two things for the RECORD that I think need clearing up and amplification. One is a letter from the Chief Economist of the SBA that answers directly a criticism that was published in the Washington Post yesterday about the “myth” that small business is not

the business that grows jobs in America. The economist was misquoted. This is a letter for the RECORD specifically outlining that. I think it is worth review today.

Second, and more important, a banker from California—and I thank Senator BOXER. I met with a banker from California and from Florida. I am from Louisiana, but they wanted to see me, I wanted to see them, and I met with them. Got a standing ovation. I am very proud, of course, because they said to me: Senator, this may be one of the most significant bills to help get our banks where we need to be to start lending.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS ADMINISTRATION,
OFFICE OF ADVOCACY,
Washington, DC, September 15, 2010.

Hon. MARY LANDRIEU,
Chair, Committee on Small Business and Entrepreneurship, Washington, DC.

DEAR CHAIR LANDRIEU: I am writing to clarify and apologize for my statements about small business to Ruth Marcus in her September 15, 2010, Washington Post article.

When I stated, "It's not true" . . . "It's half the story" in relation to small businesses being the major source of net job creation, I misspoke. I meant to state, "While true, it's only half the story." Meaning that while we know that small businesses are the major job creator, there are different types of small businesses, and that is where the story is.

Oddly enough, the fact that small businesses are the major job creator has been corroborated by all three papers mentioned in the article; even though all used different time periods, different methodology and different data.

The article discusses an academic debate that is playing out with John Haltiwanger, a University of Maryland Professor, in one camp and myself in the other. The topic is, "What group within the small business sector is driving new job creations." John believes it is start-ups and young small businesses; while I believe it is the relatively few small firms with fast growth. In many senses we are both correct.

So the debate is not, who creates more jobs, small or large firms. We know the answer; small firms create the majority of net new jobs, as shown from Bureau of Labor Statistics, Business Employment Dynamics data. They show firms with fewer than 500 employees accounted for 65 percent of the net new jobs in the private-sector over the last seventeen years.

My study on high growth firms finds a similar figure when looking at all three time periods and firms with volatile employment changes (meaning using a net concept of fast growers and fast decliners).

Unfortunately, I was quoted as stating, "it would appear that both small and large firms contribute about equally to employment growth." While a further examination of my study would show that this comment only refers to high-growth firms, not the entirety of all firms. When one includes all firms, the results show that small firms create two-thirds of the net new jobs.

I have spent my career developing the field of small business economics. I take pride in

what I have been able to accomplish, but regret the damage I may have caused by the way in which I conveyed the information to Ms. Marcus. Attached is a copy of my study High Impact Firms: Gazelles Revisited. I am happy to supply any further assistance you may need.

Sincerely,

ZOLTAN ACS, PH.D.,
Chief Economist.

From: Richard M. Sanborn
[mailto:rsanborn-sccombank.com]
Sent: Wednesday, September 15, 2010 11:40 PM
To: Gillers, David (SBC)
Cc: David H. Bartram
Subject: Small Business Jobs and Credit Act of 2010—HR 5297

MR. GILLERS, I want to thank you for taking the time this evening to call in reference to my comments to Senator Landrieu at the California Bankers/Florida Bankers meeting. My whole team and I are extremely grateful to the Senator for championing the Act through the Senate as it will have a profound impact on our institution.

Once passed and signed into law, the Act will allow us to apply for (and hopefully receive) an approximate \$1.8 million investment by the US Treasury through the Small Business Lending Fund component of the Act. We can leverage that Capital investment approximately 10 X, resulting in our ability to lend to small businesses and grow our loan portfolio an additional \$18 million. While \$18 million in new loans to small businesses does not seem like much, as we are primarily focused on lending to small businesses through the SBA's 7(a) lending program, to achieve \$18 million in loan growth, we could originate approximately \$180 million in new SBA loans to small businesses . . . which is a lot for a small bank like ours (we're only a \$130 million asset bank). Of course that assumes we originate all \$180 million with a 90% SBA guarantee and sell 100% of that guaranteed portion.

Originating \$180 million in new SBA small business means that we can provide needed capital to approximately 275 businesses, based on our current average SBA loan size of \$650 thousand. If we apply the SBA's overall average loan size of \$220 thousand, we could help over 800 small businesses get much needed capital.

This will be a great program, if passed, and will help the small businesses in the markets we serve. Again, please thank the Senator for her help with this important measure.

Sincerely,

RICK SANBORN.

Ms. LANDRIEU. Seacoast is a small bank. It only has \$130 million in assets. According to this banker's testimony to me yesterday, he is going to take this bill and all of its provisions, and he believes he can leverage \$180 million in SBA loans to small businesses. Based on their record and based on the average SBA loan size of \$650,000, this one bank in southern California believes it can make 275 business loans.

If this one small bank in South Carolina can take this bill and its provisions and leverage it to 275 good-quality loans in South Carolina, there is hope on the way. This is a real step to putting this recession behind us. I thank the Democratic leadership for making it a possibility. I hope next time a bill like this is brought to the

floor of the Senate, it will not take so long; we will not have to jump over the barriers and barricades that were put in front of this bill. So I hope Members on the other side of the aisle will lower those barriers next time because our small businesses cannot wait.

TIER 1 CAPITAL

Madam President, as one of the two lead sponsors of the Small Business Lending Fund, I am deeply convinced of the ability of this program to provide small businesses with the credit they need to grow and create jobs. As you know, the purpose of this fund is to provide community banks with Tier 1 capital to increase their lending to small businesses, along with incentives for doing so. With up to \$30 billion in capital, community banks that participate in the Small Business Lending Fund will be able to support many multiples of that amount in new lending. To allow that to occur, it has always been our intent and our understanding that the bank regulators should treat these investments as Tier 1 capital, in a manner consistent with that accorded to other capital securities issued to Treasury by eligible institutions and in consideration of the strong public interest in promoting lending to small businesses.

MR. REID. Madam President, I thank Senator LANDRIEU for her leadership on this issue. I agree that the intention of this legislation from the very start has always been that investments made through the Small Business Lending Fund should be treated as Tier 1 capital in a manner consistent with that accorded to other capital securities issued to Treasury by eligible institutions. This treatment will allow these institutions to use Treasury funds to expand small business lending as intended.

Ms. LANDRIEU. I thank the Senator. With access to Tier 1 capital, I believe that the community banks that participate in this program will be able to provide small businesses with the credit they need to grow and hire.

DEDUCTION FOR HEALTH INSURANCE COVERAGE

Mr. BINGAMAN. Madam President, I would like to ask the chairman of the Finance Committee a question on the application of a provision in the Small Business Jobs Act of 2010.

Section 2042 of the bill will allow self-employed persons to deduct the cost of health coverage for themselves, their spouses, and their children who have not reached age 27 by the end of the year for purposes of determining their liability for self-employment taxes. Is it correct that the provision is not intended to affect the determination of earned income for other purposes? For example, earned income for purposes of determining the maximum amount of health insurance premiums a self-employed person may deduct for income tax purposes is not affected by this provision.

Mr. BAUCUS. The Senator from New Mexico is correct. Since the 108th Congress, he has introduced legislation to correct this inequity in the Tax Code. I would like to congratulate and thank the Senator from New Mexico for his leadership in championing this provision.

Mr. KERRY. Madam President, the Senate is on the verge of passing the Small Business Jobs Act which has been many months in the making and has been debated on the Senate floor for numerous weeks. I commend Senators REID, BAUCUS, and LANDRIEU for their tenaciousness in pursuing this legislation. It is essential we help small businesses attain the investment and capital necessary to create jobs and grow our economy.

Small business growth is critical to restoring our economy. Over the past 15 years, small businesses have created two-thirds of all new jobs. Unfortunately, small businesses have been hit hard by the recession—losing more than 6 million jobs since December 2007. The Small Business Jobs Act provides the long overdue assistance to small businesses that will help create as many as 500,000 new jobs.

To assist small business owners and their employees, the Small Business Jobs Act will create jobs through a combination of much-needed tax credits, enhancements to Small Business Administration, SBA, lending programs, and the development of new community bank lending facilities.

I am very pleased this legislation will extend the successful loan enhancement provisions that Senator SCHUMER and I successfully included in the American Recovery and Reinvestment Act. The bill extends the provisions in the economic stimulus to increase the SBA guarantee rate to 90 percent and reduces fees on small business 7(a) and 504 loans obtained through the SBA. These provisions have supported more than \$30 billion in lending to small businesses across the country and helped create or retain more than 710,000 jobs. SBA lending in Massachusetts has nearly doubled in the past year as a result of this program.

As the former chairman of the Committee on Small Business and Entrepreneurship, I have been a long time advocate of small businesses and appreciate the role they play in our economy. The Small Business Jobs Act includes provisions that I have worked on for several years.

The loan increases included in the bill build upon my legislation from last Congress. With 7(a) loan limits increased from \$2 million to \$5 million and 504 loans from \$1.5 million to \$5.5 million, small businesses will be better able to expand and meet their financial needs for sustainability and growth.

The Small Business Jobs Acts expands upon the small business capital

gains provision included in the American Recovery and Reinvestment Act of 2009. The bill temporarily increases the small business capital gains exclusion from 75 percent to 100 percent and eliminates the AMT preference.

Back in 1993, I worked with Senator Bumpers to enact legislation to exclude half of capital gains from the sale of small business stock that is held for 5 years. The bill before us expands on this provision.

I have also worked with Senator ENSIGN on a provision included in this legislation that would remove cell phones and other similar devices from the definition of listed property so their cost can be deducted or depreciated like other business property, without onerous recordkeeping requirements.

In 1989, Congress passed a law which added cell phones to the definition of listed property under the Internal Revenue Code. Back in 1989, cell phone technology was an expensive technology worthy of detailed log sheets. Only a few top executives had cell phones. At that time, it was difficult to envision cell phones that could be placed in a pocket or handbag. Congress was skeptical about the daily business use of cell phones.

With technology changing rapidly and many people owning a cell phone and a blackberry, a strict substantiation requirement to determine personal use is burdensome, inefficient, and administratively impracticable given their frequent use in a fast-paced global environment. The Tax Code should keep pace with technological advances. There is no longer a reason that cell phones and mobile communication devices should be treated differently than office phones or computers.

Investing in small businesses is essential to turning around the economy. Not only will investment in small business spur job creation, it will lead to new technological breakthroughs. This bill is long overdue and I am pleased that it is close to becoming a reality. I urge all my colleagues to support this critical legislation for our economy.

Mr. VOINOVICH. Madam President, I rise today to express my support for the passage of H.R. 5297, the Small Business Jobs Act of 2010. I am pleased that we got cloture on this legislation earlier this week, so we can get a final vote on the bill before the Senate completes its work for the week.

Things are more challenging now for our Nation than at any time during my life. Americans are worried about our Nation's future and their own personal well-being, and this uncertainty reveals itself in the answers to two questions I often ask when I speak to people. The two questions I ask are, one, do you have a better standard of living than your parents had? To which I always hear yes. And two, do you believe your children will have a better stand-

ard of living than the one you have? To which I almost always hear no.

To recover from this recession, we need to restore the faith of the American people in their future. We need to convince them that the glass is half full, and not half empty. And until we stabilize and repair our broken economy, and restore the flow of credit to businesses and individuals, the uncertainty and pessimism will remain.

This small business bill gives us one opportunity to address our economic challenges. The small business bill will improve the environment for small businesses by, among other things, including a number of small business tax breaks, expanding Small Business Administration loan programs, providing tax incentives for new small business investment, and expanding small business access to credit.

The bill will increase the guarantee of SBA's most popular loan program, which provides credit for small businesses that cannot otherwise obtain favorable loan terms, and it would provide higher maximum loan amounts for investments in major fixed assets, such as land, buildings, equipment, and machinery. It would also provide a variety of export assistance tools to help our small businesses expand their reach into world markets and compete better in the global economy. These include a new grant program, counseling and education, redirecting SBA personnel, and improving export financing programs. Finally, this bill will extend tax incentives, such as section 179 expensing and bonus depreciation, which will generate new investment.

I have heard from many Ohio businesses regarding this small business bill, especially manufacturing businesses, which are the backbone of Ohio's economy. These small business owners have asked me to work with my colleagues and finish work on this legislation. A number of manufacturing organizations, which represent small businesses in Ohio and around the country, have written to me in support of the bill, including the Ohio Manufacturers Association, the Precision Machined Products Association, PMPA, the Precision Metalforming Association, PMA, the National Tooling and Machining Association, NTMA, and the Motor and Equipment Manufacturers Association. They share many of the same concerns; they are worried about their member companies' ability to obtain credit and keep afloat long enough to get out of this recession.

Many small businesses have been unable to obtain credit from their traditional lenders, which has led to less spending and more layoffs. For example, I was told that a Cleveland-based PMPA manufacturer that has been in business for over 50 years, and whose owner has served on the board of directors of several major banks, could not find sufficient credit in the United

States. As a result, the company had to seek offshore lending, which it eventually found in Germany. I have heard similar stories from a number of small business owners. They complain that they cannot get loans or their lines of credit are being reduced or withdrawn despite their company's creditworthiness.

These groups, which represent thousands of small businesses and their employees, have sent me letters in support of this legislation, and I will ask that these letters be printed in the RECORD. I wanted to share one comment from a longtime friend of mine, James B. McGregor, Sr., vice chairman of McGregor Metalworking Companies in Springfield, OH, who said that this bill would "help to jumpstart manufacturing in America by improving the credit market for small businesses." Jim is the owner of a family-owned manufacturing company, and he knows as well as anyone how tough things are out there for manufacturers.

In addition to small manufacturers, others organizations also support this small business bill. Many community banks say it would allow them more latitude to lend to small businesses. The Independent Community Bankers Association, which represents 5,000 of the Nation's 8,000 community banks, said in a letter to the two Senate leaders that of all the provisions in this bill, the Small Business Lending Fund, SBLF, "holds the most promise for small business creation in the near term. Failure to even consider the SBLF in the Senate would be a missed opportunity that our struggling economy cannot afford . . . [i]t would provide another option for community banks to leverage capital and expand credit to small business."

The American Bankers Association, ABA, has expressed support for the bill because it would allow "community banks to find new sources of capital . . . [and] provides an option for banks to . . . continue meeting the needs of their communities." The ABA also supports the bill because it would enhance SBA loan programs, which it says is "critically important and will help lenders provide loans so that small businesses can create jobs in their communities."

Other business organizations such as the Chamber of Commerce and Financial Services Roundtable support the bill because they know it contains important tax provisions, strengthens existing SBA programs, and helps our economy.

So, my support for the small business legislation is based upon the many calls of support I heard from Ohio's small and medium manufacturers, most of whom are still struggling to recover from this recession. At the same time, these manufacturers are experiencing the fiercest competition I have seen in my lifetime.

My support of Ohio's manufacturers is not new, and my support of this bill is a part of my longstanding concern for and support of Ohio's manufacturing companies. As Governor of Ohio, I am proud that we gave high priority to manufacturing and that it grew for the first time in many years during my administration. We instituted several incentives for manufacturing, including a job-creation tax credit, a manufacturing and equipment investment tax credit, and the technology investment tax credit. As Governor, I went on nine business, trade, and investment missions, with the intention of helping open new markets for Ohio products, and I am hopeful that the export promotion efforts in this legislation will help Ohio's manufacturers take advantage of selling in the global market.

When I came to the Senate, I continued to support manufacturing, making it a key priority of my legislative efforts. For example, during President Bush's first term, I worked with the administration, when it filed the section 201 action, to support the U.S. steel industry at a time when imports were coming in at an increasing rate and threatening the industry's existence. And after a painful period of adjustment, the steel industry came back. I am afraid of what might have been the fate of this important industry had President Bush not taken action. I am also proud that I was the chief advocate to the President and Secretary of Commerce Don Evans of the need for an Assistant Secretary of Manufacturing as well as a plan to support manufacturing. From 2006 to 2008, I worked closely with Senator BAYH, who is also from a manufacturing State, to pass legislation to improve our Nation's intellectual property theft enforcement efforts. These efforts were rewarded when the PRO-IP Act became law in October 2008. Our efforts to pass this legislation may have surprised some who view IP theft as something related to knockoff purses and software, but IP theft has such a damaging effect on our manufacturers, we both viewed this as an important way to help our manufacturers compete on a level playing field in the global economy.

Most recently, I have worked to protect manufacturing from onerous cap-and-trade legislation that would have a devastating effect on manufacturing, while doing little to improve emissions from countries such as China and India. I have also worked on a bipartisan basis to reauthorize the surface transportation act. This is another must-pass bill that would provide certainty to a number of industries and would help our manufacturers recover from this recession. I have spoken to the President about the need to pass a highway bill, and I was encouraged that he has promised to take a leading role in getting it done.

I know that my Republican colleagues have concerns with the lending facility and what it means for the role of government in the private sector. I have heard their concerns, but based on the feedback I have heard, mostly from Ohio's small businesses, I reached the conclusion that this \$30 billion Small Business Lending Fund will help banks that serve local communities to expand their lending at a time when credit to small businesses has tightened for a variety of reasons. These are the community banks that make the small but necessary loans to restaurants, small manufacturers, home improvement contractors and the like to keep their businesses afloat and hopefully begin to expand as the economy recovers. In addition, the program is voluntary for these banks, and the lending fund is estimated by the Congressional Budget Office to save money. In other words, the lending fund will not add to the budget deficit or the national debt, and it will not increase taxes. So this fund amounts to a relatively modest, voluntary, revenue-neutral financial tool for small community banks helping to restore the flow of credit small businesses desperately need.

Finally, for those who are trying to make this a partisan bill, I will say there is enough blame to go around. The Democrats in Congress delayed passing this bill for many weeks. They denied Republicans the opportunity to amend the bill for many weeks, while we held political votes on a number of issues. The President then went on to politicize the bill, ignoring legitimate complaints about the lack of amendments from my side of the aisle. It is worth remembering the Senate moved to the bill on June 29, then abandoned it repeatedly to vote on unemployment benefits multiple times, financial regulation, supplemental appropriations, executive nominations, the DISCLOSE Act, and the teacher bailout, which took us into the August recess. Then when discussions about Republican amendments were finally starting to receive serious consideration, these amendments were countered by Democratic amendments, leading to an amendment tit for tat, which is too often the case.

But while I am disappointed that my colleagues were unable to offer amendments to this bill, which is one of the traditions of the Senate, I felt we could no longer wait to pass this legislation. We needed to do something now to help the economy get going, and hopefully we will get back to the Senate tradition of offering amendments and having votes. Finally, I am pleased that there was a vote on at least one Republican amendment, the amendment offered by Senator JOHANNIS, which would repeal an extremely burdensome reporting requirement for small businesses included in the health care reform bill. While I am disappointed that

it failed and small businesses continued to be threatened by this burden, I am hopeful that this amendment process has brought enough attention to the problem and it can be fixed before the end of this year.

Finally, Mr. President, I will continue to work to pass a robust highway reauthorization bill this year, which I strongly believe would help improve our economy, and once again, I ask President Obama and Majority Leader REID, to work with the relevant committees to complete work on a multiyear, paid for, reauthorization of the highway bill before the 111th Congress adjourns.

Madam President, I ask unanimous consent to have printed in the RECORD the letters to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRECISION METALFORMING ASSOCIATION AND NATIONAL TOOLING & MACHINING ASSOCIATION,

July 23, 2010.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of One Voice, the joint effort between the National Tooling and Machining Association (NTMA) and the Precision Metalforming Association (PMA), and our nearly 3,000 metalworking member companies, thank you for your continued efforts to support small businesses manufacturing in America. Your vote on the Small Business Loan Fund Amendment was critical to helping support small businesses access timely and sufficient credit and to domestic manufacturing growth.

Many small and medium-sized manufacturers continue to face challenges accessing timely and sufficient credit for day-to-day operations, investing in capital equipment and raw materials, increasing worker hours, and hiring more employees. The lack of availability of credit has led to decreased spending, increased layoffs, and depleted collateral in many industries, including metalworking. In the current environment, many lenders are steering clear of perceived "at risk" industries such as manufacturers who are temporarily impaired. This legislation will improve the lending environment and will help America's small manufacturers strengthen their businesses and continue to lead our nation's economic recovery.

Thank you again for your long history of supporting America's manufacturers. We look forward to continuing to work with you and your staff on issues critical to strengthening manufacturing in America.

Sincerely,

WILLIAM E. GASKIN,
PMA President.
ROBERT AKERS,
NTMA Chief Operating Officer.

PRECISION MACHINED
PRODUCTS ASSOCIATION,
July 23, 2010.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the Precision Machined Products Association (PMPA) and the roughly 100,000 employees nationwide in our industry, thank you for

your vote on the Small Business Loan Fund to ensure that small businesses gain access to timely and sufficient credit, an issue of increasing importance as manufacturers seek new business and the economy improves.

As you know, the economic downturn hit our vital industry particularly hard, as it did countless manufacturers in Ohio. However, as the economy begins to recover, many small manufacturers continue to face challenges accessing adequate and timely credit to buy the raw materials and increase work hours to meet improving demand. Lack of capital is stunting economic growth and the Loan Fund program is an important component of improving the situation and spurring the economy.

As we work to recover and strengthen manufacturing in America, access to sufficient and timely credit is a critical component. Thank you for your support, and we look forward to continuing to work with you to help strengthen small business manufacturing in America.

Cordially,

ROBERT C. KIENER,
PMPA Director of Government Affairs & Communications.

PRECISION MACHINED
PRODUCTS ASSOCIATION,
Brecksville, OH, Sept. 10, 2010

Hon. GEORGE V. VOINOVICH,
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the Precision Machined Products Association (PMPA) and the roughly 100,000 employees nationwide in our industry, thank you for your support of the Small Business Jobs Act, particularly your efforts to help small businesses gain access to timely and sufficient credit. Improving the lending environment for small manufacturers is essential to jumpstarting the nation's economy.

As you know, the economic downturn hit our vital industry particularly hard, as it did countless manufacturers in Ohio. As the economy begins to recover, many small manufacturers continue to face challenges accessing adequate and timely credit to buy the raw materials and increase work hours to meet improving demand. Lack of capital is stunting economic growth and this bill is an important component of improving the situation and spurring job growth.

As an Ohio-based association with thousands of employees in the Buckeye State, thank you for your years of leadership on behalf of manufacturers. We look forward to continuing to work with you and your staff in the coming months as we move forward to strengthen manufacturing in America.

Sincerely,

MIKE DUFFIN,
Executive Director.

NATIONAL TOOLING AND
MACHINING ASSOCIATION,
Ft. Washington, MD, Sept. 10, 2010.

Hon. GEORGE VOINOVICH,
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the National Tooling and Machining Association (NTMA) and our 150 member companies in the State of Ohio, thank you for your support of the Small Business Jobs Act to improve the lending environment for small businesses. Our members are small and medium-sized, mostly family-owned businesses who rely on timely and adequate lines of credit to purchase raw materials and make significant investment in their operations.

As you know, the vast majority of small businesses turn to their local community

banks for lines of credit. However, due to numerous market conditions and regulatory restrictions, lenders have reduced or revoked credit lines even for profitable companies in Ohio seeking to purchase equipment and hire workers to meet increased demand and new job orders. Tool and die makers in particular are expected by their customers to invest significant capital up front when manufacturing a product and are often not paid for several months and at times for over a year. The nature of this industry requires an adequate and stable credit market and this legislation is an important step to jumpstarting American manufacturers.

Thank you for your support of this legislation and your continued leadership in Washington on behalf of small and medium-sized manufacturers. We especially appreciate the dedication and time your staff has committed over the years supporting the needs of over 16,000 manufacturing companies in Ohio.

Sincerely,

ROBERT L. AKERS, JR.,
Chief Operating Officer.

PRECISION METALFORMING
ASSOCIATION,

Independence, OH, Sept. 10, 2010.

Hon. GEORGE VOINOVICH,
U.S. Senate,
Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the Precision Metalforming Association (PMA) based in Independence, Ohio, and our more than 100 member companies in the State, thank you for your years of leadership in Columbus and Washington supporting small and medium-sized manufacturers. Your efforts to help pass the Small Business Jobs Act is critical to jumpstarting the economy. Our members continue to report challenges accessing timely and sufficient credit to help run day-to-day operations, invest in their facilities and hire new employees. Your support of this bill will improve the credit environment for small manufacturers and expand growth.

Ohio manufacturers are the backbone of our economy, employing more than 600,000 people in our state. Many of these companies report they are ready to expand and take on new business but the tight capital markets restrict their ability to increase production and purchase raw materials. One year ago, 72 percent of respondents to our industry survey expected to encounter challenges with credit when the economy improves—their predictions have come true.

Senator, as you recently said, "We don't have time anymore. This country is really hurting." Nowhere is this more true than in Ohio. You and your staff have tirelessly worked to strengthen manufacturing in America and your support of this legislation to improve the lending environment for our businesses is critical.

Thank you again and we look forward to continuing to work with you on this and other important issues.

Sincerely,

WILLIAM E. GASKIN,
President.

PRECISION METALFORMING
ASSOCIATION,
Sept. 10, 2010.

MANUFACTURERS APPLAUD SENATOR VOINOVICH FOR HIS SUPPORT OF SMALL BUSINESS JOBS ACT

The Ohio-based National Tooling and Machining Association (NTMA) and Precision Metalforming Association (PMA) applauded

Senator George Voinovich's (R-OH) announcement that he would vote to support the Senate moving forward to consider the Small Business Jobs Act, a bill that would help small and medium sized manufacturers access credit needed to help finance their day-to-day operations, invest in expansion of domestic operations and ensure that a disruption in the critical supply chain does not occur.

The bill, already passed by the House, creates a \$30 billion lending pool that community bankers can use for small businesses, and \$12 billion in tax incentives. The Senate is expected to vote on the bill next week.

"Senator Voinovich's support of this bill continues his long history of standing with small and medium sized manufacturers in this country," said PMA member James B. McGregor, Sr. vice chairman of McGregor Metalworking Companies in Springfield, OH. "We greatly appreciate his support in helping to jumpstart manufacturing in America by improving the credit market for small businesses."

McGregor, who also serves on the Manufacturing Council, a forum established by the U.S. Department of Commerce to ensure regular communication between the federal government and the manufacturing sector, added: "While a slew of proposals to boost manufacturing have been announced in the past couple of weeks by both political parties, most of these proposals are months, if not years, away from Congressional action. By improving access to credit, the Small Business Jobs Act can help small and medium sized manufacturers now. We urge the Senate to pass this bill as soon as possible."

For additional information or to arrange an interview with a PMA or NTMA manufacturer, please contact Caitlin Andrews at 202-828-7637 or caitlin.andrews@bgllp.com

About NTMA: NTMA is the national association representing the precision custom manufacturing industry, which employs more than 440,000 skilled workers in the United States. Its mission is to help members of the U.S. precision custom manufacturing industry achieve business success in a global economy through advocacy, advice, networking, information, programs and services. Many NTMA members are privately owned small businesses, yet the industry generates sales in excess of \$40 billion a year. NTMA's nearly 1,600 member companies design and manufacture special tools, dies, jigs, fixtures, gages, special machines and precision-machined parts. Some firms specialize in experimental research and development work.

About PMA: About PMA: PMA is the full-service trade association representing the \$113-billion metalforming industry of North America—the industry that creates precision metal products using stamping, fabricating, spinning, slide forming and roll forming technologies, and other value-added processes. Its nearly 1,000 member companies also include suppliers of equipment, materials and services to the industry. PMA leads innovative member companies toward superior competitiveness and profitability through advocacy, networking, statistics, the PMA Educational Foundation, FABTECH and METALFORM tradeshow, and MetalForming magazine.

MOTOR & EQUIPMENT
MANUFACTURERS
ASSOCIATION,
Washington, DC, Sept. 14, 2010.

Hon. GEORGE V. VOINOVICH,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR VOINOVICH: The Motor & Equipment Manufacturers Association (MEMA), along with its affiliated associations, Automotive Aftermarket Suppliers Association (AASA), Heavy Duty Manufacturers Association (HDMA), and Original Equipment Suppliers Association (OESA), applaud and thank you for your leadership in ending the stalemate in the Senate on the Small Business Jobs and Credit Act (H.R. 5297).

A vibrant parts manufacturing industry is critical not only to the state of Ohio, but to the entire nation. This bill is critical to help smaller manufacturers, including parts suppliers, access the credit they need to reinvest in and grow their businesses. MEMA strongly supports H.R. 5297 and believes that both the creation of a Small Business Lending Fund to assist banks in increasing small business capital investment lending as well as the establishment of a State Small Business Credit Initiative that allocates federal funds for states to partner with financial institutions will directly and immediately help small manufacturers.

Again, thank you for your willingness to step in and help move this important bill forward for Senate passage. We are very grateful for your leadership and political courage.

Sincerely,

ROBERT E. MCKENNA,
President and CEO.

Ms. SNOWE, Madam President, it has been nearly 2½ months since the majority leader first brought small business jobs legislation to the floor, and now this bill will pass the Senate through a constrained process under which the majority has continually stunted our ability to offer amendments, dictating to our side which amendments they considered worthy—something I find abhorrent and antithetical to this institution. And I might add, before the votes we held Tuesday on the Johannis and Nelson amendments on the 1099 issue, we had voted on just one amendment during consideration of this bill—an amendment to reinstate an ill-conceived and divisive lending fund into the bill. And with the failed votes on the 1099 issue, we inexplicably and regrettably punted on a chance to help millions of small businesses save the time, cost, and effort of sending billions of new information reporting forms to the IRS and to other businesses.

As ranking member of the Senate Small Business Committee, I have come to the floor several times during recent months to express my regret over the procedural twists and turns that have gotten us to this point. Clearly, we have had ample opportunity to consider and pass meaningful small business jobs legislation. Yet time after time other priorities have taken precedence. Most recently, it was the August recess that took us away from Washington for 5 weeks

while small businesses continued to call for help. They didn't get an August recess. They didn't have the luxury of putting things on hold while the economic situation failed to improve. As I said in July on the Senate floor, it seems as if we have forgotten how to talk to one another here, how to work together and forge a bipartisan and sensible solution to a problem that plagues our economy.

A prime example of this is the recent votes we took to repeal the onerous and imprudent mandate in the health care legislation regarding the filing of 1099 forms by millions of businesses. It will require that, starting in 2012, every business in America must report to the IRS on business purchases that exceed a threshold of only \$600 per vendor or supplier. This mandate would include purchases of supplies and equipment, as well as purchases of services ranging from cell phone coverage to window washing to utilities.

This new mandate was imposed in the health reform law, yet it has nothing to do with health insurance reform. It makes the Federal Government a more intrusive and burdensome presence in every aspect of American business—which is the very last thing American business needs during these tumultuous economic times. What small firms are clamoring for is certainty. They look to the Federal Government to help foster an entrepreneurial environment under which they can do what they do best—create new jobs—and not saddle them with an incessant and unnecessary paperwork burden like this new 1099 filing requirement. This new system of 1099s has absolutely nothing to do with a direct tax liability in a given year. Instead, this reporting regime will allow the IRS to track business purchases that exceed \$600. Businesses typically have an intense focus on carefully tracking their sales to customers with marketing professionals. Rather than tracking sales to customers, this new government mandate will force a change in business focus to a detailed accounting of purchases from suppliers.

While controlling costs is clearly a vital component of business profitability, this new government mandate on cost accounting and reporting to the IRS is an inordinate shift of priorities that will harm competitiveness and profitability because it will shift focus and resources away from customers. We had bipartisan support to eliminate this provision, and yet we couldn't agree to repeal this provision because 52 Democrats opposed Senator JOHANNIS amendment. How out of touch and disconnected can the majority be? American business owners are desperate for relief from taxes and regulation, and we can't even agree to help them. Instead, we are going to impede their ability to thrive and grow.

Indeed, for the small businesses that attempt to comply with this tax reporting mandate, this paperwork burden will be imposed with a crushing effect. New tracking systems will have to be implemented for purchases in order to ensure that aggregated purchases exceeding \$600 are reported to the IRS. In fact, according to a National Federation of Independent Business, or NFIB, small business survey, at \$74 an hour, tax paperwork is the most expensive paperwork burden placed on small businesses by the Federal Government. The Small Business Administration has found that the cost of tax compliance is already 67 percent higher in small firms than in large firms. And because this new 1099 reporting burden would be so ubiquitous for firms attempting to be compliant—by requiring new processes of making business purchases and tracking of business purchases—this compliance cost statistic is likely to become woefully outdated as costs soar ever higher. Mr. President, we ought to be reducing the small business regulatory compliance burden, not augmenting it.

So, once again, here we are, and the only amendment that the majority has seen prudent to approve reinstates an ill-conceived Treasury lending fund that has been widely recognized as “TARP Jr.,” while we fail to vote in favor of an amendment introduced by Senator JOHANNIS that could have helped small businesses.

Simply put, we will rely on small businesses to lead us out of the present economic morass. According to the Small Business Administration, or SBA, small firms have created 64 percent of net new jobs over the past 15 years. And since they represent 99.7 percent of all employer firms and employ slightly more than half of all private sector employees, it is more than evident that our overall economy's health is based on the well-being of our Nation's almost 30 million small businesses. With our Nation's unemployment rate hovering near 10 percent since last August—over a whole year ago—and standing at a regrettable 9.6 percent today, it will require nearly unprecedented economic growth to reverse this trend.

We have 14.9 million Americans on the unemployment rolls, searching for opportunities in what often seems to them a hopeless situation. According to the most recent ADP Employment Report, we learned that private-sector companies actually shed 10,000 jobs in August—news which the firm noted “. . . confirms a pause in the recovery, already evident in other economic data.” From February through July, “. . . the average monthly gain in employment was 37,000 with no evidence of acceleration.” By any measure, these job creation figures are lackluster and insufficient.

Yet if we are to spur a full-fledged recovery that recoups the jobs we have

lost since the start of the recession in December 2007, the NFIB's latest Economic Trends survey notes that “. . . to restore 2007 employment levels and unemployment rates by 2013, we need a net 400,000 new jobs every month for 3 years”—which, given the numbers coming from both the Department of Labor and ADP, would be next to impossible. We have hit the mark of 400,000 jobs in 1 month only once this year—in May—and that was due to the hiring of 411,000 census workers. Indeed, the private sector only grew by 41,000 jobs that month.

Furthermore, with respect to our economic growth, the Bureau of Economic Analysis late last month revised its estimate of GDP growth downward to an astonishingly low 1.6 percent for the second quarter of 2010, from an earlier prediction of 2.4 percent.

Let's be clear. This kind of growth is insufficient to reduce unemployment and bolster our economic future, and it certainly will not instill the level of confidence that small business owners require in decisions to take risks and invest in their businesses. In fact, just before the July 4th recess, I met with the president of the Boston Federal Reserve, Eric Rosengren. And as he noted, the “growth” the economy has shown thus far is for the most part in inventory—and this is not actually “real growth.” Right now, our government is the only real growth industry in this country, and that is not a recipe for future prosperity and the kind of innovation that has always placed America on the vanguard in an exceptionally competitive global marketplace.

So what will be required? In the Federal Reserve's analysis, roughly a 6-percent growth in GDP will be necessary just to equalize the job losses we have suffered by the end of 2012. That rate would be almost the same level of growth we experienced during the recovery from the 1982 recession and approximately double the growth following the 1991 and 2001 recessions. Indeed, even to attain a 5-percent unemployment rate by the end of 2015, it would require annual growth of 4.2 percent. The last time we witnessed sustained annual GDP growth near that level was the late 1990s, peaking at 4.8 percent growth in 1999. So we have our work cut out for us.

Yet, while small businesses are looking to Washington for some certainty in the tax and regulatory policies they deal with on a daily basis, there has been a stark disconnect between Washington and the entire rest of the country. This vast chasm is vividly discernible in the NFIB's July Small Business Economic Trends report, which describes small businesses' optimism as being at an “unprecedented” low. The report went on to state that “the U.S. economy faces hurricane force headwinds and the government is at the center of the storm, making an economic recovery very difficult.”

The NFIB's June survey noted that the optimism index remained in “recession” territory, and even with some signs of life in our economy, “Washington, D.C. . . . seem[s] determined to undermine any economic forward momentum for small business owners.” That report further stated that “Congress continues to pass and propose legislation that increases the cost of running a business and create huge uncertainty about future costs.” And the U.S. Chamber of Commerce added its own dire analysis of Washington's actions in an open letter in mid-July, asserting that, “By straying from the proven principles of American free enterprise, policymakers are needlessly prolonging the economic agony of the recession for millions of Americans and their families.” These candid assessments of how small business owners view the actions of this Congress and this administration must unquestionably be heeded if we are to ever regain the trust of the American people. As I said earlier, the majority is detached from reality.

So clearly there is a demonstrable necessity for a broad jobs package that will get our Nation's small businesses back on track and spark the idling engines of our economy. The substitute amendment that has been laid down contains a solid foundation for investing in jobs that includes many of the provisions I have championed over the last year and a half and that formed the core of my Small Business Job Creation Act, S. 3103. This includes crucial measures to bolster Small Business Administration, or SBA, lending, increase the number of small companies that export to foreign markets, and provide immediate tax relief to our Nation's true job creators. In fact, the Small Business Committee has approved many of these provisions unanimously, and the President of the United States has called for them to be included in a jobs package.

One of the critical starting points of this legislation is taking steps to stem the endemic credit crisis our Nation's business community is still facing. This bill will address this stifling credit crunch that is placing a perilous chokehold on our economy across the country so that we can do something viable and bold to confront such a universally-acknowledged problem.

We can begin to turn around this deplorable trend by boosting the SBA's capacity for facilitating access to credit. This bill includes key lending provisions from a measure I introduced with Small Business Committee Chair Landrieu, which was reported out of our committee by a vote of 17 to 1, to increase the maximum limits for SBA 7(a) and 504 loans from \$2 million to \$5 million; raise the maximum microloan limit from \$35,000 to \$50,000; and allow for the refinancing of conventional small business loans through the SBA

504 program. These loans are critical to small businesses that utilize this capital in starting their firms and investing in equipment and expansion. It should be evident to everyone in this Chamber why 81 business organizations have endorsed these provisions.

I would note that enhancing SBA loans has already paid tremendous dividends. In the stimulus, we included initiatives to increase SBA maximum 7(a) loan guarantees from 80 percent to 90 percent and to reduce certain 7(a) and 504 lender and borrower fees. But, regrettably, these provisions have lapsed, and these initiatives, which are credited with increasing loan volumes by a remarkable 90 percent nationwide and 236 percent in Maine, have, to my dismay, come to a close. At a time when unemployment hovers at unsustainable levels and consumer confidence hangs in abeyance, nothing could be more counterintuitive than to allow these provisions to remain moribund. In fact, we have seen the dramatic results to SBA lending since the expiration of these critical enhancements. In August alone, the SBA approved only \$1.097 billion in SBA 7(a) guaranteed loans, a 43-percent decrease from the \$1.9 billion in 7(a) loans it approved in May, the last month of the fee relief and higher guarantees.

That is why I introduced an amendment to this bill along with Senators GRASSLEY, ENZI, ISAKSON, and COLLINS, to resuscitate these highly effective programs—and I am pleased that the majority leader has included a modification of our amendment in the most recent substitute. This language would provide \$505 million to reinstate SBA fee reductions and the elevated guarantee on SBA 7(a) loans through the end of 2010.

Additionally, we must provide tax incentives to the small business community in order to foster job creation. We know from survey after survey that small business owners consider taxes to be one of the biggest impediments to the growth of their firms. Indeed, in the National Small Business Association's 2009 Year-End Economic Report, 38 percent of respondents to their survey noted Federal taxes as one of the three most significant challenges to the future growth and survival of their businesses—a category trumped only by the ongoing economic uncertainty pervading our Nation. To help mitigate this uncertainty, the tax portion of this bill that Chairman BAUCUS and ranking member of the Senate Finance Committee, Senator GRASSLEY, helped negotiate includes three critical components: cash flow, investment incentives, and fairness.

The lifeblood of a small business is its cash flow, and so this bill contains several provisions that will improve the cash flow status of a company. The provision that is most remarkable will also address a fundamental injustice of

the TAX CODE: permitting the self-employed, like realtors, a full deduction for the first time ever for health insurance premiums against not only income taxes but also against payroll taxes. At a rate of 15.3 percent, for many small business owners the self-employment tax, or SECA tax, imposed on the health benefits of the business owner is an expensive injustice that only adds to the already exorbitant cost of health insurance. Regrettably, the health reform bill that was jammed through Congress earlier this year fell far short for small businesses. So allowing the full deduction for health insurance for the self-employed is critical for affordability.

This substitute will also allow for general business credits to be carried back 5 years and taken against the alternative minimum tax, or AMT. When Congress implements policies through the TAX CODE, we expect businesses to utilize these incentives. Unfortunately, during a downward business cycle as we have been in for 2 full years, businesses do not have income tax liability that can be offset with a credit. The 5-year carryback of credits will allow business owners to reach back to prior years when they had taxable income and offset prior tax liability with these credits to get an immediate cash infusion. They can use this cash as they choose, but, as we have seen with net operating loss relief, they use these funds for anything from meeting payroll to investing in new equipment. This same principle applies with respect to the provision that allows credits to be used against the alternative minimum tax.

And with regard to investing in new equipment, more businesses will be incentivized to make equipment purchases or upgrade their physical spaces. Real property has never been included in "expensing," and this would allow "Main Street" businesses such as retail, restaurants, and dentist offices, to renovate and make other improvements to their buildings in 2010 and 2011 and immediately deduct those costs. In this legislation, we also increase the expensing limitation to \$500,000 for equipment. This is double the amount previously permitted. However the bill would also bifurcate that amount so that up to \$250,000 of expenses for real property can be expensed and the business can still purchase up to \$250,000 of equipment.

One final tax provision I would like to discuss concerns investment in small business. Senator KERRY and I have long championed allowing for the complete exclusion on capital gains attributable to small business stock held for 5 years. The President touted this effort in his State of the Union Address. I hope this will help jumpstart critical investment in our Nation's small businesses.

Furthermore, this bill would take critical steps to inject some fairness

into the Federal contracting process for small businesses. And it also includes \$50 million in funding for small business development centers, which provide critical technical assistance and counseling to small businesses at over 1,000 locations nationwide. The SBDC program has a proven track record of job creation. According to an annual report by Dr. James Chrisman at Mississippi State University, between 2007 and 2008, employment levels of SBDC clients increased 10 percent more than for U.S. businesses in general. As a result of the additional funding included in this package, Dr. Chrisman estimates that over 20,000 new jobs would be created, while tens of thousands more will be saved.

Just as there is much we can do right away domestically, our legislation will also take action to help our small businesses compete globally. Given that fewer than 1 percent of U.S. small businesses export, it is all the more vital that we take advantage of this untapped market and help those enterprises sell their goods and services to the 95 percent of the world's customers who live outside our borders. In his State of the Union Address, President Obama made clear that we must double our exports over the next 5 years, and small businesses are a critical component of the administration's strategy and our national competitiveness.

For this reason, this bill includes small business exporting provisions from legislation I introduced with Chair LANDRIEU. The provisions in this bill—larger SBA export loan limits, expanded export technical assistance, and enhanced assistance for trade promotion—have bipartisan support, they were reported unanimously by our committee last December, and they have administration support and have also been endorsed by the U.S. Chamber of Commerce. These provisions could create roughly 46,000 new American jobs in the year after enactment and 200,000 jobs over the next 5 years.

Another theme that I frequently hear from small businesses is that the regulatory environment promoted by Washington is too complex and often detrimental to their ability to expand operations and create jobs. As such, this legislation strengthens the Regulatory Flexibility Act by requiring agencies to respond to the SBA Chief Counsel of Advocacy's comments in the final rules that they promulgate. This will help to ensure that the potentially devastating impacts to small business job creation are fully considered during the Federal rulemaking process. It also seeks more independence for the Office of Advocacy by mandating a separate line item in the administration's annual budget. These provisions are strongly supported by a variety of groups, including the National Federation of Independent Business, the U.S. Chamber, and the National Small Business Association.

Yet, despite all of these provisions—many of which I helped craft and many of which have broad, bipartisan support—regrettably, I cannot support this bill as it stands because of the reckless and wrongheaded \$30 billion lending fund contained in the legislation. I have spoken at length about this on the Senate floor before, but let me remind my colleagues—once again—what we are voting on with this lending fund.

First, regardless of what proponents of the lending fund will say, it is essentially an extension of the Troubled Assets Relief Program, or TARP, which just terminated with the enactment of financial regulatory reform legislation. This is not simply my analysis. In a May 17, 2010, letter that Mr. Barofsky, the special inspector general of TARP, wrote to the Members of the House of Representatives, he states that “. . . in terms of its basic design, its participants, its application process, and, perhaps its funding source from an oversight perspective, the SBLF [Lending Fund] would essentially be an extension of TARP’s CPP [Capital Purchase Program] program. . . .” So if the experts tell us that it looks like TARP—well, let’s not kid ourselves—regardless of how the proponents want to spin this, it is still TARP.

Additionally, there are unintended consequences that may result from Treasury’s Small Business Lending Fund which certainly raise a red flag for me. It is possible that instead of promoting quality loans, the proposal could encourage unnecessarily risky behavior by banks. The Treasury Department proposes to lend funds to banks, at a 5-percent interest rate, which can then be reduced to as low as 1 percent if the institutions in turn increase their small business lending. However, if the banks fail to increase their small business lending, the interest rate they pay could rise to a more punitive 7 percent. This could lead to the ‘moral hazard’ of banks making risky loans to avoid paying higher interest rates.

Finally, I have serious concerns about the cost of the program. The lending fund provision that is in the Reid substitute remains virtually identical, for scoring purposes, to how it was in the House-passed small business bill, H.R. 5297. That score is based on a cash-based estimate. Under a cash-based estimate, the Congressional Budget Office, or CBO, listed the official score for the lending fund as raising \$1.1 billion over 10 years.

Although CBO was bound to score the provision under a cash-based estimate, the office also highlights in that same score—and I quote—“Estimates prepared on a ‘fair-value’ basis include the cost of the risk that the government has assumed; as a result, they provide a more comprehensive measure of the cost of the financial commitments

than estimates done on a FCRA basis or on a cash basis. CBO estimates that the cost of the SBLF [Lending Fund] on such a fair-value basis (that is, reflecting market risk) would be \$6.2 billion.” That is right, CBO is warning that although it is bound to score the provision using a cash-based estimate, a more comprehensive scoring method reveals a potential \$6.2 billion loss to taxpayers. I raised this issue on the floor during the debate on the lending fund, but my opponents have simply ignored this concern. Certainly, this should have been taken into full consideration when evaluating the potential costs and benefits of the program and its effect on our increasing budget deficit.

Finally, I note that this past Tuesday, the Washington Post ran an article demonstrating that, while larger banks are generally associated with TARP, “. . . it’s a collection of smaller banks that continued to plague the Treasury Department’s bank bailout program.” In fact, the article cited that “the latest report from the agency shows that more than 120 institutions—nearly all of them small banks—have missed their scheduled quarterly dividend payments.” So I do not understand why the majority wants to create a new program for small banks that has the same characteristics of TARP, when many of those banks are already participating in TARP and have been delinquent on their payments.

So I am truly disappointed that we have arrived at this point. This bill could have been better. We could have considered amendments from the outset, and we could have moved on this bill months ago. I know that I have been calling for sensible legislation to help small businesses since January. Yet, regrettably, for the reasons I have discussed, I cannot support it.

CLOTURE MOTION

The PRESIDING OFFICER (Mrs. HAGAN). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant executive clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 5297, the Small Business Lending Fund Act of 2010.

Mary L. Landrieu, Max Baucus, Dianne Feinstein, Patty Murray, Charles E. Schumer, Christopher J. Dodd, Al Franken, Robert P. Casey, Jr., Maria Cantwell, Sheldon Whitehouse, Byron L. Dorgan, Benjamin L. Cardin, Ron Wyden, Kent Conrad, Roland W. Burris, Jeff Merkley, Debbie Stabenow.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on H.R. 5297, the Small Business Lending Fund Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—61

Akaka	Goodwin	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	LeMieux	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Voinovich
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murray	

NAYS—38

Alexander	Cornyn	Kyl
Barrasso	Crapo	Lugar
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brown (MA)	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Isakson	Wicker
Corker	Johanns	

NOT VOTING—1

Vitter

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Postcloture time is yielded back.

The clerk will read the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I wanted to announce what the schedule will be in the next few days. I have been working with the Republican leader to try to make this as convenient for everyone and still cover as much as we can in the short period of time we have. The next vote, which will happen in a minute or two, will be the last vote this week.

On Monday, September 20, as has been previously announced, there will be no votes. The next rollcall vote will be at 2:15 on Tuesday, September 21, which will be cloture on the motion to proceed to the DOD authorization bill.

I will have a conversation about that when this vote is completed as to how I propose to proceed to that matter.

I ask for the yeas and nays on the passage of the bill.

The PRESIDING OFFICER (Mr. FRANKEN). Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—61

Akaka	Goodwin	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	LeMieux	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Voinovich
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murray	

NAYS—38

Alexander	Cornyn	Kyl
Barrasso	Crapo	Lugar
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brown (MA)	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Isakson	Wicker
Corker	Johanns	

NOT VOTING—1

Vitter

The bill (H.R. 5297), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I am shortly going to move to the Defense authorization bill. I hope we can avoid a cloture vote on it. But from what I have been able to determine, that will not be possible. I have had a number of

conversations with Democratic Senators and Republican Senators. I have explained to them that if we are permitted to move to the bill, either by consent or cloture on the motion to proceed, there are a number of amendments that I think need to be considered on it initially. I have stated what those would be more than likely.

In my conversations with my Republican friends, they have indicated that they want, likely, more than just a motion to strike the don't ask, don't tell that is in the base of the bill. I said that is fine. The main thing I want—and I think it is fair in the waning hours of this session before the election—is that we would have the text of whatever the amendment might be and also a time agreement because everybody is aware that someone could get on an amendment and talk forever. I am trying to be as reasonable as possible.

These decisions don't have to be made today, but I would like to do it before Tuesday because I am going to have to make decisions Tuesday on what we are going to do on this bill. The main thing I have explained to Democrats—and they know this—and I say to my Republican colleagues, the work we do on this bill prior to the election is not the end of this bill. This bill normally takes some time. We can't finish it in a week. I understand more work needs to be done. Senator LEVIN has things in the bill he would like to correct with an amendment or agreement. It is my understanding there is more that the minority doesn't like in this bill than just the don't ask, don't tell provision.

I understand, in addition to issues I have talked about in the last couple days, there are many other important matters that both sides of the aisle wish to address. I am willing to work with Republicans on a process that will permit the Senate to consider these matters and complete the bill as soon as possible, which likely will be after the recess.

CLOTURE MOTION

Mr. President, I move now to proceed to Calendar No. 414, S. 3454, the Defense authorization bill, and I have a cloture motion at the desk.

The PRESIDING OFFICER. The clerk will state the motion.

Mr. MCCAIN. Mr. President, I reserve the right to object, and I will object.

The PRESIDING OFFICER. There is no objection in order at this time. The cloture motion having been presented under rule XXII, the clerk will state the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 414, S. 3454, the Na-

tional Defense Authorization Act for Fiscal Year 2011.

Harry Reid, Carl Levin, Tom Udall, Jack Reed, Barbara A. Mikulski, Jon Tester, Al Franken, Richard J. Durbin, Byron L. Dorgan, Jeanne Shaheen, Frank R. Lautenberg, Sheldon Whitehouse, Benjamin L. Cardin, Roland W. Burris, Jim Webb, Daniel K. Akaka, Bill Nelson.

Mr. REID. Mr. President, before I proceed with more procedural matters related to the motion I just made, I am anxious to hear from my friend, the ranking member of the committee. We are not trying to cut him off in expressing his views.

I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I also ask unanimous consent that the vote on the motion to invoke cloture occur at 2:15 p.m. Tuesday, September 21; that on that date, the Senate resume consideration of the motion to proceed following a period of morning business, with the time until 12:30 p.m. equally divided and controlled between Senators LEVIN and MCCAIN or their designees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, if I understood the majority leader's words, in a rather unusual departure from anything I have ever seen in the Senate, if he receives sufficient votes to proceed to the bill, he would take up certain amendments that are on his agenda, and then, in lameduck session, we might consider other amendments.

Coincidentally, the amendments the majority leader would agree to would be two of them that are totally unrelated to national defense. One is the DREAM Act and the other is secret holds, as I understand it. Then other amendments of importance, which are relevant, which those of us on this side of the aisle have, which are important, maybe we would take them up, under certain circumstances, in a lameduck session.

Mr. REID. May I respond to my friend.

Mr. MCCAIN. Yes.

Mr. REID. I say to my friend from Arizona, I haven't decided for sure. We talked about some of the things I would do with our amendments. I have been very clear with every Republican Senator I have spoken to that, of course, the motion to strike, we would get to that as soon as we can. If Senators had other amendments related to the don't ask, don't tell provision, which has been somewhat controversial, and some people on the other side don't like that—if there are other amendments related to that, we would be happy to do that before we leave for

the elections. Then we would have to see what else we can work out on this prior to going home for the elections. But recognize—and I think it is clear—that we are not going to be able to complete this bill before we go home.

Mr. MCCAIN. So, again, I say to the majority leader, you are going to ask Members on this side to proceed to the bill without us knowing what amendments you are going to allow and those amendments that may be considered in a lameduck session. It is well known that the DREAM Act is also one of the amendments the Senator from Nevada, the majority leader, has said will be part of the prelameduck session, which happens to be preelection, which happens not to have a thing to do with our Nation's defense. Other amendments that may be directly related to national defense will not be allowed by the majority leader, which is his right, to fill up the tree, as he did last year after we spent a week on the hate crimes bill, which had nothing to do with our Nation's defense. I ask the majority leader to draw a conclusion or surmise that perhaps this has everything to do with elections and nothing to do with national defense.

Mr. REID. Mr. President, the Senator from Arizona has been in Congress the exact same period of time I have been here. We were in the House together, and we came to the Senate together. I am confident he knows the rules of the Senate. It has been very unusual in this Congress that we have had to file so many times a motion to proceed to get on a bill. This is a bill that relates to the defense of our country. On any piece of legislation, it seems like a strange Senate process when you have to know what amendments are going to be offered by both sides before you move to the bill. That is why we are here and why we are Senators, to deal with legislation. I thought I was going over and above what I needed to do by telling the Republican leader some of the amendments I thought we would deal with prior to the election.

With my friend continually saying that the DREAM Act has nothing to do with the defense of this country, we have hundreds of thousands of people of Hispanic origin who are serving in the U.S. military as we speak. The DREAM Act is very simple. It says if you have been in this country for 5 years and you came before age 16, you should be able to go to a State school. You get no Pell grant benefits whatsoever. If you have been in school for a couple years, you can get a green card, no citizenship, or if a young man or woman of Hispanic origin decides they want to join the U.S. military, they would have the right to do that, and after having served 2 years in the uniform of our country, they would be able to get a green card. That is all the DREAM Act does. I think it has a lot to do with the defense of this Nation. We need these

young men and women to join our military. We want them to.

I also say that the reason I thought there was a concern about this legislation from the minority side was they didn't like the don't ask, don't tell provision. So I was trying to be as cooperative as possible and say amendments relating to that—let's do them. I talked to one Republican Senator, and even though I didn't agree with her amendment, I thought it was appropriate that she had the ability to offer that.

I am not trying to end all discussion on this bill. I hope we can finish it. As the Senator from Arizona knows, we are very limited in the time we have before the election, and because we came here together, we are both going to have an election on November 2.

I am going to have to excuse myself. I will be happy to respond to questions but I have a caucus that starts at 1 o'clock. If my colleague has some questions, I will be glad to respond; otherwise, I will have to excuse myself.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will not take up the time of the majority leader—I have a statement I will present at this time—except to say again that this is a transparent attempt to win an election. That is what this is all about. Why would we want to put the DREAM Act first before the election? Why not after we come back? Why not take up the secret holds after we come back? And, of course, the don't ask, don't tell issue is one of significant importance to the American people.

Last year, after spending a week on hate crimes—which, again, had nothing to do with this Nation's defense—the majority leader, with the agreement of the committee chairman, filed cloture and cut off debate and discussion of amendments that many of us felt were important.

I have been around this body for a number of years. I have never seen such politicization of our Nation's security as we are seeing in this process we are following. This politicization that has taken place over the last 2 years is very unfortunate. For as long as I have been privileged to be a Member of this body, the Senate has done a good job of keeping the National Defense Authorization Act out of partisan political fights that have little or nothing to do with the U.S. military, the brave men and women serving in it, and our national defense programs more broadly. There has even been a healthy degree of bipartisan cooperation to prevent items that are unrelated to our national defense from crowding out time for debate and amendments germane to our national security priorities. Sure, we have had fights over this legislation in the past, and at times they have been pretty

heated. But they were debates overwhelmingly focused on national defense. And whatever our differences we had through that process, we came together at the end of the day to keep this legislation focused on our national defense and all who ensure it.

What troubles me is how far off course we have gotten over the past 2 years. Under this majority leader and this chairman, we have witnessed the unfortunate and growing politicization of the National Defense Authorization Act. Time to offer and debate important defense-related amendments to this bill on the floor is being limited or cut off so that the majority leader can push through highly political legislation that has little or nothing to do with national defense—legislation that would never be referred to the Armed Services Committee if it were introduced independently.

The Hate Crimes Act would never have been referred to the Senate Armed Services Committee. The DREAM Act would never have been referred to the Senate Armed Services Committee.

This is turning legislation related to our national defense and military preparedness into a vehicle to force a partisan agenda through the Senate, often on a party-line vote. And their desperation, because they see the November 2 elections coming up, is palpable. What is worse, the majority leader is pushing this controversial agenda under the cover of supporting our troops, knowing that the National Defense Authorization Act is a must-pass bill and whatever else is in it will inevitably become law as a result.

Last year it was legislation on hate crimes. I am not saying this is not an important issue or an issue that the Senate should not have taken up and debated in due time. But hate crimes legislation has nothing to do with our national defense. Of course, the majority and the committee chairman will always get creative on how to interpret "national defense." But the plain fact is, if hate crimes legislation were introduced independently, it would be referred to the Judiciary Committee, not the Armed Services Committee. Yet the majority leader and the committee chairman put that legislation onto the Defense Authorization Act last year, promptly eliminating the ability to offer amendments. Then the Senate spent a week locked in debate over legislation that had nothing to do with national defense—precious time that should have been spent discussing legislation that actually pertained to our military priorities.

Things are only getting worse this year. We learned on Monday that before we go home for this election cycle, there will be no debate at all on the Defense authorization bill, except for what we are told—the majority leader just said he has not decided—but we

are told there will be no debate at all on the Defense authorization bill except for three amendments handpicked by the majority leader for narrow political reasons 2 months before an election.

One of those amendments will be on banning the use of so-called secret holds. Another will be, we are told, on the DREAM Act which allows the children of immigrants who entered the country illegally to become U.S. citizens.

Again, I am not saying the Senate should not consider these pieces of legislation, but neither of them would be taken up independently in the Armed Services Committee because they have nothing to do with national defense. The majority leader has no business putting these two amendments on the National Defense Authorization Act—and certainly not two of only three amendments that will even get voted on—at a time when our military is engaged in two wars overseas and when numerous defense issues demand the Senate's time.

That leads us to an amendment to strike the provision in the bill that would repeal the don't ask, don't tell law as the only other issue the Senate will be able to debate and vote on. Unlike the other issues I have mentioned, a repeal of don't ask, don't tell, while controversial, is related to the National Defense Authorization Act. It is an issue that belongs in the Armed Services Committee. The problem is the truncated process and partisan manner in which the majority is forcing through a de facto repeal of a long-standing law that may have significant ramifications for our military force during a time of two wars, all to fulfill a campaign promise made by President Obama in 2008, barely 2 months before the election.

I want to make one thing very clear: I do not oppose or support the repeal of don't ask, don't tell at this time. I do oppose taking legislative action prior to the completion of a real and thorough review of the law. A complete survey to evaluate the impact of repeal on the men and women serving in our military should be concluded before moving forward. When the Senate does consider taking legislative action, that action should be based on the survey of our men and women in uniform, and their leaders.

Unfortunately and inexplicably, the majority is following an opposite approach. It is pushing for a vote on the don't ask, don't tell law before the Defense Department has concluded its survey of the opinions of our force on an important matter that will directly affect them and their families. The majority is doing this in complete disregard of the views of our men and women in uniform, as well as our four service chiefs—the heads of the Army, Navy, Air Force, and Marines—who are

responsible for the battlefield effectiveness of their services. All four of the military leaders wrote letters encouraging Congress to wait until the completion of the survey of the force before taking any legislative action on don't ask, don't tell. Their opinions have been disregarded thus far, and it seems that the chairman and the majority leader do not care about their views either.

The majority will say this amendment does not actually repeal don't ask, don't tell; it merely authorizes its repeal pending a certification from the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff that a repeal would not harm military effectiveness. Just those three officials—not the four service chiefs or Congress, for that matter. This is a legislative gimmick and a distinction without a difference.

In reality, the majority is sending a signal to our men and women in uniform that we will not wait to hear their views or give them any due consideration once the Pentagon survey is finished. Instead, the Senate will turn its responsibility to legislate on this important matter over to three officials who have already publicly stated their support for repealing don't ask, don't tell. It is a blatant message of disrespect to our men and women in uniform that Congress is unwilling to even wait to hear what the force has to say on this important matter before pushing ahead with a controversial political vote less than 2 months before an election.

That is why I am opposed to debating and amending the National Defense Authorization Act at this time. I feel very strongly that we should wait—actually wait—and not take any action on this controversial issue until we hear from our troops on what they think the impact of repeal would be. Then the Senate should take time to consider their views before deciding what we think is the best course of action. The only rationale for doing this now is a transparently partisan and political one.

After limited debate on only three amendments, two of which are not related to our national defense, the majority leader will then apparently push for a final vote on this legislation—or delay until the lameduck session—that also contains a controversial provision permitting abortions in military facilities, an irresponsible cut to the Iraqi security forces, and \$2.8 billion in porkbarrel earmarks that the President did not request and the military says it does not need. There will be no chance to debate these or other defense-related issues.

The effect of all of this is that the majority leader is turning legislation on our national defense into a political football. Debate is limited and unrelated. Politically controversial amend-

ments are crowding out our limited time to debate actual military and defense-related legislation. This is a corruption of the principles and procedures of the Senate if there ever was one, and it disrespects the long-standing traditions of the Senate. It is only making it more likely that the National Defense Authorization Act will one day go the way of so many other authorizations bills, which is to say nowhere.

This kind of transparent politicization of our national defense should anger every Member of this body—Democrats and Republicans. The men and women of our Armed Forces deserve better, and we should demand better.

I regret to see that the long-respected and revered Senate Armed Services Committee has evolved into a forum for a social agenda of the liberal left of the Senate. I will do everything in my power, if we regain the majority, to see that the Senate Armed Services Committee returns to the tradition of addressing only those issues that are totally related to the defense of this Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I will be very brief and save most of the debate for next week, but I do want to respond to a few of the statements my friend from Arizona made.

First of all, in terms of hate crimes amendments, last year when we adopted this, it was not the first time we adopted it on the Defense authorization bill. We at least considered and adopted, in some cases, hate crimes amendments in the fiscal year 2001 authorization bill, the fiscal year 2005 authorization bill, and the fiscal year 2008 authorization bill. I did not hear my friend at that time make suggestions that somehow the committee had lost its way in terms of bipartisanship.

We have not lost our way. The Senate is a body which has a right to offer amendments which are not germane or relevant to the bill in front of us. This is not the first time that someone wants to offer these amendments. It will not be the last time. For it to produce the charge that somehow or another the committee is no longer a bipartisan committee, it seems to me, is unfair, it is inappropriate, and I reject it.

The Senate has considered amendments on the Defense authorization bill in the last 20 years, not just on hate crimes, over and over again—long before I became chairman, by the way—but we have debated amendments on the Defense authorization bill on indecency standards, minimum wage, managed health plans, welfare reform, and the death penalty for drug-related killings. Those are just a few. I didn't

hear anybody make the kind of charge at that time that somehow or other—because the Senate rules were being utilized to bring to the floor of the Senate an amendment which wasn't directly related to the bill in front of us—the committee itself had engaged in some kind of a partisan effort.

The rules of the Senate allow the majority leader to do what he did, and majority leaders have done that in the past. The rules of the Senate allow Senators other than majority leaders to offer amendments which are not relevant to the bill, and Republicans and Democrats have done that before on bill after bill after bill and on Defense bill after Defense bill after Defense bill. I think four times hate crimes has been offered, and I believe adopted, in this body on the Defense bill, but it didn't unleash or produce the kind of charge we have just heard.

The majority leader, a few moments ago, said there is not going to be an effort to limit the consideration of just three amendments, if cloture is invoked. In fact, he is hopeful, and so am I, that numbers of amendments—many amendments—can be considered before the recess. I would like to finish the bill before the recess, if we could. I would like to get time agreements. As a matter of fact, before this last recess, I asked unanimous consent that we move to this bill. I didn't put conditions on it, I just asked unanimous consent that we move to the bill, and I couldn't even get consent to do that.

What is unheard of around here, as far as I know, is what is going on repeatedly now in the Senate—objections, filibusters, and threats of filibusters to move a bill to debate. This threat of a filibuster isn't a filibuster on the bill; it is a threat to filibuster our debating a bill and offering amendments on the bill. That is what is happening. Denying the Senate the opportunity to legislate on a Defense authorization bill is what is being proposed; that we not even be allowed to move to the bill until certain conditions of certain Senators are met.

There is going to be a lot of time to debate this cloture motion—and I will save most of that debate for Monday—but I do think it is inaccurate to suggest that suddenly there is an effort being made to offer a nonrelevant amendment to a bill in the Senate. Many of our bills have been subjected to nonrelevant amendments because the rules allow it. As the manager of this bill, I always try to figure out a way through that thicket. It is never easy. I have managed enough bills to know it is never easy to get through that thicket the rules provide for—that nonrelevant amendments are permitted. But it is not accurate to suggest, as my friend from Arizona has, that somehow or other last year, for the first time, we adopted a nonrelevant amendment when we adopted

hate crimes because we adopted that very amendment on this very bill two or three times before that.

That doesn't even get to the point of all these other amendments which have been adopted, not just on the Defense authorization bill but on other bills which do not relate to the bill on the floor, and I just gave a few examples. Many of those amendments came from the Republican side. But to start suggesting that somehow or other what is happening is unique or novel, it seems to me, is not accurate and does not contribute to handling in a bipartisan manner—and in this I think I share the hope of the Senator from Arizona—the security of this Nation; that it should continue to be, as it always has been, and God willing always will be, a bipartisan matter handled in a bipartisan way by the Armed Services Committee.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, just a short time ago, the Senator from Arizona, my colleague, Senator JOHN MCCAIN, came to the floor and made an issue about the way we are proceeding on the Defense authorization bill. Senator MCCAIN, who is the ranking Republican on the Armed Services Committee, with Chairman CARL LEVIN, objected to several amendments which will be considered under this bill. One in particular is an amendment, a bill which I first introduced in its earliest form in the Senate almost 10 years ago. It is known as the DREAM Act.

The DREAM Act is a legislative effort to solve a serious problem, and the problem is this: There are many young people who were brought to America by their undocumented parents. They came at the age of a few months old, 2 years, 3 years, 10 years of age, 12 years of age. There was no family vote on whether they were coming to America; they were packed up and brought. Some came over legally and then became illegal because their visas were not extended. Some entered the country illegally. In every instance, these were children who were brought with their parents.

These children have grown up in America. They have gone to our schools. They have participated in community activities. They have now reached an age where they are finishing high school, many of them, and they believe they are Americans. It may be the only language they speak, the language of America, and they do not know of another country that they were told by their parents they once lived in.

What is to happen with these children? Under the laws of America, they are here illegally. The simple, direct answer is, they should be deported. But we know that justice calls out for a different approach, a better and fairer approach. To hold children responsible or culpable for any wrongdoing by their parents is something we do not do in any area of the law.

If I am arrested speeding down the interstate and have my grandson in the backseat, they are not going to arrest him for speeding. They will charge me with a crime, but they will not charge him. In this instance, the children in the backseat on this ride to America are being held as criminals.

They have virtually no future, no status, no country, and it is a desperate situation for many of them. Some of them are the best and brightest kids in America. They are the valedictorians of the class, the class presidents, they are the kids who get admitted to the good colleges and universities and want a good life in this country.

But they are stopped everywhere they turn. They cannot qualify for any Federal aid for education because they are not citizens and not here legally. They certainly cannot even enlist in the military, if they chose to, because under our laws, undocumented cannot enlist.

So what is to become of them? I introduced the DREAM Act to say let's at least give them a chance. Here is what the DREAM Act says: If you came to America under the age of 15, if you have been here 5 years, graduate from high school, no criminal record of serious offenses, good moral character, and you go on, in the next 6 years of your life after high school to enlist in our military or to complete 2 years of college, we will give you a chance. We will give you a chance.

Six years after high school, we will give you a chance to petition our government for legal status in America. That is it. What I have been told by many is that this is not only a good and just option for a lot of very young and talented people, but it also has other positive benefits.

Yesterday in my office was a young man named Eric Balderas. I brought his picture to the floor the other day. I met him for the first time yesterday. Eric Balderas is a sophomore at Harvard University. He was born and raised in San Antonio, TX. His mother and father were illegal immigrants to the United States.

He grew up in San Antonio and was accepted at Harvard University. That says a lot. After he was there for a short period of time, he decided he liked science. It turned out he was pretty good at it. As a sophomore, he has set his goal now. He wants to be a cancer researcher. He wants to stay the course, finish his masters, and even go

on to an advanced degree so he can do research to find a cure for cancer.

Can we afford to let Eric go? Can we afford as a nation to send him back to Mexico, a place which he knows of but does not count as his home? Can we afford to turn our back on him? I do not think so. I think this is a valuable asset for the future of America. Eric's life should not be wasted. It should be invested in our future.

But there is also an option under the DREAM Act beyond the completion of 2 years of college for those who would enlist in our armed services. Senator MCCAIN came to the floor and he has traditionally supported the DREAM Act. But he raised a question as to whether it had a place in the Defense authorization bill.

I would urge my colleague from Arizona to consider the obvious. The Defense authorization bill is an appropriate vehicle for the DREAM Act because tens of thousands of highly qualified, well-educated young people would enlist in the Armed Forces if the DREAM Act becomes law.

The Army says high school graduation is the best single predictor of sticktoitiveness, the kind that is required to succeed in the military. That is required in the DREAM Act. You must graduate high school before you can qualify.

In recent years, the Army has been forced to accept more applicants who are high school dropouts, have low scores on military aptitude tests, and even some with criminal backgrounds to meet recruiting quotas. In contrast, now, the DREAM Act recruits would be well-qualified high school graduates of good moral character.

Many DREAM Act beneficiaries come from a community that is predisposed toward military service. The RAND Corporation found that Hispanic youth are more likely than other groups to express a positive attitude toward the military, and Hispanics consistently have higher retention and faster promotion speeds than their White counterparts. The Defense Department, in its fiscal year 2010–2012 strategic plan included the DREAM Act as a means of meeting the strategic goal of shaping and maintaining a mission-ready, all-volunteer force.

In 2007, Bill Carr, Deputy Under Secretary of Defense, said the DREAM Act is "very appealing," in his words, because it would apply to the cream of the crop of students and be good for readiness.

In 2006, then-Secretary of Defense David Chu, testifying before the Senate Armed Services Committee, said: There are an estimated 50 to 65,000 undocumented alien young adults who entered the United States at an early age and graduate from high school every year. Many of these young people may wish to join the military and have the attributes needed: education, aptitude,

fitness, and moral qualifications. The DREAM Act would provide these young people the opportunity of serving the United States in uniform.

This was said by the Under Secretary of Defense under President Bush. It is bipartisan and it should be. Military experts also support the DREAM Act. LTC Margaret Stock, professor at West Point, said: Passage of the DREAM Act would be highly beneficial to the U.S. military. The DREAM Act promises to enlarge dramatically the pool of highly qualified recruits for the U.S. Armed Forces.

The DREAM Act includes many important restrictions to prevent abuse. DREAM Act students would not be eligible for Pell grants and would be subject to tough criminal penalties for fraud and would have limited ability to sponsor any family members for legal status. The DREAM Act has broad bipartisan support, 40 cosponsors. In the 110th Congress it received 52 votes, a majority of the Senate, which under most circumstances is a winning vote, but in the Senate we require 60 for controversial issues which many Republicans might oppose.

In this case, though, with 52 votes, 11 Republicans joined us in voting yes. According to a recent poll by Opinion Research Corporation, 70 percent of likely voters favor the DREAM Act, including 60 percent of the Republicans.

I say this to Senator MCCAIN. I understand his point about amendments to the Defense authorization bill. I will not get into that particular point. I mean, he can argue that out with Senator LEVIN and Senator REID and they can come to the best conclusion. They tend to work together pretty well under normal circumstances. But to argue the DREAM Act has nothing to do with the defense of this country is to overlook the obvious, a point that has been made repeatedly by the leaders in the Pentagon and Department of Defense; that to give these young people a chance to volunteer to serve our Nation and to risk their lives for our safety and security is good for the military and gives them a chance for a life—a chance for a life.

How can we do this to these kids who came to this country with their parents and who know no other nation? One of these young students said to me along the way: Senator, I dream in English. That is something we ought to remember. For these children, America is the only home they have ever known, the only home they ever want to know.

All they are asking for is a chance. There is a larger issue about comprehensive immigration reform. We need it. I support it. I have worked with Senator MCCAIN on it in years gone by, and we need to return to it. But for this particular group of young people in America, I beg my colleagues, give them a chance. Give these young people a chance.

They are counting on us, counting on us to come through. I do wish to say that this DREAM Act is going to be considered, I hope, next week. If we are successful on the motion to proceed, then we will move forward from there and probably debate it next week. We will need Republican support to pass it, and there should be. It should be a bipartisan bill. In the past, many Republicans have stepped up, understanding this is the right thing to do.

When I speak to some of my Republican colleagues today, there are myriad explanations of why they are not going to vote for it or may not vote for it: Oh, we need comprehensive reform. Maybe this is not the right bill to consider it on. After 10 years, I want to tell you, I do not know how I can continue to face these young people. I do not know how many any of my colleagues can without an effort, without trying.

I urge all my colleagues, over the weekend as they consider this important and historic vote, try to reach out and meet some of these young people. They will make converts of you in an instant. They are the future of America. They are going to be our military leaders and our engineers and our doctors, our lawyers and our accountants, even our Senators and our Congressmen. Giving them a chance to give back to this country is not too much to ask.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING FEDERAL EMPLOYEES

Mr. KAUFMAN. Mr. President, I rise again to honor our Nation's great Federal employees and, in particular, to celebrate this year's Service to America Medal winners. These are the employees we recognized in the 111st Congress.

Last night, winners of eight awards were announced by the Partnership for Public Service, a wonderful leading nonprofit, nonpartisan organization. One year ago, when I rose from this desk to pay tribute to the 2009 winners, I spoke about the values Federal employees embody: citizenship, hard work, a willingness to take risks, perseverance, intellect, and humility. All nine of this year's awardees exemplify these qualities.

One important value all of this year's winners share is concern for others. Whether rescuing Haitian orphans from a deadly earthquake, fighting against trafficking of minors, or helping Native Americans get access to Social Security benefits, this year's medalists have dedicated their careers and their talents to helping others. They do it for less pay—yes, less pay—and often longer hours than at jobs they could have taken in the private sector. If they receive a large compensation, it is in the form of the satisfaction that their lives are serving a meaningful purpose in service to their Nation.

This year's Federal Employee of the Year Medal was awarded to a Citizenship and Immigration Services officer who helped expedite the adoption of more than 1,100—that is 1,100—orphans in the wake of Haiti's devastating earthquake in January. Pius Bannis was the only American immigration official in the country working on adoption in the first weeks following the quake. He got right to work organizing temporary daycare in our Embassy and ensuring the provision of emergency supplies to Haitian orphanages, including diapers, food, water, and clean clothes.

Pius, in the midst of this Herculean effort, also had to cope with the loss of Embassy staff and their family members.

A naturalized immigrant to the United States himself, he knows firsthand the complexities of the immigration process, which makes him an outstanding CIS officer.

A resource conservation expert at the Environmental Protection Agency, Saskia van Gendt won this year's Call to Service Medal for her work on fostering green building technologies. Millions of tons of materials used in construction are disposed of each year in landfills—a third of our Nation's total solid waste. At the EPA, Saskia has created an innovative program to help spur a green revolution in construction materials. In 2007, she developed the Lifecycle Building Challenge. This annual competition engages architects, students, and builders to develop new designs that reduce the impact of buildings on the environment. Since 2008, Saskia has been working with the StopWaste grant program to encourage businesses to adopt environmentally friendly equipment. The Call to Service Medal that she won recognizes those who have achieved early in their federal careers. Saskia is just 28 years old.

Honoring those who have spent many years in Federal Government, the Career Achievement Medal was won this year by Susan Solomon, a senior scientist in the National Oceanic and Atmospheric Administration's Earth System Research Laboratory in Boulder, Colorado. In her nearly 30 years as a government employee, Susan has been

at the forefront of pioneering research into the hole in the Earth's ozone layer. Her research was critical in determining how certain consumer and industrial gases were affecting the ozone, which helped spur the landmark 1987 Montreal Protocol. Last year, Susan led a groundbreaking study that showed how the effects of carbon pollution, such as altered temperatures and changes in sea level, can linger for over a thousand years.

This year's Citizens Services Medal was awarded to a pair of officials also from Colorado. Shane Kelley and Eva Ristow work in the Denver office of the Social Security Administration. They won for their work to expand access to Social Security benefits for those living in impoverished and rural areas using an online two-way video service. For years, the SSA has had difficulties reaching those living in remote areas of the West, in particular Native Americans living on reservations. As a result, many do not know they are eligible to receive Social Security benefits that could drastically improve their families' standard of living. Shane and Eva developed an innovative Internet-based video teleconferencing system to help connect these rural communities to Social Security representatives in Denver. For those whose annual incomes can be as low as \$3,000, this new connection to the SSA—thanks to Shane and Eva—has had a gigantic impact.

As Deputy Director of Intelligence and Security and Chief of Innovative Technology for the Navy's Joint Interagency Task Force South, Sandra Brooks won this year's Homeland Security Medal. Drug smugglers are constantly seeking new ways to evade our border security and customs checks. Sandy is one of the highly dedicated Federal employees working to keep one step ahead of them. Her role is to analyze information from a stream of sources and make sure it is shared quickly with the military, law enforcement, and homeland security agencies in the field. Sandy's efforts have directly led to the capture of over 20 submersible vehicles used to bring illegal drugs into our country. Her work is breaking down barriers that in the past have prevented security agencies from sharing information.

This year's Justice and Law Enforcement Medal was won by Jamie Konstas at the Federal Bureau of Investigation. An intelligence analyst, Jamie helped create a national online database used in investigations into the trafficking of minors for sex. Before this database was created, local law enforcement officials had few resources to track child victims or information on suspects after they had crossed state lines. Jamie's role is to spot connections and cross-reference clues to break cases wide open. Her tireless efforts have led to the prosecution of over 500 child predators.

The winner of this year's National Security and International Affairs Medal led a U.S. Army team at Fort Detrick, MD, that developed a new kind of medical kit to help troops wounded by roadside bombs. In Iraq and Afghanistan, improvised explosive devices—or "IEDs"—have been used to target our soldiers and have caused many casualties. Teri Glass and her team created a unique medical evaluation kit that has allowed medics in the field to transport wounded troops more safely and efficiently to hospitals. This has significantly raised the survival rate for soldiers wounded by IEDs. The kit Teri and her team developed can convert a range of non-ambulance vehicles into medical evacuation vehicles in less than a minute, using a foldable litter, a rear-facing attendant seat, and a lift system. When not in use, all of it collapses into a portable container the size of a suitcase and can fit in the back of a vehicle. Commanders in the field have credited this device as saving the lives of countless servicemembers.

Last, but certainly not least, the Science and Environment Medal for 2010 was awarded to the Department of Energy's Jeffrey Baker. As the Director of the Office of Laboratory Operations at the Department's field office in Golden, CO, Jeffrey has been the driving force behind the design and construction of the largest net-zero energy office building in the world. This means that the building generates as much or more energy than it consumes. Planning for the Research Support Facility began in the 1990s, when Jeffrey had a vision for a building that would not only house the Department's laboratories but also serve as an example of energy-efficiency. He oversaw the design process and construction, and the building was completed on time and on budget. Today, the General Services Administration is planning to replicate Jeffrey's approach for new federal buildings across the Nation.

All nine of these men and women are excellent examples of what government does right. They deserve our thanks and recognition. So do the 23 other finalists, as well as the thousands upon thousands of Federal employees who achieved great things this year as well.

I was proud to serve on this year's Service to America Medals Selection Committee—a blue ribbon panel that included my colleagues Senator CARPER and Senator VOINOVICH as well as leaders from across the nonprofit and business sectors and members of the House of Representatives.

I hope all of my colleagues—and all Americans—will join me in congratulating the 2010 Service to America medalists and thanking them for their hard work on our behalf.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The assistant bill clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN CELEBRATION OF "CHANGE THE EQUATION"

Mr. KAUFMAN. Mr. President, I rise to congratulate President Obama for announcing today the launch of Change the Equation, a CEO-led effort to improve science, technology, engineering, and mathematics education or STEM. I rise to celebrate this incredible effort.

I have spoken many times on the floor, to outside organizations, and to a number of my colleagues individually about my passion for this issue. STEM education is a topic of personal importance to me, especially because I am the Senate's only formerly working engineer.

I truly believe, now more than ever, whether it is energy independence, global health, homeland security, or infrastructure challenges, STEM professionals will be at the forefront of the most significant issues of our time. That is not hyperbole; I believe that. STEM-educated graduates will hold the jobs of the future.

In fact, according to a study by Georgetown University's Center for Education and the Workforce, by 2018, STEM occupations are projected to provide 2.8 million new hires. This includes over 500,000 engineering-related jobs. When I hear people talk about how we are going to create jobs and talk about the macroeconomic effects and microeconomic effects, eventually you have to have jobs. You have to have people who are ready to take those jobs. That is the only way we are going to make it through this economy. In the next 20 years, as the Georgetown study has said, there will be 2.8 million more good jobs to keep us competitive in the United States with overseas.

That is why I am so pleased that the business community has responded to President Obama's educate and innovate campaign to improve the performance and participation of American students in all the STEM fields. Launched last fall, the campaign aimed to create partnerships between Federal agencies, companies, foundations, professional societies, and other STEM-related organizations to help American students rise to the top of the pack in math and science achievements.

In response to the President's call to action, astronaut Sally Ride, former Intel CEO Craig Barrett, Time Warner Cable CEO Glenn Britt, Xerox CEO Ur-

sula Burns, Eastman Kodak CEO Antonio Perez, along with support from the Gates Foundation and Carnegie Corporation joined to form Change the Equation. With a membership of more than 100 companies, this nonprofit, nonpartisan, CEO-led initiative will replicate successful privately funded programs in 100 high needs schools and communities.

Change the Equation will be working toward three goals: One, improve STEM teaching at all grade levels; two, to inspire student appreciation and excitement for STEM, particularly for women and underrepresented minorities; and three, to achieve a sustained commitment to improving STEM education across the United States of America. I am so pleased because these are some of the same goals I have advocated for during my time in the Senate.

Many Change the Equation members, nonprofits, and foundations have already created new public-private partnerships and made commitments to meet these goals. Public-private partnerships—that is what we need, and this is a great example.

For example, Lockheed Martin, the Military Child Education Coalition, and the National Math and Science Initiative will expand access to advanced placement classes in STEM subjects to public schools serving military families. What can be better than that? Talk about mixing everything together and coming out with something great.

HP is launching a U.S.-wide employee volunteering initiative with Donors Choose and National Lab Day. Other programs will improve professional development for STEM teachers, expand summer science camps for girls, and allow more students to engage in robotics competitions, to name a few.

If you have not seen a robotics competition, see one. It is incredible to see what these young people can do to make robotics. They can do something technologically difficult but have so much fun doing it.

All told, with the commitment made today by Change the Equation, the Educate to Innovate campaign has resulted in over \$700 million in financial and in-kind support for STEM education. This is an incredible accomplishment and just the kind of public-private collaboration we need to bolster STEM education.

Yesterday I submitted a resolution commending the efforts of the entertainment industry to encourage interest in STEM, something with which our Presiding Officer is very familiar. Many in that industry have heeded President Obama's call to join the educate and innovate campaign. The key to this is to make people feel it is cool to be an engineer, a mathematician, or scientist. What better way than to have leaders in entertainment encourage this kind of activity? It is a wonderful program.

Today, I could not be more pleased that so many of our Nation's CEOs have also paid attention to this call to action and joined together to form Change the Equation. This is wonderful news. Support for STEM education is essential—essential, essential, essential—for our economic growth and recovery. It is the future of our workplace. The American people deserve no less.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE IMBALANCE

Mr. SPECTER. Mr. President, yesterday, I filed a report on a trip which I made to China, Vietnam, and Taiwan, but I did not have an opportunity to come to the Senate floor to discuss it. I do so today on a number of the highlights of the trip.

In Beijing, we met with the head of the banking department, who is identified in the filed report, to talk about a number of subjects, the centerpiece of which was currency manipulation. We reviewed the tremendous trade imbalance between the United States and China, much of which is occasioned by manipulating their currency.

Legislation has been introduced and is pending in the Congress, which I have cosponsored, but it has not gone anywhere. There has been comment made by the Secretary of the Treasury and the President himself about currency manipulation, but it has not done very much to correct a very bad situation. The Chinese have suggested officially that they would be willing to make some modifications, but what they have done so far has been very little.

In the conversation with the head Chinese banking official, he didn't give any ground, really. I also discussed with him the issues of subsidies and dumping, which have been rampant, taking away thousands of jobs in the United States. That was the subject of more extended discussion with the No. 2 Chinese official in their equivalent of our Department of Commerce, identified in the written report which I filed yesterday. We have seen some of our successful actions before the International Trade Commission. For example, last year we had a matter involving tires where the International Trade Commission found in favor of the petitioners and imposed duties. We were successful in a case involving tubular pipe. Earlier this week, I was the lead witness—as I had been on the tubular case and on the tire case—on seamless steel before the International Trade Commission.

What we have seen with the Chinese practices on subsidies and dumping is a flagrant violation of international trade law. Before the International Trade Commission and I believe on the floor of the Senate, I have characterized it as international banditry. That is clearly tough talk, but I think it is accurate when there are repeated violations of international law.

When I discussed these issues with the No. 2 Chinese official in the Department of Commerce, again there was very little give—talking points, sticking with them. When I talked about subsidies, he brought up our practices on farm subsidies. I pointed out the total differences which were involved in those matters.

From China, we traveled to Hanoi and there met with a number of officials. There was a very interesting meeting with a historian who was identified in the report filed yesterday. It was fascinating to talk to somebody on the perspective of what the history of Vietnam is. He pointed out that in a few weeks, Hanoi will celebrate its 1,000th anniversary as a city. We pride ourselves on the settlement in Philadelphia—especially Philadelphia but Boston and other American cities. In tenure, it pales into insignificance when you talk about a city which has been in existence for 1,000 years.

When I talked to him about Chinese trade practices, he said: Well, they are very difficult. I talked to him about what China is doing in the China Sea, which has been a subject of international notoriety when our Secretary of State, Hillary Clinton, made comments that those were matters of importance to the United States. What China is doing there is going into the island areas where you have islands long held by Taiwan or by the Philippines or by Vietnam and others, rich in minerals, and asserting control and really acting like the bully they are in that issue, as well as on trade matters.

I was fascinated to hear the historian recount 13 invasions by China against Vietnam. Although it is not exactly the same, I wondered and speculated about U.S. action in Vietnam, going into Vietnam to protect Vietnam from the incursion of the Chinese Communists. Vietnam seems to have done very well for itself for centuries. In a context where China has tried to invade them, they have been able to protect themselves.

From Vietnam, we traveled to Taiwan and there met with the President of Taiwan and had a very extensive discussion about their economy and their trade practices. I was interested to note that the People's Republic of China, the mainland, and the Republic of China, Taiwan, have signed a trade agreement. They do it through corporations, but they are obviously backed by the state. It appears to me that is almost tantamount to tacit recognition,

when mainland China negotiates with Taiwan in that context. When I discussed it with the officials, they all said: No, no, it is not tacit recognition; the People's Republic of China still maintains that there is one China. But some 20 countries have recognized Taiwan as an independent government, and they are moving ahead and have some 15 treaties between the 2 countries. They are working it through on what appears to be a fairly extensive normalization of relations.

Although the President of Taiwan was very interested in having the arms sold by the United States, I pressed him on whether it was realistic, really a measure that they could defend themselves, or whether it was symbolic. I did that in the discussions with other officials in Taiwan.

It appears to me that we might consider revising our policy on the sale of arms to Taiwan where we have an irritant to mainland China that doesn't really accomplish very much. We recently have sold Taiwan some \$4.6 billion worth, which is very substantial, but if the People's Republic of China, mainland China, decided to invade Taiwan, the defenses they have and their request for additional fighter planes, which has not been granted—all of that would not be sufficient to stem the tide.

While in Taipei, Taiwan, we visited the 101 building, 101 stories. It was completed a few years ago, and at that time, it was the tallest building in the world. It has since been supplanted. It was quite an experience to be 101 stories above the ground, visiting the towers. As is known, when a building is that tall, it sways. But they have three enormous balls—I do not have the precise measurement but perhaps 50 feet in diameter. One of the balls is at the apex of the building, right at the top, with huge springs, so that when the building sways, the ball and the springs keep it in an upright position. I have been in some tall buildings in the United States and felt the sway, but this is remarkable. We were told there are three enormous balls in the building.

I wish to supplement the written statement filed yesterday with a supplement, an addendum to the written statement. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL STATEMENT ON FOREIGN
TRAVEL
CHINA

(Meeting with Wang Chao, Vice Minister of
Commerce, Aug. 9, 2010)

In my meeting with Wang Chao, Vice Minister of Commerce, he provided a history and snapshot of the Chinese economy. He indicated that since 1979, China has tried to foster positive commerce and economic growth. At the time of the revolution, China's econ-

omy ranked 15th. Today it is 2nd. However, the Minister pointed out that China's GDP per capita still ranks in the 100s and therefore is still a developing economy. Many regions in China, especially rural areas, lag behind the industrialized cities.

I pressed him on what is viewed as unfair economic practices. The Minister replied that China will continue to reform its economy and integrate with the international economy. The balance of trade between the US and China was 2.5 billion in 1979. Last year it registered over 300 billion. Today, 58,000 US companies have a presence in China representing a total of \$63 billion in investment. I encouraged Mr. Wang to implement policies that would increase China's investment in the US which stands at 3.3 billion.

I shared the history and plight of the steel industry in the United States and how practices such as dumping have caused significant unemployment. The Vice Minister countered with complaints about US agriculture subsidies, the plight of Chinese farmers, the United States' refusal to recognize China as a market economy and its unwillingness to ease export controls on non-defense high-tech products.

VIETNAM

(Meeting with Duong Trung Quoc, Historian
and Assembly Member, Aug. 12, 2010)

On Thursday, August 12, I had the opportunity to meet with Mr. Duong Trung Quoc, a member of the National Assembly and a noted historian. Mr. Duong is one of the few members of the Assembly who is not a member of the communist party. He provided me with a history of the region with a special focus on Vietnamese-Chinese relations. Mr. Duong informed me that China had invaded Vietnam on 13 occasions. He noted that October 2010 will mark the 1,000 year celebration of Hanoi. I told Mr. Duong that on the way to our meeting, I had the opportunity to visit the Ly Thai To statue. Mr. Duong provided some background on the founder of the Ly dynasty and the two decades during which he ruled. Interestingly, Ly Thai To launched a pre-emptive strike on China in an effort to prevent an invasion.

The conversation turned to China's regional and global ambitions and its hegemonic statements and actions in Southeast Asia. I asked if China was attempting to dominate the entire region. Mr. Duong said that China's policy is to get more power and that they have difficulty acknowledging other countries and rights in the region.

I asked about the claims of various countries over islands in the South China Sea. Mr. Duong said that China's goal is to have them all as their territory. He told me that all Vietnam wants is to enjoy its sovereignty and rights and territory consistent with international law.

I asked Mr. Duong about what could be done to resolve the conflict on the Korean Peninsula. He responded that China could do much more to resolve the matter, but that they use the conflict as a tool in its bilateral relationship with the United States.

I asked how Mr. Duong has survived as a politician while remaining outside the communist party. He informed me that the government does not pressure him and that he has been able to operate freely. He further stated that of the 85 million residents in Vietnam, only 5 million are members of the communist party. However, 95 percent of the members in parliament are members of the communist party. He stressed a need to have more non-party members in the Assembly. I asked if moving Vietnam towards a market economy could have a positive impact in

growing non-party participation. He indicated it could be a step towards forming a two party or multi-party system but that it could take a very long time.

TAIWAN

(Working Lunch, Dr. Lyushun Shen, Deputy Minister of Foreign Affairs, Aug. 15, 2010)

The Deputy Foreign Minister provided a unique background in that he had lived in Philadelphia and was stationed in the Midwest while serving with Taiwan's foreign ministry. The forum provided an opportunity to candidly discuss issues of importance in our bilateral relationship as well as those impacting the region.

We discussed the impact of Taiwan 101—the second tallest building in the world—and what prestige that has brought to Taipei. We discussed Taiwan's economy and the impact of the economic downturn.

I asked the Minister what could be done about North Korea. He indicated that the multilateral discussions should continue to resolve the conflict. On the issues confronting the cross-strait relations, the Minister was optimistic about the future. He provided a background on what steps and agreements have been made between Taipei and Beijing with an emphasis on the Economic Cooperation Framework Agreement struck between both sides. This agreement will remove barriers on trade and provide enhanced access for imports and exports. I asked if this continued economic integration will provide a framework for both sides to move peacefully in the future. The Minister was optimistic it would be coupled with the vibrant social integration between the people of Taiwan and mainland China.

TAIWAN

(Meeting with Wang Jin-pyng, President of the Legislative Yuan, Aug. 16, 2010)

At 9:30 am on August 16, I was hosted at the Legislative Yuan by Wang Jin-pyng. I noticed a small protest outside the building and the President commented that demonstrations occur every day much like Washington, D.C.

I asked about the impact of the trade agreement between the Republic of China and the People's Republic of China. Wang Jin-pyng informed me that the Economic Cooperation Framework Agreement (ECFA) was being discussed at the Yuan during my visit and that legislators were reviewing the text which is set to take effect in July 2011. He indicated that there were already fourteen agreements between Taipei and Beijing.

I asked if this agreement signifies a certain recognition of the island by Beijing and that perhaps China was moving from non-recognition to non-denial. I was told that Beijing's goal is still full reunification. The head of the Yuan stated that the Republic of China, which is commonly referred to as Taiwan, is recognized by more than twenty countries but that mutual recognition is still far away.

I asked if Taiwan had steel interests, dumped and subsidies like mainland China and what, if any, trade disputes were outstanding. He indicated that napkin towels have been dumped by China which forced Taiwan to levy a heavy duty. He also indicated that Taiwan provided money in its budget for industries to transition as the ECFA may force some industries to go out of business.

The conversation shifted to China's hegemonic actions in the region. Many entities in the region, including China and Taiwan lay claim to islands in the South China Sea. A concern I heard repeated during my travels

is China's power grab on territory and seas which could yield them rights to oil and gas. The Taiwanese stated that any outstanding disputes should be resolved peacefully between all interested parties.

When I asked about what could be done on the North Korean issue, Wang Jin-pyng stated that Taiwan does not have the capacity to deal with North Korea but that bilateral talks should be resumed between the North and South. He indicated that China could play an enhanced role and provide much needed economic assistance to North Korea as an incentive. He stated that the US-South Korean joint military exercises are good because they put pressure on North Korea and demonstrate resolve. He further stated that the issue of succession in North Korea is a driving force which may impact posture and actions but that the economic situation in the North is so bad that we should continue to supply humanitarian aid. Wang Jin-pyng believes that economic normalization in exchange for security is the key to resolving the issue.

I asked about the importance of F-16 sales to Taiwan and their real benefit in any cross-strait conflict. I was informed that the sales are both substantive and symbolic in showing backing for Taiwan and aiding in any future cross-strait negotiations and talks. Further, Taiwan has a duty to its people to provide defense of the island.

Mr. SPECTER. In the absence of any other Senator on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share some thoughts about the surprising decisions that were noted in some of the media that the majority leader, certainly with the support of the administration, plans to introduce a very significant, very controversial, unacceptable amnesty amendment to the Defense authorization bill. The proposal is called the DREAM Act.

A lot of people think this is legislation that we need to deal with, and some have supported it over the years. It has been coming up for quite a number of years and never passed. So what do we have now? We have a scheme to bring it up, not having had it go through the committee process. The bill was introduced March 2009. I assume that is what Majority Leader REID plans to bring up, but we have not been given the amendment language. So they have got this DREAM Act proposal. They want to add it to the Defense bill, and put it on a bill that is so important they think the Congress will pass it anyway. Pass it as part of the Defense bill. We are weighing down the Defense bill—I am on the Armed Services and Judiciary Committees where both of these matters have come up. They want to weigh down this armed services bill with controversial legisla-

tion that ought not to be on it, to jeopardize it and put us in a position where a lot of good people who otherwise want to support the bill will not be able to do so, No. 1.

No. 2, let's talk about the DREAM Act. The American people have every right to be unhappy with this Congress. They have every right to be unhappy with the President of the United States. This Congress and this President have not shown any inclination to end the massive lawlessness that is occurring at our borders. We have learned that. We went through this debate several years ago. I was engaged in it deeply, spent a lot of time and effort on it, and the message the American people sent to us, when they shut down the switchboards in this Senate by so many phone calls, was border security first. We have got to end the lawlessness. So when you take a policy that says you are going to reward people who have entered our country illegally with a guaranteed pathway to citizenship, and with billions of dollars in financial aid or benefits they would not otherwise be entitled to, what message are we sending? We are sending a message, as we have too often sent year after year after year, that we are not committed to a lawful process of immigration in our country.

Let me say, a lot of people some years ago thought that we could never get to a legal system of immigration. And we can. We have made some progress. We have built a fence—not all that was supposed to be built, but the fencing has helped. We have done some things that have helped, but we are not there yet. I believe there is a national consensus out there—polling data shows it. My conversation with my people in my State and around the country in airports and so forth indicates that what we have to do is end the massive illegality and then we can begin to talk about people who have been in our country a long time. I am not saying that is something that should never be talked about and dealt with. But in 1986, this country said, well, we have got a lot of people here illegally. What we have got to do is to make them all legalized and that will end the problem, see. Everybody will be legal then. We do not have a real problem anymore. We promise we will enforce the law in the future.

Well, the amnesty took place immediately and the ending of illegality did not occur. In fact, illegality increased dramatically. Why? Because the message that went out, not the words that were said by politicians on the floor of the Senate, but the real message that went out around the world was, Americans do not care if you get in the country illegally and if you can stay there for a while, you are going to get amnesty too.

It is the same people today who are making the same argument. It cannot

sustain scrutiny. It cannot sustain any critical analysis. It will not work. It is a failed policy.

Look at the DREAM Act. It would eliminate the statute passed a little over 10 years ago in 1996 that said, if you are in the country illegally, you should not be given in-State tuition. A really big deal. Oh, it is mean spirited. If you are in the country illegally, I am not sure what you should be entitled to, but certainly not discounted tuition or Pell grants, or student loans.

The first thing you do when you want to end illegality on immigration policy is stop subsidizing it, for heaven's sake. Stop subsidizing it. What kind of mixed message is it when you have people in the country illegally and you give them special benefits, including Social Security and other benefits too?

They will be given a green card that has certain conditions. But, in fact, basically, I would say if you do not commit a felony, you are put on a guaranteed path to citizenship. Well, oh, you have to go to school or get a GED or be enrolled in a community college. What happens when you do these kind of things? I mean, there are people here who have nephews and nieces, children not in this country. They read that we passed such a bill as this. Why would they not think, well, I need to see if I can get my relatives in, my grandchild or whoever, in this country illegally.

They are not allowed to come in. Everybody else has to wait in line, maybe hire lawyers to make sure they can get their entry into the country legally. I will bring in my niece, my nephew, and they will qualify for this act in a few years. Why would that not increase the amount of people who would come into the country illegally? It certainly would do so. We have discussed these issues before.

This is a bogus policy. And after a few years, you are placed on a path to become a full citizen of the United States, ahead of millions of people who waited in line dutifully to get their citizenship. It is a reward for illegality. You can spin it any way you want to. We discussed this for years in this body. It will not stand scrutiny. It is not good policy.

I understand some of my colleagues are saying this is somehow relevant to the Defense bill, because there is an option to serve in the military for two years that will put you on a path to citizenship. Well, there are programs already for people who join the military to enhance their ability to get citizenship.

But this bill is plainly legislation that has been kicked around here for a decade, at least, and it has never been brought up as a Defense bill. It has always been brought up as an immigration bill, which it plainly is. So now to come in and try to say it is somehow connected because of this minute possibility, that 5 percent, probably at

most, would demonstrate their educational advantage through the military is a stretch. I want to repeat: What is happening here? This administration, it has been reported, is having internal analyses done to determine how amnesty can be given without congressional action.

They have announced recently that people apprehended in our country illegally will not be deported unless they have committed a felony, presumably DUI or larceny, misdemeanor theft. So as long as you do not plead guilty to a drug felony, that will not lead to deportation.

That is the kind of action that eviscerates enforcement. We do not need to be having that kind of policy in our country. We had the spectacle, shortly after President Obama was elected, when a hard-working, honest ICE agent conducted a raid at a company in Bellingham, Washington and found a whole bunch of people there illegally working, and it caused an uproar.

Secretary Napolitano said, I am going to get to the bottom of it. Was she getting to the bottom of this company that hired a bunch of illegal aliens? No. She was going to get to the bottom of how it was that a law enforcement officer actually had the gumption or the initiative to go out and try to enforce the law in this country. They announced a policy based on campaign promises they had made during the campaign that they were not going to do that anymore. And, presumably, I am not aware of any that have been conducted since. They have people from immigration advocacy groups running to the administration in high concern—you promised us you would not enforce this kind of law.

What do the American people think about this? They are not happy. People should not be happy about it. We are a nation of laws. We need to end the lawlessness. I was a Federal prosecutor for 15 years. I know something about how this has played out, and I have looked at it closely over the last decade. It was not something I chose to be involved with. We almost had to raise a question and begin to examine it.

What I have discovered is, the potential is there, it is within our grasp, to be able to end this massive lawlessness and create a lawful system.

At that point, we will be able to involve the American people and then ask how should we treat people who might have come here young and have been here quite a number of years? How should they be treated? But to do anything that creates a guaranteed path to citizenship for people who are here illegally now will only undermine the progress we have made in enforcement in recent years. People can wish things were different. But in my analysis, we simply have to follow through on the law of the land, to end the lawlessness. We may need to pass legisla-

tion to help, and we will. But we also have to have the will of the Commander in Chief, the chief law enforcement officer, the President of the United States. We have to have the support of the majority leader of the Senate, the Speaker of the House, and the majority party in the Senate. They have to be committed to ending lawlessness. Are they or are they not? They will say they are. But I would say this DREAM Act gimmick, this manipulation to stick it on the Defense bill is a clear statement that they are not committed to it.

In fact, what they are committed to is a political plan to assuage some campaign promises made last time and to provide another method of legalizing those who have entered the country illegally. That is not right.

What are we going to do? Let's get busy. Let's end the lawlessness now. We can do this in a few years. It is not going to break the bank. I have been there and looked at it and studied it. If we followed up on the gains we have made, we would make even more and be in a position to wrestle with these kinds of issues.

My concern is the following: First, it ought not to be on the Defense bill. It ought to come through in the regular order and in the light of day so people can have hearings and testimony, and citizens who are concerned about it on either side can have their view and their say. Secondly, we don't have the money. Estimates I have seen have indicated that this bill, amazingly, could cost the Treasury of the United States \$19.2 billion just for the first 2 years. Where are we getting that money from? We are already in record deficits, having almost doubled the debt, and will triple the debt in 8 more years. We are going to add another \$19 billion to subsidize illegal activity? In addition to that, Social Security entitlement benefits, welfare, Pell grants, student loans, all those would be added to the cost also.

Are there any funds to investigate whether someone is qualified? It may be that the average American hearing this debate says: These people came here at age 3. They should qualify for in-state tuition, even if they illegally came here. But those qualifications, coming here at that age, is not the requirement, first. No. 2, they only have to prove they have been in the country for 5 years. How do they prove it? They produce false documents. This is commonly done. How do they prove they came here at age 14, age 12? They may or may not have documents.

Do you think the FBI is going to take a document submitted to the immigration people to justify qualifications under the DREAM Act? Does anybody think the FBI is going to investigate to see if these are forged documents? Nobody is going to check this out; they don't have time. There is no

money in the legislation to do so, no requirement that I can see to do so.

I know illegal immigration causes significant social and emotional problems throughout society. Some would say the way to remedy it is to not let anybody suffer any consequences as a result of violating the laws of the United States. Just don't enforce the laws. Reward the people who came in here illegally. Don't do anything about it.

Of course, on the surface that is untenable. But when you come up with a plan that simply says if you are in our country illegally, you don't qualify for in-state tuition, or you don't get subsidized student loans if you came into the country illegally, this is seen as harsh and mean spirited and should not occur. But great governments have to decide how they are going to conduct their business, and they have to decide whether we are going to end this lawlessness and have a lawful system of immigration.

This country, by the American people, has made up its mind. They have told the Congress what they want. But the arrogance, the total disrespect of the decent, honorable plea from the American people to end the lawlessness and create a system we can be proud of is surprising to me. I would think the Congress, after all we have been through, would have understood that the plea of the American people is not mean spirited. It is not unfair. It is quite legitimate and decent. We believe in immigration. We want immigrants to come to the country. We believe they should apply. We believe people who qualify should come here before people who do not qualify. That is what America is all about. That kind of legal system is one of the things that attracts people all over the world to come here. It should not be undermined.

If we do the right thing, we will reject this amendment. Hopefully, it will not even be brought up. Please, I hope it is not brought up. It is just going to cause a lot of frustration and tension on the Defense bill that ought to be focused on the men and women in harm's way and how to help them do their job better and more safely. I hope it does not come up. But if it does, it needs to be voted down. We need to tell the President, tell his Secretary of Homeland Security and his ICE department, tell Members of Congress we are tired of fooling around. Let's get busy and complete the job and create a lawful system of immigration of which we can be proud.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GOODWIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. GOODWIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT STEVEN DELUZIO

Mr. DODD. Madam President, it is with a heavy heart that I rise today to mark the passing and honor the service of Army National Guard soldier SGT Steven DeLuzio of South Glastonbury, CT.

Sergeant DeLuzio died August 22 during a fierce small arms attack while serving with the Vermont National Guard in Paktika, Afghanistan. He had only 19 days left before he was due home to his family and loved ones.

Sergeant DeLuzio graduated from Glastonbury High School, where he was a born leader and active in school activities. He served as freshman class secretary and is best known for leading the Glastonbury hockey team to a State championship his senior year as cocaptain. Feeling a call to serve after the events of 9/11 he signed up to serve with the Vermont National Guard in 2004, just like his older brother, Scott. He served one tour of duty in Iraq in 2006 and was deployed to Afghanistan in March of this year.

In his too short time, Sergeant DeLuzio proved himself as a selfless and heroic soldier. Many in the small town of South Glastonbury speak of Steven as always putting family and country first. His father, Mark DeLuzio, told the local paper that "Steven is a hero and the greatest son." Due to his heroic actions on the day of his death, Steven was posthumously awarded the Bronze Star and Purple Heart.

As a tribute to such an extraordinary young man hundreds of mourners attended funeral services for Steven this past weekend at St. Patrick's church in South Glastonbury. His brother, Scott, who is currently serving in Afghanistan as well, said that Steven was "a best friend. He was more than just a brother. He was all you can ask for in a friend."

Steven DeLuzio was a man of dauntless courage and bravery. His service and his sacrifice are a credit to his parents, Mark and Diane. I know how proud they, along with the rest of their community, are of him, and I hope they know that we grieve alongside them. They, along with Steven's fiancée, Leeza Gutt, are in our hearts.

Our freedom is won and our country endures because of the selfless sacrifice of heroic young men and women such as SGT Steven DeLuzio. All of us in Connecticut and across America mourn this tragic loss, and none of us will ever forget the debt of gratitude we owe to him and his family.

LEGACY OF AGENT ORANGE

Mr. LEAHY. Madam President, during the Vietnam war more than 20 million gallons of herbicide known as Agent Orange, much of it containing the highly toxic chemical dioxin, were stored, mixed, handled, and sprayed by U.S. airplanes over millions of acres of forest and farmland in Vietnam. Since then, dioxin has been linked by the U.S. Institutes of Medicine to various cancers and other debilitating diseases, as well as birth defects. The International Agency for Research on Cancer and the National Institute of Environmental Health Sciences classify it as a human carcinogen.

Millions of Vietnamese citizens and U.S. military personnel were exposed, in one way or another, to Agent Orange, and its effects have been a subject of controversy for more than three decades. Today, the U.S. Veterans Administration recognizes 12 diseases and 1 birth defect related to herbicide exposure and recently added 3 more diseases as eligible for compensation from the Federal Government.

Thanks to the efforts of U.S. veterans who suffered from the effects of dioxin, their needs have been recognized and are finally being addressed. But in Vietnam, where the government lacks the resources to either clean up the residual dioxin contamination or to adequately assist those who have suffered health problems, the legacy of Agent Orange remains a difficult and emotional subject for U.S.-Vietnamese relations.

On the one hand, the Government of Vietnam for years blamed Agent Orange for seemingly any case of birth defect in the country, no matter how farfetched. On the other hand, the U.S. Government consistently denied causation between Agent Orange and birth defects in Vietnam and refused to accept any responsibility for the alleged harm. For years, the issue remained a contentious one for our countries.

Then about a decade ago, thanks to an initiative funded by the Ford Foundation and with the participation of the U.S. Environmental Protection Agency, research was done that went a long way toward dispelling the myths about the extent of contamination, as well as identifying where the most serious threats remain. Some 28 "hot spots" of varying degrees of dioxin contamination were located where Agent Orange had been stored or handled, often resulting in extensive spills and leakage into the soil or groundwater,

from where it moved up the food chain. The sites with the worst contamination are the Da Nang, Bien Hoa, and Phu Cat airports. For example, in the area of the Da Nang Airport, dioxin levels in soil, sediment, and fish were documented as 300 to 400 times higher than what is considered safe. And the contamination is passed genetically from one generation to the next.

In 2006, the same year that a Joint Advisory Committee of U.S. and Vietnamese Government agencies was established to discuss ways to address this problem, the Department of State and Foreign Operations Subcommittee, which I chair, provided \$3 million for "environmental remediation of dioxin-contaminated sites and related health activities in Vietnam" for fiscal year 2007. An additional \$3 million was provided for fiscal year 2009 and the same amount again for fiscal year 2010. The 2010 Supplemental Appropriations Act includes \$12 million for these purposes, and S. 3676, the Senate version of the fiscal year 2011 Department of State and Foreign Operations bill, which was reported by the Appropriations Committee on July 29, 2010, includes another \$15 million. Chairman FALEOMAVAEGA of the House Subcommittee on Asia, the Pacific, and the Global Environment has held two hearings on the issue, and in July, Senators HARKIN and SANDERS traveled to Vietnam and visited the Da Nang site.

The Government of Vietnam also provides tens of millions of dollars for small monthly payments to persons with disabilities believed to have been caused by Agent Orange, as well as some funds for dioxin cleanup. The Ford Foundation has provided \$14 million for activities in Vietnam related to Agent Orange. These include dioxin containment at the Da Nang Airport, services and opportunities for people with disabilities in eight particularly affected provinces, and to support the work of the U.S.-Vietnam Dialogue Group on Agent Orange/Dioxin, a binational committee of scientists, educators, and policy analysts. Other U.S. philanthropic organizations, including the Gates Foundation and Atlantic Philanthropies, as well as several governments and United Nations agencies, have also contributed, while U.S. nongovernmental organizations have implemented programs to deliver services to affected people. American companies have also been exploring greater business partnerships with Vietnam and contributing to education and other efforts. The Dialogue Group's Plan of Action calls for a 10-year effort that would combine continuing U.S. and Vietnamese Government support with support from nonprofits and corporations that have business relationships in Vietnam. These would all be helpful steps.

My own interest in addressing the legacy of Agent Orange evolved from

the use of the Leahy War Victims Fund in Vietnam to assist persons with disabilities, primarily victims of landmines and other unexploded ordnance left over from the war, and my efforts to address the problem of civilian casualties and to assist innocent victims of the military operations in Afghanistan and Iraq.

Since 1988, through the U.S. Agency for International Development and implementing partners, including the Vietnam Veterans of America Foundation and Vietnam Assistance for the Handicapped, the U.S. Government has provided tens of millions of dollars through the Leahy fund for medical, rehabilitation and vocational assistance, training, and equipment. However, no one knows how many of the beneficiaries of these programs may have been disabled as a result of exposure to Agent Orange, and large areas of the country still lack services for people with disabilities.

In 2007, it was Bobby Muller, the former president of Vietnam Veterans of America Foundation, who had been instrumental, indeed indispensable, in promoting postwar reconciliation and the eventual normalization of relations with Vietnam, who suggested to me that the U.S. Government needed to do something about Agent Orange. Vietnam and the United States were making progress on so many fronts, from locating the remains of MIAs to cooperation on HIV/AIDS and expanding tourism and trade, that it made no sense for the issue of dioxin contamination to remain a sore point. I agreed that we should try to turn this contentious issue into one on which both countries could work together.

Since then, while it has taken far longer than I would have liked to develop a plan for utilizing the funds, the administration is now at the point of identifying the most cost-effective remediation technique for Da Nang, and, as I have noted, we are fortunate that in the meantime other donors have joined this effort.

We also need to look forward. In Senate Report 111-237 accompanying S. 3676, the Appropriations Committee directs USAID, in consultation with the Department of State, the Government of Vietnam, and other interested parties, to develop a multiyear plan for Agent Orange activities in Vietnam. This plan, which should reflect input from interested parties with a history of working on this issue such as the Ford Foundation and the U.S.-Vietnam Dialogue Group on Agent Orange/Dioxin, should identify the key activities for the environmental remediation and health/disability components of this effort, indicate how U.S. funding will be coordinated with and complementary to the contributions of other donors and how nongovernmental organizations, including nonprofits and businesses, can play constructive roles.

It should set clear goals, benchmarks for measuring progress, and estimated costs associated with these activities. In doing so, we will not only chart our way forward, we will demonstrate to the Government of Vietnam and its people that we intend to continue to play a central role in this effort.

To that end, I want to emphasize the importance of the health component. While the soil and sediment remediation is critical and has received the most attention, it would be hard to overstate the importance the Vietnamese give to addressing the needs of people who have been harmed. While it may not be possible to definitively diagnose Agent Orange as the cause of a person's disability, the plan should include surveys or other steps to locate people who suffer from disabilities that may have been caused by dioxin, so they can be helped. An expanded involvement by nonprofit organizations, businesses, and philanthropies remains key to this humanitarian effort, and there is no longer any reason for hesitancy on the part of U.S. companies in Vietnam in supporting such work.

After a tragic war that left deep scars in both Vietnam and the United States, we have become partners on a wide range of issues. We still have our differences, particularly concerning human rights, but we want to make progress in whatever ways we can. The legacy of Agent Orange, for years an issue that divided us, is now one that is bringing us together.

RETIREMENT SECURITY

Mr. KOHL. Madam President, I rise today as chairman of the Special Committee on Aging to talk about retirement security in America. In recent years, workers have seen their savings take a hit, with many wondering whether they will ever be able to retire. The current retirement income deficit—in other words, the gap between what Americans will need in retirement and what they will actually have—is \$6.6 trillion, according to the nonpartisan Center for Retirement Research at Boston College. Now more than ever, we need to strengthen our Nation's pension and 401(k) systems so that Americans can protect the retirement savings they work a lifetime to earn.

In doing so, we must recognize that today's retirement savings vehicles look a lot different than they did a generation ago. Our current system increasingly places the responsibility for saving on the individual, meaning that people have to make retirement decisions on their own because many employers are not doing it for them. That is why the Aging Committee is working to give people more guidance, more tools, and more protection.

Many Americans are increasingly relying on 401(k)-type defined contribution savings plans to fund their retirement. Having a 401(k) requires an individual to make several proactive decisions, including the decision to save, how much to save, how to invest their savings, whether to take loans out, and how to make their savings last through retirement. The committee's focus has been on helping participants make better decisions. After all, a person should not have to be a financial planning expert in order to plan for a secure retirement.

We are discovering that the best system would have certain automatic features, such as automatic enrollment with escalating contribution rates and target date funds that adjust automatically, combined with options to opt out for those who want to create their own portfolio. We are pushing for more retirement coverage through ideas like better target date funds that are designed in the best interests of participants.

We are collaborating with the Department of Labor on many of these issues and also introducing our own bills in some cases. Senator TOM HARKIN and I introduced a bill to require the disclosure of 401(k) fees to participants. A small difference in fees, compounded over a lifetime, can make a huge difference in overall savings. I commend the Labor Department for recently issuing regulations that will bring greater transparency and disclosure of 401(k) fees and make it easier for employers to ensure that their plans' fees are reasonable, and I look forward to reviewing the Department's participant fee disclosure regulations when they are issued this fall. Senators BINGAMAN, ISAKSON, and I have introduced the Lifetime Income Disclosure Act, which would have 401(k) statements translate the balance into a potential stream of retirement income. This will help participants save and plan for an adequate retirement. I am also working with my colleagues to ensure that oversight of the Pension Benefit Guaranty Corporation, the entity that insures the pensions of more than 44 million workers and retirees, is strengthened.

Of course, we cannot talk about retirement security without talking about Social Security. The Aging Committee recently released a report that lays all the options on the table for making it secure over the long term. We also must make sure that those who rely on it the most are protected. Finally, one of the most important ways to have a secure retirement is to work longer. We are focused on the removal of barriers to working past retirement age for those who choose to do so. Our efforts will keep people in the labor force and encourage employers to offer the benefits and flexibility many are looking for later in life.

In closing, I would like to applaud the many advocacy groups that are striving to create a universal, secure, and adequate pension system. Their efforts to bring necessary attention to the important issue of retirement security are appreciated. Together we will continue our work to improve retirement security for all Americans.

Mr. HARKIN. Madam President, I rise today to speak out in support of Retirement USA's "Wake Up, Washington!" Month and to wake up my colleagues to the looming retirement crisis in this country. The public has already woken up. A recent survey found that 92 percent of adults aged 44 to 75 believe there is a retirement crisis in America. Now it is time for Congress to address this crisis before it is too late.

We are already seeing the beginnings of the retirement crisis. Just look at all of the older Americans forced to delay retirement or go back into the workforce because of the economic downturn. If we do not change course, it is going to get much worse.

Next year, the first baby boomers will turn 65, and it is clear that many are not prepared for retirement. According to the Employee Benefit Research Institute, nearly one-half of them are at risk of not having sufficient retirement resources to pay for basic retirement expenditures and uninsured healthcare costs.

The picture is not any better for the rest of American workers. Thirty-one percent of workers do not have any retirement savings at all, and 43 percent of workers have less than \$10,000. If those numbers are not sobering enough, the Center for Retirement Research at Boston College calculated America's retirement income deficit for Retirement USA. They estimate that the gap between what people need for retirement and what they actually have is \$6.6 trillion. That is a scary number.

There simply is no question that retirement is getting less and less secure in this country. In the past, people relied on the "three-legged stool" of retirement security—private pensions, personal savings, and Social Security—but that stool has gotten awfully wobbly. Over 40 percent of workers lack access to any employer-sponsored retirement plan at all, the rising cost of living and stagnant wages are making it tougher for people to save, and our Social Security system is under attack.

It used to be that many workers could rely on defined benefit pensions. Those plans are one of the best ways to ensure that workers have a secure retirement because they provide a predictable, guaranteed source of income that workers can count on for the duration of their lives. But, unfortunately, the traditional defined benefit pension is an endangered species. The number of employers offering these plans has

fallen drastically over the past three decades. Now, less than 20 percent of workers in the private sector have the security of a defined benefit pension.

The vast majority of employees with any retirement plan at all just have a 401(k), but those plans do not provide real retirement security. They leave workers exposed to the constant risk that the plans' investments will perform poorly. Look at what has happened to people's 401(k)s over the past few years. Billions of dollars of retirement savings have just evaporated, and lots of workers—especially people getting close to retirement—saw any chance they had of retiring vanish overnight. 401(k)s also do not provide workers with guaranteed lifetime income like traditional pension plans. That means that workers and their families are forced to bear the risk that they will outlive their retirement savings.

Plus, in these troubled economic times, families are facing unprecedented challenges and saving for retirement just is not an option for many. Wages have been stagnant for years, yet the cost of living keeps going up. People are working harder and longer than ever before, but they still cannot seem to meet the costs of basic everyday needs, like education, transportation, and housing, let alone save enough to support them in their old age.

For many Americans, the only retirement security they have is Social Security, but that, too, is under siege. There are those that want to privatize the system, cut back benefits, and raise the retirement age. They say that everyone should just work longer and that retirement is a "luxury." Clearly, those people do not swing a hammer for a living. They do not toil in our corn fields or work on our oil rigs. For Americans who work in these physically demanding jobs, working longer simply is not an option. A lifetime of hard work takes its toll, and at some point, a person just cannot do it anymore.

We are facing a future where no one other than the rich will have the opportunity for a safe and secure retirement. People that work hard for their entire lives will find themselves teetering on the brink of poverty, unable to pay the basic costs of living. That is going to have drastic consequences for families and our country as a whole.

It is time for our Nation to face the retirement crisis head on, and for our lawmakers to take aggressive action to protect future generations. We can start by working on some fixes for the current system. We need to shore up the Pension Benefit Guaranty Corporation, protect Social Security, and address the problems facing the Nation's corporate and multiemployer pension plans. We should also consider improvements to 401(k) plans like improved disclosures and lifetime income

solutions. But all of those things are just short-term fixes.

We need to go further. We need to work toward comprehensive reform of our retirement system. Americans who have worked hard and played by the rules deserve a secure retirement. They deserve to be able to enjoy their golden years, to spend time with their families, and to rest after a lifetime of hard work. We need to help people to work toward a secure retirement by expanding access to retirement plans, making it easier for workers to save, and finding ways to make sure they do not have to worry about outliving their savings.

The retirement crisis is just too big to ignore, so as chairman of the Committee on Health, Education, Labor and Pensions, I am making retirement security a priority. The committee will be holding a series of hearings to explore the difficult issues surrounding retirement security, and I am hopeful that, together with my colleagues on both sides of the aisle, we will be able to come up with creative solutions to our Nation's retirement challenges.

ADDITIONAL STATEMENTS

ARLINGTON HIGH SCHOOL ENVIROTHON TEAM

• Mrs. BOXER. Madam President, I wish to recognize the great work and remarkable accomplishments of Arlington High School's Envirothon team for winning the North American Canon Envirothon Competition, which tests high school students' knowledge about natural resource management.

Competing in the Envirothon was a challenging task for the students of Arlington High School, located in Riverside, CA. Students spent many hours studying, practicing, and competing, often away from their families and friends. However, I know that families across Riverside are now celebrating the accomplishments of their home team.

Members of Arlington High's winning Envirothon team include Kristen Treat, Cory Davis, Alexis Wood, Elijah Kenan, Elizabeth Murry, Ashley Pham, and faculty advisers Sheri Harris, and Dianne Stephens. They solved environmental problems in aquatics, forestry, soils, wildlife, and the 2010 special topic "Protection of Groundwater through Urban, Agricultural and Environmental Planning."

I invite all my colleagues to join me in congratulating California's Arlington High School Envirothon team for becoming the North American Canon Envirothon Competition winners.●

TRIBUTE TO LIEUTENANT GENERAL THOMAS PATTEN STAFFORD

• Mr. INHOFE. Madam President, today I pay tribute to retired U.S. Air

Force LTG Thomas Patten Stafford, a former National Aeronautics and Space Administration astronaut and the first U.S. general officer to travel into space, being one of only 24 people to fly to the Moon. A command pilot in both the Air Force and NASA, General Stafford gave a lifetime of service to the Nation in space exploration, logging multiple flights into space to further our understanding and capabilities in space exploration. As one of the pioneers of our country's space program, General Stafford established protocols, procedures, and even a few records, that are still present in today's contemporary space programs and operations. He has been a national treasure and an unsung hero, willingly taking on the challenges associated with our innate fascination with what lay beyond our terrestrial home.

General Stafford graduated with honors from the U.S. Naval Academy in 1952 and was commissioned a second lieutenant in the U.S. Air Force. He attended pilot training at Connally Air Force Base, Waco, TX, in 1953 and after completing advanced interceptor training was assigned to his first tactical duty station at Ellsworth Air Force Base, Rapid City, SD, as a pilot with the 54th Flight Interceptor Squadron with the mission of planning for and executing the air defense of the United States. It was in 1955 that General Stafford received an overseas assignment to Hahn Air Base, Germany, where he joined the 496th Fighter Interceptor Squadron, at the tip of the spear as part of the United States defense of Europe during the Cold War. At the time, the 496th flew F-86D model aircraft, known as the "Sabre Dog." It was a transonic jet, all-weather interceptor designed to intercept Soviet attack and bomber aircraft. It was during this time that General Stafford developed and honed his flying abilities and understanding of flight operations and performance testing, which would prove vital to his influence over our Nation's space program and guarantee many successes in those endeavors.

In 1962, General Stafford was selected among the second group of astronauts to participate in Projects Gemini and Apollo, the two fabled national space programs that epitomize our country's tremendous quest for space exploration. In December 1965, General Stafford piloted Gemini VI, the first rendezvous in space, thus developing and proving techniques for space rendezvous that would be critical for future operations. In June 1966, he commanded Gemini IX and demonstrated a rendezvous technique that would be used in the Apollo missions to the Moon. And because of this expertise, he headed the mission planning analysis and software development responsibilities for the astronaut group for Project Apollo.

The most pivotal piece to this was his development and implementation

of the techniques a pilot would use to manually fly the Saturn booster into orbit and the descent and ascent to and from the Moon's surface. All of this culminated with his command of the Apollo 10 mission in May 1969, when General Stafford personally performed the first lunar module rendezvous around the Moon and the entire lunar landing mission except for the actual landing.

It was with this expertise that General Stafford assumed the role of Deputy Director of Flight Crew Operations at the NASA Manned Space Flight Center, where he was responsible for the planning and implementation of programs for the astronaut group and all aircraft operations. General Stafford's time with NASA culminated with his fourth space flight as the Apollo commander of the Apollo-Soyuz Test Project mission in 1975. This was a joint space flight with the Soviet Union that culminated in the historic first meeting in space between American Astronauts and Soviet Cosmonauts.

General Stafford was the first member of his Naval Academy Class of 1952 to pin on the first, second and third stars of a general officer. He flew six rendezvous in space, logged over 507 hours in space flight and wore the Air Force Command Pilot Astronaut Wings. In his life time he has flown over 127 different types of aircraft and helicopters and four different types of spacecraft. And in his later years in the Air Force, General Stafford was personally involved in the development of two of our most critical Air Force stealth aircraft: the F-117A Stealth Fighter and the B-2 Stealth Bomber.

Though General Stafford retired from the Air Force in 1979, his efforts in our country's space program continued. In his post retirement period, General Stafford continued to influence our efforts in space, chairing independent think tank teams focused on developing a 30 year roadmap for both Presidents Bush and Clinton for returning and inhabiting the Moon and extending our exploration efforts to Mars. And he currently sits as the Chairman of the NASA Advisory Council Task Force on International Space Station Operational Readiness and the cochairman of the Stafford-Covey Space Shuttle Return to Flight Task Group.

General Stafford is a true American hero; an amazing testament to the spirit and the selflessness of the American public servant. There are very few that have obtained the level of historic influence as he has, leaving behind a true legacy for all of us to follow. General Stafford celebrates his 80th birthday this Friday, September 17, 2010. There is a lot to be said for 80 years of life that have seen some two-thirds of that spent in the service to our Nation. I, for one, take my hat off to a great national icon and applaud him for what

he has done for this great nation. On behalf of Congress and the United States of America, I thank General Stafford and his family for their lifelong commitment, sacrifice, and contribution to this great Nation and I wish him a happy 80th birthday with many more to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13224 ON SEPTEMBER 21, 2006—PM 66

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2010.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania, and against the Pentagon, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23,

2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, September 16, 2010.

MESSAGE FROM THE HOUSE

At 10:09 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2039. An act to clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch, to prohibit the application of any of the exceptions to the requirements of such Act to products bearing an official Congressional insignia, and for other purposes.

H.R. 3116. An act to prohibit the Department of Homeland Security from procuring certain items directly related to the national security unless the items are grown, reprocessed, reused, or produced in the United States, and for other purposes.

H.R. 3519. An act to amend the National Agricultural Research, Extension and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

H.R. 4862. An act to permit Members of Congress to administer the oath of allegiance to applicants for naturalization.

H.R. 5282. An act to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes.

H.R. 5366. An act to require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977.

H.R. 5651. An act to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse".

H.R. 5706. An act to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building".

H.R. 5773. An act to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the "Robert M. Ball Federal Building".

H.R. 5873. An act to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office".

The message also announced that the House has passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 2868. An act to provide increased access to the General Services Administration's

Schedules Program by the American Red Cross and State and local governments.

The message further announced that the House has passed the following bill, without amendment:

S. 3656. An act to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2039. An act to clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch, to prohibit the application of any of the exceptions to the requirements of such Act to products bearing a Congressional seal, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3116. An act to prohibit the Department of Homeland Security from procuring certain items directly related to the national security unless the items are grown, reprocessed, reused, or produced in the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3519. An act to amend the National Agricultural Research, Extension and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4862. An act to permit Members of Congress to administer the oath of allegiance to applicants for naturalization, and for other purposes; to the Committee on the Judiciary.

H.R. 5282. An act to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes; to the Committee on Environment and Public Works.

H.R. 5366. An act to require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5651. An act to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 5706. An act to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building"; to the Committee on Environment and Public Works.

H.R. 5773. An act to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the "Robert M. Ball Federal Building"; to the Committee on Environment and Public Works.

H.R. 5873. An act to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE
CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3790. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 3791. A bill to require Members of Congress to disclose delinquent tax liability, require an ethics inquiry, and garnish the wages of a Member with Federal tax liability.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3793. A bill to extend expiring provisions and for other purposes.

EXECUTIVE AND OTHER
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7340. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of VOR Federal Airways V-8, V-14, V-38, V-47, V-279, and V-422 in the Vicinity of Findlay, Ohio" ((RIN2120-AA66)(Docket No. FAA-2010-0709)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7341. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Automatic Dependent Surveillance-Broadcast (ADS-B) Out Performance Requirements to Support Air Traffic Control (ATC) Service; OMB Approval of Information Collection" ((RIN2120-AI92)(Docket No. FAA-2007-29305)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7342. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Inclusion of Reference to Manual Requirements" ((RIN2120-AJ44)(Docket No. FAA-2006-25877)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7343. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Pacific High and Low Offshore Airspace Areas; California" ((RIN2120-AA66)(Docket No. FAA-2010-0187)) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7344. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Colored Federal Airway B-38; Alaska" ((RIN2120-AA66)(Docket No. FAA-2010-0365)) received

during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7345. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Razorback Range Airspace Complex, AR" ((RIN2120-AA66)(Docket No. FAA-2009-1050)) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7346. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Avon Park Air Force Range, FL" ((RIN2120-AA66)(Docket No. FAA-2008-1261)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7347. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Restricted Area R-3405; Sullivan, IN" ((RIN2120-AA66)(Docket No. FAA-2007-28633)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7348. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Maneuvering Speed Limitation Statement" ((RIN2120-AJ21)(Docket No. FAA-2009-0810)) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7349. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Re-Registration and Renewal of Aircraft Registration; OMB Approval of Information Collection" ((RIN2120-AI89)(Docket No. FAA-2008-0118)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7350. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dowty Propellers R408/6-123-F/17 Model Propellers" ((RIN2120-AA64)(Docket No. FAA-2009-0776)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7351. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Shark Management Measures; Amendment 3" (RIN0648-AW65) received during adjournment of the Senate in the Office of the President of the Senate on September 12,

2010; to the Committee on Commerce, Science, and Transportation.

EC-7352. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program; Emergency Rule Extension" (RIN0648-AY52) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7353. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Emergency Fisheries Closures in the Southeast Region Due to the Deepwater Horizon MC252 Oil Spill; Publication of Coordinates" (RIN0648-AY90) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7354. A communication from the Assistant Chief Counsel for Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Edits" (RIN2137-AE41) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7355. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2011 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2011" (RIN2127-AK68) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7356. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees Authorized by 49 U.S.C. 30141" (RIN2127-AK70) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7357. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Side Impact Protection; Fuel System Integrity; Electric-Powered Vehicles; Electrolyte Spillage and Electrical Shock Protection" (RIN2127-AK48) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7358. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Theft Protection and Rollaway Prevention" (RIN2127-AK38) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7359. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Electric-Powered Vehicles; Electrolyte Spillage and Electrical Shock Protection" (RIN2127-AK05) received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7360. A communication from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report relative to the transfer of funds from the Oil Spill Liability Trust Fund to the Emergency Fund, which is administered by the United States Coast Guard; to the Committee on Commerce, Science, and Transportation.

EC-7361. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Blythe, California)" (MB Docket No. 08-151) received during adjournment of the Senate in the Office of the President of the Senate on August 31, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7362. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (DeBeque, Colorado)" (MB Docket No. 10-22) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7363. A communication from the Senior Regulations Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" (RIN2105-AD95) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7364. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report of a rule entitled "Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records" (49 CFR Part 830) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7365. A communication from the Senior Regulation Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "List of Nonconforming Vehicles Decided to be Eligible for Importation" (Docket No. NHTSA-2008-0134) received during adjournment of the Senate in the Office of the President of the

Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7366. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Direct Final Rulemaking Procedures" (RIN2126-AB23) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7367. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Medical Certification Requirements as Part of the Commercial Driver's License (CDL); Technical, Organizational, and Conforming Amendments" (RIN2126-AB24) received in the Office of the President of the Senate on August 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7368. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Updated Statements of Legal Authority for the Export Administration Regulations" (RIN0694-AF00) received during adjournment of the Senate in the Office of the President of the Senate on September 1, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7369. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Wassenaar Arrangement 2009 Plenary Agreements Implementation: Categories 1, 2, 3, 4, 5 Part I, 6, 7, and 9 of the Commerce Control List, Definitions Reports" (RIN0694-AE91) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7370. A communication from the Chief of Recovery and Delisting Branch, Endangered Species Program, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Removal of the Utah (Desert) Valvata Snail (*Valvata utahensis*) From the Federal List of Endangered and Threatened Wildlife" (RIN1018-AW16) received during adjournment of the Senate in the Office of the President of the Senate on August 17, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7371. A communication from the Under Secretary of Commerce (Oceans and Atmosphere), transmitting, pursuant to law, a report relative to the activities of the Northwest Atlantic Fisheries Organization during 2008 and 2009; to the Committee on Commerce, Science, and Transportation.

EC-7372. A communication from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, a report relative to the transfer of funds from the Oil Spill Liability Trust Fund to the Emergency Fund, which is administered by the United States Coast Guard; to the Committee on Commerce, Science, and Transportation.

EC-7373. A communication from the Chairman of the Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2010 Update" (STB Ex

Parte No. 542) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 3980. A bill to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes (Rept. No. 111—291).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment and an amendment to the title:

S. 2739. A bill to amend the Federal Water Pollution Control Act to provide for the establishment of the Puget Sound Program Office, and for other purposes (Rept. No. 111—292).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 4715. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes (Rept. No. 111—293).

By Mr. NELSON of Nebraska, from the Committee on Appropriations, without amendment:

S. 3799. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2011, and for other purposes (Rept. No. 111—294).

By Mr. INOUE, from the Committee on Appropriations, without amendment:

S. 3800. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes (Rept. No. 111—295).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 3717. A bill to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Joseph H. Hogsett, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

Michael J. Moore, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Beverly Joyce Harvard, of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.

James Edward Clark, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

Kenneth James Runde, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Michael Robert Bladel, of Iowa, to be United States Marshal for the Southern District of Iowa for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 3793. A bill to extend expiring provisions and for other purposes; read the first time.

By Mr. LEAHY (for himself and Ms. COLLINS):

S. 3794. A bill to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARPER (for himself, Mr. BAYH, and Mrs. BOXER):

S. 3795. A bill to amend the Internal Revenue Code of 1986 to reduce the tax gap, and for other purposes; to the Committee on Finance.

By Mr. BAYH:

S. 3796. A bill to establish community health improvement councils and State health improvement technical assistance center grants; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 3797. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of quality universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself and Mr. BROWNBACK):

S. 3798. A bill to authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum human standards of health, sanitation, and safety, and for other purposes; to the Committee on Foreign Relations.

By Mr. NELSON of Nebraska:

S. 3799. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2011, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. INOUE:

S. 3800. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. AKAKA:

S. 3801. A bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself and Mr. LEMIEUX):

S. Res. 626. A resolution acknowledging and congratulating Miami Dade College on the occasion of its 50th anniversary of service to the students and residents of the State of Florida; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Ms. COLLINS, Mr. CHAMBLISS, Mrs. LINCOLN, and Mr. BURR):

S. Res. 627. A resolution designating September 16, 2010, as "The American Legion Day"; considered and agreed to.

By Mr. SCHUMER (for himself and Mr. BENNETT):

S. Res. 628. A resolution recognizing the 10th Anniversary of the National Book Festival; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. REID, Mr. WHITEHOUSE, Mrs. MURRAY, Mr. SCHUMER, Mr. BINGAMAN, Ms. MIKULSKI, Mr. CARDIN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. BURRIS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. BENNETT, Mr. UDALL of Colorado, Mr. INOUE, Mr. LAUTENBERG, Mr. UDALL of New Mexico, Mr. CASEY, Mr. LEMIEUX, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. WYDEN, Mr. CRAPO, Mr. MCCAIN, and Mr. LUGAR):

S. Res. 629. A resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation; considered and agreed to.

ADDITIONAL COSPONSORS

S. 424

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1275

At the request of Mr. WARNER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1275, a bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 1536

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a co-

sponsor of S. 1536, a bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

S. 1695

At the request of Mr. BURRIS, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2736

At the request of Mr. FRANKEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2736, a bill to reduce the rape kit backlog and for other purposes.

S. 2782

At the request of Mrs. McCASKILL, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2782, a bill to provide personal jurisdiction in causes of action against contractors of the United States performing contracts abroad with respect to members of the Armed Forces, civilian employees of the United States, and United States citizen employees of companies performing work for the United States in connection with contractor activities, and for other purposes.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3184

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3479

At the request of Mrs. HAGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3479, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 3562

At the request of Mr. NELSON of Nebraska, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 3562, a bill to rename the Homestead National Monument of America near Beatrice, Nebraska, as the Homestead National Historical Park.

S. 3665

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3665, a bill to promote the strengthening of the private sector in Pakistan.

S. 3673

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3673, a bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on tax health care benefits.

S. 3709

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3709, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 3767

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3767, a bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

S. 3786

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 619

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 619, a resolution expressing the sense of the Senate that the Senate of each new Congress is not bound by the Rules of previous Senates.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Ms. COLLINS):

S. 3794. A bill to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEAHY. Mr. President, today, I am introducing bipartisan legislation to add military veterans to the list of groups eligible to receive excess property donations from the Federal Government. The sacrifices that members of our armed forces make every day for us and our country cannot be overstated, and I welcome any opportunity to recognize their services. While this bill is a small token, it is another effort to give back to our military veterans. I encourage the Senate to act swiftly and pass this bill.

The FOR VETS Act will enable military veterans to receive surplus goods donations through the Federal Government's property distribution program. The types of property donated through this program include computers, trucks, snowmobiles, home appliances, and electronics. These are items that would be of good use to our military veterans, and which they should have the opportunity to claim.

The administrator of General Services oversees this property distribution program, which currently donates property to medical institutions, providers of assistance to the homeless, universities, and child care facilities, among others. Given the surplus of available goods, military veterans' groups are simply being added into this pool of recipients for goods that might otherwise go unused.

I am pleased to be joined by the Homeland Security and Governmental Affairs Committee Ranking Member, Senator COLLINS, in sponsoring this legislation. This is a bipartisan effort, as legislation to support our veterans

should always be, and I hope Congress will come together to promptly send this legislation to the President to be signed into law.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2010" or "FOR VETS Act of 2010".

SEC. 2. RECIPIENTS OF CERTAIN FEDERAL SURPLUS PERSONAL PROPERTY.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (viii), by striking "or" after the semicolon;

(2) in clause (ix), by striking the period and inserting ";; or"; and

(3) by adding at the end the following:

"(x) an organization whose membership comprises substantially veterans (as defined under section 101 of title 38)."

By Mr. LEAHY (for himself and Mr. BROWNBACK):

S. 3798. A bill to authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum human standards of health, sanitation, and safety, and for other purposes; to the Committee on Foreign Relations.

Mr. LEAHY. Mr. President, I am very pleased to join today with the Senator from Kansas, Senator BROWNBACK, in introducing a piece of legislation that has already attracted broad support from across the social and political spectrum.

This bill, titled the Foreign Prison Conditions Improvement Act of 2010, seeks to address a much neglected, global human rights problem—the inhumane treatment of people in foreign prisons and other detention facilities.

On any given day, millions of people are languishing in foreign prisons, many awaiting trial not yet having been formally charged or proven guilty of anything, deprived of their freedom for years longer than they could have been sentenced to prison if convicted. Others convicted of crimes, often after woefully unfair trials, including for nothing more than peacefully expressing political or religious beliefs or defending human rights. Regardless of their status they have one thing in common. They are deprived of the most basic rights and necessities—safe water, adequate food, essential medical care, personal safety, and dignity.

Anyone who has been inside one of these facilities, or seen photographs or the press reports of what they are like, understands that I am talking about the mistreatment of human beings in

ways that are reminiscent of the Dark Ages.

A few examples are all that are needed to illustrate the point. In Haiti's National Penitentiary before the January 12th earthquake, more than 4,000 prisoners were confined in a space built for less than 900. Many did not have room to lie down and had to sleep standing up. Sanitation was practically non-existent. Deadly contagious diseases were rampant. The overwhelming majority of inmates had never been formally charged, never seen a lawyer or a judge. The earthquake damaged the prison and the prison guards fled, leaving the inmates to fend for themselves without food or water. They managed to get out, but the squalid facility is quickly filling up again. Today I am told the conditions there are worse than ever.

A recent newspaper article described how in Benin, in West Africa, maggots digest the bodies of dead prisoners. The skin of prisoners is ragged from the extraction of fly larvae, a scourge that is symptomatic of the deplorable conditions. Many inmates suffer from tuberculosis, scabies, parasites, lung infections or other illnesses. The prison in Abomey, located in southern Benin, was built in 1904 to house a maximum of 150 prisoners. These days, more than 1,000 are reportedly confined there.

It is common in prisons from Central America to Central Africa to Central Asia for inmates to be severely malnourished and to go for months without being able to wash. Many prisoners depend for survival on food brought to them by their relatives. In many countries individuals awaiting trial, young and old, are housed together with convicted, violent criminals.

Prisoners and other detainees in many countries are also routinely victimized by poorly trained, abusive guards, who are virtually unsupervised and unaccountable to any higher authority. Sexual abuse of men, women and children is common.

A government commission in Cameroon reported that an average of five prisoners die per month in a prison there, simply from lack of proper medical care. Inmates in many countries suffer from HIV/AIDS and other illnesses, in prisons with no medical records, where doctors do not enter. Prisoners intentionally cut or otherwise harm themselves in the hope of receiving medical attention for life-threatening illnesses. If and when they are released, they infect the local population.

A recent New York Times article described how in Zambia prisoners are punished by being stripped naked and held in solitary confinement in small, windowless cells, sometimes for days on end, in ankle-to-calf-high water contaminated with their own excrement. It is like something out of *The Count of Monte Cristo*, only worse be-

cause it is happening in the 21st Century.

But the article went on to describe how the Zambian Prison Service completed its own internal audit, appointed a new medical director and allowed human rights workers access to its facilities.

The bill Senator BROWNBACK and I are introducing seeks to provide incentives for those kinds of improvements. Our bill would do the following:

First, it calls attention to this long ignored problem. Most people know little if anything about what goes on inside foreign prisons, and many would prefer not to know.

Second, it sets forth minimum standards for the elimination of inhumane conditions in foreign prisons and other detention facilities, such as human waste facilities that are sanitary and accessible, and adequate ventilation, food, and safe drinking water.

Third, it requires the Secretary of State to report annually on those countries that receive United States assistance that do not meet minimum standards for the elimination of inhumane conditions but are making significant efforts to comply, and those that are not making such efforts.

Fourth, it encourages the Secretary and the Administrator of the U.S. Agency for International Development to assist countries that are making significant efforts to eliminate inhumane conditions. And for those that are not, it requires the Secretary to enter into negotiations with such governments to eliminate inhumane conditions. It authorizes the Secretary and the Administrator to restructure, reprogram, or reduce assistance, or to furnish or deny U.S. visas to the officials of the government of such a country, if doing so would help achieve that goal.

The bill also provides for training of Foreign Service Officers, and creates a new full time equivalent Deputy Assistant Secretary position at the Department of State's Bureau for Democracy, Human Rights, and Labor to monitor foreign prison conditions, which has long been needed.

Finally, it authorizes the expenditure of funds to implement the bill.

Once enacted, the Foreign Prison Conditions Improvement Act of 2010 will help foreign governments ensure that prisoners in their countries are treated as any people deprived of their freedom should be—as human beings, with dignity, in safety, and provided the basic necessities of life.

In countries around the world, the United States is helping to reform justice systems and strengthen the rule of law. No justice system can claim to deliver justice if prisoners and other detainees are treated like animals, or worse. By helping to change attitudes, and showing how with relatively little money, conditions in a prison can be dramatically improved, we can help ad-

vance the cause of justice more broadly.

Millions of people around the world still look to the United States as a defender of justice. This bill will further that goal, and it reflects the best instincts of the American people.

This bill has already been endorsed by a wide range of groups, including the Ethics and Religious Liberty Commission of the Southern Baptist Convention, Human Rights First, Human Rights Watch, International Justice Mission, Open Society Policy Center, Penal Reform International, Prison Fellowship, Jewish Council for Public Affairs, National American Religious Liberty Association, United Methodist Church General Board of Church and Society, National Advocacy Center of the Sisters of the Good Shepherd, Disciples Justice Action Network, and the National Spiritual Assembly of the Bandais of the United States.

An identical bill is being introduced today in the House of Representatives by Representatives WILLIAM DELAHUNT and JOSEPH PITTS, so this is a bipartisan, bicameral effort.

I want to thank Senator BROWNBACK, and his staff, who have been extremely helpful in the drafting and introduction of this bill. At a time when some people seem to get satisfaction from calling Washington broken, this is a tangible example of how two Senators, of different parties, whose political views often differ, can work together in furtherance of a just cause.

By Mr. AKAKA:

S. 3801. A bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, as Chairman of the Senate Committee on Veterans' Affairs, I am proposing a needed adjustment to current eligibility requirements for children who receive health care under the Civilian Health and Medical Program of the Department of Veterans Affairs.

CHAMPVA, established in 1973 within VA, provides health care services to dependents and survivors of certain veterans. CHAMPVA enrollment has grown steadily over the years and, as of fiscal year 2009, covers nearly 336,300 unique beneficiaries. Servicemembers continue to deploy and return home from Afghanistan and Iraq, and CHAMPVA plays a vital role in caring for veterans' loved ones.

Under the current law, a dependent child loses eligibility for CHAMPVA upon turning 18 years old, unless the child is enrolled in school on a full time basis. Also, after losing full-time status at school, or upon turning 23 years old, an eligible child of a veteran would lose eligibility.

With the passage earlier this year of the Patient Protection and Affordable

Care Act, Public Law 111-148, many veterans' families have expressed concern regarding their own children's health care coverage. The PPACA contains a provision that extends health insurance coverage to dependent children until age 26. I believe it is only fair to afford children who are CHAMPVA beneficiaries the same eligibility as dependent children whose parents have private sector coverage. Though this Congress is in its final month, we need to open the discussion on this issue now so that, if we must wait until next year to act, we can do so quickly.

My hope in introducing this legislation is to ensure that CHAMPVA recipients, without regard to their type of coverage, student status, or other limitation, are eligible for health care coverage under their parent's plan in the same way as their peers. I urge my colleagues to support this necessary modification.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE OF MAXIMUM AGE FOR CHILDREN ELIGIBLE FOR MEDICAL CARE UNDER CHAMPVA PROGRAM.

(a) INCREASE.—Subsection (c) of section 1781 of title 38, United States Code, is amended to read as follows:

“(c)(1) Notwithstanding clauses (i) and (iii) of section 101(4)(A) of this title and except as provided in paragraph (2), for purposes of this section, a child who is eligible for benefits under subsection (a) shall remain eligible for benefits under this section until the child's 26th birthday, regardless of the child's marital status.

“(2) Before January 1, 2014, paragraph (1) shall not apply to a child who is eligible to enroll in an eligible employer-sponsored plan (as defined in section 5000A(f)(2) of the Internal Revenue Code of 1986).

“(3) This subsection shall not be construed to limit eligibility for coverage of a child described in section 101(4)(A)(i) of this title.”.

(b) EFFECTIVE DATE.—Such subsection, as so amended, shall apply with respect to medical care provided on or after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 626—ACKNOWLEDGING AND CONGRATULATING MIAMI DADE COLLEGE ON THE OCCASION OF ITS 50TH ANNIVERSARY OF SERVICE TO THE STUDENTS AND RESIDENTS OF THE STATE OF FLORIDA

Mr. NELSON of Florida (for himself and Mr. LEMIEUX) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 626

Whereas Miami Dade College opened its doors in 1960 as an institution of higher edu-

cation for the residents of Miami-Dade County, Florida;

Whereas Miami Dade College became the first integrated junior college in the State of Florida, leading the way for other institutions to adopt policies of offering a higher education to persons of all races and ethnicities;

Whereas Miami Dade College has 1 of the most diverse student populations in the United States, with students from 178 countries, speaking 86 languages;

Whereas Miami Dade College has the largest enrollment of any institution of higher education in the United States, welcoming nearly 170,000 students annually;

Whereas Miami Dade College offers more than 300 major areas of study, providing educational and workforce opportunities for students seeking associate and bachelor degrees, as well as short-term certifications in critical areas of study;

Whereas Miami Dade College provides an affordable, comprehensive higher education to individuals of all incomes and backgrounds;

Whereas 52 percent of the students attending Miami Dade College are the first in their families to attend college;

Whereas 55 percent of the students attending Miami Dade College receive Pell Grants;

Whereas Miami Dade College ranks first in the United States in the amount of Pell Grant funds awarded to public institutions of higher education;

Whereas Miami Dade College is 1 of only 40 community colleges nationwide to be named to the President's Higher Education Community Service Honor Roll;

Whereas Miami Dade College is a leader in cultural programming;

Whereas the Miami International Book Fair, which is sponsored by Miami Dade College, is the largest literary event in the United States;

Whereas the Miami International Film Festival, which is sponsored by Miami Dade College, is world-renowned;

Whereas Miami Dade College is the home of the Freedom Tower, a National Historic Landmark;

Whereas Miami Dade College adheres to the guiding principle of the College to change lives through the opportunity of education; and

Whereas 2010 marks the 50th anniversary of the establishment of Miami Dade College: Now, therefore, be it

Resolved, That the Senate acknowledges and congratulates Miami Dade College on the occasion of its 50th anniversary of academic excellence and service to the residents of the State of Florida.

SENATE RESOLUTION 627—DESIGNATING SEPTEMBER 16, 2010, AS “THE AMERICAN LEGION DAY”

Ms. SNOWE (for herself, Ms. COLLINS, Mr. CHAMBLISS, Mrs. LINCOLN, and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 627

Whereas, on September 16, 1919, Congress issued to the American Legion a Federal charter as a wartime veterans service organization;

Whereas the American Legion remains active in communities at the national, State, and local levels;

Whereas members of the American Legion (commonly referred to as “Legionnaires”) provide millions of hours of volunteer service to medical facilities of the Department of Veterans Affairs and State homes for veterans throughout the United States;

Whereas the American Legion continues to sponsor activities for children and youth, including the National Oratorical Contest, Boy Scouts, American Legion Baseball, Boys State, and Boys Nation;

Whereas the American Legion awards millions of dollars in college scholarships to young men and women;

Whereas the American Legion National Emergency Fund provides financial assistance to Legionnaires displaced by natural disasters;

Whereas the American Legion Family Support Network provides assistance to members of the Armed Forces of the United States and their families;

Whereas the American Legion Child Welfare Foundation has provided millions of dollars to programs focused on youth in the United States, including the Special Olympics and the Children's Miracle Network;

Whereas the American Legion Temporary Financial Assistance provides grants to veterans with children experiencing financial hardships;

Whereas the American Legion remains second to none in steadfast support of strong national defense;

Whereas the American Legion supports maintaining a viable and principled foreign relations agenda;

Whereas the American Legion is a staunch advocate for the principal missions of the Department of Veterans Affairs;

Whereas the American Legion wrote the original draft of the Servicemen's Readjustment Act of 1944 (58 Stat. 284, chapter 268), commonly referred to as the “G. I. Bill of Rights”;

Whereas the American Legion continues to support employment programs and opportunities for veterans; and

Whereas Legionnaires believe that a veteran's service to the United States continues long after the veteran is honorably discharged from the Armed Forces of the United States: Now, therefore, be it

Resolved, That the Senate designates September 16, 2010, as “The American Legion Day”.

SENATE RESOLUTION 628—RECOGNIZING THE 10TH ANNIVERSARY OF THE NATIONAL BOOK FESTIVAL

Mr. SCHUMER (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 628

Whereas the National Book Festival is a great national treasure that fosters the joy of reading;

Whereas the first National Book Festival held on September 8, 2001, was organized and sponsored by the Library of Congress and hosted by First Lady Laura Bush;

Whereas the first National Book Festival, held on the grounds of the Library of Congress and the United States Capitol, was such a success that it has become an annual event;

Whereas the National Book Festival has grown in popularity, in recent years bringing over 130,000 book lovers to the National Mall;

Whereas, each year, the National Book Festival has featured more than 70 award-

winning and nationally known authors, illustrators, poets, and storytellers;

Whereas the National Book Festival invites readers from around the United States to celebrate books, reading, and creativity;

Whereas the National Book Festival convenes the "Pavilion of the States" which includes representatives from all 50 States, the District of Columbia, and the territories and possessions of the United States who discuss and distribute materials about their respective reading and literacy promotion programs;

Whereas this year the Festival has reached a milestone for both the Library of Congress and the Nation; and

Whereas the 10th National Book Festival will be held on September 25, 2010, on the National Mall, and supported by Honorary Co-Chairs President Barack Obama and First Lady Michelle Obama: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and emphasizes the important historic and ongoing role of the National Book Festival; and

(2) encourages the celebration of "A Decade of Words and Wonder" on Saturday, September, 25, 2010.

SENATE RESOLUTION 629—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF LATINOS IN THE UNITED STATES AND THEIR IMMENSE CONTRIBUTIONS TO THE NATION

Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. REID, Mr. WHITEHOUSE, Mrs. MURRAY, Mr. SCHUMER, Mr. BINGAMAN, Ms. MIKULSKI, Mr. CARDIN, Mrs. BOXER, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. BURRIS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. BENNETT, Mr. UDALL of Colorado, Mr. INOUE, Mr. LAUTENBERG, Mr. UDALL of New Mexico, Mr. CASEY, Mr. LEMIEUX, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. WYDEN, Mr. CRAPO, Mr. MCCAIN, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to.

S. RES. 629

Whereas, from September 15, 2010, through October 15, 2010, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at almost 47,800,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in 5 United States public school students is Hispanic, and the total number of Hispanic students enrolled in public schools in the United States is expected to reach 28,000,000 by 2050;

Whereas the purchasing power of Hispanic Americans is nearly \$1,000,000,000,000, and there are more than 2,300,000 Hispanic-owned firms in the United States, supporting millions of employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, food services, and construction;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have bravely fought in every war in the history of the United States;

Whereas more than 28,000 Hispanics currently serve with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas, as of August 7, 2010, 561 United States military fatalities in Iraq and Afghanistan have been Hispanic;

Whereas, as of September 30, 2009, there were approximately 1,332,033 Hispanic veterans of the Armed Forces;

Whereas 41 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat on the Supreme Court, 1 seat in the Senate, 28 seats in the House of Representatives, and 2 seats in the Cabinet; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2010, through October 15, 2010;

(2) esteems the integral role of Latinos and their manifold heritage in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4618. Mr. NELSON of Florida (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4618. Mr. NELSON of Florida (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 633. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking "does not apply—" and all that follows and inserting "does not apply in the case of a deduction made through administrative error."; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking "1450(k)(2)."

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking "Except as provided in paragraph (2)(B), the Secretary concerned" and inserting "The Secretary concerned"; and

(2) in paragraph (2)—

(A) by striking "DEPENDENT CHILDREN—" and all that follows through "In the case of a member described in paragraph (1)," and inserting "DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1);" and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 16, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 16, 2010, at 10 a.m. to conduct a hearing entitled "The Treasury Department's Report on International Economic and Exchange Rate Policies."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 16, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 16, 2010, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 16, 2010, at 10 a.m. in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on September 16, 2010, at 10 a.m. to conduct a hearing entitled "The Deepwater Drilling Moratorium: A Review of the Obama Administration's Economic Impact Analysis on U.S. Small Businesses."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 16, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GOODWIN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc Executive Calendar Nos. 628, 740, 741, 742, 743, 929, 931, 961, 993, 994, 995, 996, 997, 998, 1006, 1020, 1021, 1022, 1023, 1024, and 1082; that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table en bloc; and I now ask that the Senate proceed to Calendar Nos. 1083, 1084, 1085, 1086, 1087 and 1088, and that the nominations be confirmed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ROBERT D. REISCHAUER

Mr. BUNNING. Madam President, I want to explain why I will vote no on the nomination of Robert D. Reischauer to serve as a public trustee of the Social Security and Medicare Programs.

Although he has a Ph.D. in economics and extensive experience with Federal budgetary matters as former head of the Congressional Budget Office, Dr. Reischauer claimed that he did not understand his basic responsibility under Federal law to report income on his tax returns from 2004 to 2008. He only paid back taxes on rental property in Canada when he brought his failure to the attention of the White House during the vetting process.

On his Finance Committee questionnaire, which he signed under penalty of perjury, he claimed this was an "oversight" he did not discover until 2009. But in discussions with bipartisan committee staff, he appeared to tell a different story and said it was a deliberate choice he made at the time he filled out his tax returns. In the same meeting, he said he was sorry that he told the White House.

And while he said that he had offsetting expenses that would have canceled out his tax liability and produced a loss, Dr. Reischauer kept no receipts or records of those expenses, saying that he paid off workers in cash.

It appears that Dr. Reischauer was not truthful or careful about his Federal responsibility to report income. Someone who has not earned the public trust is not qualified to be a public

trustee, and that is why I oppose his confirmation.

I ask that the RECORD reflect my vote against Dr. Reischauer's confirmation.

The PRESIDING OFFICER. The question is on confirmation en bloc of Calendar Nos. 1083, 1084, 1085, 1086, 1087, and 1088.

The nominations were considered and confirmed en bloc, as follows:

FARM CREDIT ADMINISTRATION

Jill Long Thompson, of Indiana, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, for a term expiring May 21, 2014.

TENNESSEE VALLEY AUTHORITY

Marilyn A. Brown, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012.

William B. Sansom, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2014.

Neil G. McBride, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2013.

Barbara Short Haskew, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2014.

PENSION BENEFIT GUARANTY CORPORATION

Joshua Gotbaum, of the District of Columbia, to be Director of the Pension Benefit Guaranty Corporation.

EXECUTIVE OFFICE OF THE PRESIDENT

Carl Wieman, of Colorado, to be an Associate Director of the Office of Science and Technology Policy.

UNITED STATES POSTAL SERVICE

Dennis J. Toner, of Delaware, to be a Governor of the United States Postal Service for the remainder of the term expiring December 8, 2012.

DEPARTMENT OF AGRICULTURE

Elisabeth Ann Hagen, of Virginia, to be Under Secretary of Agriculture for Food Safety.

FARM CREDIT ADMINISTRATION

Sara Louise Faivre-Davis, of Texas, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Lowell Lee Junkins, of Iowa, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Myles J. Watts, of Montana, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

DEPARTMENT OF AGRICULTURE

Catherine E. Woteki, of the District of Columbia, to be Under Secretary of Agriculture for Research, Education, and Economics.

DEPARTMENT OF COMMERCE

Francisco J. Sanchez, of Florida, to be Under Secretary of Commerce for International Trade.

UNITED STATES PAROLE COMMISSION

J. Patricia Wilson Smoot, of Maryland, to be a Commissioner of the United States Parole Commission for a term of six years.

ASIAN DEVELOPMENT BANK

Robert M. Orr, of Florida, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

BROADCASTING BOARD OF GOVERNORS

Richard M. Lobo, of Florida, to be Director of the International Broadcasting Bureau, Broadcasting Board of Governors.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Mimi E. Alemayehou, of the District of Columbia, to be Executive Vice President of the Overseas Private Investment Corporation.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Mark Feierstein, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

Nisha Desai Biswal, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF COMMERCE

Michael C. Camunetz, of California, to be an Assistant Secretary of Commerce.

FEDERAL HOSPITAL INSURANCE TRUST FUND

Charles P. Blahous III, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Hospital Insurance Trust Fund for a term of four years.

FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE TRUST FUNDS

Charles P. Blahous III, of Maryland, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for a term of four years.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

Charles P. Blahous III, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

Robert D. Reischauer, of Maryland, to be a Member of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund for a term of four years.

Mr. GOODWIN. Madam President, I move to reconsider the vote and lay that motion on the table; and I ask unanimous consent that no further motions be in order, that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

AMENDING THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. GOODWIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6102, which was received from the House and is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 6102) to amend the National Defense Authorization Act for fiscal year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A-18E, F/A-18F, and EA-18G aircraft.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Madam President, the bill H.R. 6102 is an important bill. Based on authority provided in two acts, the National Defense Authorization Act for Fiscal Year 2010 and the Department of Defense Appropriations Act for Fiscal Year 2010, the Navy and contractor team negotiated a multiyear contract for purchasing F/A-18E/F and E-18G aircraft.

The Secretary of Defense approved the Navy's request to sign such a contract. The Secretary also provided the necessary certifications required by title 10, United States Code. The independent cost estimators within the Department of Defense, the office of Cost Analysis and Program Evaluation, or CAPE, agreed with the Navy's estimate that the multiyear contract would save an estimated \$590 million. Unfortunately, the Navy and the contractor team were unable to conclude negotiations by the deadlines set forth in the two acts authorizing and appropriating funds for the multiyear contract.

We should not let these savings slip through our fingers just because the Navy and contractors were not as prompt as the Congress envisioned when we passed the two acts last year. This bill would allow the Navy and the taxpayer to achieve those savings by authorizing the Navy to sign a multiyear contract for the F/A-18E/F and E-18G program despite having missed those deadlines.

I urge that the Senate pass this bill immediately.

Mr. GOODWIN. Madam President, I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6102) was ordered to be read the third time, was read the third time, and passed.

THE AMERICAN LEGION DAY

Mr. GOODWIN. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 627, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 627) designating September 16, 2010, as "The American Legion Day."

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Madam President, I rise in support of legislation with Senator LINCOLN, Senator COLLINS, and Senator CHAMBLISS, which would officially recognize The American Legion and its vital role in communities across the Nation, by designating September 16, 2010, as "The American Legion Day."

Nothing describes the role of The American Legion more beautifully than the preamble to its constitution which is recited by its members at the beginning of every official meeting. "For God and Country, we associated ourselves together for the following purposes: to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the Master of Might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; and to consecrate and sanctify our comradeship by our devotion to mutual helpfulness."

I think we all would agree that these are extremely lofty goals for any organization, but amazingly for over 90 years The American Legion has worked towards these objectives—not for themselves, but for America.

Most people are surprised to learn that The American Legion was actually founded in Paris, France. World War I veterans remembered the challenges facing wartime veterans from previous generations and vowed not to let their fellow comrades face the same hardships, especially those with service-connected disabilities. They wanted employment opportunities for returning combat veterans. They were concerned about the survivors of combat veterans who had paid the ultimate sacrifice in service to their country. And most importantly, they wanted medical care provided to the wounded and ill returning service members.

Now, as it did at its founding, The American Legion remains focused on supporting veterans, military service members, and their families. Since December 2008, The American Legion's Operation Comfort Warriors has raised hundreds of thousands of dollars to buy merchandise for Wounded Warriors in military medical centers around the country. Through the "Heroes to Hometowns" program The American Legion helps local communities prepare "welcome home" events when wounded warriors are finally released from military or veterans' affairs medical centers. Since the first gulf war, The American Legion has maintained

its Family Support Network which assists deployed service members and their families, especially members of the National Guard and Reserves. Some requests are for financial assistance, but other requests are simply for household chores, such as lawn work or car maintenance, that would normally be done by the soldier, sailor, airmen, or marine, were they not deployed. No request is too large or too small.

Many Legionnaires can be found in public schools on Veterans' Day or Memorial Day talking about their military service during periods of armed conflict to make sure the next generation of Americans understands the sacrifices and hardships of previous generations of wartime veterans. Legionnaires also teach students about the proper display and care of the flag of the United States.

The American Legion works closely with the American Red Cross—the largest organization of blood donors and a working partner in disaster assistance. Many American Legion Posts serve as Red Cross and Federal Emergency Management Agency work centers in areas hit by natural disasters. Members of more than 14,000 American Legion Posts donate nearly 100,000 pints of blood to the American Red Cross each year.

The American Legion is also proud of its membership's spirit of volunteerism. Each year, Legionnaires volunteer about 1 million hours of services in VA and military medical facilities, State veterans' homes, and other such community volunteer opportunities.

And one of the most solemn of functions performed by The American Legion is providing burial details for fallen comrades of every generation. The American Legion Color Guards, Buglers and Rifle Squads perform thousands of burials in veterans' and private cemeteries around the Nation.

As all of us in this Chamber know, The American Legion remains today an active and vigorous advocate for service members, veterans, and their families here on Capitol Hill. Among its greatest legislative achievements was the enactment of the Servicemen's Readjustment Act of 1944, the GI Bill of Rights. The initial draft of the GI Bill was written by Legionnaires at the Mayflower Hotel here in Washington, DC. Many consider the GI bill to be one of the greatest pieces of legislation ever enacted.

Congress presented The American Legion its Federal charter on September 16, 1919. Therefore, I think it only fitting that we proclaim September 16, 2010, "The American Legion Day." I sincerely hope that my colleagues will join me in supporting this well-earned measure, demonstrating our respect and esteem for this outstanding organization.

Mr. GOODWIN. Madam President, I ask unanimous consent that the reso-

lution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 627) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 627

Whereas, on September 16, 1919, Congress issued to the American Legion a Federal charter as a wartime veterans service organization;

Whereas the American Legion remains active in communities at the national, State, and local levels;

Whereas members of the American Legion (commonly referred to as "Legionnaires") provide millions of hours of volunteer service to medical facilities of the Department of Veterans Affairs and State homes for veterans throughout the United States;

Whereas the American Legion continues to sponsor activities for children and youth, including the National Oratorical Contest, Boy Scouts, American Legion Baseball, Boys State, and Boys Nation;

Whereas the American Legion awards millions of dollars in college scholarships to young men and women;

Whereas the American Legion National Emergency Fund provides financial assistance to Legionnaires displaced by natural disasters;

Whereas the American Legion Family Support Network provides assistance to members of the Armed Forces of the United States and their families;

Whereas the American Legion Child Welfare Foundation has provided millions of dollars to programs focused on youth in the United States, including the Special Olympics and the Children's Miracle Network;

Whereas the American Legion Temporary Financial Assistance provides grants to veterans with children experiencing financial hardships;

Whereas the American Legion remains second to none in steadfast support of strong national defense;

Whereas the American Legion supports maintaining a viable and principled foreign relations agenda;

Whereas the American Legion is a staunch advocate for the principal missions of the Department of Veterans Affairs;

Whereas the American Legion wrote the original draft of the Servicemen's Readjustment Act of 1944 (58 Stat. 284, chapter 268), commonly referred to as the "G. I. Bill of Rights";

Whereas the American Legion continues to support employment programs and opportunities for veterans; and

Whereas Legionnaires believe that a veteran's service to the United States continues long after the veteran is honorably discharged from the Armed Forces of the United States: Now, therefore, be it

Resolved, That the Senate designates September 16, 2010, as "The American Legion Day".

RECOGNIZING THE 10TH ANNIVERSARY OF THE NATIONAL BOOK FESTIVAL

Mr. GOODWIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consider-

ation of S. Res. 628, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 628) recognizing the 10th anniversary of the National Book Festival.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GOODWIN. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 628) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 628

Whereas the National Book Festival is a great national treasure that fosters the joy of reading;

Whereas the first National Book Festival held on September 8, 2001, was organized and sponsored by the Library of Congress and hosted by First Lady Laura Bush;

Whereas the first National Book Festival, held on the grounds of the Library of Congress and the United States Capitol, was such a success that it has become an annual event;

Whereas the National Book Festival has grown in popularity, in recent years bringing over 130,000 book lovers to the National Mall;

Whereas, each year, the National Book Festival has featured more than 70 award-winning and nationally known authors, illustrators, poets, and storytellers;

Whereas the National Book Festival invites readers from around the United States to celebrate books, reading, and creativity;

Whereas the National Book Festival convenes the "Pavilion of the States" which includes representatives from all 50 States, the District of Columbia, and the territories and possessions of the United States who discuss and distribute materials about their respective reading and literacy promotion programs;

Whereas this year the Festival has reached a milestone for both the Library of Congress and the Nation; and

Whereas the 10th National Book Festival will be held on September 25, 2010, on the National Mall, and supported by Honorary Co-Chairs President Barack Obama and First Lady Michelle Obama: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and emphasizes the important historic and ongoing role of the National Book Festival; and

(2) encourages the celebration of "A Decade of Words and Wonder" on Saturday, September, 25, 2010.

HISPANIC HERITAGE MONTH

Mr. GOODWIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 629, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 629) recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MENENDEZ. Madam President, I rise today to recognize September 15 through October 15 as Hispanic Heritage Month. America has always celebrated its diverse heritage with pride. It has always honored those who have contributed and made this Nation great.

Irish Americans, Italian Americans, African Americans, Asian Americans—all Americans—have come to this Nation and added to the rich and colorful patchwork quilt of American democracy.

This resolution recognizes Hispanic Americans for the contributions they have made to the rich fabric of America. It designates the next 30 days as Hispanic Heritage Month and in so doing celebrates the long history of Latinos in the United States and the extraordinary contribution they have made to this Nation throughout our history. That history is clear—written boldly but sometimes little known. But this is our history in America, and it is America's history.

Latinos have proudly served this Nation, helped build it and defend it, and continue to serve today.

We have been contributing to and have been part of the American tapestry for hundreds of years. Hispanics fought for freedom alongside the patriots in the American Revolution.

Increasingly, we find references to those who came before us—Bernardo de Galvez, a Spanish army officer—the Governor of Louisiana from 1775 to 1785—who played a role in blocking British advances against George Washington in the American Revolution. And Jorge Farragut, a Spanish ship captain who came to America and fought for the colonies against the British.

He was the father of the Civil War hero ADM David Farragut, known for his famous rallying cry, "Damn the torpedoes, full steam ahead."

I would imagine that few who walk past Farragut Square in Washington—not far from this Chamber—realize that Admiral Farragut was of Hispanic origin.

Latinos fought and died on both sides of the Civil War and have participated in every war since. There were at least 10,000 Mexican Americans fighting for the Union during the Civil War and a number of others fighting for the Confederacy.

In one of the folkloric tales of the Civil War, there was the story of Loret-

ta Velasquez who was born in Cuba and claimed that she disguised herself as a male lieutenant and fought against Union forces at several battles, including Bull Run, and later claimed to have worked as a spy for the Confederacy.

Even in the Spanish-American War, a dozen Latinos were among Teddy Roosevelt's Rough Riders.

In World War I, an Army pilot, David Cantu Barkley of Laredo, TX, of Mexican decent volunteered to penetrate German lines in France. With a comrade, he drew maps of German positions and supplies.

Barkley drowned on the return trip, but his partner survived and carried back the logistical information. Praised by General Pershing, Barkley won the Medal of Honor. Among the heroes of World War II was marine PFC Guy "Gabby" Gabaldon who won the Navy Cross for capturing more than a thousand enemy soldiers in the South Pacific during the summer of 1944.

The honor and patriotism of these brave soldiers cannot be overstated.

The story of Alejandro Ruiz, an Army private who fought in Okinawa, epitomizes their commitment to this Nation and the tragedy some of them endured.

Private Ruiz's Medal of Honor citation noted his "conspicuous gallantry above and beyond the call of duty.

... When an enemy soldier charged him his rifle jammed. Undaunted Private Ruiz whirled on his opponent and clubbed him down ...

... Leaping from one opening to another, he sent burst after burst into the pillbox, killing 12 of the enemy and completely destroying the position ...

... Private Ruiz's heroic conduct in the face of overwhelming odds, saved the lives of many of his comrades and eliminated an obstacle that long would have checked his unit's advance."

Private Ruiz wrote in a letter: "I never questioned my duty because I believe that as Americans we have a responsibility to serve our country and preserve our way of life and freedoms. All I can say is I did what I had to do."

Private Ruiz served this Nation with honor. Madam President, 14,000 Hispanic soldiers served in Korea and more than 300 died; 80,000 Hispanics served in the Vietnam war, representing 5.5 percent of those who made the ultimate sacrifice for their country in those years—even though, at the time, Latinos comprised only 4.5 percent of the population.

As we speak, 28,000 Latinos currently serve with distinction in Afghanistan and Iraq; 561 casualties in Iraq and Afghanistan have been Hispanic casualties.

In fact, there are almost 1.5 million Hispanic veterans of the Armed Forces in this country today who also served with honor.

And of the Hispanics who have served in uniform, 41 of them have been awarded the Congressional Medal of

Honor, including David Cantu Barkley and Private Ruiz.

This month we celebrate the contribution of all Latinos to the history of this Nation.

We celebrate the contribution of the many community leaders and local heroes in our neighborhoods, our cities, and towns, and in every State in America.

All across this Nation, the Latino population is growing. We are now the largest minority group in the country—contributing to the community, the economy, and the political debate.

Today, Hispanics hold 29 seats in the U.S. Congress, 2 in the Cabinet, and 1 on the Supreme Court.

We are no longer on the outside looking in. We are at the table on every major issue before Congress—every major issue before the courts.

I stand here, a United States Senator, a lawyer, a Hispanic American who took his seat on the floor of this Chamber not long ago and proudly cast my vote for Justice Sonia Sotomayor, the first Hispanic Justice of the U.S. Supreme Court.

That was a historic moment for me, a historic moment for the Hispanic American community, one we will never forget, but I can say with some measure of confidence, I believe it is only the beginning.

This month let us celebrate not only Hispanic Heritage but let us proudly celebrate and proclaim the history of Hispanics in America going back to the Revolution, and then let us recognize the role a new generation of young Latinos will play in making this, the 21st century, another American century.

I urge my colleagues to support this resolution and join with me in celebrating the heritage and culture of Latinos in the United States and their immense contributions to this Nation.

Mr. GOODWIN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 629) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 629

Whereas, from September 15, 2010, through October 15, 2010, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at almost 47,800,000 people, making Hispanic Americans the largest ethnic minority within the United States;

Whereas 1 in 5 United States public school students is Hispanic, and the total number of Hispanic students enrolled in public schools

in the United States is expected to reach 28,000,000 by 2050;

Whereas the purchasing power of Hispanic Americans is nearly \$1,000,000,000,000, and there are more than 2,300,000 Hispanic-owned firms in the United States, supporting millions of employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, food services, and construction;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have bravely fought in every war in the history of the United States;

Whereas more than 28,000 Hispanics currently serve with distinction in Afghanistan and Iraq;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for their country in that conflict although they comprised only 4.5 percent of the United States population at the time;

Whereas, as of August 7, 2010, 561 United States military fatalities in Iraq and Afghanistan have been Hispanic;

Whereas, as of September 30, 2009, there were approximately 1,332,033 Hispanic veterans of the Armed Forces;

Whereas 41 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat on the Supreme Court, 1 seat in the Senate, 28 seats in the House of Representatives, and 2 seats in the Cabinet; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2010, through October 15, 2010;

(2) esteems the integral role of Latinos and their manifold heritage in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

MEASURE READ THE FIRST TIME—S. 3793

Mr. GOODWIN. Madam President, I understand that S. 3793, introduced earlier today by Senator BAUCUS, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The bill clerk read as follows:

A bill (S. 3793) to extend expiring provisions, and for other purposes.

Mr. GOODWIN. Madam President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, SEPTEMBER 20, 2010

Mr. GOODWIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, September 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; and that following morning business, the Senate resume consideration of the motion to proceed to S. 3454, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GOODWIN. Madam President, there will be no rollcall votes during Monday's session of the Senate. The next vote is scheduled to occur at 2:15 p.m. on Tuesday on the motion to invoke cloture on the motion to proceed to the Defense authorization bill.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 20, 2010, AT 2 P.M.

Mr. GOODWIN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4:13 p.m., adjourned until Monday, September 20, 2010, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

GEORGE ALBERT KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

DEPARTMENT OF JUSTICE

CHARLES M. OBERLY III, OF DELAWARE, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF DELAWARE FOR THE TERM OF FOUR YEARS, VICE COLM F. CONNOLLY, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL J. DIRE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RONALD E. DZIEDZICKI

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

ROBERT L. GAUER

JOHN C. BATKA
JENNIFER L. BAU
DAVID M. BIKO
BRIAN T. CALLAHAN
PATRICK J. CONTINO
TARA E. COOK
OSCAR H. CORREDOR
MICHELLE D. DIMOFF
BRENT J. HUDDLESTON
SCOTT R. JOHNSON
ONTARIO D. LAU
BRIAN LAYTON
PAMELA J. LEEJOHNSON
MORCENE MCVAY
KRISTELL L. MICHAEL
MITZI J. PALAZZOLO
BENJAMIN ROMICK
AMY A. RYN
LUKE E. STALL
ANDRE J. SULLIVAN
ANDREW J. THORSON
JARED A. TOMAN
AMANZE O. UGOJI
LUCRETIA L. VAUGHN
JEFFREY D. WATSON
RYAN C. WAYLAND
AUDREA D. WILLIAMS
RICHARD C. WOLONICK
RAJENDRA C. YANDE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ARLENE D. ADAMS
DARWIN L. ALBERTO
SIMONA C. ALLEN
MICHAEL R. E. BARRY
SHAWN M. BRANSKY
MICHAEL E. BRUHN
KENNETH E. BURKETT
KEVIN K. BYNUM
STEPHEN J. CASIMIR
EDWARD M. CASSIN
JOSEPH R. DELL
RICHARD K. ELMORE
CHRISTOPHER J. ESTRIDGE
SHARIEF M. FAHMY
GREGORY S. FELTENBERGER
HEIDI SPALT HASTINGS
IDONA E. HENRY
JEREMY N. HOOPER
MERLYN JENKINS
ROBERT A. JENNESS
MIN YEN JUNG
RICHARD A. KELLER
ANDREW C. LATTIMORE
ANTONIO D. LOVE
WINSTON L. MASSEY
DAVID E. MCCLINTOCK II
RUSSELL E. NAIL, JR.
ROBERT D. PELTZER
DAVID J. PHILLIPS
PERRY STANSBURY
MICHAEL J. STONE
ANGELA M. THOMPSON
CHARLES J. TWEDT
MARTIN G. VALLES
CHRISTOPHER A. VAUGHN
BRADLEY D. WEAST
DUANE R. WEBSTER
VICTOR D. WEEDEN, JR.
KENNETH W. WHITLOCK
AMY S. WOOSLEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MARIANNE E. ALANIZ
DWAYNE A. BACA
ROBERT D. BARRIENTOS
ANGELA S. BARRONS
CHRISTOPHER THOMAS BENDER
JONATHAN A. BERGMANN
BRUCE L. BLACKMAN
DANIEL R. BOWEN
KEVIN M. BOZZI
ALEJANDRO BRECEDA
QUINETTE ALEXANDER BROWN
CHRISTOPHER M. CABANA
LISA D. CARR
MICHAEL A. CLEMENT
CATHLEEN F. CONNOLLY
STEVEN B. DADD
TIMOTHY M. DEATER
MICHELLE L. DESROCHERS
GABRIEL R. DINOFRIO
ERIC L. DOGGETT
WADE S. EVANS
RYAN A. GABEL
STELLA E. V. GARCIA
GLEN N. GILSON
CHRISTOPHER G. GONZALES
MICHAEL T. HAMILTON
KATE HARLEY
LIANA LUCAS HERNANDEZ
EDYTA J. HILYARD

DENISE M. HOLLOWAY
BRYAN KA JERNIGAN
PERRY J. JOHNS
ERIC W. KERR
MICHAEL D. KING
KELLY S. LESNICK
THOMAS A. LIPSCOMB
DANA JOSEPHINE LONGO
JENNIFER LAURIE MARTINEZ
ANDREW J. MATTERN
JENNIFER A. MCCOY
MICHAEL PATRICK METZ
DWANA K. METZGER
TIMOTHY A. MORRIS
TONYA M. MOSER
ROBERT J. ORLANDO
MARK W. OVERLIE
CHRISTOPHER M. PALUMBO
KEVIN S. RAMSEY
DON T. ROUSSEAU
ROBERT B. RUSSIN
BRANDI L. SALDEEN
JAMES S. SANDVIG
JEFFREY B. SCHULER
PAMELA K. SMALLWOOD
TERI L. SMITH
CARMAL A. TERRELL
DANIEL S. TURNER
THADDEUS D. TURNER
JAMES D. ULRICH
RAYNOLD E. VINCENT, JR.
CHRISTOPHER W. WEEKS
DAVID L. WHITNEY
MARK L. WIMLEY

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

THOMAS E. KOERTGE

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

EDWARD B. MARTIN

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

TIMOTHY S. ALLISON-AIPA

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

VICKIE M. JESTER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

BERNARD H. HOFMANN
GREGORY SEAN F. MCDUGAL

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

CHARLES L. CLARK

To be major

OXSANA BOYECHKO

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ALLEN L. FEIN

To be major

ROSTYLAV R. SZWAJKUN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ROBERT KIRK
TIMOTHY M. SNAVELY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

PAULA OLIVER

To be major

LAURA M. CHO
MICHAEL A. KELLEY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

AMANDA J. CONLEY
KIMBERLY A. OKEEFE
JEFFREY E. POUNDING
RONNIE L. RIDNER
DONALD L. ROLPH
THOMAS F. SPENCER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

JEFFREY D. ALLEN
MICHAEL T. BENTLEY
GEORGE F. KRANSKE
JAMES A. SEVERSON

To be major

ANDREW M. ADAMS
DAVID F. KHAN
RYAN C. NOMURA
MATTHEW A. PINTUR
TIMOTHY REYNOLDS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U. S.C., SECTIONS 624 AND 3064:

To be major

DIXIE J. BURNER
AMANDA C. CHRISTY
DAREN C. HARRISON
KARYN A. HAVAS
ANDREA L. HENDERSON
CHRISTIAN C. HOFER
MATTHEW M. JOHNSON
KEITH A. KOISTINEN
JARED MADDEN
SHANNON T. MARKO
ERIN K. MORRIS
GLEESON MURPHY
JEREMIAH L. NELSON
VICKY J. PAYNE
JODI K. SANGSTER
ANGELA M. SCHMILLEN
BRIAN W. SMITH
MARY E. SPRANGEL
KELLY M. STILL
ELIZABETH A. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

MICHELL L. AUCK
MARK A. AZEL
EDWARD B. BALDWIN III
SEAN P. BANNISTER
MICHAEL V. BEAN
TROY L. BIDEZ
MICHAEL A. BLACK
ANTHONY J. BOHL
DEWAYNE BRAMLETT
MARJORIE A. BURNISTON
AVERY J. CARNEY
SCOTT D. CAROW
MONICA L. CASMAER
NICOLE K. CHARBONNEAU
JON B. CHRISTENSEN
LOUIS D. COULY, JR.
DAVID A. COX
WILLIAM C. CRANSTON
AARON J. CROININ
MICHAEL S. CROWELL
RYAN A. CURTIS
JAIME H. DAVILA
CHARLES D. DAY
MARGIE J. DECK
JUSTIN T. DECKER
GERALD D. DEPOLD
BETHANY A. DESCHAMPS
WALTER D. ENGLE
TERRANCE T. FEE
DOUGLAS S. FOSTER
JOHN P. FRASURE
EWA N. GARNER
CHRISTOPHER J. GEORGIANA
TERRI L. GURROLA
JOHN E. HENDRICKS, JR.
CHRISTINE A. IVERSON
AARON G. KIDD
TODD P. KIELMAN
JOHN W. KNIGHT III
BRIAN M. KRUSTCHINSKY

SCOTT M. KULLA
KIMBERLY A. LATHAM
EUARDO F. LIMONTA
KEITH A. LUND
GREGORY D. MCCRUM
JOSEPH M. MILLER
MATTHEW S. MILLER
STEWART L. MILLER
DANIE T. MONTANO
RICHARD MORAVEC
JASON F. NAYLOR
DWAYNE A. NELSON
JESSIE NORTON
JESSICA A. ORTH
DANIEL I. RHON
JOHN B. ROBINSON
JENNIFER RODRIGUEZ
SHARON L. ROSSER
JONATHAN L. SAXE
NATHAN M. SETKA
DALE S. SHARP
MARTHA A. SMITH
MICHAEL P. SMITH
ANDY H. SONG
ERIN J. STIBRAL
JON E. STUBBLEFIELD
WADE A. SWATSWORTH
DERIK H. SWEE
CLEVE B. SYLVESTER
BART M. TERRITO
RICHARD H. TODD
BRANDON C. WAMPLER
LANCE M. WARE
CONNIE R. WELCH
JEROME J. WENNINGER, JR.
LARRY A. WYATT
DAVID A. ZELLER, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

LANEICE L. ABDELSHAKUR
FRANCIS K. AGYAPONG
DIANA C. ANDERSON
ALBERT ARREDONDO, JR.
JOHN G. AVERY
JULIE A. BANTA
MARK S. BARROWS
JOSEPH S. BELTZ
MARGARET S. BERRYMAN
TRISHA A. BIELSKI
ANN D. BIGGER
DEANDRA D. BRILL
KRISTINE P. BROGER
CHARLES A. BROOMELL
MARIA I. BRUTON
DEVIN Y. BRYANT
CYNTHIA BUCHANAN
ROBERT G. BURDINE, JR.
JAMES T. CAMPBELL, JR.
ROBERT M. CARTER
BENJAMIN G. CARTWRIGHT
DAVID S. CASE
JOHN S. CHEATWOOD
JO A. CLARK
THOMAS B. CLARK
KARLA R. CLARKE
JACQUELYN M. CLINE
RONALD D. COLE
JOSHUA B. COMPTON
DENISE L. COOPER
CHRIS R. DALY
RANDY L. DAVIS
RAMONA I. DECKER
CHARLES W. DENSEVICH
LAKISHA S. DIXON
ROBERT W. DUNCAN
WADE G. DUNLAP
KAKA ECHERE
MASHANDRA D. ELAM
LAKISHA N. FLAGG
SATIVA M. FRANKLIN
SHAWN P. GALLAGHER
RICHELLE L. GOODIN
ANITA E. GOULD
WINIFRED M. GRADY
RACHEL C. GREVE
GARY W. GULICKSON
ERNEST K. HAFNER
JADE M. HAMEL
KNOX M. HARRIOTT
BENITA L. HARRIS
TRAVIS M. HAWKSLEY
FELISIA M. HIBBLER
JEFFREY S. HILLIS
ANDREW J. HOVER
MYRNA B. HOWSON
NEIL S. HURD
KYONG S. HYATT
KYNDRA A. JACKSON
LAURA JEFFREY
AARON R. JOHNSTON
HUI S. JONES
LORRY KELLEY
VALERIE L. KENNEY
UN C. KIM
LAURA C. KRAEMER
LINDA M. LANDIS

ANN H. LATURNO
 THOMAS E. LAVER
 DEVON J. LEHMAN
 RALPH L. LUELLEN III
 EDWARD W. MACAULEY
 JACOB H. MACGREGOR
 JASON K. MARQUART
 CARRASCO O. MARTINEZ
 BARBARA A. MCCOTTRY
 AMY M. MCINTOSH
 ANDREA L. MCRAE
 HEIDI E. MILLER
 JACKY A. MILLER
 ALEXANDER K. MISIEWICZ
 MEGAN C. MOAKLER
 DANIELLE L. MOLINAR
 NORMAN E. MORRIS
 NANCY R. MOSINSKI
 WILLIAM O. MURRAY
 ANTOINETTE C. MYLES
 MICHAEL J. NEILL
 EVAN S. NONAKA
 LINDA F. NUNNPRIDGEN
 ELIZABETH M. NUTTER
 MONICA OFFENBACHERLOONEY
 TIMOTHY W. ORCUTT
 ADRIANA C. ORTIZCOFFIE
 LUCIA J. PARK
 VALENTINO I. PARRIS
 MARJORIE A. PARTRIDGE
 LEONARDO P. PASCUAL, JR.
 ELAINE E. PASZKOWSKI
 SUSAN K. PIERSON
 UTE C. POEPSSEL
 TRACI L. PRAYNER
 MICHAEL REUTER
 CINDY L. ROBERTS
 LUIS R. RODRIGUEZ
 ANGELA L. ROSARIO
 MATTHEW W. RUEMMER
 JACQUELINE M. RUSHTON
 KAREN S. SCHMALENBERGER
 DAWN M. SCHMIDT
 ROBIN L. SHELTON
 ASHLEY E. SHUPE
 ANTHONY P. SMITH
 SHENIN D. SPARKS
 CHRISTINA M. STEIMLE
 KARL A. STEWART
 KYLE T. SUNADA
 DAVID A. TAIT
 MESHELLE A. TAYLOR
 JEFFREY S. TEBBS
 TOMMY L. THOMPSON
 KELLEY C. TOGIOLA
 DOLORES P. TONEY
 LAURA D. VANDERMARTIN
 APRIL S. VELASQUEZ
 CAROLYN H. WATSON
 LISA P. WHITE
 OMAR S. WHITE
 TIMOTHY R. WHOOLERY
 LYDIA WILKERSON
 JULIE B. WILLIAMS
 VERNICE F. WILLIAMS
 JOHN E. WILSON, JR.
 KYONG I. WINKLER
 JENNIFER E. WISSEMAN
 DAN M. WOOD
 ANTOINETTE W. WOOTEN
 RAYMOND L. WRIGHT
 SASHI A. ZICKEFOOSE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JOSEPH H. AFANADOR
 ALICIA L. ALEXANDER
 MICHAEL A. ALLUMS II
 FERDY A. AMEH
 PAULA R. AMUNDSON
 KRISTI M. ANDREWS
 TONIA D. ASHTON
 KATHY L. BABIN
 JOSHUA C. BAKER
 STEVEN M. BARR
 JEFFREY I. BASS
 JOSHUA D. BAST
 SAMANTHA M. BENESH
 TIMOTHY K. BERTUCCO
 RYAN S. BIBLE
 LOGAN M. BLANK
 LISA M. BOHLER
 ANTHONY A. BOROWSKI
 ANTHONY L. BRADWAY
 NOLAN C. BRANDT
 LONDON R. BRETHOUWER
 ANITA J. BRITT
 CHRISTINA M. BUCHNER
 JIMMIE J. BUTCHER
 WILLIAM H. CALLAHAN
 TIA W. CAPHART
 KATHLEEN M. CHUNG
 NIKEYA D. CLARKSON
 ESTILL R. COLLINS, JR.
 HENRY C. COX
 WILLIAM H. DAVIS
 JAMES H. DAY
 JASON T. DEBOER

ERIK F. DEFREITAS
 GEORGE M. DEGUZMAN
 JESSE DELGADO
 LISA M. DENNIS
 GRACE L. DEWARS
 KEVIN M. DOHERTY
 CHARLES L. DOUGLAS
 SCOTT B. DRIVER
 DEANNA DURAN
 LATAYA E. DUREN
 KENNETH W. EMERSON
 CHRISTOPHER L. EVANS
 JAMES W. FABIA
 PEGGY Y. FANCHER
 SCOTT M. FARLEY
 ROBERT P. FEDERIGAN
 JENNIFER A. FILIATREAU
 NICOLE R. FRENCH
 TODD R. FURBACHER
 ROGER I. GARRETT, SR.
 MATTHEW C. GEIMAN
 KRISTINE T. GILLETTE
 MICHELLE L. GLENN
 LAURIE L. GODIN
 CHRISTOPHER M. GREENE
 RYAN GRIPPIN
 MELISSA GUE
 CHRISTOPHER J. GUENTHNER
 JOSHUA J. HANDORF
 ALIDA M. HANNAH
 JAYME K. HANSEN
 MICHAEL HARTENSTINE
 JASON J. HAUKE
 WALTER L. HAWKINS
 RONALD A. HENELY
 DAVID V. HINDMAN
 HEATH D. HOLT
 BRYAN J. HUNSAKER
 LEIF O. IBSEN
 DALMAR A. JACKSON
 ERICA L. JEFFERSON
 DAVID W. JOHNSON
 JACOB D. JOHNSON
 RACQUEL O. JUNIO
 EDWIN KAMAU
 WILLIAM K. KEENER
 GERALD G. KELLAR
 ADAM D. KELLER
 LEIF V. LALONE
 PAUL D. LANG
 CHARLOTTE A. LANTERI
 DONG Y. LEE
 RANDOLPH A. LEONPIEVE
 KEVIN R. LESTER
 PAMELA D. LEWIS
 KYLE W. LINDHOLM
 AARON LOZANO
 GORDON J. LYONS
 ALYSON M. MALONE
 ALEXANDER L. MANGINDIN
 ANTHONY J. MARINOS
 LUIS A. MARTINEZ
 TERRY H. MATZ
 JERRY A. MAYERS
 DONALD L. MAZZA
 JOHN MBUE
 VICTORIA M. MCCARTHY
 DANIEL MCHUGH
 DONALD J. MCNEIL
 GABRIEL L. MEDLEY
 MICHELLE G. MEDWICK
 MARIO R. MESA
 DENISE M. MILHORN
 SHANE V. MILLER
 JULIE A. MITCHELL
 ANGELA M. MOBBS
 CHARLES A. MOORE
 JASON P. MORAN
 SCOTT D. MRAS
 CHRISTIAN NELSON
 PETER V. NUNN
 OSCAR A. OCHOA
 CAMPOS R. ORTIZ
 SHERYL E. PEDERSEN
 FRANK A. PETRASSI
 MATTHEW PIERCE
 TONY PIERSON
 DUKE D. POORE
 EDWARD O. PRICE
 BENJAMIN QI
 EDGARDO RAMIREZ
 RICHARD RAMOS
 ERIC D. RHODES
 JENNIE E. RICHEY
 JASON L. RIHA
 MARY I. RIVERACOLON
 LUIS A. ROCHA
 TAMEKA L. ROGERS
 TANNER J. ROY
 STACY RUSHING
 GREGORY A. RUSHTON
 ERIK N. RUSSELL
 ALEX C. SANDERS
 KEITH H. SCHMIDT
 STEPHEN T. SCHMIDT
 DAVID P. SENSIBA
 ALEX SHILMAN
 NAOMI L. SKINNER
 KYLE A. SMITH
 LARRY N. SMITH
 NICHOLAS R. SONG
 MOISES SOTO

ANTHONY J. SPEARS
 KIMBERLY A. SPECK
 STEPHEN R. SPULICK
 MARTHA A. STANY
 ALAN H. STOREY, JR.
 SETH O. SWARTZ
 MICHAEL TAYE
 JOHN W. TAYLOR
 LINDSAY A. TEPLESKY
 FRED B. TERRADO, JR.
 CHARLES M. TESSMAN, SR.
 FELICIA L. THOMAS
 NICOLE A. THOMAS
 REYNALDO M. TORRES
 KRISTINE TOWNSEND
 BRIAN C. TRIPP
 WALTER J. UNRUH
 JERRY D. VANVACTOR
 JANET N. VAUGHN
 ANGELA L. VENY
 CHAD D. VERMILLION
 HILDEHARDO F. VIADO, JR.
 SCOTT L. VIAL
 RORY K. WALLEY
 CHRISTOPHER J. WASHACK
 LASHONIA R. WHITE
 KELLY W. WILHELMS
 JEFFREY A. WYATT
 JASON R. YELLMAN
 RU Z. ZHAO

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

VICTOR JOHN CATULLO

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

WILLIAM A. MIX

To be lieutenant commander

MATTHEW L. HEARP
 JOHN H. STEELY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

RONALD K. BACH
 TODD A. ZVORAK

To be commander

JOHN F. DEZZANI
 JOSEPH J. MCINERNEY

To be lieutenant commander

CHRISTOPHER S. FRONK
 WALDEMAR A. KILIAN
 ELISABET PRIETO
 ANTHONY R. RANESSE
 ANNA A. ROSS

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, September 16, 2010:

FARM CREDIT ADMINISTRATION

JILL LONG THOMPSON, OF INDIANA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING MAY 21, 2014.

TENNESSEE VALLEY AUTHORITY

MARILYN A. BROWN, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2012.

WILLIAM B. SANSON, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2014.

NEIL G. MCBRIDE, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2013.

BARBARA SHORT HASKEW, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2014.

PENSION BENEFIT GUARANTY CORPORATION

JOSHUA GOTBAUM, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION.

EXECUTIVE OFFICE OF THE PRESIDENT

CARL WIEMAN, OF COLORADO, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

UNITED STATES POSTAL SERVICE

DENNIS J. TONER, OF DELAWARE, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 2012.

DEPARTMENT OF AGRICULTURE

ELISABETH ANN HAGEN, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY.

FARM CREDIT ADMINISTRATION

SARA LOUISE FAIVRE-DAVIS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

LOWELL LEE JUNKINS, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

MYLES J. WATTS, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

DEPARTMENT OF AGRICULTURE

CATHERINE E. WOTEKI, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.

DEPARTMENT OF COMMERCE

FRANCISCO J. SANCHEZ, OF FLORIDA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

UNITED STATES PAROLE COMMISSION

J. PATRICIA WILSON SMOOT, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS.

ASIAN DEVELOPMENT BANK

ROBERT M. ORR, OF FLORIDA, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR.

BROADCASTING BOARD OF GOVERNORS

RICHARD M. LOBO, OF FLORIDA, TO BE DIRECTOR OF THE INTERNATIONAL BROADCASTING BUREAU, BROADCASTING BOARD OF GOVERNORS.

OVERSEAS PRIVATE INVESTMENT CORPORATION

MIMI E. ALEMAYEHOU, OF THE DISTRICT OF COLUMBIA, TO BE EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MARK FEIERSTEIN, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

NISHA DESAI BISWAL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF COMMERCE

MICHAEL C. CAMUNEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

FEDERAL HOSPITAL INSURANCE TRUST FUND

CHARLES P. BLAHOUS, III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

ROBERT D. REISCHAUER, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOS-

PITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE TRUST FUNDS

CHARLES P. BLAHOUS, III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE TRUST FUNDS

ROBERT D. REISCHAUER, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

CHARLES P. BLAHOUS, III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

ROBERT D. REISCHAUER, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—Thursday, September 16, 2010

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

All powerful Lord, You fulfill Your promises day by day and lead Your people to greatness. You are the One who asks each of us to live a life worthy of our calling.

By embracing the responsibilities of our station in life, each of us is to perform our duties with humility, meekness, and patience. By bearing with one another with understanding, we are to make every effort to preserve the unity we have been given by Your Divine Providence and seek peace at every turn of events.

Your presence, Lord, has guided us from the beginning, is with us now, and will be fully revealed in the end.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. OLSON) come forward and lead the House in the Pledge of Allegiance.

Mr. OLSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LANGEVIN). The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

□ 1010

PASS THE SMALL BUSINESS JOBS AND CREDIT ACT

(Mr. HEINRICH asked and was given permission to address the House for 1 minute.)

Mr. HEINRICH. Mr. Speaker, during my recent high-tech manufacturing

tour, I saw firsthand the success of some of New Mexico's homegrown companies. While creating jobs, local small businesses like Senspex, Applied Technology Associates, and Aspen Avionics are also providing the innovation to meet our Nation's twenty-first century challenges.

Even through the recent economic downturn, this local high-tech sector has remained strong, and even grown by hundreds of millions of dollars in revenue. Yet many small businesses cannot access the credit that they need to expand and hire more workers. This is why the Congress must pass the Small Business Jobs and Credit Act. This legislation will boost small business lending through community banks and provide tax relief, and it will do it without adding a penny to the deficit.

I am doing all I can to support small businesses, which is why I urge my colleagues to support the Small Business Jobs and Credit Act.

TAX HIKES

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, as our economy continues to struggle, the President's former budget director, Peter Orszag, stated that, and I quote, "Higher taxes now would crimp consumer spending, further depressing the already inadequate demand for what firms are capable of producing at full tilt." In non-Washington, D.C., language, that translates to the more money the government takes from the American people, the less they have to spend and to help rebuild our economy. My Republican colleagues and I have been saying this for nearly 2 years.

Now, over 30 of my Democrat colleagues have joined us in supporting an extension of all the tax cuts across the board. They get it. It makes no sense, no sense to raise taxes, especially at this time when businesses and individuals are trying to invest what little they have to make a better future and get our economy going.

Mr. Speaker, end the uncertainty and let the American people keep their money. I urge House leadership to extend the 2001 and 2003 tax cuts.

THE BIG NEED OF SMALL BUSINESS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, it is widely understood that one of the biggest problems facing our economy now is the fact that small businesses cannot get loans. And small business owners tell me every week from across my district they are not hiring because they cannot get loans and expand.

In fact, a recent report from the Joint Economic Committee, which I chair, found that the number of small business loans peaked in the second quarter of 2008 at 27 million loans. But since then the number of loans have fallen by 18 percent.

The bill before the U.S. Senate today that passed the House will address that by expanding access to needed credit for small businesses, providing tax relief, and encouraging private investments. Our economic recovery depends on small businesses, and credit-worthy small businesses need loans. This bill is not a cure-all or a silver bullet, but it is without question an important step towards restoring and restarting the great American engine of growth.

CONSTITUTION DAY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, tomorrow, September 17, is Constitution Day, a commemoration of the ratification of the U.S. Constitution on September 17, 1787. The role of the Federal Government, first debated by our Founding Fathers at the beginning of our new Nation, is still a topic of conversation over 200 years later.

Recently, we have seen an explosive expansion of the Federal Government, with a government takeover of health care, national interference in our schools, and government control of our auto industry. Power is being shifted from the people and the States to the Federal Government.

The Founders anticipated this dangerous growth of big government, so they drafted the 10th Amendment to the Constitution to ensure the Federal Government would only use powers granted specifically to them. As we take a moment today to remember the ratification, I hope we all remember that personal responsibility and less government intervention is a better way to promote liberty.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING DR. MARIO OBLEDO

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. I rise today to honor a great voice for our Nation's disenfranchised, a man who passed away recently, Dr. Mario Obledo. Hailed as the Godfather of the Latino Movement, he dedicated his life to serving America's minority communities.

As president of the League of United Latin American Citizens and founder of the National Coalition of Hispanic Organizations, the Hispanic National Bar Association, and the Mexican American Legal Defense and Educational Fund, Dr. Obledo fought tirelessly for civil rights and justice.

Governments both here and abroad honored his accomplishments. Dr. Obledo received the Presidential Medal of Freedom, the country's highest civilian honor, and the OHTLI award, the highest tribute given by Mexico to foreigners. He was an inspiration to many.

I urge my House colleagues to join me in honoring Dr. Mario Obledo and his exceptional impact upon our country. He will be missed.

CONSTITUTION DAY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Constitution starts out, "We, the people." It's written in really large print right at the beginning of the document. The Constitution is a rock. It's the foundation. It is not some abstract concept that changes depending on the social philosophy of the elites and tyrants of the Judiciary.

The Constitution says the things it says in plain, simple language. The Constitution is an agreement between the people and the government. It sets limits on what the government can do, not the other way around. The Constitution upholds the principle that people have God-given rights. Government has no rights. Government has power. And the more power it grabs the less rights we have.

Thomas Jefferson warned, "the natural progress of things is for liberty to yield and government to gain ground." A government big and powerful enough to control our lives is big and powerful enough to take away everything we have. And that's un-American. After all, the Constitution says, "We, the people," not "We, the subjects."

And that's just the way it is.

HISTORY IS INSTRUCTIVE

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, history is instructive on almost every issue we face in this body. Today's issue is whether we should take action so that the wealthiest Americans don't have to pay an income tax rate of 39.6 percent.

So let's look back at when they were taxed at that rate during the Clinton administration. Well, what happened was exactly the opposite of what the Republican Party predicted would happen. In fact, people at that rate brought home more after-tax income than at any time in American history. Twenty-two million new jobs were created, and we had record budget surpluses. And in fact, at the end of this month we were projected to have paid off all of the debt, relieving our children and grandchildren of any of the debt that we would have otherwise burdened them with. Alan Greenspan was worried we didn't have enough debt floating out there.

But instead, when President Bush was elected, one of the very first things he did was to try to finance two wars with two deep tax cuts, none of it paid for and now we have \$12 trillion of debt. Let's look at history and learn from it.

□ 1020

HONORING MAJOR EDWARD J. HUDAK, JR., CORAL GABLES POLICE DEPARTMENT, AT THE FBI NATIONAL ACADEMY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise this morning to recognize and honor Major Edward J. Hudak, Jr., of the Coral Gables Police Department, located in my congressional district.

Major Hudak graduates tomorrow from the FBI National Academy at Quantico. He was chosen by his chief to attend and by his class of 272 elite police executives to represent them after the 3-month training in terrorism protection and domestic crime investigation. Ed says it is quite an honor to be at the finest executive leadership course in the world.

There have only been 44,000 of these top graduates since July 29, 1935, when J. Edgar Hoover created the FBI Police Training Academy. So congratulations to Major Ed Hudak, to his wife, Alina Tejada Hudak, and their lovely daughters, Kristina, 13, and Jennifer, 12 years of age.

Congratulations to the entire family.

SEBELIUS BULLYING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Secretary of Health and Human Services Sebelius seemed shocked to find that placing new mandates on health insurers leads to increased costs.

After press reports last week indicated that insurers are raising premiums because of ObamaCare, the Secretary wrote a letter to the health insurance association which is nothing more than bullying. The Secretary called the measures onto the carpet, insisting that there would be "zero tolerance for misinformation and unjustified rate increases."

Why are these rate increases unjustified? Because government bureaucrats thought that all the new rules and mandates would only lead to increases of 1 or 2 percent. Now insurers functioning in the real world are increasing premiums by up to 9 percent.

Bullying and threats aren't going to make ObamaCare work. This unprecedented expansion of government power is only making health care more expensive.

The solution is to repeal this law and replace it with real market-based reforms that take power away from unelected government bureaucrats.

PROVIDING FOR CONSIDERATION OF H.R. 4785, RURAL ENERGY SAVINGS PROGRAM ACT

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1620 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1620

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4785) to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Agriculture and the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the

Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Agriculture or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from North Carolina, Dr. FOXX. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 1620.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 1620 provides for consideration of H.R. 4785, the Rural Energy Savings Program Act. The rule provides 1 hour of general debate controlled by the Committee on Agriculture and Energy and Commerce. The rule makes in order as original text an amendment in the nature of a substitute printed in part A of the Rules Committee report, and the rule also makes in order four amendments printed in part B of the Rules report and provides one motion to recommit with or without instructions.

Mr. Speaker, we all know that too many American families are unemployed. Too many American families are having trouble paying their energy bills. Too many of our manufacturing jobs have gone overseas to China and to other countries.

Now, the Democratic Congress has brought bill after bill after bill after bill to the floor to help American families weather these tough economic times and make long-term investments in a clean economy so that the United States maintains its status in the world as a leader in innovation.

And every time, and every time we bring a bill to the floor, my friends on the other side of the aisle have overwhelmingly voted "no." They have become the party of no, no to everything. Unfortunately, based on some of the statements by some of my Rules Committee colleagues last night in the Rules Committee, I think that that will be their strategy today on this Rural Star bill.

This is a good, cost-effective bill. Rural Star will create high-skilled, high-wage manufacturing and construction jobs while delivering energy savings to millions of Americans by providing access to capital and energy-efficient technologies.

In fact, the National Association of Home Builders endorsed this bill, saying that H.R. 4785 will "save energy for American families, create jobs, and reap environmental rewards."

Let's not forget that this bill will put people to work, keep good-paying manufacturing jobs here in the United States, and lower the utility bills of families and farms across the country. The truth is more than 92 percent of energy efficiency products are manufactured here in America.

Let me repeat that, Mr. Speaker. The truth is that more than 92 percent of energy efficiency products are manufactured right here in the United States of America.

We are talking about insulation, windows, doors and water heaters. That's why this is so important. A family or a business will not only hire someone to install these energy efficiency products, but these products will be made in our backyard right here in our own country. Make it in America. That's what Democrats want. That's what we stand for.

There shouldn't be one Member of this body who opposes putting Americans to work in this fashion. And not only will H.R. 4785 result in more Americans jobs; it will lower families' and farms' utility bills. This is particularly important in rural areas where customers are facing increasing costs for electric power. Rural electric co-ops are facing a growing demand for electric power at a time when they are constrained from building new generation capacity.

The gentleman from South Carolina, Mr. INGLIS, supports this bill because of the positive impacts on rural electric co-ops, and he said so during testimony last night in the Rules Committee. I want to thank Mr. INGLIS for his support and for putting American jobs over partisanship today.

□ 1030

To my colleagues who argue that this bill will cost too much, I want to remind them that the programs in this bill involve loans, not grants. These loans must be repaid. CBO has analyzed the legislation and concluded that it does not score. The legislation is fully compliant with statutory PAYGO and House PAYGO rules.

Mr. Speaker, I hope everyone will take a close look at the important provisions in the Rural Star bill that will put Americans to work and help transition us to a stable clean energy economy of tomorrow.

I urge all of my colleagues on both sides of the aisle to put partisanship aside and support this rule and the underlying bill.

NATIONAL ASSOCIATION OF

HOME BUILDERS,

Washington, DC, September 13, 2010.

Hon. LOUISE SLAUGHTER,

House of Representatives, Washington, DC.

DEAR REPRESENTATIVE LOUISE: On behalf of the 175,000 members of the National Association of Home Builders (NAHB), I am writing to express our support for H.R. 4785—the Rural Energy Savings Program Act of 2010. We applaud your efforts to create jobs and deliver meaningful energy savings for consumers in rural communities by providing access to capital and efficiency technologies.

Without meaningful incentives to improve the energy efficiency of the 130 million existing homes and dwelling units that comprise our nation's housing stock, true energy savings will never materialize from the building sector. NAHB believes that H.R. 4785 helps address this problem in rural America by providing low interest loans to consumers to install energy efficient technologies that will save energy for American families, create jobs, and reap environmental rewards.

NAHB further supports the provisions in the legislation that will establish demonstration programs that help implement measurement and verification approaches to energy audits and investments in energy performance improvements with measurable results. NAHB believes that tracking energy savings improvements in older, less-efficient homes is important to demonstrate the voluntary efforts already underway to reduce GHG emissions from the overall building sector.

In addition to NAHB's consistent support for other energy efficiency incentives in both new and existing homes, NAHB supports H.R. 4785 as a way to further improve the nation's housing stock and provide avenues for consumers in rural communities to invest in efficiency. NAHB appreciates your thoughtful legislation.

Sincerely,

JOE STANTON,

Senior Vice President, Government Affairs.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague from Massachusetts for yielding time. But, Mr. Speaker, unfortunately, I have to rise today in opposition to this rule and the underlying bill.

Even though we have all had the opportunity to meet with our constituents in our districts over the past 6

weeks, it's clear that the ruling Democratic elite still do not seem to get it. My constituents in North Carolina want the Federal Government to stop spending, but this bill authorizes an additional \$5 billion for two new government-funded energy efficiency loan programs.

Mr. Speaker, the so-called stimulus in 2009 included over 8 billion in taxpayer dollars that were supposedly meant for energy efficiency in homes. At the time, the ruling Democrats boasted that it authorized \$4.7 billion for the Department of Energy to issue grants for a home weatherization program. However, though it was touted as another shovel-ready program, the Department of Energy has used less than 10 percent of those funds in the program's first year; just over 30,000 homes were weatherized instead of the hundreds of thousands promised.

If the Department of Energy can't implement the \$4.7 billion program in the stimulus, why should we authorize another \$5 billion loan program? We have not seen any evidence of these programs working or being implemented correctly.

Mr. Speaker, apparently the \$8 billion in stimulus spending was not enough. The Democrats are now asking that we borrow another \$5 billion from foreign countries and our grandchildren. The fact is we cannot afford, nor do we need, these new government programs, especially at a time when we have an unprecedented deficit and return on this spending is questionable at best.

Furthermore, this bill was not vetted by both the committees to which it was referred. And it's remarkable that our colleagues continue to bring ideas that have been rejected back to the floor. The Rules Committee Democrats have issued the self-executing rule to arbitrarily force inclusion of the Home Star Energy Efficiency Loan program into the bill even though 346 Members, including 178 Democrats, already voted against it this past May. They are using blunt force to push their agenda through, ignoring the will of the American people by increasing the program's authorization level from its original \$324 million to a whopping \$4.25 billion.

Again, Mr. Speaker, I'm disappointed that after having 6 weeks at home to listen to their constituents—not just Democrat constituents, not just Republican constituents, not just Independent or unaffiliated, but folks from all areas of political persuasion. Their constituents don't want them to spend more of their hard-earned money on frivolous government programs. Instead, they want us to cut spending, lower their taxes, and enable businesses to prosper so they can get back to work.

The goals of these two government programs, new programs, could be

achieved by existing programs such as the Rural Economic Development Loan and Grant program, which controlled approximately \$33.77 million for loans in fiscal 2010. Why two new programs are being created to do something an existing program can already achieve is beyond me.

Finally, I object to this rule because it is, once again, a structured rule. The ruling Democrat elites have chosen to block at least nine amendments from being offered on the floor today and instead have arbitrarily chosen to allow only four, which are the only amendments they will permit us to debate.

Once again, Mr. Speaker, after promising the most open and honest Congress in history, Speaker PELOSI has gone back on her word and against the will of the American people. When will our colleagues across the aisle learn that this House belongs to the people, not to them?

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am sorry that the gentlewoman from North Carolina has a problem with American jobs, but 92 percent of the products that have been used in this weatherization process were made here in the United States of America. We are helping keep jobs and we are helping to create jobs. I'm sorry that the Party of No has a problem with that. But the Democratic Party believes that we need to make it in America and that we need to invest in American jobs, and not only keep American jobs, but add American jobs.

The gentlelady says that somehow the weatherization program in the Recovery and Reinvestment Act didn't work. Well, I disagree with her very strongly. In some States like North Carolina, weatherization got off to a slow start, but in other States like Massachusetts we were able to start quickly. This was a function of the State having weatherization programs ready to handle these new funds right away or if they had to be ramped up.

Today, over 30,000 homes each month are being weatherized across the country thanks to the Recovery and Reinvestment Act. In 2009, 1,100 more houses were weatherized in Massachusetts than in North Carolina. But in April, May, and June of this year, 1,000 more houses were weatherized in North Carolina than in Massachusetts. Today, nearly the same number of houses have been weatherized both in North Carolina and in Massachusetts. So to say that this program isn't working and that it's a failure is clearly and utterly a mischaracterization.

I hope that my colleagues will look at the facts and not demagogue this issue simply for political gain. Those projects on weatherization, I will say to my colleague from North Carolina, in her State are helping to keep people in their jobs and helping to create

more jobs. Why is that such a big problem to my friends on the Republican side of the aisle? Why do they have a problem with making things here in the United States of America and protecting American jobs? That is one of the best reasons to support this bill. In addition to saving utility costs for families and small businesses, it is about creating jobs in the United States of America.

Mr. Speaker, at this time, I would like to yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate my friend from Massachusetts permitting me to speak on this important bill.

I could not agree with him more. I did spend a month working in Oregon to deal with people who are concerned about the economy. I had a meeting just last Friday with over 200 people, including executives, presidents of two of our local electric utilities. I have met with electrical contractors. I have met with utility contractors and with unemployed union workers.

Now, Mr. Speaker, I will tell you not only is the initiative under the Recovery Act putting people to work in North Carolina and in Massachusetts; it's putting people to work in Oregon. But what is important here is building on that model to be able to extend it to more home builders, more contractors and other utilities. There is a potential here to employ 168,000 people over the course of the next 2 years.

Now, I come from a region that has invested heavily in energy efficiency. We have been able to save hundreds of millions of dollars of investment because we are getting more out of the energy we have now. The good news is the products that are energy efficient are largely made in America. And they are very labor intensive. These are installing new windows, installing weatherization, installing more efficient appliances, heating and cooling. This is saving money for years to come for families while it's putting families to work now.

An important part of this legislation is that it will empower electric cooperatives which provide energy to many in my State and across the country to help customers reduce energy use and cost.

□ 1040

This bill was amended to include the Home Star Energy Efficiency program, so it helps people in the 88 percent of the country that are not served by electrical co-ops. All Americans should have access to these low-cost home improvement loans to save energy and save money.

And it has a terrific mechanism of working with the utilities, public and private utilities, and allowing people to pay it back on a monthly basis

through their energy bills, which are going to be reduced. For many people, it is not going to actually cost them anything over the course of the next 5 years and it will save them money for years and years to come, every month with that utility bill, while it puts people to work here in America now.

It is why homebuilders, contractors, and energy companies all combined to support this legislation. I am baffled that my friends on the other side of the aisle didn't hear from people at home like I heard from who want this opportunity to work in America, to save energy, and to put people back to work.

Ms. FOXX. Mr. Speaker, there is an old saying: Fool me once, shame on you; fool me twice, shame on me.

What this bill does once again is bring up what is sort of a mini-stimulus bill. We were told when the stimulus bill was passed, unemployment wouldn't go above 8 percent. It would create jobs. It would be the great boon for the country. We now have 9.6 percent unemployment. I am a member of an electric co-op. I know very well how electric co-ops work. If the electric co-ops wanted to do this, if it was such a great deal, they would do it. We don't need the Federal Government doing this because everything that our friends have promised has failed, failed, failed. They want to continue their failed programs.

I don't have a problem with American jobs, but what this creates is not American jobs. They want to create more government jobs, which they have done, and we will talk about that in a little bit.

Now I would like to recognize my colleague from Florida, the gentleman from Florida (Mr. ROONEY), who is going to talk about this immensely successful project that Republicans have started here called YouCut.

I yield 2 minutes to the gentleman from Florida (Mr. ROONEY).

Mr. ROONEY. I thank the gentleman for yielding.

Mr. Speaker, over the last 2 years, this Congress has spent the American people's taxpayer dollars at a record pace. My friends on the other side of the aisle have dug our country into a \$13 trillion hole. As the old saying goes, when you're in a hole, stop digging. It is time to cut out-of-control spending and get our fiscal house in order, even if that means saying "no" time and time again. This is going to require real leadership, and we are going to have to make some tough decisions.

All of these decisions won't be tough, though, and today we face a no-brainer. Should we require the IRS to collect unpaid taxes from Federal employees? Absolutely. Should they lose their jobs if they don't? Of course.

This cut will reduce the deficit by \$1 billion. And while all Americans should of course pay their taxes, Federal em-

ployees who receive their paychecks directly from the American people have a special obligation to pay what they owe. It is time to listen to the American people. Through the YouCut program, our constituents have cast 1.7 million votes urging us to cut wasteful spending. Republicans have brought forward proposals to cut more than \$120 billion in waste from the budget. Unfortunately, the majority party has blocked all, all, of these efforts. I hope that changes today.

Mr. MCGOVERN. For the record, I want to point out to my colleagues that the manager's amendment addresses the issue of Federal employees who are delinquent on their taxes, and I quote from the manager's amendment that a loan shall not be provided to a Federal employee under this act if any of the following apply to the employee: One, that the employee has a seriously delinquent tax debt.

So, yes, everybody should pay their taxes. We all should be concerned about the debt and the deficit, but I find it a little bit astonishing that the party that took a surplus that Bill Clinton gave them and turned it into a record deficit is talking about the importance of reducing our deficit. Dick Cheney, I remember the Vice President of the United States, made the statement that deficits don't matter. I strongly disagree with him, but that was said as the Bush-Cheney administration was racking up historic debt. He said it doesn't make any difference. He was wrong. They drove this country into a ditch, and now they are complaining about the size of the tow truck to get us back on the road.

Well, Mr. Speaker, I think the American people are not going to be fooled. I also find it a little bit astonishing that again, while my friends are talking about the importance of focusing on the deficit, that they have embraced a tax plan that will double the projected deficit by adding \$4 trillion to the deficit over the next 10 years. What they are trying to do is make sure that millionaires and above get at least \$100,000 in tax breaks. That is where their priorities are.

The purpose of this bill is to not only help families lower their utility costs. The purpose of this bill is to create American jobs. And it is to buy products that are made in the United States of America. Not buy them from China, not buy them from India, not buy them from some other country, but made here in the United States.

I'm sorry that my colleague from North Carolina doesn't believe that the jobs that were created in her district as a result of the weatherization investments in the Reinvestment and Recovery Act somehow don't matter. They do. People are working and they are supporting their families. And we need to do more of that. We need to invest in the American people and the American economy.

I should also point out so there is no mistake: This is not additional spending. What this is is a loan program. This is not adding one cent to our deficit. This is a loan program where people will pay the loans back. CBO says it doesn't score. It is totally compliant with PAYGO. So this notion that somehow we are adding more spending to the deficit is just plain wrong.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, here we go again. My colleagues across the aisle always want to talk about this wonderful surplus that President Clinton had. They always neglect to mention that Congress holds the purse strings and it was Republicans who were in charge of the Congress the last 6 years of Mr. Clinton's administration. They were in terrible shape the first 2 years. Republicans took over and we, Republicans, brought the economy to a surplus.

They also like to point out how bad it was when President Bush left office. They always neglect to say you were in charge, Mr. Speaker, and your party, when Mr. Bush left office. You drove the American economy into the ditch, not the Republicans.

Every bill that comes up here is to create jobs, but the American people understand, again, everything you've done has failed, from the stimulus, February a year ago, to now. You want to continue to spend money to create jobs. But government only creates government jobs, not jobs in the private sector. So I can't let my colleague get by with that.

I would like to point out that the item that our colleague from Massachusetts pointed out is such a narrow piece. We want to really do something about Federal employees paying their taxes, not just those who might apply for a loan under this program.

I would now like to yield 3 minutes to the sponsor of this bill, the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. I thank the gentleman for yielding.

We have so many good Federal workers who wake up every morning and do good jobs. They go to work. They are working hard to make this country great, and we applaud them for that effort. Unfortunately, there is a small percentage of people who are not doing what they are supposed to be doing. It happens to be that nearly 100,000 Federal workers are not paying about a billion dollars a year in taxes.

The proposal that we will be able to vote on today will allow us to mandate and make sure that Federal workers who fall into this category of serious delinquent tax debt are fired if they don't pay their taxes.

□ 1050

The principle is simple: If you're on the Federal payroll, you should be paying your Federal taxes. Now, there is a provision in there that says if you're

on a pathway to actually making whole and you're having your wages garnished and you're trying to get whole, then fine. We're obviously not going to fire you. Yet, according to the data from the IRS, the numbers are quite staggering—100,000 people. If you're taking those taxpayer dollars, you should be paying your taxes.

Interestingly enough, on January 30 of this year, President Obama gave a speech. He was talking about Federal contractors. I want you to listen to the words of the President, who I happen to agree with in this case; but I also want you to think, when they say "Federal contractor," they should also say "Federal worker."

In quoting President Obama: "It is simply wrong for companies to take taxpayer dollars and not be taxpayers themselves. We need to insist on the same sense of responsibility in Washington that so many of you strive to uphold in your own lives, in your own families, and in your own businesses."

He went on to say: "All across the country, there are people who meet their obligations each and every day. You do your jobs. You support your families. You pay the taxes you owe because it's a fundamental responsibility of citizenship; and yet, somehow, it has become standard practice in Washington to give contracts to companies that don't pay their taxes."

The President is right. Everywhere that it says "Federal contractors," it should also say "Federal employees." This is simple. This should be bipartisan. Everybody should unite behind this because, unfortunately, there are too many people who are on the payrolls who are taking taxpayer dollars but who are not paying their fair share. They have good-quality, high-paying jobs. Please support this measure as it comes up today, and let's do the right thing.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Just a couple of things. I will remind the gentlewoman from North Carolina that what dug us into this ditch were tax cuts for the rich that weren't paid for, two wars that weren't paid for and a Medicare prescription drug bill that was like five times the cost we were told it was, and it wasn't paid for. So let's get the record straight on that.

I've got to say, Mr. Speaker, the hypocrisy of the Republican Party just takes my breath away when they get up here and talk about the responsibility that individuals have to pay their taxes. Where were they when we tried to crack down on companies that have opened up P.O. boxes in Bermuda or in the Cayman Islands to avoid paying U.S. taxes, and yet they operate here in the United States and get U.S. Government money? Where were they? You know, the Republicans voted 170-1 to protect tax breaks for companies shipping American jobs overseas, and

95 percent of House Republicans have signed a pledge to protect these tax breaks. That's where they are. They want to protect these big corporations that escape paying U.S. taxes, but they want to go after somebody who is working in NIH as a researcher, who is trying to find a cure for cancer. Let's focus on those people. That's what they say.

Look, the point of this legislation here is jobs. It's about saving families and farms and small businesses their utility costs, and it's about creating American jobs. It's about buying things here in the United States of America.

Why is that so objectionable to the Republicans? Why are they fighting this bill that will invest in our economy, that will invest in American jobs, that will help protect American jobs, and that will create more American jobs? Why is this so controversial? You know, why do they insist that we need to have an economy in which we buy everything from China?

What Democrats are trying to do is to steer this economy toward making it here in America, toward making these products in America and investing in American jobs. That's what this is all about.

So rather than protecting tax breaks for corporations that escape paying U.S. taxes and that get incentives to move jobs overseas, how about standing up for the American worker? How about standing up for this concept of making it in America and for creating and expanding jobs here in the United States?

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I want to point out a couple of things to my colleague from Massachusetts.

What is sending jobs overseas are things like the government takeover of health care in this country, which is creating such uncertainty and which is driving up the cost of health care for everyone, as well as the rules and regulations established by the EPA and the programs that many of our colleagues across the aisle love so much. They constantly talk about tax cuts for the rich. Well, every American got a tax cut when the tax cuts went into effect. The tax rate for the lowest-income Americans went down from 15 percent to 10 percent. Now they are proposing to allow that to go back up on January 1 and to create the largest tax increase in the history of this country.

It sounds to me like my colleague across the aisle is defending Federal employees from not paying their taxes. I find that really difficult to understand.

Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Mr. Speaker, rhetorically it was asked, Where was I? Where was I?

Look, I'm just a freshman here. I didn't create this mess, but I am here to help clean it up. I actually stand with some Democrats and the President in supporting the idea and the notion that, if you're a Federal contractor and if you don't pay your taxes, you should be dismissed as a contractor. In fact, you shouldn't get a contract. Let's have the guts to have that same standard for Federal employees. That's where the hypocrisy comes in. The President was very clear. I read his comments about taking care of Federal contractors. The same standard should apply to the Federal employees. To suggest that, well, we'll go ahead and grant them some special exemption, absolutely not. I think we need to hold them to a higher standard, do the same for contractors and do the same for the Federal employees. That's the right thing to do. Like I said, I didn't create this mess, but we are here to help clean it up.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would say to the gentleman and to my friends on the other side of the aisle that they've all been long enough here to add to the mess, and cleaning up the mess means supporting bills like this that will create American jobs, that will protect American jobs. This is an important bill.

Again, for the life of me, I don't understand why there is controversy over a bill to invest in America, to invest in our workers, to help lower utility costs for small businesses, for individuals, for family farms. This is not adding to our deficit one penny. This is a loan program to help people weatherize, you know, their homes, and that's whether it's a mobile home, a farm or a small business. You know, over 90 percent of what is needed to do that is made in America.

Why is that a problem? Why do you have a problem with investing in programs that create American jobs? I mean, that's what this is about.

You know, again, the Republicans voted 170-1 to protect tax breaks for companies shipping American jobs overseas, and 95 percent of House Republicans have signed a pledge to protect these tax breaks. Enough of that. It is time to invest in American workers.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, the reason Republicans vote against these programs is because we pay attention to what happens. Government programs don't work. It's real simple. Our colleagues across the aisle simply haven't learned that.

Again, we go back to the stimulus. We were promised unemployment would not go up past 8 percent. It is almost 10 percent. Our economy is in the ditch. We are in terrible, terrible shape in this country, all because of the spending by our colleagues across the

aisle and because of the belief that the government is our savior. It is not our savior.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I rise in opposition to the rule and to the motion on ordering the previous question.

I do so because, this summer, while Members were back home in their districts, they heard the growing frustration of the American people firsthand. Hardworking Americans can see that our Nation is at a crossroads. We have a \$13 trillion national debt. That works out to be \$42,000 for every man, woman and child in America.

Yet what is the Democratic majority doing today? They are bringing a bill to the floor to spend another \$5 billion that we don't have to continue their failed stimulus policies. All the while, the American people are saying that the rampant Federal spending in Washington has to stop. The people are speaking out through the YouCut program with over 1.7 million votes. The YouCut movement continues to encourage people of all stripes to go online and to take an active role in determining how their government spends taxpayer dollars.

□ 1100

YouCut voters have helped Republicans bring to the floor more than \$120 billion in spending cuts, only to be blocked every time by the Speaker and the Democratic majority. This week's winning proposal under the YouCut program is an idea put forward by the gentleman from Utah (Mr. CHAFFETZ) to require the collection of unpaid taxes from Federal employees. While all Americans have an obligation to pay the taxes they owe, Federal employees can be seen as especially obliged to pay their share of the taxes because they draw their compensation from American taxpayers.

Addressing our staggering national debt is not a partisan calling, Mr. Speaker; it is a national imperative. And I urge all of my colleagues on both sides of the aisle to vote to bring this week's YouCut proposal to the House floor.

Mr. MCGOVERN. Mr. Speaker, let me just say that what we are debating here is a bill that costs nothing, that adds nothing to our deficit, that will invest in American jobs, that will invest in American products, versus the Republican plan to add \$4 trillion to our deficit. That's what this is about here.

I hear frustration from people back home all the time. What they want is they want a manufacturing strategy. They want a strategy to help expand and create more American jobs, and they want us to close tax loopholes that encourage outsourcing U.S. jobs

overseas. They want us to provide hometown tax credits to help small businesses hire new employees and sell their products and innovation overseas.

They want to boost incentives to create American clean energy jobs like making state-of-the-art wind turbines and solar panels, paid for by ending corporate welfare to Big Oil. They want to strengthen rules that the U.S. and its contractors buy products made here in America, especially to build transportation and energy and communication infrastructure. They are tired of us shipping those jobs overseas and importing everything. They want to make it here in America.

They want us to force China and other countries to honor fair trade principles or lose American business. There ought to be a consequence if a country like China abrogates its obligations to a treaty or to a trade bill.

We need to give incentives to hire and retain America's returning veterans for new clean energy jobs, and we need to strengthen partnerships with businesses to retain America's workers for jobs in the future. That's what the American people want. The frustration is: Why are we importing everything from overseas? Why are you giving tax breaks to corporations that move their operations overseas or hire overseas when we have an unemployment problem here in the United States? What the American people are frustrated about is that we are losing American jobs that really, quite frankly, should be made here in America.

So I hear the frustration, but I would say the answer is not adding \$4 trillion to our deficit like they want to do. The answer is in supporting programs like this that don't add a cent to our deficit but will create American jobs.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I now yield such time as he may consume to the distinguished ranking member of the Rules Committee, Mr. DREIER.

Mr. DREIER. Mr. Speaker, I listened to my colleague from Worcester talk about the unemployment rate, talk about the economic challenges that we're facing, and I can tell you we all are well aware of it. Part of the area I represent in southern California has a 14 percent unemployment rate. Statewide in California, we have nearly a 12.5 percent unemployment rate. People are hurting.

Let's remember, we were promised, when the proposals came forward from this administration, that we would have an unemployment rate that would not exceed 8 percent, and now, as my friend from Grandfather Community said, we have an unemployment rate that is between 9.5 and 10 percent—very, very painful for people all across this country. And what it is that we've learned is that a \$1 trillion stimulus bill that had \$4.7 billion in it for weath-

erization, when only 10 percent of those funds have been expended, is obviously not the answer to the challenge of weatherization. And so we now have another bill that is a loan program, but it's \$4.25 billion and is designed, Mr. Speaker, to deal with a problem that, frankly, is not the top priority that we have out there.

My friend is absolutely right. We want to create jobs. But I think we have learned from the stimulus bill, Mr. Speaker, that the notion of spending billions and trillions of dollars is not what needs to be done to create jobs. We need to create good, private sector jobs.

And so what is it they've come forward with? They've come forward with another bill to deal with weatherization that they say will be a job creator. Well, the policies that we've seen over the past 20 months have killed jobs. The report that is coming out this morning is that the increase in the poverty rate has been nearly unprecedented. We have lots of very, very unfortunate economic indicators out there.

I am an optimist. I believe that our economy is going to recover. It is going to recover in spite of, not because of, the policies that we have put into place here in Washington, D.C., over the past few years. We will because we are Americans, because we are the United States of America. We will, as a Nation, recover, but, Mr. Speaker, what we should be doing is we should be breaking down barriers. We should be reducing the tax and regulatory burden on working Americans and job creators to ensure that we can, as early as possible, have that kind of success.

Now, this rule that we are considering right now is a further indication of the arrogance of the majority leadership. There was one Republican amendment that was germane that was submitted, and, Mr. Speaker, it was submitted by our Texas colleague, Mr. BARTON, who is the ranking member of the Energy and Commerce Committee. It was denied. Five amendments were made in order, all amendments offered by the majority.

Unfortunately, what we've seen is, time and time again, this institution, under the Democratic leadership that we have, is simply coming forward with proposals offered by Democrats, completely shutting out Republicans. Now, Mr. Speaker, I'm not saying that in a partisan way. I'm saying it because the Republicans represent nearly half the American people, and the American people are the ones who are being shut out and, unfortunately, many Democratic Members are being shut out as well.

This has tragically been the singlemost closed Congress in the history of our Republic. The 221-year history of our Republic has never seen a Congress as closed as this. Mr. Speaker, I know

this comes as a surprise to many, but with the exception of the appropriations process in the first 2 years of Speaker PELOSI's leadership, we have seen a grand total of one bill considered under an open amendment process in the entire 3 years. In fact, we are poised right now to, for the first time in the history of our Republic, see an entire Congress without a single open rule. Why? Because we saw the appropriations process close down in this 111th Congress as well.

The American people want us to focus on job creation and economic growth, and they also want greater transparency, disclosure, and accountability, and, Mr. Speaker, they are not getting that from this Congress. They deserve better. And if we can deliver it, I am convinced we will be able to get our economy back on track.

So I urge my colleagues to vote "no" on this rule because we can do better. First vote "no" on the previous question so that we will be able to say to those Federal employees who are not paying their taxes that they shouldn't be there. We are focusing specifically on ways to cut spending. We've got an opportunity to do that. Let's vote "no" on the previous question and "no" on the rule.

Mr. MCGOVERN. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 11 minutes remaining, and the gentlewoman from North Carolina has 10½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the previous speaker used the word "arrogance," and I would just say that I think it is awfully arrogant for Members of this Congress, Members of this body to stand up and vote against bills that help small businesses, that help create American jobs, that provide loans and lending abilities to small businesses. I mean, small business is the engine of our economy, and the bill that we are talking about here today will help a lot of small businesses.

We had a small business bill on the floor that we passed—unfortunately, my friends on the other side of the aisle voted against it, and I'm told that the Senate is going to be taking it up shortly—that will provide additional credit to small businesses, which is desperately needed.

□ 1110

I think many of my colleagues went home over the break and talked to a number of small businesses, and access to credit is a big issue. I think we're going to probably get it. It took a long time and a lot of fighting to get it, but my Republican friends, the Party of No on the other side of the aisle, voted against it. So if you want to talk about arrogance, I think that's arrogance.

This bill before us will not add a penny to our deficit, will provide loans that will help create energy-efficient products made here in the United States of America and will also help fund the installation of these products by American workers. This is about creating American jobs. We're going to make it in America, and we're going to create American jobs. That my friends on the other side of the aisle find that controversial or unacceptable is just astounding to me.

And when I hear that the money in the American Recovery and Reinvestment Act didn't create any jobs when it comes to the issue of weatherization and energy efficiency, again, I read the statistics. The statistics don't lie. I mean, jobs were created. And many houses have been made more energy efficient, which means individuals and businesses don't have to pay as much in utility bills. And that's an important thing for a small business or a struggling family.

So this is about American jobs. It's about investing in the American people. And I would just say to my friends on the other side of the aisle, rather than voting overwhelmingly, 170–1, to protect tax breaks for companies shipping American jobs overseas, you ought to focus on ways to help keep American jobs here in the United States of America. That's what we're trying to do with this bill.

I urge all my colleagues, don't put politics above people. Don't put politics above people. Do what's right, and let's help create more jobs here in the United States of America.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

With all due respect to my colleague across the aisle, we do not put politics above people. My colleagues and I were out in our districts all during the August recess, and we listened to our constituents. We know what our constituents want. They want a different direction for this country than our friends across the aisle have been taking us, along with this administration.

It wasn't the Republicans that drove this country into the ditch. It was the Democrats through their spend, spend, spend program, debt, debt, debt program. The American people have awakened. They know what's going on, and they don't like it. We're going to do everything we can to stop this irresponsible behavior on the part of our colleagues.

Mr. Speaker, the definition of insanity is doing the same thing over and over again expecting different results. Our colleagues have talked about every bill they've brought up here in the last 18 months as being a jobs bill. But what they've done is spend, spend, spend and claiming they're creating jobs, but they have failed time after time. The results are clear.

The Democrat elites have run out of ideas about how to get the economy moving in the right direction. The American people can't afford more of the ruling Democrats' failed policies. They want new ideas for getting our economy back on track—not the same warmed-over stimulus and bailout policies that have failed to do anything but create new taxes, record deficits, and high unemployment.

Month after month Americans have been asking, "Where are the jobs?" The Democrats have been in total control of this country for almost 2 years, and what has President Obama offered? Nothing new but promising between now and November he will, quote, remind the American people that policies he has put in place have, quote, moved us in the right direction.

Well, good luck, Mr. President, on selling the American people that you've taken us from 5 percent unemployment to 10 percent unemployment and you want to keep going in the same direction. Those who are unemployed aren't going to agree, and those who worry about being unemployed aren't going to agree with the President. The American people do not need more empty rhetoric and politically driven spin from the White House. They need real solutions.

The only jobs this administration has created have been Federal Government jobs, adding to the overwhelming layers of bureaucracy that already exist at the Federal level. From February of 2009 to June 2010, 405,000 Federal Government jobs have been created. Since the so-called "stimulus," American taxpayers have spent \$44.9 billion on these new government worker salaries—and yet we continue to see record high unemployment in the private sector. All this administration and the liberal elite ruling Democrats want to do is grow government and grow bureaucracy, and this is evidenced by their backward policies.

As they try to sell their "Recovery Summer," we know that more Americans are concerned about the state of the economic health. An August 24, 2010, Reuters' IPSO poll showed that the economy is a core concern for Americans, with almost three-quarters—72 percent—of Americans very concerned about jobs. It showed 62 percent of Americans now think the country is on the wrong track.

It is clear that though President Obama believes he's sailing the ship in the right direction, the American people overwhelmingly disagree. Even though the results are in and it's clear the American people don't want these policies, our friends across the aisle keep trying to shove expensive, wasteful pieces of legislation down the taxpayers' throat. Mr. Speaker, the American people deserve better than this.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Ms. FOXX. Mr. Speaker, I ask unanimous consent that the text of the amendment to which our colleagues spoke earlier and extraneous material be placed in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, in closing, I am going to urge my colleagues to vote "no" on the previous question so I can amend the rule to allow all Members of Congress the opportunity to vote on a cost-saving measure.

Recently, Republican Whip ERIC CANTOR launched YouCut, which gives people an opportunity to vote for Federal spending they'd like to see Congress cut. Americans have cast their votes, and this week the American people want Congress to save nearly \$1 billion by requiring collection of unpaid taxes from Federal employees.

In 2008, the Internal Revenue Service reported that over 90,000 Federal employees were delinquent on their Federal income taxes, owing a total of \$1 billion in unpaid taxes. This includes 1,151 employees who owe \$7 million at the Department of Treasury which oversees the IRS.

H.R. 4735, of which I am a cosponsor, would prevent persons who have seriously delinquent tax debts from being eligible for Federal employment. By requiring at a minimum that the IRS work with Federal agencies to withhold a portion of each employee's paycheck who is determined to have a "seriously delinquent tax debt," we can ensure that Federal employees are paying their fair share of taxes. Failure to pay required taxes should result in disciplinary actions designed to ensure that the taxpayers are made whole. In addition to collecting back taxes already due, this reform will ensure future unpaid taxes are also collected.

Again, I urge my colleagues to vote "no" on the previous question and "no" on the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 8½ minutes.

Mr. MCGOVERN. Mr. Speaker, once again I urge my colleagues not to put politics over people. These are serious, difficult economic times. We need to make policy here that invests in our people, that invests in American jobs, that helps create a climate where more American jobs can be created.

My colleague from North Carolina talks about how the Republicans somehow are not responsible for this mas-

sive, colossal deficit that we have, but I just want to remind people about the facts. The facts are that when Bill Clinton provided George Bush with this record-breaking surplus, it was a Republican Congress and a Republican President that instituted tax cuts—mostly for the wealthy—that weren't paid for; tax cuts that benefited the wealthiest of the wealthy that were not paid for.

□ 1120

It was a prescription drug bill that wasn't paid for and was much more expensive than they advertised. It was two wars that they decided not to pay for. American soldiers and their families sacrificed, but the rest of us are asked to not do anything to help sacrifice or pay for the war.

That all happened when you had a Republican Congress—they were in control of everything—and a Republican President. I mean those are the facts. I am sorry that it bothers my friends, but it's the truth.

And now they are coming up with a proposal that will add \$4 trillion to our deficit. It doesn't seem to bother any of them. Well, it bothers me and it bothers the people that I represent. I think it bothers most people in this country. One of the things that I think is clear is that the American people don't want to go back to the same old policies that created this mess.

Mr. Speaker, President Bush holds the worst jobs record of any administration in 75 years, including 4.6 million American manufacturing jobs lost. House Republican leaders have said, and I quote, "We need to go back to the exact same agenda." That's what they want to do. They want to go back to the same policies that created this mess.

I am going to repeat what I said before about the fact that Republicans voted 170 to 1 to protect tax breaks for companies shipping American jobs overseas. One hundred seventy to one to protect tax breaks that are shipping our jobs overseas. Ninety-five percent of House Republicans have signed a pledge to protect these tax breaks. I mean what are they thinking? One hundred percent of House Republicans voted against creating and saving 3.6 million American jobs, including advanced vehicle and clean energy manufacturing jobs. We cannot go back. We cannot go back.

You know, when we make it in America more middle class families will make it too. It's that simple. And what the underlying bill does is provide loans. It doesn't add a single cent to our deficit. It provides loans to families and to businesses and to farms to be able to do weatherization and energy efficiency. And over 90 percent of the products that are needed to do energy efficiency improvements are made in America. Not made in China; made in America. This is a good thing.

The more people take loans and the more people want to weatherize their homes and their businesses, they will save money on utility costs, and more and more American workers will get a job. Why is that so hard for my friends on the other side of the aisle to get? I mean they fight tooth and nail to protect tax breaks for millionaires and billionaires. That is their big issue. I assume that helps them politically in terms of the money given to the Republican National Committee. But it doesn't do a damn thing for American workers.

We need to start insisting that American workers come first. And that is what this bill is about. It is investing in our workforce. It is about making it here in the United States, creating jobs in the United States.

So Mr. Speaker, I would urge my colleagues to vote to support this bill. I would urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 1620 OFFERED BY MS. FOXX OF NORTH CAROLINA

At the end of the resolution add the following new section:

SEC. 4. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4735) to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4735.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. MCGOVERN. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 1620, if ordered; and the motion to suspend the rules on the Senate amendments to H.R. 3562.

The vote was taken by electronic device, and there were—yeas 226, nays 186, not voting 20, as follows:

[Roll No. 526]

YEAS—226

Adler (NJ)	Filner	Michaud
Altmire	Poster	Miller (NC)
Andrews	Frank (MA)	Miller, George
Arcuri	Fudge	Moore (KS)
Baca	Garamendi	Moore (WI)
Baird	Gonzalez	Moran (VA)
Baldwin	Grayson	Murphy (CT)
Barrow	Green, Al	Murphy (NY)
Bean	Green, Gene	Murphy, Patrick
Becerra	Grijalva	Nadler (NY)
Berkley	Gutierrez	Napolitano
Berman	Hall (NY)	Neal (MA)
Berry	Halvorson	Oberstar
Bishop (GA)	Hare	Obey
Bishop (NY)	Harman	Olver
Blumenauer	Hastings (FL)	Ortiz
Boccieri	Heinrich	Owens
Boren	Herseth Sandlin	Pallone
Boswell	Higgins	Pascarella
Boucher	Himes	Pastor (AZ)
Boyd	Hinchee	Payne
Brady (PA)	Hinojosa	Perlmutter
Brown, Corrine	Hirono	Perriello
Butterfield	Holden	Peters
Capps	Holt	Peterson
Capuano	Honda	Pingree (ME)
Cardoza	Hoyer	Polis (CO)
Carnahan	Inslee	Pomeroy
Carney	Israel	Price (NC)
Carson (IN)	Jackson (IL)	Quigley
Castor (FL)	Jackson Lee	Rahall
Chandler	(TX)	Rangel
Chu	Johnson (GA)	Reyes
Clarke	Johnson, E. B.	Richardson
Clay	Kagen	Rodriguez
Cleaver	Kanjorski	Ross
Clyburn	Kaptur	Rothman (NJ)
Cohen	Kennedy	Roybal-Allard
Connolly (VA)	Kildee	Ruppersberger
Conyers	Kilpatrick (MI)	Ryan (OH)
Cooper	Kilroy	Salazar
Costa	Kind	Sánchez, Linda
Costello	Kissell	T.
Courtney	Klein (FL)	Sanchez, Loretta
Critz	Kosmas	Sarbanes
Crowley	Kucinich	Schakowsky
Cuellar	Langevin	Schauer
Cummings	Larsen (WA)	Schiff
Dahlkemper	Larson (CT)	Schrader
Davis (CA)	Lee (CA)	Scott (GA)
Davis (IL)	Levin	Scott (VA)
Davis (TN)	Lewis (GA)	Serrano
DeFazio	Lipinski	Sestak
DeGette	Loeb sack	Sherman
DeLauro	Lofgren, Zoe	Shuler
Deutch	Lowe	Sires
Dicks	Lujan	Skelton
Dingell	Lynch	Slaughter
Doggett	Maffei	Smith (WA)
Donnelly (IN)	Maloney	Snyder
Doyle	Markey (CO)	Speier
Driehaus	Markey (MA)	Spratt
Edwards (MD)	Matsui	Stark
Edwards (TX)	McCarthy (NY)	Stupak
Ellison	McCollum	Sutton
Engel	McDermott	Tanner
Etheridge	McGovern	Teague
Farr	McMahon	Thompson (CA)
Fattah	Meeks (NY)	Thompson (MS)
	Melancon	Titus

Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz

Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner

Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—186

Aderholt	Gerlach	Miller, Gary
Akin	Giffords	Minnick
Alexander	Gingrey (GA)	Mitchell
Austria	Gohmert	Moran (KS)
Bachmann	Goodlatte	Murphy, Tim
Bachus	Granger	Myrick
Barrett (SC)	Graves (GA)	Neugebauer
Bartlett	Graves (MO)	Nunes
Barton (TX)	Griffith	Nye
Biggert	Guthrie	Olson
Billbray	Hall (TX)	Paul
Bilirakis	Harper	Paulsen
Bishop (UT)	Hastings (WA)	Pence
Blackburn	Heller	Petri
Boehner	Hensarling	Pitts
Bono Mack	Herger	Platts
Boozman	Hill	Poe (TX)
Boustany	Hoekstra	Posey
Brady (TX)	Hunter	Price (GA)
Bright	Issa	Radanovich
Broun (GA)	Jenkins	Rehberg
Brown (SC)	Johnson (IL)	Reichert
Brown-Waite,	Johnson, Sam	Roe (TN)
Ginny	Jones	Rogers (AL)
Buchanan	Jordan (OH)	Rogers (KY)
Burgess	King (IA)	Rogers (MI)
Burton (IN)	King (NY)	Rohrabacher
Buyer	Kingston	Rooney
Calvert	Kirk	Ros-Lehtinen
Camp	Kirkpatrick (AZ)	Roskam
Campbell	Kline (MN)	Royce
Cantor	Kratovil	Ryan (WI)
Cao	Lamborn	Scalise
Capito	Lance	Schmidt
Carter	Latham	Schock
Cassidy	LaTourette	Sensenbrenner
Castle	Latta	Sessions
Chaffetz	Lee (NY)	Shadegg
Childers	Lewis (CA)	Shimkus
Coble	Linder	Shuster
Coffman (CO)	LoBlundo	Simpson
Cole	Lucas	Smith (NE)
Conaway	Luetkemeyer	Smith (NJ)
Crenshaw	Lummis	Smith (TX)
Culberson	Lungren, Daniel	Space
Davis (KY)	E.	Stearns
Dent	Mack	Sullivan
Diaz-Balart, L.	Manzullo	Taylor
Diaz-Balart, M.	Marshall	Terry
Djoudj	Matheson	Thompson (PA)
Dreier	McCarthy (CA)	Thornberry
Duncan	McCaul	Tiahrt
Ehlers	McClintock	Tiberi
Emerson	McCotter	Turner
Flake	McHenry	Upton
Fleming	McIntyre	Walden
Forbes	McKeon	Wamp
Fortenberry	McMorris	Westmoreland
Fox	Rodgers	Whitfield
Franks (AZ)	McNerney	Wilson (SC)
Frelinghuysen	Mica	Wittman
Gallegly	Miller (FL)	Wolf
Garrett (NJ)	Miller (MI)	Young (AK)

NOT VOTING—20

□ 1152

Messrs. CASSIDY and BACHUS changed their vote from "yea" to "nay."

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. ADLER of New Jersey. Mr. Speaker, during rollcall vote No. 526 on H. Res. 1620,

I mistakenly recorded my vote as “yea” when I should have voted “nay.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 188, not voting 19, as follows:

[Roll No. 527]

AYES—225

Altmire	Frank (MA)	Miller (NC)
Andrews	Fudge	Miller, George
Arcuri	Garamendi	Moore (KS)
Baca	Gonzalez	Moore (WI)
Baird	Gordon (TN)	Moran (VA)
Baldwin	Grayson	Murphy (CT)
Barrow	Green, Al	Murphy (NY)
Bean	Green, Gene	Murphy, Patrick
Becerra	Grijalva	Nadler (NY)
Berkley	Gutierrez	Napolitano
Berman	Hall (NY)	Neal (MA)
Berry	Halvorson	Nye
Bishop (GA)	Hare	Oberstar
Bishop (NY)	Harman	Obey
Blumenauer	Hastings (FL)	Olver
Bocieri	Heinrich	Ortiz
Boswell	Herseth Sandlin	Owens
Boucher	Higgins	Pallone
Boyd	Himes	Pascarella
Brady (PA)	Hinchee	Pastor (AZ)
Brown, Corrine	Hinojosa	Payne
Butterfield	Hirono	Perlmutter
Capps	Holden	Perriello
Capuano	Holt	Peters
Cardoza	Honda	Peterson
Carnahan	Hoyer	Pingree (ME)
Carney	Inslee	Polis (CO)
Carson (IN)	Israel	Pomeroy
Castor (FL)	Jackson (IL)	Price (NC)
Chandler	Jackson Lee	Quigley
Chu	(TX)	Rahall
Clarke	Johnson (GA)	Rangel
Clay	Johnson, E. B.	Reyes
Cleaver	Kagen	Richardson
Clyburn	Kanjorski	Rodriguez
Cohen	Kaptur	Rothman (NJ)
Connolly (VA)	Kennedy	Roybal-Allard
Conyers	Kildee	Ruppersberger
Cooper	Kilpatrick (MI)	Ryan (OH)
Costa	Kilroy	Salazar
Costello	Kind	Sánchez, Linda
Courtney	Kissell	T.
Critz	Klein (FL)	Sanchez, Loretta
Crowley	Kosmas	Sarbanes
Cuellar	Kucinich	Schakowsky
Cummings	Langevin	Schauer
Dahlkemper	Larsen (WA)	Schiff
Davis (CA)	Larson (CT)	Schrader
Davis (IL)	Lee (CA)	Scott (GA)
Davis (TN)	Levin	Scott (VA)
DeFazio	Lewis (GA)	Serrano
DeGette	Lipinski	Sestak
Delahunt	Loebach	Sherman
DeLauro	Lofgren, Zoe	Sires
Deutch	Lowe	Skelton
Dicks	Luján	Slaughter
Dingell	Lynch	Smith (WA)
Djou	Maffei	Snyder
Doggett	Maloney	Space
Doyle	Markey (CO)	Speier
Driehaus	Markey (MA)	Spratt
Edwards (MD)	Matsui	Stark
Edwards (TX)	McCarthy (NY)	Stupak
Ehlers	McCollum	Tanner
Ellison	McDermott	Teague
Engel	McGovern	Thompson (CA)
Etheridge	McIntyre	Thompson (MS)
Farr	McMahon	Titus
Fattah	McNerney	Tonko
Filner	Meeks (NY)	Towns
Foster	Michaud	Tsongas

Van Hollen
Velázquez
Walz
Wasserman
Schultz

Waters
Watson
Watt
Waxman
Weiner

Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—188

Aderholt	Garrett (NJ)	Miller, Gary
Adler (NJ)	Gerlach	Minnick
Akin	Giffords	Mitchell
Alexander	Gingrey (GA)	Moran (KS)
Austria	Gohmert	Murphy, Tim
Bachmann	Goodlatte	Myrick
Bachus	Granger	Neugebauer
Barrett (SC)	Graves (GA)	Nunes
Bartlett	Graves (MO)	Olson
Barton (TX)	Griffith	Paul
Biggert	Guthrie	Paulsen
Bilbray	Hall (TX)	Pence
Bilirakis	Harper	Petri
Bishop (UT)	Hastings (WA)	Pitts
Blackburn	Heller	Platts
Boehner	Hensarling	Poe (TX)
Bonner	Herger	Posey
Bono Mack	Hill	Price (GA)
Boozman	Hoekstra	Radanovich
Boren	Hunter	Rehberg
Boustany	Inglis	Reichert
Brady (TX)	Issa	Roe (TN)
Bright	Jenkins	Rogers (AL)
Brown (GA)	Johnson (IL)	Rogers (KY)
Brown (SC)	Johnson, Sam	Rogers (MI)
Brown-Waite,	Jones	Rohrabacher
Ginny	Jordan (OH)	Rooney
Buchanan	King (IA)	Ros-Lehtinen
Burgess	King (NY)	Roskam
Burton (IN)	Kingston	Ross
Buyer	Kirk	Royce
Calvert	Kirkpatrick (AZ)	Ryan (WI)
Camp	Kline (MN)	Scalise
Campbell	Kratovil	Schmidt
Cantor	Lamborn	Schock
Cao	Lance	Sensenbrenner
Capito	Latham	Sessions
Carter	LaTourette	Shadegg
Cassidy	Latta	Shimkus
Castle	Lee (NY)	Shuler
Chaffetz	Lewis (CA)	Shuster
Childers	Linder	Simpson
Coble	LoBiondo	Smith (NE)
Coffman (CO)	Lucas	Smith (NJ)
Cole	Luetkemeyer	Smith (TX)
Conaway	Lummis	Stearns
Crenshaw	Lungren, Daniel	Sullivan
Culberson	E.	Taylor
Davis (KY)	Mack	Terry
Dent	Manzullo	Thompson (PA)
Diaz-Balart, L.	Marshall	Thornberry
Diaz-Balart, M.	Matheson	Tiahrt
Donnelly (IN)	McCarthy (CA)	Tiberi
Dreier	McCaul	Turner
Duncan	McClintock	Upton
Emerson	McCotter	Walden
Flake	McHenry	Wamp
Fleming	McKeon	Westmoreland
Forbes	McMorris	Whitfield
Fortenberry	Rodgers	Wilson (SC)
Fox	Melancon	Wittman
Franks (AZ)	Mica	Wolf
Frelinghuysen	Miller (FL)	Young (AK)
Gallegly	Miller (MI)	

NOT VOTING—19

Ackerman	Hodes	Shea-Porter
Blunt	Marchant	Sutton
Braley (IA)	Meek (FL)	Tierney
Davies (AL)	Mollohan	Visclosky
Ellsworth	Putnam	Young (FL)
Eshoo	Rush	
Fallin	Schwartz	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1201

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JAMES CHANEY, ANDREW GOODMAN, MICHAEL SCHWERNER, AND ROY K. MOORE FEDERAL BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendments to the bill (H.R. 3562) to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the “James Chaney, Andrew Goodman, and Michael Schwerner Federal Building,” on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and concur in the Senate amendments.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 528]

YEAS—409

Aderholt	Capuano	Ehlers
Adler (NJ)	Cardoza	Ellison
Akin	Carnahan	Emerson
Alexander	Carney	Engel
Altmire	Carson (IN)	Etheridge
Andrews	Carter	Farr
Arcuri	Cassidy	Fattah
Austria	Castle	Filner
Baca	Castor (FL)	Flake
Bachmann	Chaffetz	Forbes
Bachus	Chandler	Fortenberry
Baird	Childers	Foster
Baldwin	Chu	Fox
Barrett (SC)	Clarke	Frank (MA)
Barrow	Clay	Franks (AZ)
Bartlett	Cleaver	Frelinghuysen
Barton (TX)	Clyburn	Fudge
Bean	Coble	Gallegly
Becerra	Coffman (CO)	Garamendi
Berkley	Cohen	Garrett (NJ)
Berman	Cole	Gerlach
Berry	Conaway	Giffords
Biggert	Connolly (VA)	Gingrey (GA)
Bilbray	Conyers	Gohmert
Bilirakis	Cooper	Gonzalez
Bishop (NY)	Costa	Goodlatte
Bishop (UT)	Costello	Gordon (TN)
Blackburn	Courtney	Granger
Blumenauer	Crenshaw	Graves (GA)
Bocieri	Critz	Graves (MO)
Boehner	Crowley	Grayson
Bonner	Cuellar	Green, Al
Bono Mack	Culberson	Green, Gene
Boozman	Cummings	Griffith
Boren	Dahlkemper	Grijalva
Boswell	Davis (CA)	Guthrie
Boucher	Davis (IL)	Gutierrez
Boustany	Davis (KY)	Hall (NY)
Boyd	Davis (TN)	Hall (TX)
Brady (PA)	DeFazio	Halvorson
Brady (TX)	DeGette	Hare
Bright	Delahunt	Harman
Brown (GA)	DeLauro	Harper
Brown (SC)	Dent	Hastings (FL)
Brown, Corrine	Deutch	Hastings (WA)
Brown-Waite,	Diaz-Balart, L.	Heinrich
Ginny	Diaz-Balart, M.	Heller
Buchanan	Dicks	Hensarling
Burgess	Dingell	Herger
Burton (IN)	Djou	Herseth Sandlin
Butterfield	Doggett	Higgins
Buyer	Donnelly (IN)	Hill
Calvert	Doyle	Himes
Campbell	Dreier	Hinchee
Cantor	Driehaus	Hinojosa
Cao	Duncan	Hoekstra
Capito	Edwards (MD)	
Capps	Edwards (TX)	Holden

Holt	McKeon	Ryan (WI)
Honda	McMahon	Salazar
Hoyer	McMorris	Salazar, Linda T.
Hunter	Rodgers	Sanchez, Loretta
Inglis	McNerney	Sarbanes
Inslee	Meeks (NY)	Schallise
Israel	Melancon	Schakowsky
Issa	Mica	Schauer
Jackson (IL)	Michaud	Schiff
Jackson Lee	Miller (FL)	Schmidt
(TX)	Miller (MI)	Schock
Jenkins	Miller (NC)	Schrader
Johnson (GA)	Miller, Gary	Scott (GA)
Johnson (IL)	Miller, George	Scott (VA)
Johnson, E. B.	Minnick	Sensenbrenner
Johnson, Sam	Mitchell	Serrano
Jones	Moore (KS)	Sessions
Jordan (OH)	Moore (WI)	Sestak
Kagen	Moran (KS)	Shadegg
Kanjorski	Moran (VA)	Sherman
Kaptur	Murphy (CT)	Shimkus
Kennedy	Murphy (NY)	Shuler
Kildee	Murphy, Patrick	Shuster
Kilpatrick (MI)	Murphy, Tim	Simpson
Kilroy	Myrick	Sires
Kind	Nadler (NY)	Skelton
King (IA)	Napolitano	Slaughter
King (NY)	Neal (MA)	Smith (NE)
Kingston	Neugebauer	Smith (NJ)
Kirk	Nunes	Smith (TX)
Kirkpatrick (AZ)	Nye	Smith (WA)
Kissell	Oberstar	Snyder
Klein (FL)	Obey	Space
Kline (MN)	Olson	Speier
Kosmas	Oliver	Spratt
Kratovil	Ortiz	Stark
Kucinich	Owens	Stearns
Lamborn	Pallone	Stupak
Lance	Pascrell	Sullivan
Langevin	Pastor (AZ)	Sutton
Larsen (WA)	Paul	Tanner
Larson (CT)	Paulsen	Taylor
Latham	Payne	Teague
LaTourette	Pence	Terry
Latta	Perlmutter	Thompson (CA)
Lee (CA)	Perrilli	Thompson (MS)
Lee (NY)	Peters	Thompson (PA)
Levin	Peterson	Thornberry
Lewis (CA)	Petri	Tiahrt
Lewis (GA)	Pingree (ME)	Tiberi
Linder	Pitts	Titus
Lipinski	Platts	Tonko
LoBiondo	Poe (TX)	Towns
Loeback	Polis (CO)	Tsongas
Lofgren, Zoe	Pomeroy	Turner
Lowey	Posey	Upton
Lucas	Price (GA)	Van Hollen
Luetkemeyer	Price (NC)	Velázquez
Luján	Quigley	Walden
Lummis	Radanovich	Walz
Lungren, Daniel E.	Rahall	Wamp
Lynch	Rangel	Wasserman
Mack	Rehberg	Schultz
Maffei	Reichert	Waters
Maloney	Reyes	Watson
Manzulio	Richardson	Waxman
Markey (CO)	Rodriguez	Weiner
Markey (MA)	Roe (TN)	Welch
Marshall	Rogers (AL)	Westmoreland
Matheson	Rogers (KY)	Whitfield
Matsui	Rogers (MI)	Wilson (OH)
McCarthy (CA)	Rohrabacher	Wilson (SC)
McCarthy (NY)	Rooney	Wittman
McCaul	Ros-Lehtinen	Wolf
McCollum	Roskam	Woolsey
McCotter	Ross	Wu
McDermott	Rothman (NJ)	Yarmuth
McGovern	Roybal-Allard	Young (AK)
McHenry	Royce	
McIntyre	Ruppersberger	
	Ryan (OH)	

NOT VOTING—23

Ackerman	Fallin	Rush
Bishop (GA)	Fleming	Schwartz
Blunt	Hodes	Shea-Porter
Braley (IA)	Marchant	Tierney
Camp	McClintock	Visclosky
Davis (AL)	Meek (FL)	Watt
Ellsworth	Mollohan	Young (FL)
Eshoo	Putnam	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1212

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. VISCLOSKY. Madam Speaker, on Thursday, September 16, 2010, I was absent from the House and missed rollcall votes 527 and 528.

Had I been present for rollcall 527, on agreeing to H. Res. 1620, providing for the consideration of H.R. 4785, the Rural Energy Savings Program Act, I would have voted "aye."

Had I been present for rollcall 528, on a motion to suspend the rules and concur in the Senate Amendments to H.R. 3562, a measure to designate the Federal building under construction at 1220 Echelon Parkway in Jackson, Mississippi, as the Chaney, Goodman, Schwerner Federal Building, I would have voted "aye."

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas a reconvening of Congress between the regularly scheduled Federal election in November and the start of the next session of Congress is known as a lame-duck session of Congress;

Whereas Democrats have recently insinuated that significant legislative matters would deliberately not be addressed during the 111th Congress until after the midterm 2010 elections;

Whereas this Congress began its mortgage of the Nation's future with a "stimulus" package costing \$1.1 trillion that failed to lower unemployment, spur economic growth, or actually address the needs of struggling American businesses and families;

Whereas this Congress continued its free-wheeling spending with an increase of \$72.4 billion in nonemergency discretionary spending in fiscal year 2009 to reach a total spending level of \$1.01 trillion for the first time in United States history;

Whereas this Congress approved a budget resolution in 2009 that proposed the 6 largest nominal deficits in American history and included tax increases of \$423 billion during a period of sustained high unemployment;

Whereas the House of Representatives disregarded the interests and opinions of everyday Americans by passing a national energy tax bill that would increase costs on nearly every aspect of American lives by up to

\$3,000 per person per year, eliminate millions of jobs, reduce workers' income, and devastate economic growth;

Whereas this Congress disregarded the interests and opinions of everyday Americans by passing a massive government takeover of health care that will force millions of Americans from their health insurance plans, increase premiums and costs for individuals and employers, raise taxes by \$569.2 billion, and fund abortions—all at a cost of \$2.64 trillion over the first 10 years of full implementation;

Whereas this Congress nationalized the student loan industry with a potential cost of 30,000 private sector jobs and \$50.1 billion over 10 years;

Whereas the House of Representatives passed the DISCLOSE Act, which would violate the First Amendment and hinder the free speech of citizens associations and corporations while leaving all unions exempt from many of the new requirements, in order to try to influence the outcome of the midterm 2010 elections;

Whereas in spite of the House Budget Committee Chairman's 2006 statement that "if you can't budget, you can't govern", the Democrat leadership has failed to introduce a budget resolution in 2010 as mandated by law, but instead self-executed a "deeming resolution" that increases nonemergency discretionary spending in fiscal year 2011 by \$30 billion to \$1.121 trillion, setting another new record for the highest level in United States history;

Whereas this Congress has failed Main Street through passage of a financial system takeover that fails to end the moral hazard of too-big-to-fail, does not address Fannie Mae and Freddie Mac, and creates numerous new boards, councils, and positions with unconstitutionally broad authorities that will interfere with the creation of wealth and jobs;

Whereas this Congress has wasted taxpayer funds on an unnecessary and unconstitutional auto industry bailout, a "cash for clunkers" program, a home remediation program ("cash for caulkers"), and countless other special interest projects while allowing the public debt to reach its highest level in United States history;

Whereas the New York Times reported on June 19, 2010, that "[f]or all the focus on the historic federal rescue of the banking industry, it is the government's decision to seize Fannie Mae and Freddie Mac in September 2008 that is likely to cost taxpayers the most money. . . . Republicans want to sever ties with Fannie and Freddie once the crisis abates. The Obama administration and Congressional Democrats have insisted on postponing the argument until after the midterm elections";

Whereas the Washington Times reported on June 22, 2010, that House Majority Leader Steny Hoyer stated, "a budget, which sets out binding one-year targets and a multiyear plan, is useless this year because Congress has shunted key questions about deficits to the independent debt commission created by President Obama, which is due to report back at the end of this year";

Whereas the Hill reported on June 24, 2010, that Senator Tom Harkin, a Democrat from Iowa, suggested that "Democrats might attempt to move 'card-check' legislation this year, perhaps during a lame-duck session. . . . 'A lot of things can happen in a lame-duck session, too,' he said";

Whereas the New York Times published an article on June 28, 2010, titled "Lame-Duck Session Emerges as Possibility for Climate

Bill Conference" that declares, "many expect the final energy or climate bill to be worked out during the lame-duck session between the November election and the start of the new Congress in January";

Whereas the Hill reported on July 1, 2010, that "Democratic leaders are likely to punt the task of renewing Bush-era tax cuts until after the election. Voters in November's midterms will thus be left without a clear idea of their future tax rates when they go to the polls";

Whereas the Wall Street Journal reported on July 13, 2010, that "there have been signs in recent weeks that party leaders are planning an ambitious, lame-duck session to muscle through bills in December they don't want to defend before November. Retiring or defeated members of Congress would then be able to vote for sweeping legislation without any fear of voter retaliation";

Whereas the Hill reported on July 27, 2010, that Senate Majority Leader Harry Reid said, at the recent Netroots Nation conference of liberal bloggers, in reference to Democrats' unfinished priorities, "We're going to have to have a lame duck session, so we're not giving up";

Whereas the Hill reported in the same piece on July 27, 2010, that the lame-duck session will include priorities such as "comprehensive immigration reform, climate change legislation and a whole host of other issues";

Whereas during NBC's Meet the Press on August 8, 2010, White House advisor Carol Browner stated that Congress would "potentially" deal with a national energy tax bill in a lame-duck session;

Whereas the Hill reported on August 20, 2010, that Rep. Mike Quigley (D-IL) said, "I'm more hopeful about the lame-duck session. I have faith that we're going to repeal Don't Ask Don't Tell";

Whereas the members of the House Republican Conference, as an alternative to passing a massive omnibus spending bill for next year during a lame-duck session, have called on members of both parties, as a starting point, to work together this month to enact legislation that cuts nonsecurity discretionary spending to 2008 levels (the last year before the wave of bailouts, stimulus spending sprees, and takeovers that have dismayed the American people) for the next year and provides much-needed certainty to American small businesses by freezing tax rates at their current levels for the next 2 years;

Whereas recent public polling shows that the American people clearly oppose the idea of dealing with major new legislation in a lame-duck session;

Whereas the Declaration of Independence notes that governments "[derive] their just powers from the consent of the governed";

Whereas the American people have expressed their loss of confidence through self-organized and self-funded taxpayer marches on Washington, at countless "tea party" events, at townhalls and speeches, and with numerous letters, emails, and phone calls to their elected representatives;

Whereas the Democrat majority has all but announced plans to use any lame-duck Congress to advance currently unattainable, partisan policies that are widely unpopular with the American people or that further increase the national debt against the will of most Americans;

Whereas reconvening the House of Representatives in a lame-duck session to address major new legislation subverts the will of the American people, lessens account-

ability, and does lasting damage to the dignity and integrity of this body's proceedings; and

Whereas under the leadership of Speaker Pelosi and the Democrat majority, and largely due to the current trends of expanding governmental power and limiting individual liberty, the American people have lost confidence in their elected officials, and that faith must be restored: Now, therefore, be it—

Resolved, That the House of Representatives pledges not to assemble on or between November 2, 2010, and January 3, 2011, except in the case of an unforeseen, sudden emergency requiring immediate action from Congress, and that the consideration of any of the following matters does not constitute an unforeseen, sudden emergency:

(1) Card check, including H.R. 1409 (111th).

(2) A national energy tax, including H.R. 2454 (111th).

(3) Any legislation that would provide more authority to Fannie Mae or Freddie Mac.

(4) Any legislation pertaining to the Immigration and Nationality Act.

(5) Any legislation making regular appropriations for fiscal year 2011 that would be an increase over previous funding levels.

(6) Any legislation increasing any tax on any American.

The SPEAKER pro tempore (Ms. RICHARDSON). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Georgia will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

GENERAL LEAVE

Mr. HOLDEN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include any extraneous material on H.R. 4785.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RURAL ENERGY SAVINGS PROGRAM ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1620 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4785.

□ 1223

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the consideration of the bill (H.R. 4785) to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use, with Mr. SALAZAR in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Agriculture and the chair and ranking minority member of the Committee on Energy and Commerce.

The gentleman from Pennsylvania (Mr. HOLDEN), the gentleman from Oklahoma (Mr. LUCAS), the gentleman from North Carolina (Mr. BUTTERFIELD), and the gentleman from Texas (Mr. BARTON) each will control 15 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. I yield myself such time as I may consume.

Mr. Chairman, the bill we are considering today, H.R. 4785, the Rural Energy Savings Program Act, will greatly benefit our rural residents. The agriculture provisions in this bill build on existing U.S. Department of Agriculture programs and will reduce energy consumption and, as a result, reduce energy costs in rural America.

Rural electric cooperatives estimate that the Rural Energy Savings Program Act has the potential to create between 20,000 and 40,000 jobs per year and will make loans available to between 1.1 and 1.6 million rural households, depending on the average consumer size. It is clear that this is a win-win proposition for our rural constituents and our rural economy.

This Act furthers the Agriculture Committee's commitment to expand renewable and alternative sources of power and discover new technologies to improve the efficiency and sustainability of existing power generation across rural America.

H.R. 4785 authorizes USDA's rural utility service to make interest-free loans to eligible entities. These entities will use these funds to make low-interest loans to rural consumers allowing them to implement energy-efficient measures on their property. Using the existing Rural Utilities Service structure, with the rural electric cooperatives as the delivery system, rural consumers can more quickly obtain the benefits of energy-efficient investments and ultimately decrease their energy bills.

Rural customers are facing increasing energy costs and rural electric cooperatives, which serve 42 million member owners across the country, are facing growing demand for electric power, yet are constrained from building new generation capacity.

The upfront costs to make energy-efficient upgrades are often beyond the reach of most consumers. This is true even if the costs can be recovered over time or a tax credit or a rebate would reduce the initial price. Additionally, consumers often lack the necessary knowledge about what technologies would be the most effective.

H.R. 4785 is an opportunity to meet these challenges and enact policy that we know will reduce energy costs and consumption and improve the quality of life in our rural communities.

I would like to thank Congressman CLYBURN and Congressman PERRIELLO for their hard work and dedication to improving energy efficiency and their support for the agriculture provisions within this Act.

Mr. Chairman, I strongly support the agriculture provisions contained in this Act and encourage its passage.

I reserve the balance of my time.

Mr. LUCAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must rise today in opposition to H.R. 4785, the Rural Energy Savings Program Act. As a result of the Democratic leadership's failed policies, we are now considering a bill that creates two new government funded programs to address high energy bills and energy demand. We are considering creating a program that duplicates thousands of other efficiency measures that Congress has passed and funded in the billions of dollars over the last several years.

H.R. 4785, as reported by the Agriculture Committee, would require the government, through USDA, to front nearly a billion dollars to rural electric cooperatives so that they can, in return, make what might potentially be risky loans to their customers for energy-efficiency projects in their homes. The investments made in this program would only benefit an estimated 1.5 million of the 43 million customers served by rural electric cooperatives. Energy efficiency is an important step in an overall energy plan. But creating a new government funded program is not the solution.

This issue can be addressed in the farm bill by making adjustments to current programs. The 2008 farm bill included a provision that would have allowed rural electric cooperatives to expand clean energy production and provide affordable electricity for more of its customers.

□ 1230

However, the provision was stripped by the current Democratic leadership. As a result, rural electric cooperatives

cannot access RUS lending for new base load generation. In other words, base load generation from sources such as nuclear, natural gas, and clean coal technologies are difficult, if not impossible, to finance through the program now.

Even more alarming is that this is not the bill that was reported by the Committee on Agriculture. Instead, the Democratic leadership created a bill that is five times larger and includes a program that was already stripped, already stripped, the Home Star program, on the House floor by bipartisan support. It will give the Department of Energy another program and billions more in taxpayer dollars to administer.

Why would Congress add to a failed stimulus policy? The American Recovery and Reinvestment Act alone created the \$5.25 billion Weatherization Assistance Program for home energy efficiency updates, which has been, some say, a colossal failure from an implementation perspective, and very well may have wasted huge amounts of taxpayers' dollars at the hands of the Department of Energy.

The Democratic leadership is pushing energy policy that will create increased and burdensome energy costs for Americans. As a result, we are creating new government programs that increase spending to address the consequences of those policies. I urge my colleagues oppose the bill.

I reserve the balance of my time, Mr. Chairman.

Mr. BUTTERFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am a proud cosponsor of H.R. 4785, a bill authored by the distinguished majority whip, Mr. JAMES CLYBURN of South Carolina. The Rural Energy Savings Program Act will not only quickly create construction and manufacturing jobs, but it will also help Americans make their homes more energy efficient.

The Agriculture Committee reported this bill favorably in July. I want to commend the chairman of the committee, Mr. PETERSON, and Mr. CLYBURN for subsequently working with my committee, the Energy and Commerce Committee, to actually improve the legislation. The bill includes the Home Star Energy Efficiency Loan Program that was reported by the Energy and Commerce Committee on April 15, 2010, as part of H.R. 5019, the Home Star Energy Retrofit Act of 2010.

Mr. Chairman, H.R. 5019 was approved by the committee with a bipartisan vote of 30-17. It was supported by a broad array of stakeholders, including energy efficiency advocates, manufacturers, business and industry trade associations, and small businesses. Under this bill, homeowners anywhere in the country will be able to work with their rural cooperative, utility, or other governor-designated lender to

borrow money for proven energy efficiency investments in their homes. They would repay the loans over time, generally from a portion of the money they save on their energy bill, and at an interest rate of not more than 3 percent. The lenders would repay their States, and the States would repay the Federal Government after not more than 20 years.

The Home Star Energy Efficiency Loan Program is a natural companion to the Rural Energy Savings Program Act. As you may know, the Rural Energy Savings Act authorizes zero-interest loans to rural electric cooperatives for purposes of offering consumer loans for energy efficiency home retrofits. The Home Star Energy Efficiency Loan Program will authorize zero-interest loans to those portions of the country not served—I repeat that—not served by rural electric cooperatives.

I originally cosponsored this bill because it provided enormous assistance to consumers served by rural electric cooperatives across the country. My district in North Carolina is served by 10 rural electric co-ops in addition to the 20 municipal power utilities and two investor-owned utilities.

Across the country, cooperatives only serve about 12 percent of the Nation's population. So the provisions included in the substitute amendment will ensure that a homeowner will have the same access to a low interest energy efficiency loan whether or not they are served by a co-op, an investor-owned utility, or a municipality.

Under the Home Star loan program, States could borrow Federal funds to allow entities like electric utilities or other entities provide loans to consumers for residential energy efficiency measures. The Department of Energy, in consultation with the Secretary of Agriculture, would identify the eligible energy efficiency measures.

The programs in this bill, Mr. Chairman, vary significantly from the Weatherization Assistance Program. Weatherization is a grant program used by low-income households to reduce their energy bills by making their homes more energy efficient. The programs in this bill are loans, and thus do not increase the deficit. They are available to anyone, regardless of income.

Some of my Republican colleagues have questioned this bill's necessity due to the significant investment made in the Weatherization program in the Recovery Act. Well, while I concede that Weatherization got off to a slow start, today over 30,000 homes each month are being weatherized across the country. In September, the Department of Energy announced that it had weatherized over 200,000 homes across the country. In June, 960 homes were weatherized in my State of North Carolina. Each of the low-income families living in those 960 homes will save an

average of \$437 annually on their energy bill. But that's not why we are here today. We are here to offer all Americans a chance to lower their utility bills and put their neighbors back to work.

The recession has had a significant impact on the home construction and services industry, which has experienced unemployment rates of 27 percent. Additionally, manufacturing plants that produce construction-related products have operated at 50 percent of capacity. Home energy retrofit work can provide, and it will provide, significant employment opportunities for construction workers while boosting domestic manufacturing. More than 92 percent of the energy-efficient products and materials for which the Home Star program will stimulate sales are manufactured here in the United States of America.

Home energy efficiency retrofits can also cut the Nation's energy use, saving consumers money and cutting pollution. American homes account for about 33 percent of the Nation's total electricity demand, and approximately 22 percent of all energy use in the United States. This legislation, Mr. Chairman, presents an opportunity for all of us to work together to save energy and create jobs. I urge all of our colleagues to seize this opportunity.

I reserve the balance of my time.

Mr. LUCAS. Mr. Chairman, at this time I have no further requests for time, and I reserve the balance of my time.

Mr. HOLDEN. Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina (Mr. CLYBURN), the distinguished majority whip.

Mr. CLYBURN. I thank my friend, Chairman HOLDEN, for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 4785, the Rural Energy Savings Program Act. Mr. Chairman, the Rural Energy Savings Program, or Rural Star, as it is popularly called, is an important piece of the Make It in America agenda. It is a program that will create jobs and help save families money on their energy bills.

Supreme Court Justice Louis Brandeis once called our 50 States "laboratories of democracy." And that is certainly the case with this homegrown, American-owned idea. The rural electric co-ops in South Carolina brought this idea to my attention late last year. And I worked with them and my colleague Congressman JOHN SPRATT to craft legislation that takes the South Carolina model nationwide. I am very proud that South Carolina is providing significant leadership for our economic recovery with this innovative approach to job creation and energy savings.

The concept is very simple: low-cost home improvement loans for energy-efficient upgrades, sealing, insulation, HVAC systems, heat pumps, and other

structural improvements. Those low-cost loans are paid back on customers' electricity bills, with the energy savings covering the cost of the loan.

□ 1240

When the term of the loan expires, most people will be saving hundreds of dollars annually on their monthly utility bills.

This bipartisan, bicameral legislation is first and foremost a jobs bill, and it is based on commonsense ideas that can be done in a fiscally responsible manner that will protect taxpayers and the Treasury. Let me emphasize that this is a voluntary loan program, not a grant or rebate; and the loans are paid back to the Federal Treasury.

We call this the Rural Energy Savings Program because it will save consumers energy and money. More importantly, it will put people back to work, particularly in the building and construction trades and manufacturing industries, sectors that have been hard hit by the economic downturn.

While providing energy upgrades and significant employment opportunities for building and construction workers, this legislation will boost domestic manufacturing. Retailers of energy-efficient building materials and appliances will also benefit from increased sales. Virtually all of the energy-efficient products and materials used for energy efficiency improvements are made in America.

Rural Star has the support of a broad coalition of stakeholders, including the National Association of Manufacturers, the National Association of Home Builders, the Retail Industry Leaders Association and the National Rural Electric Cooperative Association.

Rural Star will create high-skill, high-wage manufacturing and construction jobs and deliver meaningful energy savings for consumers that will put money directly into their wallets.

I urge all of my colleagues to support this bill. Let's create jobs that are made in America so that our fellow citizens can "Make It in America."

Mr. LUCAS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. HOLDEN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina, the chairman of the Budget Committee, Mr. SPRATT.

Mr. SPRATT. Mr. Chairman, this bill will authorize the Rural Utilities Service to make loans to rural electric co-ops so that the co-ops, in turn, can make loans to families and small businesses for energy conservation and efficiency measures that meet Federal standards.

This process will begin with an energy audit aimed at identifying energy-saving measures. Based on this audit, the co-ops will propose improvements like insulation or high-efficiency heat

pumps. Consumers will pay the co-ops for the installation through a charge on their utility bills spread over a period of 5 to 10 years. The energy savings will cover much, if not all, of the loan repayment. And after the loan is repaid, the participating consumer will continue to save, as will the economy, because of the more efficient use of energy.

There are more than 200,000 rural electric cooperative customers in my district, many of them near or below the poverty level. Many of these hard-working people would gladly invest in their homes to make them more efficient, but they cannot borrow or afford the funds necessary to install a new heat pump or place insulation in their walls and ceilings.

This is where the ingenuity of the co-ops comes in. Through a program that could be implemented nationwide, they would provide a simple but effective solution to help their customers at relatively low cost. At the same time they would create new jobs by making low-cost loans available to install high-impact energy efficiency improvements. The loans will be repaid over time on the consumer's utility bill, and ideally there will be a net reduction of utility payments even when accounting for the loan repayments. This is a win-win solution to a major problem.

I urge support for this bill. It is well crafted and it will not have an impact on the bottom line of the budget because we are talking about loans made by the Federal Government to the electric co-ops, which will be, I am sure, duly repaid.

Mr. LUCAS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. HOLDEN. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Thank you for yielding.

This is a great day, and this is a great program. This is the kind of commonsense approach people are looking for right now to help cut costs for families that are struggling and help put construction crews back to work that are desperately under demand in this economy.

Here we have a chance to help support American construction, using American-manufactured products to reduce the electric bills of rural America, including seniors on fixed incomes, including middle class families and working class families. It is the kind of common sense that has always made this country stronger and more vibrant. Here we are at a time when construction is down that we can be stepping up to renovate the building stock that we have, and we know in our rural communities our building stock is less efficient than in much of the rest of America.

So here we have a chance to make our rural communities more competitive and more livable, the utilities as partners, because the only limiting factor here is up-front capital. We know that the market can drive the rest.

So helping the utilities to provide that up-front investment, to unleash construction crews going to work to renovate homes, using American manufactured products like insulation, double-paned glass, window film—including the best window film in the world that we can make in southern Virginia in my district—that reduces electric bills.

If you are a senior on a fixed income and you have seen your electric rates go up and up, there is nothing you can take out of that budget. You don't have some party budget that you are going to give up. It's a fixed income. If we can help reduce that electric bill, that's more money for food and for transportation and for other needs that our seniors and our working families face. We can unleash what we do best, making things, building things, growing things in America and saving money for the average American who is so stretched right now.

We should not delay. We should pass this today on a bipartisan basis. We should make sure the Senate follows suit because this is the kind of common sense that can support those construction jobs we need, those manufacturing jobs we need, and that economic relief that our working and middle class families desperately need.

I urge all of my colleagues to be part of this commonsense solution and get us building and making things in America again today.

Mr. LUCAS. Mr. Chairman, I reserve the balance of my time.

Mr. HOLDEN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. LUCAS. I yield myself as much time as I may consume.

Mr. Chairman, I have the greatest confidence, faith and belief in the integrity and the intention of my colleagues as they work on this bill; but, Mr. Chairman, this is adding 5 billion more dollars on top of hundreds and hundreds and hundreds of billions of dollars that we have spent over the course of the last year and a half-plus that we don't have.

I would simply urge my colleagues, turn this bill back, let's not add \$5 billion more on to what we have already spent. Let's fulfill our constitutional responsibilities and pass our 12 appropriation bills in regular session. Let's fulfill our responsibility to our constituents and the economy they have to work in by addressing the tax issues from 2001 and 2003, and let's just go home.

There is a political storm brewing out there. This is going to be a different body in January. Let's do what

we are obligated to do under the Constitution and for our constituents and go home.

With that, I yield back the remainder of my time.

Mr. HOLDEN. Mr. Chairman, we know that rural cooperatives will need to double generating capacity. Several reports, including one done by USDA, state it will take a 10-year capital requirement of \$65.5 billion, \$49.9 billion which would be for new generation, and this does not even take into consideration the \$10 billion needed for transmission and the \$3 billion to retrofit. So that would be a tremendous expense to consumers across rural America. Energy efficiency investment is the way we need to proceed, so I encourage adoption of the bill.

I yield back the balance of my time. Mr. BARTON of Texas. I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the bill before us today. I am going to ask my colleagues to vote "no."

We had a similar bill on the floor back in May; and in that bill we offered a motion to recommit, which passed, which struck the Home Star loan program.

□ 1250

This bill, the bill that we struck the loan program from back in May, was a \$324 million authorization. This bill has come back to us at a \$5 billion authorization. That is a little bit of a puzzlement. If it didn't make sense in May to start a new program for \$300 million, it doesn't make sense in September to start the same program except for \$5 billion. So, if for no other reason, we should vote against this bill.

The second point I want to make is that the programs in the bill are worthwhile. I know that seems to be a little bit inconsistent with what I just said, but it is not that these are bad programs. The question is can we afford them when we have a deficit that is going to be between \$1.2 trillion and \$1.4 trillion this year?

In another energy efficiency bill that has become law last year, we authorized, and I think we appropriated, \$4.7 billion for the Department of Energy to do the same sort of programs that this bill would authorize. Today, the Department of Energy has spent about 10 percent of that, a little less than \$500 million. So they have over \$4 billion that has been appropriated that hasn't been spent. Now, I'm not casting stones on the Department of Energy. It probably makes sense to take your time setting up the program and making sure you get the processes and the requirements to participate in the right form. But if we have an existing program that has been appropriated and has over \$4 billion surplus in it, I don't see the need for another program.

One may say, well, this is for rural America or for specific homeowners.

But, to my knowledge, and I have got the Agriculture Committee here, there would be no exclusions because of the location under the program that the Department of Energy is currently implementing.

I would point out that 2 years ago the Federal debt was a little under \$6 trillion. We have added almost \$3 trillion to it in the last 2 years. I can't see that there is much net improvement that has happened to our economy with the expenditure of that much money, the addition of that much money to the debt.

It is not a case, Mr. Chairman, of coming to the floor and saying, This is a good program, support it. With these kinds of deficits, I think we need to think as a body, Is this a program that is absolutely essential and is it worth adding more to the public debt to pass this program? And with all due respect, while this is a good program, it is not a program that I think we should add to our children's and our grandchildren's debt. So I would urge a "no" vote at the appropriate time.

Mr. Chair, I rise in opposition to the bill before us and urge my colleagues to vote "no."

There is a growing tide of voices in this country calling for less government, less spending, and less debt. These concerns stretch across party and region. Our national debt presents a crisis we have mistakenly ignored for far too long. But after nearly two trillion dollars have been spent on a failed economic stimulus package and programs to prop-up our financial system, we need to examine every dollar authorized with the utmost scrutiny.

If we apply just the slightest amount of examination to this bill, it becomes difficult to defend the premise on which the Rural Energy Savings Program Act rests. Take the so-called stimulus bill for instance. In early 2009, Congress authorized the Department of Energy to spend an additional \$4.7 billion on its home weatherization program. Improved home energy efficiency is a great way to ensure savings for the homeowner and helps lessen our overall consumption of electricity. Programs that speed efficiency measures along should be a no-brainer. But twelve months after \$4.7 billion was handed to the Department of Energy for these purposes, we found out we had little to show for it. In that time, DOE had spent only 10 percent of its new funds to upgrade around 30,000 homes around the country. This was supposed to be another "shovel-ready" stimulus project that would create thousands of jobs and improve energy efficiency in hundreds of thousands of homes. In that pursuit, the program was a complete failure.

The bill before us today basically seeks the same goals using the same byzantine structures and bureaucracies that failed us before. If we can't trust DOE to handle increased funding for an already-existing program, how can we trust DOE and the Department of Agriculture to handle billions of dollars for an entirely new program? The simple answer is we can't.

On top of the issue of government shortcomings is the question of cost. H.R. 4785 authorizes \$5 billion in taxpayer money without

any means of finding a way of paying for it. Again, we're ignoring the Majority's own pay-as-you-go rules. These rules, as the voters were led to believe, were created to help stop the bleeding of funds into the pool of national debt. But over the past few years, we all realize it is a grand illusion. Our country is at its greatest level of debt since the end of World War II—62 percent of GDP. We cannot keep adding a billion dollars here and a billion dollars there thinking the cost of these programs have no effect. Somewhere we must put a stop to the bleeding. And if we look at government's past performance in improving home energy efficiency and weigh the costs with the benefits, we cannot logically justify tallying \$5 billion in additional red ink.

I can only conclude from the reading of this bill that my opposition was not necessary from the outset. Had this bill properly made its way through the Energy and Commerce and Agriculture Committees, we would have had a better chance at learning more of the program's advantages and disadvantages and, through committee markup, had the opportunity to make improvements that would have eliminated the debt problem and further developed the accountability measures that are absent from this legislation. As we've seen so many times in this Congress and the one before, regular order has been ignored and incomplete legislation results.

Mr. Chair, it does not always have to be this way. I support making homes more energy efficient and government efforts that properly pursue that goal. H.R. 4785 will not accomplish that task and simply creates more problems than it solves.

Mr. Chairman, I reserve the balance of my time.

Mr. BUTTERFIELD. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Vermont (Mr. WELCH), a member of the Energy and Commerce Committee.

Mr. WELCH. Mr. Chairman, I want to, first of all, thank the gentleman from Texas because he did help make this bill and the Home Star bill a better bill.

There is a question here about why we provide this money in a time of a deficit, and there is an answer to that. America faces, right now, two great challenges. One is high unemployment—we have got to put people back to work—and the other is an energy policy that is not as clean as it needs to be. It is not as sustainable as it must be, and it is not as affordable as it is essential that it be.

This legislation addresses both of those challenges by investing in energy efficiency, and this is with people making their own decisions about how best to do that in their own rural homes. We invest in our economy. Over 90 percent of the materials are manufactured in the United States of America. By slowing our wasteful use of energy, we can save homeowners hundreds of millions of dollars. That is money in their pocket that they can spend on other things good for the economy. And by, of course, reducing the amount of cost-

ly oil we import from hostile nations, we can create clean energy jobs here at home.

So this is a practical approach to address persistent high unemployment, tight family budgets, and climate change. This is a win-win-win for families, for our economy, and for our energy future.

I applaud Mr. CLYBURN and the other sponsors, Mr. SPRATT, and I urge the passage of this legislation.

Mr. BARTON of Texas. Mr. Chair, I yield myself the balance of my time to close.

I'll make it short and sweet. This is the same bill that was rejected under suspension back in May, with the exception that the authorization on the Home Star program has been increased by 13-fold. I suggested a "no" vote then. I continue to suggest a "no" vote and would ask for a "no" vote at the appropriate time.

Mr. Chairman, I yield back the balance of my time.

Mr. BUTTERFIELD. Mr. Chairman, I thank the ranking member for his comments.

We continue to say that this legislation is a good bill and it is certainly deficit neutral. It has been judged that way by the Congressional Budget Office. It is a loan program. It is not a grant program. It will not add to the deficit. It will not add to the debt in any respect.

I would like to encourage my colleagues to distinguish this program from the Department of Energy program that is a weatherization program. The weatherization programs, as we all know as Members, are intended to help low-income families, and it is a grant program. This is a loan program whereby Federal dollars are given to an investor-owned utility or to a municipality or to a rural cooperative, and the money is used then, in turn, to make low-interest loans to families who qualify. It is not income based. There are qualifications for the loans, but the family income is not a qualification to qualify for the loan.

We must enable the American people to weatherize their homes. Forty percent, in some instances, of their utility bill can be attributed to the loss of heat and air within the homes. And so this program is intended to help install replacement windows and insulation and other things that will make homes more energy efficient.

It will pay for itself. It's a good bill. I ask my colleagues to support it.

Ms. HIRONO. Mr. Chair, I rise in support of H.R. 4785, the Rural Energy Savings Program Act.

I am a cosponsor of this bill, which has been modified to include provisions of H.R. 5019, the Home Star Energy Retrofit Act, of which I am also a cosponsor.

The Rural Energy Savings Program Act creates two energy efficiency loan programs. The Home Star Energy Efficiency Loan Program,

administered by the Energy Department, will provide interest-free loans to states or territories, which will then re-loan the money to consumers for energy efficiency home renovations. The Rural Star Energy Program, run by the Agriculture Department, will make loans to rural electric co-ops, enabling these organizations to provide loans to qualified consumers to make their homes and businesses become more energy efficient.

Constituents in my district have some of the highest energy costs in the country, especially residents of Hawaii's rural communities. The Rural Star Energy Program would give Kauai Island Utility Cooperative, a rural electric co-op in my district, the opportunity to help families, farms, and businesses on Kauai save money on their energy bills while reducing energy waste and carbon pollution.

In addition, the Home Star Energy Efficiency Loan Program and the Rural Star Energy Program will help create jobs by increasing demand for energy efficiency products (many of which are made in the United States) and energy equipment retrofits.

I strongly support H.R. 4785 and urge my colleagues to support this measure.

Mr. ETHERIDGE. Mr. Chair, I rise in strong support of H.R. 4785, the Rural Energy Savings Program (RESPA).

As a part-time farmer and a representative of a rural district, I know how crippling the cost of energy can be to farms, families and our rural citizens. As our nation moves towards finding cleaner and more efficient ways of generating energy, many people in small communities are finding that the costs of energy efficiency improvements are simply too high. The farmers I talk to know that the savings from these improvements are real, but the upfront costs are too often out of reach. That is what it so important about this bill: through the use of interest-free loans distributed by the Department of Agriculture, it will allow farmers and rural citizens to implement critical energy-efficient technology that will bring their energy costs down.

This bill authorizes USDA's Rural Utilities Service to make interest-free loans to individual or state-based groups of co-ops. These loans will then be used by the co-op to fund energy-efficient improvements for farms or residences. These projects are projected to have a 10 year or less payback period, meaning the customer will realize savings in a relatively quick time frame. The loan will be repaid on the customer's utility bill over a 10 year window.

While this is a great bill for rural America, it is also an important bill for the rest of the country. The energy upgrades mean jobs in America for Americans, in construction, installation, and manufacturing. These are good jobs that cannot be outsourced, the kind of jobs we need to put North Carolinians back to work. At the same time, Americans know that many providers of our imported energy sources like oil are unstable and a potential threat to our national security. This bill moves us forward with a policy that reduces our dependence on these risky sources of energy.

As a Representative who is committed to budget discipline, I am pleased that this bill advances these priorities at absolutely no cost to taxpayers. The co-ops will assume all risks

for consumer repayments of their efficiency investments. This means that the Federal Government bears no risk in these transactions and must be repaid by the co-op. This bill moves us a step closer to energy independence without increasing our Federal deficit, and I applaud the bill's sponsor for that.

Mr. Chair, I urge my colleagues to join me in voting in favor of this bill. It is good for our farmers, our rural citizens and for our country.

Mr. HOLT. Mr. Chair, I rise today in support of H.R. 4785, the Rural Energy Savings Program Act, which also authorizes the Home Star Energy Efficiency Loan Program. Residential housing accounts for one-third of the Nation's total electricity demand and about 22 percent of all energy use in the United States. Moreover, it is estimated that existing technologies and practices could reduce energy use—and therefore home energy costs for American families—by up to 40 percent per home. This legislation will allow electric utilities and co-ops to make low-interest loans of a few thousand dollars to consumers who wish to make energy efficient upgrades to their homes. The loans can then be repaid on the consumers' electric bill, with most of the loan costs covered by their savings in electricity.

The Rural Energy Savings and Home Star Energy Efficiency programs will help homeowners with the upfront costs of installing energy efficiency retrofits while boosting markets for U.S. manufacturers of energy efficiency products and creating new jobs for our construction workers and contractors. It is estimated that the two programs will create nearly 200,000 jobs in the construction, manufacturing, and retail sectors that have been devastated by the recent recession. At the same time, these programs will help curb our Nation's carbon emissions and reduce our unsustainable dependence on fossil fuels. This legislation is good for our economy, good for American worker and consumers, good for the environment, and good for our Nation's energy security.

Mr. VAN HOLLEN. Mr. Chair, I rise in strong support of the Rural Energy Savings Program Act and the Home Star Energy Efficiency Loan Program contained in today's substitute amendment. Together, these complementary initiatives will create good paying American jobs, save consumers money and enhance our nation's energy security.

The Rural Star program will enable rural electric cooperatives to borrow money from the USDA Rural Utilities Service to fund voluntary and cost-effective energy efficiency upgrades for the citizens they serve. The resulting low-interest loans would bear an interest rate of no greater than three percent and would be repaid on the participating consumers' utility bill over a ten year period of time.

The Home Star Energy Efficiency Loan Program is designed for those citizens not served by rural electric cooperatives. Under this companion measure, which tracks the National Home Energy Savings Revolving Fund legislation I introduced earlier this Congress, states would be able to borrow federal funds they could then make available to electric utilities and other entities capable of administering a loan program for cost-effective residential energy efficiency retrofits. As an added "Made in

America" benefit, it is estimated that 92 percent of the products and materials that would be used in the Home Star program are manufactured in the United States.

Mr. Chair, this is common-sense, forward-looking legislation that will meaningfully advance America's clean energy future. I urge "yes" vote.

Mrs. KIRKPATRICK of Arizona. Mr. Chair, the House considers today H.R. 4785, the Rural Energy Savings Program. I am a cosponsor of the original, bipartisan legislation that would address a critical need in rural America—energy efficiency improvements that will reduce our energy consumption and lower consumers' utility bills.

This original bill creates new loans under the Department of Agriculture's Rural Utilities Service. The voluntary loans to electric cooperatives will facilitate their providing low-interest loans to consumers, to be repaid through utility bills. Loans will allow cooperative customers to make only energy efficiency improvements that are proven to be worth the investment. After the small loans for improvements are repaid, consumers will have a lasting reduction in their bills as their energy consumption declines. The federal government will be repaid, wisely leveraging these taxpayer dollars for long-term benefits. This program is a win-win-win for consumers, the cooperatives that serve them, and taxpayers, and I strongly support this model.

Unfortunately, the bill we are considering today also includes the Home Star Energy Retrofit Act—a measure the House considered in May of this year and that I opposed. This bill—also known as "Cash for Caulkers"—would authorize more than \$6 billion in new federal spending for rebates to home improvements. I heard from constituents before last spring's vote that this bill will simply not work for Greater Arizona. The rebates require homeowners to have means to make the improvements in the first place, and in this economic downturn that is simply not an option for many families.

In addition, the Home Star Energy Retrofit Act could cost the taxpayers more than \$6 billion over the life of the program. I just spent six weeks back in Greater Arizona meeting with small businesses, working families, and local leaders. The concern I heard expressed most frequently was concern that our deficit is growing too quickly and that our national debt is mortgaging our children's future. We must stop spending and start to address our long-term fiscal imbalance, and moving forward with this bill is not going to get the job done.

I support our rural electric cooperatives, but I cannot support a bill that will add so significantly to our deficit or that will not help families struggling in these tough times.

Mr. BROWN of South Carolina. Mr. Chair, I rise reluctantly to oppose H.R. 4785, the Rural Energy Savings Program Act.

I am listed as a cosponsor of H.R. 4785, however, the legislation I added my name to in March is vastly different than the legislation we consider today. The Rural Energy Savings Program Act that I cosponsored, authorized a relatively modest \$750 million over ten-year loan program to assist 1.6 million homeowners in rural America to install energy efficiency measures in their homes. By providing these

loans, we would be able to reduce consumer's energy cost and increase the demand for energy efficient products, thus creating jobs for countless Americans.

Mr. Chair, during these tough economic times, we are all looking for ways to stretch our dollars. One way many consumers seek to reduce their monthly expenditures is by reducing their power bill. However, the average cost of an energy efficient upgrade is \$1,500. Quite simply, in rural America, where income is 14 percent below the national average, many homeowners do not have the up-front funding necessary to install these upgrades, even though the energy savings provided by these upgrades pay for themselves over a relatively short period of time.

Additionally, I supported the original version of H.R. 4785 because it accomplished the laudable, above-described goal, without creating another inefficient government bureaucracy. Instead, the program would have used our nation's existing and well-functioning rural electric co-ops to distribute these loans to consumers.

I have a long history of supporting the rural electric co-ops, not just in this body, or during my time in the South Carolina State House, but also by paying my monthly power bill to my own rural electric co-op in Berkeley County, South Carolina.

As such it pains me to oppose this legislation. However, the original, modest goal of H.R. 4785 has been lost amid the inclusion of the \$4.25 billion Home Star Energy Efficiency Loan Program. This portion of the bill would provide funding to states and other unspecified entities to create lending programs for homeowners to make home energy improvements.

Mr. Chair, I support energy efficiency for urban consumers, just as I do for rural consumers. However, unlike the privately owned rural electric co-ops, who have provided many years of faithful service, the Department of Energy has not proven they are capable of effectively managing such a large program.

The so-called "Stimulus" legislation provided \$4.7 billion to the Department of Energy in order to weatherize the homes of low-income individuals. However, the Department's own Inspector General has found that one year after the Stimulus was passed into law only \$368 million or 7.83 percent had been used and only 30,297 units had been weatherized.

Considering this abject failure, I simply cannot vote to provide another \$4.25 billion of our taxpayer's dollars to the Department of Energy. I am not alone in my opposition to the Home Star Energy Efficiency Loan Program. In fact, the House voted earlier this year to remove this objectionable program from H.R. 5019 the Home Star Energy Retrofit Act by a broad bipartisan vote of 346 to 68. It is very objectionable this program has been brought back for a vote as a portion of H.R. 4785. As such, I am forced to rise in opposition to H.R. 4785 although I remain supportive of the original purpose of the legislation and I look forward to working with my colleagues on both sides of the aisle in order to lower the electricity costs of all Americans.

Mr. JOHNSON of Illinois. Mr. Chair, I rise today to comment on H.R. 4785, the Rural Energy Savings Program. As marked up by the

House Committee on Agriculture, this legislation would truly help rural America. Unfortunately, the bill considered on the House floor today, is an expensive, and unfortunate alternative that could result in \$4.25 billion in extra spending that has nothing to do with rural America.

The Rural Energy Savings Program would allow electric cooperatives to borrow money for the purposes of funding local energy efficiency programs. Eligible co-ops would provide money for energy efficiency upgrades to farms and rural consumers in the form of low-interest loans. In many cases, the costs to consumers would be covered by the resulting savings in their respective energy bills.

I support H.R. 4785, as originally passed by the House Agriculture Committee. This voluntary program would help electric cooperatives provide potential energy solutions to their members. I voted against the rule for H.R. 4785, which had it failed would have paved the way for members to vote on a clean bill. However, the bill before us today adds a \$4.25 billion authorization for a "Home Star" energy program that the House has already defeated once and therefore I voted no on the overall package.

I strongly support section two of H.R. 4785, the Rural Energy Savings Program, and urge the House and Senate to work together to craft a bill that mirrors the work completed in the House Agriculture Committee. This Rural Energy Savings program is a sensible approach that could improve energy efficiency in rural America.

Mr. GINGREY of Georgia. Mr. Chair, although I support incentives to promote energy efficiency as well as the work of contractors across the country who make our homes and businesses more energy efficient, I must rise in opposition to H.R. 4785, the Rural Energy Savings Program Act.

During the 6 week August recess, I heard over and over from my constituents in Northwest Georgia that the Federal Government needs to get its fiscal house in order. That is hard to accomplish when—for the first time in the modern era—Congress failed to even adopt a budget blueprint for the fiscal year. Why is it that hardworking families have to make difficult decisions on their personal budgets while Washington can't? The American people deserve better.

Mr. Chair, unfortunately, the Democratic Majority just doesn't get it. I find it hard to believe that the message they are receiving from their constituents is much different than what I am hearing. Yet, they don't seem to be listening.

At a time where we have amassed a \$1.3 trillion deficit for Fiscal Year 2010 alone and we are faced with over \$13 trillion in debt, we need to demonstrate fiscal restraint. Instead, H.R. 4785 seeks to spend an additional \$5 billion when the American people are begging us to reduce spending.

Mr. Chair, I believe that we must take the needed steps to get federal spending under control. The Democratic Majority has clearly demonstrated that it is out of touch with the American people by passing the \$862 billion "Stimulus" and the \$1 trillion ObamaCare bill. H.R. 4785 embodies that same attitude that we must spend our way back to prosperity, when we have seen it fail time after time.

Therefore, despite my support for energy efficiency programs and the people who would benefit from this legislation, I urge all of my colleagues to listen to the American people and curb federal spending.

Mr. BUTTERFIELD. Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Agriculture printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute printed in part A of House Report 111-594. The amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOME STAR ENERGY EFFICIENCY LOAN PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE PARTICIPANT.**—The term "eligible participant" means a homeowner who receives financial assistance from a qualified financing entity to carry out qualifying energy savings measures pursuant to this section, and who is not also a qualified consumer under section 2.

(2) **QUALIFIED FINANCING ENTITY.**—The term "qualified financing entity" means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State in accordance with subsection (f)(1),

except that an entity that is an eligible entity under section 2 shall not be a qualified financing entity.

(3) **QUALIFIED LOAN PROGRAM MECHANISM.**—The term "qualified loan program mechanism" means a mechanism for the establishment and operation of a loan program that is—

(A) administered by a qualified financing entity; and

(B) funded in significant part—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(4) **QUALIFYING ENERGY SAVINGS MEASURE.**—The term "qualifying energy savings measure" means a measure listed under subsection (c)(1) or (2) or stipulated in a whole-house analysis under subsection (c)(3).

(b) **ESTABLISHMENT.**—The Secretary of Energy shall establish a Home Star Energy Efficiency Loan Program under which the Secretary of Energy shall offer loans at zero percent interest to States to support financial assistance provided by qualified financing entities for the installation of qualifying energy savings measures.

(c) **ENERGY EFFICIENCY MEASURES AND STANDARDS.**—The Secretary of Energy, in consultation with the Secretary of Agriculture, shall publish—

(1) not later than 90 days after the date of enactment of this Act, a master list of residential

energy efficiency measures determined to be cost-effective, readily available from commercial sources, to be permanently installed in a residence, and capable of supporting measurement and verification of the energy savings that results from their adoption;

(2) additions to such a list, approved by the Secretary of Energy, of other residential energy efficiency measures that are—

(A) recommended by the Secretary of Agriculture;

(B) calculated to achieve sufficient energy savings that they will achieve a simple payback within 10 years or less; and

(C) permanently installed in a residence;

(3) specifications for whole-house energy performance analyses simulating energy use before and after a retrofit utilizing measures from the master list published pursuant to paragraphs (1) and (2) and such other permanent structural measures as can be demonstrated, when installed and operated as intended, to improve residential energy efficiency in a manner that can be determined with confidence to be cost-effective and to recover their own cost in energy cost savings within the term of a proposed loan; and

(4) a protocol for measurement and verification of the energy savings that have resulted from any and all energy efficiency measures taken with respect to a residence and financed in whole or in part pursuant to this title.

(d) **ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.**—To be eligible to participate in the Home Star Loan Program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of installations described in subsection (b);

(2) require all financed installations to be performed by contractors in a manner that meets building code requirements and other appropriate minimum standards;

(3) establish standard underwriting criteria to determine the eligibility of Home Star Loan Program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the Home Star Loan Program in the State); and

(4) undertake particular efforts to make such loans available in public use microdata areas that have a poverty rate of 12 percent or more in a proportion of total loans made at least equal to the proportion the number of residents in such areas bears to the total population of the area served by that qualified financing entity.

(e) **ALLOCATION.**—In allocating 75 percent of the loan funds made available to States for each fiscal year under this section, the Secretary of Energy shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.), with appropriate modifications to reflect the funds to be provided in States for loans under section 2. In allocating the remaining 25 percent of the loan funds made available to States for each fiscal year under this section, the Secretary of Energy may vary the result of the formula to recognize and reward those States that make the best progress in providing loans to low-income areas pursuant to subsection (d)(4).

(f) **QUALIFIED FINANCING ENTITIES.**—Before making funds available to a State under this section, the Secretary of Energy shall require the Governor of the State to provide to the Secretary of Energy a letter of agreement that the State—

(1) will use the funds provided pursuant to this section solely as provided in this section;

(2) has 1 or more qualified financing entities that meet the requirements of this section;

(3) has established, or has required its designated qualified financing entities to establish, a qualified loan program mechanism that—

(A) will use a quality assurance program or another appropriate methodology to ensure energy savings;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features;

(4) will provide, in a timely manner, all information regarding the administration of the Home Star Loan Program as the Secretary of Energy may require to permit the Secretary of Energy to meet program evaluation requirements; and

(5) will commit to the full repayment of the loaned funds to the Secretary of Energy by a date not later than 20 years from the date of the loan closing.

(g) **USE OF FUNDS.**—Funds made available to States for carrying out the Home Star Loan Program may be used to support financing mechanisms offered by qualified financing entities to eligible participants, including—

(1) interest rate reductions to interest rates as low as zero percent;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified financing entities may offer direct loans; or

(4) other debt instruments necessary—

(A) to use available funds to obtain appropriate leverage through private investment; and

(B) to support widespread deployment of energy efficiency programs.

(h) **USE OF REPAID FUNDS.**—In the case of a revolving loan fund described in subsection (g)(3), a qualified financing entity may use funds repaid by eligible participants under the Home Star Loan Program to provide financial assistance for additional eligible participants for installations described in subsection (b) in a manner that is consistent with this section.

(i) **ADMINISTRATIVE COSTS.**—A State may permit a qualified financing entity to charge interest of 3 percent to cover the costs of loan administration and personnel and program management, or for establishing a loan loss reserve.

(j) **REPORTING REQUIREMENTS.**—The Secretary of Energy shall report to the Congress on the implementation of this title, including the energy savings and cost savings estimated to be achieved, not later than 1 year after the date of enactment of this Act, and again by not later than 2 years after the date of enactment of this section.

(k) **ASSESSMENT BY GOVERNMENT ACCOUNTABILITY OFFICE.**—The Comptroller General shall, by not later than 18 months after the date of enactment of this Act, prepare and submit to

the Congress an analysis and report determining—

(1) the actual taxpayer funds made available for the program created in this section;

(2) the actual amounts of such funds made available to eligible participants or qualified consumers in the program created in this section;

(3) the extent of measured and verified residential energy savings achieved and expected to be achieved on an ongoing basis as a function of this program;

(4) the extent to which funds were made available to support commercial or industrial energy efficiency measures under this program;

(5) the extent to which funds made available were expended for training, administration, program support by contractors, or trade association activities under this program; and

(6) the consistency and rigor of the standards for energy efficiency and for measurement and verification adopted and implemented by this program.

(l) **AUTHORIZATION.**—There are authorized to be appropriated for purposes of this section \$850,000,000 for each of fiscal years 2010 through 2014, which shall remain available until expended.

SEC. 2. RURAL ENERGY SAVINGS PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) any public or cooperative electric utility that is eligible to borrow from the Rural Utilities Service electrification program authorized under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) that serves a rural area;

(B) any current borrower of the Rural Utilities Service electrification program authorized under that Act; or

(C) any entity primarily owned or controlled by an entity described in subparagraph (A) or (B).

(2) **ENERGY EFFICIENCY MEASURE.**—The term “energy efficiency measure”, with respect to property served by an eligible entity, means a fixed structural improvement and investment in a cost-effective, commercial off-the-shelf technology to reduce residential energy use that is either—

(A) included in the master list published under section 1(c)(1) and (2); or

(B) stipulated in a whole-house simulation conducted pursuant to section 1(c)(3).

(3) **FARM EFFICIENCY MEASURE.**—The term “farm efficiency measure” means an energy saving application that is a fixed improvement installed in or attached to a building or structure on a farm at a total loan value for that farm of \$50,000 or less, that is not otherwise an energy efficiency measure, and that would achieve energy savings sufficient to repay the cost of the measure in 10 years or fewer.

(4) **QUALIFIED CONSUMER.**—The term “qualified consumer” means a consumer served by an eligible entity that has the ability to repay a loan made under subsection (d), as determined by an eligible entity, and who has not accepted any loan as an eligible participant pursuant to section 1.

(5) **QUALIFIED ENTITY.**—The term “qualified entity” means any organization that the Secretary of Agriculture determines has significant experience in providing eligible entities with—

(A) advice on energy, environmental, energy efficiency, and information research and technology;

(B) training, education, and consulting;

(C) guidance in energy and operational issues and rural community and economic development; and

(D) other relevant assistance, as determined by the Secretary of Agriculture.

(6) **RURAL AREA.**—The term “rural area” means any area other than—

(A) a city or town that has a population of greater than 50,000 inhabitants; and

(B) any urbanized area contiguous and adjacent to a city or town described in subparagraph (A).

(b) **ESTABLISHMENT.**—The Secretary of Agriculture, acting through the Rural Utility Service, shall establish the Rural Star Energy Savings Program for the purpose of making loans to eligible entities that agree to accept the loan funds authorized pursuant to this section to make loans to qualified consumers for the purpose of implementing residential energy efficiency measures or farm efficiency measures approved by the Secretary of Agriculture.

(c) **LOANS TO ELIGIBLE ENTITIES.**—

(1) **LOANS AUTHORIZED.**—Subject to paragraph (2), the Secretary of Agriculture shall make loans to an eligible entity that agrees that the loan funds will be used to make loans to qualified consumers as described in subsection (d) for the purpose of implementing one or more energy efficiency measures, or a farm efficiency measure in response to an application by an eligible entity.

(2) **LIST, PLAN, AND MEASUREMENT AND VERIFICATION REQUIRED.**—

(A) **IN GENERAL.**—As a condition to receiving a loan under paragraph (1), an eligible entity shall—

(i) establish a list of energy efficiency measures or farm efficiency measures expected to decrease energy use or costs of a qualified consumer from the master list published under section 1(c)(1) and (2);

(ii) establish a procedure to identify to the Secretary of Agriculture any specific farm efficiency measures for which the eligible entity seeks authority to make a loan;

(iii) prepare an implementation plan for use of the loan funds to ensure that a loan to a qualified consumer is for energy efficiency investments that will achieve savings sufficient to service the loan during the term of the loan; and

(iv) provide for appropriate measurement and verification as prescribed by the Secretary of Agriculture to ensure the actual use and effectiveness of the energy efficiency loans made by the eligible entity.

(B) **REVISION OF LIST OF ENERGY EFFICIENCY MEASURES.**—An eligible entity may update the list required under subparagraph (A)(i) to account for efficiency technologies added to the master list published under section 1(c)(1) pursuant to section 1(c)(2), or farm efficiency measures approved by the Secretary of Agriculture.

(C) **EXISTING ENERGY EFFICIENCY PROGRAMS.**—An eligible entity that, on or before the date of the enactment of this Act, has already established an energy efficiency program for qualified consumers may submit an existing list of energy efficiency measures or farm efficiency measures, implementation plans, or measurement and verification systems to satisfy the requirements of subparagraph (A) to the Secretary of Agriculture and may use such list until and unless such list is inconsistent with the measures published pursuant to section 1(c)(1) and (2).

(3) **LOAN TERMS FOR LOANS TO ELIGIBLE ENTITIES.**—

(A) **NO INTEREST.**—A loan made to an eligible entity under paragraph (1) shall bear no interest.

(B) **REPAYMENT.**—With respect to a loan under paragraph (1)—

(i) the term shall not exceed 20 years from the date the loan is closed; and

(ii) except as provided in subparagraph (D), the repayment of each advance shall be amortized for a period not to exceed 10 years.

(C) **AMOUNT OF ADVANCES.**—Any advance of loan funds to an eligible entity in any single year shall not exceed 30 percent of the approved loan amount.

(D) **SPECIAL ADVANCE FOR START-UP ACTIVITIES.**—

(i) **IN GENERAL.**—In order to assist an eligible entity in defraying initial start-up costs, the Secretary of Agriculture shall allow an eligible entity to request a special advance.

(ii) **AMOUNT OF SPECIAL ADVANCE.**—No eligible entity may receive a special advance under this subparagraph for an amount that is greater than 4 percent of the loan amount received by the eligible entity under paragraph (1).

(iii) **REPAYMENT.**—The repayment of the special advance shall be required within 10 years after the special advance is made and, at the election of the eligible entity, may be deferred to the end of the 10-year period.

(E) **LIMITATION ON ADVANCES.**—All advances shall be made under a loan described in paragraph (1) within the first 10 years of the term of the loan.

(d) **LOANS TO QUALIFIED CONSUMERS.**—

(1) **TERMS OF LOANS.**—Loans made by an eligible entity to qualified consumers using loan funds provided by the Secretary of Agriculture under subsection (c)—

(A) may bear interest, not to exceed three percent, to be used by the eligible entity for purposes such as establishing a loan loss reserve and to offset personnel and program costs of the eligible entity to provide the loans;

(B) shall finance only energy efficiency measures or farm efficiency measures for the purpose of decreasing energy usage or costs of a qualified consumer by an amount such that a loan term of not more than 10 years will achieve a simple payback of the amount invested;

(C) shall not be used to fund purchases of, or modifications to, personal property unless the personal property—

(i) is or becomes attached to real property as a fixture; or

(ii) is a manufactured home;

(D) shall be repaid through charges added to the electric bill for the property for, or at which energy efficiency measures are or will be implemented, except that this requirement shall not be construed to prohibit—

(i) the voluntary prepayment of a loan by the owner of the property; or

(ii) the use of any additional repayment mechanisms that are—

(I) demonstrated to have appropriate risk mitigation features, as determined by the eligible entity; or

(II) required if the qualified consumer is no longer a customer of the eligible entity; and

(E) shall require an energy audit to determine the impact of proposed energy efficiency measures on the energy costs and consumption of the qualified consumer.

(2) **CONTRACTORS.**—In addition to any other qualified general contractor, eligible entities may serve as general contractors.

(3) **USE OF OTHER ENERGY EFFICIENCY INCENTIVES.**—Energy efficiency incentives made available under any other Act, including rebates, grants, or any other payments, may be used to reduce the amount of a loan made under this subsection to qualified consumers in order to meet the requirement of paragraph (1)(B).

(e) **MEASUREMENT, VERIFICATION, TRAINING, AND TECHNICAL ASSISTANCE.**—

(1) **DUTIES OF THE SECRETARY.**—The Secretary of Agriculture—

(A) shall establish an implementation and measurement and verification advisory committee consisting of representatives of eligible entities and qualified entities;

(B) may enter into cooperative agreements with qualified entities to provide technical assistance and training to the employees of eligible entities to carry out this section; and

(C) shall establish a process to compile and maintain a directory of energy efficiency audi-

tors that are used by eligible entities to carry out this section.

(2) **EXCEPTION.**—

(A) The Secretary of Agriculture shall not utilize the authority provided under this subsection or subsection (j) to—

(i) develop, adopt, or implement a public labeling system that rates and compares the energy performance among qualified consumers; or

(ii) require the public disclosure of an energy performance evaluation or rating developed for any qualified consumer.

(B) Nothing in this paragraph shall preclude—

(i) the computation, collection, or use, by the Secretary of Agriculture, eligible entity, or qualified entity for the purposes of aggregating information on the rating and comparison of the energy performance among qualified consumers with and without energy efficiency features or on energy performance evaluation or rating;

(ii) the use and publication of aggregate data (without identifying individual qualified consumers) based on information referred to in clause (i) to determine or demonstrate the performance of this program; or

(iii) the provision of information referred to in clause (i) with respect to a qualified consumer:

(I) to the State, eligible consumer, eligible entity, or qualified entity, as necessary to enable carrying out this title; or

(II) for purposes of prosecuting fraud and abuse.

(f) **FAST START DEMONSTRATION PROJECTS.**—The Secretary of Agriculture shall, not later than 90 days after the enactment of this section, enter into agreements with eligible entities (or groups of eligible entities) that have established an energy efficiency program described in subsection (c)(2)(C) to establish an energy efficiency loan demonstration projects consistent with the purposes of this section that—

(1) implement approaches to energy audits and investments in energy efficiency measures or farm efficiency measures that yield measurable and predictable savings;

(2) use measurement and verification processes to determine the effectiveness of energy efficiency loans made by eligible entities;

(3) include training for employees of eligible entities, including any contractors of such entities, to implement or oversee the activities described in paragraphs (1) and (2);

(4) provide for the participation of a majority of eligible entities in a State;

(5) reduce the need for generating capacity;

(6) provide efficiency loans to—

(A) not fewer than 20,000 consumers, in the case of a single eligible entity; or

(B) not fewer than 80,000 consumers, in the case of a group of eligible entities; and

(7) serve areas where 15 percent or more of consumers reside—

(A) in manufactured homes; or

(B) in housing units that are more than 50 years old.

(g) **ADDITIONAL AUTHORITY.**—The authority provided in this section is in addition to any authority of the Secretary of Agriculture to offer loans under any other law.

(h) **EFFECTIVE PERIOD.**—Except as otherwise provided in this section, the loans and other expenditures required to be made under this section are authorized to be made during each of fiscal years 2010 through 2014.

(i) **REGULATIONS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, not later than 180 days after the date of enactment of this section, the Secretary of Agriculture shall promulgate such regulations as are necessary to implement this section.

(2) **PROCEDURE.**—The promulgation of the regulations and administration of this section shall be made without regard to—

(A) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”); and

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking.

(3) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(4) **INTERIM REGULATIONS.**—Notwithstanding paragraphs (1) and (2), to the extent regulations are necessary to carry out any provision of this section, the Secretary of Agriculture shall implement such regulations through the promulgation of an interim rule.

(j) **AUDIT OF PROGRAM.**—The Secretary of Agriculture shall conduct an audit of the program authorized by this section to ensure that the funds provided to eligible entities under this section are used in accordance with the purpose of this section.

(k) **REPORTING REQUIREMENTS.**—The Secretary of Agriculture shall report to the Congress on the implementation of this Act, including the energy savings and costs savings estimated to be achieved, not later than 1 year after the date of enactment of this Act, and again not later than 2 years after the date of enactment of this Act.

(l) **ASSESSMENT BY GOVERNMENT ACCOUNTABILITY OFFICE.**—The Comptroller General shall, by not later than 18 months after the date of enactment of this Act, prepare and submit to the Congress an analysis and report determining—

(1) the actual taxpayer funds made available for the program created in this section;

(2) the actual amounts of such funds made available to eligible entities for qualified consumers in the program created in this section;

(3) the extent of measured and verified energy savings achieved and expected to be achieved on an ongoing basis as a function of the program created in this section;

(4) the extent to which funds made available were expended for training, administration, and program support by eligible entities and qualified entities under the program created in this section; and

(5) the consistency and rigor of the standards for energy efficiency and for measurement and verification adopted and implemented by program created in this section.

(m) **AUTHORIZATION.**—There are authorized to be appropriated for purposes of this section \$150,000,000 for each of fiscal years 2010 through 2014, which shall remain available until expended.

The CHAIR. No amendment to that amendment in the nature of a substitute is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HOLDEN

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111–594.

Mr. HOLDEN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, line 17, strike “and”.

Page 1, after line 17, insert the following new subparagraph:

(B) is not an entity that has an ongoing capital repayment obligation to the Department of the Treasury pursuant to the Troubled Asset Relief Program (Public Law 110-343, 122 Stat. 3765); and

Page 2, line 1, redesignate subparagraph (B) as subparagraph (C).

Page 6, after line 18, insert the following new paragraph (and redesignate the subsequent paragraphs accordingly):

(2) will use the funds provided under this section to supplement and not supplant any prior or planned Federal and State funding provided to carry out energy efficiency programs, on the condition that, to the extent the Secretary finds that a State has supplanted other such programs with funding under this section, the Secretary may with hold an equivalent amount of funding from allocations for the State under this section;

Page 10, strike lines 5 through 7.

Page 10, line 8, strike “(5)” and insert “(4)”.

Page 10, line 12, strike “(6)” and insert “(5)”.

Page 10, line 17, after “this section” insert “, provided that enactment of this Act would not increase direct spending.”.

Page 18, strike lines 3 through 8 and insert the following:

(C) shall not be used to fund—

(i) the purchase of a manufactured home; or

(ii) the purchase of any other personal property unless the personal property is or becomes attached to real property as a fixture;

(D) shall not be used to fund modifications to personal property unless the personal property—

(i) is or becomes attached to real property as a fixture; or

(ii) is a manufactured home;

Page 18, line 9, strike “(D)” and insert “(E)”.

Page 18, line 24, strike “(E)” and insert “(F)”.

Page 20, line 8, strike “(j)” and insert “(i)”.

Page 25, line 19, after “this section” insert “, provided that enactment of this Act would not increase direct spending.”.

At the end, add the following:

SEC. 3. PROHIBITION.

Neither the Secretary of Energy nor the Secretary of Agriculture shall provide any funds authorized by this Act to any contractor that employs an employee to work in a consumer's home if that employee has been convicted of, or plead guilty to, a crime of child molestation, rape, or any other form of sexual assault.

SEC. 4. FEDERAL EMPLOYEES.

(a) A loan shall not be provided to a Federal employee under this Act if any of the following apply to the employee:

(1) The employee has a seriously delinquent tax debt (as determined under subsection (b)).

(2) The employee received a payment under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) but was ineligible to receive the payment under the criteria described in section 2605(b)(2) of such Act (42 U.S.C. 8624(b)(2)).

(3) The employee has been officially disciplined for violations of subpart G of the

Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

(b) For purposes of subsection (a)(1), a “seriously delinquent tax debt” means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

(1) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; or

(2) a debt with respect to which a collection due process hearing under section 6330 of such Code is requested, pending, or completed and no payment is required.

SEC. 5. WRONGFUL USE OR DIVERSION OF PROGRAM FUNDS.

The Secretary of Energy and the Secretary of Agriculture shall take such steps as are necessary and appropriate, including requirements for the immediate repayment of Federal assistance, to ensure that none of the funds authorized in this Act are used—

(1) in violation of law;

(2) in a manner that creates a significant threat to human health or safety;

(3) in a manner that undercuts the integrity and accountability of the program under this Act; or

(4) for purposes other than those serving the objectives of this Act.

The CHAIR. Pursuant to House Resolution 1620, the gentleman from Pennsylvania (Mr. HOLDEN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania.

□ 1300

Mr. HOLDEN. Mr. Chairman, the manager's amendment contains the following provisions: It prohibits entities with ongoing TARP obligations from participating in the program. It mandates that funds provided by the legislation must be used to supplement and not to supplant other energy efficiency funding. It says that no report has to be filed with the comptroller general regarding the extent to which funds provided by the legislation are used to support commercial or industrial energy measures. It prohibits any additions to direct spending with respect to the legislation. It forbids funds from being used to purchase personal property, including manufactured homes; but allows funds to be used for modifications to manufactured homes.

The manager's amendment prohibits the Secretary of Agriculture from promulgating regulations regarding a home labeling program. It also prohibits the wrongful use or diversion of program funds, as well as prohibits providing funds to any contractor who employs any person who has been convicted of, or pled guilty to, any form of sexual assault. Finally, it prohibits Federal employees from receiving loan funds if they have seriously delinquent tax debt, have received a payment in violation of LIHEAA, or have been officially disciplined for viewing,

downloading, or exchanging pornography on a Federal Government computer or while performing official Federal Government duties.

Mr. Chairman, I reserve the balance of my time.

Mr. LUCAS. Mr. Chairman, I rise to claim the time in opposition, although I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from Oklahoma is recognized for 10 minutes.

There was no objection.

Mr. LUCAS. While I claim the time in opposition, I would state for the RECORD that I support my good friend from Pennsylvania's amendment. I support his efforts to import more integrity into this. What I am afraid of is a duplicative program. More importantly, I support his attempt to make sure that that the program does not affect direct spending. As my good friend has mentioned, his amendment prohibits any direct or mandatory spending. What it does not do, however, is prevent appropriators from adding to our national debt by spending discretionary dollars on the program.

While I support my friend's efforts to be truly fiscally responsible, this act should sunset if it is not deficit neutral. Again, I support Mr. HOLDEN's amendment and urge others to do the same. I would prefer language that more directly prevents direct spending, but this is what we have.

Mr. Chair, I yield such time as he may consume to the ranking member of the Energy and Commerce Committee, Representative BARTON.

Mr. BARTON of Texas. I too rise in support of the Holden amendment. It is not as good as our motion to recommit from back in May, it is not as good as the Barton amendment that was offered to the Rules Committee, but it is strangely similar. So if flattery is the most sincere form of compliment, then I am complimented that you have taken a page out of our playbook. It is going to make our coming motion to recommit much more difficult to develop, but I can assure you that agile minds are working as we speak on that motion to recommit. But for purposes of this debate, both Mr. LUCAS and myself do support your amendment and urge its adoption.

Mr. LUCAS. Mr. Chairman, I yield back the balance of my time.

Mr. HOLDEN. Mr. Chairman, I would like to thank the gentlemen from North Carolina, Oklahoma, and Texas for their support of the manager's amendment, and encourage its passage.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HOLDEN).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. HOLDEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CUELLAR

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 111-594.

Mr. CUELLAR. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

(n) The Secretary of Agriculture shall provide assistance and technical advice to the qualified entities providing loans under this bill in conducting outreach for the purposes of increasing participation of economically distressed rural communities with unemployment rates above the national average, or rural areas that lack basic living necessities, such as water and sewer systems, electricity, and safe, sanitary housing, in the program established under this section.

The CHAIR. Pursuant to House Resolution 1620, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to encourage my colleagues to support my amendment to the Rural Energy Savings Program. This amendment will direct the Secretary of Agriculture to provide assistance and advice to the entities providing loans under this act to increase participation in the areas of high unemployment. This important amendment will go a long way towards making sure those areas that have been hit the hardest are about to take advantage of this legislation.

As you know, unemployment is still a real problem for many Americans throughout the country. In my congressional district, as an example, I have two counties that are significantly above the national average for unemployment, which is about 9.4. Hidalgo County is suffering at 11.1 percent, and Starr County is at 17.3 percent.

This amendment will make sure that these communities are not left out of this good piece of legislation. Under my amendment, USDA will provide its expertise to the entities providing loans for the purposes of outreach. This amendment will increase economic activity in the areas that need it the most while providing valuable energy cost savings.

Mr. Chairman, I want to thank Mr. BUTTERFIELD, Mr. CLYBURN, Mr. HOLDEN, and the other folks who have been working very hard, and also the ranking members. I thank you, and stand in strong support of this piece of legislation along with my amendment. I ask Members to vote "yes" on my amendment.

I reserve the balance of my time.

Mr. LUCAS. I claim the time in opposition, Mr. Chairman, although I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from Oklahoma is recognized for 5 minutes.

There was no objection.

Mr. LUCAS. I yield myself such time as I may consume.

This amendment would simply direct the Secretary of Agriculture to provide assistance and technical advice to electric cooperatives who have been approved as qualified entities in an effort to improve the outreach to the rural communities it serves with unemployment rates above the national average, as the author noted. As I understand the amendment, it does not require special treatment; rather it focuses on promotion of the program to those communities that are hit hard by the failing economy.

I think the gentleman's intentions are laudable, and given the legislative framework that the majority leadership has us working in, I do not oppose this amendment. I do, however, think there are better ways to bring cheap and efficient energy to these communities.

The prohibition on lending in the last farm bill to increase base load generation from clean coal, natural gas, and nuclear technologies is the biggest hidden tax on rural Americans that I can possibly think of, administered by the present majority leadership.

I yield back the balance of my time.

Mr. CUELLAR. I want to thank the ranking member for his support and again thank Mr. BUTTERFIELD, Mr. HOLDEN, Mr. CLYBURN, and all of the folks who have worked so hard. I ask Members to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MRS. MCCARTHY OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 111-594.

Mrs. MCCARTHY of New York. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

SEC. ____ . PRIORITY FOR ACTIVE DUTY MEMBERS OF THE ARMED FORCES AND VETERANS.

In providing loans to eligible participants under section 1 or qualified consumers under section 2, the lender shall give priority to members of the Armed Forces serving on active duty and to veterans (as defined in section 101 of title 38, United States Code).

The CHAIR. Pursuant to House Resolution 1620, the gentlewoman from New York (Mrs. MCCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MCCARTHY of New York. I want to thank Chairmen PETERSON and WAXMAN and Ranking Members LUCAS and BARTON for bringing forward this important legislation. I also thank my colleague from Pennsylvania, TIM HOLDEN.

Mr. Chairman, energy costs in this country continue to rise. For many families these costs are becoming an unbearable burden. I support this bill and believe that it will be a great help to many American families. H.R. 4785 creates the tools necessary to give homeowners control over their energy costs. The loans provided for in this bill will allow homeowners to invest in energy efficiency measures that will provide long-term savings to many, many families. It will help bring down energy costs for homeowners, reduce our dependence on foreign oil, and help us transition towards a clean-energy economy.

Although all Americans are facing the reality of rising energy costs, for our active duty troops and our veterans, the challenges of skyrocketing energy costs can be even more problematic. The members of our active duty military must often balance their household and service requirements. Does this still get your point across? I believe it does.

Our veterans, both our new veterans just starting out and our older veterans living on a fixed income, also have unique challenges when it comes to their energy costs.

□ 1310

I believe it is important that we give priority in this bill to those men and women who have sacrificed and who continue to sacrifice for our country. This is what my amendment does. Let us make sure that, with all the challenges in life, our active duty members and veterans are able to worry a little less about their electricity bills.

I reserve the balance of my time.

Mr. LUCAS. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIR. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. LUCAS. I yield myself such time as I may consume.

In agriculture, we've learned the hard way, Mr. Chairman, that carve-outs and programs generally reduce the effectiveness of the programs. It's a simple economic principle. By focusing on the beneficiary instead of the results, the marginal utility is lowered.

Now, having said that, I can think of no more deserving group than the brave men and women of our Armed Services to be prioritized in any Federal program. Yes, I support and encourage my colleagues to support this amendment.

I yield back the balance of my time.

Mrs. MCCARTHY of New York. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mrs. MCCARTHY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BUTTERFIELD

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111-594.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. I have a parliamentary inquiry, Mr. Chairman.

The CHAIR. The gentleman is recognized for a parliamentary inquiry.

Mr. BARTON of Texas. What is the protocol when the author of an amendment is not on the floor and the amendment is called?

The CHAIR. The Chair is trying to ascertain whether the proponent will offer the amendment.

Mr. BARTON of Texas. Is there a prescribed waiting period? Are we in a holding pattern around an airport or, within a minute, no-show, no-go?

The CHAIR. The Chair will respect Members' opportunities to offer amendments, and the Chair will wait momentarily until finding out whether the amendment will be offered.

Mr. BARTON of Texas. Mr. Chairman, I would ask unanimous consent to continue with the bill. If the author is not here, he has lost his opportunity to offer it. So I would ask unanimous consent to move forward in consideration of pending business of the House and to skip over the amendment.

The CHAIR. This is the last amendment.

Mr. BUTTERFIELD. Mr. Chairman, I stand to offer this amendment as a designee.

The CHAIR. The gentleman will be recognized for that purpose.

Mr. BARTON of Texas. Mr. Chairman, requesting the right to object, I seek recognition to object if it is under the rules. We don't know. I have great faith in Mr. BUTTERFIELD, but I am not sure he has been authorized by Mr. INSLEE. If Mr. INSLEE is not here, I would object, with all due respect to Mr. BUTTERFIELD's substituting for him, without knowing whether Mr. INSLEE wants him to.

Mr. BUTTERFIELD. Mr. Chairman, I am told that the gentleman from Washington is en route to the floor. I simply stood to offer the amendment to make it in order. The gentleman who offered the amendment should be here momentarily.

The CHAIR. The Chair then will wait until the gentleman arrives.

Mr. BARTON of Texas. Will the Chair give that consideration to Members of the minority if we happen to be tardy and dawdling? We certainly are cognizant of the graciousness, but the House of Representatives is a busy place, and I always thought if you

weren't here, you lost your spot in the lineup.

The CHAIR. Under House Resolution 1620, unanimous consent is not required for a designee to offer an amendment. The Chair is prepared to recognize the gentleman from North Carolina. The Chair has actually been very nonbiased to both sides, and intends to be fair to both sides.

Mr. BARTON of Texas. I am not disparaging of the Chair's nonbiasness. I hope we will have that similar consideration.

The CHAIR. The gentleman from North Carolina is recognized to offer the amendment.

Mr. BUTTERFIELD. Mr. Chairman, I would like to proceed as the designee.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 12, insert the following: In determining which residential energy efficiency measures to include in the list published under paragraph (1) or (2), the Secretary of Energy, in consultation with the Secretary of Agriculture, shall consider advanced performance initiatives, such as the Passive House Standard as certified by the Passive House Institute US.

The CHAIR. Pursuant to House Resolution 1620, the gentleman from North Carolina (Mr. BUTTERFIELD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. BUTTERFIELD. Let me apologize to the Chair, to the ranking member and to my colleagues for all of the confusion, but we are ready to proceed on this matter.

Mr. Chairman, I have reviewed this amendment. It appears to be in keeping with the spirit of the underlying legislation. I would urge my colleagues to support it.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. I would ask the author's designee, Mr. BUTTERFIELD, if he would engage in a colloquy on this amendment.

Mr. BUTTERFIELD. To the extent that I can, Mr. BARTON.

Mr. BARTON of Texas. Would you define what a "passive house" is?

I yield to the gentleman.

Mr. BUTTERFIELD. I do not have that material in front of me, Mr. BARTON.

Mr. BARTON of Texas. Okay. So we're getting a pig-in-the-poke here; is that right?

Mr. BUTTERFIELD. You certainly appreciate the disadvantage at which I find myself.

Mr. BARTON of Texas. Reclaiming my time, Mr. Chairman, I am not totally opposed to this amendment. I

don't know too much more about it than Mr. BUTTERFIELD, but I do know that this "passive house" concept, while it saves energy once it is in place, is more expensive to construct. It is my understanding that the concept that the amendment supports is substantially more expensive than standard construction. That may be appropriate when people have high incomes and when the cost of construction is really of little interest; but for most of my constituents, Mr. Chairman, the initial cost is of significance.

Again, I don't think there is a tremendous downside to this amendment, but I think it should be pointed out that if the Department of Energy, which it is not under the amendment required to mandate this, did direct that it had to meet this test, you would raise construction costs substantially, and I think that is something that should be of concern.

I am going to oppose the amendment but not vigorously. I do think that the author of the amendment usually should be on the floor when the amendment is offered, and I would hope that we would take notice that the author was not. We should give kudos to Mr. BUTTERFIELD for substituting in his place.

I would urge a "no" vote on this amendment.

I yield back the balance of my time.

Mr. BUTTERFIELD. I thank the gentleman for his kind comments.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. BUTTERFIELD).

The amendment was agreed to.

□ 1320

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment printed in part B of House Report 111-594 on which further proceedings were postponed.

AMENDMENT NO. 1 OFFERED BY MR. HOLDEN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. HOLDEN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 402, noes 0, not voting 36, as follows:

[Roll No. 529]

AYES—402

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Billirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boocieri
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings

Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Emerson
Etheridge
Faleomavaega
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinche
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)

Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larsen (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebisack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungrun, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markley (CO)
Markley (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes

Nye
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard

Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Shoock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skeltton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark

Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—36

Ackerman
Bilbray
Blunt
Boehner
Castor (FL)
Christensen
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Ellison
Ellsworth
Engel

Eshoo
Fallin
Fleming
Garrett (NJ)
Harman
Heller
Hodes
Johnson (GA)
Kennedy
Meek (FL)
Mollohan
Moore (WI)

Norton
Oberstar
Obey
Olson
Putnam
Radanovich
Richardson
Rogers (MI)
Shea-Porter
Tanner
Tierney
Young (FL)

□ 1349

Mr. SMITH of Texas changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. RICHARDSON. Mr. Chair, today I was unavoidably delayed and unable to return to the floor in time for rollcall vote 529.

Had I been present for rollcall No. 529, I would have voted “aye” (the Manager’s Amendment to H.R. 4785).

The CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. SALAZAR, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4785) to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary

of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use, and, pursuant to House Resolution 1620, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute, as amended. The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. SHADEGG. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SHADEGG. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Shadegg moves to recommit the bill H.R. 4785 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Page 1, line 5, insert “with a gross annual household income of less than \$250,000” after “homeowner”.

Page 1, line 9, insert “A homeowner may not qualify as an eligible participant if the homeowner has been more than 6 months delinquent in child support payments.” after “under section 2.”.

Page 1, lines 13 and 14, strike “or community-based”.

Page 3, line 10, insert “primary” after “installed in a”.

Page 3, line 12, insert “, but which shall not include the installation or replacement of pool heaters or the installation of Energy Star televisions” after “their adoption”.

Page 3, line 21, insert “primary” after “installed in a”.

Page 5, line 16, insert “, consistent with paragraph (3),” after “particular efforts”.

Page 8, line 22, through page 9, line 3, strike subsection (h) (and redesignate the subsequent subsections accordingly).

Page 9, line 14, insert “The Secretary of Energy shall also include a detailed accounting of any waste, fraud, or abuse occurring in the administration of this Act in such reports.” after “of this section.”.

Page 10, line 11, strike “and”.

Page 10, line 15, strike the period and insert “; and”.

Page 10, after line 15, insert the following new paragraph:

(7) the extent to which any waste, fraud, or abuse occurred under this program.

At the end of the bill, add the following new sections:

SEC. 3. PROHIBITION.

(a) Funds authorized by this Act shall only be made available for the purpose of carrying

out qualifying energy savings measures on a primary residence.

(b) Neither the Secretary of Energy nor the Secretary of Agriculture shall provide any funds authorized by this Act to any contractor that has been convicted of or pleaded guilty to any fraudulent offense.

SEC. 4. SUNSET.

The provisions of this Act shall be suspended and shall not apply if this Act will have a negative net effect on the national budget deficit of the United States.

Mr. SHADEGG (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. CLYBURN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. CLYBURN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 5 minutes.

Mr. SHADEGG. Mr. Speaker, the underlying legislation creates a \$5 billion government loan program to assist people in purchasing energy efficiency devices. Anytime we spend that amount of money, we ought to be very careful about the spending of that money, especially since we face a \$1.3 trillion deficit. Earlier this year, the GAO conducted an investigation which found rampant fraud and abuse in the highly touted Energy Star Program.

Sadly, many companies have become very creative in ripping off the Department of Energy and the Energy Star Program. The motion to recommit makes a number of sensible changes and restrictions to protect the taxpayers in the implementation of this legislation.

First, it urges that the GAO and the Secretary of Energy report any waste, fraud or abuse found in the program. This is simply good governance.

Second, this program, which provides government subsidized loans, makes sure that these home improvement loans are eligible only to people who deserve the largesse, the assistance, of the government. First, it says, for example, loans can be only used for primary residences. Energy Star loans subsidized by the government under this legislation could not be used for vacation homes or beach houses. The taxpayer should not be providing energy-efficient appliances at luxury homes.

Second, the motion to recommit strikes community-based organizations from potential lenders. This goes back to the problem of ACORN and the strong belief that they should not be in

the position of using or having access to these funds.

Third, the MTR ensures that these retrofit loans are only available to households where the gross income is less than \$250,000. It should go without saying that if the other side is proposing to increase taxes on earners in this category, we should not be opening up subsidized government loans to people who make money at that level.

Third, the motion to recommit provides that homeowners who are delinquent in their child support payments, so-called deadbeat dads, are not eligible for these subsidized loans. It's pretty simple and straightforward that when the government decides to help people in these circumstances purchase energy-efficient equipment that they can't otherwise afford, that we should not be doing that either for deadbeat dads or for the wealthiest of Americans.

It also provides that loans and loan subsidies under this legislation cannot be used for such luxuries such as swimming pool heaters or to purchase LCD TVs or fancy TVs. While these technologies may save energy, the dollars in this loan program, \$5 billion, which I would argue we don't have right now, should not be used to fund luxury items.

People should not be using a subsidy from the government or a subsidized loan to buy a flat-screen TV or swimming pool heater.

Last, the MTR provides to fill in the standards in the legislation, ensuring that sketchy contractors cannot implement this program. For example, the construction cannot be done by contractors convicted of fraud.

Finally, and most importantly, the legislation provides that the programs must be deficit neutral. If either program, if either program is found to have a negative effect on the national debt, then that program is suspended.

My colleagues on the other side will find this one of the things that they call a gutting amendment, but it really isn't. It is simply put in place to say that if you don't want to pay for the bill, which we would have argued for it and which we offered amendments in Rules for, then we should not allow it to increase the Nation's deficit.

As I mentioned, we face a \$1.3 trillion deficit. This simply says that before we provide subsidized government loans to people to buy energy-efficient equipment, that should not be done in a deficit situation where we are expanding the deficit and passing the cost of the program on to our children and our grandchildren.

These are simple, straightforward, good-government provisions. They make the legislation better. They enable it to do what the authors of the legislation intended it to do without adding to the financial burden on the American taxpayer.

I urge my colleagues to support the motion to recommit.

I yield back the balance of my time. Mr. CLYBURN. Mr. Speaker, I claim the time in opposition but do not oppose the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from South Carolina is recognized for 5 minutes.

There was no objection.

□ 1400

Mr. CLYBURN. I wish to thank my colleague and occasional sparring partner for making what I consider to be reasonable improvements to this bill.

Mr. Speaker, in keeping with the bipartisan, in fact, unanimous vote in favor of this legislation, I will accept the gentleman's amendment.

Mr. SHADEGG. I thank the gentleman.

Mr. CLYBURN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The motion was agreed to.

Mr. BUTTERFIELD. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 4785, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTTERFIELD:

Page 1, line 5, insert "with a gross annual household income of less than \$250,000" after "homeowner".

Page 1, line 9, insert "A homeowner may not qualify as an eligible participant if the homeowner has been more than 6 months delinquent in child support payments." after "under section 2."

Page 1, lines 13 and 14, strike "or community-based".

Page 3, line 10, insert "primary" after "installed in a".

Page 3, line 12, insert " , but which shall not include the installation or replacement of pool heaters or the installation of Energy Star televisions" after "their adoption".

Page 3, line 21, insert "primary" after "installed in a".

Page 5, line 16, insert " , consistent with paragraph (3)," after "particular efforts".

Page 8, line 22, through page 9, line 3, strike subsection (h) (and redesignate the subsequent subsections accordingly).

Page 9, line 14, insert "The Secretary of Energy shall also include a detailed accounting of any waste, fraud, or abuse occurring in the administration of this Act in such reports." after "of this section."

Page 10, line 11, strike "and".

Page 10, line 15, strike the period and insert " ; and".

Page 10, after line 15, insert the following new paragraph:

(7) the extent to which any waste, fraud, or abuse occurred under this program.

At the end of the bill, add the following new sections:

SEC. 3. PROHIBITION.

(a) Funds authorized by this Act shall only be made available for the purpose of carrying

out qualifying energy savings measures on a primary residence.

(b) Neither the Secretary of Energy nor the Secretary of Agriculture shall provide any funds authorized by this Act to any contractor that has been convicted of or pleaded guilty to any fraudulent offense.

SEC. 4. SUNSET.

The provisions of this Act shall be suspended and shall not apply if this Act will have a negative net effect on the national budget deficit of the United States.

Mr. CLYBURN (during the reading). I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLYBURN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of the bill will be followed by a 5-minute vote on the motion to suspend on House Resolution 1613.

The vote was taken by electronic device, and there were—ayes 240, noes 172, not voting 20, as follows:

[Roll No. 530]

AYES—240

Altmire	Childers	Edwards (TX)
Andrews	Chu	Ehlers
Arcuri	Clarke	Engel
Baca	Clay	Etheridge
Baird	Cleaver	Farr
Barrett (SC)	Clyburn	Fattah
Barrow	Cohen	Filner
Bean	Connolly (VA)	Poster
Becerra	Conyers	Frank (MA)
Berkley	Cooper	Fudge
Berman	Costa	Garamendi
Berry	Costello	Giffords
Bishop (GA)	Courtney	Gonzalez
Bishop (NY)	Critz	Gordon (TN)
Blumenauer	Crowley	Grayson
Bocciari	Cuellar	Green, Al
Boren	Cummings	Green, Gene
Boswell	Dahlkemper	Grijalva
Boucher	Davis (AL)	Gutierrez
Boyd	Davis (CA)	Hall (NY)
Brady (PA)	Davis (IL)	Halvorson
Braley (IA)	Davis (TN)	Hare
Bright	DeFazio	Harman
Brown, Corrine	DeGette	Hastings (FL)
Butterfield	DeLauro	Heinrich
Capps	Deutch	Herseth Sandlin
Capuano	Dicks	Higgins
Cardoza	Dingell	Hill
Carahan	Djou	Himes
Carney	Doggett	Hinchey
Carson (IN)	Donnelly (IN)	Hinojosa
Castle	Doyle	Hiron
Castor (FL)	Driehaus	Holden
Chandler	Edwards (MD)	Holt

Honda	Meeks (NY)	Sanchez, Loretta
Hoyer	Melancon	Sarbanes
Inglis	Michaud	Schakowsky
Inslee	Miller (NC)	Schiff
Israel	Miller, George	Schrader
Jackson (IL)	Minnick	Schwartz
Jackson Lee	Mitchell	Scott (GA)
(TX)	Moore (KS)	Scott (VA)
Johnson (GA)	Moore (WI)	Serrano
Johnson, E. B.	Moran (VA)	Sestak
Kagen	Murphy (CT)	Sherman
Kanjorski	Murphy (NY)	Shuler
Kaptur	Murphy, Patrick	Sires
Kildee	Nadler (NY)	Slaughter
Kilpatrick (MI)	Napolitano	Smith (WA)
Kilroy	Neal (MA)	Snyder
Kind	Nye	Space
Kissell	Oberstar	Speier
Klein (FL)	Olver	Spratt
Kosmas	Ortiz	Stark
Kratovil	Owens	Stupak
Kucinich	Pallone	Sutton
Langevin	Pascrell	Taylor
Larsen (WA)	Pastor (AZ)	Teague
Larson (CT)	Payne	Thompson (CA)
Lee (CA)	Perlmutter	Thompson (MS)
Levin	Perriello	Titus
Lewis (GA)	Peters	Tonko
Lipinski	Peterson	Towns
Loeb sack	Pingree (ME)	Tsongas
Lofgren, Zoe	Polis (CO)	Van Hollen
Lowe y	Pomeroy	Velázquez
Lujan	Price (NC)	Visclosky
Lynch	Quigley	Walz
Maffei	Rahall	Wasserman
Maloney	Rangel	Schultz
Markey (CO)	Reyes	Waters
Markey (MA)	Richardson	Watson
Matheson	Rodriguez	Watt
Matsui	Ross	Waxman
McCarthy (NY)	Rothman (NJ)	Weiner
McCollum	Roybal-Allard	Welch
McDermott	Rush	Whitfield
McGovern	Ryan (OH)	Wilson (OH)
McIntyre	Salazar	Woolsey
McMahon	Sanchez, Linda	Wu
McNerney	T.	Yarmuth

NOES—172

Aderholt	Diaz-Balart, M.	Lee (NY)
Adler (NJ)	Dreier	Lewis (CA)
Akin	Duncan	Linder
Alexander	Emerson	LoBiondo
Austria	Flake	Lucas
Bachmann	Forbes	Luetkemeyer
Bachus	Fortenberry	Lummis
Bartlett	Fox	Lungren, Daniel
Barton (TX)	Franks (AZ)	E.
Biggert	Frelinghuysen	Mack
Bilbray	Gallely	Manzullo
Bilirakis	Garrett (NJ)	Marchant
Bishop (UT)	Gingrey (GA)	Marshall
Blackburn	Gingrey (GA)	McCarthy (CA)
Boehner	Gohmert	McCauley
Bonner	Goodlatte	McClintock
Bono Mack	Granger	McCotter
Boozman	Graves (GA)	McHenry
Boustany	Graves (MO)	McKeon
Brady (TX)	Griffith	McMorris
Broun (GA)	Guthrie	Rodgers
Brown (SC)	Hall (TX)	Mica
Brown-Waite,	Harper	Miller (FL)
Ginny	Hastings (WA)	Miller (MI)
Buchanan	Heller	Miller, Gary
Burgess	Hensarling	Moran (KS)
Burton (IN)	Herger	Murphy, Tim
Buyer	Hoekstra	Myrick
Calvert	Hunter	Neugebauer
Camp	Issa	Nunes
Campbell	Jenkins	Olson
Cantor	Johnson (IL)	Paul
Cao	Johnson, Sam	Paulsen
Capito	Jones	Pence
Carter	Jordan (OH)	Petri
Cassidy	King (IA)	Pitts
Chaffetz	King (NY)	Platts
Coble	Kingston	Poe (TX)
Coffman (CO)	Kirk	Posey
Cole	Kirkpatrick (AZ)	Price (GA)
Conaway	Kline (MN)	Radanovich
Crenshaw	Lamborn	Rehberg
Culberson	Lance	Reichert
Doe (KY)	Latham	Roe (TN)
Dent	LaTourette	Rogers (AL)
Diaz-Balart, L.	Latta	Rogers (KY)

Rogers (MI)	Shadegg	Tiahrt
Rohrabacher	Shimkus	Tiberi
Rooney	Shuster	Turner
Ros-Lehtinen	Simpson	Upton
Roskam	Skelton	Walden
Royce	Smith (NE)	Wamp
Ryan (WI)	Smith (NJ)	Westmoreland
Scalise	Smith (TX)	Wilson (SC)
Schauer	Stearns	Wittman
Schmidt	Sullivan	Wolf
Schock	Terry	Young (AK)
Sensenbrenner	Thompson (PA)	
Sessions	Thornberry	

NOT VOTING—20

Ackerman	Fallin	Putnam
Baldwin	Fleming	Ruppersberger
Blunt	Hodes	Shea-Porter
Delahunt	Kennedy	Tanner
Ellison	Meek (FL)	Tierney
Ellsworth	Mollohan	Young (FL)
Eshoo	Obey	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1420

Messrs. PAUL and McCAUL changed their vote from “aye” to “no.”

Messrs. ANDREWS, JOHNSON of Georgia, and LANGEVIN changed their vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to authorize the Secretary of Agriculture to make loans to certain entities that agree that the funds will be used to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce energy use, and for other purposes.”

A motion to reconsider was laid on the table.

Stated for:

Ms. BALDWIN. Madam Speaker, I regret that I missed a vote on final passage of H.R. 4785, the Rural Energy Savings Program Act.

Had I been present, I would have voted “aye” in support of the bill.

Stated against:

Mr. BARRETT of South Carolina. Madam Speaker, on rollcall No. 30, I inadvertently voted “aye” but I meant to vote “no.”

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

EXPRESSING CONDOLENCES TO PAKISTANI PEOPLE AFTER FLOODS

The SPEAKER pro tempore (Ms. CHU). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1613) expressing condolences to and solidarity with the people of Pakistan in the aftermath of the devastating floods that began on July 22, 2010, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BARROW) that the House suspend the rules and agree to the resolution, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 2, not voting 34, as follows:

[Roll No. 531]

YEAS—396

Aderholt Cardoza Ehlers
Adler (NJ) Carnahan Ellison
Akin Carney Emerson
Alexander Carson (IN) Engel
Altmire Carter Etheridge
Andrews Cassidy Farr
Arcuri Castle Fattah
Austria Castor (FL) Filner
Baca Chaffetz Flake
Bachmann Chandler Forbes
Bachus Childers Fortenberry
Baldwin Chu Foster
Barrett (SC) Clarke Foxx
Barrow Clay Frank (MA)
Bartlett Cleaver Franks (AZ)
Barton (TX) Clyburn Frelinghuysen
Bean Coble Fudge
Becerra Coffman (CO) Gallegly
Berkley Cohen Garamendi
Berman Cole Garrett (NJ)
Berry Conaway Gerlach
Biggert Connolly (VA) Gingrey (GA)
Billbray Conyers Gohmert
Bilirakis Cooper Gonzalez
Bishop (NY) Costa Goodlatte
Bishop (UT) Costello Gordon (TN)
Blackburn Courtney Granger
Blumenauer Crenshaw Graves (GA)
Boccheri Critz Graves (MO)
Boehner Crowley Grayson
Bonner Cuellar Green, Al
Bono Mack Culberson Green, Gene
Boozman Cummings Griffith
Boswell Dahlkemper Grijalva
Boucher Davis (CA) Guthrie
Boustany Davis (IL) Hall (NY)
Boyd Davis (KY) Hall (TX)
Brady (PA) Davis (TN) Halvorson
Brady (TX) DeFazio Hare
Braley (IA) DeGette Harman
Bright DeLauro Harper
Brown (SC) Dent Hastings (FL)
Brown, Corrine Deutch Hastings (WA)
Buchanan Diaz-Balart, L. Heinrich
Burgess Diaz-Balart, M. Heller
Burton (IN) Dicks Hensarling
Butterfield Dingell Herger
Buyer Djou Herseth Sandlin
Calvert Doggett Higgins
Camp Donnelly (IN) Hill
Campbell Doyle Himes
Cantor Dreier Hinchey
Cao Driehaus Hinojosa
Capito Duncan Hirono
Capps Edwards (MD) Hoekstra
Capuano Edwards (TX) Holden

Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott

Paul

McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Olson
Olver
Ortiz
Owens
Pallone
Pascarella
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce

NAYS—2

Broun (GA)

NOT VOTING—34

Ackerman
Baird
Bishop (GA)
Blunt
Boren
Brown-Waite, Ginny
Davis (AL)
Delahunt
Ellsworth
Eshoo
Fallin
Fleming
Giffords
Gutierrez
Hodes
Kennedy
Marchant
Meek (FL)
Mollohan
Murphy, Patrick
Obey
Putnam
Radanovich
Shea-Porter
Simpson
Slaughter
Tanner
Terry
Tierney
Velázquez
Waxman
Welch
Young (AK)
Young (FL)

□ 1430

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from the Chamber. Had I been present, I would have voted "yea" on rollcall vote 531.

PERSONAL EXPLANATION

Mr. KENNEDY. Madam Speaker, I regret that I was unable to participate in a series of votes on the floor of the House of Representatives today.

Had I been present to vote on rollcall No. 529, on agreeing to the Holden amendment to H.R. 4785—Rural Energy Savings Program Act, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 530, on the passage of H.R. 4785—Rural Energy Savings Program Act, I would have voted "aye" on the motion.

Had I been present to vote on rollcall No. 531 on the motion to suspend the rules and agree to H. Res. 1613—Expressing condolences to and solidarity with the people of Pakistan in the aftermath of the devastating floods that began July 22, 2010, I would have voted "aye" on the question.

SUPPORTING CONSTITUTION DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1612) expressing the support for and honoring September 17, 2010 as "Constitution Day".

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. SABLON. Madam Speaker, I ask unanimous consent that the gentleman from Georgia (Mr. PRICE) may be recognized on the legislative day of Wednesday, September 22, 2010, to offer the resolution that he noticed on Thursday, September 16, 2010, without further notice under clause 2(a)(1) of rule IX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ADJOURNMENT TO MONDAY, SEPTEMBER 20, 2010

Mr. SABLÁN. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2:30 p.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 21, 2010, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

IT'S TIME TO END THE ONE-PARTY MONOPOLY IN WASHINGTON

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, 20 million people are out of work or have given up looking for work. Contrary to history and common sense, the Democratic Party actually thinks that raising taxes is going to create jobs.

The national debt has set a new record, but congressional Democrats still want to spend more, yet they won't offer a budget this year to tell the American people how they want to spend their money. That's disrespectful of hardworking Americans.

How bad does it have to get before voters say we've had enough? America's values, America's economy, and America's greatness are threatened. It's time to end the one-party monopoly in Washington.

A TRIBUTE TO TAN ESCO

(Mr. SABLÁN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLÁN. Madam Speaker, I rise to honor a woman of the Northern Mariana Islands for her enduring entrepreneurial spirit—Senora Escolastica Tudela Cabrera, more popularly known as “Tan Esco.”

Born in 1930, Tan Esco grew up in difficult times during the Japanese administration and, as a teen, witnessed the atrocities of World War II in the battle for the Northern Mariana Islands.

After the war, still just a girl, Tan Esco opened Saipan's first beauty shop.

She then expanded into retail, selling clothes and shoes. She and her husband, the late Gregorio Camacho Cabrera, started a gasoline station, began manufacturing charcoal and tapioca, and opened Saipan's first ice cream shop. Tan Esco's true legacy, however, will forever be her bakery. People from all over the Marianas and from across the Pacific know and love the local Chamorro treats offered at Esco's, including bibinka, rosco, apigigi, and pan tuba.

The people of the Northern Mariana Islands honor the many contributions Escolastica's Enterprises has made to our community. Perhaps her greatest contribution is Tan Esco's work ethic, her drive to succeed—a shining example to us all.

CONSTITUTION DAY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, September 17 is Constitution Day. On that day in 1787, the Constitutional Convention met for the first time in Philadelphia to sign the document. It was then sent to 13 States to ratify.

In a speech to the Senate in 1850, Henry Clay said, “The Constitution of the United States was made not merely for the generation that then existed, but for posterity—unlimited, undefined, endless, perpetual posterity.” He has been proven correct. The Constitution is an enduring document—the world's longest surviving written charter of government.

More than two centuries have passed and the Constitution perseveres with few changes despite the many challenges. The document bequeathed to us is the most precious gift to the United States of America—our status as free citizens.

Many countries would have stopped a minister in Florida from making threats to burn a Koran, but even he has the rights of the Constitution, no matter how much we disagree with what he threatened to do.

I have signed onto a measure honoring and supporting September 17, 2010, as Constitution Day, and I would challenge all citizens to read their Constitution on that date each year. It will help your understanding and strengthen your values.

CONSTITUTION DAY

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Madam Speaker, I rise today to commemorate the United States Constitution, which has guided our great Nation for 223

years. Constitution Day serves as a reminder that our country is blessed with the fundamental freedoms and liberties that our Founding Fathers laid out for us.

The Constitution not only serves as the basis of our laws and helps shape our values as a Nation, but it also outlines the limited role that government should play in our citizens' daily lives. This is something we must remember in light of the many struggles that currently face this country.

Madam Speaker, there are those in Congress who try to circumvent the Constitution. So let today be a reminder that the original leaders of our country did not intend for America to be governed by partisan political agendas but by the wishes of the American people.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-145)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2010.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania, and against the Pentagon, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force

the comprehensive sanctions to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, September 16, 2010.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5297. An act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

□ 1440

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GROUND ZERO—MOSQUE OR MONUMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, history is the great predictor. To understand today, all you have to do is to look at last Saturday. We all remember where we were when hijacked planes hit the World Trade Center. We remember the billowing clouds of smoke blacking out the New York skyline. Those towers—once pillars of strength and freedom—became mass graves in the space of a few moments. Firefighters, police officers, innocent men women and children all died in a firestorm of hate.

Our country men and women were killed at the hands of radical Muslim extremists. People who believe their religion tells them to be violent in the name of that religion.

Now, 9 years later, it's clear that some Americans have forgotten the horror caused by these terrorists, and they expect us to forget as well. However, forgetting is not an option.

Even though we don't show the pictures anymore except on the anniversary of September 11. We don't talk about those responsible for plotting and carrying out these deadly terrorist attacks against America. We're told we can't be angry. We are expected to blindly accept the hatred for America in the name of tolerance. Under this guise of "religious tolerance," we're told we must allow a mosque to be built near Ground Zero.

No one disagrees with the legal right to build a mosque, but the builder's decision is ill-advised and it's insensitive. This is a building where the landing gear from one of the hijacked planes tore through the roof.

The media scolds those of us who disagree with this building. They say to be tolerant, be respectful and accepting of other people's religions. But why is not the same expected of those individuals? Is this really about tolerance?

The day the two planes hit the World Trade Center, that piece of land in New York City took on a whole new meaning. Ground Zero is no longer just a location in New York. It is a symbol of America as powerful as the stars and stripes. It is hallowed ground of the victims who were victimized because of hate.

Iman Feisal Abdul Rauf—the man behind the Ground Zero mosque—should instead build a memorial to the victims of the radical Muslim extremists instead of a mosque. That would be sensitive. That would be compassionate.

The history books show "victory mosques" have been built in or near locations of Muslim conquests throughout history. In 1453, Mehmed II, the Sultan of the Ottoman Empire, conquered Constantinople. One of his first acts was to convert a Christian church for more than 900 years—the Hagia Sophia—into a mosque.

Iman Rauf calls his project the Cordoba House. The first great mosque of Cordoba was built by medieval Islamic invaders. They built it on the site of a ransacked Roman Catholic cathedral in Spain. The name Cordoba—is that just a coincidence—the Cordoba mosque initiative at Ground Zero—too many in America thinks this mirrors history too closely.

One of our greatest freedoms in America is our right to worship as we please. Our Nation was founded on liberty and freedom for everyone. Do not Muslims, like most religions and cultures, believe in tolerance and respect for other religions?

Thousands of sons, daughters, fathers, and mothers at this very moment are stationed in Iraq and Afghanistan. They're fighting the terrorists in the deserts and in the rough mountain terrain. Thirty-five American warriors from my congressional district area gave their lives in these two wars. They died protecting us from these same radical extremists that murder in the name of religion. It seems to me that the tolerance lesson is being preached to the wrong part of the world.

Many Christians, Jews and other non-Muslims are offended by the building of this mosque and believe it is disrespectful and dishonors those who were murdered on 9/11. If building this mosque is meant to truly promote education and understanding of the Mus-

lim religion, I suggest the supporters take a look at history. And rather than repeat history, they should remember history.

Ground Zero is off-limits.
And that's just the way it is.

AFGHANISTAN STUDY GROUP SAYS "ABANDON THE CURRENT STRATEGY"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, yesterday Speaker PELOSI and the Congress recognized the anniversary of 9/11 with a moving remembrance ceremony on the steps outside the Capitol. It's critical that we never forget the cruelty of those attacks and the tragedy of so many innocent lives.

But just as importantly, we must use this occasion to examine the war that we launched in response to 9/11. Nine years later, have we achieved our original objectives? Is the continued military occupation advancing or undermining our national security interests?

You'll recall that the original purpose was to clear al Qaeda out of Afghanistan. That's been accomplished. There are barely any al Qaeda operatives left in the country, and there is little hope that they could gain a foothold there in the future. But our continued military footprint is not helping us realize any worthy goal.

In addition to putting our troops' lives in danger, it is fueling the rise and aiding the recruitment of Taliban insurgents in Afghanistan. And on a global level, Madam Speaker, it is stoking the extremism of al Qaeda and other anti-American jihadists.

But it's just not me saying that. The Afghanistan Study Group comprised of centrist experts and academics just issued a report concluding that, and I quote them as saying, "It is time to abandon the current strategy that is not working. The continuation of an ambitious U.S. military campaign in Afghanistan," the group adds, "will likely work against U.S. interests."

Madam Speaker, the report notes that the war costs more annually than does the new health care reform bill. And yet curiously, very few of my friends on the other side of the aisle are railing about the excessive spending on Afghanistan. It appears that in their eyes, a failed war is worth the investment, but health security for millions of Americans is wasteful.

The Afghanistan Study Group offered some prescriptions and alternatives, including political reconciliation; an emphasis on regional diplomacy; and investments in Afghanistan's economic development—all of which are elements of the SMART security plan that I've been promoting for years.

But instead of heeding this advice, we're pressing forward stubbornly with

failed policy. And the more it fails, the more resources we devote to it. As Robert Dreyfuss writes in *The Nation*, the prevailing wisdom (if you can call it that) seems to be . . . if sending 30,000 troops to the wrong place isn't getting results, sending 30,000 more to that same wrong place might help, and then when that doesn't work, why, send another 30,000 troops."

□ 1450

Madam Speaker, conditions in Afghanistan have gotten so bad that humanitarian groups can't move freely to deliver the aid that is so badly needed. The gruesome murders of medical aid workers last month underscored the deteriorating security situation. The *New York Times* cites the Afghan NGO Safety Office as saying there were more than twice the number of insurgent attacks this August than August of 2009.

I don't agree with everything the Afghanistan Study Group has to say. In fact, by calling for a gradual military drawdown, I believe they are just not being bold enough. But Madam Speaker, this disastrous war has gone on long enough. It's done enough damage. It's time now to bring our troops home.

DEPARTMENT OF NAVY AND MARINE CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, for 10 years the House of Representatives, under the leadership of DUNCAN HUNTER and IKE SKELTON, have brought to the floor of the House in our Armed Services bill language to honor and respect the Marine Corps by changing the name of the Department of Navy to be known as the Department of Navy and Marine Corps. For 10 years we sent this language over to the Senate. For 10 years the Senate rejected the House position.

This year, under the leadership of IKE SKELTON and BUCK McKEON, the Armed Services Committee decided to bring this language to the floor as what's called a stand-alone bill. We had 425 House Members—there are only 435—425 signed this bill to recognize the Navy and Marine Corps as one fighting team. And the bill passed the House, as you know, Madam Speaker, by what's called unanimous consent.

Well, at that period of time Senator PAT ROBERTS from Kansas, a former Marine officer, put the same bill in. It's what is called a companion bill. And by the time we had passed our bill, he had 80 Senators in the U.S. Senate sign his companion bill to rename the Department of Navy to be Navy and Marine Corps.

Madam Speaker, I have said many times in the last few weeks that I don't

think you could get 80 Senators to agree there is a Santa Claus. But the Senators do recognize the importance of honoring the Marine Corps by letting them share in the name of the family, the family being the Navy and Marine Corps family.

It's my hope if the Senate brings this bill up next week, or the week after, or maybe during a lame duck session, that Senator ROBERTS will offer an amendment to that debate on the Senate side. And I would hope that those 80 Senators that have signed his bill will vote to honor and give this respect to the Marine Corps.

Madam Speaker, a year ago this September we did a news conference, the Marine Corps League, and we had generals here, former commandants to speak on behalf of the bill. But two people I wanted to make quick reference to. One was Eddie Wright. Eddie Wright is from Texas. He is a young Marine—he is not in the Marine Corps now—but he lost both hands in Iraq. He has picks for his hands. And he said at the news conference that, "If it had not been for a Navy corpsman, I would be dead. But he saved my life. We are one fighting team. And it should be in the name."

Madam Speaker, I have got these posters, as I begin to close. This is the real thrust of what we are trying to do. There would be no cost to the Department of Navy if we changed its name to be Department of Navy and Marine Corps. But this is an actual condolence letter that a Marine captain who was killed for this country—the family received this condolence letter. And Madam Speaker, it says at the top the Secretary of the Navy, Washington, D.C., with the Navy flag, extends its condolence to this Marine who died. It's almost like it's a stepchild. It's not really part of the family. All we're trying to do, Madam Speaker, is to make this one family.

Madam Speaker, I am now showing that this same family whose loved one was killed, if this bill becomes law, the Secretary of the Navy and Marine Corps, with the Navy flag and the Marine flag will send the condolence letter to the Marine family.

Madam Speaker, it's time that we do this for the Marine Corps. I want to thank my House colleagues who have helped us with this for 10 years. And I hope that the Senate will certainly support Senator ROBERTS in honoring the Marine Corps by renaming it the Department of Navy and Marine Corps.

Madam Speaker, as I do every time before I close, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God in his loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq.

I will ask God to please bless the House and Senate that we will do what

is right in the eyes of God. I will ask God to please bless the President, Mr. Obama, that he will do what is right in the eyes of God. And three times I will say, God, please, God, please, please, God, continue to bless America.

HONORING THE LIFE OF BEULAH SHEPARD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Madam Speaker, this is a special time that we have an opportunity to listen closely to our colleagues and to share some of the pearls of those who live in the United States with our colleagues. And it gives me great pleasure to be able to come today and to express my deepest love and affection for a wonderful woman, a woman of strength, who has gone home to rest and to receive joy.

Beulah Shepard is a very special person in the eyes of our community, Houston and Texas. And today I stand on the floor of the House to call her an American hero. Beulah Shepard passed away this last week, and so we have only our memories. But I want to say to those of you who have known someone that has touched your life, let me just simply tell you the story of my friend Beulah Shepard.

She of course was a mother, was a wife. She has children, grandchildren, and great grandchildren. And of course she understood the Constitution, and believed in one vote for every human being. I had a chance to talk to her wonderful daughters, Bobbie and Dianne, and the wonderful family that she has as she lived her last years. And I will tell you our community will remember her as a political icon, someone you went to if you knew what was right, if you wanted to be part of the Houston political community.

But my husband and I know her as friends. And she greeted us as a young couple, and told us how to stay on the straight and narrow. I know her wonderful grandson, who was challenged, and how she was endeared with him. And everywhere Sister Beulah went, her grandson went with her. I loved watching him grow up.

Yes, a political icon she was. But she was more than that. As a mother she loved, as a grandmother she loved. But she believed in public service, not in just the idea of the name of politicians. She believed that if you accepted the oath of office you must serve the public. She did so.

As a member of the United Way board, one of the first African Americans to ever serve on our Harris County United Way board, she made sure that the vulnerable were taken care of. A member of the Harris County Council of Organizations. An active and loving member of the Galilee Baptist Church,

where she loved her pastor, Pastor Davis, and the first lady.

More importantly, let me tell you that she was a woman of courage and strength and inspiration. I loved her when she stood and fought. She would understand all the debate, those who are against and those who are for. But I tell you she would tell it straight. And the way she would say it is that health care is going to help those who have never had health care before. She would say to those soldiers "thank you" for fighting on the front lines for our freedom. And she would say to them, I am using that freedom.

Because you know, Beulah Shepard had to buy a poll tax to vote. She bought it in 1948. She came to Texas from Louisiana. She was named for her grandmother. She came from the salt of the earth. But she is an inspiration to all of us.

And I am excited today to be able to say that Beulah Shepard lived to be 87 years old and had as one of the starring moments of her life to be able to vote for President Barack Obama. And why do I say that? Because Beulah Shepard walked and fought so that there might be those who would vote who had never voted before to have the opportunity to choose someone of their choosing.

Let me tell you what she did in Commissioner Squatty Lyons' office. Yes, she worked historically for this commissioner as the first African American among some that came after in those offices. I am gratified for that, because she took care of the vulnerable, those who were afraid to come downtown, those who didn't think government would work for them. Beulah Shepard took care of them.

She will be laid to rest in these next hours. And I will simply say that we have the flag waving over this great woman's life and legacy.

□ 1500

Why do I say that, having not had her serve in the United States military? Because I know that our military represents the people of the United States and all of us have the opportunity to represent the value of the flag of this country. That value is to be able to cherish democracy, justice and to have the courage to fight for it, a loving mother who nurtured her children, a loving friend who cared for everyone, someone who brought joy.

And it was a great joy to me to spend time with her in these last few years as she was so joyful with her family members all around her. She smiled, what a beautiful smile. When we took our pictures together in the front yard and inside the house, I know that she had great joy.

So, Mr. Speaker, it is with great sympathy to the family that I offer, on behalf of the United States Congress, this tribute to Beulah Shepard. God bless you, may you rest in peace, and we love you.

CONSTITUTION

The SPEAKER pro tempore (Mr. KRATOVL. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, the last action that we took in this body today was a resolution honoring the Constitution, which we celebrate tomorrow. Since we are not in session tomorrow, I wish to talk for a moment about that inspired document this evening.

It's difficult to do that, because as we talk about the Constitution, I am looking straight at the relief of George Mason, who was one of those unique characters in American history, one of three men who spent the entire time at the Constitutional Convention and then refused to sign the document.

When I was teaching school, I always insisted my students had to tell me why Mason refused to sign it, which, of course, was because it did not have the Bill of Rights. But I was always hoping, and hoping in vain, that some bright student would ask the better question, which is not why did Mason not sign, but why did all the other people who were there, the Founding Fathers at the convention not go along with Mason for a Bill of Rights?

It was certainly not because they were opposed to civil liberties, but because the rest of the Founding Fathers realized that they could accomplish the same goal by the structure of government, by dividing power between the three branches of government horizontally so no branch had too much power, but equally important by dividing power vertically between the Federal and State level. So no level of government had too much power; you could accomplish the same goal of protection of individual freedoms.

The issue at the Constitutional Convention was that of power. As the States met and then ratified this document, the issue of power was still there. We, of course, know of course that two States, North Carolina and Rhode Island, did not ratify the document until after the country was established. But five States, Virginia, Massachusetts, New York, Maryland and South Carolina, sent specific amendments that should be added to the document.

Foremost in each of those State's amendments was the concept of sovereignty or the ability of States to make decisions. Their goal and their concepts were incorporated in the 10th Amendment to the Constitution, which put in written form the unnamed structure that the Founding Fathers had established in the Constitution.

As one of our Justices on the Supreme Court said, the Constitution protects us from our own best intentions. It divides power among sovereigns, among branches of government, pre-

cisely so that we may resist the temptation to concentrate power in one location as the expedient solution to the crisis of the day.

For a century and a half, this Nation basically honored that concept. In the last half century, though, we have stretched the idea significantly. Starting with the progressive era at the early 1900s, it was President Wilson who called this concept the separation of powers political witchcraft. He said that separating powers into hidden corners prevented us from consolidating powers to be used.

In the early 1900s, the politicians and the philosophers who believed this did not do so because they misunderstood the Constitution, but because they understood it and did not like the fact that it prevented them from doing what they said were marvelous things.

We, today, still have this issue of power before us. For the last couple of years we have debated on this floor the idea whether it is better to consolidate power in Washington with the ultimate goal of uniformity or to hold fast to the idea that States should be allowed to have alternative ideas and that our ultimate goal should be creativity.

The 10th Amendment is not just about smaller government. It's about more effective government, what works best for people and the idea that not all programs have to be evolved from Washington. They also have their idea because the 10th Amendment talks power for States and individuals. In a concept that many of us on this floor can never get, there are some problems that don't need a solution by government at all.

The issue is creativity, efficiency, and justice. The issue is can those best be resolved.

We still have this question of power that we are dealing with today, and I would hope that we would reject the revisionist idea and, instead, go along and support the Founding Fathers. For both the constitutional structure and the 10th Amendment meant that our Founding Fathers were inspired to get it right.

THE FREEDOM TO . . .

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, there are more than a dozen countries in this world that restrict freedom of religion, including Iran and China. Imagine being told your religion was unacceptable and being carted off to jail for offering a Bible to someone. This is not an unusual occurrence in some countries with state-sponsored religions.

In this country, we have a few sacrosanct words known as "First Amendment to the Constitution" that guarantee no one will be punished for the

religion that they choose to follow: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or of the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

When a person decides to burn the Koran, the Bible, or any other sacred document in this country, he has the freedom to do so even if the overwhelming majority of us vehemently disagree with his decision. It is difficult for the citizens of some other countries to understand or to tolerate this kind of freedom. Yet it is the bedrock of our democracy.

We have the right to disagree, to ignore, to protest against or to take the matter to court for a ruling, but we do not have the right to determine what another person is to believe. Unfortunately, that kind of freedom challenges other governments and cultures.

The freedoms we hold dear seem uncontrollable to those who would dictate what people wear, worship, and support. For example, some governments think that if their citizens are educated the next thing that will happen is that they will begin to think and ask questions, and that can't be tolerated by those in power. Or they believe that only one religion is true and, therefore, no others can be taught or people might stray from the religion and the religion might falter. In the United States, we have no such fear because our Constitution gives us the confidence and the courage to tolerate diversity.

September 17 is Constitution Day and a time that we should all take to be grateful for the strength and breadth of our system of government. We should reflect on our freedoms and know that they are protected.

That date was chosen because on September 17, 1787, the Constitutional Convention met for the last time in Philadelphia to sign the document before it was sent to the 13 States to be ratified. The Founding Fathers drew upon the wisdom of the ages to give us a gift that has endured for more than two centuries, the United States Constitution.

The blueprint for our government is not a long document. You can keep a copy in your shirt pocket. I happen to have one here, Mr. Speaker. The basic document is under 5,000 words, but it covers the building blocks for our three equal branches of government: the executive, the legislative, and the judicial arms of government.

The first 10 amendments lay out the rights of every citizen. How many times have you heard the phrase, "I know my rights." Well, we know them because they have been delineated for us in the Bill of Rights.

Winston Churchill famously said in a speech in the House of Commons in

1947: "Many forms of government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time."

Today I issue a challenge to the citizens to read their Constitution on September 17 each year. It will help your understanding of what and who you are in this country, and it will strengthen your values.

In a speech to the Senate in 1850, Henry Clay said: "The Constitution of the United States was made not merely for the generation that then existed, but for posterity, unlimited, undefined, endless, perpetual posterity."

He has been proven correct, Mr. Speaker, and let us all work to protect it and keep it that way.

□ 1510

WE HOLD THESE TRUTHS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, tomorrow we celebrate the 223rd anniversary of the signing of the United States Constitution. As we do so, I think it is important to consider the humbling legacy bestowed by those who founded this country and the lawmakers who actually did come before us; because each day those of us who are currently holding office, we are so mired in the challenges and complexities of modern public policy, we scurry through these stately, ornate halls, often without so much as a glimpse at or a thought of the profound history that is depicted around us.

For instance, just steps away, within the interior of the majestic Capitol Dome, is the Rotunda. I spent some time there recently, Mr. Speaker, reflecting on the moments in our Nation's history that gave rise to the gift of liberty we strive to safeguard each day in this body. Inside the Rotunda is a series of paintings that offer rich glimpses into some of these moments, starting with the Landing of Columbus in 1492, the Discovery of the Mississippi by DeSoto in 1541, as well as the Baptism of Pocahontas in 1613. They all depict the opening of a new, mysterious world full of promise and things yet to come.

The painting, the Embarkation of the Pilgrims in 1620, also speaks of opportunity, the anticipation of realizing a dream of freedom. The Declaration of Independence in 1776 follows. The Surrender of General Burgoyne in 1777, and the Surrender of Lord Cornwallis in 1781, as well as George Washington Resigning His Commission in 1783 are all celebrated pieces depicting the first moments of that new Republic.

Possibly the most famous of these paintings is John Trumbull's 12-by-18-foot-large Declaration of Independence. This historical piece of art depicts the presentation of the Declaration to the Second Continental Congress. Standing at the forefront of this painting are Thomas Jefferson, John Adams, Roger Sherman, Robert Livingston, and Benjamin Franklin, the authors of the profound document that gave way to the birth to our Nation.

Painstaking care was given to each word in the Declaration, none of which may be more memorable than these: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." You see, the Declaration built upon a theory of natural and universal rights, the consent of the governed, and a right of redress when government was in violation of those essential principles. After setting forth those standards, the Declaration continued with a litany of grievances against King George, which, Mr. Speaker, is a very interesting prospect to reread that part of the Declaration.

And then the Declaration finally concludes by saying, "We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by the Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States . . . And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

Fifty-six individuals signed the Declaration, though it is possible that few knew the historical significance the document would ultimately bear. Historians suggest that the list of grievances against King George was of the highest importance to the signers, but today, like the revival of nationalism that did follow after the War of 1812, we perhaps find the greatest profundity and timeliness in the Preamble of the Declaration, and I think it bears repeating. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, and that among these are Life, Liberty and the pursuit of Happiness."

These words inspire reflection on our personal independence as American citizens secured through times of tumult and uncertainty.

Not long after these words were handed down, another extraordinary document expressing our rights as American citizens was given unto the people. On September 17, 1787, 39 individuals signed the United States

Constitution, a document that changed the history of our nation—and the world.

The Constitution holds special meaning for this body. We placed our hands on a Bible and swore to uphold the Constitution. It is because of that deep abiding commitment to the Constitution that Congress prioritized celebration of the anniversary of the signing of the Constitution many years ago, and why we now celebrate “Citizenship and Constitution Day” each September 17. This 223rd Citizenship and Constitution Day, let us recall the extraordinary circumstances that gave rise to our great nation, and the words of our founding documents that endure as a call of conscience to a world crying out for meaning.

COVENANT WITH AMERICA

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Mr. Speaker, today I’m here to urge our Democratic leaders to listen to the Republican Party, to listen to the Republican Party’s bipartisan plan for taking immediate action on our already ailing economy.

If we let the Bush tax cuts expire, those tax cuts enacted in 2001 and 2003, Americans nationwide will face the largest tax hike in United States history. Indeed, that tax hike will amount to \$3.8 trillion, and this at a time when unemployment hovers at around 10 percent and our national debt has hit an all-time high at \$13 trillion—yes, \$13 trillion with a “T,” an unbelievable amount of debt.

We need to freeze Federal spending. We need to cut taxes across the board, for everyone at every marginal tax rate level across the board. The state of the economy today is that 16 million people are unemployed. That equates to a 10 percent unemployment rate. Indeed, it is probably close to 17 percent. Mr. Speaker, if you count people who have just given up, who have been looking over 6 months for a job, there are none to be found, and also the number of people who are employed, yes, but underemployed, it would be close to 17 percent. So, indeed, the Republican Party and our leader says we need to freeze Federal spending, indeed, roll it back to the level of 2008, and cut taxes across the board.

And if we don’t do that, Mr. Speaker, many companies that might have been in a position to expand and, therefore, put people back to work will choose not to because of the uncertainties associated with these tax hikes as well as other disastrous Democratic policies like ObamaCare. We need to come together, and we need to pass legislation immediately that cuts spending and kills all of the pending tax increases.

Mr. Speaker, we just returned to Washington, did we not, after 6 weeks

in our districts, all 435 of us? I had many opportunities during that 6-week period of time to meet with my constituents face to face, eyeball to eyeball at town hall meetings. We called them America Speaking Out meetings, wanting the American people to know that at least one party wanted to hear from them, wanted to hear from Main Street, and did not want to force-feed on the American people, on our constituents, some grandiose plan that Members of Congress come up with. God knows that plans that Members of Congress have come up with over the last 4 years have certainly not helped one iota.

So I used this opportunity, my colleagues, I used this opportunity to speak to my constituents, but mainly to listen to them and to find out and write it down and bring it back to Washington to share it with my colleagues so we can make a pledge and make a commitment.

Indeed, one person, Mr. Speaker, suggested that why don’t you call it this time, rather than a Contract with America that we remember from 1994, why don’t you call it a Covenant with America, just like the covenant that God had with Moses and the Jewish people, something that is an absolute pledge of your sacred honor. Sacred honor, you heard my friend from Nebraska, Representative FORTENBERRY just moments ago on the floor, talk about the Constitution, sacred honor and our sacred documents.

And I think that is what the American people want. I don’t think they will accept anything less. They are tired of the same old same old—excessive government spending and higher taxes that are making our country look a lot like Greece, Mr. Speaker.

So, I’m happy to have this opportunity, under the direction of my leadership, to take this time to talk to my colleagues about what we really need to do and what we really need to do in a bipartisan way.

No wonder, Mr. Speaker, that the approval ratings of Members of Congress on both sides of the aisle is 11 percent.

□ 1520

People wanted a change 2 years ago. They made a change, but, indeed, it was not quite the change that they expected.

I want to refer my colleagues to this first poster, this first slide that I have here in the way of a cartoon, and hopefully all of you Members in the back of the Chamber can see this. It is a china shop, and it shows this depiction of our President going into the china shop talking to the clerk. And the caption is, as the President is speaking, “Now, give me one good reason why you’re not hiring.” And of course behind the President are all of these bulls, these bulls in a china shop. This bull of cap and trade, this bull of health care reform, breaking all of the china.

Mr. Speaker, to ask the question: Now, give me one good reason why you’re not hiring. Well, the American people can give a lot of good reasons why they are not hiring if indeed they have any capital left with which to hire or to expand their business, to increase the square footage, to put in a new product line, and to bring in additional workers for their small business. It is not happening because of bad policy, bad policy coming from inside the Beltway, not bad policy on Main Street.

Mr. Speaker, again as I did these town hall meetings, and I guess we did six or eight of them across the 11th Congressional District of northwest Georgia, nine counties that I represent, a great district, and I guess I would not be unique among us to say I think I have the best district of all 435, but I know we all feel that way about our districts. But the people told me, when I asked about the economy, what was concerning them the most, and we discussed the economy, and I asked, Why are we faced with a 10 percent unemployment rate? Why are 16 million people out of work, and why is it getting worse?

This is what they said: Excessive taxation; insufficient liquidity, which means they can’t borrow any money. The banks are not lending. The small banks are having to set aside money to cover loan loss reserves and to abide by this mark-to-market accounting principle. People who have loans and are making payments on those loans, all of a sudden these loans are called and they have to come in and put up more collateral. And, of course, the regulators are really cracking down to the lending institutions. Poor mom and pop businesses can’t borrow any more money. And if they have some money, or maybe there is someone who is unemployed who has a little nest egg who would like nothing better than to finally start that small business that they have wanted to start for years, they are finally almost forced into a situation. There are no jobs out there, so maybe they have \$25,000 or \$30,000 saved up and they want to start that little restaurant on the corner. They are not going to do it because of economic uncertainty, not knowing. Mr. Speaker, what is coming next that is going to hurt them rather than help them.

And the last bullet point on this particular slide, Mr. Speaker: Redtape, government mandates. OSHA. EPA. The new health care law. ObamaCare. The requirements for providing health insurance—and not just any health insurance, but one policy dictated by the Federal Government that these people understand they can’t afford to abide by, so they don’t start that business. So the unemployment rate, it continues and it gets worse.

Mr. Speaker, my colleagues, this next poster that I want to share with

you has a lot of verbiage on it, and I know that it is difficult to read, so I will go through the bullet points with you. This is what it says. The latest Congressional Budget Office, CBO, that's the bipartisan accountants hired by the House of Representatives, the director of course is chosen by the Speaker of the House, Ms. PELOSI, but the bipartisan Congressional Budget Office and their economic outlook, the first bullet, this year's deficit is estimated to reach \$1.3 trillion. As a share of the overall total economy of this country, the deficit is 9.1 percent, roughly three times the average of the past 40 years. Let me say that again. The deficit for this year, \$1.3 trillion, is 9.1 percent of the total economy of the whole country, and that is three times what it has averaged over the last 40 years. Amazing.

The second bullet, the debt held by the public, is projected to rise to \$9 trillion, or 62 percent of the economy this year, nearly twice the 40 year historical average. Total debt, including borrowing from the Social Security trust fund and other Federal funds, will rise to \$13.5 trillion.

Finally, Mr. Speaker, the CBO also estimates that economic growth will remain sluggish over the next few years and unemployment will remain unbearably high for years to come. The looming tax increases and health care overhaul both contribute to slower growth and fewer jobs.

Colleagues, this next poster that you see basically depicts the slide that I just read to you in regard to the budget doubling and the tripling of the debt held by the public in billions of dollars, and this does not even include the Social Security trust fund that has been raided of about \$1.5 trillion that has to be paid back.

So, colleagues, as we spend the next couple of weeks here in Washington before we break and go home before these midterm elections, what do we have to do? The President is talking about, and the Speaker of the House, Ms. PELOSI, and the leader of the Senate, Senator HARRY REID, are talking about letting the Bush tax cuts of 2001 and 2003 remain in place for all taxpayers except those who have an adjusted gross income of \$200,000, or \$250,000 for a family.

□ 1530

These are the very people who create the jobs in this country because many in that category are small business men and women who are not C corporations; they are subchapter S, or they pay their taxes as individuals. If you let those tax rates go from 33 percent to 36 percent or in some cases go from 36 percent to 39.6 percent and you leave the corporate income tax rate at 35 percent—and I have a flyer that I will show you, colleagues, in just a few minutes comparing the corporate tax

rate in this country with other industrialized countries across the globe—it's astronomically high.

So how do we expect to get out of this deep recession, this economic morass, this high unemployment rate of 16 million-plus unemployed by raising taxes on anybody? It makes absolutely no economic sense.

I would urge my colleagues to come together with us in a bipartisan way. Let's do what Leader BOEHNER has suggested, which is to leave the tax cuts in place for everybody at every marginal rate at least for the next 2 years, and let's cut spending this year to 2008 levels.

Mr. KLINE of Minnesota. Will the gentleman yield?

Mr. GINGREY of Georgia. Mr. Speaker, I am very pleased to be joined by my classmate and colleague from the great State of Minnesota, the ranking member of the House Education and Labor Committee, Representative JOHN KLINE. I will gladly yield to Representative KLINE.

Mr. KLINE of Minnesota. I thank my colleague. I thank my colleague for his words here this evening and for his leadership on this and on so many issues.

I just found it striking, Mr. GINGREY, that what you are talking about here is not only staggering debt, as the current chart indicates, but that you are talking about taxes. I want to take just a minute to put this into context.

We have been suffering with a struggling economy. We have watched the gross domestic product decline each quarter for the last three quarters. As you know very well, we have been looking at unemployment above 9 percent for 16 consecutive months, and this is after the passage of the trillion-dollar stimulus bill that the President said would keep unemployment below 8 percent. We have been at 9 percent or more and at 9.6 percent most recently, and now there is a proposal to impose the largest tax increase in American history on January 1, which is, of course, what will happen unless Congress takes action, unless the majority party in this body brings forth legislation that will keep that from happening.

I just wanted to join with my colleague, with Leader BOEHNER, with everybody on this side of the aisle, and with a growing number of our colleagues on the other side of the aisle who say let's don't do that, who say let's don't raise taxes on any American. Particularly to the point you were making earlier, let's don't raise taxes on the job creators. We are trying to create jobs. We are trying to let the private sector create jobs at the same time the majority party here is talking about imposing a crushing tax increase on the very people on whom we are relying to create those jobs.

So I just wanted to stop by to applaud your efforts here, to thank you

for doing this today, and to add my voice to a growing number in this body who say let's don't do this.

Madam Speaker, let's don't do this.

Mr. President, let's don't do this.

Let's do not add to the tax burden of those who are creating the jobs in the private sector. Let's don't increase taxes on anybody in America. I think we need to say that loudly and clearly, and I have increasing hope that our colleagues on the other side of the aisle will recognize that that is a terrible thing to do in this economy and that we must move quickly.

As my colleague knows very well, there is an election coming. Congress will go into recess again here in 3 weeks or maybe 4 weeks or sometime, and I don't think we should leave and go into recess until we have taken care of this issue.

Again, I thank my colleague, and I yield back my time.

Mr. GINGREY of Georgia. Mr. Speaker, I thank so much my colleague from Minnesota, Representative KLINE, for dropping by and for pointing out the things that we have been talking about.

Quite honestly—and he alluded to the fact, I think, that we are beginning to get a little bit of bipartisanship on this issue. In fact, I was hoping, Mr. Speaker, that there would be a colloquy today between Majority Leader HOYER and the minority whip, Representative ERIC CANTOR from Virginia. I wanted to hear what Mr. HOYER might have had to say about this.

I've been reading in the newspaper—and maybe some of my colleagues have seen these articles, too—that maybe the Democratic leadership, represented so much so, of course, by Majority Leader STENY HOYER and hopefully by the leader, the Speaker of the House of Representatives, Ms. PELOSI, would begin to sort of go our way on this. I know a lot of Democratic rank-and-file Members, particularly those, Mr. Speaker, of the conservative wing of the Democratic Caucus—the so-called Blue Dogs—are very concerned about increasing taxes on anybody at a time such as this.

As Representative KLINE pointed out, the tax increase of letting every one of those marginal rates go back up to the pre-2001 level basically eliminates the 10 percent tax bracket, and it expands the 15 percent tax bracket. I pointed out earlier that it raises the 36 bracket to 39.6, 33 to 36, 28 to 33, and 20 to 28.

In addition to that, what is expiring is the Child Tax Credit of \$1,000, which will go back to \$500, Mr. Speaker. The tax on dividends, which under the current law and enacted in 2003, is 15 percent, but if we let that expire, that tax rate on dividends will go to whatever one's marginal rate is, and if you happen to be at the 39 percent tax rate, that will be the tax on dividends. Many, many of our seniors are relying

on dividends—on dividends and their Social Security—as their only sources of income. To tax that at nearly 40 percent, in some cases, is just cruel. It is unconscionable.

So, again, I do thank my colleague for weighing in on this; and this current slide, my colleagues, kind of shows that. The blue line on the graph shows the Democrat projection with the stimulus spending that was enacted and passed in February of 2009. So we're talking—what?—a year and a half ago. It was \$862 billion, I believe, in that stimulus program that was supposed to get our economy back on track. That money, by the way, was money borrowed—yes, borrowed, in large part, from China and Japan. We hear that concern voiced so often. Yet that's what we did. We borrowed \$862 billion, a lot of it from China and Japan, to stimulate our economy.

The pledge from the administration, from President Obama and from Congress was that this is what we need. If you pass that, our pledge to the American people is this unemployment rate, which was at 7.6 percent back a year and a half ago, will not get above 8 percent. We will stop this hemorrhaging of jobs by creating all of this spending for shovel-ready projects. I don't know how much of it went to that, but it was probably less than 5 percent of the \$862 billion. Here, the graph depicts it.

So in the first quarter through the third quarter of 2009, that unemployment rate, which was 7.5 to 7.6 percent, wasn't going to go any higher. This is what the projection was going out to 2013. It was that our unemployment rate, because of the stimulus package, would gradually come back down to traditional levels of 4.5 to 5 percent, which was essentially full employment.

□ 1540

But this is what happened, my colleagues. The red line is what happened, unfortunately. And here we are in the third quarter of 2010, and what is our unemployment rate? Darn close to 10 percent. In fact, a couple of quarters ago it was over 10 percent. And as I said earlier about the unemployment rate, it's really worse than 10 percent, because many people have been out there beating the pavement, wearing out that shoe leather trying to find a job for 6 or more months, and they are still unemployed. And a lot of them, unfortunately, have just given up. Many of the jobs that we saw were census workers. That work has been completed, and unfortunately they're back in the ranks of the unemployed.

My colleagues, what I've been talking about, of course, in this next slide depicts it—the Bush tax cuts and what to do with them. The first bullet, “Democrats are poised to let the 2001 and 2003 tax cuts expire at the end of this year.” The effect of that would be a \$3.8 trillion tax increase that will af-

fect every American who pays income taxes. Unfortunately, only about 53 percent of Americans do pay income taxes, and that's part of our problem. But how in the world could we do this to the hardworking, tax-paying people?

Go back to that first slide of the bull in the China shop. Colleagues, that's what we're talking about. You break a lot of dishes when you raise taxes \$3.8 trillion over a 10-year period of time. And answer this question for me—rhetorically, of course. What tax increase ever created a job? I don't think one ever did, and I don't think one ever will.

I spoke a little earlier about the corporate tax rate. Why is our corporate tax rate higher than—I don't know the total number of countries that we have here listed along the X-axis, but it's about 20, 25—Iceland, Ireland, Poland, Czechoslovakia, Hungary, Turkey, Switzerland, Korea, and on and on and on? And our corporate tax rate, effective, is almost 39 percent. That's the green column. Only Japan, at 40 percent, has a higher corporate tax rate than the United States. That makes no sense. We can't compete in the global economy with taxes like that.

I had talked a little earlier about the different tax rates and what will happen if we let the tax cuts, the lower rates, expire and we go back to those rates prior to 2001. I talked about dividends going from a 15 percent rate to, in some cases, a 39.6 rate. I didn't mention capital gains, but capital gains are now at 15 percent. That will go back up to 20 percent. And we, of course, talked about ordinary income and how those tax rates will go up for every marginal level.

We mentioned the Child Tax Credit of \$1,000 per child, which will go back to \$500 per child. I did not mention, but it's on this slide. I didn't talk about the marriage tax penalty, which under the current law had been eliminated, but starting January 1 of 2011, that marriage tax penalty kicks back in, costing a couple an additional \$595 a year. That might not sound like a lot of money to Members sitting in this Chamber, Mr. Speaker, but it's a lot of money for a man and woman in their retirement twilight years on a fixed income. And, of course, I did mention that the lowest tax bracket marginal rate of 10 percent would completely be eliminated.

Well, let's get back for a few minutes to what I think we can do in a bipartisan way. This particular slide, Mr. Speaker, says it's the Republican plan. But you know what? I wish I had changed this slide before I got here on the floor this afternoon and scratched that out and put the “Bipartisan Plan.” Because other than the point that my people made to me at town hall meetings during the August recess about wanting us to do something about the economy, stop taxing them

and regulating them to death, leave them alone, give them the opportunity to show their entrepreneurial skills, they said this, too: Why is it that you men and women in the Congress can never seem to work in a bipartisan way and do something for us, all of you? We love you, Congressman GINGREY, but you're part of the problem, too. You're all worried, it seems to us, about the next election, and you don't seem to be thinking about the next generation.

And I had to look them in the eye, eyeball to eyeball, and say, You know what? You're right. And my pledge, if I become part of the majority in 2011, is that we will work in a bipartisan way. And I hope my leadership is listening, and I hope that that will be part of their pledge.

So this poster really should scratch out the “Republican Plan” and put “Bipartisan Plan.” And I don't know why in the world we couldn't all agree on this. And we ought to do it now, not wait to see who's in control. The American people, I don't think—in many instances, they don't care who's in control as long as we're doing the right thing, as long as we are doing the right thing.

But this slide says, number one, freeze all of those tax rates for 2 years. We're in a desperate situation. Is that asking too much to not increase the tax burden on the American people and small businesses and corporate America for 2 years? And secondly, cut spending back to 2008 levels.

There is a little asterisk, colleagues, on this poster. If you can't see it, I'm going to read it for you: “If the President is serious about job creation, there's one clear way forward, and that is for us to come together and pass legislation immediately that cuts spending and stops all of the approaching tax hikes.” The bipartisan plan; that's what we need, Mr. Speaker. That's exactly what we need. That's what the American people are expecting of us.

Mr. Speaker, I'm going to shift gears just a little bit because it does pertain to the economy. I want to talk a little bit about illegal immigration. There is a situation in this country that has got to stop, and that is this idea that children born in this country of illegal immigrants are automatically United States citizens. Now, that's based on a misinterpretation of the 14th Amendment. I keep the Constitution with me all the time. Representative FORTENBERRY, Mr. Speaker, was talking about the Constitution, our sacred document, a little bit earlier. But the 14th Amendment was ratified to our Constitution in 1868.

□ 1550

There were no immigration laws in 1868. It had nothing to do with illegal immigrants and bestowing citizenship on a child born of illegal immigrants. No. It was all about giving rights, constitutional rights, to former slaves,

just as was the 13th Amendment and the 15th Amendment.

The 15th Amendment: "The right of citizens of the United States to vote, shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." The 13th Amendment: "Neither slavery nor involuntary servitude, except as a punishment for a crime, shall exist within the United States, or any place subject to their jurisdiction." Slavery was abolished by the 13th Amendment. The 14th Amendment says, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof." Illegal immigrants are not subject to the jurisdiction thereof.

And the reason I bring this up, Mr. Speaker, is because it costs about \$10,000 for every childbirth in this country. When 10 percent of those births are illegal immigrant births, you're talking about close to 400,000 times \$10,000, pretty soon you get to about \$40 billion worth of cost, something that this country cannot afford. And that is why people are insisting that we abide by our immigration law, not enact new law but just simply abide by what has already passed.

It's something that I'm going to continue to talk about. I look forward to having a dialogue with my other colleagues that have been so active and involved in this issue, folks like Representative GUTIERREZ from the great State of Illinois, and I think we can talk and do this in a bipartisan way and come together, because people want a secure border and they want to abide by the rule of law. And they realize when they are among the 10 percent, Mr. Speaker, who are unemployed, that have been out of work for more than 6 months, and there are 16 million of them, that you can't afford to not have a secure border. You can't afford to have yet another magnet to attract more people to risk their lives trying to come into this country illegally. All of these things are inter-related. We need to be sensible about this, and we need to recognize so many of these problems.

Mr. Speaker, again as I said at the beginning of the hour, I appreciate the opportunity that my leadership has given to me to talk to our colleagues on both sides of the aisle about what we can do to restore this economy and have a recovery that is not a jobless recovery, to put people back to work. And it starts with lowering the amount of Federal spending. Can you believe that we are this year going to spend \$1.3 trillion more than what we take in in revenue? And we're on the track over the next 10 years to triple our national debt? In fact, it will be by the year 2020, if we continue at this rate, over \$20 trillion of debt. That is more than our gross domestic product. So let's draw a line in the sand, let's go

back to 2008 spending, that's the least we can do, and let's not raise taxes on anybody.

With that, Mr. Speaker, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SABLAN, for 5 minutes, today.

Mr. KENNEDY, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, September 23.

Mr. JONES, for 5 minutes, September 23.

Mr. PENCE, for 5 minutes, today.

Mr. COFFMAN of Colorado, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. CULBERSON, for 5 minutes, today.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

ADJOURNMENT

Mr. GINGREY of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until Monday, September 20, 2010, at 2:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9383. A communication from the President of the United States, transmitting A Request For Budget Amendments For Fiscal Year 2011 proposals in the Fiscal Year 2011 Budget for the Department of Health and Human Services; (H. Doc. No. 111—139); to the Committee on Appropriations and ordered to be printed.

9384. A letter from the Director, Office of Management and Budget, transmitting a supplemental update of the Budget for Fiscal Year 2011, pursuant to 31 U.S.C. 1106(a); (H. Doc. No. 111—143); to the Committee on the Budget and ordered to be printed.

9385. A communication from the President of the United States, transmitting a declaration of a national emergency with respect to blocking the property of certain persons with respect to North Korea, pursuant to 50

U.S.C. 1631; (H. Doc. No. 111—141); to the Committee on Foreign Affairs and ordered to be printed.

9386. A communication from the President of the United States, transmitting notification that the national emergency with respect to certain terrorist attacks is to continue for one year beyond September 14, 2010, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 111—142); to the Committee on Foreign Affairs and ordered to be printed.

9387. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2010, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 111—145); to the Committee on Foreign Affairs and ordered to be printed.

9388. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-30, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9389. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-42, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9390. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-23, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9391. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-34, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9392. A letter from the Director, Defense Security Cooperation Agency, transmitting various reports in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9393. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-20, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9394. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's first quarter report for calendar year 2010 as required by the Joint Improvised Explosive Device Defeat Fund; to the Committee on Foreign Affairs.

9395. A letter from the Deputy Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq, pursuant to Section 1508(c) of the Department of Defense Authorization Act for 2009, Pub. L. 110-417; to the Committee on Foreign Affairs.

9396. A letter from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 10-076, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

9397. A letter from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting an addendum to a certification, transmittal

number: DDTC 10-064, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

9398. A letter from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 10-058, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

9399. A letter from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 10-095, pursuant to Public Law 110-429, section 201; to the Committee on Foreign Affairs.

9400. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's letter in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

9401. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 09-069, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9402. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 09-135, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9403. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-024, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9404. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-038, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9405. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-089, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9406. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-088, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9407. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-078, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9408. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-027, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9409. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment (Transmittal No. RSAT-10-2137); to the Committee on Foreign Affairs.

9410. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal

No. DDTC 10-067, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9411. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 09-117 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9412. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-044 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9413. A letter from the Assistant Secretary, Department of State, transmitting the Department's report on CWC Compliance; to the Committee on Foreign Affairs.

9414. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 47th report required by the FY 2000 Emergency Supplemental Act, pursuant to Public Law 106-246, section 3204(f); to the Committee on Foreign Affairs.

9415. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to Paragraph (5)(D) of the Senate's May 1997 resolution; to the Committee on Foreign Affairs.

9416. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a designation pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on Foreign Affairs.

9417. A communication from the President of the United States, transmitting a continuation of the national emergency regarding export control regulations, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 111—140); to the Committee on Foreign Affairs and ordered to be printed.

9418. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Pacific Grove Feast of Lanterns Fireworks Display, Pacific Grove, CA [Docket No.: USCG-2008-0722] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9419. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Labor Day Sky Concert, South Lake Tahoe, CA [Docket No.: USCG-2008-0723] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9420. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny River, Pittsburgh, PA [Docket No.: USCG-2008-0728] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9421. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pittsburgh Seafood Festival Air Show, Pittsburgh, CA [Docket No.: USCG-2008-0730] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9422. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Ohio, Allegheny, and Monongahela Rivers, Pittsburgh, PA [Docket No.: USCG-2008-0731] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9423. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone: Old Sauvie Island Bridge Roadway Deck Demolition Safety Zone, Multnomah Channel, Portland Oregon [Docket No.: USCG-2008-0700] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9424. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Helicopter Event within the Sector Delaware Bay Captain of the Port Zone [Docket No.: USCG-2008-0701] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9425. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Sparrows Point Steel Work Channel, Baltimore County, MD [Docket No.: USCG-2008-0702] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9426. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Detonation of Underwater Ordnance; Northwest Harbor, San Clemente, California [Docket No.: USCG-2008-0703] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9427. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area: No-Wake Zone; Port Huron to Mackinac Sailboat Race, St. Clair River, Port Huron, MI [Docket No.: USCG-2008-0707] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9428. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Area; Detroit APBA Gold Cup, Detroit River, Detroit, MI [Docket No.: USCG-2008-0708] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9429. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; French Festival Fireworks, St. Lawrence River, Cape Vincent, NY [Docket No.: USCG-2008-0710] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9430. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Area; Tug Across the River, Detroit River, Detroit, MI [Docket No.: USCG-2008-0712] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9431. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Area; Trenton Rotary Roar on the

River, Detroit River, Trenton, MI [Docket No.: USCG-2008-0713] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9432. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Swim Event, Boston Light Swim, Boston, Massachusetts [Docket No.: USCG-2008-0715] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9433. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations, Seattle Seafair, Lake Washington, WA [Docket No.: USCG-2008-0733] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9434. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Missouri River, Mile 616.0 to 622.0 [COPT Upper Mississippi River-07-034] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9435. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Kaskaskia River, Mile 010.0 to 011.0 [COPT Sector Upper Mississippi River-07-022] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9436. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Casino Queen Grand Opening, Upper Mississippi River Mile Marker 179.2 to Mile Marker 180.0, St. Louis, MO [COPT Sector Upper Mississippi River-07-023] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9437. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Upper Mississippi River, Mile 791.0 to 792.0 [COPT Sector Upper Mississippi River-07-024] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9438. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: St. Croix River, Mile 016.7 to 017.3 [COPT Sector Upper Mississippi River-08-005] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9439. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Upper Mississippi River, Mile 183.4 [COPT Sector Upper Mississippi River-06-024] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9440. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Savannah River, Savannah, GA [COTF Savannah-06-061] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9441. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Chicago Red Bull Flugtag, Lake Michigan, Chicago, IL [Docket No.: USCG-2008-098] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9442. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: St. Joseph River, St. Joseph, MI [USCG-2008-0901] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9443. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: PRA San Diego Fireworks Display; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-0910] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9444. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: I.C.E. Special Events Fireworks Display; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-0911] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9445. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Cleveland National Air Show, Cleveland, OH [Docket No.: USCG-2008-0913] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9446. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Potomac River, Charles County, MD, and Gunston Cove, Accotink Bay and Pohick Bay, Fairfax County, VA [Docket No.: USCG-2008-0916] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9447. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Mark Albury Memorial Regatta, Biscayne Bay, FL [Docket No.: USCG-2008-0917] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9448. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation: Delta Thunder Powerboat Race, Pittsburg, CA [Docket No.: USCG-2008-0918] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9449. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Equinox Creative Fireworks Display; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-0919] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 5194. A bill to designate Mt. Andrea Lawrence, and for other purposes (Rept. 111-595). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5131. A bill to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes; with an amendment (Rept. 111-596). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3785. A bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of expanding the boundary of Chattahoochee River National Recreation Area (Rept. 111-597). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5110. A bill to modify the boundary of the Casa Grande Ruins National Monument, and for other purposes; with an amendment (Rept. 111-598). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4823. A bill to establish the Sedona-Red Rock National Scenic Area in the Coconino National Forest, Arizona, and for other purposes; with an amendment (Rept. 111-599). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3914. A bill to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes; with an amendment (Rept. 111-600). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5388. A bill to expand the boundaries of the Cibola National Forest in the State of New Mexico; with an amendment (Rept. 111-601). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4195. A bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; with an amendment (Rept. 111-602). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4347. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes; with an amendment (Rept. 111-603). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4888. A bill to revise the Forest Service Recreation Residence Program as it applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes; with an amendment (Rept. 111-604). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5494. A bill to direct the Director of the National Park Service and the Secretary of the Interior to transfer certain properties to the District of Columbia; with amendments (Rept. 111-605). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

Mr. RAHALL: Committee on Natural Resources. H.R. 5152. A bill to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes (Rept. 111-606). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1745. A bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act; with an amendment (Rept. 111-607). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3199. A bill to amend the Public Health Service Act to provide grants to State emergency medical service departments to provide for the expedited training and licensing of veterans with prior medical training, and for other purposes; with an amendment (Rept. 111-608). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3470. A bill to authorize funding for the creation and implementation of infant mortality pilot programs in standards metropolitan statistical areas with high rates of infant mortality, and for other purposes; with an amendment (Rept. 111-609). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BARTON of Texas (for himself, Mr. BURGESS, and Mrs. BLACKBURN):

H.R. 6144. A bill to repeal certain amendments to the Energy Policy and Conservation Act with respect to lighting energy efficiency; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHAFFETZ:

H.R. 6145. A bill to require Members of Congress to disclose delinquent tax liability, require an ethics inquiry, and garnish the wages of a Member with Federal tax liability; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS:

H.R. 6146. A bill to amend title 38, United States Code, to make permanent home loan guaranty programs for veterans regarding adjustable rate mortgages and hybrid adjustable rate mortgages; to the Committee on Veterans' Affairs.

By Ms. SCHAKOWSKY (for herself and Mrs. MCCARTHY of New York):

H.R. 6147. A bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN:

H.R. 6148. A bill to combat trafficking in human organs, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 6149. A bill to require disclosures to consumers by coin and precious metal bullion dealers; to the Committee on Energy and Commerce.

By Mr. GALLEGLY (for himself, Mr. LEWIS of California, Mr. MCKEON, Mr. SIMPSON, Mr. CALVERT, Mr. LATOURETTE, Mrs. NAPOLITANO, Mrs. CAPPS, Ms. LORETTA SANCHEZ of California, Mr. FILNER, Mr. BACA, and Ms. RICHARDSON):

H.R. 6150. A bill to amend the limitation on liability for certain passenger rail accidents or incidents under section 28103 of title 49, United States Code, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania (for himself, Mr. FATTAH, Ms. SCHWARTZ, and Mr. PATRICK J. MURPHY of Pennsylvania):

H.R. 6151. A bill to charter an organization and establish a medal program to honor first responders in Philadelphia, Pennsylvania; to the Committee on the Judiciary.

By Mr. BRALEY of Iowa:

H.R. 6152. A bill to amend the Internal Revenue Code of 1986 to extend the exemption from employer Social Security taxes with respect to previously unemployed individuals, and to extend the credit for the retention of such individuals; to the Committee on Ways and Means.

By Mr. DELAHUNT (for himself and Mr. PITTS):

H.R. 6153. A bill to authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum humane standards of health, sanitation, and safety, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 6154. A bill to amend title 38, United States Code, to clarify the eligibility of certain veterans who serve in support of Operation New Dawn for hospital care, medical services, and nursing home care provided by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. GRIJALVA:

H.R. 6155. A bill to expand the Pajarita Wilderness and designate the Tumacacori Highlands Wilderness in Coronado National Forest, Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. McDERMOTT (for himself and Mr. LINDER):

H.R. 6156. A bill to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs; to the Committee on Ways and Means.

By Ms. LEE of California (for herself, Mr. GRIJALVA, Mr. MORAN of Virginia, Ms. WOOLSEY, Mr. JOHNSON of Georgia, Mr. PAYNE, Mr. CARNAHAN, and Mr. MOORE of Kansas):

H. Con. Res. 318. Concurrent resolution supporting the ideals and objectives of the United Nations Millennium Declaration and related Millennium Development Goals and calling on the President to ensure the United States contributes meaningfully to the achievement of the Millennium Development Goals by the year 2015; to the Committee on Foreign Affairs.

By Mr. WU:

H. Res. 1627. A resolution recognizing the 110th anniversary of the Northwest Labor Press; to the Committee on Oversight and Government Reform.

By Mr. KILDEE:

H. Res. 1628. A resolution expressing the sense of the House of Representatives with respect to efforts to extend the Health Coverage Tax Credit to provide access to affordable healthcare for Delphi retirees and other eligible individuals; to the Committee on Ways and Means.

By Mr. SHIMKUS (for himself, Mr. ROGERS of Michigan, Mr. RADANOVICH, Mr. SHADEGG, Mr. TIM MURPHY of Pennsylvania, Mrs. MYRICK, Mr. CARSON of Indiana, Mr. BURTON of Indiana, Mr. VISCLOSKEY, Mr. STEARNS, Mrs. BONO MACK, Mr. UPTON, and Mr. HILL):

H. Res. 1629. A resolution honoring the service and accomplishments of Colonel Steve Buyer, United States Army Reserve, on the occasion of his retirement from the Army Reserve; to the Committee on House Administration.

By Mr. LIPINSKI (for himself, Mr. ALEXANDER, Mr. COURTNEY, Mr. WALZ, Mr. SNYDER, Mr. ROGERS of Alabama, Mr. CONAWAY, Mr. BRADY of Pennsylvania, Mr. CRITZ, Mr. GARAMENDI, Ms. SUTTON, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. WITTMAN, Mr. ROONEY, Mr. MCGOVERN, Ms. PINGREE of Maine, Mr. CALVERT, Mr. JOHNSON of Illinois, Mr. FILNER, Mr. KAGEN, Mr. TEAGUE, Mr. HILL, Ms. BEAN, Mr. BERRY, Mr. PETRI, Mr. OBERSTAR, Mr. BOYD, Mr. DONNELLY of Indiana, Mr. BROWN of South Carolina, Mr. DUNCAN, Mr. FORTENBERRY, Mr. COOPER, Mr. BOREN, Mr. WILSON of South Carolina, Mr. WOLF, Mr. DJOU, Mr. KING of New York, Mrs. MCMORRIS RODGERS, Ms. TSONGAS, Mr. LARSEN of Washington, Mr. GARRETT of New Jersey, Mr. LOEBSACK, Mr. LAMBORN, Ms. BORDALLO, Mr. PLATTS, Mrs. BLACKBURN, Mr. LINDER, Ms. SHEAPORTER, and Mr. MARSHALL):

H. Res. 1630. A resolution expressing support for National POW/MIA Recognition Day; to the Committee on Armed Services.

By Mr. BILIRAKIS (for himself, Mrs. MALONEY, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. SARBANES, Ms. BERKLEY, Mr. FRANKS of Arizona, Ms. TITUS, Mr. SCHIFF, Mr. MARIO DIAZ-BALART of Florida, Mr. HINCHY, Mr. MCGOVERN, Mr. JACKSON of Illinois, Mr. LIPINSKI, and Mr. SPACE):

H. Res. 1631. A resolution calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom; to the Committee on Foreign Affairs.

By Mr. CONAWAY:

H. Res. 1632. A resolution amending the Rules of the House of Representatives to require officers and employees of the House to read the Constitution of the United States each year; to the Committee on Rules.

By Mrs. LOWEY (for herself, Ms. DELAURO, Mr. GRAYSON, Ms. CORRINE BROWN of Florida, Mr. MOORE of Kansas, Mr. ORTIZ, Mr. LOEBSACK, Mr. MCGOVERN, Mr. HONDA, Mr. COURTNEY, Ms. CASTOR of Florida, and Ms. MCCOLLUM):

H. Res. 1633. A resolution supporting the goals and ideals of "Lights On Afterschool!", a national celebration of after-school programs; to the Committee on Education and Labor.

By Mr. LUJÁN:

H. Res. 1634. A resolution congratulating Taos Pueblo, its leaders and its people, on the 40th Anniversary of the return of their sacred Blue Lake lands; to the Committee on Natural Resources.

By Mr. MURPHY of New York:

H. Res. 1635. A resolution supporting the goals and ideals of an annual "National Yellow Ribbon Day"; to the Committee on Oversight and Government Reform.

By Mrs. NAPOLITANO (for herself, Mr. BACA, Ms. BERKLEY, Mr. COSTA, Mr. DREIER, Mr. DUNCAN, Mr. FRANKS of Arizona, Mr. GARAMENDI, Mr. GRIJALVA, Mr. HONDA, Ms. LEE of California, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. SHADEGG, Mr. SHERMAN, Mr. SCHIFF, Ms. TITUS, Ms. WATSON, Ms. CHU, Mr. CALVERT, Mr. HELLER, Ms. MATSUI, Mr. GEORGE MILLER of California, and Mr. FARR):

H. Res. 1636. A resolution celebrating the 75th anniversary of the Hoover Dam; to the Committee on Natural Resources.

By Mr. POE of Texas (for himself, Mr. AL GREEN of Texas, Mr. LARSEN of Washington, Ms. SPEIER, Mr. COSTA, Mrs. DAHLKEMPER, Ms. FUDGE, Ms. JACKSON LEE of Texas, Mrs. MALONEY, Ms. MATSUI, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. POMEROY, Ms. RICHARDSON, Mr. RUPPERSBERGER, Ms. SCHAKOWSKY, Mr. SPRATT, Ms. WASSERMAN SCHULTZ, Mr. BURTON of Indiana, Mr. CONAWAY, and Mr. PAULSEN):

H. Res. 1637. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month 2010 and expressing the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs and practices designed to prevent and end domestic violence; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. DJOU.
H.R. 442: Mr. PAUL and Mr. RODRIGUEZ.
H.R. 532: Mr. PAUL.
H.R. 610: Ms. KILROY.
H.R. 673: Mr. LOBIONDO.
H.R. 678: Mr. GARRETT of New Jersey, Mr. MARKEY of Massachusetts, Ms. LEE of California, Mrs. DAHLKEMPER, and Mr. THOMPSON of Mississippi.
H.R. 789: Mr. RUPPERSBERGER.
H.R. 868: Mr. BRADY of Pennsylvania.
H.R. 878: Mr. GARY G. MILLER of California.
H.R. 886: Mr. LOEBSACK.
H.R. 917: Mr. COURTNEY.
H.R. 968: Mrs. BIGGERT.
H.R. 980: Mr. ROTHMAN of New Jersey.
H.R. 988: Mr. ALEXANDER, Mr. HIMES, and Mr. MARSHALL.

H.R. 1024: Mr. HEINRICH.
H.R. 1036: Mr. MARKEY of Massachusetts and Mr. HIMES.
H.R. 1074: Mr. RODRIGUEZ and Ms. HERSETH SANDLIN.
H.R. 1093: Mr. WILSON of Ohio.
H.R. 1126: Mr. BLUMENAUER.
H.R. 1205: Mr. LARSON of Connecticut, Mr. ROSS, and Mr. MURPHY of Connecticut.
H.R. 1298: Mr. KAGEN.
H.R. 1362: Mr. LUETKEMEYER.
H.R. 1643: Mrs. BLACKBURN.
H.R. 1646: Mr. BOREN.
H.R. 1792: Mr. MICHAUD and Mr. STUPAK.
H.R. 1806: Ms. KILROY.
H.R. 1818: Mr. FRANK of Massachusetts.
H.R. 1868: Mrs. BACHMANN.
H.R. 1995: Mr. ARCURI.
H.R. 2060: Mr. FRANK of Massachusetts.
H.R. 2085: Ms. LEE of California and Mr. JACKSON of Illinois.
H.R. 2089: Mr. HASTINGS of Florida.
H.R. 2149: Ms. TSONGAS.
H.R. 2254: Mr. CUELLAR and Mr. GARAMENDI.
H.R. 2262: Mr. COURTNEY and Ms. SHEA-PORTER.
H.R. 2308: Mr. FRANK of Massachusetts.
H.R. 2324: Mr. KUCINICH and Ms. CORRINE BROWN of Florida.
H.R. 2378: Mr. PETRI, Mr. PASCRELL, and Ms. BERKLEY.
H.R. 2417: Ms. PINGREE of Maine.
H.R. 2443: Mr. EHLERS.
H.R. 2565: Mr. WALZ and Ms. BORDALLO.
H.R. 2746: Ms. KAPTUR and Mr. SIMPSON.
H.R. 2855: Mr. GARAMENDI, Mr. RUSH, and Mr. WU.
H.R. 2882: Mr. DOYLE.
H.R. 3035: Mr. CONNOLLY of Virginia, Mr. LOEBSACK, and Mr. EHLERS.
H.R. 3131: Mr. COFFMAN of Colorado.
H.R. 3243: Mrs. CAPPS.
H.R. 3308: Mrs. BACHMANN and Mr. FLEMING.
H.R. 3320: Mr. STARK.
H.R. 3380: Mr. CLAY.
H.R. 3431: Mr. BURTON of Indiana.
H.R. 3441: Mr. CONYERS.
H.R. 3666: Mr. HOLDEN and Mr. BISHOP of Georgia.
H.R. 3668: Mr. SCHRADER.
H.R. 3764: Ms. SCHAKOWSKY.
H.R. 3974: Mr. CLEAVER and Ms. TITUS.
H.R. 4048: Mr. MCCOTTER.
H.R. 4054: Mr. FILNER.
H.R. 4063: Ms. SHEA-PORTER.
H.R. 4088: Mr. CULBERSON.
H.R. 4237: Mr. KLEIN of Florida.
H.R. 4269: Mr. DOYLE.
H.R. 4322: Mr. KRATOVL.
H.R. 4339: Mr. ORTIZ and Mr. LUJÁN.
H.R. 4544: Mr. HILL, Ms. MCCOLLUM, Mr. MEEK of Florida, Mr. OLVER, and Ms. BORDALLO.
H.R. 4594: Mr. HASTINGS of Florida.
H.R. 4638: Mr. RANGEL.
H.R. 4650: Mr. GENE GREEN of Texas.
H.R. 4676: Ms. KILROY.
H.R. 4689: Mrs. CAPPS and Mr. DELAHUNT.
H.R. 4720: Mr. BOSWELL.
H.R. 4746: Mr. LOBIONDO, Mr. FLEMING, Mr. GINGREY of Georgia, Mr. ROONEY, Mr. KLINE of Minnesota, Mr. SHADEGG, Mrs. SCHMIDT, and Mr. CARTER.
H.R. 4755: Ms. KAPTUR.
H.R. 4796: Mr. CARNAHAN and Mr. BACHUS.
H.R. 4808: Mr. ROTHMAN of New Jersey, Mr. ALTMIRE, Mr. BERMAN, Mr. BRALEY of Iowa, Mr. CARDOZA, Ms. CASTOR of Florida, Mr. COHEN, Mr. COOPER, Mr. COSTA, Mr. COURTNEY, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. AL GREEN of Texas, Mr. HARE, Ms. HERSETH SANDLIN, Mr. KAGEN, Mr. INSLEE, Mr. KUCI-

NICH, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. MURPHY of Connecticut, Mr. PALLONE, Mr. PAYNE, Mr. SNYDER, Mr. STARK, Mr. WEINER, Mr. WELCH, Mr. YARMUTH, Ms. EDWARDS of Maryland, Ms. RICHARDSON, Mr. BAIRD, Mr. ANDREWS, Mr. BOUCHER, Mr. ELLISON, Ms. ZOE LOFGREN of California, Mr. MATHE-SON, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. NADLER of New York, Mr. SARBANES, Mr. OLVER, and Ms. MARKEY of Colorado.

H.R. 4819: Mr. GRIJALVA and Mr. SABLAN.
H.R. 4844: Mr. CONNOLLY of Virginia and Mr. HIGGINS.

H.R. 4846: Mr. EHLERS and Mr. PRICE of North Carolina.

H.R. 4923: Mr. WELCH.
H.R. 4999: Mr. WAMP and Mrs. BIGGERT.
H.R. 5033: Mr. CUELLAR, Ms. HARMAN, Mr. WAXMAN, and Mr. STARK.

H.R. 5040: Mr. ELLSWORTH.
H.R. 5043: Mr. GRIJALVA.
H.R. 5056: Mr. HELLER.
H.R. 5081: Ms. KILROY.
H.R. 5141: Mr. BARTON of Texas, Mr. MACK, Mr. GRAVES of Georgia, and Mr. CAMP.

H.R. 5162: Mr. LEWIS of California and Mr. RODRIGUEZ.

H.R. 5235: Mr. BOUCHER.
H.R. 5300: Mr. GUTIERREZ, Mr. THOMPSON of Mississippi, Mr. NADLER of New York, Ms. CHU, and Ms. RICHARDSON.

H.R. 5318: Mr. WITTMAN.
H.R. 5369: Mrs. BACHMANN.
H.R. 5400: Mr. MCNERNEY.
H.R. 5441: Ms. ZOE LOFGREN of California.
H.R. 5472: Mr. SABLAN.
H.R. 5487: Mr. HEINRICH.

H.R. 5524: Ms. BALDWIN and Mr. SMITH of New Jersey.

H.R. 5538: Mr. HENSARLING.
H.R. 5543: Mr. TONKO.
H.R. 5564: Ms. CHU and Mr. KING of New York.

H.R. 5568: Mr. LOEBSACK.
H.R. 5575: Mr. LATHAM.
H.R. 5628: Mr. HINCHEY and Mr. FRANK of Massachusetts.

H.R. 5718: Mr. THOMPSON of Mississippi, Ms. NORTON, Ms. WATSON, Mr. KENNEDY, Ms. WASSERMAN SCHULTZ, Mr. VAN HOLLEN, Mr. SERRANO, Mr. PASCRELL, Mr. JACKSON of Illinois, Ms. DEGETTE, Ms. WOOLSEY, and Ms. MOORE of Wisconsin.

H.R. 5746: Ms. MCCOLLUM, Mr. STUPAK, Ms. KILROY, Mr. HODES, Mr. CARDOZA, Ms. MARKEY of Colorado, Mr. ENGEL, Mr. DINGELL, Mr. CARSON of Indiana, Mr. KAGEN, Mr. HEINRICH, Mr. SCHRADER, Mr. GUTIERREZ, Ms. SLAUGHTER, Ms. CHU, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 5807: Mr. HOLT, Mr. GONZALEZ, Mr. FARR, Mr. TOWNS, Mr. TIERNEY, Mr. ELLISON, Ms. MARKEY of Colorado, and Mr. FRANK of Massachusetts.

H.R. 5819: Mr. ROGERS of Kentucky.
H.R. 5882: Mrs. BLACKBURN, Mr. WAMP, Mr. MACK, Mr. FRANKS of Arizona, Mr. FLEMING, Mr. CHAFFETZ, Mr. TIAHRT, Mr. BISHOP of Utah, Mr. POSEY, Mr. NEUGEBAUER, Ms. GRANGER, and Mr. MARCHANT.

H.R. 5894: Mr. FRANK of Massachusetts.
H.R. 5928: Mr. MILLER of North Carolina.

H.R. 5933: Mr. WEINER, Mr. CRITZ, Ms. FOX, Mr. BLUMENAUER, Mr. HINCHEY, Mr. KANJORSKI, Mr. TONKO, Mr. SCHAUER, Mr. LOBIONDO, Ms. HERSETH SANDLIN, Mrs. KIRKPATRICK of Arizona, Mr. ARCURI, Mr. OBERSTAR, Mr. ROONEY, Mr. RODRIGUEZ, Mr. MCGOVERN, Mr. GARAMENDI, Mr. HOLDEN, Ms. RICHARDSON, Mr. RANGEL, Mr. TEAGUE, Mr. KAGEN, Mr. GORDON of Tennessee, Mr. MCINTYRE, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. BACA, Mr. PLATTS, Ms. SHEA-PORTER, Mrs. HALVORSON, Mr. PETERSON, and Mr. BOUCHER.

H.R. 5936: Mrs. MYRICK.
H.R. 5939: Mr. ALTMIRE, Mr. LOBIONDO, and Mr. LUCAS.
H.R. 5948: Ms. JENKINS.
H.R. 5967: Mr. HIGGINS.
H.R. 5982: Ms. PINGREE of Maine.
H.R. 5984: Ms. WATSON and Ms. CLARKE.
H.R. 6043: Mr. ACKERMAN, Mr. ISRAEL, and Mrs. MALONEY.
H.R. 6072: Mr. MICA, Mr. ACKERMAN, Mr. MITCHELL, and Mr. COHEN.
H.R. 6081: Mr. COHEN.
H.R. 6087: Mr. SIMPSON, Mrs. BLACKBURN, Mr. SMITH of Nebraska, Mr. HERGER, and Mr. HOEKSTRA.
H.R. 6098: Mr. LYNCH and Ms. CHU.
H.R. 6108: Mr. MARCHANT.
H.R. 6113: Mrs. BLACKBURN, Mr. GRAVES of Missouri, and Mr. CRITZ.
H.R. 6127: Mr. BROWN of South Carolina.
H.R. 6139: Mr. HALL of New York, Mr. HINCHEY, and Mr. MCMAHON.
H. Con. Res. 259: Mr. BRADY of Pennsylvania and Mr. MICA.
H. Con. Res. 261: Mr. SPACE.
H. Con. Res. 267: Mr. HOLDEN.
H. Con. Res. 303: Mr. POE of Texas.
H. Con. Res. 316: Mr. LUETKEMEYER.
H. Res. 99: Mr. FRANK of Massachusetts.
H. Res. 111: Mr. MURPHY of New York.
H. Res. 252: Mr. DOYLE, Mr. KING of New York, Mr. BISHOP of New York, Mr. RYAN of Ohio, and Mr. BRADY of Pennsylvania.
H. Res. 349: Mr. ELLISON.
H. Res. 986: Mr. JOHNSON of Georgia.
H. Res. 1122: Mr. BAIRD.
H. Res. 1207: Mr. LIPINSKI.
H. Res. 1217: Mr. FRANKS of Arizona.
H. Res. 1226: Mr. ISRAEL and Mr. MOORE of Kansas.
H. Res. 1264: Mr. JONES.
H. Res. 1311: Mr. TANNER.
H. Res. 1343: Mr. BURTON of Indiana.
H. Res. 1377: Ms. KILPATRICK of Michigan, Mr. SKELTON, Mr. MILLER of Florida, Mr. DINGELL, Mr. ELLISON, Ms. HIRONO, Ms. JACKSON LEE of Texas, Mr. BACA, Mr. BERMAN, Mrs. CAPPS, Mr. ISSA, Mr. LEWIS of California, Ms. LORETTA SANCHEZ of California, Ms. WATERS, Ms. WATSON, Mr. GARAMENDI, Mr. SABLON, Mr. GRIJALVA, Mr. THOMPSON of California, Mr. WU, Ms. ZOE LOFGREN of California, and Mr. BECERRA.
H. Res. 1431: Mr. HALL of New York, Mr. BARRETT of South Carolina, Mr. DAVIS of Tennessee, Mr. GUTIERREZ, Ms. EDWARDS of Maryland, Mr. CHAFFETZ, Mr. PIERLUISI, Ms. BORDALLO, Mr. WILSON of South Carolina, Mr. GRIFFITH, Mr. HEINRICH, Mr. WALZ, and Mr. SHADEGG.
H. Res. 1442: Mr. KLINE of Minnesota and Mr. GARY G. MILLER of California.

H. Res. 1452: Mr. DUNCAN and Ms. ROYBAL-ALLARD.

H. Res. 1461: Mr. HALL of New York.
H. Res. 1482: Mr. DOYLE and Mr. HOLT.
H. Res. 1485: Mr. GRIFFITH, Mr. SHIMKUS, Mr. WALDEN, Mr. WHITFIELD, Mr. SMITH of Washington, Mr. LATOURETTE, Mr. MORAN of Kansas, Mr. HALL of Texas, Mr. PASTOR of Arizona, Mr. LUETKEMEYER, Mr. BUYER, Mrs. BONO MACK, Mr. TERRY, Mrs. MYRICK, Mr. SULLIVAN, Mr. TIM MURPHY of Pennsylvania, Mr. SCALISE, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. DOYLE, Mr. ROSS, Mr. BUTTERFIELD, and Mr. SPACE.

H. Res. 1507: Ms. TSONGAS.
H. Res. 1523: Mr. ARCURI.
H. Res. 1528: Ms. WOOLSEY, Ms. RICHARDSON, Mr. SABLON, and Ms. BORDALLO.

H. Res. 1529: Ms. NORTON, Mr. LARSON of Connecticut, Mr. ISRAEL, Ms. SLAUGHTER, Mr. ADLER of New Jersey, Mr. ANDREWS, Mr. COURTNEY, Mr. HIMES, Mr. MURPHY of Connecticut, Mr. FRELINGHUYSEN, Mrs. EMERSON, Ms. WASSERMAN SCHULTZ, Mr. LOBIONDO, and Mr. PAYNE.

H. Res. 1560: Ms. MCCOLLUM.
H. Res. 1576: Mr. MEEKS of New York, Mr. STARK, Mr. PIERLUISI, Mr. BACHUS, Mrs. BACHMANN, Mr. KILDEE, Ms. BORDALLO, Ms. ROS-LEHTINEN, Mr. TAYLOR, Mr. KISSELL, Mr. POSEY, Mr. CAO, Mr. INGLIS, Mr. WILSON of South Carolina, Mr. SESSIONS, Mr. BROUN of Georgia, Mr. FORTENBERRY, Mr. LIPINSKI, Mr. WU, Mr. THOMPSON of Pennsylvania, Mr. HARPER, Mr. BOOZMAN, and Mr. ARCURI.

H. Res. 1588: Mr. CARNAHAN, Mr. LEVIN, Ms. PINGREE of Maine, and Mr. STUPAK.

H. Res. 1598: Mrs. MCMORRIS RODGERS and Mr. GEORGE MILLER of California.

H. Res. 1604: Mr. SIRE, Ms. LEE of California, Mr. GENE GREEN of Texas, Mr. CROWLEY, Mr. COSTA, Mr. FALEOMAVAEGA, Mr. TOWNS, Mr. KIRK, and Mr. PIERLUISI.

H. Res. 1615: Ms. BORDALLO, Mr. CAO, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. JONES, Mr. LATTI, and Mr. WILSON of South Carolina.

H. Res. 1617: Ms. BEAN, Mr. BILIRAKIS, Mr. BOUSTANY, Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. CARTER, Mr. CONAWAY, Mr. DUNCAN, Mr. FORTENBERRY, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Mr. HOLDEN, Mr. HUNTER, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. KINGSTON, Mr. LUETKEMEYER, Mr. MCGOVERN, Mr. ORTIZ, Mr. PETERSON, Mr. PITTS, Mr. POE of Texas, Ms. ROS-LEHTINEN, Mr. SENSENBRENNER, Mr. WILSON of South Carolina, and Mr. WOLF.

H. Res. 1618: Ms. ZOE LOFGREN of California.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 13, September 15, 2010, by Mr. DANIEL E. LUNGREN on the bill H.R. 5141, was signed by the following Members: Daniel E. Lungren, Rodney P. Frelinghuysen, Frank A. LoBiondo, Thaddeus G. McCotter, Steven C. Latourette, Doug Lamborn, Peter T. King, John Campbell, Cynthia M. Lummis, Leonard Lance, John Boozman, Walter B. Jones, Mike Rogers (AL), Dana Rohrabacher, Glen Thompson, Todd Russell Platts, Edward R. Royce, Harold Rogers, Tom McClintock, Gary G. Miller, Lincoln Diaz-Balart, Mario Diaz-Balart, Ken Calvert, Judy Biggert, Jerry Lewis, Darrell E. Issa, Jeff Miller, Vernon J. Ehlers, David G. Reichert, Cathy McMorris Rodgers, Dave Camp, Don Young, Mary Bono Mack, Charles W. Dent, Jason Chaffetz, Blaine Luetkemeyer, Michael K. Simpson, Bill Cassidy, Lynn Jenkins, Rodney Alexander, Pete Sessions, Charles W. Boustany, Jr., Parker Griffith, Denny Rehberg, Charles K. Djou, Ted Poe, JoAnn Emerson, Gus M. Bilirakis, David P. Roe, Tom Graves, Joe Wilson, Steve Austria, Geoff Davis, Jim Gerlach, Jean Schmidt, Bill Posey, Peter J. Roskam, Lynn A. Westmoreland, K. Michael Conaway, Erik Paulsen, Joseph R. Pitts, Christopher John Lee, Pete Olson, Howard Coble, Tom Latham, Connie Mack, Dan Burton, Duncan Hunter, Timothy V. Johnson, Adrian Smith, Trent Franks, Jo Bonner, Michele Bachmann, Kevin Brady, Wally Herger, F. James Sensenbrenner, Jr., Gregg Harper, John Abney Culberson, Randy Neugebauer, Mike Coffman, Michael T. McCaul, Jerry Moran, John L. Mica, Aaron Schock, Ron Paul, Vern Buchanan, Thomas J. Rooney, Virginia Foxx, Fred Upton, John Shimkus, Mark Steven Kirk, Jeff Fortenberry, and John Kline.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Mr. KING on the bill H.R. 4972: Jim Gerlach, Gene Taylor, and Steve Buyer.

Petition 12 by Mr. HERGER on the bill H.R. 5424: Mark Steven Kirk, David G. Reichert, Gary G. Miller, Charles W. Boustany, Jr., Parker Griffith, Trent Franks, Mike Rogers (AL), Jo Bonner, John L. Mica, and Aaron Schock.

EXTENSIONS OF REMARKS

IN HONOR OF CHARLES W.
MEYERS, SR.

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to Charles W. Meyers, Sr., a much beloved San Francisco community leader and public servant, who passed away on September 12. Charlie enthusiastically gave his energy in service of the city and the country he loved. He will be remembered for his big heart, generous spirit, and the unwavering devotion of his friendship.

A proud native son of San Francisco, Charlie discovered his passion for public service early in life. After enlisting in the U.S. Army and serving in World War II, he was elected to the State Assembly as a 28 year old—making him one of the youngest members of the legislature at the time.

As an Assemblyman for the next 22 years, Charlie vigorously sought to improve employer-employee relations. He is an author of the Meyers-Millas-Brown Act, which still stands as the state law regulating employee relations in the public sector.

Charlie's involvement in San Francisco life, however, went far beyond his work in the state legislature. He was a valued member and active supporter of many organizations, including the San Francisco Forum, Knights of Columbus, Disabled American Veterans, and the United Irish Cultural Center. In 2007, he was honored for his work in public service by his alma mater, the University of San Francisco.

San Franciscans have lost a beloved friend. I hope it is a comfort to his beloved wife Alene, his children Charlene Hansen, Chip Meyers, and Gerri Brown, and his many grandchildren that many San Franciscans join them in mourning his passing.

IN HONOR AND RECOGNITION OF
MR. RONALD TAYLOR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Mr. Ronald Taylor, a devoted father, grandfather, mentor, friend, entrepreneur, and United States Veteran, whose joyous life continues to be focused on family, faith, and service to community.

Born in Wichita, Kansas on February 10, 1930, Mr. Taylor was the only child of parents Russell and Mildred Taylor. He moved frequently with his family until settling in Cleveland, Ohio. His parents taught him the importance of hard work, family and faith. They

guided him toward a solid education and supported all of his athletic endeavors. While attending Central High School in Cleveland, Mr. Taylor excelled in athletics and broke Jesse Owens' high jump record. Mr. Taylor's record still stands today. He continues to use the experiences of his youth to teach and guide his own children and grandchildren.

Mr. Taylor blazed a path of independence and achievement. He attained the level of Eagle Scout, only the second African American in Ohio to do so at the time. While attending Miami University of Ohio, he was a member of the U.S. Air Force ROTC. He was drafted into the U.S. Army, and served honorably during WWII. He later continued his studies and became an attorney and real estate broker. He owned several successful law, tax and real estate businesses in Chicago, Cleveland and Las Vegas. He continues to run a successful law practice, Ron Taylor & Associates, in Oak Park, Illinois.

Madam Speaker and colleagues, please join me in honor and recognition of Ronald Taylor, who continues to serve as a leader and the foundation of his family. Mr. Taylor will join this Labor Day weekend with his children, Kevin, Rennie, Reginald, Leah, Michael, Ron Taylor, Jr., Ron II, Ronnetta, and Robin; his grandchildren; and his extended family to celebrate faith, family and tradition. Mr. Taylor continues to be a source of strength and inspiration to his family and friends, and I wish him and the entire Taylor family continued blessings of peace and joy.

TRIBUTE TO PHIL GOLDING

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Phil Golding, a World War II Army veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Phil Golding was recognized on Tuesday, August 24. Below is the article in its entirety:

BOONE COUNTY VETERANS: PHIL GOLDING

(By Alexander Hutchins)

Not all military experiences are life-changing tales, fraught with peril and excitement. For former Boone County resident Phil Golding, his experiences in the military were rather mundane.

He was never shot at, "to my knowledge," he said. He never received, nor wanted, a Purple Heart. A Boone resident for nearly 50 years, Golding, however, recalls his times in the United States Army with fond memories, with his three most volatile army jobs being

battery clerk, gas truck driver and ammo truck driver.

Golding was inducted into the U.S. Army at Camp Dodge from Glidden, Iowa, in Carroll County, assigned to active duty on July 3, 1943, "policing the camp grounds for cigarette butts" prior to the crowds of visitors swarming into the area.

"I was given a G.I. haircut, clothes and equipment, then sent to a tank destroyer facility at Camp Hood, Texas, for four months of infantry basic training before spending 4½ months on campus at the University of Illinois in the Army Specialized Training Program ostensibly to be an engineer," Golding recalled. "This changed when the war in Africa, Italy and Europe called for fresh blood."

Golding, along with hundreds of other "non-essentials," as he referred to himself, were transported by troop train to the Eighth Armored Division at Camp Polk, La.

Before long, they would be replacing armored units in combat zones, but first there were inspections.

"We spent the hot summer of 1944 being inspected to death before the Germans got a shot at us," Golding said. "We boarded a troop ship in early fall. Somewhere, mid-Atlantic, a couple hundred of us below deck playing cards, writing home or reading, when something big banged hard against the bulkhead only a few feet away! We never knew what, but one officer didn't wait to panic, he went bananas, bounding up the stairway shouting, 'Don't panic . . . let me outta here! Let me outta here!'"

It was a couple months later when the group ate their Thanksgiving turkey in what Golding referred to as "Jolly ol' England." After next celebrating Christmas with an English family, they finally received their equipment on New Years Day: tanks, trucks, 105 mm howitzers, and more.

The soldiers were rushed across the channel to Europe, but the Battle of the Bulge was over by then, so the troops were held behind the front lines, in reserve, freezing in France for six long, cold weeks.

Golding recalls an incident next that happened in a muddy orchard.

"We then pulled our trucks, heavy with ammo, into a pretty Dutch orchard, just before the frost left, leaving our trucks axle-deep in sod, eight-wheelers spinning, wench cables straining and shear pins shearing," he said. "After the tank-retriever drug us out one by one, the poor Dutchman's grove looked like a plowed field. Even the road past his farm looked plowed, ready to plant."

He also recalls a spectacular site during his time overseas serving in the Army.

"Watching the bombers go east, then back west, with bomb bays open and parachute cords trailing was thrilling—we knew our paratroopers were on the other side of the river, waiting for us to cross the Rhine River on a pontoon bridge," Golding said. "The day after on the far side of the river was a different thrill when our captain circled our trucks on a hill, visible for miles, and we took a few German artillery rounds. Not much happened where we were, I hurried dressing and moved from the 200 rounds of steel cased white phosphorus 105 mm artillery shells in our truck, which was my bed the night before."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The end of World War II was a strange sight for Golding. He recalls that he was near the Elbe River when he awoke to the scene.

"I got up one morning and wandered out the back side of our barracks and there was a whole battalion with rifles stacked and lining up at a chow truck for breakfast, it took me a minute to realize this was a German battalion getting fed, with rifles stacked, apparently unconcerned that they were in the backyard of a bunch of American G.I.s, who also seemed unconcerned," he said. "More curious than concerned."

And so, the war ended, and Golding returned home to Boone, happy for his military experience, and happy for his safe return, albeit with a few more entertaining stories than when he left.

"Compared to most, my experiences in the U.S. Army were mundane, thank the Lord," Golding said.

I commend Phil Golding for his many years of loyalty and service to our great Nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

COMMEMORATING 50 YEARS OF
COMMERCIAL NUCLEAR POWER
GENERATION AT EXELON
NUCLEAR'S DRESDEN GENER-
ATING STATION

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mrs. HALVORSON. Madam Speaker, I proudly rise today to commemorate the 50th anniversary of the completed construction of Exelon Nuclear's Dresden Unit 1 facility, celebrating 50 years of safe, reliable, nuclear generated electricity at the Dresden site. Employees and guests will be celebrating this achievement on Wednesday, September 22, 2010.

On August 1, 1960, Dresden Unit 1 entered commercial operation and became the nation's first full-scale, privately financed commercial nuclear power plant. This feat alone marks a great accomplishment in human technological advancement, but also an incredible contribution towards the advancement of our society and the growth of surrounding communities.

Construction of Dresden Unit 1 began in June of 1957 on a site at the mouth of the Illinois River near Morris, just 60 miles southwest of Chicago, and began generating electricity on April 15, 1960. Dresden Unit 1's success was followed by the completion of Dresden Units 2 and 3 in 1970 and 1971, respectively. Although Unit 1 has since been placed in dormancy, Units 2 and 3 continue to generate electricity for our local communities.

Madam Speaker, I also rise to commemorate the approximate 950 employees of the Dresden generation facility, and congratulate all employees, past and present, for their hard work and contributions towards making our communities and our country a better place to live and for showing the world of the benefits of clean and efficient nuclear energy.

With Dresden's annual contributions to the local United Way, its sponsorship of the

Grundy County Corn Festival fireworks display and other donations and sponsorships to community organizations and events, the Dresden Generating Station is a shining example of social responsibility and investing in the local community.

As the 11th Congressional District is also home to Dresden's sister-plants, Braidwood and LaSalle, I am proud to represent this facility in the United States Congress and I give thanks for all of Dresden's past successes and wish it the best in the future.

RECOGNITION OF THE 30TH
ANNUAL LA PLAZA'S FIESTA

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. CARSON of Indiana. Madam Speaker, I rise today to recognize the 30th Annual La Plaza Fiesta Indianapolis, which is held in Indiana's 7th district. La Plaza's Fiesta serves as a celebration and representation of the Hispanic culture and its contribution to the fabric of this nation.

Since 1980, La Plaza's Fiesta has been the premiere Latino cultural celebration in Indiana. It is an outdoor event held during National Hispanic Heritage Month to educate and share the Latino culture through diverse mediums including art, music, dance, food and cultural activities. La Plaza's Fiesta also celebrates the Hispanic community's contributions in business, education, government and the arts.

Year after year, La Plaza's Fiesta provides an opportunity to enrich the lives of all Americans by providing an opportunity to explore the rich and unique Hispanic heritage and traditions. La Plaza's Fiesta is a great avenue for people from all walks of life to learn that our unique cultures and histories unify—not divide us. We all have life experiences that can help each other and our next generations, regardless of our gender, ethnicity or race.

I want to congratulate La Plaza's Fiesta Indianapolis on their 30th anniversary. In your long history, you have enriched the lives of those who attend this event, the City of Indianapolis and our Latino community. It is an honor to represent a district as culturally diverse as Indianapolis, and our great city is privileged to host this event

A TRIBUTE TO STATE REPRESENTATIVE ANNETTE POLLY WILLIAMS

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mrs. MOORE of Wisconsin. Madam Speaker, I rise today to pay tribute to my friend, a dear former colleague and mentor to new legislators and a great stateswoman, Rep. Annette Polly Williams. She is the longest serving woman in the history of the Wisconsin State Legislature. Rep. Williams is retiring from public office after 30 years of outstanding service to her constituents.

Affectionately known as Polly, she was born in the Mississippi Delta region of Belzoni, Mississippi and moved to Milwaukee when she was 10 years old. She is a product of the public school system and fellow graduate of North Division High School. Rep. Williams is committed to ensuring that all children receive access to a good education. Out of her passion to and commitment for education, she became the author/mother of the nation's first true Educational Parental Choice Legislation.

Rep. Williams has made her mark in other areas. She founded the Black Women's Network, the Milwaukee Parental Assistance Center; the Black Leadership Organization. Further, she was the co-founder of the African American Alliance providing political leadership to Milwaukee's African American community; founding member of the Wisconsin African American Women's Center; and served as the co-host for the "Tuesday Morning Breakfast Club" on a local radio station for many years.

Polly is a treasure to our community and will continue her service to those in need. Whether it is someone who has lost a loved one, experienced a natural disaster such as Hurricane Katrina or local flooding, Polly will be there providing compassion and support.

Madam Speaker, I urge you and my colleagues in the U.S. House of Representatives to join me in a salute to Rep. Annette Polly Williams. We wish her well in a retirement that is full of new challenges.

HONORING SAMUEL TABLER FOR
USDA SERVICE IN IRAQ

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. BOOZMAN. Madam Speaker, I rise to honor Samuel Tabler for his service, sacrifice and commitment to establishing stability and security in Iraq. Tabler taught Iraqis the agriculture lessons he learned from his own experiences working for the United States Department of Agriculture Farm Service Agency's Agricultural Research Service.

Tabler served in the Babil Province region of Iraq from 2009 to 2010. While in Iraq, he worked with the Babil Beekeepers Association and oversaw the construction of a honey processing and breeding facility. Tabler also worked to develop and introduce new technologies to area farmers that increased agricultural productivity.

By empowering Iraqis with knowledge and best practices to improve their agriculture industry Tabler has helped create opportunities for development and long-term economic viability in Iraq. Tabler's devotion to helping others in need is a great example of selfless Arkansas values. I am so proud of his accomplishments and the opportunities he helped create for Iraqi citizens.

CONGRATULATING THE GREATER
PALM BEACH AREA CHAPTER OF
THE AMERICAN RED CROSS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to congratulate the Greater Palm Beach Area Chapter of the American Red Cross on receiving the Outstanding Chapter Award from the International Holocaust and War Victims Tracing Center for the work of chapter volunteers in their community outreach programs. This is the top honor awarded by the International Holocaust and War Victims Tracing Center, a national clearinghouse for persons seeking the fates of loved ones missing since the Holocaust and its aftermath.

The Greater Palm Beach Area Chapter has been delivering lifesaving services for over ninety years, providing relief to victims of disasters at home and abroad, teaching lifesaving skills, and supporting military members and families. This chapter, which covers most of the 23rd Congressional district, serves the counties of Glades, Hendry, Okeechobee, and Palm Beach, and reaches a population of 1.5 million residents. The Red Cross has operated this specialized tracing service for the past 19 years.

I commend the Greater Palm Beach Area Chapter's leadership, staff and volunteers for their commitment to engage the community and diligently manage the influx of new requests to the Red Cross Holocaust Tracing Center. The Tracing Service offers to search for information about missing and deceased family members through personal services that are comprehensive, confidential and free of charge. The Greater Palm Beach Area Chapter has engaged the local Jewish communities, agencies and volunteers through notable educational outreach programs.

The Outstanding Chapter Award will be presented to volunteer leaders from the Greater Palm Beach Area Chapter of the American Red Cross at a special luncheon celebrating the Tracing Center's 20th anniversary in Baltimore, Maryland, on September 27, 2010, featuring keynote speaker Gail McGovern, the President and Chief Executive Officer of the American Red Cross.

The Red Cross provides an exemplary paradigm for providing support and answers to Holocaust survivors and their families. The Tracing Center is seventy percent successful in its tracing cases, having reunited 1,500 families and provided documents such as birth certificates and concentration camp records to others.

Madam Speaker, I am especially pleased with this Chapter's award because, in a sense, it brings my involvement with the Tracing Service full circle. Years ago I, along with several of my colleagues, was a strong advocate for opening the Tracing Service's archives to the public and worked with the German government and the International Committee of the Red Cross to do so. In opening the archive in 2007, Germany and the ICRC provided an invaluable service to humanity. The

Greater Palm Beach Area Chapter award demonstrates the extent to which thousands of Holocaust survivors and their families in South Florida have benefited from this service.

Madam Speaker, the Center for Information on Holocaust Restitution estimates that five to ten survivors die each day. The urgency of affected family members initiating tracing services cannot be overstated. My local Red Cross has shown true dedication in assisting families in telling the stories of those who perished in the Holocaust, in discovering names and dates that have long been thought to be lost, and in giving families the necessary information so that they may pass on legacies and the truth. The Tracing Center's motto says it best: "Every Answer is a Gift."

Again, congratulations to the Greater Palm Beach Chapter of the American Red Cross on gaining national recognition for their enduring commitment to Holocaust survivors, their families, and the memory of those who were lost.

IN HONOR OF THE 100TH ANNIVERSARY
OF THE CARNEGIE WEST
LIBRARY OF CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. KUCINICH. Madam Speaker and colleagues, I rise today in honor and recognition of the 100th Anniversary of the Carnegie West Library, a cornerstone of the Cleveland Public Library system, located in the heart of Cleveland's historic Ohio City neighborhood.

Named after American visionary and leader in the advancement of libraries, Andrew Carnegie, the ornate building was designed by internationally renowned architect Edward Tilton. Built by artisans, craftsman and stone experts, the restored exterior of the building is graced with the beauty of terracotta, red brick, limestone, intricate floral motifs and medallions. The interior is highlighted with original painted murals that reflect scenes from classic children's literature.

Throughout the past century, the programs and services have expanded, yet the mission of the library has remained the same: to provide a creative environment where imagination is inspired and where learning flourishes. The Carnegie West Library offers numerous programs and services to patrons of all ages—including computer classes, film festivals and workshops. Additionally, the Library has a legacy of strong neighborhood bonds and community outreach. The Carnegie West Library provides free lunches and reading clubs for children after school and during the summer months.

Madam Speaker and colleagues, please join me in honor and recognition of the founding members, dedicated staff, volunteers and every patron of the Carnegie West Library. For an entire century, this library has inspired and enriched the minds and hearts of tens of thousands of visitors of all ages. Their vision "to be the learning place for a diverse community, inspiring people of all ages with the love of books and reading, advancing the pursuit of knowledge, and enhancing the quality of life

for all who use the library" continues to enrich our community—and is a critical part of the educational and social advancement of our entire society.

TRIBUTE TO GALEN WILEY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Galen Wiley, a World War II Army Air Corps veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Galen Wiley was recognized on Tuesday, July 27. Below is the article in its entirety:

BOONE COUNTY VETERANS: GALEN WILEY

(By Alexander Hutchins)

Galen Wiley, 93, nurtured a passion for flight in his time in the Army Air Corps. It would help shape the rest of his life and give him a pursuit that would eventually include an airport bearing his name.

Wiley grew up on a farm near Jordan, Iowa and attended school in a building that is no longer standing. Wiley's father died when he was eleven, facilitating the family's move to Boone. Wiley has spent the rest of his life in the community.

Wiley was a paperboy in his youth. He graduated from Boone High School and worked as a salesman in the J.C. Penny's and J.C. Peterson stores, where he was employed when he was inducted into the army.

Wiley entered the Army Air Corp and was originally placed in mechanic school. He soon opted for an officer training program, however, and took wholeheartedly to the training. Wiley was sent to England to fly a B-17 bomber, and he flew bombing runs over France, Holland, and Germany during his time in the service. Wiley's B-17 once suffered an equipment failure while flying over Holland, but he managed to land the plane with the left landing gear jammed. It was a harrowing experience, but the crew would survive and celebrate Wiley's achievement. "I came out okay on it," Wiley said with a smile.

Wiley once flew a mission on which he saw the plane of a fellow Boone pilot, David Mondt.

Wiley flew many of his missions with English pilots, and went into London several times during the war. "We flew an awful lot, day after day," Wiley said of routine life in the Air Corps. The King of England and (at that time) Princess Elizabeth once visited the air base where Wiley was stationed.

Upon returning from the war in 1946, Wiley and his wife Marian were wed. Wiley was hired as a treasurer at city hall and soon promoted to a city clerk. He also joined the National Guard, and greatly enjoyed the chance to fly again. Wiley split much of his attention between his job with the city and the airport, and drafted the original paperwork to create the airport after the war. For many years Wiley served on the airport commission, even after his retirement from city hall, until resigning on his 90th birthday. On his 91st birthday, the airport commission renamed the airport 'Galen Wiley Field' in

honor of Wiley's dedication to the airport through the years. He has also been presented with a display of his service medals that friends from the airport crafted for him.

Wiley served in the National Guard for 31 years after the war, and was able to fly on some weekends as part of his guard duty. He still enjoys going to the airport to watch the planes take off and land, maintaining his passion for flight.

Wiley's son Bill died in a car accident when he was 23, but the family has persevered. Shirley Wiley, Galen's daughter and a retired nurse, lives in Boone to this day and assisted with this article.

Wiley still stays in contact with the other three surviving members of his crew. Two of his crewmates live in California and one lives in Texas. The men still call and stay in touch, and have met up for reunions in the past.

I commend Galen Wiley for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

HONORING THE LIFE AND SERVICE OF SPECIALIST JUSTIN B. SHOECRAFT

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. DONNELLY of Indiana. Madam Speaker, I rise today to solemnly remember and honor the life and dedicated service of Specialist Justin B. Shoecraft, a native son of Elkhart, Indiana, and a proud member of the United States Army. SPC Shoecraft died on August 24, 2010 in Tarin Kowt, Afghanistan of wounds sustained when his Stryker vehicle was hit by a roadside improvised explosive device in Kakarak, Afghanistan.

Justin graduated from Elkhart Memorial High School in 2001 and worked for the United Parcel Service for seven years before enlisting in the United States Army. He was assigned to B Troop, 1st Squadron, 2nd Stryker Cavalry Regiment out of Vilseck, Germany. His regiment had assumed control of Tarin Kowt in July of 2010. Justin was five weeks into his first deployment when an improvised explosive device detonated near his unit.

Justin was posthumously promoted to the rank of Specialist. His awards include the Bronze Star medal (posthumous), the Purple Heart Medal (posthumous), the Army Good Conduct Medal (posthumous), the National Defense Service Medal, the Afghanistan Campaign Medal with Bronze Service Star, the Global War On Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, the Combat Action Badge (posthumous), the Basic Marksmanship Qualification Badge with Expert Rifle Bar, and the Overseas Service Bar.

Justin loved working on old cars and motorcycles, and was a fan of stock car racing. He had always wanted to drive tanks for the Army. He will be remembered by his friends, family, and fellow soldiers for his generosity, work ethic, and sense of humor. He is sur-

vived by his wife, Jessica, whom he married the day before he left for basic training, his parents, Carroll "Blue" and Donna, his grandfathers, Walt and Floyd, his grandmother, Helen, his brother Michael and sister Sherry, extended family and many friends. He will be missed by all.

It is my solemn duty, and humble privilege, to honor the life, service, and memory of Specialist Justin B. Shoecraft, which stand as a testament to the great honor possessed, and sacrifices made, by our men and women in the armed forces, and by their families. We mourn his passing and offer solemn gratitude for his service and sacrifice.

HONORING LYNN T. GREER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. GERLACH. Madam Speaker, Lynn T. Greer started his career with the Commonwealth of Pennsylvania in 1975 working briefly as a Substitute Teacher and Youth Program Coordinator, and then for the Governor's Office of Budget and Administration in Philadelphia. His tenure with the Department of Transportation began in 1979 where he worked in the CETA Program and Equal Opportunity Development in the District, eventually moving on to an Assistant County Maintenance Manager Trainee position in the Delaware County Maintenance Organization.

In 1983, Lynn transferred to the Montgomery County Maintenance Organization where he supervised night operations on the Schuylkill Expressway for several years as a Highway Foreman.

In 1986, Lynn became an Assistant County Maintenance Manager with the Philadelphia County Maintenance Organization, where he served the Department for twenty years in that capacity, which included External Focus Manager for Agility. In 2006, Lynn became the County Maintenance Manager for Philadelphia, where he has served for the past four years.

Lynn holds a Master's Degree in Sports Administration from Temple University, a Bachelor Degree in Business Administration from Virginia State University, where he was on the "Dean's List," and an Associate Degree in Computer Programming from Camden County College, receiving the "Secretary's Award for Excellence".

Lynn is looking forward to spending his well-earned retirement spending time with his family, being involved as an active member of Kappa Alpha Psi Fraternity, coaching basketball in the greater Philadelphia area, playing tennis as a member of the Philadelphia Tennis Team, for which he has competed nationally, and of course, traveling.

Lynn's lovely family includes his wife of 33 years, Alma, son, Lynn II, daughter Kelli, and grandson, Lynn III.

HONORING DON AND DIM SAMBUESO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to acknowledge and honor Don and Dim Sambueso for receiving the 2010 Lifetime Achievement Award. They have lived long and distinguished lives, adhering to extremely high standards of quality and integrity.

The Sambueso brothers were born in Madera, California in 1940. At the age of 15, the brothers went to work for the family business. They have stayed with that business since then, taking from a simple slaughtering company to a business that handles catering, barbecuing and has a full service meat counter.

Don and Dim are well connected within their community. They have been involved with the Young Men's Institute, St. Joachim's School Sports Banquet, Madera Elks, 4-H and Holy Family Table.

Don and Dim are both proud husbands, parents and grandparents. Don and his wife Sharon have three children, five grandchildren and two great-grandchildren. Dim and his wife Julie have two children and two grandchildren. It is clear that they will leave a lasting legacy for generations to come.

Madam Speaker, please join me in commending Don and Dim Sambueso for lives well-lived and in wishing them the best of luck and health as they continue setting the standard.

HONORING SECOND LIEUTENANT MARK NOZISKA

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. SMITH of Nebraska. Madam Speaker, I rise today to pay tribute to a Nebraskan who will be laid to rest tomorrow—a brave soldier who paid the ultimate price defending our freedoms and liberties.

2LT Mark Noziska, 24, a member of Company D, 1st Battalion, 22nd Infantry was taken from us by a roadside bomb while on patrol in Afghanistan.

Mark joined the Army after graduating with a Bachelor of Science degree from the University of Nebraska-Omaha. He was a true friend to those who knew him—a man full of life and someone who always had a smile. He loved his country and felt it was his duty to protect those dearest to him.

In a way, it is fitting we pay our respects to Mark on a day we observe the signing of our Constitution. The ideals and freedoms which we so often take for granted have been protected by young men such as Mark and his brothers and sisters in arms for generations. The words which define our country—written so long ago—are his legacy for us all.

My heart and prayers are with Mark's family during this difficult time. Words cannot express

the depth of their loss—nor can they convey the debt our country owes this brave man. We can do no less than live up to his ideals.

IN RECOGNITION OF THE 2010 HISPANIC HERITAGE HONOREE, MANUEL ACTA, MANAGER OF THE CLEVELAND INDIANS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the Hispanic Heritage honoree of 2010, Manuel "Manny" Acta, Manager of the Cleveland Indians and keynote speaker at the opening ceremonies at Cleveland's Hispanic Heritage Month Celebration.

Manuel Elias Acta was born on January 11, 1969 in San Pedro de Macoris, Dominican Republic. His career in Major League Baseball began at the young age of 17 when he was signed by the Houston Astros as a first baseman. Also a talented outfielder, he played with the Astros organization for six years and then began his coaching career. Before signing to manage the Cleveland Indians in 2009, he was manager of the Washington Nationals. He also managed the Tigris del Licy of the Dominican Winter League, leading them to victory in the 2003 Caribbean Series. He has also worked for the New York Mets and the Montreal Expos as third base coach.

Beyond his successful career in professional baseball, the foundation of his life continues to be his family, faith and community. A devoted husband and father to two daughters, Mr. Acta and his wife Cindy continue to volunteer their time and efforts in reaching out to the children of our Cleveland community and to the people of his Dominican homeland. Mr. and Mrs. Acta founded the ImpACTA kids Foundation, which provides children with opportunities to achieve their dreams through college scholarships and outreach programs. ImpACTA has also funded and organized the development of an athletic/education facility for youth in Consuelo, Dominican Republic.

Madam Speaker and colleagues, please join me in recognition of the 2010 Hispanic Heritage honoree, Manuel "Manny" Acta. Mr. Acta's integrity, professionalism and willingness to help others in need, especially our children, continues to make a positive impact within the lives of children from Cleveland, Ohio to Consuelo, Dominican Republic.

TRIBUTE TO KENNY BARNES

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Kenny Barnes, a World War II Army Air Corps veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one

Boone County veteran every Tuesday from Memorial Day to Veterans Day. Kenny Barnes was recognized on Tuesday, August 3. Below is the article in its entirety:

BOONE COUNTY VETERANS: KENNY BARNES
(By Alexander Hutchins)

Joseph Kenneth "Kenny" Barnes, 85, was born in Boone and flew 51 missions over a period of three months. His children have kidded him, calling him 'the general,' and he lives today in a house that he built 51 years ago.

Barnes was born in Boone in 1925, the second son of Elmer and Nellie Barnes. In a history of Barnes' life written by his wife, Helen, he recalls "My childhood in the depression years was like many others—we were poor, but always had food and shelter and a loving family with two sisters, Wilma and Joanne, and two brothers, Charles and Jimmy, a father who was an engineer on the railroad and a mother who took care of the family, making sure we kept clean, nourished, did our chores and all went to church on Sunday."

Barnes had a paper route delivering the Des Moines Register, using the money to buy some of his own clothing. Barnes' father served in World War I, and during Barnes' childhood the second World War was fast approaching. When he went to collect his papers for delivery on Pearl Harbor Day, December 7, 1941, his circulation manager, Sam Lyon, predicted the young men would be involved in the upcoming war before it concluded as the news played out over the radio in the shop.

Barnes completed his high school requirements in January of 1943 and was drafted before the graduation ceremony took place in the fall. Barnes took basic training in Salt Lake City and was placed in the Army Air Corps. With no slots open for flight school, Barnes was trained as a gunner and attended armament school.

Barnes was trained to fly in a B-24 Liberator bomber, and when his crew of ten was formed and received its B-24, they christened it Paperdoll. While flying between Florida, Trinidad, Brazil, Africa and Italy, the crew crossed the equator and became members of the "Hyper Terrestrial Order of Equator Hoppers," for which Barnes has retained his certificate.

The crew was based in Foggia, Italy, and had to delay their landing until bombers returning from a mission had landed.

"It was a rude awakening as we taxied down the airstrip to see a plane with the nose turret shot off, and the wounded and dead airmen arranged on the ground covered in sheets. Hard sight for a 19-year-old airman to absorb," Barnes said in Helen's written history.

Barnes' first mission was May 18, 1944, where his squadron was assigned to bomb a Romanian oil refinery. Barnes weighed only 125 pounds, and as the smallest member of the crew he was assigned to the ball turret on this and subsequent missions. Barnes would fly on four missions over the Ploesti oil refineries, as it produced a major amount of the fuel for the German military. Barnes said they were the toughest missions, as the refineries were heavily defended with "flak so thick you could walk on it" and enemy fighters menacing the bombers.

"I was pretty young. I'm 18 and I'm flying combat at 19," Barnes said.

Barnes flew regularly as he was able to fit into the cramped space of the ball turret, and due to this he racked up over 50 missions. According to Helen's written history:

"On July 28, 1944, a Ploesti raid, we sent out 27 airplanes from our 756th Bomb Squadron and lost 14. My plane was badly shot up—elevators and ailerons gone and no control over the plane, just flying on automatic pilot. We all bailed out and fortunately it was over 'friendly' territory. The plane was lost, but the crew all survived. The emergency parachute jump earned me entrance into 'The Caterpillar Club,' awarded by Irving Air Chute Co."

Barnes said he thanked the Lord for bringing him through his missions unscathed and he prayed for the safety of the crew.

The Liberator would often have difficulty taking off due to its payload of 2,000-pound bombs. The aircraft would often skim the treetops on takeoff. It was cold in the plane due to the cruising altitude of 28,000 feet.

"More than once we came home on two engines," Barnes said. "On one occasion, with the brake system disabled, chutes were attached to the fuselage and deployed to slow down the landing speed."

Barnes' crew lost only one member, but as he was flying on a separate plane as part of a split crew, Barnes watched the other craft fall from the sky without any of the crew escaping.

"The army was good discipline, and it made a man out of me. I didn't have time to get a job or get into trouble," Barnes said in an interview with the BN-R.

Barnes said he has thought of the toll of the war he fought in, as well as the wars of today, and how war has never stopped being a tragedy.

Barnes received a Good Conduct medal, and Air medal with two clusters, and Army Air Force Pres. Unit with gold frame and two clusters, an Army Air medal with two clusters and a European Air Force MidEast medal with six Bronze Stars. Upon completing 51 missions on August 7, 1944, Barnes was scheduled to return to the U.S. for reassignment. After a two-week voyage back to the U.S. by a Navy ship, Barnes was moved about the country for about a year teaching mostly Aircraft Recognition. He was honorably discharged on September 10, 1945 and returned to Boone. Barnes enlisted in the National Guard upon returning home, and his military career ended with a medical discharge due to allergies three years later.

Barnes used the GI Bill to study pre-engineering at Boone Junior College. He received his degree in 1948 and was recruited by Iowa Electric Power Co. where he worked as an electrician and meter man until his retirement in 1984. Barnes has always been interested in technology and repaired television sets in his home from 1967 until the present.

Barnes will be aboard the Honor Flight to Washington D.C. on August 19.

I commend Kenny Barnes for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

TRIBUTE TO RALPH SMEED

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. PAUL. Madam Speaker, the liberty movement lost one of its true champions on September 7, 2010 when Ralph Smeed passed away from pancreatic cancer. "Making

Statism Unpopular," was not just the title of Ralph's website but the focus of all his efforts as a political activist, columnist, think tank leader, and supporter of numerous pro-liberty organizations and causes. Without Ralph's efforts, the movement to make statism unpopular would not be nearly as strong as it is today. I am honored that I was among the hundreds of freedom-lovers who were able to call Ralph a friend.

Ralph was born in Caldwell, Idaho in 1921. His family was in the ranching and meatpacking business. His first experience with what he referred to as the "mindless government bureaucracy" occurred when he attempted to register for military service after Pearl Harbor and was informed that he could not volunteer, he had to wait till he was drafted!

Following his military service, Ralph entered into the family business, becoming the manager in 1949. As a small businessman, Ralph had even more experiences with "mindless government bureaucracy," and useless government rules and regulations. Ralph's first hand experiences and his study of the freedom philosophy lead him to become active in efforts to try to change the direction of the country.

Ralph's interest in, and knowledge of, the freedom philosophy was enhanced by his association with the Foundation for Economic Education (FEE), the nation's first free-market educational institution. Ralph attended a FEE seminar in 1965, where he met Leonard Read, the founder and President of FEE. Ralph was an enthusiastic supporter of FEE's mission to popularize the ideas of liberty and he worked closely with FEE, eventually serving as a member of FEE's Board of Trustees. Just recently, Ralph was involved in a special reprinting of Leonard Read's classic essay "I, Pen-cil."

One of the traits that made Ralph a great leader was that whenever he saw a task that needed to be done, or any opportunity to advance liberty that no one else in the freedom movement was taking advantage of; he would simply roll up his sleeves and do it himself. For example, in the early 1970s, there were not that many opinion writers providing an analysis of the events of the day from a pro-liberty perspective. Seeing this void, Ralph launched a successful career as a columnist in 1974. Years before it become commonplace to find free-market think tanks operating at the state and local level, Ralph started a public policy and education foundation, the Center for the Study of Market Alternatives. When the growth of the Internet opened up new opportunities to promote the freedom message, Ralph not only supported the efforts of free-market institutions to establish a web presence, he established his own site.

Ralph served as a friend and mentor to many in the freedom movement. For example, he copublished a newsletter with Steve Symms, who went on to serve in Congress and the Senate. Ralph remained a close friend and adviser to Steve through his political career. The late Congresswoman Helen Chenoweth-Hague and former U.S. Representative and current Idaho Governor Butch Otter also benefited from Ralph's friendship and counsel. In recent years, Ralph has been

recognized as the philosophical godfather of the Idaho Tea Party movement. Fortunately, Ralph's influence over the freedom movement will continue thanks to the Internet and a collection of his essays that soon will be published.

As a writer, scholar, and activist for liberty, Ralph fought many ideological and political battles. Yet even Ralph's fiercest ideological opponents never had a bad word to say about him. This is because Ralph was something one rarely comes across in politics: a genuinely nice guy. Ralph had perhaps one of the best senses of humor of anyone I have ever known, and while he was quick to criticize anyone, regardless of position, power, or long-standing friendship, who was taking a course Ralph saw as detrimental to liberty, he never resorted to personal attacks.

Madam Speaker, as I reflect on the impact Ralph Smeed had on the freedom movement, I cannot help but feel sorry for those freedom lovers who will never have the benefit of Ralph's friendship, wise counsel, and wickedly delightful sense of humor. I can only hope that all of us who knew Ralph as a friend will honor his memory by taking advantage of every available opportunity to continue Ralph's work of "Making Statism Unpopular."

HONORING THE CELEBRATION OF SAN JOSE JAPANTOWN'S 120TH ANNIVERSARY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor the 120th Anniversary of San Jose's Japantown, located at the heart of my Congressional district and only a few short blocks from my district office.

At one time, there were 43 different Japantowns in California. Today, only 3 distinct and recognizable ones remain. San Jose's Japantown has escaped the fate of most of California's Japantowns and continues to thrive. It has grown beyond a strictly Japanese-American enclave into a community that has embraced Hawaiian, Cuban, Mexican and numerous other groups. Our Japantown is thriving due in large part to its openness to other cultures and the welcoming nature of Silicon Valley, San Jose in particular.

San Jose's Japantown was originally formed around the existing "Heinlenville" Chinatown settlement. During the Second World War the Japanese-American population was forcibly removed from Japantown and interned in camps. After the war many Japanese Americans resettled in the area after returning from internment camps in World War II.

The expansion and growth of Silicon Valley spread the Japanese-American community far and wide, but the culture and vitality of this community remains. The California State Legislature has paid special attention to the area, officially designating it a historical Japantown.

Japantown is the site of the newly rebuilt Japanese American Museum of San Jose, the famous San Jose Taiko ensemble, the world renowned Shuei-do Manju Shop, confec-

tioners, the Nichi Bei Bussan Japanese goods store, handmade tofu at San Jose Tofu and a variety of restaurants, professional services, and community organizations, such as the Yu-Ai Kai Senior Center and the Japanese American Citizens League, and smaller retail shops. Japantown is also home to a number of non-Japanese businesses, including Mexican, Hawaiian, Cuban and Korean restaurants.

Among the numerous houses of worship in Japantown, two churches founded by Japanese Americans well over a century ago continue to thrive in the community, Wesley United Methodist Church and San Jose Buddhist Church Betsuin.

San Jose Japantown's most unique and charming feature is the harmony between generations-old businesses and new ventures. A spirit of cooperation pervades the neighborhood, and merchants who might compete in business share a sense of friendship that leads them to strive for the betterment of the community.

A critical part of the Japantown community is the Japantown Community Congress of San Jose which partners with the City of San Jose to look after cultural preservation in the area. Each year brings many festivals, major ones include Obon, every July, Nikkei Matsuri, every spring, Aki Matsuri, every fall, and a newer festival: The Spirit of Japantown Festival (also in the fall). Japantown also features many street venues such as a year-round Certified Farmers Market run by the Japantown Business Association and events open to the public at the Art Object Gallery.

It is my honor to congratulate the Japantown community on its 120th anniversary. I am sure the partnerships and collaborations within and around Japantown will lead to many more years of prosperity and success.

IN RECOGNITION OF MR. ROBERT J. WINCHESTER ON THE OCCA- SION OF HIS RETIREMENT AND DISTINGUISHED SERVICE TO THE U.S. ARMY

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. REYES. Madam Speaker, I rise today to pay tribute to a fellow Army veteran, Mr. Robert J. Winchester, who has served his Nation, the U.S. Army, and the military intelligence community with unwavering commitment and professionalism. This Friday, September 17th, his friends, colleagues, and fellow soldiers will gather to recognize 26 years of exceptional service to the Army.

Mr. Winchester began his distinguished public service career in 1969 as an Army intelligence analyst stationed in Vietnam. Honorably discharged as a staff sergeant in 1971, he went on to attend law school and continued his military service as a JAG officer in the Army Reserves.

Later, Mr. Winchester joined the Central Intelligence Agency, where he was recognized for his significant contributions across an array of issues in his capacity as legal counsel. During his time at the Agency, Mr. Winchester

dedicated much time re-establishing a relationship between the Agency and Congress, as well as coordinating legal initiatives to protect covered Intelligence Community personnel and to provide death benefits to the families of CIA personnel killed in the line of duty.

His talent for cultivating relationships across the Intelligence Community and on Capitol Hill led Mr. Winchester back to the Army family in 1984, when he served as Special Assistant for Legislative Affairs to then-Secretary of the Army Jack Marsh. Later he transitioned to the Army Office of Legislative Liaison and was responsible for managing the Army's intelligence programs and policies.

Most notably, throughout his 26 year tenure as a Senior Executive Service officer at Legislative Liaison, Mr. Winchester has fostered many important partnerships between the Intelligence Community and Congress. His tireless dedication to advancing the Army's intelligence mission and supporting the warfighter has earned him a great deal of respect and a great many friends on the Hill.

As he retires, Mr. Winchester will receive the National Intelligence Distinguished Service Medal and the Army's Decoration for Exceptional Civilian Service to commemorate his accomplishments and exceptional public service career. More important, though, than these accolades, is the legacy that he leaves behind.

Bob Winchester is one-of-a-kind. The Army will have a hard time finding someone to fill the hole he leaves; but I know that his contributions will endure and his achievements will continue to serve as a solid foundation for the Army and its intelligence mission. The Nation is safer and the Army stronger as a result of his service. For that, I thank him, and I wish him great happiness in his retirement.

HONORING LIFE AND MEMORY OF RICHARD KUSS

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. AUSTRIA. Madam Speaker, I rise today on behalf of the people of Ohio's Seventh Congressional district and the citizens of Springfield, Ohio to honor the life and memory of Richard Kuss.

Dick was well known in our community as a generous philanthropist, family man and entrepreneur. Born in Springfield, Ohio on January 4, 1923 he lived a full and inspiring life, having graduated from Wittenberg University in 1945 and attended the Harvard Graduate School of Business. He served his country in World War II under the U.S. Navy as a Lieutenant JG in the Navy Supply Corps.

In 1946, he joined the Bonded Oil Company and became president in 1967, retiring in 1983. Under his leadership the Bonded Oil Company became one of the top independent oil companies in the industry. Later he served as the first president of Emro Marketing, now Speedway SuperAmerica LLC.

He and his wife, Barbara, Deer, Kuss, together raised three sons and a daughter and were deeply involved their community. Dick remained active with his alma mater where he

served as Vice Chairman of the Board of Directors, and president of the alumni association for Wittenberg University. In 2003, the university dedicated the Barbara Deer Kuss Science Center in memory of his wife.

He was an active participant in many local and national organizations, including the local and state Freemasons, who awarded him with the Grand Lodge Rufus Putnam Award. As a 65-year member of the Covenant Presbyterian Church, Dick served as an Elder, Trustee and Deacon.

Dick Kuss, 87, was a business and community leader who took a personal interest in serving and improving the lives of those around him. His dedication to his family and the City of Springfield will not be forgotten.

TRIBUTE TO KEITH PFRIMMER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Keith Pfrimmer, a Navy veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Keith Pfrimmer was recognized on Tuesday, August 10. Below is the article in its entirety:

BOONE COUNTY VETERANS: KEITH PFRIMMER

(By Alexander Hutchins)

Keith Pfrimmer, 79, served as a radar technician on the USS *Frontier* from July 1951 to July 1955. Over the course of four years, he would travel to Japan, the seas of Asia, the West Coast and Japan.

The *Frontier* was a destroyer tender, providing support to the 7th fleet. Pfrimmer was assigned to the ship and sailed with it after it had been recommissioned. He served in O Division, or the Operations Division.

"When we were under way I'd stand radar watches, which helped a great deal in the maneuvers of the ship," Pfrimmer said. "The ship didn't see any action. It wasn't that kind of ship."

Pfrimmer's brother had served in the Navy in World War II, and had helped Pfrimmer decide on the Navy as his service. The ship carried a two-star admiral and would occasionally dock chained up to Destroyers in the fleet to service and resupply them.

"It [the ship] wasn't in a danger zone, other than we were in Korean waters," Pfrimmer said.

"If we went into dry dock, we had to completely unload all ammo and that type of thing. When we'd come out of dry dock, we'd go to the same place and reload ammo. The ammo was mostly for supplies; we wouldn't use it," Pfrimmer said.

During the first cruise to Japan that Pfrimmer served, the *Frontier* had to veer out to sea to avoid a typhoon. The anchor had to be severed in the storm and the ship returned to California and the state of Washington for repairs.

"We were in Korean waters when we went to Kobe, Japan," Pfrimmer said.

The *Frontier* serviced 146 ships on its third cruise and held an open house to the public

in 1954 back in the U.S. Servicing ships and providing repairs for Destroyers that sailed in Korean waters during the war was the most common task on board.

Pfrimmer said his experiences in the Navy made him more punctual and gave him a better sense of responsibility.

"I chose the Navy and I got to do just what I wanted to do when I joined. I got to see a lot of places," Pfrimmer said. "It was a good experience, though I was away from home." He said he also appreciates the benefits he gets through the VA.

"I've got a lot of respect for the Navy," Pfrimmer said. "I think the technology is a lot different now. I bet I wouldn't even recognize radar today."

He is still interested in the Navy and researches naval history.

I commend Keith Pfrimmer for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

IN HONOR OF THE 60TH ANNIVERSARY OF ORCA HOUSE, INC.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the founders, staff, volunteers and clients of ORCA House, Inc. of Cleveland, Ohio, which celebrates 60 years of healing, hope and renewal for thousands of individuals and their families seeking to break free from the chains of drug and alcohol addiction.

Established in 1950, ORCA House was founded by a small group of individuals who came together with a shared vision of providing help and hope to those who had neither. Basil F. Bailey, John L. Bailey, Johnnie Marshall, Ruth Hawkins, Gertrude Overton and Alfonso Holman became trustees of one of the first adult chemical dependency centers in the Nation to be founded by African Americans. The dedicated, compassionate and professional staff at ORCA House continues the mission they began 60 years ago: to provide comprehensive treatment to individuals and their families. Treatment programs at ORCA House are based on several phases of assessment, treatment and after care, and are reflective of highly successful programs implemented locally by United Way and other national organizations.

Moreover, ORCA House exists as a live-in sanctuary of recovery and hope for impoverished and homeless women and men, struggling to become healthy, productive citizens. Residential treatment programs, which can last up to 30 days, include in-depth assessments, and at least 30 hours of weekly alcohol and drug treatment services. These services include individual, group and family therapy, job development classes, anger management sessions, HIV/AIDS education, nutrition and health classes, and a 12-step group program.

Madam Speaker and Colleagues, please join me in honor and recognition of the founding members, staff and volunteers of ORCA House, Inc. of Cleveland, Ohio—past and

present—whose unwavering dedication to lifting the lives of thousands of individuals and families onto a platform of safety, strength, recovery, hope and peace have strengthened our entire community.

HONORING MS. IRENE HORSTMANN
HANNAN

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. SESTAK. Madam Speaker, I rise to acknowledge the Main Line Chamber of Commerce and Devereux Foundation's selection of Irene Horstmann Hannan as recipient of the "2010 Helena Devereux Women in Leadership Award."

Helena Devereux once wrote "The Devereux aim must always be to innovate and build programs so forward-looking that they will never reach completion—but which will perpetually pioneer in developing improved insights and solutions." Just as that philosophy shaped one of the world's great schools, so too Ms. Horstmann Hannan's financial acumen has helped build countless small businesses and non-profits through her current position as Senior Vice President of Citizens Bank. Also, as a board member of both Temple's Fox School of Business' Center for Entrepreneurship and the Women's Investment Network, she supports the education of our next generation of women entrepreneurs. Finally, her service on the board of the Girl Scouts of Eastern Pennsylvania provides over 41,000 young women and girls of our region an outstanding example of everything that is right in our country.

As a father of a young daughter, I am an enthusiastic admirer of her work. Her remarkable range of influence on young girls, graduate students, and successful business women is impressive in every sense. Few can claim to be as important a mentor and counselor across three generations of women.

Irene Horstmann Hannan embodies the inspirational spirit, passion, and determination of Helena Devereux. She has worked tirelessly to make our community more caring, prosperous and enlightened. I join all the good people of the 7th Congressional District of Pennsylvania, in saluting this extraordinary leader and deserving recipient of the "2010 Helena Devereux Women in Leadership Award."

IN HONOR OF GROTTA PIZZA

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I recognize one of the great small businesses in the state of Delaware, Grotto Pizza, as they celebrate their 50th anniversary. With over 18 locations throughout Delaware, Grotto Pizza has certainly put its stamp on our great state, not only

as a successful restaurant, but as a community leader.

At the age of 17, Dominick Pulieri, with the help of his family opened the first Grotto Pizza in Rehoboth Beach, Delaware in 1960. Starting from humble beginnings, Dominick worked tireless hours to produce a unique product for the community. His efforts paid off as only three years after the initial opening, Dominick opened a second location. With growing demand and statewide popularity, Grotto Pizza opened as a year-round restaurant in 1974. As they celebrate their 50th anniversary, Grotto Pizza now employs over 800 individuals year-round swelling to 1,300 in summer months. This is a testament to the strong leadership Dominick provided, great customer service and most importantly delicious food! Not only has Grotto Pizza been a successful small business, their community service and loyalty to the state of Delaware have been second to none.

Throughout its 50-year history, Grotto Pizza has been a strong and active member of Delaware's community. The restaurant sponsors over 700 organizations each year including schools, fire and police departments, and sports teams. However, Grotto Pizza is quick to lend a helping hand outside of Delaware as they have participated and sent aid to the tsunami and Katrina relief efforts, as well as recently contributing over \$24,000 towards the earthquake relief in Haiti. Their many contributions to the local community and nation are strong examples of the positive impact a small business can make.

I am proud to represent a state where small businesses like Grotto Pizza reside. I consider Dominick Pulieri to be a friend of mine and I am proud of the many accomplishments that he and Grotto Pizza have had over the past 50 years. I wish them all the best as they celebrate this significant milestone.

TRIBUTE TO ARMY PFC ANDREW
HAND

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. BONNER. Madam Speaker, I rise with a heavy heart to honor the memory of Army PFC Andrew Hand, one of South Alabama's finest, who recently lost his life while defending his country in war-torn Afghanistan.

On July 24, PFC Andrew Hand, age 25 of Enterprise, Alabama, gave his life in service to America. He and three of his comrades were killed when their military vehicle was struck by an improvised explosive device in Qalat, Afghanistan.

A member of the 5th Battalion, 3rd Field Artillery Regiment, 17th Fires Brigade, Private First Class Hand was serving his third deployment and preparing to return home in October when he was taken in the IED attack. He was a devoted soldier, father and son—loved by many and whose memory will never be forgotten.

A former resident of Birmingham, Andrew Hand moved to Enterprise with his family in 2001, where he was a star athlete on the En-

terprise High School "Wildcat" football team. The Southeast Sun newspaper in Enterprise recognized him as the leading receiver and kick returner for the Wildcats. The paper quoted Wildcat coach Kevin Collins as saying Hand "single-handedly" beat rival Northview High School of Dothan.

PFC Andrew Hand was laid to rest on August 2, 2010 at the Alabama National Cemetery in Montevallo.

On behalf of the people of Alabama I wish to offer heartfelt condolences to the family of PFC Andrew Hand, including his wife, Amanda Kay Hand of Enterprise; two sons, Tristan and Gavin of Enterprise; mother, Phyllis Parris of Gulf Shores; father Kenneth Hand and step-mother Renne Hand of Birmingham; sister, Laura; and brother Robert, both of Birmingham.

You are all in our prayers.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Friday, July 30.

Had I been present I would have voted "no" on rollcall vote No. 513 (on motion to suspend the rules and agree to H.R. 3534) and "no" on rollcall vote No. 514 (on passage of H.R. 5982).

CELEBRATING PASSAGE OF S. 1789,
FAIR SENTENCING ACT OF 2010

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. INGLIS. Madam Speaker, I rise to celebrate our steps towards restoring a single standard within our criminal justice system. For too long, Federal sentencing guidelines have placed far harsher penalties on crack users and dealers than on the users and dealers of powder cocaine.

As crack cocaine use became prevalent and made headlines in the mid-1980s, experts suggested that crack was significantly more addictive and linked to greater urban violence than its powder counterpart. Congress came parachuting in with mandatory sentencing minimums and, for good measure, established an exaggerated 100:1 sentencing ratio.

But like so many well-intended Congressional actions, the disparate mandatory sentences have had a devastating effect on our urban communities and racial minorities. The 1986 law has contributed to skyrocketing incarceration rates of low-level, non-violent drug-offenders and even allowed these street-level dealers to be punished more harshly than drug-kingpins.

We need to punish crimes, but this unjustified disparity has tied up law enforcement resources. It has encouraged skepticism and resentment within our African-American community and undermined public confidence in our nation's anti-drug laws.

Former major league baseball player Willie Mays Aikens is a classic example of the sentencing disparity. Aikens faced a 20-year sentence for crack distribution and other crimes. Upon his release, Aikens commented that, had he been caught with powdered cocaine, he might have faced a single year's sentence, rather than the 12½ he faced for crack distribution. Aikens was grateful that the Sentencing Commission revisited his case and allowed for an early release.

A broad coalition of civil rights, criminal justice, community-based, and faith-based organizations have joined forces to rectify the disparity. With the passage of the Fair Sentencing Act of 2010 (S.1789), the sentencing disparity is corrected from the current 100 to 1 ratio to 18 to 1, while establishing stiff new penalties for serious drug offenses.

I am delighted that Congress has decided to act. Upon his release, Aikens interviewed with ESPN. His words capture my sentiment. "All I can say, it's about time."

TRIBUTE TO DONALD ERB

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Donald Erb, a World War II Army veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Donald Erb was recognized on Tuesday, September 14. Below is the article in its entirety:

BOONE COUNTY VETERANS: DONALD ERB
(By Greg Eckstrom)

At 84 years old, Donald Erb might be considered one of the younger veterans of World War II, but still shares many characteristics with other WWII veterans of the time. He is disciplined, modest and sees military service as many did in his time . . . as more of a duty than an option.

Moving to Boone County with his family at a very young age in 1929, Erb graduated from Ogden High School and was immediately drafted into the Army as an infantry soldier in 1944.

"I graduated high school in 44 and went into the Army in 44," he said. "Just as soon as I got out of high school. We went to a replacement depot and wherever they needed soldiers was where they sent you. I went to Camp Walters, Texas, for 16 weeks training and then we shipped to the Philippines."

Erb arrived in the Philippines just as the heavy fighting in Manila was finishing up and jungle warfare was going on outside the city. A machine gunner during his time stationed there, Erb recalls his fellow soldiers as being one of the best parts about his service.

"Buddies, friends," he said when asked about his favorite part of service. As far as

what stood out to him most in his time overseas, however, the answer was the difficulty of fighting in the jungle.

"I think jungle warfare," he said. "All these supplies were brought in by water buffalo. Any injuries or anybody that was hit or killed was carried out by Filipino litter bearers. We didn't have any roads. As we took the jungle and got control of it, then bulldozers made roads."

As roads were bulldozed into the jungles, tanks were brought in to clean out the caves.

"They bulldozed a major road there and brought tanks in with flamethrowers and cleaned out the caves and stuff in there by using flamethrower tanks," he said.

Erb also recalls the final days of World War II, when atomic bombs were dropped on Hiroshima and Nagasaki. Like many WWII veterans, he saw the bombs, and the resulting end of the war, as a Godsend.

"The atomic bomb, I would say, saved my life," he said. "Because every man, woman and child would have been armed in Japan. It probably saved the lives of a lot of people even though it killed a lot of people at the time. Every man, woman and child would have been fighting you otherwise. It would have been a bloodbath on both sides."

He also recalls the attitude among the soldiers upon receiving the news that the war had ended.

"The boozers, they went out and got drunk," he said. "But most of the soldiers just thanked God that it was over. Everybody was glad it was over."

Erb kept in contact with several of his fellow soldiers from the war, now good friends although their numbers have dwindled.

"I've got a buddy that was one day older than I am and lived in Eugene, Oregon," he said. "I've kept in contact with about 7 or 8 guys, but I think there's only three of us left. I was on the tail end of the war, and I'm 84, so these other guys are getting up in the 90s. This flight that we took up to Washington, D.C., one guy was celebrating his 94th birthday that day."

The flight Erb took, the Honor Flight, brought veterans to Washington D.C. where they had a chance to visit monuments, including the WWII memorial.

"It was a long day, but it was wonderful," he said. "We all had gold shirts on and these black hats. And when they dumped you out at the memorial, you had 305 guys out there with the gold shirts, and it was really kind of fascinating."

Being with other veterans, and seeing the World War II memorial, Erb said was a great experience. In his view, the war was difficult, but necessary.

"When you have to protect our country. . . World War II, we didn't have a whole lot of choice," he said. "We had both ends of the world moving in on us."

I commend Donald Erb for his many years of loyalty and service to our great Nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

IN HONOR AND REMEMBRANCE OF MARGARET L. RAPP

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Margaret

L. Rapp, devoted mother, grandmother, aunt, and friend to many. Mrs. Rapp was also a community activist with a lifelong dedication to making our community a better place.

Mrs. Rapp's life was framed by family and community. She was the devoted mother of Kathleen, Renee and Kurt, and the devoted mother-in-law of Jose and Deborah. She was also the adored grandmother of Conor, Erin, Kelly and Eric. She was very close to, and was an active participant in, the lives and special events of her children and grandchildren. They were a great source of strength and mirth for her. Mrs. Rapp was also a lifelong community activist who was involved in several causes and issues that served to improve our entire community.

Mrs. Rapp was known for her ardent opinions, kindness and good sense of humor. She served as a dedicated employee of the city of Parma for more than 20 years and was an unwavering volunteer and leader within the local political scene. She also served as a longtime precinct committeewoman for the Democratic Party and regularly wrote her elected representatives regarding her opinion on many issues that concerned her. Always inquisitive, Mrs. Rapp was an avid reader who was well-informed on issues affecting our community and our country. She was also passionate about genealogy and successfully traced and recorded her Irish, Welsh, German and French ancestry back hundreds of years.

Madam Speaker and colleagues, please join me in honor and memory of Mrs. Margaret L. Rapp, whose energetic spirit, service to others and joy for living reflected throughout her life. I extend my deepest condolences to her children, grandchildren, daughter-in-law, son-in-law, nieces, nephews and many friends. The love she extended to her family, friends and to our community will be remembered and treasured.

CONGRATULATING TAOS PUEBLO, ITS LEADERS AND ITS PEOPLE, ON THE 40TH ANNIVERSARY OF THE RETURN OF THEIR SACRED BLUE LAKE LANDS

HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. LUJÁN. Madam Speaker, I rise today to commemorate the fortieth anniversary of the return of the sacred Blue Lake lands to the people of Taos Pueblo.

The people of Taos Pueblo have continuously occupied the Blue Lake lands since before Spain established rule over what is now the Southwestern United States. The lake and its surrounding mountains constitute the spiritual and religious center of Pueblo life and culture. After the Spanish conquest, the Pueblo was granted possessory rights over these lands and those rights were honored by subsequent Mexican and United States governments.

In 1906, with the passage of the Antiquities Act, the U.S. Government unlawfully seized the Blue Lake lands and incorporated it into Carson National Forest. Upon the severance

of the Pueblo from its spiritual homelands, the Pueblo's leaders began a 60-year-long struggle to reclaim its native lands. In 1965, the U.S. Indian Claims Commission affirmed that the United States had unjustly taken these lands; however, it was not until 1970 that a bipartisan Congress passed legislation to finally return 48,000 acres of sacred tribal lands to the Pueblo.

On signing the legislation, President Nixon declared that "This bill indicates a new direction in Indian affairs in this country in which there will be more of an attitude of cooperation rather than paternalism, one of self-determination rather than termination, one of mutual respect." The Blue Lake lands are sacred to Taos Pueblo, but they are a vital symbol of the sovereignty and self-government for all of Indian Country.

I urge my colleagues to join me in recognizing the dedication of the leaders of Taos Pueblo as they celebrate the anniversary of the return of their sacred lands. The perseverance of the Pueblo to obtain justice when faced with decades of opposition is an inspiration to us all.

RECOGNIZING NURSE JODY BOCK, THE RECIPIENT OF THE HEART FAILURE NURSE MAVEN AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. MITCHELL. Madam Speaker, I rise today to recognize Jody Bock, the recipient of the Heart Failure Nurse Maven Award. Jody Bock is a registered nurse, a heart-failure care coordinator, and the director of professional practice at Banner Heart Hospital.

Heart failure is a leading cause of death in the United States, affecting 8 million Americans and their families. It is only through the efforts, technical expertise, and compassion of nurses like Jody Bock that those who struggle with heart failure can learn to accept and fight this terrible disease. The Healthcare Accreditation Colloquium awards the Heart Failure Nurse Maven Award to recognize these remarkable nurses for their essential roles in the lives of people with heart failure.

Jody Bock began her career in nursing in Illinois, but moved to Arizona soon after receiving her master's degree and becoming a nurse specialist with a focus on heart-failure care. Employed at Banner Heart Hospital for her specialization, Jody Bock was part of a group which contributed to the hospital's certification as an Accredited Heart Failure Institute.

As a recipient of the Heart Failure Nurse Maven Award, nurse Bock has demonstrated her talent and empathy for her patients and their families. The challenging work she does daily helps to improve the lives of those dealing with heart failure. For this, I would like to extend my sincere gratitude.

Madam Speaker, please join me in recognizing this exceptional nurse, Jody Bock, for her service as a nurse in the community.

PERSONAL EXPLANATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. STUPAK. Madam Speaker, on the afternoon of Wednesday, September 15, 2010, I could not be present for votes due to a commitment back in Michigan. Had I been present I would have voted the following.

House rollcall vote 521 on H.R. 2039—Congressional Made in America Promise Act, I would have voted "yes."

House rollcall vote 522 on H.R. 5873—To designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office", I would have voted "yes."

House rollcall vote 523 on H. Res. 1522—Expressing support for designation of the last week of September as National Hereditary Breast and Ovarian Cancer Week and the last Wednesday of September as National Previvor Day, I would have voted "yes."

House rollcall vote 524 on H.R. 5366—Overseas Contractor Reform Act, I would have voted "yes."

House rollcall vote 525 on H. Res. 1610—Expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001, I would have voted "yes."

145TH ANNIVERSARY OF QUEEN STREET BAPTIST CHURCH

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to congratulate a storied institution of faith in the Third Congressional District. This year, Queen Street Baptist Church is celebrating its 145th anniversary, and I would like to highlight some moments from the history of the church and its contribution to our community.

The Story of Queen Street Baptist began in 1865 with a group of newly freed slaves. Originally members of First Baptist Church, Williamsburg, these freed men gathered in the Hampton Courthouse and took the name Second Baptist Church. Under the direction of Rev. John Smith, their first pastor, the church met in several locations until eventually erecting a building constructed with "used" boards on a plot of land between Holt and Victoria Avenues, now Settler's Landing Road. The church members saved funds and in 1875 had enough to build a new church at a cost of \$2,800. Upon Rev. Smith's death in 1881, Rev. Ebenezer Byrd assumed the pastorship for a brief period, until Rev. Thomas Shorts was called as third pastor in 1883.

Under Rev. Shorts' leadership, the church grew rapidly. Additional land was needed to build a larger church, and during Rev. Shorts' tenure, the site where the church now stands was purchased. It was also at this point that

the church was renamed Queen Street Baptist, taking its new name from its new location. A fire in 1905 destroyed the church building, but Rev. Shorts encouraged the congregation and led them in the rebuilding effort. Sadly, he died before the completion of the new church building, which still serves as the current sanctuary of Queen Street Baptist.

Fourth pastor Rev. J.A. Brown carried the charge to rebuild that Rev. Shorts began, and the new sanctuary was completed during his tenure (1918–1929). Fifth pastor, Rev. Berryman Johnson, oversaw the purchase of a parsonage on West Queen Street, which is still in use today. Rev. George Russell became pastor in 1935, and gave 31 years of progressive and innovative service to the church before dying in 1966.

Rev. Calvin Jones and Rev. Omie Holiday each served as pastor for four years in the late 1960s and early 1970s. In 1978 Rev. Marcus Pierce was installed as the ninth pastor, and during his 10-year tenure, numerous members of the church were licensed to preach, a testimony to the Reverend's influence.

The current pastor of Queen Street Baptist, Rev. Anderson W. Clary, Jr., was installed in 1991. His priorities of teaching the Bible in a manner understandable to young and old, and teaching Christian doctrine in all aspects of life have been adopted by the Queen Street congregation.

As Queen Street Baptist Church gathers to celebrate this historic milestone, the church can truly remember its past, celebrate its present, and focus on the future. I would like to congratulate Rev. Clary and all of the members of Queen Street Baptist Church on the occasion of their 145th anniversary.

HONORING ALBERT R. MANISCALCO

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. GARY G. MILLER of California. Madam Speaker, I rise to honor Mr. Albert R. Maniscalco, a longtime Southern California resident and friend to many.

Mr. Maniscalco was born April 11, 1929 in Detroit, Michigan.

He proudly served in the United States Army in the 82nd Airborne Division at Fort Bragg, from 1946–1949. Following his service, Mr. Maniscalco retired from the drywall and construction industry.

Although he never married he was regarded as a father figure and grandfather to many families whom he loved as his own. His closest friends and relatives would say that he was the kindest man they had ever known.

Mr. Maniscalco was called home to the Lord on August 10, 2010 at the age of 81 in Garden Grove, CA. On September 2nd he was laid to rest at the Riverside National Cemetery with Military Honors.

Madam Speaker, I respectfully ask that this Congress join me in honoring the life of Mr. Albert Maniscalco for his service to our country and community.

TRIBUTE TO JOSEPH CALDERON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Joseph Calderon, a Navy and Army veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Joseph Calderon was recognized on Tuesday, August 17. Below is the article in its entirety:

BOONE COUNTY VETERANS: JOSEPH CALDERON
(By Alexander Hutchins)

Joseph Calderon, 75, was drafted into the Army in 1959. It was a requirement for his naturalized citizenship, and he feels proud of both his native and adoptive countries to this day.

Calderon grew up in a poor, but educated, family in La Paz, Bolivia, the highest national capital in the western hemisphere. His father always stressed the value of education, and a lifetime of hard work helped Calderon earn entry into a La Paz university to study medicine. At the time of his studies, political instability gripped the nation. The government frequently shut down the university where Calderon studied, as the school was the source of much of the insurrection against those in power. Frequent interruptions to instruction influenced many medical students at the university to leave.

"Most of my classmates decided to go to other parts of the world," Calderon said. "Some of them went to Argentina, many went to Brazil, a lot of them went to Europe, to Spain. And I, since I was so interested in and reading so much about the U.S., decided to come to the U.S. My father thought that it was a crazy idea, because he asked me 'who do you know up there?'"

Being 22 and adventurous was his impetus. "Ever since I was a child, for as long as I remember, I always wanted to be a doctor just to help people," Calderon said. "There was nothing else that interested me more than to wear my white coat some day and taking care of patients."

He applied to immigrate to the U.S. and moved to Nebraska. Calderon was drafted into the Army in 1959 after working in a mental institution in Hastings, Nebraska. While in the Army, Calderon worked in a hospital as a medic and was stationed in bases around the nation.

"The irony of my life is that, even though I had no idea that I was going to be drafted into the Army, the moment I put on that uniform I felt so proud because I used to see in movies in my hometown John Wayne and other actors wearing their uniform, and I'd dream that I'd get to wear a uniform some day in my life," Calderon said.

Having recently immigrated, his English was very limited. Calderon said he followed the example of the men around him at first, and with attention and practice he became much more proficient in English. He met a good friend, Jerry Butler, in 1959. The men struck up a friendship, and Butler mentioned he was from Eldora, Iowa, before the men were deployed. Butler went to Korea and Calderon went to Fort Gordon in Augusta, Ga. They would be separated for some time, though not indefinitely.

After serving as a medic in Ft. Gordon, Calderon was discharged from the Army and worked to complete the medical studies he had begun in Bolivia. He returned to Omaha after being discharged and worked as an orderly and then a surgical technician. Due to financial issues and age limits, Calderon was not able to attend medical school in the U.S. He applied to a medical school in Mexico, was accepted and applied for his license to practice medicine upon graduating five years later. Calderon completed post-graduate training in Canada and returned thereafter to work in Saint Joseph's hospital in Omaha. In 1979, 20 years after first joining the Army, Calderon enlisted in the Navy.

"That was very, very, very rewarding," Calderon said of his 20 years in the Navy.

He had seen a billboard advertising the Navy as an adventure in Omaha, and after researching the service, Calderon decided the Navy fit his life goals. The recruiter was impressed with Calderon and appreciated his medical training, thus Calderon was soon shipped to the Naval hospital in Camp Pendleton. He served several tours at Pendleton, staying with the Marines each time thanks to the requests of the Marines themselves.

"I worked with the Marines for 15 years," Calderon said.

Eventually Calderon would be reassigned, and he traveled the world for a time, as well as directing a number of Navy clinics.

"I also had the privilege to participate in Desert Storm when Iraq invaded Kuwait. So I was the main medical planner for one of the large units on the east coast in Camp Lejeune, North Carolina, which was a Marine Corps base," Calderon said.

He also provided humanitarian aid in Central America and received mandatory retirement from the Navy in 1999 at the rank of Captain.

"In essence, I had a wonderful time with the Navy. I enjoyed every day of my life working in the Navy," Calderon said. "I didn't want to retire because I was still active, healthy and very well liked."

Unfortunately he would have to retire, but it would open a new chapter of his life.

Calderon would leave the medical world after his tour in the Navy, leaving a field that has become very complex and burdened with paperwork. He and Mary Kay, his wife, moved back to Mary Kay's hometown of Boone.

"I always tell people that I have so many projects, I have no time to be busy," Calderon said happily.

He paints pictures, many on subjects pertinent to his home country. He reads non-fiction, collects stamps and international currency and he and Mary Kay travel frequently to Europe, Ireland, and next year they hope to travel to Bolivia. Calderon is also a member of the American Legion and the Marine Corps League.

Calderon retired to Iowa, much to the surprise of his colleagues. Both his sons, David and Roberto, live in California, but Calderon retired to Iowa because of the people. He said he has never felt at a disadvantage in the U.S. because he endeavors to act with respect and intelligence.

"I want to show and I want to tell people that immigrate from a different country that once they come into this country, they need to dedicate their lives to the country that has given them tutelage, so to speak, or the ability to be successful," Calderon said.

He feels strongly that the work and service he has given to the United States is the reason he has been rewarded with success and kindness.

"I still care for Bolivia, but Bolivia hasn't given me anything. The United States has helped me, and I have given back to my country. I'm proud to fly a U.S. flag at my house, and mainly to respect the laws of this country," Calderon said.

Calderon still follows some of the traditions and ideas of his native country, but he strives to act as an American in public. He also presents a booth about the culture and history of Bolivia at cultural fairs in Iowa.

Calderon said the legal process for immigration may be strict, but it is the law and it should be followed and respected. Federal laws on immigration should be enforced to ensure that people entering the country can contribute to society, he said.

"The demands are difficult and numerous to get into this country, but while it takes work, it can be done, and it's the way I and others have come here," Calderon said.

Calderon recently contacted Jerry Butler, his friend from the Army in 1959. Calderon and Butler met on Butler's farm in Eldora. The two men had a reunion, and after all the years and miles apart their friendship showed to be just as strong as it was fifty years ago.

I commend Joseph Calderon for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

HONORING HIS HOLINESS THE GYALWANG DRUKPA ON HIS VISIT TO THE UNITED STATES

HON. ENI F.H. FALEOMAVEAGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. FALEOMAVEAGA. Madam Speaker, I rise today to extend a warm welcome and friendship to His Holiness the Gyalwang Drukpa during his visit to the United States. His Holiness the Gyalwang Drukpa is the supreme head of the Drukpa Lineage of Tibetan Buddhism and the founder of Live to Love International—a global non-profit organization.

I ask my colleagues to join me in recognizing this outstanding humanitarian and leader for his commitment to service. His projects embody the profound spirit of compassion and action expressed through the collective works of Live to Love. This week, the United Nations Millennium Development Goals Awards Committee in conjunction with the United Nations Millennium Campaign and the United Nations Office for Partnerships recognized this remarkable spiritual leader and his work through Live to Love at the tenth anniversary of the Millennium Development Goals Awards Ceremony.

The mission of Live to Love is to blend traditional Himalayan philosophy with innovative contemporary solutions to provide concrete solutions to humanitarian problems. Live to Love focuses on five areas: (1) education, (2) medical services, (3) relief aid, (4) heritage preservation and (5) environmental sustainability. The organization is headquartered in Hong Kong with support chapters in Bhutan, France, Germany, India, Malaysia, Mexico, Nepal, Peru, Poland, Singapore, Spain, Switzerland, Taiwan, Vietnam, the United Kingdom, and the United States.

In furthering the five goals of Live to Love, the organization builds the world's greenest schools and educates young girls in remote regions empowering them with leadership skills and confidence. Additionally, these schools teach a sustainable way of life. Live to Love also combines the best of Eastern and Western medicine to deliver vital health care to underserved groups. Live to Love builds and operates urgently needed medical clinics that serve poor rural areas at little or no cost. These clinics perform eye surgeries, distribute medicine, aid burn victims, as well as administer health and wellness programs. They also train local volunteers to assist resident medical specialists, helping them gain valuable skills that are in strong demand in the workplace and increases their employment prospects. Also, in an effort to preserve traditional Himalayan heritage, Live to Love provides educational services that celebrate indigenous cultures; helps conserve and restore ancient art, artifacts, and structures; and trains community leaders to protect their culture and history.

His Holiness teaches that in serving others, we nurture ourselves. The example and actions of His Holiness and Live to Love serve as a clarion that can rouse the best and highest within us. Indeed, his life and the organization's mission are an inspiration from which we can all draw as we endeavor to lift and strengthen others, and this is why I am pleased to recognize him on this occasion and bring his work and the work of his organization to the attention of the U.S. Congress.

HONORING DUANE IRVING

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor Duane Irving who passed away July 19, 2010, at the age of 75 on Halleck Creek Ranch, his family ranch, on which he established Halleck Creek Riding Club for Handicapped Children. An iconic figure in West Marin, Duane was a hero to hundreds of children and community members who admired his unique blend of cowboy skills, sense of fun and adventure, and big heart.

Born on December 8, 1934, in San Rafael, CA, Duane grew up on his family's ranch in Nicasio. He excelled in athletics, and after San Rafael High School, he turned down an offer to join the San Francisco Giants minor league team to enlist in the Marine Corps where he excelled in both football and baseball. Despite an innate distrust of authority and a tendency for pranks, he was proud to be a Marine and remained loyal to the Marines and their ethics his entire life.

After his discharge, Duane returned to Nicasio where he married Nellie Woodard in 1959. The couple had three children, Peter, Jeannette, and Buck, before divorcing in 1985. Duane also coached Little League in Nicasio for twelve years, maintaining the baseball diamond by attaching a length of chain link fence to his belt and dragging it over the diamond.

Duane trained horses and managed several ranches in West Marin as well as working for

Marin Municipal Water District for 12 years. Legendary West Marin Rancher Boyd Stewart enlisted his help in establishing the Morgan Horse Ranch in Point Reyes National Seashore, where Duane set up a breeding program and trained young Morgans to become ranger mounts throughout the national park system.

At the Morgan Horse Ranch, volunteer Joyce Goldfield was bucked off a horse named Dill Pickle and spent five months in a full body cast. While Duane was sympathizing with her inability to get out and enjoy the wilderness, he spoke of some of the children who came to the park confined to wheelchairs and were unable to join in tours or mount horses due to insurance issues. The two decided to use their gentle horses to take disabled children riding into the wilderness of Duane's Nicasio ranch. Thus, in July, 1977, Halleck Creek Riding Club for the Disabled began.

Since that time, thousands of youngsters and adults with any and all disabilities have been served, and many have had their conditions improve dramatically. Duane and Joyce expanded activities to include camping, rafting, snow trips, hose shows, parades, sailing, kayaking, and beach trips in which Duane pushed children in wheelchairs right into the surf. Since all this was free of charge, Duane became a prodigious fundraiser as well. Today over 300 disabled riders per week enjoy the benefits Halleck Creek offers—improved self-esteem, greater freedom and mobility, adventurous activities, and the therapeutic effects of horseback riding.

Duane received many honors for his work including President Bush's Thousand Points of Light award, J.C. Penny Golden Rule Award, and Marin County's Volunteer of the Year. He was also active in helping Joyce collect and distribute clothing and bedding for the homeless and in an annual benefit for Heifer International.

Joyce became Duane's beloved companion, and for nearly 30 years they lived at Fairwinds Farm on Inverness Ridge with her children Cindy, John, and Danny. In Joyce's words, "Duane, the beloved native son of Nicasio and West Marin, shall be ever missed. This handsome, gentle, loving, immensely talented, free-spirited man was part of all our lives and resides in all our hearts."

Madam Speaker, I echo Joyce Goldfield's words. Duane Irving was a special man who knew how to direct his spirit and generosity when he saw he could make a difference for so many. His legacy is an inspiration to us all.

HONORING PHILLIP T. EASTMAN

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. ARCURI. Madam Speaker, I rise today in honor of Mr. Phillip T. Eastman, who passed away on July 29th of this year.

Mr. Eastman was born on August 2, 1932 and worked on his family's dairy farm as a child. He earned his Bachelor of Science Degree from Cornell University and his Master's

Degree from the State University of New York at Albany.

Mr. Eastman honorably served in the United States Army during the Korean War, and upon his return, became a teacher and guidance counselor. He retired in 1989 from the New Hartford School District as the Director of Pupil Personnel Services.

Mr. Eastman was a tremendous asset to his community, as he dedicated his time and effort to helping others. He served as President of the New Hartford School Board, and as a member of my Veterans Advisory Committee. Mr. Eastman volunteered countless hours in assisting my office in evaluating hundreds of applicants for military academy nominations.

Mr. Eastman enjoyed playing golf and working in his wood shop, but he cherished nothing more than spending time with his family, especially at their camp in Cooperstown.

Madam Speaker, I call on my colleagues to join me in recognizing the great life and contributions of Mr. Phillip T. Eastman. Our country and community is a better place because of Phil's character, kindness and commitment to helping others. He will truly be missed.

HONORING A CAREER OF SERVICE AND SACRIFICE BY MR. ROBERT J. WINCHESTER

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to honor a great American and a great friend, Bob Winchester, who has served our country in uniform and as a dedicated member of our intelligence community for more than three decades. Bob is officially retiring this week from his post at the Pentagon where he has served in many positions but most recently as the face of U.S. Army Intelligence.

Bob has distinguished himself and brought honor to the Army through his exceptionally meritorious service to the Defense Department, the Intelligence Community (IC), and the Nation during a career that has spanned more than 36 years. And in recognition for his service, he will receive our government's highest honors for civil service from the Defense Department and the Director of National Intelligence.

Bob has consistently epitomized the consummate Military Intelligence professional even through the last nine years of increasingly demanding and critical leadership challenges.

Though he recently culminated his career of service as the Military Intelligence Portfolio Manager for the Office of Congressional Liaison, that post tells only part of the story of Bob's long career.

Well known and well respected, Bob spent 26 years as the face of Army Intelligence on Capitol Hill and as a trusted confidante for ten heads of the Army intelligence branch.

His long list of achievements and contributions are as varied as they were crucial. In the wake of the Iran Contra scandal in the 1980s, Bob was a key architect in developing legislation that changed the way our intelligence apparatus operated. He was called upon again in

the wake of the Abu Ghraib prison scandal to answer tough questions about our intel programs in Iraq and work with Congress to reshape our military interrogation program. He was at the forefront of Army and Defense Department intelligence policy and execution. His experience and intellect were recognized, sought, and leveraged as a subject-matter expert within the Army, DoD, and the broader U.S. Intelligence Community.

A lawyer and proud graduate of Temple University's Beasley School, Bob provided expert advice on Intelligence Law long before Congress fully considered the ramifications of conflicting intel priorities. He engineered the process of Congressional oversight of intelligence activities, worked intricately on the Intelligence Reform and Terrorism Prevention Act of 2004 and was frequently and regularly called upon by my colleagues for testimony at Congressional hearings. He has also served as advisor and support staff to numerous military commanders during their testimony before the House and Senate Armed Service and Intelligence committees.

But Bob was also a teacher and a mentor. For many years, the nation's youngest and brightest intel officers have studied under Bob's tutelage before taking up assignments throughout the Army staff or on Capitol Hill as Congressional Fellows.

Bob was also a professor who has shared his broad wealth of experience to better the whole of the Army. He has been a regular instructor at the Military Intelligence Battalion and Brigade Pre-Command Course that has shaped generations of Military Intelligence commanders and Command Sergeants Major. He has also been a frequent speaker at courses for young officers and enlisted personnel, preparing Military Intelligence leaders to succeed in engagements on the battlefield and in the halls of Congress. In this respect, Bob remains a strong and tireless professional.

Bob was instrumental in the establishment of critical intel programs which continue to pay huge dividends in the current fight. His efforts, particularly on Counterintelligence and Human Intelligence programs, include the introduction of advanced biometrics collection and establishment of the Human Intelligence Training Joint Center of Excellence that is housed at Fort Huachuca in my District.

As a result of Bob's vision and persistence, the Army has increased its Counter-intel and HUMINT capability by threefold, and that trend continues.

For more than a quarter century, Bob's tireless energy and enthusiasm has facilitated deep-rooted and trusting relationships between the Army and Congress. And through his hard work and determination, he has been an integral part of shaping the Army's most critical Intelligence requirements during wartime and peacetime.

As the Army seeks ways to fill the gap created by Bob's retirement, they have found it takes more than one young officer to keep up with the daily routine he so aptly maintained for so long. Bob's legacy of service and innumerable contributions to the Army, the Intelligence Community and the United States will be long-lasting and immeasurable.

I am proud to not only count him as a friend, but also honored to represent him as a constituent.

Thank you so much, Bob, and enjoy your retirement.

IN HONOR OF MR. DOMINIC
CALABRO

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. BOYD. Madam Speaker, I rise today to recognize the distinguished career of Mr. Dominic Calabro of Tallahassee, Florida, who is in his thirtieth year of public service with Florida TaxWatch, the statewide, nonpartisan, nonprofit government watchdog and research institute that has served the taxpayers of my home State of Florida for more than three decades.

Mr. Calabro was first hired as a Senior Research Analyst for Florida TaxWatch in 1980, promoted to Executive Director in 1982, and has served as the CEO of TaxWatch since 1986. He has guided the growth of TaxWatch into a dynamic, influential organization dedicated to improving government productivity and taxpayer value through research and civic engagement. TaxWatch recommendations, approximately 70 percent of which have been adopted by Florida's government, have saved billions of dollars for Florida taxpayers.

In addition to identifying and working to improve government spending in the public interest, Mr. Calabro and TaxWatch are the key players in the annual Prudential-Davis Productivity Awards, a nationally unique public-private partnership that recognizes and rewards exceptional Florida state employees whose innovative work measurably increases productivity and saves taxpayer money.

Mr. Calabro's hard work and dedication has helped Florida TaxWatch earn and maintain the respect of the state's most highly regarded and influential leaders, as well respect of the citizens of Florida and the state and national media. Mr. Calabro has received numerous honors and awards, including being named by the National Junior Chamber of Commerce as one of Ten Outstanding Young Americans for 1994, and during this same period, many Florida TaxWatch recommendations have served as the impetus for important changes to Florida budgetary and taxation policy, including the Taxpayers Bill of Rights of 1992, the Government Performance Accountability Act of 1994, the complete phase-out of the Intangibles Tax, and a recent Government Cost Savings Task Force that so far has saved the state nearly \$3 billion to weather the current economic climate.

In addition to his many roles in government accountability, Mr. Calabro is involved in a number of community organizations, including the Florida Network of Youth and Family Services, the Tallahassee Chamber of Commerce, the United Way of the Big Bend, the Knights of Columbus, and the Board of Directors of Florida House.

Mr. Calabro is also dedicated to improvements in public education. He is on the Board

of Advisors for Florida State University's Graduate School of Social Work. Mr. Calabro also serves on the Florida Education Foundation and Communities in Schools of Florida.

Mr. Calabro has been supported in all of his endeavors by his loving wife of thirty-one years, Debbie. Mr. and Mrs. Calabro are devoted to their four children, Diana, Dominic, Christina, and Danny.

I ask my distinguished colleagues to join me in congratulating Mr. Calabro on his thirty years of service with Florida TaxWatch, and to wish him nothing but the best in his future endeavors.

PROTECT HUMAN RIGHTS IN CON
DAU

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to once again raise the issue of human rights. In January 2010, the Government of Vietnam sent police and government officials into a village to force parishioners and families to sign an agreement to sell their land. In April 2010, a 73-year-old parishioner named Le Van Sinh was hit with tear gas and fell unconscious. In May 2010, parishioner Mrs. Dang Thi Tan passed away and was met with extreme violence and 300 armed police officers and special anti-riot troops while her friends and family tried to bury her in the Con Dau cemetery. During the ceremony, the police attempted to seize the casket. The diocese of Da Nang also reported that Mr. Nam Nguyen, a parishioner of Con Dau was arrested, threatened and beaten to death.

Are these the actions of a country that respects human rights? The same country that committed these horrendous violations was taken off the Country of Particular Concern (CPC) list because the Department of State felt they had progressed in respecting religious freedom. The same country that detained these individuals for peacefully exercising their freedom of speech is a non-permanent member of the United Nations Security Council.

How can we identify Vietnam as an international partner when it is unable to respect and recognize the basic fundamental ideas of democracy and freedom? Vietnam must be put back on the CPC list and challenged by the U.S. government to improve and promote human rights in order to further United States-Vietnam relations.

I urge the Department of State to seriously address the human rights violations occurring in Con Dao. I also urge my colleagues to support the appointment of a Special Rapporteur on Human Rights in Vietnam to investigate the ongoing human rights violations happening in Con Dau by becoming a cosponsor of House Resolution 1572.

HISPANIC HERITAGE MONTH

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in celebration of this week's anniversary of independence of numerous Latin American countries, of our country's Hispanic Heritage Month, and in special recognition of Latinos in my district and throughout our country.

On September 15, five Latin American countries commemorate their independence, including Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. In addition, Mexico and Chile celebrate their independence days on September 16 and September 18, respectively. I join these nations in mutual celebration of liberty, democracy and freedom, values which we share dearly.

I am proud that my district is the home of thousands of Hispanic or Latino descent. This community is comprised of individuals who cherish their various ethnicities and national origins. And yet, the Hispanic-American community is united by the importance that they place on faith, family, hard work, and the hope of sharing in a better America.

Madam Speaker, it is in this spirit of national unity that I join you in commemorating Hispanic Heritage Month.

HONORING BILL GRAFF

HON. STEVE DRIEHAUS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. DRIEHAUS. Madam Speaker, last weekend, a shining light went out in the City of Norwood, Ohio when Bill Graff passed away.

Before he moved to Norwood eight years ago, Bill was one of the millions of Americans whose work formed the backbone of our nation. He retired from General Motors after a career that took him from his native Michigan to Tennessee.

It was after he retired that Bill brought his charisma and commitment to Norwood, and spent the last years of his life changing that city for the better. In the relatively short time he called Norwood home, Bill Graff wove himself into the fabric of that community. Whether carrying out a restoration that breathed new life into one of Norwood's magnificent older buildings, leading the charge to get new equipment for Norwood's police and first responders, or brainstorming about their next project with Vivian, his wife of 45 years, Bill was always looking for new ways to give back and strengthen the bonds that hold Norwood together.

Through his tireless actions, Bill showed us that community means more than just a group of people sharing a street or a neighborhood. He showed us that community is built upon service to one another, concern for our neighbors and our children, and a dedication to improving the lives of those around us as well as our own families.

Especially in these tough times, we look at Bill's life as an example of what a single person can do to lift up so many others. He will be dearly missed.

MEDIA GIVES FAR MORE MONEY TO DEMOCRATS THAN REPUBLICANS**HON. LAMAR SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. SMITH of Texas. Madam Speaker, for a revealing example of the national media's liberal bias, just follow the money.

During the 2010 election cycle, journalists have given to Democrats over Republicans by a margin of almost 2 to 1, according to a new report by the Center for Responsive Politics.

The list includes employees of news outlets such as The New York Times, The Washington Post, and Reuters, among many others.

Furthermore, during the 2008 election cycle, 88 percent of campaign contributions from television network employees went to Democrats, according to The Washington Examiner.

It's no wonder only 8 percent of Americans trust the media, according to a Zogby public opinion poll.

The national media should give Americans the facts, not give Democrats more money.

TAN ESCO CAN TEACH US ALL A LESSON OR TWO**HON. GREGORIO KILILI CAMACHO SABLAN**

OF THE NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. SABLAN. Madam Speaker, Señora Escolastica Tudela Cabrera, more popularly and lovingly known as Tan Esco, is an icon to the people of the Northern Mariana Islands for her enduring entrepreneurial spirit and tenacity in overcoming adversity.

Born on February 10, 1930, Tan Esco grew up during the difficult days of the Japanese Administration of the Northern Mariana Islands. Her father had to leave his young family and go to Palau, working in the phosphate mines there to earn money for his family back home in Saipan.

Tan Esco attended a private, Catholic school, but later had to transfer to a Japanese school, where Chamorro and Carolinian children were taught the Japanese language and customs. Tan Esco remembered her Japanese teachers for their harsh manner in dealing with errant students and for the corporal punishment, which they meted out unsparingly. Despite such treatment, Tan Esco excelled at school. She was among the top ten in her class and was even put in charge of classes, when the teacher was summoned away.

The attitude of the Japanese Administration towards the local Chamorros and Carolinians hardened even farther, Tan Esco recalls, with the onset of World War II. And when American

forces invaded Saipan, the Japanese military treated the local people almost as if they, too, were the enemy. Tan Esco hid in a small cave with over 40 natives for 19 days, while gunfire and bombs raged around them night and day. It was a nightmare for the 14-year-old Escolastica; and the memories of the war remain fresh to this day, memories she hopes no one in her family will ever have to experience.

After the war ended, Tan Esco worked hard to help her family rebuild their lives. With the knowledge of hairdressing she learned from an American lady and \$500 borrowed from her father, Tan Esco opened Saipan's first beauty shop in the village of Susupe. The budding entrepreneur was only 19 years of age. Then her business interests grew. Within a few short years, she expanded into retail, becoming the first post-war shopkeeper to sell shoes and clothing. Tan Esco and her husband, the late Gregorio Camacho Cabrera or Tun Guru, next opened a gasoline station, began manufacturing charcoal, processing tapioca, and much to everyone's delight dishing up dessert at Saipan's first soft-serve ice cream shop.

Tan Esco's lasting legacy to her island community, however, and the business that would even make her name abroad, was the bakery. She did not even know how to make bread, when she started. But with a little advice from her mother to get things going, and lots of help from the rest of the family, Escolastica plunged into baking.

As always, Tun Goru was there by her side, nurturing his wife's enthusiasms and executing the business plans that she never seemed to run out of. The two would wake at 2 a.m. to bake and prepare food. They sold their goods from their snackmobile to the several hundred hungry students at Mt. Carmel School and Hopwood Junior High, who in those days had no school cafeteria. Tan Esco and Tun Goru also had a snack shop at the Saipan airport, which they would open when flights were arriving or departing. They baked 500 loaves of bread daily, delivering it Tanapag and San Roque in the north, often running out because of demand, but always assuring customers there would be more fresh bread tomorrow.

And in the midst of all this activity, Tan Esco and Tun Goru managed to raise a family—13 children in all, who themselves quickly learned the lessons of hard work and sacrifice needed to ensure the survival of the family. All the children's tasks were either directly or indirectly related to running the family business, Escolastica's Enterprises.

Admired for her work ethic and drive to succeed, Tan Esco also became involved in local politics and civic organizations. She was the first woman ever to serve on the municipal council of Saipan. She held key positions in the Saipan Chamber of Commerce, with the Saipan Farmer's Market Association, the Micronesians Arts and Crafts Association, the PTA committees of Mt. Carmel School, the Kristo Rai Church parish council, the Vocational Education State Advisory Council and other organizations. She participated in the White House Conference on Aging. And in 1991, Tan Esco accepted the honor of being the first woman grand marshal in Saipan's Liberation Day parade and festivities.

Today, Tan Esco enjoys her days in full retirement, having handed over the reins of the

business to her youngest daughter. Tan Esco reached the milestone of 80 years of life earlier this year. Her years of work have left her as vigorous and she could easily pass for a woman of 60. Tan Esco says she can hardly believe that she has lived for eight decades, marveling that time has flown so fast. Her husband Tun Goru passed away in 2006, but their 13 children, and many grandchildren, and great-grandchildren were on hand to celebrate Tan Esco's 80th birthday.

Biba, Tan Esco, and dangkulo na si Yuus Maase. You are a living lesson to the younger generations of the Northern Mariana Islands. God bless.

**CRUSH IT—IN HONOR OF A REAL
AMERICAN HERO, SGT MICHAEL
CAMERON, THE UNITED STATES
ARMY 984TH MP COMPANY**

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. JOHNSON of Georgia. Madam Speaker, I rise today in honor of a strong son of the South, and a real American hero, SGT Michael Cameron of Atlanta. Another freedom fighter, from that great State of Georgia, who went off to war for his country. On April 1, 2007, Michael lost his leg in southern Iraq, and almost his life, but he's come back home even stronger in his quest to rebuild his life. With the support of his lovely wife and their beautiful daughter, they are living the American dream as he is back in college at Emory University embarking upon a new career. I ask that this poem penned by Albert Caswell, who has grown to admire his strength and courage and determination over the years, be placed in the RECORD in honor of his courageous life . . .

CRUSH IT

In times of war, Georgia Men . . .
Have but our Nation's burdens bore!
Men like Max Cleland, whose fine hearts
have soared!
As into That Darkness, they'd so moved
forth!
As there they Crushed It! Moved it, and ran
right through it . . .
All in the darkest of all evils, as Michael you
so pursued it!
As you so ran right up to it, as death you so
viewed it . . .
Built for speed! All in your heroes creed . . .
You Crushed It!
As you could not be stopped, as you would
not heed!
As deep . . . deep . . . deep . . . deep down in-
side, your great heart . . .
So began to beat!
To give you all that you so needed!
As a Hero, a Freedom Fighter . . .
As all for God and country you would so
bleed . . .
A bold Army Man, who now so stands . . .
As life and death, all so lie all in your hands
. . .
The kind of guy, A Band of Brothers . . .
wants by their side . . .
All in the darkest of all nights, who will so
stand . . .
While, all there in that moment of truth . . .
When, all seems so lost . . .

Your fine heart so shows us the proof!
As looking down, as you so found . . . your
strong leg not found . . .
And yet somehow, your fine heart will not be
reduced!
As you had to Crush It . . . as you must re-
build, all but with your iron will . . .
As you Crushed It . . .
As so much depends upon you Mike . . .
Pumping up, as once again it's all up to you
. . . my son!
To rebuild where none lies left,
as your fine heart so instills, for you to but
be only your very best!
As with your courage, you so Crushed It . . .
Oh yes . . . as all of us you have so blessed
. . .
As we watch you, when your courage comes
to crest . . .
All in your time life's reps, as an Army man
who so can . . .
To Be The Best!
As you will not wait, as you will not rest . . .
All in this, your life's most heroic quest!
You Crush It!
Surely, legs we can all live without . . .
But, heart's . . . we can not so surely live no
doubt . . .
As but where all of your courage so comes
from, is all about!
Watching you Michael, we so understand . . .
Just what the word Hero, is all about!
Whether, on battlefields of honor seen . . .
Or back home rebuilding your life, Michael
You Are Seen, Crushing It!
With but all of your, Most Heroic Dreams!
Teaching Us! Reaching Us! As all hearts here
so Beseeching Us . . .
Making dynamic gains, all in your life's
theme!
Chiseled, from the top on down . . .
Rebuilding, your life into a work of art so
profound!
As, there is nothing that's going to hold this
Army Man down!
A Freedom Fighter, who all hearts will so ig-
nite here . . .
Crushing us now, all with what's all in your
heart so found!
And if I ever have a son, I but hope and pray
he could be like this fine one!
Who So Shines, like this Southern Son . . .
For what your heart and life has won!
You've Crushed It!

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. BRALEY of Iowa. Madam Speaker, I missed votes on Monday, September 16, 2010, due to a meeting at the Institutes of Medicine. If I were present, I would have voted:

"Yea" on rollcall 526, On Ordering the Previous Question, H. Res. 1620—Providing for consideration of H.R. 4785, the Rural Energy Savings Program Act.

"Yea" on rollcall 527, On Agreeing to the Resolution, H. Res. 1620—Providing for consideration of H.R. 4785, the Rural Energy Savings Program Act.

"Yea" on rollcall 528, On Motion to Suspend the Rules and Concur in the Senate Amendments, H.R. 3562—To designate the Federal building under construction at 1220 Echelon Parkway in Jackson, Mississippi, as the

Chaney, Goodman, Schwerner Federal Building.

**H.R. 5827, PROTECTING GUN
OWNERS IN BANKRUPTCY ACT**

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Ms. MCCOLLUM. Madam Speaker, I rise today in opposition to H.R. 5827, the Protecting Gun Owners in Bankruptcy Act. This legislation would provide a special exemption to allow gun owners to keep certain firearms during bankruptcy proceedings.

Bankruptcy is a difficult and trying time for all families who face it. The federal system is designed to protect some personal items from being seized, because they are essential to an individual or family's livelihood. Assets such as clothing, household furnishings, retirement funds, and social security benefits are exempt from seizure—within certain limits—so that those struggling through bankruptcy have something to restart their lives with. While this bill may be a political victory for the American gun lobby, a special carve-out for guns would do nothing to help families emerge from the crisis of bankruptcy.

In these times of economic hardship, millions of working families are facing bankruptcy and foreclosure. They need real help, not carve-outs for special interests.

**RECOGNIZING MR. CLYDE
MCQUEEN OF THE FULL EM-
PLOYMENT COUNCIL**

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. CLEAVER. Madam Speaker, I rise today in recognition of the achievements of Mr. Clyde McQueen, an individual who has dedicated his life to economic development and job training initiatives in the Fifth Congressional District of Missouri, the district that I am honored to represent. This week, during the Congressional Black Caucus Foundation's Annual Legislative Conference, Mr. McQueen will be inducted into the Missouri Walk of Fame, an annual occasion held to honor the achievements of African Americans who have made significant contributions to Missouri.

Mr. McQueen serves as the President and Chief Executive Officer of the Full Employment Council—Missouri Career Center, a center that works to promote job training and placement in the Kansas City, Missouri and the surrounding areas. The Full Employment Council is a nonprofit organization tasked with providing career employment and training for the unemployed and the underemployed. In this position, Mr. McQueen, administers and directs funding towards job training, education, and economic development. The Full Employment Council is responsible for program activities that work to develop employment training programs in rural, urban, and suburban areas.

Mr. McQueen has served in this role for over 23 years, and has assisted over a half a million people during his tenure. While in this position, Mr. McQueen's commitment to unemployment has been recognized by a proclamation from the Missouri House and Senate, as well as from a letter of appreciation from former President Bill Clinton in recognition of support offered to the President during his 1996 visit to Kansas City. Prior to serving as President and CEO of the Full Employment Council, Mr. McQueen served as Division Director of Training and Employment Development for the Texas Department of Community Affairs. In this role, Mr. McQueen was responsible for directing the budget to fund units of government, business organizations, and community based groups for job training and employment initiatives.

Mr. McQueen received his Bachelor's and Master's degrees in Speech Communication and Political Science from the Southwest Texas State University in San Marcos, Texas. Currently, he is a board member of the U.S. Conference of Mayor's Workforce Development Council, and was appointed to the Missouri Automobile Task Force by Missouri Governor Jay Nixon. Mr. McQueen has been awarded the "Professional of the Year" award by the Missouri Association of Workforce Development and a "Local Hero" award by Ingram's Magazine.

Madam Speaker, it is an honor and privilege for me to recognize Mr. Clyde McQueen for his efforts to improve the workforce and advance job training in the Kansas City Metropolitan Area. I know that Mr. McQueen will continue to fight for both the unemployed and underemployed in my district, and in this time when unemployed rates have plummeted, I am grateful for the hard work and dedication of Mr. McQueen. It is with great pride that we honor Mr. McQueen today for his commitment to the residents of Missouri.

HONORING THE 2010 BLUE RIBBON SCHOOLS OF THE FIFTH CONGRESSIONAL DISTRICT OF TEXAS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. HENSARLING. Madam Speaker, today I honor the four schools in the Fifth Congressional District of Texas recently recognized for excellence in education. Fred Douglass Elementary School in Jacksonville, Lake Highlands Junior High School in Dallas, Scurry-Rosser Middle School in Scurry and West Side Elementary School in Jacksonville were named to the Department of Education's 2010 Blue Ribbon Schools list.

Their performance illustrates the commitment and dedication of the students, parents, teachers, and administrators to a quality education. Education is the backbone of a successful society, and I am proud to know that the students of these four schools are receiving a quality education that will provide a solid foundation for future academic success.

This is a great honor of which the school, its students, parents, and communities can be

justifiably proud, and I offer my warm congratulations on this fine achievement.

Madam Speaker, as the representative for the Fifth Congressional District of Texas, I would like to commend these schools for their continued achievements in education.

EDMUND G. SCHMIDT OF HUTTO, TEXAS

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. CARTER. Madam Speaker, I would like to recognize Mr. Edmund G. Schmidt of Hutto, Texas. "Mr. Hutto", is what they call him. Mr. Edmund G. Schmidt has served the Hutto community in countless ways for decades. First being elected to city council in 1961, Ed served the city for 29 consecutive years, 9 as city councilman and 20 as mayor of Hutto. A World War II Veteran, and small business owner for over 50 years, Schmidt has also continued serving with several groups, including the Hutto Lions Club, where he is in his 54th year of perfect attendance as a charter member, and Hutto Lutheran Church where he has served for more than six decades. Schmidt served as the first President of the Hutto Economic Corporation.

Schmidt grew up on a farm outside of Taylor. "God's country," he calls it. Looking for a way to a way to provide for his young family after returning from the war, some friends convinced him to open his own grocery store in Hutto.

Signing a 5-year lease for \$25 a month, Schmidt transformed a big, open building on East Street into his own grocery store, Red & White, with his wife Julia. They opened their doors on Friday, July 13, 1951, with three other groceries in the area to compete with. Ed proved himself to the community of Hutto and 2 years later, in 1953, he bought and expanded into the space next door. When his lease expired he purchased his first building. He owned and operated his grocery store with Julia on East Street until 1990. With the store closed, Schmidt had the opportunity to get in the insurance business with his son Dennis, so he sold some of his building space and kept enough for an office where he still works with his son. As an established resident, small business and property owner in Hutto, in 1961 Schmidt learned of a place on the council through a good friend from church who was also council member. When an opening came up mid-term, Schmidt filled it and then kept getting re-elected, never spending a cent on a campaign. "I never thought, and no one on council, thought of ourselves as politicians," he said. "We were serving the community. We just had to pitch in."

At this time, the city assessed and collected its own taxes; it had one elected marshal who was replaced with a one-person police department, a distant thought from the Hutto we see today, with a full police force, and new neighborhoods and schools being built to keep up with the rapid growth. On Friday, October 20, 2007, the city honored Schmidt, renaming County Road 119 after him, for his contribu-

tion to Hutto's growth. Ed Schmidt Boulevard links Hutto to Pflugerville's FM 685.

Though he continues to work hard every day without any sign of slowing down, Ed cherishes his time spent with Julia. Married 68 years, the Schmidts have raised four children and now take great pride and joy in their 12 grandchildren and six great-grandchildren who all live between Austin and Rockdale.

HONORING LARRY POWELL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to acknowledge and honor Larry Powell for receiving the 2010 Distinguished Citizen Award from the Sequoia Council Boy Scouts of America. Larry has had a distinguished career as the Superintendent in the Fresno County Office of Education, adhering to extremely high standards of quality and integrity.

Larry is a lifetime resident of Fresno County who has created a legacy in his 40 years of service in public education. He has served students and lead community educational endeavors in Sanger Unified School District, Fresno Unified School District, and Central Unified School District.

Larry is also very involved and well connected within his community. He has participated in many civic and church activities, including membership on the Board of Trustees for Fresno Pacific University, the California County Superintendents Educational Services Association, Break the Barriers, the Sequoia Council of the Boy Scouts, and many others.

Larry's educational leadership has been recognized by the California School Administrators of Region 9, who awarded him as Superintendent of the Year. He has been recognized by Fresno State as a Noted Alumni.

Larry is married to Dot, a former principal and Executive Director of SALT Fresno and READ Fresno, Inc. He has a daughter and two grandchildren. It is clear that Larry will leave a lasting legacy for generations to come.

Madam Speaker, please join me in commending Larry Powell for his distinguished career and community service, and in wishing him the best of luck and health as he continues to set standards in Fresno County.

HONORING THE 300 ANNIVERSARY OF GREAT VALLEY PRESBYTERIAN CHURCH

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. GERLACH. Madam Speaker, I rise today to congratulate the Congregation of Great Valley Presbyterian Church in Tredyffrin Township, Chester County, Pennsylvania as they celebrate the Church's 300th anniversary.

Recognized as the second-oldest Presbyterian church in the Commonwealth of Pennsylvania, services originally were held in

homes of various members. Rev. Malachi Jones delivered the first sermon in 1714 from a wooden pulpit inside the rough log cabin held together by iron nails forged on site and with windows made from imported glass.

Organized more than 65 years before our nation declared its independence from Great Britain, Great Valley aided America's Revolutionary War effort by providing supplies to help troops encamped at nearby Valley Forge survive the brutal winter of 1777–1778.

While the Church and the area surrounding it has evolved immeasurably since the days when farmers and their families worshiped in a "little country church," the tremendous commitment to nurturing the spiritual growth of members and strengthening the bonds between neighbors and families has remained constant.

A worship service to give thanks for 300 years of faith and service will conclude the Church's tercentennial celebration on Sunday, September 19, 2010.

Madam Speaker, I ask that my colleagues join me today in congratulating the Congregation of Great Valley Presbyterian Church as they commemorate this memorable milestone and in extending best wishes for continued success and growth.

CONGRATULATING THE MOJAVE AIR AND SPACE PORT ON ITS 75TH ANNIVERSARY

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor an airport in my community that has been at the forefront of aerospace milestones. Mojave Air and Space Port, located in Mojave, California, is celebrating 75 years of service and cutting edge innovation this upcoming September 18, 2010.

The Mojave Air and Space Port has a unique history. Starting as a rural airstrip in 1935, the Mojave Airport provided access to the local gold and silver mining industry. After seven years of serving the local mining industry, the U.S. Marine Corps (USMC) shifted the focus of the airport and turned it into the Marine Corps Auxiliary Station (MCAAS) Mojave in 1942. In 1946, MCAAS Mojave was converted into a U.S. Navy airfield. In 1951, the USMC reopened MCAAS Mojave as an auxiliary field, Marine Corps Air Station El Toro. In 1961, Kern County acquired the airport, and in 1972, and the East Kern Airport District was formed to direct the airport.

The Mojave Air and Space Port has three core focuses: flight testing, space industry development, and aircraft heavy maintenance and storage. With its convenient location close to Edwards Air Force Base, the Mojave Air and Space Port has been a leader in flight testing activities for over 30 years. Beginning in the late 1990s, the Mojave Air and Space Port became a hub for small companies seeking a place to develop space flight technologies, with the first flight tests starting in 1999. In 2004, it was the first spaceport certified by the Federal Aviation Administration to

be licensed for horizontal launches of reusable launch vehicles in the United States.

The Mojave Air and Space Port is the home to the Rutan Model 76 Voyager aircraft, designed by Burt Rutan and piloted by his brother Dick Rutan, where they set a record-breaking flight around the world without stopping to refuel in 1986. Model 281 Proteus, a tandem-wing high-endurance aircraft designed by Burt and tested at the Mojave Air and Space Port, holds several altitude records.

The Mojave Air and Space Port is also home to *SpaceShipOne*. It is the first, and so far only, privately built, flown, and funded aircraft to launch and enter a man into space in June of 2004. This feat was acknowledged with the Ansari X Prize, and the 2004 Collier Trophy later that year, awarded by the National Aeronautic Association. Today, *SpaceShipOne* is displayed in the Smithsonian National Air and Space Museum's "Milestones of Flight" gallery in Washington, D.C. *SpaceShipTwo* is now in development and will continue to transform the commercial space industry.

Today, the Mojave Air and Space Port occupies about 3,300 acres and serves as a world renowned flight resource center. The airport is home to over 40 companies, ranging from small industrial to highly advanced aeronautical design firms. XCOR is a small business that is building a spacecraft to take individuals to space. Recently, NASA awarded funding to tenant Masten Space Systems through the NASA Commercial Reusable Sub-orbital Research Program to finance the development and testing of the Xaero vehicle which will make four flights from the Mojave Air and Space Port to demonstrate reusable launch and small payloads going to near-space.

The Mojave Air and Space Port continues to break new ground and expand its facilities as it recently extended its largest runway to 12,500 feet and integrated a new commercial development taxiway system. The Mojave Air and Space Port not only is known for its revolutionary air and space technology, but it also boasts an extensive resume in film production. The airport has been the host to movies, television shows, commercials and music videos.

Today, the Mojave Air and Space Port is run and supported by the leadership of the East Kern Airport District. The East Kern Airport District encourages entrepreneurship and flourishes, existing by its mission statement to, "Foster and maintain our recognized aerospace presence with a principle focus as the world's premier civilian aerospace test center while seeking compatibly diverse business and industry." The Mojave Air and Space Port is under the forward-thinking leadership of the East Kern Airport District Board Members Jim Balentine, JoAnn Painter, Marie Walker, Dick Rutan, and Cathy Hansen and General Manager, Stuart Witt, along with his team of dedicated individuals.

The Mojave Air and Space Port is also home to the Intermediate Space Challenge. Through this program, the Mojave Air and Space Port opens its facility to young students in 4th, 5th and 6th grade, enabling them to work together in a team environment to choose a team name, create team banners, craft an essay, and develop and use their math and science skills to construct and

launch a small rocket under appropriate supervision. Along with involving the community in this revolutionary program, the Mojave Air and Space Port also encourages teachers and administrators across the country to implement similar programs that stimulate students and infuse them with a love of engineering, mathematics, and science.

The Mojave Air and Space Port has given the community 75 years of exceptional service. It is a keystone of our aerospace achievements not only in California but around the nation and throughout the world. I applaud the Mojave Air and Space Port for its innovative research and its service as a public airport and will continue to support its place in America's air and space development for years to come.

IN HONOR AND RECOGNITION OF 2010 HISPANIC HERITAGE MONTH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of 2010 Hispanic Heritage Month, as we celebrate the members of this community and their invaluable contributions to the Greater Cleveland Area and to our country.

Hispanic Heritage month celebrates and illuminates the significant contributions that Americans of Hispanic heritage have had on American culture. Hispanic Americans have contributed immeasurably toward efforts to elevate the human condition.

Americans of Hispanic descent have served our country in numerous ways—as elected officials, teachers, musicians, physicians, veterans, community activists, and dedicated employees in virtually every sector of the economy. Their rich and diverse culture has touched the life of every American has been an invaluable addition to Cleveland's diverse social fabric.

Madam Speaker and colleagues, please join me in honor and celebration of Hispanic Heritage month of 2010, as we recognize the great contributions made by Hispanic Americans in my district and around the country.

LEGISLATION TO RESTORE THE AUTHORITY FOR HHS TO GRANT CHILD WELFARE WAIVER DEMONSTRATION PROJECTS TO STATES

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. McDERMOTT. Madam Speaker, today I introduced legislation with Representative JOHN LINDER (R-GA) that would restore the authority for the Department of Health and Human Services to grant child welfare waiver demonstration projects to States. Child welfare waivers will give some States additional flexibility in designing targeted interventions for at-risk children.

While I support providing opportunities for States to improve the outcomes of children through this authority, waivers are not a substitute for comprehensive child welfare financing reform or for additional investments in improving outcomes for at-risk children.

I will continue to work with all of my colleagues to develop proposals that build on the progress made with the Fostering Connections to Success and Increasing Adoptions Act so that we can ensure the best outcomes for every child that comes to the attention of the child welfare system.

HONORING THE CENTENARY OF MOTHER TERESA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. ENGEL. Madam Speaker, Mother Teresa, born Agnes Gonxha Bojaxhi and of Albanian descent, for over 45 years ministered to the poor, sick, orphaned, and dying, first in India and then to other countries. She died in 1997 and was beatified by Pope John Paul II as Blessed Teresa of Calcutta.

On the centenary of her birth, we celebrate the great work of this wonderful woman, who gave so much as an advocate for the poor and helpless that she was awarded the Nobel Peace Prize.

When she arrived in India, she became increasingly disturbed by the widespread poverty she saw in Calcutta. She began her missionary work in the slums in 1948, wearing a simple white cotton sari with a blue border. She began looking after the needs of the destitute and starving by begging for food and supplies.

In 1950, she received Vatican permission to start the congregation that would become the Missionaries of Charity with a mission to care for, in her words, "the hungry, the naked, the homeless, the crippled, the blind, the lepers, all those people who feel unwanted, unloved, uncared for throughout society, people that have become a burden to the society and are shunned by everyone." It began with 13 members and today has more than 4,000 nuns running orphanages, AIDS hospices and charity centers worldwide, and caring for refugees, the blind, disabled, aged, alcoholics, the poor and homeless, and victims of floods, epidemics, and famine.

She went wherever there was suffering. At the height of the war in Beirut she rescued children and brokered ceasefires; she helped the hungry in Ethiopia; radiation victims of Chernobyl; and earthquake victims in Armenia. She even opened a center in the South Bronx.

Mother Teresa suffered a heart attack in Rome in 1983, while visiting the Pope. After a second attack in 1989, she received an artificial pacemaker. In 1996, she broke her collar bone, suffered a bout of malaria, and her left ventricle failed. In failing health, she stepped down as head of Missionaries of Charity in March, 1997, and died on September 5, 1997.

Mother Teresa showed what can be done through dedication and love. She is a shining example of one who rather than curse the

darkness, lit candles throughout the world to show us the way to help others.

NATIONAL AEROSPACE WEEK

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Ms. HARMAN. Madam Speaker, I rise today to commemorate National Aerospace Week.

At a time when there is so much discouraging economic news, we can look to the skies for some solace.

Los Angeles County's unemployment rate is hovering around 13 percent, worse than the national average. But my district, the 36th Congressional District, has an unemployment rate of less than half that—largely because of the cushion provided by the aerospace industry. It is our economic engine.

Our aerospace companies employ 819,000 Americans in high-skill, high-wage jobs—nearly 6,500 of them in California—who together contribute 3 to 5 percent of the Gross Domestic Product.

The products produced by aerospace companies are in world-wide demand. Last year the U.S. exported \$81 billion in aerospace technology, responsible for the largest foreign trade surplus in the American economy.

Aerospace is not only vital to the American economy—it is vital to our national security. From the Mexican border to the Pakistan frontier, unmanned aircraft and other platforms provide eyes and ears to our military and law enforcement.

These are American jobs, and they are a cornerstone of our economy. For reasons of national security, nearly two-thirds of these jobs cannot be performed overseas. They are here to stay.

But our aerospace workforce is aging. Some 60 percent of aerospace workers are over age 50, and almost 26 percent are eligible for retirement this year. Not enough young scientists and engineers are signing up to take the place of the "gray wave."

It used to be that being a rocket scientist was synonymous with genius. Now that mantle seems to apply only to the inventors of Facebook, eBay and Google. We are graduating just 70,000 engineers a year. And U.S. students recently ranked 21 out of 30 in science literacy, and performed even worse in math literacy.

The only way we'll maintain our edge in aerospace is by inspiring kids and making it "cool" again to design air and space craft. Dean Kamen—the inventor of the Segway—does this through a nonprofit after-school robotics program. FIRST—For Inspiration and Recognition of Science and Technology—is partnered with the Massachusetts Institute of Technology to supply secondary schools with instructional materials, guidelines for starting robotics teams, and marketing support to interest children in studying the math and science behind construction of these devices.

Schools in my district participate in the robotics competition, and Dean Kamen has personally visited my district to take part in a panel on the need for more young people to

pursue aerospace careers. Our economy and national security depend on it.

HONORING A FAMILY'S DEDICATED SERVICE TO AMERICA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. WOLF. Madam Speaker, this past weekend I had the privilege of visiting with the Piedmont Republican Women's Club (PRWC) which was celebrating its 50th anniversary. The PRWC, whose first president was Anita Brower, was founded in Fauquier County in 1960. They are a volunteer grassroots organization, with more than 80 members, affiliated with the National Federation of Republican Women and the Virginia Federation of Republican Women. Mrs. Patricia Rice was in attendance at the luncheon. She and her husband Scott Rice are the parents of six remarkable children who have served our country in immeasurable ways.

All six of the Rice children are currently serving or have served in the armed forces. Their commitment is extraordinary. The Rice family's story is one of unwavering strength and devotion to this country.

Rebecca L. Rice Johnson served five years in the Air Force during which time she attained the rank of senior airman. She also received the Air Force Commendation with Valor for her heroic efforts on the scene of a car accident. After serving in the Air Force she graduated from George Mason University and is now married to a Marine.

Sergeant Patrick McMahon Rice served as a radio tech from 1999–2003 and served in Iraq, fighting in the battle for An Nasiriyah for which he received a Presidential Unit Citation. After receiving an associate's degree he reenlisted and is currently stationed at New River Air Station, North Carolina, with 2nd Platoon, Military Police Company, Marine Wing Support Group 2/7.

Mary Ann Rice was commissioned in the Army Nurse Corps and is a second lieutenant currently stationed at Tripler Army Hospital in Hawaii.

First Lieutenant Elisabeth Claire Rice, who was previously stationed at Tripler Army Hospital, was deployed to Afghanistan on a Forward Surgical Team. She has recently been treating many Afghan civilians—women and children—some in need of basic medical service and others who are victims of IED explosions.

Lance Corporal Christopher Scott Rice was diagnosed with an inoperable brainstem glioma at age 2, but fortunately had successful radiation treatments. After six months in Afghanistan with the Second Marines, Combat Logistics Group 6 in support of 1/6, he recently returned home. During his tour he provided convoy service in Helmand. He was involved in two separate incidents where IEDs went off but fortunately escaped without harm in a mine resistant vehicle.

Corporal Philip Kenneth Rice is a U.S. Marine who trained in intelligence at Cory Station, Florida. He is now receiving additional training in radio Recon.

Madam Speaker, it is my honor and privilege to represent the Rice family of Warrenton, Virginia. This family has demonstrated unsurpassed devotion, leadership, and sacrifice in their service to our Nation. I salute them for their unyielding patriotism and love of country.

TRIBUTE TO KENNETH WALTER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Kenneth Walter, a World War II Navy veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Kenneth Walter was recognized on Tuesday, September 7. Below is the article in its entirety:

BOONE COUNTY VETERANS: KENNETH WALTER

(By Greg Eckstrom)

History is best learned from experience.

Living through it, feeling it and seeing it from your own eyes.

As a former American history teacher, Kenneth Walter, who has lived in Boone for 50 years now and is a retired United administrator, would likely be the best teacher you can find for World War II history from the Pacific.

Learning about Kamikaze pilots? Walter's boat was hit by one. The flag raising on Mount Suribachi during the battle of Iwo Jima? They came to Walter's boat first looking for a spare flag, and ended up getting the one from the boat next to him.

Walter's experiences brought him through some historic moments in World War II, but as far as sharing this in his classrooms after returning to the United States, he stuck to teaching rather than sharing stories.

"In my years of teaching I don't ever recall an instance of recounting the fact that I was in the service," he said. "Everybody had been in the service. You did it and never gave it too much thought."

Born in Keokuk, Walter graduated high school in Cincinnati, Ohio, before enlisting into the service.

"What choice was there for a young man, 16 or 17?" he recalled of signing up for the Navy. "You got in just as quick as you could . . . at least I did."

And once he was in, Walter took pleasure in the little things . . . the basic things.

"On most every occasion I had a bed. On most every occasion, somebody else prepared my meal," he said with a laugh. "And beyond that, I had a great job in the Navy. I was a quartermaster, which is not a quartermaster in the Army. A quartermaster in the Navy is the master of the quarter deck, which is the bridge. Quartermasters were in charge of navigation. As a quartermaster, you had to be able to do the same things a radio man did, the same things a signal man did. I also got qualified as a radar man. We had to do all sorts of things. We supervised the other enlisted staff on the bridge. But of course, we were always managed by officers. Navigation and communication were primary responsibilities."

Walter found himself aboard a Tank Landing Ship, the LST-477, a long ship—about 325 feet—used to carry massive amounts of cargo.

"We went to Guam and did landings there, landings at Gilbert Islands. Our major action was in Iwo [Jima] when we got into the action big time," he said. "We had a kamikaze hit us. That's when I lost my place to sleep."

At the time, Walter's ship was carrying 25 tanks that were to be discharged on the first day of the Battle of Iwo Jima—a very heavy load.

"We were struck maybe 75 feet back from the bow," he said. "It was carrying a bomb in addition to itself as a missile, and it penetrated the side and we went down on our nose. We couldn't get in because of our bow being low. So we had to wait two days. Finally, on the fourth day, we made it in."

Another vivid memory for Walter was the flag raising at Mount Suribachi.

"We were one of the ships they came to looking for a flag to put up on Mount Suribachi on Iwo, and the ship next to us had a flag extra, and we didn't happen to," he said. "But we did get to see the event from our ship. We blew our horns and everything like that. The Marines let us know what they'd done, because we had Marines who were unloading tanks at that particular time."

Walter also recalled the final day of World War II. His ship had been remodeled to be a hospital ship for the invasion of Japan.

"We had doctors and nurses aboard," he said. "They put a couple operating rooms down where we usually carry tanks. So we were not unhappy to see the war be over. We were amongst those that were pleased that the atom bombs stopped the war. We knew what was going to happen to us."

After the war ended, Walter traveled to Korea with a construction battalion, and then back to Japan. His boat had been decommissioned, and he found himself as part of the group giving his boat to those they had previously been fighting.

"It was an odd feeling," he said. "There's nothing in any history book about the United States helping the Japanese in that kind of way. I think it's one of those typical things Americans do . . . give the beaten people a better chance to get by. And what happened to our ship, it was turned over to some Japanese fishermen. We gave them about two days worth of training on how to run the ship and gave it to them. On March 13, 1946, we did that. That's when I started my long trek home. I got out in July of 1946. I took a ship, another ship, back home."

After his service, Walter moved to Illinois, then Boone, where he has lived for the past 50 years. He most recently went on the Honor Flight to Washington, DC. Although he had been there several times in the past, it was the first time he had seen the World War II Memorial.

"That's spectacular," he said. "It really is."

When recalling the history he's lived through, Walter doesn't give the highlights typically heard of service men and women of their travels.

"Yeah, I went to Japan and Korea and Australia and so on," he said. "But it's not like being a tourist. You're not a tourist. There are a lot of places I was where I never stepped foot on the ground. You were just . . . it's like flying over Iowa."

For Walter, he recalls the friendships that were formed with those aboard his ship. Since World War II, they have held reunions, and he has had friends from the service visit him in Boone.

"Lasting friendship," he said. "Not deep friendship, just lasting. The service experience is something altogether different. There isn't anything to explain it."

I commend Kenneth Walter for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

IN HONOR OF KIRSTEN C. COTY

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. ADLER of New Jersey. Madam Speaker, I rise today to honor 1st Lieutenant Kirsten C. Coty, a courageous American hero, who recently returned from serving her country honorably in Iraq. First Lt. Coty's military service first began in March 2007, when she joined the Security Forces of the U.S. Air Force. She went on to complete her Air Force Officer Training in San Antonio, Texas before being assigned to the Francis E. Warren Air Force Base in Cheyenne, Wyoming.

In August 2009, 1st Lt. Coty was deployed to Joint Base Balad in Iraq as part of the 332nd Air Expeditionary Wing. In January 2010, she was reassigned to the United States Air Forces Central and extended her commitment of service through August 2010. Upon returning from Iraq, 1st Lt. Coty has been assigned again to the 90th Security Forces Squadron at the Francis E. Warren Air Force Base in Cheyenne, Wyoming. Characteristic to her distinguished service, 1st Lt. Coty continues to exemplify the strong character and bravery of the men and women who have put their lives at risk to fight to keep our country safe and free.

Madam Speaker, I ask my colleagues in the House of Representatives to join me in recognizing 1st Lt. Kirsten C. Coty for her bravery, dedication and achievements. The American people owe her a great debt of gratitude for her selfless service to our great nation.

HONORING ST. JOHN OF THE CROSS PARISH IN WESTERN SPRINGS ON THEIR 50TH ANNIVERSARY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. LIPINSKI. Madam Speaker, I rise today to honor the clergy, faculty, staff, students, and parishioners of St. John of the Cross Parish, a Catholic community in Western Springs, Illinois. This Saturday, September 18th, the parish is beginning a year-long celebration of 50 years as a faith community. My wife, Judy, and I will be participating in the first anniversary event which is a Mass celebrated by Francis Cardinal George followed by a parish family dinner reception.

Responding to a growing Catholic population in Western Springs in the 1950s, the

Archbishop of Chicago, Albert Cardinal Meyer, authorized the founding of St. John of the Cross Parish in 1960. The original parish included 650 families. The church flourished under its first pastor, Reverend William J. Bennett, and opened a K-8 school of 595 students one year later.

Over the last 50 years, St. John of the Cross has been a pillar of the community in Western Springs. Its primary mission is feeding the spiritual needs of its 13,000 Catholic parishioners in 3,875 families. It is also one of the most generous faith communities in Chicagoland, including providing financial help and cultivating personal relationships with five churches around the U.S. and one in Uganda, along with helping to serve the basic needs of countless people in the area and around the world. St. John of the Cross Parish also supports a school that currently enrolls 700 students and is one of the top schools in Chicagoland.

As a parishioner of St. John of the Cross Parish, I have been able to witness first-hand the dedication and hard work of current pastor, Reverend David P. Dowdle, and the previous pastor, Reverend Richard Hines. All of the priests and staff members of St. John of the Cross cultivate a culture of charity and community among the parish.

I ask you to join me in honoring the clergy, faculty, staff, students, and parishioners of St. John of the Cross on the parish's 50th anniversary. May they enjoy this year-long celebration and may they provide many more years of commitment and service to the community.

IN HONOR AND REMEMBRANCE OF
U.S. MARINE CPL. JOE
WRIGHTSMAN

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. ALEXANDER. Madam Speaker, I rise today to honor and remember U.S. Marine Cpl. Joe Wrightsman for his selfless and valiant service to our nation.

On July 18, 2010, our country lost a Marine, and Jackson Parish lost a native son. However, as long as the American flag continues to fly over the sands of Afghanistan and the piney hills of Jackson Parish, Wrightsman's contributions to protecting the freedoms we hold so dear will never be forgotten.

A 2005 graduate of Jonesboro Hodge High School, Wrightsman was serving his third tour overseas—an exemplary achievement of a young man of 23 years old. In a generation where so many men and women have answered freedom's call to duty, his example of heroism and devotion embody what has truly made America a great nation for over two centuries.

Today, our words seem futile in comparison to Wrightsman's service, but as written in 2 Corinthians 1:3, our prayer is "that the God of all comfort, who comforts us in all our tribulations, may be able to comfort those in troubling times."

I ask my colleagues to join me in paying tribute to U.S. Marine Cpl. Joe Wrightsman

and extending thanks on behalf of a grateful nation.

KYLE VANOCKER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize Deputy Sheriff Kyle Christine VanOcker. Ms. VanOcker passed away August 19, 2010 after a heroic battle with lung cancer.

Kyle's career in law enforcement began in 1986 as a police dispatcher for the Wheat Ridge Colorado Police Department. In 1989 Kyle joined the Jefferson County Sheriffs Department. During her years of service to the community, which spanned 24 years, Kyle received many awards and touched several lives by seeing the good in everyone.

Kyle was a model for outstanding service to her community and in honor of her memory, her family sponsored a K-9 dog for the Jefferson County Sheriff's Department. The Department is naming the dog Kyle.

Kyle had a very large support group from many walks of life which is a testament to the values she possessed. She will be remembered as a dedicated friend and committed to making her community better for all of us.

FINDINGS OF THE CHAIRMAN OF
THE COMMITTEE ON THE BUDGET
RELATING TO EFFICIENCY
AND REFORM PURSUANT TO H.
RES. 1493

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. SPRATT. Madam Speaker, Pursuant to the Budget Enforcement Resolution that the House passed on July 1, I hereby submit for printing in the CONGRESSIONAL RECORD an outline of changes within the Budget Committee's jurisdiction to help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement, by promoting efficiency and reform of government, and by controlling spending.

While the Budget Committee does not have jurisdiction over specific government programs, it does maintain a broad oversight role over the federal budget as well as budget process.

This year Congress enacted statutory pay-as-you-go (PAYGO) legislation, a measure under the Budget Committee's jurisdiction. The legislation was the culmination of years of work on the part of Congressional Democrats to restore statutory PAYGO after the previous statute expired in 2002. That version of PAYGO reined in new entitlement spending and required new tax cuts to be offset in the 1990s, with the result that the federal budget returned to surplus. The new law likewise will help set budgetary priorities and restore fiscal responsibility. Since its enactment in February,

Congress has passed and the President has signed legislation into law with PAYGO provisions reducing the federal deficit by a total of \$58.4 billion over the next five years and a total of \$43.1 billion over the next ten years, according to the most recent OMB scorecard.

The passage of statutory PAYGO built on the internal House PAYGO rule, adopted during the opening week of the Democratic majority in 110th Congress—along with a rule that fast-track budget reconciliation procedures cannot be used for legislation that increases the deficit. The Budget Committee works continuously with other House committees to ensure that legislation coming to the House floor for a vote meets the requirements of these deficit-reducing rules.

One of the critical roles that the Budget Committee plays each year is to set the overall level of discretionary spending for the annual spending bills produced by the Appropriations Committee. This year, the appropriations cap is \$7 billion below the comparable level proposed by the President, and follows a similar reduction of \$7 billion below the President's request last year. Approving these more disciplined spending levels encourages Congress to find efficiencies and reduce wasteful spending while providing enough room to fund critical services and investments at a time when the economy is still recovering from the worst recession in decades.

In addition, on May 28 of this year, I introduced H.R. 5454—the Reduce Unnecessary Spending Act of 2010—that will enhance fiscal discipline by allowing the President to sign spending bills into law while culling out unneeded or wasteful items and proposing that Congress rescind them. "Expedited rescission" under this bill requires Congress to consider the President's recommendations as one package, without amendment and on a fast-track basis, guaranteeing an up-or-down vote within a specified time frame. While expedited rescission will not eliminate the federal deficit, it will be one more tool to control spending. Forty Democrats have joined me in cosponsoring this bill, including five Budget Committee members.

Finally, in light of the Budget Committee's broad oversight role on the federal budget, four Committee members have been appointed to the President's National Commission on Fiscal Responsibility and Reform. With representation on both sides of the aisle from the House, the Senate, and the private sector, the Commission is charged with building consensus on ways to wipe out the deficit and improve the long-term fiscal sustainability of major entitlement programs. The House Democratic leadership has pledged to vote this year on any legislative recommendations reported by the Commission and approved by the Senate, and agrees that deficit reduction as a result of the recommendations cannot be used to offset costs of future legislation. The deficit-reduction proposals of the bipartisan commission will be issued in December.

The Budget Committee will continue to examine ways to reduce the deficit and increase efficiency in government spending. I look forward to working further with all Members of Congress to address the long-term budget challenges facing the nation.

PERSONAL EXPLANATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mrs. BIGGERT. Madam Speaker, on Tuesday, September 14th, I was not present for rollcall vote 519. Had I been present, I would have voted "yea."

RECOGNIZING THE HONORABLE
RAY A. CONNER AS 2010 CHESAPEAKE FIRST CITIZEN

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. FORBES. Madam Speaker, I rise today to recognize and commend the Honorable Ray A. Conner as he receives the distinguished designation as First Citizen of the City of Chesapeake, Virginia for the year 2010. This prestigious honor is bestowed annually by the Chesapeake Rotary Club to an individual whose record of service and reputation of excellence and integrity exemplify the Rotary motto: "Service above self."

Ray has an extraordinary record of public service that extends from his professional position as Chesapeake's Commissioner of the Revenue to his tireless efforts on behalf of a broad spectrum of community life.

Demonstrating a lifelong commitment to excellence, Ray, an honor graduate of Great Bridge High School, received a Bachelor of Science Degree from Old Dominion University and entered public service as a Magistrate for the City of Chesapeake, Virginia. Rising quickly to the position of Chief Magistrate, Ray then became Commissioner of the Revenue—a position to which he has subsequently been re-elected eight times by the citizens of Chesapeake.

Ray earned certification as a Master Commissioner of the Revenue from the Weldon Cooper Center for Public Service at the University of Virginia, and his high professional standards have earned him positions of leadership as president of the Virginia Commissioners of the Revenue Association and president of the Virginia Association of Locally Elected Constitutional Officers. Ray has also served on the Advisory Committee of the Virginia Institute of Government and the Board of Trustees for the Virginia Retirement System.

Ray's impressive and extensive record of service to the community includes leadership roles as president or as an officer of the Chesapeake Regional Health Foundation, the Chesapeake Rotary Club and its Foundation, the Chesapeake Crime Line, Oak Grove United Methodist Church, and the South Norfolk Ruritan Club. Ray also serves on the boards of directors of the Southeast Virginia Community Foundation and Towne Bank.

Ray attributes his accomplishments and community spirit to the work ethic and personal values instilled in him by his parents, Dorothy Conner Payne and the late Clarence E. Conner, and to the loving support of his

wife, Gretchen Maurer. Ray Connor has managed, through the force of his passion for his hometown and his profound commitment to serving others, to build a lifelong career of making Chesapeake, Virginia, a great place to live.

Madam Speaker, I feel privileged to ask my colleagues to join me in recognizing and commending the Honorable Ray A. Conner as 2010 First Citizen of Chesapeake.

25TH ANNIVERSARY OF THE
ELLEN NOËL ART MUSEUM

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. CONAWAY. Madam Speaker, I rise today to congratulate the Ellen Noël Art Museum on its 25th Anniversary. For a quarter century, this institution has brought world class art to the dusty roads of West Texas. It is a beacon of knowledge and culture that shines across the Permian Basin.

Through the museum's art classes, workshops, and collaborations, a generation of Texans has been afforded a window on the wider world that rivals those in Dallas, Austin, and beyond. Just recently, the museum was selected to be an Affiliate of the Smithsonian Institution because of its "well deserved reputation for its collections, exhibitions, and educational programming." This opportunity will give the museum access to the vast collections of the Smithsonian Institution and allow the citizens of West Texas to see some of man's finest artistic achievements in their own back yard. It also serves as an exclamation point on 25 years of exceptional educational opportunities.

Of course, without curators, teachers, maintenance staff, donors, and volunteers, a museum is just a building. As we celebrate the museum's 25th anniversary, we must also extend our gratitude to the hundreds of people who have worked over the years to build this institution into the community treasure we have today.

For 25 years, the dedicated staff and volunteers at the Ellen Noël Art Museum has served the students and families of their community. From nothing more than an idea, they have built a lasting legacy for every citizen of West Texas to enjoy and be inspired. We owe them all a debt of gratitude.

On behalf of the citizens of the Permian Basin, who I am privileged to represent, I extend my congratulations to the Ellen Noël Art Museum on its 25th Anniversary and my deepest thanks to the citizens who have worked to create this institution. Our community is made better because of your hard work.

IN HONOR AND MEMORY OF
NORBERT M. BANGAYAN, MD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and memory of Norbert M.

Bangayan, MD, whose lifelong commitment to his patients, family and community made a permanent impact on countless lives throughout the northeast Ohio region.

Dr. Bangayan was a dedicated internist who led a family medical practice for nearly 40 years. Beyond his superior medical expertise and knowledge, Dr. Bangayan was known for his caring, patience and kindness. He treated every patient with dignity and respect, and frequently went above and beyond the call of duty to assist a patient in need. A gentle soul, Dr. Bangayan practiced from Deaconess Hospital in Cleveland for nearly 40 years, where he served in several leadership roles, including the hospital's Chief of Medical Staff. Dr. Bangayan served on several committees at Deaconess Hospital, and volunteered his time within several community organizations.

The center and foundation of Dr. Bangayan's life was always his family. He was the beloved husband of Ofelia and the loving father of Shirley, James, Maribe, and Michele. He was the devoted grandfather of Eric, Jack, Leo, Max and Kristin, and the beloved brother of Amelia. Dr. Bangayan was the beloved brother of Amelia. Dr. Bangayan was the beloved father-in-law to Ermir, Dr. Kieo and Steve. Along with his wife, Ofelia, Dr. Bangayan taught his children and grandchildren the significance of family, faith, heritage and giving back to community. He was deeply connected to his Filipino heritage, and was very active in the Filipino community of Greater Cleveland. For several years, Dr. Bangayan served as the President of the Association of Philippine Physicians of Ohio.

Madam Speaker, please join me in honor and remembrance of Norbert M. Bangayan, MD, whose joyous life was framed by love for family, devotion to friends and dedication to the wellbeing of the patients he so lovingly served. Dr. Bangayan's generous heart and love for others will forever exist within the hearts and memories of his family, friends and every patient who knew and loved him—and he will never be forgotten.

RECOGNIZING THE 91ST ANNIVERSARY OF AMERICAN LEGION DAY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. MITCHELL. Madam Speaker, I rise today to honor the American Legion for the outstanding work they do on behalf of and for our nation's veterans.

Today we celebrate American Legion Day, the 91st anniversary of the date that the American Legion received their charter from the U.S. Congress. Over the past nine decades, the American Legion has never wavered from their commitment to support our veterans, our country and our communities.

The American Legion is a tremendous advocate for war-time veterans through their legislative outreach. Over the years, the Legion helped write and successfully advocated for the original "GI Bill of Rights" during World War II and the U.S. Court of Veterans Appeals, among other important accomplishments. In addition to working directly with and

for veterans, the Legion has also played an important role providing community support in areas such as mental health, children's welfare, and disaster relief.

As the House sponsor of the 21st century Post 9/11 GI Bill, I am particularly grateful to the work the American Legion once again put forth to advocate for improved and enhanced education benefits for today's veterans. From helping to craft language and whipping support among lawmakers and the public, the Legion was an irreplaceable partner in this great step forward. Thanks to the Legion's grassroots efforts, today there are more than 330,000 veterans across the country now enrolled and using GI Bill benefits.

I am grateful for the many opportunities I have had to work with the Legion on both the national and local level.

Madam Speaker, please join me in recognizing American Legion Day and honoring the decades of service to our veterans, and the vital work they continue to perform for our country.

CONGRATULATING THE CITY OF MAULDIN, SOUTH CAROLINA, ON ITS MUNICIPAL ASSOCIATION OF SOUTH CAROLINA ACHIEVEMENT AWARD

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. INGLIS. Madam Speaker, I rise today to congratulate the City of Mauldin, South Carolina, on its Municipal Association of South Carolina Achievement Award for improving relations between the Mauldin Police Department and youth community. Through four innovative youth initiative programs, Mauldin police officers interacted with the young people in a positive, hands-on way.

The Mauldin Youth Court puts first-time juvenile defenders in a student-run trial. The jury of high school students hands out sentences typically consisting of community service, tutoring, or an essay. The program has seen success evidenced by a recidivism rate 5 percent lower than the rest of the state.

The Youth Academy program targets middle-school students who have met the police department in negative circumstances. Together the Mauldin police department and other community members interact with the students for four weeks in circumstances not involving disciplinary measures. After the four weeks have concluded, each student is delegated an officer for a year-long mentorship program.

Mauldin's police community also has made an effort to create a more formative relationship with adolescents through the Fifth Quarter program. With the help of the local high school and churches, the program hosts students at the local skating rink after school sporting events to prevent swarming and loitering. Officers serve free food and hand out prizes throughout the night. The program successfully has eliminated juvenile delinquency after football games, leading to a possible expansion of the program after basketball games.

The Mauldin Youth Academy and Explorer programs give youth community a chance to interact directly with the police department through hands-on activities and mentorship. These programs not only teach adolescents about law enforcement but also give the police department a desired pool of potential candidates when hiring new officers.

I am honored to see the City of Mauldin's novel youth programming with these four initiatives. The Mauldin Police Department is giving students the opportunity to interact with officers to proactively address juvenile crime and garnering interest in law enforcement while serving and protecting the entire Mauldin community.

TRIBUTE TO DONALD ROTCH,
LONGTIME PRINCIPAL AND
COACH AT T.R. MILLER HIGH
SCHOOL, BREWTON, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. BONNER. Madam Speaker, it is with deep sadness that I join the people of Brewton and Escambia County, Alabama in mourning the loss of a beloved community leader whose life was suddenly taken during a tragic auto accident on August 11, 2010.

Donald Wayne Rotch, or "Coach Rotch," as he was affectionately known to his former players and students and many in Brewton, was an institution in Escambia County. Originally from Lake Charles, Louisiana, Coach Rotch came to Brewton in 1974 from Jackson, Alabama, joining the T.R. Miller High School coaching staff.

Coach Rotch was a fixture in Tiger athletics for the better part of 18 years as the football offensive line coach while also coaching the baseball team.

T.R. Miller is a sports powerhouse in South Alabama and Coach Rotch was a major force behind the Tiger's success. As a coach, he helped the team attain two championships in 1984 and 1991, before transitioning to the role of high school administrator in 1992. He served as assistant principal and then principal at T.R. Miller for the next 20 years.

As a school administrator, Donnie Rotch also witnessed the Tigers achieve football championships in 1994, 2000 and 2002. Just one month after his death, his beloved Tiger football program scored their 600th victory—a milestone not matched by any other Alabama high school football team.

Coach Rotch was tragically taken from his family and his students in August when his vehicle was struck by another during a police chase. Ironically, the person driving the vehicle which took Rotch's life was a former T.R. Miller student. The police officer who was pursuing the other vehicle once played baseball under Coach Rotch. In a very real sense in this wonderful, small South Alabama town, this accident was a tragedy in every imaginable way.

Coach Rotch was the friendly face who greeted T.R. Miller students each morning as they arrived at school and he was the steady

hand that guided his school through many decades of excellence—urging everyone from students, teachers and parents to "do their best."

It has been reported that Coach Rotch was planning to retire from his leadership post at T.R. Miller in the coming year. His untimely passing has left T.R. Miller and all of Brewton with deep and profound sadness. There was no bigger believer in his students and no bigger role model to his school than Coach Donnie Rotch.

Madam Speaker, I offer my heartfelt condolences to the family of Coach Rotch and to the people of Brewton and Escambia County who were all influenced by his remarkable presence. Our prayers especially go out to his wonderful wife, Jane; his daughter, Jayme; his son, Richard; his mother, Jean Rotch Bonneau; his three brothers, Greg, Ray and David; two sisters, Kathy and Connie, and other family. You are all in our prayers.

CONGRATULATING GREGORY
APPLEGATE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Gregory Applegate on his retirement from his position as city administrator of Sonora, California, where he has served since 1990. His work and service has made a permanent mark on the community and he will be missed.

Greg has been married to his wife, Deborah, for 31 years, and they have 2 children, Caleb and Cassie. Prior to his service as city administrator in Sonora, Greg worked for the city of Dos Palos and the city of Merced in his successful career in public administration. Greg was involved in many local and federal associations such as the Tuolumne County Economic Development Board, the Historic Downtown Chamber of Commerce, the League of California Cities, the California Redevelopment Association, and the Central San Joaquin Valley Risk Management, where he was past president.

Aside from industry and municipal organizations, Greg spends much of his time and energy serving the community through school initiatives, measures to improve children's health, Rotary Club, and mentoring youth at his church. Greg was involved in the Tuolumne County Healthy Children's Project as well as served on the Summerville High School Bond Committee.

You don't have to walk far through the streets of Sonora to see for yourself the hard work and tireless effort that Greg has put into the city. He has played a pivotal role in the following projects: the Sonora Opera Hall, creating the Sonora Redevelopment Agency, the Rother's Corner Fire Museum, the new fire station, the renovations of City Hall, the Mono Way Pedestrian Facility, the Sonora Crossroads Project, among countless other valuable projects.

Greg has been awarded a number of accolades throughout his time as a city administrator. These include the Tuolumne County

Chamber of Commerce Excellence in Government Award, which he received in both 1991 and 2006, the Tuolumne County "Top Hand" award in 2002, and was named President of the city managers section of the League of California Cities, Central Division. He was also President of the Central San Joaquin Valley Risk Management Authority from 2004–2006.

After a long and full career of helping communities by developing and managing cities in the Central Valley, Greg is leaving the world of city administration, but his legacy will forever stay with the city of Sonora through the continuation and development of projects he has worked on and implemented through his 30-plus years of service. I rise today to thank Greg Applegate for his hard work and congratulate him on his retirement.

TRIBUTE TO JOHN MCGOVERN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 16, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize John McGovern, a Vietnam War Army Ranger and Studies and Observations Group veteran from Boone County, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. John McGovern was recognized on Tuesday, August 31. Below is the article in its entirety:

BOONE COUNTY VETERANS: JOHN MCGOVERN

(By Greg Eckstrom)

John McGovern worries about sounding like he's bragging when he talks about his time in the military.

After all, with a resume of experiences like McGovern's, it's hard to share them without this concern crossing your head.

The man once briefed John Wayne. He's been part of the handful of graduates from some of the most difficult military training in the country. He's seen shrapnel come within inches of hitting him, walked through an ambush by himself and cheated death more than half a dozen times.

And so he recalls these experiences in a quiet, modest voice. He's proud of his time in the military, but quickly dismisses any comments that even tread on being complimentary with a quick statement.

"I've been lucky," he said. "That's all."

Coming from a large military family, McGovern was born in Oceanside, Calif., and raised in several states around the country—Texas, Arkansas, Oklahoma, Kentucky, Alaska—as his father was in the military.

The decision to join the military was made by the young McGovern when he was 16 years old.

"I was ready to get out on my own," he said. "I told [my father] I wanted to join, and he told me he'd sign for me. I took all

my tests and everything and when I had my 17th birthday, they flew me out for Fort Carson, Colo."

McGovern originally wanted to enter the infantry, but was given the offer to become an Army Ranger and jumped on the chance.

Once in Florida, McGovern ran into two sergeants—Pierre and Lehw—who took him under their wing.

"I ran patrols with him for six months at night, and then doing my job in the daytime. Finally they said I was ready," he said. "So I put in for Ranger school, passed it, and then they kept me as an instructor. Oh, it was rough. That's actually probably one of the roughest schools other than Special Forces."

Ranger school started with 275, graduated 70, and only 57 had enough points to receive the tab.

After passing Ranger school, the three went to Scuba school, then Airborne school, then Special Forces school.

Around 50 people were enrolled in Special Forces school. After its completion, only McGovern, Lehw and one other person remained.

"I've been lucky," he said. "I would pick out the worst man, and I'd say, 'I'm going to be here longer than him.' And if he failed out, then I picked the next one. The main thing with all these hard schools . . . if you set your mind that you're going to pass it, you'll pass it. But if you have any doubts, you're going to fail."

After training, McGovern went to the 7th Special Forces group and Lehw, the 5th.

Stationed in Vietnam, at one point, McGovern's unit was having problems with ambushes, so they called up an additional force to help. Among them was Lehw.

"Naturally, I wanted to go out with him, but my team sergeant told me no," McGovern said. "They wanted to keep me on the airfield with the reserve company."

A while later, they got a radio call that the team had walked into an ambush and had one American and a couple Vietnamese wounded. McGovern asked if they wanted him to come out, but they declined, saying they were coming back in.

A couple hours later, they received another radio message that another ambush had hit them, this time with casualties. McGovern asked again if they wanted him, but they declined, and asked him to call in helicopters to transport the dead and wounded.

When the dead and wounded arrived back via helicopter, McGovern helped unload. Reaching up to grab a boot, he pulled and found his comrade, Lehw, was one of the dead. After helping load Lehw into the helicopter, the team sergeant ordered McGovern to round his company up and go escort the team back to camp.

That was during his first tour in Vietnam, which lasted about 13½ months. Upon returning to the U.S., he became an instructor in the Special Forces course before volunteering to go back. This time, he ended up in the Studies and Observations Group, or SOG.

"The main mission for SOG was . . . you take two or three Americans and about three or four Vietnamese or Montagnards and they'd drop us off in North Vietnam, Laos or Cambodia," he said. "And we'd sneak around out there and try and gather intel or call in air strikes or whatever."

During his second tour, McGovern shared his wife's, Janet McGovern, favorite story from his service.

Shortly before heading home, McGovern was asked if he wanted to run one more mission, which he readily accepted. He was told to gather a team together and that a helicopter would arrive in two hours.

"So I got a bunch of MCO's together and we got out there, and when the helicopters came in, we jumped on and took off," McGovern said. "Well, the target area was clouded over so we couldn't get in, so we had to turn around and come back. They told us to be ready to go the next morning when the helicopters got there."

The next day, when the helicopter arrived, a Major notified McGovern that he was taking over. He was taking out a team that was closer to the target area, so McGovern said, "OK," and stood down.

"That afternoon at 1 o'clock, we got a radio message that they had been shot down and all of them killed," McGovern said.

Following his service, McGovern had a chance to meet up again with many of the men he served with overseas in Las Vegas for an SOA reunion. When asked what it's like to see these guys again, after going through so much with them in the service, McGovern's response is short and to the point.

"Oh God," he laughed. "Great."

For those joining the military, McGovern heartily endorses going through jump school and entering Special Forces . . . based on one condition.

"If possible, put in for jump school and special forces. If you're single," he said. "Married men do it, but we had a 95 percent divorce rate and a 100 percent re-enlistment rate."

McGovern's loyalty to his service, and his country, is unquestionable. Would he do anything differently if he could go back? "No." What's been his favorite part of his military career? "All of it." Do you ever miss it? "Oh yeah."

He's not being evasive in the questions . . . for McGovern, the shortest answer is the most accurate one. And he absolutely means it.

"You have to really experience it to understand it," he said. "Unless you're in combat, the rest of it's just like having a job here in civilian life. You've got your job to do."

Dedication . . . it's what's required for military service, and it's what McGovern has in spades. If he was called up today, Janet McGovern summed up what the response would be.

"If they called him today and said, 'Can you report tomorrow to do something?' he'd be gone," she said. "And I'd have to let him go, because that's who he is. That's just what would happen. That's who he is. He loves his country more than anything."

And that's not bragging . . . for McGovern, just like with his stories, that's just the truth.

I commend John McGovern for his many years of loyalty and service to our great Nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.

HOUSE OF REPRESENTATIVES—Monday, September 20, 2010

The House met at 2:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 20, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The prophetic words of Ezekiel may have been first spoken to ancient Israel, Lord, but they ring true in the hearts of Your people down through the ages.

They are especially helpful and full of hope for people who are anxious or angry today.

You tell Your people: "I will judge you . . . each one according to his or her ways. Turn and be converted from all your crimes; anything that may be the cause of guilt for you. Cast off and distance yourself from all the crimes you have committed and seek for yourselves a new heart and a new spirit."

"Why should you think of dying. . . ?"

"I take no pleasure in the death of anyone who dies," says the Lord God. "Return to me and live."

Thank You, Lord, for always being there for us. Especially when we are most in need of Your sustaining power and grace. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. HINOJOSA) come forward and lead the House in the Pledge of Allegiance.

Mr. HINOJOSA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT TO WEDNESDAY, SEPTEMBER 22, 2010

Mr. HINOJOSA. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Wednesday, September 22.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. HINOJOSA. Madam Speaker, I ask unanimous consent that the gentleman from Georgia (Mr. PRICE) may be recognized only on the legislative day of Thursday, September 23, 2010, to offer the resolution that he noticed on Thursday, September 16, 2010, without further notice under clause 9(a)(1) of rule IX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3978. An act to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for a response to terrorism, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 365. An act to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

ADJOURNMENT

Mr. HINOJOSA. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p.m.), under its previous order, the

House adjourned until Wednesday, September 22, 2010, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9450. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-499, "PeterBug Matthews Ways Designation Act of 2010"; to the Committee on Oversight and Government Reform.

9451. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-498, "Closing of Public Streets and a Public Alley, and the Dedication and Designation of Land for Street Purposes, in Squares 3765, 3767, 3768, and 3769, S.O. 09-11837, Act of 2010"; to the Committee on Oversight and Government Reform.

9452. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-497, "Ward 5 Neighborhood Investment Fund Boundary Expansion Amendment of 2010"; to the Committee on Oversight and Government Reform.

9453. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-496, "Bishop William F. Hart, Jr. Way Designation Act of 2010"; to the Committee on Oversight and Government Reform.

9454. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-495, "Duke Ellington Park Designation Act of 2010"; to the Committee on Oversight and Government Reform.

9455. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-494, "Mamie 'Peanut' Johnson Field Designation Act of 2010"; to the Committee on Oversight and Government Reform.

9456. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-493, "Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

9457. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-492, "Assistive Technology Device Warranty Act of 2010"; to the Committee on Oversight and Government Reform.

9458. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-491, "Residential Parking Protection Pilot Act of 2010"; to the Committee on Oversight and Government Reform.

9459. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Quincy Fore River Shipyard [Docket No.: USCG-2008-0858] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9460. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 10th Avenue Marine Terminal Military Outload; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-0861] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9461. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks, Gloucester Schooner Festival, Ten Pound Island [Docket No.: USCG-2008-0865] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9462. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Desert Storm Charity Poker Run and Exhibition Run; Lake Havasu, AZ [Docket No.: USCG-2008-0867] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9463. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation: Captain of the Port Zone Jacksonville, FL [Docket No.: USCG-2008-0875] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9464. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations, Strait Thunder Hydroplane Race, Port Angeles, WA [Docket No.: USCG-2008-0876] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9465. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mississippi River mile marker 363.6 to 364.6, in the vicinity of the Highway 84 Bridge, Natchez, MS [Docket No.: USCG-2008-1048] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9466. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Law Enforcement Dive Operation, Chicago Sanitary and Ship Canal, Cicero, IL [USCG-2008-1049] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9467. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Water Surrounding Open Waters Area 6NM South of Oahu, HI [Docket No.: USCG-2008-0945] [COTP Honolulu 08-004] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9468. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Waters Surrounding M/V MANAO, HI [Docket No.: USCG-2008-0946] [COTP Honolulu 08-005] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9469. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Waters Surrounding Position 21 degrees 17.96'N, 157 degrees 56.64'W, HI [Docket No.: USCG-2008-0947] [COTP Honolulu 08-006] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9470. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Silverdale Thunder, Dyes Inlet, Silverdale, Washington [Docket No.: USCG-2008-0808] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9471. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Toms River, Ocean Gate, NJ [USCG-2008-0815] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9472. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Bridgehampton, NY [Docket No.: USCG-2008-0818] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9473. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Beaver River, Bridgewater, PA [Docket No.: USCG-2008-0824] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9474. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Southampton, NY [Docket No.: USCG-2008-0826] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9475. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Discover Pacific Beach Fireworks Display; Pacific Beach, San Diego, CA [Docket No.: USCG-2008-0842] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9476. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; "Rio Vista Bass Derby" Fireworks display [Docket No.: USCG-2008-0849] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9477. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; M/V Island Intrepid Grounding and Refloating Evolution, Government Cut, Miami Beach, Florida [Docket No.: USCG-2008-0855] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9478. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [USCG-2008-0857] (RIN: 1625-AA00) received August

19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9479. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; M/V Mystic fire, Miami River, Miami, Florida [Docket No.: USCG-2008-1000] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9480. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Thames River, New London, CT [USCG-2008-1003] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9481. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone — Copperhead Regatta, Portage Canal, Houghton, MI [Docket No.: USCG-2008-1005] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9482. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2008 Fleet Week Fireworks Displays, San Francisco Bay CA [Docket No.: USCG-2008-1008] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9483. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Duxbury Beach Triathlon, Duxbury Massachusetts [Docket No.: USCG-2008-1010] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9484. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; TBA Global Fireworks Display; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-1011] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9485. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World Fireworks Display 08 October 2008; Mission Bay, San Diego, California [Docket No.: USCG-2008-1023] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9486. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World Fireworks Display 16 October 2008; Mission Bay, San Diego, CA [Docket No.: USCG-2008-1024] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9487. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marathon Oil Refinery Construction, Rouge River, Detroit, MI [Docket No.: USCG-2008-1033] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9488. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Miner Slough,

near Paintersville, CA [Docket No.: USCG-2008-1039] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9489. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chapel Street Bridge New Haven, CT [Docket No.: USCG-2008-1043] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9490. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Madonna De Lume Fireworks Display; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-0990] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9491. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Anacostia River, Washington, DC [Docket No.: USCG-2008-0996] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9492. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kiawah Island, SC [Docket No.: USCG-2008-1050] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9493. A letter from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's "Major" final rule — Diseases Associated With Exposure to Certain Herbicide Agents (Hairy Cell Leukemia and Other Chronic B Cell Leukemias, Parkinson's Disease and Ischemic Heart Disease) (RIN: 2900-AN54) received September 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 4387. A bill to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida,

as the "Winston E. Arnow Federal Building" (Rept. 111-610). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5591. A bill to designate the facility of the Federal Aviation Administration located at Spokane International Airport in Spokane, Washington, as the "Ray Daves Air Traffic Control Tower"; with amendments (Rept. 111-611). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5717. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia, and for other purposes; with an amendment (Rept. 111-612, Pt. 1). Order to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TAYLOR (for himself and Mr. SKELTON):

H.R. 6157. A bill to direct the Secretary of the Army to seek to enter into certain contracts regarding the self-protective adaptive roller kit II system; to the Committee on Armed Services.

By Mr. FATTAH (for himself, Mr. COLE, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. GRIJALVA, Mr. HINOJOSA, Mr. POLIS, Mr. REYES, and Mr. SCOTT of Virginia):

H. Res. 1638. A resolution supporting the goals and ideals of National GEAR UP Day; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. ROYBAL-ALLARD introduced a bill (H.R. 6158) for the relief of Maria Eva Duran, Jessica Duran Cortes, Daniel Ivan Duran Cortes, and Jose Antonio Duran Cortes; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 305: Mr. CASTLE and Mr. ELLISON.

H.R. 571: Mr. SCHAUER, Ms. ZOE LOFGREN of California, Ms. KOSMAS, Mr. GARY G. MILLER of California, and Mr. CANTOR.

H.R. 1077: Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, and Mr. TIM MURPHY of Pennsylvania.

H.R. 1829: Mr. SCHIFF and Ms. WOOLSEY.

H.R. 2176: Mr. ROTHMAN of New Jersey.

H.R. 3024: Mr. KRATOVIL, Mr. PASTOR of Arizona, and Mr. ANDREWS.

H.R. 3108: Mr. PRICE of North Carolina.

H.R. 3355: Mr. GRIFFITH, Mr. BLUMENAUER, Mr. PALLONE, and Mr. COSTELLO.

H.R. 3564: Mr. COURTNEY and Mr. QUIGLEY.

H.R. 3721: Mrs. MCCARTHY of New York.

H.R. 3724: Ms. TITUS.

H.R. 3927: Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, Mrs. MALONEY, Ms. RICHARDSON, and Mr. MEEKS of New York.

H.R. 3936: Mr. WILSON of Ohio.

H.R. 4045: Ms. ZOE LOFGREN of California.

H.R. 4544: Mr. STUPAK, Mr. WELCH, and Mr. GENE GREEN of Texas.

H.R. 5034: Mr. MICHAUD.

H.R. 5120: Mr. MICHAUD.

H.R. 5400: Mrs. EMERSON.

H.R. 5447: Ms. LINDA T. SÁNCHEZ of California.

H.R. 5600: Mr. MOORE of Kansas, Mr. FILLNER, and Mr. GORDON of Tennessee.

H.R. 5746: Mrs. MALONEY.

H.R. 5928: Mrs. EMERSON.

H.R. 5931: Mr. MITCHELL.

H.R. 6045: Mr. BLUMENAUER.

H.R. 6072: Mr. GRAYSON.

H.R. 6091: Mr. COHEN.

H.R. 6108: Mr. SAM JOHNSON of Texas.

H.R. 6118: Mr. CAO, Mr. HASTINGS of Florida, Ms. LEE of California, and Ms. RICHARDSON.

H.J. Res. 42: Mr. JOHNSON of Illinois.

H. Con. Res. 311: Mr. CULBERSON.

H. Res. 1226: Mr. DJOU, Ms. HERSETH SANDLIN, and Mr. CRITZ.

H. Res. 1326: Mr. LATHAM.

H. Res. 1377: Ms. MATSUI.

H. Res. 1488: Mr. KAGEN, Mr. STUPAK, Mr. ARCURI, and Ms. MCCOLLUM.

H. Res. 1528: Mr. McDERMOTT.

H. Res. 1576: Mrs. MALONEY, Mr. WOLF, Mr. CHAFFETZ, and Mr. GUTHRIE.

H. Res. 1604: Ms. LORETTA SANCHEZ of California, Ms. GIFFORDS, Ms. WATSON, Mr. COHEN, and Ms. WOOLSEY.

H. Res. 1615: Mr. KINGSTON.

H. Res. 1630: Mr. FRANKS of Arizona.

SENATE—Monday, September 20, 2010

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

How can we say thanks to You, gracious God, for the things You have done for us? You shower us with undeserved blessings, and You brought Your salvation to our fragile planet. The voices of 10 million angels couldn't express our gratitude. You alone deserve our praise.

We ask now that You would inspire and guide our lawmakers in their work today. Send out Your light to lead them to Your holy purposes. Lord, keep them from the fatigue of doubt, depression, and despair as You lead them to the buoyancy of hope. By Your sustaining grace may their hearts be steadied, purged of self, emptied of strain and stress, and filled with peace and poise. We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 20, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

SCHEDULE

Mr. LEVIN. Mr. President, today in the Senate, there will be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each. Following morning business, the Senate will resume consideration of the motion to proceed to S. 3454, the Department of Defense authorization bill.

As previously announced by the majority leader, there will be no rollcall votes during today's session of the Senate. The next vote will occur at 2:15 p.m. tomorrow, Tuesday, September 21. That vote will be on the motion to invoke cloture on the motion to proceed to the DOD authorization bill.

MEASURE PLACED ON THE CALENDAR—S. 3793

Mr. LEVIN. Mr. President, I understand that S. 3793 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The bill clerk read as follows:

A bill (S. 3793) to extend expiring provisions and for other purposes.

Mr. LEVIN. Mr. President, I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. LEVIN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

PRINCIPLES FOR ECONOMIC GROWTH

Mr. KYL. Mr. President, I would like to speak a bit about the two competing philosophies of economic growth. The first version I will discuss is the so-called Keynesian economics, which has been the basis of the Obama administration's economic policy since January 2009 and, I would add, with little to no success in reviving our economy and reducing unemployment.

Keynesian economics relies on the theory that in recessionary times, increased government spending can take the place of private sector activity, hence the administration's nearly \$1 trillion stimulus package, the Cash for Clunkers Program and a litany of other government programs, transfer payments, and temporary tax credits. This administration's insistence on enacting these temporary Keynesian policies to

stimulate consumption is misguided and has ultimately failed.

As the Wall Street Journal editorialized in a piece called "The Obama Economy:"

Never before has government spent so much and intervened so directly in credit allocation to spur growth, yet the results have been mediocre at best. In return for adding nearly \$3 trillion in Federal debt in 2 years, we still have 14.9 million people unemployed. What happened?

Well, I will mention three problems with Keynesian economics that I think help to answer that question. First of all, someone without a job is not going to be fooled into spending more money because of a one-time payment that he or she received from the Federal Government. People only change their spending habits when they know they will have a greater consistent income over time, such as when they receive a raise at work. In fact, the evidence has shown that people either save one-time rebates or shift future consumption forward but do not permanently increase their work effort or incentive to invest, which is what is needed to jump-start economic growth.

Second, Keynesian economics assumes the government has the foresight to determine in advance which spending programs would best create economic growth. Well, the obvious problem with this assumption is, Congress does not spend taxpayers' money wisely. We see time and time again how straightforward pieces of legislation get loaded up with special projects which are costly and of questionable value to the public. This has been one of the problems with the stimulus package.

Third, if the problem is lack of consumption and Americans are too broke to spend, how can the government spend for us? We are the government. It is our tax money that is being spent. We have to pay it back if it is borrowed.

The authors of a textbook entitled "Economics: Public and Private Choice," write:

There are no free lunches. Regardless how they are financed, activities undertaken by the government will be costly. When governments purchase resources and other goods and services to provide rockets, education, highways, health care, and other goods, the resources used by the government will be unavailable to produce goods and services in the private sector. As a result, private-sector output will be lower.

In short, there is a major misconception that consumption fueled by government spending actually creates economic growth. It doesn't. It just moves

money around. Taking it from the private sector to be spent by the government removes critical capital that is needed to create jobs.

I noticed, in catching up on reading some of the newspapers over the weekend, that Treasury Secretary Geithner weighed into this debate a little bit. Recall that over the last several weeks there has been a debate about whether we should prevent all taxes from going up or simply prevent a tax increase on the so-called middle class. The idea is that middle-class families spend whatever money they have available. That plays into this Keynesian economic notion that it advances spending so we should let them keep more of their money but that wealthier people—the people in the top two brackets—don't spend their money and, therefore, they do not contribute to economic growth. But of course it totally misses the point that money saved is money ultimately invested. If it is invested, it is either put in a bank, which can then lend more money to people who need to borrow or it is directly invested in stocks or bonds or some other enterprise which generally results in the acquisition of more equipment or the hiring of more people, both of which are essential to reducing unemployment and getting the economy back moving again.

Well, Treasury Secretary Geithner was testifying before the Congress about the possibility of imposing penalties on China because of its currency policies. According to an article in Friday's Washington Times—on the front page:

While taking his toughest stance to date on China's need to speed up the pace of currency reform, Treasury Secretary Timothy F. Geithner echoed China's point that doing that by itself will not eliminate the gigantic \$230 billion trade deficit with China or restore millions of manufacturing jobs lost in the recession.

Continuing to quote from the article:

"Americans also must save more and invest more while consuming less of the world's bounty," he said, "to bring a better balance to trade."

He is right. America does need to save more and invest more. That is the way you restore not just the manufacturing jobs lost in the recession but a lot of the other jobs as well.

Reporting on the same story in another newspaper, Secretary Geithner is quoted as saying:

We are concerned . . . that the pace of appreciation has been too slow. The most important things we can do to make manufacturing stronger in the United States are going to be about the policies we pursue in the United States.

I think he is right and that the policies we have to pursue are the policies of savings and investment—exactly what he said. It may be fine for the U.S. economy to spend more money, but the reality is, each of our families and our businesses are better off if we

save and invest at this important time in our history.

So let there be no mistake; the Secretary's promotion of savings and investment is contrary to this Keynesian notion that all we have to do is spend more money and the economy will get better. There is a need to save and a need to invest. That is what enables businesses to create more jobs.

I think it is very important to remind everyone that economic growth stems from combining three separate inputs—labor, capital, and technology. These three factors of production result in output that we can then consume. Without labor, without capital—that is the savings and investment part—and technology, which enhances our productivity, there can be no consumption. Focusing on policies that stimulate consumption targets the wrong side of the equation.

In order to get the economy going, we need to focus on the inputs, and that is where the second philosophy of economic growth comes in. Some people refer to it as supply-side economics. The fundamental principle of supply-side economics is that people work harder and take more risks when there are more opportunities for economic gain and less government intrusion.

Translating this economic philosophy into policy means reducing government consumption by cutting spending; thus, leaving resources in the private sector. It also means not raising taxes on anyone, especially in these difficult economic times—certainly not on the very employers that we count on to hire more workers. Who employs 25 percent of our workplace? Small businesses. Who would bear the brunt of tax increases in the upper two brackets? Small businesses. So the last thing we should be doing is raising taxes on anyone, most especially our small businesses to which we are looking to produce more jobs.

There is plenty of evidence that the economic theory I am talking about works in practice. We have abundant evidence of what works and what does not. A recent study was conducted by Harvard economists Alberto Alesina and Silvia Ardagna, who recently studied more than 100 fiscal adjustments in 21 separate countries over the past 40 years. The countries are all in the OECD. These are the more economically advanced countries of the world.

The fiscal adjustments that led to economic expansions were generally based around spending cuts. By contrast, the adjustments that led to economic recessions were based around tax increases. Thus, spending cuts, not tax hikes, appear to be the more effective strategy for deficit reduction.

Using data from more than 90 different OECD countries, Alesina and Ardagna also compared the relative benefits of spending increases and tax cuts. Their conclusion: Tax cuts are a

much better way to spur economic growth.

Unfortunately, the current administration and Congress have done the exact opposite of what these two economists from Harvard have proposed. They have dramatically increased Federal spending and are now threatening to implement a massive tax hike, exactly the wrong prescription. I believe it is long past time for Congress to consider an alternative strategy, a strategy that rejects misguided income tax increases and, instead, focuses on targeted spending reductions; a strategy that lowers our corporate tax rate, which is the second highest of all of the OECD countries; a strategy that blocks unelected Federal bureaucrats from imposing new energy taxes on small businesses and middle-class households; a strategy that restructures our three biggest entitlement programs—Social Security, Medicare, and Medicaid—to prevent a future fiscal crisis; a strategy that reins in overall health care costs through market-oriented, consumer-driven reforms; a strategy that promotes free trade across the globe and strengthens our bilateral relationships in the process; a strategy that embraces clear, transparent fiscal regulations to end taxpayer bailouts and discourage excessive leveraging.

These are just some of the recommendations that come from the Republican side of the aisle. I note that they track very closely a piece that four economists and George Shultz, a former Cabinet member—in fact, two different Secretaries in the Cabinet of the President of the United States—George Shultz, Michael Boskin, John Cogan, Allan Meltzer, and John Taylor. They wrote a piece in the September 16 Wall Street Journal called "Principles for Economic Revival." These principles track very closely the principles I have just identified and provide what I think is a very good blueprint for moving forward.

Just a final note. I would note parochially that starting in the third paragraph of their piece: "The Noble Prize-winning economist Edward Prescott" is from Arizona State University. I visited with Dr. Prescott, and I can affirm the things he teaches in his classes as well as what he teaches by his writings are the principles upon which we can build economic growth. They are what I said in the very beginning of my remarks. They are the principles of incentive for more economic output and reward.

He talks, in this piece, about the way higher tax rates on labor are associated with the reductions in the labor output, and therefore the productivity of the country, the wages of the people, and the economic condition of the country.

Also, the authors have a very interesting chart in this Wall Street Journal piece called "The Cost of Washington." It is astonishing to see on paper the cost of World War I—in fact, the cost of the Civil War before that, the cost of World War II—pretty high. Then it went back down again. These are all costs as a percent of GDP.

Now when we have the biggest gross domestic product ever, dramatically larger even than what we had in World War II, we have costs of the Federal Government that exceed even the cost as a percentage of GDP of World War II.

The President's folks, as well as those who advise Congress, have all said this is unsustainable. It is one of the reasons it is time for us, as I said, to get back to principles for economic revival and focus on reducing unnecessary spending and making certain that, especially in these times, we resist the notion of raising taxes on any Americans.

I ask unanimous consent this Wall Street Journal op-ed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 16, 2010]

PRINCIPLES FOR ECONOMIC REVIVAL

(By George P. Shultz, Michael J. Boskin, John F. Cogan, Allan Meltzer and John B. Taylor)

America's financial crisis, deep recession and anemic recovery have largely been driven by economic policies that have deviated from proven fact-based principles. To return to prosperity we must get back to these principles.

The most fundamental starting point is that people respond to incentives and disincentives. Tax rates are a great example because the data are so clear and the results so powerful. A wealth of evidence shows that high tax rates reduce work effort, retard investment and lower productivity growth. Raise taxes, and living standards stagnate.

Nobel Prize-winning economist Edward Prescott examined international labor market data and showed that changes in tax rates on labor are associated with changes in employment and hours worked. From the 1970s to the 1990s, the effective tax rate on work increased by an average of 28% in Germany, France and Italy. Over that same period, work hours fell by an average of 22% in those three countries. When higher taxes reduce the reward for work, you get less of it.

Long-lasting economic policies based on a long-term strategy work; temporary policies don't. The difference between the effect of permanent tax rate cuts and one-time temporary tax rebates is also well-documented. The former creates a sustainable increase in economic output, the latter at best only a transitory blip. Temporary policies create uncertainty that dampen economic output as market participants, unsure about whether and how policies might change, delay their decisions.

Having "skin in the game," unsurprisingly, leads to superior outcomes. As Milton Friedman famously observed: "Nobody spends somebody else's money as wisely

as they spend their own." When legislators put other people's money at risk—as when Fannie Mae and Freddie Mac bought risky mortgages—crisis and economic hardship inevitably result. When minimal co-payments and low deductibles are mandated in the insurance market, wasteful health-care spending balloons.

Rule-based policies provide the foundation of a high-growth market economy. Abiding by such policies minimizes capricious discretionary actions, such as the recent ad hoc bailouts, which too often had deleterious consequences. For most of the 1980s and '90s monetary policy was conducted in a predictable rule-like manner. As a result, the economy was far more stable. We avoided lengthy economic contractions like the Great Depression of the 1930s and the rapid inflation of the 1970s.

The history of recent economic policy is one of massive deviations from these basic tenets. The result has been a crippling recession and now a weak, nearly nonexistent recovery. The deviations began with policies—like the Federal Reserve holding interest rates too low for too long—that fueled the unsustainable housing boom. Federal housing policies allowed down payments on home loans as low as zero. Banks were encouraged to make risky loans, and securitization separated lenders from their loans. Neither borrower nor lender had sufficient skin in the game. Lax enforcement of existing regulations allowed both investment and commercial banks to circumvent long-established banking rules to take on far too much leverage. Regulators, not regulations, failed.

The departures from sound principles continued when the Fed and the Treasury responded with arbitrary and unpredictable bailouts of banks, auto companies and financial institutions. They financed their actions with unprecedented money creation and massive issuance of debt. These frantic moves spooked already turbulent markets and led to the financial panic.

More deviations occurred when the government responded with ineffective temporary stimulus packages. The 2008 tax rebate and the 2009 spending stimulus bills failed to improve the economy. Cash for clunkers and the first-time home buyers tax credit merely moved purchases forward by a few months.

Then there's the recent health-care legislation, which imposes taxes on savings and investment and gives the government control over health-care decisions. Fannie Mae and Freddie Mac now sit with an estimated \$400 billion cost to taxpayers and no path to resolution. Hundreds of new complex regulations lurk in the 2010 financial reform bill with most of the critical details left to regulators. So uncertainty reigns and nearly \$2 trillion in cash sits in corporate coffers.

Since the onset of the financial crisis, annual federal spending has increased by an extraordinary \$800 billion—more than \$10,000 for every American family. This has driven the budget deficit to 10% of GDP, far above the previous peacetime record. The Obama administration has proposed to lock a sizable portion of that additional spending into government programs and to finance it with higher taxes and debt. The Fed recently announced it would continue buying long-term Treasury debt, adding to the risk of future inflation.

There is perhaps no better indicator of the destructive path that these policy deviations have put us on than the federal budget. The nearby chart puts the fiscal problem in perspective. It shows federal spending as a percent of GDP, which is now at 24%, up sharply from 18.2% in 2000.

Future federal spending, driven mainly by retirement and health-care promises, is likely to increase beyond 30% of GDP in 20 years and then keep rising, according to the Congressional Budget Office. The reckless expansions of both entitlements and discretionary programs in recent years have only added to our long-term fiscal problem.

As the chart shows, in all of U.S. history, there has been only one period of sustained decline in federal spending relative to GDP. From 1983 to 2001, federal spending relative to GDP declined by five percentage points. Two factors dominated this remarkable period. First was strong economic growth. Second was modest spending restraint—on domestic spending in the 1980s and on defense in the 1990s.

The good news is that we can change these destructive policies by adopting a strategy based on proven economic principles:

First, take tax increases off the table. Higher tax rates are destructive to growth and would ratify the recent spending excesses. Our complex tax code is badly in need of overhaul to make America more competitive. For example, the U.S. corporate tax is one of the highest in the world. That's why many tax reform proposals integrate personal and corporate income taxes with fewer special tax breaks and lower tax rates.

But in the current climate, with the very credit-worthiness of the United States at stake, our program keeps the present tax regime in place while avoiding the severe economic drag of higher tax rates.

Second, balance the federal budget by reducing spending. The publicly held debt must be brought down to the pre-crisis safety zone. To do this, the excessive spending of recent years must be removed before it becomes a permanent budget fixture. The government should begin by rescinding unspent "stimulus" and TARP funds, ratcheting down domestic appropriations to their pre-binge levels, and repealing entitlement expansions, most notably the subsidies in the health-care bill.

The next step is restructuring public activities between federal and state governments. The federal government has taken on more responsibilities than it can properly manage and efficiently finance. The 1996 welfare reform, which transferred authority and financing for welfare from the federal to the state level, should serve as the model. This reform reduced welfare dependency and lowered costs, benefiting taxpayers and welfare recipients.

Third, modify Social Security and health-care entitlements to reduce their explosive future growth. Social Security now promises much higher benefits to future retirees than to today's retirees. The typical 30-year-old today is scheduled to get an inflation-adjusted retirement benefit that is 50% higher than the benefit for a typical current retiree.

Benefits paid to future retirees should remain at the same level, in terms of purchasing power, that today's retirees receive. A combination of indexing initial benefits to prices rather than to wages and increasing the program's retirement age would achieve this goal. They should be phased-in gradually so that current retirees and those nearing retirement are not affected.

Health care is far too important to the American economy to be left in its current state. In markets other than health care, the legendary American shopper, armed with money and information, has kept quality high and costs low. In health care, service providers, unaided by consumers with sufficient skin in the game, make the purchasing

decisions. Third-party payers—employers, governments and insurance companies—have resorted to regulatory schemes and price controls to stem the resulting cost growth.

The key to making Medicare affordable while maintaining the quality of health care is more patient involvement, more choices among Medicare health plans, and more competition. Co-payments should be raised to make patients and their physicians more cost-conscious. Monthly premiums should be lowered to provide seniors with more disposable income to make these choices. A menu of additional Medicare plans, some with lower premiums, higher co-payments and improved catastrophic coverage, should be added to the current one-size-fits-all program to encourage competition.

Similarly for Medicaid, modest co-payments should be introduced except for preventive services. The program should be turned over entirely to the states with federal financing supplied by a “no strings attached” block grant. States should then allow Medicaid recipients to purchase a health plan of their choosing with a risk-adjusted Medicaid grant that phases out as income rises.

The 2010 health-care law undermined positive reforms underway since the late 1990s, including higher co-payments and health savings accounts. The law should be repealed before its regulations and price controls further damage availability and quality of care. It should be replaced with policies that target specific health market concerns: quality, affordability and access. Making out-of-pocket expenditures and individual purchases of health insurance tax deductible, enhancing health savings accounts, and improving access to medical information are keys to more consumer involvement. Allowing consumers to buy insurance across state lines will lower the cost of insurance.

Fourth, enact a moratorium on all new regulations for the next three years, with an exception for national security and public safety. Going forward, regulations should be transparent and simple, pass rigorous cost-benefit tests, and rely to a maximum extent on market-based incentives instead of command and control. Direct and indirect cost estimates of regulations and subsidies should be published before new regulations are put into law.

Off-budget financing should end by closing Fannie Mae and Freddie Mac. The Bureau of Consumer Finance Protection and all other government agencies should be on the budget that Congress annually approves. An enhanced bankruptcy process for failing financial firms should be enacted in order to end the need for bailouts. Higher bank capital requirements that rise with the size of the bank should be phased in.

Fifth, monetary policy should be less discretionary and more rule-like. The Federal Reserve should announce and follow a monetary policy rule, such as the Taylor rule, in which the short-term interest rate is determined by the supply and demand for money and is adjusted through changes in the money supply when inflation rises above or falls below the target, or when the economy goes into a recession. When monetary policy decisions follow such a rule, economic stability and growth increase.

In order to reduce the size of the Fed's bloated balance sheet without causing more market disruption, the Fed should announce and follow a clear and predictable exit rule, which describes a contingency path for bringing bank reserves back to normal levels. It should also announce and follow a

lender-of-last-resort rule designed to protect the payment system and the economy—not failing banks. Such a rule would end the erratic bailout policy that leads to crises.

The United States should, along with other countries, agree to a target for inflation in order to increase expected price stability and exchange rate stability. A new accord between the Federal Reserve and Treasury should reestablish the Fed's independence and accountability so that it is not called on to monetize the debt or engage in credit allocation. A monetary rule is a requisite for restoring the Fed's independence.

These pro-growth policies provide the surest path back to prosperity.

Mr. KYL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOUTH KOREAN FREE TRADE AGREEMENT

Mr. JOHANNIS. Mr. President, I rise today to ask a pretty straightforward question: Why on Earth is this administration standing by and watching our global competitors gain the upper hand over U.S. businesses?

Last week, the European Union announced that it is taking steps to approve an agreement with South Korea. I have to tip my hat to the Europeans. South Korea represents the 12th largest economy, and Europe's businesses are now one step closer to much greater access to the 12th largest economy in the world. Meanwhile, the United States fails to act on a trade agreement negotiated with South Korea more than 3 years ago, ready for ac-

tion, actually. Zero action, though, has been taken since this agreement has been finalized by this administration. We all know it is up to the President to send the agreement to Congress for approval before it can go into effect. But that has not happened. On the other hand, other nations are taking advantage of opportunities to save their businesses billions of dollars, while the United States is simply stuck in neutral.

Under our agreement with Korea, most fees our exporters pay—tariffs—to Korea would be completely eliminated, saving U.S. businesses literally billions of dollars. In fact, nearly 95 percent of our exports of consumer and industrial products would become duty free within 3 years and the rest would be eliminated over time. Nearly two-thirds of our agricultural exports would also become duty free under this agreement, and perhaps most significant is the estimate by the U.S. International Trade Commission itself that our agreement with South Korea would add \$10 to \$12 billion to our economy.

So what does this mean in real dollars for real businesses? Well, the agreement would increase U.S. exports by about \$10 billion annually. The way I look at it, our economy could use a \$10 billion boost. Instead, our agreement with South Korea languishes, and we sit on the sidelines while other countries clearly are gaining the upper hand and we are losing this marketplace.

If we could ever enact this agreement, American job creators could fairly compete in the South Korean market. Instead, they are at a distinct disadvantage, and the key to a level playing field—this trade agreement—is collecting dust on a shelf at the White House.

The time for the United States to act on our agreement with Korea is not only now, it should have been months ago. Our failure to act is inhibiting job creation, inspiring our competitors, who are winning, and frustrating our trading partners. Last week was just the latest evidence that our trading partners have lost patience with us and decided to find new dance partners. You see, our trading partners look at this and say: There is no leadership.

In June, I came to the Senate floor to express my concern over reports that an official from the South Korean Embassy said the following:

The U.S. runs the risk of losing the Korean market within a decade if we cannot get a free trade agreement ratified.

Let me repeat what he said: Within a decade, we lose this market.

Those reports also warned that South Korea was likely to complete a free-trade agreement with the European Union by January of next year. Well, here we are 3 months later, and that is exactly what has happened.

Most recently, upon announcing the new agreement just last week, South

Korea's Ministry of Foreign Affairs and Trade released a statement saying that their deal with the EU "will bring about economic benefits more than a free trade pact signed with the United States." You see, they signed this agreement 3 months ahead of schedule, and our trading partners look at all of the dithering, and they are ready to move forward without us.

We should enact our pending trade agreement with South Korea as well as the pending trade agreements with Colombia and Panama as quickly as possible. Increasing our market share in countries around the world will provide greater opportunities for our businesses, allowing them to expand their operations and to hire more people right here at home. You can translate foreign trade to real jobs for real people in this country who are looking for work. This would help get our economy moving again. But for that to happen, the Obama administration must send Congress the pending agreements for an up-or-down vote. That is the next step. That has been the next step for months and months. The President must simply send the agreements for approval.

Unfortunately, when it comes to the pending trade agreements, what we have seen from this administration has been a lot of talk but no action. If you listen to the President's own words, you would think the administration just can't wait to submit the agreements to Congress. Just last week, President Obama said he would like to see congressional approval of the Korean agreement as soon as possible. That is not the first time he has made those statements. Going all the way back to the State of the Union Address in January, President Obama said the following:

We have to seek new markets aggressively just as our competitors are. If America sits on the sidelines while other nations sign trade deals, we will lose the chance to create jobs on our shores.

The President was right about that when he said that so many months ago. In fact, it bears repeating. In the President's own words:

If America sits on the sidelines while other nations sign trade deals, we will lose the chance to create jobs on our shores.

So the President of the United States is on record saying that the pending trade agreements would create jobs. They would. But these words ring hollow when you do not follow up with action.

As the U.S. unemployment rate has hovered around 10 percent for most of this year, my question is and I think the question of this nation is, What are we waiting for? Why are we waiting? There is no silver bullet here, but our pending trade agreements would be enormously helpful. They would be the absolute right step in the right direction. You see, when roughly 95 percent

of the world's consumers live outside the United States, the global marketplace represents unrivaled opportunities. But, unfortunately, while the Senate has spent most of this year on a massive spending spree, three measures that even the President admits will create jobs are withering on the vine. Our businesses and job creators watch as their global competitors simply run by them. They are sitting on the sidelines faced with uncertainty and high tariffs that bar their entry in any reasonable way to the foreign marketplace, uncertainty about new regulations, uncertainty about our economic recovery, uncertainty about this administration's commitment to these trade agreements.

The lack of any kind of coherent position from the White House is a serious part of the problem. Yes, I have heard the speeches. The President says he wants action. He started saying it a long time ago. Yet he takes no action. I would like to know where this administration stands. The agreements are signed and ready. The ball is in the administration's court. If the President has no intention of sending these agreements to us, say so. Let the American public know this.

Taking action could not be easier: simply drop the agreements in the mail to Congress or have somebody walk them over here. The rest of the world is not wasting any time taking advantage of the opportunities and benefits provided by expanded trade. You see, they need jobs too. And they see the world's population and say: Why would we not want to sell our products to those people? Meanwhile, the United States is depriving our businesses of new markets, our people of jobs and new opportunities. And it delays economic recovery while, unfortunately, our competitors gain the upper hand.

If the President is serious about enacting trade deals to create new jobs, I am ready to work with him. I have said that over and over. I will come to the floor and speak on behalf of these agreements, and I know many of my colleagues are ready to do the same.

I urge the President to send the trade agreements to Congress once again for a "yes" vote.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. GRAHAM. Mr. President, I rise to speak about the upcoming vote to-

morrow at 2:15 on the Defense authorization bill. I don't know the state of play, but it looks as though we will bring to the floor a Defense authorization bill without any ability to amend the bill beyond a very limited set of amendments. If one is watching the political discourse at the moment, they would not realize we are at war in two different theaters and that Iran is pursuing a nuclear weapon, and that maybe a year from now they will have one. We are talking about domestic politics and spending. That is good. But what is equally important is national security.

The Defense authorization bill is coming to the Senate floor tomorrow, and we have a don't ask, don't tell policy change within the bill that basically says we are going to change the law that would get rid of don't ask, don't tell; a policy that has worked very well, that we would receive input from the military, and we are going to change the law before we ask our men and women in uniform about their opinion. That is a huge mistake. We were told last year there would be a study among all the services about the effect of don't ask, don't tell on recruiting and retention and how it would affect the Armed Forces.

Before we can get the study done, I think the Congress is going to repeal the law because our Democratic friends believe in the fall there will be more Republicans. So they are going to try to do it now. We should not repeal don't ask, don't tell until we get input from our men and women who are serving. That is one thing that is driving this bill.

The DREAM Act is a piece of legislation that would give legal status to young children who were brought into the country illegally, brought here as children as illegal immigrants. They have lived most of their lives here. It would allow them to go to school under State tuition. It would give them legal status. That is an issue that needs to be talked about in terms of comprehensive immigration reform, not the Defense authorization bill.

If someone were listening to the debate on the Defense authorization bill, they would believe the biggest national security threats we face are abortions in military hospitals, the DREAM Act, which has to do with citizenship for young illegal immigrants, and don't ask, don't tell. We are not talking about what happens if Iran gets a nuclear weapon, how we win in Afghanistan, or what we need to do to get Iraq right. We are on the 10 yard line, but we are not there yet.

I have an amendment I would like to offer to the body that would get 99 votes. It says stop reading terrorists their Miranda rights. This is not crime we are fighting. We are fighting a war. I don't believe in torture; I believe in living within our values. But there is a

difference between a law enforcement activity and fighting a war.

When we capture a terrorist who just tried to blow up an airplane over Detroit, the last thing we need to do is read them their Miranda rights. We should take them off the airplane, turn them over to the military, the CIA, and let them be questioned about future attacks within our values—not torture but firmly and effectively asked about intelligence.

The moment we read somebody their Miranda rights, we go into the area of law enforcement. We are fighting a war, not a crime. I have a bill that would change our habeas review process where an enemy prisoner is allowed to go to Federal court under Supreme Court holdings, and when they go to court, the habeas review doesn't have any uniform standards. In one case they let the guy go because the government couldn't prove he was a member of al-Qaida on the day he was captured. But they could prove without a doubt that he had trained with al-Qaida, swore an oath to al-Qaida right after 9/11. The burden should be on the enemy combatant to prove they are not a member of al-Qaida once we have established they were at some point in time.

The whole habeas review system needs to be looked at. Our judges are crying out for some congressional involvement to give them uniform standards.

We have 48 people in prison at Guantanamo Bay held for years without trial. Under the law of war, we can hold an enemy prisoner indefinitely without trial because it is part of a war. Under domestic criminal law, we have to charge somebody with a crime or let them go. That is a dilemma we should not face. If someone is being held as an enemy combatant, there ought to be a legal process to make that determination with an annual review. I would like to create that legal process. I would like to create some rational legal system that recognizes we are at war, not fighting a crime. But the only thing I can talk about is don't ask, don't tell and the DREAM Act. This is ridiculous.

We have men and women in harm's way. This Nation is under siege. We have not adjusted our laws since 9/11 to be at war within our values. The extremes can't be the norm. The choice between waterboarding and the Army Field Manual in terms of interrogation should not be the two choices. The CIA today is out of the interrogation business. The Executive order issued by President Obama denies the CIA the ability to use enhanced interrogation techniques that this body passed under the Detainee Treatment Act, so the CIA is basically an organization without any ability to question someone. If we capture terrorists tomorrow, where will we put them? Guantanamo Bay

hadn't been used in years. We are a nation without a jail. These are big issues that need to be addressed in a comprehensive fashion.

The Defense authorization bill is the natural venue. But under the process before the Senate, it is being shut down, and the Defense authorization bill is no longer a vehicle to deal with defense matters. It is now a political checklist before the November elections. The Hispanic community, check; they got a vote on the DREAM Act.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. GRAHAM. Absolutely.

Mr. MCCAIN. Is it the understanding of the Senator from South Carolina that we would be taking up the DREAM Act which, if going through the regular process, would go to the Judiciary Committee, and the don't ask, don't tell issue and perhaps something about secret holds, and then go off of the bill until after the elections in a very constrictive timeframe of a lameduck session?

What is the Senator's view about what the priorities of the leadership are? Is it political? Why else would we take up only certain amendments and then move off a bill that would then resume possibly for some truncated period after the election? What is that all about?

Mr. GRAHAM. Sherlock Holmes said what is left on the table, when you rule everything out, is the answer. It makes no sense to me for us to bring the Defense authorization bill to the floor of the Senate at any time where the Senator from Arizona and I cannot offer an amendment about how we try a terrorist. Should Khalid Sheikh Mohammed be given a Federal court right? Should he be put in New York City or any other Federal court and tried as a normal criminal, or should he be tried in a military court as an enemy combatant?

These are big issues. Under the construct created—and the reason I will vote no when I would normally vote yes—I cannot offer amendments. We are going to be voting on the DREAM Act. The DREAM Act is a hot topic in the immigration world but not very hot among our troops.

I have been to Afghanistan and Iraq numerous times. I haven't had one soldier or airman or sailor or marine or Coast Guard member ask me about the DREAM Act. They want to know are they going to get paid more and do they have the tools to win the war. This is politics at its worst, may I say.

As a Republican, I stand here knowing our party has probably abused power in the past but not like this. This, to me, is going to a new level. We are in two wars. Iran is on the verge of making a breakthrough on the nuclear weapons front. We have a Defense bill where we can't amend it to talk about the war on terror or about legal

changes—stop reading terrorists their Miranda rights. We will be voting on the DREAM Act which is checking a block. We will be voting on don't ask, don't tell in a way in which I think is offensive to the men and women who serve.

The Senator was promised last year, as the ranking member, when he asked the question, that our men and women would give us input before the administration would move to change don't ask, don't tell. That has all been turned upside down. The law is now that it will be repealed and we ask later.

This idea about secret holds in the Senate, that is probably an internal matter that needs to be resolved but not on Defense authorization. The answer is, this is politics.

Mr. MCCAIN. If we do address the issue on the Defense authorization bill or if we were addressing the issue, would it be more appropriate to assess the impact on battle effectiveness and morale on the men and women serving and then arrive at a decision as to whether that legislation or any other legislation, although this is very important legislation, should be repealed? Instead, isn't it true the construct of the way it went through the Armed Services Committee is that the three individuals who support repeal—the President, who made a political promise; the Secretary of Defense, whom we admire; and the Chairman of the Joint Chiefs of Staff—will make a determination as to whether the study has been completed sufficiently to ensure the repeal of don't ask, don't tell without difficulty as opposed to taking a survey, finding out about the impact on morale and battle readiness and then make a determination?

Also, according to this process set up in the Armed Services Committee, the four service chiefs—Army, Navy, Marine Corps, Air Force—are left out of the decisionmaking. Why? Because they have called for exactly what I was just describing, which is a study to assess the impact on morale and effectiveness prior to repeal. In other words, in this instance, the fix is in.

Mr. GRAHAM. The Senator makes a good point. He has been ranking member. Obviously, his military record is well known. He was promised—I took it as a promise—last year that we would not change don't ask, don't tell until we got input from those who serve our country in uniform. That process is ongoing. But now the law we are expected to vote on tomorrow changes don't ask, don't tell. It completely reverses that policy but allows us to get input later. That is quite offensive. We know there isn't going to be a snowball's chance in hell they are actually going to listen to what the men and women say because the whole goal is to get that vote for a specific constituency.

Special interest groups are dominating this bill unlike any time before.

We have changed the law about abortions in military hospitals, we have the DREAM Act which has zero to do with national defense, and now we have a major change in don't ask, don't tell in a way that is contrary.

I spoke to the incoming Commandant of the Marine Corps who will be up for a vote soon. He said he was very concerned about making this change now. We are in two wars. There is a lot going on in the world. This is a major social change. He thinks it would be smart to listen to the marines and other servicemembers before we make the change. If the bill becomes law, we will not have done that. That is a huge mistake.

I thank the Senator from Arizona for his leadership to make sure the men and women in uniform are heard from before Congress acts.

Mr. MCCAIN. One more question: The issue is the proposal to include the so-called DREAM Act. I think every Member of Congress, every American citizen has some sympathy for individuals who were brought to this country without making the decision to do so, not forgetting that the people who brought them to this country were breaking our laws when they did so. Isn't it also true that if we address the DREAM Act or other parts of comprehensive immigration reform before securing the borders, then 1, 2, 5, 10 years from now we will be faced with another generation of young people who were brought here against their will who have a compelling story to tell?

In other words, isn't the moral of this story—to harken back to the 1980s—under our beloved Ronald Reagan we gave amnesty to a couple million people, and they said they would secure the borders, and we ended up with 12 million people who were here illegally? So isn't that the situation we all want to remedy, but we want to make sure we do not have to remedy it again?

Mr. GRAHAM. I say to the Senator, his point is well taken. If the DREAM Act is not considered part of comprehensive immigration reform, it will be a huge mistake. The reason we have 12 million people here illegally in our country is because you can get to America pretty easily illegally, obviously. You can walk across the street in some places. So you have to control the border.

Visa overstays are 40 percent of the illegal immigration problem. If you do not do that, then you are never going to stop the third wave of illegal immigration. You have to deal with why they come: to get jobs. We need better employer verification. We need a temporary worker program so employers can hire people in a win-win situation, where people from other countries can come here and work, make some money, and go back home. It helps us; it helps them. That is what you need to do with immigration, comprehensive reform.

The DREAM Act is about November politics. It is an emotional topic that if you did it in isolation would be undercutting comprehensive reform. Certainly it has nothing to do with defense authorization. It is trying to check a block.

For the people who came to my office last week who were literally praying that I would vote for the DREAM Act in the Defense authorization bill, you are certainly being used and abused, in my view. This is an emotional topic, and at the end of the day, all I can tell you is, this is not a way to change immigration. This is not comprehensive immigration reform. This is not good defense policy. This is just sheer, raw politics at a time when we could do better and should do better.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3454, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the bill (S. 3454) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, we have enacted a National Defense Authorization Act every year for the last 48 years, and we need to do the same this year. I hope we can at least make some progress during the next few days and weeks on this bill.

This year's bill would continue the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world.

For example, the bill would extend over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by Active-Duty and Reserve military personnel.

The bill would authorize continued TRICARE coverage for eligible dependents of servicemembers up to age 26.

The bill would improve care for our wounded warriors by addressing inequities in rules for involuntary administrative separations based on medical conditions and requiring new education

and training programs on the use of pharmaceuticals for patients in wounded warrior units.

The bill would authorize and allow the waiver of maximum age limitations to enable certain highly qualified enlisted members who served in Operation Iraqi Freedom or Operation Enduring Freedom to enter the military service academies.

The bill also includes important funding and authorities needed to provide our troops the equipment and support they will continue to need as long as they remain on the battlefield in Iraq and Afghanistan.

For example, the bill would enhance the military's ability to rapidly acquire and field new capabilities in response to urgent needs on the battlefield by expanding the authority of the Department of Defense to waive statutory requirements when urgently needed to save lives on the battlefield.

The bill would fully fund the President's request to train and equip the Afghan National Army and Afghan Police—growing the capabilities of these security forces to prepare them to take over increased responsibility for Afghanistan's security.

The bill would extend for another year the authority for the Secretary of Defense to transfer equipment coming out of Iraq as our troops withdraw to the security forces of Iraq and Afghanistan, providing through that transfer an important tool for our commanders looking to accelerate the growth of these security forces.

The bill contains a number of provisions that will help improve the management of the Department of Defense and other Federal agencies.

For example, the bill would require the Department of Defense to establish a comprehensive process for evaluating and addressing urgent operational needs identified on the battlefield.

The bill would address shortcomings in the management of private security contractors in Iraq and Afghanistan by making contractors expressly responsible for the conduct of their subcontractors and establishing specific contractual remedies for failures to comply with the requirements and directives.

The bill would require the Department of Defense to establish acquisition baselines for the Missile Defense Agency's programs and provide annual reports to Congress on progress toward achieving those baselines.

The bill also includes important legislative provisions that would promote DOD's cybersecurity and energy security efforts—two important initiatives that would help strengthen our national defense and our Nation.

This bill does include a handful of contentious provisions on which there is disagreement in the Senate. These provisions were debated in committee. I expect them to be debated again on

the Senate floor, if we can proceed tomorrow, as I hope we can. We are going to have votes on a number of those issues and other contentious issues, and the Senate will work its will if we are allowed to get to the point where we can debate this bill.

One of the issues which has been raised is whether amendments should be offered or are offerable to this bill, such as the DREAM Act, which are not relevant to the bill. The Senator from Arizona recently said the following, and he has repeated it:

[F]or many, many years, we never put any extraneous items on the [DOD authorization] bill, because it was so important to defense and we just didn't allow it.

He continued:

Starting last year, Carl Levin and Harry Reid put hate crimes on it.

The Senator from Arizona is incorrect. He is incorrect on a number of accounts. First of all, the Senate previously considered hate crimes amendments to the national defense authorization bill. We did it in 2001. We did it in 2005. We did it again in 2008 on the national defense authorization bill. It was not the first time that hate crimes was added to the defense authorization bill, and each time the hate crimes amendment was approved by overwhelming bipartisan votes: 57 to 42, 65 to 33, and 60 to 39. It received anywhere from 8 to 18 Republican votes. The only thing that was new about last year's action relative to hate crimes was that for the first time the provision was not dropped in conference. It was included in the enacted legislation.

Secondly, the Senator from Arizona is incorrect when he says "we never put any extraneous items on the [defense authorization] bill . . . we just didn't allow it" is incorrect for another reason. During our consideration of Defense Authorization Acts over the last dozen years, and before, the Senate has debated other amendments, nonrelevant amendments, on many issues, including on concealed weapons, indecency standards, the extension of pay-go budget procedures, and secret holds on nominations, among other issues.

As a matter of fact, in the year 2000, the Senator from Arizona offered a nonrelevant amendment to the defense authorization bill. His amendment proposed to require campaign finance disclosure by the so-called 527 organizations as an amendment to national defense authorization. Senator WARNER opposed it, as floor manager of the bill. Senator WARNER, as chairman and floor manager, argued it was not relevant to the bill. Indeed, Senator WARNER argued it could endanger the passage of the bill and urged Senator MCCAIN not to offer that nonrelevant amendment. Senator MCCAIN's response:

I yield to no one in this body as to my advocacy for our Nation's defense and the men and women in the military.

He continued:

But if we want to give these men and women in the military confidence in their Government, we should have fully disclosed who it is that contributes to the political campaigns.

When Senator WARNER was asked if he was upset with Senator MCCAIN for tying up the Senate with nonrelevant amendments on the defense authorization bill, Senator WARNER stated:

I don't get upset at anything. The man—

The Senator he is referring to, Senator MCCAIN—

is acting under the rules.

I supported the McCain amendment at that time, and I also supported the right of the Senator from Arizona to offer it, not because it was relevant to the defense authorization bill—it was not—but because it was the only opportunity, apparently, to consider that bill, and it was the right thing to do, in my judgment.

By a vote of 57 to 42, the Senate agreed, and the nonrelevant McCain amendment was adopted to the defense authorization bill. By the way, by comparison, last year's hate crimes amendment was adopted by a vote of 63 to 28.

Particular concern has also been expressed about the committee's decision to cut \$1 billion of the \$2 billion that the President requested for the Iraq Security Forces Fund. This decision of the committee was consistent with the previously expressed view of the Armed Services Committee and of the Congress that the Government of Iraq should assume a greater responsibility for the financial burden of building Iraqi security forces as U.S. forces draw down.

The Iraqis are in a better position to pay for their defense than we are. Last year, we provided only \$1 billion. We should not be increasing that amount as Iraqi resources and finances get stronger and their oil revenues get higher.

The American taxpayers have already paid over \$18 billion to build the capacity of the Iraqi Army and police. By contrast, the Government of Iraq has failed to adequately invest in its own security forces. According to a recent DOD report, the Iraqi Ministry of Defense requested \$7.4 billion in 2010, but the Ministry of Finance approved only \$4.9 billion, choosing to fund little more than personnel costs and to rely almost entirely on the United States to pay for even the most basic equipment needed by the Iraqi Army. Iraq, which according to GAO analysis, has a cumulative budget surplus of \$52 billion through the end of fiscal year 2009 and as much as \$5 billion in unspent security funds, should be well positioned to pay for its own military equipment instead of coming to us for large handouts.

The argument has been made that the money the committee cut from the Iraqi Security Forces Fund was used to

pay for porkbarrel projects. However, the definition of "porkbarrel projects" used for this purpose appears to be anything other than what the administration requests. I question why spending money on Iraqi troops should be considered good government, but if we spend the same amount of money on our own military instead, it is considered wasteful porkbarrel spending. We could have no higher priority as a committee or as a Congress than supporting our own defense, and I am proud of the fact that our bill would increase the money available for this purpose by cutting back on subsidies for the Iraqis.

Here is the process we use in our committee. This is how we accomplish where we are today. Every year, our committee staff works hard to identify excess or unneeded spending in the Defense budget request. For example, we identify unsuccessful programs where we appear to be sending good money after bad, programs that are getting money before they need it or are getting more money than they can reasonably spend in a year; programs that cannot spend all the money they have because of schedule delays, and programs that are scheduled to receive funding increases, even though the requirement is declining. We would not be doing our job for the Congress and the American people if we fail to undertake a thorough review and to cut excess or unneeded spending from the budget. When we find unneeded spending, we are then able to shift it to support added force structure or force modernization and the quality of life for our troops. This is much the same process that the Secretary of Defense goes through to identify excess overhead, duplicative programs and other wasteful spending and shift the funds to higher priority defense needs.

This year, we reviewed the Department's \$725 billion budget proposal and identified several billion dollars of unneeded spending—just over one-half of 1 percent of the total budget. What did we spend the money on? Mainly modernizing weapons systems, supporting readiness, and supporting the troops. More specifically, this is what the committee proposes to spend the money on that was cut as unneeded from other programs.

This is a relatively long list, but I do wish to give a fairly extensive list of what the additional spending was by the Armed Services Committee when we found that some of the spending in the budget was unneeded for the reasons I just gave.

Here is a list: \$532 million to fully fund high-priority requirements identified by the Chief of Naval Operations for ship depot maintenance, aircraft depot maintenance, and spare parts; \$363 million to improve missile defense capabilities against existing regional missile threats and provide better protection against such missiles for our

deployed forces and our allies; \$337 million to fully fund high priority weapons sustainment and depot maintenance requirements identified by the Air Force Chief of Staff; \$325 million to procure additional F-18 aircraft to address a looming shortfall of strike fighter aircraft and take advantage of better prices we will get through a multiyear contract; \$310 million for new facilities, all of which meet the McCain-Glenn screening requirements for military construction and have been determined by the military to be mission essential, to support operations and training, and ensure that our troops are ready for deployment; \$244 million to augment the capability of our communications satellites, continue the development of infrared sensors for next-generation satellites, and provide for improved space protection and space situational awareness; \$213 million for advanced technologies, for advanced weapons systems, including basic and applied research and materials, science for lighter and stronger materials, new sensors, lasers, and information technology; \$184 million for unfunded procurement priorities identified by the Army Chief of Staff to meet force protection, mobility, communication, and other needs for deployed forces in Afghanistan, including the Line of Communication Bridge, the Lightweight Counter-Mortar Radar, the Defense Advanced Global Positioning System Receiver, the Tactical Local Area Network, and the Forward Entry Device for the artillery tactical data system; \$170 million for the Department's Energy Conservation Improvement Program to competitively fund meritorious programs that have a savings-to-investment ratio of 1.25 or higher and a simple payback period of 10 years or less; \$113 million for unfunded requirements identified by the Commander of U.S. Special Operations Command for ground mobility vehicles, deployable communications equipment, thermal and night vision goggles, and nonlethal weapons technologies; \$102 million to continue the JSTARS reengining program to ensure that these aircraft have the onstation capability needed to provide real-time intelligence to our ground forces engaged in combat; \$100 million to enhance the safety and reliability of our nuclear weapons by providing funding needed for facility design, maintenance, and upgrades, provide diagnostic equipment, and address operational safety issues; \$100 million for new quality-of-life facilities such as dormitories, emergency service centers, and health clinics, all of which have been determined by the military to be mission essential; \$88 million for research and development to reduce the Department's dependency on fossil fuels through improved energy storage, power systems, renewable energy production, and energy efficiency in De-

fense programs; \$78 million for intelligence, surveillance and reconnaissance activities and programs that are delivering critical capabilities for our troops in Afghanistan; \$78 million to meet antiterrorism and force protection requirements at military bases; \$76 million to improve the combat capability of Navy submarines; \$72 million for improved medical care for our troops and their families, including \$22 million for continuity of medical care and to prevent increases in fees and \$50 million for critical medical research on trauma care, blast injuries, visual impairment, and other battlefield-related injuries; \$71 million to improve the Navy's ability to operate with unmanned systems, improve countermeasures and improve the ability of DOD air and sea systems to handle threats from enemy missiles and shoulder-fired weapons and make operational system improvements on Navy ships; \$70 million to modernize Navy facilities and improve their capability to support current operations and new technology developments; \$59 million for upgrades for Army weapons systems to enhance operational capabilities and modernize the force; \$58 million for cyber-security technology development and demonstrations to enhance protections available for critical DOD infrastructure and information; \$57 million for advanced manufacturing technologies to reduce the time required to produce high-demand items such as body and vehicle armor, IED jammers and MRAP vehicles and to modernize the Department of Defense test capabilities facilities to ensure that new weapons systems meet warfighter requirements; \$56 million for communications facilities and special operations facilities, all of which have been determined by the military to be mission essential; \$46 million for nonproliferation programs, including the screening of cargo containers coming into the United States, plutonium disposition, and related research and development; \$45 million for Impact Aid to ensure a quality education for military dependents by compensating local school districts that lose property tax revenue due to the presence of tax-exempt military installations; \$35 million for the National Guard to assist State and local law enforcement with counternarcotics operations; \$34 million for the Department of Defense inspector general to continue growth designed to provide more effective oversight and help identify waste, fraud, and abuse in Department of Defense programs; \$30 million to reduce technical risk and increase program performance in the Army's Paladin self-propelled howitzer integrated management program; \$26 million for simulators and trainers for the Army to reduce training costs and increase the preparedness of our troops for the battlefield in Iraq and Afghanistan; and

\$25 million to fund a competitive program to protect critical mission training sites by preventing or reducing encroachment through the creation of compatible-use buffer zones.

These are real military needs. These are not "bridges to nowhere"—quite the opposite. This year, we took \$75 million that the Department of Defense planned to spend on military museums and spent it instead on more immediate military needs consistent with our committee policy that military museums should be funded through private donations rather than taxpayer funds.

I am not going to tell the Presiding Officer or anybody else that every judgment the committee made was correct. There is no way I could agree to that. In fact, some of the decisions we made I didn't agree with, but I can say the money that was added was added for what we saw as needed measures to modernize our forces and provide for our troops. Others may disagree. Some may honestly believe that any spending not included in the administration budget, no matter how important it may be to the military, is wasteful. However, we will not be able to have that debate and vote on any amendments to the funding proposed by the committee unless we vote tomorrow to proceed to consideration of this bill.

We currently have 50,000 U.S. soldiers, sailors, airmen, and marines on the ground in Iraq and roughly twice as many in Afghanistan. While there are some issues on which we may disagree, I think we all know we must provide our troops the support they need as long as they remain in harm's way. Senate action on the National Defense Authorization Act for Fiscal Year 2011 will improve the quality of life of our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world. Most important of all, it will send an important message that we as a nation stand behind them and appreciate their service.

I hope our colleagues will allow us to proceed to consideration of this bill. There obviously will be many amendments offered, some to change or strike the language which is in the bill. That is understandable. There will be some amendments aimed at adding provisions to the bill, and that is not unusual either. As I said, both relevant and nonrelevant amendments have been debated to this bill in the past. It is not unusual. It complicates, obviously, the life of the manager, but that is what we are here for, to consider amendments—both relevant and nonrelevant amendments—to the bill and to try to get a Defense bill passed.

I hope we can make progress on this bill this week. As somebody who may be overly optimistic, I would love to see this bill passed prior to our next recess. But our goal should be to make

progress on this bill, and in order to do that, we will need to adopt cloture tomorrow. I hope the Senate does that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will be brief because I know there will be a lot more debate tomorrow.

The distinguished chairman just mentioned a number of authorized programs that sound pretty good. They were put in without debate, discussion or amendments. He also left out several that might be of interest to taxpayers, which may be the reason why we see such anger about the kind of spending—out-of-control spending and unnecessary spending.

Here is \$1 million for foreign language correlation and translation; \$3 million for plant-based vaccine development; \$4.5 million for decision and energy reduction tool. The list goes on and on. Here is \$5 million for operator driving simulator; \$1 million for Permafrost Tunnel; \$2.5 million for body temperature conditioner.

All of these, in the eyes of the chairman, are more important than taking care of our allies and cementing success in our operations in Iraq, which was a result of the surge which the chairman, of course, adamantly opposed.

Here is \$7.6 million for a Quiet Propulsion Load House; \$3 million for tribology research. The list goes on and on: \$8 million for a physical fitness center.

By the way, none of these were requested by the Department of Defense.

So we will be going into this some more tomorrow, and we will request an earmark for where they went—one of the key elements of it. None of it is completed. All of those earmarks are designated for certain places and certain manufacturers. It is something the people of this country, again, steadfastly are in opposition to.

I was interested to hear the chairman talk about amendments being allowed and that there will be debate and discussion. That is not the message we got through the media, which the majority leader didn't share with us. My understanding is that we are going to take up three issues. He is going to fill up the tree, which means no other amendments will be allowed. The issues will be the secret holds, the DREAM Act, and, of course, don't ask, don't tell. I hope the chairman is accurate here because there are many issues that many Americans would feel are very important: treatment of terrorists, Guantanamo Bay, and so many other issues that affect the readiness of the men and women and their training and ability, as opposed to the DREAM Act and a repeal of don't ask, don't tell.

Let me point out again that this issue is not on don't ask, don't tell, not

an assessment of the effect on the readiness and morale of the men and women in the military. This language is a repeal, then signed onto by the President of the United States, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff. One wonders, what about the Chief of Staff of the Army? What about the Chief of Naval Operations, the Commandant of the Marine Corps, and the Chief of Staff of the Air Force, all of whom have objected to this provision because it is being railroaded through without a proper assessment on the morale and effectiveness of our military?

I read from the bill itself that this Secretary's memorandum says:

... determine any impacts to military readiness, military effectiveness, unit cohesion [et cetera] that may result from repeal of the law.

That may result from the repeal of the law. Every provision says that the law will be repealed if the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff sign off on a report that doesn't assess the effect on morale and readiness of the men and women in the military. It would only assess impacts of repeal. That is not right. We are in two wars. Should we not assess the impact on the readiness, the morale, and effectiveness of the men and women who are in harm's way, who would be affected by the repeal of don't ask, don't tell? Should we not have that assessment?

What the chairman has done and what the majority of the Democrats have done is in blatant disregard for the morale, effectiveness, recruitment, and retention of the men and women serving in the military today. Why couldn't we have done what our service chiefs want and what our senior enlisted people want, and that is an assessment of battle effectiveness and morale regarding a repeal of it, and then decide whether to repeal don't ask, don't tell?

This is really a remarkable act on the part of the Democrats because this is a political issue, just as the DREAM Act is a political issue. It is a political issue. I understand the season. I understand it is not that far between now and the elections. But to use the Defense bill, which has to do with defending our national security interests when we are in two wars, to pursue a social agenda and legislative agenda to galvanize voting blocks I think is reprehensible.

We will be talking a lot about this in the next day or so. I appeal to the American people, who understand what we are about here.

I wish to return to the DREAM Act for another minute. If we enact any legislation that provides people with citizenship in this country without securing our borders, then we have placed ourselves in a situation where we will have more people in this coun-

try illegally and we will have to address that issue again. It is no longer a border issue; it is a national security issue. The drug cartels and the human smugglers have now posed a threat to our Nation's security. That is why our Secretary of State, just a couple weeks ago, said the situation in Mexico was comparable to that of Colombia in the 1980s, when they had an active insurgency called the FARC.

To use the Defense authorization bill as a vehicle to enact legislation, which there would be numerous amendments to, there would be hours and hours of debate—by the way, the amendment I proposed about 10 years ago was a rifle shot on a specific issue. This is, of course, a major piece of legislation that affects at least, I am told, 800,000 people who are living in this country illegally.

I hope that we will return to the days I remember in the past when we had unlimited amendments, unlimited debate, and that we move forward in a bipartisan fashion on this issue. Unfortunately, the politicization of this very important legislation that affects our ability to fight and win wars is being compromised for short-term political purposes.

I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I am going to briefly comment on a number of points the Senator from Arizona made. First, he read a list of items that he thought were wasteful items that we added to the bill. I went through a long list of the items we added to the bill, probably three pages of types of items that we added in the Armed Services Committee that support the troops, their readiness, their capabilities, their benefits.

He suggested—in fact, stated that these spending items were put in the bill without debate, discussion, or amendment. I first want to comment on that because, as the Presiding Officer knows as a very valued and esteemed member of our committee, we spent days on markup. I think we have at least 60 amendments—at least that is my recollection.

Every proposed funding item in this bill and every item of the bill and report language was shared with the minority staff at least a full week before the beginning of the markup. This is, by the way, about twice as much time as was provided by any other committee chairman I can remember in the

30-plus years I have been here in order to give the minority staff an opportunity to look at what the proposed markup documents were.

We then provided the minority staff with several days to suggest changes to the proposed language. A number of significant changes, as a matter of fact, were made on the basis of those discussions and recommendations from the minority staff.

After the changes were made, then the full package was provided to all the members of the committee and their staffs. Again, several days earlier than this had been done in any previous year. So every item the Senator from Arizona mentioned, like every other spending item in the bill, was subject to amendment in committee. I believe it was 2 days of committee deliberations. Again, dozens and dozens of amendments were adopted, some defeated. But a large number of amendments were dealt with.

The opportunity was more than I think has historically been the case for the minority staff, and obviously the majority staff as well, to make recommendations for changes prior to the markup document being presented to members for amendment, and many of those changes were made.

Now, just a couple of examples that the Senator from Arizona used as being evidence of wasteful spending that we added. One was \$3 million for plant-based vaccine development. The background for that \$3 million we added is the Department of Defense has been working to develop rapid processes for manufacturing vaccines for a variety of biological threat agents in order to safeguard our troops in the battlefield.

The most promising path so far to a speedy response for new vaccines is the use of plants to produce millions of vaccine doses in a matter of weeks at a very low cost, as compared to the 6-plus months for standard production processes that cost many times as much.

So that funding is very valuable funding. I do not think most objective observers would consider that to be pork. It will help meet military needs by continuing the progress toward rapid, tailored vaccine production for new diseases for biological threats.

Another one which was mentioned by my friend from Arizona was the money we added for a physical fitness center at the Malmstrom Air Force Base. Now, fitness is a military requirement. According to the Air Force, the existing fitness center at Malmstrom Air Force Base, which was built in 1957, so that is now over 50 years ago, "does not adequately satisfy personnel or infrastructure demands." The Air Force said in the absence of a new fitness center, "there will continue to be very few options to maintain physical fitness during the winter months." The project meets the criteria established

for military construction projects more than a decade ago by Senators Glenn and McCain.

Those are just a couple of the items Senator McCain mentioned. Another point the Senator from Arizona made is that the language relative to don't ask, don't tell does not give the Department of Defense the opportunity to consider the impact of the change on morale and readiness, recruiting and retention of our troops. Here is what the language of our bill does. We were very careful in order to be sure there would be a certification that there would be no negative impact in terms of military readiness, military effectiveness, unit cohesion, and recruiting and retention.

We changed the language in the bill so it was not a direct repeal of don't ask, don't tell, but rather that that policy is going to stay in effect explicitly. This is in subsection C, that don't ask, don't tell shall remain in effect until such time that all of the requirements and certifications by subsection B are met. If these requirements and certifications are not met, section 654 of title 10—that is the don't ask, don't tell policy—shall remain in effect.

One of the certifications that is required before there is a change in policy says:

The implementation of necessary policies and regulations pursuant to the discretion provided by the amendments made by subsection F—

Here is the key language—

is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

This policy will stay in effect unless and until there is, No. 1, a report—which is underway now—which the Secretary of Defense is going to provide to the Congress relative to the impact of the change in policy. But, secondly, the policy will stay in effect until the President transmits—that is unless and until—the President transmits to the congressional defense committees a written certification signed by the President, Secretary of Defense, Chairman of the Joint Chiefs of Staff, stating, again, the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces are being met and would be met with a change in policy.

Those are just two points the Senator from Arizona made that I wish to commend at this time. I believe there is going to be opportunity for further debate tomorrow something like an hour and a half in the morning, although that is being worked on at this time.

But further debate on this bill can be had by anybody who wishes to proceed to it. But I hope we can proceed to the consideration of this bill. This is a motion to proceed to consideration of the

bill. All the rights of filibustering and extended debate will be preserved on the bill itself if we can only get to debate the bill. Amendments will be available. Either amendments adding or amendments striking will be available.

But we have to get to the bill. I mean, people are making arguments about the bill which belong at the time of the debate on the bill. But unless we can get to the point where we can debate the bill, it is kind of a theoretical debate we are having—whether it is don't ask, don't tell, whether it is the DREAM Act, whether it is other things which people would either like to change that are in the bill or would like to add to the bill.

As my good friend from Delaware who is presiding at the moment knows, there are provisions in this bill that I opposed in committee that I would like to see stricken from the bill. But to oppose debate on a bill because there are provisions in the bill that we do not like or we would like to see added, it seems to me, engages in an exercise which is not what the intent of the Senate ever was. We should debate bills. We should amend bills. We should offer amendments to strike provisions, to add provisions. But to deny the Senate the opportunity to get to the point where we are debating on the Defense authorization bill is something which seems to me totally unacceptable.

We need to support our troops. This bill is a bill to support the men and women wearing the uniform of this country and their families. One can argue there are provisions in this bill which should not be in the bill. Fine. Debate them. Vote on them. But to say we should not get to the bill which contains provisions so critical for the well being and success of our men and women in the Armed Forces, it seems to me, is totally inconsistent with what the Armed Services Committee and this Senate need to be about, which is providing for the defense and security of the country and the well being of the men and women who put on the uniform of this country.

So I hope we will get cloture tomorrow and proceed to the debate, which is totally appropriate, on a whole bunch of issues.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate

proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ALICE AND EDWARD PALMER

Mr. DURBIN. Mr. President, today I recognize Alice and Edward "Buzz" Palmer for their service and dedication to Chicago's African-American community.

The Palmers have worked for many years in a variety of capacities to build a strong, involved, and educated African-American community in the city of Chicago.

Alice graduated from high school at the age of 16, and with the help of four jobs and a scholarship, she was able to attend Indiana University. When she graduated in 1965, she used her degree to help others. She became an educator. While she taught at Malcolm X College, Northwestern University, and the University of Illinois at Chicago, she also managed to continue her own education, earning a master's degree from Roosevelt University and a Ph.D. from Northwestern.

Alice realized that education extended outside of the classroom, and so did her work. She helped create voter education programs and founded the Metropolitan Chicago chapter of the YMCA's youth and government program. The YMCA program aims to inspire young people to civic engagement and create opportunities to interact with the political system through service learning and model government.

As a teacher, and later as a legislator, Alice firmly believed that all students could learn. She made it her job to see that each student had that opportunity. She began a drop-out intervention program in the Chicago Public Schools to give students the skills and encouragement to stay in school. As an Illinois State senator, she made it a priority to bring charter schools to Chicago. She knew the status quo in the public schools was not good enough, and she worked to create more opportunity for Chicago's students.

Alice has always strived to provide the African-American community with the education and tools necessary to build a better future. Alice shares that goal with her husband, Buzz.

Buzz grew up in Chicago and experienced the racism that plagued the city in the 1940s and 1950s. After serving in the Air Force as an elite intelligence officer, he returned to Chicago and joined the Chicago Police Department. There, Buzz observed firsthand the tense relationship between the police and the African-American community, and in response, he created the African American Patrolman's League. The league worked within the department

and the African-American community to counteract racism and change the way the CPD was perceived and the way it behaved.

In the 1970s, Buzz focused his energy on addressing racial prejudice in the health care system. He started a community group that petitioned local hospitals to provide better quality health care for Black families and to hire more African-American medical professionals. He joined with other health-focused community groups and Chicago area medical schools to create the Chicago Area Health and Medical Careers Program. The program uses structured academics, counseling, motivational and financial support to help underrepresented minorities pursue degrees in medicine.

Over the years, Buzz expanded his view and took a keen interest in better connecting African Americans with the international community. Together Alice and Buzz Palmer founded the Black Press Institute to compile and edit news from Black media outlets throughout the United States for distribution worldwide.

On October 2 of this year, Alice and Buzz Palmer are being honored with lifetime achievement awards from the United Black Fund of Illinois for their decades of work with the African-American community in Chicago. I congratulate them on this award and thank them for their lifetime of dedication to Chicago and the African American community.

HONORING OUR ARMED FORCES

CORPORAL JOHN C. BISHOP

Mr. BAYH. Mr. President, I rise today to honor the life of Corporal John C. Bishop of the U.S. Marine Corps and Versailles, IN.

Corporal Bishop was assigned to the 2nd Battalion, 9th Marine Regiment, 2nd Marine Division. He lost his life on September 8, 2010, while serving bravely in support of Operation Enduring Freedom in Helmand province, Afghanistan. He was serving his third tour of duty and was 25 years old.

John graduated from Southwestern Shelby High School in 2003 and immediately joined the Marines. John aspired to become a marine from a young age, hoping to follow in the footsteps of his older brother Tyson. Tyson joined the Marines in 1993, and each time he returned home, John would climb into his older brother's Marine uniform.

Today, I join John's family and friends in mourning his tragic death. He is survived by his wife Cristle Bishop, who is expecting their first daughter in October; his son K'Sean Bishop; his mother Sarah Thomas; his brothers William Bishop, Mike Bishop, Anthony Thomas, Eric Thomas, Jamey Bishop, and Tyson Bishop; and his sisters Nancy Braley and Amy Parker.

As we struggle to express our sorrow over this loss, we take pride in the ex-

ample of this American hero. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of CPL John C. Bishop in the official RECORD of the U.S. Senate for his service to our country and for his profound commitment to freedom, democracy and peace.

STAFF SERGEANT PHILLIP CHAD JENKINS

Mr. President, I also rise today to honor the life of SSG Phillip Chad Jenkins of the U.S. Army and Decatur, IN.

Staff Sergeant Jenkins was assigned to B Company, 1st Battalion, 27th Infantry Regiment, 25th Infantry Division. He was only 26 years old when he lost his life on September 7, 2010, while bravely serving during his second tour of duty in support of Operation New Dawn in Balad, Iraq. Staff Sergeant Jenkins' first tour was in support of Operation Enduring Freedom in Afghanistan.

A Decatur native, Staff Sergeant Jenkins graduated from Belmont High School in 2002 and joined the army soon after. While in high school, Staff Sergeant Jenkins enjoyed playing the saxophone in the school band and worked at Scott's Food & Pharmacy.

Staff Sergeant Jenkins was a dedicated soldier who always went above and beyond the call of duty. One of his fellow soldiers, Fritz Bultemeyer, described Staff Sergeant Jenkins as "a great American fallen hero."

Today, I join Staff Sergeant Jenkins' family and friends in mourning his death. He is survived by his wife Melissa; his two daughters Piper and Lindly; his mother and father Rose and David Jenkins; and his sister Cassie Jenkins.

We take pride in the example of this dedicated soldier and great American hero, even as we struggle to express our grief over this loss. We cherish the legacy of his service and his life.

As I search for words to honor this fallen soldier, I recall President Lincoln's words to the families of the fallen at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

It is my sad duty to enter the name of SSG Phillip Chad Jenkins in the official RECORD of the U.S. Senate for his

service to our country and for his profound commitment to freedom, democracy and peace.

STAFF SERGEANT MICHAEL BOCK

Mr. NELSON of Nebraska. Mr. President, I rise today to honor SSG Michael Bock of Springfield, NE.

Sergeant Bock grew up in Springfield, attending Elkhorn Mount Michael High School for 2 years before moving with his family to Leesburg, FL. About a month after graduating from Leesburg High School in 2002, Sergeant Bock joined the U.S. Marine Corps.

Marrying his high school sweetheart, Tiffany, in 2003, Sergeant Bock was very much a family man. According to Tiffany, no matter what he was doing or how long he was working, he would still call his family. He even got up in the middle of the night recently while in Afghanistan to get online and watch Zander, his 3-year-old son, blow out his birthday candles.

Sergeant Bock was also very dedicated to his career in the Marine Corps. He served two tours in Iraq and also served in Australia and Indonesia, where he received a Marine Corps humanitarian ribbon for his help during the tsunami recovery in 2004.

Sergeant Bock's goals of starting a college fund for his son and purchasing a house for his family were interrupted on August 13, 2010. He was on his second deployment in Afghanistan serving with the 3rd Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force when he was killed while supporting combat operations in the Helmand province.

SSG Michael Bock knew the dangers he faced and the risks he took. He also knew the importance of the work he did in the Marine Corps on behalf of his fellow Americans. He risked—and ultimately sacrificed—his own life so people a world away could have the chance to enjoy the freedoms he had found in America. I join all Nebraskans in mourning the loss of Sergeant Bock and in offering my deepest condolences to this young hero's family.

FIRST LIEUTENANT MARK NOZISKA

Mr. President, I also rise today to honor an American hero 1LT Mark Noziska of Papillion, NE.

First Lieutenant Noziska vowed to follow in his grandfather's footsteps by joining the Army after the attacks of September 11, 2001. He graduated from Papillion High School in 2004 and enlisted in the Nebraska Army National Guard. In 2005 he was named Soldier of the Year. While serving in the Guard, Lieutenant Noziska went on to get a degree in criminal justice from the University of Nebraska—Omaha.

After earning his degree, Lieutenant Noziska joined the active Army and became an officer serving with Company

D, 1st Battalion, 22nd Infantry out of Fort Carson, CO. Lieutenant Noziska was about a month into his tour of duty in Afghanistan when his dream of eventually earning the rank of general was cut short by an improvised explosive device as he was serving as part of a dismounted patrol conducting clearance operations.

The life and service of 1LT Mark Noziska represents an example we can all look up to and seek to emulate. He served his country honorably and made the ultimate sacrifice. Lieutenant Noziska made the most of his short life, and the greatest tragedy is that now it is impossible to know what more this promising young man might have accomplished. I join all Nebraskans, indeed all Americans, in mourning the loss of Lieutenant Noziska and in offering my deepest condolences to this young hero's family and friends.

MILLENNIUM DEVELOPMENT GOALS

Mr. LUGAR. Mr. President, I ask unanimous consent that the attached editorial by Bono for the September 19, 2010, New York Times be printed in the RECORD. The editorial notes the language that I championed with Senator CARDIN on requiring U.S.-listed extractive companies to reveal their payments which was incorporated in the Dodd-Frank Wall Street Reform and Consumer Protection Act.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the New York Times, Sept. 19, 2010]

M.D.G.'S FOR BEGINNERS . . . AND FINISHERS
(By Bono)

I've noticed that New Yorkers, and I sometimes try to pass for one these days, tend to greet the word "summit" with an irritated roll of the eyes, a grunt, an impatient glance at the wristwatch. In Manhattan, a summit has nothing to do with crampons and ice picks, but refers instead to a large gathering of important persons, head-of-state types and their rock-star retinues in the vicinity of the United Nations building and creates, therefore, a near total immobilization of the East Side. Can world peace possibly be worth this? Never, never . . . Eleanor Roosevelt, look what you've done . . .

Recent global summit meetings, from Copenhagen to Toronto, have frankly been a bust, so the world, which may not know it yet, is overdue for a good multilateral confab—one that's not just about the gabbing but about the doing. The subject of the summit meeting at the United Nations this week is one whose monumental importance is matched only by its minuscule brand recognition: the Millennium Development Goals, henceforth known as the M.D.G.'s (God save us from such dull shorthand).

The M.D.G.'s are possibly the most visionary deal that most people have never heard of. In the run-up to the 21st century, a grand global bargain was negotiated at a series of summit meetings and then signed in 2000. The United Nations' "Millennium Declaration" pledged to "ensure that globalization becomes a positive force for all the world's

people," especially the most marginalized in developing countries. It wasn't a promise of rich nations to poor ones; it was a pact, a partnership, in which each side would meet obligations to its own citizens and to one another.

Of course, this is the sort of airy-fairy stuff that people at summit meetings tend to say and get away with because no one else can bear to pay attention. The 2000 gathering was different, though, because signatories agreed to specific goals on a specific timeline: cutting hunger and poverty in half, giving all girls and boys a basic education, reducing infant and maternal mortality by two-thirds and three-quarters respectively, and reversing the spread of AIDS, tuberculosis and malaria. All by 2015. Give it an A for Ambition.

So where are we now, 10 years on, with some "first-world" economies looking as if they could go bang, and some second- and third-level economies looking as if they could be propping us up?

Well, I'd direct you to the plenary sessions and panel discussions for a detailed answer . . . but if you're, eh, busy this week . . . my view, based on the data and what I've seen on the ground, is that in many places it's going better than you'd think.

Much better, in fact. Tens of millions more kids are in school thanks to debt cancellation. Millions of lives have been saved through the battle against preventable disease, thanks especially to the Global Fund to Fight AIDS, Tuberculosis and Malaria. Apart from fallout from the market meltdown, economic growth in Africa has been gathering pace—over 5 percent per year in the decade ending in 2009. Poverty declined by 1 percent a year from 1999 to 2005.

The gains made by countries like Ghana show the progress the Millennium Goals have helped create.

At the same time, the struggles of places like Congo remind us of the distance left to travel. There are serious headwinds: 64 million people have been thrown back into poverty as a result of the financial crises, and 150 million are hungry because of the food crisis. And extending the metaphor, there are storms on the horizon: the poor will be hit first—and worst—by climate change.

So there should be no Champagne toasts at this year's summit meeting. The 10th birthday of our millennium is, or ought to be, a purposeful affair, a redoubling of efforts. After all, there's only five years before 2015, only five years to make all that Second Avenue gridlock worth it. With that in mind I'd like to offer three near-term tests of our commitment to the M.D.G.'s.

1. Find what works and then expand on it. Will mechanisms like the Global Fund get the resources to do the job?

Energetic, efficient and effective, the fund saves a staggering 4,000 lives a day. Even a Wall Streeter would have to admit, that's some return on investment. But few are aware of it, a fact that allows key countries—from the United States to Britain, France and Germany—to go unnoticed if they ease off the throttle. The unsung successes of the fund should be, well, sung, and after this summit meeting, its work needs to be fully financed. This would help end the absurdity of death by mosquito, and the preventable calamity of 1,000 babies being born every day with H.I.V., passed to them by their mothers who had no access to the effective, inexpensive medicines that exist.

2. Governance as an effect multiplier. In this column last spring, I described some Africans I've met who see corruption as more

deadly than the deadliest of diseases, a cancer that eats at the foundation of good governance even as the foundation is being built. I don't just mean "their" corruption; I mean ours, too. For example, multinational oil companies. They want oil, and governments of poor countries rich in just one thing, black gold, want to sell it to them. All well and good. Except the way it too often happens, as democracy campaigners in these countries point out, is not at all good. Some of these companies knowingly participate in a system of backhanders and bribery that ends up cheating the host nation and turning what should be a resource blessing into a kind of curse of black market cabals.

Well, I'm pleased to give you an update on an intervention that some of us thought of and fought for as critical: hidden somewhere in the Dodd-Frank financial reform bill (admit it . . . you haven't read it all either) there is a hugely significant "transparency" amendment, added by Senators Richard Lugar and Benjamin Cardin. Now energy companies traded on American exchanges will have to reveal every payment they make to government officials. If money changes hands, it will happen in the open. This is the kind of daylight that makes the cockroaches scurry.

The British government should institute the same requirement for companies trading in Britain, as should the rest of the European Union and ultimately all the G-20 nations. According to the African entrepreneur Mo Ibrahim, who has emerged as one of the most important voices on that continent, transparency could do more to transform Africa than even debt cancellation has. Measures like this one should be central to any renewed Millennium Development Goal strategy.

And the cost to us is zero, nada. It's a clear thought in a traffic jam.

3. Demand clarity; measure inputs and outputs.

Speaking of transparency, let's have a little more, please, when it comes to the question of who is doing what toward which goal and to what effect. We have to know where we are to know how far we've left to go.

Right now it's near impossible to keep track. Walk (if you dare) into M.D.G. World and you will encounter a dizzying array of vague financing and policy commitments on critical issues, from maternal mortality to agricultural development. You come across a load of bureau-babble that too often is used to hide double counting, or mask double standards. This is the stuff that feeds the cynics.

What we need is an independent unit—made up of people from governments, the private sector and civil society—to track pledges and progress, not just on aid but also on trade, governance, investment. It's essential for the credibility of the United Nations, the M.D.G.'s, and all who work toward them.

And that was the deal, wasn't it? The promise we made at the start of this century was not to perpetuate the old relationships between donors and recipients, but to create new ones, with true partners accountable to each other and above all to the citizens these systems are supposed to work for. Strikes me as the right sort of arrangement for an age of austerity as well as interdependence. (The age of interrupted affluence should sharpen our focus on future markets for our sake as well as theirs.)

No leader scheduled to speak at the summit meeting is more painfully aware of this context than President Obama, who one year ago pledged to put forth a global plan to

reach the development goals. If promoting transparency and investing in what works is at the core of that strategy, he can assure Americans that their dollars are reinforcing their values, and their leadership in the world is undiminished. Action is required to make these words, these dull statistics, sing. The tune may not be pop but it won't leave your head—this practical, achievable idea that the world, now out of kilter, can re-balance itself and offer all, not just some, a chance to exit the unfathomable deprivation that brings about the need for such global bargains.

I understand the critics who groan or snooze through the pious pronouncements we will hear from the podium in the General Assembly. But still in my heart and mind, undiminished and undaunted, is this thought planted by Nelson Mandela in his quest to tackle extreme poverty: "Sometimes it falls upon a generation to be great."

We have a lot to prove, but if the M.D.G. agreement had not been made in 2000, much less would have happened than has happened. Already, we've seen transformative results for millions of people whose lives are shaped by the priorities of people they will never know or meet—the very people causing gridlock this week. For this at least, the world should thank New Yorkers for the loan of their city.

PHYSICIAN FEE SCHEDULE: IMPACT ON THERAPY SERVICES

Mr. BARRASSO. Mr. President, for the past 6 months I have come to the floor of the U.S. Senate to offer my doctor's "second opinion" about the health reform law. Day after day, week after week, we continue to see disturbing news reports uncovering the law's consequences—consequences that restrict individual freedoms, erode patient access to medical care, and increase our Nation's debt and deficit.

Specifically, I have listened closely as President Obama and congressional Democrats repeatedly try to convince the American people that the health care law does not cut Medicare. Having practiced medicine for well over two decades, I can tell you that the Nation's Medicare patients and Medicare providers are not fooled. They know the Democrat's health care law cuts over \$500 billion from the Medicare Program. They know the law does not use that money to make sure Medicare is strong and solvent for generations to come. They know the law raids Medicare and uses the money to start a brand new entitlement program for the nonelderly.

America's seniors, and the medical professionals who treat them, understand that if we take over \$500 billion away from Medicare then patients will lose benefits. They understand that if we take over \$500 billion away from Medicare, then the quality of care will go down. They understand it will be increasingly difficult to see a doctor—especially in rural and frontier States like Wyoming. And they understand the local community hospitals, home health agencies, nursing homes, and

skilled nursing facilities will struggle to keep their doors open.

Over the August work period, I traveled all across the State of Wyoming—talking to folks at town meetings, parades, picnics, fairs, and rodeos. Everyone agrees Medicare is going broke—and that the new health care law does nothing to fix the problem. In fact, it only serves to make a bad situation worse.

I want to share with the Senate a guest editorial printed in the *Casper Journal*. Written by Kathy Blair, a board certified orthopedic physical therapist, the article explains how proposed Medicare reimbursement cuts to physical and occupational therapists will limit patient access to medical care.

On Friday, June 25, 2010, the Obama administration released its proposed 2011 Physician Fee Schedule rule and regulation. The draft rule sets Medicare payments for individual physician services. As Kathy's editorial explains, the new health care law requires the Administration to institute a so-called Multiple Procedure Payment Reduction—MPPR. Originally designed to impact payment for multiple surgeries performed simultaneously, the administration now plans to apply the MPPR policy to physical and occupational therapy services. This move is expected to cut Medicare physical and occupational therapy payments next year by 12 percent.

I thank Kathy Blair for bringing this important matter to the Senate's attention and ask unanimous consent to have her editorial printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the *Casper Journal*, Aug. 18-24, 2010]

PROPOSED MEDICARE POLICY MAY REDUCE PHYSICAL THERAPY SERVICES

(By Dr. Kathy Blair)

On June 25, 2010, the Centers for Medicare and Medicaid Services (CMS) issued a proposed rule that updates 2011 payment rates for physician services, outpatient physical therapy services and other services. In the rule, CMS proposes to implement a multiple procedure payment reduction (MPPR) policy that would result in significant reductions in payment for outpatient therapy services, regardless of the setting in which the services are delivered. It will apply to physician offices, outpatient private practice settings and outpatient services in hospitals, as well as some home health and skilled nursing services (Part B).

Estimates indicate that these changes will result in a 12- to 13-percent decrease in payment for outpatient physical therapy services in 2011. These cuts, along with the sustainable growth rate (SCR) cuts and therapy cap, would combine to reduce reimbursement by as much as 35 percent in 2011.

Physical therapists may have to elect not to see Medicare beneficiaries or close their doors as a result of such significant reductions in reimbursement. It will clearly have an impact on the ability of Medicare beneficiaries to gain access to needed therapy services.

Access to necessary therapy services has the potential to decrease costs associated with the management of conditions typically seen by physical therapists under the Medicare program. Therapy services are important to keep Medicare beneficiaries healthy and functioning in their homes or the facilities in which they reside.

Additionally, individuals considering a career in physical therapy may reconsider their choice. The inability to serve the rehabilitation needs of seniors and individuals with disabilities due to unsustainable payment cuts would limit access today and has the potential to worsen health care workforce issues in the future.

CMS needs to hear from you to understand the implications the MPPR policy will have on physical therapy practices and the healthcare of all Medicare recipients. Comments must be received by an Aug. 24 deadline and can be submitted electronically at <http://www.regulations.gov/search/Regs/home.&nl;html#submitComment?R=0900006480b182c9>.

For contact information about mailing letters to comment, call Wind City Physical Therapy at 235-3910. Please allow adequate time for letter delivery before the comment period ends.

2010 DAVIDSON FELLOW AWARD RECIPIENTS

Mr. GRASSLEY. Mr. President, today, I have the distinct pleasure of recognizing before the Senate some of the most talented and brightest young people in the United States. The 2010 Davidson Fellows Award is being given to 20 young students who are under the age of 18 and have already demonstrated superior ability and achievement in the areas science, music, literature, mathematics, and technology. I would like to take this time to recognize each of these extraordinary young individuals and their projects.

In the area of science, we have 12 young students with remarkable projects that have contributed to scientific progress. This includes Kyle Loh, a 16-year-old young man from Piscataway, NJ, who conducted screening of chemical libraries and identified compounds that can help convert human and mouse skin cells into pluripotent stem cells. Pluripotent stem cells have the potential to differentiate into many different cell types. The chemical compounds he identified obviate the need to destroy embryos. Kyle's studies advance regenerative medicine and provide insights into the molecular mechanisms that underlie the conversion of skin cells into pluripotent stem cells.

Jonathan Rajaseelan, a 17-year-old young man from Millersville, PA, synthesized six new chemical carbene complexes of the metal Rhodium. Rhodium complexes act as catalysts in multiple organic synthesis reactions, including the manufacturing of pharmaceuticals and industrial chemicals. The catalytic effects of his complexes make these processes safer, inexpensive, and less environmentally hazardous by elimi-

nating the need for large quantities of hydrogen gas, a dangerous explosive. Jonathan's work has the potential to contribute to greener methods of making medicines, pharmaceuticals, and other chemical products.

Eric Brooks, a 16-year-old young man from Hewlett, NY, studied the genetic factors affecting metastatic progression of prostate cancer. Approximately 30 percent of men with prostate cancer will die from it, but it is difficult to predict who will get the metastatic diagnosis. Eric developed models based on evolutionary selection to identify genes that may affect metastatic potential either positively or negatively. His observations may be used to design better clinical predictors to indicate who must undergo painful treatment and for whom the treatment is unnecessary.

Meredith Lehmann, a 14-year-old young woman from La Jolla, CA, researched the spread of epidemics. Using trip data from all 3,076 counties in the continental United States, she found long distance auto travel, which accounts for five times as many passenger-miles as air travel, governs simulated epidemic evolution. Large hub airports near population centers are not disproportionately more important in contrast to existing research. Meredith's findings suggest epidemic models should incorporate automobile and air travel data, but transportation network restrictions are unlikely to be effective.

Laurie Rumker, a 17-year-old young woman from Portland, OR, investigated the susceptibility of organoclay to biodegradation by microorganisms within river sediments. Organoclay is a chemically modified clay material used to prevent hydrophobic pollutants from rising into the water ecosystem. Through spectrophotometric analyses and oxygen uptake tests, Laurie found biodegradation of the chemical structures within organoclay which could impair the ability of the organoclay to adsorb and retain pollutants. Laurie's work has important implications for the treatment of contaminated sediments.

Benjamin Song, a 16-year-old young man from Audubon, PA, researched colon cancer biomarkers in urine. Colon cancer is the second leading cause of cancer death in the United States, even with the sensitive but invasive colonoscopy. Benjamin designed and tested polymerase chain reaction assays targeting a known colon cancer epigenetic marker. His work shows potential for a urine test for colon cancer that is noninvasive, fast, affordable, and sensitive. In addition, his method could be adapted to virtually any cancers with known DNA alterations.

Merry Sun, a 16-year-old young woman from Chappaqua, NY, studied therapeutic ultrasound's potential in

treating recurrent and metastatic cancers. Traditional therapies like radiation, chemotherapy, and surgical resection are ineffective in immune responses against tumor cells. Merry found that therapeutic ultrasound causes stress and light damage to tumor cells, which alerts the immune system to respond and target the tumor. Her results demonstrate the possibility of a novel, non-invasive, non-toxic cancer therapy that treats solid tumors as well as systemic metastases.

James Ting, a 17-year-old young man from Holmdel, NJ, synthesized bismuth nanowires which demonstrate quantum confinement, the reduction of electrons to a one-dimensional axis. By using physical vapor deposition, he created lawns of bismuth nanowires as well as isolating single nanowires to add to silicon chips. James' research focuses on the creation of single electron transistors, which are useful in the new field of spintronics. The spins of these electrons could then be harnessed and used for information storage and act as the building blocks for quantum computers.

Scott Boisvert, a 16-year-old young man from Chandler, AZ, demonstrated a link between amphibian aquatic environments and the growth of pathogenic fungus, *Batrachochytrium dendrobatidis*, which has contributed

to the loss of over 32 percent of amphibian species worldwide. Using ion chromatography and ion-coupled plasma spectrometry, Scott studied how the water chemistry of a habitat affects the growth of the microorganism. Scott's project has broad implications for understanding the pathogen's propensity to infect an amphibian host and controlling the spread of infection, benefiting conservation efforts.

Janie Gu, a 16-year-old young woman from Morganville, NJ, researched noise reduction of atomic magnetometer systems, advanced devices that measure magnetic fields with extreme precision. To increase the signal-to-noise ratio, she tested the loss factors, such as measurements of magnetic noise produced, of various ferromagnetic materials for use in the magnetic shield around the system, improving the precision by more than 44 percent. Janie's work has applications in the military, medicine, information storage, mineral and oil detection, space exploration and fundamental physics experiments.

Rebecca Jolitz, a 15-year-old young woman from Los Gatos, CA, examined whether hypolithic cyanobacteria, a photosynthetic organism found under rocks in climatically extreme environments, could theoretically have enough sunlight to survive on Mars. Using an original computer program that simulated a million individual beams of sunlight hitting a Martian rock, Rebecca found that there was enough light for cyanobacteria to survive on

Mars, indicating that Mars may not be a dead world. Rebecca's research could help to discover the means through which life on Mars may exist.

Sahil Khetspal, a 17-year-old young man from Plano, TX, developed a carbon nanotube-based drug-delivery system for tumor targeted chemotherapy and photo-therapy of cancer, a dual therapy. This versatile platform attacks tumors on two fronts and mitigates the severe side effects associated with conventional chemotherapy. He also investigated a gadonanotube for the development of a new drug delivery system. Sahil's system has the potential to both diagnose cancer at an earlier stage and provide the dual therapy mechanism to efficiently combat it.

In the area of music, there are two talented young musicians that have produced significant contributions to the art of music. Yeeren Low, a 13-year-old young man from East Stroudsburg, PA, explored and experimented with sound in various aspects of music through five compositions. In his portfolio, *Art of Sound*, his goal is to enrich the body of the contemporary classical music genre, and create new musical expressions and listening experiences. Yeeren is particularly interested in promoting greater awareness and exposure to the richness of the classical music genre, thus contributing to its wider recognition, appreciation and overall advancement.

Kevin Hu, a 16-year-old young man from Naperville, IL, traverses the globe and explores cross-sections of humanity in his violin portfolio, *Sociomusicology: Exploring and Sharing the Worlds of Music*. His portfolio includes selections of music that, at times, were repressed by political regimes, or conversely, celebrated for their heart-breaking beauty, all while representing an array of raw humanity. Kevin's goal is to present music as a tangible and dynamic tool in human healing, self-discovery, and dignity.

In the area of literature, we have one creative and inspired student, John Michael Colon, a 17-year-old young man from Wayside, NJ. John's portfolio, *Art as Empathy: A Study of the Syncretic Potential of Literature*, demonstrates the utility of literature and art in society. He writes that although human beings want to communicate their fundamental experience, this worldview is too ineffable to express directly; art and literature articulate this on a visceral level. John Michael proposes through art and literature, the expression of ideas can help tame the tendency to dehumanize others by helping us see their ideas the same way we see ours, inspiring empathy.

We have two bright young individuals whose projects have advanced the field of mathematics. Damien Jiang, a 17-year-old young man from Raleigh, NC, studied the parallel chip-firing game, PCFG. Though not a game, the

PCFG is played on a graph, or network of nodes and edges, and is closely related to a variety of mathematical models for complex phenomena such as earthquakes, avalanches, and forest fires. By running computer simulations of randomized PCFGs, Damien studied their tendency to reach a cycle of repeating configurations, and mathematically proved a theorem about its behavior on a graph. Damien's work has broad applications in disaster preparedness.

Jonathan Li, a 17-year-old young man from Laguna Niguel, CA, developed a mathematical model and computer simulation to analyze tumor growth and is the first to study motility and contact inhibition, a mechanism that limits cell growth when pressured by neighboring cells. His research also revealed an inherent flaw of the Cellular Potts Model, used to simulate cellular structure behavior. Jonathan's work provides a method to predict the effects of motility on tumor development and can be used to identify cancer phenotypes that chemotherapy drugs can target, potentially improving treatment.

Finally, in the area of technology, we honor three innovative young minds. Anna Kornfeld Simpson, a 17-year-old young woman from San Diego, CA, developed a chemical-detecting robot. She used porous silicon, a material that changes color in the presence of chemicals like alcohols or nerve gas, and simple, low-cost circuit elements to detect color change. The robotic microcomputer then "sees" the chemical instead of "smelling" it. Prototypes had a 100 percent response rate. Anna's work has applications in security and counterterrorism, monitoring industrial settings for toxins, and exploring locations too hazardous for humans.

Alexander Gilbert, a 16-year-old young man from McLean, VA, developed a computer algorithm which improves contrast in magnetic resonance imaging, MRI. His program has been successfully applied to brain MRI images, enabling more accurate image definition of tissues, such as areas of demyelination, or plaques, which are often present in patients with multiple sclerosis. Alexander's work is pertinent to MRIs of the spine and other areas, and offers the potential for better diagnosis and monitoring of multiple sclerosis and other neurological diseases including Alzheimer's disease.

Gavin Ovsak, a 16-year-old young man from Hopkins, MN, designed a device to allow disabled individuals more effective access to computers. His project, known as CHAD, circuit head accessibility device, is a circuit board integrated onto a baseball hat to replace the functions of a computer mouse through head movements and a bite sensor. Gavin's work is less expensive, more efficient, and uses fewer

complex software interfaces than are currently available in the assistive technology market, equalizing access to the social, occupational, and global significance of the Internet.

I often say that America's gifted and talented students possess remarkable potential. These 20 young individuals have demonstrated more than potential. They have already made significant contributions to our society in their short lives and one can scarcely begin to imagine how much they will contribute to society throughout their lives, thanks in no small part to the encouragement of the Davidson Institute as well as their parents and mentors. They are an inspiration and a reminder that if we fully support our most talented young people, we can look forward to a bright future.

ADDITIONAL STATEMENTS

TRIBUTE TO IRVING BURGIE

● Mr. BURRIS. Mr. President, I stand today to honor a great man of American music—a man whose name is largely unknown, but his music is known and loved around the world. This man is Mr. Irving Burgie.

Mr. Irving Burgie more popularly known as "Lord Burgess" was born in Brooklyn, NY, in 1924. He was raised in the close-knit West Indian-American community of New York City during the Great Depression.

The Second World War took him from Brooklyn to the other side of the world in the jungles of what is now Thailand. Under the guns of the Japanese army, a young Irving Burgie and other troops in the segregated Army of the time built and maintained the famous "Burma Road."

Following the war, Mr. Burgie studied music at Juilliard, the University of Arizona, and the University of California.

While performing in New York in the mid-1950s, he met Harry Belafonte. This was the beginning of a collaboration that would lead to the 1956 release of "Calypso," the first album to sell 1 million copies. The album included Irving Burgie's adaptation of "The Banana Boat Song" better known as "Day-O" and spent 99 weeks on the charts.

Irving Burgie is credited with composing and arranging over 50 songs on ASCAP. He wrote the "National Anthem of Barbados" his beloved mother's native land. His world-famous songs, including "Island in the Sun" and "Jamaica Farewell," have been recorded by Harry Belafonte, Miriam Makeba, The Kingston Trio and Jimmy Buffet and featured in the hit movies "Island in the Sun" and "Beetlejuice."

In his later years, Mr. Irving Burgie helped to form the Black Men of Queens County Federation, an organization devoted to helping African-

American young men find their own success, through mentoring and scholarship programs. He later established the Irving Burgie Award for Excellence in Literary and Creative Arts.

Irving Burgie is a songwriter, author, and committed citizen who has brought joy to the world through music and has contributed to the best of American culture and society.●

TRIBUTE TO DAVID KRANZ

● Mr. JOHNSON. Mr. President, with great honor and pride, today I pay tribute to a retiring member of the Fourth Estate in my home State of South Dakota. David Kranz is retiring after a journalism career that has spanned 42 years, an impressive mark in any profession but most certainly in the newspaper field.

David, the son of Wilfred and Sally Kranz, was born November 3, 1945. After attending Holy Rosary Grade School in Kranzburg, he graduated from Watertown High School and obtained his degree in journalism in 1968 from South Dakota State University.

David began his career by spending 8 years as a city reporter and city editor at the Austin Daily Herald in Minnesota, where he began penning a political column. It would be that political column that would define and shape David's journalism career. He left Austin in 1976 and moved back to his beloved home State of South Dakota to become managing editor of the Mitchell Daily Republic, a position he held until 1983 when he left to work for South Dakota's largest newspaper, the Sioux Falls Argus Leader. From executive city editor and managing editor to reporter and columnist, there wasn't much David didn't witness, or comment on, during his 24 years with the Argus Leader.

Dave Kranz ranks with other widely known and popular journalists from South Dakota, including Tom Brokaw, Al Neuharth and Ken Bode. People in political circles valued Dave's wit and wisdom, his speculation and satire, his candor, and commentary.

David received the National Scripps-Howard Public Service Reporting Award at the National Press Club. He also has earned numerous state and national awards, was recognized for countless individual stories, and was presented with the SDSU Distinguished Alumni Award.

There is perhaps no better tribute to a person than to listen to the heartfelt words of one's peers. Here are just a few of David's contemporaries in the journalism world and what they have to say about this dedicated writer.

"Dave is the heart and conscience of South Dakota journalism. He was a walking databank of history, trends and current events long before the term was invented. Dave has a special knack for telling the stories of real

South Dakotans and giving them the dignity and devotion they deserve. He has a gift of friendship that transcends his craft and puts him on a first-name basis with people all over the state," says Chuck Raasch of the Gannett News Service.

Distinguished professor Robert Burns of the South Dakota State University and the University of South Dakota, said of Dave, "He enjoys a high readership because of the quality and timing of his reporting. David's column is consistently timely and accurate because he has cultivated an excellent professional relationship with the leading political actors and political observers in our state. Political actors are candid in their discussions with him because they know he will be fair in his reporting of political developments and news."

Sioux Falls Argus Leader publisher Randell Beck says, "Dave is the hardest working journalist I know. He's often at work when I arrive—hunkered down, on the phone, in his cubicle that is eternally overstuffed with reports, stacks of old papers, scrawled notes on napkins—and he's often there when I leave."

I am among those who have long valued Dave's political instincts, wit and wisdom. During my years in the State legislature and in Congress, I missed very few of his political columns. I always knew Dave would be well prepared when he interviewed me. Over his career, David has interviewed every national political candidate and office holder who came to South Dakota. David was always fair and honest in his reporting.

David and I would frequently meet for coffee where it was often more interesting to hear the political news from him directly rather than waiting for his column to appear in the paper. I sometimes got more out of those coffees than he did from me. But most importantly, I valued his friendship and insight. I know he will have more time now to add to his impressive collections of baseball cards and political buttons. He may also find more time to follow his beloved Atlanta Braves.

Thank you, David, for sharing your career with the newspaper readers and the citizens of South Dakota—a career filled with professionalism and dedication. You are a true credit to your craft.●

TRIBUTE TO DELBERT F. REYNOLDS

● Mr. KOHL. Mr. President, today I recognize and congratulate Delbert F. Reynolds on his retirement as the field office director of the U.S. Department of Housing and Urban Development office in Wisconsin.

For the past 41 years, Mr. Reynolds has dedicated himself to helping others through his work with HUD. During his

tenure, he served under eight Presidents and 13 of the 15 HUD Secretaries. In 1987, he became director of the Milwaukee Field Office, where he coordinated and oversaw all programs assigned to the office. His 23 years in this position make him the longest serving field office director in Milwaukee's history and an asset to our State that will be greatly missed.

While director, Mr. Reynolds has contributed significantly to HUD and its programs. His insight and experience lead to his selection as special adviser to HUD policymakers. In Wisconsin, he created many successful programs, which were then incorporated on a national level.

Mr. Reynolds's leadership and dedication have not gone unnoticed by his peers. He has received numerous awards for his service, including the Manager of the Year Award and the Vice President's National Performance Review—Hammer—Award in 1998. Given to those who work towards a better government, this award recognized Mr. Reynolds for his team's efforts on Section 8 financial management. His awards reflect not only his contributions to HUD and our Nation but also his commendable work ethic.

A native of Milwaukee and an alumnus from the University of Wisconsin, Mr. Reynolds exemplifies dedication to providing quality, affordable housing to the people of Wisconsin and public service at its finest. On behalf of our State, I extend my heartfelt appreciation for the 41 years of service Mr. Reynolds has provided.●

TRIBUTE TO REVEREND SAM MANN

● Mrs. MCCASKILL. Mr. President, I ask the Senate to join me today in honoring the work of Reverend Sam Mann, a leader in the Kansas City community. Reverend Mann's retirement is yet one more wonderful milestone in a life of service.

Sam was raised in Eufala, AL, and made Kansas City his home as a young man. Over the years, he has been a tireless civil rights advocate in Kansas City and the Nation. He marched with Dr. Martin Luther King, Jr. and participated in numerous activities to raise awareness of race and justice issues.

Since 1971, Sam has been the pastor of St. Mark's United Methodist Church in downtown Kansas City. He has been the executive director of United Inner City Services, a multiservice community-based agency, since 1967.

I have always known Reverend Mann as "rubber band." This derives from the time I was walking with him through a roomful of young children who were attending a program he had designed that predated his establishment of the St. Mark center. From the beginning, Sam was always looking out

for children. As we were walking through the room, the children were pulling on his coattail saying, "Reverend Mann, Reverend Mann" but it sounded like "rubber band, rubber band." From that day forward, he has always been "rubber band" to me.

Sam believes in the importance of education and has been a strong advocate for early childhood education. Under his leadership, St. Mark Child and Family Development Center was established. This center started in a church basement and now is located in a beautiful state-of-the-art facility. In addition, the center serves as a neighborhood anchor, providing a safe, warm and attractive site for a variety of community services. St. Mark annually serves approximately 225 very low and low-income families through its early childhood education program, before- and after-school program and summer camp. These children and their families have been forever impacted by Sam's work and dedication.

Sam was the founder of the Presbyterian Urban Ministers Network, was a cosponsor of Kansas City's Urban Peace & Justice Summit, and served on the Board of the Black Archives of Mid-America. For 25 years, he has served as chair of Kansas City's local chapter of the Southern Christian Leadership Conference.

While we hope that retirement affords Sam some much deserved relaxation and time on the golf course, we also look forward to his continued involvement in education projects and social justice issues important to the lives of Kansas Citizens.

Mr. President, I ask that the Senate join me in congratulating and honoring Reverend Sam Mann on his retirement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:06 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4785. An act to authorize the Secretary of Agriculture to make loans to certain entities that agree that the funds will be used to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce energy use, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3562) to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the "James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building".

ENROLLED BILLS SIGNED

At 2:47 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 3656. An act to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

H.R. 3978. An act to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for a response to terrorism, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4785. An act to authorize the Secretary of Agriculture to make loans to certain entities that agree that the funds will be used to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce energy use, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3793. A bill to extend expiring provisions and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7374. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "S-metolachlor; Pesticide Tolerances" (FRL No. 8842-3) received in the Office of the

President of the Senate on September 14, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7375. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenarimol; Pesticide Tolerance" (FRL No. 8844-6) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7376. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ammonium Formate; Exemption from the Requirement of a Tolerance" (FRL No. 8839-3) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7377. A communication from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Competitive and Noncompetitive Non-formula Federal Assistance Programs-General Award Administrative Provisions and Specific Administrative Provisions at Subpart G-Agriculture and Food Research Initiative; Subpart H—Organic Agriculture Research and Extension Initiative; and Subpart I—Integrated Research, Education, and Extension Competitive Grants Program" (RIN0524-AA58) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7378. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Black Stem Rust; Additions of Rust-Resistant Varieties" (Docket No. APHIS-2010-0088) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7379. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Conservation Loan Program" (RIN0560-AI04) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7380. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to Enforceable Consent Agreement Procedural Rules" (FRL No. 8832-8) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Environment and Public Works.

EC-7381. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments for Marine Spark-Ignition Engines and Vessels" (FRL No. 9202-4) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Environment and Public Works.

EC-7382. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Diego County Air Pollution Control District" (FRL No. 9200-6) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Environment and Public Works.

EC-7383. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Carbaryl; Order Denying NRDC's Objections and Requests for Hearing" (FRL No. 8843-7) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Environment and Public Works.

EC-7384. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Alabama; Birmingham; Determination of Attaining Data for the 2006 24-Hour Fine Particulate Standard" (FRL No. 9209-9) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Environment and Public Works.

EC-7385. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Multi-Walled Carbon Nanotubes and Single-Walled Carbon Nanotubes; Significant New Use Rules" (FRL No. 8835-5) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Environment and Public Works.

EC-7386. A communication from the President of the United States, transmitting, pursuant to law, a report relative to his extension of the national emergency period pertaining to the terrorist attacks of September 11, 2001, for an additional year; to the Committee on Banking, Housing, and Urban Affairs.

EC-7387. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Banking, Housing, and Urban Affairs.

EC-7388. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Iraqi Sanctions Regulations" (31 CFR Part 575) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7389. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provision of the Surface Transportation Assistance Act of 1982" (RIN1218-AC36) received in the Office of the President of the Senate on September 14, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7390. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Procedures for the Handling of Retaliation Complaints Under the National Transit Systems Security Act and the Federal Railroad Safety Act" (RIN1218-AC36) received in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7391. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: BE-180, Benchmark Survey of Financial Services Transactions between U.S. Financial Services Providers and Foreign Persons" (RIN0691-AA73) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7392. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts" (RIN0648-XY35) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7393. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice No. 2010-61) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Finance.

EC-7394. A communication from the Director of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Improvements to the Supplemental Security Income Program—Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act)" (RIN0960-AD78) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Finance.

EC-7395. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for manufacture of significant military equipment abroad for the manufacture of Executable Object Code for the Have Quick I/II Electronic Counter Counter-Measures (ECCM) Waveform to be used by Japan; to the Committee on Foreign Relations.

EC-7396. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services for Commercial Communication Satellite Systems in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7397. A communication from the Principal Deputy Assistant Secretary, Bureau of

Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to support the Proton launch of the Anik G1 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7398. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services for the assembly, modification, rework, integration and test of Antenna Subsystems, Payload Units and Bus Units for use in commercial communications satellites in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7399. A joint communication from the Acting Deputy Assistant Administrator for Legislative Affairs, U.S. Agency for International Development (USAID) and the Assistant Secretary, Bureau for Legislative and Public Affairs, Department of State, transmitting, pursuant to law, the "Joint Summary of Performance and Financial Information Fiscal Year 2009 Summary"; to the Committee on Foreign Relations.

EC-7400. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Senior Community Service Employment Program; Final Rule" (RIN1205-AB48; RIN1205-AB47) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7401. A communication from the Chief Human Capital Officer, National Science Foundation, transmitting, pursuant to law, a report relative to the National Science Foundation's use of the alternative method for ranking and selecting candidates for competitive appointment for Federal positions; to the Committee on Health, Education, Labor, and Pensions.

EC-7402. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's budget request for the fiscal year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7403. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Office of Inspector General's budget request for the fiscal year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7404. A communication from the Assistant General Counsel of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Definition of Federal Election Activity" (Notice No. 2010-18) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1252. A bill to promote ocean and human health and for other purposes (Rept. No. 111-296).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2871. A bill to make technical corrections to the Western and Central Pacific Fisheries Convention Implementation Act, and for other purposes (Rept. No. 111-297).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 3119. A bill to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship (Rept. No. 111-298).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MURKOWSKI:

S. 3802. A bill to designate a mountain and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield", respectively; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS (for himself and Mrs. LINCOLN) (by request):

S. 3803. A bill to amend the Internal Revenue Code of 1986 to expand the availability of employee stock ownership plans in S corporations, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. HATCH, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. SCHUMER, Mr. KOHL, Mr. SPECTER, Mr. DURBIN, Mr. BAYH, Mr. VOINOVICH, and Mrs. FEINSTEIN):

S. 3804. A bill to combat online infringement, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. UDALL of New Mexico, Mr. SCHUMER, and Mr. BENNET):

S. 3805. A bill to authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. AKAKA, and Mr. VOINOVICH):

S. 3806. A bill to protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3807. A bill to amend title 10, United States Code, to authorize long-term contracts for the purchase of liquid synthetic or biomass-derived aviation or aviation blend fuels for the Department of Defense, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ISAKSON (for himself, Mr. CHAMBLISS, and Ms. KLOBUCHAR):

S. Res. 630. A resolution designating November 28, 2010, as "Drive Safer Sunday"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 833

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 850

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 1153

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1197

At the request of Mr. VOINOVICH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1197, a bill to establish a grant program for automated external defibrillators in elementary and secondary schools.

S. 1349

At the request of Ms. SNOWE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction.

S. 1481

At the request of Mr. MENENDEZ, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1481, a bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

S. 1695

At the request of Mr. BURRIS, the names of the Senator from Missouri

(Mr. BOND) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 2747

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 2814

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2814, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 2899

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2899, a bill to amend the American Recovery and Reinvestment Act of 2009 and the Internal Revenue Code of 1986 to provide incentives for the development of solar energy.

S. 3039

At the request of Mr. UDALL of New Mexico, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3184

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3189

At the request of Mr. BROWN of Ohio, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3189, a bill to amend title 49, United States Code, to allow for additional transportation assistance grants.

S. 3315

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3315, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 3430

At the request of Ms. SNOWE, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Hawaii

(Mr. INOUE) were added as cosponsors of S. 3430, a bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector.

S. 3622

At the request of Mr. JOHANNIS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3622, a bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes.

S. 3657

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3657, a bill to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to object to any measure or matter.

S. 3716

At the request of Mrs. GILLIBRAND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3716, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for the installation and maintenance of mechanical insulation property.

S. 3735

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 3735, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 3747

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3747, a bill to provide for a reduction and limitation on the total number of Federal employees, and for other purposes.

S. 3748

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3748, a bill to amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations of homeland defense missions to support their reintegration into civilian life, and for other purposes.

S. 3772

At the request of Mr. REID, the names of the Senator from Ohio (Mr. BROWN), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. CARDIN) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the

payment of wages on the basis of sex, and for other purposes.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. CON. RES. 63

At the request of Mr. JOHNSON, the names of the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. LEMIEUX) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

AMENDMENT NO. 4618

At the request of Mr. NELSON of Florida, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from New York (Mr. SCHUMER), the Senator from Maine (Ms. SNOWE), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 4618 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 3802. A bill to designate a mountain and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield", respectively; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that is very near to my heart, a bill to provide a lasting permanent tribute to former Alaska U.S. Senator Ted Stevens, who died Aug. 9th in a plane crash in southwest Alaska during a

fishing trip. The bill actually calls for creation of two permanent tributes to the Senator, the naming of Alaska's currently highest unnamed mountain peak in honor of the Senator, calling the 13,895-foot peak in southern Denali National Park, Mount Stevens, and the naming of part of the State's largest ice field in the Chugach Mountains as the Ted Stevens Icefield.

Ted Stevens, a colleague of most of us in this body, and a lawmaker that I interned for more than 30 years ago, truly was Alaska. He was the State's senator for all but 11 years of its current existence as a State. During his more than 40 years in the Senate he played a significant role in the transformation of Alaska from an impoverished territory to a full-fledged State. Senator Stevens, a pilot during World War II, came to Alaska as a U.S. Attorney in the then territory of Alaska in 1956. He later served in the Eisenhower Administration where he was a leading force in writing the legislation that led to the admission of Alaska as the 49th State in the Union on Jan. 3, 1959.

In 1961, he moved back from Washington, D.C. to Alaska where he was elected to the Alaska House of Representatives just after the state's great earthquake in 1964. He was subsequently elected as Speaker pro tempore and majority leader until his appointment to the U.S. Senate on Christmas Eve of 1968 upon the death of one of the State's two original senators, E.L. "Bob" Bartlett. He was elected in his own right 7 times over the next 40 years, becoming the longest-serving Republican Senator in U.S. history. Stevens was third in line for the Presidency from 2003 through 2007.

While he is remembered by all in Alaska for his tireless efforts to win Federal support to develop the young State's largely 19th Century frontier infrastructure, he did so much more for all Alaskans. He worked tirelessly to enact the Alaska Native Claims Settlement Act that settled aboriginal land claims and gave Alaska Natives the right to select about 44 million acres of Alaska's 365-million acres to protect their long-term economic, cultural and political future.

Ted helped the State develop an economy by authoring the Trans-Alaska Pipeline Authorization Act, which permitted oil to flow to market from the State's North Slope. He authored the Magnuson-Stevens Fishery Conservation and Management Act and the High Seas Driftnet Fisheries Enforcement Act that ended the foreign domination of fishing fleets in Alaskan and American waters, allowing the State's commercial fishing industry to rebound. He was a leader in telecommunication policies, leading efforts to pass the Telecommunications Act of 1996 that paved the way to an era of digital television and communications in this country and also launched telemedicine and distance learning. And he

attempted to make the Alaska National Interest Lands Conservation Act as workable as possible for the State, while protecting more than 100 million acres of Alaska in parks and refuges—the largest single conservation bill in the Nation's history.

Ted was a committed sportsman, who loved outdoor pursuits such as fishing and hunting, and also amateur sports, authoring the Ted Stevens Amateur and Olympic Sports Act, Title IX amendments to encourage women's sports, and the Carol M. White Physical Education Program that did so much to improve physical education in schools and colleges nationwide. He also became a true expert on defense issues, providing unconditional support to the Armed Forces of the United States in his role as chairman and ranking member of the Subcommittee on Defense Appropriations for more than two decades.

Ted Stevens truly was a mountain of a man in policy development for the State of Alaska and thus it is a pleasure to seek to name both a mountain and an ice field in his honor. The peak proposed for naming is the peak referred to as South Hunter peak in the climbing community. It is located on the southern side of Denali National Park. At 13,895 feet it is the largest peak still unnamed in the State and also a peak visible on a clear day from the Parks Highway, the main north-south road for travelers between Fairbanks and Anchorage, two cities in Alaska that Ted is most associated with helping develop.

The ice field in the uplands of the Chugach Mountains is the base for the Harvard, Yale, Columbia, Matanuska, Nelchina, Tazlina, Valdez and Shoup Glaciers—the Harvard being particularly appropriate to be associated with a man who graduated from Harvard Law School in 1950. The entire Chugach Icefield, at 8,340 square miles, the largest in Alaska, will provide a fitting tribute for a senator whose breadth of knowledge covered all of Alaska's 586,000 square miles and whose love of the State and its residents was even larger.

This bill follows proper procedure by directing the U.S. Geographical Place Names Board to name the peak and ice field for the State's former senior senator, it not being done directly by Congress. But to guarantee timely action, it requires the board to act within 30 days of the bill's enactment.

While there are a number of facilities in Alaska that bear the name of Senator Stevens, this bill will guarantee that future generations of Alaskans will remember him when they engage in the outdoor pursuits that all Alaskans love, from mountain climbing to fishing in the waters of Prince William Sound and the rivers of South central Alaska, all fueled by the meltwater from the huge ice field that dominates the South central landscape.

This is a fitting tribute for a mentor and friend, to whom Alaskans owe so much. I hope for quick passage of this act by this Congress to provide another lasting legacy for Senator Ted Stevens.

By Mr. LEAHY (for himself, Mr. HATCH, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. SCHUMER, Mr. KOHL, Mr. SPECTER, Mr. DURBIN, Mr. BAYH, Mr. VOINOVICH, and Mrs. FEINSTEIN):

S. 3804. A bill to combat online infringement, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, few things are more important to the future of the American economy and job creation than protecting our intellectual property. The Chamber of Commerce estimates that American intellectual property accounts for more than \$5 trillion of the country's gross domestic product, and IP-intensive industries employ more than 18 million workers. Each year, online piracy and the sale of counterfeit goods cost American businesses billions of dollars, and result in hundreds of thousands of lost jobs. Studies recently cited by the AFL-CIO estimate that digital theft of movies and music alone costs more than 200,000 jobs. This is unacceptable in any economic climate. It is devastating today.

The severity of the problem continues to increase and businesses of all types and sizes—and their employees—are the victims. In Vermont, companies like Burton Snowboards and the Vermont Teddy Bear Company are well recognized brands that depend on the enforcement of our intellectual property laws to keep their businesses thriving.

The growth of the digital marketplace is extraordinary and it gives creators and producers new opportunities to reach consumers. But it also brings with it the perils of piracy and counterfeiting. The increased usage and accessibility of the Internet has transformed it into the new Main Street. Internet purchases have become so commonplace that consumers are less wary of online shopping and therefore more easily victimized by online products that may have health, safety or other quality concerns when they are counterfeit.

Today, I am introducing the bipartisan Combating Online Infringement and Counterfeits Act, which will provide the Justice Department with an important tool to crack down on Web sites dedicated to online infringement. This legislation will protect the investment American companies make in developing brands and creating content and will protect the jobs associated with those investments. Protecting intellectual property is not uniquely a Democratic or Republican priority—it is a bipartisan priority.

The Justice Department is currently limited in the remedies available to

prevent Web sites dedicated to offering infringing content. These Web sites are often based overseas yet target American consumers. American consumers are too often deceived into thinking the products they are purchasing are legitimate because the Web sites reside at familiar-sounding domain names and are complete with corporate advertising, credit card acceptance, and advertising links that make them appear legitimate.

The Combating Online Infringement and Counterfeits Act will give the Department of Justice an expedited process for cracking down on these rogue Web sites, regardless of whether the Web site's owner is located inside or outside of the United States. This legislation authorizes the Justice Department to file an in rem civil action against the domain name, and to seek an order from the court that the domain name is used to access a Web site that is dedicated to infringing activities. Once the court issues an order against the domain name, the Attorney General would have the authority to serve the domain name's U.S. based registry or registrar with that order, which would then be required to suspend the infringing domain name.

Where the registry or registrar is not located in the United States, the Act would provide the Attorney General the authority to serve the order on other specified third parties at its discretion, including Internet service providers, payment processors, and online ad network providers. These third parties, which are critical to the financial viability of the infringing Web site's business, would then be required to stop doing business with that Web site by, for example, blocking online access to the rogue site or not processing the Web site's purchases.

This legislation will provide the Department of Justice with an important tool to protect American consumers, American businesses, and American jobs. We should not expect that enactment of the legislation will completely solve the problem of online infringement, but it will make it more difficult for foreign entities to profit off American hard work and ingenuity. This bill targets the most egregious actors, and is an important first step to putting a stop to online piracy and sale of counterfeit goods.

I look forward to working with all Senators to pass this important, bipartisan legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combating Online Infringement and Counterfeits Act".

SEC. 2. INTERNET SITES DEDICATED TO INFRINGING ACTIVITIES.

Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

“§ 2324. Internet sites dedicated to infringing activities

“(a) DEFINITION.—For purposes of this section, an Internet site is ‘dedicated to infringing activities’ if such site—

“(1) is otherwise subject to civil forfeiture to the United States Government under section 2323; or

“(2) is—

“(A) primarily designed, has no demonstrable, commercially significant purpose or use other than, or is marketed by its operator, or by a person acting in concert with the operator, to offer—

“(i) goods or services in violation of title 17, United States Code, or enable or facilitate a violation of title 17, United States Code, including by offering or providing access to, without the authorization of the copyright owner or otherwise by operation of law, copies of, or public performance or display of, works protected by title 17, in complete or substantially complete form, by any means, including by means of download, transmission, or otherwise, including the provision of a link or aggregated links to other sites or Internet resources for obtaining such copies for accessing such performance or displays; or

“(ii) to sell or distribute goods, services, or materials bearing a counterfeit mark, as that term is defined in section 34(d) of the Act entitled ‘An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes’, approved July 5, 1946 (commonly referred to as the ‘Trademark Act of 1946’ or the ‘Lanham Act’; 15 U.S.C. 1116(d)); and

“(B) engaged in the activities described in subparagraph (A), and when taken together, such activities are central to the activity of the Internet site or sites accessed through a specific domain name.

“(b) INJUNCTIVE RELIEF.—On application of the Attorney General following the commencement of an action pursuant to subsection (c), the court may issue a temporary restraining order, a preliminary injunction, or an injunction against the domain name used by an Internet site dedicated to infringing activities to cease and desist from undertaking any infringing activity in violation of this section, in accordance with rule 65 of the Federal Rules of Civil Procedure. A party described in subsection (e) receiving an order issued pursuant to this section shall take the appropriate actions described in subsection (e).

“(c) IN REM ACTION.—

“(1) IN GENERAL.—The Attorney General may commence an in rem action against any domain name used by an Internet site in the judicial district in which the domain name registrar or domain name registry is located, or, if pursuant to subsection (d)(2), in the District of Columbia, if—

“(A) the domain name is dedicated to infringing activities; and

“(B) the Attorney General simultaneously—

“(i) sends a notice of the alleged violation and intent to proceed under this subsection to the registrant of the domain name at the postal and e-mail address provided by the registrant to the registrar, if available; and

“(ii) publishes notice of the action as the court may direct promptly after filing the action.

“(2) SERVICE OF PROCESS.—For purposes of this section, the actions described under paragraph (1)(B) shall constitute service of process.

“(d) SITUS.—

“(1) DOMAINS FOR WHICH THE REGISTRY OR REGISTRAR IS LOCATED DOMESTICALLY.—In an in rem action commenced under subsection (c), a domain name shall be deemed to have its situs in the judicial district in which—

“(A) the domain name registrar or registry is located, provided that for a registry that is located in more than 1 judicial district, venue shall be appropriate at the principal place where the registry operations are performed; or

“(B) documents sufficient to establish control and authority regarding the disposition of the registration and use of the domain name are deposited with the court.

“(2) DOMAINS FOR WHICH THE REGISTRY OR REGISTRAR IS NOT LOCATED DOMESTICALLY.—

“(A) ACTION BROUGHT IN DISTRICT OF COLUMBIA.—If the provisions of paragraph (1) do not apply to a particular domain name, the in rem action may be brought in the District of Columbia to prevent the importation into the United States of goods and services offered by an Internet site dedicated to infringing activities if—

“(i) the domain name is used to access such Internet site in the United States; and

“(ii) the Internet site—

“(I) conducts business directed to residents of the United States; and

“(II) harms intellectual property rights holders that are residents of the United States.

“(B) DETERMINATION BY THE COURT.—For purposes of determining whether an Internet site conducts business directed to residents of the United States under subparagraph (A)(ii)(I), a court shall consider, among other indicia whether—

“(i) the Internet site is actually providing goods or services to subscribers located in the United States;

“(ii) the Internet site states that it is not intended, and has measures to prevent, infringing material from being accessed in or delivered to the United States;

“(iii) the Internet site offers services accessible in the United States; and

“(iv) any prices for goods and services are indicated in the currency of the United States.

“(e) SERVICE OF COURT ORDER.—

“(1) DOMESTIC DOMAINS.—In an in rem action to which subsection (d)(1) applies, the Attorney General shall serve any court order issued pursuant to this section on the domain name registrar or, if the domain name registrar is not located within the United States, upon the registry. Upon receipt of such order, the domain name registrar or domain name registry shall suspend operation of, and lock, the domain name.

“(2) NONDOMESTIC DOMAINS.—

“(A) ENTITY TO BE SERVED.—In an in rem action to which subsection (d)(2) applies, the Attorney General may serve any court order issued pursuant to this section on any entity listed in clauses (i) through (iii) of subparagraph (B).

“(B) REQUIRED ACTIONS.—Upon receipt of a court order issued pursuant to this section—

“(i) a service provider, as that term is defined in section 512(k)(1) of title 17, United States Code, or other operator of a domain name system server shall take reasonable steps that will prevent a domain name from resolving to that domain name’s Internet protocol address;

“(ii) a financial transaction provider, as that term is defined in section 5362(4) of title

31, United States Code, shall take reasonable measures, as expeditiously as practical, to prevent—

“(I) its service from processing transactions for customers located within the United States based on purchases associated with the domain name; and

“(II) its trademarks from being authorized for use on Internet sites associated with such domain name; and

“(iii) a service that serves contextual or display advertisements to Internet sites shall take reasonable measures, as expeditiously as practical, to prevent its network from serving advertisements to an Internet site accessed through such domain name.

“(3) IMMUNITY.—No cause of action shall lie in any Federal or State court or administrative agency against any entity receiving a court order issued under this section, or against any director, officer, employee, or agent thereof, for any action reasonably calculated to comply with this section or arising from such order.

“(f) PUBLICATION OF ORDERS.—The Attorney General shall inform the Intellectual Property Enforcement Coordinator of all court orders issued under this section directed to specific domain names associated with Internet sites dedicated to infringing activities. The Intellectual Property Enforcement Coordinator shall post such domain names on a publicly available Internet site, together with other relevant information, in order to inform the public.

“(g) ENFORCEMENT OF ORDERS.—In order to compel compliance with this section, the Attorney General may bring an action against any party receiving a court order issued pursuant to this section that willfully or persistently fails to comply with such order. A showing by the defending party in such action that it does not have the technical means to comply with this section shall serve as a complete defense to such action.

“(h) MODIFICATION OR VACATION OF ORDERS; DISMISSAL.—

“(1) MODIFICATION OR VACATION OF ORDER.—At any time after the issuance of a court order constituting injunctive relief under this section—

“(A) the Attorney General may apply for a modification of the order—

“(i) to expand the order to apply to a domain name that is reconstituted using a different domain name subsequent to the original order; and

“(ii) to include additional domain names that are used in substantially the same manner as the Internet site against which the action was brought,

by providing the court with clear indicia of joint control, ownership, or operation of the Internet site associated with the domain name subject to the order and the Internet site associated with the requested modification; and

“(B) a defendant or owner or operator of a domain name subject to the order, or any party required to take action based on the order, may petition the court to modify, suspend, or vacate the order, based on evidence that—

“(i) the Internet site associated with the domain name subject to the order is no longer dedicated to infringing activities; or

“(ii) the interests of justice require that the order be modified, suspended, or vacated.

“(2) DISMISSAL OF ORDER.—A court order constituting injunctive relief under this section issued against a domain name used by an Internet site dedicated to infringing activities shall automatically cease to have any force or effect upon expiration of the

registration of the domain name. It shall be the responsibility of the domain name registrar to notify the court of such expiration.

“(i) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit civil or criminal remedies available to any person (including the United States) for infringing activities on the Internet pursuant to any other Federal or State law.

“(j) INTERNET SITES ALLEGED BY THE DEPARTMENT OF JUSTICE TO BE DEDICATED TO INFRINGING ACTIVITIES.—

“(1) IN GENERAL.—The Attorney General shall maintain a public listing of domain names that, upon information and reasonable belief, the Department of Justice determines are dedicated to infringing activities but for which the Attorney General has not filed an action under this section.

“(2) PROTECTION FOR UNDERTAKING CORRECTIVE MEASURES.—If an entity described under subsection (e) takes any action specified in such subsection with respect to a domain name that appears on the list established under paragraph (1), then such entity shall receive the immunity protections described under subsection (e)(3).

“(3) REMOVAL FROM LIST.—The Attorney General shall establish and publish procedures for the owner or operator of a domain name appearing on the list established under paragraph (1) to petition the Attorney General to remove such domain name from the list based on any of the factors described under subsection (h)(1)(B).

“(4) JUDICIAL REVIEW.—

“(A) IN GENERAL.—After the Attorney General makes a final determination on a petition to remove a domain name appearing on the list established under paragraph (1) filed by an individual pursuant to the procedures referred to in paragraph (3), the individual may obtain judicial review of such determination in a civil action commenced not later than 90 days after notice of such decision, or such further time as the Attorney General may allow.

“(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

“(C) ANSWER.—As part of the Attorney General's answer to a complaint for such judicial review, the Attorney General shall file a certified copy of the administrative record compiled pursuant to the petition to remove, including the evidence upon which the findings and decision complained of are based.

“(D) JUDGMENT.—The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of the Attorney General's determination on the petition to remove, with or without remanding the cause for a rehearing.”.

SEC. 3. REQUIRED ACTIONS BY THE ATTORNEY GENERAL.

The Attorney General shall—

(1) publish procedures to receive information from the public about Internet sites that are dedicated to infringing activities, as that term is defined under section 2324 of title 18, United States Code;

(2) provide guidance to intellectual property rights holders about what information such rights holders should provide the Department of Justice to initiate an investigation pursuant to such section 2324;

(3) provide guidance to intellectual property rights holders about how to supplement

an ongoing investigation initiated pursuant to such section 2324;

(4) establish standards for prioritization of actions brought under such section 2324; and

(5) provide appropriate resources and procedures for case management and development to affect timely disposition of actions brought under such section 2324.

Mr. HATCH. Mr. President, I rise to express my support for S. 3804, the Combating Online Infringement and Counterfeits Act, as introduced by Senator PATRICK LEAHY of Vermont. Over the years, Senator LEAHY and I have tackled some of the most complex issues related to intellectual property enforcement. With the introduction of today's bill, we narrow our focus on the pervasive practice of online piracy and counterfeiting.

In our global economy the Internet has become the glue of international commerce—connecting consumers with a wide-array of products and services worldwide. But it has also become a tool for online thieves to sell counterfeit and pirated goods. These online thieves are making hundreds of millions of dollars by luring consumers to what appear to be legitimate websites, where unauthorized downloads, streaming or downloaded copyrighted content and counterfeit goods are sold. Not only do these websites facilitate massive theft of American IP, but they undermine legitimate commerce.

We cannot afford to not act, especially when, by some estimates, IP accounts for a third of the market value of all U.S. stocks—approximately five trillion dollars or more. That accounts for more than 40 percent of the U.S. gross domestic product, and is greater than the entire GDP of any other nation in the world.

Utah is considered a very popular state for film and television production activity. Nothing compares to the red rock of Southern Utah or the sweeping grandeur of the Wasatch Mountains. Not to mention Utah's workforce is one of the most highly educated and hard-working around. It is estimated that the motion picture and television industries are responsible for over 6,930 direct jobs and \$180.8 million in wages in Utah. That is why we must combat online piracy and counterfeiting, for they threaten the vitality of the U.S. economy and its workforce.

Just recently the Congressional International Anti-Piracy Caucus, on which I serve as cochairman, introduced the 2010 International Piracy Watch List, a report of those nations where copyright piracy has reached alarming levels. For the first time the Caucus also highlighted the problem of websites that provide unauthorized access to copyrighted works made by U.S. creators. The websites singled out were China's Baidu, Canada's isoHunt, Ukraine's MP3fiesta, Sweden's Pirate Bay, Germany's Rapidshare and Luxembourg's RMX4U. This is a sobering reminder of just how organized and

sophisticated these websites have become in perpetrating online criminal activity.

There is no quick fix to this problem, unfortunately. But one thing is for certain: doing nothing is not an option. We must explore ways, albeit in incremental steps, to take down offending websites. For this reason, I believe the Combating Online Infringement and Counterfeits Act is a critical step forward in our ongoing fight against online piracy and counterfeiting.

If enacted, the Combating Online Infringement and Counterfeits Act would provide the Department of Justice, DOJ, an expedited process for cracking down on websites that traffic in pirated goods or services.

The bill would also authorize the DOJ to file an in rem civil action against a domain name, and seek a preliminary order from the court that the domain name is being used to sell infringing material.

If this legislation is enacted, the DOJ will be required to publish notice of the action promptly after filing, and it would have to demonstrate that the owners of the site engaged in substantial and repeated online piracy or counterfeiting. The bill also includes substantial safeguards to prevent abuse by the DOJ. For example, a Federal court would have the final say as to whether a particular site would be cut off from supportive services. In addition, the bill would allow owners or site operators to petition the court to lift the order.

I am pleased with the progress that we have made so far on this bill and look forward to working with my colleagues on further refinements as it moves through the legislative process. We must take steps to combat those websites that are profiting from stolen American intellectual property.

By Mr. BINGAMAN (for himself, Mr. UDALL of New Mexico, Mr. SCHUMER, and Mr. BENNET):

S. 3805. A bill to authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes; to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Katie Sepich Enhanced DNA Collection Act of 2010. I am pleased that Senators UDALL of New Mexico, SCHUMER, and BENNET of Colorado, are joining me today in sponsoring this important piece of legislation.

Similar legislation, which was championed in the House of Representatives by Congressman TEAGUE, overwhelmingly passed that body with a bipartisan vote of 357 to 32. The bill is named after Katie Sepich, a promising graduate student attending New Mexico State University who was tragically murdered in 2003.

The man who killed Katie was arrested for aggravated assault about

three months after the murder. Although police had collected the killer's DNA from the crime scene, because there was no requirement that DNA be taken from individuals arrested for serious felonies, police weren't able to get a match until about three years after the murder when the man was sent to prison after being convicted of unrelated crimes.

If New Mexico had the arrestee law then that it has today it would have taken three months, not three years, to solve the crime. Katie's mother, Jayann, has worked tirelessly at the state and Federal level to give law enforcement the tools they need to promptly solve crimes and ensure that other mothers don't have to suffer the same horrible ordeal that her family has. I commend Congressman TEAGUE for taking up this cause in the House, and I look forward to helping with this effort in the Senate.

We can't get Katie back, or the other lives that have been lost to these senseless crimes, but we can do something to help solve cases and prevent similar crimes from occurring in the future. One such step is to enhance the capacity of states to collect the DNA of individuals arrested for certain felony crimes, which would substantially increase the ability of law enforcement to match DNA found at crimes scenes with that of suspects and individuals who have been previously arrested, charged, or convicted of crimes.

The Federal Government and about half the states, including New Mexico, currently collect arrestee DNA for serious offenses. This has proven to be a very effective tool in solving cases, and it makes sense to incentivize states to continue and to expand this effort. Since New Mexico implemented "Katie's Law" in 2007, there have been about 100 matches of arrestees. It is also important to note that DNA collection has not only demonstrated its effectiveness in terms of saving lives and preventing crimes, but it has also proved to be an important means of ensuring that innocent individuals are not mistakenly jailed for crimes they did not commit.

Let me take a moment to specifically describe what this legislation would, and would not, do. First, this legislation is aimed at creating an incentive for states to enact arrestee DNA collection programs. It is not a mandate. States that meet minimum collection guidelines could apply for DOJ grant assistance in covering the first-year costs that they have incurred or will incur in implementing the standards. If they enact laws in accordance with the enhanced guidelines, States would be eligible for an additional bonus payment.

Second, the bill encourages DNA testing for serious felonies, such as murder, sex crimes, aggravated assault, and burglary. It is narrowly tai-

lored to apply to the most serious crimes. Third, the legislation provides that all of the expungement provisions under federal law are applicable. Arrestees who have their DNA included in the federal database may have their records expunged if their conviction is overturned, they are acquitted, or charges are dismissed or not filed within the applicable time period. Furthermore, the bill provides that as a condition of receiving a grant states must notify individuals who submit samples of the relevant expungement procedures and post the information on a public Web site.

Lastly, I would like to address the concerns some have raised about the constitutionality of collecting arrestee DNA. Although courts have upheld the collection of arrestee DNA, I recognize that the question of whether the collection of a DNA sample from an arrestee is consistent with the Fourth Amendment isn't a completely settled question of law. Some courts have viewed the collection as something akin to fingerprinting and other courts have viewed it as a more intrusive search, such as the taking of a blood sample. However, the Department of Justice has stated that it believes that this legislation is constitutional and is supportive of encouraging states to pass DNA arrestee laws. I believe that such programs, with appropriate safeguards in place, have demonstrated that they can be a very effective mechanism to save lives, solve crimes, and prevent wrongful convictions.

For these reasons, I urge my colleagues to support this important legislation.

By Mr. LIEBERMAN (for himself,
Ms. COLLINS, Mr. AKAKA, and
Mr. VOINOVICH):

S. 3806. A bill to protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I am pleased to join with Senators COLLINS, AKAKA, and VOINOVICH today to introduce the bipartisan SECURE Facilities Act of 2010—legislation that would modernize and reform an important but often overlooked agency within the Department of Homeland Security, DHS: the Federal Protective Service, FPS.

FPS—with just 1,200 full time employees and approximately 15,000 contract guards—is responsible for security at 9,000 Federal buildings across the land. That mission, unfortunately, is in grave peril—due to severe budget shortfalls, mismanagement, and multiple operational challenges. That is why we are introducing legislation today to reform the agency, provide it with adequate resources, strengthen its

management capabilities, and help it function at a higher level so it can protect visitors and employees at Federal buildings across this country more effectively.

Let me provide some background. When FPS was folded into DHS in 2003, it lost access to supplemental funding from its previous parent agency—the General Services Administration. FPS immediately ran into trouble. It had difficulty paying its bills, budget cuts hurt employee training and other important functions, and personnel cuts negatively affected the agency's performance. All this occurred even as the agency was given more responsibilities, and the Administration was trying to downsize the FPS workforce by one-third.

To assist us in our oversight of the agency, Senators COLLINS, AKAKA, VOINOVICH, and I asked the Government Accountability Office, GAO, in February 2007 to initiate a comprehensive review of the FPS. GAO reported to Congress 8 times between 2004 and 2010 on the financial and management challenges at FPS, and made 32 recommendations for improvement, some of which FPS adopted.

What did GAO find? Unfortunately, it found a seriously dysfunctional agency that lacked much, if any, focus or strategy for accomplishing its mission—where guards were caught sleeping on the job, and GAO investigators were able to successfully smuggle bomb-making ingredients past security to build an explosive device in a restroom and then stroll around the building undetected. GAO's review concluded that contract guards lacked adequate training, FPS personnel suffered from low morale, oversight of the contract guards was poor, and that many of the standards that guide Federal building security and guard behavior are outdated.

The SECURE Facilities Act of 2010 addresses these shortcomings and incorporates recommendations from GAO. For the first time, we would formally authorize the Federal Protective Service and the interagency government body responsible for establishing security standards for all Federal facilities, the Interagency Security Committee. Our legislation also addresses four major challenges.

First, the bill ensures that FPS has sufficient personnel to carry out its mission. Though the agency has assumed increased responsibilities since it joined DHS, it has done so with fewer personnel.

Second, our legislation tackles deficiencies within the contract guard program. FPS contract guards are the first line of defense at Federal facilities, so we must ensure they are held to a high standard and are prepared and equipped to face the many different kinds of threats Federal buildings are vulnerable to.

Third, the bill ensures the FPS is focused and prepared to address the threat of explosives. The 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City drew our attention to this threat, but FPS has been slow to deploy sufficient countermeasures to detect and deter this type of attack.

Fourth, our bill is mindful of the delicate balance between public access and security. We have worked to ensure that the emphasis on securing Federal facilities remains on security but we also support avenues of appeal if a building tenant believes a security countermeasure unduly hinders public access. If the Federal Protective Service is to be held accountable—by Congress, the administration, and the American people—it should no longer be forced to defend Federal agencies that choose to implement less costly and potentially less effective security countermeasures for buildings.

Our bill would provide additional funding for the agency by directing OMB to adjust the building security fees paid by other agencies to ensure adequate funding for FPS. We would provide sufficient resources so that FPS can hire 500 full time employees over the next 4 years. We would also ensure that FPS never employs fewer than 1,200 full time employees at any point—a conservative number that may well require an increase over time.

While many of those additional 500 new employees will be law enforcement officers, the legislation also provides FPS with the flexibility to hire additional administrative and support personnel, allowing it to improve its overall management, strengthen its oversight of contract guards, monitor contractor performance, and share contract assessments throughout the agency. The legislation also provides Federal law enforcement retirement benefits to FPS officers, to help the agency recruit and retain quality personnel.

The bill further would require the FPS to maintain overt and covert testing programs to assess the training of guards, the security of Federal facilities, and to establish procedures for retraining or terminating ineffective guards. The bill ensures the basic documents outlining a security guard's general and specific responsibilities, the Security Guard Information Manual, and their post orders, are up to date and periodically reviewed.

We would require DHS to establish performance-based standards for checkpoint detection technologies for explosives and other threats at Federal facilities. It would allow FPS officers to carry firearms off duty, as most other Federal law enforcement officers can, allowing them to respond to incidents more quickly. Finally, the bill includes several reporting requirements, including one on agency per-

sonnel needs, one on retention rates of contract guards, and another looking at the feasibility of federalizing the contract guard workforce.

We are deeply indebted to the excellent work of GAO which we highlighted in a July 8, 2009, Homeland Security and Governmental Affairs Committee hearing. At the hearing, GAO unveiled the results of its year-long investigation conducted at the Committee's request. GAO visited 6 of 11 FPS regions throughout the country and observed the guard inspection process; interviewed regional managers, inspectors, guards and contract guard managers; met with representatives from security guard companies; analyzed guard contract requirements, guard training and certification requirements, and guard instruction documents.

GAO found that the security provided at Federal buildings by FPS personnel and contract security guards fell well short of what we expect of them. Some guards lacked basic security or x-ray machine training. The FPS was hard pressed to identify which guards were qualified or effective, leading to several embarrassing incidents. One guard used a government computer to run an adult website during his shift, while another inattentive guard allowed a baby in a carrier to pass through an X-ray machine. A third guard was photographed asleep at his station.

GAO's special investigations unit conducted its own covert tests at ten high security Federal facilities in several different cities. Using readily available components to make a liquid-based improvised explosive device, they smuggled the components through security, manufactured a bomb in a public restroom, and then moved throughout the Federal building undetected. Some of the buildings tested by GAO investigators house district offices for our colleagues right here in the House and Senate. I note, however, that while the components were real, the actual explosive liquids were diluted to ensure the bomb was not functional.

Based on the Committee's and GAO's oversight work over the past several years, it is clear that Congress must move quickly to address the remaining security vulnerabilities associated with our Federal buildings.

I am confident that this comprehensive, bipartisan legislation will foster meaningful reform, modernize the Federal Protective Service, and improve the security of our Federal facilities across the country. I urge my colleagues to support the bill and I thank Senator COLLINS, Senator AKAKA, Senator VOINOVICH and their hardworking staffs for all that they have done on this issue so we could introduce this bill today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010" or the "SECURE Facilities Act of 2010".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security of the House of Representatives;

(D) the Committee on Transportation and Infrastructure of the House of Representatives; and

(E) the Committee on Appropriations of the House of Representatives.

(2) DIRECTOR.—The term "Director" means the Director of the Federal Protective Service.

(3) FEDERAL FACILITY.—The term "Federal facility"—

(A) means any building and grounds and all property located in or on that building and grounds, that are owned, occupied or secured by the Federal Government, including any agency, instrumentality or wholly owned or mixed-ownership corporation of the Federal Government; and

(B) does not include any building, grounds, or property used for military activities.

(4) FEDERAL PROTECTIVE SERVICE OFFICER.—The term "Federal protective service officer"—

(A) has the meaning given under sections 8331 and 8401 of title 5, United States Code; and

(B) includes any other employee of the Federal Protective Service designated as a Federal protective service officer by the Secretary.

(5) QUALIFIED CONSULTANT.—The term "qualified consultant" means an non-Federal entity with experience in homeland security, infrastructure protection and physical security, Government workforce issues, and Federal human capital policies.

(6) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

SEC. 3. FEDERAL PROTECTIVE SERVICE.

(a) IN GENERAL.—Title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

"Subtitle E—Federal Protective Service

"SEC. 241. DEFINITIONS.

"In this subtitle:

"(1) AGENCY.—The term 'agency' means an executive agency.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

"(B) the Committee on Appropriations of the Senate;

"(C) the Committee on Homeland Security of the House of Representatives;

"(D) the Committee on Transportation and Infrastructure of the House of Representatives; and

“(E) the Committee on Appropriations of the House of Representatives.

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Federal Protective Service.

“(4) FACILITY SECURITY LEVEL.—The term ‘facility security level’—

“(A) means a rating of each Federal facility based on the analysis of several facility factors that provides a basis for that facility’s attractiveness as a target and potential effects or consequences of a criminal or terrorist attack, which then serves as a basis for the implementation of certain levels of security protection; and

“(B) is determined by the Federal Protective Service, or agency authorized to provide all protective services for a facility under the provisions of section 263 and guided by Interagency Security Committee standards.

“(5) FEDERAL FACILITY.—The term ‘Federal facility’—

“(A) means any building and grounds and all property located in or on that building and grounds, that are owned, occupied or secured by the Federal Government, including any agency, instrumentality or wholly owned or mixed-ownership corporation of the Federal Government; and

“(B) does not include any building, grounds, or property used for military activities.

“(6) FEDERAL FACILITY PROTECTED BY THE FEDERAL PROTECTIVE SERVICE.—The term ‘Federal facility protected by the Federal Protective Service’—

“(A) means those facilities owned or leased by the General Services Administration, and other facilities at the discretion of the Secretary; and

“(B) does not include any facility, or portion thereof, which the United States Marshals Service is responsible for under section 566 of title 28, United States Code.

“(7) FEDERAL PROTECTIVE SERVICE OFFICER.—The term ‘Federal protective service officer’—

“(A) has the meaning given under sections 8331 and 8401 of title 5, United States Code; and

“(B) includes any other employee of the Federal Protective Service designated as a Federal protective service officer by the Secretary.

“(8) INFRASTRUCTURE SECURITY CANINE TEAM.—The term ‘infrastructure security canine team’ means a canine and a Federal protective service officer that are trained to detect explosives or other threats as defined by the Secretary.

“(9) IN-SERVICE FIELD STAFF.—The term ‘in-service field staff’ means Federal Protective Service law enforcement officers who, while working, are directly engaged on a daily basis protecting and enforcing law at Federal facilities, including police officers, inspectors, area commanders and special agents, and such other equivalent positions as designated by the Secretary.

“(10) SECURITY ORGANIZATION.—The term ‘security organization’ means an agency or an internal agency component responsible for security at a specific Federal facility.

“SEC. 242. ESTABLISHMENT.

“(a) ESTABLISHMENT.—There is established the Federal Protective Service within the Department of Homeland Security.

“(b) MISSION.—The mission of the Federal Protective Service is to render Federal facilities protected by the Federal Protective Service safe and secure for Federal employees, officials, and visitors in a professional manner.

“(c) DIRECTOR.—The head of the Federal Protective Service shall be the Director of

the Federal Protective Service. The Director shall report to the Under Secretary for the National Protection and Programs Directorate.

“(d) DUTIES AND POWERS OF THE DIRECTOR.—

“(1) IN GENERAL.—Subject to the supervision and direction of the Secretary, the Director shall be responsible for the management and administration of the Federal Protective Service and the employees and programs of the Federal Protective Service.

“(2) PROTECTION.—The Director shall secure Federal facilities which are protected by the Federal Protective Service, and safeguard all occupants, including Federal employees, officers, and visitors.

“(3) ENFORCEMENT POLICY.—The Director shall establish and direct the policies of the Federal Protective Service, and advise the Under Secretary for the National Protection and Programs Directorate on policy matters relating to the Federal Protective Service.

“(4) TRAINING.—The Director shall—

“(A) determine the minimum level of training or certification for—

“(i) employees of the Federal Protective Service; and

“(ii) armed contract security guards; and

“(B) provide training, in coordination with the Interagency Security Committee, to members of a Facility Security Committee.

“(5) INVESTIGATIONS.—The Director shall investigate and refer for prosecution the violation of any Federal law relating to the security of Federal facilities protected by the Federal Protective Service.

“(6) INSPECTIONS.—The Director shall inspect Federal facilities protected by the Federal Protective Service for the purpose of determining compliance with Federal security standards.

“(7) PERSONNEL.—The Director shall provide adequate numbers of trained personnel to ensure Federal security standards are met.

“(8) INFORMATION SHARING.—The Director shall provide crime prevention and threat awareness training to tenants of Federal facilities.

“(9) PATROL.—The Director shall ensure areas in and around Federal facilities protected by the Federal Protective Service are regularly patrolled by Federal Protective Service officers.

“SEC. 243. FULL-TIME EQUIVALENT EMPLOYEE REQUIREMENTS.

“(a) IN GENERAL.—The Director shall ensure that the Federal Protective Service maintains not fewer than—

“(1) 1,350 full-time equivalent employees, including not fewer than 950 in-service field staff in fiscal year 2011;

“(2) 1,500 full-time equivalent employees, including not fewer than 1,025 in-service field staff in fiscal year 2012;

“(3) 1,600 full-time equivalent employees, including not fewer than 1,075 in-service field staff in fiscal year 2013; and

“(4) 1,700 full-time equivalent employees, including not fewer than 1,125 in-service field staff in fiscal year 2014.

“(b) MINIMUM FULL-TIME EQUIVALENT EMPLOYEE LEVEL.—

“(1) IN GENERAL.—The Director shall ensure that the Federal Protective Service shall maintain at any time not fewer than 1,200 full-time equivalent employees, including not fewer than 900 in-service field staff.

“(2) REPORT.—In any fiscal year after fiscal year 2014 in which the number of full-time equivalent employees of the Federal Protective Service is fewer than the number of full-time equivalent employees of the Federal

Protective Service in the previous fiscal year, the Director shall submit a report to the appropriate congressional committees that provides—

“(A) an explanation of the decrease in full-time equivalent employees; and

“(B) a revised model of the number of full-time equivalent employees projected for future fiscal years.

“SEC. 244. OVERSIGHT OF CONTRACT GUARD SERVICES.

“(a) ARMED GUARD TRAINING REQUIREMENTS.—

“(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, the Director shall establish minimum training requirements for all armed guards procured by the Federal Protective Service.

“(2) REQUIREMENTS.—Training requirements under this subsection shall include—

“(A) at least 80 hours of instruction before a guard may be deployed, and at least 16 hours of recurrent training on an annual basis thereafter; and

“(B) Federal Protective Service monitoring or provision of the initial training of armed guards procured by the Federal Protective Service of—

“(i) at least 10 percent of the hours of required instruction in fiscal year 2011;

“(ii) at least 15 percent of the hours of required instruction in fiscal year 2012;

“(iii) at least 20 percent of the hours of required instruction in fiscal year 2013; and

“(iv) at least 25 percent of the hours of required instruction in fiscal year 2014 and each fiscal year thereafter.

“(b) TRAINING AND SECURITY ASSESSMENT PROGRAM.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, the Director shall establish a program to periodically assess—

“(A) the training of guards procured by the Federal Protective Service for the protection of Federal facilities; and

“(B) the security of Federal facilities.

“(2) PROGRAM.—The program under this subsection shall include an assessment of—

“(A) methods to test the training and certifications of guards;

“(B) a remedial training program for guards;

“(C) procedures for taking personnel actions, including processes for removing individuals who fail to conform to the training or performance requirements of the contract; and

“(D) an overt and covert testing program for the purposes of assessing guard performance and other facility security countermeasures.

“(3) REPORTS.—The Director shall annually submit a report to the appropriate congressional committees, in a classified manner, if necessary, on the results of the assessment of the overt and covert testing program of the Federal Protective Service.

“(c) REVISION OF GUARD MANUAL AND POST ORDERS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, the Director shall—

“(A) update the Security Guard Information Manual and post orders for each guard post overseen by the Federal Protective Service; or

“(B) certify to the Secretary that the Security Guard Information Manual and post

orders described under subparagraph (A) have been updated during the 1-year period preceding the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010.

“(2) REVIEW AND UPDATE.—Beginning with the first calendar year following the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, and every 2 years thereafter, the Director shall review and update the Security Guard Information Manual and post orders for each guard post overseen by the Federal Protective Service.

“(d) DATABASE OF GUARD SERVICE CONTRACTS.—The Director shall establish a database to monitor all contracts for guard services. The database shall include information relating to contract performance.

“SEC. 245. INFRASTRUCTURE SECURITY CANINE TEAMS.

“(a) IN GENERAL.—

“(1) INCREASED CAPACITY.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, the Director shall—

“(A) begin to increase the number of infrastructure security canine teams certified by the Federal Protective Service for the purposes of infrastructure-related security by up to 10 canine teams in each of fiscal years 2011 through 2014; and

“(B) encourage State and local governments and private owners of high-risk facilities to strengthen security through the use of highly trained infrastructure security canine teams.

“(2) INFRASTRUCTURE SECURITY CANINE TEAMS.—To the extent practicable, the Director shall increase the number of infrastructure security canine teams by—

“(A) partnering with the Customs and Border Protection Canine Enforcement Program and the Canine Training Center Front Royal, the Transportation Security Administration's National Explosives Detection Canine Team Training Center, or other offices or agencies within the Department with established canine training programs;

“(B) partnering with agencies, State or local government agencies, nonprofit organizations, universities, or the private sector to increase the training capacity for canine detection teams; or

“(C) procuring explosives detection canines trained by nonprofit organizations, universities, or the private sector, if the canines are trained in a manner consistent with the standards and requirements developed under subsection (b) or other criteria developed by the Secretary.

“(b) STANDARDS FOR INFRASTRUCTURE SECURITY CANINE TEAMS.—

“(1) IN GENERAL.—The Director shall establish criteria, including canine training curricula, performance standards, and other requirements, necessary to ensure that infrastructure security canine teams trained by nonprofit organizations, universities, and private sector entities are adequately trained and maintained.

“(2) EXPANSION.—In developing and implementing the criteria, the Director shall—

“(A) coordinate with key stakeholders, including international, Federal, State, and local government officials, and private sector and academic entities to develop best practice guidelines;

“(B) require that canine teams trained by nonprofit organizations, universities, or private sector entities that are used or made available by the Secretary be trained consistent with the criteria; and

“(C) review the status of the private sector programs on at least an annual basis to ensure compliance with the criteria.

“(c) DEPLOYMENT.—The Director—

“(1) shall use the additional canine teams increased under subsection (a) to enhance security at Federal facilities;

“(2) may use the additional canine teams increased under subsection (a) on a more limited basis to support other homeland security missions;

“(3) may make available canine teams from other agencies within the Department—

“(A) for high-risk areas;

“(B) to address specific threats; or

“(C) on an as-needed basis; and

“(4) shall encourage, but not require, any Federal facility under the purview of Federal Protective Service to deploy Federal Protective Service-certified infrastructure security canine teams developed under this section.

“(d) CANINE PROCUREMENT.—The Director, shall ensure that infrastructure security canine teams are procured as efficiently as possible and at the lowest cost, while maintaining the needed level of quality.

“SEC. 246. ADVANCED IMAGING TECHNOLOGY.

“(a) IN GENERAL.—The Secretary, acting through the Director of the Federal Protective Service, shall designate 3 Federal facilities protected by the Federal Protective Service for the deployment of advanced imaging technology.

“(b) PRIVACY PROTECTION.—

“(1) PROCEDURES.—The Secretary shall establish procedures that protect the privacy of individuals who are screened with advanced imaging technology.

“(2) PROHIBITION ON STORED IMAGES.—An agency may not store images of individuals screened by advanced imaging technology.

“(3) REGULATIONS.—Before the deployment of any advanced imaging technology which generates images of individuals that are viewed by a human operator, the Secretary shall prescribe regulations to protect the privacy of individuals who are screened using that advanced imaging technology.

“(c) COORDINATION.—The Secretary shall coordinate with the Administrator of the General Services Administration and the head of the relevant agencies in the deployment under subsection (a).

“(d) REPORT.—Not later than 1 year after the implementation of this section, the Secretary shall submit a report to the appropriate congressional committees that includes—

“(1) an analysis of the readiness or use of automatic detection technology for building security;

“(2) an evaluation of the lessons learned from the advanced imaging technology implemented under this section;

“(3) an analysis of the effect of such implementation on entry into Federal facilities;

“(4) an analysis for requirements, including costs, to install and maintain advanced imaging technology; and

“(5) an analysis of the privacy protections used under the program.

“SEC. 247. CHECKPOINT DETECTION TECHNOLOGY STANDARDS.

“The Under Secretary for the National Protection and Programs Directorate, in coordination with the Under Secretary for Science and Technology, and in consultation with the Interagency Security Committee, shall develop performance-based standards for checkpoint detection technologies for explosives and other threats at Federal facilities.

“SEC. 248. COMPLIANCE OF FEDERAL FACILITIES WITH FEDERAL SECURITY STANDARDS.

“(a) IN GENERAL.—The Director may assess security charges to an agency that is the owner or the tenant of a Federal facility protected by the Federal Protective Service in addition to any security charge assessed under section 249 for the costs of necessary security countermeasures if—

“(1) the Director, in coordination with the Interagency Security Committee, determines a Federal facility to be in noncompliance with Federal security standards established by the Interagency Security Committee; and

“(2) the Interagency Security Committee or the Director of the Federal Protective Service—

“(A) provided notice to that agency and the Facility Security Committee of—

“(i) the noncompliance;

“(ii) the actions necessary to be in compliance; and

“(iii) the latest date on which such actions need to be taken; and

“(B) the agency is not in compliance by that date.

“(b) REPORT ON NONCOMPLIANT FACILITIES.—The Director shall submit a report to the appropriate congressional committees, in a classified manner if necessary, of any facility determined to be in noncompliance with the Federal security standards established by the Interagency Security Committee.

“SEC. 249. FEES FOR PROTECTIVE SERVICES.

“(a) IN GENERAL.—The Director of the Federal Protective Service may assess and collect fees and security charges from agencies for the costs of providing protective services.

“(b) DEPOSIT OF FEES.—Any fees or security charges paid under this section shall be deposited in the appropriations account under the heading ‘FEDERAL PROTECTION SERVICES’ under the heading ‘NATIONAL PROTECTION AND PROGRAMS DIRECTORATE’ of the Department of Homeland Security.

“(c) ADJUSTMENT OF FEES.—The Director of the Office of Management and Budget shall adjust fees as necessary to carry out this subtitle.

“Subtitle F—Interagency Security Committee

“SEC. 261. DEFINITIONS.

“In this subtitle, the definitions under section 241 shall apply.

“SEC. 262. INTERAGENCY SECURITY COMMITTEE.

“(a) ESTABLISHMENT.—There is established within the executive branch the Interagency Security Committee (in this subtitle referred to as the ‘Committee’).

“(b) CHAIRPERSON.—The Committee shall be chaired by the Secretary, or the designee of the Secretary. The chairperson shall be responsible for the daily operations of the Committee and appeals board, final approval and enforcement of Committee standards, and the promulgation of regulations related to Federal facility security prescribed by the Committee.

“(c) MEMBERSHIP.—

“(1) VOTING MEMBERS.—The Committee shall consist of the following voting members:

“(A) AGENCY REPRESENTATIVES.—Representatives from the following agencies, appointed by the agency heads:

“(i) Department of Homeland Security.

“(ii) Department of State.

“(iii) Department of the Treasury.

“(iv) Department of Defense.

“(v) Department of Justice.

“(vi) Department of the Interior.

“(vii) Department of Agriculture.

“(viii) Department of Commerce.
 “(ix) Department of Labor.
 “(x) Department of Health and Human Services.
 “(xi) Department of Housing and Urban Development.
 “(xii) Department of Transportation.
 “(xiii) Department of Energy.
 “(xiv) Department of Education.
 “(xv) Department of Veterans Affairs.
 “(xvi) Environmental Protection Agency.
 “(xvii) Central Intelligence Agency.
 “(xviii) Office of Management and Budget.
 “(xix) General Services Administration.
 “(B) OTHER OFFICERS.—The following Federal officers or the designees of those officers:
 “(i) The Director of the United States Marshals Service.
 “(ii) The Director of the Federal Protective Service.
 “(iii) The Assistant to the President for National Security Affairs.
 “(C) JUDICIAL BRANCH REPRESENTATIVES.—A representative from the judicial branch appointed by the Chief Justice of the United States.
 “(2) ASSOCIATE MEMBERS.—The Committee shall include the following associate members who shall be nonvoting members:
 “(3) AGENCY REPRESENTATIVES.—Representatives from the following agencies, appointed by the agency heads:
 “(A) Federal Aviation Administration.
 “(B) Federal Bureau of Investigation.
 “(C) Federal Deposit Insurance Corporation.
 “(D) Federal Emergency Management Agency.
 “(E) Federal Reserve Board.
 “(F) Government Accountability Office.
 “(G) Internal Revenue Service.
 “(H) National Aeronautics and Space Administration.
 “(I) National Capital Planning Commission.
 “(J) National Institute of Standards & Technology.
 “(K) Nuclear Regulatory Commission.
 “(L) Office of Personnel Management.
 “(M) Securities and Exchange Commission.
 “(N) Smithsonian Institution.
 “(O) Social Security Administration.
 “(P) United States Coast Guard.
 “(Q) United States Postal Service.
 “(R) United States Army Corps of Engineers.
 “(S) Court Services and Offender Supervision Agency.
 “(T) Any other Federal officers as the President shall appoint.
 “(d) WORKING GROUPS.—The Committee may establish interagency working groups to perform such tasks as may be directed by the Committee.
 “(e) CONSULTATION.—The Committee may consult with other parties, including the Administrative Office of the United States Courts, to perform its responsibilities, and, at the discretion of the Committee, such other parties may participate in the working groups.
 “(f) MEETINGS.—The Committee shall at minimum meet quarterly.
 “(g) RESPONSIBILITIES.—The Committee shall—
 “(1) not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, prescribe regulations—
 “(A) for determining facility security levels, unless the Committee determines that similar regulations are issued by the Sec-

retary before the end of that 90-day period; and

“(B) to establish risk-based performance standards for the security of Federal facilities, unless the Committee determines that similar regulations are issued by the Secretary before the end of that 90-day period;

“(2) establish protocols for the testing of the compliance of Federal facilities with Federal security standards, including a mechanism for the initial and recurrent testing of Federal facilities;

“(3) prescribe regulations to determine minimum levels of training and certification of contract guards;

“(4) prescribe regulations to establish a list of prohibited items for entry into Federal facilities;

“(5) establish minimum requirements and a process for providing basic security training for members of Facility Security Committees; and

“(6) take such actions as may be necessary to enhance the quality and effectiveness of security and protection of Federal facilities, including—

“(A) encouraging agencies with security responsibilities to share security-related intelligence in a timely and cooperative manner;

“(B) assessing technology and information systems as a means of providing cost-effective improvements to security in Federal facilities;

“(C) developing long-term construction standards for those locations with threat levels or missions that require blast resistant structures or other specialized security requirements;

“(D) evaluating standards for the location of, and special security related to, day care centers in Federal facilities; and

“(E) assisting the Secretary in developing and maintaining a centralized security database of all Federal facilities; and

“(7) carry out such other duties as assigned by the President.

“(h) APPEALS BOARD.—

“(1) ESTABLISHMENT.—The Committee shall establish an appeals board to consider appeals from any Facility Security Committee of—

“(A) a facility security level determination;

“(B) Federal Protective Service or designated security organization recommendations for countermeasures for a facility; or

“(C) a determination of noncompliance with Federal facility security standards.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The appeals board shall consist of 7 voting members of the Committee, of whom—

“(i) 1 shall be designated by the Secretary;

“(ii) 4 shall be selected by the voting members of the Committee; and

“(iii) 2 shall be selected by the voting members of the Committee to serve as alternates in the case of recusal by a member of the appeals board.

“(B) RECUSAL.—An appeals board member shall recuse himself or herself from any appeal from an agency which that member represents.

“(3) FINAL APPEAL.—A decision of the appeals board is final and shall not be subject to administrative or judicial review.

“(i) AGENCY SUPPORT AND COOPERATION.—

“(1) ADMINISTRATIVE SUPPORT.—To the extent permitted by law and subject to the availability of appropriations, the Secretary shall provide the Committee such administrative services, funds, facilities, staff and other support services as may be necessary

for the performance of the functions of the Committee.

“(2) COOPERATION AND COMPLIANCE.—

“(A) IN GENERAL.—Each agency shall cooperate and comply with the policies and recommendations of the Committee.

“(B) SUPPORT.—To the extent permitted by law and subject to the availability of appropriations, agencies shall provide such support as may be necessary to enable the Committee to perform the duties and responsibilities of the Committee.

“(3) COMPLIANCE.—The Secretary shall be responsible for monitoring agency compliance with the policies and recommendations of the Committee.

“(j) AUTHORIZATION.—There are authorized to be appropriated to the Department of Homeland Security such sums as necessary to carry out the provisions of this section.

“SEC. 263. AUTHORIZATION OF AGENCIES TO PROVIDE PROTECTIVE SERVICES.

“(a) IN GENERAL.—The Committee shall establish a process under which the Secretary may authorize an agency to provide protective services for a Federal facility instead of the Federal Protective Services.

“(b) REQUIREMENTS.—The process under subsection (a) shall—

“(1) provide that—

“(A) an agency may submit an application to the Secretary for an authorization;

“(B) an authorization shall be for a 1-year period; and

“(C) an authorization may be renewed on an annual basis; and

“(2) require an agency to—

“(A) demonstrate security expertise; and

“(B) provide sufficient information through a security plan that the agency shall be in compliance with the Federal security standards of the Committee.

“SEC. 264. FACILITY SECURITY COMMITTEES.

“(a) IN GENERAL.—

“(1) MAINTENANCE OF FACILITY SECURITY COMMITTEES.—Except as provided under paragraph (2), the agencies that are tenants at each Federal facility shall maintain a Facility Security Committee for that Federal facility. Each agency that is a tenant at a Federal facility shall provide 1 employee to serve as a member of the Facility Security Committee.

“(2) EXEMPTIONS.—The Secretary may exempt a Federal facility from the requirement under paragraph (1), if that Federal facility is authorized under section 263 to provide protective services.

“(b) CHAIRPERSON.—

“(1) IN GENERAL.—Each Facility Security Committee shall be headed by a chairperson, elected by a majority of the members of the Facility Security Committee.

“(2) RESPONSIBILITIES.—The chairperson shall be responsible for—

“(A) maintaining accurate contact information for agency tenants and providing that information, including any updates, to the Federal Protective Service or designated security organization;

“(B) setting the agenda for Facility Security Committee meetings;

“(C) referring Facility Security Committee member questions to Federal Protective Service or designated security organization for response;

“(D) accompanying Federal Protective Service or designated security organization representatives during on-site building security assessments;

“(E) maintaining an official record of each meeting;

“(F) acknowledging receipt of the building security assessment from Federal Protective

Service or designated security organization; and

“(G) any other duties as determined by the Interagency Security Committee.

“(c) TRAINING FOR MEMBERS.—

“(1) IN GENERAL.—Except as provided under paragraphs (3) and (4), before serving as a member of a Facility Security Committee, an employee shall successfully complete a training course that meets a minimum standard of training as established by the Interagency Security Committee.

“(2) TRAINING.—Training under this subsection shall—

“(A) be provided by the Federal Protective Service or designated security organization, in coordination with the Interagency Security Committee;

“(B) be commensurate with the security level of the facility; and

“(C) include training relating to—

“(i) familiarity with published standards of the Interagency Security Committee;

“(ii) physical security criteria for Federal facilities;

“(iii) use of physical security performance measures;

“(iv) facility security levels determinations; and

“(v) best practices for safe mail handling.

“(3) WAIVERS.—The training requirement under this subsection may be waived by the Director or the Chairperson of the Interagency Security Committee if the Director or the Chairperson determines that an employee has related experience in physical security, law enforcement, or infrastructure security disciplines.

“(4) INCUMBENT MEMBERS.—

“(A) IN GENERAL.—This subsection shall apply to any Facility Security Committee established before, on, or after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, except that any member of a Facility Security Committee serving on that date shall during the 1-year period following that date—

“(i) successfully complete a training course as required under paragraph (1); or

“(ii) obtain a waiver under paragraph (3).

“(B) COMPLIANCE.—Any member of a Facility Security Committee described under subparagraph (A) who does not comply with that subparagraph may not serve on that Facility Security Committee.

“(d) MEETINGS AND QUORUM.—

“(1) MEETINGS.—Each Facility Security Committee shall meet on a quarterly basis.

“(2) QUORUM.—A majority of the members of a Facility Security Committee shall be present for a quorum to conduct business.

“(e) APPEAL.—

“(1) IN GENERAL.—If a Facility Security Committee disagrees with a recommendation of the Federal Protective Service for necessary countermeasures or physical security improvements, the Chairperson of a Facility Security Committee may file an appeal of the recommendation with the Interagency Security Committee appeals board.

“(2) DECISION TO APPEAL.—The decision to file an appeal shall be agreed to by a majority of the members of a Facility Security Committee

“(3) MATTERS SUBJECT TO APPEAL.—A recommendation of the Federal Protective Service may be appealed under this subsection, including recommendations relating to—

“(A) prohibited items lists determined for Federal buildings by the Federal Protective Service and how those lists apply to employees and visitors;

“(B) countermeasure improvements;

“(C) building security assessment findings; and

“(D) building security levels.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Homeland Security Act of 2002 is amended by inserting after the matter relating to title II the following:

“Subtitle E—Federal Protective Service

“Sec. 241. Definitions.

“Sec. 242. Establishment.

“Sec. 243. Full-time equivalent employee requirements.

“Sec. 244. Oversight of contract guard services.

“Sec. 245. Infrastructure security canine teams.

“Sec. 246. Advanced imaging technology.

“Sec. 247. Checkpoint detection technology standards.

“Sec. 248. Compliance of Federal facilities with Federal security standards.

“Sec. 249. Fees for protective services.

“Subtitle F—Interagency Security Committee

“Sec. 261. Definitions.

“Sec. 262. Interagency Security Committee.

“Sec. 263. Authorization of agencies to provide protective services.

“Sec. 264. Facility security committees.”.

SEC. 4. FEDERAL PROTECTIVE SERVICE OFFICERS OFF-DUTY CARRYING OF FIREARMS.

Section 1315(b)(2) of title 40, United States Code, is amended—

(1) in subsection (b)(2), by striking “While engaged in the performance of official duties, an” and inserting “An”; and

(2) by striking subsection (c) and inserting the following:

“(c) REGULATIONS.—

“(1) IN GENERAL.—

“(A) PROTECTION AND ADMINISTRATION.—The Secretary may prescribe regulations necessary for the protection and administration of property owned or occupied by the Federal Government and persons on the property. The regulations may include reasonable penalties, within the limits prescribed in subparagraph (B), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property.

“(B) PENALTY.—A person violating a regulation prescribed under this paragraph shall be fined under title 18, United States Code, imprisoned for not more than 30 days, or both.

“(2) OFF-DUTY FIREARMS.—The Secretary may prescribe regulations relating to the carrying of firearms while off-duty, including a list of firearms which may be carried while off-duty.”.

SEC. 5. CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES RETIREMENT SYSTEM.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) DEFINITION.—Section 8331 of title 5, United States Code is amended—

(A) in paragraph (30), by striking “and” at the end;

(B) in paragraph (31), by striking the period and inserting “and”; and

(C) by adding at the end the following:

“(32) ‘Federal protective service officer’ means an employee in the Federal Protective Service of the Department of Homeland Security—

“(A) who holds a position within the GS-0083, GS-0080, GS-1801, or GS-1811 job series (determined applying the criteria in effect as

of September 1, 2007 or any successor position; and

“(B) who are authorized to carry firearms and empowered to make arrests in the performance of duties related to the protection of buildings, grounds and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality or wholly owned or mixed-ownership corporation thereof) and the persons on the property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties in 1 or more positions (as described under subparagraph (A)) for at least 3 years.”.

(2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended—

(A) in subsection (a)(1)(A), by inserting “Federal protective service officer,” before “or customs and border protection officer.”; and

(B) in the table contained in subsection (c), by adding at the end the following:

“Federal Protective Service Officer.”	7.5	After June 29, 2011.”.
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(3) MANDATORY SEPARATION.—The first sentence of section 8335(b)(1) of title 5, United States Code, is amended by inserting “Federal protective service officer,” before “or customs and border protection officer.”.

(4) IMMEDIATE RETIREMENT.—Section 8336 of title 5, United States Code, is amended—

(A) in subsection (c)(1), by inserting “Federal protective service officer,” before “or customs and border protection officer.”; and

(B) in subsections (m) and (n), by inserting “as a Federal protective service officer,” before “or as a customs and border protection officer.”.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) DEFINITION.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (35), by striking “and” at the end;

(B) in paragraph (36), by striking the period and inserting “and”; and

(C) by adding at the end the following:

“(37) ‘Federal protective service officer’ means an employee in the Federal Protective Service of the Department of Homeland Security—

“(A) who holds a position within the GS-0083, GS-0080, GS-1801, or GS-1811 job series (determined applying the criteria in effect as of September 1, 2007) or any successor position; and

“(B) who are authorized to carry firearms and empowered to make arrests in the performance of duties related to the protection of buildings, grounds and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality or wholly owned or mixed-ownership corporation thereof) and the persons on the property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties in 1 or more positions (as described under subparagraph (A)) for at least 3 years.”.

(2) IMMEDIATE RETIREMENT.—Paragraphs (1) and (2) of section 8412(d) of title 5, United States Code, are amended by inserting “Federal protective service officer,” before “or customs and border protection officer.”.

(3) COMPUTATION OF BASIC ANNUITY.—Section 8415(h)(2) of title 5, United States Code,

is amended by inserting “Federal protective service officer,” before “or customs and border protection officer,”.

(4) DEDUCTIONS FROM PAY.—The table contained in section 8422(a)(3) of title 5, United States Code, is amended by adding at the end the following:

“Federal Protective Service Officer.	7.5 After June 29, 2011.”.
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(5) GOVERNMENT CONTRIBUTIONS.—Paragraphs (1)(B)(i) and (3) of section 8423(a) of title 5, United States Code, are amended by inserting “Federal protective service officer,” before “customs and border protection officer,” each place that term appears.

(6) MANDATORY SEPARATION.—Section 8425(b)(1) of title 5, United States Code, is amended—

(A) by inserting “Federal protective service officer,” before “or customs and border protection officer,” the first place that term appears; and

(B) inserting “Federal protective service officer,” before “or customs and border protection officer,” the second place that term appears.

(C) MAXIMUM AGE FOR ORIGINAL APPOINTMENT.—Section 3307 of title 5, United States Code, is amended by adding at the end the following:

“(h) The Secretary of Homeland Security may determine and fix the maximum age limit for an original appointment to a position as a Federal protective service officer, as defined by section 8401(37).”.

(d) REGULATIONS.—Any regulations necessary to carry out the amendments made by this section shall be prescribed by the Director of the Office of Personnel Management in consultation with the Secretary.

(e) EFFECTIVE DATE; TRANSITION RULES; FUNDING.—

(1) EFFECTIVE DATE.—The amendments made by this section shall become effective on the later of June 30, 2011 or the first day of the first pay period beginning at least 6 months after the date of enactment of this Act.

(2) TRANSITION RULES.—

(A) NONAPPLICABILITY OF MANDATORY SEPARATION PROVISIONS TO CERTAIN INDIVIDUALS.—The amendments made by subsections (a)(3) and (b)(6), respectively, shall not apply to an individual first appointed as a Federal protective service officer before the effective date under paragraph (1).

(B) TREATMENT OF PRIOR FEDERAL PROTECTIVE SERVICE OFFICER SERVICE.—

(i) GENERAL RULE.—Except as provided in clause (ii), nothing in this section shall be considered to apply with respect to any service performed as a Federal protective service officer before the effective date under paragraph (1).

(ii) EXCEPTION.—Service described in section 8331(32) and 8401(37) of title 5, United States Code (as amended by this section) rendered before the effective date under paragraph (1) may be taken into account to determine if an individual who is serving on or after such effective date then qualifies as a Federal protective service officer by virtue of holding a supervisory or administrative position in the Department of Homeland Security.

(C) MINIMUM ANNUITY AMOUNT.—The annuity of an individual serving as a Federal protective service officer on the effective date under paragraph (1) pursuant to an appointment made before that date shall, to the extent that its computation is based on service rendered as a Federal protective service officer on or after that date, be at least equal to

the amount that would be payable to the extent that such service is subject to the Civil Service Retirement System or Federal Employees Retirement System, as appropriate, by applying section 8339(d) of title 5, United States Code, with respect to such service.

(D) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (c) shall be considered to apply with respect to any appointment made before the effective date under paragraph (1).

(3) FEES AND AUTHORIZATIONS OF APPROPRIATIONS.—

(A) FEES.—The Federal Protective Service shall adjust fees as necessary to ensure collections are sufficient to carry out amendments made in this section.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(4) ELECTION.—

(A) INCUMBENT DEFINED.—For purposes of this paragraph, the term “incumbent” means an individual who is serving as a Federal protective service officer on the date of the enactment of this Act.

(B) NOTICE REQUIREMENT.—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall take measures reasonably designed to ensure that incumbents are notified as to their election rights under this paragraph, and the effect of making or not making a timely election.

(C) ELECTION AVAILABLE TO INCUMBENTS.—

(i) IN GENERAL.—An incumbent may elect, for all purposes, either—

(I) to be treated in accordance with the amendments made by subsection (a) or (b), as applicable; or

(II) to be treated as if subsections (a) and (b) had never been enacted.

(ii) FAILURE TO MAKE A TIMELY ELECTION.—Failure to make a timely election under clause (i) shall be treated in the same way as an election made under clause (i)(I) on the last day allowable under clause (iii).

(iii) DEADLINE.—An election under this subparagraph shall not be effective unless it is made at least 14 days before the effective date under paragraph (1).

(5) DEFINITION.—For the purposes of this subsection, the term “Federal protective service officer” has the meaning given such term by section 8331(32) or 8401(37) of title 5, United States Code (as amended by this section).

(6) EXCLUSION.—Nothing in this section or any amendment made by this section shall be considered to afford any election or to otherwise apply with respect to any individual who, as of the day before the date of the enactment of this Act—

(A) holds a positions within the Federal Protective Service; and

(B) is considered a law enforcement officers for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, by virtue of such position.

SEC. 6. REPORT ON FEDERAL PROTECTION SERVICE PERSONNEL NEEDS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the personnel needs of the Federal Protection Service that includes recommendations on the numbers of Federal protective service officers and the workforce composition of the Federal Protection Service needed to carry out the mission of the Federal Protective Service during the 10-fiscal year period beginning after the date of enactment of this Act.

(b) PREPARATION.—The Secretary shall enter into a contract with a qualified consultant to prepare the report submitted under this section.

SEC. 7. REPORT ON RETENTION RATE FEDERAL PROTECTIVE SERVICE CONTRACT GUARD WORKFORCE.

Not later than 45 days after the date of enactment of this Act, the Director shall submit a report to the appropriate congressional committees on—

(1) retention rates within the Federal Protective Service contract guard workforce; and

(2) how the retention rate affects operations of the Federal Protective Service and the security of Federal facilities.

SEC. 8. REPORT ON THE FEASIBILITY OF FEDERALIZING THE FEDERAL PROTECTIVE SERVICE CONTRACT GUARD WORKFORCE.

(a) CONTRACT WITH CONSULTANT.—The Director shall enter into a contract with a qualified consultant to prepare the report submitted under this section.

(b) SUBMISSIONS.—Not later than 1 year after the date of enactment of this Act, the qualified consultant shall concurrently submit the report to the Secretary and the appropriate congressional committees.

(c) CONTENTS.—The report under this section shall include an evaluation of—

(1) converting in its entirety, or in part, the Federal Protective Service contract workforce into full-time Federal employees, including an option to post a full-time equivalent Federal protective service officer at each Federal facility that on the date of enactment of this Act has a contract guard stationed at that facility;

(2) the immediate and projected costs of the conversion;

(3) the immediate and projected costs of maintaining guards under contract status and of maintaining full-time Federal employee guards;

(4) the potential increase in security if converted, including an analysis of using either a Federal security guard, police officer, or Federal protective service officer instead of a contract guard;

(5) the hourly and annual costs of contract guards and the Federal counterparts of those guards; and

(6) a comparison of similar conversions of large groups of contracted workers and potential benefits and challenges.

SEC. 9. SAVINGS CLAUSE.

Nothing in this Act, including the amendments made by this Act, shall be construed to affect—

(1) the authorities under section 566 of title 28, United States Code;

(2) the authority of any Federal law enforcement agency other than the Federal Protective Service; or

(3) any authority of the Federal Protective Service not specifically enumerated by this Act that is in effect on the day before the date of enactment of this Act.

Ms. COLLINS. Mr. President, I rise today to introduce the SECURE Act of 2010—Supporting Employee Competency and Updating Readiness Enhancements. This bill would help to improve inadequate security at too many of our Federal buildings.

As a Nation, we have learned several hard truths: Terrorists are intent on attacking the United States, and their tactics continue to evolve. The early identification of a security gap can save countless lives if we act promptly

to close it. There is no substitute for pre-emptive action to detect, disrupt, and defend against terrorist plots.

As we remember the lives lost when terrorists attacked the United States 9 years ago, we must avoid complacency. Our country's defenses must be nimble, multi-layered, informed by timely intelligence, and coordinated across multiple agencies.

This is difficult work, requiring painstaking attention to detail and an unwavering focus. We must remain vigilant to the threats we face. Unfortunately, the evidence indicates that there are significant security problems at Federal buildings, where thousands of employees serve thousands more of our citizens every work day.

The Federal Protective Service, FPS, is charged with securing nearly 9,000 Federal facilities and protecting the government employees who work in them, and the Americans who use them to access vital services.

But, independent investigations by the Government Accountability Office and the Department of Homeland Security Inspector General have documented serious and systemic security flaws within the operations of the FPS. These lapses place Federal employees and private citizens at risk.

In June of last year, for example, GAO's undercover investigators smuggled bomb-making materials into 10 Federal office buildings. Every single building GAO targeted was breached—a perfect record of security failure. At each facility, concealed bomb components passed through checkpoints monitored by FPS guards. Once inside, the covert GAO investigators were able to assemble the simulated explosive devices without interruption.

A July 2009 GAO report documented training flaws for FPS contract guards, some of whom failed to receive mandatory training on the operation of metal detectors and x-ray equipment. Other contract guards were deficient in key certifications such as CPR, First Aid, and firearms training. All told, GAO found that 62 percent of the FPS contract guards it reviewed lacked valid certifications in one or more of these areas.

This review also found that FPS did little to ensure compliance with rules and regulations and failed to conduct inspections of guard posts after regular business hours. When GAO investigators tested these posts, they found some guards sleeping on an overnight shift.

In another example, an inattentive guard allowed a baby in a carrier to pass through an x-ray machine on its conveyor belt. That guard was fired, but he ultimately won a lawsuit against the FPS because the agency could not document that he had received required training on the machine.

A few months earlier, in April 2009, the Department of Homeland Security's

Inspector General also found critical failings in the FPS contract guard program. The Inspector General's recommendations included many concrete steps to strengthen contract guard performance, such as improving the award and management of contracts and increasing the amount of training and number of compliance inspections.

These reports demonstrate that American taxpayers are simply not receiving the security they have paid for and that they expect FPS to provide. The reports also show the vulnerabilities facing Federal employees and Federal infrastructure because of lax security.

While shining a light on these failings in multiple hearings, our Committee pressed the FPS to take action to close these security gaps. Although some tentative steps have been taken by FPS, we can no longer wait for OMB and DHS to implement the absolutely critical security measures necessary to help protect our Federal buildings, our Federal employees, and the American public.

The legislation that I introduce today, with Senators LIEBERMAN, AKAKA, and VOINOVICH, would help close these security gaps at our Federal buildings.

First, the bill would mandate the Interagency Security Committee, which was established by Executive Order 6 months after the Oklahoma City bombing, to increase security standards at Federal facilities. The ISC, comprised of representatives from agencies across the government, would establish risk-based performance standards for the security of federal buildings. FPS would then enforce these requirements based on the risk tier assigned the facility by the ISC.

Prior reports clearly demonstrate that FPS lacks authority to require tenant agencies of a Federal facility to comply with recommended security countermeasures.

For example, although FPS may ask tenant agencies to purchase or repair security equipment like cameras and x-ray machines, based on the ISC's recommended security countermeasures, these tenant agencies can refuse to purchase or repair the equipment based on cost.

Since FPS has no enforcement mechanism, these machines are not upgraded, or remain inoperable, and security suffers. With so much at stake, tenant agencies should not be able to effectively overrule the security experts on the ISC and at FPS.

To address this problem, our legislation would provide FPS the authority needed to mandate the implementation of security measures at a facility. FPS also would have the authority to inspect federal facilities to enforce compliance.

The bill would allow the FPS Director to charge additional fees if tenant

agencies fail to comply with applicable security standards. In such cases, the Secretary also must notify Congress of the non-compliant facilities.

Our bill also would require an independent analysis of FPS's long-term staffing needs.

The Government has an obligation to protect our Nation's security, and our Federal buildings are targets for violence. This legislation would provide FPS with stronger authority to improve security at our Federal buildings. The American public that relies on these facilities and the Federal employees who work in them deserve better and more reliable protection.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 630—DESIGNATING NOVEMBER 28, 2010, AS "DRIVE SAFER SUNDAY"

Mr. ISAKSON (for himself, Mr. CHAMBLISS, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 630

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas every individual traveling on the roads and highways needs to drive in a safer manner in order to reduce deaths and injuries that result from motor vehicle accidents;

Whereas according to the National Highway Traffic Safety Administration, wearing a seat belt saves more than 15,000 lives each year;

Whereas the Senate wants all people of the United States to understand the life-saving importance of wearing a seat belt and encourages motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be focused on safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely on the Sunday after Thanksgiving, and to publicize the importance of the day through use of Citizen's Band ("CB") radios and truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safely, particularly on the Sunday after Thanksgiving; and

(E) all people of the United States to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 28, 2010, as "Drive Safer Sunday".

AMENDMENTS SUBMITTED AND PROPOSED

SA 4619. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4620. Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill S. 624, to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

SA 4621. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4622. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4623. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5136, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4624. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4625. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4619. Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C of the bill, insert the following:

TITLE —EDUCATION JOBS FUND

SEC. 1. ELIMINATION OF PROVISIONS RELATING TO TEXAS.

Section 101 of Public Law 111-226 (124 Stat. 2389) is amended by striking paragraph (1).

SA 4620. Mr. LEVIN (for Mr. DURBIN) proposed an amendment to the bill S. 624, to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Senator Paul Simon Water for the World Act of 2010”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121)—

(A) makes access to safe water and sanitation for developing countries a specific policy objective of United States foreign assistance programs;

(B) requires the Secretary of State to—

(i) develop a strategy to elevate the role of water and sanitation policy; and

(ii) improve the effectiveness of United States assistance programs undertaken in support of that strategy;

(C) codifies Target 10 of the United Nations Millennium Development Goals; and

(D) seeks to reduce by half between 1990 (the baseline year) and 2015—

(i) the proportion of people who are unable to reach or afford safe drinking water; and

(ii) the proportion of people without access to basic sanitation.

(2) On December 20, 2006, the United Nations General Assembly, in GA Resolution 61/192, declared 2008 as the International Year of Sanitation, in recognition of the impact of sanitation on public health, poverty reduction, economic and social development, and the environment.

(3) On August 1, 2008, Congress passed H. Con. Res. 318, which—

(A) supports the goals and ideals of the International Year of Sanitation; and

(B) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment.

(4) While progress is being made on safe water and sanitation efforts—

(A) more than 884,000,000 people throughout the world lack access to safe drinking water; and

(B) 2 of every 5 people in the world do not have access to basic sanitation services.

(5) The health consequences of unsafe drinking water and poor sanitation are significant, accounting for—

(A) nearly 10 percent of the global burden of disease; and

(B) more than 2,000,000 deaths each year.

(6) Water scarcity has negative consequences for agricultural productivity and food security for the 1,200,000,000 people who, as of 2010, suffer from chronic hunger and seriously threatens the ability of the world to more than double food production to meet the demands of a projected population of 9,000,000,000 people by 2050.

(7) According to the November 2008 report entitled, “Global Trends 2025: A Transformed World”, the National Intelligence Council expects rapid urbanization and future population growth to exacerbate already limited access to water, particularly in agriculture-based economies.

(8) According to the 2005 Millennium Ecosystem Assessment, commissioned by the

United Nations, more than ¼ of the world population relies on freshwater that is either polluted or excessively withdrawn.

(9) The impact of water scarcity on conflict and instability is evident in many parts of the world, including the Darfur region of Sudan, where demand for water resources has contributed to armed conflict between nomadic ethnic groups and local farming communities.

(10) In order to further the United States contribution to safe water and sanitation efforts, it is necessary to—

(A) expand foreign assistance capacity to address the challenges described in this section; and

(B) represent issues related to water and sanitation at the highest levels of United States foreign assistance and diplomatic deliberations, including those related to issues of global health, food security, the environment, global warming, and maternal and child mortality.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the United States should help undertake a global effort to bring sustainable access to clean water and sanitation to poor people throughout the world.

SEC. 4. PURPOSE.

The purpose of this Act is—

(1) to enable first-time access to safe water and sanitation, on a sustainable basis, for 100,000,000 people in high priority countries (as designated under section 6(f) of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) within 6 years of the date of enactment of this Act through direct funding, development activities, and partnerships; and

(2) to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121).

SEC. 5. DEVELOPING UNITED STATES GOVERNMENT CAPACITY.

Section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) is amended by adding at the end the following:

“(e) SENIOR ADVISOR FOR WATER.—

“(1) IN GENERAL.—To carry out the purposes of subsection (a), the Administrator of the United States Agency for International Development shall designate a senior advisor to coordinate and conduct the activities described in this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121). The Advisor shall report directly to the Administrator and be known as the ‘Senior Advisor for Water’. The initial Senior Advisor for Water shall be the individual serving as Water Team Leader as of the date of the enactment of the Senator Paul Simon Water for the World Act of 2010.

“(2) DUTIES.—The Advisor shall—

“(A) implement this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121);

“(B) develop and oversee implementation in high priority countries of country-specific water strategies and expertise, in coordination with appropriate United States Agency for International Development Mission Directors, to enable the goal of providing 100,000,000 additional people with sustainable access to safe water and sanitation through direct funding, development activities, and partnerships within 6 years of the date of the enactment of the Senator Paul Simon Water for the World Act of 2010; and

“(C) place primary emphasis on providing safe, affordable, and sustainable drinking water, sanitation, and hygiene in a manner that—

“(i) is consistent with sound water resource management principles; and

“(ii) utilizes such approaches as direct service provision, capacity building, institutional strengthening, regulatory reform, and partnership collaboration; and

“(D) integrate water strategies with country-specific or regional food security strategies.

“(3) **CAPACITY.**—The Advisor shall be designated appropriate staff and may utilize interagency details or partnerships with universities, civil society, and the private sector, as needed, to strengthen implementation capacity.

“(f) **SPECIAL COORDINATOR FOR INTERNATIONAL WATER.**—

“(1) **ESTABLISHMENT.**—To increase the capacity of the Department of State to address international issues regarding safe water, sanitation, integrated river basin management, and other international water programs, the Secretary of State shall establish a Special Coordinator for International Water (referred to in this subsection as the ‘Special Coordinator’), who shall report to the Under Secretary for Democracy and Global Affairs. The initial Special Coordinator shall be the individual serving as Special Coordinator for Water Resources as of the date of the enactment of the Senator Paul Simon Water for the World Act of 2010.

“(2) **DUTIES.**—The Special Coordinator shall—

“(A) oversee and coordinate the diplomatic policy of the United States Government with respect to global freshwater issues, including interagency coordination related to—

“(i) sustainable access to safe drinking water, sanitation, and hygiene;

“(ii) integrated river basin and watershed management;

“(iii) global food security;

“(iv) transboundary conflict;

“(v) agricultural and urban productivity of water resources;

“(vi) disaster recovery, response, and rebuilding;

“(vii) pollution mitigation; and

“(viii) adaptation to hydrologic change due to climate variability; and

“(B) ensure that international freshwater issues are represented—

“(i) within the United States Government; and

“(ii) in key diplomatic, development, and scientific efforts with other nations and multilateral organizations.

“(3) **SUPPORT STAFF.**—The Special Coordinator shall be designated appropriate staff to support the duties described in paragraph (2).”

SEC. 6. SAFE WATER, SANITATION, AND HYGIENE STRATEGY.

Section 6 of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) is amended—

(1) in subsection (b), by adding at the end the following: “The Coordinator shall take actions to ensure that the safe water and sanitation strategy is integrated into any review or development of a Federal strategy for global development, global health, or global food security that sets forth or establishes the United States mission for global development, guidelines for assistance programs, and how development policy will be coordinated with policies governing trade, immigration, and other relevant international issues.”;

(2) in subsection (c), by adding at the end the following: “In developing the program activities needed to implement the strategy, the Secretary shall consider the results of

the assessment described in subsection (e)(9).”; and

(3) in subsection (e)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(7) an assessment of all United States Government foreign assistance allocated to the drinking water and sanitation sector during the 3 previous fiscal years, across all United States Government agencies and programs, including an assessment of the extent to which the United States Government’s efforts are reaching and supporting the goal of enabling first-time access to safe water and sanitation on a sustainable basis for 100,000,000 people in high priority countries;

“(8) recommendations on what the United States Government would need to do to achieve and support the goals referred to in paragraph (7), in support of the United Nations Millennium Development Goal on access to safe drinking water; and

“(9) an assessment of best practices for mobilizing and leveraging the financial and technical capacity of business, governments, nongovernmental organizations, and civil society in forming public-private partnerships that measurably increase access to safe, affordable, drinking water and sanitation.”.

SEC. 7. DEVELOPING LOCAL CAPACITY.

The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121) is amended—

(1) by redesignating sections 9, 10, and 11 as sections 10, 11, and 12, respectively; and

(2) by inserting after section 8 the following:

“SEC. 9. WATER AND SANITATION INSTITUTIONAL CAPACITY-BUILDING PROGRAM.

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—The Secretary of State and the Administrator of the United States Agency for International Development (referred to in this section as the ‘Secretary’ and the ‘Administrator’, respectively), in consultation with host country institutions, the Centers for Disease Control and Prevention, the Department of Agriculture, and other agencies, as appropriate, shall establish, in coordination with mission directors in high priority countries, a program to build the capacity of host country institutions and officials responsible for water and sanitation in countries that receive assistance under section 135 of the Foreign Assistance Act of 1961, including training at appropriate levels, to—

“(A) provide affordable, equitable, and sustainable access to safe drinking water and sanitation;

“(B) educate the populations of such countries about the dangers of unsafe drinking water and lack of proper sanitation; and

“(C) encourage behavior change to reduce individuals’ risk of disease from unsafe drinking water and lack of proper sanitation and hygiene.

“(2) **EXPANSION.**—The Secretary and the Administrator may establish the program described in this section in additional countries if the receipt of such capacity building would be beneficial for promoting access to safe drinking water and sanitation, with due consideration given to good governance.

“(3) **CAPACITY.**—The Secretary and the Administrator—

“(A) should designate appropriate staff with relevant expertise to carry out the strategy developed under section 6; and

“(B) may utilize, as needed, interagency details or partnerships with universities,

civil society, and the private sector to strengthen implementation capacity.

“(b) **DESIGNATION.**—The United States Agency for International Development Mission Director for each country receiving a ‘high priority’ designation under section 6(f) and for each region containing a country receiving such designation shall report annually to Congress on the status of—

“(1) designating safe drinking water and sanitation as a strategic objective;

“(2) integrating the water strategy into a food security strategy;

“(3) assigning an employee of the United States Agency for International Development as in-country water and sanitation manager to coordinate the in-country implementation of this Act and section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) with host country officials at various levels of government responsible for water and sanitation, the Department of State, and other relevant United States Government agencies; and

“(4) coordinating with the Development Credit Authority and the Global Development Alliance to further the purposes of this Act.”.

SEC. 8. OTHER ACTIVITIES SUPPORTED.

In addition to the requirements of section 135(c) of the Foreign Assistance Act (22 U.S.C. 2152h(c)) the Administrator should—

(1) foster global cooperation on research and technology development, including regional partnerships among water experts to address safe drinking water, sanitation, water resource management, and other water-related issues;

(2) establish regional and cross-border cooperative activities between scientists and specialists that work to share technologies and best practices, mitigate shared water challenges, foster international cooperation, and defuse cross-border tensions;

(3) provide grants through the United States Agency for International Development to foster the development, dissemination, and increased and consistent use of low cost and sustainable technologies, such as household water treatment, hand washing stations, and latrines, for providing safe drinking water, sanitation, and hygiene that are suitable for use in high priority countries, particularly in places with limited resources and infrastructure;

(4) in collaboration with the Centers for Disease Control and Prevention, Department of Agriculture, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and other agencies, as appropriate, conduct formative and operational research and monitor and evaluate the effectiveness of programs that provide safe drinking water and sanitation; and

(5) integrate efforts to promote safe drinking water, sanitation and hygiene with existing foreign assistance programs, as appropriate, including activities focused on food security, HIV/AIDS, malaria, tuberculosis, maternal and child health, food security, and nutritional support.

SEC. 9. MONITORING AND EVALUATION.

(a) **SENSE OF CONGRESS.**—It is the sense of the Congress that—

(1) achieving United States foreign policy objectives requires the consistent and systematic evaluation of the impact of United States foreign assistance programs and analysis on what programs work and why, when, and where they work;

(2) the design of assistance programs and projects should include the collection of relevant baseline data required to measure outcomes and impacts;

(3) the design of assistance programs and projects should reflect the knowledge gained from evaluation and analysis;

(4) a culture and practice of high quality evaluation should be revitalized at agencies managing foreign assistance programs, which requires that the concepts of evaluation and analysis are used to inform policy and programmatic decisions, including the training of aid professionals in evaluation design and implementation;

(5) the effective and efficient use of funds cannot be achieved without an understanding of how lessons learned are applicable in various environments and under similar or different conditions; and

(6) project evaluations should be used as sources of data when running broader analyses of development outcomes and impacts.

(b) **COORDINATION AND INTEGRATION.**—To the extent possible, the Administrator shall coordinate and integrate evaluation of United States water programs with the learning, evaluation, and analysis efforts of the United States Agency for International Development aimed at measuring development impact.

SEC. 10. UPDATED REPORT REGARDING WATER FOR PEACE AND SECURITY.

Section 11(b) of the Senator Paul Simon Water for the Poor Act of 2005, as redesignated by section 7, is amended by adding at the end the following: "The report submitted under this subsection shall include an assessment of current and likely future political tensions over water sources and multidisciplinary assessment of the expected impacts of changes to water supplies and agricultural productivity in 10, 25, and 50 years."

SEC. 11. COMPTROLLER GENERAL REPORT ON EFFECTIVENESS AND EFFICIENCY OF UNITED STATES EFFORTS TO PROVIDE SAFE WATER AND SANITATION FOR DEVELOPING COUNTRIES.

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the effectiveness and efficiency of United States efforts to provide safe water and sanitation for developing countries.

(b) **ELEMENTS.**—In preparing the report required by subsection (a), the Comptroller General shall, at a minimum—

(1) identify all programs (and respective Federal agencies) in the Federal Government that perform the mission of providing safe water and sanitation for developing countries, including capacity-building, professional exchanges, and other related programs;

(2) list the actual costs for the implementation, operation, and support of the individual programs;

(3) assess the effectiveness of these programs in meeting their goals;

(4) assess the efficiency of these programs compared to each other and to programs to provide similar aid performed by nongovernmental organizations and other governments, and identify best practices from this assessment;

(5) identify and assess programs that are duplicative of each other or of efforts by nongovernmental organizations and other governments;

(6) assess whether appropriate oversight of these programs is being conducted by Federal agencies, especially in the programs in which Federal agencies are utilizing contractors instead of government employees to perform this mission; and

(7) make such recommendations as the Comptroller General considers appropriate.

SA 4621. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2704. TRANSPORTATION PLAN FOR BRAC PROJECT 133 UNDER FORT BELVOIR, VIRGINIA, DEFENSE BASE CLOSURE AND REALIGNMENT INITIATIVE.

(a) **LIMITATION ON PROJECT IMPLEMENTATION.**—The Secretary of the Army may not take beneficial occupancy of more than 1,000 parking spaces provided by the combination of spaces provided by the BRAC 133 project and the lease of spaces in the immediate vicinity of the BRAC 133 project until both of the following occur:

(1) The Secretary submits to the congressional defense committees a viable transportation plan for the BRAC 133 project.

(2) The Secretary certifies to the congressional defense committees that construction has been completed to provide adequate ingress to and egress from the business park at which the BRAC 133 project is located.

(b) **VIABILITY OF TRANSPORTATION PLAN.**—To be considered a viable transportation plan under subsection (a)(1), the transportation plan must provide for the ingress and egress of all personnel to and from the BRAC 133 project site without further reducing the level of service at the following six intersections:

(1) The intersection of Beauregard Street and Mark Center Drive.

(2) The intersection of Beauregard Street and Seminary Road.

(3) The intersection of Seminary Road and Mark Center Drive.

(4) The intersection of Seminary Road and the northbound entrance-ramp to I-395.

(5) The intersection of Seminary Road and the northbound exit-ramp from I-395.

(6) The intersection of Seminary Road and the southbound exit-ramp from I-395.

(c) **INSPECTOR GENERAL REPORT.**—Not later than September 30, 2011, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report evaluating the sufficiency and coordination conducted in completing the requisite environmental studies associated with the site selection of the BRAC 133 project pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The report of the Inspector General shall give specific attention to the transportation determinations associated with the BRAC 133 project and review and provide comment on the transportation plan of the Secretary of the Army under subsection (a)(1) and its adherence to the limitations imposed by subsection (b).

(d) **DEFINITIONS.**—In this section:

(1) The term "BRAC 133 project" means the proposed office complex to be developed at an established mixed-use business park in Alexandria, Virginia, to implement recommendation 133 of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to

Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term "level of service" has the meaning given that term in the current Highway Capacity Manual of the Transportation Research Board.

SA 4622. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII of division A, add the following:

SEC. 705. PILOT PROGRAM ON PAYMENT FOR TREATMENT OF MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) **PILOT PROGRAM REQUIRED.**—The Secretary of Defense and the Secretary of Veterans Affairs shall carry out a five-year pilot program under which each such Secretary shall establish a process through which each Secretary shall provide payment for treatments (including diagnostic testing) of traumatic brain injury or post-traumatic stress disorder received by members of the Armed Forces and veterans in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities. Such process shall provide that payment be made directly to the health care facility furnishing the treatment.

(b) **CONDITIONS FOR PAYMENT.**—The approval by a Secretary for payment for a treatment pursuant to subsection (a) shall be subject to the following conditions:

(1) Any drug or device used in the treatment must be approved or cleared by the Food and Drug Administration for any purpose.

(2) The treatment or study protocol used in treating the member or veteran must have been approved by an institutional review board operating in accordance with regulations issued by the Secretary of Health and Human Services.

(3) The approved treatment or study protocol (including any patient disclosure requirements) must be used by the health care provider delivering the treatment.

(4) The patient receiving the treatment or study protocol must demonstrate an improvement as a result of the treatment on one or more of the following:

(A) Standardized independent pre-treatment and post-treatment neuropsychological testing.

(B) Accepted survey instruments.

(C) Neurological imaging.

(D) Clinical examination.

(5) The patient receiving the treatment or study protocol must be receiving the treatment voluntarily.

(c) **ADDITIONAL RESTRICTIONS PROHIBITED.**—Except as provided in this subsection (b), no restriction or condition for reimbursement may be placed on any health care provider that is operating lawfully under the laws of the State in which the provider is located with respect to the receipt of payment under this section.

(d) **PAYMENT DEADLINE.**—The Secretary of Defense and the Secretary of Veterans Affairs shall make a payment for a treatment or study protocol pursuant to subsection (a) not later than 30 days after a member of the Armed Forces or veteran (or health care provider on behalf of such member or veteran) submits to the Secretary documentation regarding the treatment or study protocol. The Secretary of Defense and the Secretary of Veterans Affairs shall ensure that the documentation required under this subsection may not be an undue burden on the member of the Armed Forces or veteran or on the health care provider.

(e) **PAYMENT SOURCE.**—Subsection (c)(1) of section 1074 of title 10, United States Code, shall apply with respect to the payment by the Secretary of Defense for treatment or study protocols pursuant to subsection (a) of traumatic brain injury and post-traumatic stress disorder received by members of the Armed Forces.

(f) **PAYMENT AMOUNT.**—A payment under this section shall be made at the equivalent Centers for Medicare and Medicaid Services reimbursement rate in effect for appropriate treatment codes for the State or territory in which the treatment or study protocol is received. If no such rate is in effect, payment shall be made at a fair market rate, as determined by the Secretary of Defense, in consultation with the Secretary of Health and Human Services, with respect to a patient who is a member of the Armed Forces or the Secretary of Veterans Affairs with respect to a patient who is a veteran.

(g) **DATA COLLECTION AND AVAILABILITY.**—

(1) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretaries shall ensure that the database preserves confidentiality and be made available only—

(A) for third-party payer examination;

(B) to the appropriate congressional committees and employees of the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, and appropriate State agencies; and

(C) to the primary investigator of the institutional review board that approved the treatment or study protocol, in the case of data relating to a patient case involving the use of such treatment or study protocol.

(2) **ENROLLMENT IN INSTITUTIONAL REVIEW BOARD STUDY.**—In the case of a patient enrolled in a registered institutional review board study, results may be publically distributable in accordance with the regulations prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and other regulations and practices in effect as of the date of the enactment of this Act.

(3) **QUALIFIED INSTITUTIONAL REVIEW BOARDS.**—The Secretary of Defense and the Secretary of Veterans Affairs shall each ensure that the Internet website of their respective departments includes a list of all civilian institutional review board studies that have received a payment under this section.

(h) **ASSISTANCE FOR MEMBERS TO OBTAIN TREATMENT.**—

(1) **ASSIGNMENT TO TEMPORARY DUTY.**—The Secretary of a military department may assign a member of the Armed Forces under the jurisdiction of the Secretary to temporary duty or allow the member a permissive temporary duty in order to permit the member to receive treatment or study protocol for traumatic brain injury or post-

traumatic stress disorder, for which payments shall be made under subsection (a), at a location beyond reasonable commuting distance of the member's permanent duty station.

(2) **PAYMENT OF PER DIEM.**—A member who is away from the member's permanent station may be paid a per diem in lieu of subsistence in an amount not more than the amount to which the member would be entitled if the member were performing travel in connection with a temporary duty assignment.

(3) **GIFT RULE WAIVER.**—Notwithstanding any rule of any department or agency with respect to ethics or the receipt of gifts, any assistance provided to a member of the Armed Forces with a service-connected injury or disability for travel, meals, or entertainment incidental to receiving treatment or study protocol under this section, or for the provision of such treatment or study protocol, shall not be subject to or covered by any such rule.

(i) **RETALIATION PROHIBITED.**—No retaliation may be made against any member of the Armed Forces or veteran who receives treatment or study protocol as part of registered institutional review board study carried out by a civilian health care practitioner.

(j) **TREATMENT OF UNIVERSITY AND NATIONALLY ACCREDITED INSTITUTIONAL REVIEW BOARDS.**—For purposes of this section, a university-affiliated or nationally accredited institutional review board shall be treated in the same manner as a Government institutional review board.

(k) **MEMORANDA OF UNDERSTANDING.**—The Secretary of Defense and the Secretary of Veterans Affairs shall seek to expeditiously enter into memoranda of understandings with civilian institutional review boards described in subsection (j) for the purpose of providing for members of the Armed Forces and veterans to receive treatment carried out by civilian health care practitioners under a treatment or study protocol approved by and under the oversight of civilian institutional review boards that would qualify for payment under this section.

(l) **OUTREACH REQUIRED.**—

(1) **OUTREACH TO VETERANS.**—The Secretary of Veterans Affairs shall notify each veteran with a service-connected injury or disability of the opportunity to receive treatment or study protocol pursuant to this section.

(2) **OUTREACH TO MEMBERS OF THE ARMED FORCES.**—The Secretary of Defense shall notify each member of the Armed Forces with a service-connected injury or disability of the opportunity to receive treatment or study protocol pursuant to this section.

(m) **REPORT TO CONGRESS.**—Not later than 30 days after the last day of each fiscal year during which the Secretary of Defense and the Secretary of Veterans Affairs are authorized to make payments under this section, the Secretaries shall jointly submit to Congress an annual report on the implementation of this section. Such report shall include each of the following for that fiscal year:

(1) The number of individuals for whom the Secretary has provided payments under this section.

(2) The condition for which each such individual receives treatment for which payment is provided under this section and the success rate of each such treatment.

(3) Treatment methods that are used by entities receiving payment provided under this section and the respective rate of success of each such method.

(4) The recommendations of the Secretaries with respect to the integration of

treatment methods for which payment is provided under this section into facilities of the Department of Defense and Department of Veterans Affairs.

(n) **TERMINATION.**—The authority to make a payment under this section shall terminate on the date that is five years after the date of the enactment of this Act.

(o) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000 for each fiscal year during which the Secretary of Veterans Affairs and the Secretary of Defense are authorized to make payments under this section.

SA 4623. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 5136, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, between lines 6 and 7, insert the following:

SEC. 3. OIL AND GAS PRODUCTION ON DEPARTMENT OF DEFENSE LAND.

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) in the first sentence of subsection (a), by striking "All money received" and inserting "Subject to subsection (d), all money received"; and

(2) by adding at the end the following:

"(d) **CERTAIN SALES, BONUSES, AND ROYALTIES.**—

"(1) **IN GENERAL.**—The Secretary of the Treasury shall transfer to the Secretary of Defense the amounts received under subsection (a) from oil and gas production carried out on land that is occupied by, or title to which is held by, a military installation.

"(2) **USE OF FUNDS.**—Any amount received by the Secretary of Defense under paragraph (1) shall be used to offset costs of military installations for—

"(A) administrative operations; and

"(B) the maintenance and repair of facilities and infrastructure of military installations."

SA 4624. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 591.

SA 4625. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 713.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, September 23, 2010, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's Loan Guarantee Program and its effectiveness in spurring the near-term deployment of clean energy technology.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Abigail_Campbell@energy.senate.gov

For further information, please contact Mike Carr or Abigail Campbell.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy. The hearing will be held on Thursday, September 30, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine the role of strategic minerals in clean energy technologies and other applications as well as legislation to address the issue, including S. 3521, the Rare Earths Supply Technology and Resources Transformation Act of 2010.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov

For further information, please contact Allyson Anderson or Rosemarie Calabro.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 22, 2010, at 10 a.m., to hear testimony on "Examining the Filibuster: Legislative Proposals to Change Senate Procedures."

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee.

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, on behalf of Senator REID, I ask unanimous consent that Joshua Campbell, currently serving as his military legislative fellow, be granted the privilege of the floor for the duration of S. 3454, the Defense authorization bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that Glen MacDonald, a military legislative fellow in Senator VITTER's office, be granted floor privileges for the duration of the debate on S. 3454, the National Defense Authorization Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Jocelyn Hemler, a military fellow in Senator DODD's office, and Anna Staton, of the HELP Committee, be granted the privilege of the floor for the remainder of the 111th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR PAUL SIMON WATER
FOR THE WORLD ACT OF 2009

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 374, S. 624.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title. The assistant legislative clerk read as follows:

A bill (S. 624) to provide 100 million people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senator Paul Simon Water for the World Act of 2010".

SEC. 2. FINDINGS.

Congress finds the following:

(1) *The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121)—*

(A) *makes access to safe water and sanitation for developing countries a specific policy objective of United States foreign assistance programs;*

(B) *requires the Secretary of State to—*
(i) *develop a strategy to elevate the role of water and sanitation policy; and*

(ii) *improve the effectiveness of United States assistance programs undertaken in support of that strategy;*

(C) *codifies Target 10 of the United Nations Millennium Development Goals; and*

(D) *seeks to reduce by half between 1990 (the baseline year) and 2015—*

(i) *the proportion of people who are unable to reach or afford safe drinking water; and*

(ii) *the proportion of people without access to basic sanitation.*

(2) *On December 20, 2006, the United Nations General Assembly, in GA Resolution 61/192, declared 2008 as the International Year of Sanitation, in recognition of the impact of sanitation on public health, poverty reduction, economic and social development, and the environment.*

(3) *On August 1, 2008, Congress passed H. Con. Res. 318, which—*

(A) *supports the goals and ideals of the International Year of Sanitation; and*

(B) *recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment.*

(4) *While progress is being made on safe water and sanitation efforts—*

(A) *more than 884,000,000 people throughout the world lack access to safe drinking water; and*

(B) *2 of every 5 people in the world do not have access to basic sanitation services.*

(5) *The health consequences of unsafe drinking water and poor sanitation are significant, accounting for—*

(A) *nearly 10 percent of the global burden of disease; and*

(B) *more than 2,000,000 deaths each year.*

(6) *Water scarcity has negative consequences for agricultural productivity and food security for the 1,200,000,000 people who, as of 2010, suffer from chronic hunger and seriously threatens the ability of the world to more than double food production to meet the demands of a projected population of 9,000,000,000 people by 2050.*

(7) *The effects of climate change are expected to produce severe consequences for water availability and resource management in the future, with 2,800,000,000 people in more than 48 countries expected to face severe and chronic water shortages by 2025.*

(8) *According to the November 2008 report entitled, "Global Trends 2025: A Transformed World", the National Intelligence Council expects rapid urbanization and future population growth to exacerbate already limited access to water, particularly in agriculture-based economies.*

(9) *A 2009 report published in the Proceedings of the National Academy of Sciences projects that the effects of climate change will produce long-term droughts and raise sea levels for the next 1,000 years, regardless of future efforts to combat climate change.*

(10) *According to the 2005 Millennium Ecosystem Assessment, commissioned by the United Nations, more than 1/5 of the world population relies on freshwater that is either polluted or excessively withdrawn.*

(11) *The impact of water scarcity on conflict and instability is evident in many parts of the world, including the Darfur region of Sudan, where demand for water resources has contributed to armed conflict between nomadic ethnic groups and local farming communities.*

(12) *In order to further the United States contribution to safe water and sanitation efforts, it is necessary to—*

(A) *expand foreign assistance capacity to address the challenges described in this section; and*

(B) *represent issues related to water and sanitation at the highest levels of United States foreign assistance and diplomatic deliberations, including those related to issues of global health, food security, the environment, global warming, and maternal and child mortality.*

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the United States should lead a global effort to bring sustainable access to clean water and sanitation to poor people throughout the world.

SEC. 4. PURPOSE.

The purpose of this Act is—

(1) to enable first-time access to safe water and sanitation, on a sustainable basis, for 100,000,000 people in high priority countries (as designated under section 6(f) of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) within 6 years of the date of enactment of this Act through direct funding, development activities, and partnerships; and

(2) to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121).

SEC. 5. DEVELOPING UNITED STATES GOVERNMENT CAPACITY.

Section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) is amended by adding at the end the following:

“(e) SENIOR ADVISOR FOR WATER.—

“(1) IN GENERAL.—To carry out the purposes of subsection (a), the Administrator of the United States Agency for International Development shall designate a senior advisor to coordinate and conduct the activities described in this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121). The advisor shall report directly to the Administrator and be known as the ‘Senior Advisor for Water’.

“(2) DUTIES.—The Advisor shall—

“(A) implement this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121);

“(B) develop and oversee implementation in high priority countries of country-specific water strategies and expertise, in coordination with appropriate United States Agency for International Development Mission Directors, to enable the goal of providing 100,000,000 additional people with sustainable access to safe water and sanitation through direct funding, development activities, and partnerships within 6 years of the date of the enactment of the Senator Paul Simon Water for the World Act of 2010; and

“(C) place primary emphasis on providing safe, affordable, and sustainable drinking water, sanitation, and hygiene in a manner that—

“(i) is consistent with sound water resource management principles; and

“(ii) utilizes such approaches as direct service provision, capacity building, institutional strengthening, regulatory reform, and partnership collaboration; and

“(D) integrate water strategies with country-specific or regional food security strategies.

“(3) CAPACITY.—The Advisor shall be designated appropriate staff and may utilize interagency details or partnerships with universities, civil society, and the private sector, as needed, to strengthen implementation capacity.

“(f) SPECIAL COORDINATOR FOR INTERNATIONAL WATER.—

“(1) ESTABLISHMENT.—To increase the capacity of the Department of State to address international issues regarding safe water, sanitation, integrated river basin management, and other international water programs, the Secretary of State shall establish a Special Coordinator for International Water (referred to in this subsection as the ‘Special Coordinator’), who shall report to the Under Secretary for Democracy and Global Affairs.

“(2) DUTIES.—The Special Coordinator shall—

“(A) oversee and coordinate the diplomatic policy of the United States Government with respect to global freshwater issues, including interagency coordination related to—

“(i) sustainable access to safe drinking water, sanitation, and hygiene;

“(ii) integrated river basin and watershed management;

“(iii) global food security;

“(iv) transboundary conflict;

“(v) agricultural and urban productivity of water resources;

“(vi) disaster recovery, response, and rebuilding;

“(vii) pollution mitigation; and

“(viii) adaptation to hydrologic change due to climate variability; and

“(B) ensure that international freshwater issues are represented—

“(i) within the United States Government; and

“(ii) in key diplomatic, development, and scientific efforts with other nations and multilateral organizations.

“(3) SUPPORT STAFF.—The Special Coordinator shall be designated appropriate staff to support the duties described in paragraph (2).”.

SEC. 6. SAFE WATER, SANITATION, AND HYGIENE STRATEGY.

Section 6 of the Senator Paul Simon Water for the Poor Act of 2005 (22 U.S.C. 2152h note) is amended—

(1) in subsection (b), by adding at the end the following: “The Coordinator shall take actions to ensure that the safe water and sanitation strategy is integrated into any review or development of a Federal strategy for global development, global health, or global food security that sets forth or establishes the United States mission for global development, guidelines for assistance programs, and how development policy will be coordinated with policies governing trade, immigration, and other relevant international issues.”;

(2) in subsection (c), by adding at the end the following: “In developing the program activities needed to implement the strategy, the Secretary shall consider the results of the assessment described in subsection (e)(9).”; and

(3) in subsection (e)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(7) an assessment of all United States Government foreign assistance allocated to the drinking water and sanitation sector during the 3 previous fiscal years, across all United States Government agencies and programs, including an assessment of the extent to which the United States Government’s efforts are reaching and supporting the goal of enabling first-time access to safe water and sanitation on a sustainable basis for 100,000,000 people in high priority countries;

“(8) recommendations on what the United States Government would need to do to achieve and support the goals referred to in paragraph (7), in support of the United Nation’s Millennium Development Goal on access to safe drinking water; and

“(9) an assessment of best practices for mobilizing and leveraging the financial and technical capacity of business, governments, non-governmental organizations, and civil society in forming public-private partnerships that measurably increase access to safe, affordable, drinking water and sanitation.”.

SEC. 7. DEVELOPING LOCAL CAPACITY.

The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121) is amended—

(1) by redesignating sections 9, 10, and 11 as sections 10, 11, and 12, respectively; and

(2) by inserting after section 8 the following:

“SEC. 9. WATER AND SANITATION INSTITUTIONAL CAPACITY-BUILDING PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development (referred to in this section as the ‘Secretary’ and the ‘Administrator’, respectively), in consultation with host

country institutions, the Centers for Disease Control and Prevention, the Department of Agriculture, and other agencies, as appropriate, shall establish, in coordination with mission directors in high priority countries, a program to build the capacity of host country institutions and officials responsible for water and sanitation in countries that receive assistance under section 135 of the Foreign Assistance Act of 1961, including training at appropriate levels, to—

“(A) provide affordable, equitable, and sustainable access to safe drinking water and sanitation;

“(B) educate the populations of such countries about the dangers of unsafe drinking water and lack of proper sanitation; and

“(C) encourage behavior change to reduce individuals’ risk of disease from unsafe drinking water and lack of proper sanitation and hygiene.

“(2) EXPANSION.—The Secretary and the Administrator may establish the program described in this section in additional countries if the receipt of such capacity building would be beneficial for promoting access to safe drinking water and sanitation, with due consideration given to good governance.

“(3) CAPACITY.—The Secretary and the Administrator—

“(A) should designate appropriate staff with relevant expertise to carry out the strategy developed under section 6; and

“(B) may utilize, as needed, interagency details or partnerships with universities, civil society, and the private sector to strengthen implementation capacity.

“(b) DESIGNATION.—The United States Agency for International Development Mission Director for each country receiving a ‘high priority’ designation under section 6(f) and for each region containing a country receiving such designation shall report annually to Congress on the status of—

“(1) designating safe drinking water and sanitation as a strategic objective;

“(2) integrating the water strategy into a food security strategy;

“(3) assigning an employee of the United States Agency for International Development as in-country water and sanitation manager to coordinate the in-country implementation of this Act and section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h) with host country officials at various levels of government responsible for water and sanitation, the Department of State, and other relevant United States Government agencies; and

“(4) coordinating with the Development Credit Authority and the Global Development Alliance to further the purposes of this Act.”.

SEC. 8. OTHER ACTIVITIES SUPPORTED.

In addition to the requirements of section 135(c) of the Foreign Assistance Act (22 U.S.C. 2152h(c)) the Administrator should—

“(5) foster global cooperation on research and technology development, including regional partnerships among water experts to address safe drinking water, sanitation, water resource management, and other water-related issues;

“(6) establish regional and cross-border cooperative activities between scientists and specialists that work to share technologies and best practices, mitigate shared water challenges, foster international cooperation, and defuse cross-border tensions;

“(7) provide grants through the United States Agency for International Development to foster the development, dissemination, and increased and consistent use of low cost and sustainable technologies, such as household water treatment, hand washing stations, and latrines, for providing safe drinking water, sanitation, and hygiene that are suitable for use in high priority countries, particularly in places with limited resources and infrastructure;

“(8) in collaboration with the Centers for Disease Control and Prevention, Department of Agriculture, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and other agencies, as appropriate, conduct formative and operational research and monitor and evaluate the effectiveness of programs that provide safe drinking water and sanitation; and

“(9) integrate efforts to promote safe drinking water, sanitation and hygiene with existing foreign assistance programs, as appropriate, including activities focused on food security, HIV/AIDS, malaria, tuberculosis, maternal and child health, food security, and nutritional support.”.

SEC. 9. MONITORING AND EVALUATION.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) achieving United States foreign policy objectives requires the consistent and systematic evaluation of the impact of United States foreign assistance programs and analysis on what programs work and why, when, and where they work;

(2) the design of assistance programs and projects should include the collection of relevant baseline data required to measure outcomes and impacts;

(3) the design of assistance programs and projects should reflect the knowledge gained from evaluation and analysis;

(4) a culture and practice of high quality evaluation should be revitalized at agencies managing foreign assistance programs, which requires that the concepts of evaluation and analysis are used to inform policy and programmatic decisions, including the training of aid professionals in evaluation design and implementation;

(5) the effective and efficient use of funds cannot be achieved without an understanding of how lessons learned are applicable in various environments and under similar or different conditions; and

(6) project evaluations should be used as sources of data when running broader analyses of development outcomes and impacts.

(b) COORDINATION AND INTEGRATION.—To the extent possible, the Administrator shall coordinate and integrate evaluation of United States water programs with the learning, evaluation, and analysis efforts of the United States Agency for International Development aimed at measuring development impact.

SEC. 10. UPDATED REPORT REGARDING WATER FOR PEACE AND SECURITY.

Section 11(b) of the Senator Paul Simon Water for the Poor Act of 2005, as redesignated by section 7, is amended by adding at the end the following: “The report submitted under this subsection shall include an assessment of current and likely future political tensions over water sources and multidisciplinary assessment of the expected impacts of global climate change on water supplies and agricultural productivity in 10, 25, and 50 years.”.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each of the 6 fiscal years beginning after the date of the enactment of this Act such sums as may be necessary to carry out this Act and the amendments made by this Act, pursuant to the criteria set forth in the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

(b) USE OF FUNDS.—Any amounts appropriated to implement this Act shall be primarily allocated for activities related to safe drinking water, sanitation, and hygiene.

Mr. DURBIN. Mr. President, today, with the passage of the Paul Simon Water for the World Act, the Senate will take an important step in fighting

poverty and saving the lives of the world's poor by increasing access to the most fundamental human need—clean water.

I introduced this bill in honor of my friend and mentor, the man whose seat I now occupy in the Senate, the late Senator Paul Simon. Solving the global water crisis was his last great campaign and the topic of a book he authored called “Tapped Out: The Coming World Crisis in Water and What We Can Do About It.”

If he were here today, he would be proud of the Senate's action.

I was joined in this effort by Senators BOB CORKER, PATTY MURRAY and 31 other cosponsors from both sides of the aisle—and would like to thank all of them for their support and commitment to addressing one of the defining challenges of the 21st century.

I would also like to thank Senator TOM COBURN for working constructively with me to advance legislation that we both could agree upon. And finally I would like to express my appreciation to Foreign Relations Committee Chairman JOHN KERRY and Ranking Member RICHARD LUGAR for their critical support of this bill.

While we have made progress in recent years on clean water and sanitation, tragically nearly 1 billion people around the world still lack access to clean, safe water. More than 2 billion people lack access to basic sanitation. Most of these people live on less than \$2 a day.

They are the voiceless and the powerless of the world, but today the U.S. Senate sent a clear message to them, “We hear you, we see what you're going through, and we want to help with this most basic of human needs.”

We want to help because the global water crisis is not just a problem for Africa or the Middle East, but rather a problem for all of humanity.

Mr. President, competition for water is often at the heart of international conflict—just look at the conflict in Darfur.

The burdens of water in the developing world fall most solidly on the women. So many thousands of women in Africa spend hours every day carrying water back and forth.

Young girls are often denied the opportunity to go to school because they have work to do. They have to carry water, often walking several hours both ways.

And sick children miss nearly 300 million school days a year from water-related causes. An estimated 320 million productive work days are lost to illness resulting from unsafe drinking water and lack of access to sanitation.

Quite simply, the global water crisis is a quiet killer. In the developing world, water-related diseases claim the lives of 5,000 children every day.

During my trips overseas, I have seen the hardships that befall populations

without clean water and sanitation, and I've also seen the transformation that gaining access to these basic human needs creates.

Earlier this year I traveled to Africa with Senator SHERROD BROWN where we visited a number of countries, including Ethiopia. We visited a slum outside Ethiopia's capital Addis Ababa, where we were greeted by two beautiful little girls who gave us flowers and invited us to a coffee ceremony.

The 380 inhabitants of this area lived without running water until a nongovernmental organization called AMREF installed a simple but critical water kiosk that now provides safe drinking water, showers, toilet facilities, and even jobs to the community.

The same two girls who greeted us beamed with pride as we looked at the source of water and sanitation that did not exist before. What seems so ordinary to us in the developed world, access to water and sanitation, changed the lives of these two young girls living in squalor outside Addis Ababa.

But you do not have to travel halfway around the world to see the devastating consequences of a lack of clean water and sanitation—travel just 90 minutes from Miami to Haiti.

There are no public sewage treatment or disposal systems anywhere in the country. Even in the capital, Port-au-Prince, a city of 2 million people, the drainage canals are choked with garbage and sewage.

And this was before the earthquake.

It is no wonder that Haiti has the highest infant and child mortality rate in the Western Hemisphere. One-third of Haiti's children do not live to see the age of five.

The leading killer? Water-borne diseases: hepatitis, typhoid and diarrhea.

The goal of the bill passed today is to reach an additional 100 million of the world's poorest people with sustainable, first-time access to safe drinking water and basic sanitation over the next 6 years.

This would represent the largest single commitment of any donor country to meeting the Millennium Development Goal on water, which is to reduce by half the proportion of people without access to safe drinking water and sanitation by 2015.

I believe American leadership in helping provide the world's poor with such a fundamental human need as clean water is not only the right thing to do, but the smart thing to do.

In fact, for every \$1 invested in safe drinking water and sanitation, an estimated \$8 is saved in work time, productivity and health care costs in poor countries.

Throughout history, civilized nations have put aside political differences to address compelling issues of life and survival. Today, on this issue, by passing the Paul Simon Water for the World Act, the Senate did just that.

I now urge my colleagues in the House to work with Representatives EARL BLUMENAUER and DONALD PAYNE, House Foreign Affairs Committee Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN, and Speaker PELOSI to do the same.

Mr. LEVIN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered; that a Durbin amendment, which is at the desk, be agreed to; that the substitute amendment, as amended, be agreed to; that the bill, as amended, be read the third time and passed; that the motions to reconsider be laid upon the table with no intervening action or debate; and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4620) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 624), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

FURNISHING NURSING HOME CARE TO PARENTS OF CHILDREN WHO DIED WHILE SERVING IN THE ARMED FORCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 4505 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4505) to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that the bill be read the third time and passed, that the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4505) was ordered to be read a third time, was read the third time, and passed.

DRIVE SAFER SUNDAY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 630, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 630) designating November 28, 2010, as "Drive Safer Sunday."

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 630) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 630

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas every individual traveling on the roads and highways needs to drive in a safer manner in order to reduce deaths and injuries that result from motor vehicle accidents;

Whereas according to the National Highway Traffic Safety Administration, wearing a seat belt saves more than 15,000 lives each year;

Whereas the Senate wants all people of the United States to understand the life-saving importance of wearing a seat belt and encourages motorists to drive safely, not just during the holiday season, but every time they get behind the wheel; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be focused on safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely on the Sunday after Thanksgiving, and to publicize the importance of the day through use of Citizen's Band ("CB") radios and truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive safely, particularly on the Sunday after Thanksgiving; and

(E) all people of the United States to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 28, 2010, as "Drive Safer Sunday".

ORDERS FOR TUESDAY, SEPTEMBER 21, 2010

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, September 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour

be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period for the transaction of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and Republicans controlling the second half; that following morning business, the Senate resume consideration of the motion to proceed to S. 3454, the Department of Defense authorization bill, as provided under the previous order; and finally, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. Mr. President, at 2:15 p.m., the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to the Defense authorization bill. That will be the first vote of the day.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:34 p.m., adjourned until Tuesday, September 21, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL MARITIME COMMISSION

MARIO CORDERO, OF CALIFORNIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2014, VICE HAROLD J. CREEL, JR., RESIGNED.

REBECCA F. DYE, OF NORTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2015. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

STACIA A. HYLTON, OF VIRGINIA, TO BE DIRECTOR OF THE UNITED STATES MARSHALS SERVICE. VICE JOHN F. CLARK, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPTAIN BRUCE D. BAFFER
CAPTAIN DAVID R. CALLAHAN
CAPTAIN RICHARD T. GROMLICH
CAPTAIN FREDERICK J. KENNEY
CAPTAIN MARSHALL B. LYTLE
CAPTAIN STEPHEN P. METRUCK
CAPTAIN FRED M. MIDGETTE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D. JOHNSON

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. BRIAN K. BALFE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL BRADLEY A. BECKER
COLONEL SCOTT D. BERRIER
COLONEL MICHAEL A. BILLS
COLONEL GWENDOLYN BINGHAM
COLONEL DAVID J. BISHOP
COLONEL MATTHEW L. BRAND
COLONEL JAMES B. BURTON
COLONEL DOMINIC J. CARACCIOLO
COLONEL JOHN W. CHARLTON
COLONEL GUY T. COSENTINO
COLONEL JAMES H. DICKINSON
COLONEL TIMOTHY J. EDENS
COLONEL CHARLES A. FLYNN
COLONEL GEORGE J. FRANZ III
COLONEL THEODORE C. HARRISON
COLONEL FREDERICK A. HENRY
COLONEL TERENCE J. HILDNER
COLONEL HENRY L. HUNTLEY
COLONEL PAUL C. HURLEY, JR.
COLONEL MARK S. INCH
COLONEL FERDINAND IRIZARRY II
COLONEL THOMAS S. JAMES, JR.
COLONEL OLE A. KNUDSON
COLONEL THOMAS W. KULA
COLONEL CLARK W. LEMASTERS, JR.
COLONEL THEODORE D. MARTIN
COLONEL BRIAN J. MCKIERNAN
COLONEL ROBIN L. MEALER
COLONEL JOHN B. MORRISON, JR.
COLONEL SEAN P. MULHOLLAND
COLONEL KEVIN G. O'CONNELL
COLONEL BARRY L. PRICE
COLONEL MARK R. QUANTOCK
COLONEL JAMES M. RICHARDSON
COLONEL DARSIE D. ROGERS, JR.
COLONEL MARTIN P. SCHWEITZER
COLONEL JEFFREY A. SINCLAIR
COLONEL RICHARD L. STEVENS
COLONEL PETER D. UTLEY
COLONEL GARY J. VOLESKY
COLONEL KIRK F. VOLLMECKE
COLONEL DARRYL A. WILLIAMS
COLONEL MICHAEL E. WILLIAMSON
COLONEL CEDRIC T. WINS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ERNEST J. PROCHAZKA

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DAVID C. DECKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ELIZABETH S. MASON

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*YVONNE J. FLEISCHMAN
WENDY M. ROSS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*MARILYN S. CHIAFULLO
HOWARD D. REITZ, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CONNIE C. DYER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JONATHAN J. BEITLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DAVID K. POWELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN J. FERENCE
FRANCIS A. KESTLER
JOHN C. MCCABE
MALCOLM B. MIRACLE
GINO A. ORLANDI
DOUGLAS B. PETERSON
DAVID M. SCHLAACK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JULIE A. BLIKE
LISA K. COURTNEY
JAMES K. ENGSTRAND
ERIC S. EVANS
CARLA R. HENSON
PAMELA S. MINDT
LEAH M. MOORE
MICHAEL M. TALLMAN
AVA J. WALKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203:

To be colonel

WILLIAM B. BRITT
WILLIAM R. COVEY
CHARLES M. GRINNELL
JEFFREY W. HART
RICHARD A. HOPKINS
GERALD R. KRIMBILL
PAUL A. MARONE
WILLIAM T. MCMURRY, JR.
ROBERT J. MOORE
PAUL A. RAAF
CHARLES R. RAPHUN
DAVID A. SHIVELY
KENLEY J. THOMPSON
LYNN A. WISE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES T. BARBER, JR.
DONALD T. BROCK
JOSEPH T. BURNS
THOMAS W. ESSEX
PHILIP D. ISHERWOOD
THOMAS E. LAUTZENHEISER
DOUGLAS W. LITTLE
PAUL A. MABRY
JOHN L. MANSELL
GREGORY S. MCKINNEY
ROBERT A. MONTELEONE
GUILLERMO J. PIERLUISI
CHRISTOPHER W. RATCHFORD
SALVADOR P. RENTERIA
GUY W. SNEED
JOSEPH C. WOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SANDRA L. ALVEY
JONATHON D. BAILEY, SR.
MICKEY W. BAKER
THOMAS J. DECICCO
LISA L. DOUMONT
JOHN W. FASANO
ESTELA C. HAMBLEN
GEORGE N. HOVIS, JR.
EVELYN LANGFORD
KEITH J. LOSTROH
THOMAS J. MOTEL
JAMES D. PILLOW
ROBERTO F. REID
NEVA L. ROGERS
JAMES L. SIMON
AARON TUCKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

EDWIN E. AHL
PETER A. BAKTIS
JOSEPH M. FLEURY
DAVID J. GIAMMONA
GARY HENSLEY
JEFFREY D. HOUSTON
KEITH A. JACKSON
ALLEN L. KOVACH
WILLIAM C. MCCOY
STEVEN F. MICHALKE

DAVID A. NEETZ
JOHN W. SHEDD
FRANK R. SPENCER
MICHAEL E. STROHM

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JAN E. ALDYKIEWICZ
EUGENE E. BAIME
MARK A. BRIDGES
KIRSTEN V. BRUNSON
LORIANNE M. CAMPANELLA
DAVID T. CRAWFORD
MARY M. FOREMAN
EDWARD K. LAWSON IV
JAMES A. LEWIS
FRANK A. MARCH
TANIA M. MARTIN
WILLIAM R. MARTIN
SCOTT E. REID
GEORGE R. SMAWLEY
MARK H. SYDENHAM
CHRISTOPHER B. VALENTINO
JOHN B. WELLS III
LOUIS P. YOB

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

REBECCA L. ALLEN
MARK A. ARTURI
THOMAS E. BROOKS
CYNTHIA G. DUCKETT
CAROL A. FOX
PETER C. GOULD
JO E. GRANDELLI
IVA G. GRIGGS
ELAINE W. HANNA
KAREN H. JOHNSON
COLLEEN A. KLOEHN
SYLVIA A. MCCANTS
THERESA MERCADOSCONZO
PEGGY A. MILLER
DEBORAH L. MITCHELL
DEBORAH J. NELSON
VERONICA G. OSWALDHRUTKAY
DONNA R. ROJAS
ARGARTHA L. RUSSELL
CHRISTINE C. SANFORD
ANNETTE L. TUCKEROSBORNE
GLORIA VIGNONE
TONI Y. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GEORGE A. BERNDT III
RANDALL K. BOOTH
KIMBERLY A. BURGESS
ROBERT H. BUTTS
EARL J. CAMPBELL
WILLIAM R. CARSON
BRADLEY T. CLAIR
PETER J. COCHRANE
DONALD C. DAGATI
PAUL D. DANIELSON
NETLEY J. DSOUZA
CRAIG H. DURCK
JOHN J. FRASER, JR.
DANIEL W. HAMRE
DAVID N. HOANG
RONALD P. JANUCHOWSKI, JR.
ANTHONY KATRAS
ROBERT W. KIEFFER
ROBERT F. KIELY
NORMA LUBECK
ANTONIO T. MARTINEZLUENGO
MICHAEL P. MCNAMARA, JR.
TIMOTHY W. MULLETT
CHARLES PERROTTA, JR.
CYNTHIA L. PERRY
STEPHAN PETRANKER
PAUL PHILLIPS III
CHARLES K. POWERS, JR.
ERIC ROMANUCCI
JOHN S. SHIN
GEORGE J. SMITH
PETER SORINI
THOMAS E. SOUTHERLAND
JAMES D. SWENSON
JOSEPH A. TRONCALE
ALISON M. WARD
GARY R. WELTMAN
JOHN A. WILEY
DOUGLAS W. YODER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ALAN D. ABRAMS

LOUIS R. BAINBRIDGE
DANIEL A. BRIMM
CARL E. BUSH
ARNOLD E. JONES
EDWIN K. NEWINGTON
MARK D. SCHULTHESS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAMELA Y. DELANCY
DAVID H. FULLERTON
ROBERT A. MOORE
BERNADETTE WINN
KAREN L. WRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ERICK J. ALVERIO
PHILIP R. GOOD
POLLY R. GRAHAM
CYNTHIA E. PIERCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BESS J. PIERCE
JULIE A. ROCHE
TY J. VANNIEUWENHOVEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

STEVEN M. GRODDY
STEVEN R. SLAVKIN
HEIDI M. WIEGAND

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

HOWARD A. ALLEN III
CURTIS D. ARNOLD
LINDEN J. BERCEGEAY III
LAMAR BLAIR, JR.
EDWARD J. BYRNE
SCOTT A. DOUST
LAURA J. GARREN
JOSEPH R. HANCOCK
SAMUEL E. HAYES III
KEVIN R. KOEHLER
COREY L. LAKE
ANDREW LAWLOR
KATHLEEN G. MCDILL
ULYSSES L. MIRAMONTES
MICHEL A. NATALI

CHARLES H. PERENICK, JR.
THOMAS C. PERISON
ROBERT K. RYAN
DAVID K. SARJI
STEVEN M. SCHEMINE
CRAIG H. SMITH
KENNETH J. STYNNEN
SUZANNE P. VARESLUM

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

TYLER C. CRANER
SAMUEL J. DEAN
BARRY J. GORE
CELIA A. FLORCRUZ
DAVID K. HOWE
SAMUEL B. PHILLIPS
KEVIN S. SNYDER

To be major

JAMES C. CAMPBELL
PAUL G. CASTELLS
COREY B. CHASSE
JOE L. CHERRY
PATRICK R. HOBIN
MARKUS J. LEWIS
EDMUNDO LINERRARIVERA
JOHN R. KILBY
RONANDO D. MOORE
ALFRED NAVARRO
AMANDA K. PARKHURST
JOEL C. SEPPALA
JOHN D. TAYLOR
JUSTIN E. TOWELL
BRENNAN V. WALLACE

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

STEPHEN J. BETHONEY
RICHARD A. BLAIR
KIM S. LABRIE
CHRISTIAN A. ROFRANO
WAYMON B. STOREY III
KIRK A. YAUKEY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

LAWRENCE E. WIDMAN

To be major

JOSEPH E. GARDELLA
JAMES I. JOUBERT

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE

UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 6221:

To be captain

BRIAN O. WALDEN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

JEFFRY P. SIMKO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PATRICK A. GARVEY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

SHERWIN Y. CHO
JEFFREY G. SOTACK

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAMELA K. KING
JOHN D. MULLINAX
KIM R. SCHLECHT
MARILYN TORRES

DISCHARGED NOMINATIONS

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nominations pursuant to an order of the Senate of 01/07/2009 and the nominations were placed on the Executive Calendar:

*STEVE A. LINICK, OF VIRGINIA, TO BE INSPECTOR GENERAL OF THE FEDERAL HOUSING FINANCE AGENCY.
*OSVALDO LUIS GRATACOS MUNET, OF PUERTO RICO, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

LITTLE JOE Y LA FAMILIA

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Mr. REYES. Madam Speaker, as Chairman of the Congressional Hispanic Caucus Task Force on Communications, Technology, and the Arts, I rise to recognize Little Joe y La Familia, the renowned Tejano music group which has become one of the most popular Tex-Mex bands. My good friend, Little Joe Hernandez, has worked in the music industry for more than 50 years, and his success is attributable not only to his talent, but also to his strong dedication to his community.

Born Jose Maria De Leon Hernandez, Little Joe serves an inspiration to aspiring artists. In 1955, Joe played his first musical performance for \$5 at a high school sock hop. He went on to make his first recording 3 years later and founded a number of music labels in the following years. With each new endeavor, he opened doors both for himself and his band as well as for fellow musicians and songwriters. His music has defined and promoted a culture unique to the Texas-Mexico border. His pioneering work helped make Tejano music what it is today.

In 1992, Little Joe y La Familia received a Grammy Award for Best Mexican American Performance for their album *Diez y Seis de Septiembre*. They won two more Grammy Awards for Best Tejano Album for *Chicanismo* in 2006 and *Before the Last Teardrop Falls* in 2008. This year Little Joe y La Familia have been nominated for a Latin Grammy for the album *A Night of Classics in El Chuco* recorded live during a 2009 performance at the Plaza Theater in my home district of El Paso, Texas. With more than 60 albums in his discography, Little Joe continues to break down cultural and musical barriers and remains an influential innovator in the music industry.

Little Joe y La Familia are committed to giving back to their community. Later this week, they will perform in El Paso at their first annual benefit concert, *An Evening Por El Bien de la Mujer*. The proceeds will benefit Centro Mujeres de la Esperanza, a non-profit organization dedicated to helping women in El Paso and the surrounding areas to become more self-sufficient. The Center is a multicultural and faith-based community that provides programs to improve interpersonal skills, family relationships, and instill confidence needed to pursue education and employment. By helping women succeed, the Center is also improving their families' lives and the El Paso community as a whole.

I applaud Little Joe for lending his talent to support and raise awareness for a community organization like Centro Mujeres de la Esperanza. I am proud to see a leading Hispanic artist give back to the greater commu-

nity, both professionally and philanthropically. I extend my sincerest thanks to Little Joe y La Familia, and I wish them continued success for many years to come.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Ms. ESHOO. Madam Speaker, I was not present during rollcall vote Nos. 521–525, on September 15, 2010, and rollcall vote Nos. 526–531 on September 16, 2010.

I would like the RECORD to reflect how I would have voted:

On rollcall vote No. 521, I would have voted "yes."

On rollcall vote No. 522, I would have voted "yes."

On rollcall vote No. 523, I would have voted "yes."

On rollcall vote No. 524, I would have voted "yes."

On rollcall vote No. 525, I would have voted "yes."

On rollcall vote No. 526, I would have voted "yes."

On rollcall vote No. 527, I would have voted "yes."

On rollcall vote No. 528, I would have voted "yes."

On rollcall vote No. 529, I would have voted "yes."

On rollcall vote No. 530, I would have voted "yes."

On rollcall vote No. 531, I would have voted "yes."

TRIBUTE TO CARLIST ATHEL CREECH

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the deeds of a person I am proud to call a friend, Mr. Carlist Athel Creech, who will be recognized on Thursday September 16, 2010 on the occasion of his retirement, for his dedication to education and community service.

Carl was born and raised in South Carolina. As an only child, he lived on a farm with his grandparents. He attended elementary and high school in South Carolina where he graduated second in his class. Upon graduating high school, Carl received a full four year music scholarship to Jarvis Christian College, Hawkins, Texas. Mr. Creech was also very active in college. As a means of earning extra

money he started his own Rhythm and Blues band. He played professionally for four years in the Dallas/Fort Worth area.

In September 1969 Carl's career in the Passaic Schools began when he obtained a job as an Instrumental Music teacher. He taught concert, marching and jazz band at various levels. He quickly became an important part of the community, not only teaching, but to working at the Passaic Boys & Girls Club for fifteen years while earning his masters degree at Montclair State University.

Mr. Creech started his administrative career in 1974 serving as an elementary school assistant principal, then moving on to become a vice principal at Passaic High School. He then became the first African American principal of Passaic High School.

Carl's dedication continues to enrich the lives of both the students and the entire Passaic community. He is a member of the Passaic Optimist Club, Past Distinguished President of the Passaic Chapter of the NAACP. He is the recipient of numerous awards and honors for community service such as Alpha Kappa Alpha Sorority, Inc., Pi Xi Omega Chapter 2003 Legacy Award, 2002 Passaic Liam Club Educator of Year, 2000 Outstanding Community Leader Award Passaic Chapter of NAACP, and the 1995 Roger Williams Baptist Outstanding Community Service Award In recognition of Black History Month in 2006, Carl was named one of the many exceptional African Americans by the Passaic County Board of Chosen Freeholders. Over the years, Carl has received numerous other awards and recognitions.

Creech is very humbled by opportunities provided to him to make a difference in the lives of others. He finds solace in the words of the spiritual song "If I can help someone as I pass this way, then my living would not have been in vain".

Carl was married to the late Susie Carol Siler Creech, a union that was blessed with two sons, Rodney and Corey. He is a grandfather to two boys, Carl Michael Creech, son of Rodney and Caden Termain Creech, son of Corey.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated public servants like Carl Creech.

Madam Speaker, I ask that you join our colleagues, the students and alumni of the Passaic Schools, the City of Passaic and its' education community, Carl's family and friends, and me in recognizing Carlist Athel Creech's outstanding service to his community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING A CHAMPION OF
THE ARTS AND CHRISTIAN EDU-
CATION: SISTER LANNIE SPANN
MCBRIDE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to recognize Sister Lannie Spann McBride of Jackson, Mississippi. As a humanitarian, educator and spiritual leader, Sister McBride's life has been a testament to her dedication to the community, the arts and the edification of our youth. She has devoted much of her life to public education and delivering the word of God.

Sister McBride is the sixth of eight children of the late Dr. and Mrs. S.L. Spann. She received her Bachelor of Arts Degree in Music with an emphasis in Voice/Piano from Tougaloo College in 1970, where she also completed the Summer Curriculum Institute in Black Music in 1972. After one complete year of study at Jackson State University, she obtained her Masters of Music Education Degree in 1982. Due to her devote love of music and her passion for education, Sister McBride continues to work as an adjunct professor in the music department at Jackson State.

For the last several decades, Sister McBride has served her community while carrying out the mission of the Lord. She serves as Minister of Music at the Greater Fairview Missionary Baptist Church in Jackson, Mississippi and has devoted countless years to educating students in the Jackson Public School system.

In addition to her work as a minister, Sister McBride has worked as an adjudicator, lecturer, consultant, and clinician. Mrs. McBride has recorded several albums with the Greater Fairview Youth Adult Choir and was casted in the movie, Mississippi Burning by Allen Parker.

Madam Speaker, Sister McBride is founder and Chief Executive Officer of F&S Music KC Publishing in Jackson, Mississippi. Since the start of her company, she has written and published five faith books, nine volumes of music books, and many cross genre products of sheet music. She has also published school products including seven resource books, two scored music books, classroom programs, and one scored patriotic musical.

In 2004, after the catastrophic damage caused to Grenada and the extreme damage caused to Jamaica, the Grand Caymans and the western tip of Cuba, Mrs. McBride devoted much time and resources to the disaster relief efforts to those areas, particularly Jamaica after the destruction of the storm. Sister McBride has traveled all over the world, giving performances in places such as Spain during her affiliation with the Black Heritage Choir of the United States of America.

Madam Speaker, I ask that you and my colleagues to join me in celebrating a champion of the arts and Christian and music education, Sister Lannie Spann McBride. Her tenacious and zealous works as an artist, teacher, minister and performer have all been great contributions to both our communities and the arts.

RECOGNIZING NATIONAL SUICIDE
WEEK AND COMMENDING CRISIS-
LINK FOR 40 YEARS OF SERVICE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today to express my support for the week of September 5th through the 12th, 2010 to be designated as the National Suicide Prevention Week. Suicide is the third leading cause of death among teens and young adults in the United States. Every 2 hours, a person under the age of 25 commits suicide, resulting in an estimated 12 youth suicides every day. CrisisLink, a nonprofit located in Arlington, Virginia, is a prime example of an organization dedicated to saving lives and preventing these tragedies. Located in my Northern Virginia eighth congressional district, CrisisLink gives vital support to people facing life crises, trauma and thoughts of suicide. They provide information, education and links to community resources throughout the Washington, D.C. Metropolitan region to those in need.

Mental health issues are a stark reality for many Americans, whether it may be themselves, a family member, friend, or coworker. Currently, more than 78,000 veterans of the military operations in Iraq and Afghanistan have sought help for mental health related issues. Sadly, 120 veterans commit suicide every week. Nationally, suicide rates are highest among people older than 65; this age group makes up 12.5 percent of the population and accounts for 15.9 percent of all suicides. Although these are just a few examples, every community experiences the debilitating effects of suicide.

Since 1969, CrisisLink has provided invaluable, free and confidential crisis intervention and referral services to anyone who calls. CrisisLink has also played a vital role in educating the community on how to recognize the signs of depression and respond quickly to the signs that someone is in trouble. 2009 was a difficult year for many in our community. But CrisisLink has quickly been there to help every step of the way. I have known CrisisLink's work for many years and have seen both how they operate and the impact they have on our community. I know that they put their resources to good use. I commend CrisisLink for the 40 years of service to our community; answering more than a half-million crisis calls, responding to more than 25,000 potential suicides, providing more than a quarter million referrals, promoting mental wellness, educating people about depression and other mental illnesses, and reducing the stigma attached to mental illness.

My best to CrisisLink and good luck on another 40 years of commendable, vital service to those in need.

HONORING THE BICENTENNIAL OF
MEXICAN INDEPENDENCE AND
THE CENTENNIAL MEXICAN REV-
OLUTION

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Mr. GRIJALVA. Madam Speaker, I am honored to recognize two important celebratory events, the bicentennial celebration of Mexican Independence from Spain (Dia de La Independencia) that was (or will be) celebrated on September 16th and the Centennial of The Mexican Revolution (La Revolucion Mexicana) which will be celebrated on November 20th.

Both Dia de La Independencia and La Revolucion Mexicana are celebrating rather significant dates this year as Mexico celebrates their 200th year of independence and 100 years since the removal of Dictator Porfirio Diaz.

My Constituents will certainly celebrate these significant dates with events too numerous to list. I would however like to highlight two special events produced by the University of Arizona, which is located in my Congressional District.

On September 24th, UAPresents a nationally recognized host of world-class performances and programs for the communities of Southern Arizona, will celebrate Da de La Independencia. This celebration of the bicentennial celebration of Mexican Independence will also celebrate the rich and diverse culture and heritage of the Southwest. Arts programs such as this promote a common understanding that bridges all cultures and boundaries, coupled with education and dialog which will foster an understanding of the diverse cultures in the Southern Arizona community and in the world. This concert demonstrates how these ideals come together at this cultural crossroads, the great stage of Centennial Hall located on the University of Arizona's campus.

On November 10th, the University of Arizona Library Special Collections will host "The Borderlands and the Mexican Revolution" lecture featuring Oscar J. Martinez. Dr. Martinez, a Regents' Professor in the department of history at the University of Arizona will assess the role of the U.S.-Mexico Borderlands in the Mexican Revolution, with an emphasis on controversies, disturbances and battles that affected the destiny of Mexico and the United States.

I am pleased to acknowledge and thank President Robert Shelton of the University of Arizona for his leadership and outstanding contributions towards honoring these historic dates with events that will both educate and enlighten our community.

THANKING THE MASTER TEACHERS OF THE HOUSE FELLOWS PROGRAM

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Mr. LARSON of Connecticut. Madam Speaker, I rise today to thank the Master Teachers from last summer's House Fellows Program. The House Fellows Program, run by the Office of the House Historian, is a unique opportunity for a select group of secondary education American history and government teachers to experience firsthand the inner-workings of Congress. These Master Teachers, Ms. Valerie Ziegler from San Francisco, California and Ms. Dodie Kasper from Frisco, Texas, demonstrated their leadership in mentoring and advising the Fellows here in Washington. Both teachers are dedicated to educating our Nation's youth and are truly deserving of our recognition.

One of the goals of the House Fellows Program is to develop curriculum on the history and practice of the House for use in schools. During this summer's program, the Fellows were guided by Ms. Ziegler, Ms. Kasper and the staff of the Office of the Historian, in preparing a brief lesson plan on a Congressional topic of their choosing. These plans will become part of a larger teaching resource database on the history of the House. During the school year following their participation in the House Fellows Program, each Fellow is responsible for presenting his or her experience and lesson plans to at least one in-service institute for teachers of history and government.

The House Fellows Program began in 2006, and today 120 teachers from across the country have participated in this innovative program. The Fellows experience an intensive weeklong seminar, of around fifty-five hours of program activities, centered around the history and practice of the House of Representatives. With plans to select a teacher from every Congressional district over the next several years, the House Fellows Program will impact hundreds of high school teachers and their students and will energize thousands of students to become informed and active citizens.

As a former U.S. history teacher, I believe strongly in the importance of civic education. We must continue our efforts to get our youth involved in the political process in districts across the country. Educating teachers about the "People's House" is one of the best ways to do that.

Madam Speaker, I urge all of my colleagues to join me in thanking Master Teachers Ms. Valerie Ziegler and Ms. Dodie Kasper for their hard work, dedication, leadership and cooperation with the Office of the Historian in making this past summer's House Fellows Program one of the most successful since its inception.

HONORING MONROE UDELL

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 2010

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to pay tribute to Monroe Udell, a small business owner in Florida's 20th District.

The man, like his restaurant, Jaxson's Ice Cream Parlor is an institution in South Florida. Monroe founded the famous restaurant in 1956 and he's been a pillar in the South Florida business community ever since, receiving numerous honors and accolades from industry organizations, civic and charity groups.

Monroe has made numerous philanthropic contributions to the community. His favorite charity is Joe DiMaggio Children's Hospital. He holds annual events on their behalf and this charity work undoubtedly contributes to the incredible life-saving work done at the hospital.

I was pleased to learn that for all his service to our community, the city of Dania Beach is naming a street after him. The naming of Monroe Udell Street marks the first time in its 100 plus year history that Dania Beach, the oldest city in Broward County, has named a street in honor of a living person.

As a long-time customer and friend, I can attest to Monroe's dedication not only to his customers, but to our community and the charities he supports. He sets a remarkable example for all Floridians.

Congratulations to Monroe Udell and thank you for your service and ongoing efforts to improve the lives of South Floridians.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 21, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 22

8 a.m.

Impeachment Trial Committee (Porteous)

To continue hearings to examine the Articles Against Judge G. Thomas Porteous, Jr.

SH-216

10 a.m.

Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine the Securities and Exchange (SEC) Inspector General's Report on the Investigation of the SEC's Response to Concerns Regarding Robert Allen Stanford's Alleged Ponzi Scheme and Improving SEC Performance.

SD-538

Budget

To hold hearings to examine assessing the Federal policy response to the economic crisis.

SD-608

Finance

To hold hearings to examine tax and fiscal policy, focusing on the effects on the military and veterans community.

SD-215

Foreign Relations

To hold hearings to examine the nominations of Mark M. Boulware, of Texas, to be Ambassador to the Republic of Chad, Jo Ellen Powell, of Maryland, to be Ambassador to the Islamic Republic of Mauritania, Christopher J. McMullen, of Virginia, to be Ambassador to the Republic of Angola, and Wanda L. Nesbitt, of Pennsylvania, to be Ambassador to the Republic of Namibia, all of the Department of State.

SD-419

Homeland Security and Governmental Affairs

To hold hearings to examine nine years after 9/11, focusing on confronting the terrorist threat to the homeland.

SD-342

Judiciary

To hold hearings to examine the Electronic Communications Privacy Act, focusing on promoting security and protecting privacy in the digital age.

SD-226

Rules and Administration

To hold hearings to examine the filibuster, focusing on legislative proposals to change Senate procedures, including S. Res. 416, amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate, and S. Res. 619, expressing the sense of the Senate that the Senate of each new Congress is not bound by the Rules of previous Senates.

SR-301

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine a legislative presentation focusing on the American Legion.

345, Cannon Building

11 a.m.

Foreign Relations

To hold hearings to examine the nominations of Donald Kenneth Steinberg, of California, to be Deputy Administrator, and Nancy E. Lindborg, of the District of Columbia, to be an Assistant Administrator, both of the United States Agency for International Development, and Robert P. Mikulak, of Virginia, for the rank of Ambassador during his tenure of service as United States Representative to the Organization for the Prohibition of Chemical Weapons, Department of State.

SD-419

2 p.m.

Banking, Housing, and Urban Affairs
To hold hearings to examine reauthorization of the National Flood Insurance Program.

SD-538

Judiciary

To hold hearings to examine investigating and prosecuting financial fraud after the Fraud Enforcement and Recovery Act.

SD-226

2:30 p.m.

Commerce, Science, and Transportation
Consumer Protection, Product Safety, and Insurance Subcommittee

To hold hearings to examine S. 3742, to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach.

SR-253

3 p.m.

Foreign Relations

To hold hearings to examine the nominations of Kristie Anne Kenney, of Virginia, to be Ambassador to the Kingdom of Thailand, and Karen Brevard Stewart, of Florida, to be Ambassador to the Lao People's Democratic Republic, both of the Department of State.

SD-419

SEPTEMBER 23

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the Department of Energy's Loan Guarantee Program and its effectiveness in spurring the near-term deployment of clean energy technology.

SD-366

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.

SDG-50

9:45 a.m.

Foreign Relations

To hold hearings to examine the nomination of Cameron Munter, of California, to be Ambassador to the Islamic Republic of Pakistan, Department of State.

SD-419

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the Federal Housing Administration, focusing on current condition and future challenges.

SD-538

Commerce, Science, and Transportation

To hold hearings to examine the need for a nationwide public safety network.

SR-253

Finance

To hold hearings to examine tax reform, focusing on lessons from the Tax Reform Act of 1986.

SD-215

Judiciary

Business meeting to consider S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, S. 2888, to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section, S. 3767, to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated, an original bill entitled "Combating Online Infringement and Counterfeits Act", and the nominations of Kathleen M. O'Malley, of Ohio, to be United States Circuit Judge for the Federal Circuit, Beryl Elaine Howell, and Robert Leon Wilkins, both to be United States District Judge for the District of Columbia, Edward Milton Chen, to be United States District Judge for the Northern District of California, Louis B. Butler, Jr., to be United States District Judge for the Western District of Wisconsin, John J. McConnell, Jr., to be United States District Judge for the District of Rhode Island, Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit, Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit, and William C. Killian, to be United States Attorney for the Eastern District of Tennessee, Robert E. O'Neill, to be United States Attorney for the Middle District of Florida, Albert Najera, to be United States Marshal for the Eastern District of California, William Claud Sibert, to be United States Marshal for the Eastern District of Missouri, Myron Martin Sutton, to be United States Marshal for the Northern District of Indiana, David Mark Singer, to be United States Marshal for the Central District of California, Steven Clayton Stafford, to be United States Marshal for the Southern District of California, and Jeffrey Thomas Holt, to be United States Marshal for the Western District of Tennessee, all of the Department of Justice.

SD-226

2 p.m.

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine challenges to water and security in Southeast Asia.

SD-419

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

SEPTEMBER 28

10 a.m.

Armed Services

To hold hearings to examine the Department of Defense efficiencies initiatives.

SD-G50

SEPTEMBER 29

2 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine charges against Mikhail Khodorkovsky's Yukos Oil Company.

1539, Longworth Building

SEPTEMBER 30

10 a.m.

Energy and Natural Resources
Energy Subcommittee

To hold hearings to examine the role of strategic minerals in clean energy technologies and other applications as well as legislation to address the issue, including S. 3521, to provide for the reestablishment of a domestic rare earths materials production and supply industry in the United States.

SD-366

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine implementation, improvement, sustainability, focusing on management matters at the Department of Homeland Security.

SD-342

OCTOBER 6

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs Information Technology (IT) program, focusing on looking ahead.

SR-418

SENATE—Tuesday, September 21, 2010

The Senate met at 10 a.m. and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God be in our heads, eyes, mouths, hearts, and in our understanding. God be in our looking, our thinking, and our speaking. God be with the Members of this legislative body today. Teach them and lead them into all truth. Unite them with a common desire to do what is best for our Nation and world. Give them grace to take judicious risks for the sake of truth and justice. Enable them to experience a fresh regenerating touch of Your power. In the decisions to be made in crucial days ahead, make them worthy of these demanding times that call aloud for wisdom and character. We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 21, 2010.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. FRANKEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today in the Senate there will be a period of

morning business until 11 a.m. with the time controlled between the leaders or their designees. The majority will control the first half of that time; the Republicans will control the second half.

Following morning business, the Senate will resume consideration of the motion to proceed to the Defense authorization bill. The time until 12:30 p.m. will be equally divided between Senators LEVIN and MCCAIN or their designees.

The Senate will then recess from 12:30 until 2:15 p.m. to allow for the weekly caucus meetings. At 2:15, the Senate will proceed to a vote on the motion to invoke cloture on the DOD authorization bill.

DEFENSE AUTHORIZATION

Mr. REID. Mr. President, I want to say a few things on the vote we will have at 2:15 p.m. today. The issue that is creating all of the attention is a provision that the committee put in the bill dealing with don't ask, don't tell. The committee did a good job on that issue. What they said is, if the President of the United States and the Secretary of Defense, after reviewing the work being done by the Pentagon—which will be completed this December—decide it is in the best interest of the United States military to do away with that policy, that will be the case.

There are some who are saying this bill that came out of the committee repeals don't ask, don't tell. That is not the fact. It is not repealed in the bill. It simply says, I repeat, if the Defense Department, with the Secretary of the Defense and the President, certifies it will have no negative effect on the military after studying the Pentagon's work, then they can move forward on that and, in effect, repeal that policy. But it is not in this bill.

Anyway, the point is, we are going to have that vote at 2:15 p.m., and I will discuss with the Republican leader later today what we are going to do if there are amendments that are going to be offered on that. I have said some of the things I am interested in doing on that bill. I am not here in any way suggesting that people aren't being accurate in their depiction of this bill. I just want to make sure that people understand what the facts are on this bill, and I think the Armed Services Committee did an extremely good job in committee.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

DEFENSE AUTHORIZATION

Mr. MCCONNELL. Mr. President, it is no secret that Americans are unhappy with the way our friends on the other side have handled things over the past few years, and especially the last year and a half. Americans have been speaking out across the country about the need to return to a smaller, more competent, more accountable government that lives within its means. Instead, Democrats in Congress have given them more government, more spending, more debt—and now they are threatening a massive tax hike to top it all off.

What has been most remarkable to me in watching this all play out is the way our friends on the other side have doubled down on their plans in the teeth of public outrage. Yesterday, we saw a CNBC survey showing most Americans don't like the idea of seeing taxes raised on anybody at this point. CNN says that most of the economists it surveyed said the best thing we can do for businesses is to assure them their taxes won't go up at the end of the year.

Yet Democratic leaders are still clinging to the discredited idea that government needs more power, more money for more Washington programs. Maybe the reason is that the Democratic vision of recovery—their idea of success, according to the assistant majority leader—is 9 percent unemployment. That is right. Yesterday, the No. 2 Democrat in the Senate said that Congress could “breathe a sigh of relief” at 9 percent unemployment or less. That is their idea of success.

Well, our idea of success is for businesses to start hiring again and to get this country back on track. It seems the more Americans say they want Democrats to stop what they are doing and focus on jobs and the economy, the more determined they are to press ahead with their various liberal agenda items while they have still got the chance.

That is basically what today's vote on the Defense authorization bill is all about. The Defense authorization bill requires 4 or 5 weeks to debate. But instead of having that debate or turning to the Defense appropriations bill, which funds the military, they want to use this week for a political exercise. They want to weigh this bill down with

controversy in a transparent attempt to show their special interest groups ahead of the election that they haven't forgotten them.

It is quite astonishing. Democrats have called up this bill not to have a vote on it or to consider amendments to help our troops in the field but to put on a show—to use it as an opportunity to cast votes for things Americans either don't want or aren't interested in seeing attached to a bill that is supposed to be about defense.

My friend, the majority leader, has already said this bill isn't going to pass with these items attached to it before the election. But he is keeping them on there anyway. So this is not a serious exercise, it is a show. And it is because of shows such as this our friends have lost credibility with the public.

Americans want us to take care of the basics and do it competently—take care of the basics and do it competently. This isn't too much to ask. But evidently it is too much to ask of Democratic leaders in Congress right before the election.

Mr. President, I suggest the absence of a quorum.

I withhold my request.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Washington.

DEFENSE AUTHORIZATION

Mrs. MURRAY. Mr. President, today I am joining with Senator BROWNBACK to introduce a bipartisan amendment to the Defense authorization bill that will save and create jobs in one of the most important sectors in our economy—our aerospace industry.

Our amendment is about protecting skilled family-wage jobs—manufacturing jobs, engineering jobs, and jobs with technical skills and expertise that are passed from one generation to the next. These are jobs that not only support families during this difficult economic time but that are also helping keep entire communities above water—jobs in communities such as Kansas, Connecticut, California, and in my home State of Washington. They are jobs that support small businesses, pay mortgages, and create economic oppor-

tunity, and are jobs that right now are at risk because of illegal subsidies that undercut workers and create an uneven playing field for America's aerospace workers.

The amendment Senator BROWNBACK and I are offering is a commonsense, straightforward way to protect American aerospace jobs from unfair European competition, and it is an amendment that specifically targets a major job-creating project—the Air Force's aerial refueling tanker contract—as a place where we can begin to restore fairness for our aerospace workers. This amendment says that in awarding that tanker contract the Pentagon must also consider any unfair competitive advantage aerospace companies have. And there is no bigger unfair advantage in the world of international aerospace than launch aid.

As you may know, Mr. President, launch aid is direct funding that has been provided to European aerospace company Airbus from the treasuries of European governments. It is what supports their factories and their workers and their airplanes. It is what allows them to roll the dice and lose. And it is what separates them from American aerospace companies such as Boeing, which bets the company on each new airplane line. In short, it is what allows them to stack the deck against our American workers.

In July of this year, the World Trade Organization handed down a ruling in a case that the United States brought against the European Union that finally called launch aid what it is—a trade-distorting, job-killing, unfair advantage. In what was one of our Nation's most important trade cases to date, the WTO ruled very clearly that launch aid is illegal. It creates an uneven playing field. It has harmed American workers and American companies and it needs to end.

Specifically, the WTO found that European governments have provided Airbus more than 15 billion Euros in launch aid, subsidizing every model of aircraft ever produced by Airbus in the last 40 years, including the model they plan to put up for our tanker competition. They ruled that France and Germany and Spain provided more than 1 billion Euros in infrastructure and infrastructure-related grants between 1989 and 2001, as well as another 1 billion in shared transfers and equity infusions into Airbus. They ruled that European governments provided over 1 billion Euros in funding between 1986 and 2005 for research and development directed specifically to the development of Airbus aircraft. In fact, the Lexington Institute estimates that launch aid represents over \$200 billion in today's dollars in total subsidies to Airbus.

Launch aid has had very real consequences. It has created an uphill battle for our workers and for American

aerospace as a whole. Because of launch aid, our workers are now not only competing against rival companies, they are competing against the treasuries of European governments. At the end of the day, that has meant lost jobs at our American aerospace companies and suppliers and in the communities that support them.

I have been speaking out against Europe's market-distorting actions for many years because I know and understand that these subsidies are not only illegal, they are deeply unfair and anti-competitive. My home State of Washington is home to much of our country's aerospace industry, and I know our workers are the best in the world. On a level playing field, they can compete and win against absolutely anyone. Unfortunately, Airbus and the European Union have refused to allow fair competition. Instead, they use their aerospace industry as a government-funded jobs program, and they have used billions in illegal launch aid to fund it.

They are going to do just about anything to keep those illegal subsidies in place. We saw evidence of that in recent days in news on Airbus's attempts to distract and hide their job-killing subsidies through their retaliatory WTO case against Boeing. Unfortunately for them, it was a smokescreen that failed. News reports and analysts have all shown that the two WTO decisions are worlds apart. In fact, leading aerospace analyst Loren Thompson wrote after the Boeing ruling that it "found nothing comparable to European launch aid." The most recent WTO ruling really only reinforces that American aerospace workers have been at a competitive disadvantage, and that needs to change.

Let me be clear about one thing. Our objective here is not to limit competition; our objective is to make sure everyone can compete on a level playing field. Airbus has made it clear they will go to any lengths to hurt our country's aerospace industry. We need to make it clear that we will take every action to stop them because this is not only about the future of aerospace, right now it is about jobs that will help our entire economy recover.

In fact, as we look for ways to stimulate job growth and keep American companies innovating and growing, we should look no further than this amendment. This amendment is commonsense policy. It makes sure the U.S. Government policy translates to Pentagon policy because the fact is that the U.S. Government, through our Trade Representative, has taken the position that Airbus subsidies are illegal and unfair. Yet the U.S. Department of Defense is ignoring that position as we look now to purchase a tanker fleet, and that does not make any sense—not for our country, not for our military, and certainly not for our

workers. The WTO made a fair decision. Airbus subsidies are illegal and anticompetitive. Now the DOD needs to take that ruling into account.

When I talk to our aerospace workers back home in Washington State, I want to tell them we have evened the stakes. I want them to know their government is not looking the other way as policies continue to undercut their job opportunities. I want them to know that while they are working to secure our country by producing the best airplanes in the world, their government is doing everything it can to make sure there are fair opportunities that will keep them on the job.

I know our workers will win a fair and open competition, and I urge the DOD to do the right thing to make this competition fair and open by considering illegal subsidies in awarding these critical contracts.

I urge my colleagues to support this bipartisan amendment when we adopt it and help us protect our American aerospace jobs as a result.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, in a few hours we are going to be voting on whether we want to take up the Defense bill. That should be a no-brainer, for, after all, defense of the country is one of the most important things the U.S. Government can do. We are going to consider that. Yet we have some highly inflammatory issues that possibly are going to derail this bill.

I have the privilege of sitting on both the Senate Armed Services Committee and the Intelligence Committee. The provisions in this bill, from my standpoint, are going to ensure that our service men and women who are putting their lives on the line for this country will have the training, the equipment, and the resources they need and deserve.

Back in February, the Secretary of Defense told our Armed Services Committee that the Department's top priorities are "rearming and strengthening the nation's commitment to care for the all-volunteer force, our greatest strategic asset" and "rebalancing America's defense posture by emphasizing capabilities needed to prevail in current conflicts while enhancing capabilities that may be needed in the future." That is what the Secretary of Defense said. What more can you say? That is what this bill does. This National Defense Authorization Act is going to authorize over \$700 billion in discretionary budget authority for the programs and initiatives to carry out what the Secretary of Defense said.

In order to carry this out for an all-volunteer force, here are some of the things the bill will do. It will improve the quality of life for the service members and their families, authorizing much needed military construction and housing projects.

Here is another example: Ensure that all of the forces preparing to deploy are trained for what they are deploying for and that their equipment is ready so that they can succeed at combat. I remember back in the early days of the Iraq war, I had mamas and daddies calling me because members of the Florida National Guard were in Iraq and they did not even have the adequate body armor. Never again for those kinds of things. But that is another reason for us to have this bill.

Another reason: It will authorize a 1.4-percent pay raise for our service members.

To get ready for the ongoing efforts to prevail in this fight, here is also what the bill would do:

Counterinsurgency. It enhances our ability to go after the bad guys in those counterinsurgency operations in Afghanistan, and it would improve the ability of our military to counter non-traditional threats such as those that now threaten us in the cyber warfare domain.

Of course, it would support the highest priority unfunded needs that are identified by the Chiefs of Staff.

It would also authorize over \$110 billion in base budget authority for funding high-priority weapons systems. I will give an example. The Navy's littoral combat ship allows us to get in close to shore in modernized equipment and boats; also, the E2-D Advanced Hawkeye, the Air Force's Joint STARS Program, and the new hot, stealthy F-35 Joint Strike Fighter.

This bill takes several steps to enhance our capabilities to protect our country against emerging threats, including terrorism and the proliferation of weapons of mass destruction. This is in a subject area of the subcommittee in Armed Services that I chair.

We are going to have an increased capability for manufacturing and testing capabilities to reduce the time required to produce high-demand items such as body and vehicle armor, the IED jammers, Mine Resistant Ambush Protected Vehicles—that is the MRAP vehicles—and to modernize Department test capability facilities to ensure new weapons systems meet the requirements of that warfighter who is out there on the ground, facing the threat.

In this bill is also funding for advanced technologies for weapons systems and further R&D to reduce our dependency on fossil fuels in our military machine.

It is going to add \$113 million for unfunded requirements that were identified by the commander of the Special Operations Command for ground mobility vehicles, deployable communications equipment, thermal and night vision goggles, special operations combat assault rifles, and nonlethal weapons technologies. This is the new kind of war and combat we are facing. It is

often these highly specialized, trained units that are going in under stealth with highly sophisticated weapons and equipment to go after a very stealthy enemy who does not wear a uniform and who blends right into the local population.

This bill also goes after getting us improved in the nonproliferation programs.

There is so much in this bill. Yet we are facing not even getting the 60 votes this afternoon to be able to proceed with the Nation's defense. Why is that? Because there is a provision in here, that was voted out of the Armed Services Committee, on the repeal of the standing policy in the military of don't ask, don't tell—a repeal of it once the Department of Defense completes a comprehensive review of the repeal. The President, the Secretary of Defense, and the Chairman of the Joint Chiefs—once that review is done under the bill—must certify to Congress that they can implement the repeal while maintaining readiness, effectiveness, and unit cohesion. This provision obviously has received a great deal of attention. I believe that proceeding in this way—very cautiously—will allow the DOD to examine all the implications of repealing this policy while moving forward with this change.

It is clear that this Defense bill is a key piece of the legislation for our military. For 48 consecutive years, the Senate has completed work on a Defense authorization bill. This year, a year when we have forces engaged in ground combat as we speak, is not the year for the Senate to suddenly say: No, we are not going to pass this kind of legislation.

I urge the Senate this afternoon on this vote to allow us to proceed to the discussion and the amending of the Defense bill.

Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. There is 5½ minutes remaining.

COLOMBIA

Mr. NELSON of Florida. Mr. President, I also wish to share some observations of a recent visit I made to another troubled part of the world. In Colombia, I witnessed a country transformed. I went there with our four-star commander, General Fraser of the U.S. Southern Command. We went to a former FARC base in southern Colombia, the little village of La Macarena. It is now a headquarters for the special operations forces of the Colombian military.

It is interesting, this place out in the middle of the jungle, a violent narco-trafficking insurgency that had completely controlled this territory and had intimidated and terrorized the people. The FARC leadership used to hold press conferences under a large tree

that is now in the middle of that Colombian military base.

There are actually vacationers from around the world that are coming to a nearby stream that used to be the vacation destination for FARC leaders and their friends. Well, those days of the FARC controlling that part of Colombia are over. In recent years, the Colombian military has killed, captured, disarmed hundreds of FARC fighters, and those who remain are on the move.

The FARC is not defeated, but they are certainly diminished. Just before General Fraser and I arrived, the military carried out another daring hostage rescue, raiding a FARC camp and freeing four Colombian hostages. Some of those had been in captivity for well over a decade. I met with the President of Colombia. He was the Defense Minister a couple years ago, before he was elected President, when they pulled off that miraculous deception that rescued the three American hostages who had been there for years in captivity with the FARC. Two of those three American hostages were from Florida.

So the Colombians, with U.S. assistance, have transformed their military into a 21st century counterinsurgency force, and it has been very effective. They are even sending their forces now to help train the Mexican security forces, where there is so much trouble brewing.

Since the time is drawing nigh, I will share at a later date the troubles that Mexico faces. It is substantial, with the narcotraffickers basically penetrating all levels of the Mexican Government but especially the local and State governments of Mexico. It is of enormous importance to the United States that we have success with our neighbors, our friends to the south, to be able to get control of their country just like the Colombians did as they diminished the FARC.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. I ask unanimous consent to be recognized for up to 20 minutes, to be followed by Senator COLLINS for 7.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORKER. If the Chair will let me know when I have 2 minutes remaining.

The ACTING PRESIDENT pro tempore. The Senator will be notified.

NATIONAL DEBT

Mr. CORKER. Mr. President, I wish to talk about our Nation's indebtedness. I know very few people watch these presentations. But to my friends on the other side, before they turn their monitors off, this is not a partisan presentation. Hopefully, it is a

presentation to cause us, together, to look at our Nation's indebtedness from a different viewpoint and, hopefully, when we get to real business in January, we will focus on this in a way that brings us together and does not separate us.

I wish to start by looking at where our country is today as it relates to debt to our gross domestic product. Most countries in the world look at the amount of debt they have as a country in relation to the gross domestic product the country has. That is the sum of all the output.

For a lot of businesspeople who may be tuned in today, it is not unlike a company that looks at its revenues and compares the amount of debt the company has to those revenues or gross profits. So, today, our country's debt-to-GDP is at 62 percent debt to gross domestic product.

I think most of us understand the problem we have as a country today is that we are very rapidly moving to 146 percent of debt to GDP within the next 20 years. I would like to point out the reason this dot is here. That is where Greece was when the European Union had to come in and bail it out. It was at 120 percent of GDP. I do not wish to compare our country to Greece. Greece is very different. I was just there visiting with the Prime Minister, their Finance Minister, and several bankers. There is much about their economy that is very different than ours.

But I do think it is important to look at the fact that they were at 120 percent of debt to GDP when they had to be bailed out by European Union members. We are quickly moving beyond that over the next 20 years.

This is a slide I hope everybody who may be tuned in will focus on and remember. There are three important components. It begins by looking at the revenues, which is the blue line. The spending is the red line. There are three elements of this that I would like for people to focus on, if they would.

For those people who think Republicans and Democrats cannot work together, I do wish to point out a period of time when we had a Democratic President and a Republican Congress, and the line actually passed. We had revenues that were higher than our expenditures. I do want to say that the fiscal issues during that time were far different than the ones we have today.

Where we are today, in 2010, is far different. We have a huge gap between spending and revenues. People might say: Well, during a recession, maybe there are some extraordinary things that may occur. Maybe the spending rises tremendously, maybe revenues drop. Here is the problem. Here is the part of the slide I hope almost everybody will focus on into the future; that is, that gap never goes away.

Where we are today is at 1.47 more in spending than we have in revenue. The

problem is, where we are as a country is that this gap never goes away. In 2020, we still are spending \$1.25 trillion more than we are taking in.

In Tennessee, the average household, in most recent data, earned about \$43,000 a year. If they used the kind of logic we are using today in Washington, the average Tennessee household would spend \$74,000. In other words, the average Tennessee household would borrow 40 cents for every \$1 they spend. Fortunately, that is not what is happening in Tennessee, or at least not with most families.

I think when you look at a problem, you need to sort of look at trends that have taken place. If you look back at 1970, 62 percent of what we spent as a country was on what is called discretionary spending, things such as defense, highways, and education. Only 31 percent of what we spent at that time was on mandatory spending, things such as Medicare, Social Security, Medicaid and only 7 percent on interest.

But if we fast forward to today, obviously that pie chart has changed dramatically. Today, we are spending, in 2010, 56 percent of what we take in on Medicare, Medicaid, and Social Security. Only 38 percent is going to discretionary spending: defense, highways, and education and, again, 6 percent in interest payments.

However, if you fast forward on the present trend, you see mandatory spending actually becomes crowded out. It is 49 percent of what we expend in 2035. By that time, because of the large amount of borrowing that is taking place, 25 percent of what our budget will be made up of is interest payments, something that has absolutely nothing to do with making our country stronger. As you can see, only 26 percent of our spending would then be on things such as defense, highways, education, things entitled "discretionary spending."

This year we spent \$187 billion on interest payments, which greatly dwarfs what we spent in the area of transportation, \$69 billion; homeland security, \$49 billion; Department of Education, \$45 billion. The problem is, if you fast forward to 10 years, this is a timeframe that is not way out into the future. This is something most Americans can focus on; that is, a decade from now. In 10 years, \$916 billion will be going out of the Federal coffers to pay interest; again, hugely dwarfing the expenditures on transportation, on homeland security, and education.

I used to borrow a lot of money in my business. I built and owned buildings around our country. It was always important to know whom I was borrowing money from and to have a proper relationship with them. It is also interesting to look at our country and where we are borrowing the money we are spending. If you go back and look

at 1960, Americans loaned the American Government money.

Our parents—maybe some of you in the audience—loaned the money to the Federal Government by buying Treasury bonds. As a matter of fact, back in 1960, only 5 percent of the money we borrowed in this country came from foreign holders. But if you look at today, the picture is very different. As a matter of fact, today, 47 percent of the public debt we borrow is held by foreign holders.

Look, I understand about international trade and global transactions and certainly support that. I have been a part of that in the past. The reason I point this out is that, again, a big part of what we are borrowing is from others. China holds almost 10 percent of our debt.

I think most of you saw recently where they slightly depressed the amount of holdings they had in the United States, dropping it from about \$870 billion to \$844.

I do wish to point out something that former Treasury Secretary Paulson talked about in a book he recently wrote about the crisis. I used to talk with him sometimes on the weekends. Obviously, he was working 7 days a week, as do I and most of us in this body. I talked to him for a great deal of time.

I remember him telling me during the time of the crisis that he was concerned about China. He was concerned about China. In the book, he talks about feeling that there was a scheme that Russia was trying to get China to engage in, to get them to stop buying our securities, during the period of time that we were most destabilized, in order to put greater pressure on our country during a time of great turmoil.

Obviously, that did not happen. But all of us say, I think it is important, when you are moving into a range of having more indebtedness than you can handle, it is very important to know and understand you are borrowing money from people who may not have the same interests that we as a country have.

This is something you do not see often in this body, but I hope everybody will focus on this slide. The fact is, there is plenty of blame to go around. We do a great job in this body, especially a few weeks before an election, of pointing fingers at each other, talking about whose fault it is that our country is in the situation it is in. But as it relates to our country's indebtedness, I can assure you there is plenty of blame to go around.

What I learned in my business, where I spent most of my life, whenever we had an ox in the ditch, it did not do a lot of good to try to point fingers at how we got there. It was better to try to focus on how we solve that problem. I certainly knew that as mayor of the city of Chattanooga.

I can tell you, in this body, as soon as we begin devolving into pointing fingers, we quickly move away from solving some of the major problems we have as a country.

I think as we look at trying to deal with this issue, it is good to look at the way things have been. Over the last 50 years, our government has spent about 20.3 percent of our GDP. Over that same period, the revenues into the Federal Government have been about 18 percent. There are economists on both sides of the aisle who say as long as the economy is growing, we can continue that in perpetuity. Coming from the background I come from, this is not a comfortable situation. I would rather see us take in the same amount of money we expend, but certainly there are academicians and economists on both sides who have different points of view.

What is the right amount of spending? I think everybody is aware that President Obama has put together a deficit reduction commission. It is chaired by two individuals. One of those is Erskine Bowles, chief of staff to Bill Clinton. He is a Democrat. He ran for the Senate from North Carolina. I talk to him extensively on the phone. He certainly has a lot of sound ideas. The other is Alan Simpson, former Senator from Wyoming. They are chairing a deficit reduction commission the President has put together.

A great breakthrough occurred recently when Erskine Bowles said he believes the Federal Government ought to spend about 21 percent of our country's GDP. Our average over the last 50 years has been 20.3 percent. Our revenues over the same period have been 18 percent.

Bob Corker, because he is more conservative on that front, or would like to see balance—a balance a lot of people on both sides would like to see—my number might be 18 percent. Erskine Bowles has thrown out the number of 21. But to me, somewhere between 18 and 21, there is a deal. I want to say to everybody that I am open to negotiation. I would love for us to agree as a country as to what percentage of our gross domestic product we all agree is the right number for us in Washington to be spending. If we can focus on this first, page 1, we can move away from many of the issues that separate us.

This is something on which I hope everybody who may be tuned in will focus. The fact is, I don't think we have thought about this deficit issue as something that is anything more than academic. We have thought about it as something that will affect a Congress down the road, maybe our neighbor, but not us. In order to get to Bob Corker's number over the next decade, which is a period on which most of us can focus, we would have to cut spending by \$6.7 trillion. That is a lot of money. To get to the number Erskine

Bowles has thrown out—for which I am open to negotiation—over the next decade we would have to cut \$3.4 trillion in spending. To get where we have been over the last 50 years over the next decade, we would have to cut \$4.5 trillion in spending.

The reason I point this out is, this is a huge number. Even by Federal Government standards, these numbers are draconian.

I realize this is something that is probably not attainable. To get \$6.7 trillion in cuts we would have to cut \$670 billion a year over the next 10 years. To put that in perspective so people can digest it, this is more money than we spend each year on Medicare. This is more money than we spend each year on defense with two wars. The type of cuts it would take to get to where we have been as a country for the last 50 years, those cuts are draconian. I don't think we as a Congress have quite come to terms with that.

What we need to do is fundamentally change the way we do business in Washington. I don't care what side of the aisle one may sit on or what gimmicks each side of the aisle may put forth to look at trying to constrain spending. All of us know we have absolutely no construct to contain spending. We are operating this year without a budget. We have had problems with spending for decades. There is nothing here that causes us to focus on it in the right way. Again, both sides have had great problems in this regard.

What we need to do as a body, as a Senate, is to create a construct that forces us to cap spending and incentivize growth. I plan on offering legislation later this year. I realize this is a political season and nothing serious will be taken up. What I want to do as a body is to focus on the amount of spending we deal with in Washington as a percentage of our gross domestic product, as I have been discussing, and to develop a construct that causes us over time to move to that cap. I realize we will not be able to do it overnight, but it seems to me if we can adopt that kind of thinking where we look at governmental spending as a percentage of GDP—Erskine Bowles, who is working right now as head of the deficit reduction commission, has made a major contribution by throwing out a number, and I am open for negotiation—to me, if we can focus on that kind of construct, then it is in everybody's interest to hope the gross domestic product grows.

As the gross domestic product grows, as our economy grows, and the types of issues we face as they relate to cutting spending are less difficult to deal with, we would be unified toward getting to a point that is appropriate as it relates to spending so our indebtedness does not put us in the same kind of situation in which Greece found itself. But at the same time, after we have done

that, then we could agree on policies that actually incentivize growth because as the economy grows, it is easier to deal with this issue.

I will come to my conclusion. The fact is, this is becoming a cliché. I realize it is said over and over again, but we are, in fact, the first generation of Americans in a situation where we likely, if we don't change our course of action, will leave the country in lesser good shape than we found it. As a matter of fact, we will leave the country in worse shape.

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes remaining.

Mr. CORKER. I appreciate the cue.

The fact is, I don't think there is anybody in this body who would consciously wake up and spend every day of their life taking lavish vacations, going to nice hotels, eating out at night, running that up on a credit card, and then leaving that for their heirs to pay. There is nobody in this body who would consider doing that. But that is exactly what we are doing right now in Washington because of the way we are handling our fiscal affairs. We are running up a tab that our grandchildren, some of the children in this audience who have come in as students, will be left to pay.

I believe in American exceptionalism. I think we are, in fact, the greatest country that ever existed and ever will. I think the role we play in this world creates all kinds of gains as it relates to citizens' ways of life throughout the world. I would hate to see us as a country end up so diminished not only because of the tremendous impact it would have on our citizens—we have seen what has happened with this financial crisis and the distortions it has created throughout the economy, the hardships it has created for so many Americans—but I would hate for us to be so diminished because of our indebtedness, so diminished so that we had to talk to lenders about those austerity measures we had to take as a country for them to continue to loan us money, for us to be so diminished that we did not continue to play the exceptional role we play in the world, the exceptional role we play in continuing to raise up Americans' dreams and wishes and continue to allow them to actually pursue.

I plan on offering legislation. I have a nine-page bill. I know there are no bills around here that get seriously considered that are nine pages. Others, I know, will weigh in. But I sure hope to work with people on both sides of the aisle. I plan on offering legislation later this year or the first of the next Congress. I hope we as a Congress will deal with this issue in an appropriate way. I am looking to work with people on both sides of the aisle.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

DEFENSE AUTHORIZATION

Ms. COLLINS. Mr. President, I come to the floor to discuss the Defense authorization bill and the don't ask, don't tell provisions included in it. Let me begin by making my position crystal clear: I agree with the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, that the don't ask, don't tell law should be repealed. It should be repealed contingent upon the certifications of the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff that its repeal would not have an adverse impact on military readiness, recruitment, and retention. Those are exactly the provisions included in the Defense authorization bill.

My view is that our Armed Forces should welcome the service of any qualified individual who is willing and capable of serving our country. The bottom line for me is this: If an individual is willing to put on the uniform of our country, to be deployed in war zones such as Iraq and Afghanistan, to risk his or her life for our country, then we should be expressing our gratitude to those individuals, not trying to exclude them from serving or expel them from the force.

That is why during consideration of this bill in May, I supported the compromise provisions that were put forth by Senator LIEBERMAN and Senator LEVIN. At a previous Senate Armed Services Committee hearing, I asked Admiral Mullen if there was any evidence at all that allowing gay and lesbian troops to serve had harmed military readiness in those countries that allow their service now. At least 28 countries, including Great Britain, Australia, Canada, the Netherlands, and Israel allow open service by lesbian and gay troops. We have no greater allies than Great Britain, Australia, Canada, and Israel. None of these countries—not one—reports morale or recruitment problems. At least nine of these countries have deployed their forces alongside American troops in Operation Iraqi Freedom, and at least 12 of these nations are allowing open service and are currently fighting alongside U.S. troops in Afghanistan.

There is a cost involved to end our current policy. According to a 2005 GAO report, American taxpayers spend more than \$30 million each year to train replacements for gay troops discharged under the don't ask, don't tell policy. The total cost reported since the statute was implemented, according to GAO, has been nearly \$200 million. That doesn't count the administrative and legal costs associated with investigations and hearings, and the military schooling of gay troops such as pilot training and linguist training.

We are losing highly skilled troops to this policy. According to the GAO, 8 percent of the servicemembers let go under don't ask, don't tell held critical

occupations defined as services such as interpreters. Three percent had skills in an important foreign language such as Arabic, Farsi or Korean.

More than 13,000 troops have been dismissed from the military simply because of their sexual orientation since President Clinton signed this law in 1993. Society has changed so much since 1993, and we need to change this policy as well.

But let me say that I respect the views of those who disagree with me on this issue, such as the ranking member of the Senate Armed Services Committee, Senator MCCAIN; and I will defend the right of my colleagues to offer amendments on this issue and other issues that are being brought up in connection with the Defense authorization bill.

There are many controversial issues in this bill. They deserve to have a civil, fair, and open debate on the Senate floor. That is why I am so disappointed that rather than allowing full and open debate and the opportunity for amendments from both sides of the aisle, the majority leader apparently intends to shut down the debate and exclude Republicans from offering a number of amendments.

This would be the 116th time in this Congress that the majority leader or another member of the majority has filed cloture rather than proceeding to the bill under an agreement that would allow amendments to be debated.

What concerns me even more is the practice of filling the amendment tree to prevent Republican amendments. If that is done on this bill, it will be the 40th time.

I find myself on the horns of a dilemma. I support the provisions in this bill. I debated for them. I was the sole Republican in the committee who voted for the Lieberman-Levin language on don't ask, don't tell. I think it is the right thing to do. I think it is only fair. I think we should welcome the service of these individuals who are willing and capable of serving their country. But I cannot vote to proceed to this bill under a situation that is going to shut down the debate and preclude Republican amendments. That, too, is not fair.

So I am going to make one final plea to my colleagues to enter into a fair time agreement that will allow full and open debate, full and open amendments to all the provisions of this bill, including don't ask, don't tell, even though I will vote against the amendment to strike don't ask, don't tell provisions from this bill.

Now is not the time to play politics simply because an election is looming in a few weeks. Again, I call upon the majority leader to work with the Republican leaders to negotiate an agreement on the terms of debate for this

bill so that we can debate this important defense policy bill this week, including the vital issue of don't ask, don't tell.

I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. MERKLEY). Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3454, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (S. 3454) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I hope we will proceed to the Defense authorization bill this afternoon. The Senator from Maine, as far as I am concerned, has raised a very legitimate question about whether amendments will be offerable to this bill, and the majority leader has spoken on that on the Record. This is what he said last Thursday. He said:

... in addition to issues I have talked about in the last couple days, there are many other important matters that both sides of the aisle wish to address. I am willing to work with Republicans on a process that will permit the Senate to consider these matters and complete the bill as soon as possible, which likely will be after the recess.

So the majority leader has said he is more than willing to engage in that process.

If that process does not lead to a fair result, then—if we can get to the bill—if the Republicans feel there has not been adequate opportunity to offer amendments, the opportunity will be there to prevent the passage of the bill until those amendments are considered. This is the normal process. But to deny an opportunity to move to the bill so we can engage in a debate on amendments and so we hopefully will have an opportunity, as we should, to debate amendments on the bill, it seems to me is prejudging the outcome of the debate.

The time to determine whether there has been adequate opportunity to debate the bill is after you have had an opportunity to debate the bill. That judgment cannot be made in advance, particularly in the face of the majority leader's assurance. I agree with the

Senator from Maine that it is important this assurance be there. It is there, it was there, in part, because of the issue she has raised over the last few days.

When the majority leader says let us get to the bill because he agrees—he has talked about a number of issues, but in addition to the issues which he has talked about, which include a debate on don't ask, don't tell, include a debate on the DREAM Act—in his words, “there are many other important matters that both sides of the aisle wish to address” and that he is “willing to work with Republicans on a process that will permit the Senate to consider these matters and complete the bill as soon as possible, which likely will be after the recess.”

But we need to get to the bill. We need to get to the bill so we can then begin to debate amendments. I think many Senators have amendments they want to offer. It is not unusual on a Defense authorization bill. We usually have hundreds of amendments that are offered. Last year, I believe we adopted something like 60 amendments. That process will again occur but only if we can get to the bill.

To insist in advance there be an agreement, let me tell you, as manager of the bill, I love unanimous consent agreements. I love time limits. I love time agreements. I love agreements to limit amendments. That is fine. But until you get to the bill, you are not in a position to work out such agreements. These are theoretical issues. We do not even know what amendments are going to be offered to this bill—until we get to the bill. How can you have an agreement on what amendments will be in order when we have not gotten to the bill and the amendments are not even filed?

So it is a legitimate point the Senator from Maine makes that she wants to be sure, as I hope every Senator does, that there will be adequate consideration of amendments during the debate on this bill.

The Republicans have the ability to stop a completion of consideration of this bill until—unless and until—there is an opportunity to have a debate on amendments the way we usually do on the authorization bill. That ability to stop the completion of this bill is there, but it can only be utilized if we get to the bill.

To try to figure out in advance all the amendments which might be filed and what amendments will be ordered and what time agreements will be reached is, it seems to me as a practical matter, impossible to do.

The assurance of the majority leader was there and is there. I am not going to repeat it because I have already quoted it twice—but that assurance that other amendments, besides the ones he has talked about publicly, will be in order. Again, I think everybody

understands the rules of this place. Nonrelevant amendments can be offered. They have in the past on this bill, including by the Senator from Arizona, who offered a very nonrelevant amendment against the wishes of Senator WARNER, an amendment having to do with campaign finance reform not too many years ago. That amendment, although nonrelevant, was passed by this body. I supported that amendment, against the wishes of the chairman of the Armed Services Committee, Senator WARNER.

There are dozens of nonrelevant amendments which have been offered on the Defense authorization bill. To suggest somehow or other that only began last year when there was a—or on the last bill—when there was a debate on hate crimes is inaccurate. It was not a debate on the addition of the hate crimes amendment which began the consideration of nonrelevant amendments on the Defense authorization bill. As a matter of fact, it was the fourth time the hate crimes amendment was adopted on the Defense authorization bill. The first time was when Senator Thurmond was chairman of the committee, against his wishes but nonetheless adopted. There are literally dozens of other nonrelevant amendments that have been considered. Why? Because the rules of the Senate permit consideration of nonrelevant amendments on bills.

This is one of the few authorization bills that needs to be passed, not just because it supports the troops, critical not only in wartime but generally, but also because of the rules of this body requiring there be an authorization bill for defense for a number of specific matters, including military construction.

So our hope is we can begin consideration of this bill. I am going to give the reasons why we need to consider this bill in a few moments. But, again, I wish to assure colleagues there is plenty of opportunity to prevent this bill from being adopted if there is not adequate consideration of amendments that people may want to offer—relevant amendments and, yes, nonrelevant amendments—because the rules of the Senate permit the consideration of nonrelevant amendments. So I hope we can get the votes of 60 Senators this afternoon to begin consideration of this bill.

We have enacted a Defense authorization bill every year for the last 48 years. We have done so because the bill always contains important bipartisan measures to improve the compensation and quality of life of our men and women in uniform, provides our troops the equipment and support they need in ongoing military operations around the world, and enhances the oversight and efficiency of DOD operations. Yesterday afternoon, I described in detail many such measures that are included in this year's bill.

Before I continue, I do have a parliamentary inquiry as to what the time situation is: How many minutes are there available prior to the recess for the caucuses, and what is the division of that time?

The PRESIDING OFFICER. The majority controls 36½ minutes and the minority 40 minutes.

Mr. LEVIN. So the majority has 36 minutes; is that what I understand?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. So I yield myself 10 additional minutes, Mr. President.

This bill includes a handful of contentious provisions which were adopted during the course of the markup. There always are contentious provisions in this bill, and the reason we are here is to debate those provisions. Hopefully, we will have that opportunity.

Some of the provisions in the bill I support, some of the provisions I objected to in committee and I voted against them. But we should not deny the Senate the opportunity to take up a bill which is essential for the men and women in the military because we disagree with some provisions in the bill.

These are legitimate issues for debate, and the Senate should debate them. But the only way we can debate and vote on the issue—the various issues, contentious and otherwise—is if the Senate proceeds to the bill.

It has been argued that we should not proceed to consider this bill for a number of reasons: One, because of the don't ask, don't tell provision in the bill. Another one is because there was a cut in the bill to the money requested by the administration for the Iraqi Security Forces Fund. It has been argued there is "wasteful" spending that was added by the Armed Services Committee. Another issue is because of the likelihood that nonrelevant amendments, such as the DREAM Act, will be offered.

First, as to don't ask, don't tell, the Secretary of Defense and the Chairman of the Joint Chiefs informed our committee in February that they support the President's decision to work with Congress to repeal the existing law. Secretary Gates said:

The question before us is not whether the military prepares to make this change, but . . . how we best prepare for it.

The committee held two hearings on don't ask, don't tell policy and questioned numerous other witnesses in other hearings about the policy as they came before the committee. The amendment of the policy was debated on and voted on in the Armed Services Committee. It is clearly relevant to the bill because the original policy was adopted as a provision of the fiscal year 1994 Defense Authorization Act after being debated and voted in the committee 15 years ago.

The argument, then, is made that it is inappropriate for us to act on don't

ask, don't tell before the Department of Defense has completed its review of the issue. But the provision that is in this bill and the provision we adopted in committee doesn't tie the military to any specific course of action. There will not be any change to the law or to the military's policy before the Department has completed its comprehensive review and considered the comprehensive survey of the force now underway. Even when that review has been completed, under our bill, no change can take place until and unless the President, Secretary of Defense, and the Chairman of the Joint Chiefs of Staff consider the results of the review, and only if then they can certify to the Senate and the Congress that the change can be implemented in a manner that is consistent with standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention.

That certification, if it is not made, then will result in this policy not changing. Only if the President, the Secretary of Defense, and the Chairman of the Joint Chiefs, obviously in consultation, as the law provides, with the Chiefs of Staff—only then, if the certification is made that our standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention can be maintained, will this law be changed.

The Senate should debate and vote on don't ask, don't tell as we debated the original provision on that issue. As I understand it, by the way, one amendment that has been filed is a motion to strike. But amendments are not limited to that. The majority leader specifically said there may be other amendments relative to don't ask, don't tell that would also be able to be considered. But only if we can get to the bill can we consider those other amendments. We are not going to have the opportunity to debate this issue and vote unless we proceed to the bill.

As to the cut in the money requested for the Iraqi Security Forces Fund, I pointed out yesterday this decision was consistent with the previously expressed view of the Congress and the Armed Services Committee that the Government of Iraq should assume a greater responsibility for the financial burden of building Iraqi security forces as U.S. forces draw down. Iraq, according to a GAO analysis we just received, has a cumulative budget surplus of \$52 billion through the end of fiscal year 2009, and as much as \$5 billion in unspent security funds. It is well positioned to pay for its own military equipment instead of coming to the American taxpayers for large hand-outs.

This issue was debated and voted on in the committee. There was an amendment of the Senator from Arizona to strike \$1 billion, which we added for our military, and provide the money,

under his amendment, to the Iraqi Government instead. What we did is, we had a request for \$2 billion. We reduced that to \$1 billion. The Senator's amendment was to restore the \$1 billion. We defeated that amendment in committee after debate by a vote of 15 to 10.

I know the Senator is disappointed in that outcome, but that is what debates are for. The Senate should debate and vote on the issue, but we are not going to be able to do that unless we proceed to the bill.

As to the "wasteful" funding that the Senator from Arizona says was added by the committee, yesterday I gave a detailed accounting of how the committee proposes to spend the money for added force structure, force modernization, and quality of life for our troops. The Senator responded and gave several examples of what he considered to be wasteful spending. Well, let's take a look at some of those. The Senator—by the way, we added \$4 billion. We made cuts and we added. We made changes of \$4 billion in that budget request for force structure, force modernization, and support of the troops. The wasteful spending list of the Senator yesterday was \$28 million out of \$4 billion. Apparently, \$4 billion was a pretty good spending decision when questions were raised about \$28 million.

Let's look at some of the \$28 million that is labeled wasteful spending: \$3 million because it was for a "plant-based vaccine development." This effort that we are supporting, an additional \$4 million, has been identified by the military as the most promising path so far to rapidly produce the millions of vaccine doses that could be needed to respond to a biological threat against our troops on the battlefield. And \$8 million was pointed to by the Senator, which is going to a physical fitness center at an Air Force base. That fitness center has been identified by the Air Force as being mission essential.

These are not porkbarrel items added by Senators who just want spending in their States. These items have been identified by the military as being essential items for them. It wasn't in the budget. They could not find the money. We did.

The Senator questioned the proposed spending of \$7.6 million for a quiet propulsion load house. I doubt that too many Members of the Senate know what a quiet propulsion load house is. It is a place where we test our ships to make sure that they meet requirements for avoiding enemy detection. The Navy said it "requires new ship propulsion technology to be sufficiently tested, evaluated, and certified to ensure that signature performance goals and objectives are met prior to fleet introduction and operational use."

The Navy says the current equipment does not have the capability to test

and evaluate either reduced or full-scale electric propulsion motors with the necessary quiet load machine to approve and certify electric propulsion technology and design. The Navy says it needs the new facility to be operational within the next 5 years.

I believe the 10 minutes I have allocated to myself is up. So I will withhold further comment on the arguments made against the bill.

My main point is the time to debate can only come if we can get to the bill. That is the issue this afternoon, not whether issues are debated—they are and there are plenty of issues to be debated, not as to whether issues will be debated. They will be, and the majority leader has said so. To try to get an agreement in advance on what amendments will be in order before the bill comes up and amendments are filed is a task that cannot be achieved. Only the intention can be stated to allow that to happen. The majority leader has stated that intention and the ways to implement it. There is plenty of leverage to stop the bill from passing if there is inadequate opportunity. We will get to the bill only if 60 Senators decide we should move to its consideration before the recess on the Defense authorization bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I believe the chairman has agreed that he and I would have 5 minutes each before the vote this afternoon; is that true?

Mr. LEVIN. Mr. President, it is my understanding there will be a modification. There is no objection on this side to the following: that the unanimous consent agreement we previously entered into would be modified so the vote would occur at 2:30, and the time between 2:15 and 2:30 would be equally divided. I ask unanimous consent for that.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, for the benefit of my colleagues on this side, we will recognize in the proper order as we go from one side to the other: On my side Senator INHOFE would be recognized for 10 minutes, Senator BROWN for 5 minutes, Senator SESSIONS for 5 minutes, Senator CHAMBLISS for 5 minutes, and Senator LEMIEUX for 5 minutes. I believe that comes out to approximately 40 minutes.

Mr. President, I want to make it clear why I am opposed to moving to the National Defense Authorization Act of fiscal year 2011 at this time.

I am not opposed in principle to bringing up this Defense bill and debating it, amending it, and voting on it. I am not opposed to having a full and informed debate on whether to repeal the don't ask, don't tell law and then allowing the Senate to legislate.

What I am opposed to is bringing up the Defense bill now, before the Defense Department has concluded its survey of our men and women in uniform, which gives them a chance to tell us their views about don't ask, don't tell. Whether you agree or disagree with this policy, whether you want to keep it or repeal it, the Senate should not be forced to make this decision now, before we have heard from our troops. We have asked for their views, and we should wait to hear from them and then give their views the fullest consideration before taking any legislative action.

This isn't just my view. This is the view of all force service chiefs: GEN George Casey, Chief of Staff of the U.S. Army; ADM Gary Roughead, Chief of Naval Operations; GEN James Conway, Commandant of the Marine Corps; GEN Norton Schwartz, Chief of Staff of the Air Force.

Let me quote from my colleague, GEN George Casey. Remember, these are the service chiefs who are responsible for the training, equipment, morale, and well-being of the men and women in uniform who serve under them. What did General Casey say? He said this:

I remain convinced that it is critically important to get a better understanding of where our soldiers and families are on this issue, and what the impacts on readiness and unit cohesion might be, so that I can provide informed military advice to the President and the Congress. I also believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.

The survey is not complete and will not be complete for some time.

Admiral Gary Roughead said this:

We need this review to fully assess our force and carefully examine potential impacts of a change in the law. My concern is that legislative changes at this point, regardless of the precise language used, may cause confusion on the status of the law and the Fleet and disrupt the review process itself by leading Sailors to question whether their input matters.

GEN James Conway, Commandant of the Marine Corps, said:

I encourage the Congress to let the process the Secretary of Defense created to run its course. Collectively, we must make logical and pragmatic decisions about the long-term policies of our Armed Forces—which so effectively defend this great nation.

GEN Norton Schwartz, Chief of Staff of the Air Force, said:

I believe it is important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before there is any legislation to repeal the Don't Ask, Don't Tell law. Such action allows me to provide the best military advice to the President, and sends an important signal to our Airmen and their families that their opinion matters. To do otherwise, in my view, would be presumptive and would reflect an intent to act before all relevant factors are assessed, digested and understood.

It could not be more clear what our uniformed service chiefs are saying: Complete this review before repealing the law.

Then the question is: Why would the chairman of the Senate Armed Services Committee and the majority leader ignore the very explicit recommendation of the four service chiefs? One can only draw one conclusion: November 2 is a few days away. The President of the United States, we all know, made a commitment to the gay and lesbian community that he would have as one of his priorities repeal of the don't ask, don't tell policy. Looking at a bleak electoral situation, they are now going to jam this legislation through—or try to—in direct contravention to the views of our service chiefs.

I spend a great deal of time with the men and women in the military. It is my job. It is my job to do so, both the Guard and Reserve in Arizona and traveling around the world to visit our men and women in places such as Kandahar, Baghdad, and other places around the world. Every place I go, the men and women are saying: Look, let's assess the impact of the repeal of this law. I get that from the senior enlisted men whose responsibilities are great. Why are we now trying to jam this through without the survey being completed and without a proper assessment of its impact?

I urge Members not to vote in favor of bringing the bill to the floor at this time so the troops can be heard. Let us hear from the men and women who are serving in the military.

I remind my colleagues that last year, they brought up the hate crimes bill and then put amendments on the hate crimes bill so there were no other amendments allowed until the hate crimes issue was resolved. That is the concern of the Senator from Maine, that the majority leader and/or the chairman will fill up the tree—in other words, make it so other amendments are not allowed until this issue is disposed of and then, of course, other issues.

In light of all the challenges that the Defense authorization bill entails—training, equipment, pay, benefits, all of the aspects of Defense authorizations that are so vital—why would the majority leader and the chairman want to bring up don't ask, don't tell, then the DREAM Act, then secret holds, and then reserve the rest of the issues for after we come back after the election?

Again, one can only draw the conclusion that this is all about elections, not about the welfare and well-being and the morale and the battle effectiveness of the men and women who are laying it on the line in Iraq and Afghanistan today.

The most fundamental thing we could do to honor the sacrifices of our troops is to take the time to listen respectfully and carefully to what they

have to say about this major change before the Senate takes any legislative action.

If the Senate goes down this path, we would be ignoring the views of the troops and casting aside the professional military advice given by each of the four service chiefs, all four of whom oppose the Senate taking any action on don't ask, don't tell before we hear from the troops.

By the way, the way the legislation is framed, the service chiefs are not involved in the final decision; only the President, the Chairman of the Joint Chiefs of Staff, and the Secretary of Defense are. Why in the world before the certification is made would not the service chiefs be required to certify that as well?

This is not about filibustering. It is not about the reasons why we are not taking up this legislation or why I am opposing this legislation. It is all about the battle effectiveness, the morale of the men and women who are serving in the military today who have volunteered to put their lives on the line so the rest of us may live in a safe and secure environment. We owe them a right to have their voices heard before we act legislatively, motivated by the upcoming election.

Mr. President, I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we do alternate when there are Members who wish to speak. That would be the appropriate course. So I will yield myself 5 minutes to respond to the Senator from Arizona.

Mr. President, I want to quote Admiral Mullen. Admiral Mullen reached a conclusion about the necessity to change this policy. He reached this conclusion, I hope and believe, without any regard to an election coming up. Admiral Mullen, Chairman of the Joint Chiefs of Staff, in front of our committee back in February said the following:

It is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. No matter how I look at this issue, I cannot escape being troubled by the fact that we have in place a policy that forces men and women to lie about who they are in order to defend their fellow citizens. To me personally, it comes down to integrity, theirs as individuals and ours as an institution.

To suggest that Admiral Mullen somehow or another reached his conclusion because there is an election coming up it seems to me would be totally inappropriate, and I hope no one is making that suggestion. He reached a conclusion about gays and lesbians serving in the military. He stated his conclusion. Election driven, insulting? Of course not. He reached a conclusion—so did Secretary Gates—reached a conclusion that this policy must change. Because an election is coming

up, Secretary Gates, a Republican, decides this policy must change because there is an election coming up? Of course not. It is because they reached a conclusion that the policy needs to change, and the study they got underway is to determine how to implement that change.

What do we do in our bill? What we say in our bill is very explicitly there is not going to be a change in policy unless and until there is a certification from the Secretary of Defense and the Chairman of the Joint Chiefs and the President of the United States that the changes in policy, which they are going to presumably provide, will not undermine the morale, the recruiting, the retention of troops in the United States.

Our bill that is in front of us specifically says there will be no change in policy unless and until that certification comes. We want to hear from the troops also—the way the Chairman of the Joint Chiefs of Staff wants to hear from the troops, the way the Secretary of Defense wants to hear from the troops—as to how to implement a change in policy. And we go beyond that. We say there will not be a change in policy unless and until there is a certification from the Chairman of the Joint Chiefs that there will be no negative impact on morale, retention, and recruitment. That, it seems to me, is a totally appropriate way to legislate. That does pay respect to the men and women of the Armed Forces.

Unless the opponents of this language suggest that Admiral Mullen, the Chairman of the Joint Chiefs, and Secretary Gates, who have reached a conclusion that this policy must change, unless they are suggesting that their conclusion is driven by elections, it seems to me it is wrong to suggest the fight legislatively is election driven.

Was the decision to implement this policy 15 years ago election driven? No, it was based on a decision at that time that don't ask, don't tell was the right policy. I did not think it was. I voted against it. But the decision was made.

To argue now that it is all about elections misunderstands the importance of this issue, the significance of this issue, and what the people of this country have come to understand, which is the service by gays and lesbians is just as valued as the service by others. Giving their lives up for the country, being buried in Arlington Cemetery, as gays and lesbians are, who have had the uniform of this country on, is the ultimate sacrifice citizens can make for this country. Gays and lesbians have made this sacrifice, and nongays and lesbians, obviously, have made this sacrifice too.

One other point. Is my time up?

The PRESIDING OFFICER. Yes.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I will stay within the time given me. We have all had to reduce our time on this side. We have many Members who wish to speak.

Let me cover a couple of points and respond to statements made by the chairman of the Armed Services Committee.

I was around in 1993. Actually, it was the last year I was serving in the House, and I was on the House Armed Services Committee. I remember very well when the gay lobby started becoming active during that time during the Clinton administration. They said: We want to change the policy. That is why they went through this policy called don't ask, don't tell, which allows people to serve regardless of what their conditions are, their preferences are, but they do not talk about it. They do not use the military as a forum to advance their liberal agenda.

It seemed to work. In the law—and it is still the law today—section 571 reads—this was passed in 1993, 17 years ago:

The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

I was one who applauded Secretary Gates—this is back on February 10—when he said we are not going to be doing anything to change it until we study it and, most important—and this is the whole issue, I believe—we hear from those in the field, we hear from the troops in the field. These are the guys who have gone through this. They understand what it is all about. And they were told they would be heard. That is the whole idea, that we would not do anything until December 1 when all the results were in.

I am a product of the U.S. Army. I served proudly in the U.S. Army, and I can tell you right now, there are some reasons in the military why this would not work.

Senator McCain covered the statements that were made by the service chiefs, but they are worth looking at again. It is very significant that these service chiefs were outspoken in their opposition to changing this policy or to repealing don't ask, don't tell. It is difficult for a general in the armed services to go against a President.

I remember in 1998 when GEN John Jumper was strong enough to stand up and say what was happening in the Clinton administration in terms of downsizing of the military. It took a lot of courage. But the other thing that is—and a lot of things have been said about Secretary Gates and Admiral Mullen, but they will be the most instrumental in this. Here is what their philosophy was. This is a statement I will read, and I want everyone to listen

carefully. This is from the Secretary of Defense—Gates—and Admiral Mullen, Chairman of the Joint Chiefs of Staff. They said, jointly:

We believe, in the strongest possible terms, that the Department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change.

What they are talking about is the study we said was going to take place. But then, wait a minute, something happened. Three things happened 1 month later. This statement was made April 28. Then 1 month later, on May 27, three things happened. What are those three things? First of all, Gates and Mullen agreed to this compromise and then totally reversed their position of just 1 month before. Now, the chairman of the Armed Services Committee was talking about their position. This was their position, and yet they reversed it at the same time on the same day—May 27—that the House voted to repeal don't ask, don't tell. There were a couple of conditions there, and the Senate did the same thing, with one exception—one Senator in the Senate Armed Services Committee. It was right down party lines. In other words, every Republican Senator but one opposed this idea of repealing this without going through the study. The study is the critical thing. We have to go through the study before we would be in a position to know what those in the field want to do. I think this is very critical because it is not a matter of what you want to do with this, it is a matter of hearing from the troops in the field.

Let's put up the next chart. People are saying: Well, don't worry about it. The Senator from Michigan just said: Don't worry about it because, first of all, it has to be certified that there is no negative impact on readiness. It is going to be certified by Mullen and Gates and the President.

But wait a minute—certified? They have already made up their minds.

Look, here is the most important—Admiral Mullen said:

Mr. Chairman, speaking for myself, it is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do.

He is the one who is supposed to certify this. He has already certified it. It is right here. When they say that 60 days after the first of December, that certification has to take place, it has already happened.

Secretary Gates says:

I fully support the President's decision. The question before us is not whether the military prepares to make this change, but how we best prepare for it.

There you have it. Both of them are saying the same thing. They are saying: Well, we have already made up our minds. They are the ones certifying. And the third party, of course, is the

President, and the President's position is very well known on that issue.

So I think this whole thing is so phony when they talk about this certification, but the reason I want to get in as much as I can in the limited 10 minutes is to let you know that it is not the only thing that happened on May 27. I call it black Thursday because not only did they vote to repeal the policy that has worked so well for the last 17 years in terms of gays in the military, but they also passed an abortion amendment that allows abortions in military hospitals.

Now, very quickly, this has been going on—it has been changed for many years. In 1970, an Executive order allowed abortions in DOD hospitals. In 1984, Bob Dornan—remember B-1 Bob? A lot of us remember him. He changed it and tried to limit the abortions in government hospitals. In 1988, DOD hospitals barred abortions from the military facilities. President Clinton changed that and relaxed the laws. Then in 1996 the authorization bill reversed Clinton, and therefore they were not able to have abortions in military hospitals. Now, that is the law as it is today. But there is an amendment—and we have not even talked about this amendment—that is going to open the military hospitals for abortions.

I had the honor of addressing this Values Summit last Friday, and I can tell you right now that the people there, when they heard about all of this that was in this bill, were pretty shocked. And the question came up. Why is it that we keep hearing over and over what is in this bill?

Let's get the next chart up there. Why are they so anxious to get this thing on the floor when we are not going to be able to have amendments? We all know what the rules are around here. To my knowledge, since I first came to Congress, this is the first time we will have an authorization bill where we will not have a chance to amend it, where we won't have a chance to offer amendments. Normally, there are 100 or so amendments. A lot are agreed to, and our positions are heard. Not this time.

First of all, I think this is a political mistake. It is a dumb thing to do, to try to use the Defense authorization bill in times of war to advance a liberal agenda. What is that liberal agenda? That agenda is to have open gays serving in the military, it is taxpayer-funded abortions in our military hospitals, and it is amnesty for illegals. I think they are making a mistake. I agree with the Senator from Arizona that it is totally political. It is all set up for the November 2 election. And I can assure you that all of America is watching, and they don't think the Defense authorization bill, in times of war, is the appropriate thing to do to advance a far-left liberal agenda—an open gay policy in the military, taxpayer-funded abortions, and amnesty for illegals.

With that, Mr. President, I have used my 10 minutes, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I believe by unanimous consent we have an order of speakers, and I think the next one is—well, I will let Senator McCAIN speak.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. How much time remains, Mr. President?

The PRESIDING OFFICER. There is 20 minutes remaining for the Republicans and 19 minutes for the Democrats.

Mr. McCAIN. Mr. President, I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I rise today to speak about a very important piece of legislation before this body, and that is, obviously, the Defense authorization bill—a bill that provides the tools and resources for our men and women serving in the military.

It has been my honor to serve on the Armed Services Committee with the chairman, who is sitting right here. Being the new person on the block, I have greatly enjoyed the back-and-forth of that committee process and the fair and free way we are able to debate amendments—some of which passed and some didn't. But always, at the end of the day, there was a handshake and a smile, and we would go on and do our business.

I remember a lot of us, especially the newer people, asking about our concerns, which haven't been addressed here, and I remember the chairman saying that we would be able to handle these things during the bill process when it came to the floor. That was the general consensus by Senator McCAIN and others—don't worry, we will handle a lot of these things on the floor. So I was actually looking forward to that fair and open process, similar to what we did during the financial reform bill.

Unfortunately, what has traditionally been a very open and bipartisan process has, in fact, evolved into a dynamic display of political grandstanding. My question is, What happened? I feel the majority party is using our men and women in uniform as a tactic to pass politically expedient legislation entirely unrelated to the Defense authorization bill, which, in my view, is not appropriate.

There has been much discussion by the leader about his plan to add the DREAM Act as an amendment to the Defense bill. Let me be clear: I am willing to debate the merits of the DREAM Act, and even comprehensive immigration reform, but not in a manner that exploits our men and women who are

serving in the military by using legislation that is supposed to be solely focused on supporting them, and additionally not allowing for that open amendment process that I thought was promised to us during the committee process and something I have understood as being part of the very important history of this body.

As my colleague from Arizona pointed out yesterday on the floor, the extraneous legislation the leader intends to attach to the Defense authorization bill would never, ever be referred to the Armed Services Committee if it was introduced independently. In the past, the authors of the Defense bill, led by Senator LEVIN and Senator MCCAIN, have been allowed to come to the floor and debate the process and enact necessary pieces of legislation that keep our men and women in the armed services safe and keep the military going. It is a traditional custom that, by and large, has been shunned. It has been shunned for political gamesmanship and posturing in favor of advancing the defense authorization process.

Once again, Mr. President, as the new person here—well, I guess the second newest person here now—it is an incredible but not surprising turn of events that we have suddenly decided to refuse an open debate on the things we have been working on for some time—certainly since I have been here. An amendment process would allow for everyone's ideas to be considered, as we did during the financial reform and as we did during the actual committee process itself.

Not only have the authors of the bill been effectively shut out, but so has every other Senator. Are my needs and the concerns of Massachusetts not the same as the majority leader's needs or the President's needs? We have issues that affect Massachusetts, and all the other Senators have needs that affect their States that they feel can contribute to the men and women and the way they serve and are protected. When an issue as critical as our national defense comes to the Senate floor, we should absolutely allow for an open process. This is too important an issue to cut off debate and control the process. I know it is football season, but we should not use this as a political football. It is inappropriate.

On another issue of critical importance, as I said before, we spent 4 weeks on the financial reform legislation, and we had over 30 votes on that particular bill. When the process was over, everyone was able to offer any amendments they wanted. I am disappointed that we are not having that same opportunity here. We should absolutely go through that same process.

In closing, I am hopeful that in the days ahead we will turn our focus back to jobs and the economy, where we can start listening to the American people, who are demanding we focus on reduc-

ing our Nation's debt, our out-of-control spending, lowering taxes on individuals and families, and getting our economy moving again. I believe that is the biggest national security issue we have in front of us right now—making sure we have the economic engine to not only continue with our economic strength throughout this world but obviously providing the tools and resources for our men and women who are serving.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BROWN of Massachusetts. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wish to thank Senator BROWN for his service on the committee. He has been invaluable to the committee, and I very much appreciate that.

The Senator's statement that he favors an open process is one that I share. That is why I talked to the majority leader, and the majority leader made a statement last Thursday which I hope the Senator from Massachusetts would look at relative to the process. The majority leader has talked about a number of amendments which he would like to see offered and would intend to offer. That is his right, as it is the right of any Senator.

Last year, we adopted the hate crimes bill, which was a nonrelevant amendment. There was some objection to it. Many years ago, when the Senator from Arizona offered a campaign finance amendment to the Defense authorization bill—totally nonrelevant—Senator WARNER, sitting right over here, very much objected to it. He said it would sink the bill. It did not sink the bill, by the way; it was passed by the Senate—nonrelevant. And we have adopted other nonrelevant amendments on this bill and other bills because the rules of the Senate allow for nonrelevant amendments.

As to whether this process is going to be open to other amendments, I assure the Senator from Massachusetts it will be, and I will make sure I do everything in my power to see that happens. That is why the majority leader, last Thursday, assured the Senate—and these were his words:

In addition to issues that I have talked about in the last couple of days, there are many other important matters that both sides of the aisle wish to address. I am willing to work with Republicans on a process that will permit the Senate to consider these matters and complete the bill as soon as possible.

So Senator REID was giving the assurance that other amendments besides the three he has identified publicly are going to be in order. He is not going to try to cut off debate.

As chairman of this committee, I have, for 30 years now, fought to make sure this bill was open to amendments, and I will continue to do that. Last

year, I think there were something like 60 amendments. So there is not going to be an effort to cut off debate on amendments which Members of the Senate want to offer that is different from any other time when this process is used.

We have to manage a bill. We have to get a bill passed. After there is debate on a bill, there comes a time when the majority leader says to the managers: We have to get a bill passed. You have to find some way we can get a bill passed. Then we enter into, hopefully, unanimous consent agreements, where we work out how many amendments are left on each side. That is what our intention is to do here, too—to work out these kinds of agreements as this matter unfolds.

But the issue now is whether we are going to get to debate the bill, whether we can get to the point where we can offer amendments and reach agreements on what amendments are left that would be in order and on time agreements. We can't get to that point unless we are allowed to proceed to the bill.

As far as I am concerned, it is totally inaccurate to say the men and women in uniform are being in some way not respected by proceeding to this bill. If we cannot debate this bill this year, if we cannot offer a motion to change don't ask, don't tell language, strike the language, whatever, then we are not taking up the bill which is so critical to the men and women in uniform. This bill is critical to them.

If there are Members here who want to strike or modify don't ask, don't tell, the time to do it is when we get to the bill. We cannot do it now. We cannot amend this bill now unless we get to the bill. There is no point, it seems to me, in talking about the need to amend the bill—which I happen to agree is in order—unless we get to the bill. It becomes a theoretical statement that something will or will not happen, unless we can get to the bill.

I do not know of a time when there has been a filibuster against getting to the Defense authorization bill. No matter how contentious issues have been, and they have been contentious over the years, the idea that there is a filibuster against proceeding to the bill so we cannot debate the kinds of issues which need to be debated, it seems to me, is what denies the men and women in uniform the opportunity to get a bill passed that is so important to them.

We need to get to this bill. We need to make progress on this bill. I believe, as the majority leader has said,—I believe what he said—that this is not going to be the kind of closed process which some have suggested and imputed to him.

I yield the floor.

Mr. MCCAIN. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. We are depriving the men and women in uniform from having a voice in this by short-circuiting a process by passing legislation before the study is completed. That is a fact. That is the view of all four service chiefs, and I read it and I will continue to put it in the RECORD.

Senator SESSIONS, I believe, is next?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I will yield myself 30 seconds.

The Chairman of the Joint Chiefs of Staff has reached a conclusion, the Secretary of Defense has reached a conclusion—that this policy should be changed. It should be. We ought to debate it. Whether to change this policy, how it is changed—how it is implemented is what they set in motion, a study to help them decide. That is the process they agreed to.

Have they offended or insulted the men and women of the Armed Forces by concluding that this policy should change? Has the Chairman of the Joint Chiefs, Admiral Mullen, somehow, in some way, not taken into consideration the well-being of the men and women of the Armed Forces when he concluded this policy should change? Has Secretary Gates been guided by elections coming up when he concluded that this policy should change and that the study that is underway should be taken in order to determine how to implement that change?

I don't consider that they have offended or insulted the men and women they command. This language surely protects exactly what Secretary Gates and Admiral Mullen have put into motion—a study as to how to implement a change in policy. That is what this study is all about. That is what we require be completed prior to any change in the policy.

We have gone a step beyond—a step beyond—requiring that they certify—obviously, after consultations with the Chiefs of Staff; that is required by law—that they certify that there will not be a negative impact on morale, recruitment, or retention.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, this is a policy of the President of the United States. He determined to change the policy that has been in effect for quite a number of years, and by all accounts has been working very well. All four service chiefs favor keeping that policy. He selected Admiral Mullen. He selected Secretary Gates, who has not been an enthusiastic supporter of this change, frankly. He has gone along with the Commander in Chief who appointed him. He has indicated that we ought to have a study first—made a commitment, really, to our men and women in uniform that there would be a study first, and we are not running an objective study.

So Admiral Mullen did testify he personally believed this was a change that ought to be made. But the Army Chief of Staff, General Casey; the Chief of Naval Operations, Admiral Roughead; Air Force Chief of Staff Schwartz; the Commandant of the Marine Corps, General Conway; and now General Amos—who just testified this morning will be replacing General Conway—oppose it and believe we owe it at least to the men and women in uniform to study the impact this might have. I just believe it is not necessary to ram this through this fast before we complete a study. I oppose that.

We had reports of a general—he has denied how he was quoted in the Washington Times, General Bostick, in Europe, who made statements that upset a very large group of people—he is a personnel general, three stars—about how everybody had to go along with this agenda, be on board with it, and suggested, according to the article, you would not be able to stay in the military if you were not endorsing this proposal. He said it was the equivalent of civil rights and you were being a bigot if you somehow had a different view.

I just think that is dangerous. To say this is not going to have a corrosive impact on the men and women in the military is a mistake. I think it is being raised up in importance and being raised up in the potential to damage the military by the fact that it is being rammed through before a fair and objective review of the policy is conducted.

I believe that firmly. If this is going to be changed it ought to be done respectfully, carefully, not moved through right now on this bill because of fear that the study will not be positive and it will not be able to be passed next year, maybe after the American people have sent some new Senators to this Senate. Maybe then it will not be so popular and have so much support.

I am frustrated that I would have to vote against moving to the Defense authorization bill. Last year was the first time I did that because attached to the bill was an unrelated, controversial hate crimes piece of legislation. I voted for bills that had other stuff in it I didn't agree with, but I try to be supportive. But I will not, and I urge my colleagues not to allow the Defense bill to be a train that carries through controversial, unpopular pieces of legislation. It is just not the right thing for us to do, and we are going at it again this year.

We have had a tradition of bipartisan support of Defense bills. I guess the first 12 years I was here we have always had massive bipartisan support, and I have signed them. This action is overriding that tradition. It is not helpful.

I will just note, as the ranking Republican on the Judiciary Committee, I am very disappointed that the majority leader has made clear that one of

the amendments he is going to approve for us to vote on would be the controversial, unpopular DREAM Act that has not had a hearing—at least in years that I can recall—in the Judiciary Committee where it should be—to give amnesty to people who came into our country illegally.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. I urge my colleagues to vote against moving to this bill until it is cleaned up and does not have this controversial legislation on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time is on this side?

The PRESIDING OFFICER. There is 12 minutes remaining.

Mr. LEVIN. I ask unanimous consent that a letter from GEN John Shalikashvili, the retired Chairman of the Joint Chiefs of Staff, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL JOHN M.D.
SHALIKASHVILI, USA (RETIRED),
Steilacoom, WA, September 16, 2010.

DEAR SENATORS: I am writing to urge the Senate to vote in support of the 2011 National Defense Authorization Act. Each element contained in the legislation that passed the Senate Armed Services Committee is essential to the maintenance of a strong, capable fighting force for our nation. Provisions in the bill will ensure that our soldiers have the pay they deserve and the equipment, training and support they need to conduct their critical missions. In particular, I support the DADT repeal language that passed through the Senate Armed Services Committee earlier this year and is currently part of the pending legislation.

The Pentagon is currently conducting a study on how to implement a policy of open service. Congressional repeal is vital for the Pentagon to implement their findings, whatever they may be. As I have said before, repeal strikes down the law that straitjackets military leaders' ability to craft a sensible and practical policy about open service. Most importantly, the current repeal language allows the Pentagon the time it may need to answer any questions about how to actually implement the change.

Additionally, repeal would allow military leaders to make personnel decisions based on a person's skills, experience, and overall job performance. Reflecting on my own service and experience, I am quite confident that sexual orientation does not impact a person's ability to defuse IEDs, provide medical care for someone wounded in the line of duty, or translate intercepted enemy intelligence into English.

Passing the 2011 National Defense Authorization Act, including repealing DADT, would serve the interests of our nation's security and all of its service men and women.

Sincerely,

JOHN M.D. SHALIKASHVILI.

Mr. LEVIN. Let me read just part of this letter.

I am writing to urge the Senate to vote in support of the 2001 national Defense Authorization Act. Each element contained in the

legislation that passed the Senate Armed Services Committee is essential to the maintenance of a strong, capable fighting force for our nation. Provisions in the bill will ensure that our soldiers have the pay they deserve and the equipment training and support they need to conduct their critical missions. In particular, I support the don't ask, don't tell repeal language that passed through the Senate Armed Services Committee earlier this year and is currently part of the pending legislation.

He goes on:

The pentagon is currently conducting a study in how to implement a policy of open service. Congressional repeal is vital for the Pentagon to implement their findings, whatever they may be. As I have said before, repeal strikes down the law that straight-jackets military leaders' ability to craft a sensible and practical policy about open service. Most importantly, the current repeal language allows the Pentagon the time it may need to answer any questions about how to actually implement the change.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. LEMIEUX. Mr. President, I have served in the Senate for 1 year. I have watched the process of different pieces of legislation come to the floor of the Senate.

One of the most frustrating things, to the American people and certainly frustrating to me, is that we as Senators do not have the opportunity to offer amendments on these large pieces of legislation, legislation in this case that authorizes the actions of young men and women who are fighting to protect our safety and freedom around the world, that the Senator from Florida or Senator from Arizona or Senators from other States cannot stand up and say: I have an idea. I have a proposal. I have an amendment. Let it be aired in front of this body, let it be debated, and let's see whether it rises or falls on its merits.

Instead, we get these rules that are closed where the majority leader comes down and says: I am going to fill the tree, which is Senate parlance meaning: I am going to close off all debate except for on the amendments I choose to put before the American people.

That is not right. That is why the American people are, in part, so frustrated with Congress. We are not debating the issues that any individual Senator may bring forth on behalf of their constituents on what they think is the right way to move forward. Instead, we are going to amendments on issues that should not be attached to this bill, in my opinion.

Don't ask, don't tell is a highly controversial amendment, one that has not been debated, one that is not going to have the opportunity to have the input of the military. We are supposed to be conducting a thorough examination and evaluation of the U.S. military before we make this substantial policy change—while we are fighting two wars at the same time. We are

going to pass it and then see whether it is going to have an impact on military readiness? Does anybody doubt what the conclusion will be if it is passed, what the military will then say?

If, for some reason, they had the courage and were able to have the freedom to actually express their opinion, do you think this body would undo it? Instead of allowing us to have the process we are supposed to, where we are supposed to get a sense from the military about how it will impact military readiness, we are going to pass, presumably, over the opinion of the four chiefs of the different branches of the military who oppose this measure, including General Amos, who will join now as the Commandant of the Marines, this controversial measure.

Then we have the DREAM Act which, as my colleague from Alabama said, has not gone through the Judiciary Committee. Many in my State support the DREAM Act. It is a very difficult situation for kids who were brought to this country by their parents, through no fault of their own, have gone through public school, now go to a university and may not have the chance to stay and work in this country. I understand and I am sympathetic to that. But to attach that to this bill without trying to fix the broken immigration system, without first securing our borders, is disingenuous and irresponsible.

So I, too, will not support moving forward on this Defense authorization bill. This is not the way this Congress should act. This is not the way the process is supposed to work. It is unfair to the American people. It is unfair to the members of the military. What should happen is we should have an ability to bring any amendments forward that are germane to the Defense authorization bill and let them rise and fall on their merits.

What should not happen is that extraneous amendments that do not relate to this issue be stuck on and that all debate be closed.

The American people are upset. They are frustrated with their government. Their government is broken, and this is just another example of how badly it needs to be fixed.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, if what the Senator from Florida said is going to occur, it indeed would be a broken system. But the majority leader has said and said publicly that there are many other important matters that both sides of the aisle wish to address other than the ones he has raised himself, and he is willing to work with Republicans on a process to permit the Senate to consider these matters and complete the bill as soon as possible.

I do not know exactly what the Senators are saying when they say this is a closed process, when the majority

leader says, no, it is not. I mean, they want to debate amendments. You cannot debate amendments unless you get to the bill and offer amendments. I wish to debate amendments too. There are provisions in this bill that I do not like that I voted against in committee as chairman.

There are a number of provisions I would like to see stricken in this bill. But you cannot strike a provision or try to strike a provision before the bill is on the floor to debate. The issue here is whether this filibuster against bringing this bill to the floor so we can debate the amendments is going to succeed.

That is the issue today. Should we be able to debate amendments? You bet. I fought for that as long as I have been either chairman, ranking member or member of the Armed Services Committee and other committees. Of course, we ought to be able to debate amendments.

But the debate today is whether we can get to the point where we can debate amendments. People want to strike the language on don't ask, don't tell. The only way we can get to that point, to strike or modify that language, is if the filibuster does not succeed this afternoon; otherwise we cannot get to that point.

We are debating now whether we can bring a bill to the floor so we can do exactly what the Senator from Florida wants us to do, be able to offer amendments, be able to strike language, modify language, add language.

As to whether nonrelevant amendments should be added, if we want to change the rules of this Senate, offer an amendment to the rules. But the rules of this Senate allow nonrelevant amendments to be offered, and dozens have been offered on Defense authorization bills, including by the Senator from Arizona, who about a decade ago offered a very contentious amendment to change the campaign laws on terms of disclosure.

The Senator, who was chairman of the Armed Services Committee, John Warner, argued passionately to the Senator from Arizona: Please, do not offer that to this bill. It could sink this bill. That was the argument of the chairman. The Senator from Arizona went ahead anyway, as was his right. By the way, the chairman of the Armed Services Committee acknowledged it was the right of the Senator from Arizona to offer nonrelevant amendments, and the Senator did that, the Senator from Arizona. It was not the first time.

Sensors on both sides of the aisle have offered nonrelevant amendments to the Defense authorization bill and to other bills because that is their right. What is broken around here is the determination on the part of the Republicans to not allow us to proceed to debate bills. That is what is broken, in that the filibusters are now being used

over and over and over in a way that they have never been used before, at least in this quantity, to stop a bill from coming to the floor.

How do we debate the amendments which the Senator from Florida rightfully says we should debate unless we can get to the point where we can debate them. We cannot debate them now. The bill is not before us. The question this afternoon is whether we are going to allow this bill to come before us so the Senate can do exactly what the Senate should do, which is to have Senators be able to offer amendments, debate those amendments, accept or defeat those amendments. That is what the Senate should be doing.

But we cannot do that if a filibuster denying the Senate an opportunity to debate the bill succeeds. Then we cannot do that. We cannot do what the Senator from Florida wants us to do, and I want us to do, to debate amendments, to have Senators be able to offer amendments. That is the problem which we face more and more in this body, and I deeply regret it.

I do not know how to change this system without changing the rules, which we are not going to be able to do. I do not know how we can prevent a filibuster succeeding or delaying the Senate from acting for days and days and days, from being able to debate. Filibusters have their place, I believe, to protect the minority. They have their place so that the minority can be assured of extended debate. I have supported that.

But the filibusters are being used now more and more to prevent us from debating, not to guarantee the opportunity to debate for the minority, which is a legitimate function of the filibuster, but to prevent us from debating. This filibuster, if it succeeds this afternoon, is going to prevent us from debating the very issues which need to be debated. Don't ask, don't tell, we should debate it. We cannot debate it if we do not get to the bill. The DREAM Act, should that be offered, should it not be offered? We cannot debate that unless we get to the bill.

As to the other provisions in this bill, one of the Senators mentioned the language about abortions. By the way, he said taxpayer-paid abortions, which is not in the bill, as I think the Senator from Florida knows. It only allows abortions on a voluntary basis, which are legal, if the woman pays for the abortion. These are not taxpayer-paid abortions. So putting that aside, it is a legitimate subject for debate. How do you debate it if we cannot get to the bill?

That is what this issue is about this afternoon. Will we get to a bill, which I think all of us believe is a critically important bill to the men and women of the Armed Forces? How do we get to that bill? How do we debate these issues, which I agree with the Senator

from Florida need to be debated, rightfully are debated, if we are not able to get to the bill? That is the issue which we will decide this afternoon.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes.

Mr. MCCAIN. How much time is remaining on both sides?

The PRESIDING OFFICER. Five minutes remain on the Republican side and 4 minutes remain on the Democratic side.

Mr. MCCAIN. Before my colleague speaks, very briefly, maybe the Senator from Michigan has forgotten what happened last year on hate crimes. The bill was brought up, then the majority leader filed, as is his right, the first amendment.

Then only amendments that the majority leader agreed to were allowed on hate crimes. So we got stuck for a week on it. I predict to you that is exactly what would happen with the DREAM Act and with this issue as well because the majority established that precedent last year.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I came over to speak on this bill and in opposition to the motion to proceed. I sit here and I listen to the distinguished chairman of the committee talk about the fact that this is an open process and that we have to get to this bill and everybody can file amendments.

Well, when it comes to filing amendments to the Defense authorization bill, the majority leader is just like me. He is a Member of the Senate. He has the right to file amendments. I have the right to file amendments. That is not the case here. That is not what we are arguing about.

What has happened is the majority leader, for political purposes, has come down and he has called up the Defense authorization bill and he has done what we call filling the tree. He has filed three Democratic amendments for his benefit and then he has filled the tree and he has not allowed me to file an amendment. He has not allowed the Senator from Florida to file an amendment.

So when the chairman stands and says: We have to get to the bill. Well, we are on the bill. Is it right for the majority leader to be able to file amendments and nobody else to file amendments? I do not think so. That is what we are arguing about today. If you believe that is a fair process and that is an open process, then you vote for the motion to proceed.

But if you believe the process ought to be that every Member of the Senate has the right to come down, whether you are a member of the Armed Serv-

ices Committee or not, and file an amendment and call up your amendment and have a debate on it and a vote on it, then you need to vote against this motion to proceed. This is not the process that the Senate is used to following. It is the process this majority leader has seen fit to follow time and time again, and it is not right. It is not the way the Senate is supposed to work.

I intend to vote against the motion to proceed.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, parliamentary inquiry: Are we on the bill now?

The PRESIDING OFFICER. The Senate is not on the bill.

Mr. LEVIN. If cloture passes this afternoon, would we then be able to be on the bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. How much time is remaining?

The PRESIDING OFFICER. The Senator from Arizona has 2 minutes remaining.

Mr. MCCAIN. How much time is remaining on the other side?

The PRESIDING OFFICER. There are 2 minutes on the Republican side and 3½ minutes on the Democratic side.

Mr. MCCAIN. Well, again, I would point out again that not only do the members of the Joint Chiefs of Staff and our service chiefs object to this truncated process, being left out of the final decisionmaking process, they do not have to sign on to any conclusions that are reached as a result of this ongoing survey. But there are others, such as the incoming Commandant of the Marine Corps, who says, my personal view, the current law and associated policy have supported the unique requirements of the Marine Corps. Thus, I do not recommend its repeal. My primary concern with proposed repeal is the potential disruption to cohesion that may be caused by significant change during a period of extended combat operations.

We are in two wars, and now we are pursuing the social agenda of the Democratic Party instead of taking the priority, as it is much called for; that is, the welfare, the morale, the battle effectiveness of the men and women in the U.S. Marine Corps.

So last year there was an amendment allowed, but procedurally, when we did the hate crimes bill, there were only amendments that were agreed to by the majority leader. That is what we fear will happen in this debate, and certainly the DREAM Act, which is also on the agenda for the elections is clearly not something that should be addressed by the Armed Services Committee. By all rights, it should be done by the Judiciary Committee.

I regretfully reach this stage. But I urge my colleagues to vote in opposition to the cloture vote.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield the remainder of the time to the Senator from Connecticut.

Mr. LIEBERMAN. I regret that I have been held up in another event, that I could not get here until now. But I rise to speak in favor, of course, of the cloture motion and of taking up the National Defense Authorization Act.

This is critically important legislation. I know the debate has been mostly about a couple of parts of it or one amendment or maybe two amendments that may be offered to it.

But the National Defense Authorization Act has to be passed. It has been passed every year for more than half a century. Why? Because it authorizes increases in compensation and benefits for members of the military and their families. No matter what you think about any amendments that may or may not be put in, I do not think any of our colleagues truly want to stop that from happening, nor do they want to stop the authorization of the procurement of military equipment that our soldiers need to protect them and to continue to be the most effective fighting force in the world, nor do they want to stop the authorization for military construction in the United States and around the world that our troops and their families need to live decently.

This is a motion to proceed. It is not a vote on the bill. To me, this ought to be an easy vote, no matter what you think about don't ask, don't tell or the DREAM Act or even what you think about the procedure adopted because, let's remember, at any point once we go to proceed, if people in the Chamber do not think Senator REID has allowed enough amendments, they can begin a filibuster and stop it right there. This bill won't come to a final vote, regardless of what is in it, until there are 60 Members of the Senate who want it to come to a final vote.

I wish to speak for a moment about don't ask, don't tell. Senator LEVIN has done an excellent job in the debate. I voted against the policy as a member of the Armed Services Committee in 1993, when it first came up. I was privileged to be an original cosponsor, with many others, of the legislation to repeal it this year, working with Senator LEVIN and others on the committee, including Senator COLLINS who, to her great credit, had the guts to join us because she believes don't ask, don't tell is un-American—my word—not fair and hurtful to military effectiveness.

More than 14,000 members of the military have been put out of the services since 1993 under don't ask, don't

tell, not because they weren't good soldiers, sailors, marines or airmen, not because they violated any military code of conduct but only because of their private sexual orientation. That number is the equivalent of an entire division of warfighters we need in places such as Afghanistan and elsewhere around the world. It is also a waste of money to train those 14,000. Estimates are that taxpayers paid over \$600 million. We waste that by tossing them out, not because they are bad soldiers but because of their private sexual orientation.

I know some have said repealing don't ask, don't tell doesn't belong on this bill. Don't ask, don't tell was originally adopted as part of the Defense authorization bill. It is, frankly, the best and most logical place around which to repeal the policy. I know Senator LEVIN has talked about the process. There is a fundamental judgment that the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and those of us who have sponsored the amendment to repeal don't ask, don't tell have made, which is that it ought to go. It is un-American. It is inconsistent with our best values of equal opportunity, who can get the job done, not what one's private life is about. It is hurting our military. That judgment has been made.

The study being done at the Pentagon is to determine how to implement this best without intervening in military effectiveness. Then we put in the amendment which is in the bill. This provision, as Senator LEVIN has pointed out, doesn't go into effect until 60 days after the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff certify in writing that repeal of don't ask, don't tell is consistent with standards of military readiness, military effectiveness, unity, cohesion, recruiting, and retention. We couldn't ask for more in the way of due process. We don't direct the military exactly when and how and over what timeframe they actually go about pulling apart this unjust don't ask, don't tell policy.

It will be a close vote today. It would be a shame if we don't get the 60 votes. If Members are against don't ask, don't tell being repealed, vote against it when the amendment comes up. Submit an amendment to strike it. But don't stop the whole bill which is so important to our military. If for some reason we don't get the 60 votes today, Senator REID has made clear we are coming back, and we will do this in November or December. We have to pass this bill for all the reasons I have stated, for our military effectiveness when our troops are in combat. There will come a day before the end of this year when there will be a motion to strike the repeal of don't ask, don't tell. I don't think opponents of don't ask,

don't tell have the votes to accomplish that. When that day comes, we will support our military and America's best values by ending this nonsensical, unfair policy.

In America, we judge people by whether they can get the job done, not by any quality about them personally. I think we will get this job done before the end of this year. I hope we can do it beginning this afternoon. But if we don't, we will come back.

I thank Senator LEVIN for his extraordinary leadership.

I yield the floor.

RECESS

The PRESIDING OFFICER. All time has expired.

Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and was reassembled when called to order by the Presiding Officer (Mr. BEGICH.)

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The time between now and 2:30 p.m. will be equally divided.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield 2½ minutes to Senator REED.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, we are at a critical juncture in proceeding to the National Defense Authorization Act. This bill is routinely taken up every year. I want to emphasize again, we are at the first step. This is just a motion to go forward to begin to debate the bill. I would hope we could at least summon sufficient votes to agree to talk about these critical issues.

This legislation contains important programs for our military. We have a military that is at war in Iraq and Afghanistan. They need equipment, and they need support. We have included changes for the quality of life of their families. One change, significantly, is to make the TRICARE system comparable to the new health care system by allowing children who are up to 26 years old to stay on their parents' policies.

There are some controversial provisions and proposals. One is don't ask, don't tell. The other is the DREAM Act. First, the minority or anyone has the right to move an amendment to take out or change provisions with respect to don't ask, don't tell. I would disagree with that and oppose that, but that is something that can and will happen and will engender a very strong, positive debate. The other issue is the DREAM Act. I think that has a significant connection to this bill because that is one of the ways in which

a youngster who came to the United States—not by his or her choice but because of a family choice—under 16 years of age who later joins the military, and who serves honorably, can be put on a path to eventually become a citizen. That has a strong nexus to this bill. But that issue has to be proposed on this legislation and voted for by a majority of Members.

So we are here simply to begin an important debate and discussion to support our men and women in uniform across the globe, and their families. To deny at least the initiation of such a debate seems to be exactly contrary to why we should be here, which is to support our military, to debate difficult issues, and then to take votes up and down to decide the policy of the United States.

With that, I urge all my colleagues to support this motion to proceed to the bill.

Mr. President, I yield any remaining time I have back to the chairman of the committee.

The PRESIDING OFFICER. Who yields time?

Time will be charged equally.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I will yield myself just a minute and a half. I would ask that the Republicans have their speaker—if they are going to be using their time—to come immediately after me; otherwise, it would not be fair for us to be using up all of our time in advance.

Mr. President, this morning a number of Republican Senators stated they would support the current filibuster of this bill because they were afraid that if we take up the bill, we are going to have a closed process that would limit their ability to offer amendments. The majority leader has addressed this issue. He specifically said last Thursday that he is “willing to work with Republicans on a process that will permit the Senate to consider these matters and complete the bill as soon as possible.” He is very clear on this. He is not trying to prevent other amendments from being offered. However, there are not going to be any amendments, there is not going to be any opportunity to vote on any amendments unless we get 60 votes to overcome the current filibuster and proceed to the bill. It makes no sense for Senators to block all amendments, which is what the effect will be if we do not end this filibuster, to deny consideration of this bill so we can consider amendments. It makes no sense to do that under the guise of wanting an open amendment process. We are not going to have any amendments unless we can get to this bill, unless we end this filibuster.

Amendments are appropriate. We have always had amendments on the Defense bill. The majority leader assures we are going to do that again, and I will do everything I can as chair-

man to make sure that is true. So the issue today is not whether there is going to be specific amendments in order; it is whether we are going to get to the bill so we can try to consider amendments to the Defense authorization bill. There are many amendments that should be considered, and I hope we do not continue this filibuster. I hope we can get 60 votes and do the important work of the Nation, which is to get a defense authorization bill passed after it has been considered.

I reserve the remainder of my time.

Mr. MCCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arizona has 5 minutes 50 seconds.

Mr. MCCAIN. Mr. President, this is, obviously, an important vote that is coming up. I repeat, I am not opposed in principle to bringing up the Defense bill and debating it, amending it, and voting on it. I am not opposed to having a full and informed debate on whether to repeal don't ask, don't tell and then allowing the Senate to legislate. What I am opposed to is bringing up the Defense bill now before the Defense Department has completed its survey because we need to know the views of the men and women who are serving in the military in uniform. Give them a chance to tell us their views. Whether you agree or disagree with the policy, whether you want to keep it or repeal it, the Senate should not be forced to make this decision now before we have heard from our troops. We have asked for their views, and we should wait to hear from them. All four service chiefs have said the same thing: Let's conduct the survey, let's get it done and then act on whether to repeal or not repeal.

There is one other aspect. This is a blatant political ploy in order to try to galvanize the political base of the other side, which is facing a losing election. That is why the majority leader said we would take up don't ask, don't tell, take up the DREAM Act, and then take up the issue of secret holds and then address the other issues after the election. I wonder why the majority leader would have those priorities—in other words, take up those that would be politically beneficial, galvanize his political base as far as the Hispanic community is concerned and the gay and lesbian community, and then take up the other issues after—the election is over in lame-duck session.

This majority leader has filled up the tree and has not allowed debate 40 times—40 times—more than all the other majority leaders preceding him. Last year, the hate crimes bill was arranged in such a way that there were not amendments that could be proposed by my side of the aisle.

So let's vote against cloture. Let's sit down and try to reach some kind of

an agreement. Let the men and women in the military be heard from. Let their leaders go to their men and women who are serving and tell them we have heard their input before we make this legislative change and stop the cynical manipulation of the men and women in the military in order to get votes on November 2.

Mr. President, I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, the Senate should have the opportunity to debate and amend this important bill. While the bill has many provisions I support, it also includes billions of dollars of earmarks and funding for the wars in Iraq and Afghanistan that will dig us deeper into debt without advancing our national security. I have a number of amendments to improve the bill, including one to require that future war funding be paid for, so it doesn't add to the deficit. I look forward to the opportunity to offer those amendments.

Mr. LEVIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Two minutes.

Mr. LEVIN. I yield the time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank Senator LEVIN.

I rise to oppose the filibuster of the National Defense Authorization Act and to say what is obvious—that this is a preelection campaign season. There are a lot of politics, partisan politics swirling around, everything going on here, including procedural matters such as those we are involved in right now. But there are two things I know and I believe, and I wish to express them about this vote coming up.

One is, we have to proceed to consider the National Defense Authorization Act. If we do not do it today, I hope we will do it as soon after as we can because our military needs it. They are in combat. Without this legislation passing, we will not have the authorization to increase compensation and benefits for the military and their families, we will not have authorization for critical military construction, we will not have authorization for acquisition of critical military equipment that our troops need to fight safely on our behalf and to remain what they are—the bravest, most effective fighting force in the world. So it may be today, it may not be today, but it is going to be sometime before the end of the year that we have to take up this bill. It is our national, constitutional, moral responsibility.

Second—and this is a controversial part, of course—I believe we have to repeal don't ask, don't tell, not only because it is not consistent with the American values of equal opportunity, of judging people by whether they can

do a job or not, not by their nationality, their religion, their gender, their race, or their sexual orientation—can you do a job, and if you can do it, then you can get that job in America. We have thousands of Americans who are patriotic who want to serve who happen to be gay or lesbian, and we are telling them: You cannot. Not only that, we kicked out 14,000 of them in the last 17 years under don't ask, don't tell.

The PRESIDING OFFICER. The majority's time has expired.

Mr. LIEBERMAN. At some point, we are going to come to a vote on the bill and on don't ask, don't tell. I believe a majority of my colleagues in this Chamber—maybe more than that—are going to do what we need to do, which is to repeal don't ask, don't tell.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has approximately 2 minutes 45 seconds.

Mr. MCCAIN. I just wish to emphasize again the statements of the service chiefs.

GEN George Casey:

I remain convinced that it is critically important to get a better understanding of where our Soldiers and Families are on this issue, and what the impacts on readiness and unit cohesion might be, so that I can provide informed military advice to the President and the Congress. I also believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.

Admiral Roughead:

My concern is that legislative changes at this point, regardless of the precise language used, may cause confusion on the status of the law in the Fleet and disrupt the review process itself by leading Sailors to question whether their input matters.

General Conway:

I encourage the Congress to let the process the Secretary of Defense created to run its course.

General Schwartz:

I believe it is important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before there is any legislation to repeal the Don't Ask, Don't Tell law.

Let's listen to the people we place in charge of the men and women in the military. This is not the time to move forward on this issue, particularly with a political campaign at its highest.

I hope my colleagues will oppose the cloture vote and let's hear a statement in favor of the men and women serving in the military.

I yield the remainder of my time.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I indicated to the majority leader that I was going to propound a unanimous consent request at this time.

I ask unanimous consent that the Senate now proceed to the consideration of the Defense authorization bill; provided further that amendments be offered in an alternating fashion between this aisle and that; that the first 20 amendments offered be Defense-related amendments within the jurisdiction of the Armed Services Committee, with no amendment related to immigration in order during the first 20 amendments.

Before the Chair rules, this is an important bill and the Senate should consider the way we have done it every year. There are many controversial issues related to the underlying bill that need to be debated and voted on by the Senate. Our view is we should start work on the bill and tackle the relevant Defense issues before we divert into unrelated measures.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object. I pride myself in being a very patient person, and I will continue to be patient now. But during this Congress, we have had to overcome so many procedural roadblocks—not one, not two, but scores. We are now over a hundred. This is in keeping with what has gone on this whole Congress. It is remarkable that we have been able to get as much done as we have, with all of the roadblocks that were thrown up.

This is an important bill. I recognize that. It is basically to take care of our military personnel. To have this consent agreement, written in the language it is written in, changes how we have done legislation for a long time.

We all know the ranking member of the Armed Services Committee has offered so many unrelated amendments to this bill. He is on record as having done so. His response to one dealing with transparency was: This is my only opportunity to do it.

For anyone to suggest that the Secretary of Defense is somehow anti-military—he is a person who supports the DREAM Act.

I appreciate the manner in which the Republican leader offered this. He gave me plenty of warning. We don't have surprises between the two of us.

I respectfully say this is changing the way we do business in the Senate, and I object.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 414, S. 3454, the National Defense Authorization Act for Fiscal Year 2011.

Harry Reid, Carl Levin, Tom Udall, Jack Reed, Barbara A. Mikulski, Jon Tester, Al Franken, Richard J. Durbin, Byron L. Dorgan, Jeanne Shaheen, Frank R. Lautenberg, Sheldon Whitehouse, Benjamin L. Cardin, Roland W. Burris, Jim Webb, Daniel K. Akaka, Bill Nelson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, is it the sense of the Senate that debate on the motion to proceed to S. 3454, the Department of Defense authorization bill, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 43, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—56

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Goodwin	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Reed
Bingaman	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown (OH)	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Dodd	Levin	Warner
Dorgan	Lieberman	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	

NAYS—43

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Pryor
Bond	Graham	Reid
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Wicker
Cornyn	Lincoln	
Crapo	Lugar	

NOT VOTING—1

Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion to reconsider is entered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, for those who have been following this vote, this was an attempt to proceed to the Defense authorization bill. It is one of the most important bills we consider during the course of a year. Senator LEVIN of Michigan is chairman of the Armed Services Committee, and he was prepared to bring that bill to the floor.

There was an attempt made by the majority leader, Senator REID, to allow three amendments to be considered—three amendments which would be considered before other amendments on the bill. One of the amendments related to the don't ask, don't tell policy. There is a provision already in the bill which allows—after review by the Joint Chiefs of Staff, the President, and the Department of Defense—the possibility of removing that provision from our law. That was one of the amendments. The second amendment related to Senate procedure on secret holds. But the third amendment—and the one I rise to speak to—is the one which became the focal point of this last vote. That amendment related to a measure known as the DREAM Act.

Almost 10 years ago, I introduced this bill called the DREAM Act. The reason I introduced it was because I felt there was a serious injustice and unfairness going on in America. We have within our borders thousands of young people who were brought to the United States by their parents at an early age. I don't know what it was like in their homes, but there weren't many democratic votes when I was 5 years old as to where we were going for vacation. I went where I was told, and these children followed their parents to America. They came here and became part of America. We made certain they had an opportunity for an education and health care. We made certain they had an environment where they could grow up in this country, and for many of them, it was the only home they ever knew. But because they came to this country with undocumented parents, they were not legal. They were not documented. They couldn't be citizens.

That, to me, is a serious injustice. We do not, in this country, hold the crimes and misdeeds of parents against their children. What I have tried to do with the DREAM Act is to give these young people a chance—a chance to earn their way to legal status and become part of the only country they have ever known. The DREAM Act isn't easy. The DREAM Act says if you came here as a child, if you were raised in the United States, are of good moral character, with no criminal record, and you have graduated from high school, then we give you 6 years. In that 6-year period of time, you have a chance to do one of two things to become legal: No.

1, serve the United States of America in the military; and No. 2, complete 2 years of a college education. Then we will give you a chance to come off temporary status and become legal in America. But you have to earn your way all the way through, subject to review, examination, and all the requirements that should be there before someone gets this chance of a lifetime.

Well, the Republican minority leader came to the floor before this vote and he offered a unanimous consent request—which Senator REID objected to—and here is what it said. Of all the amendments you can consider on the Defense authorization bill, you cannot consider any amendment that relates to immigration.

I know what that was about. The Senate knew what that was about. It was an attempt by the Republican side of the aisle to make certain the DREAM Act could never be called on the Defense authorization bill. They have made an empty argument on that side that this DREAM Act has nothing to do with the defense of the United States. It is an empty argument.

Mr. REID. Would my friend yield for a question?

Mr. DURBIN. I would be happy to yield.

Mr. REID. I ask my friend, through the Chair, is it not also true that under the terms of the DREAM Act, no one becomes a legal citizen, that they get a green card?

Mr. DURBIN. They reach legal status. They have to make application to go beyond it. In this situation, young people, undocumented in the United States, who want to voluntarily serve in our military, cannot do so. They are willing to risk their lives for America. Yet we say no.

The Secretary of Defense knows that is wrong. This morning, in a conversation I had with him in my office over the telephone, he reiterated what he had said to me before: These are the kind of young people we need in America's military—high school graduates from cultural traditions that respect the military; people who are going to make more diversity in our ranks. That is what we need. He knows, from a national defense perspective, these will be good recruits for our military and will distinguish themselves serving our country and coming up through the ranks.

That is what the DREAM Act offered to the Defense authorization bill. The Republican leadership and every Republican Senator said no.

Mr. REID. Will my friend yield for a question?

Mr. DURBIN. I would be happy to yield.

Mr. REID. I ask, through the Chair, are you telling the American people that the Secretary of Defense—a man chosen by the President of the United States, not only by this President but

the last President—is in favor of our passing the DREAM Act? Is that what the Senator from Illinois is saying?

Mr. DURBIN. I would say to the Senator from Nevada exactly that. The Defense Department's fiscal year 2010–2012 strategic plan for the defense of America specifically includes the DREAM Act as a means of meeting the strategic goal of shaping and maintaining a mission-ready, all-volunteer force.

In 2007, the Deputy Under Secretary of Defense at that time said the DREAM Act is very appealing because it would apply to the cream of the crop of students and be good for readiness. Over and over again, the Department of Defense has told us this is an opportunity for young people to serve your Nation, for America to be a safer place.

I wish to relate to my friend, the Senator from Nevada, a story I told him earlier. This young man came this morning to the U.S. Capitol from the city of New York. I say to the Presiding Officer, he lives in Brooklyn. His name is Cesar Vargas. Cesar Vargas came to the United States at the age of 5, brought here by his mom and dad from Mexico. He graduated from the regular public schools of New York and then went on to graduate from college. It was more difficult for him because he is undocumented. So he couldn't get any Federal aid to education—no Pell grants, no Federal student loans. But he made it and he graduated. He said to us this morning that after 9/11, because of his deep commitment to America, he tried to enlist in the Marine Corps. He said: I wanted to defend this country after we had been attacked by terrorists. He not only tried the Marine Corps, but he tried other branches as well and repeatedly he was turned down because Cesar Vargas is undocumented.

But his dream has not died. Now he is a third-year student at the City University of New York Law School. He speaks four languages. He said he is studying a fifth—Cantonese. He is an exceptionally gifted young man. Do you know what his ambition is? Once again, to join the Marine Corps—to be in the Judge Advocate General Corps to serve America, a country he dearly loves.

Because of this Republican decision—a procedural decision that says we can't consider the DREAM Act—we will not have a chance to vote on this important measure which would give Cesar Vargas and those like him a chance to volunteer to serve America. I would say to my friends and colleagues on both sides of the aisle, where is the justice in this decision? At least have the courage to let us bring this matter to the floor and stand and vote no. But to hide behind this procedural ruse—this unanimous consent request—is totally unfair. It is inconsistent with the spirit and the history of this Chamber, where we deliberate and debate and

vote. But they ran and they hid behind this procedural decision.

Mr. REID. If the Senator will yield for a brief question.

Mr. DURBIN. I will be happy to yield for a quick question.

Mr. REID. I want everyone within the sound of my voice to understand how much I appreciate—and the thousands and thousands of other people who appreciate—Senator DURBIN's advocacy of this issue. I also want everyone else within the sound of my voice to know we are going to vote on the DREAM Act. It is just a question of time. This is so fair. That is all it is about, fairness—basic fairness.

I have to say to my friend from Illinois that I feel so bad. I have a stack of letters in my office that are the most heart-wrenching stories about these dreamers. They are dreamers. But I want them to understand this isn't the end of this. We are going to continue to move on it. We know we have been blocked procedurally, but this is the first time we have had our colleagues on the other side of the aisle stand and defy basic fairness on the DREAM Act. They have gone around telling people: Yes, we like it. We like it. But here was their chance. All we wanted to do was bring it to the floor, and they wouldn't even let us do that. They didn't have the courage to allow us to have a vote on this.

So I want my friend to know how deeply appreciative I am—and speaking for thousands and thousands of other people—for what he has done on this issue.

Mr. DURBIN. I thank the Senator from Nevada, the majority leader, and I will tell him and those following this debate—some who are in the Chamber, in the galleries, who I am sure are disappointed, if not heartbroken at this point. I mentioned Cesar Vargas, who is here, but Gaby Pacheco, and so many others who have worked so hard for this chance, for this day, and my promise to them is this: As long as I can stand behind this desk and grab this microphone and use my power as a Senator, I will be pushing for this DREAM Act. It is my highest priority. It is a matter of simple American justice, and I would hope the 11 Republicans who joined us last time will stop cowering in the shadows and come forward and join us in a bipartisan effort and not stop us procedurally from even debating and deliberating this critical issue.

For those who are so sad today, take heart. Tomorrow is another day, and we will be there to fight for you, and many others will join us. Don't give up your dream to be part of this great Nation.

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Hawaii.

Mr. INOUE. Madam President, I wish to step back in history, if I may.

On December 7, 1941, something terrible happened in Hawaii—Pearl Harbor was bombed by the Japanese. Three weeks later, the Government of the United States declared that all Japanese Americans, citizens born in the United States or of Japanese ancestry, were to be considered enemy aliens. As a result, like these undocumented people, they could not put on the uniform of this land.

Well, I was 17 at that time, and naturally I resented this because I loved my country and I wanted to put on a uniform to show where my heart stood. But we were denied. So we petitioned the government, and a year later they said: OK, if you wish to volunteer, go ahead.

Well, to make a long story short, the regiment I served in, made up of Japanese Americans, had the highest casualties in Europe but the most decorated in the history of the United States. I think the beneficiaries of the Senator from Illinois will do the same.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I know the Senator from Hawaii has to leave, but before he goes I just wish every American could have heard from a hero not of this body, of this Nation but of the world. Senator INOUE did more than swim against the tide in order to put on the uniform of his country. He had to fight his way into the Army. He then became a Medal of Honor winner. The highest honor—the Medal of Valor—that can be granted was awarded to Senator INOUE. He gave up more than just a few years of his life; he gave up part of his body for this country.

His eloquence and his passion for proper treatment of people who want to put on the uniform of this Nation is extraordinarily powerful. I only wish every American could have heard it. I thank him for that service and for that statement.

I also want to add a thank-you to the Senator from Illinois. I want to reinforce something he said by asking him a question. It had to do with that unanimous consent request to which he referred. The way this request was worded, even if—well, let me back up.

We have heard for 2 days objections from Republicans that there would be nonrelevant amendments that would be offered—which, of course, is permitted under our rules. As a matter of fact, the Senator from Arizona has on a number of occasions on this bill offered nonrelevant amendments. But even if that DREAM Act amendment of yours were modified so that it only related to young men and women who wanted to go into the Army to serve their country and the educational part of it, as important as it is, if that were left out—even if the amendment were designed so that it could be referred to the Armed Services Committee because

it would be defense related, even if you could design an amendment like that, under this unanimous consent agreement no amendment related to immigration would be in order during those first amendments.

Is that not singling out immigration, saying, despite all of the protestations we heard here about wanting to make sure amendments were relevant—despite the history that is not required under the rule but that is the protestations we heard over the last few days, we want relevant amendments and the DREAM Act isn't relevant—under this unanimous consent request, even if the DREAM Act were modified so it might be within the jurisdiction of the Armed Services Committee because it would be focused on service in the Armed Forces, under this request no amendment relating to immigration would be in order; is that correct?

Mr. DURBIN. I reply to the Senator from Michigan through the Chair and thank him for this question. Just as the door was closed on DAN INOUE of Hawaii when, as a Japanese American from Hawaii, he wanted to serve his country, the unanimous consent request from the Republican leader closed the door on anyone who wished to serve this country if it involved the issue of immigration. It had one intent: stop the DREAM Act, stop these young people from being given a chance to serve their nation. That is clearly the intent. Unfortunately, the partisan rollcall that followed is evidence that was the strategy.

Just as DAN INOUE prevailed and persisted and not only served his country admirably but with the highest level of valor, I am convinced that many of the young people who leave heartbroken today by this vote will get their chance someday, just as the Senator did, and they will serve this country with distinction and they will serve this Nation as the Senator has led us in the Senate.

Mr. BAUCUS. Madam President, what is the present parliamentary situation?

The PRESIDING OFFICER. The Senate is considering the motion to proceed to S. 3534.

Mr. BAUCUS. I ask to speak as in morning business, and I also ask unanimous consent the Senator from California, Mrs. BOXER, be recognized immediately after my remarks and she be recognized to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the submission of S. Res. 636 are printed in today's RECORD under "Submitted Resolutions.")

Mrs. BOXER. Madam President, I rise to express my deep disappointment that we were unable to proceed to the Defense authorization bill.

I have been here a while, maybe I am wrong—I am searching my memory—I don't remember any time that we voted against proceeding to the Defense bill. I am going to go back. Certainly, in the time I have been here, I don't remember that.

It is a filibuster just to go to the Defense bill. It is perplexing to me because of some of what is in this bill—including funding for the defense health program to care for our military personnel and their families, including our wounded warriors. We know these wars in Iraq and Afghanistan have taken quite a toll on our military men and women, both in seen injuries and unseen injuries—injuries to the brain.

We know some incredible work is going on. I visited some of the research universities that are finding better ways to treat our wounded warriors. They are finding better ways to treat terrible wounds that result from horrible burns to our brave men and women. Now is the time to put those new and better treatments into place and there is a filibuster and we cannot get to the bill.

We know there is a military pay raise in this bill for our servicemembers. Those voting no to proceed to this are stopping that.

This bill authorizes TRICARE coverage for eligible dependents up to age 26. In other words, just as we did in the Health Care Reform Act, in this bill we are saying if you are in the military and you have a child, you can keep them on your coverage until they are 26.

It provides \$3.4 billion for Mine Resistant Ambush Protected vehicles or MRAPs, which have proven highly successful in protecting our troops from improvised explosive devices, and it requires companies to certify for all DOD contracts valued over \$1 million that they are not engaged in any sanctionable activity under the Iran Sanctions Act of 1996. So we would make sure that the DOD, Department of Defense, is not involved in giving contracts to companies that are trading with Iran. This is so important, as we seek to sanction Iran for its reckless activity in moving toward a nuclear weapon.

In the bill the Republicans blocked is also a repeal of the military's don't ask, don't tell policy. The bill includes a provision stating that there will be no repeal of this policy until there is a certification from the Department of Defense that it will not have adverse consequences on our troops.

Some said: Oh, this is just ignoring the Department of Defense, ignoring the Secretary of Defense. Not at all. The way Chairman LEVIN put it together definitely has a check on it. So I do not understand a lot of my colleagues' claims that it is just a quick repeal with no checks and balances from the Secretary of Defense.

I will say it again, it is clear in there, and I will read the exact words, that there must be, as we repeal don't ask, don't tell, a certification from the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff that there will be no significant impact on "military readiness, military effectiveness, unit cohesion and recruiting and retention of the Armed Forces."

I think it is important to note what countries allow gays and lesbians to serve. How about 22 of our allies who have fought with our service men and women in Iraq and Afghanistan: Australia, Britain, Denmark, France, Italy, the Netherlands, Slovenia, Switzerland, Austria, Canada, Estonia, Germany, Lithuania, New Zealand, Spain, Belgium, the Czech Republic, Finland, Ireland, Luxembourg and Norway and Sweden. In addition, Israel and South Africa also don't discriminate against gays and lesbians. I don't know who we end up with, but some of the countries I can find that still discriminate against gays and lesbians in the service are Iran, Pakistan, Cuba, North Korea, and Turkey.

For us to stand with Iran, for us to stand with Cuba, for us to stand with North Korea, Pakistan, and Turkey over Australia, Britain, Denmark, France, Italy, the Netherlands, Switzerland, Austria, Canada, Germany, et cetera—it just doesn't make sense.

The point is, because we are part of this coalition of 22 other nations, our service men and women are already fighting alongside gays and lesbians.

A majority of Americans think it is the right thing to do, to allow our qualified young men and women to serve regardless of their sexual orientation. According to a CNN poll conducted in May, 78 percent of Americans said they support allowing gays and lesbians to serve openly in the military—78 percent of Americans. We would be standing with them and we would be standing with our allies.

Don't ask, don't tell is hurting our military. It is costing our Nation—more than 14,000 service men and women have been discharged from the military under don't ask, don't tell. It has cost taxpayers between \$290 million and maybe up to more than a \$½ billion to replace servicemembers who were discharged under this policy.

I know many Americans have seen in their living rooms, on the TV, men and women who are our neighbors' kids, and our neighbors, who have been kicked out of the military even though they were stellar service men and women. It is most unfortunate that our friends on the other side are mischaracterizing what is in the bill.

We allowed them an amendment to strip that language, and they said, oh, well, if we pass this, then the military would be caught off guard. Not at all. The way it is written specifies that

there must be a certification that a repeal would not be harmful to our military.

I am also terribly disappointed we will not have a chance to vote on the DREAM Act. The DREAM Act allows those students who have been here most of their lives an opportunity to earn legalized status if they met certain criteria. Those are kids who were brought over as kids, maybe a month or 2, or a year or 2, or 5 or 6 years old. They must have lived in the United States for 5 years. They must earn a high school diploma. After high school, they must complete 2 years of college or serve in the Armed Forces for 2 years. They must demonstrate strong moral character, and only those who pass these tests would be eligible to get on the pathway to legality. Sixty-five thousand young people a year graduate from high school, but they cannot join the military, or they cannot go to college, because of their immigrant status. It was not their fault they were brought into the country by their parents. I want to tell you that our military has said—and I will quote retired Army LTC Margaret Stock. She said: "Potential DREAM Act beneficiaries are likely to be a military recruiter's dream candidates for enlistment."

Let me repeat that. The military itself has said, The DREAM Act will result in a military recruiter's dream, because some of these recruits are very good with foreign language skills, foreign cultural awareness, they are in short supply, and they would be excellent recruits.

Businesses support the DREAM Act. Our economic future is something we talk about every day around here. I read a U.S.C. study that said, if we finally begin a process where people who are here, who are hard working and caring, can stay here and come out of the shadows, it will create 25,000 jobs and increase the gross domestic product of my State and of the Nation.

That is why I have the San Jose Mercury News, home paper of the Silicon Valley, writing an editorial last week in favor of the DREAM Act, saying it will boost America's economic competitiveness. So here we have the time where we have something on the floor that is directly related to the military bill, because the military is saying it is a recruiter's dream, this DREAM Act, because they are going to have so many people lining up to join. We have Silicon Valley strongly supporting this, and I will tell you, the San Jose Mercury News said: "The high school dropout rate in this country terrifies business leaders, who fear that in the coming decades we will not produce enough college graduates with math and science ability."

That is why the Silicon Valley Leadership Group supports the DREAM Act. That is a group made up of Republicans, Independents, and Democrats.

They wrote: DREAM Act students “deserve a chance, and the U.S. economy needs their knowledge and ability.”

Companies such as Microsoft also support the DREAM Act. They wrote: “The DREAM Act rewards those who place high value on education, and on service to country.”

Last week the president of the University of California, the chancellor of the California State university system, and the presidents of State universities in Arizona, Washington, Minnesota, Utah, and Washington wrote in support of the DREAM Act. They write in a letter: “In the current international economic competition, the U.S. needs all the talent it can acquire and these students represent an extraordinary resource for the country. The DREAM Act . . . is an economic imperative.”

In closing, I want to talk about a couple of stories. I think this is very important. David graduated from high school with a 3.9 grade point average. He is studying international economics and Korean at UCLA. He has served as the leader of the UCLA marching band, and he spends his free time tutoring high school students. After graduation, he hopes to enter the Air Force and some day politics. In many ways, he is a model college student and a leader in his community. But he was born in Korea. He came here when he was 9. His family spent 8 years trying to navigate their way to legalized status, only to find out that their sponsor had erred in filling out the paperwork.

So here sits David. He had nothing to do with all of this. Here is what he says:

I will not be able to put my name down on a job application because of my status. This country is throwing away talent every second . . . but the DREAM Act can bring thousands of students out of the shadows and allow them the opportunity to work for the country they truly love right now.

I would say these students such as David did not choose to come to this country. They were brought here by their parents. The reality is, they have grown up here. This is the only country they know. I am very disappointed that we are not voting on this important bill today. I hope we can take up the DREAM Act later this year. I believe it will truly strengthen our economy, our military, and our Nation.

The very last point I want to make as we wind up this Congress is, I am so pleased that we passed the Small Business Jobs Act last week. I traveled across California. I have met with so many small businesses, and I did a conference call with about 10 of those businesses, including the Los Angeles Baking Company, the Blue Bottle Coffee Company in Oakland, biofuels manufacturer Solazyme, Capstone Turbine in Chatsworth, U.S. Hybrid in Torrance, the Back on the Beach Café in Santa Monica, and the Santa Barbara Adventure Company. These are small

businesses in my State that are very strong. They could not get access to credit to expand and hire. As a result of the work we did, they will be able to get that credit. I want to thank the two Republicans who crossed over to vote with us. It shows us that we can make progress when we work together, because this has to come ahead of politics.

I went to a company called Renova. Renova is helping to make California the hub of the clean energy economy. Vincent Battaglia, the owner there, told me he has been getting no help accessing the credit he needs. He called our legislation “the missing piece,” the piece he has been waiting for.

Small businesses create 64 percent of our new jobs. That is what happened over the last 15 years. I believe this bill will help get them back on track. As they get back on track, our recovery will begin to have a little more energy behind it. Because it is very slow; it is agonizingly slow.

I wanted to state on the RECORD how much I appreciate the two Republicans—

The PRESIDING OFFICER. The Senator’s time has expired.

Mrs. BOXER. I thank you and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the Senators from New Hampshire, Arizona, Kansas, and I be permitted to engage in a colloquy for half an hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE PROCEEDINGS

Mr. ALEXANDER. On December 3, 1996, Senator Robert C. Byrd, the late Senator Byrd, who most of us think understood this body better than any Senator in its history, told the newly arriving U.S. Senators the following:

Good afternoon and welcome to the United States Senate Chamber. You are presently occupying what I consider to be hallowed ground.

Senator Byrd went on to say:

. . . as long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.

In his last testimony before the Senate Rules Committee before he died—this was in May of this year—Senator Byrd said:

Our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights.

If I may add to that the last paragraph of a letter from Senator COBURN, which I ask unanimous consent to have printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Senator COBURN writes:

Too many Americans are upset, even angry, that their voices are not being heard in Washington. The majority’s abusive practice of suppressing debate undermines the Senate’s debate traditions . . .

We could start out by complaining that the majority leader has cut off debate, cut off amendments at a record level. I have submitted evidence of that. But I think that would look to the American people like we are kindergartners in a sandbox. Because it is not the voice of the Senator from New Hampshire, or Tennessee, or Arizona, or Kansas that is so important. The voices of the people whom we are elected to represent are the important voices.

When 39 times in the last two Congresses the majority leader, through procedural tactics, says no to amendments, and no to debate, he is causing the Senate to deteriorate to a shadow of its former self, the kind of Senate that Senator Byrd thought was important, and the kind of Senate in which we want to serve.

Our goal is to represent the voices of the American people, to let their feelings, their anger, their hopes, all be represented here. That means we have to have a chance to offer amendments and have to have a chance to debate.

What that means is if we are successful in this election year, we are going to make sure that in the new Congress we have that opportunity. We will make sure that these voices we hear across America are heard on the floor of the Senate. The Defense authorization bill, which is being debated today, is a perfect example of why I say the Senate is deteriorating to a shadow of its former self by closing off the voices of the American people and by denying their elected Senators an opportunity to have a full debate on the issues facing them.

Mr. GREGG. Would the Senator yield on that point?

Mr. ALEXANDER. Of course.

Mr. GREGG. Because I think the Senator has addressed a core issue of constitutional government. When the Founding Fathers got together in Philadelphia and created this extraordinary Nation called America, and built the Constitution upon which we were based, and upon which we govern, was it not their intent to create the Senate as a body different from the House of Representatives?

We understand in the House of Representatives amendments are not allowed if the Speaker does not want them. It is an autocracy over there. We know that. But was not it the intention of the Founding Fathers, as the Senator has pointed out, to give the American people a chance, through their Senators, to amend complex legislation? And has that not always been the tradition since the founding of our Nation? Did Washington not explain this rather accurately when he said,

The Senate is the saucer into which the hot coffee is poured? The House boils the coffee, they get all charged up about an issue, they pass it without amendments, often without any debate. It comes over here, and the American people get to hear a little more subtly about the issue, a little more discussion about the issue. Specifically, they get to amend it and address the issue.

I know the Senator from Arizona is here. Maybe he will be able to tell us—I am sure he will—how many times we have had a bill as big as the Defense authorization bill on the floor, which is spending \$700 billion, and not had a chance to amend it. But was that not the purpose of the Founding Fathers, to make the Senate the place where there was debate and discussion and amendment? Has that not been basically cut off by the majority leader and the majority party's attitude that they do not want to take tough votes?

Mr. ALEXANDER. The Senator from Arizona was here when that was not the case, and the Senate functioned the way the Senate was supposed to function.

Mr. MCCAIN. Could I make a couple of comments? One is, one of the things that has disappeared that I saw in the first years I was here in the Senate is the two leaders sitting down and perhaps coming to informal agreements that are then put into unanimous consent agreements to move forward.

The other aspect of this I wonder if my colleagues would care to comment on. One of the reasons why we have these—the majority leader comes forward, as I believe he has 40 times, brings up a bill and then immediately fills up the tree—and to the uninitiated, obviously that means there will be no other amendments allowed through that kind of parliamentary procedure. A lot of times that is read by the Members saying, hey, there is going to be an amendment up that I do not want to have to vote on. I do not want to have to vote on it. So fill up the tree, have no other amendments allowed to be voted on.

It seems to me that we should have the courage to go ahead and vote. Time after time, when I have seen basically a shutout from amendments, I have said, look, I will agree to a time agreement. I am not going to filibuster it. Just give us 15 minutes either side and vote on it. But they do not want to take tough votes. I am not going to call it cowardice, but I cannot call it courage, that people will prevail and say, hey, let's fill up the tree so we can only get this done and we will not have to take a tough vote on whatever the issue is that seems to be attracting the attention of the American people.

I say to my colleague from New Hampshire, who will not be with us next January—

Mr. GREGG. I will be with you; I just will not physically be here.

Mr. MCCAIN. I certainly do not in any way indicate that there is any physical ailment that will cause you not to be a Member of the Senate next January.

If the Senator from New Hampshire could provide us with the benefit of his experience in both the House and the Senate, and also maybe he would give us at some point his view of what we need to do to fix this gridlock we have over the economy. He has done it on numerous occasions, but it comes to my mind that perhaps the Senator from New Hampshire at some time would take an hour on the floor and say: Here is what I think we need to do. I think it would be valuable. I don't think there is anybody in the Senate today who has a better grasp for the budgetary issues we have to grapple with as we face an unprecedented situation of debt and deficit.

Perhaps after this election, it may be possible for us to sit down and be included in the agenda of the Senate. That is one of the things that has been a big change. It used to be that at least the majority leader, whichever party was in the majority, would come over and say: Here is our agenda. What is your agenda? What is your input? What do you want to see happen? Most of the time nowadays, we hear what is going to happen either through reading it in the media or when the majority leader comes to the floor and says: Here is what we will take up next. It does not lead to comity.

Mr. GREGG. Those are very generous and kind comments coming from a Senator who is of huge stature not only in the Senate but in the country. I do hope to make some comments on that. It won't take me an hour because the answer is simple: Stop spending. That is pretty much the bottom line.

The point of the Senator from Tennessee and the Senator from Arizona on the issue of shutting down the amendment process is as critical to us getting better governance as anything. We can't have good governance if we don't have discussion and different ideas brought forward. Yet we are not allowed to do that any longer because the majority leader says: We will not allow any additional amendment or any discussion.

On budgetary issues, on the spending issue, independent of the Defense bill, I think one of the reasons we haven't done a budget this year is because the other side knows that if they bring the budget to the floor, they cannot shut down amendments. Amendments have to be allowed. Under the rules, we have to be able to amend the budget resolution. I don't think they want to do that. They couldn't fill the tree on the budget.

As a practical matter, this attempt to foreclose debate on core issues of public policy, such as the defense issue and spending, by shutting down the

floor through filling the tree is undermining not only the Senate and its role but the whole constitutional process and the right of the people to be heard.

Mr. MCCAIN. Doesn't it send a message to people who are having their budgets squeezed, having to make the most difficult decisions about their budget, that this body will function and continue to appropriate money for our functions without a budget of our own? What kind of a signal does that send to the American people? Doesn't that contribute to the disconnect and the frustration Americans feel and give rise to the tea party, which has had a seismic effect on the political landscape?

Mr. GREGG. Absolutely. More than that, it begs the question as to why is the majority party governing. If they are not willing to govern, what are they collecting their paychecks for? Governing means putting together a budget and deciding how to spend the money. They are not willing to do that.

Mr. MCCAIN. One of the first decisions every family has to make is what is the budget, what are they going to be able to spend. We will be going out of session sometime here before the election without even a cursory effort at a budget.

Mr. GREGG. Absolutely.

Mr. ALEXANDER. Madam President, the Senator from Kansas is here. He served with distinction not only in the Senate but in the House of Representatives.

I wish to go back to the point Senator Byrd made. He said in his address to new Senators in 1996:

[A]s long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.

What we are talking about here is not the importance so much of the voice of the Senator from Kansas or the voice of the Senator from New Hampshire but the voices of the American people. And they are being suppressed.

The Senator from Kansas has seen Congress for a long time. What do we need to do to take the Senate back to the Senate that it should be?

Mr. ROBERTS. I appreciate the Senator bringing up the statements by our revered Senator Byrd. I remember when I first came to the Senate, he had, for lack of a better word, a lecture or maybe a sermon to us all about the comity of the Senate and why the Senate is different from the House. The standard example is that the House is where we pour a hot cup of coffee, and then it cools off in the Senate when we put the coffee in the saucer. And that is what we are supposed to do to protect the minority. Here is what Senator Byrd said in one of his last speeches before the Rules Committee before we lost Bob. His knowledge and love for this body were unmatched. He actually

wrote the history of the Senate. He said he opposed cloture by a simple majority because "it would immediately destroy the uniqueness of this institution. The Senate is the only place in government where the rights of a numerical minority are so protected. A minority can be right and minority views can certainly improve legislation."

Obviously, if we go down another road—and we have—I just heard the majority leader indicate this side of the aisle is guilty of obstructionism. I guess it is in the eye of the beholder.

I might remind my friend from Arizona that the bumper sticker for the distinguished State of New Hampshire is "Live Free or Die." I hope we live free, and I would hope that the distinguished Senator from New Hampshire would not take that literally, given the comments by the Senator from Arizona.

I came into public service in 1980, with my dear friend from New Hampshire. Other than some rather obstreperous incidents in regard to basketball, we have enjoyed a very good relationship. But there isn't anybody here who understands the budget process and how minority rights should be protected and how we should proceed other than JUDD GREGG. He has done an outstanding job. I know that once he leaves the Senate, he will be called upon to help us get out of this tremendous debt problem and to face the entitlements square-on.

Facts are stubborn things. I am not trying to put these facts on any individual. As the distinguished Senator from Tennessee has pointed out, what this really is about is the consent of the governed. That is what Madison was really interested in when he wrote about the Constitution. We want a strong Executive and certainly a House and a Senate to be responsive, but it is to protect the consent of the governed. The governed, as everybody knows, is extremely upset. It is because their voice is not heard. Why is their voice not heard?

In the 110th Congress in the House of Representatives, only 1 percent of the bills were brought to the floor with open amendment rules—1 percent. Ninety-nine percent of the bills reached the Senate from the House with little or no input from the minority. As of March of 2010, the House was on track to shatter its record for closed amendment rules in the 111th Congress. That is the House.

I spent 16 years in the House. I can remember very well one particular incident where there was a real controversy over a seat in Indiana. The secretary of state of Indiana declared the winner. It came back to the House Administration Committee, went back out to Indiana, recounted. When the Democrat went ahead, they called it closed, and that was it. We walked out.

We said the comity of the House had been destroyed.

We are close here in the Senate. In the 110th Congress, cloture was filed 133 times, 98 of which were filed the moment the question was raised on the floor. If that isn't obstructionism, I don't know what is. Over the last 22 years, the majority leader has filled the tree roughly three times per Congress on average. However, from January 2007 to April of 2010, the majority leader filled the tree 26 times. That is a 300-percent increase in filling the tree for the 110th and 111th Congress. These numbers do not reflect the additional times this has taken place in the 5 months since the numbers were submitted to the Rules Committee, including today, with DOD authorization. From the 103rd to the 109th Congress, rule XIV to bypass the committee was used on average 24 times per Congress. This was shattered in the 110th Congress when it was used 57 times. I go over these facts to show that in regard to the definition of obstructionism, it goes both ways. That is the rest of the story.

A little bit later, if the distinguished Senator from Tennessee has time, I would like to go over this sense-of-the-Senate resolution or legislation to be introduced by the junior Senator from New Mexico declaring the rules of the Senate unconstitutional in order to rewrite the rules to favor a simple majority to pass legislation. I would like to have a discussion with him at a future time.

I know the distinguished Senator from Utah has something to say as well.

Mr. ALEXANDER. The Senator from Utah has had a distinguished career in the Senate. His father did before him. He has an unusual perspective of this body. I wonder what his reflections might be upon Senator Byrd's thought about the importance of allowing Senators to reflect the voices of people in this country and when those voices are cut off in the Senate, they are cut off at home.

Mr. BENNETT. Madam President, I thank the Senator from Tennessee for his reference to my service. I use as my example for why I am here to join this colloquy not my long service, because it hasn't been all that long by the terms of the Senate, but my experience today. I think what we experienced today on the floor is a demonstration of what happens.

I happen to be one—perhaps a minority on my side of the aisle—who is in favor of the DREAM Act. I want to be one who will vote for the DREAM Act. The Senator from Tennessee talks about people and their concern. While I was back in Utah over the weekend, I had a demonstration of very earnest young people show up in front of the Federal building to ask me to please vote for the DREAM Act. They had

compelling stories. I was identifying with what they had to say.

I had to say to them: I won't get an opportunity to vote for the DREAM Act.

Yes, they said, you will have a vote on Tuesday on the DREAM Act.

No, the vote on Tuesday is not on the DREAM Act. The vote on Tuesday is on a motion to proceed to the Defense authorization bill that has been loaded down with amendments that prevent us from having an up-or-down vote on the DREAM Act itself.

They said: Well, the DREAM Act will be one of those amendments. The DREAM Act will be added to it.

Yes, it will be added to it. But will I have an opportunity to vote on an amendment to strip out the other stuff I don't like? No. I won't have the opportunity to do that. So this was the dilemma I explained to these young people. Some of them looked too young to vote, but I am sure they are old enough to vote. It is just that everybody looks a lot younger to me now than they used to.

I said: Here is the dilemma I have. By virtue of what the majority leader has done, he has created a parliamentary situation where, in order to vote as you want me to vote, as you express your voice to me, I have to vote opposite to what a large number of my other constituents want me to vote. I have to vote in favor of Federal funding for abortions in military hospitals. Some will say it will be private funding. Yes, but it will take place in a military hospital supported by Federal funding. I have never voted for Federal funding in any form for abortions. Now, in order to support the DREAM Act by the way the tree has been filled, by the way this thing has been put together, I have no choice. If I vote the way you want me to vote, I will offend a vast majority of my other constituents who don't want me to vote that way on the question of abortions in military hospitals. If I vote to proceed, I will be voting to act precipitously, in my view, with respect to the policy of don't ask, don't tell, which President Clinton signed into law at the beginning of my service in the Senate.

I am perfectly willing to vote to repeal don't ask, don't tell if the military services complete their survey that tells us that is right and proper for military performance. But the majority wants to make that decision before they get the information from the military. So I have to cast a vote that I think is the wrong vote for the military in order to vote for the DREAM Act.

Well, they looked at me as if I were crazy.

Well, certainly you can separate these things and vote on each one on its own individual merits?

I had to say to them: No, I can't. The way this is being handled now in the

Senate, I cannot vote on the merits of each of these individual items because the majority leader, exercising his right, has packaged them together—filled the tree—in such a fashion that makes it impossible for you to divide them and discuss each one on its own merits.

I was questioned by the press as I went in to lunch.

Senator, we thought you were in favor of the DREAM Act?

Yes, I am.

Well, then, aren't you going to vote for cloture on the Defense authorization bill?

Wait a minute, cloture on the Defense authorization bill becomes the key vote on an immigration issue? That is the situation we have come to as we get this kind of procedure. And it very clearly, as the Senator from Tennessee has made clear, says the voices of the people on the legislation in which they have an interest are not being heard because of this procedural activity. That is why I have joined in this colloquy to raise my voice in protest to the way this is being done.

Mr. ALEXANDER. Madam President, I thank the Senator from Utah.

Madam President, the point of our discussion is a very simple idea: This is a year above all years when there are voices in the country that seek to be heard. When through procedural means the majority suppresses those voices by suppressing their elected representatives, it only adds fuel to the fire.

Whatever the conditions after the election, I hope we Republicans come back with the notion that we intend to make sure this Senate functions with an unlimited right to amend and with an unlimited right to debate, so we can force consensus on issues and deal with jobs, deal with spending, deal with debt, and deal with the other issues that cause the American people to be turning out in droves this year in elections.

Mr. ROBERTS. I say to my friend from Tennessee, I want to ask him a question. Is it fair to characterize these attempts by the majority to change the rules—and that is what they want to do; I think it is a sense-of-the-Senate resolution in the Rules Committee—to continue favoring them, even if their majority narrows after November, in the lame-duck or what I call the Daffy Duck, the lame-duck now, you could characterize that as an “arrogance of power.” Those are pretty tough words, but that is the exact term used by then-Senator BIDEN in 2005 to describe a similar attempt to rewrite the rules to favor the majority at that time. So what goes around comes around.

Does the Senator from Tennessee find it as disconcerting as I do that the junior Senator from New Mexico has introduced a resolution declaring the rules of the Senate “unconstitutional”

in order to rewrite the rules to favor a slimmer majority, i.e., one, one free throw. That is it.

Does any majority last forever? The answer to that is no. What goes around comes around. If the interpretation of the Constitution and the Senate rules of the junior Senator from New Mexico is accepted, I say to my friend from Tennessee, what is to prevent any majority of either party from rewriting the rules of the Senate whenever it suits them? Would such a practice not negate the whole point of having rules in the continuing body that is the Senate? Would this practice not make the Senate nearly identical to the House, where majority takes everything? Would this not neutralize the express purpose of the Senate to act as a check on the House and be directly 180 degrees opposed to what Senator Byrd was warning us about in regard to his last testimony before the Rules Committee in this distinguished body?

Again, my friend from Tennessee has hit the nail right on the head. We have a lot of challenges around here. People say “problems” or “crises.” We have a lot of challenges. The only way you meet a challenge is to work together and to represent the consent of the governed. What we have here now is we do not have the consent of the governed. We do not have the opportunity.

I remember in the health care debate staying up until the wee hours of the morning in the HELP Committee, the Finance Committee. I did not get behind closed doors to write the bill that was actually written, but I had 11 amendments on rationing. All of them were defeated on a party-line vote. Trying to be a little clever by half, I introduced a Democratic amendment, one of Senator SCHUMER's amendments. It was defeated on a party-line vote. They did not even recognize it was Senator SCHUMER's—all on rationing.

One of the biggest controversial items you hear about throughout the country in regard to the health care debate is the rationing of health care, which is going on right now. There was no consent of the governed. It was “our way or no way.” It did not have a chance. That is the biggest issue we face, and it seems to me it really reflects on this body and how we treat each other and, more importantly, how we treat the American people and why we have such a fuss out there in the hinterlands.

I thank the distinguished Senator for taking this time. I think it is very valuable time. I hope we can lower the debate a little bit—a whole lot—and work together, as he has indicated, to meet the challenges we have before the country.

Mr. ALEXANDER. Madam President, I thank the distinguished Senator from Kansas for his thoughtful remarks. He is exactly right. The voices of the people are to be heard here. They can only

be heard and their liberties protected if their elected officials have the right to express those voices through unlimited amendment and unlimited debate. When the majority leader closes that debate off and closes off those amendments a record number of times, that is closing off the voices of the American people.

As the Senator from Kansas said, the shoe can sometimes be on the other foot. Those who today are wanting to create a freight train running through the Senate as a freight train runs through the House may not be so eager to do that if the freight train turns out, after the election, to be the tea party express.

I thank the Presiding Officer and yield the floor.

EXHIBIT 1

U.S. SENATE,

Washington, DC, September 21, 2010.

Hon. LAMAR ALEXANDER,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALEXANDER: The U.S. Senate once was considered “the world's greatest deliberative body.” This no longer is the case as the Majority Leader commonly abuses Senate rules and traditions to prevent debate and obstruct other Senators from offering amendments to legislation.

As you know, historically, the cloture process authorized by Senate Rule XXII has been used sparingly. According to Senate Procedure and Practice, “Between 1917 and 1962, cloture was imposed only five times.” Fast forward 50 years later, a report by the Congressional Research Service (CRS), reveals a clear trend by the majority of limiting debate by immediately filing cloture on nearly all legislative questions.

Under Democrat control of the Senate, 219 cloture motions were filed in the 110th and 111th Congresses combined. Perhaps most troubling, 171 of these cloture motions were filed after the Senate had considered the legislative question for one day or less. In contrast, when the Republicans were in charge in the 108th and 109th Congresses, only 84 cloture motions were filed.

Additionally, the Majority Leader has regularly abused a procedure known as “filling the tree,” to exclude the minority from offering amendments to bills. According to CRS, he has employed this tactic 39 times on major pieces of legislation since the start of the 110th Congress. The result of this practice was the passage of legislation spending hundreds of billions in taxpayer dollars without members of the minority having the opportunity to raise issues of importance or to improve legislation. To put this number in perspective, this represents a drastic increase from the mere fifteen occasions former Majority Leader Frist “filled the tree” in 108th and 109th Congresses combined.

Majority Leader Reid's use of “filling the tree” combined with filing cloture entirely preempts any input from the minority into legislation and destroys the two distinguishing characteristics of the Senate—the right to fully debate and amend legislation.

Too many Americans are upset, even angry, that their voices are not being heard in Washington. The majority's abusive practice of suppressing debate undermines the Senate's debate traditions as well as the cherished American rights of free speech and

dissent. As a caucus, we should commit ourselves to ensuring a more open and deliberative process that protects the rights of every Senator to express the views of the taxpayers they were elected to represent.

Sincerely,

TOM A. COBURN, M.D.

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GOODWIN). The clerk will call the roll.

Mr. FRANKEN. Mr. President, first of all, I ask unanimous consent that we not go into the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I rise to discuss two important issues we will not have the chance to debate because we are unable to take up the Defense authorization bill.

Let me start with the need for repeal of the discriminatory don't ask, don't tell policy. We are so close to making a historic accomplishment that I think we would be able to look back on with pride. It is also simply the right thing to do. This country is long past ready for it, and it is the right thing because the don't ask, don't tell policy has been costly for our military. Treating gays and lesbians unequally because of their sexual orientation just does not make sense to me. We should not be denying gay and lesbian Americans the ability to serve our Nation simply because of who they are. We should not make them lie in order to serve.

The Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, endorsed the repeal of don't ask, don't tell. He put it this way:

I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me, personally, it comes down to integrity: theirs as individuals and ours as an institution.

But as I said, this is not just about the right thing to do. The country is ready for it, and the military is ready for it. Things have changed since 1993. The country is now way ahead of us on this issue. A Washington Post/ABC News poll in February 2010 showed that 75 percent of Americans believe gay and lesbian Americans should be able to serve openly in the U.S. military—75 percent. There is almost nothing we can get 75 percent of the country to agree on these days. The country has been steadily moving in this direction for some time. In 1993, 44 percent of those surveyed favored this. It was up to 62 percent in 2001. And now we are at 75 percent. Multiple other polls reinforce this result. The country is way past being ready for this change, and so is the military.

Do we need to think carefully about how to implement repeal? Yes. That is

why the Pentagon is undertaking a comprehensive review of how to implement the repeal. But is there any reason to think unit cohesion or military readiness is going to be negatively affected? No. There is simply no reason to think that. In fact, let's look to the military's own thinking on this question. A recent article in Joint Force Quarterly concluded that "there is no scientific evidence to support the claim that unit cohesion will be negatively affected if homosexuals serve openly." No scientific evidence.

Let me also briefly tell you about my experience. Before I was a Senator, I did a number of USO tours over the years. On each tour, I was more and more impressed with the men and women of the military. This was between 1999 and 2006. I did seven tours. The last 4 years, I was in Iraq and Afghanistan and Kuwait. I would go with a very eclectic tour of guys and women: the Dallas Cowboys Cheerleaders, country western artists, almost all of whom are very rightwing, and we love each other because we went on these tours.

Let me tell you about one show I did. I am not going to say what base it was. I do not want to get anybody in trouble. We did a 4-hour show. This was the fourth year we did this with the sergeant major of the Army. We did a 4-hour show because we found out the troops loved the show because it was a little bit of home. During the show, I would—I was kind of the cohost with a beautiful woman named Leeann Tweeden, and we would do comedy routines, we would introduce music, and we would introduce the cheerleaders.

I would go out and do a monologue. This is something I would do and had done for a number of years. I would go out and I would say: You know, I have done now seven USO tours, and every year I am just more and more impressed with the military, except for one thing I don't get. It is this whole don't ask, don't tell policy.

Now, it was about 28 degrees where I was talking, and there were maybe a couple thousand troops. Most of them were standing, some were in the bleachers. This was like 3 hours into the show, but they were just loving the show.

I said: But there's one thing I don't understand. It is this don't ask, don't tell policy. We all know that brave gay men and women have served in our country's uniform throughout its history, and yet we have this policy. Take, for example, General Smith.

I then pointed to the commander of the base.

I said: Now, here is one of the bravest men ever in the history of our country to don our Nation's uniform in battle, and yet he is one of the gayest men I have ever met.

And they started laughing and cheering.

I said: Now, why should General Smith have to stay in the closet when he is such a great leader? General Smith, stand up and wave.

He got up and waved, and everyone cheered. And in the bleachers there was a group of women soldiers who cheered extra loudly and waved at him, and he waved back at them.

At the very end of the show, we sang "American Soldier" by Toby Keith.

I don't know if you know that song. It is a beautiful song. I will always remember while doing the USO tours seeing soldiers with their arms around each other crying and singing: I don't do it for the money. I've got bills that I can't pay.

At the end of the show, the general came up and gave me this beautiful frame with an American flag that had flown over the base. He gave it to every member of our troop. When he gave it to me, he said, "Al, keep telling those don't ask don't tell jokes. I think you may have some fans up there." And he pointed at those women. Later, those women came up to me and said, "We are gay." And I think everybody knew it.

This was in 2006 when it was really hard for the military to recruit people, so they gave waivers out at that time. They gave waivers—moral waivers. They gave waivers for people who didn't do as well in school or didn't graduate from school. I swear, if you asked every man and woman on that base: Who would you rather have standing to your right and left, that gay man or that gay woman who has been serving with you for the last year or somebody who comes in here with a moral waiver—and many of those troops who had moral waivers served very honorably and bravely—or someone with a cognitive waiver—and many of those flourished in the military—they would say: I want that gay soldier, that lesbian soldier, who I know has been on my right and on my left.

All gay and lesbian servicemembers want is to be able to serve. Instead, people are getting kicked out of the military—people who don't need any kind of conduct waiver, people who don't need standards lowered for them in order to serve, people who are patriotic and courageous and who have vital, irreplaceable skills.

What is more, the evidence is clear from other countries that have allowed gay and lesbian citizens to serve openly in their military—and SUSAN COLLINS spoke about this today. That evidence says this will not be a problem. Ask the Israelis, ask the Canadians, and ask the British. They have all successfully implemented open service.

But it is not only that the military is ready for this change; don't ask, don't tell is just costly for the military. Thousands of willing and capable Americans with needed skills have been kicked out of the military because of this foolish policy—and this

policy alone. These are soldiers, airmen, and sailors in whom we have invested time and training. We cannot afford to lose dedicated personnel with critical skills when we are engaged in two wars.

On top of that, do we want our military officers spending valuable time and resources investigating and kicking troops out of the military for being gay?

The argument offered by some opponents is that this legislation goes back on the promise to take into account the comprehensive review being conducted by the Pentagon, but that is just a canard.

Let me remind you what Secretary Gates said about the review when he testified before the Armed Services Committee back in February. Secretary Gates said:

I fully support the President's decision. The question before us is not whether the military prepares to make this change, but how we best prepare for it.

Not whether, but how. That process is going forward, and the provision in this bill repealing the flawed don't ask, don't tell policy does nothing to interfere with the Pentagon's process. All the provision does is repeal the existing law. It does not tell the Department of Defense how to implement the repeal.

What is more, the repeal itself doesn't even go into effect until after the Pentagon's comprehensive review is complete and the President, Secretary of Defense, and Chairman of the Joint Chiefs of Staff have certified that the Department of Defense has prepared the necessary policies and regulations for implementation. They must also certify that the implementation is consistent with military readiness and effectiveness, unit cohesion, and recruiting and retention.

To be honest, I am not fully satisfied with that compromise. I wanted a moratorium on discharges. But that is the compromise, and it doesn't undercut the Pentagon's review in any way.

Don't ask, don't tell makes no sense. It is foolish, it is unjust, and we must end it. The country is ready, the military is ready, and it is the right thing to do. I urge all of my colleagues to stand for equality and for common sense and to stand for our troops. It is long past time to end don't ask, don't tell. We will be proud that we did.

Let me turn to the DREAM Act, which also would have come up if we had been able to get cloture and move to the Defense authorization bill.

Minnesota is what it is today because we welcomed immigrants with open arms. We welcomed the Swedes, who first tilled our fields and built our railroads. We welcomed the Norwegians, who thrived in our lumber industry and founded choirs that remain the best in the world today. We welcomed the Danes, who made our State a leader in

dairy farming. We welcomed the Germans, the Finns, the Poles, and the Czechs.

In fact, from the time we were admitted to the Union in 1858 until 1890, no less than one-third of Minnesotans were born abroad. Today, most of the people we welcome don't come from Europe. They don't speak Swedish or German. They speak Spanish or Hmong or Somali, and they are not one-third of our population. Just 7 percent of Minnesotans were born abroad. So there are far fewer immigrants in Minnesota by percentage. Mr. President, let me tell you, these folks work just as hard and they show just as much promise.

I rise to speak in support of the DREAM Act because just by passing this law we can do something remarkable to help those Minnesotans—at least some of them. This is a group of young people who were brought here by their parents. They were raised as Americans and, for the most part, speak English just like you and I. But because their parents made a mistake, because their parents broke the law and entered the country illegally, or overstayed a visa, these kids are stuck. They can't go to college. They can't get jobs. They can't join our military. They are out of luck, and our society is going to pay for it.

The DREAM Act would allow these students to reenter society, to come out of the shadows of society to study or to serve in our country's military.

I want to put faces to the young people of Minnesota who would benefit from the DREAM Act. I am going to change their names to protect their identity.

There is a young man named Daniel. Daniel came to the United States from Colombia when he was 8. He grew up in the suburbs, and he ran varsity track and cross-country for his high school. Since he couldn't get a driver's license, he took a 2-hour bus ride every day just to get to classes at Normandale Community College. In his second year, Daniel's father died, leaving Daniel and his mother without any income.

Daniel almost dropped out, but he didn't. Instead, he became the first member of his family to graduate from college, with dual associate degrees in education and computer science—both with honors. Daniel is now at the University of Minnesota. He is trying to get his bachelor's degree. But since he can't work, he can't afford to attend school full time. So every semester, Daniel saves up all of his money to take just one class. He is completing his bachelor's one class at a time.

There is another remarkable young Minnesotan, Javier, who came to this country at the age of 15. He enrolled in St. Paul High School and quickly learned English, and by his senior year was taking advanced placement and college courses and volunteering at the

State capitol. He even started to like the weather in Minnesota.

Today, Javier is an elected leader of student government at a college in our State. He has become a role model not just for immigrants but for all his fellow students. Javier wants to dedicate his career to improving our educational system. But because of the decision his parents made, he can't.

I get letters from students like these all the time. Many of them are just as talented, and they all ask me for the same thing: the opportunity to work hard for this country. Let me repeat that: They only ask for the opportunity to work hard for this country.

Another young woman wrote me to ask:

We do not want welfare or any money. We are not asking for immunity to the law. We are only asking for a chance to come out to the light and live like any other person.

There are a lot of reasons we should help them. The first reason is that it is the smart thing to do. Some of my colleagues have stood here and said they couldn't believe the DREAM Act might be included in the Defense authorization bill.

In fact, the Defense Department has supported the DREAM Act since the Bush administration. This bill is actually a part of our Nation's strategic defense plan—hence, the Defense authorization bill. It will incentivize and reward students to wear our Nation's uniform, and our Nation will be safer because of it.

Here is another reason this is smart. We don't want kids like Javier doing dishes. We don't want kids like Daniel taking 10 years to get their bachelor's degree. We want them studying, contributing to our economy, and serving in our military. But there is a far more important reason we should pass the DREAM Act, and that is because it is the right thing to do.

Mr. President, there is a passage in Leviticus—a book that appears in both the Old Testament and the Torah—which I think is appropriate. Leviticus is a book of laws. It is said to describe God's covenant with the Israelites. This is chapter 19, verse 33:

When the foreigner resides with you in your land, you shall not oppress the foreigner. The foreigner who resides with you shall be to you as the citizen among you; you shall love the foreigner as yourself, for you were foreigners in the land of Egypt.

Mr. President, these are children, and we need to help them. They have learned in our schools, they have played with our kids, and they want to serve our country. We just need to give them a chance.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. WYDEN. Mr. President, it is clear from the debate on the Defense bill and the vote that was held a bit ago that this is a partisan time for our

Nation. I come to the floor this afternoon to talk about an issue that is not at all partisan; that is, the question of doing public business in public.

When you say those words—"doing public business in public"—people are almost flabbergasted when they are told that, regrettably, much of the important decisionmaking in the Senate is not done with that level of public accountability and public transparency. That is because of what are known as secret holds where one Senator—just one—in a completely anonymous fashion, can block a bill or a nomination from even coming to light, from even being heard in the Senate.

For years now, there has been a bipartisan effort to change this procedure, to require that all Senators be held accountable. Senator GRASSLEY and I have been involved in this effort in a bipartisan way for over a dozen years—for a dozen years—trying every way we could. We established the principle that the Senate would do public business in public, and if a Senator wanted to object to a bill or a nomination, they would have to be publicly accountable.

For years now, the defenders of secrecy, the defenders of a system without transparency and accountability look for one dodge or another. But our bipartisan group—on the other side of the aisle, Senator GRASSLEY, of course, the champion, Senator COLLINS, Senator INHOFE, a very significant bipartisan group; over on our side of the aisle, and particularly appreciative, is Senator MCCASKILL, who has done such hard work on the principle of establishing open accountability; my colleague from the Pacific Northwest, Senator MURRAY, an influential member of the Rules Committee, want this level of public accountability. It has been a big bipartisan group, and we seek to finally change this procedure through an amendment that would have been possible under the Defense authorization bill.

It was said in the course of this discussion that a bipartisan effort to end secret holds through an amendment to the Defense authorization bill is "a corruption of the process and procedures of the Senate if ever there was one." I believe the use of secret holds and not a bipartisan effort to end them is the real corruption of the procedures of the Senate.

Secret holds cannot be found anywhere in the U.S. Constitution or anywhere in the Senate rules. We have had a considerable debate over the last few months about the Constitution, our reverence for this sacred document. Secret holds are nowhere in the Constitution and nowhere in the Senate rules. Yet in this Congress alone, they have been used to block what seems to be dozens of qualified nominees. I point out, this has gone on for years and years on both sides of the aisle. That is

the point Senator GRASSLEY and I have emphasized for over a decade: that this is an area of abuse where we have seen both sides of the aisle use the secret processes to the detriment of the public interest.

The real corruption of the process, in my view, is the way secret holds have been used to block the Senate from acting on numerous nominations and pieces of legislation without any accountability to the public. That is why I believe it ought to be possible to debate a bipartisan amendment, to do public business in public to end these secret holds.

The reason it needs to be done now is because past efforts to ban these secret procedures have been blocked from getting a vote. This has happened five times in just the past few months.

In the course of the debate as well, there was a discussion about what our bipartisan effort—to do public business in public—has to do with national security. The answer is: a great deal.

For example, earlier this year, one of our colleagues secretly placed a blanket hold on 70 nominations to critical positions in the Federal Government that were pending before the Senate. These nominations included nominees to positions in the Defense Department and the State Department. The Senator who secretly held up those 70 nominees said he was doing it to address national security concerns.

Let me repeat that. We had 70 nominees under a blanket hold being held up from even an open debate to address national security concerns.

It turned out that this particular Senator was concerned about a dispute about the Defense Department's contracting practices and an earmark for a counterterrorism center in the Senator's home State. This one example shows that secret holds have been used, and certainly the question of whether they have been abused, to hold up dozens of qualified nominees over defense and national security issues.

This is only one example. Even today, there is at least one nominee for a national security position whose nomination is secretly being held up. No one knows who has the hold or why it has been placed.

I come back to the connection, first, that changing these Senate procedures so public business is done in public is fundamental to all the operations of the Senate and certainly our accountability to the American people. But it has a direct link because of the examples I have cited this afternoon to the future of national security policy in our country.

The continued use of secret holds is an abuse of secrecy by the Senate, and there is no better time to end this undemocratic process than through an amendment to the Defense bill. With colleagues on both sides of the aisle determined, finally, to get this done, I be-

lieve we will get it done when we get an open debate.

Our democracy and our national security are weakened when secrecy is abused. I very much appreciate the opportunity this afternoon to highlight a number of key points in this discussion. First, this has absolutely nothing to do with partisanship. Second, it is absolutely key to the fundamental accountability of the Senate to the American people to end this process of secrecy and of all Senators held accountable. Finally, this has a direct connection to matters of national security because in so many instances, these secret holds have kept appointments to key national security positions from being open to debate and scrutiny in the Senate.

At the end of the day, there are a lot of issues we face in the Senate that are hard to explain, that are complicated, and they are hard for folks to follow at home. What is not hard to explain is why it is so important to do public business in public.

At a time when the American people are certainly voicing considerable skepticism about the ways of Washington, this is a chance to show the American people that the Senate is listening to them, that we share their commitment to open government, to doing public business in public. I hope the Senate will be able to change this offensive, antidemocratic procedure that has been used way too long to keep the American people from seeing the way the Senate operates.

I look forward to our colleagues on both sides of the aisle having the debate on ending secret holds, doing public business in public. I believe that when we get that vote, we will get a resounding vote to finally close this dark chapter in the way the Senate does business and bring some sunshine to the decisionmaking process in the Senate.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, I rise to talk about the vote we had a little while ago and the need to go to the Defense authorization bill. To me it is unconscionable that, at a time in which the Nation is at war, our Republican colleagues would vote lockstep, in uniformity, to oppose going to the Defense authorization bill—for whatever the reasons are, even though I do not find the reasons to be valid.

I think it is very clear that the majority leader said there would be a host

of amendments that would be offered once we went to the bill and disposed of a few particular amendments that the majority leader was going to offer, that are in every way germane to the Defense authorization bill, more germane than the amendments that have been offered in the past on extraneous matters by those who oppose proceeding to the bill. They thought it was fitting and appropriate to offer it on the Defense authorization bill. Yet, when you have amendments that go to the very heart of how you recruit individuals for the Armed Forces and how you allow individuals to serve in the Armed Forces, that is not germane? Ridiculous.

What this is all about is an attempt once again to use the power of the minority to obstruct the process of making sure this Congress is moving forward and meeting its obligations to the American people, and in this particular case to the Nation's collective security. Because someone does not like an amendment to be offered doesn't mean they should use their power simply to obstruct the whole process of considering the Defense authorization bill. Clearly they would have the opportunity to vote against any amendment they believed was not, in their view, in line with their views or in the national interest, but certainly not to stop the process.

What is it? I looked at Senator McConnell's consent offer. It is interesting. His consent offer basically said you have to do a whole bunch of amendments before you can do anything related to immigration. First of all, the DREAM Act is in total focus on recruiting in the United States. What does it say? It says young people who, by no fault of their own, no choice of their own, were brought to this country and do not have a legal status here, and are willing to fight and maybe die for their country—because this is the country they know, this is the country they believe is theirs, and they are willing to join the Armed Forces of the United States and serve with honor and distinction and risk their lives in defense of the country—if they did all of that, then a couple of years down the line they would have a shot at becoming a permanent resident of the United States, but their service to the Nation would precede that.

Even those who say on the campaign trail "we are for the DREAM Act," even those who are cosponsors and say "no, we are for the DREAM Act," could not cast a vote to allow us to go to the Defense authorization bill—which is much bigger than that—and then ultimately permit an up-or-down vote on several of those amendments before we got to a whole host of other amendments that Members are going to be able to offer, under the guise, under the cloak of saying, "Oh, no, we opposed it because we were not going to have our

opportunity, our say," when clearly the majority leader said there would be a whole host of amendments offered and clearly when amendments have been offered in the past under Democratic majority and Democratic rule. So the precedent there is that this particular bill has always had a wide range of amendments—the hypocrisy of saying no, you can't have an "immigration amendment" even though that amendment deals with recruiting people into the Armed Forces of this country.

The bottom line is we have had bill after bill debated in this Senate having nothing to do with immigration and the other side of the aisle has come forward with all types of amendments, immigration related, of all sorts. Whether it was a bill about jobs and the economy, whether it was a bill about health care, it doesn't matter—motherhood and apple pie—we had immigration amendments.

Yet, when we have the opportunity to bolster the armed services of the country and those who are willing to risk their lives to defend the country, we are told, oh, no, that is inappropriate. That clearly is so transparent that I hope the Nation understands, and particularly in communities that were looking for the opportunity of the DREAM Act, to have a vote on it, it is understood.

It is pretty amazing to me when I go to Walter Reed, and I have been there in the past, or when I visited some of our troops in my travels abroad and see young men and women there who are not citizens of the United States yet. It is pretty amazing to me when I go to Walter Reed and see them with both of their legs blown off in support of the country they call their own, wearing the uniform of the United States, that people question whether they love this country and are willing to serve it. They rejoice when, after their service, they get to take an oath and become citizens of this country. These are sacrifices which the few have been called upon to make for the many who do not have to go. There is a small universe who have gone to defend this Nation compared to the large universe of all of us as Americans who get defended by the men and women in uniform—it is a small percentage of America. Yet, many of that percentage who wear the uniform and risk their lives cannot call themselves a citizen. They are permanent residents of the United States. They aspire to become citizens. But they are not able to serve the country they call home.

It is fundamentally wrong, in my mind, to simply not allow a vote. Yet not one Republican was willing to come forth and vote to proceed to a debate and to consider amendments on the Defense authorization bill simply because of an ideological view they hold as it relates to the first two

amendments that would have been up in a long line of amendments. Imagine if Democrats had lockstep voted against the Defense authorization bill at a time of war—imagine.

I see the majority leader moved to change his vote in order to be in a position to reconsider. I hope we will have that opportunity. I hope there will be some enlightenment into understanding that there will be plenty of opportunities for all amendments. There will be a robust debate. There will be the opportunity for up-or-down votes on the amendments on both the DREAM Act—which, as I have said, is about giving those young people an opportunity to serve their country, either educationally and/or in the armed services of the country, and to have to do so and perform before they get any relief—and, at the same time, to let many already in the service of their country and performing valiantly and risking their life and limb be able to do so without hiding their own person, who they are. Then we will go on to all the other amendments.

It is amazing to me that we have a lockstep vote to stop us from proceeding to this legislation. I hope all those communities and others who both care about the defense of the Nation and those who believe in the dignity of an individual who is serving their country, who believe in the opportunity to serve their country, will rise and their voices will say no more filibustering, no more obstruction, no more "no's," it is time to say yes to our country, it is time to say yes to our defense, it is time to say yes to those individuals willing to serve.

Many others may not be willing to serve and we respect their choices. But let's not stop those who are willing to serve, willing to wear the uniform of the United States, willing to risk their lives, willing to defend their country. The vote that was taken sends all the wrong messages. It is, in fact, a shame.

I hope we will have an opportunity another time and that the lights of some people will be able to turn on and we will have an opportunity to make sure we move to a Defense authorization bill. As the Nation is in the midst of winding down one war and is fully engaged in another war, I hope we will have the opportunity for those who want to serve their country to be able to do so and earn their way, in the process in serving to have an opportunity to fully call America home, and for those who are serving already, gallantly, who are serving with distinction and courage and honor, not to have to hide who they are. That is what is at stake. That is why it was so important to move forward and that is why today's vote is one that is shameful, hopefully one we can turn around.

Mr. KYL. Madam President, I had hoped we could begin consideration of

the annual National Defense Authorization Act, NDAA, today but, hopefully, we will consider it as our first business when we reconvene after the election.

I filed three amendments that deserve serious consideration by the Senate, two of them dealing with the New START treaty. It is important to deal with these amendments before consideration of the treaty.

Amendments Nos. 4636 and 4638 deal with modernization of the U.S. nuclear deterrent, which is directly related to the reductions called for by the treaty; and, the Bilateral Consultative Commission, of which much has been written concerning the implications for the Senate's prerogatives in the treaty making function. Amendment No. 4637 deals with a matter of great concern, China's reckless disregard for the international nonproliferation regime. I will ask that the article, "NSG Makes Little Headway at Meeting" from the Arms Control Association Web site be printed in the RECORD.

Regarding amendments Nos. 4636 and 4638, I will first briefly discuss amendment No. 4636 concerning START and modernization of the U.S. nuclear deterrent. In section 1251 of the fiscal year 2010 National Defense Authorization Act, the administration was required to provide a comprehensive plan for the nuclear weapons stockpile, nuclear weapons complex and delivery platforms. The report—hereinafter the 1251 Plan—was delivered to the Senate with the new START treaty on May 13, 2010.

While the 1251 Plan identified certain administration proposals to maintain and modernize our nuclear deterrent, it became quickly apparent that the plan, prepared on a tight schedule, did not provide a fully detailed picture of what is needed to modernize the U.S. nuclear deterrent and how much it will cost. Of course, additional decisions and revised budget estimates will continue to be made over the next decade of the 1251 Plan's scope. That is why the 1251 Plan and the corresponding budget will require regular updating—a point often repeated by the Directors of the national nuclear weapons laboratories.

As Dr. George Miller, Director of Lawrence Livermore National Laboratory, testified:

It is important to note that the nature of NNSA's work requires program flexibility because technical issues arise in the stockpile and requirements evolve. The scope of work and budgets will need to be correspondingly adjusted. Annual updates . . . could provide a mechanism to outline the program's funding requirements and projections.

My amendment No. 4636 codifies that recommendation and resolves the issues of evolving requirements and costs by requiring the President to provide a detailed update to the 1251 Plan report annually, for the duration of the new START treaty, describing revisions

or adjustments to the plan as well as progress on satisfying the requirements of section 1251. Reductions in the nuclear force posture are tied to the submission of that update. As the Secretary of Defense has stated, there are 7 years to implement the treaty reductions; thus, a 1-year notice-and-wait requirement should not cause any difficulty.

Additionally, the unbiased input of the directors of the NNSA laboratories and facilities will accompany the report as validation that adequate resources are being provided by the administration in support of sustainment and modernization activities. This is quite similar to the annual stockpile assessments as those familiar with that process will recognize.

This amendment fosters improved project management, a detailed commitment to sustaining the U.S. nuclear deterrent, and reflects strong bipartisan support for nuclear weapon complex modernization.

I appreciate the broad support expressed for modernization. As Secretary Gates stated in his October 2008 Carnegie Endowment speech:

[T]o be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.

Concerning amendment No. 4638, the purpose is equally clear: to maintain the role of the Senate in treaty making. The Bilateral Consultative Commission authority is very broad. As Jack Goldsmith and Jeremy Rabkin observed in an August 4 Washington Post op-ed piece, "New START Treaty could erode Senate's foreign policy role":

This treaty . . . does, however, create a Bilateral Consultative Commission with power to approve 'additional measures as may be necessary to improve the viability and effectiveness of the treaty.' The U.S. and Russian executive branches can implement these measures and thus amend U.S. treaty obligations—without returning to the U.S. Senate or the Russian Duma.

The time to deal with this concern is now. The Lugar Resolution of Ratification approved by the Senate Foreign Relations Committee makes a genuine effort to address concerns; I hope to work with the ranking member to further improve his Resolution. But more can and should be done in binding legislative language, such as my amendment. These provisions are essential if we are interested in protecting the Senate's constitutional role and our missile defense and conventional prompt global strike capabilities.

As Messrs. Goldsmith and Rabkin observed:

If the administration does have a problem with them, the Senate should worry—about the commission's power to limit missile defense, the executive's attempt to limit the Senate's constitutional role in the treaty process, or both.

I am pleased to have the support of Senator SESSIONS, the ranking member on the Senate Judiciary Committee and a senior member of the Senate Armed Services Committee, who has cosponsored this amendment. I ask unanimous consent that the Goldsmith-Rabkin article be printed in the RECORD in addition to the article from the Arms Control Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Arms Control Association]

NSG MAKES LITTLE HEADWAY AT MEETING

(By Daniel Horner)

The Nuclear Suppliers Group (NSG) last month concluded its annual plenary meeting with little apparent progress on two high-profile issues, the potential sale of two reactors from China to Pakistan and the adoption of more-stringent rules for sensitive nuclear exports.

The Chinese-Pakistani deal was not on the formal agenda for the meeting in Christchurch, New Zealand, but sources from participating governments said the matter was discussed.

The group's June 25 public statement at the end of the meeting does not specifically mention the discussions, but it says that the NSG "took note of briefings on developments concerning non-NSG states. It agreed on the value of ongoing consultation and transparency."

The planned Chinese sale is an issue for the NSG because the group's guidelines do not allow the sale of nuclear goods such as reactors and fuel to countries that do not accept International Atomic Energy Agency (IAEA) safeguards on all their nuclear facilities. Pakistan does not have these so-called full-scope safeguards.

When China joined the NSG in 2004, it had already built a power reactor at Pakistan's Chashma site. It claimed at the time that, under the NSG's "grandfather" provisions, it was entitled to build a second reactor, on the grounds that the second project was covered in its existing agreement with Pakistan. According to several accounts, the group agreed that the second reactor would be allowable under the grandfather provision but that subsequent power reactor sales would not.

In the weeks before the June 21-25 Christchurch meeting, the U.S. government said the sale of reactors beyond Chashma-1 and -2 would be "inconsistent with NSG guidelines and China's commitments to the NSG." (See ACT, June 2010.)

In its public statements, China has responded to questions about the deal in general terms. At a June 24 press conference, Foreign Ministry spokesman Qin Gang said, "China and Pakistan, following the principle of equality and mutual benefit, have been cooperating on nuclear energy for civilian use. Our cooperation is consistent with the two countries' respective international obligations, entirely for peaceful purpose[s] and subject to IAEA safeguard[s] and supervision."

It is not clear what additional information China provided at the Christchurch meeting. According to a European diplomat, the discussion was "not confrontational."

CLARIFICATION SOUGHT

In a June 30 e-mail to Arms Control Today, a U.S. Department of State official said, "We are still waiting for more information from

China to clarify China's intended cooperation with Pakistan, in light of China's NSG commitments."

According to the official, "The United States has reiterated concern that the transfer of new reactors at Chasma appears to extend beyond cooperation that was 'grandfathered' when China was approved for membership in the NSG. If not covered by the grandfather clause, such cooperation would require a specific exception approved by consensus of the NSG."

In 2008 the NSG, led by the United States, granted an exemption making India eligible to receive nuclear exports from NSG members. Like Pakistan, India does not have full-scope safeguards.

The NSG, which currently has 46 members, operates by consensus. It is not a formal organization, and its export guidelines are non-binding. Before the 2008 NSG exemption, Russia made and carried out deals with India for reactors and fuel, justifying them on the basis of interpretations of the NSG guidelines that other members considered overly expansive.

ENRICHMENT AND REPROCESSING

A long-standing issue for the NSG has been its effort to adopt a more rigorous standard for exports relating to uranium enrichment and spent fuel reprocessing. Since 2004, the group has been discussing a new, so-called criteria-based set of guidelines for enrichment and reprocessing transfers, under which recipients of these proliferation-sensitive exports would have to meet a list of preset requirements. The list drafted by the group includes adherence to the nuclear Non-proliferation Treaty, full-scope safeguards, and an additional protocol, which gives the IAEA enhanced inspection authority. However, the NSG members have not been able to overcome certain states' objections to the proposal. Current NSG guidelines simply call for members to exercise "restraint" with respect to enrichment and reprocessing exports.

At the end of 2008, the suppliers appeared to be close to an agreement (see ACT, December 2008), but since then they have not been able to reach consensus. According to the Christchurch public statement, "Participating Governments agreed to continue considering ways to further strengthen guidelines dealing with the transfer of enrichment and reprocessing technologies."

In a June 27 e-mail to Arms Control Today, the European diplomat said that "while progress was made there was no consensus" on the matter. Before the meeting, observers said the main objections were coming from South Africa and Turkey. The diplomat declined to identify the sources of the objections at the meeting but said, "The delegations which have had difficulties in the past continue to have problems."

Meanwhile, at their June 25–26 meeting in Muskoka, Canada, the Group of Eight (G-8) industrialized countries extended their policy to adopt on a national basis the proposed NSG guidelines on enrichment and reprocessing transfers. The leaders of Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, and the United States said in their summit communiqué, "We reiterate our commitment as found in paragraph 8 of the L'Aquila Statement on Non-Proliferation."

Paragraph 8 of the L'Aquila statement, issued at the July 2009 G-8 summit in Italy, said the eight countries would implement as "national policy" for a year the draft NSG guidelines on enrichment and reprocessing and urged the NSG "to accelerate its work and swiftly reach consensus this year to

allow for global implementation of a strengthened mechanism on transfers of enrichment and reprocessing facilities, equipment, and technology."

[From the Washington Post, Aug. 4, 2010]

NEW START TREATY COULD ERODE SENATE'S FOREIGN POLICY ROLE

(By Jack Goldsmith and Jeremy Rabkin)

Critics of the new Strategic Arms Reduction Treaty (START) warn that it may endanger the United States' capacity to go forward with missile defense. But the treaty, Senate consideration of which has been pushed back to the fall, raises another concern. Consent to it as it stands will further erode the Senate's constitutional role in American foreign policy.

This treaty does not constrain future development of missile defense (except in a few limited ways). It does, however, create a Bilateral Consultative Commission with power to approve "additional measures as may be necessary to improve the viability and effectiveness of the treaty." The U.S. and Russian executive branches can implement these measures and thus amend U.S. treaty obligations—without returning to the U.S. Senate or the Russian Duma.

Could the commission constrain missile defense? It is empowered to "resolve questions related to the applicability of provisions of the Treaty to a new kind of strategic offensive arm." The treaty's preamble recognizes "the interrelationship between strategic offensive arms and strategic defensive arms." The commission might have jurisdiction over missile defense through this interrelationship. Russia has already warned that it might withdraw from the treaty if the United States develops missile defenses. Limits on missile defense systems thus might be "necessary to improve the viability and effectiveness of the Treaty."

Supporters say the treaty allows the commission to make only changes that, in the words of one State Department official, "do not affect substantive rights or obligations under the Treaty." This assurance provides little comfort. New START does not explain what counts as a "substantive right," and the commission, which is given very broad power to interpret the treaty, will itself decide the issue.

It is true that the amendment procedure contemplated in the new treaty is similar to one in the original START and that amendment procedures of this sort have been embedded in arms control agreements for decades. Also, the president has long exercised an independent authority to make new international agreements that implement treaties. Why should the Senate care about this issue now?

One reason is that as treaty delegations of this sort have expanded, and as more authority for making international agreements is transferred to the executive branch and international organizations, the cumulative effect of these arrangements becomes increasingly hard to square with the Senate's constitutional role in the treaty-making process and, more generally, with separation of powers.

Some courts have begun to give credence to this concern. In 2006, the federal appellate court for the District of Columbia declined to implement the "adjustments" that an international organization had made to an environmental treaty even though the political branches agreed to the adjustment process. The court noted the "significant debate over the constitutionality of assigning law-making functions to international bodies"

and held that treating the treaty adjustments as law "would raise serious constitutional questions in light of the nondelegation doctrine, numerous constitutional procedural requirements for making law, and the separation of powers."

Another reason is that courts often look to the practice between the branches of government in determining constitutional limits. If the Senate continually acquiesces in delegating international lawmaking to the president and international organizations, courts are unlikely to protect senatorial power in the end. Moreover, arms control treaties such as New START rarely come before courts.

In short, only the Senate can protect its constitutional prerogatives.

One way for the Senate to do this would be to condition its consent to the treaty on an interpretive "understanding" that the commission's amendment power extend only to technical treaty matters and not to limitations on missile defense. Understandings of this sort are common in U.S. treaties. The Senate could also condition consent to the treaty on a requirement that it be notified about deliberations of this commission.

Such provisions would preserve the commission's core authority while constraining it in ways that eliminate the most serious constitutional objections. They would also lay down a marker about the Senate's role in this context.

The State Department insists that "there were no secret deals made in connection with the New START Treaty; not on missile defense or any other issue." If that is true, the administration should have no problem with minor Senate tweaks of this sort. If the administration does have a problem with them, the Senate should worry—about the commission's power to limit missile defense, the executive's attempt to limit the Senate's constitutional role in the treaty process, or both.

Mr. DODD. Madam President, I rise today to express my profound disappointment that we were unable to proceed to the Defense authorization bill. First and foremost, this is an important bill that provides our men and women in uniform with the resources they so desperately require while they bravely fight overseas. Day in and day out they make sacrifices to keep us safe, and the fact that we were unable to proceed to a bill that provides them not only with the equipment they need, but also provides for their families, is extremely disheartening.

Not only does this bill provide necessary requirements for our armed services, but it also contains landmark legislation that would finally lead to the repeal of don't ask, don't tell. Today, my colleagues and I, had a historic opportunity to put a stop to this discriminatory policy, and the fact that the Republicans blocked the bill from being debated is discouraging. The current policy actively discourages a significant portion of our population that is willing, capable, and able from serving in our military at a time when our Nation is at war and needs our best and brightest to serve. We owe it to the gay and lesbian community to repeal this law. I am confident that today's military is ready for this change,

and most importantly, it is the right thing to do.

Since 1993, when don't ask, don't tell was implemented, over 14,000 men and women have been discharged from the service at a cost of over \$600 million to the American taxpayer. These gay and lesbian service members, who are proud to serve in our military, and are often serving in critical specialties, are being denied the opportunity to fight based solely on their sexual orientation. We cannot afford to continue to discharge these brave soldiers in whom we have invested time, resources, and training. We cannot afford this policy monetarily, but most importantly, we cannot afford this policy because it negatively affects our national defense.

It has been estimated that approximately 48,000 gay and lesbians are currently serving in today's military. That means that there are 48,000 men and women who on a daily basis are being forced to lie about who they are so they can continue to serve their Nation proudly. These are patriotic Americans who are willing to put their lives on the line in defense of our country but are unable to do so openly, simply because of who they are. Gay and lesbian service members fight, and die, alongside their fellow troops. It is time we stop asking them to live a lie.

I have travelled overseas many times and have met with our troops—all kinds of men and women—first generation Americans and those with a long family history of service, members of every race and religion, and, yes, gays and lesbians. No matter what their religious background, nationality, or sexual orientation they are all unmistakably proud to be serving the United States of America. It makes no sense to me why we would deny that right to serve to any American who is brave enough to answer the call of duty.

As we forge ahead in the coming weeks, I urge my colleagues to fully repeal don't ask, don't tell. The time to do so is now; we can afford to wait no longer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Madam President, like many Americans, I am frustrated with the gridlock in the Senate, and I am very concerned by our dysfunctionality, witnessed once again here today. When we were asked to lead on critical issues facing our men and women in uniform, our troops—also tied to our national security and our international leadership in the 21st

century—the Senate has once again taken a pass, has once again let politics obstruct our progress.

Coloradans sent me here to lead, like they sent the Presiding Officer here from her great State of North Carolina, and to find solutions to problems however vexing. I, for one, am increasingly tired of the partisan wrangling that be-sets each and every issue.

This debate, like so many others we have attempted to have, was derailed by obstructionism before it even began. Now, I realize some will say they scuttled this critical Defense bill in part because the majority leader announced he expected to have a vote on the DREAM Act, which, by the way, would allow young, undocumented immigrants a chance to attend college and serve in our military. They were brought here to this country through no decision they made as very young people.

But I have to tell you, I think it was about more than just that. In my humble opinion, the issues mattered far less than the politics. There has been a concerted effort to prevent or stall debate on nearly every major bill this year, and, sadly, a bill dealing with our troops is not free from the same tactics.

There is no reason we should not have a debate on any issue, let alone a vote, and the DREAM Act is no exception. I know the Presiding Officer and I joined the Senate at the same time. We heard about how the Senate is the world's greatest deliberative body. If you do not deliberate, what does that make us?

I also know that repeal of don't ask, don't tell is a contentious subject, and it has also been used as an excuse to sink this very important bill. But, I have to tell you, I think this is an outdated, discriminatory policy that undermines the strength of our military and the basic fairness upon which our great Nation was built. At a time when we are fighting two wars, we need every skilled servicemember we have: airmen, mechanics, translators, and all the many other specialties our military serve in.

Unlike what some on the other side of the aisle have claimed, the language in this bill repealing don't ask, don't tell respects the Pentagon's timeline and gives our military leaders flexibility to implement repeal in a way that tracks with military standards and guidelines. As Admiral Mullen testified before the Senate Armed Services Committee—the Presiding Officer remembers what a powerful day that was—he said repealing don't ask, don't tell is the "right thing to do."

Unfortunately, political debate and disagreement has prevented us from having this important discussion on how best to support our troops, plus thwarted a serious discussion about numerous pressing national security

issues. I am disappointed in the partisanship, but I have to tell you, I am even more disappointed in the disservice to the men and women in uniform that today's inaction has caused.

Our American citizens, our constituents, our friends and neighbors face difficult decisions in their lives every day, but many here in Washington bristle at the notion that they face hard choices. They say taking votes on certain issues will be too difficult, that the politics are too tough, or that they cannot stomach the thought of losing. But Americans have not run away from hard decisions in the past. What about us? This place is a forum—or it should be a forum—where we can work together.

But, today, with the Senate blocking this bill, I fear our national security and our troops will suffer. Every year for nearly a half century—I think accurately put, 49 years consecutively—Congress has taken up and passed a bill that renews, in some cases reforms, and in other cases replaces our defense policies.

This Defense authorization bill, like all those that came before it—the previous 49 Defense authorization bills—is critically important. It provides funding for operations in Afghanistan and Iraq. It supports our servicemembers who keep America safe by including fair pay and benefits for our men and women in uniform.

Preventing this debate keeps us from pushing forward with this bill's provisions to enhance our military's readiness, improve our servicemembers' training, and upgrade equipment and resources to succeed in combat. We are also leaving behind provisions in the bill to strengthen our nonproliferation programs and enable the reduction of our nuclear weapons stockpile while ensuring the stockpile has continued reliability.

We are foregoing the crucial opportunity—I know the Presiding Officer has believed this is very important as well—to increase the Pentagon's use of alternative energy technologies and fuels to improve the Department's efficiency and energy security.

The bill also includes so many important provisions for the health and resiliency—both mental and physical—of our servicemembers and their families. Specifically, it includes a provision I authored extending health insurance for military families, enabling the children of Active-Duty servicemembers and retirees to stay on their parents' plans until the age of 26—similar to what we did in the Health Care Reform Act for the civilian sector. Importantly, the bill provides improved care for our wounded servicemembers and their families.

As part of a longer term effort to treat both the physical and the unseen mental wounds of war, I have been reviewing the Army's report on Health

Promotion, Risk Reduction, and Suicide Prevention, which was published earlier this summer. One passage particularly struck me:

In just six years, Soldiers experience the equivalent of a lifetime when compared to their civilian counterparts.

In other words, at the age of 24, the average soldier has moved multiple times, been deployed around the world, married and had children, seen death, had financial and relationship problems, is responsible for dozens of soldiers, and gets paid less than \$40,000 a year.

The lives of average soldiers bear no resemblance whatsoever to ours. Their sacrifices are far beyond what many of us can imagine, and we have demanded so much of them for so long. That is why I have continued to focus my efforts on how we can help our brave service men and women suffering from mental wounds when they come home. Fort Carson in Colorado has had its share of difficulties addressing the needs of our soldiers, but we are seeing real progress. I am particularly proud of what Fort Carson has been doing in the way of providing behavioral health care to soldiers not just when they get back home but also while they are still on the battlefield.

That is the essence of Fort Carson's Mobile Behavioral Health Teams, which embed credentialed behavioral health providers within a brigade combat team, both during deployment and in garrison. Language I authored in this bill encourages the Army to replicate this successful program to help facilitate early identification and treatment of behavioral health problems.

The bad news, again, is that this provision—and so many important provisions in this bill—will not be debated today. It appears election year partisanship has prevailed over the responsibility and the need to provide for our men and women in uniform as they fight two wars.

Having said that, I do remain optimistic about our future, and I am committed to working toward a new kind of politics, where we find consensus amidst disagreement. I know Americans want their leaders to tackle challenging problems and resolve the tough issues. That is what America does. That is what Americans do. That is what we were hired to do. So in that spirit, I will continue to reach out to all my colleagues who wish to find common ground and call on others to let this debate move forward in the coming weeks so support for our troops is not held back any longer. Americans sent us here to do no less.

Madam President, I thank you for your attention. I thank you for your service on the Armed Services Committee alongside me. With that, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. REID. Mr. President, I just completed a visit with the Republican leader. There will be no more rollcall votes tonight.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, ever since an act of horrific violence on a bright blue morning 9 years ago, our Nation has been at war. At home and abroad, this war has tested our Nation, tested our military strength and our diplomatic skill, tested our resilience and our courage. Over the last few months, I fear our Nation has been in danger of failing one of these tests, a failure that would threaten our safety and the freedoms we hold so dear.

At issue is a plan to build an Islamic community center a few blocks away from the site of the attack on the World Trade Center and the larger question of whether our Nation will embrace diversity or choose a path of division. This is not just a question of doing the right thing, although it is that. It is not just a question of preserving the values that have made our Nation a beacon of freedom across the globe, although it is certainly that too. This is also a question of whether we will make our Nation safer by focusing on and extinguishing the flames of hatred that spawned the 9/11 attacks or, on the other hand, add fuel to the fire that threatens us.

There should be little doubt that religious intolerance has no place in a nation built on the idea, as Thomas Jefferson once wrote, "that our civil rights have no dependence on our religious opinions." Our history is filled with moments in which we struggle to live up to that notion, in which Roman Catholics or Mormons or Jews or others found themselves beset by religious intolerance and wondering if the ideals set forth by our Founding Fathers would hold.

So it is in this case. American Muslims have built homes, raised families, and run successful businesses in communities across our country. They have been drawn here because of the belief, as one prominent member of Michigan's Arab-American community recently wrote, "that there is room in America for all cultural and religious backgrounds."

Well, that is the America in which they chose to build their lives. It is the America we aspire to be, that we claim to be. We should ask ourselves, if we would not object to a church or synagogue at that location in Manhattan, how can we object to a Muslim place of worship and remain true to our most fundamental principles?

Upholding the promise of our founding values should be reason enough to resist anti-Muslim sentiment. But there are equally powerful reasons that rely not on values but on simple common sense. The war that began on September 11, 2001, is not only a war against terrorists but a war to isolate those terrorists from broader Muslim society. We have seen time and time again that when we stray from our values, it is not just a moral failure but a national security failure. Our troops work every day to keep weapons out of the hands of al-Qaida and its terrorists. Yet, by indulging in intolerance, we hand al-Qaida a powerful propaganda weapon, one to use to stoke hatred of us and to recruit the terrorists who threaten our troops abroad and our citizens at home. We have already seen in the violent and even deadly protests in Afghanistan how anger can spawn anger and hatred and can inspire hatred.

By threatening to burn holy texts or by holding an entire faith as somehow responsible for the actions of its most fanatic members, Osama bin Laden and his kind are given precisely the kind of clash of civilizations they so desperately seek to create.

I was heartened by the words of Mayor Michael Bloomberg, who said:

We would be untrue to the best part of ourselves—and who we are as New Yorkers and Americans—if we said "no" to a mosque in Lower Manhattan.

I am also encouraged by the religious leaders of many faiths across our country who have stood up and said:

We support the rights of all Americans to worship in their chosen place, through a climate of respect, dignity and peace.

I am encouraged by the words of our commander in Afghanistan, GEN David Petraeus, who powerfully pointed out that the acts of religious intolerance are "precisely the kind of action the Taliban uses" to direct hatred at our brave troops.

I am encouraged by the words of our President:

This is America and our commitment to religious freedom must be unshakeable.

I am heartened, too, by the reaction in my home State, which is home to a large, thriving, and valued community of Muslim Americans. The Grand Rapids Press has editorialized that "[a] Manhattan mosque would be a powerful statement that the terrorists did not—and cannot—win." A columnist in the Detroit News wrote:

Ground zero would seem to be the perfect place to demonstrate that religious tolerance is why so many flocked to our shores in

the first place, and remains a key block in the foundation of our freedom.

A Detroit Free Press editorial reads:

It's not just about this being a mosque, but about the religious freedom that we all hold dear, and that was such a critical part of this country's founding.

Michigan civil and religious leaders of many faiths and backgrounds have invoked our most closely held beliefs and called on the Nation to speak and act in harmony with those beliefs. The power of those beliefs represents a powerful tool against the hatred that inspired 9/11.

The founding principles of our Nation call on us to stand with voices of tolerance and reason. Those who have given their all in the defense of those principles would surely hope that we would resist the calls to hatred and violence. Our moral authority depends on that. Preservation of the freedom that defines us depends on that. Our safety depends on that. I commend those who have spoken for tolerance and diversity, who have resisted anger and intolerance, and who in doing so have upheld our most important values and have made our Nation safer.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak for up to 6 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORLD ALZHEIMER'S DAY

Mr. FRANKEN. Mr. President, I rise today to honor the Minnesotans and their families affected by Alzheimer's disease and recognize September 21 as World Alzheimer's Day. Today, over 94,000 Minnesotans and 5 million Americans are living with Alzheimer's disease. These are epidemic numbers, and the toll on our families and communities is devastating. Alzheimer's is the seventh leading cause of death and costs our Nation \$172 billion a year.

But today, on World Alzheimer's Day, we have reason to be hopeful. On this day, Alzheimer's is getting the attention it deserves. Take the first ever Alzheimer's Breakthrough Ride as an example. For the last 66 days, Alzheimer's researchers from across the country biked hundreds of miles to spread awareness about Alzheimer's. Today, these researchers arrived in Washington to demand that the fight against Alzheimer's be made a national priority.

I am proud to say that among the researchers on the ride is Minnesota doctor Michael Walters of the University

of Minnesota's Grossman Center for Memory Research and Care. Dr. Walters rode from Madison, WI, to Chicago, IL, to raise awareness about Alzheimer's. He is here in Washington to demand that we in Congress provide the funding needed to make real progress against this disease. And we need real progress. After decades of research, there is still no effective treatment and no way to prevent or cure Alzheimer's. That is why my colleague from Maryland, Senator MIKULSKI, has put forth a bill to make Alzheimer's research a national priority. S. 1492, the Alzheimer's Breakthrough Act, would dramatically increase funding for Alzheimer's research at the National Institutes of Health. Under this bill, the NIH would also focus on prevention and early detection of the disease—two understudied areas that could drastically improve the health of millions of Americans. That is why I am proud to have cosponsored the Alzheimer's Breakthrough Act.

The bill puts us one step closer to finding a cure and gives hope to families affected by Alzheimer's. One such family is the Shapiros of Edina, MN. In 2006, Alan Shapiro was diagnosed with Alzheimer's disease. Alan's father, uncle, and grandfather have all died of Alzheimer's, and Alan's brother Robert is currently living with the disease as well. Right now, Alan is in the midstage of his disease and needs round-the-clock supervision. His wife Carol spends her days caring for him so they can continue to live at home together. In addition to caregiving, Carol also takes care of all the things Alan used to do, such as maintaining the house. While Carol is involved with local support groups, she struggles just to stay afloat.

Like the Shapiros, many families affected by Alzheimer's will tell you that their needs are not being met. It is not always clear where to turn for help. Sometimes a doctor can tell you about a clinical trial or a friend can offer to do the grocery shopping, but unfortunately it is never really enough. Families such as the Shapiros need help planning for the future, they need help navigating complicated insurance policies, and they need help finding high-quality, long-term care services and respite care. Fortunately for families in need of this kind of help, there is a Federal law called the Older Americans Act. The Older Americans Act provides seniors and families affected by Alzheimer's with tools to create a long-term care plan, and it can help caregivers, such as Carol Shapiro, find services for their loved ones. For example, in Minnesota, the Older Americans Act funds the Senior Linkage Line. Families can call the line and get information about services for people with Alzheimer's available in their community.

Because of limited funding, even re-

sources such as the Senior Linkage Line are not always well known or able to serve everyone who needs them the most. That is why it is important to take a close look at the Older Americans Act when it is up for reauthorization next year. It is critical that the Older Americans Act receive robust funding so families affected by Alzheimer's know about the resources that are available to them. It is also important that we strengthen the law to ensure that people with Alzheimer's have access to high-quality, long-term care services and that States have the resources to protect people with Alzheimer's who receive care at home.

Today, on World Alzheimer's Day, I am committed to making support for families affected by Alzheimer's a national priority. As a member of the HELP Committee and the Special Committee on Aging, I will be fighting for the needs of Minnesotans affected by Alzheimer's disease during the reauthorization of the Older Americans Act. I will be a strong supporter of Alzheimer's research so real progress can be made to stop this disease. I urge my colleagues to do the same. I ask that they take this important day to remember the families, such as the Shapiros, living in their home States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN PRAISE OF MICHELLE O'NEILL

Mr. KAUFMAN. Mr. President, I rise again to honor one of our Nation's great Federal employees. As my colleagues know, I have been coming to the floor since last May to deliver a series of weekly speeches recognizing Federal employees' contributions to this country in some small way. When I was appointed to the Senate, I saw this as an opportunity to draw attention to the important work performed each day by some of America's hardest workers. They work for all of us. They choose careers in public service not because they will be paid more, because they will not, or because it is an easy job, because it certainly is not; they do it for love of their country and for a sense of duty. They do it because there are inherently government tasks we as a nation expect to be performed and because every one of us deserves the most highly skilled and hardest working public servants to carry them out.

I have been honoring great Federal employees from this desk for the past 16 months. It has been one of the highlights of my time in the Senate. Now I rise to honor a great Federal employee for the last time. I am proud to share that my honoree today is my 100th great Federal employee, a talented individual who spent two decades reducing trade barriers for American goods.

Michelle O'Neill has served as Deputy Under Secretary of Commerce for International Trade since 2005. In this role, Michelle supervises the day-to-day operations of the International Trade Administration, or ITA. The ITA has over 2,400 employees and an operating budget of over \$400 million. Its mission is to promote American exports and ensure fair access to overseas markets for our businesses.

Michelle, who holds a bachelor's degree from Sweet Briar College in Virginia and a master's degree from the Lyndon B. Johnson School of Public Affairs at the University of Texas, first came to the Department of Commerce in 1983 as an intern. Over the course of her career, she has served under 5 administrations and 11 Secretaries of Commerce. She has traveled to over 40 countries to carry out her work.

From a family with a long history of public service, Michelle knew very early that she wanted to pursue a career in government. Born on a military base, Michelle has said that "public service is part of my DNA; I have always found helping others, being part of something bigger than myself, to be very rewarding." Throughout her career at the ITA, she has done just that—helping Americans trade fairly across borders and pursue commerce, which has always been a vehicle for achieving the American dream. Michelle has consistently placed her work above her own advancement and taken risks for the sake of carrying out the ITA's core mission.

Michelle served overseas from 1995 to 1998 as the commercial attache to our mission to the Organization for Economic Cooperation and Development, OECD. Before that assignment, she worked as executive assistant to the Deputy Under Secretary for International Trade—the position Michelle now holds. In 1995, she served as a Brookings legislative fellow with the Ways and Means Subcommittee on Trade in the House of Representatives and from 1990 to 1991 was detailed to the Office of Policy Development in the White House.

One of her major achievements at the ITA has been resolving a major China market access barrier, for which she won the Department's Silver Medal. She also has been praised for her role in developing an online portal for government export assistance, called export.gov. Michelle was also awarded the William A. Jump Award for exemplary service in public administration. This June, she was honored as Outstanding Woman of the Year by the Association of Women in International Trade.

Today, Michelle is part of the ITA's leadership team. The American people are fortunate to have her talents and experience at work for them. She joins the 99 other outstanding public servants whom I have honored weekly

throughout my term. Together, they are my 100 great Federal employees—not that these are all the great employees, but I think you see a mosaic which represents all of our Federal employees.

I hope to come to the floor next week to speak about a special group of outstanding Federal employees, but this week's honoree, Michelle O'Neill, is the final individual whose story I will share in this series. I hope my colleagues in the Senate and all Americans will join me in thanking her and all those who work at the International Trade Administration for their service to our Nation. They are all truly great Federal employees.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. PUBLIC HEALTH SERVICE

Mr. INOUE. Mr. President, on August 5, 2010, I was presented with the flag of the United States Public Health Service by the Commissioned Officers Association, COA, of the U.S. Public Health Service, PHS, and its affiliated PHS Commissioned Officers Foundation. The Public Health Service Commissioned Corps is one of our Nation's seven uniformed services. When the COA was kind enough to present me with their Health Leader of the Year Award several weeks ago, it was noted that, while I had the flags of the five armed services displayed in my office on Capitol Hill, there was no PHS flag to complete the display.

The first thing I noticed when presented with the PHS flag was its color—a bright yellow field with dark blue crest and inscription. The PHS flag reveals the history of our Nation's Public Health Service. The Public Health Service traces its origins to 1798 with the passage of an "Act for the Relief of Sick and Disabled Seamen." The economic survival of our young country was almost totally dependent on maritime commerce and this law was aimed at protecting the health of merchant seaman, without whose labors the young nation would not long survive, much less prosper.

Medical quarantine of ships found to be carriers of disease was an essential tool in protecting the commercial interests of the United States. The PHS flag is the same yellow color as the maritime "quebec" signal flag which is the international signal for a ship under quarantine.

Emblazoned on the yellow field of the PHS flag is a crossed "fouled" anchor and caduceus. The fouled anchor—an anchor wrapped by its chain and thus unusable—is the symbol of a ship or sailor in distress. Interestingly, the caduceus in the PHS crest is the mark of Hermes, the Greek god of commerce—later the Roman god Mercury—and consists of a staff with two entwined serpents. The caduceus, emblem of commerce, is often confused with the ancient Greek Rod of Asclepius—a staff entwined by a single serpent—which represents the healing arts.

So the crest of the Public Health Service signifies the importance of protecting the Nation's commercial interests by ensuring we have a healthy workforce. This is as critical to the United States today as it was in 1798—and we are faced in the 21st century with perhaps more threats to the health of our workforce than ever before.

Leadership in the protection of our Nation's public health originates within the Public Health Service whose origins can be traced to that 1798 law passed by Congress. And leadership within the Public Health Service is embodied by the Office of the Surgeon General and the officers of the PHS Commissioned Corps. These uniformed health professionals are essential defenders of our national security which is dependent on a healthy population—the bedrock upon which is built our commerce and our national defense.

We all owe these PHS Commissioned Corps officers our support for their often unheralded efforts in protecting and promoting the Nation's security. I am proud to honor their service by displaying the PHS flag in my personal office on Capitol Hill.

DEFENSE TRADE COOPERATION TREATIES

Mr. FEINGOLD. Mr. President, today, the Senate Foreign Relations Committee approved the Defense Trade Cooperation Treaties with the U.K. and Australia and their implementing legislation. These treaties would exempt these two countries—two of our most important allies—from our arms export licensing regime.

Though I am confident our allies will use these treaties as intended, I am very concerned that these treaties may make it easier for arms dealers to divert weapons to illicit purposes. The Government Accountability Office has reported that diversion of weapons from the United States, including

through the U.K. and Australia, is a major source of weapons for countries of concern to the U.S., including Iran. It has also documented how arms smugglers have relied on previous licensing exemption regimes as a cover for the diversion of arms. Finally, it has reported that U.S. officials charged with enforcing our arms export controls are concerned that licensing exemptions reduce the evidentiary trail they use to detect and prosecute the diversion of weapons.

While this implementing legislation will enhance reporting to Congress, it does nothing to address the problem of not having an evidentiary trail. That is a mistake. I will carefully monitor the implementation of these treaties to ensure that they are not used by arms dealers as cover to divert weapons to illegal end users. If we have trouble prosecuting violations of the treaties, Congress may need to enact additional legislation requiring licenses in certain cases.

In an age of terrorism, it is more important than ever that we control the proliferation of weapons that can be diverted to adversaries of the United States and feed regional conflicts around the world. Our licensing regime is a critical component of our effort to ensure that these weapons do not end up in the hands of our enemies. It should be strengthened, not weakened. Unfortunately, the administration appears to be moving in the opposite direction with a larger effort to decontrol the export of sensitive military equipment.

In addition, I am concerned that these agreements were negotiated as treaties largely as a means to avoid congressional scrutiny. The House Foreign Affairs Committee has carefully investigated our arms export control regime and expressed concern about early attempts to provide a statutory waiver in these cases. In response to these concerns, the Bush administration sought to do an end run around the House of Representatives by negotiating the waivers as treaties. Further, it sought to limit Senate oversight by arguing that no implementation legislation was needed to ensure that these treaties are enforceable. I regret that the Obama administration took the same position.

I was pleased that Senator LUGAR took the time to carefully draft implementing legislation that will ensure some bicameral oversight of these treaties. However, while this addresses some of my concerns, it leaves many questions unanswered. This approach should not become the norm. I urge the administration to rely on the regular legislative process to address any future, perceived deficiencies in our arms export regime.

ADDITIONAL STATEMENTS

RECOGNIZING DOLLE'S CANDYLAND

• Mr. CARDIN. Mr. President, today I would like to pay special tribute to the Dolle family on the occasion of the 100th anniversary of Dolle's Candyland of Ocean City, MD. For the past century, Dolle's has been one of the jewels of Ocean City's famous boardwalk, helping thousands of vacationing families build warm summer memories and providing treats for lucky relatives and co-workers back home.

For its entire history, this Eastern Shore landmark has been presided over by men named Rudolph Dolle. The first of the line, the grandfather of the current proprietor, left his home in New York in 1910 to install an old-fashioned hand-made carousel on what was then the small Ocean City boardwalk at the corner of Wicomico Street. Soon after the Dolles built their carousel, the man who sold saltwater taffy next door fell upon hard times and offered to sell his business to Rudolph and his wife Amelia. Sales of salt water taffy quickly became the family's main livelihood and were followed by homemade fudge and caramel popcorn.

The original merry-go-round burned to the ground in 1925 but the candy business continued to flourish. In 1910, shop hands cooked the saltwater taffy in small copper kettles before it was cut and wrapped piece by piece by the store's employees. Today, the copper kettles can cook 150 pounds of taffy at once, and the pulling, cutting, and wrapping is now performed by machines that can produce 650 pieces of taffy every minute, allowing Dolle's to sell an average of almost 3,000 pounds of taffy per day during the busy summer season.

The flagship store has been enlarged but remains on the original site at Wicomico Street and the boardwalk. A second store further north in Ocean City is now open, and Dolle's now offers other homemade candy treats, including caramels, gummy bears, and seasonal chocolates for the holidays.

Four generations of the Dolle family have worked behind the counter and in the kitchen. They take great pride in their customer service and civic engagement and provide free shipping to all orders sent to military addresses.

I urge my colleagues to join me today in honoring the Dolle family on the occasion of the 100th anniversary of the founding of Dolle's Candyland, and in sending along best wishes for many more generations of the Dolle family who will continue the family business and tradition on the boardwalk in Ocean City, MD.●

REMEMBERING DOUG M. ANDRUS, JR.

• Mr. CRAPO. Mr. President, today I honor the life of a very good friend and neighbor, Doug M. Andrus Jr. I join with his family in mourning his passing. He had the love and faith of the entire community and will be greatly missed. He was faithful, reliable and committed to his family, his church and his community. He set a tremendous example in everything that he did, and I am honored to have counted him among my friends.

Doug was a successful Idaho Falls businessman—a loving son, brother, husband, father, and grandfather. He was born on April 29, 1941, the second of six children, and grew up in Idaho Falls. Doug served a mission for The Church of Jesus Christ of Latter-Day Saints and attended Ricks College and Brigham Young University, where he graduated with honors. He was married to his wife Deanna for 47 years; together, they had 13 children and 56 grandchildren. Doug and his brother, Heber, coowned a family business, Doug Andrus Distributing, started by his parents in 1937. Through hard work and ingenuity, Doug and Heber grew the trucking company expanding business throughout the United States and western Canada, established Dad's Travel Center truck stops and have the Andco Leasing real estate development company. Doug has been recognized for his principled business practices, receiving the Granite Pillar Award in 2009 for business ethics.

Doug was also widely respected for his active involvement in the community and church. He was a great humanitarian whose giving included contributions to the Hurricane Katrina relief effort and local food banks, and he dedicated substantial time and resources to the Boy Scouts of America, through which he earned the one of the highest recognitions given—Silver Beaver Award. Doug was also a devoted missionary and member of The Church of Jesus Christ of Latter-Day Saints. He served in many central roles in the church, including elders quorum presidency, stake president, mission president in the Nevada Las Vegas West mission and sealer in the Idaho Falls Temple. We worked closely together when he served with me in the stake presidency of the Eagle Rock Stake.

Through all that he did, Doug was a good, humble, gregarious, gracious, faithful, committed, reliable man of integrity. He was very kind and giving and served as a great model of how best to carry oneself and treat others. His family and friends loved and trusted him immensely, and he provided sound counsel to many throughout the community. I will deeply miss my good friend, Doug Andrus.●

2010 GOVERNOR'S AWARDS IN THE ARTS

• Mr. CRAPO. Mr. President, today I recognize the artistic achievements of the recipients of Idaho's 2010 Governor's Awards in the Arts.

The Idaho Commission on the Arts, a State agency committed to making the arts available to all Idahoans, established the biennial Governor's Awards in the Arts in 1970 to advance the recognition of Idaho arts and artists. Artists play a vital role in enhancing the quality of cultural and educational life throughout America. It is important to honor the significant contribution of Idaho artists to Idaho's rich artistic culture. I join in recognition of the achievements of the following recipients of the 2010 Governor's Awards in the Arts and thank them for their contribution to Idaho and the Nation: David Giese; Alma Gomez; George Halsell; Cary Schwarz; Randy Priest; Dwight Towell; Lisa Myers; Ruth Pratt; Lynn J. Skinner; Richard E. Bird; Christine Hatch; Tom Tompkins; Arthur Hart; Henry T. Hopkins; and Senator James A. McClure and Mrs. Louise McClure.

David Giese, of Moscow, ID, is a recipient of an "Excellence in the Arts" award for his distinguished 33-year career as a professor of art and design at the University of Idaho. He is also being recognized for his remarkable record of 24 one-person exhibitions and many more juried, invitational group shows. Additionally, the originality of his mixed-media art forms is exemplary. David's lasting and noteworthy career and contribution to artistic development is admirable. He has enhanced the visual art form and motivated budding artists.

Alma Gomez of Boise also received an "Excellence in the Arts" award. Alma has achieved significant accomplishments as a visual artist and adjunct professor of art at Boise State University. She is also being honored for painting exceptional murals at Boise State University, the Hispanic Cultural Center of Idaho, and Terry Reilly Health Services in Nampa. Alma is a very talented painter who has contributed to the aesthetic appearance of many important facilities and has helped foster artistic growth in other artists through her work at the university. This award is well deserved.

Musician George Halsell, of Twin Falls has been honored through an "Excellence in the Arts" award for his more than 20 years of distinguished accomplishments as a musician, composer, conductor, and music educator. George most recently introduced his "Symphony in Five Episodes" through a performance by the Magic Valley Symphony. George Halsell's sustained musical achievement and ability to channel his musical talents to reach others is remarkable. George has earned his place among great Idaho artists.

Cary Schwarz, a Salmon area saddlemaker, has been honored with the "Excellence in Folk and Traditional Arts" award. Cary, a founding member of the Traditional Cowboy Arts Association, has set an outstanding standard in saddlemaking for more than 25 years. For many years, Cary has also taught the art to aspiring saddlemakers. Cary has contributed greatly to the saddlemaking craft and advanced the craft through furthering the skill in others. Cary's involvement to further this traditional art form is admirable.

Randy Priest of Donnelly received an "Excellence in Folk and Traditional Arts" award for his 35 years as a premier western hatter. For many years, Randy has served as a hat maker for local Donnelly residents. He has also made hats for national celebrities. Randy is also being honored for passing down his skills to apprentices. Hat making is often a challenging art that requires extreme skill, especially in teaching others the trade. Randy's gift and effort to teach others merit this recognition.

Custom knifemaker Dwight Towell of Midvale is a recipient of an "Excellence in Folk and Traditional Arts" award for his more than 30 years of custom knifemaking and status as one of the best knifemakers in the world. Dwight is a widely respected member of the Knifemakers Guild. Dwight's talents have also been consistently showcased in the Art Knife Invitational Show, and he has received the Beretta Award for Outstanding Achievement in Handcrafted Cutlery. The precision and skill Dwight has demonstrated in honing his craft is exemplary and rightly being recognized.

Lisa Myers of Nampa has been recognized through a "Support of the Arts" award for her 17 years of support for local visual and performing artists and hosting the Valentines for AIDS exhibition that has raised \$250,000 for the Safety Net for AIDS Program. Lisa also initiated the HIP Holiday Market and Project Reconstruct Fashion Show benefiting the Dress for Success program. Lisa's leadership in advancing the arts and her singular vision, determination, and commitment are highly commendable. Lisa's exemplary dedication to the arts and the community is remarkable. Her commitment and support are truly inspirational.

Ruth Pratt of Coeur d'Alene is also a recipient of a "Support of the Arts" award. Ruth has served as executive director of the Coeur d'Alene Library Foundation for 7 years, where she led a public/private partnership with the city to build a new \$7 million library enhanced with commissioned art. Ruth is also being recognized for her support of a local jazz concert series, training nonprofits to attract investors, and for her service on the board of directors for the Idaho Nonprofit Center, Spokane Public Radio, Coeur d'Alene Summer

Theatre, and Arts & Culture Alliance of Coeur d'Alene. Ruth has contributed considerable time and effort to growing the arts throughout the area. Ruth's thoughtfulness and dedication are ensuring that more Idahoans have access to inspiring art.

Lynn J. Skinner of Moscow has achieved a "Support of Arts Education" award for serving as executive director of the Lionel Hampton International Jazz Festival from 1976 to 2007 and encouraging thousands of young jazz enthusiasts. Lynn has dedicated considerable time and talent to advancing jazz music. Lynn's lifetime of teaching and sharing his love of music with young people, serving as a jazz clinician and adjudicator in the United States and Canada, and his selection for the Downbeat Jazz Educator Lifetime Achievement Award are also being honored through this recognition. Lynn's admirable enthusiasm is motivational and commendable.

Richard E. Bird of Rexburg is also the recipient of a "Support of Arts Education" award for his more than three decades as a teaching member of the art department faculty at Ricks College and his exceptional mastery of oil and watercolor painting, calligraphy, graphic design, and ceramics. Richard has also being honored for his service as a charter member of the Idaho Watercolor Society and founder and president of the Upper Valley Art Gallery, Rexburg. Richard's substantial skill and dedication to the craft are outstanding. His considerable commitment is award worthy.

Christine Hatch of Idaho Falls received an "Excellence in Arts Administration Award" for her 8 years of service as executive director of the present Art Museum of Eastern Idaho and establishing museum programs in a variety of media and art forms that reach nearly 12,000 students, teachers and families. Christine has also been honored for making the museum an essential part of the community; opening the museum to youth programs, such as art classes, poetry readings and musical events and for serving as the former president of the Idaho Falls Symphony. I am very proud of my sister who has contributed significantly to the strength of our community and fostered the growth of the arts. Her dedication is inspiring, and I join all of our family and friends in commending her achievement.

Tom Tompkins of Boise is also the recipient of an "Excellence in Arts Administration Award" for his years of exemplary representation of the Esther Simplot Performing Arts Academy and serving as Boise's ambassador to music and to all groups and organizations in the arts, professional and amateur. Tom has also served a key role in the Ensembles in the Schools educational program, and he has also been honored for performing as principal viola for

the Boise Philharmonic for 25 years, as viola in the outstanding Boise String Quartet, and as a string player with the nationally recognized music group Onamatopoeia. Tom's expertise and commitment to the performing arts is renowned. His musical abilities, music advocacy and advancement of musical education have touched many lives and are praiseworthy.

A "Special Commendations" award went to historian Arthur Hart for beginning the art department at The College of Idaho in 1948. Arthur has also been recognized for his distinguished publications concerning Idaho history and architecture and his Honorary Membership in the American Institute of Architects. Arthur has led the way in broadening artistic opportunity for students. Through his strong achievements, others have had the chance to grow artistically. Idahoans have benefited greatly from Arthur's foresight and fortitude.

The late Henry T. Hopkins of Idaho Falls is a recipient of a "Special Commendations" award. Henry Hopkins' achievements as a cofounder and director of the Sun Valley Center for the Arts and service as director of the Fort Worth Art Center Museum, the San Francisco Museum of Modern Art, the Wright Art Gallery at UCLA, Armand Hammer Museum of Art and Cultural Center and on the National Advisory Board of the Boise Art Museum are commendable. Henry has also been honored for his unparalleled influence and impact on the arts in Idaho. Henry Hopkins forged a legacy of accomplishments in the arts. His inspiration has helped fuel the expansion of the arts and artistic achievement.

The Honorable Senator James A. McClure and Mrs. Louise McClure are the recipients of the "Lifetime Achievement" award for their substantial support of the arts. Louise and Jim have dedicated significant time and effort to fostering the arts and are being recognized for Louise's service on the National Council on the Arts and Jim's service on the board of the John F. Kennedy Center for the Performing Arts. They have also been long-time supporters of the University of Idaho Lionel Hampton International Jazz Festival and have demonstrated tireless support of the arts in Idaho and throughout the Nation. The McClures' commitment to Idaho and the arts is inspirational and commendable, and it is an honor to join in recognizing the contribution of these two great Idahoans.

All of those being honored through the 2010 Governor's Awards in the Arts are making our communities stronger through their participation in and encouragement of artistic expression. They add fresh perspective and deepen our understanding of each other and the world around us. It is a great privilege to help recognize the immense ar-

tistic talent throughout Idaho. These recipients, who are utilizing a variety of art forms, are not only contributing to their crafts, but also they are fostering the growth of artistic achievement through teaching others. For this, I thank all of the award recipients and commend Governor Otter and the Idaho Commission on the Arts for the 40th anniversary of the awards and their roles in these achievements.●

TRIBUTE TO DR. ALBERT STARR

● Mr. WYDEN. Mr. President, this week marks the 50th anniversary of one of the most remarkable innovations in modern medicine. On September 21, 1960, at the University of Oregon Medical School, Dr. Albert Starr successfully implanted the first prosthetic mechanical heart valve. In 1958, Lowell Edwards, a retired mechanical engineer, approached Dr. Starr about the possibility of creating an artificial heart. Believing artificial heart technology to be a bit premature, Starr encouraged Edwards to consider valve replacement surgery. The valve they designed—a ball and cage mechanical valve—was successfully implanted in its first patient just 2 years later. For this achievement, Dr. Starr was the co-recipient of the Albert Lasker Award, for Clinical Medical Research in 2007.

Dr. Starr continues to contribute to the development of medical science as the director emeritus of Providence Heart and Vascular Institute, medical director of the Albert Starr Academic Center, and director of bioscience research and development for Providence Health & Services in Oregon.

Since the valve's first use in 1960, heart valve replacement surgery has saved millions of lives, giving hope to those with heart disease. Today, life saving heart valve replacement surgery is performed 300,000 times each year around the globe, with more than 90,000 of those operations taking place in the U.S.

Dr. Starr says he considers his legacy to be about the people he has trained and his patients. For him, the human interaction has been the most important aspect of his lifetime of achievements. I am grateful for his passion to help people and to help advance medical science.

It is an honor for me to recognize Dr. Albert Starr for his contributions to medical innovation and I am proud to have him call Oregon his home.●

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3813. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3815. A bill to amend the Internal Revenue Code of 1986 to reduce oil consumption

and improve energy security, and for other purposes.

S. 3816. A bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 21, 2010, she had presented to the President of the United States the following enrolled bill:

S. 3656. An act to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7405. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10-076, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-7406. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10-058, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-7407. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10-064, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-7408. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10-095, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-7409. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC-7410. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General John F. Kimmons, United States Army,

and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-7411. A communication from the Principal Deputy Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's purchases from foreign entities for Fiscal Year 2009; to the Committee on Armed Services.

EC-7412. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE: TRICARE Delivery of Health Care in Alaska" (RIN0720-AB29) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Armed Services.

EC-7413. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE: Transitional Assistance Management Program (TAMP)" (RIN0720-AB34) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Armed Services.

EC-7414. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE: Non-Physician Referrals for Physical Therapy, Occupational Therapy, and Speech Therapy" (RIN0720-AB36) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Armed Services.

EC-7415. A communication from the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, a report entitled "Annual Report to Congress on Initiatives to Address Management Deficiencies Identified in the Audit of FHA's Financial Statements for Fiscal Years 2009 and 2008"; to the Committee on Banking, Housing, and Urban Affairs.

EC-7416. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Internal Agency Docket No. FEMA-8149)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7417. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing-Federal Housing Commissioner, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Federal Housing Administration Risk Management Initiatives: New Loan-to-Value and Credit Score Requirements" (FR-5404-N-02) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7418. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are controlled under Category I of the United States Munitions List sold commercially under a contract in the amount of \$1,000,000 or more to the Royal Guard of Oman; to the Committee on Foreign Relations.

EC-7419. A communication from the Assistant Secretary, Bureau of Legislative Affairs,

Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are controlled under Category I of the United States Munitions List sold commercially under a contract in the amount of \$1,000,000 or more to Taiwan; to the Committee on Foreign Relations.

EC-7420. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to the United Arab Emirates for the sale of six C-17A Globemaster III transport aircraft in the amount of \$14,000,000 or more; to the Committee on Foreign Relations.

EC-7421. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to the Republic of Korea for the assembly, integration and maintenance of the Rolling Airframe Missile (RAM) Guided Missile Weapon System in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-7422. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services for installation in various vehicles and dismantled applications to support the Australian Government Department of Defence for Communications in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-7423. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services to Japan for the post-production support of the AN/ALQ-131(V) Electronic Countermeasures ("ECM") in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-7424. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to the United Kingdom and Greece for the manufacture of Lightweight 30mm (LW 30mm) TP projectile and the LW 30mm cartridge case as well as the LAP of TP and HEDP LW 30mm ammunition; to the Committee on Foreign Relations.

EC-7425. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to the United Arab Emirates for the establishment of a maintenance service center for the Ministry of Defense's fleet of H-60 and S-70 model helicopters in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-7426. A communication from the Assistant Secretary, Bureau of Legislative Affairs,

Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services for the manufacture of Patriot PAC-3 Missile Segment Canister Assemblies and Components in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-7427. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services for the manufacture of MJU-68/B Decoy Flares for end use by the Joint Strike Fighter Partner Nations for the Joint Strike Fighter (F35) in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-7428. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to Japan for the manufacture of Patriot PAC-3 Missile Segment Command and Launch System in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-7429. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0134 - 2010-0136); to the Committee on Foreign Relations.

EC-7430. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a report relative to a vacancy in the position of Director, Pension Benefit Guaranty Corporation; to the Committee on Health, Education, Labor, and Pensions.

EC-7431. A communication from the General Counsel and Senior Policy Advisor, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, (2) reports relative to vacancies in the positions of Director and Deputy Director in the Office of Management and Budget; to the Committee on Homeland Security and Governmental Affairs.

EC-7432. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Letter Report: Fiscal Year 2009 District of Columbia Agency Compliance with Small Business Enterprise Goals"; to the Committee on Homeland Security and Governmental Affairs.

EC-7433. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "Report of the Proceedings of the Judicial Conference of the United States" for the March 2010 session; to the Committee on the Judiciary.

EC-7434. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, a report relative to the Academy's activities during the year ending December 31, 2009; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

Jacob J. Lew, of New York, to be Director of the Office of Management and Budget.

By Mr. KERRY for the Committee on Foreign Relations.

*Edward W. Brehm, of Minnesota, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2011.

*Johnnie Carson, an Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2015.

*Mimi E. Alemayehou, Executive Vice President of the Overseas Private Investment Corporation, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2015.

*Duane E. Woerth, of Nebraska, for the rank of Ambassador during his tenure of service as Representative of the United States of America on the Council of the International Civil Aviation Organization.

*Norman L. Eisen, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic.

Nominee: Norman L. Eisen.

Post: Ambassador to the Czech Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$28,500, 7/31/2008, Obama Victory Fund (Distributed \$1,150 to OFA, \$27,350 to DNC); \$2,300, 6/25/2008, Kissell for Congress; \$500, 6/18/2008, Friends of Jay Rockefeller; \$1,000, 6/12/2008, Pennsylvanians for Kanjorski; \$250, 3/27/2008, Al Franken for Senate; \$1,000, 3/15/2008, Berkowitz for Congress; \$1,000, 2/1/2008, Warner for Senate; \$1,150, 12/18/2007, Donna Edwards for Congress; \$1,150, 4/6/2007, Obama for America; \$2,300, 3/26/2007, Biden for President, Inc.; \$2,300, 3/6/2007, Obama for America; \$1,000, 9/25/2006, Veterans' Alliance for Security and Democracy Political Action Committee (VETPAC); \$500, 9/8/2006, Ben Cardin for Senate; \$2,100, 6/7/2006, Donna Edwards for Congress; \$2,000, 3/30/2006, David Yassky for Congress; \$1,000, 1/31/2006, Forward Together PAC; \$2,100, 3/3/2005, Friends of Hillary; \$2,100, 3/3/2005, Friends of Hillary.

2. Spouse: M. Lindsay Kaplan: \$2,300, 6/25/2008, Kissell for Congress; \$2,000, 9/10/2008, Moveon.org Political Action; \$1,150, 2/5/2008, Donna Edwards for Congress; \$1,000, 6/30/2007, Biden for President, Inc.; \$1,150, 4/6/2007, Obama for America; \$2,300, 3/6/2007, Obama for America.

3. Children and Spouses: Tamar Y. Eisen: (none).

4. Parents: Frieda Eisen: (none); Irvin Eisen: (deceased).

5. Grandparents: All of my grandparents have been deceased for over 40 years.

6. Brothers and Spouses: Robert B. Eisen: (none); Steven H. Eisen: (none).

7. Sisters and Spouses: N/A.

*Alexander A. Arvizu, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

Nominee: Alexander A. Arvizu.

Post: U.S. Ambassador to Albania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$500, 10/17/2008, Obama for America.
2. Spouse: \$500, 07/21/2004, John Kerry for President, Inc.
3. Children and Spouses: none.
4. Parents: none.
5. Grandparents: none.
6. Brothers and Spouses: none.
7. Sisters and Spouses: none.

*Joseph A. Mussomeli, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Nominee: Joseph Adamo Mussomeli.

Post: Slovenia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$0.
2. Spouse: \$0.
3. Children and Spouses: \$0.
4. Parents:
5. Grandparents:
6. Brothers and Spouses: \$0.
7. Sisters and Spouses: \$0.

*Matthew J. Bryza, of Illinois, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

Nominee: Bryza, Matthew James.

Post: Baku, Azerbaijan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: \$0.
2. Spouse: \$0.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND:

S. 3808. A bill to amend the Consolidated Farm and Rural Development Act to expand eligibility for Farm Service Agency loans; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 3809. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to carry out a conservation program under which the Secretary shall make payments to assist owners and operators of muck land to conserve and improve the soil, water, and wildlife resources of the land; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND (for herself and Mr. CARDIN):

S. 3810. A bill to restrict participation in offshore oil and gas leasing by a person who engages in any activity for which sanctions may be imposed under section 5 of the Iran Sanctions Act of 1996, to require the lessee under an offshore oil and gas lease to disclose any participation by the lessee in certain energy-related joint ventures, investments, or partnerships located outside Iran, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself and Mr. CRAPO):

S. 3811. A bill to establish the Military Family-Friendly Employer Award for employers that have developed and implemented workplace flexibility policies to assist the working spouses and caregivers of service members, and returning service members, in addressing family and home needs during deployments; to the Committee on Armed Services.

By Mr. VITTER (for himself and Mr. MCCAIN):

S. 3812. A bill to prohibit trade in billfish and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. BROWNBACK, Mr. DORGAN, Ms. COLLINS, Mr. UDALL of New Mexico, Mr. ENSIGN, Mr. UDALL of Colorado, Ms. CANTWELL, Mr. JOHNSON, Mrs. SHAHEEN, Mr. HARKIN, Mr. REID, Mr. BENNETT, Mrs. MURRAY, Mr. BEGICH, Mr. FRANKEN, Mr. BURRIS, Mr. KAUFMAN, Mrs. FEINSTEIN, Mr. KERRY, and Mr. DURBIN):

S. 3813. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes; read the first time.

By Mr. VITTER (for himself, Mr. CHAMBLISS, Mr. ISAKSON, Mrs. HUTCHISON, Mr. ALEXANDER, Ms. LANDRIEU, and Mr. NELSON of Florida):

S. 3814. A bill to extend the National Flood Insurance Program until September 30, 2011; considered and passed.

By Mr. REID:

S. 3815. A bill to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes; read the first time.

By Mr. DURBIN (for himself, Mr. REID, Mr. SCHUMER, and Mr. DORGAN):

S. 3816. A bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas; read the first time.

By Mr. ENZI:

S.J. Res. 39. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule relating to status as a grandfathered health plan under the Patient Protection and Affordable Care Act; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself, Mr. COCHRAN, Mr. BROWN of Ohio, Mr. BEGICH, and Mr. FEINGOLD):

S. Res. 631. A resolution designating the week beginning on November 8, 2010, as National School Psychology Week; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 632. A resolution honoring the work of the United Service Organizations and congratulating the United Service Organizations on the sending of their 2 millionth troop care package; considered and agreed to.

By Mr. KOHL (for himself, Ms. MIKULSKI, Mr. CASEY, Mr. FEINGOLD, and Mr. LEMIEUX):

S. Res. 633. A resolution designating September 23, 2010, as "National Falls Prevention Awareness Day" to raise awareness and encourage the prevention of falls among older adults; considered and agreed to.

By Mrs. McCASKILL (for herself and Mr. BOND):

S. Res. 634. A resolution commemorating the 100th anniversary of the founding of the Saint Louis Zoo; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. LAUTENBERG, Mr. UDALL of New Mexico, Mrs. MURRAY, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. UDALL of Colorado, Mrs. BOXER, Mrs. FEINSTEIN, Mr. ENSIGN, and Mr. WARNER):

S. Res. 635. A resolution designating the week beginning September 19, 2010, as "National Hispanic-Serving Institutions Week"; considered and agreed to.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. Res. 636. A resolution congratulating Walter Breuning on the occasion of his 114th birthday; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. Res. 637. A resolution commending the Seattle Storm for winning the 2010 Women's National Basketball Association Championship; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 510

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 833

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr.

MERKLEY) was added as a cosponsor of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 987

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1153

At the request of Mr. SCHUMER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1617

At the request of Mr. BROWN of Ohio, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1617, a bill to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, and for other purposes.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1695

At the request of Mr. BURRIS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2814

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2814, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 2896

At the request of Mr. FRANKEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2896, a bill to recruit, support, and prepare principals to improve student academic achievement at high-need schools.

S. 2982

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3107

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3107, a bill to amend title 38, United States Code, to provide for an increase, effective December 1, 2010, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

S. 3184

At the request of Mrs. BOXER, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3510

At the request of Mr. CONRAD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3510, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3574

At the request of Mr. BROWN of Ohio, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 3574, a bill to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards.

S. 3693

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3693, a bill to provide funding for the settlement of lawsuits against the Federal Government for discrimination against Black Farmers.

S. 3735

At the request of Mrs. LINCOLN, the names of the Senator from Utah (Mr. HATCH), the Senator from Kansas (Mr. ROBERTS), the Senator from Nebraska (Mr. JOHANNES), the Senator from Idaho (Mr. CRAPO), the Senator from Iowa (Mr. GRASSLEY), the Senator from Idaho (Mr. RISCH) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3735, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 3748

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3748, a bill to amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations of homeland defense missions to support their reintegration into civilian life, and for other purposes.

S. 3766

At the request of Mr. SPECTER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3766, a bill to amend the Public Health Service Act to provide for human stem cell research, including human embryonic stem cell research, and for other purposes.

S. 3774

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3774, a bill to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

S. 3786

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3804

At the request of Mr. LEAHY, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Maryland (Mr. CARDIN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 3804, a bill to combat online infringement, and for other purposes.

S. RES. 593

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. Res. 593, a resolution expressing support for designation of October 7, 2010, as "Jumpstart's Read for the Record Day".

S. RES. 603

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 603, a resolution commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as "Citizen Diplomacy Day".

AMENDMENT NO. 4618

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 4618 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 3815. A bill to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Natural Gas and Electric Vehicles Act of 2010".

TITLE I—NATURAL GAS VEHICLE AND INFRASTRUCTURE DEVELOPMENT

SEC. 1001. DEFINITIONS.

In this title:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) INCREMENTAL COST.—The term "incremental cost" means the difference between—

(A) the suggested retail price of a manufacturer for a qualified alternative fuel vehicle; and

(B) the suggested retail price of a manufacturer for a vehicle that is—

(i) powered solely by a gasoline or diesel internal combustion engine; and

(ii) comparable in weight, size, and use to the vehicle.

(3) MIXED-FUEL VEHICLE.—The term "mixed-fuel vehicle" means a mixed-fuel vehicle (as defined in section 30B(e)(5)(B) of the Internal Revenue Code of 1986) (including vehicles with a gross vehicle weight rating of 14,000 pounds or less) that uses a fuel mix that is comprised of at least 75 percent compressed natural gas or liquefied natural gas.

(4) NATURAL GAS REFUELING PROPERTY.—The term "natural gas refueling property" means units that dispense at least 85 percent by volume of natural gas, compressed natural gas, or liquefied natural gas as a transportation fuel.

(5) QUALIFIED ALTERNATIVE FUEL VEHICLE.—The term "qualified alternative fuel vehicle" means a vehicle manufactured for use in the United States that is—

(A) a new compressed natural gas- or liquefied natural gas-fueled vehicle that is only capable of operating on natural gas;

(B) a vehicle that is capable of operating for more than 175 miles on 1 fueling of compressed or liquefied natural gas and is capable of operating on gasoline or diesel fuel, including vehicles with a gross vehicle weight rating of 14,000 pounds or less.

(6) QUALIFIED MANUFACTURER.—The term "qualified manufacturer" means a manufacturer of qualified alternative fuel vehicles or any component designed specifically for use in a qualified alternative fuel vehicle.

(7) QUALIFIED OWNER.—The term "qualified owner" means an individual that purchases a qualified alternative fuel vehicle for use or lease in the United States but not for resale.

(8) QUALIFIED REFUELER.—The term "qualified refueler" means the owner or operator of natural gas refueling property.

(9) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 1002. PROGRAM ESTABLISHMENT.

(a) IN GENERAL.—There is established within the Department a Natural Gas Vehicle and Infrastructure Development Program for the purpose of facilitating the use of natural gas in the United States as an alternative transportation fuel, in order to achieve the maximum feasible reduction in domestic oil use.

(b) CONVERSION OR REPOWERING OF VEHICLES.—The Secretary shall establish a rebate program under this title for qualified owners who convert or repower a conventionally fueled vehicle to operate on compressed natural gas or liquefied natural gas, or to a mixed-fuel vehicle or a bi-fuel vehicle.

SEC. 1003. REBATES.

(a) INTERIM FINAL RULE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall promulgate an interim final rule establishing regulations that the Secretary considers necessary to administer the rebates required under this section.

(2) ADMINISTRATION.—The interim final rule shall establish a program that provides—

(A) rebates to qualified owners for the purchase of qualified alternative fuel vehicles; and

(B) priority to those vehicles that the Secretary determines are most likely to achieve the shortest payback time on investment and the greatest market penetration for natural gas vehicles.

(3) ALLOCATION.—Of the amount allocated for rebates under this section, not more than 25 percent shall be used to provide rebates to qualified owners for the purchase of qualified alternative fuel vehicles that have a gross vehicle rating of not more than 8,500 pounds.

(b) REBATES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide rebates for 90 percent of the incremental cost of a qualified alternative fuel vehicle to a qualified owner for the purchase of a qualified alternative fuel vehicles.

(2) MAXIMUM VALUES.—

(A) NATURAL GAS VEHICLES.—The maximum value of a rebate under this section provided to a qualified owner who places a qualified alternative fuel vehicle into service by 2013 shall be—

(i) \$8,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of not more than 8,500 pounds;

(ii) \$16,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of more than 8,500 but not more than 14,000 pounds;

(iii) \$40,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of more than 14,000 but not more than 26,000 pounds; and

(iv) \$64,000 for each qualified alternative fuel vehicle with a gross vehicle weight rating of more than 26,000 pounds.

(B) MIXED-FUEL VEHICLES.—The maximum value of a rebate under this section provided to a qualified owner who places a qualified alternative fuel vehicle that is a mixed-fuel vehicle into service by 2015 shall be 75 percent of the amount provided for rebates under this section for vehicles that are only capable of operating on natural gas.

(C) BI-FUEL VEHICLES.—The maximum value of a rebate under this section provided to a qualified owner of a vehicle described in section 2001(5)(B) shall be 50 percent of the amount provided for rebates under this section for vehicles that are only capable of operating on natural gas.

(c) TREATMENT OF REBATES.—For purposes of the Internal Revenue Code of 1986, rebates received for qualified alternative fuel vehicles under this section—

(1) shall not be considered taxable income to a qualified owner;

(2) shall prohibit the qualified owner from applying for any tax credit allowed under that Code for the same qualified alternative fuel vehicle; and

(3) shall be considered a credit described in paragraph (2) for purposes of any limitation on the amount of the credit.

(d) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$3,800,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SEC. 1004. INFRASTRUCTURE AND DEVELOPMENT GRANTS.

(a) INTERIM FINAL RULE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall promulgate an interim final rule establishing an infrastructure deployment program and a manufacturing development program, and any implementing regulations that the Secretary considers necessary, to achieve the maximum practicable cost-effective program to provide grants under this section.

(b) GRANTS.—The Secretary shall provide—

(1) grants of up to \$50,000 per unit to qualified refuelers for the installation of natural gas refueling property placed in service between 2011 and 2015; and

(2) grants in amounts determined to be appropriate by the Secretary to qualified manufacturers for research, development, and demonstration projects on engines with reduced emissions, improved performance, and lower cost.

(c) COST SHARING.—Grants under this section shall be subject to the cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) MONITORING.—The Secretary shall—

(1) require regular reporting of such information as the Secretary considers necessary to effectively administer the program from grant recipients under this section; and

(2) conduct on-site and off-site monitoring to ensure compliance with grant terms.

(e) FUNDING.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section \$500,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

SEC. 1005. LOAN PROGRAM TO ENHANCE DOMESTIC MANUFACTURING.

(a) INTERIM FINAL RULE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall promulgate an interim final rule establishing a direct loan program to provide loans to qualified manufacturers to pay not more than 80 percent of the cost of reequipping, expanding, or establishing a facility in the United States that will be used for the purpose of producing any new qualified alternative fuel motor vehicle or any eligible component.

(b) OVERALL COMMITMENT LIMIT.—Commitments for direct loans under this section shall not exceed \$2,000,000,000 in total loan principal.

(c) COST OF DIRECT LOANS.—The cost of direct loans under this section (including the cost of modifying the loans) shall be determined in accordance with section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(d) ADDITIONAL FINANCIAL AND TECHNICAL PERSONNEL.—Section 621(d) of the Department of Energy Organization Act (42 U.S.C. 7231(d)) is amended by striking “two hundred” and inserting “250”.

(e) FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, on October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary for the cost of loans to carry out this section \$200,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall ac-

cept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

TITLE II—PROMOTING ELECTRIC VEHICLES

SEC. 2001. DEFINITIONS.

In this title:

(1) AGENCY.—The term “agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code.

(2) CHARGING INFRASTRUCTURE.—The term “charging infrastructure” means any property (not including a building) if the property is used for the recharging of plug-in electric drive vehicles, including electrical panel upgrades, wiring, conduit, trenching, pedestals, and related equipment.

(3) COMMITTEE.—The term “Committee” means the Plug-in Electric Drive Vehicle Technical Advisory Committee established by section 2034.

(4) DEPLOYMENT COMMUNITY.—The term “deployment community” means a community selected by the Secretary to be part of the targeted plug-in electric drive vehicles deployment communities program under section 2016.

(5) ELECTRIC UTILITY.—The term “electric utility” has the meaning given the term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

(6) FEDERAL-AID SYSTEM OF HIGHWAYS.—The term “Federal-aid system of highways” means a highway system described in section 103 of title 23, United States Code.

(7) PLUG-IN ELECTRIC DRIVE VEHICLE.—

(A) IN GENERAL.—The term “plug-in electric drive vehicle” has the meaning given the term in section 131(a)(5) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a)(5)).

(B) INCLUSIONS.—The term “plug-in electric drive vehicle” includes—

(i) low speed plug-in electric drive vehicles that meet the Federal Motor Vehicle Safety Standards described in section 571.500 of title 49, Code of Federal Regulations (or successor regulations); and

(ii) any other electric drive motor vehicle that can be recharged from an external source of motive power and that is authorized to travel on the Federal-aid system of highways.

(8) PRIZE.—The term “Prize” means the Advanced Batteries for Tomorrow Prize established by section 2022.

(9) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(10) TASK FORCE.—The term “Task Force” means the Plug-in Electric Drive Vehicle Interagency Task Force established by section 2035.

Subtitle A—National Plug-in Electric Drive Vehicle Deployment Program.

SEC. 2011. NATIONAL PLUG-IN ELECTRIC DRIVE VEHICLE DEPLOYMENT PROGRAM.

(a) IN GENERAL.—There is established within the Department of Energy a national plug-in electric drive vehicle deployment program for the purpose of assisting in the deployment of plug-in electric drive vehicles.

(b) GOALS.—The goals of the national program described in subsection (a) include—

(1) the reduction and displacement of petroleum use by accelerating the deployment of plug-in electric drive vehicles in the United States;

(2) the reduction of greenhouse gas emissions by accelerating the deployment of plug-in electric drive vehicles in the United States;

(3) the facilitation of the rapid deployment of plug-in electric drive vehicles;

(4) the achievement of significant market penetrations by plug-in electric drive vehicles nationally;

(5) the establishment of models for the rapid deployment of plug-in electric drive vehicles nationally, including models for the deployment of residential, private, and publicly available charging infrastructure;

(6) the increase of consumer knowledge and acceptance of plug-in electric drive vehicles;

(7) the encouragement of the innovation and investment necessary to achieve mass market deployment of plug-in electric drive vehicles;

(8) the facilitation of the integration of plug-in electric drive vehicles into electricity distribution systems and the larger electric grid while maintaining grid system performance and reliability;

(9) the provision of technical assistance to communities across the United States to prepare for plug-in electric drive vehicles; and

(10) the support of workforce training across the United States relating to plug-in electric drive vehicles.

(c) DUTIES.—In carrying out this subtitle, the Secretary shall—

(1) provide technical assistance to State, local, and tribal governments that want to create deployment programs for plug-in electric drive vehicles in the communities over which the governments have jurisdiction;

(2) perform national assessments of the potential deployment of plug-in electric drive vehicles under section 2012;

(3) synthesize and disseminate data from the deployment of plug-in electric drive vehicles;

(4) develop best practices for the successful deployment of plug-in electric drive vehicles;

(5) carry out workforce training under section 2014;

(6) establish the targeted plug-in electric drive vehicle deployment communities program under section 2016; and

(7) in conjunction with the Task Force, make recommendations to Congress and the President on methods to reduce the barriers to plug-in electric drive vehicle deployment.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to the appropriate committees of Congress a report on the progress made in implementing the national program described in subsection (a) that includes—

(1) a description of the progress made by—

(A) the technical assistance program under section 2013; and

(B) the workforce training program under section 2014; and

(2) any updated recommendations of the Secretary for changes in Federal programs to promote the purposes of this subtitle.

(e) NATIONAL INFORMATION CLEARINGHOUSE.—The Secretary shall make available to the public, in a timely manner, information regarding—

(1) the cost, performance, usage data, and technical data regarding plug-in electric drive vehicles and associated infrastructure, including information from the deployment communities established under section 2016; and

(2) any other educational information that the Secretary determines to be appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out sections 2011 through 2013 \$100,000,000 for the period of fiscal years 2011 through 2016.

SEC. 2012. NATIONAL ASSESSMENT AND PLAN.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the

Secretary shall carry out a national assessment and develop a national plan for plug-in electric drive vehicle deployment that includes—

(1) an assessment of the maximum feasible deployment of plug-in electric drive vehicles by 2020 and 2030;

(2) the establishment of national goals for market penetration of plug-in electric drive vehicles by 2020 and 2030;

(3) a plan for integrating the successes and barriers to deployment identified by the deployment communities program established under section 2016 to prepare communities across the Nation for the rapid deployment of plug-in electric drive vehicles;

(4) a plan for providing technical assistance to communities across the United States to prepare for plug-in electric drive vehicle deployment;

(5) a plan for quantifying the reduction in petroleum consumption and the net impact on greenhouse gas emissions due to the deployment of plug-in electric drive vehicles; and

(6) in consultation with the Task Force, any recommendations to the President and to Congress for changes in Federal programs (including laws, regulations, and guidelines)—

(A) to better promote the deployment of plug-in electric drive vehicles; and

(B) to reduce barriers to the deployment of plug-in electric drive vehicles.

(b) UPDATES.—Not later than 2 years after the date of development of the plan described in subsection (a), and not less frequently than once every 2 years thereafter, the Secretary shall use market data and information from the targeted plug-in electric drive vehicle deployment communities program established under section 2016 and other relevant data to update the plan to reflect real world market conditions.

SEC. 2013. TECHNICAL ASSISTANCE.

(a) TECHNICAL ASSISTANCE TO STATE, LOCAL, AND TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—In carrying out this subtitle, the Secretary shall provide, at the request of the Governor, Mayor, county executive, or the designee of such an official, technical assistance to State, local, and tribal governments to assist with the deployment of plug-in electric drive vehicles.

(2) REQUIREMENTS.—The technical assistance described in paragraph (1) shall include—

(A) training on codes and standards for building and safety inspectors;

(B) training on best practices for expediting permits and inspections;

(C) education and outreach on frequently asked questions relating to the various types of plug-in electric drive vehicles and associated infrastructure, battery technology, and disposal; and

(D) the dissemination of information regarding best practices for the deployment of plug-in electric drive vehicles.

(3) PRIORITY.—In providing technical assistance under this subsection, the Secretary shall give priority to—

(A) communities that have established public and private partnerships, including partnerships comprised of—

(i) elected and appointed officials from each of the participating State, local, and tribal governments;

(ii) relevant generators and distributors of electricity;

(iii) public utility commissions;

(iv) departments of public works and transportation;

(v) owners and operators of property that will be essential to the deployment of a suffi-

cient level of publicly available charging infrastructure (including privately owned parking lots or structures and commercial entities with public access locations);

(vi) plug-in electric drive vehicle manufacturers or retailers;

(vii) third-party providers of charging infrastructure or services;

(viii) owners of any major fleet that will participate in the program;

(ix) as appropriate, owners and operators of regional electric power distribution and transmission facilities; and

(x) other existing community coalitions recognized by the Department of Energy;

(B) communities that, as determined by the Secretary, have best demonstrated that the public is likely to embrace plug-in electric drive vehicles, giving particular consideration to communities that—

(i) have documented waiting lists to purchase plug-in electric drive vehicles;

(ii) have developed projections of the quantity of plug-in electric drive vehicles supplied to dealers; and

(iii) have assessed the quantity of charging infrastructure installed or for which permits have been issued;

(C) communities that have shown a commitment to serving diverse consumer charging infrastructure needs, including the charging infrastructure needs for single- and multi-family housing and public and privately owned commercial infrastructure; and

(D) communities that have established regulatory and educational efforts to facilitate consumer acceptance of plug-in electric drive vehicles, including by—

(i) adopting (or being in the process of adopting) streamlined permitting and inspections processes for residential charging infrastructure; and

(ii) providing customer informational resources, including providing plug-in electric drive information on community or other websites.

(4) BEST PRACTICES.—The Secretary shall collect and disseminate information to State, local, and tribal governments creating plans to deploy plug-in electric drive vehicles on best practices (including codes and standards) that uses data from—

(A) the program established by section 2016;

(B) the activities carried out by the Task Force; and

(C) existing academic and industry studies of the factors that contribute to the successful deployment of new technologies, particularly studies relating to alternative fueled vehicles.

(5) GRANTS.—

(A) IN GENERAL.—The Secretary shall establish a program to provide grants to State, local, and tribal governments or to partnerships of government and private entities to assist the governments and partnerships—

(i) in preparing a community deployment plan under section 2016; and

(ii) in preparing and implementing programs that support the deployment of plug-in electric drive vehicles.

(B) APPLICATION.—A State, local, or tribal government that seeks to receive a grant under this paragraph shall submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

(C) USE OF FUNDS.—A State, local, or tribal government receiving a grant under this paragraph shall use the funds—

(i) to develop a community deployment plan that shall be submitted to the next available competition under section 2016; and

(ii) to carry out activities that encourage the deployment of plug-in electric drive vehicles including—

(I) planning for and installing charging infrastructure, particularly to develop and demonstrate diverse and cost-effective planning, installation, and operations options for deployment of single family and multifamily residential, workplace, and publicly available charging infrastructure;

(II) updating building, zoning, or parking codes and permitting or inspection processes;

(III) workforce training, including the training of permitting officials;

(IV) public education described in the proposed marketing plan;

(V) shifting State, local, or tribal government fleets to plug-in electric drive vehicles, at a rate in excess of the existing alternative fueled fleet vehicles acquisition requirements for Federal fleets under section 303(b)(1)(D) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(1)(D)); and

(VI) any other activities, as determined to be necessary by the Secretary.

(D) CRITERIA.—The Secretary shall develop and publish criteria for the selection of technical assistance grants, including requirements for the submission of applications under this paragraph.

(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this paragraph.

(b) UPDATING MODEL BUILDING CODES, PERMITTING AND INSPECTION PROCESSES, AND ZONING OR PARKING RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the American Society of Heating, Refrigerating and Air-Conditioning Engineers, the International Code Council, and any other organizations that the Secretary determines to be appropriate, shall develop and publish guidance for—

(A) model building codes for the inclusion of separate circuits for charging infrastructure, as appropriate, in new construction and major renovations of private residences, buildings, or other structures that could provide publicly available charging infrastructure;

(B) model construction permitting or inspection processes that allow for the expedited installation of charging infrastructure for purchasers of plug-in electric drive vehicles (including a permitting process that allows a vehicle purchaser to have charging infrastructure installed not later than 1 week after a request); and

(C) model zoning, parking rules, or other local ordinances that—

(i) facilitate the installation of publicly available charging infrastructure, including commercial entities that provide public access to infrastructure; and

(ii) allow for access to publicly available charging infrastructure.

(2) OPTIONAL ADOPTION.—An applicant for selection for technical assistance under this section or as a deployment community under section 2016 shall not be required to use the model building codes, permitting and inspection processes, or zoning, parking rules, or other ordinances included in the report under paragraph (1).

(3) SMART GRID INTEGRATION.—In developing the model codes or ordinances described in paragraph (1), the Secretary shall consider smart grid integration.

SEC. 2014. WORKFORCE TRAINING.

(a) MAINTENANCE AND SUPPORT.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee and the Task

Force, shall award grants to institutions of higher education and other qualified training and education institutions for the establishment of programs to provide training and education for vocational workforce development through centers of excellence.

(2) PURPOSE.—Training funded under this subsection shall be intended to ensure that the workforce has the necessary skills needed to work on and maintain plug-in electric drive vehicles and the infrastructure required to support plug-in electric drive vehicles.

(3) SCOPE.—Training funded under this subsection shall include training for—

(A) first responders;

(B) electricians and contractors who will be installing infrastructure;

(C) engineers;

(D) code inspection officials; and

(E) dealers and mechanics.

(b) DESIGN.—The Secretary shall award grants to institutions of higher education and other qualified training and education institutions for the establishment of programs to provide training and education in designing plug-in electric drive vehicles and associated components and infrastructure to ensure that the United States can lead the world in this field.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$150,000,000.

SEC. 2015. FEDERAL FLEETS.

(a) IN GENERAL.—Electricity consumed by Federal agencies to fuel plug-in electric drive vehicles—

(1) is an alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13218)); and

(2) shall be accounted for under Federal fleet management reporting requirements, not under Federal building management reporting requirements.

(b) ASSESSMENT AND REPORT.—Not later than 180 days after the date of enactment of this Act and every 3 years thereafter, the Federal Energy Management Program and the General Services Administration, in consultation with the Task Force, shall complete an assessment of Federal Government fleets, including the Postal Service and the Department of Defense, and submit a report to Congress that describes—

(1) for each Federal agency, which types of vehicles the agency uses that would or would not be suitable for near-term and medium-term conversion to plug-in electric drive vehicles, taking into account the types of vehicles for which plug-in electric drive vehicles could provide comparable functionality and lifecycle costs;

(2) how many plug-in electric drive vehicles could be deployed by the Federal Government in 5 years and in 10 years, assuming that plug-in electric drive vehicles are available and are purchased when new vehicles are needed or existing vehicles are replaced;

(3) the estimated cost to the Federal Government for vehicle purchases under paragraph (2); and

(4) a description of any updates to the assessment based on new market data.

(c) INVENTORY AND DATA COLLECTION.—

(1) IN GENERAL.—In carrying out the assessment and report under subsection (b), the Federal Energy Management Program, in consultation with the General Services Administration, shall—

(A) develop an information request for each agency that operates a fleet of at least 20 motor vehicles; and

(B) establish guidelines for each agency to use in developing a plan to deploy plug-in electric drive vehicles.

(2) AGENCY RESPONSES.—Each agency that operates a fleet of at least 20 motor vehicles shall—

(A) collect information on the vehicle fleet of the agency in response to the information request described in paragraph (1); and

(B) develop a plan to deploy plug-in electric drive vehicles.

(3) ANALYSIS OF RESPONSES.—The Federal Energy Management Program shall—

(A) analyze the information submitted by each agency under paragraph (2);

(B) approve or suggest amendments to the plan of each agency to ensure that the plan is consistent with the goals and requirements of this title; and

(C) submit a plan to Congress and the General Services Administration to be used in developing the pilot program described in subsection (e).

(d) BUDGET REQUEST.—Each agency of the Federal Government shall include plug-in electric drive vehicle purchases identified in the report under subsection (b) in the budget of the agency to be included in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.

(e) PILOT PROGRAM TO DEPLOY PLUG-IN ELECTRIC DRIVE VEHICLES IN THE FEDERAL FLEET.—

(1) PROGRAM.—

(A) IN GENERAL.—The Administrator of General Services shall acquire plug-in electric drive vehicles and the requisite charging infrastructure to be deployed in a range of locations in Federal Government fleets, which may include the United States Postal Service and the Department of Defense, during the 5-year period beginning on the date of enactment of this Act.

(B) EXPENDITURES.—To the maximum extent practicable, expenditures under this paragraph should make a contribution to the advancement of manufacturing of electric drive components and vehicles in the United States.

(2) DATA COLLECTION.—The Administrator of General Services shall collect data regarding—

(A) the cost, performance, and use of plug-in electric drive vehicles in the Federal fleet;

(B) the deployment and integration of plug-in electric drive vehicles in the Federal fleet; and

(C) the contribution of plug-in electric drive vehicles in the Federal fleet toward reducing the use of fossil fuels and greenhouse gas emissions.

(3) REPORT.—Not later than 6 years after the date of enactment of this Act, the Administrator of General Services shall submit to the appropriate committees of Congress a report that—

(A) describes the status of plug-in electric drive vehicles in the Federal fleet; and

(B) includes an analysis of the data collected under this subsection.

(4) PUBLIC WEB SITE.—The Federal Energy Management Program shall maintain and regularly update a publicly available Web site that provides information on the status of plug-in electric drive vehicles in the Federal fleet.

(f) ACQUISITION PRIORITY.—Section 507(g) of the Energy Policy Act of 1992 (42 U.S.C. 13257(g)) is amended by adding at the end the following:

“(5) PRIORITY.—The Secretary shall, to the maximum extent practicable, prioritize the acquisition of plug-in electric drive vehicles (as defined in section 131(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(a))) over nonelectric alternative fueled vehicles.”.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for use by the Federal Government in paying incremental costs to purchase or lease plug-in electric drive vehicles and the requisite charging infrastructure for Federal fleets \$25,000,000.

SEC. 2016. TARGETED PLUG-IN ELECTRIC DRIVE VEHICLE DEPLOYMENT COMMUNITIES PROGRAM.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established within the national plug-in electric drive deployment program established under section 2011 a targeted plug-in electric drive vehicle deployment communities program (referred to in this section as the “Program”).

(2) **EXISTING ACTIVITIES.**—In carrying out the Program, the Secretary shall coordinate and supplement, not supplant, any ongoing plug-in electric drive deployment activities under section 131 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011).

(3) **PHASE 1.**—

(A) **IN GENERAL.**—The Secretary shall establish a competitive process to select phase 1 deployment communities for the Program.

(B) **ELIGIBLE ENTITIES.**—In selecting participants for the Program under paragraph (1), the Secretary shall only consider applications submitted by State, tribal, or local government entities (or groups of State, tribal, or local government entities).

(C) **SELECTION.**—Not later than 1 year after the date of enactment of this Act and not later than 1 year after the date on which any subsequent amounts are appropriated for the Program, the Secretary shall select the phase 1 deployment communities under this paragraph.

(D) **TERMINATION.**—Phase 1 of the Program shall be carried out for a 3-year period beginning on the date funding under this title is first provided to the deployment community.

(4) **PHASE 2.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that analyzes the lessons learned in phase I and, if, based on the phase I analysis, the Secretary determines that a phase II program is warranted, makes recommendations and describes a plan for phase II, including—

(A) recommendations regarding—

(i) options for the number of additional deployment communities that should be selected;

(ii) the manner in which criteria for selection should be updated;

(iii) the manner in which incentive structures for phase 2 deployment should be changed; and

(iv) whether other forms of onboard energy storage for electric drive vehicles, such as fuel cells, should be included in phase 2; and

(B) a request for appropriations to implement phase 2 of the Program.

(b) **GOALS.**—The goals of the Program are—

(1) to facilitate the rapid deployment of plug-in electric drive vehicles, including—

(A) the deployment of 400,000 plug-in electric drive vehicles in phase 1 in the deployment communities selected under paragraph (2);

(B) the near-term achievement of significant market penetration in deployment communities; and

(C) supporting the achievement of significant market penetration nationally;

(2) to establish models for the rapid deployment of plug-in electric drive vehicles nationally, including for the deployment of single-family and multifamily residential, workplace, and publicly available charging infrastructure;

(3) to increase consumer knowledge and acceptance of, and exposure to, plug-in electric drive vehicles;

(4) to encourage the innovation and investment necessary to achieve mass market deployment of plug-in electric drive vehicles;

(5) to demonstrate the integration of plug-in electric drive vehicles into electricity distribution systems and the larger electric grid while maintaining or improving grid system performance and reliability;

(6) to demonstrate protocols and communication standards that facilitate vehicle integration into the grid and provide seamless charging for consumers traveling through multiple utility distribution systems;

(7) to investigate differences among deployment communities and to develop best practices for implementing vehicle electrification in various communities, including best practices for planning for and facilitating the construction of residential, workplace, and publicly available infrastructure to support plug-in electric drive vehicles;

(8) to collect comprehensive data on the purchase and use of plug-in electric drive vehicles, including charging profile data at unit and aggregate levels, to inform best practices for rapidly deploying plug-in electric drive vehicles in other locations, including for the installation of charging infrastructure;

(9) to reduce and displace petroleum use and reduce greenhouse gas emissions by accelerating the deployment of plug-in electric drive vehicles in the United States; and

(10) to increase domestic manufacturing capacity and commercialization in a manner that will establish the United States as a world leader in plug-in electric drive vehicle technologies.

(c) **PHASE 1 DEPLOYMENT COMMUNITY SELECTION CRITERIA.**—

(1) **IN GENERAL.**—The Secretary shall ensure, to the maximum extent practicable, that selected deployment communities in phase 1 serve as models of deployment for various communities across the United States.

(2) **SELECTION.**—In selecting communities under this section, the Secretary—

(A) shall ensure, to the maximum extent practicable, that—

(i) the combination of selected communities is diverse in population density, demographics, urban and suburban composition, typical commuting patterns, climate, and type of utility (including investor-owned, publicly-owned, cooperatively-owned, distribution-only, and vertically integrated utilities);

(ii) the combination of selected communities is diverse in geographic distribution, and at least 1 deployment community is located in each Petroleum Administration for Defense District;

(iii) at least 1 community selected has a population of less than 125,000;

(iv) grants are of a sufficient amount such that each deployment community will achieve significant market penetration; and

(v) the deployment communities are representative of other communities across the United States;

(B) is encouraged to select a combination of deployment communities that includes multiple models or approaches for deploying plug-in electric drive vehicles that the Secretary believes are reasonably likely to be effective, including multiple approaches to the deployment of charging infrastructure;

(C) in addition to the criteria described in subparagraph (A), may give preference to applicants proposing a greater non-Federal cost share; and

(D) when considering deployment community plans, shall take into account previous Department of Energy and other Federal investments to ensure that the maximum domestic benefit from Federal investments is realized.

(3) **CRITERIA.**—

(A) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, and not later than 90 days after the date on which any subsequent amounts are appropriated for the Program, the Secretary shall publish criteria for the selection of deployment communities that include requirements that applications be submitted by a State, tribal, or local government entity (or groups of State, tribal, or local government entities).

(B) **APPLICATION REQUIREMENTS.**—The criteria published by the Secretary under subparagraph (A) shall include application requirements that, at a minimum, include—

(i) goals for—

(I) the number of plug-in electric drive vehicles to be deployed in the community;

(II) the expected percentage of light-duty vehicle sales that would be sales of plug-in electric drive vehicles; and

(III) the adoption of plug-in electric drive vehicles (including medium- or heavy-duty vehicles) in private and public fleets during the 3-year duration of the Program;

(ii) data that demonstrate that—

(I) the public is likely to embrace plug-in electric drive vehicles, which may include—

(aa) the quantity of plug-in electric drive vehicles purchased;

(bb) the number of individuals on a waiting list to purchase a plug-in electric drive vehicle;

(cc) projections of the quantity of plug-in electric drive vehicles supplied to dealers; and

(dd) any assessment of the quantity of charging infrastructure installed or for which permits have been issued; and

(II) automobile manufacturers and dealers will be able to provide and service the targeted number of plug-in electric drive vehicles in the community for the duration of the program;

(iii) clearly defined geographic boundaries of the proposed deployment area;

(iv) a community deployment plan for the deployment of plug-in electric drive vehicles, charging infrastructure, and services in the deployment community;

(v) assurances that a majority of the vehicle deployments anticipated in the plan will be personal vehicles authorized to travel on the United States Federal-aid system of highways, and secondarily, private or public sector plug-in electric drive fleet vehicles, but may also include—

(I) medium- and heavy-duty plug-in hybrid vehicles;

(II) low speed plug-in electric drive vehicles that meet Federal Motor Vehicle Safety Standards described in section 571.500 of title 49, Code of Federal Regulations; and

(III) any other plug-in electric drive vehicle authorized to travel on the United States Federal-aid system of highways; and

(vi) any other merit-based criteria, as determined by the Secretary.

(4) **COMMUNITY DEPLOYMENT PLANS.**—Plans for the deployment of plug-in electric drive vehicles shall include—

(A) a proposed level of cost sharing in accordance with subsection (d)(2)(C);

(B) documentation demonstrating a substantial partnership with relevant stakeholders, including—

(i) a list of stakeholders that includes—

(I) elected and appointed officials from each of the participating State, local, and tribal governments;

(II) all relevant generators and distributors of electricity;

(III) State utility regulatory authorities;

(IV) departments of public works and transportation;

(V) owners and operators of property that will be essential to the deployment of a sufficient level of publicly available charging infrastructure (including privately owned parking lots or structures and commercial entities with public access locations);

(VI) plug-in electric drive vehicle manufacturers or retailers;

(VII) third-party providers of residential, workplace, private, and publicly available charging infrastructure or services;

(VIII) owners of any major fleet that will participate in the program;

(IX) as appropriate, owners and operators of regional electric power distribution and transmission facilities; and

(X) as appropriate, other existing community coalitions recognized by the Department of Energy;

(ii) evidence of the commitment of the stakeholders to participate in the partnership;

(iii) a clear description of the role and responsibilities of each stakeholder; and

(iv) a plan for continuing the engagement and participation of the stakeholders, as appropriate, throughout the implementation of the deployment plan;

(C) a description of the number of plug-in electric drive vehicles anticipated to be plug-in electric drive personal vehicles and the number of plug-in electric drive vehicles anticipated to be privately owned fleet or public fleet vehicles;

(D) a plan for deploying residential, workplace, private, and publicly available charging infrastructure, including—

(i) an assessment of the number of consumers who will have access to private residential charging infrastructure in single-family or multifamily residences;

(ii) options for accommodating plug-in electric drive vehicle owners who are not able to charge vehicles at their place of residence;

(iii) an assessment of the number of consumers who will have access to workplace charging infrastructure;

(iv) a plan for ensuring that the charging infrastructure or plug-in electric drive vehicle be able to send and receive the information needed to interact with the grid and be compatible with smart grid technologies to the extent feasible;

(v) an estimate of the number and dispersion of publicly and privately owned charging stations that will be publicly or commercially available;

(vi) an estimate of the quantity of charging infrastructure that will be privately funded or located on private property; and

(vii) a description of equipment to be deployed, including assurances that, to the maximum extent practicable, equipment to be deployed will meet open, nonproprietary standards for connecting to plug-in electric drive vehicles that are either—

(I) commonly accepted by industry at the time the equipment is being acquired; or

(II) meet the standards developed by the Director of the National Institute of Standards and Technology under section 1305 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17385);

(E) a plan for effective marketing of and consumer education relating to plug-in elec-

tric drive vehicles, charging services, and infrastructure;

(F) descriptions of updated building codes (or a plan to update building codes before or during the grant period) to include charging infrastructure or dedicated circuits for charging infrastructure, as appropriate, in new construction and major renovations;

(G) descriptions of updated construction permitting or inspection processes (or a plan to update construction permitting or inspection processes) to allow for expedited installation of charging infrastructure for purchasers of plug-in electric drive vehicles, including a permitting process that allows a vehicle purchaser to have charging infrastructure installed in a timely manner;

(H) descriptions of updated zoning, parking rules, or other local ordinances as are necessary to facilitate the installation of publicly available charging infrastructure and to allow for access to publicly available charging infrastructure, as appropriate;

(I) a plan to ensure that each resident in a deployment community who purchases and registers a new plug-in electric drive vehicle throughout the duration of the deployment community receives, in addition to any Federal incentives, consumer benefits that may include—

(i) a rebate of part of the purchase price of the vehicle;

(ii) reductions in sales taxes or registration fees;

(iii) rebates or reductions in the costs of permitting, purchasing, or installing home plug-in electric drive vehicle charging infrastructure; and

(iv) rebates or reductions in State or local toll road access charges;

(J) additional consumer benefits, such as preferred parking spaces or single-rider access to high-occupancy vehicle lanes for plug-in electric drive vehicles;

(K) a proposed plan for making necessary utility and grid upgrades, including economically sound and cybersecure information technology upgrades and employee training, and a plan for recovering the cost of the upgrades;

(L) a description of utility, grid operator, or third-party charging service provider, policies and plans for accommodating the deployment of plug-in electric drive vehicles, including—

(i) rate structures or provisions and billing protocols for the charging of plug-in electric drive vehicles;

(ii) analysis of potential impacts to the grid;

(iii) plans for using information technology or third-party aggregators—

(I) to minimize the effects of charging on peak loads;

(II) to enhance reliability; and

(III) to provide other grid benefits;

(iv) plans for working with smart grid technologies or third-party aggregators for the purposes of smart charging and for allowing 2-way communication;

(M) a deployment timeline;

(N) a plan for monitoring and evaluating the implementation of the plan, including metrics for assessing the success of the deployment and an approach to updating the plan, as appropriate; and

(O) a description of the manner in which any grant funds applied for under subsection (d) will be used and the proposed local cost share for the funds.

(d) PHASE 1 APPLICATIONS AND GRANTS.—

(1) APPLICATIONS.—

(A) IN GENERAL.—Not later than 150 days after the date of publication by the Sec-

retary of selection criteria described in subsection (c)(3), any State, tribal, or local government, or group of State, tribal, or local governments may apply to the Secretary to become a deployment community.

(B) JOINT SPONSORSHIP.—

(i) IN GENERAL.—An application submitted under subparagraph (A) may be jointly sponsored by electric utilities, automobile manufacturers, technology providers, carsharing companies or organizations, third-party plug-in electric drive vehicle service providers, or other appropriated entities.

(ii) DISBURSEMENT OF GRANTS.—A grant provided under this subsection shall only be disbursed to a State, tribal, or local government, or group of State, tribal, or local governments, regardless of whether the application is jointly sponsored under clause (i).

(2) GRANTS.—

(A) IN GENERAL.—In each application, the applicant may request up to \$100,000,000 in financial assistance from the Secretary to fund projects in the deployment community.

(B) USE OF FUNDS.—Funds provided through a grant under this paragraph may be used to help implement the plan for the deployment of plug-in electric drive vehicles included in the application, including—

(i) planning for and installing charging infrastructure, including offering additional incentives as described in subsection (c)(4)(I);

(ii) updating building codes, zoning or parking rules, or permitting or inspection processes as described in subparagraphs (F), (G), and (H) of subsection (c)(4);

(iii) reducing the cost and increasing the consumer adoption of plug-in electric drive vehicles through incentives as described in subsection (c)(4)(I);

(iv) workforce training, including training of permitting officials;

(v) public education and marketing described in the proposed marketing plan;

(vi) shifting State, tribal, or local government fleets to plug-in electric drive vehicles, at a rate in excess of the existing alternative fueled fleet vehicle acquisition requirements for Federal fleets under section 303(b)(1)(D) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(1)(D)); and

(vii) necessary utility and grid upgrades as described in subsection (c)(4)(K).

(C) COST-SHARING.—

(i) IN GENERAL.—A grant provided under this paragraph shall be subject to a minimum non-Federal cost-sharing requirement of 20 percent.

(ii) NON-FEDERAL SOURCES.—The Secretary shall—

(I) determine the appropriate cost share for each selected applicant; and

(II) require that the Federal contribution to total expenditures on activities described in clauses (ii), (iv), (v), and (vi) of subparagraph (B) not exceed 30 percent.

(iii) REDUCTION.—The Secretary may reduce or eliminate the cost-sharing requirement described in clause (i), as the Secretary determines to be necessary.

(iv) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal share under this section, the Secretary—

(I) may include allowable costs in accordance with the applicable cost principles, including—

(aa) cash;

(bb) personnel costs;

(cc) the value of a service, other resource, or third party in-kind contribution determined in accordance with the applicable circular of the Office of Management and Budget;

(dd) indirect costs or facilities and administrative costs; or

(ee) any funds received under the power program of the Tennessee Valley Authority or any Power Marketing Administration (except to the extent that such funds are made available under an annual appropriation Act);

(II) shall include contributions made by State, tribal, or local government entities and private entities; and

(III) shall not include—

(aa) revenues or royalties from the prospective operation of an activity beyond the time considered in the grant;

(bb) proceeds from the prospective sale of an asset of an activity; or

(cc) other appropriated Federal funds.

(v) REPAYMENT OF FEDERAL SHARE.—The Secretary shall not require repayment of the Federal share of a cost-shared activity under this section as a condition of providing a grant.

(vi) TITLE TO PROPERTY.—The Secretary may vest title or other property interests acquired under projects funded under this title in any entity, including the United States.

(3) SELECTION.—Not later than 120 days after an application deadline has been established under paragraph (1), the Secretary shall announce the names of the deployment communities selected under this subsection.

(e) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall—

(A) determine what data will be required to be collected by participants in deployment communities and submitted to the Department to allow for analysis of the deployment communities;

(B) provide for the protection of consumer privacy, as appropriate; and

(C) develop metrics to evaluate the performance of the deployment communities.

(2) PROVISION OF DATA.—As a condition of participation in the Program, a deployment community shall provide any data identified by the Secretary under paragraph (1).

(3) REPORTS.—Not later than 3 years after the date of enactment of this Act and again after the completion of the Program, the Secretary shall submit to Congress a report that contains—

(A) a description of the status of—

(i) the deployment communities and the implementation of the deployment plan of each deployment community;

(ii) the rate of vehicle deployment and market penetration of plug-in electric drive vehicles; and

(iii) the deployment of residential and publicly available infrastructure;

(B) a description of the challenges experienced and lessons learned from the program to date, including the activities described in subparagraph (A); and

(C) an analysis of the data collected under this subsection.

(f) PROPRIETARY INFORMATION.—The Secretary shall, as appropriate, provide for the protection of proprietary information and intellectual property rights.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,000,000,000.

(h) CONFORMING AMENDMENT.—Section 166(b)(5) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking “Before September 30, 2009, the State” and inserting “The State”; and

(2) in subparagraph (B), by striking “Before September 30, 2009, the State” and inserting “The State”.

SEC. 2017. FUNDING.

(a) TARGETED PLUG-IN ELECTRIC DRIVE VEHICLE DEPLOYMENT COMMUNITIES PROGRAM.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out section 2016 \$400,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out section 2016 the funds transferred under paragraph (1), without further appropriation.

(b) OTHER PROVISIONS.—

(1) IN GENERAL.—On October 1, 2010, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subtitle (other than section 2016) \$100,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subtitle (other than section 2016) the funds transferred under paragraph (1), without further appropriation.

Subtitle B—Research and Development

SEC. 2021. RESEARCH AND DEVELOPMENT PROGRAM.

(a) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall establish a program to fund research and development in advanced batteries, plug-in electric drive vehicle components, plug-in electric drive infrastructure, and other technologies supporting the development, manufacture, and deployment of plug-in electric drive vehicles and charging infrastructure.

(2) USE OF FUNDS.—The program may include funding for—

(A) the development of low-cost, smart-charging and vehicle-to-grid connectivity technology;

(B) the benchmarking and assessment of open software systems using nationally established evaluation criteria; and

(C) new technologies in electricity storage or electric drive components for vehicles.

(3) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the status of the program described in paragraph (1).

(b) SECONDARY USE APPLICATIONS PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall carry out a research, development, and demonstration program that builds upon any work carried out under section 915 of the Energy Policy Act of 2005 (42 U.S.C. 16195) and—

(A) identifies possible uses of a vehicle battery after the useful life of the battery in a vehicle has been exhausted;

(B) assesses the potential for markets for uses described in subparagraph (A) to develop, as well as any barriers to the development of the markets;

(C) identifies the infrastructure, technology, and equipment needed to manage the charging activity of the batteries used in stationary sources; and

(D) identifies the potential uses of a vehicle battery—

(i) with the most promise for market development; and

(ii) for which market development would be aided by a demonstration project.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress an initial report on the findings of the program described in para-

graph (1), including recommendations for stationary energy storage and other potential applications for batteries used in plug-in electric drive vehicles.

(c) SECONDARY USE DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Based on the results of the program described in subsection (b), the Secretary, in consultation with the Committee, shall develop guidelines for projects that demonstrate the secondary uses of vehicle batteries.

(2) PUBLICATION OF GUIDELINES.—Not later than 30 months after the date of enactment of this Act, the Secretary shall—

(A) publish the guidelines described in paragraph (1); and

(B) solicit applications for funding for demonstration projects.

(3) GRANT PROGRAM.—Not later than 38 months after the date of enactment of this Act, the Secretary shall select proposals for grant funding under this section, based on an assessment of which proposals are mostly likely to contribute to the development of a secondary market for batteries.

(d) MATERIALS RECYCLING STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Committee, shall carry out a study on the recycling of materials from plug-in electric drive vehicles and the batteries used in plug-in electric drive vehicles.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the findings of the study described in paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,535,000,000, including—

(1) \$1,500,000,000 for use in conducting the program described in subsection (a) for fiscal years 2011 through 2020;

(2) \$5,000,000 for use in conducting the program described in subsection (b) for fiscal years 2011 through 2016;

(3) \$25,000,000 for use in providing grants described in subsection (c) for fiscal years 2011 through 2020; and

(4) \$5,000,000 for use in conducting the study described in subsection (d) for fiscal years 2011 through 2013.

SEC. 2022. ADVANCED BATTERIES FOR TOMORROW PRIZE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, as part of the program described in section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish the Advanced Batteries for Tomorrow Prize to competitively award cash prizes in accordance with this section to advance the research, development, demonstration, and commercial application of a 500-mile vehicle battery.

(b) BATTERY SPECIFICATIONS.—

(1) IN GENERAL.—To be eligible for the Prize, a battery submitted by an entrant shall be—

(A) able to power a plug-in electric drive vehicle authorized to travel on the United States Federal-aid system of highways for at least 500 miles before recharging;

(B) of a size that would not be cost-prohibitive or create space constraints, if mass-produced; and

(C) cost-effective (measured in cost per kilowatt hour), if mass-produced.

(2) ADDITIONAL REQUIREMENTS.—The Secretary, in consultation with the Committee, shall establish any additional battery specifications that the Secretary and the Committee determine to be necessary.

(c) PRIVATE FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

- (A) without further appropriation; and
- (B) without fiscal year limitation.

(2) RESTRICTION ON PARTICIPATION.—An entity providing private funds for the Prize may not participate in the competition for the Prize.

(d) TECHNICAL REVIEW.—The Secretary, in consultation with the Committee, shall establish a technical review committee composed of non-Federal officers to review data submitted by Prize entrants under this section and determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may select, on a competitive basis, a third party to administer awards provided under this section.

(f) ELIGIBILITY.—To be eligible for an award under this section—

(1) in the case of a private entity, the entity shall be incorporated in and maintain a primary place of business in the United States; and

(2) in the case of an individual (whether participating as a single individual or in a group), the individual shall be a citizen or lawful permanent resident of the United States.

(g) AWARD AMOUNTS.—

(1) IN GENERAL.—Subject to the availability of funds to carry out this section, the amount of the Prize shall be \$10,000,000.

(2) BREAKTHROUGH ACHIEVEMENT AWARDS.—In addition to the award described in paragraph (1), the Secretary, in consultation with the technical review committee established under subsection (d), may award cash prizes, in amounts determined by the Secretary, in recognition of breakthrough achievements in research, development, demonstration, and commercial application of—

(A) activities described in subsection (b); or

(B) advances in battery durability, energy density, and power density.

(h) 500-MILE BATTERY AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “500-mile Battery Fund” (referred to in this section as the “Fund”), to be administered by the Secretary, to be available without fiscal year limitation and subject to appropriation, to award amounts under this section.

(2) TRANSFERS TO FUND.—The Fund shall consist of—

(A) such amounts as are appropriated to the Fund under subsection (i); and

(B) such amounts as are described in subsection (c) and that are provided for the Fund.

(3) PROHIBITION.—Amounts in the Fund may not be made available for any purpose other than a purposes described in subsection (a).

(4) ANNUAL REPORTS.—

(A) IN GENERAL.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2012, the Secretary shall submit a report on the operation of the Fund during the fiscal year to—

(i) the Committees on Appropriations of the House of Representatives and of the Senate;

(ii) the Committee on Energy and Natural Resources of the Senate; and

(iii) the Committee on Energy and Commerce of the House of Representatives.

(B) CONTENTS.—Each report shall include, for the fiscal year covered by the report, the following:

(i) A statement of the amounts deposited into the Fund.

(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.

(5) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended—

(A) by redesignating paragraphs (35) and (36) as paragraphs (36) and (37), respectively;

(B) by redesignating the second paragraph (33) (relating to obligational authority and outlays requested for homeland security) as paragraph (35); and

(C) by adding at the end the following:

“(38) a separate statement for the 500-mile Battery Fund established under section 2022(h) of the Promoting Natural Gas and Electric Vehicles Act of 2010, which shall include the estimated amount of deposits into the Fund, obligations, and outlays from the Fund.”

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(1) \$10,000,000 to carry out subsection (g)(1); and

(2) \$1,000,000 to carry out subsection (g)(2).

SEC. 2023. STUDY ON THE SUPPLY OF RAW MATERIALS.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary and the Task Force, shall conduct a study that—

(1) identifies the raw materials needed for the manufacture of plug-in electric drive vehicles, batteries, and other components for plug-in electric drive vehicles, and for the infrastructure needed to support plug-in electric drive vehicles;

(2) describes the primary or original sources and known reserves and resources of those raw materials;

(3) assesses, in consultation with the National Academy of Sciences, the degree of risk to the manufacture, maintenance, deployment, and use of plug-in electric drive vehicles associated with the supply of those raw materials; and

(4) identifies pathways to securing reliable and resilient supplies of those raw materials.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a report that describes the results of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$1,500,000.

SEC. 2024. STUDY ON THE COLLECTION AND PRESERVATION OF DATA COLLECTED FROM PLUG-IN ELECTRIC DRIVE VEHICLES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Committee, shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study that—

(1) identifies—

(A) the data that may be collected from plug-in electric drive vehicles, including data on the location, charging patterns, and usage of plug-in electric drive vehicles;

(B) the scientific, economic, commercial, security, and historic potential of the data described in subparagraph (A); and

(C) any laws or regulations that relate to the data described in subparagraph (A); and

(2) analyzes and provides recommendations on matters that include procedures, technologies, and rules relating to the collection, storage, and preservation of the data described in paragraph (1)(A).

(b) REPORT.—Not later than 15 months after the date of an agreement between the Secretary and the Academy under subsection (a), the National Academy of Sciences shall submit to the appropriate committees of Congress a report that describes the results of the study under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000.

Subtitle C—Miscellaneous**SEC. 2031. UTILITY PLANNING FOR PLUG-IN ELECTRIC DRIVE VEHICLES.**

(a) IN GENERAL.—The Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.) is amended—

(1) in section 111(d) (16 U.S.C. 2621(d)), by adding at the end the following:

“(20) PLUG-IN ELECTRIC DRIVE VEHICLE PLANNING.—

“(A) UTILITY PLAN FOR PLUG-IN ELECTRIC DRIVE VEHICLES.—

“(i) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, each electric utility shall develop a plan to support the use of plug-in electric drive vehicles, including medium- and heavy-duty hybrid electric vehicles in the service area of the electric utility.

“(ii) REQUIREMENTS.—A plan under clause (i) shall investigate—

“(I) various levels of potential penetration of plug-in electric drive vehicles in the utility service area;

“(II) the potential impacts that the various levels of penetration and charging scenarios (including charging rates and daily hours of charging) would have on generation, distribution infrastructure, and the operation of the transmission grid; and

“(III) the role of third parties in providing reliable and economical charging services.

“(iii) WAIVER.—

“(I) IN GENERAL.—An electric utility that determines that the electric utility will not be impacted by plug-in electric drive vehicles during the 5-year period beginning on the date of enactment of this paragraph may petition the Secretary to waive clause (i) for 5 years.

“(II) APPROVAL.—Approval of a waiver under subclause (I) shall be in the sole discretion of the Secretary.

“(iv) UPDATES.—

“(I) IN GENERAL.—Each electric utility shall update the plan of the electric utility every 5 years.

“(II) RESUBMISSION OF WAIVER.—An electric utility that received a waiver under clause (iii) and wants the waiver to continue after the expiration of the waiver shall be required to resubmit the waiver.

“(v) EXEMPTION.—If the Secretary determines that a plan required by a State regulatory authority meets the requirements of this paragraph, the Secretary may accept that plan and exempt the electric utility submitting the plan from the requirements of clause (i).

“(B) SUPPORT REQUIREMENTS.—Each State regulatory authority (in the case of each electric utility for which the authority has ratemaking authority) and each municipal and cooperative utility shall—

“(i) participate in any local plan for the deployment of recharging infrastructure in communities located in the footprint of the authority or utility;

“(ii) require that charging infrastructure deployed is interoperable with products of all auto manufacturers to the maximum extent practicable; and

“(iii) consider adopting minimum requirements for deployment of electrical charging infrastructure and other appropriate requirements necessary to support the use of plug-in electric drive vehicles.

“(C) **COST RECOVERY.**—Each State regulatory authority (in the case of each electric utility for which the authority has rate-making authority) and each municipal and cooperative utility may consider whether, and to what extent, to allow cost recovery for plans and implementation of plans.

“(D) **DETERMINATION.**—Not later than 3 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority), and each municipal and cooperative electric utility, shall complete the consideration, and shall make the determination, referred to in subsection (a) with respect to the standard established by this paragraph.”;

(2) in section 112(c) (16 U.S.C. 2622(c))—

(A) in the first sentence, by striking “Each State” and inserting the following:

“(1) **IN GENERAL.**—Each State”;

(B) in the second sentence, by striking “In the case” and inserting the following:

“(2) **SPECIFIC STANDARDS.**—

“(A) **NET METERING AND FOSSIL FUEL GENERATION EFFICIENCY.**—In the case”;

(C) in the third sentence, by striking “In the case” and inserting the following:

“(B) **TIME-BASED METERING AND COMMUNICATIONS.**—In the case”;

(D) in the fourth sentence—

(i) by striking “In the case” and inserting the following:

“(C) **INTERCONNECTION.**—In the case”;

(ii) by striking “paragraph (15)” and inserting “paragraph (15) of section 111(d)”;

(E) in the fifth sentence, by striking “In the case” and inserting the following:

“(D) **INTEGRATED RESOURCE PLANNING, RATE DESIGN MODIFICATIONS, SMART GRID INVESTMENTS, SMART GRID INFORMATION.**—In the case”;

(F) by adding at the end the following:

“(E) **PLUG-IN ELECTRIC DRIVE VEHICLE PLANNING.**—In the case of the standards established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph.”; and

(3) in section 112(d) (16 U.S.C. 2622(d)), in the matter preceding paragraph (1), by striking “(19)” and inserting “(20)”.

(b) **REPORT.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Technical Advisory Committee, shall convene a group of utility stakeholders, charging infrastructure providers, third party aggregators, and others, as appropriate, to discuss and determine the potential models for the technically and logistically challenging issues involved in using electricity as a fuel for vehicles, including—

(A) accommodation for billing for charging a plug-in electric drive vehicle, both at home and at publicly available charging infrastructure;

(B) plans for anticipating vehicle to grid applications that will allow batteries in cars as well as banks of batteries to be used for

grid storage, ancillary services provision, and backup power;

(C) integration of plug-in electric drive vehicles with smart grid, including protocols and standards, necessary equipment, and information technology systems; and

(D) any other barriers to installing sufficient and appropriate charging infrastructure.

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) the issues and model solutions described in paragraph (1); and

(B) any other issues that the Task Force and Secretary determine to be appropriate.

SEC. 2032. LOAN GUARANTEES.

(a) **LOAN GUARANTEES FOR ADVANCED BATTERY PURCHASES FOR USE IN STATIONARY APPLICATIONS.**—Subtitle B of title I of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011 et seq.) is amended by adding at the end the following:

“SEC. 137. LOAN GUARANTEES FOR ADVANCED BATTERY PURCHASES.

“(a) **DEFINITIONS.**—In this section:

“(1) **QUALIFIED AUTOMOTIVE BATTERY.**—The term ‘qualified automotive battery’ means a battery that—

“(A) has at least 4 kilowatt hours of battery capacity; and

“(B) is designed for use in qualified plug-in electric drive motor vehicles but is purchased for nonautomotive applications.

“(2) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means—

“(A) an original equipment manufacturer;

“(B) an electric utility;

“(C) any provider of range extension infrastructure; or

“(D) any other qualified entity, as determined by the Secretary.

“(b) **LOAN GUARANTEES.**—

“(1) **IN GENERAL.**—The Secretary shall guarantee loans made to eligible entities for the aggregate purchase of not less than 200 qualified automotive batteries in a calendar year that have a total minimum power rating of 1 megawatt and use advanced battery technology.

“(2) **RESTRICTION.**—As a condition of receiving a loan guarantee under this section, an entity purchasing qualified automotive batteries with loan funds guaranteed under this section shall comply with the provisions of the Buy American Act (41 U.S.C. 10a et seq.).

“(c) **REGULATIONS.**—The Secretary shall promulgate such regulations as are necessary to carry out this section.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$50,000,000.”.

(b) **LOAN GUARANTEES FOR CHARGING INFRASTRUCTURE.**—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

“(4) Charging infrastructure and networks of charging infrastructure for plug-in drive electric vehicles, if the charging infrastructure will be operational prior to December 31, 2016.”.

SEC. 2033. PROHIBITION ON DISPOSING OF ADVANCED BATTERIES IN LANDFILLS.

(a) **DEFINITION OF ADVANCED BATTERY.**—

(1) **IN GENERAL.**—In this section, the term “advanced battery” means a battery that is a secondary (rechargeable) electrochemical energy storage device that has enhanced energy capacity.

(2) **EXCLUSIONS.**—The term “advanced battery” does not include—

(A) a primary (nonrechargeable) battery; or

(B) a lead-acid battery that is used to start or serve as the principal electrical power source for a plug-in electric drive vehicle.

(b) **REQUIREMENT.**—An advanced battery from a plug-in electric drive vehicle shall be disposed of in accordance with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the “Resource Conservation and Recovery Act of 1976”).

SEC. 2034. PLUG-IN ELECTRIC DRIVE VEHICLE TECHNICAL ADVISORY COMMITTEE.

(a) **IN GENERAL.**—There is established the Plug-in Electric Drive Vehicle Technical Advisory Committee to advise the Secretary on the programs and activities under this title.

(b) **MISSION.**—The mission of the Committee shall be to advise the Secretary on technical matters, including—

(1) the priorities for research and development;

(2) means of accelerating the deployment of safe, economical, and efficient plug-in electric drive vehicles for mass market adoption;

(3) the development and deployment of charging infrastructure;

(4) the development of uniform codes, standards, and safety protocols for plug-in electric drive vehicles and charging infrastructure; and

(5) reporting on the competitiveness of the United States in plug-in electric drive vehicle and infrastructure research, manufacturing, and deployment.

(c) **MEMBERSHIP.**—

(1) **MEMBERS.**—

(A) **IN GENERAL.**—The Committee shall consist of not less than 12, but not more than 25, members.

(B) **REPRESENTATION.**—The Secretary shall appoint the members to Committee from among representatives of—

(i) domestic industry;

(ii) institutions of higher education;

(iii) professional societies;

(iv) Federal, State, and local governmental agencies (including the National Laboratories); and

(v) financial, transportation, labor, environmental, electric utility, or other appropriate organizations or individuals with direct experience in deploying and marketing plug-in electric drive vehicles, as the Secretary determines to be necessary.

(2) **TERMS.**—

(A) **IN GENERAL.**—The term of a Committee member shall not be longer than 3 years.

(B) **STAGGERED TERMS.**—The Secretary may appoint members to the Committee for differing term lengths to ensure continuity in the functioning of the Committee.

(C) **REAPPOINTMENTS.**—A member of the Committee whose term is expiring may be reappointed.

(3) **CHAIRPERSON.**—The Committee shall have a chairperson, who shall be elected by and from the members.

(d) **REVIEW.**—The Committee shall review and make recommendations to the Secretary on the implementation of programs and activities under this title.

(e) **RESPONSE.**—

(1) **IN GENERAL.**—The Secretary shall consider and may adopt any recommendation of the Committee under subsection (c).

(2) **BIENNIAL REPORT.**—

(A) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act and every 2 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report describing any new recommendations of the Committee.

(B) CONTENTS.—The report shall include—

(i) a description of the manner in which the Secretary has implemented or plans to implement the recommendations of the Committee; or

(ii) an explanation of the reason that a recommendation of the Committee has not been implemented.

(C) TIMING.—The report described in this paragraph shall be submitted by the Secretary at the same time the President submits the budget proposal for the Department of Energy to Congress.

(f) COORDINATION.—The Committee shall—

(1) hold joint annual meetings with the Hydrogen and Fuel Cell Technical Advisory Committee established by section 807 of the Energy Policy Act of 2005 (42 U.S.C. 16156) to help coordinate the work and recommendations of the Committees; and

(2) coordinate efforts, to the maximum extent practicable, with all existing independent, departmental, and other advisory Committees, as determined to be appropriate by the Secretary.

(g) SUPPORT.—The Secretary shall provide to the Committee the resources necessary to carry out this section, as determined to be necessary by the Secretary.

SEC. 2035. PLUG-IN ELECTRIC DRIVE VEHICLE INTERAGENCY TASK FORCE.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the President shall establish the Plug-in Electric Drive Vehicle Interagency Task Force, to be chaired by the Secretary and which shall consist of at least 1 representative from each of—

- (1) the Office of Science and Technology Policy;
- (2) the Council on Environmental Quality;
- (3) the Department of Energy;
- (4) the Department of Transportation;
- (5) the Department of Defense;
- (6) the Department of Commerce (including the National Institute of Standards and Technology);
- (7) the Environmental Protection Agency;
- (8) the General Services Administration; and

(9) any other Federal agencies that the President determines to be appropriate.

(b) MISSION.—The mission of the Task Force shall be to ensure awareness, coordination, and integration of the activities of the Federal Government relating to plug-in electric drive vehicles, including—

- (1) plug-in electric drive vehicle research and development (including necessary components);
- (2) the development of widely accepted smart-grid standards and protocols for charging infrastructure;
- (3) the relationship of plug-in electric drive vehicle charging practices to electric utility regulation;
- (4) the relationship of plug-in electric drive vehicle deployment to system reliability and security;
- (5) the general deployment of plug-in electric drive vehicles in the Federal, State, and local governments and for private use;
- (6) the development of uniform codes, standards, and safety protocols for plug-in electric drive vehicles and charging infrastructure; and
- (7) the alignment of international plug-in electric drive vehicle standards.

(c) ACTIVITIES.—

(1) IN GENERAL.—In carrying out this section, the Task Force may—

- (A) organize workshops and conferences;
- (B) issue publications; and
- (C) create databases.

(2) MANDATORY ACTIVITIES.—In carrying out this section, the Task Force shall—

(A) foster the exchange of generic, non-proprietary information and technology among industry, academia, and the Federal Government;

(B) integrate and disseminate technical and other information made available as a result of the programs and activities under this title;

(C) support education about plug-in electric drive vehicles;

(D) monitor, analyze, and report on the effects of plug-in electric drive vehicle deployment on the environment and public health, including air emissions from vehicles and electricity generating units; and

(E) review and report on—

(i) opportunities to use Federal programs (including laws, regulations, and guidelines) to promote the deployment of plug-in electric drive vehicles; and

(ii) any barriers to the deployment of plug-in electric drive vehicles, including barriers that are attributable to Federal programs (including laws, regulations, and guidelines).

(d) AGENCY COOPERATION.—A Federal agency—

(1) shall cooperate with the Task Force; and

(2) provide, on request of the Task Force, appropriate assistance in carrying out this section, in accordance with applicable Federal laws (including regulations).

TITLE III—OIL SPILL LIABILITY TRUST FUND

SEC. 3001. MODIFICATIONS WITH RESPECT TO OIL SPILL LIABILITY TRUST FUND.

(a) INCREASE IN OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Subparagraph (B) of section 4611(c)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) the Oil Spill Liability Trust Fund financing rate is 21 cents a barrel.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to crude oil received and petroleum products entered during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mr. REID, Mr. SCHUMER, and Mr. DORGAN):

S. 3816. A bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas; read the first time.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Creating American Jobs and Ending Offshoring Act”.

TITLE I—INCENTIVES TO CREATE AMERICAN JOBS

SEC. 101. PAYROLL TAX HOLIDAY FOR EMPLOYERS MOVING JOBS TO THE UNITED STATES FROM OVERSEAS.

(a) IN GENERAL.—Section 3111 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(e) SPECIAL EXEMPTION FOR CERTAIN INDIVIDUALS HIRED TO REPLACE EMPLOYEES WHOSE JOBS WERE OVERSEAS.—

“(1) IN GENERAL.—Subsection (a) shall not apply to wages paid by a qualified employer with respect to employment during the applicable 24-month period with respect to any qualified replacement individual for services performed—

“(A) in a trade or business of such qualified employer, or

“(B) in the case of a qualified employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

“(2) QUALIFIED EMPLOYER.—For purposes of this subsection, the term ‘qualified employer’ has the meaning given such term by subsection (d)(2).

“(3) QUALIFIED REPLACEMENT INDIVIDUAL.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified replacement individual’ means any individual—

“(i) who begins employment with a qualified employer after September 21, 2010, and before September 22, 2013,

“(ii) with respect to whom the qualified employer certifies that such individual has been employed by the qualified employer to replace another employee—

“(I) who was not a citizen or lawfully present resident of the United States, and

“(II) substantially all of whose services for the employer were performed outside of the United States,

“(iii) with respect to whom the qualified employer certifies that substantially all of the services the individual will perform for the employer will be performed within the United States, and

“(iv) who is not an individual described in section 51(i)(1) (applied by substituting qualified employer for taxpayer each place it appears).

For purposes of this paragraph, only 1 individual may be treated as a qualified replacement individual with respect to any employee described in clause (ii) being replaced by the qualified employer. Any certification under clause (ii) or (iii) shall be made by signed affidavit, under penalties of perjury.

“(B) EMPLOYER.—All employers treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single employer for purposes of subparagraph (A)(ii), except that section 1563(b)(2)(C) shall be disregarded in applying section 1563 for purposes of such section.

“(4) APPLICABLE 24-MONTH PERIOD.—For purposes of this subsection, the term ‘applicable 24-month period’ means, with respect to any qualified replacement individual of a qualified employer, the 24-month period beginning on the hiring date of such individual by the employer.

“(5) ELECTION.—A qualified employer may elect to have this subsection not apply. Such election shall be made in such manner as the Secretary may require.

“(6) SPECIAL RULE FOR THIRD CALENDAR QUARTER OF 2010.—

“(A) NONAPPLICATION OF EXEMPTION DURING THIRD QUARTER.—Paragraph (1) shall not apply with respect to wages paid during the third calendar quarter of 2010.

“(B) CREDITING OF FIRST QUARTER EXEMPTION DURING FOURTH QUARTER.—The amount by which the tax imposed under subsection (a) would (but for subparagraph (A)) have been reduced with respect to wages paid by a qualified employer during the third calendar quarter of 2010 shall be treated as a payment against the tax imposed under subsection (a) with respect to the qualified employer for

the fourth calendar quarter of 2010 which is made on the date that such tax is due.

“(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection, including regulations necessary to prevent the avoidance of such purposes through the transfer and retransfer of employees within and without the United States or otherwise.”.

(b) COORDINATION WITH WORK OPPORTUNITY CREDIT.—Section 51(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) COORDINATION WITH PAYROLL TAX FORGIVENESS OF QUALIFIED REPLACEMENT INDIVIDUALS.—The term ‘wages’ shall not include any amount paid or incurred to a qualified replacement individual (as defined in section 3111(e)(3)) during the 2-year period beginning on the hiring date of such individual by an employer unless such employer makes an election not to have section 3111(e) apply.”.

(c) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after September 21, 2010.

TITLE II—DISINCENTIVES TO MOVING AMERICAN JOBS OVERSEAS

SEC. 201. DISALLOWANCE OF DEDUCTION, LOSS, OR CREDIT FOR CERTAIN ITEMS INCURRED IN MOVING AMERICAN JOBS OFFSHORE.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 280I. EXPENDITURES INCURRED IN MOVING AMERICAN JOBS OFFSHORE.

“(a) DISALLOWANCE.—No deduction, loss, or credit shall be allowed under this title for any taxable year for any disallowed amount.

“(b) DISALLOWED AMOUNT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘disallowed amount’ means any amount which is paid or incurred during the taxable year which is properly allocable to an American jobs offshoring transaction.

“(2) LOSSES.—Such term shall include any loss from any sale, exchange, abandonment, or other disposition of property in connection with an American jobs offshoring transaction.

“(3) EXCEPTION FOR COSTS RELATED TO DISPLACED WORKERS.—Such term shall not include any amount paid or incurred for assistance to employees within the United States whose jobs are being lost as part of an American jobs offshoring transaction, including any severance pay, outplacement services, or employee retraining.

“(c) AMERICAN JOBS OFFSHORING TRANSACTION.—For purposes of this section—

“(1) IN GENERAL.—The term ‘American jobs offshoring transaction’ means any transaction (or series of transactions) in which the taxpayer reduces or eliminates the operation of a trade or business (or line of busi-

ness) within the United States in connection with the start up or expansion of such trade or business (or such line of business) by the taxpayer outside of the United States.

“(2) EXCEPTION.—A transaction (or series of transactions) shall not be treated as an American jobs offshoring transaction if the taxpayer establishes to the satisfaction of the Secretary that such transaction (or series of transactions) will not result in the loss of employment for employees of the taxpayer within the United States.

“(d) AGGREGATION RULE.—All employers treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single taxpayer for purposes of this section, except that section 1563(b)(2)(C) shall be disregarded in applying section 1563 for purposes of section 52.

“(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations necessary to prevent the avoidance of such purposes and the application of this section in the case of mergers, acquisitions, and dispositions and in the case of contract employees.”.

(b) CONFORMING AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 280I. Expenditures incurred in moving American jobs offshore.”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to transactions occurring after the date of the enactment of this Act.

(2) EXCEPTION FOR EXISTING TRANSACTIONS.—The amendments made by this section shall not apply to transactions occurring after the date of the enactment of this Act if the taxpayer establishes to the satisfaction of the Secretary of the Treasury or the Secretary's delegate that on or before such date the taxpayer publicly identified the transaction in sufficient detail that the nature and scope of the transaction could be identified.

SEC. 202. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY PRODUCED BY EMPLOYEES IN AMERICAN JOBS MOVED OFFSHORE.

(a) GENERAL RULE.—Subsection (a) of section 954 of the Internal Revenue Code of 1986 (defining foreign base company income) is amended by striking the period at the end of paragraph (5) and inserting “, and”, by redesignating paragraph (5) as paragraph (4), and by adding at the end the following new paragraph:

“(5) imported property offshored income for the taxable year (determined under subsection (j) and reduced as provided in subsection (b)(5)).”.

(b) DEFINITION OF IMPORTED PROPERTY OFFSHORED INCOME.—Section 954 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(j) IMPORTED PROPERTY OFFSHORED INCOME.—

“(1) IN GENERAL.—For purposes of subsection (a)(5), the term ‘imported property offshored income’ means offshored income (whether in the form of profits, commissions, fees, or otherwise) received from a controlled foreign corporation and derived in connection with—

“(A) manufacturing, producing, growing, or extracting imported property;

“(B) the sale, exchange, or other disposition of imported property; or

“(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

“(2) IMPORTED PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term ‘imported property’ means property which is imported into the United States by the offshored controlled foreign corporation or a related person.

“(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term ‘imported property’ includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

“(i) such property would be imported into the United States; or

“(ii) such property would be used as a component in other property which would be imported into the United States.

“(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term ‘imported property’ does not include any property which is imported into the United States and which—

“(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

“(ii) is used by the offshored controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

“(D) EXCEPTION FOR CERTAIN AGRICULTURAL COMMODITIES.—The term ‘imported property’ does not include any agricultural commodity which is not grown in the United States in commercially marketable quantities.

“(3) OFFSHORED INCOME.—For purposes of this section, the term ‘offshored income’ means income described in paragraph (1) that is directly or indirectly derived from the operation of a trade or business (or line of business) which was started or expanded outside the United States as part of an American jobs offshoring transaction (as defined in section 280I(c)) to which the provisions of section 280I apply.

“(4) DEFINITIONS AND SPECIAL RULES.—

“(A) IMPORT.—For purposes of this subsection, the term ‘import’ means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

“(B) UNITED STATES.—For purposes of this subsection, the term ‘United States’ includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(C) UNRELATED PERSON.—For purposes of this subsection, the term ‘unrelated person’ means any person who is not a related person with respect to the controlled foreign corporation.

“(D) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term ‘foreign base company sales income’ shall not include any imported property income.”.

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY OFFSHORED INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 904(d) of the Internal Revenue Code of 1986 (relating to separate application of section with respect to certain categories of income) is amended by striking “and” at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

“(B) imported property offshored income, and”.

(2) IMPORTED PROPERTY OFFSHORED INCOME DEFINED.—Paragraph (2) of section 904(d) of such Code is amended by redesignating subparagraphs (I), (J), and (K) as subparagraphs (J), (K), and (L), respectively, and by inserting after subparagraph (H) the following new subparagraph:

“(I) IMPORTED PROPERTY OFFSHORED INCOME.—The term ‘imported property offshored income’ means any income received or accrued by any person which is of a kind which would be imported property offshored income (as defined in section 954(j)).”.

(3) CONFORMING AMENDMENT.—Clause (ii) of section 904(d)(2)(A) of such Code is amended by inserting “or imported property offshored income” after “passive category income”.

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) of the Internal Revenue Code of 1986 (relating to certain prior year deficits may be taken into account) is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

“(II) imported property offshored income.”.

(2) The last sentence of paragraph (4) of section 954(b) of such Code (relating to exception for certain income subject to high foreign taxes) is amended by striking “subsection (a)(5)” and inserting “subsection (a)(4)”.

(3) Paragraph (5) of section 954(b) of such Code (relating to deductions to be taken into account) is amended by striking “and the foreign base company oil related income” and inserting “the foreign base company oil related income, and the imported property offshored income”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 631—DESIGNATING THE WEEK BEGINNING ON NOVEMBER 8, 2010, AS NATIONAL SCHOOL PSYCHOLOGY WEEK

Mrs. LINCOLN (for herself, Mr. COCHRAN, Mr. BROWN of Ohio, Mr. BEGICH, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 631

Whereas all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs;

Whereas schools can more effectively ensure that all students are ready and able to

learn if schools meet all the needs of each student;

Whereas learning and development are directly linked to the mental health of children, and a supportive learning environment is an optimal place to promote mental health;

Whereas sound psychological principles are critical to proper instruction and learning, social and emotional development, prevention and early intervention, and support for a culturally diverse student population;

Whereas school psychologists are specially trained to deliver mental health services and academic support that lower barriers to learning and allow teachers to teach more effectively;

Whereas school psychologists facilitate collaboration that helps parents and educators identify and reduce risk factors, promote protective factors, create safe schools, and access community resources;

Whereas school psychologists are trained to assess barriers to learning, utilize data-based decision making, implement research-driven prevention and intervention strategies, evaluate outcomes, and improve accountability;

Whereas State educational agencies and other State entities credential more than 35,000 school psychologists who practice in schools in the United States as key professionals that promote the learning and mental health of all children;

Whereas the National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing, in collaboration with organizations such as the American Psychological Association, that promote effective and ethical services by school psychologists to children, families, and schools;

Whereas the National Association of School Psychologists has a Model for Comprehensive and Integrated School Psychological Services that promotes standards for the consistent delivery of school psychological services to all students in need; and

Whereas the people of the United States should recognize the vital role school psychologists play in the personal and academic development of children in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on November 8, 2010, as National School Psychology Week;

(2) honors and recognizes the contributions of school psychologists to the success of students in schools across the United States; and

(3) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the vital role school psychologists play in schools, in the community, and in helping students develop into successful and productive members of society.

SENATE RESOLUTION 632—HONORING THE WORK OF THE UNITED SERVICE ORGANIZATIONS AND CONGRATULATING THE UNITED SERVICE ORGANIZATIONS ON THE SENDING OF THEIR 2 MILLIONTH TROOP CARE PACKAGE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 632

Whereas the United Service Organizations (referred to in this preamble as the “USO”) has worked to serve members of the Armed Forces and their families for nearly 70 years;

Whereas the USO provides morale and support services to military families in more than 130 locations across the world;

Whereas the USO continues to support veterans of the Iraq and Afghanistan Wars;

Whereas the USO provides comfort to members of the Armed Forces by sending care packages to bases overseas; and

Whereas the USO and their volunteers have sent 2,000,000 care packages to our troops: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the work of the United Service Organizations in supporting the members of the Armed Forces of the United States around the world; and

(2) congratulates the United Service Organizations on sending their 2 millionth troop care package.

SENATE RESOLUTION 633—DESIGNATING SEPTEMBER 23, 2010, AS “NATIONAL FALLS PREVENTION AWARENESS DAY” TO RAISE AWARENESS AND ENCOURAGE THE PREVENTION OF FALLS AMONG OLDER ADULTS

Mr. KOHL (for himself, Ms. MIKULSKI, Mr. CASEY, Mr. FEINGOLD, and Mr. LEMIEUX) submitted the following resolution; which was considered and agreed to:

S. RES. 633

Whereas older adults, 65 years of age and older, are the fastest-growing segment of the population in the United States, and the number of older adults in the United States will increase from 35,000,000 in 2000 to 72,100,000 million in 2030;

Whereas 1 out of 3 older adults in the United States falls each year;

Whereas falls are the leading cause of injury, death, and hospital admissions for traumatic injuries among older adults;

Whereas, in 2008, approximately 2,100,000 older adults were treated in hospital emergency departments for fall-related injuries, and more than 500,000 were subsequently hospitalized;

Whereas, in 2007, over 18,400 older adults died from injuries related to unintentional falls;

Whereas the total cost of fall-related injuries for older adults is \$80,900,000,000, including more than \$19,000,000,000 in direct medical costs;

Whereas the Centers for Disease Control and Prevention estimate that if the rate of increase in falls is not slowed the annual cost under, the Medicare program will reach \$32,400,000,000 by 2020;

Whereas evidence-based programs show promise in reducing falls and facilitating cost-effective interventions, such as comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards;

Whereas research indicates that fall prevention programs for high-risk older adults have a net-cost savings of almost \$9 in benefits to society for each \$1 invested;

Whereas the Falls Free Coalition Advocacy Work Group and its numerous national and State supporting organizations should be

commended for their efforts to raise awareness and to promote greater understanding, research, and programs to prevent falls among older adults: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 23, 2010, as “National Falls Prevention Awareness Day”;

(2) commends the Falls Free Coalition Advocacy Work Group and the 31 State falls coalitions for their efforts to work together to increase education and awareness about the prevention of falls among older adults;

(3) encourages businesses, individuals, Federal, State, and local governments, the public health community, and health care providers to work together to promote the awareness of falls in an effort to reduce the incidence of falls among older adults in the United States;

(4) urges the Centers for Disease Control and Prevention to continue developing and evaluating strategies to prevent falls among older adults that will translate into effective fall prevention interventions, including community-based programs;

(5) encourages State health departments, which provide significant leadership in reducing injuries and injury-related health care costs by collaborating with colleagues and a variety of organizations and individuals, to reduce falls among older adults; and

(6) recognizes proven, cost-effective falls prevention programs and policies and encourages experts in the field to share their best practices so that their success can be replicated by others.

SENATE RESOLUTION 634—COMMEMORATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE SAINT LOUIS ZOO

Mrs. McCASKILL (for herself and Mr. BOND) submitted the following resolution; which was considered and agreed to:

S. RES. 634

Whereas, in 1910, the citizens of Saint Louis, Missouri, inspired by the Smithsonian's Flight Cage, a large walk-through bird cage constructed in Saint Louis for the 1904 World's Fair and purchased by the city of Saint Louis at the conclusion of the fair, formed the Saint Louis Zoological Society and encouraged the city of Saint Louis to set aside 77 acres in historic Forest Park for the establishment of a zoological park;

Whereas, guided by legislation providing that “the zoo shall be forever free” and supported by the extraordinary generosity of the people of Saint Louis, the Saint Louis Zoo is, and has been since its inception, accessible for all, enriching the lives of millions of people, including a record 3,101,830 visitors in 2009;

Whereas, through the exceptional work of dedicated staff, state-of-the-art facilities including the Endangered Species Research Center and Veterinary Hospital, and initiatives such as the WildCare Institute, the Saint Louis Zoo has established itself as a world leader in the conservation of endangered species and their habitats;

Whereas, through classroom presentations, Zoo tours, outreach programs, and educational resources such as the Library and Teacher Resource Center, the Saint Louis Zoo has provided invaluable educational opportunities to the members of the public, including tens of thousands of school children from the Saint Louis area for generations; and

Whereas the 2010 centennial anniversary of the founding of the Saint Louis Zoo is an achievement of historic proportions for the City of Saint Louis, the State of Missouri, the United States, and the world conservation community: Now, therefore, be it

Resolved, That the Senate commemorates the 100th anniversary of the founding of the Saint Louis Zoo on September 24, 2010.

SENATE RESOLUTION 635—DESIGNATING THE WEEK BEGINNING SEPTEMBER 19, 2010, AS “NATIONAL HISPANIC-SERVING INSTITUTIONS WEEK”

Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. LAUTENBERG, Mr. UDALL of New Mexico, Mrs. MURRAY, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. UDALL of Colorado, Mrs. BOXER, Mrs. FEINSTEIN, Mr. ENSIGN, and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 635

Whereas Hispanic-serving institutions play an important role in educating many underprivileged students and helping those students attain their full potential through higher education;

Whereas Hispanic-serving institutions are degree-granting institutions that have a full-time equivalent undergraduate enrollment of at least 25 percent Hispanic students;

Whereas, as of the date of approval of this resolution, there are approximately 268 Hispanic-serving institutions in the United States;

Whereas Hispanic-serving institutions are actively involved in stabilizing and improving the communities in which the Hispanic-serving institutions are located;

Whereas more than 48 percent of Hispanic students in the United States attend Hispanic-serving institutions;

Whereas celebrating the vast contributions of Hispanic-serving institutions to the United States strengthens the culture of the United States;

Whereas the achievements and goals of Hispanic-serving institutions are deserving of national recognition; and

Whereas the week beginning September 19, 2010, would be an appropriate week for national recognition of Hispanic-serving institutions: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and goals of Hispanic-serving institutions across the United States;

(2) designates the week beginning September 19, 2010, as “National Hispanic-Serving Institutions Week”; and

(3) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for Hispanic-serving institutions.

SENATE RESOLUTION 636—CONGRATULATING WALTER BREUNING ON THE OCCASION OF HIS 114TH BIRTHDAY

Mr. BAUCUS (for himself and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 636

Whereas Walter Breuning of Great Falls, Montana is the oldest living man in the

world and will celebrate his 114th birthday on September 21, 2010;

Whereas Walter Breuning has given back to his communities throughout his life through his service to the Shriners International;

Whereas Walter Breuning served as manager and secretary of the Great Falls Shriners Club until the age of 99;

Whereas Walter Breuning is a 33rd degree Mason, the most advanced level for that fraternal group;

Whereas Walter Breuning began working for the Great Northern Railway at the age of 16 and gave 50 years of service to the railroad;

Whereas Walter Breuning is an honorary member of the Great Northern Railway Historical Society;

Whereas Walter Breuning has practiced good health habits throughout his many years and has lived life to the fullest;

Whereas Walter Breuning has witnessed many monumental events in history and can teach all people of the United States about the lessons he learned throughout his life; and

Whereas Walter Breuning is an outstanding citizen of, and an ambassador for, the State of Montana: Now, therefore, be it

Resolved, That the Senate congratulates Walter Breuning, the oldest living man in the world, on the occasion of his 114th birthday.

Mr. BAUCUS. Mr. President, today I am submitting a resolution honoring Walter Breuning, the oldest living man in the world. Walter is celebrating his 114th birthday today.

He was born in Melrose, MN on September 21, 1896, and moved to Great Falls, MT, in 1918 while working for the Great Northern Railway. Walter is still a proud resident of Great Falls and delights fellow residents, staff, and visitors at The Rainbow Senior Living home.

Despite all the honor and attention bestowed upon him for being the oldest living man in the world, Walter is very humble. He has worked hard all his life and advises others to do the same. When I called him last year to wish him a happy birthday, that is exactly what he said to me. Walter began working for the Great Northern Railway at the age of 16 and gave 50 years of service to the railway. When he retired in 1963, Walter didn't stop working; he began a second career, one that would last until he was 99, as the manager and secretary of the Great Falls Shriner's Club.

Community service has been a big part of Walter's life and when he visits with young people he always encourages them to give back to their communities. Walter is a 33rd degree Mason, the most advanced level for that fraternal organization.

Walter has practiced healthy habits all his life, and those have contributed greatly to his longevity. He has eaten only two meals a day for the past 30 years and says he is most grateful for his good health over the years. These healthy habits have helped Walter live life to the fullest. He enjoys visiting with the many folks that come from all

over to hear the insights of the oldest living man in the world.

I am proud to join today with folks from around Montana and across the world in wishing Walter a very happy birthday. He is a great ambassador for our State and I thank him for all his community involvement and service over the years. He truly represents the best of Big Sky Country.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, 114 years old, your constituent? I guess Senator BAUCUS treats his constituents well.

SENATE RESOLUTION 637—COM- MENDING THE SEATTLE STORM FOR WINNING THE 2010 WOMEN'S NATIONAL BASKETBALL ASSO- CIATION CHAMPIONSHIP

Ms. CANTWELL (for herself and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 637

Whereas, on September 16, 2010, the Seattle Storm (referred to in this preamble as the "Storm") defeated the Atlanta Dream by a score of 87 to 84 to win the Women's National Basketball Association (referred to in this preamble as the "WNBA") Championship;

Whereas this victory is the second championship in the 11-year history of the Storm franchise;

Whereas the Storm had the most wins in the league during the 2010 regular season;

Whereas the Storm tied the record for wins in a WNBA regular season with 28, including a 13-game win streak;

Whereas the Storm did not lose a single game at home during the entire 2010 season;

Whereas the 2010 season was the best season in Storm franchise history;

Whereas the Storm had a regular season record of 28-6 and a winning percentage of .824, the best of any professional sports team in Seattle history;

Whereas the Storm won all 7 games the team played in the postseason, becoming only the fourth WNBA team to win the championship without a postseason loss, the first since 2002;

Whereas center/forward Lauren Jackson was named the Most Valuable Player of the WNBA Finals, scoring 67 points and earning 24 rebounds during the series;

Whereas Lauren Jackson was named the Most Valuable Player of the WNBA regular season for the third time in her WNBA career;

Whereas Lauren Jackson received the most votes of the All-WNBA first team, and guard Sue Bird was named to the All-WNBA second team;

Whereas Lauren Jackson and Sue Bird won their second career championships with the Storm;

Whereas each of the starting players for the Storm scored at least 10 points in the final game;

Whereas the owners of the Storm, Dawn Trudeau, Lisa Brummel, Anne Levinson, and Ginny Gilder, have invested in the success of the Storm and prevented the franchise from leaving Seattle;

Whereas the owners of the Storm have set the example for the leadership of women in professional sports;

Whereas head coach of the Storm, Brian Agler, with the help of assistant coach Nancy Darsch, led the team to its second WNBA championship through leadership and a winning philosophy;

Whereas head coach Brian Agler was named the 2010 WNBA Coach of the Year;

Whereas the management of the Storm has been successful in building an outstanding team by drafting new players and signing key free agents;

Whereas the Storm is headquartered in the 7th Congressional District of Washington in the Interbay neighborhood of Seattle, Washington;

Whereas the Storm is the only professional basketball franchise in the City of Seattle; and

Whereas the 2010 Storm team is evidence of what can be accomplished when self is set aside and a teamwork mentality is adopted by all of the players: Now, therefore, be it

Resolved, That the Senate—

(1) commends—

(A) the Seattle Storm for winning Women's National Basketball Association championship; and

(B) the people of Washington State for their support of the team;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in the success of the Seattle Storm during the 2010 Women's National Basketball Association season; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the Seattle Storm.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4626. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4627. Mrs. MURRAY (for herself, Mr. BROWNBACK, Ms. CANTWELL, and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4628. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4629. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4630. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4631. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4632. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4633. Mr. SHELBY (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4634. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4635. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4636. Mr. KYL (for himself, Mr. CORKER, Mr. SESSIONS, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4637. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4638. Mr. KYL (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4639. Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4640. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4641. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4636 submitted by Mr. KYL (for himself, Mr. CORKER, Mr. SESSIONS, and Mr. INHOFE) and intended to be proposed to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4642. Mrs. LINCOLN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4643. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4644. Mrs. LINCOLN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4645. Mrs. LINCOLN (for herself and Mr. RISCH) submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4646. Mrs. LINCOLN (for herself and Mr. RISCH) submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4647. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4648. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4649. Mrs. LINCOLN (for herself and Mr. RISCH) submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4650. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4651. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4652. Mr. BEGICH (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4653. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 946, to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4626. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.

(a) **ESTABLISHMENT.**—Subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 73841 et seq.) is amended by adding at the end the following:

“SEC. 3632. ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this section, the President shall establish and appoint an Advisory Board on Toxic Substances and Worker Health (referred to in this section as the ‘Board’).

“(2) **CONSULTATION ON APPOINTMENTS.**—In appointing members to the Board under paragraph (1), the President shall consult with organizations with expertise on worker health issues in order to ensure that the membership of the Board reflects a proper balance among perspectives from the scientific, medical, legal, workers, and worker advocate communities.

“(3) **CHAIRPERSON.**—The President shall designate a chairperson of the Board from among its members.

“(b) **DUTIES.**—The Board shall—

“(1) provide advice to the President concerning the review and approval of the Department of Labor site exposure matrix;

“(2) conduct periodic peer reviews of, and approve, medical guidance for part E claims examiners with respect to the weighing of a claimant’s medical evidence;

“(3) obtain periodic expert reviews of medical evidentiary requirements for part B claims related to lung diseases;

“(4) provide oversight over consulting physicians and reports to ensure quality, objectivity, and consistency of the consultant physicians’ work; and

“(5) coordinate where applicable exchanges of data and findings with the Advisory Board on Radiation and Worker Health (under section 3624).

“(c) **STAFF AND POWERS.**—

“(1) **IN GENERAL.**—The President shall appoint a staff to facilitate the work of the Board. The staff of the Board shall be headed by a Director who shall be appointed under subchapter VIII of chapter 33 of title 5, United States Code.

“(2) **FEDERAL AGENCY PERSONNEL.**—The President may authorize the detail of employees of Federal agencies to the Board as necessary to enable the Board to carry out its duties under this section. The detail of such personnel may be on a non-reimbursable basis.

“(3) **POWERS.**—The Board shall have same powers that the Advisory Board has under section 3624.

“(d) **EXPENSES.**—The members of the Board, other than full-time employees of the United States, while attending meetings of

the Board or while otherwise serving at the request of the President, and while serving away from their homes or regular place of business, shall be allowed travel and meal expenses, including per diem in lieu of subsistence (as authorized by section 5703 of title 5, United States Code) for individuals in the Federal Government serving without pay.

“(e) **SECURITY CLEARANCES.**—

“(1) **REQUIREMENT.**—The Secretary of Energy shall ensure that the members and staff of the Board, and the contractors performing work in support of the Board, are afforded the opportunity to apply for a security clearance for any matter for which such a clearance is appropriate. The Secretary should, not later than 180 days after receiving a completed application for such a clearance, make a determination whether or not the individual concerned is eligible for the clearance.

“(2) **BUDGET JUSTIFICATION.**—For fiscal year 2011, and each fiscal year thereafter, the Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report specifying the number of applications for security clearances under this subsection, the number of such applications granted, and the number of such applications denied.

“(f) **INFORMATION.**—The Secretary of Energy shall, in accordance with law, provide to the Board and the contractors of the Board, access to any information that the Board considers relevant to carry out its responsibilities under this section, including information such as restricted data (as defined in section 2014(y)) and information covered by the Privacy Act.”.

(b) **DEPARTMENT OF LABOR RESPONSE TO THE OFFICE OF THE OMBUDSMAN ANNUAL REPORT.**—Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-15) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g), the following:

“(h) **RESPONSE TO REPORT.**—Not later than 90 days after the publication of the annual report under subsection (e), the Department of Labor shall submit an answer in writing on whether the Department agrees or disagrees with the specific issues raised by the Ombudsman, if the Department agrees, on the actions to be taken to correct the problems identified by the Ombudsman, and if the Department does not agree, on the reasons therefore. The Department of Labor shall post such answer on the public Internet website of the Department.”.

SA 4627. Mrs. MURRAY (for herself, Mr. BROWNBACK, Ms. CANTWELL, and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 858. CONSIDERATION OF UNFAIR COMPETITIVE ADVANTAGE IN EVALUATION OF OFFERS FOR KC-X AERIAL REFUELING AIRCRAFT PROGRAM.

(a) **REQUIREMENT TO CONSIDER UNFAIR COMPETITIVE ADVANTAGE.**—In awarding a contract for the KC-X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall, in evaluating any offers submitted to the Department of Defense in response to a solicitation for offers for such program, consider any unfair competitive advantage that an offeror may possess.

(b) **REPORT.**—Not later than 60 days after submission of offers in response to any such solicitation, the Secretary of Defense shall submit to the congressional defense committees a report on any unfair competitive advantage that any offeror may possess.

(c) **REQUIREMENT TO TAKE FINDINGS INTO ACCOUNT IN AWARD OF CONTRACT.**—In awarding a contract for the KC-X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall take into account the findings of the report submitted under subsection (b).

(d) **UNFAIR COMPETITIVE ADVANTAGE.**—In this section, the term “unfair competitive advantage”, with respect to an offer for a contract, means a situation in which the cost of development, production, or manufacturing is not fully borne by the offeror for such contract.

SA 4628. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 648, between lines 10 and 11, insert the following:

SEC. 3133. OIL AND GAS PRODUCTION ON DEPARTMENT OF DEFENSE LAND.

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) in the first sentence of subsection (a), by striking “All money received” and inserting “Subject to subsection (d), all money received”; and

(2) by adding at the end the following:

“(d) **CERTAIN SALES, BONUSES, AND ROYALTIES.**—

“(1) **IN GENERAL.**—The Secretary of the Treasury shall transfer to the Secretary of Defense the amounts received under subsection (a) from oil and gas production carried out on land that is occupied by, or title to which is held by, a military installation.

“(2) **USE OF FUNDS.**—Any amount received by the Secretary of Defense under paragraph (1) shall be used to offset costs of military installations for—

“(A) administrative operations; and

“(B) the maintenance and repair of facilities and infrastructure of military installations.”.

SA 4629. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVI—PREVENTION AND RESPONSE TO SEXUAL OFFENSES IN THE ARMED FORCES

SEC. 1601. ENHANCEMENT OF PROCEDURES FOR COMMUNICATIONS BY MEMBERS OF THE ARMED FORCES REGARDING ALLEGATIONS OF SEXUAL ASSAULT AND OTHER SEXUAL OFFENSES.

(a) JUDGE ADVOCATES TO BE RECIPIENTS OF RESTRICTED REPORTING OF ALLEGATIONS WITHOUT TRIGGERING OFFICIAL INVESTIGATIVE PROCESS.—The officials who are authorized to receive a restricted reporting by a member of the Armed Forces of an allegation of a sexual offense without resulting in the initiation of an official investigative process with respect to the allegation shall include judge advocates.

(b) PRIVILEGED NATURE OF COMMUNICATIONS BETWEEN MEMBERS AND VICTIM ADVOCATES.—

(1) IN GENERAL.—The Secretary of Defense shall modify the Military Rules of Evidence to provide that a member of the Armed Forces who alleges a sexual offense shall have the privilege to refuse to disclose, and to prevent any other person from disclosing, a confidential communication made between the member and a Victim Advocate (VA), in a case arising under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), or chapter 47A of title 10, United States Code (relating to military commissions), if the communication was made for the purpose of facilitating victim advocacy for the member with respect to the allegation. The privilege shall be similar in scope and exceptions, and the privilege shall be administered in a manner similar, to the psychotherapist-patient privilege under Rule 513 of the Military Rules of Evidence.

(2) CONFIDENTIAL DEFINED.—In this subsection, the term “confidential”, in the case of a communication, means not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of victim advocacy or those reasonably necessary for the transmission of the communication.

(c) OTHER DEFINITIONS.—In this section, the terms “official investigative process”, “restricted reporting”, and “unrestricted reporting” have the meaning given such terms in Department of Defense Directive 6495.01, dated October 6, 2005 (as amended).

SEC. 1602. PROVISION TO VICTIMS OF RECORDS OF PROCEEDINGS OF COURT-MARTIAL INVOLVING SEXUAL ASSAULT OR OTHER SEXUAL OFFENSES.

(a) PROVISION ON REQUEST.—A member of the Armed Forces who testifies as a victim thereof in a court-martial involving a sexual offense shall, upon request, be provided a copy of the prepared record of proceedings of the court-martial as soon as is practicable after the authentication of such record. The record shall be provided the member without charge to the member.

(b) NOTICE OF OPPORTUNITY TO REQUEST RECORD.—Each member who testifies as a victim in a court-martial described in subsection (a) shall be informed, in writing, of the opportunity to request a record of proceedings of the court-martial pursuant to that subsection.

SEC. 1603. EXPEDITED CONSIDERATION OF APPLICATION FOR PERMANENT CHANGE OF STATION OR UNIT TRANSFER FOR VICTIMS OF SEXUAL ASSAULT OR OTHER SEXUAL OFFENSES.

(a) IN GENERAL.—Under such regulations as the Secretary of the military department

concerned shall prescribe, such Secretary shall, to the maximum extent practicable, ensure the expedited consideration of an application of a member of the Armed Forces described in subsection (b) for a permanent change of station or unit transfer.

(b) COVERED MEMBERS.—A member described in this subsection is a member of the Armed Forces on active duty who is the victim of a sexual offense committed by another member of the Armed Forces.

SEC. 1604. REQUIREMENTS AND LIMITATIONS REGARDING SEXUAL ASSAULT RESPONSE COORDINATORS AND VICTIM ADVOCATES.

(a) PERSONNEL DISCHARGING SARC FUNCTIONS.—

(1) IN GENERAL.—Each Sexual Assault Response Coordinator (SARC) shall be a member of the Armed Forces on active duty or a full-time civilian employee of the Department of Defense.

(2) PROHIBITION ON DISCHARGE BY CONTRACTOR PERSONNEL.—A contractor or employee of a contractor of the Federal Government may not serve or act as, or discharge the functions of, a Sexual Assault Response Coordinator.

(b) PERSONNEL DISCHARGING VA FUNCTIONS.—Each Victim Advocate (VA) shall be a member of the Armed Forces on active duty or a full-time civilian employee of the Department of Defense.

(c) MINIMUM NUMBER OF SARCS AND VAS.—Each brigade or similar unit of the Armed Forces shall be assigned the following:

(1) At least one Sexual Assault Response Coordinator.

(2) At least one Victim Advocate.

(d) TRAINING AND CERTIFICATION.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Office for Victims of Crime of the Department of Justice, carry out a program as follows:

(A) To provide uniform training for all individuals who will serve as Sexual Assault Response Coordinators on matters relating to sexual assault in the Armed Forces.

(B) To provide uniform training for all individuals who will serve as Victim Advocates on matters relating to sexual assault in the Armed Forces

(C) To certify individuals who successfully complete training provided pursuant to subparagraph (A) or (B) as qualified for the discharge of the functions of Sexual Assault Response Coordinator or Victim Advocate, as the case may be.

(2) COMMENCEMENT OF TRAINING AND CERTIFICATION REQUIREMENTS.—Commencing one year after the date of the enactment of this Act, an individual may not serve as a Sexual Assault Response Coordinator or Victim Advocate unless the individual has undergone training provided under subparagraph (A) or (B), as applicable, of paragraph (1) and been certified under subparagraph (C) of that paragraph.

(e) DEFINITIONS.—In this section, the term “Sexual Assault Response Coordinator” and “Victim Advocate” have the meaning given such terms in Department of Defense Directive 6495.01, dated October 6, 2005 (as amended).

SEC. 1605. REQUIREMENTS FOR THE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) SES POSITION FOR DIRECTOR OF SAPRO.—The position of Director of the Sexual Assault Prevention and Response Office (SAPRO) of the Department of Defense shall be a position in the Senior Executive Service (SES).

(b) STANDARDIZATION OF PROGRAM.—The Secretary of Defense shall take appropriate

actions to standardize and update programs and activities relating to sexual assault prevention and response across the Armed Forces and the military departments. Such actions shall include the following:

(1) The establishment of common organizational structures for organizations in the Armed Forces and the military departments responsible for sexual assault prevention and response activities in order to achieve commonality in the structure of such organizations and their discharge of their functions.

(2) The standardization of terminology on sexual assault prevention and response to be utilized by the organizations described in paragraph (1), the Armed Forces, and the military departments.

(3) The establishment of position descriptions for positions in the Armed Forces and the military departments charged with sexual assault prevention and response duties, and the specification of the responsibilities of such positions.

(4) The establishment of minimum standards for programs and activities of the Armed Forces and the military departments relating to sexual assault prevention and response.

(5) Such other actions as the Secretary considers appropriate.

SEC. 1606. DATABASE ON SEXUAL ASSAULT INCIDENTS.

(a) DATABASE REQUIRED.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1562 the following new section:

“§ 1562a. Database on sexual assault incidents

“(a) DATABASE REQUIRED.—The Secretary of Defense shall maintain a centralized, case-level database for the collection, in a manner consistent with Department of Defense regulations for restricted reporting and maintenance of information regarding sexual assaults involving a member of the armed forces, including information, if available, about the nature of the assault, the victim, the offender, and the outcome of any legal proceedings in connection with the assault.

“(b) AVAILABILITY OF DATABASE.—The database required by subsection (a) shall be available to personnel of the Sexual Assault Prevention and Response Office of the Department of Defense.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of such title is amended by inserting after the item relating to section 1562 the following new item:

“1562a. Database on sexual assault incidents.”

(b) COMPLETION OF IMPLEMENTATION.—The Secretary of Defense shall complete implementation of the database required by section 1562a of title 10, United States Code (as added by subsection (a)), not later than one year after the date of the enactment of this Act.

SEC. 1607. DEDICATED TELEPHONE LINE FOR REPORTING OF SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) TELEPHONE LINE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a toll-free telephone number (commonly referred to as an “800 number”), staffed by appropriately trained personnel, through which reports may be made of allegations of a sexual offense as follows:

(1) Allegations by a member of the Armed Forces, regardless of where serving, of being a victim of sexual assault, whether or not committed by another member of the Armed Forces.

(2) Allegations by any person of being a victim of a sexual offense committed by a member of the Armed Forces.

(b) **OUTREACH.**—The Secretary shall conduct appropriate outreach to inform members of the Armed Forces and the public of the toll-free telephone number required by subsection (a).

SEC. 1608. SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING IN PROFESSIONAL MILITARY EDUCATION.

The Secretary of Defense shall, in consultation with the Secretaries of the military departments, ensure that training on sexual assault prevention and response is provided to members of the Armed Forces at each level of professional military education (PME) for members of the Armed Forces. Such training shall, to the extent practicable, be uniform across the Armed Forces.

SEC. 1609. ENHANCED TRAINING FOR JUDGE ADVOCATES ON INVESTIGATION AND PROSECUTION OF SEXUAL ASSAULT AND OTHER SEXUAL OFFENSES.

The Secretary of Defense shall provide appropriate enhancements in the training of judge advocates who serve as trial counsel in order to improve the capabilities of such judge advocates in the investigation and prosecution of cases involving a sexual offense.

SEC. 1610. DEFINITIONS.

In this title:

(1) The term “sexual assault” has the meaning given that term in Department of Defense Directive 6495.01, dated October 6, 2005 (as amended).

(2) The term “sexual offense” means an offense under section 920, 920b, or 920c of title 10, United States Code (article 120, 120b, or 120c of the Uniform Code of Military Justice), as amended by section 561 of this Act.

SA 4630. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1205. INCLUSION OF ADDITIONAL COMMITTEES OF CONGRESS IN NOTIFICATION AND REPORTING REQUIREMENTS ON USE OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

Section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086), as most recently amended by section 1202 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2511), is further amended—

(1) in subsections (b), (c)(1), and (f), by striking “congressional defense committees” and inserting “committees of Congress specified in subsection (i)”;

(2) by adding at the end the following new subsection:

“(i) **COMMITTEES OF CONGRESS.**—The committees of Congress specified in this subsection are the following:

“(1) The congressional defense committees.

“(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(3) The Select Committee on Intelligence of the Senate and the Permanent Select

Committee on Intelligence of the House of Representatives.”.

SA 4631. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 5 and 6, insert the following:

SEC. 594. EXCEPTION TO ONE-YEAR PHYSICAL PRESENCE REQUIREMENT FOR ADJUSTMENT OF STATUS FOR ALIENS GRANTED ASYLUM AND EMPLOYED OVERSEAS BY THE FEDERAL GOVERNMENT.

(a) **SHORT TITLE.**—This section may be cited as the “Refugee Opportunity Act”.

(b) **AMENDMENT.**—Section 209 of the Immigration and Nationality Act (8 U.S.C. 1159) is amended—

(1) in subsection (a)(1)(B), by inserting “(except as provided under subsection (d))” after “one year”;

(2) in subsection (b)(2), by inserting “(except as provided under subsection (d))” after “asylum”; and

(3) by adding at the end the following:

“(d) An alien who does not meet the 1-year physical presence requirement under subsection (a)(1)(B) or (b)(2), but who otherwise meets the requirements under subsection (a) or (b) for adjustment of status to that of an alien lawfully admitted for permanent residence, may be eligible for such adjustment of status if the alien—

“(1)(A) is or was employed by the United States Government or a contractor of the United States Government outside of the United States and performing work on behalf of the United States Government for the entire period of absence, which may not exceed 1 year; or

“(B)(i) is or was employed by the United States Government or a contractor of the United States Government in the alien’s country of nationality or last habitual residence for the entire period of absence, which may not exceed 1 year; and

“(ii) was under the protection of the United States Government or a contractor while performing work on behalf of the United States Government during the entire period of such employment; and

“(2) returned immediately to the United States upon the conclusion of such employment.”.

(c) **DETERMINATION OF BUDGETARY EFFECTS.**—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4632. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—DATA PRIVACY

SEC. 5001. SHORT TITLE.

This division may be cited as the “Personal Data Privacy and Security Act of 2010”.

SEC. 5002. FINDINGS.

Congress finds that—

(1) databases of personally identifiable information are increasingly prime targets of hackers, identity thieves, rogue employees, and other criminals, including organized and sophisticated criminal operations;

(2) identity theft is a serious threat to the Nation’s economic stability, homeland security, the development of e-commerce, and the privacy rights of Americans;

(3) over 9,300,000 individuals were victims of identity theft in America last year;

(4) security breaches are a serious threat to consumer confidence, homeland security, e-commerce, and economic stability;

(5) it is important for business entities that own, use, or license personally identifiable information to adopt reasonable procedures to ensure the security, privacy, and confidentiality of that personally identifiable information;

(6) individuals whose personal information has been compromised or who have been victims of identity theft should receive the necessary information and assistance to mitigate their damages and to restore the integrity of their personal information and identities;

(7) data brokers have assumed a significant role in providing identification, authentication, and screening services, and related data collection and analyses for commercial, non-profit, and government operations;

(8) data misuse and use of inaccurate data have the potential to cause serious or irreparable harm to an individual’s livelihood, privacy, and liberty and undermine efficient and effective business and government operations;

(9) there is a need to ensure that data brokers conduct their operations in a manner that prioritizes fairness, transparency, accuracy, and respect for the privacy of consumers;

(10) government access to commercial data can potentially improve safety, law enforcement, and national security; and

(11) because government use of commercial data containing personal information potentially affects individual privacy, and law enforcement and national security operations, there is a need for Congress to exercise oversight over government use of commercial data.

SEC. 5003. DEFINITIONS.

In this division, the following definitions shall apply:

(1) **AGENCY.**—The term “agency” has the same meaning given such term in section 551 of title 5, United States Code.

(2) **AFFILIATE.**—The term “affiliate” means persons related by common ownership or by corporate control.

(3) **BUSINESS ENTITY.**—The term “business entity” means any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, or venture established to make a profit, or nonprofit.

(4) **IDENTITY THEFT.**—The term “identity theft” means a violation of section 1028(a)(7) of title 18, United States Code.

(5) **DATA BROKER.**—The term “data broker” means a business entity which for monetary

fees or dues regularly engages in the practice of collecting, transmitting, or providing access to sensitive personally identifiable information on more than 5,000 individuals who are not the customers or employees of that business entity or affiliate primarily for the purposes of providing such information to nonaffiliated third parties on an interstate basis.

(6) **DATA FURNISHER.**—The term “data furnisher” means any agency, organization, corporation, trust, partnership, sole proprietorship, unincorporated association, or non-profit that serves as a source of information for a data broker.

(7) **ENCRYPTION.**—The term “encryption”—

(A) means the protection of data in electronic form, in storage or in transit, using an encryption technology that has been adopted by a widely accepted standards setting body or, has been widely accepted as an effective industry practice which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data; and

(B) includes appropriate management and safeguards of such cryptographic keys so as to protect the integrity of the encryption.

(8) **PERSONAL ELECTRONIC RECORD.**—

(A) **IN GENERAL.**—The term “personal electronic record” means data associated with an individual contained in a database, networked or integrated databases, or other data system that is provided by a data broker to nonaffiliated third parties and includes personally identifiable information about that individual.

(B) **EXCLUSIONS.**—The term “personal electronic record” does not include—

(i) any data related to an individual's past purchases of consumer goods; or

(ii) any proprietary assessment or evaluation of an individual or any proprietary assessment or evaluation of information about an individual.

(9) **PERSONALLY IDENTIFIABLE INFORMATION.**—The term “personally identifiable information” means any information, or compilation of information, in electronic or digital form that is a means of identification, as defined by section 1028(d)(7) of title 18, United States Code.

(10) **PUBLIC RECORD SOURCE.**—The term “public record source” means the Congress, any agency, any State or local government agency, the government of the District of Columbia and governments of the territories or possessions of the United States, and Federal, State or local courts, courts martial and military commissions, that maintain personally identifiable information in records available to the public.

(11) **SECURITY BREACH.**—

(A) **IN GENERAL.**—The term “security breach” means compromise of the security, confidentiality, or integrity of computerized data through misrepresentation or actions—

(i) that result in, or that there is a reasonable basis to conclude has resulted in—

(I) the unauthorized acquisition of sensitive personally identifiable information; and

(II) access to sensitive personally identifiable information that is for an unauthorized purpose, or in excess of authorization; and

(ii) which present a significant risk of harm or fraud to any individual.

(B) **EXCLUSION.**—The term “security breach” does not include—

(i) a good faith acquisition of sensitive personally identifiable information by a business entity or agency, or an employee or agent of a business entity or agency, if the sensitive personally identifiable information

is not subject to further unauthorized disclosure;

(ii) the release of a public record not otherwise subject to confidentiality or nondisclosure requirements; or

(iii) any lawfully authorized investigative, protective, or intelligence activity of a law enforcement or intelligence agency of the United States.

(12) **SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.**—The term “sensitive personally identifiable information” means any information or compilation of information, in electronic or digital form that includes—

(A) an individual's first and last name or first initial and last name in combination with any 1 of the following data elements:

(i) A nontruncated social security number, driver's license number, passport number, or alien registration number.

(ii) Any 2 of the following:

(I) Home address or telephone number.

(II) Mother's maiden name.

(III) Month, day, and year of birth.

(iii) Unique biometric data such as a finger print, voice print, a retina or iris image, or any other unique physical representation.

(iv) A unique account identifier, electronic identification number, user name, or routing code in combination with any associated security code, access code, or password if the code or password is required for an individual to obtain money, goods, services, or any other thing of value; or

(B) a financial account number or credit or debit card number in combination with any security code, access code, or password that is required for an individual to obtain credit, withdraw funds, or engage in a financial transaction.

TITLE I—ENHANCING PUNISHMENT FOR IDENTITY THEFT AND OTHER VIOLATIONS OF DATA PRIVACY AND SECURITY

SEC. 5101. ORGANIZED CRIMINAL ACTIVITY IN CONNECTION WITH UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.

Section 1961(1) of title 18, United States Code, is amended by inserting “section 1030 (relating to fraud and related activity in connection with computers) if the act is a felony,” before “section 1084”.

SEC. 5102. CONCEALMENT OF SECURITY BREACHES INVOLVING SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.

(a) **IN GENERAL.**—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“§ 1041. Concealment of security breaches involving sensitive personally identifiable information

“(a) Whoever, having knowledge of a security breach and having the obligation to provide notice of such breach to individuals under title III of the Personal Data Privacy and Security Act of 2010, and having not otherwise qualified for an exemption from providing notice under section 312 of such Act, intentionally and willfully conceals the fact of such security breach and which breach causes economic damage to 1 or more persons, shall be fined under this title or imprisoned not more than 5 years, or both.

“(b) For purposes of subsection (a), the term ‘person’ has the same meaning as in section 1030(e)(12) of title 18, United States Code.

“(c) Any person seeking an exemption under section 312(b) of the Personal Data Privacy and Security Act of 2010 shall be immune from prosecution under this section if the United States Secret Service does not indicate, in writing, that such notice be given under section 312(b)(3) of such Act.”.

(b) **CONFORMING AND TECHNICAL AMENDMENTS.**—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1041. Concealment of security breaches involving sensitive personally identifiable information.”.

(c) **ENFORCEMENT AUTHORITY.**—

(1) **IN GENERAL.**—The United States Secret Service shall have the authority to investigate offenses under this section.

(2) **NONEXCLUSIVITY.**—The authority granted in paragraph (1) shall not be exclusive of any existing authority held by any other Federal agency.

SEC. 5103. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended—

(1) by inserting “or conspiracy” after “or an attempt” each place it appears, except for paragraph (4);

(2) in paragraph (2)(B)—

(A) in clause (i), by inserting “, or attempt or conspiracy or conspiracy to commit an offense,” after “the offense”;

(B) in clause (ii), by inserting “, or attempt or conspiracy or conspiracy to commit an offense,” after “the offense”; and

(C) in clause (iii), by inserting “(or, in the case of an attempted offense, would, if completed, have obtained)” after “information obtained”; and

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking clause (ii);

(ii) by striking “in the case of—” and all that follows through “an offense under subsection (a)(5)(B)” and inserting “in the case of an offense, or an attempt or conspiracy to commit an offense, under subsection (a)(5)(B)”;

(iii) by inserting “or conspiracy” after “if the offense”;

(iv) by redesignating subclauses (I) through (VI) as clauses (i) through (vi), respectively, and adjusting the margin accordingly; and

(v) in clause (vi), as so redesignated, by striking “; or” and inserting a semicolon;

(B) in subparagraph (B)—

(i) by striking clause (ii);

(ii) by striking “in the case of—” and all that follows through “an offense under subsection (a)(5)(A)” and inserting “in the case of an offense, or an attempt or conspiracy to commit an offense, under subsection (a)(5)(A)”;

(iii) by inserting “or conspiracy” after “if the offense”; and

(iv) by striking “; or” and inserting a semicolon;

(C) in subparagraph (C)—

(i) by striking clause (ii);

(ii) by striking “in the case of—” and all that follows through “an offense or an attempt to commit an offense” and inserting “in the case of an offense, or an attempt or conspiracy to commit an offense,” and

(iii) by striking “; or” and inserting a semicolon;

(D) in subparagraph (D)—

(i) by striking clause (ii);

(ii) by striking “in the case of—” and all that follows through “an offense or an attempt to commit an offense” and inserting “in the case of an offense, or an attempt or conspiracy to commit an offense,” and

(iii) by striking “; or” and inserting a semicolon;

(E) in subparagraph (E), by inserting “or conspires” after “offender attempts”;

(F) in subparagraph (F), by inserting “or conspires” after “offender attempts”; and

(G) in subparagraph (G)(ii), by inserting "or conspiracy" after "an attempt".

SEC. 5104. EFFECTS OF IDENTITY THEFT ON BANKRUPTCY PROCEEDINGS.

(a) **DEFINITIONS.**—Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraph (27B) as paragraph (27D); and

(2) by inserting after paragraph (27A) the following:

"(27) The term 'identity theft' means a fraud committed or attempted using the personally identifiable information of another person.

"(28) The term 'identity theft victim' means a debtor who, as a result of an identity theft in any consecutive 12-month period during the 3-year period before the date on which a petition is filed under this title, had claims asserted against such debtor in excess of the least of—

"(A) \$20,000;

"(B) 50 percent of all claims asserted against such debtor; or

"(C) 25 percent of the debtor's gross income for such 12-month period."

(b) **PROHIBITION.**—Section 707(b) of title 11, United States Code, is amended by adding at the end the following:

"(8) No judge, United States trustee (or bankruptcy administrator, if any), trustee, or other party in interest may file a motion under paragraph (2) if the debtor is an identity theft victim."

TITLE II—DATA BROKERS

SEC. 5201. TRANSPARENCY AND ACCURACY OF DATA COLLECTION.

(a) **IN GENERAL.**—Data brokers engaging in interstate commerce are subject to the requirements of this title for any product or service offered to third parties that allows access or use of personally identifiable information.

(b) **LIMITATION.**—Notwithstanding any other provision of this title, this title shall not apply to—

(1) any product or service offered by a data broker engaging in interstate commerce where such product or service is currently subject to, and in compliance with, access and accuracy protections similar to those under subsections (c) through (e) of this section under the Fair Credit Reporting Act (Public Law 91-508);

(2) any data broker that is subject to regulation under the Gramm-Leach-Bliley Act (Public Law 106-102);

(3) any data broker currently subject to and in compliance with the data security requirements for such entities under the Health Insurance Portability and Accountability Act (Public Law 104-191), and its implementing regulations;

(4) any data broker subject to, and in compliance with, the privacy and data security requirements under sections 13401 and 13404 of division A of the American Reinvestment and Recovery Act of 2009 (42 U.S.C. 17931 and 17934) and implementing regulations promulgated under such sections;

(5) information in a personal electronic record that—

(A) the data broker has identified as inaccurate, but maintains for the purpose of aiding the data broker in preventing inaccurate information from entering an individual's personal electronic record; and

(B) is not maintained primarily for the purpose of transmitting or otherwise providing that information, or assessments based on that information, to nonaffiliated third parties;

(6) information concerning proprietary methodologies, techniques, scores, or algo-

ritms relating to fraud prevention not normally provided to third parties in the ordinary course of business; and

(7) information that is used for legitimate governmental or fraud prevention purposes that would be compromised by disclosure to the individual.

(c) **DISCLOSURES TO INDIVIDUALS.**—

(1) **IN GENERAL.**—A data broker shall, upon the request of an individual, disclose to such individual for a reasonable fee all personal electronic records pertaining to that individual maintained or accessed by the data broker specifically for disclosure to third parties that request information on that individual in the ordinary course of business in the databases or systems of the data broker at the time of such request.

(2) **INFORMATION ON HOW TO CORRECT INACCURACIES.**—The disclosures required under paragraph (1) shall also include guidance to individuals on procedures for correcting inaccuracies.

(d) **DISCLOSURE TO INDIVIDUALS OF ADVERSE ACTIONS TAKEN BY THIRD PARTIES.**—

(1) **IN GENERAL.**—If a person takes any adverse action with respect to any individual that is based, in whole or in part, on any information contained in a personal electronic record, the person, at no cost to the affected individual, shall provide—

(A) written or electronic notice of the adverse action to the individual;

(B) to the individual, in writing or electronically, the name, address, and telephone number of the data broker (including a toll-free telephone number established by the data broker, if the data broker complies and maintains data on individuals on a nationwide basis) that furnished the information to the person;

(C) a copy of the information such person obtained from the data broker; and

(D) information to the individual on the procedures for correcting any inaccuracies in such information.

(2) **ACCEPTED METHODS OF NOTICE.**—A person shall be in compliance with the notice requirements under paragraph (1) if such person provides written or electronic notice in the same manner and using the same methods as are required under section 5313(1) of this Act.

(e) **ACCURACY RESOLUTION PROCESS.**—

(1) **INFORMATION FROM A PUBLIC RECORD OR LICENSOR.**—

(A) **IN GENERAL.**—If an individual notifies a data broker of a dispute as to the completeness or accuracy of information disclosed to such individual under subsection (c) that is obtained from a public record source or a license agreement, such data broker shall determine within 30 days whether the information in its system accurately and completely records the information available from the licensor or public record source.

(B) **DATA BROKER ACTIONS.**—If a data broker determines under subparagraph (A) that the information in its systems does not accurately and completely record the information available from a public record source or licensor, the data broker shall—

(i) correct any inaccuracies or incompleteness, and provide to such individual written notice of such changes; and

(ii) provide such individual with the contact information of the public record or licensor.

(2) **INFORMATION NOT FROM A PUBLIC RECORD SOURCE OR LICENSOR.**—If an individual notifies a data broker of a dispute as to the completeness or accuracy of information not from a public record or licensor that was disclosed to the individual under subsection (c),

the data broker shall, within 30 days of receiving notice of such dispute—

(A) review and consider free of charge any information submitted by such individual that is relevant to the completeness or accuracy of the disputed information; and

(B) correct any information found to be incomplete or inaccurate and provide notice to such individual of whether and what information was corrected, if any.

(3) **EXTENSION OF REVIEW PERIOD.**—The 30-day period described in paragraph (1) may be extended for not more than 30 additional days if a data broker receives information from the individual during the initial 30-day period that is relevant to the completeness or accuracy of any disputed information.

(4) **NOTICE IDENTIFYING THE DATA FURNISHER.**—If the completeness or accuracy of any information not from a public record source or licensor that was disclosed to an individual under subsection (c) is disputed by such individual, the data broker shall provide, upon the request of such individual, the contact information of any data furnisher that provided the disputed information.

(5) **DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.**—

(A) **IN GENERAL.**—Notwithstanding paragraphs (1) through (3), a data broker may decline to investigate or terminate a review of information disputed by an individual under those paragraphs if the data broker reasonably determines that the dispute by the individual is frivolous or intended to perpetrate fraud.

(B) **NOTICE.**—A data broker shall notify an individual of a determination under subparagraph (A) within a reasonable time by any means available to such data broker.

SEC. 5202. ENFORCEMENT.

(a) **CIVIL PENALTIES.**—

(1) **PENALTIES.**—Any data broker that violates the provisions of section 5201 shall be subject to civil penalties of not more than \$1,000 per violation per day while such violations persist, up to a maximum of \$250,000 per violation.

(2) **INTENTIONAL OR WILLFUL VIOLATION.**—A data broker that intentionally or willfully violates the provisions of section 5201 shall be subject to additional penalties in the amount of \$1,000 per violation per day, to a maximum of an additional \$250,000 per violation, while such violations persist.

(3) **EQUITABLE RELIEF.**—A data broker engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) **OTHER RIGHTS AND REMEDIES.**—The rights and remedies available under this subsection are cumulative and shall not affect any other rights and remedies available under law.

(b) **FEDERAL TRADE COMMISSION AUTHORITY.**—Any data broker shall have the provisions of this title enforced against it by the Federal Trade Commission.

(c) **STATE ENFORCEMENT.**—

(1) **CIVIL ACTIONS.**—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the acts or practices of a data broker that violate this title, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;
 (B) enforce compliance with this title; or
 (C) obtain civil penalties of not more than \$1,000 per violation per day while such violations persist, up to a maximum of \$250,000 per violation.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Federal Trade Commission—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in subparagraph (A) before the filing of the action.

(C) NOTIFICATION WHEN PRACTICABLE.—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Federal Trade Commission as soon after the filing of the complaint as practicable.

(3) FEDERAL TRADE COMMISSION AUTHORITY.—Upon receiving notice under paragraph (2), the Federal Trade Commission shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) PENDING PROCEEDINGS.—If the Federal Trade Commission has instituted a proceeding or civil action for a violation of this title, no attorney general of a State may, during the pendency of such proceeding or civil action, bring an action under this subsection against any defendant named in such civil action for any violation that is alleged in that civil action.

(5) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under this subsection, process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(d) NO PRIVATE CAUSE OF ACTION.—Nothing in this title establishes a private cause of action against a data broker for violation of any provision of this title.

SEC. 5203. RELATION TO STATE LAWS.

No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under section 5201, relating to individual access to, and correction of, personal electronic records held by data brokers.

SEC. 5204. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

TITLE III—PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION

Subtitle A—A Data Privacy and Security Program

SEC. 5301. PURPOSE AND APPLICABILITY OF DATA PRIVACY AND SECURITY PROGRAM.

(a) PURPOSE.—The purpose of this subtitle is to ensure standards for developing and implementing administrative, technical, and physical safeguards to protect the security of sensitive personally identifiable information.

(b) IN GENERAL.—A business entity engaging in interstate commerce that involves collecting, accessing, transmitting, using, storing, or disposing of sensitive personally identifiable information in electronic or digital form on 10,000 or more United States persons is subject to the requirements for a data privacy and security program under section 5302 for protecting sensitive personally identifiable information.

(c) LIMITATIONS.—Notwithstanding any other obligation under this subtitle, this subtitle does not apply to:

(1) FINANCIAL INSTITUTIONS.—Financial institutions—

(A) subject to the data security requirements and implementing regulations under the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); and

(B) subject to—

(i) examinations for compliance with the requirements of this division by a Federal Functional Regulator or State Insurance Authority (as those terms are defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)); or

(ii) compliance with part 314 of title 16, Code of Federal Regulations.

(2) HIPPA REGULATED ENTITIES.—

(A) COVERED ENTITIES.—Covered entities subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.), including the data security requirements and implementing regulations of that Act.

(B) BUSINESS ENTITIES.—A Business entity shall be deemed in compliance with this Act if the business entity—

(i) is acting as a business associate, as that term is defined under the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.) and is in compliance with the requirements imposed under that Act and implementing regulations promulgated under that Act; and

(ii) is subject to, and currently in compliance, with the privacy and data security requirements under sections 13401 and 13404 of division A of the American Reinvestment and Recovery Act of 2009 (42 U.S.C. 17931 and 17934) and implementing regulations promulgated under such sections.

(3) PUBLIC RECORDS.—Public records not otherwise subject to a confidentiality or nondisclosure requirement, or information obtained from a news report or periodical.

(d) SAFE HARBORS.—

(1) IN GENERAL.—A business entity shall be deemed in compliance with the privacy and security program requirements under section 5302 if the business entity complies with or provides protection equal to industry standards or widely accepted as an effective industry practice, as identified by the Federal Trade Commission, that are applicable to the type of sensitive personally identifiable information involved in the ordinary course of business of such business entity.

(2) LIMITATION.—Nothing in this subsection shall be construed to permit, and nothing

does permit, the Federal Trade Commission to issue regulations requiring, or according greater legal status to, the implementation of or application of a specific technology or technological specifications for meeting the requirements of this title.

SEC. 5302. REQUIREMENTS FOR A PERSONAL DATA PRIVACY AND SECURITY PROGRAM.

(a) PERSONAL DATA PRIVACY AND SECURITY PROGRAM.—A business entity subject to this subtitle shall comply with the following safeguards and any other administrative, technical, or physical safeguards identified by the Federal Trade Commission in a rule-making process pursuant to section 553 of title 5, United States Code, for the protection of sensitive personally identifiable information:

(1) SCOPE.—A business entity shall implement a comprehensive personal data privacy and security program that includes administrative, technical, and physical safeguards appropriate to the size and complexity of the business entity and the nature and scope of its activities.

(2) DESIGN.—The personal data privacy and security program shall be designed to—

(A) ensure the privacy, security, and confidentiality of sensitive personally identifying information;

(B) protect against any anticipated vulnerabilities to the privacy, security, or integrity of sensitive personally identifying information; and

(C) protect against unauthorized access to use of sensitive personally identifying information that could create a significant risk of harm or fraud to any individual.

(3) RISK ASSESSMENT.—A business entity shall—

(A) identify reasonably foreseeable internal and external vulnerabilities that could result in unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information or systems containing sensitive personally identifiable information;

(B) assess the likelihood of and potential damage from unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information;

(C) assess the sufficiency of its policies, technologies, and safeguards in place to control and minimize risks from unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information; and

(D) assess the vulnerability of sensitive personally identifiable information during destruction and disposal of such information, including through the disposal or retirement of hardware.

(4) RISK MANAGEMENT AND CONTROL.—Each business entity shall—

(A) design its personal data privacy and security program to control the risks identified under paragraph (3); and

(B) adopt measures commensurate with the sensitivity of the data as well as the size, complexity, and scope of the activities of the business entity that—

(i) control access to systems and facilities containing sensitive personally identifiable information, including controls to authenticate and permit access only to authorized individuals;

(ii) detect, record, and preserve information relevant to actual and attempted fraudulent, unlawful, or unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information, including by employees and other individuals otherwise authorized to have access;

(iii) protect sensitive personally identifiable information during use, transmission, storage, and disposal by encryption, redaction, or access controls that are widely accepted as an effective industry practice or industry standard, or other reasonable means (including as directed for disposal of records under section 628 of the Fair Credit Reporting Act (15 U.S.C. 1681w) and the implementing regulations of such Act as set forth in section 682 of title 16, Code of Federal Regulations);

(iv) ensure that sensitive personally identifiable information is properly destroyed and disposed of, including during the destruction of computers, diskettes, and other electronic media that contain sensitive personally identifiable information;

(v) trace access to records containing sensitive personally identifiable information so that the business entity can determine who accessed or acquired such sensitive personally identifiable information pertaining to specific individuals; and

(vi) ensure that no third party or customer of the business entity is authorized to access or acquire sensitive personally identifiable information without the business entity first performing sufficient due diligence to ascertain, with reasonable certainty, that such information is being sought for a valid legal purpose.

(b) **TRAINING.**—Each business entity subject to this subtitle shall take steps to ensure employee training and supervision for implementation of the data security program of the business entity.

(c) **VULNERABILITY TESTING.**—

(1) **IN GENERAL.**—Each business entity subject to this subtitle shall take steps to ensure regular testing of key controls, systems, and procedures of the personal data privacy and security program to detect, prevent, and respond to attacks or intrusions, or other system failures.

(2) **FREQUENCY.**—The frequency and nature of the tests required under paragraph (1) shall be determined by the risk assessment of the business entity under subsection (a)(3).

(d) **RELATIONSHIP TO SERVICE PROVIDERS.**—In the event a business entity subject to this subtitle engages service providers not subject to this subtitle, such business entity shall—

(1) exercise appropriate due diligence in selecting those service providers for responsibilities related to sensitive personally identifiable information, and take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the sensitive personally identifiable information at issue; and

(2) require those service providers by contract to implement and maintain appropriate measures designed to meet the objectives and requirements governing entities subject to section 5302, this section, and subtitle B.

(e) **PERIODIC ASSESSMENT AND PERSONAL DATA PRIVACY AND SECURITY MODERNIZATION.**—Each business entity subject to this subtitle shall on a regular basis monitor, evaluate, and adjust, as appropriate its data privacy and security program in light of any relevant changes in—

(1) technology;

(2) the sensitivity of personally identifiable information;

(3) internal or external threats to personally identifiable information; and

(4) the changing business arrangements of the business entity, such as—

(A) mergers and acquisitions;

(B) alliances and joint ventures;

(C) outsourcing arrangements;

(D) bankruptcy; and

(E) changes to sensitive personally identifiable information systems.

(f) **IMPLEMENTATION TIMELINE.**—Not later than 1 year after the date of enactment of this Act, a business entity subject to the provisions of this subtitle shall implement a data privacy and security program pursuant to this subtitle.

SEC. 5303. ENFORCEMENT.

(a) **CIVIL PENALTIES.**—

(1) **IN GENERAL.**—Any business entity that violates the provisions of sections 5301 or 5302 shall be subject to civil penalties of not more than \$5,000 per violation per day while such a violation exists, with a maximum of \$500,000 per violation.

(2) **INTENTIONAL OR WILLFUL VIOLATION.**—A business entity that intentionally or willfully violates the provisions of sections 5301 or 5302 shall be subject to additional penalties in the amount of \$5,000 per violation per day while such a violation exists, with a maximum of an additional \$500,000 per violation.

(3) **EQUITABLE RELIEF.**—A business entity engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) **OTHER RIGHTS AND REMEDIES.**—The rights and remedies available under this section are cumulative and shall not affect any other rights and remedies available under law.

(b) **FEDERAL TRADE COMMISSION AUTHORITY.**—Any business entity shall have the provisions of this subtitle enforced against it by the Federal Trade Commission.

(c) **STATE ENFORCEMENT.**—

(1) **CIVIL ACTIONS.**—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the acts or practices of a business entity that violate this subtitle, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this subtitle; or

(C) obtain civil penalties of not more than \$5,000 per violation per day while such violations persist, up to a maximum of \$500,000 per violation.

(2) **NOTICE.**—

(A) **IN GENERAL.**—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Federal Trade Commission—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) **EXCEPTION.**—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action.

(C) **NOTIFICATION WHEN PRACTICABLE.**—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Federal Trade Commission as soon after the filing of the complaint as practicable.

(3) **FEDERAL TRADE COMMISSION AUTHORITY.**—Upon receiving notice under paragraph (2), the Federal Trade Commission shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) **PENDING PROCEEDINGS.**—If the Federal Trade Commission has instituted a proceeding or action for a violation of this subtitle or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subsection against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(5) **RULE OF CONSTRUCTION.**—For purposes of bringing any civil action under paragraph (1) nothing in this subtitle shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) **VENUE; SERVICE OF PROCESS.**—

(A) **VENUE.**—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) **SERVICE OF PROCESS.**—In an action brought under this subsection, process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(d) **NO PRIVATE CAUSE OF ACTION.**—Nothing in this subtitle establishes a private cause of action against a business entity for violation of any provision of this subtitle.

SEC. 5304. RELATION TO OTHER LAWS.

(a) **IN GENERAL.**—No State may require any business entity subject to this subtitle to comply with any requirements with respect to administrative, technical, and physical safeguards for the protection of sensitive personally identifying information.

(b) **LIMITATIONS.**—Nothing in this subtitle shall be construed to modify, limit, or supersede the operation of the Gramm-Leach-Bliley Act or its implementing regulations, including those adopted or enforced by States.

Subtitle B—Security Breach Notification

SEC. 5311. NOTICE TO INDIVIDUALS.

(a) **IN GENERAL.**—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of or collects sensitive personally identifiable information shall, following the discovery of a security breach of such information, notify any resident of the United States whose sensitive personally identifiable information has been, or is reasonably believed to have been, accessed, or acquired.

(b) **OBLIGATION OF OWNER OR LICENSEE.**—

(1) **NOTICE TO OWNER OR LICENSEE.**—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of, or collects sensitive personally identifiable information that the agency or business entity does not own or license shall notify the owner or licensee of the information following the discovery of a security breach involving such information.

(2) **NOTICE BY OWNER, LICENSEE OR OTHER DESIGNATED THIRD PARTY.**—Nothing in this

subtitle shall prevent or abrogate an agreement between an agency or business entity required to give notice under this section and a designated third party, including an owner or licensee of the sensitive personally identifiable information subject to the security breach, to provide the notifications required under subsection (a).

(3) **BUSINESS ENTITY RELIEVED FROM GIVING NOTICE.**—A business entity obligated to give notice under subsection (a) shall be relieved of such obligation if an owner or licensee of the sensitive personally identifiable information subject to the security breach, or other designated third party, provides such notification.

(c) **TIMELINESS OF NOTIFICATION.**—

(1) **IN GENERAL.**—All notifications required under this section shall be made without unreasonable delay following the discovery by the agency or business entity of a security breach.

(2) **REASONABLE DELAY.**—Reasonable delay under this subsection may include any time necessary to determine the scope of the security breach, prevent further disclosures, conduct the risk assessment described in section 5302(a)(3), and restore the reasonable integrity of the data system and provide notice to law enforcement when required.

(3) **BURDEN OF PRODUCTION.**—The agency, business entity, owner, or licensee required to provide notice under this subtitle shall, upon the request of the Attorney General, provide records or other evidence of the notifications required under this subtitle, including to the extent applicable, the reasons for any delay of notification.

(d) **DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.**—

(1) **IN GENERAL.**—If a Federal law enforcement or intelligence agency determines that the notification required under this section would impede a criminal investigation, such notification shall be delayed upon written notice from such Federal law enforcement or intelligence agency to the agency or business entity that experienced the breach.

(2) **EXTENDED DELAY OF NOTIFICATION.**—If the notification required under subsection (a) is delayed pursuant to paragraph (1), an agency or business entity shall give notice 30 days after the day such law enforcement delay was invoked unless a Federal law enforcement or intelligence agency provides written notification that further delay is necessary.

(3) **LAW ENFORCEMENT IMMUNITY.**—No cause of action shall lie in any court against any law enforcement agency for acts relating to the delay of notification for law enforcement purposes under this subtitle.

SEC. 5312. EXEMPTIONS.

(a) **EXEMPTION FOR NATIONAL SECURITY AND LAW ENFORCEMENT.**—

(1) **IN GENERAL.**—Section 5311 shall not apply to an agency or business entity if the agency or business entity certifies, in writing, that notification of the security breach as required by section 5311 reasonably could be expected to—

(A) cause damage to the national security; or

(B) hinder a law enforcement investigation or the ability of the agency to conduct law enforcement investigations.

(2) **LIMITS ON CERTIFICATIONS.**—An agency or business entity may not execute a certification under paragraph (1) to—

(A) conceal violations of law, inefficiency, or administrative error;

(B) prevent embarrassment to a business entity, organization, or agency; or

(C) restrain competition.

(3) **NOTICE.**—In every case in which an agency or business entity issues a certification under paragraph (1), the certification, accompanied by a description of the factual basis for the certification, shall be immediately provided to the United States Secret Service and the Federal Bureau of Investigation.

(4) **SECRET SERVICE AND FBI REVIEW OF CERTIFICATIONS.**—

(A) **IN GENERAL.**—The United States Secret Service or the Federal Bureau of Investigation may review a certification provided by an agency under paragraph (3), and shall review a certification provided by a business entity under paragraph (3), to determine whether an exemption under paragraph (1) is merited. Such review shall be completed not later than 10 business days after the date of receipt of the certification, except as provided in paragraph (5)(C).

(B) **NOTICE.**—Upon completing a review under subparagraph (A) the United States Secret Service or the Federal Bureau of Investigation shall immediately notify the agency or business entity, in writing, of its determination of whether an exemption under paragraph (1) is merited.

(C) **EXEMPTION.**—The exemption under paragraph (1) shall not apply if the United States Secret Service or the Federal Bureau of Investigation determines under this paragraph that the exemption is not merited.

(5) **ADDITIONAL AUTHORITY OF THE SECRET SERVICE AND FBI.**—

(A) **IN GENERAL.**—In determining under paragraph (4) whether an exemption under paragraph (1) is merited, the United States Secret Service or the Federal Bureau of Investigation may request additional information from the agency or business entity regarding the basis for the claimed exemption, if such additional information is necessary to determine whether the exemption is merited.

(B) **REQUIRED COMPLIANCE.**—Any agency or business entity that receives a request for additional information under subparagraph (A) shall cooperate with any such request.

(C) **TIMING.**—If the United States Secret Service or the Federal Bureau of Investigation requests additional information under subparagraph (A), the United States Secret Service or the Federal Bureau of Investigation shall notify the agency or business entity not later than 10 business days after the date of receipt of the additional information whether an exemption under paragraph (1) is merited.

(b) **SAFE HARBOR.**—An agency or business entity will be exempt from the notice requirements under section 5311, if—

(1) a risk assessment concludes that—

(A) there is no significant risk that a security breach has resulted in, or will result in, harm to the individuals whose sensitive personally identifiable information was subject to the security breach, with the encryption of such information establishing a presumption that no significant risk exists; or

(B) there is no significant risk that a security breach has resulted in, or will result in, harm to the individuals whose sensitive personally identifiable information was subject to the security breach, with the rendering of such sensitive personally identifiable information indecipherable through the use of best practices or methods, such as redaction, access controls, or other such mechanisms, which are widely accepted as an effective industry practice, or an effective industry standard, establishing a presumption that no significant risk exists;

(2) without unreasonable delay, but not later than 45 days after the discovery of a se-

curity breach, unless extended by the United States Secret Service or the Federal Bureau of Investigation, the agency or business entity notifies the United States Secret Service and the Federal Bureau of Investigation, in writing, of—

(A) the results of the risk assessment; and

(B) its decision to invoke the risk assessment exemption; and

(3) the United States Secret Service or the Federal Bureau of Investigation does not indicate, in writing, within 10 business days from receipt of the decision, that notice should be given.

(c) **FINANCIAL FRAUD PREVENTION EXEMPTION.**—

(1) **IN GENERAL.**—A business entity will be exempt from the notice requirement under section 5311 if the business entity utilizes or participates in a security program that—

(A) is designed to block the use of the sensitive personally identifiable information to initiate unauthorized financial transactions before they are charged to the account of the individual; and

(B) provides for notice to affected individuals after a security breach that has resulted in fraud or unauthorized transactions.

(2) **LIMITATION.**—The exemption by this subsection does not apply if—

(A) the information subject to the security breach includes sensitive personally identifiable information, other than a credit card or credit card security code, of any type of the sensitive personally identifiable information identified in section 5003; or

(B) the security breach includes both the individual's credit card number and the individual's first and last name.

SEC. 5313. METHODS OF NOTICE.

An agency or business entity shall be in compliance with section 5311 if it provides both:

(1) **INDIVIDUAL NOTICE.**—Notice to individuals by 1 of the following means:

(A) Written notification to the last known home mailing address of the individual in the records of the agency or business entity.

(B) Telephone notice to the individual personally.

(C) E-mail notice, if the individual has consented to receive such notice and the notice is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001).

(2) **MEDIA NOTICE.**—Notice to major media outlets serving a State or jurisdiction, if the number of residents of such State whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person exceeds 5,000.

SEC. 5314. CONTENT OF NOTIFICATION.

(a) **IN GENERAL.**—Regardless of the method by which notice is provided to individuals under section 5313, such notice shall include, to the extent possible—

(1) a description of the categories of sensitive personally identifiable information that was, or is reasonably believed to have been, accessed or acquired by an unauthorized person;

(2) a toll-free number—

(A) that the individual may use to contact the agency or business entity, or the agent of the agency or business entity; and

(B) from which the individual may learn what types of sensitive personally identifiable information the agency or business entity maintained about that individual; and

(3) the toll-free contact telephone numbers and addresses for the major credit reporting agencies.

(b) **ADDITIONAL CONTENT.**—Notwithstanding section 5319, a State may require that a notice under subsection (a) shall also include information regarding victim protection assistance provided for by that State.

SEC. 5315. COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.

If an agency or business entity is required to provide notification to more than 5,000 individuals under section 5311(a), the agency or business entity shall also notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) of the timing and distribution of the notices. Such notice shall be given to the consumer credit reporting agencies without unreasonable delay and, if it will not delay notice to the affected individuals, prior to the distribution of notices to the affected individuals.

SEC. 5316. NOTICE TO LAW ENFORCEMENT.

(a) **SECRET SERVICE AND FBI.**—Any business entity or agency shall notify the United States Secret Service and the Federal Bureau of Investigation of the fact that a security breach has occurred if—

(1) the number of individuals whose sensitive personally identifying information was, or is reasonably believed to have been accessed or acquired by an unauthorized person exceeds 10,000;

(2) the security breach involves a database, networked or integrated databases, or other data system containing the sensitive personally identifiable information of more than 1,000,000 individuals nationwide;

(3) the security breach involves databases owned by the Federal Government; or

(4) the security breach involves primarily sensitive personally identifiable information of individuals known to the agency or business entity to be employees and contractors of the Federal Government involved in national security or law enforcement.

(b) **FTC REVIEW OF THRESHOLDS.**—The Federal Trade Commission may review and adjust the thresholds for notice to law enforcement under subsection (a), after notice and the opportunity for public comment, in a manner consistent with this section.

(c) **ADVANCE NOTICE TO LAW ENFORCEMENT.**—Not later than 48 hours before notifying an individual of a security breach under section 5311, a business entity or agency that is required to provide notice under this section shall notify the United States Secret Service and the Federal Bureau of Investigation of the fact that the business entity or agency intends to provide the notice.

(d) **NOTICE TO OTHER LAW ENFORCEMENT AGENCIES.**—The United States Secret Service and the Federal Bureau of Investigation shall be responsible for notifying—

(1) the United States Postal Inspection Service, if the security breach involves mail fraud;

(2) the attorney general of each State affected by the security breach; and

(3) the Federal Trade Commission, if the security breach involves consumer reporting agencies subject to the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), or anticompetitive conduct.

(e) **TIMING OF NOTICES.**—The notices required under this section shall be delivered as follows:

(1) Notice under subsection (a) shall be delivered as promptly as possible, but not later than 14 days after discovery of the events requiring notice.

(2) Notice under subsection (d) shall be delivered not later than 14 days after the Serv-

ice receives notice of a security breach from an agency or business entity.

SEC. 5317. ENFORCEMENT.

(a) **CIVIL ACTIONS BY THE ATTORNEY GENERAL.**—The Attorney General may bring a civil action in the appropriate United States district court against any business entity that engages in conduct constituting a violation of this subtitle and, upon proof of such conduct by a preponderance of the evidence, such business entity shall be subject to a civil penalty of not more than \$1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of \$1,000,000 per violation, unless such conduct is found to be willful or intentional. In determining the amount of a civil penalty under this subsection, the court shall take into account the degree of culpability of the business entity, any prior violations of this subtitle by the business entity, the ability of the business entity to pay, the effect on the ability of the business entity to continue to do business, and such other matters as justice may require.

(b) **INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.**—

(1) **IN GENERAL.**—If it appears that a business entity has engaged, or is engaged, in any act or practice constituting a violation of this subtitle, the Attorney General may petition an appropriate district court of the United States for an order—

(A) enjoining such act or practice; or
(B) enforcing compliance with this subtitle.

(2) **ISSUANCE OF ORDER.**—A court may issue an order under paragraph (1), if the court finds that the conduct in question constitutes a violation of this subtitle.

(c) **OTHER RIGHTS AND REMEDIES.**—The rights and remedies available under this subtitle are cumulative and shall not affect any other rights and remedies available under law.

(d) **FRAUD ALERT.**—Section 605A(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c-1(b)(1)) is amended by inserting “, or evidence that the consumer has received notice that the consumer’s financial information has or may have been compromised,” after “identity theft report”.

SEC. 5318. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) **IN GENERAL.**—

(1) **CIVIL ACTIONS.**—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of a business entity in a practice that is prohibited under this subtitle, the State or the State or local law enforcement agency on behalf of the residents of the agency’s jurisdiction, may bring a civil action on behalf of the residents of the State or jurisdiction in a district court of the United States of appropriate jurisdiction or any other court of competent jurisdiction, including a State court, to—

(A) enjoin that practice;
(B) enforce compliance with this subtitle; or

(C) civil penalties of not more than \$1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of \$1,000,000 per violation, unless

such conduct is found to be willful or intentional.

(2) **NOTICE.**—

(A) **IN GENERAL.**—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General of the United States—

(i) written notice of the action; and
(ii) a copy of the complaint for the action.

(B) **EXEMPTION.**—

(i) **IN GENERAL.**—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subtitle, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) **NOTIFICATION.**—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the State attorney general files the action.

(b) **FEDERAL PROCEEDINGS.**—Upon receiving notice under subsection (a)(2), the Attorney General shall have the right to—

(1) move to stay the action, pending the final disposition of a pending Federal proceeding or action;

(2) initiate an action in the appropriate United States district court under section 5317 and move to consolidate all pending actions, including State actions, in such court;

(3) intervene in an action brought under subsection (a)(2); and

(4) file petitions for appeal.

(c) **PENDING PROCEEDINGS.**—If the Attorney General has instituted a proceeding or action for a violation of this subtitle or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subtitle against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(d) **CONSTRUCTION.**—For purposes of bringing any civil action under subsection (a), nothing in this subtitle regarding notification shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;
(2) administer oaths or affirmations; or
(3) compel the attendance of witnesses or the production of documentary and other evidence.

(e) **VENUE; SERVICE OF PROCESS.**—

(1) **VENUE.**—Any action brought under subsection (a) may be brought in—

(A) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(B) another court of competent jurisdiction.

(2) **SERVICE OF PROCESS.**—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or
(B) may be found.

(f) **NO PRIVATE CAUSE OF ACTION.**—Nothing in this subtitle establishes a private cause of action against a business entity for violation of any provision of this subtitle.

SEC. 5319. EFFECT ON FEDERAL AND STATE LAW.

The provisions of this subtitle shall supersede any other provision of Federal law or any provision of law of any State relating to notification by a business entity engaged in interstate commerce or an agency of a security breach, except as provided in section 5314(b).

SEC. 5320. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to cover the costs incurred by the United States Secret Service to carry out investigations and risk assessments of security breaches as required under this subtitle.

SEC. 5321. REPORTING ON RISK ASSESSMENT EXEMPTIONS.

The United States Secret Service and the Federal Bureau of Investigation shall report to Congress not later than 18 months after the date of enactment of this Act, and upon the request by Congress thereafter, on—

(1) the number and nature of the security breaches described in the notices filed by those business entities invoking the risk assessment exemption under section 5312(b) and the response of the United States Secret Service and the Federal Bureau of Investigation to such notices; and

(2) the number and nature of security breaches subject to the national security and law enforcement exemptions under section 5312(a), provided that such report may not disclose the contents of any risk assessment provided to the United States Secret Service and the Federal Bureau of Investigation pursuant to this subtitle.

SEC. 5322. EFFECTIVE DATE.

This subtitle shall take effect on the expiration of the date which is 90 days after the date of enactment of this Act.

TITLE IV—GOVERNMENT ACCESS TO AND USE OF COMMERCIAL DATA**SEC. 5401. GENERAL SERVICES ADMINISTRATION REVIEW OF CONTRACTS.**

(a) IN GENERAL.—In considering contract awards totaling more than \$500,000 and entered into after the date of enactment of this Act with data brokers, the Administrator of the General Services Administration shall evaluate—

(1) the data privacy and security program of a data broker to ensure the privacy and security of data containing personally identifiable information, including whether such program adequately addresses privacy and security threats created by malicious software or code, or the use of peer-to-peer file sharing software;

(2) the compliance of a data broker with such program;

(3) the extent to which the databases and systems containing personally identifiable information of a data broker have been compromised by security breaches; and

(4) the response by a data broker to such breaches, including the efforts by such data broker to mitigate the impact of such security breaches.

(b) COMPLIANCE SAFE HARBOR.—The data privacy and security program of a data broker shall be deemed sufficient for the purposes of subsection (a), if the data broker complies with or provides protection equal to industry standards, as identified by the Federal Trade Commission, that are applicable to the type of personally identifiable information involved in the ordinary course of business of such data broker.

(c) PENALTIES.—In awarding contracts with data brokers for products or services related to access, use, compilation, distribution, processing, analyzing, or evaluating personally identifiable information, the Administrator of the General Services Administration shall—

(1) include monetary or other penalties—

(A) for failure to comply with subtitles A and B of title III; or

(B) if a contractor knows or has reason to know that the personally identifiable information being provided is inaccurate, and provides such inaccurate information; and

(2) require a data broker that engages service providers not subject to subtitle A of title III for responsibilities related to sensitive personally identifiable information to—

(A) exercise appropriate due diligence in selecting those service providers for responsibilities related to personally identifiable information;

(B) take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the personally identifiable information at issue; and

(C) require such service providers, by contract, to implement and maintain appropriate measures designed to meet the objectives and requirements in title III.

(d) LIMITATION.—The penalties under subsection (c) shall not apply to a data broker providing information that is accurately and completely recorded from a public record source or licenser.

SEC. 5402. REQUIREMENT TO AUDIT INFORMATION SECURITY PRACTICES OF CONTRACTORS AND THIRD PARTY BUSINESS ENTITIES.

Section 3544(b) of title 44, United States Code, is amended—

(1) in paragraph (7)(C)(iii), by striking “and” after the semicolon;

(2) in paragraph (8), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(9) procedures for evaluating and auditing the information security practices of contractors or third party business entities supporting the information systems or operations of the agency involving personally identifiable information (as that term is defined in section 5003 of the Personal Data Privacy and Security Act of 2010) and ensuring remedial action to address any significant deficiencies.”.

SEC. 5403. PRIVACY IMPACT ASSESSMENT OF GOVERNMENT USE OF COMMERCIAL INFORMATION SERVICES CONTAINING PERSONALLY IDENTIFIABLE INFORMATION.

(a) IN GENERAL.—Section 208(b)(1) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended—

(1) in subparagraph (A)(i), by striking “or”; and

(2) in subparagraph (A)(ii), by striking the period and inserting “; or”; and

(3) by inserting after clause (ii) the following:

“(iii) purchasing or subscribing for a fee to personally identifiable information from a data broker (as such terms are defined in section 5003 of the Personal Data Privacy and Security Act of 2010).”.

(b) LIMITATION.—Notwithstanding any other provision of law, commencing 1 year after the date of enactment of this Act, no Federal agency may enter into a contract with a data broker to access for a fee any database consisting primarily of personally identifiable information concerning United States persons (other than news reporting or telephone directories) unless the head of such department or agency—

(1) completes a privacy impact assessment under section 208 of the E-Government Act of 2002 (44 U.S.C. 3501 note), which shall subject to the provision in that Act pertaining to sensitive information, include a description of—

(A) such database;

(B) the name of the data broker from whom it is obtained; and

(C) the amount of the contract for use;

(2) adopts regulations that specify—

(A) the personnel permitted to access, analyze, or otherwise use such databases;

(B) standards governing the access, analysis, or use of such databases;

(C) any standards used to ensure that the personally identifiable information accessed, analyzed, or used is the minimum necessary to accomplish the intended legitimate purpose of the Federal agency;

(D) standards limiting the retention and redisclosure of personally identifiable information obtained from such databases;

(E) procedures ensuring that such data meet standards of accuracy, relevance, completeness, and timeliness;

(F) the auditing and security measures to protect against unauthorized access, analysis, use, or modification of data in such databases;

(G) applicable mechanisms by which individuals may secure timely redress for any adverse consequences wrongly incurred due to the access, analysis, or use of such databases;

(H) mechanisms, if any, for the enforcement and independent oversight of existing or planned procedures, policies, or guidelines; and

(I) an outline of enforcement mechanisms for accountability to protect individuals and the public against unlawful or illegitimate access or use of databases; and

(3) incorporates into the contract or other agreement totaling more than \$500,000, provisions—

(A) providing for penalties—

(i) for failure to comply with title III; or

(ii) if the entity knows or has reason to know that the personally identifiable information being provided to the Federal department or agency is inaccurate, and provides such inaccurate information; and

(B) requiring a data broker that engages service providers not subject to subtitle A of title III for responsibilities related to sensitive personally identifiable information to—

(i) exercise appropriate due diligence in selecting those service providers for responsibilities related to personally identifiable information;

(ii) take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the personally identifiable information at issue; and

(iii) require such service providers, by contract, to implement and maintain appropriate measures designed to meet the objectives and requirements in title III.

(c) LIMITATION ON PENALTIES.—The penalties under subsection (b)(3)(A) shall not apply to a data broker providing information that is accurately and completely recorded from a public record source.

(d) STUDY OF GOVERNMENT USE.—

(1) SCOPE OF STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and audit and prepare a report on Federal agency actions to address the recommendations in the Government Accountability Office's April 2006 report on agency adherence to key privacy principles in using data brokers or commercial databases containing personally identifiable information.

(2) REPORT.—A copy of the report required under paragraph (1) shall be submitted to Congress.

SA 4633. Mr. SHELBY (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 324, between lines 6 and 7, insert the following:

SEC. 858. CONSISTENCY OF ACTIONS WITH RESPECT TO THE KC-X AERIAL REFUELING TANKER AIRCRAFT PROGRAM WITH WTO OBLIGATIONS.

The Secretary of Defense shall not undertake any action with respect to the KC-X Aerial Refueling Tanker Aircraft Program (or any successor to that program) that is inconsistent with the obligations and commitments of the United States to WTO members (as defined in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10))) under the WTO Agreement and the agreements annexed thereto.

SA 4634. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, strike line 23 and all that follows through page 61, line 20, and insert the following:

(b) **POLICY OF THE UNITED STATES.**—It shall be the policy of the United States—

(1) that the Phased Adaptive Approach to missile defense in Europe is an appropriate response to the existing ballistic missile threat from Iran to European territory of North Atlantic Treaty Organization countries, and to potential future ballistic missile capabilities of Iran, and, as indicated by the April 19, 2010, certification by the Under Secretary of Defense for Acquisition, Technology, and Logistics, meets congressional guidance provided in section 235 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2234);

(2) that the Phased Adaptive Approach to missile defense in Europe is not intended to, and will not, provide a missile defense capability relative to the ballistic missile deterrent forces of the Russian Federation, or diminish strategic stability with the Russian Federation;

(3) to support the efforts of the United States Government and the North Atlantic Treaty Organization to pursue cooperation with the Russian Federation on ballistic missile defense relative to Iranian missile threats;

(4) that the Ground-based Midcourse Defense (GMD) system deployed in Alaska and California currently provides adequate defensive capability for the United States against potential and foreseeable future long-range ballistic missiles from Iran, and this capability will be enhanced as the system is improved, including by the planned deployment of an AN/TPY-2 radar in southern Europe in 2011;

(5) that the United States should, as stated in its unilateral statement accompanying the New START Treaty, “continue improving and deploying its missile defense systems in order to defend itself against limited at-

tack and as part of our collaborative approach to strengthening stability in key regions”;

(6) that, as part of this effort, the Department of Defense should pursue the development, testing, and deployment of operationally effective versions of all variants of the Standard Missile-3 for all four phases of the Phased Adaptive Approach to missile defense in Europe;

(7) that the SM-3 Block IIB interceptor missile planned for deployment in Phase 4 of the Phased Adaptive Approach should be capable of addressing the potential future threat of intermediate-range and long-range ballistic missiles from Iran, including intercontinental ballistic missiles that could be capable of reaching the United States;

(8) that there are no constraints contained in the New START Treaty on the development or deployment by the United States of effective missile defenses, including all phases of the Phased Adaptive Approach to missile defense in Europe and further enhancements to the Ground-based Midcourse Defense system, as well as future missile defenses; and

(9) that the Department of Defense should continue the development, testing, and assessment of the two-stage Ground-Based Interceptor in such a manner as to provide a hedge against potential technical challenges with the development of the SM-3 Block IIB interceptor missile as a means of augmenting the defense of Europe and of the homeland against a limited ballistic missile attack from nations such as North Korea or Iran.

(c) **CERTIFICATION.**—

(1) **IN GENERAL.**—The President shall submit to Congress a report setting forth a certification whether or not the President has taken all actions, including the provision of adequate budgetary authority, required to achieve the following:

(A) The development and deployment of each stage of the Phased Adaptive Approach on current schedule.

(B) The availability of two-stage Ground-Based Interceptors (GBIs) as a viable technical and strategic hedge if needed to add to the defense of the United States and Europe.

(C) The testing, consistent with the experience of the United States in testing other large solid-rocket motors, and the regular modernization with emerging capabilities, of three-stage Ground-Based Interceptors.

(2) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) **NEW START TREATY DEFINED.**—In this section—

SA 4635. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle D—Other Matters

SEC. 1251. SENSE OF CONGRESS REGARDING TACTICAL NUCLEAR WEAPONS.

Recognizing the difficulty the United States has faced in ascertaining with confidence the number of tactical nuclear weapons maintained by the Russian Federation

and the security of those weapons, it is the sense of Congress that the President should engage the Russian Federation with the objectives of—

(1) establishing cooperative measures to give each Party to the New START Treaty improved confidence regarding the accurate accounting and security of tactical nuclear weapons maintained by the other Party; and

(2) providing United States or other international assistance to help the Russian Federation ensure the accurate accounting and security of its tactical nuclear weapons.

SA 4636. Mr. KYL (for himself, Mr. CORKER, Mr. SESSIONS, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1239. IMPLEMENTATION OF MODERNIZATION PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS DURING THE IMPLEMENTATION PERIOD FOR THE START FOLLOW-ON AGREEMENT.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) further reductions in the nuclear forces of the United States are only prudent and in the national security interest of the United States to the extent that the remaining nuclear forces of the United States are safer, more secure, and more reliable; and

(2) due to the inextricable link between safety, security, and reliability of the nuclear deterrent at lower levels, the security guarantees the United States has made to over 30 countries, which are backed up by the extended deterrent, and the uncertainty of modernization plans of other countries regarding their strategic and non-strategic nuclear weapons, the President should not take any action to retire or dismantle, or to prepare to retire or dismantle, any of the covered nuclear systems unless modernization is occurring as proposed in the plan the President submitted to the Congress pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549).

(b) **ANNUAL REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.**—Section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549) is amended—

(1) in the section heading, by inserting “annual” before “report on the plan”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “and annually thereafter together with the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for each fiscal year in which the New START Treaty remains in effect” after “, whichever is later.”;

(ii) by inserting “detailed” before “report on the plan”;

(iii) in subparagraph (C), by inserting “and modernize” after “maintain”;

(B) in paragraph (2)—

(i) by inserting “detailed” before “description” each place it appears;

(ii) in subparagraph (C), by inserting “and modernize” after “maintain”;

(iii) in subparagraph (D), by striking “An estimate” and inserting “A detailed estimate”; and

(iv) by adding at the end the following new subparagraph:

“(E) A detailed description of the steps taken to implement the plan submitted in the previous year.”; and

(C) by adding at the end the following new paragraph:

“(3) CONSULTATION.—

“(A) IN GENERAL.—In preparing the report required under paragraph (1), the President shall consult with the Secretary of Defense and with the Secretary of Energy, who shall consult with the directors of the nuclear weapons enterprise facilities and laboratories, including the Pantex Plant, the Nevada National Security Site, the Kansas City Plant, the Savannah River Site, Y-12 National Security Complex, Lawrence Livermore National Laboratory, Sandia National Laboratories, and Los Alamos National Laboratory on the implementation of and funding for the plans outlined under subparagraphs (A) and (B) of paragraph (2). The directors shall make their judgments known in unclassified form, with a classified annex as necessary.

“(B) TRANSMISSION TO CONGRESS.—The written judgments received from the directors of the national nuclear weapons enterprise facilities and laboratories pursuant to subparagraph (A) shall be included, unchanged, together with the report submitted under paragraph (1).”; and

(3) in subsection (b)—

(A) in paragraph (2), by striking “; and” and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(4) if the modernization plan is not funded consistent with the annual report required under subsection (a), such failure would jeopardizes the supreme interests of the United States and are potential grounds for the withdrawal of the United States from the New START Treaty in accordance with Article XIV of the Treaty.”

(c) LIMITATION ON USE OF FUNDS.—Neither the Secretary of Defense nor the Secretary of Energy may obligate or expend any amounts appropriated or otherwise made available to the Department of Defense or the Department of Energy for any of fiscal years 2011 through 2017 to retire, dismantle, or eliminate any of the covered nuclear systems until one year after the date on which the President submits to the congressional defense committees written notice of such proposed retirement, dismantlement, or elimination.

(d) COVERED NUCLEAR SYSTEMS DEFINED.—In this section, the term “covered nuclear systems” means—

(1) B-52H or B2 bomber aircraft, and Nuclear Air Launched Cruise Missiles;

(2) Trident ballistic missile submarines, launch tubes, and Trident D-5 Submarine launched ballistic missiles;

(3) Minuteman III intercontinental ballistic missiles and associated silos; and

(4) nuclear warheads or gravity bombs that can be delivered by the systems specified in paragraphs (1) through (3).

SA 4637. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle D—Other Matters

SEC. 1251. SENSE OF CONGRESS ON CHINA NUCLEAR COOPERATION OUTSIDE OF NUCLEAR SUPPLIERS GROUP.

(a) FINDINGS.—Congress makes the following findings:

(1) The Nuclear Suppliers Group (NSG) was established in 1974 to control the international supply of nuclear materials, facilities, and technology for the purpose of preventing the proliferation of nuclear weapons and the capacity to manufacture them.

(2) The effectiveness of the Nuclear Suppliers Group relies upon the willingness of its 46 Participating Governments to voluntarily abide by its unanimously adopted guidelines governing nuclear transfers.

(3) Under these unanimously adopted guidelines, supplier countries may not transfer nuclear materials, facilities, or technology to countries that are not signatories to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty” or “NPT”), without a unanimous vote by NSG Participating Governments.

(4) On joining the NSG in 2004, the People’s Republic of China agreed to abide by all NSG guidelines.

(5) If the Government of China proceeds with a project without unanimous approval by the NSG’s Participating Governments, it will be in clear violation of its NSG obligations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, if the Government of China engages in nuclear cooperation outside of the scope of what is approved of by the Nuclear Suppliers Group or its guidelines—

(1) the Secretary of State should work with other NSG countries to have the People’s Republic of China removed from the group;

(2) the Nuclear Regulatory Commission, the Department of Energy, and the Department of Commerce should suspend any and all nuclear cooperation with the People’s Republic of China; and

(3) the Secretary of State should certify—
(A) whether it remains in the national security interest of the United States that the civilian nuclear cooperation agreement entered into between the United States and the People’s Republic of China pursuant to section 123 of the Atomic Energy Act (42 U.S.C. 2153) remain in force; and

(B) whether the findings of the non-proliferation assessment (NPAS) to Congress accompanying that agreement is still valid.

SA 4638. Mr. KYL (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1239. ANNUAL REPORT ON ACTIVITIES OF THE BILATERAL CONSULTATIVE COMMISSION UNDER THE NEW START TREATY.

(a) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of State shall jointly submit to Congress each year a report on the activities of the Bilateral Consultative Commission established by the New START Treaty during the preceding year.

(2) ELEMENTS.—Each report required by this subsection shall include, for the year covered by such report, a description of any issues raised at the Bilateral Consultative Commission, including the following:

(A) Any discussion by either party regarding the missile defense capabilities or conventional global strike capabilities of the United States.

(B) Any discussion by either party regarding a compliance violation, or potential compliance violation, with respect to the New START Treaty.

(3) FORM.—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex. Any classified annex included with such a report shall include a detailed explanation for the determination to submit the matters covered by such annex in a classified manner.

(b) PROHIBITION ON AVAILABILITY OF FUNDS.—No amount authorized to be appropriated by this Act or any other Act may be obligated or expended to negotiate or agree to the following:

(1) Any limitation on the development or deployment of United States missile defenses.

(2) Any exchange of telemetric information on United States missile defenses and conventional prompt global strike systems.

(3) Any limitation on the development or deployment of a conventional prompt global strike system.

(c) LIMITATION ON AVAILABILITY FUNDS FOR IMPLEMENTATION OF AGREEMENTS.—No amount authorized to be appropriated by this Act or any other Act may be obligated or expended to implement or carry out any agreement of the United States and the Russian Federation entered into through or pursuant to the Bilateral Consultative Commission until the date that is 60 days after the date on which the President submits to the Majority Leader of the Senate, the Minority Leader of the Senate, and the Committee on Foreign Relations of the Senate a notice on such agreement, including a comprehensive description of the terms of such agreement.

(d) NEW START TREATY DEFINED.—In this section, the term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010.

SA 4639. Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1082. CONSTRUCTION OF MAJOR MEDICAL FACILITY IN FAR SOUTH TEXAS.

(a) FINDINGS.—Congress makes the following findings:

(1) The current and future health care needs of veterans residing in the Far South Texas area are not being fully met by the Department of Veterans Affairs.

(2) The Department of Veterans Affairs estimates that more than 117,000 veterans reside in Far South Texas.

(3) In its Capital Asset Realignment for Enhanced Services study, the Department of Veterans Affairs found that fewer than three percent of its enrollees in the Valley-Coastal Bend Market of Veterans Integrated Service Network 17 reside within its acute hospital access standards.

(4) Travel times for veterans from the market referred to in paragraph (3) can exceed six hours from their residences to the nearest Department of Veterans Affairs hospital for acute inpatient health care.

(5) Even with the significant travel times, veterans from Far South Texas demonstrate a high demand for health care services from the Department of Veterans Affairs.

(6) Current deployments involving members of the Texas National Guard and Reservists from Texas will continue to increase demand for medical services provided by the Department of Veterans Affairs.

(b) CONSTRUCTION OF MAJOR MEDICAL FACILITY IN FAR SOUTH TEXAS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall carry out the construction of a major medical facility project in Far South Texas consisting of a full service Department of Veterans Affairs hospital.

(2) FACILITY LOCATION.—The facility referred to in paragraph (1) shall be located in a county in Far South Texas that the Secretary determines to be most appropriate to meeting the health care needs of veterans in Far South Texas.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report identifying and outlining the determination of the Secretary under paragraph (2) and a detailed estimate of the cost of and time necessary for completion of the project required by paragraph (1).

(c) DEFINITION.—In this section, the term "Far South Texas" means the following counties of the State of Texas: Aransas, Bee, Brooks, Calhoun, Cameron, Crockett, DeWitt, Dimmit, Duval, Goliad, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, and Zapata.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2011 for the Construction, Major Projects account such sums as may be necessary for the project required by subsection (b).

SA 4640. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 819. REPORT ON ALTERNATIVES FOR THE PROCUREMENT OF FIRE-RESISTANT AND FIRE-RETARDANT FIBER AND MATERIALS FOR THE PRODUCTION OF MILITARY PRODUCTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Vehicle and aircraft fires remain a significant force protection and safety threat for the members of the Armed Forces, whether deployed in support of ongoing military operations or while training for future deployment.

(2) Since 2003, the United States Army Institute of Surgical Research, the sole burn center within the Department of Defense, has admitted and treated more than 800 combat casualties with burn injuries. The probability of this type of injury remains extremely high with continued operations in Iraq and the surge of forces into Afghanistan and the associated increase in combat operations.

(3) Advanced fiber products currently in use to protect first responders such as fire fighters and factory and refinery personnel in the United States steel and fuel refinery industries may provide greater protection against burn injuries to members of the Armed Forces.

(b) REPORT.—Not later than February 28, 2011, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on fire-resistant and fire-retardant fibers and materials for the production of military products. The report shall include the following:

(1) An identification of the fire-resistance or fire-retardant properties or capabilities of fibers and materials (whether domestic or foreign) currently used for the production of military products that require such properties or capabilities (including include uniforms, protective equipment, firefighting equipment, lifesaving equipment, and life support equipment), and an assessment of the sufficiency, adequacy, availability, and cost of such fibers and materials for that purpose.

(2) An identification of the fire-resistance or fire-retardant properties or capabilities of fibers and materials (whether domestic or foreign) otherwise available in the United States that are suitable for use in the production of military products that require such properties or capabilities, and an assessment of the sufficiency, adequacy, availability, and cost of such fibers and materials for that purpose.

SA 4641. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4636 submitted by Mr. KYL (for himself, Mr. CORKER, Mr. SESSIONS, and Mr. INHOFE) and intended to be proposed to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 6 of the amendment, strike lines 4 through 14 and insert the following:

(c) RESOURCE REQUIREMENTS.—If appropriations are enacted that fail to meet the resource requirements set forth in the plan submitted by the President pursuant to sec-

tion 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549), or if at any time more resources are required than estimated in the President's 10-year plan, the President shall submit to the Congress, within 60 days of such enactment or the identification of the requirement for additional resources, a report detailing—

(1) how the President proposes to remedy the resource shortfall and when the resource shortfall will be remedied;

(2) if additional resources are required, the proposed level of funding required and an identification of the stockpile work, campaign, facility, site, asset, program, operation, activity, construction, or project for which additional funds are required;

(3) the impact of the resource shortfall on the safety, reliability, and performance of United States nuclear forces; and

(4) whether and why, in the changed circumstances brought about by the resource shortfall, it remains in the national interest of the United States to remain a party to the New START Treaty.

(d) LIMITATION ON USE OF FUNDS.—Neither the Secretary of Defense nor the Secretary of Energy may obligate or expend any amounts appropriated or otherwise made available to the Department of Defense or the Department of Energy for any of fiscal years 2011 through 2017 to retire, dismantle, or eliminate any of the covered nuclear systems until one year after the date on which the President submits to the congressional defense committees written notice of such proposed retirement, dismantlement, or elimination.

(e) COVERED NUCLEAR SYSTEMS DEFINED.—In this

SA 4642. Mrs. LINCOLN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____ MILITARY FAMILY-FRIENDLY EMPLOYER AWARD

SEC. 01. SHORT TITLE.

This title may be cited as the "Military Family-Friendly Employer Award Act".

SEC. 02. DEFINITIONS.

In this title:

(1) EMPLOYER.—The term "employer"—

(A) means any person (as defined in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 202(a))) engaged in commerce or in any industry or activity affecting commerce; and

(B) includes any agency of a State, or political subdivision thereof.

The term does not include the Government of the United States or any agency thereof.

(2) SECRETARY.—The term "Secretary" means the Secretary of Defense.

SEC. 03. ESTABLISHMENT OF MILITARY FAMILY-FRIENDLY EMPLOYER AWARD.

(a) IN GENERAL.—There is established in the Department of Defense an annual award to be known as the Military Family-Friendly Employer Award (hereafter referred to in this title as the "Award") for employers that

have developed and implemented workplace flexibility policies and practices—

(1) to assist the working spouses and caregivers of members of the Armed Forces who are deployed away from home, and to assist such members upon their return from deployment, so that the needs of the home may be addressed during and after such deployments; and

(2) that reflect a deep awareness and commitment in response to the needs of the military family unit.

(b) **PLAQUE.**—The Award shall be evidenced by a plaque bearing the title “Military Family-Friendly Employer Award”.

(c) **APPLICATION.**—

(1) **IN GENERAL.**—An employer desiring consideration for an Award shall submit an application to the Secretary at such time, in such manner, and containing such information as such Secretary may require.

(2) **REAPPLICATION.**—An employer may reapply for an Award, regardless of whether the employer has been a previous recipient of such Award.

(d) **DISPLAY ON WEB SITE.**—The Secretary shall make publically available on its Internet website the names of each recipient of the Award.

(e) **PRESENTATION OF AWARD.**—The Secretary (or the Secretary’s designee) shall present annually the Award to employers under this section.

SEC. 404. MILITARY FAMILY-FRIENDLY SPECIAL TASK FORCE.

(a) **ESTABLISHMENT.**—There is established within the Department of Defense a Military Family-Friendly Special Task Force (hereafter referred to in this title as the “Task Force”).

(b) **COMPOSITION.**—

(1) **IN GENERAL.**—The Task Force shall be composed of 9 members to be appointed as follows:

(A) The Secretary shall appoint one individual to serve as the chairperson of the Task Force.

(B) The Secretary, in consultation with the Secretary of Labor and based on recommendations made by the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives, shall appoint—

(i) two members who shall be work-life experts; and

(ii) two members who shall be representatives of the general business community; and

(C) The Secretary, based on recommendations made by the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives, shall appoint—

(i) two members who shall be experts on the Armed Forces; and

(ii) two members who shall be representatives of families with one or more members serving in the Armed Forces.

(2) **QUALIFICATIONS.**—In appointing members of the Task Force the Secretary shall ensure—

(A) that such members are individuals with knowledge and experience in workplace flexibility policies as such policies relate to services in and support for the Armed Forces;

(B) that not more than 2 members appointed under paragraph (1)(B) are from the same political party; and

(C) that not more than 2 members appointed under paragraph (1)(C) are from the same political party.

(3) **TERMS.**—

(A) **IN GENERAL.**—Except as provided under subparagraphs (B) and (C), each member of the Task Force shall be appointed for 2 years and may be reappointed.

(B) **TERMS OF INITIAL APPOINTEES.**—As designated by the Secretary at the time of appointment, of the members of the Task Force first appointed, 4 shall each be appointed for a 1-year term and the remainder shall each be appointed for a 2-year term.

(C) **VACANCIES.**—Any member of the Task Force appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office.

(4) **LIMITATION.**—The Secretary may not appoint any Member of Congress to the Task Force.

(c) **DUTIES.**—The Task Force shall—

(1) develop and review military-centered questions for integration into the award model for determining which applicant employers should receive an Award;

(2) determine how such questions should be weighed in making Award determinations what threshold should be used as the minimum for making such Awards;

(3) review responses to a sample of such questions posed as part of any questionnaire used for purposes of making such Awards;

(4) consider private sector award models such as the Malcolm Baldrige National Quality Award or the Alfred P. Sloan Award for Business Excellence in Workplace Flexibility;

(5) determine criteria for the delivery of the Award; and

(6) carry out any other activities determined appropriate by the Secretary.

(d) **OPERATIONS.**—

(1) **MEETINGS.**—

(A) **IN GENERAL.**—Except for the initial meeting of the Task Force under subparagraph (B), the Task Force shall meet at the call of the chairperson or a majority of its members.

(B) **INITIAL MEETING.**—The Task Force shall conduct its first meeting not later than 90 days after the appointment of all of its members.

(2) **VOTING AND RULES.**—A majority of members of the Task Force shall constitute a quorum to conduct business. The Task Force may establish by majority vote any other rules for the conduct of the business of the Task Force, if such rules are not inconsistent with this section or other applicable law.

(3) **COMPENSATION AND TRAVEL.**—All members of the Task Force shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of duties of the Task Force. The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

SEC. 405. REGULATIONS.

The Secretary may prescribe regulations to carry out the purposes of this title.

SA 4643. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 460, between lines 15 and 16, insert the following:

SEC. 1082. REPORT ON THE EFFECT OF DEPLOYMENT ON FIRST RESPONDER AGENCIES.

(a) **DEFINITION.**—In this section—

(1) the term “active duty” has the meaning given that term in section 101 of title 10, United States Code;

(2) the term “first responder agency” means—

(A) a law enforcement agency or fire service (as defined in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203)) of a State or local government; and

(B) a publicly or privately operated ambulance service; and

(3) the term “reservist” means a member of a reserve component of the Armed Forces.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Federal Emergency Management Agency and appropriate officials having responsibility for the administration of the reserve components of the Armed Forces, including the Chief of the National Guard Bureau with respect to the National Guard, shall submit to Congress a report that evaluates—

(1) the financial and other effects of the employees of first responder agencies being placed on active duty on the first responder agencies, including the ability of the first responder agencies to provide services to the community; and

(2) the effect of reservists being placed on active duty on—

(A) the hiring and retention of reservists by first responder agencies; and

(B) the ability of the reserve components of the Armed Forces to retain reservists who are employed by a first responder agency.

SA 4644. Mrs. LINCOLN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 543. MODIFICATION OF BASIS FOR ANNUAL ADJUSTMENTS IN AMOUNTS OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) **IN GENERAL.**—Section 16131(b)(2) of title 10, United States Code, is amended by striking “equal to” and all that follows and inserting “not less than the percentage by which—

“(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2010, and shall apply to adjustments in amounts of educational assistance for members of the Selected Reserve that are made for fiscal years beginning on or after that date.

SA 4645. Mrs. LINCOLN (for herself and Mr. RISCH) submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 623. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS FOR LONG DISTANCE AND CERTAIN OTHER TRAVEL TO INACTIVE DUTY TRAINING.

(a) **ALLOWANCES REQUIRED.**—

(1) **IN GENERAL.**—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

“§411k. Travel and transportation allowances: long distance and certain other travel to inactive duty training performed by members of the reserve components of the armed forces

“(a) ALLOWANCE REQUIRED.—The Secretary concerned shall reimburse a member of a reserve component of the armed forces for transportation expenses, including mileage traveled, incurred in connection with the following:

“(1) Round-trip travel in excess of 100 miles to an inactive duty training location, regardless of the method of transportation.

“(2) Round-trip travel of any distance to an inactive duty training location, if such travel requires a commercial method of transportation other than ground transportation.

“(b) RATES OF REIMBURSEMENT.—

“(1) MILEAGE.—In determining the amount of allowances or reimbursement to be paid for mileage traveled under subsection (a)(1), the Secretary concerned shall use the mileage reimbursement rate for the use of privately owned vehicles by Government employees on official business (when a Government vehicle is available), as prescribed by the Administrator of General Services under section 5707(b) of title 5.

“(2) COMMERCIAL FARE FOR TRAVEL BY COMMON CARRIER.—The amount of reimbursement to be paid under subsection (a)(2) for travel covered by that subsection shall be the reasonable commercial fare expense for such travel by common carrier.

“(c) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411j the following new item:

“411k. Travel and transportation allowances: long distance and certain other travel to inactive duty training performed by members of the reserve components of the armed forces.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to travel expenses incurred after the expiration of the 90-day period that begins on the date of the enactment of this Act.

SA 4646. Mrs. LINCOLN (for herself and Mr. RISCH) submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 718. REQUIREMENT FOR PROVISION OF MEDICAL AND DENTAL READINESS SERVICES TO CERTAIN MEMBERS OF THE SELECTED RESERVE AND INDIVIDUAL READY RESERVE BASED ON MEDICAL NEED.

(a) **IN GENERAL.**—Section 1074a(g)(1) of title 10, United States Code, is amended—

(1) by striking “may provide” and inserting “shall provide”; and

(2) by striking “if the Secretary determines” and inserting “, as applicable, if a qualified health care professional determines, based on the member’s most recent annual medical exam or annual dental exam, as the case may be.”.

(b) **FUNDING.**—Subject to applicable provisions of appropriations Acts, amounts available to the Department of Defense for Defense Health Program shall be available for the provision of medical and dental services under section 1074a(g)(1) of title 10, United States Code, in accordance with the amendments made by subsection (a).

(c) **BUDGETING FOR HEALTH CARE.**—In determining the amounts to be required for medical and dental readiness services for members of the Selected Reserve and the Individual Ready Reserve under section 1074a(g)(1) of title 10, United States Code (as amended by subsection (a)), for purposes of the budget of the President for fiscal years after fiscal year 2010, as submitted to Congress pursuant to section 1105 of title 31, United States Code, the Assistant Secretary of Defense for Health Affairs shall consult with appropriate officials having responsibility for the administration of the reserve components of the Armed Forces, including the Chief of the National Guard Bureau with respect to the National Guard.

(d) **MEDICAL AND DENTAL SCREENING FOR READY RESERVE MEMBERS ALERTED FOR MOBILIZATION.**—Section 1074a(f)(1) of title 10, United States Code, is amended by striking “may provide” and inserting “shall provide”.

SA 4647. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1082. INCREASE IN AMOUNT OF DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE TO SURVIVING SPOUSES.

(a) **INCREASE.**—Section 1311 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking “of \$1,091” and inserting “equal to 55 percent of the rate of monthly compensation in effect under section 1114(j) of this title”; and

(2) by adding at the end the following new subsection:

“(g) Notwithstanding any other provision of law (other than section 5304(b)(3) of this title), in the case of an individual who is eligible for dependency and indemnity compensation under this section who is also eligible for benefits under another provision of law by reason of such individual’s status as the surviving spouse of a veteran, then, neither a reduction nor an offset in benefits under such provision shall be made by reason of such individual’s eligibility for benefits under this section.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to compensation paid under chapter 13 of title 38, United States Code, for months beginning after the date that is 180 days after the date of the enactment of this Act.

SEC. 1083. PHASE-IN OF PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION WITH RESPECT TO VETERANS WHO DIE OF NON-SERVICE CONNECTED DISABILITY AFTER ENTITLEMENT TO COMPENSATION FOR SERVICE-CONNECTED DISABILITY RATED AS TOTALLY DISABLING FOR AT LEAST FIVE YEARS.

Section 1318 of title 38, United States Code, is amended—

(1) in subsection (b)(1), by striking “10 years” and inserting “five years”; and

(2) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) In the case of a deceased veteran described in subsection (b)(1), benefits under this chapter shall be payable under subsection (a) in amounts as follows:

“(1) If the disability of the veteran described in subsection (b)(1) was continuously rated totally disabling for a period of at least five years, but less than six years, immediately preceding death, at the rate of 50 percent of the benefits otherwise so payable.

“(2) If the disability of the veteran so described was continuously rated totally disabling for a period of at least six years, but less than seven years, immediately preceding death, at the rate of 60 percent of the benefits otherwise so payable.

“(3) If the disability of the veteran so described was continuously rated totally disabling for a period of at least seven years, but less than eight years, immediately preceding death, at the rate of 70 percent of the benefits otherwise so payable.

“(4) If the disability of the veteran so described was continuously rated totally disabling for a period of at least eight years, but less than nine years, immediately preceding death, at the rate of 80 percent of the benefits otherwise so payable.

“(5) If the disability of the veteran so described was continuously rated totally disabling for a period of at least nine years, but less than 10 years, immediately preceding death, at the rate of 90 percent of the benefits otherwise so payable.

“(6) If the disability of the veteran so described was continuously rated totally disabling for a period of at least 10 years immediately preceding death, at the rate otherwise so payable.”.

SEC. 1084. REDUCTION FROM AGE 57 TO AGE 55 OF AGE AFTER WHICH REMARRIAGE OF SURVIVING SPOUSE SHALL NOT TERMINATE DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REDUCTION IN AGE.—Section 103(d)(2)(B) of title 38, United States Code, is amended—

(1) in the first sentence, by striking “age 57” and inserting “age 55”; and

(2) by striking the second sentence.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; and

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

(c) RETROACTIVE BENEFITS PROHIBITED.—No benefit may be paid to any person by reason of the amendment made by subsection (a) for any period before the effective date specified in subsection (b).

(d) APPLICATION FOR BENEFITS.—In the case of an individual who but for having remarried would be eligible for benefits under title 38, United States Code, by reason of the amendment made by subsection (a) and whose remarriage was before the date of the enactment of this Act and after the individual had attained age 55, the individual shall be eligible for such benefits by reason of such amendment only if the individual submits an application for such benefits to the Secretary of Veterans Affairs not later than the end of the one-year period beginning on the date of the enactment of this Act.

SA 4648. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1082. PROVISION OF VETERANS STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS AS VETERANS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

“§ 107A. Honoring as veterans certain persons who performed service in the reserve components

“Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit solely by reason of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

“107A. Honoring as veterans certain persons who performed service in the reserve components.”.

SA 4649. Mrs. LINCOLN (for herself and Mr. RISCH) submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1082. APPROVAL OF CERTAIN EDUCATIONAL INSTITUTIONS FOR PURPOSES OF THE POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM.

Subsection (b) of section 3313 of title 38, United States Code, is amended to read as follows:

“(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned) and—

“(1) the program of education is offered by an institution offering postsecondary level academic instruction that leads to an associate or higher degree and such institution is an institution of higher learning (as that term is defined in section 3452(f) of this title); or

“(2) the program of education is offered by an institution offering instruction that does not lead to an associate or higher degree and such institution is an educational institution (as that term is defined in section 3452(c) of this title).”.

SA 4650. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 460, between lines 15 and 16, insert the following:

SEC. 1082. COLONEL CHARLES YOUNG HOME SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary of the Interior (referred to in this section as the “Secretary”), in consultation with the Secretary of the Army, shall conduct a special resource study of the Colonel Charles Young Home, a National Historic Landmark in Xenia, Ohio (referred to in this section as the “Home”).

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate any architectural and archeological resources of the Home;

(2) determine the suitability and feasibility of designating the Home as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the Home by Federal, State, or local governmental entities or private and nonprofit organizations, including the use of shared management agreements with the Dayton Aviation Heritage National Historical Park or specific units of that Park, such as the Paul Laurence Dunbar Home;

(4) consult with the Ohio Historical Society, Central State University, Wilberforce

University, and other interested Federal, State, or local governmental entities, private and nonprofit organizations, or individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives considered under the study.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(d) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that contains—

(1) the results of the study under subsection (a); and

(2) any conclusions and recommendations of the Secretary.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 4651. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In Sec. 4501 of Title XLV, beginning on page 807, strike the following projects in the table entitled “Military Construction”, and make all conforming changes in Division B—Military Construction Authorizations:

“Air Force, Bahrain Island, SW Asia, North Apron Expansion, \$45,000,000”;

“Air Force, Guam, Anderson AFB, PRTC-Red Horse Headquarters/Engineering Facility, \$8,000,000”;

“Air Force, Guam, Anderson AFB, Strike Ops Group and Tanker Taskforce Renovation, \$9,100,000”;

“Air Force, Guam, Anderson AFB, PRTC-Combat Communications Operations Facility, \$9,200,000”;

“Air Force, Guam, Anderson AFB, PRTC-Commando Warrior Open Bay Student Barracks, \$11,800,000”;

“Air Force, Guam, Anderson AFB, Strike South Ramp Utilities, phase 1, \$12,200,000”;

“Army NG, Guam, Barrigada, Combined Support Maintenance Shop, phase 1, \$19,000,000”;

“Army, Germany, Wiesbaden AB, Construct New ACP, \$5,100,000”;

“Army, Germany, Sembach AB, Confinement Facility, \$9,100,000”;

“Army, Germany, Ansbach, Physical Fitness Center, \$13,800,000”;

“Army, Germany, Grafenwoehr, Barracks, \$17,500,000”;

“Army, Germany, Ansbach, Vehicle Maintenance Shop, \$18,000,000”;

“Army, Germany, Grafenwoehr, Barracks, \$19,000,000”;

“Army, Germany, Grafenwoehr, Barracks, \$19,000,000”;

“Army, Germany, Grafenwoehr, Barracks, \$20,000,000”;

“Army, Germany, Wiesbaden AB, Information Processing Center, \$30,400,000”;

“Army, Germany, Rhine Ordnance Barracks, Barracks Complex, \$35,000,000”;

"Army, Germany, Wiesbaden AB, Command and Battle Center, Increment 2, \$59,500,000";

"Army, Germany, Wiesbaden AB, Sensitive Compartmented Information Facility, Increment 1, \$45,500,000";

"Navy, Bahrain Island, Operations and Support Facility, \$60,002,000";

"Navy, Bahrain Island, Waterfront Development, phase 3, \$63,871,000";

"Navy, Bahrain Island, NAVCENT Ammunition Magazines, \$89,280,000";

"Navy, Djibouti, Camp Lemonier, Camp Lemonier Headquarters Facility, \$12,407,000";

"Navy, Marshall Islands, Guam, Apra Harbor Wharves Imp. (phase 1, inc), \$40,000,000";

"Navy, Marshall Islands, Guam, Defense Access Road Improvements, \$66,730,000";

"DW, Germany, Vilseck, Health Clinic Add/Alt, \$34,800,000";

"DW, Germany, Katterbach, Health/Dental Clinic Replacement, \$37,100,000"; and

"DW, Guam, Agana NAS, Hospital Replacement, Increment 2, \$70,000,000".

SA 4652. Mr. BEGICH (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 349. SENSE OF CONGRESS REGARDING RED FLAG EXERCISES AT SITES IN ALASKA AND NEVADA.

(a) FINDINGS.—Congress makes the following findings:

(1) Eielson Air Force Base, Alaska, and Nellis Air Force Base, Nevada, host advanced combat training exercises known as Red Flag for the United States Air Force and foreign participants.

(2) The Joint Pacific Alaska Range Complex and Nevada Test and Training Range provide Red Flag participants with realistic, large force complex training sites.

(3) Participation in Red Flag exercises in the states of Nevada and Alaska by foreign allies provides opportunity for building partnerships and strengthening existing partnerships.

(4) The states of Nevada and Alaska provide the Department of the Air Force unique training environments for purposes of Red Flag exercises.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Red Flag exercises hosted in the states of Alaska and Nevada are critically important to ensuring a ready force and building partner capacity;

(2) the Department of the Air Force should continue to utilize both the Joint Pacific Alaska Range Complex and Nevada Test and Training Range for Red Flag exercises and other training opportunities; and

(3) the Department of the Air Force should make improvements and investments in the Joint Pacific Alaska Range Complex and Nevada Test and Training Range to maximize training opportunities in accordance with the 2025 Air Test and Training Range Enhancement Plan.

SA 4653. Mr. AKAKA submitted an amendment intended to be proposed by

him to the bill H.R. 946, to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes; which was ordered to lie on the table as follows:

On page 2, line 9, strike "relevant to" and insert "necessary for".

On page 2, strike lines 21 through 25 and insert the following:

(3) PLAIN WRITING.—The term "plain writing" means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.

On page 3, line 18, insert "as required under paragraph (2)" after "website".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 21, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 21, 2010, at 10 a.m., to conduct a hearing entitled "Investing in Infrastructure: Creating Jobs and Growing the Economy."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 21, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Welfare Reform: A New Conversation on Women and Poverty."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 21, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 21, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 21, 2010, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 21, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Chas Cannon, a legislative fellow in my office, be granted floor privileges for the remainder of the consideration of S. 3454.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. I ask unanimous consent Erik Berdy, a legislative fellow in Senator INHOFE's office, be granted the privilege of the floor for the remainder of the year.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREEDOM OF INFORMATION ACT AMENDMENTS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 567, S. 3717.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3717) to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I commend the Senate for promptly taking up the Freedom of Information Act amendments to the Securities Exchange Act, Investment Company Act and Investment Advisers Act of 2010, S. 3717—an important, bipartisan bill to ensure that the Freedom of Information Act FOIA remains an effective tool to provide public access to information about the stability of our financial markets. This bill eliminates several broad FOIA exemptions for Security and Exchange Commission—SEC—records that were recently enacted as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The bill will also help ensure that the SEC has access to the information that the Commission needs to

carry out its new enforcement activities under the new reforms.

I thank Senators GRASSLEY, CORNYN, and KAUFMAN for cosponsoring this important open government bill, and for working with me to promptly address this issue. I commend the many open government organizations, including OpenTheGovernment.org, the Project on Government Oversight, the American Library Association and the Sunlight Foundation for their support of this bill. I also thank the distinguished chairman of the House Committee on Oversight and Government Reform, Representative EDOLPHUS TOWNS, for introducing a companion bill, H.R. 6086, in the House of Representatives.

I supported the historic Wall Street reform law, because that law takes significant strides toward enhancing transparency and accountability in our financial system. But, I am concerned that the FOIA exemptions in section 929I of that law, which was originally drafted in the House of Representatives and included in the final legislation, could be interpreted and implemented in a way that undermines this very important goal.

The Freedom of Information Act has long recognized the need to balance the government's legitimate interest in protecting confidential business records, trade secrets and other sensitive information from public disclosure, and preserving the public's right to know. To accomplish this, care must always be taken to ensure that exemptions to FOIA's disclosure requirements are narrowly and properly applied.

When Congress enacted the FOIA exemptions in section 929I, we sought to ensure that the SEC had access to the information that the Commission needed to protect American investors—not to shield information from the public. I am also troubled by attempts in recent weeks to retroactively apply these exemptions to pending FOIA matters.

I am also troubled by the sweeping interpretation that the Commission has expressed, to date, that these exemptions would shield from public scrutiny all information provided to the Commission in connection with its broad examination and surveillance activities.

To truly restore stability and accountability to our financial system, Congress should take immediate steps to clarify this matter and eliminate overly broad FOIA exemptions. Not surprisingly, there is growing concern about these exemptions from across the ideological and political spectrum.

I have said many times that open government is neither a Democratic issue, nor a Republican issue—it is truly an American value and virtue that we all must uphold. It is in this bipartisan spirit that Senators from both sides of the aisle have joined together to pass this bill. I urge the

House of Representatives to enact this good government bill without delay.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3717) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICATION OF THE FREEDOM OF INFORMATION ACT TO CERTAIN STATUTES.

(a) AMENDMENTS TO THE SECURITIES AND EXCHANGE ACT.—Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x), as amended by section 929I(a) of the Dodd-Frank Consumer Financial Protection and Wall Street Reform Act (Public Law 111-203), is amended by striking subsection (e) and inserting the following:

“(e) FREEDOM OF INFORMATION ACT.—For purposes of section 552(b)(8) of title 5, United States Code, (commonly referred to as the Freedom of Information Act)—

“(1) the Commission is an agency responsible for the regulation or supervision of financial institutions; and

“(2) any entity for which the Commission is responsible for regulating, supervising, or examining under this title is a financial institution.”

(b) AMENDMENTS TO THE INVESTMENT COMPANY ACT.—Section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a-30), as amended by section 929I(b) of the Dodd-Frank Consumer Financial Protection and Wall Street Reform Act (Public Law 111-203), is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) AMENDMENTS TO THE INVESTMENT ADVISERS ACT.—Section 210 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-10), as amended by section 929I(c) of the Dodd-Frank Consumer Financial Protection and Wall Street Reform Act (Public Law 111-203), is amended by striking subsection (d).

NATIONAL FLOOD INSURANCE PROGRAM EXTENSION

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3814 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3814) to extend the National Flood Insurance Program until September 30, 2011.

There being no objection, the Senate proceeded to consider the bill.

Mr. KAUFMAN. I ask unanimous consent that the bill be read for a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3814) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Flood Insurance Program Reextension Act of 2010”.

SEC. 2. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

(b) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

JUMPSTART'S READ FOR THE RECORD DAY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of S. Res. 593 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 593) expressing support for designation of October 7, 2010, as Jumpstart's Read for the Record Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAUFMAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 593) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 593

Whereas Jumpstart, a national early education organization, is working to ensure that all children in the United States enter school prepared to succeed;

Whereas Jumpstart recruits and trains college students and community volunteers year-round to work with preschool children in low-income communities, helping the children to develop the key language and literacy skills they need to succeed in school and in life;

Whereas, since 1993, Jumpstart has engaged more than 20,000 adults in service to more than 70,000 young children in communities across the United States;

Whereas Jumpstart's Read for the Record, presented in partnership with Pearson, is a world record-breaking campaign, now in its

fifth year, that harnesses the power of reading by bringing adults and children together to read the same book on the same day;

Whereas the goals of the campaign are to raise national awareness of the early literacy crisis, provide books to children in low-income households through donations and sponsorship, celebrate the commencement of Jumpstart's program year, and raise money to support Jumpstart's year-long work with preschool children;

Whereas October 7, 2010, would be an appropriate date to designate as "Jumpstart's Read for the Record Day" because Jumpstart aims to set the world record for the largest shared reading experience on that date; and

Whereas Jumpstart hopes to engage 2,500,000 children to read Ezra Jack Keats' "The Snowy Day" during this record-breaking celebration of reading, service, and fun, all in support of the preschool children of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 7, 2010, as "Jumpstart's Read for the Record Day";

(2) recognizes the fifth year of Jumpstart's Read for the Record; and

(3) encourages adults, including grandparents, parents, teachers, and college students, to join children in creating the largest shared reading experience in the world and to show their support for early literacy and Jumpstart's early education programming for young children in low-income communities.

HONORING UNITED SERVICE ORGANIZATIONS

NATIONAL FALLS PREVENTION AWARENESS DAY

100TH ANNIVERSARY OF THE ST. LOUIS ZOO

NATIONAL HISPANIC-SERVING INSTITUTIONS WEEK

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 632, S. Res. 633, S. Res. 634, and S. Res. 635.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolutions.

Mr. KAUFMAN. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid on the table en bloc, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 632, 633, 634, and 635) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 632

Whereas the United Service Organizations (referred to in this preamble as the "USO")

has worked to serve members of the Armed Forces and their families for nearly 70 years;

Whereas the USO provides morale and support services to military families in more than 130 locations across the world;

Whereas the USO continues to support veterans of the Iraq and Afghanistan Wars;

Whereas the USO provides comfort to members of the Armed Forces by sending care packages to bases overseas; and

Whereas the USO and their volunteers have sent 2,000,000 care packages to our troops: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the work of the United Service Organizations in supporting the members of the Armed Forces of the United States around the world; and

(2) congratulates the United Service Organizations on sending their 2 millionth troop care package.

S. RES. 633

Whereas older adults, 65 years of age and older, are the fastest-growing segment of the population in the United States, and the number of older adults in the United States will increase from 35,000,000 in 2000 to 72,100,000 million in 2030;

Whereas 1 out of 3 older adults in the United States falls each year;

Whereas falls are the leading cause of injury, death, and hospital admissions for traumatic injuries among older adults;

Whereas, in 2008, approximately 2,100,000 older adults were treated in hospital emergency departments for fall-related injuries, and more than 500,000 were subsequently hospitalized;

Whereas, in 2007, over 18,400 older adults died from injuries related to unintentional falls;

Whereas the total cost of fall-related injuries for older adults is \$80,900,000,000, including more than \$19,000,000,000 in direct medical costs;

Whereas the Centers for Disease Control and Prevention estimate that if the rate of increase in falls is not slowed the annual cost under, the Medicare program will reach \$32,400,000,000 by 2020;

Whereas evidence-based programs show promise in reducing falls and facilitating cost-effective interventions, such as comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards;

Whereas research indicates that fall prevention programs for high-risk older adults have a net-cost savings of almost \$9 in benefits to society for each \$1 invested;

Whereas the Falls Free Coalition Advocacy Work Group and its numerous national and State supporting organizations should be commended for their efforts to raise awareness and to promote greater understanding, research, and programs to prevent falls among older adults: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 23, 2010, as "National Falls Prevention Awareness Day";

(2) commends the Falls Free Coalition Advocacy Work Group and the 31 State falls coalitions for their efforts to work together to increase education and awareness about the prevention of falls among older adults;

(3) encourages businesses, individuals, Federal, State, and local governments, the public health community, and health care providers to work together to promote the awareness of falls in an effort to reduce the incidence of falls among older adults in the United States;

(4) urges the Centers for Disease Control and Prevention to continue developing and evaluating strategies to prevent falls among older adults that will translate into effective fall prevention interventions, including community-based programs;

(5) encourages State health departments, which provide significant leadership in reducing injuries and injury-related health care costs by collaborating with colleagues and a variety of organizations and individuals, to reduce falls among older adults; and

(6) recognizes proven, cost-effective falls prevention programs and policies and encourages experts in the field to share their best practices so that their success can be replicated by others.

S. RES. 634

Whereas, in 1910, the citizens of Saint Louis, Missouri, inspired by the Smithsonian's Flight Cage, a large walk-through bird cage constructed in Saint Louis for the 1904 World's Fair and purchased by the city of Saint Louis at the conclusion of the fair, formed the Saint Louis Zoological Society and encouraged the city of Saint Louis to set aside 77 acres in historic Forest Park for the establishment of a zoological park;

Whereas, guided by legislation providing that "the zoo shall be forever free" and supported by the extraordinary generosity of the people of Saint Louis, the Saint Louis Zoo is, and has been since its inception, accessible for all, enriching the lives of millions of people, including a record 3,101,830 visitors in 2009;

Whereas, through the exceptional work of dedicated staff, state-of-the-art facilities including the Endangered Species Research Center and Veterinary Hospital, and initiatives such as the WildCare Institute, the Saint Louis Zoo has established itself as a world leader in the conservation of endangered species and their habitats;

Whereas, through classroom presentations, Zoo tours, outreach programs, and educational resources such as the Library and Teacher Resource Center, the Saint Louis Zoo has provided invaluable educational opportunities to the members of the public, including tens of thousands of school children from the Saint Louis area for generations; and

Whereas the 2010 centennial anniversary of the founding of the Saint Louis Zoo is an achievement of historic proportions for the City of Saint Louis, the State of Missouri, the United States, and the world conservation community: Now, therefore, be it

Resolved, That the Senate commemorates the 100th anniversary of the founding of the Saint Louis Zoo on September 24, 2010.

S. RES. 635

Whereas Hispanic-serving institutions play an important role in educating many underprivileged students and helping those students attain their full potential through higher education;

Whereas Hispanic-serving institutions are degree-granting institutions that have a full-time equivalent undergraduate enrollment of at least 25 percent Hispanic students;

Whereas, as of the date of approval of this resolution, there are approximately 268 Hispanic-serving institutions in the United States;

Whereas Hispanic-serving institutions are actively involved in stabilizing and improving the communities in which the Hispanic-serving institutions are located;

Whereas more than 48 percent of Hispanic students in the United States attend Hispanic-serving institutions;

Whereas celebrating the vast contributions of Hispanic-serving institutions to the United States strengthens the culture of the United States;

Whereas the achievements and goals of Hispanic-serving institutions are deserving of national recognition; and

Whereas the week beginning September 19, 2010, would be an appropriate week for national recognition of Hispanic-serving institutions: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and goals of Hispanic-serving institutions across the United States;

(2) designates the week beginning September 19, 2010, as “National Hispanic-Serving Institutions Week”; and

(3) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for Hispanic-serving institutions.

MEASURES READ THE FIRST TIME—S. 3813 and S. 3815

Mr. KAUFMAN. Mr. President, I understand that there are two bills at the desk and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant editor of the Daily Digest read as follows:

A bill (S. 3813) to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

A bill (S. 3815) to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes.

Mr. KAUFMAN. I now ask for a second reading en bloc and I object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the resolutions will be read on the next legislative day.

Mr. KAUFMAN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 30

Mr. FRANKEN. Mr. President, I ask unanimous consent that on Thursday, September 23, at 10:30 a.m., the Republican leader or his designee be recognized to move to proceed to the consideration of S.J. Res. 30, a joint resolution providing for congressional disapproval under chapter 8 of title 5, USC, of the rule submitted by the National Mediation Board relating to representation election procedures; that there be 2 hours of debate on the motion to proceed, with the time equally divided and controlled between Senators HARKIN and ISAKSON or their designees; that upon the use or yielding back of time, the Senate proceed to vote on adoption of the motion to proceed; that if the motion is successful, then there be 1 hour of debate with respect to the joint resolution, with the time divided as indicated above; that upon the use or yielding of time, the joint resolution be read for a third time and the Senate then proceed to vote on passage of the joint resolution; provided further that if the motion to proceed is defeated, then no further motion to proceed to the joint resolution be in order; further, that no amendments or any other motions be in order to the joint resolution and all other provisions of the statute governing consideration of the joint resolution remain in effect during the pendency of this agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3816

Mr. FRANKEN. Mr. President, I understand that S. 3816, introduced earlier today by Senator DURBIN, is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3816) to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

Mr. FRANKEN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR WEDNESDAY, SEPTEMBER 22, 2010

Mr. FRANKEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate proceed to a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees; and with the time from 10 a.m. to 4 p.m. controlled in 30-minute alternating blocks of time, with the majority controlling the first block and the Republicans controlling the next block; and that following morning business, the Senate resume consideration of the motion to proceed to S. 3454, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRANKEN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Wednesday, September 22, 2010, at 9:30 a.m.

SENATE—Wednesday, September 22, 2010

The Senate met at 9:30 a.m. and was called to order by the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, this is the day that You have made, and we will rejoice and be glad in it. Thank You for the beauty of the Earth and the glory of the skies. Thank You for the love which from our birth over and around us lies.

Be near today to our Senators. Infuse them with reverence for You. May their lives be adorned with civility, integrity, humility, and faithfulness. May a spirit of respect and forbearance characterize all they do and say, as they hunger for Your truth and thirst for Your righteousness. Lord, distill upon them the dews of quietness and confidence that in simple trust and deeper reverence they may be found steadfast and abounding in Your power.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CARTE P. GOODWIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 22, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. GOODWIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—S. 3813, S. 3815, AND S. 3816

Mr. REID. Mr. President, there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3813) to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

A bill (S. 3815) to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes.

A bill (S. 3816) to amend the Internal Revenue Code of 1986 to create American jobs and to prevent offshoring of such jobs overseas.

Mr. REID. Mr. President, on these bills, would it be in order now to ask unanimous consent that on S. 3815, Senators HATCH and MENENDEZ be added as original cosponsors?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period of morning business until 4 p.m. today, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees. The time from 10 a.m. to 4 p.m. will be controlled in alternating 30-minute blocks of time, with the majority controlling the first block and the Republicans controlling the next. Following morning business, the Senate will resume consideration of the motion to proceed to S. 3454, the Defense authorization bill.

THE DISCLOSE ACT

Mr. REID. Mr. President, the debate this morning will be related to the Citizens United case. That is the case where the Supreme Court changed more than 100 years of precedent in the United States, which in the past had totally prevented corporations from being involved in Federal elections. The Supreme Court stood that rule on its head and denied stare decisis, which

certainly surprised nearly everyone. They became involved, it appears, in the political process by a 5-to-4 majority, now allowing corporations, including corporations that have foreign interests, to become involved in our process. They really have opened the door. We have these nameless, faceless individuals spending huge amounts of money—corporate money and other money—where there is certainly no transparency whatsoever. These ads are being run on television and radio around the country. No one knows where the money comes from, how much it is. In fact, I repeat, there is no transparency. That is what the debate is about today. We have had a vote on this once before. I have the right to call it up again, and I will do so at the appropriate time, but it is important that the American people know how outrageous the Supreme Court's decision was.

Would the Chair now announce morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees and the time from 10 a.m. to 4 p.m. controlled in alternating blocks of time, with the majority controlling the first block and the Republicans controlling the next.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in morning business, and the Senator is recognized.

THE DISCLOSE ACT

Mr. DURBIN. Mr. President, when I reflect on the current state of frustration most Americans feel about our political system, I know there are many reasons, not the least of which is the state of our economy. When people are uncertain about their economic future, they are certainly unhappy with political leaders because that is whom they

look to first and foremost for some assurance that our economy is moving forward and creating opportunity for them in the future. Where there is uncertainty, it is understandable that it translates into frustration with politicians and our political process.

But I would tell you that as I reflect on the many years I have been involved in public life, there is one aspect of this which really needs to be addressed, honestly and openly discussed, and that is how we finance our political campaigns in America. I think this is at the heart of the current weakness of our political system and a real challenge to its future.

I can tell you that most every individual who sits down to make the decision about entering public life has that sobering moment when they reflect on the fact that this isn't just a matter of how hard you work or how good you are or what your ideas might be. It has a lot to do with how much money you can raise. And if you can't raise enough money to deliver your message through radio or TV or social networking and all the different varieties of reaching the voters, even the very best candidates don't stand a chance.

I came to the Senate succeeding my mentor and great friend Paul Simon, who was a Senator from Illinois. Paul Simon would have run successfully if he had tried for another term in the Senate, but Paul announced that he just didn't want to go through that arduous battle of raising money—literally sitting on the telephone hour after weary hour trying to get through to people to beg for money. That is the plight of most people who decide to be political candidates. So those who do engage in that process and accept that challenge know it is going to consume at least half of their waking moments as a candidate—raising money so that you will be on television in the important close of the campaign. You know as well that you are going to be calling a number of people, some of whom are very gracious and giving without any demand for return and some who just want to call you back at a later time when something important to them comes up. That item of importance may be at the highest level of principle, but it may not be as well. It may be something very personal to them about their business or their family that brings them to ask a favor. That is the nature of the political process.

Now insert into that process the new decision by the Supreme Court, which has decided that not only individuals have the power under our Constitution and Bill of Rights to express themselves through the expenditure of money but that now corporations do as well. This Citizens United decision by the Supreme Court—a Court which many had praised as being a conservative Court bound by precedent—broke precedent, established new standards,

and basically allows corporations and special interests across America to spend unlimited amounts of money in political campaigns. Now the hardest working candidate of either political party, working night and day to raise money, can be overwhelmed and eclipsed overnight by a special interest group or corporation that decides to spend millions of dollars to tell their side of the story. And trust me, these corporations won't get up and say: We had a narrow amendment in our self-interest to try to maximize our profits, and the incumbent Senator voted against it. That isn't how they will tell the story. They will tell the story about how this politician had basically turned his back on the people who elected him or takes a position they do not appreciate. How does the average person—the average candidate—overcome that kind of attack? The Citizens United decision by this Supreme Court has turned our political system upside down.

Here is a quote that accurately describes what we are trying to achieve with the DISCLOSE Act, which we are going to call up for a vote. The DISCLOSE Act addresses the Citizens United decision by the Supreme Court. We are going to be voting on this for the second time. The first time we voted on it, not a single Republican would join us in an effort for disclosure—disclosure by these special interest groups and corporate groups that are buying these political ads. Let me quote from a Member of the Senate. This Member of the Senate said:

What we ought to have is disclosure. I think groups should have the right to run those ads, but they ought to be disclosed and they ought to be accurate.

Who said that? The Senator from Kentucky, who has just come to the floor. The minority leader said that in the context of the McCain-Feingold campaign finance bill in 2002.

The Senator from Kentucky, the Republican minority leader, is not the only Republican who would seem to support the principle behind the DISCLOSE Act. The Senator from Alabama, Mr. SESSIONS, the ranking member of the Senate Judiciary Committee, said earlier this year:

I don't like it when a large source of money is out there funding ads and is not accountable. To the extent we can, I tend to favor disclosure.

The Senator from Texas, Mr. CORNYN, chairman of the Senate's Republican campaign committee, apparently agrees with that sentiment. Here is what he said earlier this year:

I think the system needs more transparency so people can more easily reach their own conclusions.

I agree. I agree with these statements by Senator MCCONNELL, Senator SESSIONS, and Senator CORNYN, and I think the statements they have made give them good reason to vote for the

DISCLOSE Act, which they initially opposed and I hope, in reconsideration, might favor.

The DISCLOSE Act would bring greater transparency to the source of campaign ads flooding the airwaves before an election so that voters can make good decisions for themselves as to whether the ads are truthful.

As a voter, I would want to know who paid for the political ad, and I do not want foreign companies trying to buy our elections. Shouldn't we know if some foreign corporation is buying ads to defeat an American politician? Shouldn't we have that disclosure? That is what the DISCLOSE Act says, and those who oppose it oppose that kind of disclosure.

As a taxpayer, I don't want big companies with more than \$10 million in Federal contracts to be able to buy ads to curry favor with those Congressmen and Senators who happen to want to help them without disclosing who they are. Is it too much to ask that someone who has a vested interest in government contracts and buys ads to influence the outcome of an election to elect a Senator or Congressman who will vote their way at a minimum disclose who they are?

As a shareholder of a company, I want to know what political activities the management of that company is spending my company's money on. If the board of directors or one member or the CEO decides to spend several million dollars defeating a candidate, should the people who own the company, the shareholders, at least know that and be in on the decision?

The DISCLOSE Act would help with all these goals. It would make CEOs and other leaders take personal responsibility for their ads. It would require companies and groups to disclose to the FEC within 24 hours of conducting any campaign-related activity or transferring money to other campaign groups. It would prevent foreign companies from contributing to the outcome of our election. It would mandate that corporations, unions, and other groups disclose their campaign activities to shareholders and members in their annual and periodic reports. It would bar large government contractors from receiving taxpayer funds and then using that money to buy campaign ads. It would restrict companies from sponsoring a candidate. It is all common sense.

Let me be clear. I personally think we should go further to change the way we finance campaigns. I am the author and lead sponsor of the Fair Elections Now Act, which would allow viable candidates who qualify for the fair elections program to raise a maximum of \$100 from any donor. These candidates would receive matching funds and grants in order to compete with those high-rolling candidates who have personal wealth. That would change

the system fundamentally, to move toward a system of public financing. Those who criticize it should take heart from the States that have brought it to a referendum, which have said repeatedly that they would much rather have public financing and take the special interests out of politics even if it meant imposing a tax—as we do, for example, with corporations doing business with the Federal Government—a tiny tax, which would generate enough money for the campaigns across the Congress and get us out of this money chase we are currently in. It would change the system of politics fundamentally. It would put the average citizen back in the picture, and I think it would begin to restore confidence.

Until we change the way we finance campaigns, I do not believe we can restore confidence in our political system to a level that it should be. But in the wake of the Citizens United decision, we are moving in the opposite direction. Allowing companies to spend freely and directly on political campaigns—we should at least have the transparency that is being asked in the DISCLOSE bill. Is it asking too much to require a group or company to at least mention who is sponsoring an ad so the American people know who is paying for it? I don't think it is. Once upon a time, many Republicans agreed with me.

I will close with one more quote from the Senator from Kentucky, the minority leader, from an interview years ago on "Meet the Press." Here is what he said: "Republicans are in favor of disclosure." We hope they will be in favor of the DISCLOSE Act, which calls for disclosure. You can't state a position much more clearly than the Senator did. I hope they still feel that way. I hope Senate Republicans will join us in a meaningful disclosure method for campaign finance reform that will move us in the direction of giving the voters more information so they can decide which candidates they want to support and know who is supporting different causes and candidates.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DURBIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I am not sure what the parliamentary situation is, but I am going to proceed under my leader time.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

THE DISCLOSE ACT

Mr. MCCONNELL. Mr. President, here we go again, back to the DISCLOSE Act. Americans are speaking out. They want us to focus on the economy, on preventing tax hikes, on cre-

ating jobs. What do Democrats do? They turn to the so-called DISCLOSE Act, a bill they say is about transparency in elections but which was drafted behind closed doors, without hearings, without testimony, and without any markups; a bill which is supposed to be about free speech but which picks and chooses who gets the right to engage in political speech and who does not; a bill that is back on the floor for no other reason than the fact that our friends on the other side have decided this week is politics-only week in the Senate. Let's be clear from the outset. That is all this is—pure politics.

Over the past couple of elections, our friends on the other side have gotten a lot of help from their union allies and other outside groups—so much so, in fact, that they were able to outspend their opponents 2 to 1 in 2006 and 3 to 1 in 2008. That is our friends on the other side of the aisle. But now, after spending the last year and a half enacting policies Americans don't like, they want to prevent their opponents from being able to criticize what they have done. They hear Americans speaking out, they see some energy on the other side, and they don't want to take the kind of criticism they have leveled at Republicans for the past 4 years, so they are trying to rig the system to their advantage. That is it. It is quite simple—just to rig the system to their advantage.

The only question here is why our friends on the other side would want to propose something like this when Americans are screaming at them to focus on the economy instead. Just look at the surveys. What are Americans most concerned about? It is no secret that Americans want Congress to focus on jobs and the economy. Yet, over the last 2 months, in the midst of what Democrats are remarkably calling "recovery summer," the President has devoted two of his weekly radio addresses to the Nation to making a personal pitch for this bill.

Today in the Senate, in the middle of the worst recession in memory, the Democratic leadership has decided to spend the next 2 days on the same failed partisan campaign spending bill aimed at giving Democrats a political edge. It is truly astonishing. It seems as if the more Americans say they want Democrats to focus on jobs, the more determined they are to press ahead with some piece of legislation aimed either at killing private sector jobs or, in the case of this bill, preserving their own jobs.

Here we are, in the middle of a recession, with 27 States yesterday reporting increases in unemployment, 14 million Americans looking for work, and a national debt that is putting the very future of the American dream in jeopardy, here we are voting on a bill that amounts to little more than an incumbency protection act for Democrats in

Congress. If Americans are looking for one final piece of evidence in this Congress that Democrats have lost perspective and lost touch with Americans, then this is it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

HONORING CONLEY INGRAM

Mr. ISAKSON. Mr. President, I rise for a moment to pause and pay tribute to the life and accomplishments of a citizen of my home community, Judge Conley Ingram. In fact, in a few days a number of members of our community, his friends and associates over his career in law and community service, will join to celebrate his life and achievements and his birthday. He is a remarkable person whom I admire greatly because he has been a mentor to me and the example I have tried to follow. Unfortunately, I will not be able to attend that particular program, but today on the floor of the Senate, I wanted to memorialize a true storied jurist of the State of Georgia, probably amongst the top three or four from our State in the history of our State. He is a man who stands shoulder to shoulder with men such as Griffin Bell, the former Attorney General of the United States, and former Assistant Attorney General Larry Thompson.

Conley Ingram has done about everything you can do as an attorney and a lawyer. When he graduated from Emory University 59 years ago and went into the service, he taught at the Judge Advocate School in Charlottesville, VA. From there, he went on to be city attorney, special assistant attorney general, juvenile court judge of the County of Cobb, and went on to become superior court judge in the County of Cobb. He then founded his own law firm and ran it for a number of years until he became a justice of the Supreme Court of the State of Georgia. After leaving there, he went with the storied firm of Alston & Bird and became probably the Nation's most recognized arbitrator and mediator of any attorney in the country. And not to finish and not to quit, for the last 12 years he has been a senior special superior court judge in Cobb County, GA, serving all the time the citizens of our State.

But his greatest service is the example he shows. He has been selected our Community Citizen of the Year. He received excellence awards for the legacy he has left not just for his work on the bench, not just his work as a lawyer, but his work for the betterment of the community, whether it is the Boys Club or the Girls Club, whether it is his church, or whether it is his neighborhood.

But for me, there is one special thing to say about Judge Conley Ingram: He is a man who takes time for everybody. He is a man who is willing to help. He

is a man who would rather find common ground in the interest of both parties than have a winner-take-all philosophy of life.

Probably the greatest blessing of Conley Ingram's life is his wife Sylvia, whom my wife Dianne and I cherish as a dear friend.

So this week in which our community will celebrate the many accomplishments of the 59 years of the practice of law of Judge Conley Ingram and his life in general, I am proud to stand on the floor of the Senate and say: Conley, thank you, not just for what you have done for me but what you have done for so many people in our great State and for this great country, the United States of America.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DISCLOSE ACT

Mr. MERKLEY. Mr. President, I rise to speak about an issue of critical importance to the future of our democracy. I have in my hand the majority opinion titled "Citizens United."

This Supreme Court decision, decided on the narrowest of grounds, is of profound importance to our Nation and how the voices of citizens get heard or get drowned out. This decision, Citizens United, is a dagger poised at the heart of American democracy.

Our Nation is unique in world history in that it was founded not on nationality of royal bloodlines but on a simple idea, a simple yet revolutionary idea that the country's people are in charge.

As was so often the case, Abraham Lincoln said it better than most. He said, the United States is a "government of the people, by the people, for the people." What that means is that we elected officials work for the people. They elect us. They are in charge.

But this formula, government by and for the people, cannot survive if our elections are not open, free, and fair, and Citizens United ends open, free, and fair elections in America. This decision says that unlimited secret and foreign funds can be spent on elections in the United States of America. Let me restate that. This decision, Citizens United, says unlimited secret funds can be spent on elections in the United States of America.

This is not just some hypothetical. Reports estimate that over the last few weeks, \$24 million has been spent in secret spending, with no ability to trace who put it into campaigns. The results

are negative attack ads barraging candidates in State after State after State, under, I am sure, pleasant-sounding names such as Citizens for a Strong America or Citizens for Blue Skies or Citizens for a Better Nation, front groups that are using this secret money, allowed by this decision, to drown out the voice of the American citizen in elections across this land.

Government is not by and for the people if corporations and even foreign corporations and giant government contractors are able to hijack our electoral process to run millions of dollars of attack ads against any candidate or legislator who dares put the public interest ahead of the company's bottom line.

Our Constitution, through the first amendment, puts the highest protection on political speech, recognizing how important it is that citizens be able to debate the merits of candidates and ideas. But the essence of the first amendment is that competing voices should be heard in the marketplace of ideas. The Citizens United decision gave the largest corporations a stadium sound system to drown out the voices of our citizens.

Let me give you some sense of this. Take a single corporation in 2008, Exxon Corporation. Exxon Corporation made a lot of money in 2008. If it had spent just 3 percent of the total net revenue it had that year, that would exceed all the spending by Presidential candidates for the 2008 election. Three percent of a single corporation's net revenues would drown out all the dollars spent by citizens in the Presidential race in the 2008 election. That is the stadium sound system I am talking about.

Think about the scale. My Senate race was far and away the most expensive election in Oregon history. Two candidates together spent about \$20 million. To translate that back to a single corporation, Exxon, that would be the amount of money in net profits they made every 10 hours. You get some sense, then, of the challenge.

If you like negative ads, you will love the impact of Citizens United. Imagine what corporations will do to put favored candidates in office. The sheer volume of money could allow corporations to handpick their candidates, providing unlimited support to their campaigns, and take out anyone who dares to stand for the public interest.

The DISCLOSE Act we are debating is not a perfect solution to this attack on American democracy. But it does change one critical feature; that is, secret spending becomes publicly disclosed spending.

My colleagues on both sides of the aisle have spoken time and time again about the importance of public disclosure and democracy. One of my colleagues from Texas said:

I think the system needs more transparency so people can reach their own con-

clusions. In other words, people should know who is funding that campaign ad.

One of my colleagues from Tennessee:

To me, campaign finance reform means individual contributions, free speech, and full disclosure. In other words, any individual can give whatever they want as long as it is disclosed every day on the Internet. Otherwise you restrict free speech and favor super rich candidates, candidates with famous names, the media and special interest groups, all of whom can spend unlimited money.

That is a strong statement by my friend and colleague from Tennessee in support of disclosure. The Republican floor leader, speaking in 1997:

Public dealerships of campaign contributions and spending and campaigning should be expedited so voters can judge for themselves what is inappropriate.

How can a voter judge the content of the ad if they do not know what money is behind it? So disclosure is something that has been a bipartisan concept. Folks have referred to it as sunshine is the best disinfectant. So this bill brings transparency. The DISCLOSE Act makes the CEO of a company stand by its words. The CEO would have to say, at the end of the ad, that they approved this message, just like political candidates have to do right now.

It is common sense. If a company is willing to spend millions working against a candidate, voters, our citizens, have a right to know who is involved instead of allowing them to hide behind shadowy front groups. Similarly, this bill would require 527 groups, which exist solely to influence elections, to be transparent about who is funding them. Voters have a right to know where ads and campaign dollars come from.

A second issue this act takes on is the pay-to-play issue; that is, the concept that groups that are competing for government contracts and winning those contracts have a particular conflict of interest when it comes to spending large volumes on campaigns. So this gets rid of that conflict of interest. It says it bars government contractors from running campaign ads or paying for other campaign activities on behalf of a Federal candidate.

We understand this conflict of interest. We have the Hatch Act. We understand Federal employees have a conflict of interest. We also understand government contractors have a conflict of interest. This bill also takes on the issue of foreign-owned corporations. It says that if a company is 20 percent foreign owned, it is not eligible to allow these massive expenditures on behalf of particular political candidates or causes.

Do we want to leave the door open to foreign corporations spending unlimited sums here in America to change the course of our Nation? I do not think so. I do not think any red-blooded American wants foreign corporations dictating the future of the United

States of America. That is what this act is about.

Essentially, what the Citizens United decision did, it created a "supercitizen" who can operate in secret with unlimited funds to influence American elections. A few years ago, I was with my son on the first floor of the Lincoln Memorial, down under the stairs. I saw a quote that had been posted on the wall. It said something to the effect of: The greatest threat to the success of our Republic is that the citizens have an equal voice.

I said that is an interesting quote coming from a President in wartime, in a civil war, dealing with slavery. So I asked the ranger: Say, do you know the background of that quote? Because I was surprised President Lincoln did not say the biggest threat was the war or slavery or reuniting the sides or preserving the Constitution. But he said: the citizens' voice, preserving the citizens' voice.

The ranger lit up and said: Yes, actually, I do know the background to that. He said: During the civil war, President Lincoln was very concerned that the military contracts that were being let by the government were resulting in numerous representatives of companies coming to DC and lobbying intensely to get those contracts. He was concerned that voice would drown out the voice of the people.

It is no wonder. It fits right with a President who understood the heart of the genius of American democracy, that we are talking about government by and for the people.

Well, Lincoln's concern about that conflict of interest is one that should be magnified many times today in the context of Citizens United. Citizens United, that allows unlimited secret donations and foreign donations to influence the course of American elections.

President Lincoln reminds us the essence of our Nation, the cause that brought a generation of patriots to challenge the greatest military power of the 18th century, the idea that has inspired people to leave everything to come to our shores is a government of people, by the people, for the people.

So let's say no to secret spending. Let's say no to foreign corporations. Let's say no to the conflict of interest of government contractors using their profits from their contracts to weigh in and try to influence and getting favoritism with candidates. Let's say yes to government by and for the people.

We need some profiles in courage today to preserve the heart of our democracy, government by and for the people.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR.) The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I come to the floor in an effort to try to get my colleagues on the other side of

the aisle to join us in preserving our democracy. I heard the Republican leader's remarks that we should be focused on jobs, and we have been, notwithstanding the constant obstruction of our colleagues on the other side of the aisle by using the filibuster countless times in terms of us being able to move forward on jobs.

But this legislation is about jobs. Some people might ask: Well, what does the disclosure of campaign finance have to do with jobs? It has everything to do with it because the murky special interests that are out there spending unlimited amounts of corporate money are not spending it because they just want to participate in our electoral process without a purpose. They are participating because they have a purpose.

The purpose is to elect those individuals who ultimately will respond to their agenda, which is an agenda that, in many cases, works against the interests of working men and women in this country; works against some of the very essence of legislation we have passed and signed into law such as equal pay for equal work; works against the very interests of what we are trying to accomplish on food safety so none of our families will ever get ill because of a product that should have never made it to their table in the first place; works against the interests of those in this country who want to work and give a hard day's work for a fair day's wage and at the same time work in conditions that ensure their safety is preserved and they can go home at the end of a long day to their loved ones and come home safe and secure—those and so many other interests. So when we talk about jobs, knowing who is out there spending money for what purpose, particularly for what corporate purpose, is incredibly important to how we create jobs, what do we do in terms of working conditions, what do we do in terms of wages, what do we do in terms of equity. This is about jobs. It is also about our democracy.

Since the Supreme Court made its decision allowing corporate interests and labor interests to spend money unlimitedly—and, by the way, in doing so also allow the possibility of foreign corporations, many of which are not just private foreign entities, they are foreign entities controlled by a government—the money is flowing. Don't believe me, even though we have seen since August 15 to last night \$21 million already spent on the Republican side of the aisle in independent expenditures, unknown money, no person, no face, no name. That is why I guess we can't seem to get a vote. But don't listen to me. Listen to Michael Toner, former Republican Federal Election Commission Commissioner. He said:

I can tell you from personal experience, the money's flowing.

For what purpose? Corporations just spending their money for something

other than the pursuit of the bottom line? When have we known a corporation to spend its money recklessly without pursuing an interest in the bottom line? I haven't seen too many of those. They may have made bad mistakes, but they have never purposely spent money for the purposes of anything other than to improve their bottom line. So if they are spending money in elections, they are spending to make sure they can improve their bottom line. This undermines the very essence of our democracy where we want individual citizens and voters to determine the outcome of the elections, not the monied interests.

In this process, this was a bipartisan effort originally when Congress said: We don't want corporate or labor money to be spent unlimitedly in Federal elections. We have had continuous comments since then. Here is the Republican leader, Senator MCCONNELL:

Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.

We have changed that view because all we are trying to do is say: OK, Supreme Court, you are going to allow the money to flow from the corporations. Let us know who is spending it and on whom they are spending it and for what purpose. Then the voters can judge for themselves what is appropriate.

We have had others as well who are in the midst of this election process, such as my counterpart Senator CORNYN, saying:

I think the system needs more transparency, so people can more easily reach their own conclusions.

What do we have? Less transparency. So an individual who gives their money to a candidate, they get fully disclosed. A corporation or a special interest or a foreign interest gives money, they can hide behind these shadowy groups. They have great names—Americans for this, Americans for that. The problem is, we don't even know if one of those groups that call themselves Americans for X, Y, or Z is actually an American corporation. With the loophole created by virtue of allowing foreign corporations to now spend in our elections, it is the ultimate erosion of our democracy.

If Members don't think they will, let me cite a few examples of why they might. Imagine if BP could go ahead and influence the elections of a whole host of Senators because they want to determine what our energy and drilling policy is by electing those who ultimately share their views. After what they have done in the Gulf of Mexico, after what they refused to do in testifying before a hearing that I will hold next week about the release of the Pan Am 103 bomber and what role they played in lobbying for the release of that terrorist that killed Americans

they can't even send a witness to our hearing, do my colleagues think they would not be interested in spending millions to determine who can be supportive of what they want?

Do Members believe the Chinese wouldn't ultimately make investments in candidates who continue to espouse a philosophy that allows jobs to be offshored? Talk about jobs to be offshored to countries such as China where manufacturing is dirt cheap and rights are nonexistent and working conditions virtually don't exist and the environment is not a question. Do Members think it is impossible for that to happen?

Do Members think it is impossible for Hugo Chavez not to be spending money here through Citgo and saying: Let me support those who support the type of views I hold and who will engage in an energy policy that is much different than I can influence with Venezuelan oil?

Do my colleagues think there are those in the corporate sector who have been fighting food safety—not all but some—who wouldn't elect those individuals who will ensure that we can't have the food safety procedures to come into the 21st century so that we can ultimately ensure that our food is safe? No, they would rather have the ability to do what they do and not have to worry about the consequences of safety to improve the bottom line.

I could go on and on with examples of why foreign interests spend well in our elections to dictate policies that ultimately would inure to the detriment of the American people and to the benefit of their interests. That is what we are fighting against. That is what we are trying to undo in terms of the legislation we are considering, to disclose. What a terrible thing, to disclose. We are not even stopping the contributions because the Supreme Court said the contributions can be made by corporations, but at least let's know who is giving them and who they are giving it to and for what ostensible purpose.

I see a continuing erosion of our democracy through the present circumstances. I see why we can't get a vote on the other side of the aisle because, overwhelmingly, they are receiving the benefits of this undisclosed, shadowy money that no one knows where it comes from, no one knows who is giving, for what purposes. Is that really the American way? Is that what the average voter wants to see in terms of their democracy? I don't think so.

I urge my colleagues to follow the essence of McCain-Feingold. Senator MCCAIN and Senator FEINGOLD authored legislation. All of those who made comments about disclosure, it is time to at least simply disclose. It is time to allow the American people to know who is engaged in this election, who is spending millions. They are

talking about raising and spending nearly \$300 million. There are 41 days to the election. We would not know where it came from, who is giving it, for what purpose. That is the ultimate corruption of our system.

I hope my colleagues will vote to proceed. Let's have the debate and, more importantly, let's cast a final vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I believe the eloquence of Senator MENENDEZ marks a high point in the debate. I don't know that anyone could have expressed what is at stake as well as he did. I will make a humble attempt to build on what he said. Before he leaves the Chamber, in a country of, by, and for the people—our country—the people have a right to know who is supporting their Senators, who is opposing their Senators, who is supporting their Members of Congress, who is opposing them. That is all we are asking. It is simple. It is the American way. We do things in the light. It makes us different than other countries. The DISCLOSE Act is essential. I thank my colleague for his leadership.

The DISCLOSE Act is a much needed response to a Supreme Court decision in Citizens United which essentially allows big money to drown out the voices of our people. I have always thought and believed—and still believe—that what makes us great is that we try to have laws that level the playing field so people who are extremely wealthy don't have more to say than those of modest means. How do we do that in everyday life? We try to have a public school system so we ensure that all children get an education. I personally am a product of public schools, kindergarten through college. Were it not for that, my family couldn't afford to send me to private schools. How could I have ever made it to a decent job, let alone to the Senate? In all of the things we try to do to try to have a safety net for people who are unemployed, everything we do, it seems to me has been to ensure we have a thriving middle class, that the American dream is there for people who work hard for it.

We don't want to get to a situation where simply because a corporation has, frankly, billions of dollars they can spend on campaigns, they can simply do it in secret and there is an ad run against a sitting Senator on either side of the aisle, and we don't have any clue who has put that money down. As Senator MENENDEZ says, they pick great names: Americans for Justice, Americans for a Better Tomorrow. They name great names. But who is behind it?

Frankly, we could have a foreign country behind that ad if they had a subsidiary in America they control. That foreign country could very well

be playing in our elections as we speak with the millions of dollars we see coming into the Senate races.

In the Citizens United case, the majority of the Court reversed a 100-year-old law and overruled decades of legal precedent when they decided that corporations and labor unions cannot be restricted from spending unlimited amounts in Federal elections because they equated any limits with violating free speech. I ask the question in this great country of ours, where we all have the privilege of living and we all have the privilege and responsibility of voting: Why is it that a nameless, faceless entity has more speech than any one of our citizens? Why? Because these corporations are worth trillions of dollars. The average person obviously has nowhere near it. The average income in our country is about \$50,000 for a family now, maybe a little less. How would that person compete with a \$1 trillion corporation? The Court doesn't seem to care about that, the majority, a slim majority, when they equate spending limits with speech.

What they actually said is that a corporation worth trillions gets to have much more speech than any one of my constituents in California or any one person in the whole United States of America. The decision was astounding.

It defies common sense to conclude that corporations or labor unions are citizens in the eyes of the law.

I said to my staff: Have you ever called a corporation and asked the corporation to go to lunch with you? Corporations are not people. They are entities. How the Court could equate corporations with people is amazing.

Mr. President, I ask unanimous consent for 2 additional minutes, and then I will finish up. And add that—

Mr. BOND. Mr. President, I do not object. Whatever time she needs I hope will be added on to the time that has previously been allotted. I do not want to cut short the comments of my friend from California.

Mrs. BOXER. That is extremely kind of my colleague.

Mr. President, I ask unanimous consent to take 5 minutes and to add that on to Senator BOND's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. So the decision was astounding to equate people with corporations and unions, on its face. As Justice Stevens wrote in his dissent:

Corporations have no consciences, no beliefs, no feelings, no thoughts, no desires . . . they are not themselves members of "We the People" by whom and for whom our Constitution was established.

We all know corporations are important in our lives and they make enormous contributions to society, but they are not people, and their profit motive keeps them going. That is our system, and that is fine. But all we are

saying in this debate over the DISCLOSE Act is, if a corporation or a union is going to take out an ad against a Senator or for a Senator, or against a challenger or for a challenger, that they simply stand up and say—that is, the CEO of the corporation: I am Mr. Smith, and I approved this message.

When I make a commercial or any of my colleagues or any of our challengers, they need to do that. You will see that on every commercial: I am so and so, and I approved this message.

So all we are saying is, level the playing field—at least that. We need to do a lot more to fix this Supreme Court decision, but at minimum let's have disclosure. The Fortune 100 companies had combined revenues of \$13.1 trillion during the 2007–2008 election cycle. They had those revenues. If they devoted just 1 percent of that—1 percent of that—it would double the federally reported disbursements of all American political parties and PACs combined. I think we cannot allow our electoral process to be dominated by the special interests.

So all we are saying in the DISCLOSE Act is, stand up and be counted. Let us know who you are. We have to know who you are. Do not hide behind some shadowy name of a group. Again, these names are all very nice: Americans for this and Americans for that. Let us know who you are. That is all we are saying.

This is a government of, by, and for the people. The people have a right to know who is contributing to us, to our opponents, and it is very simple.

There could be foreign influence here, again I would say. In our bill, we basically say no foreign influence. If you are a domestic corporation who is controlled by a foreign country or a foreign corporation—say if China, say in Venezuela, say anywhere; pick your country—you cannot take an ad. This is America. We ought to know who is contributing these huge, enormous sums. We ought to know who they are. Our voters ought to know who they are. The American people deserve nothing less.

So I would hope when we take up this vote again, there will be no more filibusters over this issue. I have never seen so many filibusters. I have been here a while. Let's go to this legislation. Let's hear the other side defend why they think foreign countries or foreign corporations should be able to play in our elections. Let them defend it if they want to. That is fine. That is fair. I am sure they will come up with reasons.

But yesterday we could not go to the military bill. It has a pay raise for our soldiers. That is put on hold because people did not want to vote on the DREAM Act. They did not want to debate don't ask, don't tell. I do not understand it. Now we have a situation

where they are filibustering us being able to go to this very commonsense bill, the DISCLOSE Act, which many of my colleagues on the other side have supported in the past—simple disclosure, transparency. I could read you chapter and verse of my colleagues on the other side who were filibustering the DISCLOSE Act in the past saying: We want transparency.

So I think this is a pretty open and shut case. The American people have a right to know who is influencing their elections. Just have these corporate executives, these union executives stand up and say: I am so and so, and I support this message, and I paid for it.

With that, I am happy to yield the floor with great thanks to my colleague for allowing me the opportunity to complete my remarks.

Thank you very much. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

TAX INCREASES

Mr. BOND. Mr. President, this morning, all across America families are struggling to make ends meet. Their incomes are stagnant, but the cost of living keeps rising and the tax burden they face at the Federal, State, and local level keeps getting worse—and they are threatening to go higher.

Just as troubling, today's ongoing economic uncertainty is crippling job creation and hurting small businesses—the real engines of growth in our country. Some of our small businesses have told me it is not uncertainty, it is the certainty that they know what the Federal Government has already done in the health care bill this body, unfortunately, passed.

But what is the answer from Washington to this situation? More job-killing taxes.

Let me be very clear: The last thing we should be doing in this difficult economy is raising taxes on American families and small businesses. It is a recipe for disaster. I do not think anyone believes raising taxes on somebody in a recession is a good idea, particularly on the very small businesses we need to hire more workers and get the economy back on track. But unless Congress acts before the end of this year, that is exactly what will happen.

This is not a Republican or Democratic issue, which is why 31 House Democrats have recently written the Speaker of the House urging her to act now to stop the tax increases on the American people. As these 31 Democrats said, defying their leadership, raising taxes now could “negatively impact economic growth.” Obviously, that would affect jobs.

Instead of listening to the American people, and even those members of his own party, President Obama is trying to convince our Nation that the largest

tax increase in history will not hurt them.

Whether it is justifying their failed trillion-dollar stimulus bill or government takeover of health care, which will cost even more, and now their historic tax increases, the administration is guilty of using some very fuzzy math.

Last week, the President took to the airwaves and claimed he “opposes tax cuts for millionaires”—a statement he repeated in Ohio as well. But the President's plan to increase taxes is on any individual earning \$200,000 or more or any couple earning \$250,000 or more. I do not know who the President is talking to, but I do not know any Missouri families with two working people making \$250,000 a year who consider themselves millionaires. In fact, these Missouri families would be surprised that the President lumps them in the same category as George Soros, Warren Buffett, and Bill Gates.

In fact, the tax on these “rich” people, as the President calls them, is a tax increase on small businesses. Under the President's tax increase plan, half of all small business income would be affected, and the President's tax increase plan would affect up to 25 percent of all American workers. They are employed by those small businesses, and they certainly will be affected.

According to the Wall Street Journal's September 9 article entitled “The Small Business Tax Hike and the 3 percent Fallacy,” IRS data shows that 48 percent of the net income of sole proprietorships, partnerships, and S corporations reported on tax returns went to households with incomes over \$200,000 a year in 2007.

It is very clear we are talking about small businesses that have a much broader impact than just 3 percent of all taxpayers, as the spin we hear from the White House puts it.

This plan to increase taxes defies common sense. At a time when we need small businesses to expand and to create jobs, President Obama plans on raising their taxes. Imagine that. When jobs should be our top priority, with unemployment near 10 percent, this Congress and the President are proposing a historic job-killing tax increase.

Bear in mind, according to the Small Business Administration, small businesses employ half of all private sector employees. They generated 65 percent or 9.8 million of the 15 million net new jobs produced over the past 17 years. They produce 13 times more patents per employee than large patenting firms.

The President has actually been very clear about his intentions for additional revenue raised by tax increases. As a matter of fact, on September 8, in Parma, OH, the President repeatedly said:

I've got a whole bunch of better ways to spend the money.

Well, Mr. President, I strongly disagree. As Milton Friedman once famously said:

Nobody spends somebody else's money as wisely as they spend their own.

I think we have all seen proof of this over the past 21 months, and it is not working. The nearly trillion-dollar stimulus plan that was supposed to create jobs immediately and keep unemployment below 8 percent failed, and now our children and our children's children are stuck with the bill that will be on their credit cards for a long time. But now the administration is pushing for even more tax increases in order to finance their massive spending spree.

Each time I return home, I am reminded of the anger and the distrust that my constituents have for Washington. The people of my State are angry. They are on fire. They have every right to be. The people in Missouri know that additional tax revenue generated from their hard work will not be used to pay down our national debt but, instead, it will be used for more spending they do not want and the country cannot afford. The people in Missouri know they cannot afford these tax increases. They want to keep more of their hard-earned paychecks so they can support their families.

On dividends and capital gains, the administration believes that taxes should go up. They also believe these two types of taxes on investment should be treated differently, with dividends being taxed as high as nearly 40 percent.

Higher taxes on investment income will halt new investment and force these investors with much needed capital on to the sidelines. If you tax something, you get less of it. If you reduce taxes, you get more of it.

But since Congress passed the 2,000-plus page regulatory overreach bill this year, we have seen a drop in capital formation, and tax increases will only continue to discourage private productive capital formation in the non-governmental private sector.

The looming tax increases will raise the price of capital and make lending much more expensive than it would be if we had properly reined in the bad actors and allowed the lending system to revert to practices based on credit-worthiness, which means it will be even harder for our small businesses to get the lending, borrow what they need to continue to meet their payrolls, continue to employ workers, and keep their lights on.

Dividends are payments made to shareholders by a profitable firm. They are the owners of the firm. Many of the folks who receive dividend income are not multimillion-dollar investors but, rather, many of them are seniors who rely on this as a supplement to their retirement income. We should not raise taxes on seniors who rely on this income.

Recently, I heard from a utility in my State that came in and talked about the increased dividend tax and the concern as to what it would do to their shareholders. Many of their investors are senior citizens who are by no means rich and who live off of this income every day. They do not want to have, and they cannot afford to have, the government reach into their pockets and take more money.

On the estate tax, death should not be a taxable event. There should not be taxation without respiration.

The death tax hurts small, family-owned businesses, especially our family farmers. According to the Farm Bureau, individuals, family partnerships, or family corporations own 98 percent of our Nation's 2 million farms and ranches.

When faced with the death tax, farmers and ranchers are in an especially tough spot with most of their assets tied up in land and buildings, livestock and equipment. This gives them little flexibility when settling an estate. Unlike an investor with a stock portfolio, they can't simply sell off the stock and move on.

The death tax punishes the American dream, making it virtually impossible for the American family to build wealth across generations, and this is particularly true for family farms.

The death tax is antisavings, antifamily, and anti-investment. Quite simply, it is un-American, and it should be eliminated, or at least it should be reduced.

Sadly, because of the Senate's failure to repeal this tax, I have signed on to the next best alternative—a bipartisan bill introduced by Senators LINCOLN and KYL which would increase the exemption for families to \$5 million from the \$3.5 million under the previous law.

Under the President's plan, when you die, your estate will be taxed at a whopping 55 percent for assets above \$1 million. The Kyl-Lincoln bill I am cosponsoring would reduce this rate to 35 percent for assets above the \$5 million exception.

Why is this important? Let me talk about farm country, where I live. Everybody knows that a successfully operated family-owned grain or corn or soybean farm is likely to have \$1 million worth of land and likely more than \$1 million worth of farm equipment so they can be a productive farmer in the world competitive economy. The President's plan would force these family farms to close rather than pass to the next generation of family farmers.

I say to my colleagues, unless Congress acts now, in less than 100 days Americans will be hit with the largest tax hike in our Nation's history. That is why I have joined with Senators MCCONNELL, GRASSLEY, and others to stop these tax hikes, cosponsoring the Tax Hike Prevention Act. This bill prevents the tax hikes scheduled for next

year, permanently passes the alternative minimum tax, and protects families from increased death taxes.

For most Americans across the Nation, recovery is what we desperately need. We need it in my State and we need it in every State. Small businesses are not hiring new workers or expanding. It is not just the uncertainty; it is the certainty of what the Federal Government is doing to them. Also, unemployment has been hovering at almost 10 percent. More than 3 million Americans have lost their jobs since February of 2009, and more have quit looking or are underemployed.

One of the best ways to help our economy and end the uncertainty that is crippling job creation is to stop the coming tax hikes. In addition to helping small businesses, stopping the coming tax hikes would let Americans keep more of their paychecks that they can save and invest. Our citizens know how to spend their money better than any government bureaucrat.

We have tried it with the government money. We have tried it with the government stimulus. The government stimulus stimulated the expansion of government. That is not productive. Let's try it the other way. Let's go back to what we used to do in this country and let the private sector work and develop useful products and services, sell those products, gain a profit, and hire more workers. It is time this Congress acts, and I hope they will act soon.

I thank the Chair and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

TAX POLICY

Mr. JOHANNES. Mr. President, I rise today to speak about something that is enormously important, and that is tax policy and the economy.

Over the most recent break, I had the opportunity to go out across the State of Nebraska. I traveled throughout the State and I conducted 14 townhall meetings. I listened to a lot of concerns, but there was one issue that dominated all of the discussion and that was the state of our Nation's economy. Nebraskans, like all Americans, are wondering when the economy will turn around. They are wondering when this administration is going to actually take action to support job creators instead of just talking about it.

A recent CNN poll shows that 57 percent of Americans disapprove of the President's handling of the economy. The President's job agenda to date has simply failed to produce the results that were promised.

Take a look at the economic stimulus that cost taxpayers \$862 billion—\$1 trillion if you add interest—and it has come up short. Instead of more government spending that fails to create jobs, we need to create a progrowth

environment that fosters job creation that is so desperately needed in every part of this great Nation. In order to do so, we must first and foremost give individuals and businesses some degree of certainty about the future. Unfortunately, the health care bill and the financial bill are doing exactly the opposite. Businesses are actually fearful of the regulatory environment and the list of pending tax hikes, causing them to wait out the anxiety and stay on the sidelines.

The National Federation of Independent Business describes it this way:

Uncertainty about the economy and looming tax hikes have kept this sector from hiring new workers, resulting in a weak economic recovery and slow to nonexistent job growth.

But the NFIB doesn't stop there. They further describe this:

Congress can take an important step to address the uncertainty by holding a vote and passing legislation extending all of the expiring tax rates. No small business owner should face higher taxes.

At a time when Americans are struggling in their businesses to meet next month's payroll, they don't need more uncertainty from Washington. What they need are assurances from their government that there will be no more taxes or unnecessary regulatory burdens piled on top of them at a time when their plates are already overflowing.

Even White House economic adviser Larry Summers recently acknowledged the importance of providing businesses with certainty about the future. He said something actually quite profound:

Confidence is the cheapest form of stimulus, and we've got to be very attentive to creating an economic environment in which there is confidence.

I agree with him.

One way to help eliminate this uncertainty and bring confidence back to the economy is to continue the current tax rates. Failing to do so will only cause further uncertainty and inadequate growth. Most alarmingly, letting these tax rates increase will result in the largest tax hike in American history. Let me repeat that: One hundred days from today, the largest tax hike in history will take effect, unless Congress acts.

Considering the state of our economy, with a lackluster growth rate of 1.6 percent and unemployment at 9.6 percent, with real unemployment in the double digits, tax increases are the last thing Americans need. Tax increases are the last thing our job creators need.

It is no surprise that businesses aren't willing to take the chance to expand and to hire. We keep hearing the President and his administration tell businesses to create jobs, to get off the sidelines. We keep hearing the President say that. Meanwhile, the same ad-

ministration has increased taxes, imposed mandates, created uncertainty, and now is willing to allow this massive historic tax increase to hammer our job creators. It simply makes no sense. Why would an administration that is supposedly committed to small businesses try to take more of their money while at the same time urging them to spend more money on expanding and creating jobs? Maybe it is because they claim that only rich Americans—rich Americans—would be impacted.

As small business owners across the country can tell us, this is simply a false notion. Many small business owners file as individuals and, therefore, report income above \$200,000. We rely heavily on these small businesses to use that capital to create jobs to boost our economy.

Over the past 15 years, small businesses have been responsible for generating—get this—64 percent of all of our new jobs. Under the administration's proposal, the Joint Committee on Taxation estimates that nearly 750,000 taxpayers with small business income will be hit with a tax increase 100 days from today. I don't get it. I can't fathom why we would raise taxes on job creators when we are facing record unemployment and a sputtering economy.

It is not just small businesses. It is also family farms and ranches that would be caught up in the net of this massive tax increase. Suddenly, they would all find themselves classified as the "rich" people this administration claims are the only ones impacted by this foolhardy policy.

It is unfair and unwise policy I am speaking about. What our small businesses, farms, and ranches need now is a stable economic environment, not tax increases from their government. It is time for government to stop suppressing businesses and give them a chance to grow in a certain environment—to expand, create jobs, to buy new equipment—because that is what will fuel job growth in this Nation. Our small businesses are the heart of our economy. We need to give them the opportunity to move our economy forward, not be stifled by government policies.

The original intent of the tax cuts when instituted nearly 10 years ago was to free up capital for these entities to grow, to hire, and to produce. In fact, in 2007, once these tax breaks had taken effect, our tax collections achieved an all-time high in this Nation. Let me repeat that. In 2007, once these tax rates took effect—they were fully in place—our tax collections achieved an all-time high. The reason is obvious. When you have people working, they pay taxes, they add to the economy, they fuel economic growth.

The bottom line is that tax breaks help to get our economy moving which, in turn, generates revenues. We saw it

in 2007. Even Christina Romer, the former chairwoman of the President's Council of Economic Advisers, recently published some research on tax policy. I am quoting:

Tax cuts have very large and persistent positive output effects.

In contrast, she wrote:

Tax increases appear to have a very large, sustained, and highly significant negative impact on output.

I couldn't agree more.

Standing idly by while taxes skyrocket at the end of this year, in 100 days, will—and it is very predictable—have a chilling effect on American businesses and, therefore, hard-working families. It is time that the actions of this administration and this Congress match the promises being made about creating an environment that fosters growth instead of hindering it.

The American people are no longer willing to accept empty words at face value. They want to see policies that match promises. Fortunately, it is not too late. This administration and this Congress still have an opportunity to make good on their promises to small businesses, to those working families, but it will mean taking action to prevent a massive tax hike on January 1, 2011.

I ask all of my colleagues to show they are willing to work together to fulfill their promises to small businesses. Let's deliver on those promises to provide stability instead of uncertainty. Let's work together to prevent a huge tax hike on our job creators in 100 days.

The American people—hard-working families—deserve no less.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DISCLOSE ACT

Mr. BROWN of Ohio. Mr. President, just yesterday, the Columbus Dispatch, the second largest paper in my State, reported that one single Cincinnati-based corporation gave more than \$450,000 to Karl Rove's outfit. Lest we forget, Karl Rove was the very political person in the Bush administration who was sort of the mastermind of dirty tricks and of raising tons of special interest money and the mastermind on a lot of the sort of, shall we say, disinformation coming out of the White House in the Bush years during the lead-up to the Iraq war—that Karl Rove. Again, the Columbus Dispatch reported that one single Cincinnati-based corporation gave more than

\$450,000 to Karl Rove's outfit to support advertising for one single Ohio Senate candidate.

That was reported from a generally conservative newspaper. The Columbus Dispatch is no friend of Democrats. They are a pretty Republican organization, although the reporters are fair-minded. So one corporation sent \$450,000 to one single Senate candidate. That corporation can do that because of the Roberts Court decision—the Supreme Court decision, with its new ultraconservative Court, which is perhaps more conservative than any Court in the 21st or 20th centuries, in a case called *Citizens United*. It is an outright corruption of our democratic process. But with the *Citizens United* case, it is a reality.

The Supreme Court opened the floodgates, allowing multinational, large corporations to bankroll their favorite political candidates and build a Congress in their image. They don't have to be American; they can be foreign corporations. It is not like the drug companies, oil companies, and insurance companies don't have enough power in Washington, DC. When they sneeze, too many people around here get a cold. When the drug companies, insurance companies, and the oil industry—these large corporations—want something, far too often they are successful in the Halls of Congress. That is the reason we have seen the obstruction in the last year and a half. That is why it is so easy for Leader McCONNELL to get 41 Republicans to oppose what we are trying to do in this body—because of the influence of these drug companies, insurance companies, the oil industry, and others—these huge companies that outsource jobs.

The Supreme Court is made up of almost all conservative appointees—a majority of them—backed by these major moneyed corporate interests, and this Court has given even more power to these corporations. In some cases, they said they can be foreign-based corporations.

In *Citizens United*, the Supreme Court swept aside decades' worth of established jurisprudence to abruptly—and radically—change the rules of the game to remake, if you will, our democratic system. The Roberts Court couched their activism in arguments about the first amendment.

I am not a constitutional lawyer; in fact, I am not a lawyer at all. When I hear: Should General Motors or should Pfizer drug company or should any large corporation have the same free speech rights as individual Americans, I don't think so. The Founders never thought about corporations having all the same first amendment free speech rights as individuals, as the pages sitting here do or as Americans in Toledo, Akron, and everywhere do by nature of the fact they are American citizens. They have free speech rights.

The Roberts Court decision said we are going to give free speech rights to corporations in every way, which means the free speech of an individual American is washed away, in political terms, because of the huge influence that a small number of corporations can have because they have so much money to inject into the political system.

Citizens United, therefore, buries the voices of everyday Americans, as Fortune 500 companies straddle the globe and reap billions in profits, and they can take just pennies on the dollar and lavish huge dollars on American campaigns. If a multibillion-dollar company drops \$1 million to help a candidate—as we are seeing with Rove's sort of sordid political operation—that is not very much money to that company. But that \$1 million certainly can wash away and so much counteract a bunch of American citizens in Mansfield, Lima, Springfield, and Zanesville, OH, who are giving \$20 each.

Average households are struggling to break even. How can you compare their ability to influence—ability to exercise their free speech—to that of a multimillion-dollar Fortune 500 company?

Look how that plays out. In 2009, corporations spent \$3.3 billion lobbying Congress to influence legislation, exerting far more influence on our political process than they should.

We saw how special interests spent more than \$1 million a day in an attempt to shape health care reform and Wall Street reform, and because of *Citizens United* they will be able to spend unlimited amounts of money to intimidate, retaliate against, and replace their foes in Congress.

If you speak up, as I am doing now at some risk—I am on the ballot in 2012. I know what this crowd is going to do because I do not always agree with BP's agenda or the drug companies' agenda. In fact, I usually do not. I also know these companies already have so much influence lobbying the Congress day after day, and now they are going to have greater influence in electing their allies to the House of Representatives and the Senate. They have turned this advantage into a corporate monopoly of political speech.

When campaigns overwhelmingly are run on television now, with millions of dollars spent—at least \$10 million will be spent in Ohio in the Senate race, probably more than that in the Governor's race—when there is that kind of money, it too often drowns out everyday Americans' free speech.

Most Americans today do not advocate for, nor would the Framers have envisioned a democratic system in which \$10 million contributions from corporations drown out \$20 donations that represent real people's real concerns. A lot of people give me \$10, \$20, or \$50 for my campaign. They are not trying to buy influence. They do not

buy influence with that. They contribute to me and the Senator from Illinois and others because they agree with what I do. They like the positions I take. They think I represent them reasonably well. But they are not going to influence the system. Contrast that with this more than \$400,000 donation to one political candidate from one corporation. What does that suggest might happen down the road?

Our democracy was once—I hope still is—on the power of a single person walking into a voting booth and casting a vote. It is based on individual rights, not corporate profits. But the *Citizens United* case gave corporations the power to put corporate profits squarely ahead of personal rights. That is why the legislation we are working on, the DISCLOSE Act, is so important. I guess that is why Republicans en masse seem to be opposing the DISCLOSE Act.

The DISCLOSE Act fights back by giving individual Americans more power to understand, to cast sunlight into the shadows of corporate political spending. It grants citizens power of information—information that breeds accountability and transparency. If a company engages in political activity, that company should be willing to identify itself—but not the way the *Citizens United* case is. That means the DISCLOSE Act would make CEOs do what political candidates do when they pay for political advertising.

When I ran for office, as I did in 2006 for the Senate, I looked into the camera and said: This ad was paid for by friends of SHERROD BROWN, so people would know I am responsible for this ad. Why shouldn't a corporation that writes a check for \$1 million to a political organization—why shouldn't that CEO be willing to and be told to and be forced to and be compelled to under law stand in front of the camera and say: This ad was paid for by XYZ Corporation. I take responsibility, and I am the CEO.

It helps the public follow the money behind the multimillion dollars that buy ads from shadowy groups. If BP were to give \$1 million to a political candidate in Ohio or Pennsylvania and nobody really knows it is a BP ad that has gone into this group, then the voters do not have any way of judging very much from that ad. But if the CEO of BP had to walk out in front of that camera and say: I am the CEO of BP, and I paid for this ad, that is going to send a message to voters: Do I want to support this candidate BP is supporting? But, instead, BP can get behind the desk and hide from disclosure.

I have heard people in this body—the Republican leader most prominently—argue ad nauseam on campaign finance laws that we need full disclosure, we need the sunlight to shine. This is his opportunity to step up and argue for full disclosure and go down to that well

and cast a vote: Yes, I agree with full disclosure.

They are not doing it now. Do you know why? So far, not one Republican has been willing to walk out here and make a CEO say: I am responsible for this ad. My corporation paid for this ad. They are not willing to because Republicans really know that come election time, when multinational corporations are willing to write million-dollar checks, they are going to be the beneficiary—not that my party by a long shot is perfect, but we know that Republican candidates are almost always supported by the biggest multinational, often foreign corporations in this country—the big oil companies, the big insurance companies, the big drug companies—that already have too much power here, but they are going to have more power here because they are spending all this money to elect conservative, Republican, pro-corporate, at-any-cost candidates. What that means is higher taxes for individuals as corporations pay less—less corporate responsibility for deregulation of Wall Street and the environment. Look at what happened to Wall Street in the last 3 years. Look at what happened to the environment with BP. The merry-go-round will continue.

The DISCLOSE Act also has a provision that says political decisions cannot be influenced by foreign-owned companies. We are putting a prohibition in this bill that a foreign-owned company cannot come to America and buy elections. I am incredulous that my Republican opponents—who always talk about nationalism, always challenge patriotism of people with whom they do not agree, always are talking about our national interests, always bashing immigrants—would not agree with us that foreign companies ought not be able to come in and buy American elections. I guess that is OK to them too, because our bill says foreign-owned corporations may not participate in American elections in this way.

To me, it is bad enough that a company based in the United States—this is the case where a company that is based in the United States but owned by a European interest can still contribute. That is what the Citizens United case said. We are saying no to that. Think of a U.S.-based, Chinese-owned company spending millions to influence a trade or manufacturing bill.

One of the things I fought for—and I know the Presiding Officer agrees with this, and it has been supported—is made-in-America provisions. We have seen in downstate Illinois, in suburban Chicago, in Dayton and Springfield, OH, Cleveland and Toledo, a significant erosion of our manufacturing base. One of the reasons for that is that companies have moved offshore because of bad trade agreements and bad tax law that we are trying to fix even though it

has been blocked by the other side. We also know most Americans would love to buy clothes made in the United States, would like to buy products. They go to stores and cannot find products made in the USA. Tell me that a foreign-owned corporation that spends political money, comes in and gives hundreds of thousands of dollars to a conservative political candidate, tell me that corporation is not going to lobby that Member of Congress against some of our made-in-America laws we have tried to enact. You can bet those conservative politicians who love to trumpet their patriotism and accuse others who disagree of not being so patriotic will find a way to oppose strengthening made-in-America rules.

If anything should bear the label “Made in America,” it should be our elections. I am amazed that Republicans in this body do not agree with that.

It used to be that the disclosure of campaign expenditures was bipartisan, Republicans and Democrats. It is bipartisan in the public; it is just not bipartisan here. We should not want to see our democratic system become the puppet of corporate America or any special interest. Transparency matters. People ought to know from where these dollars come. Disclosure matters. Companies should have to disclose and take responsibility for those ads and those contributions. By enabling Americans to see behind the curtain, the DISCLOSE Act ensures Americans will not be left in the dark.

The bill restores some of the integrity and the transparency that the Citizens United decision stripped from our political process. Let's not forsake this opportunity. I know it will not affect the tens of millions of dollars Karl Rove and his friends in the Bush administration are spending in campaigns this year, but if we do this bill right, it can affect elections in the future in a positive way so that elections, one, will be made in America; and second, for people who give money, there will be transparency and disclosure so the public knows which corporations are putting how much money into whose campaigns, and it will mean ultimately that corporations take responsibility for the decisions they make and the money they spend in the American political system. It is what the rest of us have to do. CEOs should have to do the same.

Mr. President, I yield the floor and suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINA PNTR

Mr. BROWN of Ohio. Mr. President, I wish to mention something else after talking about the, perhaps, Chinese influence on American elections and other countries' influence on American elections and how Republicans do not seem to want to stand up for the American people's first amendment rights and national interests. I wish to talk about something that is more bipartisan, in a sense, and is every bit more disturbing; that is, 10 years ago this month, the Senate sold out American manufacturing. Ten years ago this month, by a vote of 83 to 15, the Senate passed a bill establishing permanent normal trade relations with the People's Republic of China. I remember. I was in the House of Representatives, and I opposed this measure. We were joined by most of the Democrats and a number of Republicans, but we were unable to defeat it. It was a fairly close vote.

The proponents of China PNTR came to our office, the people who wanted to give these extra benefits to China. It was initially called most-favored-nation status for China. The supporters thought that did not sound very good, even though we had used that term for years, and called it permanent normal trade relations with China. They put another name on it; they put lipstick on that pig. What the supporters said to us—the CEOs who came to Congress and one at a time talked to us—was that they could not wait to pass PNTR because they would then have access to 1 billion Chinese consumers, so those consumers could purchase American-made products. They wanted access to 1 billion Chinese consumers. It sounded pretty good. As you know, it was not quite the story because as soon as PNTR passed, as soon as they changed the rule, the story became not 1 billion Chinese consumers about whom they were excited, it was 1 billion Chinese workers about whom they were excited. You could see American companies crossing the ocean—shutting down a plant in Dayton, OH, and moving to China; shutting down a plant in Youngstown, OH, and moving to Shanghai; shutting down a plant in Toledo, OH, and moving to Wuhan; shutting down a plant in Lima, OH, and moving to Beijing or Quang Chau.

I think it is the first time since colonial days—maybe ever—the first time when a business plan—get this—when a company's business plan is this: The first thing you do is lobby Congress to change the rules. The second thing you do is start to shut down plants in your home country with your home country's workers, where your entire company was established and grew. You have shut down production in your country. You move several thousand miles away, set up production, understanding that the workers work more cheaply, the workers work for less pay,

the country does not have strong environmental rules and has very few protections for workers.

They make the product, and then they sell the product back to the home country. This business model, after getting the law changed—PNTR—10 years ago this month, was to move overseas, make the products there, then sell them back to the original home country. That is bad for the environment, first of all. It is bad for our workers and bad for our communities when a plant shuts down.

Look what has happened. We have seen since PNTR passed a 170-percent trade deficit increase in the last 10 years. China continues to undermine free market competition, and it leaves American workers and manufacturers in severe disadvantage. Instead of helping U.S. companies export more products to China, our trade policies have permitted China to manipulate its currency, provide illegal subsidies to Chinese exporters, and artificially price Chinese goods, so U.S. manufacturers have to compete against a flood of cheap imports.

Do you know what happens? When I see people supporting this—people talking about small businesses—here is how wrong they are. When a large company leaves Akron or Canton, OH, and pulls up stakes and moves to Mexico or China—a large assembly company, an auto plant, for example—you know what happens to all the small companies and small manufacturers. They don't have the wherewithal or the sophistication to move to China or Mexico so they lose 30 percent of their business—a little tool and die shop in Akron, a little machine shop in Hamilton, OH, whatever—because they have lost their major customer. Look what happens to them and to their workers. So big companies move overseas and all the component manufacturers are out of luck, all because of this trade policy and this tax policy which makes it more attractive for a company and a CEO—well, the CEO doesn't move, he or she still lives here—to move their company to China and then sell back into the United States.

Second, our Nation's trade policy—this PNTR bill that passed 10 years ago—sold out American manufacturers and undermined our Nation's ability to lead the world in clean energy. China, which barely had a wind turbine or solar manufacturing presence at all a decade ago, by the end of this year may be making, or close to making, half of all wind turbines and solar panels in the world—in 10 years. And they are not making them—most of them—to sell in China but to export, much of which comes back to the United States. More than 70 percent of the world's clean energy components are manufactured outside the United States.

We know how to make things in my State. Ohio is the third biggest manu-

facturing State. We know how to make things. We invented and developed most of the wind and solar panel technology. In fact, 30 miles from my house is a taxpayer-funded NASA facility that developed the technology we use in wind turbines, most of which is built in China and Spain and other places around the world.

Supporters of this China trade policy will make the argument that everything is about exports. I agree, we have to boost our exports, but we have a \$226 billion trade deficit per year. That is about \$600 million a day. That means \$600 million every single day, 7 days a week. It means we buy \$600 million more from China than we sell to China. So how do you argue this trade policy is working for us? It means, in essence, that \$600 million disappears from our shores every day going to China, and that is not going to work long term for our country when you build up those types of trade deficits.

We can do a couple of things about this. First of all, we have to do much better at enforcing trade laws and to revive the Super 301 mechanism that lapsed under the Bush administration that requires the administration to establish enforcement priorities for the most pressing trade barriers, including currency manipulation, restrictive procurement policies, and intellectual property theft. It would ensure that our government helps open foreign markets to U.S. exporters.

I am a member of the President's U.S. Export Council. There are about 10 House and Senate Members on this council—both parties, both Houses—and a number of American CEOs are on the council as well. We all want to export more. But as we try to export more, sell more U.S. products abroad, we have to enforce U.S. trade laws so those companies aren't selling things into our country illegally.

President Obama has done that, to some degree. He has done more on that than any previous President. He has not done close to enough. He has stepped forward on oil country tubular steel goods, which is the steel pipes that are used for gas and oil drilling. The Chinese were cheating on that. The President made the right trade decision on that, the right enforcement decision. We saw hundreds of new jobs in Mahoning Valley, in northeast Ohio. The President made a similar decision on Chinese tires that were sold in this country illegally. After the President made that decision, 100 people were hired at the Findlay Cooper tire plant in Findlay, OH, in northwest Ohio, and in other places around the State.

I would close with this. We hear a lot of talk from both parties about Made in America. What that means is standing up for American workers and manufacturers who are too often undercut by imports made in countries that violate the law. We are just asking to

have the law enforced. So my challenge to my colleagues—and to the President—is to ensure American manufacturing grows rather than contracts during the next decade of the 21st century.

Thirty years ago, almost a third of our gross domestic product was manufacturing. Today, it is only 11 percent. Thirty years ago, 11 percent of our GDP was financial services. Today, that is 25 percent. So as not to overwhelm people with numbers, we have seen basically a flipping of our national priorities. Think back to 30 years ago: Almost a third of our GDP was manufacturing and only 11 percent financial services. That has flipped. Look where it has gotten us. It has gotten us the financial crisis that almost brought our economy down, if we hadn't stepped in on banking and autos to stabilize the economy. It has also robbed many Americans of a chance to join the middle class, because manufacturing has always been the ticket in this country for working-class men and women to get a chance to work in manufacturing, to buy a decent home in a decent neighborhood, to buy a car and send their kids to school so their kids would have a better life. That is the goal of all of us.

I close by saying that I hope we remember the China PNTR. I would hope that maybe we would even invoke some buyer's remorse; that some of my colleagues would come to the Senate floor and want to discuss this and maybe learn from the mistakes of the last 10 years. Maybe we could achieve a truly normal relationship with China. I want a good strong trade relationship with China. I want us to sell products to China. I think we should buy products from China. But I want to do it on a level playing field, with rules that work for the workers in both countries, not just the big corporations that move companies to China, and not just for the Chinese Communist Party and the Chinese military, which have benefitted greatly from our trade policy. It is time to learn from the last 10 years and to move forward in a very different way.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL NOMINATIONS

Mr. SESSIONS. Mr. President, I wish to speak about the Senate's processing of judicial nominations, and I ask you to forgive me if I am a bit irritable, but we have had a lot of complaints about

how fast President Obama's nominations are going forward. I think they are moving rather well. I think some people who are now complaining have forgotten how they handled President Bush's nominees—and in a much more unacceptable fashion.

I wish to emphasize that all of this is not to lay the groundwork for some sort of payback, because I think we all ought to rise to the challenge of handling nominations properly, but to set the record straight, because there has been a lot of misinformation and some of our newer Senators don't know how things have happened.

Allegations of unprecedented obstruction and delay have been bandied about—some in the press also—but the reality is that the Democrats' systematic obstruction of judicial nominees during the Bush administration was unprecedented then and it is unmatched now. Soon after President Bush was elected, a group of well-known liberal professors—Laurence Tribe, Marsha Greenberger, and Cass Sunstein—met with the Democratic leadership in the Senate. The *New York Times* reported on that meeting. I believe it was in January, before the session began, and the *Times* reported that they proposed “changing the ground rules” of the confirmation process. They proposed that with a Republican President and Democrats in the Senate, Senators consider a nominee's ideology—their personal political views, I suppose, they meant. For the first time in the history of the country, they proposed that the burden be shifted to the nominee to prove they are worthy of the appointment instead of having the Senate respect the presumptive power of the President to make the nomination and then object if there was a disagreement.

As time went on, it became clear that a majority of the Democratic Members of the Senate began to execute their unprecedented obstruction plan, targeting President Bush's circuit court nominees while moving district court nominees to mask the obstruction. After Democrats took control of the Senate in 2001, the Senate confirmed only 6 of President Bush's 25 circuit court nominations that year. Two of the six were prior Clinton nominees that President Bush had renominated as an act of good faith. They weren't his nominations. He renominated them and they promptly confirmed them—two of the six.

The majority of President Bush's first nominees—nominated on May 9, 2001—waited years for confirmation. Let me list some of the names: Priscilla Owen, who was then on the Supreme Court of Texas—a brilliant jurist—was confirmed but only after 4 years, on May 25, 2005. These were in that first group. Now Chief Justice John Roberts—a fabulous nominee; probably—not probably, he was the

premier appellate lawyer in America—was nominated to the DC Circuit. He was confirmed, but only after 2 years and after undergoing two Judiciary Committee hearings. He eventually was confirmed by a voice vote.

Jeffrey Sutton, another superb lawyer with great skill in the appellate courts, was confirmed but only 2 years later.

Deborah Cook, for the Sixth Circuit, was confirmed 2 years later on May 5, 2003.

Dennis Shedd was confirmed more than a year and a half later.

Michael McConnell, for the 10th Circuit, was confirmed more than a year and a half later but also by voice vote—he was delayed that long for no reason.

Terrence Boyle waited almost 8 years until his nomination was allowed to lapse at the end of President Bush's Presidency. He was never confirmed.

Perhaps the most disturbing story was that of Miguel Estrada, whose name was raised during the Supreme Court nomination of Justice Kagan. He was an outstanding, highly qualified nominee who was nominated on May 9, 2001, just like the others, right after President Bush took office. He waited 16 months just for a hearing in the Judiciary Committee, only to be confronted with demands that the Department of Justice turn over internal legal memoranda that had never been turned over before. They used that for 2½ years, leaving him in limbo, and then had a protracted 6-month filibuster. I think it was the first overt, direct filibuster of a highly qualified nominee the Senate had seen. This was one of the ground rule changes that occurred. There were seven cloture votes on Miguel Estrada, seven attempts by the Republicans to produce an up-or-down vote on the floor of the Senate on Miguel Estrada. It went on for weeks. I participated in that. I probably spoke on his behalf more than any other Senator. Eventually, Mr. Estrada withdrew his name from consideration. He had a private law practice to deal with. He could not continue this.

I remain baffled today as to why such a fine nominee was treated so poorly, his character assassinated, and his nomination was ultimately blocked for no reason. The record that they claim needed to be produced from the Department of Justice was, by every former living Solicitor General—they said those are internal lawyer-client documents that should not have been produced. It was a sad day. I hope the Senate has learned from that unfortunate event.

One of the most blatant examples of obstruction of Bush nominees occurred in the Fourth Circuit. This court sat one-third vacant. One-third of the judges had retired, and it was vacant. They needed judges. I did not hear any of my Democratic colleagues worrying

then about vacancies and caseloads when they were deliberately delaying and blocking outstanding, well-qualified nominees to that court, including Federal District Court Chief Judge Robert Conrad, Judge Glen Conrad, Mr. Steve Matthews, and Mr. Rod Rosenstein. They deliberately blocked these nominees to keep those vacancies open so that a Democratic President would perhaps have the opportunity to fill them.

That actually turned out to be a success, from their perspective. A 2007 *Washington Post* editorial at the time lamented the dire straits of the Fourth Circuit at the time, writing:

[T]he Senate should act in good faith to fill vacancies—not as a favor to the president but out of respect for the residents, businesses, defendants and victims of crimes in the region the Fourth Circuit covers. Two nominees—Mr. Conrad and Mr. Steve A. Matthews—should receive confirmation hearings as soon as possible.

But they did not.

He was the chief presiding trial judge in a district court, a Federal district court. He was nominated to the seat for which President Obama's nominee, Judge James Wynn, was confirmed on August 5 of this year. They held that seat open for 8 years. Since the President has been in office, he nominated someone else, and he got his nominee confirmed by this Senate.

Chief Judge Conrad had the support of his home State Senators and received an ABA rating of unanimously “well qualified,” the highest rating you can get. He met Chairman LEAHY's standard for a noncontroversial, consensus nominee. He previously received bipartisan approval by the Judiciary Committee and was unanimously approved by the Senate to be U.S. attorney and later to be district court judge for the Western District of North Carolina. Of all the lawyers in the country, Attorney General Reno, when he was a Federal prosecutor, reached out to him and picked him to preside over the investigation of one of the campaign finance task force cases that implicated, perhaps, President Clinton, the President of the United States. He did that investigation professionally. He returned no indictments against the President or his top people. He was respected on both sides of the aisle. Yet he was flatly blocked, although representing the highest quality.

On October 2, 2007, home State Senators BURR and Dole sent a letter to Senator LEAHY requesting a hearing—at least a hearing on Judge Conrad. They also spoke on his behalf at a press conference on June 19 that featured a number of Judge Conrad's friends and colleagues who traveled all the way from North Carolina to show their support. The request for a hearing was denied.

On April 15, 2008, Senators BURR, Dole, GRAHAM, and DEMINT sent a letter to Senator LEAHY asking for a hearing on Judge Conrad and Mr. Matthews. That request was denied.

Despite overwhelming support and exceptional qualifications, Judge Conrad waited 585 days for a hearing that never came. His nomination was returned to the President on January 2, 2009. That was a horrible event, in my view. The Senate failed in its duty. Judge Conrad was a powerful, bipartisan nominee with great credentials and served Attorney General Reno and the Democratic President and should have been confirmed.

Another of President Bush's outstanding nominees was Judge Glen Conrad. He also had the support of his home State Senators, including Democratic Senator JIM WEBB of Virginia, and received an ABA rating of "well qualified," the highest rating. He, too, met Chairman LEAHY's standard because he had already been confirmed to the District Court for the Western District of Virginia by a unanimous vote—89 to nothing.

Despite his extensive qualifications, Judge Conrad, who was nominated on May 8, 2008, waited 240 days for a hearing—just a hearing in the committee—that never came. His nomination was returned to the President in 2009, as President Bush left office. In stark contrast, President Obama's nominee to this seat, Judge Barbara Milano Keenan, received a hearing a mere 23 days after her nomination and a committee vote just 22 days later, and she was confirmed at the beginning of this year—a slot that should have been filled by Mr. Conrad.

President Bush nominated Steve Matthews in 2007 to the same seat on the Fourth Circuit to which Judge Diaz has now been nominated. Mr. Matthews had the support of his home State Senators and received an ABA rating of "qualified." He was a graduate of Yale Law School and had a distinguished career in private practice in South Carolina.

Despite these qualifications, he waited 485 days for a hearing that never came. His nomination was returned to the President as he was leaving office.

That does not seem to slow down my Democratic colleagues who have forgotten all this, I guess, and their allies in the press from unabashedly complaining that Judge Diaz had been waiting too long for this seat, for a confirmation vote, or decrying the need to rush to fill the vacancy—a vacancy that just has to be filled right now.

The truth is that the vacancy should never have existed if Mr. Matthews had been confirmed when he was supposed to have been confirmed.

Earlier this year, we confirmed Judge Andre Davis to the "Maryland" seat on the Fourth Circuit. A brief history of

that bears mention. President Bush nominated Rod Rosenstein to fill that vacancy in 2007. The ABA rated him unanimously "well qualified," the highest rating. Previously, he had been confirmed unanimously as the U.S. attorney for Maryland. Prior to that, he held several positions in the Department of Justice under both Republican and Democratic administrations.

Despite these stellar qualifications, Mr. Rosenstein waited 414 days for a hearing—just a hearing in the Judiciary Committee, which the Democrats never gave him. His nomination was returned to the President on January 2, 2009.

The reason given by the home State Senators for why his nomination was blocked was that he was "doing [too] good [of a] job as U.S. Attorney in Maryland." I think the Washington Post editorial painted a more accurate picture, saying:

Blocking Mr. Rosenstein's confirmation hearing . . . would elevate ideology and ego above substance and merit, and it would unfairly penalize a man who people on both sides of this question agree is well qualified for a judgeship.

But it was only when President Obama nominated Judge Davis to this seat that we heard our Democratic colleagues express outrage over the fact that it had been vacant for 9 years. I said that was like the man who complained about being an orphan after having murdered his parents. Ironically, however, Judge Davis fared far better than President Bush's nominees to the Fourth Circuit. He received a hearing a mere 27 days after being nominated. A committee vote occurred 36 days later, and he has been confirmed.

Suffice it to say that the Democrats have capitalized on their 8 years of obstruction of outstanding, well-qualified Bush nominees by packing the Fourth Circuit Court of Appeals with Obama-picked nominees.

I want to say, parenthetically, President Bush did an excellent job of picking high-quality judicial nominees. Consistently, they sought out highly competent men and women of integrity and ability to appoint to the courts, people who had this fundamental belief—that some on the other side do not like—that a judge should follow the law, should be a neutral umpire, and should not take sides and ought not to be an activist and ought not to promote their personal agenda when they get a chance to rule and define the words of statutes and the Constitution. There is a fundamental difference. I will talk about that later. I may not get to that today, but I am going to talk about it some more. It is a big deal, what you think the role of a judge is. Should they be an activist? Should they promote greater vision, as President Obama said, of what America should be? Is that what we want judges

to do? Classically, in America, judges are empowered to do one thing: to decide the discrete case before them objectively, impartially, under the laws and Constitution of the United States.

The Democratic Senators perpetrated similar systematic obstruction in the Sixth Circuit. I hate to say it. I hate to talk about it. I sound like I am being a partisan person over here, complaining. I am just reading the record.

In November of 2001, President Bush nominated Judges David McKeague, Susan Neilson, and Henry Saad to fill vacancies on that court. In June of 2002, he nominated Richard Griffin to fill an additional Sixth Circuit vacancy.

Mr. President, I see my time is up. I don't see anyone on the floor. I ask unanimous consent that I be able to proceed.

THE PRESIDING OFFICER. Without objection, it is so ordered.

MR. SESSIONS. Mr. President, I will yield the floor if and when my colleagues seek it.

But the Democratic home State Senators refused to return their blue slips for any of these nominees for the Sixth Circuit. President Bush renominated all four on January 2003. This time the Democratic home State Senators returned their blue slips—negative blue slips, opposing all four nominees.

Despite this, on July 30, 2003, 629 days after the initial nomination and 204 days after his renomination, the Republican-controlled Judiciary Committee—Republicans had just taken control—held a hearing on Judge Saad's nomination.

However, Democrats continued to delay the nomination for a year, until he was finally and favorably reported out of committee on a party-line vote. But it did not matter. The Democrats filibustered his nomination on the floor, and he never received an up-or-down vote in the Senate. He was filibustered, which was a changing of the ground rules. We had not filibustered judges before in the Senate. All this occurred after 2001.

President Bush renominated Judge Saad in February 2005, but the Senate failed to act on his nomination, and he was never confirmed. Judges Griffin and McKeague eventually received hearings on June 16, 2004, 721 days after Judge Griffin had been nominated, and 951 days after Judge McKeague's original nomination. They were both reported favorably out of committee a month later, but the Democrats filibustered them on the floor, and their nominations were returned to the President.

Both were renominated in the 109th Congress and were finally and overwhelmingly confirmed, Judge Griffin by a vote of 95 to 0 and Judge McKeague by a vote of 96 to 0.

As these votes show, the nominations were not controversial. They were just

being held up. Yet they still waited over 1,000 days for their confirmation. Judge Susan Nielson received a hearing on September 8, 2004, over 1,000 days after her original nomination and over 600 days after her renomination. Although her nomination was reported favorably out of committee on October 4, 2004, Democrats refused to give her an up-or-down vote in the full Senate, and her nomination was returned to the President.

He renominated her in 2005, and 7 months later the Democratic home State Senators finally returned positive blue slips, after delaying the nomination for this long. She was easily confirmed 97 to zip, 1,449 days after her original nomination. Unfortunately, Judge Nielson passed away shortly thereafter.

On June 28, 2006, President Bush nominated Stephen Murphy and Raymond Kethledge to fill still more vacancies on the Sixth Circuit. However, the Democratic home State Senators withheld their blue slips, and the nominations were returned to the President. The President renominated them in March of 2007. After almost a year of delay, as part of a compromise, President Bush agreed to withdraw Mr. Murphy's nomination and to nominate Judge Helene White in his place. In exchange, home State Senators finally returned positive blue slips for Mr. Kethledge.

There is a story behind this. Why was there so much needless obstruction in the Sixth Circuit? One reason, it appears, was that the NAACP National Defense League made a personal request to Democratic Senators on the Judiciary Committee that they stall the confirmation of nominees to the Sixth Circuit until cases regarding the constitutionality of affirmative action in higher education were decided. They believed, apparently, that if Bush appointees were confirmed to that circuit, the outcome of the cases would not be to their liking. They were afraid President Bush's judges would be committed to color-blind policies.

So this is just one example of a larger agenda. Our Democratic colleagues criticized, during the Kagan confirmation hearings, Chief Justice Roberts' metaphor that a judge should act like a neutral umpire in a ball game, calling balls and strikes and applying the law to the facts.

No, they seem to want judges who will make policy and rule based on their personal policy preferences and political beliefs to advance desired outcomes.

Well, what is activism? Is this an exaggeration? I think we need to be frank that there are activist judges—and you can be a conservative activist or a liberal activist, but there is a difference in the sense that liberal judges and law professors and commentators advocate judges being activists.

Chief Justice Roberts and Justice Alito were articulate spokesmen for the classical American view that a judge should be a neutral umpire and should be impartial and should decide the cases and not try to make law or advance a vision for America.

Many judges, however, are overriding the will of the people this very day. It is becoming apparent that many on the left hold the Federal judiciary as an engine to advance the agenda of the left, picking and choosing which constitutional rights they will protect and which ones they will cast aside. The only consistent principle—of which sometimes I think, and I am exaggerating, but I sometimes think—is to advance the agenda of the leftwing of the Democratic Party. That is about the only consistent guiding principle you can find in some of these opinions.

Just a few months ago, the preservation of the explicit constitutional right to keep and bear arms was upheld by a single vote on the Supreme Court. Four Justices, including Justice Sotomayor, contrary to, I think, what she said just 1 year earlier in her confirmation hearing, would have held that the right to keep and bear arms is different from other liberties protected by the Bill of Rights and should not apply to the States.

Hugely significant. If that were to be so, any State, any city or county, for that matter, could ban firearms altogether because the constitutional right to keep and bear arms would not apply to them. Four Justices on the Supreme Court ruled that way.

During the last term, the free speech clause of the first amendment barely escaped being rewritten by a single vote in *Citizens United*. In that case, the Supreme Court invalidated a portion of the McCain-Feingold campaign finance law, holding that political speech is not exempted from the first amendment guarantee of free speech merely because the speaker's expression is funded, in part, by money from a corporation, a group of Americans.

Four Justices on the Supreme Court would have rewritten the free speech clause to allow the government to ban statements made by such groups in an election cycle. I mean, the last thing we need to be doing is whacking away at the great liberties in free speech clause of the first amendment.

Just a couple years ago, one vote on the Supreme Court decided that a city could use its eminent domain power to take property, to take a woman's house, in order to give it to a private company for a redevelopment project, not for public use. So much for the constitutional guarantee of life, liberty and property and the constitutional guarantee that your property can only be taken for public use, not private use. You cannot take somebody's property because you would like to take it to give to somebody else who would use

it in a way that the city thinks is better, maybe spend more money on it so they can get more tax revenue.

By one vote, the Supreme Court held it did not violate the first amendment for a public university to require a religiously oriented student organization to accept officers and members who do not subscribe to the organization's religious beliefs. How could they say that?

Recently, a judge in the Western District of Wisconsin, the same district to which Louis Butler has been nominated, held that the statute establishing the National Day of Prayer was unconstitutional because its sole purpose "is to encourage all citizens to engage in prayer."

In so doing, the judge held that the government had "taken sides on a matter that must be left to individual conscience." Well, nobody is being made to pray. You do not have to bow your head if someone has a prayer, for heaven's sake.

One wonders, then, does this Senate violate the establishment clause each day when we open the session with a prayer, most often led by a paid Chaplain, former head of the entire Chaplain Corps of the United States Military?

There is a constitutional guarantee to the right of free exercise of one's religion, the free exercise clause, not found in the first amendment of the judge's constitution.

I will repeat, if other Senators would desire to speak, I will yield the floor.

The liberal Ninth Circuit, to which Professor Goodwin Liu has been nominated, held recently that the recitation of the Pledge of Allegiance in an elementary school was unconstitutional under the establishment clause of the first amendment because the pledge includes the words "under God," and amounted to a government endorsement of a religion.

One wonders what the Ninth Circuit would have to say about teaching children the Declaration of Independence. After all, it does say: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights." Is that now unconstitutional, to read the Declaration of Independence?

A single judge on the U.S. district court in Massachusetts recently invalidated the congressionally passed Defense of Marriage Act that passed on this floor. I remember the debate about it. The judge found it unconstitutional. Basically, what he said is: No State would have to give full faith and credit to a marriage in another State if it does not meet their definition of marriage as between a man and a woman.

The judge, in great wisdom, not having had to run for office, with a lifetime appointment, unaccountable to the public in any way, objected, found it to be unconstitutional because it did

not have “a legitimate government interest” and was outside the scope of “legislative bounds.”

Well, I remember the debate on that. People quoted the Constitution, and we discussed it at great length. I cannot imagine how that can be held to be unconstitutional.

A single judge in the Northern District of California, the same court to which Edward Chen has been nominated, held that a statewide ballot initiative defining marriage—this was a California initiative, statewide, that defined marriage as between a man and a woman, which was passed by a majority of California voters—violated the due process and equal protection clauses of the fourteenth amendment.

The judge decided, essentially by fiat, that the State, the people of California, had no legitimate interest in defining marriage.

Marriage has always been a matter of State law. A single judge in the central district of California recently held Congress's don't ask, don't tell policy was unconstitutional. This is the policy on gays in the military. The judge in the central district of California held that this policy was unconstitutional because it did not “significantly further the government's interest in military readiness or unit cohesion.” It was an impermissible content-based restriction that violated free speech, free association, and the petition clauses of the first amendment.

I don't think this judge has any responsibility for or knowledge about readiness and unit cohesion in the military. It is a matter Congress appropriately has dealt with, will have the opportunity to deal with again, and may well do so, although we did not move forward yesterday.

This is not a matter for the courts. The American people know this. They sense activism in their courts, and they are concerned and unhappy because these judges, once they declare something to be constitutional, or find something in the Constitution, it is as if an entire amendment was passed, and it becomes impossible for a city or county, a State or congressional action to overturn it.

These are big issues we have been talking about for some time. I do have my back up a little bit about being accused of obstructing, when nominees are moving along at a very good pace today, in my opinion. A few are controversial, and I could talk about them, but I see Senator KERRY in the Chamber now.

I believe when we get all the facts out, people will remember that many of the changes in the process occurred as a deliberate plan by the Democratic leadership in 2001.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

THE DISCLOSE ACT

Mr. KERRY. Mr. President, in the 25 years I have had the privilege of serving in the Senate, I have regrettably, in the course of almost every election period, with one brief exception when we had the McCain-Feingold bill in place, seen our system of funding campaigns become increasingly broken. The truth is, a lot of the anger the American people feel today—rightfully—for the absence of this Congress—not just this particular session but the Congress of the United States being able to directly address the concerns of the American people—a lot of that anger really ought to be directed at the system itself, at the fact that we have locked in place funding of campaigns that robs the American people of their voice, that steals the legitimacy of our democracy, and concentrates decisionmaking in the hands of the powerful, individuals with a lot of money or powerful corporations with a lot of money.

Money is driving American politics. Money is driving the American political agenda. Money decides what gets heard and does not get heard around here, what gets acted on and does not, and how it gets acted on in many cases. Every so often we have bubbling up a legitimate kind of citizen energy that motivates one particular reaction here or another, whether it is a tax bill or a particular piece of legislation for women, pay, but it is rare now. It is actually rare that the kind of grassroots effort that traditionally we think of when we think of legitimate democracy, that it is felt in its appropriate ways.

The truth is, the increased influence of special interest money, big money in our politics, is robbing the average citizen of his or her voice in setting America's agenda. There are far more poor people, there are far more children, there are far more interests that don't get represented. We constantly see, like the debate we have had recently over carried interest, for instance, or a number of other interests here get as much time and as much debate over one or two of those single issues as some of those that affect a far greater proportion of the population.

As a result of the Supreme Court's ruling in the case of Citizens United, we have seen an incredible step backwards from accountability, a step backwards from preserving our democracy, and an incredible gift to the power of money. In the last few years, under the McCain-Feingold bill and under our rules, at least if a company wanted to participate in the election, it had to go out and ask its executives to contribute. We went through the sort of charade of having a fundraising event at which a whole bunch of executives would have to show up or people who worked for a company, and they wrote a check. The checks were bun-

dled together, and there were your contributions. But at least there was accountability. At least people knew those people had contributed. At least people saw where it was coming from and who it was coming from.

Under the Citizens United decision, all a CEO has to do is put it in the budget of the corporation. The corporation can budget annually. We are going to put \$2 million, and the CEO can turn that money over in its totality to some group that is formed to destroy somebody's reputation with a lot of lies, just pour the money over. That is it. Total secrecy. We don't even get to know who gave the money. No accountability. They just turn the money over to lobbyists who run the media campaigns to help their friends and defeat their opponents in Congress. We can have the best Congress. People have always said that money buys people in public life. But this is a step toward the greatest certification of that I have ever seen. It sends a chilling message to candidates without means, which is most candidates, that they can't combat the bottomless pocket of a K Street lobbyist who has some cabal of corporations that want to pour a bunch of money in to get their special interests protected.

So American workers in Ohio or Indiana or any other State who wonder why those jobs went overseas, there is a tax benefit that helps those companies actually take those jobs overseas. Why is that tax benefit there? Why do we have thousands upon thousands of pages of special interest tax provisions in our Tax Code? Because the lobbyists and the powerful people are able to be heard, and they are able to work their will. They are able to make that happen.

Now we have a rule, because the Supreme Court ruled that corporations are like people and have the same rights. So we have a new assault on America's democracy. I mean that. It is an assault on our democracy. We have always had money in the marketplace of politics. We understand that. For years people have tried to find one way or another of trying to address that concern. This is not a new concern of the American people. It is hard to say where we are headed, all of us, in our careers in public life. I am, obviously, on the back end of that runway, but I am stunned by what the impact of this is going to mean to our country and to the ability of average voices to be heard.

The humorist Will Rogers once quipped that “politics has gotten so expensive, it takes a lot of money even to get beat.” But Will Rogers would be stunned by the amount of money in politics today.

In 2008, a record total of \$5.2 billion was spent by all the Presidential, Senate, and House candidates. When I ran for President in 2004 on a national

basis, we spent \$4.1 billion. That broke the 2000 record when Al Gore ran of \$3.1 billion. So we go from \$3.1 billion to \$4.1 billion to \$5.2 billion.

Now we have a new rule. All these secret funds can come into the political process. We have already broken the record in 2010 from the 2006 race by a huge amount. I think the total amount of money spent in 2006, which was an off Presidential year, was about somewhere around \$700 something million, \$800 million. We are well over \$1.2, \$1.3 billion already in this cycle. That is just the campaign spending. That is the direct money that goes into the campaigns.

But last year, special interests spent a record of \$3.47 billion hiring lobbyists. The rest of the country might have been suffering from a recession, but it was a great year for K Street in Washington, a 5-percent increase in fees over the previous year.

President Obama's "change" agenda stirred up so many people who were going to be opposed to it from the very beginning—health care, banking regulation, all the things that have undermined Americans in the last years—they wanted to preserve the status quo. They sat up, and they came up with about \$1.3 million spent per minute in 2009. That is the amount the watchdog group, Center for Responsive Politics, arrived at when they took the \$3.47 billion that lobbyists collected and divided it by the number of hours Congress was in session in 2009. It comes out to \$1.3 million per minute spent to try to hold on to the status quo.

Now thanks to the Supreme Court, it is a lot easier for special interests to finance and orchestrate contrived political movements. Unbelievably, the Court ruled in *Citizens United* that corporations have the same right to speech as individuals. Therefore, they can spend unlimited amounts of money in elections.

I remember from my days in law school learning distinctly that a corporation is a fictitious entity. It is a fictitious entity created as a matter of law to protect the corporation in the conduct of its economic business, not to protect it in the context of giving it the same rights as an individual with respect to speech. For a Supreme Court of the United States to somehow put a corporation on the same plane as the individual citizen is absolutely extraordinary.

As a result, we are now seeing a whole bunch of spending by shadowy groups run by long-time Republican Party officials and activists that is going to end up in the hundreds of millions of dollars, money that cannot be traced to its source. How do Members feel about that? How do Americans feel about the millions of dollars being spent and they don't know who is spending it? Unaccountable democracy.

What we are talking about, I suppose, means little to the corporations com-

pared to what they are going to get in terms of blocking a regulation. We have people here who want to delay the regulations for clean air. They are going to come in here and try to say: We can't proceed now to have clean air. We have to delay it. So more coal fumes will pollute the air and more people will get sick and so forth. But they will try to work their way, and they have a lot of money to try to do it with.

The Supreme Court's ruling also clears the way for the domestic subsidiary of a foreign corporation to spend unlimited amounts to influence our elections.

I want people to think about that. A foreign corporation and a national of a foreign country are barred under the law from contributing to Federal or State elections. But nothing in the law bars the foreign subsidiary incorporated in the United States from doing so. Those subsidiaries do not answer to the American people. They answer to their corporate parents way off in some other country. That means that in no uncertain way a foreign corporation can indeed play in an American election, and clever people will not have a hard time in covering that trail.

So today, on the floor of the Senate, in Washington, DC, in the year of the tea party—when the tea party is asking for accountability, and the tea party is asking for sunshine, and they want reform—I would like to hear the tea party stand up today and say: Republicans ought to vote overwhelmingly to have sunshine on the funding process of our campaigns.

The DISCLOSE Act, on which we will vote today, does not amend the Constitution. It is not going to overturn the Supreme Court decision that equated the rights of people—I would think the tea party ought to be excoriated over the notion that a corporation has been given the same rights as the Constitution gives to an individual. But it does not even overturn that. It does not even constitute campaign finance reform. All it does is shine the disinfectant of sunlight on corporations and faceless organizations that are trying to buy and bully their way in Washington through campaigns run against Members who disagree with them.

The DISCLOSE Act requires corporations, organizations, and special interest groups to stand by their political advertising, just like any candidate for office, and it requires the CEO of a company to identify themselves in their advertisements. And corporations and organizations would be required to disclose their political expenditures.

Is that asking too much, that the American people get to know who is spending the money to influence them so that maybe they will have the ability to judge whether there might be a

little bias in that ad or there might be a little personal interest in that ad, there might be a reason they are getting the information they are getting, the way they are getting it?

That is all we are asking. It is not radical. It is not prohibitive. It simply removes the false notion that Americans are somehow voluntarily organizing all across this country in order to pursue a public interest. The fact is, corporate special interest money is being compiled and targeted to pursue a special interest and to send a loud televised message to those who disagree with them that they are going to be punished for disagreeing. If that practice is not disclosed and tempered, it is not only going to tip elections, it is going to cripple—cripple—the legislative process more than it has already been crippled in these past few years.

Instead of negotiating with each other in the public interest in the Congress, Members of Congress find themselves asking corporations—supposedly subject to the law and will of the American people—they ask them whether it is OK with them whether we regulate or legislate and release their allies to vote in favor of one thing or another. And guess what. No surprise to the American people, those corporations almost always refuse to do so.

So when the *Citizens United* decision was handed down, the voices seeking support from these corporations argued it would have no effect on the American political process. They said: We don't need to worry about new funneling of funds to candidates. But the record already says otherwise. The truth is, Karl Rove admitted that based on the *Citizens United* decision, he has formed two new groups specifically, because this decision empowered him to do it, to influence the 2010 elections with \$52 million of ads bankrolled anonymously by special interests.

Now that the Supreme Court has opened the door to these anonymous ads, a lot of other groups are planning to spend approximately \$300 million or more on the elections this fall. Already we have seen incredible disparity. I think the total spent by these anonymous groups attacking Democratic candidates around the country is over \$30 million. The total amount the Democrats have had available to them, because they do not have as much money, and they do not represent those powerful groups, is about \$3 million. Seven to one is the ratio.

All you have to do is begin to analyze these ads, and you can see exactly what the message is and why it is coming.

So here is the deal: Whether you agree with the ads or not is not what is at issue on the floor of the Senate today. At a minimum, I would hope our colleagues would support the idea that messages that are sent in American politics, advertisements that are made

for or against a candidate, advertisements that are made for or against a particular idea, that those ought to be sent openly; that they ought to be sent in an accountable way so the American people—which is what this is all about, this institution, this house, the Senate, the House. All of this comes from the words “We the People,” and we have been hearing those words, “We the People” all over America from the tea party and from others who are trying to remind people what that is all about. This vote is all about that today, and their outrage ought to be summoned all across the country to shed the sunlight on this political process and hold it accountable.

If our friends come to the floor this afternoon and vote en bloc against it, let me tell you, that is a declarative statement about whose interests are being protected and what is at stake in this election as we go into this November.

The stakes for the American people are simply too high to let special interests hide behind faceless and unidentified campaigns. I cannot think of anything that is less American than secret money going into campaigns to try to affect the choices of the American people.

This is an opportunity for us to truly speak for the American people, and I hope my colleagues will join us in doing so today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I rise to voice my support for the DISCLOSE Act.

The DISCLOSE Act has to do with the Citizens United case, where the Supreme Court went out of its way to overturn nearly 100 years of statutes and settled precedent that had established the authority of the Congress to limit the corrupting influence of corporate money in Federal elections. It is a truly astounding decision, and it broke with all precedent for 100 years.

The Court ruled—and this takes a little bit, and you have to suspend your mind to get this right—that corporations are absolutely free to spend shareholder money with the intent to promote the election or defeat of a candidate for political office. The corporations have freedom of speech. This is astounding.

Beyond ignoring precedent, the Court's reckless, immodest, and activist opinion failed to distinguish between the rights of purpose-built political advocacy corporations and profit-

driven, large corporations to direct resources to influence elections. They came in and ruled that any corporation can spend corporate money on whatever races they want. By issuing the broadest possible opinion, the majority admitted of no differences between Citizens United and any major multinational corporation.

But this decision left important questions unresolved. Who determines what candidates the major multinational corporation supports or opposes? Think about it. Here are corporations run by managers. We all know the problems with boards of directors, and we have seen what has gone on in the last years with decisions by corporations. But they never said who in the corporation gets to make the decision. Can a manager of the corporation or a CEO say I am going to throw \$40 million or \$50 million into the political pot or should he have to go to shareholders to get it? That is a gigantic amount of money in politics, but it is a mere pittance to a large corporation. Who determines what candidates the major multinational corporation supports or opposes? The boards of directors? The CEO? The employees? All these groups and individuals serve the corporation for the benefit of the shareholders.

How will the shareholders of these corporations learn who makes these decisions within the corporation? Even so, how are we to determine what speech the shareholders favor? How do you do that? You are running a corporation and you get up one morning and decide you are going to go against candidate X or Y. Have you asked your shareholders what to do with their money or whether they want to be against or for candidate X or Y? How is that decision made? Do we care if the shareholders are U.S. citizens or citizens of an economic, political, or military rival of the United States? The way this thing rules is that a corporation that is under the control of an economic, political, and military rival of ours anywhere in the world can now be involved in our campaigns. That is something we have never done before.

As it stands now, Citizens United allows corporate interests to prevail over the rights of American citizens—that is it, pure and simple—because they have so much in assets. A speaker in California said that money is the mother's milk of politics. Most Americans know that and they decry it. With this decision, it allows corporate interests to prevail over American citizens and overwhelms the contributions and the voices of shareholders and individuals, and it ultimately makes elected officials even more beholden to corporations.

I tell you what, I don't have to do a survey to find out that most Americans don't want elected officials more beholden to corporations, and I am a corporate guy. There is nothing wrong

with corporations. But the American people don't want corporations having more control over elected officials.

Boardroom executives must not be permitted to raid the corporate coffers to promote personal political beliefs or to curry personal favor with elected politicians. That result is bad for corporations, bad for shareholders, and bad for government. We must ensure that the corporation speaks with the voice of its shareholders, and that those who would utilize the corporate forum to magnify their political influence do not do so for improper personal gain or to impose the will of a foreign power on American citizens.

Unfortunately, the Supreme Court has left us without the tools to directly affect any of these compelling public interests. The DISCLOSE Act cannot entirely undo the activism of the Roberts Court and shut off the spigot of corrupting corporate funds because they say it is unconstitutional. The Congress cannot overcome a constitutional violation that was made by the Supreme Court. That is fundamental to our system. But it will serve as a bulwark against the flood of corporate money and help resolve the open questions created by the Court in Citizens United.

The act will shine a spotlight on corporate spending and prevent corporations from speaking anonymously by increasing disclosure and strengthening transparency in Federal campaigns.

Transparency—if you came to the floor since Buckley v. Valeo, in 1974, the first campaign finance ruling, you would have found my colleagues, led by their majority leader, speaking passionately about transparency, transparency, transparency. Now we have a bill where no one knows who is spending the money, and there is no movement on the other side. In fact, there is a filibuster against this bill, which would allow transparency. That is the main thing to do. It can't change the rules because the Supreme Court says it is then constitutional. We are trying to deal with transparency, something that has been a hallmark—if you take a debate over the last 30 years on financing of elections and put all of those papers up on a wall, and you throw a dart, the chance that you would hit a Member on the other side of the aisle talking about transparency is pretty high.

So you have to ask: Why would they be opposed to shining a spotlight on corporate spending and prevent corporations from anonymously increasing disclosure and increasing transparency in Federal campaigns?

Not only does the act require the corporation, organization, and special interest groups to stand by their political advertising like a candidate running for office—when we had McCain-Feingold, I think most Americans

liked this. If you were going to put up an ad, you would say: I am TED KAUFMAN and I approve this ad. There were a lot of jokes about it, but you knew who paid for the ad. But they don't want to do this with corporate money. I can go to a big corporation and start a committee to save the world, and I can pour \$35 million into it and spend it around the country, and I never have to disclose that it is me.

Under this act, CEOs would be required to identify themselves in their advertisements just like political candidates, and corporations and organizations will be required to disclose their political expenditures.

All we are asking is, if a corporation spends \$35 million on a political race, they have to disclose that, like elected officials and everybody else has to do now. The other thing we say is, if a corporation is going to spend money in a race, the person in charge—the CEO—has to say what every elected official and Federal officeholder has had to say in recent years, since McCain-Feingold—that “I am Joe Brown and I support this ad.” Disclosure is exactly what our friends on the other side of the aisle were supporting.

Directors of public companies may still be able to hijack shareholder money to promote their own narrow interests. But thanks to the DISCLOSE Act, shareholders will be able to determine when they have done so.

The act will prevent foreign-controlled corporations from secretly manipulating elections by funneling money to front groups to fund last-minute attack ads and other anonymous election advertisements. But they can also be 6 months in advance. Last minute is because you don't want them to know you did an ad. They can do it 6 months before the election, and nobody knows who did the ad.

If we fail to respond to the threat that the Citizens United decision poses to our democracy, then I fear the public confidence in its government will continue to erode, precisely when bold congressional action is needed. It is not bad enough that the Congress has an incredibly low approval rating. You vote for someone because you think they are X, and all the time they are being supported by corporation Y. Our ability to meet the Nation's pressing needs depends on our ability to earn and maintain the public's trust. That is what we have all learned and know.

How do you maintain public trust? To not get involved in this bait and switch, where there is an organization saying one thing and it is doing something else. Earning that trust—the trust of the American people—will be all the more difficult in a world in which corporate money is allowed to drown out the voice of individuals and corrupt the political process. This is basic to our society and what we believe in. The American people deserve

much better. I think it is important that we pass the DISCLOSE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I heard what the Senator from Delaware said. He has been a very valuable member of the Senate Judiciary Committee and of this body itself. We all listen to what he says. He is not saying this out of any sense of what it might do in an election for him, he is retiring this year. We ought to listen to somebody who has no stake in this, other than as a citizen who cares what happens to our democracy. I thank my friend from Delaware for speaking out, as he always does so clearly.

We are going to try again this week to take action to help stem the tide of corporate influence that was unleashed when, earlier this year, five unelected Supreme Court Justices overturned 100 years of precedent in the Citizens United decision. When we last tried to correct this prior to the August recess. We brought up the DISCLOSE Act. Republicans filibustered the bill. It never allowed the Senate to even debate the legislation. Many of us argued that without even going to the legislation, we faced real problems, and those have been borne out. We have seen massive corporate spending, drowning out the voices of hard-working Americans.

I heard somebody say in Vermont: “Do you mean if you have somebody who is trying to stop counterfeit goods coming from China?”—or to use another example, “trying to stop the flood of toys that have too much lead in them that will endanger our children—and you have a Member of Congress who goes out and works to tighten the law so they can't do it, are you telling me that Chinese company can set up a small corporation here in the United States and spend a fortune to defeat the person who is trying to protect our children, to defeat the person who is trying to stop lead in toys? And do you mean in defeating the person who is trying to protect our children they could do it without anybody ever knowing where the money was coming?” I said: That is the result of the Citizens United decision.

They could not understand that. But I tell my fellow Vermonters, with election day less than 2 months away, hundreds of millions of dollars of corporate interest group funds have been spent or pledged to be spent on political advertising and election activities. The American people deserve better than that.

We have seen filibusters, once a rarely used part of Senate procedure, become a regular tool for obstruction in the Senate on issue after issue. No matter how much the American people want an issue voted on, we end up having a filibuster blocking it. That obstruction has led to delays in consid-

ering legislation meant to protect the American people, as well as an alarming and almost unprecedented rise in judicial vacancies because Republicans will not allow votes on judges. Here, in an area fundamental to our democracy, it is clear the American people continue paying the price unless Congress takes action. Americans should expect bipartisan support for any legislation designed to prevent corporations from taking over elections, corporations from deciding elections, instead of the people who are affected by them.

This legislation does that, and I hope the Senators on the other side will stop filibustering this legislation. I cannot help but think on these filibusters—do you know what it is? It allows one to say: I am going to vote maybe. We were elected and paid to vote yes or no, not maybe. Those who keep using the filibuster to prevent a vote on serious matters can go home and say: That matter has not come up. I have not voted on that. I am on your side, whichever side you are on, because I never voted. I voted maybe. That is what these filibusters are. They are voting maybe because you do not have the courage to stand and vote yes or no.

In Citizens United, five Supreme Court Justices cast aside a century of law and opened the floodgates for corporations to drown out individual voices in our elections. Five overruled every law passed by Congress or other courts over the years. That broad scope of the decision was unnecessary, it was improper, and it was one of the greatest grasps for power I have ever seen. At the expense of hard-working men and women in this country, the Supreme Court ruled that corporations could become the predominant influence in our elections for years to come. These unelected members of the Supreme Court said: We are going to let corporations decide your elections, not the hard-working men and women who are affected by the elections. We have already seen the consequences. Corporations have injected more money than ever into primary races and now general elections across the country, and they can do it without ever even saying which corporation is emptying their treasuries to do this. We need to at least have some transparency to this new-found access.

We have heard from Americans of all political persuasions who express overwhelming concern over the impact of the Citizens United decision, as the threat it poses to our electoral process is readily apparent. We have a constitutional duty to work to restore a meaningful role for all Americans in the political process. Vote yes or vote no. Be willing to stand on one side or the other of the issue, not a filibuster which allows you to duck facing responsibilities as a Senator, not a filibuster to a motion to proceed because

that is a vote to ignore the real-world impact this decision is already having on our democratic process. I call on Senators: Have the courage to take a position. Do not vote maybe so you can go back home and say: That issue has not come up. Have the courage, have the honesty. Vote yes or no.

The DISCLOSE Act is a measure I support to moderate the impact of the Citizens United decision. I will vote for it. The DISCLOSE Act will add transparency to the campaign finance laws to help ensure corporations cannot abuse their new-found Supreme Court-made Constitutional rights.

This legislation will preserve the voices of hard-working Americans in the political process by limiting the ability of foreign corporations to influence American elections. Can you imagine a proud country such as ours, we are willing, because of the decision of five people, to allow foreign corporations to come in and meddle in our political process? We are going to prohibit corporations from receiving taxpayer money when contributing to elections. Are you going to say to the taxpayers: We are going to tax you, and then we are going to give the money to determine who might give us more taxes? We are going to increase disclosure requirements of corporate contributions, among other things.

It is hard to overstate the potential for harm in the aftermath of the Citizens United decision. The DISCLOSE Act is necessary to prevent corruption in our political system because the Citizens United decision brings about corruption in our political system. The DISCLOSE Act will protect the credibility of our elections because the Citizens United case diminishes credibility for our elections. If we do not do that, we are not going to maintain the trust of the American people. While some on the other side of the aisle praise the Citizens United decision as a victory for the First Amendment, what they fail to recognize is that these new rights for corporations come at the expense of the free speech rights of all Americans. That much is already clear. There is no longer any doubt that the ability of wealthy corporations to dominate all mediums of advertising is quieting the voices of individuals who do not have the deep pockets and the unlimited resources of these corporations.

Citizens United is only the latest example of which a thin majority of the Supreme Court places its own preferences over the will of hard-working Americans. The campaign finance reforms of the landmark McCain-Feingold Act were the product of lengthy debate in Congress as to the proper role of corporate money in the electoral process and passed by bipartisan majorities.

Those laws strengthened the rights of individual voters while carefully pre-

serving the integrity of the political process. But with the stroke of a pen, five Justices—unelected Justices—cast aside those years of deliberation and substituted their own preferences over the will of Congress and the American people.

Vermont is a state with a rich tradition of involvement in the democratic process. We see it in March at our Town Meeting Day. But it is also a small state, and it would take so little for a few corporations to outspend all our local candidates—Republicans and Democrats alike. Come on. A megacorporation could, in effect, try to control all the government of our small state. It is easy to imagine corporate interests flooding the airwaves with election ads and transforming the nature of Vermont campaigning. This is not what Vermonters expect of their politics. The DISCLOSE Act is the first step toward ensuring Vermonters and all Americans can remain confident that their voices are going to be heard in the political process, not an unseen, unknown corporation with a whole lot of money.

The Citizens United decision grants corporations the same constitutional free speech rights as individual Americans. Who could possibly have imagined what the Framers of the Constitution would have thought of that? Remember the opening words of our Constitution: “We the People of the United States . . .” It does not say we the people and a few megacorporations of the United States. In the Constitution, the Founders spoke of guaranteeing fundamental rights for the American people, not to corporations, which is mentioned nowhere in the Constitution. The time is now to ensure our campaign finance laws reflect this important distinction.

The American people want their voices heard in the coming election. I look forward to working with all Senators to pass this important legislation to ensure the DISCLOSE Act is enacted into law. At the very least, our constituents deserve a debate in the Senate on this legislation. Have the courage and the honesty to vote yes or no, not to hide behind a filibuster and get away with voting maybe. What does that do for their constituents?

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I rise to speak about the same topic about which the senior Senator from Vermont just spoke. We are grateful for his leadership on so many issues but especially those that involve the Judiciary Committee, the committee of which he has been chairman. He has been a great example. I will not try to repeat or replicate his message but to reinforce what Senator LEAHY and others have said already in this debate.

For people who do not follow campaigns day to day or even week to

week—a lot of people are making a living and struggling through a tough economy, so they are not always engaged in day-to-day politics. Generally, the way it works in this country, whether it is a State such as Pennsylvania, New York or Vermont or any State in the Union, for the most part, with some exceptions, we have candidates who declare their candidacy for office. They have to file paperwork. They have to fill out ethics forms and provide other disclosures as a candidate.

Then candidates, as they are running and raising money, have to make reports about their donors. That happens all the time in State races and in Federal races where someone gives you a contribution of any size, that has to be reported. Some States might have a cutoff below a certain dollar amount.

If you are running in an election and someone gives you a contribution of \$25,000 or \$100,000, people ought to know about that. They ought to know who is funding your campaign.

Even in the Federal system, we have limits on contributions. But while a candidate is running, they file reports that tell the voters who is supporting them. It is a basic foundational principle of the way we run elections.

Now we are faced with a situation, because of the Citizens United case, where those basic rules about how candidates are influenced or impacted by contributions, what corporations and entities do in an election—all that is turned on its head.

Basically, what this Supreme Court decision means is, you can have a corporate entity—I am not sure there is anyone in America who does not think corporations already have too much influence. Let's set that aside. They have plenty of influence in elections. Right now any corporation at any time can spend any amount of money they want.

We do not have any information, unless the law is changed, about their donors, who is paying for that influence, who is paying for those advertisements. The corporate entity does not even have to identify itself. They can call themselves the XYZ company or XYZ campaign and come in and run ads positively or negatively, for or against, candidates in an unlimited way. It violates the basic rule we have all operated under, which is: Sunlight is the best disinfectant. If you want to bring some light to the darkness, especially the darkness that will envelop a lot of campaigns, then I guess you would be in favor of not having a statute passed such as the DISCLOSE Act.

It is very simple. Others have gone through it, so I will not walk through every provision, but one of the first provisions is mandating expanded disclosure and disclaimer requirements for certain communications by corporations, unions, and certain tax-exempt organizations.

What is wrong with that? Why shouldn't we have that? For the most part, we have had that for years. Now we don't have that due to the Supreme Court decision. So we should make sure that is the law again.

Second, the legislation would require covered organizations to report information about their donors and spending for certain independent expenditures and electioneering communications.

Why shouldn't someone voting in 2010, or in any year, have information about the entity that is spending the money, and especially the donors supporting that entity. It is a free country. They can exercise their right to free speech, but the idea that it has to be shrouded in darkness and secrecy—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CASEY. I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. I thank the Chair.

And, Madam President, I ask unanimous consent to have printed in the RECORD a New York Times article of September 20, 2010, entitled "Donor Names Remain Secret as Rules Shift."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 20, 2010]
DONOR NAMES REMAIN SECRET AS RULES
SHIFT

(By Michael Luo and Stephanie Strom)

Crossroads Grassroots Policy Strategies would certainly seem to the casual observer to be a political organization: Karl Rove, a political adviser to President George W. Bush, helped raise money for it; the group is run by a cadre of experienced political hands; it has spent millions of dollars on television commercials attacking Democrats in key Senate races across the country.

Yet the Republican operatives who created the group earlier this year set it up as a 501(c)(4) nonprofit corporation, so its primary purpose, by law, is not supposed to be political.

The rule of thumb, in fact, is that more than 50 percent of a 501(c)(4)'s activities cannot be political. But that has not stopped Crossroads and a raft of other nonprofit advocacy groups like it—mostly on the Republican side, so far—from becoming some of the biggest players in this year's midterm elections, in part because of the anonymity they afford donors, prompting outcries from campaign finance watchdogs.

The chances, however, that the flotilla of groups will draw much legal scrutiny for their campaign activities seem slim, because the organizations, which have been growing in popularity as conduits for large, unrestricted donations among both Republicans and Democrats since the 2006 election, fall into something of a regulatory netherworld.

Neither the Internal Revenue Service, which has jurisdiction over nonprofits, nor the Federal Election Commission, which regulates the financing of federal races, appears likely to examine them closely, according to campaign finance watchdogs, lawyers who specialize in the field and current and former federal officials.

A revamped regulatory landscape this year has elevated the attractiveness to political operatives of groups like Crossroads and others, organized under the auspices of Section 501(c) of the tax code. Unlike so-called 527 political organizations, which can also accept donations of unlimited size, 501(c) groups have the advantage of usually not having to disclose their donors' identity.

This is arguably more important than ever after the Supreme Court decision in the Citizens United case earlier this year that eased restrictions on corporate spending on campaigns.

Interviews with a half-dozen campaign finance lawyers yielded an anecdotal portrait of corporate political spending since the Citizens United decision. They agreed that most prominent, publicly traded companies are staying on the sidelines.

But other companies, mostly privately held, and often small to medium size, are jumping in, mainly on the Republican side. Almost all of them are doing so through 501(c) organizations, as opposed to directly sponsoring advertisements themselves, the lawyers said.

"I can tell you from personal experience, the money's flowing," said Michael E. Toner, a former Republican F.E.C. commissioner, now in private practice at the firm Bryan Cave.

The growing popularity of the groups is making the gaps in oversight of them increasingly worrisome among those mindful of the influence of money on politics.

"The Supreme Court has completely lifted restrictions on corporate spending on elections," said Taylor Lincoln, research director of Public Citizen's Congress Watch, a watchdog group. "And 501(c) serves as a haven for these front groups to run electioneering ads and keep their donors completely secret."

Almost all of the biggest players among third-party groups, in terms of buying television time in House and Senate races since August, have been 501(c) organizations, and their purchases have heavily favored Republicans, according to data from Campaign Media Analysis Group, which tracks political advertising.

They include 501(c)(4) "social welfare" organizations, like Crossroads, which has been the top spender on Senate races, and Americans for Prosperity, another pro-Republican group that has been the leader on the House side; 501(c)(5) labor unions, which have been supporting Democrats; and 501(c)(6) trade associations, like the United States Chamber of Commerce, which has been spending heavily in support of Republicans.

Charities organized under Section 501(c)(3) are largely prohibited from political activity because they offer their donors tax deductibility.

Campaign finance watchdogs have raised the most questions about the political activities of the "social welfare" organizations. The burden of monitoring such groups falls in large part on the I.R.S. But lawyers, campaign finance watchdogs and former I.R.S. officials say the agency has had little incentive to police the groups because the revenue-collecting potential is small, and because its main function is not to oversee the integrity of elections.

The I.R.S. division with oversight of tax-exempt organizations "is understaffed, underfunded and operating under a tax system designed to collect taxes, not as a regulatory mechanism," said Marcus S. Owens, a lawyer who once led that unit and now works for Caplin & Drysdale, a law firm popular with liberals seeking to set up nonprofit groups.

In fact, the I.R.S. is unlikely to know that some of these groups exist until well after the election because they are not required to seek the agency's approval until they file their first tax forms—more than a year after they begin activity.

"These groups are popping up like mushrooms after a rain right now, and many of them will be out of business by late November," Mr. Owens said. "Technically, they would have until January 2012 at the earliest to file anything with the I.R.S. It's a farce."

A report by the Treasury Department's inspector general for tax administration this year revealed that the I.R.S. was not even reviewing the required filings of 527 groups, which have increasingly been supplanted by 501(c)(4) organizations.

Social welfare nonprofits are permitted to do an unlimited amount of lobbying on issues related to their primary purpose, but there are limits on campaigning for or against specific candidates.

I.R.S. officials cautioned that what may seem like political activity to the average lay person might not be considered as such under the agency's legal criteria.

"Federal tax law specifically distinguishes among activities to influence legislation through lobbying, to support or oppose a specific candidate for election and to do general advocacy to influence public opinion on issues," said Sarah Hall Ingram, commissioner of the I.R.S. division that oversees nonprofits. As a result, rarely do advertisements by 501(c)(4) groups explicitly call for the election or defeat of candidates. Instead, they typically attack their positions on issues.

Steven Law, president of Crossroads GPS, said what distinguished the group from its sister organization, American Crossroads, which is registered with the F.E.C. as a political committee, was that Crossroads GPS was focused over the longer term on advocating on "a suite of issues that are likely to see some sort of legislative response." American Crossroads' efforts are geared toward results in this year's elections, Mr. Law said.

Since August, however, Crossroads GPS has spent far more on television advertising on Senate races than American Crossroads, which must disclose its donors.

The elections commission could, theoretically, step in and rule that groups like Crossroads GPS should register as political committees, which would force them to disclose their donors. But that is unlikely because of the current make-up of the commission and the regulatory environment, campaign finance lawyers and watchdog groups said. Four out of six commissioners are needed to order an investigation of a group. But the three Republican commissioners are inclined to give these groups leeway.

Donald F. McGahn, a Republican commissioner, said the current commission and the way the Republican members, in particular, read the case law, gave such groups "quite a bit of latitude."

Mr. CASEY. Basically, in this article we have a news organization—among many—that is saying donor names are being kept secret. The other problem we have, of course, is foreign nationals are coming into the United States and spending money to influence elections. So this is not complicated. It is very simple. Either there is going to be sunlight and exposure about our elections and who is funding these various elections or we are just going to have darkness. I think that injures our ability to

have free debate in a campaign, and it injures the voter's ability to learn what they expect and should have a right to know about candidates and about those who are influencing candidates.

Madam President, we should pass the DISCLOSE Act. At a minimum, we should have a debate on the DISCLOSE Act.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

HONORING OUR ARMED FORCES

FIRST LIEUTENANT MARK A. NOZISKA

Mr. JOHANNIS. Madam President, I rise today to remember a fallen hero, U.S. Army 1LT Mark A. Noziska of Grand Island, NE.

Mark was a proud member of the 1st Battalion of the 4th Infantry Division. He was active in and around Kandahar, one of the most dangerous areas of Afghanistan. Sadly, Mark was killed on August 30 by an improvised explosive device. He had dismounted from a convoy vehicle to investigate suspicious activity when he was attacked. But by taking the lead, he likely prevented many more casualties within his platoon. His death is a great loss to our Nation and to my home State of Nebraska.

Mark loved life, he loved the Huskers, and he especially loved the Army. His leadership qualities became apparent early on in his life. He was recognized in Who's Who and selected to represent Nebraska in People to People while a student at Papillion High School. Before graduating, he was voted Mr. Monarch, a very high honor.

Mark enlisted in the National Guard in 2004 and before long was selected as the Nebraska Army National Guard Soldier of the Year. He subsequently finished as first runner-up in the Soldier of the Year national competition. Yet Mark had even higher aspirations. He enrolled in college and ROTC to become an officer. The University of Nebraska-Omaha ROTC Program honored Mark with the Military Order of the Purple Heart Medal.

After graduating with his college degree, he proceeded to the Infantry Officer Basic Course. His family reports that being an officer in the U.S. Army was an obvious joy and privilege for him.

First Lieutenant Noziska will be remembered as an eager, playful, yet very dedicated young man. His family recalls his lust for life, his love of his favorite football team, the Huskers, and his commitment to serving his country. His young nephew longs for Mark's teasing.

To Army leadership he was an energetic lieutenant with unlimited potential. His decorations and badges earned during his short but distinguished military career speak to his dedication and

to his bravery: the Bronze Star, the Purple Heart, the Afghanistan Campaign Medal, the NATO Service Medal, the Global War on Terrorism Medal, the Army Service Ribbon, the Army Commendation Medal, the National Defense Service Medal, the Army Reserves Component Service Medal, the National Guard Individual Achievement Medal, the Adjutant General Outstanding Unit Citation, and the Combat Infantry Badge.

Today, I join family and friends in mourning the death of their beloved son, their brother, and their friend. May God be with the Noziska family and all those who mourn Mark's death and celebrate his life.

Mark laid down his life in defense of our freedom and security, and our Nation must never forget his sacrifice, just as we remember all of the Nation's fallen heroes. We have not been forced to relive the horror of 9/11 because heroes such as Mark offered their lives to protect us from it. America can never repay them. We are forever grateful.

I ask that God be with all those serving in uniform, especially the brave men and women on the front lines of battle. May God bless them and their families, and may God bring them home safely.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

THE DISCLOSE ACT

Mrs. HAGAN. Mr. President, I am glad to join my colleagues today to discuss our elections process and the state of campaign finance. As everyone here knows, in January of this year the Supreme Court ruled in a 5-to-4 decision in *Citizens United v. the Federal Election Commission* that the first amendment cannot limit corporate funding of political advertisements in candidates' elections. Effectively, this decision overturned decades of campaign finance law that limited special interest influence on elections.

I am deeply concerned that this ruling is weakening the voice of the American people in our elections. Monday the New York Times reported that, since the ruling, many nonprofit advocacy groups have set up sister organizations and specially classified themselves under section 501(c) of the Tax Code. Organizations are using the 501(c) status as a loophole to avoid having to disclose their donors' identity.

I want America's campaign finance process to be transparent. What do I

mean by transparent? That the public knows who is paying for the message and how much. We have to be aware of the influence that money has on politics.

In response to the Court's decision, the DISCLOSE Act was introduced to mitigate the harmful effects of the Supreme Court's decision in *Citizens United*. The DISCLOSE Act would implement comprehensive disclosure requirements on corporations, unions, and other organizations that spend money on Federal election campaigns. This is common sense. When every one of us here in this Senate, Republicans and Democrats, runs for reelection, we have to state in our advertisements that we approved the ad. There is no reason we should not hold corporations and unions to the same standard. By increasing the transparency of campaign spending by these groups, this legislation seeks to prevent unregulated corporate power over elections.

Under the legislation, the CEOs of corporations, the leaders of unions and other organizations would be required to appear on camera for the election advertisements they have funded. The DISCLOSE Act would also require that the top five donors from organizations that pay for campaign advertisements be listed on the screen at the end of the television ad.

Additionally, the legislation would take steps to eliminate the influence of foreign corporations on American elections. I believe the Court's decision puts the voices of ordinary Americans at risk of being drowned out by direct corporate spending on elections. America deserves open and transparent elections and that is why I am a cosponsor of the DISCLOSE Act. I believe the DISCLOSE Act would ensure that average American voters are the ones in charge during elections, not special interest money and not foreign corporations.

I can assure you I will continue to do everything within my power and work with my colleagues in the Senate to protect the integrity of the election process. I hope my colleagues on the other side of the aisle will join us in this effort.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DREAM ACT

Mrs. MURRAY. Mr. President, one of the many values that make America so great is that no matter where we start off from in life we believe that we all deserve to have a shot at the American dream.

We all deserve an opportunity to work hard, support our families, and give back to the Nation that has been there for us all of our lives.

This is an American value I cherish. It is one I feel very strongly we ought to maintain and strengthen. And it is why I stand here today to talk about the DREAM Act, which would help us do exactly that.

The amendment we proposed was a narrowly tailored piece of legislation that was developed with Democrats and Republicans working together.

And I was extremely disappointed that Senate Republicans refused to even allow us to begin debate on this critical issue.

The DREAM Act would give a select group of undocumented students the chance to become permanent residents if they came to this country as children, are long-term U.S. residents, have good moral character, and attend college for at least 2 years or enlist in the military.

Under this bill, tens of thousands of well-qualified potential recruits would become eligible for military service for the first time.

These are young people who love our country and are eager to serve in the Armed Forces during a time of war.

And the DREAM Act would add a very strong incentive for them to enlist by providing a path to permanent legal status.

It would also make qualified students eligible for temporary legal immigration status upon high school graduation, which would lead to permanent residency if they attend college.

And most importantly, it would allow the young people who want to give back to America an opportunity to do so.

This is about our values as a nation.

But it is also about real communities. And real people in my home State of Washington and across the country.

I want to share a few stories I have heard that demonstrate why the DREAM Act is so critical.

I got a letter from a young man named Carlos, who was brought to the United States when he was just 2 years old.

Carlos' mom went to work every day to provide for her son, but she never told him that he was undocumented.

It was only when he wanted to go overseas on a school community service trip that he found out.

Carlos excelled academically and helped his family out with money by selling hot dogs after school.

And by the end of high school, he was student body vice president and had received a scholarship to attend the University of Washington, where he is scheduled to start this year.

Carlos is going to continue selling hot dogs to pay for textbooks, and his dream is to go to law school and be-

come a civil rights lawyer when he graduates.

I also heard from Judith, from Tacoma, another undocumented immigrant.

Judith recently graduated from high school and she told me that she dreams of joining the Navy and serving her country.

And I heard from Luis, a junior at Whitworth University in Washington State.

Luis is excelling at school, but because he is undocumented he has been unable to apply for work-study programs, internships, or federally funded scholarships.

He told me he wants to graduate and give back to the community by working with young people. That is his dream, but he is afraid that his status will prevent him from achieving that goal.

Luis told me he lives in fear of being deported, that the United States is his home, and that he wants nothing more than to be given a shot at the American dream.

The only way that can happen, the only way any of these young people can get that shot, is if we pass the DREAM Act.

The stories I told here today are of just three of the young people whose lives this affects, but I have received hundreds of stories just like theirs.

And this issue touches so many more across the country.

The amendment we proposed would have allowed us to take a first step toward fixing an immigration system that is clearly broken with real solutions that will help real people.

And for me, this is not just about immigration, it is about what type of country we want to be.

America has long been a beacon of hope for people across the world.

And I believe that to keep that beacon bright we need to make sure young people like Carlos, Judith, and Luis are given a shot at the American dream.

The dream that was there for me, that is there for my children and grandchild, and that is there for millions of others across this great country.

So once again, I am extremely disappointed that Senate Republicans blocked our attempt to begin debate on the legislation this amendment was attached to.

I am going to keep fighting for the DREAM Act.

And I am going to keep working toward comprehensive immigration reform that helps our economy, affords the opportunities we have offered to generations of immigrants, maintains those great American values that I hold so dear, and improves our security.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MCCASKILL. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes, we are.

THE DISCLOSE ACT

Mrs. MCCASKILL. Mr. President, I come to floor today to tell a sad, sad story of hypocrisy. It is not the first time we have told stories of hypocrisy around this Capitol Building, but this one is a particularly sad story of hypocrisy because right now, the ending is ugly.

In America, we like nice endings. This story of hypocrisy has a very bad ending. The name of this story is, Who is trying to buy your government? There are folks out there right now trying to buy your government. The saddest part of this story is that we have no idea who they are. So why is it a story of hypocrisy? Well, we can start with how we got here.

I have heard so many times—I cannot count how many times I have heard my colleagues in the other party talk about the evils of an activist court: Well, we have to make sure we do not have activist judges. Well, no, I am not opposed to this nominee because he is appointed by a Democratic President; I am opposed to this nominee because of activism, evil activism. We have to watch out for activism.

So along comes the Citizens United case. If you looked up “judicial activism” in a reference book, you would find the title “Citizens United.” This Court went off the tracks. They created precedent out of whole cloth in an effort to turn our democracy into a race for the highest bidder.

I think it is hypocritical for people to come before the Senate Judiciary Committee and be eloquent—because these are all smart people—very eloquent about the evils of judicial activism and then proceed to dismantle a system that is all about the public's right to know.

There is another part of this that is hypocritical, besides the notion that somehow conservative people are not judicial activists. They are not judicial activists when they are active for something you believe in. Then it is not activism. In other words, judicial activism is in the eye of the beholder. I can think of a lot of Supreme Court cases that could back up that assertion.

The other thing that is so hypocritical about this is the ridiculous notion that so many people in this body have talked about transparency like it is so near and dear to them. We must

have transparency. We must have an open door. We must have sunlight. Let me read a few quotes. This is rich:

Public disclosure of campaign contributions and spending should be expedited . . .

Think about that term, especially when we realize where it came from.

Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.

Good, old-fashioned common sense. That is from the leader of the Republican Party.

How about this one:

I think what we ought to do is we ought to have full disclosure, full disclosure of all the money we raise and how it is spent. And I think that sunlight is the best disinfectant.

That came from the leader of the Republican Party in the House.

I think the system needs more transparency so people can more easily reach their own conclusions.

I couldn't agree more. That comes from the Senator heading up the Republican effort to elect Republican Senators this year.

I could go on and on. We have a Supreme Court decision that turns the section of the IRS Code, 501(c), into an open bazaar. What was supposed to be not political and not for profit is now a mushrooming industry of nonaccountable, unaccountable organizations that nobody has any idea where they are coming from, who is writing the checks, and what their motivations are. These groups have fallen into a regulatory nirvana. There is no regulation. There is nobody watching. There is nobody asking questions.

These are social welfare organizations, 501(c)(4)s, like Crossroads, which is one that sprung up. It has been the top spender. It hasn't been the Republican committees or the Democratic committees. The top spender in the Senate races is a group we have no idea what it is or who is writing the checks.

We have to realize they don't even have to file anything with the government, with the IRS, until February, March, April. How many people think these organizations are going to be around after November? Really? How naive are you? They have to find some excuse, right, because this is embarrassing that they are blocking our efforts at making campaign finance contributions transparent?

One can't really say: Hey, we are going to change our mind about transparency because we have an election to win and we have a bunch of rich people out here who want to write big checks or big corporations that want to write big checks. So what do you do? You try to make it about the big, bad unions. These rules need to apply to unions too.

Unions are doing ads right now. They should be saying what unions are doing them. We should know where their money comes from. We do know where

their money comes from. It comes from their members. But we ought to know who is doing it. This law requires the same thing of unions that it requires of anyone else writing big checks.

Who is going to buy your government? It could be like a game show. We could have a big wheel and spin the wheel and people could guess who is buying the government. I am worried about government contractors. There has been big money in government contracting. I have noticed from firsthand experience that when we start shaking the trees of these government contractors, they fight back. As I have tried to clean up some of the contracting messes that have littered the financial landscape of the Federal Government, I have run into an amazing amount of resistance from the underground power of these government contractors.

Let's look at Blackwater. We know they have created dozens of fake names to do business with the government. Many of them are noncompetitive. Many of them are highly lucrative. They are hiding the identity of their company for purposes of contracting.

Can colleagues imagine what they are capable of if they get to write checks to influence elections with nobody knowing it? I am in big trouble. I have gone after a lot of these big contractors. Now I think my picture is probably on a lot of their dart boards. Now they don't have to worry about throwing a dart. They don't have to worry about it. All they have to do is anonymously write big checks. Millions of dollars. Write a check for \$10 million. Blow out an election in a State. Nobody has to know who did it.

Foreign interests, yes; the Citizens United case created all kinds of loopholes that are actually delineated in the case. They explained the loopholes that are being created, if one reads the entire decision, for foreign corporations. It is like after that case we have fallen down a rabbit hole in terms of everything we should believe in in terms of our election processes.

In the old days, they used to have the term, "the bagman." The bagman was not exactly a positive term for people. The bagman was the guy who was in charge of carrying the money around in a bag. There was a time in this democracy where they actually did that. Big bags of cash were carried around and delivered to people's desks in every level of government in the country. The people in this great democracy rose up and said: We want to clean up this mess. We want candidates to have to report how much money they are getting.

Some States said: We want to limit how much they are getting. We limit how much we get. I don't know why we are not honest about this. I don't know why they don't just propose an alternative bill that we do away with any kind of limits. Frankly, it might be a better tradeoff.

If somebody put a gun to my head and said: You have to choose. Do you want all the money being spent on campaigns disclosed where it is coming from or do you want limits, I think I would take the disclosure because I trust the American people. If they know who is paying the bill, they can make a good judgment whether they trust what that commercial says or what that mailer says or what that robo call says.

Trust is the great intangible around here. We can't do our jobs with dignity and with honor if we are hypocrites and if there is not trust. Does anyone imagine that the American people are going to trust us more when we have open season on elections by the highest bidder?

I implore my colleagues, clean up this mess with us. Don't put the last nail in the coffin of bipartisanship. This should be a bipartisan effort. One rich guy who has a grudge against you can make unfair commercials and never be held accountable, regardless of whether you are a Democrat or a Republican.

I am not as offended by the notion that wealthy people can spend their money however they want as I am by the notion that they can buy elections with it and not be held accountable. We have a very wealthy guy in St. Louis, Rex Sinquefeld, who is spending millions of dollars influencing elections and issues in Missouri. I kind of admire the guy. He is up front about it. He is not handing checks off to Karl Rove somewhere. He is very up front.

Trust is the great intangible. Everyone who blocks the effort to require full disclosure of money that is being spent on political campaigns does great damage to the most precious commodity we have in this country, and that is the strength of our democracy.

I hope the American people, who are pretty cranky right now—and I get it; they are upset; they ought to be really mad about this—hold every one of us accountable. If you are not willing to support a bill that will require full disclosure of people who are spending money on political advertising, then I don't know how seriously we can take anything you say you stand for.

Let's get the DISCLOSE Act up now. Let's clean up this mess. I guarantee my colleagues, it is going to have an ugly ending. This story will not have a good ending unless we change the plot.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, "[c]learly the American public has a right to know who is paying for ads and who is attempting to influence elections. Sunshine is what the political system needs."

We can try and regulate ethical behavior by politicians, but the surest way to cleanse the system is to let the Sun shine in.

I don't like it when a large source of money is out there funding ads and is unaccountable.

I think the system needs more transparency so people can more easily reach their own conclusions.

I support campaign finance reform, but to me that means individual contributions, free speech and full disclosure.

Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.

The issue is expenditures, expenditures, expenditures; and the real issue, if we really want to do something about campaign finance reform, is disclosure, disclosure, disclosure.

Disclosure helps everyone equally to know how their money is spent. . . . Disclosure is what honesty and fairness in politics is all about. Why would anyone fight against disclosure?

Those are all excellent points. The fact is, they were made by seven different Members of this body, all from my friends on the other side of the aisle. They were made either on the floor of this body or to the press.

So let there be no doubt, for a long time, disclosure of election spending has been a robustly bipartisan issue. But suddenly each of my friends has changed his or her tune. They now oppose legislation called the DISCLOSE Act—disclose, disclosure—the DISCLOSE Act that would force companies, nonprofits, and unions to disclose the money they spend in our elections, both to the Federal Election Commission and to the American people.

Here is one reason why they may have changed their tune. Thanks to the Supreme Court's decision in *Citizens United*, which Senator McCaskill just spoke so eloquently about, corporations today have more power to spend in our elections than they have had in our lifetimes. In that decision, the Roberts Court broke with a century of precedent, overturned two Federal laws, reversed two of its own decisions, and nullified 24 State laws, including a 20-year-old Minnesota law. The Supreme Court did all that to allow corporations to spend as much money as they want, whenever they want, in our elections and not just Federal elections—State elections, county elections, school board elections.

Here is another reason my friends have changed their tune: Those corporations are using their newfound power to disproportionately benefit my friends across the aisle. Since August 1, Republican interest groups have outspent Democratic interest groups 5 to 1, and these corporations are funneling millions upon millions of dollars into our elections without anyone knowing where that money came from.

It is no accident they are so eager to influence elections and to do so anonymously. You know why? Because Congress has finally stepped in to protect consumers from abuses by big businesses that have been allowed for far

too long to write their own rules. So big businesses are giving money anonymously.

Corporations will not spend money on just any election. They are going to spend it when we, the Congress, try to pass laws that are tough on Wall Street or on health insurance companies. They are going to spend it when your city council debates whether to allow a new toxic waste dump that wants to come to town. They are going to spend it when anyone tries to pass consumer and environmental laws that protect our families and our homes. The best part of it is, they do not want anyone to know they are doing it.

That is why we need the DISCLOSE Act. The DISCLOSE Act will allow Americans to know how and which corporations and unions are trying to influence elections. The DISCLOSE Act would make sure we do not need a permission slip from big business to run our communities.

Let me repeat what it will do. First and foremost, the DISCLOSE Act is about disclosure; hence, the DISCLOSE Act. That is why it is named that. It will force CEOs, union heads, and leaders of advocacy groups, along with their top contributors, to be identified in the ads they pay for. These same groups, corporations, nonprofits, and unions would be required to disclose their top donors to the Federal Election Commission.

If a company has shareholders, they are going to have to disclose their expenditures to those shareholders in periodic reports and on their Web sites.

Some of my friends across the aisle are saying the DISCLOSE Act is not just about disclosure, it has some other stuff in there. You know what? They are right. It has a few other things in there. What are they? Well, a prohibition on spending by companies receiving taxpayer money in the form of major government contracts—the Senator from Missouri talked about that as well—or companies that have received TARP funds they have yet to pay back.

What else? A prohibition on expenditures by companies where a foreign individual or company or nation has a controlling share, as it is defined by Delaware and 30 other States—that is, at it is defined by 31 of the 32 states that define a controlling share with a number. This is a provision I authored and that Senator SCHUMER included in this piece of legislation. This provision will prevent CITGO, owned by Venezuela, from using the *Citizens United* decision to pour money into our elections.

I welcome the opportunity to debate these provisions. I welcome it. So far, some of my friends will not allow that debate to happen. No debate, and the American people will continue to suffer for it.

So I urge all my colleagues to allow debate on this important bill. Allow de-

bate on this bill. It is about the future of our democracy. Allow debate.

Before I conclude, let me quote again a prominent friend on the other side of the aisle:

Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.

Let me repeat that: "Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate."

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

RAISING TAXES

Mr. KYL. Mr. President, we continue to have a discussion about whether there should be a tax increase on Americans and, if so, which ones. We are not sure whether the Senate is going to vote on one of those propositions before the elections, but there appears still to be a chance we would do that.

I found it of interest that a couple surveys—one of economists and one of Americans generally—throw more cold water on the idea that we should be raising taxes on any Americans.

I wish to report, first of all, a CNBC poll which just came out today. The headline is "Most Americans Want All Bush Tax Cuts Extended." Well, that is another way of saying: We should not raise taxes on any Americans. I will just quote from two lines:

In the new poll released this week, 55 percent said that "increasing taxes on any Americans will slow the economy and kill jobs". . . . Only 40 percent said the Bush-era tax cuts should be canceled for higher earners. . . .

One other interesting statistic is that the poll showed that "55 percent of Americans said [President] Obama's overall economic plans have made things worse so far."

This poll is consistent with every other we have seen. Most Americans do not believe we should be raising taxes on anyone—on the wealthy, on businesses, on others, on anyone. I think most of them get the fact that if you start raising taxes, particularly in the middle of a recession, you are going to kill economic recovery and certainly slow the creation of more jobs.

Well, that was also the opinion of a group of economists who were surveyed by CNN. They surveyed 31 different economists and had a variety of options. They asked: What should the Senate and the House do? In this survey, 18 of the economists said we should not raise taxes on anyone—in other words, extend the tax rates that have been in effect for the last 10 years for everyone, continue to extend them. There were only three of the economists, incidentally, who said: No, we

should differentiate, extend for some but not extend for others. In other words, it is OK to go ahead and raise taxes on the so-called wealthy.

I noted also today that the National Taxpayers Union released a letter with 300 economists saying the same thing, that we should not raise taxes on anyone. Finally, I noted in comments I made Monday that Secretary Geithner had said what we should be doing to preserve jobs in America is to promote savings and investment. That is, of course, precisely what we should be doing. Unfortunately, that is exactly the opposite of what would happen if we raised the taxes on the so-called upper two brackets because that is how small businesses, by and large, pay their taxes.

Fifty percent of the approximately \$1 trillion of business income will be reported on returns that have a marginal rate in the top two brackets. That is another way of saying, if you increase the tax in those top two brackets, you are going to dramatically impact small businesses that create about 25 percent of the total workforce here in the United States.

In testimony before the Finance Committee, on which I sit, the former Director of CBO, Doug Holtz-Eakin, testified that an increase in the top effective marginal income tax rate would reduce the probability that a small business entrepreneur would add to his or her payrolls by roughly 18 percent. I suggest it may even be more than that.

What I would like to do is quote from comments from a few small business folks as to the effect of the tax increase on them. If the tax increase were to be voted on by this body and the House of Representatives and adopted into law or if the current tax rate is not extended for everyone, here is what a few small business folks say would happen to them. Some of these examples come from the Chamber of Commerce, some from the National Federation of Independent Business.

For example, Mark Clinton of Decisive Management in Little Rock, AR: Last year, he says, he paid about half his business's income back in taxes. He has a small business that meets this threshold I mentioned before, and he said any tax increase would effectively kill his business. I thought it was interesting. He gets frustrated, he said, when he hears the top-tier tax cuts referred to as tax cuts for "the rich." He said:

These are employers who work hard to balance their budgets and make ends meet. They need money to sustain their businesses. Do you want someone who is broke as your employer? No. You want someone who is able to pay their bills and pay your salary.

Here is another example of someone who says he would be hurt if his taxes are raised: Jim Murphy, from the firm EST Analytical, in Cincinnati, OH. If taxes go up above the \$250,000 thresh-

old, the bottom line of his business will suffer and he will be forced to make serious business decisions to make up for the lost income. He just recently lifted a pay freeze that has been in place for almost 18 months. His company suspended the 401(k) contributions at the same time, and that likely will have to continue into the future. So instead of potentially hiring more people, he is definitely not going to make any new hires. He said that the threat and uncertainty of health care costs going up next year is also a great concern.

So instead of purchasing needed capital equipment and generating economic activity for other businesses, I will have to make do with what we have.

I will just mention a couple more.

Ron Hatch of Hatch Furniture in Yankton, SD, said his business, which is a furniture store, has struggled. He has seen his business fall by 25 percent. He had to close one of his two stores. His business is heavily dependent on capital, and he says any tax increase would inhibit his ability to compete and force him to lay off more workers. If the current tax rates are allowed to expire, he says he might well have to go out of business.

Steve Ferree, who owns a Mr. Rooter Plumbing in Gladstone, OR, says he has been lucky his business has been able to survive so far but that increasing his tax rates, the rate at which he pays—just what we are talking about here—would directly impact his business. He would not be able to consider hiring a new employee or buying new equipment should the tax hike take effect.

There are several from the printing industry. I will just quote from one.

Mike Nobis of JK Creative Printers in Quincy, IL, makes the point that the tax increases hurt his clients which then, in turn, hits him. He talks about the fact that his clients are having to cut back their budgets and that this has had an impact on him. He said that increasing taxes will be especially hard-hitting for his clients. As a result, he is going to continue to lose customers, and with that loss of customers combined with the tax increase hitting his own budget, he will be hit from both sides. The looming tax increase and uncertainty with forthcoming health care mandates have left him in a position where he is hesitant to take on risks and grow his business.

Another example from the printing industry: Frank Goodnight of Diversified Graphics in Salisbury, NC. Another from the real estate industry—a lot of examples there—Curt Green from Curt Green & Co. in Texarkana, AR.

Let me close with two examples that show other indirect effects.

Steve Walker from Walker Information in Indianapolis, IN, talks about one of the indirect consequences of his firm having to pay more in taxes, his small business. It is a family business.

He said: We have always taken care to give back to our community in Indianapolis and central Indiana. Here is a direct quote:

If Congress increases taxes, it will directly affect the extent of our charitable work, in addition to impacting our company's bottom line. I look at pretax dollars as a pie chart. Right now, Uncle Sam gets 35 percent. If Uncle Sam gets 39.6 percent, then 4.6 percent will come from other uses. For us, those uses are as follows: Reinvest in the business, give to charity, and meet capital obligations.

Meeting capital obligations are fixed, so the impact of a tax increase will reduce the amount available for charity first and investment capital second. I have already made plans assuming that some sort of tax increase is coming.

And he talks about how that will drop his contributions to United Way, for example.

He concludes by saying:

I think Congress needs to have a much greater appreciation for the direct and indirect consequences a massive tax increase would have on businesses and the communities that we and our employees live and work in.

Finally, noting a physician who has a business in Chicago, Dr. Herb Sohn of Strauss Surgical Group makes another point not just about marginal income tax rates but capital gains and dividends as well. Remember that these taxes would also be increased under the Democrats' proposal. He says that increases in dividends and capital gains taxes will prevent his patient care business from expanding to provide quality care to more patients. He talks about having practiced medicine since the early 1970s in the Chicago area. His focus is on his patients, but he says:

Unfortunately, the impending tax increases will impair our ability to focus on patients and their care. The increases in capital gains taxes and dividend tax rates will impact our business, derailing our opportunities to expand our operations.

Finally, he notes that he is structured as a passthrough entity. And that is how a lot of these small businesses pay their taxes. That is why they are impacted by an increase in the top two marginal income tax rates. He says:

If Congress increases the marginal income tax rates, that means we will have less money to expand and reinvest in our business, which, again, is focused on patient care.

He concludes by saying:

I'm not a tax expert, but I do have a straightforward diagnosis on this issue—Congress needs to keep all the tax rates at their current levels and not slap us with a bigger tax bill.

My point is this: The American people, by a wide margin, believe we should not increase taxes on anyone. Economists, by a wide margin, agree. We should not increase taxes on anyone. And the several examples of owners of small businesses who would be the first to be impacted by an increase in the upper two marginal income tax

brackets have made it very clear—every one of them—that it will have a direct impact on their ability to hire people, to expand their businesses, or to continue in business, and an indirect impact on the customers they serve, who then, in turn, would have less business for these small businesses.

All in all, it is a bad idea to even think about increasing taxes on any Americans, let alone small businesses. We should make it clear right now that these folks do not have anything to worry about; they are not going to be hit with a big tax hike.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Utah.

Mr. BENNETT. Mr. President, I had originally anticipated speaking for 15 minutes. I understand that the speaker intruded into the Republicans' time, for which I do not complain, but I ask unanimous consent that I be allowed 15 minutes even though the time would normally expire at 3 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Thank you, Mr. President. I appreciate that and the courtesy of my colleagues.

THE DISCLOSE ACT

Mr. BENNETT. Mr. President, I have two issues I wish to discuss today. The first one is one I have spoken about before, which is the DISCLOSE Act, which we are going to be voting on probably tomorrow. The last time I talked about the DISCLOSE Act, I raised the issue of the film that was made in the 2004 campaign by Michael Moore. This was an effort, very clearly, on the part of Mr. Moore to influence the election. No one could have seen that film without realizing it was a serious attempt to make sure Americans did not vote for President George W. Bush.

Well, Citizens United, a group that has political views different from Mr. Moore's, believed that the film violated the law, and they filed a complaint with the Federal Election Commission because they said it was clearly a political document, not just another movie, and it was filmed for the purpose of trying to affect the election.

At the time, Michael Moore had this to say about Citizens United and their complaint:

That's the difference between our side and their side. Even when we disagree, we are respectful of freedom of speech, but when they disagree, they try to shut you down. Well, it's unAmerican and it's wrong and people are not going to stand for it. People in this country don't like to be told they can't watch something or see something.

I can argue with Mr. Moore about whether our side really does hate freedom of speech, but the interesting point is that he insisted we have more opportunities to watch rather than less opportunities to watch and that any

other position was, to use his term, un-American.

What did Citizens United do? They decided that rather than fight Michael Moore, they would join him, and they made a movie and they ran the movie in the 2008 election. Immediately, they were attacked for making this movie because, unlike Michael Moore, Citizens United as a group happens to have a corporate charter. They are a corporation by definition, and the complaint was, you are entering the campaign and violating the law which says corporations cannot contribute to political parties.

Citizens United took the case all the way to the Supreme Court and said: But we are not contributing to a political party; we are not violating the law against corporate contributions. We are exercising our first amendment right to make a movie and tell people what we happen to think about Hillary Clinton. Their views about Hillary Clinton were no more generous than Mr. Moore's views about President Bush.

I haven't seen either movie. I don't particularly care to at this point. The issue is, does Citizens United have the same right to freedom of speech that Michael Moore does or is the technicality of the fact that Citizens United happens to be a corporation and Michael Moore is rich enough to make his movie by himself, without a corporate form and without shareholders, mean that he can speak and they cannot? The Supreme Court said: No, we won't support that idea, that he can speak and they cannot; and as long as they are not making a direct contribution to a party—that would be a violation of the law—they have the right to make a movie and they have the right to distribute it.

Well, that is what the DISCLOSE Act attempts to do something about. We have heard complaints on this floor: Oh, it is evil and improper for corporations to speak, unless, of course, they happen to be the New York Times corporation—they can speak all they want—or the Washington Post corporation. They can speak all they want. But if a group of citizens get together, and they have some shareholders, and say, we want to speak in the political arena, they are told, no, no, no, you can't, except by the Supreme Court, which says, yes, yes, yes, you can. That is why I support the Supreme Court decision.

All right. We get the DISCLOSE Act to say that the Supreme Court made a terrible mistake but we will do everything we can to try to rectify that mistake. We are told over and over again that we are not limiting their freedom of speech; we are just going for disclosure. Then there are all kinds of aspects of the bill that go beyond disclosure, and we are treating everybody alike, except for those groups we have

carved out of the terms of the DISCLOSE Act, so they won't have to comply with the DISCLOSE Act, and those happen to be the kinds of groups whose support is necessary for the people who voted for this bill in the House.

All right. Let's assume for the sake of argument that there are things in the Supreme Court decision that do need some legislative attention. Why, then, don't we have some hearings? Why, then, don't we have the bill open for amendment? I am the ranking member of the Senate Rules Committee—the committee that would receive the jurisdiction on this bill—and we have not seen it in the Rules Committee. It has not been referred to committee. There have been no hearings. There has been no opportunity for amendment. There has been no opportunity to sandpaper some of the rough places and make the bill more acceptable to people who are currently opposed to it. It is simply: It passed the House in this fashion; let's bring it to the floor of the Senate the way it passed in the House and prevent the Senate from having any impact on the way it is worded or structured.

So I am going to vote against the DISCLOSE Act for two reasons: No. 1, I happen to believe that the Supreme Court got it right and that Citizens United has every bit as much right to produce a movie that attacks a political character as Michael Moore does. The technical fact that he does it as an individual should not change the importance of the dialog that should take place in the public square. No. 2, even if the Supreme Court decision does need some kind of legislative fix, it should be handled in regular order. We should have seen it in the Rules Committee. We should have had an opportunity to amend it, to debate it, to hear witnesses on it, to question those witnesses and have an understanding of it. For those two reasons, I intend to vote against it.

TAX POLICY

Turning my attention very quickly to the issue the Senator from Arizona was discussing which has to do with tax policy, I wish to call to the attention of my colleagues an article that appeared in the Wall Street Journal on September 21 with respect to capital gains taxation and the impact of seeing the capital gains tax rate go up on the economy. The headline of the article is "Cap Gains Taxation: Less Means More."

I ask unanimous consent to have the entire article printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. I will highlight only one portion of this article in the interest of time. It is the point that is made as the final point in the article where it says:

Higher capital gains taxes will not substantially reduce the deficit.

They point out—we have all seen it—that the higher the capital gains tax goes, many times the lower the capital gains tax revenues. Why is that? Because if you have an investment in a business or a piece of real estate and the cost of getting out of that investment is inordinately high because of a capital gains tax rate, you won't be as motivated to get your money out of that investment and put it into a more productive one as you would be if the capital gains tax were low.

We have all known that. The economic information on that has been around for a long time.

But there is another aspect to this I want to highlight; that is, the impact on jobs. The figure they use in this article is that if the capital gains tax rate went to zero, the loss to the Treasury, in terms of income, would be \$23 billion a year. Oh, you may say, that is a lot of money. We can't afford to lose \$23 billion a year coming into the Treasury. What impact would that have on the deficit? We would lose \$23 billion a year that we need.

All right. Let's assume that the \$23 billion comes in. What does this administration propose to do with it? They want to put it in the stimulus package to create jobs. They would spend the entire \$23 billion as rapidly as it came in. It would go out in a stimulus effort to create jobs. The point made in the article is that by not taking in that \$23 billion and leaving it in the economy, we are giving the economy itself and those people who are in the business of creating jobs \$23 billion in incentives to create jobs. If I can quote the last paragraph:

A capital gains tax reduction to zero produces new jobs at the cost of \$18,000 per worker—far less than might occur from any other proposals.

In other words, if the government took in the \$23 billion, and then spent it in incentives to create jobs, they would spend more than \$18,000 per job than would happen if we simply left that money in the hands of the people who know how to create jobs. I am not suggesting a capital gains tax rate of zero, but I am saying let's leave it where it is, because it is the most efficient way to create new jobs in this economy, rather than have it come into the government and have the government hand it out in ways that are proven to be less effective in the creation of new jobs than the reality of the economy working on its own.

Those are my two messages, and I appreciate the opportunity of sharing them today. No. 1, let's defeat the DISCLOSE Act. No. 2, let's leave the tax program where it is, because that is the most efficient and effective way to create new jobs, and new jobs is what we want and need in this economy more than anything else.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Sept. 21, 2010]

CAP GAINS TAXATION: LESS MEANS MORE (By Allen Sinai)

Congress is deliberating on what to do about the "Bush tax cuts"—the reductions in income, capital gains and dividend taxes legislated in 2001 and 2003—currently set to expire at the end of this year. The recession may officially be over, but what Washington does on tax policy still matters for an economy that's creating very few net new jobs and is stuck with an unacceptably high unemployment rate and record-high federal budget deficits of over 9% of GDP.

Capital gains taxation is one area in which lawmakers can help jump-start the economy. Capital gains tax rates for taxpayers in the top four income brackets are set to move higher in a few months. My new study, "Capital Gains Taxes and the Economy," published this week by the American Council for Capital Formation, shows that the net effect of lower capital gains taxation is a significant plus for U.S. macroeconomic performance.

The study simulated reductions and increases in capital gains taxes starting in 2011 and extending to 2016 to estimate the effects on economic growth, jobs and unemployment, inflation, savings, the financial markets and debt.

Here are a few of the relevant findings:

Hiking capital gains tax rates would cause significant damage to the economy. Raising the capital gains tax rate to 20%, 28% or 50% from the current 15% would reduce growth in real GDP, raise the unemployment rate and significantly reduce productivity. These losses to the economy outweigh any gains in tax receipts from the increase in the capital gains tax rate.

For example, at a 28% capital gains tax rate, economic growth declines 0.1 percentage points per annum and the economy loses about 600,000 jobs yearly. If the capital gains tax rate were increased to 50%, real GDP growth would decline by 0.3 percentage points per year, and there would be 1.6 million fewer jobs created per year. At a 20% capital gains rate compared with the current 15%, real economic growth falls by a little less than 0.1 percentage points per year and jobs decline about 231,000 a year. Smaller increases in the capital gains tax rate have smaller effects on the economy, but the effects are still negative.

Lowering capital gains tax rates would help grow the economy and jobs. My study found that when capital gains taxes are reduced to below 15%, the after-tax return on equity rises, stock prices increase, household wealth rises, consumption moves higher, and capital gains can be realized. Capital gains tax receipts to the government increase and household financial conditions improve to provide a healthier basis for future consumer spending.

My study also found that a reduction in the capital gains tax rate to 5% from 15% raises real GDP growth by 0.2 percentage points per year, lowers the unemployment rate by 0.2 percentage points per year, and increases nonfarm payroll jobs by 711,000 a year. Productivity growth improves 0.3 percentage points a year.

Taken to its logical conclusion, moving to a zero capital gains tax rate would have an even bigger effect, increasing growth in real GDP by over 0.2 percentage points per year and approximately 1.3 million additional jobs per year.

Higher capital gains taxes will not substantially reduce the deficit. The net impact on the federal budget deficit of a reduction in the capital gains tax rate to 0% is a decline in tax receipts of \$23 billion per year after the positive effects of stronger economic growth on payroll, personal and corporate income taxes are taken into account. This is significantly less than the \$30 billion per year static revenue loss estimate, which does not include feedback effects. A capital gains tax reduction to 0% produces new jobs at a cost of \$18,000 per worker, far less than might occur from many other proposals.

The bottom line is that any capital gains tax increase is counterproductive to real economic growth. To the contrary, a reduction in the capital gains tax rate would be a pro-growth fiscal stimulus that creates new jobs and new businesses, funds entrepreneurship, reduces the unemployment rate, increases productivity, and in the long run brings in more payroll taxes. In the case of capital gains taxation, less means more.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I take this time to talk about an issue that came up frequently during my town-hall meetings in Maryland in August, and that subject dealt with campaign finance reform and what we need to do to restore public confidence in our election system.

I must tell you, there wasn't a single person in Maryland who told me that we needed more special interest corporate spending in elections. There wasn't a single person who told me there is too much disclosure of information as to where contributors come from. It was the reverse. People in Maryland believe there is too much special interest money in our campaigns. They believe they have a right to know where all campaign contributions and expenditures come from. They want true campaign finance reform.

The interesting thing is that we know how difficult it is to pass campaign finance reform legislation. I was part of the Congress that passed, in 2002, the bipartisan Campaign Reform Act. It wasn't easy to get it done, and it was a bipartisan bill. We made strong headway in that legislation to restrict corporate money. I must tell you, I think the public appreciated the efforts that were made, appreciated that it was bipartisan, and knew we did make progress in limiting what corporations can spend in Federal elections. Corporations can participate. They can have their employees work for political action committees. But it is very transparent, open, and it is limited, so that we have some control of the amount of special interest money coming into our Federal elections.

Then comes Citizens United, the Supreme Court case that reversed the actions of Congress, that reversed the 2002 bipartisan Campaign Reform Act. It was a decision—5-to-4—by the Supreme Court, where the so-called—and I use this term gently—conservative Justices, who, in my view are the most

judicial activists, reversed precedent and congressional action and expanded what corporations can do in Federal elections.

I was listening to Senator BENNETT talk about how unfair it was that a documentary was treated differently. Well, as Justice Stevens said in that case:

Essentially, five justices were unhappy with the limited nature of the case before us, so they changed the case to give themselves an opportunity to change the law. There were principled, narrow paths that a court that was serious about judicial restraint could have taken.

They could have dealt with the issue Senator BENNETT talked about. But, no, instead they opened the door completely for corporations to spend money in Federal elections.

Let me quote from Public Citizen Congress Watch. Their research director Taylor Lincoln said:

The Supreme Court has completely lifted restrictions on corporate spending on elections.

That is moving in the exact opposite direction the people of this Nation want us to move in, dealing with campaign finance reform—reversing the actions of Congress and indeed their own decisions. This wasn't the first time. I can give you a lot of chapter and verse how the so-called, again, judges who are supposed to be conservative have been judicial activists. They did that in the Lilly Ledbetter case. In that case, they reversed previous precedent and made it virtually impossible for a woman to be able to bring a case based on gender discrimination in the workplace. We took that Supreme Court decision and the Congress did the right thing. We made sure that the intent of Congress was carried out. We passed a bill to give gender equity and opportunity to bring an effective suit if one is discriminated against in the workplace.

We need to do the same thing on campaign finance reform. The Supreme Court has acted. I disagree with their decision. Now Congress needs to act in order to restore some confidence with the American people. I applaud Senator SCHUMER in his efforts to bring forward legislation—the DISCLOSE Act—and this bill is consistent with the Supreme Court decision. I disagreed with the Supreme Court decision. I don't believe corporations are equal to individuals, as far as spending money and contributing in a campaign. But we will debate that issue on another day. That is not what this bill does. It does something I thought virtually every Member in this Congress agreed on, which is that the public has a right to know who is spending money in a campaign—to disclose where you are spending money, where it is coming from.

If you, as a candidate for the Senate, put an ad on television, you have to identify that it is your ad. The public

has a right to know who is responsible for the money being spent on the ad being put on television. That is not true under Citizens United. Corporations can now spend money without accepting responsibility for the ad, and without the public knowing the source of the ad. That is plain wrong. We have an opportunity to correct that, consistent with the Supreme Court decision. This is not about trying to reverse the Supreme Court decision. I would like to do that, but that is not what this is about. This is about making sure the public knows who is spending money in a campaign. I thought everybody agreed on this.

Let me quote from the leaders of the Republican Party in the House and Senate. Senator MCCONNELL said:

Public disclosure of campaign contributions and spending should be expected so voters can judge for themselves what is appropriate.

Our Republican leader was right on that.

House Republican Leader BOEHNER said:

I think what we ought to do is we ought to have full disclosure. I think sunlight is the best disinfectant.

I can quote lots of Democrats and lots of Republicans. Quite frankly, I don't know Members who are against disclosure. Yet some of my colleagues will be voting against it. To me, it is hard to understand why, when this bill is narrowly focused and its principal objective is to make sure voters know who is spending money in an election. Does it do other things? Yes. I didn't think there were objections to the other provisions, such as making sure foreign corporations cannot contribute. Well, you know, I thought that is what we all agreed on. Government contractors—restricting what they can do. It is consistent with the Supreme Court decision, where eight of the nine Justices acknowledged that it would be OK for Congress to enact legislation concerning disclosure.

So I come back to our responsibility. We are not on the Supreme Court of the United States. That is not our responsibility. Our responsibility is to enact laws. Our responsibility is to respond to the needs of this Nation, to respond to what our constituents want us to do. Quite frankly, our constituents want us to take up campaign finance reform. They want us to do a lot more than just the DISCLOSE Act, when it comes to campaign finance reform. I am one of those who supports public financing of campaigns.

I think it would be far better for the people of Maryland and this Nation to have less special interest money financing campaigns. I think it would be better to have some public way in which they can know the candidates running. I think we should require our networks to provide air time for debates. That is not today's debate, but it

is whether we can move the ball forward on campaign financing that makes sense. In other words, let's not move backward. Let us do what the Supreme Court told us we can do in regard to corporate spending.

Let's do what Members of this body have said we should do, and that is require that we disclose the source not only of those who contribute to our campaigns but those who spend money on behalf of getting us elected or defeated. We have a right, the voter has a right to know that. Those who are responsible for the act should have the courage to disclose the moneys they are spending and take responsibility for the ads they produce.

I could go on with additional information that we have—some of these organizations that are organized under the Internal Revenue Code. I can show you that we are not going to be able to have adequate enforcement of that. One thing we can do, which I hope we can agree on, is to pass the DISCLOSE Act so the public has the information to judge who is getting involved in our campaigns, and then I hope that Democrats and Republicans can join to make sure the integrity of our election system is strengthened.

Confidence in government depends upon the people of our Nation believing that our elections are open and fair. We spend a lot of time in other countries making sure their election process is right. We need to do a better job here in America. It can start this week by allowing us to debate the DISCLOSE Act. Let's not hide behind the filibuster. Let's bring it forward and have the debate on the floor, and let us respond to our constituents. They have the right to know who is spending money in this election.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I am honored to follow my distinguished colleague from Maryland, who has such great legislative and elective experience and speaks with such passion and energy about this issue. I share his concern, and I rise today to speak about a type of corruption in the political arena. What type of corruption in the political arena am I talking about?

I am talking about the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate forum and that have little or no correlation to the public support for the corporation's political ideas, wealth that can unfairly influence elections when it is deployed in the form of independent expenditures.

Sounds like tough talk to call that a type of corruption in the political arena and describe it in those terms. But those are not my words. Whose words are they? Those are the words of the U.S. Supreme Court. The U.S. Supreme Court said:

State law grants corporations special advantages—such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets—that enhance their ability to attract capital and to deploy their resources in ways that maximize the return on their shareholders' investments.

That is what they are for, and that is what they should do. But the Supreme Court continued:

These state-created advantages not only allow corporations to play a dominant role in the Nation's economy, but also permit them to use "resources amassed in the economic marketplace" to obtain "an unfair advantage in the political marketplace."

That was the law of the United States of America. That law was precedent when our Chief Justice stood before our Senate Judiciary Committee and promised, under his oath before that committee, that he would honor precedent. Not only that precedent, but it relied on earlier Supreme Court precedent.

This Court, Justice Marshall writing, quoted the Massachusetts Citizens for Life decision, a previous Court, and said, as the Court explained in Massachusetts Citizens for Life, the political advantage of corporations is unfair because "[t]he resources in the treasury of a business corporation . . . are not an indication of popular support for the corporation's political ideas. They reflect instead the economically motivated decisions of investors and customers. The availability of these resources may make a corporation a formidable political presence, even though the power of the corporation may be no reflection of the power of its ideas."

When Chief Justice Roberts, under oath before the Senate Judiciary Committee, promised that he would honor the precedent of the United States of America, this was not only precedent, it was precedent within precedent. It was the established law of the United States of America, that corporate expenditure in elections was a type of corruption in the political arena.

But they could not resist. They could not resist, and by a 5-to-4 decision—one of an array of 5-to-4 decisions by which a narrow partisan majority of our Supreme Court has taken the law and moved it as far as it could—they changed the law of the United States. They knocked down this standing precedent in order to open the floodgates of American elections to corporate money.

Let me interrupt myself for 1 minute. When I say "moved it as far as it could," I mean these decisions on these massive issues—issues of great importance to our country, issues of vast consequence in our elections—do not need to be decided 5 to 4. A Court that had a real interest in modesty, in conservatism, could look for a broader majority to try to build consensus for the rule that it was announcing. Of course,

if they tried to build that broader consensus, they would not be able to take as big a political leap. This is a Court that over and over will take the big political leap at the cost of, I think in the long run, the Court's credibility, but in the short run of building a precedent that has lasting value because it has a significant majority behind it.

Other big decisions of the Court—*Brown v. Board of Education* for instance—were unanimous. Here, once they have their majority, that is all—that is enough. Then they are willing to move.

Who did they open the floodgates to when they did this? Let's see who has been opposing our bill to try to at least make public what corporations are taking advantage of. Roll Call reported back in July that "the bulk of corporate outreach on the campaign finance bill"—that is the bill we are trying to get to, trying to correct this Citizens United decision, trying to protect our elections from being flooded with corporate money—"the bulk of corporate outreach on the campaign finance bill was done primarily by companies based outside the United States but that have substantial operations here."

That is great. The lobbying on whether corporations get to control our elections is being dominated by multinational corporations based outside of the United States. American citizens' voices are going to be drowned out by corporate money based on lobbying from corporations that are not even American corporations.

Roll Call continues: "According to Senate filings, large international firms reported lobbying Members—or hiring others to do so—on the DISCLOSE Act—the bill we are on—in recent months. . . ." They include Sony and Honda. How fortunate for General Motors to have the electoral process controlled by lobbyists for Honda. The financial firm, UBS, a Swiss bank—that is what we need. The views of a Swiss bank are clearly important to American elections and should certainly drive them and, therefore, let the corporate money flow. That makes great sense. A Swedish drugmaker, Novo Nordisk—that is where the money is behind this.

Where does it go? It goes to Karl Rove's group—like he has not already done enough damage to this Republic—American Crossroads, which hopes to spend \$50 million in this election, according to the New York Times, supported by the American Action Network, which is planning to spend \$25 million in concert with the U.S. Chamber of Commerce, which is spending \$75 million, all reported by the New York Times, along with other groups: Americans for Job Security, the American Future Fund.

Let me ask, if you see an advertisement on television that slams a polit-

ical candidate, that trashes him on some issue, and it is brought to you by Americans for Job Security or the American Future Fund, you, as a citizen trying to evaluate that advertisement, what information does that give you? I suggest it does not give you very much information at all.

ExxonMobil could buy American elections. The entire Presidential election between President Obama and Senator MCCAIN, adding up the spending on both sides, cost about \$1 billion. ExxonMobil makes that every week.

These big multinational corporations can drown out American citizens' voices, and it barely makes a dent in their bottom line. They can buy American elections through what the Supreme Court said, until this active, radical group on the Supreme Court pushed this decision through 5 to 4, with the precedent of the United States, was a type of corruption in the political arena. That was the law of the land, not just in one decision but repeatedly. Now that can happen, thanks to that decision. And American citizens will be swamped by these big corporations.

Is it a coincidence that 85 percent of the spending so far in this election has been on behalf of Republicans? There is a phrase in politics: You are supposed to dance with the guy that brung ya. But I tell you what, when you take the oath as a judge, that principle should be dispensed with and discarded. You should take on new duties that go beyond loyalty to any political party.

Nevertheless, this Court has opened the corporate floodgates so that international corporations can come in, drown out American voters, buy up American elections, and what was law before, a type of corruption in the political arena and 85 percent of the spending by the big corporations is on behalf of Republicans—I am sure that is just a coincidence.

To the contrary, we often hear my colleagues on the other side say: Unions do just the same thing. When you see that advertisement on television attacking a political candidate, and it says at the bottom—let's pick our most active union, the Service Employees International Union—it says Service Employees International Union, you have a pretty good idea who that is. You can find them in the phonebook. You probably know somebody who is a member. They are active in the community. It is no mystery. But how about American Future Fund? The way this is set up right now, ExxonMobile could take its billions of dollars and start laundering that money through shell organizations and shell corporations. By the time the slammer ad gets put on television attacking a political candidate—it could be Americans for Peace and Puppies, as far as we knew—and nobody would have the time in the hectic last days

before an election to figure out who it is who is really behind these attacks.

That is no way to run an election. That is no way to run a democracy. That is not transparent. These corporations are not even humans. What they are doing, involved in these elections on this scale, is unimaginable. What it does is it amplifies the political voice of CEOs dramatically.

The great thing about American democracy is that you and I and the pages who are here, when they are old enough to vote, and the police officers outside and the fellow driving by in the taxicab on Constitution Avenue, every American has a vote that counts the same. If you are the CEO of a big corporation, not only can you do your own politicking, but you can take that amassed treasury of wealth with what the Supreme Court called “the amassing of large treasuries warrants the limit on independent expenditures,” and you can spend it to push your own views and to drown out your neighbors, your friends, people who oppose you—anyone—with immense amounts of anonymous political spending.

I do not think that is right. I think that is a mistake. Justice Stevens had it right in his dissent in the Citizens United case. He said this:

At bottom, the Court’s opinion is thus a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self-government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt.

Justice Stevens continued:

It is a strange time to repudiate that common sense. While American democracy is imperfect, few outside the majority of the court would have thought that its flaws included a dearth of corporate money in politics.

So if you want the government of the United States of America—this great and sovereign Nation, this light of democracy in the darkness of this world, this government of Washington, of Jefferson, of Madison, of Roosevelt, of Lincoln—controlled by the same people who brought you a 30-percent interest rate on your credit card, well, the DISCLOSE Act is not for you because they will not be able to do it anonymously if this bill passes.

If you want the government of our country controlled by the insurance companies that took your child off the insurance when he got sick, that wouldn’t provide coverage because he had a preexisting condition—if those are the people you want controlling the government—you don’t want this bill because you want them to be able to fund these anonymous organizations with no consequence, with no transparency.

If you want our government controlled by the people who brought you the gulf oilspill and who are polluting our atmosphere with carbon day in and day out in ways that are changing our

world as we watch it, this bill “ain’t” for you because this bill wouldn’t allow them to do it sneakily, anonymously, unlimitedly.

If you want this government controlled by the big corporations that are taking American jobs and making the American worker pack up the machinery they have worked on into shipping crates to be shipped overseas, where a foreign worker will be hired to make that same product, which will then be brought back into America—if they are the folks you want controlling our government, anonymously, through money and expenditure—the DISCLOSE Act is not for you.

But let me tell you, if you are a regular American, who thinks everybody should have a fair voice at election time, who doesn’t want to see our American elections drowned out by lobbyists for international corporations, by huge corporate expenditures that aren’t even traceable back to the corporation but that come through phony-baloney organizations with names that sound like “The Make America Great Foundation”—if that is the kind of politics you want to put an end to—if you want to see real issues debated by real people, this DISCLOSE Act is important.

This isn’t just about fairness in one election. This isn’t just about a Supreme Court that handed to one political party a gigantic corporate checkbook that had previously been illegal and tells them: Get out there and spend, it is fine. Get out there and spend anonymously, it is fine. If you are an international corporation—if you are not even an American company—get out there and spend, we don’t mind. Every day we make choices about whether corporations or people are going to have the upper hand in this society. Our Supreme Court just gave corporations the upper hand, and we have to fight back because it is not just about who wins this election, this is about a democracy that has been through over 200 years of stress and strain. This is about an idea the Founders put together that was unheard of at the time. It was radical, it was exceptional, and it created a society that has shown a light in this world that is brighter than any other government in the history of humankind.

This government has lasted through Civil War and world war, through depression. It has lasted through every kind of stress. Its value is, as probably our greatest President said, very simply, that it is a “government of the people, by the people, for the people.” Our purpose is that it not perish from this Earth. This is not a government of the CEOs, by the big corporations, and for their shareholders. It is not an anonymous government where you don’t know who is on the air with millions of dollars in advertisements slamming away. It is not a government

where a candidate would be embarrassed to have a big corporation on their side that laundered their money through corporate screens so when it finally appeared in the waning days of the race it was all phoned up with a name such as “Americans For Peace and Love” or whatever the group is going to be called. That is not what America is all about.

So this may seem like a small issue about reporting of corporate expenditures, but I would submit that when corporations make more in a week than an entire U.S. Presidential election costs and they can throw that kind of money around, there is a lot at stake in trying to make sure American elections are honest and honorable ones. To allow the big corporations, even the international corporations, to continue to spend unlimited amounts of money in our elections, with no reporting requirement, with the ability to launder through phony-baloney shell organizations before people see it, the risk of damage is very great.

So I know it is easy for me to say, because the money is coming in 85 percent against Democrats and for Republicans, and it looks like this is what that is about, but it is not. It is about making sure that a government of the people, by the people, and for the people does not perish from this Earth.

I thank the Presiding Officer, and I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that morning business be extended until 6 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEMIEUX. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida.

TAX RELIEF

Mr. LEMIEUX. Mr. President, we are having difficult times in this country, difficult times in my home State of Florida—the highest unemployment anyone can remember, nearing 12 percent. Florida, unfortunately, is No. 1 in mortgage foreclosures in the first half of the year; No. 1 in being behind in its mortgage payments. Our people are struggling. Our small businesses are struggling. People are struggling to make ends meet. As we face this very

difficult time it is natural that the people of my State and the people around this country would look to their leaders in Washington for help.

Certainly government cannot solve all problems. But we here in government do not want to make the problems any worse. Right now we are on the verge of raising taxes on the American people. Tax cuts that were imposed in the last 10 years are set to expire if this Congress fails to act by the end of the year. What is this going to mean to the average Floridian, to the average American, if their taxes go up? It depends upon where you find yourself, in terms of how you pay your taxes. We know the tax brackets are going to increase. For example, the 10-percent tax bracket would disappear and those taxpayers would move up to the 15-percent bracket, capturing all those with incomes below \$34,550. It is not just going to affect the people at the upper end of the tax scheme but it is going to affect everyone. When people are having a difficult time making ends meet, to have to pay more in taxes is exactly the wrong thing to do.

Some have said let's extend the tax cuts for those who are in the lower brackets and let's increase those who are at the higher brackets. The problem with that is you are again hurting this economy because we know that people who pay in the higher brackets are job creators. In fact, many of them are small businesses. In our country, small businesses often file as if they were individuals. Subchapter S corporations file as if they were individuals. By not continuing these tax cuts, by raising taxes in the middle of the recession, as many as three-quarters of a million small businesses in this country would have their taxes increase.

I was talking to some folks in Pensacola last week. The gentleman I was speaking to told me the story of a businessperson who related that he is being laid off at his job. The reason he is being laid off is his employer told him when his taxes go up he is not going to be able to afford to keep that employee on. When you raise taxes on small businesses you hurt job creators, exactly the wrong thing we should be doing in this very difficult time.

Instead of tackling issues that could help people get back to work, my friends on the other side of the aisle here are debating a campaign issue, a political issue about alleged campaign finance reform. Where is the initiative to try to put Americans back to work? Where are the offerings from my friends on the other side to get Americans back to work so we can get out of this very difficult economy? We on our side have proposed things such as cutting the payroll tax. If we cut the payroll tax 3 percent, every employee in America would get a 3-percent pay increase. Every employer would have 3 percent more they could use to buy a

new piece of equipment or hire a new employee. That is the kind of policy this government could do to get people back to work.

Instead, we passed a \$1 trillion health care plan that we found out today is going to require 80 percent of small businesses to change their health care offerings—probably more expensive. So that promise, “If you liked your health care plan, you can keep it” is going to ring hollow. We passed the financial regulation reform bill that is causing people in Florida to wonder whether they should move their businesses overseas. We passed huge forms of regulation—more bureaucracy, more spending. What is it doing to job creation? It is freezing it. When I go home to Florida and talk to businesses, they say: I don't know what government is going to hand me next. I don't know if I hire that 25th or 50th employee if I am now going to be fined for not having the right kind of health care. I don't know what is in that 2,000-page financial regulation bill. I don't know what is in that 2,000-page health care bill. What does it mean for my small business?

We have frozen American business, especially small business, which creates two out of every three jobs in this country, with too much bureaucracy, too much spending, too much borrowing, and too much debt.

That goes to another important point about my friends on the other side of the aisle trying to raise taxes in the middle of a recession. This government does not have a revenue problem. This government has a spending problem.

I came to the Senate a year ago, appointed to serve the people of Florida, 18.5 million Floridians. When I came to the Senate on September 10 of last year our national debt was just shy of \$12 trillion—\$11.7 trillion. The national debt today is \$13.5 trillion. We have gone more than \$1.5 trillion in additional debt in 1 year. It took 200 years for this country to go \$1 trillion in debt. Why on Earth should the American people sacrifice more of their hard-earned money to give this body more money it is going to waste?

The American people have no confidence that we have any ability in Congress to spend their money wisely. They are right about that. That is why they are so angry, and they have a right to be angry—another \$1.5 trillion in debt. These numbers are so enormous it is hard to get your brain around them. A trillion dollars is \$1,000 billion. I tell folks when I meet with them, if you took \$1 bills and laid them out on the ground, \$1 million would cover two football fields; \$1 billion would cover Key West, FL—3.4 miles square of \$1 bills blanketing the ground. A trillion dollars would cover Rhode Island—twice. This is an enormous amount of money.

If you look at the 2009 budget, the 2010 budget, the 2011 budget—each one

of them is about \$1.3 to \$1.5 billion in debt. That is more than \$4 trillion debt in 3 years.

We cannot afford the government we have, let alone the government that some in this Chamber want. We need to do a much better job of spending the money we are spending now. But this body does not budget. We go through some procedure that is called budget but what we do is take last year's budget and add to it. No one goes into the agencies of government and says, Are these agencies spending their money efficiently and effectively? No one checks to see if every dollar spent is spent wisely. We are not jealous with the American people's dollars, we just spend them.

Most don't know what we spend them on. Most don't know what those dollars are for. That is because we do not balance our budget. We do not do what American families do when they sit around the table in a difficult economy and say: You know, we are not going to be able to take that vacation this year; or, You know, maybe our daughter cannot have those piano lessons; or, Maybe we have to put the braces off until next year. The hard decisions Americans are making right now are not being made in this Chamber. We are spending more and more of your money, so why on Earth should we take more of your money and give it to government when it is not being spent wisely?

The next generation's future is in jeopardy. If we continue to spend the way we are spending, the debt and deficit will be out of control. Right now we spend \$200 billion a year on interest alone—paying for the obligations we should not have incurred in the past. That will turn to \$900 billion by 2020 when the projected debt for this country will be \$25 trillion. My friends, if we are \$25 trillion in debt and we are spending \$900 billion a year in interest payments, this government will not function.

This is not just a problem for our kids; this is a problem for us. This problem is going to visit us in the next 2 to 5 years. Washington does not have a revenue problem. Washington has a spending problem. Let's get about the business of getting Americans back to work. If Americans are back to work, there will be more people paying taxes, there will be more revenues. Let's get about the business of balancing the budget and spending money on things that are efficient and effective.

This body should not budget and spend money every year. We should do it every 2 years. My colleague Senator THUNE has proposed that. Let's spend the other year on oversight making sure your money is spent wisely. If we are required to balance the budget, we will actually look in these agencies and see if they are spending your money wisely. If we do those two things, we can save America. So let's

get about that business. Instead of talking about increasing taxes on small business and individuals, let's cut the payroll tax. Let's give employees a pay raise and employers a chance to hire new employees and buy equipment. Let's pass the free trade agreements with Colombia, with Panama, and South Korea. We know those agreements will create more jobs, especially in a State such as Florida. Why have they not been sent to the Congress for approval? My friends on the other side of the aisle like to talk about job creation, but none of the measures that is coming to the floor of this body, or very few, have anything to do with getting Americans back to work.

Today we are missing another opportunity as this body debates alleged campaign finance reform instead of caring about what the American people care about and that is creating jobs.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WOMEN'S EQUALITY

Mr. ENZI. Mr. President, one reason I am proud to be from the great State of Wyoming is that our State is the land of many firsts. We have the first national park, which is Yellowstone National Park. We have the first national monument, which is Devils Tower, and we have the first national forest, which is the Shoshone National Forest, just to name a very few.

But another huge milestone and important first for our State is that we were the first State to give women the right to vote. We are pioneers in more ways than one out West. That is how Wyoming got its nickname, the Equality State.

I rise to talk about an important anniversary that our country recently celebrated. August 26 was Women's Equality Day, marking the 90th anniversary of women gaining the right to vote. Of course, that is 50 years after Wyoming's special vote. We just celebrated 140 years since Louisa Swain became the first woman in the world to vote.

When the Wyoming territory was being considered to be a State, we were told to repeal women's right to vote. Our legislators said: No thanks. It is not worth that to be a State. Wyoming stood first and, of course, the rest of the country followed suit five decades later.

The ratification of the 19th amendment to our Constitution was a land-

mark in our need to recognize the voices of women and welcome their contributions to our country. Women have always offered a wealth of knowledge and spirit, and the 19th amendment showed our commitment to continually fight for women's equality.

In Wyoming alone, we have been graced by women's accomplishments from past to present. Wyoming had the first female justice of the peace in the United States, Esther Hobart Morris. We had the first woman to head up the mint. In fact, she is one of the few female statues displayed in the U.S. Capitol today. Wyoming also welcomed the first woman to serve as Governor of a U.S. State, Nellie Tayloe Ross.

Today, we are continually impacted and influenced by strong women in our State. I am honored to serve in Wyoming's congressional delegation alongside U.S. Representative Cynthia Lummis, who took the reins from her predecessor, Barbara Cubin, and has been a remarkable leader for Wyoming. She has served Wyoming in a variety of roles, as a lawyer, a rancher, a legislator, and State treasurer, now U.S. Representative. Now in her role in the House, she continues to do an outstanding job serving her constituents and fighting for their interests in Congress.

It is clear there is no shortage of women looking to stand and make a difference in this country. I am optimistic that we are continuing down a path that looks out for women's best interests and seeks to provide them with more and more venues to have their voices heard and resources known.

Women serve as a pillar of strength in our country. I am proud to recognize the 140th year of Wyoming women voting, and this 90th anniversary of women in the rest of the United States gaining the right to vote and look forward to continually welcoming their contributions and achievements.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN.) The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understand we are in morning business to speak for up to 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

DISCLOSE ACT

Ms. LANDRIEU. Mr. President, I have come to the floor to speak, as many of my colleagues have today, on the DISCLOSE Act, which is being sponsored by Senator SCHUMER, primarily, and other Members of the Senate, to try to fix and make significant adjustments to an area of law that is very important to many Americans and actually is at the basis of the operation of our democracy.

Many of my colleagues have come to the floor to express their concern about

the importance of fixing this, and the DISCLOSE Act is how many of us intend to try to get something fixed that needs to be fixed. No matter if you are a Democrat or Republican, conservative or liberal, or if you are a progressive or a centrist, I think you think it is right to be honest. I think that is a principle everybody can agree to, to be honest and to be forthright and to be truthful and to have been aboveboard.

The problem, as you know, with the outcome of the Court case has to do with the way we run our elections. If we do not fix this, we are going to be in a situation in this democracy where people can spend unlimited amounts of money in a secret way. That is the problem. It is not that corporations can do it or labor unions can do it or conservatives or liberals, it is that it can be done at all in secret.

I do not think Americans want this. I know the people I represent do not want this. They want to have an honest debate. They want to have an open debate. They want people to stand and say: Hi. My name is Joe. My name is Jane. This is my position. This is my position. Debate it. Then people can vote. The problem, if we do not fix this Court case, is that you will never know who is saying what, and that is not right.

That is akin to walking out into the school yard and getting hit from behind and you do not even know who hit you and no one will tell you. How can you fight someone you do not know? How can you participate in something like that? So this loophole has to be closed. I think, and most people in my State believe, that elections should be open, should be honest, should be transparent. Corporations can participate, labor unions can participate, big companies, small businesses. But you do need to disclose who you are in a report.

I have an article from the Washington Post. I wanted to have it blown up, but we had difficulty. I will try to explain it, and I will hold it up so maybe the cameras can see it. This says in the last cycle in 2008, 117 entities reported donations, and there were 372 that didn't. That ratio is about one-third reported, and the other two-thirds did not. The trend is going in the wrong direction. More people are participating but not saying who they are so nobody knows. The report for this year, 2010, is already a ratio of 1 to 6. So we are not even into the end of this election cycle. We are getting close to it. The ratio is 15 have been reporting, 85 haven't, which means about only 1 in 6. It is all becoming secret.

I don't think that is right for our people. I think our people should know who is saying what, what money is behind what ad so it helps them understand better the arguments and why they might be seeing such ads.

I have a real problem, and I will give an example. The Presiding Officer may

have this problem in Minnesota. We have a big problem in Louisiana and Florida with Chinese drywall. This product came in from China, and it is rotten. When people put it in their house, they get sick. Their kids get sick. Their copper piping starts rotting. It is horrible. Our people had their homes flooded, and we had to gut their homes. We didn't have enough drywall in the United States so we started needing it so much, it came from lots of other places. Some of it is really bad.

So a couple of us have a bill that says: Don't send us any more rotten Chinese drywall. We are going to try to pass that bill.

I think my constituents would like to know, if they see an ad on television saying how great drywall is, these ads that say this is a fabulous product, tell Senator LANDRIEU to support this product, I think my constituents would like to know if that is actually the Chinese drywall company that is behind that product telling them not to vote for me because I am trying to protect them from this company. That is one example, but I could give 100 examples. I am not saying the Chinese drywall company that sent us rotten drywall should not advertise, although I don't think foreign companies should be advertising in elections in America. But let's say it was an American company that sent us this bad drywall. If they want to argue against a bill, fine. But at least let people know that is what they are doing. If it is a labor union advocating for something, let people know.

That is why I support the Schumer bill. That is why I support the DISCLOSE Act. That is why I think most people in Louisiana support it. They might make up their minds, but they would like to know who is paying for the ad. That is all this bill does.

I know there have been some friends from the other side who have come down and tried to convince the Senate that we don't have to tell people, that we should have all of our elections in secret. I think democracy is best served when people are educated, intelligent, and informed about all aspects. Let them make their own judgments. We live or die by that; we are either in office or we are not.

I wished to express my support. I hope we vote on it tomorrow. I wish we could get 60 votes in the Senate. It is mind numbing to me and mind boggling that we couldn't have a handful of Republicans stand and say they too believe we should have honest and open elections. It is not about corporate money or union money. It is not about trying to block corporate money or increase union money or block union money and increase corporate money. It is just about disclosing the money from wherever it comes and having reasonable limits that are fair to every-

one. I don't think that is too much to ask. That is basically all this bill does.

I support cloture and ending the debate on something we don't have to take that long to understand. It is pretty clear. One is either for transparency or not, for disclosure or not, and we fought fairly for everyone.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. RISCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

(The remarks of Mr. RISCH pertaining to the introduction of S. 3825 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, when I was home in New Hampshire over the recess, I had the opportunity, as I am sure the Presiding Officer did, to see all of the television ads that are being run by various candidates and special interest groups. Already—again, I am sure this is true in Minnesota and it is true across the country—because of the Citizens United decision by the Supreme Court, a decision many of my colleagues talked about earlier today, the airwaves in New Hampshire were flooded with ads from essentially anonymous, unaccountable special interests. I think the question we all should ask and certainly voters across this country should ask is, Who is really paying for these ads? Voters don't know. Sure, the ads give the special interest groups great mom-and-pop, apple pie-sounding names, but voters today have no way of knowing who is funding these groups and who is really putting up the money for these ads.

Personally, I think there is too much money being spent on elections these days. During the 1990s when I first ran for election in New Hampshire for the State senate and then for Governor, in New Hampshire we had a voluntary spending cap law. I think the law worked extremely well in limiting the amount of money candidates could raise and spend. Under our State law, a candidate who didn't want to voluntarily limit campaign spending had to obtain a certain number of signatures

from voters or pay a higher fee to get on the ballot. And when that law was in effect, almost every candidate chose to abide by the voluntary spending limit. That had two very positive effects. First, candidates could spend less time raising money and more time talking to voters about the issues they faced. Second, a candidate needed to rely more on volunteers to help get their message out because they didn't have as much money to spend on ads and staff. You also became very efficient at how you spent your money—something that I think is helpful when you get into elective office. Now, unfortunately, New Hampshire's voluntary spending cap law was struck down in a decision very similar to the Citizens United Supreme Court decision.

When I look back at my three campaigns for the State senate in New Hampshire, I spent about \$20,000 each time. Fast forward to today and the impacts of repealing that law by the Supreme Court in New Hampshire, and today candidates routinely raise and spend about five times that much. In my campaigns for Governor, I raised and spent about \$1.25 million to \$1.5 million based on what the campaign spending law was that year. Today, in New Hampshire, serious candidates for Governor raise and spend several times that amount.

Now, because of the Citizens United decision, we can no longer limit the amount of spending by special interests on Federal elections. But what we can still do and what we should do is require these anonymous groups to disclose who is funding their ads. That is exactly what the DISCLOSE Act does. It also prohibits foreign corporations from spending money to influence American elections.

I think unlimited election spending by anonymous groups and potentially foreign corporations poses a real threat to our democracy. This should be a bipartisan issue. For years, it was.

As the Presiding Officer knows, because I have heard him talk about this, back in 1997 the minority leader said—this is back in 1997, so over 10 years ago—that "public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate."

Then just this spring, even after the Citizens United decision, Senator CORNYN, the Senator who is leading the Republicans' election efforts, told the Wall Street Journal:

I think the system needs more transparency so people can more easily reach their own conclusions.

I agree completely. If all the Senators who are on public record supporting disclosure of campaign contributions voted in support of the DISCLOSE Act, we would pass the DISCLOSE Act today by a wide bipartisan margin.

I hope, as our colleagues on the other side of the aisle think about the DISCLOSE Act and about what is happening to manipulate our elections in this country, that they will join me—and all of us who believe that the best way to make sure that our democracy remains strong and that we address how money is being spent in elections—in supporting the transparency and the accountability that is available to voters in the DISCLOSE Act.

Thank you very much, Mr. President. I yield the floor.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST— S. 510

Mr. REID. Mr. President, America has one of the safest and most abundant food supplies in the world, but it is not perfect. Foodborne illnesses sicken one in every four people every year. Twenty-five percent of people get sick from foodborne illnesses every year. As many as 5,000 Americans die from food poisoning every year.

The bill we are attempting to bring to the floor today is a very simple bill. It will make our food safer. It is a bipartisan bill that was reported out unanimously from the HELP Committee, and there have been negotiations going on for a long time—months and months.

People often think of food poisoning as an upset stomach that goes away in a few hours or maybe a day or two. Sometimes that is all it is, but sometimes it is much worse. I have met with families from Nevada who have been seriously sickened by food they have eaten, people who have been hospitalized for weeks and months and a number of whom came very close to dying. In some of these cases, they will deal with the results of their food poisoning for the rest of their lives.

One of the little girls I met with is named Rylee Gustafson. She is from Henderson, NV. This little girl, when she was 9 years old, was doing what her mom asked her to do: eat her salad. The salad had spinach in it. E. coli was in there with the spinach. She got so very sick. I have seen her on a number of occasions. She is a beautiful child, but she is going to be small all of her life because of that illness. She was hospitalized for a long, long time and survived. Three others got E. coli from fresh spinach, and they died. She didn't.

I also had the opportunity to meet with the Rivera family in Las Vegas.

Linda Rivera also became sick from E. coli from cookie dough. Last October, she was in a coma and on life support, and doctors didn't know if she would survive, but she did. She is still recovering. The effects will be with her for the rest of her life. It is food poisoning. It will be a long road back to full health for Linda. We hope she arrives to that.

Last month, there was another big recall. This time, it was eggs contaminated with salmonella. More than 2,000 people have been sickened during this outbreak.

The egg recall and stories such as Rylee's and Linda's and their families and what they went through illustrate the need for food safety legislation. People in Nevada and across the country are asking for this legislation. They want to know what food they can put on the family's dinner table, what they can pack in their children's lunches, and is it safe.

There is no excuse to wait any longer. Our current food safety system hasn't been updated in almost a century. It is not keeping up with contaminants that cause these problems, and new ones come along all the time. The FDA doesn't have the authority or resources it needs to keep up with the modern advances and expansion in food processing, production, and marketing.

This bill will fix that. The bipartisan bill called the FDA Food Safety Modernization Act would improve the system while minimizing the regulatory burden.

It gives the FDA mandatory recall authority of contaminated foods, sets up a system to allow the FDA to keep track of foods so we can find out where the contaminated food came from and stop it quickly from getting to grocery stores. It strikes the right balance between assuring consumers that food is safe, without overburdening farmers with new regulations. It makes no changes to the current organic program run by the U.S. Department of Agriculture.

Nothing could be more important than using our time here in these waning days before the election to help our constituents. Nothing should be less controversial than keeping them out of harm's way. So let's move to this commonsense bill and pass it. That is why we are here—to do things to help the American people. This would do that.

I also add that the committee has worked very hard. They have negotiated and negotiated and negotiated. They had different versions. They kept moving forward, and finally it was all done. We thought we were going to be able to get this done. But it appears we have one person who doesn't want this bill to pass, and that is unfortunate.

Mr. President, I ask unanimous consent that at a time to be determined by me, following consultation with Senator MCCONNELL, the Senate proceed to

the consideration of Calendar No. 247, the FDA Food Safety Modernization Act, S. 510, and that when the bill is considered, it be under the following limitations: that general debate on the bill be limited to 2 hours, equally divided and controlled between Senators HARKIN and ENZI or their designees; that the only amendments in order, other than the committee-reported substitute, be those listed in this agreement, with debate on each of the listed amendments limited to 30 minutes, with the time equally divided and controlled in the usual form; further, that when any of the listed amendments are offered for consideration, the reading of the amendments be considered waived, and the amendments not be subject to division; Harkin-Enzi substitute amendment; Tester amendment regarding small farms and facilities; Harkin-Enzi amendment—I add editorially that these are the chairman and ranking member of the committee, who are both extremely easy to work with and good legislators—

Harkin-Enzi amendment regarding technical and conforming, and that once offered, the technical amendment be considered and agreed to and the motion to reconsider be laid upon the table; Coburn amendment regarding offset for cost of bill; Feinstein amendment regarding BPA; Leahy amendment regarding criminal penalties; that upon disposition of the listed amendments, the use or yielding back of all time, the Harkin-Enzi substitute amendment, as amended, be agreed to; that the committee-reported substitute amendment, as amended, be agreed to; and that the bill, as amended, be read the third time and the Senate then proceed to vote on passage of the bill.

Before the Chair rules, I should have mentioned earlier in my remarks that the person who has been heard on this for months has been Senator DURBIN. This is something he believes in, as he can come to believe in things so intently. I respect the work he has done on this bill, keeping it always at the front of my attention list.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, reserving the right to object, and I will not object if the Senator changes the proposed agreement to say that the only amendments in order, other than the committee-reported substitute, will be these three: Harkin-Enzi substitute amendment, which is fully offset and has been agreed to by both managers, which will be agreed to as original text for the purpose of further amendment; the Harkin-Enzi technical amendment; and the Tester amendment in regard to small farms.

The PRESIDING OFFICER. Does the leader so modify his request?

Mr. REID. It is my understanding that my good friend from Oklahoma would have no amendment.

Mr. COBURN. I would not need one because the bill would already be off-set.

Mr. REID. What I say to my friend, I think this is something I would like to take a little time—not a lot of time—to talk to my friends, Senators DURBIN, HARKIN, and ENZI, and see if there is something we can do to move this down the ballfield; if not, we can come back again and talk about this.

In light of my friend's request to modify my unanimous consent request and my inability to intelligently respond to it because it is something I had not anticipated, I will be happy to withdraw my request, and I will renew it at a later time if I can come up with something that is more appropriate.

Mr. COBURN. I thank the leader.

I ask unanimous consent to be recognized for 15 minutes.

The PRESIDING OFFICER. The unanimous consent request is withdrawn.

The Senator from Oklahoma is recognized.

Mr. DORGAN. Mr. President, I wonder if the Senator will modify his request so I might be recognized following his 15 minutes.

Mr. COBURN. I have no problem.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, there is nobody in this country who doesn't want our food to be safe. There is no question, we all rely on the intent that the vast majority of food is safe in this country. There is no question that we have some problems with food safety. But the biggest problem we have is in fixing the symptoms of the problem rather than the problem itself.

I hope America will pay attention to this. Ask yourself why it took the Food and Drug Administration 10 years to give us an egg safety standard and that no oversight committee of either the House or the Senate, through the previous 10 years, held an oversight hearing to ask why it has taken 10 years to get that egg safety standard. It came out 10 days afterwards, coincidentally, to the salmonella infection we have recently seen.

As a practicing physician who has treated Shigella, Salmonella, Yersinia pestis, Campylobacter, and Listeria monocytogenes, which are infectious gastrointestinal bacterial diseases that can come from food, I want it to be safe. What I want more than that is for the organization that is supposed to keep it safe to do its job. The problem with this bill, besides it not being paid for, is it doesn't fix the real problem.

The American public should know, if you go to the grocery store anywhere in this country and buy a pepperoni pizza, the FDA is responsible for food safety. But if you buy a cheese pizza, it is the USDA. How does that make any sense to anybody in America?

What happened on the farms in Iowa, as far as eggs, is the USDA knew there

was a problem, but they didn't tell the FDA because the FDA is only responsible for the egg once it gets out of the chicken. Which came first, the chicken or the egg? It was then shipped and was the responsibility of the FDA.

This bill doesn't address any of those problems. As we look to solve a very critical and real problem—and I acknowledge Senator DURBIN's work on this and that of our chairman and ranking member. I had a staff member at every meeting they had raising these same objections. We now have a bill that will cost the American public \$1.5 billion over the next 5 years that doesn't fix the real problem.

The real problem is the lack of focus of the agencies to do their job. It does not eliminate the crossover and lack of consistency. If you buy red meat in the store, you only have to trust one agency. But if you buy an egg, you have to trust two. If you buy a salad or lettuce, you have to trust two. They are not talking to one another. There is nothing in this bill that makes them do that.

What we have done is we have created a lot of new regulations, with a lot of money, without solving the real problem. The only way we get to the real problem is to have the FDA up here once a week for the next 4 weeks and have the USDA up here once a week for the next 4 weeks, talking about these critical crossover issues.

In the bill, it actually states that nothing in this act or an amendment made by this act shall be construed to alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services. In other words, there is a prohibition to alter the responsibility so we might have safe food—in other words, to hold one agency accountable, rather than two so one can point the finger at the other. We had a House hearing today on the egg recall, and the fact is that is what happened. USDA knew there were problems. But the FDA didn't know there were problems until after somebody got sick.

So we create a high level of additional regulation, a high level of various inspections—and I am not against inspections. I eat salad like the rest of us. Sometimes I am not accused of being human, but, in fact, I consume the same food everybody else does. I don't want to get sick from it. But we can't continue to pass bills that pile on regulations that cost the American people \$1.5 billion and don't fix the real problem. That is the problem. My objection is it is not paid for.

I will hear the objection that it is an authorizing bill. Oh, really. It is just an authorizing bill. So that means there is not any money going to be spent? Then we aren't passing the bill to do what we want it to do. Because if we say we are not responsible for spending another \$1.5 billion, then

there is no problem. It is not spending money. If it is not spending money, it is not going to do anything. But if it is spending money, we ought to decrease the priority somewhere else within the waste of the USDA—which there are billions—and within the FDA, which has tons of properties they are not using that could pay for this bill easily. We ought to eliminate the things that are not working.

So I want our food to be safe. As a practicing physician, I know the public health aspects of this bill. But I refuse to go forward when we continue to make the same mistakes that have given us a \$1.4 trillion deficit and have given us lack of control and oversight of the bureaucracies. The biggest thing is, we are not holding anybody accountable for this because we will pass this. Then, the next time there is a food problem, in terms of contaminated food, we will pass something else. In between times, there will not be the first oversight hearing to say: What did we do that didn't work and show us a result that works. Is it efficient, effective, and did it improve the safety of the food? We will not do that. We will just react and pass another bill.

I am through passing bills that don't solve the real problems. I am through spending the next two generations' money, when we can't make the priority choices. The fact that we have refused to say we are going to eliminate something that is very low priority to be able to have a food safety bill, then that tells the American people we are not up to the task of getting us out of our problems.

I know everybody in this body wants safe food—even me. I am not tired of taking the hits for holding up this bill. We can't be perfect on food, but we can be a whole lot better. This bill can solve some of the problems, but it is not complete. It hasn't looked at the levels it needs to straighten out the bureaucracy on food safety. It hasn't eliminated the overlap. Nobody with any common sense says you will have pizzas in the grocery store, one controlled by the USDA and one by the FDA.

It is clueless. It does not fit. The reason the one that does not have any meat on it is controlled by the FDA is because it has a milk product. It has cheese. But the one that has pepperoni on it has cheese too. How did we get there? Where are we going to establish responsibility and accountability with the agencies that are responsible for food safety?

I look forward to working with the majority leader. I will take a less than perfect bill anytime. But I will not take a bill that is not paid for and does not come out of the hides of our children and grandchildren.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

TRADE

Mr. DORGAN. Mr. President, there is a lot of talk and politics on the floor of the Congress always about something called the American dream. People talk about the American dream. I suppose we reflect on that and think the American dream is about a time the American people have a job that pays well, a job with security, a career with a growth ladder to it, a family, a home, living in a nice community, living on a safe street—the American dream.

We look at the history of this country and discover that beginning early in the last century, we started changing things in America—lifting up people, doing a whole series of things to develop a group of middle-income Americans. We have been enormously successful, perhaps more than any other country in the world. We expanded a middle class.

Now things are changing, and we see that people are upset, nervous, and in some cases angry. We see reports that they worry their children will not have it as good as they have it. They worry about the future.

What is at the root of all of that, and what can we do about all of that? Everyone wants to do well. All of us have hopes and aspirations for ourselves, our children, our families—the American dream. Someone once asked J. Paul Getty: How is it that you can be successful? Give me the elements of success.

He said: It is very simple. No. 1, go to school and get the best education you can get. No. 2, get a good job and work really hard. And, No. 3, strike oil. That is the advice of J. Paul Getty.

I suppose that works if you are J. Paul Getty. But his advice, of course, makes a lot of sense on the first two points: get the best education you can and get a job and do well, work hard.

The problem is today, in late September of 2010, a lot of people woke up this morning without a job and cannot find one. It is estimated there are about 20 million Americans this morning who woke up unemployed. Most of them put on their clothes and went out looking for work, a triumph perhaps of hope over experience because many of them have tried for a long while and have not been able to find a job. And they are very worried there may not be a job for them in the future.

We had 2.1 million workers in the past two years having to leave manufacturing plants, losing their jobs as manufacturing workers. Those are often the very good jobs. They pay well with good benefits, in most cases. Mr. President, 2.1 million of them have lost their manufacturing jobs in the last 2 years; more than 5 million have lost their jobs since 2000.

What do we do about that? What can we tell the American people when they see their neighbors, their friends, and their relatives searching for a job, hav-

ing been laid off from somewhere they worked for 15, 20, 25 years? Then they read in the paper that in Stanleytown, VA, a company was started by a man named Thomas Stanley, a young dairy farmer in southern Virginia, who decided he wanted to create furniture that was of superior craftsmanship and affordable still, so he started making furniture. It became Stanleytown, and he employed highly skilled craftsmen, 1,300 people who carried on his vision at a manufacturing plant of 1.7 million square feet.

Then those who make Stanley furniture woke up a couple months ago and read this in the paper:

Stanley Furniture's decision to close its plant in the small town that bears its name fell like a hammer blow on southern Virginia and resounded across an industry increasingly moving overseas. More than 500 employees will lose their jobs this year as the manufacturer shuts down its Stanleytown, VA, plant, where the company has made furniture since 1944.

Where is it going? It is going to Asia. Those 500 people—I do not know their names. I cannot tell you who they are. I would not recognize their faces because I do not know any of them. But I am sure those 500 people are paying an enormous price in their lives for having lost jobs at a plant in a company that produced a product about which they cared very deeply. Gone to Asia. Why? Were these bad workers? Did they decide it was a job, but just a job, so they were going to loaf all day and not do their work? No, it was not that at all. In search of low wages, this company decided: We are going to Asia to produce this furniture.

I mention Stanley Furniture. The other day I mentioned a furniture company from Pennsylvania because I had just been to Philadelphia—Pennsylvania House Furniture. It has a very similar story in many ways. Pennsylvania House Furniture, made for a century in Pennsylvania, upper level furniture, fine furniture made by craftsmen, one day it was purchased by La-Z-Boy, and La-Z-Boy decided: We do not want to make Pennsylvania House Furniture in Pennsylvania. We want to take the Pennsylvania wood and ship it to China, have them put it together, and ship it back to America to be sold. They told all the workers: You are done. It is over. The plant is closed.

On the last product of the day, on the last day at work, these craftsmen who made this fine furniture for Pennsylvania House Furniture turned over the last cabinet that came down the line, the last one they had made, and they all signed their names—proud craftsmen working for a company that existed over 100 years, the last piece of furniture ever to be made with American hands. Jobs gone.

The list is endless. This is not a short list. Hershey chocolates, York peppermint patties: “The cool refreshing taste of mint dipped in dark chocolate

will take you miles away.” In fact, it will take you so far away it will take you to Mexico because that is where they moved those jobs when they shut down the mint Hershey's plant in the United States of America. It will take you miles away. It certainly took away the jobs of those who were working there.

I am not going to go through all these charts because I have done it before. I know what repetition means around this place. But I want to talk just for a moment about the consequences of this to a lot of people whose names we do not know and faces we would not recognize but who are living as victims of something they cannot control. That is the erosion of America's manufacturing base with jobs shipped overseas wholesale and the hollowing out of America's manufacturing capability.

Why does that matter? No. 1, because a lot of people are losing jobs who need jobs in this country. And, No. 2, this country will not remain a world economic power unless we have a world-class manufacturing capability. That is just a fact.

The question is, When will we stand up for this issue and decide we have to do something about the export of American jobs?

Paul Craig Roberts—I have met him—former Assistant Treasury Secretary under President Reagan said:

Outsourcing—

He means outsourcing of jobs—

is rapidly eroding America's superpower status. Only fools will continue clinging to the premise that outsourcing is good for America.

Another quote, if I may, from Dr. Paul Craig Roberts:

In order to penetrate and serve foreign markets, U.S. corporations need overseas operations . . . However, many U.S. companies use foreign labor to manufacture abroad the products they sell in American markets. If Henry Ford had used Indian, Chinese and Mexican workers to manufacture his cars, Indians, Chinese and Mexicans could possibly have purchased the Fords but not Americans.

Because they would not have had the jobs. Pretty prescient. Pretty interesting.

This is a chart that shows Stanley Furniture's workers in the manufacturing plant. But, of course, that was then, and now it has gone to Asia.

I want to show this picture only because the Los Angeles Times needs to know this. I spoke of this subject some while ago and showed a picture of the dancing grapes that represented the advertising campaign for Fruit of the Loom underwear. They left America and are produced elsewhere. The Los Angeles Times wrote a piece saying I was on the floor of the Senate talking about underwear, not describing that I was talking about trade and the movement of jobs overseas. If they write

about it again, they might mention I was talking about jobs moved overseas that were performed by American workers to produce Fruit of the Loom.

I have described often Radio Flyer—a little red wagon made in Illinois for over 100 years by an immigrant who put together a company—that almost every child has experienced. Almost every American child has ridden in a Radio Flyer little red wagon. But they are not made in America anymore. They have gone to China.

Huffy bicycles, gone to China; left Ohio, gone to China. Not made for \$11 an hour by an Ohio worker, as was the case, but made now by Chinese workers who make 50 cents an hour, working 7 days a week, 12 to 14 hours a day.

I have often mentioned, and will mention again, that all of these folks, on the last day of work, when they walked out to the parking lots after having been fired so their jobs could be moved to China, left pairs of empty shoes in the parking lots saying: Yes, you can move our jobs, but you will never replace us. They are never going to replace these workers.

This represents a photograph of a company called HMC. Not everybody is moving overseas. There are some manufacturers—and I want to pay attention to what the owner of HMC said recently. They make high-tech gearboxes, high-tech machinery. HMC—made in America and enormously proud of it.

Let me mention what the president and CEO of HMC said:

Offshoring in search of higher profits is a mistake . . . because it ignores manufacturing's larger purpose in U.S. society.

This is from the CEO of an American manufacturer. Further he says:

It's my belief that every American citizen, not only me, should feel strongly about maintaining one of the most important cultures we have, and that is manufacturing.

Good for Mr. Robert Smith, wherever he is. Good for Mr. Smith, president and CEO of HMC, believing that manufacturing is important in this country.

What does all this mean? Our economy is in some significant trouble for a couple of reasons. No. 1, for about a decade and a half or two decades, we have pursued a different trade strategy—a trade strategy in which we have refused to stand up for our economic interests.

For the first 25 or 30 years after the Second World War, it was just understood that we were the biggest, the best, the strongest—we were American. Whether it was trade competition or any other competition, we could beat anybody in this world with one hand tied behind our back. Much of what was imported were trinkets that were inexpensive trinkets that were pretty worthless. We made products that were made in America, products that lasted, products that worked, products on which you could count.

But in the second period following that first quarter century after the Second World War, things have changed. We have largely had concessional trade practices. It used to be we just did outright foreign aid to help other countries. Not anymore. We have for the last 20 years or so done concessional trade practices to help other countries. We have said: We will do a trade agreement with you that is unfair to us because we are bigger and stronger and better than you are. So here is a trade agreement. We have done that time after time. Therefore, we now have very large trade deficits.

Let me show the consequences of a trade agreement.

We have trade agreements with Korea. Here is the issue of automobiles with Korea. Last year, because we had a deep recession, we were not buying as many cars. Last year the Koreans put on boats and sent to this country 467,000 cars made in Korea—467,000 Korean cars. Those are Koreans who go to work in the morning to a job. They are making cars. They are pleased as punch they make cars because they sell them in Detroit, Bismarck, and Denver.

Here is what we were able to sell in Korea: not 467,000 cars, Korea allowed us to send 6,000 cars to Korea.

One might say: Is that an accident? Of course, it is not. It is exactly what the Korean Government wanted. They want the jobs in their country. They want to make the cars in their country and send them here, and they do not want our workers making cars we send to Korea.

If you wonder about that, I have another chart that shows what you will confront on the roads in South Korea. If you drive down the road in South Korea, what you will see are a lot of vehicles, and you will see almost no foreign vehicles. Ninety-eight percent of the cars on the road in Korea are made there. They are made and manufactured in that country. Now, is that an accident? That is exactly what the Korean Government wants. They do not want foreign cars, and they do all kinds of things to keep them out. They want jobs for their people.

So we now have a trade agreement with Korea that we have not yet ratified or voted on in the Senate, and they didn't address the automobile issue. It is unbelievable to me. Why would they do that? How about standing up for our interests, for our workers?

So, Mr. President, the reason I came to the floor of the Senate is that there is now on the calendar a piece of legislation that would at least begin the process of trying to even up some of the trade issues. We actually, strangely enough, give a tax benefit for U.S. companies who decide they are tired of manufacturing in America. If a company says: Let's get rid of those workers. Let's lock up that manufacturing

plant. Let's send the jobs to Senshen, China, and manufacture there. Then we will ship those bicycles and wagons and trailers and trucks and garage door openers back, and we will sell them to Americans. That is what we will do. And our country says: You know what. That would be good. Why don't you do that—fire your workers, get rid of your manufacturing plant, go to China, and I tell you what we will do. We will give you a tax break for doing it.

We have voted four times in the Senate to eliminate that tax break. I have offered that piece of legislation four times. On all four occasions I have lost the vote. We are now about to vote again in the coming days. Maybe at last—at long last—when 20 million Americans can't find work, maybe we will see if we plug the drain just a bit on these jobs that are moving out of this country at a rapid pace to be located in low-wage countries around the rest of the world. Maybe now is the time. Maybe people here will say: You know whose interests I stand up for? The workers in my State, American workers, people who are producing good products that say made in America.

When I speak this way, there are some who will say: Well, you are being a protectionist. You want to change things. You are being a protectionist. You are a xenophobic isolationist stooge. You don't get it at all. It is a new world order. We have all these countries who can do things cheaper than we can do them, and you don't seem to understand that. So you are just a protectionist.

Well, let me plead guilty to wanting to protect our country's economic interest. I would hope every desk in this Chamber would be occupied by someone with similar instincts and wanting to stand up and protect the economic interests in this country.

I am not interested in withdrawing from the world. I am saying, however, that after a long struggle and doing the things that are necessary to improve things, as we have done in the struggle for workers' rights, the struggle for safe workplaces—and people were killed over those struggles. I described in the first book I wrote about James Fyler who was shot 54 times in Ludlow, CO? Because he believed people who went underground and dug for coal ought to be able to work in a safe workplace and be paid a decent wage, and for that he was killed.

We have struggled for a century to raise standards, to get safe workplaces and decent wages. Now, all of a sudden we are told it is a new world order. We should compete with workers who are going to work 7 days a week, 12 to 14 hours a day, for 50 cents an hour. If we can't compete with that, tough luck.

That is what they told all the folks at Huffy bicycles. They said: If you

can't compete with the Chinese prices, you are out of luck because that is our standard. The list is endless. Just about every kid has played with Etch A Sketch. Everybody knows what Etch A Sketch is, a toy made in America. It was the principal employer of a town in this country. But no more. Walmart told Etch A Sketch: You won't be marketing at Walmart unless you meet this price, and Etch A Sketch has gone to China. All those people who were proud of making a children's toy are now not working.

Mr. BROWN of Ohio. Mr. President, will the Senator yield for a question?

Mr. DORGAN. I would be happy to yield.

Mr. BROWN of Ohio. I have been listening with fascination to the Senator's speech because there is nobody who comes to the floor and better explains jobs, trade, trade policy, and tax policy and what it does to our communities and our workers.

The Senator mentioned two very well known American companies, and both happen to be from my State—Huffy bicycles and Etch A Sketch, which is a company called Ohio Art in Bryan, OH. That is exactly what happened. Walmart came to Ohio Art and said: We want to sell Etch A Sketch for less money than we are selling it for now. So they had no choice.

But let me ask the Senator, it seems to me that there has not been anytime in recent history where U.S. companies have put their business plans together in this way: Instead of manufacturing something, cutting costs, and treating their workers decently and contributing to the community—which American companies have done for generations and is why we have such a strong middle class—it seems that the business plan for so many large American companies is to move their production offshore, obviously getting less expensive labor, avoiding environmental and worker safety rules, and then selling the product—well, first lobbying Congress to change the rules, as they did with PNTR for China, but moving their production out of the country, offshore, producing it, and then selling it back into the home country.

That is a curious business plan that many American companies follow. I hear those companies say to me: Well, we have no choice but to go offshore for the cheapest production because our competitors are doing that, even though they lobbied Congress to help change the rules. I mean, it is a bit cynical but a curious business plan that you leave behind the community that built you up and you move somewhere else and then you sell the products back to the country in which you were founded.

Mr. DORGAN. I would say to the Senator from Ohio that it is a business plan these days for too many companies. Not all, but too many. There are

some companies—and I just described a company, a CEO, and I was giving him credit because what he said is important—a company called HMC. It is a company that manufactures very high-tech products in this country. He says:

It's my belief that every American citizen, not only me, should feel strongly about maintaining one of the most important cultures we have, and that is manufacturing.

The fact is, we are in a situation where a lot of companies have decided they would like to produce elsewhere, hire other workers, but they would like American consumers to buy their products. The question in the longer term is, Who is going to buy those products if American consumers don't have jobs? I mean, that is the question.

I have talked a little about China. I am chairman of the Congressional Executive Commission on China, and I just chaired a hearing for 2 hours about the issue of piracy and counterfeiting and so on in China. One of our witnesses described something I had written about in my book as well; that is, American businesses should know their intellectual property is not secure in China. It will be stolen.

I am not a big fan of them—in fact, I have fought the pharmaceutical company pretty tough on the floor of the Senate—but Viagra, made by Pfizer, was quickly reengineered in China and just sold without any respect for property rights or intellectual property rights. In fact, the witness over at the hearing this afternoon said the Chinese, once they reengineered Viagra and sold it on their own basis, had a new twist on it. They were putting it in soft drinks and hot dogs. So it was kind of interesting to hear this guy, who is an expert in intellectual property rights, describe his view.

He finally said, by the way, Pfizer has won a case against the Chinese for reverse engineering of Viagra. But this discussion is not about that, it is about jobs in virtually every industry in this country. There are service industries that can never leave, of course. You can't take a taxicab driver's job and move it to China or India because they have to drive a cab up and down an American street. But Alan Blinder and others have said we are talking about the potential of tens of millions of additional American jobs leaving unless there is a strategy to understand that our participation in the global economy is designed to raise up others, not push down our standards. It is designed to be in our economic self-interest to try to keep Americans employed in good jobs that pay well.

So we have a lot to do. I mentioned, Senator BROWN, that we are likely to have another vote in the Senate in the coming days on the question of shutting down this unbelievably ignorant provision in tax law that says if you leave America and get rid of your workers and padlock your plant and

then go produce the jobs in China or India and then sell back here, we will give you a tax break for doing that. We would like to reward you for doing that. The other side of that is that a lot of American business men and women who started their companies here don't intend to go anywhere. They are here and they are proud of it and they are not leaving. They are going to hire their friends and neighbors in their communities, and they are going to make the best products possible. They are going to stick a made-in-America label on it. But they are disadvantaged. It is not just the workers but those American business owners who are now having to compete against the one that was across the street and then went to China and now has a lower tax rate because our Tax Code says that is fine.

I hope at long last that maybe we will have enough people here with the courage to say: It is not fine with us. It is not fine with people who are unemployed in this country. It is not fine with business men and women who are disadvantaged because of it.

Mr. BROWN of Ohio. Will the Senator yield once again?

Mr. DORGAN. I will be happy to yield.

Mr. BROWN of Ohio. I thank the Senator.

I would add that a major manufacturer that leaves from Minneapolis or leaves from Cleveland or from North Dakota is a company that has the resources to do that, and that company has a multitude of component manufacturers in its supply chain and that large company that leaves may be its biggest customer. Perhaps it is a big assembly plant that leaves to go to China. The component manufacturer that sells to that auto assembly plant has all of a sudden lost its biggest customer. It is not big enough to move to China, so it loses 30 percent of its customer base.

So it is not just the company that moves and what that does to American workers and companies and communities, it is also those multitude of component manufacturers. In the auto industry, for instance, there are way more people working in the supply chain than there are in the actual assembly plant. So in the wake of a major company moving overseas, we see devastation in the entire supply chain of component manufacturing. I am sure you saw that with Huffy bicycle. There is the manufacturer that made the steel, that stamped the fenders, that made the tires and the spokes that were taken to Huffy—I think to Celina, OH, in those days—to assemble. So all of them lose.

In smaller communities, as the Senator knows, a manufacturing plant oftentimes has a husband and wife both working at the same plant, making \$12 to \$15 an hour. Their whole lives are

upended because all of a sudden they have lost both jobs in their family.

Thirty years ago, 30 percent of our GDP was in manufacturing and only 11 percent was in financial services. That number has flipped now, and look where it got us. Only 11 percent of our country's GDP is now as a result of making things. We know how to make things in this country, and we are losing that ability. Without a real manufacturing policy—more than a strategy but a policy—like every other country has, we are going to see a decline in the middle-class long term.

I thank the Senator.

Mr. DORGAN. Well, I thought it was interesting that when the Senator from Ohio and I worked hard on putting together the Economic Recovery Act to try to put a net under this economy and stop it from collapsing—and we were probably close to having a complete collapse. Despite the folks who come to the Senate floor who say no jobs were created, the CBO says 3 million jobs were created or saved. But when we put that together, Senator BROWN from Ohio and I and others wrote something called a “Buy American” provision, and people nearly had apopleptic seizures here. They were doing cartwheels in the Chamber, so upset and concerned and nervous about what this would do, if with our money, in order to employ our people, we decided to buy our products. How selfish is that, they would say.

It was exactly the right thing to do. Why would we try to stimulate economic recovery in America by buying goods from China or Japan? So what we tried to do is to say that there should be a preference with these funds to buy American. But even that was unbelievably controversial. We got it done, and I am pleased we did.

While the Senator is here, I wanted to make the point that the Huffy bicycle story is almost the perfect storm of everything that is wrong. These are workers in Ohio who made \$11 an hour plus benefits and then they all got fired. I have described about their leaving their empty shoes in the parking lot on the last day of work and so on. But the Huffy bicycle was sent to China. I described the conditions under which they are now made. This brand still exists. It is still sold in major American stores, Wal-Mart and Kmart and so on. But once it was sent to China, it declared bankruptcy and then the Chinese bought the brand. The bankruptcy meant that not only did the workers in Ohio lose their jobs, the Federal Government here, under the Pension Benefit Guaranty Corporation, assumes the pension of the fired workers, and China ends up with the brand. We still buy the bicycles but the people are out of work and we are stuck with the pensions.

It is almost a perfect storm of what is wrong with what we are doing in this

country. The question is, when will it ever change? The minute we talk about it the Senator from Ohio will be called—well, he's one of those protectionists. He has a narrow head; doesn't understand the breadth and depth of this new global economy. They say that about me and all of us who say this doesn't add up.

We have to stand up for this country's economic interests. We don't need to put a fence around America. We don't need to decide there is not a world economy—there is a global economy. We need fair rules and to stand up for our economic interests, and that has not been the case; it has not.

The question is what do we do about that. At least you can take a baby step in the right direction. One of my regrets, serving in this institution, is that I may well leave this institution without having succeeded, at least on this issue. I have been proud to participate in a lot of things that have been successful in advancing public policy but this has meant a lot to me. I think America is losing its capability, its energy, its manufacturing base. People are losing hope, with nearly 20 million of them out of work. I think it is very important for us to understand we have to address this issue.

There is no social program in this country as important as a good job that pays well. That is a fact. We have to find ways to put people back to work in this country. People say innovation—I am all for innovation. But we innovate, we create the product, but they manufacture it somewhere else and the jobs are gone. It is very important for us to rebuild our manufacturing capability in this country.

I said at the start we will not long remain a world economic power unless we have world class manufacturing capability. The American people need to see some hope from this Chamber. At least one step, one ray of hope would be if we decide in the coming several days to enact legislation that is now, I believe, rule XIV'd at the desk, that we likely will have debate on—and I will be here during that debate—that will say finally, at long last, we will stop, put an end to this insidious provision in the IRS code that says if you move your American jobs to China we want to reward you with a tax break. That has to end. It has to end, the sooner the better.

Let me end by saying there is plenty in this country that needs fixing but there is a lot to work with because there is plenty right in this country as well. I have spoken previously about the New York Times 1-inch story about a man named Stanley Newberg. Stanley Newberg, with his father, left his country in Europe to flee the persecution of the Jews, landed in New York, went peddling fish with his dad, went to school, an immigrant kid, went to college, became a lawyer, went to work

for an aluminum company, managed the place, finally bought the place, then died. When they opened his will he left his \$5.7 million to the United States of America, he said, with gratitude for the privilege of living in this great place. What a wonderful thing to hear. What a wonderful thing to do. It is a wonderful reminder, it seems to me, how important this place called America is in the heart of many people. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

THE DISCLOSE ACT

Mrs. MURRAY. Mr. President, I come to the floor once again to speak in strong support of the DISCLOSE Act, which would close the glaring campaign finance loopholes that have been opened by the Citizens United ruling. This Supreme Court ruling was a true step backward for our democracy. It overturned decades of campaign finance law and policy. It allowed corporations and special interest groups to spend unlimited amounts of their money influencing our democracy and opened the door wide for foreign corporations to spend their money on elections right here in the United States.

The Citizens United ruling has given special interest groups a megaphone they can use to now drown out the voices of average citizens in my home State of Washington and across the country. The DISCLOSE Act would tear that megaphone away and place it back in the hands of American people, where it belongs.

I am extremely disappointed that Senate Republicans continue to block this critical legislation. This is a very personal issue for me. When I first ran for the Senate back in 1992, I was a long-shot candidate with some ideas and a group of amazing and passionate volunteers by my side. Those volunteers cared deeply about making sure the voices of Washington State families were represented. They made phone calls, they went door to door, they volunteered hours of time, they talked to families all across my State who wanted more from their government.

We ended up winning that grassroots campaign because the people's voices were heard loudly and clearly. But, to be honest, I don't think it would have been possible if corporations and special interests had been able to drown out their voices with an unlimited barrage of negative ads against candidates who did not support their interests. That is exactly why I support this DISCLOSE Act. I want to make sure that no force is greater in our elections than the power of voters across our cities and towns, and no voice is louder than citizens who care about making their State and country a better place to live.

The DISCLOSE Act helps preserve those American values in a lot of ways. First of all, it shines a very bright spotlight on the entire process. The DISCLOSE Act will make corporate CEOs and special interest leaders take responsibility for their acts. When candidates put up campaign commercials on television, we put our faces on our ad and tell every voter we have approved the message. We don't try to hide what we are doing. But right now corporations and special interest groups don't have to do that. They can put up deceptive or untruthful ads with no accountability and no ability for the public to know who is trying to influence them.

The DISCLOSE Act also strengthens overall disclosure requirements for groups who are attempting to sway our elections. Too often, corporations and special interest groups are able to hide their spending behind a mask of front organizations because they know the voters will be less likely to believe their ads if they knew the motives behind the sponsors. The DISCLOSE Act ends that. It shines a light on this spending and makes sure voters have the information they need so they know what they can trust.

This bill also closes a number of other loopholes that have been opened by the Citizens United decision. It bans foreign corporations and special interest groups from spending in our U.S. elections. It makes sure that corporations are not hiding their election spending from their shareholders. It limits election spending by government contractors, to make sure taxpayer funding is never used to influence an election. It bans coordination between candidates and outside groups on advertising so that corporations and special interest groups can never sponsor a candidate.

This DISCLOSE Act is a common-sense bill. It should not be controversial. Anyone who thinks voters should have a louder voice than special interest groups ought to support this bill. Anyone who thinks that foreign entities should have no right to influence U.S. elections ought to support this bill. Anyone who agrees with Justice Brandeis that sunlight is the best disinfectant should support this bill. And anyone who thinks we should not allow corporations such as BP or Goldman Sachs to spend unlimited money influencing our elections ought to support this bill.

Every 2 years we have elections across this country to fill our federally elected offices. Every 2 years voters have the opportunity to talk to each other about who they think will best represent their communities and their families. Every 2 years it is these voices of America's citizens who decide who gets to stand right here representing them in the Congress. That is the basis of our democracy and it is ex-

actly what the DISCLOSE Act aims to protect. I am very proud to support this bill and I urge all our colleagues to stand up against special interests and for voters in their States and allow this bill to finally pass.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

THE ECONOMY

Mr. SANDERS. Mr. President, I think most people understand that the United States today is in the midst of the worst economic crisis since the Great Depression of the 1930s. What I want to do is take a very few minutes to talk about how we got to where we are today and what policies we need, in my view, to move this country forward in a very bold way so that we begin to create the millions of jobs the middle class of this country desperately needs.

Let me begin by taking a quick look back to where we were in January of 2009. It is important that we take that look back because if we don't know how we got to where we are today, it is going to be very hard to move us in a different direction.

January 2009 was, as we all recall, the very last month of the Presidency of George W. Bush. In that month we lost over 700,000 jobs. That is an extraordinary number, almost unprecedented. In fact, for the last months of the Bush administration, this country was hemorrhaging jobs as a result of the financial collapse brought about by the greed, the recklessness, and the illegal behavior on Wall Street.

During that period, our gross domestic product, the total sum of all that our economy produces, had gone down by nearly 7 percent during the fourth quarter of 2008—a 7-percent reduction. That was the biggest decline in more than a quarter century. Some \$5 trillion of Americans' household wealth evaporated in a 12-week period as people in Vermont and all over this country saw the value of their homes, their retirement savings, and their stocks plummet.

We were at a moment where some economists thought we might enter the worst depression in history, that the entire world's financial system would collapse. In January of 2009 we were hemorrhaging 700,000 jobs. That is where we were.

Of course, as a result of the collapse on Wall Street, the last months of the Bush administration were a total economic disaster, but let us be clear about the cumulative 8 years of the Bush administration. What happened over that 8-year period? From 2001 when President Bush came into office, until January 2009 when he left, this country lost over 600,000 private sector jobs. Let me repeat that. During the Bush 8-year period, this country lost over 600,000 jobs. The reason it is im-

portant to understand that is there are folks in this Chamber, throughout this country, who want to go back to those policies. I am not quite sure why anyone would want to go back to a set of economic policies which resulted, in an 8-year period, in a loss of 600,000 jobs. Net, there was a gain during the Bush administration of 1 million jobs—a very poor record—all of them government jobs, many of them in the military, in Homeland Security. That is, under anybody's definition, a horrendous record of job creation. In fact, it is a record of job loss.

During the Bush years, not only did we lose 600,000 private sector jobs, median income—median family income dropped by \$2,200. In other words, middle-class Americans earned significantly less income at the end of the Bush era than they did when he first came into office. During those 8 years, over 8 million Americans slipped out of the middle class into poverty; over 3 million lost their pensions; and nearly 8 million lost their health insurance.

During that period, 4.5 million manufacturing jobs disappeared as companies shut down in the United States and moved to China, Mexico, Vietnam, and other low-wage countries. In the year 2000 we had over 17 million manufacturing jobs in this country. At the end of the Bush era, in 2008, we had less than 12 million. That is a huge reduction in good-paying manufacturing jobs—in fact, the fewest number of manufacturing jobs since the beginning of World War II.

Under President Bush our trade deficit with China more than tripled and our overall trade deficit nearly doubled.

I raise those issues once again because it is very important to understand that there are a number of people in this Chamber who want to go back to those policies—policies which were a demonstrative failure.

But here is another important point, and we should understand this very clearly. While the middle class was battered during the Bush years and median family income went down, while poverty increased, not everyone did badly. In fact, during the Bush administration, the wealthiest 400 Americans saw their incomes more than double. The middle class was battered, median family income was down, poverty increased, people lost their pensions, but the wealthiest 400 Americans saw their income more than double. In 2007, these wealthiest 400 Americans earned an average of \$345 million in 1 year—on average, \$345 million. In terms of wealth, as opposed to income, the wealthiest 400 Americans saw an increase in their wealth of some \$400 billion during the Bush years—400 people, an increase of \$400 billion during the Bush years.

Let me talk for a moment about something I consider to be very important, but we do not talk about it very

much in the Senate. We do not talk about it very much in the media. It is not something we engage in polite conversation, but it happens to be one of the important economic issues facing our country; that is, the issue of distribution of income and distribution of wealth.

All over America, whether it is in Minnesota or Vermont, everyone wants to know—in New England, everyone loves the New England Patriots or the Boston Celtics, and what people want to know is, at the end of the day, who won and who lost and what was going on in the game. Well, in terms of income distribution, that is the result of income as economic activity. Who won? Who lost? And let's be very clear that when we talk about winners and losers, the United States today has the most unequal distribution of income and wealth of any major country on Earth, and that inequality is getting worse. I know many people choose not to talk about it, but I think it is imperative that we do talk about it.

Today, the top 1 percent earns more income than the bottom 50 percent. Let me repeat that. The top 1 percent earns more income than the bottom 50 percent. In 2007, which is the last year for which we had good statistics, the wealthiest 1 percent, the top 1 percent of income earners, took in 23½ percent of all of the income earned in the United States. Let me repeat that. The top 1 percent earned over 23 percent of all income earned in the United States. Here is an even more amazing statistic. The top one-tenth of 1 percent—top one-tenth of 1 percent—took in 11 percent of total income, according to the latest data available.

The problem we are having in terms of income is that the situation is becoming more and more unequal. We see that in the statistics, which are very clear. In the 1970s, the top 1 percent only made 8 percent of total income earned in this country, and now that number is 23½ percent—almost four times as much.

I would point out that the last time income was this concentrated was in the year 1928, and I think we all know what happened in 1929. When you have such an unequal distribution of income and wealth, it is not only, to my mind, immoral and wrong that so few have so much and so many have so little, it is bad economics because the economy grows when all people have money to spend, when consumers can spend money. When so much of our income and wealth is concentrated on the top, we run the significant likelihood of major economic recessions, and that is what is happening right now.

Also, incredibly, in the midst of this growing inequality and while the very wealthiest people in this country became much richer and at the same time as our deficit soared, the tax rates for the people on top went down. Mid-

dle class declines, poverty increases, the rich get richer, and the tax rate for the very wealthy goes down. This was a result of not only tax breaks for the wealthy initiated during the Bush administration but also, quite frankly, tax policy that took place before Bush. The result is that from 1992 to 2007, the latest statistics that we have, the effective Federal tax rate—effective Federal tax rate, and that is what people really pay—for the top 400 income earners in our country was cut almost in half. The rich get richer, their effective tax rates are cut almost in half.

Today, we have a Federal Tax Code that is so unfair, that it is so absurd that Warren Buffett, one of the wealthiest people in the world, often points out that he pays a lower effective tax rate than does his secretary. Hedge fund managers who make \$1 billion a year now pay a lower effective tax rate than many teachers, nurses, firefighters, and police officers.

I should also add that in terms of wealth, as opposed to just income, inequality, of course, is also growing. Today, the top 1 percent owns more wealth than the bottom 90 percent, and during the Bush years, the wealthiest 400 Americans saw their wealth increase by some \$400 billion. When a few people have incredible wealth and incredible income, they do not tuck that money under the mattress; they use that money.

The point Senator MURRAY of Washington was making a few moments ago on the DISCLOSE Act is a very good example of how some of those folks are making money. Not content to have the top 1 percent earning more than 23 percent of all income in America, these folks want more. Their greed has no end. And what they are now doing as a result of the DISCLOSE Act, a 5-to-4 Supreme Court decision, they and their corporate friends are now free to put as much money as they want into the political process, into television ads, into radio ads, and they do not have to disclose who they are. So you are going to have corporations with foreign interests getting involved with the American political process. You are going to have corporations putting all kinds of money into the political process, setting up phony institutions and front groups, and they do not have to tell the American people who they are.

In addition to the DISCLOSE Act and the huge amount of money now flooding into the political process, we have an enormous amount of lobbying and campaign contributions that are going right into the whole tax issue, that which we are debating now.

As you know, some of our Republican friends think, apparently, that the top 1 percent earning more income than the bottom 50 percent is not quite enough, that the fact that we have given huge tax breaks to millionaires and billionaires for the last 15 years is

not enough; they need more. So what some of our Republican friends are doing and what their friends on Wall Street and big money interests are doing is pouring huge amounts of money into the political process which says that we should provide, over a 10-year period, \$700 billion in tax breaks to the top 2 percent; that millionaires, those people making \$1 million or more, should receive on average a \$100,000 tax break. And they are fighting for tax breaks for the rich at the same time as they are saying: Oh, isn't it terrible that we have a \$13 trillion national debt. So they wanted to give \$700 billion in tax breaks to the top 2 percent, and then they say: Oh my goodness, isn't it awful that we have a record-breaking deficit and a large national debt, and they want to pass on those tax breaks to our kids and grandchildren—increase the national debt so that we can give tax breaks to millionaires and billionaires. That makes zero sense to me. I think that is an incredibly dumb and irresponsible idea.

What I think we should do, what I believe we should do is that half of that \$700 billion, instead of being given in tax breaks to the top 2 percent, should be used for deficit reduction. Let's do it now. And the other \$350 billion should be invested in our infrastructure—rebuilding our roads, our bridges, our water systems, our schools, our transportation systems—and putting people back to work. Our infrastructure is crumbling. Everybody knows that. We are going to have to address it now or later. Let's address it now. In the middle of a recession, let's put millions of people back to work rebuilding America to make us more competitive in the global economy and make our economic system more efficient. I think, frankly, it makes a heck of a lot more sense to put millions of people to work rebuilding America's infrastructure and using \$350 billion to lower the deficit than it does to give \$700 billion in tax breaks to the top 2 percent. I hope that a majority of my colleagues or, in fact, 60 of my colleagues agree with that because, to me, that is the policy this country desperately needs.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH.) The Senator from Oregon is recognized.

THE DISCLOSE ACT

Mr. WYDEN. Mr. President, I rise this afternoon to take a few minutes to talk about this issue of campaign ads being run all across the land and millions of dollars being spent by groups with misleading names, leaving our voters without any knowledge of who is behind the ads they are hearing.

To me, the lack of accountability and civility and literal accuracy in political campaigns is absolutely unacceptable, and I am of the view that we

ought to be asking here in the Senate whether this is really the best we can do to ensure accountability and openness in American politics. I think the answer to that is, it is a no-brainer. There ought to be basic disclosure of who is behind all of those ads that are flooding the airwaves. That is what is behind the DISCLOSE legislation, the bill that has been brought before the Senate to ensure that it is possible for Americans, at a time when there is intense interest in American politics, to know who is sponsoring all of these commercials that are rushing at the American people pell-mell over the airwaves.

What is striking is how stark the inequities in all of this are. What I am particularly troubled about is that as a result of the Supreme Court decision, it is possible today for a foreign interest with no vote here in the United States to have a more substantial voice in our elections this fall than any hard-working American taxpayer. When you break that down, you really get a sense of just how outlandish this Supreme Court decision is. Let me repeat that. Foreign interests, through a subsidiary, with no vote here in the United States, will have a louder voice in the State of Alaska, in the State of Oregon, than any of the hard-working taxpayers whom we are honored to represent here in the Senate. I think that indicates that the campaign finance system is way out of whack.

This Supreme Court decision, in my view, has literally blown the hinges off the doors of our democracy. What is needed is legislation such as the DISCLOSE Act to ensure accountability, civility, and accuracy in political campaigns.

My view is that the lack of that kind of accountability creates not only confusion but even resentment among voters. The reason I know that is that the situation the country finds itself in now is very similar to what I saw when I first ran for the Senate in 1996 against the man who eventually became my colleague and good friend in the Senate, Gordon Smith. That was the only race in the United States at that time, the winter of 1996. Attack ads were being run by all sides, left and right. Senator Smith and I literally had no idea who was behind a lot of the attack ads. We made the judgment that while policy differences and personal criticisms are certainly a fair and legitimate part of a political campaign, what is not acceptable is the situation our country finds itself in, once again; that is, the huge numbers of ads being run where nobody could figure out who was behind some of the attacks, attacks that were pretty vicious and certainly high decibel.

So I came to the Senate in the winter of 1996, and I vowed to try to make some changes. I vowed to work with colleagues of both parties to bring

transparency and accountability to campaign advertising. I had the good fortune to find a terrific partner in this effort with our colleague from Maine, Senator SUSAN COLLINS. As part of the McCain-Feingold bipartisan Campaign Reform Act of 2002, Senator COLLINS and I were able to win passage of an amendment which has come to be known as the stand by your ad disclosure requirement. Not only have we all seen these ads, everyone who has run to serve in this distinguished Chamber has recorded them. It is real simple. I am MARK BEGICH. I approved this message. I am RON WYDEN, and I approved this message. It is not a hard thing to do. It comes about as a result of the fact that a colleague on the other side of the aisle, Senator COLLINS, joined me in this effort that I believed passionately in after that Senate special election in the winter of 1996.

That simple disclosure requirement gives voters very important information about who is behind a political ad. I am of the view that disclosure should not be required just for candidates but for anyone—interest groups, corporations—who seeks to communicate a political message. Unfortunately, after the Citizens United ruling, there are a variety of these interests that are now free to spend unlimited amounts of money on political ads without voters knowing who is paying for the ads. That is dangerous for democracy. It is wrong, and it needs to be stopped.

The stand by your ad provision of the DISCLOSE Act would require the top official, the CEO or a top official from a company, a union or any organization paying for a political advertisement to take responsibility for the ad. The DISCLOSE Act can't prevent the formation of misleading front organizations, but another provision would require disclosure of the top five funders to allow voters to know who is behind the ad.

I am of the view that companies, unions, other organizations ought to be held to the same standards of transparency and accountability in their political advertising as political candidates and political action committees. It is, in a one-sentence description, all about sunshine. Sunshine is the best disinfectant. The disclosure requirements in this legislation are going to give voters more information and help them understand who is paying for these political ads.

I continue, as the Presiding Officer knows, to do everything I can to work in the Senate in a bipartisan fashion. I am pleased to see my distinguished colleague in the chair. He has joined me with Senator GREGG and a number of colleagues on both sides of the aisle in what is the first bipartisan tax reform legislation in a quarter century. It picks up on another bipartisan model—legislation advanced by former President Reagan, Bill Bradley, Dan Rosten-

kowski, and others. A big day is coming up in tax reform. That is tomorrow. Chairman BAUCUS is going to lead us into the first debate in a long time about tax reform. I very much look forward to working with Chairman BAUCUS and his leadership on this issue.

I see my colleague from the Finance Committee, Senator GRASSLEY. If we are going to duplicate that important tax reform work of 1986, it is going to be Chairman BAUCUS, Senator GRASSLEY, Senator HATCH, the leaders of our committee taking us forward in a bipartisan way so the distinguished Senator from Alaska and I and other more junior members can work with our colleagues and make some history and fix the American tax system, radically simplify it. But to do that we will have to work in a bipartisan way.

I come to the floor to say, once again, I am hopeful that the DISCLOSE legislation, which provides an opportunity for transparency and accountability in campaign finance, can also become a bipartisan cause. There is absolutely nothing partisan about the question of making sure a political advertisement that is offered is one where the American people know who is behind it. That is not a partisan issue. As my friend from Alaska knows, it certainly isn't a partisan issue to take this unbelievable mess of a Tax Code that runs page after page after page, thousands of words, and simplify it to a one-page form, a one-page 1040 form. That is not partisan work, nor should disclosing campaign finance advertisements be partisan either.

I ask on this question of election reform, look at the present system, where there is no accountability, where people don't know who is behind these advertisements, and ask: Is this the best we can do? I think the answer is obviously no. I think the answer is, instead, to say that companies and unions and other organizations ought to be held to the same standard of honesty and integrity as political candidates are required to do under the legislation Senator COLLINS and I authored as part of McCain-Feingold.

The fact is, this Senate can do better in election reform. I urge colleagues to work together to bring transparency and accountability to American elections and pass the DISCLOSE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

K2 PRODUCTS

Mr. GRASSLEY. Mr. President, as a parent and grandparent, I have long been concerned about the dangers that face our kids. I have been especially concerned about the large amount of dangerous drugs in this country and their use by anybody but particularly young people. It is clear drug dealers will stop at nothing to get our kids

hooked on drugs. All too often, we learn of new and emerging threats to communities that often have negative impacts on our youth. But when these drug threats emerge, it is crucial that we unite to halt the spread of the problem before it consumes families and communities.

Today we are confronted with new and very dangerous substances packaged as somewhat innocent products. Specifically, young people are able to go online and/or to the nearest shopping mall and purchase incense laced with chemicals that alter mind and body. These products are commonly referred to as "K2" or "Spice," among other names. I have a chart Members can see behind me. They can see the package varieties of K2 products. I will not go into detail, but look at them.

Specifically, kids are able to actually purchase these products with a great amount of ease. Kids and drug users are smoking this product in order to obtain what they think is a legal high, and the word "legal" tends to imply harmless. It is believed K2 products emerged on the scene beginning 4 or 5 years ago. Their use spread quickly through Europe and the United States. According to a study conducted by the European Centre for Drugs and Drug Addiction, most of the chemicals found in K2 products are not even reported on the label. This study by the European Centre concluded that these chemicals are not listed because there is a deliberate marketing strategy to represent this product as somewhat a natural substance. However, K2 is anything but natural. Most of the chemicals the Drug Enforcement Administration has identified within K2 products were invented by Dr. John W. Huffman of Clemson University and for a very worthwhile purpose—research purposes.

These synthetic chemicals were never intended to be used for any other purpose other than research. They were never tested on humans, and no long-term effects of their use are currently known. As more and more people are experimenting with K2, it is becoming increasingly evident that K2 use is anything but safe.

The American Association of Poison Control Centers reports significant increases in the amount of calls concerning these products. There were only 13 calls related to K2 use reported in 2009. Look at the figure for 2010. There have been over 1,000 calls concerning K2 use. So it is very evident: A dramatic increase in a short amount of time of the public concerned about K2 use, probably reflecting increased use of K2.

Common effects reported by emergency room doctors include increased agitation, elevated heart rate and blood pressure, hallucinations, and seizures. The effects from the highs from K2 use are reported to last several

hours, and in some cases up to one week.

Dr. Huffman has stated that since so little research has been conducted on K2 chemicals, using any one of them would be like "playing Russian roulette."

In fact, Dr. Anthony Scalzo, a professor of emergency medicine at St. Louis University, reports that these chemicals are significantly more potent than even marijuana. Dr. Scalzo states that the amount of chemicals in K2 varies from product to product, so naturally no one can be sure exactly the amount of drugs you are putting into your body when you use these K2 products. Dr. Scalzo reports that this can lead to significant problems such as altering the state of mind, addiction, injury, and even death. I will refer to the death issue in a moment.

According to various news articles across the Nation, K2 can cause serious erratic and criminal behavior. In Mooresville, IN, the police arrested a group of teens after they were connected to a string of burglaries while high on K2. The local county attorney prosecuting the case stated this was an unusual crime spree. These kids were not the type who are normally seen in the criminal justice system. The county attorney stated these kids had "no prior record, good grades, athletes, so that got me wondering: is there a correlation between K2 and the crime?"

Another case in Honolulu, HI, shows police arrested a 23-year-old man after he tried to throw his girlfriend off an 11th floor balcony after he was smoking K2.

A 14-year-old boy in Missouri nearly threw himself out of a fifth story window after smoking K2. Once the teen got over his high, he denied having any suicidal tendencies. Doctors believe he was hallucinating at the time of the incident.

K2 use is also causing serious health problems and increased visits to emergency rooms.

A Louisiana teen said he became very ill after trying K2. The teen said he experienced numbness, starting at his feet and traveling all the way to his head. He was nauseous, light-headed, and was having hallucinations. The teen stated that K2 is being passed around at the school. The teen also stated that many people were trying it without fear, assuming it was safe because it was legal. I said that previously in my remarks: a legal drug, it has to be safe is kind of the attitude.

Another case has a teenager in Indiana being admitted to an emergency room with a blood pressure of 248 over 134 after testing positive for K2.

A teen in Texas became temporarily paralyzed from the waist down after smoking K2.

Another teen in Texas had a heart attack after smoking K2 but, fortunately, survived the event.

Regrettably, K2 use also has deadly consequences. I want to speak about an individual and family who suffered from a tremendously bad consequence of K2.

The picture behind me is of David Rozga. David was a recent 18-year-old Indianola, IA, high school graduate. According to his parents and friends, David was a bright, energetic, talented student who loved music, was popular, and active in his church.

David was looking forward to attending the University of Northern Iowa this fall, my alma mater. On June 6, 2010, David, along with some of his friends, smoked a package of K2 thinking it was nothing more than just having a little fun.

David and his friends purchased this product at a mall in Des Moines, after hearing about it from some college students who were home for the summer.

After smoking this product, David's friends reported that David became highly agitated and terrified. When he got home, he found a family shotgun and committed suicide 90 minutes after smoking K2.

The Indianola police believe David was under the influence of K2 at the time of his death. David's parents and many in the community who knew David were completely shocked and, obviously, saddened by this event.

As a result, the Iowa Pharmacy Board placed an emergency ban on K2 products in Iowa, which began on July 21, 2010. David's tragic death may be the first case in the United States of K2 use leading to someone's death, but, sadly, it was only the beginning.

A month after David's tragic death, police reported that a 28-year-old Midletown, IN, mother of two passed away after smoking a lethal dose of K2. This woman's godson reported that anyone could get K2 easily because it can be sold to anyone at any price and at any time.

This last August, a recent 19-year-old Lake Highlands High School graduate in Dallas, TX, passed away after smoking K2. The medical examiner confirmed that this boy had K2 in his system at the time of his death.

These incidents throughout the country give me great concern that K2 use is a dangerous and growing problem. Twelve States, including Iowa, have acted to ban the sale and possession of the chemicals found in K2 products. Many more States, counties, and communities throughout the country have proposed bans or are in the process of banning these products.

However, a recent article in the Des Moines Register highlights the fact that some stores are working around these bans by the simple process of changing some of the chemicals and by simply relabeling the product.

So I believe it is time we have a national discussion about these dangerous substances. I hope in the coming weeks and months my colleagues will begin to take notice of this issue.

As cochairman of the Senate Drug Caucus—I cochair that with Senator FEINSTEIN from California—it is my hope we will have a hearing on this issue in the not too distant future.

It is important to fully understand the magnitude and implications of allowing these products to remain legal in the United States. It is clear the sale and use of K2 products is obviously a growing problem. People believe these products are safe because they can buy them online or at the nearest shopping mall.

We need to do a better job at educating the public and our communities about the dangers these products present. We, in fact, need to nip this problem in the bud before it grows and leads to the tragedy of more death or the tragedy of other health consequences.

I ask each of my colleagues in the Senate to join me as we explore positive actions to stem the use of K2.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PEGGY L. GREENBERG

Mr. REID. Mr. President, I rise today to recognize the extraordinary work of Peggy L. Greenberg, director of the Office of Education and Training, who is retiring at the end of this month after 11 years. Peggy has been responsible for the training and development of all Senate staff in both the Washington, DC, office and all the Senate State offices. Her department offers programs in a wide variety of areas including general professional development, management and leadership development, legislative information and technical computer skills training.

After earning her undergraduate degree in nursing from Southwestern Louisiana, Ms. Greenberg moved from nursing in Louisiana to Massachusetts, where she was a pediatric nurse. She eventually became the director of nursing inservice education and later the director of education for all of Kennedy Memorial Hospital in Boston. During that time, she earned a master's degree

in adult and continuing education from Boston University.

Peggy was the director of Organization Effectiveness and Performance Consulting for Med Star Physician Partners and then a director of learning and organization development for Kaiser Permanente of the Mid-Atlantic States. She was recognized in the Kaiser Permanente organization nationwide as a leader in the training and organization development area.

Peggy Greenberg has been a key contributor to improving the effectiveness and efficiency of Senate staff. We have all benefited from her professional and personal commitment to improving every aspect of our individual and organizational development. The Senate has been fortunate to have someone with her knowledge and experience.

The Senate community will miss Peggy, and wishes her well as she enjoys long and adventurous bike rides with her husband, Brian and continues indulging her love of tap dancing.

ADDITIONAL STATEMENTS

TREE FRESNO'S 25TH ANNIVERSARY

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 25th anniversary of Tree Fresno.

The genesis of Tree Fresno can be traced to a group of residents who had gathered during Fresno's Centennial in 1985 to explore ways to improve the city. This group of civic-minded residents determined that the planting of trees would beautify the city and create more livable and walkable neighborhoods.

The idea to beautify Fresno through the planting of trees was met with great support and enthusiasm from the community as evidenced by a telethon that netted \$27,000—funds that provided seed money for Tree Fresno's maiden project that resulted in the planting of trees in downtown and the city's vibrant Tower District.

Over the past 25 years, Tree Fresno has spearheaded and successfully completed a number of community-wide efforts that have led to the greening of the greater Fresno area. Throughout the years, Tree Fresno has grown the tree canopy on local school campuses and along some of the major thoroughfares in Fresno such as Blackstone and McKinley Avenues. On one remarkable day in 2000, thousands of Tree Fresno volunteers planted 4,400 trees in and along an abandoned rail corridor between Fresno and Clovis.

In addition to the planting of trees, Tree Fresno has also been instrumental in educating the public about the importance of responsible environmental stewardship. Through programs such as Tribute Trees, Trees for Campuses and Kids and the Junior Board of Tree

Fresno, the organization has made an indelible impact on raising the overall environmental awareness and efficacy of the residents, especially the young people, of Fresno and surrounding communities.

The many accomplishments of Tree Fresno over the past 25 years are a testament to the vision of its founding members, the dedication of its staff and the support and commitment of thousands of volunteers and supporters who have given so generously to help make Fresno a better place to live.

It is my pleasure to congratulate the board, staff and many friends of Tree Fresno for 25 years of environmental leadership in the greater Fresno area. I send my best wishes for many more years of continued success.●

2009 ALFRED P. SLOAN AWARD RECIPIENTS

• Mr. CRAPO. Mr. President, today I congratulate the 2009 winners of the Alfred P. Sloan Award for Business Excellence in Workplace Flexibility, which recognizes companies that have successfully used flexibility to meet both business and employee goals. The Sloan Awards are presented by the When Work Works initiative, which is a project of the Families and Work Institute in partnership with the Institute for a Competitive Workforce, an affiliate of the U.S. Chamber of Commerce, and the Twiga Foundation Inc. The When Work Works initiative is sponsored by the Alfred P. Sloan Foundation.

I want to draw your attention to the Sloan Awards because I think these companies are to be commended for their excellence in providing workplace flexibility practices which benefit both employers and employees. Achieving greater flexibility in the workplace—to maximize productivity while attracting the highest quality employees—is one of the key challenges facing American companies in the 21st century.

Businesses in 30 communities were eligible for recognition in the 2009 Sloan Awards. In addition, this year an at-large category was added. The Chamber of Commerce in many cities hosted an interactive business forum to share research on workplace flexibility as an important component of workplace effectiveness. In these same communities, businesses applied for and recipients were selected for the Sloan Awards through a process that included employee responses as well as employer practices.

I would like to take this opportunity to congratulate the 2009 winners of the Alfred P. Sloan Award for Business Excellence in Workplace Flexibility. These businesses are to be commended for their excellence in providing workplace flexibility.

In Arizona, the winners are Arizona Foundation for Legal Services and

Education; Arizona Weddings Magazine & Website; Autohaus Arizona, Inc.; Chandler-Gilbert Community College; Contreras State Farm Agency, Inc.; Cosmopolitan Medical Communications, Custom Accounting & Tax PC; Henry & Horne, LLP; Intel Corporation; Johnson Bank; Keats, Connelly and Associates; Metro Architecture LLC; Microchip Technology; Morrison & Associates CPAs PLLC; My Computer Works; Neonatology Associates, Ltd.; Omega Legal Systems Inc.; Pima Council on Aging, Inc.; Raytheon Missile Systems Tucson, AZ; Salt River Materials Group; Western International University; Western International University—Scottsdale Campus; Whitneybell Perry Inc; and WorldatWork.

In Atlanta, GA, the winners are Delta Air Lines; Gas South, LLC; Lee Hecht Harrison; The Mom Corps Inc.; and WellStar Health System.

In Aurora, CO, the winners are Adams County Workforce & Business Center; Aurora Mental Health Center; The Medical Center of Aurora; and University of Phoenix.

In Birmingham, AL, the winners are Albert Kahn Family of Companies; Barfield Murphy Shank & Smith; Big Brothers Big Sisters; Birmingham Metropolitan YMCA; Cayenne Creative Group; Concept, Inc.; El Paso Corporation; ITAC Solutions, LLC; Resources Global Professionals; Sain Associates; and Sellers Richardson Holman & West LLP.

In Boise, ID, the winners are American Geotechnics; Boise Rescue Mission; Givens Pursley LLP; Idaho Association for the Education of Young Children; Idaho Federation of Families for Children's Mental Health; and Trey McIntyre Project.

In Charleston, SC, the winners are AAI Services Corporation; Barling Bay, LLC; Call Experts; Charleston Metro Chamber of Commerce; Community Management Group; EMES, LLC; KFR Services, Inc.; Lowcountry Graduate Center; Morris Financial Concepts, Inc; Noisette Company; Santee Cooper; Scientific Research Corporation; Stanley, Inc.; and Tegron LLC.

In Chicago, IL, the winners are Accenture; Alma Lasers; AzulaySeiden Law Group; Falkor Group, LLC; Frost, Ruttenberg & Rothblatt, P.C.; Ketchum Inc.; Microsoft Corporation; Perspectives, Ltd; Plante & Moran, PLLC; Shakespeare Squared; The SAVO Group; True Partners Consulting; Turner Construction Company—Chicago Business Unit; and Vox, Inc.

In Columbus, OH, the winners are Kaiser Consulting; Resource Interactive; American Electric Power; Cardinal Health Inc.; Ohio College Access Network; Pillar Technology Group LLC; Resources Global Professionals; Amethyst; and OCLC Online Computer Library Center.

In Dallas, TX, the winners are Abernethy Media Professionals, Inc.; Aguirre Roden, Inc.; Capital One; Community Council of Greater Dallas; Dallas Convention & Visitors Bureau; EGW Utilities Inc.; Lee Hecht Harrison; Lockheed Martin Missiles & Fire Control; McQueary Henry Bowles Troy, L.L.P.; State Farm Insurance; Tegron; The Beck Group; The Center for American and International Law; and The North Highland Company.

In Dayton, OH, the winners are Better Business Bureau of Dayton/Miami Valley Inc.; Brower Insurance Agency LLC; Cornerstone Research Group Inc.; Iformata Communications; LeVeck Lighting Products, Inc.; Premier Community Health; and SummitQwest.

In Durham, NC, the winners are CrossComm, Inc; Durhams Partnership for Children; Expedite Group; Shodor; US Environmental Protection Agency; and WorkSmart.

In Houston, TX, the winners are Access Sciences Corporation; CenterPoint Energy; Chevron Corporation; El Paso Corporation; Fulbright & Jaworski LLP; Gimmel Group; HBL Architects; Houston Department of Health and Human Services; Jaemar International Inc.; Klotz Associates, Inc.; M.D. Anderson Cancer Center; PKF Texas; PricewaterhouseCoopers; Tegron; The Dow Chemical; The VIA Group; University of Phoenix; University of St. Thomas; and Vinson & Elkins LLP.

In Kentucky, the winners are AASHE; Analysts International; Anneken, Huey & Moser, PLLC; Benefit Insurance Marketing; Bottom Line Systems Inc.; CDP Engineers Inc; Central Baptist Hospital; Frankfort Regional Medical Center; J C Malone Associates; Kentucky Employers Mutual Insurance (KEMI); Kentucky League of Cities; Lexmark International, Inc.; Potter & Company, LLP; Stoll Keenon Ogden PLLC; Sturgill, Turner, Barker & Moloney, PLLC; Third Rock Consultants LLC; and Woodward Hobson & Fulton LLP.

In Long Beach, CA, the winners are AES Alamitos, LLC; Bryson Financial Group; Choices of Long Beach INC dba Choices Recovery Services; Decision Toolbox, Inc.; PeacePartners, Inc.; and Tredway, Lumsdaine & Doyle, LLP.

In Long Island, NY, the winners are Albrecht, Viggiano, Zureck & Co., PC; The Alcott Group; Brookhaven Science Associates/Brookhaven National Laboratory; Cerini & Associates; Farrell Fritz, P.C.; Holtz Rubenstein Reminick LLP; and YES Community Counseling Center.

In Louisville, KY, the winners are A Speaker For You; Deming Malone Livesay & Ostroff; Greater Louisville Inc.; Hardin Shymanski and Company PSC; KiZAN Technologies LLC; Louis T. Roth & Co. PLLC; Louisville Magazine; Lyndon Fire Protection District; McCauley, Nicolas & Company, LLC; Mission Data; Mountjoy & Bressler

LLP; Prestige Health Care; Raytheon Company; Stoll Keenon Ogden PLLC; Strothman & Company PSC; Studio Kremer Architects, Inc.; The Tellennium Group; WellPoint, Inc.; Woodward, Hobson & Fulton, LLP; and Yum! Brands, Inc.

In Manchester, NH, the winners are Child and Family Services, Dynamic Network Services, Inc.; Image 4; and YWCA of Manchester.

In Melbourne-Palm Bay, FL, the winners are Courtyard by Marriott; Habitat for Humanity of Brevard County, Inc.; Olive Garden Italian Restaurant; RSM McGladrey/McGladrey & Pullen; Space Coast Business, LLC; Space Coast Early Intervention Center; and Whittaker Cooper Financial Group.

In Michigan the statewide winners are Albert Kahn Family of Companies; Altair Engineering; Amerisure Mutual Insurance Company; Brown and Brown of Detroit (formerly Alcos); Detroit Regional Chamber; Dynamic Edge, Inc.; Employees Only; Farnman Group; Frank, Haron, Weiner & Navarro P.L.C.; Leader Dogs for the Blind; Menlo Innovations LLC; Michigan Civil Service Commission; Michigan Department of Education; Michigan Department of Environmental Quality; Michigan Health & Hospital Association; Michigan Occupational Safety and Health Administration; Motawi Tileworks, Inc.; Motion Marketing & Media; National Multiple Sclerosis Society, Michigan Chapter; Peckham Inc.; Plex Systems, Inc.; Public Policy Associates, Inc.; Regal Financial Group; Service Express, Inc.; Valassis; and Visteon Corporation.

In Milwaukee, WI, the winners are Foley & Lardner LLP; Herzing University; Kforce Professional Staffing; Kolb+Co SC; Laughlin/Constable; Manpower, Inc.; Metropolitan Milwaukee Association of Commerce; Mortgage Guaranty Insurance Corp; Robert W. Baird & Co.; StorerTV, Inc.; and The Novo Group.

In Morris County, NJ, the winners are BASF Corporation; Fein, Such, Kahn & Shepard, P.C.; Madison Area YMCA; Nukk-Freeman & Cerra, P.C.; One Call Medical, Inc.; and Solix Inc.

In Providence, RI, the winners are Rhode Island Housing; Rhode Island Legal Services, Inc.; and Sansiveri, Kimball, McNamee, LLP.

In Richmond, VA, the winners are Anthem Blue Cross and Blue Shield (Also listed as WellPoint); Bon Secours Richmond Health System; Capital One, Rink Management Services Corporation; and Vaco Richmond, LLC.

In Rochester, MN, the winners are Cardinal of Minnesota; Custom Alarm/CCI; First Alliance Credit Union; Rochester Area Family YMCA; Rochester Community and Technical College; Senior Citizens Services Inc.; Southern Minnesota Municipal Power Agency; United Way of Olmsted County; and Venture Computer Systems.

In Salt Lake City, UT, the winners are 1-800 CONTACTS, Inc.; AAA Fair Credit Foundation; Christopherson Business Travel; Employer Solutions Group; Intermountain Financial Group/MassMutual; McKinnon-Mulherin, Inc.; and Utah Food Services.

In Savannah, GA, the winners are Hancock Askew & Co., LLP (Listed as Qualified Plans) and Wesley Community Centers of Savannah, Inc.

In Seattle, WA, the winners are Bader Martin, P.S.; BECU; Blue Gecko; Cascadia Consulting Group, Inc.; Compendium Inc.; Miller, Hansen & Torphy, Inc. dba MHT Insurance; NRG::Seattle; Prolumina; Puget Sound Center for Teaching, Learning and Technology; Seattle Hospitality Group; Technology Services Company, Inc.; TeleCommunication Systems Inc.; The Alford Group; Washington Policy Center; Within Reach; Workforce Development County Snohomish County; and Worktank Enterprises.

In Spokane, WA, the winners are Desautel Hege Communications; Humanix Staffing and Recruiting; Inland Northwest Health Services; Principal Financial Group; Quisenberry Marketing & Design; Spokane Occupational and Hand Therapy; and St. Luke's Rehabilitation Institute.

In the Twin Cities the winners are Accenture; Best Buy; fahrenheit HEIGHT360; General Mills; Health Services Innovations; Interventional Pain and Physical Medical Clinic; Lutheran Social Service of Minnesota; Mahoney, Ulbrich, Christiansen & Russ PA; Minnesota Child Care Resource & Referral Network; MRM Worldwide Minneapolis; Netgain; Prevent Child Abuse Minnesota; Synergistic Software Solutions; U.S. Bank; and Western National Mutual Insurance Company.

In Winona, MN, the winners are Catholic Charities of the Diocese on Winona; Hiawatha Broadband Communications (Also listed as HMC Inc.); Mediascope, Inc.; Merchants Financial Group; Sport & Spine Physical Therapy of Winona Inc.; Winona ORC Industries; and Winona Workforce Center.

The At-large winners are ACS, Inc. (Affiliated Construction Services) (Madison, WI); Averett Warmus Durkee (Orlando, FL); Barnes Dennig & Company (Cincinnati, OH); Bon Secours Hampton Roads (Norfolk, VA); Capital One (Washington, D.C.); CIBER Global Solution Center (Tampa, FL); CSC (Cincinnati, OH); Discovery Communications (Silver Spring, MD); E-IT Professionals Corp. (Canton, MI); First Things First, Inc (Chattanooga, TN); Grandparents.com (New York, NY); Kenexa (Lincoln, NE); LiveOps (Santa Clara, CA); Management Recruiters of Chattanooga-Brainerd (Chattanooga, TN); PRIZIM, Inc. (Gaithersburg, MD); and Unum (Portland, ME).

These companies demonstrate a great commitment. Thus, it is not surprising

that some of them practice workplace flexibility in offices across their state and our country. Companies with winners in multiple cities are BDO Seidman, LLP; Booz Allen Hamilton; Clifton Gunderson LLP; Deloitte LLP; Ernst & Young; KPMG LLP; LS3P ASSOCIATES LTD; Merrick & Company; RSM McGladrey, Inc; Ryan, Inc.; and Warner Norcross & Judd LLP.

Again, I congratulate the 2009 winners of the Sloan awards and look forward to the ongoing recognition of this worthwhile initiative.●

RECOGNIZING THE NORTH LITTLE ROCK VISITORS BUREAU

● Mrs. LINCOLN. Mr. President, today I congratulate the North Little Rock Visitors Bureau for being chosen as the Small Convention Visitors Bureau of the Year by the Southeast Tourism Society, which represents 12 States. The North Little Rock bureau topped the category for visitors bureaus with a budget of less than \$1 million.

The Shining Example Award the North Little Rock agency received highlights "some of the best work in travel and tourism," and sets "examples that others in the industry can follow," according to the Southeast Tourism Society.

I salute the North Little Rock Visitors Bureau and the entire North Little Rock community for their efforts to build and grow their community. As my fellow Arkansans know, our state is a beautiful one, filled with countless opportunities for recreation, outdoor pursuits, and other leisure activities. I am proud to see North Little Rock receive this prestigious recognition.●

RECOGNIZING THE FORT SMITH HOUSING AUTHORITY

● Mrs. LINCOLN. Mr. President, today I congratulate the Fort Smith Housing Authority for winning the Agency of the Year Award from the Arkansas Chapter of the National Association of Housing and Rehabilitation Officials.

According to the Awards Committee, the Fort Smith Authority stood out in its achievements through its Neighborhood Stabilization Program and its recently gained status as a redevelopment agency, a status that will enable it to do even more good work in the future.

The Fort Smith Housing Authority does tremendous work in its local Arkansas community, serving people with disabilities, seniors, and low income families by providing quality, affordable housing that creates positive living environments. I commend the Authority's long-standing efforts to increase the availability of safe, affordable housing and to improve quality of life and economic vitality.

I salute the Authority and the entire Fort Smith community for achieving this prestigious recognition.●

RECOGNIZING THE ST. MARK SANCTUARY CHOIR

● Mrs. LINCOLN. Mr. President, today I recognize St. Mark Sanctuary Choir from Little Rock, which recently advanced to the national level of "How Sweet the Sound," a nationwide contest in search for the best church choir in America.

St. Mark Choir earned a trip to the upcoming final competition in Washington, DC, after winning the regional "How Sweet the Sound" competition held in Memphis earlier this month. Under the leadership of Darius Nelson, Minister of Music, the choir surpassed its competition with a stirring rendition of "It Is Well With My Soul."

St. Mark Choir, comprised of adults age 18 and up, is the main service choir of St. Mark. With more than 100 active members, the choir serves faithfully each Sunday morning at the 8 and 11:30 a.m. worship services. This group of talented vocalists from the Little Rock area represent the best of Arkansas, and I am proud of their efforts to spread music and ministry to others.

I celebrate St. Mark Sanctuary Choir and all performers of gospel music for their dedication to an art form that brings a message of hope and inspiration to all people. That is why earlier this year, I submitted a bipartisan resolution in the U.S. Senate designating September as "Gospel Music Heritage Month," to honor the lasting legacy of gospel music in the U.S. and around the world.

In closing, I commend these talented individuals at St. Mark Church for their dedication to serving others through music and worship. I congratulate Bishop Steven M. Arnold and the entire congregation for this tremendous achievement.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:11 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3562. An act to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the 'James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building'.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

MEASURES DISCHARGED

Pursuant to 5 U.S.C. 802(c), the following joint resolution was discharged by petition from the Committee on Health, Education, Labor, and Pensions, and placed on the Calendar:

S.J. Res. 30. A joint resolution providing for congressional disapproval under chapter 8

of title 5, United States Code, of the rule submitted by the National Mediation Board relating to representation election procedures.

DISCHARGED PURSUANT TO 5 U.S.C. 802(C) (CONGRESSIONAL REVIEW ACT)

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Health, Education, Labor, and Pensions be discharged of further consideration of S.J. Res. 30, a resolution on providing for congressional disapproval of a rule submitted by the National Mediation Board relating to representation election procedures, and further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

George S. LeMieux, Jon Kyl, Mike Crapo, John Barrasso, Richard Burr, Christopher S. Bond, James E. Risch, John Ensign, Jim DeMint, Lamar Alexander, Roger F. Wicker, George V. Voinovich, Johnny Isakson, David Vitter, John Cornyn, Judd Gregg, Mike Johanns, Chuck Grassley.

Sam Brownback, Michael B. Enzi, Thad Cochran, Roland W. Burris, Pat Roberts, Richard C. Shelby, Jeff Sessions, Kay Bailey Hutchison, Susan M. Collins, Bob Corker, Lisa Murkowski, Mitch McConnell, John McCain, Lindsey Graham, Richard G. Lugar, Robert F. Bennett, Orrin G. Hatch.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3813. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3815. A bill to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes.

S. 3816. A bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3827. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7435. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (27); Amdt. No. 3391" (RIN2120-AA65) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7436. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (152); Amdt. No. 3388" (RIN2120-AA65) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7437. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (8); Amdt. No. 3389" (RIN2120-AA65) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7438. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; 2010 Seattle Seafair Fleet Week Moving Vessels, Puget Sound, Washington" ((RIN1625-AA87) (Docket No. USCG-2010-0709)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7439. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Thunder on Niagara, Niagara River, North Tonawanda, NY" ((RIN1625-AA00) (Docket No. USCG-2010-0745)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7440. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Kanawha River Mile 56.7 to 57.6, Charleston, WV" ((RIN1625-AA00) (Docket No. USCG-2010-0208)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7441. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fireworks within the Captain of the Port Sector Boston Zone" ((RIN1625-AA00) (Docket No. USCG-2010-0685)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7442. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Live-Fire Gun Exercise, M/V Del Monte, James River, VA" ((RIN1625-AA00) (Docket No. USCG-2010-0585)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7443. A communication from the Attorney Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; DEEPWATER HORIZON Response Staging Area in the Vicinity of Shell Beach, Hopedale, LA" ((RIN1625-AA00) (Docket No. USCG-2010-0622)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7444. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; He'eia Kea Small Boat Harbor, Kaneohe Bay, Oahu, HI" ((RIN1625-AA00) (Docket No. USCG-2010-0458)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7445. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Transformers 3 Movie Filming, Chicago River, Chicago, IL" ((RIN1625-AA00) (Docket No. USCG-2010-0706)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7446. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; AVI September Fireworks Display, Laughlin, Nevada, NV" ((RIN1625-AA00) (Docket No. USCG-2010-0020)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7447. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Celebrate Erie, Presque Isle Bay, Erie, PA" ((RIN1625-AA00) (Docket No. USCG-2010-0746)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7448. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes; and Model ERJ 190-100 LR, -100 IGW, -100 STD, -200 STD, -200LR, and -200 IGW Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0497)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7449. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate No. A00010WI Previously Held by Raytheon Aircraft Company) Model 390 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0523)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7450. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0482)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7451. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0827)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7452. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0804)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7453. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0799)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7454. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0798)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7455. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada (PandaWC) PW530A, PW545A, and PW545B Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0860)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7456. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Models TAE 125-01 and TAE 125-02-99 Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0683)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7457. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives;

GA 8 Airvan (Pty) Ltd Models GA8 and GA8-TC320 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0847)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7458. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney (PW) PW4000 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0217)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7459. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A, S-78B, and S-76C Helicopters" ((RIN2120-AA64) (Docket No. FAA-2008-0609)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7460. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701 and 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-1110)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7461. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 737-700 (IGW) Series Airplanes Equipped with Auxiliary Fuel Tanks Installed in Accordance with Configuration 3 of Supplemental Type Certificate ST00936NY" ((RIN2120-AA64) (Docket No. FAA-2010-0037)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7462. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-200 and DHC-8-300 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0432)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7463. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: Galveston Channel, TX" ((RIN1625-AA11) (Docket No. USCG-2009-0931)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7464. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: Boom Deployment Strategy Testing, Great Bay, NH"

((RIN1625-AA11) (Docket No. USCG-2010-0666)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7465. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Elizabeth River, Norfolk, VA" ((RIN1625-AA09) (Docket No. USCG-2009-0754)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7466. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Sector Columbia River, WA" ((RIN1625-ZA25) (Docket No. USCG-2010-0351)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7467. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Sector Puget Sound, WA" ((RIN1625-ZA25) (Docket No. USCG-2010-0351)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7468. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Bridges" ((RIN1625-ZA25) (Docket No. USCG-2010-0351)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7469. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation for Marine Events; Elizabeth River, Portsmouth, VA" ((RIN1625-AA08) (Docket No. USCG-2010-0713)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7470. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Marine Events Within the Captain of the Port Sector Boston Zone" ((RIN1625-AA08) (Docket No. USCG-2010-0675)) received during adjournment of the Senate in the Office of the President of the Senate on September 12, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7471. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Electronic On-Board Recorders for Hours-of-Service Compliance" ((RIN2126-AA89) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7472. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Compliance with Interstate Motor Carrier Noise Emission Standards: Exhaust Systems" (RIN2126-AB31) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7473. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation: Antilock Brake Systems" (RIN2126-AB27) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7474. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pilot, Flight Instructor, and Pilot School Certification" ((RIN2120-A186) (Docket No. FAA-2006-26661)) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7475. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Minor Editorial Corrections and Clarifications" (RIN2137-AE61) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7476. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Kaneohe, HI" ((RIN2120-AA66) (Docket No. FAA-2010-0530)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7477. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Eastsound, WA" ((RIN2120-AA66) (Docket No. FAA-2010-0387)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7478. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Litchfield, MN" ((RIN2120-AA66) (Docket No. FAA-2010-0401)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7479. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Center, TX" ((RIN2120-AA66) (Docket No. FAA-2010-0181)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7480. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Port Angeles, WA" ((RIN2120-AA66) (Docket No. FAA-2010-0002)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7481. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Astoria, OR" ((RIN2120-AA66) (Docket No. FAA-2009-0902)) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7482. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery" (RIN0648-AX89) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7483. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XY57) received in the Office of the President of the Senate on September 15, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7484. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Quarterly Listings; Safety Zones; Security Zones; Special Local Regulations; Regulated Navigation Areas; Drawbridge Operation Regulations" (Docket No. USCG-2010-0732) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7485. A communication from the Chief of the Foreign Species Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List the Medium Tree-Finch (*Camarhynchus pauper*) as Endangered Throughout Its Range" (RIN1018-AW01) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7486. A communication from the Chief of the Foreign Species Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Five Penguin Species" (RIN1018-AW40) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7487. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Richard C. Zilmer, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-7488. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nebraska: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 9205-3) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7489. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Flexible Packaging and Printing" (FRL No. 9205-9) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7490. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control Technique Guidelines for Paper, Film, and Foil Coatings" (FRL No. 9206-4) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7491. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Michigan; PSD Regulations" (FRL No. 9205-6) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7492. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of the Allegan County Areas to Attainment for Ozone" (FRL No. 9204-5) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7493. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reporting of Greenhouse Gases" (FRL No. 9204-7) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7494. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9204-3) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7495. A communication from the Director of the Regulatory Management Division,

Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Revised Format for Materials Being Incorporated by Reference" (FRL No. 9200-1) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7496. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ocean Dumping; Correction of Typographical Error in 2006 Federal Register Final Rule for Designation of Ocean Dredged Material Disposal Site at Coos Bay, Oregon, Site F; Restoration of Coordinates for Ocean Dredged Material Disposal Site at Coos Bay, Oregon, Site H" (FRL No. 9161-6) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7497. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Revisions to Emissions Inventory Reporting Requirements, and General Provisions" (FRL No. 9187-8) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7498. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky; Prevention of Significant Deterioration and Nonattainment New Source Review Rules: Nitrogen Oxide as Precursor to Ozone" (FRL No. 9201-1) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7499. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD)" (FRL No. 9199-8) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7500. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Nonattainment NSR (NNSR) for the 1-Hour and the 1997 8-Hour Ozone Standard, NSR Reform, and a Standard Permit" (FRL No. 9199-6) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC-7501. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to

a violation of the Antideficiency Act that occurred within the Department of the Navy and was assigned case number 09-06; to the Committee on Appropriations.

EC-7502. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Navy and was assigned case number 09-05; to the Committee on Appropriations.

EC-7503. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to Pesticide Regulations" (FRL No. 8844-7) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7504. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-7505. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs.

EC-7506. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Hungary; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-138. A resolution adopted by the St. Charles County Council of the State of Missouri relative to the Comprehensive Plan for Flood Control on the Mississippi and Illinois Rivers; to the Committee on Environment and Public Works.

POM-139. A resolution adopted by the City of Wentzville, Missouri relative to the Comprehensive Plan for Flood Control on the Mississippi and Illinois Rivers; to the Committee on Environment and Public Works.

POM-140. A message from the Canadian Parliament extending best wishes to the United States Congress and the people of the United States of America as they celebrate Independence Day on July 4, 2010; to the Committee on Foreign Relations.

POM-141. A message from the National Assembly of Kuwait to the President of the Senate expressing congratulations on the occasion of the National Day of the United States of America; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

H.R. 3553. A bill to exclude from consideration as income under the Native American Housing Assistance and Self-Determination

Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family (Rept. No. 111-299).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

H.R. 2092. A bill to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes (Rept. No. 111-300).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2925. A bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD (for himself, Mr. ENZI, and Mr. HARKIN):

S. 3817. A bill to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 3818. A bill to amend the Internal Revenue Code of 1986 to allow credits for the establishment of franchises with veterans; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. KERRY):

S. 3819. A bill to amend the Internal Revenue Code of 1986 to reduce the mileage threshold for the deduction for National Guard and Reservists overnight travel expenses; to the Committee on Finance.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 3820. A bill to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 3821. A bill to amend title VI of the Civil Rights Act of 1964 to prohibit discrimination on the ground of religion in educational program or activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3822. A bill to adjust the boundary of the Carson National Forest, New Mexico; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS:

S. 3823. A bill to remove preferential treatment for sleeping bags under the Generalized System of Preferences, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3824. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation and to provide for enhanced

reliability in the transportation of United States energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RISCH (for himself and Mr. CRAPO):

S. 3825. A bill to amend the Endangered Species Act of 1973 to remove certain portions of the distinct population segment of the Rocky Mountain gray wolf from the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEMINT (for himself, Mr. SESSIONS, Mr. GRASSLEY, Mr. COBURN, Mr. CORNYN, Mr. ENSIGN, Mr. VITTER, Mr. THUNE, Mr. RISCH, Mr. INHOFE, Mr. ENZI, Mr. WICKER, and Mr. HATCH):

S. 3826. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Mr. LUGAR, and Mr. LEAHY):

S. 3827. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; read the first time.

By Mr. PRYOR:

S. 3828. A bill to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. VITTER, Mr. LIEBERMAN, Mr. ENZI, Mrs. SHAHEEN, Mr. ISAKSON, Mrs. HAGAN, Mr. THUNE, Ms. CANTWELL, Mr. BOND, Mr. WICKER, Mr. RISCH, and Mr. PRYOR):

S. Res. 638. A resolution celebrating the 30th anniversary of the Small Business Development Center network; considered and agreed to.

By Mr. BROWNBACK:

S. Con. Res. 72. A concurrent resolution recognizing the 45th anniversary of the White House Fellows Program; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 455

At the request of Mr. ROBERTS, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Ei-

senhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 833

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 1695

At the request of Mr. BURRIS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1760

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1760, a bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes.

S. 2814

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2814, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 2828

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2828, a bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to conduct a research program on endocrine disruption, to prevent and reduce the production of, and exposure to, chemicals that can undermine the development of children before they are born and cause lifelong impairment to their health and function, and for other purposes.

S. 3178

At the request of Mr. BROWN of Ohio, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3178, a bill to amend the Workforce Investment Act of 1998 to provide for the establishment of Youth Corps programs and provide for wider dissemination of the Youth Corps model.

S. 3293

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3293, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best

Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 3527

At the request of Mr. BROWN of Ohio, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 3527, a bill to amend title XVIII of the Social Security Act to ensure access to chest radiography (x-ray) services that use Computer-Aided Detection for the purpose of early detection of lung cancer.

S. 3641

At the request of Mr. WHITEHOUSE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3641, a bill to create the National Endowment for the Oceans to promote the protection and conservation of United States ocean, coastal, and Great Lakes ecosystems, and for other purposes.

S. 3704

At the request of Mr. BEGICH, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 3704, a bill to improve the financial safety and soundness of the FHA mortgage insurance program.

S. 3767

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3767, a bill to establish appropriate criminal penalties for certain knowing violations relating to food that is misbranded or adulterated.

S. 3786

At the request of Mr. KERRY, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3813

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3813, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3815

At the request of Mr. REID, the names of the Senator from Utah (Mr. HATCH) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3815, a bill to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes.

S. 3816

At the request of Mr. DURBIN, the names of the Senator from California

(Mrs. BOXER), the Senator from Ohio (Mr. BROWN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

S. RES. 603

At the request of Mr. INHOFE, his name was added as a cosponsor of S. Res. 603, a resolution commemorating the 50th anniversary of the National Council for International Visitors, and designating February 16, 2011, as "Citizen Diplomacy Day".

S. RES. 618

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 618, a resolution designating October 2010 as "National Work and Family Month".

AMENDMENT NO. 4627

At the request of Mrs. MURRAY, the names of the Senator from Missouri (Mr. BOND) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 4627 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 3820. A bill to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BEGICH. Mr. President, I wish to speak about legislation I am introducing today with support from my fellow senator from Alaska, Senator MURKOWSKI.

It is all too rare that we get to talk about successful partnerships between private industry and the Federal Government. This legislation would cement just such a successful partnership between a subsidiary of an Alaska Native Corporation, Doyon Limited and the National Park Service.

Briefly this measure would authorize a special use permit and over the

longer term an equal value land trade to facilitate a micro-hydro project within the non-wilderness portion of the Denali National Park. The micro-hydro project would allow Kantishna Roadhouse, a backcountry lodge that accommodates thousands of visitors a year, to substantially reduce their diesel use.

Because the lodge is not connected to any utility grid, it must generate its own power. By converting much of the load to a renewable resource, the lodge would improve local air quality and reduce truck traffic on the single park access road, thus improving the experience for visitors to the lodge and park as a whole. It additionally would help the lodge's bottom line.

The legislation has been developed with the assistance of Alaska Region of the National Park Service, and they are supportive of the project. Eureka Creek, the source of the hydro power, is not a fish-bearing stream, and the Park Service is interested in acquiring the lands to be traded from Doyon ownership.

After a good deal of outreach this summer by Doyon and others, we are aware of no opposition to this permit, land trade and the legislation itself. I want to thank the National Park Service for their willingness to come to the table and work constructively to solve problems. Additionally, I particularly want to thank the senior senator from Alaska and her staff for their work on this legislation. It's been a good partnership and I appreciate her help.

By Mr. SPECTER:

S. 3821. A bill to amend title VI of the Civil Rights Act of 1964 to prohibit discrimination on the ground of religion in educational program or activities; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition to urge support for legislation I am introducing today to amend Title VI of the Civil Rights Act of 1964.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin by any organization, program or activity that receives federal financial assistance, including colleges and universities. If recipients fail to comply, the federal agency providing the assistance may terminate funding, and organizations risk losing their eligibility for future funding.

The Department of Education's Office for Civil Rights, OCR, is tasked with enforcing Title VI as it applies to colleges and universities. OCR, however, believes that it does not have jurisdiction over complaints based solely on religion as opposed to race, color, or national origin. This means that when a Jew, or a Muslim, or a Sikh is harassed or discriminated against for being a Jew, a Muslim, or a Sikh, OCR

must first determine whether the harassment or discrimination is a result of the student's religion or a result of her race, color, or national origin.

In most cases involving such discrimination, the perpetrator himself probably wouldn't even know if his hatred stems from prejudice based on religion or prejudice based on race, color, or national origin. Yet, before acting to protect these students, OCR has to determine the motive behind the perpetrator's actions. This wastes valuable time and allows the discrimination to continue pending the determination. Furthermore, it sets a dangerous example to require OCR to make such a determination and then in essence say the harassment and discrimination is okay provided it was based on religion and not on race, color, or national origin.

Many people are not aware that Title VI does not explicitly prohibit discrimination on the basis of religion. This is because discrimination on the basis of religion is prohibited in virtually every other civil rights law and has become such a fundamental principle of our country that we just assume the protection exists. For example, titles other than Title VI of the Civil Rights Act prohibit religious discrimination in other contexts.

In 1941, President Roosevelt issued an executive order prohibiting discrimination in the Federal Government and in the defense industry on grounds of "race, creed, color, or national origin." The Civil Rights Act of 1957 established the U.S. Commission on Civil Rights to investigate discrimination on the basis of "color, race, religion, or national origin." The Civil Rights Act of 1964 itself included numerous prohibitions on religious discrimination, just not in Title VI. For example, Title VII of the 1964 Act prohibits discrimination in employment. The Civil Rights Act of 1968 governing housing, continued to prohibit discrimination on the basis of "race, color, religion, sex, or national origin."

When it comes to education, the 1964 Act provides two mechanisms that address religious discrimination. First, the Attorney General is given limited authorization to sue public colleges that deny admission on the basis of race, color, religion, sex, or national origin in a way that limits educational desegregation. Second, the Attorney General is authorized to intervene in certain pending equal protection cases claiming discrimination "on account of race, color, religion, sex or national origin" if the case is of sufficient public importance. However, the Justice Department may not institute such actions on its own, and no federal agency is authorized to investigate run-of-the-mill religious discrimination cases at educational institutions or cases in which the victim has been unable to initiate litigation.

Why was religious discrimination left out of Title VI? Key members of Congress wanted to make sure that religiously affiliated colleges maintained their ability to discriminate in favor of co-religionists in admissions and extracurricular activities. The original version of the bill that would become Title VI, drafted by the Department of Justice, did ban religious discrimination in federally assisted programs or activities. However, Emanuel Celler, the House Judiciary Committee Chairman and sponsor of the bill, explained during floor debate that he wanted to permit denominational colleges to engage in certain forms of discrimination in favor of co-religionists. Celler stated that he wanted to "avoid a good many problems" relating to funding that "goes to sectarian schools and universities." He explained that "for these reasons, the subcommittee and, I am sure, the full committee or the majority thereof deemed it wise and proper and expedient—and I emphasize the word 'expedient'—to omit the word 'religion.'"

Congressman Celler may have been right that eliminating religion made it expedient, but it did not make it correct. Congressman Celler's concerns could have been addressed with some clarifying language that such institutions would still be allowed to favor co-religionists.

The bill that I am introducing contains such language. It states that the amendment is not to limit an educational entity with a religious affiliation, mission, or purpose from applying admissions policies, degree criteria, student conduct regulations, student organization regulations, or policies for faculty and staff employment, when these policies relate to the religious affiliation, mission, or purpose of the institution. Furthermore, it does not require educational entities to provide accommodation to any student's religion obligations such as dietary restrictions and school absences. Finally, if the educational entity permits expressive organizations to exist by funding or otherwise recognizing them, the amendment does not require the entity to limit such organizations from exercising their freedom of expressive association by establishing membership or leadership criteria.

Therefore, I am proposing an amendment to Title VI of the Civil Rights Act of 1964. The amendment simply provides the same protection against discrimination based on religion that this title already provides for discrimination based on race, color, and national origin.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 3824. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation and

to provide for enhanced reliability in the transportation of United States energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, on September 9, a gas pipeline underneath a neighborhood in San Bruno, California, just south of San Francisco, exploded, turning a quiet residential area into something resembling a war zone.

The resulting inferno damaged or destroyed 55 homes, injured 66, and killed an estimated 7 people. Three likely victims have yet to be identified.

This tragedy shows the heavy toll, in death and destruction, when high pressure natural gas pipelines fail. The risk is unacceptably high.

So today I join with my colleague, Senator BARBARA BOXER, to introduce the Strengthening Pipeline Safety and Enforcement Act of 2010.

This legislation is drafted to repair clear shortcomings in pipeline oversight that have, unfortunately, come to our attention as the result of a devastating tragedy in San Bruno, CA.

Specifically, this legislation would improve pipeline safety and oversight by expanding Federal inspection capacity; increasing fines for safety violations; adding information to the national pipeline mapping system, to assure greater transparency for the public and the regulator; closing jurisdictional loopholes that allow gathering lines, carbon dioxide pipelines, and biofuel pipelines to operate without oversight; requiring widespread adoption of automatic shut-off valves that could shut off a pipeline immediately in emergency situations; requiring that high-pressure pipelines be inspected on a regular basis with either internal instrumented inspection devices, known as smart pigs, or other inspection methods that are certified to be just as effective; prohibiting pipelines that cannot be inspected with the best, most-modern techniques from operating at high pressure; requiring regulators to consider seismicity and the age of pipes when identifying pipelines that deserve the highest level of oversight; and establishing the first standards for effective leak detection systems in natural gas pipelines.

Together, Senator BOXER and I believe these improvements to pipeline safety will bring about a safer national pipeline system in which disasters, such as the tragedy in San Bruno, can be prevented.

At 6:11 p.m. on September 9, 2010, a 30-inch steel natural gas pipeline exploded in San Bruno, California.

The blast in the Crestmoor neighborhood two miles west of San Francisco International Airport shook the ground like an earthquake. The fire raged for more than two hours and burned 15 acres.

The resulting loss of life, serious injuries and property damage are heart-breaking.

Two days after the fire, I visited San Bruno. I walked through the devastation with Christopher Hart, vice chairman of the National Transportation Safety Board.

I was struck by what I saw: Homes leveled or charred; cars burned out; the burned and bent pipeline—now a key part of the investigation—which revealed the intensity of the heat; and a gaping crater that demonstrated the size of the initial blast.

I was saddened by the disaster and I am determined to act to prevent this type of catastrophe from recurring.

I left San Bruno once again impressed by the professionalism of the NTSB.

Their team was on site and in charge, and I am confident they will work meticulously to find out what caused this deadly disaster.

I am confident that their feedback will make pipelines safer in the future.

But I also left San Bruno determined to introduce legislation to address the known weaknesses in our pipeline oversight system.

Let me explain the key provisions in the Bill. First, we propose to double the number of Federal pipeline safety inspectors.

The Department of Transportation's Pipeline and Hazardous Materials Safety Administration currently has 100 pipeline inspectors, responsible for 217,306 miles of interstate pipeline. Each inspector is responsible for 2,173 miles of pipeline—the distance from San Francisco to Chicago.

The vast amount of pipeline per inspector has led to lax oversight of pipeline operators, according to NTSB investigations.

NTSB Chairman Deborah Hersman testified in June that:

NTSB is concerned that the level of . . . oversight currently being exercised is not uniformly applied by . . . PHMSA to ensure that the risk-based safety programs are effective. The NTSB believes that . . . PHMSA must establish an aggressive oversight program that thoroughly examines each operator's decision-making process for each element of its integrity management program.

Doubling the number of inspectors will still require each inspector to oversee more than 1,000 miles of pipeline, but the thoroughness of inspection and oversight will be far greater.

Second, this legislation will require deployment of electronic valves capable of automatically shutting off the gas in a fire or other emergency.

I was shocked to learn that it took hours to turn off the gas in San Bruno.

Manually operated valves had to be located, buildings had to be opened, and workers had to physically turn off the valves. Every minute that passed, a flaming inferno burned on.

In today's era we have electronic water faucets, and furnaces all deploy electronic valves to shut off the supply of natural gas in an emergency.

If electronic valves can be deployed in our homes and offices, I believe they

should be deployed on gas pipelines pumping millions of cubic feet of fuel through urban areas. Gas pipeline safety technology should be brought into the modern era.

Third, this legislation will require inspections by “smart pigs” in all pipes, or the use of an inspection method certified to be equally effective at finding corrosion.

Department of Transportation accident statistics over the past decade, 2000–2009, identify corrosion as the leading cause of all reported pipeline accidents.

We need to inspect our pipes to find problems before they cause deadly explosions. Every pipe needs effective inspection, regardless of age or design.

Fourth, if natural gas pipelines cannot be inspected using the most effective inspection technology, this bill would require operation at lower pressure.

This precautionary approach to pipeline operations assures that pipelines more likely to have undetected problems are operated at lower risk.

Department of Transportation experts believe that a breach or other major problem with a pipeline operating at lower pressure is more likely to produce a leak instead of a catastrophic or deadly explosion.

The cause of the San Bruno pipeline fire remains under investigation, but we know that this pipe could not be inspected using the most modern smart pigs, and we know it was operating at high pressure.

Had this law been in place, either this pipe would have been inspected by other means certified to be just as effective as a smart pig, or it would have been operating at a pressure far less likely to cause the kind of catastrophe we saw.

Fifth, this legislation will require the Secretary of Transportation to consider pipe age and the seismicity of an area when identifying pipelines deserving the highest level of safety oversight.

Today, regulators consider a pipeline’s proximity to homes and buildings. Other risk factors, such as age of pipe, are not a defining consideration.

We know in San Bruno that this pipe was very old.

This old pipe had unique twists and turns, and numerous welds that I was told would not be allowed on a pipe installed today. NTSB identified failed welds as the cause of another major pipeline disaster in 2009, so these deserve special attention.

Sixth, this legislation would require standards for natural gas leak detection equipment and methods to identify pipeline leaks as expeditiously as technologically possible.

In San Bruno, some have asserted that they smelled gas for weeks. Records are still being checked to determine whether consumers reported

these leaks, but no equipment on the pipeline clearly demonstrates that no leak existed.

Finally, this legislation adopts a number of commonsense provisions proposed last week by Secretary of Transportation LaHood to improve pipeline safety, including increasing civil penalties for safety violations; expanding data collection to be included in the national pipeline mapping system; closing jurisdictional loopholes to assure greater oversight of unregulated pipelines; and requiring consideration of a firm’s safety record when considering its request for regulatory waivers.

Senator BOXER and I introduce this legislation today in order to initiate quick action to make our pipeline system safer.

We have put forward our best ideas to improve inspection, address old pipes, and advance modern safety technology. We hope to improve these ideas as new information comes forward about the San Bruno accident.

We look forward to working with the Department of Transportation and the Senate Commerce Committee to move and improve this legislation expeditiously.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3824

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Strengthening Pipeline Safety and Enforcement Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 49, United States code.
- Sec. 3. Additional resources for Pipeline and Hazardous Materials Safety Administration.
- Sec. 4. Civil penalties.
- Sec. 5. Collection of data on transportation-related oil flow lines.
- Sec. 6. Required installation and use in pipelines of remotely or automatically controlled valves.
- Sec. 7. Standards for natural gas pipeline leak detection.
- Sec. 8. Considerations for identification of high consequence areas.
- Sec. 9. Regulation by Secretary of Transportation of gas and hazardous liquid gathering lines.
- Sec. 10. Inclusion of non-petroleum fuels and biofuels in definition of hazardous liquid.
- Sec. 11. Required periodic inspection of pipelines by instrumented internal inspection devices.
- Sec. 12. Minimum safety standards for transportation of carbon dioxide by pipeline.
- Sec. 13. Cost recovery for pipeline design reviews by Secretary of Transportation.

Sec. 14. International cooperation and consultation on pipeline safety and regulation.

Sec. 15. Waivers of pipeline standards by Secretary of Transportation.

Sec. 16. Collection of data on pipeline infrastructure for National pipeline mapping system.

Sec. 17. Study of non-petroleum hazardous liquids transported by pipeline.

Sec. 18. Clarification of provisions of law relating to pipeline safety.

SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. ADDITIONAL RESOURCES FOR PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall increase the number of full-time equivalent employees of the Pipeline and Hazardous Materials Safety Administration by not fewer than 100 compared to the number of full-time equivalent employees of the Administration employed on the day before the date of the enactment of this Act to carry out the pipeline safety program, of which—

(1) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2011;

(2) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2012;

(3) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2013; and

(4) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2014.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall focus on hiring employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training pipeline enforcement personnel.

SEC. 4. CIVIL PENALTIES.

(a) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—Section 60122 is amended by striking subsection (c) and inserting the following:

“(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—

“(1) IN GENERAL.—If the Secretary determines, after written notice and an opportunity for a hearing, that a person has committed a major consequence violation of subsection (b) or (d) of section 60114, section 60118(a), or a regulation prescribed or order issued under this chapter such person shall be liable to the United States Government for a civil penalty of not more than \$250,000 for each such violation.

“(2) SEPARATE VIOLATIONS.—A separate violation occurs for each day the violation continues.

“(3) MAXIMUM CIVIL PENALTY.—The maximum civil penalty under this subsection for a related series of major consequence violations is \$2,500,000.

“(4) DEFINITION.—In this subsection, the term ‘major consequence violation’ means a

violation that contributed to an incident resulting in any of the following:

“(A) One or more deaths.

“(B) One or more injuries or illnesses requiring hospitalization.

“(C) Environmental harm exceeding \$250,000 in estimated damage to the environment including property loss.

“(D) A release of gas or hazardous liquid that ignites or otherwise presents a safety threat to the public or presents a threat to the environment in a high consequence area, as defined by the Secretary in accordance with section 60109.”.

(b) **PENALTY FOR OBSTRUCTION OF INSPECTIONS AND INVESTIGATIONS.**—Section 60118(e) is amended—

(1) by striking “If the Secretary” and inserting the following:

“(1) IN GENERAL.—If the Secretary”; and

(2) by adding at the end the following:

“(2) **CIVIL PENALTIES.**—The Secretary may impose a civil penalty under section 60122 on a person who obstructs or prevents the Secretary from carrying out an inspection or investigation under this chapter.”.

(c) **NONAPPLICABILITY OF ADMINISTRATIVE PENALTY CAPS.**—Section 60120 is amended by adding at the end the following:

“(d) **NONAPPLICABILITY OF ADMINISTRATIVE PENALTY CAPS.**—The maximum amount of civil penalties for administrative enforcement actions under section 60122 shall not apply to enforcement actions under this section.”.

(d) **JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.**—

(1) **IN GENERAL.**—Section 60119(a)(1) is amended by striking “about an application for a waiver under section 60118(c) or (d) of” and inserting “under”.

(2) **CLERICAL AMENDMENT.**—The heading for section 60119(a) is amended to read as follows: “REVIEW OF REGULATIONS, ORDERS, AND OTHER FINAL AGENCY ACTIONS”.

SEC. 5. COLLECTION OF DATA ON TRANSPORTATION-RELATED OIL FLOW LINES.

Section 60102 is amended by adding at the end the following:

“(n) **COLLECTION OF DATA ON TRANSPORTATION-RELATED OIL FLOW LINES.**—

“(1) **IN GENERAL.**—The Secretary may collect geospatial, technical, or other pipeline data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

“(2) **TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.**—In this subsection, the term ‘transportation-related oil flow line’ means a pipeline transporting oil off of the grounds of the production facility where it originated across areas not owned by the producer regardless of the extent to which the oil has been processed.

“(3) **CONSTRUCTION.**—Nothing in this subsection may be construed to authorize the Secretary to prescribe standards for the movement of oil through—

“(A) production, refining, or manufacturing facilities; or

“(B) oil production flow lines located on the grounds of production facilities.”.

SEC. 6. REQUIRED INSTALLATION AND USE IN PIPELINES OF REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.

Section 60102, as amended by section 5, is further amended by adding at the end the following:

“(o) **REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.**—

“(1) **IN GENERAL.**—Not later than 18 months after the date of the Strengthening Pipeline Safety and Enforcement Act of 2010, the Secretary shall prescribe regulations requiring

the installation and use in pipelines and pipeline facilities, wherever technically and economically feasible, of remotely or automatically controlled valves that are reliable and capable of shutting off the flow of gas in the event of an accident, including accidents in which there is a loss of the primary power source.

“(2) **CONSULTATIONS.**—In developing regulations prescribed in accordance with paragraph (1), the Secretary shall consult with appropriate groups from the gas pipeline industry and pipeline safety experts.”.

SEC. 7. STANDARDS FOR NATURAL GAS PIPELINE LEAK DETECTION.

Section 60102, as amended by sections 5 and 6, is further amended by adding at the end the following:

“(p) **NATURAL GAS LEAK DETECTION.**—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall establish standards for natural gas leak detection equipment and methods, with the goal of establishing a pipeline system in which substantial leaks in high consequence areas are identified as expeditiously as technologically possible.”.

SEC. 8. CONSIDERATIONS FOR IDENTIFICATION OF HIGH CONSEQUENCE AREAS.

Section 60109 is amended by adding at the end the following:

“(g) **CONSIDERATIONS FOR IDENTIFICATION OF HIGH CONSEQUENCE AREAS.**—In identifying high consequence areas under this section, the Secretary shall consider—

“(1) the seismicity of the area;

“(2) the age of the pipe; and

“(3) whether the pipe at issue can be inspected using the most modern instrumented internal inspection devices.”.

SEC. 9. REGULATION BY SECRETARY OF TRANSPORTATION OF GAS AND HAZARDOUS LIQUID GATHERING LINES.

(a) **GAS GATHERING LINES.**—Paragraph (21) of section 60101(a) is amended to read as follows:

“(21) ‘transporting gas’ means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in interstate or foreign commerce.”.

(b) **HAZARDOUS LIQUID GATHERING LINES.**—Section 60101(a)(22)(B) is amended—

(1) by striking clause (i); and

(2) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 10. INCLUSION OF NON-PETROLEUM FUELS AND BIOFUELS IN DEFINITION OF HAZARDOUS LIQUID.

Section 60101(a)(4) is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) non-petroleum fuels, including biofuels that are flammable, toxic, corrosive, or would be harmful to the environment if released in significant quantities; and”.

SEC. 11. REQUIRED PERIODIC INSPECTION OF PIPELINES BY INSTRUMENTED INTERNAL INSPECTION DEVICES.

Section 60102(f) is amended by striking paragraph (2) and inserting the following:

“(2) **PERIODIC INSPECTIONS.**—

“(A) **IN GENERAL.**—Not later than 270 days after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2010, the Secretary shall prescribe additional standards requiring the

periodic inspection of each pipeline the operator of the pipeline identifies under section 60109.

“(B) **INSPECTION WITH INTERNAL INSPECTION DEVICE.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), the standards prescribed under subparagraph (A) shall require that an inspection shall be conducted at least once every 5 years with an instrumented internal inspection device.

“(ii) **EXCEPTION FOR SEGMENTS WHERE DEVICES CANNOT BE USED.**—If a device described in clause (i) cannot be used in a segment of a pipeline, the standards prescribed in subparagraph (A) shall require use of an inspection method that the Secretary certifies to be at least as effective as using the device in—

“(I) detecting corrosion;

“(II) detecting pipe stress; and

“(III) otherwise providing for the safety of the pipeline.

“(C) **OPERATION UNDER HIGH PRESSURE.**—The Secretary shall prohibit pipeline segment from operating under high pressure if the pipeline segment cannot be inspected—

“(i) with a device described in clause (i) of subparagraph (B) in accordance with the standards prescribed pursuant to such clause; or

“(ii) using an inspection method described in clause (ii) of such subparagraph in accordance with the standards prescribed pursuant to such clause.”.

SEC. 12. MINIMUM SAFETY STANDARDS FOR TRANSPORTATION OF CARBON DIOXIDE BY PIPELINE.

Subsection (i) of section 60102 is amended to read as follows:

“(i) **PIPELINES TRANSPORTING CARBON DIOXIDE.**—The Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in either a liquid or gaseous state.”.

SEC. 13. COST RECOVERY FOR PIPELINE DESIGN REVIEWS BY SECRETARY OF TRANSPORTATION.

Subsection (n) of section 60117 is amended to read as follows:

“(n) **COST RECOVERY FOR DESIGN REVIEWS.**—

“(1) **IN GENERAL.**—If the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person proposing the construction, expansion, or operation to pay the costs incurred by the Secretary relating to such reviews.

“(2) **FEE STRUCTURE AND COLLECTION PROCEDURES.**—If the Secretary exercises the authority under paragraph (1) with respect to conducting facility design safety reviews, the Secretary shall prescribe—

“(A) a fee structure and assessment methodology that is based on the costs of providing such reviews; and

“(B) procedures to collect fees.

“(3) **ADDITIONAL AUTHORITY.**—This authority is in addition to the authority provided under section 60301.

“(4) **NOTIFICATION.**—For any pipeline construction project beginning after the date of the enactment of this subsection in which the Secretary conducts design reviews, the person proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials not later than 120 days prior to the commencement of such project.

“(5) **PIPELINE SAFETY DESIGN REVIEW FUND.**—

“(A) IN GENERAL.—There is established in the Treasury of the United States a revolving fund known as the ‘Pipeline Safety Design Review Fund’ (in this paragraph referred to as the ‘Fund’).”

“(B) ELEMENTS.—There shall be deposited in the fund the following, which shall constitute the assets of the Fund:

“(i) Amounts paid into the Fund under any provision of law or regulation established by the Secretary imposing fees under this subsection.

“(ii) All other amounts received by the Secretary incident to operations relating to reviews described in paragraph (1).

“(C) USE OF FUNDS.—The Fund shall be available to the Secretary, without fiscal year limitation, to carry out the provisions of this chapter.”

SEC. 14. INTERNATIONAL COOPERATION AND CONSULTATION ON PIPELINE SAFETY AND REGULATION.

Section 60117 is amended by adding at the end the following:

“(o) INTERNATIONAL COOPERATION AND CONSULTATION.—

“(1) INFORMATION EXCHANGE AND TECHNICAL ASSISTANCE.—Subject to guidance from the Secretary of State, the Secretary may engage in activities supporting cooperative international efforts to share information about the risks to the public and the environment from pipelines and means of protecting against those risks if the Secretary determines that such activities would benefit the United States. Such cooperation may include the exchange of information with domestic and appropriate international organizations to facilitate efforts to develop and improve safety standards and requirements for pipeline transportation in or affecting interstate or foreign commerce.

“(2) CONSULTATION.—Subject to guidance from the Secretary of State, the Secretary may, to the extent practicable, consult with interested authorities in Canada, Mexico, and other interested authorities to ensure that the respective pipeline safety standards and requirements prescribed by the Secretary and those prescribed by such authorities are consistent with the safe and reliable operation of cross-border pipelines.

“(3) CONSTRUCTION REGARDING DIFFERENCES IN INTERNATIONAL STANDARDS AND REQUIREMENTS.—Nothing in this section shall be construed to require that a standard or requirement prescribed by the Secretary under this chapter be identical to a standard or requirement adopted by an international authority.”

SEC. 15. WAIVERS OF PIPELINE STANDARDS BY SECRETARY OF TRANSPORTATION.

(a) NONEMERGENCY WAIVERS.—Paragraph (1) of section 60118(c) is amended to read as follows:

“(1) NONEMERGENCY WAIVERS.—

“(A) IN GENERAL.—Upon receiving an application from an owner or operator of a pipeline facility, the Secretary may, by order, waive compliance with any part of an applicable standard prescribed under this chapter with respect to the facility on such terms as the Secretary considers appropriate, if the Secretary determines that such waiver is not inconsistent with pipeline safety.

“(B) CONSIDERATIONS.—In determining whether to grant a waiver under subparagraph (A), the Secretary shall consider—

“(i) the fitness of the applicant to conduct the activity authorized by the waiver in a manner that is consistent with pipeline safety;

“(ii) the applicant’s compliance history;

“(iii) the applicant’s accident history; and

“(iv) any other information the Secretary considers relevant to making the determination.

“(C) EFFECTIVE PERIOD.—

“(i) OPERATING REQUIREMENTS.—A waiver of 1 or more pipeline operating requirements under subparagraph (A) shall be effective for an initial period of not longer than 5 years and may be renewed by the Secretary upon application for successive periods of not longer than 5 years each.

“(ii) DESIGN OR MATERIALS REQUIREMENT.—If the Secretary determines that a waiver of a design or materials requirement is warranted under subparagraph (A), the Secretary may grant the waiver for any period the Secretary considers appropriate.

“(D) PUBLIC NOTICE AND HEARING.—The Secretary may waive compliance under subparagraph (A) only after public notice and hearing, which may consist of—

“(i) publication of notice in the Federal Register that an application for a waiver has been filed; and

“(ii) providing the public with the opportunity to review and comment on the application.

“(E) NONCOMPLIANCE AND MODIFICATION, SUSPENSION, OR REVOCATION.—After notice to a recipient of a waiver under subparagraph (A) and opportunity to show cause, the Secretary may modify, suspend, or revoke such waiver for—

“(i) failure of the recipient to comply with the terms or conditions of the waiver;

“(ii) intervening changes in Federal law;

“(iii) a material change in circumstances affecting safety; including erroneous information in the application; and

“(iv) such other reasons as the Secretary considers appropriate.”

(b) FEES.—Section 60118(c) is amended by adding at the end the following:

“(4) FEES.—

“(A) IN GENERAL.—The Secretary shall establish reasonable fees for processing applications for waivers under this subsection that are based on the costs of activities relating to waivers under this subsection. Such fees may include a basic filing fee, as well as fees to recover the costs of technical studies or environmental analysis for such applications.

“(B) PROCEDURES.—The Secretary shall prescribe procedures for the collection of fees under subparagraph (A).

“(C) ADDITIONAL AUTHORITY.—The authority provided under subparagraph (A) is in addition to the authority provided under section 60301.

“(D) PIPELINE SAFETY SPECIAL PERMIT FUND.—

“(i) IN GENERAL.—There is established in the Treasury of the United States a revolving fund known as the ‘Pipeline Safety Special Permit Fund’ (in this subparagraph referred to as the ‘Fund’).

“(ii) ELEMENTS.—There shall be deposited in the Fund the following, which shall constitute the assets of the Fund:

“(I) Amounts paid into the Fund under any provision of law or regulation established by the Secretary imposing fees under this paragraph.

“(II) All other amounts received by the Secretary incident to operations relating to activities described in subparagraph (A).

“(iii) USE OF FUNDS.—The Fund shall be available to the Secretary, without fiscal year limitation, to process applications for waivers under this subsection.”

SEC. 16. COLLECTION OF DATA ON PIPELINE INFRASTRUCTURE FOR NATIONAL PIPELINE MAPPING SYSTEM.

Section 60132 is amended—

(1) in the matter before paragraph (1), by striking “Not later than 6 months after the date of the enactment of this section, the” and inserting “Each”;

(2) in subsection (a), by adding at the end the following:

“(4) Such other geospatial, technical, or other pipeline data, including design and material specifications, as the Secretary considers necessary to carry out the purposes of this chapter, including preconstruction design reviews and compliance inspection prioritization.”; and

(3) by adding at the end the following:

“(d) NOTICE.—The Secretary shall give reasonable notice to the operator of a pipeline facility of any data being requested under this section.”

SEC. 17. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.

(a) AUTHORITY TO CARRY OUT ANALYSIS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation shall conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline for the purpose of identifying the extent to which pipelines are currently being used to transport non-petroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis shall identify the extent to which the safety of the lines is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation.

(b) REPORT.—Not later than 365 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the findings of the Secretary with respect to the analysis conducted pursuant to subsection (a).

SEC. 18. CLARIFICATION OF PROVISIONS OF LAW RELATING TO PIPELINE SAFETY.

(a) AMENDMENT OF PROCEDURES CLARIFICATION.—Section 60108(a)(1) is amended by striking “an intrastate” and inserting “a”.

(b) OWNER OPERATOR CLARIFICATION.—Section 60102(a)(2)(A) is amended by striking “owners and operators” and inserting “any or all of the owners or operators”.

(c) ONE CALL ENFORCEMENT CLARIFICATION.—Section 60114(f) is amended by adding at the end the following: “This limitation shall not apply to proceedings against persons who are pipeline operators.”

Mrs. BOXER. Mr. President, I am proud to introduce the Strengthening Pipeline Safety and Enforcement Act of 2010 today along with my colleague, Senator FEINSTEIN.

On September 9, 2010, San Bruno, California suffered a terrible tragedy when a natural gas transmission pipeline unexpectedly exploded beneath a busy residential neighborhood.

The catastrophic explosion and the resulting fire was a horrific event, creating a massive fireball that many described as the largest earthquake they had ever felt.

The tragedy killed four people, injured 66, and destroyed nearly three dozen homes. Preliminary estimates put the cost of the damage and recovery at \$65 million.

This tragic incident should not have happened.

Californians and all Americans must feel confident that their communities are safe and that the regulatory agencies responsible for ensuring the safety of natural gas pipelines are doing everything possible to guarantee their safety.

That is why we are introducing this legislation today. Our bill is based on the Department of Transportation's, DOT, proposal for improving pipeline safety and includes additional provisions to address concerns raised by the San Bruno blast.

The Strengthening Pipeline Safety and Enforcement Act of 2010 will increase the number of Federal inspectors and require the Department of Transportation to certify an inspection method for gas lines that cannot use "smart pig" technology. "Smart pig" technology is used to test the structural integrity of a pipe and identify any defects.

The bill would also require DOT to promulgate regulations for the installation of automatic and remote shutoff valves, update the definition of "high consequence areas" to include seismicity of the area, age of the pipe and whether a pipe is able to use the "smart pig" technology, and require DOT to set standards for detecting leaks on natural gas lines.

This legislation strengthens pipeline safety standards to ensure that a tragedy like this never happens again. I urge my colleagues to support this legislation and work for final passage as quickly as possible.

By Mr. RISCH (for himself and Mr. CRAPO):

S. 3825. A bill to amend the Endangered Species Act of 1973 to remove certain portions of the distinct population segment of the Rocky Mountain gray wolf from the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

Mr. RISCH. Mr. President, I come here today on behalf of myself and my colleague, Senator CRAPO, from Idaho to introduce the State Wolf Management Act. This act as drawn is aimed at some particular issues we have in Idaho with the management of wolves, and that other adjoining States that share Idaho's boundaries have with the Federal Government.

First of all, I want to thank the Governor of the great State of Idaho, the Honorable Butch Otter, for his assistance in crafting this bill. I can tell you, Governor Otter, as the chief executive of Idaho, his predecessor, who happens to be yours truly, and my predecessor, as Governors of the great State of Idaho have all joined in the effort to obtain delisting of the wolf in Idaho. That is particularly true as we attempt to wrest management of this particular

species away from the Federal Government.

What the act does is it identifies as a distinct population a segment of the gray wolf population. Specifically, it identifies this specific population in eastern Washington and eastern Oregon, in which there are few if any wolves, and the State of Montana and the State of Idaho, all of those States in which there are a lot of wolves and indeed are too many wolves.

First of all, let me say, the official estimates, in 2008, for Idaho are that there were 846 wolves in Idaho, with 39 breeding pairs. Virtually everyone in the State agrees that estimate is very low. In the year 2010, again virtually everyone agrees there are well over 1,000 gray wolves in Idaho and well over 39 breeding pairs.

How did we get to where we are?

Wolves have been gone from the State of Idaho and adjoining areas for many years. In 1995, someone—I cannot identify who—in their infinite wisdom, who lived back here on the banks of the Potomac River, decided we in Idaho needed wolves again.

The State of Idaho was indeed not very happy about the decision. The chief executive of the State, the executive branch of the State, the legislative branch of the State, and the vast majority of Idahoans were absolutely opposed to reintroducing wolves back into the State of Idaho.

After litigation, and after the usual things you go through, nonetheless, 34 wolves were captured in Canada and brought to the State of Idaho and introduced into the State of Idaho against the objections of almost everyone. Indeed, there was a group of people who did want to see wolves brought to Idaho, and they got their way.

To give you a little bit of background as to what happened, we in the State of Idaho are very proud of our big game management. Under common law in this country, and indeed in England before this country, all wild game belonged to the sovereign. The United States of America is probably surprised to hear they are not the sovereign, that indeed the States are the sovereign. As a result of that, over the centuries—the couple of centuries we have been in existence as the United States of America—litigation after litigation has determined that indeed all wildlife in the State belongs to the sovereign; that is, the State in which they are located.

Idaho has a long and proud history and culture of hunting and outdoor life. We have managed our wildlife to the point that we are getting—or had been getting—the maximum out of our wildlife for big game harvest every year. Before Europeans inhabited Idaho, there were very few deer and even less elk. Elk were a plains species. They were not a mountain species. After settlement of the State, the elk

were pretty much removed from the plains and took up residence in the mountains, where they have done very well and adapted very well.

Again, over the years, the premier species in Idaho, as determined by the people of the State of Idaho, has been elk. Elk are difficult to manage; that is, they are not as easy to manage as deer. They are not as prolific as deer. As a result, they require relatively intensive management.

As a result, the State has broken into many different game units for elk, and each of these units is carefully managed by the fish and game department to determine the birthrate of the elk each year and the survival rate over the winter and a determination of how many elk can be harvested. As a result, we have had a robust and relatively stable population of elk in the State of Idaho.

Fast forward to 1995. The Federal Government released its 34 wolves into the State of Idaho, and contrary to what some people believe, they are not vegetarians. Also contrary to what some people believe, they need to eat every day. And when they eat, they eat our elk.

As a result, there has been considerable depredation on our elk herds and for that matter on domestic livestock. The domestic livestock losses are not large in number, unless, of course, it is your livestock they are preying on, of which a number of us in the livestock business have experienced losses in that regard.

Back to the elk. We want to continue to manage our elk. We want to continue to manage our deer. Indeed, we manage a lot of big game species. We manage moose, we manage bears, we manage cats, we manage all big game in the State of Idaho and do a pretty decent job of that.

On top of the Federal Government's introduction of these 34 wolves into Idaho, which have now exploded into 1,000 wolves, with regulations that at the outset were very, very intrusive, to the point where you couldn't shoot wolves—even if you found them attacking your livestock, it was unlawful to take a wolf. Of course, the regulations that were imposed on us by the Federal Government have created a considerable amount of animosity and bad blood.

What we want at this point is the ability to manage the wolves just as we manage every other population of big game and animal species in Idaho. The fact is that the wolves are there. They are going to be there. We obviously made the effort at the outset to not have them. We did our best to keep them out. We lost that fight, so now we have to accept the fact that they are there. But the fact that they are there does not mean that we, in the sovereign State of Idaho, should not have the ability to manage our own game species.

Recently, because the numbers have exploded in the amount that they have—when I was Governor, I pressed the U.S. Fish and Wildlife Service to start the delisting process, which happened on my watch. The start of the delisting happened on my watch as Governor. As time went on, my successor, Governor Otter, did an excellent job of continuing to press the case for delisting. After all, the Federal Government has absolutely no business in the State of Idaho dealing with wolves other than the hook it has of the Endangered Species Act. To argue that a species that has been introduced—34 of them—and then explodes to well over 1,000 is endangered simply flies in the face of not only science, but it also flies in the face of logic.

Let me tell my colleagues what we were told and what we were promised by the Federal Government at the time they brought in the wolves. They told us that once we got to the point of 300 wolves and got to the point of 30 breeding pairs, the party was over and they would delist. Well, we reached that point in 3 years, and we have been trying to delist ever since. We got them delisted. The matter went to court. We actually had a hunting season last year. But now it has gone back to court, and, again, those who are trying to protect the number of wolves, to the great disadvantage of elk, won again, and they got the judge to order that the wolves be listed again in Idaho and Montana.

That is as a result of a dispute the State of Wyoming also has with the Federal Government, and they have been unable to reach an agreement as to how wolves should be managed. The Federal Government, the Fish and Wildlife Service, and the Department of the Interior were perfectly happy with the plans from Idaho and Montana, but because they have been unable to settle with Wyoming, we now find ourselves at a tremendous disadvantage. This simply isn't fair.

This bill will very simply turn management of the wolves back over to the State of Idaho unless and until the time that the Federal Government can again or can ever claim that they are an endangered species. When that happens, the State again will be subject to the lawsuits that will inevitably come if, indeed, they are endangered. But in the meantime, I will urge every Senator to vote for this bill. This is a States rights issue. We are a sovereign State. We are entitled to take over management of these wolves. I can promise everyone that the State of Idaho will do a substantially better job, a cheaper job, and a much more efficient job of managing the wolves in the State of Idaho than the Federal Government could ever do or will ever do, and we will be able to do it with due deference to all the other species in the State of Idaho.

By Mr. DURBIN (for himself, Mr. LUGAR, and Mr. LEAHY):

S. 3827. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; read the first time.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Development, Relief, and Education for Alien Minors Act of 2010" or the "DREAM Act of 2010".

SEC. 2. DEFINITIONS.

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term "uniformed services" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-546).

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date of the enactment of this Act;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (10)(A), or (10)(C) of section 212(a)

of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 35 years of age on the date of the enactment of this Act.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) DEADLINE FOR SUBMISSION OF APPLICATION.—An alien shall submit an application for cancellation of removal or adjustment of status under this subsection no later than the date that is one year after the date the alien—

(A) was admitted to an institution of higher education in the United States; or

(B) earned a high school diploma or obtained a general education development certificate in the United States.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this

Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) **INTERIM, FINAL REGULATIONS.**—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) **REMOVAL OF ALIEN.**—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) **IN GENERAL.**—

(1) **CONDITIONAL BASIS FOR STATUS.**—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) **NOTICE OF REQUIREMENTS.**—

(A) **AT TIME OF OBTAINING PERMANENT RESIDENCE.**—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) **EFFECT OF FAILURE TO PROVIDE NOTICE.**—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) **TERMINATION OF STATUS.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) **RETURN TO PREVIOUS IMMIGRATION STATUS.**—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) **REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.**—

(1) **IN GENERAL.**—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) **ADJUDICATION OF PETITION TO REMOVE CONDITION.**—

(A) **IN GENERAL.**—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) **REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.**—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) **TERMINATION IF ADVERSE DETERMINATION.**—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) **TIME TO FILE PETITION.**—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) **DETAILS OF PETITION.**—

(1) **CONTENTS OF PETITION.**—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that the alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) **HARDSHIP EXCEPTION.**—

(A) **IN GENERAL.**—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) **EXTENSION.**—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) **TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.**—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) **IN GENERAL.**—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) **STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.**—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) **EMPLOYMENT.**—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) **LIFT OF STAY.**—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent

statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

SEC. 10. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 11. GAO REPORT.

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 638—CELEBRATING THE 30TH ANNIVERSARY OF THE SMALL BUSINESS DEVELOPMENT CENTER NETWORK

Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. VITTER, Mr. LIEBERMAN, Mr. ENZI, Mrs. SHAHEEN, Mr. ISAKSON, Mrs. HAGAN, Mr. THUNE, Ms. CANTWELL, Mr. BOND, Mr. WICKER, Mr. RISCH, and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 638

Whereas the Small Business Development Center (referred to in this preamble as “SBDC”) network will celebrate its 30th anniversary at a conference to be held September 21 through 24, 2010, in San Antonio, Texas;

Whereas the conference will be held to continue the professional development of employees of SBDCs and to commemorate the educational and technical assistance offered by SBDCs to small businesses across the United States;

Whereas for 30 years, SBDCs have been among the preeminent organizations in the United States for providing business advice, one-on-one counseling, and in-depth training to small businesses;

Whereas, during the 30 years prior to the approval of this resolution, the SBDC network has grown from 9 fledgling centers to a nationwide network of 63 lead centers, with more than 4,000 business advisors providing services at over 1,000 service locations;

Whereas the SBDC network has worked for 30 years with the Small Business Administration, institutions of higher education, State governments, Congress, and others to significantly enhance the economic health and strength of small businesses in the United States;

Whereas SBDCs have assisted more than 20,000,000 small businesses throughout the 30 years prior to the approval of this resolution and continue to aid and support hundreds of thousands of small businesses annually;

Whereas 33 percent of all SBDC clients are minorities, 43 percent of all SBDC clients are women, and 9 percent of all SBDC clients are veterans;

Whereas, since the inception of SBDCs, SBDCs have continued to redefine and transform the services offered by SBDCs, including training and advising, and have taken on new missions, in order to ensure that small businesses have relevant and significant assistance in all economic conditions; and

Whereas Congress continues to support SBDCs and the role of SBDCs in assisting small businesses and building the economic success of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 30th anniversary of the Small Business Development Center network; and

(2) expresses appreciation for—

(A) the steadfast partnership between the Small Business Development Center network and the Small Business Administration; and

(B) the work of the Small Business Development Center network in ensuring quality assistance to small business and access for all to the American Dream.

SENATE CONCURRENT RESOLUTION 72—RECOGNIZING THE 45TH ANNIVERSARY OF THE WHITE HOUSE FELLOWS PROGRAM

Mr. BROWNBACK submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 72

Whereas in 1964, John W. Gardner presented the idea of selecting a handful of outstanding men and women to travel to Washington, D.C. to participate in a fellowship program that would educate such men and women about the workings of the highest levels of the Federal Government and about leadership, as they observed Federal officials in action and met with these officials and other leaders of society, thereby strengthening the abilities of such individuals to contribute to their communities, their professions, and the United States;

Whereas President Lyndon B. Johnson established the President's Commission on White House Fellowships, through Executive Order 11183 (as amended), to create a program that would select between 11 and 19 outstanding young citizens of the United States every year and bring them to Washington, D.C. for “first hand, high-level experience in the workings of the Federal Government, to establish an era when the young men and women of America and their government belonged to each other—belonged to each other in fact and in spirit”;

Whereas the White House Fellows Program has steadfastly remained a nonpartisan program that has served 9 Presidents exceptionally well;

Whereas the 672 White House Fellows who have served have established a legacy of leadership in every aspect of our society, including appointments as cabinet officers, ambassadors, special envoys, deputy and assistant secretaries of departments and senior White House staff, election to the House of Representatives, Senate, and State and local governments, appointments to the Federal, State, and local judiciary, appointments as United States Attorneys, leadership in many of the largest corporations and law firms in the United States, service as presidents of colleges and universities, deans of our most distinguished graduate schools, officials in nonprofit organizations, distinguished scholars and historians, and service as senior leaders in every branch of the United States Armed Forces;

Whereas this legacy of leadership is a resource that has been relied upon by the Nation during major challenges, including organizing resettlement operations following the Vietnam War, assisting with the national response to terrorist attacks, managing the aftermath of natural disasters such as Hurricanes Katrina and Rita, providing support to earthquake victims in Haiti, performing military service in Iraq and Afghanistan, and reforming and innovating the national and international securities and capital markets;

Whereas the 672 White House Fellows have characterized their post-Fellowship years with a lifetime commitment to public service, including creating a White House Fellows Community of Mutual Support for leadership at every level of government and in every element of our national life; and

Whereas September 1, 2010, marked the 45th anniversary of the first class of White House Fellows to serve this Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 45th anniversary of the White House Fellows program and commends the White House Fellows for their continuing lifetime commitment to public service;

(2) acknowledges the legacy of leadership provided by White House Fellows over the years in their local communities, the Nation, and the world; and

(3) expresses appreciation and support for the continuing leadership of White House Fellows in all aspects of our national life in the years ahead.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4654. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4655. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4654. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 526. AUTHORIZED SERVICE OF MEMBERS OF THE RETIRED RESERVE IN CERTAIN HIGH-LEVEL NATIONAL GUARD BUREAU POSITIONS.

(a) CHIEF OF THE NATIONAL GUARD BUREAU.—Section 10502(a) of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “, or members of the Retired Reserve who served as officers of the Army National Guard of the United States or the Air National Guard of the United States,” after “Air National Guard of the United States”; and

(2) in paragraph (4), by inserting “or retired in a grade above brigadier general, as applicable” before the semicolon.

(b) DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.—Section 10505(a) of such title is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “, or members of the Retired Reserve who served as officers of the Army National Guard of the United States or the Air National Guard of the United States,” after “Air National Guard of the United States”; and

(B) in subparagraph (C), by inserting “or retired in a grade above colonel, as applicable” before the period; and

(2) in paragraph (2), by inserting “or retired members” after “members”.

(c) OTHER SENIOR NATIONAL GUARD BUREAU POSITIONS.—Section 10506(a) of such title is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “two general officers” and all that follows through “United States” and inserting “two individuals selected by the Secretary of the Army from general officers of the Army National Guard of the United States and members of the Retired Reserve who served as general officers of the Army National Guard of the United States”; and

(B) in subparagraph (B), by striking “two general officers” and all that follows through “United States” and inserting “two individuals selected by the Secretary of the Air Force from general officers of the Air National Guard of the United States and members of the Retired Reserve who served as general officers of the Air National Guard of the United States”; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting “and members of the Retired Reserve who served as general officers of the Army National Guard of the United States” after “Army National Guard of the United States”; and

(ii) by inserting “and members of the Retired Reserve who served as general officers of the Air National Guard of the United States” after “Air National Guard of the United States”; and

(B) in subparagraphs (B) and (E), by striking “officer” each place it appears and inserting “individual”.

SA 4655. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 236. REVISION OF NATIONAL MISSILE DEFENSE POLICY OF THE UNITED STATES AS STATED IN THE NATIONAL MISSILE DEFENSE ACT OF 1999.

Section 2 of the National Missile Defense Act of 1999 (Public Law 106-38; 113 Stat. 205; 10 U.S.C. 2431 note) is amended by striking “to deploy” and all that follows and inserting the following: “to deploy as rapidly as technology permits an effective and layered Missile Defense system capable of defending the territory of the United States and its allies against all ballistic missile attacks (whether accidental, unauthorized, or deliberate) with funding subject to the annual authorization of appropriations and the annual appropriation of funds for Missile Defense.”.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy. The hearing will be held on Wednesday, September 29, 2010, at 10 a.m., in room

SD-366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on the Propane Education and Research Council, PERC, and National Oilheat Research Alliance, NORA.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 22, 2010, at 10 a.m., to conduct a hearing entitled “Oversight of the SEC Inspector General’s Report on the ‘Investigation of the SEC’s Response to Concerns Regarding Robert Allen Stanford’s Alleged Ponzi Scheme.’”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 22, 2010, at 2 p.m., to conduct a hearing entitled “Reauthorization of the National Flood Insurance Program.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 22, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Tax and Fiscal Policy: Effects on the Military and Veterans Community.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 22, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 22, 2010, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 22, 2010, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 22, 2010, at 10 a.m., to conduct a hearing entitled "Nine Years After 9/11: Confronting the Terrorist Threat to the Homeland."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 22, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Electronic Communications Privacy Act: Promoting Security and Protecting Privacy in the Digital Age."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on September 22, 2010, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Investigating and Prosecuting Financial Fraud after the Fraud Enforcement and Recovery Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on September 22, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on September 22, 2010. The Committee will meet in room 345 in the Cannon House Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 22, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that Peter Gaulke, a legislative fellow in my office, be granted floor privileges for the remainder of this Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MERKLEY. I also ask unanimous consent that Caitlin Kilborn, an intern in my office, be granted floor privileges for today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent that Kristen Leis of my personal office have floor privileges for today.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 3628

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, September 23, upon the disposition of S.J. Res. 30, the Senate then proceed to consideration of the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3628, the DISCLOSE Act; that the motion to reconsider be agreed to and that at 2:15 p.m. the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to S. 3628, with the time until then equally divided and controlled between the two leaders, or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING TECHNICAL CORRECTIONS IN THE TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3828, introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3828) to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3828) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. AMENDMENT OF TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010.

The Twenty-First Century Communications and Video Accessibility Act of 2010 is amended—

(1) by striking the item relating to section 105 in the table of contents in section 1(b) and inserting the following:

"Sec. 105. Relay services for deaf-blind individuals.";

(2) by striking "requirement" in section 201(e)(1)(B) and inserting "objectives";

(3) by striking "requirement" in section 201(e)(2)(B) and inserting "objectives";

(4) by inserting "or digital broadcast television" after "protocol" in section 201(e)(2)(C); and

(5) by inserting "or digital broadcast television" after "protocol" in section 201(e)(2)(E).

SEC. 3. AMENDMENT OF COMMUNICATIONS ACT OF 1934.

The Communications Act of 1934 (47 U.S.C. 151 et seq.), as amended by the Twenty-First Century Communications and Video Accessibility Act of 2010, is amended—

(1) by striking "do not" in section 716(d);

(2) by striking "facilities" in section 716(e)(1)(D) and inserting "facilitate";

(3) by striking "provider in the manner prescribed in paragraph (3)," in section 717(a)(5)(C) and inserting "provider";

(4) by striking "Equal Access to 21st Century Communications Act" in section 719(a) and inserting "Twenty-First Century Communications and Video Accessibility Act of 2010";

(5) by inserting "low-income" after "accessible by" in section 719(a);

(6) by striking "and" in section 713(f)(2)(A) and inserting "such";

(7) by inserting "have" after "that" the first place it appears in section 713(f)(2)(B);

(8) by inserting "and Commerce" after "Energy" in section 713(f)(4)(C)(iii);

(9) by striking "programming distribution" in section 713(c)(2)(D)(iii) and inserting "programming distributors";

(10) by striking "programming" in section 713(c)(2)(D)(v) and inserting "programming";

(11) by striking "and video description signals and make" in section 713(c)(2)(D)(vi) and inserting "and makes";

(12) by striking "by" in section 303(aa)(3) and inserting "for";

(13) by striking "and" after the semicolon in section 303(bb)(1);

(14) by striking "features," in section 303(bb)(2) and inserting "features; and"; and

(15) by striking the matter following subdivision (2) of section 303(bb) and inserting the following:

"(3) that, with respect to navigation device features and functions—

"(A) delivered in software, the requirements set forth in this subsection shall apply to the manufacturer of such software; and

"(B) delivered in hardware, the requirements set forth in this subsection shall apply to the manufacturer of such hardware.".

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 550, S. 3107.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3107) to amend title 38, United States Code, to provide for an increase, effective December 1, 2010, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. AKAKA. Mr. President, today, as chairman of the Senate Committee on Veterans' Affairs, I urge all of my colleagues to support S. 3107/H.R. 4667, the Veterans' Compensation Cost-of-Living Adjustment Act of 2010. This measure would direct the Secretary of Veterans Affairs to increase, effective December 1, 2010, the rates of veterans' compensation to keep pace with the rising cost of living in this country. The rate adjustment is equal to that provided on an annual basis to Social Security recipients and is based on the Consumer Price Index.

Congress regularly enacts legislation that would provide for a cost-of-living adjustment for veterans' compensation in order to ensure that inflation does not erode the purchasing power of the veterans and their families who depend upon this income to meet their daily needs. The 2011 COLA has not yet been determined.

The COLA affects, among other benefits, veterans' disability compensation and dependency and indemnity compensation for surviving spouses and children. Many of the recipients of those benefits depend upon these tax-free payments not only to provide for their own basic needs, but those of their spouses and children as well. Without a COLA increase, these veterans and their families would see the value of their hard-earned benefits slowly diminish if there was an increase in inflation. If there is an in-

crease in inflation, we in Congress would be neglecting our duty to ensure that those who sacrificed so much for this country receive the benefits and services to which they are entitled.

It is important that we view veterans' compensation, including the COLA, and indeed all benefits earned by veterans, as a continuing cost of war. It is clear that the ongoing conflicts in Iraq and Afghanistan will continue to result in injuries and disabilities that will yield an increase in claims for compensation. Currently, there are more than 3.1 million veterans in receipt of VA disability compensation.

Disbursement of disability compensation to our Nation's veterans constitutes one of the central missions of the Department of Veterans Affairs. It is a necessary measure of appreciation afforded to those veterans whose lives were forever altered by their service to this country.

I urge our colleagues to support passage of this COLA bill. I also ask our colleagues for their continued support for our Nation's veterans.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time; that the Veterans Affairs Committee be discharged from further consideration of H.R. 4667, which is the companion measure from the House, and the Senate proceed to its immediate consideration; that the bill, H.R. 4667, be read the third time and passed; further, that S. 3107 be returned to the calendar; that the motions to reconsider be laid on the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to a third reading and was read the third time.

The bill (H.R. 4667) was ordered to be read a third time, was read the third time, and passed.

99-YEAR TRIBAL LEASE AUTHORITY ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 507, S. 1448.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1448) to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to

reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1448) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEASES OF RESTRICTED LAND.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting "land held in trust for the Coquille Indian Tribe, land held in trust for the Confederated Tribes of Siletz Indians, land held in trust for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, land held in trust for the Klamath Tribes, and land held in trust for the Burns Paiute Tribe," after "lands held in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon,".

MODIFYING TRIBAL LEASE PROVISIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 508, S. 2906.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2906) to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with amendments, as follows:

S. 2906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEASES INVOLVING CERTAIN INDIAN TRIBES.

The first section of the Act of August 9, 1955 (25 U.S.C. 415), is amended—

(1) in subsection (a), in the second sentence, by inserting "and land held in trust for the Kalispel Tribe of Indians, the Puyallup Tribe of Indians," after "the Kalispel Indian Reservation"; and

(2) in subsection (b), by inserting ", the Puyallup Tribe of Indians, the Swinomish Indian Tribal Community, or the Kalispel Tribe of Indians" after "Tulalip Tribes".

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 2906), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

REDUNDANCY ELIMINATION AND ENHANCED PERFORMANCE FOR PREPAREDNESS GRANTS ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 566, H.R. 3980.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3980) to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Redundancy Elimination and Enhanced Performance for Preparedness Grants Act".

SEC. 2. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS FOR HOMELAND SECURITY PREPAREDNESS GRANT PROGRAMS.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

"SEC. 2023. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS.

"(a) DEFINITION.—In this section, the term 'covered grants' means grants awarded under section 2003, grants awarded under section 2004, and any other grants specified by the Administrator.

"(b) INITIAL REPORT.—Not later than 90 days after the date of enactment of the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, the Administrator shall submit to the appropriate committees of Congress a report that includes—

"(1) an assessment of redundant reporting requirements imposed by the Administrator on State, local, and tribal governments in connection with the awarding of grants, including—

"(A) a list of each discrete item of data requested by the Administrator from grant recipients as part of the process of administering covered grants;

"(B) identification of the items of data from the list described in subparagraph (A) that are required to be submitted by grant recipients on multiple occasions or to multiple systems; and

"(C) identification of the items of data from the list described in subparagraph (A) that are not necessary to be collected in order for the Administrator to effectively and efficiently administer the programs under which covered grants are awarded;

"(2) a plan, including a specific timetable, for eliminating any redundant and unnecessary reporting requirements identified under paragraph (1); and

"(3) a plan, including a specific timetable, for promptly developing a set of quantifiable performance measures and metrics to assess the ef-

fectiveness of the programs under which covered grants are awarded.

"(c) BIENNIAL REPORTS.—Not later than 1 year after the date on which the initial report is required to be submitted under subsection (b), and once every 2 years thereafter, the Administrator shall submit to the appropriate committees of Congress a grants management report that includes—

"(1) the status of efforts to eliminate redundant and unnecessary reporting requirements imposed on grant recipients, including—

"(A) progress made in implementing the plan required under subsection (b)(2);

"(B) a reassessment of the reporting requirements to identify and eliminate redundant and unnecessary requirements;

"(2) the status of efforts to develop quantifiable performance measures and metrics to assess the effectiveness of the programs under which the covered grants are awarded, including—

"(A) progress made in implementing the plan required under subsection (b)(3);

"(B) progress made in developing and implementing additional performance metrics and measures for grants, including as part of the comprehensive assessment system required under section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and

"(3) a performance assessment of each program under which the covered grants are awarded, including—

"(A) a description of the objectives and goals of the program;

"(B) an assessment of the extent to which the objectives and goals described in subparagraph (A) have been met, based on the quantifiable performance measures and metrics required under this section, section 2022(a)(4), and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749);

"(C) recommendations for any program modifications to improve the effectiveness of the program, to address changed or emerging conditions; and

"(D) an assessment of the experience of recipients of covered grants, including the availability of clear and accurate information, the timeliness of reviews and awards, and the provision of technical assistance, and recommendations for improving that experience.

"(d) GRANTS PROGRAM MEASUREMENT STUDY.—

"(1) IN GENERAL.—Not later than 30 days after the enactment of Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, the Administrator shall enter into a contract with the National Academy of Public Administration under which the National Academy of Public Administration shall assist the Administrator in studying, developing, and implementing—

"(A) quantifiable performance measures and metrics to assess the effectiveness of grants administered by the Department, as required under this section and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and

"(B) the plan required under subsection (b)(3).

"(2) REPORT.—Not later than 1 year after the date on which the contract described in paragraph (1) is awarded, the Administrator shall submit to the appropriate committees of Congress a report that describes the findings and recommendations of the study conducted under paragraph (1).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subsection."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101

et seq.) is amended by adding at the end the following:

"Sec. 2023. Identification of reporting redundancies and development of performance metrics."

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3980), as amended, was read the third time and passed.

IMPROVING THE OPERATION OF CERTAIN FACILITIES AND PROGRAMS OF THE HOUSE OF REPRESENTATIVES

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 5682, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5682) to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid on the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5682) was ordered to a third reading, was read the third time, and passed.

COMMENDING THE ENTERTAINMENT INDUSTRY

Mr. REID. I ask unanimous consent the Commerce Committee be discharged from further consideration of S. Res. 623 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 623) commending the encouragement of interest in science, technology, engineering, and mathematics by the entertainment industry, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 623) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 623

Whereas science, technology, engineering, and mathematics (referred to in this preamble as "STEM") are vital fields of increasing importance in driving the economic engine of the United States;

Whereas STEM-educated graduates have and will continue to play critical roles in helping to develop clean energy technologies, to find life-saving cures for diseases, to solve security challenges, and to discover new solutions for deteriorating transportation and infrastructure;

Whereas through 2018, STEM occupations are projected to provide 2,800,000 job openings;

Whereas over 90 percent of STEM occupations require at least some postsecondary education;

Whereas students across the country, especially young women and underrepresented minorities, need greater understanding and appreciation of STEM careers, and access to quality STEM opportunities;

Whereas the entertainment industry of the United States, comprised of movies, television, theater, radio, DVDs, video games, as well as other video and audio recordings and means of communications, has an extraordinary ability to reach the people of the United States, especially young people;

Whereas the entertainment industry has begun to make significant investments in support of STEM education; and

Whereas, for example, the Entertainment Industries Council has developed the Ready on the S.E.T. and . . . Action! initiative to elevate the importance of science, engineering, and technology in national entertainment and news productions by connecting STEM experts, companies, and organizations with the entertainment industry in order to disseminate accurate information about STEM professionals and careers, and producing the first-ever S.E.T. Awards Show this year to award accurate and impactful portrayals of STEM in movies, television series, radio and television news programs, and print and online journalism: Now, therefore, be it

Resolved, That the Senate—

(1) commends the effective use of the substantial influence and resources of the entertainment industry of the United States, by those members of the entertainment industry, such as the Entertainment Industries Council, who are working to encourage interest in the fields of science, technology, engineering, and mathematics; and

(2) urges the entertainment industry to continue to use the creative talent, skills, and audience-reach at its disposal to communicate the importance of science, technology, engineering, and mathematics.

CELEBRATING 30TH ANNIVERSARY OF SMALL BUSINESS DEVELOPMENT CENTER NETWORK

Mr. REID. I ask we now proceed to S. Res. 638, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 638) celebrating the 30th anniversary of the Small Business Development Center network.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 638) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 638

Whereas the Small Business Development Center (referred to in this preamble as "SBDC") network will celebrate its 30th anniversary at a conference to be held September 21 through 24, 2010, in San Antonio, Texas;

Whereas the conference will be held to continue the professional development of employees of SBDCs and to commemorate the educational and technical assistance offered by SBDCs to small businesses across the United States;

Whereas for 30 years, SBDCs have been among the preeminent organizations in the United States for providing business advice, one-on-one counseling, and indepth training to small businesses;

Whereas, during the 30 years prior to the approval of this resolution, the SBDC network has grown from 9 fledgling centers to a nationwide network of 63 lead centers, with more than 4,000 business advisors providing services at over 1,000 service locations;

Whereas the SBDC network has worked for 30 years with the Small Business Administration, institutions of higher education, State governments, Congress, and others to significantly enhance the economic health and strength of small businesses in the United States;

Whereas SBDCs have assisted more than 20,000,000 small businesses throughout the 30 years prior to the approval of this resolution and continue to aid and support hundreds of thousands of small businesses annually;

Whereas 33 percent of all SBDC clients are minorities, 43 percent of all SBDC clients are women, and 9 percent of all SBDC clients are veterans;

Whereas, since the inception of SBDCs, SBDCs have continued to redefine and transform the services offered by SBDCs, including training and advising, and have taken on new missions, in order to ensure that small businesses have relevant and significant assistance in all economic conditions; and

Whereas Congress continues to support SBDCs and the role of SBDCs in assisting small businesses and building the economic success of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 30th anniversary of the Small Business Development Center network; and

(2) expresses appreciation for—

(A) the steadfast partnership between the Small Business Development Center network and the Small Business Administration; and

(B) the work of the Small Business Development Center network in ensuring quality assistance to small business and access for all to the American Dream.

MEASURE READ THE FIRST TIME—S. 3827

Mr. REID. Mr. President, I am told that S. 3827, introduced earlier today by Senator DODD, is at the desk and ready for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3827) to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Mr. REID. I ask for a second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for a second time on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. Mr. President, the Chair, on behalf of the majority leader pursuant to Public Law 107-252, title II, section 214, appoints the following individual to serve as a member of the Election Assistance Board of Advisors: Dr. Barbara Simons, of California.

ORDERS FOR THURSDAY, SEPTEMBER 23, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, September 23; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the second half; further, upon the completion of morning business, the Senate proceed to the consideration of S.J. Res. 30, a joint resolution of disapproval regarding the National Mediation Board, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, tomorrow the Senate will consider the motion to proceed to S.J. Res. 30. Under the consent agreement for consideration of the joint resolution, there will be 2 hours

of debate prior to a vote on the motion to proceed. This vote is expected to occur as early as 12:30 p.m. tomorrow. That will be the first vote of the day.

Also, as provided under a previous order, at 2:15 p.m., the Senate will proceed to a rollcall vote on cloture on the motion to proceed to S. 3628, the DISCLOSE Act.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Thursday, September 23, 2010, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Wednesday, September 22, 2010

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. CUELLAR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
September 22, 2010.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Reverend Douglas Fisher, Grace Episcopal Church, Millbrook, New York, offered the following prayer:

Gracious God, these elected leaders of our Nation gather together today in anticipation of Your guidance. They want to do what is right and good and holy. They want to be an inspiration to Your people in a trying time. Fill them with Your creative, dynamic Spirit.

Outside these walls Your people—among them immigrants, the unemployed, the brave men and women of our Armed Forces—live in hope of wise decisions from this body. Indeed, Your whole creation itself is profoundly affected in so many ways by what happens here. Compassionate God, enlighten us, show us Your will, and give us the courage to fulfill it.

At the end of this day, may the United States of America be closer to being a light unto the nations, a beacon of hope in this world. Living God, we ask Your blessing upon this House and upon this Nation. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. WAMP) come forward and lead the House in the Pledge of Allegiance.

Mr. WAMP led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND DOUGLAS FISHER

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. MURPHY) is recognized for 1 minute.

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, I rise today to honor and thank Father Doug Fisher from Millbrook, New York, for serving as the guest chaplain today for the House of Representatives.

For over 10 years, Father Doug has served as the rector of Grace Episcopal Church, which is located in the 20th District in Millbrook, New York. Previously, he served as the Episcopal Chaplain at the United States Military Academy at West Point, and he continues to correspond with many of the graduates who are serving their country throughout the world.

Father Doug has been a leader for our community in difficult times, serving on the board of directors of Rural and Migrant Ministry. Grace Church is known throughout Dutchess County for its many outreach programs, including its food pantries, service and support groups for the unemployed and underemployed, its AA groups, its nursery school. He has brought together people of diverse socioeconomic, cultural, racial, and religious backgrounds to promote dialogue, social justice, and hope.

On behalf of the 20th Congressional District and my colleagues in this House, I thank Father Doug for his work on behalf of our community and for his invocation here today.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 16, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 16, 2010 at 4:39 p.m.:

That the Senate passed without amendment H.R. 6102.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 21, 2010 at 2:40 p.m.:

That the Senate passed without amendment H.R. 4505.

That the Senate passed S. 624.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

ON THE SELECTION OF THE STATE OF HAWAII AS A RECIPIENT OF THE FREEDOM AWARD FOR ITS OUTSTANDING SUPPORT OF MEMBERS OF THE NATIONAL GUARD AND RESERVE

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, every year the Secretary of Defense recognizes employers for their support of employees serving in the National Guard and Reserve. This year, the Government of the State of Hawaii was selected for the Freedom Award, the highest employer recognition award given by the Defense Department. Hawaii Army National Guardsman K. Mark Takai submitted the nomination.

The State of Hawaii provides credit toward retirement for the time their Guard and Reserve employees are activated and offers preferential hiring for those who have been deployed. The State also held a farewell ceremony and a welcome home parade for our 29th Brigade. Notably, Hawaii is the only State to recognize its fallen war heroes by awarding them the State Medal of Honor.

As we celebrate National Employer Support of the Guard and Reserve

Week, warmest “aloha” goes out to employers like the State of Hawaii for recognizing the unique challenges that members of the Guard and Reserve face in balancing their civilian lives with their military service.

MAKING THE 1099 SITUATION WORSE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, throughout the month of August, I met with small business owners in my district who are anxious about the coming 1099 reporting requirements created by ObamaCare. They see a mountain of tax paperwork in their future, a mountain that will increase their accounting costs and prevent them from growing their businesses.

The 1099 reporting requirement has nothing to do with improving health care in this Nation. It was only included as another revenue raiser to pay for a massive new government health care entitlement program that the American people don't want.

H.R. 5297, the small business bill the House will take up tomorrow, makes a bad situation even worse. Instead of repealing this burdensome requirement, the bill actually increases penalties and expands the number of transactions subject then to 1099 reporting requirements. The Congressional Budget Office estimates this proposal will raise over \$2.5 billion. That's \$2.5 billion that will go to the government instead of job creators.

How long will it take our friends on the other side to figure out you can't increase the burden on our Nation's small businesses and then expect them to hire more Americans?

□ 1410

HONORING JOHN ELKINGTON

(Mr. WAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMP. Mr. Speaker, I am honored to recognize the induction of John Elkington of Memphis, Tennessee, into the Beale Street Brass Note Walk of Fame. The Walk of Fame recognizes the accomplishments of nearly 100 individuals and groups who have had a significant influence on American music, particularly blues music.

As a developer with an extraordinary vision, Elkington revitalized a two-block section of historic Beale Street that had fallen into disrepair during the urban renewal of the 1970s. When Elkington started the project, only one business remained open. Where others failed, Elkington redeveloped Beale Street, turning it into one of America's

premier entertainment districts. From the handful of night clubs and restaurants that opened in the early 1980s, the Beale Street Historic District has blossomed into a place where fans from around the world come to hear America's original art form, the blues.

John Elkington possesses a rare combination of perseverance and optimism. His love for Memphis is unrivaled, and he is indeed one of Tennessee's most important developers. After 27 years of hard work and dedication to Beale Street, John Elkington deserves a recognition of inclusion into the Beale Street Brass Note Walk of Fame.

Congratulations, Elk.

TAX CUTS

(Mr. NEAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL. Mr. Speaker, it did not take a lot of courage for the Republican leader in the Senate to announce his tax cut plan last week, which would cost about \$4 trillion. Handing out tax cuts is not a tough business.

Oddly enough, while he ensured that those households with incomes of more than \$1 million would get a tax cut of \$104,000 next year, he forgot about the households of working poor people who count on the earned income tax credit and the child tax credit.

Why? Because the GOP plan extends the estate tax cuts but doesn't extend improvements to the tax credits for low-income working families, which the Congress passed last year. In Massachusetts alone, 210,000 families will lose some or all of the child credit under the Republican plan and 167,000 Massachusetts families will lose all or some of the earned income tax credit.

I urge our Republican friends here to reject this plan from their Senate leader and to stand up for working families.

OBAMA-NOMICS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the proposed administration tax hikes are the largest tax increases in American history. The government spends money that we don't have; 42 cents of every dollar spent is borrowed money.

Now the plan is to hike taxes sky high and how is that going to create those jobs? It has been said “you can't legislate the poor into freedom by legislating the wealthy out of freedom. When the government gives money to one person, the government first has to take that money from somebody else.”

“When half the people get the idea that they do not have to work because they think the other half is going to take care of them, and when the work-

ing people get the idea it does no good to work because the government is going to take away what they worked for, that discourages all citizens to work.”

Obama-nomics is the failed philosophy of more government, more spending, more borrowing and more taxes; and it's a failed philosophy.

And that's just the way it is.

ECONOMIC POLICIES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, the President was on television this week defending his economic policies talking about the progress, and I am going to admit that after yesterday we are about halfway back to where this administration needs to be in putting Americans and America back to work.

Yesterday—congratulations are in order—Larry Summers was either fired or encouraged to leave. It doesn't matter, he's gone.

It's about a year since I asked the President to fire Geithner and Summers, two people of, by, and for Wall Street. Wall Street has received enough attention, and the Republicans would shower even more attention on Wall Street, should they take over again, against Main Street American working people.

It's time this President came back to his Democratic roots, his Democratic values. Geithner needs to go too. Let's bring in a team that cares about working Americans.

VICTORY IN IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, at the end of August the goal was achieved of a transition of security in Iraq from an active combat role of Americans to the security forces of the people of Iraq. All Americans should express gratitude for the courage and resolve of our military and military families.

Newsweek's cover page of March 8 declared: “Victory at Last,” with the emergence of a democratic Iraq. The Wall Street Journal editorialized “Victory in Iraq” on August 30, citing “the courage of the Americans who will fight in our defense.” On September 6 the Washington Times proclaimed “Mission Accomplished” in Iraq.

As the grateful father of two sons who served in Iraq and as cochairman of the Victory in Iraq Caucus established with our former colleague, Mark Green of Wisconsin, I know firsthand of the achievements of the American military personnel. I am confident with the leadership of General David

Petraeus, based on the Bush success of Iraq, that the Obama surge in Afghanistan will promote liberty and peace.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

U.S., ISRAELI, AND PALESTINIAN LEADERS DESERVE SUPPORT ON PEACE TALKS

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I commend the U.S., Israeli, and Palestinian leaders for renewing direct peace talks in Washington earlier this month and continuing them in the Middle East.

Prime Minister Netanyahu and President Abbas have shown great courage in deciding to end the conflict within 1 year. We know it won't be easy, but I felt such hope when I saw these two leaders stand together and condemn the deadly attacks on Israel citizens by Hamas. Neither let the enemies of peace undermine the start of negotiations. This speaks volumes about their commitment to finally achieving a two-state solution.

Making peace means making tough choices. Each side will have to make painful concessions. The U.S. can provide support to both parties as they make these tough decisions, choices that have to be made for a better, more secure future for all their peoples.

I support the return to direct talks to achieve a lasting peace in the Middle East. And I call on all my colleagues in the international community to support this process.

HALT TAX HIKES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I stand to voice my support for protecting small business on Main Street from the Obama tax hikes that start January 1. To create jobs, we need lower tax rates for everyone.

Most small businesses pay taxes based on the individual tax rate. Increasing the individual tax rate means mom-and-pop business owners will have less money for business investment and job creation. It's not smart to raise taxes ever and certainly not in the wake of America's longest recession.

How will raising taxes put people back to work?

As a former small business owner, I know that the very threat of tax hikes, combined with the new health care law and the countless new rules and mandates coming from the Democrats, are impacting the ability and willingness of small businesses to create jobs.

We need an up-or-down vote on freezing tax rates for everyone before election day so the American people can see for themselves who supports or opposes small business and free enterprise.

TAX PROPOSAL AND HONORING 49TH ANNIVERSARY OF PEACE CORPS

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute.)

Mr. GARAMENDI. Mr. Speaker, I intended to speak to the 49th anniversary of the Peace Corps. On this day, 49 years ago, Congress passed and the President signed the authorization for the Peace Corps. Over those 49 years, tens of thousands, indeed hundreds of thousands, of Americans have served this country in what is known as the most difficult job you will ever love, and my wife and I did, indeed, love it.

However, the tax proposal that's before us is that every American taxpayer will receive a lower tax rate on the first \$250,000 that they have in adjusted gross income, whether they are a small business or an individual taxpayer. Those that have greater would pay somewhat higher tax. The other alternative is to run up the deficit another \$700 billion, which I think is a particularly bad idea.

But back to the Peace Corps. It's a great institution, and it's been supported by both Democrats and Republicans, and we think that's a good thing.

And that's the rest of the story.

□ 1420

TAX RELIEF FOR STRUGGLING AMERICANS

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the American people are hurting in the city and on the farm. Our economy continues to struggle. Unless Congress acts before the end of this year, every American will see a tax increase—every single one.

That's why I rise in disbelief with the news that this Congress is poised to adjourn for the fall's elections without even taking a vote on extending current tax relief. Let me say that again. I know there are proposals on the majority side about trying to extend the tax relief for some and not others, but what we are hearing is they intend to adjourn before Election Day without ever voting to make sure that no American sees a tax increase in January of next year.

Mr. Speaker, higher taxes won't get anybody hired. Raising taxes on job creators won't create jobs. Let's have the debate. There's a growing bipar-

tisan majority in this House that is prepared to extend all tax relief for every American in this, the worst economy in 25 years.

And so I say, no extension of tax relief, no adjournment. Congress must not adjourn until we take an up-or-down vote on extending all tax relief for every American.

HONORING THE SERVICE AND SACRIFICE OF U.S. ARMY SPECIALIST BRYN TODD RAVER

(Mr. BOOZMAN asked and was given permission to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor a brave American soldier who sacrificed his life in support of Operation Enduring Freedom, U.S. Army Specialist Bryn Todd Raver.

Bryn joined the Army in December of 2007, following in the steps of his grandfather, a Korean War veteran. Bryn was assigned to the 1st Brigade Special Troops Battalion, 101st Airborne Division at Fort Campbell, Kentucky. He served as a military policeman and deployed to Afghanistan in April of 2007. Commanding officers noted that Specialist Raver was the first to prepare for a mission and the last to leave.

His commitment to this country is second to none. Family members say he loved serving his country and talked about his desire to continue his service for 4 more years working to become an Army drill sergeant.

On August 28, 2010, Specialist Raver died of injuries sustained when insurgents attacked the armored vehicle he was driving. He was 20 years old.

Mr. Speaker, Specialist Raver and his family made a tremendous sacrifice for our country. Bryn is a true American hero. I ask my colleagues to keep his family and friends in their thoughts and prayers during this very difficult time.

ALZHEIMER'S AWARENESS DAY

(Mr. THOMPSON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, there is a thief abroad in this country stealing the cognitive powers of more than 5.3 million Americans. It costs \$172 billion annually, but the money is not the true loss.

The loss is a son who can still take his father to a ball game, but only the shell of a man remains in the bleacher seat beside him. The loss is a wife who sits at the dinner table with her husband but knows there will be no reciprocal conversation. The loss is a grandchild whose best friend can no longer play games with him.

The robber who steals our relatives is Alzheimer's disease. There is no felony that can be charged against this killer,

even though it is the seventh leading cause of death in this country. And most discouraging is that there is no known cure.

The disease afflicts African Americans and Hispanics at a higher rate than others, and those with a family history of Alzheimer's are also more at risk. But regardless, every 70 seconds, someone in this country will develop this disease.

September 21 was Alzheimer's Awareness Day. It is worth the time to think about ways to support the fight against this disease.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 22, 2010 at 12:25 p.m.:

That the Senate passed S. 3814.

That the Senate passed S. 3717.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

AUTHORIZING THE SPEAKER TO ENTERTAIN MOTIONS TO SUS- PEND THE RULES ON TOMORROW

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to entertain motions to suspend the rules on the legislative day of Thursday, Sept. 23, 2010, relating to the following measures:

S. 1674; H.R. 5307; House Resolution 1545; House Resolution 1560; House Resolution 1582; a bill to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in state child welfare programs; and a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings

today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6 p.m. today.

DEPARTMENT OF THE INTERIOR TRIBAL SELF-GOVERNANCE ACT OF 2010

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4347) to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of the Interior Tribal Self-Governance Act of 2010".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INDIAN SELF-DETERMINATION

Sec. 101. Definitions; reporting and audit requirements; application of provisions.

Sec. 102. Contracts by Secretary of Interior.

Sec. 103. Administrative provisions.

Sec. 104. Contract funding and indirect costs.

Sec. 105. Contract or grant specifications.

TITLE II—TRIBAL SELF-GOVERNANCE

Sec. 201. Tribal self-governance.

TITLE I—INDIAN SELF-DETERMINATION

SEC. 101. DEFINITIONS; REPORTING AND AUDIT REQUIREMENTS; APPLICATION OF PROVISIONS.

(a) DEFINITIONS.—Section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) is amended by striking subsection (j) and inserting the following:

"(j) 'self-determination contract' means a contract entered into under title I (or a grant or cooperative agreement used under section 9) between a tribal organization and the appropriate Secretary for the planning, conduct, and administration of programs or services that are otherwise provided to Indian tribes and members of Indian tribes pursuant to Federal law, subject to the condition that, except as provided in section 105(a)(3), no contract entered into under title I (or grant or cooperative agreement used under section 9) shall be—

"(1) considered to be a procurement contract; or

"(2) except as provided in section 107(a)(1), subject to any Federal procurement law (including regulations);".

(b) REPORTING AND AUDIT REQUIREMENTS.—Section 5(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(b)) is amended—

(1) by striking "after completion of the project or undertaking referred to in the preceding subsection of this section" and inserting "after the retention period for the report that is submitted to the Secretary under subsection (a)"; and

(2) by adding at the end the following: "The retention period shall be defined in regulations promulgated by the Secretary pursuant to section 415."

(c) APPLICATION OF OTHER PROVISIONS.—Sections 4, 5, 6, 7, 102(c) 104, 105(a)(1), 105(f), 110, and 111 of the Indian Self-Determination and Education Assistance Act, as amended, (25 U.S.C. 450 et seq.) (Public Law 93-638; 88 Stat. 2203) and section 314 of the Department of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101-512; 104 Stat. 1959), apply to compacts and funding agreements entered into under title IV.

SEC. 102. CONTRACTS BY SECRETARY OF INTERIOR.

Section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f) is amended—

(1) in subsection (c)(2), by striking "economic enterprises" and all that follows through "except that" and inserting "economic enterprises (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)), except that"; and

(2) by adding at the end the following:

"(f) GOOD FAITH REQUIREMENT.—In the negotiation of contracts and funding agreements, the Secretary shall—

"(1) at all times negotiate in good faith to maximize implementation of the self-determination policy; and

"(2) carry out this Act in a manner that maximizes the policy of tribal self-determination, in a manner consistent with the purposes specified in section 3.

"(g) RULE OF CONSTRUCTION.—Each provision of this Act and each provision of a contract or funding agreement shall be liberally construed for the benefit of the Indian tribe participating in self-determination, and any ambiguity shall be resolved in favor of the Indian tribe."

SEC. 103. ADMINISTRATIVE PROVISIONS.

Section 105 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j) is amended—

(1) in subsection (b), in the first sentence, by striking "pursuant to" and all that follows through "of this Act" and inserting "pursuant to sections 102 and 103"; and

(2) by adding at the end the following:

"(m) INTERPRETATION BY SECRETARY.—Except as otherwise provided by law, the Secretary shall interpret all Federal laws (including regulations) and Executive orders in a manner that facilitates, to the maximum extent practicable—

"(1) the inclusion in self-determination contracts and funding agreements of—

"(A) applicable programs, services, functions, and activities (or portions thereof); and

"(B) funds associated with those programs, services, functions, and activities;

"(2) the implementation of self-determination contracts and funding agreements; and

"(3) the achievement of tribal health objectives."

SEC. 104. CONTRACT FUNDING AND INDIRECT COSTS.

Section 106(a)(3) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j-1(a)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ", and" and inserting "; and"; and

(B) in clause (ii), by striking "expense related to the overhead incurred" and inserting "expense incurred by the governing body of the Indian tribe or tribal organization and any overhead expense incurred";

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) In calculating the reimbursement rate for expenses described in subparagraph (A)(ii), not less than 50 percent of the expenses described in subparagraph (A)(ii) that are incurred by the governing body of an Indian tribe or tribal organization relating to a Federal program, function, service, or activity carried out pursuant to the contract shall be considered to be reasonable and allowable.”.

SEC. 105. CONTRACT OR GRANT SPECIFICATIONS.

Section 108 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450l) is amended—

(1) in subsection (a)(2), by inserting “subject to subsections (a) and (b) of section 102,” before “contain”; and

(2) in subsection (f)(2)(A)(ii) of the model agreement contained in subsection (c), by inserting “subject to subsections (a) and (b) of section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f),” before “such other provisions”.

TITLE II—TRIBAL SELF-GOVERNANCE

SEC. 201. TRIBAL SELF-GOVERNANCE.

Title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.) is amended to read as follows:

“TITLE IV—TRIBAL SELF-GOVERNANCE

“SEC. 401. DEFINITIONS.

“In this title:

“(1) COMPACT.—The term ‘compact’ means a self-governance compact entered into under section 404.

“(2) CONSTRUCTION PROGRAM; CONSTRUCTION PROJECT.—The term ‘construction program’ or ‘construction project’ means a tribal undertaking relating to the administration, planning, environmental determination, design, construction, repair, improvement, or expansion of roads, bridges, buildings, structures, systems, or other facilities for purposes of housing, law enforcement, detention, sanitation, water supply, education, administration, community, health, irrigation, agriculture, conservation, flood control, transportation, or port facilities, or for other tribal purposes.

“(3) DEPARTMENT.—The term ‘Department’ means the Department of the Interior.

“(4) FUNDING AGREEMENT.—The term ‘funding agreement’ means a funding agreement entered into under section 405.

“(5) GROSS MISMANAGEMENT.—The term ‘gross mismanagement’ means a significant violation, shown by a preponderance of the evidence, of a compact, funding agreement, or statutory or regulatory requirement applicable to Federal funds—

“(A) for a program administered by an Indian tribe; or

“(B) under a compact or funding agreement that results in a significant reduction of funds available for the programs assumed by an Indian tribe.

“(6) INHERENT FEDERAL FUNCTION.—The term ‘inherent Federal function’ means a Federal function that may not legally be delegated to an Indian tribe.

“(7) PROGRAM.—The term ‘program’ means any program, function, service, or activity (or portion thereof) within the Department that is included in a funding agreement.

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(9) SELF-GOVERNANCE.—The term ‘self-governance’ means the Tribal Self-Governance Program established under section 402.

“(10) TRIBAL SHARE.—The term ‘tribal share’ means an Indian tribe’s portion of all funds and resources that—

“(A) support any program within the Bureau of Indian Affairs, the Office of Special Trustee, or the Office of the Assistant Secretary for Indian Affairs; and

“(B) are not required by the Secretary for the performance of an inherent Federal function.

“SEC. 402. ESTABLISHMENT.

“The Secretary shall establish and carry out a program within the Department to be known as the ‘Tribal Self-Governance Program’.

“SEC. 403. SELECTION OF PARTICIPATING INDIAN TRIBES.

“(a) IN GENERAL.—

“(1) PARTICIPANTS.—

“(A) IN GENERAL.—The Secretary, acting through the Director of the Office of Self-Governance, may select up to 50 new Indian tribes per year from those eligible under subsection (b) to participate in self-governance.

“(B) JOINT PARTICIPATION.—On the request of each participating Indian tribe, 2 or more otherwise eligible Indian tribes may be treated as a single Indian tribe for the purpose of participating in self-governance.

“(2) OTHER AUTHORIZED INDIAN TRIBE OR TRIBAL ORGANIZATION.—If an Indian tribe authorizes another Indian tribe or a tribal organization to plan for or carry out a program on its behalf under this title, the authorized Indian tribe or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution).

“(3) JOINT PARTICIPATION.—2 or more Indian tribes that are not otherwise eligible under subsection (b) may be treated as a single Indian tribe for the purpose of participating in self-governance as a tribal organization if—

“(A) each Indian tribe so requests; and

“(B) the tribal organization itself, or at least 1 of the Indian tribes participating in the tribal organization, is eligible under subsection (b).

“(4) TRIBAL WITHDRAWAL FROM A TRIBAL ORGANIZATION.—

“(A) IN GENERAL.—An Indian tribe that withdraws from participation in a tribal organization, in whole or in part, shall be entitled to participate in self-governance if the Indian tribe is eligible under subsection (b).

“(B) EFFECT OF WITHDRAWAL.—If an Indian tribe withdraws from participation in a tribal organization, the Indian tribe shall be entitled to its tribal share of funds and resources supporting the programs that the Indian tribe is entitled to carry out under the compact and funding agreement of the Indian tribe.

“(C) PARTICIPATION IN SELF-GOVERNANCE.—The withdrawal of an Indian tribe from a tribal organization shall not affect the eligibility of the tribal organization to participate in self-governance on behalf of 1 or more other Indian tribes, if the tribal organization still qualifies under subsection (b).

“(D) WITHDRAWAL PROCESS.—

“(i) IN GENERAL.—An Indian tribe may, by tribal resolution, fully or partially withdraw its tribal share of any program in a funding agreement from a participating tribal organization.

“(ii) NOTIFICATION.—The Indian tribe shall provide a copy of the tribal resolution described in clause (i) to the Secretary.

“(iii) EFFECTIVE DATE.—

“(I) IN GENERAL.—A withdrawal under clause (i) shall become effective on the date that is specified in the tribal resolution and mutually agreed upon by the Secretary, the withdrawing Indian tribe, and the tribal organization that signed the compact and

funding agreement on behalf of the withdrawing Indian tribe or tribal organization.

“(II) NO SPECIFIED DATE.—In the absence of a date specified in the resolution, the withdrawal shall become effective on—

“(aa) the earlier of—

“(AA) 1 year after the date of submission of the request; and

“(BB) the date on which the funding agreement expires; or

“(bb) such date as may be mutually agreed upon by the Secretary, the withdrawing Indian tribe, and the tribal organization that signed the compact and funding agreement on behalf of the withdrawing Indian tribe or tribal organization.

“(E) DISTRIBUTION OF FUNDS.—If an Indian tribe or tribal organization eligible to enter into a self-determination contract under title I or a compact or funding agreement under this title fully or partially withdraws from a participating tribal organization, the withdrawing Indian tribe—

“(i) may elect to enter into a self-determination contract or compact, in which case—

“(I) the withdrawing Indian tribe or tribal organization shall be entitled to its tribal share of unexpended funds and resources supporting the programs that the Indian tribe will be carrying out under its own self-determination contract or compact and funding agreement (calculated on the same basis as the funds were initially allocated to the funding agreement of the tribal organization); and

“(II) the funds referred to in subclause (I) shall be withdrawn by the Secretary from the funding agreement of the tribal organization and transferred to the withdrawing Indian tribe, on the condition that sections 102 and 105(i), as appropriate, shall apply to the withdrawing Indian tribe; or

“(ii) may elect not to enter into a self-determination contract or compact, in which case all unexpended funds and resources associated with the withdrawing Indian tribe’s returned programs (calculated on the same basis as the funds were initially allocated to the funding agreement of the tribal organization) shall be returned by the tribal organization to the Secretary for operation of the programs included in the withdrawal.

“(F) RETURN TO MATURE CONTRACT STATUS.—If an Indian tribe elects to operate all or some programs carried out under a compact or funding agreement under this title through a self-determination contract under title I, at the option of the Indian tribe, the resulting self-determination contract shall be a mature self-determination contract as long as the Indian tribe meets the requirements set forth in section 4(h).

“(b) ELIGIBILITY.—To be eligible to participate in self-governance, an Indian tribe shall—

“(1) successfully complete the planning phase described in subsection (c);

“(2) request participation in self-governance by resolution or other official action by the tribal governing body; and

“(3) demonstrate, for the 3 fiscal years preceding the date on which the Indian tribe requests participation, financial stability and financial management capability as evidenced by the Indian tribe having no uncorrected significant and material audit exceptions in the required annual audit of its self-determination or self-governance agreements with any Federal agency.

“(c) PLANNING PHASE.—

“(1) IN GENERAL.—An Indian tribe seeking to begin participation in self-governance shall complete a planning phase as provided in this subsection.

“(2) ACTIVITIES.—The planning phase shall—

“(A) be conducted to the satisfaction of the Indian tribe; and

“(B) include—

“(i) legal and budgetary research; and

“(ii) internal tribal government planning, training, and organizational preparation.

“(d) GRANTS.—

“(1) IN GENERAL.—Subject to the availability of appropriations, an Indian tribe or tribal organization that meets the requirements of paragraphs (2) and (3) of subsection (b) shall be eligible for grants—

“(A) to plan for participation in self-governance; and

“(B) to negotiate the terms of participation by the Indian tribe or tribal organization in self-governance, as set forth in a compact and a funding agreement.

“(2) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under paragraph (1) shall not be a requirement of participation in self-governance.

“SEC. 404. COMPACTS.

“(a) IN GENERAL.—The Secretary shall negotiate and enter into a written compact with each Indian tribe participating in self-governance in a manner consistent with the trust responsibility of the Federal Government, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

“(b) CONTENTS.—A compact under subsection (a) shall—

“(1) specify and affirm the general terms of the government-to-government relationship between the Indian tribe and the Secretary; and

“(2) include such terms as the parties intend shall control during the term of the compact.

“(c) AMENDMENT.—A compact under subsection (a) may be amended only by agreement of the parties.

“(d) EFFECTIVE DATE.—The effective date of a compact under subsection (a) shall be—

“(1) the date of the execution of the compact by the parties; or

“(2) another date agreed upon by the parties.

“(e) DURATION.—A compact under subsection (a) shall remain in effect—

“(1) for so long as permitted by Federal law; or

“(2) until termination by written agreement, retrocession, or reassumption.

“(f) EXISTING COMPACTS.—An Indian tribe participating in self-governance under this title, as in effect on the date of enactment of the Department of the Interior Tribal Self-Governance Act of 2010, shall have the option at any time after that date—

“(1) to retain its negotiated compact (in whole or in part) to the extent that the provisions of the compact are not directly contrary to any express provision of this title; or

“(2) to negotiate a new compact in a manner consistent with this title.

“SEC. 405. FUNDING AGREEMENTS.

“(a) IN GENERAL.—The Secretary shall negotiate and enter into a written funding agreement with the governing body of an Indian tribe or tribal organization in a manner consistent with the trust responsibility of the Federal Government, treaty obligations, and the government-to-government relationship between Indian tribes and the United States.

“(b) INCLUDED PROGRAMS.—

“(1) BUREAU OF INDIAN AFFAIRS AND OFFICE OF SPECIAL TRUSTEE.—

“(A) IN GENERAL.—A funding agreement shall, as determined by the Indian tribe, au-

thorize the Indian tribe to plan, conduct, consolidate, administer, and receive full tribal share funding for all programs carried out by the Bureau of Indian Affairs, the Office of the Assistant Secretary for Indian Affairs, and the Office of the Special Trustee, without regard to the agency or office within which the program is performed (including funding for agency, area, and central office functions in accordance with section 409(c)), that—

“(i) are provided for in the Act of April 16, 1934 (25 U.S.C. 452 et seq.);

“(ii) the Secretary administers for the benefit of Indians under the Act of November 2, 1921 (25 U.S.C. 13), or any subsequent Act;

“(iii) the Secretary administers for the benefit of Indians with appropriations made to agencies other than the Department of the Interior; or

“(iv) are provided for the benefit of Indians because of their status as Indians.

“(B) INCLUSIONS.—Programs described in subparagraph (A) shall include all programs with respect to which Indian tribes or Indians are primary or significant beneficiaries.

“(2) DISCRETIONARY PROGRAMS OF SPECIAL SIGNIFICANCE.—

“(A) IN GENERAL.—A funding agreement under subsection (a) may, in accordance with such additional terms as the parties consider to be appropriate, include programs, services, functions, and activities (or portions thereof), administered by the Secretary, in addition to programs described in paragraphs (1) and (3), that are of special geographical, historical, or cultural significance to the Indian tribe.

“(B) GOVERNING PROVISIONS.—A funding agreement described in subparagraph (A), including the additional terms, shall be governed by this title, except that, subject to the discretion of the Secretary—

“(i) in accordance with section 406(d), the Indian tribe may have reallocation, consolidation, and redesign authority over any program assumed under this paragraph;

“(ii) notwithstanding section 408, the Secretary may require special terms and conditions regarding a construction program or project assumed under this paragraph;

“(iii) all Federal regulations that otherwise govern the operation of any program assumed under this paragraph apply to the Indian tribe, unless a specific regulation is waived by the Secretary under the procedures set forth in section 410(b)(2), which waiver request may be denied upon a specific finding by the Secretary that the waiver is prohibited by Federal law or is inconsistent with the express provisions of the funding agreement; and

“(iv) a stable base budget, as described in paragraph (7)(B), may be provided for any program assumed under this paragraph.

“(3) PROGRAMS OTHERWISE AVAILABLE.—A funding agreement shall, as determined by the Indian tribe, authorize the Indian tribe to plan, conduct, consolidate, administer, and receive full tribal share funding for any program administered by the Department other than through the Bureau of Indian Affairs, the Office of the Assistant Secretary for Indian Affairs, or the Office of the Special Trustee, that the Secretary has determined is otherwise available to Indian tribes or Indians under section 102. Nothing in this paragraph may be construed to provide any Indian tribe with a preference with respect to the opportunity of that Indian tribe to administer programs, services, functions, or activities, or portions thereof, unless that preference is otherwise provided for by law.

“(4) COMPETITIVE BIDDING.—Nothing in this section—

“(A) supersedes any express statutory requirement for competitive bidding; or

“(B) prohibits the inclusion in a funding agreement of a program in which non-Indians have an incidental or legally identifiable interest.

“(5) EXCLUDED FUNDING.—A funding agreement shall not authorize an Indian tribe to plan, conduct, administer, or receive tribal share funding under any program that—

“(A) is provided under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.); and

“(B) is provided for elementary and secondary schools under the formula developed under section 1127 of the Education Amendments of 1978 (25 U.S.C. 2007).

“(6) SERVICES, FUNCTIONS, AND RESPONSIBILITIES.—A funding agreement shall specify—

“(A) the services to be provided under the funding agreement;

“(B) the functions to be performed under the funding agreement; and

“(C) the responsibilities of the Indian tribe and the Secretary under the funding agreement.

“(7) BASE BUDGET.—

“(A) IN GENERAL.—A funding agreement pursuant to paragraphs (1) and (3) shall, at the option of the Indian tribe, provide for a stable base budget specifying the recurring funds (which may include funds available under section 106(a)) to be transferred to the Indian tribe, for such period as the Indian tribe specifies in the funding agreement, subject to annual adjustment only to reflect changes in congressional appropriations.

“(B) DISCRETIONARY PROGRAMS OF SPECIAL SIGNIFICANCE.—Upon agreement by the Secretary, a funding agreement under paragraph (2) may also provide for a stable base budget.

“(8) NO WAIVER OF TRUST RESPONSIBILITY.—A funding agreement shall prohibit the Secretary from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, court decisions, and other laws.

“(c) AMENDMENT.—The Secretary shall not revise, amend, or require additional terms in a new or subsequent funding agreement without the consent of the Indian tribe, unless such terms are required by Federal law.

“(d) EFFECTIVE DATE.—A funding agreement shall become effective on the date specified in the funding agreement.

“(e) EXISTING AND SUBSEQUENT FUNDING AGREEMENTS.—

“(1) SUBSEQUENT FUNDING AGREEMENTS.—Absent notification from an Indian tribe that the Indian tribe is withdrawing or retroceding the operation of 1 or more programs identified in a funding agreement under paragraph (1) or (3) of subsection (b), or unless otherwise agreed to by the parties to the funding agreement or by the nature of any noncontinuing program, service, function, or activity contained in a funding agreement—

“(A) a funding agreement shall remain in full force and effect until a subsequent funding agreement is executed, with funding paid annually for each fiscal year the agreement is in effect; and

“(B) the term of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement for the purposes of calculating the amount of funding to which the Indian tribe is entitled.

“(2) DISPUTES.—Disputes over the implementation of paragraph (1)(A) shall be subject to section 407(c).

“(3) EXISTING FUNDING AGREEMENTS.—An Indian tribe that was participating in self-

governance under this title on the date of enactment of the Department of the Interior Tribal Self-Governance Act of 2010 shall have the option at any time after that date—

“(A) to retain its existing funding agreement (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

“(B) to negotiate a new funding agreement in a manner consistent with this title.

“(4) **MULTIYEAR FUNDING AGREEMENTS.**—An Indian tribe may, at the discretion of the Indian tribe, negotiate with the Secretary for a funding agreement with a term that exceeds 1 year.

“SEC. 406. GENERAL PROVISIONS.

“(a) **APPLICABILITY.**—An Indian tribe and the Secretary shall include in any compact or funding agreement provisions that reflect the requirements of this title.

“(b) **CONFLICTS OF INTEREST.**—An Indian tribe participating in self-governance shall ensure that internal measures are in place to address, pursuant to tribal law and procedures, conflicts of interest in the administration of programs.

“(c) **AUDITS.**—

“(1) **SINGLE AGENCY AUDIT ACT.**—Chapter 75 of title 31, United States Code, shall apply to a funding agreement under this title.

“(2) **COST PRINCIPLES.**—An Indian tribe shall apply cost principles under the applicable Office of Management and Budget circular, except as modified by—

“(A) any provision of law, including section 106; or

“(B) any exemptions to applicable Office of Management and Budget circulars subsequently granted by the Office of Management and Budget.

“(3) **FEDERAL CLAIMS.**—Any claim by the Federal Government against an Indian tribe relating to funds received under a funding agreement based on any audit under this subsection shall be subject to section 106(f).

“(d) **REDESIGN AND CONSOLIDATION.**—An Indian tribe may redesign or consolidate programs or reallocate funds for programs in any manner that the Indian tribe determines to be in the best interest of the Indian community being served, so long as that the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law, except that, with respect to the reallocation, consolidation, and redesign of programs described in section 405(b)(2), a joint agreement between the Secretary and the Indian tribe shall be required.

“(e) **RETROCESSION.**—

“(1) **IN GENERAL.**—An Indian tribe may fully or partially retrocede to the Secretary any program under a compact or funding agreement.

“(2) **EFFECTIVE DATE.**—

“(A) **AGREEMENT.**—Unless an Indian tribe rescinds a request for retrocession under paragraph (1), the retrocession shall become effective on the date specified by the parties in the compact or funding agreement.

“(B) **NO AGREEMENT.**—In the absence of a specification of an effective date in the compact or funding agreement, the retrocession shall become effective on—

“(i) the earlier of—

“(I) 1 year after the date on which the request is submitted; and

“(II) the date on which the funding agreement expires; or

“(ii) such date as may be mutually agreed upon by the Secretary and the Indian tribe.

“(f) **NONDUPLICATION.**—A funding agreement shall provide that, for the period for

which, and to the extent to which, funding is provided to an Indian tribe under this title, the Indian tribe—

“(1) shall not be entitled to contract with the Secretary for funds under section 102, except that the Indian tribe shall be eligible for new programs on the same basis as other Indian tribes; and

“(2) shall be responsible for the administration of programs in accordance with the compact or funding agreement.

“(g) **RECORDS.**—

“(1) **IN GENERAL.**—Unless an Indian tribe specifies otherwise in the compact or funding agreement, records of an Indian tribe shall not be considered to be Federal records for purposes of chapter 5 of title 5, United States Code.

“(2) **RECORDKEEPING SYSTEM.**—An Indian tribe shall—

“(A) maintain a recordkeeping system; and

“(B) on a notice period of not less than 30 days, provide the Secretary with reasonable access to the records to enable the Department to meet the requirements of sections 3101 through 3106 of title 44, United States Code.

“SEC. 407. PROVISIONS RELATED TO THE SECRETARY.

“(a) **TRUST EVALUATIONS.**—A funding agreement shall include a provision to monitor the performance of trust functions by the Indian tribe through the annual trust evaluation.

“(b) **REASSUMPTION.**—

“(1) **IN GENERAL.**—A compact or funding agreement shall include provisions for the Secretary to reassume a program and associated funding if there is a specific finding relating to that program of—

“(A) imminent jeopardy to a trust asset, natural resources, or public health and safety that—

“(i) is caused by an act or omission of the Indian tribe; and

“(ii) arises out of a failure to carry out the compact or funding agreement; or

“(B) gross mismanagement with respect to funds transferred to an Indian tribe under a compact or funding agreement, as determined by the Secretary in consultation with the Inspector General, as appropriate.

“(2) **PROHIBITION.**—The Secretary shall not reassume operation of a program, in whole or part, unless—

“(A) the Secretary first provides written notice and a hearing on the record to the Indian tribe; and

“(B) the Indian tribe does not take corrective action to remedy the mismanagement of the funds or programs, or the imminent jeopardy to a trust asset, natural resource, or public health and safety.

“(3) **EXCEPTION.**—

“(A) **IN GENERAL.**—Notwithstanding paragraph (2), the Secretary may, on written notice to the Indian tribe, immediately reassume operation of a program if—

“(i) the Secretary makes a finding of imminent and substantial jeopardy and irreparable harm to a trust asset, a natural resource, or the public health and safety caused by an act or omission of the Indian tribe; and

“(ii) the imminent and substantial jeopardy, and irreparable harm to the trust asset, natural resource, or public health and safety arises out of a failure by the Indian tribe to carry out the terms of an applicable compact or funding agreement.

“(B) **REASSUMPTION.**—If the Secretary reassumes operation of a program under subparagraph (A), the Secretary shall provide the Indian tribe with a hearing on the record

not later than 10 days after the date of reassumption.

“(c) **INABILITY TO AGREE ON COMPACT OR FUNDING AGREEMENT.**—

“(1) **FINAL OFFER.**—If the Secretary and a participating Indian tribe are unable to agree, in whole or in part, on the terms of a compact or funding agreement (including funding levels), the Indian tribe may submit a final offer to the Secretary.

“(2) **DETERMINATION.**—Not more than 60 days after the date of delivery of a final offer to the designated officials under paragraph (4), the Secretary shall review and make a determination with respect to the final offer.

“(3) **EXTENSIONS.**—The deadline described in paragraph (2) may be extended for any length of time, as agreed upon by both the Indian tribe and the Secretary.

“(4) **DESIGNATED OFFICIALS.**—The Secretary shall designate 1 or more appropriate officials in the Department to receive a copy of the final offer described in paragraph (1).

“(5) **NO TIMELY DETERMINATION.**—If the Secretary fails to make a determination with respect to a final offer within the period specified in paragraph (2), the Secretary shall be deemed to have agreed to the offer.

“(6) **REJECTION OF FINAL OFFER.**—

“(A) **IN GENERAL.**—If the Secretary rejects a final offer (or 1 or more provisions or funding levels in a final offer), the Secretary shall—

“(i) provide timely written notification to the Indian tribe that contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that—

“(I) the amount of funds proposed in the final offer exceeds the applicable funding level to which the Indian tribe is entitled under this title because the final offer would reduce the funds that any other Indian tribe or tribal organization is entitled to receive under Federal law;

“(II) the program that is the subject of the final offer is an inherent Federal function or is subject to the discretion of the Secretary under section 405(b)(2);

“(III) the Indian tribe cannot carry out the program in a manner that would not result in significant danger or risk to the public health;

“(IV) the Indian tribe is not eligible to participate in self-governance under section 403(b); or

“(V) the funding agreement would violate a Federal statute or regulation;

“(ii) provide technical assistance to overcome the objections stated in the notification required by clause (i);

“(iii) provide the Indian tribe with—

“(I) a hearing on the record with the right to engage in full discovery relevant to any issue raised in the matter; and

“(II) the opportunity for appeal on the objections raised (except that the Indian tribe may, in lieu of filing such appeal, directly proceed to initiate an action in a United States district court under section 110(a)); and

“(iv) provide the Indian tribe the option of entering into the severable portions of a final proposed compact or funding agreement (including a lesser funding amount, if any), that the Secretary did not reject, subject to any additional alterations necessary to conform the compact or funding agreement to the severed provisions.

“(B) **EFFECT OF EXERCISING CERTAIN OPTION.**—If an Indian tribe exercises the option specified in subparagraph (A)(iv)—

“(i) the Indian tribe shall retain the right to appeal the rejection by the Secretary under this section; and

“(ii) clauses (i), (ii), and (iii) of subparagraph (A) shall apply only to the portion of the proposed final compact or funding agreement that was rejected by the Secretary.

“(d) **BURDEN OF PROOF.**—In any administrative action, hearing, or appeal or civil action brought under this section, the Secretary shall have the burden of demonstrating—

“(1) by a preponderance of the evidence, the validity of the grounds for a reassumption under subsection (b); and

“(2) by clear and convincing evidence, the grounds for rejecting a final offer made under subsection (c).

“(e) **GOOD FAITH.**—

“(1) **IN GENERAL.**—In the negotiation of compacts and funding agreements, the Secretary shall at all times negotiate in good faith to maximize implementation of the self-governance policy.

“(2) **POLICY.**—The Secretary shall carry out this title in a manner that maximizes the policy of tribal self-governance.

“(f) **SAVINGS.**—

“(1) **IN GENERAL.**—To the extent that programs carried out for the benefit of Indian tribes and tribal organizations under this title reduce the administrative or other responsibilities of the Secretary with respect to the operation of Indian programs and result in savings that have not otherwise been included in the amount of tribal shares and other funds determined under section 409(c), except for funding agreements entered into for programs under section 405(b)(2), the Secretary shall make such savings available to the Indian tribes or tribal organizations for the provision of additional services to program beneficiaries in a manner equitable to directly served, contracted, and compacted programs.

“(2) **DISCRETIONARY PROGRAMS OF SPECIAL SIGNIFICANCE.**—For any savings generated as a result of the assumption of a program by an Indian tribe under section 405(b)(2), such savings shall be made available to that Indian tribe.

“(g) **TRUST RESPONSIBILITY.**—The Secretary may not waive, modify, or diminish in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, other laws, or court decisions.

“(h) **DECISIONMAKER.**—A decision that constitutes final agency action and relates to an appeal within the Department conducted under subsection (c)(4) may be made by—

“(1) an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

“(2) an administrative law judge.

“(i) **RULES OF CONSTRUCTION.**—Each provision of this title and each provision of a compact or funding agreement shall be liberally construed for the benefit of the Indian tribe participating in self-governance, and any ambiguity shall be resolved in favor of the Indian tribe.

“SEC. 408. CONSTRUCTION PROGRAMS AND PROJECTS.

“(a) **IN GENERAL.**—Indian tribes participating in tribal self-governance may carry out construction projects under this title.

“(b) **TRIBAL OPTION TO CARRY OUT CERTAIN FEDERAL ENVIRONMENTAL ACTIVITIES.**—In carrying out a construction project under this title, an Indian tribe may, subject to the agreement of the Secretary, elect to assume some Federal responsibilities under the National Environmental Policy Act of 1969 (42

U.S.C. 4321 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and related provisions of law and regulations that would apply if the Secretary were to undertake a construction project, by adopting a resolution—

“(1) designating a certifying tribal officer to represent the Indian tribe and to assume the status of a responsible Federal official under those Acts or regulations; and

“(2) accepting the jurisdiction of the United States courts for the purpose of enforcing the responsibilities of the certifying tribal officer assuming the status of a responsible Federal official under those Acts or regulations.

“(c) **SAVINGS CLAUSE.**—Notwithstanding subsection (b), nothing in this Act authorizes the Secretary to include in any compact or funding agreement duties of the Secretary under the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other related provisions of law that are inherent Federal functions.

“(d) **CODES AND STANDARDS.**—In carrying out a construction project under this title, an Indian tribe shall—

“(1) adhere to applicable Federal, State, local, and tribal building codes, architectural and engineering standards, and applicable Federal guidelines regarding design, space, and operational standards, appropriate for the particular project; and

“(2) use only architects and engineers who—

“(A) are licensed to practice in the State in which the facility will be built; and

“(B) certify that—

“(i) they are qualified to perform the work required by the specific construction involved; and

“(ii) upon completion of design, the plans and specifications meet or exceed the applicable construction and safety codes.

“(e) **TRIBAL ACCOUNTABILITY.**—

“(1) **IN GENERAL.**—In carrying out a construction project under this title, an Indian tribe shall assume responsibility for the successful completion of the construction project and of a facility that is usable for the purpose for which the Indian tribe received funding.

“(2) **REQUIREMENTS.**—For each construction project carried out by an Indian tribe under this title, the Indian tribe and the Secretary shall negotiate a provision to be included in the funding agreement that identifies—

“(A) the approximate start and completion dates for the project, which may extend over a period of 1 or more years;

“(B) a general description of the project, including the scope of work, references to design criteria, and other terms and conditions;

“(C) the responsibilities of the Indian tribe and the Secretary for the project;

“(D) how project-related environmental considerations will be addressed;

“(E) the amount of funds provided for the project;

“(F) the obligations of the Indian tribe to comply with the codes referenced in subsection (c)(1) and applicable Federal laws and regulations;

“(G) the agreement of the parties over who will bear any additional costs necessary to meet changes in scope, or errors or omissions in design and construction; and

“(H) the agreement of the Secretary to issue a certificate of occupancy, if requested by the Indian tribe, based upon the review and verification by the Secretary, to the sat-

isfaction of the Secretary, that the Indian tribe has secured upon completion the review and approval of the plans and specifications, sufficiency of design, life safety, and code compliance by qualified, licensed, and independent architects and engineers.

“(f) **FUNDING.**—

“(1) **IN GENERAL.**—Funding appropriated for construction projects carried out under this title shall be included in funding agreements as annual or semiannual advance payments at the option of the Indian tribe.

“(2) **ADVANCE PAYMENTS.**—The Secretary shall include all associated project contingency funds with each advance payment, and the Indian tribe shall be responsible for the management of such contingency funds.

“(g) **NEGOTIATIONS.**—At the option of the Indian tribe, construction project funding proposals shall be negotiated pursuant to the statutory process in section 105, and any resulting construction project agreement shall be incorporated into the funding agreement as addenda.

“(h) **FEDERAL REVIEW AND VERIFICATION.**—

“(1) **IN GENERAL.**—The Secretary shall have—

“(A) at least 1 opportunity to review and verify, to the satisfaction of the Secretary, that project planning and design documents prepared by the Indian tribe in advance of initial construction are in conformity with the obligations of the Indian tribe under subsection (c); and

“(B) before the project planning and design documents are implemented, at least 1 opportunity to review and verify to the satisfaction of the Secretary that subsequent document amendments which result in a significant change in construction are in conformity with the obligations of the Indian tribe under subsection (c).

“(2) **REPORTS.**—The Indian tribe shall provide the Secretary with project progress and financial reports not less than semiannually.

“(3) **OVERSIGHT VISITS.**—The Secretary may conduct onsite project oversight visits semiannually or on an alternate schedule agreed to by the Secretary and the Indian tribe.

“(i) **APPLICATION OF OTHER LAWS.**—Unless otherwise agreed to by the Indian tribe and except as otherwise provided in this Act, no provision of the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), the Federal Acquisition Regulations issued pursuant to that Act, or any other law or regulation pertaining to Federal procurement (including Executive orders) shall apply to any construction program or project carried out under this title.

“(j) **FUTURE FUNDING.**—Upon completion of a facility constructed under this title, the Secretary shall include the facility among those eligible for annual operation and maintenance funding support comparable to that provided for similar facilities funded by the Department as annual appropriations are available and to the extent that the facility size and complexity and other factors do not exceed the funding formula criteria for comparable buildings.

“SEC. 409. PAYMENT.

“(a) **IN GENERAL.**—At the request of the governing body of an Indian tribe and under the terms of an applicable funding agreement, the Secretary shall provide funding to the Indian tribe to carry out the funding agreement.

“(b) **ADVANCE ANNUAL PAYMENT.**—At the option of the Indian tribe, a funding agreement shall provide for an advance annual payment to an Indian tribe.

“(c) **AMOUNT.**—

“(1) **IN GENERAL.**—Subject to subsection (e) and sections 405 and 406, the Secretary shall

provide funds to the Indian tribe under a funding agreement for programs in an amount that is equal to the amount that the Indian tribe would have been entitled to receive under contracts and grants under this Act (including amounts for direct program and contract support costs and, in addition, any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the Indian tribe or its members) without regard to the organization level within the Department at which the programs are carried out.

“(2) SAVINGS CLAUSE.—Nothing in this section reduces programs, services, or funds of, or provided to, another Indian tribe.

“(d) TIMING.—

“(1) IN GENERAL.—Pursuant to the terms of any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian tribe all funds provided for in the funding agreement, pursuant to subsection (c), and provide funding for periods covered by joint resolution adopted by Congress making continuing appropriations, to the extent permitted by such resolution.

“(2) TRANSFERS.—Not later than 1 year after the date of enactment of the Department of the Interior Tribal Self-Governance Act of 2010, in any instance in which a funding agreement requires an annual transfer of funding to be made at the beginning of a fiscal year or requires semiannual or other periodic transfers of funding to be made commencing at the beginning of a fiscal year, the first such transfer shall be made not later than 10 days after the apportionment of such funds by the Office of Management and Budget to the Department, unless the funding agreement provides otherwise.

“(e) AVAILABILITY.—Funds for trust services to individual Indians shall be available under a funding agreement only to the extent that the same services that would have been provided by the Secretary are provided to individual Indians by the Indian tribe.

“(f) MULTIYEAR FUNDING.—A funding agreement may provide for multiyear funding.

“(g) LIMITATIONS ON AUTHORITY OF THE SECRETARY.—The Secretary shall not—

“(1) fail to transfer to an Indian tribe its full share of any central, headquarters, regional, area, or service unit office or other funds due under this title for programs eligible under paragraph (1) or (3) of section 405(b), except as required by Federal law;

“(2) withhold any portion of such funds for transfer over a period of years; or

“(3) reduce the amount of funds required under this title—

“(A) to make funding available for self-governance monitoring or administration by the Secretary;

“(B) in subsequent years, except as necessary as a result of—

“(i) a reduction in appropriations from the previous fiscal year for the program to be included in a compact or funding agreement;

“(ii) a congressional directive in legislation or an accompanying report;

“(iii) a tribal authorization;

“(iv) a change in the amount of pass-through funds subject to the terms of the funding agreement; or

“(v) completion of an activity under a program for which the funds were provided;

“(C) to pay for Federal functions, including—

“(i) Federal pay costs;

“(ii) Federal employee retirement benefits;

“(iii) automated data processing;

“(iv) technical assistance; and

“(v) monitoring of activities under this title; or

“(D) to pay for costs of Federal personnel displaced by self-determination contracts under this Act or self-governance under this title.

“(h) FEDERAL RESOURCES.—If an Indian tribe elects to carry out a compact or funding agreement with the use of Federal personnel, Federal supplies (including supplies available from Federal warehouse facilities), Federal supply sources (including lodging, airline transportation, and other means of transportation, including the use of inter-agency motor pool vehicles), or other Federal resources (including supplies, services, and resources available to the Secretary under any procurement contracts in which the Department is eligible to participate), the Secretary shall, as soon as practicable, acquire and transfer such personnel, supplies, or resources to the Indian tribe under this title.

“(i) PROMPT PAYMENT ACT.—Chapter 39 of title 31, United States Code, shall apply to the transfer of funds due under a compact or funding agreement authorized under this title.

“(j) INTEREST OR OTHER INCOME.—

“(1) IN GENERAL.—An Indian tribe may retain interest or income earned on any funds paid under a compact or funding agreement to carry out governmental purposes.

“(2) NO EFFECT ON OTHER AMOUNTS.—The retention of interest or income under paragraph (1) shall not diminish the amount of funds an Indian tribe is entitled to receive under a funding agreement in the year the interest or income is earned or in any subsequent fiscal year.

“(3) INVESTMENT STANDARD.—Funds transferred under this title shall be managed by the Indian tribe using the prudent investment standard, provided that the Secretary shall not be liable for any investment losses of funds managed by the Indian tribe that are not otherwise guaranteed or insured by the Federal Government.

“(k) CARRYOVER OF FUNDS.—

“(1) IN GENERAL.—Notwithstanding any provision of an appropriations Act, all funds paid to an Indian tribe in accordance with a compact or funding agreement shall remain available until expended.

“(2) EFFECT OF CARRYOVER.—If an Indian tribe elects to carry over funding from 1 year to the next, the carryover shall not diminish the amount of funds the Indian tribe is entitled to receive under a funding agreement in that fiscal year or any subsequent fiscal year.

“(1) LIMITATION OF COSTS.—

“(1) IN GENERAL.—An Indian tribe shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount of funds transferred under a compact or funding agreement.

“(2) NOTICE OF INSUFFICIENCY.—If at any time the Indian tribe has reason to believe that the total amount provided for a specific activity under a compact or funding agreement is insufficient, the Indian tribe shall provide reasonable notice of such insufficiency to the Secretary.

“(3) SUSPENSION OF PERFORMANCE.—If, after notice under paragraph (2), the Secretary does not increase the amount of funds transferred under the funding agreement, the Indian tribe may suspend performance of the activity until such time as additional funds are transferred.

“(4) SAVINGS CLAUSE.—Nothing in this section reduces any programs, services, or funds of, or provided to, another Indian tribe.

“(m) DISTRIBUTION OF FUNDS.—The Office of Self-Governance shall be responsible for

distribution of all Bureau of Indian Affairs funds provided under this title unless otherwise agreed by the parties to an applicable funding agreement.

“SEC. 410. FACILITATION.

“(a) IN GENERAL.—Except as otherwise provided by law, the Secretary shall interpret each Federal law and regulation in a manner that facilitates—

“(1) the inclusion of programs in funding agreements; and

“(2) the implementation of funding agreements.

“(b) REGULATION WAIVER.—

“(1) REQUEST.—An Indian tribe may submit to the Secretary a written request for a waiver of applicability of a Federal regulation, including—

“(A) an identification of the specific text in the regulation sought to be waived; and

“(B) the basis for the request.

“(2) DETERMINATION BY THE SECRETARY.—Not later than 120 days after receipt by the Secretary and the designated officials under paragraph (4) of a request under paragraph (1), the Secretary shall approve or deny the requested waiver in writing to the Indian tribe.

“(3) EXTENSIONS.—The deadline described in paragraph (2) may be extended for any length of time, as agreed upon by both the Indian tribe and the Secretary.

“(4) DESIGNATED OFFICIALS.—The Secretary shall designate 1 or more appropriate officials in the Department to receive a copy of the waiver request described in paragraph (1).

“(5) GROUND FOR DENIAL.—The Secretary may deny a request under paragraph (1)—

“(A) for a program eligible under paragraph (1) or (3) of section 405(b), only upon a specific finding by the Secretary that the identified text in the regulation may not be waived because such a waiver is prohibited by Federal law; and

“(B) for a program eligible under section 405(b)(2), upon a specific finding by the Secretary that the waiver is prohibited by Federal law or is inconsistent with the express provisions of the funding agreement.

“(6) FAILURE TO MAKE DETERMINATION.—If the Secretary fails to approve or deny a waiver request within the period required under paragraph (2), the Secretary shall be deemed to have approved the request.

“(7) FINALITY.—A decision of the Secretary under this section shall be final for the Department.

“SEC. 411. DISCLAIMERS.

“Nothing in this title expands or alters any statutory authority of the Secretary in a manner that authorizes the Secretary to enter into any agreement under section 405—

“(1) with respect to an inherent Federal function;

“(2) in a case in which the law establishing a program explicitly prohibits the type of participation sought by the Indian tribe (without regard to whether 1 or more Indian tribes are identified in the authorizing law); or

“(3) that limits or reduces in any way the services, contracts, or funds that any other Indian tribe or tribal organization is eligible to receive under section 102 or any other applicable Federal law.

“SEC. 412. DISCRETIONARY APPLICATION OF OTHER SECTIONS.

“(a) IN GENERAL.—Except as otherwise provided in section 101(c), at the option of a participating Indian tribe or Indian tribes, any of the provisions of title I may be incorporated in any compact or funding agreement under this title.

“(b) EFFECT.—Each incorporated provision under subsection (a) shall—

“(1) have the same force and effect as if set out in full in this title;

“(2) supplement or replace any related provision in this title; and

“(3) apply to any agency otherwise governed by this title.

“(c) EFFECTIVE DATE.—If an Indian tribe requests incorporation at the negotiation stage of a compact or funding agreement, the incorporation shall—

“(1) be effective immediately; and

“(2) control the negotiation and resulting compact and funding agreement.

“SEC. 413. FUNDING NEEDS.

“(a) REQUIREMENT OF ANNUAL BUDGET REQUEST.—

“(1) IN GENERAL.—The President shall identify in a report to accompany the annual budget request submitted to Congress under section 1105 of title 31, United States Code, all amounts necessary to fully fund all funding agreements entered into under this Act.

“(2) DUTY OF SECRETARY.—The Secretary shall identify in a report to accompany each budget request the amount of funds that are sufficient for planning and negotiation grants and sufficient to cover any shortfall in funding identified under subsection (b).

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection authorizes the Secretary to reduce the programs, services, or funds to an Indian tribe.

“(b) PRESENT FUNDING; SHORTFALLS.—

“(1) IN GENERAL.—In each report described in subsection (a)(2), the Secretary shall identify the level of need presently funded and any shortfall in funding (including direct program costs, tribal shares, and contract support costs) for each Indian tribe, directly by the Secretary, under self-determination contracts, or compacts, or funding agreements.

“(2) SCHEDULE.—

“(A) FIRST REPORT.—The first report required under subsection (a)(1) shall be—

“(i) limited to the Bureau of Indian Affairs agency office; and

“(ii) due on February 1, 2012.

“(B) SECOND REPORT.—The second report required under subsection (a)(1) shall—

“(i) include all funding at the Bureau of Indian Affairs agency and regional offices; and

“(ii) due on February 1, 2013.

“(C) SUBSEQUENT REPORT.—Beginning with the third report required under subsection (a)(1), which shall be due on February 1, 2014, all reports required under subsection (a)(1) shall include all funding at the Bureau of Indian Affairs agency, regional, and central offices, the Office of the Assistant Secretary for Indian Affairs, and the Office of the Special Trustee.

“SEC. 414. REPORTS.

“(a) IN GENERAL.—

“(1) REQUIREMENT.—Not later than February 1 of each year, the Secretary shall submit to Congress a report regarding the administration of this title.

“(2) ANALYSIS.—A report under paragraph (1) shall include a detailed analysis of unmet need for each Indian tribe, regardless of whether the Indian tribe is served directly by the Secretary, under self-determination contracts under title I, or under compacts and funding agreements authorized under this title.

“(3) NO ADDITIONAL REPORTING REQUIREMENTS.—In preparing reports under paragraph (1), the Secretary may not impose any reporting requirements on participating Indian tribes not otherwise provided by this title.

“(b) CONTENTS.—Each report under subsection (a)(1) shall—

“(1) be compiled from information contained in funding agreements, annual audit reports, and data of the Secretary regarding the disposition of Federal funds;

“(2) identify—

“(A) the relative costs and benefits of self-governance;

“(B) with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to self-governance Indian tribes and members of Indian tribes;

“(C) the funds transferred to each Indian tribe and the corresponding reduction in the Federal employees and workload;

“(D) the funding formula for individual tribal shares of all Central Office funds, together with the comments of affected Indian tribes, developed under subsection (d); and

“(E) amounts expended in the preceding fiscal year to carry out inherent Federal functions, including an identification of inherent Federal functions;

“(3) contain a description of the methods used to determine the individual tribal share of funds controlled by all components of the Department (including funds assessed by any other Federal agency) for inclusion in compacts or funding agreements;

“(4) before being submitted to Congress, be distributed to the Indian tribes for comment (with a comment period of not less than 30 days); and

“(5) include the separate views and comments of each Indian tribe or tribal organization.

“(c) REPORT ON NON-BIA, NON-OST PROGRAMS.—

“(1) IN GENERAL.—In order to optimize opportunities for Indian tribes participating in self-governance under this title, the Secretary shall—

“(A) review all programs administered by the Department, other than through the Bureau of Indian Affairs, the Office of the Assistant Secretary for Indian Affairs, or the Office of Special Trustee, without regard to the agency or office concerned; and

“(B) not later than January 1 of each year, submit to Congress—

“(i) a list of all such programs that the Secretary determines, with the concurrence of Indian tribes participating in self-governance under this title, are eligible to be included in a funding agreement at the request of a participating Indian tribe; and

“(ii) a list of all such programs for which Indian tribes have requested to include in a funding agreement under paragraph (2) or (3) of section 405(b), indicating whether each request was granted or denied, and stating the grounds for any denial.

“(2) PROGRAMMATIC TARGETS.—The Secretary shall establish programmatic targets, after consultation with Indian tribes participating in self-governance, to encourage bureaus of the Department to ensure that a significant portion of the programs identified in paragraph (1) are included in funding agreements.

“(3) PUBLICATION.—The lists and targets under paragraphs (1) and (2) shall be—

“(A) published in the Federal Register; and

“(B) made available to Indian tribes.

“(4) ANNUAL REVIEW.—

“(A) IN GENERAL.—The Secretary shall annually review and publish in the Federal Register, after consultation with Indian tribes participating in self-governance, revised lists and programmatic targets.

“(B) CONTENTS.—The revised lists and programmatic targets shall include all pro-

grams that were eligible for contracting in the original list published in the Federal Register in 1995, except for programs specifically determined not to be contractible as a matter of law.

“(d) REPORT ON CENTRAL OFFICE FUNDS.—Not later than February 1, 2012, the Secretary shall, in consultation with Indian tribes, develop a funding formula to determine the individual tribal share of funds controlled by the Central Office of the Bureau of Indian Affairs, the Office of the Special Trustee, and the Office of the Assistant Secretary for Indian Affairs for inclusion in the compacts.

“SEC. 415. REGULATIONS.

“(a) IN GENERAL.—

“(1) PROMULGATION.—Not later than 90 days after the date of enactment of the Department of the Interior Tribal Self-Governance Act of 2010, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title.

“(2) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this title shall be published in the Federal Register not later than 18 months after the date of enactment of the Department of the Interior Tribal Self-Governance Act of 2010.

“(3) EXPIRATION OF AUTHORITY.—The authority to promulgate regulations under paragraph (1) shall expire on the date that is 24 months after the date of enactment of the Department of the Interior Tribal Self-Governance Act of 2010.

“(b) COMMITTEE.—

“(1) MEMBERSHIP.—A negotiated rule-making committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and tribal government.

“(2) LEAD AGENCY.—Among the Federal representatives described in paragraph (1), the Office of Self-Governance shall be the lead agency for the Department.

“(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rule-making procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

“(d) EFFECT.—

“(1) REPEAL.—The Secretary may repeal any regulation that is inconsistent with this Act.

“(2) CONFLICTING PROVISIONS.—This title shall supersede any conflicting provision of law (including any conflicting regulations).

“(3) EFFECTIVENESS WITHOUT REGARD TO REGULATIONS.—The lack of promulgated regulations on an issue shall not limit the effect or implementation of this title.

“SEC. 416. EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCES, AND RULES.

“Unless expressly agreed to by a participating Indian tribe in a compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Department, except for—

“(1) the eligibility provisions of section 105(g); and

“(2) regulations promulgated pursuant to section 415.

“SEC. 417. APPEALS.

“Except as provided in section 407(d), in any administrative action, appeal, or civil action for judicial review of any decision made by the Secretary under this title, the Secretary shall have the burden of proof of demonstrating by a preponderance of the evidence—

“(1) the validity of the grounds for the decision; and

“(2) the consistency of the decision with the requirements and policies of this title.

“SEC. 418. APPLICATION OF OTHER PROVISIONS.

“Section 314 of the Department of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101-512; 104 Stat. 1959), shall apply to compacts and funding agreements entered into under this title.

“SEC. 419. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this title.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair now recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. I yield myself such time as I may consume.

Mr. Speaker, under self-governance, Indian tribes assume the duties of the Federal Government for certain programs within the Department of the Interior and the Department of Health and Human Services. Self-governance empowers tribes to exercise their inherent sovereignty and make key decisions that will impact their nations. The widespread success of self-governance since its inception demonstrates that when tribes make the decisions that directly impact their tribal citizens, the outcomes are far greater.

Introduced by our colleague from Oklahoma (Mr. BOREN), H.R. 4347 would amend the self-determination contracting program to allow title 1 tribes to become familiar with the self-governance compacting program. This legislation would also amend the Department of the Interior self-governance program to make it consistent with the self-governance program at the Department of Health and Human Services. It allows Indian tribes to step into the shoes of the Federal Government to administer programs at the Department of the Interior using rules and procedures similar to those used at the Indian Health Service.

I would like to commend Mr. BOREN from Oklahoma for his leadership on this issue, and I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill under consideration today is an amended version of

the bill as reported, and I thank the chairman of the committee and the sponsor of the legislation for their willingness to engage the Republicans on a bipartisan basis in what is a rather complex body of law.

The Republicans hope this bill accomplishes its primary goal, which is to increase the outsourcing to tribes of programs and functions of the Department of the Interior that are provided to Indians because of their status as Indians.

At the core of H.R. 4347 is the principle that Washington, DC, is not capable of managing tribal programs as effectively as the governments of Indian people—the Indian tribes. This bill could be a template for proposals to outsource Federal programs, where appropriate, to States, tribes, and the private sector.

I must say, Mr. Speaker, I'm disappointed that the Obama administration has not provided a formal statement on the position of H.R. 4347, as amended.

□ 1430

Bipartisan staff sought to address concerns expressed by the Department of the Interior in its testimony on the bill as introduced. For this reason, I think the House is owed something in writing from the Department clarifying its views on the amended bill. Regardless, I do not see this silence from the administration as a reason to hold up the progress on the bill.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 4347, which authorizes the Secretary of the Department of the Interior to select up to 50 new Indian tribes per year to participate in self-governance programs. I am proud to co-sponsor the Department of the Interior Tribal Self-Governance Act, and I thank my colleague, Congressman BOREN for introducing this legislation.

As a member of the Native American Caucus, I have worked with my colleagues in Congress to address the needs of Native Americans. This legislation will allow eligible tribes to assume the duties of the Federal Government for certain programs within the Department of the Interior and the Department of Health and Human Services.

Mr. Speaker, the Government Accounting Office has shown that tribes that participate in self-governance have seen greater gains in employment than tribes that do not. The passage of this legislation will allow more tribes to participate in self-governance programs and increase the financial prospects for its members.

California is home to over 100 federally recognized tribes. These tribes deserve the opportunity to participate in self-governance programs should they desire to do so.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 4347 and allow Native American tribes the opportunity to enter into self-governance agreements. Native Americans should be afforded the opportunity to administer their programs and increase employment among its members.

Mr. HONDA. Mr. Speaker, I rise to express my support for H.R. 4347, “The Department of the Interior Tribal Self-Governance Act.” This legislation gets us much closer to fulfilling our special nation-to-nation relationship with Native American people and tribes in our country. H.R. 4347 includes critical amendments to the Indian Self-Determination and Education Assistance Act that essentially allow for greater self-governance by Indian tribes; it directs the Secretaries of the Departments of the Interior and Health and Human Services to implement criteria that make it possible for more tribes to learn about and eventually enter into self-governance compacts or agreements to administer whole programs currently performed by the Federal Government. In addition to enhancing their sovereignty, this legislation has the potential to significantly improve the effectiveness of social, education, and health programs because leaders within specific Indian Tribes are often in the best position to determine the needs of their communities. Additionally, as suggested by a 2004 report by the Government Accountability Office (GAO), Indian tribes that participated in self-governance agreements often experienced greater growth in employment levels from 1990 to 2000 compared to those that had either lower or no participation in these programs.

I have been an ardent supporter of tribal sovereignty throughout my career as an elected official, and advocated to ensure that the Federal Government is accountable for exercising its full fiduciary responsibility. During my early career as an educator, I traveled through Indian Country doing educational research for Stanford University. Over the past 15 years serving in the California State Assembly and U.S. Congress, I have authored legislation and voted to support measures that respect and protect tribal sovereignty.

As a member of the Congressional Native American Caucus since coming to Congress in 2001, I have been a strong supporter of full respect and recognition of tribal jurisdictions, for the expansion of tribal courts, the protection of Indian water and fishing rights, increased funding for the Bureau of Indian Affairs and key programs serving Indian Country. As a member of the House Appropriations Committee, I have fought to increase funding for vital self-governance programs and funding for programs serving Indian Country.

Once again, Mr. Speaker, I am proud that the House of Representatives has taken a significant step in the right direction!

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 4347, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ALLOWING YSLETA DEL SUR PUEBLO TRIBE TO DETERMINE BLOOD REQUIREMENT FOR MEMBERSHIP

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5811) to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BLOOD QUANTUM REQUIREMENT DETERMINED BY TRIBE.

Section 108(a)(2) of the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act (25 U.S.C. 1300g-7(a)(2)) is amended to read as follows:

“(2) any person of Tigua Ysleta del Sur Pueblo Indian blood enrolled by the tribe.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

One of the greatest exercises of tribe sovereignty is the ability of a tribe to determine its tribal membership. This measure would allow a Texas tribe to determine the blood quantum requirement for membership in that tribe.

My colleague, the gentleman from Texas (Mr. REYES), introduced H.R. 5811 to restore the tribe's right to determine its own membership requirements by deleting a blood quantum requirement specified in a 1987 law. Passage of this legislation would extend to the tribe the same sovereign right possessed by all other Indian tribes: The ability to determine who is and who is not a member of that tribe.

This measure is long overdue. I commend my colleague for introducing it. Similar legislation passed the House last Congress by unanimous consent. I urge Members to support this measure.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, the gentlelady from the Virgin Islands has adequately described this legislation.

I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the sponsor of this legislation, the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I want to thank the gentlelady for yielding me this time, and the ranking member and the chairman for supporting this bill. It is a very important bill for us, for the Ysleta del Sur Pueblo Tribe and Alabama and Coushatta Indian Tribes.

Mr. Speaker, I rise to support H.R. 5811, a bill I introduced to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act of 1987 to allow the Ysleta del Sur Pueblo Tigua tribe the authority to determine the blood quantum requirement for membership in their tribe. Since coming to Congress, I have been proud to represent the Tiguas and I have continually fought to lift this requirement.

My Congressional district in El Paso is home to the Tigua Ysleta del Sur Pueblo, the oldest community in Texas. They are one of the three Native American tribes and the only Pueblo tribe in the state. The Tiguas have maintained a significant presence in the El Paso region with tribal enrollment currently over 1,600 citizens. The Tiguas have also been very active participants in the regional business community for almost 40 years. The tribe strives to establish a business-friendly environment while maintaining their culture and traditions. The tribe owns and operates a diverse set of enterprises and corporations that provide employment for both tribal members and the El Paso community.

However, the Tiguas are one of a very few federally-recognized tribes still required by Federal law to use a specified degree of blood quantum to determine membership. If the current $\frac{1}{8}$ degree requirement remains in effect, Tigua tribal membership will decline significantly within three generations.

For decades, other tribal governments have used a variety of methods to determine membership. The decision to use a blood quantum requirement has been at the discretion of the tribe as a part of their tribal sovereignty. Tribes have also been able to determine if lineal and collateral descendants of members listed in their base rolls are eligible to be enrolled.

My bill will allow the Tiguas the same opportunity as other recognized tribes to use these methods, and specifically blood quantum levels, to determine membership. With H.R. 5811, individuals removed from the rolls in previous years and others will be able to petition for enrollment. Historically, many of these members would normally have been included as members of the tribe.

This bill is the life blood of the tribe. By modifying the tribal enrollment requirements, the Tiguas will be able to preserve the unique character and traditions of their tribe based on shared history, customs, and language in addition to tribal blood. This bill will ensure their survival as the oldest community in Texas and the only Pueblo still in existence in the State. This bill has passed twice before in the House of Representatives, and I urge my colleagues to support passage of this bill.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 5811, which allows

the Ysleta del Sur Pueblo Tribe to determine the blood quantum requirement for membership in their tribe. I thank my colleague, Congressman REYES for introducing this legislation.

This legislation will specifically allow the Ysleta del Sur Pueblo Indian tribe to determine their membership. Native American tribes should be afforded the opportunity to determine the qualifications for membership in their tribes.

Mr. Speaker, as a member of the Native American Caucus, I will continue to work with my colleagues in Congress to address the unique needs of Native Americans.

California is home to over one hundred federally recognized tribes. Earlier this month, I was able to meet with the Pauma Band of Mission Indians. The reservation is located in Pauma Valley, California. The Pauma Band of Mission Indians and others across the nation should be permitted to determine their requirements to be a member, rather than having to rely on some outside body to make this determination.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 5811.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 5811.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CASA GRANDE RUINS NATIONAL MONUMENT BOUNDARY MODIFICATION ACT OF 2010

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5110) to modify the boundary of the Casa Grande Ruins National Monument, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Casa Grande Ruins National Monument Boundary Modification Act of 2010”.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term “map” means the map entitled “Proposed Casa Grande Ruins Boundary Modification”, numbered 303/100,934, and dated January 2010.

(2) MONUMENT.—The term “Monument” means the Casa Grande Ruins National Monument in the State of Arizona.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of Arizona.

SEC. 3. ACQUISITION AND TRANSFER OF ADMINISTRATIVE JURISDICTION OF LANDS.

(a) **ACQUISITION OF LANDS.**—The Secretary is authorized to acquire by donation, exchange, or purchase with donated or appropriate funds from willing owners only, the private or State lands or interests in lands generally depicted on the map, to be administered as part of the Monument.

(b) **TRANSFER OF ADMINISTRATIVE JURISDICTION TO NPS.**—The following Federal lands as generally depicted on the map are hereby withdrawn from all forms of entry, appropriation, and disposal under the public land laws; location, entry, and patent under the mining laws; and operation of the mineral leasing and geothermal leasing laws and mineral materials laws, and administrative jurisdiction of such Federal lands is hereby transferred to the National Park Service to be administered as part of the Monument:

(1) The approximately 3.8 acres of Federal land administered by the Bureau of Land Management.

(2) The approximately 7.41 acres of Federal land of administered by the Bureau of Indian Affairs.

(c) **TRANSFER OF ADMINISTRATIVE JURISDICTION TO BIA.**—Administrative jurisdiction of the approximately 3.5 acres of Federal land administered by the National Park Service as generally depicted on the map as “Lands to be Transferred to BIA” are hereby transferred to the Bureau of Indian Affairs for the purposes of the San Carlos Irrigation Project.

(d) **ADMINISTRATION.**—Upon acquisition or transfer of the lands identified in subsections (a) and (b), the Secretary shall administer those lands as part of the Monument in accordance with the laws generally applicable to units of the National Park System, including—

(1) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(2) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(e) **BOUNDARY AND MAP UPDATE.**—

(1) **TRANSFERS.**—Upon completion of the transfers pursuant to subsection (b), the Secretary shall modify the boundary of the Monument accordingly, and shall update the map to reflect such transfers.

(2) **ACQUISITIONS.**—Upon completion of any of the acquisitions pursuant to subsection (a), the Secretary shall modify the boundary of the Monument accordingly, and shall update the map to reflect such acquisitions.

(f) **MAP ON FILE.**—The map shall be on file and available for inspection in the appropriate offices of the National Park Service, U.S. Department of the Interior.

SEC. 4. ADMINISTRATION OF STATE TRUST LANDS.

The Secretary may enter into an agreement with the State to provide for cooperative management of the approximately 200 acres of State trust lands generally depicted on the map.

SEC. 5. BOUNDARY STUDY.

(a) **IN GENERAL.**—The Secretary shall conduct a study to identify any additional lands that the Secretary considers appropriate to be a part of any future adjustments to the boundary of the Monument.

(b) **CRITERIA.**—The study shall examine the natural, cultural, recreational, and scenic values and characteristics of the lands identified under subsection (a).

(c) **REPORT.**—Not later than 3 years after the date funds are made available for the study under this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 5110 would add 415 acres to Casa Grande Ruins National Monument located south of Phoenix, Arizona.

Currently, the 472-acre monument represents only part of the historic Native American community that once existed in that area. A 2003 National Park Service report identified seven parcels for potential addition to this monument.

H.R. 5110 authorizes the acquisition of three properties “by donation, exchange, or purchase with donated or appropriated funds from willing owners only.”

Mr. Speaker, H.R. 5110 is a good bill. Representative ANN KIRKPATRICK has worked hard to bring it to the floor, and I urge the House to approve it.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are many things in my view that are wrong with this bill, but I just want to point out three of them. First, this bill represents wasteful and unnecessary spending at a time of exploding Federal debt. Second, it lacks needed protection for private property rights. Third, it expands the already bloated Federal Government at a time when our priority should be on jobs and economic growth, not the growth of government.

It shouldn't be necessary to point out that at a time of near double-digit unemployment and trillion-dollar debt, we really ought to be working to unleash private-sector economic growth so more Americans can find jobs, can pay their mortgages, and provide for a better life for their families. Instead, as usual, with the current Democrat leadership, we are talking about borrowing more money from foreign countries to pass a bill to further aggrandize the Federal estate.

The National Park Service estimates that it would cost \$10 million to buy the land targeted in this bill. Now this isn't beachfront property in the Virgin Islands like we saw targeted earlier in this Congress. Instead, it is in the Arizona desert. But we are hearing the

same argument why we should go along with this.

Are these private lands in danger of being injured by development? Hardly. It seems some of the land may be owned by the State or a wealthy non-profit presumably created to protect the land from development. There is no urgent need to borrow money to buy this land right now. No one can claim that these lands are in imminent danger.

Further, this legislation does not protect the rights of private property owners. Instead it continues the disturbing practice of Congress drawing boundaries of Federal land management areas around private property, even in cases where the landowners have not given their written approval.

When Congress expands Federal boundaries to encircle private property, we sometimes shower ourselves in praise for protecting private property from the dreaded private property owner. But Congress should only draw boundaries around lands the Federal Government already owns, not around what it wants to own.

I know the bill purports to protect private property, but it does nothing, Mr. Speaker, and this is important, it does nothing to restrain the eminent domain authority already possessed by the Secretary of the Interior according to both Federal case law and the Congressional Research Service. This bill expands an area previously designated under the Antiquities Act. As the Committee on Natural Resources learned from recently leaked Department of the Interior documents, this administration is strongly interested in creating new national monuments or expanding existing ones, and doing so with or without Congress.

The American people are way ahead of Washington on these issues, Mr. Speaker. They know that what we should be doing is controlling spending, protecting private property, taking better care of the land we already own, and reducing the dead weight of taxation and Federal bureaucracy that is stifling free enterprise, which is the engine of economic growth.

□ 1440

With that being said, there are parts of this bill that I could support, such as clearing up administrative jurisdiction issues and a boundary modification to remedy trespassing issues for an irrigation project. However, I am sorry that these sections, which had broad support, weren't allowed to stand on their own.

So for those reasons I've cited, I urge a “no” vote on H.R. 5110.

I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as she may consume to the sponsor of this important piece of legislation, the gentlewoman from Arizona, Representative ANN KIRKPATRICK.

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise in support of my legislation, H.R. 5110, the Casa Grande Ruins National Monument Boundary Modification Act.

In Coolidge, Arizona, we have the largest prehistoric structure in the Nation—the Casa Grande Ruins National Monument. Throughout Coolidge and the nearby city of Florence, there is evidence of prehistoric structures—homes, irrigation canals and potential recreational facilities.

Each year, thousands of visitors come to Pinal County to visit the ruins, to learn about the ancient Hohokam culture that lived there, and to see the amazing prehistoric architecture they left behind. Protecting more of these sensitive areas will allow further development of tourism to the area, and it will help fulfill the mission of the monument.

The legislation under consideration today does two things. First, it allows an expansion of the boundary of the monument to include land nearby, which will greatly enhance the existing site. Second, it provides for a study to determine what additional sites in Coolidge and Florence could be incorporated in the future.

This bill is critical to the economic development of Coolidge and Florence and of the entire county. It is critical for the preservation of cultural and historical sites, which is unequaled anywhere else on the continent. It is the kind of low-cost, job-creating project we need in Arizona.

Mr. Speaker, since I have been in Congress, I have been the voice of fiscal discipline, and I have been looking for low-cost, job-creating projects. This is one of them. This project would create hundreds of jobs in an area where it does have double-digit unemployment. Talk about double-digit unemployment—that's in my district. That is what this is going to address. This is a low-cost jobs project.

Let me tell you that this is exactly why the American people right now are so angry and frustrated. It is why I am angry and frustrated, and it is why you are angry and frustrated. It is because Washington is not listening to the local people. The people of Coolidge and Florence have worked on this project for years. It is not about partisanship. They have come together as local community leaders and as private businesses to support this job-creation project. It makes common sense. Yet, once again, Washington is not going to listen to the voices of the American people. Once again, Washington is going to impose its partisan bickering to stop jobs and to not listen to the American people. That is what is wrong with Washington.

I urge my colleagues to vote "yes" on this critical legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that it is not

in order to address occupants of the gallery.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, I am sorry the gentlewoman from Arizona did not yield to me so I could ask her a question as we have heard a great deal of talk here on the floor about jobs creation. I am certainly one who believes that we need to create jobs, particularly in the private sector, because the private sector is the engine of growth in our country.

I was simply going to ask the gentlewoman if she could document officially how many jobs have been created. The reason, Mr. Speaker, is that this existing area is already some 1,600 acres. To suggest that an area which is 1,600 acres is not creating jobs but that adding some 400-plus acres would create jobs flies in the face of common sense.

What this bill is all about, once again, is the Federal Government's buying more land when we have a backlog of some \$9 billion of maintenance in this country. Yet here we are, trying to add more land, which presumably adds more to the backlog. The American people get it. They understand it. While this is small, I understand, Mr. Speaker, it is the reason I think this bill is ill-advised today. I urge my colleagues to vote "no."

I yield back the balance of my time. Mrs. CHRISTENSEN. Mr. Speaker, I also want to commend Congresswoman KIRKPATRICK for her leadership in preserving the culture, history and artifacts of this important area.

Just like Castle Nugent, enacting this bill spends no money and acquires no land—none. What it does is puts in place the authority necessary to acquire these invaluable pieces of our ancient past if and when the time is right and the money is available. Given the value of the resources involved, this should be an easy decision. It would be a shame if political gamesmanship and partisan bickering allowed these pieces of our past, the jobs that would be created, and the hard work of the people of this part of Arizona to be lost forever.

I ask my colleagues to vote "yes" on this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 5110, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

SEDONA-RED ROCK NATIONAL SCENIC AREA ACT OF 2010

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4823) to establish the Sedona-Red Rock National Scenic Area in the Coconino National Forest, Arizona, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sedona-Red Rock National Scenic Area Act of 2010".

SEC. 2. SEDONA-RED ROCK NATIONAL SCENIC AREA, COCONINO NATIONAL FOREST, ARIZONA.

(a) **ESTABLISHMENT.**—There is established in the Coconino National Forest, Arizona, the Sedona-Red Rock National Scenic Area (in this section referred to as the "Scenic Area") for the purposes of—

(1) limiting exchanges of land involving National Forest System land included in the Scenic Area; and

(2) managing the National Forest System land included in the Scenic Area as provided in the land and resource management plan for the Coconino National Forest.

(b) **BOUNDARIES.**—The Scenic Area shall consist of approximately 160,000 acres of National Forest System land in the Coconino National Forest, as generally depicted on the map entitled "Sedona-Red Rocks National Scenic Area" and dated June 7, 2010. The Scenic Area shall not include any land located outside the boundaries of the Coconino National Forest.

(c) **MAP AND BOUNDARY DESCRIPTION.**—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file a map and boundary description of the Scenic Area with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The map and boundary description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and description. The map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) **ADMINISTRATION.**—The Secretary of Agriculture shall administer the Scenic Area in accordance with this Act, the land and resource management plan for the Coconino National Forest (including any subsequent amendment or revision of the plan), and the laws and regulations generally applicable to the National Forest System. In the event of conflict between this Act and such other laws and regulations, this Act shall take precedence.

(e) **RESTRICTION ON SCENIC AREA LAND EXCHANGES.**—With regard to acquisitions of land for public purposes, land exchanges that dispose of National Forest System land included in the Scenic Area may occur only if—

(1) the exchange results in the acquisition of land within the boundaries of the Scenic Area from a willing seller for inclusion in the Scenic Area;

(2) there is no net loss of National Forest System land within the boundaries of the Scenic Area; and

(3) an environmental analysis in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and consistent with the applicable forest plan amendment is completed before any land exchange within the boundaries of the Scenic Area.

(f) DEPOSIT OF CONSIDERATION FROM CERTAIN LAND SALES; USE.—

(1) DEPOSIT OF PROCEEDS.—Moneys received by the Secretary of Agriculture from the sale or exchange of land located in the Coconino National Forest shall be deposited in the fund established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(2) USE OF FUNDS.—Notwithstanding the limitations on the use of moneys deposited in the fund established by Public Law 90-171, moneys deposited under paragraph (1) shall be available for use by the Secretary of Agriculture, without further appropriation and until expended, for the acquisition of land or interests in land within the National Forest System in Arizona.

(g) NO EFFECT ON SURROUNDING LAND, ROADS, OR EASEMENTS.—The establishment of the Scenic Area does not affect—

(1) the maintenance or use of public, private, or Forest Service roads within the Scenic Area;

(2) the legal status, maintenance, or use of rights-of-way and utility easements within the Scenic Area;

(3) the management of State, municipal, or private land located in the vicinity of or within the boundaries of the Scenic Area;

(4) the management of National Forest System land that is not included in the Scenic Area; or

(5) the construction or siting of transportation projects or water projects (and associated facilities) within the Scenic Area or in areas outside the Scenic Area.

(h) NO CAUSE OF ACTION.—Nothing in this Act creates a private cause of action in any Federal, state or tribal court.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. I yield myself such time as I may consume.

Mr. Speaker, H.R. 4823, introduced by Congresswoman ANN KIRKPATRICK, would authorize the establishment of the Sedona-Red Rock National Scenic Area in the Coconino National Forest in northern Arizona.

This legislation would protect approximately 160,000 acres by restricting land exchanges within the scenic area and by managing the land within the scenic area for conservation purposes. The bill specifically provides that the establishment of the national scenic area shall not impact surrounding land, roads or easements nor will it impact utility easements, the manage-

ment of State, municipal or private land or the management of surrounding national forest land.

Mr. Speaker, 4823 is a good bill. Representative KIRKPATRICK has worked diligently with residents, officials, and business owners to craft this legislation, making it widely popular in the community of Sedona.

I urge Members to support H.R. 4823.

I reserve the balance of my time.

□ 1450

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have concerns about how this "National Scenic Area" designation will affect the safety, welfare, and economic livelihoods of those who live and work within this 160,000-acre proposal.

Mr. Speaker, there is no underlying act for national scenic areas, as is the case for wilderness proposals and wild and scenic river designations. Instead, unless guidelines are set limiting how restrictive the designation will be, a National Scenic Area designation is accompanied by only hope and uncertainty.

H.R. 4823 is silent on everything but the fact that land exchanges are prohibited. This sort of vague and open-ended delegation of authority is an invitation to litigation and bureaucratic overreach. So for that reason, Mr. Speaker, I cannot support this legislation in its current form.

I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Arizona, Representative KIRKPATRICK.

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise in support of my legislation, H.R. 4823, the Sedona-Red Rock National Scenic Area Act.

I have often said that the congressional district I am fortunate to represent is the most beautiful in the country. The iconic red rocks that surround the Sedona community and extend into the Verde Valley are indeed a national treasure that is unparalleled. Millions of visitors come from across the Nation and around the globe each year to see the red rocks.

The communities throughout Red Rock Country in Arizona have, for years, discussed the long-term protection of the amazing natural resource that surrounds the area. A nonpartisan community coalition came together to advocate for protection of the red rocks through a National Scenic Area, as designated by Congress.

Preserving the natural beauty of the red rocks will ensure that our great-grandchildren will be able to enjoy this unique site just as we do. Just as important, it will attract new visitors and more business to the surrounding communities, getting folks to work during this economic downturn. This

bill is necessary to secure these tremendous benefits.

Last year, I circulated draft legislation to local stakeholders, to supporters, and to those with concerns. The Forest Service, the city government, the local Chamber of Commerce, the coalition, Realtors, small business owners, and concerned citizens provided valuable comments and edits to the text of this proposed bill. Through the House Natural Resources Committee, the bill has been further amended by both Republicans and Democrats and was reported from committee without objection.

Good ideas and good policy come from the people, and this bill is the culmination of much debate and feedback in the communities it will affect. Thanks to the involvement of so many people with so many different perspectives, we have put together legislation that will work better for the Sedona area now and in the future. It is the first step forward in moving towards meaningful, long-term protection of the area and towards economic development for the region.

Once again, Mr. Speaker, this is a low-cost jobs project. There is no cost to this. It is a project that I have been looking for that creates jobs that requires Federal action, not Federal spending.

It's appalling, but not surprising, that my esteemed colleagues on the other side of the aisle oppose a low-cost jobs project. They clearly do not understand what's happening to the American people who do not have a job. And when you do not have a job right now, nothing else matters. And it is unbelievable to me that, again, partisan bickering in Washington—not in Sedona—is going to stop a job creation bill.

It's time that Washington started listening to the American people. The people in Sedona are able to put aside partisan bickering and come together for the good of the community and to create jobs, and Washington cannot do the same? Believe me, I will let the folks back home know who rose in opposition, who let partisan bickering drown out their voices and drown out their common sense.

I have always said it is the American people that are going to turn this country around, not Washington, and this is exactly why. This is exactly why: Partisan bickering that gridlocks Washington.

Shame on you.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Apparently the gentlelady from Arizona wasn't listening to what I said in my opening remarks as to what concerns I had with this bill. I wish that she had yielded to me because I could have asked a question and maybe she

could have enlightened me. But my understanding is there is absolutely nothing in Federal law that designates or describes what a scenic area is. Unlike a wilderness area, unlike a wild and scenic river, nothing describes what a scenic area is. I said in my opening remarks that the reason I oppose this is simply because the vagueness of this opens up potential litigation that will likely affect those surrounding this area. That's what my concern is. I would be willing to work with anybody to try to resolve these issues, but to suggest that my opposition to this is because I am opposed to jobs, it simply misses the point. The gentlelady was simply not listening to what I was saying.

Now, I do have a concern when there are Federal dollars that are spent, but there are no Federal dollars on this; it's simply that we don't have what a designation is. In fact, one could say, Mr. Speaker, if one were thinking in a mischievous way, that the only job creation that legislation like this would create, if it were passed, would be for the trial bar because they could sue over something that is not described in statute. Who wins by that? I don't think the private property owners around this area would win by that.

So I'm disappointed that she would use the tone of argument against our opposition as not trying to work together. There is just simply no designation for "scenic" in Federal statute. Don't you think we ought to have some designation before we designate something "scenic"?

Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, it's been clear from listening to my colleague Mrs. KIRKPATRICK that not only she, but the community, recognizes that this bill is good for business and good for jobs. People come from all over the world to enjoy the unique red rock landscape and the world-class recreational opportunities this place offers.

This bill helps conserve that landscape that the community relies on for tourism. In fact, there were several amendments offered by the other side of the aisle at markup, and all of the amendments offered by the minority were accepted and they addressed their concerns then. In markup, Mr. FLAKE also added to this clause a section that provided that the construction or siting of transportation projects or water projects within the scenic area or outside the scenic area would not be impacted.

This is a good bill which the people of Mrs. KIRKPATRICK's district strongly support. The community has diligently worked together to help get this bill here today, and I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 4823, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1500

DISTRICT OF COLUMBIA LAND CONVEYANCE

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5494) to direct the Director of the National Park Service and the Secretary of the Interior to transfer certain properties to the District of Columbia, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF CERTAIN PROPERTIES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer to the District of Columbia by quitclaim deed all right, title, and interest of the United States to the following properties in the District of Columbia:

(1) *Square 336, Lot 828, as shown on Assessment and Taxation Plat 3761-Y among the records of the Surveyor of the District of Columbia (Shaw Junior High School recreation fields).*

(2) *Square 542, Lot 85, as referenced on page 104 of Subdivision Book 141 and shown on Map 8634 among the records of the Surveyor of the District of Columbia (Southwest Library).*

(3) *Square 2864, Lot 830, as shown on Assessment and Taxation Plat 3495-G among the records of the Surveyor of the District of Columbia (Meyer Elementary School).*

(4) *Reservation 277-A, as shown on page 4 of Subdivision Book 134 among the records of the Surveyor of the District of Columbia.*

(5) *Square 2558, Lot 803, as shown on Assessment and Taxation Plat 65 among the records of the Surveyor of the District of Columbia (a portion of the Marie H. Reed Community Learning Center).*

(6) *Square 2558, Lot 810, as shown on Assessment and Taxation Plat 65 among the records of the Surveyor of the District of Columbia (a portion of the Marie H. Reed Community Learning Center).*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 5494 was introduced by Congresswoman ELEANOR HOLMES NORTON of the District of Columbia in June 2010. The bill would direct the Secretary of the Interior to transfer title to six small Federal properties to the District of Columbia.

This land transfer will allow the city government to better maintain these properties as well as plan for their future development.

Mr. Speaker, Congresswoman NORTON is a tireless advocate for the people of the District and should be commended for her work on this bill. I congratulate her on her efforts and urge the House to support this bill.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, the gentlelady from the Virgin Islands has adequately explained this bill.

I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, the sponsor of H.R. 5494, Congresswoman ELEANOR HOLMES NORTON, is chairing a committee meeting at this time, so she is unable to be on the floor. Therefore under general leave, I am submitting the statement of Congresswoman NORTON for the RECORD.

Ms. NORTON. Mr. Speaker, I want to thank the chairman of the Committee on Natural Resources, NICK RAHALL, and subcommittee chair RAÚL GRIJALVA for their delightful work in moving this important bill to the House floor. H.R. 5494 will transfer ownership of certain properties in the District from the National Park Service (NPS) to the District of Columbia. NPS supports the transfer of these small, scattered properties. These isolated parcels are of no use to NPS, but can be useful for overall livability in the city.

The District of Columbia is land-poor because the federal government owns much of the land here, and certainly the best located land. In fact, these transfers achieve a balance between the city and NPS, by addressing the city's growing need for land in a manner consistent with NPS's mission to protect parkland. These small parcels are scattered throughout the city and include a portion of the Marie H. Reed Community Learning Center, the old Meyer Elementary School site, the Shaw Junior High School recreational fields, the Southwest Library site, and a small traffic island at the intersection of North Capitol Street and Florida Avenue. The transfer of these small parcels will allow the District to develop recreational fields, encourage economic development and improve livability in the District of Columbia.

As we begin to emerge from the Great Recession, the District needs all available tools and resources to help promote economic recovery. For years, the District has managed

and maintained these properties, which have no national, regional or historical significance, and are of no interest to the federal government. My bill simply allows the District to better utilize the limited land here for the benefit of the city and its residents.

I ask my colleagues to pass this non-partisan, non-controversial land transfer bill.

Mrs. CHRISTENSEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 5494, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to direct the Secretary of the Interior to transfer certain properties to the District of Columbia."

A motion to reconsider was laid on the table.

AUTHORIZING PEACE CORPS COMMEMORATIVE WORK

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4195) to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MEMORIAL TO COMMEMORATE THE ESTABLISHMENT OF THE PEACE CORPS AND TO HONOR THE IDEALS UPON WHICH IT WAS FOUNDED.

(a) AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.—The Peace Corps Commemorative Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate the formation of the Peace Corps and to honor the ideals upon which the Peace Corps was founded.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS ACT.—The establishment of the commemorative work shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the "Commemorative Works Act").

(c) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to pay any expense of the establishment of the commemorative work. The Peace Corps Commemorative Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work.

(d) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses for the establishment of the commemorative work (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), or upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of

funds received for the establishment of the commemorative work, the Peace Corps Commemorative Foundation shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

SEC. 2. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 4195 would authorize the Peace Corps Commemorative Foundation to establish a commemorative work on Federal land in the District of Columbia. The Foundation was created to promote a memorial to "honor the pre-eminent historical and lasting significance of the establishment of the Peace Corps . . . and the American ideals and values upon which it was founded."

H.R. 4195 was introduced by Congressman FARR, one of six Members of Congress who have served in the Peace Corps. I commend Representative FARR for his persistence in championing the Peace Corps and this legislation, and I urge Members to support H.R. 4195.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 4195 has once again been adequately explained by the gentlelady from the Virgin Islands. However, I would like to emphasize—and I think this is important in the discussion we're having today—that this project would be planned, constructed, and maintained using non-Federal funds. We ought to look at that probably more often in programs we address here.

I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the sponsor of this legislation, the gentleman from California, Congressman FARR.

Mr. FARR. Mr. Speaker, I rise on behalf of my colleagues in Congress who are return Peace Corps volunteers—Congressman PETRI, Congressman HONDA, Congressman DRIEHAUS, and Congressman GARAMENDI.

Fifty years ago this October in a pre-dawn address, then-Presidential candidate, John F. Kennedy, challenged students at the University of Michigan to give 2 years of their lives to improve America's image by serving abroad.

This impromptu exhortation ultimately set the stage for the Peace Corps, redefined U.S. global engagement, and elevated American moral standing at the height of the Cold War.

The idea ignited the public imagination and the executive branch initiated the program rapidly. Losing no time, President Kennedy ordered Sargent Shriver to do a feasibility study. Sargent Shriver said at the time, "We received more letters from people offering to work in or to volunteer for the Peace Corps, which did not then exist, than for all other existing Federal agencies."

I was one of those early recruits who found in the Peace Corps an avenue for national service. And just as 8,000 current volunteers are doing today around the world, I did many years ago in Medellin, Colombia, South America.

As a member of the Peace Corps, you wake up in a distant country, without any modern amenities, and start working with your neighbors to prioritize community projects. You labor shoulder-to-shoulder to make those projects a reality. And in the process, you build hope and understanding and demonstrate American generosity.

The understanding is a two-way street. When I was in Colombia, I learned as much as I taught. I took away as much as I gave.

When I was in Colombia, my mother passed away from cancer. My father brought my two sisters to visit me to have a family reunion. My youngest sister, Nancy, 17-years-old, a junior in high school, was killed in an accident. She was thrown from a horse. Her death was avoidable. Better health care, a better hospital could have saved her.

I was angry at Colombia, at sort of Third World poverty, at my community, and at myself for having brought my family to visit me.

I stuck with it, though, and over time with reflection, I came to terms with my anger. It was not Colombia. It was not Colombian doctors who flew hundreds of miles in the middle of the night to try to save her. It was not my community in Colombia. When the landing strip was too dark for a plane to land, members of the community put out burning lanterns to guide the plane in. They consoled me. They took care of our family.

It was poverty, the grinding poverty that still exists today, that exposes

women and men, young and old, to enormous vulnerabilities.

I might add that those vulnerabilities aren't protected by an American passport or an American ability to find monetary solutions. If you're stuck in an underserved, poverty part of the world with a crisis in front of you, you have to deal with the tools at hand.

I committed then at that moment, and throughout my life, to work to end the culture of poverty. My life was changed. It was the Peace Corps that changed me.

My story is one of a quarter of a million volunteer stories and millions of more Peace Corps stories if you talk to the communities that receive the volunteers.

Peace Corps was then, and continues to be today, a story of the goodness of the United States of America. Next year, Peace Corps will celebrate its 50th anniversary.

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In anticipation of this momentous occasion, the 111th Congress is poised to take action on two very important measures to honor the Peace Corps. First, the House will vote today to celebrate a half century of the Peace Corps with a commemorative work in the District of Columbia. The commemorative work authorized by this bill is compliant with both the letter and the intent of the Commemorative Works Act. It costs zero taxpayer dollars, not a penny.

This bill provides a space where the creation of the Peace Corps will find its place in American history. It will be a modest commemorative work, a place to contemplate the spirit of hope that gave rise to the idea of sending a cadre of Americans into the world to serve their country by serving the poorest and most vulnerable in the world. It commemorates the creation of a unique form of public service that seeks peace through international service, people-to-people diplomacy, and cross-cultural understanding.

I appreciate the work of Chairman RAHALL and Chairman GRIJALVA and their staffs; the minority staff and Mr. DOC HASTINGS, and I particularly would like to recognize the staffs of both of the majority and minority committee members who helped bring this bill to the floor.

Later this year we'll have another opportunity to show our appreciation for the Peace Corps when we vote for the House funding for Peace Corps in the FY11 State, Foreign Operations Appropriations Act. The House has met the President's ask of \$446 million, the subcommittee marked it at that, which can renew the promise of the Peace Corps in anticipation of its 50th anniversary.

President Obama has directed the Peace Corps to aggressively reform programming and training and open up

and expand missions around the world, specifically in North Africa, Central Asia, and the Middle East. Just as President Kennedy did 50 years ago, President Obama inspired a Nation with his call to service. He has redefined the way the United States engages with the world, emphasizing direct communication and people-to-people diplomacy. Peace Corps represents those ideals at a time when diplomacy is a global imperative.

Please join me in voting for H.R. 4195 to commemorate the 50th anniversary of the Peace Corps and allow a commemorative mark to be done at no cost to the taxpayers.

Mr. PETRI. Mr. Speaker, I support passage of H.R. 4195, a bill that would authorize the Peace Corps Commemorative Foundation to establish a commemorative work to honor the formation of the Peace Corps and the ideals upon which it was founded.

I served in the Peace Corps in Somalia in 1966–67, just 5 years after the program's founding, and saw first hand the contribution that Peace Corps volunteers make to the communities they serve. Fifty years later, the continued selfless and noble service outside our borders remains a testament to the timeless American ideals embodied by the Peace Corps volunteers I served with and those that are serving today. Indeed, the creation of the Peace Corps by Congress and President John F. Kennedy in 1961 marked a fundamental turning point in American foreign policy. The values and ideals of America were put into action to help meet the needs of people in developing countries through volunteer service abroad.

The memorials and commemoratives of Washington, DC, tell the story of the people and events that have shaped our nation's history and our fundamental ideals. The founding of the Peace Corps was an expression of those ideals and will continue to inspire new generations of Americans to embrace the belief that we can and should reach out to uplift those around us. As such, I believe the Peace Corps's founding, and the American ideals it represents, deserve an essential and meaningful part of the national capital landscape to commemorate the preeminent, lasting significance of a watershed moment in the nation's history, the founding of the Peace Corps 50 years ago. I ask my colleagues to join me in supporting H.R. 4195.

Mr. HONDA. Mr. Speaker, as a returned Peace Corps Volunteer, I rise in support of H.R. 4195, Authorization of the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs.

I commend Representative SAM FARR and members of the Committee on Natural Resources for the hard work and thoughtful consideration that went into this bill. I am pleased this bill will authorize the Peace Corps Commemorative Foundation to establish a memorial that honors the Peace Corps and the instrumental role it plays in establishing prosperous foreign relation and cross-cultural understandings. Through the selfless service of men and women of this nation as Peace Corps Volunteers, the Corps' mission of world

peace and friendship is realized around the world.

Since President John F. Kennedy's call to service, almost 50 years ago, nearly 200,000 Peace Corps Volunteers have served in 139 host countries to train local people in technologies and issues including agriculture production, water quality improvement, basic education, AIDS education, information technology, and environmental preservation. With the recent devastations in Haiti and Chile, we are continuously reminded of the significance of community service and inspired by the valuable assistance the Peace Corps provide.

My personal experience as a former Peace Corps Volunteer in El Salvador building schools and health clinics continues to inspire me to actively advocate for the expansion of this worthy and necessary organization. The experience meant much to me and marked the beginning of my lifelong commitment to public service. Most importantly, I returned to the United States with a deeper understanding of humanity and a personal commitment to speak on behalf of the marginalized and powerless.

To that end, alongside of my colleagues, I requested \$465 million for FY 2011 Peace Corps fund, allowing the Peace Corps to modernize its systems, optimize the number of Volunteers and staff in existing countries, strengthen recruiting and diversity efforts, continue to expand to new nations, and maximize safety and security training and compliance efforts. Although a lot has been achieved since the Peace Corps' inception, it is currently at half the size it was in 1966. I am greatly encouraged by President Obama's commitment to expand public service by building upon the Peace Corps and creating innovative programs that inspire Americans, from all walks of life, to bear the torch of peace and goodwill.

Again, I congratulate the Committee on Natural Resources and Representative SAM FARR for their work on this bill and I urge my colleagues to support this important legislation to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs. In this time of world conflict and economic disparities I find hope in the work of the Peace Corps. Their mission is more vital than ever and my resolve to reinvigorate our Nation's greatest and most cost-efficient diplomatic tool is strengthened. Let us all pay tribute to the hard work, perseverance, determination, compassion, and idealism of the Peace Corps and past and current Peace Corps Volunteers around the world.

Mr. HASTINGS of Washington. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 4195, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

KENNESAW MOUNTAIN NATIONAL BATTLEFIELD PARK BOUNDARY ADJUSTMENT ACT OF 2010

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5152) to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Kennesaw Mountain National Battlefield Park Boundary Adjustment Act of 2010”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Kennesaw Mountain National Battlefield Park was authorized as a unit of the National Park System on June 26, 1935. Prior to 1935, parts of the park had been acquired and protected by Civil War veterans and the War Department.

(2) Kennesaw Mountain National Battlefield Park protects Kennesaw Mountain and Kolb's Farm, which are battle sites along the route of General Sherman's 1864 campaign to take Atlanta.

(3) Most of the park protects Confederate positions and strategy. The Wallis House is one of the few original structures remaining from the Battle of Kennesaw Mountain associated with Union positions and strategy.

(4) The Wallis House is strategically located next to a Union signal station at Harriston Hill.

SEC. 3. BOUNDARY ADJUSTMENT; LAND ACQUISITION; ADMINISTRATION.

(a) BOUNDARY ADJUSTMENT.—The boundary of the Kennesaw Mountain National Battlefield Park is modified to include the approximately 8 acres identified as “Wallis House and Harriston Hill”, and generally depicted on the map titled “Kennesaw Mountain National Battlefield Park, Proposed Boundary Adjustment”, numbered 325/80,020, and dated February 2010.

(b) MAP.—The map referred to in subsection (a) shall be on file and available for inspection in the appropriate offices of the National Park Service.

(c) LAND ACQUISITION.—The Secretary of the Interior is authorized to acquire, from willing owners only, land or interests in land described in subsection (a) by donation or exchange.

(d) ADMINISTRATION OF ACQUIRED LANDS.—The Secretary of the Interior shall administer land and interests in land acquired under this section as part of the Kennesaw Mountain National Battlefield Park in accordance with applicable laws and regulations.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5152 was introduced by Representative GINGREY of Georgia. The bill would adjust the boundaries of the Kennesaw Mountain National Battlefield Park to include two additional historic sites associated with that battle.

Pursuant to the legislation, Cobb County would donate the properties to the National Park Service. This bill has the full support of the National Park Service and current property owners.

Mr. Speaker, we do not oppose H.R. 5152.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Kennesaw Mountain National Battlefield Park was authorized as a unit of the National Park System in 1935 as one of the first battlefield parks. Most of the park consists of Confederate positions. This bill will allow the Wallis House, one of the few remaining structures associated with Union forces, to be added to the park.

This bill authorizes the Secretary of the Interior to acquire approximately 8 acres that are owned by Cobb County and will be donated to the National Park Service. Congressman GINGREY should be commended for his work on this bipartisan bill.

Mr. GINGREY of Georgia. Mr. Speaker, I rise in strong support of H.R. 5152, the Kennesaw Mountain National Battlefield Park Boundary Adjustment Act of 2010. As the author of this legislation, I appreciate the work of the Chairman and Ranking Member of the Natural Resources Committee—Mr. RAHALL from West Virginia and Mr. HASTINGS from Washington—for working in a bipartisan manner to bring this bill to the House floor today.

The Kennesaw Mountain National Battlefield Park was first authorized as a unit of the National Park System within the National Park Service on June 26, 1935. This park preserves the area surrounding the location of the Battle of Kennesaw Mountain, which took place in June of 1864. This battle was the last major battle of Union General William T. Sherman's campaign to capture Atlanta during the Civil War.

Mr. Speaker, H.R. 5152 will adjust the boundary of the Kennesaw Mountain National Battlefield Park to include approximately 8 acres which contain the historic Wallis House and Harriston Hill. The Wallis House is one of the few remaining structures from the battle

and adds significant historical significance to the park. Currently, the park focuses on Confederate positions and strategy. With the addition of these 8 acres, the park will now include important strategic positions of the Union.

In fact, Union General O.O. Howard used the Wallis House as his headquarters during the Battle of Kennesaw Mountain, and General Sherman was stationed at the Wallis House during the preceding Battle of Kolb's Farm. Additionally, Harriston Hill—which is adjacent to the Wallis House—was used as signaling position by General Howard and offers a picturesque view of the valley leading to the top of Kennesaw Mountain where Confederate troops were positioned.

Mr. Speaker, adding these 8 acres to the Kennesaw Mountain National Battlefield Park would only enhance a visitor's experience at the park by providing critical information about the positions of both Union and Confederate troops during the battle. Most importantly, adding the 8 acres to the park will have no cost to the American taxpayers.

H.R. 5152 only authorizes the National Park Service to acquire the land in question from willing landowners by donation or exchange only. The 8 acres that will be added to the park has already been purchased by Cobb County and the Cobb Land Trust for the purposes of donating it to the National Park Service.

This legislation is the culmination of years of hard work and commitment by the National Park Service, the Cobb Land Trust, the Georgia Civil War Commission, and the Cobb County Government.

Specifically, I want to commend the Superintendent of the Kennesaw Mountain National Battlefield Park—Stanley Bond—and the park's Chief Ranger—Lloyd Morris—for their service to the park and this expansion. I also want to thank Cobb County Commissioner Helen Goreham—who represents the Park, the Wallis House, and Harriston Hill—for coming to Washington to testify on behalf of this legislation before the Natural Resources Committee.

Mr. Speaker, as a long time resident of Cobb County, I can personally attest to the historical significance and beauty of the Kennesaw Mountain National Battlefield Park. This park—which is second only to Gettysburg National Battlefield Park in terms of annual visitors out of all of the Civil War parks—is important to the local community and the preservation of our national heritage. I believe that H.R. 5152 only adds to the significance of the park and will enhance the experience of visitors for years to come.

I urge all of my colleagues to support H.R. 5152.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 5152.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MT. ANDREA LAWRENCE DESIGNATION ACT OF 2010

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5194) to designate Mt. Andrea Lawrence, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mt. Andrea Lawrence Designation Act of 2010”.

SEC. 2. FINDINGS.

Congress finds that Andrea Mead Lawrence—

(1) was born in Rutland County, Vermont, on April 19, 1932, where she developed a life-long love of winter sports and appreciation for the environment;

(2) competed in the 1948 Winter Olympics in St. Moritz, Switzerland, and the 1956 Winter Olympics in Cortina d’Ampezzo, Italy, and was the torch lighter at the 1960 Winter Olympics in Squaw Valley, California;

(3) won 2 Gold Medals in the Olympic special and giant slalom races at the 1952 Winter Olympics in Oslo, Norway, and remains the only United States double-gold medalist in alpine skiing;

(4) was inducted into the U.S. National Ski Hall of Fame in 1958 at the age of 25;

(5) moved in 1968 to Mammoth Lakes in the spectacularly beautiful Eastern Sierra of California, a place that she fought to protect for the rest of her life;

(6) founded the Friends of Mammoth to maintain the beauty and serenity of Mammoth Lakes and the Eastern Sierra;

(7) served for 16 years on the Mono County Board of Supervisors, where she worked tirelessly to protect and restore Mono Lake, Bodie State Historic Park and other important natural and cultural landscapes of the Eastern Sierra;

(8) worked, as a member of the Great Basin Air Pollution Control District, to reduce air pollution that had been caused by the dewatering of Owens Lake;

(9) founded the Andrea Lawrence Institute for Mountains and Rivers in 2003 to work for environmental protection and economic vitality in the region she loved so much;

(10) testified in 2008 before the Mono County Board of Supervisors in favor of the Eastern Sierra and Northern San Gabriel Wild Heritage Act, a bill that was enacted the day before she died;

(11) passed away on March 31, 2009, at 76 years of age, leaving 5 children, Cortlandt, Matthew, Deirdre, Leslie, and Quentin, and 4 grandchildren; and

(12) leaves a rich legacy that will continue to benefit present and future generations.

SEC. 3. DESIGNATION OF MT. ANDREA LAWRENCE.

(a) IN GENERAL.—Peak 12,240 (located 0.6 miles northeast of Donahue Peak on the northern border of the Ansel Adams Wilderness and Yosemite National Park (UTM coordinates Zone 11, 304428 E, 4183631 N)) shall be known and designated as “Mt. Andrea Lawrence”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, record, or other paper of the United States to the peak described in subsection (a) shall be considered to be a reference to “Mt. Andrea Lawrence”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5194, introduced by Representative BUCK MCKEON, would designate a mountain in California’s Sierra Nevada as Mt. Andrea Lawrence. Andrea Mead Lawrence was the first American to win two Olympic gold medals in alpine skiing. She followed her Olympic career with a career as an ardent conservationist.

H.R. 5194 designates Peak 12,240 as Mt. Andrea Lawrence. The mountain is located on the northern border of the Ansel Adams Wilderness and the Yosemite National Park. This seems a fitting tribute to the life and work of Ms. Lawrence.

I urge Members to support H.R. 5194. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, Andrea Lawrence was a successful Olympic skier, a long-time member of the Mono County Board of Supervisors, and founder of the Andrea Lawrence Institute for Mountains and Rivers. This bill, as was explained, designates an unnamed 12,000-foot peak located on the boundary between the Ansel Adams Wilderness Area and Yosemite National Park as Mt. Andrea Lawrence.

This designation is a fitting tribute to Andrea Lawrence, who died last year at the age of 76 after a long career as a pioneering woman and civic leader. Congressman MCKEON should be commended for his work on this bill.

Mr. MCKEON. Mr. Speaker, I thank you for the time to speak in favor of my legislation, H.R. 5194, to name a peak in the Eastern Sierra in honor of Andrea Mead Lawrence. Let me also express my appreciation to the leaders of the Committee on Natural Resources, Chairmen RAHALL and GRIJALVA, and Ranking Members HASTINGS and BISHOP who worked to help bring this legislation to the floor today.

Andrea Mead Lawrence was a remarkable woman. I was honored to know and work with

her for the protection of the Eastern Sierra, a cause she championed for much of her life. Born in Rutland County, Vermont, on April 19, 1932, she developed a life-long love of winter sports and appreciation for the environment. A skilled skier, she competed in the 1948 Winter Olympics in St. Moritz, Switzerland as well as the 1956 Winter Olympics in Cortina d’Ampezzo Italy. She also served as the torch lighter at the 1960 Winter Olympics in Squaw Valley, California. In the 1952 Winter Olympics in Oslo Norway, she won two Gold Medals in the Olympic special and giant slalom races. To this day, she remains the only United States double-gold medalist in alpine skiing. For her significant accomplishments, she was inducted into the U.S. National Ski Hall of Fame in 1958, at the age of 25.

These remarkable achievements at a young age, however, were just the beginning of a life of service to her community and environmental preservation. In 1968, Andrea moved to Mammoth Lakes in the spectacularly beautiful Eastern Sierra of California. It was in this special region she spent the rest of her life working to protect the area’s natural treasures.

Never one to rest on her accomplishments, she founded the Friends of Mammoth to maintain the beauty and serenity of Mammoth Lakes and the Eastern Sierra. She served for 16 years on the Mono County Board of Supervisors, where she worked tirelessly to protect and restore Mono Lake, Bodie State Historic Park, and other important natural and cultural landscapes of the Eastern Sierra. As a member of the Great Basin Air Pollution Control District, she worked to reduce air pollution caused by the dewatering of Owens Lake. In 2003, she founded the Andrea Lawrence Institute for Mountains and Rivers to protect the environment and the economic vitality of this important region.

In 2008, she testified before the Mono County Board of Supervisors in favor of the Eastern Sierra and Northern San Gabriel Wild Heritage Act, a bill enacted the day before she died on March 31, 2009 at the age of 76. Andrea left a rich legacy of a family of five children and four grandchildren, as well as a distinguished record in skiing. Her tireless efforts have left a better legacy for the people who live and recreate in the Eastern Sierra.

Andrea Mead Lawrence’s life philosophy is summed up in her quote “Your life doesn’t stop by winning medals. It’s only the beginning. And if you have the true Olympic spirit, you have to put it back into the world in meaningful ways.”

Mr. Speaker, it is very fitting to name Peak 12,240 “Mt. Andrea Lawrence”; both in her honor, and as a visible point of inspiration for future generations.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 5194.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMEMORATING 75TH ANNIVERSARY OF THE BLUE RIDGE PARKWAY

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 294) commemorating the 75th Anniversary of the Blue Ridge Parkway.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 294

Whereas the Blue Ridge Parkway links the Great Smoky Mountains National Park to the Shenandoah National Park, providing 469 scenic miles for motor recreation along the crest of the Blue Ridge Mountains in North Carolina and Virginia;

Whereas North Carolina state geologist Joseph Hyde Pratt first proposed a scenic road along the Blue Ridge Mountains in 1906;

Whereas, on November 24, 1933, at the recommendation of Virginia Senator Harry Byrd, Secretary of the Interior Harold Ickes approved construction of the new highway to connect the Great Smoky Mountains National Park with the Shenandoah National Park;

Whereas, on September 11, 1935, construction began on the first 12.5-mile section of the Blue Ridge Parkway near Cumberland Knob in North Carolina;

Whereas Stanley L. Abbott is widely remembered as the "father of the Blue Ridge Parkway" for his work to oversee planning of the project;

Whereas the Blue Ridge Parkway was established by Congress as a unit of the National Park Service on June 30, 1936;

Whereas the National Park Service development program, "Mission 66", oversaw the completion of most remaining gaps along the Blue Ridge Parkway during the 1950s and 1960s;

Whereas the Blue Ridge Parkway's final stretch of road was completed in 1987 with the construction of the Linn Cove Viaduct;

Whereas the Blue Ridge Parkway provides recreational opportunities for American families at picnic areas, campgrounds, and on scenic drives through Appalachian mountain passes;

Whereas the diverse topography and numerous vista points along the Blue Ridge Parkway make it the most accessible way to visit and experience Southern Appalachian rural landscapes and mountains;

Whereas the Parkway is world-renowned for its biodiversity, which includes 74 species of mammals, 50 salamander species, 35 reptile species, 159 species of birds and 25 species of fish;

Whereas the Blue Ridge Parkway is the most visited unit of the National Park Service with nearly 20 million visitors each year;

Whereas the Blue Ridge Parkway promotes regional travel and tourism by unifying the 29 counties through which it passes, engendering a shared regional identity, providing a common link of interest, and contributing to the economic vitality of the area;

Whereas the Blue Ridge Parkway is one of the strongest economic engines in the Southern Appalachian region, generating an estimated \$2.3 billion in North Carolina and Virginia annually;

Whereas the Blue Ridge Parkway has received volunteer support from thousands of

Virginians and North Carolinians, including 1,400 volunteers in 2008 who provided more than 50,000 hours of service;

Whereas the Blue Ridge Parkway is a great public works achievement that maintains natural, historic, and cultural significance for the people of Virginia and North Carolina; and

Whereas this crown jewel of the National Park Service deserves the support of Congress to preserve its ecological and cultural integrity, maintain its infrastructure, and protect its famously scenic views: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commemorates the 75th Anniversary of the Blue Ridge Parkway; and

(2) acknowledges the historic and enduring scenic, recreational, and economic value of this unique national treasure.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

□ 1520

Mrs. CHRISTENSEN. Mr. Speaker, House Concurrent Resolution 294 was introduced on June 30, 2010, by Representative TOM PERRIELLO of Virginia and is cosponsored by Members on both sides of the aisle from Virginia and North Carolina.

The resolution celebrates the 75th anniversary of the most visited unit of the national park system, the Blue Ridge Parkway, which links Great Smoky Mountains National Park to Shenandoah National Park.

Mr. Speaker, it is fitting that we recognize this great public works achievement and its significance to the American people. I commend Representative PERRIELLO for bringing this resolution before us and urge the House to approve this measure.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I am pleased to join with the measure's many sponsors recognizing the anniversary of the Blue Ridge Parkway, which was first proposed by Senator Harry Byrd in 1933, but was completed under President Ronald Reagan in 1987.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CHRISTENSEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 294.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL ESTUARIES DAY

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1503) expressing support for the goals and ideals of National Estuaries Day, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1503

Whereas the estuary regions of the United States comprise a significant share of the national economy, with 43 percent of the population, 40 percent of employment, and 49 percent of economic output located in such regions;

Whereas coasts and estuaries contribute more than \$800,000,000,000 annually in trade and commerce to the Nation's economy;

Whereas more than 43 percent of all adults in the United States visit a sea coast or estuary at least once a year to participate in some form of recreation, generating \$8,000,000,000 to \$12,000,000,000 in revenue annually;

Whereas more than 28,000,000 jobs in the United States are supported through commercial and recreational fishing, boating, tourism, and other coastal industries that rely on healthy estuaries;

Whereas estuaries provide vital habitat for countless species of fish and wildlife, including many that are listed as threatened species or endangered species;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including water filtration, flood control, shoreline stabilization and erosion prevention, and protection of coastal communities during extreme weather events;

Whereas 55,000,000 acres of estuarine habitat have been destroyed over the last 100 years;

Whereas bays once filled with fish and oysters have become dead zones filled with excess nutrients, chemical wastes, harmful algae, and marine debris;

Whereas sea level rise is accelerating the degradation of estuaries by submerging low-lying lands, eroding beaches, converting wetlands to open water, exacerbating coastal flooding, and increasing the salinity of estuaries and freshwater aquifers;

Whereas in the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), Congress found and declared that it is national policy to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone, including estuaries, for current and future generations;

Whereas scientific study leads to better understanding of the benefits of estuaries to human and ecological communities;

Whereas Federal, State, local, and tribal governments, national and community organizations, and private citizens work together to effectively manage our Nation's estuaries;

Whereas estuary restoration efforts cost-effectively restore natural infrastructure in local communities, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits; and

Whereas September 25, 2010, has been designated National Estuaries Day to increase awareness among all citizens, including local, State, and Federal officials, about the importance of healthy estuaries and the need to protect and restore them: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Estuaries Day;

(2) acknowledges the importance of estuaries to the Nation's economic well-being and productivity;

(3) recognizes the persistent threats that undermine the health of the Nation's estuaries;

(4) applauds the work of national and community organizations and public partners to promote public awareness, protection, and restoration of estuaries; and

(5) reaffirms its support for estuaries, including the preservation, protection, and restoration thereof, and expresses its intent to continue working to protect and restore the estuaries of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of House Resolution 1503 and would like to commend the sponsor of the resolution, Representative KATHY CASTOR of Florida, for her continued leadership in recognizing the importance of our Nation's estuaries.

National Estuaries Day was established in 1988 to celebrate the importance of these coastal ecosystems to the Nation's trade, commerce, industry, recreation and environmental quality and to recognize the work of national and community organizations to promote the need to preserve, protect, and restore these vital areas.

In light of the recent disaster in the Gulf of Mexico, it is clear that now, more than ever, we should pause to recognize the essential role estuaries play in economic and environmental health of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this resolution expresses support for the goals and ideals of National Estuaries Day, which has been designated for September 25, 2010.

We have no objection to this resolution.

I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as she may consume to the sponsor of this legislation, Representative KATHY CASTOR of Florida.

Ms. CASTOR of Florida. I would like to thank my colleague, Mrs. CHRISTENSEN, very much for yielding the time and also thank my cosponsor, MIKE CASTLE, the Congressman from Delaware, for also being a leader on behalf of National Estuaries Day and thanks to the other 36 cosponsors in the House.

Estuaries are deeply connected to our Nation's economy and vital to a healthy environment. They are an integral part of our coastal ecosystems and support not only wildlife but also human livelihoods. In these unique habitats, ecological resources and millions of jobs in tourism, fishing and other coastal industries intersect.

Estuaries have given rise to iconic port cities central to our culture, and they remain the refuge of unique species that define our environment. It is this balance that makes estuaries one of the most important ecosystems in the United States, one worth recognizing as we do here with House Resolution 1503.

Estuary regions contain 43 percent of the population, 49 percent of the economic output while occupying only 13 percent of the U.S. continental land area. As coastal regions continue to further experience development, it is important to maintain this balance between economic prosperity and ecological health.

The BP Deepwater Horizon oil disaster in the Gulf of Mexico calls attention to this delicate balance between maintaining our quality of life and sustaining our precious natural resources. Coastal health and restoration have taken on a new level of significance in light of the oil disaster, making our awareness of estuary ecosystems all the more important.

Estuaries provide critical ecosystem services that protect human health and public safety, such as water filtration, flood control, erosion prevention. They also protect coastal communities during extreme weather events like hurricanes and floods.

The Tampa Bay area, my home district, is known internationally for its collaborative approach to watershed management, which has led to significant improvements in the quality of our estuary, the beautiful Tampa Bay.

The Tampa Bay Estuary Program has worked closely with the public and

private sector to develop and implement a watershed management plan to bring about positive changes. The results have been obvious in Tampa Bay. Water is as clear now as it was in 1950.

We have about 10,000 more acres of sea grass now than we did in the 1980s, and we are seeing an increase of an additional 500 acres per year because of this clear, cleaner water. This is the location of an active port as well, so business and a clean and healthy environment can coexist.

Nationally, coasts and estuaries contribute more than \$800 billion annually in trade and commerce to our economy. Nearly 75 percent of all commercial fish and shellfish catch contain species that depend on estuary habitats, making ecosystems vital to commerce.

Twenty-eight million U.S. jobs are supported through commercial and recreational fishing, boating, tourism and other coastal industries that rely on healthy estuaries. Human activities are degrading estuaries at a rapid pace and threaten the health of these ecosystems unless restoration efforts are supported.

National Estuaries Day has the very worthy goals of raising awareness and educating our constituents about estuaries and getting people excited about the natural beauty to be found there.

I ask my colleagues to vote today to support those goals and ideals by making September 25 National Estuaries Day.

Mrs. CAPPS. Mr. Speaker, I rise today to express my support for H. Res. 1503, a resolution supporting the goals and ideals of National Estuaries Day.

I want to thank my colleague, KATHY CASTOR, for introducing this resolution, which I have cosponsored.

We each represent coastal districts that are home to estuaries—places where the rivers meet the sea—and these estuaries are of great importance to the health of our coastal communities and environment.

In my district, the Morro Bay National Estuary is an ecological treasure.

Lagoons and wetlands that were once common along the southern California coast are nearly all filled and developed. But we are fortunate that the Morro Bay Estuary has largely survived. And we must continue to protect this natural resource.

The Estuary provides vital habitat for birds and fish. It is an important stop-over for over 150 species of migratory birds during their annual migration. And it is a critical winter home to several other bird species. The estuary also acts as a nursery for commercial fish in the area.

Since the Morro Bay Estuary was incorporated into the National Program in 1995, the inspiring team of staff and volunteers has spearheaded numerous efforts to preserve and restore the estuary.

For example, partnering with local ranchers, the Estuary Program has installed fencing along nearly 75,000 feet of creek to limit cattle access. This has protected water quality and improved riparian habitat on seven creeks.

The Program has provided funding to the City of Morro Bay to remove derelict vessels before they pollute local waters and damage habitat.

They have also established the Estuary Nature Center and WaterFest, to educate the general public about the beauty of the estuary and its importance to water quality and conservation.

In addition, dedicated volunteers collect and provide important water quality data for the Estuary Program each year. These data are critical to evaluating the health of the estuary and watershed, as well as compiling a plan to address problems.

Estuaries are among the richest habitats known on earth—providing immeasurable economic and ecological benefits. But they are threatened by human activities.

We all live in a watershed. We must understand that our actions directly affect our nation's waterways. By working together we can work to lower our impact and protect our valuable water resources.

I urge all of my colleagues to vote in support of H. Res. 1503—to recognize National Estuaries Day and the community organizations that fight to preserve these invaluable resources.

Mr. HASTINGS of Washington. I have no requests for time, and I yield back the balance of my time.

Mrs. CHRISTENSEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 1503.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CELEBRATING 200TH ANNIVERSARY OF JOHN JAMES AUDUBON IN HENDERSON, KENTUCKY

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1508) celebrating the 200th Anniversary of John James Audubon in Henderson, Kentucky.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1508

Whereas, John James Audubon arrived in the river town of Henderson, Kentucky, in 1810 with his wife and infant son, determined to make his fortune;

Whereas, as a businessman in Henderson, he met with some initial success, and in 1816 he undertook his most ambitious project to date, building a steam-powered saw-and-grist mill in the city on the banks of the Ohio River;

Whereas, Audubon loved the frontier spirit in Henderson, and throughout his years there, he roamed the woods, observing and painting the many species of birds abundant in the area;

Whereas, Audubon ultimately lived in Henderson, Kentucky, for nine years, longer than anywhere else in the United States, during which time two of his four children were born;

Whereas, he went on to publish his ornithological works in the masterpiece, "The Birds of America";

Whereas, present-day Henderson, Kentucky, boasts the John James Audubon State Park & Museum, where Audubon's life is interpreted through his art and personal memorabilia, framed within a timeline of world events and paying reverence to its namesake through its Nature Center, which is comprised of three areas: a wildlife Observation Room; the Discovery Center with hands-on exhibits; and the Learning Center, where the park naturalist and art educator conduct environmental and art programs;

Whereas, Henderson's position on the Mississippi Flyway migration route also offers visitors the chance to take part in many of the same spectacular birdwatching opportunities that Audubon enjoyed, both at the park and at the nearby 10,000 acre Sloughs Wildlife Management Area, a National Audubon Society Important Birding Area; and

Whereas, in celebration of the bicentennial of Audubon's 1810 arrival in Henderson County, the Friends of Audubon, Ohio Valley Art League, and the Kentucky Department of Fish & Wildlife Resources are planning a full slate of events, which can be found at www.audubon2010.com.

Resolved, That the House of Representatives honors John James Audubon for his life's contribution to nature and art in Henderson, Kentucky, for 200 years and the continued showcase of his life, nature, and art at the John James Audubon State Park & Museum.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of House Resolution 1508, a resolution introduced by our colleague, Representative ED WHITFIELD, to celebrate the 200th anniversary of John James Audubon's arrival in the town of Henderson, Kentucky.

This community on the banks of the Ohio River in western Kentucky is surrounded by rolling hills and verdant woods which were the inspiration for many of the illustrations which are published in "The Birds of America." This book was Audubon's seminal contribution to wildlife conservation and remains a valuable source of information for bird lovers across the United States.

□ 1530

John James Audubon was a pioneer in the history of wildlife conservation in the United States, and I'm pleased to support this resolution which acknowledges and celebrates his many achievements.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this resolution would celebrate the 200th anniversary of John James Audubon's arrival in Henderson, Kentucky. John James Audubon spent nearly a decade living in Henderson, Kentucky, and it is certainly appropriate that residents of this community would want to celebrate the accomplishments of one of its most famous citizens.

I want to compliment the author of this resolution, Congressman ED WHITFIELD, who is a classmate of mine, who worked extremely hard on this resolution.

I urge support of this resolution.

Mr. Speaker, I am very pleased to yield such time as he may consume to, as I mentioned, the author of this resolution, the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I want to thank Members on both sides of the aisle for working with us on this resolution.

Mr. Speaker, as it has already been said, John James Audubon came to Henderson, Kentucky, in 1810, 200 years ago this year. He was an ornithologist, naturalist, and painter. He also painted and catalogued the birds of North America in a more precise way than any other naturalist in this Nation's history.

Not only was he a tremendous painter, he also was a great businessman, and in 1816, he brought one of the first steam-powered saw-and-grist mills on the banks of the Ohio River to Kentucky.

To commemorate John James Audubon's commitment to his community and wildlife, the Commonwealth of Kentucky dedicated the John James Audubon State Park on October 3, 1934. It is an impressive structure designed as a replica of a Norman-French inn to honor Audubon's French heritage. The museum structure has a round tower in which there is a lot of nesting birds, I must say. A cobbled courtyard with a French garden graces the immediate grounds of the museum. It also contains the world's largest oils and water colors of birds. And today, the park enjoys thousands of visitors who come and admire the work of John James Audubon.

This year their bicentennial celebration has been occurring throughout the year, and it's going to end on October 23 in Henderson with a huge gala in the community celebrating the works of John James Audubon.

I would urge the Members of the House to support this legislation, and, once again, I want to thank both sides of the aisle for working with us on it.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CHRISTENSEN. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and agree to the resolution, H. Res. 1508.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP ACT OF 2010

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1454) to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Multinational Species Conservation Funds Semipostal Stamp Act of 2010".

SEC. 2. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.

(a) IN GENERAL.—In order to afford a convenient way for members of the public to contribute to funding for the operations supported by the Multinational Species Conservation Funds, the United States Postal Service shall issue a semipostal stamp (hereinafter in this Act referred to as the "Multinational Species Conservation Funds Semipostal Stamp") in accordance with succeeding provisions of this section.

(b) COST AND USE.—

(1) IN GENERAL.—The Multinational Species Conservation Funds Semipostal Stamp shall be offered at a cost equal to the cost of mailing a letter weighing 1 ounce or less at the nonautomation single-piece first-ounce letter rate, in effect at the time of purchase, plus a differential of not less than 15 percent.

(2) VOLUNTARY USE.—The use of any semipostal issued under this section shall be voluntary on the part of postal patrons.

(3) SPECIAL RATE.—The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.

(c) OTHER TERMS AND CONDITIONS.—The issuance and sale of the Multinational Species Conservation Funds Semipostal Stamp shall be governed by the provisions of section 416 of title 39, United States Code, and regulations issued under such section, subject to subsection (b) and the following:

(1) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—All amounts becoming available from the sale of the Multinational Species Conservation Funds Semipostal Stamp (as deter-

mined under section 416(d) of such title 39) shall be transferred to the United States Fish and Wildlife Service, for the purpose described in subsection (a), through payments which shall be made at least twice a year, with the proceeds to be divided equally among the African Elephant Conservation Fund, the Asian Elephant Conservation Fund, the Great Ape Conservation Fund, the Marine Turtle Conservation Fund, the Rhinoceros and Tiger Conservation Fund, and other international wildlife conservation funds authorized by the Congress after the date of the enactment of this Act and administered by the Service as part of the Multinational Species Conservation Fund.

(B) PROCEEDS NOT TO BE OFFSET.—In accordance with section 416(d)(4) of such title 39, amounts becoming available from the sale of the Multinational Species Conservation Funds Semipostal Stamp (as so determined) shall not be taken into account in any decision relating to the level of appropriations or other Federal funding to be furnished in any year to—

(i) the United States Fish and Wildlife Service; or

(ii) any of the funds identified in subparagraph (A).

(2) DURATION.—The Multinational Species Conservation Funds Semipostal Stamp shall be made available to the public for a period of at least 2 years, beginning no later than 12 months after the date of the enactment of this Act.

(3) LIMITATION.—The Multinational Species Conservation Funds Semipostal Stamp shall not be subject to, or taken into account for purposes of applying, any limitation under section 416(e)(1)(C) of such title 39.

(4) RESTRICTION ON USE OF FUNDS.—Amounts transferred under paragraph (1) shall not be used to fund or support the Wildlife Without Borders Program or to supplement funds made available for the Neotropical Migratory Bird Conservation Fund.

(d) DEFINITION.—For purposes of this Act, the term "semipostal stamp" refers to a stamp described in section 416(a)(1) of title 39, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 1454, the Multinational Species Conservation Funds Semipostal Stamp Act of 2009, that was introduced by our colleague from South Carolina, HENRY BROWN.

The Multinational Species Conservation Funds promote wildlife conservation around the world for keystone species, including great apes, tigers, and elephants. These programs consistently generate high-quality conservation projects and leverage \$3 or \$4 from non-Federal contributors for every Federal dollar spent.

Mr. Speaker, revenues generated from the sale of a wildlife semipostal stamp, as authorized under this legislation, would fund these important grant programs. I am a cosponsor of H.R. 1454 and supported its original passage by the House nearly a year ago. I urge my colleagues to support the amended version and send it on to the President so it may become law.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, having Congress authorize semipostal stamps to raise funds to support causes is indeed a rare event. As the ranking Republican on the Insular Affairs, Wildlife and Oceans Subcommittee, the gentleman from South Carolina, HENRY BROWN, was tireless in clearing this bill through the Committee on Government Oversight and Reform, the Committee on Natural Resources, and through the Senate. So I want to compliment the gentleman from South Carolina for his persistence and leadership in crafting this bipartisan bill.

With that, Mr. Speaker, I yield such time as he may consume to the author of this resolution, the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. I appreciate the gentleman from the State of Washington's yielding, my good friend DOC HASTINGS; and also Dr. CHRISTENSEN for her leadership on the other side of the aisle.

Mr. Speaker, I rise in strong support of H.R. 1454, a bill I was pleased to introduce along with the subcommittee chairlady, MADELEINE BORDALLO and 153 other Members of the House of Representatives.

This legislation was unanimously adopted by the House of Representatives on December 7, 2009, and it was approved by the Senate on July 29 of this year. Prior to its passage, the Senate made several modifications to H.R. 1454. These included a reduction in the duration of time that the semipostal stamp will be available to the public and a stipulation that only one flagship species may be depicted on the stamps.

I reviewed these changes and believe they do not undermine the fundamental goal of this measure, which is to create an alternative funding source for highly endangered African and Asian elephants, rhinoceroses and tigers, great apes and marine turtles at no cost to U.S. taxpayers.

While it is true that the U.S. Postal Service has had statutory authority to issue semipostal stamps for over a decade, it has been the Congress that has directed that they be issued for breast cancer research, 9/11 responders, and victims of domestic violence.

Under H.R. 1454, the American public would have the opportunity to support

these six multinational species by purchasing these semipostal stamps. They would be sold at a premium price, and after the Postal Service has deducted all of its administrative costs, the remaining proceeds will be transferred to the U.S. Fish and Wildlife Service. It will be the Service's responsibility to select those conservation projects that best achieve the goal of protecting the remaining populations of these highly imperiled animals.

I am confident that once these stamps are available, they will be extremely popular with the American people. I have been assured that they will be widely sold at aquariums, post offices, and zoos throughout this country. Based on previous experience, we know that a large number of people will buy these semipostals and will never use them. As a result, the Postal Service will realize a significant profit from their sale.

This legislation offers us a unique opportunity to establish a new creative funding mechanism, for a limited period of time, at no cost to the American taxpayer, to help save some of the most iconic and endangered species on this planet.

Finally, I want to thank those Members who co-sponsored this legislation, and also Chairman RAHALL and ranking Republican DOC HASTINGS, Chairman ED TOWNS, and ranking Republican DARRELL ISSA, Chairman JOE LIEBERMAN and Senators SAM BROWNBACK and LINDSEY GRAHAM, as well as my friend from Columbia, South Carolina, the Honorable JIM CLYBURN, for his assisting in this effort.

I would also like to express my appreciation to the more than 40 conservation organizations that have assisted in this effort, including the Wildlife Conservation Society, the World Wildlife Fund, the Humane Society of the United States, the Association of Zoos and Aquariums, Feld Entertainment, and Safari Club International.

□ 1540

These groups worked tirelessly for the passage of this bill. I thank them. I urge an "aye" vote on H.R. 1454. There is no question it will help stamp out extinction.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I also want to mention our colleague the gentlewoman from Guam's strong support for this bill. Though Ms. BORDALLO could not be here today to speak in support of H.R. 1454 as she is on Guam conducting official business, she asked that I relay her thanks to the gentleman from South Carolina for his efforts with this legislation, and for the bipartisan manner in which he has worked with her and all of our Mem-

bers on the Democratic side of the aisle as the ranking member of the subcommittee.

I too am among the over 150 cosponsors of H.R. 1454, and recognize its value as a longtime member of the International Conservation Caucus. I continue to urge a "yes" vote.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1454.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COLTSTVILLE NATIONAL HISTORICAL PARK ACT

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5131) to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coltsville National Historical Park Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) CITY.—The term "city" means the city of Hartford, Connecticut.

(2) COMMISSION.—The term "Commission" means the Coltsville National Historical Park Advisory Commission established by subsection 6(a).

(3) HISTORIC DISTRICT.—The term "Historic District" means the Coltsville Historic District.

(4) MAP.—The term "map" means the map titled "Coltsville National Historical Park—Proposed Boundary", numbered T25/102087, and dated May 11, 2010.

(5) PARK.—The term "park" means the Coltsville National Historical Park in the State of Connecticut.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) STATE.—The term "State" means the State of Connecticut.

SEC. 3. COLTSTVILLE NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to paragraph (2), there is established in the State a unit of the National Park System to be known as the "Coltsville National Historical Park".

(2) CONDITIONS FOR ESTABLISHMENT.—The park shall not be established until the date on which the Secretary determines that—

(A) the Secretary has acquired by donation sufficient land or an interest in land within the boundary of the park to constitute a manageable unit;

(B) the State, city, or private property owner, as appropriate, has entered into a written agree-

ment with the Secretary to donate at least 10,000 square feet of space in the East Armory which would include facilities for park administration and visitor services;

(C) the Secretary has entered into a written agreement with the State, city, or other public entity, as appropriate, providing that—

(i) land owned by the State, city, or other public entity within the Coltsville Historic District shall be managed consistent with this section; and

(ii) future uses of land within the historic district shall be compatible with the designation of the park and the city's preservation ordinance; and

(D) the Secretary has reviewed the financial resources of the owners of private and public property within the boundary of the proposed park to ensure the viability of the park based on those resources.

(b) BOUNDARIES.—The park shall include and provide appropriate interpretation and viewing of the following sites, as generally depicted on the map:

(1) The East Armory.

(2) The Church of the Good Shepherd.

(3) The Caldwell/Colt Memorial Parish House.

(4) Colt Park.

(5) The Potsdam Cottages.

(6) Armsmear.

(7) The James Colt House.

(c) COLLECTIONS.—The Secretary shall enter into a written agreement with the State of Connecticut State Library, Wadsworth Athenaeum, and the Colt Trust, or other public entities, as appropriate, to gain appropriate access to Colt-related artifacts for the purposes of having items routinely on display in the East Armory or within the park as determined by the Secretary as a major function of the visitor experience.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the park in accordance with—

(1) this Act; and

(2) the laws generally applicable to units of the National Park System, including—

(A) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(b) STATE AND LOCAL JURISDICTION.—Nothing in this Act enlarges, diminishes, or modifies any authority of the State, or any political subdivision of the State (including the city)—

(1) to exercise civil and criminal jurisdiction; or

(2) to carry out State laws (including regulations) and rules on non-Federal land located within the boundary of the park.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—As the Secretary determines to be appropriate to carry out this Act, the Secretary may enter into cooperative agreements with the owner of any property within the Coltsville Historic District or any nationally significant properties within the boundary of the park, under which the Secretary may identify, interpret, restore, rehabilitate, and provide technical assistance for the preservation of the properties.

(2) RIGHT OF ACCESS.—A cooperative agreement entered into under paragraph (1) shall provide that the Secretary, acting through the Director of the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purposes of—

(A) conducting visitors through the properties; and

(B) interpreting the properties for the public.

(3) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under paragraph (1) unless the Secretary and

the other party to the agreement agree to the changes or alterations.

(4) **CONVERSION, USE, OR DISPOSAL.**—Any payment by the Secretary under this subsection shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in an amount equal to the greater of—

(A) the amounts made available to the project by the United States; or

(B) the portion of the increased value of the project attributable to the amounts made available under this subsection, as determined at the time of the conversion, use, or disposal.

(5) **MATCHING FUNDS.**—

(A) **IN GENERAL.**—As a condition of the receipt of funds under this subsection, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(B) **FORM.**—With the approval of the Secretary, the non-Federal share required under subparagraph (A) may be in the form of donated property, goods, or services from a non-Federal source, fairly valued.

(d) **ACQUISITION OF LAND.**—Land or interests in land owned by the State or any political subdivision of the State may be acquired only by donation.

(e) **TECHNICAL ASSISTANCE AND PUBLIC INTERPRETATION.**—The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the historic district.

SEC. 5. MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 fiscal years after the date on which funds are made available to carry out this Act, the Secretary, in consultation with the Commission, shall complete a management plan for the park in accordance with—

(1) section 12(b) of Public Law 91-383 (commonly known as the National Park Service General Authorities Act) (16 U.S.C. 1a-7(b)); and

(2) other applicable laws.

(b) **COST SHARE.**—The management plan shall include provisions that identify costs to be shared by the Federal Government, the State, and the city, and other public or private entities or individuals for necessary capital improvements to, and maintenance and operations of, the park.

(c) **SUBMISSION TO CONGRESS.**—On completion of the management plan, the Secretary shall submit the management plan to—

(1) the Committee on Natural Resources of the House of Representatives; and

(2) the Committee on Energy and Natural Resources of the Senate.

SEC. 6. COLTSVILLE NATIONAL HISTORICAL PARK ADVISORY COMMISSION.

(a) **ESTABLISHMENT.**—There is established a Commission to be known as the Coltsville National Historical Park Advisory Commission.

(b) **DUTY.**—The Commission shall advise the Secretary in the development and implementation of the management plan.

(c) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Commission shall be composed of 11 members, to be appointed by the Secretary, of whom—

(A) 2 members shall be appointed after consideration of recommendations submitted by the Governor of the State;

(B) 1 member shall be appointed after consideration of recommendations submitted by the State Senate President;

(C) 1 member shall be appointed after consideration of recommendations submitted by the Speaker of the State House of Representatives;

(D) 2 members shall be appointed after consideration of recommendations submitted by the Mayor of Hartford, Connecticut;

(E) 2 members shall be appointed after consideration of recommendations submitted by Connecticut's 2 United States Senators;

(F) 1 member shall be appointed after consideration of recommendations submitted by Connecticut's First Congressional District Representative;

(G) 2 members shall have experience with national parks and historic preservation;

(H) all appointments must have significant experience with and knowledge of the Coltsville Historic District; and

(I) 1 member of the Commission must live in the Sheldon/Charter Oak neighborhood within the Coltsville Historic District.

(2) **INITIAL APPOINTMENTS.**—The Secretary shall appoint the initial members of the Commission not later than the earlier of—

(A) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under paragraph (1); or

(B) the date that is 30 days after the park is established.

(d) **TERM; VACANCIES.**—

(1) **TERM.**—

(A) **IN GENERAL.**—A member shall be appointed for a term of 3 years.

(B) **REAPPOINTMENT.**—A member may be reappointed for not more than 1 additional term.

(2) **VACANCIES.**—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(e) **MEETINGS.**—The Commission shall meet at the call of—

(1) the Chairperson; or

(2) a majority of the members of the Commission.

(f) **QUORUM.**—A majority of the Commission shall constitute a quorum.

(g) **CHAIRPERSON AND VICE CHAIRPERSON.**—

(1) **IN GENERAL.**—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(2) **VICE CHAIRPERSON.**—The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(3) **TERM.**—A member may serve as Chairperson or Vice Chairperson for not more than 1 year in each office.

(h) **COMMISSION PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—

(A) **IN GENERAL.**—Members of the Commission shall serve without compensation.

(B) **TRAVEL EXPENSES.**—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duty of the Commission.

(2) **STAFF.**—

(A) **IN GENERAL.**—The Secretary shall provide the Commission with any staff members and technical assistance that the Secretary, after consultation with the Commission, determines to be appropriate to enable the Commission to carry out the duty of the Commission.

(B) **DETAIL OF EMPLOYEES.**—The Secretary may accept the services of personnel detailed from the State or any political subdivision of the State.

(i) **FACA NONAPPLICABILITY.**—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(j) **TERMINATION.**—

(1) **IN GENERAL.**—Unless extended under paragraph (2), the Commission shall terminate on the date that is 10 years after the date of the enactment of this Act.

(2) **EXTENSION.**—Eight years after the date of the enactment of this Act, the Commission shall make a recommendation to the Secretary if a

body of its nature is still necessary to advise on the development of the park. If, based on a recommendation under this paragraph, the Secretary determines that the Commission is still necessary, the Secretary may extend the life of the Commission for not more than 10 years.

SEC. 7. AUTHORIZATION OF APPROPRIATION.

There is authorized to be appropriated \$10,000,000 for the development of the park.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 5131 was introduced by the gentleman from Connecticut (Mr. LARSON) in April 2010. This bill would establish Coltsville National Historic Park on the former site of the Colt Fire Arms Company in Hartford, Connecticut.

H.R. 5131 would create the park as part of a collaborative partnership between willing public and private landowners in the Coltsville historic district. It would also help revitalize one of Hartford's most economically challenged neighborhoods with new investments.

A study conducted by the National Park Service found Coltsville to be of national significance but identified several technical challenges. Congressman LARSON has worked with the committee and the National Park Service to include provisions in the bill addressing all of the agency's concerns. Mr. LARSON is to be commended for his hard work on this legislation. This bill is good for the people of Connecticut, and it is good for our National Park System. I support H.R. 5131.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5131 proposes to create a new unit of the National Park System honoring the Colt family and their contribution to our Nation through the innovation of precision manufacturing. Unfortunately, Mr. Speaker, there has been so little precision, apparently, in developing this legislation, that even the National Park Service has opposed the bill.

I know the sponsor of this bill has worked extremely hard on this legislation, but the National Park Service conducted a study on this proposal and found that although the Coltsville site

is “nationally significant,” there are so many unresolved issues that they were unable to conclude that the park proposal is feasible. In fact, they were unable to determine which parts of the site they would own or even manage.

Further complicating this proposal, the Park Service found—or rather I should say didn’t find—that the public would have basic access to the site because it is under private ownership, among a variety of parties, including 55 condominiums and nine cottages.

It probably goes without saying that visitors to this park would want to see the factory where the famous revolvers and other firearms were produced. Upon their arrival, they will probably be very disappointed because, quoting the Park Service, “no commitments to permit visitors internal access to the Colt Fire Arms factory building currently exist.”

How about a stop at the historic home of Samuel Colt? It is now a private, multiunit residential complex whose owners have determined that visitors touring through their homes would be, as the Park Service report states, “problematic.”

Regardless of the will of these property owners, this legislation would create Federal boundaries around their property and raise serious questions about whether their property rights are being violated. We talked about that a few times earlier today. This is yet another reason why this bill in my view is not ready to move today.

In addition to the Park Service report, the agency testified in June on this legislation, and to quote from that testimony: “The department does not support enactment of this legislation due to the uncertainty associated with the ownership and long-term financial sustainability of the Coltsville development project.”

They continue, “In concert with the lack of feasibility, the study was also unable to determine the need for the National Park Service management, or specifically which resources the National Park Service would manage.”

As a very basic matter of priorities, I would remind my colleagues that the National Park Service already has a \$9 billion maintenance backlog. Authorizing \$10 million more for a new park that the Park Service doesn’t believe is feasible to me makes no sense.

The American public is pleading for this Congress to stop out-of-control spending. While the concept and the intent behind this proposal may have merit, and I think it does have merit, we need to also acknowledge that the taxpayers will be on the hook for millions of dollars in rehabilitation costs just to prepare this site for visitors, if the visitors could get in, plus additional millions to manage the site from now to eternity.

Mr. Speaker, I remind my colleagues that at the request of this Congress,

the National Park Service conducted a study on this proposal and found substantial obstacles to it becoming a successful park. They reiterated that in testimony in June in front of the Natural Resources Committee. While this proposal may have its day, and I think it should have its day because of the historical significance of the Colt factory, in my view we are not there yet. So I urge my colleagues to oppose this legislation.

I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I am pleased to yield such time as he may consume to the chair of our caucus, the Honorable JOHN LARSON from Connecticut.

Mr. LARSON of Connecticut. I thank the gentlelady from the Virgin Islands, and I thank my colleague from Washington. I can’t wait to invite him up to Coltsville so he will see the accessibility and be exposed to what is part of this Nation’s industrial revolution and part of our DNA when it comes to manufacturing.

The gentleman points out clearly that the National Park Service has established its national significance. Its national significance, I think, is worth going into inasmuch as I don’t think all of our colleagues here are aware of the great effort of Samuel Colt and actually his wife Elizabeth who managed the company for 39 years after his death. And even though she couldn’t vote, managed one of the Nation’s top companies that would have been then a Fortune Five company in this Nation. Indeed, it spawned the industrial revolution here. And as a lot of people know from the Colt signature iconic name, it was the gun that won the West. And I hope it wins your hearts today because along with recognizing its national historic significance and its suitability within the park system, it was modeled after what are difficult things for urban areas.

□ 1550

Unlike a lot of people out West who have spacious land, we are limited. This would be Connecticut’s only national park because of its historic significance and also because of its economic significance. Hartford is the fourth poorest city in the Nation. Yes, there were obstacles that were put out in front over the last several years and then specifically in testimony. So, along with the committee, we sat down and worked through those issues.

The issues centered mainly around the third criterion, knowing it was nationally significant, that it was suitable within the scheme of things, and that it followed the precedent established in Lowell, established in Rosie the Riveter in California, and then also, most recently, established in 2010 with Patterson Falls. It follows all of those criteria, but it goes beyond that for exactly the points that the gen-

tleman raises. This is why I think it is so important and why I encourage the dialogue.

We were on the phone with the National Park Service. They have no objection to this because this meets all of those criteria and those concerns. What are they?

First and foremost, the gentleman is correct, any time you are in an urban area, you are going to enter into different property rights concerns than you would in an area which is less congested, shall I say. The point is this:

Between all of the participants, including the Governor of the State, our economic development commission, the city of Hartford, their economic development commission, and the more than 88 property owners, everything was individually worked out. All are welcoming this with great pride and with the understanding of what this will mean to their city and with the understanding of what Coltsville and Elizabeth and Sam Colt mean to the State of Connecticut. This is, perhaps, not important to everybody here; but in a small State and in a small city that is economically depressed, it is enormously important.

The gentleman raises the point that there were feasibility questions raised. There were. The developer has been replaced with a major and significant developer who has the feasibility and capability. A cap has been placed on any potential liability and cost for the National Park Service, which is another important hurdle, I dare say, which is not in most pieces of legislation. It is also with the understanding that the Park Service has veto power over this legislation, even though all of the hurdles have been addressed, should it prove not to be economically feasible.

So I would plead with my colleague. I know, perhaps, in terms of the norm of national parks in an urban setting that in a congested and densely populated area like Connecticut, it’s not going to meet a lot of those criteria. There are going to be property concerns. Though, you can go bipartisanly within your State, work with all the development authorities, go within the neighborhoods, work with everybody in the neighborhood, and then can look at this historic significance. Henry Ford went there to make sure he studied the assembly line. Pratt & Whitney were both apprentices there. It spawned the typewriter, the bicycle. The automobile we can even take credit for, though we are here to talk about the significance and the importance of this historic landmark.

The urgency is that this structure, the 10,000 square feet that actually the Park Service would be in charge of, is in desperate need, in urgent need. It should have been passed years ago. This is a tough process. We have worked—and I really implore my colleagues, and many of you know this

from having gone through this locally—to have every local entity, down to the basic property holder, sign off on this enthusiastically, to experience all of the different hurdles that we have had to overcome and to go forward bipartisanship with the Governor of the State of Connecticut. I think it underscores how important this is to our great State of Connecticut.

With that, Mr. Speaker, I would urge its passage.

I understand the concerns that you have raised, but the Park Service has absolute veto power over that, and I think we in good faith have met every single one of those concerns. It is my hope that any disagreement or lack of understanding that has transpired can be overcome. Yet the urgency of this passage, of its importance and significance, I'd say to my good colleague and friend, is truly important to the people of the State of Connecticut.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. LARSON of Connecticut. I yield to the gentleman.

Mr. HASTINGS of Washington. We may as well have a discussion here. If you need time, I will yield the time.

First of all, I can see the passion that the gentleman has on this issue. Coming from the West, where that manufacturing facility won the West, I can understand that and respect that, but I do want to point out that there is a process here.

We had a hearing on this in June. The Park Service expressed their concerns here in testimony. I quoted part of those concerns. They expressed their concerns, and we expressed some concerns that we may have had because the private property aspect to it was part of the dialogue. We marked the bill up in July, once again, expressing our concerns.

I am one who respects when Members want to put something in their districts. Listen, they know their districts better than anybody else, and they should be given a lot of leeway; but there is a responsibility, if we are going to have national input, to know what the facts are so that we can respond accordingly, as it is not just the citizen taxpayers of Connecticut who are funding this; it is the taxpayers of the 50 States, so we need to have some answers.

Now, this bill was put on the suspension calendar last night. I have checked with my staff. We have yet to hear from the Park Service as to if it has changed its mind or not. You alluded to that fact, but we haven't gotten anything at all.

The gentleman knows that the approval rating of this Congress is very, very low, and it is precisely for these reasons. Even though we don't have the answers, albeit on a project that is small in terms of the overall scope of the Federal Government, it deserves to

have answers, especially when we have been working on this. You said that you've been working on it, I think, if not publicly, then in private conversations for at least 10 years. These concerns that we have raised go back to this summer. They should at least be raised or answered, and they have not been adequately answered.

So, in the waning days of this session, I will tell the gentleman that I am more than willing to work with him, if this does not pass the Congress this year, to get these things resolved so that, indeed, we can memorialize that factory. Yet, with the information I have right now, I respectfully say to my friend that we have focused on the Park Service, but there is a cost associated with this, which I alluded to in my opening remarks, and there is a private property aspect. Those are all important issues.

With that, I thank the gentleman for yielding, but I have to say that I oppose this, and I am going to urge my colleagues to vote "no," though I certainly want to revisit this sometime in the future so we can get this legislation passed.

Mr. LARSON of Connecticut. I thank the gentleman for his comments.

The future for the city of Hartford and for Coltsville is now, and the sense of urgency is upon us. My good friend and colleague from Washington State is an honest broker and a decent person.

I appreciate your comments and everything that you attributed to my enthusiasm and zeal. Let me say that that extends to the people of the State of Connecticut, as I indicated in a non-partisan way, who are very much committed to this.

The gentleman is correct that at the hearing, which I believe was in June, these issues were raised. We then sat down with the Park Service, and we addressed every one of their concerns. Representative GRIJALVA then introduced an amendment that we felt addressed those concerns as well.

□ 1600

In the push-and-shove of business here in Congress and on the floor, I understand sometimes in the process—and certainly the gentleman is correct in making process points. I just would say that this goes beyond process in terms of what it means.

We are a small State, Connecticut, but a very proud State. This is a project—certainly, everybody recognizes—that has national significance and historic value and deserves to be preserved. The problem is that postponing it yet again doesn't work.

And so I understand your position, but I would implore people on the other side of the aisle. If you were in a similar situation—and understanding all the fiscal responsibility that we have as a Congress, and to say that you have

ultimate veto power that you give to the National Park Service that the project cannot go forward unless everything has been met—and the State, its economic development authority, the City of Hartford, its municipality authority, all the property owners all embrace this and have done so enthusiastically. And the National Park Service has signed off on it, they told me.

I respect what the gentleman said, you haven't received that. That's unfortunate and unfair. I know you don't doubt my word, and I certainly don't doubt yours. I can only ask and implore that you support this, what I think is a very important and nationally significant bill.

Mr. HASTINGS of Washington. Mr. Speaker, I have made my points on this. I appreciate the gentleman's input, but I stand by my opening remarks on this just because we haven't got the information. So I urge my colleagues to vote "no" on this.

Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I urge my colleagues on both sides of the aisle to support this important legislation.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LANGEVIN). The question is on the motion offered by the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, H.R. 5131, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

STRENGTHENING MEDICARE ANTI-FRAUD MEASURES ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6130) to amend title XI of the Social Security Act to expand the permissive exclusion from participation in Federal health care programs to individuals and entities affiliated with sanctioned entities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Medicare Anti-Fraud Measures Act of 2010".

SEC. 2. PERMISSIVE EXCLUSION FROM FEDERAL HEALTH CARE PROGRAMS EXPANDED TO INDIVIDUALS AND ENTITIES AFFILIATED WITH SANCTIONED ENTITIES.

Section 1128(b)(15) of the Social Security Act (42 U.S.C. 1320a-7(b)(15)) is amended to read as follows:

“(15) INDIVIDUALS OR ENTITIES AFFILIATED WITH A SANCTIONED ENTITY.—(A) Any of the following:

“(i) Any individual who—

“(I) is a person with an ownership or control interest (as defined in section 1124(a)(3)) in a sanctioned entity or an affiliated entity of such sanctioned entity (or was a person with such an interest at the time of any of the conduct that formed a basis for the conviction or exclusion described in subparagraph (B)); and

“(II) knows or should know (as defined in section 1128A(i)(7)) (or knew or should have known) of such conduct.

“(ii) Any individual who is an officer or managing employee (as defined in section 1126(b)) of a sanctioned entity or affiliated entity of such sanctioned entity (or was such an officer or managing employee at the time of any of the conduct that formed a basis for the conviction or exclusion described in subparagraph (B)).

“(iii) Any affiliated entity of a sanctioned entity.

“(B) For purposes of this paragraph, the term ‘sanctioned entity’ means an entity—

“(i) that has been convicted of any offense described in subsection (a) or in paragraph (1), (2), or (3) of this subsection; or

“(ii) that has been excluded from participation under a program under title XVIII or under a State health care program.

“(C)(i) For purposes of this paragraph, the term ‘affiliated entity’ means, with respect to a sanctioned entity—

“(I) an entity affiliated with such sanctioned entity; and

“(II) an entity that was so affiliated at the time of any of the conduct that formed the basis for the conviction or exclusion described in subparagraph (B).

“(ii) For purposes of clause (i), an entity shall be treated as affiliated with another entity if—

“(I) one of the entities is a person with an ownership or control interest (as defined in section 1124(a)(3)) in the other entity (or had such an interest at the time of any of the conduct that formed a basis for the conviction or exclusion described in subparagraph (B));

“(II) there is a person with an ownership or control interest (as defined in section 1124(a)(3)) in both entities (or had such an interest at the time of any of the conduct that formed a basis for the conviction or exclusion described in subparagraph (B)); or

“(III) there is a person who is an officer or managing employee (as defined in section 1126(b)) of both entities (or was such an officer or managing employee at the time of any of the conduct that formed a basis for the conviction or exclusion described in subparagraph (B)).”.

SEC. 3. BUDGETARY EFFECTS OF PAYGO LEGISLATION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 6130. The legislation expands the authority of the Health and Human Services Office of Inspector General to allow it to ban corporate executives from doing business with Medicare if their companies were convicted of fraud. It also gives the inspector general the ability to exclude parent companies that may be committing fraud through shell companies.

This important bill will close two loopholes in current law so that criminal offenders who defraud our Nation's seniors will have to pay for their crimes. Mr. Speaker, for every dollar put into the pockets of criminals, a dollar is taken out of the system to provide much-needed care to millions of Medicare patients, including two of our Nation's most vulnerable populations—seniors and the disabled.

This morning, my subcommittee held a hearing on Medicare fraud in which we talked about the many important provisions of the new health care law that will assist CMS, the OIG, and the Justice Department in identifying abusive suppliers and fraudulent billing practices. In that hearing, we heard from the inspector general about how this bill will help fight fraud by closing two remaining gaps.

The first gap allows an executive who has left the company being charged with fraud by the time of conviction to continue to participate in Federal health programs. This shortfall willingly permits these criminals to move from one company to another and continue to steal from Medicare seniors and taxpayers. H.R. 6130 would give the OIG the authority to ban these executives from doing business with Medicare.

The second gap allows companies that engage in fraud who have set up shell companies to insulate themselves from liability and get off scot-free. Once these shell organizations dissolve, there is no real penalty to the parent company. So H.R. 6130 would give the OIG the authority to ban these parent companies from doing business with Medicare.

Mr. Speaker, all forms of fraud undermine the integrity of our public health system, and I applaud my colleagues from the Ways and Means Committee—particularly Mr. STARK—for working on this important legislation. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I rise today to support H.R. 6130, a commonsense solution to combating fraud in Medicare. This legislation will provide the Health and Human Services Office of the Inspector General with tools to properly combat Medicare fraud.

First, it will close an important loophole in current law and give the Office of the Inspector General additional authority to fight fraud. Under current law, for example, if an executive leaves a company before the company is convicted of Medicare fraud, that executive cannot be barred from participating in Federal health programs. Under current law, an executive intent on defrauding Medicare could simply move from one company to another and continue to inequitably use American taxpayers' money.

Second, this law will prevent companies from hiding behind corporate shells. Some companies use shell companies to protect the parent company from any liability. If the company is caught participating in fraud, the shell could be dissolved, leaving the parent company fully intact. Under this bill, the Office of Inspector General can exclude parent companies when such punishment is merited.

I am glad that we are continuing to find ways to combat fraud in Medicare because we know that health care costs are out of control. And I might say, I am sure every Member had the same experiences that I did when we were home over this recent 3-week work period in which people were coming up asking all sorts of questions about the health care reform bill, and we really do not know the answers to it because HHS is basically going to be writing these regulations. And we are not going to fully know the outcome of this legislation for many years to come, which I think merits, once again, the importance of starting to have oversight hearings to have some questions answered that the American people are asking for.

□ 1610

I would ask unanimous consent at this time to yield the balance of my time to the gentleman from California (Mr. HERGER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. HERGER. I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the gentleman

from California (Mr. STARK), the Health Subcommittee chair on the Ways and Means Committee, control the remainder of the time on the majority side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume and rise in support of H.R. 6130, which strengthens the Medicare Anti-Fraud Measures Act, as you have heard described here.

This bipartisan fraud and abuse-fighting legislation was co-authored by our ranking member, Mr. HERGER, and was cosponsored on our side of the aisle by Mr. LEWIS, who chairs the Oversight Subcommittee on Ways and Means.

It was developed in a way that I think Congress should do more legislation. It was a problem that was called to the attention of Mr. HERGER and myself, and we worked together with the Office of the Inspector General and the Centers for Medicare and Medicaid and expanded the authority to ban executives from companies who have been convicted of fraud from the program.

As you have heard, many of those executives can come back and repeatedly take money from the Medicare or Medicaid program to which they're not entitled, and this would put an end to that. It expands the permissive authority to exclude affiliates, and it sees that the funds thereby go to the services that beneficiaries need. The bill has been endorsed by AARP, which states that the bill would expand the authority of the United States Health and Human Services to accomplish just that.

I want to thank my ranking member, Mr. HERGER, and Mr. LEWIS, for cooperating on this. I think we have unanimous agreement that it's a bill that's necessary, a bill that will reduce fraud and abuse, and a bill that will aid the Medicare and Medicaid programs.

I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is broad agreement that more needs to be done to combat waste, fraud, and abuse in Medicare. In fact, fraud is such an issue in Medicare, that the chief counsel to the HHS Inspector General, Lewis Morris, who testified before the Ways and Means Health Subcommittee this summer, said, "A lot of career criminals and organized criminals have decided that building a Medicare fraud scam is far safer than dealing in crack or dealing in stolen cars, and it's far more lucrative. Right now, it's a good bet that you can take millions from us, and chances are you're not going to get caught."

Mr. Speaker, it's clear more must be done to ensure that taxpayer dollars

and seniors' premiums are being used wisely and efficiently. That is why Chairman STARK and I authored the legislation before us today, H.R. 6130, the Strengthening Medicare Anti-Fraud Measures Act.

When Mr. Morris testified at our subcommittee, he identified ways in which the current law could be improved. This legislation seeks to address those areas.

The bill makes two improvements to current law. First, it provides authority to exclude from Federal health programs executives whose companies have been convicted of fraud. The HHS Office of Inspector General would be allowed to exclude executives who were in positions of authority at the time the fraud was committed but subsequently left those positions.

Because the current statute is written in the present tense, it only punishes officers, managing employees, and owners at the exact time OIG levies punishment. Therefore, the individual who was the CEO of a company that engaged in criminal fraud can evade Medicare penalties if he or she resigns before the company is convicted. The ex-CEO is then free to take on jobs with other health care entities and commit fraud all over again.

Under H.R. 6130, OIG could exclude the individuals who are responsible corporate officials at the time fraud was being committed, regardless of where they are employed later.

The second change this bill makes prevents companies that are convicted of fraud from hiding behind corporate shells and evading punishment. The bill does this by strengthening OIG's ability to impose penalties on corporations affiliated with convicted entities, or to use "permissive exclusion" authority to exclude them from program participation.

Currently, corporations that engage in health care fraud can resolve the criminal case through a guilty plea of a non-operating subsidiary. OIG's only remedy in such a case doesn't allow for any meaningful punishment against the company that's actually behind the Medicare fraud.

This legislation gives OIG the authority to exclude corporate parents or other affiliates from the Medicare program so that OIG will be better positioned to require significant changes at these companies beyond the remedies that are generally required in civil cases. This would provide a significant incentive to corporate parents to promote compliance and police the activities within their corporate families.

With these additional tools, OIG will be better able to stop those individuals who commit fraud but who have been able to stay one step ahead of law enforcement, saving taxpayer dollars and protecting seniors.

Medicare fraud is a crime that hurts senior citizens, law-abiding health care

providers, and every American who pays taxes.

I thank Chairman STARK for working with me on this legislation and urge the support of my colleagues.

I reserve the balance of my time.

Mr. STARK. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), the distinguished chair of our Oversight Subcommittee on Ways and Means, who, like Mr. HERGER, recognizes the seriousness of this problem and was helpful in our hearings in calling attention to many of the problems.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, my colleague, Chairman STARK, for yielding time.

Mr. Speaker, we as a Nation have a duty to provide the very best health care to our seniors and our disabled brothers and sisters. For them, Medicare is a blessing, a lifeline.

Each time someone steals money from Medicare, it weakens the public trust, it hurts our seniors, and threatens the future of Medicare. We must not, and we will not allow, criminals to rob Medicare. If you defraud Medicare once, you will never, ever do it again.

CEOs who defraud Medicare should not be able to simply move to a different company and continue to bill Medicare. Their companies should not be able to hide behind corporate shells that rob Medicare. This legislation will strengthen the anti-fraud laws and stop these bad practices.

□ 1620

I want to thank Mr. HERGER and again the chairman of our Subcommittee on Health, Chairman STARK, for working side by side with the Oversight Subcommittee to end these abuses.

I ask all my colleagues on both sides of the aisle to support this necessary bipartisan bill.

Mr. HERGER. In closing, I urge all Members to vote "yes" on H.R. 6130, and I yield back the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself the balance of my time.

I want to thank my distinguished ranking member for his support and work in bringing this bill to the floor, and thank the staff who have worked on this bill; John Barket, who was a fellow in our subcommittee, got it started. He has now moved to Health and Human Services, but I wanted to recognize his leadership. I would like to thank Erik Rasmussen and Dan Elling on Mr. HERGER's staff for their work and help in this area. And as always, Debbie Curtis and Hannah Neprash on my subcommittee as well for their good work. And again to thank Mr. HERGER for joining with us to see that we bring an end to these bad practices.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 6130, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EMERGENCY MEDIC TRANSITION ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3199) to amend the Public Health Service Act to provide grants to State emergency medical service departments to provide for the expedited training and licensing of veterans with prior medical training, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Medic Transition Act of 2010" or the "EMT Act of 2010".

SEC. 2. ASSISTING VETERANS WITH MILITARY EMERGENCY MEDICAL TRAINING TO BECOME STATE-LICENSED OR CER- TIFIED EMERGENCY MEDICAL TECH- NICIANS (EMTS).

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following:

"SEC. 315. ASSISTING VETERANS WITH MILITARY EMERGENCY MEDICAL TRAINING TO BECOME STATE-LICENSED OR CER- TIFIED EMERGENCY MEDICAL TECH- NICIANS (EMTS).

"(a) PROGRAM.—The Secretary shall establish a program consisting of awarding grants to States to assist veterans who received and completed military emergency medical training while serving in the Armed Forces of the United States to become, upon their discharge or release from active duty service, State-licensed or certified emergency medical technicians.

"(b) USE OF FUNDS.—Amounts received as a grant under this section may be used to assist veterans described in subsection (a) to become State-licensed or certified emergency medical technicians as follows:

"(1) Providing to such veterans required course work and training that take into account, and are not duplicative of, medical course work and training received when such veterans were active members of the Armed Forces of the United States, to enable such veterans to satisfy emergency medical services personnel certification requirements in the civilian sector, as determined by the appropriate State regulatory entity.

"(2) Providing reimbursement for costs associated with—

"(A) such course work and training; or

"(B) applying for licensure or certification.

"(3) Expediting the licensing or certification process.

"(4) Entering into an agreement with any institution of higher education, or other educational institution certified to provide course

work and training to emergency medical personnel, for purposes of providing course work and training under this section if such institution has developed a suitable curriculum that meets the requirements of paragraph (1).

"(c) ELIGIBILITY.—To be eligible for a grant under this section, a State shall demonstrate to the Secretary's satisfaction that the State has a shortage of emergency medical technicians.

"(d) REPORT.—The Secretary shall submit to the Congress an annual report on the program under this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated \$5,000,000 for each of fiscal years 2011 through 2015."

(b) GAO STUDY AND REPORT.—The Comptroller General of the United States shall—

(1) conduct a study on the barriers experienced by veterans who received training as medical personnel while serving in the Armed Forces of the United States and, upon their discharge or release from active duty service, seek to become licensed or certified in a State as civilian health professionals; and

(2) not later than 2 years after the date of the enactment of this Act, submit to the Congress a report on the results of such study, including recommendations on whether the program established under section 315 of the Public Health Service Act, as added by subsection (a), should be expanded to assist veterans seeking to become licensed or certified in a State as health providers other than emergency medical technicians.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3199, the Emergency Medic Transition Act of 2010. H.R. 3199 will help military medics transition to work as civilian emergency medical technicians. This bill authorizes grants for States that have a shortage of emergency medical technicians to create programs to train returning veterans with emergency medical training that they become State-certified EMTs.

The goal of this legislation is twofold: to help vets with medical training transition back into civilian life and to shore up our civilian emergency response capabilities, particularly in States with a demonstrated need for these services. Programs like the ones authorized by this legislation may be helpful for veterans with other health care experience. That's why this legislation also requires the GAO to conduct a study to understand the barriers experienced by returning vets with

medic experience from becoming civilian health care professionals. GAO will make recommendations to Congress whether it makes sense to expand this program to other health care professions.

I would like to thank in particular of course Representative HARMAN and Representative SARBANES, both from our Energy and Commerce Committee, for their dedication to and leadership on this important issue.

I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I rise today also in support of H.R. 3199, the Emergency Medic Transition Act.

This legislation would provide grants to States with a shortage of EMTs to assist veterans who have completed military emergency training and assist them in becoming State-licensed or certified EMTs.

Through their service in the Armed Forces, these veterans have received some of the best emergency response training available. Our Nation is currently blessed with thousands of men and women who, through their honorable service in Iraq and Afghanistan and around the world, are equipped with unmatched credentials and vast practical experience.

We have heard of stories from around the country of there being a shortage of EMTs and about the training and licensing barriers returning veterans face when they transition to the civilian workforce. If the Federal Government has provided training in emergency management services to these veterans, it would be beneficial to use that investment to fill EMT needs in communities once the veteran has left the service. It makes sense to me that we should help veterans with life-saving skills to use them in our communities after they come home.

I would certainly like to thank also Congresswoman HARMAN and Chairman PALLONE as well as Congressman BUYER of Indiana, all of whom have worked hard on this legislation.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield to the bill's sponsor, the gentlewoman from California (Ms. HARMAN), such time as she may consume.

Ms. HARMAN. Mr. Speaker, I want to thank my friend and subcommittee chair, Mr. PALLONE, and his ace staff for working to bring this bipartisan bill, the Emergency Medic Transition, or EMT Act, to the floor. I also want to thank Mr. SARBANES, Mr. WHITFIELD, Mr. BUYER and others for their support in committee. Truly, it might be said that bipartisanship broke out in our committee during the debate on this bill.

As you heard from Mr. PALLONE, the bill will help our brave men and women

who serve as medics in Afghanistan and Iraq to transition into EMT jobs when they return. The act authorizes grants for States that have a shortage of EMTs to create a fast-track program for vets who received and completed military emergency medical training to become emergency responders. The funds authorized in this bill can be used to provide coursework and training, and reimbursement for the cost of coursework, and any certification fees.

Obviously, the bill is a win-win for the country and our vets. Its passage will enhance the surge capacities of local medical facilities and provide jobs for our vets, especially during this critical economic downturn.

It is worth noting that the unemployment rate last year for Iraq and Afghanistan veterans 18 to 24 years old was 21.1 percent. Let me repeat that. Our returning vets' unemployment rate was 21.1 percent unemployment, which is significantly higher than the 16.6 percent rate for nonveterans of the same age.

Presently, military medics who wish to become first responders must restart their training from scratch, fulfilling the same entry level criteria as people with no prior training or experience. These duplicative efforts waste time, money, and talent. At the same time, many hospitals and emergency medical services throughout the country operate at or near capacity, and a terrorist attack or natural disaster would result in a surge of patients that would overwhelm medical facilities. Correcting this requires having the largest possible pool of experienced medical personnel on hand.

With military medics' recent experience administering trauma care in Afghanistan and Iraq, these vets are ideally suited to respond to large-scale medical emergencies. They are ideal first responders, making life or death decisions amid a backdrop of chaos and confusion. Their work at the scenes of IED attacks, suicide bombings, and firefights prepares them for this.

In conclusion, the GAO study that Mr. PALLONE referenced will report on barriers experienced by veteran medics and whether or not we should expand this program to other health care providers.

I urge support for the bill. It demonstrates in tangible form our appreciation for the service and skills of our returning military medics.

□ 1630

Mr. WHITFIELD. I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the other person who did a lot of work on this legislation, the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding.

I rise in strong support of this bill, and I salute Congresswoman HARMAN

for her excellent work on this and perceiving where there was a need and how that need could be met.

There are plenty of studies out there, and there's also a lot of anecdotal evidence that there are really severe shortages across our health workforce, and this is an area to which I brought particular attention, looking at where these shortages are, in trying to think not just how we look at the traditional pipelines to bring people into these positions, but how we think outside of the box at some of the nontraditional sources where we can find the expertise and the experience to bring that through the pipeline and to fill these shortages.

H.R. 3199 proposes a very innovative way to meet the needs that we have across the country for emergency medical technicians. It recognizes that military medics who are returning have acquired very valuable experience during their service, which positions them extremely well to meet those needs and to fill those positions.

It also recognizes that there's obstacles, that there's significant costs sometimes associated with the training that goes with certification, that it can be difficult in terms of getting that done in a timely fashion. What this bill does is address those issues. It would award grants to States to begin to streamline the licensing process, provide some resources to assist with the costs of training, and do other things to basically expedite this process of getting these experienced people into these jobs where we need them.

It makes a lot of common sense. I think that's why it's garnered bipartisan support, and I certainly urge my colleagues to support it.

Mr. PALLONE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from South Dakota, Congresswoman HERSETH SANDLIN.

Ms. HERSETH SANDLIN. I thank the chairman, the gentleman from New Jersey, for yielding.

Mr. Speaker, I rise today in strong support of H.R. 3199, the Emergency Medic Transition Act of 2010. This is a collaborative effort, and I would like to thank Representatives HARMAN, BEAN, SARBANES and so many others for their collaborative partnership on drafting the bill.

I also want to thank Representative STEVE BUYER with whom I have worked closely on the Veterans' Affairs Committee. Representative BUYER offered some commonsense suggestions as the ranking member of our full committee on how to improve H.R. 3199. He is also a member of the House Energy and Commerce Committee, and he helped make the final product a better piece of legislation.

This bill takes important steps to improve the ability of veterans to translate their military experience into the civilian workforce, specifically

working to help veterans with military medical experience to become civilian emergency medical technicians. The legislation creates a grant program that will assist individual States in the creation of a fast-track EMT certification process that takes into account the experience a veteran gained while serving in the military.

Recent estimates from the United States Bureau of Labor Statistics suggests that veterans between the ages of 18 and 24 had an unemployment rate of 21.6 percent in 2009. This is a terribly troubling number and the Veterans' Affairs Economic Opportunity Subcommittee, which I have the honor of chairing, has held a series of hearings during the 111th Congress on a variety of issues related to veterans employment.

These hearings have shown that one of the critical barriers facing newly separated veterans trying to enter the workforce is the challenge of translating their military experience to the civilian market. So I am pleased that the legislation the House is considering today not only increases access to health care, but does so by increasing employment opportunities for veterans and allows them to use their skills gained in service to our country to serve their local communities in civilian life.

H.R. 3199 also requires an assessment of whether this new program should be expanded to help veterans with medical training to obtain certification in other health professions.

I urge all of my colleagues on both sides of the aisle to support this important legislation.

Mr. PALLONE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the chairman very much for presiding over this very important legislation. As I have noted, any number of bills from the Energy and Commerce committee have been very constructive.

I thank the manager from our friends on the other side of the aisle, and I thank in particular Representative HARMAN and the collaborative effort between Energy and Commerce and, as well, Veterans' Affairs.

This bill, modest in funding—and I would like to emphasize that before I even speak about its importance—modest in funding, \$5 million per year between 2011, I believe, and 2015, takes an important step toward the value that we place on our service men and women. One, we thank them while they are serving, and we have made a commitment to thank them when their service is finished.

My State happens to be unique in having the highest percentage of returning soldiers, in particular from Iraq and Afghanistan, the State of Texas. In addition, many of you are

aware of many of the bases in our State, but, as well, you are aware of the horrific tragedy that occurred at Fort Hood just a few months ago and, of course, coming up on its first-year recognition.

In that instance, many were lost, but some were injured; and the idea of using soldiers who have been trained by the military to return home for first responder utilization is a brilliant idea and one that is long in coming. It is well known that veterans do have a higher unemployment than the general population in many instances.

But also, Mr. Speaker, we know that many of our veterans, because of a number of serious issues, find themselves homeless. Where is our continued promise about treating them with the same respect and dignity that we have done so while they were in the service and then when they are out?

So this particular legislation, H.R. 3199, does two things that I think are enormously important, takes advantage of the important talent that is coming home, that wonderful training that saves lives on the battlefield to use in America's emergency rooms.

Then I was so delighted to be able to hear that as we move to have this massive and important change in medical reform, health care reform that is going to save lives—particularly, I think, tomorrow will be a number of new provisions coming out in the health care bill—now we have the ability to assess the training of these very fine men and women to serve in America's medical professions. This is key. It's a great partnership.

I thank the author of the bill. I rise to support it. I am loudly saying to those who are returning home to Texas and other States around the Nation that we now have an opportunity to use your great talents to save lives, to be in America's hospitals, to be in fire stations, to assist police officers and to be there when danger and disaster comes to face Americans on the home soil.

What better way of using the great talent that we have. The men and women who were willing to offer their lives on the battlefield now can come home and serve their fellow Americans in one of the highest professions we have and that is the health care profession, where you can say that no matter where you are, you have the ability to save lives.

I ask my colleagues to support enthusiastically H.R. 3199.

Mr. BUYER. Mr. Speaker, I rise today in support of H.R. 3199 the "Emergency Medic Transition (EMT) Act." This bill, introduced by Congresswoman HARMAN, was originally included as an amendment to the House passed version of the Health Reform bill. Congresswoman HARMAN, at my request, kindly withdrew the amendment so we could properly vet this with our VA Committee professional staff. I want to thank Congresswoman HARMAN

for allowing my staff to review the bill and contribute suggestions. I am pleased to announce my full support of this legislation to help veterans and states alike.

By funding this HHS program that will award grants to state entities with jurisdiction over emergency medical personnel training and licensing, states will be provided the resources for our veterans to receive the EMT training and certification they need, help fill state shortages in emergency medical technicians, and avoid duplicative training courses and costs. Further, the included GAO study will help Congress assess the program's effectiveness going forward.

Licensing and certification of returning veterans for civilian jobs for skills that they have been trained and are well-experienced in from their military service has been a long standing point of frustration and a barrier to many returning veterans finding meaningful employment in a timely manner. Recent reports from the Bureau of Labor Statistics show that the unemployment rate among our newest cohort of veterans is at an alarming rate of 19.3% for the month of August. It is my hope that H.R. 3199 will alleviate a portion of this problem and help our combat medics get their EMT licenses with as little bureaucratic red tape as possible.

Lastly, in order for this bill to meet its full intent and potential, it is critical for the Governors of our states to swiftly create consistent licensing standards necessary to fill EMT shortages and put veterans to work. I look forward to working with the states to accomplish this goal.

Ms. BEAN. Mr. Speaker, I rise in support of H.R. 3199—Emergency Medic Transition, EMT, Act. As an original cosponsor and co-author of this bill, I'm pleased that policy language I authored regarding reciprocity for military emergency medical technicians can be considered today. This provision establishes reciprocity between the armed services and states regarding certification for emergency medical technicians, EMTs.

In 2008, the State of Illinois passed legislation which allows military "EMT" training of an honorably discharged member of the armed forces to be considered as 'reciprocal' for its licensure requirements. Working with Representatives HARMAN and HERSETH SANDLIN, I included a similar provision in H.R. 3199, The Emergency Medic Training, EMT, Act, a comprehensive bill that will assist our EMT vets with training, grants, and education opportunities when they arrive home.

The need for such direction to states remains necessary. Our men and women in uniform should be able to use their real-time training and education in the field to help those in emergencies here at home, without the cost and redundancy of retraining upon their return.

I want to thank Congresswomen HARMAN and HERSETH SANDLIN for their hard work and support of our returning EMTs as well as their efforts to bring the underlying bill to the floor. I encourage my colleagues to vote "yes."

Mr. PALLONE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 3199, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1640

NATIONALLY ENHANCING THE WELLBEING OF BABIES THROUGH OUTREACH AND RESEARCH NOW ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3470) to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nationally Enhancing the Wellbeing of Babies through Outreach and Research Now Act" or the "NEW-BORN Act".

SEC. 2. INFANT MORTALITY PILOT PROGRAMS.

Section 330H of the Public Health Service Act (42 U.S.C. 254c-8) is amended—

(1) by redesignating subsection (e) as subsection (f);

(2) by inserting after subsection (d) the following:

"(e) INFANT MORTALITY PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator, shall award grants to eligible entities to create, implement, and oversee infant mortality pilot programs.

"(2) PERIOD OF A GRANT.—The period of a grant under this subsection shall be 5 consecutive fiscal years.

"(3) PREFERENCE.—In awarding grants under this subsection, the Secretary shall give preference to eligible entities proposing to serve any of the 15 counties or groups of counties with the highest rates of infant mortality in the United States in the past 3 years.

"(4) USE OF FUNDS.—Any infant mortality pilot program funded under this subsection may—

"(A) include the development of a plan that identifies the individual needs of each community to be served and strategies to address those needs;

"(B) provide outreach to at-risk mothers through programs deemed appropriate by the Administrator;

"(C) develop and implement standardized systems for improved access, utilization, and quality of social, educational, and clinical services to promote healthy pregnancies, full-term births, and healthy infancies delivered to women and their infants, such as—

“(i) counseling on infant care, feeding, and parenting;

“(ii) postpartum care;

“(iii) prevention of premature delivery; and

“(iv) additional counseling for at-risk mothers, including smoking cessation programs, drug treatment programs, alcohol treatment programs, nutrition and physical activity programs, postpartum depression and domestic violence programs, social and psychological services, dental care, and parenting programs;

“(D) establish a rural outreach program to provide care to at-risk mothers in rural areas;

“(E) establish a regional public education campaign, including a campaign to—

“(i) prevent preterm births; and

“(ii) educate the public about infant mortality; and

“(F) provide for any other activities, programs, or strategies as identified by the community plan.

“(5) LIMITATION.—Of the funds received through a grant under this subsection for a fiscal year, an eligible entity shall not use more than 10 percent for program evaluation.

“(6) REPORTS ON PILOT PROGRAMS.—

“(A) IN GENERAL.—Not later than 1 year after receiving a grant, and annually thereafter for the duration of the grant period, each entity that receives a grant under paragraph (1) shall submit a report to the Secretary detailing its infant mortality pilot program.

“(B) CONTENTS OF REPORT.—The reports required under subparagraph (A) shall include information such as the methodology of, and outcomes and statistics from, the grantee's infant mortality pilot program.

“(C) EVALUATION.—The Secretary shall use the reports required under subparagraph (A) to evaluate, and conduct statistical research on, infant mortality pilot programs funded through this subsection.

“(7) DEFINITIONS.—For the purposes of this subsection:

“(A) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Health Resources and Services Administration.

“(B) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State, county, city, territorial, or tribal health department that has submitted a proposal to the Secretary that the Secretary deems likely to reduce infant mortality rates within the standard metropolitan statistical area involved.

“(C) TRIBAL.—The term ‘tribal’ refers to an Indian tribe, a Tribal organization, or an Urban Indian organization, as such terms are defined in section 4 of the Indian Health Care Improvement Act.”; and

(3) by amending subsection (f), as so redesignated—

(A) in paragraph (1)—

(i) by amending the paragraph heading to read: “HEALTHY START INITIATIVE”; and

(ii) by inserting after “carrying out this section” the following: “(other than subsection (e))”;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

“(2) INFANT MORTALITY PILOT PROGRAMS.—To carry out subsection (e), there is authorized to be appropriated \$10,000,000 for each of fiscal years 2011 through 2015.”; and

(D) in paragraph (3)(A), as so redesignated, by striking “the program under this section” and inserting “the program under subsection (a)”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill authorizes a pilot program to address a serious public health problem, and that is infant mortality. According to the Centers for Disease Control and Prevention, the U.S. infant mortality rate is about 50 percent higher than the national goal of 4.5 infant deaths for 1,000 births. As of 2005, the United States ranked 30th in the world in infant mortality. The pilot program authorized in this legislation would give grants to eligible entities to fight infant mortality in the most impacted areas.

I want to thank Representative COHEN, the sponsor of the NEWBORN Act, as it is called, for his deep commitment to and tireless leadership on this very important issue. I would also like to thank Ranking Member BARTON and Ranking Member SHIMKUS and their staffs for working in a bipartisan manner to help get this legislation to the House floor.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

There has been a lot of debate in the United States about infant mortality. And when we hear that the U.S. ranks 30th in the world, it certainly bothers all of us.

I do think it is important that we also recognize, just for informational purposes, that not every country in the world uses the same method to determine infant mortality. For example, in the United States, all live births at any birthweight or gestational age must be reported. In France, for example, only live births of at least 22 weeks of gestation or weighing at least 500 grams must be reported. So some of these countries use different reporting facts to determine their mortality rates.

There is no question that certain communities in the United States have infant mortality rates that are persistently high. And this legislation authorizes HHS to award grants for pilot projects to reduce infant mortality in the communities with the highest infant mortality rates and would require these projects be evaluated to ensure we are on the right track to reducing infant mortality rates in those areas and in the United States.

I want to thank Congressman COHEN for his leadership on this issue as well as Congressmen PALLONE and SHIMKUS.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the sponsor of the bill, Representative COHEN of Tennessee.

Mr. COHEN. I want to thank Mr. PALLONE for the time, and I want to thank Mr. PALLONE, Mr. ANDREWS, and Chairman WAXMAN for their help in getting this particular proposal to the floor; and the minority side as well, Mr. WHITFIELD, my friend, Mr. SHIMKUS, and everyone who has worked on this.

Mr. Speaker, this is a particularly important bill to me, and it's an important bill to my district. September is Infant Mortality Awareness Month, and it's appropriate that this month this bill will be brought up for consideration, the NEWBORN Act. “NEWBORN” is an acronym. Everything in Washington seems to be an acronym, and this acronym, “NEWBORN,” stands for “Nationally Enhancing the Wellbeing of Babies through Outreach and Research Now.”

It is so important that we give children an opportunity to live and mothers and fathers an opportunity to see their children born and have a chance. My parents lost a child at about 4 months of age in 1946. They never got over it. There are so many people who have lost children, and it is something that stays with you forever.

In my particular city of Memphis—while we talked about the United States' rate, we know it is too high no matter what it is and how you keep statistics—the city of Memphis has one of the highest infant mortality rates in the Nation. It is said to be second by the CDC among the 60 largest urban areas in the year 2002. In one particular ZIP code in my district, 38108, in the year 2007—it's in north Memphis, a predominately low-income African American neighborhood. I say predominately; it's an entirely low-income African American neighborhood—had an infant mortality rate of 31 deaths per 1,000 live births. That is almost five times the Nation's 2007 rate of seven deaths per 1,000 live births. And that ranks 38108 as worse than the developing nations of Iran, Indonesia, Nicaragua, El Salvador, Syria, and Vietnam in infant mortality for that year.

It's an issue that can strike people of any race, but it is divided largely along racial lines, and there's a great racial disparity. The Office of Minority Health at the CDC has found that African Americans have 2.4 times the infant mortality rate than whites, that African Americans are four times as likely to die as infants due to complications related to low birthweight when compared to white infants. The CDC study found that African American mothers were 2.5 times more likely than white mothers to begin prenatal care in their third trimester or not receive prenatal care at all. That's

where a lot of research and outreach can be done, particularly the outreach. That is why the NEWBORN bill is so needed, and that is why our office decided to make this our top priority.

My chief of staff, Marilyn Dilihay; my district director, Randy Wade; and our whole team met in Memphis. Brittany Johnson, who is my legislative director in the area of health care, and my legislative director, Reisha Phills, the whole office worked on the issue and we brought it as a bill. But we also had it included in the health care bill that passed this House. And it was featured in the Speaker's bullet points about what it could possibly do for infant mortality. This would be the largest outreach program the Federal Government has ever engaged in. It's an authorization to find answers for the problem of infant mortality.

Of course, because of the situation of the politics in the Senate and because we had to go to reconciliation, there wasn't a conference committee, and this part of the health care bill wasn't included because the Senate didn't have it, and reconciliation didn't allow consideration of proposals like this that didn't add to or decrease from the budget. This was an authorization. So it didn't make it through the final phase because of what happened in Massachusetts, and that hurt us in what could be an important step forward for mothers and children.

We hope that the bill will pass here today and that the Senate will pick it up. We hope Senator MIKULSKI or Senator DODD or somebody will help us with it, or Senator HARKIN, and see that it gets through the Senate and the authorization is approved.

It will authorize the Secretary of the Department of Health and Human Services to award 5-year-long grants to 15 municipalities or States to create infant mortality pilot programs. The legislation sets forth guidelines on what practices the pilot programs may employ in their quest to lower the infant mortality rate of the area they serve, and those include outreach to at-risk mothers, increased access to educational clinic services for pregnant women or potential mothers and families.

The language suggests each program provide infant care counseling, postpartum care, additional care for at-risk mothers, a rural outreach program, and a public education program.

All of these can save money in the long run in health care because some of the most expensive treatment rendered is for premature babies, and care in these particular ages of life can be very expensive. And if we can have better prenatal care and less problems, not only is it the right thing to do in every way possible, but it also saves money.

It is my hope that those entities who apply for this funding will do so in conjunction with existing local, private,

and not-for-profit groups that have already involved themselves in the fight against infant mortality. And there are several in Memphis that have done that. Our Governor, Phil Bredesen, and our city mayor and county mayor, A C Wharton, have headed up programs in our community, and our county mayor, Mark Luttrell, is continuing them.

The cultivation of partnerships between local leaders is essential in order to ensure the problem is addressed in as efficient a manner as possible.

I introduced the NEWBORN Act because of the number of devastating instances of infant mortality in Memphis, but I hope its passage and eventual enactment will help the incalculable number of people across the country who are possibly at risk to lose a child or grandchild in the years to come.

Again, I thank Mr. PALLONE and the other Members, particularly Mr. WAXMAN, for their help in getting this bill to the floor, and I hope that we will have the help in the Senate that the mothers, children, and grandchildren in this Nation deserve.

□ 1650

Mr. WHITFIELD. Mr. Speaker, I urge all Members to support this legislation, and I thank the gentleman from Tennessee (Mr. COHEN) and others who worked hard on this legislation.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I wish to take a moment to state my strong support for H.R. 3470, the Nationally Enhancing the Wellbeing of Babies through Outreach and Research Now—or the NEWBORN Act. This bill authorizes grants to create, implement, and oversee infant mortality pilot programs. These grants could support a number of important activities to reduce our national infant mortality rate, including: educational outreach to at-risk mothers; development and implementation of standardized systems for improved access and services; and regional public education campaigns.

In order to fully understand the importance of this act, I believe our country needs to take a moment to reflect upon our infant mortality rate of 6.7 per thousand live births. The United States currently has one of the highest infant mortality rates among industrialized nations—higher than Cuba or Japan. Although the infant mortality rate has declined over time, this rate is unacceptably high and tragic because many of these infant deaths are preventable when mothers receive adequate care and education. Access to quality prenatal healthcare and parenting education greatly reduces many of the risk factors that contribute to infant mortality, such as low birth weight and short gestational age births.

It is of serious concern that great disparity exists in infant mortality rates across our country based on geographic location and racial/ethnic minority status. According to the Centers for Disease Control and Prevention, the infant mortality rate is much higher in the Southeastern and Midwestern regions of our Nation. In my home State of Illinois in 2006 is

7.29 per thousand live births, well above the national average. For African Americans, the infant mortality rate is 13.35, almost double the national average and almost triple the national average for Latino and White children. We cannot allow these disparities to continue. We cannot continue to allow particular groups of our citizens to lose their children at higher rates than others. We must work to dramatically reduce these deaths for all Americans.

These numbers reflect the need for federal legislation to increase access to quality prenatal care. I am proud to have played an active role in creating a dedicated funding stream for the home visiting to support families with or expecting young children. Authorized by the Patient Protection and Affordable Care Law, the new Maternal, Infant, and Early Childhood Home Visiting Program will provide grants to States to provide evidence-based home visitation services to improve outcomes for children and families who reside in at-risk communities. Research shows that these programs are effective at improving the health and well-being of children and families.

It is federal investments in home visiting and in the NEWBORN Act that will help improve children's well-being and lower the infant mortality rate. I stand in strong support of the NEWBORN Act and urge my colleagues to vote in favor of this bill.

Mr. PALLONE. Mr. Speaker, I urge that the bill pass, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 3470, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TRAINING AND RESEARCH FOR AUTISM IMPROVEMENTS NATIONWIDE ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5756) to amend title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide for grants and technical assistance to improve services rendered to children and adults with autism, and their families, and to expand the number of University Centers for Excellence in Developmental Disabilities Education, Research, and Service, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Training and Research for Autism Improvements Nationwide Act of 2010” or the “TRAIN Act of 2010”.

SEC. 2. UNIVERSITY CENTERS FOR EXCELLENCE INITIATIVES ON AUTISM SPECTRUM DISORDERS.

(a) IN GENERAL.—Subtitle D of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15061 et seq.) is amended—

(1) by inserting before section 151 the following:

“PART 1—GENERAL GRANT PROGRAMS FOR UNIVERSITY CENTERS FOR EXCELLENCE”

; and

(2) by adding at the end the following:

“PART 2—UNIVERSITY CENTERS FOR EXCELLENCE INITIATIVES ON AUTISM SPECTRUM DISORDERS**“SEC. 157. AUTISM SPECTRUM DISORDERS INITIATIVE GRANTS AND TECHNICAL ASSISTANCE.**

“(a) GRANTS.—

“(1) IN GENERAL.—The Secretary shall award multiyear grants for the purpose described in paragraph (2) to University Centers for Excellence in Developmental Disabilities Education, Research, and Service that are funded under part 1 and engaged in the core functions described in section 153(a)(2).

“(2) PURPOSE.—The purpose described in this paragraph is to provide individuals with interdisciplinary training, continuing education, technical assistance, and information for the purpose of improving services rendered to children and adults on the autism spectrum, and their families, to address unmet needs related to autism spectrum disorder. For purposes of the previous sentence, individuals shall include children and adults on the autism spectrum, families of such children and adults, health professionals (including allied health professionals), and vocational training and educational professionals.

“(3) APPLICATION REQUIREMENTS.—A University Center for Excellence in Developmental Disabilities Education, Research, and Service that desires to receive a grant under this section shall submit to the Secretary an application—

“(A) demonstrating that the Center has capacity to—

“(i) provide training and technical assistance in evidence-based practices to evaluate, and provide effective interventions, services, treatments, and supports to, children and adults on the autism spectrum and their families;

“(ii) provide individuals on the autism spectrum, and the families of such individuals, opportunities to advise and direct activities under the grant to ensure that an individual-centered, and family-centered, approach is used;

“(iii) share and disseminate materials and practices that are developed for, and evaluated to be effective in, the provision of training and technical assistance; and

“(iv) provide training, technical assistance, interventions, services, treatments, and supports under this section statewide;

“(B) providing assurances that the Center will—

“(i) provide trainees under this section with an appropriate balance of interdisciplinary didactic and community-based experiences; and

“(ii) provide to the Secretary, in the manner prescribed by the Secretary, data regard-

ing the number of individuals who have benefited from, and outcomes of, the provision of training and technical assistance under this section;

“(C) providing assurances that training, technical assistance, dissemination of information, and services under this section will—

“(i) be consistent with the goals of this Act, the Americans with Disabilities Act of 1990, the Individuals with Disabilities Education Act, and the Elementary and Secondary Education Act of 1965;

“(ii) supplement, and not supplant, activities funded under this subtitle (other than this section);

“(iii) be planned and designed with the participation of individuals on the autism spectrum and the families of such individuals; and

“(iv) be conducted in coordination with relevant State agencies, institutions of higher education, and service providers; and

“(D) containing such other information and assurances as the Secretary may require.

“(4) AMOUNT OF GRANTS.—The amount of a grant to a University Center for Excellence in Developmental Disabilities Education, Research, and Service for a fiscal year under this section shall be not less than \$250,000.

“(b) TECHNICAL ASSISTANCE.—The Secretary may reserve not more than 2 percent of the amount appropriated to carry out this section for a fiscal year to make a grant to a national organization with demonstrated capacity for providing training and technical assistance to—

“(1) assist in national dissemination of specific information, including evidence-based best practices, from interdisciplinary training programs, and when appropriate, other entities whose findings would inform the work performed by University Centers for Excellence in Developmental Disabilities Education, Research, and Service awarded grants under this section;

“(2) compile and disseminate strategies and materials that prove to be effective in the provision of training and technical assistance so that the entire network can benefit from the models, materials, and practices developed in individual centers;

“(3) assist in the coordination of activities of grantees under this section;

“(4) develop a (or enhance an existing) Web portal that will provide linkages to each of the individual training initiatives and provide access to training modules, promising training, and technical assistance practices and other materials developed by grantees;

“(5) serve as a research-based resource for Federal and State policymakers on information concerning the provision of training and technical assistance for the assessment, and provision of supports and services for, children and adults on the autism spectrum;

“(6) convene experts from multiple interdisciplinary training programs, individuals on the autism spectrum, and the families of such individuals to discuss and make recommendations with regard to training issues related to assessment, interventions, services, treatment, and supports for children and adults on the autism spectrum; and

“(7) undertake any other functions that the Secretary determines to be appropriate.

“(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated \$17,000,000 for each of the fiscal years 2012 through 2016.

“SEC. 158. CAPACITY BUILDING GRANTS.

“(a) GRANTS.—The Secretary shall award multiyear grants to not more than 4 Univer-

sity Centers for Excellence in Developmental Disabilities Education, Research, and Service described in paragraph (1) of section 157(a) to—

“(1) collaborate with minority institutions to—

“(A) provide services described in such section to individuals on the autism spectrum who are from racial and ethnic minority populations and to their families; and

“(B) conduct research and education focused on racial and ethnic minority populations; and

“(2) build capacity within such institutions to enable such institutions to apply to become University Centers for Excellence in Developmental Disabilities Education, Research, and Service capable of providing such services, research, and education.

“(b) APPLICABLE PROVISIONS.—The provisions of paragraphs (2) and (3) of section 157(a) shall apply with respect to grants under this section to the same extent and in the same manner as such provisions apply with respect to grants under section 157.

“(c) PRIORITIZATION.—In awarding grants under this section, the Secretary shall give priority to applicants that demonstrate collaboration with minority institutions that—

“(1) have demonstrated capacity to meet the requirements of this section and provide services to individuals on the autism spectrum and their families; or

“(2) are located in a State with one or more underserved populations.

“(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated \$1,000,000 for each of the fiscal years 2012 through 2016.

“SEC. 159. DEFINITIONS.

“In this part:

“(1) The term ‘interventions’ means educational methods and positive behavioral support strategies designed to improve or ameliorate symptoms associated with autism spectrum disorder.

“(2) The term ‘minority institution’ has the meaning given to such term in section 365 of the Higher Education Act of 1965.

“(3) The term ‘services’ means services to assist individuals on the autism spectrum to live more independently in their communities.

“(4) The term ‘treatments’ means health services, including mental health services, designed to improve or ameliorate symptoms associated with autism spectrum disorder.”.

(b) CONFORMING AMENDMENTS.—(1) Such subtitle is further amended—

(A) in section 152(a)(1), by striking “subtitle” and inserting “part”;

(B) in section 153(a)(2)(D), by striking “subtitle” and inserting “part”;

(C) in each of subparagraphs (B) and (D) of section 154(a)(3), by striking “subtitle” and inserting “part”;

(D) in each of paragraphs (1) and (3) of section 154(d), by striking “subtitle” and inserting “part”; and

(E) in each of subsections (a)(1) and (b) of section 156, by striking “subtitle” and inserting “part”.

(2) The table of contents in section 1(b) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 is amended—

(A) by inserting before the item relating to section 151 the following:

“PART 1—GENERAL GRANT PROGRAMS FOR UNIVERSITY CENTERS FOR EXCELLENCE”

; and

(B) by inserting at the end of the items relating to subtitle D of title I the following:

"PART 2—UNIVERSITY CENTERS FOR EXCELLENCE INITIATIVES ON AUTISM SPECTRUM DISORDERS

"Sec. 157. Autism spectrum disorders initiative grants and technical assistance.

"Sec. 158. Capacity building grants.

"Sec. 159. Definitions."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 5756, the Training and Research for Autism Improvements Nationwide Act of 2010, or the TRAIN Act, as it is called.

The TRAIN Act builds upon the important work of University Centers for Excellence in Developmental Disabilities Education, Research, and Service, or the acronym UCEDD, in addressing the needs of individuals with developmental disabilities.

H.R. 5756 authorizes targeted grants to support interdisciplinary training, continuing education, and technical assistance for children and adults on the autism spectrum, as well as their families. The Centers for Disease Control and Prevention has stated that autism spectrum disorders are an urgent public health concern. Autism affects an estimated 1 in 110 children nationwide, and there are currently no cures for autism. However, research shows that early intervention services can greatly improve the development of children with autism. H.R. 5756 also seeks to promote the expansion of the UCEDD network to include minority-serving institutions. This parallels a 2009 effort to support partnerships between the existing UCEDDs and minority-serving institutions for all forms of developmental disabilities.

UCEDDs play a critical role in providing a range of training activities and services, and in building capacity within communities. Experts and advocates have called for increased funding to ensure that these centers can continue their important work and meet the needs of people with developmental disabilities, particularly those with autism.

It is also important not to lose sight of people from diverse backgrounds who oftentimes face greater challenges

than others with autism in accessing services.

Mr. Speaker, I am pleased that we have an opportunity today to consider a bill that both supports the efforts of UCEDDs and works to ensure that we do all that we can for people with and directly affected by autism.

I want to mention that Representative DOYLE has been a tireless advocate for autism issues. He is the bill's sponsor, and he currently chairs the Congressional Autism Caucus, along with CHRIS SMITH from my State, who I see on the floor, and I want to commend Representative DOYLE for his work on this bill and for his leadership on this issue.

If I could add, personally, during the August recess, I met on one occasion with a large group of families of children with autism, and I was amazed at how few services are available. Obviously anything like this that makes a difference for them and other children with autism and their families is really significant. I also want to recognize and thank Ranking Member SHIMKUS and Ranking Member BARTON for working with Chairman WAXMAN and myself to bring this bill to the floor. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. WHITFIELD. I also want to thank Congressman DOYLE for his leadership on this issue.

Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH), who has been particularly involved in the issue of autism.

Mr. SMITH of New Jersey. I want to thank my good friend for yielding, and for his leadership. This is truly a bipartisan issue, and I especially want to thank my good friend and colleague MIKE DOYLE. We are co-chairs of the Autism Caucus. It shows that bipartisanship still survives. And for a tremendous cause, a good cause like combating autism, it is great to join him in sponsoring this bill. He is the prime sponsor, and I am the principal cosponsor.

I believe it is accurate to say that the provisions of this bill are not only important but essential in providing tangible assistance to those with autism spectrum disorder and their families. Implementation of the TRAIN Act will significantly expand the ranks of qualified service providers, who are equipped with the knowledge and tools of state-of-the-science, evidence-based educational, medical, and social interventions.

Personally, Mr. Speaker, I became involved in autism as far back as 1982 when I first visited Eden Institute in Princeton. Coincidentally, Eden is breaking ground tomorrow on a new, uniquely designed autism school designed by Eden teachers who have utilized three decades of knowledge and best practices in teaching individuals with autism to reach their full poten-

tial. Huge gaps in the Federal response to autism came into sharp focus back in 1998 when I was visited by Bobbie and Billie Gallagher, the parents of two daughters with autism from my district who told me of their concern about a perceived explosion in the prevalence of autism in Brick Township. Rosemarie and Geoff Dubrowsky, whose son Daniel was diagnosed with autism as well in 1997, are another couple who told me of the realities of autism, and they were very concerned about this perceived spike.

I would note that at the time, Centers for Disease Control spent a paltry \$287,000 per year, straight line, 1995, 1996, 1997, and 1998. That doesn't even buy a desk, it is so little. Now we are up to \$22 million.

After meeting with these families and others, we initiated an investigation led by the CDC, and they confirmed that cases of autism were significantly higher than expected in Brick. But the evidence gathered indicated a larger, potentially nationwide prevalence problem. I then introduced a bill which was accepted by Chairman Mike Bilirakis as Title I of the Children's Health Act mandating increased surveillance. You can't fight something if you don't know the who, what, when, where, and even the why of it.

As established, the legislation created Centers of Excellence, and now we know that nationwide, autism affects 1 in every 110 children, 1 in 70 boys. Sadly, in my own State, it is even higher. Faced with this epidemic, MIKE DOYLE and I formed the Coalition on Autism Research and Education, which today has 157 members.

The legislation we are considering today, the TRAIN Act, offers an opportunity for us to do something for the 1.5 million individuals living with autism every day. The legislation authorizes grants to existing University Centers for Excellence in Developmental Disabilities Education, Research, and Service, or comparable entities, to provide individuals, including parents, vocational, educational, and health professionals, with interdisciplinary training, continuing education, technical assistance, and information for the purpose of improving services to children and adults with autism in their families.

The bill also provides for the establishment of up to four new university centers for developmental disabilities, giving priority to minority institutions or institutions that would serve currently underserved populations.

Another important provision is the selection of a nationwide organization to disseminate nationally evidence-based best practices and other models, materials, and practices developed by the university centers, or from other sources, including development of a Web portal. People need to know the information because there is often a conflict about autism.

I urge Members to support this legislation. It is an excellent bill. It will help those who are afflicted.

Mr. PALLONE. Mr. Speaker, I now yield such time as he may consume to the sponsor of the bill, the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, first I want to thank Chairman WAXMAN, Chairman PALLONE, Ranking Member JOE BARTON and Representative SHIMKUS, and my good friend and colleague, CHRIS SMITH, who for so many years has joined with me as we tried to work on behalf of families who are dealing with this every day of their lives.

□ 1700

You know, as many of you know, autism has been the primary focus of my time here in Congress. Even though there is still much we don't know, in just the time that I've been here, we have seen light years' worth of improved understanding of the condition. One of the most important things we have learned is that early intervention works. That's why I have always appreciated that Chairman WAXMAN and Chairman PALLONE have worked with me during health care reform in making sure that plans in the exchange have included needed behavioral health benefits.

Among the many items that the House passed in our health reform bill that the Senate did not was a services training and research initiative for children and adults with autism, so we decided to introduce it as a standalone bill, H.R. 5756, the Training and Research for Autism Improvements Nationwide, or TRAIN Act. I am glad that it is on the House floor today.

Individuals on the autism spectrum often need assistance in the areas of comprehensive early intervention, health, recreation, job training, employment, housing, transportation, and early, primary, secondary, and postsecondary education. With access to and assistance with these types of services and supports, individuals on the autism spectrum can live rich, full and productive lives. We know that services for youth who are on the autism spectrum and who are transitioning to adulthood are an especially pressing need.

Thanks to the reports from the GAO, we also know that there is a critical shortage of appropriately trained personnel across numerous important disciplines who can provide the services and supports to children and adults with autism spectrum disorders and related developmental disabilities and to their families. The bill, the TRAIN Act, will help this. This bill will help practicing professionals, as well as those in training, to become professionals, to get the most up-to-date practices, and to be informed by the most current research findings.

There is an urgent need to translate current and future research results

into effective practices that can be implemented to support children and adults with autism spectrum disorders and related disabilities, including early intervention in preschool programs, in child care, in community schools, to health providers, to employment sites, in community living, and to first responders. This bill will do that, too.

I think it is important to note for my colleagues and I want them to know we are not re-creating the wheel. The bill is based on expanding and enhancing the network of University Centers of Excellence on Developmental Disabilities, known as UCEDDs. My colleagues should know that the bill helps minority-serving institutions gain the skillsets and resources to work with and to serve currently underserved populations. People like NFL star Rodney Peete's wife, Holly Robinson Peete, have helped others understand that autism doesn't know race and can affect any family.

You should also know that this bill is supported by groups like Autism Speaks, the Autism Society of America, self-advocates from the Autism Self-Advocate Network, and many other organizations. For those reasons, I ask my colleagues to vote "yes" on this bill.

Before I forget, I would like to thank Anne Morris with Chairman WAXMAN, Emily Gibbons with Chairman PALLONE, and Kenneth DeGraff on my staff for their hard work on this bill.

Thank you again, Chairman PALLONE. I hope you and I can continue to work on other items on the autism agenda, including a reauthorization of the CAA law.

Mr. WHITFIELD. I would just like to reiterate what the gentleman from Pennsylvania said, which is that early detection can make all the difference in the world. This legislation goes a long way in providing assistance and in aiding in early detection.

Mr. BURTON of Indiana. Mr. Speaker, I rise in support of the "Training and Research for Autism Improvements Nationwide Act" (H.R. 5756). Upon the diagnosis of only grandson, who is autistic, I took it upon myself to be active in promoting autism awareness and advocating more research for the disorder. I am also a member of the Congressional Autism Caucus. About twenty years ago, autism was considered a rare disease affecting about 1 in 10,000 children. Today, the Center for Disease Control and Prevention estimates that an average of 1 in 110 children in the United States are diagnosed with an Autism Spectrum Disorder (ASD) every year. ASD occur in all racial, ethnic, and socioeconomic groups, but are four times more likely to occur in boys than in girls. In my home state of Indiana, we experienced a 923% cumulative growth rate for autism from 1992–2003.

The "Training and Research for Autism Improvements Nationwide Act" is desperately needed in our country. Thousands of families living with autism on a daily basis have to cope in their own way and fight to find avail-

able resources and services for their children, or in the case of adult individuals with autism services to help them live independent and productive lives. All too often, there is little to no coordination between service providers, government agencies, and the medical/academic community who are researching and trying to unlock the mysteries of ASDs. The "Training and Research for Autism Improvements Nationwide Act" is a first step in filling these gaps.

Specifically, the "Training and Research for Autism Improvements Nationwide Act" would authorize the establishment of a new Federal program to provide technical assistance to improve services rendered to children and adults with autism, and their families and to expand the number of University Centers for Excellence in Developmental Disabilities Education, Research, and Service. Grants would go to University Centers for Excellence to provide individuals—including parents, health, allied health, vocational, and educational professionals—with interdisciplinary training, continuing education, technical assistance, and information to improve services provided to children and adults with autism and their families. The bill also authorizes grant money to a national organization to provide training and technical assistance to do the following: assist in the dissemination of information; develop a web portal; compile and disseminate materials for training and technical assistance so that the entire network can benefit from items developed at individual centers; and convene expert panels to exchange ideas and make recommendations that further training, assessment, interventions, services, and support for individuals living with autism.

Another grant would be awarded to not more than 4 new University Centers to facilitate outreach and collaboration with minority institutions.

I want to thank Representatives SMITH and DOYLE for working to bring this important bill to the House floor for a vote. As a member of the Coalition on Autism Research and Education also known as the Congressional Autism Caucus, I have worked closely with both Representative DOYLE and SMITH on autism awareness issues and I'm proud to join them in supporting this initiative. While I believe that the "Training and Research for Autism Improvements Nationwide Act" will go a long way to provide needed resources and information to families living with autism, I also believe that as a Nation we need to do more. This epidemic of autism is an immediate crisis to our education system, and our health care systems, our long-term housing and care system for the disabled.

Autism is a condition that can be treated to a degree but it has no known cure; it will not go away and neither should our efforts to research this disorder and aide American Families.

Autism is not bound or limited to the walls of a household. I believe that our Nation's educational, labor, housing, law enforcement and medical communities are currently ill-equipped and undertrained to handle this underrepresented generation of autistic individuals and that it is going to take a national commitment driven from the highest levels to marshal the necessary resources and energy

to catch up. That is why I introduced legislation H.R. 3703 to require the President to call, not later than December 31, 2010, a White House Conference on Autism. Therefore, in addition to lending their support to the "Training and Research for Autism Improvements Nationwide Act", I am also urging all of my colleagues to join in cosponsoring H.R. 3703.

Mr. Speaker, I thank you for the opportunity to speak in support of both the "Training and Research for Autism Improvements Nationwide Act" and the "White House Conference on Autism Act of 2009."

Mr. DOYLE. Mr. Speaker, I submit for the RECORD the following revised CBO estimate for H.R. 5756.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE
H.R. 5756—*Training and Research for Autism Improvements Nationwide Act of 2010*

SUMMARY

H.R. 5756 would authorize the appropriation of funds for two types of grants. The first type of grant would go to University Centers for Excellence in Developmental Disabilities Education, Research, and Service to provide training, continuing education, technical assistance, and information to children and adults on the autism spectrum, as well as the families of such individuals and the professionals working with those individuals. The goal of the funds would be to improve services provided to individuals on the autism spectrum and their families. The second type of grant would facilitate outreach of

University Centers for Excellence to minority institutions.

CBO estimates that implementing the bill would cost \$55 million over the 2011–2015 period, assuming appropriation of the necessary sums. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

H.R. 5756 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 5756 for the 2011–2015 period is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars					
	2011	2012	2013	2014	2015	2011–2015
CHANGES IN SPENDING SUBJECT TO APPROPRIATION ¹						
National Training Initiative						
Grants and Technical Assistance:						
Authorization Level	0	17	17	17	17	68
Estimated Outlays	0	3	13	18	18	52
Capacity Building Grants:						
Authorization Level	0	1	1	1	1	4
Estimated Outlays	0	*	1	1	1	3
Total Changes:						
Authorization Level	0	18	18	18	18	72
Estimated Outlays	0	3	14	19	19	55

¹ The legislation also would authorize funding for fiscal year 2016.

Note.—* = less than \$500,000.

BASIS OF ESTIMATE

H.R. 5756 would authorize appropriations for two different grants. The first type of grant would go to University Centers for Excellence. This grant would be used to improve services provided to people on the autism spectrum and their families by providing training, continuing education, technical assistance, and information to those people, as well as to the professionals working with such individuals. The bill would authorize the appropriation of \$17 million per year over the 2012–2016 period.

The second type of grant would go to as many as four University Centers for Excellence. These grants would be used to foster collaboration with minority institutions geared toward providing services for and conducting research and education on racial and ethnic minorities on the autism spectrum, as well as to assist those institutions to establish their own University Centers for Excellence. The bill would authorize the appropriation of \$1 million per year over the 2012–2016 period.

For this estimate, CBO assumes that H.R. 5756 will be enacted this year, that amounts authorized and estimated to be necessary will be appropriated for each fiscal year, and that outlays will follow historical spending patterns for similar programs.

PAY-AS-YOU-GO CONSIDERATIONS:
None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR
IMPACT

H.R. 5756 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would benefit public institutions of higher education that provide services and education to individuals with autism spectrum disorders and their families.

Estimate prepared by: Federal Costs: Jonathan Morancy; impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; impact on the Private Sector: Sarah Axeen.
Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

Mr. DAVIS of Illinois. Mr. Speaker, I offer my strong support for the Training and Re-

search for Autism Improvements Nationwide Act—a bill that promotes much-needed training and research advancements related to Autism. This bill expands federal support for understanding and treating the Autism Spectrum Disorders which affect as many as 1 in 110 children born in the United States.

Autism is a complex neurobiological disorder that is typically diagnosed around the age of 3 years old and lasts throughout a person's lifetime. The Centers for Disease Control and Prevention has identified Autism as one of the nation's leading public health crises. An Autism-related diagnosis is more common than the diagnosis of pediatric cancer, diabetes, and AIDS combined. Autism-related disorders occur in all racial, ethnic, and socioeconomic groups at similar rates; however, they are four times more common in boys than they are in girls. Recently, scientists have made advances in understanding Autistic symptomatology; yet there remains limited understanding about its causes and course. These disorders have a tremendous affect on the lives of the children and families who experience them, including challenges with education, communication, and employment possible.

The Training and Research for Autism Improvements Nationwide Act will improve federal support for research and treatment related to Autism disorders. The bill establishes Centers of Excellence to train and provide services to children and families affected by Autism. I am well aware of the benefits of such comprehensive, targeted Centers of Excellence. I am proud that Chicago is home to the Therapeutic School and Center for Autism Research run by the Easter Seals Metropolitan Chicago. This Center is a national leader in providing care and advancing research related to Autism Spectrum Disorders. Within one site, state-of-the-art education, research, training, early intervention, school-to-work transition

training, and independent living training occur. It is a true resource to the children and families in Illinois and the nation. This Center reflects a strong public-private partnership in which the State of Illinois, the city of Chicago, the University of Illinois, and multiple for-profit and non-profit businesses came together to make this Center a reality. The success of this Center demonstrates the need and potential benefits of creating additional national Centers of Excellence, as authorized by this bill.

In Chicago and across the country, it is clear that Autism significantly affects the lives of children and families. Additional federal efforts are needed to advance our understanding and response to Autism Spectrum Disorders. I strongly urge my colleagues to support the Training and Research for Autism Improvements Nationwide Act.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 5756, the "Training and Research for Autism Improvements Nationwide (TRAIN) Act of 2010," which will provide grants and technical assistance to create innovative approaches to providing services to children and adults with autism, and their families. This legislation will help secure the resources necessary to provide the best possible care for the people and families affected by Autism Spectrum Disorders.

I thank Congressman DOYLE, the sponsor of this legislation, for his leadership on this issue and his commitment to raising awareness about the growing number of people diagnosed with Autism Spectrum Disorders.

Mr. Speaker, there is a lack of trained professionals capable of providing desperately needed services and support to children and adults with Autism Spectrum Disorders. H.R. 5756 will expand the number of training facilities for service providers by awarding grants to University Centers for Excellence in Developmental Disabilities Education, Research, and Service. Training individuals to provide

services to people with autism is critical to addressing the growing demand for care.

In addition, these grants will help fund autism research. Research into the causes of Autism Spectrum Disorders across multiple disciplines is a critical part of improving our understanding and treatment of these disorders. For example, research continues to indicate that environmental factors, such as air pollutants, the presence of hazardous chemicals in the home, and poor nutrition, can contribute to the risk of developing autism. I find these studies particularly significant, as my district contains several poor, low-income areas, where these kinds of environmental factors are disproportionately concentrated.

Finally, H.R. 5756 will also establish a nationwide structure to disseminate important research and the latest evidence-based findings related to Autism Spectrum Disorders. This will help doctors and families affected by autism stay up to date on the latest research on diagnosis and treatment of autism.

Mr. Speaker, the growing number of people in this country that are diagnosed with autism demands action on this issue. We must take action so that families no longer have to struggle to find care for loved ones with autism. This bill will take important steps to achieve health care equity for individuals with autism by finally making available the care that they deserve.

I urge my colleagues to join me in supporting H.R. 5756.

Mr. WHITFIELD. I urge Members to support this legislation, and I yield back the balance of my time.

Mr. PALLONE. I urge the passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 5756, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMBAT METHAMPHETAMINE ENHANCEMENT ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2923) to enhance the ability to combat methamphetamine, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combat Methamphetamine Enhancement Act of 2010".

SEC. 2. REQUIREMENT OF SELF-CERTIFICATION BY ALL REGULATED PERSONS SELLING SCHEDULED LISTED CHEMICALS.

Section 310(e)(2) of the Controlled Substances Act (21 U.S.C. 830(e)(2)) is amended by inserting at the end the following:

"(C) Each regulated person who makes a sale at retail of a scheduled listed chemical product and is required under subsection (b)(3) to submit a report of the sales transaction to the Attorney General may not sell any scheduled listed chemical product at retail unless such regulated person has submitted to the Attorney General a self-certification including a statement that the seller understands each of the requirements that apply under this paragraph and under subsection (d) and agrees to comply with the requirements. The Attorney General shall by regulation establish criteria for certifications of mail-order distributors that are consistent with the criteria established for the certifications of regulated sellers under paragraph (1)(B)."

SEC. 3. PUBLICATION OF SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS LISTS.

Section 310(e)(1)(B) of the Controlled Substances Act (21 U.S.C. 830(e)(1)(B)) is amended by inserting at the end the following:

"(v) PUBLICATION OF LIST OF SELF-CERTIFIED PERSONS.—The Attorney General shall develop and make available a list of all persons who are currently self-certified in accordance with this section. This list shall be made publicly available on the website of the Drug Enforcement Administration in an electronically downloadable format."

SEC. 4. REQUIREMENT THAT DISTRIBUTORS OF LISTED CHEMICALS SELL ONLY TO SELF-CERTIFIED REGULATED SELLERS AND REGULATED PERSONS.

Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (13), by striking "or" after the semicolon;

(2) in paragraph (14), by striking the period and inserting "; or";

(3) by inserting after paragraph (14) the following:

"(15) to distribute a scheduled listed chemical product to a regulated seller, or to a regulated person referred to in section 310(b)(3)(B), unless such regulated seller or regulated person is, at the time of such distribution, currently registered with the Drug Enforcement Administration, or on the list of persons referred to under section 310(e)(1)(B)(v)."; and

(4) by inserting at the end the following: "For purposes of paragraph (15), if the distributor is temporarily unable to access the list of persons referred to under section 310(e)(1)(B)(v), the distributor may rely on a written, faxed, or electronic copy of a certificate of self-certification submitted by the regulated seller or regulated person, provided the distributor confirms within 7 business days of the distribution that such regulated seller or regulated person is on the list referred to under section 310(e)(1)(B)(v)."

SEC. 5. NEGLIGENT FAILURE TO SELF-CERTIFY AS REQUIRED.

Section 402(a)(10) of the Controlled Substances Act (21 U.S.C. 842(a)(10)) is amended by inserting before the semicolon the following: "or negligently to fail to self-certify as required under section 310".

SEC. 6. EFFECTIVE DATE AND REGULATIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) REGULATIONS.—In promulgating the regulations authorized by section 2, the At-

torney General may issue regulations on an interim basis as necessary to ensure the implementation of this Act by the effective date.

SEC. 7. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 2923, the Combat Methamphetamine Enhancement Act of 2010.

H.R. 2923 is designed to respond to problems that the Drug Enforcement Agency has identified in the implementation of the Combat Methamphetamine Epidemic Act of 2006. That 2006 law required retail sellers of ephedrine and pseudoephedrine products to file a self-certification attesting that they have trained their personnel about the law and its requirements. According to the DEA, thousands of sellers have not yet self-certified. This legislation is designed to improve compliance with the 2006 law, and it will provide the DEA with enforcement tools, like civil fines.

I want to commend Representative GORDON as well as Senator FEINSTEIN for their leadership on this legislation. I also want to thank Ranking Members SHIMKUS and BARTON for working with us in moving this bill forward so quickly.

Mr. Speaker, I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. WHITFIELD. I want to thank Congressmen PALLONE and SHIMKUS for bringing this important legislation to the floor. We all recognize the devastating effect of methamphetamines.

Mr. Speaker, at this time I yield 5 minutes to the gentleman from Tennessee (Mr. WAMP), who has been a true leader in combating methamphetamines.

Mr. WAMP. I thank the committees of jurisdiction, and I thank the leadership from the majority side and from the minority side.

Mr. Speaker, this is a bill that effectively gives our drug enforcement leadership the tools that they need to continue this fight.

Twelve years ago, much like Mr. DOYLE was just talking about his tenure here in the House being defined by his extraordinary work in the area of autism, in many ways mine has been defined over the last 12 years by fighting methamphetamine production in the Southeast, particularly in east Tennessee, where it surfaced in the late 1990s after coming to this country, really, in terms of production, in about 1993. It surfaced first in California. Then it came to the mountains of east Tennessee.

Much like moonshine did two generations earlier, it was a clandestine process where citizens would put together the chemicals to make it. It stunk really bad, so they would do it out in the middle of the mountains and the hills, and they would get as far away from urban centers as they could; but because the drug is so deadly and addictive, it encroached on other areas.

We saw, frankly, the States that took the leadership take ephedrine and pseudoephedrine from behind the counter. They made it harder to get. They enforced a lot of rules at the State level, and it really knocked back the domestic production of methamphetamine. We still have a huge problem of methamphetamine coming in across the border, particularly through the transit country of Mexico, but this has helped us greatly combat the production.

In east Tennessee, we formed the Southeast Tennessee Meth Task Force, which is a premier local, State, and Federal partnership because methamphetamine production can't be combated exclusively at the State and local levels. It just simply can't. They didn't have the resources to surveil it. It became a toxic site where it was made, and they didn't have the resources to clean it up, so we formed this partnership. It grew to become the East Tennessee Meth Task Force, and now it is a premier statewide task force.

We have had tremendous success in combating methamphetamine production in Tennessee, but we have to continue to modernize the laws, including adding a Federal component, in order for drug professionals to be able to keep ephedrine and pseudoephedrine out of the hands of people who are addicted to methamphetamine, because they produce this most of the time for use. As a result, this is just a deadly, deadly disease out in the hinterland of America, and we have got to fight it. This bill is another step in the right direction.

Congressman GORDON from Tennessee and I have been working together. Congressman COOPER from Tennessee and I passed a bill a few years ago to actu-

ally create Federal grant support for the children who are taken out of meth homes because when a meth home is infected by this plague, many times the children become wards of the State, and there was little help there at the State level as well.

□ 1710

So if this plague of methamphetamine has not come to your hometown, unfortunately, it will soon, and it's something that requires a Federal component.

This is a good bill. I urge the entire House to stand together and pass this piece of legislation, thanking the committees of jurisdiction and the original sponsor, Mr. BART GORDON of Tennessee.

Mr. PALLONE. Mr. Speaker, I continue to reserve.

Mr. WHITFIELD. When you talk to law enforcement officers anywhere in America today, they will tell you that about 80 percent of the crimes committed in America are the direct result of some type of drug. Methamphetamine is certainly one of those.

In Kentucky, we have the Pennyrile Drug Task Force. And when I think about the passage of this legislation, I think of a gentleman named Cheyenne Albro who started that task force and who was a true leader in combatting methamphetamine and who, unfortunately, died a couple of weeks ago, but I know he would be very proud of this act.

I would urge that this legislation be adopted.

Mr. SENSENBRENNER. Mr. Speaker, in 2006, Congress took significant steps to reduce methamphetamine production and distribution by passing the Combat Methamphetamine Epidemic Act. Today, the House will consider H.R. 2923, the Combat Methamphetamine Enhancement Act, which will address problems that the Drug Enforcement Administration (DEA) has identified in the implementation of the Combat Methamphetamine Epidemic Act. H.R. 2923 aims to strengthen enforcement measures and ensure that retailers are in full compliance with the law.

Prior to passage of the Combat Methamphetamine Epidemic Act, it was common practice for methamphetamine dealers to go into stores, load up shopping carts with cold medicines, break open the blister packs, and use the pseudoephedrine and ephedrine to make methamphetamine. The Combat Methamphetamine Epidemic Act stopped this practice, by requiring that cold medicines containing pseudoephedrine and ephedrine be placed behind a pharmacy counter, requiring signature and proof of identification before purchase, and limiting how much of these medicines a person can buy in a day or month. However, the law contains a loophole that allows retailers to continue to sell products containing pseudoephedrine and ephedrine without showing that their employees are complying with the law's requirement.

H.R. 2923 will require retailers of pseudoephedrine and ephedrine products to

verify with the DEA that they have trained their staff in the requirements of the Combat Methamphetamine Epidemic Act. If they don't, they simply won't be able to purchase pseudoephedrine products from distributors. The DEA needs every resource available to enforce the tough drug laws already on the books. This measure will curb drug manufacturers' access to ephedrine or pseudoephedrine, while keeping these products available to responsible consumers.

Over the past decade, methamphetamines have emerged as one of the most dangerous homegrown drugs. Ranking as one of the most widely used illicit drugs in the world, it has become the most prevalent drug problem in many Western and Midwestern states, and is emerging on the East Coast. Congress made great efforts in the fight against methamphetamines with the enactment of the Combat Methamphetamine Epidemic Act. However, while many of the provisions in the comprehensive legislation have had positive results, including a sharp decline in national methamphetamine lab seizures; manufacturers, traffickers and abusers continue to search for loopholes in the law.

H.R. 2923 is a common sense bill, designed to strengthen the implementation of the Combat Methamphetamine Epidemic Act. This bill would create incentives to ensure that the verification process of the law is made both effective and enforceable. I urge my colleagues to support this legislation.

Mr. GORDON of Tennessee. Mr. Speaker, I rise in full support of H.R. 2923, the Combat Methamphetamine Enhancement Act.

I'd like to thank Chairman PALLONE, Ranking Member SHIMKUS, Chairman WAXMAN, Ranking Member BARTON, and the staff of the Energy and Commerce Health Subcommittee for their hard work on this bill. I'd also like to thank Senator FEINSTEIN for her determination and diligence in the effort to combat the spread of meth.

While visiting a Middle Tennessee high school a number of years ago, I asked a group of students to tell me about the most troubling issue facing them. Their top concern shocked me: they were worried about friends who were trying meth.

Four years ago, Congress began to tackle this issue head on. In 2006, Congress approved the most comprehensive bill to date targeting the spread of meth by bringing all pseudoephedrine products behind the counter.

For a time, this approach worked, and meth abuse rates went down.

But the criminals who cook and distribute this dangerous drug have exploited loopholes in the laws that regulate the sale of precursor materials. As a result, we have once again seen an increase in the distribution, use, and manufacturing of meth across the country.

In Tennessee, meth seizures have increased 50 percent in the past year.

Too many retailers and distributors of pseudoephedrine and ephedrine products are not in compliance with the 2006 law. Even more alarming, recent trends are showing that more and more of those arrested are young people, who are first brought into the business as runners sent to purchase these products from retailers.

Building on the 2006 law, H.R. 2923 would: require all retailers of pseudoephedrine and

ephedrine products to register with the U.S. Attorney General; require distributors of these products to sell only to retailers who are registered to sell controlled substances; require the Attorney General to provide a downloadable database on its website to all retailers who have filed self-certification; and, clarify that a retailer who neglects to file required self-certifications can face civil fines.

This bill has been endorsed by the National Association of Chain Drug Stores, the Health Care Distribution Management Association, the Consumer Healthcare Products Association, the Community Anti-Drug Coalitions of America, the National Narcotics Officers' Association and the Fraternal Order of Police.

Meth is a highly addictive and dangerous drug, with widespread consequences for users, their families, and their communities. With this legislation, we move one step closer to securing the safety of our communities across the nation by ensuring these products are used for their intended purpose, and not for illegal drugs.

Mr. WHITFIELD. Mr. Speaker, I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time and ask that the bill pass.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2923, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FAMILY HEALTH CARE ACCESSIBILITY ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1745) to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Health Care Accessibility Act of 2010".

SEC. 2. LIABILITY PROTECTIONS FOR HEALTH PROFESSIONAL VOLUNTEERS AT COMMUNITY HEALTH CENTERS.

Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended by adding at the end the following:

"(q)(1) For purposes of this section, a health professional volunteer at an entity described in subsection (g)(4) shall, in providing a health professional service eligible for funding under section 330 to an individual, be deemed to be an employee of the Public Health Service for a calendar year that begins during a fiscal year for which a transfer was made under paragraph (4)(C). The preceding sentence is subject to the provisions of this subsection.

"(2) In providing a health service to an individual, a health care practitioner shall for purposes of this subsection be considered to be a health professional volunteer at an entity described in subsection (g)(4) if the following conditions are met:

"(A) The service is provided to the individual at the facilities of an entity described in subsection (g)(4), or through offsite programs or events carried out by the entity.

"(B) The entity is sponsoring the health care practitioner pursuant to paragraph (3)(B).

"(C) The health care practitioner does not receive any compensation for the service from the individual or from any third-party payer (including reimbursement under any insurance policy or health plan, or under any Federal or State health benefits program), except that the health care practitioner may receive repayment from the entity described in subsection (g)(4) for reasonable expenses incurred by the health care practitioner in the provision of the service to the individual.

"(D) Before the service is provided, the health care practitioner or the entity described in subsection (g)(4) posts a clear and conspicuous notice at the site where the service is provided of the extent to which the legal liability of the health care practitioner is limited pursuant to this subsection.

"(E) At the time the service is provided, the health care practitioner is licensed or certified in accordance with applicable law regarding the provision of the service.

"(3) Subsection (g) (other than paragraphs (3) and (5)) and subsections (h), (i), and (l) apply to a health care practitioner for purposes of this subsection to the same extent and in the same manner as such subsections apply to an officer, governing board member, employee, or contractor of an entity described in subsection (g)(4), subject to paragraph (4) and subject to the following:

"(A) The first sentence of paragraph (1) applies in lieu of the first sentence of subsection (g)(1)(A).

"(B) With respect to an entity described in subsection (g)(4), a health care practitioner is not a health professional volunteer at such entity unless the entity sponsors the health care practitioner. For purposes of this subsection, the entity shall be considered to be sponsoring the health care practitioner if—

"(i) with respect to the health care practitioner, the entity submits to the Secretary an application meeting the requirements of subsection (g)(1)(D); and

"(ii) the Secretary, pursuant to subsection (g)(1)(E), determines that the health care practitioner is deemed to be an employee of the Public Health Service.

"(C) In the case of a health care practitioner who is determined by the Secretary pursuant to subsection (g)(1)(E) to be a health professional volunteer at such entity, this subsection applies to the health care practitioner (with respect to services performed on behalf of the entity sponsoring the health care practitioner pursuant to subparagraph (B)) for any cause of action arising from an act or omission of the health care practitioner occurring on or after the date on which the Secretary makes such determination.

"(D) Subsection (g)(1)(F) applies to a health care practitioner for purposes of this subsection only to the extent that, in providing health services to an individual, each of the conditions specified in paragraph (2) is met.

"(4)(A) Amounts in the fund established under subsection (k)(2) shall be available for transfer under subparagraph (C) for purposes of carrying out this subsection.

"(B) Not later than May 1 of each fiscal year, the Attorney General, in consultation with the Secretary, shall submit to the Congress a report

providing an estimate of the amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of health professional volunteers, will be paid pursuant to this section during the calendar year that begins in the following fiscal year. Subsection (k)(1)(B) applies to the estimate under the preceding sentence regarding health professional volunteers to the same extent and in the same manner as such subsection applies to the estimate under such subsection regarding officers, governing board members, employees, and contractors of entities described in subsection (g)(4).

"(C) Not later than December 31 of each fiscal year, the Secretary shall transfer from the fund under subsection (k)(2) to the appropriate accounts in the Treasury an amount equal to the estimate made under subparagraph (B) for the calendar year beginning in such fiscal year, subject to the extent of amounts in the fund.

"(5)(A) This subsection takes effect on October 1, 2011, except as provided in subparagraph (B).

"(B) Effective on the date of the enactment of this subsection—

"(i) the Secretary may issue regulations for carrying out this subsection, and the Secretary may accept and consider applications submitted pursuant to paragraph (3)(B); and

"(ii) reports under paragraph (4)(B) may be submitted to the Congress."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1745, the Family Health Care Accessibility Act. The bill is authored by my colleagues on the Energy and Commerce Committee, Mr. MURPHY of Pennsylvania and Mr. GREEN of Texas, and obviously it enjoys strong bipartisan support.

The bill would provide liability protections for health care workers who volunteer to work at community health centers. Very similar protections are already provided for the employees and contractors of such centers. The bill, as introduced, would have provided such protection only to physicians and psychologists, but the committee adopted an amendment that expanded coverage to all health care workers who are volunteers at CHCs so long as they are working within their appropriate scope of practice and licensure and are performing work that is appropriate to the center.

CBO has estimated that the bill will not affect mandatory spending or revenue and is not subject to the PAYGO

rules. Versions of this legislation have passed in the House in previous years, so I hope this bill will become law.

Again, I want to thank Mr. MURPHY and Mr. GREEN for all their hard work on this legislation. As well, I want to express my appreciation to our minority leaders on health legislation in the committee, Mr. SHIMKUS and Mr. BARTON, for their support and commitment in getting this bill to the floor.

I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. WHITFIELD. I also want to thank Mr. GREEN of Texas and Mr. MURPHY for their leadership on this issue.

All of us recognize the importance of community health centers. They are spreading throughout the country and they are playing an important role in providing primary health care for the American people.

At this time I would like to yield 5 minutes to one of the real leaders in this area, Mr. MURPHY of Pennsylvania.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, community health centers provide a neighborhood medical home that is both high quality and lower cost. They are more than just a doctor's office; they are a place where a child can see a pediatrician and an adult can see an internist. You can get dental care, mental health services, or prenatal care. You can go there when you are getting a cold instead of running up big costs at an emergency room.

The doctors, dentists, nurse practitioners, and other medical professionals are under one roof; and they coordinate your care, working as a team for your family's health in a one-stop wellness center, and the costs per patient are far, far below the costs one would pay if you went to a hospital or private practice. That coordinated effort saves a lot of money through preventative care, keeping you up with immunizations and providing quality medical intervention when you need it at one of these 1,250 nonprofit community health centers.

In our Nation's \$2.4 trillion health care system, the community health centers are credited with saving nearly \$25 billion each year. Families save money and Medicaid saves money. On average, a person using a community health center saves \$1,100 per year on health care costs, according to a recent study by George Washington University. That's the good news. The sad news is that there is a serious shortage of health care providers at these centers, and no matter how great the center, if there are long delays because of the shortage, then health care delayed is health care denied.

Health centers located in medically underserved urban or rural areas report a 27 percent shortage of dentists, a 26 percent shortage of OB/GYNs that

could be providing prenatal care, and a 13 percent shortage of family physicians. The centers simply do not have enough money to hire the additional staff required to cover the growing patient needs, but there is an answer.

Many health professionals, especially part-time workers or highly qualified, semi-retired medical providers are willing and able, but not allowed to do so. That's right. They want to volunteer their time, but they cannot. They cannot because the centers are not able to cover the costs of medical liability insurance for the doctors and nurses.

Medical liability insurance can cost tens of thousands of dollars, and, in some cases, well over \$100,000 per year per doctor, and the clinics simply cannot cover that expense. Here's why: Practitioners employed by the community health centers are covered by the Federal Torts Claim Act, which extends Federal liability protection to those volunteer doctors. Oddly enough, the opposite applies at free clinics, where volunteers are covered by the FTCA, while those who are employed at free clinics are not covered.

The Congressional Budget Office said that medical liability insurance costs pose a "significant barrier" for many providers who otherwise would be eager to volunteer at health centers. This bill, H.R. 1745, fixes this disparity and opens the door for volunteer providers at clinics all over America. This bill, which I introduced with Representative GENE GREEN, will eliminate the barriers for millions of patients seeking care in these neighborhood health care homes and will allow thousands of practitioners to volunteer their expertise for high-quality, low-cost patient care.

The Congressional Budget Office estimated that the cost of this bill could be as little as \$5 million a year for 5 years, and, in return, the clinics receive hundreds of millions of dollars worth of free health care services for those living in underserved communities. And because this funding is part of the health centers program's annual appropriations, this funding is not a scored cost. The dedicated health center fund means that the slight additional cost to the FTCA program will require no new appropriations. I repeat: The slight additional cost will require no new annual appropriations.

I am grateful for the support of my colleagues—Representative GENE GREEN, FRANK PALLONE, JOHN SHIMKUS, PHIL GINGREY, Ranking Member JOE BARTON, and Chairman HENRY WAXMAN—for working with me on this legislation, and also my staff—Brad Grantz and Susan Mosychuk.

Mr. Speaker, we in Congress have a chance to do something to expand care to millions of Americans with this act without raising the health care bills for families. This is an example of real bipartisan reform that helps people get

the health care they need when they need it close to home at an affordable cost. Isn't that what we all want with health care?

So let's say "yes" to community health centers, "yes" to families, "yes" to doctors who want to volunteer their care, "yes" to affordable and accessible care to millions of families, and please say "yes" to H.R. 1745, the Family Health Care Accessibility Act.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to my colleague from Texas, Representative GREEN. But before I do that, let me just say that he has been an outstanding leader on community health centers. He sponsored the bill that reauthorized the community health centers, and he is always looking out for ways to improve what goes on there.

□ 1720

Mr. GENE GREEN of Texas. I thank the chairman of the Health Subcommittee for those kind words but also for this legislation. I would also like to thank the full committee chair, HENRY WAXMAN; and our ranking member, JOE BARTON; along with our ranking member on our subcommittee, Congressman SHIMKUS from Illinois, for the support of this bill; and all of the Members on the Energy and Commerce Committee.

I rise in strong support of H.R. 1745, the Family Health Care Accessibility Act. H.R. 1745 will extend Federal Tort Claim coverage for licensed volunteer practitioners for section 330 services provided under the Public Health Service Act in community health centers.

This legislation will allow licensed practitioners to volunteer and provide them adequate tort claims protection equal to employees of the community health centers.

A March 2006 study in the *Journal of the American Medical Association* found community health centers had a 13 percent vacancy rate for family physicians, 9 percent for internists, a 20 percent vacancy rate for OB-GYNs, an 8 percent vacancy rate for podiatrists, a 22 percent vacancy rate for psychiatrists, and an 18 percent vacancy rate for dentists. If we rely on community health centers as medical homes, we need to increase the number of health care providers—including volunteer practitioners. So many qualified individuals want to volunteer their time but are afraid to do so because they do not have Federal Tort Claim protection and the Government Accountability Office has found that doctors and nurses choose not to volunteer their skills at community health centers because medical liability insurance is too costly for individuals to purchase on their own.

We can address the workforce shortage in health centers by clarifying that medical malpractice coverage is provided to clinicians who wish to volunteer their time working at the community health center.

I want to thank Congressman MURPHY from Pennsylvania for sponsoring the legislation. Again, this will mark the third time we've worked together to pass this legislation in the House. It was in the health care reform bill, but the Senate did not include it in their version.

Again, Mr. Speaker, I want to thank the House, and hopefully we'll pass this bill today again and give the Senate another opportunity.

Mr. WHITFIELD. Mr. Speaker, I think all of our speakers have explained very clearly why we need to support this legislation. I urge all of our Members to support it.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I also urge passage of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1745, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL ALL SCHEDULES PRESCRIPTION ELECTRONIC REPORTING REAUTHORIZATION ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5710) to amend and reauthorize the controlled substance monitoring program under section 390 of the Public Health Service Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National All Schedules Prescription Electronic Reporting Reauthorization Act of 2010".

SEC. 2. AMENDMENT TO PURPOSE.

Paragraph (1) of section 2 of the National All Schedules Prescription Electronic Reporting Act of 2005 (Public Law 109-60) is amended to read as follows:

"(1) foster the establishment of State-administered controlled substance monitoring systems in order to ensure that—

"(A) health care providers have access to the accurate, timely prescription history information that they may use as a tool for the early identification of patients at risk for addiction in order to initiate appropriate medical interventions and avert the tragic personal, family, and

community consequences of untreated addiction; and

"(B) appropriate law enforcement, regulatory, and State professional licensing authorities have access to prescription history information for the purposes of investigating drug diversion and prescribing and dispensing practices of errant prescribers or pharmacists; and".

SEC. 3. AMENDMENTS TO CONTROLLED SUBSTANCE MONITORING PROGRAM.

Section 390 of the Public Health Service Act (42 U.S.C. 280g-3) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking "or";

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(C) to maintain and operate an existing State-controlled substance monitoring program.";

(2) by amending subsection (b) to read as follows:

"(b) MINIMUM REQUIREMENTS.—The Secretary shall maintain and, as appropriate, supplement or revise (after publishing proposed additions and revisions in the Federal Register and receiving public comments thereon) minimum requirements for criteria to be used by States for purposes of clauses (ii), (v), (vi), and (vii) of subsection (c)(1)(A).";

(3) in subsection (c)—

(A) in paragraph (1)(B)—

(i) in the matter preceding clause (i), by striking "(a)(1)(B)" and inserting "(a)(1)(B) or (a)(1)(C)";

(ii) in clause (i), by striking "program to be improved" and inserting "program to be improved or maintained"; and

(iii) in clause (iv), by striking "public health" and inserting "public health or public safety";

(B) in paragraph (3)—

(i) by striking "If a State that submits" and inserting the following:

"(A) IN GENERAL.—If a State that submits";

(ii) by inserting before the period at the end "and include timelines for full implementation of such interoperability"; and

(iii) by adding at the end the following:

"(B) MONITORING OF EFFORTS.—The Secretary shall monitor State efforts to achieve interoperability, as described in subparagraph (A).";

(C) in paragraph (5)—

(i) by striking "implement or improve" and inserting "establish, improve, or maintain"; and

(ii) by adding at the end the following: "The Secretary shall redistribute any funds that are so returned among the remaining grantees under this section in accordance with the formula described in subsection (a)(2)(B).";

(4) in the matter preceding paragraph (1) in subsection (d), by striking "In implementing or improving" and all that follows through "(a)(1)(B)" and inserting "In establishing, improving, or maintaining a controlled substance monitoring program under this section, a State shall comply, or with respect to a State that applies for a grant under subparagraph (B) or (C) of subsection (a)(1)";

(5) in subsections (e), (f)(1), and (g), by striking "implementing or improving" each place it appears and inserting "establishing, improving, or maintaining";

(6) in subsection (f)—

(A) in paragraph (1)(B) by striking "misuse of a schedule II, III, or IV substance" and inserting "misuse of a controlled substance included in schedule II, III, or IV of section 202(c) of the Controlled Substance Act"; and

(B) by adding at the end the following:

"(3) EVALUATION AND REPORTING.—Subject to subsection (g), a State receiving a grant under subsection (a) shall provide the Secretary with aggregate data and other information determined by the Secretary to be necessary to enable the Secretary—

"(A) to evaluate the success of the State's program in achieving its purposes; or

"(B) to prepare and submit the report to Congress required by subsection (k)(2).

"(4) RESEARCH BY OTHER ENTITIES.—A department, program, or administration receiving non-identifiable information under paragraph (1)(D) may make such information available to other entities for research purposes.";

(7) by redesignating subsections (h) through (n) as subsections (i) through (o), respectively;

(8) in subsections (c)(1)(A)(iv) and (d)(4), by striking "subsection (h)" each place it appears and inserting "subsection (i)";

(9) by inserting after subsection (g) the following:

"(h) EDUCATION AND ACCESS TO THE MONITORING SYSTEM.—A State receiving a grant under subsection (a) shall take steps to—

"(1) facilitate prescriber use of the State's controlled substance monitoring system; and

"(2) educate prescribers on the benefits of the system both to them and society.";

(10) by amending subsection (l), as redesignated, to read as follows:

"(l) PREFERENCE.—Beginning 3 years after the date on which funds are first appropriated to carry out this section, the Secretary, in awarding any competitive grant under title V that is related to drug abuse (as determined by the Secretary) and for which only States or tribes are eligible to apply, may give preference to eligible States with applications approved under this section, to eligible States or tribes with existing controlled substance monitoring programs that meet minimum requirements under this section, or to eligible States or tribes that put forth a good faith effort to meet those requirements (as determined by the Secretary).";

(11) in subsection (m)(1), as redesignated, by striking "establishment, implementation, or improvement" and inserting "establishment, improvement, or maintenance";

(12) in subsection (n)(8), as redesignated, by striking "and the District of Columbia" and inserting ", the District of Columbia, and any commonwealth or territory of the United States"; and

(13) by amending subsection (o), as redesignated, to read as follows:

"(o) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated \$15,000,000 for fiscal year 2011 and \$10,000,000 for each of fiscal years 2012 and 2013.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5710, the National All Schedules Prescription Electronic Reporting Reauthorization Act, or as I call it, NASPER.

State prescription drug monitoring programs track prescriptions so that

law enforcement officials can address and prevent diversion, and so prescribers and public health authorities can prevent and respond to the potentially devastating effects of prescription drug abuse.

The NASPER program, as it's known, was first authorized in 2005 and allows the Secretary to make grants to support these State programs, and it also sets standards for privacy and interoperability. H.R. 5710 reauthorizes the NASPER program, enhances evaluation and reporting, and makes other updates to the program.

An amendment agreed to in our subcommittee changed the authorization period from 5 to 3 years so the next reauthorization can take into account the results of an agency evaluation of the program scheduled to be completed in 2012. The amendment also clarified language regarding granting preference in certain other SAMSA programs to States that have prescription drug monitoring programs.

I would like to thank Mr. WHITFIELD for his leadership on this issue as well as Mr. STUPAK—both of them have been involved with the NASPER bill for some time, including the original authorization—and also our ranking members, SHIMKUS and BARTON.

I urge my colleagues to join me in supporting H.R. 5710.

I reserve the balance of my time.

Mr. WHITFIELD. I yield myself such time as I may consume.

Mr. Speaker, this legislation, H.R. 5710, would reauthorize the National All Schedules Prescription Electronic Reporting Act, known as NASPER, which provides grants through HHS to the States to establish and operate prescription drug monitoring programs.

I also want to thank Congressman STUPAK for his tremendous leadership. Without him we wouldn't have this bill on the floor. Chairman PALLONE has been helpful, Ranking Members BARTON and SHIMKUS. And I would also like to thank our late friend Charlie Norwood of Georgia, who was very much interested in this legislation.

NASPER was designed to reduce prescription drug abuse by providing physicians with the tools to stop the abuse before it starts. The law allows physicians to provide proper medication therapy to patients while also cracking down on the interstate diversion of prescription medications.

Importantly, the law contains safeguards to ensure this sensitive information is protected and accessed appropriately.

This is an important piece of legislation. I urge all of our Members to support it.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK), who, as I said, has been involved with this NASPER legislation from the beginning.

Mr. STUPAK. I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of this legislation. Five years ago, Congress passed the National All Schedules Prescription Electronic Reporting Act, or NASPER, into law, making it the only statutory authorized program to assist States in combating prescription drug abuse of controlled substances through prescription drug monitoring programs.

Congress realized that more needed to be done to aid States to set up or improve systems that enable authorities to identify prescription drug abusers as well as the problem doctors who betray the high ethical standards of their profession by over or incorrectly prescribing prescription drugs.

Five years ago, NASPER was passed with bipartisan support after many years of hard work by many members of our committee and Members on both sides of the aisle.

Today, I'm honored to again work with my colleagues, Mr. WHITFIELD, Mr. PALLONE, Mr. SHIMKUS, to reauthorize this important public health program.

Minor but important changes have been made to the program, including allowing the use of grants to help States maintain their existing programs. This will allow cash-strapped States to continue to operate their monitoring programs under difficult economic times. The legislation will also allow territories to be eligible for grants.

I urge my colleagues to vote in favor of this legislation.

Mr. WHITFIELD. Mr. Speaker, I urge passage.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I would like to yield such time as she may consume to the gentlewoman from Texas, Ms. SHEILA JACKSON LEE.

□ 1730

Ms. JACKSON LEE of Texas. I want to thank the manager of the bill, Chairman PALLONE; and thank the author and, if you will, visionary of the bill, Mr. STUPAK; and Mr. WHITFIELD for their leadership.

I rise today because this is an interesting and important bit of legislation as relates to physicians under the Energy and Commerce and HHS. It's important because it helps to track or determine who might be an addict, and as well to engage the medical profession in helping to end or to stem the tide of prescription drug abuse.

Interestingly enough, in this legislation there are privacy provisions, which I want to applaud and to say to all those who may be listening, this is a lifeline to stop the prescription drug abuse through legitimate medical resources and professionals, and as well for those who are legitimately ill, prescription drugs are prescribed and they find themselves addicted.

When I left Texas in the last 24 hours, interestingly there was another effort going forward, Mr. PALLONE, that had to do with our Drug Enforcement Agency, where about 10 or so sites were being set up to encourage people to give back old or aged drugs in their drug cabinets, if you will, or in their prescription cabinets, or in their medical cabinets at home. And these sites were in schools and community buildings.

As I read of this project, which obviously this was a proud effort, and I want to congratulate law enforcement, I had a concern. The concern was privacy, whether or not this was coordinated to ensure that if you gave a bottle of prescription drugs that still in fact was filled, whether or not there was a privacy procedure of either removing those labels, or maybe they expected you to remove those labels, and then also what would be the ultimate results. If they saw someone returning five bottles of such and such that happened to be an addictive drug and their names were on it, what kind of protection, or what kind of treatment, or what kind of referral would these individuals receive? I think that's an important point.

That is why I rise today on this legislation, and I look forward to reviewing this legislation, even as it passes, to assess whether or not our friends in the legal end of it, the DEA in particular, and I would hope maybe that the representatives from the DEA would meet with me in my office about their approach to ensure that it has the requirements and the restraints that we see in this present legislation. I want to congratulate the authors of this legislation because of that very fact.

I would just like to add one other point, if I could, as I close on my remarks. Having not been here for the legislation to deal with H.R. 5494, which is Ms. NORTON's legislation, which talks about the National Park Service and Secretary of the Interior transferring certain properties to the District of Columbia, it may not be equal, but I do want to make note that the GSA is holding property that the Texas Military History Museum has been paying rent on or paying taxes on because of their belief it belongs to them, and because the GSA had basically lost the property or had forgotten it existed. I look forward to them following at least the parameters of this legislation, where they can transfer those assets to a very important and distinctive group, the Texas Military Museum Association, that has now made this a military museum for Texans and for America. This was certainly appropriate to do so.

Finally, I want to make sure that I add my support to legislation, if it's coming to the floor, dealing with Rosa's Law, that is a Senate bill. And I will add supporting statements to the RECORD.

But in conclusion, I think that this legislation, H.R. 5710, is a model for what can be an important life saver in America, and that is to get people to be weaned off of addictive drugs, but have a way of processing and determining where those drugs are, whether there is an addicted person, and how they can secure care.

So I ask my colleagues to support H.R. 5710, and I look forward to the Drug Enforcement Agency working with my office on the kind of restraints that are hopefully helpful when they have these mass campaigns for people to drop off old prescriptions and to make sure that they follow suit and do the right thing for the people of this country.

Mr. PALLONE. Mr. Speaker, I urge passage of the bill.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 5710, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ROSA'S LAW

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2781) to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Rosa's Law".

SEC. 2. INDIVIDUALS WITH INTELLECTUAL DISABILITIES.

(a) HIGHER EDUCATION ACT OF 1965.—Section 760(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1140(2)(A)) is amended by striking "mental retardation or".

(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—

(1) Section 601(c)(12)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1400(c)(12)(C)) is amended by striking "having mental retardation" and inserting "having intellectual disabilities".

(2) Section 602 of such Act (20 U.S.C. 1401) is amended—

(A) in paragraph (3)(A)(i), by striking "with mental retardation" and inserting "with intellectual disabilities"; and

(B) in paragraph (30)(C), by striking "of mental retardation" and inserting "of intellectual disabilities".

(c) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 7202(16)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7512(16)(E)) is amended by striking "mild mental retardation," and inserting "mild intellectual disabilities,".

(d) REHABILITATION ACT OF 1973.—

(1) Section 7(21)(A)(iii) of the Rehabilitation Act of 1973 (29 U.S.C. 705(21)(A)(iii)) is amended by striking "mental retardation," and inserting "intellectual disability,".

(2) Section 204(b)(2)(C)(vi) of such Act (29 U.S.C. 764(b)(2)(C)(vi)) is amended by striking "mental retardation and other developmental disabilities" and inserting "intellectual disabilities and other developmental disabilities".

(3) Section 501(a) of such Act (29 U.S.C. 791(a)) is amended, in the third sentence, by striking "President's Committees on Employment of People With Disabilities and on Mental Retardation" and inserting "President's Disability Employment Partnership Board and the President's Committee for People with Intellectual Disabilities".

(e) HEALTH RESEARCH AND HEALTH SERVICES AMENDMENTS OF 1976.—Section 1001 of the Health Research and Health Services Amendments of 1976 (42 U.S.C. 217a-1) is amended by striking "the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963,".

(f) PUBLIC HEALTH SERVICE ACT.—

(1) Section 317C(a)(4)(B)(i) of the Public Health Service Act (42 U.S.C. 247b-4(a)(4)(B)(i)) is amended by striking "mental retardation," and inserting "intellectual disabilities,".

(2) Section 448 of such Act (42 U.S.C. 285g) is amended by striking "mental retardation," and inserting "intellectual disabilities,".

(3) Section 450 of such Act (42 U.S.C. 285g-2) is amended to read as follows:

"SEC. 450. RESEARCH ON INTELLECTUAL DISABILITIES.

"The Director of the Institute shall conduct and support research and related activities into the causes, prevention, and treatment of intellectual disabilities.".

(4) Section 641(a) of such Act (42 U.S.C. 291k(a)) is amended by striking "matters relating to the mentally retarded" and inserting "matters relating to individuals with intellectual disabilities".

(5) Section 753(b)(2)(E) of such Act (42 U.S.C. 294c(b)(2)(E)) is amended by striking "elderly mentally retarded individuals" and inserting "elderly individuals with intellectual disabilities".

(6) Section 1252(f)(3)(E) of such Act (42 U.S.C. 300d-52(f)(3)(E)) is amended by striking "mental retardation/developmental disorders," and inserting "intellectual disabilities or developmental disorders,".

(g) HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998.—Section 419(b)(1) of the Health Professions Education Partnerships Act of 1998 (42 U.S.C. 280f note) is amended by striking "mental retardation" and inserting "intellectual disabilities".

(h) PUBLIC LAW 110-154.—Section 1(a)(2)(B) of Public Law 110-154 (42 U.S.C. 285g note) is amended by striking "mental retardation" and inserting "intellectual disabilities".

(i) NATIONAL SICKLE CELL ANEMIA, COOLEY'S ANEMIA, TAY-SACHS, AND GENETIC DISEASES ACT.—Section 402 of the National Sickle Cell Anemia, Cooley's Anemia, Tay-Sachs, and Genetic Diseases Act (42 U.S.C. 300b-1 note) is amended by striking "leading

to mental retardation" and inserting "leading to intellectual disabilities".

(j) GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008.—Section 2(2) of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff note) is amended by striking "mental retardation," and inserting "intellectual disabilities,".

(k) REFERENCES.—For purposes of each provision amended by this section—

(1) a reference to "an intellectual disability" shall mean a condition previously referred to as "mental retardation", or a variation of this term, and shall have the same meaning with respect to programs, or qualifications for programs, for individuals with such a condition; and

(2) a reference to individuals with intellectual disabilities shall mean individuals who were previously referred to as individuals who are "individuals with mental retardation" or "the mentally retarded", or variations of those terms.

SEC. 3. REGULATIONS.

For purposes of regulations issued to carry out a provision amended by this Act—

(1) before the regulations are amended to carry out this Act—

(A) a reference in the regulations to mental retardation shall be considered to be a reference to an intellectual disability; and

(B) a reference in the regulations to the mentally retarded, or individuals who are mentally retarded, shall be considered to be a reference to individuals with intellectual disabilities; and

(2) in amending the regulations to carry out this Act, a Federal agency shall ensure that the regulations clearly state—

(A) that an intellectual disability was formerly termed mental retardation; and

(B) that individuals with intellectual disabilities were formerly termed individuals who are mentally retarded.

SEC. 4. RULE OF CONSTRUCTION.

This Act shall be construed to make amendments to provisions of Federal law to substitute the term "an intellectual disability" for "mental retardation", and "individuals with intellectual disabilities" for "the mentally retarded" or "individuals who are mentally retarded", without any intent to—

(1) change the coverage, eligibility, rights, responsibilities, or definitions referred to in the amended provisions; or

(2) compel States to change terminology in State laws for individuals covered by a provision amended by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. MCMAHON), who is the sponsor of the legislation.

Mr. McMAHON. Mr. Speaker, it is my great honor to champion the House companion of S. 2781, H.R. 4544, the Elizabeth A. Connelly Act, so I rise today in strong support of S. 2781. I thank Mr. PALLONE for his leadership on the subcommittee. And Mr. Chairman, I thank you for your leadership in this body, and especially as chairman on the Bipartisan Disabilities Caucus, and the work that you do there.

This bill will replace the term “mental retardation” with the term “intellectual disability” throughout the United States Code. Now, in July of this year, just recently, New York Governor David Paterson signed similar legislation into law, joining 48 other States that have dropped the “R” word. Over 70 Democrats and Republicans have cosponsored my bill and agreed that the time has finally come to put an end to discrimination against individuals with intellectual disabilities.

Every day, millions of children and adults have difficulty with tasks such as problem solving, decision-making, and communications because of intellectual disabilities. These Americans are often ridiculed, ignored, or even abused by their peers. Sometimes they are referred to publicly by insulting terms and treated as second class citizens. In particular, the term “mental retardation” has acquired a distinctly pejorative meaning, and is used intentionally and unintentionally to deride and humiliate many of our citizens.

H.R. 4544 is aptly named for a great woman from my home State of New York, the Honorable Elizabeth A. Connelly. Mrs. Connelly was elected to the New York State Assembly in 1973 as the first woman from my district of Staten Island to be elected to public office. When she retired in 2000, she became New York’s longest serving female legislator.

Throughout her career, she was a staunch advocate and champion for individuals with intellectual and other developmental disabilities. She was instrumental in securing funds for mental health programs and creating the New York State Commission on Quality of Care for the Mentally Disabled, led the charge to close the notorious Willowbrook State School, and led this Nation from warehousing individuals into providing group home settings.

Assemblywoman Connelly was known throughout the community for working with parents, advocates, and government officials to make New York a leader in providing high quality services and programs for individuals with intellectual disabilities. She is known as the guardian angel of the mentally disabled. She was not only a pioneer of her time and one of New York’s greatest disability advocates, but she was my mentor. I was privileged to work as Ms. Connelly’s staff member and counsel for many years. It is her personal

commitment and leadership that has inspired me to also become an advocate for these important issues. Sadly, we lost her all too prematurely a few years ago, but we honor her and her husband Robert and her family with this bill.

□ 1740

So, Mr. Speaker, I cast my vote and urge my colleagues to do so as well in honor of Assemblywoman Connelly. I know she would be very proud to see the United States carrying out her lifelong mission by passing S. 2781.

I urge my colleagues to vote “yes” on S. 2781 and send this bill to the President’s desk for signature.

Mr. WHITFIELD. I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of S. 2781, Rosa’s Law, and I certainly want to thank the majority and all of those involved in this important legislation for bringing it to the floor for final passage.

This legislation is really very simple, but very important. It simply modifies specific terms used in Federal law and instead of referring to the people as mentally retarded individuals, it refers to them basically as individuals with developmental disabilities.

It will affect the Social Security Act, the Public Health Service Act, and a lot of other Federal laws. I think it certainly is a step in the right direction, and I would urge passage of this legislation.

Mr. Speaker, I rise in support of S. 2781, Rosa’s Law, and I would like to thank the Majority for finally bringing this legislation to the floor of the House for final passage.

Rosa’s Law follows previous Congressional action to modify the specific terms used in Federal law to refer to individuals, or broad categories of individuals, when earlier terminology became outdated, offensive, or otherwise inappropriate.

I would like to note that our former colleague, Nathan Deal of Georgia, actually offered an amendment during the Energy and Commerce Committee’s consideration of the ObamaCare legislation back in July of last year that would have changed references in Federal law to mentally retarded individual to references to an individual with an developmental disability, but unfortunately, Congressman Deal’s amendment was not accepted by the Majority, which prevented it from being included in the House-passed version of the health reform legislation.

However, by bringing this legislation to the floor today, the Majority can atone for their past mistake, and finally correct this glaring problem.

And speaking of health reform, I would also like to note that today is the 6-month anniversary of the Democrats’ ObamaCare package being signed into law, and just as Republicans, independents, and a few brave Democrats predicted, insurance premiums are rising and people are losing their current health insurance coverage as a direct result of the flawed provisions in that legislation.

Reports of problems in ObamaCare abound, but has this Congress held a hearing on its implementation? No. In fact, the Subcommittee on Health—on which I serve—has held 15 hearings since the passage of ObamaCare, but we have not dealt with the most radical change to America’s health care system in generations.

As all of us have noticed lately, people back home are experiencing the unhappy reality of the Federal Government’s health care takeover. And as many news reports indicate, many people seem to prefer a Congressional Majority that wants to get the truth from the Obama Administration about what’s gone wrong. I know the seniors in my district are completely clear about their desire to have us look into the Administration’s plans to cut \$575 billion from Medicare. They also want to know about statements by the Chief Actuary of Medicare that providers “could find it difficult to remain profitable” and might “end their participation in the program.”

And any American concerned about the disastrous spending policies of this Administration and the current Majority would want oversight over recent revelations that after passage of ObamaCare, health care spending is projected to increase more than the Obama Administration had projected before passage of this deeply flawed legislation.

During the run-up to passage, miracles were promised day in and day out. Seniors were told the law would strengthen Medicare, only to see reductions to the program spent on new entitlements. Everyone was told the cost curve would be bent down, only to see the Administration’s own actuaries report it will continue to go up.

Families were told that if they liked their current coverage they could keep it, only to learn that the law encourages employers to drop coverage, that health insurers will pass along increased costs through increased premiums, and that every plan will be subject to a host of costly new Federal rules and restrictions.

Where is the oversight? Where are the hearings? As the election nears, I would like to note that the American people seem to want a new kind of Congress, one that is willing to find its mistakes and to fix them.

With that, I will urge my colleagues to support the bill before us today.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of Rosa’s Law, which will replace all references of “mental retardation” with the term “intellectual disability” throughout the U.S. Code.

I would like to first thank my colleague from New York, Representative MIKE McMAHON, who has been a passionate champion of ending discrimination against individuals with intellectual disabilities and lifting the stigma associated with the outdated and outmoded classification of an entire population.

At the turn of the last century, the prevailing sentiment in our society was that those with cognitive impairments or behavioral limitations should be institutionalized—excluded from mainstream society and locked away as wards of the state. In Federal statute, they were referred to as “feeble-minded.” Of course, we have come a long way since then.

With passage of laws like the Americans with Disabilities Act, ADA, and the Individuals

with Disabilities Education Act, IDEA, we have taken great strides to ensure that people with intellectual disabilities are afforded equal opportunities in schools and workplaces free from discrimination, as well as supports for independent living. We have broken down many of the exclusionary policies that relegated these individuals to being treated as second-class citizens.

However, the U.S. Federal Code still contains antiquated references to "mental retardation" that no longer reflect our collective values. This terminology has acquired a distinctly pejorative meaning and perpetuates the stigma that people with intellectual disabilities are somehow inferior to others. That couldn't be farther from the truth.

It is time we follow in the steps of entities like the World Health Organization and the U.S. Department of Health and Human Services. We must update the Federal Code to reflect our true intent and evolved beliefs that individuals with disabilities deserve the same respect and opportunities as any other human being. By fostering an environment of inclusion and empowerment, we can provide the means for every individual to fulfill his or her potential.

Mr. WHITFIELD. I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, S. 2781.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING BLOOD CANCER AWARENESS MONTH

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1433) expressing support for designation of September 2010 as Blood Cancer Awareness Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1433

Whereas blood-related cancers currently afflict more than 900,000 people in the United States, with an estimated 150,000 new cases diagnosed each year;

Whereas leukemia, lymphoma, multiple myeloma, myelodysplastic syndromes, and myeloproliferative disorders will kill more than 50,000 people in the United States this year;

Whereas Congress, in the National Cancer Act, established an aggressive Federal program for the diagnosis, prevention, and treatment of cancer;

Whereas Congress has maintained a steady investment in cancer research to answer basic questions about the causes of cancer and to develop new treatments for cancer;

Whereas the Federal investment in cancer research and control has contributed to important progress in understanding and treating some blood cancers and yielded significant advances in survival for some forms of blood cancer;

Whereas continued investment and innovation is critical to the early diagnosis and the more effective and safer treatment for blood cancers where research and treatment advances have to date been limited;

Whereas strategies to enhance and strengthen the cancer clinical research program and boost participation in clinical trials are necessary to achieve blood cancer treatment advances;

Whereas survivors of blood cancer may experience serious late and long-term effects of their treatment and may need life-long follow-up and survivorship care;

Whereas Congress has provided strong support to blood cancer research and has focused special attention on increasing awareness of blood cancers and intensifying the blood cancer research program;

Whereas the House of Representatives will continue to provide support for research for a cure for leukemia, lymphoma, multiple myeloma, myelodysplastic syndromes, and myeloproliferative disorders; and

Whereas September 2010 would be an appropriate month to designate as Blood Cancer Awareness Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of Blood Cancer Awareness Month to enhance the understanding of blood-related cancers, increase support for funding research to find a cure for blood cancers, encourage studies of the cause and prevention of blood cancers to reduce the number of new cases, and enhance understanding of clinical trials to boost provider and patient participation and accelerate the pace of clinical research;

(2) encourages participation in voluntary activities to support blood cancer research and education; and

(3) respectfully requests the Clerk of the House to transmit a copy of this resolution to the American Society of Hematology, the International Myeloma Foundation, the Lymphoma Research Foundation, the Multiple Myeloma Research Foundation, and The Leukemia & Lymphoma Society, voluntary health organizations dedicated to finding a cure for blood cancers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, at this time I yield such time as she may consume to the lead Democratic sponsor of the bill, the gentlewoman from Colorado (Ms. MARKEY).

Ms. MARKEY of Colorado. Mr. Speaker, I rise today in support of this

resolution raising awareness of blood cancers. I would like to thank the Representative from North Carolina for his work to bring this important resolution to the House.

Nearly 1 million people are currently afflicted with blood cancers in the United States and 150,000 are newly diagnosed each year. With these numbers, we probably all know someone whose life will be affected.

I was inspired to work on this important resolution by my staff and interns, many of whom have personal experiences with leukemia and other blood cancers. It is inspiring to see their commitment to increasing awareness, such as my staff member, Marissa Smith, who dedicated her free time in honor of a friend's mother and ran a half marathon with the Leukemia and Lymphoma Society.

Raising awareness of blood cancers through the designation of September as Blood Cancer Awareness Month will help ensure that we keep in mind their widespread impact and the importance of ample Federal research for funding, education, and research.

I encourage my colleagues to join me in supporting this important resolution.

Mr. WHITFIELD. Mr. Speaker, I also rise today in support of House Resolution 1433, expressing support for the designation of September 2010 as Blood Cancer Awareness Month.

At this time I yield such time as he may consume to the gentleman from North Carolina (Mr. JONES), who was the primary sponsor of this legislation and who has been a real leader on cancer awareness in the U.S. Congress.

Mr. JONES. I thank the gentleman for yielding.

I want to also thank BETSY MARKEY, who just spoke, from Colorado. She has worked with me hand in glove, as we should do more times than not, on the House floor, to be honest about it, and we were able to get over 130 cosponsors.

As she said, this year more than 50,000 people in this country will die from blood-related disorder.

This legislation asks the House to support this designation of September as Blood Cancer Awareness Month. This resolution will enhance the understanding of blood-related cancers. Researchers have recently made important advancements in blood cancer research, but these diseases need more funding resources.

This legislation was requested by the American Society of Hematology, the International Myeloma Foundation, the Lymphoma Research Foundation, the Multiple Myeloma Research Foundation, and the Leukemia and Lymphoma Society.

Before I close, I want to thank the committee of jurisdiction, the chairman on the floor today, for getting this legislation to the floor. The end of September, I will be in Raleigh, North

Carolina, for an event called Walk the Night. There will be those who have been cured of cancer blood diseases that will be walking. There will be those who lost loved ones because of blood cancer diseases; they will also be walking.

For this Congress to do this, I will be indebted and grateful too. Again, I want to thank Congresswoman BETSY MARKEY for being a cosponsor and thank the committees and thank the Congress and the leadership of the House, both Democrat and Republican, for getting this to the floor.

Mr. PALLONE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

Mr. WHITFIELD. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1433, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

SAFE DRUG DISPOSAL ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5809) to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Drug Disposal Act of 2010".

SEC. 2. DELIVERY OF CONTROLLED SUBSTANCES BY ULTIMATE USERS FOR DISPOSAL.

(a) **REGULATORY AUTHORITY.**—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:

"(g)(1) An ultimate user who has lawfully obtained a controlled substance in accordance with this title may, without being registered, deliver the controlled substance to another person for the purpose of disposal of the controlled substance if—

"(A) the person receiving the controlled substance is authorized under this title to receive and dispose of the controlled substance; and

"(B) the delivery and disposal takes place in accordance with regulations issued by the Attorney General to prevent diversion of controlled substances.

The regulations referred to in subparagraph (B) shall be consistent with the public health and safety. In developing such regulations, the Attorney General shall take into consideration the ease and cost of program implementation and participation by various communities. Such regulations may not require any entity to establish or operate a delivery or disposal program.

"(2) The Attorney General shall, by regulation, authorize long-term care facilities, as de-

finied by the Attorney General by regulation, to deliver for disposal controlled substances on behalf of ultimate users in a manner that the Attorney General determines will provide effective controls against diversion and be consistent with the public health and safety.

"(3) If a person dies while lawfully in possession of a controlled substance for personal use, any person lawfully entitled to dispose of the decedent's property may deliver the controlled substance to another person for the purpose of disposal under the same conditions as provided in paragraph (1) for an ultimate user."

(b) **CONFORMING AMENDMENT.**—Section 308(b) of the Controlled Substances Act (21 U.S.C. 828(b)) is amended—

(1) by striking the period at the end of paragraph (2) and inserting "; or"; and

(2) by adding at the end the following:

"(3) the delivery of such a substance for the purpose of disposal by an ultimate user, long-term care facility, or other person acting in accordance with section 302(g)."

SEC. 3. PUBLIC EDUCATION CAMPAIGN.

The Director of National Drug Control Policy, in consultation with the Administrator of the Environmental Protection Agency, shall carry out a public education and outreach campaign to increase awareness of how ultimate users may lawfully and safely dispose of prescription drugs, including controlled substances, through drug take-back programs and other appropriate means.

SEC. 4. GAO REPORT.

The Comptroller General of the United States shall—

(1) collect data on the delivery, transfer, and disposal of controlled substances under section 302(g) of the Controlled Substances Act, as added by section 2; and

(2) not later than 4 years after the date of the enactment of this Act, submit findings and recommendations to the Congress regarding use, effectiveness, and accessibility of disposal programs.

SEC. 5. EPA STUDY OF ENVIRONMENTAL IMPACTS.

(a) **STUDY.**—The Administrator of the Environmental Protection Agency (in this section referred to as the "Administrator") shall—

(1) in consultation with relevant State and local officials and other sources of relevant technical expertise, conduct a study to—

(A) examine the environmental impacts resulting from the ultimate disposal of controlled substances through existing methods;

(B) taking into consideration such impacts, and the ease and cost of implementation of drug take-back programs and participation in such programs by various communities, formulate appropriate recommendations on the destruction or ultimate disposal of prescription drugs, including controlled substances; and

(C) identify additional authority needed to carry out such recommendations if the Administrator determines that the Administrator's existing legal authorities are insufficient to implement such recommendations; and

(2) not later than 18 months after the date of the enactment of this Act, submit a report to the Congress on the results of such study.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect the Administrator's authority under other provisions of law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. I ask unanimous consent that all Members may have 5 leg-

islative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to one of the sponsors of our legislation, a member of the Energy and Commerce Committee, the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, we have a good bill here, a bipartisan bill, to help us move forward to reduce the rate of abuse of prescription drugs.

Three years ago, local agencies and community leaders came to my office and told us we had this problem because prescription drug overdoses are rising rapidly, and there is really no way to dispose of legitimate prescription drugs in a legal, easy-to-use fashion under our current laws.

So for 3 years now we have been working in a bipartisan fashion to come up with a solution, and I am very happy to say that with the strong support of 55 national and regional organizations and the leadership of Chairman WAXMAN and Representatives STUPAK, MORAN and SMITH, we have found a solution that does protect the public and the environment from harmful drugs.

You know, prescription drug abuse really is a growing epidemic. Back in my home State of Washington prescription drug overdoses have now surpassed car accidents as the leading cause of accidental death for people ages 35 to 54. Washington has the sixth highest rate in the Nation of prescription drug abuse among 12- to 17-year-olds; and, unfortunately, today's medicine cabinets have become tomorrow's drug dealers' storage sites.

□ 1750

Kids are abusing leftover prescription drugs and getting addicted or, in the worst cases, dying. Just yesterday, nine middle school children in Bremerton, Washington, were hospitalized after popping prescription pills that one student brought to school from home.

So in Washington State, local agencies and community groups like Group Health and Bartell Drugs have tackled this problem head-on and have developed successful pilot safe drug disposal programs. These brick and mortar drop-off locations and mail-back programs give communities of all sizes an easy disposable system to dispose of unneeded drugs. But these programs have gone as far as they can, and right now they face the legal walls to grow these programs to make them more effective and easier for our communities to use.

So, we now have a commonsense solution, which is this bill, and we need to make sure these programs are put in

place for all prescription drugs to keep these powerful substances off the streets and out of our drinking water. This legislation will solve those problems.

I want to note one success of this bill. BART STUPAK and others have been really great leaders in designing a program that would be flexible and easy for communities to use. We wanted to make sure that we got communities to design their programs so that they would have a multiple suite of different systems to use on how to run these programs. I want to congratulate Bart and others in helping us fashion this.

And with that, I urge our support for H.R. 5809.

Mr. WHITFIELD. I yield myself such time as I may consume.

Mr. Speaker, I rise also in support of the Safe Drug Disposal Act, and certainly I want to thank Mr. INSLEE for his leadership and Mr. MORAN, Mr. PALLONE, and many others.

Two months ago, I was invited by Sheriff Carter of Allen County, Kentucky, to a meeting of concerned citizens in that little community, and what they wanted to talk about was prescription drug abuse. And not only is it a problem in Washington State; it's a problem in Kentucky, and it's a problem throughout this entire country.

We are fortunate that many pharmacies, States, and localities have established prescription drug take-back programs; but, unfortunately, they are unable to take back controlled substances due to a technical reading of the Controlled Substances Act. This legislation will correct that and will allow a take-back program to also apply to controlled substances. And by passing this legislation, these programs will help further reduce the likelihood of prescription drugs being diverted to those to whom they were not prescribed.

I'm delighted that we are bringing this legislation to the floor, and I look forward to its passage and would urge all of our Members to vote for it.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to my friend from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my good friend from New Jersey for yielding me the time, as well as his friendship, as well as the distinguished gentleman from Kentucky (Mr. WHITFIELD). And I want to recognize Mr. INSLEE for introducing this legislation.

We share a deep concern about the use of medications which are not being safely returned to drug stores because of regulatory difficulties. In many cases, you have to have a police officer there overseeing the return of the drugs.

This will get over those restrictions and allow a process to happen which is

terribly important, because we should all know that drug abuse is not limited to street corner illegal drug purchases, that, in fact, the abuse of prescription drugs is a large part of America's drug problem, particularly among young people. One study has shown that, in the last decade, nonmedical use of prescription drugs increased by almost 100 percent; and among adolescents between the ages of 12 and 17, it increased by more than 200 percent.

Too many of our young people are raiding the family medicine cabinet to obtain prescription drugs like OxyContin, Ritalin, and Valium. And, of course, it doesn't just affect those individuals, and it's not harmless. It clearly is leading to an increase in criminal behavior.

We find that about 600,000 emergency department visits over a year involved the nonmedical use of prescription or over-the-counter drugs or dietary supplements. It's a substantial increase year after year. About one-third of the visits result in hospital admissions. In fact, 1,365 of those emergency visits have resulted in the death of the patient, oftentimes young people. And that's where we see the biggest problem—fatalities in children 13 to 19 years of age.

So this will allow local communities to create drug disposal programs. As Mr. INSLEE and Mr. WHITFIELD had mentioned, it gives consumers a safe way to dispose of unneeded pharmaceuticals, including controlled substances. A number of the most responsible pharmacies have asked for this. The pharmacists say they want to be constructive in this process and prevent this illegal and oftentimes fatal use of prescription drugs on the part of young children.

This is a very important piece of legislation. It will save lives. It's the right thing to do.

I just want to mention one other thing that involves our Interior and Environment Appropriations Subcommittee. We are finding that one of the things that is leading to very serious problems with water quality is the fact that prescription medications are winding up in our water supply because our sewage treatment centers don't have the ability to screen them out, so they go right into the water supply that leads to drinking water. And we think that that is a source of some of the problems we find with endocrine-disrupting chemicals that block or mimic natural hormones. And we see that in a number of fish, particularly the fish in the Potomac River. This is one of the problems.

So we are addressing a number of issues with this legislation. I trust that it will be passed unanimously, and maybe even by the Senate, which would be phenomenal. So, Mr. Speaker, we thank all those who cosponsored this, and let's hope it becomes law very quickly.

Mr. SMITH of Texas. Mr. Speaker, Americans are abusing prescription drugs at alarming rates and a major source for this abuse is the unused or expired drugs in our medicine cabinets, nursing homes, and hospitals. Prescription drugs are now surpassing most illegal drugs as the drug of choice for abusers across America.

The Office of National Drug Control Policy reports that "prescription drugs account for the second most commonly abused category of drugs, behind marijuana, and ahead of cocaine, heroin, methamphetamine, and other drugs."

The most commonly abused prescription drugs are opioid painkillers, such as Oxycontin and Percocet and morphine. Accidental deaths caused by the abuse of such opioid painkillers now outnumber deaths caused by the use of cocaine and heroin.

Today, an estimated seven million Americans abuse prescription drugs. The National Survey on Drug Use and Health found that the non-medical use of prescription drugs increased by 12 percent in 2009. Pain killers and other highly addictive prescription drugs have become increasingly popular with America's teenagers.

The Centers for Disease Control reports that 20 percent of teens have admitted to taking prescription drugs without a prescription. Unfortunately, many teens believe these drugs, because they are available by prescription, are less dangerous than illegal drugs. Sadly, this can often be a deadly misconception.

And a major source of prescription drugs is leftover, unused and expired drugs in our own homes and healthcare facilities. The Justice Department reports that prescription drug abuse is most prevalent among 18- to 25-year-olds, and most of these drugs are acquired for free from family and friends.

The solution is safe and accessible drug disposal. Law enforcement agencies and pharmacies across the country are now sponsoring drug disposal or "take-back" programs to collect unused and expired prescription drugs.

But these programs are at the mercy of a loophole in federal law that prevents individuals from legally disposing of controlled prescription drugs. The Comprehensive Drug Abuse Prevention and Control Act of 1970 or "CSA" utilizes a registration system for the distribution of controlled substances.

Individuals are exempted from the registration requirement in order to receive a prescription from their doctor to fill at their local pharmacy. But the CSA does not authorize individuals to dispose of their unused or expired drugs to a "take-back" program.

H.R. 5809, the Safe Drug Disposal Act, introduced by Mr. INSLEE, Mr. STUPAK, and myself, corrects this anomaly in the law. Once this bill is enacted, patients and long-term care facilities will be able to legally dispose of their controlled prescription drugs.

H.R. 5809 establishes a public education campaign within the Office of National Drug Control Policy to increase awareness of the availability of drug take-back programs in their communities. The bill also directs the General Accountability Office to study the availability and effectiveness of drug disposal programs.

Finally, the bill directs the Environmental Protection Agency to study the environmental impacts of the disposal of prescription drugs.

It is imperative that Congress provide for the safe disposal of these highly-addictive and dangerous drugs. Without this change to our federal drug laws, prescription pain killers and sedatives will linger in medicine cabinets across the country, easily accessible to teenagers wishing to experiment or adults who become dependent.

I urge my colleagues to support this legislation.

Mr. STUPAK. Mr. Speaker, I rise in support of this legislation.

Millions of Americans are prescribed narcotics for postoperative pain, bone fractures, and other ailments each year. However, most patients do not consume all the prescriptions they are prescribed.

These drugs remain in drug cabinets for years, easily accessible to teens wishing to experiment with drugs.

The Controlled Substances Act regulates prescription narcotics through a registration system. However, the Controlled Substance Act currently exempts patients from this registration requirement.

H.R. 5809 allows individuals to dispose of unused prescription controlled substances to a recipient authorized by the DEA. The bill also authorizes the Attorney General to promulgate regulations for the lawful disposal of prescription controlled substances by a long-term care facility.

H.R. 5809 also clarifies that the DEA regulations set forth in this legislation may not require any entity to establish a drug take-back program.

I want to thank my friend and colleagues, JAY INSLEE, LAMAR SMITH and other colleagues on both sides of the aisle for their hard work and commitment to empowering patients to help prevent prescription drug abuse, especially amongst our youth.

I urge my colleagues to vote in support of the legislation.

Mr. WHITFIELD. I urge passage of this bill, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I urge passage, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 5809, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5131, by the yeas and nays; and H.R. 3470, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The re-

maining electronic vote will be conducted as a 5-minute vote.

COLTSVILLE NATIONAL HISTORICAL PARK ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5131) to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 215, nays 174, not voting 43, as follows:

[Roll No. 532]

YEAS—215

Ackerman	Farr	Markey (CO)
Adler (NJ)	Fattah	Markey (MA)
Altmire	Filner	Marshall
Andrews	Foster	Matheson
Arcuri	Frank (MA)	Matsui
Baca	Fudge	McCarthy (NY)
Baird	Garamendi	McCollum
Baldwin	Giffords	McDermott
Becerra	Gonzalez	McGovern
Berkley	Gordon (TN)	McIntyre
Berman	Grayson	McMahon
Bishop (GA)	Green, Al	McNerney
Bishop (NY)	Green, Gene	Meek (FL)
Boccieri	Grijalva	Melancon
Boswell	Halvorson	Michaud
Boyd	Hare	Miller (NC)
Braley (IA)	Harman	Minnick
Brown, Corrine	Hastings (FL)	Moore (KS)
Capps	Heinrich	Moran (VA)
Capuano	Herseeth Sandlin	Murphy (CT)
Cardoza	Higgins	Murphy, Patrick
Carnahan	Hill	Napolitano
Carson (IN)	Himes	Neal (MA)
Castor (FL)	Hinchey	Nye
Chandler	Hinojosa	Oberstar
Childers	Hirono	Oliver
Chu	Holden	Ortiz
Clarke	Holt	Pallone
Clay	Honda	Pascarell
Cleaver	Hoyer	Pastor (AZ)
Clyburn	Inslee	Payne
Cohen	Jackson Lee	Perlmutter
Connolly (VA)	(TX)	Perriello
Conyers	Johnson (GA)	Peters
Costello	Johnson, E. B.	Peterson
Courtney	Jones	Pingree (ME)
Critz	Kagen	Polis (CO)
Crowley	Kanjorski	Pomeroy
Cuellar	Kaptur	Price (NC)
Cummings	Kennedy	Quigley
Dahlkemper	Kildee	Rahall
Davis (CA)	Kilroy	Reyes
Davis (IL)	Kind	Richardson
Davis (TN)	Kirkpatrick (AZ)	Rodriguez
DeFazio	Kissell	Ross
DeGette	Klein (FL)	Rothman (NJ)
Delahunt	Kosmas	Roybal-Allard
DeLauro	Kratovil	Ruppersberger
Deutch	Kucinich	Rush
Dicks	Langevin	Ryan (OH)
Dingell	Larsen (WA)	Salazar
Doggett	Larson (CT)	Sanchez, Loretta
Donnelly (IN)	Lee (CA)	Sarbanes
Doyle	Levin	Schakowsky
Driehaus	Lewis (GA)	Schauer
Edwards (MD)	Lipinski	Schiff
Edwards (TX)	Loeb sack	Schwartz
Ellison	Lofgren, Zoe	Scott (GA)
Ellsworth	Lujan	Scott (VA)
Eshoo	Lynch	Serrano
Etheridge	Maffei	Sestak

Sherman	Tanner	Wasserman
Shuler	Taylor	Schultz
Sires	Teague	Waters
Skelton	Thompson (CA)	Watson
Slaughter	Thompson (MS)	Watt
Smith (WA)	Tierney	Waxman
Snyder	Titus	Weiner
Speier	Tonko	Welch
Spratt	Tsongas	Woolsey
Stark	Visclosky	Wu
Stupak	Walz	Yarmuth
Sutton		

NAYS—174

Aderholt	Frelinghuysen	Mitchell
Akin	Gallely	Moran (KS)
Alexander	Garrett (NJ)	Murphy, Tim
Austria	Gerlach	Myrick
Bachmann	Gingrey (GA)	Neugebauer
Bachus	Gohmert	Nunes
Bartlett	Goodlatte	Olson
Barton (TX)	Granger	Owens
Bean	Graves (GA)	Paul
Biggert	Graves (MO)	Paulsen
Bilbray	Griffith	Pence
Bilirakis	Guthrie	Petri
Blackburn	Hall (TX)	Pitts
Blunt	Harper	Platts
Bonner	Hastings (WA)	Poe (TX)
Bono Mack	Heller	Posey
Boozman	Hensarling	Price (GA)
Boustany	Herger	Putnam
Brady (TX)	Hoekstra	Rehberg
Bright	Hunter	Reichert
Broun (GA)	Inglis	Roe (TN)
Brown (SC)	Issa	Rogers (AL)
Brown-Waite,	Jenkins	Rogers (KY)
Ginny	Johnson (IL)	Rogers (MI)
Buchanan	Johnson, Sam	Rohrabacher
Burgess	Jordan (OH)	Rooney
Burton (IN)	King (IA)	Ros-Lehtinen
Buyer	King (NY)	Roskam
Calvert	Kingston	Royce
Camp	Kline (MN)	Ryan (WI)
Campbell	Lamborn	Scalise
Cantor	Lance	Schmidt
Cao	Latham	Schock
Capito	LaTourette	Sensenbrenner
Cassidy	Latta	Sessions
Castle	Lee (NY)	Shadegg
Chaffetz	Lewis (CA)	Shimkus
Coble	Linder	Shuster
Coffman (CO)	LoBiondo	Simpson
Cole	Lucas	Smith (NE)
Conaway	Luetkemeyer	Smith (NJ)
Cooper	Lummis	Smith (TX)
Costa	Lungren, Daniel	Stearns
Crenshaw	E.	Sullivan
Culberson	Mack	Terry
Davis (KY)	Manzullo	Thompson (PA)
Dent	Marchant	Thornberry
Diaz-Balart, L.	McCarthy (CA)	Tiahrt
Diaz-Balart, M.	McCaul	Tiberi
Djou	McClintock	Turner
Dreier	McCotter	Upton
Duncan	McHenry	Walden
Ehlers	McKeon	Wamp
Emerson	McMorris	Westmoreland
Fleming	Rodgers	Whitfield
Forbes	Mica	Wilson (SC)
Fortenberry	Miller (FL)	Wittman
Fox	Miller (MI)	Wolf
Franks (AZ)	Miller, Gary	Young (AK)

NOT VOTING—43

Barrett (SC)	Flake	Nadler (NY)
Barrow	Gutierrez	Obey
Berry	Hall (NY)	Radanovich
Bishop (UT)	Hodes	Rangel
Blumenauer	Israel	Sánchez, Linda
Boehner	Jackson (IL)	T.
Boren	Kilpatrick (MI)	Schrader
Boucher	Kirk	Shea-Porter
Brady (PA)	Lowey	Space
Butterfield	Maloney	Towns
Carney	Meeks (NY)	Van Hollen
Carter	Miller, George	Velázquez
Davis (AL)	Mollohan	Wilson (OH)
Engel	Moore (WI)	Young (FL)
Fallin	Murphy (NY)	

□ 1833

Mr. UPTON, Mrs. CAPITO, Ms. GRANGER, Ms. ROS-LEHTINEN, Messrs. LATOURETTE, CASTLE,

BRADY of Texas, STEARNS, DANIEL E. LUNGREN of California, and BACH-US changed their vote from “yea” to “nay.”

Messrs. TONKO, ALTMIRE, and Ms. SPEIER changed their vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

NATIONALLY ENHANCING THE WELLBEING OF BABIES THROUGH OUTREACH AND RESEARCH NOW ACT

The SPEAKER pro tempore (Mrs. DAHLKEMPER). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3470) to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 324, nays 64, not voting 44, as follows:

[Roll No. 533]

YEAS—324

Ackerman	Camp	Deutch
Aderholt	Cao	Diaz-Balart, L.
Adler (NJ)	Capito	Diaz-Balart, M.
Alexander	Capps	Dingell
Altmire	Capuano	Djou
Andrews	Cardoza	Doggett
Arcuri	Carnahan	Donnelly (IN)
Austria	Carson (IN)	Doyle
Baca	Cassidy	Dreier
Bachus	Castle	Driehaus
Baird	Castor (FL)	Edwards (MD)
Baldwin	Chandler	Edwards (TX)
Bartlett	Childers	Ehlers
Barton (TX)	Chu	Ellison
Bean	Clarke	Ellsworth
Becerra	Clay	Emerson
Berkley	Cleaver	Eshoo
Berman	Clyburn	Etheridge
Biggert	Coble	Farr
Bilbray	Coffman (CO)	Fattah
Bilirakis	Cohen	Filner
Bishop (GA)	Cole	Forbes
Bishop (NY)	Connolly (VA)	Fortenberry
Blackburn	Conyers	Foster
Blunt	Cooper	Frank (MA)
Boccieri	Costa	Frank (AZ)
Boehner	Costello	Frelinghuysen
Bonner	Courtney	Fudge
Bono Mack	Crenshaw	Galleghy
Boozman	Critz	Garamendi
Boswell	Crowley	Gerlach
Boustany	Cuellar	Giffords
Boyd	Cummings	Gordon (TN)
Braley (IA)	Dahlkemper	Graves (MO)
Bright	Davis (CA)	Grayson
Brown (SC)	Davis (IL)	Green, Al
Brown, Corrine	Davis (KY)	Green, Gene
Brown-Waite,	Davis (TN)	Griffith
Ginny	DeFazio	Grijalva
Buchanan	DeGette	Guthrie
Burgess	Delahunt	Halvorson
Buyer	DeLauro	Hare
Calvert	Dent	Harper

Hastings (FL)	McDermott	Ryan (WI)
Heinrich	McGovern	Salazar
Heller	McHenry	Sanchez, Loretta
Herseeth Sandlin	McIntyre	Sarbanes
Higgins	McKeon	Scalise
Hill	McMahon	Schakowsky
Himes	McMorris	Schauer
Hinchev	Rodgers	Schiff
Hinojosa	McNerney	Schmidt
Hirono	Meek (FL)	Schock
Holden	Melancon	Schrader
Holt	Michaud	Schwartz
Honda	Miller (MI)	Scott (GA)
Hoyer	Miller (NC)	Scott (VA)
Inglis	Miller, Gary	Serrano
Inslee	Miller, George	Sestak
Jackson Lee	Minnick	Sherman
(TX)	Mitchell	Shimkus
Johnson (GA)	Moore (KS)	Shuler
Johnson (IL)	Moran (KS)	Simpson
Johnson, E. B.	Moran (VA)	Sires
Jones	Murphy (CT)	Skelton
Kagen	Murphy, Patrick	Slaughter
Kanjorski	Murphy, Tim	Smith (NJ)
Kaptur	Myrick	Smith (TX)
Kennedy	Napolitano	Smith (WA)
Kildee	Neal (MA)	Snyder
Kilroy	Nye	Speier
Kind	Oliver	Spratt
King (NY)	Ortiz	Stark
Kirkpatrick (AZ)	Owens	Stearns
Kissell	Pallone	Stupak
Klein (FL)	Pascarell	Sutton
Kosmas	Pastor (AZ)	Tanner
Kratovil	Paulsen	Taylor
Kucinich	Payne	Teague
Lance	Pence	Terry
Langevin	Perlmutter	Thompson (CA)
Larsen (WA)	Perriello	Thompson (MS)
Larson (CT)	Peters	Thompson (PA)
Latham	Peterson	Tiberi
LaTourette	Pingree (ME)	Tierney
Latta	Pitts	Titus
Lee (CA)	Platts	Tonko
Lee (NY)	Polis (CO)	Tsongas
Levin	Pomeroy	Turner
Lewis (CA)	Price (NC)	Upton
Lewis (GA)	Putnam	Visclosky
Lipinski	Quigley	Walz
LoBiondo	Rahall	Wamp
Loebsack	Rehberg	Wasserman
Lofgren, Zoe	Reichert	Schultz
Luetkemeyer	Reyes	Waters
Lujan	Richardson	Watson
Lungren, Daniel	Rodriguez	Watt
E.	Roe (TN)	Waxman
Lynch	Rogers (KY)	Weiner
Maffei	Rogers (MI)	Welch
Markey (CO)	Rooney	Whitfield
Markey (MA)	Ros-Lehtinen	Wilson (SC)
Marshall	Roskam	Wittman
Matheson	Ross	Wolf
Matsie	Rothman (NJ)	Woolsey
McCarthy (NY)	Roybal-Allard	Wu
McCaul	Ruppersberger	Yarmuth
McCollum	Rush	Young (AK)
McCotter	Ryan (OH)	

NAYS—64

Akin	Hastings (WA)	Neugebauer
Bachmann	Hensarling	Nunes
Bishop (UT)	Herger	Olson
Brady (TX)	Hoekstra	Paul
Broun (GA)	Hunter	Petri
Burton (IN)	Issa	Posey
Campbell	Jenkins	Price (GA)
Cantor	Jordan (OH)	Rogers (AL)
Carter	King (IA)	Rohrabacher
Chaffetz	Kingston	Royce
Conaway	Kline (MN)	Sensenbrenner
Culberson	Lamborn	Sessions
Duncan	Linder	Shadegg
Fleming	Lucas	Shuster
Foxx	Lummis	Smith (NE)
Garrett (NJ)	Mack	Sullivan
Gingrey (GA)	Manzullo	Thornberry
Gohmert	Marchant	Tiahrt
Goodlatte	McCarthy (CA)	Walden
Granger	McClintock	Westmoreland
Graves (GA)	Mica	
Hall (TX)	Miller (FL)	

NOT VOTING—44

Barrett (SC)	Berry	Boren
Barrow	Blumenauer	Boucher

Brady (PA)	Israel	Obey
Butterfield	Jackson (IL)	Poe (TX)
Carney	Johnson, Sam	Radanovich
Davis (AL)	Kilpatrick (MI)	Rangel
Dicks	Kirk	Sanchez, Linda
Engel	Lowey	T.
Fallin	Maloney	Shea-Porter
Flake	Meeks (NY)	Space
Gonzalez	Mollohan	Towns
Gutierrez	Moore (WI)	Van Hollen
Hall (NY)	Murphy (NY)	Velázquez
Harman	Nadler (NY)	Wilson (OH)
Hodes	Oberstar	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1843

Messrs. HALL of Texas and GOHMERT changed their vote from “yea” to “nay.”

Mrs. SCHMIDT, Mrs. McMORRIS RODGERS and Mr. STEARNS changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent for votes in the House Chamber today. Had I been present, I would have voted “yea” on rollcall votes 532 and 533.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 5297, SMALL BUSINESS JOBS ACT OF 2010

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-621) on the resolution (H. Res. 1640) providing for consideration of the Senate amendment to the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 413

Mr. POE of Texas. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 413.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

IMMIGRATION TIDE HAS TURNED AGAINST OBAMA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, the immigration tide has turned against the administration. A recent Quinnipiac poll found that 60 percent of voters disapprove of the way President Obama is handling illegal immigration. Fifty percent of Democrats and 87 percent of Republicans now agree that immigration reform should, quote, "move in the direction of stricter enforcement of laws against illegal immigration."

While the Obama administration sues to stop Arizona's immigration enforcement law, a CBS poll shows that 73 percent of Americans now say the law is just right or doesn't go far enough.

Across the country, candidates are running on pro-enforcement, no amnesty platforms. While the Obama administration is moving in one direction, the American people are moving in the other.

A TRIBUTE TO DAVID MANGARERO SABLAN

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Madam Speaker, I rise today to pay tribute to David Mangarero Sablan, who has served the Northern Mariana Islands with honor and distinction as a business leader, a community leader, and in numerous appointed positions for both the Commonwealth and the Federal Government.

Mr. Sablan is of the generation born during Japanese times. But it was the coming of the Americans that coincided with his rise to leadership. At the age of 13, he was already chief telephone operator for the American military government, and by 30 in charge of Atkins Kroll company expansions throughout Micronesia, selling automobiles, insurance, and shipping services.

In government service, David Sablan was designated by President Ronald Reagan to serve on the Northern Mariana Islands Commission on Federal Laws and by governors of our Commonwealth as head of the Planning and Budget Office.

His commitment to the community is evidenced in his work with the Chamber, the Rotary, Make-a-Wish, and Boy Scouts of America.

The Northern Mariana Islands salute David Mangarero Sablan.

Madam Speaker, I rise today to pay tribute to David Mangarero Sablan, who has served the Northern Mariana Islands with honor and distinction as a business leader, a community leader, and in numerous appointed positions for both the Commonwealth and United States governments.

The son of Elias Parong and Carmen Mangarero Sablan, David was born in Garapan, Saipan on April 2, 1932, during the Japanese occupation of the Northern Mariana Islands. He attended the Japanese public elementary school from 1937 to 1944, when his life was disrupted by the invasion of American forces. David's family, along with much of the native Chamorro and Carolinian population of Saipan, fled to caves in the hills for protection from artillery bombardment and the battles being waged across the island. The family lived packed in a cave with 50 other civilians for three weeks with only sugarcane to eat.

Once the fighting ended in September 1944, the twelve-year-old David was hired to be a messenger for the Supply Department of the United States Naval Civil Affairs. Barely a year later the teenager became chief telephone operator for the military government. And the young David got back to school, attending the Navy Dependent School on Saipan until it closed in 1951, then moving to Guam to complete his education at George Washington High School.

David's first private-sector employment was with the Atkins Kroll group in Guam, where he was hired as a traffic clerk in the steamship department in 1952. He subsequently worked in the company's merchandising department and automotive department, rising to be sales manager. In 1961, David was hired by Bank of Hawaii as a loan administrator and was eventually appointed assistant branch manager of the bank's Guam office.

In 1965, Atkins Kroll offered David a challenge that would lead to his return home: establish an Atkins Kroll operations base in Saipan with jurisdictional responsibilities for the Micronesia market. David successfully established the company's Saipan office, later branded as Microl Corporation in Saipan, and led the company's growth through the acquisition of exclusive Toyota distribution rights for Saipan, Guam, and Micronesia, and the further diversification of the company's business to include insurance and shipping.

David remained with Atkins Kroll/Microl Corporation until 1979, when he accepted a job as an economic consultant to the Commonwealth legislature. In 1982, the Commonwealth governor appointed him Special Assistant for Planning and Budget. Later that year, David was tapped once again to return to Microl Corporation, where he served as President and Chief Executive Officer until 1986, when he retired after a total of 31 years of service. Also in 1986, David was designated by President Ronald Reagan to serve on the Northern Mariana Islands Commission on Federal Laws.

After leaving Atkins Kroll/Microl, David moved to Modesto, California and established his own trading company to serve the Micronesian market. In 1990, the newly-elected governor of the Commonwealth appointed David to head the Planning and Budget Office, where he served until 1993, when he was hired to run a subsidiary of Tan Holdings Corporation, one of the largest privately-owned companies in the Asia-Pacific Region. David continues to represent Tan Holdings as the president of Century Insurance Company, Century Tours, and Century Travel; the vice-president of CTSI Logistics, Asia-Pacific Air-

lines, and Cosmos Distributing; and the vice-chairman of the board of Asia Pacific Hotels.

Since 1968, David has also been a leader of the Commonwealth's tourism industry. He was a founder, president, and part owner of Pacific Micronesia Corporation, which owned the Saipan Beach Inter-Continental Hotel; a founder, president, and part owner of Tasi Tours and Transportation; a board member of the Pacific Asia Travel Association, and a long-time board member of the Marianas Visitors Authority.

David's commitment to the development of the regional economies and business communities is similarly extensive. He was a long-time member and director of the Guam Chamber of Commerce; a long-time member, three-time president, and current board member of the Saipan Chamber of Commerce; and a long-time member of the Commonwealth's Strategic Economic Development Council. David is also a former member of the Rotary Club of Guam, a former president of the Guam Chapter of the Navy League of the United States, a founder and current member of the Rotary Club of Saipan, a director of the Make-A-Wish Foundation for Guam and the Northern Mariana Islands, state chairman for Employer Support of the Guard and Reserve, and district chairman for the Boy Scouts of America.

His deep commitment to the Commonwealth and Guam communities has been recognized repeatedly over the years. Mr. Sablan has been named the Saipan Chamber of Commerce Businessperson of the Year, the Guam Business Executive of the Year, and the Rotary Club of Saipan Citizen of the Year.

David and his wife of 27 years, Rita C. Sablan, are the parents of five children: David Jr., Victoria, Patricia, Stephen, and Deanna.

PASS THE DREAM ACT

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Madam Speaker, I heard quite the contrary from my good friend on the other side of the aisle. In fact, I listened to a very eloquent comment being made in the other body as they discussed the DREAM Act. And many Americans understand and appreciate the value of legislation that would allow young people who have lived here and graduated with honors and high marks to be able to go to college even if they came with their parents undocumented, to allow them to access citizenship, to pay back their dues to the American people, to give of their talents to make this economic engine run and to serve their country.

There was an amazing story recounted of a young man who tried over and over again to be able to join the United States military and was rejected over and over again because of his undocumented status. By some manner he managed to go on to school and enter into law school. Now, even as

a person that is still seeking the appropriate status, he still wants to join the Marine Corps.

The DREAM Act is the right kind of comprehensive immigration reform, or part of it. It is time to move forward.

RECOGNIZING 10TH ANNUAL FOOTY'S BUBBLES AND BONES GALA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I am so proud to rise tonight to recognize South Florida's own Joseph "Pepe" Badia, the president of Badia's Spices, who will be honored on October 8 for his many contributions to our community at the 10th annual Bubbles & Bones gala.

Pepe's life is the classic story of a refugee in the United States, the land of opportunity. Pepe came as a lone 14-year-old Hispanic immigrant who, through hard work and determination, has become the leader of one of the largest and fastest growing spice companies in the United States. Pepe's accomplishments will be highlighted at an event in South Florida by John Kross, known as Footy, and this will benefit Here's Help, a nonprofit substance abuse treatment facility which assists over 300 inner city youths.

Congratulations to our very own Joseph "Pepe" Badia, a great civic activist in South Florida.

RECOGNIZING PERIPHERAL ARTERIAL DISEASE AWARENESS MONTH

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Madam Speaker, I rise tonight to take a moment to recognize September as Peripheral Arterial Disease (PAD) Awareness Month. PAD is a very dangerous and increasingly common illness that affects approximately 9 million Americans every year. Yet a recent study showed that only 25 percent of people are even aware of its existence.

That's why I have introduced House Resolution 1438, which aims to promote increased awareness and diagnosis of peripheral arterial disease to address the high mortality rate of this treatable disease. PAD occurs when arteries in the legs become restricted or clogged with fatty deposits, reducing blood flow to the legs. This can result in muscle pain, disability, amputation, and even death.

In addition, it is often an early warning sign that other arteries, including those in the heart and brain, may also be blocked, increasing the risk of a heart attack or stroke.

Madam Speaker and fellow Members, we must take the proper steps to curb this increasingly dangerous and deadly disease.

□ 1850

A TRIBUTE TO OUR FIRST NURSES

(Mr. SABLAN asked and was given permission to speak out of order.)

Mr. SABLAN. Madam Speaker, as early as the *tiempon Hapones*, the Japanese times, in the Marianas our local women began to train as nurses. Nursing was one of the few professions open to women. But the realities of the work meant that only those whose hearts, minds and bodies were strong could meet the arduous challenges and discipline required.

World War II opened the door wider. With thousands of military and civilian casualties littering our islands, the U.S. forces had to recruit nurses from the local population. After the war, the Navy, then the civilian administration, set up the hospitals and clinics; and these facilities, too, demanded nursing staff.

Training was made available at a series of schools through Micronesia, raising the skills of our native nurses. From 1944 to 1978, some 250 of our local people found work in nursing.

We, the people of the Northern Mariana Islands, salute these nurses and thank them for their professionalism, courage and service.

Madam Speaker, to begin the story of the pioneer, native nurses of the Northern Mariana Islands, one must go back to the late 1930s and early 1940s, to the *tiempon Hapones* or Japanese times in the Marianas. In those days nursing was one of the few professions open to our local women and so attracted attention. But the realities of the work meant that only those whose hearts, minds, and bodies were strong could meet the arduous challenges and strict discipline required. It is believed that Mrs. Rosa Blanco Camacho, now almost ninety, is the only one of these pre-war nurses alive today.

World War II changed everything. The Marianas were the site of some of the bloodiest battles in the Pacific. After the invasion, the island of Saipan was a wasteland, littered with thousands of military and civilian casualties. Makeshift field hospitals were hastily erected, and young native women—and men—were quickly enlisted to assist military medical personnel in caring for the wounded and dying. On-the-job field training for these native nurses and corpsmen was the order of the day. Besides the challenge of learning how to take care of the wounded, these native recruits faced a more basic obstacle: they had to learn how to communicate in English. Few American servicemen spoke or understood Japanese, and few, if any, knew the native Chamorro or Carolinian languages.

They faced tasks unlike anything they had seen before; and the hours were grueling. From Monday to Sunday the nurses worked on at the hospital sites. Only on Sundays were

they packed onto trucks and allowed to return to spend time with their families and the rest of the civilian population, which had been gathered up by the military and encamped at Camp Susupe.

When the war ended in 1945, the U.S. Navy built a permanent hospital on Maturana Hill, Saipan, where the native nurses were employed and which served both the military and civilian population. The Navy also built a leprosarium on Tinian with three native nurses. The U.S. also began to offer more formal training for the nurses from the Northern Marianas. Some of those from Saipan and Rota were sent to the U.S. Naval Hospital School of Nursing in Guam. When this training facility closed in 1952, those nurses who were in the middle of their studies were sent to the Trust Territory School of Nursing in Chuuk. Later, that school was relocated to Pohnpei, then to Palau, and then in the late 1960s to Saipan. The final move was to the Marshall Islands in 1986. Despite these frequent moves, over the years the Trust Territory School of Nursing graduated many students from all the Trust Territory districts, including the Marianas District.

When the U.S. Department of the Interior assumed administration of the Northern Mariana Islands in 1962, the U.S. Navy closed its hospital on Maturana Hill and the native nurses who worked at the aging naval hospital gladly transferred to the brand new Dr. Torres Hospital on As Terlaje Hill on Saipan. Dr. Torres Hospital was a civilian-run, eighty-four bed inpatient and outpatient care facility where nurses could, with seniority and patience, develop a specialized practice, in surgery or obstetrics for example.

The population in the Northern Mariana Islands was growing now and there was a corresponding growth in the demand for nurses. Health centers on Tinian and Rota had been built and were expanding. And public health dispensaries were opened in some villages on Saipan, all of them staffed by nurses.

Nursing remained one of the few professions open to women. It still had its attractions: a regular salary, the status that the nurse's uniform conveyed. But at its heart nursing also remained—and remains—grueling work that demanded strength of mind and body, an attention to detail and self-discipline.

We, the people of the Northern Mariana Islands, appreciate and salute the following nurses, who served from 1944 to 1978, for their professionalism, courage, and service:

Dolores Reyes Agulto, Joaquin Santos Aguon, Jesus Castro Aldan, Jose Palacios Aldan, Josepha Castro Aldan, Merced Deleon Guerrero Aldan, Vicente Matagolai Aldan, Estefania Rabauliman Amirez, Dionisia Taitano Apatang, Lucia Villagomez Arizapa, Elena Camacho Arriola, Jesus Saimon Arriola, Magdalena Demapan Arriola, Maria Kokure Arriola, Maria Benavente Atalig, Maria Hocog Atalig, Rosina Ayuyu Atalig, Rosario Imamura Atlaig, Rosario Cabrera Attao, Teresita San Nicolas Attao, Rosa Litulumar Ayuyu, Carmen Nekai Babauta, Maria Lizama Babauta, Roberto San Nicolas Babauta, Urbano Crisostimo Babauta, Teresita Atalig Barcinas, Lucia Castro Barcinas, Sylvia Barcinas, Felisa Chargualaf Basa, Trinidad Arriola Benavente, Maria Attao Bermudes, Maria Pura Tagabuel Billy, Olympia Selepeo Borja, Petra Hoashi Borja;

Rosita San Nicolas Borja, Alejandro Reyes Cabrera, Ana Torres Cabrera, Angelica Muna Cabrera, Anita Torres Cabrera, Herminia Pangelinan Cabrera, Jose Manibusan Cabrera, Magdalena Brel Cabrera, Maria Duenas Cabrera, Dela Cruz Cabrera, Victorina Bias Cabrera, Salomae Hocog Calvo, Dolores Benavente Camacho, Estefania Flores Camacho, Fermina Mendiola Camacho, Lucia Leon Guerrero Camacho, Namiko Ketebengang Camacho, Rita Duenas Camacho, Rosa Ada Camacho, Rosa Blanco Camacho, Ana Songsong Castro, Carmen Moses Castro, Daniel Pangelinan Castro, Loretta Mesngon Castro, Maria Manibusan Castro, Ruth Albert Castro, Taeko Elizabeth Kumangai Castro, Antonia Taimanao Celis, Maria Muna Celis, Rita Sablan Celis, Antonio Santos Cepeda, Juan Cruz Cepeda, Rosa Manibusan Cepeda, Ana Maria Gogue Charfauros;

Ramona Seman Chong, Carmen Attao Concepcion, Irminia Benavente Cox, Conrado Deleon Guerrero Crisostomo, Ana Kokure Dela Cruz, Jesus Ogo Dela Cruz, Francisco Palacios Deleon Guerrero, Gustav Acosta Deleon Guerrero, Mariana Camacho Deleon Guerrero, Anunciacion Cruz Demapan, Justina Rdiall Demapan, Luis Cepeda Demapan, Micaela Sablan Demapan, Juanita Duenas Diaz, Maria Mendiola Diaz, Elisa Maratita Dim, Elizabeth Naputi Dudley, Ines Cruz Duenas, Margarita Attao Duenas, Monica Camacho Duenas, Estefania Atalig Dumale, Luis Osomai Elameto, Amania Mechaet Elidechedong, Vicente Lizama Evangelista, Mary Farley, Rosa Tenorio Fejeran, Rosa Maliti Fejeran, Rita Castro Flawau, Lorenza Mendiola Garcia, Ramon Guerrero, Vicente Guerrero, Maria Esteves Halstead, Carmen Wesley Hamilton, Hasmid Haro;

Ana Ogo Hocog, Felisisima Ada Hocog, Maria Ayuyu Hocog, Guadalupe Reyes Hofschneider, Maria Manibusan Igibara, Andres Taisacan Igisaiar, Lucia Seman Iriarte, Carmina Weilbacher Jack, Berthilia Camacho John, Ensel John, Engracia Aldan Johnson, Carmen Olopai Kaipat, Damiana Olkeriil Kaipat, Diego Litulumar Kaipat, Isaac Borja Kaipat, Natividad Dela Cruz Kaneshi, Ana Igisaiar Kileleman, Neiar Kolios, Violet Laird, Consolacion Limes Laniyo, Lourdes Olopai Laniyo, Mariano Repeki Laniyo, Maria Taitano Lieto, Teresita Pialur Limes, Hermana Ling, Daniel Mettao Lisua, Dionicio Mendiola Lizama;

Joaquin Reyes Lizama, Juana Hocog Lizama, Maria Ada Lizama, Soledad Mesngon Lizama, Vicente Lizama, Carmen Mendiola Lizama-Torres, Susana Rogopes Macaranas, Vivian Nee Adamson Malmstrom, Magdalena Sablan Manahane, Milagro Hocog Manglona, Magdalena Manglona Manglona, Delfina Villagomez Manibusan, Donicia Rasiang Marciano-Hosono, Francisco Acosta Masga, Maria Cruz Masga, Nathania Maui, Martha Muna Mendiola, Bernadita Reyes Mercado, Juan Itibus Mettao, Likiak Kun Mongkeya, Lorenza Ilo Mongkeya, Carmen Santos Muna, Isidro Camacho Muna;

Vicenta Santos Muna, Jose Naog, Isidro Nekai, Rosa San Nicolas Norita, Dominina Fitial Olopai, Gregoria Fitial Omar, Elizabeth Atalig Paeda, Maria Indalecio Palacios, Maria Taman Palacios, Milagro Sablan Palacios, Rita Taman Palacios, Dolores Cepeda Pangelinan, Jose Basa Pangelinan, Juan Basa Pangelinan, Magdalena Terlaje Pangelinan, Maria Aldan Pangelinan, Maxima Cruz Pangelinan, Paul William Perry, Rafaela Odoshi Perry, Maria Toves Quitugua, Remedio Naog Quitugua, Viviana

Osomai Rabauliman, Casimira Manglona Ramos, Lourdes Maliti Rangamar, Dolores Cruz Rasa, Consolacion Sablan Rasiang, Fuana Remeliik;

Angelina Sablan Reyes, Joaquina Pangelinan Reyes, Rosario Taman Rios, Maria Borja Roberto, Angela Muleta Romolor, Pedro San Nicolas Rosario, Rosa Benavente Royal, Takeshi Aloka Royal, Juan Satur Ruben, Vicente Faibar Rubuenog, Ana Ayuyu Sablan, Daniel Magofna Sablan, Dolores Reyes Sablan, Margarita Mendiola Sablan, Olympia Reyes Sablan, Ramona Cabrera Sablan, Rita Diaz Sablan, Rosalia Tenorio Sablan, Fidelia Sablan Salas, Margarita Villagomez Salas, Rosa Manibusan Salas, Isabel Manibusan San Nicolas, Juana Manibusan San Nicolas;

Dolores Apatang Santos, Isabel Esteves Santos, Maria Camacho Santos, Maria Arriola Santos, Maria Luisa Duenas Santos, Martha Cabrera Santos, Carlos Rapagau Satur, Esteban Nepaali Satur, Guillermo Litulumar Saures, Lourdes Mettao Saures, Maria Benavente Sedmik, Antonia Rabauliman Seman, Isabel Jones Seman, Margarita Benavente Seman, John Frank Skilling, Teresita Wabol Skilling, Cresencia Maratita Songao, Francisco Maratita Songao, Mary Grace Lejjena Songsong, Maria Asuncion Stoll, Carmen Maratita Suzuki, Margarita Somol Tagabuel, Gisina Songao Taimanao, Gloria Ramos Taimanao, Marcelina Atalig Taitano, Sabina Rivera Taro;

Lino Pangelinan Tenorio, Maria Hattori Tenorio, Natividad Cruz Tenorio, Rita Sablan Tenorio, Soledad Takai Tenorio, Elena Litulumar Teregeyo, Enriquetta Peter Teregeyo, Maria Reyes Thompson, Dirruchei Terry Tmakiung, Jovita Blanco Tomokane, Francisco Ada Torres, Maria Jones Torres, Elizabeth Sablan Torres-Untalan, Rita Songao Toves, Sophia Olopai Towai, Consolacion Faisao Tudela, Margarita Cabrera Tudela, Remedio Bermudes Tudela, Maria Sali Udui, Isabel Camacho Villagomez, Margarita Aquinog Villagomez, Josepha Arriola Weilbacher, Donicia Pialur Ythemar, Paul Joseph Ythemar.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN MEMORY OF PRIVATE FIRST CLASS CHAD COLEMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Madam Speaker, it is with honor and great sorrow that I rise on this occasion tonight to pay tribute and to tell everyone about Private First Class Chad Coleman, who heeded his Nation's call of duty by joining the Army in October of 2008 after attending Newnan High School in my home State of Georgia. On August 27, 2010, he made the ultimate sacrifice, proudly serving his country in Afghanistan as a member of the 101st Airborne Division.

Growing up in Wisconsin, Chad moved to Newnan, Georgia, with his parents, Brian and Shanon Coleman, when he was 16. After high school, Chad entered basic training at Fort Knox and completed advanced training at Fort Campbell, becoming a cavalry scout. He was deployed to Afghanistan as part of the 33rd Cavalry Regiment of the 101st Airborne Division.

For anyone who knew Chad as a young boy, it came as no surprise to them that he would grow up into a fine soldier. As a boy, he was compassionate and caring and showed an interest in serving his country at an early age. His grandmother, Mary Ann Coleman, recalls him building large forts out of Lincoln Logs and how he would maneuver the plastic Army soldiers that he bought at the Dollar Store in and out of the forts that he had built.

As a teenager, Chad spent time at the local VFW hall. He would play cards with the veterans and listen to their stories. But most of all, he was a friend to the distinguished men and women who had served their country so bravely before him.

The only thing that came close to Chad's love for his country was his love for his family and friends. He never failed to say, "I love you," his grandmother said. Hugs and kisses were his trademark. While his family will continue to miss him every day, they know he was fulfilling a lifelong dream.

Private First Class Coleman was always known to say that he loved the uniform and that he was so proud to be serving his country. A few weeks ago, this country lost a true hero. I know that his fellow soldiers, his country, and especially his family will miss him greatly.

I am proud to pay tribute to such a fine grandson, son, patriot, and soldier.

HYUNDAI MOTORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BRIGHT) is recognized for 5 minutes.

Mr. BRIGHT. Madam Speaker, earlier this week Hyundai Motors announced it would move production of its Elantra sedan from South Korea to its flagship American facility in Montgomery, Alabama. It was a welcome announcement for Montgomery and the surrounding area, which I am proud to represent.

Since 2005, the Hyundai Motors facility in Montgomery has produced the award-winning and increasingly popular Sonata. Despite a slumping economy, production of the Sonata remains at near-peak capacity. In fact, production of the Santa Fe recently shifted from Montgomery to the new Kia facility in nearby West Point, Georgia, with relatively little change overall in production.

What struck me about the announcement, however, is that Hyundai is embracing the global nature of the automobile industry. Instead of moving full production of the Elantra to the United States, Hyundai will split its manufacturing between Montgomery, Alabama and its existing Korean plant. A Hyundai spokesman noted: "Hyundai's philosophy is to build our vehicles where we sell them, and with the addition of the Elantra to our U.S. production mix, we now manufacture our three most popular models right here in the United States." In a global economy, it makes sense to keep production close to where the car will actually be sold.

Hyundai has been a wonderful community partner with Alabama and specifically within the River Region of our central Alabama location. In addition to the 2,700 direct jobs created from the \$1.2 billion facility, Hyundai has brought in 72 suppliers throughout North America, creating an additional 5,500 jobs. This partnership has come despite the fact that needless trade barriers exist between the United States and our friends in South Korea.

I can only imagine what both countries could achieve if we were able to come together and enact the U.S.-South Korea Free Trade Agreement.

I recently joined with a bipartisan coalition to form the U.S.-South Korea Free Trade Agreement Working Group. This group, composed of Members of Congress who represent diverse districts from across the country, wants to see this agreement ratified.

Despite being signed by President Bush over 3 years ago, Congress has yet to pass the agreement. President Obama cites the U.S.-South Korea Free Trade Agreement as one of our biggest domestic trade priorities and would like to see disagreements worked out by the next G20 meeting in November. It's already late September and very little progress has been made to get this agreement passed.

The benefits to the U.S. are obvious. Passing a free trade agreement with South Korea, who is our seventh largest trading partner, would add an estimated \$10 billion to \$12 billion to our gross domestic product. What we have already seen in Alabama could be expanded across this great country of ours.

Madam Speaker, our number one priority must be getting Americans back to work. We have already seen the benefits of a close partnership with South Korea. Let's expand on that relationship. I can think of no better way to create jobs for Americans at virtually no cost than to pass the U.S.-South Korea Free Trade Agreement.

□ 1900

Without question, there are many issues we must tackle in this difficult economic and political time. But trade,

especially an agreement that enjoys bipartisan support such as the one with South Korea, can and should be an issue in which we work together. Let's not let partisan politics get in the way of this agreement.

THE SPIRIT OF SOUTH FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I rise to remember the life and legacy of a great south Floridian and fellow Cuban American, Ricardo Mayo-Alvarez.

Ricardo was an irreplaceable member of the Cuban American community. Having fled Cuba's communist regime, Ricardo continued the fight for a free Cuba in south Florida.

Ricardo became a successful entrepreneur and started a chain of pharmacies in south Florida. He generously gave of his time to serve his community and was a constant fixture in the civic and cultural fabric of south Florida.

Although he was deeply committed to the struggle for a free Cuba, I know that the role he cherished the most was that of devoted husband, father, and grandfather.

Ricardo leaves behind his beloved wife and partner, Nieves Fraga, and his children—Jorge, Alina, and Ricky—as well as his grandchildren.

Ricardo, we will never forget you nor your selfless legacy. Rest in peace, my friend.

Madam Speaker, I am proud to praise the Citizens' Crime Watch of Miami-Dade County and its executive director, Carmen Caldwell, who has served our area in so many ways over the years. Neighborhood volunteers are truly the backbone of our communities. Volunteers have done so much to reduce crime and to help keep our south Florida neighborhoods safer.

Citizens' Crime Watch of Miami-Dade County will be celebrating its 35th anniversary at the Doubletree Miami Mart/Airport Hotel on October 1 and will be honoring the leaders of south Florida's war on crime.

It is my honor and privilege to recognize the many dedicated and hard-working members of Citizens' Crime Watch of Miami-Dade County and to thank each of them for what they do to help keep us safe.

Madam Speaker, I would like to congratulate the International Ballet Festival of Miami for another spectacular year of performances. Since 1995, this yearly celebration of the arts has brought some of the world's leading ballet companies to our area of south Florida.

In addition to being known as a hub for international commerce, south Florida has a thriving and diverse arts

community. Through the dedication of Pedro Pablo Pena, the festival has become a yearly staple on the south Florida calendar with five spectacular performances at four theaters. Ballet companies from as far away as Hungary, Australia, and Italy have participated in this festival.

I congratulate Pedro Pablo Pena and everyone who made this year's International Ballet Festival of Miami a resounding success. Your efforts have enriched south Florida, and we are all the better for it.

THE DEADLIEST YEAR OF THE AFGHAN WAR

The SPEAKER pro tempore (Mr. BRIGHT). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the bad news in Afghanistan just continues to pile up. This week, a helicopter crash in the southern part of the country brought the number of 2010 coalition fatalities to 529. That makes this the deadliest of the 9 years we have been mired in this war. And, of course, we still have more than 2 months remaining before the calendar turns.

Meanwhile, these deaths appear to be in vain. While Afghan citizens who turned out to vote this weekend must be saluted for their courage, well, the fact that courage was required to exercise a basic democratic right is rather telling in and of itself. But the parliamentary elections were marred by violence, not to mention all kinds of fraud and irregularities. Time Magazine quotes one candidate as saying, "It was complete anarchy. Everyone was trying to manipulate this election."

Mr. Speaker, Afghanistan's financial infrastructure is crumbling almost as badly as is its democratic infrastructure. One of the nation's most prominent banks is teetering on the brink of collapse, at the same time that cronies and relatives of President Karzai appear to have used the bank to line their own pockets.

And in yesterday's New York Times, there was a long story about how families are dressing their little girls as boys, just so they can get a job and an education—and even so they can preserve the family's honor to have more boys than girls.

Steven Walt of Harvard University, a member of the Afghanistan Study Group, summarizes the bleakness of the situation. In the last few years, Walt says, "We have had a fraudulent presidential election, an inconclusive offensive in Marja, a delayed and downgraded operation in Kandahar, and a run on the corrupt bank of Kabul. Casualty levels are up, and aid groups in Afghanistan now report that the security situation is worse than ever, despite a heightened U.S. presence."

Mr. Speaker, other than that, Mrs. Lincoln, how was the play?

Seriously, there is little to be encouraged by in Afghanistan. And that is the situation that it is in now. Now, a new book that has come out this week by Bob Woodward reveals that even top White House officials were deeply skeptical about escalating the war. The Special Envoy to Afghanistan and Pakistan is quoted as saying of our strategy, point blank, "It can't work."

He is right, Mr. Speaker. But what can work is a smart security approach, one that replaces the military surge with a civilian surge. At this point, a military occupation can't cure what ails Afghanistan; it can only spread the disease. But an influx of humanitarian aid can deliver a brighter, peaceful future for Afghanistan, elections that are free and fair, government leaders with legitimacy and integrity, schools that educate all children—even the Afghan girls, or especially the Afghan girls—and an economy that creates opportunity and lifts people out of poverty.

The current policy is not redeemable. It will continue to engender death, destruction, instability, and chaos. There is only one answer, Mr. Speaker: Bring our troops home.

A SIGNIFICANT DAY FOR AMERICA

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Madam Speaker, it is a privilege and honor to have the opportunity to address you here on the floor of the United States House of Representatives and to do so on such a significant day. This is a day of events, I believe, that will be marked for a long time in at least political history, and hopefully it will be marked in the hearts and minds of the American people as well.

And I can think of a couple of events today, one that is unfolding as we speak, and another that unfolded earlier when the United States Senate had a cloture vote and didn't have the votes to force HARRY REID's version of the Department of Defense authorization bill to actually come up for a vote before the United States Senate.

□ 1910

The cloture vote failed because he attached two unrelated issues, unessential issues, to that bill. The politics of it are such, pick your side of the argument. My side of the argument, Madam Speaker, is that they were unnecessary pieces of legislation that were attached to experiment socially with the military, not essential legislation. And the objection on the part of even the Republicans that supported each piece of that legislation was that procedurally,

the majority leader in the United States Senate had crossed the line.

So the Department of Defense authorization bill is now frozen in place. I think it must come forward at some time. The indications that we are getting is that will not happen until a lame duck session. That means after the election and after a new United States Senate is elected and after a new United States House of Representatives is elected. Then the people who no longer represent the will of the American people come back to do the essential business of the United States of America, but they don't have the support any longer of the voters who have chosen some different people.

But the two pieces of legislation I am talking about that were attached to the DOD authorization bill are the Don't Ask, Don't Tell policy, which is something that was implemented under President Bill Clinton back in the era when he wanted to put gays in the military, found that he ran into a political buzz saw, and settled for a compromise. And I didn't support it at the time, to be straight about that, Madam Speaker, but in retrospect it was a pretty good policy. Essentially it was we have people with different inclinations, and those who come to serve America can do so without announcing their sexual preferences. And as long as they keep that to themselves, they can serve in the United States military. That policy has served our military well for these last 15 or so years that it has been in place. I suspect it has actually been longer than that. Don't Ask, Don't Tell, Bill Clinton's policy.

Now, because of the activism of the homosexual community, they have pushed an effort, and the President has made a campaign promise that he will repeal Don't Ask, Don't Tell and recruit into the military openly gay people. That is a social experiment with our military, Madam Speaker. The military is not a place to conduct social experiments. One would think that our military personnel should have a say on this. One should do a study. There has been a request for that study through the Department of Defense to get the results of what our soldiers, sailors, airmen, and marines think of this, and then make a determination on whether to go forward with a different policy.

I am hearing continually Don't Ask Don't Tell worked. Opening it up undermines the effectiveness of our military and it breaks down their readiness, and it is bad for America's national security. That seems to be the tone that comes from the enlisted personnel. It comes from some of the officer personnel. But we know that when you are, let's see, one of the joint chiefs, for example, or if you are the Secretary of Defense, and the President of the United States is your commander in chief, and if he should tell

you in a Cabinet meeting, for example, that you are going to support the repeal of Don't Ask, Don't Tell, or you are going to be mum on your opinion and keep it to yourself, so this repeal of Don't Ask, Don't Tell that opens up access to the military for gays, so that comes about and that happens. That is what takes place.

Our officers in uniform take their orders from, on up through the ranks, the commander in chief at the top. They get the message from the top. So you don't hear the straight answer from them that we like to think that we are getting from our military personnel. I believe if you could hear that straight answer, you would hear a far different tone coming out of our Joint Chiefs, for example. But the study should be done. It should not be an experiment to play with. What has happened over in the Senate is that they refused to invoke cloture because it is inappropriate and improper to stick the repeal of the Don't Ask, Don't Tell in the DOD authorization bill. If HARRY REID and others believe it should be repealed and we should open up the military to openly gay people, then they should put it up as a stand-alone piece of legislation. They should allow for amendments on it. They should debate it, and they should allow for a recorded vote. And why not do it right now, HARRY REID? Why not bring that up right now as a stand-alone piece of legislation? Why not roll it out on the floor of the United States Senate right now? And if you can pass it over there, send it over here to the House, and I hope that NANCY PELOSI picks that up. I hope Speaker PELOSI picks that up and runs it out here for a debate and a stand-alone vote so the American people can see where these Members of Congress stand.

When you roll it into and you hide it in a DOD authorization bill, then you are trying to push a social activist policy without the accountability of a recorded vote. And that is what the Senators objected to, and that is why they voted no on cloture. That is why Don't Ask, Don't Tell will not be repealed, at least in this period of time between now and the November elections. If there is a pledge over there to bring it up in a lame duck session, we know how those pledges work. If they do so, a policy of that magnitude in a lame duck session, after watching the dynamics in the United States Senate change because of the elections that will take place election night in November, and after watching a change that will take place here in the House of Representatives, to come forward with a bunch of lame ducks and try to pass legislation that is rejected by the American people would be another insult. It would be another affront to the American voters, the American taxpayers, to American citizens.

Don't Ask, Don't Tell needs to stand. That is what the American people

want. That is what the military wants. And there is a study out there that needs to be completed. I want to look at the results of that, and I want to look at the methodology of it. I am not necessarily endorsing the results. I have not seen them, nor have I seen the methodology.

But I believe, Madam Speaker, that our military personnel that put their lives on the line every day, that strap on that vest and that helmet and that uniform and face the heat and the cold and the bullets and the shrapnel and the IEDs, and all of the things that put them at peril, deserve better than a social experiment taking place here in the halls of Congress, just to pay off a political constituency group before an election. That is what offended the Senators over there today who voted no on cloture.

The other component in that legislation was brought up for the same reason. It is called the DREAM Act. It is one of those things that happens. We come up with bad ideas for legislation here in this Congress, and we try to put nice-sounding titles on them so somehow or another if it has a good name, it has a better chance of becoming law. Well, if we had named it the Selective Amnesty For a Certain Class of Illegals Act, I don't think it would have had much chance to get to where it has. But it is called the DREAM Act. I would like to be able to say that you are dreaming if you think you can impose amnesty on 2 or more million people that came here illegally and set it up as a reward just because the compassion of your heart says that is what you should do. The people that support the DREAM Act are the people that are looking at this thing in the same way they are supporting the broader overall amnesty policy. What is the bottom line motivation? We would like to think that we are all looking at this policy from a constitutional perspective and a rule of law perspective, and setting up statutes so there is a framework that strengthens America and that respects the rule of law. But instead, we have seen the immigration law in America has simply been pushed off the edge and hijacked towards the line of opening up our border for the cynical political purposes of wanting to provide for people to come here and vote that will vote for a certain party.

Madam Speaker, I heard this about 3 years ago, and I heard it right outside this House of Representatives out here on the West Lawn when there were about 150,000 people that came to protest they wanted their amnesty. Many of them presumably were illegal. But Senator Ted Kennedy, alive and relatively well at the time, went out to speak to that group of roughly 150,000 people. He said to them: Some say report to be deported. Then he waited for the interpreter.

Then he said: I say report to become an American citizen. And then he wait-

ed for it to be interpreted. And then there was a cheer and applause that went up from the 150,000, the multitudes that came to the Capitol to demand that they receive amnesty and exemption from America's immigration laws.

But I report this to you, Madam Speaker, because I heard clearly that day the clarion call that came from Senator Teddy Kennedy that said: We are going to give you all amnesty, and we are going to give you all citizenship, and we are going to let you all vote to redirect the direction of America, and just know that I represent the Democrats, and remember that we are the ones that gave you amnesty and the path to citizenship. So report to become an American citizen, remember who said so, Teddy Kennedy, vote for his party.

Now there are some people on my side who got this wrong. I have said for a long time that the driving force on immigration here in the United States is this.

□ 1920

On the one side, it's kind of like a set of barbells. Over here on one side, we have business that thinks that they've somehow got a right to cheap labor. Among these businesses, there are Democrats and Republicans, increasingly numbers of Democrats on the Big Business side of this who want the cheap labor. Yet there is a business interest. It's all the way over on this side of the barbell. Then you've got the bar through the middle, and on the other side of the barbell are those who want open borders and amnesty for the sake of all the political power that it brings them.

Now, Madam Speaker, that might be something that doesn't exactly resonate when I say that, that illegal immigration gives people political power in America, and I know I have to explain that. It's this:

We've already completed the census. We've counted everybody in the United States. I hope we have. Now redistricting is beginning all the way across America. According to a CIS report of a couple, three years ago, there are between nine and 11 congressional seats in America that would shift from the States they are in because we count people rather than citizens for the purposes of reapportionment in America.

If you go across the South to States like Florida, Texas, California—and perhaps Arizona—Florida, Texas and California, by my recollection, would be States that would lose a seat if you were to count citizens rather than just people. Those seats, those nine to 11 in the aggregate altogether—and there would be other States that would lose seats—would be scattered back around America and reapportioned to the States that are a little bit short right now. Utah, for example, is on the cusp

of picking up a seat. Well, if we counted citizens instead of people—"people" is a class that includes illegals, the people who shouldn't be here—then there would be States like Utah and Indiana that would pick up a seat. A State like Iowa is more likely to keep the number of seats that it has, but the seats would be scattered across the United States in such a way that there would be a nine to 11 shift. There would be nine to 11 congressional seats that would shift, and they would shift from the hands, according to that analysis, from Democrats into the hands of Republicans.

So what do we know about this?

Each congressional district has, roughly, 700,000 people. Let's just say, if you had 600,000 illegals in your 700,000-person congressional district, you would only have a universe of 100,000 people who you could draw from to get votes. So, when you look around America and you see that some of us get elected with 30,000 or 40,000 votes and others like me require about 120,000 votes to win an election, you begin to understand that the high populations of illegals within some of these congressional districts have a voice. They have a voice here in this Congress. Even though they supposedly can't vote, they have a voice in Congress. They have leverage because they create congressional seats in places where there is sympathy for illegal immigrants. That is how the political power comes. That is one of the ways that it comes.

Then you also have the businesses that depend on the illegal labor, and that's just those who use the labor. There are the businesses then that market to the illegal labor, and they begin to see that they are dependent upon that flow of cash that goes through in that fashion, and now you've got a constituency group that advocates for open borders. It is for their self-interests, but they advocate for open borders for their self-interest purposes whether it is for the political power that Teddy Kennedy so clearly laid out the clarion call for—that's this side of the barbell—or whether it's the weights over on this side, the business interests, that believe they have a right to cheap labor.

By the way, that labor is subsidized by the taxpayer because cheap labor can't sustain itself in this society any longer. This society has become a welfare state. I mentioned the barbells—cheap labor's interest on this side, advocating for amnesty, and the people over on this side, advocating for amnesty because they get a massive amount of political power.

Here in the middle is this barbell, the bar for the barbell, and it gets squeezed. That is the middle class. That bar that holds up either end is the middle class in America. The blue collar people, the middle-income people,

the people who just want to buy modest homes and raise their families and give them a chance to go off to college, to go to work every day, to church on Sunday, and to live life as the American Dream are being squeezed. The middle class is being crushed in the middle of this.

There are the people who, let's say, emerge from high school, whether they be Americans who drop out or those who finish and don't go on to higher education. There was a time—oh, there was a happier time—when a person who decided that he just didn't want to stay in the educational system any longer, but who was a hard and smart worker, could walk from that school and go over and get a job in a factory or in a processing plant and punch that time clock and go to work for 8 hours a day and do that for 40 or more hours a week and make a respectable living and take care of his family. Maybe he pinched his pennies and paid for his house eventually, drove a respectable car and lived life.

Those times aren't entirely gone, but they are diminished dramatically because, first, we have expanded the professional class in America, the professional class that believes that now they have a right to live in a gated community and to hire cheap labor to take care of their lawns. We have that class of people that has expanded. Then over on the other side we've got the illegals and the low-skilled people who are more mobile than the American population. They can travel to the jobs more quickly because they're not tied to any hard assets like real estate, for example. So they can get in their vans or minibuses and go to Washington and pick apples if they decide to do that, and their wage scale is about half of what it would be if we had a tighter labor supply. Illegals are undercutting the lower-skilled labor in America, and they're taking away the opportunities for those Americans who don't want to go on to a higher education and take on more professional jobs.

There used to be—and in my mind there always will be—great pride in those working men and women. They put their hands to the task. A little dirt under your fingernails and some calluses on your hands is an honorable thing. All work is honorable—all productive work is honorable—but this society has now morphed into a welfare state.

I want to go back to the welfare state part; but when I crossed over to this side, I mentioned the gated communities. Think of what has happened to the elitist attitude, the elitist attitude that says, Well, I don't have to worry about the security for America. I don't have to worry about walking down the streets anywhere in America and being mugged or having illegal drugs pushed on my children because I will live in this protected environment, in a gated

community, with a fence around the house and with, maybe, steel iron bars with spikes on them on top of the fence. That's out there. Then they raise their children to go off to Ivy League schools so they can come back and live in other gated communities. They live in an isolated America—upper class people, professional class people, living in isolated America.

But you know what?

They open the gates for somebody who is illegal to come in and fix their roofs or to trim their lawns or to work in their gardens or to clean their mansions, to take care of their laundry and to run errands. I mean, we heard Colin Powell just the other day say that, first of all, he supports the DREAM Act. He also said that he needs the illegals to take care of his place. What's he thinking? This is a man who I thought could have been, and perhaps at one time should have been, President of the United States. Now he is advocating that we grant amnesty to the people who are here illegally, and he is openly stating that he needs illegals to take care of his home.

Madam Speaker, if you get to the point of desperation where your house is so big and your home is such an expansive mansion that you can't go out and cut your own grass or trim around your own flowers or paint the trim around the windows or do the things that you do and if you must have servants to take care of that place and if you can't afford to hire legal workers to take care of that place, I would suggest you put it up for sale and go get an apartment somewhere where you can manage the maintenance of it yourself if you have to cross the line and break the law to do the maintenance on your home.

I'm shocked that a man of that stature would make a statement like that. Furthermore, I'd put a little reminder out there for the General Powells and others in the world to think about the DREAM Act and about what the DREAM Act really means. It means this:

If you are under the age of 35 and if you were brought illegally into this country before you were 16, then you are not at fault and are no longer accountable as long as you would agree to go into the military for 2 years or would agree to go off to college for a couple of years. If you will do that, then we'll give you that path to citizenship because, after all, you really were nurtured in this country, legal or illegal, and we'll give you that path to citizenship. You just have to agree to go on to an education a little higher than high school or go off to the military for a couple of years. Now, I don't know how you would sign up for a couple of years to do that, but I'm trustful that there is a special program that way.

□ 1930

And we will chase you down with your citizenship papers and get you to become a complete citizen. And if you're a resident of a State, then you get to enjoy the in-State tuition discounts. We know that this has happened around the country in a number of places. California is one of those places.

Iowa tried to pass the DREAM Act. I heard about what was going on there. The DREAM Act started. The foundation of it was—and, I believe, still remains—in-State tuition discounts for kids who are in the United States illegally and then suspends the enforcement of the law against them so that they can't be deported as long as they are going to college—or now we expand it to the military.

Now, think about this. An in-State tuition discount for someone who is in the United States illegally, that's the equivalent of a scholarship. They're not a lawful resident of this respective State, so you can't give them in-State tuition discounts without a statutory change, without changing the law. So they want to change the law.

So, let's just say the tuition to go to—who shall I pick on? I'm reluctant to pick on anybody, actually, but let's say tuition to go to the University of Iowa as out-of-State tuition, \$20,000 a year; in-State tuition, \$10,000 a year. And we have someone who is in the country illegally, who was brought here the day before their 16th birthday, and they had been in America for 3 years. I think that's another one of the qualifiers. So we'll say to them, Well, you wanted to be a good citizen, so we're going to give you this in-State tuition discount to go to the University of Iowa, and it's going to save you \$10,000 a year. That's the equivalent of a \$10,000-a-year scholarship fund for someone who is not in the United States legally.

Now, think—to the General Powells of the world and others who think that the DREAM Act is anything other than some form of class amnesty, think what that is like then to have—what if we had ICE come up and deliver that de facto scholarship for \$10,000 a year. We just put them on the road in their Humvee and they can drive out there and we are going to hand these out to those people that came here the day before their 16th birthday—it was their parents' decision, not theirs—and we will give them a de facto scholarship of \$10,000 a year. Well, that's a great deal; right? And then they go off to college and sit down in a classroom and we feel so good about ourselves.

But we should keep in mind that somebody wanted to go across the river, across the State border and go to the University of Iowa and take classes at that university but they were not a resident of Iowa any more than the illegal that's the beneficiary of the

DREAM Act is a resident of Iowa. And so they have to pay the out-of-State tuition at \$20,000 a year, paying twice the tuition. They're paying, over the course of a 4-year education, a \$40,000 premium to go to a school out of State—like, let's just say, Illinois to Iowa—a \$40,000 premium, while at the same time this other student that sits in the desk next to them has been delivered a scholarship that's a \$40,000 discount, a \$40,000 difference between the two. And if ICE would have driven up with their Humvee to deliver the de facto scholarship, they would have had to deport that student because they would have been in violation of America's immigration law, unlawfully present in the United States.

Now, that should be enough to bring a pause to someone who has worn as many stars as General Powell has and deserves to wear. But let me take it another step for those General Powells and others in the world, Madam Speaker.

Let's set that illegal student down in a classroom with their de facto scholarship of \$10,000 a year sitting in a classroom. Now, let's just say it's not a regular student that came across the river from Illinois. Let's, instead, think about what will inevitably happen. Inevitably, it will be the widow or widower of someone who has given their life in a place like Iraq or Afghanistan to protect our freedom and liberty. And this widow or widower wants to go off to college to sit in this classroom to upgrade their education so they can take care of their family, take care of those children that perhaps lost a father or a mother, and they're paying the premium of out-of-State tuition, \$40,000 more for a 4-year education. And they're sitting at a desk next to an illegal student that, if the law were applied, would have been deported but, instead, gets a tuition discount.

Now, how do you reconcile that scenario with the warrior's widow sitting at a desk paying a premium of \$40,000 and the illegal—that's eligible for deportation by every standard except the DREAM Act—getting a \$40,000 discount on that tuition, Madam Speaker? That's an outrage. That's an outrage to do that to those Americans who want to go to school out of State. It's an outrage to do that to the families of our veterans. It's an outrage to do that to the rule of law.

I will submit that the people that are for the DREAM Act haven't thought about this on a rational basis. They've simply thought about it from whatever their particular sympathy basis is.

This class of people that are here illegally are here because most of them, the class that is part of the DREAM Act target—because most of them, their parents brought them here against their will. Yes, I concede that point. But where do you enforce the

law if you don't enforce it against someone who is 35 years old and was brought here to the United States the day before their 16th birthday? Do you enforce it the day after? Or you can take it back the other way and you can say, if somebody was brought to the United States the day after they were born, should they be deported? Yes. Because that's the line. We drew that line and that's the law, and we can't grant amnesty. We set the standards. And because we haven't enforced the law, we set up, instead, the effect of a magnet that brings illegal people into the United States of America, and it is essentially a magnet that turns out to be a reward for breaking the law.

So, if the DREAM Act passes and you're pregnant and outside the United States of America and you can't quite get here in time to have the baby, don't you know that you can just sneak in and keep that child and raise them here and nurture them here—maybe you only get them in when they are 14 years old and they go to a school in America for 3 years. They qualify for the DREAM Act, presto. They can get an in-State tuition discount, a college education. They can go into the military. They can get their citizenship. And then what? Then they can start under the family reunification plan, going back and pulling their whole extended family into the United States under the family reunification. And that's out of our control.

Madam Speaker, when you look at the numbers, America's legal immigration standards only have between 7 and 11 percent of the people that come into the United States legally. Only 7 to 11 percent of them are based on merit. The balance of that is based on some other connection, either the visa lottery or the family reunification plan or some other category, but not based on skill sets and merit.

Now, if we look at some of the other countries and the policies that they have—you can look at Canada, United Kingdom—Australia, for example, they set up a scoring points system that rewards people for being able to contribute to the host country.

Now, I have long said that the immigration policy in the United States of America should be designed to enhance the economic, social, and cultural well-being of the United States. That should be, actually, the policy of—any sovereign nation of the world should establish an immigration policy for the purposes of enhancing the economic, social, and cultural well-being of that particular sovereign state. In this case, it's the United States of America.

We should also understand that one of the essential pillars of American exceptionalism is the rule of law. And if we have contempt for the rule of law, if we have some of the highest profile people in America openly speak about hiring illegals to take care of their

home and at the same time advocate for the DREAM Act, which is amnesty for a specific class of people, reward for illegal behavior, a magnet for bringing more children into the United States that would be here illegally, and getting them to qualify under the DREAM Act so they can go off and be funded partly by the taxpayers and go off to college, or the argument that comes from the Department of Defense, which is that it's good for our military readiness to have the DREAM Act. That's another Colin Powell argument. And it does come out of the Pentagon to some degree. Now, how can it be that a Nation of 306 million people can't field an army without granting citizenship to people that are here illegally?

□ 1940

I mean, I could not have pitched such an idea, Madam Speaker. I can't with a straight face make such a proposal.

This military is working with a social experimentation agenda. And who is to think that the military, the Pentagon, and the United States is for the DREAM Act when they have a Commander in Chief that tells them what they think. They're for the DREAM Act because it's important for military readiness. I don't take them that seriously any more. I don't think they are able to deliver their own objective opinions into the media without having to pay a consequence to the Commander in Chief, or whatever kind of retribution that would come out of the White House.

Don't Ask, Don't Tell. Again, experiment in the military. Can you get a straight answer out of the Pentagon any more with the Chicago-style politics of the Commander in Chief? I say not.

And now maybe this looks like it's just a coincidence that we come across the DREAM Act and the repeal of Don't Ask, Don't Tell—both of those social experiments wrapped up under the Department of Defense Authorization bill and rejected by the majority—I believe it was the majority, at least. No. It was rejected at least on a cloture vote in the United States Senate. And you think that those two, Madam Speaker, might be anomalies.

I will make another point to tell you. It's a pattern. Here's the thing that supports my conclusion. There's been an effort to take calories out of the diets of our young people, an effort to reduce the calories accessible to our young people by 1.5 trillion calories. I think that's a year, but I don't know. Take a couple of Doritos out of the Dorito bag, thinking those kids are only going to go for one bag and not two. Reduce the calories in a Power Bar from 150 calories down to 90, thinking that overweight, voracious feeder that you have that's 16 years old isn't going to go for a second Power Bar. If the kids want the calories, they're

going to eat them. Reducing the size of the servings just means they'll open up more packages.

But the military stepped in in support of this effort, this healthy youth effort. Data that has been reported, at least, says that Americans kids are—30 percent of them are overweight. And the Pentagon has said it affects our national readiness, that we can't recruit young people to come into the military, can't recruit enough of them because too many of them are overweight and can't meet the physical standards.

Madam Speaker, I'll submit that you can take an overweight 16-, 17-, 18-, or 20-year-old, and they're still a pretty good physical specimen even though they've got a little bit of weight hanging over their belt. And it's not a security risk for the United States of America. We can solve that problem. If it came down to not having enough people to put on the uniform because some of them were too fat, let's just get some basic training uniforms for some that are a little bigger and put them on those young people and put them out there in basic training a little while longer. Once they're on the military diet and the military exercise plan, we've seen millions of them come back home squared away, upright, gut gone, toned up, in shape, proud, with a look in their eye that they're another noble soldier and patriot.

This is not a national security risk because 30 percent of our kids are overweight. This is an indication of what goes on when the White House starts to pour down in a cascade through the executive branch of government an ideology that's inconsistent with the military.

It's inconsistent to force openly gay policy on our Department of Defense. And there isn't any pattern out there that could show us that that would be a successful result.

It's inconsistent with the rule of law to propose the idea that for national security purposes, we should pass the DREAM Act and put these people that came here illegally into the military and give them citizenship along the way. That undermines the American dream.

It's inconsistent to think that a general that has worn four stars honorably would think that the rule of law doesn't apply when it's time to hire somebody to cut your grass. It's got to apply every time. Equal justice under the law. Lady justice is blindfolded. She stands there with the scale. She's blindfolded. It must be that way or America is undermined. And this broader philosophy of illegal immigration and how to deal with it is something that I'm invested in pretty deeply.

I want to roll over if I can, Madam Speaker, as to what's going on downstairs right now in the basement of this Capitol. There is a pledge to Amer-

ica that's being rolled out. It's being discussed by the Republicans here in the United States Congress. It is something that brings back memories of the Contract with America that was rolled out here in 1994 about this same time in September.

And this is, I understand after doing a quick Web search, named Pledge to America. And now, I don't know all that's in that that's being unfolded right now. I just know what I wanted to have in that, what I hope is in it.

I'm hopeful that the document is a clear document, a document that says we have made these promises, we're going to keep these promises.

And I expect that there's going to be language in there that says that we are going to support a 100 percent repeal of ObamaCare, all of it. Pull it out root and branch, lock, stock, and barrel, so there is not one vestige of ObamaCare DNA left behind, because this toxic stew of ObamaCare has become a malignant tumor in our land. And it threatens to metastasize.

It's affecting us already. It's driving up our premiums for health insurance, especially for young people that most can't afford it. It's got to go. It's got to be pulled out by the roots. It's got to be eradicated. And that's got to be step one, plank one. It's got to be our promise, our pledge to America that we will repeal ObamaCare in its entirety. Not the most egregious aspects of it, not a component here and a component there, not chipping away at it and leaving other pieces there—because if that should happen, that foundation of ObamaCare then, as I said, it's a malignant tumor. It's a cancer. Then it metastasizes. It goes into this robust growth and it swallows up and consumes and chokes off our liberty and our freedom and takes away our personal choices, and already under the statute that exists today, shrinks down our health savings accounts and cuts our ability to contribute to them by more than half and almost eliminates catastrophic insurance and takes away personal choices one after another after another.

I'm hopeful that repeal of ObamaCare as a stand-alone—rip it out by the roots, follow through on discharge position number 11, which is here, Madam Speaker, at the desk, and any Member of Congress that wants to establish that they're opposed to ObamaCare and they want to see it repealed can come down here to the well and ask the Clerk of the House for Discharge Petition Number 11—that's legislation that I introduced to repeal ObamaCare—and sign that discharge position. There are at least 173 signatures on Discharge Position Number 11, which repeals ObamaCare.

And the last language of the bill—it's only 40 words—it says, "as if it had never been enacted." That's the quote.

So it pulls it all out by the roots, and it's what Americans want. Pick your

number, but well over 60 percent of Americans want to see repeal of ObamaCare. I see numbers that go up to 73 percent that want to see repeal of ObamaCare. So those who want to keep it, they're not the balance of the difference. If it's 73 percent that want to repeal, it doesn't mean that 27 percent want to keep it. It means that some of those 27 percent want to keep it and some of them are undecided.

But if a Member voted for the Speaker of the House, Speaker PELOSI, and the San Francisco agenda, ObamaCare, cap-and-tax, and others, put that vote up—the most important vote that any Member of Congress ever makes is for their leader, their Speaker. And if that vote went up for Speaker PELOSI, it enabled the San Francisco-Obama agenda to be forced to the floor of this House against the will of the American people, who let everyone here know their objections in a constitutional and peaceful and litter-free way.

But still their hearts were hardened and they imposed ObamaCare on us, even though the bill itself could not have passed that night except that the President promised that he would write an Executive order that would amend the language that was coming to the floor. That was part of the deal. And part of the deal was that there would be a reconciliation package that would be passed in the Senate that would circumvent the filibuster that would come to the House to seek to fix some more of the problems.

□ 1950

Oh, no, a bill didn't come here to the floor of the House that had the support of the majority of the Members. A bill came to the floor that was conditioned upon an executive order by the President and another bill coming from the United States Senate that then satisfied just barely enough. Didn't satisfy any Republicans, and it dissatisfied 34 Democrats. Thirty-four Democrats voted "no" on ObamaCare.

All of those 34 Democrats voted for NANCY PELOSI for Speaker. Many of them told their constituents in the 2008 election that they wouldn't commit to voting for Speaker PELOSI, that they were an independent voice. We even have one at least that's running television ads that says he's an independent voice that's willing to stand up to President Obama, and stand up to NANCY PELOSI, and vote against ObamaCare, but at the same time vote for NANCY PELOSI.

Now, when you do something like enable Speaker PELOSI's agenda by voting her into that position, and then when you see cap-and-tax come down on top of us that penalizes coal country in a big way, West Virginia, Pennsylvania, some of those States come to mind, Wyoming, you see that agenda being driven out of the Speaker of the House, when you put up the vote, stood up

here and audio out of your voice said the name, PELOSI for Speaker, that's the most important vote that gets cast in any individual Congress in any 2-year period. And it enables the agenda of the leader, Speaker PELOSI.

And then when that same individual votes "no" on ObamaCare and postures himself to say he's independent, willing to stand up to the President and the Speaker of the House because here's the signal, voted against ObamaCare, that's no sign of independence. That's a sign of being let off the hook by the Speaker. That's the sign of a permission slip to vote "no" so you can go back and tell your constituents that you are an independent voice.

The distinction here is we have a discharge petition. And a signature on the discharge petition says you mean it. It says that you want to see the bill come to the floor unamended, with an up or down vote to repeal ObamaCare. One hundred seventy-two Republicans signed the discharge petition number 11. One Democrat has signed discharge petition number 11 so far. There are others out there that are going to need to say to their constituents, listen, I really do stand up to Speaker PELOSI. Watch me. I will go down and ask the Clerk of the House for discharge petition number 11 and get my pen out, and I will sign my name on that. That means that if it comes to the floor that I'll vote to repeal ObamaCare. That's what sits out there right now, Madam Speaker, and that's the distinction.

But I believe that we will move forward with a pledge to America that repeals ObamaCare, rips it out by the roots in its entirety without equivocation. And I trust that's what's being discussed downstairs as we have this discussion up here. I hope and expect. That's one of my requests.

Another one would be that we pass English as the official language of the United States of America. That's an issue that has somewhere between 83 and 87 percent support all across this country. We haven't discussed it very much in this Congress because we know who holds the gavel. But Americans want to have an official language. An official language of the United States needs to be English. And there are at least 28 States that have established English as the official language. And it's no longer possible to drive from Mexico to Canada without driving through a State that has English as the official language. That's how the map looks when you happen to look at the map.

English is the official language of the State of Iowa. It's the official language of Nebraska. It's the official language of 26 other States. That's because of the simplicity that every other country in the world understands you have to do business in a language, and that if you encourage a multitude of languages and require the interpretation

in those languages that costs a lot of money and causes a lot of confusion.

And for a long time people that watch and study humanity understand that a common language is the most powerful unifying force known to man. I mean when they were working on the Tower of Babel, God understood it. He looked down at the Tower of Babel as they were trying to build that tower into the heavens to try to achieve heaven without going through God. And it was a blasphemy towards him. And God looked down at the Tower of Babel and he said, behold, they are one people. They speak all one language. And nothing that they propose to do will now be impossible for them. That's how powerful one language was. And so to break up the Tower of Babel, God gave them, caused them to babble, and scattered them to the four winds. And there is at least a Biblical belief that that's where the different languages came from that have been located around the world.

But we know that if we come together as Americans and we speak all one language we can communicate quickly, we can understand each other, we don't need to go through expensive interpretations. And we also are listening to the advertisements for different means of learning foreign languages under the immersion process. It's the best way, the immersion process.

Now, I encourage the studying and the learning of languages. I think it's great that Americans take that upon themselves to do that. It's important for our foreign trade and our international travel. It's important for our military and our State Department. It's important for international relations. But a Nation should have a language where you can go from corner to corner in that Nation and expect that you can communicate in one language.

If it had been Swahili, then so be it, Swahili should be our official language. But it's not. It's English. But speaking of Swahili, it happens that in some places like Kenya, for example, they do speak some Swahili, but the official language of Kenya is English. And they are grateful for it. It's brought so much along the way.

So I am hopeful that this very simple, common sense, powerful, unifying force of language, official English, which has a massive numbers of co-sponsors on it and a vast support of the American people, even though we haven't debated it during the time that NANCY PELOSI's been the Speaker of the House in a real legitimate way anyway—there is a lot of things we haven't debated, won't be allowed to come to the floor—I am hopeful that that pledge to America has official English in it.

I believe that we should have a House rule that gives a priority that we actually first pass a budget resolution. But I also believe that we should have a

House rule that gives priority to the balanced budget that's offered so that it can be offered and it can be debated here on the floor and brought to a recorded vote so the American people can see how hard it is to balance this budget. It's hard, Madam Speaker. And it's going to be really painful to bring the thing to a balanced budget. And if we do it all at once there will be some serious whiplash in this country.

Now, I voted for a balanced budget here. I have asked for one to come to the floor. We brought one under the Republican Study Committee. It first started out balancing in 10 years and then 9 years. It wasn't aggressive enough to suit me. But at least it was a vote on a balanced budget. And we started to debate what it takes to balance the budget. And if you don't do that you never get there. If you don't define your goal and your target, you never get there.

So I would want to see a rule come here to the floor that we could support in a bipartisan way that would give precedence towards a balanced budget to be offered first. And if the majority or the other party, be they majority or minority, offers a balanced budget, then that budget would take precedence over the budget that's offered that is let's say the chosen budget from the majority of the Budget Committee. So that we have a record on what it takes to balance the budget and who's willing to vote for a balanced budget. And I would think that we could get together on that in a bipartisan way.

And then we need to work to pay down the national debt. And I want to see the day that we have a balanced budget and we start to pay down this national debt. That's the third thing I would like to see in the pledge to America.

The fourth thing is I want to put an end to Federal funding of abortions. And I would phrase it this way. I want to statutorily prohibit all Federal funds from going to any entity that provides abortion services or counseling. That simple. And that should have, I think, strong bipartisan support. And that's been demonstrated in some votes here in this Congress. So then it would enshrine the Hyde amendment and the Mexico City policy. And we are going to repeal ObamaCare so we wouldn't have to go after that specific component of ObamaCare that ends up funding abortions. I will call that the Ben Nelson language.

Fifth thing I would like to see in the pledge to America that's being unfolded right now as we speak, Madam Speaker, I would like to pass legislation that modernizes E-Verify. E-Verify right now is you are limited. You can only use E-Verify with a new hire. So when you look at someone's application and you can't verify whether they can work in the United States

legally, then you have to give them the job. And then once you give them the job, they are on your payroll. They qualified for your insurance and all of the burden that comes along with bringing somebody into your employment.

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Then and only then can you run their data through E-Verify and it might come back and it can't confirm. And if it does that, you have probably got someone on your hands that can't legally work in the United States. And so you give them their time to cure their data and if they can't get it cured, then you have to fire them.

I just simply, with the legislation that I am hopeful that we are able to bring, probably not this year, next year, to fix E-Verify so that you can use it on current employees, legacy employees, so someone can decide I want to clean up all my workforce. I have had some people that have been here for a year or two or 5 or 10. Some may have been here illegally. I just want to have a legal workforce. I want to run all their names through E-Verify. Why not? Why not give the employer the tool.

The second thing is why not let them use E-Verify with a prospective employee with a legitimate job offer? We have that under a drug testing law in Iowa, and it's completely without any litigation or complaint. If you show up and you want a job, you can go through all of the hoops and they can say to you, I have done the interview, you have passed all the tests but this one. You have got to go off and take a drug test before I can put you to work. That's what we do in Iowa, and no complaints, no lawsuits. It's the employer's prerogative, and I encourage them to do that. They should be able to provide a drug-free workplace. We should also be able to provide, as employers, an illegal-free workplace, modernizing E-Verify so it can be used on current legacy employees and with a legitimate job offer is a legitimate thing to do.

The third component that we need to do, Madam Speaker, out of this is we need to clarify that wages and benefits paid to illegals are not deductible for Federal income tax purposes. Doing that allows the IRS, during a normal audit, to run the Social Security numbers and the information data of the employees of the audited company through E-Verify. And if they come back, they can't lawfully work in the United States—and we will give the employer safe harbor if they use E-Verify. Then the IRS can deny the business expense.

This is a piece of legislation that I have drafted called the New IDEA Act. So the net result is this, if you paid out a million dollars in wages, and the IRS—well, let's just say multiple millions—but the IRS has determined that

a million dollars of those wages have gone to illegals, then they can deny that as a business expense. And we know when that happens it goes over on the profit side of the ledger, and it becomes taxable as income.

So now you have got income tax to pay on a million dollars instead of having a million-dollar deduction that avoids that income tax. The corporate income tax on that is a profit, plus the interest, plus the penalty, calculates out to be, if you are a \$10 an hour illegal, you become about a \$16 an hour illegal.

When you get to that point, now you have lots of employers that have decided that they want to make a decision to clean up their workforce and hire only legals and that shuts off the magnet here in the United States in an effective way.

The last thing I want to do, right before I yield, is I want to sell off all of this property that the United States has taken over and nationalized, including the shares of General Motors and Chrysler.

Madam Speaker, may I inquire as to the balance of my time?

The SPEAKER pro tempore. The gentleman has 4 minutes remaining.

Mr. KING of Iowa. I yield to the gentleman from California.

Mr. BILBRAY. I appreciate the gentleman yielding.

I wanted to take this chance because I saw you on the floor. I think there are a lot of issues that are controversial and a lot of people see Democrats and Republicans disagreeing on.

I want to use this time to compliment the gentleman from Iowa for the fact that he has introduced the most moderate, the most logical and I think the most American bill when it comes to the immigration issue. This is something that really, really hits to the core of the problem and doesn't blame the immigrant, but goes to the source of illegal immigration, and that's the illegal employers who are exploiting them.

I think if there was one place that Democrats and Republicans should be able to work together, that all Americans could agree on, that this Congress, this month, should eliminate the absurd situation to where illegal employers get to write off the expense of hiring people illegally in this country and be able to have the Federal Government subsidize their commission of a crime when they hire somebody who is not legally present.

And your bill is right to the core of what the American people are asking for, Democrats, Republicans and independents, saying, come on, why don't we get together in Washington and do the right thing and eliminate these absurd situations.

And this one is so logical, it is so moderate, and it's so appropriate for the time. And if there is nothing else

that we can agree on before we adjourn this year, I would like to see, we should agree, that the taxpayer should not be subsidizing the employment of illegal aliens and the exploitation of those workers.

I want to thank the gentleman for coming forward with this bill.

Mr. KING of Iowa. I want to thank the gentleman from California for hustling here to the floor to weigh in.

I yield to my other friend in life, Dr. PAUL BROWN.

Mr. BROWN of Georgia. Thank you, Mr. KING. I appreciate your leading, and I appreciate your leadership not only on this issue but on many others.

The American people just say where are the jobs, and these illegal aliens here in this country must go home. We must secure the border first and foremost. We must make English the official language of America. We must enforce the laws on the books, but we cannot put it on the back of the employers or the States.

We must put it on the back of the Federal Government.

I congratulate you on a great job, not only on this issue, but all that you are doing. And we will continue to fight to secure the borders, make English the official language, and do things that the American people are just crying out for to create jobs here in America. I congratulate you.

Mr. KING of Iowa. I thank the gentlemen from Georgia and from California for coming in to weigh in on this. We are here at a time when we have got to reestablish the rule of law, and we have got to shut off the bleeding at the border, and we have got to shut off the jobs magnet.

This bill, the New IDEA Act, does shut down, if not completely off, the jobs magnet. And New IDEA stands for the New Illegal Deduction Elimination Act.

Madam Speaker, we often say here there are no new ideas here in Congress, that it's just recycled old ideas. Well, this was kind of an audacious move to declare it to be the New IDEA Act, but it defines what goes on.

The New Illegal Deduction Elimination Act, right now, we have not eliminated illegal deductions.

Instead, we have the IRS that's not calling the shots on this. It's letting the deductions come, so people can hire illegals with impunity. It really is against the law to deduct wages to illegals, but they are not enforcing it.

Another piece that this law does is it requires the IRS and the Social Security Administration and the Department of Homeland Security to set up a cooperative arrangement. So they have to sit down at the table and decide, well, here are these no-match Social Security numbers. We will roll these over here in the Department of Homeland Security so they can go check them out when they go look at the employers, and the IRS can take those

numbers as well when they bring it into their audit and bring the focus on so that we are coordinating the agencies in America to get at the goal.

The goal is to enforce the law. The goal should not be to advance amnesty by the DREAM Act or any other way. And we cannot be the great Nation that we are yet to become if we don't take our path up that way by supporting and strengthening the rule of law, one of the essential pillars of American exceptionalism. That's the argument, amnesty or the rule of law. It's two choices.

And it looks now like the DREAM Act is not coming at us until perhaps in a lame duck session. If it does, out of that Senate in a lame duck session, that is an offense to the American people to bring a bill like that with impunity against the American people when you no longer represent them because of the election that will take place in November.

So, Madam Speaker, again, I thank my colleagues for coming to the floor. I appreciate your attention on this matter. I appreciate the American people's attention on this matter, and I believe they will stand with the rule of law and against amnesty.

PROPOSAL TO REGULATE FLY ASH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 5 minutes.

Mr. MOLLOHAN. Madam Speaker, I rise today to call attention to an issue that threatens the economic viability of many industries and the existence of thousands of jobs in and around the coal fields of our Nation. That issue, Madam Speaker, is the Environmental Protection Agency's proposal to regulate fly ash, coal ash, as a hazardous material.

Over the past 2 years, Madam Speaker, the EPA has peppered the Federal Government and the Federal docket with a myriad of proposed rules and undertaken aggressive, zealous enforcement actions targeted at industries in Appalachian States.

This much continued pattern of rule-making and enforcement action is destructive to the central economic engine that fuels this Nation's energy needs.

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In its latest round of regulatory bravado, EPA released a proposed rule in June to impose additional regulation of coal combustion byproducts, fly ash, under subtitle C of the Resource Conservation and Recovery Act, RCRA, as a hazardous waste. I'm speaking today, Madam Speaker, in opposition to EPA's extreme and burdensome rule-making option to regulate fly ash as a hazardous waste under subtitle C.

This rule, Madam Speaker, would unnecessarily jeopardize construction and manufacturing jobs in addition to increasing the costs of highway and other infrastructure projects which are so vitally needed in my district and in districts throughout the country. Why? Because fly ash is an essential and reasonably priced ingredient in products used by these industries, and this rule would in and of itself dramatically increase that cost.

Why is EPA pursuing the subtitle C option when the agency determined under both Democratic and Republican administrations, Madam Speaker, through two reports to Congress and two final regulatory determinations that coal ash does not warrant regulation as a hazardous waste? During EPA's four prior reviews of this issue, it concluded that States can safely manage coal ash under Federal nonhazardous waste rules. EPA's subtitle C option is wholly inconsistent with its own past decisions.

Clearly, Madam Speaker, the 2009 impoundment failure to Tennessee Valley Authority's Kingston facility, which started all of this review, called important attention to this particular issue and reinforced the need for operational changes to avoid future accidents. The Federal Government must absolutely work to ensure safety and environmental protection where coal impoundments are concerned. EPA's subtitle D option, regulating fly ash as a nonhazardous waste, provides these important protections while protecting the important economic opportunities available through beneficial recycling of coal fly ash.

Madam Speaker, regulating fly ash as a hazardous material is overkill, putting precious jobs at stake, and would cost \$1.5 billion a year to implement according to EPA's own estimates. These costs will be absorbed by American families who are already facing constraints of tough economic times.

Coal combustion by-products are currently recycled for several perfectly safe and beneficial uses, including cement, road materials, and wallboard. These beneficial uses of coal ash create jobs. The subtitle C option would unnecessarily stigmatize coal ash and obstruct its beneficial use in these vital, important infrastructure projects. It's counterproductive to add more waste to our landfills when we could be safely putting it to use in our roads and bridges, creating more jobs and building projects at reasonable prices.

In closing, Madam Speaker, EPA's subtitle C option for coal ash regulation will have a significantly adverse impact on job creation and economic recovery. This rule option would be deeply damaging in West Virginia and throughout the Nation, and, therefore, I strongly encourage EPA to pursue the subtitle D option, the nonhaz-

ardous option, in its rulemaking process.

I appreciate, Madam Speaker, the opportunity to speak this evening about the importance of protecting West Virginia jobs, the Nation's jobs, and reasonably priced infrastructure.

THE COMPREHENSIVE PEACE AGREEMENT IN SUDAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. PAYNE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAYNE. Madam Speaker, I rise today with Majority Leader STENY HOYER to ring the alarm on the current situation in Sudan and underscore our support for a timely, free, and fair referendum on the independence of south Sudan and Abyei in January 2011.

Let me begin by thanking the majority leader for calling this critical, important Special Order and for his continued leadership on this issue, having led codels to Sudan, having had periodic meetings with administration officials, bringing in persons from Sudan, south Sudan, in his continuing push for peace. And so, once again, I commend Majority Leader STENY HOYER.

I was elected to Congress in 1988 and was sworn into office in 1989, the same year that Omar al-Bashir came to power in a coup in Sudan. I have closely followed the situation in Sudan ever since then, and I must say that I'm extremely concerned about what is happening now. The continuing and emboldened intransigence of the Bashir regime threatens to unravel the peace that was won 5 years ago and spark a return to conflict.

On January 9, 2005, members of the United States Government, including myself, witnessed the signing of the Comprehensive Peace Agreement in Nairobi, Kenya. The Comprehensive Peace Agreement ended the ghastly 21-year civil war between the north and the south of Sudan, a war that claimed the lives of 2 million southerners and displaced more than 4 million; a war in which the Bashir regime used aerial bombings against innocent, defenseless children, women, men, disabled people, and elderly; a war that nearly destroyed the entire region of south Sudan. But what was so great about the people of south Sudan—they could not destroy the spirit of the people of the south.

The Comprehensive Peace Agreement, championed by the late Dr. John Garang, who led the struggle in the south, outlined a path to secure lasting peace, a 6-year interim period, during which Khartoum would have an opportunity to show the people of south Sudan that it was capable of change, that it was capable of including the south into a comprehensive plan to run the Government of Sudan.

However, at the end of the 6-year period, which is on January 9, 2011, about 6 short months from now, the Comprehensive Peace Agreement promised an opportunity for the people of the south to determine whether the regime in Khartoum had changed enough that they wanted to remain a part of Sudan or whether they wanted to secede. Dr. John Garang wanted to see a unified Sudan, but, as you know, his untimely death in a plane crash ended his dream.

The people in the marginalized area of Abyei, the region that holds in the soil of Sudan oil wealth, would decide if they would remain and keep their special administrative status in the north or become a part of the south. That has to be determined. It should have been determined even before January 9 of 2011.

The CPA laid out very clear benchmarks to be met for those referendums to take place and also included detailed instructions for power sharing and oil revenue. Still to date, these details have not been worked out. Now, today, Khartoum threatens to pull out of the agreement as Bashir's regime has refused to cooperate on key measures that must be put into place. Khartoum has repeatedly played games, stalled, held up and obscured so many critical steps in fulfilling the CPA, so much that today it is unclear whether the referendum in January can actually be held freely and fairly.

Must I remind the House that this is the regime that carried out the first genocide to be declared by Congress when it was in progress? Nearly half a million Darfurians have lost their lives as a result, and more than 2 million Darfurians have been displaced.

While Darfur is no longer on the front pages of newspapers, the people still suffer. Last week, chief prosecutor of the International Criminal Court, Luis Moreno Ocampo, was at my Brain Trust at the Congressional Black Caucus Foundation's Annual Legislative Conference and called it a silent genocide that is happening in Darfur. Khartoum has strangled aid, cut off IDP camps, and is watching the people of Darfur slowly starve to death.

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This is the regime headed by a President who has been indicted by the International Criminal Court for war crimes and for genocide. Again, as the CPA is supposed to come into full completion in less than four months, there is the threat of massive violence once again against the people of the south. We have seen several reports of armed shipments into the south to arm the Misseriya militias that were such a destabilizing force in the north-south war. This is very serious.

As the administration rolls out a new policy that includes incentive packages to sway Khartoum to do the right thing, let us remember also that this is

the same regime that welcomed with open arms and harbored Osama bin Laden from 1991 to 1995. It was from Khartoum that he planned an assassination attempt against Egyptian President Hosni Mubarak. Is this a regime deserving of a second chance again and again and again? I dare say, no.

So what have we learned? In the words of the late Dr. John Garang, the Bashir regime, as Dr. Garang said, Bashir and his regime is too deformed to be reformed. The U.S. must provide leadership in the international community. I call on President Obama, Secretary Clinton and Special Envoy Gration to provide clear leadership and to not give in to this regime and make sure that they live up to what they have said.

I urge the President to meet with First Vice President of Sudan and President of Southern Sudan Salva Kiir, and to make it clear to him that the United States will provide support, that the south needs to ensure that the CPA does not crumble and war does not break out again in the south. The message to Khartoum must be that a dismissal of the CPA in any form will not be tolerated. We demand a free and fair referendum for the people of south Sudan and Abyei. We demand justice and accountability. We demand a real end to genocide in Darfur.

At this time I yield to Mr. BRAD MILLER, a member of the Subcommittee on Africa and Global Health who has done a tremendous amount during his time on the committee.

Mr. MILLER of North Carolina. Mr. Speaker, I also rise to call attention to critical issues that Sudan now faces. More than 3 years ago, I was part of a congressional delegation to Sudan led by Majority Leader STENY HOYER, who will speak shortly. Other members of that delegation are here to speak tonight as well.

This past January marked the fifth anniversary of the signing of the Comprehensive Peace Agreement, or the CPA, that ended more than 20 years of civil war between the north and the south of Sudan. That conflict was marked by northern aggression against the south. It resulted in the deaths of more than 2 million people, and more than 4 million people in Southern Sudan fled their homes, becoming "internally displaced persons," or IDPs, in the jargon of relief efforts in conflicts around the world.

The CPA committed the northern-dominated National Congress Party and the southern-dominated Sudan People's Liberation Movement to govern jointly for 6 years, followed by a referendum on self-determination for Southern Sudan and Abyei. That referendum must happen as scheduled in 4 months, and the referendum must be free, fair, credible, and a true reflection of the will of the people. If not,

the CPA will mark only a 6-year pause in Sudan's civil war, not an end to the war.

Secretary of State Clinton was right when she said a year ago that "the Comprehensive Peace Agreement between the north and south will be a flashpoint for renewed conflict if not fully implemented through five national elections, a referendum on self-determination for the south, resolution of the border disputes, and the willingness of the respective parties to live up to their agreements."

Unfortunately, Sudan's elections in April 2010 certainly did not meet anyone's standards for a legitimate election. Those elections were marred by widespread violation of political rights, irregularities in voter registration, intimidation, and violence in some areas, and the continuing conflict in Darfur that suppressed voter participation.

Predictably, the National Congress Party has consistently delayed and reneged on its CPA commitments. Madam Speaker, this is a critical moment for Sudan. The CPA-mandated referendum is just 4 months away. The CPA has not yet been fully implemented. Voter registration for the referendum has not yet taken place, and key procedures have not even been established.

In addition, the violence in Darfur persists. The Bashir regime continues to restrict and disrupt United Nations peacekeeping, humanitarian operations, and human rights organizations in Darfur, leaving more than 2 million people still displaced and vulnerable.

The Bashir regime must know that the whole world is watching. We cannot divert our attention from Sudan. We must remain committed and insist upon the full implementation of the CPA to ensure sustainable peace in Sudan.

Mr. PAYNE. Let me thank the gentleman for his statement. I appreciate his work on the Subcommittee on Africa and Global Health.

At this time I would like to hear from the gentleman who called for the Special Order today, the majority leader from Maryland, Mr. STENY HOYER.

Mr. HOYER. I thank my friend for yielding and for leading this Special Order. I was pleased to, with him, undertake this Special Order because of the timeliness of the crisis that confronts Sudan and the implementation of the agreement. I want to thank all of the Members for participating in this Special Order as well. It is important that we in the Congress stay focused and send a message, as I will here, that we are focused. And I applaud the gentleman for his statement tonight. I applaud him even further for his continuing leadership. Nobody in the Congress, in either the House or the Senate, has been more focused over a longer period of time, has traveled more extensively throughout the

world, and to some of the most troubled spots in the world, and to Sudan, than the gentleman from New Jersey (Mr. PAYNE) and I thank him for his leadership.

In fewer than 4 months, Southern Sudan will hold a referendum on independence, which was guaranteed by the 2005 Comprehensive Peace Agreement.

The CPA ended Africa's bloodiest civil war, a war which took almost 2 million lives and displaced 4 million. Yet the risk of descending into war again seems all too real.

Now, as on my congressional delegation to Sudan 3 years ago, our focus remains the same: Promoting peace, stability, and reconstruction across the whole of Sudan. This is not only our moral obligation but an important national security goal as well. We must work to ensure that Sudan does not become a safe haven for terrorists. Tonight we are here to send a message to all those who live in and care about Sudan. We support full implementation of the Comprehensive Peace Agreement. We support a timely, peaceful, free, and fair referendum on independence. And we support an end to the violence in Darfur.

These are immense challenges, to be sure. But Sudan's central government has shown that it pays close attention to the international community's intentions and actions, which is why we must present a unified, comprehensive position in our response to both the ongoing violence in Darfur and the north-south conflict.

I want to be absolutely clear: Darfur remains and will remain a point of focus for this Congress. We recognize that peacekeepers are struggling and in many cases failing to fulfill their civilian protection mandate, and that humanitarian groups are swimming in redtape and facing daunting security challenges.

President Obama and the international community must continue to push Khartoum on the issue of humanitarian access and independent human rights monitoring in the region.

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In the wake of what appears to be a near collapse of the latest efforts in Doha, we must continue to strive for a viable peace process. Congress is watching. Congress will hold you accountable. Tonight, however, I want to focus my remarks on the need for full CPA implementation and specifically on ensuring that the referendum on southern independence takes place on time and, as I said, in a free, fair and peaceful manner and that results are respected by Khartoum and the international community.

With the referendum approaching on January 9, 2011, our own Secretary of State has said that we can hear the loud sound of a ticking time bomb—Secretary Clinton's words—the possibility of new bloodshed.

What can we do to prevent it?

The U.S. has stepped up its diplomatic efforts in southern Sudan, and is providing \$12 million for elections security, allowing the government of southern Sudan to establish 11 joint operation centers in Juba and in the 10 states in collaboration with other partners.

I also want to applaud President Obama for attending Secretary General Ban Ki-moon's high-level meeting on Sudan this Friday at the United Nations in order to discuss what more the international community can do to ensure a fair and safe vote. My hope is that a powerful package of multilateral pressures and incentives will come out of this meeting and those that follow.

I also support the administration's efforts to prepare for January with former South African President Mbeki, who is leading the African Union's efforts in Sudan as well as with international financial institutions and international development agencies; but more can and must be done. We must hurry to establish a formal mechanism to help get the north and south to agreement on all of the outstanding issues. Such a mechanism must include buy-in from civil society in an organized way. The CPA is a positive model on this front.

The international community, including our own administration, must continue to remind those countries with a stake in the outcome, including Russia, Egypt and especially China, that it is in their own best interests to advance peace and stability in Sudan. This is an international responsibility. We must support U.N. peacekeepers and urge them to do more to protect civilians. We cannot simply throw our hands up in complaint about a relatively ineffective peacekeeping system. We must fix it.

Finally, efforts in south Sudan must not be solely focused on the day of the referendum but also, of course, on the day after.

The international community must step up efforts to prevent southern Sudan from becoming what the economists called a "pre-failed state." We know the dangers that failed states pose to our own national security. We have seen that. If we want to prevent the emergence of a new one, the international efforts on everything from road building to literacy education to establishing a viable economy in one of the world's most underdeveloped areas deserves and should have our support.

Regardless of the steps we and the international community take, the decision to turn this vote into a foundation for peace instead of one for further war ultimately rests in the hands of the Sudanese. So my message to Khartoum is this:

Step up. Step up, Khartoum. At the risk of sounding cynical, surprise us.

This referendum is part of a peace agreement that you signed in 2005. Come to the table. Work to advance a peaceful outcome, and don't lead your country back into war. The administration has clearly communicated to you that there are both painful pressures and real incentives on the table. It is your choice, of course, and rest assured that the United States Congress is watching your choice and will hold you accountable.

To the government of south Sudan:

The U.S. Congress is committed to the referendum, and firmly believes that it is the best mechanism for you to express your right of self-determination. Alternative approaches will only renew the turmoil that the CPA was designed to end—and will severely weaken the future of your people.

We need you to step up as well. We need you to come to the table as a ready and willing partner, and we need you to devote resources, time and energy to finalizing an operational plan and budget, agreeing on voter registration criteria and procedures, and hiring and training registration workers. There is hard work in front of you, but the reward in the form of your people's right to choose their own future is clearly precious.

To the Obama administration and the international community:

Thank you. Thank you for your efforts to strengthen peace in Sudan but to keep them going. We will all have to work vigorously to ensure that the referendum is a success, but the consequences of failure should be more than ample motivation for us all.

Friday's high-level meeting at the United Nations must be a productive and serious one, and more conversations must follow. They must be focused on how the international community will work together to assist in the technical, logistical and operational stages of the vote; to monitor and observe the process from start to finish; to guarantee implementation of the results; and to mediate in case of any disagreement. You have the Congress' full support in this effort.

To the humanitarian community, especially to the American-based NGOs working on the ground in Sudan:

You represent the best of American selflessness and generosity. You do God's work. Thank you for that.

This Congress pledges to continue advocating for improved humanitarian access so that you can continue to do your jobs and advance the goals for which you have put your safety and, yes, even your lives on the line. Improving the daily lives of people living in one of the world's most war-torn regions is a moral responsibility for us all.

Finally, to the people of Sudan:

We stand with you. You deserve far more than the bloodshed and death and dislocation that year after year have

brought you. You deserve what we all deserve—a chance to live our lives and raise our children in peace. America will do everything in its power to ensure that January is the beginning of that chance, not its untimely end.

Again, I thank the gentleman from New Jersey—one of the senior Members of this Congress, the leader of our effort on the African continent—a continent so critically important to the future of the global community. I thank him for yielding me this time.

I yield back.

Mr. PAYNE. Let me, once again, thank the majority leader for his passion and leadership on this issue. Your statement here was so thorough. I really appreciate your leadership.

At this time, I would like to recognize the co-chair of the Sudan Caucus, a gentleman who has traveled to Sudan. He has been a fighter on this issue. He has been to meetings with the Chinese and with other persons who had to be convinced that they should change their ways. It is my pleasure to introduce and to yield to him as much time as he may consume, the gentleman from Massachusetts, Representative CAPUANO.

Mr. CAPUANO. I would like to thank the gentleman from New Jersey. He has been a great leader on this issue and on so many other issues with regard to international matters.

I would also like to thank the majority leader for organizing this Special Order during such an important week.

The reason we are doing this this week, really, is that the President is scheduled to be at the United Nations this week to meet on the Sudan issue. It seems like things are coming to a head. As you've heard many, many times—and I'm not going to repeat the facts, because the facts have been said—we have an election that is scheduled to come up in January which is very critical to this region. Let me be clear:

To me, this may not be the most important issue to most of my constituents. I know that. I realize that. Jobs are more important. The economy is more important. But America has always been and, I think, always should be more than just about business. It has to be about morality and ethics as well. In this case, the morality of a genocide, or the immorality of a genocide—the immorality of keeping people enslaved, literally enslaved at a recent point in the history of Sudan—is something that, I think, only America is qualified to stand up and scream about.

Up until now, the history in this region has been terrible. There have been civil wars. There has been genocide. There has been every form of human degradation you can find, mostly perpetrated either directly or indirectly by the government in Khartoum.

□ 2040

At the same time, I'm one of those people that believes anyone can change

their ways on any given day. That's not to forget the past, but it's also the only way to find a way forward. The government in Khartoum is at that crossroads right now. They have a choice, whether to actually move forward and allow the people of south Sudan to make their own decisions legitimately in January, whether they wish to go their own way or wish to remain associated with Sudan, and then to enforce whatever the people of Sudan decide and to do it in a peaceful way. This is important to the American people on a moral side, as I said, but it is also important on a very realistic side. This particular area—I'll be honest. I don't think—as a matter of fact, I am certain. I could not have found Darfur on a map before I got to Congress. I might have been able to come close to finding where Sudan was, but it would have been a guess. I know that most of my constituents, most Americans are not sitting there knowing all about this, but they will know it if it goes the wrong way, and they will know it because the entire region will go up in flames. There will be millions of people put at risk.

Everybody in America knows where Somalia is because it's a lawless region. They know where Eritrea is, Ethiopia, all difficult parts. This is right next door. It sits in a critical region. If civil war starts again in a serious way, if genocide raises its ugly head again, the entire region will go up. Most countries in that area will be directly affected, and it will directly affect America and the rest of the world. Something like that cannot go on without doing it.

That is why I am here today, to remind the American people, who I think, across the board, agree that genocide is something that needs to be screamed about and stopped whenever possible, agree that people should have their own right to self-determination—that's not the point—but also to put the issue in front.

I also want to thank the administration. The Obama administration has put this issue at the top of its agenda, and I respect them and thank them for that. There are carrots and sticks on the table for Khartoum if they choose to take those carrots. If they don't, none of us really want to implement those sticks, but none of us are allowed to sit back and simply let genocide go forward without doing what we can.

So that's why I came today, to say thank you to the administration, to encourage the Khartoum regime to make the right choices—it's not too late—and to thank the administration for all it is doing and to encourage them to do more. I join my colleagues in asking the administration to meet with Salva Kiir, the leader of south Sudan, at least meet with him and talk to him, hear it directly from him. And I hope that we won't have to be back

here in January talking about this issue, other than to congratulate the people of south Sudan and Sudan for having conducted a lawful and thoughtful plebiscite.

Thank you, and I yield back.

Mr. PAYNE. Let me thank the gentleman again. As I indicated, he co-chairs the Sudan Caucus, and he has been very, very involved from day one. We really appreciate his leadership.

At this time, I would like to yield such time as she may consume to the gentlelady from California, a member of the Subcommittee on Africa and Global Health, a person who has traveled to Africa, Congresswoman WOOLSEY.

Ms. WOOLSEY. First, I'd like to thank Chairman PAYNE and Majority Leader HOYER for reserving this valuable time tonight to bring attention to Sudan.

While it may have slipped from the front page of the newspapers and headlines of the nightly news, the crisis in Sudan is still in a very critical stage. In Darfur, rape is being used as a means of terror and warfare. Hundreds of thousands of people are living in refugee camps or are displaced from their homes. Militias with strong ties to the government in Khartoum brutalize Darfurians. So we have a long way to go before the people of Darfur can feel safe and return to a normal life.

The Comprehensive Peace Agreement was supposed to lay out a framework for peace between the north and the south, but as we get closer to the date for the referendum, security and fairness seems to have become farther out of reach than it was earlier on. The south is forced to hope that President Bashir, a man indicted by the International Criminal Court for war crimes, they are to hope he will support an honest and clean election, free from intimidation and free from corruption. Many remain skeptical that, when the time comes, President Bashir will actually allow the south to vote unobstructed.

As Chairman PAYNE knows, because he has visited with and he has been honored by the people in my district who are working in regards to Darfur and have been on top of this issue from the beginning, they know that the people of Darfur are suffering. They have long supported the rights of the Sudanese people from a project called Tents of Hope, to letter writing and fundraising. I think the project is called Dear Darfur, Love Petaluma. That was the first one. That is where I live. Then there was, Dear Darfur, Love Marin County; and later, Dear Darfur, Love San Francisco.

So Marin and Sonoma Counties, where I represent, consistently have stood for peace and justice in Sudan, and they have been really outraged at what they have seen. In fact, they teach about the issue in schools where

their students are raising funds for the people of Darfur, and they're helping paint the tents for the Tents of Hope. With their support, I join my colleagues in the House on calling on the Obama administration to put more pressure on the Government of Sudan. We must demand that Khartoum and President Bashir allow a fair referendum and to permit international assistance and monitoring.

Further, the plight of the Darfurians must not be pushed to the side in deference to the north-south situation. The genocide continues, and Sudan will never be free of oppression and violence until President Bashir and his reign of terror is brought to an end and he is held accountable.

Thank you, Mr. PAYNE.

Mr. PAYNE. Let me thank the gentlelady, the cochair of the Progressive Caucus. And let me commend your congressional district in Marin County that had a very interesting forum where we discussed with Darfurian citizens, former citizens of Darfur in the south. Your district is so progressive, and it was my pleasure to be there in the great State of California.

At this time, I would like to ask the gentleman from Virginia who has served in Africa—he has done outstanding work prior to coming to Congress, very knowledgeable, and a delightful advocate for people who are striving for justice—Representative PERRIELLO, I yield to you as much time as you may consume.

Mr. PERRIELLO. Thank you very much, Chairman PAYNE. History will look kindly on your willingness to speak up and fight for those who had no voice in this body. Mr. HOYER, our leader, your willingness to commit to this issue and to answer the call of Matthew 25, to serve those who are the least among us, is one, I believe, will resonate as well.

Tonight we have a simple question: When we say “never again,” do we mean it? When we say “genocide, never again,” “crimes against humanity, never again,” “women and children dying, 30,000 a day, from hunger and preventable disease, never again,” it's easy to put on a bumper sticker, it's easy to say at a public event, but making it a reality is never simple.

We face today, without the luxury of ignorance, the knowledge that people suffer around the world unspeakable atrocities, and for too long that has included the people of Sudan, throughout Sudan. Today we focus primarily on the important issue of democracy and peace for those who have suffered for two decades in southern Sudan, but we also know that the Comprehensive Peace Agreement cannot be used to hold hostage the women, children, and vulnerable of Darfur and Blue Nile region and other areas.

We sit here today with an opportunity to shed light, and, more impor-

tantly, to produce results for those who have suffered for too long. It is not enough for this to be something we speak from this floor or even something that we use when we engage directly in our diplomacy and conversations with Sudan.

□ 2050

This is larger than that. It must rank up when we talk to Egypt, Russia, China, and others who do so many dealings with this regime, a regime that I believe is ultimately irreparable.

We can now say that we will support the Democratic process for Southern Sudan and ensure a fair referendum. And we know from the history of this country that supporting democracy is not something we do because it's easy. We do it because it's right. It's not something because it happens overnight. It's something we support because we know through the arc of history bending towards justice, we move towards a more democratic and free world, and that that should apply as much to the people of Sudan and the continent of Africa as it does here for those blessed enough to be born in the United States.

And we also know, and I know from my experience of working in areas such as Sierra Leone, that democracy and fair elections are not something that happen on the day of the vote. They are something that must be built towards by ensuring a fair process of registration, of accountability, of avoiding the kind of intimidation and corruption that builds up in these situations.

And I think it's important to note that we are keeping an eye on this early, but we must be vigilant. The people of Darfur and the people of Southern Sudan have a chance to speak.

One of the greatest gifts of the Greatest Generation was the idea of global security in a world of expanding freedom and democracy. In the same way, they have handed that torch to us. As Americans, they asked us to make sure we were looking on that in terms of the community of nations.

And we've seen good bipartisan support. I want to recognize the leadership of Congressman FRANK WOLF and Senator BROWNBACK and others who've been willing to shed a light on this issue and speak up, not just on peace vaguely, but the reality that we must be willing to hold this regime accountable even when that's difficult, even when that costs us diplomatic points.

With indicted world criminals like Haroun who are put into government positions after having overseen some of the worst atrocities of the last 25 years, we must ask ourselves whether we mean never again, whether we're serious about justice and accountability.

I've spent time with the rebel groups in Darfur. I've spent time with those who are suffering under decisions,

criminal decisions, horrific decisions made by these individuals. Yes, we must start with this comprehensive peace agreement, we must not allow it to backslide. But we must also see this as the beginning of a process of ensuring justice and accountability more broadly.

One of the great Sudanese figures of the modern era, Manute Bol, recently passed away. In fact, he spent his final days in a hospital in my district having given away literally everything he had—not just his financial resources but every ounce of energy he had in his soul and body to ensure this. He is just the tallest and most symbolic and known of those who have given their lives in the fight for democracy and freedom for those in Southern Sudan.

We must not allow Mr. Bol and others to have died in vain. Those who are in a position to ensure otherwise, including those in this body on both sides of the aisle, must stand up and ensure those that who had the courage to stand up and demand what was right, that we had their back, that we had their back when it came to diplomacy and economic negotiations, when it came time for a commitment to peacekeeping and multilateral operations that are so important, to those who have given tireless hours, and those who unfortunately are not here to see this through to completion.

We are at a moment where, after years of struggle, we are brought to the edge of the promised land. There is a chance for us to see this through. Let us ensure a fair and just election process for Southern Sudan. Let us use that as a springboard to ensure democracy and basic justice and decency for the west, the east, the north, and the center of Sudan as well.

I thank Mr. HOYER. I thank Mr. PAYNE. I thank all of those who have spoken up. And I hope that this will not be another case where we sit by and let “never again” echo silently and powerlessly through the ages, but instead we look back proudly on what we stood up to do as Americans and as human beings.

Mr. PAYNE. Let me certainly once again commend the gentleman from Virginia. The work that he's done speaks for him. And it's a pleasure to have him in our House of Representatives, and we will certainly look forward to your continued leadership in the next Congress.

At this time I'd like to introduce a gentleman from Georgia who has shown interest in many issues as it relates to human rights, the gentleman from the great State, as I mentioned from Georgia, Representative BARROW.

Mr. BARROW. I thank the gentleman. I thank him for his leadership in this area.

I, too, want to join in thanking the majority leader for his leadership and his passion on this issue and bringing

this matter to the attention of the House this evening.

Madam Speaker, I rise today in support of the people of Sudan and to pledge my continued commitment to achieving lasting peace and security for the Sudanese people.

Three years ago, I traveled to the Darfur region of Sudan as part of an official, bipartisan congressional delegation. During that time, I was able to meet with a host of individuals ranging from the President of Southern Sudan, United Nations peacekeepers, ministers from the government of Southern Sudan, the Speaker of Parliament, and rebel leader and Darfur Peace Agreement-signatory, Mr. Minni Minawi. Each of these individuals holds an essential stake in peace.

Sudan's Democratic and geographic integrity, as well as the lives of its people, depend on the continued leadership of these and many other individuals.

This year, as we mark the fifth anniversary of the signing of the Comprehensive Peace Agreement that put an end to Sudan's 21-year-old civil war, I'm encouraged by the gains that have been made, but there is still much more work to be done.

The United States cannot and will not turn a blind eye to genocide in Darfur or to corruption and poor leadership in any part of Sudan. Too much blood has been shed and too many lives have been lost. The United States must continue to work with our international allies to provide aid and promote peace—because that's the right thing to do. We should do everything we can to see to it that the citizens and leaders of Sudan come together, put an end to tribal violence, and commit themselves to the welfare of Sudan.

Again, with my thanks to Mr. PAYNE and to the majority leader for their leadership, I yield back the balance of my time to the gentleman from New Jersey.

Mr. PAYNE. Let me thank the gentleman for the continued good work that you do.

As we conclude, you've heard the words from our leader, Representative HOYER, you've heard Members of the Congress express themselves. I, too, would like to say that this has been a bipartisan effort. Congressman WOLF, Senator BROWBACK. The last hearing I had, I invited him to come to the House hearing, and he did an outstanding job.

But many of us say that this issue must be resolved. And it's the historic problem of the region of Egypt and Sudan. Back at the end of the Ottoman Empire back in 1914, the British came in and jointly kind of ruled Egypt and Sudan. And finally during the Suez Canal crisis in the early 1950s, the Egyptian revolution started to move forward, and it was felt that Egypt and Sudan had to separate if Egypt was going to get its independence.

Interestingly enough, Sudan was the first black nation to get independence from any of the colonial powers, back on January 1 of 1956. However, right prior to that independence, the war broke out between the north and the south.

And one of the problems that we have seen today was because the British had two administrations. It had an administration for the north, and it had an administration for the south. And way back during its administration, it created the difference between the north and the south. And those problems just continued to move forward. And some of those issues remain today. The fact that the many groups of Sudan, many diverse—there are about 38 million people in Sudan. It's interesting that 49 percent are black, and 38 percent are Arab, and 11 percent are Nubians.

And the problem in Darfur would surprise many people because the Darfurians were people who worked with the National Congress Party. The Darfurians were persons who were in the armed services of the government of Sudan.

□ 2100

When the Government of Sudan turned on the Darfurian people, bombing them, killing them, then allowing the Janjaweed to come and rape and burn and pilfer, kill animals, throw them into wells, shocked many people because Darfurians were relatively loyal to the Government of Sudan.

So this is terrible government, a government that has tried to have an Arabization program. And the war between the north and the south is because Dr. John Garang and the people of the south who were Christians and animus did not want to live under sharia law, which was being imposed by al-Bashir.

So we have to continue to push to make sure that the CPA from January 9 is upheld in 2011. We have to remember those—Rebecca Garang, the widow of Dr. John Garang, who still today is raising her children. Those who have fought with the SPLA, SPLM for many, many years will have their opportunity.

Whatever the people of Sudan and the south decide, that is what we should allow to be the word. It should be up to the people of the south, whatever they decide. Whether they decide to remain a part of Sudan or whether they decide to separate, we should ensure that whatever their decision is that we will guarantee that the will of the people be done.

I would like to once again thank our majority leader for his continued interest, Members who have come to participate.

GENERAL LEAVE

Mr. PAYNE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks and include extraneous material on the subject of this Special Order on Sudan.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.
Mr. PAYNE. I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BORDALLO (at the request of Mr. HOYER) for today and the balance of the week on account of official business in district.

Mr. JACKSON of Illinois (at the request of Mr. HOYER) for today on account of travel delays.

Ms. KILPATRICK of Michigan (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BRIGHT) to revise and extend their remarks and include extraneous material:)

Mr. BRIGHT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, September 23 and 24.

Mr. POE of Texas, for 5 minutes, September 28 and 29.

Mr. JONES, for 5 minutes, September 28 and 29.

Mr. WESTMORELAND, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today and September 23.

Mr. THOMPSON of Pennsylvania, for 5 minutes, September 23.

Mr. COFFMAN of Colorado, for 5 minutes, September 23.

Ms. FOXX, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MOLLOHAN, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 624. An act to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3562. An act to designate the federally occupied building located at 1220 Echelon

Parkway in Jackson, Mississippi, as the “James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building”.

ADJOURNMENT

Mr. PAYNE. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Thursday, September 23, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 2923, the Combat Methamphetamine Enhancement Act, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 2923, THE COMBAT METHAMPHETAMINE ENHANCEMENT ACT OF 2010, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010– 2015	2010– 2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT													
Statutory Pay-As-You-Go-Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: Enacting H.R. 2923 could increase revenues and direct spending, but CBO estimates that net budget impact would not be significant in any year. The bill would require retail businesses that sell certain pharmaceuticals through the mail to submit a self-certification document to the Drug Enforcement Administration (DEA). The bill also would prohibit distributors of certain pharmaceuticals from selling products to persons who have not registered or self-certified with DEA.

Violators of the bill's provisions would be subject to civil and criminal fines. Civil fines are recorded as revenues and deposited in the U.S. Treasury. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund, and later spent.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 4195, To authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4195, A BILL TO AUTHORIZE THE PEACE CORPS COMMEMORATIVE FOUNDATION TO ESTABLISH A COMMEMORATIVE WORK IN THE DISTRICT OF COLUMBIA AND ITS ENVIRONS, AND FOR OTHER PURPOSES, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010– 2015	2010– 2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT													
Statutory Pay-As-You-Go-Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: H.R. 4195 would authorize a nonprofit organization to establish a commemorative work on federal lands in the District of Columbia. Under current law, sponsors of the project would donate 10 percent of the memorial's estimated cost to the federal government for future maintenance. That receipt would be fully offset by transfers to the National Park Foundation (a nonprofit organization), where funds would be retained until used.

Pursuant to Public Law 111-139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 6130, the Strengthening Medicare Anti-Fraud Measures Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 6130, STRENGTHENING MEDICARE ANTI-FRAUD MEASURES ACT OF 2010, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010– 2015	2010– 2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT													
Statutory Pay-As-You-Go-Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: H.R. 6130 would give the Secretary of Health and Human Services additional authority to exclude individuals from participation in federal health care programs if they are affiliated with an entity that has been sanctioned. Enacting this legislation could affect direct spending for Medicare and Medicaid. CBO expects the bill would result in the exclusion of few individuals who would not be excluded under current law. CBO estimates that enacting H.R. 6130 would have no significant budgetary impact.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9494. A communication from the President of the United States, transmitting A Request For Budget Amendments For Fiscal Year 2011 proposals in the Fiscal Year 2011 Budget for the Department of the Interior (H. Doc. No. 111-144); to the Committee on Appropriations and ordered to be printed.

9495. A letter from the Under Secretary, Department of Defense, transmitting report on proposed obligations of funds provided for the Cooperative Threat Reduction Program; to the Committee on Foreign Affairs.

9496. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-056, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9497. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-077, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9498. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-098, pursuant to the reporting requirements of

Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9499. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-097, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9500. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-090, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9501. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-087, pursuant to the reporting requirements of

Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9502. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-094, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9503. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-092, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9504. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-095, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9505. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-096, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9506. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-083, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9507. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port San Juan Tropical Cyclone Safety Zone [Docket No.: USCG-2008-1056] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9508. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Vestin Fireworks Display; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-1075] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9509. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Mock Cannon Battle between the S/V Lady Washington and Hawaiian Chieftain, San Francisco, CA [Docket No.: USCG-2008-1076] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9510. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Transformers Film Production; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-1086] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9511. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Charles County, MD [Docket No.: USCG-2008-1089] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9512. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny, Monongahela, and Ohio Rivers, Pittsburgh, PA [Docket No.: USCG-2008-0992] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

9513. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Sector Lake Michigan, Chicago River Main Branch and Monroe Harbor, Chicago, IL [Docket No.: USCG-2008-1098] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9514. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Golden Gate Ferry Vessel Mutual Assistance Plan Exercise, San Francisco Bay, CA [Docket No.: USCG-2008-1068] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9515. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Water Way Mile 539, Ingleside, Texas [Docket No.: USCG-2008-0999] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9516. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; AVI Resort and Casino Fireworks Show, Colorado River, Laughlin, NV [Docket No.: USCG-2008-0804] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9517. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Croix Coral Reef Swim, Buck Island Channel, ASVI [Docket No.: USCG-2008-0809] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9518. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Underwater Object, Massachusetts Bay, MA [Docket No.: USCG-2008-1272] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9519. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; AVI May Fireworks Display; Laughlin, Nevada [Docket No.: USCG-2008-1260] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9520. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny, Monongahela, and Ohio Rivers, Pittsburgh, PA [Docket No.: USCG-2008-0932] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9521. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Monte Foundation Fireworks Extravaganza Fireworks Display, Aptos, CA [Docket No.: USCG-2008-0935] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9522. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Baltimore Captain of the Port Zone [Docket No.: USCG-2008-0936] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9523. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: The intercoastal waterways between the Great Bridge Lock on the Southern Branch of the Elizabeth River and the Virginia-North Carolina state border [Docket No.: USCG-2008-0938] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9524. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Captain of the Port Zone, North Carolina [Docket No.: USCG-2008-0939] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9525. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Alaska, Narrow Cape, Kodiak Island, AK [Docket No.: USCG-2008-1159] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9526. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Spirit of the Lake Regatta, Lake Superior, Superior, WI [Docket No.: USCG-2008-0970] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9527. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Detonation of Underwater Ordnance; Northwest Harbor, San Clemente, California [Docket No.: USCG-2008-0979] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9528. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Delivery of Dry Dock to Detyens Shipyard, Charleston, South Carolina [Docket No.: USCG-2008-1145] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9529. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sodium Cyanide, South of Greens Bayou in Harris County, Texas [Docket No.: USCG-2008-0983] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9530. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Vessel Restriction, Glacier NW Gravel Pit Dock, Maury Island, WA [Docket No.: USCG-2008-1127] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9531. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World Fireworks Display, Mission Bay, San Diego, CA [Docket No.: USCG-2008-

0985] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9532. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, Yaphank, NY, Maintenance [USCG-2008-1142] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9533. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USS Midway Fireworks Display; San Diego Bay, San Diego, California [Docket No.: USCG-2008-1115] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9534. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Potomac River, National Harbor, MD [Docket No.: USCG-2008-1123] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9535. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BIG NIGHT Fireworks Display; San Diego Bay, San Diego, California [Docket No.: USCG-2008-1103] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9536. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Intrepid Sea, Air and Space Museum Visit, Hudson River, New York, NY [Docket No.: USCG-2008-1100] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9537. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sunken Barge, New Haven Harbor, New Haven, CT [Docket No.: USCG-2008-1266] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9538. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sunken Barge, New Haven Harbor, New Haven, CT [Docket No.: USCG-2008-1250] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9539. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Weather-Forced Restriction of the Depoe Bay Bar on the Oregon Coast [Docket No.: USCG-2008-1202] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9540. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Naval Underwater Detonation; San Clemente Island, California [Docket No.: USCG-2008-1138] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9541. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Stack Demolition, Hudson River, Tomkins Cove, NY [Docket No.: USCG-2008-1153] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9542. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; HMCS Charlottetown [Docket No.: USCG-2008-0941] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9543. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Weather-Forced Restrictions on the Chetco River Bar and Entrance, Oregon [Docket No.: USCG-2008-1204] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9544. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Republican Governors Association Conference, Inter-Continental Hotel, Miami, Florida [Docket No.: USCG-2008-1069] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9545. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ironman 70.3 California; Oceanside Harbor, Oceanside, CA [Docket No.: USCG-2008-1219] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9546. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; San Francisco Bay Navy Fleet Week Parade of Ships and Blue Angels Demonstrations, San Francisco Bay, CA [Docket No.: USCG-2008-0967] (RIN: 1625-AA08) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9547. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Blue Water Resort and Casino Spring Classic; Colorado River, Parker, AZ [Docket No.: USCG-2008-1221] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9548. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Allegheny, Monongahela, and Ohio Rivers, Pittsburgh, PA [Docket No.: USCG-2008-1222] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9549. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Biscayne Bay, FL [Docket No.: USCG-2008-0933] (RIN: 1625-AA11) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9550. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; San Juan Harbor, Puerto Rico [Docket No.: USCG-2008-1233] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9551. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Cape Canaveral, FL [Docket No.: USCG-2008-1020] received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9552. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Juan Harbor, San Juan, PR [Docket No.: USCG-2008-1234] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9553. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; On the Waters in Kailua Bay, Oahu, HI [Docket No.: USCG-2008-1235 formerly COTP Honolulu 08-009] (RIN: 1625-AA87) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9554. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Weather-Forced Restrictions on the Tillamook Bay Entrance on the Oregon Coast [Docket No.: USCG-2008-1245] (RIN: 1625-AA00) received August 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of September 20, 2010 with a redesignation]

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5717. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia, and for other purposes (Rept. 111-612, Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5717. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia, and for other purposes; with an amendment (Rept. 111-612, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Filed on September 22, 2010]

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 4714. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, and for other purposes; with an amendment (Rept. 111-613). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1997. A bill to

direct the Secretary of Transportation to update a research report and issue guidance to the States with respect to reducing lighting on the Federal-aid system during periods of low traffic density, and for other purposes (Rept. 111-614, Pt. 1). Ordered to be printed.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2923. A bill to enhance the ability to combat methamphetamine (Rept. 111-615, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 5710. A bill to amend and reauthorize the controlled substance monitoring program under section 3990 of the Public Health Service Act; with an amendment (Rept. 111-616). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 5756. A bill to amend title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide for grants and technical assistance to improve services rendered to children and adults with autism, and their families, and to expand the number of University Centers for Excellence in Developmental Disabilities Education, Research, and Service; with amendments (Rept. 111-617). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 5809. A bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes; with an amendment (Rept. 111-618, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on Financial Services. H.R. 2336. A bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities; with an amendment (Rept. 111-619). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on Financial Services. H.R. 4790. A bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes; with an amendment (Rept. 111-620, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1640. Resolution providing for consideration of the Senate amendment to the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes (Rept. 111-621). Referred to the House Calendar.

Mr. BERMAN: Committee on Foreign Affairs. House Resolution 252. Resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes (Rept. 111-622). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

The Committee on the Judiciary discharged from further consideration. H.R. 2923 referred to the Committee of the Whole House on the State of the Union.

The Committee on House Administration discharged from further consideration. H.R. 4790 referred to the Committee of the Whole House on the State of the Union.

The Committee on the Judiciary discharged from further consideration. H.R. 5809 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1997. Referral to the Committee on Science and Technology extended for a period ending not later than November 15, 2010.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ELLSWORTH:

H.R. 6159. A bill to amend the Internal Revenue Code of 1986 to allow a credit for infant formula rebates paid under the Special Supplemental Nutrition Program for Women, Infants, and Children; to the Committee on Ways and Means.

By Mrs. DAHLKEMPER (for herself, Mr. LEWIS of California, Mr. COFFMAN of Colorado, Mr. GORDON of Tennessee, and Mr. CARNAHAN):

H.R. 6160. A bill to develop a rare earth materials program, to amend the National Materials and Minerals Policy, Research and Development Act of 1980, and for other purposes; to the Committee on Science and Technology.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 6161. A bill to enact title 54, United States Code, "National Park System", as positive law; to the Committee on the Judiciary.

By Mr. WATT:

H.R. 6162. A bill to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items; to the Committee on Financial Services.

By Mr. BOOZMAN:

H.R. 6163. A bill to require the Secretary of Health and Human Services to approve waivers under the Medicaid Program under title XIX of the Social Security Act that are related to State provider taxes that exempt certain retirement communities; to the Committee on Energy and Commerce.

By Mr. BACA:

H.R. 6164. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for certain fruit and vegetable farmers; to the Committee on Ways and Means.

By Ms. SCHWARTZ (for herself, Mr. PASCRELL, Mr. BRADY of Texas, and Mr. NUNES):

H.R. 6165. A bill to amend the Internal Revenue Code of 1986 to provide incentives for life sciences research; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 6166. A bill to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes; to the Committee on Financial Services.

By Mr. OBERSTAR (for himself and Mr. CUMMINGS):

H.R. 6167. A bill to amend title 46, United States Code, to require the Federal Maritime Commission to maintain an Office of Dispute Resolution and Customer Advocate, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself and Mr. CANTOR):

H.R. 6168. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for certain small business income; to the Committee on Ways and Means.

By Mr. BURGESS (for himself, Mr. MARKEY of Massachusetts, and Mr. SMITH of New Jersey):

H.R. 6169. A bill to authorize the issuance of United States bonds to fund Alzheimer's research; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself, Mr. GINGREY of Georgia, Mr. FLEMING, Mr. PAUL, Mr. CONAWAY, Mr. KING of Iowa, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. COFFMAN of Colorado, Mr. ROONEY, Mr. POSEY, and Mr. ROE of Tennessee):

H.R. 6170. A bill to prohibit the Secretary of Health and Human Services from precluding patients from entering into any contract with their health care providers; to the Committee on Energy and Commerce.

By Mr. PRICE of Georgia (for himself, Mr. GINGREY of Georgia, Mr. FLEMING, Mr. SHADEGG, Mr. DANIEL E. LUNGREN of California, Mr. KING of Iowa, Mr. THOMPSON of Pennsylvania, Mr. CONAWAY, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. POSEY, Mr. ROONEY, Mr. BILBRAY, Mr. COFFMAN of Colorado, Mr. MCCLINTOCK, and Mr. ROE of Tennessee):

H.R. 6171. A bill to prohibit conditioning licensure of a health care provider upon participation in a health plan; to the Committee on Energy and Commerce.

By Mr. BISHOP of New York (for himself, Mr. GEORGE MILLER of California, Mr. HOLT, Mr. COURTNEY, Mr. LOEBACK, Mr. HARE, Ms. WOOLSEY, Mr. POLIS, Mr. ANDREWS, Mrs. MCCARTHY of New York, Mr. GRIJALVA, and Ms. FUDGE):

H.R. 6172. A bill to promote minimum State requirements for the prevention and treatment of concussions caused by participation in school sports, and for other purposes; to the Committee on Education and Labor.

By Mr. CASTLE (for himself and Ms. DEGETTE):

H.R. 6173. A bill to provide for a Federal initiative to support regenerative medicine through increased funding for research and commercial development of regenerative medicine products and development of a regulatory environment that enables rapid approval of safe and effective products, and for other purposes; to the Committee on Energy and Commerce.

By Ms. CHU (for herself and Ms. LEE of California):

H.R. 6174. A bill to direct the Secretary of Education to award grants to eligible entities to establish or expand linked learning pathways and a system of pathways, and for other purposes; to the Committee on Education and Labor.

By Mr. CONNOLLY of Virginia:

H.R. 6175. A bill to amend title 5, United States Code, to provide that payments under the Federal Employees' Group Life Insurance Program shall be made in a lump sum, unless the insured or the beneficiary elects otherwise; to the Committee on Oversight and Government Reform.

By Mr. DEUTCH:

H.R. 6176. A bill to amend section 340B of the Public Health Service Act to allow certain covered entities to resell or transfer a covered outpatient drug to an individual with HIV/AIDS in connection with medication regimen adherence services being provided to the individual by a licensed health care professional of the entity; to the Committee on Energy and Commerce.

By Mr. DJOU:

H.R. 6177. A bill to amend title 10, United States Code, to ensure the timeliness of information used in considering a member of the Armed Forces for an administrative separation, and for other purposes; to the Committee on Armed Services.

By Mr. DJOU:

H.R. 6178. A bill to require applicants for assistance under section 811 of the Cranston-Gonzalez National Affordable Housing Act for supportive housing for persons with disabilities to hold public meetings regarding such applications; to the Committee on Financial Services.

By Mr. DJOU:

H.R. 6179. A bill to exempt employment in the mobile amusement industry from the numerical limitation applicable to non-immigrants provided status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. HALL of New York:

H.R. 6180. A bill to amend the conservation provisions of the Food Security Act of 1985 to promote the conservation and improvement of the soil, water, and wildlife resources of lands containing muck soils, and for other purposes; to the Committee on Agriculture.

By Mr. HASTINGS of Florida (for himself, Mr. DEUTCH, and Mr. KLEIN of Florida):

H.R. 6181. A bill to amend the Internal Revenue Code of 1986 to encourage investments in infrastructure, and for other purposes; to the Committee on Ways and Means.

By Mr. KRATOVIL:

H.R. 6182. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make additional capitalization grants to the water pollution control revolving funds of States that adopt smart growth principles; to the Committee on Transportation and Infrastructure.

By Mr. LANGEVIN (for himself, Mr. KENNEDY, Mr. KUCINICH, Mrs. LOWEY, and Mr. MCGOVERN):

H.R. 6183. A bill to amend title 5, United States Code, to provide for a corporate responsibility investment option under the Thrift Savings Plan; to the Committee on Oversight and Government Reform.

By Mr. LARSEN of Washington (for himself and Mr. DEFAZIO):

H.R. 6184. A bill to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MCCAUL:

H.R. 6185. A bill to designate the facility of the United States Postal Service located at

122 North Holderrieth Boulevard in Tomball, Texas, as the "Tomball Veterans Post Office"; to the Committee on Oversight and Government Reform.

By Mr. POSEY:

H.R. 6186. A bill to amend the Congressional Budget Act of 1974 to establish discretionary and mandatory deficit reduction accounts; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAYLOR (for himself, Mr. SKELTON, Mr. JONES, and Mr. BARTLETT):

H.R. 6187. A bill to direct the Secretary of the Army to seek to enter into certain contracts regarding roller systems; to the Committee on Armed Services.

By Mr. WALZ (for himself and Mr. BOOZMAN):

H.R. 6188. A bill to amend title 38, United States Code, to make certain improvements in the laws relating to default procedures for loans guaranteed by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. WHITFIELD (for himself and Mr. POLIS):

H.R. 6189. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to establish the Advisory Board on Toxic Substances and Worker Health for the contractor employee compensation program under subtitle E of such Act; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself, Mr. JORDAN of Ohio, Mr. AKIN, Mr. ALEXANDER, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GOHMERT, Mr. HENSARLING, Mr. HERGER, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. KING of Iowa, Mr. MACK, Mr. MCCLINTOCK, Mr. SHADEGG, and Mr. UPTON):

H.J. Res. 96. A joint resolution making full-year continuing appropriations for fiscal year 2011 at lower, previous year levels, and for other purposes; to the Committee on Appropriations.

By Mr. CARTER (for himself, Ms. SCHWARTZ, Mr. CRENSHAW, Mr. CARSON of Indiana, Mr. HILL, Mr. WITTMAN, Mr. ROGERS of Kentucky, Ms. MCCOLLUM, Mr. OWENS, Mr. YOUNG of Florida, Mr. LUETKEMEYER, Mr. ETHERIDGE, Mr. ELLSWORTH, Mr. RUPERSBERGER, Mr. DJOU, Mr. GONZALEZ, Mr. CUELLAR, Mr. BROWN of South Carolina, Mr. KINGSTON, Mrs. SCHMIDT, Mr. HENSARLING, Mr. EDWARDS of Texas, Mr. CARNEY, Mr. RODRIGUEZ, Mr. BOREN, Mr. BURTON of Indiana, Mr. ISSA, Mr. NUNES, Ms. TITUS, Mr. LAMBORN, Mr. BUTTERFIELD, Mr. GENE GREEN of Texas, Mr. THOMPSON of Pennsylvania, Mr. SABLON, Mr. JOHNSON of Georgia, Mr. SHULER, Mr. LEWIS of California, Mr. DONNELLY of Indiana, Mr. WILSON of South Carolina, Mr. CULBERSON, Mr. GARAMENDI, Mr. LAR-

SON of Connecticut, Mr. CAO, Mr. PITTS, Ms. GRANGER, Mr. BRADY of Texas, Mr. ELLISON, Mr. SMITH of Texas, Mr. DAVIS of Tennessee, Mr. GOHMERT, Mr. GUTIERREZ, Mr. THORNBERRY, Ms. BORDALLO, Mr. OLSON, Mr. KING of New York, Mr. GINGREY of Georgia, Mr. HALL of Texas, Mr. NEUGEBAUER, Mr. BRADY of Pennsylvania, Mr. ROONEY, Mr. BLUNT, Mr. MARIO DIAZ-BALART of Florida, Mr. CRITZ, Mrs. BLACKBURN, Mr. HINCHEY, Mr. BURGESS, Mr. MCCAUL, Mr. MCMAHON, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. QUIGLEY, Mr. ROGERS of Alabama, Ms. TSONGAS, Mr. HINOJOSA, Mr. FARR, Mr. SAM JOHNSON of Texas, Mr. LEVIN, Ms. JACKSON LEE of Texas, Mr. REYES, Mr. ORTIZ, Mr. BACHUS, Mr. KING of Iowa, Ms. BALDWIN, Mr. POE of Texas, Mr. AKIN, and Mr. JONES):

H. Con. Res. 319. Concurrent resolution recognizing the anniversary of the tragic shootings that occurred at Fort Hood, Texas, on November 5, 2009; to the Committee on Armed Services.

By Mr. HARE (for himself, Mr. OBERSTAR, Mr. MICA, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BOOZMAN):

H. Res. 1639. A resolution recognizing the contributions of the National Waterways Conference on the occasion of its 50th anniversary, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. HIRONO (for herself, Mrs. MCMORRIS RODGERS, Mr. DICKS, Mr. TERRY, Mr. COSTELLO, Mr. POMEROY, Mrs. DAVIS of California, Mr. EDWARDS of Texas, Mr. SKELTON, Mr. YOUNG of Alaska, Mr. ORTIZ, Mr. SCOTT of Virginia, Mr. SMITH of New Jersey, Mr. OBERSTAR, Mr. FILNER, Mr. ETHERIDGE, Mr. REYES, Mr. HOLT, Mr. SIMPSON, Mr. LARSEN of Washington, Mr. KIRK, Mr. GRIJALVA, Mrs. BLACKBURN, Mr. BURGESS, Mr. CARTER, Ms. HERSETH SANDLIN, Mr. MCCARTHY of California, Mr. POLIS, Mr. FORTENBERRY, Mrs. KIRKPATRICK of Arizona, and Mr. LUJÁN):

H. Res. 1641. A resolution celebrating September 30, 2010, as the 60th Anniversary of Impact Aid; to the Committee on Education and Labor.

By Mr. JOHNSON of Georgia (for himself, Ms. LORETTA SANCHEZ of California, Mr. BROUN of Georgia, Mr. BISHOP of Georgia, Mr. GINGREY of Georgia, Mr. LINDER, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. SCOTT of Georgia, Ms. RICHARDSON, Mr. MICHAUD, Mr. GARAMENDI, Mr. BARROW, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Mr. CONNOLLY of Virginia, Mr. RUSH, Mr. LYNCH, Mr. KINGSTON, Mr. DUNCAN, Mr. MOORE of Kansas, Mr. WELCH, Mr. PERLMUTTER, Mr. CARDOZA, Mr. DAVIS of Illinois, Mr. CARTER, Ms. PINGREE of Maine, Ms. TITUS, Ms. JACKSON LEE of Texas, Mr. DOGGETT, Ms. CLARKE, Mr. CARSON of Indiana, Ms. WATERS, Ms. FUDGE, Ms. EDWARDS of Maryland, Ms. LEE of California, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. PAYNE, Mr. CARNAHAN, Ms. CHU, Mrs. NAPOLITANO, Mr. CLEAVER, Mr. WATT, Mr. KUCINICH, Mr. THOMPSON of Mississippi, Ms. KILROY, Mr. FATTAH, Mr. DELAHUNT, and Ms. WASSERMAN SCHULTZ):

H. Res. 1642. A resolution recognizing the centennial of the City of Lilburn, Georgia and supporting the goals and ideals of a City of Lilburn Day; to the Committee on Oversight and Government Reform.

By Ms. GRANGER:

H. Res. 1643. A resolution recognizing the 75th anniversary of RadioShack Corporation's original listing as a public company on the New York Stock Exchange; to the Committee on Financial Services.

By Mr. KIND (for himself and Mr. WAMP):

H. Res. 1644. A resolution expressing support for designation of a "National Veterans History Project Week"; to the Committee on Veterans' Affairs.

By Mr. LOEBSACK (for himself and Mr. EHLERS):

H. Res. 1645. A resolution expressing support for designation of the week beginning on November 8, 2010, as National School Psychology Week; to the Committee on Education and Labor.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. DAVIS of Alabama, Mrs. DAVIS of California, Mr. GONZALEZ, Mr. HARPER, Ms. ZOE LOFGREN of California, and Mr. MCCARTHY of California):

H. Res. 1646. A resolution recognizing the commitment and efforts made by the Library of Congress to promote the joy of reading through the sponsorship of the National Book Festival; to the Committee on House Administration.

By Mr. MELANCON:

H. Res. 1647. A resolution urging the Secretary of Veterans Affairs to acquire and utilize the Our Lady of Lourdes Regional Medical Center in Lafayette, Louisiana as a full-service Department of Veterans Affairs hospital to better serve veterans throughout the Acadiana region of Louisiana; to the Committee on Veterans' Affairs.

By Mr. OBERSTAR (for himself, Mr. CAMP, Mr. McDERMOTT, Mr. BLUNT, Mr. POMEROY, Mr. SMITH of New Jersey, Mr. COOPER, Mr. SENSENBRENNER, Mr. KILDEE, Mr. YOUNG of Florida, Mr. STARK, Mr. PENCE, Mr. COBLE, Ms. RICHARDSON, Mr. TIBERI, Mr. GORDON of Tennessee, Mr. BURTON of Indiana, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. MCGOVERN, Mrs. BACHMANN, Mr. RUPPERSBERGER, Mrs. McMORRIS RODGERS, Mr. GRIJALVA, Mr. AKIN, Mr. LIPINSKI, Mr. GERLACH, Mr. CRITZ, Mr. BARTLETT, Ms. BORDALLO, Mr. DJOU, Ms. BEAN, Mr. CARDOZA, and Mr. ALEXANDER):

H. Res. 1648. A resolution supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children; to the Committee on Ways and Means.

By Mr. POSEY:

H. Res. 1649. A resolution amending the Rules of the House of Representatives to establish the Committee on Regulatory Review and American Jobs; to the Committee on Rules.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. PITTS, and Mr. FORTENBERRY):

H. Res. 1650. A resolution calling on the Government of the People's Republic of China to immediately release Chen Guangcheng and his relatives from house arrest and to cease persecuting and harassing Chen Guangcheng, his relatives, and supporters; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. HOEKSTRA.
H.R. 173: Mr. BARROW.
H.R. 197: Ms. HERSETH SANDLIN.
H.R. 211: Mr. BUTTERFIELD.
H.R. 235: Mr. KISSELL.
H.R. 275: Mr. ROGERS of Michigan.
H.R. 503: Ms. CASTOR of Florida and Mr. COOPER.
H.R. 571: Mr. CHILDERS, Mr. JOHNSON of Georgia, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 613: Mr. KLINE of Minnesota.
H.R. 816: Mr. TIERNEY and Mr. DEUTCH.
H.R. 868: Mr. SPACE.
H.R. 877: Mr. KING of Iowa, Mr. HARPER, Mr. ROE of Tennessee, and Mrs. BLACKBURN.
H.R. 878: Mr. SULLIVAN.
H.R. 903: Mr. MCCOTTER.
H.R. 1024: Mr. HIMES and Mr. CLYBURN.
H.R. 1030: Mr. ALTMIRE.
H.R. 1067: Mr. BARTLETT, Mr. FRANK of Massachusetts, Mr. GOHMERT, Mr. CLAY, and Mr. BOCCIERI.
H.R. 1074: Mr. SMITH of New Jersey.
H.R. 1082: Mr. CHANDLER, Mr. DOYLE, and Mr. TIM MURPHY of Pennsylvania.
H.R. 1203: Mr. THOMPSON of California and Mr. DEUTCH.
H.R. 1210: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1228: Mr. ROYCE.
H.R. 1326: Mr. YOUNG of Florida and Ms. MATSUI.
H.R. 1362: Mr. COSTELLO, Mr. WILSON of Ohio, Mr. GRAVES of Missouri, Mr. KISSELL, and Ms. SPEIER.
H.R. 1616: Mrs. MCCARTHY of New York, Mr. DEUTCH, Mr. HARE, Mr. MORAN of Virginia, Mr. CLYBURN, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. ARCURI, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. ACKERMAN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HODES, Ms. PINGREE of Maine, Mr. PETERS, Mr. FARR, Mr. CLAY, and Mr. MURPHY of New York.
H.R. 1625: Mr. BARTLETT.
H.R. 1708: Mr. BLUMENAUER.
H.R. 1806: Mr. LOEBSACK, Ms. SPEIER, Ms. CASTOR of Florida, and Mr. SKELTON.
H.R. 1923: Mr. UPTON.
H.R. 1943: Mr. ACKERMAN and Mr. HIMES.
H.R. 1948: Mr. LOBIONDO.
H.R. 1990: Mrs. DAHLKEMPER.
H.R. 2000: Mr. GOODLATTE.
H.R. 2089: Mrs. MCCARTHY of New York.
H.R. 2109: Mr. VAN HOLLEN.
H.R. 2138: Mr. PAULSEN.
H.R. 2149: Mr. MURPHY of Connecticut.
H.R. 2156: Mr. COURTNEY.
H.R. 2296: Ms. TITUS.
H.R. 2324: Mr. JOHNSON of Georgia.
H.R. 2338: Mr. WITTMAN.
H.R. 2345: Mr. LOBIONDO.
H.R. 2365: Mr. CARSON of Indiana, Mr. NADLER of New York, Mr. ENGEL, and Mr. CLAY.
H.R. 2378: Mr. OWENS, Mr. TONKO, Ms. NORTON, and Mr. MARKEY of Massachusetts.
H.R. 2406: Mr. SULLIVAN and Mr. KLINE of Minnesota.

H.R. 2408: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. PLATTS.

H.R. 2425: Mr. ROTHMAN of New Jersey.

H.R. 2625: Mr. DEFazio, Ms. KILROY, Mr. SMITH of Washington, Mr. ARCURI, Mr. PETERS, Mr. LANGEVIN, Mrs. LOWEY, Mr. CARNAHAN, Mr. GEORGE MILLER of California, Ms. HIRONO, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. WEINER, Mr. SCOTT of Virginia, Ms. CASTOR of Florida, Ms. WASSERMAN SCHULTZ, Mr. MAFFEI, Mr. FARR, Mr. SCHIFF, Ms. WATSON, Ms. DELAURO, Mr. HIMES, Ms. ESHOO, Mr. ACKERMAN, Mr. HODES, Mr. MORAN of Virginia, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mrs. NAPOLITANO, Mr. STARK, Mr. HARE, Mr. SARBANES, Mr. CLAY, Ms. TSONGAS, Ms. PINGREE of Maine, and Mr. MURPHY of New York.

H.R. 2672: Mr. AKIN.

H.R. 2766: Mr. INSLEE and Mr. BISHOP of New York.

H.R. 2946: Ms. MARKEY of Colorado, Mr. CARSON of Indiana, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DJOU.

H.R. 2964: Mr. CLAY.

H.R. 3039: Mr. SABLAN.

H.R. 3174: Mr. KLINE of Minnesota.

H.R. 3240: Mr. ROTHMAN of New Jersey.

H.R. 3289: Mr. KLINE of Minnesota.

H.R. 3355: Mr. HARE.

H.R. 3431: Mr. CRITZ.

H.R. 3464: Mr. KINGSTON, Mr. SALAZAR, Mr. HARPER, and Mr. SMITH of Nebraska.

H.R. 3567: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. ESHOO.

H.R. 3580: Mr. GRAVES of Georgia, Mrs. LUMMIS, Mr. MCCLINTOCK, and Mr. GOHMERT.

H.R. 3586: Mr. SESSIONS, Mr. GENE GREEN of Texas, Mr. CLEAVER, and Mr. DAVIS of Illinois.

H.R. 3666: Mr. HOEKSTRA, Mr. HARE, Mr. WALZ, Mr. GEORGE MILLER of California, and Mr. WILSON of Ohio.

H.R. 3721: Mr. PETERS.

H.R. 3765: Mr. WITTMAN and Mr. LATTA.

H.R. 3790: Mr. MORAN of Virginia.

H.R. 3851: Mr. DOYLE and Mrs. CHRISTENSEN.

H.R. 3974: Ms. MATSUI.

H.R. 4116: Mr. ALTMIRE.

H.R. 4121: Mrs. EMERSON and Mr. CUELLAR.

H.R. 4149: Mr. COHEN and Ms. HERSETH SANDLIN.

H.R. 4199: Mr. ROSS.

H.R. 4296: Ms. KAPTUR and Mr. NADLER of New York.

H.R. 4322: Mr. COOPER, Mr. WAMP, Mr. LEWIS of California, Mrs. BIGGERT, Mr. CARDOZA, Mr. TANNER, and Mr. CASTLE.

H.R. 4335: Mr. STARK.

H.R. 4520: Mr. COOPER and Mr. PITTS.

H.R. 4541: Mr. PUTNAM, Mr. KENNEDY, Mr. DEUTCH, and Mr. POSEY.

H.R. 4544: Ms. ROYBAL-ALLARD and Ms. BERKLEY.

H.R. 4720: Mr. SMITH of Washington.

H.R. 4733: Mr. OLVER and Ms. ZOE LOFGREN of California.

H.R. 4735: Mrs. McMORRIS RODGERS.

H.R. 4798: Mr. YOUNG of Alaska.

H.R. 4806: Mr. WAXMAN.

H.R. 4808: Mr. BACA, Mr. ETHERIDGE, Ms. GIFFORDS, Mr. KENNEDY, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. GORDON of Tennessee, Mr. SIREs, Mr. WALZ, Mr. MCNERNEY, Ms. MCCOLLUM, Mrs. NAPOLITANO, Mr. PASCRELL, and Mr. PETERS.

H.R. 4830: Mrs. LOWEY and Mr. BLUMENAUER.

H.R. 4844: Mr. COSTELLO, Ms. CHU, and Mr. NEUGEBAUER.

H.R. 4890: Mr. LUJÁN and Mr. TEAGUE.

H.R. 4914: Mr. WAXMAN, Mr. HINOJOSA, and Ms. FUDGE.

H.R. 4959: Mr. RYAN of Ohio and Mr. TIERNEY.

H.R. 4993: Mr. HIMES, Mr. LATOURETTE, Mr. GENE GREEN of Texas, and Mr. COHEN.

H.R. 5000: Mr. LARSON of Connecticut and Mr. CARNAHAN.

H.R. 5001: Mr. GENE GREEN of Texas.

H.R. 5016: Mr. MARSHALL.

H.R. 5028: Mr. BLUMENAUER.

H.R. 5034: Mr. RAHALL and Mr. BOREN.

H.R. 5037: Ms. ZOE LOFGREN of California.

H.R. 5044: Ms. CASTOR of Florida, Mr. CARNAHAN, Ms. SUTTON, Mr. LIPINSKI, and Mr. GRIJALVA.

H.R. 5081: Mr. HALL of New York, Mr. ADLER of New Jersey, and Mr. BUCHANAN.

H.R. 5111: Ms. JENKINS and Mr. COBLE.

H.R. 5115: Mr. MORAN of Virginia.

H.R. 5218: Mr. SIRE.

H.R. 5258: Ms. PINGREE of Maine.

H.R. 5270: Mr. COURTNEY.

H.R. 5376: Mr. COSTA and Mr. SCHAUER.

H.R. 5393: Mr. WESTMORELAND.

H.R. 5400: Mr. MILLER of North Carolina.

H.R. 5458: Mr. PIERLUISI.

H.R. 5477: Mr. SABLON, Mr. OWENS, and Ms. MOORE of Wisconsin.

H.R. 5504: Mr. CLAY, Mr. OLVER, and Mr. RYAN of Ohio.

H.R. 5533: Mr. GRIJALVA, Mr. HIMES, and Mr. MURPHY of Connecticut.

H.R. 5549: Mr. PETERS and Mr. SCOTT of Virginia.

H.R. 5575: Mr. GUTIERREZ and Ms. EDWARDS of Maryland.

H.R. 5577: Ms. ZOE LOFGREN of California and Mr. MARKEY of Massachusetts.

H.R. 5580: Mr. CAMPBELL.

H.R. 5588: Mr. ISRAEL.

H.R. 5597: Mr. LATHAM and Mr. GENE GREEN of Texas.

H.R. 5643: Mrs. DAVIS of California.

H.R. 5710: Mr. SCHOCK.

H.R. 5746: Mr. DELAHUNT, Mr. ROTHMAN of New Jersey, Mrs. CAPPS, Mr. MCINTYRE, Mr. BERMAN, Ms. PINGREE of Maine, Mr. PASTOR of Arizona, Mr. MCGOVERN, Mrs. MCCARTHY of New York, Mr. TEAGUE, Mr. LEVIN, Mr. KENNEDY, Mr. LARSEN of Washington, Mr. HASTINGS of Florida, and Mr. THOMPSON of California.

H.R. 5747: Mr. JACKSON of Illinois and Mr. FRANK of Massachusetts.

H.R. 5753: Mr. PAYNE.

H.R. 5778: Mr. KINGSTON and Mr. COBLE.

H.R. 5783: Ms. SCHAKOWSKY.

H.R. 5790: Mrs. BLACKBURN, Mr. BOUSTANY, Mr. BURGESS, Mr. CULBERSON, Mr. DUNCAN, Mr. GOHMERT, Ms. GRANGER, Mr. HARE, Ms. JACKSON LEE of Texas, Mr. SAM JOHNSON of Texas, Mr. MANZULLO, Mr. POE of Texas, Mr. ROSS, Mr. MARIO DIAZ-BALART of Florida, and Mr. BRADY of Texas.

H.R. 5791: Mr. STARK.

H.R. 5792: Mr. STARK.

H.R. 5793: Mr. STARK.

H.R. 5809: Ms. BORDALLO, Mr. QUIGLEY and Ms. SLAUGHTER.

H.R. 5820: Mr. CUMMINGS, Mr. ENGEL, Mr. CLAY, Ms. WOOLSEY, Mr. DEFazio, Ms. BERKLEY, and Mr. BUTTERFIELD.

H.R. 5828: Mr. DINGELL and Mrs. CAPITO.

H.R. 5829: Ms. CORRINE BROWN of Florida and Ms. LORETTA SANCHEZ of California.

H.R. 5866: Mrs. BIGGERT.

H.R. 5882: Mrs. LUMMIS, Mr. SHADEGG, Mr. MCCLINTOCK, Mr. DANIEL E. LUNGREN of California, Mr. CONAWAY, Mr. COFFMAN of Colorado, Mrs. BACHMANN, Mr. WILSON of South Carolina, Mr. JONES, and Mr. DUNCAN.

H.R. 5892: Mr. COSTELLO.

H.R. 5906: Mr. PRICE of Georgia, Mr. HERGER, Mr. PITTS, and Mr. MCCLINTOCK.

H.R. 5929: Mr. KENNEDY.

H.R. 5931: Mrs. CAPPS and Mr. HOLT.

H.R. 5933: Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. MCNERNEY, Mr. SMITH of New Jersey, Mr. HONDA, Mr. WESTMORELAND, Mr. RAHALL, Mr. MILLER of North Carolina, Mr. GUTIERREZ, Mr. HILL, Mr. MITCHELL, Mr. MCMAHON, Mr. SCOTT of Virginia, Mr. PETERS, Mr. AL GREEN of Texas, Mr. CHANDLER, Mr. KENNEDY, and Mr. HOLT.

H.R. 5942: Mr. RODRIGUEZ.

H.R. 5967: Mr. SCHAUER, Mr. MCDERMOTT, Mr. LARSON of Connecticut, Mr. MORAN of Virginia, and Mr. GRAYSON.

H.R. 5976: Mr. DICKS and Mr. LARSEN of Washington.

H.R. 5987: Mr. LUJÁN, Mr. HONDA, Mr. CARSON of Indiana, Mr. ROSS, Mr. ANDREWS, Ms. PINGREE of Maine, Mr. ACKERMAN, Mr. FARR, and Mr. JACKSON of Illinois.

H.R. 6008: Mr. DINGELL.

H.R. 6025: Mr. RAHALL, Mr. MURPHY of Connecticut, and Mr. COURTNEY.

H.R. 6028: Mr. ROSS and Mr. MATHESON.

H.R. 6034: Mr. DRIEHAUS.

H.R. 6043: Mr. CROWLEY.

H.R. 6072: Mr. RYAN of Ohio, Mrs. DAHL-KEMPER, and Mr. CAPUANO.

H.R. 6073: Mr. PITTS, Mr. HASTINGS of Florida, Mr. NEAL of Massachusetts, Mr. RYAN of Ohio, and Mr. BURGESS.

H.R. 6097: Mr. POSEY.

H.R. 6099: Mr. LEWIS of Georgia.

H.R. 6110: Mrs. CHRISTENSEN.

H.R. 6116: Ms. ZOE LOFGREN of California.

H.R. 6117: Mr. INSLEE and Mr. LARSEN of Washington.

H.R. 6118: Mrs. CHRISTENSEN, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CLARKE, Ms. WATSON, Mr. ELLISON, Mr. SCOTT of Virginia, Mr. CARSON of Indiana, Mr. PAYNE, Mr. RUSH, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. JOHNSON of Georgia, Mr. FATTAH, Mr. CLEAVER, Ms. JACKSON LEE of Texas, Mr. CUMMINGS, Mr. AL GREEN of Texas, and Ms. WATERS.

H.R. 6126: Mr. BOUCHER.

H.R. 6127: Mr. WALDEN.

H.R. 6128: Ms. HIRONO, Mr. GRIJALVA, Mr. ELLISON, Ms. TITUS, Mr. HARE, Mr. LARSEN of Washington, Mr. MAFFEI, Mr. HOLT, Mr. TONKO, Mr. BACA, Mr. HINCHEY, Ms. BALDWIN, Mr. SHERMAN, Mr. KILDEE, Mr. RUSH, Ms. BERKLEY, Mr. DICKS, Mr. ARCURI, Mr. STARK, Mr. FILNER, Mr. BLUMENAUER, Ms. ROYBAL-ALLARD, and Mr. WU.

H.R. 6130: Mr. PASCRELL.

H.R. 6139: Mr. KING of New York and Mr. ACKERMAN.

H.R. 6146: Mr. WITTMAN, Mr. NYE, and Ms. BORDALLO.

H. Con. Res. 96: Mr. ELLISON.

H. Con. Res. 230: Mr. CARTER.

H. Con. Res. 267: Mr. PITTS and Mr. SCOTT of Georgia.

H. Con. Res. 296: Mr. CONNOLLY of Virginia and Mr. ROGERS of Kentucky.

H. Con. Res. 303: Mr. MCCAUL, Mr. ROGERS of Alabama, Mrs. BACHMANN, and Mr. MCKEON.

H. Con. Res. 311: Mr. CAMP.

H. Con. Res. 316: Mr. WAMP, Ms. FOXF, Mr. LINDER, and Mr. BURTON of Indiana.

H. Res. 111: Mr. COFFMAN of Colorado.

H. Res. 397: Mr. WALDEN.

H. Res. 764: Mr. ADLER of New Jersey, and Mr. GARY G. MILLER of California.

H. Res. 872: Mr. BARTON of Texas, Mr. LATTI, Mr. WAMP, Mrs. BLACKBURN, Mr. ISSA, Mr. MARCHANT, Ms. GRANGER, Mr. NEUGEBAUER, Mr. POSEY, Mr. BISHOP of Utah, Mr. GINGREY of Georgia, Mr. ROONEY, Mr. BARTLETT, Mr. KING of Iowa, Mr. TIAHRT, Mr. CHAFFETZ, Mr. FLEMING, Mrs. BACHMANN, Mr. SHIMKUS, Mr. FRANKS of Arizona, Mr. KLINE

of Minnesota, Mr. BROUN of Georgia, Mr. PENCE, Mr. SHADEGG, Mr. JORDAN of Ohio, Mr. MCCLINTOCK, Mr. PITTS, Mr. LAMBORN, Mr. HENSARLING, Mr. SCHOCK, and Mr. POE of Texas.

H. Res. 913: Mr. STARK.

H. Res. 1129: Mr. BUCHANAN and Mr. ROONEY.

H. Res. 1207: Mr. HERGER, Mr. CALVERT, Mr. CARTER, and Mr. HARPER.

H. Res. 1217: Mr. CRITZ.

H. Res. 1226: Mr. COURTNEY, Mr. COHEN, Mr. CONAWAY, Mr. TONKO, Mr. VAN HOLLEN, Mr. SHULER, Mr. GEORGE MILLER of California, Mr. STEARNS, Mr. WELCH, Mr. DOYLE, Mr. HIMES, Mr. BOSWELL, Mr. FLEMING, Mrs. CAPPS, and Mr. BERRY.

H. Res. 1264: Mr. WITTMAN, Ms. FOXF, Mr. JOHNSON of Georgia, and Mr. ROSS.

H. Res. 1275: Ms. NORTON.

H. Res. 1314: Mr. MORAN of Virginia.

H. Res. 1355: Mr. FILNER and Mr. HIMES.

H. Res. 1377: Mr. HARE, Mrs. NAPOLITANO, Ms. RICHARDSON, Mr. NADLER of New York, Mr. RAHALL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COBLE, Mr. YOUNG of Alaska, Mr. FILNER, and Ms. ROYBAL-ALLARD.

H. Res. 1396: Ms. SCHAKOWSKY.

H. Res. 1430: Mr. POLIS.

H. Res. 1433: Mr. SMITH of Texas, Mr. FORBES, Mr. WAMP, Ms. LORETTA SANCHEZ of California, Mr. WITTMAN, Mrs. LOWEY, Mr. CONNOLLY of Virginia, and Mr. HIMES.

H. Res. 1442: Mr. PERLMUTTER, Mr. OLSON, Mr. WESTMORELAND, Mr. MCGOVERN, Mr. JOHNSON of Georgia, Mr. PENCE, Mr. SHULER, Mr. ROE of Tennessee, Mr. COSTELLO, Mr. ISSA, Mrs. MILLER of Michigan, Mr. BURTON of Indiana, Mr. COHEN, Mr. SHUSTER, Mr. ADERHOLT, Mr. PETRI, Mr. MORAN of Kansas, Mr. NEAL of Massachusetts, and Mr. WAMP.

H. Res. 1444: Mr. DINGELL and Mr. BLUMENAUER.

H. Res. 1461: Mrs. DAVIS of California, Mr. CAMP, and Mr. TERRY.

H. Res. 1476: Ms. WOOLSEY, Ms. CORRINE BROWN of Florida, Mr. CLAY, and Mr. SERRANO.

H. Res. 1485: Mr. RYAN of Ohio, Ms. SUTTON, Mr. BROUN of Georgia, and Mr. MCCLINTOCK.

H. Res. 1502: Mr. SMITH of Texas, Mr. CAMPBELL, Mr. CHAFFETZ, Mr. NEUGEBAUER, Mr. MARCHANT, Mr. ISSA, Mr. HENSARLING, Mr. PENCE, Mr. MANZULLO, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. GINGREY of Georgia, Mr. CONAWAY, Mr. GOHMERT, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. PITTS, and Mr. BARTLETT.

H. Res. 1503: Mr. KLEIN of Florida.

H. Res. 1523: Ms. LINDA T. SANCHEZ of California, Ms. NORTON, Mr. HARPER, Mr. CARNAHAN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 1524: Mr. MCGOVERN.

H. Res. 1528: Ms. CHU and Mr. GEORGE MILLER of California.

H. Res. 1531: Mr. LATHAM, Mrs. DAHL-KEMPER, Mr. PITTS, Mrs. MALONEY, Mr. BOSWELL, Mr. LUETKEMEYER, Mr. SPACE, Mr. SMITH of Nebraska, Ms. BERKLEY, Mr. CROWLEY, and Mr. HINCHEY.

H. Res. 1545: Mrs. MCCARTHY of New York and Mr. ETHERIDGE.

H. Res. 1576: Ms. NORTON and Mr. CALVERT.

H. Res. 1587: Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. KLINE of Minnesota, and Mr. LINDER.

H. Res. 1588: Mr. COURTNEY, Mr. FRANKS of Arizona, Mr. HERGER, Mr. HOLT, Mr. MURPHY of Connecticut, and Mr. PASCRELL.

H. Res. 1600: Mr. OLSON, Ms. FUDGE, Mr. COHEN, Ms. ROYBAL-ALLARD, Mr. LANGEVIN, Mr. WITTMAN, Mr. MURPHY of Connecticut, Mr. WU, Mrs. BACHMANN, Mr. GRIJALVA, Mr.

ALEXANDER, Mr. MARKEY of Massachusetts, Mr. DAVIS of Tennessee, Ms. DELAURO, Mr. PIERLUISI, Mr. YOUNG of Alaska, Ms. SCHWARTZ, and Mr. BOSWELL.

H. Res. 1603: Mr. BARROW, Mr. SHULER, Mr. HILL, Mr. MURPHY of New York, Mr. PETERSON, Mr. MINNICK, Ms. HERSETH SANDLIN, Mr. BOOZMAN, Mr. MOORE of Kansas, Mr. CHANDLER, Mr. CHILDERS, Mr. MATHESON, Ms. MARKEY of Colorado, Mr. TANNER, Ms. LORETTA SANCHEZ of California, Mr. MELANCON, Mr. BERRY, Mr. BOREN, Mr. BISHOP of Georgia, and Mr. BOSWELL.

H. Res. 1604: Mr. GRIJALVA.

H. Res. 1607: Mr. PLATTS and Mr. NEUGEBAUER.

H. Res. 1615: Mr. PAUL, Mr. BILIRAKIS, Mr. MANZULLO, Mr. SESSIONS, Mr. PENCE, Mr. WOLF, Mr. INGLIS, Mr. PITTS, Mr. BURTON of Indiana, and Ms. FOXX.

H. Res. 1617: Mrs. BLACKBURN, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. CALVERT, Mr. DENT, Mr. LAMBORN, Mr. MCCAUL, Ms. NORTON, Mr. PRICE of Georgia, Ms. SHEAPORTER, Mr. TIBERI, and Mr. WITTMAN.

H. Res. 1618: Mr. OWENS.

H. Res. 1621: Mr. COURTNEY, Mr. DOYLE, Mr. TEAGUE, Mr. BLUMENAUER, Mr. CRITZ, Ms. BORDALLO, Ms. DELAURO, Mr. KILDEE, Mr. CLAY, Mrs. NAPOLITANO, and Mr. TONKO.

H. Res. 1622: Mr. SABLAN, Mr. MCGOVERN, and Mr. FILNER.

H. Res. 1624: Mrs. CHRISTENSEN, Mr. EHLERS, Mr. SABLAN, Ms. ZOE LOFGREN of California, Mr. FILNER, Mr. GARAMENDI, Mr. NADLER of New York, Mr. INSLEE, Ms. HIRONO, Ms. MATSUI, Mr. DELAHUNT, Mr. CASTLE, Ms. SPEIER, Mr. CONNOLLY of Virginia, Mr. MICHAUD, Ms. JACKSON LEE of Texas, and Mr. KUCINICH.

H. Res. 1625: Mr. SERRANO, Mrs. CAPPS, Mr. BROWN of South Carolina, Mrs. CHRISTENSEN, Mr. NADLER of New York, Mr. CARNAHAN, and Mr. FARR.

H. Res. 1627: Mr. BLUMENAUER.

H. Res. 1628: Mr. BURTON of Indiana, Mr. WILSON of Ohio, Mr. RYAN of Ohio, and Mr. STUPAK.

H. Res. 1629: Mr. BARTON of Texas, Mr. DONNELLY of Indiana, and Mr. GRIFFITH.

H. Res. 1636: Mrs. BONO MACK and Mr. MCCLINTOCK.

H. Res. 1637: Ms. KILROY, Mr. CONNOLLY of Virginia, Mrs. DAVIS of California, Mr. FILNER, Ms. MCCOLLUM, Ms. SHEA-PORTER, Mr. HOLDEN, Mr. SABLAN, Mr. DELAHUNT, Mr. HINOJOSA, Mr. HASTINGS of Florida, Mr. BOSWELL, Ms. DELAURO, Mr. GRIJALVA, Ms. BORDALLO, Ms. ROYBAL-ALLARD, Ms. NORTON, Mr. WU, Mr. COURTNEY, Mr. COSTELLO, and Mr. CAO.

H. Res. 1638: Ms. CHU, Mr. PAYNE, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CLARKE, Mrs. CHRISTENSEN, Mr. JOHNSON of Georgia, Ms. JACKSON LEE of Texas, Ms. NORTON, Mr. WATT, Ms. WATERS, Mr. CUMMINGS, Ms. FUDGE, Mr. RUSH, Mr. ELLISON, Mr. CLEAVER, Mr. LEWIS of Georgia, and Mr. CARSON of Indiana.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 413: Mr. POE of Texas.

EXTENSIONS OF REMARKS

THE RECOGNITION OF 25 YEARS OF SERVICE AWARDS FOR EMPLOYEES OF THE OFFICERS AND INSPECTOR GENERAL OF THE HOUSE OF REPRESENTATIVES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, as I did last year, I rise today to congratulate and recognize outstanding employees of the Officers (Clerk of the House, Sergeant at Arms, and Chief Administrative Officer) and Inspector General of the U.S. House of Representatives who have reached the milestone of 25 years of service to the U.S. House of Representatives.

Our most important asset in the House is our dedicated employees, and their work, often behind the scenes, is vital in keeping the operations and services of the House running smoothly and efficiently. The employees we recognize today are acknowledged and commended for their hard work, dedication, and support of House Members, their staffs and constituents, and for their contributions day-in and day-out to the overall operations of the House. These employees have a wide range of responsibilities that support the legislative process, assure the security of the institution, and maintain our technology and service infrastructure. They have accomplished a great many things in a wide range of activities, and the House of Representatives and its Members, staff, and the general public, are better served because of them. The individuals we honor today have collectively provided four hundred fifty (450) years of service to the U.S. House of Representatives:

Linda Cain, Office of the Clerk;
John Clarke, Office of the Chief Administrative Officer;
Corliss Clements-James, Office of the Clerk;
Jodi Detwiler, Office of the Clerk;
KaSandra R. Greenhow, Office of the Sergeant at Arms;
Tina Hanonu, Office of the Chief Administrative Officer;
Monroe Holliway, Office of the Chief Administrative Officer;
Dorothy M. Jennings, Office of the Sergeant at Arms;
Deborah Jones, Office of the Chief Administrative Officer;
Steven Kaeser, Office of the Chief Administrative Officer;
Olga Kornacki, Office of the Chief Administrative Officer;
Mary O'Brien, Office of the Chief Administrative Officer;
Beth Pence, Office of the Chief Administrative Officer;
Robert Ransom, Office of the Chief Administrative Officer;

Sarah Ricanek, Office of the Chief Administrative Officer;

Bruce Roland, Office of the Chief Administrative Officer;

Anthony Scott, Office of the Chief Administrative Officer;

Linda Rawl Shealy, Office of the Sergeant at Arms.

On behalf of the entire House community, I extend congratulations and once again recognize and thank these employees for their commitment to the U.S. House of Representatives as a whole, and to their respective House Officers and Inspector General in particular. Their long hours and hard work are invaluable, and their years of unwavering service, dedication, and commitment to the House set an example for their colleagues and other employees who will follow in their footsteps. I celebrate our honorees, and I am proud to stand before you and the nation on their behalf to recognize the importance of their public service.

HONORING PATRICIA YUNGCLAS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. LATHAM. Madam Speaker, I rise today to honor a great achievement by Patricia Yungclas of Webster City, Iowa. Patricia was named an Iowa Master Farm Homemaker by Wallaces Farmer magazine. She was joined by three other farm homemakers who were recognized during a ceremony in Des Moines on September 10, 2010.

Since 1940, Wallaces Farmer has been a sponsor of the Iowa Master Farm Homemaker Award. The honor recognizes these women for their fine work with their families, homes and community service.

The example set by Patricia demonstrates the rewards of hard work, dedication and community service. Her triumph is an honor that we all can admire and be proud of.

I am honored to represent Patricia Yungclas in the United States Congress. I know that my colleagues join me in congratulating Patricia and wishing her continued success.

HONORING MR. ABEBAW "MUNA" MERNE FEKI

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. HONDA. Madam Speaker, I rise today to commemorate the passing of an esteemed leader in the Ethiopian American community and prominent entrepreneur, beloved to family and friends.

Born on March 31, 1962, Mr. Abebaw Merne Feki, affectionately known as "Muna," was raised in the Bole-Kotebe neighborhood of Addis Ababa, Ethiopia.

Following the American dream like many before him, he immigrated to America in 1991. Muna was a small business owner and entrepreneur at heart, buying a 7-Eleven in San Jose, California, which is home to a large Ethiopian community. Muna introduced Ethiopian products to the store, becoming the first ever franchise location to stock such merchandise. Recognizing the needs of the local community, his cultural infusion brought the business great success.

To serve the large Ethiopian community in San Jose, Muna and his wife opened Zeni's Restaurant, offering authentic Ethiopian-style cuisine. Zeni's Restaurant remains immensely popular among both Ethiopians and non-Ethiopians, considered by many to be the best Ethiopian restaurant in the Bay Area.

Not only did Muna establish a flourishing restaurant, he also created a warm and inclusive community environment for people of all backgrounds. Sharing his love of Ethiopian history and culture with all who entered, Muna made Zeni's Restaurant a central gathering point for the Ethiopian community in San Jose. Through such accomplishments he became an ambassador of the Ethiopian community.

As a patron of his restaurant, Muna and I became friends. He spoke of Ethiopian life and culture, and the struggles of Ethiopian and Ethiopian Americans. As a result of his efforts, I was inspired to found and chair the Congressional Caucus on Ethiopia and Ethiopian Americans, which seeks to support and advance the interests of Ethiopian and Ethiopian Americans across our nation.

I stand here today in great thanks for, and in high regard of, Muna's entrepreneurial talents and civic involvement. Muna's legacy will continue to serve generations of Ethiopian Americans. It is my hope that his legacy inspires others to support their own communities and educate others about the diverse history and traditions of their cultures. He will be missed greatly by the Silicon Valley community.

ENTERPRISE WHEAT RIDGE LORETTA DITIRRO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Enterprise Wheat Ridge under the leadership of President, Loretta DiTirro, for receiving the 2010 Wheat Ridge City Council Partnership Award.

Enterprise Wheat Ridge was started eight years ago and has since grown to over two

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

hundred members. This is an association of dedicated businesses working together to support business and community. By offering networking and business education classes, they have become a valuable asset to many in the city of Wheat Ridge and surrounding areas.

Their community planning efforts are noteworthy and have included the Wheat Ridge Carnation Festival and the Wheat Ridge Holiday Lighting Program. Their creation of "Passport to Wheat Ridge", a program which encourages residents to do their holiday shopping in Wheat Ridge, can be used as an example to other communities with the same goals.

I extend my congratulations to Enterprise Wheat Ridge and President, Loretta DiTirro, on this well deserved honor. I commend them for their substantial commitment to our community in their pursuit of a stronger economy within Wheat Ridge, Colorado.

INTRODUCING THE AMERICAN INFRASTRUCTURE INVESTMENT ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the American Infrastructure Investment Act.

Policies passed by the Democratic controlled Congress helped to begin pulling our economy out of recession. The Organization for Economic Cooperation and Development recently predicted it could be 3 years before the unemployment rate returns to its pre-recession level. My legislation extends a number of successful job creation programs that are set to expire. It is incentives like those included in this legislation that will help this nation and restore employment levels to what they once were.

By providing federal support for private sector infrastructure investment, this legislation creates real jobs through investment in long-term sustainable economic development. These infrastructure investment programs are used to fund the construction of projects such as bridges, roads, schools and hospitals.

Some communities in my district have unemployment rates as high as 40 percent. If you were to go there and ask folks, I'm sure the answer would be, "Yes, we need more jobs," and "Yes, we want more of the programs that create those jobs." A project in Palm Beach County set to receive benefits from both the Recovery Zone Facility Bonds and New Market Tax Credits, two incentives extended under the American Infrastructure Investment Act, is responsible for 360 construction jobs, 300 permanent full-time jobs and \$1.5 billion in gross regional product within the first 5 years. Legislation passed by Democratic-led Congress has directly led to the creation of 83,000 private sector jobs in June and nearly 600,000 private sector jobs this year.

Build America Bonds are also extended under this legislation. Created under the American Recovery and Reinvestment Act, these bonds have allowed State and local

governments to invest more than \$100 billion in infrastructure projects nationwide and supported more than 1.7 million jobs. These are the very kinds of successful private investment incentive programs that the government should sponsor to kick-start the economy.

Madam Speaker, make no mistake about it—job creation is my number one priority. I urge my colleagues to support this legislation and help create jobs that are desperately needed now.

HONORING DIANE BEACH

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. SHUSTER. Madam Speaker, I rise today to honor Ms. Diane Beach, recipient of the HEALTHSOUTH Personal Achievement Award.

In November 2007, Diane was diagnosed with a cancerous tumor on the C-5/C-6 vertebrae which was traced and found to have originated from her right breast. The tumor was removed causing loss of the use of her left arm—which happened to be her dominant arm. However, even with these unforeseen circumstances, Diane never wavered in her optimism that she would win her fight. She underwent physical therapy at HealthSouth that was physically and mentally demanding, beginning with an initial two-week patient stay, and evolving into several weeks of outpatient therapy.

Through it all, Diane continued to be a valuable asset to Home Instead Senior Care as their Office Manager. She was even consulted during her hospitalizations to continue working on payroll and bookkeeping. Diane also learned to adapt where necessary as she relearned to write with her right hand.

Ms. Beach deserves recognition for her career accomplishments and exemplar spirit, which should serve as an inspiration to us all. I commend Diane for her positive attitude and determination, and I wish her the best in all of her future endeavors.

PERSONAL EXPLANATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Ms. SCHWARTZ. Madam Speaker, I regretably missed rollcall votes No. 526, No. 527, and No. 528 because I was testifying before the Institute of Medicine on geographic adjustment factors in Medicare Payment. Had I been present, I would have voted in the following manner: rollcall No. 526: "yes"; rollcall No. 527: "yes"; rollcall No. 528: "yes."

PERSONAL EXPLANATION

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. McCLINTOCK. Madam Speaker, on rollcall No. 528, had I been present, I would have voted "aye."

CELEBRATING THE 150TH ANNIVERSARY OF THE IRON COUNTY COURTHOUSE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mrs. EMERSON. Madam Speaker, I rise today to recognize the 150th Anniversary of the completion and opening of the Iron County Courthouse in Ironton, Missouri. The cornerstone of the Iron County Courthouse was originally laid on July 4, 1858. The construction of the building was completed and it was opened in October of 1860. This courthouse is a testament to justice in the rural community of Ironton. The legacy it represents is a point of pride to the members of this community.

The Iron County Courthouse represents a place where the laws of our country are protected and upheld. Just as justice must be served in urban areas so it must be protected and served in rural communities around the country. This courthouse represents the values of the people of Southeast Missouri and the deep traditions here. These values and this building have withstood the test of times. The Courthouse survived damage during the Civil War battle of Pilot Knob in September of 1864. The Iron County Courthouse is recognized on the National Register of Historic Places and has been featured in numerous publications.

We have good reasons to recognize the history of this institution in Southeastern Missouri. The Iron County Courthouse has served as the site for countless trials and hearings during its one hundred and fifty years of existence. Along with the Iron County Historical Society and the Iron County Commissions, I celebrate the anniversary of the Iron County Courthouse.

EDUCYBER BRIAN AND MAKI DeLAET

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Brian and Maki DeLaet, owners of EduCyber Inc., for receiving the 2010 Wheat Ridge Business of the Year Award.

EduCyber Inc. began as a home based business in 1998 and has successfully grown under the leadership of Brian and Maki DeLaet. Its growth is attributed to the high

level of personalized service provided to its clients and the business model used has become one that others seek to incorporate in their own businesses.

Brian and Maki DeLaet are active contributors to the business community. EduCyber is a member of The West Chamber of Commerce, Enterprise Wheat Ridge, Wheat Ridge 2020 and the Applewood Business Association. In addition to their active participation in the community, they have lent their support to new city development projects such as new parks and new bike and walk-ways.

I extend my congratulations to Brian and Maki DeLaet, owners of EduCyber, on their recognition and thank them for their commitment to our community.

HONORING PFC PAUL CUZZUPE

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. BILIRAKIS. Madam Speaker, I rise today to honor the life, sacrifice, and heroism of Army Private First Class Paul Orazio Cuzzupe II, of Plant City, Florida.

PFC Cuzzupe, an Army combat medic, was killed in the line of duty in Afghanistan on August 8th when his unit was attacked by an improvised explosive device.

U.S. Army combat medics are the battlefield's first responders, fearlessly providing first aid and basic medical care to those in desperate need. PFC Cuzzupe personified this bravery and compassion. In fact, a week before he died, PFC Cuzzupe was awarded the Army Commendation Medal for his tireless efforts to save life of an Afghan child that had been severely wounded by an insurgent's bomb.

Outside of the Army, Paulie—as he is known to his friends—was an outstanding young man in his own right. He had been an honor student at Armwood High School and was a talented self-taught guitarist who led his own rock band and performed songs for Sunday school students.

Madam Speaker, though proud to have such a fine example from the Tampa Bay community, it is with great remorse that I rise to commemorate the life of PFC Cuzzupe. I am in awe of the young men and women like Paul Cuzzupe who choose to serve their countrymen in the armed forces. I appreciate their professionalism and dedication. Their sacrifice, like that of PFC Cuzzupe will not be forgotten.

HONORING THE CENTENNIAL OF THE ST. LOUIS ZOO

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. CLAY. Madam Speaker, I rise today to honor the 100th anniversary of the world-famous St. Louis Zoo, which I am proud to represent. For a century, the St. Louis Zoo, a na-

tional landmark located in St. Louis' historic Forest Park, has entertained and educated millions of visitors from around the world.

Since the St. Louis Zoo's first days it has pioneered the preservation and propagation of endangered species. The St. Louis Zoo is a world leader in efforts to conserve animals and their habitats through animal management, research, recreation, educational programs and environmental stewardship.

The St. Louis Zoo has played an indispensable role in the development of environmental awareness for generations of American children and its ongoing research continues to spur new ideas to help visitors understand, appreciate and respect the diversity and fragile balance of life on earth.

This year, over three million visitors will be enriched and inspired by a visit to the St. Louis Zoo as it continues to entertain and educate animal lovers of all ages.

Madam Speaker, I am honored to pay tribute to the Centennial of the St. Louis Zoo, and I urge my colleagues to join me in honoring this American cultural treasure.

HONORING DIANA AND LÉON BERLINER, HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Diana and Léon Berliner, extraordinary citizens of Humboldt County, California, who have dedicated their lives to public service. The husband and wife team are being honored by the Humboldt County Democratic Central Committee as 2010 Citizens of the Year for one of our nation's most precious rights—participation in the political system. Their commitment to the general health and welfare of the community and to the preservation of our liberty is worthy of appreciation and recognition.

Diana Berliner has been a dedicated educator for over 40 years. She has focused her career on the needs of special education students, in the classroom and in training student teachers. Diana has also had a distinguished career in connection with the California Association of Resource Specialists, serving as a board member, president, conference presenter and newsletter editor. She has served as an advisory member to the California Commission on Teacher Credentialing and served on advisory committees to the Humboldt County Office of Education. And, as a vigorous advocate for public education, Diana Berliner has also been active in the Association of Retired Teachers. She continues to volunteer in many capacities throughout our community, including Ferndale Repertory, College of the Redwoods and North Coast Repertory Theatre.

Léon Berliner arrived safely in the United States after boarding a Liberty Ship at the age of 13 in 1948. As a Holocaust survivor and native of Antwerp, Belgium, Léon's harrowing story of survival inspires our deepest admiration. It is a story of perseverance and deter-

mination that led to a life-long commitment to help those less fortunate. Léon became a citizen and went on to receive his education, then served in the United States Army from 1954 to 1956. Upon returning to civilian life, he launched a long and distinguished career serving children and adults with disabilities. He worked in that capacity from New York to California, developing model programs and educating the community to the needs of people with disabilities. After moving to Humboldt County in 1971, he became the founder and Executive Director of Redwoods United Workshop, dedicated to providing training and work experience for the disabled. Following his retirement, Léon pursued his passion for classical music by opening Berliner's Cornucopia, sharing his knowledge and enthusiasm for life by further educating and enriching the lives of many on the North Coast.

These extraordinary individuals have demonstrated many times over their commitment and public spirit. They possess a keen interest in community life and participate every day in a meaningful and thoughtful manner by making our community a better place in which to live.

Madam Speaker, it is appropriate at this time that we recognize Diana and Léon Berliner for their unwavering compassion and for their contribution to the ideals and traditions that have made America a nation of hope and achievement.

DR. THOMAS P. CAMPBELL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Dr. Thomas P. Campbell for receiving the 2010 Wheat Ridge Reinvestment Award.

Dr. Campbell began his Ophthalmology practice in 1988 and since has become a leader in his field. His investment and restoration of property along 44th Avenue in Wheat Ridge, Colorado has provided the city with an aesthetically pleasing and environmentally conscious building that will increase property values.

This new office design has provided a model that will promote sustainable development projects in Wheat Ridge. Specifically, the design features a porous pavement drainage system that significantly reduces the need for on-site storm water detention facilities creating cost effective use of the land.

I extend my congratulations to Dr. Thomas P. Campbell, on receiving the 2010 City of Wheat Ridge Reinvestment Award and thank him for his dedication and commitment to our community.

A TRIBUTE TO IASHA A. RIVERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of the accomplishments of Iasha A. Rivers.

Iasha Rivers is the Director of External Affairs and Corporate Communications for Macy's Inc. She specializes in creating synergy in and out of the company from a brand marketing and customer first perspective. She has developed significant relationships within our communities, diversity initiatives, special projects, and the coordination of a number of charitable events on behalf of the company. She is also charged with the strategic planning and execution of advertising compliance for Macy's stores. Iasha is closely involved with working in partnership with city and state agencies, government officials and consumer boards to remain ahead of the curve on issues that affect the industry and customers. Ms. Rivers is responsible for developing policies and procedures to streamline store-line operational functions, as well as advising store executives on internal and external matters.

Iasha has a background in the entertainment industry. She worked for ASCAP (American Society of Composers and Publishers) and Double Xposure where she developed her skills in communications in the field of public relations. Previously, she worked in healthcare as a Performance Improvement Manager and Resident Coordinator for Bronx Lebanon Hospital Center/Special Care Unit, one of the first units in the nation to have a dedicated AIDS center for long-term care patients.

It was through her work in healthcare that Rivers began to develop a commitment to volunteerism. Her commitment has continued to grow over the last 15 years, and she has become involved in organizing holiday events for foster children, raising funds through AIDSwalk, the Susan G. Komen Race For the Cure and working with children with cancer and their families at the Ronald McDonald House of NY. She has also coordinated mammography reminders for breast cancer awareness in all Macy's stores in the New York City area in conjunction with the City Council Speaker's Office of New York.

Iasha's passion for children and education has led her to giving presentations for college students on dressing for your success. She has also taught business seminars at the Henry Street Settlement for displaced workers building the skills to get back in the workforce.

Ms. Rivers is currently the 2010 Chair of SOCAP's (Society of Consumer Affairs Professionals International) Conference Board. She has also been named the Chair for United Way's 2011 Women United in Philanthropy—The Power of Women. With her combination of leadership, communication skills and volunteerism, Iasha was recently honored with a national award for the 40 Under Forty Dynamic Achievers in 2010. She has also been recognized by the United Way with the prestigious Rising Star Award in 2009.

Rivers attended Hunter College for a B.S. in Economics and is currently pursuing a degree in International Affairs at Columbia University. Iasha is a single mom of two children, Andrew and Brianna, and lives in Brooklyn, NY. Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Iasha A. Rivers.

FEDERAL EMPLOYEES RESPONSIBLE INVESTMENT ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. LANGEVIN. Madam Speaker, today I am reintroducing the Federal Employees Responsible Investment Act, which would add a socially responsible investment option to the Thrift Savings Plan.

The reckless actions of financial institutions and corporations that contributed to our nation's recession have provided countless illustrations of the need to place a greater emphasis on good corporate governance, as well as social and environmental practices that contribute to safety and sustainability. We must create an environment in which businesses take care of—and are held accountable to—their shareholders, employees and customers. Companies should be encouraged to implement sustainable environmental policies and practices, promote solid workplace relations and produce safe products.

While Federal employees currently have several investment options for their Thrift Savings Plan (TSP) contributions, they are unable to choose one of the fastest-growing categories of investment—socially responsible investment. Investors are increasingly turning to socially responsible investment (SRI) options because good corporate practices are often an indicator of good management, financial success and long-term stability. In 2009, three out of four large cap SRI mutual funds outperformed the Standard & Poor's (S&P) 500 Index by an average of 6 percentage points, according to data analyzed by the Social Investment Forum, a national association made up of over 400 financial professionals and institutions. A majority of these funds have also outperformed the S&P 500 over three years and over 10 years.

Federal employees deserve the opportunity to invest in companies that embrace the same integrity in their practices that government employees work to uphold. The Federal Employees Responsible Investment Act would direct the Federal Retirement Thrift Investment Board (FRTIB) to select a "Corporate Responsibility Index" as an option for TSP investment. The index would include companies that meet strict financial criteria, in addition to having strong corporate governance, sustainable environmental policies and practices, solid workplace relations, positive community involvement, safe products, and respect for human rights around the world. Under this bill, the FRTIB would select an index that best meets Federal employees' needs and demonstrates returns comparable to the other investment options available under the TSP.

Making an investment in companies that are committed to corporate responsibility will have a positive impact on our financial system, as well as empower federal employees to reward companies that share their values. I encourage my colleagues to support this measure.

HONORING THE ACCOMPLISHMENTS OF MR. CHRISTOPHER CERF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mrs. MALONEY. Madam Speaker, I rise today to recognize Mr. Christopher Cerf upon receiving the 2010 Harold W. McGraw, Jr. Prize in Education. Mr. Cerf has dedicated his life to making educational resources more accessible to all children, and enriching children's educational experiences.

Mr. Cerf began his career after graduating from Harvard University, when he spent eight years as a senior editor at Random House, working with such diverse authors as George Plimpton, Andy Warhol, Abbie Hoffman, Ray Bradbury, and Dr. Seuss. Mr. Cerf then took his talents to the acclaimed children's show Sesame Street where he has been a regular contributor of music and lyrics since the show's first season. He won two Grammy and three Emmy awards for his work with Sesame Street. For over forty years, Mr. Cerf has creatively been educating children using music and lyrics as educational tools.

In 2000, Mr. Cerf and his company Sirius Thinking Ltd., started a new highly acclaimed children's educational daily television program, Between the Lions. Mr. Cerf's literacy series Between the Lions has appeared on PBS for nine seasons, and received two Television Critics' Award for Outstanding Children's TV Program and 10 Emmy Awards. Academic studies have shown that Between the Lions, and its companion literacy instruction resources, is hugely successful in helping children learn to read, especially those who are at a high risk of literacy failure. The literacy series has proven to have particularly strong results in phonics, vocabulary, and reading frequency.

Mr. Cerf is currently working on yet another educational television series, Lomax, the Hound of Music, which aims to develop children's musical awareness.

In addition to working tirelessly on his educational series, Mr. Cerf is currently a member of the board of directors of Reading Is Fundamental, First Book and the We Are Family Foundation. He is also a governor of the New York Chapter of the Recording Academy.

I am deeply appreciative for Mr. Cerf's life's work in education. On behalf of the 14th District of New York, I am honored to thank Mr. Cerf and to congratulate him on receiving the prestigious Harold W. McGraw, Jr. Prize in Education. May it help him with his future endeavors in teaching children. I know we can expect to see more great achievements from Mr. Christopher Cerf.

A TRIBUTE TO MARTIN JOSEPH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Martin Joseph for his contributions to health care management.

Martin Joseph is the President of Health Vision Partners LLC. He has a successful health care management and consulting practice and also manages a real estate portfolio of commercial properties.

Martin Joseph is a global visionary leader with more than 20 years in investment banking and the financial services arena. He worked for Citigroup as Vice President of Global Marketing, Merrill Lynch, Prudential U.S. and Prudential U.K.

Over the years, Mr. Joseph's investment banking and wealth management background has enabled him to restructure and increase revenue for health care practices, hospitals, and private doctors' practices in the metropolitan area.

Mr. Joseph enjoys reading in his spare time. He is active in local charities, politics and is a Gallon Club blood donor.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Martin Joseph.

HONORING MS. ESSIE "BIG MAMA" REED AS A TRUE AMERICAN HERO

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize Ms. Essie "Big Mama" Reed for her outstanding contributions to the Ft. Lauderdale community. Big Mama stands apart as an exemplary citizen and living testimony to compassion and generosity.

Big Mama's impact on Ft. Lauderdale began in 1988. When her youngest son was just a month old, Big Mama's husband abandoned the family, leaving them homeless. For the next three years, Big Mama and her three sons slept on the concrete floor of the fish market she owned. Despite being destitute and unable to provide her sons with such basic things as school supplies, Big Mama and her boys regularly prayed after school at the Royal Assembly Church.

It is her triumph over personal adversity that inspired Big Mama to begin a crusade of personal outreach. Realizing how fortunate she was to have caring neighbors who provided her and her sons with basic needs, Big Mama decided to give back by helping at-risk youth avoid the common street predators of drugs, gangs, and prostitution.

In the early 1990s, Big Mama solidified a values-based approach that, when coupled with her uncommon bravery in the face of long odds, has helped keep over 1,300 area youth on a promising path.

Big Mama's contribution has been particularly meaningful to the Ft. Lauderdale School

System. With scores of students who come from disadvantaged backgrounds, Big Mama provides personal afterschool care and guidance for students who might not get the attention they need at home. Big Mama also holds popular "shut-ins" four times a year at her church, where local school children are exposed to a "selfless passion for excellence in education and social advancement" through self-reliance. All this prompted Rhoda Gawlowski, assistant principal at New River Middle School, to say of Big Mama: "I have never, ever met a person like her. She helps everyone in our school: the children, the parents, members of the community. I don't know how she does it, but she manages to find time to spend with every student who seeks her out."

Big Mama's commitment to service, however, is not limited to Ft. Lauderdale Schools. After Hurricane Wilma devastated Florida in 2005, leaving residents without power and food, Big Mama made sure everybody had something to eat. And I mean everybody. Working together with local leaders, Big Mama was able to secure enough donations to personally cook for 1,000 low-income residents in a week. All of this from a woman who recently faced her second bout with homelessness because her house—what people in Ft. Lauderdale refer to as a sanctuary—did not meet local code with its leaky roof covered, in some parts, with a plastic tarp.

Big Mama also founded the Team of Life, a Ft. Lauderdale nonprofit, to allow her personal outreach efforts to reach even more people in her community. The organization regularly organizes charitable drives during the holiday and back-to-school seasons with great success. In addition to an annual turkey drive that collects turkeys for needy families—20,000 in 2009 alone—so that they may enjoy the Thanksgiving holiday, Big Mama organizes an annual health drive to immunize local children whose families otherwise could not afford such vital care.

Through it all, Big Mama has never asked for recognition. All she wants is for Ft. Lauderdale children to experience the reality of a better tomorrow. Because of such uncommon grace, compassion, and generosity, I stand before you, Madam Speaker, to recognize Ms. Essie "Big Mama" Reed as a true American hero.

HONORING THE 99TH NATIONAL DAY OF THE REPUBLIC OF CHINA (TAIWAN)

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. SENSENBRENNER. Madam Speaker, I rise today to celebrate a special day in history. Many people around the world recognize that October 10, 2010 will be remembered as 10/10/10. In the Republic of China (Taiwan), however, 23 million people in Taiwan will be celebrating National Day. They remember October 10, 1911 as the birth of their country, and this year Taiwan will be celebrating the 99th anniversary of the Republic of China's National Day.

Taiwan has developed into a strong democracy that continues to promote the freedom of its people. The ingenuity and hard work of the Taiwanese helps to establish Taiwan as a leader on the yearly Index of Economic Freedom. They serve as a model for those across the world who aspire for the freedom and individualism that Taiwan protects for its citizens. As a leader of free people, I commend the Taiwanese government for serving as a beacon of light to people around the world.

The United States and Taiwan have a long history of mutual trade, leadership and friendship. I am proud that Taiwan remains a close friend of the United States. I am also pleased to call many of my counterparts in the Legislative Yuan my friends. As they celebrate their 99th National Day on October 10, 2010, my friends and the Taiwanese people have my warmest wishes.

HONORING PETE KENNEMER'S SERVICE AND LEADERSHIP

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to recognize the exceptional career and legacy of B.R. "Pete" Kenemer.

Kenemer served as CEO and president of the Western Arkansas Counseling and Guidance Center for more than 37 years. Under his leadership which began at the infancy of Community Behavioral Health Centers, he opened the old Sparks Nursing School with the help of a Federal Staffing Grant. Since that time the center has expanded to include clinics in Fort Smith, Van Buren, Ozark, Paris, Boonville, Waldron and Mena along with a number of programs and facilities in Western Arkansas.

Pete served twice as a member of the Mental Health Council (MHCA) of Arkansas where he was dedicated to improving mental health treatment not only in western Arkansas but throughout the state. Additionally he served as a member of The National Council for Community Behavioral Healthcare (NCCBH) and made frequent trips to Washington for the Council National Hill day in order to advocate for people with mental illness and addictive disorders.

I am honored to recognize Pete who leaves an important legacy that has helped countless Arkansans and has greatly improved their quality of life through his tireless dedication to improved mental health care. Pete was beloved by his staff. His leadership and dedication will be thoroughly missed. We wish him the best of luck in his future endeavors.

A TRIBUTE TO DR. DIVINE PRYOR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of the achievements and contributions of Dr. Divine Pryor.

Dr. Pryor is the Co-Founder and Executive Director of the Center for Nu Leadership on Urban Solutions, the world's first and only academic center and problem solving public policy think tank created, developed, and administered by formerly incarcerated professionals, representing every discipline from law to medicine. One of the many goals of the Center, located at the City University of New York's historic Medgar Evers College, is to offer an alternative voice in the analysis of criminal and social justice issues by including the combined lived and academic experiences and expertise of people who have had firsthand knowledge of the social, judicial, and economic systems that scar so many communities.

Before ever attending a formal institution, Dr. Pryor acquired his very first degree from the "school of hard knocks" with a Ph.D. from UCLA. That is the "University on the Corner of Lenox Avenue in New York City." While incarcerated, he would rediscover his love for learning and resume his educational journey. After his release in 1991 he successfully completed his undergraduate and graduate studies at the State Universities of New York in Albany and New Paltz, ultimately acquiring his Ph.D. in Criminal Justice with a major in forensic psychology.

Dr. Pryor is a social scientist who has extensive knowledge and experience in the health and social service fields, having spent over half his career administrating HIV/AIDS, domestic violence, substance abuse and other social service non-profits. He has traveled extensively providing expertise counsel on criminal justice issues to judges, prosecutors and others for the purpose of influencing policy decisions. In addition, he has developed trainings and workshops for professionals that address issues such as anti-gang initiatives, poverty, literacy, unemployment, housing and healthcare. He is a highly sought after technical assistance provider who has helped countless organizations build infrastructure and capacity. He continues to offer his insights in a number of arenas as a consultant to help agencies build capacity and create new innovations in the field of social and criminal justice reform.

In 2001 he was appointed by the Council of State Governors to the National Reentry Policy Council, where he and over 100 national experts produced the most voluminous work in re-entry in the nation. He is currently a member of the Board of Directors of the National Legal AID & Defender Association and the National Council of Previously Incarcerated Professionals, both based in Washington, DC. He is also Co-Chairman of the Board of Directors for the Community Justice Center of New York and Chair of the Advisory Board for the Developing Justice Project in Brooklyn, New York. Dr. Pryor is also Co-Chair of the Criminal Justice Policy Cluster for the Black Brooklyn Empowerment Coalition. Most recently, Dr. Pryor was appointed by the Majority Leader of the New York State Senate to co-chair the New York State Anti-Gang Violence Reduction Commission. In addition to his leadership roles, he is also an active member of a number of local, regional, and national legislative, social and political advocacy groups whose focus is to effect positive change.

Dr. Pryor is an eloquent public speaker, lecturer, trainer, and overall educational spe-

cialist, whose delivery is insightfully powerful, informative, and extremely impacted by the depth of research and analysis he has been engaged in over the years. More recently, he has been traveling outside the United States promoting innovative thinking, alternative leadership concepts and the emergence of this Nu and provocative approach to problem solving. Throughout his life, Dr. Pryor has remained a dedicated student and is honored to be here with us today.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Dr. Divine Pryor.

DAWN AND THE FIGHT AGAINST DOMESTIC ABUSE

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. REICHERT. Madam Speaker, I rise today in recognition of an organization headquartered in Tukwila, Washington, celebrating its 30th year of being a place of hope for victims of domestic abuse in King County and speaking loudly, boldly, and clearly on their behalf.

The Domestic Abuse Women's Network (DAWN) in Tukwila is much more than a shelter for victims of domestic violence: it is an invaluable resource of specialized information, domestic abuse awareness, and anti-abuse training modules. The professionals at DAWN provide victims of domestic abuse in King County with the education, care, and support they need to take their individual lives back. According to DAWN, 78 percent of its clients are poor or very poor; and 77 percent have children. At a time when our Nation is struggling mightily against wave after wave of poor economic news, DAWN provides a ray of hope to those who need it most.

DAWN values results; the organization is constantly reevaluating itself to meet the needs of its clientele. DAWN values service; its programs and exceptional staff work tirelessly to serve. Finally, DAWN values its resources; much like individuals and families across our country, DAWN is adept at stretching dollars and helping those in need.

Domestic abuse is an unspeakably horrendous scourge, Madam Speaker. It ruins families and communities, churches and schools, and has no economic measure. More and more, Madam Speaker, resources, programs, and dollars must be available to help fight against domestic abuse. DAWN is an organization doing its absolute best to provide normalcy in the face of travesty, and I thank every individual associated with the organization for working tirelessly on behalf of victims of abuse.

Specifically, Madam Speaker, I want to thank Dawn's Executive Director Cheryl Bozarth, President Debra Fiest, the Board of Directors and the staff and volunteers carrying out a vision and providing services that have saved countless lives over the past 30 years. I urge every Member of this House, Madam Speaker, to support in thought, word, and deed any organization fighting against domes-

tic abuse. It effects us all, and we all must work together to eliminate it.

IN MEMORY OF WES SKILES

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. STEARNS. Madam Speaker, I rise today to honor the remarkable life of Wes Skiles. Wes was a world-renowned photojournalist and underwater photographer. His work appeared in numerous publications, most notably, National Geographic.

Wes, who was a resident of High Springs, Florida in my congressional district, died July 21 off the east coast of Florida. He was 52 years old. Wes died doing what he loved most; exploring the ocean and providing vivid pictures of unusual places. At the time of his death he was filming a project on the behavior of high-speed fish near the Boynton Beach Inlet.

Wes's love of the ocean was a constant throughout his life. As a child growing up in Jacksonville, Wes would often skip school to go surfing and became a certified scuba diver at age 13. He began taking photographs of his underwater explorations off the north Florida coast to share with friends and family. He was hooked and soon his hobby became his profession. He became a hands-on expert on underwater caves and was known as Florida's Jacques Cousteau.

Wes spent 27 years as a photojournalist and was among the first people to set foot on the largest iceberg in Antarctica. He loved adventure. According to a media report, one time, off the coast of South Africa, a shark jammed itself into Wes's protective cage. Wes beat the creature back with his heavy, waterproof camera, taking pictures throughout the episode, and had close-up photos of the great white's jagged teeth as a token of his survival.

Wes founded Karst Productions, a photography and cinematography company that filmed, produced and directed dozens of programs for television, including segments for PBS, Imax and the Discovery Channel.

Wes Skiles lived a passionate life full of adventure and excitement. Although he was taken from us too soon, his work will carry on for many years to come. Our thoughts go out to his wife of 29 years, Terri, and their two children, Nathan and Tessa.

HONORING TADAHISA KURODA

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. SULLIVAN. Madam Speaker, I rise today to honor the life and achievements of Tadahisa Kuroda of Potomac Falls, Virginia, who passed away in August at the age of 69.

Tad was born September 10, 1940, in New York City to the Honorable Otoshiro and Mei Kuroda. He spent his childhood in New York City and Philadelphia, Pennsylvania. He graduated from Yale University in New Haven,

Connecticut and later received his master's degree and doctorate from Columbia University in New York.

Tad taught at Skidmore College in Saratoga Springs, New York for 36 years and held important positions of leadership at the College, including History Department Chair and Associate Dean of Faculty. A specialist in early American history, Tad received the Ralph Ciancio Award for Teaching Excellence prior to his retirement in 2005. As we celebrate Constitution week, September 17th through 23rd, it should be noted that Tad was an expert on the United States electoral college having written, "The Origins of the Twelfth Amendment: The Electoral College in the Early Republic, 1787-1804", published in 1994.

During retirement Tad was active with the American Institute for History Education. He visited schools across the country helping them develop their history education programs. Tad also remained passionate about baseball and the Philadelphia Phillies.

He will be missed by his wife, Akiko, his family and a host of friends, colleagues, and students. He was a remarkable teacher and a true gentleman.

Madam Speaker, I commend Tad Kuroda for his commitment to teaching, scholarship and service, and I ask the U.S. House of Representatives to join me in remembering this outstanding American, Tad Kuroda.

HONORING EUNICE ELEMENTARY SCHOOL

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. BOUSTANY. Madam Speaker, I rise today to honor Eunice Elementary School in St. Landry Parish, Louisiana, for being recognized by the United States Department of Education as a 2010 National Blue Ribbon School.

Eunice Elementary is one of the 304 schools honored this year for great academic achievement and far-reaching improvement. Nominations and applications were sent by numerous public and private elementary, middle, and high schools. More than 6,000 schools have been honored since 1982, when the Blue Ribbon Program began.

Eunice Elementary educates students from pre-kindergarten through fourth grade. The school's accelerated reading program also excelled at the national level this year. LEAP scores from spring 2010 were proficient with mathematics being the most improved.

The hard work of the students and dedication of the faculty and staff prove the school deserving of this honor. The entire St. Landry Parish community, which has contributed to Eunice Elementary's success, should be very proud. Commending this Louisiana school for its wonderful achievement is both an honor and a pleasure.

Again, congratulations to Eunice Elementary School, a 2010 National Blue Ribbon School.

A TRIBUTE TO DR. KHALEEQ ARSHED

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Khaleeq Arshed for his contributions to the medical field.

Dr. Arshed was born in Pakistan, and attended Nishtar Medical College before coming to the United States. He has been practicing Internal Medicine in Queens County for the past thirty years. Today, his practice is among the leading solo practices in the Jackson Heights area.

Dr. Arshed has served as an Attending Physician at the Parkway Hospital, the New York Hospital of Queens, and South Nassau Community Hospital. He has also served as the Medical Director of Osteoporosis Centers of New York and Healing Touch Medispa.

Dr. Arshed's medical training included Residency in Internal Medicine and a Fellowship in Pulmonary Diseases, both at Metropolitan Hospital, part of New York Medical College. He was also a 2009 Fellow with the American Academy of Anti-Aging.

He holds memberships and certifications with the Medical Society of the County of Queens, the National Lipid Association, the American Society of Hypertension, the American Association of Sensory Medicine, the American Academy of Anti-Aging Medicine, and the American Academy of Aesthetic Medicine. Additionally, he has board certifications from the American Board of Anti-Aging Medicine and the American Board of Quality Assurance and Utilization.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Dr. Khaleeq Arshed.

BROTHER RICHARD GILMAN CSC

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. DONNELLY of Indiana. Madam Speaker, I rise today to honor Brother Richard Gilman, CSC of Notre Dame, Indiana for his 17 years of service and dedication to Holy Cross College. Brother Gilman graduated summa cum laude as well as valedictorian from St. Edward's University in Austin, Texas. He continued his education at the Harvard Graduate School of Education through a Science Foundation fellowship and later became a member of the Woodrow Wilson Institute at Princeton University. He has also studied at St. Louis University, the University of Akron, Georgetown University, and the University of Dayton, where he received his doctorate in higher educational administration. After many years of teaching mathematics and physics at St. John's School in Sekondi, Ghana, Brother Gilman became the principal of Archbishop Hoban High School in Akron, Ohio, where he later served as president.

For the past 17 years Brother Gilman has acted as President of Holy Cross College,

Notre Dame, where he has been an architect for progress. He was influential in Holy Cross College's transformation from a two-year community college into a thriving Catholic Liberal Arts college. During his tenure at Holy Cross College, Brother Gilman oversaw the construction of the Millennium Arch, Hardesty Plaza, two new residence halls, and the Pfeil Recreation and Student Centers.

Apart from implementing new structures on the Holy Cross Campus, Brother Gilman helped create internal programs such as the Campus Ministry office as well as the International Exchange program. The International Exchange program broadens students' cultural perspectives by encouraging them to travel to countries served by the Congregation of Holy Cross, such as Ghana, Peru, Mexico and India.

Brother Gilman leaves behind a powerful legacy. He influenced the students at Holy Cross College by helping them find the courage and determination to achieve success. The programs he created allow students not only to explore the world, but to explore what they themselves can do. Brother Gilman taught students that it is okay to fail as long as you keep trying to get it right. His teaching methods gave students the opportunity to expand their minds and grow to become active and innovative members of society.

Brother Gilman's 17 distinguished years at Holy Cross College have transformed the school into the vibrant institution that it is today. His service to Holy Cross College will undoubtedly be felt by students, faculty and staff for many years to come.

It is my honor to thank Brother Gilman for a lifetime of selfless hard work and countless contributions to the communities he has served.

HONORING JEREMY JACOBSEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize Jeremy Jacobsen, a U.S. Marine veteran from Boone, Iowa, and to express my appreciation for his dedication and commitment to his country.

The Boone News Republican is currently running a series of articles that honors one Boone County veteran every Tuesday from Memorial Day to Veterans Day. Jeremy Jacobsen was recognized on Tuesday, September 21. Below is the article in its entirety.

I commend Jeremy Jacobsen for his many years of loyalty and service to our great nation. It is an immense honor to represent him in the United States Congress, and I wish him all the best in his future endeavors.—

[From the Boone News Republican, Sept. 21, 2010]

SERVICE

(By Greg Eckstrom)

The term is used frequently, most often when referring to what our soldiers are doing overseas—they're serving. While used frequently, however, many often don't devote a great deal of thought to why the word is

used. It's used to describe our soldiers, without thought of the significance of the word.

Boone resident and Marine Corps veteran Jeremy Jacobsen, however, embodies this term. He didn't join the military for an enrollment bonus, for college money or because of family tradition—in fact, his grandfather was his only direct relative at the time that had joined the service. For Jacobsen, it was something he wanted to do . . . he wanted to make a difference. He wanted to serve.

"It was one of those things I always knew I wanted to do," he said. "It had nothing to do with family. I just . . . I just knew. I always knew I was going to be in the military, probably since I was about 12 years old. I knew that was what I was going to do."

This decision did not come easily, however, for the Atkins, Iowa kid as he fought tooth and nail to enlist early at age 17. His parents and relatives all urged him not to do it, but they could see his determination, and finally his mother signed off on it, allowing him to enlist.

"Me and my best friend in high school, we were pretty politically active in high school, and with that came a deep desire to do something for our country," he said. "We both loved our country. He would have enlisted with me, but he had a heart murmur. So he couldn't. So I just kind of did it for the both of us."

Jacobsen graduated high school in 2001, and the next day he went to boot camp. He graduated from boot camp on Aug. 24, 2001—less than a month before the Sept. 11, 2001 terrorist attack.

"Pretty much my Marine Corps career was the start of Sept. 11," he said. "It was kind of a shock."

Many of the recruiters had told soldiers that were signing up that they would likely never see war. Jacobsen was in the field, training with other soldiers, when the attacks happened, and with no outside communication available to them, they heard only through their superiors. The news was hardly believable.

"Our sergeants told us what had happened, and we thought they were lying," he said. "We thought it was just a way to make us take our training more seriously. And then they caught on to that, so they let us listen to President Bush's address to the nation, and that's when we were pretty much all in shock. It was just silence. From there, I think we became more serious at that point, because we realized . . . since we were newly enlisted, at some point in time, every single one of us was going to see war."

Jacobsen became a field radio operator, joined the Waterloo Unit—Charlie Battery 114. He spent four years with the unit until being activated on June 12, 2005—a date that was memorable, because it was his daughter's first birthday.

After training in California, Jacobsen went to Iraq in September of 2005. He was an Operations Non-commissioned officer, with his job being to process Iraqi prisoners that were brought in. They worked with officials in the country to begin collecting information on prisoners—fingerprints, names and evidence involved.

Being in a position where he would have initial contact with the prisoners, many thought Jacobsen had the power to decide what happened. In their experience, they thought that Jacobsen would be the one pondering their fate—a jarring experience for the Marine.

"They thought that was it or I had the power to decide their fate, and they'd fall to the ground crying," he said. "Pleading for

their life or trying to kiss me. I had a lot of empathy for them."

Working through an interpreter, Jacobsen helped process the prisoners—many of whom were "good guys," just in the wrong place at the wrong time, and were immediately released after processing. The prisoners, he said, were grateful to have the soldiers there.

"In the Iraqi government, they didn't feel like they had any future," Jacobsen said. "They could be killed at any time. If they were arrested, they were either imprisoned for the rest of their life or killed. There was no system of justice. And so, they were happy we were there."

Being in a position where the prisoners even had a thought that he might take their lives shook Jacobsen to his core.

"I found myself early on brought to tears for them several times," he said. "Take everything out of the equation. Take out way back when they said they had weapons of mass destruction, take out the reason of maybe there's a national interest in the future because they have oil, take out all the political stuff. Just for humanitarian reasons. Just so they can be treated like people . . . that was enough for me. And for every Marine in my unit there with me, that was enough. We felt like, everything aside, all the other political stuff aside, what we were doing and what we were seeing was good. We felt like we were doing good, and they felt like we were doing good, so that justified us."

Jacobsen worked a shift that helped his time in Iraq fly by. He would work 24 hours straight, sleep for 20 hours, eat a meal and start the routine all over again. For this reason, a normal "day" for Jacobsen was in reality 48 hours. While this made time fly by, it also set him up for a jarring adjustment when he returned to the United States. He spent the remainder of his enlistment in the U.S. with a Des Moines infantry unit, ending his military service career as an E-5 . . . a sergeant.

Now living in Boone with his wife and three kids, looking back at his military career, Jacobsen misses many aspects of it.

"The camaraderie that you have with that group of Marines is probably the number one thing that I still miss to this day," he said. "You have that group of guys . . . we've been together already that four years I've been at the unit, we go through all this training together, we spend every single day together and we know we've got each other's backs. You know you can count on that other guy if something happens. And there's something about that that connects you."

Being back in the United States has been difficult for Jacobsen, as it is for many veterans. The feeling of having served overseas is nearly impossible to describe, he said. It wasn't until he joined the local VFW that he found he wasn't alone.

"It's weird . . . you never quite feel like you belong here anymore," he said. "You gain a different perspective, and nobody around you shares that perspective. It's different. Unless you've been there, you never quite understand it. I just joined the VFW. Went to my first meeting . . . and that was the first time I talked with people who understood that."

When asked what advice he might give a young man or woman looking to enlist, Jacobsen said the advice he would give them would make him a bad recruiter, but it's one that he considers necessary. It's based around a simple question: why are you enlisting?

"I want to know if they're enlisting for college purposes, or for national pride pur-

poses. I'm a firm believer it's got to be this one . . . it can't be the college purpose," he said. "If it's 'I'm getting this benefit along with something I want to do just because I have pride in my country and I want to serve my country,' that's the perfect reason to enlist and I would tell them you'd do good at it."

As for the Marines Corps, Jacobsen said anybody can do it, despite your size or stature, as long as they have that pride and passion.

"It doesn't matter if you're a small guy or an overweight guy. They're going to fix you," he said. "They're going to fix that in boot camp and they're going to teach you how to exercise or teach you how to eat properly. They're going to give you those tools that you didn't have. The thing about the military is they're the best run organization on the planet. They're the oldest. The military has been around since the dawn of time, and so they've got a lot of history to go off of. Our country was founded by a war. Our first organization, our first business, was the military. Everything they do is for a reason. Everything's training in the Marines Corps . . . I know it's the same way with every branch."

Looking back on his career, the camaraderie he built with his friends, the insight he gained in speaking with Iraqis, and the work he did overseas, Jacobsen said if he could go back and do it all over again, very little would change. In fact, the only thing he would do differently, he said, is push himself more, give just a little bit more, work just a little bit harder, and make just a little bit more of a difference.

"I worked as hard as I could over there, but you always look back and think, 'I could have done this much more in my time in the service,'" Jacobsen said. "Because it does end. I look back, and it's fond memories and you miss it, and you just wish you would have tried your hardest in everything you did."

That, better than Webster's could define it, is the definition of "service" as it applies to the military. And that is how it should be seen.

IN HONOR OF JANICE MARVEL

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I pay tribute today to Janice Marvel, the incoming President of the Ladies Auxiliary of the Delaware Volunteer Firemen's Association (LADVFA).

President Marvel has been a life-long member of the Roxana Fire Company Auxiliary. Like many other members of the Auxiliary and Fire Departments, President Marvel's involvement in the volunteer fire service has been a family affair—with history both in Maryland and Delaware. It has been said that being part of the fire service is like being part of a family, and in Janice Marvel's case, this rings particularly true.

Prior to being elected to this new post, President Marvel served as President of the Auxiliary at Roxana having joined the Department in 1978. She and her husband Todd, who is the President of Roxana have dedicated their lives to their community and the

volunteer fire service. I believe her worthy of the honor of holding the presidential office.

The LADVFA serves such an important function in our community, and to be as effective as possible, they must have dedicated and organized leaders. I have every confidence that President Marvel will provide the LADVFA the leadership it requires and is known for. I wish her the very best in her new role.

NINETY YEARS YOUNG

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. POE of Texas. Madam Speaker, I rise to commemorate and celebrate the tremendous accomplishments of a fellow Texan, Ed Lindsay. Ed Lindsay is a native Houstonian that will celebrate his 91st birthday next November. He served in World War II and Korea, and has practiced law for more than 50 years. He is the epitome of what I like to call a warrior lawyer.

In looking at Mr. Lindsay's past one can understand the work ethic and ambition that he embodies. As a boy growing up in Houston, at the age of five, he pushed his lawn mower down Pecore Street to North Hollywood Cemetery, where he mowed cemetery lots for neighbors.

Mr. Lindsay attended Texas A&M after high school. He worked his way through college by sweeping out a veterinarian amphitheater during his time there.

Half a year after the tragic attack on Pearl Harbor, Ed Lindsay reported for military duty on May 29, 1942. It was around this time that American victories at Midway and the Coral Sea marked a positive turning point in the War in the Pacific. He followed orders as he was moved all around the country for training, and completed Ranger training at Fort Benning, Georgia. On Christmas Day in 1943, while most Americans were at home with friends and family, Mr. Lindsay landed in Scotland with about 11,000 other troops ready for action.

Mr. Lindsay and his unit trained exceptionally hard for several months prior to D-Day. Then at 7:00 a.m. on that historic morning of June 6, 1944, he and his men landed on Normandy Beach to carry out Operation Overlord. He was given a top secret clearance, meaning he had access to a broad range of restricted information. Top secret clearance is only given to the most honest and honorable military men and women. Mr. Lindsay saw France, fought in Germany during the famous Battle of the Bulge, Austria, and eventually Hungary until the war in Europe was declared over. At the conclusion of the fighting in Europe, he was awarded two Bronze Star Medals in heroism in ground combat. A Bronze Star Medal for heroism is the fourth-highest combat award in the military. Mr. Lindsay was also awarded five Bronze Battle Stars for his five campaigns in Europe, and a Bronze Arrowhead for the D-Day landing. His unit was awarded a Distinguished Military Unit Presidential Citation, which is only given to units for extraordinary

heroism in action against an armed enemy after the attack on Pearl Harbor. Ed's stay in Europe came to an end in Hungary, thus turning over another page in his life. His legacy has only just begun.

After returning to the U.S., Mr. Lindsay became a professor of military tactics and science at Texas Tech University, where he met his future wife, Laneta Bechtol. Two years later in 1948, he resigned from the service and attended the South Texas School of Law for two years before being called back into the Army to triumph communist evil in the Korean War. He was the only officer in his brigade with a top secret clearance besides the general. Two years later, he was discharged and finally able to return home for good.

Upon arrival back in Houston, his legal career began to take shape. Mr. Lindsay took the bar exam with no further study or attending his last year of classes. He passed the exam the first time, and was licensed in 1953; A proud moment of many in his lifetime. He put himself through college, fought heroically in World War II, served in the Korean War, then came back and passed the bar exam. Many would be proud to say they've accomplished one of these feats.

Ed Lindsay has had many other outstanding moments in his legal career. In 1975 he became board certified to practice family law, and in 1987 civil appellate law. He took two cases to the Texas Supreme Court and won. Nine years after being certified in appellate law, Mr. Lindsay was elected to the board of directions of the State bar in 1996 and then to the North Harris County Bar Association in 1999. In Houston, Ed is still practicing today.

Madam Speaker, whether on the historic beaches of Normandy or in the courts of Texas, the patriotism and professionalism Mr. Lindsay exhibits demands recognition and celebration. As residents of Texas, we are proud to call Ed Lindsay a Texan. As citizens of America, we are proud to call him an American.

HONORING BYRON HIGH SCHOOL

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. WALZ. Madam Speaker, I rise today to recognize the accomplishments of Byron High School in Byron, Minnesota.

Last week, Byron High School was one of two schools in the First District of Minnesota to be recognized as a 2010 National Blue Ribbon School. This award recognizes consistently high performing schools that continue to hold its students and teachers to the highest standards.

As a teacher on leave from Mankato West, I know how important and challenging it can be to keep student achievement high from year to year. It takes an outstanding commitment to improving education, a strong push for high expectations and incredible amounts of work. But, when students see every adult in their school dedicated to their success, they are motivated to do their best.

Byron High School's strong reading and math scores show how all staff members, from

the principal to the counselors to the teachers, are devoted to students reaching their full potential. Under the leadership of Principal Michael Duffy, Byron High School is a place where every student, every year, will receive a high-quality education that will help them succeed.

This award recognizes what the Byron community already knows—Byron High School is a place where every student, no matter their background, can fulfill their potential. Byron High School is an outstanding model of achievement for schools across Minnesota and the country.

Madam Speaker, please join me in honoring Byron High School for their outstanding commitment to the students of Minnesota.

TRIBUTE TO SAN LORENZO BRANCH LIBRARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. STARK. Madam Speaker, I rise today to pay tribute to the San Lorenzo, California Branch of the Alameda County Library as the Branch celebrates its 100th Anniversary. The Library was the first branch of the Alameda County Library system and opened on November 25, 1910.

The San Lorenzo Branch Library continues to be an integral part of the San Lorenzo community. It opens doors to books, music, movies, Internet access, afterschool programs, and job searches. The library also runs programs to provide free legal assistance, storytime for children, and computer instruction classes to help job seekers with basic computer skills.

Other Library programs include Homework Central, which supports excellence in school achievement in collaboration with the San Lorenzo Unified School District. Programs for seniors such as Older Driver Safety and Seniors Making Daily Activities Easier provide essential safety, health and financial information.

The unincorporated areas of Cherryland and Ashland also benefit from the San Lorenzo Branch Library. 239,176 items are checked out of the library annually. Over the last fiscal year, 180,420 individuals visited the San Leandro Branch Library.

Over 1.5 million people in Alameda County have library cards and the residents of San Lorenzo, Ashland and Cherryland have 68,459 library cards. The San Lorenzo Branch Library is a valued treasure.

I join the community in applauding the Library for its 100 years of exemplary service. The Library and its personnel have enriched many of the library's visitors and patrons through the years. I send best wishes for the continued success of this unique and wonderful institution.

I am pleased to recognize this milestone anniversary of the San Leandro Branch Library.

RECOGNIZING OLIVER KUTTNER
AND EDISON2 TEAM

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. PERRIELLO. Madam Speaker, today I wish to recognize Oliver Kuttner and the Edison2 team for their victory in the Progressive Automotive X Prize competition. Their leadership in developing the affordable and efficient American-made technology of tomorrow is an inspiration to us all.

The Very Light Car, which took home the first prize in the X Prize competition, is a groundbreaking technological innovation. Its aerodynamic design, combustion engine, and use of lightweight materials allows it to achieve 102.5 miles per gallon, and it has the lowest carbon footprint of any car entered in the X Prize competition. These properties helped the Very Light Car beat contestants from around the world to win the first prize of \$5 million. It is a testament to the power of American ingenuity and to the tremendous promise of American made-technology for the future.

I am proud to say that the Edison2 team is only getting started. These world-class engineers, scientists and machinists are blazing the path towards the future of efficient, sustainable, and American-made transportation. They will now work to incorporate their innovations into commercial car production, leading the way to the new energy economy. I congratulate them on their innovations, and I eagerly anticipate their future triumphs.

IN HONOR OF KEVIN WILSON

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I pay tribute today to Kevin Wilson, the outgoing President of the Delaware Volunteer Firemen's Association (DVFA).

President Wilson's career began with the Clayton Fire Company in 1974 where he eventually became Chief and served on the Board of Directors. Throughout his distinguished career, President Wilson has served the community in a number of capacities. He is a past President of the Kent County Fire Chief's Association, the Kent County Volunteer Fireman's Association, and the Delaware State Fire Chief's Association. President Wilson retired from the Delaware State Police (DSP) after twenty years of service, and currently serves as a civilian investigator in the DSP Sex Offenders Unit.

As President of the DVFA, Kevin's strong leadership guided the organization through a tough economy. President Wilson worked tirelessly to ensure DVFA was properly funded and provided the same wonderful firefighting and emergency response that the DVFA is known for.

As President Wilson steps down I would like to extend my sincere gratitude for everything

he has done for the DVFA and the State of Delaware.

TRIBUTE TO THE BATTLE OF
PLATTSBURGH

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. OWENS. Madam Speaker, I rise today to honor the Battle of Plattsburgh during the War of 1812 on the event's recent 198th anniversary. The conflict took the lives of 104 American soldiers, injured 116 more, and marked the end of the British invasion of the region during the war.

More than a skirmish during wartime, the memory and annual commemoration of the Battle of Plattsburgh preserves our precious local history and the vital role the region played in the end of the War of 1812.

This year's celebration of the North Country's heritage coincided with the anniversary of the September 11 attacks on the World Trade Center, providing us another chance to observe the bravery our men and women in uniform have exhibited in two different eras.

Madam Speaker, I thank all those involved in the annual commemoration of the Battle of Plattsburgh for working to preserve the rich heritage our area holds in the North Country. The event truly represents the contributions Upstate New York has provided for the direction of our entire nation.

BATTLE OF PLATTSBURGH ASSOCIATION

Kristina Parker-Wingler, Museum Manager;
Keith Herkalo, President.

BATTLE OF PLATTSBURGH COMMEMORATION COMMITTEE
OFFICERS & MEMBERS

Christopher Booth, Co-Chair; Gary VaCour, Co-Chair; Iris McLean, Secretary; Kate Besaw, Treasurer; Bill Arthur, James Bailey, Jack Barette, Sharon Bell, Sally Booth, Martha Bachman, Beth Brumfield, Ann Brady, Diane Brockway, Deb Brunner, Jane Claffey, Donna Coughlin, Anne Cutaia, Don Craig, Carol Czaja, Mike Doe, Nancy Douglas, Vickie Demarse-Giroux, William Glidden, David Graham, Bob Heins, Ellen Hogan, Dennis Hullbert, Mary Joyce, Bruce Kokernot, John Krueger, Carol Lunn, Keith Lunn, Betty Miller, Athena Moore, Bruce Moore, Art Norton, Helen Nerska, Michelle Powers, Chris Ransom, Stan Ransom, Philip Rice, Richard Rogers, Craig Russell, Bud Smith, John Tanner, Louise Tanner, Gerry Tetreault, Brenda Towne, Dick Ward, Linda Ward, Mike Wayne, Lynn Wilke, Josh Wingler.

CONGRATULATING THE NATIONAL
CENTER FOR ATMOSPHERIC RE-
SEARCH ON ITS 50TH ANNIVER-
SARY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize the National

Center for Atmospheric Research on their 50th anniversary. NCAR was created in 1960 as a program of the National Science Foundation and operated by the University Corporation for Atmospheric Research, a consortium of universities.

The mission of the National Center for Atmospheric Research is to: understand the behavior of the atmosphere and related physical, biological and social systems; to support, enhance and extend the capabilities of the university community and the broader scientific community nationally and internationally; and to foster transfer of knowledge and technology for the betterment of life on Earth.

The National Center for Atmospheric Research has provided a platform for collaboration by the larger university research community and has provided the community with tools, facilities, and scientific expertise for 50 years.

As Chairman of the Committee on Science and Technology, I would especially like to recognize the National Center for Atmospheric Research for its profound impact on the understanding of atmospheric processes and systems and its long partnership with the National Science Foundation.

Madam Speaker and colleagues, please join me in congratulating the National Center for Atmospheric Research on its 50th anniversary.

LEGISLATION TO CODIFY A NEW
TITLE 54 U.S. CODE—NATIONAL
PARK SYSTEM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. CONYERS. Madam Speaker, Ranking Member LAMAR SMITH and I are introducing a bill to codify into positive law as title 54, United States Code, certain general and permanent laws related to the National Park System. This bill was prepared by the Office of the Law Revision Counsel, as part of its ongoing responsibility under 2 U.S.C. 285b to prepare, and submit to the Committee on the Judiciary one title at a time, a complete compilation, restatement, and revision of the general and permanent laws of the United States.

The bill gathers provisions relating to the establishment and administration of the National Park System, outdoor recreation programs that the Secretary of the Interior administers, and the responsibility of the Secretary to preserve historic sites, buildings, objects, and antiquities—all of which are currently found in various places throughout title 16 of the United States Code—and restates these provisions as a new positive law title of the Code. The new positive law title, along with conforming provisions, replaces the former provisions, which are repealed by the bill.

This bill is not intended to make any substantive changes in the law. As is typical with the codification process, a number of non-substantive revisions are made, including the reorganization of sections into a more coherent overall structure, but these changes are not intended to have any substantive effect.

The bill, along with a detailed section-by-section explanation of the bill, can be found on

the Law Revision Counsel website at <http://uscode.house.gov/cod/t54/>. Interested parties are invited to submit comments to Tim Trushel, Senior Counsel, Office of the Law Revision Counsel, U.S. House of Representatives, H2-303 Ford House Office Building, Washington, D.C. 20515-6711, (202) 226-9058, as well as to the Committee.

CALIFORNIA STATE UNIVERSITY,
STANISLAUS

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. CARDOZA. Madam Speaker, I rise today to recognize California State University, Stanislaus on their Founders Day, celebrating 50 years of service and education to the San Joaquin Valley.

California State University, Stanislaus was established as Stanislaus State College in 1957 as the 15th campus in the California State University system. The new college conducted its first classes at the Stanislaus County Fairgrounds in 1960.

The State of California and private donors have invested nearly \$200 million in new building projects, infrastructure and campus improvements since the move in 1965 to the University's now beautifully landscaped 228-acre site in Stanislaus County.

The institution gained university status and its current name as one of the 23 California State University campuses in 1986. CSU Stanislaus serves a six-county area, including San Joaquin, Stanislaus, Merced, Calaveras, Tuolumne and Mariposa Counties.

Since opening in 1960 with 15 faculty and less than 800 students, 25 of whom graduated in that first year, CSU Stanislaus has grown to an enrollment of over 8,600 students and confers degrees to over 2,000 of them each year. Over 41,000 students have been awarded bachelor's and master's degrees since the first commencement ceremony in 1961.

From a modest start with six undergraduate degree programs, the University has expanded its academic offerings to now include six colleges, 40 undergraduate degree programs, 25 graduate degree programs, and 13 school credential and certificate programs.

CSU Stanislaus has seen its academic reputation grow, with the University ranked by The Princeton Review as one of the nation's best 373 colleges—the only institution in the CSU system included in that elite ranking. CSU Stanislaus has also been recognized by the American Association of State Colleges and Universities as one of 12 campuses nationwide for outstanding graduation and retention rates. CSU Stanislaus generates more than \$300 million annual impact on the regional economy.

Today, on Founders Day, CSU Stanislaus marks a half-century of excellence as students, alumni, faculty, staff and friends celebrate the University's 50th Anniversary.

IN HONOR OF LORRAINE MADDEN

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I pay tribute today to Lorraine Madden, the outgoing President of the Ladies Auxiliary of the Delaware Volunteer Firemen's Association (LADVFA).

President Madden has been a life-long member of the Bowers Fire Company Auxiliary. Like many other members of the Auxiliary and Fire Departments, President Madden's father was the Fire Chief, and her mother was President of the Auxiliary. Prior to being elected to this new post, President Madden served as President of the Auxiliary at Bowers and was also the President of the Auxiliary to the Kent County Volunteer Firemen's Association. Her record of service and leadership is commendable, and is a reflection of the organization itself.

When called to action during alarms, LADVFA assist the firemen by serving meals or snacks while the companies are fighting fires or assisting with other emergencies. The services they provide both the fireman and the community are invaluable.

The LADVFA serve such an important function in our community, and to be as effective as possible, they must have dedicated and organized leaders. President Madden has been exactly that over the past year and the State of Delaware and our nation are greatly indebted to her for all of her past and future hard work. Congratulations on a job well done!

HONORING FRAGER'S HARDWARE

HON. ELEANOR HOLMES NORTON

OF DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Ms. NORTON. Madam Speaker, I rise today to ask the House of Representatives to join me in congratulating Frager's Hardware, located in Washington, D.C., for 90 years in business.

Throughout its 90 years in business in the Capitol Hill neighborhood, Frager's, as it is commonly known, has remained an indispensable fixture of the community and serves as a prototype of quality customer service.

The community embraces the ownership of Frager's Hardware and appreciates commemorating the anniversary with a week-long Customer Appreciation Event.

The expansion of Frager's Hardware to include a garden center, rental store, and a paint shop demonstrates its commitment to serving the changing needs of the community and the residents of the District of Columbia.

Madam Speaker, I ask the House of Representatives to join me in celebrating the 90th anniversary of Frager's Hardware.

HONORING THE FACULTY AND STUDENTS AT EASTERN TECHNICAL HIGH SCHOOL

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the faculty and students at Eastern Technical High School of Baltimore County, which has recently been designated as a 2010 National Blue Ribbon School. The National Blue Ribbon Award recognizes public and private schools whose students have achieved at very high levels or have made significant progress and successfully closed achievement gaps, especially among disadvantaged and minority students.

Eastern Technical High School is a magnet school that provides 10 different career path programs for students which will help prepare them to become productive members of the workforce in the future. Education is so important in setting our youth up for success and Eastern Technical High School provides a phenomenal example of how to effectively do so. In fact, Newsweek Magazine ranks Eastern Tech as among the top 5% of high schools in the United States.

Madam Speaker, I ask that you join with me today to honor the faculty and students at Eastern Technical High School. It is their hard work and dedication that have won them the recognition of the National Blue Ribbon Award. The school's consistent outstanding performance is an indicator of the faculty's perseverance and the student body's drive. It is with great pride that I congratulate Eastern Technical High School on its exemplary service.

COMMEMORATING SEA OTTER AWARENESS WEEK

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. FARR.— Madam Speaker, I rise today as I do every year, to call attention to the 8th Annual Sea Otter Awareness Week, September 26–October 2, 2010, sponsored by Defenders of Wildlife. This week-long event provides the opportunity to educate the broader public on sea otters, their natural history, the integral role they play in the near-shore marine ecosystem, and the conservation issues they are facing.

In the early 1700's, before wide-scale hunting began, sea otters ranged across the North Pacific rim from Japan to Baja California. The worldwide population estimates for that time range from the hundreds of thousands to more than one million. Before the hunting began, there were approximately 16,000–20,000 along California's coast. But killing these animals for their fur all but decimated the population until they were thought to be extinct off the coast of California by the early 1900's.

However, in the 1930's a small population of less than 100 animals was discovered in a remote cove on a coastal ranch in Big Sur, on

the Central Coast of California. Since that time, groups such as Defenders of Wildlife, Friends of the Sea Otter and Ocean Conservancy have raised public awareness and helped protect this important species under the Marine Mammal Protection Act and the Endangered Species Act. The presence of the California sea otter has become an icon of the state's coastal environment and culture, and these charismatic animals bring significant tourism revenue to Californian coastal communities.

Still, sea otter populations remain threatened. This year's three year population average, counted by the U.S. Geological Survey, totals only 2,711 animals, a 3.6 percent drop in overall population, and 11 percent drop in otter pups since 2009. This is the second year in a row that the population has been in decline. The annual survey saw a decrease in otter numbers throughout their range, and particularly in areas where much of their reproduction occurs. These latest numbers are of great concern and researchers have begun to identify indirect hazards for sea otters such as non-point source pollution, pathogens, and entrapment in fisheries gear that are causing their population growth to reverse. Data also suggests that breeding-age females are dying in higher than usual numbers from multiple causes, including infectious disease, toxin-exposure, heart failure, malnutrition, and shark attacks.

Each day, research is uncovering additional causes of sea otter population declines. A recent study reveals that microcystin, a toxic algae that forms in reservoirs, lakes and stagnant freshwater ponds, is responsible for the deaths of at least 21 sea otters in the Monterey Bay area and researchers state that this is the first ever documentation of a freshwater algal bloom being transmitted to upper-level marine mammals. Such realizations support the need for continued research and preventive measures to respond to these issues, while continuing to ward against the direct killings and takings that still occur.

Sea otters are integrally important to the ecosystem in which they live. For this reason, the decline of southern sea otters off of the California coast not only impacts the species itself, but it affects other marine populations and the surrounding ecosystem. The demise of sea otters allows their prey, sea urchins, to proliferate unchecked leading to the alarming overgrazing of kelp beds—one of the oceans nursery grounds for many marine animals. Research shows that the absence of sea otters has a direct link to the sharp decline of kelp along portions of California's coast. Further, the sea otter is effective at monitoring toxins and diseases in the marine environment, which can affect the health of humans and other wildlife.

California took the first step toward addressing these emerging concerns by signing Assembly Bill 2485 into law. This bill establishes a state fund for sea otter conservation where Californians have the option of donating a portion of their tax returns to sea otter conservation. I want to emphasize that this means that Californians voluntarily pay a little more on their tax return to help protect these animals. Even during these trouble economic times, more than \$228,903 has been raised already this year.

However, this is a federally protected species and California cannot go it alone. In addition to continuing to work with my colleagues to secure Federal funds to support a continued and complete recovery of the population, I am proud that H.R. 556, The Southern Sea Otter Recovery and Research Act, was passed by the House of Representatives in July of 2009. This tremendous success was buoyed by the support and devotion of many people. In the other house, Senator BARBARA BOXER has introduced a companion bill, S. 1748, which passed out of the Senate Committee on Commerce, Science, & Transportation on June 9 by unanimous consent. The Committee hopes to move the bill later this year as a part of their omnibus public lands legislative package. We are just a few steps away from at last making the act into law and bringing needed resources to this threatened species.

Madam Speaker, I applaud the many accomplishments of Defenders of Wildlife, who carry out the important mission to preserve our nation's wildlife and habitat. I also applaud the other nonprofit environmental organizations, working with the Monterey Bay Aquarium, researchers, fishermen, state and federal agencies, schools, and many other institutions and individuals, who devote tremendous effort to protect and recover the southern California sea otter. Sea Otter Awareness Week is just one of their many activities geared towards honoring and saving this species, and I am proud to be associated with this vital work.

IN HONOR OF BILL TOBIN

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. CASTLE. Madam Speaker, it is with great pleasure that I pay tribute today to Bill Tobin, the incoming President of the Delaware Volunteer Firemen's Association (DVFA). President Tobin began his career in the DVFA as a mascot in the Goodwill Volunteer Fire Company in 1959. In 1975 he moved to Lewes, where he joined the Lewes Volunteer Fire Department.

President Tobin's life has been dedicated to serving others. Along with his membership in the Lewes Fire Department, Bill served as President for the Georgetown American Legion Ambulance Company and later became active with the Memorial Volunteer Fire Department in Slaughter Beach. He has served Memorial well in the role of both Treasurer and as Chairman of the Board of Directors since 2000.

I commend President Tobin on his dedication to Delaware's volunteer fire service and tireless efforts on behalf of his community. DVFA is fortunate to have such a man filling this important role. I am confident that President Tobin's experience and leadership will help DVFA continue on the path of exceptional service for which they are known across our state.

REMEMBERING ROBERT P. BILLER

HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. MCCLINTOCK. Madam Speaker, I rise today to remember the life of Robert Biller of La Canada, California. Bob was a gifted educator and passionate advocate for the students of California, and it is with a grateful heart I remember him today.

Bob received his bachelor's degree from University of California, Los Angeles in 1959 and spent the next several years serving his country as the administrator at the U.S. Naval Ordinance Test Station in China Lake, California. He would go on to earn his master's and doctorate degrees from University of Southern California in 1965 and 1969, respectively, winning recognition from his peers and the Henry Reining Jr. Dissertation Award for his dissertation in public administration.

Bob began his professional career in academia teaching at the University of California, Berkeley, where he helped establish the Graduate School of Public Policy and its Experimental Program in Health and Medical Sciences. He returned to USC in 1976, serving as the Dean of Public Administration until 1982. During this time, Bob raised the standard of education for the public administration program and raised the school's first one million dollar endowment as well as serving in leadership roles with the Deans' Council and the Budget Advisory Committee. Bob spent the next twenty years serving in various roles at USC including Executive Vice Provost (1982–1988), Dean of Fine Arts (1987), Dean of Admissions and Financial Aid (1988–1989), Vice President for External Affairs (1988–1992), Vice President for Undergraduate Affairs (1992–1993), Interim Dean of the School of Policy, Planning and Development (1998–2000) and he continued to be actively involved in university life after his official retirement in 2001.

Madam Speaker, it is without a doubt that through his commitment to education and service Bob Biller made USC a better place and its students better off. On behalf of the countless students whose lives he touched, it is my privilege to rise today in recognition of the many accomplishments and contributions of Robert Biller.

TAIWAN'S 99TH NATIONAL DAY

HON. ALBIO SIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. SIRE. Madam Speaker, I rise today to recognize Taiwan as it celebrates its 99th National Day on October 10th, 2010. This national holiday, known as Double Ten Day, commemorates the 1911 uprising that led to the creation of the Republic of China.

After years of one-party rule, Taiwan has held three democratic presidential elections and two transfers of power. I am very excited to see this young democracy blossoming in East Asia.

During an address earlier this year, Taiwan's President Ma Ying-jeou offered this statement, "It is only under a true democracy that one's citizens can live without fear according to the law, and share in the burdens as well as benefits of good governance."

While Taiwan is a young democracy, it has taken steps to conform to international standards with respects to rule of law and protection of human rights. To this end, Taiwan has codified the following United Nation's documents into domestic law; The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Taiwan's budding commitment to democratic practices is impressive. I look forward to the United States partnering with President Ma and Taiwan for many years to come.

RECOGNIZING THE HEROIC ACTIONS OF STAFF SERGEANT JAMIE WEST

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. LAMBORN. Madam Speaker, I rise today to recognize the courageous and selfless actions of Army Staff Sergeant Jamie West, which have earned him our Nation's highest congressionally authorized award for heroism during peacetime. As a member of the U.S. House Armed Services Committee, I am proud to recognize one of Fort Carson's finest soldiers who placed his own life at risk to save the lives of three Colorado Springs children in 2008. While driving off-duty on February 23, 2008, Staff Sergeant Jamie West observed three children fall through a fragile ice-pond and one of those children becoming completely submerged in the freezing water. The Soldier's Medal citation reads, "Without thought to his own safety, he decided to attempt to rescue the endangered children. With ice crumbling around him and at risk to his own life, he pulled the children from the water and successfully administered first aid until emergency personnel arrived."

Every soldier knows the importance of courage. It is one of the Army's seven core values of soldiering. Courage on and off the battlefield cannot be underestimated. It takes courage to withstand the rigors of war and it takes courage to assume responsibility for life and death decisions. It also takes courage to do the right thing under intense pressure, but the act of courage at the risk of one's own life deserves special recognition.

The pages of American military history are filled with heroes who willingly put their lives at risk in order to save others—and Staff Sergeant West's name will now be inscribed among them.

It was no accident that SSG West was in the vicinity of that pond at the time of crisis. It is clear that, for some providential purpose, he was in the right place at the right time and had demonstrated great courage and personal sacrifice. It is my distinct honor to recognize his heroic actions and commitment to uphold the finest qualities of leadership and military values.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,476,661,616,652.10.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$2,838,235,870,358.30 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

REMEMBERING LTC CHARLES C. LYDA

HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. MCCLINTOCK. Madam Speaker, I rise today to remember LTC Charles Lyda of Truckee, California. Chuck was born to Charmian and Lu Lyda in July 23, 1952 in San Diego, California where he grew up with his older sister Laramee, and younger brother, Grady.

An extraordinary athlete, by age 16 Chuck was competing on the world stage, racing for the U.S. National Team in Wildwater Kayaking in the 1969 World Championship. Chuck would go on to be a two-time Olympian and two-time World Champion in Canoe/Kayak, as well as qualifying for 28 U.S. national teams in Canoe, Kayak and Biathlon and serving as U.S. Olympic Team coach from 1996 through 2002. His athletic legacy also includes serving as the first Nordic Director for the Auburn Ski Club Training Center, founding the biathlon program at Northstar-at-Tahoe and the long-running 10th Mountain Division Race, as well as developing the ASC 1–2–3 program, which has introduced nearly 20,000 young men and women to cross-country skiing.

While Chuck's athletic achievements alone would represent a full and accomplished life in their own right, he was also a dedicated and faithful patriot. Enlisting in 1983, Chuck joined the 132nd Engineer Battalion as a combat engineer and served 27 years in the United States Army National Guard. Chuck served multiple rotations as the Mobilization Officer for California, ensuring that the men and women going overseas from California were deployed on time and brought home in the same fashion. It is safe to say that his diligence in this role touched the lives of nearly every soldier who was part of the largest deployment of California troops since the Korean War. In 2005 Chuck was selected to deploy to Iraq in support of Operation Iraqi Freedom, where he served as the Chief of Operations, Corps of Engineers in Tikrit. Even though he was in his mid-fifties while serving overseas, Chuck maintained the highest levels of phys-

ical fitness and discipline imaginable, consistently improving his two-mile run time every time he took the test.

While preparing to deploy to Iraq for his second tour, Chuck lost his battle with cancer and passed away on June 12, 2010. Known by his friends for fierce loyalty and unending perseverance, he will most certainly be missed. Madam Speaker, it is my privilege to rise today in recognition of LTC Charles Lyda and to extend my condolences to his family and my gratitude for his many years of service to our Nation.

HONORING THE PERFORMANCE OF TEAM GUAM AT THE 7TH MICRONESIAN GAMES

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Ms. BORDALLO. Madam Speaker, I rise today to honor the accomplishments of Team Guam at the 7th Micronesian Games which took place in Koror, Palau in August of this year. The Micronesian Games are a quadrennial sporting event that unifies the islands of the central and western regions of the Pacific through friendly competition. The 2010 Micronesian Games featured more than 1,000 competitors from the Marshall Islands, Pohnpei, Chuuk, Kosrae, Yap, the Northern Mariana Islands, Palau, and Guam. Athletes from across Micronesia competed in the sports of Athletics, Baseball, Basketball, Canoe (Va'a), Fast pitch Softball, Micro All Around, Spearfishing, Swimming, Table Tennis, Tennis, Triathlon, Volleyball, Weightlifting, and Wrestling.

At the end of the ten day competition, the 200-member Guam Team garnered a grand total of 66 medals, including 20 Gold, 25 Silver, and 21 Bronze medals. I commend the athletes of Team Guam for their performances at the Micronesian Games and for representing the island of Guam with great pride, promoting the values of sportsmanship and dedication to fitness. I would like to recognize the following individuals and teams who achieved Gold medals in their respective disciplines:

Amy Atkinson: Women's 1500m Run; Derek Mandell: Men's 800 Meter Run, 1500m Run, and 10,000m Run; Michael Gaitan: Men's 5000 Meter Run; Women's Basketball; Men's Basketball; Women's V6 15km Canoe; Susanna Schlub: Women's V1 10k Canoe; Men's 500m Canoe; Justin Dugan and Alea Dugan: Mixed Tennis Doubles; Justin Dugan and Wendell Roden: Men's Tennis Team; Justin Dugan and Wendell Roden: Men's Tennis Doubles; Jay Sternadel and Michael Todd Genereux: Spearfishing Team Event; Women's Volleyball; Men's Volleyball; Maria Dunn: Women's 63kg Freestyle Wrestling, Women's Light Weight Beach Wrestling, and Women's Overall Heavy Weight Beach Wrestling; and Raymond Tenorio Jr.: Greco Roman Wrestling 66kg.

The following individuals and teams achieved Silver medals:

Naomi Burke: Women's 100m Sprint; Naomi Blaz: Women's 200 Meter Sprint; Amy Atkinson: Women's 800 Meter Run; Nicole Layson:

Women's 5000 Meter Run and Women's 10,000m Run; Gerardo Genie: Women's Shot Put; Naomi Blaz, Noreen Ericsson, Nicole Layson, and Amy Atkinson: Women's 4x400m Relay; Michael Herreros: Men's 110m Hurdles; Jeofry Limtiaco: Men's 1500m Run; Toby Castro: Men's 5000 Meter Run; Women's V1 500m Canoe; Women's 500m Canoe; Women's 1500m Canoe; Men 1500m Canoe; Women's Tennis Team Event; Ayuri Sugahara: Women's Tennis Singles; Alea Dugan and Terea Tapu: Women's Tennis Doubles; Women's Fast Pitch Softball; Men's Fast Pitch Softball; Mark Walters: Men's Triathlon Individual Event; Theodore Tamashiro: Men's 55kg Freestyle Wrestling and Greco Roman Wrestling 55kg; Raymond Tenorio Jr.: Men's 66kg Freestyle Wrestling; and Patrick Camacho: Men's 120kg Freestyle Wrestling and Greco Roman Wrestling 120kg.

The following individuals and teams earned Bronze medals:

Naomi Burke: Women's 200 Meter sprint; Naomi Blaz: Women's 400m Sprint and Women's Triple Jump; Nicole Layson: Women's 1500m; Women's Sheena Subido: 10,000m Run; Genie Gerardo: Women's Discus Throw; Noreen Ericsson: Women's Long Jump; Jeofry Limtiaco: Men's 400 Meter Hurdles; Michael Gaitan: Men's 800 Meter Run; Toby Castro: Men's 1500m and Men's 10,000m Run; Albert Juan III: Men's Triple Jump; Derek Mandell, Michael Gaitan, Jeofry Limtiaco, and Keith Muna: Men's 4x400m Relay; Men's Baseball; Men's V1 500m Canoe; Edwin Adag and Arlene Taitague: Mixed Doubles Table Tennis; Edwin Cadag, Arman Burgos, and Prudencio Burgos: Men's Team Table Tennis; Edwin Cadag and Arman Burgos: Men's Double Table Tennis; Michael Todd Genereux: Men's Individual Spearfishing; Mark Avery Sasai: Men's 60kg Freestyle Wrestling; and Clifford Kusterbeck: Men's 74kg Freestyle Wrestling.

I join our community in congratulating the men and women of Team Guam for their accomplishments at the 7th Micronesian Games in Palau, and I look forward to Team Guam's continued success in international competitions.

BALANCING WORK AND FAMILY

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. McDERMOTT. Madam Speaker, balancing work and family is not solely a women's issue. This seems obvious, but all too often both the media and the political debate seem to forget this reality.

There is no doubt that the huge influx of women into the workforce over the last 50 years has put them at ground zero for balancing the competing demands of family and work. But that same trend has also created challenges and changes for men.

Today, over 70 percent of mothers work outside the home, more and more men are taking on care-taking and household duties. Of course, that's only more household responsibilities relative to what men have done in the past—so in congressional lingo, we are starting from a very favorable baseline.

But there is no doubt that men are feeling more anxious about balancing work and home responsibilities, and 95 percent of American fathers report conflicts between work and family demands. This means men have a clear stake in a debate they have been largely missing from, and their absence undercuts a political drive to make long overdue progress.

As Americans, we often pride ourselves in leading the world forward. But on work/family issues, we are badly trailing most of our competitors. We remain the only major industrial nation with no form of paid family leave, and many of our public policies fail to adequately meet the needs of parents.

Some of these policies, such as child care and unemployment insurance, fall within the jurisdiction of the Subcommittee on Income Security and Family Support, which I Chair.

Recently, we've made modest progress in this area by temporarily boosting funding for child care by \$2 billion in the Recovery Act.

Perhaps more substantially, we've begun to prod States to remove barriers to parents receiving unemployment benefits. Four years ago, I introduced legislation called the UI Modernization Act to improve coverage for low-wage workers and to help parents leaving work for compelling family reasons.

This bill, which was included in the Recovery Act, provides a total of \$7 billion for States that enact reforms from a menu of options. One of these reforms is to stop denying benefits to workers who become eligible for unemployment benefits based on part-time work simply because they are seeking reemployment in another part-time job, rather than in a full time job. Some Americans work part-time because they cannot find full-time employment, but others work part-time to accommodate family issues.

I can see no reason to discriminate against parents who choose to work a schedule that best fits the needs of their family, so I am glad we are beginning to make some progress on this issue. As a result of the UI Modernization payments, the number of States providing unemployment benefits to those seeking part-time work doubled, up from 14 to 27.

Another reform included in the UI Modernization Act was providing benefits to so-called trailing spouses. These are wives and husbands who quit their jobs when their partners' jobs are relocated to another part of the country. Many States had disqualified these spouses from receiving UI benefits on the basis that they voluntarily left employment. The Modernization Act cites such employment departures as a compelling family reason, and thus maintains eligibility for UI. The number of States now providing benefits to trailing spouses has gone up from 14 to 24.

Finally, the Modernization Act also permits taking care of a disabled or ill child or fleeing domestic violence as a compelling family reason for leaving employment. All of these reforms are squarely aimed at acknowledging that certain family situations can have a significant, and often unavoidable, impact on a person's job.

I know that two of the biggest goals for those working on work family issues are paid family leave and paid sick leave. I still cannot believe the considerable opposition to the Family and Medical Leave Act before its pas-

sage in 1993. That anyone would be opposed to three months unpaid leave for employees at companies with more than 50 employees is absurd.

But we have always heard doomsday predictions when it comes to enacting workplace protections—whether it be overtime pay, the minimum wage, or the Americans with Disabilities Act. And the same is true now when it comes to paid leave.

But once again, we haven't seen any evidence that it causes an undue burden to business or to taxpayers after some States and cities have enacted their own paid leave and sick leave standards. In response to paid sick leave requirements in San Francisco, I saw one restaurant executive quoted as saying that paid sick leave—"is the best public policy for the least cost. Do you want your server coughing over your food?"

Moving forward, we need to see progress on work/family issues as part of the continuum of workplace protections that have made America a better place to work, live and raise a family. Helping both mothers and fathers balance work and family responsibilities is something that will have both an immediate and lasting impact on the well being of our Nation.

PERSONAL EXPLANATION

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. MARSHALL. Madam Speaker, regarding rollcall vote 526 on the previous question, I mistakenly voted no. I meant to vote yes.

HONORING THE KOREAN HOLIDAY OF CHUSEOK

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Ms. LORETTA SANCHEZ of California. Madam Speaker, I come to the floor today to recognize and wish the people of South Korea and our Korean Americans a blessed Chuseok holiday.

Chuseok is a time of great thanksgiving in South Korea and a time when families celebrate their ancestry.

This year, Chuseok takes place September 20–23, 2010, and I would like this opportunity to specifically thank our Korean-American community in Orange County.

Their contributions to California and the United States have moved this country in the right direction.

I would also like to recognize the strong US–ROK alliance and the blessing which have developed from this long and enduring relationship.

I wish the people of Korea and all our Korean-Americans a joyful Chuseok.

INVESTITURE OF DR. CLIFFORD
SCOTT AS TWELFTH PRESIDENT
OF NEW ENGLAND COLLEGE OF
OPTOMETRY

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. CAPUANO. Madam Speaker, on Sunday, September 26, 2010, Dr. Clifford Scott will be invested as the Twelfth President of the New England College of Optometry, and today I congratulate both Dr. Scott and the College. New England College of Optometry, located in Boston, has been the educational and intellectual center of optometry in New England since 1894. With an enrollment of over 400 students, the student body is the most diverse of any optometry college in the world: more than 25% of students enrolled in the doctor of optometry program received their pre-optometry education outside the United States. The College is committed to the advancement of vision care and exemplifies the highest standards of training for providers of quality, accessible eye care.

Dr. Clifford Scott's career has been dedicated to the New England College of Optometry since he matriculated at the Massachusetts College of Optometry, New England College of Optometry's predecessor. He has been a New England College of Optometry faculty member since 1970, most recently serving as Vice President and Dean of Academic Affairs.

As he and the College enter this next phase in their mutual history, I wish them continued success and preeminence in the field of optometry education and vision care.

IN RECOGNITION OF MS.
ELIZABETH "LIZ" WARE SIMS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to Ms. Elizabeth "Liz" Ware Sims who will be honored by The Historic Shiloh Missionary Baptist Church.

Ms. Sims was born in Notasulga, Alabama, to the late Tommie and Emma Ware. She was their sixth child out of eight. She attended Shiloh Rosenwald School, Tuskegee Institute High School and after graduation, attended a business college in Montgomery, Alabama.

She worked for thirty-three years at Tuskegee University and then ten more at Auburn University.

In 2006, she began working for The Shiloh Community Restoration Foundation. Later, on August 5, 2010, Shiloh Missionary Baptist Church and The Shiloh Rosenwald School were listed on the National Register of Historic Sites.

Ms. Sims has two daughters, Charlene and Catrina, and three grandsons, Trey, Phillip and Caleb.

The celebration honoring her will be held on October 3, 2010, at The Historic Shiloh Missionary Baptist Church.

I congratulate Ms. Sims for her good works in the community.

RECOGNIZING MR. JEFFREY P.
CRUZ AS THE 2010 NAVY FIRE
AND EMERGENCY SERVICES
PROVIDER OF THE YEAR

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Ms. BORDALLO. Madam Speaker, I rise today to honor the exemplary public service of Mr. Jeffrey P. Cruz, an emergency medical services (EMS) provider for Navy Fire and Emergency Services on U.S. Naval Base Guam. Jeffrey has been named the 2010 Navy Fire and Emergency Services EMS Provider of the Year by the International Association of Fire Chiefs. Jeffrey was given this recognition at the Fire-Rescue International Convention: Department of Defense Fire & Emergency Services Conference in Chicago, Illinois. Mr. Cruz competed against thousands of EMS providers from the hundreds of Navy Fire and Emergency Services stations around the world for this recognition.

Jeffrey is a resident of Santa Rita, Guam and is the son of Jesus and Teresita Cruz. He is married to Francine Cruz and has four daughters, Bailey, Caitlyn, Eden, and Felicia. Following his family's tradition of service as firefighters, Jeffrey joined the Navy Fire and Emergency Services in 2004. Jeffrey was instrumental in establishing a Mutual Aid Agreement between the Navy Fire and Emergency Services and the Guam Fire Department, which ensures emergency service resources are available at all times. In addition, he has been active in coordinating the training and certification of 45 new emergency service responders, increasing service capabilities on Guam by 70 percent. Mr. Cruz maintains a level of excellence and professionalism while in the field, employing his training and skill to save lives and ensure the safety of our community.

I commend Jeffrey for his outstanding service as an EMS provider and an exemplary member of our community, and I congratulate him for being recognized as the 2010 Navy Fire and Emergency Services EMS Provider of the Year. I join our community in acknowledging his leadership, dedication, and public service contributions to the safety of our island.

CELEBRATING DR. GEORGE D.
CRENSHAW ON HIS 6TH ANNI-
VERSARY AS PASTOR OF THE
SHAW TEMPLE A.M.E. ZION
CHURCH

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. SCOTT of Georgia. Madam Speaker, it is my honor to congratulate Dr. George D. Crenshaw on the occasion of his 6th year an-

niversary as Pastor of the Shaw Temple A.M.E. Zion Church.

For over two decades, Dr. George D. Crenshaw has served as a pastor in the African Methodist Episcopal Zion Church and was appointed pastor of Shaw Temple in October of 2004. Under his compelling leadership, the church and its congregation has become larger, more spiritual, and more financially secure. In his first four years, the church received over 800 new members, making Shaw Temple the fastest growing A.M.E. Zion church in the South. Pastor Crenshaw founded the Shaw Temple Biblical & Leadership Institute, of which he is a former president. He also developed the Five-Fold Ministry, which responds to the spiritual, social and physical needs of the congregation from conversion throughout their spiritual journey. As a venerated leader in the church, Pastor Crenshaw has formed forty other ministries at Shaw Temple.

Additionally, Pastor Crenshaw continues to serve the global ecumenical community as an Executive Board Member of the World Methodist Council. In 2008 the Pastor and Mrs. Crenshaw led an Overseas Medical Mission and Evangelism team to Monrovia, Liberia to set up a medical clinic at Brown Memorial A.M.E. Zion Church. Upon learning that some people walked as long as three days to receive medical attention, the team felt the urgency to return in 2009. They also set up a clinic at Cartwright A.M.E. Zion in Brewerville, Liberia and Good Shepherd Episcopal Church in Paynesville, Liberia. Overall, the team has provided free medical services and supplies to over 980 patients. Pastor Crenshaw and the Medical Mission and Evangelism Team will travel back to Monrovia in February of 2011 to continue their efforts. Pastor Crenshaw and the Shaw Temple A.M.E. Zion church were honored to host the 48th Quadrennial Session of the General Conference of the African Methodist Episcopal Zion Church.

Madam Speaker, fellow Members of Congress, please join me in honoring Dr. Crenshaw for his many achievements as Pastor of the Shaw Temple A.M.E. Zion Church.

IN HONOR OF EUNICE KENNEDY
SHRIVER

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. SESTAK. Madam Speaker, today, a ceremony will take place in the Commonwealth of Pennsylvania to honor one of our Nation's truly remarkable women, Eunice Kennedy Shriver, founder of Special Olympics and an American of unmatched energy, compassion, and vision.

Through her work to create Special Olympics, Eunice Kennedy Shriver offered untold numbers of Americans with intellectual disabilities the opportunity to participate in sports and social activities that helped transform their lives and ours. As anyone who has ever coached, "buddied," or watched Special Olympians in competition can attest, all involved come away from that experience with a new found respect and admiration for the spirit of

those athletes, their families, and Eunice Kennedy Shriver.

In the East Wing Rotunda of Pennsylvania's Capitol Building in Harrisburg, a portrait of Eunice Kennedy Shriver will be unveiled in a permanent place of honor to acknowledge her wonderful work and, to mark the 40th Anniversary of Special Olympics Pennsylvania (SOPA). Fittingly, the portrait will include the likeness of a Special Olympian, Loretta Claiborne.

In memory of Eunice Kennedy Shriver, the fourth Saturday of every September will forever be known as Eunice Kennedy Shriver Day. On that day we should all dedicate ourselves to love, justice, faith, hope, and courage—as she did—to the benefit of more than four million Special Olympic athletes, Best Buddies and millions more of their family members.

Madam Speaker, I ask that all Americans pause to reflect on the civic and spiritual greatness of Eunice Kennedy Shriver and acknowledge the outstanding work Special Olympics of Pennsylvania, under the leadership of Mr. Matthew Aaron. He, his staff, and thousands of wonderful volunteers carry on Pennsylvania's proud tradition of caring for some of our most special citizens in a manner that reflects the very best of Eunice Kennedy Shriver.

IN HONOR AND RECOGNITION OF
SOL SIEGAL, RECIPIENT OF THE
"TREE OF LIFE" AWARD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Sol Siegal on the occasion of his being named the recipient of the Tree of Life Award by the Jewish National Fund, Northern Ohio Chapter and in recognition of his leadership, achievement and dedication to making a difference in our community.

Mr. Siegal's commitment to faith, family, community and country continues to guide his life and his work. He served in the United States Air Force from 1943 to 1950. After the war, he worked in sales in the steel industry and then became a steel broker in 1952. In November of 1954, Mr. Siegal founded Olympic Steel in Cleveland, Ohio. Mr. Siegal made it a priority to emphasize the welfare of his employees and the environment. The elements of respect, teamwork, safety, employee development and integrity were incorporated in Mr. Siegal's original mission statement and their implementation remains a top concern today. Through Olympic Steel, Mr. Siegal has led numerous philanthropic efforts that have impacted the lives of countless individuals and families in Cleveland and across the country. Olympic Steel awards ten annual renewable college scholarships to children of employees.

Mr. Siegal's generosity and commitment to the community originates with family. He is a devoted father to Lynn, Michael and daughter-in-law Anita, and he is an adoring grandfather and great-grandfather. Mr. Siegal's dedication to his Jewish heritage is visible within the

Cleveland's Jewish community. He's been a longtime board member with the Jewish National Fund and a past board member with the Jewish Community Federation. He is a 62-year member of the Deak Lodge and a 40-year member of the University Heights Free Masons. His charitable vision is shared by the people of Olympic Steel, where employees donate their money, time, clothes and food items to local agencies and causes, including the Make a Wish Foundation, Cell Phones for Soldiers, Coats for Kids, Harvest for Hunger and Women in Need.

Madam Speaker, please join me in honor of Sol Siegal as he is honored with the Tree of Life Award by the Jewish National Fund. Mr. Siegal's leadership, vision and dedication to strengthening the lives of others through the integrity of Olympic Steel continue to enhance the economic, cultural and social foundations of our entire community.

A PROCLAMATION HONORING
LUCIEL GIVIN ON HER 105TH
BIRTHDAY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. SPACE. Madam Speaker, I submit the following.

Whereas, Luciel Givin was born in Scio, Ohio, on September 22, 1905,

Whereas, Luciel worked with her father on the family farm in Scio, raising chickens, hogs, and calves,

Whereas, Luciel also worked at the Scio Pottery for 42 years,

Whereas, Luciel now lives at the Harrison County Home in Cadiz,

Resolved That along with her friends, family, and the residents of the 18th Congressional District, I congratulate Luciel Givin on achieving her 105th birthday, and for her contributions to her community and country.

THE SHIPPING ACT OF 2010

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. OBERSTAR. Madam Speaker, today I have introduced the "Shipping Act of 2010". This bill has its roots in the Shipping Act of 1916, which provided the foundation for the regulation of international shipping in the United States.

In the 94 years since that law was enacted, shipping has changed greatly. Most significant was the development of the intermodal shipping container in the late 1950's, which allows for cargo to be loaded into standardized containers for shipping rather than on pallets put on a ship using cargo nets. Use of these containers has transformed the manufacturing and distribution of goods throughout the world by increasing the productivity of our global intermodal transportation system by having a container that can be loaded on a truck chassis,

easily transferred on to a ship, and then transferred again on a rail car. This bill will modernize the regulation of that transportation system by increasing competition and improving services for the movement of those goods.

First, it eliminates antitrust immunity for ocean carrier agreements, which currently allows ocean common carriers to get together to discuss, fix or regulate transportation rates. Although parties to the carrier agreements are not required to adhere to the rates set by the conference when they are contracting, oftentimes they use the collectively set rate as the basis for negotiations. The carrier's tendency to use the agreed upon rates as a floor for negotiations has made it difficult for shippers to negotiate more favorable terms for transportation.

Antitrust immunity for these agreements was initially granted to enable carriers to stabilize their economic position through controlling rates and capacity. In fact, Congress has long been concerned about the anticompetitive impact of these conference agreements and, in the Shipping Act of 1916, put a regulatory structure in place to monitor their activities. Currently, the conferences must submit their agreements to the Federal Maritime Commission (FMC), who reviews them for compliance with the statutory requirements including whether or not the agreement is likely, by a reduction in competition, to produce an unreasonable reduction in transportation services or an unreasonable increase in transportation costs.

However, even under the current regulatory scheme, immunity for such agreements has long outlived its usefulness, and stifles competition. In 2007, the Antitrust Modernization Commission (Commission) report stated that "free-market competition is the foundation of our economy, and the antitrust laws stand as a bulwark to protect free-market competition." The Commission found that there is questionable justification for continuing conference exemptions from the antitrust laws in the Shipping Act and that there is nothing unique about ocean carriers that warrant an exemption from the antitrust laws. A survey cited by the Commission found that "the steepest declines in observed freight rates have coincided with a generalized decrease in conference power in the face of competition from strong independent operators and the implementation of competition-enhancing legislation in the United States trades."

On March 17, 2010, the Committee on Transportation and Infrastructure held a hearing on the challenges faced by U.S. importers and exporters in moving cargo by the international container lines. The Committee received testimony from importers, exporters, agricultural shippers, manufacturers, retail stores, and raw products exporters. In that hearing, shippers complained that ocean carriers do not have enough capacity in the market to meet the demands of U.S. shippers and that rate increases imposed through new service contracts have skyrocketed. Many believe that these rate increases reflect the desire of carriers to recoup their losses of the past year. Moreover, these shippers expressed concern that there is no willingness on the part of conference agreement participants to negotiate independent rates. This has significantly increased the costs of U.S. exports and made it

difficult for U.S. importers to price their products.

Eliminating the antitrust immunity for these conference agreements will increase competition by requiring ocean carriers to compete in the marketplace with the best price and service to get shippers' business. That will benefit the industry as a whole. Moreover, the bill will require carriers to continue to file service contracts with the FMC and to have tariffs be available for FMC review. This information will allow the FMC to determine whether or not carriers are colluding after their antitrust immunity has been eliminated.

However, this bill does preserve some antitrust immunity for ocean carriers so that they can enter into vessel sharing agreements. A vessel sharing agreement is an agreement among carriers to share space on each others vessels. This will allow carriers to offer shippers service five days a week on their ship or one of their partners' ships. However, under this bill, this authority is limited so that it ensures that there is still adequate competition in a particular trade. The European Union limits a vessel sharing agreement to 30 percent of the capacity in a trade. That is a reasonable place to begin.

In addition, this bill deals with the carriers' practice of imposing surcharges, seemingly at will. Currently, shippers enter into negotiations with carriers for transportation service contracts at fixed prices. Once the transportation price is negotiated, the shipper then develops a pricing scheme for its customers. However, we have heard complaints that ocean carriers often decide at the last minute to levy surcharges, which are not necessarily based on their own increased costs (for example, the cost of buying fuel). This impacts the shippers business because the U.S. exporter or importer has already signed a contract with their customer for a fixed price. If the carrier increases the cost of a shipper's goods by imposing a surcharge and the shipper has already advertised the price for selling those goods, where is the increased cost going to come from? The shipper's profits? To ensure that a shipper can adequately price his product, this bill requires that any surcharge imposed by a carrier needs to accurately reflect increases in the carrier's cost.

Elimination of antitrust immunity for ocean carrier agreements may not be enough to spur the carriers to improve their customer service. One major area that needs to be addressed is dispute resolution. The Shipping Acts of 1916 and 1984 were not designed to facilitate dispute resolutions between shippers and carriers. In fact, the only remedy authorized under the Shipping Act to resolve a dispute in a service contract is to go to court. The delay oftentimes associated with pursuing a case in court results in a major disadvantage to shippers. This is because a large volume of the cargo that shippers carry is perishable and those goods may be destroyed by the time a District Court ever hears the case. Under this bill, the FMC will be empowered to help resolve service contract disputes quickly through mediation and arbitration, so that the freight can keep moving.

We have also heard from export shippers that carriers refuse to ship containers that are not owned by that ocean carrier. This results

in many shippers being left without an alternative to ship their goods unless they agree to pay a steep price to the ocean carrier. I do not understand how a carrier can refuse to supply a shipper with a container at a reasonable price, and then refuse to move a shipper's goods if they are in a container provided by someone else. There needs to be transportation network neutrality so that shippers can have their cargo moved by an ocean carrier supplied container or one provided by a third party that meets internationally accepted container safety standards. This bill provides that neutrality by prohibiting carriers from discriminating against a shipper that provides their own container or other equipment.

It also addresses the practice of bumping or rolling containers, in which a carrier decides that there is not enough room on a ship for a container which they have already been contracted to transport. The bill prohibits ocean carriers from engaging in deceptive practices, including the unreasonable failure to provide transportation services as agreed to in a negotiated service contract. The FMC is then tasked with developing remedies and penalties for carriers that engage in such deceptive practices.

President Obama has announced that he wants to double U.S. exports in the next 5 years. I am committed to helping him accomplish that goal by reforming our shipping laws to help the ocean carriers be more responsive to their customers. This bill is a pro-competitive bill that will help facilitate U.S. imports and exports. In 2007, the European Union eliminated the antitrust immunity that ocean carriers had from their laws. I am not aware of any ocean carriers being put out of business because of the loss of that exemption. Under the "Shipping Act of 2010", carriers will have to compete based on price and services in the same way as all other major industries in the United States.

IN HONOR OF GERALD A. DEPIERO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Gerald A. "Jerry" DePiero, beloved husband, father, grandfather, great-grandfather, friend, mentor, retired firefighter, business owner and active citizen.

Mr. DePiero served the Parma community and our nation with honor and dedication. He served in the National Guard for 6 months and protected the people of Parma as a firefighter for 25 years. He combined his street smarts with business savvy and founded one of the largest real estate offices in Ohio; a branch of Century 21, DePiero and Associates, Inc.

Mr. DePiero was known for his kind, giving and generous nature. For 49 years, he was a devoted husband to Roberta. Together they raised four children: Lisa, Chris, Matt and Dean. His devotion to his wife, children, grandchildren and great-grandchild was unwavering. He was the treasured grandfather of Nick, Jenni, Cory, Jake, Luke, Melissa, the

late Erin, the late Andrew, Sean and Blake. He was the beloved great-grandfather of Isabela, and father-in-law of Laura, MJ and Kathleen. He was the beloved brother of Ray, brother-in-law of Dorothy, and caring uncle and cousin to many. Mr. DePiero was a devoted friend and mentor to many.

Madam Speaker and colleagues, please join me in honor and remembrance of Gerald A. "Jerry" DePiero. I offer my condolences to his family, friends and to everyone who knew him well. Mr. DePiero lived his life with a generous heart and an unwavering love for family, friends and community. His service and generosity will never be forgotten.

EXPULSION OF HUMANITARIAN
WORKERS CALLS INTO QUESTION
MOROCCO'S COMMITMENT TO
THE MILLENNIUM DEVELOP-
MENT GOALS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. WOLF. Madam Speaker, on Monday, the King of Morocco travelled to New York to address the UN General Assembly Summit on the Millennium Development Goals, which seek to improve the quality of life for people around the world. I urge Obama Administration officials to seize this opportunity to meet with the King and raise the plight of the dozens of U.S. citizens that have been expelled from or denied reentry into Morocco without access to due process.

As a result of the deportations a number of humanitarian organizations which were run by U.S. citizens and provided vital community services have been shuttered: Individuals such as Eddie and Lynn Padilla of Colorado who worked in an orphanage caring for young Moroccan children who were abandoned at birth; and Michael Cloud of Texas, who ran therapy centers for children with disabilities across the country; and scores of American teachers and educators who sought to improve access to education for Moroccan children.

Many of these individuals resided legally in Morocco for decades and had a deep love for their adopted country. Their work supported Millennium Development Goals such as child health and universal education. In his address to the General Assembly on Monday, the King of Morocco expressed his support for and commitment to these lofty goals. Meanwhile, his government turned out dozens of U.S. citizens and foreign nationals whose work supported the same goals for which the King professed his support.

If the King of Morocco is truly serious about his commitment to achieving the Millennium Development goals, his government should immediately and unconditionally allow those expelled or denied reentry to return. The U.S. government should press for nothing less.

IN CELEBRATION OF TAIWAN'S
NATIONAL DAY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. BURTON of Indiana. Madam Speaker, I rise as a senior member of the House Foreign Affairs Committee and member of the House Taiwan caucus to express my congratulations to the leaders and people of the Republic of China on Taiwan on the occasion of National Day this October 10th.

It has been nearly a century since the October 10, 1911 start of the revolution that toppled the Qing dynasty and established the Republic of China, the first republic in Asia. Today the ROC on Taiwan has become a full-fledged democracy and a beacon of prosperity and freedom for all of Asia. Just twenty some years ago, Taiwan was a closed authoritarian society with no freedom of speech, no freedom of assembly, and no right to vote. It now has robust political parties, and virtually every office in Taiwan is contested through free and fair elections.

Two and a half years ago, Taiwan successfully concluded its fourth popular election for president since 1996 by electing Dr. Ma Ying-jeou. President Ma has worked tirelessly since his inauguration on May 20, 2008 to improve the relationship between Taiwan and the Chinese mainland and he has been a strong ally to the United States.

The Taiwanese and the Chinese mainland governments have worked together in productive talks on issues such as direct cross-strait flights and shipping, more tourist visits by mainlanders to Taiwan, and the recent signing for Economic Cooperation Framework Agreement (ECFA) that serves as a platform for economic interaction between the two sides. This cooperation has served to reduce tensions in the Strait considerably.

Taiwan has long been a strategic partner of the United States. We have worked closely with the government of President Ma and our mutual relationship continues to be strong. It is my hope that the relations will continue to grow through enhanced cooperation in trade, science and technology, educational and cultural exchanges, security cooperation and Taiwan's participation in international organizations.

As Taiwan has demonstrated cooperation in good faith both with the mainland and with the United States, I hope that it will soon enjoy greater inclusion in the international community. It is exciting to learn that Taiwan was once again invited last May to attend the World Health Assembly (WHA) in Geneva, Switzerland as an observer. This was a breakthrough for Taiwan's participation in a formal UN activity since in 1971, the world body switched recognition to mainland China.

However, this is not enough. I strongly urge my colleagues to recognize Taiwan's participation in the WHA and encourage them to put pressure on the international community to allow Taiwan's participation in the activities of other organizations such as the International Civil Aviation Organization (ICAO) and the United Nations Framework Convention on Climate Change (UNFCCC).

Madam Speaker, I would ask all of my colleagues to congratulate our Taiwanese friends on the 99th Anniversary of National Day and to join me now in thanking the people of Taiwan for their friendship.

HONORING LINDA PIERCE, PRESIDENT OF THE ASSOCIATION OF REHABILITATION NURSES

HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Ms. SUTTON. Madam Speaker, today I pay tribute to Linda Pierce, PhD, RN, CRRN, CNS, FAHA of the University of Toledo College of Nursing and president of the Association of Rehabilitation Nurses (ARN), a constituent from my congressional district. Ms. Pierce will soon complete her year as the 2009–2010 national president of the ARN, a professional organization representing nurses who work to enhance the quality of life for those who are affected by physical disabilities or chronic illnesses. During her tenure as president at ARN, Ms. Pierce has been a strong leader and advocate for rehabilitation nurses, as well as the patients ARN serves everyday.

Since 1974, ARN has been the leading source for the latest rehabilitation information, resources, and professional development and career opportunities for rehabilitation nursing professionals. ARN members are nurses with a broad range of clinical experience dedicated to helping individuals affected by chronic illness or a physical disability adapt to their disabilities, achieve their greatest potential, and work toward productive, independent lives.

Presently, ARN is comprised of a nationwide network of more than 5,500 rehabilitation nurses who practice in many settings including hospitals, rehabilitation facilities, home health agencies, sub-acute and long-term care facilities, and private companies.

A resident of Elyria, Ohio, Ms. Pierce earned both her Bachelors of Science in Nursing and her Masters of Science in Nursing from the University of Akron. Ms. Pierce went on to earn her Doctorate in Philosophy of Nursing from Wayne State University.

In addition to Ms. Pierce's academic achievements, she is also a National Stroke Council Member of the American Stroke Association. She has presented numerous times on topics relating to rehabilitation nursing, and published several books and scholarly articles pertaining to caregivers of persons with stroke. Ms. Pierce is currently educating the next generation of nurses, as a tenured professor at the University of Toledo, teaching both undergraduate and graduate courses.

Madam Speaker, I hope my colleagues will join me today in recognizing the outgoing president of the Association of Rehabilitation Nurses, Linda Pierce, for her dedication and exemplary work in the field of rehabilitation nursing. We thank you Ms. Pierce for your on-going service to the healthcare profession.

A STATEMENT IN RECOGNITION OF THE LUMBERTON ALL-STAR MAJORS TEAM BEING NAMED NATIONAL CHAMPIONS AT THE 2010 DIXIE YOUTH MAJORS WORLD SERIES

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. MCINTYRE. Madam Speaker, it is my great pleasure to rise today to ask you to join me in recognizing the Lumberton All-Star Majors team of Lumberton, North Carolina, on being named National Champions at the 2010 Dixie Youth Majors World Series.

Each year, the Youth Baseball Association in my hometown of Lumberton, North Carolina, participates in Dixie Youth Baseball in the Coach Pitch (7–8 year olds), Minors (9 and 10 year olds), and Majors (11 and 12 year olds) classifications. Each baseball season concludes with the formation of an All-Star team chosen by coaches for each of those classifications. These All-Star teams participate in district and State tournaments.

This year, the Lumberton All-Star Majors team won both its district and State tournaments without losing a single game. The team went on to win the 2010 Dixie Youth Majors World Series held in Gonzales, Louisiana, finally earning the title of National Champions on August 12, 2010. This is the third time that a North Carolina team has earned this title since 1956. It is remarkable that each of these three North Carolina championship teams has come from North Carolina's Seventh District.

Additionally, the team won the "Around-the-Horn Relay" during opening ceremonies and one of its members, Daniel Oxendine, hit sixteen home runs to win the "Home Run Derby." Most importantly, however, throughout their weeks of practice and competition, each player and coach conducted himself in a manner that reflected the values of the people of Lumberton, North Carolina.

Madam Speaker, the members of the Lumberton Youth Baseball Association 2010 Majors All-Star team deserve acclaim for their skill as well as for being outstanding ambassadors of the City of Lumberton, the County of Robeson, and the State of North Carolina. Their names are: Alec Brewington, Raleigh Forrest, Jack Frederick, Gage Hardin, Austin Hayes, Hunter Jolicouer, Tyler Musselwhite, Evan Odum, Daniel Oxendine, Austin Swiderski, Travis Suggs, and Richard Thomas.

As founder of the Congressional Caucus on Youth Sports, and also as both a long-time Lumberton little league coach and one who grew up playing baseball in Lumberton, as well as a charter member of the Lumberton Youth Baseball Association, Inc., I appreciate the dedication, determination, and teamwork that earned these players the esteemed title of National Champions. I am also impressed by the volunteer coaches that led this team to victory—Robert Brewington, Kevin Hayes, and Thomas Odum—as well as the parents of each player and the Lumberton community as a whole for supporting these young baseball players as they worked to achieve their dream.

Madam Speaker, I rise today to ask my colleagues to join me in recognizing the Lumberton All-Star Majors National Championship team, and wishing them the very best in all of their future endeavors.

IN HONOR OF SISTER CATHERINE
PINKERTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Sister Catherine Pinkerton, whose unwavering advocacy on behalf of numerous social justice issues provides strength, hope and a powerful voice to the most vulnerable citizens of our society.

Sister Catherine's life and work continues to reflect a lifelong passion for raising the lives of others through teaching, lobbying and organizing. She began turning her faith into action early on, as a student at St. Joseph Academy high school in Cleveland, where she volunteered to assist the poor and disadvantaged at the Dorothy Day Catholic House of Hospitality. After graduating from St. Joseph, she entered the Sisters of St. Joseph convent in Cleveland, where she began her journey as a Sister in the Roman Catholic faith. She taught at St. Joseph's, and eventually became an administrator within the Order. Sister Catherine was soon elected President of the St. Joseph community. Her focus on issues of poverty, racism, sexism and other social justice issues, combined with her strong intellect and excellent leadership skills, guided her through numerous trips to Washington DC, fervently lobbying for legislation to elevate and empower women, minorities and the poor.

On Capitol Hill, Sister Catherine's work focused on fair housing, health care reform, civil rights initiatives, and family and medical leave legislation. In meeting rooms and on the House floor, Sister Catherine promoted NETWORK—a women-led Catholic social justice lobby that collects and analyzes critical data about how our Nation's laws affect the poor and disenfranchised. She also made numerous trips to Rome, as the official representative of sisters in the United States. Sister Catherine's work has been recognized with numerous local and national honors. She was awarded the Centennial Education Medal by John Carroll University; named as Cleveland's 100 Most Influential Women; and, she was honored by the National Institute of Women with the Today's Woman of the Year Award.

Madam Speaker, please join me in honor and recognition of Sister Catherine Pinkerton, whose faith in action continues to give a voice to the silent, strength to the weak, and power to the powerless—thereby making our Cleveland community, our Nation, and our world, a better place.

TRIBUTE TO CAPTAIN JOSEPH
MCCLAIN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. SKELTON. Madam Speaker, let me take this means to recognize and congratulate an outstanding Naval Officer, Captain Joseph McClain, for the successful completion of 29 years of distinguished Naval service, culminating with his position as the Director of the U.S. House of Representatives Liaison Office in the Department of the Navy's Office of Legislative Affairs. I am honored to commend Captain McClain's achievements and recognize his devotion to our great Nation.

A 1982 graduate of the United States Naval Academy, Captain McClain earned his wings in 1983 and was designated a Naval Flight Officer. He has sailed around the world flying the S-3 Viking and has served in four squadrons aboard four different aircraft carriers.

Captain McClain served as the Executive Officer and Commanding Officer of the Blue Wolves of VS-35. During this tour, he adeptly led his squadron on two successful deployments aboard USS *Abraham Lincoln* (CVN 72). Under his leadership, the Blue Wolves were awarded the Battle "E" for operational excellence within the Air Wing, the Golden Wrench for maintenance superiority, and the Pacific Fleet Retention Award. He later returned to command Sea Control Wing Atlantic, again displaying inspirational leadership for thousands of sailors and skillfully leading the Viking community through a majority of its Sundown.

In his final assignment, Captain McClain stood honorably in the shoes of every sailor worldwide as he advocated on their behalf and ensured the continued success of the Navy.

Captain McClain retires after 29 years of honorable service to this Nation. His professional success would not have been possible without the steadfast support of his wife, Deanna; sons, Joshua and Jeremy; and daughter, Allison. Their shared sacrifice is a credit to their personal character.

Madam Speaker, I wish Captain McClain continued success and fulfillment as he transitions to civilian life after nearly three decades of service. I trust my fellow members of the House will join me in saluting this outstanding Naval Officer.

HONORING RECIPIENTS OF 2010
THIRD DISTRICT EXCELLENCE IN
ECONOMIC DEVELOPMENT
AWARD

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. SMITH of Nebraska. Madam Speaker, I rise today to honor eleven individuals, organizations and businesses from Nebraska for receiving the 2010 Third District Excellence in Economic Development Award.

Nebraska, like many rural states, unfortunately has seen a "brain drain" in recent years

and, now more than ever, needs entrepreneurs and innovators.

In June, I called for nominations for individuals, businesses, and organizations which have helped strengthen Nebraska communities. These entrepreneurs do more than just build successful businesses. They host charity events, serve on local chambers of commerce, and shape the character of our towns and cities.

The nominations came from many different people, from teenagers starting their own business to leaders in the business communities. All of the nominees have shown they are striving to help their home towns succeed into the future.

Hartelco (Hartington): This firm has contributed significant economic growth and business retention in rural Nebraska by supplying state-of-the-art telecommunications infrastructure, including plans for all businesses and residents to be connected to fiber optics. The company recently completed a \$1.5 million dollar office building and donates manpower, equipment, and time to community projects.

Ward Laboratories, Inc. (Kearney): This company provides agricultural testing of soil, plant, and fertilizer samples which lead to more informed land management practices. The company, through principles based on science, has contributed to the economic advancement of many rural areas in Nebraska.

Green Revolution Handbags (Albion): Lauren Bygland, a Boone Central High School senior, produces fashionable purses made of recyclable materials—including film strips, rice bags, and playing cards. She will continue her earth-friendly design business while majoring in business in college.

Don Freeman (York): Don Freeman has followed his family tradition of community service for over 50 years, both as a business owner and by serving on many community boards. He has contributed to job creation through expansion of his own company, and by supporting the economic development efforts of the region.

Tracee Ford/Stacey Adamson (Cody/Killgore): These two teachers worked with students to secure grant funding, along with community contributions to start a student business incubator, including a student-run and community-owned grocery store. The project has revitalized the area and serves as an example of education in entrepreneurship bringing economic opportunities to rural areas.

Sandhills Country Door Café and Coffee House (Mullen): Tim and Jennifer Macke have offered locals a place to get home cooked meals, specialty drinks, computer repairs, and local greeting cards—as well as providing a space for locals to gather to mark a special occasion. The efforts of this couple in providing essential community services contribute to sustaining the community.

Barb Sprague (Red Cloud): Barb has given selflessly to the Red Cloud community through public service, school involvement, and faith-based events. She has recently initiated a leadership group in Red Cloud which has resulted in receiving grant funding to promote business development in the community.

Heartland Shooting Park (Grand Island): Created primarily through private donations and thousands of volunteer hours, this city-operated shooting park has been the site of several national competitive events, including the

U.S. Practical Shooting Area 3 Championships and the National 4-H Invitational, bringing hundreds of visitors to the region.

Apogee Retail, LLC (Columbus): Apogee employees conduct outbound phone calls on behalf of various charities requesting donations of household and clothing items. The Columbus facility employs more than 600 area residents and has been recognized for hiring and training employees with disabilities.

Thompson Wildcat Trailers (Albion): Curtis Thompson, a junior at Boone Central High School, designs, builds, and modifies custom trailers. He has utilized his skills in welding and wiring to start his business. Following graduation, he plans to expand his business through continued training in diesel mechanics.

I am proud to be able to recognize all of the honorees today and I thank them for their service to Nebraska.

PERSONAL EXPLANATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2010

Ms. NORTON. Madam Speaker, on September 16, 2010, I was not able to be present for votes on amendments to H.R. 4785, the Rural Energy Savings Program Act. Had I been present, I would have voted "aye" on Rollcall No. 529.

IN HONOR AND REMEMBRANCE OF DONALD LEE BEAN

HON. DENNIS J. KUCINICH

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Mr. Donald Lee Bean, a devoted husband, father and friend. His life reflected his love for family and friends and an unwavering dedication to journalism.

Mr. Bean grew up in Northfield as one of five boys. He served for four years in the U.S. Air Force, and then he enrolled at Kent State University, where he graduated in 1954. He worked for several Cleveland news outlets, including the Cleveland Press, Cleveland News and a number of radio stations before joining the Plain Dealer in 1961. As a reporter for the 'PD,' Mr. Bean covered all sections of the paper, including crime, City Hall happenings, courts, feature articles, general assignments and obituaries. He also held the title of Assistant City Editor and for decades was deeply connected to the inner circles within Cleveland's political and social scenes. Thanks to his experience and knowledge, Mr. Bean was the reporter who uncovered stories that no one else could break.

Mr. Bean was a colorful character known for his humor, wit and kindness. He was also known as a great mentor and friend to colleagues. Mr. Bean covered the major stories that helped shape the history of Cleveland, in-

cluding the Hough and Glenville Riots and the Dr. Sam Sheppard murder trial. Mr. Bean was relentless in his pursuit of the truth; his reporting consistently demonstrated honesty, integrity and fairness. In 1983, he selflessly shared his own personal struggles with alcohol in a piece he wrote for the Plain Dealer, giving hope and inspiration to countless readers. He was also a lifelong blood donor.

Madam Speaker and colleagues, please join me in honor and remembrance of Mr. Donald Lee Bean. I offer my condolences to his wife, Olga; to his daughter, Nadine; to his sons, Matthew and Scott; to his six granddaughters and one great-granddaughter; and to his many extended family members and numerous friends. Mr. Bean lived his life with a generous heart and love for family and friends. He will always be remembered by those who knew and loved him, and I count myself as one those who loved him.

HONORING MARTY DICKENS

HON. MARSHA BLACKBURN

OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2010

Mrs. BLACKBURN. Madam Speaker, I rise today to honor Marty Dickens on his receiving the Joe and Honey Rodgers Leadership Award. Named for Honey and the late Joe Rodgers, former United States Ambassador to France, it is fitting this award honors Marty Dickens. From hosting international students, to leading major corporations, to serving on local boards, Dickens shares the drive and example set forth by Ambassador Rodgers.

Following the vision of evangelist Billy Graham, the Operation Andrew Group was launched to meet the spiritual and social needs of Middle Tennessee. Bringing together 250 churches, from a broad spectrum of Christian faiths, the Operation Andrew Group seeks to unify faith-based organizations to act as the catalyst for change. Operation Andrew Group's first major outreach project, The Gathering, attracted over 8,000 attendees in joint worship and praise. Similar events are held annually to focus the faithful of Middle Tennessee on the mission of the Almighty.

I appreciate all the churches, businesses, and civic agencies who from their offerings meet the changing needs of growing community. I also appreciate Marty Dickens for his dedication to Nashville and the surrounding community. I ask my colleagues to join me in thanking Marty Dickens for his outstanding leadership, commitment to character, and consistency in living the Christian faith.

CELEBRATING THE 25TH ANNIVERSARY OF THE PRIDE FOUNDATION

HON. JIM McDERMOTT

OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2010

Mr. McDERMOTT. Madam Speaker, I rise today to offer special recognition of the Pride

Foundation on the occasion of its 25th anniversary. Since 1985, the Pride Foundation, through creation and administration of a vibrant lesbian, gay, bisexual, transgender (LGBT) charitable legacy, has helped to unify and to strengthen the Northwest LGBT and allied communities.

In 1985, nonprofit organizations serving the needs of the LGBT community were rare. Those that did exist struggled for financial stability while also facing daunting challenges, not the least of which was the emergence of HIV/AIDS. At that time, no scholarships existed to help LGBT students pursue higher education. To address these challenges, a small group of concerned citizens founded the LGBT community's own philanthropic organization. The Pride Foundation created an endowment that would be prudently managed and professionally administered—a place where the LGBT community and its supporters could confidently contribute knowing full well that their donations would not only be used in accordance with the donor's wishes, but would also leave an enduring legacy for future generations.

In 1987, the Pride Foundation awarded its first organization grants, totaling \$7,654. Today, the Foundation grants hundreds of thousands of dollars every year. In 1993, the Pride Foundation started its scholarship program, giving \$3,680 the first year. Since then, the program has become one of the nation's largest LGBT scholarship funds. To date, the Pride Foundation has raised and invested more than \$8 million in hundreds of nonprofit organizations and individual students. In recent years, the Pride Foundation has broadened its reach beyond Seattle to the entire State of Washington as well as to Alaska, Idaho, Montana, and Oregon.

The Pride Foundation has enriched tens of thousands of lives, and has touched those who give and those who receive. It has sustained countless students, strengthened many valued non-profit organizations, and helped to improve the quality of life in the Pacific Northwest. Today, I rise to offer my thanks and congratulations to the Pride Foundation for 25 years of inspiring work and a legacy that will impact generations to come.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 22, 2010

Mr. PUTNAM. Madam Speaker, the week of Tuesday, September 14, 2010, through Thursday, September 16, 2010, I was not present for thirteen recorded votes. Had I been present, I would have voted the following way:

Roll No. 519—"yea," Roll No. 520—"yea," Roll No. 521—"yea," Roll No. 522—"yea," Roll No. 523—"yea," Roll No. 524—"yea," Roll No. 525—"yea," Roll No. 526—"nay," Roll No. 527—"nay," Roll No. 528—"yea," Roll No. 529—"yea," Roll No. 530—"nay," Roll No. 531—"yea."

CONGRATULATING SAHIL
KHETPAL ON 2010 DAVIDSON
FELLOWSHIP

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. SAM JOHNSON of Texas. Madam Speaker, it is my privilege to congratulate Sahil Khetpal, 17, of Plano, Texas on being named a 2010 Davidson Fellow by the Davidson Institute for Talent Development.

Davidson Fellowships, offered by the Institute since 2001, are honors given to only the very best of America's very brightest. As one of just 20 young people to receive the designation this year, Sahil Khetpal certainly fits that distinguished category.

He is a recent graduate of the Texas Academy of Mathematics and Science (TAMS), an advanced program for high school students offered through the University of North Texas. During his time at TAMS, Sahil took the specialized, college-level coursework necessary to fuel his Davidson Research Project, "Carbon Nanotubes as a Cancer Drug Delivery System."

In his project, which was motivated by the tough experience of watching several family members fight cancer, Sahil developed a nanotube based drug-delivery system that can be used for both chemotherapy and phototherapy of cancer. His innovative system has the potential to treat cancerous tumors more efficiently and effectively with fewer side-effects, and it could even allow for earlier diagnosis in some cases. In short, this outstanding young man's work will likely save lives.

Using his talent and voice to help others is not a new concept for Sahil. In the midst of a strenuous coursework and research load, he made time to co-found and serve as copresident of the local branch of Invisible Children, an organization that raises awareness of the conflict taking place in Northern Uganda.

Sahil is currently continuing his higher education at the University of Pennsylvania where he is a double-major in business and chemical engineering. This incredibly talented, hard-working young man is an exceptional representative of Texas' Third Congressional District, and it is my distinct honor to enter his accomplishment into the CONGRESSIONAL RECORD for posterity.

To Sahil Khetpal, 2010 Davidson Fellow, congratulations and God bless you!

HONORING WILLARD MORRISSEY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. SHUSTER. Madam Speaker, I rise today to honor Willard Morrissey, recipient of the HEALTHSOUTH Personal Achievement Award for his unparalleled strength and exceptional perseverance. On January 25th, Mr. Morrissey was involved in a traumatic accident in Altoona, Pennsylvania while operating a cardboard crusher. He was flown by medical

helicopter to Penn State Milton S. Hershey Medical Center, and immediately underwent surgery, which resulted in the amputation of both legs. Will has made an amazing recovery and is now ambulating with bilateral prosthesis and no assistive device.

Will's perseverance and determination throughout his path to recovery has served as an inspiration to us all. Staff and patients of The HealthSouth Rehabilitation Center were moved to tears when Will proudly walked through the halls with his new sneakers that he proudly wore.

Will has risen above adversity and lifted himself to a stature that we should all emulate in our daily lives. I would like to wish Willard the best of luck in his path to recovery. I know that my words reflect the feelings of all citizens of our nation when I say that Willard Morrissey is an inspiration to us all.

IN HONOR AND REMEMBRANCE OF
JAMES M. ANDREWS, SR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of James M. Andrews, Sr., a loving husband, father, grandfather, veteran and protector of the people of the City of Cleveland as a firefighter for thirty years.

Mr. Andrews joined the Cleveland Fire Department on July 1, 1960. He was committed to the safety and wellbeing of Cleveland residents as well as his fellow firefighters. He was a thirty-year member of the Cleveland Firefighters Union, Local 93 and served on the Executive Board from 1970 to 1990. He served as Secretary from 1970 to 1979, as President from 1980 to 1989 and was named President Emeritus in 1990.

In addition to his devotion to serving our community, Mr. Andrews' devotion to family was unconditional. He was the beloved husband of Joan and loving father of Anne, James Jr., Katherine, Joseph and Ellen. He was the cherished grandfather of Jennifer, Elizabeth, Emily, Mary, James III, Angela, Claire, Joseph and Nicholas and father-in-law of Terrance, Mary Brigid, Robert and Stephen. He was also the beloved brother of Sister Mary Ann and uncle, friend and mentor to many.

Madam Speaker and colleagues, please join me in honor and remembrance of firefighter James M. Andrews, Sr. Mr. Andrews served our community and our nation with commitment and excellence. Mr. Andrews lived his life with great love and devotion to his family and his service has made our community a better place for all residents.

RECOGNITION OF WILLIE WATSON
FOR HIS SERVICE TO COUNTRY
AND COMMUNITY

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Ms. KILROY. Madam Speaker, I rise today to honor Willie Watson who is a great community member, a proud father, and a patriot. In our country's time of need, Mr. Watson bravely and fearlessly enlisted to serve in the military and became a member of one of the most inspiring and decorated Air Force squadrons of our time, the Tuskegee Airmen. Despite racism and bigotry in the country, Mr. Watson and his fellow airmen selflessly devoted themselves to fight for our nation.

Mr. Watson served as a Service Master for over twenty years. During WWII, Mr. Watson was sent into battle for one of the most harrowing and brave missions: to life-flight wounded soldiers off the battlefield. He performed these duties faithfully and honorably and after 20 years of work, retired from service.

As a young man, Mr. Watson and his fellow airmen became America's first African-American military airmen. These brave young men enlisted or joined from all over the country and trained to become fighter pilots, mechanics, engineers, intelligence analysts, and parachute riggers, among many other specialties. From 1941 to 1946, nearly 1,000 pilots graduated from the Tuskegee Air Force School, and four hundred fifty of them served overseas. These fighters had many accomplishments including flying over 15,000 sorties into enemy territory, accomplishing a nearly perfect record for not losing U.S. bombers, and destroying 112 German airplanes.

These men not only faced a war abroad, but also challenges at home because of segregation and racism. Their struggle eventually contributed to the desegregation of American society and their patriotism was rewarded with several honors, most notably on March 27, 2007, when the Tuskegee Airmen received the Congressional Medal of Honor.

On September 23, 2010, a ceremony will be held to honor Mr. Watson's incredible life. His dedication and service inspired a generation, and I am proud to recognize Willie Watson, whose service to our country in its time of need will never be forgotten.

HONORING MARINE 1ST LT. SCOTT
FLEMING

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. PRICE of Georgia. Madam Speaker, I rise in honor of 1st Marine Lt. Scott Fleming who gave his life September 17, 2010, while supporting combat operations in the Helmand Province of Afghanistan. His unit was conducting pre-election security operations when he was struck by enemy small arms fire.

Scott Fleming was a sophomore at Blessed Trinity High School in Roswell, GA on September 11, 2001. It was those attacks that led

him to the decision to join the Marines. He began his training just two weeks after graduating from LaGrange College with a degree in Education.

1st LT. Fleming will be buried at Arlington National Cemetery with full military honors. He is survived by his father, Joseph and mother, Joanne; wife, Brandi; and sister, Andrea.

Madam Speaker, it is with the greatest respect and admiration that we honor 1st LT. Fleming's sacrifice on behalf of our nation. He is a hero to his countrymen, his family, and his fellow Marines. He reminds us that America is blessed to have so many young men and women willing to stand up and fight to preserve our precious freedoms. Our thoughts and prayers are with his family and all our military families, whose selfless dedication to this Nation is an inspiration to us all.

MILITARY APPRECIATION DAY REMARKS BY LTG ROBERT L. CASLEN, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. SKELTON. Madam Speaker, on August 15, 2010, LTG Robert L. Caslen, Jr. spoke at the Missouri State Fair in Sedalia, Missouri, regarding Military Appreciation Day. His remarks are set forth below.

MISSOURI STATE FAIR—MILITARY APPRECIATION DAY—LTG ROBERT L. CASLEN, JR.—MISSOURI STATE FAIRGROUNDS, SEDALIA, MO—15 AUGUST 2010

Good afternoon. Thank you for that kind introduction. It is always great to visit the Show-Me State and Sedalia. It gives me an excuse to stop by the "Wheel Drive-in" and get myself a "Goober Burger". I want to thank Governor Nixon and Congressman Skelton for their inspiring words and presence here today as we honor our Military Heroes past and present. I am truly honored and humbled to be asked to speak with you today on such a momentous occasion for our Nation's military.

One of our Nation's defining Presidents, Abraham Lincoln, once said, "Let us have faith that right makes might, and . . . dare to do our duty as we understand it."

These words epitomize our military's ethical charter, extended to us by the American people, and defined by the ideals and precepts of our Constitution. As we enter our 9th year of continuous war, our Nation faces an uncertain future—a future that will most certainly require the service and continued sacrifice of our Nation's military men and women. As our Nation and its military embark into this uncertain future, we must ever be mindful of President Lincoln's words—to solemnly do our moral duty and earnestly hope that 'right makes might'.

As Americans, we are a people defined by our moral character. Indeed, many of our forefathers came here in order to flee religious persecution in their native lands. These immigrants, from the Pilgrims to the Quakers to the Mennonites, boldly forged out new lives for themselves in the frontiers of America. Many of Missouri's early pioneers were just such people.

Our forefathers' hard work, perseverance and strong moral ethic helped shape our country's beginnings and define our Nation's

character. Our Founding Fathers were in many cases, men such as these—men of substance—whose character was born out of sacrifice and moral conviction. They understood and rejected the yoke of oppression—they knew full well the heavy price that must be paid to earn and maintain their freedom. Their vision enabled the creation of a radically new concept in the world—a nation, governed by and subservient to its people, committed to the ideals of freedom, equality, and justice for all. The ultimate manifestation of our forefathers' ideals can be seen in the instrument that established the American experiment in freedom: our Nation's Constitution.

The pure genius of the U.S. Constitution still evokes awe in us today. Apart from the freedoms extended to us in its Bill of Rights, the Constitution also serves as the source document from which we derive our military's authorities. The governmental roadmap established by the Constitution clearly delineates the military's subservient role to the people and civilian authority of the military. Indeed, the Constitution establishes a client relationship between the military and the citizens of this Nation. Our client status requires us to maintain a healthy and confidence-inspiring relationship with our bosses. Trust is, and always has been, the cornerstone of this relationship. Said another way, it is incumbent on all of us in uniform to earn your trust and then to maintain it.

We in the Army know all too well the heavy price that must be paid for failing to maintain the trust of the people.

In the aftermath of our Nation's last persistent conflict, Vietnam, our Army faced a crisis of trust. Our relationship with the American people had been strained and as an institution, it required us to become introspective and examine all facets of what defined us ethically as a profession. And as a result, we enacted sweeping internal reforms and reinforced our Professional Military Ethic in our professional military education. But this took time and it was only after many years of demonstrated adherence to our Nation's principles and values that we were able to restore the trust of the American people.

I would offer that the key ingredient that makes this difference is leadership. Leadership grounded in the principles of a Professional Ethic—whose foundation can be found in the ideals and precepts of our Constitution.

Our leaders today at every level of the Army face extraordinarily complex and uncertain situations on a daily basis. Confronted by these unique and taxing circumstances, influenced by character, values, and a collective ethic, our leaders invariably will strive to make the right decisions, and thus preserve the trust we must maintain with the clients whom we serve.

But it is not easy and this has not always been the case. Take Abu Ghraib for example—where we saw a failure of leadership result not only in a loss of confidence, but in the rallying of extremist Islam to join the Jihad. Fortunately this leadership failure was countered by the great work of many other leaders over a number of years.

Our Nation's military is a reflection of you—the people of the United States. Our military is an all volunteer force, comprised of citizens from all walks of life throughout our country. We are a microcosm of our society—where all our country's races, religions, and creeds—equally share in the task of defending our Nation and its Constitution.

Consequently, our military's character and ethic is a reflection of your own. We stand for the principles and values that you and our Nation hold dear. We are always mindful that our actions and undertakings should, at all times, reflect this fact. Our all-volunteer military is comprised of your neighbors, friends, and relatives, who have answered America's call to service during a time of war.

I would like to tell you the story of one such American that answered America's call to service during war:

Rick Rescorla was not born of this country. He came to this country from his native England in 1963, and entered the United States Army shortly thereafter. His natural leadership abilities were identified early on. Having graduated from Basic Training, Rick was selected to attend Officer Candidate School and Airborne training at Fort Benning, Georgia. Upon graduation Rick was assigned to 2d Battalion, 7th Cavalry Regiment, 1st Cavalry Division. It was here that he would learn lasting lessons in service and sacrifice.

In November 1965 a young 2LT Rick Rescorla found himself leading his men during America's first major battle of the Vietnam War, the Battle of Ia Drang. The battle was a vicious, guttural affair, and was vividly described by the commanding officer of the battle, LTC Hal Moore, and war correspondent Joe Galloway in their book, *We Were Soldiers Once . . . and Young*.

In the book, Moore described Rescorla as "the best platoon leader I ever saw." Rescorla's men nicknamed him "Hard Core" for his bravery in battle, and revered him for his good humor and compassion towards his men.

Shortly after the Battle of Ia Drang commenced, Rescorla was ordered to move out to seize the high ground surrounding the landing zone. He immediately led his platoon forward through the brush towards an enemy that they knew was lying in wait. As he did this, his image was captured by a combat cameraman—this iconic photograph adorns the cover of Moore and Galloway's book. In the picture, his face muscles are taut and eyes wide under the brow of his helmet. His eyes look almost white because they are open so wide . . . intense anxiety is plainly evident in LT Rescorla's face. He is very clearly afraid . . . afraid that his life may be snuffed out at any moment, yet he moves with his M-16 at the ready, clenched firmly in his hands, its bayonet fixed—a Soldier dutifully doing what is asked of him despite the danger.

The picture—captured in a moment of desperation and sheer terror—is a powerful image of a Soldier doing his duty in combat. It's quite probable that LT Rescorla didn't really know why it was necessary to move his platoon forward and take the high ground, but he felt a compelling responsibility both to his fellow Soldiers and unit to do his duty. Rescorla did his duty that day earning a Silver Star for his valor. Yet, this was not the last time that his nation would require his service and his ultimate sacrifice.

The final chapter of the Rick Rescorla story is even more moving. On September 11, 2001, Rick was serving as Vice President of Security for Morgan Stanley Dean Witter in its headquarters in the South Tower of the World Trade Center in New York City. After the building was struck on that fateful morning, Rescorla calmly and expertly directed over 2700 employees to safety down the fire escape stair wells of the South Tower. Rescorla also oversaw the evacuation

of another 1000 employees from the World Trade Building #5. When an old Army buddy, Dan Hill, reached him on the phone that day, Rescorla could be heard barking orders calmly and collectedly through a bullhorn. He exhorted his fellow employees to "be proud to be Americans . . . everyone will be talking about you tomorrow."

After the last of the employees had evacuated the South Tower, he took his security team back into the building to make a final sweep to ensure everyone had escaped safely. When one of his colleagues urged him to evacuate as well, Rescorla replied, "As soon as I make sure everyone else is out." He was last seen alive on the tenth floor, moving towards danger much in the same way he had done 36 years prior at the Battle of Ia Drang. Rick Rescorla certainly knew the mortal danger he faced, yet did his duty for his fellow man.

Rick Rescorla was not the last hero to die in our Nation's Global War on Terror. His actions along with hundreds of others that momentous day sparked a renewed era of sacrifice and service in our country.

Many in this country do not yet fully realize the incredible value and impact that this 9/11 generation is having, and will continue to have, on our society—for they are a humble, resilient and selfless generation. They all remember exactly where they were 9 years ago when the planes went into the World Trade Center, and into the field in PA, and into the Pentagon. They are volunteers all of them, and our Country has placed the security of our Nation on their backs, again, and again, and again. And yet despite the repeated sacrifices, they have answered the call to duty each time, and stood in the gap between the evil that is out there and our way of life. They have never wavered or questioned. They quietly stand among the generations of Americans that have gone before, standing in the gap between the evil that is out there, and the values of our Nation and our way of life.

I have no doubts that history will gloriously record their service and sacrifice, for it has protected the free world from tyranny and evil, and has restored freedom and inspired hope where it was absent. As was the case with our forefathers, they do not seek exclusion and intolerance and violence, but rather they seek moderation, and tolerance, and inclusion. They protect, defend, and advocate for the downtrodden and defenseless. They are indeed a reflection of you—the American people.

In closing, I ask that we all remember those service members who have paid the ultimate sacrifice in defense of our Nation. We are forever indebted to them for their service and sacrifice.

May we also remember those that are, at this very moment, standing watch for us around the globe in the name of freedom and democracy.

God bless the great state of Missouri.

May God bless and protect our Service members in harm's way, as well as their families back home.

And may God continue to bless the United States of America.

Army Strong.

CONGRATULATING SAINT CECELIA INTERPAROCHIAL CATHOLIC SCHOOL

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. BILIRAKIS. Madam Speaker, I rise today to congratulate Saint Cecelia Interparochial Catholic School for receiving the Department of Education's esteemed designation of a 2010 National Blue Ribbon School.

Founded in 1948 with only 60 students meeting in the renovated Saint Cecelia Church rectory, today it is a hallmark of superior education for nearly 500 students. In conjunction with their mission of providing a strong spiritual and academic foundation, the highly educated teaching population at Saint Cecelia Interparochial School inspire students to achieve at a high level as they undertake core instruction in religion, math, language arts, science, and social science with further enrichment offered through courses in the fine arts, language, and technology, as well as clubs, ministries and service projects.

It is no small feat for a school to receive the distinguished honor of the Blue Ribbon Award. In fact, Saint Cecelia Interparochial Catholic School was one of just 50 private schools throughout the nation to receive this distinction. Their effective school leadership and approach to education has led to a culture of excellence and a population of high performing students.

As Saint Cecelia's proudly raises the Blue Ribbon flag on its campus, may those in our community and across the nation be reminded of the good work done there each day to improve the quality of life for every child passing through and look to this school as a model of exemplary educational practices.

HONORING LEWISTON-ALTURA ELEMENTARY SCHOOL

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. WALZ. Madam Speaker, I rise today to recognize the accomplishments of Lewiston-Altura Elementary School in Lewiston, Minnesota.

Last week, Lewiston-Altura Elementary School was named one of two schools from the First District of Minnesota to be designated as a 2010 National Blue Ribbon School.

This award recognizes exemplary schools like Lewiston-Altura Elementary where students have made significant progress and the gaps in achievement, especially among disadvantaged and minority students, have decreased. Schools that receive this award truly exemplify the belief that every child has promise and must receive a high-quality education.

As a teacher on leave from Mankato West, I know that achieving success for all students takes a commitment from the entire school, from the principal to the counselors to the teachers. When students see every adult in

their school dedicated to their success and achieving a higher goal, they are motivated to do their best.

This is exactly what Lewiston-Altura Elementary has done for its students. Under the leadership of Principal David Riebel, they have focused on building relationships with every student, identifying struggling students early and setting high standards for achievement.

This award recognizes what the Lewiston-Altura community already knows—Lewiston-Altura Elementary is a place where every student, no matter their background, can fulfill their potential. Lewiston-Altura Elementary is an outstanding model of achievement for schools across Minnesota and the country.

Madam Speaker, please join me in honoring Lewiston-Altura Elementary School for its dedication to the students of Lewiston.

HONORING LANCE CORPORAL JEFFREY COLE, USMC

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. PRICE of Georgia. Madam Speaker, today I ask the House to recognize the service and sacrifice of Lance Corporal Jeffrey Cole, a Marine from Woodstock, Georgia. Although just twenty years old, this young man has already earned a place in the ranks of America's beloved veterans.

Growing up, Jeffrey Cole saw the examples of his family members who had served in the Army and Air Force. So it is no surprise that while attending Woodstock High School in Georgia's Sixth District, he prepared for his own military service as a member of the school's JROTC unit. After graduation in 2009, Cole became the first member of his family to enlist in the United States Marine Corps, where he attained the rank of Lance Corporal.

This past July, duty called. Lance Corporal Cole said goodbye to friends, family, and his young wife Brandi and deployed to Afghanistan. Just a month later, his unit was ambushed while on patrol and came under heavy fire. During this attack, Cole was hit six times—twice in the front, once in the back, once on his side, and twice in his left arm. Although Cole's flak jacket thankfully stopped the rounds to his front and back, severe nerve damage and a severed artery have left him with almost no feeling in his arm.

Lance Corporal Cole has now undergone several surgeries to repair his arm, although only time will tell if he will ever regain its use. Yet despite these wounds, his main concern is about his fellow soldiers still in harm's way. It cannot be said strongly enough—this young man has earned the thanks, admiration, and respect of every single American.

Choosing to don the uniform of this country is one of the most selfless and honorable decisions an American can make. Jeffrey Cole could have taken many paths in life, but he chose to join our military and give back to the country that he loves. It is because of the service and sacrifices made by him and his fellow service members and veterans that Americans can live free of the oppression and

terror experienced by so many around the world today.

Lance Corporal Cole will soon return to his family and friends in Woodstock, where the Legionnaires of American Legion Post 316 will live up to their motto as veterans "Still Serving America" by hosting our whole community in giving Jeffrey the heartfelt welcome and "Thank You" he deserves. He has carried out his duty with courage and commitment, and it is my distinct honor to welcome him back home.

May God Bless Lance Corporal Jeffrey Cole, our troops still on the front lines, and all our veterans for their countless sacrifices in defense of this great nation.

SOUTH ALABAMA HONOR FLIGHT FOUR ARRIVES IN WASHINGTON, DC

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. BONNER. Madam Speaker, it is with great pride that I recognize Honor Flight South Alabama and the World War II veterans this very special organization is bringing on its fourth flight to Washington, DC on September 22, 2010.

Founded by the South Alabama Veterans Council, Honor Flight South Alabama is an organization whose mission is to fly heroes from southwest Alabama to see their national memorial.

Over six decades have passed since the end of World War II and, regrettably, it took nearly this long to complete work on the memorial that honors the spirit and sacrifice of the 16 million who served in the U.S. Armed Forces and the more than 400,000 who died. Sadly, many veterans did not live long enough to hear their country say "thank you," yet for those veterans still living, Honor Flight provides for many their first—and perhaps only—opportunity to see the National World War II Memorial, which honors their service and sacrifice.

This Honor Flight begins at dawn when the veterans will gather at historic Fort Whiting in Mobile and travel to Mobile Regional Airport to board a chartered flight to Washington. During their time in their Nation's capital, the veterans will visit the World War II Memorial, Arlington National Cemetery, and other memorials.

The veterans will return to Mobile Regional Airport that evening, where some 1,000 people are expected to greet them.

Madam Speaker, the September 22 journey of heroes from South Alabama is an appropriate time for us to pause and thank them—and all of the soldiers who fought in World War II—for they collectively—and literally—saved the world. They personify the very best America has to offer, and I urge my colleagues to take a moment to pay tribute to their selfless devotion to our country and the freedoms we enjoy.

I salute each of the veterans who made the trip to Washington. May we never forget their valiant deeds and tremendous sacrifices: Victor Adams, Edward Adler, William Barnes,

James Botts, Shelby Brooks, Ollen Burnette, Jr., Marion Bush, Edward Case, Robert Chapman, William Chavis, John Coulter, Leon Davidson, Gerald Davidson, Henry Day, William Day, John Duncan, James Duncan, Jr., Joseph Duteil, Jr., Julius Eardley, James Early, Robert Engel, Claudie Feagin, Jr., Osburn Flener, Joseph Garner, John Garrard, Jr., Thomas Grace, Samuel Graham, Francis Gregory, Daniel Gunther, Joe Harper, Roy Harris, James Hathcock, Jr., William Heard, Jr., Robert Hensel, James Holloway, Charles Holloway, William Hooper, Vinson Huegele, William Isbell, Henry Jackson, Elystan Jeffreys, Jack Jones, Roy Le Drew, Lawrence Lockhart, John Loper, Reginald Loper, John Luker, Percy Maynard, James McDonough, Jr., T. McIntyre, George McPherson, John Medynski, Richard Meyers, William Morris, Charles Murphy, John Nichols, Wayne Nickerson, Robert Nicks, Chester Noble, Orin Parker, Jr., Helen Pearson, Robert Philips, Walter Prodouz, Harry Read, Nelson Richardson, Thomas Robinson, Leonard Rose, John Rouse, Columbus Sanders, Jr., Robert P. Scott, Robert T. Scott, William Simpson, Jr., John Sims, Anthony Skivo, Jr., Norman Snyder, Cecil Sossaman, Sr., Thomas Southall, Floyd Stahl, Bernie Steele, Lloyd Stennett, Harold Stevens, Sr., William Summersgill, Cecil Tanner, Albert Thompson, Frank Tindall, Roger Turnquist, James VanDevender, Lambert Waltman, Orville Wenzel, Sr., Clarence Wheeler, David Whitten, Thomas Wilson, Robert Wilson, Sr., Harold Winger, and Keith Winkler.

IN RECOGNITION OF THE GRAND OPENING OF THE FISHER HOUSE OF THE EMERALD COAST

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. MILLER of Florida. Madam Speaker, I rise to recognize the Fisher House of the Emerald Coast and the courageous men and women of Northwest Florida who have answered the nation's call to defend our freedom and way of life.

Founded in 1990 by Zachary and Elizabeth Fisher, the Fisher House Foundation has helped open the doors at 48 locations, which serve as a home away from home for our nation's hospitalized military personnel, veterans, and their families. The Fisher House of the Emerald Coast joins 20 years of dedicated service to the mission of continually improving the quality of life for our servicemembers.

Our military is the best in the world due to the selfless sacrifice of the men and women of the Armed Forces and their families. So much is asked of them, and the Fisher House seeks to extend a helping hand and grateful heart when needed most. By providing housing for wounded servicemembers and their families at no cost, the Fisher House Foundation enables family members to be close to a loved one during their treatment.

Madam Speaker, we owe a debt of gratitude to our Armed Forces' courageous members and families; to that end, I applaud the Fisher

House for their continued support of our wounded warriors. On behalf of the United States Congress, I commend the community members of Northwest Florida who have worked tirelessly to make the opening of the Fisher House of the Emerald Coast a reality.

RECOGNIZING JAMIE KONSTAS, RECIPIENT OF THE SERVICE TO AMERICA MEDALS, JUSTICE AND LAW ENFORCEMENT MEDAL

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize FBI Intelligence Analyst Jamie Konstas for receiving a Service to America Medal for Justice and Law Enforcement.

As a leader of the national initiative to combat the exploitation of children through prostitution, Ms. Konstas works with the Innocence Lost National Initiative, combining resources from the Department of Justice and the National Center for Missing and Exploited Children. She is responsible for the development and implementation of a new database that is assisting authorities in identifying victims of prostitution, particularly children, while also collecting and tracking intelligence information in order to build investigations on suspected sex offenders.

A resident of Fairfax, Va., Ms. Konstas considers her work a calling rather than a job. Her commitment has led to the rescue of more than 1,000 children and the conviction of more than 500 predators, numbers that would not be possible if it were not for her innovative database.

Madam Speaker, I ask my colleagues to join me in recognizing FBI Intelligence Analyst Jamie Konstas for her commitment to protecting our communities and our at risk young people. She is just one example of the tremendous caliber of our federal workforce, and I congratulate her for receiving the Service to America Medal for Justice and Law Enforcement.

100TH ANNIVERSARY OF UNION UNITED CHURCH OF CHRIST

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to congratulate an institution in Norfolk, Virginia. On Friday, September 24, 2010, Union United Church of Christ will celebrate its 100th anniversary, and I would like to highlight some moments from the history of the church and its contributions to our community.

Union United's history began in 1908 with a small prayer band made up of new arrivals to Norfolk who found no Christian church in their area. The church formed as Union Christian in 1910 and was organized and led by Rev. J.J. Faulk.

Many pastors served Union Christian faithfully in these early years, including Rev. G.T. Hall from 1929–1930, Rev. R.J. Alston from 1931 to 1934, and Rev. S.A. Howell from 1934 to 1935. Under Rev. Alston, the church was renamed Union Congregational Christian Church.

Rev. Mann assumed the pastorate in 1935 and served the church faithfully until 1951. His leadership saw both milestones and improvements, including the burning of the church's mortgage.

Rev. Z.P. Jenkins served as pastor from 1953 to 1960. During this time the church was renovated, and the church bought a house on Bane Street to serve as a parsonage. It was also during Rev. Jenkins' tenure that nationally the Evangelical and Reformed Church merged with the Congregational Church to form the United Church of Christ.

The church underwent multiple changes under the leadership of its longest serving pastor to date, Rev. Joseph M. Copeland. Arriving in 1960, Rev. Copeland instituted a Deacon Board, and the church became very active in the community. A Citizen's Club, Boy Scout Troop, USDA Share Program, and 4-H Club were all founded under his direction.

Another milestone during the tenure of Rev. Copeland was the relocation of the church. In 1971, the church was forced to move due to redevelopment projects in the city of Norfolk. The present site on Goff Street was purchased, and a new church was built and dedicated in January 1977. Through the dedication of the congregation, the church was able to pay off the mortgage in just 11 years and held a burning ceremony in May 1988. Rev. Copeland retired in 1992 after 32 years of service.

The church continued to make history under seventh pastor, Rev. Anthony Taylor, ordaining its first female deacon. Rev. Taylor served for eight years, leaving in 2000 to serve his country in the U.S. Army. Rev. Copeland returned for a brief period as interim pastor in 2000, at which point Union United made history yet again.

In 2001, Associate Pastor Linda Clark was installed as Union's Pastor, the first female to serve in this post. Under her leadership, Union United re-dedicated itself to the community by establishing after-school tutorial programs and a Narcotics Anonymous program, and doing outreach work with the Norfolk State University School of Social Work. Currently serving under Rev. Clark is her twin sister, Rev. Brenda Brown.

As Union United gathers to celebrate its centennial, the Church can truly remember its past, celebrate its present, and focus on the future with great expectations. I would like to congratulate Rev. Clark, Associate Pastor Brown, Pastor Emeritus Copeland, and all of the members of Union United Church of Christ on the occasion of their 100th anniversary. I wish them 100 more years of dedicated service to the community.

IN RECOGNITION OF THE PASSING OF LEROY BOYD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the life of Northwest Florida's beloved LeRoy Boyd.

Mr. Boyd is survived by his wife, Jeanne. To his family and friends, I would like to offer my sincere condolences. LeRoy Boyd was a proud resident of Pensacola, Florida. He was a champion of freedom and equality for humankind, whose life was framed by immense courage and an unwavering commitment to social justice. Northwest Florida has suffered a great loss.

Mr. Boyd began his quest for social justice and equality at a young age. Under the leadership of the Reverend H.K. Matthews, Mr. Boyd became President of the National Association for the Advancement of Colored People Youth Council. He also became a founding member of the Escambia County Chapter of the Southern Christian Leadership Conference, and served as President of the Pensacola Chapter of Blacks in Government. LeRoy Boyd's leadership capabilities and willingness to fight for equality in employment was demonstrated when he successfully won a court case allowing many African-Americans and women the opportunity to serve in supervisory positions at the Naval Aviation Depot. His tenacity and perseverance were demonstrated in the mid-1990s when he became the chief warrior in a battle to rename a street in honor of the Reverend Dr. Martin Luther King. Mr. Boyd's steadfast resolve in the face of strong opposition served as a testament to the great accomplishments of Dr. King.

Mr. Boyd's continued commitment to serving the community led him to eventually found Movement for Change, an organization dedicated to increasing knowledge and awareness of community issues affecting the social well-being of the citizens of Northwest Florida. Movement for Change was guided by the belief that the best way to achieve meaningful and lasting unity in our society is through mutual respect for our fellow citizens, including respect for differences. Mr. Boyd's life, and his accomplishments, served as proof of the immense capability of the human spirit to overcome difference and unite for the common good.

Mr. Boyd was recognized by a number of organizations throughout his life. During his youth, he achieved the rank of Eagle Scout. As an adult, Mr. Boyd served as the chairman of many organizations, including the Commanding Officers Advisory Committee for Equal Employment Opportunity and the Martin Luther King, Jr. Special Events Committee. His service and commitment to his community was also acknowledged with myriad awards, including the Martin Luther King, Jr. Award of the Year, the Florida Department of Corrections Servant Leader Award of the Year and the Hugh L. King, Sr. Excellence in Civil Rights Leadership Award.

To some LeRoy Boyd will be remembered as a staunch advocate for civil rights and so-

cial justice and to others an example of the inestimable capability of the human spirit to conquer all. He will long be remembered by his family and friends as a loving and compassionate husband and companion; and we will all remember his energy, motivation and commitment to serving his community. His impact on Northwest Florida will forever be remembered.

Madam Speaker, on behalf of the United States Congress, I am proud to honor the life of LeRoy Boyd, and his living legacy.

TRIBUTE TO DENNY JONES

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. WALDEN. Madam Speaker and colleagues, I rise today to share with you my admiration for a man who has deeply affected my life, and the lives of countless Oregonians, Denny Jones. Denny celebrated his 100th birthday yesterday. Denny crossing the century mark is a very special occasion, but more importantly is what he has done with those 100 years. Denny was my father's close friend when they served together in the Oregon legislature in the 1970s. More than a decade later, I had the privilege of serving with him in the Oregon legislature. As House Majority Leader, I frequently sought Denny's advice and counsel and like so many others, relied on his deep sense of right and wrong, his clear commonsense philosophy and his thorough knowledge of water and western agriculture. He is a close friend and mentor, the kind you want in this public life who will tell you when he thinks you're right and when he is convinced you are wrong. He sets the example for all of us to follow.

Madam Speaker, Denny Jones came from humble beginnings to distinguish himself as a successful Oregon cattle rancher and 26-year state legislator. Denzil Eugene Jones was born on a wheat ranch between Heppner and Lone in Morrow County, Oregon on September 21, 1910. His mother passed away when he was five. Denny's father remarried, but his stepmother made him and his brother sleep outside in a tent, even in the winter. The family moved frequently through the years, as they made their way to Montana, back to Wheeler County, and then on to Crook County, where he finished 10th grade in Prineville.

Honest labor and hard work have marked Denny's life. Learning how to ride horses from his father, he spent a short time as a jockey, traveling by boxcar from Vancouver and Victoria, B.C., to Tijuana, Mexico. But when his 106 pounds exceeded the weight limit, his three-year contract was cut short and he was never paid for the job he did. He then worked for a sheep outfit, moving to Juntura in Malheur County when he was 18. There, he earned \$50 a month plus room. After that, ranching became his focus throughout the 1930s. In 1939, his relative, Jim Jones, offered him a 10-year opportunity to share in running a cattle ranch. At the end of those years, he signed over his share of the cattle as a down payment on his ranch. Two years

later, Denny owned it free and clear with 400 head of cattle. Life was particularly hard in the 1940s, when he broke his leg and dislocated his knee when he was thrown from a horse. He later broke his back slipping on a frozen cow pie.

Ranch life continued until the 1970s, when the family moved to Ontario, Oregon. One year after the move, the local business community asked him to run for Oregon's 60th District House seat. Denny was elected in 1972, and served for 13 terms, the second-longest serving member of the Oregon Legislature. During those 26 years, he served on the Emergency Board, the Committees on Agriculture, Transportation, and Education, and was co-chair of the Joint Committee on Ways and Means. He brought his own brand of eastern Oregon conservatism to Salem and quickly earned a reputation as a fiscal hawk with a kind heart. The experience he gained as a high desert cattle rancher served him and Oregon taxpayers well.

It was the values he learned in his youth to which he credits his success in the Legislature. "It's the most important thing that you keep your word and that you're honest with everybody," he said.

Madam Speaker, Denny truly has done a lot of good in his 100 years. In addition to serving in the Oregon Legislature, Denny became a charter member of the Public Lands Council; was director, lobbyist, and two-time president of the Oregon Cattlemen's Association; a member of the Benevolent and Protective Order of Elks of the United States of America, and the Freemasons; received the Malheur County Cattleman of the Year Award and was the Malheur County Livestock Association's president; received the Harney County Livestock Association Citizenship Award; received the Ontario Jaycees' Citizenship Award; was president of the Malheur Pioneer Association; was Director of the Pacific International Livestock Exposition; and was a board member of the Malheur County Budget Board, Ontario Chamber of Commerce, the Juntura School District, the Malheur County Juvenile Council, and the Agri-Business Council of Oregon. And, at the age of 97 he was still considered one of the best ropers at Fred Otley's brand-ing.

Colleagues, Denny Jones is loved and revered in his community and in our State. He is the type of individual who understands the potential of this great Nation and has worked tirelessly to build a State and country that lives up to its promise. In celebration of his 100 years, there will be a display honoring Denny and his many accomplishments. Long after the display is gone, Denny's accomplishments and contributions will remain. I am honored to call him my good friend, and invite all of you to join me in honoring his 100th birthday.

RECOGNIZING CORPORAL EVAN S. RINKENBERG, RECIPIENT OF THE PURPLE HEART AWARD

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Corporal Evan S.

Rinkenberg, recipient of the Purple Heart award.

On June 6th, Cpl. Rinkenberg and his infantry company came under attack from the Taliban after performing security checkpoints in the Helmand province of Afghanistan. While providing cover fire for his company as they fled to safety, Cpl. Rinkenberg was shot by enemy fire in his right hand. Despite his injury, Cpl. Rinkenberg continued to provide cover fire for his fellow soldiers until he looked down; only then did he become aware of his injury.

Now back in the United States, Cpl. Rinkenberg, a native of Woodbridge, VA, has undergone four surgeries to repair the bones and ligaments in his hand in an effort to improve mobility. His lack of dexterity has made even simple tasks, such as maneuvering his infant daughter's pacifier, difficult for him. Cpl. Rinkenberg's future as a Marine remains uncertain as his hand continues to heal. He is faced with a worst case scenario of obtaining a medical release from the Marines, which would provide him with disability pay, something the Corporal identified as the "only certainty in his now cloudy future." Despite his slow recovery, Cpl. Rinkenberg hopes to return to Woodbridge by 2012 where he plans to continue to serve his country as a rifle range instructor at Officer Candidate School in Quantico, Va.

Madam Speaker, I ask that my colleagues join me in recognizing Corporal Evan Rinkenberg for his service to his fellow soldiers and our nation. It is important to recognize the sacrifices that Cpl. Rinkenberg and all of our nation's service members make on a daily basis in order to preserve our freedoms.

CELEBRATING THE 200TH ANNIVERSARY OF ELAM BAPTIST CHURCH

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to congratulate an institution in Charles City County, Virginia. On Friday, September 24, 2010, Elam Baptist Church will celebrate its 200th anniversary, and I would like to highlight some moments from the history of the church and its contributions to our community.

The seeds of Elam Baptist were originally planted prior to 1810, when groups of African-Americans who worshipped at First Church Petersburg (now Gilfield Baptist) would meet together in canoes on the James River, holding prayer services and singing songs of praise. The father of the church, Abram Brown, donated a parcel of land where the first log hut was built and used as both a church and meeting house. The actual construction date has been lost to history, but it is known that the church was standing in 1810. This date leads historians to consider Elam Baptist to be one of the oldest regular organized churches for people of color in Virginia.

The church applied for admission into the Dover Association of churches and received it

in 1813, the same year that the Rev. William Clopton was appointed the first pastor of Elam. The Church's congregation was a mix of both slaves and freed African-Americans worshipping together. While this was initially accepted, as tensions in the country grew, most of the slaves were barred by their masters from worshipping at Elam and were carried to Old Mt. Zion church, the first of many churches Elam Baptist was mother to.

Rev. James Clopton succeeded his father William. Rev. James Christian succeeded the second Rev. Clopton from 1850 to 1865. During this time, Church associations required the presence of a white pastor to lead the congregation; however, the majority of the preaching was left to Rev. Christian's black assistant, Rev. James Brown.

After the war, when there was no longer a requirement for a white pastor to lead the congregation, Rev. Samuel Brown, son of the original church father Abram Brown, assumed the pastorate as Elam Baptist's first African American pastor. He served until his death in 1881. Elam Baptist continued to grow, and by its centennial in 1910, under the direction of pastor Rev. Wesley Curl, the church was either directly or indirectly responsible for the establishment of the 12 other colored Baptist churches in Charles City County, and one in neighboring New Kent County.

This growth demanded a new worship house. The original church site became the church cemetery, and the church began erecting a new building at its current location on The Glebe Lane under Rev. John Kemp. Sadly, shortly before construction was slated to be completed in 1919, a fire destroyed the building before it could be inhabited. However the spirit of the church was not extinguished, and the church was rebuilt. A second fire in 1922 once again consumed the worship house, but the church was not daunted and rebuilt again.

Elam Baptist continued to improve its facilities, installing a front veranda, electric lighting, and baptizing pool. A monument dedicated to the founders of the Church was erected at the cemetery site, and in 1966 a multipurpose annex was erected with offices and classrooms. Elam Baptist is truly a cornerstone of the Charles City County community.

As Elam Baptist gathers to celebrate its bicentennial, the church can truly remember its past, celebrate its present, and focus on the future with great expectations. I would like to congratulate Rev. Horace B. Parham, Jr., Elam's current pastor, and all of the members of Elam Baptist Church on the occasion of their 200th anniversary. I wish them 200 more years of dedicated service to the community.

IN RECOGNITION OF THE PASSING OF CHARLES HAROLD "CHUCK" BOLTON, JR.

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the life

of Northwest Florida's beloved Charles Harold "Chuck" Bolton, Jr.

Mr. Bolton is survived by his wife, Carola, and two daughters, Nicole and Rochelle. To his family and friends, I would like to offer my sincere condolences. Northwest Florida has suffered a great loss.

Chuck Bolton was born on January 26, 1945 in Norfolk, Virginia. He was a proud and passionate man, who served his country with honor and distinction in the United States Army during the Vietnam War. In 1986, Mr. Bolton moved to Okaloosa County, located in Florida's First Congressional District. Over the next 24 years, Mr. Bolton served throughout the civic, business and church communities.

His local leadership was acknowledged by the people of Mary Esther, Florida, who elected Mr. Bolton to serve as their Mayor from 2008 until his recent passing. He was a charismatic leader who believed in watching out for the needs of his fellow neighbors, and his connection to the voice of the people was unequivocally demonstrated when he became the first elected official to join the Fort Walton Beach Tea Party.

His passion for service and his close relationships with the people of Northwest Florida was apparent to all those who knew him. He shared his knowledge with the people of Northwest Florida, teaching courses in Charitable Giving, Estate Planning, and Retirement at local colleges. His leadership in the business arena was also undeniable. He served as President of the North West Florida Planned Giving Council, Tallahassee Chapter of the International Association for Financial Planning and European Life Underwriters' Association.

His immense leadership was recognized not only by his constituents, but also by the religious community of Northwest Florida, where he served as Chairman of the Okaloosa County Chapter of the Christian Coalition. Mr. Bolton also played an integral role as a fundraiser for numerous non-profit organizations, and his commitment to justice and equality was typified by his membership in the NAACP.

As Deacon for the First Baptist Church of Mary Esther, Mr. Bolton served as an inspirational bedrock for the community, providing prayer and guidance to the people of Northwest Florida. He was a regular speaker at the Waterfront Mission, a noted church speaker for Gideon International, and was involved with several committees involving rehabilitation for individuals. His commitment to serving those in need was exemplified by his weekly Bible Study at an alcohol/drugs halfway house.

To some Chuck Bolton will be remembered as a Mayor and steadfast public servant, and to others, a leader in the business and religious communities. To many children of Northwest Florida he will be remembered by his portrayal of Santa Claus, filling the hearts of children with warm Christmas joy. He will long be remembered by his family and friends as a loving and compassionate father, husband and companion; and we will all remember his energy, motivation, generosity, and commitment to serving his community. His impact on Northwest Florida will forever be remembered. Mr. Bolton was quoted as saying, "Mary Esther may not be heaven, but I can see heaven

from my dock in Mary Esther." We can all take great solace knowing that Mr. Bolton is looking down on all of us from his new dock in heaven.

Madam Speaker, on behalf of the United States Congress, I am proud to honor the life of Chuck Bolton, and his living legacy.

RECOGNIZING FAIRFAX COUNTY FIREFIGHTERS' EFFORTS TO FIGHT MUSCULAR DYSTROPHY

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize the firefighters of Fairfax County for their efforts in fighting muscular dystrophy in Northern Virginia and the National Capital Region. The International Association of Firefighters local 2068, in coordination with the Fairfax County Fire and Rescue Department and the Fairfax County Department of Public Safety Communications, collected more than \$561,000 at their annual "Fill the Boot" campaign over Labor Day weekend, more than any other jurisdiction in the nation.

While they are committed to keeping the residents of Northern Virginia safe, the firefighters and paramedics of Fairfax County are also dedicated to improving the lives of those in their community through education and charitable efforts such as the "Fill the Boot" campaign.

Thanks to the generosity and support of the community, this year's contributions to the Muscular Dystrophy Association will help those in the Washington, DC area affected by the disease. Resources such as the outpatient clinics at Children's National Medical Center and Georgetown University Hospital will benefit, as will the Muscular Dystrophy Association camp in Leonardtown, MD. The firefighters' contribution far exceeded their goal of \$475,000, adding to the previous 56 years of success in which firefighters nationwide have raised more than \$425 million for the Muscular Dystrophy Association.

Madam Speaker, I ask my colleagues to join me in commending the firefighters of Fairfax County for their efforts to fight muscular dystrophy. They risk their lives every day to ensure the well being and safety of our communities. These heroes often go unrecognized for their dedication and sacrifices. On behalf of the residents of the 11th District of Virginia, I am honored to thank these brave men and women for their contributions to our communities.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Com-

mittee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 23, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 28

10 a.m.

Armed Services

To hold hearings to examine the Department of Defense efficiencies initiatives. SD-G50

Budget

To hold hearings to examine the outlook for the economy and fiscal policy. SD-608

Environment and Public Works

To hold hearings to examine innovative project finance. SD-406

Finance

To hold hearings to examine if private long-term disability policies provide protection as promised. SD-215

Judiciary

To hold hearings to examine restoring key tools to combat fraud and corruption after the Supreme Court's Skilling decision. SD-226

Joint Economic Committee

To hold hearings to examine new evidence on the gender pay gap for women and mothers in management. SD-106

10:15 a.m.

Indian Affairs

To hold hearings to examine reform in the Indian Health Service's Aberdeen area. SD-628

10:30 a.m.

Commerce, Science, and Transportation

Consumer Protection, Product Safety, and Insurance Subcommittee

To hold an oversight hearing to examine the National Highway Traffic Safety Administration (NHTSA), focusing on an examination of the Highway Safety Provisions of SAFETEA-LU. SR-253

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters. SH-219

3 p.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings to examine pipeline safety, focusing on assessing the San Bruno, California explosion and other recent accidents. SR-253

SEPTEMBER 29

10 a.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine crimes against America's homeless, focusing on if the violence is growing.

SD-226

Energy and Natural Resources

Energy Subcommittee

To hold an oversight hearing to examine the Propane Education and Research Council (PERC) and National Oilheat Research Alliance (NORA).

SD-366

Foreign Relations

To hold hearings to examine the al-Megrahi release, focusing on one year later.

SD-419

Health, Education, Labor, and Pensions

Business meeting to consider S. 3817, to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and S. 3199, to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss, and any pending nominations.

SD-430

Homeland Security and Governmental Affairs

Business meeting to consider pending calendar business.

SD-342

Rules and Administration

To resume hearings to examine the filibuster, focusing on ideas to reduce delay and encourage debate in the Senate.

SR-301

2 p.m.

Judiciary

To hold hearings to examine certain nominations.

SD-226

Commission on Security and Cooperation in Europe

To hold hearings to examine charges against Mikhail Khodorkovsky's Yukos Oil Company.

1539, Longworth Building

2:15 p.m.

Foreign Relations

Business meeting to consider S. 2982, to combat international violence against women and girls, S. 3688, to establish an international professional exchange program, an original bill entitled "Naval Vessels Transfer Act of 2010", S. 1633, to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, S.J. Res. 37, calling upon the President to issue a proclamation recognizing the 35th anniversary of the Helsinki Final Act, Treaty between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110-23), and international Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States on November 1, 2002 (the "Treaty") (Treaty Doc. 110-19).

S-116, Capitol

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine improving financial accountability at the Department of Defense.

SD-342

Banking, Housing, and Urban Affairs

Security and International Trade and Finance Subcommittee

To hold hearings to examine a comparison of international housing finance systems.

SD-538

SEPTEMBER 30

10 a.m.

Energy and Natural Resources

Energy Subcommittee

To hold hearings to examine the role of strategic minerals in clean energy technologies and other applications as well as legislation to address the issue, including S. 3521, to provide for the re-establishment of a domestic rare earths materials production and supply industry in the United States.

SD-366

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine implementation, improvement, sustainability, focusing on management matters at the Department of Homeland Security.

SD-342

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

OCTOBER 6

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs Information Technology (IT) program, focusing on looking ahead.

SR-418